

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Newberry County

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

RECEIVED

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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.

VOLUME VIII OF XXII

PAGES 1754 - 1957

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VOLUME VIII OF XXII

WITNESS

PAGE

HOWARD SNELLING:

DIRECT BY JONES 1754

NANCY SKRABA:

DIRECT BY JONES 1761

CROSS BY HARPOOTLIAN 1775

REDIRECT BY JONES 1790

RE CROSS BY HARPOOTLIAN 1791

JACKSON V. DINO (IN CAMERA)

JERRY WRIGHT: (IN CAMERA)

DIRECT BY MCMAHON 1798

SONNY SUTTON: (IN CAMERA)

DIRECT BY JONES 1826

SEPTEMBER 21, 1996

JERRY WRIGHT: (IN CAMERA)

DIRECT cont. BY MCMAHON 1843

CROSS BY SWERLING 1849

REDIRECT BY MCMAHON 1865

SONNY SUTTON: (IN CAMERA)

DIRECT BY JONES 1867

CROSS BY SWERLING 1871

STEPHEN BECKHAM: (IN CAMERA)

DIRECT BY SWERLING 1877

CROSS BY MCMAHON 1897

WILLIAM A. BECKHAM: (IN CAMERA)

DIRECT BY HARPOOTLIAN 1919

CROSS BY MCMAHON 1925

CATHERINE BECKHAM: (IN CAMERA)

DIRECT BY SWERLING 1928

SONNY SUTTON:

DIRECT BY JONES 1949

CROSS BY SWERLING 1953

REDIRECT BY JONES 1956

1 ARE YOU UNDER SUBPOENA?

2 A YES, SIR, I AM.

3 THE COURT: ALL RIGHT, THE SUBPOENA CAN
4 ONLY BE LIFTED BY ME BASED ON THE ISSUE BETWEEN
5 Y'ALL ON THAT, BUT THE STATE HAS THE RIGHT TO
6 RECALL, AND HE STAYS UNDER MY SUBPOENA, UNDER THE
7 STATE SUBPOENA UNTIL I RELEASE HIM.

8 MR. HARPOOTLIAN: ON THAT SPECIFIC
9 ISSUE WE...

10 THE COURT: YES, SIR.

11 MR. HARPOOTLIAN: YES, SIR.

12 THE COURT: NOW THAT DOESN'T MEAN YOU
13 HAVE TO...YOU CAN GO TO COLUMBIA, BUT BE AVAILABLE.

14 Y'ALL NEED A BREAK OR ARE YOU READY TO
15 GO FORWARD? WE'RE TALKING ABOUT WORKING A LITTLE
16 BIT LONGER. EVERYBODY ALL RIGHT?

17 ALL RIGHT. THANK YOU SIR. CALL YOUR
18 NEXT WITNESS.

19 MR. JONES: HOWARD SNELLING.

20 HOWARD SNELLING, BEING DULY
21 SWORN, TESTIFIED AS FOLLOWS:

22 DIRECT EXAMINATION:

23 BY MR. JONES:

24 Q AND WHERE DO YOU WORK, MR. SNELLING?

25 A I TEACH AND COACH FOOTBALL AT YORK HIGH

- 1 SCHOOL, YORK, SOUTH CAROLINA.
- 2 Q AND DO YOU LIVE UP IN YORK?
- 3 A YES, I DO.
- 4 Q AND WHO ARE YOU MARRIED TO?
- 5 A BRITT LANDERS SNELLING.
- 6 Q IS THAT VICKIE'S SISTER?
- 7 A YES, IT IS.
- 8 Q WERE YOU WITH VICKIE AND BRITT ON JUNE
- 9 10TH, 1994?
- 10 A YES, I WAS.
- 11 Q WHERE WERE YOU WITH THEM?
- 12 A AT MY HOME.
- 13 Q HAD VICKIE COME TO VISIT YOU THEN?
- 14 A YES, SHE AND THE BOYS CAME.
- 15 Q DO YOU KNOW IF YOU HAD AN OCCASION TO
- 16 TOUCH VICKIE'S CAR ON JUNE 11TH, 1994?
- 17 A YES, SIR, I DID. WE WERE GRILLING
- 18 CHICKEN ON THE OUTSIDE AND I NEEDED TO MOVE HER
- 19 CAR. I GOT IN HER CAR AND DROVE IT AND PUT IT DOWN
- 20 BY THE STREET.
- 21 THAT EVENING WHEN SHE LEFT, I ALSO
- 22 HELPED PUT SAMUEL IN THE BACK SEAT OF THE CAR.
- 23 Q SAMUEL BEING?
- 24 A SAMUEL, HER SON. SAMUEL B [REDACTED].
- 25 Q AND HOW OLD WAS HE AT THE TIME YOU

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1 HELPED PUT HIM IN THE BACK SEAT OF THE CAR?

2 A SAM MUST HAVE BEEN THREE OR FOUR.

3 Q WHAT CHILDREN DID VICKIE HAVE WITH HER

4 WHEN SHE CAME TO VISIT YOU ON JUNE 10TH, 1994?

5 A ANDREW AND SAMUEL.

6 Q AND HOW OLD WAS ANDREW AT THE TIME,

7 APPROXIMATELY?

8 A ANDREW MUST HAVE BEEN TWELVE OR

9 THIRTEEN.

10 Q NOW YOU WERE IN THE COURTROOM WHEN

11 AGENT BLACK TESTIFIED ABOUT YOUR FINGERPRINTS BEING

12 LOCATED ON VICKIE'S CAR, IS THAT CORRECT?

13 A YES, SIR.

14 Q AND DID YOU SEE WHERE HE SAID YOUR

15 FINGERPRINT WAS?

16 A YES, SIR.

17 Q ON STATE'S EXHIBIT EIGHTY-FOUR?

18 A YES, SIR.

19 Q IS THAT CONSISTENT WITH THE LOCATION

20 THAT YOU WERE WHEN YOU HELPED PUT SAMUEL IN THE

21 BACK SEAT?

22 A YES, SIR, IT IS. THEY WERE PARKED IN

23 FRONT OF OUR HOUSE ON THE SIDE OF THE ROAD, AND I

24 HAD BEEN OUT IN THE YARD WITH THE KIDS, ~~PLAYING~~

25 AROUND WITH THE FOOTBALL. AND WHEN THEY WERE READY

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1 TO LEAVE, I PUT SAMUEL IN ON THE STREET SIDE WHICH
2 WOULD HAVE BEEN THE VERY PLACE THAT THE PRINTS WERE
3 FOUND.

4 Q WELL, I ASSUME WHEN YOU MOVED THE CAR,
5 YOU ALSO OPENED THE DRIVER'S DOOR, IS THAT CORRECT?

6 A YES, SIR. I DID.

7 Q AND YOU GOT IN THE DRIVER'S SEAT, IS
8 THAT CORRECT?

9 A YES, SIR.

10 Q AND YOU TURNED THE CAR KEYS, IS THAT
11 CORRECT?

12 A YES, SIR.

13 Q PUT YOUR HANDS ON THE STEERING WHEEL?

14 A YES, SIR.

15 Q DID YOU PUT YOUR HANDS ON THE
16 GEARSHIFT?

17 A YES, SIR, I DID.

18 Q DID YOU THEN PUT YOUR HAND ON THE DOOR
19 HANDLE WHEN YOU OPENED IT TO GET BACK OUT OF THE
20 CAR AFTER YOU MOVED IT?

21 A YES, SIR, I DID.

22 Q THE INSIDE DOOR HANDLE?

23 A YES, SIR.

24 Q DO YOU THINK YOU PUSHED THE DOOR OPEN
25 TO GET OUT OF THE CAR?

1 A I'M SURE I DID.

2 Q DO YOU THINK YOU PUSHED THE DRIVER'S
3 SIDE DOOR CLOSED TO GET OUT OF THE CAR?

4 A YES, SIR.

5 Q DID YOU HEAR AGENT BLACK TESTIFY THAT
6 YOUR FINGERPRINTS WERE LOCATED ANYWHERE ON THE
7 DRIVER'S SIDE CAR DOOR ON THE OUTSIDE?

8 MR. HARPOOTLIAN: YOUR HONOR, I WOULD
9 OBJECT. HE'S NOW ASKING THIS WITNESS TO RECOUNT
10 FOR WHAT ANOTHER WITNESS SAID.

11 THE COURT: HE CAN SAY WHETHER HE HEARD
12 OR NOT.

13 MR. HARPOOTLIAN: WHAT ANOTHER WITNESS
14 SAID?

15 THE COURT: HE WAS SITTING IN HERE.

16 MR. HARPOOTLIAN: YES, SIR, TO IMPEACH
17 HIM, PERHAPS, BUT I MEAN ALL THIS IS GOING TO DO IS
18 BOLSTER THIS WITNESS.

19 THE COURT: OVERRULED.

20 A COULD YOU REPEAT THAT QUESTION, PLEASE?

21 Q DID YOU HEAR AGENT BLACK TESTIFY AS TO
22 WHETHER OR NOT YOUR FINGERPRINTS WERE LOCATED
23 ANYWHERE ON THE DRIVER'S SIDE DOOR, THE DRIVER'S
24 DOOR OF HER AUTOMOBILE?

25 A NO SIR, HE NEVER INDICATED THAT. THE

1 ONLY PRINTS WERE THOSE FOUND BY THE BACK DOOR AND
2 PASSENGER.

3 Q BUT YOU'RE CERTAIN YOU OPENED THE
4 DRIVER'S DOOR TO MOVE THE CAR ONE DAY BEFORE HER
5 DEATH, JUNE 11TH, 1994, IS THAT CORRECT?

6 A YES, SIR, I DID IT THAT EVENING,
7 SATURDAY EVENING AT APPROXIMATELY FIVE O'CLOCK,
8 BETWEEN FIVE AND SIX O'CLOCK.

9 Q NOW, LET ME TAKE YOU BACK TO FRIDAY,
10 JUNE THE 10TH, I'M SORRY, THAT EVENING, JUNE 11TH.
11 WHILE YOU WERE HOME THAT EVENING, DID YOU RECEIVE
12 ANY TELEPHONE CALL?

13 A PERSONALLY RECEIVE FOR ME?

14 Q DO YOU KNOW WHETHER OR NOT YOUR
15 HOUSEHOLD PHONE RANG?

16 A YES, SIR, IT DID, AS WE WERE EATING
17 SUPPER THAT NIGHT.

18 Q APPROXIMATELY WHAT TIME WAS THAT?

19 A IT MUST HAVE BEEN BETWEEN SIX AND
20 SEVEN.

21 Q AND WHAT WAS THE NATURE OF THE CALL?

22 MR. HARPOOTLIAN: IS THIS A HEARSAY...

23 THE COURT: I DON'T KNOW WHERE YOU'RE
24 HEADED, BUT I MEAN HE CAN TALK ABOUT THE CALL BUT
25 HE CAN'T SAY WHAT WAS SAID.

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1 MR. JONES: YES, SIR.

2 THE COURT: OKAY.

3 A WELL, THE ONLY REASON I REMEMBER THIS
4 IS THAT WE RECEIVED TWO CALLS WITHIN I DON'T KNOW A
5 FEW MINUTES OF EACH OTHER AND ON BOTH OCCASIONS THE
6 CALLER HUNG UP UPON OUR ANSWERING. AND I JUST
7 REMEMBER MY WIFE GETTING AGGRAVATED ABOUT...

8 Q OKAY, THAT'S TWO HANGUP...

9 A ...ON SATURDAY EVENING AS WE WERE
10 EATING.

11 Q SATURDAY EVENING, JUNE 11TH, AS YOU
12 WERE EATING, ABOUT WHAT TIME AGAIN?

13 A BETWEEN SIX AND SEVEN.

14 Q ALL RIGHT, TWO HANGUP CALLS, IS THAT
15 CORRECT?

16 A YES, SIR.

17 Q WHAT WAS YOUR TELEPHONE NUMBER AT THE
18 TIME, JUNE 11TH, 1994, WHAT WAS YOUR TELEPHONE
19 NUMBER? PLEASE TELL US WHAT THE NUMBER WAS.

20 A AREA CODE 803, 684-1382.

21 Q 648-1382?

22 A THAT'S CORRECT.

23 Q ANSWER ANY QUESTIONS...EXCUSE ME, ONE
24 MINUTE.

25 ANSWER ANY QUESTIONS THIS LAWYER HAS

1 FOR YOU.

2 THE COURT: CROSS EXAMINATION, MR.

3 HARPOOTLIAN.

4 MR. HARPOOTLIAN: BEG THE COURT'S

5 INDULGENCE. NO QUESTIONS.

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

7 YOU MAY STEP DOWN. CALL YOUR NEXT WITNESS.

8 MR. JONES: CALL NANCY SKRABA TO THE

9 WITNESS STAND, PLEASE.

10 MAY MR. SNELLING--HE'S GOT A FOOTBALL

11 GAME TONIGHT?

12 THE COURT: WITHOUT OBJECTION.

13 NANCY SKRABA, BEING DULY

14 SWORN, TESTIFIED AS FOLLOWS:

15 DIRECT EXAMINATION:

16 BY MR. JONES:

17 Q AND WHERE DO YOU WORK, MS. SKRABA?

18 A I WORK FOR THE SOUTH CAROLINA LAW

19 ENFORCEMENT DIVISION.

20 Q HOW LONG HAVE YOU WORKED THERE?

21 A TWELVE YEARS.

22 Q IN WHAT CAPACITY? WHAT DO YOU DO

23 THERE?

24 A I'M A FORENSIC SEROLOGIST.

25 Q AND WHAT IS A FORENSIC SEROLOGIST?

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1 A A FORENSIC SEROLOGIST IDENTIFIES AND
2 CLASSIFIES BODY FLUIDS WHICH IS BLOOD AND SEMEN. I
3 RECEIVE PHYSICAL EVIDENCE FROM VARIOUS LAW
4 ENFORCEMENT AGENCIES THROUGHOUT THE STATE FOR
5 ANALYSIS IN THE INVESTIGATION OF VIOLENT CRIMES.

6 I PERFORM BIOCHEMICAL ANALYSES ON BODY
7 FLUIDS AND TESTIFY IN COURT AS TO MY FINDINGS.

8 Q HAVE YOU TESTIFIED IN THE COURTS OF
9 THIS STATE, THAT IS THE CIRCUITS COURTS, GENERAL
10 SESSIONS COURTS OF LAW IN THIS STATE PREVIOUSLY AND
11 QUALIFIED AS AN EXPERT...

12 MR. HARPOOTLIAN: MAY IT PLEASE THE
13 COURT, YOUR HONOR, WE WOULD STIPULATION TO HER
14 QUALIFICATIONS AS A FORENSIC...

15 THE COURT: HE CAN ACCEPT IT IF HE'D
16 LIKE OR HE CAN FURTHER QUALIFY HER, THAT'S FINE.

17 MR. HARPOOTLIAN: I'M JUST TRYING TO
18 SAVE SOME TIME

19 THE COURT: DO YOU ACCEPT IT OR ARE YOU
20 GOING TO NEED SOME MORE EXAMINATION.

21 MR. JONES: JUST A COUPLE MORE
22 QUESTIONS, YOUR HONOR.

23 THE COURT: SURE, THAT'S FINE.

24 MR. HARPOOTLIAN: THANK YOU.

25 Q HAVE YOU BEEN QUALIFIED AS AN EXPERT IN

1 THIS FIELD IN THE STATES OF SOUTH CAROLINA BEFORE?

2 A YES, I HAVE.

3 Q HOW MANY TIMES APPROXIMATELY?

4 A OVER ONE HUNDRED.

5 Q ALL RIGHT, AND YOU HAVE TESTIFIED AS AN
6 EXPERT IN THIS AREA, IS THAT CORRECT?

7 A I HAVE.

8 Q NOW WHAT WAS YOUR TRAINING FOR THIS
9 AREA OF WORK, YOUR EDUCATIONAL BACKGROUND?

10 A I HAVE A BACHELOR OF SCIENCE DEGREE IN
11 MEDICAL TECHNOLOGY FROM THE UNIVERSITY OF SOUTH
12 CAROLINA; I'M BOARD CERTIFIED BY THE AMERICAN
13 SOCIETY OF CLINICAL PATHOLOGISTS. IN ADDITION TO
14 MY TRAINING, I'VE ALSO ATTENDED SEVERAL SCHOOLS IN
15 MY FIELD OF SEROLOGY INCLUDING THE F.B.I. SEROLOGY
16 AND DNA TYPING METHODS SCHOOL IN QUANTICO,
17 VIRGINIA, THE ALON TYPE AND TESTING CENTER IN
18 ATLANTA, GEORGIA AND THE SEROLOGICAL RESEARCH
19 INSTITUTE.

20 I'VE ALSO ATTENDED THE TRI-STATE
21 LABORATORY SCHOOL IN YOUNGSTOWN, OHIO ON THE
22 IDENTIFICATION AND CLASSIFICATION OF GENETIC
23 MARKERS USING ISOGONIC FOCUSING.

24 Q ALL RIGHT.

25 MR. JONES: YOUR HONOR, WE WOULD OFFER

1 AGENT SKRABA AS AN EXPERT IN THE FIELD OF SEROLOGY.

2 THE COURT: THEY'VE STIPULATED TO THAT

3 FACT.

4 Q AGENT SKRABA, DID YOU PARTICIPATE IN
5 THE PROCESSING OF VICKIE BECKHAM'S AUTOMOBILE?

6 A YES, I DID.

7 Q AND DID YOU RECEIVE A STANDARD OF BLOOD
8 FROM VICKIE IN AN EFFORT TO TYPE HER BLOOD, THAT IS
9 TO DETERMINE WHAT HER BLOOD TYPE WAS?

10 A YES.

11 Q WHAT IS THE RESULT OF YOUR EXAMINATION
12 THERE?

13 A MS. BECKHAM'S BLOOD TYPE IS ABO GROUP

14 A.

15 Q "A?"

16 A "A."

17 Q DID YOU CONDUCT A SWAB OF THE INSIDE
18 LEFT SIDE OF HER DRIVER'S SEAT?

19 A YES, I DID.

20 Q I HAND YOU STATE'S EXHIBIT NUMBER
21 TWENTY-FOUR AND ASK YOU IF YOU RECOGNIZE WHAT'S
22 DEPICTED THERE? IF YOU WOULD, STEP DOWN AND POINT
23 IT OUT TO THE JURY WHAT IT IS THAT YOU TOOK A SWAB
24 OF AND THE LOCATION THERE WHERE THE SWAB WAS TAKEN.

25 A THIS PHOTO DEPICTS THE INSIDE LEFT SIDE

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1 OF THE DRIVER'S SEAT. THIS IS BLOOD HERE. THIS IS
2 THE AREA THAT I SWABBED.

3 Q SO YOU SWABBED THIS AREA HERE?

4 A YES.

5 Q THAT BLOOD IN THAT AREA THERE?

6 A YES.

7 Q WHAT DID YOU DETERMINE ABOUT THAT BLOOD
8 WHEN YOU SWABBED IT? DID YOU COMPARE IT TO SEE IF
9 IT WAS THE SAME TYPE BLOOD AS THE VICTIM'S?

10 A I DID.

11 Q AND WHAT WAS THE RESULT OF THAT
12 EXAMINATION?

13 A ABO-A.

14 Q WHICH IS WHAT?

15 A BLOOD CONSISTENT WITH MS. BECKHAM'S
16 ABO-A TYPE.

17 Q CONSISTENT WITH HER BLOOD TYPE?

18 A THAT'S CORRECT.

19 Q DID YOU TAKE SWABS AT ANOTHER LOCATION
20 IN THE CAR?

21 A YES, I DID.

22 Q AT WHAT LOCATION WAS THAT?

23 A OUTSIDE THE LEFT BACK DOOR.

24 Q WHAT'S DEPICTED IN STATE'S EXHIBIT
25 TWENTY-NINE?

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1 A FROM THE OUTSIDE LEFT BACK DOOR,
2 THERE'S BLOOD IN THIS AREA.

3 Q DID YOU TYPE THAT BLOOD?

4 A I DID.

5 Q AND IS THAT BLOOD CONSISTENT WITH
6 VICKIE BECKHAM'S BLOOD TYPE?

7 A YES, IT IS, ABO-A.

8 Q YOUR FINDINGS WERE THAT IT WAS
9 CONSISTENT WITH VICKIE BECKHAM?

10 A YES.

11 Q WHAT OTHER AREAS DID YOU...

12 A A SWAB OF THE OUTSIDE RIGHT BACK
13 PASSENGER DOOR.

14 Q OUTSIDE RIGHT BACK PASSENGER DOOR. I
15 HAND YOU STATE'S EXHIBIT THIRTY-ONE.

16 A BLOOD ON THE BACK RIGHT PASSENGER DOOR,
17 THIS LITTLE RED MARK.

18 Q WERE YOU ABLE TO TYPE THAT BLOOD?

19 A I WAS NOT.

20 Q YOU WERE NOT ABLE TO TYPE IT?

21 A IT WAS AN INSUFFICIENT AMOUNT. I WAS
22 ABLE TO IDENTIFY HUMAN BLOOD ONLY.

23 Q SO ON STATE'S EXHIBIT THIRTY-ONE, WOULD
24 YOU POINT AGAIN TO THE SUBSTANCE? THERE?

25 A RIGHT THERE.

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1 Q YOU WERE NOT ABLE TO DETERMINE THE TYPE
2 OF THAT BLOOD, IS THAT CORRECT?

3 A THAT'S RIGHT.

4 Q WHAT WERE YOU ABLE TO DETERMINE ABOUT
5 THIS BLOOD THAT'S LOCATED ON THE OUTSIDE DOOR
6 THERE?

7 A THAT IT WAS HUMAN BLOOD.

8 Q BUT NOT THE TYPE?

9 A RIGHT.

10 THE COURT: ALL RIGHT, SOLICITOR, I
11 KNOW YOU WANT TO DEMONSTRATE TO THE JURY, BUT THE
12 COURT REPORTER IS HAVING A HARD TIME HEARING HER,
13 SO CAN WE LET HER SIT UP HERE AND YOU SHOW THE
14 PHOTOGRAPHS?

15 MR. JONES: CERTAINLY, YOUR HONOR.

16 THE COURT: OKAY, IT WOULD HELP HER.

17 Q WHAT OTHER AREAS OF THE CAR DID YOU
18 SWAB?

19 A THE OUTSIDE RIGHT BACK PASSENGER
20 WINDOW.

21 Q WAS THAT DEPICTED IN STATE'S THIRTY-
22 TWO?

23 A YES, SIR.

24 Q DID YOU RETRIEVE BLOOD FROM THAT
25 SWABBING?

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1 A I DID.

2 Q WERE YOU ABLE TO TYPE IT?

3 A YES, SIR. ABO, GROUP A.

4 Q IS THAT CONSISTENT WITH VICKIE LANDER

5 BECKHAM'S BLOOD TYPE?

6 A YES, IT IS.

7 Q WHAT OTHER AREA OF THE AUTOMOBILE DID

8 YOU SWAB FOR BLOOD?

9 A THE INSIDE RIGHT FRONT PASSENGER DOOR

10 HANDLE.

11 Q IS THAT AREA DEPICTED IN STATE'S

12 TWENTY-EIGHT?

13 A YES, IT IS.

14 Q AND WHAT DID YOU LEARN ABOUT THE BLOOD

15 THAT WAS IN THAT AREA OF VICKIE'S CAR?

16 A HUMAN BLOOD WAS IDENTIFIED, ABO-GROUP

17 A.

18 Q ABO, GROUP A?

19 A THAT'S CORRECT.

20 Q IS THAT CONSISTENT WITH VICKIE LANDER

21 BECKHAM'S BLOOD?

22 A YES, IT IS.

23 Q WHAT OTHER AREAS OF THE AUTOMOBILE DID

24 YOU TEST FOR BLOOD?

25 A INSIDE RIGHT BACK PASSENGER DOOR.

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1 Q IS THAT AREA DEPICTED IN STATE'S
2 EVIDENCE THIRTY-FOUR?

3 A YES, SIR.

4 Q AND WHAT WERE YOU ABLE TO DETERMINE
5 ABOUT THE BLOOD LOCATED IN THAT AREA OF VICKIE
6 LANDER BECKHAM'S CAR?

7 A AGAIN, HUMAN BLOOD IS IDENTIFIED, ABO -
8 GROUP A WHICH IS CONSISTENT WITH MS. BECKHAM.

9 Q WHAT OTHER AREAS OF THE CAR DID YOU
10 SWAB?

11 A THE BACK SEAT OF THE CAR.

12 Q IS THAT AREA DEPICTED IN STATE'S
13 EXHIBIT NUMBER THIRTY?

14 A YES, IT IS.

15 Q AND WHAT WERE YOU ABLE TO TELL US ABOUT
16 THE BLOOD CONTAINED IN THE BACK SEAT OF VICKIE
17 LANDER BECKHAM'S CAR?

18 A HUMAN BLOOD AGAIN WAS IDENTIFIED, AND
19 THAT IT WAS AN INSUFFICIENT AMOUNT FOR FURTHER
20 SEROLOGICAL ANALYSIS.

21 Q SO YOU WERE UNABLE TO TYPE THE BLOOD
22 THAT YOU GOT FROM THE BACK SEAT OF THE CAR?

23 A THAT'S CORRECT.

24 Q WHAT OTHER AREAS OF VICKIE'S AUTOMOBILE
25 DID YOU CONDUCT THE SWABS OF?

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1 A THAT WAS ALL I DID, SEVEN SWABS.
2 Q DID YOU HAVE OCCASION TO RUN A TEST ON
3 A BLACK HARLEY DAVIDSON TEE-SHIRT FOR BLOOD?
4 A YES, I DID.
5 Q I HAND YOU STATE'S EXHIBIT NUMBER
6 ELEVEN AND ASK YOU IF THIS IS THE TEE-SHIRT THAT
7 YOU RAN THE TESTS ON?
8 A YES, IT IS. I HAVE MY INITIALS.
9 Q YOUR INITIALS ARE ON IT?
10 A YES.
11 Q WHAT WERE THE RESULTS OF THE TESTS THAT
12 YOU RAN ON THAT TEE-SHIRT?
13 A NO SEMEN OR BLOOD IDENTIFIED ON THE
14 TEE-SHIRT.
15 Q DID YOU FIELD TEST IT?
16 A YES, I DID.
17 Q WHAT WERE THE RESULTS OF THAT?
18 A THAT TEST WAS POSITIVE.
19 Q POSITIVE FOR WHAT?
20 A FOR PHENOLPHTHALEIN
21 Q FOR PHENOLPHTHALEIN.
22 A PHENOLPHTHALEIN.
23 Q EXPLAIN TO THE JURY WHAT THAT MEANS AND
24 WHAT IT WAS YOU DID IN ORDER TO GET THAT POSITIVE
25 TEST.

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1 A PHENOLPHTHALEIN TEST WE DO FOR THE
2 IDENTIFICATION OF HUMAN BLOOD IN A LABORATORY. IT
3 IS A SCREENING TEST, IT IS VERY SENSITIVE TEST IN
4 WHICH YOU DETECT SMALL AMOUNTS OF BLOOD.

5 IF THIS TEST IS POSITIVE THAT MEANS
6 THAT FURTHER ANALYSIS IS NECESSARY. IF IT'S
7 NEGATIVE, IT MEANS EITHER THERE'S NO BLOOD PRESENT
8 OR THERE IS BLOOD PRESENT BUT IT'S IN SUCH A SMALL
9 AMOUNT THAT FURTHER ANALYSIS IS NOT NECESSARY.

10 Q SO WHAT, IN ESSENCE, ARE YOU TELLING
11 THIS JURY ABOUT WHETHER OR NOT THERE'S BLOOD ON
12 THIS TEE-SHIRT?

13 A THERE WAS AN INDICATION THAT BLOOD WAS
14 ON THE TEE-SHIRT AND FURTHER ANALYSIS WAS
15 NECESSARY.

16 Q WHAT COULD BE DONE TO A TEE-SHIRT LIKE
17 THAT ONE THAT WOULD HAVE THE AMOUNT OF
18 PHENOLPHTHALEIN ON IT THAT YOU DETECTED THAT WOULD
19 CAUSE IT TO ONLY HAVE THAT AMOUNT OF
20 PHENOLPHTHALEIN ON IT WHEN YOU TESTED IT IF IN FACT
21 IT HAD HAD BLOOD ON IT AT SOME POINT IN TIME BEFORE
22 YOU TESTED IT?

23 A IN THIS PARTICULAR CASE, THE TEE-SHIRT
24 WAS VERY WET AND IT IS POSSIBLE THAT IF THERE WAS
25 BLOOD ON THE TEE-SHIRT THAT IT WAS JUST TOO DILUTE

1 TO IDENTIFY.

2 MR. HARPOOTLIAN: YOUR HONOR?

3 THE COURT: YES, SIR.

4 MR. HARPOOTLIAN: I OBJECT.

5 POSSIBILITY IS NOT THE STANDARD HERE.

6 THE COURT: SUSTAINED...WELL, SHE SAID,
7 AS I UNDERSTAND IT, HER FIRST TEST WAS AN
8 INDICATION. THAT'S WHAT HER TESTIMONY IS.

9 MR. HARPOOTLIAN: WELL, NOW SHE'S
10 TESTIFYING AS HOW MANY WHAT WOULD HAVE INDICATED--I
11 MEAN IT'S A POSSIBILITY. THERE'S NOT ANY TESTIMONY
12 HERE AS TO ANY SORT OF, THERE'S NO SCIENTIFIC
13 ACCEPTED STANDARD HERE.

14 THE COURT: SUSTAINED.

15 Q LET ME ASK YOU THIS. AS AN EXPERT IN
16 SEROLOGY, WHAT TYPES OF THINGS CAN DILUTE A
17 CONCENTRATION OF BLOOD ON MATERIAL?

18 A WATER.

19 Q SO--AND WHEN I SAY DILUTE, WHAT HAPPENS
20 WHEN WATER MIXES WITH BLOOD ON CLOTHING?

21 A IT WILL LESSEN THE CONCENTRATION OF THE
22 BLOOD. WASHES IT AWAY.

23 Q AND AGAIN, WHAT WAS THE CONDITION OF
24 THE TEE-SHIRT, THE HARLEY DAVIDSON TEE-SHIRT WHEN
25 YOU RECEIVED IT?

1 A IT WAS WET.

2 Q AND DID YOU NOTE AT WHAT TIME AND ON

3 WHAT DAY YOU RECEIVED THAT TEE-SHIRT?

4 A I FIRST CAME IN CONTACT WITH THE TEE-

5 SHIRT WHEN I WAS PROCESSING THE CAR AT THE SLED

6 GARAGE. IT WAS STILL IN THE CAR AND IT WAS WET AT

7 THAT POINT.

8 Q NOW, AGENT SKRABA, DID YOU HAVE AN

9 OCCASION TO CONDUCT AN EXAMINATION UPON STATE'S

10 EXHIBIT TWENTY-ONE, A PAIR OF SHOES?

11 A YES, THESE ARE THE SHOES I EXAMINED IN

12 THIS CASE.

13 Q AND HOW DO YOU KNOW?

14 A I HAVE MY INITIAL IN THE SHOES.

15 Q WHAT WAS THE RESULTS OF YOUR

16 EXAMINATION AND ANY TESTS YOU CONDUCTED ON THOSE

17 SHOES?

18 A HUMAN BLOOD WAS IDENTIFIED ON THE LEFT

19 SHOE.

20 Q WHERE WAS IT ON THE LEFT SHOE?

21 A I HAVE THE AREA CIRCLED RIGHT HERE.

22 Q YOU HAVE THE AREA CIRCLED WITH WHAT?

23 A A PEN.

24 Q WITH A PEN?

25 A THAT'S CORRECT.

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1 Q ALL RIGHT, THAT'S THE AREA THAT THE
2 BLOOD WAS LOCATED IN?

3 A YES, SIR.

4 Q WERE YOU ABLE TO SEE THIS BLOOD WITH
5 YOUR NAKED EYE?

6 A YES, I WAS.

7 Q AND AGAIN, WAS THERE A SUFFICIENT
8 AMOUNT OF BLOOD TO TEST FOR TYPE?

9 A NO, THERE WAS NOT.

10 Q BUT YOU DID TEST TO DETERMINE THAT IT
11 WAS IN FACT HUMAN BLOOD?

12 A YES, I DID.

13 Q NOW WERE YOU PRESENT DURING, DID YOU
14 RECEIVE SWABS FOR VICKIE BECKHAM TO DETERMINE IF
15 THE PRESENCE OR ABSENCE OF SEMEN ON AND IN HER
16 BODY?

17 A YES.

18 Q AND TELL THE JURY WHERE THOSE SWABS
19 CAME FROM AND WHAT AREAS OF HER BODY YOU DETERMINED
20 THE PRESENCE OR ABSENCE OF SEMEN.

21 A I RECEIVED A VAGINAL SMEAR, RECTAL
22 SMEAR, ORAL SMEAR, VAGINAL SWABS, RECTAL SWABS AND
23 ORAL SWABS.

24 THERE WAS NO SPERMATOZOA IDENTIFIED ON THE SMEARS
25 AND NO SEMEN WAS IDENTIFIED ON THE SWABS.

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1 Q AND HER CLOTHING?

2 A THERE WAS NO SEMEN IDENTIFIED ON HER
3 CLOTHING.

4 Q AND HER CLOTHING WOULD INCLUDE, BASED
5 ON YOUR REPORT, WHAT ITEMS?

6 A HER PANTIES AND SHORTS. I EXAMINED THE
7 PANTIES AND SHORTS FOR SEMEN AND THERE WAS NO
8 SEMEN.

9 Q THANK YOU, AGENT SKRABA. ANSWER ANY
10 QUESTIONS THESE LAWYERS HAVE FOR YOU.

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

13 CROSS EXAMINATION:

14 BY MR. HARPOOTLIAN:

15 Q GOOD AFTERNOON.

16 A GOOD AFTERNOON.

17 Q LET ME FIRST ASK YOU SOME GENERAL
18 QUESTIONS. YOU HAVE BEEN IN SEROLOGY AT SLED FOR
19 HOW LONG?

20 A TWELVE YEARS.

21 Q TWELVE YEARS, AND YOU'VE TESTIFIED IN A
22 NUMBER OF CASES?

23 A YES, SIR.

24 Q DONE THOUSANDS OF EXAMINATIONS OF BODY
25 FLUIDS AND BLOOD, ALL OF THAT?

1 A YES, I HAVE.

2 Q AND I THINK YOU'VE TESTIFIED IN A
3 NUMBER OF CASES THAT I'VE BEEN INVOLVED IN.

4 A RIGHT.

5 Q THAT WAS WHEN I WAS A PROSECUTOR AND I
6 THINK AS A DEFENSE ATTORNEY.

7 A YES.

8 Q THERE ARE A NUMBER OF DIFFERENT TESTS
9 THAT ONE CAN RUN ON BODY FLUIDS. BACK WHEN I
10 STARTED TWENTY YEARS BASICALLY YOU COULD TYPE BLOOD
11 FOR INSTANCE AND THAT WAS ABOUT IT. MAYBE SOME SUB-
12 GROUPINGS, ISN'T THAT CORRECT?

13 A THAT'S CORRECT.

14 Q BUT TODAY WE HAVE DNA TESTING?

15 A YES.

16 Q TELL THE JURY WHAT DNA TESTING IS.

17 A DNA STANDS FOR DEOXYRIBONUCLEIC ACID.
18 IT'S THE HEREDITY MATERIAL FOUND IN THE CELLS OF
19 YOUR BODY AND EACH INDIVIDUAL HAS SPECIFIC DNA
20 UNLESS YOU'RE IDENTICAL TWINS.

21 THE DNA TESTING ALLOWS US TO GET BETTER
22 NUMBERS. IN OTHER WORDS, WE CAN DETERMINE IF A
23 SAMPLE COMES FROM A PARTICULAR PERSON WITH VERY
24 HIGH NUMBERS, WHAT IS A PROBABILITY THAT A SAMPLE
25 HAS COME FROM A PARTICULAR PERSON. THE NUMBERS CAN

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1 BE ONE IN A MILLION TO ONE IN A BILLION TO A
2 TRILLION, WHEREAS IN SEROLOGY WE HAVE, THE
3 FREQUENCY OR THE NUMBERS ARE VERY SMALL. FOR
4 EXAMPLE, IN ABO, MS. BECKHAM'S BLOOD TYPE IS FORTY
5 PERCENT OF THE POPULATION, A VERY SMALL--A VERY
6 LARGE NUMBER WHEREAS WITH DNA WE CAN MAKE MORE
7 SPECIFIC.

