

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Newberry County

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

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S.C. Supreme Court

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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VOLUME VII OF XXII

STEPHEN BECKHAM: (IN CAMERA)
DIRECT BY SWERLING 1464
CROSS BY COULTER 1468

SANDY TEMPLETON: (IN CAMERA)
DIRECT BY MCMAHON 1498

SEPTEMBER 20, 1996:

CHARLES SHEALY:
DIRECT BY JONES 1505
CROSS BY HARPOOTLIAN 1510

LEWIS FRICK:
DIRECT BY JONES 1516
CROSS BY HARPOOTLIAN 1526
REDIRECT BY JONES 1532
RECROSS BY HARPOOTLIAN 1534

DAVID BLACK:
DIRECT BY JONES 1540
CROSS BY HARPOOTLIAN 1621
REDIRECT BY JONES 1719
RECROSS BY HARPOOTLIAN 1741

1 WANT TO DO IT, THEN OBVIOUSLY YOU COULDN'T DO THAT
2 PRINTING?

3 A THAT IS CORRECT. IF HE RESISTED IN ANY
4 WAY OR SAID, "I DON'T WANT YOU TO TAKE MY PRINTS,"
5 I WOULD HAVE STOPPED AT THAT POINT IN TIME.

6 THE COURT: OKAY. WHAT'S THE BASIS OF
7 YOUR OBJECTION, MR. HARPOOTLIAN?

8 MR. HARPOOTLIAN: YOUR HONOR, I DON'T
9 THINK THE STATE HAS SHOWN, AND FOR THE RECORD...

10 THE COURT: DO YOU WANT TO OFFER
11 ANYTHING ON IT?

12 MR. HARPOOTLIAN: WE'D LIKE TO CALL A
13 WITNESS.

14 THE COURT: SURE.

15 MR. SWERLING: WE'D CALL MR. BECKHAM
16 FOR THE LIMITED PURPOSE OF CONSENT TO SEARCH.

17 THE COURT: YES, SIR.

18 STEPHEN ANDREW BECKHAM, BEING
19 DULY SWORN, TESTIFIED AS FOLLOWS:

20 DIRECT EXAMINATION:

21 BY MR. SWERLING:

22 Q MR. BECKHAM, LET ME ASK YOU, WITH
23 REGARDS TO THIS CONSENT TO SEARCH, WHAT TIME DID
24 THE POLICE COME TO YOUR HOUSE THAT NIGHT AND TELL
25 YOU ABOUT THE DEATH OF YOUR WIFE?

- 1 A I BELIEVE IT WAS BETWEEN ONE-THIRTY,
2 TWO O'CLOCK, SOMEWHERE IN THAT NEIGHBORHOOD.
- 3 Q AND DID THEY ASK YOU TO ACCOMPANY THEM
4 DOWN TO THE NEWBERRY COUNTY LAW ENFORCEMENT CENTER?
- 5 A YES, THEY DID.
- 6 Q AND DID YOU IN FACT GO DOWN THERE?
- 7 A YES, I DID.
- 8 Q AND WERE YOU THERE FROM APPROXIMATELY
9 WHAT TIME--WHAT TIME DID YOU GET THERE,
10 APPROXIMATELY?
- 11 A I THINK WE GOT THERE TWO, TWO-THIRTY.
12 I'M NOT SURE EXACTLY OF THE TIME.
- 13 Q AND YOU STAYED THERE FOR HOW LONG?
- 14 A I THINK IT WAS UNTIL ABOUT FOUR O'CLOCK
15 THE NEXT DAY.
- 16 Q THE FOLLOWING AFTERNOON, IS THAT
17 CORRECT?
- 18 A RIGHT.
- 19 Q ALL RIGHT, NOW AT ANY TIME DID YOU EVER
20 REMOVE YOUR SHIRT?
- 21 A NO.
- 22 Q WAS THERE ANY OPPORTUNITY FOR ANYONE TO
23 HAVE SEEN ANY SCRATCHES ON--ANY SCRATCH AT ALL ON
24 YOU PRIOR TO MR. BLACK DISCUSSING THIS CONSENT TO
25 SEARCH?

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1 A NO.

2 Q OR PRIOR TO YOUR REMOVING THE SHIRT?

3 A NO.

4 Q NOW, WHEN AGENT BLACK, WHEN HE TALKED

5 TO YOU ABOUT THIS CONSENT TO SEARCH, DO YOU

6 RECOGNIZE THIS AS YOUR SIGNATURE, BY THE WAY? I'M

7 REFERRING TO STATE'S EXHIBIT FOR I.D. NUMBER

8 TWELVE?

9 A YES.

10 Q OKAY, THAT IS YOUR SIGNATURE?

11 A YES, IT IS.

12 Q NOW, WHEN MR. BLACK PRESENTED THAT TO

13 YOU, DID HE TELL YOU THAT YOU HAD A RIGHT TO REFUSE

14 SIGNING THAT CONSENT TO SEARCH?

15 A I BELIEVE HIS WORDS WERE, "WE NEED YOU

16 TO SIGN THIS FORM SO WE CAN TAKE SOME PICTURES."

17 Q ALL RIGHT, DID HE TELL YOU THAT--FROM

18 THAT STATEMENT, DID YOU BELIEVE THAT YOUR SIGNING

19 THAT FORM WAS VOLUNTARY OR YOU WERE DIRECTED TO...

20 A HE TOLD ME, "WE NEED YOU TO SIGN THIS

21 FORM SO WE CAN TAKE SOME PICTURES." I FELT LIKE HE

22 WAS TELLING ME, "WE NEED YOU TO SIGN THIS FORM." I

23 WAS TRYING TO DO WHAT HE TOLD ME.

24 Q ALL RIGHT. DID YOU THINK YOU HAD A

25 RIGHT TO REFUSE THAT?

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1 A AT THE--FRANKLY, I DIDN'T THINK I HAD A
2 RIGHT TO REFUSE THEM ANYTHING AT THAT TIME.

3 Q AND DID HE TELL YOU WHAT THE STATE
4 WOULD DO IF YOU DID NOT SIGN THE FORM?

5 A OH, THEY SAID IF I DIDN'T SIGN THE
6 FORM, THEY COULD GET A COURT ORDER.

7 Q SO NUMBER ONE, YOU DID NOT KNOW THAT
8 YOU HAD A RIGHT TO REFUSE TO SIGN THE FORM. NOBODY
9 TOLD YOU THAT. NUMBER TWO, YOU WERE TOLD THAT IF
10 IN FACT YOU DID NOT SIGN THE FORM, THEY WOULD GET A
11 COURT ORDER?

12 A RIGHT.

13 Q AND WAS IT ON THAT BASIS AND THAT BASIS
14 ALONE THAT YOU SIGNED THE FORM?

15 A YES, IT WAS.

16 Q AND IS IT YOUR POSITION THAT YOUR
17 SIGNATURE ON THAT FORM AND THE CONSENT TO SEARCH
18 WAS NOT KNOWINGLY AND VOLUNTARILY MADE?

19 A YES, IT IS.

20 Q ALL RIGHT, ANSWER ANY QUESTIONS THAT
21 THE SOLICITOR MAY HAVE.

22 THE COURT: ALL RIGHT, CROSS
23 EXAMINATION, MR. SOLICITOR?

24 CROSS EXAMINATION:

25 BY MR. COULTER:

1 Q THAT NIGHT THAT YOU WENT TO THE
2 SHERIFF'S DEPARTMENT, MR. BECKHAM, DID YOU GO DOWN
3 THERE UNDER ARREST?

4 A I WENT DOWN THERE WITH LAW ENFORCEMENT;
5 DIDN'T FEEL LIKE I HAD A REAL CHOICE IN THE MATTER,
6 NO.

7 Q YOU DIDN'T COME DOWN THERE VOLUNTARILY?

8 A THEY SAID, "WE NEED YOU TO COME WITH
9 US."

10 Q YOU WEREN'T WILLING TO TALK TO THEM
11 ABOUT...

12 A SURE, I WAS.

13 Q OKAY, SO YOU WENT DOWN THERE
14 VOLUNTARILY?

15 A YES.

16 Q ALL RIGHT. AND SO YOU WERE THERE AT
17 THE SHERIFF'S DEPARTMENT KNOWING YOU COULD LEAVE
18 ANY TIME?

19 A NO, I DIDN'T KNOW THAT.

20 Q YOU DIDN'T KNOW THAT?

21 A NO.

22 Q WELL, YOU WENT DOWN THERE VOLUNTARILY?

23 A RIGHT.

24 Q AND AT WHAT POINT DID YOU BEGIN TO
25 THINK THAT YOU COULDN'T LEAVE?

- 1 A I THINK ONE TIME I ASKED THEM IF I
2 COULD LEAVE AND THEY SAID, "NO, WE'VE GOT SOME
3 OTHER THINGS WE NEED TO DO."
- 4 Q ALL RIGHT, AND WHAT DID YOU SAY AT THAT
5 POINT AFTER THEY SAID, "NO," YOU COULDN'T LEAVE?
- 6 A SOMEWHERE ALONG THE LINE I ASKED ABOUT
7 AN ATTORNEY AND THEY ASKED ME DID I HAVE ONE, AND I
8 SAID I ONLY HAD ONE THAT WAS REPRESENTING ME IN THE
9 DIVORCE AND THAT IS LISA SENN. AND I SAID I'D LIKE
10 TO HAVE AN ATTORNEY, DIDN'T GET ONE.
- 11 Q WELL, I HAND YOU THIS. THIS IS STATE'S
12 EXHIBIT NUMBER FORTY-SEVEN FOR IDENTIFICATION.
13 HAVE YOU EVER SEEN THAT?
- 14 A UH-HUH.
- 15 Q IS THAT YOUR SIGNATURE ON THE BOTTOM?
- 16 MR. SWERLING: BETTER WAIT. WE HAVEN'T
17 GOTTEN TO THAT POINT YET. THAT WAS THE NEXT...
- 18 MR. COULTER: HE'S TALKING ABOUT NOT
19 BEING VOLUNTARY, THE FACT THAT HE WANTED AN
20 ATTORNEY AT SOME POINT. THIS IS A WAIVER, THIS IS
21 MIRANDA, AND IT INCLUDES THE FACT HE SAYS THERE'S
22 NO...
- 23 A WELL, THIS IS BEFORE I ASKED FOR THE
24 ATTORNEY.
- 25 THE COURT: WAIT JUST A MINUTE.

1 OVERRULE THE OBJECTION. YOU MAY PROCEED WITH THE
2 SPECIFIC QUESTION YOU WANT, MR. COULTER.

3 MR. COULTER: THANK YOU.

4 A THIS IS BEFORE I ASKED FOR THE
5 ATTORNEY.

6 Q WELL MY QUESTION TO YOU IS DO YOU
7 RECOGNIZE THAT DOCUMENT?

8 A YEAH, SURE DO.

9 Q ALL RIGHT, AND IS THAT YOUR SIGNATURE
10 ON THAT DOCUMENT?

11 A SURE IS.

12 Q AND DOESN'T THAT DOCUMENT SAY THAT
13 YOU'RE WAIVING ANY ATTORNEY?

14 A AT THAT TIME. IT SAYS I ALSO HAVE THE
15 RIGHT TO STOP ANSWERING QUESTIONS UNTIL I HAVE
16 TALKED TO MY LAWYER, WHICH I TRIED TO.

17 Q ALL RIGHT, AND YOU SIGNED THAT,
18 CORRECT?

19 A UH-HUH.

20 Q AND DID YOU THINK THEY WERE FORCING YOU
21 TO SIGN THAT PARTICULAR DOCUMENT?

22 A NOT THAT ONE, NO, SIR.

23 Q ALL RIGHT, BUT YOU DID SIGN IT,
24 CORRECT?

25 A I DID SIGN IT.

1 Q AND YOU KNEW IT WAS IMPORTANT FOR YOU
2 TO SIGN IT FOR THEM TO BE ABLE TO TALK TO YOU,
3 DIDN'T YOU?

4 A THAT WAS ANOTHER ONE OF THOSE THINGS.
5 THEY SAID, "WE NEED FOR YOU TO SIGN THIS."

6 Q WHY?

7 A "SO WE CAN TALK TO YOU."

8 Q OKAY. SO BEFORE THEY COULD TALK TO
9 YOU, YOU KNEW YOU HAD TO SIGN THAT DOCUMENT?

10 A NO, THEY HAD BEEN TALKING TO ME BEFORE
11 I SIGNED THAT DOCUMENT.

12 Q ALL RIGHT, FOR THEM TO CONTINUE TO TALK
13 TO YOU THEY HAD TO HAVE YOU SIGN THAT DOCUMENT?
14 YOU KNEW THAT.

15 A I DON'T KNOW THAT THAT'S A FACT BECAUSE
16 THEY HAD BEEN TALKING TO ME BEFORE I SIGNED THAT
17 DOCUMENT. I MEAN, WHY WOULD THEY NEED THAT
18 DOCUMENT TO CONTINUE TALKING TO YOU?

19 Q WELL, WHY WOULD YOU THINK THAT THEY
20 NEEDED YOU TO SIGN THIS DOCUMENT?

21 A THEY SAID, "WE WANT YOU TO SIGN THIS
22 DOCUMENT." I LOOKED OVER...

23 Q OKAY, SO A SECOND AGO...

24 MR. SWERLING: YOUR HONOR, WE'D ASK THE
25 WITNESS...

1 THE COURT: WAIT, WAIT, WAIT JUST A
2 MINUTE.

3 A I LOOKED OVER...

4 THE COURT: WAIT, MR. BECKHAM. GIVE
5 HIM A CHANCE TO ANSWER THE QUESTION. ALL RIGHT,
6 ASK THE QUESTION AGAIN, MR. COULTER. JUST SLOW
7 DOWN. THAT'S WHY WE'RE DOING IT TONIGHT SO WE
8 DON'T GET IN ANY HURRY.

9 MR. COULTER: YES, SIR.

10 Q DIDN'T YOU JUST SAY YOU SIGNED THIS
11 DOCUMENT VOLUNTARILY?

12 A YES, I DID.

13 Q YOU DID?

14 A UH-HUH.

15 Q ALL RIGHT, DIDN'T YOU UNDERSTAND THAT
16 YOU HAD TO SIGN THIS BEFORE THEY COULD CONTINUE
17 TALKING TO YOU?

18 A I DIDN'T KNOW THAT WAS A REQUIREMENT
19 FOR THEM TO HAVE TO CONTINUE TALKING TO ME, NO.

20 Q YOU DON'T KNOW WHAT MIRANDA IS?

21 A I'VE HEARD OF MIRANDA BEFORE, UH-HUH.

22 Q OKAY, AND THEY READ YOU THIS FORM?

23 A NO, THEY DIDN'T READ IT TO ME. THEY
24 SAID, "READ THIS AND SIGN IT."

25 Q DID YOU READ IT?

- 1 A I LOOKED OVER IT, YEAH.
- 2 Q AND YOU ALSO INITIALED IT IN A NUMBER
- 3 OF PLACES, DIDN'T YOU?
- 4 A SURE DID.
- 5 Q AND YOU DID ALL OF THAT VOLUNTARILY,
- 6 DIDN'T YOU?
- 7 A UH-HUH.
- 8 Q AND YOU KNEW IT WAS IMPORTANT FOR THEM
- 9 TO OBTAIN YOUR SIGNATURE ON THIS DOCUMENT?
- 10 A I DON'T KNOW WHAT THE IMPORTANCE OF IT
- 11 IS, REALLY.
- 12 Q ALL RIGHT, YOU SIGN THINGS, ANY KIND OF
- 13 DOCUMENTS REGULARLY WITHOUT WORRYING ABOUT WHAT
- 14 THEY HAVE TO SAY?
- 15 A SOMETIMES.
- 16 Q EVEN WHEN THEY'RE ASKING YOU ABOUT A
- 17 MURDER THAT WAS COMMITTED?
- 18 A I WAS TRYING TO COOPERATE WITH THEM.
- 19 Q YOU WERE?
- 20 A UH-HUH.
- 21 Q SO YOU WERE BEING COOPERATIVE?
- 22 A AT THAT TIME, YEAH.
- 23 Q AND YOU WEREN'T BEING FORCED TO DO
- 24 ANYTHING?
- 25 A I WOULDN'T...I WAS CONFUSED AT THAT

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1 TIME.

2 Q YOU WERE?

3 A UH-HUH.

4 Q BUT YOU FULLY UNDERSTOOD EVERYTHING
5 THAT THEY WERE SAYING TO YOU AS FAR AS WHAT WAS
6 GOING ON?

7 A NO, BECAUSE THEY WERE BEING KIND OF
8 CAGY ABOUT IT, IN AND OUT OF THE ROOM, YOU KNOW,
9 AND ENDED UP TELLING ME ONE THING, COMING BACK IN,
10 SAYING I'D SAID SOMETHING. I SAID, NO, THAT'S NOT
11 WHAT I SAID AT ALL. SO THERE WAS PLENTY OF DECEIT
12 THERE.

13 Q PLENTY OF DECEIT THERE?

14 A SURE.

15 Q ALL RIGHT, HOW ABOUT THIS. WE'LL GO
16 BACK TO STATE'S EXHIBIT NUMBER TWELVE FOR
17 IDENTIFICATION.

18 A UH-HUH.

19 Q ALL RIGHT, YOU'VE SEEN THAT BEFORE?

20 A SURE HAVE.

21 Q AND YOU SIGNED IT?

22 A UH-HUH.

23 Q ALL RIGHT, AND DID THEY FORCE YOU TO
24 SIGN THAT PIECE OF PAPER?

25 A I DON'T KNOW WHAT YOU MEAN FORCE. YOU

1 MEAN HELD MY HAND TO THE PAPER, NO THEY DIDN'T DO
2 THAT.

3 Q SO YOU SIGNED IT VOLUNTARILY, DIDN'T
4 YOU?

5 A DEPENDS ON WHAT YOU CALL VOLUNTARILY.

6 Q WELL, WHAT DOES VOLUNTARILY MEAN TO
7 YOU?

8 MR. SWERLING: IF YOUR HONOR, PLEASE, I
9 THINK THE SOLICITOR NEEDS TO EXPLAIN, OBVIOUSLY HE
10 PUT HIS SIGNATURE ON IT. THE ISSUE IS THE LEGAL
11 VOLUNTARINESS OF IT AND THAT'S WHAT HE I THINK IS
12 TRYING TO CONFUSE MR. BECKHAM.

13 THE COURT: SUSTAINED. REPHRASE YOUR
14 QUESTION.

15 Q YOU HAD A CHANCE TO READ THIS DOCUMENT?

16 A YES.

17 Q AND YOU READ THIS DOCUMENT?

18 A I BELIEVE I DID.

19 Q AND IN THIS DOCUMENT IT SAYS THAT,
20 "THIS WRITTEN PERMISSION IS BEING GIVEN BY ME TO
21 THE ABOVE NAMED OFFICER VOLUNTARILY AND WITHOUT
22 THREATS OR PROMISES OF ANY KIND," ISN'T THAT RIGHT?

23 A THAT'S WHAT IT SAYS.

24 Q ALL RIGHT, AND IT ALSO SAYS THAT YOU'RE
25 GIVING CONSENT TO GIVE PHOTOGRAPHS OF SCRATCHES ON

1 YOUR BODY, IS THAT RIGHT?

2 A IT SAYS THAT, BUT THAT'S PENCILED IN.

3 I DON'T REMEMBER THAT BEING ON THERE.

4 Q AND THAT'S YOUR SIGNATURE ON THE

5 BOTTOM?

6 A IT IS MY SIGNATURE, UH-HUH.

7 Q ALL RIGHT.

8 MR. COULTER: I DON'T HAVE ANYTHING

9 FURTHER, YOUR HONOR.

10 MR. SWERLING: I DON'T HAVE ANYTHING

11 FURTHER.

12 THE COURT: ON THE QUESTION OF THE

13 CONSENT TO TAKE THE PHOTOGRAPHS?

14 MR. SWERLING: THAT'S CORRECT.

15 THE COURT: AND THE FINGERPRINTS?

16 MR. SWERLING: THAT'S CORRECT.

17 THE COURT: ALL RIGHT.

18 MR. SWERLING: I'D JUST HAVE A BRIEF

19 ARGUMENT.

20 THE COURT: ALL RIGHT, THANK YOU, SIR.

21 YOU MAY STEP DOWN.

22 MR. SWERLING: UNLESS THE STATE HAS

23 SOMETHING.

24 THE COURT: ALL RIGHT, MR. SWERLING,

25 YOU'RE THE ONE OBJECTING TO IT SO WHAT IS THE BASIS

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1 OF YOUR OBJECTION.

2 MR. SWERLING: YOUR HONOR, JUST VERY
3 BRIEFLY, THE CONSENT WHERE THE STATE SEEKS TO OFFER
4 A CONSENT OBVIOUSLY THEY HAVE THE BURDEN OF PROOF
5 TO SHOW THE CONSENT WAS VOLUNTARY. I WOULD REFER
6 THE COURT TO SCHNECKLOTH VERSUS BUSTAMONTE, 412 US
7 218, 1973, STATING THAT A CONSENT TO SEARCH MUST IN
8 FACT BE VOLUNTARY, AND THE COURT MUST LOOK AT THE
9 TOTALITY OF ALL THE CIRCUMSTANCES. KNOWLEDGE OF
10 THE RIGHT TO REFUSE CONSENT IS ONE OF THE FACTORS
11 TO BE TAKEN INTO THE ACCOUNT.

12 IN ADDITION TO THAT, YOUR HONOR, OF
13 COURSE THE WELL KNOWN CASE OF BUMPER VERSUS NORTH
14 CAROLINA, 391 US 543. IT'S A 1968 CASE WHERE A LAW
15 ENFORCEMENT OFFICER CLAIMS AUTHORITY TO SEARCH
16 PURSUANT TO A CONSENT. THE CONSENT IS NOT
17 VOLUNTARY IF IN FACT THE PERSON IS TOLD THAT THEY
18 CAN GO AHEAD AND GET A COURT ORDER. I'LL JUST READ
19 IT TO YOU.

20 "WHEN A LAW ENFORCEMENT OFFICER CLAIMS
21 AUTHORITY TO SEARCH A HOME UNDER A WARRANT AND
22 ANNOUNCES IN EFFECT THAT THE OCCUPANT HAS NO RIGHT
23 TO RESIST THE SEARCH THE SITUATION IS INSTINCT WITH
24 COERCION, ALBEIT COLORFULLY LAWFUL COERCION. WHERE
25 THERE IS COERCION, THERE CANNOT BE CONSENT."

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1 SO BASED ON THOSE TWO PRINCIPALS, YOUR
2 HONOR, AND THOSE TWO CASES, WE WOULD SUBMIT THAT
3 NUMBER ONE, MR. BECKHAM'S CONSENT WAS NOT VOLUNTARY
4 AND IN FACT UNDER THE AUTHORITY OF BUMPER, IT WAS
5 COERCED BECAUSE HE WAS TOLD THAT THE STATE COULD GO
6 AHEAD AND GET A COURT ORDER ANYWAY WHICH REALLY
7 NULLIFIED ANY RIGHT TO RESIST THAT HE HAD.

8 THE COURT: ALL RIGHT, MR. COULTER.

9 MR. COULTER: THANK YOU, YOUR HONOR.
10 CLEARLY, THE MOST IMPORTANT THING THAT MR. SWERLING
11 INDICATED IN THAT IS THAT IT IS THE TOTALITY OF THE
12 CIRCUMSTANCES WHICH IS IMPORTANT. I BELIEVE YOU
13 HEARD THE TESTIMONY OF AGENT DAVID BLACK WHO
14 INDICATED THAT HE WENT FULLY THROUGH THESE RIGHTS
15 OF THIS WAIVER, THIS VOLUNTARY WAIVER, THAT HE WENT
16 THROUGH THEM ALL AND INDICATED TO HIM BY HIS
17 TESTIMONY ON DIRECT THAT HE HAD TOLD HIM THAT HE
18 DID NOT HAVE TO HAVE THESE PHOTOGRAPHS TAKEN, THAT
19 IF HE HAD NOT CONSENTED, HE WOULD NOT HAVE TAKEN
20 THEM. AND THEREAFTER, GOT THE DEFENDANT TO SIGN
21 WHAT'S BEEN MARKED AS STATE'S EXHIBIT NUMBER TWELVE
22 FOR IDENTIFICATION; ALL OF THIS BEING DONE AFTER
23 THE DEFENDANT WAS ALSO ADVISED OF HIS MIRANDA
24 WARNINGS AND INCLUDED IN THERE WERE STATEMENTS
25 REGARDING FREELY AND VOLUNTARILY GIVEN.

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1
2 SO BASED ON THE TOTALITY OF THE
3 CIRCUMSTANCES, CERTAINLY STATE'S EXHIBIT NUMBER
4 TWELVE WAS VOLUNTARILY AND FREELY GIVEN, AND AS A
5 RESULT THE PHOTOGRAPHS THAT RESULTED FROM THIS
6 CONSENT OUGHT TO BE ADMITTED.

7 THE COURT: LET ME SEE YOUR CONSENT
8 FORM, SOLICITOR.

9 MR. COULTER: YES, SIR.

10 THE COURT: AND THE OTHER FORM THAT YOU
11 EXAMINED HIM ABOUT.

12 WELL, FIRST OF ALL, IT'S REALLY NOT A
13 FIFTH AMENDMENT ISSUE UNLESS YOU WANT TO RAISE IT
14 AS TO THE STATEMENT HE MADE ABOUT WHERE HE GOT CUT.
15 BUT INSOFAR AS THE TAKING, ON THE SEARCH, LET ME
16 ASK...IS PART OF YOUR MOTION TO ALSO EXCLUDE WHAT
17 THE AGENT SAID HE SAID?

18 MR. SWERLING: WELL, JUDGE, THAT WAS
19 SOMETHING, THAT WOULD BE PART OF THE JACKSON VERSUS
20 DINO.

21 THE COURT: I KNOW.

22 MR. SWERLING: I MEAN, THAT'S WHY I
23 SAID IF WE COULD BE PROVIDED WITH EVERYTHING STATE
24 CONTENTS WOULD BE SOMETHING PURSUANT TO A JACKSON
25 VERSUS DINO, THEN WE MIGHT BE ABLE TO RESOLVE THAT

1 ISSUE.

2 THE COURT: AND IS THIS THE TIMING? IS
3 THE STATEMENT YOU'RE TALKING ABOUT IS WHAT HE SAID
4 TO BLACK?

5 MR. SWERLING: WELL, NO, I THINK THEY
6 HAVE SOME OTHER STATEMENTS, TOO. AS I UNDERSTAND,
7 WHAT WE'RE DEALING WITH RIGHT NOW IS THE TAKING OF
8 THE PHOTOGRAPHS.

9 MR. COULTER: WELL, YOUR HONOR, WE'RE
10 INTENDING TO INTRODUCE THAT STATEMENT. WE WOULD
11 CONTEND THAT'S SELF-SERVING, AFTER THE CAUSE OF THE
12 MATTER.

13 THE COURT: WELL, IT MAY BE. I'M
14 ASKING THEM THAT QUESTION.

15 MR. SWERLING: WELL, JUDGE, I THINK WE
16 HAVE TO PLAY THAT CARD WHEN THE STATE PLAYS THEIRS.
17 I MEAN I'M NOT TRYING TO BE COY BUT...

18 THE COURT: I JUST WANTED TO CHECK YOU
19 OUT, OKAY. ALL RIGHT.

20 WELL, BASED ON THE EXAMINATION OF THE
21 TWO WITNESSES, I FIND THAT THE CONSENT TO OBTAIN
22 THE PHOTOGRAPHS AND THE FINGERPRINTS WERE
23 VOLUNTARILY GIVEN. THE AGENT TESTIFIED THAT HE DID
24 NOT THREATEN HIM OR COERCE HIM IN ANY WAY AND TOLD
25 HIM THAT IT WAS VOLUNTARY, AND THERE WAS NO

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1 OBJECTION GIVEN TO THAT.

2 HE WAS GIVEN HIS MIRANDA WARNINGS
3 APPARENTLY ABOUT 2:55 IN THE MORNING AND IT APPEARS
4 THAT THIS WHICH AGAIN IS TWO DIFFERENT ISSUES, BUT
5 AT 4:32 HE GAVE THE CONSENT TO HAVE THE PHOTOGRAPHS
6 TAKEN AND HIS TESTIMONY, WHEN IT SUITS HIM, IS THAT
7 HE WAS COOPERATING AND THEN ON OTHER TIMES HE
8 APPEARS TO BACK AWAY FROM THAT. SO BASED UPON THE
9 TOTALITY OF THE CIRCUMSTANCES I FIND THAT HE
10 CONSENTED TO HAVE HIS FINGERPRINTS TAKEN AND TO
11 HAVE THE PHOTOGRAPH OF THE INJURIES TO HIS PERSON,
12 THAT HE CONSENTED TO THAT.

13 ANYBODY WHO'S EVER HAD THEIR
14 FINGERPRINTS TAKEN, THE LEAST LITTLE BIT OF
15 RESISTANCE, YOU CAN'T DO IT. SO I FIND, BASED ON
16 THE WHOLE SET OF CIRCUMSTANCES, HE CONSENTED TO
17 THAT.

18 MR. HARPOOTLIAN: YOUR HONOR, IN...I'M
19 NOT...I MEAN I ACCEPT YOUR RULING BUT MY QUESTION
20 IS I THINK AGENT BLACK CAN SAY, IDENTIFY THE
21 PHOTOGRAPHS BUT I DON'T THINK THEY BECOME RELEVANT
22 FOR THE JURY...

23 THE COURT: I'VE ALREADY SAID THAT.

24 MR. HARPOOTLIAN: I JUST WANT TO MAKE
25 SURE.

1 THE COURT: YOU WERE OUTSIDE WHEN WE
2 DISCUSSED...

3 MR. SWERLING: WE'VE GOT THAT COVERED.

4 THE COURT: RIGHT NOW, YOU HAVE
5 STIPULATED, MR. HARPOOTLIAN, YOU HAVE STIPULATED,
6 YOU AND MR. SWERLING AND MR. BECKHAM HAVE
7 STIPULATED THAT HE TOOK THOSE PHOTOGRAPHS, THEY'RE
8 A FAIR AND ACCURATE REPRESENTATION OF MR. BECKHAM
9 AT THE TIME THEY WERE TAKEN; THEY ONLY BECOME
10 ADMISSIBLE IF THE STATE CAN OFFER SOME EVIDENCE TO
11 INDICATE THAT HE GOT THOSE SCRATCHES IN THE MANNER
12 IN WHICH THEY HAVE INDICATED TO ME, WHICH IS NOT
13 THAT MS. BECKHAM AND MR. BECKHAM HAD ANY PHYSICAL
14 CONFRONTATION WHERE HE GOT THOSE SCRATCHES BUT
15 RATHER HE GOT THEM WHILE, UNDER THEIR THEORY, OF
16 FLIGHT.

17 MR. HARPOOTLIAN: SO THESE WOULD NOT
18 COME IN UNDER AGENT BLACK TOMORROW?

19 THE COURT: EXCEPT--THEY'RE COURT
20 EXHIBITS AT THIS POINT IN TIME. THEY BECOME
21 RELEVANT IF THEY LAY A FOUNDATION.

22 ALL RIGHT, NEXT ISSUE WITH MR. BLACK?

23 MR. COULTER: THAT'S ALL WITH AGENT
24 BLACK. OH, THERE IS THE ISSUE OF THE SEARCH OF THE
25 HONDA.

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1 THE COURT: WAIT JUST A MINUTE. TO
2 KEEP OUR RECORDS STRAIGHT, AT THIS POINT IN TIME
3 I'M GOING TO HAVE THE COURT REPORTER MARK STATE'S
4 EXHIBIT TWELVE FOR I.D. PURPOSES AND FORTY-SEVEN
5 FOR I.D. PURPOSES AS COURT'S EXHIBIT ONE AND TWO,
6 UNTIL THEY BECOME RELEVANT.

7 AND THOSE PHOTOGRAPHS THERE THAT I
8 HAVE...WE NEED TO PUT A COURT IDENTIFICATION NUMBER
9 ON THOSE.

10 MR. COULTER, THE PHOTOGRAPHS THAT WE'VE
11 AGREED ON, I WANT TO MARK THEM WITH MY
12 IDENTIFICATION NUMBER RIGHT NOW UNTIL WE GET TO
13 THEM, SO WE DON'T GET CONFUSED.

14 ALL RIGHT, MARK THOSE THREE AS THREE,
15 AND THOSE ARE THE THREE PHOTOGRAPH OF MR. BECKHAM
16 TAKEN BY AGENT BLACK. THOSE ARE MARKED AS THREE,
17 FOUR AND FIVE, COURT'S EXHIBITS, UNTIL THEY BECOME
18 ADMISSIBLE.

19 ALL RIGHT, NOW THE NEXT ISSUE IS WHAT?

20 MR. HARPOOTLIAN: YOUR HONOR, AS I
21 UNDERSTAND FROM THE SOLICITOR, A VEHICLE WHICH WAS
22 ALLEGEDLY BEING DRIVEN BY MR. BECKHAM WHICH
23 BELONGED TO HIS FATHER, WAS IN KENTUCKY. THEY
24 EXECUTED A SEARCH WARRANT ON THAT VEHICLE IN
25 KENTUCKY. I'VE HANDED UP TO YOU WHAT THE

1 SOLICITOR'S HANDED ME WHICH IS THE KENTUCKY SEARCH
2 WARRANT. AND WE THINK WE'RE ENTITLED TO A HEARING
3 ON THAT SEARCH. IN OTHER WORDS, A SEARCH TOOK
4 PLACE IN ANOTHER STATE, AND FRANKLY, I DIDN'T KNOW
5 THAT THEY WERE GOING TO DO THAT AT THIS JUNCTURE SO
6 WE WEREN'T REALLY...

7 THE COURT: WELL, LET'S GET EVERYTHING
8 OFF THE TABLE. NOW WHAT ABOUT THE STATEMENT? I
9 DON'T WANT TO JUMP INTO SOMETHING ELSE. WHAT ABOUT
10 THE STATEMENT ISSUE? IS THAT SETTLED OR NOT?

11 MR. JONES: YOUR HONOR, I HAVE THE
12 ESSENCE OF THE STATEMENT THAT DEFENDANT BECKHAM
13 GAVE TO JERRY WRIGHT. THAT'S ONE YOU'RE TALKING
14 ABOUT. JERRY WRIGHT ADMINISTERED THE MIRANDA
15 WARNINGS AFTER THIS STATEMENT WAS GIVEN. THIS
16 STATEMENT WAS GIVEN AT DEFENDANT BECKHAM'S HOME
17 PRIOR TO GOING TO THE STATION WITH JERRY WRIGHT.

18 THERE WAS ALSO A STATEMENT TAKEN BY
19 SONNY SUTTON AFTER THE MIRANDA WARNINGS WERE GIVEN
20 THE 13TH, THE DAY OF THE 13TH WHILE THE DEFENDANT
21 WAS STILL AT THE STATION. SO THERE'S TWO OF THEM.

22 THE COURT: ALL RIGHT, I UNDERSTAND
23 THAT.

24 MR. JONES: ALL RIGHT, ESSENTIALLY THE
25 FIRST STATEMENT SAYS THAT WHILE AT BECKHAM'S HOME--

1 I WON'T GO INTO WHAT HE WAS ASKED BUT BASICALLY
2 WHAT HE SAID, IF THAT'S ALL RIGHT. HE SAID THAT
3 SHE, "VICKIE, GOT HERE TONIGHT AT 6:15; SHE WAS
4 FIFTEEN MINUTES LATE AS USUAL. HE SAID, AND THIS
5 WAS AFTER HE HAD BEEN TOLD THAT SHE WAS DEAD. HE
6 SAID, "SHE CAME BY; I SAT DOWN IN THE FRONT SEAT OF
7 THE CAR, OF HER CAR. WE TALKED ABOUT A SHOPPING
8 TRIP TO COLUMBIA, AND ASKED HER IF SHE HAD READ THE
9 NOTE," THAT HE HAD GIVEN HER EARLIER. "SHE SAID
10 YES." HE SAID, "SHE STAYED ABOUT TEN MINUTES AND
11 LEFT."

12 HE SAID THAT HE DIDN'T KNOW ANYONE THAT
13 MAY HAVE CONTRIBUTED TO HER DEATH AND HE SAID THAT
14 HE KNEW OF NO ENEMIES THAT SHE HAD. HE SAID HE
15 WOULD AGREE TO ACCOMPANY THEM TO THE SHERIFF'S
16 OFFICE TO ASSIST IN THE INVESTIGATION. THAT WAS
17 THE ESSENCE AND THAT IS WHAT WE BELIEVE WILL BE THE
18 STATEMENT THAT CHIEF DEPUTY JERRY WRIGHT WILL
19 TESTIFY TO.

20 THE COURT: ALL RIGHT, AS TO THAT
21 STATEMENT NOW, IS THERE--TELL ME WHAT YOU WANT.
22 I'M HERE TO GIVE YOU THE HEARING OR WHAT YOU NEED?

23 MR. SWERLING: COURT WOULD INDULGE ME
24 ONE MOMENT?

25 THE COURT: ALL RIGHT.

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1 MR. SWERLING: SOLICITOR, YOU'RE
2 BASICALLY READING OFF A LEAD SHEET DATED 6/13/94?

3 MR. JONES: I'M READING OFF OF NOTES
4 THAT I MADE, THAT I MADE MINUTES AGO, TALKING WITH
5 CHIEF DEPUTY WRIGHT ABOUT WHAT HE RECALLED WAS SAID
6 TO HIM BY DEFENDANT BECKHAM ON THE EVENING OF JUNE
7 12TH, EARLY MORNING HOURS OF JUNE 13TH.

8 THE COURT: WELL, HERE'S THE PROBLEM
9 THEY'RE WORRIED ABOUT. NOT THAT THE OFFICER WOULD
10 DO IT, BUT IN OTHER WORDS, ARE YOU GOING TO AGREE
11 TO BE BOUND BY THAT? YOU'RE NOT GOING TO EMBELLISH
12 IT OR ADD TO OR TAKE AWAY FROM THAT STATEMENT?
13 THAT'S WHAT THEY WANT TO KNOW.

14 MR. JONES: WELL, BOUND, YOUR HONOR.
15 IN THE CONTEXT THAT WOULD, YOU KNOW, WE'RE HUMAN
16 BEINGS. WE DON'T HAVE PHOTOGRAPHIC MEMORIES AND WE
17 DON'T KNOW THAT HE WILL SAY EXACTLY WHAT IS WRITTEN
18 ON THIS PIECE OF PAPER.

19 THE COURT: BUT WE DON'T WANT TO
20 SUDDENLY RECALL SOME REALLY SHOCKING EVENT. SEE,
21 THAT'S WHAT THEY'RE CONCERNED ABOUT SO LET ME--YOU
22 SEE?

23 MR. JONES: YES, SIR, THIS IS THE
24 SUBSTANCE OF AN ORAL STATEMENT MADE BY THE
25 DEFENDANT TO A POLICE OFFICER.

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1 THE COURT: ALL RIGHT, MR. SWERLING,
2 WHAT DO YOU WANT? DO YOU WANT A HEARING OR DO YOU
3 WANT TO AGREE TO IT?

4 MR. SWERLING: THAT'S FINE.

5 THE COURT: ALL RIGHT, THEY AGREE TO
6 IT. MAKE HIM A COPY OF YOUR NOTES SO Y'ALL ARE
7 BOTH SINGING OFF THE SAME PAGE, OKAY?

8 MR. HARPOOTLIAN: JUST MAKE A COPY OF
9 IT AND PUT IT IN THE RECORD, YOUR HONOR.

10 THE COURT: OKAY. JUST MAKE A COPY OF
11 YOUR NOTES. YOU KNOW WHAT HE TOLD YOU AND YOU CAN
12 FRAME YOUR QUESTIONS THAT WAY AND YOU KNOW WE WILL
13 ALL BE ALL RIGHT. ALL RIGHT, ON THAT ISSUE, THAT'S
14 RESOLVED.

15 NOW STATEMENT NUMBER TWO TO SONNY
16 SUTTON?

17 MR. JONES: YES, SIR. NOW, YOUR HONOR,
18 SONNY SUTTON IS NOT HERE TODAY. I TALKED WITH HIM
19 A COUPLE OF NIGHTS AGO, MONDAY NIGHT I BELIEVE.
20 AND THESE ARE THE NOTES I MADE OF THAT CONVERSATION
21 WITH HIM ABOUT WHAT HE WOULD TESTIFY TO, IN
22 ESSENCE, THAT DEFENDANT BECKHAM SAID TO HIM.

23 YOUR HONOR, THIS STATEMENT WAS MADE AT
24 APPROXIMATELY TEN-THIRTY OR ELEVEN O'CLOCK ON THE
25 MORNING OF JUNE 13TH. BASICALLY, HE SAID THAT THE-

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1 -HE TOLD--HE SAID THAT HE GOT IN THE CAR; HE SAID
2 THAT HE HAD BEEN WAITING ON HIS WIFE TO BRING THE
3 CHILDREN HOME. HE SAID HE GOT IN THE CAR AND THEY
4 DROVE OFF TO ANOTHER PIECE OF THE PROPERTY, THE
5 BECKHAM PROPERTY. HE SAID HE WAS WITH HER TWENTY
6 TO THIRTY MINUTES. HE SAID THAT THE CLOTHES HE HAD
7 ON THEN DURING THE INTERVIEW WITH SONNY SUTTON WERE
8 NOT THE SAME CLOTHES HE HAD ON EARLIER. HE SAID
9 EARLIER IN THE EVENING WHEN HE WAS WITH HIS WIFE,
10 HE HAD ON A DIFFERENT PAIR OF SHOES AND PANTS, THAT
11 HE WAS WEARING THE SAME SHIRT.

12 THE COURT: SO WHAT DO YOU NEED,
13 GENTLEMEN, BY WAY OF A HEARING ON THAT ISSUE?

14 MR. HARPOOTLIAN: YOUR HONOR, MR.
15 SUTTON WILL BE HERE...

16 THE COURT: HE'LL BE HERE TOMORROW, I
17 ASSUME.

18 MR. JONES: YES, HE WILL, YOUR HONOR.

19 MR. SWERLING: WHAT TIME DOES HE
20 CONTEND THAT STATEMENT WAS TAKEN?

21 MR. JONES: BETWEEN TEN-THIRTY AND
22 ELEVEN ON JUNE 13TH, A.M.

23 MR. SWERLING: THE PROBLEM, JUDGE, IS
24 THAT'S LIKE TEN HOURS AFTER MR. BECKHAM WENT DOWN
25 TO THE STATION. I MEAN, I THINK THERE'S SOME OTHER

1 ISSUES INVOLVED.

2 THE COURT: OKAY, I'LL GIVE YOU A
3 HEARING ON IT. WHATEVER YOU AGREE TO IS FINE AND
4 THEN IF YOU CAN'T AGREE TO IT, I'LL GIVE YOU A
5 HEARING ON IT. SO WE NEED TO TIME MR. SUTTON
6 SOMETIME TOMORROW AFTER LUNCHTIME OR THEREABOUTS.

7 MR. JONES: YES, SIR, BUT THE MIRANDA
8 GIVEN WAS GIVEN BY WRIGHT.

9 MR. HARPOOTLIAN: AT 4:30 IN THE
10 MORNING?

11 MR. JONES: YES, 3:55.

12 MR. HARPOOTLIAN: SEVEN HOURS LATER.

13 MR. JONES: SO THE MIRANDA ISSUE IS
14 HERE WITH US NOW. I MEAN THE PERSON THAT GAVE THE
15 MIRANDA WARNINGS IS HERE. SUTTON DID NOT GIVE HIM
16 MIRANDA AGAIN.

17 MR. HARPOOTLIAN: SEVEN HOURS LATER?
18 YOUR HONOR, IF WE COULD DEAL WITH THAT, THEY'RE
19 BOTH GOING TO BE HERE, DEAL WITH THAT AT ONE TIME,
20 THE WHOLE ISSUE.

21 THE COURT: WRIGHT--I'M TENDING TO
22 AGREE WITH THAT. WE'LL TAKE IT UP AFTER WE DEAL
23 WITH BLACK.

24 MR. JONES: BASICALLY WRIGHT IS NOT
25 LONG AFTER BLACK AND SUTTON IS JUST BEHIND WRIGHT.

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1 THE COURT: ALL RIGHT, WE MAY NEED A
2 LITTLE BREAK THERE ANYWAY SO WE'LL DO IT THEN.

3 NOW HOW ABOUT THE SEARCH WARRANT IN
4 KENTUCKY? WHAT ARE YOU GOING TO WANT ON THAT NOW?
5 I'M TRYING TO TIME HOW MUCH OUT OF PRESENCE STUFF
6 I'VE GOT TO HAVE.

7 MR. HARPOOTLIAN: THAT'S MR. SWERLING'S
8 ISSUE.

9 MR. SWERLING: JUDGE, WHAT I HAVE SEEN
10 IS NOT A VALID SEARCH WARRANT. I CAN'T CONSENT TO
11 LET THAT IN.

12 THE COURT: I MEAN, TELL ME WHAT YOUR
13 OBJECTIONS ARE SO I CAN BE THINKING ABOUT IT.

14 MR. SWERLING: I DON'T SEE ANYTHING
15 WHEREIN IT STATES ANY PROBABLY CAUSE TO GO AHEAD
16 AND SEARCH THE VEHICLE. AND THAT'S THE COPY I'VE
17 SEEN, AND IT'S ALSO THE COPY I HAVE IN MY NOTEBOOK.
18 IT DOESN'T APPEAR TO BE A COMPLETE SEARCH WARRANT
19 THAT STATES ANY PROBABLE CAUSE FOR THE ISSUANCE OF
20 THE WARRANT. I THINK I'D BE REMISS TO GO AHEAD AND
21 CONSENT TO THE SEARCH OF SOMETHING LIKE THAT...

22 THE COURT: WELL, SOLICITOR, I MEAN,
23 JUST LOOKING AT IT--GIVE ME JUST A THUMBNAIL SKETCH
24 AS TO WHY--I MEAN, IT DOESN'T SAY ANYTHING.

25 MR. MCMAHON: YOUR HONOR, THERE'S A

1 PRIOR SEARCH WARRANT THAT THEY GOT IN NEWBERRY
2 COUNTY AND THEN THE VEHICLE WAS LOCATED UP IN
3 KENTUCKY. AGENT BLACK AND ANOTHER AGENT WITH STATE
4 LAW ENFORCEMENT DIVISION WENT TO KENTUCKY AND
5 APPEARED BEFORE A JUDICIAL OFFICER IN KENTUCKY BOTH
6 WITH A SOUTH CAROLINA SEARCH WARRANT, WHICH I DO
7 NOT HAVE IN THE COURTROOM AT THIS TIME. THEY
8 PRESENTED THE SOUTH CAROLINA SEARCH WARRANT AND
9 THEN WENT INTO CERTAIN EXTRINSIC STATEMENTS
10 CONCERNING THE PROBABLY CAUSE THAT THEY ACTUALLY
11 EXPLAINED THE SITUATION TO THE KENTUCKY JUDICIAL
12 OFFICER AND THE SEARCH WARRANT WAS ISSUED IN
13 KENTUCKY ON THAT BASIS.

14 NOW TO BACK UP A MINUTE, IT WOULD ALSO
15 BE THE STATE'S POSITION THAT THE DEFENDANT WOULD
16 HAVE NO STANDING IN THIS PARTICULAR ITEM. I
17 BELIEVE THEY WOULD AGREE IT WAS NOT THE DEFENDANT'S
18 VEHICLE. ALTHOUGH IT WAS ONE HE HAD ACCESS TO, IT
19 WAS NOT HIS VEHICLE AND HE WOULD HAVE NO STANDING
20 ON THIS PARTICULAR ISSUE.

21 THE COURT: WELL, LET'S CROSS THAT
22 ISSUE. I MEAN, WHERE IS THE STANDING QUESTION? IS
23 IT OR IS IT NOT HIS VEHICLE?

24 MR. SWERLING: IT WAS--IT IS HIS
25 VEHICLE. I MEAN, HE HAS THE EXPECTATION OF PRIVACY

1 ON IT WHILE HE'S DRIVING IT. I DON'T SEE HOW THE
2 STATE COULD CONTEND IT'S NOT HIS VEHICLE.

3 THE COURT: I DON'T KNOW. I'M ASKING
4 YOU.

5 MR. SWERLING: I THINK HE HAS THE
6 EXPECTATION OF PRIVACY OF HIS CAR.

7 MR. MCMAHON: YOUR HONOR, I HATE TO
8 JUST KEEP THROWING OUT THEORIES, BUT IT'S NOT A
9 THEORY. ONE FURTHER THING WE WOULD ALLEGE, AND IT
10 WILL COME OUT DURING THE COURSE IF THE FLIGHT
11 EVIDENCE IS ADMISSIBLE, WHICH WE CONTEND THAT IT
12 IS, THAT THE DEFENDANT ALSO ABANDONED THIS VEHICLE
13 IN KENTUCKY. SO IF THE PROBABLE CAUSE WASN'T
14 APPROPRIATE, ALTHOUGH THE OFFICERS HAD GOTTEN TWO
15 SEARCH WARRANTS, A SOUTH CAROLINA SEARCH WARRANT
16 AND A KENTUCKY SEARCH WARRANT, AND IF THE DEFENDANT
17 DID IN FACT HAVE STANDING, THAT HE ABANDONED IT
18 DURING THE TIME THAT HE WAS IN FLIGHT.

19 THE COURT: WELL, WE'RE JUST THINKING
20 OUT LOUD RIGHT NOW. I MEAN, THERE'S NO CHALLENGE
21 TO THE SOUTH CAROLINA WARRANT BUT OBVIOUSLY IT IS
22 NOT VALID IN KENTUCKY. BUT IF YOU HAVE A KENTUCKY
23 WARRANT, WHY DOESN'T THAT WARRANT STATE THAT IT'S
24 BASED ON THE PROBABLE CAUSE SET FORTH IN THE SOUTH
25 CAROLINA WARRANT? HOW DO WE KNOW WHAT THE JUDGE

1 WAS TOLD? HE DIDN'T PUT ANYTHING IN THERE.

2 MR. MCMAHON: WELL, YES, SIR, I--

3 PERHAPS I MISUNDERSTOOD HIS HONOR. I THINK IF THE
4 POLICE HAVE PROBABLE CAUSE, WHETHER IT'S UNDER A
5 SOUTH CAROLINA SEARCH WARRANT OR A KENTUCKY SEARCH
6 WARRANT, THAT WOULD NOT BE INVALID BECAUSE THEY HAD
7 THE SEARCH WARRANT IN KENTUCKY. NOW I THINK IT
8 WILL STILL BE AN ISSUE OF PROBABLE CAUSE, AND IF
9 THEY HAVE PROBABLE CAUSE, I DON'T KNOW OF A CASE
10 THAT SAYS JUST BECAUSE YOU FIND THE PROPERTY...

11 THE COURT: SOMEWHERE ELSE.

12 MR. MCMAHON: ...IN ANOTHER STATE, IS
13 WHAT I'M SAYING NOW. AND I THINK THEY JUMPED
14 THROUGH THE HOOPS WHEN THEY EVEN WENT AND GOT A
15 KENTUCKY SEARCH WARRANT.

16 LET ME HAND UP, I DID FIND A COPY OF
17 THE SOUTH CAROLINA SEARCH WARRANT DATED JULY 11TH,
18 1995, AND I WOULD HAND THAT UP AND SHOW HIS HONOR
19 THE ATTACHMENT AND WHAT WE WOULD CONTEND IS MORE
20 THAN ADEQUATE PROBABLE CAUSE PARTICULARLY TO SEARCH
21 AN AUTOMOBILE WHICH I WOULD SUBMIT HAS A SOMEWHAT
22 REDUCED EXPECTATION OF PRIVACY UNDER THE CURRENT
23 STATUS OF THE CONSTITUTIONAL LAW.

24 THE COURT: WELL, SINCE WE'RE GOING TO
25 BE DOING THIS SOMETIME TOMORROW, MR. SWERLING, GIVE

1 ME VERY SUCCINCTLY YOUR OBJECTIONS TO THAT ARGUMENT
2 HE JUST MADE SO I CAN THINK ABOUT IT.

3 MR. SWERLING: I THINK THE FIRST
4 ARGUMENT IS THAT THE SOUTH CAROLINA WARRANT IS NOT
5 VALID FOR LACK OF PROBABLE CAUSE IN THAT THE
6 INFORMATION CONTAINED THERE IS STALE. THIS IS ONE
7 YEAR AFTER THE ALLEGED MURDER.

8 UNDER STATE VERSUS WINBURN, I WOULD
9 SUBMIT THAT STATE HAS NO REASONABLE EXPECTATION
10 THIS CAR WOULD YIELD ANYTHING OF EVIDENTIARY VALUE
11 AND THE INFORMATION CONTAINED IN IT IS STALE.

12 THE SECOND POSITION WOULD BE THIS
13 WARRANT IS NOT VALID IN THE STATE OF KENTUCKY, THAT
14 IN ORDER TO COMPLY WITH A SEARCH IN THE STATE OF
15 KENTUCKY OF MY CLIENT'S CAR, THEY WOULD HAVE HAD TO
16 FOLLOW KENTUCKY PROCEDURE. AND THERE HAS BEEN NO
17 SHOWING NOR, AS I UNDERSTAND, AN ATTEMPT TO SHOW
18 THAT PROCEDURE WAS FOLLOWED IN THE STATE OF
19 KENTUCKY.

20 THE COURT: ALL RIGHT, HOW ABOUT
21 ABANDONMENT QUESTION?

22 MR. SWERLING: WELL, JUDGE, THEY'VE GOT
23 TO PROVE FLIGHT.

24 THE COURT: WELL, I UNDERSTAND...

25 MR. SWERLING: AND FLIGHT, THEY HAVE TO

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1 PROVE KNOWLEDGE THAT HE LEFT KNOWING, AND I WOULD
2 SUBMIT THAT THE STATE, MAYBE THEY CAN, BUT OUR
3 POSITION IS THAT MR. BECKHAM LEFT THE JURISDICTION
4 NOT KNOWING THAT MR. ANDERSON HAD BEEN TAKEN INTO
5 CUSTODY OR THAT THERE WAS A WARRANT ISSUED FOR HIS
6 ARREST.

7 THE COURT: ALL RIGHT, ANY OTHER BASES
8 UPON WHICH YOU WOULD OBJECT TO THEIR POSITION SO
9 THAT I CAN...

10 MR. SWERLING: WELL, I THINK MR.
11 HARPOOTLIAN IS CORRECT. THEY'VE GOT TO MAKE A
12 SHOWING THAT HE ABANDONED THE VEHICLE BEFORE
13 THEY...

14 THE COURT: I UNDERSTAND...

15 MR. SWERLING: NO, YOU ASKED US FOR OUR
16 POINTS.

17 THE COURT: I'M JUST LOOKING FOR YOUR
18 POINTS. I KNOW WE'VE GOT TO TAKE TESTIMONY.

19 MR. SWERLING: JUST THE DESCRIPTION OF
20 THE PROPERTY ALONE, YOUR HONOR, I THINK UNDER STATE
21 VERSUS WINBORNE AND THE CASES THAT TALK ABOUT
22 STALENESS, THERE'D BE NO EXPECTATION--I MEAN,
23 REMEMBER THIS IS THIRTEEN MONTHS AFTER MR. ANDERSON
24 WOULD EVEN CONTEND HE WAS IN THAT VEHICLE.

25 THE COURT: ANYBODY KNOW WHAT YEAR THE

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1 TAG WAS ON THE CAR?

2 MR. MCMAHON: IT WAS A 1995, I BELIEVE,
3 YOUR HONOR.

4 THE COURT: OKAY, I'LL THINK ABOUT THAT
5 ONE. HOW ABOUT, GIVE ME, WHILE WE'RE ASKING ABOUT
6 IT, WHAT OTHER HEARINGS ARE WE GOING TO HAVE TO
7 HAVE? I KNOW WE'LL HAVE TO HAVE SOME LYLE
8 HEARINGS. WE'VE ALREADY TALKED ABOUT THAT.

9 MR. HARPOOTLIAN: MESSIAH.

10 THE COURT: MESSIAH. WHAT ELSE WE GOT
11 BESIDES THAT?

12 MR. MCMAHON: YOUR HONOR, WE HAVE A
13 CONSENT TO SEARCH MR. BECKHAM'S RESIDENCE WHERE WE
14 RECOVERED SOME TENNIS SHOES WITH WHAT HAD BEEN
15 IDENTIFIED THEREAFTER AS HUMAN BLOOD.

16 THE COURT: ALL RIGHT, WHO IS THAT
17 COMING IN THROUGH?

18 MR. MCMAHON: WE WOULD OFFER THE
19 CONSENT THROUGH AGENT TEMPLETON, BUT THE SHOES
20 THEMSELVES WOULD BE OFFERED THROUGH AGENT BLACK,
21 AND THE EXAMINATION, THE FORENSIC EXAMINATION WOULD
22 BE THROUGH AGENT SKRABA

23 MR. SWERLING: WOULD YOU IDENTIFY WHICH
24 CONSENT, BECAUSE WE'VE GOT...

25 MR. MCMAHON: THE ONE WITH AGENT

1 TEMPLETON FOR HIS RESIDENCE SIGNED ON THE MORNING
2 OF THE 13TH AT APPROXIMATELY FOUR O'CLOCK IN THE
3 MORNING.

4 MR. COULTER: STATE'S EXHIBIT NUMBER
5 SIXTEEN FOR IDENTIFICATION.

6 MR. SWERLING: IS THAT THE ONE AT 4:05?

7 MR. MCMAHON: YES, SIR.

8 THE COURT: IS THERE A CHALLENGE TO
9 THAT ONE?

10 MR. HARPOOTLIAN: YES, SIR.

11 MR. SWERLING: YES, WE WOULD PROBABLY
12 HAVE TO TAKE SOME TESTIMONY ON THAT TOO, YOUR
13 HONOR, ON THE SAME ISSUE, BASICALLY WHAT YOU HEARD.

14 THE COURT: SO MR. TEMPLETON IS GOING
15 TO BE YOUR FIRST WITNESS TOMORROW?

16 MR. MCMAHON: WELL, YOUR HONOR, AS I
17 UNDERSTAND CONSENT, THAT'S NOT AN ISSUE FOR THE
18 JURY.

19 THE COURT: YEAH, BUT YOU'RE GOING TO
20 OFFER THE TENNIS SHOES IN TOMORROW THROUGH BLACK.

21 MR. MCMAHON: OH, YES, SIR. I THOUGHT
22 YOU MEANT WE WERE GOING TO DO IT TONIGHT AS OPPOSED
23 TO IN THE MORNING.

24 THE COURT: WELL, I'D LOVE TO DO IT
25 RIGHT NOW BUT THE PROBLEM IS THAT YOU CAN'T,

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1 WHATEVER BLACK IS GOING TO PHYSICALLY OFFER INTO
2 EVIDENCE, YOU KNOW, WE'VE GOT TO GET THAT ISSUE
3 COVERED BEFORE YOU PUT HIM UP.

4 MR. JONES: YES, SIR, TEMPLETON IS
5 HERE.

6 MR. MCMAHON: I THOUGHT WE WERE GOING
7 TO PUT HIM UP.

8 THE COURT: WELL, I'M READY TO DO IT.
9 HERE'S WHAT I'M TRYING TO GET YOU FOLKS TO DO.
10 BLACK'S A LONG WITNESS AND I WANT TO BE READY TO GO
11 WITH HIM TOMORROW. AND SO WHATEVER I NEED TO DO TO
12 GET HIM READY, I WANT TO DO IT RIGHT NOW.

13 MR. JONES: GO AHEAD WITH AGENT
14 TEMPLETON?

15 THE COURT: YEAH.

16 SANDY TEMPLETON, BEING DULY
17 SWORN, TESTIFIED AS FOLLOWS:

18 MR. MCMAHON: MAY IT PLEASE THE COURT?

19 THE COURT: YES, SIR.

20 DIRECT EXAMINATION:

21 BY MR. MCMAHON:

22 Q SIR, WOULD YOU IDENTIFY YOURSELF FOR
23 THE RECORD, PLEASE?

24 A SANDY TEMPLETON.

25 Q BY WHOM ARE YOU EMPLOYED?

- 1 A STATE LAW ENFORCEMENT DIVISION.
- 2 Q AND AGENT TEMPLETON, HOW LONG HAVE YOU
- 3 BEEN EMPLOYED WITH THE STATE LAW ENFORCEMENT
- 4 DIVISION?
- 5 A FIFTEEN YEARS.
- 6 Q IN WHAT PARTICULAR AREA OR AREAS ARE
- 7 YOU ASSIGNED?
- 8 A WE'RE ASSIGNED TO THE PIEDMONT REGION,
- 9 CRIMINAL INVESTIGATIONS.
- 10 Q NOW, SIR, DID YOU HAVE OCCASION TO BE
- 11 ASSIGNED TO THE INVESTIGATION INTO THE DEATH
- 12 VICTORIA LANDER BECKHAM?
- 13 A YES, SIR.
- 14 Q AND WHEN WERE YOU FIRST ASSIGNED TO
- 15 THAT PARTICULAR INVESTIGATION, AGENT?
- 16 A I GOT THE CALL ON SUNDAY NIGHT. I
- 17 ARRIVED HERE IN NEWBERRY SOMEWHERE AROUND MIDNIGHT.
- 18 Q AND SUNDAY NIGHT OF WHAT DATE?
- 19 A THAT WOULD HAVE BEEN JUNE THE 13TH.
- 20 Q SO THAT WOULD HAVE BEEN THE SAME NIGHT
- 21 THAT HER CAR HAD BEEN DISCOVERED AND MS. BECKHAM'S
- 22 BODY HAD BEEN DISCOVERED?
- 23 A THAT'S CORRECT.
- 24 Q AND YOU REMAIN INVOLVED IN THE
- 25 INVESTIGATION FROM THAT TIME FORWARD?