8 Q SO WHAT HAPPENS, I SUPPOSE, IS THAT YOU
9 BEGIN WITH A SCREENING TEST.

10 A YES.

11 Q AND THEN YOU GO TO A MORE SPECIFIC
12 TEST.

13 A THAT'S CORRECT.

14 Q TYPICALLY, IS IT BLOOD, TO WHAT TYPE,
15 TO DNA?

16 A YES.

17 Q NOW, LET'S TALK ABOUT FIRST OF ALL THIS
18 TEE-SHIRT. THE TEST YOU RAN ON THIS TEE-SHIRT IS
19 CALLED WHAT?

20 A I RAN TWO.

21 Q YOU RAN TWO TESTS?

22 A YES.

23 Q WELL, YOU RAN THE FIRST TEST...

24 A NO, EXCUSE ME. JUST ONE TEST.

25 Q AND WHAT WAS THAT TEST?

1 A NO, I'M SORRY. I DID RUN TWO TESTS ON
2 THAT.

3 Q WHAT'S THE FIRST TEST YOU...

4 A PHENOLPHTHALEIN IS THE FIRST TEST WHICH
5 I EXPLAINED AS A SCREENING TEST.

6 Q RIGHT.

7 A THE SECOND TEST IS AN ANTI-HUMAN TEST
8 OR A SPECIES TEST AND THAT TEST WAS NEGATIVE.

9 Q OKAY. THE FIRST TEST WAS?

10 A PHENOLPHTHALEIN.

11 Q AND WAS THAT POSITIVE OR NEGATIVE?

12 A IT WAS POSITIVE.

13 Q OKAY. SO WHAT YOU GOT INITIALLY WAS A
14 POSITIVE RESULT FROM THE PHENOL TEST.

15 A PHENOLPHTHALEIN, THAT'S CORRECT.

16 Q AND THEN YOU RAN A MORE SPECIFIC TEST
17 AND IT WAS NEGATIVE?

18 A CORRECT.

19 Q YOU ISSUED A REPORT, AS A MATTER OF
20 FACT, ON FEBRUARY THE 7TH, 1995?

21 A YES.

22 Q LET ME GO THROUGH THIS...THE PART I
23 WANT TO ASK YOU ABOUT. NUMBER FORTY-FOUR, ONE
24 HARLEY DAVIDSON TEE-SHIRT; NO SEMEN OR BLOOD
25 IDENTIFIED, IS THAT CORRECT?

1 A THAT IS CORRECT.

2 Q NOW THAT IS THE ONLY WRITTEN REPORT YOU
3 GENERATED ABOUT THIS HARLEY DAVIDSON TEE-SHIRT, IS
4 THAT CORRECT?

5 A YES.

6 Q SO BACK IN FEBRUARY OF 1995 YOU ARE
7 VERY SPECIFIC THAT THERE WAS NO BLOOD IDENTIFIED,
8 IS THAT CORRECT?

9 A THAT IS CORRECT.

10 Q AND YOU RAN TWO TESTS AND YOU FOUND
11 THERE WAS NO BLOOD, IS THAT CORRECT?

12 A I COULD NOT IDENTIFY BLOOD, THAT'S
13 CORRECT.

14 Q WELL, I MEAN THERE ARE--WHETHER YOU CAN
15 IDENTIFY IT OR NOT, ANYWHERE YOU IDENTIFY BLOOD,
16 WHETHER YOU CAN TYPE IT OR NOT, YOU SAID HUMAN
17 BLOOD IDENTIFIED IN THIS REPORT, DID YOU NOT?

18 A THAT IS CORRECT.

19 Q SO AT THAT POINT, I MEAN YOU SAY NO
20 BLOOD IDENTIFIED, ISN'T THAT CORRECT?

21 A YES, IF I CAN'T IDENTIFY IT.

22 Q AT THAT POINT YOU WERE SAYING THERE WAS
23 NO BLOOD?

24 MR. JONES: YOUR HONOR, LET HER ANSWER
25 THE QUESTION.

1 MR. HARPOOTLIAN: I'M SORRY.

2 A I WAS SAYING I COULD NOT IDENTIFY
3 BLOOD. THERE MAY BE BLOOD ON THAT SHIRT BUT I MAY
4 NOT BE ABLE TO IDENTIFY IT IF IT'S IN SUCH A SMALL
5 QUANTITY THAT MY TEST WON'T DETECT IT.

6 Q MAYBE WE'RE HAVING A LITTLE PROBLEM
7 COMMUNICATING HERE, BUT LET ME ASK YOU THIS.

8 MR. JONES: YOUR HONOR...

9 THE COURT: I SUSTAIN THAT.

10 MR. HARPOOTLIAN: I'M SORRY.

11 THE COURT: AND STRIKE THAT FROM THE
12 RECORD. NO EDITORIALIZING FROM EITHER ONE OF YOU.

13 MR. HARPOOTLIAN: YES, SIR.

14 Q DID YOU FIND ANY BLOOD?

15 A I DID NOT.

16 Q OKAY. NOW, THE FIRST TEST YOU RAN WAS
17 CALLED A PHENOL TEST, IS THAT RIGHT?

18 A PHENOLPHTHALEIN, YES.

19 Q PHENOLPHTHALEIN TEST. NOW LET'S GO TO
20 STATE'S EXHIBIT NUMBER TWENTY-ONE WHERE YOU SAID
21 YOU FOUND, I BELIEVE YOUR REPORT INDICATES HUMAN
22 BLOOD FOUND?

23 A CORRECT.

24 Q NOW, WAS IT FOUND ON THE SHOE LACE?

25 A NO, IT WAS NOT.

- 1 Q OKAY, WHERE WAS IT?
- 2 A FOUND RIGHT IN THIS AREA.
- 3 Q IN THAT AREA?
- 4 A ON THE LEFT SHOE, YES.
- 5 Q AND IT WAS A VERY SMALL AMOUNT?
- 6 A YES, IT WAS.
- 7 Q AND DID YOU TAKE A PICTURE OF IT BEFORE
- 8 YOU SWABBED IT?
- 9 A I DID NOT.
- 10 Q AND DID YOU, YOU RAN THE SAME PHENYL
- 11 TEST, IS THAT RIGHT?
- 12 A PHENOLPHTHALEIN TEST, YES I DID.
- 13 Q RIGHT. THE SAME ONE YOU RAN ON THE
- 14 SHIRT?
- 15 A YES.
- 16 Q AND WHEN YOU RAN THE MORE SPECIFIC TEST
- 17 ON THE SHIRT, YOU FOUND THERE WAS NO BLOOD PRESENT,
- 18 IS THAT CORRECT?
- 19 A THAT'S CORRECT.
- 20 Q NOW, WHEN YOU RAN THE MORE SPECIFIC
- 21 TEST ON THE SHOES, WHAT DID YOU FIND?
- 22 A HUMAN BLOOD WAS IDENTIFIED.
- 23 Q WHICH...NOW, HOW MANY TESTS DID YOU
- 24 RUN?
- 25 A TWO.

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- 1 Q OKAY, WHAT WERE THEY?
- 2 A PHENOLPHTHALEIN AND A HUMAN SPECIES
- 3 TEST.
- 4 Q OKAY. NOW, THERE'S A MORE SPECIFIC
- 5 TEST, DNA. AND YOU SENT IT OFF FOR DNA
- 6 EXAMINATION, IS THAT CORRECT?
- 7 A ARE WE TALKING ABOUT THE SHOES OR TEE-
- 8 SHIRT?
- 9 Q THE SHOES, THE SHOE.
- 10 A THE SHOE WAS SENT, YES.
- 11 Q FOR THE EVEN MORE SPECIFIC TEST?
- 12 A THAT'S CORRECT.
- 13 Q NOW, LET ME ASK YOU THIS. LET'S GO
- 14 BACK TO THE TEST YOU RAN. THE SCREEN, THE PHENOL
- 15 TEST THAT YOU USED FOR BLOOD, AND THAT'S THE FIRST
- 16 TEST YOU RAN ON THE SHOES, IS THAT CORRECT?
- 17 A YES.
- 18 Q IS A --LOOKS FOR PYRIDOXINE ACTIVITY IN
- 19 THE BLOOD, IS THAT RIGHT?
- 20 A THAT'S CORRECT. PEROXIDASE IS THE
- 21 CORRECT PRONOUN...
- 22 Q WELL, I'M SORRY. CLEMSON GRADUATE BUT
- 23 I CAN'T PRONOUNCE THOSE KINDS OF WORDS, OKAY?
- 24 AND IT'S TRUE THAT THAT TEST REACTS
- 25 WITH OTHER KINDS OF THINGS OTHER THAN HUMAN BLOOD,

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- 1 IS THAT NOT CORRECT?
- 2 A THAT'S CORRECT.
- 3 Q IT REACTS, FOR INSTANCE, TO, OH,
- 4 PLANTS, SOME HOUSEHOLD CHEMICALS LIKE CHLOROX,
- 5 BLEACH?
- 6 A SOME BLEACHES, THAT'S CORRECT.
- 7 Q OKAY. NOW, ISN'T IT ALSO TRUE THE
- 8 SECOND TEST YOU RAN WILL INDICATE THAT THERE IS
- 9 HUMAN PROTEIN PRESENT BUT THAT DOESN'T NECESSARILY
- 10 MEAN BLOOD?
- 11 A NOT NECESSARILY.
- 12 Q OKAY. FOR INSTANCE, ANY BODY, OR MOST
- 13 OF THE BODY FLUIDS THAT WE GENERATE AND HAVE IN OUR
- 14 BODY HAVE PROTEIN IN THEM, IS THAT CORRECT?
- 15 A YES.
- 16 Q FOR INSTANCE, SALVIA HAS PROTEIN IN IT?
- 17 A YES, IT DOES.
- 18 Q URINE?
- 19 A YES.
- 20 Q TEARS?
- 21 A YES.
- 22 Q BASICALLY ANY FLUID, IS THAT CORRECT?
- 23 A WOULD HAVE SOME PROTEIN, YES.
- 24 Q OKAY. NOW THE TWO TESTS THAT YOU RAN
- 25 ON THIS SHOE...

- 1 A YES.
- 2 Q ...ARE CONSISTENT WITH THAT BEING A
- 3 SPOT OF URINE, IS IT NOT?
- 4 A I WOULDN'T SAY SO, NO.
- 5 Q WHAT IS IT THAT'S INCONSISTENT ABOUT IT
- 6 BEING A SPOT OF URINE?
- 7 A THE PHENOLPHTHALEIN TEST.
- 8 Q THE PHENOLPHTHALEIN TEST INDICATES THAT
- 9 THERE ARE PEROXIDE, OR SOME SORT OF--WHAT DO THEY
- 10 CALL, PRESENT?
- 11 A PEROXIDASE ACTIVITY.
- 12 Q PEROXIDASE ACTIVITY. YOU DON'T HAVE
- 13 PEROXIDASE ACTIVITY IN YOUR URINE?
- 14 A NO.
- 15 Q BUT YOU DO HAVE THE PROTEIN, THE HUMAN
- 16 PROTEINS?
- 17 A YES, YOU DO.
- 18 Q OKAY. BUT YOU SENT IT OFF FOR AN EVEN
- 19 MORE SPECIFIC TEST?
- 20 A YES.
- 21 Q AND THAT TESTING IS NOT DONE BY YOU?
- 22 A NO, SIR.
- 23 Q NOW, THIS SECOND TEST YOU DID, IS THAT
- 24 A CATALYTIC TEST?
- 25 A NO, IT'S NOT.

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- 1 Q OKAY. IT'S AN ANTI-HUMAN...OR WHAT'S
2 IT CALLED AGAIN?
- 3 A IT'S AN IMMUNOLOGIC TEST.
- 4 Q IMMUNOLOGIC TEST. AND THAT'S NOT THE
5 BENZENE TEST EITHER?
- 6 A NO, IT'S NOT.
- 7 Q NOW, IS THAT AN ANTI-SERUM TEST?
- 8 A YES, IT IS.
- 9 Q AND ARE YOU AWARE OF ANY STUDIES IN
10 WHICH THAT TEST HAS HAD FALSE POSITIVES?
- 11 A THE ONLY FALSE POSITIVES THAT I'M AWARE
12 FOR THE ANTI-HUMAN TEST WOULD BE AGAINST SOME OLD
13 WORLD MONKEYS. OTHER THAN THAT, I'M NOT AWARE OF
14 ANY FALSE POSITIVES.
- 15 Q BUT A MORE SPECIFIC TEST WOULD HAVE
16 BEEN A HEMOGLOBIN TEST. DO YOU DO THAT?
- 17 A WE DON'T DO THAT TEST IN OUR
18 LABORATORY. THAT'S NOT AS SENSITIVE AS WE NEED FOR
19 FORENSICS.
- 20 Q BUT HEMOGLOBIN TEST WOULD HAVE BEEN
21 MORE SPECIFIC THAN THE ONE YOU RAN?
- 22 A YES.
- 23 Q AND CERTAINLY AT THAT POINT YOU SENT IT
24 OFF FOR FURTHER TESTING?
- 25 A THAT'S CORRECT.

1 MR. HARPOOTLIAN: BEG THE COURT'S
2 INDULGENCE JUST ONE MOMENT, PLEASE.

3 THE COURT: ALL RIGHT, MR. HARPOOTLIAN,
4 LET'S GO.

5 MR. HARPOOTLIAN: I'M SORRY.

6 Q LET ME ASK YOU JUST A FEW QUESTIONS
7 ABOUT THIS TESTING. THE PHENOL TEST IS A SCREENING
8 TEST?

9 A PHENOLPHTHALEIN, YES, IS A SCREENING.

10 Q OKAY, AND IT'S KNOWN AS A PRESUMPTIVE
11 TEST?

12 A YES, IT IS.

13 Q MEANING THERE'S A PRESUMPTION THE
14 SUBSTANCE IS BLOOD BUT YOU CAN'T SAY POSITIVELY
15 IT'S BLOOD?

16 A THAT'S CORRECT.

17 Q AND THERE'S A NUMBER OF THINGS THAT
18 REACT POSITIVELY WITH THE PHENOL TEST THAT ARE NOT
19 BLOOD?

20 A THERE ARE A FEW THINGS, YES.

21 Q AND SOME CLEANING SOLUTIONS, CHLOROUS
22 BLEACH...

23 A SOME BLEACHES, THAT'S CORRECT.

24 Q SOME BLEACHES. WHAT ELSE?

25 A RUST HAS BEEN KNOWN TO REACT WITH IT.

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1 SOME PLANT TISSUES, SUCH AS HORSERADISH FOR
2 EXAMPLE.

3 Q OKAY, BUT THERE ARE A NUMBER OF THINGS.
4 THEY'RE NOT ENUMERABLE BUT A NUMBER OF NON-BODY
5 FLUID KINDS OF THINGS THAT REACT TO GIVE YOU A
6 POSITIVE ON PHENOL?

7 A YES, THERE ARE SOME SUBSTANCES THAT
8 WILL CAUSE A FALSE POSITIVE.

9 Q OKAY. AND SOME THINGS THAT YOU MIGHT
10 CLEAN HOUSEHOLD ITEMS WITH SUCH AS SHOES? AS A
11 MATTER OF FACT, SOME SHOE POLISHES HAVE SHOWN
12 POSITIVES WITH PHENOL, HAVE THEY NOT?

13 A I'M NOT AWARE OF THAT.

14 Q OKAY, BUT WE JUST MENTIONED CLEANING
15 THINGS, AND YOU'VE ALSO INDICATED THAT THE SECOND
16 TEST THAT YOU RAN DOESN'T INDICATE BLOOD, WHAT IT
17 INDICATES IS ANIMAL PROTEIN?

18 A HUMAN PROTEIN.

19 Q HUMAN PROTEIN, I'M SORRY. HUMAN
20 PROTEIN.

21 A THAT'S CORRECT.

22 Q SO WHAT YOU'VE GOT IS YOU'VE GOT A TEST
23 THAT IS NON-SPECIFIC FOR BLOOD, FIRST TEST, AND A
24 SECOND TEST THAT IS NON-SPECIFIC FOR BLOOD, IS THAT
25 CORRECT?

- 1 A THAT'S CORRECT.
- 2 Q THERE IS A THIRD TEST THAT YOU COULD
- 3 HAVE RUN WHICH IS THE HEMOGLOBIN TEST WHICH WOULD
- 4 HAVE TOLD YOU IT WAS BLOOD, BUT YOU DIDN'T RUN THAT
- 5 ONE?
- 6 A IN THIS CASE, IT WOULD NOT HAVE TOLD ME
- 7 IT WAS BLOOD BECAUSE THERE WASN'T A SUFFICIENT
- 8 AMOUNT OF SAMPLE TO USE THAT TEST.
- 9 Q AND THAT'S WHY YOU SENT IT OFF FOR DNA
- 10 TO BE SURE?
- 11 A WE SENT IT OFF FOR DNA FOR ADDITIONAL
- 12 TESTING, YES.
- 13 Q OKAY. NOW, THIS TEE-SHIRT--WHEREVER IT
- 14 IS. OH, YOU HAVE IT RIGHT THERE.
- 15 IF I DIP THIS IN WATER AND WIPE UP
- 16 BLOOD WITH IT AND THROW IT IN THE FRONT SEAT OF THE
- 17 CAR, WOULD YOU EXPECT TO HAVE A POSITIVE ON ALL THE
- 18 TEST YOU RAN?
- 19 A POSITIVE PHENOLPHTHALEIN?
- 20 Q POSITIVE PHENOLPHTHALEIN AND THE SECOND
- 21 TEST YOU RAN, WHAT WAS THAT?
- 22 A ANTI-HUMAN.
- 23 Q ANTI-HUMAN, RIGHT.
- 24 A SPECIES.
- 25 Q WOULD YOU EXPECT TO HAVE A POSITIVE ON

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- 1 BOTH OF THOSE?
- 2 A IT DEPENDS ON THE AMOUNT OF WATER AND
- 3 THE AMOUNT OF BLOOD ON THAT SHIRT.
- 4 Q OKAY, DID YOU CHECK THE CARPET
- 5 UNDERNEATH THE SHIRT WHERE IT WAS FOUND LYING?
- 6 A NO, I DID NOT.
- 7 Q WAS IT WET UNDER THERE?
- 8 A I WAS HANDED THAT SHIRT.
- 9 Q SO YOU DON'T KNOW WHETHER IT WAS WET
- 10 UNDER THE SHIRT OR NOT?
- 11 A NO, I DO NOT.
- 12 Q AND YOU DON'T KNOW IF THERE WAS ANY
- 13 BLOOD UNDER THE TEE-SHIRT?
- 14 A NO.
- 15 Q BUT WHEN YOU GOT THE SHIRT, IT DID NOT
- 16 TEST POSITIVE FOR BLOOD, ACCORDING TO YOUR REPORT
- 17 THAT WE SEE HERE?
- 18 A THAT'S CORRECT.
- 19 MR. HARPOOTLIAN: ONE MOMENT, YOUR
- 20 HONOR. I THINK I ...
- 21 Q OH, YEAH, DID YOU PROCESS THE HEAD REST
- 22 FOR BLOOD?
- 23 A I LOOKED AT IT. I DID NOT SWAB THE
- 24 HEAD REST.
- 25 Q DID YOU FIND ANY BLOOD ON IT?

- 1 A NO, NOT THAT I RECALL.
- 2 Q NOW YOU ALSO, AND WHILE I'VE GOT YOU ON
- 3 THE STAND, YOU PROCESSED A PAIR OF BOLT CUTTERS?
- 4 A I DID NOT DO THAT.
- 5 Q HOW ABOUT ANY GUNS?
- 6 A NO.
- 7 Q OKAY. THANK YOU.
- 8 THE COURT: REDIRECT, SOLICITOR?
- 9 REDIRECT EXAMINATION:
- 10 BY MR. JONES:
- 11 Q BRIEFLY, AGENT SKRABA, YOU TESTIFIED I
- 12 BELIEVE THAT WHEN YOU CONDUCTED...WHEN YOU OBSERVED
- 13 THESE TENNIS SHOES, STATE'S EXHIBIT NUMBER TWENTY-
- 14 ONE?
- 15 A YES.
- 16 Q I BELIEVE YOU TESTIFIED--DID YOU SAY
- 17 YOU COULD SEE THE BLOOD ON THE SHOE?
- 18 A I COULD SEE A SMALL AREA THAT APPEARED
- 19 TO BE BLOOD, THAT'S CORRECT.
- 20 Q ALL RIGHT. YOU ARE AN EXPERT IN
- 21 SEROLOGY, RIGHT?
- 22 A YES.
- 23 Q AND BASED ON YOUR EXPERIENCE, DOES
- 24 BLOOD AND URINE APPEAR TO LOOK THE SAME?
- 25 A NO.

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1 Q DOES BLOOD AND SALIVA APPEAR TO LOOK
2 THE SAME?
3 A NO.
4 Q DOES BLOOD AND TEARS APPEAR TO LOOK THE
5 SAME?
6 A NO.
7 Q DOES BLOOD AND CLEANING FLUID APPEAR TO
8 LOOK THE SAME?
9 A NO.
10 Q SO WHAT YOU SAW APPEARED TO LOOK LIKE
11 BLOOD, IS THAT CORRECT?
12 A YES, IT DID.
13 Q AND WHEN YOU TESTED IT, WHAT DID THE
14 TEST TELL YOU WHAT THE SUBSTANCE WAS?
15 A IT WAS POSITIVE FOR HUMAN BLOOD.
16 Q WHAT WAS THE COLOR OF THE SUBSTANCE ON
17 THE SHOE THAT YOU OBSERVED? HOW WOULD YOU DESCRIBE
18 THE COLOR OF THE SUBSTANCE?
19 A REDDISH-BROWN COLOR.
20 Q THANK YOU, MA'AM.
21 MR. HARPOOTLIAN: JUST A COUPLE MORE
22 QUESTIONS.
23 THE COURT: RECROSS, MR. HARPOOTLIAN.
24 MR. HARPOOTLIAN: THANK YOU.
25 RECROSS EXAMINATION:

1 BY MR. HARPOOTLIAN:

2 Q YOU DID NOT TAKE A PICTURE OF THAT
3 SUBSTANCE BEFORE YOU WIPE IT OFF, DID YOU?

4 A NO, I DID NOT.

5 Q HOW BIG WAS THAT BLOOD, THAT SPOT OF
6 BLOOD?

7 A IT WAS VERY SMALL.

8 Q HOW SMALL?

9 A ONE OR TWO MILLIMETERS.

10 Q I DON'T KNOW WHAT A MILLIMETER IS. I'M
11 AN OLD-TIMEY KIND OF GUY.

12 MR. JONES: YOUR HONOR...

13 THE COURT: SUSTAINED. STRIKE THAT
14 FROM THE RECORD.

15 NOW, GENTLEMEN, YOU'VE DONE REAL GOOD
16 THE LAST COUPLE OF DAYS, BOTH OF YOU.

17 MR. JONES: WELL, YOUR HONOR, WE'RE
18 TALKING ABOUT HIM.

19 THE COURT: I KNOW IT. YOU DON'T WANT
20 ME TO BRAG ON YOU?

21 MR. HARPOOTLIAN: HE DOESN'T TAKE
22 PRAISE VERY WELL, DOES HE, JUDGE.

23 THE COURT: I SAID YOU'VE BOTH DONE
24 REAL GOOD THE LAST COUPLE OF DAYS.

25 MR. HARPOOTLIAN: IT'S LATE THOUGH,

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1 YOUR HONOR, AND I'M...

2 THE COURT: I UNDERSTAND. ALL RIGHT,
3 GET A LITTLE PLACE SO YOU CAN FIND OUT HOW BIG
4 TWO...

5 Q HOW BIG IS IT? IS IT BIGGER THAN THAT
6 PINPOINT?

7 A I CAN DRAW YOU A PICTURE OF ABOUT HOW
8 BIG IT IS.

9 Q OKAY, I TELL YOU WHAT I WANT YOU TO DO.
10 I WANT YOU TO DRAW IT ON THE BACK OF ONE OF THESE
11 OTHER EXHIBITS, IF THAT'S OKAY WITH THE SOLICITOR,
12 JUST ONE OF THESE PICTURES HERE. IS THAT OKAY?

13 MR. JONES: YOUR HONOR...

14 THE COURT: WHY DON'T YOU DO IT ON A
15 PIECE OF PAPER, MR. HARPOOTLIAN, AND THAT WILL TAKE
16 CARE OF IT. JUST GIVE HIM A BLANK PIECE OF PAPER
17 AND LET HIM DO IT ON THAT.

18 MR. HARPOOTLIAN: LET ME GET ONE
19 WITHOUT LINES ON IT. A PIECE OF COPY PAPER, THAT
20 WILL WORK.

21 Q HOW ABOUT DRAWING ME A

22 THAT'S IT?

23 A YES, IT WASN'T ANY LARGER THAN THAT.

24 MR. HARPOOTLIAN: COULD I HAVE THIS
25 MARKED AS AN EXHIBIT, YOUR HONOR?

1 THE COURT: YES, SIR.

2 COURT REPORTER: SIX.

3 (SO MARKED AS DEFENDANT'S EXHIBIT
4 NUMBER SIX, WITHOUT OBJECTION.)

5 Q COULD YOU DRAW ME AN ARROW TO THAT? I
6 WANT TO MAKE SURE...

7 OKAY, GREAT. LET ME SHOW THIS TO THE
8 JURY.

9 I MEAN IT'S ABOUT THE SIZE OF ONE OF
10 THESE LITTLE HOLES HERE ON THE FRONT?

11 A NOT THIS.

12 Q NOT THE BIG HOLE, THE SMALLEST HOLE.

13 A THE SMALLEST HOLE. IT'S JUST A SPEC OF
14 BLOOD, THAT'S CORRECT.

15 Q IS THAT WHAT?

16 A NO, I TESTED THE ENTIRE SHOE AND I DID
17 NOT FIND ANY OTHER BLOOD ON THE SHOE.

18 Q YOU TESTED THE ENTIRE SHOE AND YOU
19 FOUND A SPEC OF BLOOD, IS THAT CORRECT?

20 A CORRECT.

21 Q I WOULD CALL THAT A SPEC.

22 A YES.

23 Q HOW LONG HAD THAT BLOOD BEEN ON THE
24 SHOE?

25 A I CAN'T TELL YOU THAT.

1 Q AND YOU CAN'T TELL ME WHAT THE TYPE
2 WAS?

3 A NO.

4 Q BUT YOU DID SEND IT OFF FOR THAT MORE
5 SPECIFIC DNA TESTING THAT YOU WERE TALKING ABOUT?

6 A YES.

7 Q THANK YOU.

8 THE COURT: ALL RIGHT, THANK YOU,
9 MA'AM.

10 ANY REASON WHY SHE CAN'T BE RELEASED
11 FROM HER SUBPOENA? ANY OBJECTION?

12 MR. JONES: NO, SIR.

13 THE COURT: ALL RIGHT, WITHOUT
14 OBJECTION. YOU'RE FREE TO GO. THANK YOU FOR
15 COMING.

16 LET ME SEE YOU GENTLEMEN OVER HERE JUST
17 A MINUTE AND SEE WHERE WE ARE.

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

21 THE COURT: ALL RIGHT, MADAM FOREMAN
22 AND LADIES AND GENTLEMEN, I HAVE TO CONDUCT A
23 HEARING OUTSIDE YOUR PRESENCE FOR A LITTLE BIT. IT
24 COULD TAKE TEN MINUTES, IT COULD TAKE THIRTY
25 MINUTES. I DON'T KNOW EXACTLY.

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1 WE'RE WILLING TO WORK AS LONG AS YOU
2 ARE. LET ME DO THIS. WHY DON'T YOU TAKE A SHORT
3 BREAK AND THEN KIND OF GIVE US AN INDICATION OF
4 WHETHER OR NOT YOU WISH TO STAY ON A LITTLE WHILE.
5 I TELL YOU, YOU COULD BE BACK THERE TEN, YOU COULD
6 BE BACK THERE THIRTY MINUTES BEFORE WE ACTUALLY
7 START TAKING TESTIMONY AGAIN. IF YOU WANT TO STOP,
8 YOU TELL ME THAT AND I'LL LET YOU GO HOME TONIGHT.
9 BUT WE'VE GOT TO HAVE THAT LITTLE HEARING BEFORE I
10 CAN PROCEED ANY FURTHER. SO LET ME KNOW WHAT YOU
11 WANT TO DO AND WE'LL BE GLAD TO...WE'RE GOING TO
12 START TOMORROW AT NINE O'CLOCK; I CAN TELL YOU
13 THAT. AND WE'LL WORK PRETTY HARD TOMORROW TOO, SO
14 WHATEVER YOUR PLEASURE.

15 FORELADY: YOU WANT TO KNOW NOW OR?

16 THE COURT: YEAH, JUST GO IN THERE AND
17 TALK ABOUT IT A MINUTE.

18 (JURY RECESSED TO JURY ROOM AT 5:50
19 P.M.)

20 THE COURT: ALL RIGHT, ARE THE EXHIBITS
21 UP TO DATE HERE AND Y'ALL GOT THEM ALL TOGETHER? I
22 KNOW THEY FLOATED AROUND HERE IN THREE OR FOUR
23 PLACES.

24 WE'LL TAKE A SHORT BREAK WHILE
25 THEY'RE...LET'S GO IN THERE AND TALK ABOUT IT A

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1 LITTLE BIT.

2 (BRIEF RECESS)

3 MR. MCMAHON: WE'RE GOING TO CALL
4 DETECTIVE WRIGHT.

5 THE COURT: ALL RIGHT, IS THAT THE ONE
6 WE'VE GOT TO HAVE THE JACKSON V. DINO ON?

7 MR. MCMAHON: WELL, SIR, I THINK HIS
8 ADVISEMENT OF THE RIGHTS AT 2:55 IN THE MORNING
9 BEGINS A CONTINUING COURSE OF THE DEFENDANT BEING
10 ADVISED AND NEVER INVOKING HIS RIGHTS UP TO AND
11 INCLUDING THE TIME THAT HE TALKED WITH MR. SUTTON.
12 NOW IF THEY WANT TO...

13 THE COURT: WELL, I UNDERSTAND THAT.

14 MR. HARPOOTLIAN, IN LIGHT OF THE
15 TESTIMONY IN THE OTHER JACKSON V. DINO HEARING, I
16 BELIEVE THEY'RE GOING TO HAVE TO, IN THE CONSENT
17 HERE, I BELIEVE THEY'RE GOING TO HAVE TO OFFER THAT
18 WITNESS FOR THE PURPOSES OF A JACKSON V. DINO
19 HEARING.

20 MR. HARPOOTLIAN: YES, SIR.

21 THE COURT: OKAY.

22 MR. MCMAHON: UNLESS THEY STIPULATE
23 THAT HE WAS ADVISED OF HIS RIGHTS.

24 THE COURT: WELL, I DON'T THINK THEY'RE
25 IN THAT POSITION AFTER YESTERDAY.

1 MR. MCMAHON: WELL, I WAS JUST ASKING.

2 STATE CALLS JERRY WRIGHT.

3 THE COURT: ALL RIGHT, MR. WRIGHT.

4 EVERYBODY NEEDS TO COVER THEIR BASES ON THESE
5 ISSUES.

6 MR. HARPOOTLIAN: YOUR HONOR, MR. JONES
7 WROTE OUT A SHEET YESTERDAY...

8 MR. JONES: YOU MADE A COPY OF IT AND
9 DIDN'T RETURN MY ORIGINAL.

10 THE COURT: WAIT A MINUTE. DON'T BLAME
11 HIM, I MIGHT HAVE IT.

12 MR. JONES: ALL RIGHT, SOMEBODY DIDN'T
13 RETURN MY ORIGINAL. I GAVE IT TO HIM TO MAKE A
14 COPY.

15 JERRY WRIGHT, BEING DULY
16 SWORN, TESTIFIED AS FOLLOWS:

17 DIRECT EXAMINATION:

18 BY MR. MCMAHON:

19 MR. MCMAHON: MAY IT PLEASE THE COURT?

20 Q SIR, WOULD YOU STATE YOUR NAME FOR THE
21 RECORD, PLEASE?

22 A JERRY WRIGHT.

23 Q AND BY WHOM ARE YOU EMPLOYED?

24 A NEWBERRY COUNTY SHERIFF'S OFFICE.

25 Q WHAT IS YOUR POSITION WITH THE NEWBERRY

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- 1 COUNTY SHERIFF'S DEPARTMENT?
- 2 A CHIEF DEPUTY.
- 3 Q NOW, DEPUTY WRIGHT, WERE YOU CALLED TO
- 4 A PARTICULAR LOCATION IN NEWBERRY COUNTY ON THE
- 5 NIGHT OF JUNE THE 12TH OF 1994?
- 6 A YES, I WAS. I WAS CALLED TO MOUNTAIN
- 7 ROAD IN THE LITTLE MOUNTAIN SECTION OF NEWBERRY
- 8 COUNTY.
- 9 Q AND APPROXIMATELY WHAT TIME DID YOU
- 10 ARRIVE AT THAT LOCATION?
- 11 A APPROXIMATELY 10:30 P.M.
- 12 Q ALL RIGHT, SIR, DID YOU REMAIN AT THAT
- 13 LOCATION FOR A PERIOD OF TIME?
- 14 A YES SIR, I DID.
- 15 Q AND THAT WAS WHERE THE VEHICLE AND THE
- 16 BODY OF VICTORIA LANDER BECKHAM HAD BEEN
- 17 DISCOVERED?
- 18 A YES SIR.
- 19 Q ABOUT WHAT TIME WERE Y'ALL ACTUALLY
- 20 ABLE TO IDENTIFY WHO THE PERSON WAS THAT WAS IN
- 21 THAT VEHICLE?
- 22 A ABOUT THE TIME THAT WE WERE ABLE TO
- 23 IDENTIFY HER POSITIVELY WAS SOMEWHERE AROUND ONE OR
- 24 ONE-THIRTY.
- 25 Q A.M.?

- 1 A A.M.
- 2 Q IN THE MORNING OF THE?
- 3 A THE 13TH.
- 4 Q THIRTEENTH. NOW, AS A RESULT OF
- 5 IDENTIFYING THAT, DID YOU AND MAJOR GILLIAM OF THE
- 6 SHERIFF'S DEPARTMENT GO TO A PARTICULAR LOCATION?
- 7 A YES SIR, AFTER THE IDENTIFICATION, WE
- 8 WENT TO THE VICTIM'S HUSBAND'S HOME.
- 9 Q ALL RIGHT SIR, NOW, ABOUT WHAT TIME DID
- 10 YOU ARRIVE AT THE VICTIM'S HUSBAND'S HOME?
- 11 A SOMEWHERE IN THE NEIGHBORHOOD OF ABOUT
- 12 TWO A.M.
- 13 Q TWO A.M. ON WHAT NOW WOULD HAVE BEEN
- 14 MONDAY, THE 13TH OF JUNE, IS THAT CORRECT?
- 15 A THAT'S CORRECT.
- 16 Q AND YOU'RE REFERRING TO THE DEFENDANT,
- 17 STEPHEN BECKHAM, IS THAT CORRECT?
- 18 A THAT'S CORRECT.
- 19 Q NOW, WHEN Y'ALL ARRIVED AT HIS
- 20 RESIDENCE, WOULD YOU DESCRIBE FOR HIS HONOR AT THAT
- 21 TIME OF THE MORNING WHAT THE APPEARANCE WAS OF THE
- 22 RESIDENCE FROM THE OUTSIDE?
- 23 A WELL, WE FIRST WENT TO HIS FATHER'S
- 24 RESIDENCE.
- 25 Q YES SIR, BUT I REFERRING TO WHEN YOU

1 ARRIVED AT MR. BECKHAM, THE DEFENDANT'S RESIDENCE.

2 A WHEN WE PULLED UP TO HIS RESIDENCE WE
3 NOTICED THAT THE LIGHTS WERE ON INSIDE THE
4 DOUBLEWIDE TRAILER.

5 Q AND WHAT TIME AGAIN WAS THIS?

6 A APPROXIMATELY TWO A.M.

7 Q NOW WHAT STEPS DID Y'ALL TAKE TO GET
8 ANYONE TO COME TO THE DOOR?

9 A JUST KNOCKED ON THE DOOR.

10 Q AND DID ANYONE RESPOND TO YOUR
11 KNOCKING?

12 A YES SIR, THE DEFENDANT CAME RIGHT ON TO
13 THE FRONT DOOR.

14 Q ABOUT WHAT PERIOD OF TIME PASSED FROM
15 WHEN YOU KNOCKED ON THE DOOR UNTIL WHEN THE
16 DEFENDANT ARRIVED AT THE DOOR?

17 A JUST A MATTER OF SECONDS.

18 Q AND WOULD YOU DESCRIBE FOR HIS HONOR
19 PLEASE, WHAT THE DEFENDANT'S APPEARANCE WAS AT THAT
20 TIME?

21 A HE WAS FULLY DRESSED, WEARING A PINK
22 POLO-TYPE SHIRT, BLUE JEANS AND TENNIS SHOES.

23 Q ALL RIGHT, SIR, NOW WHAT CONVERSATIONS,
24 IF ANY, DID YOU OR OFFICER GILLIAM HAVE WITH THE
25 DEFENDANT AT THAT TIME?

1 A THE FIRST THING WE DID WAS IDENTIFY
2 OURSELVES AND ASKED IF HE WAS STEPHEN BECKHAM. HE
3 REPLIED THAT HE WAS AND WE ASKED COULD WE STEP
4 INSIDE AND SPEAK TO HIM.

5 Q AND WHAT WAS HIS RESPONSE TO THAT?

6 A HE INVITED US INSIDE.

7 Q AND WAS HE IN CUSTODY AT THAT TIME?

8 A NO SIR.

9 Q HAD YOU GONE THERE TO PLACE HIM UNDER
10 ARREST AT THAT TIME?

11 A NO SIR.

12 Q WAS HE PLACED UNDER ARREST AT THAT
13 TIME?

14 A NO SIR.

15 Q NOW AFTER YOU WERE INVITED IN, WAS
16 THERE AN ADDITIONAL PART TO THAT CONVERSATION?

17 A YES SIR. WHEN WE GOT INSIDE WE NOTICED
18 THERE WERE FOUR WHAT APPEARED TO BE CHILDREN
19 SLEEPING ON THE FLOOR THERE. THERE WAS A LIGHT ON
20 IN THAT ROOM, A LAMP THAT LIT UP THE ROOM AND WE
21 NOTICED THERE WAS FOUR CHILDREN SLEEPING AROUND ON
22 THE COUCH OR ON PALLETS AND WE ASKED HIM COULD WE
23 STEP INSIDE THE ROOM TO THE LEFT, WHICH THE DOOR
24 WAS OPEN AND IT WAS READILY IDENTIFIED AS A
25 BEDROOM.

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1 Q AND WHAT WAS HIS RESPONSE TO Y'ALL'S
2 REQUEST TO STEP INTO THE BEDROOM?

3 A HE INVITED US INTO HIS BEDROOM.

4 Q AND THEN WHEN Y'ALL GOT INTO HIS
5 BEDROOM, WHAT OCCURRED?

6 A WELL, WE SHUT THE DOOR AND I TOLD THE
7 DEFENDANT THAT WE HAD SOME BAD NEWS FOR HIM. I
8 TOLD HIM THAT WE HAD FOUND HIS WIFE, VICKIE DEAD
9 AND IT APPEARED THAT FOUL PLAY WAS INVOLVED.

10 Q NOW, AS A RESULT OF YOU AND THE OTHER
11 OFFICER GOING TO THIS LOCATION AND ADVISING THE
12 DEFENDANT OF THIS INFORMATION, DID Y'ALL MAKE ANY
13 REQUESTS OF THE DEFENDANT?

14 A YES SIR, WE ASKED IF HE WOULD ACCOMPANY
15 US TO THE SHERIFF'S OFFICE TO HELP US AND GIVE US
16 INFORMATION AS FAR AS HISTORY OF VICKIE, SOME WORK
17 INFORMATION, SOME FAMILY HISTORY, FRIEND
18 INFORMATION, THAT TYPE INFORMATION.

19 Q AND WHAT WAS HIS RESPONSE TO Y'ALL'S
20 REQUEST TO ACCOMPANY Y'ALL TO THE NEWBERRY COUNTY
21 SHERIFF'S DEPARTMENT?

22 A HE AGREED TO COME WITH US.

23 Q DID HE OBJECT IN ANY MANNER?

24 A NO SIR.

25 Q WAS HE FREE NOT TO GO?

- 1 A HE WAS FREE NOT TO GO.
- 2 Q WAS HE UNDER ARREST?
- 3 A NO, SIR.
- 4 Q WAS HE IN CUSTODY AT THAT TIME?
- 5 A NO SIR.
- 6 Q NOW I BELIEVE YOU MENTIONED THERE WERE
- 7 FOUR CHILDREN IN THE DEN AREA OF THIS RESIDENCE?
- 8 A THAT'S CORRECT.
- 9 Q WERE THERE ANY ARRANGEMENTS MADE PRIOR
- 10 TO YOUR AND THE OTHER OFFICER AND DEFENDANT BECKHAM
- 11 LEAVING HIS RESIDENCE?
- 12 A YES SIR. WHILE WE WERE SPEAKING WITH
- 13 THE DEFENDANT, HIS FATHER WALKED DOWN FROM HIS
- 14 HOUSE, WHICH IS I ESTIMATE A HUNDRED AND FIFTY FEET
- 15 AWAY, WALKED, YOU KNOW, INSIDE THE TRAILER THERE.
- 16 WHEN HE DID THAT, I ASKED TO SPEAK TO MR. WILLIAM
- 17 BECKHAM, ASKED HIM TO COME TO THE BEDROOM THERE AND
- 18 SHUT THE DOOR. I TOLD HIM THE SAME SET OF FACTS I
- 19 HAD TOLD HIS SON, THAT WE HAD FOUND VICKIE BECKHAM
- 20 DEAD AND WE BELIEVED FOUL PLAY WAS INVOLVED.
- 21 Q AND AFTER YOU ADVISED THE DEFENDANT'S
- 22 FATHER, WILLIAM BECKHAM OF THIS INFORMATION, DID
- 23 YOU AND THE OFFICER AND STEPHEN BECKHAM LEAVE
- 24 STEPHEN BECKHAM'S RESIDENCE?
- 25 A YES SIR, WE LEFT AFTER STEPHEN HAD

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- 1 ASKED HIS FATHER TO STAY THERE WITH HIS CHILDREN.
- 2 Q SO WHEN Y'ALL LEFT STEPHEN BECKHAM'S
- 3 RESIDENCE, HIS FAMILY KNEW OR DID NOT KNOW WHO HE
- 4 WAS WITH?
- 5 A HIS FATHER DID KNOW.
- 6 Q AND HIS FATHER KNEW OR DID NOT KNOW
- 7 WHERE HE WAS GOING?
- 8 A HIS FATHER DID KNOW.
- 9 Q AND YOU HAD INFORMED HIM OF THAT?
- 10 A YES, SIR.
- 11 Q NOW, WHEN MR. BECKHAM VOLUNTARILY LEFT
- 12 WITH Y'ALL, WAS HE HANDCUFFED IN ANY MANNER?
- 13 A NO SIR.
- 14 Q ALL RIGHT, SIR, NOW FROM THE RESIDENCE
- 15 Y'ALL WERE AT, APPROXIMATELY HOW LONG WOULD IT TAKE
- 16 TO GET FROM THAT RESIDENCE TO THE NEWBERRY COUNTY
- 17 SHERIFF'S DEPARTMENT?
- 18 A IT WOULD TAKE TWENTY, ABOUT TWENTY,
- 19 MAYBE TWENTY-FIVE MINUTES AT THE MOST.
- 20 Q AND WHO ALL WAS IN THE VEHICLE DURING
- 21 THAT RIDE?
- 22 A MAJOR GILLIAM, THE DEFENDANT AND
- 23 MYSELF.
- 24 Q NOW AT ANY TIME DURING THAT RIDE, DID
- 25 THE DEFENDANT OBJECT TO CONTINUING ON TO THE

- 1 SHERIFF'S DEPARTMENT?
- 2 A NO SIR.
- 3 Q WHEN Y'ALL ARRIVED AT THE SHERIFF'S
- 4 DEPARTMENT, JUST TELL US WHERE Y'ALL WENT?
- 5 A WE WENT INSIDE THE SHERIFF'S OFFICE.
- 6 YOU KNOW, I ASKED THE DEFENDANT IF HE WANTED
- 7 ANYTHING TO DRINK, SOFT DRINK, WATER, COFFEE; HE
- 8 REPLIED NO AND WE WENT OVER INTO A LITTLE SMALL--I
- 9 SAY IT WAS SMALL, AN OFFICE THAT WE HAD AT THAT
- 10 TIME THAT'S PROBABLY EIGHT FEET WIDE BY ABOUT
- 11 TWENTY-FIVE FEET LONG.
- 12 Q WOULD YOU ADVISE THE COURT WHETHER OR
- 13 NOT THE SHERIFF'S DEPARTMENT, THE ROOM WHERE YOU
- 14 TOOK MR. BECKHAM TO, WHERE Y'ALL WENT TO, IS BACK
- 15 IN THE JAIL SECTION?
- 16 A NO SIR, IT'S IN THE OFFICE AREA.
- 17 Q AND THAT WOULD BE IN THE ADMINISTRATIVE
- 18 OFFICE AREA?
- 19 A YES SIR.
- 20 Q AND WHO WENT INTO THAT ROOM?
- 21 A THE DEFENDANT, MAJOR GILLIAM AND
- 22 MYSELF.
- 23 Q AND DESCRIBE FOR HIS HONOR, PLEASE,
- 24 WHAT MR. BECKHAM'S EMOTIONAL STATE AND DEMEANOR WAS
- 25 AT THE TIME WHEN Y'ALL ARRIVE AT THE NEWBERRY

- 1 COUNTY SHERIFF'S DEPARTMENT?
- 2 A HE WAS JUST QUIET.
- 3 Q DID HE APPEAR TO KNOW WHERE HE WAS?
- 4 A YES SIR.
- 5 Q AND DID HE APPEAR TO KNOW WHAT HE WAS
- 6 DOING?
- 7 A YES SIR.
- 8 Q NOW AFTER Y'ALL ARRIVED IN THAT ROOM,
- 9 WHAT, IF ANYTHING, DID YOU ADVISE THE DEFENDANT OF?
- 10 A WE ADVISED HIM THAT WE WOULD LIKE TO
- 11 SPEAK WITH HIM FURTHER ABOUT THE DEATH OF HIS WIFE,
- 12 BUT BEFORE WE CONTINUED WE WANTED TO INFORM HIM OF
- 13 HIS MIRANDA WARNINGS.
- 14 Q AND I WANT TO SHOW YOU WHAT'S
- 15 PREVIOUSLY BEEN MARKED AS STATE'S EXHIBIT NUMBER
- 16 FORTY-SEVEN, FOR IDENTIFICATION, AND ASK YOU IF
- 17 STATE'S SEVENTY FOR IDENTIFICATION IS A BLOWUP OF
- 18 THE DOCUMENT FORTY-SEVEN?
- 19 A YES SIR, IT IS.
- 20 Q NOW WHAT IS THIS ITEM THAT I'M HOLDING
- 21 THE ENLARGEMENT AND YOU HAVE THE SMALLER COPY OF
- 22 IT?
- 23 A HIS MIRANDA WARNINGS.
- 24 Q NOW THIS INFORMATION UP HERE AT THE
- 25 TOP, "I", AND THE NAME FILLED OUT, "STEPHEN ANDREW

- 1 BECKHAM, AM THIRTY-FOUR YEARS OF AGE." WHO PROVIDED
2 YOU WITH ALL OF THIS INFORMATION?
3 A THE DEFENDANT.
4 Q BEFORE THAT TIME DID YOU KNOW HIS FULL
5 NAME?
6 A NO SIR.
7 Q DID YOU KNOW HIS MIDDLE NAME?
8 A NO SIR.
9 Q DID YOU KNOW HIS AGE?
10 A NO SIR.
11 Q AND WHOSE WRITING IS THAT UP THERE,
12 DEPUTY WRIGHT?
13 A THAT IS MINE.
14 Q AND FURTHER THE ADDRESS, WHO PROVIDED
15 THAT ADDRESS?
16 A THE DEFENDANT.
17 Q AND WHAT ADDRESS WAS GIVEN?
18 A THE ROUTE, AND I DON'T KNOW IF HE TOLD
19 ME AND I JUST DIDN'T WRITE IT DOWN, IT'S BOX 163,
20 POMARIA.
21 Q AND WHAT IS THE NEXT SECTION THERE? "I
22 HAVE FINISHED THE..."
23 A COLLEGE.
24 Q "COLLEGE GRADE IN SCHOOL?"
25 A YES SIR.

- 1 Q AND WHERE DID YOU GET THAT INFORMATION
2 FROM?
3 A FROM THE DEFENDANT.
4 Q YOU DETERMINED FROM THE DEFENDANT
5 BEFORE YOU ADVISED HIM OF HIS RIGHTS WHETHER HE
6 COULD READ OR WRITE?
7 A YES SIR.
8 Q AND DID HE APPEAR THAT HE COULD?
9 A YES SIR.
10 Q NOW WHAT TWO OFFICERS WERE PRESENT?
11 A MAJOR DANNY GILLIAM AND MYSELF.
12 Q IS THAT INDICATED ON THE FORM ALSO?
13 A YES SIR, IT IS.
14 Q AND DID YOU ADVISE THE DEFENDANT OF
15 WHAT Y'ALL'S POSITIONS WERE? WHEN I SAY Y'ALL,
16 REFERRING TO YOU AND DEPUTY GILLIAM.
17 A YES SIR, IT'S STATED HERE, "WHO I
18 UNDERSTAND IS A POLICE OFFICER."
19 Q AND FURTHER DID YOU ADVISE THE
20 DEFENDANT OF WHAT IT WAS Y'ALL WANTED TO SPEAK WITH
21 HIM ABOUT?
22 A YES SIR, ABOUT THE DEATH OF VICTORIA
23 BECKHAM.
24 Q NOW, SPECIFICALLY WHAT RIGHTS DID YOU
25 ADVISE THE DEFENDANT OF?

1 A THE FIRST RIGHT WAS, "I HAVE THE RIGHT
2 TO REMAIN SILENT. THAT MEANS I DO NOT HAVE TO SAY
3 ANYTHING OR ANSWER ANY QUESTIONS."

4 I ASKED MR. BECKHAM DID HE UNDERSTAND
5 THAT, HE SAID HE DID. I ASKED HIM TO PUT HIS
6 INITIALS DOWN AND HE SIGNED IT S.A.B.

7 Q SO I SEE ON THAT FORM THE NUMBER ONE IN
8 PARENTHESIS AND TO THE LEFT SOME INITIALS S.A.B.

9 A THAT'S TRUE.

10 Q HOW PLACED THE INITIALS S.A.B. THERE?

11 A THE DEFENDANT.

12 Q AND WHOSE INITIALS ARE THOSE?

13 A STEPHEN ANDREW BECKHAM'S.

14 Q DID HE PLACE THOSE INITIALS THERE ONE
15 AT A TIME OR WAS IT DONE WHEN THE ENTIRE RIGHTS
16 ADVISEMENT WAS COMPLETED?

17 A ONE AT THE TIME.

18 Q NOW, AFTER YOU ADVISED HIM OF THOSE,
19 DID HE APPEAR TO UNDERSTAND IT?

20 A YES SIR.

21 Q DID YOU TELL HIM THAT, READ IT TO HIM
22 OUT LOUD?

23 A READ IT TO HIM OUT LOUD.

24 Q THEN DID YOU GO TO NUMBER TWO?

25 A YES SIR.

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- 1 Q AND WHAT DID YOU THEN ADVISE HIM OF?
- 2 A NUMBER TWO, "ANYTHING I SAY CAN BE USED
- 3 AGAINST ME."
- 4 Q AND DID HE RESPOND AS TO WHETHER OR NOT
- 5 HE UNDERSTOOD THAT?
- 6 A YES SIR.
- 7 Q DID HE TELL YOU HE UNDERSTOOD IT?
- 8 A I ASKED HIM DID HE UNDERSTAND IT AND HE
- 9 SAID YES.
- 10 Q AND DID HE INDICATE IN WRITING IN ANY
- 11 MANNER THAT HE UNDERSTOOD?
- 12 A HE PUT HIS INITIALS BACK OUT TO THE
- 13 LEFT HAND SIDE, S.A.B.
- 14 Q S.A.B.? NOW, THE THIRD RIGHT THAT YOU
- 15 ADVISED HIM OF, WHAT WAS THAT, SIR?
- 16 A "I HAVE THE RIGHT TO TALK TO A LAWYER
- 17 AND HAVE A LAWYER HERE WITH ME NOW TO ADVISE AND
- 18 HELP ME DURING QUESTIONING."
- 19 Q YOU ADVISED HIM SPECIFICALLY OF THAT
- 20 RIGHT?
- 21 A YES SIR.
- 22 Q DID HE INDICATE WHETHER OR NOT HE
- 23 UNDERSTOOD IT?
- 24 A YES SIR.
- 25 Q WHAT DID HE INDICATE TO YOU?

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- 1 A HE INDICATED HE UNDERSTOOD IT AND PUT
2 HIS INITIALS OUT TO THE LEFT.
- 3 Q THE FOURTH RIGHT, DID YOU ADVISE HIM?
- 4 A YES SIR. "IF I WANT TO HAVE A LAWYER
5 WITH ME DURING QUESTIONING, BUT CANNOT AFFORD TO
6 PAY A LAWYER, ONE WILL BE PROVIDED TO ME AT NO COST
7 BEFORE I AM QUESTIONED."
- 8 Q DID YOU ADVISE HIM OF THAT RIGHT?
- 9 A YES SIR.
- 10 Q DID HE INDICATE WHETHER OR NOT HE
11 UNDERSTOOD IT?
- 12 A YES SIR.
- 13 Q HOW DID HE SO INDICATE?
- 14 A BY PUTTING HIS INITIALS OUT TO THE SIDE
15 OF IT.
- 16 Q DID HE TELL YOU WHETHER OR NOT HE
17 UNDERSTOOD IT?
- 18 A I ASKED HIM DID HE UNDERSTAND, AND HE
19 SAID YES, AND I SAID, "PUT YOUR INITIALS OUT TO THE
20 SIDE."
- 21 Q NOW HERE YOU ADVISE HIM THAT, "IF I
22 WANT TO HAVE A LAWYER WITH ME DURING QUESTIONING
23 BUT I CANNOT AFFORD ONE," DID HE EVER ASK YOU FOR A
24 LAWYER?
- 25 A NO SIR.

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1 Q ANY TIME, DID HE EVER ASK YOU FOR A
2 LAWYER DURING THE MORNING HOURS OF JUNE THE 13TH OF
3 1994?
4 A NO SIR.
5 Q NOW WHAT NEXT DID YOU ADVISE HIM OF?
6 A "IF I DECIDE TO ANSWER QUESTIONS NOW
7 WITHOUT A LAWYER HERE, I STILL HAVE A RIGHT TO STOP
8 ANSWERING THE QUESTIONS WHENEVER I WANT TO."
9 Q NOW WAS HE ADVISED OF THAT RIGHT?
10 A YES SIR.
11 Q AND DID HE INDICATE WHETHER OR NOT HE
12 UNDERSTOOD IT?
13 A HE INDICATED HE UNDERSTOOD AND PUT HIS
14 INITIALS.
15 Q AND NEXT WHAT DID YOU ADVISE HIM?
16 A "I ALSO HAVE THE RIGHT TO STOP
17 ANSWERING QUESTIONS UNTIL I HAVE TALKED TO MY
18 LAWYER."
19 Q AND YOU INDICATED THAT TO HIM?
20 A YES SIR.
21 Q ADVISED HIM OF IT?
22 A YES SIR.
23 Q AND WHAT WAS HIS RESPONSE?
24 A SAID HE UNDERSTOOD AND PUT HIS
25 INITIALS.

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- 1 Q NOW, THE NEXT SECTION OF THE FORM, IT
2 SAYS, "I UNDERSTAND MY RIGHTS AS EXPLAINED TO ME BY
3 OFFICER GILLIAM," WERE BOTH YOU AND OFFICER GILLIAM
4 PRESENT DURING THIS ADVISEMENT OF RIGHTS?
- 5 A YES SIR.
- 6 Q NOW, STATE, "I DO WISH TO ANSWER
7 QUESTIONS AT THIS TIME AND I DO NOT WISH TO HAVE A
8 LAWYER HERE DURING QUESTIONING."
- 9 WAS THAT EXPLAINED TO HIM?
- 10 A YES SIR.
- 11 Q DID HE OBJECT IN ANY MANNER TO
12 ANSWERING QUESTIONS?
- 13 A NO SIR.
- 14 Q DID HE REQUEST AN OFFICER IN ANY
15 MANNER?
- 16 A HE DIDN'T REQUEST A LAWYER, SIR.
- 17 Q ALL RIGHT, SIR. NEXT, DID HE INDICATE
18 THAT THAT DECISION WAS MADE BY HIM FREELY AND
19 VOLUNTARILY?
- 20 A YES SIR, THERE'S ANOTHER SENTENCE DOWN
21 THERE.
- 22 Q AND WHAT IS THAT LAST SENTENCE ON THAT
23 FORM?
- 24 A SAYS, "MY DECISION TO ANSWER QUESTIONS
25 NOW WITHOUT A LAWYER IS MADE FREELY AND IS MY

- 1 CHOICE. NO ONE HAS THREATENED ME IN ANY WAY OR
2 PROMISED ME SPECIAL TREATMENT. TO SHOW MY
3 DECISION, I AM SIGNING MY NAME IN THE SPACE BELOW."
- 4 Q AND THERE'S A SIGNATURE LINE ON THE
5 BOTTOM LEFT OF THAT FORM. WHO SIGNED THAT?
- 6 A STEPHEN A. BECKHAM.
- 7 Q AND WAS THAT SIGNED IN YOUR PRESENCE?
- 8 A YES SIR.
- 9 Q AND THEN THERE'S A DATE TO THE RIGHT:
10 JUNE THE 13TH OF 1994. WHO PLACED THAT DATE THERE?
- 11 A THE DEFENDANT.
- 12 Q AND RIGHT BELOW THAT, THE TIME, 2:55
13 A.M. WHO PLACED THE TIME THERE?
- 14 A THE DEFENDANT.
- 15 Q AND IS THERE ANY SIGNATURES ON THERE OF
16 THE OFFICERS THAT WITNESSED THE INVOCATION, THE
17 WAIVER AND THE SIGNING OF HIS RIGHTS?
- 18 A YES SIR. THE TWO WITNESSES WERE DANNY
19 C. GILLIAM AND MYSELF.
- 20 Q AND YOUR SIGNATURE IS IN YOUR WRITING?
- 21 A YES SIR.
- 22 Q AND OFFICER GILLIAM'S SIGNATURE IS IN
23 HIS WRITING?
- 24 A YES SIR.
- 25 Q NOW, SIR, IN YOUR OPINION, DID THE

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- 1 DEFENDANT UNDERSTAND HIS RIGHTS?
- 2 A YES SIR.
- 3 Q AND DID HE VOLUNTARILY WAIVE THOSE
- 4 RIGHTS?
- 5 A HE DID.
- 6 Q DID YOU THREATEN HIM, YOU OR ANY OTHER
- 7 OFFICER THREATEN OR COERCE HIM IN ANY MANNER?
- 8 A NO SIR.
- 9 Q DID YOU MAKE HIM ANY PROMISES OR HOPE
- 10 OF REWARD IN RETURN FOR ANY STATEMENT THAT HE MAY
- 11 HAVE MADE?
- 12 A NO SIR.
- 13 Q WAS ANY STATEMENTS HE MADE, MADE, WAS
- 14 THAT A PRODUCT OF HIS OWN FREE WILL, IN YOUR
- 15 OPINION?
- 16 A WOULD YOU EXPLAIN THAT TO ME?
- 17 Q WAS IT HIS WILL OR WAS HIS WILL
- 18 OVERBOARD BY YOU OR ANY OF THE OTHER OFFICERS? DID
- 19 Y'ALL OVERBEAR MR. BECKHAM TO GET HIM TO MAKE ANY
- 20 STATEMENTS?
- 21 A NO SIR.
- 22 Q NOW, AFTER YOU ADVISED HIM OF HIS
- 23 RIGHTS AND AFTER HE WAIVED HIS RIGHTS, WHAT, IF
- 24 ANYTHING DID HE TELL YOU?
- 25 A HE TOLD US THAT--WE ASKED HIM WHEN THE

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1 LAST TIME WAS THAT HE SAW HIS WIFE, VICKIE. HE
2 SAID THAT HE HAD SEEN HER EARLIER THAT EVENING,
3 THAT BEING THE EVENING OF THE 12TH. SHE BROUGHT
4 THE CHILDREN BACK OVER THERE; THEY'D BEEN WITH HER,
5 AND THAT SHE BROUGHT THE CHILDREN OVER. THEY
6 ARRIVED ABOUT 6:15...

7 Q WHAT TIME DID HE SAY THAT VICKIE AND
8 THE CHILDREN ARRIVED?

9 A ABOUT 6:15.

10 Q AND THAT WOULD HAVE BEEN 6:15 ON
11 SUNDAY, THE 12TH?

12 A YES SIR.

13 Q ALL RIGHT, SIR. GO AHEAD.

14 A ALL RIGHT, THEY ARRIVED ABOUT 6:15; SHE
15 WAS SUPPOSED TO HAVE THE CHILDREN HOME AT SIX P.M.
16 BUT SHE WAS FIFTEEN MINUTES LATE, AS USUAL.

17 Q "AND AS USUAL," THAT WAS HIS WORDS?

18 A YES SIR.

19 Q "FIFTEEN MINUTES LATE, AS USUAL." ALL
20 RIGHT, SO WHAT, IF ANYTHING, DID HE SAY OCCURRED
21 AFTER SHE ARRIVED?

22 A HE SAID AS THE CHILDREN WERE TAKING IN
23 THEIR SUITCASES AND CLOTHES AND ALL, THAT, YOU
24 KNOW, HE SAT DOWN IN THE FRONT SEAT PASSENGER SIDE
25 OF THE CAR AND THEY TALKED ABOUT TEN MINUTES.

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- 1 Q REFERRING TO WHOSE CAR?
- 2 A VICTORIA BECKHAM.
- 3 Q ALL RIGHT, SIR. AND YOU SAY HE SAID
- 4 THEY TALKED ABOUT HOW LONG?
- 5 A TEN MINUTES.
- 6 Q AND WHO IS THE "THEY" HE'S REFERRING
- 7 TO?
- 8 A THE DEFENDANT AND THE VICTIM IN THIS
- 9 CASE, VICKIE BECKHAM.
- 10 Q ALL RIGHT, WHAT ELSE DID HE SAY?
- 11 A HE SAID THAT THEY TALKED ABOUT A
- 12 SHOPPING TRIP TO COLUMBIA, JUST ABOUT THE CHILDREN,
- 13 AND HE ASKED HER IF SHE'D READ A NOTE THAT HE'D
- 14 GIVEN HER?
- 15 Q HE ASKED VICKIE?
- 16 A YES SIR.
- 17 Q IF SHE HAD READ A NOTE THAT HE, THE
- 18 DEFENDANT, HAD GIVEN HER?
- 19 A YES SIR.
- 20 Q WHAT ELSE DID HE SAY?
- 21 A HE SAID THAT SHE SAID SHE HAD READ THE
- 22 NOTE AND THAT WAS ABOUT THE END OF THEIR
- 23 CONVERSATION, HE GOT OUT OF THE CAR AND SHE LEFT.
- 24 Q DID HE SAY ABOUT HOW LONG SHE WAS
- 25 THERE?

- 1 A ABOUT TEN MINUTES.
- 2 Q NOW, DID YOU ASK HIM ABOUT, ANYTHING
- 3 ABOUT VICKIE AS FAR AS ANY ENEMIES OR ANYONE THAT
- 4 MAY BE RESPONSIBLE FOR HER DEATH?
- 5 A YES, I ASKED THE DEFENDANT, YOU KNOW,
- 6 IF HE KNEW ANYBODY THAT MIGHT HAVE CAUSED THE DEATH
- 7 OF HIS WIFE, OR IF SHE HAD ANY ENEMIES, OR ANY
- 8 REASON THAT ANYBODY WOULD DO THIS TO HER.
- 9 Q AND WHAT WAS HIS RESPONSE?
- 10 A HE GAVE ME NO NAMES; SAID HE HAD NO
- 11 INFORMATION OF ANYBODY THAT WOULD HARM HER.
- 12 Q DID HE SAY WHETHER OR NOT HE KNEW SHE
- 13 HAD ANY ENEMIES?
- 14 A SAID SHE DIDN'T HAVE ANY THAT HE KNEW
- 15 OF.
- 16 Q ALL RIGHT, SIR. WHAT ELSE DID HE SAY
- 17 DURING THE COURSE OF THIS CONVERSATION, DEPUTY
- 18 WRIGHT?
- 19 A WELL, HE JUST BASICALLY TOLD US ABOUT
- 20 THE HISTORY OF THEM BEING MARRIED, AND YOU KNOW,
- 21 THEY WERE SEPARATED RIGHT NOW, AND JUST SOME OF HER
- 22 FAMILY. NOTHING REALLY RELATED TO ANY INFORMATION
- 23 FOR THE INVESTIGATION TO HELP US LOCATE THE PERSON
- 24 WHO DID THIS.
- 25 Q NOW, ABOUT HOW LONG WAS IT FROM THE

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1 TIME HE WAS ADVISED OF HIS RIGHTS AT 2:55 A.M.
2 UNTIL THE COMPLETION OF THIS CONVERSATION THAT YOU
3 ARE NOW RELATING TO THE COURT THAT YOU HAD, AND
4 DEPUTY GILLIAM HAD WITH THE DEFENDANT?

5 A OUR CONVERSATION PROBABLY LASTED THIRTY
6 TO THIRTY-FIVE MINUTES.

7 Q NOW, AFTER THAT CONVERSATION, EVEN
8 DURING THAT CONVERSATION, WAS HE FREE TO LEAVE?

9 A YES SIR.

10 Q WAS HE FREE TO LEAVE?

11 A YES SIR.

12 Q WAS HE UNDER ARREST?

13 A NO SIR.

14 Q WAS HE IN CUSTODY?

15 A NO SIR.

16 Q HAD HE ACCOMPANIED Y'ALL TO THE
17 SHERIFF'S DEPARTMENT VOLUNTARILY?

18 A YES SIR.

19 Q NOW, DURING THE COURSE OF THE EARLY
20 MORNING HOURS, DID OTHER OFFICERS COME IN AND MAKE
21 ANY PARTICULAR REQUESTS OF THE DEFENDANT, MR.
22 BECKHAM?

23 A YES SIR.

24 MR. MCMAHON: YOUR HONOR, MAY IT PLEASE
25 THE COURT, THERE ARE SEVERAL CONSENT FORMS THAT I

1 WOULD LIKE TO OFFER AT THIS TIME. ONE OF THEM HAS
2 ALREADY INTRODUCED INTO EVIDENCE, STATE'S EXHIBIT
3 NUMBER SIXTEEN, WITHOUT HAVING TO RECALL THE
4 PARTICULAR WITNESSES.

5 STATE'S EXHIBIT NUMBER SIXTEEN IS A
6 CONSENT TO SEARCH THAT MR. BECKHAM SIGNED AT FOUR
7 O'CLOCK IN THE MORNING FOR THE RESIDENCE. THEY
8 STIPULATED TO THAT. I'M TRYING TO SHOW A COURSE OF
9 CONTINUING COOPERATION AND VOLUNTARINESS.

10 THE COURT: ALL RIGHT, LET'S SEE, MR.
11 SWERLING, YOU'RE GOING TO BE DOING THIS. AS TO THE
12 FOUR O'CLOCK, I UNDERSTAND YOU STIPULATED TO THAT
13 ONE YESTERDAY, ON THE CONSENT TO SEARCH, FOUR
14 O'CLOCK, RIGHT?

15 MR. SWERLING: YES, SIR.

16 THE COURT: ALL RIGHT, I RULED ON THE
17 4:30, ON THE ONE FOR THE TAKING OF THE PHOTOGRAPHS
18 AND SO THAT ONE IS SUBJECT TO THEIR OBJECTION.

19 MR. MCMAHON: YES, SIR, AND I WOULD
20 OFFER,, THAT'S STATE FOR IDENTIFICATION TWELVE, ON
21 THE MAJOR CASE PRINTS AND PHOTOGRAPHS AT 4:32 A.M.

22 THE COURT: I WOULD NOW ALLOW THAT INTO
23 EVIDENCE. WAIT A MINUTE, DOES IT SAY ANYTHING
24 ABOUT SCRATCHES ON IT? I CAN'T...

25 MR. MCMAHON: YES SIR, IT SAYS ALSO TO

1 PHOTOGRAPH ANY SCRATCHES ON ME, AND/OR INJURIES TO
2 MY PERSON. I'M OFFERING THESE AT THIS TIME FOR THE
3 PURPOSES OF JACKSON VERSES DINO.

4 THE COURT: OKAY, THIS IS COURT...

5 MR. MCMAHON: YES, SIR.

6 THE COURT: OKAY.

7 MR. MCMAHON: AND WITHOUT HAVING TO
8 RECALL THOSE WITNESSES.

9 THE COURT: I UNDERSTAND. ALL RIGHT.

10 Q NOW, THERE IS ALSO ANOTHER ONE THAT WE
11 DID NOT GO INTO YESTERDAY, YOUR HONOR, WHICH IS A
12 CONSENT TO SEARCH ON THE AUTOMOBILE SIGNED AT 4:05
13 A.M.

14 THE COURT: MR. SWERLING, ANY OBJECTION
15 TO THAT ONE, FIVE MINUTES LATER?

16 MR. SWERLING: JUDGE, FOR PURPOSES OF
17 THIS HEARING...

18 THE COURT: ALL RIGHT, THIS WOULD BE A
19 COURT'S EXHIBIT.

20 MR. SWERLING: THIS WOULD BE THE SAME
21 TYPE OF FORM THAT WAS SIGNED AS THE CONSENT TO
22 SEARCH THE HOUSE WHICH, YOUR HONOR, IS DIFFERENT
23 THAN THE, AND JUST FOR THE RECORD, IS A DIFFERENT
24 FORM THAN WE OBJECTED TO UNDER STATE'S EXHIBIT
25 TWELVE WHICH IS THE CONSENT TO SEARCH, TO TAKE

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1 PHOTOGRAPHS.

2 THE COURT: YEAH, I UNDERSTAND. ALL
3 RIGHT, WITHOUT OBJECTION, WE'LL MARK THAT AS A
4 COURT'S EXHIBIT FOR THE PURPOSES OF THE JACKSON V.
5 DINO.

6 MR. SWERLING: JUDGE, I THINK AT THIS
7 POINT, WE'RE NOT GOING TO CONTEST AND DO NOT
8 CONTEST MR. WRIGHT'S ADVICE OF RIGHTS. I THINK WE
9 CAN GET BEYOND THAT. I THINK THE ISSUE IS GOING
10 TO BE LATER, SOME TEN HOURS LATER WITH MR. SUTTON.
11 SO IF WE CAN...JUST TO SHORTEN THE PROCESS THEN WE
12 CAN GET RIGHT TO THAT.

13 MR. MCMAHON: WELL, I'M GETTING TO THAT
14 POINT.

15 THE COURT: ALL RIGHT.

16 MR. MCMAHON: MAY IT PLEASE THE COURT?

17 THE COURT: YES, SIR.

18 Q NOW, MR. BECKHAM REMAINED AT THE
19 NEWBERRY COUNTY SHERIFF'S DEPARTMENT THROUGHOUT THE
20 MORNING HOURS, EARLY MORNING HOURS OF JUNE 13TH, OF
21 '94?

22 A YES SIR.

23 Q AND DID YOU HAVE AN OCCASION TO HAVE
24 ANY FURTHER CONVERSATIONS WITH HIM? MAKE ANY
25 REQUEST OF HIM?

1 A YES SIR. LATER ON THAT MORNING,
2 SOMEWHERE ABOUT FIVE O'CLOCK, I ASKED HIM IF HE
3 WOULD BE WILLING TO TALK WITH ANOTHER INVESTIGATOR
4 BY THE NAME OF SONNY SUTTON.

5 Q NOW, THIS IS FIVE O'CLOCK IN THE
6 MORNING AND HE WAS STILL AT THE SHERIFF'S OFFICE?

7 A YES SIR.

8 Q WAS HE FREE TO LEAVE?

9 A YES SIR.

10 Q HAD HE REQUESTED TO LEAVE?

11 A NO SIR.

12 Q HAD HE REQUESTED AN ATTORNEY?

13 A NO SIR.

14 MR MCMAHON: YOUR HONOR, SOLELY FOR
15 PURPOSES OF THIS HEARING, I WOULD LIKE TO GO INTO
16 THE CONVERSATION AND THE REQUEST THAT HE MADE OF
17 THE DEFENDANT AT THIS TIME CONCERNING MR. SUTTON?

18 THE COURT: ALL RIGHT, SIR.

19 Q WHAT WAS THAT CONVERSATION?

20 A I ASKED HIM IF HE'D BE WILLING TO
21 SUBMIT TO A POLYGRAPH TEST?

22 Q AND HIS RESPONSE WAS?

23 A THAT HE WOULD.

24 Q DID HE HAVE ANY OBJECTIONS?

25 A NONE.

1 Q NOW, WHAT, IF ANYTHING, DID YOU EXPLAIN
2 TO THE DEFENDANT ABOUT MR. SUTTON?

3 A THAT HE WAS AN INVESTIGATOR THAT WE
4 USED...

5 MR. HARPOOTLIAN: JUDGE, CAN WE
6 APPROACH THE SIDE BAR FOR ONE SECOND?

7 (BENCH CONFERENCE OFF THE RECORD.)

8 THE COURT: ALL RIGHT, DEPUTY WRIGHT,
9 WE'RE GOING TO, IN AN EFFORT TO TRY TO RESOLVE WHAT
10 ORIGINALLY WERE SOME ISSUES THAT MAY BE ABLE TO
11 WORK OUT, LET YOU STAND DOWN AND THEY WANT TO CALL
12 A WITNESS OUT OF ORDER, WHICH MAY RESOLVE THIS
13 WHOLE PROCESS. SO IF YOU'LL STAND DOWN, MR.
14 SUTTON.

15 MR. MCMAHON: AS I UNDERSTAND IT,
16 THERE'S...

17 THE COURT: WELL, LET'S WAIT UNTIL WE
18 HEAR WHAT MR. SUTTON SAYS AND THEN WE CAN DEAL WITH
19 THAT.

20 SHOULD I TELL THAT JURY THAT I HAVE
21 MISLEAD THEM AND THAT I...

22 BAILIFF: NO SIR, I THINK THEY'RE
23 HAVING A GOOD TIME.

24 THE COURT: OKAY, BECAUSE IT'S NOT
25 GOING TO BE FIFTEEN OR TWENTY MINUTES.

1 ALL RIGHT, MR. SUTTON, IF YOU'D COME
2 AROUND.

3 SONNY SUTTON, BEING DULY
4 SWORN, TESTIFIED AS FOLLOWS:

5 DIRECT EXAMINATION:

6 BY MR. JONES:

7 Q YOU ARE SONNY SUTTON?

8 A YES SIR.

9 Q AND YOU WORK OUT OF GREENVILLE, SOUTH
10 CAROLINA?

11 A YES, I DO.

12 Q AND WHAT IS YOUR OCCUPATION CURRENTLY?

13 A I'M AN INVESTIGATOR AND A CRIMINAL
14 INTERVIEWER.

15 Q DID YOU HAVE AN OPPORTUNITY TO
16 INTERVIEW THE DEFENDANT BECKHAM IN THIS CASE ON
17 JUNE 13TH, 1994?

18 A I DID.

19 Q WHERE WAS THAT INTERVIEW CONDUCTED?

20 A IT WAS IN A ROOM INSIDE THE
21 ADMINISTRATIVE AREA OF THE NEWBERRY COUNTY
22 SHERIFF'S DEPARTMENT.

23 Q AND HAD MR. BECKHAM BEEN ADVISED OF HIS
24 MIRANDA RIGHTS AT THAT TIME, TO YOUR KNOWLEDGE?

25 A YES SIR.

1 Q AND DID YOU KNOW HOW LONG BEFORE YOUR
2 INTERVIEW WITH HIM HE HAD BEEN ADVISED OF THOSE
3 RIGHTS?

4 A I WAS TOLD THAT IT WAS EARLY ENOUGH,
5 THAT HE WAS, IT WAS A CONTINUING PROCESS AND THERE
6 WAS NO NEED TO RE-MIRANDIZE HIM.