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1 A YES, SIR.

2 Q ALL RIGHT. NOW, SIR, WHEN YOU SAY YOU
3 ARRIVED IN NEWBERRY SPECIFICALLY WHERE IN NEWBERRY
4 DID YOU GO?

5 A I WENT TO MOUNTAIN ROAD, LITTLE
6 MOUNTAIN.

7 Q AND THEREAFTER WHERE DID YOU GO?

8 A CAME BACK TO THE NEWBERRY SHERIFF'S
9 DEPARTMENT.

10 Q APPROXIMATELY WHAT TIME DID YOU ARRIVE
11 BACK AT THE NEWBERRY SHERIFF'S OFFICE?

12 A PROBABLY SOMEWHERE AROUND 3:30, THAT
13 WAS JUST GUESSING, A.M.

14 Q WERE THERE ANY OTHER OFFICER OR
15 OFFICERS WITH YOU ON THIS PARTICULAR INVESTIGATION?

16 A YES, SIR, THERE WERE A NUMBER OF PEOPLE
17 ASSIGNED THERE.

18 MR. SWERLING: JUDGE, WITH THE COURT'S
19 PERMISSION...

20 THE COURT: YES, SIR.

21 MR. SWERLING: EXCUSE ME, MR. MCMAHON.

22 WE HAVE DISCUSSED THAT WITH MR. BECKHAM. THIS
23 PARTICULAR SEARCH, IF YOUR HONOR WILL LOOK AT THE
24 FORM. IT IS A LITTLE BIT MORE DETAILED THAN THE
25 ONE WE WERE DEALING WITH BEFORE AND HE ACKNOWLEDGES

1 THAT HE HAD, HE KNEW HE HAD A RIGHT TO REFUSE THIS
2 SEARCH. SO WE'RE NOT GOING TO MAKE AN ISSUE ON
3 THIS ONE. YOUR HONOR WILL SEE IT'S A DIFFERENT
4 FORM.

5 THE COURT: ALL RIGHT.

6 MR. MCMAHON: SO AS I UNDERSTAND IT,
7 YOUR HONOR, THEY STIPULATE THAT MR. BECKHAM
8 CONSENTED, VOLUNTARILY CONSENTED UNDER WHATEVER THE
9 APPROPRIATE CONSTITUTIONAL STANDARDS WHICH I KNOW
10 YOU KNOW MUCH BETTER THAN I, TO THE SEARCH OF HIS
11 RESIDENCE?

12 THE COURT: TO THAT SEARCH, WHICH WILL
13 YIELD THE SHOES THROUGH BLACK.

14 MR. MCMAHON: AND JUST SHOWING THE
15 OFFICER THIS PARTICULAR STATEMENT FOR
16 IDENTIFICATION, NUMBER SIXTEEN?

17 Q THAT WAS THE DOCUMENT THAT Y'ALL HAD
18 THAT THE DEFENDANT VOLUNTARILY SIGNED FOR CONSENT
19 TO SEARCH HIS RESIDENCE?

20 A YES, SIR, THIS IS MY HANDWRITING OVER
21 HERE. YES SIR.

22 THE COURT: ALL RIGHT, MARK THAT AS A
23 COURT EXHIBIT AT THIS TIME.

24 COURT REPORTER: NUMBER SIX.

25 THE COURT: ALL RIGHT. NOW, ANYBODY

1 NEED AGENT TEMPLETON ANYMORE? ALL RIGHT, THANK
2 YOU, SIR. YOU CAN STEP DOWN.

3 ALL RIGHT, ANYTHING ELSE I NEED TO TAKE
4 CARE OF SO THAT WHEN WE START AT NINE O'CLOCK WE
5 ARE GOING TO HAVE THE JURY SITTING IN THE BOX WITH
6 AGENT BLACK ON THE STAND?

7 MR. MCMAHON: YOUR HONOR, I THINK THE
8 ONLY ISSUE OUTSTANDING I BELIEVE ON AGENT BLACK IS
9 THE SEARCH OF THE HONDA AUTOMOBILE THAT YOU SAID
10 YOU WOULD BE PONDERING...

11 THE COURT: YEAH, I'LL HAVE TO THINK
12 ABOUT THAT.

13 MR. MCMAHON: AND ONE ISSUE I'D LIKE TO
14 BRING OUT, YOUR HONOR, EVEN IF WE VIOLATED THE
15 KENTUCKY ISSUE WHICH I SUBMIT NO ONE IN THIS COURT-
16 -NO, I WON'T SAY THAT. I DO NOT KNOW WHAT THE
17 KENTUCKY PROCEDURE IS. I DON'T KNOW THE KENTUCKY
18 STATUTORY LAW. I SUBMIT THAT WOULD BE MINISTERIAL
19 AND WOULD NOT GO TO THE CONSTITUTIONAL VALIDITY OF
20 THE PRESENCE OR ABSENCE OF PROBABLE CAUSE. I ONLY
21 BRING THAT UP BECAUSE OF MR. SWERLING'S STATEMENT
22 THAT IF IT WAS NOT VALID IN THE STATE OF KENTUCKY
23 UNDER KENTUCKY LAW, I'M JUST SAYING I DON'T THINK
24 WE HAVE TO COMPLY WITH THAT BUT JUST WITH WHATEVER
25 THE PROBABLE CAUSE STANDARDS ARE.

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1 THANK YOU, YOUR HONOR.

2 THE COURT: WELL, IN HANDLING AGENT
3 BLACK TOMORROW THEN LET'S DO AS MUCH AS WE CAN WITH
4 HIM WITHOUT THAT ISSUE DEVELOPING, AND THEN WE MAY
5 HAVE TO STOP AND I'LL TRY TO HAVE AN ANSWER BY THE
6 TIME WE GET TO IT, OR WE'LL HAVE TO TAKE SOME
7 ADDITIONAL TESTIMONY OR WHATEVER.

8 SO WE START BACK AT NINE O'CLOCK IN THE
9 MORNING WITH THE JURY, AND I HAD INDICATED TO THE
10 SLED TEAM AS FAR AS MR. BECKHAM'S CONCERNED, THEY
11 WILL HONOR THE REQUEST TO HAVE HIM HERE AT A
12 CERTAIN TIME. BUT WHEN HE IS HERE, HE IS IN THE
13 CUSTODY OF THE SHERIFF.

14 MR. SWERLING: YES, SIR, WE UNDERSTAND.

15 MR. HARPOOTLIAN: YOUR HONOR, ONE OTHER
16 MINISTERIAL MATTER...

17 MR. SWERLING: WELL, WE CAN TALK OFF
18 THE RECORD.

19 MR. HARPOOTLIAN: OKAY, WE'LL TALK
20 ABOUT IT BACK IN CHAMBERS.

21 THE COURT: ALL RIGHT. WELL, WE'LL SEE
22 YOU HERE AT NINE O'CLOCK IN THE MORNING THEN.
23 EVERYBODY REMEMBER THE GAG ORDER IS IN PLACE.

24 (COURT RECESSED FOR EVENING 7:00 P.M.)

25 (FRIDAY, SEPTEMBER 20TH, 1996, COURT

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1 RECONVENED AT 9:05 A.M.)

2 THE COURT: ANY OBJECTION TO THE PRESS
3 HAVING A COPY OF THE STATE'S WITNESS LIST FOR
4 SPELLING PURPOSES?

5 MR. SWERLING: NO OBJECTION.

6 THE COURT: ALL RIGHT, SOLICITOR, MR.
7 SWERLING, ARE Y'ALL READY TO PROCEED?

8 MR. SWERLING: YES, SIR.

9 MR. JONES: YES, SIR.

10 THE COURT: STATE WAIVE POLLING OF THE
11 JURY, MR. SOLICITOR, OR DO YOU WANT THE JURY
12 POLLED?

13 MR. JONES: YES, SIR. WAIVE.

14 THE COURT: YOU WAIVE POLLING, MR.
15 SWERLING?

16 MR. SWERLING: WAIVE.

17 THE COURT: ALL RIGHT, LET'S BRING THE
18 JURY IN.

19 (JURY BROUGHT TO THE OPEN COURTROOM AT
20 9:09 A.M.)

21 THE COURT: ALL RIGHT, GOOD MORNING,
22 LADIES AND GENTLEMEN OF THE JURY PANEL. ALL RIGHT,
23 EVERYBODY HAD A GOOD EVENING, I HOPE. SLED TELLS
24 ME YOU'RE DOING OKAY.

25 FORELADY: YOUR HONOR, MAY I ASK A

1 COUPLE OF QUESTIONS?

2 THE COURT: WOULD YOU WRITE THEM OUT
3 RATHER THAN...

4 FORELADY: WRITE THEM OUT?

5 THE COURT: YES, MA'AM. IS IT
6 SOMETHING YOU NEED ANSWERED RIGHT NOW OR AT THE
7 BREAK? ALL RIGHT, JUST WRITE THEM OUT AND GIVE
8 THEM TO ME AND I'LL BE GLAD TO DEAL WITH THOSE AS
9 WE GO. AND ANYTIME THERE IS A QUESTION, IT WOULD
10 BE HELPFUL IF YOU WOULD ACTUALLY WRITE IT OUT SO
11 THAT I KNOW IN ADVANCE BEFORE IT'S PUBLISHED AS TO
12 WHAT YOUR QUESTION IS. IT MAY BE SOMETHING THE
13 PUBLIC IS ENTITLED TO KNOW AND IT MAY BE SOMETHING
14 THEY'RE NOT ENTITLED TO KNOW.

15 ALL RIGHT, SOLICITOR, CALL YOUR NEXT
16 WITNESS, PLEASE.

17 MR. JONES: YOUR HONOR, STATE CALLS
18 CHARLES SHEALY TO THE STAND.

19 CHARLES SHEALY, BEING DULY
20 SWORN, TESTIFIES AS FOLLOWS:

21 DIRECT EXAMINATION:

22 BY MR. JONES:

23 Q MR. SHEALY, WHERE DO YOU WORK?

24 A I WORK WITH SOUTH CAROLINA ELECTRIC AND
25 GAS COMPANY.

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1 Q AND WHERE DO YOU LIVE?

2 A I LIVE IN LITTLE MOUNTAIN.

3 Q I'LL ASK YOU ABOUT THE EVENING OF JUNE
4 12TH, 1994. DO YOU RECALL WHERE YOU WERE ABOUT
5 NINE OR NINE-THIRTY THAT EVENING?

6 A IN THE NEIGHBORHOOD OF NINE TO NINE-
7 THIRTY, I WAS HOME.

8 Q ALL RIGHT, TELL US WHAT YOU DID EIGHT-
9 THIRTY AND NINE-THIRTY THAT EVENING.

10 A BETWEEN EIGHT-THIRTY AND NINE-THIRTY
11 THAT EVENING I WAS WATCHING TV AS A MATTER OF FACT.

12 Q DID YOU HAVE OCCASION TO GO TO THE
13 LITTLE MOUNTAIN ROAD AREA, MOUNTAIN ROAD?

14 A YES, SIR, I DID.

15 Q AND WHEN WAS THAT?

16 A IT WAS BETWEEN NINE-THIRTY AND TEN
17 O'CLOCK.

18 Q TELL THE JURY WHAT YOU DID AND WHAT YOU
19 OBSERVED WHEN YOU WERE ON MOUNTAIN ROAD BETWEEN
20 NINE-THIRTY AND TEN O'CLOCK.

21 A BETWEEN NINE-THIRTY AND TEN O'CLOCK, I
22 WAS JOURNEYING AROUND THE MOUNTAIN ON MOUNTAIN ROAD
23 AND AS I WENT OVER THE HILL AND DOWN THE HILL, I
24 NOTICED A MIDDLE-AGED BLACK LADY BESIDE THE ROAD
25 WITH A CAR, AND ANOTHER CAR IN THE DITCH ON THE

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1 RIGHT SIDE.

2 WHEN EVER I SAW THE LADY, SHE FLAGGED
3 ME DOWN AND I SLOWED DOWN AND SHE ASKED ME IF I HAD
4 A PHONE IN MY CAR. I SAID, "YES, I DO." AND SHE
5 SAID, "I BELIEVE THAT THERE'S SOMEONE THAT'S HURT
6 IN THIS CAR THAT'S IN THE DITCH." SO I IMMEDIATELY
7 TURNED AROUND AND WENT TO LITTLE MOUNTAIN AND WHEN
8 I GOT TO LITTLE MOUNTAIN, I FOUND AN INDIVIDUAL
9 THAT WORKED WITH EMS, TOLD HIM THERE WAS AN
10 ACCIDENT ON THE MOUNTAIN, AND I TURNED AROUND AND
11 WENT BACK TO THE SCENE.

12 Q HOW FAR, APPROXIMATELY, IS LITTLE
13 MOUNTAIN FROM THE SCENE THAT YOU WERE AT?

14 A BETWEEN A MILE AND A MILE AND A HALF.

15 Q AND WHAT DID YOU DO WHEN YOU GOT TO
16 LITTLE MOUNTAIN AGAIN?

17 A WHEN I GOT TO LITTLE MOUNTAIN, I SAW AN
18 INDIVIDUAL THAT WORKED WITH EMS AND I TOLD HIM
19 THERE WAS AN ACCIDENT ON THE SCENE, AND HE WENT
20 INTO THE STORE TO MAKE A PHONE CALL. I SAW HIM GO
21 IN THE STORE. HE WENT IN THE STORE, WHETHER HE
22 MADE A PHONE CALL OR NOT, I DON'T KNOW BUT HE WENT
23 IN THE STORE. AND I TURNED LEFT AND WENT BACK TO
24 THE SCENE.

25 Q WHAT DID YOU DO WHEN YOU GOT BACK TO

1 THE SCENE?

2 A WHEN I GOT BACK TO THE SCENE, I PULLED
3 DOWN BELOW THE CAR AND I GOT OUT. I WALKED UP TO
4 THE CAR BECAUSE I THOUGHT THE LADY OR WHOEVER WAS
5 IN THE CAR, I DIDN'T KNOW AT THE TIME, WAS HURT.
6 WHEN I LOOKED IN, THE CAR WAS RUNNING AND THE
7 LIGHTS WERE ON AND IT WAS SITTING IN THE DITCH. SO
8 TO KEEP THE CAR FROM CATCHING ON FIRE, I REACHED IN
9 AND CUT THE CAR OFF SO IT WOULDN'T RUN.

10 Q I HAND YOU STATE'S EVIDENCE NUMBER TWO.
11 DO YOU RECOGNIZE WHAT IS DEPICTED THERE?

12 A YES, SIR, I DO.

13 Q AND WHAT IS THAT?

14 A THAT IS THE CAR.

15 Q NOW, WHAT DIRECTION IS THAT CAR FACING,
16 DOWN THE HILL OR UP THE HILL?

17 A IT WAS FACING ON A SLANT DOWNHILL ON
18 THE RIGHT SIDE DITCH.

19 Q ON THE RIGHT SIDE DITCH?

20 A YES, SIR.

21 Q AS YOU GO DOWN THE HILL, THE DIRECTION
22 THAT THIS CAR IS FACING, WHAT'S ON THE LEFT SIDE OF
23 THE ROAD?

24 A THE LEFT SIDE OF THE ROAD, IT SLANTS
25 OFF AND GOES DOWN THE MOUNTAIN SIDE.

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1 Q DOWN THE MOUNTAIN SIDE?
2 A YES, SIR, THAT'S WHAT WE CALL THE
3 MOUNTAIN SIDE.
4 Q DID YOU TOUCH THE PERSON INSIDE THE
5 CAR?
6 A NO, SIR, I DID NOT.
7 Q DID YOU TOUCH THE CAR?
8 A YES, I DID.
9 Q WHERE DID YOU TOUCH THE CAR?
10 A I DON'T REMEMBER ALL THE PLACES BUT I
11 DO REMEMBER REACHING IN AND CUTTING THE CAR OFF. I
12 DID NOT OPEN THE DOOR.
13 Q DID YOU STAY ON THE SCENE FOR SOME
14 TIME?
15 A I STAYED THERE FOR I'M GOING TO SAY
16 FIFTEEN OR TWENTY MINUTES. I STAYED UNTIL EMS
17 ARRIVED.
18 Q DID OTHERS COME TO THE SCENE? WERE
19 OTHERS AT THE SCENE WHILE YOU WERE THERE?
20 A WHEN I ARRIVED THE FIRST TIME, IT WAS
21 JUST THE LADY, MIDDLE-AGED BLACK LADY, AND THE
22 SECOND TIME I ARRIVED THERE WERE TWO BLACK
23 INDIVIDUALS THERE AND IT WAS NO MORE THAN THREE OR
24 FOUR MINUTES BEFORE THE EMS ARRIVED BEHIND ME AND
25 THEN I THINK THE FIRE TRUCK ARRIVED BEHIND THEM.

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1 AND THEN IT MUST HAVE BEEN ANYWHERE FROM TEN TO
2 FIFTEEN PEOPLE THAT CAME WITH THAT, WITH EMERGENCY
3 SERVICES.

4 Q WERE YOU LATER FINGERPRINTED BY LAW
5 ENFORCEMENT?

6 A YES, SIR, I WAS.

7 Q AND WHERE WAS THAT DONE?

8 A THAT WAS DONE AT SLED HEADQUARTERS.

9 Q ANSWER ANY QUESTIONS THESE LAWYERS MAY
10 HAVE FOR YOU.

11 THE COURT: ALL RIGHT, CROSS
12 EXAMINATION, MR. HARPOOTLIAN.

13 MR. HARPOOTLIAN: MAY IT PLEASE THE
14 COURT, YOUR HONOR?

15 CROSS EXAMINATION:

16 BY MR. HARPOOTLIAN:

17 Q GOOD MORNING, MR. SHEALY.

18 A GOOD MORNING, SIR.

19 Q MY NAME IS DICK HARPOOTLIAN AND I
20 REPRESENT MR. BECKHAM OVER HERE. I DON'T BELIEVE
21 WE'VE MET BEFORE, HAVE WE?

22 A NO, I DON'T THINK SO.

23 Q OKAY. LET ME REFER YOU TO STATE'S
24 EXHIBIT NUMBER TWO WHICH I BELIEVE THE SOLICITOR
25 JUST SHOWED YOU, MR. JONES JUST SHOWED YOU. DO YOU

- 1 DRIVE LITTLE MOUNTAIN ROAD A GOOD BIT?
- 2 A YES, I DO.
- 3 Q IF YOU'RE GOING ON LITTLE MOUNTAIN,
- 4 WHERE DOES IT START AND WHERE DOES IT, I MEAN, WHAT
- 5 IS IT, DOES IT GO FROM ONE TOWN TO ANOTHER? WHAT'S
- 6 ON ONE END OR THE OTHER? WHY WOULD YOU BE ON IT?
- 7 A IT STARTS ON HIGHWAY 76 WHICH IS IN
- 8 FRONT OF OLD TRINITY CHURCH. IF YOU STAY ON IT, IT
- 9 WILL TAKE YOU ALL THE WAY TO WHAT WE CALL THE
- 10 MACEDONIA CHURCH ROAD BUT YOU WILL CROSS CROSS-
- 11 ROADS IN THE MEANWAY.
- 12 Q NOW, I'M NOT REAL FAMILIAR WITH
- 13 NEWBERRY COUNTY. AS A MATTER OF FACT, I'M NOT
- 14 FAMILIAR WITH IT MUCH AT ALL. WE ARE IN THE TOWN
- 15 OF NEWBERRY RIGHT NOW. TELL ME, BASED ON WHERE WE
- 16 ARE RIGHT NOW, WHERE IS LITTLE MOUNTAIN ROAD,
- 17 SOUTH, NORTH, EAST, OR WEST?
- 18 A IT'S WEST.
- 19 Q WELL, MAYBE A BETTER WAY TO PUT IT
- 20 WOULD BE THIS, TOWARD COLUMBIA, OR TOWARD
- 21 SPARTANBURG/GREENVILLE....
- 22 A FROM HERE, IT'S TOWARDS COLUMBIA.
- 23 Q TOWARDS COLUMBIA. SO IS THAT SORT OF
- 24 TO THE EAST?
- 25 A I'M TRYING TO GET WHERE THE SUN SETS

- 1 HERE.
- 2 Q OKAY, SORT OF TO THE EAST. AND WHEN
- 3 YOU SAY IT GOES FROM, DOES IT START AT 76?
- 4 A YES, SIR.
- 5 Q SEVENTY-SIX IS THE HIGHWAY, SORT OF THE
- 6 BY-PASS OUT HERE, IS THAT RIGHT? OR AM I WRONG
- 7 ABOUT THAT?
- 8 A SEVENTY-SIX IS THE MAIN HIGHWAY THROUGH
- 9 GREENVILLE TO COLUMBIA. THE OLD MAIN HIGHWAY.
- 10 Q THE OLD MAIN HIGHWAY. SORT OF
- 11 PARALLELS I-26?
- 12 A RIGHT. YES, SIR.
- 13 Q SO IT COMES OFF THAT. DOES IT CROSS I-
- 14 26?
- 15 A DOES MOUNTAIN ROAD CROSS I-26?
- 16 Q YES.
- 17 A NOT TO MY KNOWLEDGE.
- 18 Q SO IT JUST SORT OF PARALLELS IT. I
- 19 MEAN THE 76 DOES. MOUNTAIN ROAD STAYS ON WHICH
- 20 SIDE OF I-26 FROM GOING TOWARD COLUMBIA?
- 21 A GOING TOWARD COLUMBIA, STAY ON THE
- 22 RIGHT SIDE.
- 23 Q THE RIGHT SIDE. DO YOU KNOW WHERE
- 24 PROSPERITY IS?
- 25 A YES, SIR.

- 1 Q DO YOU KNOW WHERE POMARIA IS?
- 2 A YES, SIR.
- 3 Q IS IT CLOSE TO THAT AREA OR NOT?
- 4 A PROSPERITY IS ABOUT SEVEN MILES FROM
- 5 LITTLE MOUNTAIN, POMARIA IS ABOUT FIVE MILES.
- 6 Q OKAY, AND ARE THEY ON THE SAME SIDE OF
- 7 I-26 OR NOT?
- 8 A NO, SIR, THEY'RE NOT.
- 9 Q SO PROSPERITY AND POMARIA ON ONE SIDE,
- 10 THAT WOULD BE IF YOU'RE GOING TOWARD COLUMBIA, ON
- 11 THE LEFT SIDE?
- 12 A NO, SIR. PROSPERITY, GOING TOWARD
- 13 COLUMBIA, PROSPERITY IS ON THE RIGHT SIDE. POMARIA
- 14 IS ON THE LEFT SIDE.
- 15 Q OKAY. BUT THIS AREA LITTLE MOUNTAIN
- 16 ROAD IS ON...
- 17 A ON THE RIGHT SIDE GOING TOWARD
- 18 COLUMBIA.
- 19 Q GOING TOWARD COLUMBIA. AND IF YOU GOT
- 20 ON THAT ROAD, YOU GET ON IT AT 76, WHERE DOES IT
- 21 END UP?
- 22 A SOMEWHERE ON MACEDONIA CHURCH ROAD.
- 23 Q AND WHERE DOES THE MACEDONIA CHURCH
- 24 ROAD GO?
- 25 A GOES TO MACEDONIA CHURCH AND BACK TO

1 PROSPERITY.

2 Q NOW, DOES THIS CAR IN STATE'S EXHIBIT
3 NUMBER TWO APPEAR AS YOU SAW IT, WITH THE HOOD UP
4 OR DOWN OR DO YOU REMEMBER?

5 A I DON'T REMEMBER THE HOOD BEING UP.

6 Q OKAY. AND LET ME ASK YOU ABOUT THIS
7 ROAD. ON THIS SIDE OF THE ROAD, THIS CAR IS IN THE
8 DITCH, IS THAT CORRECT?

9 A THAT'S RIGHT.

10 Q THAT WAS AFTER YOU FOUND IT?

11 A YES, SIR.

12 Q ON THE OTHER SIDE OF THE ROAD, WE SEE
13 SORT OF A LITTLE HILL WITH SOME TREES. ON THE
14 OTHER SIDE OF THE ROAD, IS IT THE SAME WAY OR DOES
15 IT DROP OFF?

16 A IT DOES DROP OFF.

17 Q SORT OF A CLIFF EFFECT? I MEAN, IS...

18 A IT'S A HILLSIDE.

19 Q HILLSIDE. SO THIS ROAD WAS CUT INTO
20 THE HILLSIDE AND WE'VE ALL DRIVEN ON ROADS THAT ARE
21 CUT INTO THE HILLSIDE. ON THE ONE SIDE IS THE HILL
22 AND ON THE OTHER SIDE IT DROPS OFF DOWN, I GUESS
23 THE ROAD MAYBE CURVES AROUND AND IT'S BELOW THE
24 ROAD DOWN THERE?

25 A THIS ROAD WENT TO THE RIGHT.

1 Q OKAY, SO THIS CAR, IF YOU WERE DRIVING
2 DOWN THIS ROAD AND YOUR BRAKES WENT OUT FOR
3 INSTANCE, IF YOU WANTED TO STOP YOUR CAR AND NOT
4 PUT YOURSELF IN DANGER, YOU'D GO ON THE SAME SIDE
5 THIS CAR IS. IF YOU WENT ON THE OTHER SIDE, YOU'D
6 GO OFF THE HILL?

7 A YOU CERTAINLY WOULD.

8 Q SO THIS IS WHAT WE WOULD CALL THE SAFE
9 SIDE OF THE...

10 A IF YOU WERE GOING DOWN THAT SIDE, YOU'D
11 HAVE TO GO TO THE DITCH ON THE RIGHT SIDE TO KEEP
12 FROM RUNNING OFF THE MOUNTAIN ON THE LEFT SIDE.

13 Q YOU'D GO OFF THE MOUNTAIN ON THE OTHER
14 SIDE OF THE ROAD?

15 A SURE.

16 Q NOW YOUR FINGERPRINTS, THE STATE HAS
17 ASKED YOU, THEY TOOK YOUR FINGERPRINTS, IS THAT
18 CORRECT?

19 A YES, SIR, THEY DID.

20 Q AND YOU HAD TOUCHED THAT CAR IN SOME
21 PLACES THAT NIGHT?

22 A YES, SIR, I DID.

23 MR. HARPOOTLIAN: BEG THE COURT'S
24 INDULGENCE FOR ONE MOMENT, PLEASE.

25 Q THANK YOU VERY MUCH. THAT'S ALL I HAVE.

1 THE COURT: ANYTHING ON REDIRECT,
2 SOLICITOR?
3 THE COURT: ALL RIGHT, SIR, YOU MAY
4 STEP DOWN.
5 ANY REASON WHY HE CAN'T BE RELEASED
6 FROM SUBPOENA?
7 MR. HARPOOTLIAN: NO OBJECTION.
8 MR. JONES: NONE, YOUR HONOR.
9 THE COURT: ALL RIGHT, WITHOUT
10 OBJECTION. THANK YOU, SIR.
11 CALL YOUR NEXT WITNESS, PLEASE.
12 MR. JONES: STATE CALLS LEWIS FRICK.
13 LEWIS FRICK, BEING DULY
14 SWORN, TESTIFIED AS FOLLOWS:
15 DIRECT EXAMINATION:
16 BY MR. JONES:
17 Q MR. FRICK, WHERE DO YOU WORK?
18 A AT THE V. C. SUMMER NUCLEAR STATION ON
19 WACKENHUT ON THE SECURITY FORCE.
20 Q AND WHAT IS YOUR JOB OUT THERE,
21 SECURITY FORCE?
22 A THAT'S CORRECT.
23 Q AND WHAT POSITION DO YOU HOLD WITH THE
24 SECURITY FORCE?
25 A I'M A TEAM LEADER. I'M OVER A SHIFT

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1 WITH SIXTEEN PEOPLE.

2 Q AND WHAT IS YOUR DAILY ROUTINE AS FAR
3 AS YOUR WORK IS CONCERNED? WHAT IS THE CRUX OF
4 YOUR WORK?

5 A WE DO PATROLS AND MAKE SECURITY CHECKS
6 IN DIFFERENT AREAS, BASICALLY ATTENTION TO DETAIL,
7 LOOK FOR ANYTHING UNUSUAL, MAKE MENTAL NOTES ABOUT
8 IT AND CHECK IT OUT.

9 Q WHERE DO YOU LIVE, MR. FRICK?

10 A I LIVE IN CHAPIN, JUST OUTSIDE LITTLE
11 MOUNTAIN.

12 Q DO YOU RECALL WHAT YOU WERE DOING ON
13 JULY 12TH, 1994?

14 A THAT EVENING I HAD TO WORK NIGHT
15 SHIFT...

16 Q JUNE 12TH, 1994.

17 A I HAD TO WORK NIGHT SHIFT THAT NIGHT
18 AND WENT TO WORK AS USUAL.

19 Q WELL, WHAT TIME WOULD YOU USUALLY BE AT
20 WORK WHEN YOU WERE WORKING NIGHT SHIFT?

21 A HAD TO BE OVER THERE AROUND SEVEN
22 O'CLOCK.

23 Q SEVEN O'CLOCK?

24 A THAT'S RIGHT.

25 Q AND IN ORDER TO GET FROM WHERE YOU WERE

1 TO WORK, WOULD YOU RIDE MOUNTAIN ROAD?

2 A YES, I DO. I LIVE ON ONE END OF
3 MOUNTAIN, THE OPPOSITE END OF MOUNTAIN ROAD FROM
4 LITTLE MOUNTAIN.

5 Q SO WERE YOU DRIVING UP MOUNTAIN ROAD ON
6 THE WAY TO WORK?

7 A THAT'S CORRECT. I DROVE FROM MY HOUSE
8 TO LITTLE MOUNTAIN. THAT IS THE ROAD THAT I WOULD
9 TRAVEL.

10 Q WELL, WHAT TIME, ON JUNE 12TH, 1994,
11 WERE YOU ON MOUNTAIN ROAD?

12 A I ALWAYS LEAVE MY HOUSE 6:30 OR 6:35.
13 IT TAKES PROBABLY FOUR MINUTES TO GET TO LITTLE
14 MOUNTAIN, SO 6:35, 6:40 IN THE EVENING.

15 Q SIX, THIRTY-FIVE OR SIX-FORTY?

16 A THAT'S CORRECT.

17 Q AS YOU WERE DRIVING MOUNTAIN ROAD AT
18 6:35 OR 6:40, JUNE 12TH, 1994, DID YOU OBSERVE
19 ANYTHING UNUSUAL?

20 A THERE WAS A CAR SITTING ON THE RIGHT
21 SIDE OF THE ROAD AS I WAS HEADED TOWARD LITTLE
22 MOUNTAIN. JUST PULLED OVER TO THE SIDE OF THE
23 ROAD.

24 Q WHAT DIRECTION WAS IT FACING?

25 A IT WAS FACING TOWARD LITTLE MOUNTAIN.

1 Q UP THE HILL OR DOWN THE HILL?

2 A GOING UP THE HILL TOWARD LITTLE
3 MOUNTAIN.

4 Q DID YOU MAKE NOTE OF THE AUTOMOBILE,
5 THIS CAR YOU SAW?

6 A YES. THE FIRST CAR I HAD WAS ONE VERY
7 SIMILAR TO THAT SO I STARTED SLOWING DOWN. I
8 THOUGHT IT HAD A FLAT TIRE BECAUSE THE FRONT FENDER
9 WAS SITTING DOWN AND I THOUGHT MAYBE SOMEBODY JUST
10 WANTED HELP CHANGE THAT TIRE, WHAT-HAVE-YOU, SO I
11 SLOWED DOWN AND OBSERVED THE CAR AS I WENT BY.

12 Q WHAT DID YOU OBSERVE ABOUT THE CAR, IF
13 ANYTHING?

14 A IT WAS A LATE SEVENTY OR EARLY EIGHTY
15 GRAND PRIX, GOLD, SORT OF COPPER IN COLOR. WASN'T
16 WELL KEPT AT ALL. PAINT JOB VERY BAD, FADED, BAD
17 FENDER, HAD TIRES, WERE OLD BLACKWALL TIRES, SOME
18 TYPE OF MAG WHEEL ON IT. HAD THE GRAND PRIX EMBLEM
19 FOR A TAILLIGHT BECAUSE LIKE I SAY, I HAD ONE
20 SIMILAR TO THAT. MINE WAS AN OLDSMOBILE AND ONE OF
21 THE BIG DIFFERENCE WAS THE TAILLIGHTS OF THE
22 VEHICLE. HAD THE GRAND PRIX EMBLEM IN THE
23 TAILLIGHT.

24 Q DID YOU SEE ANY PEOPLE?

25 A NO, SIR. AS I DROVE BY, YOU KNOW, I

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1 GLANCED, JUST RIDING BY I GLANCED INTO THE VEHICLE
2 TO SEE IF SOMEONE NEEDED HELP. I DIDN'T SEE ANYONE
3 AROUND THE CAR.

4 Q SO YOU WERE LOOKING FOR PEOPLE?

5 A YES, SIR.

6 Q AND YOU DIDN'T SEE ANY?

7 A THIS IS AN ISOLATED AREA. SOMEONE NOT
8 FAMILIAR WITH THE AREA,--AND I'D NEVER NOTICED THAT
9 CAR AROUND TOWN ANYWHERE BEFORE,--THEY MAY, YOU
10 KNOW, MAY HAVE JUST BEEN SITTING IN THE CAR HOPING
11 SOMEONE WOULD STOP. I WAS JUST SEEING IF I COULD
12 HELP.

13 Q I HAND YOU STATE'S EVIDENCE NUMBER
14 TWENTY AND ASK YOU IF YOU RECOGNIZE WHAT'S DEPICTED
15 IN THAT PHOTOGRAPH?

16 A THAT'S A SECTION OF MOUNTAIN ROAD.

17 Q IS THE AUTOMOBILE THAT YOU SAW PARKED
18 ON MOUNTAIN ROAD, WOULD IT HAVE BEEN PICTURED IN
19 THAT PHOTOGRAPH ANYWHERE? WOULD YOU POINT OUT
20 WHERE THAT CAR WAS PARKED?

21 A IT WOULD HAVE BEEN...I DON'T KNOW HOW
22 FAR UP BUT IT WOULD HAVE BEEN UP ON THE OPPOSITE
23 SIDE OF THE ROAD FROM WHERE THESE CONES ARE AT.

24 Q IF YOU WOULD, STEP DOWN AND SHOW THE
25 JURY WHERE YOU WERE DRIVING AND APPROXIMATELY WHERE

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1 THE AUTOMOBILE WAS PARKED THAT YOU OBSERVED ON THE
2 PHOTOGRAPH. JUST STEP DOWN AND POINT ON THAT
3 PHOTOGRAPH, TURN TO THEM SO THEY CAN SEE...

4 A OKAY. I WAS COMING DOWN AROUND THIS
5 CURVE, ENDED UP ON THE RIGHT-HAND SIDE. ON THIS
6 SIDE OVER HERE. I DON'T KNOW IF YOU CAN SEE IT
7 OVER HERE.

8 OKAY, I WAS COMING DOWN AROUND OVER
9 HERE ON THE RIGHT SIDE.

10 Q AND IS THIS APPROXIMATELY THE WAY IT
11 WOULD LOOK ON JUNE 12TH, 1994, AS FAR AS FOLIAGE
12 AND THAT SORT OF THING?

13 A YES, SIR.

14 Q NOW, MR. FRICK, DID YOU AT SOME POINT
15 IN TIME BRING TO THE AUTHORITIES' ATTENTION OF WHAT
16 YOU HAD OBSERVED BETWEEN 6:35 AND 6:40 ON JUNE 12,
17 1994?

18 A YES, I DID. I HAD TO WORK NIGHT SHIFT
19 FOR A FEW MORE NIGHTS BEFORE I GOT MY BREAK, AND
20 ONE NIGHT ON THE WAY HOME, SHERIFF FOSTER AND MR.
21 GILLIAM WAS BESIDE THE ROAD THERE AT THE SCENE WHEN
22 I WAS COMING BACK FROM WORK.

23 Q THIS WAS THE NEXT DAY OR A COUPLE OF
24 DAYS LATER, DO YOU RECALL?

25 A NO MORE THAN A DAY OR TWO. I DON'T

1 KNOW IF IT WAS THE NEXT MORNING.

2 Q ALL RIGHT, GO AHEAD.

3 A SO I PULLED OVER IN FRONT OF THEIR
4 VEHICLE AND I JUST GOT OUT AND TOLD THEM THAT I HAD
5 SEEN A CAR THERE, YOU KNOW, ON THAT NIGHT.

6 Q DID YOU TELL THEM THE DETAILS THAT YOU
7 COULD RECALL ABOUT THE CAR THAT YOU HAD SEEN?

8 A YES, I TOLD THEM THE APPROXIMATE YEAR
9 MODEL, LATE SEVENTY OR EARLY EIGHTIES, GRAND PRIX,
10 AND IT WAS GOLD IN COLOR. AND THE DETAILS THAT I
11 MENTIONED BEFORE.

12 Q AT SOME POINT IN TIME LATER, DID YOU
13 HAVE AN OPPORTUNITY TO MEET WITH THE AUTHORITIES TO
14 OBSERVE A VEHICLE?

15 A WELL, I GOT CALLED TWICE, ONCE THEY
16 CALLED TO SHOW ME PICTURES OF A VEHICLE BUT THAT
17 WASN'T THE ONE I'D SEEN. AND THEN SOMETIME LATER,
18 MONTHS AHEAD, THEY CALLED AND SAID THEY HAD A
19 VEHICLE AT SLED AND WAS WANTING TO KNOW IF I WOULD
20 TAKE A LOOK AT IT.

21 Q ALL RIGHT, DO YOU RECALL WHEN THAT WAS
22 THEY ASKED YOU COME TO SLED AND TAKE A LOOK AT A
23 VEHICLE?

24 A NO, SIR, I DON'T RECALL WHAT MONTH THAT
25 WAS.

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1 Q BUT IT WAS MONTHS LATER?

2 A IT WAS A GOOD WHILE LATER, YES.

3 Q I HAND YOU STATE'S EXHIBIT THIRTY-SIX
4 AND ASK IF YOU CAN IDENTIFY WHAT'S DEPICTED IN THAT
5 PHOTOGRAPH?

6 MR. HARPOOTLIAN: COULD I SEE THOSE
7 BRIEFLY? I KNOW THEY'VE ALL BEEN MARKED. I JUST
8 WANT TO...NO PROBLEM. THANK YOU.

9 Q STATE'S EXHIBIT IN EVIDENCE NUMBER
10 THIRTY-SIX.

11 A YES, SIR, THAT'S THE CAR I SAW THAT
12 NIGHT BESIDE THE ROAD.

13 Q STATE'S EXHIBIT EVIDENCE NUMBER THIRTY-
14 SEVEN?

15 A YES, SIR, THAT'S IT.

16 Q NOW, IS THERE ANYTHING DEPICTED IN THIS
17 PHOTOGRAPH THAT YOU MENTIONED IN YOUR TESTIMONY
18 THAT YOU NOTICED?

19 A YES, SIR, THE FRONT FENDER IS STILL
20 SITTING DOWN. I DON'T KNOW IF IT'S BAD SHOCK, BAD
21 SPRING, WHAT CAUSED...

22 Q IF YOU WOULD, STEP DOWN AND SHOW THAT
23 TO THE JURY AND EXPLAIN TO THEM.

24 A I THOUGHT THE CAR HAD A FLAT TIRE BY
25 THE WAY THE FENDER SAT DOWN, AND IT'S GOT BLACK

1 TIRES. I COULDN'T REMEMBER WHAT TYPE MAG IT WAS,
2 JUST SOME TYPE OF MAG WHEEL.

3 Q THE AUTOMOBILE DEPICTED IN STATE'S
4 THIRTY-SIX AND THIRTY-SEVEN, DOES THAT APPEAR TO BE
5 THE SAME AUTOMOBILE THAT YOU OBSERVED AT SLED
6 HEADQUARTERS SOME MONTHS AFTER YOU'D GIVEN THIS
7 INFORMATION TO LAW ENFORCEMENT?

8 A YES, IT DOES.

9 Q NOW, WHAT WAS THE LIGHTING LIKE? WAS
10 IT DAYLIGHT WHEN YOU DROVE BY BETWEEN 6:30 AND 6:40
11 ON JUNE 12TH, 1994?

12 A YES, IT WAS VERY WELL DAYLIGHT. IT WAS
13 NO PROBLEM WITH LIGHTING.

14 Q DO YOU RECALL APPROXIMATELY WHAT TIME
15 IT WOULD BECOME DUSK OR DARK ON THAT DAY?

16 A ON THAT DAY IT WOULD BE EIGHT-THIRTY,
17 NINE, OR NINE-THIRTY.

18 Q NOW DO YOU RECALL WHEN YOU DROVE BY
19 SEEING ANY OTHER AUTOMOBILES IN THE LOCATION OF THE
20 ONE THAT YOU DESCRIBED ON MOUNTAIN ROAD?

21 A NO, SIR. THAT WAS THE ONLY AUTOMOBILE
22 ON MOUNTAIN ROAD AT THAT TIME.

23 Q DID YOU SEE ANY ON THE RIGHT SIDE OF
24 THE ROAD OTHER THAN THE ONE YOU DESCRIBED?

25 A NO, SIR.

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1 Q DID YOU SEE ANY ON THE LEFT SIDE OF THE
2 ROAD GOING UP THE MOUNTAIN?
3 A NO, SIR.
4 Q WHAT'S ON THE LEFT SIDE OF THE ROAD OFF
5 THE ROAD TO THE IMMEDIATE LEFT AS YOU GO UP THE
6 MOUNTAIN?
7 A AS I'M HEADED TOWARD LITTLE MOUNTAIN?
8 Q YES, SIR.
9 A THE LEFT SIDE IS WHAT I CALL THE BANK
10 SIDE, STEEP INCLINE.
11 Q AND YOU DIDN'T OBSERVE ANY AUTOMOBILES
12 PARKED THERE AT THAT TIME?
13 A NO, SIR.
14 Q DID YOU OBSERVE THAT AREA OF THE ROAD?
15 A YES, SIR. I HAVE TO DRIVE RIGHT
16 THROUGH.
17 Q MR. FRICK, I WANT TO ASK YOU, ARE YOU
18 CERTAIN OF THE APPROXIMATE TIME YOU WENT UP?
19 A YES, SIR, VERY.
20 Q ANSWER ANY QUESTIONS EITHER ONE OF
21 THESE LAWYERS...
22 THE COURT: CROSS EXAMINATION, MR.
23 HARPOOTLIAN?
24 MR. HARPOOTLIAN: MAY IT PLEASE THE
25 COURT, YOUR HONOR.

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1 CROSS EXAMINATION:

2 BY MR. HARPOOTLIAN:

3 Q MR. FRICK, I JUST HAVE A FEW QUESTIONS.

4 YOU DID NOT GET A TAG NUMBER?

5 A NO, SIR.

6 Q OKAY. SO YOU'RE BASING YOUR

7 IDENTIFICATION OF THIS VEHICLE, AND IT'S A PRETTY

8 DISTINCTIVE LOOKING VEHICLE, IS THAT CORRECT, BASED

9 ON ITS APPEARANCE?

10 A YES, SIR, IT IS.

11 Q YOU ACTUALLY STOPPED WHEN YOU SAW THE

12 VEHICLE AND LOOK AT IT AND SEE IF THERE WAS A

13 PROBLEM OR DID YOU JUST DRIVE ON BY?

14 A NO, I SLOWED DOWN TO JUST A FEW MILES

15 PER HOUR AS I DROVE BY.

16 Q OKAY, TO SEE IF SOMEBODY NEEDED HELP?

17 A RIGHT.

18 Q DIDN'T SEE ANYBODY IN THE VICINITY?

19 A THAT'S CORRECT.

20 Q AND WAS THERE ANYTHING IN THE WINDOW OF

21 THE CAR?

22 A NOT TO MY RECOLLECTION, I DON'T RECALL.

23 Q OKAY, ANYTHING INDICATING IT WAS

24 DISABLED IN ANY WAY?

25 A NO, SIR.

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1 Q NEWSPAPER IN THE WINDOW MAYBE?

2 A NOT TO MY RECOLLECTION.

3 Q AND YOU INDICATED THE POLICE OVER A
4 PERIOD OF A YEAR SHOWED YOU PICTURES OF OTHER CARS?

5 A ONE OTHER TIME I WAS CALLED AND ASKED
6 ABOUT A VEHICLE WHICH THAT WAS NOT THE ONE THAT I
7 SAW. I DON'T KNOW IF IT WAS OVER A PERIOD OF A
8 YEAR, I DON'T KNOW WHAT DATES I WAS CALLED ON.

9 Q WAS IT THE VEHICLE THEY SHOWED YOU OR A
10 PICTURE OF A VEHICLE?

11 A THEY SHOWED ME A PICTURE OF A VEHICLE.

12 Q NOW, AND AGAIN IT MAY BE ME, I REFER
13 YOU TO STATE'S EXHIBIT NUMBER TWENTY-TWO WHICH IS A
14 PHOTOGRAPH THAT YOU'VE IDENTIFIED OF OLD MOUNTAIN
15 ROAD, IS THAT CORRECT?

16 A YES.

17 Q AND THERE ARE TWO RED CONES YOU SEE
18 HERE ON THE SIDE OF THE ROAD.

19 A THAT'S CORRECT.

20 Q THEY'RE IN THE PICTURE. WAS THE
21 VEHICLE THAT YOU SAW THAT DAY, WAS IT ON THAT SIDE
22 OF THE ROAD OR THE OTHER SIDE OF THE ROAD?

23 A IT WAS ON THE OPPOSITE SIDE. THERE'S A
24 PLACE FURTHER UP WHERE THE SHOULDER WIDENS OUT,
25 WIDE ENOUGH FOR A VEHICLE TO PARK.

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1 Q SO HOW FAR UP FROM WHERE THE RED CONES
2 WERE?

3 A MAYBE, I DON'T KNOW IF IT WAS MEASURED
4 IN YARD, A HUNDRED YARDS.

5 Q A HUNDRED YARDS. ABOUT THE LENGTH OF A
6 FOOTBALL FIELD?

7 A YES.

8 Q SO THE VEHICLE YOU SAW WOULD HAVE BEEN
9 GOING UP THE HILL?

10 A THAT'S CORRECT.

11 Q IN OTHER WORDS, FROM WHERE THE
12 PHOTOGRAPHER WAS IN THIS PICTURE, YOU'D BE HEADING
13 BACK UP TOWARD HIM?

14 A THAT'S RIGHT. I WOULD BE HEADING
15 TOWARD THE CAMERA, YES, SIR.

16 Q TOWARD THE CAMERA. UP ANOTHER HUNDRED
17 YARDS WOULD BE THE VEHICLE WE'RE TALKING ABOUT.

18 A THAT'S CORRECT.

19 Q ALL RIGHT, NOW, I NOTICE IN THIS
20 PICTURE THAT IF YOU GO DOWN THE HILL AWAY FROM THE
21 PHOTOGRAPHER, IT CURVES AROUND THE CORNER, IS THAT
22 CORRECT?

23 A THAT'S CORRECT.

24 Q AND THAT'S THE DIRECTION YOU CAME FROM,
25 IS THAT CORRECT?

- 1 A THAT'S CORRECT.
- 2 Q IS THERE A CROSS STREET OR A CROSSROAD
- 3 DOWN THERE ANYWHERE, ANYWHERE YOU CAN TURN OFF?
- 4 A NOT ANYWHERE CLOSE.
- 5 Q OKAY, HOW CLOSE?
- 6 A MILE AND A HALF IS PROBABLY THE
- 7 CLOSEST.
- 8 Q AND WHAT'S THE CROSSROAD?
- 9 A WHAT'S THE ROAD IF YOU'RE GOING AWAY
- 10 FROM THE MOUNTAIN, IT WOULD BE ON THE LEFT BUT I'M
- 11 NOT SURE WHAT THE NAME OF IT IS.
- 12 Q WHERE DOES IT GO, DO YOU KNOW?
- 13 A IT GOES BACK TOWARD CHAPIN. YOU KNOW,
- 14 BACK THROUGH SOME BACK WOODS THAT WOULD
- 15 EVENTUALLY...
- 16 Q WHAT ABOUT IF YOU WENT UP, CONTINUED
- 17 TOWARD THE PHOTOGRAPHER, IS THERE A CROSSROAD UP
- 18 THERE SOMEWHERE?
- 19 A THAT GOES, YOU KNOW, JUST ANOTHER MILE
- 20 OR SO AND YOU HIT HIGHWAY 76, MILE, MILE AND A
- 21 QUARTER, MILE AND A HALF.
- 22 Q YOU HIT 76 A MILE?
- 23 A THAT'S AN ESTIMATION, YES.
- 24 Q AND 76 IS BASICALLY, I THINK IT'S THE
- 25 OLD ROAD FROM GREENVILLE TO COLUMBIA, ISN'T IT?

- 1 A YES, SIR.
- 2 Q SO IT GOES JUST ABOUT ANYWHERE. AFTER
- 3 YOU SAW THAT VEHICLE, BEFORE YOU SAW THAT VEHICLE,
- 4 -- FIRST OF ALL, ARE THERE ANY RESIDENCES ON THIS
- 5 ROAD, PEOPLE LIVE THERE?
- 6 A NOT IN THAT VICINITY.
- 7 Q OKAY, HOW FAR AWAY?
- 8 A HALF A MILE, THREE-QUARTERS OF A MILE
- 9 THERE'S A FEW HOUSES RIGHT THERE.
- 10 Q OKAY, AND THIS WAS STILL IN THE
- 11 DAYLIGHT?
- 12 A THAT'S RIGHT.
- 13 Q DID YOU SEE ANYBODY ALONG THE ROAD AT
- 14 ANY POINT, OR DO YOU REMEMBER?
- 15 A NO, SIR. I DON'T RECALL ANYONE BEING
- 16 ON THE ROAD.
- 17 Q AND THIS WAS APPROXIMATELY 6:30 I THINK
- 18 YOU SAID?
- 19 A BETWEEN 6:30, QUARTER TO SEVEN; ABOUT
- 20 6:35, 6:40.
- 21 Q OKAY, AND YOU WERE THERE JUST A FEW
- 22 MINUTES AND DROVE ON, IS THAT CORRECT?
- 23 A THAT'S CORRECT.
- 24 Q THICK WOODS ON BOTH SIDES OF THE ROAD?
- 25 A THAT'S CORRECT.

1 Q IF SOMEONE HAD BEEN DOWN HERE ON THIS
2 SIDE, THEN THAT WOULD BE ON THE WHAT I WOULD CALL
3 THE CLIFF SIDE, THE DOWN SIDE, WOULD YOU HAVE BEEN
4 ABLE TO SEE THEM?

5 A IF THEY'D BEEN HIDING DOWN IN THE
6 DITCH?

7 Q YEAH.

8 A IN PLACES IT DROPS OFF STEEP ENOUGH YOU
9 WOULDN'T BE.

10 Q AND YOU WEREN'T LOOKING UP IN THE WOODS
11 TO SEE IF ANYBODY WAS UP IN THERE?

12 A NO, SIR.

13 Q AND I'M NOT SUGGESTING THERE WAS, I'M
14 JUST WONDERING WHAT YOUR FOCUS OF ATTENTION, YOUR
15 FOCUS OF ATTENTION WAS ON THE CAR, IS THAT CORRECT?

16 A THAT'S CORRECT.

17 Q YOU DIDN'T SEE ANYBODY AROUND THAT
18 LOOKED LIKE THEY'D HAD A FLAT TIRE; YOU WERE GOING
19 TO HELP THEM IF YOU COULD?

20 A THAT'S RIGHT.

21 Q NOW, THE AREA OF LITTLE MOUNTAIN ROAD,
22 THE SIDE THE CONES ARE ON IN THIS PICTURE. THAT, I
23 MEAN, IT'S A SIDE OF THE HILL ROAD, IS THAT
24 CORRECT? ON ONE SIDE THERE'S A HILL, ON THE OTHER
25 SIDE IT DROPS OFF?

1 A THAT'S CORRECT.

2 Q THE SIDE THE CONES ARE ON IS THE SIDE
3 OF THE HILL, IS THAT CORRECT?

4 A THAT IS CORRECT.

5 MR. HARPOOTLIAN: BEG THE COURT'S
6 INDULGENCE JUST ONE MOMENT, PLEASE.

7 Q THANK YOU.

8 THE COURT: REDIRECT?

9 MR. JONES: YES, YOUR HONOR.

10 THE COURT: ALL RIGHT, SIR.

11 REDIRECT EXAMINATION:

12 BY MR. JONES:

13 Q MR. FRICK, IN THE AREA THAT YOU
14 OBSERVED THE CAR DEPICTED IN STATE'S THIRTY-SIX
15 THAT YOU IDENTIFIED, THE AREA THAT YOU OBSERVED IT
16 PARKED, IF YOU HAD BEEN DRIVING IT DOWN THE HILL,
17 DOWN THE HILL INSTEAD OF UP THE HILL, WOULD THIS
18 AUTOMOBILE DEPICTED IN THIS PHOTOGRAPH, HAVE
19 PREVENTED YOU FROM DRIVING YOUR CAR OFF MOUNTAIN
20 ROAD AND DOWN THE RAVINE AFTER YOU PASSED IT?

21 A NO, SIR.

22 Q SO, IF YOU WERE GOING DOWN THE HILL...

23 A YES, SIR.

24 Q ...THE AUTOMOBILE DEPICTED IN STATE'S
25 EXHIBIT THIRTY-SIX WAS NOT POSITIONED TO PREVENT

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1 YOU OR ANYONE ELSE FROM DRIVING OFF OR PUSHING A
2 CAR OFF THE EDGE OF MOUNTAIN ROAD?

3 A NO, SIR. NO, IT WASN'T.

4 Q THERE WAS PLENTY OF ROOM TO DO THAT?

5 A YES, SIR.

6 Q NOW, IN THE DIRECTION THAT YOU WERE
7 DRIVING UP MOUNTAIN ROAD, THAT'S THE DIRECTION THIS
8 CAR WAS POINTED AND FACED IN?

9 A THAT'S CORRECT.

10 Q AND THAT'S THE DIRECTION YOU WOULD
11 DRIVE IN IF YOU WANTED TO GET TO I-26 TO GO TO
12 COLUMBIA?

13 A THAT'S CORRECT.

14 Q AND YOU MENTIONED THAT YOU HAD TO DRIVE
15 APPROXIMATELY A MILE FROM WHERE THIS AUTOMOBILE
16 DEPICTED IN STATE'S EXHIBIT THIRTY-SIX WAS PARKED
17 TO GET TO HIGHWAY 76?

18 A CORRECT.

19 Q AND THAT HIGHWAY 76 RUNS RIGHT THROUGH
20 LITTLE MOUNTAIN, DOESN'T IT?

21 A YES, IT DOES.

22 Q NOW, HOW WOULD YOU GET, ONCE YOU GOT TO
23 HIGHWAY 76 AND LITTLE MOUNTAIN, HOW FAR IS
24 INTERSTATE 26?

25 A FIVE MINUTES. MAYBE NOT THAT FAR.

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1 IT'S ACROSS 76 AND STRAIGHT ON UP 202.

2 Q SO TO GET FROM WHERE THIS CAR WAS
3 PARKED TO INTERSTATE 26, TELL THE JURY WHAT YOU
4 WOULD DO.

5 A YOU JUST CONTINUE IN THE DIRECTION IT
6 WAS POINTED, YOU'D CONTINUE UP TO THE STOP SIGN
7 APPROXIMATELY A MILE AWAY, TOOK A LEFT AND JUST
8 WITHIN A HUNDRED YARDS, YOU'D TURN BACK RIGHT ON
9 HIGHWAY 202 AND WENT JUST THREE OR FOUR MILES UP
10 202 AND YOU'D BEEN ON 26.

11 Q AND TO GET ON 26 TO GO TO COLUMBIA,
12 WHAT DO YOU DO? YOU'RE ON 202...

13 A ON HIGHWAY 202, YOU JUST TURN ONTO THE
14 ENTRANCE RAMP TO I-26 AND HEAD EAST.

15 Q TAKE A RIGHT AND HEAD EAST?

16 A HEAD EAST, THAT'S RIGHT.

17 Q FROM WHERE THIS CAR WAS PARKED?

18 A CORRECT.

19 Q THANK YOU.

20 THE COURT: ANYTHING ELSE, MR.

21 HARPOOTLIAN?

22 MR. HARPOOTLIAN: JUST A COUPLE OF
23 QUESTIONS, JUDGE.

24 RECROSS EXAMINATION:

25 BY MR. HARPOOTLIAN:

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1 Q I'M NOT FROM NEWBERRY SO EXCUSE ME IF I
2 SOUND A LITTLE BIT DENSE. LET ME SHOW YOU STATE'S
3 EXHIBIT NUMBER TWO. THAT VEHICLE, DOES THAT AREA
4 LOOK LIKE AN AREA ON MOUNTAIN ROAD? CAN YOU TELL?

5 A YES, IT'S GOT THE, GOT YOUR FERNS ON
6 IT. YES, IT IS.

7 Q I WANT YOU TO LOOK AT STATE'S EXHIBIT
8 NUMBER TWENTY-TWO, AND LOOK WHERE THE RED CONES
9 ARE. DOES THAT LOOK LIKE APPROXIMATELY THE SAME
10 AREA?

11 A YES, IT'S GOT THAT LARGE TREE THERE.
12 LOOKS THE SAME TO ME, YES, SIR.

13 Q OKAY, LET'S FOR THE PURPOSES OF MY
14 QUESTION, ASSUME THAT WHEN WE'RE LOOKING AT THE RED
15 CONED AREA IN TWENTY-TWO IT'S THE SAME AREA THAT
16 YOU SEE IN TWO. THAT IS THE RED CONED AREA WOULD
17 BE THE SAME AREA THAT WE SEE CLOSER UP IN TWO.

18 NOW HAVING DONE THAT, LET ME ASK YOU TO
19 STEP DOWN HERE, PLEASE. THE VEHICLE, IF THE
20 VEHICLE WAS SUCH AS THIS IN STATE'S EXHIBIT NUMBER
21 TWO, IS PARKED IN THE DITCH OVER HERE, IT'S HEADING
22 DOWN THE HILL IF IT WERE IN THIS PICTURE-- OKAY, I
23 THINK YOU TESTIFIED THE GOLD CAR WAS ABOUT A
24 HUNDRED YARDS UP THE ROAD, PARKED ON THE OPPOSITE
25 SIDE FROM THIS, IS THAT CORRECT?

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- 1 A THAT'S CORRECT.
- 2 Q NOW, IF A CAR WAS COMING DOWN THE HILL
- 3 AND YOU WANTED IT TO GO OFF THE CLIFF SIDE AS I
- 4 CALL IT, THAT WOULD BE THE OPPOSITE SIDE THAN THIS,
- 5 IS THAT CORRECT?
- 6 A THAT'S CORRECT.
- 7 Q IF IT'S IN THE ROAD YOU STEER ONE WAY
- 8 AND IT GOES OFF THE CLIFF SIDE, YOU STEER THE OTHER
- 9 WAY AND IT ENDS UP ON THIS SIDE, IS THAT CORRECT?
- 10 A THAT'S CORRECT.
- 11 Q ANYTHING IN THIS ROAD THAT WOULD
- 12 NATURALLY, IN ANY WAY THAT YOU SAW THAT WOULD PUSH
- 13 IT TOWARD THE HILLSIDE AS TOWARD THE CLIFF SIDE, I
- 14 MEAN, IF IT'S IN THE MIDDLE OF THE ROAD?
- 15 A NO, SIR.
- 16 Q AND IF IT GOES OFF THIS SIDE HERE, IS
- 17 THERE A STEEP DROP? IS THERE, YOU KNOW, TELL THE
- 18 JURY.
- 19 A THERE'S PLACES THAT'S PROBABLY FIFTEEN
- 20 OR TWENTY FEET DROP RIGHT OFF THE ROAD, RIGHT OFF
- 21 THE SHOULDER.
- 22 Q AND IT'S GOING DOWN A HILL?
- 23 A YES, SIR.
- 24 Q AND I SUPPOSE ONE PERSON, EVEN FROM THE
- 25 OUTSIDE OF THE VEHICLE, WOULD BE FAIRLY EASY JUST

- 1 TO, WITH THE CAR RUNNING AND IN GEAR, JUST TO TURN
2 THE WHEEL AND PUSH IT OFF THE CLIFF?
- 3 A I...
- 4 Q I MEAN, YOU'VE DRIVEN DOWN THAT ROAD?
- 5 A YEAH, I'VE DRIVEN DOWN IT.
- 6 Q IF YOU FELL ASLEEP AT THE WHEEL AND
7 LOST CONTROL, IT WOULD BE VERY EASY TO GO OFF THAT
8 CLIFF, WOULDN'T IT?
- 9 A YES, SIR. ONCE YOU TURN LOOSE THE
10 STEERING WHEEL I DON'T KNOW HOW YOU'D DETERMINE
11 WHICH WAY THE CAR WENT.
- 12 Q RIGHT, BUT IF YOU TOOK IT RIGHT UP TO
13 THE EDGE OF THAT CLIFF, YOU COULD PUSH IT OVER WITH
14 EASE, COULDN'T YOU?
- 15 A I FEEL LIKE I COULD.
- 16 Q IT'S A DOWNHILL...I MEAN, THAT WOULD BE
17 THE...
- 18 A THE ROAD, IT'S GOT A LITTLE SLOPE TO IT
19 THAT WOULD PROBABLY TRY TO PUT IT BACK TO THE
20 UPHILL SIDE.
- 21 Q RIGHT, BUT IT'S THE OPPOSITE SIDE OF
22 THE ROAD FROM THIS.
- 23 A RIGHT, IT'S THE OPPOSITE SIDE. THAT'S
24 RIGHT.
- 25 Q AND THIS ROAD LOOKS TO BE PROBABLY

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- 1 FORTY TO FIFTY FEET WIDE, ISN'T THAT CORRECT?
- 2 ABOUT THAT? I MEAN, IT'S A REGULAR...
- 3 A IT'S A REGULAR SECONDARY ROAD.
- 4 Q ...SECONDARY ROAD. IT WOULD BE ABOUT
- 5 AS WIDE AS FROM HERE TO MR. SWERLING. THAT'S THE
- 6 GENTLEMAN, MR. SWERLING?
- 7 A NO.
- 8 Q MAYBE NOT THAT WIDE?
- 9 A NO, SIR, I DON'T THINK SO.
- 10 Q IT'S TWO LANES. ABOUT LIKE THIS, FROM
- 11 ME TO HIM?
- 12 A YES, SIR.
- 13 Q OKAY. THERE'S NOTHING, I GUESS WHAT
- 14 I'M ASKING IS THERE'S NOTHING PECULIAR ABOUT THIS
- 15 ROAD. IT'S A TYPICAL SECONDARY SOUTH CAROLINA
- 16 ROAD?
- 17 A THAT'S RIGHT.
- 18 Q ASPHALT PAVED.
- 19 A THAT'S RIGHT.
- 20 Q TWO YELLOW LINES, WHITE LINE ON EACH
- 21 SIDE?
- 22 A CORRECT.
- 23 Q AND WHEN YOU WENT THROUGH, IT WAS
- 24 DAYLIGHT?
- 25 A RIGHT.

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1 Q AND I THINK YOU TOLD SOLICITOR IT WOULD
2 HAVE BEEN DAYLIGHT UNTIL NINE OR NINE-THIRTY THAT
3 NIGHT.

4 A RIGHT.

5 Q OKAY, THANK YOU.

6 THE COURT: ALL RIGHT, THANK YOU, SIR.
7 ANY REASON WHY HE CAN'T BE RELEASED FROM THE
8 SUBPOENA?

9 MR. HARPOOTLIAN: NO, SIR. NO, SIR.

10 THE COURT: ALL RIGHT, CALL YOUR NEXT
11 WITNESS, PLEASE.

12 LET ME--PROBABLY WHILE THEY'RE
13 CONFERRING THERE, IF YOU HAVE PARKED IN THE
14 WACHOVIA BANK PARKING LOT, YOU NEED TO GO NOW AND
15 MOVE YOUR CAR. IT MIGHT NOT BE THERE WHEN YOU GET
16 OUT OF HERE. IF ANYBODY NEEDS TO DO THAT, I'LL LET
17 YOU DO IT NOW. IF YOU'RE IN THE WACHOVIA PARKING
18 LOT.

19 ALL RIGHT, SOLICITOR, CALL YOUR NEXT
20 WITNESS.

21 MR. JONES: YOUR HONOR, STATE CALLS
22 DAVID BLACK.

23 DAVID BLACK, BEING DULY

24 SWORN, TESTIFIED AS FOLLOWS:

25 DIRECT EXAMINATION:

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1 BY MR. JONES:

2 THE COURT: ALL RIGHT, GENTLEMEN, THE
3 WAY WE'RE GOING TO PROCEED WITH THIS WITNESS IS,
4 EXCEPT FOR THE ONE ISSUE THAT WE HAVE NOT RESOLVED
5 THAT MAY REQUIRE AN IN CAMERA HEARING, I'M GOING TO
6 ALLOW EACH SIDE TO FULLY EXAMINE THIS WITNESS ON
7 EVERY ISSUE BUT THAT. AND THEN ONCE WE HAVE THE IN
8 CAMERA HEARING, I'LL PUT HIM BACK ON THE STAND AND
9 EACH SIDE CAN EXAMINE HIM AS TO THAT ISSUE, BECAUSE
10 HE'S GOING TO BE A LENGTHY WITNESS AND SO I WANT TO
11 TRY TO GET AS MUCH OUT OF HIM AS I CAN NOW.

12 ALL RIGHT, MR. SWERLING, DO YOU AGREE
13 TO THAT?

14 MR. SWERLING: YES, SIR.

15 MR. HARPOOTLIAN: YOUR HONOR, CAN WE
16 APPROACH THE SIDE BAR FOR ONE SECOND? I WANT TO
17 MAKE SURE I UNDERSTAND THE PERIMETERS OF WHAT WE'RE
18 DOING HERE.

19 THE COURT: SURE.

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

23 THE COURT: I WANT TO GET THROUGH WHAT
24 I AGREED TO RIGHT NOW AND THEN WE'LL HASSLE ABOUT
25 THAT LATER.

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1 ALL RIGHT, AGENT BLACK, STATE YOUR NAME
2 PLEASE, SIR, AND THE SOLICITOR CAN EXAMINE YOU.

3 A MY NAME IS DAVID WARREN BLACK,
4 B-L-A-C-K.

5 THE COURT: ALL RIGHT, SOLICITOR.

6 Q WHERE DO YOU WORK, MR. BLACK?

7 A I'M EMPLOYED WITH THE SOUTH CAROLINA
8 LAW ENFORCEMENT DIVISION, BETTER KNOWN AS SLED.

9 Q WHAT DIVISION DO YOU WORK AT SLED?

10 A I'M A SPECIAL AGENT ASSIGNED TO THE
11 LATENT PRINT/CRIME SCENE DEPARTMENT AS A LATENT
12 PRINT EXAMINER/CRIME SCENE ANALYST.

13 Q AND AS SUCH, WHAT ARE YOUR DUTIES?

14 A ON A DAILY BASIS, I RECEIVE LATENT
15 PRINTS WHICH ARE PRINTS THAT ARE DEVELOPED FROM A
16 CRIME SCENE OR EVIDENCE ASSOCIATED WITH THAT CRIME
17 SCENE, AND COMPARE IT AND EXAMINE IT TO KNOWN INK
18 FINGERPRINTS.

19 NOW THESE LATENT PRINTS MAY COME IN THE
20 FORM OF A LATENT LIFT WHICH IS A INDEX CARD WHERE A
21 PRINT THAT HAS BEEN DEVELOPED AT A SCENE BY USING
22 BLACK POWDER ON THE SURFACE OF A FINGERPRINT BRUSH,
23 IS LIFTED WITH TRANSPARENT TAPE AND IS ON THE
24 GLOSSY SIDE OF THAT CARD. OR IT COULD COME IN THE
25 FORM OF A PHOTOGRAPHIC NEGATIVE OR A PHOTOGRAPH OF

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1 WHICH IT IS TWO SIZE, WHAT WE REFER TO AS ONE TO
2 ONE SCALE WHERE ONE INCH IS EQUAL TO ONE INCH.

3 ALSO MY DUTIES INCLUDE THE PROCESSING
4 OF EVIDENCE FOR LATENT PRINTS OR ANY LATENT
5 IMPRESSIONS. IN THE AREA OF CRIME SCENE, WE CAN BE
6 REQUESTED BY LOCAL AGENCIES, THAT CAN BE A
7 SHERIFF'S DEPARTMENT, A CITY POLICE DEPARTMENT,
8 CORONER'S OFFICE, ANY AGENCY IN THE STATE OF SOUTH
9 CAROLINA INCLUDING FEDERAL AND OTHER STATE AGENCIES
10 TO PROCESS ANY CRIME SCENES.

11 IN THE PROCESSING OF THE CRIME SCENE,
12 WHAT WE ARE DOING IS DOCUMENTING THE CRIME SCENE
13 THROUGH PHOTOGRAPHS, THROUGH DIAGRAMS, IN
14 COLLECTING ANY RELEVANT DATA OR INFORMATION THAT
15 CAN BE USED FOR FORENSIC EXAMINATION.

16 ALSO IN OUR DEPARTMENT, WE ALSO DO
17 FOOTWEAR AND TIRE TREAD EXAMINATIONS FOR
18 COMPARISON.

19 Q HOW LONG HAVE YOU BEEN WORKING WITH
20 SLED?

21 A FEBRUARY WILL BE FIVE YEARS WITH SLED.
22 PRIOR TO SLED, I WAS EMPLOYED WITH THE RICHLAND
23 COUNTY SHERIFF'S OFFICE FOR OVER SIX YEARS, ALMOST
24 SEVEN. AND THREE YEARS OF THAT WERE ALSO DOING THE
25 DUTIES THAT I CURRENTLY HAVE WITH SLED BEING LATENT

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1 PRINT EXAMINER AND CRIME SCENE PROCESSING.

2 Q AGENT BLACK, GIVE US YOUR EDUCATIONAL
3 BACKGROUND, PLEASE.

4 A I HAVE AN ASSOCIATES OF ARTS DEGREE IN
5 CRIMINAL JUSTICE FROM FLORENCE-DARLINGTON TECHNICAL
6 COLLEGE. I TRANSFERRED TO THE UNIVERSITY OF SOUTH
7 CAROLINA IN COLUMBIA.

8 MR. HARPOOTLIAN: IF IT PLEASE THE
9 COURT, YOUR HONOR, PERHAPS WE CAN SAVE SOME TIME
10 HERE AND STIPULATE THAT HE IS AN EXPERT IN THE AREA
11 OF FINGERPRINTS, OR DO YOU WANT TO GO FURTHER THAN
12 THAT, SOLICITOR?

13 MR. JONES: YOUR HONOR, WE WANTED TO
14 OFFER AGENT BLACK AS AN EXPERT IN THE AREA OF
15 FINGERPRINT EXAMINATION, OF CRIME SCENE
16 INVESTIGATION AND FOOTWEAR EXAMINATION.

17 THE COURT: ALL RIGHT, ARE YOU WILLING
18 TO STIPULATE TO THOSE THREE AREAS?

19 MR. HARPOOTLIAN: I THINK SO, YOUR
20 HONOR. MAY I ASK COUNSELOR?

21 NO OBJECTION. WE STIPULATE.

22 THE COURT: FOR THE RECORD, THE WITNESS
23 IS QUALIFIED TO TESTIFY AS AN EXPERT IN THOSE THREE
24 AREAS BY AGREEMENT BETWEEN THE PARTIES.

25 Q AND I WOULD ASK YOU, AGENT BLACK, HAVE

1 YOU TESTIFIED IN THE CIRCUIT COURTS OF GENERAL
2 SESSIONS IN THIS STATE PRIOR TO TODAY WHEREIN YOU
3 WERE QUALIFIED AS AN EXPERT?

4 A YES, SIR. I HAVE BEEN.

5 Q AND APPROXIMATELY HOW MANY TIMES HAVE
6 YOU DONE THAT?

7 A IN THE AREA OF LATENT PRINTS,
8 FINGERPRINT EXAMINATION, IN THE EIGHT YEARS I'VE
9 BEEN DOING IT, APPROXIMATELY SIXTY TIMES. IN THE
10 AREA OF FOOTWEAR AND TIRE TREAD EXAMINATION, TEN TO
11 TWELVE TIMES. IN THE AREA OF CRIME SCENE
12 INVESTIGATION AND CRIME SCENE PROCESSING AND CRIME
13 SCENE RECONSTRUCTION, APPROXIMATELY SIX TIMES.

14 Q NOW, AGENT BLACK, ON JUNE 12TH, 1994,
15 WERE YOU CALLED TO A SCENE AT LITTLE MOUNTAIN,
16 SOUTH CAROLINA BY THE NEWBERRY COUNTY SHERIFF'S
17 DEPARTMENT?

18 A YES, SIR, I WAS. AT ELEVEN P.M. IN THE
19 EVENING, I WAS NOTIFIED BY SHERIFF LEE FOSTER OF
20 THE NEWBERRY COUNTY SHERIFF'S OFFICE REQUESTING OUR
21 ASSISTANCE IN THE PROCESSING OF A CRIME SCENE DEATH
22 INVESTIGATION ON MOUNTAIN ROAD IN LITTLE MOUNTAIN,
23 SOUTH CAROLINA.

24 Q AND WHERE WERE YOU WHEN YOU RECEIVED
25 THAT CALL?

1 A I WAS AT HOME GETTING READY TO GO TO
2 BED.

3 Q ALL RIGHT. AND APPROXIMATELY WHAT
4 TIMES WAS IT THAT YOU ARRIVED IN LITTLE MOUNTAIN TO
5 CONDUCT YOUR INVESTIGATION OF THAT SCENE?

6 A AFTER CONTACTING TWO OTHER TEAM MEMBERS
7 TO RESPOND WITH ME TO THE SCENE, BEING SPECIAL
8 AGENT JOHN CHRISTIE AND SPECIAL AGENT WADE FLEMING,
9 WE MET UP AT A LOCATION AND FROM THERE WE RESPONDED
10 TO LITTLE MOUNTAIN, AND ARRIVED ON THE SCENE AT
11 11:40 P.M. THAT SAME EVENING.

12 Q ALL RIGHT, AND ONCE YOU ARRIVED ON THE
13 SCENE, WHAT WERE SOME OF THE PRELIMINARY MATTERS
14 THAT YOU TOOK CARE OF?

15 A WHEN WE ARRIVED ON THE SCENE, WE MET
16 WITH SHERIFF LEE FOSTER, MAJOR DANNY GILLIAM, CHIEF
17 DEPUTY JERRY WRIGHT AND OTHER MEMBERS OF LAW
18 ENFORCEMENT WHO WERE PRESENT.

19 WE WERE BRIEFED ON WHAT INFORMATION
20 THEY HAD AND THEY, AT THAT POINT, ALLOWED US TO
21 LOOK AT THE SCENE WHERE WE DID A WALK-THROUGH.

22 Q AND WHAT WOULD BE YOUR ESTIMATE OF THE
23 NUMBER OF PEOPLE THAT WERE PRESENT AT THE SCENE AT
24 THAT TIME?

25 A THERE WERE A NUMBER OF LAW ENFORCEMENT

1 PEOPLE PRESENT. THERE WERE ALSO EMS AND
2 FIREFIGHTERS PRESENT. THERE WERE AT LEAST TWENTY
3 OR MORE PEOPLE, TWENTY OR TWENTY-FIVE PEOPLE
4 PRESENT, AND THAT'S JUST AN ESTIMATE.

5 Q DID YOU QUARTER OFF THE SCENE WITH
6 CRIME TAPE AND THAT SORT OF THING?

7 A WHEN WE ARRIVED ON THE SCENE, THE SCENE
8 HAD ALREADY BEEN SECURED BY LAW ENFORCEMENT. THE
9 SCENE HAD ALREADY BEEN CORDED OFF WITH CRIME SCENE
10 TAPE, AND ADDITIONAL LIGHTING HAD BEEN PROVIDED BY
11 THE LOCAL FIRE RESCUE.

12 Q ALL RIGHT, SIR. DID YOU BEGIN TAKING
13 PHOTOGRAPHS OF THE CRIME SCENE ONCE YOU WALKED
14 THROUGH IT AND OBSERVED WHAT YOU HAD THERE?

15 A YES, SIR. WHEN WE ARRIVED ON THE
16 SCENE, DURING THE WALK-THROUGH,--THIS IS A PERIOD
17 WHERE WE JUST VISUALLY OBSERVE WHAT WE CAN.-- WE
18 SAW A VEHICLE. IT WAS A DATSUN NISSAN MAXIMA ON
19 THE RIGHT SIDE OF THE ROAD AS YOU'RE GOING AWAY
20 FROM LITTLE MOUNTAIN ON MOUNTAIN ROAD. IT WAS DOWN
21 IN A DITCH OR UP AGAINST THE MOUNTAIN.

22 THERE WAS AN OCCUPANT IN THE FRONT
23 DRIVER'S SEAT, BEHIND THE STEERING WHEEL, LEANING
24 ONTO THE CENTER CONSOLE AND FRONT PASSENGER SEAT.
25 THE OCCUPANT, AT THAT TIME, WAS COVERED WITH A

1 WHITE SHEET.

2 UPON OUR VISUAL EXAMINATION OF THE CAR,
3 THERE WAS SOME BLOOD NOTED ON THE OUTSIDE OF THE
4 CAR, IN PARTICULAR ON THE LEFT REAR PASSENGER DOOR.
5 THIS WOULD BE THE DRIVER SIDE REAR DOOR.

6 WE ALSO OBSERVED THAT THE HEADLIGHTS
7 WERE OFF BUT THE HOOD WAS UP. AND I WAS INFORMED
8 THAT WHEN THE FIRE RESCUE EMS PEOPLE HAD ARRIVED ON
9 THE SCENE THAT THE CAR WAS ON, THAT THE HEADLIGHTS
10 WERE ON AND THEY COULD SEE SOME SMOKE COMING FROM
11 UNDER THE CAR. AS A PRECAUTION, THEY CUT OFF THE
12 CAR, RAISED THE HOOD, AND DISENGAGED...AT FIRST,
13 THEY TOLD ME THEY CUT THE CABLES BUT THE CABLES HAD
14 NOT BEEN CUT, SIMPLY THAT THE BATTERY CABLES HAD
15 BEEN DISCONNECTED FROM THE BATTERY. IT WAS DONE TO
16 PREVENT ANY FIRE FROM OCCURRING.

17 UPON THE FRONT DRIVER'S WINDOW, THE
18 DRIVER'S DOOR WINDOW WAS DOWN, AND AT THAT TIME WE
19 HAD NO ELECTRICAL POWER TO PUT THE CAR UP UNTIL WE
20 GOT FINISHED. THERE WAS A BLACK HARLEY-DAVIDSON
21 TEE-SHIRT AND A PURSE WHICH BELONGED TO THE VICTIM,
22 IN THE FRONT DRIVER'S FLOORBOARD NEAR HER FEET.

23 AFTER THE COMPLETE INTERIOR AND
24 EXTERIOR OF THE CAR HAD BEEN PHOTOGRAPHED, I WAS
25 ABLE, WE RETRIEVED THE PURSE TO TRY TO MAKE THE

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1 IDENTIFICATION, AND WE IDENTIFIED THE VICTIM. UPON
2 TOUCHING THE SHIRT, WHICH I HAD LATEX GLOVES ON,
3 THE SHIRT WAS DAMP. IT WAS WET.

4 ALSO ONCE WE HAD THE SCENE DOCUMENTED
5 AS WE SAW IT, WE DID REMOVE THE WHITE SHEET FROM
6 THE VICTIM TO PHOTOGRAPH HER MORE CLEARLY.

7 Q NOW, AGENT BLACK, WHEN YOU SAID UPON
8 TOUCHING THE SHIRT, WHAT SHIRT ARE YOU REFERRING
9 TO?

10 A THERE WAS A BLACK HARLEY-DAVIDSON TEE-
11 SHIRT ON THE FRONT DRIVER'S FLOORBOARD NEAR THE
12 FEET OF THE VICTIM, AND THIS SHIRT WAS WET. IT WAS
13 DAMP TO THE TOUCH.

14 Q DID YOU COLLECT THAT SHIRT AT THE
15 SCENE?

16 A AT THE SCENE, NO, BUT WE DID COLLECT IT
17 AT THE SLED FORENSICS GARAGE WHERE THE VEHICLE WAS
18 TRANSPORTED FOR FURTHER PROCESSING.

19 Q GO AHEAD.

20 A ALSO, IT WAS NOTED THAT THERE WAS
21 BLOOD, DRIPPED BLOOD, THE BLOOD THAT WAS SEEN
22 INSIDE AND OUTSIDE THE CAR WERE OF TWO TYPES.
23 MAINLY DRIPPED BLOOD, THIS IS WHERE BLOOD IS
24 FALLING. IT'S ELONGATED, IT'S ELLIPTICAL, AND ALSO
25 IT WAS NOTED THAT THERE WAS SOME TRANSFER BLOOD

1 WHICH MEANS THE BLOOD CAME OFF OF EITHER SOMEONE OR
2 AN OBJECT, A GARMENT, AND MADE CONTACT WITH ANOTHER
3 SURFACE IN THE CAR.

4 THERE WAS ALSO THE APPEARANCE IN THE
5 BACK SEAT OF THE CAR WHERE EITHER SOMEONE HAD BEEN
6 IN THE BACK OF THE CAR OR THERE HAD BEEN SOME
7 MOVEMENT OR MOTION ON THE FABRIC IN THE CAR ON THE
8 BACK SEAT. AND THERE WAS ALSO DRIED BLOOD PRESENT
9 IN THE BACK SEAT OF THE CAR.

10 Q WHAT ELSE DID YOU OBSERVE ABOUT THE
11 INSIDE OF THE BACK OF THE CAR?

12 A THE KEYS WERE NOT IN THE IGNITION OF
13 THE CAR. THEY WERE IN THE FRONT PASSENGER SEAT.
14 WE WERE INFORMED THAT WHEN EMS PERSONNEL HAD GONE
15 INTO THE CAR TO CHECK ON THE VICTIM THAT THE KEYS
16 HAD BEEN REMOVED AND PLACED IN THE FRONT PASSENGER
17 SEAT.

18 WE ALSO NOTED THAT, WE WERE TOLD WHEN
19 WE ARRIVED ON THE SCENE THAT THE CAR WAS IN PARK.
20 IT IS A FIVE SPEED MANUAL TRANSMISSION AND IT DOES
21 NOT HAVE A PARK SETTING. WHEN WE OBSERVED THE
22 GEARSHIFT, IT WAS IN A NEUTRAL SETTING. THE TOP
23 PASSENGER FRONT SEAT HEADREST HAD BEEN TORN AWAY
24 FROM THAT PASSENGER SEAT AND WAS IN THE PASSENGER
25 FLOORBOARD BEHIND THE DRIVER'S SEAT.

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1 Q WHAT DID YOU DO NEXT, AGENT BLACK?

2 A AFTER FULLY DOCUMENTING THE INTERIOR OF
3 THE CAR AND EXTERIOR OF THE CAR WITH THE SHEET ON
4 AND OFF THE VICTIM, MYSELF AND AGENT CHRISTIE
5 REMOVED THE VICTIM FROM THE CAR WHERE WE HAD A BODY
6 BAG PRESENT ON THE HIGHWAY WITH A WHITE SHEET
7 LINING THE BODY BAG WHERE SHE WAS PLACED. DURING
8 THIS TIME, ONCE THAT WAS DONE, WE ALSO COLLECTED
9 HAIR THAT WAS NEAR THE BLOOD ON THE REAR LEFT DOOR,
10 PASSENGER DOOR. IT WAS NEAR THE BLOOD BUT NOT IN
11 THE BLOOD. WE WENT AHEAD AND COLLECTED THAT ALSO.

12 GETTING BACK TO THE VICTIM, WHEN WE
13 OBSERVED THE VICTIM, A MEMBER OF THE MEDICAL
14 EXAMINER'S OFFICE WAS PRESENT, DR. GARVIN WHO WORKS
15 WITH DR. SEXTON, AND A PRELIMINARY VISUAL EXAM WAS
16 DONE TO THE VICTIM TO NOTE ANY INJURIES.

17 Q AGENT BLACK, PLEASE STEP DOWN. I'D LIKE
18 TO SHOW YOU STATE'S EXHIBITS AND ASK YOU IF THEY
19 ACCURATELY REFLECT THE CONDITION OF THE AUTOMOBILE
20 AS SEEN THERE AS YOU FOUND IT WHEN YOU ARRIVED AT
21 11:40; STATE'S EXHIBIT NUMBER TWO, PLEASE, IF YOU
22 WOULD, SHOW IT TO THE JURY. FIRST TELL ME IF IT
23 ACCURATELY REFLECTS THE CONDITION OF THE SCENE AS
24 YOU FOUND IT?

25 A YES, SIR, IT DOES ACCURATELY REFLECT

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1 THE SCENE AS IT WAS FOUND WHEN WE ARRIVED THERE IN
2 LITTLE MOUNTAIN.

3 THIS IS THE DATSUN NISSAN MAXIMA, FOUR-
4 DOOR. HERE IS THE HILL ON LITTLE MOUNTAIN. THIS
5 IS ACTUALLY MOUNTAIN ROAD AND THIS IS THE DITCH
6 AREA WE'RE REFERRING TO, AND THE HOOD IS UP. AND
7 THE FRONT DRIVER'S WINDOW WAS DOWN WHEN WE ARRIVED
8 ON THE SCENE.

9 Q ALL RIGHT, STATE'S EXHIBIT NUMBER THREE
10 AS I HANDED YOU NOW?

11 A STATE'S EXHIBIT THREE ACCURATELY
12 DEPICTS ALSO WHAT I SAW ON THE SCENE. THIS IS A
13 PHOTOGRAPH TAKEN ACTUALLY STANDING ON THE MOUNTAIN
14 AREA PHOTOGRAPHING BACK TOWARD THE CAR WHERE YOU
15 CAN BETTER SEE THE CAR IS IN THE DITCH ON THE SIDE
16 OF THE MOUNTAIN AND THE HOOD IS UP.

17 BACK WHERE YOU SEE PEOPLE STANDING IN
18 THE CORDED OFF AREA WERE VARIOUS LAW ENFORCEMENT,
19 RESCUE AND FIRE PERSONNEL. GOING BACK UP THE HILL
20 APPROXIMATELY A MILE WILL TAKE YOU TO HIGHWAY 76
21 AND LITTLE MOUNTAIN.

22 Q AND YOU TOOK THIS PHOTOGRAPH TO
23 INDICATE THE DIRECTION OF THE AUTOMOBILE, IS THAT
24 CORRECT?

25 A YES, SIR. THE AUTOMOBILE WAS GOING

1 AWAY FROM LITTLE MOUNTAIN, DOWN THE HILL.

2 Q AND STATE'S EVIDENCE FOUR, WHAT'S
3 DEPICTED THERE?

4 A STATE'S EVIDENCE FOUR SHOWS ANOTHER
5 PHOTOGRAPH OF THE VICTIM'S CAR AS IT IS SITTING OFF
6 THE ROADWAY IN THE DITCH ON THE MOUNTAIN.

7 Q IT'S TAKEN LOOKING AT THE REAR OF THE
8 AUTOMOBILE, IS THAT CORRECT?

9 A YES, SIR, THAT'S CORRECT.

10 Q NOW, DID YOU HAVE AN OPPORTUNITY TO
11 GAUGE THE DEPTH OF THE DEPRESSION ON THE RIGHT SIDE
12 OF THE ROAD THAT THIS AUTOMOBILE'S RIGHT FRONT
13 WHEEL WAS IN?

14 A NO, SIR, I DID NOT.

15 Q YOU DIDN'T LOOK AROUND OR WALK AROUND
16 AND TAKE A LOOK AT IT?

17 A I WALKED AROUND AND TOOK A LOOK AT IT,
18 BUT AS FAR AS GETTING ACTUALLY HOW DEEP IT WAS, IT
19 WASN'T--IT WAS SHALLOW. IT WASN'T VERY DEEP. IT
20 WAS A SLIGHT DEPRESSION.

21 Q IT WAS AS IT'S DEPICTED IN STATE'S
22 EXHIBIT FOUR, IS IT NOT?

23 A YES, SIR, IT IS.

24 Q STATE'S EXHIBIT FIVE?

25 A STATE'S EXHIBIT FIVE, THIS IS WHERE THE

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1 WHITE SHEET HAD BEEN REMOVED FROM THE VICTIM.
2 STATE'S EXHIBIT FIVE SHOWS THE POSITION THAT THE
3 VICTIM WAS IN BEHIND THE FRONT DRIVER'S, THE
4 STEERING COLUMN IN THE FRONT DRIVER'S SEAT.

5 SHE WAS WEARING THE GREEN O.D. SHORTS.
6 THERE'S DRY BLOODSTAINS ON THE REAR OF THE SHORTS.
7 ALSO, THERE WAS DRY BLOOD ON THE BACK OF HER BLOUSE
8 OR WHITE SHIRT. THE SHIRT HAD BEEN CUT; I WAS
9 INFORMED BY EMS THAT THEY HAD CUT THE SHIRT TO PUT
10 LEADS ON THE VICTIM TO DETERMINE WHETHER OR NOT SHE
11 WAS STILL ALIVE.

12 ALSO, THIS IS THE BLACK SHIRT THAT I'M
13 REFERRING TO THAT ARE AT HER FEET. THIS WAS THE
14 SHIRT THAT WAS WET, DAMP TO THE TOUCH. ALSO, THERE
15 WAS SOME DRIP BLOOD THAT IS PRESENT HERE IN THE
16 LOWER QUADRANT OF THE DRIVER'S SEAT. AND THIS DRIP
17 BLOOD IS CONSISTENT WITH JUST THAT, THE BLOOD IS
18 DRIPPING DOWN.

19 Q NOW, DID YOU INQUIRE TO DETERMINE, AND
20 YOU DID DETERMINE THAT THIS WAS THE BODY OF
21 VICTORIA LANDER BECKHAM, IS THAT CORRECT?

22 A YES, SIR. ONCE WE WERE ABLE TO GET TO
23 HER PURSE WHICH WAS ALSO HERE BY HER LEFT SHOE, HER
24 LEFT FOOT, WE WERE ABLE TO RETRIEVE SOME
25 IDENTIFICATION WHICH WAS HER DRIVER'S LICENSE AND

1 CONFIRM HER IDENTITY.

2 Q NOW YOU SAID YOU DETERMINED THE
3 EMERGENCY MEDICAL PEOPLE HAD CUT THE BACK OF HER
4 SHIRT, IS THAT CORRECT?

5 A YES, SIR, THAT IS CORRECT.

6 Q DID YOU DETERMINE THAT SHE WAS NOT
7 MOVED? THAT SHE HAD NOT BEEN MOVED IN ORDER TO DO
8 THAT?

9 A BASED ON THE INFORMATION THAT I HAD,
10 THEY CUT THE SHIRT JUST AS WE SEE HER NOW. THEY
11 DID NOT MOVE HER; THEY CUT HER SHIRT AND PUT THE
12 LEADS ON HER.

13 Q SO AS FAR AS YOUR CRIME SCENE
14 INVESTIGATION IS CONCERNED, EXCEPT FOR THE FACT HER
15 SHIRT WAS CUT DOWN THE BACK, SHE WAS NOT DISTURBED
16 ANY MORE THAN THAT, IS THAT CORRECT?

17 A THAT IS CORRECT.

18 Q THAT IS THE POSITION THAT YOU FOUND AND
19 THAT THEY FOUND?

20 A THAT IS CORRECT.

21 Q DID YOU TAKE THE PHOTOGRAPH, STATE'S
22 EXHIBIT NUMBER TEN?

23 A YES, SIR.

24 Q WHAT'S DEPICTED THERE?

25 A STATE'S EXHIBIT TEN AGAIN SHOWS THE

1 BLACK SHIRT UPON REMOVING THE VICTIM OUT OF THE
2 CAR, HER FEET WERE BOUND, WE PULLED SOME OF THE
3 SHIRT OUT. ALSO YOU HAVE A BETTER PHOTOGRAPH OF
4 ONE OF HER SHOES. I BELIEVE IT WAS HER RIGHT SHOE
5 WAS NOT FULLY ON HER RIGHT FOOT. WHEN WE ACTUALLY
6 LIFTED HER OUT OF THE CAR, IT FELL OFF HER FOOT,
7 AND ALSO HIT HER PURSE.

8 THERE IS SOME BLOOD, AGAIN BLOOD
9 DRIPPING THAT IS HERE IN THE RIGHT--EXCUSE ME, IN
10 THE FRONT DRIVER'S SEAT. IT'S ON THE RIGHT SIDE OF
11 THE SEAT. AND AGAIN THIS IS BLOOD DRIPPING
12 STRAIGHT DOWN. THIS BLOOD COULD BE FROM HER OR IT
13 COULD BE FROM SOME OBJECT ASSOCIATED WITH THE
14 ASSAULT.

15 ALSO, IN THE PHOTOGRAPH SHOWS A
16 TRANSFER IMPRESSION ON THE SIDE OF THE FRONT
17 PASSENGER SEAT AND THIS WAS WHERE HER HEAD WAS
18 RESTING. THE BLOOD CAME FROM HER HEAD AND SOAKED
19 INTO THE FABRIC OF THAT SEAT.

20 Q STATE'S EXHIBIT NUMBER NINE. DID YOU
21 TAKE THAT PHOTOGRAPH?

22 A YES, SIR. STATE'S EXHIBIT NUMBER NINE
23 SHOWS THE FRONT DRIVER'S SEAT. STATE'S EXHIBIT
24 NINE, HERE IN THIS LOWER QUADRANT OF THE FRONT
25 DRIVER'S SEAT. AGAIN, WE HAVE THE DRIPPING BLOOD.

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1 THIS WAS SHOWN EARLIER IN ANOTHER STATE'S EXHIBIT,
2 A LITTLE BIT CLOSER. IT SHOWS AGAIN THAT BLOOD WAS
3 COMING OFF HER OR POSSIBLY AN OBJECT THAT WAS USED.
4 IT ALSO SHOWS ANOTHER PHOTOGRAPH OF THE DRIPPING
5 BLOOD THAT IS HERE AND THE RIGHT SIDE OF THAT SEAT.

6 WHAT I'D ALSO LIKE TO NOTE IS ON THE,
7 BETWEEN THE FRONT DRIVER'S SEAT AND THE FRONT
8 PASSENGER SEAT ON BOTH SIDES IS THE TRANSFER OF
9 BLOOD FROM HER OR HER CLOTHING ONTO THE FABRIC OF
10 THESE TWO SEATS WHICH WOULD INDICATE THAT AT SOME
11 POINT THAT SHE MADE CONTACT IN THAT AREA BETWEEN
12 THE SEATS. AND ALSO WHAT IS NOTED IS THE AREA OF
13 THE ACTUAL CUSHION AND THE BACKREST IS VOID OF
14 BLOOD. SHE HAD DRY BLOOD ON HER SHORTS AND ON THE
15 BACK OF HER SHIRT. IF SHE WOULD HAVE BEEN IN THIS
16 SEAT DURING THAT MAIN BLOOD LETTING, THAT BLOOD
17 SHOULD HAVE ALSO TRANSFERRED IN THESE AREAS AND IT
18 DID NOT.

19 Q BUT I BELIEVE YOU TESTIFIED THAT THERE
20 IS DRIPPING BLOOD ON THIS SIDE, IS THAT CORRECT?

21 A THERE IS DRIPPING BLOOD ON THAT SIDE.
22 THAT COULD BE IF SHE WERE IN IT WHEN SHE RECEIVED
23 THE INITIAL ASSAULT. SHE DID HAVE INJURIES TO HER
24 HEAD AND TO HER NECK BUT THERE WERE LACERATIONS TO
25 THE BACK OF HER HEAD. DEPENDED UPON WHAT HER

1 POSITION WAS THAT COULD BE BLOOD COMING FROM THAT
2 WOUND.

3 Q AND SHE WOULD HAVE BEEN SEATED IN THAT
4 SEAT WHEN THE BLOOD DRIPPED DOWN IN THAT AREA?

5 A OR CLOSE PROXIMITY TO IT. ALSO THERE
6 WAS BLOOD ON THIS REAR PASSENGER DOOR ON THE
7 OUTSIDE. IT COULD ALSO BE IF SHE WAS, IT INDICATED
8 THAT SHE MAY HAVE BEEN, MADE CONTACT WITH THAT REAR
9 PASSENGER DOOR, POSSIBLY BEING PUT BACK INTO THE
10 CAR. IT COULD BE BLOOD COMING FROM THAT TOO. BUT
11 SHE WAS IN CLOSE PROXIMITY OF THAT WHEN THE BLOOD
12 DRIPPED.

13 Q OF THE SEAT AREA?

14 A YES, SIR.

15 Q SO WHAT YOU'RE SAYING IS SHE COULD HAVE
16 BEEN IN THE SEAT WHEN THE INITIAL ASSAULT AND BLOWS
17 WERE CAUSED TO THE WOUND THAT ALLOWED THAT BLOOD TO
18 COME OUT, IS THAT CORRECT?

19 A THAT IS CORRECT.

20 MR. HARPOOTLIAN: IF IT PLEASE THE
21 COURT, YOUR HONOR, I MEAN THE SOLICITOR OBVIOUSLY
22 HAS A THEORY HERE BUT...

23 THE COURT: SUSTAINED.

24 MR. HARPOOTLIAN: THANK YOU.

25 THE COURT: ALTHOUGH HE CAN LEAD

1 SOMEWHAT LAYING A FOUNDATION BUT...

2 MR. HARPOOTLIAN: YES, SIR.

3 THE COURT: REPHRASE YOUR QUESTION.

4 Q TELL ME AGAIN, AGENT BLACK, WHERE THE
5 BLOOD THAT DRIPPED TO THE SURFACE THAT YOU FOUND IT
6 ON IS? WHERE IS THAT SURFACE?

7 A IT IS HERE NEAR THE SEAT RELEASE
8 MECHANISM AT THE BASE OF THE CUSHION.

9 Q AND THERE'S NO QUESTION IN YOUR EXPERT
10 OPINION BUT THAT THAT BLOOD...

11 MR. HARPOOTLIAN: MAY IT PLEASE THE
12 COURT, YOUR HONOR, THAT IS IMPROPER...

13 THE COURT: SUSTAINED.

14 Q HOW DID THAT BLOOD GET THERE, IN YOUR
15 OPINION?

16 A SHE--THE VICTIM HAD TO BE IN CLOSE
17 PROXIMITY TO THIS POINT TO RECEIVE, FOR THE BLOOD
18 TO DRIP THERE. SHE COULD HAVE BEEN, THERE IS THE
19 POSSIBILITY THAT SHE COULD HAVE BEEN IN THE FRONT
20 SEAT...

21 MR. HARPOOTLIAN: YOUR HONOR, I
22 OBJECT...

23 THE COURT: OVERRULE THE OBJECTION.
24 HE'S BEEN QUALIFIED.

25 MR. HARPOOTLIAN: YES, SIR. I'M SORRY.

1 THE COURT: YOU FINISH ANSWERING THAT
2 QUESTION.

3 A YES, SIR.

4 THE COURT: POSSIBILITY...FINISH YOUR
5 QUESTION, ANSWER.

6 A IT IS A POSSIBILITY WHEN THE INITIAL
7 ASSAULT OCCURRED IN THE FRONT SEAT, DEPENDING UPON
8 THE POSITION OF HER HEAD, IT IS POSSIBLE THAT MAY
9 BE FROM THAT BUT IT IS ALSO POSSIBLE, BASED ON A
10 PHOTOGRAPH THAT WE HAVE ON THE OUTSIDE OF THE REAR
11 LEFT DOOR THAT IT COULD HAVE BEEN PUT THERE IF SHE
12 WAS BEING PLACED BACK INTO, MOVING OUT OF THE CAR
13 OR PUT BACK INTO THE CAR BECAUSE THEN THE BLOOD
14 THAT IS PRESENT ON THE REAR LEFT PASSENGER DOOR,
15 THERE WAS SOME HAIRS IN THAT BLOOD.

16 Q AGENT BLACK, IF YOU WOULD, LOOK AT THE
17 FRONT DRIVER'S SEAT CUSHION, SEAT CUSHION. NOT
18 BACK CUSHION BUT SEAT CUSHION. WHAT DID YOU
19 OBSERVE ABOUT THAT AREA?

20 A THAT IS DRIPPED BLOOD ALSO.

21 Q POINT TO WHERE IT IS.

22 A RIGHT HERE IN THIS AREA.

23 Q ALL RIGHT, AND THAT IS WHAT?

24 A THAT IS DRIPPED BLOOD.

25 Q HOW DO YOU KNOW IT'S DRIPPED BLOOD?

1 A IF YOU LOOK AT THE PHOTOGRAPH AND LOOK
2 AT THE STAINS THAT ARE PRESENT IN THE PHOTOGRAPH,
3 YOU CAN SEE THAT THE PATTERN THAT IT MADE, EVEN
4 THOUGH IT'S BEEN ABSORBED BY THE FABRIC, IS ALMOST
5 NINETY DEGREES WHICH MEANS STRAIGHT DOWN AND IT
6 JUST MEANS THAT BLOOD IS GOING STRAIGHT DOWN.

7 Q IF I COULD ASK YOU, IF YOU RECOGNIZE
8 STATE'S EXHIBIT TWENTY-FIVE?

9 A YES, SIR, I DO. THIS IS A CLOSEUP
10 PHOTOGRAPH OF THAT SAME AREA.

11 Q OF THE DRIVER'S SEAT?

12 A OF THE FRONT DRIVER'S SEAT, AND IT
13 SHOWS THAT THE DRIPPED BLOOD AND THE BLOOD IS
14 HITTING, THEY'RE ACTUALLY LIKE LITTLE SPEARS,
15 LITTLE STALACTITES THAT ARE COMING OFF THE ACTUAL
16 PATTERN. THAT INDICATES THERE'S MOVEMENT WHEN THE
17 BLOOD IS COMING DOWN, GRAVITATIONAL PULL. THAT IS
18 DRIPPED BLOOD.

19 Q SO THE SPOTS OF DRIPPED BLOOD IN
20 STATE'S EXHIBIT TWENTY-FIVE IN THE SEAT IS LOCATED
21 IN WHAT AREA OF THE FRONT DRIVER'S SEAT?

22 A HERE AGAIN, WHERE MY FINGER IS
23 POINTING.

24 Q AND IF YOU'RE SITTING IN THE SEAT,
25 THAT'S TO YOUR WHAT SIDE?

1 A IF YOU'RE SITTING TO YOUR SEAT, IT
2 WOULD BE TO YOUR RIGHT SIDE.

3 Q IF YOU'RE SITTING IN THAT SEAT AND
4 YOU'RE IN THE DRIVER'S SEAT, THAT'S TO YOUR RIGHT
5 SIDE?

6 A TO YOUR RIGHT SIDE.

7 Q AGENT BLACK, RETURN TO THE STAND,
8 PLEASE.

9 NOW, AGENT BLACK, BASED ON YOUR
10 OBSERVATION OF THE VEHICLE AND THE SCENE, COULD
11 THIS HAVE BEEN AN ACCIDENT?

12 A NO, SIR.

13 Q AND WHAT OBSERVATIONS DID YOU MAKE TO
14 CAUSE YOU TO CONCLUDE THAT?

15 A BASED ON THE BLOOD THAT WAS NOTED IN
16 SEVERAL AREAS INSIDE AND OUTSIDE THE CAR, BASED ON
17 THE POSITIONING OF THE BODY, IN PARTICULARLY THE
18 CROSSING OF THE FEET WHICH GENERALLY IS AN
19 INDICATION THAT I'VE SEEN IN THE PAST IN MY
20 EXPERIENCE. IF SOMEONE HAS BEEN PICKED UP AND
21 MOVED, THEY WILL CROSS THE FEET AT TIMES TO HELP IN
22 PICKING UP THE BODY.

23 ALSO, THE DRIED BLOOD THAT WAS ON THE
24 BACK OF HER SHIRT AND THE BOTTOM OF HER SHORTS, ALL
25 THESE THINGS THAT I SAW INDICATED TO ME THAT IT WAS

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1 NOT AN ACCIDENT. PLUS THE VIEW OF THE INJURIES
2 THAT I SAW, SHE HAD BRUISING TO THE FRONT OF HER
3 NECK AREA AND GASHES TO THE BACK OF HER HEAD THAT
4 ARE MORE CONSISTENT WITH A BEATING. ALSO, ON HER
5 FINGERS AND HANDS, THERE WAS BRUISING THAT WOULD
6 HAVE INDICATED EITHER INVOLVEMENT IN AN ALTERCATION
7 OR POSSIBLY DEFENSIVE TYPE WOUNDS.

8 Q NOW, AGENT BLACK, AS THE CAR AS YOU'VE
9 DESCRIBED,--AND YOU TOOK PHOTOGRAPHS OF IT BEING IN
10 THE DITCH ON THE RIGHT SIDE OF THE ROAD GOING DOWN
11 MOUNTAIN ROAD,--AS YOU TRAVEL DOWN MOUNTAIN ROAD IN
12 THE DIRECTION THAT CAR WAS GOING, DOES IT CURVE
13 BACK TO THE RIGHT?

14 A YES, SIR, IT DOES.

15 Q AND AS YOU GO DOWN THE ROAD AND AS YOU
16 CURVE BACK TO THE RIGHT, DOES THAT ROAD BANK TOWARD
17 THE INSIDE OF THE ROAD SO ...

18 MR. HARPOOTLIAN: MAY IT PLEASE THE
19 COURT, YOUR HONOR...

20 THE COURT: SUSTAINED. REPHRASE.

21 Q WHAT IS THE CONTOUR OF THE ROAD AS YOU
22 GO DOWN IT? WHAT IS THE--IS THE ROAD FLAT AND
23 LEVEL?

24 A NO, SIR, THE ROAD SLOPES TO THE RIGHT.
25 IT SLANTS TO THE RIGHT. IF YOU'RE GOING DOWN THE

1 ROAD AWAY FROM MOUNTAIN DRIVE, IT'S A DECLINE AND
2 IT SLANTS TO THE RIGHT OR SLOPES TO THE RIGHT, AS
3 YOU APPROACH, PARTICULARLY SINCE YOU'RE GOING INTO
4 A CURVED AREA.

5 Q BASED ON YOUR OBSERVATIONS OF THE SCENE
6 AND BASED ON WHAT YOU SAW AND DID OUT THERE, IF YOU
7 STOOD A HUNDRED FEET BEHIND THE AUTOMOBILE DEPICTED
8 IN STATE'S EXHIBIT NUMBER THREE, A HUNDRED FEET
9 BEHIND IT ON THE ROAD AND ROLLED A BALL DOWN THE
10 ROAD, WHICH WAY WOULD THE BALL GO, TO THE RIGHT OR
11 TO THE LEFT?

12 MR. HARPOOTLIAN: YOUR HONOR, I WOULD
13 OBJECT. THERE'S NO STEERING WHEEL ON A BALL AND I
14 DON'T THINK THIS IS APPROPRIATE.

15 THE COURT: I OVERRULE THE OBJECTION.

16 MR. HARPOOTLIAN: THANK YOU.

17 A DUE TO THE FACT THE CAR WAS IN NEUTRAL
18 WHEN WE ARRIVED ON THE SCENE, AND IF NO ONE WAS
19 CONTROLLING THE STEERING WHEEL AND THE CAR WAS IN
20 FREE FLIGHT MOTION, THE GRAVITATIONAL PULL, IT
21 WOULD BE PULLED TO THE RIGHT UP AGAINST THE HILL OF
22 THE MOUNTAIN.

23 Q TO THE RIGHT UP AGAINST THE HILL AS
24 OPPOSED TO THE LEFT DOWN OFF THE HILL, IS THAT
25 CORRECT?

- 1 A THAT IS CORRECT.
- 2 Q NOW, AGAIN, YOU DID FIND THE CAR WITH
- 3 THE LIGHTS ON? WHEN YOU GOT THERE YOU WERE TOLD
- 4 THE LIGHTS WERE ON, HAD BEEN ON?
- 5 A WHEN WE ARRIVED ON THE SCENE, WE WERE
- 6 TOLD THE HEADLIGHTS HAD BEEN ON BUT THEY WERE CUT
- 7 OFF DUE TO THE ELECTRICAL, THERE WAS SMOKE COMING
- 8 UNDER THE CAR. THEY WERE CONCERNED ABOUT A
- 9 POSSIBLE FIRE.
- 10 Q AND THE AUTOMOBILE WAS TURNED ON AND
- 11 RUNNING, THE ENGINE WAS RUNNING?
- 12 A THAT IS CORRECT. WHEN WE ARRIVED ON
- 13 THE SCENE, WE WERE INFORMED OF THAT.
- 14 Q AND YOU TELL US THE GEARSHIFT WAS IN
- 15 NEUTRAL?
- 16 A WAS IN A NEUTRAL POSITION.
- 17 Q AND BASED ON THE POSITION OF VICKIE'S
- 18 BODY WHEN YOU FOUND HER, WAS SHE TO THE RIGHT SIDE
- 19 OR TO THE LEFT SIDE?
- 20 A SHE WAS LEANING TOWARD THE RIGHT SIDE.
- 21 SHE WAS LEANING ONTO THE FRONT PASSENGER SEAT AND
- 22 THE MIDDLE CONSOLE AREA.
- 23 Q BUT YOU COULDN'T SAY SHE HAD BEEN
- 24 SEATED UP, STRAIGHT UP IN THE CAR, COULD YOU?
- 25 A NO, I COULD NOT.

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1 Q ALL YOU CAN SAY IS IF SHE WAS, THAT
2 WHEN SHE CAME TO REST, SHE WAS ON THE RIGHT SIDE?

3 A THAT IS CORRECT.

4 Q NOW, WHAT DID YOU DO WITH THE CAR, ONCE
5 YOU HAD REMOVED VICKIE'S BODY AND TURNED THAT OVER
6 TO THE EMERGENCY MEDICAL SERVICE PEOPLE, THE
7 AMBULANCE, WHAT DID YOU DO WITH THE AUTOMOBILE?

8 A THERE WAS SOME EVIDENCE BEHIND THE
9 AUTOMOBILE THAT WE COLLECTED FOR LATENT PRINT
10 EXAMINATION. IT APPEARED TO HAVE BEEN THERE FOR
11 SOME TIME. WE DIDN'T KNOW IF IT HAD ANY
12 INVOLVEMENT IN THE CASE OR NOT. THERE WAS A PACK
13 OF CIGARETTES, SOME BEER BOTTLES; IT WAS COLLECTED.
14 WE JUST DID A SWEEP OF THE AREA AROUND THE CAR.

15 ONCE THE VICTIM WAS CARRIED AWAY, WE
16 WERE ABLE TO ATTACH THE CABLES BACK TO THE CAR. WE
17 ROLLED UP THE FRONT DRIVER'S DOOR WINDOW, WE HAD A
18 WRECKER SERVICE STANDING BY ON THE SCENE AND THE
19 VEHICLE WAS TOWED ON A FLATBED WRECKER TO SLED
20 HEADQUARTERS AND ESCORTED FROM MOUNTAIN ROAD,
21 LITTLE MOUNTAIN, BY SPECIAL AGENT WADE FLEMING
22 WHERE HE SECURED THE VEHICLE IN THE FORENSIC
23 SCIENCE BUILDING GARAGE FOR US TO PROCESS LATER.

24 Q NOW WHO ASSISTED YOU IN GETTING THIS
25 AUTOMOBILE DEPICTED IN STATE'S EXHIBIT ONE, AND

1 THAT IS THE ONE YOU LOADED, IS THAT CORRECT?

2 A THAT IS CORRECT.

3 Q WHO ASSISTED YOU THERE ON THE SCENE IN
4 GETTING THIS AUTOMOBILE LOADED ONTO THE TRANSPORT
5 VEHICLE?

6 A PRESENT WERE MYSELF, SPECIAL AGENT
7 FLEMING; ALSO WAS A DEPUTY DALE DOMINICK AND THE
8 WRECKER DRIVER. PARDON ME, PLEASE. AND A MR.
9 CHARLES J. BROOKS WITH TED'S GARAGE IN NEWBERRY.

10 Q WHAT AREA OF THE CAR WAS DALE DOMINICK
11 WHEN HE ASSISTED YOU IN LOADING IT ONTO THE
12 TRANSPORT VEHICLE?

13 A DEPUTY DOMINICK WAS IN THE REAR, WAS IN
14 THIS AREA, THE REAR RIGHT AREA OF THE CAR. AS A
15 MATTER OF FACT, I SAW HIM TOUCH THE TRUNK AREA NEAR
16 THE BASE OR CLOSE TO THE REAR WINDSHIELD WHEN I
17 NOTICED HE DID NOT HAVE GLOVES ON, AND I STOPPED
18 HIM AT THAT POINT AND GAVE HIM SOME GLOVES.

19 Q YOU HAD GLOVES ON?

20 A YES, SIR, I DID.

21 Q AGENT FLEMING HAD GLOVES ON?

22 A YES, SIR. AS DID THE WRECK DRIVER. HE
23 HAD THE GLOVES THAT THEY, REGULAR WORK GLOVES,
24 LEATHER GLOVES THAT HE HAD.

25 Q DALE DOMINICK, HE IS A RESERVE DEPUTY

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1 WITH THE SHERIFF'S DEPARTMENT IN NEWBERRY, IS THAT
2 CORRECT?

3 A I KNOW HE'S A DEPUTY WITH THE SHERIFF'S
4 OFFICE; I DON'T KNOW WHAT CAPACITY.

5 Q SO SOME OF THESE PEOPLE THERE HAD THESE
6 LATEX GLOVES ON AND SOME DIDN'T, IS THAT CORRECT?

7 A THAT IS CORRECT. HE WENT TO ASSIST US
8 IN TRYING TO HELP, THERE WAS A VERY SMALL AREA
9 BETWEEN THE CAR AGAINST THE MOUNTAIN FROM THE SCENE
10 AND HE WAS JUST TRYING TO DO WHAT HE COULD TO HELP
11 US OUT AND GET THE CAR LOADED.

12 Q IN STATE'S EXHIBIT ONE THE CAR IS
13 DEPICTED IN A ROOM AT THIS POINT IN TIME. IS THAT
14 THE BUILDING AT SLED THAT YOU TOOK IT IN ORDER TO
15 CONDUCT THE MORE CLOSELY FORENSIC EXAMINATION?

16 A YES, SIR, THAT IS THE VISUAL PROCESSING
17 AREA OR GARAGE THAT IS AT THE SLED FORENSIC
18 LABORATORY WHERE WE PROCESS CARS THAT ARE INVOLVED
19 IN CRIME SCENE.

20 Q NOW WHAT DID YOU OBSERVE ABOUT THE
21 RIGHT FRONT BUMPER OF THE AUTOMOBILE DEPICTED IN
22 STATE'S EXHIBIT NUMBER ONE?

23 A ON THE RIGHT FRONT BUMPER OF THE
24 VEHICLE AND ALSO ON THE RIGHT FRONT TIRE, YOU HAVE
25 DEBRIS, IN PARTICULAR LIKE MUD, OR SOME GRASS, DIRT

1 THAT WAS ON THE BUMPER AND ON THE TIRE, AND THAT'S
2 WHERE IT WAS RESTING AGAINST, IN THE SHALLOW
3 DEPRESSION FROM THE MOUNTAIN.

4 Q ALL RIGHT, IF YOU WOULD, AGENT BLACK,
5 TELL THE JURY WHAT YOU DID WITH THIS AUTOMOBILE
6 WHILE IT WAS AT SLED.

7 A WHILE AT SLED HEADQUARTERS WE PROCESSED
8 THE AUTOMOBILE. WE CALLED ADDITIONAL ASSISTANCE.
9 WE HAD SPECIAL AGENT NANCY SKRABA WITH THE SLED
10 SEROLOGY/DNA DEPARTMENT COME DOWN, AND SPECIAL
11 AGENT JOHN BARRON FROM THE SLED TRACE DEPARTMENT.
12 WE AGAIN PHOTOGRAPHED THE CAR INSIDE AND OUT TO
13 MAKE SURE THAT SINCE WE DID HAVE BETTER LIGHTING
14 CONDITIONS TO MAKE SURE THAT WE DIDN'T MISS
15 ANYTHING, INCLUDING MORE PHOTOGRAPHS OF THE
16 INTERIOR OF THE CAR, ODOMETER READING, THE POSITION
17 OF THE GEARSHIFT AGAIN.

18 WE ALSO PHOTOGRAPHED ANYTHING THAT MAY
19 BE OF ANY EVIDENTIARY VALUE IN THE CAR. AGENT
20 SKRABA AND BARRON CONDUCTED THEIR EXAMINATION; THEY
21 COLLECTED--IN THE CASE OF AGENT SKRABA, SHE
22 COLLECTED ANY BLOOD SWABS THAT WE MAY NEED FOR
23 COMPARISON PURPOSES LATER.

24 Q AGENT BLACK, LET ME INTERRUPT YOU, IF I
25 COULD, AT THIS POINT IN TIME. WHEN WAS THIS DONE?

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1 AT WHAT TIME? YOU SAID YOU ARRIVED AROUND 11:40.

2 WHAT TIME ARE YOU TALKING ABOUT NOW?

3 A THIS WAS DONE, THE ACTUAL PROCESSING OF
4 THE VEHICLE WAS DONE ON JUNE THE 14TH, 1994. WE
5 STARTED ABOUT FOUR O'CLOCK IN THE EVENING, FOUR
6 O'CLOCK IN THE AFTERNOON.

7 Q WELL, LET ME TAKE YOU BACK, IF I COULD,
8 TO THE EVENING OF JUNE 12TH AND THE EARLY MORNING
9 HOURS OF JUNE 13TH BEFORE YOU LEFT THE LITTLE
10 MOUNTAIN AREA TO GO BACK TO COLUMBIA. DID YOUR
11 INVESTIGATION HAVE YOU CONDUCT ANY OTHER SEARCHES
12 OR INTERVIEWS?

13 A YES, SIR. WHEN AGENT CHRISTIE AND I,
14 AGENT FLEMING FOLLOWED THE WRECKER WITH THE
15 VICTIM'S CAR TO SLED HEADQUARTERS TO STORE THE
16 VEHICLE. AGENT CHRISTIE AND I WENT TO THE NEWBERRY
17 COUNTY SHERIFF'S OFFICE, LAW ENFORCEMENT CENTER
18 WHERE WE MET WITH INVESTIGATORS FROM THE LOCAL
19 AGENCY AND ALSO THE SLED FIELD AGENTS, INCLUDING
20 CAPTAIN CHARLIE WEBER, LIEUTENANT SANDY TEMPLETON.
21 ALSO PRESENT WERE MAJOR DANNY GILLIAM AND CHIEF
22 DEPUTY JERRY WRIGHT.

23 AT THAT TIME THEY HAD TWO PARTIES AT
24 THE SHERIFF'S OFFICE AND THEY REQUESTED THAT WE DO
25 MAJOR CASE INK FINGER AND PALM PRINTS. THIS IS

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1 WHERE WE TAKE BLACK PRINTER'S INK AND FINGERPRINT
2 SOMEONE. WE FINGERPRINT THE FINGERS AND WE
3 FINGERPRINT THE PALMS. THIS IS GIVING A COMPLETE
4 PERMANENT RECORD OF THOSE INK IMPRESSIONS, AND WE
5 IDENTIFY WHO THEY ARE BY WRITING THEIR NAME AND
6 OTHER BIOGRAPHICAL INFORMATION SUCH AS THEIR DATE
7 OF BIRTH, SOCIAL SECURITY NUMBER. WE ALSO WERE
8 REQUESTED TO PHOTOGRAPH SOME SCRATCHES...

9 Q WAIT A MINUTE. LET ME ASK YOU THIS,
10 AGENT BLACK. LET ME ASK YOU THIS, AGENT BLACK...

11 THE COURT: NOW, SOLICITOR.

12 Q AGENT BLACK, LET ME ASK YOU...

13 THE COURT: WAIT. STRIKE FROM THE
14 RECORD HIS ANSWER AS BEING UNRESPONSIVE TO YOUR
15 QUESTION, AND ASK DIRECT QUESTIONS AND DO NOT LET
16 HIM RAMBLE.

17 MR. JONES: YES, SIR.

18 Q AGENT BLACK, LET ME ASK YOU
19 SPECIFICALLY ABOUT MONDAY MORNING, 7:03 A.M., JUNE
20 13TH. DID YOU GO TO DEFENDANT BECKHAM'S RESIDENCE?

21 A YES, SIR, WE DID.

22 Q AND ON MONDAY MORNING, JUNE 13TH, AT
23 7:30 A.M., DID YOU OBTAIN A CONSENT TO SEARCH
24 DEFENDANT BECKHAM'S RESIDENCE?

25 A YES, SIR, WE DID. IT WAS OBTAINED BY

1 THE INVESTIGATORS AT THE SHERIFF'S OFFICE, A COPY
2 OF WHICH WAS GIVEN TO SPECIAL AGENT CHRISTIE AND
3 MYSELF.

4 Q I HAND YOU STATE'S EXHIBIT SIXTEEN FOR
5 IDENTIFICATION PURPOSES AND ASK IF YOU CAN IDENTIFY
6 IT?

7 A YES, SIR, I CAN. THIS IS THE COPY OF
8 THE CONSENT TO SEARCH.

9 MR. JONES: YOUR HONOR, WE OFFER THAT
10 INTO EVIDENCE?

11 MR. HARPOOTLIAN: COULD I SEE IT,
12 PLEASE?

13 THE COURT: ANY OBJECTION?

14 MR. JONES: JUDGE, THEY STIPULATED...

15 THE COURT: I UNDERSTAND.

16 MR. HARPOOTLIAN: NO OBJECTION.

17 THE COURT: ALL RIGHT, WITHOUT
18 OBJECTION.

19 (SO ENTERED INTO EVIDENCE STATE'S
20 EXHIBIT SIXTEEN, CONSENT TO SEARCH, WITHOUT
21 OBJECTION.)

22 THE COURT: SOLICITOR, ARE YOU GOING TO
23 BE MOVING TO A DIFFERENT AREA NOW? WHAT I MIGHT DO
24 IS LET THE JURY TAKE A QUICK BREAK AND WE'LL
25 CONTINUE ALONG. YOU'RE ABOUT HALFWAY THROUGH?

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1 MR. JONES: YES, SIR.

2 THE COURT: ALL RIGHT, LET'S DO THAT.

3 MADAM FOREMAN, AND LADIES AND GENTLEMEN, LET ME LET

4 YOU TAKE A SHORT BREAK AND WE'LL CONTINUE ALONG.

5 YOU CAN JUST LEAVE YOUR NOTES AND YOUR PAD. AND

6 MADAM FORELADY, IF YOU'LL GIVE THE BAILIFF THE

7 QUESTIONS YOU NEED ME TO ANSWER, I'LL BE GLAD TO

8 EXAMINE THOSE.

9 (JURY RECESSED TO JURY ROOM AT 10:34

10 A.M.)

11 WE'LL TAKE ABOUT A TEN MINUTE OR SO

12 BREAK, EVER HOW LONG THE JURY NEEDS.

13 ALL RIGHT, NOW ARE WE CLEAR ABOUT THE

14 AREAS THAT YOU CAN GET INTO FINISHING UP?

15 MR. JONES: YES, SIR.

16 THE COURT: AND THEN AFTER WE HAVE THE

17 HEARING, WE'LL SEE WHERE YOU ARE.

18 OKAY, SEE IF THE JURY'S READY, AND

19 LET'S RESUME.

20 (JURY RETURNED TO OPEN COURTROOM AT

21 10:54 A.M.)