7 Q DID HE INDICATE AT ANY TIME WHILE YOU
8 WERE WITH HIM AT THE NEWBERRY COUNTY DETENTION
9 CENTER THAT HE DID NOT WANT TO BE INTERVIEWED BY
10 YOU, THAT HE DID NOT WANT TO TALK TO YOU?

11 A NO, I'M REQUIRED TO ASK A PERSON IF
12 THEY WILL CONSENT TO BE INTERVIEWED AND I ALSO
13 EXPLAIN THAT THEY CAN TERMINATE THE INTERVIEW AT
14 ANY TIME.

15 Q DID HE APPEAR TO UNDERSTAND WHO YOU
16 WERE AND WHAT YOU WERE DOING?

17 A YES, HE DID.

18 Q DID YOU HAVE OCCASION TO EXPLAIN TO HIM
19 THAT THE INTERVIEW WITH YOU WAS A VOLUNTARY
20 INTERVIEW WITHOUT DURESS, COERCION, PROMISE OF
21 REWARD, IMMUNITY OR ANY OTHER OFFER TO HIM?

22 A YES, I DID.

23 Q AND DID HE UNDERSTAND THAT HE WAS NOT
24 BEING FORCED TO PARTAKE IN THE INTERVIEW?

25 A ABSOLUTELY.

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1 Q AFTER YOU CONDUCTED THE INTERVIEW WITH
2 HIM, DID YOU GET HIM TO SIGN A PIECE OF PAPER OR
3 FORM THAT YOU HAVE WITH YOU THAT
4 STATES,..."EXAMINATION NOW BEING OVER, I CERTIFY
5 THAT I TOOK THE SAME VOLUNTARILY, WAS WELL TREATED
6 AND REMAINED IN MY OWN FREE WILL, HAVING BEEN
7 ADVISED THAT I COULD LEAVE AT ANY TIME. I WAS NOT
8 ASKED ANY QUESTIONS WHICH I CONSIDER PERSONAL OR
9 PRIVATE IN NATURE." AND SIGNED AT THE BOTTOM OF THE
10 PAPER THERE?

11 A YES, HE SIGNED THIS FORM PRIOR TO THE
12 INTERVIEW AND THEN AT THE TERMINATION OF THE
13 INTERVIEW WHEN I AM FINISHED WHATEVER I AM DOING
14 AND I'M ABOUT TO LEAVE THE INTERVIEW ROOM, THEN HE
15 SIGNS STATING THAT HE PARTICIPATED IN THE INTERVIEW
16 OF HIS OWN FREE WILL AND ACCORD AND WAS WELL
17 TREATED.

18 Q ALL RIGHT, AND HE DID THAT ON THIS
19 OCCASION?

20 A HE DID.

21 Q NOW, ESSENTIALLY, WHAT QUESTIONS DID
22 YOU ASK HIM DURING THE INTERVIEW AND WHAT ANSWERS
23 DID HE GIVE YOU? BEGINNING WITH HIS WHEREABOUTS ON
24 OR ABOUT...

25 A DO YOU WANT ME TO TELL YOU THE

1 QUESTIONS THAT I ASKED THAT WERE THE RELEVANT
2 QUESTIONS?

3 Q WELL, WHAT I'D LIKE FOR YOU TO DO IS
4 TO...

5 A I ASKED HIM TO TELL ME EVERYTHING THAT
6 HAPPENED. THEY WERE MOSTLY OPEN-ENDED QUESTIONS,
7 NOT ANSWERABLE WITH YES OR NO, BUT WHERE HE WOULD
8 HAVE TO EXPLAIN WHAT HE DID AND WHAT HAPPENED WHEN
9 HIS WIFE BROUGHT THE CHILDREN BACK.

10 HE STATED THAT HE WAS WAITING FOR HER
11 TO BRING THE CHILDREN TO HIS HOUSE AND THAT WHEN
12 SHE CAME, THE CHILDREN WENT INSIDE AND HE WAS
13 OUTSIDE TALKING TO HER IN THE VEHICLE, IN HER
14 VEHICLE. HE SAID THAT HE GOT INTO THE VEHICLE AND
15 THEY DROVE AWAY. AND I ASKED HIM WHO WAS DRIVING
16 AND HE SAID SHE WAS. AND I ASKED HIM, "WHERE DID
17 YOU GO?" AND HE SAID TO ANOTHER PART OF THE
18 PROPERTY.

19 Q ALL RIGHT. WHAT OTHER QUESTIONS DID
20 YOU ASK HIM CONCERNING THE CLOTHING THAT HE HAD ON,
21 OR RATHER DID YOU ASK HIM HOW LONG HE WAS WITH
22 VICKIE WHEN HE GOT IN THE CAR AND DROVE TO ANOTHER
23 PIECE OF THE PROPERTY, WHAT PERIOD OF TIME HE WAS
24 WITH HER?

25 A I BELIEVE HE STATED ABOUT TWENTY, ABOUT

1 TWENTY OR THIRTY MINUTES.

2 Q OKAY. LET ME HAND YOU A COPY OF YOUR
3 PRE-INTERVIEW CONVERSATION, YOUR PRE-INTERVIEW
4 CONVERSATION. I BELIEVE IT'S LISTED ON YOUR SHEET
5 AS A PRE-TEST INTERVIEW.

6 A YES SIR.

7 Q WELL, IT'S YOUR PRE-INTERVIEW...

8 A PRE-INTERVIEW.

9 Q PRE-INTERVIEW CONVERSATION.

10 A YES.

11 Q BASICALLY, MR. SUTTON...

12 MR. JONES: YOUR HONOR...

13 Q ...YOU UNDERSTAND THAT WE DON'T WANT
14 YOU TO MENTION POLYGRAPH IN FRONT OF THE JURY...

15 MR. SWERLING: YOUR HONOR, ON THE
16 IMPLICATION, I MEAN I'M JUST CONCERNED ABOUT THAT.
17 I MEAN HE CAN TALK ABOUT THIS WHEN HE'S OFF THE
18 STAND.

19 THE COURT: I'M NOT GOING TO DO THAT.
20 THIS IS NOT A PRISTINE WORLD. THEY'RE IN THERE...I
21 CAN HEAR THEM IN THERE TALKING. I MEAN, YOU KNOW,
22 I'LL BE GLAD TO -- I DON'T HAVE ANY OTHER PLACE TO
23 MOVE THEM.

24 MR. SWERLING: NO, I'M SAYING THIS
25 DISCUSSION ABOUT HOW TO PRESENT THE TESTIMONY CAN

1 BE DONE NOT BEING AMPLIFIED AND OFF THE STAND. IT
2 DOESN'T HAVE TO BE WHILE HE'S ON THE STAND.

3 THE COURT: WELL, I'M...

4 MR. JONES: JUDGE, I'LL GET AWAY FROM
5 THE MICROPHONES. I JUST WANT HIM TO UNDERSTAND
6 WHAT WE'RE TRYING TO DO.

7 THE COURT: ALL RIGHT, LET ME DO IT.

8 MR. JONES: ALL RIGHT.

9 THE COURT: MR. SUTTON, IF YOU MENTION
10 THE WORD POLYGRAPH OR YOU MENTION THE WORD TEST,
11 I'LL HOLD YOU IN CONTEMPT AND PUT YOU IN JAIL,
12 OKAY?

13 A SIR, I WON'T DO THAT. I PROMISE.

14 THE COURT: I WANT TO MAKE THAT
15 PERFECTLY CLEAR.

16 A CAN I ASK--CAN I TALK ABOUT THE
17 QUESTIONS THAT I ASKED?

18 THE COURT: OH, SURE, YOU CAN ASK THE
19 QUESTIONS AND THE ANSWERS AND THAT KIND OF STUFF,
20 BUT DON'T YOU EVEN, YOU JUST FORGET YOU'RE A
21 POLYGRAPH EXAMINER.

22 A OKAY.

23 MR. SWERLING: JUDGE, CAN I ASK ONE
24 QUESTION. HOW ARE WE GOING TO IDENTIFY WHO MR.
25 SUTTON IS?

1 THE COURT: HE SAID HE WAS A CRIMINAL
2 INVESTIGATOR, IS WHAT
3 HE SAID.

4 MR. SWERLING: I THINK IF HE JUST...I
5 THINK HE SAID INVESTIGATOR AND SOMETHING ELSE.

6 MR. JONES: HE SAID INVESTIGATOR AND
7 INTERVIEWER.

8 A CRIMINAL INTERVIEWER.

9 MR. SWERLING: AN INVESTIGATOR IS
10 ONE...I THINK THAT'S FINE. IF HE GOES BEYOND THAT,
11 HE MIGHT BE SUGGESTING SOMETHING.

12 THE COURT: WELL, HE UNDERSTANDS WHAT
13 I'LL DO TO HIM IF HE EVEN TALKS ABOUT POLYGRAPH,
14 SO...

15 A YES SIR.

16 THE COURT: WE'VE KNOWN EACH OTHER A
17 LONG TIME, SO ALL I'M SAYING IS I THINK MR.
18 SWERLING, YOU'RE PROBABLY CORRECT, THAT IT OUGHT TO
19 BE JUST INTERVIEWER OR INVESTIGATOR. THAT'S
20 PROBABLY THE SAFEST THING TO DO.

21 IT'S ALL DANGEROUS GROUND AND WE'VE GOT
22 A LOT OF TIME AND MONEY AND EFFORT IN THIS TRIAL,
23 AND I DON'T WANT ONE WITNESS TO BLOW THIS THING OUT
24 AND WE HAVE TO START OVER. SO I THINK
25 INVESTIGATOR...

1 A I PROMISE I WON'T...

2 THE COURT: ...AND HE'S GOING TO BLACK
3 OUT THE WORD POLYGRAPHER AND THEN WE'LL GET ALONG
4 PRETTY GOOD.

5 OKAY. AND SOLICITOR, THAT'S A RISK YOU
6 RUN NOW. YOU'VE JUST GOT TO THINK ABOUT THAT.
7 THAT'S THE CASE LAW OF THIS STATE AND THERE'S NOT A
8 THING IN THE WORLD I CAN DO ABOUT IT, SO...

9 Q DID YOU HAVE, DID YOU ESSENTIALLY HAVE
10 TWO SEPARATE INTERVIEWS WITH HIM ON THIS DAY?

11 A YES, I DID.

12 Q THE FIRST INTERVIEW, WHAT DID HE TELL
13 YOU ABOUT THE CONTACT OR THE TIME THAT HE SPENT
14 WITH HIS WIFE, VICKIE, WHEN SHE ARRIVED WITH THE
15 CHILDREN? HOW LONG DID HE SAY HE WAS WITH HER AND
16 WHERE DID HE SAY HE WENT WITH HER?

17 A HE SAID THAT HE WAS WITH HER TWENTY OR
18 THIRTY MINUTES AT ANOTHER PIECE OF THE PROPERTY.

19 Q LOOK AT YOUR NOTES.

20 A YES SIR.

21 Q ALL RIGHT, LOOK AT YOUR PRE-TEST
22 INTERVIEW.

23 A YES SIR.

24 THE COURT: AND THAT'S A PROBLEM,
25 SOLICITOR. THAT'S EXACTLY THE KIND OF SLIP-UP THAT

1 WE CAN HAVE AND WE'RE GOING TO BE--YOU'VE GOT TO
2 GET THE WORD TEST OUT OF YOUR MIND, POLYGRAPH OUT
3 OF YOUR MIND. IT'S INTERVIEW. FIRST INTERVIEW,
4 SECOND INTERVIEW, INVESTIGATOR. YOU GET ON THOSE
5 TERMS, IT'S REAL SAFE. BUT YOU'RE GOING TO PUT ME
6 IN A BIND IF EITHER ONE OF YOU SLIP NOW, SO...

7 I'LL TELL YOU WHAT LET'S DO.

8 MR. JONES: BUT, JUDGE, ...

9 THE COURT: LET'S DO THIS.

10 MR. JONES: WELL, LET ME ASK YOU THIS.

11 THE COURT: NO, NO, NO. I'VE GOT A
12 BETTER SOLUTION.

13 MR. JONES: ALL RIGHT.

14 THE COURT: WE'VE BEEN HERE A LONG TIME
15 AND EVERYBODY'S MIND IS NOT CLICKING JUST EXACTLY
16 LIKE WE OUGHT TO, AND I SURE DON'T WANT TO START
17 THIS CASE OVER, AND SO LET'S JUST SLEEP ON IT AND
18 WORK WITH IT AND GET WITH IT...

19 MR. JONES: JUDGE, YOU KNOW I WILL
20 DEFER, GO ALONG WITH WHATEVER YOU WANT TO DO...

21 THE COURT: I KNOW.

22 MR. JONES: BUT THE JURY'S INDICATED
23 THEY WANT TO WORK.

24 THE COURT: I KNOW.

25 MR. JONES: AND I'D ALSO LIKE TO POINT

1 OUT THE ONLY REASON I'M HAVING A LITTLE BIT OF AN
2 ISSUE HERE IS, IF I COULD JUST TALK TO HIM. HE
3 TOLD ME THAT HE...HE'S NOT TELLING ME NOW WHAT HE
4 TOLD ME EARLIER.
5 HE TOLD ME THAT, YOU KNOW, THAT BECKHAM...

6 THE COURT: THAT MAY BE A PROBLEM, SEE,
7 SO...

8 MR. JONES: WELL, IT'S NOT A PROBLEM
9 BECAUSE WE'RE NOT IN FRONT OF THE JURY NOW. WE
10 JUST PUT HIM UP HERE TO FIND OUT WHAT HE WAS GOING
11 TO SAY.

12 THE COURT: WELL, HERE'S WHAT I SUGGEST
13 YOU DO. YOU'RE WILLING TO WORK AND I APPRECIATE
14 THAT VERY MUCH. MR. SWERLING AND MR. HARPOOTLIAN,
15 AND MY GOOD FRIEND FROM GREENVILLE CAN GET TOGETHER
16 AND TALK THROUGH IT WITHOUT HAVING TO GO THROUGH
17 EVERYTHING THAT'S ON THE RECORD AND THIS KIND OF
18 STUFF, AND JUST KIND OF SEE HOW HE'S GOING TO DO
19 FOR A FEW MINUTES THIS AFTERNOON, AND THEN WE'LL
20 START WITH IT IN THE MORNING WHEN EVERYBODY'S MIND
21 IS THINKING CLEAR. IT'S JUST TOO RISKY THIS LATE
22 IN THE DAY WITH THAT TYPE TESTIMONY. TRUST ME.

23 SO WE'LL START IN THE MORNING, BUT
24 Y'ALL NEED TO HAVE A LITTLE INTERVIEW WITH HIM, AND
25 I KNOW WE'VE GOT LIMITED...AND YOU'VE BEEN REAL

1 GOOD ABOUT DISCOVERY. MR. SWERLING AND MR.
2 HARPOOTLIAN AND YOU, AND Y'ALL NEED TO SIT DOWN AND
3 TALK WITH HIM TONIGHT TO MAKE SURE EXACTLY HOW HE'S
4 GOING, IF HE TESTIFIES IN FRONT OF THAT JURY, WE
5 DON'T HAVE THOSE CODE WORDS LIKE TEST, AND THE "P"
6 WORD AND SO FORTH.

7 MR. JONES: YES, SIR. AND WE'RE NOT
8 TRYING TO USE A CODE WORD.

9 THE COURT: I UNDERSTAND.

10 MR. JONES: AND, YOU KNOW, WE'RE NOT
11 TRYING TO INTRODUCE EVIDENCE OF A POLYGRAPH THAT
12 WAS OFFERED TO THIS MAN.

13 THE COURT: I UNDERSTAND. ALL RIGHT.

14 MR. JONES: ONE THING I WOULD LIKE TO
15 POINT OUT TO YOU AT THIS POINT IN TIME BEFORE YOU
16 MAKE A FINAL DECISION ABOUT OUR SCHEDULE. YOU
17 ASKED ME ABOUT OUR WITNESS TOMORROW AND I MENTIONED
18 TO YOU THAT WE WOULD BE PUTTING UP A WITNESS
19 TOMORROW THAT COULD TAKE MOST OF THE DAY.

20 THE COURT: YES SIR.

21 MR. JONES: AND I WAS TRYING TO
22 SCHEDULE THINGS SO THAT WE WOULD NOT HAVE TO DIVIDE
23 THAT WITNESS' TESTIMONY, PARTICULARLY THAT WITNESS'
24 CROSS EXAMINATION BETWEEN SATURDAY NIGHT AND SUNDAY
25 AFTERNOON.

1 THE COURT: I'M GOING TO DO THE BEST I
2 CAN TO MAKE THINGS RUN SMOOTH TOMORROW, AND WE'LL
3 START AT NINE. AND I DO APPRECIATE IT, BUT I'M
4 JUST SCARED TO DEATH OF THIS WITNESS RIGHT NOW AT
5 THIS TIME OF DAY.

6 MR. JONES: WHAT ABOUT DEPUTY WRIGHT?
7 YOU KNOW, HE'S...

8 THE COURT: LET'S JUST LEAVE IT JUST
9 LIKE IT IS. I THINK WE'RE BETTER OFF TO BE AT THAT
10 POSITION, AND WE'LL START WITH IT IN THE MORNING
11 WHEN EVERYBODY'S THINKING CLEARER.

12 MR. JONES: OKAY.

13 THE COURT: YOU ALL TALK TO...I MEAN
14 SERIOUSLY, YOU TALK TO HIM BEFORE Y'ALL LEAVE THIS
15 COURTHOUSE TONIGHT, OKAY.

16 I HATE TO INCONVENIENCE YOU BUT IT'S
17 JUST TOO DANGEROUS.

18 MR. COULTER: WE DO UNDERSTAND THAT THE
19 ISSUES AS FAR AS WE DON'T HAVE TO GO INTO ISSUES OF
20 VOLUNTARINESS AND THE MIRANDA ISSUES AND SO ANY
21 KIND OF HEARING, PRE-TRIAL HEARING IN REGARDS TO
22 THIS TESTIMONY?

23 MR. SWERLING: WELL, I THOUGHT WHAT WE
24 WERE PUTTING THE SET UP FOR NOW IS IF WE COULD
25 AGREE AS TO WHAT HE WAS GOING TO SAY THEN WE

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1 WOULDN'T HAVE THAT PROBLEM.

2 THE COURT: RIGHT NOW THAT BRIDGE IS
3 NOT CROSSED BUT IT'S JUST TO MAKE SURE HE KNOWS,
4 THAT WE DON'T HAVE ANY SLIPUPS WITH THAT KIND OF
5 STUFF RIGHT NOW.

6 A NO, I UNDERSTOOD THAT BEFORE I EVER
7 COME INTO...

8 THE COURT: I KNOW YOU DO BUT THEY'RE
9 HAVING--WE'RE ALL HAVING TROUBLE WIPING THAT OUT OF
10 HIS MIND, JUST LIKE THE SOLICITOR USING THE WORD
11 TEST. HE DIDN'T MEAN TO, YOU KNOW.

12 OKAY, BRING THE JURY IN HERE AND LET ME
13 GET THEM ON...

14 MR. SWERLING: JUDGE, THERE SEEMS TO BE
15 SOME CONFUSION, JUST FOR THE RECORD, ON THE SIDE
16 BAR WHAT WE SAID WAS IF WE COULD AGREE AS TO WHAT
17 MR. SUTTON WAS GOING TO SAY, WE POSSIBLY WOULD
18 WAIVE ANY OF THE ISSUE. APPARENTLY, THE STATE HAS,
19 THEY DON'T UNDERSTAND IT THAT WAY.

20 MR. COULTER: NO, WE UNDERSTAND IT. I
21 CAN'T UNDERSTAND WHY THE SUBSTANCE OF WHAT IS BEING
22 SAID HAS ANYTHING TO DO WITH THE WAIVER OF...

23 MR. SWERLING: BECAUSE IF I DON'T HAVE
24 A PROBLEM WITH IT, I'M NOT GOING TO OBJECT TO IT.
25 MAKES SENSE TO ME.

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1 MR. JONES: WELL, BASICALLY THAT'S JUST
2 WHAT HIS TESTIMONY IS, JUDGE. THE ONLY THING I WAS
3 TRYING TO FIND OUT FROM HIM IS...AND WE DISCUSSED
4 THE TESTIMONY WITH YOU AT SIDE BAR. I TOLD YOU I
5 THOUGHT MR. SUTTON SAID, "SOLICITOR, HE GOT IN THE
6 CAR AND DIDN'T DRIVE OFF FROM THE PROPERTY FOR FIVE
7 OR TEN MINUTES," AND THEN THE SECOND TIME I TALKED
8 TO HIM HE SAID HE GOT IN THE CAR AND DID DRIVE TO
9 ANOTHER AREA OF THE PROPERTY FOR THIRTY MINUTES.

10 THE COURT: I UNDERSTOOD ALL OF THAT.
11 BUT GETTING EVERYBODY TO ASK THE QUESTION AND GET
12 THE ANSWER WITHOUT ME HAVING TO DECLARE A MISTRIAL
13 IS A PROBLEM, AND I DON'T WANT THAT TO HAPPEN AND I
14 DON'T WANT TO START THIS CASE OVER, AND I WANT
15 EVERYBODY TO BE ALERT WHEN WE DEAL WITH THAT
16 SITUATION. THAT'S THE ONLY THING SO FAR THAT'S
17 EVEN COME CLOSE TO--YOU'VE JUST GOT TO BE CAREFUL
18 WITH IT.

19 MR. JONES: I UNDERSTAND.

20 THE COURT: NOW, I'M GIVING YOU MY
21 WISDOM OF THAT AND THAT'S THE WAY--WELL, NOT
22 WISDOM, THAT'S THE WAY IT'S GOING TO BE.

23 BRING THE JURY IN.

24 (JURY RETURNED TO THE OPEN COURTROOM AT
25 7:50 P.M.)

1 THE COURT: MADAM FORELADY, I DO
2 APPRECIATE YOUR ENTHUSIASM AND YOUR WILLINGNESS TO
3 SERVE, AND BLAME ME, NOT THEM. BUT I'VE MADE A
4 DECISION BASED ON WHERE WE ARE THAT WE OUGHT TO
5 STOP RIGHT NOW AND PICK UP IN THE MORNING AT NINE
6 O'CLOCK. AND SO I'D ASK YOU NOT TO DISCUSS THE
7 CASE AMONG YOURSELVES, OR ALLOW ANYONE TO DISCUSS
8 IT WITH YOU NOR MAKE UP YOUR MIND ABOUT
9 ANY...FORMULATE ANY OPINION ABOUT THE OUTCOME OF
10 THIS CASE.

11 I THINK AGENT BERRY TALKED WITH YOU
12 ABOUT VISITATION--WELL, HE WILL. WE'VE GOT THAT
13 WORKED OUT, AND HE WILL ALSO TALK--WE WILL
14 OBVIOUSLY CUT ARTICLES OUT OF THE NEWSPAPER, BUT AS
15 TO THE BALANCE OF THE NEWS, WE WILL LET YOU READ
16 THAT KIND OF STUFF. AND AGENT BERRY WILL TALK WITH
17 YOU TONIGHT ABOUT MAKING...AS FAR AS ARRANGEMENTS
18 IN TERMS OF VISITATION. AND WE'LL CROSS A FEW OTHER
19 BRIDGES TOMORROW.

20 TOMORROW WILL BE A PRETTY LONG DAY, AT
21 LEAST AS LONG AS TODAY, SO WE'LL SEE YOU IN THE
22 MORNING AT NINE O'CLOCK. HAVE A NICE EVENING. AND
23 LEAVE YOUR PADS AT THE CHAIR BACK THERE AND WE'LL
24 TAKE THEM AND SECURE THEM AND KEEP THEM LOCKED UP.

25 AND BE SURE, GENTLEMEN, BEFORE Y'ALL

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1 LEAVE HERE, WE'VE GOT THE EXHIBITS IN TOW.

2 (JURY RECESSED FOR EVENING AT 6:53

3 P.M.)

4 THE COURT: I'M NOT TELLING YOU HOW TO
5 TRY YOUR CASE, BUT I MEAN IF IT'S A TERRIBLY
6 INCONVENIENCE TYPE THING AND YOU'RE REALLY WORRIED
7 ABOUT TOMORROW, GO WITH THE WITNESS YOU'VE
8 DISCUSSED RIGHT OFF THE BAT AND USE THE SHORT DAY
9 TO DEAL WITH THESE KINDS OF THINGS, BUT I DON'T
10 KNOW. WHATEVER, IF YOU'RE WORRIED ABOUT IT. I
11 DON'T BELIEVE IT'S GOING TO BE QUITE AS LONG AS YOU
12 THINK.

13 MR. COULTER: HOPEFULLY, THESE TWO
14 WON'T. AND CHRONOLOGICALLY, THAT'S THE BEST WAY TO
15 DO IT.

16 THE COURT: THAT'S FINE, AND YOU KNOW
17 IT AND I DON'T, SO YOU KNOW, I HAVE TO TRUST THAT.

18 OKAY, WE'LL START BACK AT NINE O'CLOCK
19 IN THE MORNING.

20 (SATURDAY, SEPTEMBER 21, COURT
21 RECONVENED AT 9:10 A.M.)

22 THE COURT: SO HERE'S WHERE WE ARE,
23 PROCEDURALLY WE KNOCKED OFF IN THE MIDDLE OF THE
24 JACKSON V. DINO LAST NIGHT. AS I UNDERSTAND IT,
25 MR. SUTTON WILL BE PUT BACK ON THE STAND OUTSIDE

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1 THE PRESENCE OF THE JURY TO CONTINUE THE JACKSON V.
2 DINO, AND WE PUT DEPUTY WRIGHT BACK UP TO COMPLETE
3 THE JACKSON V. DINO, AND THEN GO FROM THERE.
4 THAT'S WHERE WE ARE AT THIS POINT.

5 MR. SWERLING: I THINK WE PRETTY MUCH
6 AGREED TO THE SUBSTANCE OF WHAT HE'S GOING TO SAY,
7 BASICALLY, AFTER WE LEFT COURT LAST NIGHT, YOUR
8 HONOR.

9 THE COURT: WELL, DO YOU WANT TO
10 EXAMINE HIM, YOU HAVE A RIGHT OF CROSS EXAMINATION
11 OF HIM IN THE IN CAMERA HEARING AND I'LL GIVE IT TO
12 YOU, IF YOU WANT IT, OR YOU CAN WAIVE IT.

13 MR. SWERLING: IF THE COURT WILL GIVE
14 US THIRTY SECONDS?

15 THE COURT: ALL I'M ASKING YOU
16 GENTLEMEN IS IF YOU WANT TO CROSS EXAMINE.

17 MR. SWERLING: YOUR HONOR, WE'LL JUST
18 KEEP GOING.

19 THE COURT: ALL RIGHT, SOLICITOR, WE
20 NEED I GUESS TO PUT MR. WRIGHT BACK TO FINISH THE
21 JACKSON V. DINO, LEADING UP TO MR. SUTTON AND THEN
22 WE'RE INTO THE...

23 MR. JONES: ALL RIGHT.

24 (JERRY WRIGHT RETURNED TO THE WITNESS
25 STAND.)

1 THE COURT: ALL RIGHT, DEPUTY WRIGHT,
2 YOU'RE STILL UNDER OATH.

3 MR. MCMAHON: MAY IT PLEASE THE COURT?
4 DIRECT EXAMINATION CONT.:

5 BY MR. MCMAHON:

6 Q DEPUTY WRIGHT, I BELIEVE WE WERE AT A
7 POINT OF ABOUT 5:30 A.M. ON JUNE 13TH OF '94. IS
8 THAT CORRECT?

9 A YES SIR.

10 Q AND YOU WERE AT THE NEWBERRY SHERIFF'S,
11 NEWBERRY COUNTY SHERIFF'S DEPARTMENT?

12 A YES SIR.

13 Q NOW DID YOU HAVE AN OPPORTUNITY TO HAVE
14 A CONVERSATION WITH MR. BECKHAM AT THAT TIME

15 A YES SIR.

16 Q AND WHAT, IF ANYTHING, DID YOU ADVISE
17 MR. BECKHAM?

18 A I ADVISED HIM THAT I WOULD LIKE TO
19 CONTINUE ON WITH THE INVESTIGATION AND ASKED THAT
20 AN INVESTIGATOR BY THE NAME OF SONNY SUTTON, IF
21 HE'D BE WILLING TO TALK WITH HIM.

22 Q AND MR. SUTTON, HE IS A CONSULTANT FOR
23 THE NEWBERRY COUNTY SHERIFF'S DEPARTMENT?

24 A YES, SIR.

25 Q AND WHERE DOES HE LIVE, MR. SUTTON?

- 1 A I BELIEVE IT'S UP IN GREENVILLE, UPPER
2 PART OF THE COUNTY.
- 3 Q DID YOU EXPLAIN THAT TO MR. BECKHAM?
- 4 A I TOLD HIM THAT HE DIDN'T LIVE IN THE
5 COUNTY, THAT HE LIVED SOME DISTANCE AWAY AND IT
6 WOULD TAKE AWHILE FOR HIM TO GET THERE.
- 7 Q AND WHAT WAS THE DEFENDANT'S RESPONSE
8 TO YOU?
- 9 A HE SAID IT WAS FINE.
- 10 Q DID HE OBJECT TO THAT IN ANY MANNER?
- 11 A NO SIR.
- 12 Q WAS HE FREE TO LEAVE AT THAT TIME?
- 13 A YES SIR.
- 14 Q WAS HE UNDER ARREST AT THAT TIME?
- 15 A NO SIR.
- 16 Q HE UNDERSTOOD THAT IT WOULD TAKE
17 SEVERAL HOURS FOR INVESTIGATOR SUTTON TO ARRIVE AT
18 THE NEWBERRY COUNTY SHERIFF'S DEPARTMENT?
- 19 A WELL, I TOLD HIM THAT HE DID LIVE OUT
20 OF THE COUNTY AND IT WOULD TAKE SOME TIME TO GET
21 THERE.
- 22 Q AND THEREAFTER, DID YOU CONTACT MR.
23 SUTTON?
- 24 A YES SIR.
- 25 Q WAS THAT BEFORE OR AFTER YOU HAD THE

- 1 CONVERSATION WITH THE DEFENDANT?
- 2 A AFTER.
- 3 Q AND APPROXIMATELY WHAT TIME DID MR.
- 4 SUTTON ARRIVE?
- 5 A IT WAS SOMETIME NINE-THIRTY, TEN
- 6 O'CLOCK.
- 7 Q SO FIVE-THIRTY, SIX-THIRTY, SEVEN-
- 8 THIRTY, EIGHT-THIRTY, NINE-THIRTY, WHERE WAS THE
- 9 DEFENDANT BECKHAM?
- 10 A STILL IN THE SAME ROOM.
- 11 Q WAS HE EVER PLACED INTO THE NEWBERRY
- 12 COUNTY JAIL?
- 13 A NO SIR.
- 14 Q WAS HE EVER NOT FREE TO LEAVE?
- 15 A NO SIR.
- 16 Q DID HE EVER REQUEST AN ATTORNEY?
- 17 A NO SIR.
- 18 Q HE REMAINED THERE VOLUNTARILY?
- 19 A YES SIR.
- 20 Q OF HIS OWN FREE WILL AND ACCORD?
- 21 A YES SIR.
- 22 Q DID HE EVER REQUEST TO STOP ANY
- 23 QUESTIONING OR ANYTHING OF THAT MATTER DURING THAT
- 24 FOUR AND A HALF HOUR PERIOD OF TIME?
- 25 A NO SIR.

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1 Q NOW WHEN INVESTIGATOR SULTON ARRIVED,
2 WERE YOU AT THE SHERIFF'S OFFICE

3 A YES, I WAS.

4 Q WHAT, IF ANYTHING, DID YOU ADVISE HIM
5 OF, INVESTIGATOR SUTTON, CONCERNING THE PREVIOUS
6 RIGHTS THAT DEFENDANT BECKHAM HAD BEEN ADVISED OF?

7 A HE ASKED ME IF MIRANDA HAD BEEN GIVEN
8 AND HAD BEEN WAIVED BY THE DEFENDANT AND I INFORMED
9 HIM THAT IT HAD.

10 Q AND THAT WAS BASED ON YOUR AND
11 DETECTIVE GILLIAM'S ADVISEMENT OF HIS RIGHTS,
12 ORALLY AND IN WRITING ON STATE'S EXHIBIT NUMBER
13 FORTY-SEVEN. IS THAT CORRECT?

14 A YES SIR.

15 Q NOW, HOW WAS INVESTIGATOR SULTON
16 INTRODUCED TO THE DEFENDANT?

17 A AFTER INFORMING INVESTIGATOR SULTON OF
18 THE INVESTIGATION...

19 THE COURT: SUTTON.

20 MR. MCMAHON: I APOLOGIZE. I'M
21 GETTING SULTON AND SUTTON CONFUSED. I APOLOGIZE,
22 YOUR HONOR.

23 A AFTER INFORMING INVESTIGATOR SUTTON AS
24 TO WHERE WE WERE IN THE INVESTIGATION, I WALKED
25 INSIDE AND INTRODUCED HIM TO THE DEFENDANT BECKHAM.

- 1 Q AND AT THAT TIME, DID THE DEFENDANT
2 BECKHAM REQUEST TO LEAVE?
3 A NO SIR.
4 Q WAS HE FREE TO LEAVE?
5 A YES SIR.
6 Q DID HE OBJECT TO REMAINING IN ANY
7 MANNER?
8 A (NO AUDIBLE ANSWER)
9 Q DID HE OBJECT TO REMAINING THERE IN ANY
10 MANNER?
11 A NO SIR.
12 Q DID HE COOPERATE IN YOUR PRESENCE WITH
13 DETECTIVE SUTTON?
14 A YES SIR.
15 Q DID HE EVER REQUEST AN ATTORNEY?
16 A NO SIR.
17 Q THROUGHOUT THOSE EARLY MORNING HOURS
18 NOW, I THINK IT WAS APPROXIMATELY TWO A.M. WHEN YOU
19 FIRST ARRIVED AT DEFENDANT BECKHAM'S HOUSE,
20 CORRECT.
21 A CORRECT.
22 Q AND WHAT TIME IS IT NOW THAT YOU'RE
23 INTRODUCING DEFENDANT BECKHAM TO INVESTIGATOR
24 SUTTON?
25 A APPROXIMATELY TEN A.M.

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1 Q SO FOR THAT EIGHT HOUR PERIOD OF
2 TIME...
3 A YES SIR.
4 Q ...DID HE EVER ASK FOR AN ATTORNEY?
5 A NO SIR.
6 Q DID HE EVER INVOKE ANY OF HIS RIGHTS?
7 A NO SIR.
8 Q AND THE ONLY THING IS HE HAD BEEN
9 ADVISED OF HIS RIGHTS, HE HAD WAIVED THOSE RIGHTS
10 IN WRITING, CORRECT?
11 A CORRECT.
12 Q DIDN'T WANT A LAWYER?
13 A NO SIR.
14 Q WAS FREE TO LEAVE?
15 A YES SIR.
16 Q WAS NOT UNDER ARREST?
17 A NO SIR.
18 Q I HAVE NO FURTHER QUESTIONS.
19 THE COURT: LET ME ASK YOU THIS WHILE
20 WE'RE AT THIS POINT. ARE THERE ANY OTHER
21 STATEMENTS THAT HE INTENDS TO TESTIFY THAT MR.
22 BECKHAM MADE, ANY OTHERS OTHER THAN WE HAVE
23 COVERED?
24 MR. MCMAHON: NO, YOUR HONOR. THE
25 ONES AT THE HOUSE WHEN HE AND DEPUTY GILLIAM FIRST

1 ARRIVED, THE ONE AT BECKHAM'S RESIDENCE, WHEN THEY
2 WERE NOTIFYING HIM AND THE ONE AT THE NEWBERRY
3 COUNTY SHERIFF'S DEPARTMENT SHORTLY AFTER 2:55 A.M.
4 ON THE MORNING OF THE 13TH, THAT WOULD BE THE SUM
5 AND SUBSTANCE OF THE STATEMENTS THAT WOULD BE
6 OFFERED THROUGH DEPUTY WRIGHT.

7 THE COURT: OKAY. ALL RIGHT, CROSS
8 EXAMINATION, MR. SWERLING.

9 CROSS EXAMINATION:

10 BY MR. SWERLING:

11 Q MR. WRIGHT, YOU ARE...LET ME, JUST FOR
12 PURPOSES OF THE RECORD, YOU WERE THE EVIDENCE
13 CUSTODIAN IN THIS CASE?

14 A YES SIR.

15 Q AND ALSO WHAT OTHER FUNCTION DID YOU
16 HAVE?

17 A CHIEF DEPUTY AT THE SHERIFF'S OFFICE.

18 Q CHIEF DEPUTY, SO BASICALLY YOU
19 SUPERVISED THE INVESTIGATION? OVERALL SUPERVISION
20 OF THE INVESTIGATION?

21 A YES SIR, I HAD A MAJOR PART IN IT.

22 Q OKAY... ALL RIGHT, JUST SO THE RECORD
23 WILL REFLECT THAT.

24 YOU GOT TO MR. BECKHAM'S HOUSE ABOUT

25 2:15?