22 THE COURT: MAINTENANCE AND SUPPORT

23 QUESTION FROM THE JURY, OKAY? NOTHING ABOUT THE

24 TRIAL ITSELF.

25 OKAY, SOLICITOR, YOU MAY CONTINUE

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1 ALONG.

2 MR. JONES: YES, YOUR HONOR, IF I
3 MIGHT.

4 Q AGENT BLACK, YOU TESTIFIED THAT YOU
5 RECEIVED A CONSENT TO SEARCH FORM SIGNED BY
6 DEFENDANT BECKHAM, STATE'S EXHIBIT NUMBER SIXTEEN
7 IN EVIDENCE, AND I WOULD ASK YOU IF STATE'S EXHIBIT
8 FOR I.D. PURPOSES SIXTY-NINE IS A BLOWUP OF THAT
9 CONSENT TO SEARCH FORM?

10 A YES, SIR, IT IS.

11 Q OKAY, AND IS IT SIGNED BY DEFENDANT
12 BECKHAM IN THE LOWER RIGHT-HAND CORNER?

13 A YES, SIR, IT IS.

14 Q NOW, TELL THE JURY HOW YOU CONDUCTED
15 YOUR SEARCH AND WHAT YOU OBSERVED WHEN YOU WENT
16 THERE, AND WHAT YOU COLLECTED.

17 A AGENT JOHN CHRISTIE AND I PROCEEDED
18 FROM THE SHERIFF'S OFFICE AND ARRIVED AT THE
19 DEFENDANT'S HOME AT APPROXIMATELY 7:30 A.M. IN THE
20 MORNING. THE ADDRESS WE WERE GIVEN WAS ROUTE ONE,
21 BOX 163, POMARIA, SOUTH CAROLINA. IT WAS A WHITE
22 MOBILE HOME. IT WAS BEHIND A RESIDENCE OFF THE
23 HIGHWAY.

24 WHEN WE ARRIVED ON THE SCENE,
25 PHOTOGRAPHED THE EXTERIOR AROUND THE RESIDENCE, AND

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1 ALSO THE INTERIOR OF THE RESIDENCE. JUST GENERAL
2 PHOTOGRAPH OF WHAT WE SAW.

3 BEHIND THE HOUSE, NEAR A POND WAS WHERE
4 A FIRE HAD BEEN. IT WAS STILL HOT. THERE WAS
5 ASHES AND COALS STILL IN THE FIRE. WE DID SIFT
6 THROUGH THE ASHES AND COALS AND WE FOUND NOTHING.

7 ALSO IN THE HOUSE...

8 Q LET ME ASK YOU THIS. STATE'S
9 EXHIBIT...

10 MR. HARPOOTLIAN: YOUR HONOR, BEFORE HE
11 GETS TO THE PICTURE, I WOULD MOVE THE TESTIMONY
12 ABOUT A FIRE AND THEY FOUND NOTHING--I MEAN IF IT
13 HAS NO EVIDENTIARY VALUE THEN WHY ARE WE TESTIFYING
14 ABOUT IT.

15 THE COURT: ARE YOU RAISING AN
16 OBJECTION?

17 MR. HARPOOTLIAN: YES, SIR, I'M
18 OBJECTING AS TO RELEVANCE.

19 THE COURT: IS IT RELEVANT?

20 MR. JONES: YES, IT IS, YOUR HONOR.

21 THE COURT: ALL RIGHT, THEN I'LL GIVE
22 YOU SOME LEEWAY. OVERRULED FOR THE TIME BEING.

23 MR. HARPOOTLIAN: ALL RIGHT, THANK YOU.

24 Q FIRST OF ALL, AGENT BLACK, WHAT IS
25 DEPICTED IN STATE'S EXHIBIT SEVENTEEN?

1 A STATE'S EXHIBIT SEVENTEEN IS A
2 PHOTOGRAPH OF THE PREMISES, THE RESIDENCE OF THE
3 DEFENDANT WHICH WE CONDUCTED THE SEARCH WHICH HE
4 GAVE HIS CONSENT FOR.

5 Q AND THAT IS THE DEFENDANT BECKHAM'S
6 RESIDENCE, IS THAT CORRECT?

7 A YES, SIR, THAT IS CORRECT.

8 Q NOW, YOU MENTIONED AT THE REAR OF HIS
9 RESIDENCE YOU OBSERVED WHAT AGAIN?

10 A A FIRE THAT ONCE WAS A CAMPFIRE, A FIRE
11 THAT WAS ASH AND HOT COALS STILL PRESENT AT THAT
12 FIRE SITE.

13 Q I HAND YOU STATE'S EXHIBIT EIGHTEEN,
14 STATE'S EVIDENCE EIGHTEEN, AND ASK YOU WHAT'S
15 DEPICTED THERE?

16 A THIS IS THE FIRE THAT I WAS REFERRING
17 TO, WHAT WAS A FIRE. IT'S IN THE REAR OF THE
18 RESIDENCE NEAR A SWINGSET.

19 Q NOW WHAT TIME DID YOU ARRIVE AGAIN?

20 A WE ARRIVED AT 7:30 IN THE MORNING OF
21 13TH OF JUNE, 1994.

22 Q SEVEN-THIRTY IN THE MORNING, 13TH OF
23 JUNE, AND THIS FIRE WAS STILL HOT?

24 A YES, SIR. AS A MATTER OF FACT, WHEN I
25 APPROACHED THE FIRE, AS I WAS GETTING CLOSE TO IT,

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1 I COULD STILL FEEL THE HEAT COMING OFF THE FIRE.

2 Q AND WHAT OBSERVATIONS DID YOU MAKE
3 ABOUT THIS FIRE WITH REGARD TO ITS HEAT AND/OR ITS
4 INTENSITY?

5 A THERE WERE STILL, IT WAS ONLY ASH BUT
6 THERE WERE ACTUALLY RED HOT COALS PRESENT THERE
7 WHERE THE FIRE WAS.

8 Q ALL RIGHT SIR, AND THEN DID YOU ENTER
9 THE RESIDENCE OF DEFENDANT BECKHAM?

10 A YES SIR, I DID.

11 Q AND WHAT DID YOU OBSERVE...AT THAT
12 POINT IN TIME, DID YOU OBSERVE A PAIR OF TENNIS
13 SHOES INSIDE?

14 A YES SIR, THERE WERE ACTUALLY TWO PAIR
15 OF TENNIS SHOES THAT WERE EXAMINED. THE FIRST PAIR
16 WERE BEHIND THE FRONT DOOR OF THE RESIDENCE SITTING
17 ON A SKI VEST.

18 Q I HAND YOU STATE'S EXHIBIT NUMBER
19 NINETEEN, STATE'S EVIDENCE NINETEEN.

20 A YES SIR, THESE ARE THE SHOES THAT I'M
21 REFERRING TO.

22 Q AND STATE'S EVIDENCE TWENTY?

23 A THESE ARE THE SAME PAIR OF SHOES BUT A
24 CLOSE-UP PHOTOGRAPH OF THOSE SHOES.

25 Q AND THEY WERE LOCATED IN DEFENDANT

1 BECKHAM'S TRAILER, IS THAT CORRECT?

2 A YES SIR, THEY WERE. THEY WERE DIRECTLY
3 BEHIND THE FRONT DOOR SITTING ON THE SKI VEST.

4 Q WHAT DID YOU DO WITH THESE SHOES?

5 A AFTER PHOTOGRAPHING THE SHOES, ON ONE
6 OF THE SHOESTRINGS IN PARTICULAR APPEARED TO BE A
7 STAIN THAT RESEMBLED BLOOD. I COLLECTED THOSE
8 SHOES DUE TO THE FACT THERE WAS SUCH A SMALL
9 AMOUNT, I DID NOT WANT TO RUN THE RISK OF DOING A
10 FIELD TEST THAT MAY CONSUME ALL OF THE RESIDUE THAT
11 WAS PRESENT. I COLLECTED THOSE SHOES AND WHEN I
12 DEPARTED THE SCENE, THE VICTIM--THE DEFENDANT'S
13 RESIDENCE, I DROVE THEM STRAIGHT TO SLED WHERE IN
14 MY PRESENCE THEY WERE EXAMINED AND SAMPLES
15 COLLECTED BY SPECIAL AGENT NANCY SKRABA WITH THE
16 SLED SEROLOGY DNA DEPARTMENT.

17 Q I HAND YOU STATE'S EXHIBIT FOR I.D.
18 PURPOSES TWENTY-ONE.

19 A YES, SIR, THESE ARE THE SHOES.

20 MR. JONES: YOUR HONOR, WE WOULD AT
21 THIS TIME OFFER STATE'S EXHIBIT NINETEEN, TWENTY
22 AND TWENTY-ONE FOR IDENTIFICATION ONLY AT THIS
23 POINT IN TIME.

24 THE COURT: ANY OBJECTION?

25 MR. HARPOOTLIAN: NOT A PROBLEM.

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1 THE COURT: WITHOUT OBJECTION. HE SAYS
2 INTO EVIDENCE NOW, NOT FOR I.D. PURPOSES.

3 MR. HARPOOTLIAN: NO ADDITIONAL
4 OBJECTION.

5 THE COURT: ALL RIGHT, WITHOUT
6 OBJECTION.

7 (SO MARKED AND ENTERED, SHOES, STATE'S
8 EXHIBIT TWENTY-ONE, WITHOUT OBJECTION.)

9 Q NOW WHAT DID YOU DO WITH THESE SHOES
10 ONCE YOU COLLECTED THEM AT DEFENDANT BECKHAM'S
11 RESIDENCE?

12 A ONCE I COLLECTED THEM AT DEFENDANT
13 BECKHAM'S RESIDENCE, I PLACED THEM IN THAT PAPER
14 BAG WITH SOME INFORMATION ON THE BAG DESCRIBING THE
15 SHOES AND WHERE THEY WERE COLLECTED FROM. AND I
16 TRANSPORTED THEM TO SLED HEADQUARTERS IN COLUMBIA,
17 AND WENT DIRECTLY WITH THE SHOES TO SPECIAL AGENT
18 NANCY SKRABA IN THE SLED SEROLOGY DNA DEPARTMENT
19 WHERE SHE CONDUCTED HER EXAMINATION.

20 Q AND WERE THE SHOES BASICALLY IN THE
21 SAME CONDITION WHEN YOU FOUND THEM AS THEY ARE HERE
22 TODAY DELIVERED TO THIS JURY?

23 A YES SIR, EXCEPT WITH SOME INITIALS AND
24 MARKINGS THAT'S BEEN PLACED ON THE SHOES FOR US TO
25 IDENTIFY.

1 MR. JONES: YOUR HONOR, I BELIEVE I
2 INTRODUCED THE CONSENT TO SEARCH FORM THAT WAS FOR
3 I.D. PURPOSES PRIOR TO THAT. I WOULD NOW LIKE TO
4 INTRODUCE THE ENLARGEMENT OF THE CONSENT TO SEARCH
5 FORM THAT'S BEEN...STATE'S EXHIBIT SIXTY-NINE FOR
6 I.D. PURPOSES.

7 MR. HARPOOTLIAN: WELL, YOUR HONOR, I
8 DON'T KNOW WHY THE ENLARGEMENT SHOULD GO BACK WITH
9 THE JURY. CERTAINLY THEY CAN USE...

10 THE COURT: WELL, LET ME--BEFORE I HEAR
11 FROM YOU...THAT ARGUMENT FROM EITHER SIDE. NOW I
12 NORMALLY LET DEMONSTRATIVE EXHIBITS COME IN,
13 ENLARGEMENTS AS SUCH FROM BOTH SIDES. SO I DON'T
14 KNOW WHAT YOU'VE GOT BUT WHATEVER, IF YOU GOING TO
15 INTEND TO OFFER THAT, I'LL LET YOURS IN IF THEY'RE
16 OTHERWISE ADMISSIBLE.

17 MR. HARPOOTLIAN: THE ORIGINAL OBJECT
18 IS IN...

19 THE COURT: THAT IS THE EVIDENCE.

20 MR. HARPOOTLIAN: THAT IS THE EVIDENCE.
21 IF THE ORIGINAL OBJECT IS IN, I DON'T KNOW WHY HE
22 NEEDS THE ENLARGEMENT.

23 THE COURT: WELL, I'M ASKING YOU, ARE
24 WE GOING TO FACE THE SAME SITUATION FROM YOU?

25 MR. HARPOOTLIAN: NO. WE'VE GOT THIS

1 DEVICE TO BLOW THINGS UP WITH AND THE SOLICITOR IS
2 WELCOME TO USE IT.

3 THE COURT: ALL RIGHT, YOU GOT OTHER
4 THINGS THAT YOU'VE GOT DIAGRAMS AND THINGS LIKE
5 THAT OF?

6 MR. JONES: YES, SIR.

7 THE COURT: ALL RIGHT, I'LL ALLOW YOU
8 TO PUT IT IN.

9 AND LADIES AND GENTLEMEN OF THE JURY,
10 THE ACTUAL EVIDENCE ITSELF IS THE PHYSICAL PIECE OF
11 PAPER. THAT IS AN ENLARGEMENT TO AID YOU IN BEING
12 ABLE TO READ IT AND LOOK AT IT. FOR THAT PURPOSE
13 ONLY, I'LL ALLOW IT IN.

14 Q AGENT BLACK, WHAT ELSE DID YOU SEIZE
15 WHILE AT THE HOME OF DEFENDANT BECKHAM, OTHER THAN
16 THE TENNIS SHOES?

17 A THAT IS THE ONLY THING THAT WE SEIZED
18 AT THE HOME.

19 Q DID YOU SEIZE ANY RUBBER GLOVES?

20 A NO, SIR.

21 Q DID YOU SEIZE ANY HANDGUNS?

22 A NO SIR.

23 Q YOU TURNED THOSE SHOES OVER TO NANCY
24 SKRABA, IS THAT CORRECT?

25 A WHEN I ARRIVED AT SLED WITH THE SHOES,

1 THE SHOES STAYED IN MY CUSTODY THE ENTIRE TIME THAT
2 I WAS WITH AGENT SKRABA. WHEN SHE COMPLETED HER
3 EXAMINATION, SHE GAVE THE SHOES BACK TO ME BECAUSE
4 ONCE WE FINISHED THERE, WE RETURNED TO NEWBERRY TO
5 ATTEND THE AUTOPSY OF THE DECEASED.

6 Q ALL RIGHT, TELL US ABOUT YOUR ATTENTION
7 AT THE AUTOPSY. WHAT DID YOU DO WHILE YOU WERE
8 THERE AS FAR AS YOUR INVESTIGATION AND YOUR WORK
9 WAS CONCERNED AT THE AUTOPSY CONDUCTED ON VICKIE?

10 A DUE TO THE TOTALITY OF THE PHYSICAL
11 EVIDENCE THAT I OBSERVED THAT NIGHT ON THE LITTLE
12 MOUNTAIN SCENE TO THE VICTIM AND THE VICTIM'S CAR,
13 I FELT, AS DID THE OTHER AGENTS FELT THAT SHE HAD
14 BEEN MOVED IN THE CAR, TAKEN AND PUT IN THE CAR AND
15 OUT OF THE CAR.

16 Q SO YOU FELT THAT SHE HAD BEEN PLACED
17 IN...

18 MR. HARPOOTLIAN: YOUR HONOR...

19 THE COURT: SUSTAINED. SOLICITOR, NOW
20 LISTEN, HE'S THE WITNESS. LET HIM ANSWER, DON'T
21 YOU TESTIFY.

22 Q EXPLAIN WHAT YOU MEAN BY SHE HAD BEEN
23 MOVED IN THE CAR. TELL US WHAT, BASED ON YOUR
24 OBSERVATIONS, WHAT IS YOUR EXPERT OPINION
25 CONCERNING HER MOVEMENT IN THE CAR, WHAT LOCATION

1 TO WHAT LOCATION IN THE CAR?

2 A BASED ON THE EARLIER WHEN I TESTIFIED
3 WITH THE BLOOD DRIPPINGS AND THE BLOOD TRANSFER,
4 AND WITH THE DRIED BLOOD ON THE BACK OF HER SHIRT
5 AND ON THE BACK OF HER PANTS, WHEN SHE WAS FOUND IN
6 THE CAR, SHE WAS SITTING ON HER RIGHT-HAND IN THE
7 SEAT. ALSO, THE CROSSING OF THE LEGS INDICATED TO
8 ME THAT SHE HAD BEEN MOVED.

9 THERE WAS A TRANSFER OF BLOOD BETWEEN
10 THE TWO FRONT SEATS. THERE WAS ALSO THE BLOOD THAT
11 WAS IN THE CUSHION AREA OF THE BACK SEAT, AND LATER
12 THERE WAS SOME FOOTWEAR IMPRESSIONS THAT WERE
13 DEVELOPED INSIDE THE CAR THAT INDICATED TO ME THAT
14 SHE HAD BEEN MOVED. ALSO, THE BLOOD ON THE OUTSIDE
15 OF THE CAR, THERE WAS A TRANSFER OF BLOOD ON THE
16 REAR LEFT DRIVER'S DOOR WHERE THERE WAS SOME HAIR
17 IN THE BLOOD. IT INDICATED TO ME THAT SHE HAD BEEN
18 MOVED.

19 OUR INTENTION WAS TO PROCESS HER LEGS
20 AND ARMS OF HER BODY WITH A CHEMICAL SUBSTANCE
21 KNOWN AMIDO BLACK TO DETERMINE IF THERE WERE ANY
22 FINGERPRINTS AND PROTEIN ON HER BODY. PROTEIN IS
23 PRESENT IN BLOOD. IF SHE HAD BEEN--SINCE SHE WAS
24 MOVED, THAT WOULD MEAN WHOEVER MOVED HER WOULD HAVE
25 TO TOUCHED, TO GRAB THE BODY. WHEN DOCTOR SEXTON

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1 GAVE US CLEARANCE AFTER HE DID HIS EXTERNAL
2 EXAMINATION OF THE DECEASED, WE THEN PROCESSED HER
3 BODY WITH THIS CHEMICAL AND ONE LATENT PRINT WAS
4 DEVELOPED ON HER INNER LEFT LEG CALF. BUT THAT
5 LATENT PRINT IS INSUFFICIENT. IT'S NOT
6 IDENTIFIABLE.

7 Q EXPLAIN TO THE JURY WHAT IS AN
8 UNIDENTIFIABLE LATENT PRINT LIKE THE ONE YOU FOUND
9 ON VICKIE'S LEFT INNER THIGH.

10 A A LATENT PRINT IS A TERM THE LATENT
11 PRINT EXAMINER USES TO DESCRIBE ANY PRINT THAT IS
12 EITHER DEVELOPED AT THE CRIME SCENE OR ANY EVIDENCE
13 ASSOCIATED WITH THE CRIME SCENE. LATENT IN LATIN
14 MEANS INVISIBLE, CAN'T BE SEEN.

15 IF YOU LOOK AT YOUR HANDS, FROM THE
16 TIPS OF YOUR FINGERS TO THE BASE OF YOUR PALM, YOU
17 HAVE RAISED PORTIONS OF SKIN. THESE RAISED
18 PORTIONS OF SKIN IS KNOWN AS FRICTION RIDGE SKIN.
19 IT REMINDS YOU OF CROPS IN THE FIELD, FURLS IN THE
20 FIELD WHERE A FARMER WHO HAS TILLED OR PLOWED THE
21 LAND WITH A DISC, YOU'VE SEEN THESE RAISED
22 SECTIONS. THAT'S THE SAME THING WITH THE RIDGES
23 THAT ARE IN YOUR FINGERS AND PALMS. ON THE TOPS OF
24 THESE RAISED RIDGES ARE MINUTE SWEAT PORES THAT ARE
25 CONSTANTLY EXUDING PERSPIRATION.

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1 NINETY-NINE PERCENT OF PERSPIRATION IS
2 WATER; THE OTHER ONE PERCENT, HALF OF WHICH IS
3 ORGANIC MATERIAL, THE OTHER HALF BEING INORGANIC
4 MATERIAL AND SALT. WHEN THIS PERSPIRATION AND THIS
5 WATER AND ANY OTHER CONTAMINATES THAT IS ON THE
6 RIDGES COME IN CONTACT WITH A SURFACE, IT MAY
7 TRANSFER THESE RIDGES, THESE PRINTS ONTO THAT
8 SURFACE. I SAID IT MAY.

9 LATENT PRINTS ARE RANDOM, THEY'RE
10 ACCIDENTAL. IT'S NOT LIKE AN INK PRINT WHERE
11 YOU'RE PLACING THE INK ON THE FINGER AND YOUR
12 ROLLING IT ONTO A CARD TO MAKE A PERMANENT
13 IMPRESSION. A LATENT PRINT IS A RANDOM TOUCHING.
14 IT MAY TRANSFER THAT RIDGE DETAIL OR THAT PRINT OR
15 IT MAY NOT. WHEN IT'S INSUFFICIENT, THAT MEANS
16 THERE'S NOT ENOUGH RIDGE DETAIL, NOT ENOUGH RIDGE
17 CHARACTERISTICS THAT I LOOK FOR TO MAKE A POSITIVE
18 IDENTIFICATION.

19 YES, SOMEONE TOUCHED THERE BUT I CAN'T
20 TELL YOU WHO TOUCHED THERE BECAUSE THERE'S NOT
21 ENOUGH THERE TO MAKE A POSITIVE IDENTIFICATION TO
22 ANYONE.

23 Q SO EVEN IF YOU HAD THE PERSON'S
24 FINGERPRINT WHO HAD TOUCHED THERE, YOU COULD NOT
25 SAY THAT THAT WAS THE PERSON THAT TOUCHED THERE, IS

- 1 THAT CORRECT?
- 2 A THAT IS CORRECT.
- 3 Q BECAUSE YOU DON'T HAVE ENOUGH RIDGE
- 4 DETAIL OF THE PRINT THAT WAS THERE?
- 5 A THAT IS CORRECT.
- 6 Q YOU CAN'T MAKE A COMPARISON, IS THAT
- 7 RIGHT?
- 8 A THAT IS CORRECT.
- 9 Q THAT WOULD ALLOW YOU TO IDENTIFY THAT
- 10 PRINT, IS THAT CORRECT?
- 11 A THAT IS CORRECT.
- 12 Q NOW WHAT ELSE DID YOU TAKE WITH YOU
- 13 FROM THE AUTOPSY? YOU TOOK THAT LATENT PRINT THAT
- 14 IS UNIDENTIFIABLE. DID YOU TAKE ANYTHING ELSE?
- 15 A DR. SEXTON TRANSFERRED THE EVIDENCE
- 16 THAT HE COLLECTED, BLOOD, HAIR, FIBERS, ANYTHING
- 17 THAT HE COLLECTED EITHER ON THE BODY OR IN THE
- 18 BODY, HE TRANSFERRED TO ME WHICH I CARRIED BACK
- 19 WITH ME TO COLUMBIA AND LOGGED IN THE NEXT DAY
- 20 WHICH WOULD HAVE BEEN JUNE THE 14TH AT SLED
- 21 HEADQUARTERS.
- 22 Q DID YOU GET SCRAPING FROM UNDERNEATH
- 23 VICKIE'S FINGERNAILS?
- 24 A DR. SEXTON DID DO THAT. THAT IS
- 25 CORRECT.

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1 Q AND DID HE TURN THEM OVER TO YOU TO
2 CARRY TO SLED?

3 A YES, HE DID.

4 Q DID YOU GET BLOOD THAT WAS TAKEN FROM
5 VICKIE'S BODY, HER BLOOD?

6 A AGAIN, HE COLLECTED OR A MEMBER OF HIS
7 STAFF, IN HIS PRESENCE, AND HE TRANSFERRED IT TO ME
8 AND I, IN TURN, TOOK IT TO SLED HEADQUARTERS TO BE
9 LOGGED IN.

10 Q AND ANALYZED?

11 A THAT IS CORRECT.

12 Q NOW, HAVING COLLECTED THE
13 UNIDENTIFIABLE PRINT WITH THE AMIDO-BLACK

14 PROCEDURE, VICKIE'S BLOOD AND THE FINGERNAIL
15 SCRAPINGS FROM VICKIE, DID YOU GO BACK TO SLED?

16 A YES, SIR. WHEN WE WERE COMPLETED AT
17 THE AUTOPSY, THERE WAS ONE POINT DURING THE AUTOPSY
18 THAT I HAD TO LEAVE. THEY HAD REQUESTED I RETURN
19 TO THE ORIGINAL SITE IN LITTLE MOUNTAIN. I LEFT
20 THE AUTOPSY AT ONE P.M. THE AFTERNOON OF JUNE 13TH
21 AND I ARRIVED BACK AT THE SCENE AT 1:15 P.M. ON
22 JUNE THE 13TH. AGENT JOLLY WAS ON THE SCENE AND HE
23 HAD NOTICED SOME BLOOD ON THE ROADWAY WHERE, NEAR
24 WHERE THE CAR HAD BEEN, THE VICTIM'S CAR.

25 ESSENTIALLY WHAT THAT HAD TO DO WITH

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- 1 THE SCENE WAS THE VICTIM'S CAR WAS DRIPPING BLOOD.
2 WHEN THE WRECKER DRIVER LOADED THE CAR ONTO THE
3 FLATBED WRECKER, I NOTED THAT THERE WAS SOME BLOOD
4 DRIPPING FROM UNDERNEATH THE CAR NEAR THE FRONT
5 PASSENGER DOOR AREA. AND THAT BLOOD COLLECTED ONTO
6 THE FLATBED SURFACE OF THE TRUCK AND ACTUALLY RAN
7 DOWN THE TRUCK. AND THERE IS A PHOTOGRAPH THAT
8 SHOWS SOME CONES THAT ARE ACTUALLY MARKING THE AREA
9 WHERE THOSE DROPS WERE.
- 10 Q I HAND YOU STATE'S EXHIBIT TWENTY-TWO.
11 IS THAT THE PHOTOGRAPH YOU'RE REFERRING TO?
- 12 A YES, SIR, IT IS.
- 13 Q AND THOSE CONES IDENTIFY WHERE THE
14 DROPS OF BLOOD WERE IN THE ROADWAY ON MOUNTAIN
15 ROAD?
- 16 A YES, SIR.
- 17 Q ALL RIGHT, SIR. CONTINUE.
- 18 A AND YOU COULD LINEUP AND SEE WHERE THE
19 ACTUAL FLATBED PORTION OF THE WRECKER HAD GONE TO
20 THE CAR AND THE CAR WAS PULLED UP ONTO THE WRECKER.
21 AND AS THE WRECKER DROVE OFF, WHERE THE BLOOD HAD
22 DROPPED FROM THE WRECKER BED ONTO THE ROAD.
- 23 Q ALL RIGHT. NOW DID YOU MAKE
24 OBSERVATIONS ABOUT THIS BLOOD COLLECTION AND BLOOD
25 DRIPPING BACK AT SLED WHERE THE CAR WAS?

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1 A YES, SIR. AT THE GARAGE WHERE THE
2 VEHICLE HAD BEEN STORED OVERNIGHT, THERE WERE
3 SEVERAL DROPS UNDER THE FRONT PASSENGER DOOR ON THE
4 BED, THE FLOOR AREA, THE CONCRETE FLOOR OF THE
5 GARAGE.

6 Q I HAND YOU STATE'S EXHIBIT TWENTY-
7 EIGHT. IS THAT...

8 A YES, SIR. THAT IS IT.

9 Q DID YOU DETERMINE WHERE THIS BLOOD WAS
10 COMING FROM? HOW LONG HAD THE CAR BEEN IN THIS
11 ROOM AT SLED WHEN YOU OBSERVED THIS BLOOD ON THE
12 FLOOR?

13 A THE VEHICLE ARRIVED AT SLED AT 3:20
14 A.M. ON JUNE THE 13TH, AND IT WAS APPROXIMATELY
15 FOUR O'CLOCK ON THE AFTERNOON OF JUNE 14TH BEFORE
16 WE COULD ACTUALLY GET TO THE CAR. IT WAS ALMOST A
17 TWENTY-FOUR HOUR PERIOD.

18 Q WHAT DID YOU DETERMINE ABOUT THE SOURCE
19 OF THAT BLOOD?

20 A I BELIEVE THAT THERE IS A PHOTOGRAPH
21 THAT SHOWS THE RESTING PLACE OF THE VICTIM, WHERE
22 HER HEAD IS LAYING ON THE FRONT PASSENGER SEAT AND
23 OVER THE AREA OF WHERE THE CENTER CONSOLE IS AND
24 ALSO THE GEARSHIFT. I BELIEVE THE DRIPPING BLOOD
25 FROM HER ACTUALLY WENT DOWN INTO THE CRANKSHAFT AND

1 THE VEHICLE MECHANISM AND ACTUALLY RAN OUT AT THAT
2 POINT.

3 Q I HAND YOU STATE'S EXHIBIT TWENTY-SIX,
4 STATE'S EVIDENCE TWENTY-SIX.

5 A YES, SIR.

6 Q IS THAT THE AREA THAT YOU'RE TALKING
7 ABOUT?

8 A YES, SIR, IT IS.

9 Q SO TELL US AGAIN WHAT YOU BELIEVE
10 OCCURRED.

11 A ALSO IN THAT PHOTOGRAPH, IT DEPICTS A
12 HANDBRAKE. IT'S THAT AREA WHERE SHE WAS LEANING
13 OVER WHEN WE FOUND HER IN THE CAR. THERE WAS
14 INDICATION WHERE SHE HAD BLED OUT, AND FROM THAT
15 DRIPPING BLOOD, IT DRIPPED DOWN INTO THE CONSOLE
16 AREA DOWN INTO THE MECHANISM OF THE CAR, THE
17 TRANSMISSION, ETCETERA. AND IT JUST FOLLOWED
18 THROUGH AND DRIPPED OUT, CAME OUT THERE NEAR THE
19 FRONT PASSENGER DOOR, BETWEEN IT AND THE FRONT
20 TIRE.

21 Q STATE'S EXHIBIT TWENTY-SEVEN. DO YOU
22 RECOGNIZE THAT?

23 A YES, SIR, I DO.

24 Q AND WHAT IS DEPICTED IN THAT
25 PHOTOGRAPH? THIS APPARATUS HERE?

1 A THAT IS SHOWING ON ONE SIDE THE
2 HANDBRAKE. IN FRONT OF THAT IS THE GEARSHIFT, THE
3 MANUAL TRANSMISSION AND THERE IS SOME CAKED BLOOD
4 NEAR THE MANUAL TRANSMISSION, THE GEARSHIFT.

5 Q AND IS THERE AN AREA ON THE GEARSHIFT
6 WHERE FLUID COULD DRAIN?

7 A YES, SIR, THERE IS.

8 Q FLUID LIKE BLOOD?

9 A THERE THROUGH THE GEARSHIFT AND ALSO
10 THERE AROUND THE HANDBRAKE.

11 Q WELL, IF IT DRAINED AROUND THE
12 HANDBRAKE AND THROUGH THE GEARSHIFT, WHERE WOULD IT
13 DRAIN TO?

14 A IN THIS CASE, IT DID DRAIN OUT IN THE
15 AREA OF THE FRONT DOOR, THE FRONT PASSENGER DOOR,
16 BETWEEN IT AND THE FRONT RIGHT TIRE.

17 Q DID YOU DETERMINE THAT IT WAS DRAINING
18 OUT IN THAT LOCATION?

19 A YES, WE DID.

20 Q THAT WAS THE FLOW PATTERN OF THIS FLUID
21 BLOOD, THAT IT WOULD DRAIN AND DROP IN THAT
22 LOCATION, IS THAT CORRECT?

23 A THAT IS CORRECT.

24 Q WAS THERE AN AREA FOR IT TO COLLECT
25 BENEATH EITHER THE HANDBRAKE OR THE GEARSHIFT,

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1 BENEATH THOSE TWO AREAS OF THE AUTOMOBILE,
2 UNDERNEATH IT?

3 A I CANNOT REMEMBER, SOLICITOR.

4 Q NOW, YOU MENTIONED THAT YOU HAD
5 OBSERVED A BLACK TEE-SHIRT IN VICKIE'S CAR, IS THAT
6 CORRECT?

7 A YES, SIR, THAT IS CORRECT.

8 Q I HAND YOU STATE'S EVIDENCE TWENTY-
9 THREE AND ASK YOU IF IT'S DEPICTED IN THIS
10 PHOTOGRAPH?

11 A YES, SIR, IT IS. IT'S DEPICTED IN THE
12 PHOTOGRAPH, IN AGAIN THE FRONT DRIVER'S FLOORBOARD,
13 NEAR THE PURSE AND NEAR HER SHOE.

14 Q DID YOU COLLECT THAT TEE-SHIRT?

15 A YES, SIR, WE DID.

16 Q I HAND YOU STATE'S EXHIBIT ELEVEN AND
17 ASK IF YOU CAN IDENTIFY IT? STATE'S EVIDENCE
18 ELEVEN?

19 A YES SIR, THIS IS THE TEE-SHIRT.

20 Q AND AGAIN, YOU FOUND THIS AND OBSERVED
21 THIS AND TOUCHED THIS TEE-SHIRT AND EXAMINED THIS
22 TEE-SHIRT?

23 A YES, SIR, I DID.

24 Q AT WHAT TIME IN THE EVENING ON JUNE
25 12TH, 1994?

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1 A NOT, AFTER WE GOT THE SCENE PHOTOGRAPH,
2 THAT EVENING WE ARRIVED ON THE SCENE AT ELEVEN
3 O'CLOCK IN THE EVENING. I CAN ONLY GUESS IT WAS
4 WITHIN AN HOUR AFTER WE ARRIVED ON THE SCENE AFTER
5 THE PHOTOGRAPHS HAD BEEN TAKEN TO SEE EXACTLY WHAT
6 IT WAS. AND DURING THAT, TO SEE THAT IT WAS A
7 HARLEY DAVIDSON TEE-SHIRT, IT WAS STILL WET. IT
8 WAS STILL DAMP TO THE TOUCH.

9 Q WHO DID YOU TURN THIS TEE-SHIRT OVER
10 TO, IF ANYONE, FOR EXAMINATION?

11 A IT WAS COLLECTED AND TURNED INTO THE
12 CENTRAL EVIDENCE LOG-IN TO GO TO SEROLOGY DNA FOR
13 THEIR EXAMINATION.

14 Q NOW, DID YOU TAKE PHOTOGRAPHS OF THE
15 INSIDE OF VICKIE'S NISSAN?

16 A YES, SIR, WE DID.

17 Q I HAND YOU STATE'S EVIDENCE TWENTY-
18 FOUR. DID YOU TAKE THAT PHOTOGRAPH? IF YOU WOULD
19 JUST COME DOWN IN FRONT OF THE JURY SO THAT YOU CAN
20 SHOW THEM THESE PHOTOGRAPHS AS I HAND THEM TO YOU.

21 A STATE'S EXHIBIT TWENTY-FOUR IS A
22 CLOSER-UP PHOTOGRAPH WITH A RULER THAT SHOWS THE
23 DRIPPED BLOOD THAT IS IN THE FRONT DRIVER'S SEAT.
24 IF YOU WERE SITTING ON THE FRONT DRIVER'S SEAT,
25 IT'S GOING TO BE ON THE LEFT SIDE. THE SIDE CLOSET

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1 TO THE FRONT DRIVER'S DOOR.

2 Q IF YOU WOULD, STATE'S EXHIBIT...STATE'S
3 EVIDENCE TWENTY-NINE. TELL US WHAT'S DEPICTED
4 THERE.

5 A STATE'S EXHIBIT TWENTY-NINE IS A
6 PHOTOGRAPH OF THE LEFT REAR PASSENGER DOOR. THIS
7 IS THE TRANSFER OF BLOOD THAT I REFERRED TO
8 EARLIER. THIS IS A TRANSFER PATTERN. THERE WAS
9 SOME HAIR WITH THE BLOOD, AND BASICALLY A CASE
10 WHERE THE BLOOD TRANSFERRED FROM THE VICTIM ONTO
11 THIS SPOT.

12 AGAIN, THIS IS THE LEFT REAR PASSENGER
13 DOOR.

14 Q STATE'S EVIDENCE THIRTY, PLEASE.

15 A STATE'S EVIDENCE THIRTY IS A PHOTOGRAPH
16 THAT SHOWS THE HEADREST THAT GOES ONTO THE FRONT
17 PASSENGER SEAT IS LOCATED HERE IN THE REAR
18 PASSENGER FLOORBOARD IN THE PASSENGER AREA.

19 ALSO, YOU CAN SEE A TRANSFER OF BLOOD
20 THAT IS ON THE SIDE OF THE FRONT PASSENGER SEAT.
21 ALSO, THERE IS AREAS ON THE BACK SEAT THAT YOU CAN
22 SEE WHERE BLOOD HAS TRANSFERRED AND THERE HAS BEEN
23 MOVEMENT ON THE SEAT. THE SEAT CUSHION ITSELF.

24 Q STATE'S EVIDENCE THIRTY-ONE.

25 A STATE'S EVIDENCE THIRTY-ONE IS A

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1 PHOTOGRAPH OF A CAST-OFF IMPRESSION IN BLOOD. THIS
2 IS IN THE REAR RIGHT PASSENGER DOOR NEAR THE DOOR
3 HANDLE. WHEN I REFER TO CAST-OFF, THAT MEANS BLOOD
4 WHEN AN OBJECT OR SOMETHING WAS IN MOTION, THE
5 BLOOD CAME OFF THAT OBJECT IS LOCATED RIGHT HERE.

6 MR. HARPOOTLIAN: YOUR HONOR, MY
7 OBJECTION AT THIS POINT WOULD BE HAS HE BEEN
8 QUALIFIED AS A BLOOD SPATTER EXPERT?

9 THE COURT: I DON'T KNOW. HE HAS
10 NOT...THAT HAS NOT BEEN DONE.

11 MR. HARPOOTLIAN: WELL, I'D OBJECT
12 UNTIL THERE'S SOME FOUNDATION LAID AS TO HOW BLOOD
13 IS DEPOSITED. I UNDERSTAND HE'S QUALIFIED AS AN
14 EXPERT IN...

15 MR. JONES: CRIME SCENE...

16 THE COURT: WAIT, WAIT. Y'ALL COME
17 OVER AND LET'S SEE IF WE CAN DO IT THIS WAY JUST A
18 MINUTE.

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

22 THE COURT: I WOULD SUSTAIN THE
23 OBJECTION THAT THE QUALIFICATION DID NOT INCLUDE
24 THAT CAPACITY. HOWEVER, SOLICITOR, I'LL ALLOW YOU
25 TO QUALIFY YOUR WITNESS AS TO THAT ISSUE.

1 Q AGENT BLACK, YOU HAVE RECEIVED TRAINING
2 IN THE AREA OF BLOOD SPATTER AND BLOOD EXAMINATION,
3 IS THAT CORRECT?

4 A YES, I HAVE RECEIVED TRAINING IN THE
5 BLOOD SPATTER EXAMINATION AND BLOOD STAIN PATTERN
6 ANALYSIS, THAT IS CORRECT.

7 Q AND HAVE YOU BEEN QUALIFIED AS AN
8 EXPERT IN THE CIRCUIT COURTS OF GENERAL SESSIONS
9 COURTS OF THIS STATE PRIOR TO TODAY AS AN EXPERT...

10 A YES, I HAVE.

11 Q ...IN THAT AREA.

12 MR. HARPOOTLIAN: WE WITHDRAW OUR
13 OBJECTION, YOUR HONOR.

14 THE COURT: OBJECTION WITHDRAWN. YOU
15 MAY PROCEED.

16 MR. JONES: SO HE IS OFFERED, YOUR
17 HONOR, AS AN EXPERT IN BLOOD SPATTER
18 IDENTIFICATION.

19 THE COURT: YES SIR, WITHOUT OBJECTION.

20 Q BLOOD SPATTER IDENTIFICATION, SO YOU'VE
21 BEEN QUALIFIED AS AN EXPERT TODAY. SO IF YOU
22 WOULD, COME BACK DOWN AND CONTINUE. STATE'S
23 EXHIBIT THIRTY-TWO.

24 A STATE'S EXHIBIT THIRTY-TWO IS THE RIGHT
25 REAR PASSENGER DOOR. THIS IS AFTER THE EXTERIOR

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1 AREA OF THIS REAR PASSENGER DOOR HAS BEEN PROCESSED
2 WITH THE AMIDO BLACK HAS SHOWN OR WHAT IT DEVELOPED
3 WAS STREAKING MOTION AS IF SOMEONE MAY HAVE TAKEN
4 SOMETHING TO CLEAN THE WINDOW AND THAT'S WHAT THIS
5 INDICATES. AND THAT IS IN THIS AREA OF THE CAR.

6 Q WHAT AREA IS THAT AGAIN?

7 A THIS IS THE REAR RIGHT PASSENGER DOOR
8 ON THE EXTERIOR WINDOW AND DOOR FRAME AREA.

9 Q NOW, BASED ON YOUR CRIME SCENE ANALYSIS
10 AND EXPERTISE, AGAIN, WHAT DOES THAT PHOTOGRAPH
11 INDICATE TO YOU WITH REGARD TO AT LEAST THE REAR
12 WINDOW?

13 A WHAT IT INDICATES TO ME IS SOMETHING
14 WAS USED TO WIPE DOWN THIS AREA OF THE CAR DOOR.
15 SOMETHING WAS USED TO WIPE THE GLASS DOWN.

16 Q STATE'S EVIDENCE THIRTY-THREE.

17 A STATE'S EVIDENCE THIRTY-THREE SHOWS THE
18 INTERIOR RIGHT REAR PASSENGER DOOR, IN PARTICULAR
19 THE AREA ON THE ARM REST DOOR HANDLE, TO THE LEFT
20 OF IT AND ABOVE THE DOOR MECHANISM TO OPEN THE
21 DOOR. AND THIS IS A TRANSFER BLOOD PATTERN.

22 Q STATE'S THIRTY-FOUR, IS THAT THE SAME
23 AREA OF A CLOSER BLOWUP?

24 A YES, SIR, THIS IS A CLOSER PHOTOGRAPH
25 OF THAT, AND IT IS AN ENLARGEMENT. AND AGAIN, IT

1 IS THE TRANSFER OF BLOOD FROM A SOURCE ONTO THE
2 DOOR.

3 Q NOW AGAIN, WHAT DOOR IS THAT?

4 A THAT IS THE RIGHT REAR PASSENGER DOOR.

5 Q STATE'S EVIDENCE THIRTY-FIVE. WHAT'S
6 DEPICTED THERE?

7 A STATE'S EVIDENCE THIRTY-FIVE SHOWS A
8 PHOTOGRAPH OF THE REAR PASSENGER COMPARTMENT, IN
9 PARTICULAR THE PASSENGER SEAT AREA AND CUSHIONS.
10 AND IN THERE, THERE WAS SOME FORM OF MOTION IN THE
11 BACK SEAT AREA, BUT THERE IS ALSO AREAS OF
12 DISCOLORATION WHICH APPEAR TO BE BLOOD THAT HAD
13 EITHER SOAKED INTO THE CUSHION OR WAS SOMEWHAT
14 POSSIBLY DILUTED.

15 Q AGENT BLACK, DID YOU THEN BEGIN
16 PROCESSING VICKIE'S NISSAN DEPICTED IN STATE'S
17 EVIDENCE NUMBER ONE FOR FINGERPRINTS?

18 A THE LAST THING THAT IS DONE IN
19 PROCESSING ANY EVIDENCE IS LATENT PRINT PROCESSING,
20 PROCESSING LATENT IMPRESSIONS BECAUSE THE PROCESS
21 METHOD WE USE COULD DESTROY ANY OTHER POTENTIAL
22 EVIDENCE AND THAT'S WHY SEROLOGY PERSONNEL AND
23 TRACE PERSONNEL WERE BROUGHT IN FIRST TO LOOK FOR,
24 TO GET ANY BLOOD STANDARDS, TO ALSO GET ANY BLOOD
25 OR FIBERS FROM THE CAR.

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1 THE VEHICLE WAS PROCESSED FOR LATENT
2 PRINTS. BEFORE WE PROCESSED THE VEHICLE FOR LATENT
3 PRINTS, WE GO OVER THE VEHICLE WITH WHAT'S KNOWN AS
4 UGLY LIGHT. THAT IS JUST TAKING A LIGHT SOURCE, IT
5 CAN BE A BLACK LIGHT, A SPOT LIGHT, EVEN A LIGHT IN
6 A ROOM, THAT YOU AIM THE LIGHT ONTO THE SURFACE TO
7 MAKE SURE YOU CAN SEE EVERYTHING THAT'S ON THE
8 SURFACE TO MAKE SURE THAT WE DON'T MISS ANYTHING.

9 ONCE THAT IS DONE, THE INTERIOR OF THE
10 CAR IS SEALED BY JUST CLOSING THE DOOR AND THEN
11 IT'S FUMED WITH CYANOACRYLATE. CYANOACRYLATE IS A
12 CHEMICAL THAT IS LOCATED IN SUPER GLUE. AND WHAT
13 CYANOACRYLATE DOES WHEN PUT WITH HEAT AND HUMIDITY,
14 IT CREATES A VAPOR. IT ADHERES TO OR BONDS TO
15 THESE THINGS THAT I TALKED ABOUT EARLIER, MOISTURE.
16 IT COULD BE SWEAT, IT COULD BE GREASES, IT COULD BE
17 OILS. WHILE THAT IS GOING ON IN THE INSIDE OF THE
18 CAR, THE EXTERIOR OF THE CAR WAS PROCESSED WITH
19 BLACK FINGERPRINT POWDER, AND ANY LATENTS THAT WERE
20 DEVELOPED WITH BLACK FINGERPRINT POWDER WAS
21 DOCUMENTED ON A LIFT CARD, THIS INDEX CARD. AND
22 THEN TRANSPARENT TAPE WAS PLACED OVER THE LATENT
23 PRINT DEVELOPED AND LIFTED AND PLACED ON THE GLOSSY
24 SIDE OF THE CAR.

25 THE REASON WHY THE LIFT WAS PUT ON THE

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1 GLOSSY SIDE OF THE CAR, IT MAKES IT EASIER TO DO
2 THE EXAMINATION. YOU GOT A BETTER CONTRAST IN
3 COMPARING TO KNOWN INK PRINTS.

4 AT THAT POINT IN TIME, WHEN THAT WAS
5 DONE, WE OPEN THE CAR AND LET IT AIR OUT, FUME OUT.
6 THE CYANOACRYLATE WILL BOND; IN PARTICULAR, WE TAKE
7 PRECAUTION. IF ANYONE WEARS CONTACTS, THEY'RE NOT
8 ALLOWED IN THE AREA BECAUSE IT CAN LITERALLY BOND
9 THE CONTACTS TO YOUR EYEBALL. THAT'S THE BEST
10 THING I DO TO EXPLAIN.

11 SO WE AIR THE CAR OUT, AT WHICH TIME WE
12 THEN GO OVER TO LOOK AND SEE IF ANY PRINTS HAVE
13 BEEN DEVELOPED. AND WE APPLY BLACK POWDER TO THOSE
14 AREAS, COMPLETELY INSIDE AND OUTSIDE THE CAR, AND
15 ANY LATENT IMPRESSIONS ARE THEN DOCUMENTED AND
16 LIFTED AND PLACED ON THESE LIFT CARDS.

17 WE LIFTED TWENTY-FIVE LATENT LIFTS ON
18 THE OUTSIDE OF THE CAR, FOUR LATENT LIFTS ON THE
19 INSIDE OF THE CAR. THESE ARE PRINTS. IN ADDITION,
20 THERE WERE TWO FOOTWEAR IMPRESSIONS ALSO LIFTED
21 INSIDE THE CAR. ONE FOOTWEAR IMPRESSION OR LIFT
22 WAS ON THE REAR LEFT PASSENGER DOOR WINDOW ON THE
23 INSIDE. AND THE OTHER LIFT WAS ON THE FRONT
24 DRIVER'S DOOR ON THE WINDOW ON THE INSIDE.

25 ONCE ALL OF THIS WAS DONE, THE VEHICLE

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1 WAS THEN PROCESSED WITH AMIDO BLACK. AND WITH THE
2 AMIDO BLACK, WE DEVELOPED TWO IMPRESSIONS ON THIS
3 VEHICLE AND THEY WERE PHOTOGRAPHED.

4 AMIDO BLACK PRINTS CANNOT BE LIFTED
5 WITH TAPE. THEY HAVE TO BE PHOTOGRAPHED WITH SCALE
6 AND ENLARGEMENTS MADE; AGAIN, I MENTION ONE TO
7 ONE, ONE INCH IS EQUAL TO ONE INCH. YOU'RE GIVEN
8 THE ACTUAL SIZE FOR YOUR COMPARISON PURPOSES.

9 Q ALL RIGHT, AGENT BLACK, AGAIN, HOW MANY
10 LIFTS, FINGERPRINT IMPRESSION LIFTS DID YOU GET
11 FROM THE OUTSIDE OF THE CAR WITH THE NORMAL BLACK
12 FINGERPRINT POWDER?

13 A TWENTY-FIVE.

14 Q HOW MANY LIFTS DID YOU GET FROM THE
15 OUTSIDE OF THE CAR WITH THE AMIDO BLACK PROCESS?

16 A TWO.

17 Q AND HOW MANY LIFTS DID YOU GET FROM THE
18 INSIDE OF THE CAR?

19 A FOUR.

20 Q THIRTY-ONE TOTAL?

21 A THAT IS CORRECT.

22 Q NOW, DID YOU PREPARE THE DIAGRAM
23 POSITIONED ON THE EASEL BEHIND YOU THERE, SIR?

24 MR. HARPOOTLIAN: YOUR HONOR?

25 THE COURT: YES, SIR.

1 MR. HARPOOTLIAN: COULD WE HAVE A SIDE
2 BAR? I THINK I HAVE A MATTER I NEED TO TAKE UP.

3 (BENCH CONFERENCE IN THE PRESENCE OF
4 THE JURY, OUT OF THE HEARING OF THE JURY, AND OFF
5 THE RECORD.)

6 THE COURT: ALL RIGHT, MADAM FORELADY,
7 AND LADIES AND GENTLEMEN OF THE JURY, THE REASON WE
8 HAVE THOSE, SOMETIMES IT SAVES US A LOT OF TIME IF
9 I CAN JUST TALK TO THEM BRIEFLY, AND WE HAVE, I
10 THINK, ACCOMPLISHED THAT.

11 SO SOLICITOR, YOU MAY PROCEED ON. THE
12 OBJECTION IS WITHDRAWN.

13 Q AGENT BLACK, I BELIEVE I ASKED YOU IF
14 YOU PREPARED THIS DIAGRAM UP HERE. STATE'S
15 EVIDENCE EIGHTY-FOUR, IS THAT CORRECT?

16 A YES SIR, THAT IS CORRECT.

17 Q DID YOU PREPARE THE DIAGRAM?

18 A YES SIR, I DID.

19 Q WHAT IS REPRESENTED IN THE DIAGRAM,
20 STATE'S EXHIBIT EIGHTY-FOUR?

21 A IN STATE'S EXHIBIT EIGHTY-FOUR, THAT IS
22 JUST AN ENLARGEMENT SHOWING THE DIFFERENT SIDES,
23 TOP, REAR, FRONT, ETCETERA, OF THE AUTOMOBILE AND
24 IT REPRESENTS THE VICTIM'S AUTOMOBILE. IT
25 DEMONSTRATES WITH THE COLORED STICKY LABELS,

1 CIRCULAR LABELS THOSE LATENT PRINTS WHICH WERE
2 DEVELOPED, WHETHER THEY WERE DEVELOPED WITH BLACK
3 POWDER OR AMIDO BLACK. AND IT GIVES AN INDICATION,
4 IT MARKS THE IDENTIFYING PRINTS, WHO THEY WERE
5 POSITIVELY IDENTIFIED TO, AND ALSO MARKS THE PRINTS
6 THAT WERE UNIDENTIFIED AND ALSO MARKS THE PRINTS
7 THAT ARE INSUFFICIENT; THEY CAN'T BE IDENTIFIED TO
8 ANYONE.

9 Q EXPLAIN THOSE THREE TYPES OF PRINTS TO
10 THE JURY. THAT IS IDENTIFIED, IDENTIFIABLE,
11 UNIDENTIFIED AND INSUFFICIENT FOR IDENTIFICATION.

12 A THE IDENTIFIABLE, THE ONES THAT ARE
13 IDENTIFIED MEANS JUST THAT. THEY HAVE BEEN
14 POSITIVELY IDENTIFIED TO SOMEONE WHOSE INK
15 FINGERPRINT, KNOWN INK PRINTS WERE SUBMITTED TO ME
16 WHICH I COMPARED AGAINST THE LATENT.

17 Q ALL RIGHT, IF I COULD STOP YOU NOW. IF
18 YOU WOULD, TELL THE JURY AND TELL THEM FIRST WHICH
19 PRINTS YOU WERE ABLE TO IDENTIFY AND WHO THEY WERE
20 IDENTIFIED AS BELONGING TO.

21 A MR. HOWARD SNELLING, IDENTIFIED HIS
22 LEFT PALM. IT WAS ON THE RIGHT REAR POST...

23 Q IF YOU WOULD, COME DOWN AND POINT AS
24 YOU...

25 A MAY I USE THIS TO ASSIST ME?

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- 1 Q SURE.
- 2 A MR. HOWARD SNELLING, THERE WERE TWO
- 3 IDENTIFIABLE PRINTS THAT WERE IDENTIFIED TO HIM,
- 4 ONE BEING THE LEFT PALM HERE ON THE RIGHT REAR
- 5 POST.
- 6 Q REPRESENTED BY--ARE YOU POINTING TO?
- 7 A THE BLACK DOT, TO THE BLACK LABEL.
- 8 Q DO YOU HAVE YOUR EXHIBIT COLOR CODED?
- 9 A YES, SIR, I DO. THE BLACK CIRCLES OR
- 10 BLACK LABELS ARE FOR IDENTIFIED PRINTS.
- 11 Q THOSE THAT ARE IDENTIFIED TO A KNOWN
- 12 PERSON?
- 13 A THAT IS CORRECT.
- 14 Q THE NEXT COLOR?
- 15 A THE NEXT COLOR ARE THE BLUE PRINTS, OR
- 16 EXCUSE ME, THE GREEN LABELS, THE GREEN CIRCULAR
- 17 LABELS WHICH WERE THE INSUFFICIENT PRINTS.
- 18 Q SO THAT MEANS WHAT?
- 19 A THAT MEANS THAT RIDGE DETAIL WAS
- 20 DEVELOPED BUT IT'S INSUFFICIENT TO MAKE AN
- 21 IDENTIFICATION TO ANYONE.
- 22 Q ALL RIGHT, THE NEXT COLOR.
- 23 A THE NEXT COLOR IS THE BLUE LABEL AND
- 24 THIS MEANS THE PRINTS THAT ARE IDENTIFIABLE BUT
- 25 HAVE NOT BEEN IDENTIFIED TO ANYONE.

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1 Q ALL RIGHT. NOW, YOU MENTIONED THE
2 FIRST SET OR LIFTS THAT YOU GOT WERE OF HOWARD
3 SNELLING?

4 A YES, SIR, THAT IS CORRECT.

5 Q AND WHERE WAS THE LOCATION THAT LIFT
6 WAS GOTTEN?

7 A THERE WERE TWO LATENT LIFTS FROM THIS
8 AREA WHERE THE TWO BLACK LABELS ARE. THE TOP BLACK
9 LABEL ON THE RIGHT REAR POST IS HIS LEFT INDEX
10 FINGER, AND RIGHT BELOW THAT WAS HIS LEFT PALM.

11 Q DID YOU TAKE THE PRINTS OF MR. SNELLING
12 TO COMPARE TO THE LATENT LIFTS THAT YOU HAD
13 RECOVERED FROM THAT AREA OF THE CAR?

14 A THE INK IMPRESSIONS FROM MR. SNELLING
15 WERE SUBMITTED TO ME BY THE NEWBERRY COUNTY
16 SHERIFF'S OFFICE TO COMPARE WITH THE LATENTS
17 DEVELOPED ON THE CAR.

18 NEXT WAS...

19 Q YES SIR, GO AHEAD.

20 A WAS THE VICTIM, MS. VICTORIA LANDER
21 BECKHAM. ON THE RIGHT FRONT PASSENGER DOOR
22 INDICATED BY THE BLACK LABEL WAS HER LEFT INDEX
23 FINGER.

24 MR. JOHN HAWKINS, ABOVE THE FRONT
25 DRIVER DOOR HANDLE WAS ONE LATENT LIFT BUT IT

1 CONTAINED TWO IDENTIFIABLE LATENTS. ONE WAS HIS
2 RIGHT PALM, THE OTHER WAS HIS LEFT PALM.

3 Q NOW YOU MENTIONED VICKIE'S PRINT WAS ON
4 THE OUTSIDE PASSENGER DOOR, IS THAT CORRECT?

5 A YES, ON THE FRONT PASSENGER DOOR ON THE
6 OUTSIDE.

7 Q ALL RIGHT, NOW THE THIRD PERSON'S WHOSE
8 PRINTS YOU IDENTIFIED, MR. HAWKINS?

9 A MR. JOHN HAWKINS.

10 Q NOW, WHERE WERE HIS PRINTS LOCATED?

11 A HIS PRINTS WERE LOCATED ON THE FRONT
12 DRIVER DOOR, ABOVE THE DRIVER DOOR HANDLE.

13 Q REPRESENTED BY ONE OR TWO BLACK SPOTS
14 THERE?

15 A BY TWO BLACK SPOTS HERE. TWO BLACK,
16 ONE OF WHICH IS HIS RIGHT PALM, THE OTHER IS HIS
17 LEFT PALM. THE RIGHT PALM WAS SLIGHTLY HIGHER THAN
18 THE LEFT PALM.

19 Q ALL RIGHT.

20 A A MR. C.O. SHEALY.

21 Q CHARLES SHEALY?

22 A ON THE FINGERPRINT CARD IT SAID C.O.
23 SHEALY, BUT I KNOW HIM PERSONALLY FROM THE PAST IN
24 AN ORGANIZATION WE WERE IN AND I RECOGNIZED HIM AS
25 CHARLES SHEALY WHEN HE TOOK THE STAND.

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1 Q HE TESTIFIED EARLIER TODAY?

2 A YES, SIR, HE DID.

3 Q ALL RIGHT, GO AHEAD.

4 A I IDENTIFIED HIM IN THREE DIFFERENT
5 AREAS. ON THE FRONT DRIVER'S DOOR, ON THE OUTSIDE
6 OF THE DOOR, IN THIS AREA, NEAR CLOSE TO THE
7 SIDEVIEW MIRROR, IDENTIFIED HIS LEFT PALM ABOVE THE
8 FRONT DRIVER'S DOOR ON THE ROOF, IDENTIFIED TWO OF
9 HIS PRINTS THAT WERE ON THE SAME LIFT, HIS RIGHT
10 THUMB AND HIS RIGHT INDEX FINGER. AND ON ANOTHER
11 LATENT LIFT...

12 Q EXCUSE ME. WAS MR. SHEALY'S LEFT OR
13 RIGHT PALM IDENTIFIED ON THE HANDLE OF THE DRIVER'S
14 SIDE DOOR?

15 A I CAN CHECK MY REPORT TO MAKE SURE BUT
16 I BELIEVE IT WAS HIS LEFT PALM.

17 Q SO YOU HAD HIS LEFT PALM HERE AND HIS
18 RIGHT INDEX FINGER AT THE TOP OF THE DOOR, IS THAT
19 CORRECT?

20 A HIS RIGHT THUMB AND RIGHT INDEX FINGER
21 WERE IDENTIFIED WERE IDENTIFIED ON THE ROOF RIGHT
22 ABOVE THE DRIVER'S DOOR.

23 Q ALL RIGHT, THANK YOU.

24 A AND ON THE ROOF ABOVE THE LEFT DOOR
25 REAR PASSENGER DOOR IDENTIFIED TWO OF HIS FINGERS,

1 HIS RIGHT MIDDLE FINGER AND HIS RIGHT RING FINGER.

2 DEPUTY DALE DOMINICK, EARLIER WHEN I
3 TESTIFIED I SAW HIM TOUCH THE CAR, HE TOUCHED THE
4 CAR APPROXIMATELY IN THIS AREA WHERE THE LATENT WAS
5 LOCATED. THAT WAS ON THE TRUNK, AND I IDENTIFIED
6 HIS RIGHT PALM.

7 Q WHO WAS THAT AGAIN?

8 A DEPUTY DALE DOMINICK. THIS WAS WHEN HE
9 WENT TO ASSIST US AND THE WRECKER DRIVER IN GETTING
10 THE VICTIM'S CAR LOADED ON THE FLATBED. HE DID NOT
11 HAVE GLOVES ON AND THE SPOT WHERE HE TOUCHED BEFORE
12 WE COULD STOP HIM WAS HIS RIGHT PALM.

13 ALSO IDENTIFIED THE AREA OF THE HOOD ON
14 THE DRIVER'S SIDE, RIGHT BELOW THE WINDSHIELD
15 WIPER, IDENTIFIED THE LEFT PALM OF ROBERT BOWERS.

16 ALSO IDENTIFIED HERE ON THE BLACK
17 LABEL, ON THE LEFT REAR PASSENGER DOOR ON THE
18 GLASS, EXTERIOR, OUTSIDE OF THE CAR, IS THE RIGHT
19 THUMB OF JOHN FRICK.

20 ON THE INSIDE OF THE CAR, THIS REAR
21 WINDSHIELD, THE REAR WINDOW IN THE BACK OF THE CAR,
22 IN THIS AREA OF THE BLACK DOT WERE TWO LATENT
23 LIFTS. THEY WERE BOTH FROM THE SAME AREA. THEY
24 WERE THE RIGHT MIDDLE FINGER OF STEPHEN BECKHAM,
25 JUNIOR.

1 Q NOT DEFENDANT BECKHAM?
2 A NO, SIR, NOT THE DEFENDANT BECKHAM.
3 Q BUT STEPHEN ANDREW BECKHAM, JUNIOR?
4 A THAT IS CORRECT.
5 Q AND IF YOU HAVE THE AGE OF THAT PERSON?
6 A NOT WITH ME. I CAN LOOK IN MY FILE.
7 Q WOULD YOU?
8 A I DON'T KNOW THE AGE, BUT I HAVE...
9 Q A YOUNG CHILD?
10 A YES, SIR. A CHILD, A YOUNG CHILD.
11 Q GO AHEAD.
12 A AND THESE WERE THE PRINTS THAT WERE
13 IDENTIFIED ON THE CAR.
14 NEXT WE HAVE THE INSUFFICIENT PRINTS.
15 THESE ARE THE PRINTS WITH THE GREEN CIRCLE OR
16 LABEL. ON THE RIGHT REAR POST OF THE ROOF, DUE TO
17 THE SPACE ALLOTMENT, THIS GREEN LABEL SHOULD BE A
18 LITTLE BIT HIGHER UP BUT I COULDN'T GET IT IN THERE
19 WITHOUT OVERLAPPING AND TOUCHING THE IDENTIFIED
20 PRINT. BUT THIS WAS A PRINT DEVELOPED WITH AMIDO
21 BLACK. IT IS A PROTEIN STAIN, AND IT IS NOT AN
22 IDENTIFIABLE PRINT. THIS WAS ON THE RIGHT REAR
23 POST OF THE VEHICLE.
24 ALSO, ON THE TRUNK OF THE VEHICLE WERE
25 TWO AREAS OF LATENT PRINTS DEVELOPED THAT ARE ALSO

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1 INSUFFICIENT, NOT IDENTIFIABLE. THIS IS ALSO TRUE
2 ON THE TRUNK--EXCUSE ME, ON THE HOOD, DRIVER'S
3 SIDE. AND ALSO, AGAIN IN THE REAR GLASS AREA OF
4 THE CAR WAS ANOTHER LATENT DEVELOPED ON THE INSIDE
5 BUT IT IS NOT IDENTIFIABLE, IT IS INSUFFICIENT.

6 ON THE LEFT SIDE OF THE CAR, THE
7 DRIVER'S SIDE OF THE CAR, THERE WERE A NUMBER OF
8 LATENT PRINTS DEVELOPED ON THE EXTERIOR CAR THAT
9 ARE NOT IDENTIFIABLE, ARE UNIDENTIFIABLE,
10 INSUFFICIENT. THESE WERE ON THE REAR LEFT POST,
11 THE REAR LEFT DOOR WINDOW, THE AREA WHERE THE DOOR
12 AND THE ROOF MEET; TWO AREAS ON THE FRONT POST
13 THERE AT THE WINDSHIELD AND THE FRONT DRIVER'S
14 DOOR, TWO AREAS HERE THAT ARE IN THE AREA OF THE
15 HOOD AND THE FENDER.

16 THE ONE LABEL HERE THAT IS ON THE
17 WINDOW, THE VENT WINDOW, ON THE LEFT REAR SIDE OF
18 THE PASSENGER AREA WAS ON THE INSIDE. IT WAS
19 INSUFFICIENT BUT THE CYANOACRYLATE AND THE BLACK
20 POWDER PICKED UP STREAKING MOTIONS, STREAKING MARKS
21 WHICH IS CONSISTENT WITH A WIPING MOTION. AND THIS
22 WAS LOCATED HERE.

23 LAST, WE HAVE THE PRINTS THAT ARE
24 INDICATED BY A BLUE LABEL. THESE ARE THE
25 IDENTIFIABLE PRINTS BUT THEY HAVE--THEY'RE

1 UNIDENTIFIED TO ANYONE. THEY HAVEN'T BEEN MADE TO
2 ANYONE POSITIVELY, IDENTIFIED. THESE WERE LOCATED
3 ON THE FRONT DRIVER'S DOOR NEAR THE--ON THE OUTSIDE
4 PANEL NEAR THE SIDEVIEW MIRROR. THIS LATENT LIFT
5 CONTAINS A FINGER IMPRESSION; IT'S A SWIRL PATTERN,
6 AND A PALM PRINT.

7 ON THE HOOD OF THE CAR ARE TWO
8 IDENTIFIABLE PRINTS, ONE OF WHICH IS A FINGER
9 JOINT, THE OTHER IS A PALM PRINT. IN THIS AREA OF
10 THE CAR, ABOVE THE DRIVER'S DOOR THE CHROME
11 STRIPPING AREA BETWEEN IT AND THE ROOF IS ANOTHER
12 LATENT PRINT THAT IS IDENTIFIABLE, HAS NOT BEEN
13 IDENTIFIED TO ANYONE AND IT WAS DEVELOPED WITH
14 AMIDO BLACK.

15 THE LAST IDENTIFIABLE PRINT NOT
16 IDENTIFIED TO ANYONE IS INSIDE THE CAR, AGAIN THE
17 REAR GLASS OF THE CAR. AND IT IS A SIMULTANEOUS
18 IMPRESSION. WHEN I REFER TO A SIMULTANEOUS
19 IMPRESSION, IT IS GOING TO BE THE RIGHT THUMB, THE
20 RIGHT INDEX FINGER, RIGHT MIDDLE FINGER, RIGHT RING
21 FINGER AND RIGHT LITTLE FINGER, ALL FIVE TOGETHER.

22 BASED ON LOOKING AT THE PRINT, THE SIZE
23 AND SHAPE OF THE RIDGES, THE FINENESS OF THE
24 RIDGES, I BELIEVE IT'S GOING TO BE THAT OF A CHILD
25 OR POSSIBLY A WOMAN.

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1 Q AGENT BLACK, HOW MANY PRINTS DID YOU
2 FIND ON THE INSIDE OF THIS AUTOMOBILE AGAIN?

3 A ON THE INSIDE OF THE AUTOMOBILE? FOUR.

4 Q AND THAT IS IDENTIFIABLE OR
5 UNIDENTIFIABLE?

6 A THAT IS EITHER ONES THAT HAVE BEEN
7 IDENTIFIED, INSUFFICIENT AND OF COURSE THAT HAS NOT
8 BEEN IDENTIFIED TO ANYONE.

9 Q WOULD YOU CHARACTERIZE THAT AS AN
10 UNUSUALLY LOW NUMBER OF FINGERPRINTS ON THE INSIDE
11 OF A CAR?

12 A I DON'T KNOW ABOUT A LOW NUMBER, BUT
13 JUST GENERAL USE OF A CAR, THE TOUCHING OF THE
14 GLASS, TOUCHING OF THE WINDOWS, TOUCHING OF THE
15 REARVIEW MIRROR, OTHER INSTRUMENTS OF THE CAR, IT
16 IS DEPENDENT UPON THE CONDITION OF THE HANDS AND
17 THE CONDITION OF THE SURFACE, BUT I WOULD HAVE
18 EXPECTED TO DEVELOP MORE RIDGE DETAIL WHETHER IT
19 WAS IDENTIFIABLE OR NOT.

20 Q IN THIS CAR?

21 A IN THIS CAR.

22 Q BASED ON YOUR OBSERVATIONS OF THE
23 INTERIOR OF THIS CAR, YOU'RE SAYING YOU WOULD HAVE
24 EXPECTED TO DEVELOP MORE RIDGE DETAIL THAN YOU DID?

25 A ON ANY CAR...

1 MR. HARPOOTLIAN: YOUR HONOR, I WOULD
2 OBJECT TO THE SOLICITOR REPEATING THE ANSWER.

3 THE COURT: SUSTAINED.

4 MR. HARPOOTLIAN: THANK YOU.

5 Q AGENT BLACK, DID YOU DEVELOP ANY
6 FOOTWEAR IMPRESSIONS ON THE INTERIOR OF THE CAR?

7 A YES, SIR, I DID. THERE WERE TWO
8 FOOTWEAR IMPRESSIONS, LIFTS THAT WERE DEVELOPED ON
9 THE INSIDE OF THE CAR. ONE IMPRESSION WHICH IS
10 GOING TO BE ON THE FRONT DRIVER'S DOOR WINDOW ON
11 THE INSIDE IS CONSISTENT WITH THE RIGHT SHOE OF THE
12 VICTIM, MS. VICTORIA LANDER BECKHAM, IS THE, MAINLY
13 THE TOE OF THE SHOE, THE TOP PART OF THE SHOE, THE
14 OUT SOLE DESIGN. THIS IS THE BOTTOM OF THE SHOE
15 THAT COMES IN CONTACT WITH THE SURFACE. AND IT WAS
16 WHERE THE SHOE, THE TOE, THE SHOE WAS POINTING
17 UPWARDS. IN OTHER WORDS, IT WAS IN THE POSITION
18 WHERE THE FOOT MAY HAVE BEEN AGAINST THE GLASS.
19 THE TOE WAS GOING UP.

20 THE IMPRESSION DEVELOPED ON THE REAR
21 LEFT PASSENGER DOOR WINDOW ON THE INSIDE IS
22 CONSISTENT WITH THE OUT SOLE DESIGN, SHAPE AND SIZE
23 OF THE VICTIM'S LEFT SHOE. THE TOE OF THE SHOE IS
24 GOING DOWNWARD. I BELIEVE I'M CORRECT IN THAT.

25 Q CHECK IT.

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- 1 A IF I MAY?
- 2 Q YES, SIR.
- 3 A THAT'S CORRECT. IT'S GOING DOWNWARD.
- 4 Q GOING DOWNWARD. NOW, AGENT BLACK, AS
- 5 FAR AS THE PRINTS, THE FINGERPRINTS OR THE PALM
- 6 PRINTS THAT YOU FOUND ON THE INTERIOR OF THE CAR,
- 7 THE INSIDE OF THE CAR, WHERE WERE THEY LOCATED?
- 8 A THE PRINTS THAT WERE DEVELOPED ON THE
- 9 INSIDE OF THE CAR, THREE AREAS ON THE REAR
- 10 WINDSHIELD, ONE HERE ON THE VENT WINDOW OF THE REAR
- 11 PASSENGER DOOR.
- 12 Q AND THAT IS IT?
- 13 A THAT IS IT.
- 14 Q THE REAR WINDSHIELD AND THE WINDOW VENT
- 15 FROM THE REAR...
- 16 MR. HARPOOTLIAN: YOUR HONOR, I OBJECT.
- 17 THE COURT: SUSTAINED. SOLICITOR, NOW
- 18 CUT IT OUT. ASK THE QUESTION. HE CAN ANSWER IT.
- 19 ALL RIGHT, DON'T YOU TESTIFY NOW AND WE'LL GET
- 20 THROUGH THIS QUICKER, OKAY.
- 21 Q THOSE ARE THE ONLY ONES YOU FOUND?
- 22 A THAT'S CORRECT.
- 23 Q DID YOU THEN-- RETURN TO THE STAND,
- 24 PLEASE.
- 25 MR. JONES: YOUR HONOR, I'D MOVE TO

1 INTRODUCE THE DIAGRAM STATE'S EVIDENCE EIGHTY-FOUR
2 INTO EVIDENCE.

3 MR. HARPOOTLIAN: NO OBJECTION.

4 THE COURT: ALL RIGHT, WITHOUT
5 OBJECTION.

6 (SO MARKED AND ENTERED, WITHOUT
7 OBJECTION, STATE'S EXHIBIT EIGHTY-FOUR.)

8 Q AGENT BLACK, I WANT TO BRING YOUR
9 ATTENTION NOW TO JUNE 22ND, 1995. DID YOU HAVE
10 OCCASION TO CONDUCT AN INVESTIGATION WITH REGARDS
11 TO THE DEATH OF VICKIE ON THAT DAY?

12 MR. HARPOOTLIAN: ON WHAT DATE, SIR?

13 MR. JONES: JUNE 22ND, 1995.

14 A YES, SIR, I DID.

15 Q AND WHAT WAS YOUR INVOLVEMENT ON THAT
16 DATE AT THAT TIME?

17 A ON JUNE 22ND, 1995, ACTUALLY, IF I MAY
18 BACKUP. ON JUNE 21ST, 1995, AT APPROXIMATELY 8:20
19 P.M. IN THE EVENING, SPECIAL AGENT FLEMING NOTIFIED
20 ME THAT HE HAD HAD A CONVERSATION WITH SPECIAL
21 AGENT JEFF STEPHENS FROM THE PIEDMONT REGION OF OUR
22 SLED OFFICE IN THAT SPECIAL AGENT MCCRAW AND MAJOR
23 DANNY GILLIAM HAD LOCATED A VEHICLE THAT NEEDED TO
24 BE PROCESSED, THAT THEY WERE IN THE PROCESS OF
25 GETTING A SEARCH WARRANT AND WANTED US TO PROCESS

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1 THAT VEHICLE FOR ANY EVIDENCE THAT COULD BE USED IN
2 THE CASE THAT HAD ANY VALUE.

3 WE REQUESTED THAT THEY, WHEN THEY
4 OBTAINED THE SEARCH WARRANT TO TOW THE VEHICLE TO
5 SLED WHERE WE COULD PROCESS IT IN OUR GARAGE, OUR
6 VEHICLE PROCESSING AREA.

7 Q AGENT BLACK, I HAND YOU STATE'S
8 EXHIBITS, THIRTY-SIX, THIRTY-SEVEN, THIRTY-EIGHT
9 AND THIRTY-NINE, AND ASK YOU IF DEPICTED IN THOSE
10 PHOTOGRAPHS IS THE AUTOMOBILE THAT YOU WERE ASKED
11 TO PROCESS?

12 A YES, SIR, IT IS.

13 Q WERE YOU IN THE COURTROOM WHEN
14 IDENTIFICATION WAS MADE OF THESE PHOTOGRAPHS BY
15 WITNESS LEWIS FRICK?

16 A YES, SIR, I WAS PRESENT.

17 Q TELL US ABOUT YOUR EXAMINATION OF THE
18 AUTOMOBILE.

19 A THE VEHICLE ARRIVED ESCORTED BY SPECIAL
20 AGENT MCCRAW ON JUNE THE 22ND, 1995, AT 2:57 A.M.
21 IN THE MORNING. SPECIAL AGENT FLEMING AND I MET
22 AGENT MCCRAW WITH THE VEHICLE ON THE WRECKER AND WE
23 IMPOUNDED THE VEHICLE IN OUR VEHICLE PROCESSING
24 AREA. WE COORDINATED TO GET OTHER SLED PERSONNEL
25 FROM THE SEROLOGY DEPARTMENT AND THE TRACE

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1 DEPARTMENT TO ASSIST IN PROCESSING THE VEHICLE. WE
2 STARTED PROCESSING THE VEHICLE APPROXIMATELY EIGHT
3 O'CLOCK IN THE MORNING.

4 WE DID THE SAME STEPS AS WE HAD DONE
5 WITH THE OTHER VEHICLE, VISUALLY EXAMINED THE
6 VEHICLE, DOCUMENTED THE VEHICLE WITH PHOTOGRAPHS,
7 HAD THE TRACE AGENT SEARCH FOR HAIR AND FIBERS, AND
8 HAD THE SEROLOGY AGENT SEARCH FOR ANY BLOOD OR BODY
9 FLUIDS IN THE CAR, AT WHICH POINT WHEN THEY WERE
10 FINISHED WITH THEIR EXAMINATION, WE CONDUCTED OUR
11 LATENT PRINT EXAMINATION.

12 Q STATE'S EXHIBIT FORTY.

13 A YES, SIR, THIS IS THE TRUNK AREA OF THE
14 VEHICLE THAT WE PROCESSED.

15 Q AND WHAT'S DEPICTED IN THE PHOTOGRAPH
16 THAT IS IN THE TRUNK AREA THAT YOU PHOTOGRAPHED?

17 A IN THE TRUNK AREA, WE HAVE A TIRE THAT
18 APPEARS TO BE TORN. JUST APPEARS TO BE TORN. I
19 DON'T KNOW IF IT WAS CAUSED FROM A BLOW-OUT OR HOW.
20 ALSO, THERE'S THE TIRE TOOLE AND OTHER--PIZZA BOX
21 AND OTHER THINGS IN THE CAR.

22 Q THIS IS A PHOTOGRAPH OF THE TRUNK OF
23 THE GOLD GRAND PRIX THAT YOU WERE CONDUCTING YOUR
24 EXAMINATION OF AT THAT TIME, IS THAT CORRECT?

25 A YES, SIR, IT IS.

1 Q WHAT DID YOU COLLECT FROM THE
2 AUTOMOBILE, IF ANYTHING? DID YOU COLLECT A
3 DURAGLAS CAN IN THE TRUNK OF THE GRAND PRIX?

4 A YES, WE DID. WE COLLECTED AND
5 PROCESSED IT FOR LATENT PRINTS THERE IN THE
6 VEHICLE.

7 Q I HAND YOU THIS ITEM AND ASK YOU IF YOU
8 CAN IDENTIFY IT?

9 A YES, SIR, I CAN.

10 Q WHAT IS IT?

11 A THIS IS A CONTAINER STAMPED DURAGLAS OR
12 DURAGLAS ALUMINUM POLISH, AND IT'S FROM THIS THAT
13 WAS PROCESSED WITH THE CYANOACRYLATE AND BLACK
14 POWDER THAT IDENTIFIABLE LATENT PRINTS WERE
15 DEVELOPED, AND THIS WAS IN THE TRUNK OF THE CAR.

16 MR. JONES: YOUR HONOR, WE'D OFFER THIS
17 ITEM INTO EVIDENCE AT THIS TIME.

18 THE COURT: ANY OBJECTION?

19 MR. HARPOOTLIAN: MAY I SEE IT?

20 NO OBJECTION.

21 THE COURT: WITHOUT OBJECTION.

22 (SO MARKED AND ENTERED AS STATE'S
23 EXHIBIT NUMBER FORTY-TWO, WITHOUT OBJECTION.)

24 Q DID YOU COMPARE THE IDENTIFIABLE PRINTS
25 THAT YOU LIFTED OFF THIS CAN TO KNOWN PRINTS OF A

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1 MR. RICHARD ANDERSON THAT YOU HAD IN YOUR
2 POSSESSION?

3 A YES, SIR, I DID.

4 Q AND WHAT DID YOUR COMPARISON OF THE
5 KNOWN PRINTS OF RICHARD ANDERSON AND THE
6 IDENTIFIABLE PRINTS ON THIS CAN REVEAL?

7 A FROM THE LATENT LIFT OF THE PRINTS THAT
8 WERE DEVELOPED ON THE CAN, THERE WERE THREE
9 IDENTIFIABLE LATENT PRINTS, ALL OF WHICH BELONGED
10 TO MR. ANDERSON. ONE WAS HIS RIGHT THUMB, THE
11 OTHER WAS HIS RIGHT RING FINGER AND THE OTHER WAS
12 HIS LEFT THUMB.

13 Q AND AFTER YOU HAD OBTAINED THE PRINTS
14 OF MR. RICHARD ANDERSON, THE ONES THAT YOU COMPARED
15 TO THE KNOWN, TO THE IDENTIFIABLE PRINTS ON THAT
16 CAN, AND YOU RECEIVED MR. RICHARD ANDERSON'S
17 FINGERPRINTS, DID YOU GO BACK AND COMPARE THEM TO
18 THE IDENTIFIABLE LIFTS FROM VICKIE'S NISSAN CAR
19 THAT YOU HAD BEEN UNABLE TO MATCH UP TO ANYBODY
20 PREVIOUSLY?

21 A YES, SIR, I DID.

22 Q AND WHAT WERE THE RESULTS OF THAT
23 COMPARISON?

24 A HE DID NOT MAKE THOSE PRINTS. HE DID
25 NOT LEAVE THE PRINTS THAT ARE STILL IDENTIFIABLE.

1 Q SO THE PRINTS THAT YOU COULD MAKE A
2 COMPARISON WITH FROM VICKIE'S CAR, WERE ANY OF THEM
3 OF MR. RICHARD ANDERSON?

4 A NO, THEY WERE NOT.

5 Q NOW, AT THAT TIME AND PREVIOUSLY, DID
6 YOU HAVE A FINGERPRINT CARD OF DEFENDANT BECKHAM?

7 A YES, SIR, I DID.

8 Q AND DID YOU MAKE A COMPARISON OF
9 DEFENDANT BECKHAM'S PRINTS ON THE CARD WITH THE
10 IDENTIFIABLE UNKNOWN PRINTS ON VICKIE'S NISSAN CAR?

11 A YES, I DID COMPARE THEM TO THOSE.

12 Q AND WHAT WAS THE RESULT OF THOSE
13 COMPARISONS?

14 A HE DID NOT MAKE THOSE PRINTS; NONE OF
15 HIS PRINTS WERE FOUND IN THE CAR OR OUTSIDE OF THE
16 CAR.

17 MR. JONES: YOUR HONOR, I HAVE
18 PRESENTED THE TESTIMONY OF THIS WITNESS WITH THE
19 EXCEPTION OF A PORTION THAT I BELIEVE YOU INDICATED
20 YOU WOULD ALLOW ME TO RECALL THE WITNESS FOR AT A
21 LATER TIME.

22 THE COURT: YES, SIR. ALL RIGHT, YOU
23 NEED TO SET YOUR--ARE YOU GOING TO BE AN HOUR TO DO
24 IT?

25 MR. HARPOOTLIAN: SIR?

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1 THE COURT: ARE YOU GOING TO BE AN
2 HOUR?

3 MR. HARPOOTLIAN: ON CROSS?

4 THE COURT: YEAH.

5 MR. HARPOOTLIAN: YES, SIR, AND IT WILL
6 TAKE ABOUT FIVE MINUTES TO GET EVERYTHING...DO YOU
7 WANT TO BREAK FOR LUNCH NOW?

8 THE COURT: NO, I WANT TO TRY TO DO
9 THIS NOW.

10 MR. HARPOOTLIAN: OKAY, THAT'S FINE.

11 THE COURT: ALL RIGHT, LADIES AND
12 GENTLEMEN, LET ME LET YOU GO TO THE JURY ROOM FOR
13 JUST A BRIEF TIME. WE NEED TO MOVE SOME EQUIPMENT
14 AROUND RIGHT QUICK, AND WE'LL BRING YOU RIGHT BACK
15 OUT AND CONTINUE WITH THE CROSS EXAMINATION.

16 (JURY RECESSED AT 12:10 P.M., RETURNING
17 AT 12:20 P.M.)

18 THE COURT: OKAY, LADIES AND GENTLEMEN,
19 CAN YOU ALL SEE THAT FROM WHERE YOU ARE?

20 MR. HARPOOTLIAN: YOUR HONOR, I'M GOING
21 TO HAVE TO TURN IT A LITTLE BIT THIS WAY.

22 THE COURT: MR. COOPER, I'LL LET YOU
23 GET UP AND STAND AROUND IF THAT WILL HELP YOU SOME.

24 MR. HARPOOTLIAN: WELL, WE'RE NOT GOING
25 TO USE IT RIGHT NOW, BUT I NEED TO BE ABLE TO SEE

1 IT FROM OVER THERE AS I PUT THE ITEMS ON.

2 THE COURT: WHEN NECESSARY, CAN YOU
3 JUST STAND UP WHERE YOU CAN SEE IT? IT WON'T BE
4 THAT LONG.

5 CROSS EXAMINATION:

6 BY MR. HARPOOTLIAN:

7 Q I GUESS THE BEST PLACE TO START WOULD
8 BE THE BEGINNING.

9 MR. JONES: YOUR HONOR, IS THAT A
10 QUESTION?

11 MR. HARPOOTLIAN: I AM ASKING...

12 MR. JONES: YOUR HONOR?

13 MR. HARPOOTLIAN: ...A QUESTION.

14 THE COURT: YES SIR?

15 MR. JONES: OBJECTION.

16 THE COURT: OVERRULED.

17 Q AS I UNDERSTAND IT, AND IT'S AGENT
18 BLACK, IS IT NOT?

19 A YES, SIR.

20 Q AGENT BLACK, YOU WENT TO THE SCENE
21 WHERE YOU WERE SUMMONED BY THE NEWBERRY COUNTY
22 SHERIFF'S DEPARTMENT THE EVENING OF JUNE 12TH,
23 1994, IS THAT CORRECT?

24 A YES, SIR. I WAS NOTIFIED AND SPOKE
25 WITH SHERIFF FOSTER AT ELEVEN O'CLOCK THAT EVENING.

1 Q AND ABOUT WHAT TIME DID YOU GET THERE?

2 A I ARRIVED ON THE SCENE AT ELEVEN-FORTY
3 THAT SAME EVENING ON JUNE 12TH.

4 Q OKAY, AND WHEN YOU ARRIVED THERE YOU
5 SAW A VEHICLE PRETTY MUCH IN THE CONDITION AS WE
6 SEE IN STATE'S EXHIBIT NUMBER TWO, IS THAT CORRECT?

7 A YES, SIR, THAT IS CORRECT.

8 Q AND YOU BEGAN THE PROCEDURE AND PROCESS
9 OF PROCESSING THAT VEHICLE, IS THAT CORRECT?

10 A YES, SIR, THAT IS CORRECT.

11 Q AND OF COURSE WHAT YOU'RE LOOKING FOR
12 IS ANY WHAT WE WOULD CALL, MAYBE THIS IS TOO BROAD
13 A TERM, TRACE EVIDENCE. THAT WOULD BE HAIR,
14 FIBERS, BLOOD. I THINK Y'ALL HAVE A MORE TECHNICAL
15 TERM MEANING FOR TRACE EVIDENCE OUT OF SLED, BUT
16 ANYTHING THAT WOULD INDICATE THAT YOU COULD LOOK
17 AT, ANALYZE, ASSESS TO DETERMINE IF IT WOULD GIVE
18 YOU SOME CLUE AS TO WHO HAD BEEN THERE, WHO HAD
19 BEEN IN THE VEHICLE, WHO MAY HAVE PARTICIPATED IN
20 THIS MURDER. IS THAT CORRECT?

21 A THAT IS CORRECT.

22 Q NOW, AND IN THE PROCESS OF DOING THAT,
23 YOU LOOKED FOR--AND I'M GOING TO SUMMARIZE FAIRLY
24 QUICKLY HERE---THINGS LIKE HAIR BECAUSE, FOR
25 INSTANCE, WHEN YOU REMOVED MS. LANDER'S...MS.

1 BECKHAM'S BODY FROM THE VEHICLE, YOU PUT IT ON A
2 WHITE SHEET. IS THAT CORRECT?

3 A YES, SIR, THAT IS CORRECT.

4 Q AND THE REASON YOU PUT IT ON A WHITE
5 SHEET IS SO THAT IF THERE'S ANY PIECE OF PHYSICAL
6 EVIDENCE THAT IS ATTACHED TO HER OR STICKS TO HER
7 IN SOME WAY THEN YOU WON'T LOSE IT, IS THAT
8 CORRECT?

9 A THAT IS CORRECT.

10 Q OR THERE IS LESS OF A CHANCE OF LOSING
11 IT?

12 A THAT IS CORRECT.

13 Q AND YOU WAIT TO PROCESS THE INTERIOR OF
14 THE CAR UNTIL YOU MOVE IT TO THE SLED LAB WHERE
15 THERE IS LESS CHANCE OF IT BEING TAMPERED WITH OR
16 IN SOME WAY THE INTEGRITY OF THE CRIME SCENE, IF
17 YOU WILL, BEING COMPROMISED. IS THAT CORRECT?

18 A YES, SIR, THAT IS CORRECT.

19 Q AND IT IS IMPORTANT TO INSURE THAT THE
20 VEHICLE, THE BODY, ALL THOSE SORTS OF THINGS ARE
21 NOT COMPROMISED IN ANY WAY, ISN'T THAT CORRECT?

22 A YES, SIR, THAT IS CORRECT.

23 Q AND OF COURSE WHAT YOU AND YOUR
24 COMPATRIOTS DO IS TRY TO FIND CLUES. ISN'T THAT
25 WHAT WE'RE DOING HERE, TRYING TO FIND AN ITEM, A

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1 FINGERPRINT THAT MIGHT LEAD TO A SUSPECT, BLOOD
2 THAT MIGHT LEAD TO A SUSPECT, ALL KINDS OF THINGS,
3 IS THAT CORRECT?

4 A YES, SIR, THAT IS CORRECT.

5 Q NOW, YOU HAVE TESTIFIED ABOUT A NUMBER
6 OF ITEMS, PIECES OF EVIDENCE THAT WE'VE SEEN IN
7 THESE PHOTOGRAPHS, WE'VE SEEN IN YOUR SKETCHES, AND
8 I'D LIKE TO GO OVER SOME OF THAT WITH YOU.

9 THE CAR, WHEN IT WAS PROCESSED THAT
10 NIGHT, I'M TALKING ABOUT AT THE LOCATION, YOU
11 LOOKED TO SEE, FOR INSTANCE, HOW IT CAME TO REST
12 THERE, I SUPPOSE?

13 A YES, SIR.

14 Q WERE THERE TIRE TRACKS THAT LEAD, I
15 MEAN IF WE GO BACK FROM THIS VEHICLE AS WE SEE IT
16 IN STATE'S EXHIBIT NUMBER TWO AND STATE'S EXHIBIT
17 NUMBER FOUR, DO YOU FOLLOW TIRE TRACKS BACK TO
18 DETERMINE THE PATH OF THE VEHICLE?

19 A THERE WERE NO TIRE TRACKS VISIBLE. YOU
20 HAVE YOUR ASPHALT ROADWAY, YOU HAD THE INDENTATION
21 OF THE GRASS OF THE DIRT; YOU COULD SEE WHERE
22 SOMETHING HAD GONE THROUGH THE AREA BUT THERE WERE
23 NO VISIBLE TIRE TRACKS AS SUCH.

24 Q I GUESS WHAT I'M ASKING YOU IS DID YOU
25 DO A PROJECTION BACK FROM THAT INDENTATION TO

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1 DETERMINE WHERE ON THIS ROAD, I MEAN AT LEAST THE
2 DIRT--OBVIOUSLY IT'S NOT GOING TO LEAVE A
3 INDENTATION ON THE ASPHALT, BUT COULD YOU TELL THE
4 PATH THE VEHICLE TOOK ONCE IT LEFT THE ASPHALT?

5 A THE EXACT PATH, NO. BUT I CAN, ONLY I
6 CAN SHOW YOU WHERE IT CAME, WHERE IT STOPPED, WHERE
7 IT RESTED.

8 Q OKAY, SO THERE WAS NO EFFORT MADE TO
9 PHOTOGRAPH OR CRUSH DOWN GRASS OR DIRT OR THERE'D
10 BE TIRE TRACKS. WERE THERE ANY TIRE TRACKS?

11 A THERE WERE NO VISIBLE TIRE TRACKS
12 BECAUSE OF THE GRASS AND THE DIRT. YOU COULD SEE
13 WHERE THAT HAD BEEN COMPRESSED, MASHED DOWN WITH
14 THE WEIGHT OF THE CAR. BUT AS FAR AS ANYTHING THAT
15 WAS VISIBLE THAT WOULD SHOW A PATTERN, NO, THERE
16 WAS NONE.

17 Q AND DID YOU OR SOMEONE UNDER YOUR
18 SUPERVISION OR SOMEONE UNDER THE SHERIFF'S
19 DEPARTMENT SUPERVISION WALK BOTH SIDES OF THE ROAD
20 TO DETERMINE WHETHER THERE WAS ANY EVIDENCE ON
21 EITHER SIDE OF THE ROAD IN BOTH DIRECTIONS?

22 A YES, SIR, WE DID.

23 Q AND DID YOU WALK, LET'S SAY A HUNDRED
24 YARDS UP ON EITHER SIDE, OR FURTHER?

25 A I CAN'T TELL YOU HOW FAR UP THE ROAD

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1 BUT YES, SIR, I DID WALK BOTH SIDES OF THE ROAD IN
2 BOTH DIRECTIONS, GOING BACK TOWARD LITTLE MOUNTAIN
3 AND BACK TOWARD THE CURVE THAT IS BELOW THE VEHICLE
4 GOING AWAY FROM LITTLE MOUNTAIN.

5 Q OKAY, LET'S GO BACK UP THE HILL.

6 A OKAY.

7 Q DID SOMEONE WALK BOTH SIDES OF THE
8 ROAD, AND LET'S GO TO THE OPPOSITE SIDE OF THE
9 ROAD. DID ANYONE WALK THAT SIDE OF THE ROAD UP A
10 HUNDRED YARDS OR SO?

11 A DISTANCE-WISE, I DON'T KNOW. BUT I DO
12 KNOW WE DID WALK UP THE ROAD, YES.

13 Q ON THE OTHER SIDE OF THE ROAD WALKING
14 UP TOWARD THE TOP OF THE HILL, GOING BACK TOWARD
15 THE WAY THAT VEHICLE WOULD HAVE COME FROM BASED ON
16 THE DIRECTION IT CAME TO REST, ON THE OPPOSITE SIDE
17 OF THE ROAD, WAS THERE A LITTLE AREA UP THERE,
18 MAYBE A HUNDRED YARDS UP WHERE A VEHICLE COULD HAVE
19 PULLED OVER?

20 A I THINK SO, BUT IT'S AT NIGHT, IT'S
21 DARK, I'M NOT REALLY SURE. I'D HAVE TO GO BACK OUT
22 AND SEE.

23 Q DO YOU KNOW WHETHER ANYONE WENT UP TO
24 THAT AREA TO DETERMINE WHETHER OR NOT THERE WAS ANY
25 BLOOD UP THERE?

- 1 A WE--LIKE I SAY, WE DID WALK THE AREA.
2 HOW FAR UP, WE DID WALK, WHEN WE SAW NO BLOOD. IT
3 WAS LATER THE NEXT DAY WHEN THERE WAS DAYLIGHT THAT
4 AGENT JOLLY FOUND SOME BLOOD ON THE ROADWAY, BUT
5 THAT WAS CLOSER TO WHERE THE VEHICLE WAS WHERE IT
6 HAD BEEN PULLED ONTO THE WRECKER.
- 7 Q SO YOU DON'T KNOW WHETHER A HUNDRED
8 YARDS UP ON EITHER SIDE BACK UP THE HILL, WHETHER
9 THERE WAS ANY BLOOD? CAN YOU SAY THAT...
- 10 A NO, I CANNOT.
- 11 Q OKAY. NOW, THIS AREA AROUND THE
12 VEHICLE, WAS ANY EFFORT MADE TO LOOK TO SEE IF
13 THERE WERE ANY FOOT IMPRESSIONS ON THE GROUND IN
14 THE DIRT?
- 15 A YES, SIR.
- 16 Q AND DID YOU FIND ANY?
- 17 A NO, I DID NOT.
- 18 Q ARE YOU SAYING YOU DIDN'T SEE ANY
19 FOOTPRINTS IN THE DIRT OR ARE YOU SAYING THERE
20 WEREN'T ANY THAT WERE IDENTIFIABLE?
- 21 A I'M SAYING THAT I DIDN'T SEE ANY FOOT,
22 THE OUT-SOLE DESIGN, NO IMPRESSIONS. WE SAW NONE.
- 23 Q OKAY, AND WE SEE ON ONE OF THESE
24 PHOTOGRAPHS--WE SEE IN THIS PHOTOGRAPH WHICH IS
25 STATE'S EXHIBIT NUMBER FOUR, YOU WILL NOTE THERE

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- 1 ARE SOME DIRT AREAS UP IN HERE, SOME DIRT?
- 2 A YES, SIR.
- 3 Q AND THERE ARE LITTLE SPOTS OF DIRT
- 4 AREAS AROUND THAT CAR, ARE THERE NOT?
- 5 A YES, SIR.
- 6 Q WAS ANY EFFORT MADE TO LOOK TO SEE IF
- 7 THERE WERE IMPRESSIONS OF SNEAKERS OR SHOES OR ANY
- 8 SORT OF IMPRESSION MADE?
- 9 A YES, SIR, WE DID MAKE THAT EFFORT.
- 10 Q DID YOU FIND ANY?
- 11 A NO, SIR, WE DID NOT.
- 12 Q IF, FOR INSTANCE, REFERRING TO STATE'S
- 13 EXHIBIT NUMBER TWENTY-ONE, IF YOU FOUND AN
- 14 IMPRESSION IT IS COMMON FOR YOU FOLKS TO TAKE THAT
- 15 IMPRESSION, A PHOTOGRAPH OR PLASTIC CAST AND MATCH
- 16 IT TO THE BOTTOM OF A SNEAKER LIKE THIS, IS IT NOT?
- 17 A YES, SIR.
- 18 Q OKAY, BUT YOU FOUND NO SUCH IMPRESSION?
- 19 A NO, WE DID NOT.
- 20 Q AS YOU WALKED UP EITHER SIDE OF THE
- 21 HIGHWAY, A HUNDRED YARDS OR SO, DID YOU FIND ANY
- 22 EVIDENCE OF ANY FOOTPRINTS THAT YOU MIGHT WANT TO
- 23 TAKE IMPRESSIONS OF?
- 24 A NO, WE DID NOT.
- 25 Q AND YOU DID NOT TAKE ANY?

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- 1 A NO, SIR, WE DID NOT.
- 2 Q SO THE ONLY EVIDENCE YOU FOUND YOU
- 3 WOULD CONSIDER SIGNIFICANT WOULD BE RIGHT IN THE
- 4 AREA WHERE THE VEHICLE WAS FOUND?
- 5 A REPEAT, PLEASE?
- 6 Q I'M TALKING ABOUT AT THE SCENE. THERE
- 7 WAS NO EVIDENCE YOU WOULD CONSIDER, THAT YOU
- 8 RECORDED ANYWAY, NO FOOTPRINTS, NO BLOOD, NO TRACE
- 9 EVIDENCE ANYWHERE...
- 10 A THAT'S CORRECT.
- 11 Q ...EXCEPT IN THE IMMEDIATE VICINITY OF
- 12 THE VEHICLE?
- 13 A THAT IS CORRECT.
- 14 Q OKAY, NOW THE--LET ME ASK YOU ABOUT
- 15 THIS BLOOD THAT YOU FOUND, THAT SOMEONE FOUND THE
- 16 NEXT DAY.
- 17 A YES, SIR.
- 18 Q THIS BLOOD THAT WAS FOUND THE NEXT DAY,
- 19 WAS A SAMPLE OF IT TAKEN ON THE SIDE OF THE ROAD?
- 20 A NO, SIR.
- 21 Q AND SO WE DON'T KNOW THE TYPE OF THAT
- 22 BLOOD?
- 23 A NO, SIR, AND THE REASON I DID NOT
- 24 COLLECT WAS THAT NIGHT WHEN THE VEHICLE WAS BEING
- 25 LOADED ONTO THE FLATBED WRECKER, I SAW THE BLOOD

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1 DRIPPING FROM THE CAR ONTO THE WRECKER, AND THEN AS
2 THE WRECKER WAS PULLING OFF, YOU COULD SEE THE
3 BLOOD DROPPING OFF THE WRECKER BED.

4 Q SO YOU JUST ASSUMED IT WAS HER BLOOD?

5 A YES, SIR, SHE WAS THE ONLY ONE THAT WAS
6 BLEEDING IN THE CAR.

7 Q ARE YOU...I MEAN YOU HAVE TESTS THAT
8 CONCLUDE THAT SHE WAS THE ONLY ONE BLEEDING IN THE
9 CAR?

10 A BASED ON THE STANDARDS THAT WERE TAKEN,
11 TO MY KNOWLEDGE, YES, SIR.

12 Q YOU'RE NOT AWARE OF WHETHER ANY OTHER
13 BLOOD OR TISSUE THAT WAS INCONSISTENT WITH HER WAS
14 FOUND IN THE VEHICLE OR ON HER?

15 A I HAVE NOT SEEN THE--I PERSONALLY HAVE
16 NOT SEEN THE SEROLOGY DNA REPORT.

17 Q BUT YOU DO KNOW THAT THEY DID DO
18 SEROLOGY AND DNA ON ITEMS FROM IN THE VEHICLE AND
19 ON HER?

20 A YES, SIR, THAT IS CORRECT.

21 Q NOW, THE SOLICITOR ASKED YOU ABOUT THE
22 GRAVITATIONAL PULL OF THIS VEHICLE WOULD BE OVER TO
23 THE RIGHT WHERE IT ENDED UP, IS THAT CORRECT?

24 A YES, SIR.

25 Q NOW, AND YOU'VE BEEN ASKED FOR YOUR

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- 1 EXPERT OPINION ON THAT SO LET ME GIVE YOU THIS
2 QUESTION. IF ONE WERE PLANNING TO--AS I UNDERSTAND
3 IT, AND YOU SAW THE LOCATION, ON ONE SIDE THERE IS
4 A HILL?
- 5 A YES, SIR.
- 6 Q ON THE OTHER SIDE IS A CLIFF?
- 7 A YES, SIR.
- 8 Q AND IF THE VEHICLE, I GUESS BASICALLY
9 WHAT YOU'RE SAYING IS A VEHICLE LEFT ON ITS OWN IS
10 GOING TO TEND TO GO TO THE RIGHT?
- 11 A YES, SIR. DUE TO THE FACT THERE WAS A
12 DECLINE AND YOU HAD TO EMBANKMENT INTO THE RIGHT,
13 THAT IS CORRECT.
- 14 Q PRETTY APPARENT?
- 15 A YES, SIR.
- 16 Q VERY APPARENT TO YOU?
- 17 A TO ME, YES, SIR.
- 18 Q PRETTY APPARENT JUST LOOKING AT IT, THE
19 ROAD GOES TO THE RIGHT?
- 20 A YES, SIR.
- 21 Q AND IT'S GOING DOWN A HILL?
- 22 A CORRECT.
- 23 Q WELL, IF YOU WERE TRYING TO GET A CAR
24 OVER THE LEFT SIDE WHERE THE CLIFF IS AND IT HAD IT
25 ON THE EDGE OF THE ROAD, IT WOULD BE RELATIVELY

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1 EASY TO STEER IT OVER THE EDGE, WOULD IT NOT?

2 BASED ON WHAT YOU SAW?

3 A IF THE CAR WAS ON THE LEFT SIDE OF THE
4 ROAD, THEN--AND THE STEERING WAS BEING CONTROLLED
5 AND PUSHED OVER, THEN, YES.

6 Q WELL, EVEN IF YOU HAD IT ON THE RIGHT
7 SIDE OF THE ROAD AND THE WINDOW WAS DOWN, YOU COULD
8 CONTROL THE STEERING WITH THE INCLINE. YOU COULD
9 GET IT TO GO OVER THE CLIFF, COULD YOU NOT?

10 A YES, SIR.

11 Q AND ESPECIALLY IF YOU HAD, LET'S SAY A
12 MONTH TO PLAN IT AND FREQUENT VISITS TO THAT
13 LOCATION, YOU WOULD CERTAINLY THINK THAT'S
14 SOMETHING THAT COULD BE DONE?

15 A YES, SIR.

16 Q AND IF YOU VISITED THE SCENE BEFORE,
17 PERHAPS THAT DAY, AND HAD A CHANCE TO LOOK OVER IT,
18 THAT WOULDN'T BE A DIFFICULT THING TO DO, WOULD IT?

19 A NO SIR, I WOULDN'T THINK SO.

20 Q NOW, TELL ME ABOUT THE DAMAGE TO THIS
21 VEHICLE.

22 A THE ONLY DAMAGE THAT I OBSERVED TO THE
23 VEHICLE WAS IN THE FRONT RIGHT BUMPER. YOU COULD
24 SEE WHERE IT IMPACTED INTO THE SIDE OF THE HILL.
25 THERE WAS DIRT AND DEBRIS AND GRASS, AND ALSO ON

1 THE FRONT TIRE.

2 Q THERE WAS NO SCRAPES, SCRATCHES, ANY
3 SORT OF PAINT SCRAPES OR ANYTHING ELSE ON THE
4 VEHICLE IN ANY PLACE? IT'S YOUR TESTIMONY THAT THE
5 EXTERIOR FINISH OF THIS CAR WAS PRISTINE AS IF IT
6 JUST CAME OUT OF THE FACTORY?

7 A I'M NOT SAYING IT'S PRISTINE. IT MAY
8 HAVE HAD THE NORMAL WEAR AND TEAR, BUT AS FAR AS
9 ANY DAMAGE BEING CREATED FROM IMPACT OR AN
10 ACCIDENT, THAT'S THE ONLY THING THAT I SAW.

11 Q WELL, IMPACT FROM ACCIDENT OR DAMAGE.
12 THERE WERE NO OTHER SCRAPINGS OF THE PAINT ANYWHERE
13 ON THAT VEHICLE?

14 A THERE MAY HAVE BEEN SOME. I'D HAVE TO
15 LOOK AT THE PHOTOGRAPHS.

16 Q THESE ARE THE PHOTOGRAPHS YOU TOOK OF
17 THE VEHICLE THAT NIGHT?

18 A YES, SIR.

19 IN LOOKING AT THE PHOTOGRAPH, ON THE
20 FRONT RIGHT FENDER, ABOVE THE WHEEL WELL, THERE IS
21 AN INDENTATION. AND ALSO WHAT APPEARS TO BE ON THE
22 REAR LEFT DOOR, THERE APPEARS TO BE SOME TYPE OF
23 SCRAPE OR SCRATCH.

24 Q OKAY. I'M SORRY, THE FIRST ONE WAS AN
25 INDENTATION WHERE?

1 A ON THE FRONT RIGHT FENDER ABOVE THE
2 FRONT TIRE NEAR THE HOOD WAS AN INDENTATION.
3 Q LET ME LOOK AT THAT. CAN YOU PULL THE
4 PHOTOGRAPH OUT OF THERE FOR ME?
5 LET ME HAVE YOU STEP DOWN.
6 A I'M SORRY?
7 Q LET ME HAVE YOU STEP DOWN SO WE
8 CAN...MOVE BACK JUST A LITTLE BIT SO I CAN SEE
9 WHERE I AM ON THIS.
10 IS THAT IN FOCUS OR NOT?
11 A NO SIR.
12 Q HOW ABOUT THAT?
13 A LITTLE BIT BETTER.
14 Q HOW ABOUT THAT?
15 A STILL NOT SHARP. OF COURSE, I'M
16 STANDING AT AN ANGLE.
17 Q HOW ABOUT THAT?
18 A NO.
19 Q NO?
20 A NO SIR. STILL OUT OF FOCUS.
21 Q STILL OUT OF FOCUS. I DIDN'T KNOW IF
22 IT WERE MY EYES OR THE... LET ME STEP OVER HERE AND
23 ROBERT, LET ME WALK OVER HERE SO I CAN TELL YOU
24 WHEN IT'S IN FOCUS. HE ACTUALLY KNOWS HOW TO RUN
25 IT. I'M TRYING TO DO SOMETHING I'M NOT FAMILIAR

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1 WITH.

2 WHY DON'T YOU STEP DOWN HERE AND WE'LL
3 JUST SHOW THE JURY. THERE IS A DENT, AS YOU
4 POINTED OUT, RIGHT ABOVE THE PASSENGER FRONT WHEEL,
5 IS THAT CORRECT?

6 A THAT IS CORRECT. RIGHT HERE.

7 Q HERE WE GO. STATE'S EXHIBIT NUMBER
8 ONE, THERE'S A DENT RIGHT HERE?

9 A YES, SIR, RIGHT HERE.

10 Q AND AGAIN, STATE'S EXHIBIT NUMBER FIVE
11 WE SEE SOME SCRATCHES, IS THAT CORRECT?

12 A YES, SIR, RIGHT HERE ON THAT REAR LEFT
13 PASSENGER DOOR.

14 Q NOW, WHILE I'M SHOWING YOU THESE TO THE
15 JURY, LET ME ASK YOU, IS THERE ANY WAY TO TELL THE
16 AGE OF THOSE SCRATCHES?

17 A NO SIR, THERE'S NOT; NOT THAT I'M
18 AWARE.

19 Q DO YOU KNOW WHAT YEAR VEHICLE THIS WAS,
20 HOW OLD IT WAS?

21 A IF I MAY?

22 Q SURE, GO AHEAD.

23 A NO SIR, I DO NOT KNOW WHAT YEAR THE
24 VEHICLE IS. THE ONLY YEAR I HAVE IS THE YEAR OF
25 THE TAG THAT WAS DISPLAYED, BUT NOT THE ACTUAL YEAR

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1 OF THE VEHICLE.

2 Q LET ME SHOW YOU THIS.

3 A AGAIN, THE YEAR HERE INDICATED IS THE
4 YEAR OF THE SOUTH CAROLINA TAG, NOT OF THE ACTUAL
5 MANUFACTURING YEAR OF THE VEHICLE.

6 Q OKAY. GO AHEAD AND TAKE YOUR SEAT
7 AGAIN, PLEASE.

8 SO YOU CAN'T TELL US WHEN THOSE
9 SCRATCHES AND DENTS GOT ON THERE?

10 A NO, SIR, I CANNOT.

11 Q AND YOU DON'T...YOU CAN'T TELL US,
12 BASED ON YOUR INVESTIGATION, HOW THAT CAR CAME TO
13 REST WHERE IT CAME TO REST?

14 A NO, SIR, I CANNOT.

15 Q AND YOU CAN'T TELL US, BASED ON YOUR
16 FORENSIC INVESTIGATION, THAT IS HOW THE CAR, WHERE
17 THE CAR HAD BEEN PRIOR TO THAT OTHER THAN ABOUT TEN
18 FEET BACK YOU CAN SEE SOME...

19 A THAT IS CORRECT.

20 Q AND YOU CAN'T TELL US WHERE VICKIE
21 BECKHAM DIED? DID SHE DIE IN THE FRONT SEAT?

22 A I CAN'T TELL YOU WHERE SHE DIED IN THE
23 CAR, BUT I CAN TELL YOU THAT BLOOD LETTING OCCURRED
24 IN THE CAR AND OUTSIDE OF THE CAR.

25 Q OKAY, SO THERE'S BLOOD LETTING INSIDE

1 THE CAR AND OUTSIDE THE CAR, IS THAT CORRECT?

2 A THAT IS CORRECT.

3 Q AND I BELIEVE YOU ALSO INDICATED YOU
4 ATTENDED THE AUTOPSY WHERE THERE WERE WHAT I WOULD
5 CALL ABRASIONS ON HER KNUCKLES ON BOTH HANDS.

6 A YES, SIR.

7 Q AND THOSE ABRASIONS, THAT IS BRUISES,
8 WERE ALSO ABRADED. SKIN WAS MISSING FROM THEM, IS
9 THAT CORRECT?

10 A THAT IS CORRECT.

11 Q SO, CONSISTENT WITH IF I TOOK MY HAND
12 AND HIT YOU ACROSS THE FACE OR HIT YOU ANYWHERE,
13 I'D BRUISE IT IF I HIT YOU HARD ENOUGH, AND I WOULD
14 ABRADE IT. I WOULD TEAR SOME OF THE SKIN AWAY FROM
15 THESE KNUCKLES, IS THAT CORRECT?

16 A IT COULD BE CONSISTENT WITH THAT OR
17 DEFENSIVE WOUNDS, BEING STRUCK WITH SOMETHING AND
18 TRYING TO BLOCK YOURSELF.

19 Q BUT THEY WERE ON BOTH HANDS, IS THAT
20 CORRECT?

21 A YES, SIR.

22 Q AND THERE WAS TISSUE MISSING FROM HER
23 KNUCKLES?

24 A YES, SIR.

25 Q DID YOU FIND IN THE CAR ANY OF HER

1 TISSUE SMEARED--I'M NOT TALKING ABOUT BLOOD NOW.

2 I'M TALKING ABOUT THE TISSUE WOULD BE CONSISTENT
3 WITH THE TISSUE MISSING FROM HER KNUCKLES?

4 A NO, SIR, I DID NOT.

5 Q AND YOU PROCESSED THIS CAR APPARENTLY
6 VERY THOROUGHLY AT THE SCENE, AND DOWN AT SLED, IS
7 THAT CORRECT?

8 A YES, SIR, THAT IS CORRECT.

9 Q NOW, YOU'VE TESTIFIED THERE'S A
10 POSSIBILITY THE INITIAL ASSAULT OCCURRED IN THE
11 FRONT SEAT, IS THAT CORRECT?

12 A YES, SIR.

13 Q THERE'S ALSO A POSSIBILITY THE INITIAL
14 ASSAULT OCCURRED OUTSIDE THE VEHICLE?

15 A BASED ON WHAT I'VE SEEN AS FAR AS THE
16 DRIP PATTERN AND THE TRANSFER PATTERN, THAT
17 POSSIBILITY EXISTS. I CAN'T SAY YES, IT OCCURRED
18 OUTSIDE THE CAR, YES, IT OCCURRED INSIDE THE CAR.

19 Q OKAY, YOU CAN'T SAY WHETHER IT OCCURRED
20 OUTSIDE THE CAR OR INSIDE THE CAR?

21 A THAT IS CORRECT.

22 Q YOU CAN'T SAY WHETHER IT OCCURRED IN
23 THE FRONT SEAT OR THE BACK SEAT, OR IN BETWEEN THE
24 SEATS?

25 A NO, SIR. THE ONLY THING I CAN SAY IS

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1 THERE IS, BASED ON THE TOTALITY ALONG WITH THE
2 BLOOD WHERE THE FOOTWEAR IMPRESSIONS WERE DEVELOPED
3 THAT INDICATES THERE WAS MOVEMENT FROM THE FRONT TO
4 THE BACK AND THEN BACK TO THE FRONT AGAIN.

5 Q WELL, THE REASON THERE'S INDICATION
6 THERE'S MOVEMENT IS BECAUSE ON THE WHEEL, ON THE
7 WINDOWS OF THE CAR, IF I AM SITTING IN THE DRIVER'S
8 SEAT, MY WINDOW HAS THE RIGHT FOOT--

9 A CORRECT.

10 Q --OF THE DECEASED, IN AN UPWARD
11 PATTERN.

12 A THAT IS CORRECT.

13 Q AND IN THE BACK WINDOW OF THE DRIVER'S
14 SIDE HAS THE DECEASED'S FOOT IN A DOWNWARD PATTERN.

15 A THAT IS CORRECT.

16 Q WHICH WOULD BE CONSISTENT WITH HER HEAD
17 BEING, UNLESS SHE'S, I MEAN HER HEAD BEING AWAY.

18 A IT WOULD BE CONSISTENT, THE IMPRESSION
19 THAT IS ON THE BACK GLASS, IN A DOWNWARD ANGLE
20 WOULD BE CONSISTENT WITH HER FEET BEING ON THAT END
21 OF THE CAR IN A NORMAL, WALK, NORMAL GAIT, WOULD BE
22 SHE WOULD BE FACING DOWN.

23 Q IN THE BACK.

24 A IN THE BACK.

25 Q IN THE FRONT, IT WOULD BE FACE UP.

- 1 A FACE UP.
- 2 Q NOW YOU ALSO HAVE BLOOD IN THE AREA
- 3 BETWEEN THE SEATS IN A SWIPING PATTERN, I THINK THE
- 4 WAY YOU SAID?
- 5 A YES, SIR, WOULD BE A TRANSFER.
- 6 Q WHICH WOULD INDICATE THAT...AND THE
- 7 ONLY PLACE I UNDERSTAND SHE WAS BLEEDING FROM WAS
- 8 THE BACK OF HER HEAD?
- 9 A THAT'S THE ONLY AREA I'M AWARE OF.
- 10 Q OKAY, SO THE BACK OF HER HEAD OR MAYBE
- 11 HER HAIR, IF IT GOT BLOODY...
- 12 A OR HER CLOTHING.
- 13 Q ...OR HER CLOTHING PASSED AGAINST THAT.
- 14 IS THAT CORRECT?
- 15 A YES, SIR, BETWEEN THE TWO SEATS. THAT
- 16 IS CORRECT.
- 17 Q ALSO THE HEADREST ON THE PASSENGER SIDE
- 18 SEAT IS RIPPED OFF.
- 19 A YES, SIR, THAT IS CORRECT.
- 20 Q AND YOU PROCESSED THAT FOR BLOOD?
- 21 A YES, SIR, IT WAS EXAMINED.
- 22 Q OKAY, AND FINGERPRINTS AND JUST ALL THE
- 23 SORTS OF HAIR, FIBER, EVERYTHING Y'ALL DO?
- 24 A YES, SIR.
- 25 Q AND I THINK YOU TOLD US THAT THERE WAS

- 1 BLOOD ON THE OUTSIDE...
- 2 A OF THE CAR.
- 3 Q ...OF THE CAR ON THE BACK PASSENGER
- 4 DOOR?
- 5 A YES. ON BOTH BACK PASSENGER DOORS.
- 6 Q BOTH BACK PASSENGER DOORS. SO WAS THIS
- 7 BLOOD, A SAMPLE OF THIS BLOOD TAKEN SO IT COULD BE
- 8 MATCHED OR COMPARED TO VICTORIA BECKHAM'S?
- 9 A TO MY KNOWLEDGE, YES, IT WAS.
- 10 Q AND NANCY SKRABA WOULD BE THE ONE TO BE
- 11 ABLE TO TELL US?
- 12 A YES, SIR, THAT IS CORRECT.
- 13 Q ALL RIGHT, NOW THIS BLOOD ON THE
- 14 ROADWAY AND THE BLOOD THAT WE SEE ON THE FLOOR OF
- 15 THE SLED LAB, DID YOU TAKE THE CRANKCASE OUT TO
- 16 LOOK TO SEE HOW MUCH BLOOD HAD...
- 17 A NO, SIR, I DID NOT.
- 18 Q AND HOW LONG WAS SHE, AS FAR AS YOU
- 19 KNOW, IN THAT VEHICLE WITH HER HEAD LAYING WHERE IT
- 20 WAS? THEY FOUND...I MEAN WHAT TIME DID Y'ALL
- 21 ACTUALLY TAKE HER OUT OF THE VEHICLE?
- 22 A SHE WAS REMOVED FROM THE SCENE AT ONE
- 23 A.M. IN THE MORNING, ON JUNE THE 13TH. WE MAY HAVE
- 24 TAKEN HER OUT OF THE CAR APPROXIMATELY TEN TO
- 25 FIFTEEN MINUTES BEFORE THEY TRANSPORTED HER TO THE

1 MORGUE IN NEWBERRY HOSPITAL.

2 Q AND HER HEAD WAS ABOUT EVEN WITH HER
3 BODY OR ABOVE HER BODY OR BELOW HER BODY?

4 A I THINK IT WAS EVEN WITH THE BODY. HER
5 HEAD WAS RESTING ON THE FRONT PASSENGER SEAT WHICH
6 WOULD BE THE LEFT SIDE CUSHION IN THE FRONT
7 PASSENGER SEAT. AND HER BODY WAS ALSO OVER THE
8 CENTER CONSOLE AREA BETWEEN THE TWO FRONT SEATS.

9 Q OKAY. NOW, LET ME--YOU PROCESSED, I
10 THINK YOU TESTIFIED YOU PROCESSED AND LIFTED A
11 PRINT USING AMIDO BLACK FROM HER--WHERE WAS THAT ON
12 HER BODY?

13 A IT WAS ON HER INNER LEFT CALF.

14 Q CAN I SEE THAT, PLEASE?

15 A YES, SIR.

16 Q I THINK THIS WILL SHOW UP. OBVIOUSLY
17 OVER LUNCH WE'RE GOING TO WORK ON OUR TECHNICAL
18 SKILLS. LET ME TRY THIS. IS THAT SEEABLE FROM
19 OVER THERE? CAN YOU SEE THE RIDGE DETAIL ON THAT?
20 MAYBE NOT? NO?

21 THE COURT: MADAM FORELADY, CAN YOU SEE
22 IT?

23 THEY CAN SEE IT.

24 Q GREAT. LET'S TALK ABOUT THAT FOR--STEP
25 DOWN HERE FOR JUST A MINUTE. LET'S TALK ABOUT

1 RIDGE DETAIL, AND THIS IS A PRINT WHERE ON VICTORIA
2 BECKHAM?

3 A HER LEFT LEG. IT WOULD BE ON HER INNER
4 LEFT CALF.

5 Q OKAY, ON HER CALF?

6 A ON HER CALF OF HER LEFT LEG, INNER
7 CALF.

8 Q NOW HOW IS IT, AND PERHAPS YOU CAN
9 EXPLAIN IT TO ME. I KNOW IF I TOUCHED THIS WOODEN
10 OBJECT, AS I UNDERSTAND IT, THE REASON YOU CAN
11 LATER GO BACK AND GET A FINGERPRINT IS THAT MY
12 FINGER LEAVES OILS.

13 A IT CAN LEAVE MOISTURE WHICH CAN BE
14 WATER LIKE SWEAT, OR IT COULD BE OILS, GREASES, IT
15 COULD BE SEBUM WHICH IS IN YOUR HAIR AND ON AREAS
16 OF YOUR SKIN, THAT IS DEPOSITED ON THE RIDGES ON
17 YOUR FINGERS AND PALMS AND THEN TRANSFERRED TO
18 WHATEVER SURFACE.