- 1 A SOMEWHERE ABOUT TWO O'CLOCK IN THE
2 MORNING.
- 3 Q AND HOW LONG DID YOU STAY AT THE
4 RESIDENCE?
- 5 A WE PROBABLY STAYED THERE TWENTY,
6 TWENTY-FIVE MINUTES.
- 7 Q DO YOU REMEMBER GOING TO STEPHEN
8 BECKHAM'S RESIDENCE OR TO THE BISHOP'S RESIDENCE
9 FIRST?
- 10 A MR. WILLIAM BECKHAM'S RESIDENCE.
- 11 Q DID YOU EVER GO TO BISHOP BECKHAM'S
12 RESIDENCE?
- 13 A YES SIR, THAT'S THE SAME PERSON.
- 14 Q OKAY, SO YOU WENT TO WILLIAM BECKHAM'S
15 RESIDENCE FIRST, I'M SORRY, BISHOP BECKHAM'S
16 RESIDENCE FIRST?
- 17 A YES SIR.
- 18 Q AND YOU HAD A CONVERSATION WITH BISHOP
19 WILLIAM BECKHAM?
- 20 A YES SIR.
- 21 Q AND AS A RESULT OF THAT CONVERSATION,
22 YOU WENT DOWN TO STEPHEN BECKHAM'S?
- 23 A YES SIR.
- 24 Q IN THE TRAILER. HOW LONG WERE YOU AT
25 BISHOP BECKHAM'S TRAILER, HOUSE?

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- 1 A I WAS THERE MAYBE A MINUTE, MINUTE AND
2 A HALF.
3 Q OKAY. AND THE CONVERSATION YOU HAD
4 WITH HIM AT THAT POINT WAS WHAT? DID YOU ADVISE
5 HIM WHAT HAD HAPPENED?
6 A NO SIR.
7 Q YOU DID NOT? OKAY. DID NOT TELL HIM
8 WHY YOU WERE THERE?
9 A JUST TO SEE STEPHEN.
10 Q AND DID HE ACCOMPANY YOU DOWN TO
11 STEPHEN'S RESIDENCE?
12 A NO SIR.
13 Q AND WHO WAS WITH YOU WHEN YOU WENT DOWN
14 TO STEPHEN'S RESIDENCE?
15 A MAJOR DANNY GILLIAM.
16 Q AND WHEN YOU WENT DOWN TO STEPHEN'S
17 RESIDENCE, STEPHEN WAS UP?
18 A YES SIR.
19 Q AND THE CHILDREN WERE UP?
20 A NO SIR.
21 Q WERE THERE CHILDREN THERE?
22 A YES SIR.
23 Q WERE THEY ASLEEP, ALL OF THEM?
24 A YES SIR.
25 Q DID YOU SEE THE CHILDREN?

- 1 A YES SIR.
- 2 Q SO THEY WOKE UP, TOO?
- 3 A NO SIR.
- 4 Q YOU JUST SAW THEM ASLEEP OR YOU DIDN'T
- 5 SEE THEM UP?
- 6 A I SAW THEM ASLEEP.
- 7 Q OKAY. NOW, HOW LONG WERE YOU AT
- 8 STEPHEN'S RESIDENCE?
- 9 A APPROXIMATELY TWENTY MINUTES.
- 10 Q AND AT STEPHEN'S RESIDENCE, YOU TOLD
- 11 HIM WHAT?
- 12 A I TOLD HIM THAT WE HAD FOUND HIS WIFE,
- 13 VICKIE, AND THAT SHE WAS DEAD AND THAT IT APPEARED
- 14 TO BE FOUL PLAY.
- 15 Q NOW DID ANYBODY WAKE UP THE CHILDREN OR
- 16 Y'ALL JUST LEFT THE RESIDENCE WITHOUT WAKING UP THE
- 17 CHILDREN? SOMEONE MUST HAVE WOKE UP THE CHILDREN.
- 18 A NO SIR, WE DIDN'T WAKE UP THE CHILDREN.
- 19 MR. WILLIAM BECKHAM, THE DEFENDANT'S FATHER, CAME
- 20 DOWN AND I INFORMED HIM OF THE SAME SET OF FACTS.
- 21 Q OKAY, THAT'S WHEN YOU INFORMED HIM?
- 22 A YES SIR.
- 23 Q OKAY. ALL RIGHT, DID ANYBODY STAY AT
- 24 THE RESIDENCE AT THAT TIME?
- 25 A YES SIR, THE DEFENDANT'S FATHER.

- 1 Q OKAY. OTHER THAN--SOMEBODY IN LAW
2 ENFORCEMENT? OTHER THAN BISHOP BECKHAM?
3 A NO SIR, NOT AT THE TRAILER.
4 Q OKAY, NOT AT THAT TIME?
5 A NO SIR.
6 Q WERE THERE OTHER LAW ENFORCEMENT
7 OFFICERS AROUND THE RESIDENCE AT THAT TIME?
8 A YES SIR, THERE WERE TWO OTHER OFFICERS
9 THAT ACCOMPANIED US DOWN THERE TO HELP US FIND THE
10 HOUSE, AND THAT WAS JACKIE SWINDLER, THE CHIEF OF
11 POLICE FOR NEWBERRY P.D. AND CHUCK COUNTS, THE
12 CAPTAIN WITH THE NEWBERRY P.D.
13 Q OKAY, THEY REMAINED AT THE PROPERTY?
14 A THEY WERE THERE ON THE PROPERTY WHEN WE
15 PULLED OUT.
16 Q OKAY, DID THEY REMAIN AT THE PROPERTY?
17 A I DO NOT KNOW, SIR.
18 Q ALL RIGHT. NOW, STEPHEN WENT DOWN TO
19 THE POLICE DEPARTMENT VOLUNTARILY, RIGHT?
20 A YES SIR.
21 Q OKAY, AND THAT WAS, I BELIEVE YOU GAVE
22 HIM THE MIRANDA RIGHTS AT THE RESIDENCE OR DID YOU
23 GIVE HIM THE RIGHTS AGAIN DOWN AT THE STATION HOUSE
24 OR WHERE DID YOU ACTUALLY GIVE HIM HIS RIGHTS?
25 A AT THE SHERIFF'S OFFICE.

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1 Q OKAY. AND THAT WAS AT 2:55? IS THAT
2 THE ONE WE'RE TALKING ABOUT?

3 A YES SIR.

4 Q AND HE SIGNED AND ACKNOWLEDGED THE
5 RIGHTS AND AGREED TO TALK TO YOU, AND HE ACTUALLY--
6 THE RIGHTS WERE GIVEN TO HIM BY DETECTIVE GILLIAM,
7 RIGHT?

8 A YES SIR, HE READ THEM OUT AND THEN I
9 SAT DOWN AND WROTE THEM OUT AS WE WENT.

10 Q OKAY. WROTE OUT WHAT?

11 A THE TOP PART THAT TOLD HIS NAME AND
12 WHERE HE LIVED AND HIS EDUCATION.

13 Q SO THE TOP PART OF THE RIGHTS FORM WAS
14 FILLED OUT BY YOU BUT THE RIGHTS WERE ACTUALLY READ
15 TO HIM BY DANNY GILLIAM?

16 A YES SIR.

17 Q ALL RIGHT. AND HE SIGNED THE RIGHTS
18 FORM AT 2:55, AND DANNY GILLIAM WITNESSED IT AND
19 YOU WITNESSED IT ALSO.

20 A YES SIR.

21 Q AND THAT'S WHEN HE SPOKE WITH YOU AND
22 GAVE YOU A STATEMENT THAT YOU HAVE ALLUDED TO? IS
23 THAT CORRECT?

24 A YES SIR, THAT'S THE STATEMENT HE GAVE
25 US.

- 1 Q ALL RIGHT, WHAT TIME DID YOU FINISH
2 THAT PROCESS?
- 3 A EVERYTHING THAT WE GATHERED PROBABLY
4 TOOK MAYBE ABOUT THIRTY MINUTES.
- 5 Q OKAY. SO THAT MIGHT HAVE TAKEN YOU TO
6 ABOUT 3:30 IN THE MORNING?
- 7 A YES SIR.
- 8 Q ALL RIGHT, WHAT HAPPENED FROM 3:30 IN
9 THE MORNING UNTIL 9:30 THAT MORNING? THAT'S SIX
10 HOURS. DID MR. BECKHAM GET TO SLEEP?
- 11 A NO SIR.
- 12 Q DID HE GET TO EAT?
- 13 A WE OFFERED HIM FOOD, COFFEE, WATER,
14 ANYTHING THAT HE MIGHT CHOOSE, GO TO THE RESTROOM.
15 HE WAS FREE TO MOVE AROUND. HE WAS JUST THERE.
- 16 Q OKAY NOW, YOU'RE SAYING THAT ANY TIME
17 HE WANTED TO, HE COULD HAVE WALKED OUT OF THE
18 STATION HOUSE?
- 19 A YES SIR.
- 20 Q AND YOU WOULD NOT HAVE STOPPED HIM,
21 NOBODY WOULD HAVE ATTEMPTED TO STOP HIM?
- 22 A NO SIR.
- 23 Q OKAY. WAS THAT COMMUNICATED TO HIM OR
24 WAS IT SOMETHING THAT WAS ASSUMED BY YOU THAT HE
25 KNEW?

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1 A I DIDN'T TELL HIM THAT HE COULDN'T
2 LEAVE, I DIDN'T TELL HIM THAT HE COULD. I ASKED
3 HIM WOULD, YOU KNOW, HE CONTINUE TO COOPERATE WITH
4 US, YOU KNOW, DURING THE INVESTIGATION.

5 Q OKAY. BUT HE HAD BEEN READ HIS RIGHTS
6 AT 2:55. THAT WOULD INDICATE THAT YOU WANTED TO
7 QUESTION HIM AND LAW ENFORCEMENT WANTED TO QUESTION
8 HIM ABOUT THE HOMICIDE OF HIS WIFE, CORRECT?

9 A CORRECT.

10 Q AND THAT IS SOMETHING THAT IS NORMALLY
11 READ TO SUSPECTS IN A CASE, IS IT NOT?

12 A IT IS.

13 Q OKAY. SO AFTER HAVING READ HIM HIS
14 RIGHTS AND HAVING GIVEN HIM THE STATEMENT, WHAT
15 YOUR TESTIMONY IS NOBODY TOLD HIM HE COULD LEAVE,
16 IT WAS JUST ASSUMED BY YOU THAT HE COULD LEAVE,
17 THAT HE KNEW HE COULD LEAVE?

18 A YES SIR, I FEEL HE KNEW HE COULD LEAVE
19 IF HE WANTED TO.

20 Q I UNDERSTAND WHAT YOU FEEL. WHAT I'M
21 SAYING IS YOU NEVER COMMUNICATED THAT TO HIM, ISN'T
22 THAT TRUE?

23 A THAT'S TRUE.

24 Q OKAY. NOW, PERIODICALLY, I MEAN WE'RE
25 TALKING ABOUT A SIX HOUR PERIOD WHERE HE WAS AT THE

1 SHERIFF'S DEPARTMENT, AND WAS HE QUESTIONED AT ALL
2 DURING THAT SIX HOUR PERIOD AGAIN? OR
3 INTERMITTENTLY?

4 A OTHER OFFICERS WOULD COME IN AND ASK
5 HIM FOR, YOU KNOW, CONSENT FORMS. AND HE WAS NOT
6 QUESTIONED ANY MORE ABOUT VICKIE OR YOU KNOW, WHAT
7 HAPPENED THAT NIGHT.

8 Q ALL RIGHT, SO PERIODICALLY, DURING THAT
9 SIX HOUR PERIOD PEOPLE WOULD COME IN AND ASK HIM A
10 QUESTION ABOUT A CONSENT OR ABOUT A SEARCH OR
11 SOMETHING OF THAT NATURE. IS THAT CORRECT?

12 A THAT'S CORRECT.

13 Q BUT HE WAS NOT PROVIDED ANY OPPORTUNITY
14 TO SLEEP?

15 A YES SIR, HE COULD HAVE, YOU KNOW,
16 SLEPT. IF HE HAD SAID HE WAS SLEEPY, I WOULD HAVE
17 BEEN MORE THAN GLAD TO FIND HIM A PLACE.

18 Q BUT DID YOU TELL HIM THAT HE COULD GO
19 TO SLEEP IF HE WANTED TO?

20 A NO SIR. YOU KNOW, I DIDN'T OFFER HIM A
21 BED OR A CHAIR TO LIE DOWN ON.

22 Q OKAY. OF COURSE, THIS WAS, NOW WE'RE
23 GETTING INTO LIKE 8:30, 9:30 IN THE MORNING BEFORE
24 MR. SUTTON GOT THERE, CORRECT?

25 A CORRECT.

- 1 Q SO IT WAS A LONG NIGHT.
- 2 A IT WAS A LONG NIGHT, YES SIR.
- 3 Q SO NOBODY TOLD HIM HE COULD GO TO
- 4 SLEEP. WHERE WAS HE? SITTING IN A CHAIR, SITTING
- 5 IN A ROOM, SITTING AT A CONFERENCE TABLE?
- 6 A HE WAS SITTING AT A CONFERENCE TABLE.
- 7 Q NOW, DURING THE EVENING OR DURING THE
- 8 MORNING, THE EARLY MORNING HOURS, DO YOU RECALL A
- 9 SITUATION WHERE HE WENT INTO THE BATHROOM AND YOU
- 10 ACCOMPANIED HIM TO THE BATHROOM?
- 11 A NO SIR, I DON'T.
- 12 Q OKAY. YOU SEEMED TO THINK ABOUT THAT
- 13 AND HESITATE A LITTLE BIT. COULD THAT HAVE
- 14 HAPPENED?
- 15 A I DON'T THINK SO. I'M TRYING TO THINK
- 16 BACK. THAT'S BEEN OVER TWO YEARS AGO AND THE ONLY
- 17 REASON I MIGHT HAVE WENT WITH HIM WAS MAYBE I
- 18 NEEDED TO GO MYSELF. I MEAN HE WASN'T UNDER ANY
- 19 CUSTODY. THERE WAS DOORWAYS HE COULD HAVE WALKED
- 20 OUT RIGHT THERE AT THE BATHROOM IF HE WANTED TO.
- 21 Q AND JUST LEFT THE SHERIFF'S DEPARTMENT?
- 22 A YES SIR.
- 23 Q AND Y'ALL WOULD HAVE LET HIM GO?
- 24 A YES SIR.
- 25 Q BUT ARE YOU SAYING YOU DID OR YOU DID

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1 NOT ACCOMPANY HIM TO THE BATHROOM, NOT FOR THE
2 PURPOSE OF RELIEVING YOURSELF BUT FOR THE PURPOSE
3 OF SEEING WHAT HE WAS DOING, WHERE HE WAS GOING?

4 A I DID NOT ACCOMPANY HIM TO THE BATHROOM
5 TO KEEP HIM FROM LEAVING THE BUILDING. I DO NOT
6 RECALL ACCOMPANYING HIM TO THE BATHROOM AT ALL.

7 Q DO YOU RECALL A CONVERSATION THAT YOU
8 AND HE HAD ABOUT AN ATTORNEY?

9 A IN HIS MIRANDA WARNINGS, YES SIR.

10 Q OKAY. DO YOU RECALL HAVING A
11 CONVERSATION WITH HIM WHERE HE TOLD YOU HE HAD AN
12 ATTORNEY WITH RESPECT TO THE DOMESTIC ISSUES THAT
13 WERE GOING ON OR ON-GOING BETWEEN HE AND VICKIE
14 BECKHAM?

15 A NO SIR.

16 Q ALL RIGHT, DO YOU RECALL HIM MENTIONING
17 THAT HE WAS BEING REPRESENTED BY LISA SENN?

18 A NO SIR.

19 Q BUT THAT SHE WAS NOT A CRIMINAL
20 ATTORNEY?

21 A NO SIR.

22 Q SO THAT CONVERSATION NEVER TOOK PLACE
23 BETWEEN YOU AND HIM?

24 A THAT'S CORRECT.

25 Q AND AT NO TIME--YOUR TESTIMONY IS AT NO

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1 TIME DID HE EVER EXPRESS AN INTEREST IN TALKING TO
2 AN ATTORNEY WHO KNEW OR HAD ANY INVOLVEMENT IN THE
3 CRIMINAL AREA?

4 A THAT'S CORRECT.

5 Q YOU DON'T EVEN RECALL HIM MENTIONING
6 LISA SENN AS BEING HIS DOMESTIC ATTORNEY AND HE
7 MIGHT WANT TO COMMUNICATE WITH HER?

8 A NO SIR, I DO NOT RECALL ANY OF THAT.

9 Q DO YOU RECALL COMMUNICATING WITH HIM
10 THAT--WELL, OBVIOUSLY IF YOU DON'T RECALL THAT, YOU
11 WOULD NOT THEN REMEMBER A CONVERSATION THAT YOU AND
12 HE HAD WHERE HE SAID HE MIGHT LIKE TO TALK WITH
13 LISA SENN OR TALK WITH HER OR SOMEONE ELSE WHO
14 MAYBE HAD SOME KNOWLEDGE IN THE CRIMINAL AREA, BUT
15 YOUR COMMENT TO HIM WAS, "WELL, LET'S GET THIS OVER
16 WITH?"

17 A NO SIR, THAT CONVERSATION DID NOT
18 HAPPEN.

19 Q NOW, MR. SUTTON DIDN'T GET THERE UNTIL
20 APPROXIMATELY TEN O'CLOCK IN THE MORNING?

21 A YES SIR.

22 Q SO AT THAT POINT MR. BECKHAM WAS AT THE
23 SHERIFF'S DEPARTMENT FOR APPROXIMATELY EIGHT HOURS?
24 ABOUT SEVEN AND A HALF HOURS?

25 A ABOUT SEVEN HOURS. WHEN WE FIRST GOT

- 1 THERE, WE SAT DOWN AND ASKED HIM IF HE WANTED ANY
2 COFFEE, FOOD, ANYTHING THAT HE WANTED.
- 3 Q DID HE GET ANYTHING?
- 4 A NO SIR, HE DIDN'T GET ANYTHING.
- 5 Q HE DIDN'T WANT FOOD OR COFFEE?
- 6 A NO SIR.
- 7 Q DID NOT HAVE FOOD OR COFFEE?
- 8 A DID NOT HAVE FOOD OR COFFEE.
- 9 Q NO SLEEP?
- 10 A THERE WAS TIMES THAT HE WAS, YOU KNOW,
11 LEFT IN THE ROOM ALONE, AND YOU KNOW, I CAN'T SAY
12 THAT WHETHER HE PUT HIS HEAD DOWN ON THE DESK OR
13 NOT. I HAVE NO IDEA.
- 14 Q DID HE TELL YOU THE LAST TIME HE HAD
15 BEEN ASLEEP WAS ON SATURDAY NIGHT, WHICH WAS NOW
16 GETTING MAYBE THIRTY-SIX HOURS BEFORE?
- 17 A HE DID NOT EXPRESS THAT TO ME BUT I WAS
18 IN THE SAME SITUATION.
- 19 Q YOU WERE TIRED?
- 20 A YES SIR.
- 21 Q MR. BECKHAM WOULD BE EXPECTED TO BE
22 TIRED?
- 23 A YES SIR, HE'D BE TIRED.
- 24 Q ALL RIGHT, AND ALSO THE EVENTS OF THE
25 EVENING WOULD ALSO ADD TO THAT FATIGUE?

- 1 A YES SIR.
- 2 Q WOULD IT NOT?
- 3 A YES SIR.
- 4 Q IT WAS A PRETTY ACTIVE EVENING.
- 5 A YES, IT WAS.
- 6 Q AND ACTIVE MORNING?
- 7 A YES SIR.
- 8 Q SO YOU, YOURSELF, WERE TIRED AND HAD
- 9 BEEN UP SINCE SATURDAY NIGHT TOO, I GUESS?
- 10 A YES SIR.
- 11 Q WELL, SINCE I GUESS WHEN YOU GOT UP
- 12 SUNDAY MORNING, WHATEVER TIME YOU GOT UP SUNDAY
- 13 MORNING.
- 14 A YES, SIR.
- 15 Q NOW THIS INTERVIEW WITH MR. SUTTON,
- 16 THAT DID NOT CONCLUDE UNTIL AFTER TWELVE O'CLOCK?
- 17 IS THAT CORRECT?
- 18 A THAT'S PROBABLY, TRUE, YES.
- 19 Q SO THAT WOULD MEAN MR. BECKHAM WAS
- 20 THERE FOR APPROXIMATELY NINE AND A HALF HOURS?
- 21 A YES SIR.
- 22 Q WHAT TIME WAS HE TOLD HE COULD LEAVE
- 23 THE SHERIFF'S DEPARTMENT?
- 24 A IT WAS ABOUT TWO O'CLOCK, I BELIEVE.
- 25 Q ABOUT TWO O'CLOCK IN THE AFTERNOON SO

- 1 HE WAS THERE FOR CLOSE TO ELEVEN AND A HALF, TWELVE
2 HOURS?
- 3 A YES SIR.
- 4 Q AND I ASSUME YOU WERE STILL UP?
- 5 A YES SIR.
- 6 Q EXHAUSTED?
- 7 A I WAS TIRED, YES SIR.
- 8 Q AND OF COURSE IT WOULD BE REASONABLE TO
9 EXPECT THAT HE WAS ALSO TIRED AND EXHAUSTED?
- 10 A YES SIR.
- 11 Q AND WHEN YOU GET TIRED AND EXHAUSTED,
12 AS WE EXPERIENCED LAST NIGHT, PEOPLE JUST, THEIR
13 THOUGHTS ARE NOT QUITE CLEAR, ARE THEY?
- 14 A NO SIR, MY THOUGHTS WERE CLEAR. I WAS
15 TIRED BUT THEY WERE CLEAR.
- 16 Q SO YOUR THOUGHTS WERE CLEAR BUT YOU
17 DON'T KNOW WHAT WAS GOING ON IN HIS MIND?
- 18 A I CAN'T SAY WHAT WAS GOING ON IN HIS
19 MIND, NO.
- 20 Q BUT YOU DO AGREE THAT HE WAS THERE BY
21 THAT TIME ELEVEN AND A HALF HOURS?
- 22 A YES SIR.
- 23 Q AND STILL DURING THAT TIME HE STILL DID
24 NOT HAVE ANYTHING TO EAT?
- 25 A NO SIR, I DON'T BELIEVE HE DID.

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- 1 Q HAD NOTHING TO DRINK?
- 2 A I DON'T RECALL THAT HE DID.
- 3 Q HAD MADE NO PHONE CALLS?
- 4 A NO SIR.
- 5 Q AND IT WAS CLEAR FROM THE
- 6 INVESTIGATION, THE QUESTIONS THAT WERE BEING ASKED
- 7 AND THE THINGS THAT WERE BEING DONE THAT HE WAS A
- 8 SUSPECT IN THE CASE, AS FAR AS YOU WERE
- 9 COMMUNICATING WITH HIM AND OTHER INVESTIGATORS WERE
- 10 COMMUNICATING TO HIM?
- 11 A WELL, YOU KNOW, WE NEVER ACCUSED HIM AT
- 12 THAT POINT IN TIME. WE WERE JUST TRYING TO FIND
- 13 OUT SOME BASIC FACTS.
- 14 Q BUT HE WAS A SUSPECT RIGHT FROM THE
- 15 BEGINNING?
- 16 A HE WAS A SUSPECT, YES SIR.
- 17 Q DID YOU, AT ANY TIME DURING THAT DAY OR
- 18 IN THAT MORNING, REITERATE HIS MIRANDA WARNINGS?
- 19 A NO SIR.
- 20 Q DID YOU ALLOW HIM OR DID HE HAVE ANY
- 21 PHONE CALLS FROM THE TIME HE GOT TO THE SHERIFF'S
- 22 DEPARTMENT UNTIL THE TIME THAT HE WAS RELEASED?
- 23 A I DO NOT RECALL ANY PHONE CALLS.
- 24 Q SO HE HAD NO COMMUNICATION WITH THE
- 25 CHILDREN THAT YOU'RE AWARE OF UNTIL HE WAS RELEASED

1 FROM THE SHERIFF'S DEPARTMENT ABOUT TWO O'CLOCK IN
2 THE AFTERNOON?

3 A I BELIEVE THAT WOULD BE CORRECT.

4 Q AND ALSO DURING THIS PERIOD OF TIME,
5 THE CHILDREN WERE BEING INTERVIEWED, AS FAR AS YOU
6 KNOW?

7 A YES SIR, THE CHILDREN WERE INTERVIEWED
8 I BELIEVE THAT MORNING.

9 MR. SWERLING: IF THE COURT WOULD
10 INDULGE ME ONE MOMENT?

11 THE COURT: YES, SIR.

12 MR. SWERLING: WE'D HAVE NOTHING
13 FURTHER OF THIS WITNESS AT THIS TIME.

14 THE COURT: ANY REDIRECT OF THIS
15 WITNESS?

16 MR. MCMAHON: BRIEFLY, YOUR HONOR.
17 REDIRECT EXAMINATION:

18 BY MR. MCMAHON:

19 Q DETECTIVE WRIGHT, HE NEVER--HE WAS
20 OFFERED FOOD, DRINK, COFFEE, SUCH AS THAT?

21 A YES SIR.

22 Q AND HE NEVER TOOK UP THAT OFFER?

23 A NO SIR.

24 Q AND HE COULD HAVE USED THE TELEPHONE?

25 A YES SIR.

1 Q AND NEVER REQUESTED TO USE THE
2 TELEPHONE?
3 A THAT'S CORRECT.
4 Q I DON'T HAVE ANY FURTHER QUESTIONS.
5 THE COURT: ALL RIGHT, YOU MAY STEP
6 DOWN, AND YOU WANT TO PROCEED WITH MR. SUTTON
7 WITHIN THE JACKSON V. DINO CONTEXT.
8 MR. JONES: SONNY SUTTON.
9 THE COURT: MR. SUTTON, WE SWORE YOU
10 YESTERDAY SO YOU'RE STILL UNDER OATH FOR THE
11 PURPOSES OF THIS PROCEEDING.
12 DIRECT EXAMINATION:
13 BY MR. JONES:
14 Q PLEASE STATE YOUR NAME FOR THE RECORD.
15 A SONNY SUTTON.
16 Q ARE YOU AN INVESTIGATOR?
17 A YES, I AM.
18 Q DID YOU COME TO NEWBERRY ON JUNE 13TH,
19 1994 FOR THE PURPOSE OF INTERVIEWING DEFENDANT
20 BECKHAM?
21 A I DID.
22 Q AND DID YOU INTERVIEW DEFENDANT
23 BECKHAM?
24 A I DID.
25 Q WHAT TIME DID YOU BEGIN YOUR INTERVIEW,

1 APPROXIMATELY?

2 A RIGHT AT TEN O'CLOCK. FOR THE RECORD,
3 I ARRIVED AT THE SHERIFF'S OFFICE AT TEN MINUTES
4 AFTER NINE O'CLOCK.

5 Q SO AT ABOUT TEN O'CLOCK YOU WERE
6 PREPARED TO INTERVIEW DEFENDANT BECKHAM, IS THAT
7 RIGHT?

8 A THAT'S CORRECT.

9 Q DID YOU EXPLAIN TO HIM THAT HE DIDN'T
10 HAVE TO TALK TO YOU?

11 A I ASKED HIM IF HE HAD BEEN ADVISED OF
12 HIS CONSTITUTIONAL RIGHTS; HE TOLD ME THAT HE HAD.
13 I ASKED HIM IF HE WANTED ANYTHING TO...IF HE'D LIKE
14 ANY COFFEE OR ANYTHING TO DRINK; HE SAID, NO, THAT
15 HE DID NOT. I ASKED HIM IF HE WAS WILLING TO TALK
16 TO ME; HE SAID THAT HE WAS.

17 HE VOLUNTARILY STATED THAT HE WOULD
18 LIKE TO COOPERATE WITH ME IN ANY WAY.

19 Q DID YOU INTERVIEW HIM?

20 A YES.

21 Q WHAT DID HE SAY TO YOU?

22 A I ASKED HIM TO TELL ME WHAT HAPPENED.
23 HE TOLD ME THAT HE HAD BEEN WAITING FOR HIS WIFE TO
24 BRING THE CHILDREN AND THAT WHEN THEY ARRIVED, THAT
25 THEY WENT INSIDE THE HOUSE, HE REMAINED OUTSIDE TO

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1 TALK TO HIS WIFE. HE STATED THAT HE GOT INTO THE
2 CAR AND WAS TALKING TO HER AND THAT LATER THEY
3 DROVE AWAY.

4 Q DID HE TELL YOU WHERE THEY DROVE TO?

5 A NOT UNTIL LATER IN THE INTERVIEW. I
6 ASKED HIM LATER POINTEDLY WHERE THEY WENT AND HE
7 SAID THAT THEY DROVE TO ANOTHER PART OF THE
8 PROPERTY.

9 Q DID YOU ASK HIM HOW LONG HE WAS WITH
10 VICKIE?

11 A INITIALLY HE STATED THAT HE WAS WITH
12 HER TWENTY TO THIRTY MINUTES, AND THEN LATER I
13 PINNED HIM DOWN AND HE SAID THIRTY MINUTES,
14 APPROXIMATELY THIRTY MINUTES.

15 Q DID HE TELL YOU WHEN SHE HAD ARRIVED AT
16 HIS PROPERTY?

17 A NO, HE DID NOT.

18 Q DID YOU ASK HIM WHAT HE WAS WEARING
19 WHEN SHE ARRIVED AT HIS PROPERTY?

20 A YES, I DID. I ASKED HIM IF HE WAS
21 WEARING THE SAME CLOTHES, IF HE HAD ON THE SAME
22 CLOTHES THAT HE DID PRESENTLY AND HE STATED THAT HE
23 WAS WEARING THE SAME SHIRT, HE WAS NOT WEARING THE
24 SAME SHOES AND HE WAS WEARING A PAIR OF SHORTS.
25 THE ONLY ITEM THAT HE WAS WEARING, HE SAID HE WAS

1 WEARING WAS THE SHIRT.

2 Q I HAND YOU STATE'S EXHIBIT THIRTEEN FOR
3 IDENTIFICATION PURPOSES AND ASK YOU IF THIS IS WHAT
4 HE WAS WEARING WHEN YOU SAW HIM?

5 A YES.

6 MR. JONES: YOUR HONOR, WE BELIEVE THIS
7 IS RELEVANT AT THIS POINT IN TIME, THIS PHOTOGRAPH
8 AND WE INTEND TO OFFER IT WHEN MR. SUTTON IS ON THE
9 STAND.

10 MR. SWERLING: I DON'T WANT TO
11 MISUNDERSTAND. WHAT IS THE RELEVANCE?

12 THE COURT: IT'S NOT RELEVANT IN THIS
13 PROCEEDING.

14 MR. JONES: NO, SIR. BUT I WAS JUST
15 LETTING YOU KNOW BEFORE WE BRING THE JURY OUT THAT
16 I INTEND TO OFFER IT WHEN MR. SUTTON IS ON THE
17 STAND, BASED ON HIS STATEMENT TO MR. SUTTON THAT HE
18 HAD ON DIFFERENT CLOTHES EARLIER. THIS IS WHAT HE
19 HAD ON WHEN MR. SUTTON TALKED TO HIM.

20 THE COURT: I UNDERSTAND YOUR POSITION.

21 MR. SWERLING: AND I WOULD HAVE TO
22 OBJECT AT THAT POINT.

23 THE COURT: WELL, ON WHAT BASIS?

24 MR. SWERLING: I JUST DON'T UNDERSTAND
25 THE RELEVANCE. THEY STILL HAVE TO GET BEYOND THE

1 CONSENT ON THAT PARTICULAR ISSUE, AND ALSO THE
2 ISSUES THAT ARE STILL UNRESOLVED ABOUT THIS...

3 THE COURT: WELL, THE CONSENT ISSUE HAS
4 BEEN RESOLVED. THE QUESTION IS WHETHER THAT FORM
5 IS GOING TO GO IN TALKING ABOUT CUTS AND BRUISES.

6 MR. SWERLING: THE SCRAPES, YEAH.

7 THE COURT: YEAH, I RESOLVED THAT
8 QUESTION THE OTHER DAY.

9 MR. SWERLING: ON THE SCRAPES?

10 THE COURT: ON THE FACT THAT THEY HAD A
11 RIGHT TO TAKE THE PHOTOGRAPH.

12 MR. SWERLING: ON THE CONSENT, YES.
13 I'M TALKING ABOUT WHETHER OR NOT AT THIS POINT IN
14 TIME ANY SCRATCHES OR ABRASIONS WOULD COME IN.

15 THE COURT: OH, NO. I AGREE WITH YOU.
16 THAT DOESN'T SHOW ANY SCRATCHES OR ABRASIONS. THAT
17 JUST SHOWS WHAT HE HAD ON.

18 MR. JONES: YES, SIR.

19 THE COURT: OKAY, WE'VE GOT IT
20 RESOLVED.

21 Q ANSWER ANY QUESTIONS THAT...

22 THE COURT: ALL RIGHT, CROSS
23 EXAMINATION OF MR. SUTTON ON THE JACKSON V. DINO
24 ISSUE.

25 MR. JONES: OH, YOUR HONOR, BEFORE THEY

1 BEGIN CROSS, I DO HAVE ONE OTHER MATTER THAT I
2 WANTED TO INTRODUCE AS A COURT'S EXHIBIT. IT'S A
3 WAIVER FORM THAT MR. SUTTON...

4 THE COURT: YOU EXAMINED HIM ABOUT THAT
5 YESTERDAY, AS I UNDERSTOOD.

6 MR. SWERLING: YES SIR, AND I HAVE NO
7 PROBLEM FOR PURPOSES OF THIS HEARING.

8 THE COURT: ALL RIGHT, MARK IT AS A
9 COURT'S EXHIBIT THEN. AND I BELIEVE YESTERDAY THAT
10 THE RECORD WAS SUFFICIENT THAT THAT'S WHAT HE DID
11 AND WENT OVER IT WITH HIM, SO MARK IT AND TAKE CARE
12 OF THAT.

13 COURT REPORTER: COURT'S TEN.

14 THE COURT: ALL RIGHT.

15 MR. JONES: I BELIEVE HE TESTIFIED
16 YESTERDAY THAT HE HAD DEFENDANT SIGN IT, READ IT TO
17 HIM BEFORE AND AFTER THE INTERVIEW, YOUR HONOR.

18 THE COURT: RIGHT. ALL RIGHT, MR.
19 SWERLING.

20 MR. SWERLING: YES SIR, THANK YOU, YOUR
21 HONOR.

22 CROSS EXAMINATION:

23 BY MR. SWERLING:

24 Q MR. SUTTON, JUST A FEW QUESTIONS. YOU
25 GOT THERE A LITTLE AFTER NINE?

- 1 A THAT'S CORRECT.
- 2 Q AND STARTED TALKING TO MR. BECKHAM
- 3 ABOUT WHAT TIME?
- 4 A ABOUT TEN O'CLOCK.
- 5 Q DID YOU ASK HIM HOW LONG IT HAD BEEN
- 6 SINCE HE HAD HAD ANY SLEEP?
- 7 A I WAS AWARE THAT HE HAD BEEN UP ALL
- 8 NIGHT. I DID COVER THAT WITH HIM.
- 9 Q AND ALSO ALL THE DAY BEFORE.
- 10 A AND I ALSO ASKED HIM HOW HE FELT. HE
- 11 SAID HE FELT OKAY.
- 12 Q BUT YOU KNEW AT THE TIME YOU STARTED
- 13 THE INTERVIEW AT NINE O'CLOCK IN THE MORNING THAT
- 14 HE HAD BEEN UP FOR AT LEAST TWENTY-FOUR HOURS.
- 15 A OKAY NOW, I DIDN'T START THE INTERVIEW
- 16 UNTIL TEN, SOMEWHERE AROUND TEN O'CLOCK. I ARRIVED
- 17 AT 9:10 BUT I DIDN'T START TALKING TO HIM UNTIL
- 18 AROUND TEN O'CLOCK.
- 19 Q SO HE HAD BEEN UP FOR OVER TWENTY-FOUR
- 20 HOURS AT THAT TIME?
- 21 A YES.
- 22 Q OKAY. I MEAN OBVIOUSLY ALL NIGHT LONG
- 23 ALSO. DID YOU ASK HIM IF HE HAD HAD ANYTHING TO
- 24 DRINK, OR ANYTHING TO EAT?
- 25 A I ASKED HIM IF WANTED ANYTHING.