19 Q SO YOU PUT DOWN WHAT WE'VE ALL SEEN IN
20 THE MOVIES, THAT BLACK POWDER AND IT WOULD STICK TO
21 THE RIDGES?

22 A IT ADHERES TO THE MOISTURE, AND OF
23 COURSE THAT MOISTURE CAME OFF THE RIDGES.

24 Q AND SO THAT GIVES YOU DEFINITION OF THE
25 RIDGES?

1 A YES, SIR.

2 Q NOW THIS, IF YOU'RE, I GUESS WHAT I'M

3 ASKING IS IF YOU'RE LIFTING A PRINT OFF SKIN...

4 A IT WAS NOT LIFTED FROM THE SKIN.

5 Q WHAT WAS IT LIFTED FROM?

6 A IT WAS PHOTOGRAPHED. IT WAS NOT

7 ACTUALLY LIFTED, IT WAS PHOTOGRAPHED.

8 Q I APOLOGIZE. I'M USING MY NON-

9 TECHNICAL TERMS TO DESCRIBE. YOU TELL ME HOW YOU

10 DEVELOP THAT SO THAT WE CAN SEE NOW, I MEAN WE CAN

11 SEE THIS OBVIOUSLY, CORRECT ME IF I'M WRONG, IS A

12 FINGERPRINT, CORRECT? I MEAN OR SOME PART OF A

13 PALM, FINGER...

14 A FINGER OR PALM, THAT IS CORRECT.

15 Q OKAY, BECAUSE WE CAN SEE, AS I LOOK AT

16 MY HAND, I'VE GOT LITTLE RIDGES ON THEM.

17 A YEAH.

18 Q AND THIS HAS LITTLE RIDGES ON IT?

19 A YES. WHAT IS DONE, THE AMIDO BLACK,

20 THERE ARE TWO CHEMICALS, ONE'S A WORK SOLUTION

21 WHICH IS THE ACTUAL PROTEIN STAIN SO IT'S USED IN

22 SEROLOGICAL LABS, IT'S BEEN USED IN HOSPITALS FOR

23 THIRTY YEARS OR BETTER, AND THERE ARE TWO

24 SOLUTIONS. THE WORK SOLUTION INCLUDES A CHEMICAL

25 KNOWN AS NAPHTHOL BLUE/BLACK WHICH IS THE DYEING

1 AGENT AND IT'S MIXED WITH METHANOL AND GLACIAL
2 ACIDIC ACID. THESE CHEMICAL ARE SPRAYED, ONCE
3 MIXED ARE SPRAYED ON AN AREA LIKE YOU SEE THESE
4 WATER BOTTLES THAT YOU SPRAY YOUR FLOWERS. IT'S
5 THE EXACT SAME TECHNIQUE. FOLLOWED WITH THAT IS A
6 RINSE SOLUTION AND THE RINSE SOLUTION IS METHANOL
7 AND GLACIAL ACETIC ACID. AND IT CLEANS UP THE
8 EXCESS.

9 THE WORK SOLUTION WILL ADHERE TO
10 WHATEVER PROTEIN IS PRESENT. PROTEIN IS IN BLOOD
11 AND SO IT WOULD ADHERE TO THAT PROTEIN FROM THE
12 WORK SOLUTION, AND THE RINSE SOLUTION JUST CLEANS
13 IT UP WHERE WE'RE ABLE TO PHOTOGRAPH IT WITH SCALE,
14 AND ENLARGE IT FOR EXAMINATION PURPOSES.

15 Q SO THIS IS A PRINT MADE ON HER SKIN IN
16 BLOOD?

17 A YES, SIR. WELL, IT'S IN PROTEIN, AND
18 PROTEIN IS PRESENT IN BLOOD.

19 Q SO MOST OF THE TIME, WHEN YOU...WHEN
20 YOU...NOW, DID Y'ALL PHOTOGRAPH...I MEAN...LET ME
21 SEE IF I CAN SAY THIS CORRECTLY. DID YOU SEE
22 SOMETHING BEFORE YOU PUT THE AMIDO BLACK ON?

23 A NO, WE DID NOT. WE DID NOT SEE ANY
24 RESIDUE, WE DID NOT SEE ANY BLOOD. WE, AS I
25 TESTIFIED EARLIER, JUST PROCESS THE EXTREMITIES.

1 IF SOMEONE WAS TO LIFT YOU AND CARRY YOU, WHERE
2 WOULD THEY GRAB? WE PROCESS THE ARMS AND THE LEGS.

3 Q AND WHEN Y'ALL LIFTED AND GRABBED HER,
4 YOU HAD GLOVES ON?

5 A YES, WE DID BUT WE WERE TRYING TO BE AS
6 CAREFUL AS POSSIBLE WHERE WE ACTUALLY GRABBED SO WE
7 WOULDN'T HOPEFULLY NOT DESTROY ANYTHING.

8 Q OKAY. SO WHAT YOU GOT IS A PRINT
9 CONSISTENT WITH SOMEBODY IN AN AREA YOU PROCESSED
10 CARRYING HER AND THEY LEFT RIDGE DETAIL, BUT NOT
11 ENOUGH FOR YOU TO...

12 A POSITIVELY IDENTIFY.

13 Q ...IDENTIFY?

14 A THAT IS CORRECT.

15 Q NOW, IN LOOKING AT THIS RIDGE DETAIL,
16 HOW DO WE KNOW IT'S NOT YOURS? HOW DO WE KNOW IT'S
17 NOT WHEN YOU LIFTED HER?

18 A WELL, MY ONLY RESPONSE WOULD BE IS I
19 HAD GLOVES ON AND, TO PROTECT MY HANDS SO I
20 WOULDN'T LEAVE ANYTHING. BUT AT THE SAME TOKEN,
21 WHEN I GRABBED HER, I GRABBED HER AROUND THE
22 ANKLES. THERE WERE SOCKS ON HER FEET AND THAT'S
23 WHERE I LIFTED HER FROM.

24 Q BUT RIDGE DETAIL LIKE THIS WOULDN'T
25 HAVE COME THROUGH YOUR GLOVE?

1 A NO, SIR, IT SHOULDN'T.

2 Q OKAY. SO SOMEBODY GRABBED HER WHERE?
3 SHOW ME ON YOUR BODY WHERE...

4 MR. JONES: YOUR HONOR, HE DIDN'T SAY
5 SOMEBODY GRABBED HER. HE SAID IT WAS CONSISTENT
6 WITH SOMEBODY GRABBING HER.

7 MR. HARPOOTLIAN: I BEG THE COURT'S...

8 MR. JONES: I OBJECT.

9 THE COURT: I SUSTAIN YOUR OBJECTION.
10 REPHRASE YOUR QUESTION.

11 Q IT IS CONSISTENT WITH SOMEBODY GRABBING
12 HER WHERE?

13 A SHE WAS GRABBED HERE IN THIS AREA OF
14 HER INNER LEFT CALF.

15 Q WELL, SHOW ME ON ME IF YOU CAN DO THAT.

16 A MIGHT HAVE BEEN GRABBED LIKE SO OR LIKE
17 SO.

18 Q LET ME STEP OVER HERE AND SHOW ON ME
19 NOW, IF YOU WERE GRABBING ME.

20 A GRAB THIS WAY OR SOMEBODY COULD
21 POSSIBLY MAYBE GRAB THIS WAY. BUT FOR LIFTING
22 PURPOSES, I THINK THEY'D GRAB LIKE SO.

23 Q OKAY. GO AHEAD AND TAKE THE STAND,
24 PLEASE.

25 NOW, DID YOU TAKE INTO CUSTODY IN

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- 1 PROCESSING THE SCENE MS. BECKHAM'S PURSE?
- 2 A YES, SIR, IT WAS PROCESSED WITH THE
- 3 VEHICLE.
- 4 Q AND DID YOU DO THAT?
- 5 A YES, SIR, WE DID.
- 6 Q AND DID YOU INVENTORY THE CONTENTS?
- 7 A WE DID NOT INVENTORY THE CONTENTS SUCH
- 8 AS WRITING EVERYTHING DOWN WHAT WAS IN THE PURSE.
- 9 WE JUST DID A VISUAL GENERAL EXAMINATION.
- 10 Q HOW MUCH MONEY WAS IN THE PURSE?
- 11 A THERE WAS NO MONEY IN THE PURSE.
- 12 Q NO MONEY?
- 13 A NO SIR.
- 14 Q NOT A DIME?
- 15 A NO SIR.
- 16 Q SOMETHING I FORGOT TO ASK YOU AWHILE
- 17 AGO, THESE SCRAPES AND DENTS ON THIS CAR, DID
- 18 ANYONE, DID Y'ALL ATTEMPT TO DETERMINE WHETHER
- 19 THERE WAS, AND AGAIN, MAYBE IT'S JUST IN THE
- 20 MOVIES, BUT YOU CAN GO INTO A SCRAPE OR DENT AND
- 21 SEE IF THERE'S ANY PAINT AS IF SOMETHING HAD HIT IT
- 22 THAT WAS PAINTED, LIKE A CAR?
- 23 A YES, SIR. BUT ON VISUAL EXAMINATION WE
- 24 COULDN'T SEE ANY OTHER DIFFERENT COLOR PAINT IN
- 25 THOSE AREAS.

- 1 Q DID YOU DO THAT YOURSELF?
- 2 A JUST THE VISUAL EXAMINATION, JUST
- 3 LOOKING AT IT, YES, SIR.
- 4 Q BUT YOU DID NO MICROSCOPIC EXAMINATION?
- 5 A NO, SIR.
- 6 Q YOU JUST SORT OF LOOKED AT IT AND SAID,
- 7 "I DON'T SEE ANY OTHER COLOR PAINT," AND THAT'S
- 8 THAT?
- 9 A WELL, THAT'S WHAT I TESTIFIED EARLIER
- 10 ABOUT USING THE OBLIQUE LIGHT.
- 11 Q YEAH.
- 12 A ABOUT TAKING THE LIGHT SOURCE AND
- 13 SHINING IT AT DIFFERENT ANGLES AND DIRECTIONS TO
- 14 SEE IF WE COULD SEE ANYTHING ELSE AND WE DID NOT.
- 15 Q YOU DID NOT. AND YOU DID THAT
- 16 YOURSELF?
- 17 A YES, SIR.
- 18 Q LET ME ASK YOU, TO MAKE SURE I
- 19 UNDERSTAND THIS. YOU INDICATED THAT YOU LIFTED,
- 20 AND I'M USING THAT TERM IN A GENERIC SENSE.
- 21 A YES, SIR.
- 22 Q LIFTED MEANS, IN MY VERNACULAR, THAT
- 23 YOU FOUND A PRINT WHETHER YOU COULD IDENTIFY IT OR
- 24 NOT.
- 25 A YES, SIR.

1 Q WHETHER YOU PHOTOGRAPHED IT OR USED THE
2 TAPE OR USED SOME CHEMICAL PROCESS.
3 A YES, SIR.
4 Q YOU FOUND THIRTY-ONE TOTAL PRINTS ON
5 THIS CAR, IS THAT CORRECT?
6 A THIRTY-ONE OR THIRTY-TWO, I BELIEVE I
7 SAID. THERE ARE THIRTY-TWO TOTAL. TWO WERE IN
8 AMIDO AND TWENTY-NINE WERE ACTUAL LATENT LIFTS.
9 Q THAT'S THIRTY-ONE.
10 A I'M SURE YOU'RE CORRECT. THAT'S
11 THIRTY-ONE.
12 Q I CAN GET UP TO A HUNDRED.
13 A MY WIFE'S A MATH TEACHER BUT IT DOESN'T
14 SHOW.
15 Q OKAY, THIRTY-ONE. NOW THERE WERE
16 THIRTY-ONE PRINTS IN THERE AND YOU MATCHED THEM,
17 YOU MATCHED ALL EXCEPT--WELL, THIRTY-ONE PRINTS.
18 LET ME MAKE SURE I UNDERSTAND THIS. USING THE
19 SOLICITOR'S CHART, THERE WERE SOME IDENTIFIED, SOME
20 UNIDENTIFIED AND SOME WERE INSUFFICIENT. AND WHAT
21 YOU DID WAS YOU RAN THE PRINTS THAT WERE
22 IDENTIFIABLE--THERE WAS SUFFICIENT RIDGE DETAIL--
23 AGAINST A SERIES OF FINGERPRINT CARDS THAT WERE
24 SUBMITTED TO YOU BY THE INVESTIGATORS, IS THAT
25 CORRECT?

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- 1 A YES, SIR, THAT'S CORRECT.
- 2 Q AND WE KNOW THAT NONE OF THE PRINTS
- 3 THAT WERE IDENTIFIABLE WERE RICHARD ANDERSON'S?
- 4 A THAT'S CORRECT.
- 5 Q AND WE KNOW THAT NONE OF THE PRINTS
- 6 THAT WERE IDENTIFIABLE WERE STEPHEN BECKHAM'S?
- 7 A THAT IS CORRECT.
- 8 Q WE DO KNOW THAT YOU FOUND A MR.
- 9 SNELLINGS'?
- 10 A YES, SIR.
- 11 Q MR. HAWKINS'?
- 12 A YES, SIR.
- 13 Q A MR. SHEALY?
- 14 A YES, SIR.
- 15 Q WE DO KNOW WHO DALE DOMINICK IS. HE'S A
- 16 SHERIFF'S DEPUTY?
- 17 A YES, SIR.
- 18 Q YOU FOUND A MR. BOWERS'?
- 19 A YES, SIR.
- 20 Q YOU FOUND MR. SHEALY?
- 21 A YES, SIR.
- 22 Q AND WE SAW MR. SHEALY EARLIER TODAY.
- 23 A CORRECT.
- 24 Q WE SAW A MR. FRICK. IS THAT THE SAME
- 25 MR. FRICK WE SAW TODAY? IS THAT HIS PRINT?

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1 A I THINK SO, BUT I'VE NEVER MET HIM
2 BEFORE SO I DON'T KNOW.

3 Q OKAY. AND THEN THERE WERE TWO PRINTS
4 THAT WERE IDENTIFIED AS [REDACTED], [REDACTED]
5 THAT WOULD BE YOUNG ANDREW B [REDACTED], AS WE KNOW HIM?

6 A YES, SIR.

7 Q NOW, YOU WERE ASKED TO COMPARE THOSE
8 PRINTS TO SOME NINETY-ODD PEOPLE, IS THAT CORRECT?

9 A YES, SIR, THAT'S CORRECT.

10 Q AND I WANT TO ASK YOU ABOUT A FEW OF
11 THOSE PEOPLE.

12 A OKAY.

13 Q LET ME GET...YOU HAVE A HANDWRITTEN--
14 LET ME GET WHAT I NEED OVER HERE. EXCUSE ME FOR
15 ONE SECOND.

16 MR. HARPOOTLIAN: BEG THE COURT'S
17 INDULGENCE FOR JUST ONE MOMENT.

18 THE COURT: MR. HARPOOTLIAN, DO YOU
19 WANT TO BREAK HERE AND START RIGHT AFTER LUNCH?

20 MR. HARPOOTLIAN: YES, SIR, YOUR HONOR.
21 I APOLOGIZE. I PUT SOMETHING SOMEWHERE AND I CAN'T
22 FIND IT RIGHT NOW. I DON'T KNOW WHETHER IT'S THE
23 AGE, THE GLASSES OR BOTH.

24 THE COURT: OKAY. ALL RIGHT, MADAM
25 FOREMAN, AND LADIES AND GENTLEMEN OF THE JURY, THIS

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1 IS PROBABLY A GOOD SPOT TO STOP AND BREAK FOR
2 LUNCH.

3 CAN WE TAKE UP THE MATTER THAT
4 EVERYBODY'S ANTICIPATING BEFORE I BRING THE JURY
5 BACK?

6 MR. JONES: YES, SIR.

7 THE COURT: OKAY. LET ME ASK YOU ALL
8 TO BE BACK AT TWO-THIRTY. THAT WILL GIVE YOU A
9 LITTLE TIME. YOU CAN TAKE A WALK OR SOMETHING. WE
10 NEED TO TAKE UP A MATTER OUTSIDE YOUR PRESENCE AND
11 I'D RATHER YOU BE OUTSIDE THAN BACK THERE WAITING
12 ON US, OKAY? TWO-THIRTY AND WE'LL SEE YOU BACK
13 THERE. YOU CAN JUST LEAVE YOUR PADS ON YOUR CHAIRS
14 AND THEY WILL BE FINE.

15 (JURY RECESSED FOR LUNCH AT 1:04 P.M.)

16 THE COURT: ON THE ISSUE WE HAD AT THE
17 SIDE BAR THAT HAD TO DO WITH THE FINGERPRINTS, ARE
18 WE READY TO CROSS THAT ISSUE NOW?

19 MR. HARPOOTLIAN: WELL, YOUR HONOR, I
20 MEAN I THINK, I DON'T KNOW THAT I'M POINTING TO A
21 THIRD PARTY AT THIS POINT. ALL THE PIECES AREN'T
22 HERE YET AND I THINK IT MAY BE PREMATURE. I MEAN I
23 THINK MR. SWERLING'S READY TO--WE'RE GOING TO
24 INDICATE THERE ARE A NUMBER OF OTHER ALTERNATIVES
25 THAT ARE CONSISTENT WITH THE EVIDENCE AND

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1 INCONSISTENT WITH STEPHEN BECKHAM, WHICH I THINK
2 WE'RE ALLOWED TO DO.

3 MR. SWERLING IS READY TO ARGUE WHAT THE
4 PARAMETERS OF POINTING TO THIRD PARTY--IT'S NOT
5 JUST THIS WITNESS. IT'S GOING TO BE A NUMBER OF
6 DIFFERENT WITNESSES WHERE WE'RE GOING TO ASK ABOUT,
7 FOR INSTANCE, YOUR HONOR, THE DNA STIPULATION WE'RE
8 GOING TO BE ENTERING INTO SAYS THAT THE MATERIAL
9 FROM UNDERNEATH VICKIE BECKHAM'S FINGERNAILS ARE
10 INCONSISTENT WITH STEPHEN BECKHAM, CONSISTENT
11 WITH...

12 MR. JONES: RICHARD ANDERSON?

13 MR. HARPOOTLIAN: NO, THAT'S NOT WHAT
14 THEY SAY. THEY'RE CONSISTENT WITH VICTORIA BECKHAM
15 AND ANOTHER INDIVIDUAL, AND THEY ARE NOT
16 INCONSISTENT WITH RICHARD ANDERSON. WE THINK THAT
17 GIVES RISE--I MEAN, WHAT THEY'RE SAYING, THE REPORT
18 SAYS TWO THINGS: ONE, THAT IT'S VICTORIA BECKHAM
19 AND ANOTHER INDIVIDUAL, AND TWO, THEY'RE NOT
20 INCONSISTENT WITH RICHARD ANDERSON. WE THINK THAT
21 MAY GIVE RISE TO OUR BEING ABLE TO, CONSISTENT WITH
22 OTHER EVIDENCE, SHOW THAT THERE IS ANOTHER PERSON
23 INVOLVED OTHER THAN STEPHEN BECKHAM.

24 THE COURT: OF COURSE, WHERE WE ARE AT
25 THIS POINT IN TIME, AND Y'ALL CORRECT ME IF I'M

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1 WRONG, WE'RE SIMPLY ASKING THE AGENT WHO TOOK THE
2 FINGERPRINTS TO IT, WHAT ARE YOU GOING TO ASK OF
3 HIM?

4 MR. HARPOOTLIAN: JUST I'M GOING TO GO
5 THROUGH WHO--HOW MANY UNIDENTIFIED HE HAD, WHO HE
6 COMPARED THEM TO, WHETHER OR NOT, I THINK THERE'S A
7 COUPLE OF THESE FINGERPRINT CARDS THAT ARE NOT, AND
8 I THINK, I'M NOT CHALLENGING MR. BLACK BUT I THINK
9 SOME OF THEM MIGHT NOT HAVE BEEN SUFFICIENT FOR HIM
10 TO DO A COMPARISON WITH.

11 AND I THINK, YOUR HONOR, WE HAVE A
12 RIGHT TO QUESTION THE INTEGRITY OF THE
13 INVESTIGATION. WE HAVE A RIGHT TO QUESTION WHETHER
14 APPROPRIATE PROCEDURES WERE FOLLOWED, WE HAVE A
15 RIGHT TO QUESTION WHETHER OR NOT THE PROCESSING OF
16 THE FINGERPRINTS AT THE SCENE WERE DONE
17 APPROPRIATELY. CERTAIN PEOPLE WERE ELIMINATED AS
18 SUSPECTS AS A RESULT OF THIS FINGERPRINT ANALYSIS.
19 WE THINK WE HAVE A RIGHT TO GO INTO WHETHER THAT
20 WAS DONE CORRECTLY OR NOT.

21 AND YOUR HONOR, THAT IS THE HEART OF
22 OUR DEFENSE. THIS IS JUST A LITTLE SIDE TRIP WE'RE
23 GOING ON. THAT IS THE HEART OF OUR DEFENSE. MR.
24 SWERLING IS, BECAUSE WE'RE GOING TO BE DOING THIS
25 WITH A NUMBER OF WITNESSES, AND I'M NOT, THIS IS

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1 NOT AN HOUR SOJOURN WITH HIM; AND WITH HIM, WE'RE
2 JUST MERELY LAYING THE FOUNDATION.

3 THE COURT: SO AS A RESULT OF EXAMINING
4 THIS WITNESS, WE'RE NOT GOING TO HEAR A QUESTION
5 PUT TO THIS WITNESS...

6 MR. HARPOOTLIAN: THAT IS CORRECT.

7 THE COURT: ...THAT IT COULD BE SOME
8 OTHER PERSON?

9 MR. HARPOOTLIAN: NO QUESTION ABOUT IT.
10 JUST THE BEGINNING...

11 THE COURT: ALL RIGHT, MR. MCMAHON.

12 MR. MCMAHON: MAY I BE HEARD, YOUR
13 HONOR?

14 THE COURT: YES, SIR.

15 MR. MCMAHON: AS I UNDERSTAND WHAT HE'S
16 PROPOSING TO DO IS HE'S GOING TO ASK AGENT BLACK
17 ABOUT THE OTHER PEOPLE HE COMPARED TO, IS THAT
18 CORRECT?

19 MR. HARPOOTLIAN: YES, THE OTHER PEOPLE
20 HE COMPARED TO AND I MAY...YES, THAT'S GENERALLY
21 WHAT I...AND DID NOT COMPARE TO.

22 MR. MCMAHON: WELL, AS FAR AS THE ONES
23 HE COMPARED TO, PERHAPS IF I KNEW A LITTLE BIT MORE
24 ABOUT WHO HE'S TALKING ABOUT WHO HE DID NOT COMPARE
25 TO, IF IT COMES OUT THAT COULD BE IRRELEVANT, IF HE

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1 DIDN'T COMPARE IT TO SOMEONE THAT HAD ABSOLUTELY NO
2 ASSOCIATION AT ANY POINT IN TIME, YOU SEE WHAT I'M
3 SAYING? WE DON'T HAVE ANY PROBLEMS WITH THE ONES
4 HE COMPARED IT TO.

5 MR. HARPOOTLIAN: WELL, AND I MAY JUST
6 LIMIT IT TO THAT. BUT I MEAN THE RECORD RIGHT NOW,
7 YOUR HONOR, IS THIS. HE COMPARED IT AGAINST JOHNNY
8 RAY HAWKINS. THIS JURY HAS NO IDEA WHO JOHNNY RAY
9 HAWKINS IS. I DIDN'T OBJECT TO THAT. HE COMPARED
10 IT TO JOHNNY RAY HAWKINS. HE'S EXCLUDED A PRINT
11 BECAUSE IT BELONGS TO JOHNNY RAY HAWKINS. WHO'S
12 JOHNNY RAY HAWKINS?

13 MR. MCMAHON: WELL, THAT WOULD COME IN
14 THROUGH THE NEXT WITNESS.

15 THE COURT: AND PRECISELY, GENTLEMEN,
16 AND HERE'S WHAT YOU'RE WORRIED. IT'S THE SAME, IT
17 WORKS THE SAME WAY. YOU DON'T WANT THE QUESTION
18 PUT TO THIS WITNESS, WELL IT COULD HAVE BEEN ONE OF
19 THOSE PEOPLE, BECAUSE HE'S NOT IN A POSITION--HE'S
20 ONLY A FOUNDATIONAL WITNESS JUST LIKE HE IS A
21 FOUNDATIONAL WITNESS FOR YOU TO SAY WHY JOHNNY RAY
22 HAWKINS WAS NOT A SUSPECT. HE CAN'T SAY THAT.
23 ALL HE CAN SAY--HE'S A FORENSIC EXPERT. HE'S NOT
24 TO SAY WHO DID IT.

25 MR. HARPOOTLIAN: EXACTLY, AND THAT'S

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1 ALL WE...

2 THE COURT: SO THAT'S WHAT YOU'RE
3 WORRIED ABOUT ULTIMATELY. AND IF THEY DON'T GET
4 ENOUGH FOUNDATION LAID, WHICH I UNDERSTAND YOUR
5 CONCERN-- AND OF COURSE, THE SUPREME COURT HAS
6 JUST CLARIFIED THAT PRETTY CLEARLY HERE IN THE LAST
7 TWO OR THREE WEEKS. YOU CAN'T JUST CAST ASPERSIONS
8 OR SUSPICIONS WILLIE-NILLIE. YOU'VE GOT TO HAVE A
9 GOOD TRAIN OF EVENTS. BUT THIS IS ONLY ONE. HE'S
10 NO WHERE NEAR THAT PROBLEM, IF I UNDERSTAND WHAT
11 HE'S TRYING TO DO.

12 MR. MCMAHON: ALL RIGHT, WE HAVE NO
13 OBJECTIONS TO THE ONES HE COMPARED THEM TO.

14 MR. HARPOOTLIAN: AT THIS POINT, I
15 THINK THAT'S PROBABLY WHERE I'LL BE STAYING. IF I
16 THINK THAT I'M GOING TO BE GOING BEYOND THAT, YOUR
17 HONOR, I WON'T DO IT WITHOUT APPROACHING SIDE BAR.

18 THE COURT: ALL RIGHT, THAT'S FAIR
19 ENOUGH AS TO THAT QUESTION.

20 NOW, HOW ABOUT, ARE Y'ALL PREPARED TO
21 DEAL WITH THE WARRANT ISSUE, THE KENTUCKY ISSUE?

22 MR. HARPOOTLIAN: THAT'S A SWERLING
23 ISSUE, YOUR HONOR.

24 THE COURT: BECAUSE WE'VE GOT HIM NOW.
25 YOU KNOW, WE MIGHT--OF COURSE, IT MIGHT BE JUST AS

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1 LOGICAL TO PUT HIM BACK UP LATER, YOU KNOW.

2 MR. JONES: JUDGE, WE'VE GOT HIM NOW.
3 WE'RE READY TO DEAL WITH IT NOW, OR AFTER LUNCH OR
4 WHENEVER.

5 MR. SWERLING: I DON'T SEE HOW MR.
6 BLACK CAN TESTIFY ABOUT WHETHER A KENTUCKY WARRANT
7 IS VALID.

8 THE COURT: OH, NO, NO, NO. WHAT I'M
9 SAYING IS HE GATHERED EVIDENCE AS A RESULT OF THAT
10 AND SO WHILE HE'S HERE, WE'VE GOT TO DECIDE WHETHER
11 OR NOT THAT EVIDENCE IS GOING TO COME IN.

12 MR. HARPOOTLIAN: WELL, YOUR HONOR,
13 WE'RE GOING TO PUT HIM BACK UP.

14 THE COURT: WELL, I'M TRYING TO GET A
15 FEEL FOR WHAT'S MORE REASONABLE TO DO. EITHER DO
16 IT--AND IT MIGHT BE GOOD TO BREAK, PUT A WITNESS OR
17 TWO IN BETWEEN AND PUT HIM BACK UP TO KEEP IT
18 FROM...

19 MR. HARPOOTLIAN: WE'VE GOT SOMEONE
20 CHECKING ON KENTUCKY LAW FOR US.

21 THE COURT: HERE'S WHAT I'M GOING TO
22 SUGGEST TO YOU ABOUT THE KENTUCKY SITUATION, AND
23 WE'RE IN THE PROCESS OF CHECKING AS WELL. THE
24 BURDEN IS ON YOU FOLKS TO ESTABLISH THIS QUESTION
25 NOW. IN THE STATE OF KENTUCKY, IF I LOOKED AT THAT

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1 WARRANT AND AFFIDAVIT NOW, JUST LOOKING AT IT, I
2 GOT NO KENTUCKY STATUTE IN FRONT OF ME. I DON'T
3 HAVE THE CONSTITUTION PROVISION BEFORE ME. IT'S
4 NOT MY RESPONSIBILITY RIGHT NOW. BUT I BELIEVE
5 THAT IN LOOKING AT THE WARRANT, IT IS AN APPROVED
6 FORM, AND IT APPEARS TO ME THAT IN THE STATE OF
7 KENTUCKY, THEY DON'T HAVE TO SET FORTH IN AN
8 AFFIDAVIT OF PROBABLE CAUSE AS WE'RE REQUIRED TO DO
9 IN THIS STATE BY STATUTE. AND IT MAY WELL BE ALL
10 THAT IS REQUIRED IN KENTUCKY IS THAT A WITNESS
11 APPEAR AND SATISFY THE JUDICIAL OFFICER THAT THEY
12 HAVE PROBABLE CAUSE BECAUSE THERE IS NO PLACE ON
13 THEIR FORM TO PUT WHAT THE PROBABLE CAUSE WAS. IT
14 JUST SAYS THE JUDGE SAYS IN HIS WARRANT THAT HE
15 FOUND PROBABLE CAUSE. AND THAT MAY BE IN KENTUCKY
16 ALL THEY HAVE TO DO. THAT'S ONE ISSUE.

17 EVEN IF, AND THAT MAY SOLVE MR.
18 SWERLING'S OBJECTION AS TO THE FORM OF THE WARRANT
19 ITSELF. AND THEN OF COURSE THE SECOND ISSUE HAS TO
20 DO WITH WHETHER OR NOT THERE WAS IN FACT PROBABLE
21 CAUSE. GOT FULL FAITH AND CREDIT QUESTIONS IN THAT
22 REGARD. THIS IS A KENTUCKY WARRANT ISSUE IN THEIR
23 STATE TO DO CERTAIN THINGS AND IT'S NOT, I'M JUST
24 TELLING YOU WHAT THE ISSUE MAY WELL BE.

25 AND THEN THE OTHER THING, YOU TALKED

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1 ABOUT STALENESS, AND I LOOKED AT THE SOUTH CAROLINA
2 WARRANT AND IT WAS DATED 11...IT WAS DATED JULY THE
3 11TH, '95. AND THIS WARRANT WAS OBTAINED IN
4 KENTUCKY ON THE 18TH OF JULY, '95, AND YOU'RE
5 SAYING THAT'S STALE?

6 MR. SWERLING: JUDGE, THE STALENESS
7 ISSUE IS FROM THE DATE OF THE CRIME, JUNE OF '94.
8 I MEAN YOU'RE TALKING ABOUT THIRTEEN MONTHS AFTER A
9 CRIME EXPECTING TO FIND EVIDENCE OF A CRIME IN A
10 VEHICLE.

11 THE COURT: WELL, ARE YOU TELLING ME IF
12 THE FOCUS SHIFTS ON SOMEONE ELSE THAT THEY SAY TWO
13 OR THREE YEARS THAT YOU COULD NOT GO GET A WARRANT
14 AND GO BACK TO A SAME LOCATION AND SEARCH THAT
15 LOCATION?

16 MR. SWERLING: WHAT I'M SAYING YOU HAVE
17 TO ESTABLISH THAT THERE WOULD BE A REASON TO
18 BELIEVE THAT THERE WOULD STILL BE EVIDENCE THERE.
19 THE INFORMATION CONTAINED IN THE AFFIDAVIT FOR THE
20 SEARCH WARRANT IS BY ITS NATURE STALE. IT'S
21 THIRTEEN MONTHS OLD. THAT'S THE WHOLE ISSUE OF
22 STALENESS. IF YOU HAVE A STALE AFFIDAVIT, THEN YOU
23 HAVE NO PROBABLE CAUSE.

24 WHAT WOULD BE THE--MY ARGUMENT BACK TO
25 THAT WOULD BE WHY IS THERE ANY EVIDENCE, REASON TO

1 BELIEVE THAT THIRTEEN MONTHS LATER THERE IS
2 EVIDENCE OF CRIME IN THAT VEHICLE? THEY HAVEN'T
3 SET IT OUT.

4 THE COURT: WELL, AS I'M LOOKING AT THE
5 WARRANT, AND THAT'S WHY I WANTED TO HAVE THIS
6 LITTLE DISCUSSION WITH YOU, THEY'RE NOT ASKING FOR
7 BECKHAM MATERIAL, THEY'RE ASKING FOR ANDERSON
8 MATERIAL.

9 MR. SWERLING: RIGHT, BUT WHAT REASON,
10 WHAT DID THEY SHOW, WHAT PROBABLE CAUSE DID THEY
11 SHOW TO BELIEVE THAT THIRTEEN MONTHS LATER THERE
12 WOULD STILL BE ANY ANDERSON MATERIAL IN THE BECKHAM
13 VEHICLE? THAT'S WHY I CONTEND IT'S STALE.

14 THE COURT: WELL, WHAT STANDING DOES
15 YOUR CLIENT HAVE TO OBJECT?

16 MR. SWERLING: IT'S HIS VEHICLE.

17 THE COURT: BUT HE'S NOT HARMED BY
18 THAT, IS HE?

19 MR. SWERLING: IT'S STILL HIS VEHICLE.
20 IF IN SOME WAY THERE'S A NEXUS ESTABLISHED, THEN
21 HE'S HARMED. AND HIS STANDING IS THE EXPECTATION
22 TO PRIVACY, THE RIGHT TO THE PRIVACY OF VEHICLE.
23 HE HAD STANDING ON A SEARCH OF HIS HOUSE EVEN IF IT
24 WAS NOT YIELDING ANYTHING AGAINST HIM.

25 THE COURT: DID YOU LOOK AT THE

1 ATTACHMENT AS TO WHAT THEY, THE THEORY OF THEIR
2 CASE THAT HE WAS IN THAT VEHICLE?

3 MR. SWERLING: HE WAS IN THAT VEHICLE
4 THIRTEEN MONTHS AGO. I MEAN I DON'T KNOW OF ANY
5 CASE, I MEAN I HAVEN'T FOUND ANY CASE THAT I'M
6 AWARE OF IN SOUTH CAROLINA THAT ALLOWS A SEARCH
7 WARRANT THIRTEEN MONTHS AFTER AN EVENT, UNLESS YOU
8 CAN ESTABLISH THAT THE INFORMATION WOULD BE
9 REASONABLY EXPECT TO BE THERE.

10 IN OTHER WORDS, THERE'S GOT TO BE SOME
11 NEXUS BETWEEN THE CRIME AND WHAT YOU'RE GOING TO
12 SEARCH. I DON'T THINK YOU COULD GET AN AFFIDAVIT,
13 YOUR HONOR, THREE YEARS LATER JUST ON THE BASIS
14 THAT ALL OF A SUDDEN YOUR FOCUS OF YOUR
15 INVESTIGATION TURNS SOMEWHERE ELSE. YOU HAVE TO
16 SHOW, YOU HAVE TO SATISFY A JUDGE THAT THERE IS
17 PROBABLE CAUSE.

18 THE COURT: WELL, I'M LOOKING AT A
19 KENTUCKY WARRANT WHERE THEY WERE SATISFIED.

20 MR. SWERLING: I UNDERSTAND THAT'S A
21 DECISION THAT HAS TO BE MADE. OUR CONTENTION, OF
22 COURSE, IS THAT THE DECISION SHOULD NOT BE MADE
23 THAT THERE WAS PROBABLE CAUSE, THAT IT IS A STALE,
24 AMONG OTHER ISSUES WHICH ARE OF COURSE WE HAVE TO
25 GET OVER IS THE STALENESS ISSUE.

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1 THE COURT: WELL, YOU'VE GOT TO HELP
2 YOURSELF OUT IN TERMS OF THE ISSUES THAT ARE THERE.
3 I MEAN I KNOW YOU WANT TO TALK ABOUT FLIGHT, BUT
4 THAT'S YOUR THIRD THEORY. YOU MAY NOT EVEN HAVE TO
5 GET TO YOUR THIRD THEORY IF YOU CAN SATISFY IT ON
6 THE FIRST AND SECOND, BUT YOU'VE GOT TO HELP
7 YOURSELF OUT. AND WE'RE GOING TO BREAK FOR LUNCH
8 AND LET YOU DO THAT.

9 MR. MCMAHON: ALL RIGHT, SIR, I WAS
10 JUST CURIOUS ABOUT THE AFFIDAVIT HE WAS REFERRING
11 TO, MR. SWERLING WAS REFERRING TO.

12 THE COURT: HE'S TALKING, THE
13 AFFIDAVIT, THERE IS AN AFFIDAVIT IN THE SOUTH
14 CAROLINA WARRANT THAT LAYS OUT THE THEORY OF THE
15 STATE ABOUT HIS BEING IN THAT VEHICLE.

16 MR. MCMAHON: I THINK IF HE'S GOING TO
17 ARGUE THEN THE STALENESS ARGUMENT ON THE AFFIDAVIT
18 OF THE SEARCH WARRANT THEN THE AFFIDAVIT OF THE
19 SOUTH CAROLINA WARRANT WOULD BE INCORPORATED INTO
20 THE FINDING OF PROBABLE CAUSE ON THE KENTUCKY
21 WARRANT.

22 THE COURT: WELL, IT MAY BE. I DON'T
23 KNOW WHO APPEARED BEFORE THE MAGISTRATE, SEE. AND
24 I'M TOLD THAT THIS AGENT DID, AND SO THAT MAY BE
25 HOW YOU PLAN YOUR ATTACK, I DON'T KNOW.

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1 MR. MCMAHON: YES, SIR. AND THEN THE
2 POINT I WAS TRYING TO MAKE, YOUR HONOR, THEN I
3 THINK THE SOUTH CAROLINA LAW WOULD BE APPLICABLE AS
4 FAR AS THE AFFIDAVIT ON THE SOUTH CAROLINA SEARCH
5 WARRANT FOR THE AUTOMOBILE ISSUED JULY OR AUGUST OF
6 '95. THAT WAS THE POINT I WAS MAKING.

7 THE COURT: I UNDERSTAND YOUR ARGUMENT.
8 BUT THE FIRST THING I WANT YOU TO OVERCOME IS IF
9 YOU'RE GOING TO RELY ON THE KENTUCKY WARRANT THEN
10 IT MAY WELL BE THAT KENTUCKY DOES NOT REQUIRE THAT
11 AFFIDAVIT TO BE PUT IN WRITING AS IT IS IN THIS
12 STATE, AND THAT HELPS SOLVE SOME PROBLEMS, YOU
13 KNOW, LEGAL PROBLEMS.

14 MR. MCMAHON: YES, SIR, I UNDERSTAND.

15 THE COURT: OKAY.

16 MR. MCMAHON: AND AS FAR AS THE
17 STALENESS ARGUMENT, I REALIZE...

18 THE COURT: WE'LL HAVE TO HEAR ABOUT
19 THAT. I'M NOT MAKING A RULING ON THAT AT THIS
20 POINT.

21 MR. MCMAHON: ALL RIGHT, THANK YOU,
22 YOUR HONOR.

23 THE COURT: ALL RIGHT, SO WHAT WE'LL DO
24 IS WE'VE GOT AN AGREEMENT ON HOW TO PROCEED WITH
25 MR. BLACK AS TO THE FINGERPRINTS AND SO WE'LL

1 FINISH UP WITH HIM. AND MY SUGGESTION IS YOU PUT A
2 WITNESS IN BETWEEN AND THEN BE READY TO ARGUE...OR
3 A COUPLE OF WITNESSES AND WE MIGHT BE READY...THIS
4 MIGHT BE THE LAST THING WE DO THIS AFTERNOON OUT OF
5 THE PRESENCE OF THE JURY, AND GET THAT ISSUE
6 RESOLVED.

7 IF YOU HAVEN'T FIGURED IT OUT RIGHT
8 NOW, I DON'T WANT THIS JURY SITTING AROUND WAITING
9 ON US. I EITHER WANT TO DO IT EARLY IN THE MORNING
10 OR LATE AT NIGHT. AND SO THAT'S THE REASON FOR IT,
11 AND I'M JUST A REAL ADVOCATE OF THAT POSITION.

12 SO AT TWO-THIRTY WE'LL PICK BACK UP
13 WITH AGENT BLACK WITH MR. HARPOOTLIAN EXAMINING ON
14 FINGERPRINTS. AND THEN WE'LL PUT A COUPLE OF
15 WITNESSES BETWEEN HIM AND THEN IN THE AFTERNOON,
16 I'M GOING TO DEAL WITH HIS ISSUE.

17 MR. SWERLING: WHEN YOU SAY THAT ISSUE,
18 THE KENTUCKY ISSUE?

19 THE COURT: THE KENTUCKY ISSUE AND HAVE
20 IT OUT OF THE WAY SO WE CAN MOVE FORWARD.

21 ALL RIGHT, WE'LL SEE YOU BACK AT TWO-
22 THIRTY.

23 (COURT RECESSED FOR LUNCH, RECONVENING
24 AT 2:40 P.M.)

25 THE COURT: ALL RIGHT, WE HAVE RESOLVED

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1 THE KENTUCKY QUESTION IN THIS FASHION. ALL THE
2 STATE WANTED TO DO IN THE FIRST PLACE IS TO PUT A
3 PHOTOGRAPH OF THE CAR IN, AND THIS IS THE GENTLEMAN
4 THAT TOOK IT. SO WITHOUT OBJECTION, WHEN THERE IS
5 REDIRECT, THE SOLICITOR WILL PUT THAT INFORMATION
6 IN THAT WAY. AND THEN LATER ON IF FLIGHT BECOMES
7 AN ISSUE IN THE CASE, THEN THE AGENT CAN TESTIFY
8 ABOUT WHERE HE TOOK THAT PHOTOGRAPH. AT THIS POINT
9 IN TIME THAT'S NOT A RELEVANT ISSUE. THAT WILL
10 SAVE US ABOUT FORTY-FIVE MINUTES OR AN HOUR.

11 ALL RIGHT, MR. HARPOOTLIAN, ARE YOU
12 READY TO GO?

13 MR. HARPOOTLIAN: I THINK SO. LET ME
14 MAKE SURE...

15 (JURY RETURNED TO THE OPEN COURTROOM AT
16 2:44 P.M.)

17 THE COURT: ALL RIGHT, GOOD AFTERNOON,
18 LADIES AND GENTLEMEN, ARE YOU READY TO GO?

19 OKAY. ALL RIGHT, MR. HARPOOTLIAN, YOU
20 CAN CONTINUE YOUR CROSS EXAMINATION.

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

23 CROSS EXAMINATION CONTINUED:

24 BY MR. HARPOOTLIAN:

25 Q. AGENT BLACK, LET ME GO BACK TO A COUPLE

1 OF THINGS, IF I CAN GET ORGANIZED HERE. YOU'VE
2 INDICATED THAT YOU RAN OR YOU FOUND A NUMBER, AND I
3 THINK YOU SAID THIRTY-ONE, YOU AND I AGREED THAT
4 WAS THE NUMBER OF LATENT FINGERPRINTS, IS THAT
5 CORRECT? IS THAT THE CORRECT TERM?

6 A LATENT LIFTS, YES.

7 Q LATENT LIFTS, AND YOU'VE MARKED THOSE
8 ON THIS CHART GREEN FOR IDENTIFIED, I MEAN, BLACK
9 FOR IDENTIFIED, GREEN FOR INSUFFICIENT AND BLUE FOR
10 UNIDENTIFIED, IS THAT RIGHT?

11 A YES, SIR, THAT IS CORRECT.

12 Q NOW INSUFFICIENT WOULD BE LIKE THE--DO
13 YOU HAVE THAT PRINT THAT WAS LIFTED OFF THE
14 DECEDENT'S LEG?

15 A YES, SIR.

16 MR. HARPOOTLIAN: YOUR HONOR, WE'D
17 OFFER THIS INTO EVIDENCE.

18 THE COURT: YOU WANT IT MARKED OR YOU
19 WANT TO OFFER IT IN?

20 MR. HARPOOTLIAN: I WANT TO OFFER IT
21 IN.

22 THE COURT: WELL...

23 MR. JONES: NO OBJECTION.

24 THE COURT: WELL, LET ME ASK Y'ALL
25 SOMETHING OVER HERE JUST A MINUTE. MAYBE IT

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1 DOESN'T BOTHER YOU.

2 (BENCH CONFERENCE IN THE PRESENCE OF
3 THE JURY, OUT OF THE HEARING OF THE JURY, AND OFF
4 THE RECORD.)

5 MR. HARPOOTLIAN: YOUR HONOR, WE WOULD
6 OFFER IT.

7 THE COURT: OFFER IT, ALL RIGHT.

8 (SO MARKED AND ENTERED AS DEFENDANT'S
9 EXHIBIT NUMBER TWO, WITHOUT OBJECTION.)

10 THE COURT: ALL RIGHT, DEFENDANT'S ONE.

11 COURT REPORTER: EXHIBIT NUMBER TWO,
12 YOUR HONOR.

13 THE COURT: TWO, I'M SORRY. TWO. WELL,
14 THE OTHER WAS MARKED FOR IDENTIFICATION, WASN'T IT?

15 COURT REPORTER: YES, SIR.

16 Q AND THIS WOULD BE, GETTING BACK TO MY
17 ORIGINAL QUESTION, WOULD BE INSUFFICIENT. NOW WHAT
18 DO YOU MEAN BY INSUFFICIENT?

19 A I MEAN THERE'S NOT ENOUGH RIDGE
20 CHARACTERISTICS PRESENT BASED ON THE TOTALITY OF
21 THE PRINT THAT IS NOT IDENTIFIABLE.

22 Q BUT WHEN YOU SAY YOU'RE LOOKING FOR
23 RIDGE DETAIL, WELL GIVE ME ONE OF YOUR FINGERPRINT
24 CARDS. JUST ANY ONE WILL DO WHERE YOU KNOW THERE
25 IS SUFFICIENT RIDGE DETAIL PRESENT. AND THIS WOULD

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1 BE RIGHT REAR POST AND ROOF, SHOULD BE I-52, IS
2 THAT CORRECT?

3 A YES, SIR, AND THAT'S GOING TO BE THE
4 LEFT PALM OF MR. H. M. SNELLING.

5 Q OKAY. LET ME SEE IF I CAN DO THIS.
6 AND THAT HAS RIDGE DETAIL, IS THAT CORRECT?

7 A YES, SIR, IT DOES.

8 Q IS THAT IN FOCUS? I CANNOT--WITHOUT MY
9 OTHER GLASSES, I CAN'T TELL. OKAY. HOW ABOUT SHOW
10 THE JURY, YOU WANT TO STEP DOWN AND JUST SHOW THEM
11 WHAT YOU MEAN BY RIDGE DETAIL. IS THAT IN GOOD
12 ENOUGH FOCUS? DOES THAT HELP?

13 A RIGHT THERE. RIGHT THERE.

14 Q OKAY, GREAT. SHOW ME THE RIDGE DETAIL.

15 A IF YOU FOLLOW WHERE I'M STARTING AT, IF
16 YOU FOLLOW HERE, IT'S GOING TO BE ABOVE THE DELTA.
17 AS YOU SEE HERE, YOU HAVE ONE RIDGE WHICH FLOWS
18 DOWNWARD AND THAT ONE RIDGE FORKS TO FORM TWO
19 RIDGES. THAT FORK IS CALLED A BIFURCATION.

20 IF YOU FOLLOW ONE RIDGE WHICH WILL BE
21 THE RIDGE ON MY RIGHT-HAND SIDE, IF YOU FOLLOW IT
22 DOWN, IT FORKS AGAIN FORMING ANOTHER BIFURCATION.
23 IF YOU COUNT ONE, TWO RIDGES OVER, YOU HAVE WHAT
24 APPEARS TO BE EITHER ANOTHER DOWNWARD FORKING
25 BIFURCATION OR AN UPENDING RIDGE, I CANNOT TELL

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1 BASED ON THE SCREEN.

2 THE INSIDE RIDGE, THE RIDGE TO THE
3 RIGHT FLOWS AND STOP FOR NO APPARENT REASON.
4 THAT'S KNOWN AS AN ENDING RIDGE LIKE A...

5 Q WELL, LET ME INTERRUPT YOU HERE.

6 A OKAY.

7 Q BASICALLY WHAT YOU'RE TELLING US IS
8 THESE LITTLE LINES HERE ARE LIKE ON MY HAND OR ON
9 MY FINGER OR WHATEVER, ARE UNIQUE TO AN INDIVIDUAL,
10 IS THAT CORRECT?

11 A YES, SIR, THEY ARE.

12 Q AND YOU'VE GOT TO BE ABLE TO SEE THOSE
13 RIDGES, AND YOU SAY INSUFFICIENT RIDGE DETAIL,
14 THERE'S NOT ENOUGH DETAIL TO SEE IT, IS THAT
15 CORRECT?

16 A THAT IS CORRECT.

17 Q WHAT YOU'RE TELLING ME, LOOKING AT THAT
18 THERE IS ENOUGH RIDGE DETAIL FOR YOU TO MAKE A
19 COMPARISON?

20 A YES, SIR, I AM.

21 Q OKAY, WHAT YOU WOULD TAKE IS A
22 FINGERPRINT FROM MY FINGER OR MR. SNELLING'S
23 FINGERS, PALM, AND THEN YOU WOULD COMPARE THAT
24 KNOWN INK PRINT TO THAT AND THEN YOU COULD SAY IT
25 WAS MR. SNELLING'S AND NO ONE ELSE'S.

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1 A YES, WE HAVE LITTLE MAGNIFYING GLASSES
2 THAT WE LOOK THROUGH THAT WE COMPARE THE LATENT TO
3 THE KNOWN INK IMPRESSION.

4 Q OKAY. NOW WHEN WE LOOK AT STATE'S --
5 DEFENSE EXHIBIT TWO, --CAN YOU SEE THAT?

6 A UH...

7 Q IF YOU WILL MOVE OVER JUST A LITTLE
8 BIT, I CAN SEE WHAT I'M DOING. OKAY, YEAH, THAT'S
9 ABOUT WHAT I WANT.

10 WE CAN SEE SOME RIDGE DETAIL, CAN WE
11 NOT?

12 A YES, WE CAN SEE SOME.

13 Q OKAY, AND THAT WOULD BE...SHOW ME SOME
14 RIDGES.

15 A I BELIEVE NOW...YOU HAVE TO TAKE INTO
16 CONSIDERATION THE SURFACE THIS WAS ON. THIS WAS ON
17 THE SKIN OF THE HUMAN BODY WHICH DOES HAVE A
18 TEXTURE TO IT. IF YOU FOLLOW THE RIDGE HERE
19 DOWNWARD, IT DOES BIFURCATE. THAT'S THE RIDGE
20 FLOWS, ONE RIDGE FLOWS SPLITTING, FORMING TWO
21 RIDGES LIKE A FORK IN THE ROAD. THAT'S
22 BIFURCATION. AND ONE RIDGE COUNT ABOVE THAT
23 APPEARS TO EITHER BE AN UPENDING RIDGE OR ANOTHER
24 DOWNWARD BIFURCATION THAT I CAN SEE CLEARLY.

25 Q HOW DO YOU KNOW WHEN YOU HAVE ENOUGH

1 RIDGE DETAIL? WHAT DOES IT TAKE? DO YOU HAVE SOME
2 SORT OF RULE OF THUMB, NO PUN INTENDED?
3 A JUST BASED ON THE TOTALITY OF THE
4 PRINT. YOU LOOK AT THE SIMILARITIES OF THE
5 CHARACTERISTICS, THE UNIT RELATIONSHIP OF THE
6 CHARACTERISTICS TO EACH OTHER. FOR EXAMPLE, IF YOU
7 HAD, AS I, ON THE OTHER I ILLUSTRATED THE SEVERAL
8 BIFURCATIONS, WHERE THEY'RE LOCATED, BY COUNTING
9 RIDGES AND THEIR FLOW, IF THEY'RE GOING UPWARD OR
10 DOWNWARD. AND THOSE SAME AREAS ARE SIMILAR TO THE
11 INK CARD, THE SAME AREA, YOU TAKE THAT INTO
12 CONSIDERATION AND YOU DO CONSIDER THE NUMBER THAT
13 YOU HAVE. THAT'S WHAT YOU BASE YOUR IDENTIFICATION
14 ON.
15 Q OKAY.
16 A IT'S BASED ON THE TOTALITY OF THE
17 PRINT.
18 Q OKAY. THANK YOU. YOU CAN GO AHEAD AND
19 HAVE A SEAT, PLEASE.
20 NOW, WHAT I UNDERSTAND, AND CORRECT ME
21 IF I'M WRONG, IS THAT YOU COMPARED THE THIRTY-ONE
22 PRINTS, THE ONES THAT, THERE WERE SOME THAT WERE
23 IDENTIFIABLE, SOME THAT WEREN'T IDENTIFIABLE, AND
24 SOME THAT WERE IDENTIFIABLE BUT UNIDENTIFIED. IS
25 THAT CORRECT? WELL, FIRST, THE UNIDENTIFIABLE AND

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1 IDENTIFIABLE, YOU LOOKED, THERE WERE SOME YOU
2 FOUND, RIGHT, YOU SAY THAT ONE IS NOT ENOUGH RIDGE
3 DETAIL TO COMPARE IT TO ANYTHING?

4 A THAT IS CORRECT.

5 Q SO THAT'S UNIDENTIFIABLE?

6 A CORRECT.

7 Q AND THEN WHAT YOU DO IS YOU TAKE THE
8 ONES THAT ARE IDENTIFIABLE AND THERE WERE HOW MANY
9 OF THOSE?

10 A THAT WERE IDENTIFIABLE?

11 Q YES.

12 A THOSE THAT WERE IDENTIFIABLE...

13 Q WELL, LET'S GO THROUGH YOUR LIST, OKAY?

14 A OKAY.

15 Q AND YOU HAVE A LIST OF LATENTS THAT
16 WERE LIFTED FROM THE CAR, RIGHT?

17 A YES, SIR, I DO.

18 Q AND LET ME START WITH LATENT NUMBER
19 41.7 WHICH IS AMIDO BLACK 41.7, THAT'S INSUFFICIENT
20 RIDGE DETAIL?

21 A YES, SIR, THAT'S CORRECT.

22 Q FORTY-ONE POINT EIGHT (41.8) WHICH IS
23 AMIDO BLACK WAS UNIDENTIFIED?

24 A THAT'S CORRECT.

25 Q FIFTY-TWO, LATENT PRINT FROM VICTIM'S

- 1 CAR POSITIVE WITH SNELLING?
- 2 A CORRECT.
- 3 Q FIFTY-THREE POSITIVE WITH SNELLING?
- 4 A CORRECT.
- 5 Q FIFTY-FOUR POINT ONE (54.1)
- 6 INSUFFICIENT RIDGE DETAIL?
- 7 A CORRECT.
- 8 Q FIFTY-FOUR POINT TWO (54.2) POSITIVE
- 9 WITH VICKIE BECKHAM?
- 10 A CORRECT.
- 11 Q FIFTY-THREE THROUGH FIFTY-SEVEN, LATENT
- 12 FROM VICTIM'S CAR INSUFFICIENT RIDGE DETAIL?
- 13 A FIFTY-FIVE, FIFTY-SIX AND FIFTY-SEVEN,
- 14 CORRECT.
- 15 Q RIGHT. FIFTY-ONE POINT EIGHT (51.8)
- 16 POSITIVE WITH J. R. HAWKINS?
- 17 A FIFTY-EIGHT POINT ONE (58.1), YES, SIR,
- 18 POSITIVE WITH RIGHT PALM.
- 19 Q FIFTY-EIGHT POINT TWO (58.2) LATENT
- 20 UNIDENTIFIED?
- 21 A IT WAS LATER IDENTIFIED TO THE LEFT
- 22 PALM OF MR. J. R. HAWKINS.
- 23 Q OKAY. WELL, I'M SORRY, I DIDN'T GET
- 24 THAT UPDATE. LET ME GET SOMETHING TO WRITE IT
- 25 WITH.

- 1 AND THAT WAS?
- 2 A FIFTY-EIGHT POINT TWO (58.2), AND THAT
- 3 IS POSITIVE WITH THE LEFT PALM.
- 4 Q OKAY. FIFTY-NINE POINT ONE (59.1) IS
- 5 UNIDENTIFIED, FIFTY-NINE POINT TWO (59.2) IS
- 6 UNIDENTIFIED?
- 7 A CORRECT.
- 8 Q SIXTY IS POSITIVE WITH SHEALY.
- 9 A CORRECT.
- 10 Q SIXTY-ONE IS INSUFFICIENT?
- 11 A CORRECT.
- 12 Q SIXTY-TWO IS POSITIVE WITH DALE
- 13 DOMINICK?
- 14 A CORRECT.
- 15 Q SIXTY-THREE IS INSUFFICIENT?
- 16 A CORRECT.
- 17 Q SIXTY-FOUR IS POSITIVE WITH ROBERT
- 18 ANDREW BOWERS?
- 19 A CORRECT.
- 20 Q SIXTY-FIVE THROUGH SIXTY-SEVEN ARE
- 21 INSUFFICIENT. THAT'S SIXTY-FIVE, SIXTY-SIX, AND
- 22 SIXTY-SEVEN?
- 23 A CORRECT.
- 24 Q SIXTY-EIGHT POINT ONE (68.1) IS
- 25 POSITIVE WITH C. O. SHEALY?

- 1 A CORRECT.
- 2 Q SIXTY-EIGHT POINT TWO (68.2) IS
- 3 POSITIVE WITH C. O. SHEALY?
- 4 A CORRECT.
- 5 Q SIXTY-EIGHT POINT THREE (68.3) THROUGH
- 6 SIXTY-EIGHT POINT FOUR (68.4) IS INSUFFICIENT?
- 7 A CORRECT.
- 8 Q SIXTY-NINE POINT ONE (68.1) IS
- 9 INSUFFICIENT?
- 10 A CORRECT.
- 11 Q AND SIXTY-NINE POINT TWO (69.2) AND
- 12 SIXTY-NINE POINT THREE (69.3) ARE POSITIVE WITH
- 13 SHEALY?
- 14 A THAT IS CORRECT.
- 15 Q AND SEVENTY IS POSITIVE WITH JOHN
- 16 DANIEL FRICK?
- 17 A CORRECT.
- 18 Q SEVENTY-ONE IS POSITIVE WITH STEPHEN
- 19 BECKHAM, JUNIOR?
- 20 A CORRECT.
- 21 Q THAT WOULD BE ANDREW [REDACTED]?
- 22 A YES, SIR.
- 23 Q SEVENTY-TWO IS UNIDENTIFIED?
- 24 A CORRECT.
- 25 Q SEVENTY-THREE WE HAVE AS A DUPLICATE OF

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- 1 SEVENTY-ONE?
- 2 A YEAH, IT WAS RE-POWDERED AGAIN AND RE-
- 3 LIFTED AGAIN.
- 4 Q SEVENTY-FOUR WAS POSITIVE WITH STEPHEN
- 5 BECKHAM, JUNIOR?
- 6 A CORRECT.
- 7 Q SEVENTY-FIVE, SEVENTY-SIX AND SEVENTY-
- 8 SEVEN WERE INSUFFICIENT?
- 9 A CORRECT.
- 10 Q SEVENTY-EIGHT WAS UNIDENTIFIED?
- 11 A CORRECT.
- 12 Q SEVENTY-NINE WAS INSUFFICIENT?
- 13 A CORRECT.
- 14 Q AND EIGHTY WAS UNIDENTIFIED?
- 15 A THAT IS CORRECT.
- 16 Q SO NOW, IN RUNNING THESE, WHEN WE SAY
- 17 IDENTIFIED OR UNIDENTIFIED, LET ME GIVE YOU A LIST
- 18 OF NAMES THAT YOU RAN THESE PRINTS AGAINST, OKAY?
- 19 A OKAY.
- 20 Q YOU RAN ALL THESE PRINTS AGAINST
- 21 STEPHEN BECKHAM, THE DEFENDANT IN THIS CASE, IS
- 22 THAT CORRECT?
- 23 A YES, SIR.
- 24 Q AND YOU RAN THEM ALL AGAINST JAMES
- 25 ALBERT SUBER, THE FOURTH?

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- 1 A YES, SIR.
- 2 Q AND YOU RAN THEM AGAINST VICKIE
- 3 BECKHAM?
- 4 A YES, SIR.
- 5 Q AND YOU RAN THEM AGAINST MIKE NOBLES?
- 6 A (NO AUDIBLE ANSWER)
- 7 Q NUMBER EIGHTY-ONE.
- 8 A YES, SIR.
- 9 Q YOU RAN THEM AGAINST JOEY KITCHENS?
- 10 A NOW, IS THAT JOE WILLIAM KITCHENS?
- 11 Q WELL, I HAVE JOEY KITCHENS.
- 12 A OKAY.
- 13 Q YOU RAN THEM AGAINST DALE DOMINICK,
- 14 NUMBER EIGHTY-THREE? WELL, LET ME DO THIS. LET ME
- 15 JUST GO TO YOUR REPORT AND MAYBE WE CAN SAVE SOME
- 16 TIME HERE.
- 17 LET ME SHOW YOU THIS. IS THIS A COPY
- 18 OF THE REPORT YOU GENERATED?
- 19 A YES, SIR. IT SHOULD BE. YES, SIR, IT
- 20 IS.
- 21 Q AND THIS WOULD BE THE ITEMS THAT WERE
- 22 SUBMITTED AND THEN THE ITEMS IT WAS COMPARED
- 23 AGAINST, CORRECT?
- 24 A YES, SIR.
- 25 NOW, FORTY-ONE POINT EIGHT (41.8)--

1 WE'VE JUST GONE OVER THAT--IS A PRINT YOU DEVELOP
2 USING AMIDO BLACK?

3 Q YES, SIR.

4 Q SAME KIND OF SUBSTANCE YOU USED ON THE
5 DECEDENT'S CALF, I BELIEVE WE IDENTIFIED THE AREA?

6 A YES, SIR, THAT IS CORRECT.

7 Q AND THAT AMIDO BLACK WAS FOUND ON THE
8 DRIVER'S SIDE CHROME AT THE TOP OF THE DOOR FRAME,
9 IS THAT CORRECT?

10 A YES, SIR, THAT IS CORRECT.

11 Q AND IT IS IDENTIFIABLE BUT
12 UNIDENTIFIED, IS THAT CORRECT?

13 A THAT IS CORRECT.

14 Q NOW, THERE WAS SOME NINETY PEOPLE THAT
15 THESE PRINTS WERE RUN AGAINST, IS THAT CORRECT? OR
16 IS THAT...

17 A NOT ALL THE NINETY PEOPLE WERE COMPARED
18 TO THE LATENTS ON THIS CAR. I WAS ADVISED BY
19 EITHER AGENT MCCRAW OR MEMBERS OF THE NEWBERRY
20 COUNTY SHERIFF'S OFFICE THERE WAS SO MUCH EVIDENCE
21 AND VEHICLES PROCESSED IN THE CASE WHO TO ACTUALLY
22 LOOK AT, WHO MAY HAVE CONTACT WITH THAT VEHICLE.

23 Q OKAY. AND WHILE THERE ARE A HUNDRED
24 AND SEVENTY-ONE...DO YOU HAVE YOUR COPY OF THIS
25 REPORT?

- 1 A YES, SIR.
- 2 Q IF YOU'D GO TO FOR INSTANCE PAGE SIX...
- 3 MR. JONES: WHAT'S THE DATE OF THAT
- 4 REPORT, YOUR HONOR?
- 5 MR. HARPOOTLIAN: THIS REPORT IS THE
- 6 FEBRUARY 28, 1995 REPORT.
- 7 Q FOR INSTANCE, I MEAN JUST BECAUSE THERE
- 8 ARE A HUNDRED AND SIXTY-SEVEN DIFFERENT, ACTUALLY A
- 9 HUNDRED AND SEVENTY-TWO DIFFERENT NUMBERS IN HERE,
- 10 THAT DOESN'T MEAN YOU COMPARED A HUNDRED AND
- 11 SEVENTY-TWO ITEMS, DOES IT?
- 12 A NO, IT DOESN'T. SOME OF THOSE ITEMS
- 13 WERE ITEMS THAT WERE PROCESSED FOR LATENT PRINTS
- 14 ALSO.
- 15 Q AND SOME OF THEM ARE DUPLICATES? FOR
- 16 INSTANCE, LOOK AT NUMBER ONE, SIXTY-TWO WHICH IS A
- 17 SET OF MAJOR CASE INKED FINGER AND PALM IMPRESSIONS
- 18 BEARING THE NAME OF EDWARD JEFFERY NAPP, AND IT
- 19 SAYS THE SAME AS ONE, FIFTY, IS THAT CORRECT?
- 20 A YES, SIR, IT DOES SAY THAT.
- 21 Q BUT THAT, IS THAT, I MEAN LET ME... IN
- 22 THE REPORT, WHEN YOU GO TO ONE, FIFTY, IT'S NOT
- 23 EDWARD JEFFERY NAPP, IS IT?
- 24 A NO SIR, IT'S NOT.
- 25 Q WHY DON'T YOU GO...DON'T YOU HAVE A

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1 HANDWRITTEN SET THAT THIS WAS TYPED FROM?

2 A YES, SIR, I DO.

3 Q WHY DON'T WE GO TO THAT?

4 A I WROTE THAT DOWN. I DON'T KNOW WHY I
5 WROTE THAT DOWN.

6 Q WELL, I GUESS WHAT I'M ASKING YOU IS
7 WHEN YOU RAN THESE, YOU SAID THE SAME AS, DID YOU
8 LOOK AT BOTH FINGERPRINT CARDS AND DECIDE THEY WERE
9 THE SAME?

10 A IF I MAY BE GIVEN A MOMENT TO...

11 Q SURE.

12 A WHAT IT SHOULD HAVE READ, AND THIS IS
13 ON ITEM ONE, SIXTY-TWO, IT SHOULD HAVE BEEN
14 REFERRED BACK TO ITEM ONE, FIFTY-THREE. ITEM ONE,
15 FIFTY-THREE WAS A FINGERPRINT CARD THAT I RECEIVED
16 FROM SLED RECORDS ON MR. EDWARD JEFFERY NAPP...

17 Q WELL, LET ME...LET'S LOOK ON THE SCREEN
18 WHAT I'M TALKING ABOUT. ON YOUR REPORT--IS THAT
19 READABLE?

20 A YES, SIR.

21 Q WHAT WE'RE TALKING ABOUT IS ONE, SIXTY-
22 TWO SAYS, "ONE SET OF MAJOR CASE INKED FINGER AND
23 PALM PRINTS IMPRESSIONS FROM JEFFERY EDWARD NAPP,
24 SAME AS ITEM ONE, FIFTY." BUT WHEN WE GO BACK TO
25 ONE, FIFTY...

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1 A IT SAYS MR. DEPP.

2 Q IT SAYS MR. DEPP, RIGHT. IT SAYS, "ONE
3 SET OF MAJOR CASE INKED FINGER AND PALM IMPRESSIONS
4 FOR ONE NAMED PETER JOSEPH DEPP, SAME AS ITEM
5 NINETY-EIGHT."

6 AND WHEN YOU GO BACK TO ITEM NINETY-
7 EIGHT, IT'S TWO CARDS BEARING INKED IMPRESSIONS
8 BEARING THE NAME JOSEPH, PETER JOSEPH DEPP, IS THAT
9 CORRECT?

10 A YES, SIR, IT DOES.

11 Q NOW THIS TYPED REPORT WAS MADE OFF OF A
12 HANDWRITTEN REPORT WHICH YOU MADE AS YOU ANALYZED
13 THE CARDS, IS THAT CORRECT?

14 A YES, SIR, IT IS.

15 Q NOW, I GUESS WHAT I'M ASKING YOU IS DID
16 YOU EXAMINE--WELL, IF NINETY-EIGHT AND ONE, FIFTY
17 ARE THE SAME, ARE THEY THE SAME?

18 A NO SIR.

19 Q WELL, YOU PUT THE SAME.

20 A I REALIZE THAT, BUT WHAT I MEANT, AND I
21 WROTE DOWN THE WRONG NUMBER, ITEM ONE, SIXTY-TWO
22 WHICH IS THE MAJOR CASE INKED FINGER AND PALM
23 PRINTS OF MR. NAPP, THE FINGERS ON ONE, FIFTY-TWO
24 ARE THE SAME AS ITEM ONE, FIFTY-THREE COMPARED TO
25 THE CARD THAT WAS RECEIVED FROM SLED RECORDS ON

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1 EDWARD NAPP.
2 Q OKAY.
3 A AND SO...
4 Q SO NINETY-EIGHT WOULD BE THE SAME AS?
5 A ONE, FIFTY.
6 Q ONE, FIFTY.
7 A THAT IS CORRECT.
8 Q SO THAT'S JUST A TYPOGRAPHICAL ERROR?
9 A THAT IS CORRECT. I ALSO HAD IT WRITTEN
10 IN MY NOTES. THAT IS MY ERROR. IT SHOULD BE ONE,
11 FIFTY-THREE, NOT ONE, FIFTY.
12 Q JUST A SIMPLE--BUT SO WHEREVER YOU HAVE
13 WRITTEN FOR INSTANCE ONE, THIRTY-ONE, --LET'S LOOK
14 HERE. ONE, THIRTY-ONE WHICH IS ONE PHOTOCOPY OF
15 THE CARD BEARING INKED FINGERPRINTS OF ROBERT LEE
16 BLANTON, SEE ITEM ONE, TWENTY-NINE, THEN WE GO
17 RIGHT ABOVE THAT TO ONE, TWENTY-NINE AND WE SEE ONE
18 FINGERPRINT CARD OF ROBERT LEE BLANTON RECEIVED
19 FROM SHAUNAGUNK [SIC] NEW YORK POLICE DEPARTMENT.
20 IS THAT RIGHT?
21 A YES, SIR, THEY WERE ONE AND THE SAME
22 PERSON.
23 Q OKAY, SO YOU LOOKED AT BOTH OF THOSE
24 AND DETERMINED THEM TO BE THE SAME PERSON?
25 A YES, SIR.

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1 Q OKAY. AND SO I GUESS WHAT I'M SAYING
2 IS YOU HAVE SOME DUPLICATES HERE?
3 A YES, SIR, I DO.
4 Q AND YOU'RE SURE BACK ON THE ONES MR.
5 DEPP AND MR., WHOEVER WE TALKED, NAPP BEFORE, THAT
6 THEY WEREN'T THE SAME PERSON?
7 A THEY ARE NOT THE SAME PERSON. AGAIN,
8 UNDER ONE, SIXTY-TWO MY NOTES DO SAY "SAME AS ITEM
9 ONE, FIFTY," BUT I MEANT TO PUT ONE, FIFTY-THREE.
10 Q OKAY. AND THEN IF YOU LOOK AT NUMBER
11 ONE, FORTY AT THE BOTTOM OF THIS PAGE, "ONE SET OF
12 MAJOR CASE INKED FINGER AND PALM IMPRESSIONS
13 BEARING THE NAME ROBERT, I THINK YOU PRONOUNCE THAT
14 BACOT, AND LOOK BACK UP AT ONE, THIRTY WHICH IS UP
15 ABOVE THAT.
16 A YES, SIR.
17 Q ONE PHOTOCOPY OF A CARD BEARING INKED
18 FINGERPRINTS OF ROBERT LEE--I MEAN, I'M SORRY, OF
19 ROBERT CLYDE BACOT RECEIVED FROM THE F.B.I., IS
20 THAT RIGHT?
21 A YES, SIR, THEY'RE ONE AND THE SAME
22 PERSON.
23 Q ONE AND THE SAME PERSON. IF YOU LOOK
24 AT --SEEMS TO ME I HAD ONE MORE MARKED. EXCUSE ME
25 ONE SECOND.

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1 HOW ABOUT ONE, THIRTY-NINE AND ONE,
2 EIGHTY-ONE? MAYBE THAT'S THE LAST ONE. DO YOU
3 HAVE THOSE TWO NUMBERS?

4 A CAN YOU TELL ME WHAT REPORT ONE,
5 EIGHTY-ONE, THE DATE OF THE REPORT?

6 Q WELL, THAT'S WHAT I WAS LOOKING FOR. I
7 HAD A NOTE OF THAT...YOU'VE GOT ONE, THIRTY-NINE IN
8 FRONT OF YOU, RIGHT?

9 A YES, SIR, AND I ALSO HAVE...

10 Q HOW ABOUT A REPORT OF OCTOBER 30, 1995?

11 A YES, SIR, ALSO ONE, EIGHTY-ONE, THAT IS
12 CORRECT.

13 Q OKAY. SO THE...WHAT YOU'RE TELLING ME
14 IS THAT FIRST INCIDENT I BROUGHT UP WAS AN ERROR.
15 YOU JUST MISNUMBERED?

16 A YES, THAT IS CORRECT.

17 Q BUT THAT IN EVERY OTHER ONE OF THESE
18 THAT THEY'RE THE SAME, THAT BACOT, BLANTON IN ONE,
19 THIRTY-ONE IS THE SAME AS BLANTON IN ONE, TWENTY-
20 NINE, AND IT WAS JUST A NUMBERING ERROR?

21 A YES, SIR, THAT'S CORRECT.

22 Q OKAY. AND THAT WHEN YOU DID THE
23 COMPARISONS YOU SAW THAT THESE WERE THE SAME PEOPLE
24 ON THE NUMBERS THAT YOU SAID SAME AS?

25 A THAT IS CORRECT.

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1 Q NOW, LET ME GO TO ONE OTHER THING AND
2 THEN I WANT TO COME BACK TO SOMETHING. THIS GOLD
3 COLORED CARD THAT WE SEE IN STATE'S EXHIBIT NUMBER
4 THIRTY-SEVEN...

5 A YES, SIR.

6 Q LET ME FIND SOMETHING HERE REAL QUICK.
7 DO YOU KNOW THAT VEHICLE BELONGED TO A GUY NAMED
8 MICHAEL J. BEATTY, ONE OF THE PEOPLE WE JUST TALKED
9 ABOUT?

10 A NO, I WAS NOT AWARE OF THAT.

11 MR. HARPOOTLIAN: SOLICITOR, WOULD YOU
12 HAVE ANY PROBLEM WITH PUTTING THE TITLE OF THAT CAR
13 INTO EVIDENCE?

14 MR. JONES: NONE, YOUR HONOR.

15 COURT REPORTER: DEFENSE THREE.

16 (SO MARKED AND ENTERED, DEFENDANT'S
17 EXHIBIT NUMBER THREE, TITLE TO GRAND PRIX, WITHOUT
18 OBJECTION.)

19 Q OKAY, DEFENDANT'S EXHIBIT NUMBER THREE,
20 IS THIS A REGISTRATION FOR A VEHICLE, A TITLE?

21 A YES, IT IS.

22 Q AND IT INDICATES THAT MICHAEL J. BEATTY
23 OWNED A '80 USED PONTIAC.

24 MR. HARPOOTLIAN: THE STATE WILL
25 STIPULATE THIS IS THE TITLE FOR THAT GOLD VEHICLE?

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1 MR. JONES: STATE WILL STIPULATE IT'S
2 THE TITLE, YOUR HONOR, FOR THE VEHICLE DEPICTED IN
3 STATE'S EXHIBIT NUMBER THIRTY-SEVEN, THIRTY-SIX,
4 THIRTY-SEVEN, THIRTY-EIGHT AND THIRTY-NINE, YOUR
5 HONOR.

6 THE COURT: ALL RIGHT, IS THAT THE
7 STIPULATION, MR. HARPOOTLIAN?

8 MR. HARPOOTLIAN: YES, SIR.

9 THE COURT: ALL RIGHT.

10 Q NOW, LET'S GO BACK TO WHAT, I'D LIKE
11 YOU TO PULL ITEMS ONE, THIRTY-NINE AND ONE, EIGHTY-
12 ONE.

13 A THE ACTUAL FINGERPRINT CARDS?

14 Q YES, SIR, PLEASE.

15 THE COURT: ALL RIGHT, MR. HARPOOTLIAN,
16 HE'S GOT IT.

17 MR. HARPOOTLIAN: OKAY.

18 Q AND THAT WOULD BE SIMILAR TO THE SAME,
19 YOU INDICATED THEY WERE THE SAME FINGERPRINT CARDS
20 BECAUSE YOU GOT A NUMBER OF DUPLICATES. I'D LIKE
21 YOU TO ALSO PULL, AND I WANT YOU TO LOOK AT ONE
22 OTHER STACK. THAT WOULD BE ROBERT BLANTON WHICH
23 WOULD BE ONE, THIRTY-ONE AND ONE, TWENTY-NINE.
24 WOULD YOU PULL THOSE, PLEASE.

25 A WHAT WERE THOSE NUMBERS AGAIN?

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1 Q ONE, THIRTY-ONE AND ONE, TWENTY-NINE, I
2 BELIEVE. ONE, THIRTY-ONE AND ONE, TWENTY-NINE.
3 AND I'M JUST PICKING THESE...

4 OKAY. NOW, THOSE ARE FINGERPRINTS--
5 LET'S LOOK AT MR. BLANTON FIRST OF ALL; ONE,
6 THIRTY-ONE AND ONE, TWENTY-NINE, RIGHT?

7 A YES, SIR.

8 Q THOSE ARE SOURCES OF FINGERPRINTS, ONE
9 ON MR. BLANTON--WELL, YOU'VE GOT TWO DIFFERENT--ARE
10 THEY BOTH FROM THE FAYETTEVILLE, NORTH CAROLINA...

11 A I'M SORRY. THIS IS MR. BASS, MR.
12 BLANTON.

13 Q BLANTON. THIS WOULD BE YOUR ONE,
14 THIRTY-ONE AND ONE, TWENTY-NINE. AND BOTH OF
15 THESE, ONE IS FROM NEW YORK?

16 A YES, SIR.

17 Q AND ONE IS FROM...OR ARE THEY BOTH FROM
18 NEW YORK? I GUESS WHAT I'M SAYING IS ARE THEY THE
19 SAME--NO, THESE ARE DIFFERENT FINGERPRINT CARDS
20 TAKEN AT DIFFERENT TIMES, IS THAT CORRECT?

21 A LET ME SEE, SIR.

22 Q THAT'S WHAT I WANT TO KNOW.

23 A THEY BOTH INDICATE DATE FINGERPRINTED
24 ON BOTH OF THEM IS 10/24/92.

25 Q OKAY. SO DO YOU HAVE ANY UNDERSTANDING

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1 WHY YOU'D HAVE THE SAME FINGERPRINT CARD TWICE OR
2 DID THAT HAPPEN A NUMBER OF TIMES?

3 A I HAVE NO IDEA. IT MAY BE A CASE, IF
4 YOU'LL GIVE ME A CHANCE TO REFER TO MY NOTES,
5 SOMETIMES THEY MAY CALL IN INFORMATION TO ME AND
6 ASK ME TO GET A CARD PULLED. I MAY HAVE NOTIFIED
7 SOMEONE ABOUT GETTING A CARD AND THEN IN TURN
8 SOMEONE ELSE MAY HAVE CALLED TO SEE ABOUT A CARD.

9 Q CAN YOU CHECK YOUR NOTES ON THAT?

10 A SURE.

11 Q AND WHILE YOU'RE CHECKING YOUR NOTES ON
12 HIM, COULD YOU ALSO CHECK YOUR NOTES ON MR. BACOT
13 WHICH IS ONE, FORTY AND ONE, THIRTY?

14 A OKAY.

15 Q HAVE YOU GOT MR. BACOT THERE?

16 A YES, SIR.

17 Q ARE THEY THE SAME CARD OR ARE THEY
18 TAKEN AT DIFFERENT TIMES?

19 A THESE WERE TAKEN, IT'S THE SAME
20 INDIVIDUAL TAKEN AT DIFFERENT TIMES. ITEM ONE,
21 THIRTY WHICH IS A TEN PRINT CARD WHICH IS ONE THAT
22 WAS RECEIVED FROM THE F.B.I. IN WASHINGTON, AND THE
23 OTHER IS MAJOR CASE PRINTS THAT WERE SUBMITTED BY
24 THE NEWBERRY COUNTY SHERIFF'S OFFICE.

25 Q OKAY.

- 1 A PRINTED BY DANNY GILLIAM.
- 2 Q OKAY. AND YOU COMPARED WHICH AGAINST
- 3 THE KNOWN, I MEAN THE UNKNOWNNS OR ANY OF THEM? DID
- 4 YOU COMPARE THOSE ITEMS AGAINST, EITHER ONE OF
- 5 THOSE ITEMS AGAINST THE FINGERPRINTS ON THE CAR?
- 6 A YES, SIR, I DID.
- 7 Q AND WHICH ONE DID YOU COMPARE?
- 8 A I MADE SURE I USED ALL THE CARDS IN MY
- 9 COMPARISONS, AND JUST SHOWED THAT THEY WERE ONE AND
- 10 THE SAME PERSON.
- 11 Q SO YOU LOOKED AT BOTH OF THEM AND SAID
- 12 IT'S THE SAME, ONE AND THE SAME PERSON AND THEN YOU
- 13 MOVED ON TO COMPARE?
- 14 A THAT IS CORRECT.
- 15 Q OKAY. NOW HOW ABOUT LOOK AT MR.
- 16 BLANTON FOR ME, PLEASE. ARE THOSE THE SAME CARDS?
- 17 A YES, SIR, THESE ARE THE SAME CARDS.
- 18 ONE CARD WAS SENT DIRECT TO ME FROM THE STATE OF
- 19 NEW YORK AND THE OTHER CARD WAS SUBMITTED, THE
- 20 OTHER CARD ON MR. BACOT, EXCUSE ME, MR. BLANTON,
- 21 ONE, TWENTY-NINE, WAS SUBMITTED BY SANDY TEMPLETON
- 22 FROM SLED.
- 23 Q OKAY, SAME PERSON?
- 24 A SAME PERSON.
- 25 Q OKAY AND WHAT WAS THE LAST ONE? MR.

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- 1 BEATTY?
- 2 A MR. BEATTY?
- 3 Q YEAH, WHAT ABOUT THOSE?
- 4 A MR. BEATTY, THE ONE, THIRTY-NINE, I
- 5 RECEIVED FROM SLED RECORDS, THE TEN PRINT CARD, AND
- 6 THE MAJOR CASE PRINTS, THE PALM PRINTS ON MR.
- 7 BEATTY WERE TAKEN BY MYRAN CREEL. I PERSONALLY
- 8 KNOW MYRAN; HE'S WITH THE HORRY COUNTY POLICE
- 9 DEPARTMENT.
- 10 Q SAME PERSON?
- 11 A SAME PERSON.
- 12 Q AND COMPARED THOSE AGAINST THE UNKNOWNNS
- 13 ALSO?
- 14 A THAT IS CORRECT.
- 15 Q AND THEN YOU COMPARED A NUMBER OF
- 16 DIFFERENT PEOPLE'S PRINTS--I MEAN, LET ME GET THIS
- 17 STRAIGHT. FINGERPRINTING, THAT IS COMPARING
- 18 FINGERPRINTS, IS AN EYEBALL SCIENCE, IS THAT
- 19 CORRECT?
- 20 A IS A WHAT?
- 21 Q AN EYEBALL SCIENCE. THAT IS YOU KNOW,
- 22 YOU COMPARE RIDGES, WHIRLS, I MEAN THERE'S CERTAIN
- 23 PATTERNS THAT DEVELOP AND I UNDERSTAND IT DOESN'T
- 24 TAKE A LOT OF TRAINING TO COMPARE, BUT BASICALLY
- 25 YOU'RE ONLY AS GOOD AS YOUR EYES?

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- 1 A YES, SIR, I'LL AGREE WITH THAT.
- 2 Q AND SO IN COMPARING FINGERPRINT CARDS,
- 3 YOU'VE GOT TO BE CAREFUL. YOU'VE GOT TO LOOK FOR
- 4 RIDGES AND WHIRLS AND ALL THESE SORTS OF THINGS AND
- 5 MAKE SURE IF YOU'RE GOING TO SAY IT IS A MATCH, IT
- 6 IS A MATCH, CORRECT?
- 7 A THAT IS CORRECT.
- 8 Q AND IF YOU'RE GOING TO SAY IT'S TWO
- 9 DIFFERENT PEOPLE OR AN UNKNOWN, YOU'VE GOT TO BE
- 10 CAREFUL ABOUT THAT, DON'T YOU?
- 11 A YES, SIR.
- 12 Q OKAY. I WANT YOU TO LOOK, WELL FIRST
- 13 OF ALL, YOU USE THE SAME SORT OF VERY CAREFUL,
- 14 THOROUGH EXAMINATION OF ALL THESE THIRTY-ONE
- 15 FINGERPRINTS AND THE EIGHTY, NINETY PEOPLE THAT WAS
- 16 RUN AGAINST THIS THAT YOU ALWAYS DO, CORRECT?
- 17 A YES, SIR.
- 18 Q OKAY. I WANT YOU TO LOOK AT MICHAEL
- 19 BEATTY, THE TWO MICHAEL BEATTY PRINT SHEETS. DO
- 20 YOU NEED ANYTHING SPECIAL TO LOOK AT THEM?
- 21 A YES, SIR, I DO.
- 22 Q WHAT DO YOU NEED?
- 23 A WE USE, IT'S ABOUT A FOUR POWER
- 24 MAGNIFYING GLASS.
- 25 Q DO YOU HAVE ONE WITH YOU?

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1 A NO, I DO NOT.

2 Q OKAY.

3 MR. HARPOOTLIAN: I WANT TO INTRODUCE
4 BOTH THESE MICHAEL BEATTY FINGERPRINT CARDS INTO
5 EVIDENCE, PLEASE, YOUR HONOR.

6 THE COURT: ANY OBJECTION?

7 MR. JONES: RELEVANCE?

8 THE COURT: LET ME HEAR WHY YOU THINK
9 IT'S RELEVANT OVER HERE.

10 (BENCH CONFERENCE IN THE PRESENCE OF
11 THE JURY, OUT OF THE HEARING OF THE JURY, AND OFF
12 THE RECORD.)

13 MR. HARPOOTLIAN: YOUR HONOR, WE'D
14 OFFER THESE INTO EVIDENCE AND PERHAPS IF I COULD
15 ASK...

16 THE COURT: SUBJECT TO BEING...IT
17 DEPENDS, I DON'T KNOW WHAT YOU'RE GOING TO ASK HIM
18 NEXT BUT I'LL ALLOW THEM IN RIGHT NOW SUBJECT TO
19 YOU TYING IT UP.

20 MR. HARPOOTLIAN: YES, SIR.

21 MR. JONES: YOUR HONOR.

22 THE COURT: YES, SIR? THEY'RE
23 RELEVANT...

24 MR. JONES: SUBJECT TO THEM BEING TIED
25 UP IS THAT THEY'RE I.D.'D NOW. BECAUSE WHAT WE

1 AGREED TO DO WAS TO GIVE MR. BLACK AN OPPORTUNITY
2 TO EXAMINE THESE.

3 THE COURT: I UNDERSTAND THAT BUT I
4 MEAN HE HAS TO ASK THAT QUESTION. RIGHT NOW I'M
5 NOT GOING TO ALLOW THEM IN, OR EITHER I'LL ALLOW
6 THEM IN SUBJECT TO BEING TIED UP OR YOU CAN ASK HIM
7 THE QUESTION AND THEN WE'LL SEE WHICH WAY IT GOES.

8 Q AGENT BLACK, I'D LIKE YOU TO LOOK AT
9 THESE. CAN YOU LOOK AT THEM AND TELL ME IF THEY'RE
10 THE SAME PERSON?

11 MR. JONES: YOUR HONOR, I THINK IF HE
12 WAS GOING TO BE GIVEN AN OPPORTUNITY TO EXAMINE
13 THEM, HE OUGHT TO BE AT LEAST ALLOWED TO USE THE
14 TOOLS OF HIS TRADE.

15 THE COURT: SOLICITOR, I AGREE. HE'S
16 SIMPLY ASKING CAN HE DO THEM THAT WAY AND THAT'S A
17 PROPER QUESTION.

18 A NORMALLY I WOULD NEED, YES, THE
19 MAGNIFIER FOR...

20 Q DO YOU HAVE ONE IN CLOSE PROXIMITY TO
21 HERE? DO YOU HAVE ONE OUT IN YOUR CAR?

22 A I HAVE ONE IN MY TRUCK, YES, SIR, I DO.

23 MR. HARPOOTLIAN: YOUR HONOR, FOR ME TO
24 GO FORWARD WITH MY CROSS EXAMINATION OF HIM, COULD
25 I HAVE JUST TEN MINUTES FOR HIM TO DO THAT, JUST TO

1 LOOK?

2 THE COURT: HOW LONG WILL IT TAKE?

3 A IT SHOULDN'T TAKE THAT LONG.

4 THE COURT: ALL RIGHT, MADAM FOREMAN,
5 LADIES AND GENTLEMEN, LET ME LET YOU TAKE JUST A
6 SHORT BREAK AND WE'LL BE BACK IN JUST A FEW
7 MINUTES.

8 (JURY RECESSED TO JURY ROOM AT 3:28
9 P.M., RETURNING TO OPEN COURTROOM FOR CONTINUATION
10 OF CROSS EXAMINATION OF MR. BLACK AT 3:47 P.M.)

11 THE COURT: ALL RIGHT, MR. HARPOOTLIAN.

12 MR. HARPOOTLIAN: MAY IT PLEASE THE
13 COURT?

14 Q AGENT BLACK, NOW LET'S GO BACK AND LET
15 ME REFER YOU TO DEFENSE EXHIBITS FOUR AND FIVE,
16 WHICH ARE TWO DIFFERENT, TWO FINGERPRINT CARDS
17 WHICH WOULD BE ITEM ONE, THIRTY-NINE AND ONE,
18 EIGHTY-ONE WHICH ON YOUR REPORT YOU INDICATE ARE
19 THE SAME. IS THAT CORRECT?

20 A YES, ON THE REPORT, I DID.

21 Q AND ARE THEY THE SAME?

22 A UPON REEXAMINATION AT THIS TIME, NO,
23 THEY ARE NOT.

24 Q THEY'RE TWO DIFFERENT PEOPLE.

25 A YES, SIR, THEY ARE.

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1 Q NOW, YOU'VE TESTIFIED THAT THEY WERE
2 THE SAME PERSON JUST A LITTLE WHILE AGO, THAT YOU
3 RAN THEM DURING THIS INVESTIGATION, DETERMINED THEM
4 TO BE THE SAME PERSON, IS THAT CORRECT?

5 A YES, SIR, I DID.

6 Q YOU WERE WRONG.

7 A YES, SIR, I WAS WRONG.

8 Q NOW, BECAUSE--DO YOU HAVE ANY IDEA HOW
9 THAT HAPPENED?

10 A NO, I DON'T KNOW. I DON'T KNOW IF IT'S
11 A CASE WHERE I JUST GLANCED AT IT AND DIDN'T LOOK
12 AT IT CLOSE ENOUGH, I'M NOT SURE. I JUST DON'T
13 KNOW.

14 Q AGENT BLACK, THERE ARE, AS WE KNOW,
15 THIRTY-ONE SETS OF FINGERPRINTS THAT WERE LIFTED.
16 THEY WERE RUN AGAINST STEPHEN BECKHAM, JAMES SUBER,
17 VICKIE BECKHAM, MIKE NOBLE, JOEY KITCHEN, DALE
18 DOMINIQUE, PETER DEPTH, WILLIAM ARTHUR BECKHAM,
19 JAMES LANDER, EVANS TOLIN, JAMES EDWARD BOLAN,
20 DANNY LEE LEWIS, BRIAN T. FULMER, ARTHUR J. ROE,
21 KEITH WAYNE WORLEY, GERALD WAYNE STUDEMYER, KEVIN
22 EVERETT SHEALY, JOHNNY RIDDLE, MICHAEL EARL
23 CHAPMAN, JOHN CARROL FRICK, CHARLES SHEALY, TIMOTHY
24 HOFFSTELER, JAMES ALLEN FARR, JASON DARRYL WICKER,
25 NELSON HOFFSTELER, JOHN DANIEL FRICK APPARENTLY

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1 AGAIN, PATRICK MICHAEL MCNAMARA, DALE LAWSON, AVERY
2 WELLS, DAVID TODD MCDONALD, PHILLIP CHARLES BIDDLE,
3 ELIZABETH ANN BIDDLE, DAVID ALLEN SHEALY, ERNEST
4 ELIAZER, JOE RICHARD WOLF, ROBERT LEE BLANTON,
5 ROBERT CLYDE BACOT, ROBERT LEE BLANTON AGAIN,
6 GABRIEL MICHAELS, STEPHEN ANDREW B[REDACTED]--SORRY,
7 SOME OF THESE ARE...SHANNON B[REDACTED], LADONNA
8 Z[REDACTED], MARK BROOME, MICHAEL MCSHOERS, BOBBY
9 YARBOROUGH, KENYA STEELE, THEORDOR HAYES, DAISEY
10 Z[REDACTED]S, SANDRA YELDERS, DEBRA SULTON, EARL
11 ZEIDERS, PETER DEPTH, JOHN SCOTT WILLIAMS, CURTIS
12 MAHERS, EDWARD NAPP, WILLIS EVANS BATES, BONNIE
13 MALASKY, LESLIE ORR, SAMATHA ORR, BRITT SNELLING,
14 HOWARD SNELLING, ADAM SNELLING, STEVE HAWKINS,
15 CHARLES BROOKS, ROBERT ANDY BOWERS, JOHN R.
16 HAWKINS, HARRIET BECKHAM, BILLY JEAN WILSON,
17 MICHAEL JEFFERY BEATTY, THOMAS G. BECKHAM, JASON
18 STOCKS, RICHARD GEORGE ANDERSON, KATHERINE BECKHAM,
19 MARK BROOME, TAMMY MCKINNEY, CHUCK COUNTS, DR. KEEN
20 GARVIN, LEE FOSTER, JERRY WRIGHT, DAVID BLACK, JOHN
21 CHRISTIE, WADE FLEMMING, DAVID BOWERS, EDDIE STONE,
22 BENNET HAMM, ED WALKER, JAMES SMITH, WILLIAM HALEY,
23 RICHARD ANDERSON, KEVIN SHEALY, JOHN CUMMILANDER.
24 NOW YOU WENT THROUGH THE SAME PROCESS
25 ON EVERY ONE OF THOSE IS THAT CORRECT?

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1 A YES, SIR, I DID COMPARE THE LATENTS TO
2 THE INK CARD, THE INK PRINTS, THAT IS CORRECT.

3 Q CAN YOU TELL US THAT YOU DIDN'T MAKE
4 THE SAME KIND OF MISTAKE IN THESE OTHER
5 EXAMINATIONS?

6 A I DON'T THINK I DID. I KNOW MY RESULTS
7 WERE CHECKED BY ANOTHER EXAMINER INDEPENDENTLY WHO
8 ALSO INITIALED THE REPORT SAYING THAT HE RECEIVED,
9 OBTAINED THE SAME RESULTS THAT I DID.

10 Q SO OUT OF SLED YOU GOT TWO FINGERPRINT
11 EXAMINERS THAT EXAMINED THESE TWO FINGERPRINT CARDS
12 AND CAME TO THE CONCLUSION THAT THEY BELONGED TO
13 THE SAME PERSON?

14 A I DON'T KNOW IF THE OTHER EXAMINER
15 LOOKED AT THE TWO CARDS TO SEE IF THEY BELONGED TO
16 THE SAME PERSON. I'M SAYING THAT THEY LOOKED AT
17 THE INKED PRINTS ON THE CARD, COMPARED THEM TO THE
18 LATENTS AND AGREE WITH MY RESULTS, YES, SIR.

19 Q WELL, THEY HAD TO LOOK AT YOUR REPORT
20 SAYING THAT ONE, EIGHTY-ONE AND ONE, THIRTY-ONE
21 WERE THE SAME.

22 A I WOULD THINK, YES, SIR.

23 Q SO SOMEBODY HAS GONE BEHIND YOU ON
24 THESE AND APPARENTLY REPEATED YOUR MISTAKE, IS THAT
25 CORRECT?

1 MR. JONES: YOUR HONOR, HE DOESN'T KNOW
2 WHAT THE PERSON DID BEHIND HIM. OBJECTION.

3 THE COURT: SUSTAINED.

4 Q SOMEONE--WELL, STRIKE THAT.

5 NOW, LET'S TALK ABOUT A COUPLE OF THESE
6 PRINTS. YOU INDICATE THAT YOU WENT THROUGH A
7 NUMBER OF DIFFERENT PROCEDURES TO CHECK FOR PRINTS,
8 IS THAT CORRECT?

9 A YES, SIR.

10 Q ONE OF THEM WAS SOME SORT OF SUPERGLUE
11 INSIDE AND YOU FOUND FOUR FINGERPRINTS, IS THAT
12 CORRECT?

13 A YES, SIR, FOUR LATENT LIFTS.

14 Q FOUR LATENT LIFTS. AND I MEAN I GOT
15 SOME SORT OF INFERENCE THERE THAT THAT WAS NOT A
16 LOT OF LATENT LIFTS FOR THE INSIDE OF A CAR?

17 A AS FAR AS A CAR IS CONCERNED I WOULD,
18 WHETHER IT'S IDENTIFIABLE RIDGE DETAIL OR NOT, I,
19 JUST IN EVERYDAY USE OF A CAR, I WOULD EXPECT TO
20 SEE MORE RIDGE DETAIL DEVELOPED ON SUCH AN AREA SAY
21 AS THE REARVIEW MIRROR, OR THE INSIDE OF THE GLASS,
22 OR EVEN THE DOOR HANDLES, WE DEVELOP RIDGE DETAIL.

23 Q DID YOU PROCESS STATE'S EXHIBIT NUMBER
24 THIRTY-SIX, THE VEHICLE WE NOW KNOW WAS OWNED BY
25 MICHAEL J. BEATTY?

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- 1 A YES, SIR, I DID.
- 2 Q HOW MANY PRINTS DID YOU FIND INSIDE IT?
- 3 A THERE WERE A TOTAL OF TEN LATENT LIFT
- 4 CARDS, BUT THERE ARE ALSO SOME ITEMS THAT HAD TO BE
- 5 PROCESSED BY CHEMICAL MEANS INSIDE THE LABORATORY,
- 6 AND THERE WAS SOME RIDGE DETAIL DEVELOPED ON SOME
- 7 OF THOSE ITEMS.
- 8 Q BUT ONLY TEN INSIDE THAT VEHICLE, AND
- 9 THAT VEHICLE WAS PROCESSED IN 1995, A YEAR LATER?
- 10 A YES, SIR.
- 11 Q NOW YOU'VE INDICATED TO THE SOLICITOR
- 12 THAT AT LEAST ONE OF THESE WINDOWS YOU SAW A SMEAR
- 13 OR SOMETHING INDICATED TO YOU THAT THE WINDOW HAD
- 14 BEEN WIPED, IS THAT CORRECT?
- 15 A YES, SIR, THAT'S CORRECT.
- 16 Q YOU DON'T KNOW WHEN IT WAS WIPED?
- 17 A NO SIR, I DO NOT.
- 18 Q HAVE YOU EVER CLEANED A CAR WINDOW?
- 19 A YES, SIR, I HAVE.
- 20 Q HOW DO YOU CLEAN IT? DO YOU WIPE IT?
- 21 A TAKE A CLOTH AND WIPE IT DOWN WITH SOME
- 22 TYPE OF, IT MAY BE WINDEX OR WHATEVER, SOME TYPE OF
- 23 CLEANER.
- 24 Q SO THE FACT THAT THE WINDOW HAD BEEN
- 25 WIPED, ALL YOU CAN SAY IS AT SOME POINT SOMEBODY

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- 1 HAD WIPED SOMETHING ACROSS THE WINDOW, IS THAT
2 CORRECT?
- 3 A THAT IS CORRECT.
- 4 Q NOW, DID ANY OTHER PART OF THE CAR
5 APPEAR TO BE WIPED?
- 6 A THERE WAS ONE OTHER AREA ON THE CAR ON
7 THE EXTERIOR OF THE CAR, IN THE AREA OF THE REAR
8 RIGHT PASSENGER WINDOW.
- 9 Q OKAY, AND THAT MUST HAVE BEEN ON THE
10 OUTSIDE...
- 11 A YES, SIR.
- 12 Q ...BECAUSE ON THE INSIDE YOU GOT THAT
13 FOOTPRINT.
- 14 A WELL, THAT'S ON THE OPPOSITE DOOR.
- 15 Q OH, YOU'RE SAYING THE PASSENGER DOOR?
- 16 A YES, IT'S ON THE REAR RIGHT PASSENGER
17 DOOR IS WHERE THE WIPING WAS. ON THE REAR LEFT
18 PASSENGER DOOR ON THE INSIDE OF THE WINDOW WAS THE
19 FOOTWEAR IMPRESSION.
- 20 Q OKAY. THERE WAS, HOWEVER, A BUNCH,
21 WHEN I SAY BLOOD, THERE'S BLOOD ON THE SEATS
22 BETWEEN THE TWO SEATS GOING BACK; WE SAW THAT.
- 23 A YES, SIR.
- 24 Q THERE'S BLOOD ON THE OUTSIDE OF THE
25 CAR.

- 1 A YES, SIR.
- 2 Q THERE'S BLOOD IN THE BACK SEAT ON SOLID
- 3 PLASTIC ITEMS, IS THAT CORRECT?
- 4 A THAT IS CORRECT.
- 5 Q THERE'S BLOOD IN THE FRONT SEAT ON THE
- 6 CONSOLE?
- 7 A CORRECT.
- 8 Q THERE'S BLOOD ALL OVER BASICALLY THE
- 9 INTERIOR OF THE CAR, FRONT AND BACK EXCEPT PERHAPS
- 10 THE FRONT. OTHER THAN WHERE THE BLOOD POOLED WHERE
- 11 HER HEAD WAS ON THE PASSENGER SIDE FRONT SEAT THERE
- 12 REALLY ISN'T MUCH BLOOD ON THAT SIDE, IS THERE?
- 13 A NO SIR, THE ONLY OTHER AREA THAT
- 14 THERE'S SOME BLOOD ON THAT SIDE IS ON THE FRONT
- 15 PASSENGER DOOR ARM REST ON THE INSIDE OF THE
- 16 VEHICLE.
- 17 Q FRONT PASSENGER ARM REST?
- 18 A YES, SIR.
- 19 Q OKAY, AND HOW DOES IT APPEAR? WHAT
- 20 DOES IT LOOK LIKE?
- 21 A DRIPPING BLOOD.
- 22 Q DRIPPING BLOOD?
- 23 A YES, SIR.
- 24 Q NOW, ALSO THE SHOES, I THINK YOU
- 25 TESTIFIED THE REASON YOU TOOK THESE SHOES WAS THAT

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- 1 YOU SAW SOMETHING THAT APPEARED ON THE LACE THAT
2 LOOKED LIKE BLOOD TO YOU, IS THAT CORRECT?
- 3 A THAT IS CORRECT.
- 4 Q WHICH LACE?
- 5 A RIGHT HERE.
- 6 Q AND IS THAT WHERE THERE'S A LITTLE
7 DRAWING ON THERE?
- 8 A YES, SIR, IT IS.
- 9 Q RIGHT DOWN ON THE... NOW, WHO TOOK
10 INTO CUSTODY THE DIFFERENT FROM THE AUTOPSY? WHO
11 TOOK THOSE? DID YOU TAKE THOSE?
- 12 A YES, SIR. I RECEIVED THOSE FROM DOCTOR
13 GARVIN, EXCUSE ME, DOCTOR SEXTON AND HIS STAFF AT
14 THE AUTOPSY.
- 15 Q RIGHT. AND CERTAIN, ONE OF THE THINGS
16 YOU TOOK INTO CUSTODY WAS SOME SCRAPINGS FROM
17 UNDERNEATH VICKIE BECKHAM'S FINGERNAILS. IS THAT
18 CORRECT?
- 19 A YES, SIR.
- 20 Q AND THE REASON YOU TAKE THOSE INTO
21 CUSTODY OR TAKE THEM, CAN THAT REVEAL OR YIELD SOME
22 EVIDENCE?
- 23 A YES, SIR, IT COULD.
- 24 Q AND WHAT KIND OF THINGS DO YOU DO TO
25 THAT MATERIAL? OR YOU DON'T DO IT, BUT THE

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1 FORENSIC...

2 A IT WOULD GO TO OUR SEROLOGY DNA
3 DEPARTMENT TO SEE IF THEY COULD IDENTIFY ANY BLOOD
4 OR TISSUE BODY FLUIDS UNDER THE NAILS THAT COULD
5 POSSIBLY IDENTIFY WHO IT BELONGS TO.

6 MR. HARPOOTLIAN: BEG THE COURT'S
7 INDULGENCE. I THINK THAT'S A STIPULATION I WANT TO
8 PUBLISH.

9 YOUR HONOR, THE STATE AND THE DEFENSE
10 HAVE ENTERED INTO A STIPULATION CONCERNING THE
11 MATERIAL I JUST ASKED HIM A QUESTION ABOUT, THAT IS
12 THE MATERIAL THAT WAS REMOVED FROM VICTORIA
13 BECKHAM'S FINGERNAILS BY DOCTOR SEXTON. I'D LIKE
14 TO PUBLISH THAT STIPULATION AT THIS POINT.

15 THE COURT: LET ME DO THIS. WE'VE USED
16 THAT WORK, MADAM FOREMAN, AND LADIES AND GENTLEMEN,
17 A FEW TIMES THROUGH THE TRIAL, AND IT MAY OCCUR
18 AGAIN. BUT WHAT THAT IS, A STIPULATION IS AN
19 AGREEMENT BETWEEN THE TWO PARTIES AS TO SOME FACT
20 OR SOME EVENT OR SOME OCCURRENCE. THEY AGREE TO IT
21 AND CAN PUBLISH IT TO YOU AND YOU CAN TAKE IT AND
22 GIVE IT SUCH WEIGHT AS YOU THINK IT DESERVES DURING
23 THE COURSE OF YOUR DELIBERATIONS. AND THAT'S THE
24 PURPOSE OF THE STIPULATION BETWEEN THE TWO PARTIES.

25 ALL RIGHT, MR. HARPOOTLIAN.

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1 MR. HARPOOTLIAN: MAY IT PLEASE THE
2 COURT, YOUR HONOR.

3 THE STATE OF SOUTH CAROLINA AND THE
4 DEFENDANT STIPULATE THAT THE SCRAPINGS RECOVERED BY
5 DOCTOR SEXTON AT THE AUTOPSY OF VICKIE LANDER
6 BECKHAM, FROM UNDER HER FINGERNAILS WERE ANALYZED
7 BY LAB CORPS FOR DNA ANALYSIS, AT THE REQUEST OF
8 THE STATE OF SOUTH CAROLINA.

9 THE FINGERNAIL MATERIAL WAS CONSISTENT
10 WITH A MIXTURE OF DNA PROFILES FROM VICTORIA
11 BECKHAM AND ANOTHER INDIVIDUAL. STEPHEN BECKHAM
12 WAS EXCLUDED AS A POSSIBLE DONOR; RICHARD ANDERSON
13 COULD NOT BE EXCLUDED AS A POSSIBLE DONOR.

14 THE COURT: MARK THAT AS AN EXHIBIT.
15 SINCE IT'S A STIPULATED FACT, MARK IT AS A COURT
16 EXHIBIT RATHER THAN FOR ONE SIDE OR THE OTHER. AND
17 THAT WOULD GO TO THE JURY, MADAM COURT REPORTER.

18 COURT REPORTER: COURT'S EXHIBIT SEVEN.

19 THE COURT: ALL RIGHT.

20 Q NOW, I'M ABOUT TO GET TO THE END OF
21 THIS. THERE WERE A NUMBER OF ITEMS...THE ITEMS
22 THAT WERE, HAIRS AND BLOOD AND ALL OF THE ITEMS
23 THAT WERE RECOVERED AT THE AUTOPSY, WHO TOOK THOSE
24 INTO CUSTODY?

25 A I RECEIVED THEM FROM DOCTOR SEXTON. I

1 WAS PRESENT...

2 Q DID YOU INVENTORY THEM?

3 A HE WENT AHEAD AND PUT THEM IN THE
4 SEALED BAG ENVELOP, AND I SIGNED IT FROM HIM.

5 Q I GUESS WHAT I'M SAYING IS CAN YOU TELL
6 US WHAT WAS IN THERE OR DID THE DIFFERENT FOLKS WHO
7 DID THE ANALYSIS, HAIR, FIBER, BLOOD, THOSE FOLKS,
8 DO YOU HAVE RECORDS THAT INDICATE WHAT WAS IN
9 THERE?

10 A YES, SIR, ONE MOMENT, PLEASE.

11 THE COURT: ALL RIGHT, MR. HARPOOTLIAN,
12 HE'S GOT IT.

13 MR. HARPOOTLIAN: YES, SIR.

14 Q YEAH, LET ME JUST ASK YOU, IF I CAN
15 LOOK OVER YOUR SHOULDER.

16 A YES, SIR.

17 Q THIS IS A REPORT OF WHAT YOU RECEIVED
18 AND TRANSFERRED FROM THE NEWBERRY COUNTY HOSPITAL
19 TO SLED LAB FOR ANALYSIS, IS THAT CORRECT?

20 A YES, SIR, THAT IS CORRECT.

21 Q YOU HAVE AN ENVELOP WITH HAIR AND
22 FIBERS FROM FACE AND NECK, IS THAT CORRECT?

23 A YES, SIR.

24 Q ENVELOP WITH HAIR FROM SHEET FROM
25 AROUND THE BODY?

1 A CORRECT.

2 Q ENVELOP WITH TINY CLEAR FOREIGN

3 MATERIALS FROM NECK ABRASIONS?

4 A CORRECT.

5 Q ENVELOP WITH HAIR FROM SHIRT. WOULD

6 THAT BE HER SHIRT, OR THE HARLEY DAVIDSON SHIRT?

7 A I BELIEVE THAT'S HER SHIRT. IT SHOULD

8 BE HER SHIRT.

9 Q NAIL CLIPPINGS, HAIR FROM HER, PULLED

10 HEAD HAIR, SOME BLOOD, IS THAT RIGHT?

11 A YES, SIR.

12 Q SO BASICALLY, AT THE AUTOPSY, DIFFERENT

13 HAIRS, FIBERS, AND OTHER ITEMS WERE TAKEN FROM HER

14 BODY OR PERSON AND TRANSPORTED BY YOU TO SLED TO

15 ANALYZE WHETHER THEY HAD ANY EVIDENTIARY VALUE, IS

16 THAT CORRECT?

17 A THAT IS CORRECT. DOCTOR SEXTON AND

18 DOCTOR GARVIN, THE STAFF WOULD COLLECT ITEMS, PLACE

19 IT IN A SEALED CONTAINER, SEALED ENVELOP AND I JUST

20 SIGNED FOR THOSE SEALED CONTAINERS AND ENVELOPES

21 AND TRANSFERRED THEM BACK TO SLED FOR LOGGING.

22 Q NOW, IN TERMS OF THE VEHICLE, HER

23 VEHICLE, THE ONE IN WHICH HER BODY WAS FOUND, YOU

24 PROCESSED THAT OUT ON THE SIDE OF THE ROAD AND THEN

25 TOOK IT DOWN FOR MORE DETAILED PROCESSING AT SLED

1 HEADQUARTERS, IS THAT CORRECT?

2 A YES, SIR, THAT IS CORRECT.

3 Q AND IN THAT PROCESSING, WERE THERE HAIR
4 OR FIBERS? WE'VE HEARD ABOUT FINGERPRINTS. ANY
5 OTHER ITEMS OF EVIDENTIARY VALUE RETRIEVED FOR
6 ANALYSIS, AND WHO DID THAT?

7 A ON THE SCENE, THERE WERE, FROM THE
8 SCENE THERE WERE THREE HAIRS COLLECTED AT THE
9 SCENE. ONE WAS FROM THE LEFT REAR PASSENGER DOOR
10 ON THE EXTERIOR DOOR. IT WAS NOT IN BLOOD BUT IT
11 WAS NEAR SOME BLOOD. AND THERE WAS A HAIR ON THE
12 TOP OF HER RIGHT THIGH, AND A HAIR ON THE INNER
13 RIGHT THIGH, BOTH OF WHICH WERE FROM THE VICTIM
14 THAT WERE COLLECTED ON THE SCENE.

15 Q OKAY. AND HAIRS WERE ALSO PROVIDED
16 VOLUNTARILY BY HAIR AND BLOOD AND FINGERPRINTS AND
17 THOSE KINDS OF SAMPLES WERE PROVIDED BY MR.
18 BECKHAM, WERE THEY NOT?

19 A TO MY KNOWLEDGE, THEY WERE.

20 Q SO YOU HAVE SOMETHING TO COMPARE THAT
21 HAIR TO OR THAT BLOOD TO, OR THOSE FINGERPRINTS TO?

22 A THAT IS CORRECT.

23 Q AND MR. ANDERSON DID THE SAME THING, AS
24 I UNDERSTAND, PROVIDED SAMPLES OF HAIR AND BLOOD
25 AND FINGERPRINTS, IS THAT CORRECT?

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- 1 A TO MY UNDERSTANDING, THAT IS CORRECT.
- 2 Q AND THOSE HAIRS AND FIBERS WOULD BE
- 3 SENT TO ANOTHER...YOU DO THE FINGERPRINT STUFF,
- 4 RIGHT?
- 5 A YES, SIR.
- 6 Q SO SOME OTHER SLED PERSON WOULD EXAMINE
- 7 BLOOD AND HAIR AND FIBERS?
- 8 A THAT IS CORRECT.
- 9 Q OKAY, NOW, ANY OTHER ITEMS RECOVERED
- 10 FROM HER VEHICLE THAT WERE SENT IN FOR EXAMINATION?
- 11 A ON THE SCENE OR JUST TOTAL?
- 12 Q TOTAL, OTHER THAN THE AUTOPSY SWABS AND
- 13 THOSE SORTS OF THINGS.
- 14 A FROM THE SCENE ITSELF, THERE WAS A PACK
- 15 OF NEWPORT CIGARETTES.
- 16 Q NOT AROUND THE CAR.
- 17 A OKAY.
- 18 Q ANYTHING ELSE IN THE CAR?
- 19 A NO SIR.
- 20 Q OKAY. NOW, WE'VE BEEN OVER THE
- 21 DIFFICULTY YOU HAD WITH THE FINGERPRINTS, BUT--AND
- 22 WE UNDERSTAND THERE WERE THIRTY-ONE RECOVERED.
- 23 YOU'VE TESTIFIED THAT AT LEAST ONE OF THOSE WAS
- 24 RAISED THAT WAS UNIDENTIFIABLE IN AMIDO BLACK, AND
- 25 LET ME UNDERSTAND YOU. AMIDO BLACK YOU USE

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1 PRIMARILY TO REACT AS YOU DID ON THE VICTIM'S LEG
2 WITH BLOOD. IT REACTS TO HUMAN PROTEIN?

3 A THAT IS CORRECT. PROTEIN IS IN BLOOD.

4 Q OKAY. DOES IT REACT WITH ANY OTHER
5 KIND OF PROTEIN OTHER THAN HUMAN BLOOD?

6 A YES, SIR, IT DOES.

7 Q DID YOU SEE THE SUBSTANCE BEFORE YOU
8 PUT THE AMIDO BLACK DOWN? DID YOU TAKE A PICTURE?

9 A YOU COULD NOT. THE AREAS THAT RIDGE
10 DETAIL WAS DEVELOPED WITH THE AMIDO BLACK, THERE
11 WAS NO RESIDUE, THERE WAS NO BLOOD VISUAL IN THOSE
12 AREAS.

13 Q SO ARE YOU TELLING US IT WAS NOT BLOOD,
14 OR WAS IT BLOOD?

15 A I'M NOT SAYING THAT IT'S NOT BLOOD, AND
16 I'M NOT SAYING THAT IT IS BLOOD. I'M NOT SURE WHAT
17 THE SUBSTANCE WAS. THE ONLY THING I CAN TELL YOU IS
18 BASED ON THE FACT THERE WAS BLOOD AT THE CRIME
19 SCENE, IT'S MORE PROBABLY, IN MY OPINION, THAT IT'S
20 BLOOD. BUT SCIENTIFICALLY, I CAN'T TELL YOU WHAT
21 THE SUBSTANCE IS BECAUSE I COULD NOT TAKE A SWAB
22 BECAUSE THE RESIDUE WAS NOT VISIBLE.

23 Q AND AMIDO BLACK IS A NON-SPECIFIC TEST.
24 IT'S THERE TO RAISE FINGERPRINTS, NOT TO TEST FOR
25 HUMAN BLOOD?

1 A THAT IS CORRECT.

2 Q AND THERE WASN'T ANY WAY TO TEST FOR
3 THE HUMAN BLOOD.

4 A BECAUSE NONE WAS VISIBLE.

5 Q NONE WAS VISIBLE. AND YOUR POSITION IS
6 THERE ARE SEVEN IDENTIFIABLE--AM I RIGHT OR IS THAT
7 SIX? NO, SIX IDENTIFIABLE BUT UNIDENTIFIED
8 FINGERPRINTS ON THAT CAR?

9 A THAT IS CORRECT.

10 Q AND--

11 MR. HARPOOTLIAN: BEG THE COURT'S
12 INDULGENCE FOR JUST ONE MOMENT.

13 Q LET ME RETURN TO ONE AREA BRIEFLY. IT
14 CONCERNS DEFENSE EXHIBITS FOUR AND FIVE. AND WE
15 DETERMINED THAT WHILE YOU ORIGINALLY THOUGHT THAT
16 WAS THE SAME PERSON, WE NOW KNOW THERE ARE TWO
17 PEOPLE SO I WANT TO REFER TO THE SECOND PERSON
18 WHICH WOULD BE ONE, EIGHTY-ONE. OKAY?

19 A OKAY.

20 Q IF YOU WOULD GO TO YOUR REPORT OF
21 OCTOBER 30TH, 1995, PAGE TWO. HAVE YOU GOT THAT
22 REPORT?

23 A YES, SIR, I DO.

24 Q OKAY. NOW LET ME ASK YOU FIRST OF ALL,
25 FIFTY-NINE POINT ONE (59.1) IS A FINGERPRINT ON THE

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- 1 DRIVER'S SIDE BETWEEN THE MIRROR AND THE DOOR
2 HANDLE. AM I RIGHT ABOUT THAT?
3 A YES, SIR.
4 Q WAS THAT IDENTIFIED?
5 A FIFTY-NINE POINT ONE (59.1) NO SIR.
6 Q NOT IDENTIFIED?
7 A NOT IDENTIFIED.
8 Q OKAY, DID YOU COMPARE YOUR FINGERPRINT
9 CARD THERE, NUMBER ONE, EIGHTY-ONE, WITH THAT? DID
10 YOU COMPARE IT?
11 A YES, SIR, I DID.
12 Q HOW ABOUT SHOW ME ON THE REPORT WHERE
13 YOU COMPARED IT.
14 NOW, AFTER LOOKING AT YOUR REPORT, IS
15 YOUR ANSWER DIFFERENT? DID YOU EVER COMPARE THAT
16 FINGERPRINT CARD WITH THE UNKNOWN?
17 A YES, SIR, I DID.
18 Q WELL, FIFTY-NINE POINT ONE (59.1),
19 ACCORDING TO THIS REPORT, PAGE TWO, DOESN'T SAY
20 NEGATIVE ITEMS ONE, EIGHTY-TWO THROUGH ONE, EIGHTY-
21 FIVE?
22 A YES, SIR, IT DOES.
23 Q WHERE DOES IT SAY IT WAS COMPARED WITH
24 ONE, EIGHTY-ONE?
25 A IT IS NOT IN THE REPORT.

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1 Q OKAY, AND IF IT'S NOT IN THE REPORT YOU
2 PROBABLY DIDN'T DO IT, DID YOU?

3 A NO SIR, I DID LOOK AT IT.

4 Q WELL HOW COME YOU DIDN'T--I MEAN YOU'VE
5 MADE COPIOUS NOTES ON EVERYTHING YOU DID AND YET
6 YOU INDICATE IN YOUR REPORT, YOUR REPORT INDICATES
7 YOU DID NOT DO IT. I MEAN WE LOOK RIGHT HERE AND
8 IT SAYS THAT YOU COMPARED FIFTY-NINE POINT ONE
9 (59.1) WITH, WELL, FIFTY, FORTY-EIGHT POINT, FORTY-
10 ONE POINT EIGHT, NEGATIVE WITH ITEM ONE, EIGHTY-
11 ONE. FIFTY-NINE POINT ONE, NEGATIVE WITH ITEM WITH
12 ITEM ONE, EIGHTY-TWO THROUGH ONE, EIGHTY-FIVE. AND
13 YOUR HANDWRITTEN NOTES SAY THE SAME THING, DON'T
14 THEY?

15 A YES, SIR, THEY DO.

16 Q SO YOU HAVE THIS INDEPENDENT
17 RECOLLECTION? NOW I REMIND YOU--YES OR NO?

18 A NO SIR. WHAT I'M SAYING IS I FEEL SURE
19 THAT I DID LOOK AT IT.

20 Q OKAY, AND A LITTLE WHILE AGO YOU FELT
21 SURE THAT ONE, EIGHTY-ONE AND ONE, THIRTY-NINE WERE
22 THE SAME PERSON, ISN'T THAT CORRECT?

23 A YES, SIR.

24 Q AND YOU'RE WRONG ABOUT THAT?

25 A YES, SIR, THEY'RE NOT THE SAME PERSON.

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- 1 Q THEY ARE NOT THE SAME PERSON. AND NOW
2 YOU'RE TELLING US THAT THOUGH IN YOUR HANDWRITTEN
3 NOTES AND YOUR TYPEWRITTEN NOTES THAT'S BEEN
4 FURNISHED AS THE OFFICIAL RESULTS IN THIS CASE, YOU
5 DIDN'T PUT DOWN YOU COMPARED ONE, EIGHTY-ONE WITH
6 FIFTY-NINE POINT ONE, AND NOW YOU TELL US YOU DO,
7 YOU DID. YOU SHOULD HAVE, CORRECT?
- 8 A YES, SIR.
- 9 Q BUT YOU'RE NOT SURE YOU DID?
- 10 A I FEEL LIKE I DID, YES, SIR.
- 11 Q PROBABLY DID?
- 12 A PROBABLY DID.
- 13 Q OKAY. NOW, ITEM--FINGERPRINT NUMBER
14 SEVENTY-TWO...FIRST OF ALL, LET'S GO BACK TO FIFTY-
15 NINE POINT ONE. THAT'S AN UNIDENTIFIED PRINT
16 WHERE?
- 17 A IT'S AN UNIDENTIFIED PRINT RIGHT HERE.
- 18 Q OKAY.
- 19 A IT'S ON THE FRONT DRIVER'S DOOR, ON THE
20 OUTSIDE OF THE DOOR.
- 21 Q OKAY, WHAT ABOUT SEVENTY-TWO?
- 22 A SEVENTY-TWO? SEVENTY-TWO IS THE
23 UNIDENTIFIED PRINT THAT IS HERE IN THE REAR GLASS
24 OF THE CAR.
- 25 Q OKAY. TELL ME IF YOU RAN THAT

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1 FINGERPRINT CARD NUMBER ONE...ACCORDING TO YOUR
2 RECORDS NOW, ONE, EIGHTY-ONE AGAINST THE
3 UNIDENTIFIED PRINT ON THE BACK WINDOW?