- 1 Q OKAY.
- 2 A I DID NOT KNOW, I DID NOT INQUIRE ABOUT
- 3 WHAT OFFERS HAD BEEN MADE PRIOR TO MY ARRIVAL.
- 4 Q OKAY, DID YOU EVER ASKED HIM IF HE HAD
- 5 WANTED TO TALK TO AN ATTORNEY BEFORE HE STARTED
- 6 INTERVIEWING HIM?
- 7 A NO, I THOUGHT I HAD COVERED THAT PRETTY
- 8 MUCH WHEN I ASKED HIM IF HE HAD BEEN APPRISED OF
- 9 HIS CONSTITUTIONAL RIGHTS AND HE SAID HE HAD.
- 10 Q OKAY, SO YOU JUST DID IT IN A BROAD,
- 11 GENERIC SENSE RATHER THAN GO AND GETTING SPECIFIC
- 12 WITH HIM AT THAT TIME?
- 13 A THAT'S CORRECT.
- 14 Q ALL RIGHT. NOW, SOMEONE WHO HAD BEEN
- 15 UP FOR TWENTY-FOUR, TWENTY-FIVE HOURS SITTING ON A
- 16 STEEL CHAIR IN THE SHERIFF'S DEPARTMENT, THAT'S
- 17 OBVIOUSLY NOT THE MOST IDEAL IN WHICH TO INTERVIEW
- 18 SOMEONE, IS IT?
- 19 A IF I REMEMBER CORRECTLY, HE WAS SITTING
- 20 IN A WOODEN CHAIR VERY SIMILAR TO THE ONE THAT I
- 21 HAVE HERE WITH THE ARMS ON IT.
- 22 Q OKAY, SO INSTEAD OF STEEL, IT WAS WOOD.
- 23 STILL NOT THE IDEAL SITUATION TO BE INTERVIEWING
- 24 SOMEONE WHO HAD BEEN UP THAT LONG AND HAD BEEN
- 25 FATIGUED AND TIRED?

- 1 A NO, THAT IS NOT AN IDEAL SITUATION.
- 2 Q AND HE DID COOPERATE WITH YOU?
- 3 A YES.
- 4 Q HE DID TALK TO YOU?
- 5 A YES SIR.
- 6 Q AND WAS MR. WRIGHT IN THE ROOM AT THE
- 7 SAME TIME?
- 8 A NO.
- 9 Q SO DID YOU EVER--WERE YOU EVER IN THE
- 10 SAME ROOM WITH HIM AND MR. WRIGHT?
- 11 A NO.
- 12 Q DID HE EVER MENTION TO YOU A LISA SENN
- 13 AS AN ATTORNEY WHO WAS INVOLVED IN HIS DOMESTIC
- 14 LITIGATION WITH VICKIE BECKHAM?
- 15 A HE DID NOT MENTION A LAWYER OR HIS
- 16 DOMESTIC LITIGATION,.
- 17 Q NEVER...DID HE EVER MENTION TO YOU THAT
- 18 HE WOULD LIKE TO SPEAK WITH SOMEBODY WHO WAS
- 19 KNOWLEDGEABLE IN THE CRIMINAL AREA?
- 20 A NOPE.
- 21 Q DID HE EVER ASK YOU ANY QUESTIONS?
- 22 A NO.
- 23 Q BUT YOU ASKED HIM--AND THIS TOOK PLACE
- 24 FROM I GUESS ABOUT TEN O'CLOCK UNTIL ABOUT TWELVE
- 25 O'CLOCK?

- 1 A THAT'S CORRECT.
- 2 Q THIS INTERVIEW, AND IT TERMINATED
- 3 AROUND TWELVE?
- 4 A YEAH, 12:10.
- 5 Q SO AT THAT TIME HE'D BEEN UP A GREAT
- 6 DEAL OF TIME?
- 7 A YES, HE HAD.
- 8 Q SINCE AT LEAST EARLY THE MORNING
- 9 BEFORE. AND AGAIN, YOU'D AGREE THOSE ARE NOT THE
- 10 MOST IDEAL CIRCUMSTANCES UNDER WHICH TO INTERVIEW
- 11 SOMEONE?
- 12 A THAT'S RIGHT.
- 13 Q PEOPLE ARE FATIGUED, CORRECT?
- 14 A YES SIR.
- 15 Q AND FATIGUE IS A FACTOR WHEN YOU'RE
- 16 TALKING TO SOMEONE AND GETTING THEIR ANSWERS AND
- 17 RESPONSES, THAT COMES INTO PLAY IN THEIR
- 18 UNDERSTANDING THE QUESTIONS AND ALSO IN RESPONDING?
- 19 A OKAY, BUT I ALSO--HE REMAINED VERY
- 20 LUCID. HE ANSWERED MY QUESTIONS. I CAN TELL WHEN
- 21 SOMEONE SHOULD NOT BE INTERVIEWED ANY FURTHER, AND
- 22 HE WAS VERY COOPERATIVE, HE WAS VERY LUCID. HE,
- 23 YOU KNOW, HE REALLY DID NOT APPEAR TO BE FATIGUED
- 24 THAT MUCH. HE'S A YOUNGER MAN THAN I AM.
- 25 Q YEAH, BUT YOU HADN'T BEEN UP ALL NIGHT

- 1 EITHER?
- 2 A I---I'D HAD ABOUT FOUR HOURS SLEEP.
- 3 Q OKAY, BUT THAT'S FOUR HOURS MORE THAN
- 4 HE HAD.
- 5 A YES SIR.
- 6 Q AND AS SOMEONE WHO'S BEEN AN
- 7 INVESTIGATOR FOR A NUMBER OF YEARS, YOU DO AGREE
- 8 THAT THOSE ARE NOT IDEAL CIRCUMSTANCES TO INTERVIEW
- 9 SOMEONE?
- 10 A THAT IS CORRECT.
- 11 Q AND THE REASON THAT IT IS NOT IDEAL TO
- 12 INTERVIEW SOMEONE WHO HAD BEEN UP FOR OVER TWENTY-
- 13 FOUR HOURS IS BECAUSE OF THE FATIGUE FACTOR?
- 14 A YES.
- 15 Q AND FATIGUE CAUSES CONFUSION?
- 16 A HE DID NOT APPEAR TO BE CONFUSED AT
- 17 ALL.
- 18 Q I UNDERSTAND, WHAT YOU'RE SAYING IS,
- 19 BUT WHAT IS THE REASON WHY IT IS NOT IDEAL TO
- 20 INTERVIEW SOMEONE WHO'S BEEN UP OVER TWENTY-FOUR
- 21 HOURS, FOR FATIGUE?
- 22 A IT AFFECTS DIFFERENT PEOPLE DIFFERENT
- 23 WAYS.
- 24 Q THANK YOU.
- 25 THE COURT: ANYTHING ELSE FROM THIS

1 WITNESS?

2 MR. JONES: NO, YOUR HONOR.

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

4 YOU MAY STEP DOWN.

5 DO YOU WISH TO OFFER ANYTHING?

6 MR. SWERLING: YES, YOUR HONOR.

7 THE COURT: ALL RIGHT, CALL YOUR FIRST

8 WITNESS.

9 MR. SWERLING: WE'D CALL MR. STEPHEN
10 BECKHAM, ON THE LIMITED ISSUE.

11 THE COURT: ON THE LIMITED ISSUE. RE-
12 SWEAR HIM, MADAM CLERK.

13 STEPHEN ANDREW BECKHAM, BEING
14 DULY SWORN, TESTIFIED AS FOLLOWS:

15 DIRECT EXAMINATION:

16 BY MR. SWERLING:

17 Q MR. BECKHAM, THIS IS GOING TO BE ON THE
18 LIMITED ISSUE OF THE RIGHTS MR. WRIGHT ADMINISTERED
19 TO YOU AND MR. SUTTON'S INTERVIEW, OKAY.

20 A OKAY.

21 Q NOW, YOU RECOGNIZE THIS AS BEING YOUR
22 SIGNATURE AT 2:55 A.M. ON JUNE 13TH, 1994?

23 A YES, I DO.

24 Q AND YOU WERE AT THE RESIDENCE WHEN MR.
25 WRIGHT AND I BELIEVE IT WAS MR. GILLIAM CAME?

1 A YES SIR.

2 Q AND WERE YOU UP AT THE TIME THEY CAME?

3 A YEAH, THE BASKETBALL PLAYOFFS HAD BEEN
4 ON AND THEN I WAS JUST WATCHING SOME LATE NIGHT
5 TELEVISION.

6 Q OKAY, WHEN WAS THE LAST TIME YOU HAD
7 BEEN ASLEEP?

8 A I HAD BEEN ASLEEP THE NIGHT BEFORE BUT
9 WE HAD GONE OUT TO A RESTAURANT, BEEN OUT WITH MY
10 COUSINS. WE WERE OUT LATE AND DIDN'T GET MUCH
11 SLEEP.

12 Q DO YOU RECALL WHAT TIME YOU WOKE UP ON
13 SUNDAY MORNING?

14 A IT WAS FAIRLY EARLY SUNDAY MORNING.
15 I'M NOT SURE, I THINK, YOU KNOW, SEVEN-THIRTY OR
16 EIGHT O'CLOCK.

17 Q SO AT TWO O'CLOCK OR 2:15 ON THE
18 MORNING OF THE 13TH, YOU WOULD HAVE BEEN UP FOR
19 TWELVE, SEVENTEEN, ABOUT NINETEEN HOURS?

20 A THAT'S CORRECT.

21 Q SOMEWHERE IN THAT NEIGHBORHOOD, IS THAT
22 A FAIR STATEMENT?

23 A THAT'S FAIR.

24 Q AND WERE YOU IN THE PROCESS OF GOING TO
25 SLEEP OR FALLING ASLEEP WHEN THEY ARRIVED OR?

- 1 A WELL, I WAS LAID BACK ON THE BED WITH
2 MY SHOES OFF, WATCHING TV.
- 3 Q NOW, WHEN THEY CAME TO YOU, THEY ASKED
4 YOU TO COME DOWN TO THE STATION HOUSE, DOWN TO THE
5 NEWBERRY COUNTY LAW ENFORCEMENT COMPLEX?
- 6 A YES.
- 7 Q AND DID YOU GO VOLUNTARILY?
- 8 A YES, I DID.
- 9 Q ALL RIGHT, WAS YOUR FATHER THERE?
- 10 A YEAH, MY FATHER CAME UP WHILE WE WERE
11 THERE, WHILE THE OFFICERS WERE STILL THERE.
- 12 Q OKAY, DID YOU COMMUNICATE WITH THE
13 CHILDREN THAT WERE THERE?
- 14 A THEY WERE AWAKE WHEN WE WERE WALKING
15 OUT THE DOOR. I GUESS THEY HEARD PEOPLE COME IN
16 AND...
- 17 Q DID YOU DISCUSS...
- 18 A ...SAMUEL, I DON'T BELIEVE WAS AWAKE
19 BUT SHANNON AND ANDREW WERE.
- 20 Q DID YOU DISCUSS WITH THEM WHERE YOU
21 WERE GOING AND WHY?
- 22 A NO.
- 23 Q YOU LEFT YOUR FATHER TO TAKE CARE OF
24 THEM?
- 25 A YES, SURE DID.

1 Q AND YOU WENT DOWN TO THE SHERIFF'S
2 DEPARTMENT?

3 A YES.

4 Q AND WHEN YOU GOT TO THE SHERIFF'S
5 DEPARTMENT, THEY READ YOU THE MIRANDA RIGHTS?

6 A I BELIEVE THEY DID.

7 Q ALL RIGHT NOW, FOR THE RECORD, DID YOU
8 UNDERSTAND WHEN MR. GILLIAM READ YOU THE MIRANDA
9 RIGHTS WHAT THEY WERE?

10 A BASICALLY, I UNDERSTOOD WHAT THEY WERE.

11 Q AND DID YOU INITIAL EACH ONE OF THE
12 RIGHTS HE READ YOU?

13 A YES.

14 Q AND DID YOU SIGN A WAIVER OF THOSE
15 RIGHTS?

16 A YES.

17 Q DID YOU AGREE TO TALK TO THEM AT THAT
18 TIME WITHOUT AN ATTORNEY?

19 A SURE DID.

20 Q AND AFTER YOU SPOKE WITH THEM, DID YOU
21 LEAVE?

22 A NO.

23 Q DID ANYBODY TELL YOU YOU COULD LEAVE?

24 A NO.

25 Q DID YOU THINK YOU COULD LEAVE?

1 A REALLY DIDN'T.

2 Q TELL THE JUDGE WHY YOU THOUGHT YOU WERE
3 NOT ABLE TO LEAVE OR NOT GOING TO BE ALLOWED TO
4 LEAVE?

5 A WELL, ONE TIME I DID ASK TO GO TO THE
6 BATHROOM, JERRY WRIGHT TOOK ME TO THE BATHROOM.
7 WHEN WE WALKED OUT THE DOOR, HE HAD HIS HAND ON MY
8 BACK THE ENTIRE WAY TO THE BATHROOM WHICH WAS
9 AROUND THE CORNER TO THE LEFT AND THEN OVER TO THE
10 RIGHT.

11 WHEN WE WALKED INTO THE BATHROOM WHILE
12 I WAS STANDING THERE GOING TO THE BATHROOM, OF
13 COURSE HE DID NOT GO BUT HE WAS STANDING ABOUT A
14 FOOT BEHIND ME THE WHOLE TIME. WHEN I WAS THROUGH
15 GOING TO THE BATHROOM, HE AGAIN PLACED HIS HAND ON
16 MY BACK AND WE WALKED BACK TO THE ROOM I WAS IN.

17 Q DID YOU FEEL AT THAT TIME THAT YOU WERE
18 IN CUSTODY?

19 A I DID.

20 Q AND NOT FREE TO LEAVE?

21 A SURE DID.

22 Q NOW NOBODY TOLD YOU YOU WERE UNDER
23 ARREST?

24 A NOT IN THOSE WORDS, NO, THEY DIDN'T.

25 Q AND YOU FELT AT THAT TIME THAT YOU WERE

1 NOT GOING TO BE ALLOWED TO LEAVE UNTIL THEY SAID
2 YOU COULD LEAVE SOMETIME THAT MORNING?

3 A I DIDN'T KNOW WHEN I WAS GOING TO BE
4 ALLOWED TO LEAVE. I HAD NO IDEA.

5 Q AND WHERE DID THEY HAVE YOU SEATED
6 WHILE YOU WERE WAITING FOR THE VARIOUS THINGS TO BE
7 DONE?

8 A THERE WAS A TABLE IN THIS ROOM, THE
9 DOOR WAS IMMEDIATELY BEHIND ME AND TO MY RIGHT, AND
10 I WAS SITTING IN A CHAIR, FACING THAT TABLE.

11 Q WERE YOU THERE THE ENTIRE EVENING,
12 MORNING?

13 A I WAS; SEEMED LIKE AN ETERNITY.

14 Q WERE YOU FATIGUED?

15 A VERY TIRED.

16 Q WERE YOU TIRED? YOU WERE TIRED. WERE
17 YOU CONFUSED?

18 A AS A MATTER OF FACT, I TOLD JERRY
19 WRIGHT THAT I WAS SO TIRED I COULDN'T EVEN THINK
20 STRAIGHT.

21 Q AND DO YOU RECALL APPROXIMATELY WHAT
22 TIME THAT WAS?

23 A IT WAS VERY EARLY. I DIDN'T HAVE A
24 WATCH ON, I DON'T BELIEVE...THAT WAS...I MAY HAVE
25 HAD A WATCH...I THINK I DID HAVE A WATCH ON. THAT

1 WAS VERY EARLY, EIGHT, NINE O'CLOCK IN THE MORNING.

2 IT WAS MAYBE A LITTLE BEFORE THAT.

3 Q NOW, UP UNTIL THAT TIME, HAD YOU

4 ASSERTED A RIGHT TO COUNSEL?

5 A NO, I HADN'T.

6 Q UP UNTIL THAT TIME, WITH RESPECT TO THE

7 TWO CONSENTS TO SEARCH WHICH HAVE ALREADY BEEN

8 IDENTIFIED, ONE WOULD BE THE CONSENT TO SEARCH.

9 THAT'S COURT'S EXHIBIT NUMBER NINE; THAT WOULD BE

10 THE RESIDENCE--I'M SORRY, THE AUTOMOBILES, AND ALSO

11 THE CONSENT TO SEARCH, AND THAT WAS AT 4:05. AND

12 ALSO THE CONSENT TO SEARCH AT FOUR O'CLOCK OF THE

13 RESIDENCE. THESE WERE THE--LET ME SHOW YOU THESE--

14 THESE WERE THE CONSENTS TO SEARCH THAT YOU

15 UNDERSTOOD YOU HAD A CONSTITUTIONAL RIGHT TO

16 REFUSE. IS THAT CORRECT?

17 A THAT'S CORRECT.

18 Q ALL RIGHT, AND THAT'S...

19 A IT SAYS SO.

20 Q THE FORM ACTUALLY SAYS YOU HAD A

21 CONSTITUTIONAL RIGHT TO REFUSE?

22 A RIGHT.

23 Q AND NO ONE TOLD YOU THAT IF YOU DID

24 NOT, OR IF YOU DID REFUSE, THAT THEY WOULD GET A

25 COURT ORDER TO GO AHEAD AND DO IT ANYWAY.

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- 1 A THAT'S CORRECT.
- 2 Q SO THESE WERE VOLUNTARY CONSENTS?
- 3 A RIGHT.
- 4 Q THAT WAS AS OPPOSED TO THE ONE THAT'S
- 5 STATE'S EXHIBIT NUMBER TWELVE WHICH WAS THE CONSENT
- 6 TO HAVE THE PHOTOGRAPH OF THE SCRATCHES OR
- 7 INJURIES...
- 8 A RIGHT.
- 9 Q ...WHICH WE'VE ALREADY HAD A HEARING
- 10 ON? IS THAT CORRECT?
- 11 A ASK THAT QUESTION AGAIN, I'M SORRY?
- 12 Q THOSE FORMS WERE DIFFERENT THAN THE
- 13 FORM YOU NOW HAVE?
- 14 A VERY DIFFERENT.
- 15 Q ALL RIGHT, AND THIS WAS SIGNED AT 4:42
- 16 A.M.?
- 17 A THAT'S CORRECT.
- 18 Q AFTER THE FORMS THAT YOU SIGNED WHICH
- 19 SAID THAT YOU HAD A CONSTITUTIONAL RIGHT TO REFUSE
- 20 TO BE SEARCHED, CORRECT?
- 21 A RIGHT.
- 22 Q DIFFERENT FORM?
- 23 A DIFFERENT FORM.
- 24 Q THIS ONE, YOU WERE NOT TOLD THAT?
- 25 A I WAS NOT TOLD THAT.

- 1 Q ALL RIGHT, GOT A HEARING ON IT AND THIS
2 ONE IS THE ONE YOU SAID THAT YOU WERE TOLD IF YOU
3 DIDN'T CONSENT THEY'D DO IT ANYWAY.
4 A THAT THEY'D GET A COURT ORDER.
5 Q ALL RIGHT. IS THIS THE ONE--AFTER YOU
6 SIGNED THIS FORM AT 4:32 WHICH IS APPROXIMATELY
7 THIRTY MINUTES AFTER YOU SIGNED THE OTHER TWO
8 CONSENTS TO SEARCH, THAT WAS THE ONE YOU TESTIFIED
9 WAS NOT VOLUNTARY?
10 A THAT'S RIGHT.
11 Q AND IT WAS NOT A KNOWING AND FREE
12 WAIVER OF YOUR RIGHTS, RIGHT?
13 A RIGHT.
14 Q NOW AFTER YOU SIGNED THAT FORM, DID YOU
15 HAVE FURTHER BELIEF THAT YOU WERE NOT FREE TO
16 LEAVE?
17 A YEAH, I DID NOT THINK THAT I WAS FREE
18 TO LEAVE AT ALL AT ANY TIME.
19 Q AFTER BEING PRESENTED WITH THAT FORM
20 AND BEING TOLD THAT YOU DID NOT HAVE A
21 CONSTITUTIONAL RIGHT OR THEY WOULD GET A COURT
22 ORDER, DID YOU FEEL THAT YOUR MOVEMENT WAS
23 RESTRICTED AND YOUR ABILITY TO LEAVE WAS FURTHER
24 RESTRICTED?
25 A I DIDN'T FEEL LIKE I SHOULD STEP OUT OF

1 THAT ROOM, AND NOBODY TOLD ME I COULD.

2 Q ALL RIGHT NOW, SOMETIME THE NEXT
3 MORNING THERE WAS A CONVERSATION BETWEEN YOU AND
4 MR. WRIGHT CONCERNING BEING INTERVIEWED BY A MR.
5 SUTTON WHO WAS ANOTHER INVESTIGATOR, IS THAT
6 CORRECT?

7 A RIGHT.

8 Q AND DID YOU AND MR. WRIGHT HAVE A
9 CONVERSATION AT THAT TIME ABOUT BEING INTERVIEWED
10 BY MR. SUTTON?

11 A WE SURE DID.

12 Q WHAT WAS YOUR REACTION?

13 A JUST ONE MORE THING THAT THEY WERE
14 ASKING ME TO DO AND I WAS TRYING TO BE COOPERATIVE.

15 Q OKAY, AND INITIALLY DID YOU SAY YOU
16 WOULD AGREE TO DO THAT?

17 A I DID.

18 Q OF COURSE THAT WAS WHAT TIME IN THE
19 MORNING?

20 A I GUESS SOMEWHERE AROUND EIGHT O'CLOCK,
21 NINE O'CLOCK.

22 Q WHAT WAS YOUR PHYSICAL CONDITION...

23 A NO, NO, IT WAS WELL BEFORE THAT, I
24 BELIEVE.

25 Q EARLIER THAN EIGHT O'CLOCK.

- 1 A IT WAS EARLIER THAN EIGHT O'CLOCK.
- 2 Q ALL RIGHT, DID YOU KNOW WHAT TIME MR.
- 3 SUTTON WOULD EVENTUALLY GET THERE?
- 4 A I HAD NO IDEA.
- 5 Q BUT INITIALLY YOU SAID YES?
- 6 A RIGHT.
- 7 Q ALL RIGHT. NOW, WHAT WAS YOUR PHYSICAL
- 8 CONDITION, YOUR FATIGUE SITUATION AT THE TIME YOU
- 9 TOLD THEM YOU'D AGREE TO SEE MR. SUTTON AND STILL
- 10 NOT KNOWING WHAT TIME HE WOULD GET THERE?
- 11 A I WASN'T AS TIRED AS I WAS LATER. I
- 12 WAS TIRED, BUT I WASN'T AS EXHAUSTED BECAUSE LATER
- 13 ON IT JUST DRAGGED ON FOREVER.
- 14 Q NOW BY THE TIME MR. SUTTON GOT THERE,
- 15 APPROXIMATELY NINE O'CLOCK AND YOU GOT TO MEET HIM
- 16 ABOUT TEN O'CLOCK, PLEASE DESCRIBE FOR THE COURT
- 17 HOW YOU FELT.
- 18 Q I HAD TOLD DEPUTY WRIGHT THAT I WAS SO
- 19 TIRED THAT I COULDN'T THINK STRAIGHT. AND HE TOLD
- 20 ME, "WELL, THE SENATOR IS HERE; YOU KNOW, WE NEED
- 21 TO STRAIGHTEN THIS THING OUT. LET'S JUST GO AHEAD
- 22 AND GET THIS DONE," AND YOU KNOW, THOSE TYPES OF
- 23 THINGS, YOU KNOW. THEN THEY BROUGHT MR. SUTTON IN.
- 24 Q OKAY. DID YOU--DURING THAT PERIOD OF
- 25 TIME NOW, YOU HAD BEEN UP ALMOST A FULL DAY OR

1 MORE, SOME TWENTY-FOUR HOURS. DID YOU HAVE THE
2 SAME MENTAL FACULTIES ABOUT YOU THAT YOU WOULD HAD
3 YOU HAD SOME SLEEP?

4 A NO.

5 Q WERE YOU CONFUSED ABOUT WHAT WAS BEING
6 TOLD TO YOU?

7 A I WAS VERY CONFUSED, AND THEY WERE
8 TRYING TO CONFUSE ME MORE. THEY WOULD...HE SAID
9 THEY DIDN'T COME BACK IN AND QUESTION ME BUT THEY
10 DID. THEY LEFT THE ROOM, THEY WOULD ASK ME
11 SOMETHING, THEY WOULD COME BACK AND SAY THAT I HAD
12 SAID THIS AND I SAID, "NO, THAT'S NOT WHAT I SAID,"
13 AND THEY WOULD LEAVE THE ROOM AGAIN.

14 Q DID THEY CHALLENGE YOU ABOUT THINGS YOU
15 SAID?

16 A SURE. YEAH, I MEAN THEY SAID, "WELL,
17 YOU SAID THIS." AND I SAID, "NO, THAT'S NOT WHAT I
18 SAID." AND THEY WOULD LOOK AT EACH OTHER. THAT
19 WAS GILLIAM ACTUALLY, AND WRIGHT.

20 Q OKAY. AND DID THIS GO ON THROUGHOUT
21 THE MORNING?

22 A YEAH, OFF AND ON.

23 Q OFF AND ON, AND BY THE TIME...

24 A ACTUALLY, THEY TOLD ME, THEY SAID, "YOU
25 KNOW, WE'VE GOT YOUR NEPHEW IN THERE AND HE SAYS

- 1 YOU DID IT."
- 2 Q ALL RIGHT, LET'S IDENTIFY FOR THE
- 3 RECORD JAMIE--LET ME JUST ELABORATE ON THAT. THAT
- 4 WOULD BE WHO?
- 5 A JAMIE SUBER, JAMES SUBER.
- 6 Q OKAY. AND SOMETIME DURING THE MORNING
- 7 THEY TOLD YOU WHAT?
- 8 A THEY SAID, "WE HAVE YOUR NEPHEW IN THE
- 9 OTHER ROOM AND HE SAYS YOU DID IT.
- 10 Q OKAY, SO AT THIS POINT IN TIME NOW
- 11 YOU'RE UP, YOU HAVE AGREED TO TALK TO THEM, THEY'RE
- 12 COMING BACK AND FORTH INTO THE ROOM, YOU'RE GETTING
- 13 FATIGUED. WHEN THEY STARTED THIS SORT OF CAT AND
- 14 MOUSE TYPE OF SITUATION, OR BAD GUY/GOOD GUY,
- 15 WHATEVER YOU WANT TO CALL IT...
- 16 A RIGHT.
- 17 Q ...DID YOU GET CONFUSED?
- 18 A I WAS VERY CONFUSED.
- 19 Q DID IT CONFUSE YOU ABOUT WHAT WAS BEING
- 20 TOLD TO YOU AND WHAT YOUR RESPONSES WERE BY THAT
- 21 TIME?
- 22 A VERY MUCH, YEAH.
- 23 Q WAS THAT ATTRIBUTABLE TO YOUR FATIGUE
- 24 AT THAT POINT?
- 25 A YEAH, I WAS FATIGUED, PHYSICALLY AND

1 EMOTIONALLY.

2 Q NOW, MR. SUTTON DIDN'T ARRIVE RIGHT
3 AWAY AFTER MR. WRIGHT TOLD YOU HE WAS COMING,
4 RIGHT?

5 A NO, IT WAS HOURS.

6 Q ALL RIGHT, YOU DIDN'T START SPEAKING TO
7 MR. SUTTON UNTIL APPROXIMATELY TEN O'CLOCK IN THE
8 MORNING?

9 A RIGHT.

10 Q ALL RIGHT, WOULD YOU DESCRIBE FOR THE
11 JUDGE WHAT YOUR PHYSICAL CONDITION IS AND YOUR
12 MENTAL CONDITION AT TEN O'CLOCK IN THE MORNING?

13 A I WAS EXHAUSTED.

14 Q AND WHEN YOU SAY YOU'RE EXHAUSTED, AS
15 MR. SUTTON SAID, IT AFFECTS PEOPLE IN DIFFERENT
16 WAYS. WOULD YOU DESCRIBE FOR THE COURT WHAT THAT
17 EXHAUSTION DID TO YOU?

18 A I HAD TOLD DEPUTY WRIGHT I WAS SO TIRED
19 I COULDN'T EVEN THINK STRAIGHT.

20 Q AND WHEN YOU SAID YOU COULDN'T THINK
21 STRAIGHT, DOES THAT MEAN YOU COULDN'T DIGEST
22 INFORMATION AND QUESTIONS WERE BEING GIVEN TO YOU,
23 OR THE ANSWERS AND RESPONSES THAT WERE NECESSARY?

24 A JUST KIND OF WHAT I CALL FADING OUT.
25 COULDN'T DIGEST WHAT WAS BEING SAID.

- 1 Q DO YOU EVEN RECALL THE CONVERSATIONS
2 YOU WERE HAVING OR HAD THAT MORNING WITH ANY DETAIL
3 OR CLARITY, AT THIS POINT?
- 4 A YEAH, WITH SOME DETAIL. YEAH.
- 5 Q NOW I'M TALKING ABOUT THE QUESTIONS
6 THAT WERE BEING ASKED YOU?
- 7 A SOME OF THEM.
- 8 Q SOME OF THEM. SO NOW LOOKING BACK AT
9 IT, SOME OF IT IS STILL A FOG?
- 10 A SURE IS.
- 11 Q IS THAT AS A RESULT OF YOUR MENTAL
12 FATIGUE AT THAT TIME?
- 13 A CERTAIN ONES, YES.
- 14 Q NOW YOU HAD AN ATTORNEY WHO WAS
15 REPRESENTING YOU IN A DOMESTIC CASE THAT WAS
16 PENDING IN THE NEWBERRY COUNTY FAMILY COURT, IS
17 THAT CORRECT?
- 18 A THAT'S CORRECT.
- 19 Q AND HER NAME IS LISA SENN?
- 20 A THAT'S CORRECT.
- 21 Q WHEN MR. WRIGHT WAS GOING TO INTRODUCE
22 YOU SHORTLY BEFORE INTRODUCING YOU TO MR. SUTTON,
23 DID YOU HAVE A CONVERSATION WITH HIM ABOUT LISA
24 SENN?
- 25 A YEAH, I SURE DID.

1 Q AND WOULD YOU RELATE TO THE COURT WHAT
2 THE SUBSTANCE OF THAT CONVERSATION WAS?

3 A I SAID, "I THINK I SHOULD HAVE AN
4 ATTORNEY."

5 AND JERRY WRIGHT SAID, "DO YOU HAVE
6 ONE?"

7 AND I SAID, "NOT REALLY. I'VE GOT AN
8 ATTORNEY WHO'S REPRESENTING ME IN FAMILY, BUT
9 NOTHING FOR ANYTHING LIKE THIS."

10 AND HE SAID, "YOU KNOW, IT'S JUST GOING
11 TO BE A FEW MORE MINUTES AND WE'RE GOING TO LET YOU
12 GO HOME. LET'S JUST GET THIS DONE."

13 Q NOW APPROXIMATELY WHAT TIME WAS THIS?

14 A A LITTLE AFTER NINE O'CLOCK IN THE
15 MORNING.

16 Q AND DID YOU AT THAT TIME TELL HIM THAT
17 YOU'D LIKE TO LOOK FOR AN ATTORNEY WHO HAD SOME
18 KNOWLEDGE IN THE CRIMINAL AREA?

19 A YEAH, I TOLD HIM SHE WAS REPRESENTING
20 ME IN FAMILY COURT BUT I DIDN'T HAVE AN ATTORNEY
21 FOR ANYTHING LIKE THIS.

22 Q ALL RIGHT, AND DID YOU TELL HIM YOU'D
23 LIKE TO FIND AN ATTORNEY WHO HAD SOME KNOWLEDGE IN
24 THE CRIMINAL AREA BEFORE GOING ANY FURTHER?

25 A RIGHT.

- 1 Q AND WAS THAT AS A RESULT OF WHAT HAD
2 BEEN TOLD TO YOU ABOUT JAMIE SUBER, YOUR NEPHEW?
3 A RIGHT.
4 Q DID YOU LATER--STRIKE THAT. WHAT WAS
5 THE RESPONSE WHEN YOU SAID YOU WANTED TO LOOK FOR
6 AN ATTORNEY BEFORE ANYTHING WENT FURTHER?
7 A HE TOLD ME THAT, YOU KNOW, IT WAS JUST
8 GOING TO BE A FEW MORE MINUTES AND YOU KNOW, THEN
9 THEY WERE GOING TO LET ME GO HOME, THEY JUST HAD TO
10 STRAIGHTEN OUT A FEW MORE THINGS.
11 Q OKAY. DID THEY RE-ADVISE YOU OF YOUR
12 CONSTITUTIONAL RIGHTS BEFORE TALKING TO MR. SUTTON?
13 A NEVER.
14 Q ALL RIGHT. AND NOW DID YOU SPEAK TO
15 MR. SUTTON?
16 A YES.
17 Q AND DID YOU SPEAK TO HIM UNDER THE
18 IMPRESSION THAT YOU HAD NO OTHER ALTERNATIVE AT
19 THAT POINT?
20 A I DIDN'T THINK I DID.
21 Q THEY TOLD YOU THAT YOU'D BE ABLE TO GO
22 HOME AFTER YOU SPOKE WITH MR. SUTTON?
23 A RIGHT.
24 Q WHAT TIME DID YOU EVENTUALLY GO HOME?
25 A IT WASN'T TWO O'CLOCK LIKE THEY SAID, I

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1 THINK IT WAS A LITTLE LATER.

2 Q SO EVEN AFTER THIS CONVERSATION YOU HAD
3 AT APPROXIMATELY NINE O'CLOCK IN THE MORNING, IT
4 WAS STILL SOME FIVE HOURS, AT LEAST FIVE HOURS BY
5 MR. WRIGHT'S OWN TESTIMONY...

6 A AT LEAST.

7 Q ...AND SOME TIME MORE ACCORDING TO YOUR
8 OWN TESTIMONY BEFORE YOU WERE ALLOWED TO GO HOME.

9 A THAT'S CORRECT.

10 Q NOW YOU WEREN'T ARRESTED.

11 A NO.

12 Q AND ONCE YOU MADE YOUR REQUEST FOR AN
13 ATTORNEY, DID YOU MAKE IT AGAIN?

14 A I'M NOT SURE I MADE A REQUEST AGAIN, I
15 DON'T THINK.

16 Q AND WAS THAT REASON BECAUSE THEY
17 IGNORED...

18 A (INTERPOSING) I DID ASK WHERE MY FATHER
19 WAS.

20 Q PARDON?

21 A I DID ASK WHERE MY FATHER WAS, IF I
22 COULD TALK TO MY FATHER AND THEY SAID, "I THINK
23 HE'S OUT WITH THE CHILDREN."

24 Q THE REASON WHEN YOU REQUESTED AN
25 ATTORNEY THE FIRST TIME, THE REASON YOU DIDN'T

- 1 REQUEST IT AGAIN, WAS THAT BECAUSE IT WAS IGNORED?
- 2 A IT WAS IGNORED.
- 3 Q AND DID YOU FEEL AT THAT TIME IT WAS
- 4 JUST BETTER TO GET ON WITH IT AND GET IT OVER WITH?
- 5 A YEAH, BECAUSE HE TOLD ME IT WOULD BE
- 6 JUST A FEW MORE MINUTES AND I WOULD BE ALLOWED TO
- 7 GO HOME.
- 8 Q OF COURSE IT WASN'T JUST A FEW MORE
- 9 MINUTES?
- 10 A NO, IT WASN'T.
- 11 Q DURING THE INTERVIEW YOU HAD WITH MR.
- 12 SUTTON, WHAT WAS YOUR MENTAL CONDITION?
- 13 A EXTREMELY TIRED, EXHAUSTED, FOGGY.
- 14 Q AND DID YOU FEEL LIKE YOU WERE ABLE TO
- 15 DIGEST HIS QUESTIONS AND GIVE THE ANSWERS HE WAS
- 16 REQUESTING IN A CLEAR FORM?
- 17 A NO...
- 18 Q DRAWING ON YOUR BEST MEMORY?
- 19 A NO, AND SOME OF HIS QUESTIONS WERE WHAT
- 20 I THOUGHT WERE DESCRIPTIVE, INFLAMMATORY, ABOUT
- 21 SOME OF THE ACTUAL CIRCUMSTANCES.
- 22 Q ACCUSATORY?
- 23 A ACCUSATORY, YEAH. SO DESCRIPTIVE ABOUT
- 24 HOW THINGS WERE DONE SO THAT EMOTIONALLY...
- 25 Q SO THAT ADDED TO THE FATIGUE AND

1 CONFUSION.

2 A THAT'S RIGHT.

3 Q AT ANY TIME DURING THAT EVENING DID YOU
4 SLEEP?

5 A NO.

6 Q AT ANY TIME DURING THE MORNING AND INTO
7 THE MORNING, EARLY MORNING AND LATE MORNING HOURS,
8 DID YOU HAVE ANYTHING TO EAT?

9 A NO.

10 Q AT ANY TIME DID YOU COMMUNICATE WITH
11 ANYBODY OUTSIDE OF THE SHERIFF'S DEPARTMENT?

12 A WASN'T ALLOWED TO.

13 Q AT ANY TIME DID YOU FEEL LIKE YOU WERE
14 ABLE TO LEAVE?

15 A WASN'T ALLOWED TO.

16 Q DID YOU FEEL LIKE YOU WERE THERE UNTIL
17 THEY SAID YOU COULD LEAVE?

18 A THAT'S RIGHT.

19 Q ALL RIGHT, ANSWER ANY QUESTION THAT MR.
20 MCMAHON OR MR. JONES MAY HAVE.

21 THE COURT: ALL RIGHT, MR. MCMAHON.

22 MR. MCMAHON: MAY IT PLEASE THE COURT?

23 THE COURT: YOU'RE GOING TO HAVE HIM
24 THE WHOLE CROSS?

25 MR. MCMAHON: YES, SIR.

- 1 THE COURT: OKAY.
- 2 CROSS EXAMINATION:
- 3 BY MR. MCMAHON:
- 4 Q MR. BECKHAM, YOU SAID YOU HAD A WATCH
- 5 ON?
- 6 A I BELIEVE I DID.
- 7 Q YOU BELIEVE YOU DID OR YOU DID?
- 8 A I HAD A WATCH ON.
- 9 Q AND YOU KNOW WHAT TIME THE OFFICERS
- 10 ARRIVED AT YOUR HOUSE?
- 11 A I DIDN'T EVEN LOOK AT MY WATCH, I DON'T
- 12 BELIEVE. IT WAS AROUND TWO O'CLOCK.
- 13 Q AROUND TWO O'CLOCK IN THE MORNING AND
- 14 YOU WERE UP?
- 15 A YEAH.
- 16 Q AND DRESSED?
- 17 A WELL, NOT...I HAD MY SHOES OFF AND WAS
- 18 CASUALLY DRESSED, PAIR OF JEANS AND SHIRT, LAID
- 19 BACK ON THE BED.
- 20 Q REFERRING TO STATE'S FOR IDENTIFICATION
- 21 NUMBER THIRTEEN, OUTSIDE OF THE SHOES IN THIS
- 22 PHOTOGRAPH, YOU WERE DRESSED IN THIS MANNER?
- 23 A YES.
- 24 Q AND, AS A MATTER OF FACT, THIS
- 25 PHOTOGRAPH WAS PROBABLY TAKEN FOUR-THIRTY, FIVE

1 O'CLOCK THAT MORNING?

2 A I REALLY DON'T REMEMBER EXACTLY WHAT
3 TIME.

4 Q WELL, YOU HAD YOUR WATCH ON DIDN'T YOU?

5 A I BELIEVE I DID.

6 Q AND, IF YOU LOOK AT YOUR RIGHTS
7 FORM...WHERE IS YOUR...IS YOUR MIRANDA RIGHTS FORM
8 UP THERE?

9 MR. SWERLING: THERE'S ONE RIGHT OVER
10 HERE.

11 MR. MCMAHON: THANK YOU.

12 Q AS A MATTER OF FACT, ON THIS FORM, THE
13 DATE AND THE TIME IS IN YOUR WRITING.

14 A YEAH, IT SURE IS.

15 Q SO, YOU LOOKED AT YOUR WATCH AND WROTE
16 DOWN 2:55 IN THE MORNING?

17 A YEAH, I PROBABLY DID, UNLESS I ASKED
18 THEM WHAT TIME IT WAS.

19 Q AND, OF COURSE, GOING BACK TO YOUR
20 HOUSE AND BACK TO THE WATCH, I BELIEVE YOU SAID YOU
21 WAS UP WATCHING SOME LATE NIGHT T.V.?

22 A RIGHT.

23 Q AND THAT WOULD HAVE BEEN IN YOUR
24 BEDROOM?

25 A YEAH, SURE WAS.

1 Q AND THE CHILDREN, OF COURSE, WERE
2 ASLEEP OUT IN WHAT I'LL CALL THE DEN OR LIVING ROOM
3 AREA?

4 A I THINK SOME OF THEM WERE ASLEEP, SOME
5 OF THEM WEREN'T. THEY HAD BEEN WATCHING A...THEY
6 HAD TWO MOVIES AND I ALLOWED THEM TO STAY UP A
7 LITTLE BIT LATE TO WATCH THE MOVIES. AND IT WAS
8 KIND OF LIKE A...I DON'T WANT TO CALL IT A SLUMBER
9 PARTY, BUT THAT'S MORE OR LESS WHAT THEY WERE
10 DOING.

11 Q SURE. AND OF COURSE YOU WERE
12 COOPERATIVE WITH DETECTIVE WRIGHT...WITH DEPUTY
13 WRIGHT AND DEPUTY GILLIAM THERE AT THE HOUSE?

14 A YEAH, SURE WAS.

15 Q AND YOU DIDN'T OBJECT TO GOING FROM
16 YOUR HOME TO THE NEWBERRY COUNTY SHERIFF'S OFFICE
17 WITH THEM?

18 A NO.

19 Q AND YOU DID THAT VOLUNTARILY?

20 A SURE DID.

21 Q ON YOUR OWN, AND ANY STATEMENTS THAT
22 YOU MADE, YOU HEARD DETECTIVE WRIGHT...DEPUTY
23 WRIGHT TESTIFY TO THEM...Y'ALL'S CONVERSATION THERE
24 AT...

25 A YEAH, I REMEMBER MAKING THE STATEMENT

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- 1 TO DEPUTY WRIGHT, SURE DO.
- 2 Q AND, OF COURSE THAT'S THE SUBSTANCE OF
- 3 WHAT WAS SAID THERE AT THE HOUSE?
- 4 A I BELIEVE SO, YEAH.
- 5 Q WELL, DO YOU BELIEVE SO OR IS THAT THE
- 6 SUBSTANCE?
- 7 A IT'S VERY, VERY CLOSE, I DON'T THINK
- 8 IT'S VERBATIM. I THINK IT'S VERY CLOSE.
- 9 Q WELL, SURE IT'S HARD TO REMEMBER THINGS
- 10 ABSOLUTELY VERBATIM?
- 11 A RIGHT.
- 12 Q YOU AGREE WITH THAT?
- 13 A I AGREE WITH THAT.
- 14 Q AND YOU DIDN'T OBJECT TO RIDING FROM
- 15 YOUR HOME TO THE NEWBERRY COUNTY SHERIFF'S
- 16 DEPARTMENT WITH MR. WRIGHT OR MR. GILLIAM?
- 17 A NO, I DIDN'T.
- 18 Q AND OF COURSE, Y'ALL WOULD HAVE LEFT,
- 19 LET'S SAY AROUND TWO-FIFTEEN, TWO-THIRTY IN THE
- 20 MORNING?
- 21 A SOMEWHERE AROUND THERE.
- 22 Q AND IT'S JUST A FIFTEEN, TWENTY MINUTE
- 23 RIDE, I'M NOT EXACTLY SURE?
- 24 A IF THAT, YEAH.
- 25 Q AND WHEN YOU ARRIVED AT THE SHERIFF'S

- 1 DEPARTMENT, YOU WERE TAKEN INTO AN OFFICE AND
2 THAT'S WHERE YOU WERE ADVISED OF YOUR RIGHTS?
3 A YEAH, UH-HUH.
4 Q IS THAT CORRECT?
5 A THAT'S CORRECT.
6 Q AND, DEPUTY GILLIAM READ THEM TO YOU,
7 AND YOU PROVIDED CERTAIN INFORMATION THAT DEPUTY
8 WRIGHT WROTE OUT ON THE FORM, IS THAT RIGHT?
9 A YEAH, HE ASKED ME SOME QUESTIONS.
10 Q AND YOU WERE VOLUNTEERING?
11 A SURE.
12 Q YOU DIDN'T HAVE ANYTHING TO HIDE?
13 A NO, NOTHING TO HIDE.
14 Q YOU WANTED TO VOLUNTEER?
15 A THAT'S RIGHT.
16 Q YOU WANTED TO COOPERATE?
17 A I SURE DID.
18 Q AND YOU UNDERSTOOD...WELL LET ME ASK
19 YOU BEFORE I ASK YOU THAT MR. BECKHAM, HOW MUCH
20 EDUCATION DO YOU HAVE?
21 A I HAVE A BACHELORS DEGREE FROM COLLEGE.
22 Q FROM COLLEGE?
23 A UH-HUH.
24 Q SO, YOU'RE A COLLEGE GRADUATE?
25 A I SURE AM.

1 Q AND YOU UNDERSTOOD, NO DOUBT, ALL YOUR
2 CONSTITUTIONAL RIGHTS?

3 A I...I THINK I DO.

4 Q AND, YOU VOLUNTEER...WELL, DID YOU
5 THINK YOU DID, I MEAN YOU'RE A COLLEGE GRADUATE,
6 YOU'RE VERY INTELLIGENT, YOU UNDERSTOOD YOUR
7 RIGHTS?

8 A FOR THE...YEAH, FOR THE MOST PART, I
9 BELIEVE, I...I...I THINK, OF COURSE, I WAS A LITTLE
10 EMOTIONAL AND A LITTLE TIRED, BUT, SURE.

11 Q NOW, THIS IS 2:55 IN THE MORNING.

12 A BUT, I WAS STILL VERY EMOTIONAL, VERY
13 TIRED.

14 Q AND OF COURSE, THEY HAD MADE
15 ARRANGEMENTS TO TAKE CARE OF YOUR CHILDREN, OR
16 ARRANGEMENTS WERE MADE FOR YOUR CHILDREN?

17 A I MADE THOSE ARRANGEMENTS.

18 Q CORRECT, AND, I MEAN YOU WERE ALLOWED
19 TO MAKE THOSE ARRANGEMENTS?

20 A WELL...

21 Q YOU WEREN'T SPIRITED OFF INTO THE NIGHT
22 TO THE NEWBERRY COUNTY SHERIFF'S DEPARTMENT?

23 A PRETTY MUCH, I WAS, BUT I...

24 Q YOUR FATHER KNEW WHERE YOU WERE.

25 A ...I SPOKE TO MY FATHER JUST LONG

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- 1 ENOUGH TO...WHEN HE CAME DOWN, HE GAVE ME A HUG,
2 BECAUSE...
- 3 Q GIVING YOU SUPPORT?
- 4 A RIGHT, HE JUST GAVE ME A HUG, I...I
5 HUGGED HIM. I SAID, HOW ABOUT LOOK AFTER THE
6 CHILDREN UNTIL I GET BACK. HE SAID OKAY.
- 7 Q AND THESE OFFICER'S ALLOWED YOU TO DO
8 THAT?
- 9 A THEY DIDN'T GRAB ME AND STOP ME, NO.
- 10 Q NO. AND, OF COURSE YOUR FAMILY THEN
11 KNEW WHERE YOU WERE AT?
- 12 A YEAH.
- 13 A YEAH, UH-HUH.
- 14 Q AT THE NEWBERRY COUNTY SHERIFF'S
15 DEPARTMENT?
- 16 A THEY SURE DID.
- 17 Q NOW, WITH YOUR COLLEGE EDUCATION,
18 YOU'RE INTELLIGENT, YOUR BACKGROUND AND SUCH, NOW
19 TELL US...TELL THE JUDGE WHAT YOU DON'T UNDERSTAND
20 ON THAT RIGHTS FORM?
- 21 A I DIDN'T SAY I DIDN'T UNDERSTAND THIS
22 RIGHTS FORM.
- 23 Q SO, YOU DO UNDERSTAND IT.
- 24 A FOR THE MOST PART, I MEAN I THINK I, I
25 MEAN, I CAN SIT HERE AND SAY THAT I UNDERSTAND THIS

1 NOW. THAT'S FINE. WHAT I'M SAYING IS, AT THAT
2 TIME, I WAS EXTREMELY EMOTIONAL, EXTREMELY TIRED.
3 IT'S TWO DIFFERENT CIRCUMSTANCES, TWO DIFFERENT
4 PLACES. IT'S NOT THE SAME THING AT ALL.

5 Q YES, SIR. WHAT DIDN'T YOU UNDERSTAND
6 ON THE RIGHTS FORM AT 2:55 IN THE MORNING OF JUNE
7 THE THIRTEENTH OF 1994? WHAT DIDN'T YOU
8 UNDERSTAND?

9 A NO, I THINK, YOU KNOW, WE WENT OVER IT
10 PRETTY QUICKLY. I DO BELIEVE I UNDERSTAND WHAT'S
11 ON THERE, AND I THINK I UNDERSTAND BASICALLY...

12 Q YOU UNDERSTOOD YOU HAVE THE RIGHT TO
13 REMAIN SILENT?

14 A SURE.

15 Q AND YOU UNDERSTOOD YOU HAD A RIGHT TO
16 HAVE AN ATTORNEY PRESENT?

17 A RIGHT.

18 Q AND YOU DIDN'T REQUEST AN ATTORNEY...
19 I'M TALKING ABOUT THIS TIME...WE'RE GOING TO TALK
20 ABOUT THAT OTHER...ABOUT MS. SENN.

21 A NO, AT THIS TIME, I DIDN'T... I
22 DIDN'T...NO, I DIDN'T REQUEST AN ATTORNEY AT THIS
23 TIME.

24 Q IN ACCORDANCE WITH THE STATEMENTS YOU
25 MADE THEN, IN THAT FIRST THIRTY MINUTES WITH DEPUTY

1 WRIGHT AND DEPUTY GILLIAM, THOSE WERE MADE
2 VOLUNTARILY, YOU WERE COOPERATING WITH THEM?

3 A SURE I WAS.

4 Q AND YOU WERE ALERT AND AWARE, YOU
5 WEREN'T CONFUSED THEN?

6 A I WAS EMOTIONALLY PRETTY STRESSED OUT.

7 Q YES, SIR. I DIDN'T ASK YOU IF YOU WERE
8 EMOTIONALLY STRESSED OUT, I ASKED YOU IF YOU WERE
9 CONFUSED.

10 A I THINK THE EMOTIONAL STRESS CAUSES
11 CONFUSION.

12 Q WELL, SIR, DO YOU REMEMBER WHAT YOU
13 TOLD DEPUTY WRIGHT AND DEPUTY GILLIAM?

14 A YEAH, I THINK WHAT I TOLD DEPUTY WRIGHT
15 IS PRETTY MUCH, WHAT HE SAID IS PRETTY ACCURATE.

16 Q AND WHAT WAS THAT? WHAT DID YOU TELL
17 HIM?

18 A THAT SHE HAD ARRIVED ABOUT SIX-FIFTEEN.

19 Q SHE, YOU'RE REFERRING TO VICKIE?

20 A VICKIE.

21 Q YES, SIR.

22 A THE CHILDREN GOT OUT OF THE CAR. THEY
23 GAVE ME A HUG. WE STOOD AROUND AND TALKED. VICKIE
24 SAID, "HOP IN IT'S HOT," SO I SAT DOWN IN THE FRONT
25 SEAT OF THE CAR AND TALKED TO HER.

1 THE AIR CONDITIONER WAS RUNNING AND WE
2 SAT THERE AND TALKED AND THE CHILDREN WALKED
3 INSIDE.

4 Q THE CHILDREN WENT ON IN THE HOUSE,
5 THAT'S WHAT YOU TOLD DEPUTY WRIGHT.

6 A UH-HUH.

7 Q AND, YOU TOLD HIM YOU WENT OUT AND GOT
8 IN THE CAR WITH VICKIE, WITH MS...

9 A YEAH, I SAT DOWN IN THE CAR WITH HER,
10 I SURE DID.

11 Q AND DURING THIS ENTIRE TIME YOU WERE IN
12 THE CAR WITH MRS. BECKHAM, THE CHILDREN WERE IN THE
13 HOUSE?

14 A NO, I DON'T THINK THE ENTIRE TIME.

15 MR. SWERLING: JUDGE, I THINK HE'S
16 GETTING BEYOND THE POINT OF VOLUNTARINESS.

17 MR. MCMAHON: NO, SIR, IT'S THE
18 TOTALITY OF CIRCUMSTANCES.

19 MR. SWERLING: IT'S GETTING INTO THE
20 SPECIFICS OF WHAT MR. BECKHAM SAID.

21 THE COURT: THE QUESTION IS WHAT DID HE
22 SAY, AND WHETHER OR NOT...WHETHER OR NOT HE CAN
23 REMEMBER WHAT HE SAID AND WHAT HE SAID.

24 MR. SWERLING: I UNDERSTAND THAT. FOR A
25 LIMITED PURPOSE, YES, BUT AS FAR AS THIS IS AN

1 ISSUE OF JACKSON VERSUS DINO HEARING, NOT WHAT HE
2 DID SAY.

3 THE COURT: WELL...

4 MR. MCMAHON: YOUR HONOR, THE TOTALITY
5 OF THE CIRCUMSTANCES AS TO HIS MENTAL STATE AND
6 CONFUSION AT THE TIME GOING...

7 THE COURT: I OVERRULE THE OBJECTION.

8 MR. MCMAHON: THANK YOU, JUDGE.

9 Q NOW, YOU TOLD DEPUTY WRIGHT THAT YOU
10 SAT DOWN IN THE PASSENGER SIDE OF...

11 A UH-HUH.

12 Q ...MRS. BECKHAM'S VEHICLE, IS THAT...

13 A THAT'S CORRECT.

14 Q AND THIS WAS ABOUT SIX-FIFTEEN? THAT'S
15 WHAT YOU...

16 A NO, IT WASN'T SIX-FIFTEEN WHEN I SAT
17 DOWN IN THE CAR. IT HAD TO BE MORE LIKE SIX-
18 TWENTY, BECAUSE WE HAD TO GET THE CHILDREN
19 UNLOADED. WE HAD TO GET THEIR BAGS OUT OF THE CAR.
20 WE STOOD AROUND AND TALKED, YOU KNOW, FOR A MINUTE
21 OR TWO.

22 Q AND, OF COURSE THE STATEMENTS THAT YOU
23 MADE AT THE HOUSE, THE SUBSTANCE OF THEM, YOU
24 REMEMBER, WAS THAT IT WAS ABOUT SIX-FIFTEEN,
25 BECAUSE SHE WAS LATE AS USUAL.

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- 1 A YEAH.
- 2 Q AND THAT WAS YOUR STATEMENT TO DEPUTY
- 3 WRIGHT...
- 4 A YEAH.
- 5 Q ...THERE AT THE HOUSE?
- 6 A AND, I DIDN'T MEAN LATE AS USUAL IN
- 7 DROPPING THE CHILDREN OFF...
- 8 Q SIR?
- 9 A VICKIE WAS ALWAYS LATE. ALWAYS LATE.
- 10 Q AND OF COURSE THAT'S WHAT YOU TOLD
- 11 DEPUTY WRIGHT, THAT SHE WAS LATE AS USUAL?
- 12 A SURE.
- 13 Q AND, I BELIEVE YOU TOLD HIM THAT YOU
- 14 AND MRS. BECKHAM SAT IN THE CAR AND TALKED FOR
- 15 ABOUT TEN MINUTES. IS THAT CORRECT?
- 16 A UH-HUH.
- 17 Q AND ALL OF THAT WAS VOLUNTARY?
- 18 A YEAH.
- 19 Q ALL THAT STATEMENT?
- 20 A UH-HUH.
- 21 Q AND YOU RECOLLECT THAT STATEMENT?
- 22 Q AND YOU WERE NOT CONFUSED, YOU REMEMBER
- 23 IT AND YOU WEREN'T CONFUSED AND YOU HAD BEEN FULLY
- 24 ADVISED OF YOUR RIGHTS?
- 25 A I...YOU KNOW...YOU'RE SAYING I WASN'T

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1 CONFUSED...I...I...YEAH...CERTAINLY I WAS A LITTLE
2 CONFUSED AT THAT TIME.

3 Q WELL, YOU WERE SO CONFUSED THOUGH,
4 YOU...YOU CERTAINLY TOLD HIM ACCURATELY...

5 A I THINK THAT'S...

6 Q ...WHAT HAPPENED?

7 A ...THAT'S...I THINK THAT'S VERY
8 ACCURATE, BUT IT WAS ALSO VERY EARLY ON IN THE
9 MORNING.

10 Q SO, YOUR CONFUSION DIDN'T AFFECT YOUR
11 ACCURACY? YOU WERE ABLE TO BE ACCURATE AND
12 CONFUSED? IS THAT CORRECT?

13 A NO, I THINK YOU'RE TALKING...YOU'RE
14 TRYING TO MIX UP MY WORDS. I'M NOT SAYING THAT AT
15 ALL. WHAT I'M SAYING IS THAT I WAS UNDER A LOT OF
16 EMOTIONAL STRESS AT THAT TIME. I WAS A LITTLE
17 CONFUSED, I WAS A LITTLE TIRED, BUT THAT
18 INTENSIFIED AS THE NIGHT WENT ON.

19 Q I UNDERSTAND. NOW, THERE WERE NO
20 THREATS, NO PROMISES, NO MISTREATMENT IN ANY
21 MANNER, AND I'M TALKING ABOUT THIS FIRST STATEMENT
22 AT THE NEWBERRY COUNTY SHERIFF'S DEPARTMENT?

23 A NONE.

24 Q WHEN WAS IT THAT YOU WENT TO THE
25 BATHROOM WITH DEPUTY WRIGHT'S HAND ON YOUR BACK?

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- 1 A YOU KNOW, I'M NOT SURE EXACTLY WHAT
2 TIME THAT WAS, I THINK THAT WAS A LITTLE BEFORE...
3 Q HOW LONG...EXCUSE ME, I APOLOGIZE..
4 A IT WAS A LITTLE BEFORE...IT WAS IN
5 BETWEEN THE TIME HE ASKED COULD SONNY SUTTON COME
6 DOWN AND WHEN SONNY SUTTON CAME.
7 Q OKAY, SO THAT'S LATER ON IN THE
8 MORNING?
9 A UH-HUH.
10 Q NOW, AS I UNDERSTAND IT, YOU ARE
11 ADVISED OF YOUR RIGHTS, YOU WAIVE YOUR RIGHTS, YOU
12 MAKE THIS STATEMENT, AND ANOTHER OFFICER COMES IN,
13 I BELIEVE AT FOUR O'CLOCK IN THE MORNING AND I'M
14 REFERRING TO STATE'S EXHIBIT NUMBER 16. AND THAT
15 WAS...WHO WAS THAT, OFFICER TEMPLETON WITH SLED?
16 A YEAH. THAT'S WHAT IT SAYS.
17 Q AND, HE EXPLAINED THAT FORM TO YOU?
18 A YEAH, I BELIEVE HE DID.
19 Q AND, YOU UNDERSTOOD THAT FORM, CORRECT?
20 A PRETTY MUCH, YEAH.
21 Q WELL, PRETTY MUCH, OR YOU UNDERSTOOD?
22 A PRETTY MUCH.
23 Q WHAT DIDN'T YOU UNDERSTAND ABOUT THAT
24 FORM, MR. BECKHAM?
25 A SPECIFICALLY, RIGHT NOW, I COULDN'T

- 1 TELL YOU.
- 2 Q SIR?
- 3 A I COULDN'T TELL YOU SPECIFICALLY RIGHT
- 4 NOW IF THERE WAS ANYTHING THAT I DIDN'T UNDERSTAND,
- 5 BUT I'M...I MEAN I...YOU KNOW...
- 6 Q EXCUSE ME, I DIDN'T MEAN TO INTERRUPT
- 7 YOU.
- 8 A WHEN IT'S IN LANGUAGE SUCH AS THIS, IT
- 9 TAKES A WHILE TO READ IT AND DIGEST IT AND WE
- 10 DIDN'T HAVE MUCH TIME TO READ IT AND DIGEST IT.
- 11 Q BUT, YOU ARE A COLLEGE GRADUATE?
- 12 A YES, I AM.
- 13 Q YES, SIR. AND, I BELIEVE Y'ALL
- 14 STIPULATED THAT THAT CONSENT WAS GIVEN KNOWINGLY
- 15 AND VOLUNTARILY?
- 16 A YEAH.
- 17 Q THEN, YOU DON'T DISPUTE THAT?
- 18 A NO, I DON'T DISPUTE THAT.
- 19 Q AND THAT'S A LONG DIFFICULT FORM TO
- 20 UNDERSTAND, PERHAPS...I MEAN IT IS LONG TO DIGEST?
- 21 A IT...IT'S A GOOD BIT OF READING.
- 22 Q AND, OF COURSE THIS FORM, COURTS
- 23 EXHIBIT NUMBER 9, AT FOUR-0-FIVE, WAS A CONSENT TO
- 24 SEARCH YOUR AUTOMOBILE?
- 25 A RIGHT.

- 1 Q BECAUSE YOU WERE WANTING TO COOPERATE
2 WITH THE POLICE?
3 A I SURE WAS.
4 Q AND THE FORM AT FOUR-0-FIVE IS THE SAME
5 AS THE FORM AT FOUR O'CLOCK?
6 A YEAH.
7 Q JUST DIFFERENT REQUESTS...
8 A A LITTLE DIFFERENT.
9 Q SEARCHING DIFFERENT THINGS, SO THIS IS
10 WOULD NOW BE THE SECOND TIME YOU READ THAT FORM AND
11 YOU UNDERSTAND IT DON'T YOU?
12 A SURE.
13 Q SO, YOU HAD THE OPPORTUNITY TO DIGEST
14 IT TWICE NOW?
15 A UH-HUH.
16 Q NOW, WHAT HAPPENED FROM FOUR-0-FIVE TO
17 FOUR-THIRTY... ANYTHING THAT YOU RECALL OF, OR
18 WERE YOU JUST SITTING IN THE ROOM OR...
19 A THEY WOULD COME IN AND OUT. I DON'T
20 REMEMBER SPECIFICALLY ANYTHING HAPPENING.
21 Q AND, AT FOUR-THIRTY-TWO...AND YOU
22 SIGNED EACH AND EVERY ONE OF THESE FORMS?
23 A UH-HUH.
24 Q AT FOUR-THIRTY-TWO, WHAT WOULD THAT BE,
25 TWENTY-SEVEN MINUTES LATER, YOU SIGNED THIS FORM,

- 1 STATE'S EXHIBIT NUMBER 12 FOR IDENTIFICATION?
- 2 A RIGHT.
- 3 Q IS THAT CORRECT?
- 4 A UH-HUH.
- 5 Q AND, THIS PARTICULAR FORM...IS THERE
- 6 ANYTHING ON THAT FORM THAT YOU DIDN'T UNDERSTAND?
- 7 A I DIDN'T UNDERSTAND I HAD THE RIGHT TO
- 8 REFUSE TO SIGN THAT FORM. IT DOESN'T SAY THAT IN
- 9 THAT FORM AND THEY DID TELL ME IF I DIDN'T SIGN IT
- 10 THEY WOULD GO AHEAD AND GET A COURT ORDER.
- 11 Q YES, SIR, BUT I'M JUST TALKING ABOUT
- 12 YOUR UNDERSTANDING, NOT WHAT THEY TOLD YOU RIGHT
- 13 NOW, I'M NOT TRYING TO CUT YOU OFF, BUT IS THERE
- 14 ANYTHING ON THAT FORM YOU DIDN'T UNDERSTAND?
- 15 A I TOLD YOU WHAT I DIDN'T UNDERSTAND ON
- 16 THAT FORM.
- 17 Q TELL ME AGAIN, SIR.
- 18 A I DIDN'T UNDERSTAND THAT I DID NOT HAVE
- 19 A RIGHT TO REFUSE TO SIGN THAT. IT ACTUALLY SAYS
- 20 THAT ON THESE FORMS, IT DOESN'T SAY THAT ON THAT
- 21 FORM.
- 22 Q SO, YOU ALREADY KNEW THAT? TWICE, YOU
- 23 KNEW THAT BEFORE YOU SIGNED THIS FORM? CORRECT?
- 24 A THAT I HAD A RIGHT TO REFUSE A
- 25 DIFFERENT FORM?

1 Q YOU ALREADY KNEW THESE RIGHTS ON COURTS
2 EXHIBIT NUMBER 9 AND STATE'S EXHIBIT NUMBER 16, YOU
3 KNEW THAT?

4 A THAT I HAD A RIGHT TO REFUSE THOSE
5 FORMS? YEAH.

6 Q THAT YOU HAD A RIGHT TO REFUSE? I
7 DON'T KNOW WHAT YOU MEAN ABOUT THOSE FORMS.

8 A RIGHT.

9 Q IN STATE'S EXHIBIT NUMBER 12, IS MUCH
10 SIMPLER, MUCH EASIER TO UNDERSTAND, PARTICULARLY
11 FOR A COLLEGE GRADUATE?

12 A WELL I...YOU KNOW...IT'S NOT MUCH TO
13 IT.

14 Q OKAY. IT'S NOT MUCH TO IT, IS IT?

15 A NO.

16 Q OKAY, AND YOU REALLY DIDN'T HAVE ANY
17 OBJECTIONS TO BEING PHOTOGRAPHED, DID YOU?

18 A I WASN'T REALLY COMFORTABLE WITH IT,
19 NO.

20 Q AND THIS IS HOW YOU LOOKED, I DIDN'T
21 ASK YOU IF YOU WERE COMFORTABLE WITH THIS. I ASKED
22 YOU...YOU REALLY DIDN'T HAVE ANY OBJECTIONS?

23 MR. SWERLING: YOUR HONOR, WHAT DOES...
24 NOW WHAT DOES THAT HAVE TO DO WITH THIS HEARING?

25 THE COURT: WELL YOU'VE RAISED THE

1 QUESTION AS TO WHETHER, YOU KNOW, ALL ALONG THROUGH
2 WHAT HE'S AGREEING TO DO AND NOT AGREEING TO DO AND
3 UNDERSTOOD AND DIDN'T UNDERSTAND.

4 MR. SWERLING: WELL, JUDGE THE PURPOSE
5 OF THAT WAS TO...WE WERE REFERRED TO THAT FORM,
6 BECAUSE IT WAS SIGNED AT FOUR-THIRTY IN THE MORNING
7 AND YOU'VE ALREADY RULED ON THAT ISSUE.

8 THE COURT: I HAVE.

9 MR. SWERLING: HE'S ALREADY TESTIFIED
10 THAT HE DIDN'T UNDERSTAND HE HAD A RIGHT TO
11 REFUSE...

12 THE COURT: I HAVE, BUT IT...YOU KNOW
13 IT DEPENDS...IT COULD AFFECT...I KNOW I RULED AND I
14 MAY RE-AFFIRM THAT RULING.

15 MR. MCMAHON: I'LL MOVE ON, YOUR HONOR.

16 THE COURT: OKAY.

17 MR. MCMAHON: I'M OFF OF THAT FORM NOW,
18 SIR. LET ME GO FORWARD JUST A LITTLE BIT.
19 DETECTIVE WRIGHT SPOKE WITH YOU, FIVE...AROUND
20 FIVE-THIRTY IN THE MORNING ABOUT SPEAKING WITH
21 INVESTIGATOR SUTTON?

22 A I BELIEVE HE DID.

23 Q AND, DID HE EXPLAIN TO YOU, AS HE
24 TESTIFIED, ABOUT INVESTIGATOR SUTTON COMING FROM
25 OUT OF TOWN?

1 A HE DID SAY HE WAS COMING FROM OUT OF
2 TOWN, OUT OF THE COUNTY.

3 Q EXCUSE ME...

4 A HE DID SAY OUT OF THE COUNTY, I THINK.

5 Q SO, THERE WOULD BE SOME PASSAGE OF
6 TIME, AS YOU UNDERSTOOD IT, BEFORE DETECTIVE SUTTON
7 ARRIVED?

8 A I WAS THINKING MAYBE...I WAS THINKING
9 MAYBE FROM COLUMBIA, MAYBE THIRTY MINUTES.

10 Q OKAY...THAT'S...COUNTING...THIRTY
11 MINUTES FROM COLUMBIA, THAT'S ALL IT TAKES?

12 A YEAH.

13 Q ALL RIGHT, SIR. AND, I BELIEVE YOU
14 SAID YOU WERE CONFUSED AND YOU WERE IN THIS
15 EMOTIONAL...I APOLOGIZE, I'M NOT ARTICULATE WITH
16 THE WORDS LIKE MR. SWERLING. HOW DID YOU DESCRIBE
17 YOUR EMOTIONS...

18 THE COURT: NOW, MR. MCMAHON, YOU'RE
19 VIOLATING MY RULES, ALL RIGHT.

20 MR. MCMAHON: I WON'T DO THAT IN FRONT
21 OF THE JURY OF COURSE, YOUR HONOR, AND I MEANT THAT
22 SINCERELY, I'M NOT, I CAN'T, I COMPLIMENTING MR.
23 SWERLING WORDS.

24 THE COURT: HE TAKES IT AS A
25 COMPLIMENT.

1 MR. SWERLING: I ACCEPT IT AS A
2 COMPLIMENT.

3 THE COURT: YES, SIR.

4 MR. MCMAHON: AND HE KNOWS THAT, HE
5 WILL...

6 MR. SWERLING: NOTE IT ON THE RECORD.

7 THE COURT: I JUST WANT TO KEEP YOU
8 THINKING THE RIGHT WAY THOUGH, SEE.

9 Q I APOLOGIZE FOR THAT, BUT I WAS TRYING
10 TO RECALL YOUR DESCRIPTION OF YOUR MENTAL STATE
11 WHEN YOU TALKED WITH DETECTIVE SUTTON?

12 A I SAID, I JUST KIND OF FADED OUT.

13 Q FADED OUT.

14 A YEAH, JUST, JUST WASHED OUT, DRAINED.

15 Q BUT, YOU ALSO DESCRIBED HIS
16 QUESTIONS...AND YOU SAID YOU WERE CONFUSED, IS THAT
17 RIGHT?

18 A SURE.

19 Q AND YOU ALSO DESCRIBE SOME OF DETECTIVE
20 SUTTON'S QUESTIONING TO YOU, IS THAT RIGHT?

21 A YEAH.

22 Q YOU WERE FADED OUT AND CONFUSED.

23 A RIGHT.

24 Q BUT, YOU WERE ABLE TO RECALL THAT HIS
25 QUESTIONS TO YOU WERE INFLAMMATORY?

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1 A SURE.

2 Q IS THAT RIGHT?

3 A I DIDN'T SAY I HAD AMNESIA, I SAID I

4 WAS CONFUSED.

5 Q AND DESCRIPTIVE, AND ACCUSATORY.

6 A UH-HUH.

7 Q SO, YOUR MENTAL STATE WAS SUCH THAT YOU

8 COULD RECALL THE NATURE OF DETECTIVE SUTTON'S

9 QUESTIONS TO YOU?

10 A BASICALLY.

11 Q IS THAT RIGHT? OKAY.

12 MR. MCMAHON: OH, OH, ONE OTHER THING.

13 YOUR HONOR, DO YOU HAVE THAT FORM?

14 THE COURT: I HAVE IT RIGHT HERE.

15 MR. MCMAHON: THANK YOU, YOUR HONOR.

16 Q I APOLOGIZE...COURTS EXHIBIT NUMBER 10.

17 YOU SIGNED... THIS IS YOUR SIGNATURE ON THIS FORM?

18 A I BELIEVE IT IS.

19 Q ALL RIGHT, SIR. AND THIS ONE, WELL,

20 YOU BELIEVE IT IS OR IS THAT YOUR SIGNATURE?

21 A IT LOOKS LIKE MY SIGNATURE.

22 Q YOU'RE NOT ABLE TO RECOGNIZE YOUR OWN

23 SIGNATURE, MR. BECKHAM?

24 A WELL, I COULD PROBABLY IMITATE YOUR

25 SIGNATURE IF I WANTED TO...

1 Q YOU PROBABLY COULD, MR. BECKHAM, YOU
2 PROBABLY COULD.

3 A ...BUT I'M...I THINK THAT'S MY
4 SIGNATURE.

5 Q THAT LOOKS LIKE YOUR SIGNATURE ON THAT
6 FORM?

7 A IT LOOKS LIKE MY SIGNATURE.

8 Q THANK YOU, I DON'T HAVE ANY FURTHER
9 QUESTIONS.

10 THE COURT: ANYTHING ON REDIRECT, MR.
11 SWERLING?

12 MR. SWERLING: COURT INDULGE ME ONE
13 MOMENT. I'M GETTING ADVICE FROM MY YOUNG COUNSEL
14 AID.

15 NOTHING FURTHER FROM THIS WITNESS, YOUR
16 HONOR. WE DO HAVE SOME...

17 THE COURT: ALL RIGHT. THANK YOU. YOU
18 MAY STEP DOWN. CALL YOUR NEXT WITNESS.

19 MR. HARPOOTLIAN: WILLIAM BECKHAM.

20 WILLIAM ARTHUR BECKHAM JR.,
21 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

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

24 THE COURT: YES, SIR.

25 Q STATE YOUR FULL NAME FOR THE RECORD,

1 PLEASE.

2 A WILLIAM ARTHUR BECKHAM JR.

3 Q AND, ARE YOU RELATED TO THE DEFENDANT,
4 STEPHEN BECKHAM?

5 A YES, I AM, I'M HIS BROTHER.

6 Q YOU'RE HIS BROTHER. JUST SO WE HAVE A
7 BRIEF BACKGROUND, WHAT KIND OF WORK DO YOU DO SIR?

8 A I'M AN AUDIT DIRECTOR.

9 Q FOR WHAT COMPANY?

10 A COLONIAL LIFE AND ACCIDENT INSURANCE
11 COMPANY.

12 Q NOW, I WANT YOU TO THINK BACK
13 TO...WHERE WERE YOU LIVING ON JUNE 12TH 1994?

14 A AT THE SAME ADDRESS I PRESENTLY LIVE
15 AT.

16 Q WHICH IS?

17 A 123 STEVENSON LANE.

18 Q AND WHERE IS THAT?

19 A COLUMBIA.

20 Q COLUMBIA?

21 A YES.

22 Q OKAY. DID YOU COME TO LEARN AT SOME
23 POINT ON THE 12TH OR THE 13TH OF JUNE OF 1994 THAT
24 YOUR SISTER-IN-LAW, VICKIE BECKHAM WAS DEAD OR HAD
25 BEEN MURDERED?

1 A I RECEIVED A PHONE CALL FROM MY MOTHER,
2 EARLY IN THE MORNING, I'M NOT SURE OF THE EXACT
3 TIME, BUT TO LET ME KNOW THAT VICKIE HAD BEEN
4 KILLED.