4 A AGAIN, SIR, I PROBABLY DID.

5 Q AGENT BLACK, IT'S NOT THAT YOU PROBABLY
6 DID. DO YOU HAVE AN INDEPENDENT RECOLLECTION OF
7 DOING IT?

8 A NO SIR, I DO NOT.

9 Q DOES YOUR REPORT INDICATE YOU DID IT?

10 A NO, IT DOES NOT.

11 Q HOW MANY FINGERPRINTS A YEAR DO YOU
12 COMPARE?

13 A SEVERAL THOUSAND.

14 Q SEVERAL THOUSAND. OKAY. NOW, SO WHILE
15 YOU THINK YOU PROBABLY COMPARED THESE UNIDENTIFIED
16 PRINTS TO ONE, EIGHTY-ONE, YOUR REPORT SAYS YOU
17 DIDN'T AND YOU HAVE NO INDEPENDENT RECOLLECTION. I
18 GUESS...AND YOU'VE INDICATED--CAN I SEE BOTH OF
19 THOSE CARDS AGAIN, PLEASE?

20 A YES, SIR.

21 Q THAT YOU ORIGINALLY THOUGHT THAT THEY
22 WERE THE SAME PEOPLE AND NOW AFTER LOOKING AT THEM
23 YOU KNOW THEY'RE TWO DIFFERENT PEOPLE. AND YOU
24 WOULD AGREE THAT THE NAME ON THESE CARDS IS MICHAEL
25 J. BEATTY, THE SAME NAME AS ON THE REGISTRATION FOR

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1 THIS VEHICLE, THAT AS THE SOLICITOR ASKED YOU
2 EARLIER YOU HEARD MR. FRICK TESTIFY HE SAW UP ON
3 MOUNTAIN ROAD THAT DAY, ISN'T THAT CORRECT?

4 A YES, SIR.

5 Q THE REARVIEW MIRROR WAS BROKEN, WAS IT
6 NOT?

7 WASN'T IT ON THE FLOOR, THE REARVIEW MIRROR?

8 A YES, SIR, IT WAS ON THE FLOORBOARD,
9 THAT IS CORRECT.

10 Q IT HAD BEEN BROKEN OFF?

11 A I CAN'T REMEMBER IF IT HAD BEEN BROKEN
12 OFF OR NOT. I BELIEVE...

13 Q CHECK YOUR RECORDS, PLEASE. AND ALSO,
14 WHILE YOU'RE LOOKING, THE HEADREST, DID YOU PROCESS
15 THAT FOR PRINTS AND BLOOD AND HAIR?

16 A YES, SIR, IT WAS EXAMINED. IT WAS
17 PROCESSED, THE HEADREST.

18 Q DID YOU DO IT?

19 A YES, SIR.

20 Q OKAY, IN TERMS OF NO PRINTS, BUT WAS
21 THERE ANY BLOOD OR HAIRS TAKEN OFF?

22 A I DON'T THINK SO, NO.

23 Q I DON'T THINK SO. CAN YOU CHECK,
24 PLEASE?

25 MR. JONES: WELL, YOUR HONOR, HE'S GOT

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1 HIM CHECKING FOR ONE QUESTION BEFORE THAT.

2 THE COURT: I AGREE WITH IT. HE WANTS
3 HIM TO CHECK FOR TWO THINGS. WE'LL TAKE OUR TIME.
4 WE'LL TAKE OUR TIME.

5 A I'M NOT SURE IF THE REARVIEW MIRROR WAS
6 BROKEN OFF BUT IT WAS IN THE FRONT, FRONT PASSENGER
7 FLOORBOARD.

8 Q OKAY, NOBODY LOOKED TO SEE HOW IT WAS
9 REMOVED, WHETHER IT WAS UNSCREWED OR RIPPED OFF OR?

10 A I JUST NOTICED IT WAS IN THE
11 FLOORBOARD. I DON'T KNOW.

12 Q HOW ABOUT THE HEADREST? IT APPEARS TO
13 HAVE BEEN RIPPED OFF.

14 A YES, SIR, IT WAS BROKEN. YOU COULD SEE
15 ONE OF THE RAILS WITH THE HEADREST WAS BROKEN. AS
16 FAR AS BEING CHECKED FOR THE BLOOD AND HAIRS, THAT
17 WOULD BE BETTER ADDRESSED BY THE SLED SEROLOGIST
18 AND THE TRACE PERSON FROM THE LAB WHO EXAMINED IT
19 AT THE GARAGE.

20 Q SO THE TRACE PEOPLE CAME IN AND DID
21 HAIRS AND ALL THAT STUFF THEMSELVES? YOU DIDN'T
22 GIVE IT TO THEM?

23 A THAT IS CORRECT.

24 Q AND THE SEROLOGIST, WHO WOULD THAT HAVE
25 BEEN?

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1 A THE TRACE PERSON?

2 Q YEAH.

3 A TRACE PERSON I BELIEVE WAS JOHN BARRON.

4 Q OKAY, AND WHO WAS THE SEROLOGIST WHO
5 PROCESSED THE VEHICLE?

6 A NANCY SKRABA.

7 MR. HARPOOTLIAN: BEG THE COURT'S
8 INDULGENCE JUST ONE MOMENT. I THINK I'M FINISHED.

9 THE COURT: SOLICITOR, BY AGREEMENT
10 BETWEEN THE PARTIES, EVEN THOUGH THAT PHOTOGRAPH
11 WAS NOT PART OF YOUR DIRECT, WE'LL ALLOW YOU TO
12 PURSUE THAT ISSUE NOW.

13 MR. JONES: YES, YOUR HONOR, I WOULD
14 STIPULATE TO THAT.

15 REDIRECT EXAMINATION:

16 BY MR. JONES:

17 Q WHICH ONE OF THESE FINGERPRINT CARDS
18 CORRESPONDS TO ITEM ONE, EIGHTY-ONE ON YOUR LISTING
19 DOCUMENTATION?

20 A THIS IS ITEM ONE, EIGHTY-ONE.

21 Q NOW AS FAR AS WHEN I REFER TO YOUR
22 LISTING DOCUMENTATION, THAT NOTEBOOK THAT YOU HAVE
23 IN FRONT OF YOU, WHAT IS THAT NOTEBOOK? WHAT'S IN
24 THAT NOTEBOOK?

25 A I HAVE COPIES OF MY REPORTS, NOTES,

1 LOG-IN SHEETS, THAT SORT OF THING.

2 Q SIR?

3 A I HAVE IN HERE COPIES OF THE LOG-IN
4 SHEETS, NOTES, COPIES OF THE REPORT THAT WERE
5 ISSUED, AND OTHER INFORMATION.

6 Q DOES THAT NOTEBOOK PERTAIN TO THE STATE
7 VERSUS BECKHAM CASE THAT YOU INVESTIGATED, STATE
8 VERSUS BECKHAM, STATE VERSUS ANDERSON?

9 A YES, SIR, IT DOES.

10 Q AND YOU BROUGHT ANOTHER FILE WITH YOU
11 AND ANOTHER NOTEBOOK DOWN BY YOUR FOOT. WHAT'S IN
12 THAT NOTEBOOK THERE?

13 A THIS NOTEBOOK IS ALL THE PHOTOGRAPHS
14 THAT HAVE BEEN TAKEN ASSOCIATED WITH THIS CASE.

15 Q ALL RIGHT. SO IN THIS NOTEBOOK YOU
16 HAVE THE...THE NOTEBOOK IN FRONT OF YOU, YOU HAVE
17 THE COPIES OF THE REPORTS THAT YOU MADE THAT
18 REFLECT YOUR FINDINGS AND YOUR WORK PRODUCT, IS
19 THAT RIGHT?

20 A YES, SIR, THAT IS CORRECT.

21 Q ALL RIGHT. LET ME FIRST ADDRESS THE
22 ISSUE THAT THE JUDGE SAID THAT WE HAD AGREED TO BY
23 STIPULATION. I HAND YOU STATE'S EXHIBIT NUMBER
24 FORTY-THREE AND ASK YOU, DID YOU TAKE THAT
25 PHOTOGRAPH OF THAT AUTOMOBILE?

1 A YES, SIR, I DID.

2 MR. JONES: YOUR HONOR, THE STIPULATION
3 THAT THE PARTIES HAVE AGREED WITH REGARD TO THIS
4 PHOTOGRAPH OF THIS AUTOMOBILE IS THAT THE PHOTO OF
5 THE MAROON HONDA WAS TAKEN BY AGENT DAVID BLACK,
6 AND THE AUTOMOBILE IS REGISTERED TO WILLIAM
7 BECKHAM, AND WAS USED BY DEFENDANT BECKHAM IN 1994.

8 THE COURT: ALL RIGHT, MARK THE
9 STIPULATION.

10 MR. JONES: AND THEREAFTER.

11 THE COURT: RIGHT. MARK IT AS A COURT
12 EXHIBIT BUT IT WILL GO TO THE JURY.

13 (SO MARKED AND ENTERED AS COURT'S
14 EXHIBIT NUMBER EIGHT)

15 Q DO YOU RECALL THE DATE WHEN YOU TOOK
16 THIS PHOTOGRAPH OF THIS MAROON HONDA?

17 A ONE MOMENT, PLEASE. YES, SIR, I TOOK
18 THAT PHOTOGRAPH OF THAT VEHICLE ON JULY 18TH, 1995.

19 Q JULY 18TH, 1995?

20 A YES, SIR.

21 Q NOW, AGENT BLACK, LET ME REFER YOU TO
22 YOUR WORK WITH REGARD TO FINGERPRINTS. CAN YOU PUT
23 AN AGE ON A FINGERPRINT? IN OTHER WORDS, CAN YOU
24 TELL US HOW LONG THE FINGERPRINTS THAT YOU LIFTED
25 FROM THE AUTOMOBILE, THE NISSAN DEPICTED IN STATE'S

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1 EXHIBIT EIGHTY-FOUR, HOW LONG THE FINGERPRINTS THAT
2 WERE LIFTED FROM THIS AUTOMOBILE HAD BEEN ON THIS
3 AUTOMOBILE?

4 A NO SIR. THERE'S NO SCIENTIFIC METHOD
5 TO AGE THE PRINT.

6 Q SO YOU HAVE NO WAY OF KNOWING WHEN
7 THOSE PRINTS WERE PLACED THERE?

8 A THAT IS CORRECT.

9 Q NOW WHEN YOU COLLECTED THOSE THIRTY-ONE
10 PRINTS--IS THAT--YOU SAID THIRTY-ONE LIFTS? IS
11 THAT CORRECT?

12 A YES, SIR.

13 Q YOU DIDN'T KNOW WHOSE THEY WERE, DID
14 YOU?

15 MR. HARPOOTLIAN: YOUR HONOR,...

16 Q DID YOU KNOW WHOSE THEY WERE?

17 MR. HARPOOTLIAN: WE WOULD HAVE TO
18 OBJECT TO THE LEADING NATURE OF THE QUESTION.

19 THE COURT: REPHRASE YOUR QUESTION.

20 Q DID YOU KNOW WHOSE PRINTS THOSE THIRTY-
21 ONE WERE?

22 A NO, I DID NOT.

23 Q ALL RIGHT, THE FIRST ONE YOU LIFTED OFF
24 THE AUTOMOBILE, WHAT NUMBER DID YOU GIVE THAT ONE
25 IN YOUR LISTING SYSTEM?

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- 1 A THE FIRST ONE THAT WAS LIFTED, THE
2 FIRST ITEM NUMBER WAS ONE, FIFTY-TWO, THE FIRST ONE
3 THAT WAS LIFTED.
- 4 Q WHAT NUMBER WAS THE SECOND ONE?
- 5 A ITEM FIFTY-THREE.
- 6 Q THIRD?
- 7 A ITEM FIFTY-FOUR.
- 8 Q FOURTH?
- 9 A ITEM FIFTY-FOUR, EXCUSE ME, ITEM FIFTY-
10 THREE, FIFTY-FOUR.
- 11 Q FOURTH?
- 12 A THE TWENTY-NINE LIFTS ARE ITEMS FIFTY-
13 TWO THROUGH ITEM EIGHTY. SO FIFTY-TWO IS THE
14 FIRST, FIFTY-THREE IS THE SECOND, FIFTY-FOUR,
15 THIRD; FIFTY-FIVE IS THE FOURTH.
- 16 Q WHY DID YOU GIVE THE FIRST FINGERPRINT
17 YOU LIFTED A NUMBER LIKE FIFTY-TWO?
- 18 A IT'S JUST THAT THE ITEMS OF EVIDENCE
19 COLLECTED FROM A CAR, EACH INDIVIDUAL ITEM IS GIVEN
20 AN ITEM NUMBER TO DISTINGUISH THAT ITEM IN ITSELF
21 FOR IDENTIFICATION PURPOSES.
- 22 Q ALL RIGHT, BUT YOU DO KNOW WHICH ONE
23 WAS THE FIRST ONE YOU COLLECTED, IS THAT RIGHT?
- 24 A YES, SIR, I DO.
- 25 Q DO YOU KNOW WHOSE FINGERPRINT ITEM

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1 FIFTY-TWO IS?

2 A YES, SIR, I DO.

3 Q WHOSE FINGERPRINT IS ITEM FIFTY-TWO,

4 THE FIRST FINGERPRINT YOU TOOK OFF THE CAR?

5 A ITEM FIFTY-TWO IS THE LEFT PALM PRINT

6 OF AGENT JIM SNELLING.

7 Q HOW DID YOU FIGURE THAT OUT?

8 A I COMPARED THE KNOWN INK PRINTS OF H.

9 M. SNELLING TO THE ITEM FIFTY-TWO LATENT PRINT THAT
10 WAS LIFTED FROM THE CAR.

11 Q WHERE DID YOU GET THE KNOWN INK PRINTS
12 OF H. M. SNELLING?

13 A THOSE WERE SUBMITTED TO ME BY THE
14 NEWBERRY COUNTY SHERIFF'S OFFICE.

15 Q DO YOU KNOW HOW MANY KNOWN PRINTED
16 CARDS OF OTHER INDIVIDUALS YOU COMPARED THE PRINT
17 NUMBER FIFTY-TWO, THE FIRST PRINT YOU LIFTED OFF
18 THE CAR, BEFORE YOU DISCOVERED NUMBER FIFTY-TWO WAS
19 H. M. SNELLING'S FINGERPRINT?

20 A ACTUAL NUMBER, I HAVE NO IDEA--BEFORE I
21 IDENTIFIED IT TO MR. SNELLING, NO SIR. THERE WERE
22 SEVERAL. I DON'T KNOW WHAT NUMBER.

23 Q HOW DO YOU KNOW THERE WERE SEVERAL?

24 A WELL, I RECEIVED OVER NINETY SETS OF
25 MAJOR CASE PRINTS, THAT'S INKED FINGER AND PALM

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1 PRINTS IN THIS CASE, AND I ALSO RECEIVED A NUMBER
2 OF JUST REGULAR TEN PRINT CARDS FROM EITHER SLED
3 RECORDS, THE F.B.I. OR FROM OTHER AGENCIES.

4 Q WELL, WHERE WERE YOU, AGENT BLACK, WHEN
5 YOU WERE COMPARING KNOWN FINGERPRINT CARDS TO PRINT
6 NUMBER FIFTY-TWO, THE FIRST PRINT YOU GOT OFF OF
7 THE CAR? WHERE DID YOU DO THAT?

8 A I DID IT AT MY OFFICE AT WORK, AT SLED
9 HEADQUARTERS, IN THE FORENSIC BUILDING.

10 Q AND WHAT ARE THE CONDITIONS THERE WHEN
11 YOU MAKE THESE COMPARISONS?

12 A YOU HAVE A DESK WITH A LAMP, CHAIR AND
13 MAGNIFIER YOU USE.

14 Q DO YOU HAVE MANY DISTRACTIONS IN THE
15 PLACE THAT YOU CONDUCT THESE OBSERVATIONS?

16 A YES, SIR, YOU CAN HAVE DISTRACTIONS.
17 YOU CAN HAVE THE PHONE RINGING, MESSAGES TO RETURN,
18 CRIME SCENE CALL-OUT, PEOPLE COME TO YOUR OFFICE TO
19 ASK QUESTIONS ABOUT OTHER CASES. SO THERE CAN BE A
20 NUMBER OF DISTRACTIONS, YES.

21 Q DO YOU ATTEMPT TO MINIMIZE THOSE?

22 A AS MUCH AS POSSIBLE, YES, SIR.

23 Q BUT ARE YOU TELLING ME YOU DO NOT KEEP
24 A RECORD AND KEEP TRACK OF WHICH KNOWN FINGERPRINT
25 CARDS, SUCH AS DEFENDANT'S EXHIBIT FIVE,

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1 DEFENDANT'S EXHIBIT FOUR, THAT YOU COMPARED TO
2 PRINT NUMBER FIFTY-TWO, THE FIRST PRINT YOU GOT OFF
3 VICKIE'S CAR? IS THAT CORRECT? YOU DIDN'T KEEP
4 TRACK OF THAT?

5 A NO, SIR. YES, SIR, I DID KEEP TRACK OF
6 IT.

7 Q WELL, I ASKED YOU HOW MANY CARDS DID
8 YOU COMPARE TO PRINT NUMBER FIFTY-TWO BEFORE YOU
9 DISCOVERED IT WAS HOWARD SNELLING'S FINGERPRINT?

10 A ONE MOMENT, PLEASE SIR.

11 Q AGENT BLACK, LET ME ASK YOU IF YOU
12 UNDERSTAND MY QUESTION. I HATE TO INTERRUPT YOUR
13 COUNTING. WHAT I'M ASKING YOU IS, DID YOU KEEP
14 TRACK OF HOW MANY KNOWN FINGERPRINT CARDS YOU
15 COMPARED TO PRINT NUMBER FIFTY-TWO BEFORE YOU
16 DETERMINED THAT PRINT NUMBER FIFTY-TWO WAS HOWARD
17 SNELLING'S FINGERPRINT.

18 A NO, SIR.

19 Q YOU DID NOT?

20 A NO, SIR.

21 Q WHY DIDN'T YOU KEEP TRACK OF HOW MANY
22 KNOWN FINGERPRINT CARDS YOU COMPARED TO PRINT
23 NUMBER FIFTY-TWO BEFORE YOU LEARNED IT WAS HOWARD
24 SNELLING'S FINGERPRINT?

25 A BECAUSE I TAKE THE INDIVIDUAL LATENT

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1 PRINT AND COMPARE IT TO THE KNOWN INK PRINT CARDS
2 THAT ARE SUBMITTED. I JUST DID THE COMPARISON, I
3 GO THROUGH THE CARDS UNTIL I FIND WHO IT BELONGS
4 TO.

5 Q SO WHY DIDN'T YOU KEEP TRACK OF THE
6 ONES THAT IT DIDN'T BELONG TO?

7 A BECAUSE I WAS CONCERNED TO FIND OUT WHO
8 IT DID BELONG TO. I WANTED TO MAKE SURE IT WAS
9 POSITIVELY IDENTIFIED TO THAT INDIVIDUAL. AND IN
10 THE REPORT, IT INDICATES WHO IT BELONGS TO.

11 Q IT BELONGS TO H. M. SNELLING?

12 A THAT IS CORRECT.

13 Q SO YOU DIDN'T KEEP TRACK OF THE CARDS
14 YOU COMPARED TO IT THAT IT DIDN'T BELONG TO?

15 A THAT IS CORRECT.

16 Q BECAUSE THAT IS IRRELEVANT, IS THAT
17 CORRECT?

18 A THAT IS CORRECT.

19 Q NOW, WHEN YOU WENT THROUGH THAT PROCESS
20 WITH PRINT NUMBER FIFTY-TWO, THE FIRST PRINT THAT
21 YOU GOT OFF VICKIE'S CAR, IS THAT CORRECT?

22 A YES, SIR.

23 Q ALL RIGHT. AND YOU WILL TELL US, EVEN
24 THOUGH YOU DON'T HAVE IT RECORDED IN YOUR BOOK,
25 THAT YOU DID COMPARE PRINT NUMBER FIFTY-TWO TO MORE

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1 THAN JUST ONE PRINT CARD, THAT PRINT CARD BEING
2 HOWARD SNELLING'S THAT YOU ULTIMATELY IDENTIFIED
3 THAT PRINT AS BEING, CORRECT?

4 A THAT IS CORRECT.

5 Q WELL, HOW DO YOU KNOW? YOU DON'T HAVE
6 IT WRITTEN DOWN IN YOUR BOOK, DO YOU?

7 A NO, SIR. I JUST KNOW WHEN THE CARDS ARE
8 LOGGED IN, WE HAVE LOG-IN SHEETS THAT THOSE CARDS
9 ARE ASSIGNED THE ITEM NUMBERS, SENT TO ME AND I
10 JUST COMPARE THEM. NO, IT'S NOT WRITTEN DOWN. WE
11 JUST DON'T....ONCE WE MAKE A POSITIVE
12 IDENTIFICATION AND ISSUE A REPORT WHO IT BELONGS
13 TO, IF IT'S NONE OF THE PEOPLE THAT'S BEEN
14 SUBMITTED, THEN WE SAY IT'S NEGATIVE FOR THOSE
15 PEOPLE, FOR THOSE INK PRINT CARDS SUBMITTED.

16 Q ALL RIGHT, PRINT NUMBER FIFTY-THREE,
17 THE SECOND PRINT THAT YOU LIFTED OFF OF VICKIE'S
18 CAR?

19 A YES, SIR.

20 Q DO YOU KNOW WHOSE FINGERPRINT THAT IS?

21 A YES, SIR. THAT IS ALSO THE LEFT INDEX
22 FINGER OF H. M. SNELLING.

23 Q OKAY, PRINT NUMBER FIFTY-FOUR? WHOSE
24 IS THAT?

25 A THERE WERE TWO LATENT IMPRESSIONS ON

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1 THAN JUST ONE PRINT CARD, THAT PRINT CARD BEING
2 HOWARD SNELLING'S THAT YOU ULTIMATELY IDENTIFIED
3 THAT PRINT AS BEING, CORRECT?

4 A THAT IS CORRECT.

5 Q WELL, HOW DO YOU KNOW? YOU DON'T HAVE
6 IT WRITTEN DOWN IN YOUR BOOK, DO YOU?

7 A NO, SIR. I JUST KNOW WHEN THE CARDS ARE
8 LOGGED IN, WE HAVE LOG-IN SHEETS THAT THOSE CARDS
9 ARE ASSIGNED THE ITEM NUMBERS, SENT TO ME AND I
10 JUST COMPARE THEM. NO, IT'S NOT WRITTEN DOWN. WE
11 JUST DON'T....ONCE WE MAKE A POSITIVE
12 IDENTIFICATION AND ISSUE A REPORT WHO IT BELONGS
13 TO, IF IT'S NONE OF THE PEOPLE THAT'S BEEN
14 SUBMITTED, THEN WE SAY IT'S NEGATIVE FOR THOSE
15 PEOPLE, FOR THOSE INK PRINT CARDS SUBMITTED.

16 Q ALL RIGHT, PRINT NUMBER FIFTY-THREE,
17 THE SECOND PRINT THAT YOU LIFTED OFF OF VICKIE'S
18 CAR?

19 A YES, SIR.

20 Q DO YOU KNOW WHOSE FINGERPRINT THAT IS?

21 A YES, SIR. THAT IS ALSO THE LEFT INDEX
22 FINGER OF H. M. SNELLING.

23 Q OKAY, PRINT NUMBER FIFTY-FOUR? WHOSE
24 IS THAT?

25 A THERE WERE TWO LATENT IMPRESSIONS ON

1 LIFT NUMBER FIFTY-FOUR. ONE WAS INSUFFICIENT, THE
2 OTHER IS THE LEFT INDEX FINGER OF THE VICTIM, MS.
3 BECKHAM.

4 Q ALL RIGHT, SO FIFTY-FOUR CONTAINED TWO
5 LATENT PRINTS, IS THAT CORRECT?

6 A YES, SIR, THAT IS CORRECT.

7 Q ONE WAS INSUFFICIENT, IS THAT CORRECT?

8 A CORRECT.

9 Q DID YOU COMPARE THAT FIRST NUMBER
10 FIFTY-FOUR TO ANY CARDS?

11 A NO SIR, BECAUSE IT WAS INSUFFICIENT?

12 Q SO YOU DIDN'T COMPARE IT TO ANY CARDS?

13 A NO SIR, BECAUSE IT'S INSUFFICIENT.

14 Q ALL RIGHT, NOW, PRINT NUMBER FIFTY-
15 FOUR, THE SECOND ONE THAT YOU SAY WAS VICKIE
16 BECKHAM'S PRINT, IS THAT CORRECT?

17 A YES, SIR.

18 Q DID YOU COMPARE IT TO ANY CARDS?

19 A YES, SIR, I COMPARED IT TO THE KNOWN
20 UNTIL I MADE THE IDENTIFICATION WITH MS. BECKHAM.

21 Q OKAY. AND DID YOU, IN FACT, TAKE MS.
22 BECKHAM'S PRINTS YOURSELF?

23 A YES, SIR, I DID, AT THE AUTOPSY.

24 Q SO YOU TOOK HER PRINTS AT THE AUTOPSY?

25 A YES, SIR.

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1 Q WELL, WOULD YOU SAY THAT THAT WAS ONE
2 OF THE FIRST PRINTS THAT YOU USED TO GO THROUGH
3 YOUR IDENTIFIABLE AND UNKNOWN FINGERPRINTS THAT YOU
4 HAD GOTTEN OFF HER CAR?

5 A YES, SIR.

6 Q ALL RIGHT. NOW, I WANT TO ASK YOU THIS
7 QUESTION BEFORE I CONTINUE WITH THIS LINE OF
8 QUESTIONING. ON CROSS EXAMINATION, YOU WERE ASKED
9 IF THE PRINT THAT WAS ON VICKIE'S THIGH, I BELIEVE
10 YOU SAID HER CALF, WAS IT THIGH OR CALF?

11 A CALF, HER LEFT CALF.

12 Q CALF. YOU SAID THAT PRINT WAS
13 INSUFFICIENT RIDGE DETAIL TO IDENTIFY, IS THAT
14 CORRECT?

15 A YES, SIR, THAT IS CORRECT.

16 Q COULD THAT PRINT HAVE BEEN MADE THEN,
17 IS IT CONSISTENT WITH HAVING BEEN MADE WITH
18 VICKIE'S HANDS?

19 A IT COULD HAVE BEEN MADE, YES, SIR.

20 Q IS IT CONSISTENT WITH VICKIE'S HANDS?

21 A IT COULD HAVE BEEN DUE TO THE FACT THAT
22 IT'S INSUFFICIENT AND I CAN'T TELL YOU WHO IT
23 BELONGS TO.

24 Q I REALIZE YOU CAN'T TELL US WHO IT
25 BELONGS TO, BUT WAS THERE BLOOD AROUND VICKIE'S

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1 HANDS?

2 MR. HARPOOTLIAN: YOUR HONOR, THIS IS
3 HIS WITNESS.

4 THE COURT: I UNDERSTAND.

5 MR. JONES: AND I ASKED HIM WAS THERE
6 BLOOD AROUND VICKIE'S HANDS?

7 THE COURT: I UNDERSTAND, BUT WHAT HE'S
8 OBJECTING TO IS YOUR PREVIOUS QUESTION. IT'S YOUR
9 WITNESS.

10 MR. JONES: YES, SIR.

11 THE COURT: OKAY. THAT QUESTION YOU
12 JUST ASKED IS OKAY.

13 MR. HARPOOTLIAN: I WAS A LITTLE SLOW
14 WHEN I CALLED THAT, YOUR HONOR.

15 THE COURT: YES, SIR.

16 Q WAS THERE BLOOD AROUND VICKIE'S HANDS?

17 A YES, SIR.

18 Q WAS THERE BLOOD PRETTY MUCH ON HER FACE
19 AND ON HER LEGS, ON HER ARMS?

20 A THERE HAD BEEN SOME BLOOD THAT HAD
21 DRIPPED ON HER THIGH, HER RIGHT THIGH, THAT IS
22 CORRECT. AND THERE WAS BLOOD ON HER CLOTHING.

23 Q LET ME MOVE BACK TO THE ITEMS CONTAINED
24 IN YOUR REPORT. LET ME MOVE ON TO THE SIXTH
25 FINGERPRINT OR THE SIXTH FINGERPRINT YOU LIFTED

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- 1 FROM VICKIE'S CAR. DO YOU KNOW WHOSE IT WAS?
- 2 A THE SIXTH PRINT WHICH WOULD BE ITEM
- 3 FIFTY-SEVEN WAS INSUFFICIENT.
- 4 Q ALL RIGHT, THE NEXT ONE.
- 5 A ITEM FIFTY-EIGHT POINT ONE IS THE RIGHT
- 6 PALM OF J. R. HAWKINS. ITEM FIFTY-EIGHT POINT TWO
- 7 IS THE LEFT PALM OF J. R. HAWKINS, AND THOSE WERE
- 8 ABOVE THE DRIVER DOOR HANDLE ON THE DRIVER'S DOOR,
- 9 RIGHT ABOVE.
- 10 Q NOW, THAT'S THE SEVENTH AND EIGHTH
- 11 PRINTS YOU LIFTED FROM VICKIE'S CAR, CORRECT?
- 12 A YES.
- 13 Q NOW WHEN DOING YOUR WORK ON THIS CASE
- 14 IN TRYING TO DECIDE WHO THAT PRINT BELONGED TO,
- 15 NUMBER SEVEN AND NUMBER EIGHT, THE NUMBER SEVEN
- 16 PRINT YOU LIFTED OUT OF THIRTY-ONE AND NUMBER EIGHT
- 17 YOU LIFTED OUT OF THIRTY-ONE. WERE YOU IN YOUR
- 18 OFFICE WHEN YOU MADE THAT COMPARISON?
- 19 A YES, SIR, I WAS.
- 20 Q WHERE DID YOU GET THE CARD OF MR.
- 21 HAWKINS?
- 22 A THOSE WERE SUBMITTED BY THE NEWBERRY
- 23 COUNTY SHERIFF'S OFFICE.
- 24 Q WAS MR. HAWKINS' CARD, FINGERPRINT CARD
- 25 THE FIRST CARD YOU USED TO COMPARE PRINTS NUMBER

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1 SEVEN AND NUMBER EIGHT, NUMBER SEVEN AND EIGHT
2 PRINTS YOU GOT OFF THE CAR? WAS MR. HAWKINS' CARD
3 THE FIRST CARD YOU USED TO COMPARE?

4 A NO SIR, I WENT THROUGH THE CARDS, THE
5 INK CARDS THAT WERE THERE. HE WAS NOT THE FIRST,
6 NO.

7 Q HOW DO YOU KNOW?

8 A HE WAS JUST IN A STACK OF MAJOR CASE
9 PRINTS THAT I RECEIVED TO GO THROUGH AND EXAMINE.

10 Q ALL RIGHT, BUT YOU DID ULTIMATELY MAKE
11 A COMPARISON OF THAT PRINT NUMBER SEVEN AND PRINT
12 NUMBER EIGHT TO THE FINGERPRINT CARD OF JOHN
13 HAWKINS, IS THAT CORRECT?

14 A YES, SIR, THAT IS CORRECT.

15 Q IS THERE ANY DOUBT IN YOUR MIND...

16 MR. HARPOOTLIAN: YOUR HONOR?

17 THE COURT: YES, SIR.

18 MR. HARPOOTLIAN: I OBJECT. ANY DOUBT
19 IN YOUR MIND, THIS IS DIRECT EXAMINATION.

20 THE COURT: SUSTAINED. REPHRASE IT.

21 Q TELL THIS JURY THE DEGREE OF CERTAINTY
22 THAT YOU HAVE THAT THOSE PRINTS BELONG TO JOHN
23 HAWKINS, AS AN EXPERT IN THE FIELD OF FINGERPRINT
24 ANALYSIS.

25 A THESE ARE THE PRINTS; THIS IS THE RIGHT

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1 PALM AND THE RIGHT...THE RIGHT PALM AND THE LEFT
2 PALM OF J. R. HAWKINS. THE CARD IS BEARING THAT
3 NAME, IT IS HIS PRINT.

4 Q NOW, YOU MENTIONED EARLIER THAT YOU
5 WERE PROVIDED SOME NINETY FINGERPRINT CARDS BY THE
6 SHERIFF'S DEPARTMENT OF NEWBERRY AND BY THE STATE
7 LAW ENFORCEMENT DIVISION THAT HAD NINETY DIFFERENT
8 INDIVIDUALS' FINGERPRINTS ON THEM, IS THAT CORRECT?

9 A YES, SIR, THAT IS CORRECT.

10 Q AND YOU WERE USING THESE CARDS, THESE
11 FINGERPRINT CARDS THAT YOU RECEIVED FROM NEWBERRY,
12 FROM SLED AND VARIOUS SOURCES. I BELIEVE YOU
13 MENTIONED ONE CARD CAME FROM NEW YORK ON CROSS
14 EXAMINATION, IS THAT CORRECT?

15 A THAT IS CORRECT.

16 Q AND ONE CARD CAME FROM MYRTLE BEACH,
17 Horry County, IS THAT CORRECT?

18 A THAT IS CORRECT.

19 Q AND YOU COMPARED THESE CARDS TO THE
20 PRINTS YOU HAD LIFTED OFF OF HER CAR, IS THAT
21 CORRECT?

22 A YES, SIR, THAT IS CORRECT.

23 Q AND WHAT WAS YOUR BACKUP IN COMPARING
24 THOSE PRINTS WHILE YOU WERE ATTEMPTING TO DETERMINE
25 WHO THE PRINTS BELONGED TO?

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1 A IT IS JUST, WITH OUR SECTION, YOU HAVE
2 ANOTHER LATENT EXAMINER, ONCE YOU'RE COMPLETED WITH
3 YOUR EXAMINATION, THEY INDEPENDENTLY DO THE SAME
4 EXAMINATION....

5 MR. HARPOOTLIAN: YOUR HONOR, I'D
6 OBJECT TO THIS AS HEARSAY UNLESS THEY WANT TO
7 BRING...

8 THE COURT: OVERRULED. HE'S TESTIFIED
9 HE'S AN EXPERT AND THIS IS THEIR PROCEDURE, AND I
10 OVERRULE YOUR OBJECTION.

11 A AND THE OTHER EXAMINER INDEPENDENTLY
12 EXAMINES THE LATENT PRINTS TO THE KNOWN INK PRINTS,
13 AND IF THEY AGREE WITH YOUR RESULTS, THEY INITIAL
14 AND DATE TO YOUR FINDINGS.

15 Q AND SO, AGENT BLACK, YOU HAD A BACKUP
16 IN THAT REGARD, IS THAT CORRECT?

17 A YES, SIR, I DID.

18 Q AND DID YOU GO THROUGH EACH OF THE
19 THIRTY-ONE PRINTS THAT YOU IDENTIFIED OFF OF
20 VICKIE'S CAR ATTEMPTING TO, THE PRINTS THAT YOU HAD
21 LIFTED, DID YOU GO THROUGH EACH OF THE THIRTY-ONE
22 PRINTS THAT YOU HAD LIFTED OFF OF VICKIE'S CAR IN
23 AN ATTEMPT TO DETERMINE WHO THAT PRINT BELONGED TO
24 IF THERE WAS SUFFICIENT RIDGE DETAIL THERE TO MAKE
25 A COMPARISON?

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- 1 A YES, I DID.
- 2 Q AND HOW MANY FINGERPRINT CARDS DID YOU
- 3 HAVE TO MAKE THOSE COMPARISONS?
- 4 A THERE WERE OVER NINETY SETS OF MAJOR
- 5 CASE PRINTS, THAT'S FINGER AND PALM. AND THERE
- 6 WERE SEVERAL OTHER JUST TEN PRINT CARDS THAT CAME
- 7 FROM SLED RECORDS OR THE F.B.I. OR NEW YORK,
- 8 WHEREVER THEY CAME FROM.
- 9 Q AND YOU ALSO STATED THAT YOU HAD A
- 10 BACKUP THAT ASSISTED YOU, IS THAT CORRECT?
- 11 A YES, SIR, THAT IS CORRECT.
- 12 Q NOW, DID YOU, DURING THE COURSE OF
- 13 ATTEMPTING TO IDENTIFY, IN ATTEMPTING TO IDENTIFY
- 14 THE UNKNOWN PRINTS, HOW MANY DID YOU IDENTIFY OF
- 15 THE THIRTY-ONE THAT WERE HERE?
- 16 A I IDENTIFIED FIFTEEN LATENT IMPRESSIONS
- 17 OFF THE CARDS.
- 18 Q BELONGING TO HOW MANY INDIVIDUALS?
- 19 A EIGHT INDIVIDUALS.
- 20 Q EIGHT INDIVIDUALS. ALL RIGHT. AND YOU
- 21 IDENTIFIED FIFTEEN OUT OF THE THIRTY-ONE, IS THAT
- 22 CORRECT?
- 23 A YES, SIR. THERE WERE FIFTEEN LATENT
- 24 IMPRESSIONS THAT I DID IDENTIFY.
- 25 Q AND HOW MANY WERE INSUFFICIENT FOR

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1 RIDGE DETAIL?

2 A THERE ARE ELEVEN.

3 Q SO FIFTEEN WERE IDENTIFIED, ELEVEN WERE

4 INSUFFICIENT FOR RIDGE DETAIL, SO A TOTAL OF

5 TWENTY-SIX, CORRECT?

6 A YES, SIR.

7 Q SO THERE WERE FIVE FINGERPRINTS ON

8 VICKIE'S CAR, AND YOU CAN'T TELL US WHO THEY'RE

9 IDENTIFIED TO, WHO THEY ARE, AND THEY HAVE

10 SUFFICIENT RIDGE DETAIL?

11 MR. HARPOOTLIAN: YOUR HONOR, I

12 OBJECT.

13 A IS THAT CORRECT?

14 THE COURT: SUSTAINED. REPHRASE.

15 YOU'RE LEADING YOUR WITNESS.

16 Q HOW MANY FINGERPRINTS WERE ON THIS CAR

17 THAT YOU COULDN'T IDENTIFY?

18 A THERE ARE ELEVEN LATENT PRINTS THAT ARE

19 INSUFFICIENT, CONTAIN INSUFFICIENT RIDGE DETAIL.

20 YOU KNOW, THEY CANNOT BE IDENTIFIED.

21 Q ALL RIGHT, HOW MANY PRINTS CONTAIN

22 SUFFICIENT RIDGE DETAIL THAT YOU COULD NOT

23 IDENTIFY?

24 A THERE ARE, I BELIEVE THERE ARE FIVE

25 LEFT.

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1 Q ALL RIGHT, FIVE. THERE ARE FIVE LEFT,
2 IS THAT CORRECT?

3 A LET ME SEE. YES, SIR.

4 Q ALL RIGHT, I WANT TO ASK YOU DID YOU
5 TAKE THOSE FIVE FINGERPRINTS AND COMPARE THEM TO
6 EACH ONE OF THE NINETY FINGERPRINT CARDS THAT YOU
7 HAD IN YOUR POSSESSION THAT WERE SENT TO YOU BY THE
8 NEWBERRY POLICE DEPARTMENT, THE NEWBERRY SHERIFF'S
9 DEPARTMENT AND THE STATE LAW ENFORCEMENT DIVISION?

10 A THERE WERE SOME CARDS THAT WERE ONLY
11 CHECKED TO CERTAIN AREAS WHERE THE INVESTIGATORS
12 INFORMED US THAT THEY ONLY HAD DEALINGS WITH THAT
13 PARTICULAR PIECE OF EVIDENCE. SO NO, NOT ALL
14 NINETY WERE CHECKED BECAUSE THEY MAY NOT HAVE HAD
15 ANY INVOLVEMENT WITH THIS. BUT IT WAS A LARGE
16 NUMBER OF CARDS.

17 Q ALL RIGHT, DID YOU TAKE THOSE FIVE
18 FINGERPRINTS AND RUN THEM THROUGH THE AFIS?

19 A YES, SIR, THE AFIS WHICH IS THE
20 AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM IS A
21 COMPUTER THAT STORES KNOWN INK PRINTS IN A DATA
22 BASE, AND LATENTS WHICH ARE OF QUALITY ARE SEARCHED
23 AGAINST THAT DATA BASE.

24 IN THE SOUTH CAROLINA SYSTEM ALONE,
25 THERE ARE OVER 800,000 INK FINGERPRINT CARDS IN THE

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1 SYSTEM DATA BASE THAT WERE COMPARED IN SOUTH
2 CAROLINA. THERE ARE CERTAIN ONES THAT...

3 Q ARE YOU TELLING ME THAT THOSE FIVE
4 FINGERPRINTS THAT YOU LIFTED OFF OF VICKIE'S CAR
5 WERE COMPARED TO 800,000 FINGERPRINTS IN SOUTH
6 CAROLINA ALONE?

7 A NOT ALL FIVE. THE AFIS SYSTEM DOES NOT
8 INCLUDE FINGER JOINTS, OR PALMS, ONLY THE TOP JOINT
9 OF THE FINGER, SO THERE WERE A TOTAL OF THE THREE
10 LATENT LIFTS THAT WERE EXAMINED BUT ONE OF THOSE
11 WAS LATER IDENTIFIED TO MR. SNELLING. BUT WITH
12 SUBSEQUENT CHECKS, THERE WERE TWO LATENTS THAT WERE
13 CHECKED IN THE AFIS INCLUDING NATIONWIDE.

14 Q NOW YOU WERE ASKED ON DIRECT
15 EXAMINATION ABOUT THE PURSE THAT YOU FOUND IN
16 VICKIE'S CAR. I HAND YOU THIS AND ASK YOU IF YOU
17 CAN EXAMINE IT AND SEE IF YOU CAN IDENTIFY IT.

18 A YES, SIR, THIS IS THE HANDBAG PURSE OF
19 THE VICTIM,, MS. BECKHAM.

20 Q ALL RIGHT, IS IT IN BASICALLY THE SAME
21 CONDITION AS WHEN YOU FOUND IT?

22 A YES, SIR.

23 Q ALL RIGHT, WHEN YOU FOUND IT, HOW DID
24 IT APPEAR? WHEN YOU FOUND IT IN HER CAR, HOW DID
25 IT APPEAR TO YOU?

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1 A IT APPEARED TO BE OKAY. IT DIDN'T
2 APPEAR ANYONE HAD GONE THROUGH IT AND RANSACKED IT
3 OR ANYTHING LIKE THAT.

4 Q ALL RIGHT, WHAT IS CONTAINED IN THERE
5 BY THE WAY OF MATERIALS TO CONDUCT A FINANCIAL
6 TRANSACTION?

7 A THERE ARE THREE CREDIT TYPE CARDS.

8 Q WHAT TYPE CREDIT CARDS ARE THEY?

9 A ONE IS A BP GAS CARD, ONE IS A SHELL
10 CREDIT CARD AND THE OTHER IS SOME TYPE OF MCI CARD.
11 THERE'S ALSO A CHECKBOOK ALSO IN THE BAG.

12 Q WHAT'S THE NAME ON THE CHECKBOOK?

13 A THE NAME ON THE CHECKBOOK IS VICTORIA
14 LANDER BECKHAM.

15 Q AND THESE ITEMS WERE IN HER POCKETBOOK
16 WHEN YOU FOUND IT IN THE CAR, CORRECT?

17 A YES, SIR, THAT IS CORRECT.

18 MR. JONES: YOUR HONOR, I'D OFFER TO
19 INTRODUCE THE CREDIT CARDS AND CHECKBOOK AT THIS
20 TIME?

21 THE COURT: ANY OBJECTIONS?

22 MR. HARPOOTLIAN: NO OBJECTIONS.

23 WELL, YOUR HONOR, LET ME JUST SEE SOMETHING REAL
24 QUICK. NO OBJECTIONS.

25 COURT REPORTER: STATE'S 125.

1 (SO MARKED AND ENTERED INTO EVIDENCE AS
2 STATE'S EXHIBIT TWENTY-FIVE, WITHOUT OBJECTION.)

3 Q I'D LIKE FOR YOU TO REFER TO YOUR
4 VOLUME OF NOTES THERE, PLEASE, AGENT BLACK, AND
5 TELL ME ABOUT THE FINGERPRINT THAT YOU IDENTIFIED
6 AS BELONGING TO MR. FRICK. AND I'D LIKE TO ASK YOU
7 IF YOUR NOTES REFLECT IF THAT WAS LEWIS FRICK OR
8 ANOTHER FRICK?

9 A ACCORDING TO MY REPORT HERE, IT IS A
10 JOHN DANIEL FRICK.

11 Q AND NOT A LEWIS FRICK?

12 A YES, SIR.

13 Q ALL RIGHT, SIR. AGENT BLACK, I'D LIKE
14 TO ASK YOU THIS. DOES THE FACT THAT THERE WERE NO
15 FINGERPRINTS THAT YOU IDENTIFIED AS BELONGING TO
16 RICHARD ANDERSON OR AS BELONGING TO DEFENDANT
17 BECKHAM ON VICKIE'S CAR INDICATE THAT THERE WERE
18 NOT IN OR AROUND THAT CAR ON JUNE 12TH OF 1994?

19 A NO, IT DOES NOT.

20 Q THANK YOU.

21 THE COURT: REDIRECT, I MEAN RECROSS.

22 RECROSS EXAMINATION:

23 BY MR. HARPOOTLIAN:

24 Q AGENT BLACK, LET ME SEE IF I UNDERSTAND
25 THE PROCESS. YOU GO PROCESS THE CAR, YOU USE SOME

1 CHEMICALS, YOU USE SOME POWDERS, YOU USE WHATEVER
2 TO RAISE PRINTS, IS THAT RIGHT?

3 A YES, SIR.

4 Q AND WHEN I SAY RAISE PRINTS, I KNOW
5 THAT'S NOT THE TECHNICAL TERM BUT SOMEHOW YOU COME
6 UP WITH A PICTURE OR A PIECE OF TAPE OF WHAT YOU
7 WOULD CALL A LATENT PRINT?

8 A YES, SIR.

9 Q AND THEN AS SUSPECTS OR WHATEVER CARDS
10 ARE GIVEN TO YOU, YOU COMPARE THEM TO SEE IF THEY
11 MATCH ANY OF THE PRINTS, IS THAT CORRECT?

12 A YES, SIR, THAT IS CORRECT.

13 Q AND AS THOSE CARDS COME IN, YOU LOG
14 THEM IN?

15 A YES, SIR.

16 Q AND THE SOLICITOR HAS ASKED YOU, AND
17 LET ME PURSUE THIS A LITTLE BIT. HOW MANY
18 FINGERPRINTS DO YOU THINK YOU COMPARED IN 1994 AND
19 1995?

20 A I HAVE NO WAY OF EVEN GUESSING.

21 Q TEN THOUSAND? MORE?

22 A SEVERAL THOUSAND.

23 Q SEVERAL THOUSAND. AND YOU ARE FROM
24 TIME TO TIME, AS YOU SAID, DISTRACTED, PHONE CALLS.
25 I MEAN THIS IS A SIT OVER A MAGNIFYING GLASS AND

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1 LOOK KIND OF THING, ISN'T IT?

2 A YES, IT IS.

3 Q OKAY. AND SO IT IS VERY INTENSE. THE
4 WORD IS TEDIOUS BUT PERHAPS REPETITIVE WORK. I
5 KNOW YOU ENJOY IT BUT...

6 A I GUESS. IT DEPENDS ON HOW YOU LOOK AT
7 IT.

8 Q OKAY. IT DEPENDS ON...I MEAN SOME
9 PEOPLE REGARD WHAT WE DO AS USELESS AND TEDIOUS,
10 BUT I ENJOY IT FROM TIME TO TIME. SO I'M NOT IN
11 ANY WAY TRYING TO IMPUGN WHAT YOU'RE DOING BUT YOU
12 SIT DOWN AND YOU COMPARE THIS WITH THAT.

13 A YES, SIR, THAT'S CORRECT.

14 Q AND THE SOLICITOR ASKED YOU IF YOU GET
15 DISTRACTED FROM TIME TO TIME AND YOU INDICATED THAT
16 YOU DO GET DISTRACTED.

17 A YES, SIR.

18 Q AND SOMETIMES YOU MAKE MISTAKES.

19 A YES, SIR.

20 Q AS A MATTER OF FACT, WE FOUND HERE
21 TODAY THAT YOU MADE A MISTAKE. YOU, IN YOUR REPORT
22 AND UNDER OATH TESTIFIED THAT ONE, THIRTY-ONE AND
23 ONE, EIGHTY-ONE, THESE TWO FINGERPRINT CARDS--
24 WHEREVER THEY ARE...

25 MR. JONES: YOUR HONOR, IT'S NOT ONE,

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1 THIRTY-ONE. I BELIEVE A MISTAKE WAS MADE BY
2 DEFENSE COUNSEL. OBJECTION.

3 MR. HARPOOTLIAN: IF I HAD THE
4 CARDS...

5 THE COURT: ALL RIGHT, CUT OUT THE
6 EDITORIAL COMMENTING. YOUR OBJECTION IS THAT HE'S
7 GOT THE WRONG NUMBERS, AND I SUSTAIN THAT
8 OBJECTION.

9 MR. JONES: YES, SIR.

10 THE COURT: ALL RIGHT. NOW GET THE
11 CARDS IN YOUR HANDS AND ASK HIM THE PROPER
12 QUESTION.

13 MR. HARPOOTLIAN: I'M SORRY, YOUR
14 HONOR.

15 THE COURT: ALL RIGHT.

16 MR. HARPOOTLIAN: I WANTED THE CARDS.
17 SOLICITOR HAD ONE OF THEM AND MR. BLACK HAS THE
18 OTHER. THANK YOU.

19 Q ONE, THIRTY-NINE AND ONE, EIGHTY-ONE,
20 YOU'VE TESTIFIED UNDER OATH AND IN YOUR WRITTEN
21 REPORT, BOTH HANDWRITTEN AND TYPED, YOU SAID THESE
22 WERE THE SAME PEOPLE.

23 A YES, SIR, I DID.

24 Q AND WE NOW KNOW TODAY THAT YOU'RE WRONG
25 ABOUT THAT.

1 A YES, SIR.

2 Q IF YOU'D GO TO FOR INSTANCE PAGE SIX...

3 MR. JONES: WHAT'S THE DATE OF THAT
4 REPORT, YOUR HONOR?

5 MR. HARPOOTLIAN: THIS REPORT IS THE
6 FEBRUARY 28, 1995 REPORT.

7 Q FOR INSTANCE, I MEAN JUST BECAUSE THERE
8 ARE A HUNDRED AND SIXTY-SEVEN DIFFERENT, ACTUALLY A
9 HUNDRED AND SEVENTY-TWO DIFFERENT NUMBERS IN HERE,
10 THAT DOESN'T MEAN YOU COMPARED A HUNDRED AND
11 SEVENTY-TWO ITEMS, DOES IT?

12 A NO, IT DOESN'T. SOME OF THOSE ITEMS
13 WERE ITEMS THAT WERE PROCESSED FOR LATENT PRINTS
14 ALSO.

15 Q AND SOME OF THEM ARE DUPLICATES? FOR
16 INSTANCE, LOOK AT NUMBER ONE, SIXTY-TWO WHICH IS A
17 SET OF MAJOR CASE INKED FINGER AND PALM IMPRESSIONS
18 BEARING THE NAME OF EDWARD JEFFERY NAPP, AND IT
19 SAYS THE SAME AS ONE, FIFTY, IS THAT CORRECT?

20 A YES, SIR, IT DOES SAY THAT.

21 Q BUT THAT, IS THAT, I MEAN LET ME... IN
22 THE REPORT, WHEN YOU GO TO ONE, FIFTY, IT'S NOT
23 EDWARD JEFFERY NAPP, IS IT?

24 A NO SIR, IT'S NOT.

25 Q WHY DON'T YOU GO...DON'T YOU HAVE A

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1 Q NOW THIS IS A...OKAY, LET ME PUT THIS
2 ON THE PROJECTOR SO WE CAN GO OVER IT TOGETHER.

3 IS THAT IN FOCUS, MORE OR LESS?

4 A FROM WHAT I CAN TELL FROM HERE, YES.

5 Q READABLE? SORT OF?

6 OKAY, IF THE COURT REPORTER CAN READ
7 IT, I CAN READ IT WHEN I GET OVER THERE.

8 OKAY, WHAT IT SAYS IS THAT ITEMS ONE,
9 FIFTY-FOUR AND ONE, FIFTY-FIVE RECEIVED FROM LATENT
10 DROP BOX; ITEM ONE, FIFTY-SIX RECEIVED FROM THE
11 MAIL FROM JAMES O. WISENER, MT. PLEASANT P.D.; ITEM
12 ONE, FIFTY-SEVEN TO ONE, SIXTY-ONE RECEIVED FROM
13 THE MAIL FROM BRUCE BRYANT, SLED, YORK COUNTY, AND
14 THEN EXAMINATION RESULTS. IS THAT CORRECT?

15 A YES, SIR.

16 Q ITEM FORTY-ONE POINT SIX (41.6)
17 NEGATIVE WITH ITEM ONE, FIFTY-FOUR AND ONE, SIXTY-
18 ONE. IF WE GO TO THE KEY OVER HERE WE'D KNOW WHAT
19 ONE, FIFTY-FOUR AND ONE, SIXTY-ONE WAS.

20 APPARENTLY, ONE-SIXTY WAS MR. SNELLING
21 BECAUSE YOU SAY ITEM FIFTY-TWO--WHAT IS THE LITTLE
22 CIRCLE UP THERE?

23 A THAT'S A POSITIVE SIGN.

24 Q POSITIVE SIGN. LEFT PALM PRINT WITH
25 ITEM ONE, SIXTY, H. M. SNELLING. AND UNDERNEATH

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1 THAT YOU HAD WRITTEN NEGATIVE WITH SOMETHING AND
2 THEN YOU PUT IN LEFT INDEX FINGER ITEM SIXTY, H. M.
3 SNELLING. AND THEN THE REST OF THEM ARE NEGATIVES
4 WITH ONE, FIFTY-FOUR AND ONE, SIXTY-ONE. IS THAT
5 CORRECT?

6 A YES, SIR. I HAD FIRST MARKED THEM AS
7 NEGATIVE AND I WENT BACK AND LOOKED AT IT AGAIN AND
8 I REALIZED THAT IT WAS HIM, DREW A LINE THROUGH IT
9 SO YOU CAN READ WHAT'S UNDERNEATH, PUT MY INITIALS
10 BY IT AND MARKED IT AS HIS LEFT INDEX FINGER.

11 Q OKAY, THEN WHO REVIEWED THIS AND SAID
12 THAT YOU WERE RIGHT?

13 A I'D HAVE TO SEE THE SHEET THE INITIALS
14 ARE ON.

15 IT'S NOT ON THE SHEET, IT'S ON THE BLUE
16 FORM.

17 Q WHERE'S THE BLUE FORM?

18 A I'LL HAVE TO GET IT OUT OF HERE.

19 Q HOW ABOUT GETTING IT FOR ME, WILL YOU?

20 I THINK IT'S ITEM ONE-SIXTY, IS THAT RIGHT?

21 A YES, SIR.

22 Q WHAT ARE THESE?

23 A THIS IS THE TECHNICAL REVIEW FORM. IT
24 SHOWS THE DATE AND THE INITIALS OF THE EXAMINER WHO
25 DID THE TECHNICAL REVIEW.

- 1 Q OKAY, IS THAT JUST THIS CASE?
- 2 A YES, SIR, JUST THIS CASE.
- 3 Q OKAY, GO AHEAD.
- 4 A IT'S GOING TO BE AGENT CHRISTIE.
- 5 Q AND WHERE IS THAT?
- 6 A WELL, IT'S THE VARIOUS DATES AND
- 7 WHATNOT THAT HE CHECKED UP TO THAT POINT.
- 8 Q BUT I MEAN IS THE SPECIFIC ITEMS LISTED
- 9 IN THERE?
- 10 A NO, IT JUST SHOWS IT FROM PAGE 408 BACK
- 11 TO 233 TO 408, HE CHECKED, HAD ALL OF THEM CHECKED
- 12 BY FEBRUARY 23RD, 1995. THAT'S HIS INITIALS.
- 13 Q WHAT DOES THAT MEAN?
- 14 A THAT MEANS HE DID THE TECHNICAL; HE
- 15 AGREED WITH MY RESULTS.
- 16 Q SO HE EYEBALLED THEM TOO?
- 17 A YES, SIR.
- 18 Q AND IS AGENT CHRISTIE STILL DOING
- 19 FINGERPRINT IDENTIFICATION?
- 20 A NO SIR, HE'S NOT.
- 21 Q WHAT IS HE DOING NOW?
- 22 A HE'S IN THE IMPLIED CONSENT DEPARTMENT.
- 23 Q SO HE'S NOT DOING FINGERPRINTS AT ALL
- 24 ANYMORE?
- 25 A NO, SIR. HE'S NOT DOING FINGERPRINT

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1 KNOWLEDGE.

2 THE COURT: I AGREE.

3 MR. HARPOOTLIAN: YES, SIR.

4 Q TO YOUR KNOWLEDGE, DO YOU KNOW WHETHER
5 AGENT CHRISTIE EXAMINED DEFENDANT'S EXHIBIT FIVE
6 WHICH IS YOUR ONE, EIGHTY-ONE AND DEFENDANT'S
7 EXHIBIT NUMBER FOUR WHICH IS YOUR ONE, THIRTY-NINE?
8 TO YOUR KNOWLEDGE, DID HE DO THAT?

9 A I HAVE NO IDEA. TO MY KNOWLEDGE, I
10 DON'T KNOW.

11 Q WELL, DO THOSE REPORTS INDICATE HE DID
12 OR HE DIDN'T?

13 A WHAT HE IS AGREEING WITH IS THE
14 RESULTS, THE EXAMINATION RESULTS OF MY EXAMINATION.

15 Q SO HE DOESN'T LOOK TO SEE WHAT--ALL HE
16 LOOKS AT IS IF YOU MAKE A MATCH?

17 A NO, SIR. HE LOOKS AT--HE DOES THE SAME
18 COMPARISON THAT I WOULD DO.

19 Q WELL, I THOUGHT YOU TOLD ME A MINUTE,
20 OR TOLD THE SOLICITOR A MINUTE AGO YOU DON'T HAVE A
21 RECORD OF WHAT CARDS YOU EXAMINED OR COMPARED
22 AGAINST THE UNKNOWN. HOW WOULD HE KNOW WHICH ONES
23 YOU COMPARED?

24 A BY MY WRITTEN RESULTS HERE.

25 Q I'M SORRY, I THOUGHT YOU TOLD THE

1 SOLICITOR YOU DIDN'T KEEP A RECORD OF WHICH ONES
2 YOU COMPARED?

3 A YES, SIR, BY EACH ITEM NUMBER IT SHOWS
4 WHICH WERE COMPARED. IT WILL SAY WHETHER IT'S
5 POSITIVE, NEGATIVE WITH.

6 Q BUT YOU DON'T KNOW WHETHER AGENT
7 CHRISTIE MADE THE SAME MISTAKE YOU MADE?

8 A NO SIR, I DON'T KNOW THAT.

9 Q AND HE WOULD HAVE BEEN REVIEWING YOUR
10 WRITTEN REPORT?

11 A YES, SIR.

12 Q AND WHEN IT SAYS ONE, EIGHT-ONE IS THE
13 SAME AS ONE, THIRTY-NINE, HE WOULD HAVE SEEN THAT?

14 A I WOULD THINK SO, YES, SIR.

15 Q ISN'T THAT HIS JOB TO REVIEW WHAT YOU
16 DO?

17 A YES, SIR.

18 Q AND THEN OBVIOUSLY NO ONE HAS BROUGHT
19 THAT TO YOUR ATTENTION BEFORE TODAY, HAVE THEY?

20 A NO SIR, THIS IS THE FIRST.

21 Q OKAY, AND WE ALSO KNOW YOUR REPORT
22 INDICATES THAT YOU DID NOT COMPARE SEVERAL OF THE,
23 AT LEAST TWO OF THE UNKNOWN PRINTS ON HERE AGAINST
24 ONE, EIGHTY-ONE, ISN'T THAT CORRECT? THAT'S WHAT
25 YOUR REPORT INDICATES.

1 A YES, SIR.

2 Q WELL, WE--AND JUST A COUPLE MORE
3 QUESTIONS. CAN WE SAY HOW MANY MADE THESE UNKNOWN
4 PRINTS?

5 A NO SIR.

6 Q AND THAT'S BECAUSE THESE PRINTS
7 REPRESENT DIFFERENT PARTS OF DIFFERENT HANDS, IS
8 THAT CORRECT?

9 A YES, SIR, THAT'S CORRECT.

10 Q SO THE FIVE UNKNOWNNS, OR SIX UNKNOWNNS I
11 BELIEVE, COULD HAVE BEEN MADE BY ONE PERSON, TWO
12 PEOPLE, NO MORE THAN SIX OBVIOUSLY BUT...

13 A THAT IS CORRECT.

14 Q BUT THEY ALL COULD HAVE BEEN MADE BY
15 ONE PERSON?

16 A THEY COULD EVEN HAVE BEEN MADE BY ONE
17 PERSON OR AS MANY AS SIX PERSONS. THAT'S CORRECT.

18 Q AND IN LOOKING AT THE UNKNOWNNS, YOU
19 COULDN'T TELL IF YOU HAD THE SAME PART OF ANY HAND?

20 A NOT THAT I COULD TELL, NO SIR.

21 MR. HARPOOTLIAN: BEG THE COURT'S
22 INDULGENCE ONE MOMENT.

23 THANK YOU, THAT'S ALL I HAVE.

24 THE COURT: ALL RIGHT, THE STATE
25 RESERVES THE RIGHT TO RECALL THIS WITNESS.

Brenda A. Douglas, CVR

Certified Court Reporter

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