5 Q OKAY, DID YOU SPEAK TO ANYONE OTHER
6 THAN YOUR MOTHER?

7 A NOT ON THE TELEPHONE, NO.

8 Q OKAY, AFTER RECEIVING THAT CALL DID YOU
9 AT SOME POINT COME TO NEWBERRY?

10 A I IMMEDIATELY DROVE UP TO POMARIA.

11 Q POMARIA, I'M SORRY. NEWBERRY COUNTY, I
12 GUESS, IS WHAT I OUGHT TO SAY, AND POMARIA
13 IS...WHERE WERE YOU GOING IN POMARIA?

14 A TO MY PARENTS HOME.

15 Q OKAY, AND WHEN YOU ARRIVED, WAS STEPHEN
16 THERE?

17 A NO, HE WAS NOT.

18 Q OKAY, WHO WAS THERE?

19 A MY PARENTS WERE THERE. AT THAT TIME
20 THE CHILDREN WERE DOWN IN STEPHEN'S HOME.

21 Q OKAY. NOW, AND I DON'T WANT TO GET
22 INTO HEARSAY, BUT DID YOU MAKE INQUIRIES AS TO
23 WHERE STEPHEN WAS?

24 A YES. I WAS TOLD BY MY MOTHER THAT
25 STEPHEN HAD GONE WITH THE SHERIFF'S DEPUTIES INTO

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1 THE SHERIFF'S DEPARTMENT.

2 Q OKAY, AND AT SOME POINT DID YOU

3 YOURSELF GO TO THE SHERIFF'S DEPARTMENT?

4 A I DID LATER THAT MORNING, YES.

5 Q HAD YOU HEARD FROM STEPHEN?

6 A NO, WE HAD NOT HAD ANY CONTACT WITH

7 STEPHEN.

8 Q WELL, WHY DID YOU GO TO THE SHERIFF'S

9 DEPARTMENT?

10 A MY SISTER AND I BOTH DROVE THERE. HER

11 SON, MY NEPHEW, JAMIE SUBER AND STEPHEN WERE BOTH

12 AT THE SHERIFF'S DEPARTMENT. WE DROVE THERE TO SEE

13 IF WE COULD SPEAK WITH THEM OR BRING THEM HOME.

14 Q OKAY, NOW, POINT OUT YOUR SISTER

15 PLEASE. IS SHE IN THE COURTROOM?

16 A YES, SITTING IN THE SECOND ROW.

17 Q OKAY. NOW, WHEN YOU GOT TO THE

18 SHERIFF'S DEPARTMENT, DID YOU MEET...DID YOU SEE

19 STEPHEN?

20 A NO, WE DID NOT.

21 Q DID YOU ATTEMPT TO SEE STEPHEN?

22 A I REQUESTED TO SEE STEPHEN, YES.

23 Q OF WHOM DID YOU REQUEST TO SEE STEPHEN?

24 A OFFICER GILLIAM OR MAJOR GILLIAM.

25 Q IS HE HERE IN THE COURTROOM?

1 A YES, HE IS.

2 Q WOULD YOU POINT HIM OUT, PLEASE?

3 A HE'S SITTING RIGHT HERE.

4 Q OKAY, WHICH ONE?

5 A IN THE BLUE SPORTS COAT.

6 Q OKAY...AND, DID YOU HAVE A CONVERSATION

7 WITH HIM?

8 A YES, I DID.

9 Q WHAT TIME OF DAY WAS THAT?

10 A APPROXIMATELY TEN O'CLOCK IN THE

11 MORNING.

12 Q TEN A.M ON...THAT WOULD BE THE

13 THIRTEENTH, THEN?

14 A THAT'S CORRECT.

15 Q MONDAY...MONDAY MORNING?

16 A THAT'S RIGHT.

17 Q AND, YOU ASKED HIM WHAT...I'M NOT GOING

18 TO LEAD YOU. TELL ME THE NATURE AND AS MUCH AS YOU

19 CAN, THE EXACT WORDING OF THE CONVERSATION?

20 A WE ARRIVED AT THE SHERIFF'S DEPARTMENT

21 AND ASKED TO SPEAK WITH SOMEONE ABOUT STEPHEN.

22 DEPUTY GILLIAM CAME OUTSIDE THE SHERIFF'S

23 DEPARTMENT AND SPOKE WITH BOTH OF US AROUND THE

24 CORNER BY, AS I RECALL, A SOME TYPE OF TRAILER

25 UNIT. WE ASKED IF WE COULD SEE STEPHEN OR JAMIE

1 AND WE WERE TOLD THAT WE COULD NOT.

2 Q WHY NOT?

3 A THAT THEY WERE BEING QUESTIONED.

4 Q WERE THEY...I GUESS WHAT I'M ASKING IS
5 WERE YOU...WAS IT INDICATED TO YOU WHETHER OR NOT
6 THEY WERE FREE TO GO?

7 A MY FEELING WAS, BASED ON THE STATEMENT
8 FROM HIM WAS THAT THEY WERE NOT FREE TO GO.

9 Q WERE YOU INSISTENT ON SEEING HIM OR DID
10 YOU DID YOU MAKE ANY FURTHER INQUIRY AS TO WHY YOU
11 COULD NOT SEE HIM?

12 A YES, I DID ASK IF THERE WAS ANY REASON
13 WHY WE COULD NOT SEE THEM OR WHY THEY COULD NOT
14 RETURN BACK TO MY PARENTS HOME WITH US, AND WE WERE
15 TOLD THAT THEY WOULD HAVE TO REMAIN UNTIL ALL THE
16 QUESTIONS HAD BEEN ANSWERED.

17 Q REMAIN UNTIL ALL THE QUESTIONS HAD BEEN
18 ANSWERED?

19 A THAT'S CORRECT.

20 Q AND DOES THAT...WHO SAID THAT TO YOU?

21 A MR. GILLIAM.

22 Q OKAY, AND HE'S WITH THE NEWBERRY COUNTY
23 SHERIFF'S DEPARTMENT?

24 A THAT'S CORRECT.

25 Q DID YOU SPEAK TO ANYONE ELSE?

- 1 A NOT AT THE SHERIFF'S DEPARTMENT, NO.
- 2 Q WHERE ELSE, DID YOU GO ANYWHERE ELSE?
- 3 A NO, I DID NOT. WE DID NOT GO ANYWHERE
- 4 ELSE.
- 5 Q OKAY, DID YOU REMAIN AT THE SHERIFF'S
- 6 DEPARTMENT OR DID YOU LEAVE?
- 7 A NO, WE LEFT AND RETURNED BACK TO MY
- 8 PARENTS HOME.
- 9 Q WHEN DID YOU NEXT SEE STEPHEN?
- 10 A THAT AFTERNOON, MY FATHER AND I WENT IN
- 11 TO PICK UP STEPHEN. I'M NOT SURE OF THE EXACT
- 12 TIME, AROUND THREE-THIRTY, FOUR O'CLOCK.
- 13 Q WHAT WAS HIS PHYSICAL OR EMOTIONAL
- 14 STATE WHEN YOU SAW HIM THAT AFTERNOON?
- 15 A HE WAS EMOTIONALLY EXHAUSTED,
- 16 PHYSICALLY EXHAUSTED. HE WAS A WRECK, AT THAT
- 17 TIME.
- 18 Q EXCUSE ME ONE SECOND. THANK YOU,
- 19 PLEASE ANSWER ANY QUESTIONS THAT...
- 20 THE COURT: CROSS EXAMINATION, MR.
- 21 MCMAHON.
- 22 CROSS EXAMINATION:
- 23 BY MR. MCMAHON:
- 24 Q JUST A COUPLE OF QUESTIONS. MR.
- 25 BECKHAM, AS I UNDERSTAND IT, YOUR UNDERSTANDING

- 1 WAS, YOUR BROTHER WAS AT THE SHERIFF'S DEPARTMENT?
- 2 A THAT IS CORRECT.
- 3 Q ALONG WITH ANOTHER FAMILY MEMBER?
- 4 A THAT CORRECT.
- 5 Q MR. SUBER?
- 6 A MY NEPHEW.
- 7 Q AND THAT'S A NEPHEW OR A COUSIN OR...
- 8 A THAT IS MY NEPHEW, MY SISTER'S SON.
- 9 Q THAT WOULD BE THE DEFENDANT, YOUR
- 10 BROTHER'S NEPHEW ALSO, IS THAT CORRECT?
- 11 A THAT'S CORRECT.
- 12 Q AND WHAT TIME WAS IT THAT Y'ALL WENT TO
- 13 THE SHERIFF'S OFFICE THAT MORNING, I BELIEVE YOU
- 14 AND YOUR SISTER?
- 15 A APPROXIMATELY TEN O'CLOCK.
- 16 Q ABOUT TEN O'CLOCK THAT MORNING.
- 17 A YES.
- 18 Q THANK YOU, I DON'T HAVE ANY FURTHER
- 19 QUESTIONS.
- 20 THE COURT: ALL RIGHT, THANK YOU SIR.
- 21 YOU MAY STEP DOWN. ANY FURTHER WITNESSES?
- 22 MR. SWERLING: ONE MORE WITNESS,
- 23 CATHERINE BECKHAM.
- 24 THE COURT: ALL RIGHT.
- 25 MR. SWERLING: WOULD YOU COME AROUND,

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1 PLEASE.

2 MR. MCMAHON: FOR THE PURPOSES OF THE
3 HEARING...THE TESTIMONY IS GOING TO BE THE SAME, AS
4 FAR AS GOING TO THE SHERIFF'S OFFICE AND ALL, YOUR
5 HONOR, WE...WE...

6 THE COURT: STIPULATE?

7 MR. MCMAHON: WE WOULD STIPULATE THAT
8 HER TESTIMONY WOULD BE THE SAME.

9 THE COURT: I DON'T KNOW WHAT...

10 MR. SWERLING: YOUR HONOR, THERE'S A
11 SLIGHT VARIATION THERE, BECAUSE THIS IS THE MOTHER
12 OF THE PERSON WHO SHE WAS TRYING TO SEE.

13 MR. MCMAHON: OF COURSE, YOUR HONOR, WE
14 WOULDN'T THINK THAT SOME OF THAT WAS RELEVANT IN
15 FRONT OF A JURY, BUT FOR PURPOSES OF THIS HEARING,
16 WE HAVE NO OBJECTION.

17 THE COURT: SURE, I UNDERSTAND.

18 MR. MCMAHON: THANK YOU.

19 MR. SWERLING: WELL.

20 THE COURT: WE'LL CROSS THAT BRIDGE
21 WHEN WE GET TO IT.

22 MR. SWERLING: YEAH, WELL, WE WOULDN'T
23 BE PRESENTING IT ANYWHERE DURING THE STATE'S CASE
24 WHEN SHE WOULD BE...

25 THE COURT: THAT'S RIGHT.

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1 MR. SWERLING: ...SOMETHING LATER.

2 CATHERINE BECKHAM, BEING DULY

3 SWORN, TESTIFIES AS FOLLOWS:

4 DIRECT EXAMINATION:

5 BY MR. SWERLING:

6 Q CATHERINE, YOU ARE, TO CUT TO THE
7 CHASE, YOU'RE THE SISTER OF STEPHEN BECKHAM?

8 A YES.

9 Q ALL RIGHT, AND YOU'RE THE SISTER OF
10 BILL BECKHAM JR.?

11 A YES.

12 Q ALL RIGHT, AND YOU'RE ALSO THE MOTHER
13 OF JAMIE SUBER?

14 A YES. I AM.

15 Q NOW, WERE YOU IN THE COURT ROOM WHEN
16 STEPHEN WAS REFERRING TO THE FACT THAT SOMETIME IN
17 THE EARLY MORNING HOURS OF THE 13TH OF JUNE, 1994,
18 THAT JAMIE WAS ALSO BEING QUESTIONED AT THE
19 NEWBERRY COUNTY SHERIFF'S DEPARTMENT?

20 A THAT'S RIGHT.

21 Q AND THAT STEPHEN HAD BEEN TOLD THAT
22 JAMIE HAD MADE CERTAIN REFERENCES TO HIM AND VICKIE
23 BECKHAM?

24 A WHAT NOW?

25 Q THAT JAMIE...STEPHEN WAS TOLD THAT

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- 1 JAMIE HAD SAID?
- 2 A YES.
- 3 Q ALL RIGHT. NOW, JAMIE IS YOUR SON?
- 4 A YES.
- 5 Q ALL RIGHT, AND THAT MORNING DID YOU AND
- 6 YOUR BROTHER, YOU HEARD YOUR BROTHER TESTIFY, DID
- 7 YOU AND YOUR BROTHER GO DOWN TO THE SHERIFF'S
- 8 DEPARTMENT?
- 9 A YES, WE DID.
- 10 Q ALL RIGHT, AND WERE YOU CONCERNED ABOUT
- 11 NUMBER ONE, YOUR BROTHER?
- 12 A YES.
- 13 Q FOREMOSTLY, YOU WERE CONCERNED ABOUT
- 14 YOUR SON?
- 15 A YES, I WAS.
- 16 Q ALL RIGHT, AND HOW OLD IS JAMIE?
- 17 A WELL, HE WAS, HAD JUST TURNED TWENTY-
- 18 ONE AT THE TIME.
- 19 Q OKAY, AND WHAT TIME DID YOU ARRIVE AT
- 20 THE SHERIFF'S DEPARTMENT?
- 21 A RIGHT ABOUT TEN O'CLOCK.
- 22 Q ALL RIGHT, AND DID YOU HAVE A
- 23 CONVERSATION ALSO...NOT THE SAME CONVERSATION, BUT
- 24 DID YOU HAVE ANOTHER CONVERSATION WITH ANYBODY?
- 25 A YES, WE WERE SPEAKING TO MR. GILLIAM.

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1 Q OKAY, AND DO YOU KNOW...AND MR. GILLIAM
2 IS THE ONE IN ONE IN THE BLUE SPORT COAT?
3 A RIGHT.
4 Q IS THAT CORRECT?
5 A RIGHT.
6 Q AND, WOULD YOU RELATE TO THE COURT THE
7 SUBSTANCE OF THAT CONVERSATION?
8 A WELL, I WAS UPSET THAT MY SON WAS IN
9 THERE AND MY BROTHER WAS IN THERE AND ESPECIALLY MY
10 SON WAS IN THERE, AND WANTED TO SPEAK TO MY CHILD,
11 AND WAS TOLD I COULD NOT. AND THEN I ASKED IF HE
12 COULD COME OUT AND SPEAK TO ME OR IF STEPHEN COULD
13 COME SPEAK TO ME, AND I WAS TOLD THEY COULD NOT.
14 Q ALL RIGHT, DID YOU DO ANYTHING FURTHER
15 AT THAT POINT OR MAKE ANY OTHER FURTHER COMMENTS?
16 A WELL, WE SPOKE TO HIM FOR A WHILE, AS
17 MY BROTHER SAID, BUT WE DIDN'T SEEM TO BE GETTING
18 ANYWHERE. WE WERE TOLD THERE WAS NO NEED FOR US TO
19 STAY.
20 Q SO, THAT WAS APPROXIMATELY TEN O'CLOCK
21 IN THE MORNING?
22 A YES.
23 Q WHEN DID YOU SEE YOUR SON AND YOUR
24 BROTHER?
25 A NOT UNTIL FOUR OR A LITTLE AFTER.

1 Q OKAY, BUT YOU WERE CLEARLY DENIED
2 ACCESS TO YOUR OWN SON...
3 A YES.
4 Q ...WHO WAS BEING QUESTIONED AT
5 APPROXIMATELY THE SAME TIME THAT YOUR BROTHER WAS
6 ALSO?
7 A YES.
8 Q AND, BASED ON THAT, DID YOU FEEL LIKE
9 THEY WERE FREE TO LEAVE?
10 A NO, NOT AT ALL.
11 Q ALL RIGHT, ANSWER ANY QUESTIONS THAT
12 MR. MCMAHON HAS.
13 MR. MCMAHON: I HAVE NO QUESTIONS.
14 THE COURT: ALL RIGHT, THANK YOU. YOU
15 MAY STEP DOWN. ANY FURTHER WITNESSES?
16 MR. SWERLING: NO, YOUR HONOR.
17 THE COURT: ANY ARGUMENT ON THE ISSUES?
18 MR. SWERLING: JUDGE, YES I DO BRIEFLY,
19 OF COURSE THIS COMES DOWN, I GUESS IT'S TO A DUE
20 PROCESS, VOLUNTARINESS, ARGUMENT. I THINK, AND
21 ALSO WHETHER OR NOT THE WAIVER THAT WAS GIVEN AT
22 TWO-FIFTY-FIVE, I BELIEVE, WOULD EXTEND TO THE
23 MORNING SESSION. SO, YOU HAVE A COMBINATION OF
24 VOLUNTARY...DUE PROCESS AND ALSO THE WAIVER ISSUE.
25 THERE'S NO CHALLENGE TO THE STATEMENT MADE TO MR.

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1 WRIGHT. MAKE THE RECORD CLEAR ABOUT THAT.

2 AT TWO-FIFTEEN, OR TWO-THIRTY, AND
3 WELL, BETWEEN TWO-FIFTEEN AND THREE O'CLOCK IN THE
4 MORNING, MY CLIENT DOES NOT CHALLENGE HIS
5 UNDERSTANDING OF THE MIRANDA WARNINGS OR THE
6 VOLUNTARINESS OF THAT STATEMENT.

7 WHAT WE DO CHALLENGE IS THE STATEMENT
8 TO MR. SUTTON, BETWEEN TEN AND TWELVE THE FOLLOWING
9 MORNING. AT THAT TIME, YOUR HONOR, MR. BECKHAM HAD
10 BEEN AT THE SHERIFF'S DEPARTMENT FROM APPROXIMATELY
11 TWO-THIRTY. HE HAD BEEN UP FROM APPROXIMATELY
12 SEVEN-THIRTY, EIGHT O'CLOCK THE PREVIOUS MORNING.
13 SO, WE'RE TALKING ABOUT A TWENTY-FOUR TO TWENTY-
14 SIX, TWENTY-SEVEN HOUR, TWENTY-EIGHT HOUR PERIOD OF
15 TIME, DEPENDING UPON WHAT POINT YOU WANT TO SAY
16 THAT THE STATEMENT TO MR. SUTTON WAS GIVEN. THAT
17 IS AN INORDINATELY AMOUNT LONG PERIOD OF TIME TO
18 HAVE A SUSPECT IN CUSTODY WITH NO SLEEP, NO FOOD,
19 NO DRINK, AND ALSO IN ISOLATION AT A POLICE
20 DEPARTMENT. DURING THE PERIOD OF THE EVENING, MR.
21 BECKHAM DID ATTEMPT TO COOPERATE WITH LAW
22 ENFORCEMENT, BUT SOMETIME DURING THE MORNING, HE
23 OBVIOUSLY WAS BECOMING FATIGUED, WHICH IS VERY
24 UNDERSTANDABLE. I MEAN, I WAS JUST GOING TO ALLUDE
25 TO WHAT HAPPENED LAST NIGHT. WE WERE ALL STARTING

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1 TO SAY THINGS THAT THE COURT EVEN GOT CONCERNED
2 ABOUT THAT WE SHOULD TAKE A RECESS. BUT, HERE YOU
3 HAVE SOMEBODY WHO HAD JUST FOUND OUT HIS WIFE HAD
4 BEEN MURDERED. WE FIND OUT THAT HE'S BEEN UP SINCE
5 SEVEN O'CLOCK, EIGHT O'CLOCK THE PREVIOUS MORNING.
6 HE IS AT THE SHERIFF'S DEPARTMENT STILL AT TEN
7 O'CLOCK TO TWELVE O'CLOCK THE FOLLOWING DAY. HE
8 SAYS HE ASSERTED HIS RIGHT TO COUNSEL BEFORE
9 SPEAKING TO MR. SUTTON. HE SPECIFICALLY HAS A
10 RECOLLECTION OF TALKING ABOUT LISA SENN, WHO IS HIS
11 DOMESTIC ATTORNEY AND WANTING THE BENEFIT OF HAVING
12 SOMEONE AS A CRIMINAL ATTORNEY, ESPECIALLY IN LIGHT
13 OF THE FACT, YOUR HONOR, AND I THINK THAT WHAT
14 BEARS CREDIBILITY HERE IS THAT MR. BECKHAM HAS NOT
15 CHALLENGED THE TWO CONSENTS TO SEARCH THAT WERE
16 DONE AT FOUR O'CLOCK AND FOUR-O-FIVE WITH RESPECT
17 WITH THE RESIDENCE AND THE CARS. THOSE CONSENT
18 FORMS CLEARLY STATE THAT A CONSTITUTIONAL RIGHT TO
19 REFUSE TO SEARCH. HE CONSENTED TO THOSE. THOSE
20 WERE VOLUNTARY SEARCHES. AT FOUR-THIRTY IN THE
21 MORNING THOUGH, THINGS START SHIFTING THE OTHER
22 WAY. ANOTHER FORM IS USED WHEREIN HE IS NOT
23 ADVISED HE HAS A CONSTITUTIONAL RIGHT TO REFUSE, IN
24 FACT HE IS TOLD BASED ON HIS TESTIMONY FROM
25 YESTERDAY AND TODAY, THAT HE DID NOT HAVE A RIGHT

1 TO REFUSE, THAT IF HE DID REFUSE THEY WOULD GET A
2 COURT ORDER ANYWAY. SO, THE FOCUS HAS STARTED TO
3 CHANGE SOMETIME ABOUT FOUR OR FOUR-THIRTY IN THE
4 MORNING.

5 MR. BECKHAM WAS ALSO BECOMING FATIGUED
6 AT THAT TIME AND WE ALL KNOW WHAT FATIGUE CAN DO.
7 EVEN MR. SUTTON HAS ADMITTED THAT TAKING A
8 STATEMENT FROM SOMEONE WHO HAS BEEN UP FOR TWENTY-
9 FOUR OR TWENTY-FIVE HOURS IS NOT GOOD PRACTICE
10 BECAUSE OF THE FATIGUE, AND BECAUSE OF THE WAY
11 FATIGUE AFFECTS DIFFERENT PEOPLE. PEOPLE GET
12 CONFUSED. THEY DO NOT DIGEST INFORMATION, NOR DO
13 THEY...ARE THEY ABLE TO EXPRESS THEMSELVES IN A WAY
14 THAT THEY SOMETIMES NEED TO, AS IF THEY WOULD HAD
15 THEY NOT BEEN TIRED. SO, WHAT WE HAVE, YOUR HONOR,
16 IS UNDER SOME CLASSIC CASE LAW, WE HAVE A
17 VOLUNTARINESS ISSUE WITH DUE PROCESS, A
18 VOLUNTARINESS ISSUE. WE ALSO HAVE AN ASSERTION OF
19 THE RIGHT TO COUNSEL, WHICH COMBINED...THOSE TWO
20 COMBINED, I THINK THE COURT AND WE SUBMIT UNDER THE
21 TOTALITY OF THE CIRCUMSTANCES, SHOULD SUPPRESS THE
22 STATEMENT MADE TO MR. SUTTON.

23 WE FURTHER HAVE CORROBORATION, YOUR
24 HONOR, THAT MR. BECKHAM FELT HE WAS IN CUSTODY AT
25 THAT TIME, BECAUSE BILL BECKHAM JR. AND CATHERINE

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1 BRIEFLY, OF COURSE, AS I UNDERSTAND IT, AT THIS
2 STAGE, AND AS HIS HONOR'S WELL AWARE, THE
3 REQUIREMENTS WOULD BE, I BELIEVE, STATE VS.
4 WASHINGTON. IT WOULD BE A PREPONDERANCE OF THE
5 EVIDENCE TYPE OF SITUATION AT THIS POINT. I
6 BELIEVE WE HAVE A SITUATION WHERE HE'S OBVIOUSLY
7 ADVISED AND UNDERSTANDS HIS RIGHTS AT TWO-FIFTY
8 FIVE, AND AS I UNDERSTAND IT, THERE IS NO QUESTION
9 CONCERNING THE STATEMENT AT THE RESIDENCE AND THE
10 FIRST STATEMENT TO DETECTIVE WRIGHT AND DETECTIVE
11 GILLIAM, SO AT THAT POINT IN TIME HE KNOWS AND HE
12 UNDERSTANDS HIS CONSTITUTIONAL RIGHTS. AND, IF WE
13 ANALYZE, AS I KNOW HIS HONOR DOES AND WILL, THE
14 STATEMENT TO DETECTIVE SUTTON IN LIGHT OF THE
15 TOTALITY OF THE CIRCUMSTANCES, THERE IS A
16 CONTINUING COURSE OF VOLUNTARY COOPERATION IN
17 WRITING, BASED ON THE CONSENT FORM AT FOUR, THE
18 CONSENT FORM AT FOUR-O-FIVE, THE CONSENT FORM AT
19 FOUR-THIRTY TWO, THE CONVERSATION WHERE EVEN THE
20 DEFENDANT ADMITS, YES, I KNEW HE WAS FROM OUT OF
21 THE COUNTY, WITH THAT CONVERSATION WITH DEPUTY
22 WRIGHT CONCERNING DETECTIVE SUTTON. SO, THAT THE
23 PERIOD OF TIME IS JUST ONE FACTOR THAT HIS HONOR
24 WOULD LOOK AT WITHIN THE TOTALITY OF THE...ALL THE
25 CIRCUMSTANCES SURROUNDING THE GIVING OF THE

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1 STATEMENT AT TEN O'CLOCK. YOUR HONOR, IN WEIGHING
2 WHAT THE DEFENDANT SAYS, HE SAYS, YOU KNOW I'M
3 FADED OUT, I DON'T REMEMBER, I'M CONFUSED, YET IT
4 APPEARS THAT VERY SELECTIVELY, WHEN IT'S FOR HIS
5 OWN PURPOSES, HE CAN REMEMBER AND EVALUATE
6 AND...THE TYPE OF QUESTIONING DETECTIVE SUTTON HAS
7 ASKED HIM. FURTHER, YOUR HONOR, I THINK IN LIGHT
8 OF MIRAN VS. BERBINE, WHICH IS 475 US 412 (1986),
9 AS FAR AS HIS BROTHER AND SISTER COMING, I THINK
10 THAT HAS ABSOLUTELY NO BEARING WHATSOEVER...NO
11 BEARING WHATSOEVER, ON THE CIRCUMSTANCES OF HIS
12 VOLUNTARY PARTICIPATION WITH THE OFFICER'S DURING
13 THE CONDUCT AND THE COURSE OF THIS INVESTIGATION.
14 IN THAT CASE, THE POLICE FAILED TO INFORM AN
15 ARRESTEE THAT A LAWYER WHO HAD BEEN HIRED BY HIS
16 SISTER HAD CALLED THE POLICE ON HIS BEHALF, THAT
17 THE SISTER HAD GONE OUT, SO I THINK WHATEVER THE
18 CONVERSATION WAS, IF ANY BETWEEN MR. WILLIAM
19 BECKHAM AND MRS. CATHERINE SUBER DOES NOT GO,
20 WHATSOEVER, BASED UNDER THIS CASE TO THE
21 CIRCUMSTANCES OF HIS VOLUNTARINESS. FURTHER, MOST
22 OF THE CASES, FOR EXAMPLE BROOKS VS. FLORIDA, I'M
23 NOT SURE IF THAT WAS ONE, I KNOW MR. SWERLING DID
24 SITE ONE FLORIDA CASE. MANY OF THAT UNLAWFUL
25 DETENTION CASES, LIKE I SAY BROOKS VS. FLORIDA,

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1 WHERE A SUBJECT IS HELD IN A CAGE FOR A TWO WEEK
2 PERIOD OF TIME WITH NO FOOD AND NO WATER. HE WAS
3 OFFERED THROUGHOUT THE EVENING. HE REFUSED THE
4 OFFERS. WHEN HE DID DECIDE TO LEAVE, HE LEFT. HE
5 LEFT THAT AFTERNOON. HE WASN'T ARRESTED FOR OVER A
6 YEAR LATER. THAT SHOWS, IN ITSELF, HIS FREEDOM TO
7 LEAVE. THANK YOU, YOUR HONOR.

8 THE COURT: ALL RIGHT, MR. SWERLING.

9 MR. HARPOOTLIAN: MR. BECKHAM AND
10 CATHERINE BECKHAM WERE NOT OFFERED UNDER THE MIRAN
11 VERSUS BERBINE TYPE OF ANALYSIS. WHAT THEY WERE
12 OFFERED TO SHOW IS THAT THEY WERE IN FACT NOT FREE
13 TO LEAVE, NOT THAT THEY WERE DENIED ACCESS, BECAUSE
14 UNDER MIRAN VERSUS BERBINE THAT IS CORRECT.
15 THERE'S NO PROBLEM DENYING THEM ACCESS, BUT WHAT
16 WE'VE TRIED TO USE TO SHOW THEM...WHAT WE USE THEM
17 FOR TO SHOW WAS THAT STEPHEN BECKHAM'S ATTITUDE
18 THAT HE WAS NOT ALLOWED TO LEAVE WAS REASONABLE, IN
19 LIGHT OF THE FACT THAT HIS SISTER AND HIS BROTHER
20 WERE TOLD THAT THEY COULDN'T SEE HIM AND HE COULD
21 NOT LEAVE. IT CORROBORATE'S THAT. IT'S NOT BEING
22 USED FOR THE MIRAN VERSUS BERBINE PRINCIPLE.

23 THE COURT: ALL RIGHT, I FIND THAT AS
24 TO THE TWO...THE STATEMENT GIVEN AT THE TWO O'CLOCK
25 HOUR, THAT IT WAS...THAT THE APPROPRIATE MIRANDA

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1 WARNINGS WERE GIVEN AS TO SILENT SELF
2 INCRIMINATION, THE RIGHT TO HAVE AN ATTORNEY
3 PRESENT, INDIGENCEY, AND THE RIGHT TO STOP TALKING
4 AT ANY TIME, MEETS THE REQUIREMENTS AND THAT HE WAS
5 APPRISED OF HIS RIGHTS, THAT HE UNDERSTOOD THEM,
6 AND NEVERTHELESS PROCEEDED TO GIVE A FREE AND
7 VOLUNTARY STATEMENTS AT THAT TIME AND APPARENTLY
8 THAT IS NOT CONTESTED.

9 THE...AS TO THE CONSENTS AT FOUR
10 O'CLOCK, 4:05, 4:32, HE DOES NOT CONTEST FOUR
11 O'CLOCK AND 4:05, BUT HAS PREVIOUSLY CONTESTED
12 4:32. I FIND THAT AFTER CONSIDERING HIS TESTIMONY
13 THAT HE IS IN FACT A COLLEGE GRADUATE, HE HAS
14 SELECTIVELY CHOSEN TO ANSWER QUESTIONS WHICH
15 BENEFIT HIM AND CHALLENGE QUESTIONS WHICH DO NOT.

16 AND WITH REGARD TO THOSE FORMS, IT IS
17 NOT A QUESTION OF THE FORM, BUT OF HIS KNOWLEDGE OF
18 HIS RIGHT TO CONSENT OR NOT TO CONSENT, AND
19 CERTAINLY, GIVEN HIS EDUCATIONAL BACKGROUND, HE
20 KNEW AT FOUR O'CLOCK AND AT 4:05 THAT HE HAD A
21 CONSTITUTIONAL RIGHT NOT TO CONSENT, BUT
22 NEVERTHELESS DID, AND IT'S NOT A QUESTION OF FORM,
23 BUT RATHER OF SUBSTANCE.

24 AS TO HIS...I FIND THAT HIS COURSE OF
25 CONDUCT WAS A CONTINUING ONE OF COOPERATION. HE,

1 IN FACT, SIGNED THE FORM FOR MR. SUTTON TO THE
2 EFFECT THAT IT INDICATED THAT IT WAS A FREE AND
3 VOLUNTARY DECISION ON HIS PART AND WE NEED NOT
4 SANITIZE THE RECORD AT THIS POINT IN TIME. HE WAS
5 OFFERED A POLYGRAPH, AND HE SIGNED A FORM WHICH
6 NUMBER ONE, ABSOLVES MR. SUTTON AND HIS FIRM OF ANY
7 LIABILITY WITH REGARD TO ADMINISTERING THE TEST AND
8 ALSO GIVES MR. SUTTON THE RIGHT TO GIVE THE
9 RESPONSES TO THE AUTHORITIES.

10 FURTHERMORE, IN THAT FORM, HE INDICATES
11 THAT HE SUFFERS FROM NO PHYSICAL OR MENTAL
12 CONDITION WHICH WOULD AFFECT OR IMPAIR HIS ABILITY
13 TO TAKE THAT TEST, WHICH WOULD GO TO THE QUESTION
14 OF WHETHER HE WAS PHYSICALLY OR MENTALLY ABLE TO DO
15 IT.

16 NOW, EVERYBODY IS KIND OF WANTING TO
17 SANITIZE THE RECORD ABOUT THE QUESTION OF THE
18 POLYGRAPH, AND I AGREE WITH THAT, BUT IT HAS TO BE
19 PUT IN THE CONTEXT THAT AT TEN O'CLOCK, HE WAS
20 QUESTIONED PRE-TEST. HE WAS THEN GIVEN A TEST AND
21 THEN QUESTIONED POST-TEST, AND THERE IS OBVIOUSLY A
22 DIFFERENCE IN THE STATEMENTS BETWEEN THE PRE-TEST
23 AND THE POST-TEST. AND THAT IS A COMMON OCCURRENCE
24 THAT OCCURS, BUT NEVERTHELESS, HE SIGNED THE FORM
25 POST-TEST THAT HE HAD BEEN TREATED FAIRLY AND

1 APPROPRIATELY.

2 NOW, AS TO WHETHER OR NOT HE HAD THE
3 RIGHT TO LEAVE OR NOT, OBVIOUSLY MIRANDA WARNINGS
4 DON'T ATTACH IF IT IS A NON-CUSTODIAL SITUATION.
5 STATE CONTENDS IT WAS NON-CUSTODIAL, DEFENSE
6 CONTENDS IT WAS. IF IT WASN'T, THEN THERE'S NO
7 MIRANDA ISSUE IN THE FIRST PLACE; IF IT WAS A
8 CUSTODIAL INTERROGATION, THEY CLEARLY ADVISED HIM
9 OF HIS MIRANDA WARNINGS. AND I FIND THAT THE
10 PERIOD OF TIME WAS NOT...DOES NOT RISE, AS A MATTER
11 OF LAW, FOR ME TO EXCLUDE THE STATEMENTS OR THE
12 CONSENT FORMS, AND WOULD LEAVE THE QUESTION OF
13 VOLUNTARINESS--AND I MAKE THAT FINDING BY THE
14 GREATER WEIGHT OR THE PREPONDERANCE OF THE
15 EVIDENCE, BUT LEAVE THE QUESTION OF THE
16 VOLUNTARINESS OF THE STATEMENT TO THE JURY TO
17 DETERMINE UNDER APPROPRIATE INSTRUCTIONS.

18 AND FURTHER MORE, AS TO THE QUESTION,
19 MR. SUBER'S SITUATION IS REALLY NOT RELEVANT TO THE
20 PARTICULAR INQUIRY. I DON'T KNOW WHAT HE KNEW OR
21 THOUGHT OR DID NOT, IN THIS RECORD. IT'S NOT A
22 QUESTION OF A RIGHT TO SEE, BUT WHETHER OR NOT MR.
23 BECKHAM UNDERSTOOD HE HAD A RIGHT TO LEAVE. AND
24 YOU ALSO HAVE TO PUT THAT IN THE CONTEXT OF THE
25 FACT THAT HE HAD AGREED VOLUNTARILY TO SUBMIT TO A

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1 POLYGRAPH EXAMINATION AT THAT POINT IN TIME, AND IT'S
2 FROM THE TIMING THAT THEY GAVE, THE TIMING MR. SUTTON
3 GAVE, THE POLYGRAPH EXAMINATION IS IN PROGRESS AND IT
4 WOULD BE PERFECTLY LOGICAL TO ME THAT YOU CAN'T GO IN
5 THERE AND INTERRUPT A POLYGRAPH EXAMINATION. IN FACT,
6 IT'S DONE WITH THE EXAMINER AND THE SUBJECT ALONE
7 WITHOUT ANY OUTSIDE INTERFERENCE OR INFLUENCE. SO I'LL
8 SUBMIT THE ISSUES OF VOLUNTARINESS, BUT AS A MATTER OF
9 LAW, I WOULD NOT EXCLUDE THOSE STATEMENTS.

10 ANYTHING ELSE?

11 MR. HARPOOTLIAN: YOUR HONOR, BEFORE YOU
12 BRING THE JURY IN, WE NEED TO TALK BRIEFLY WITH OUR
13 CLIENT ABOUT STIPULATIONS TO THE CHAIN OF EVIDENCE
14 BEFORE WE BEGIN THAT PROCESS.

15 THE COURT: WE NEED TO TAKE ABOUT A TEN
16 MINUTE BREAK, AND MR. BAILIFF, IF YOU'LL TELL THE JURY
17 WE'LL BE READY FOR THEM IN TEN MINUTES, AND THEN Y'ALL
18 COULD DO THAT.

19 MR. SWERLING: JUDGE, ONE THING I'D LIKE
20 FOR YOU TO CONSIDER. AS I UNDERSTAND IT, PROBABLY MR.
21 ANDERSON WILL TAKE THE STAND TODAY.

22 THE COURT: YES, SIR.

23 MR. SWERLING: AT SOME POINT, EITHER BEFORE
24 HIS DIRECT OR AFTER HIS DIRECT, MR. HARPOOTLIAN AND I
25 HAVE DISCUSSED THIS AND WE WOULD LIKE TO ASK THE COURT

1 FOR THE JURY TO HAVE A VIEWING OF THE AREA BECAUSE I
2 DON'T THINK THEY CAN UNDERSTAND THE SCENARIO THAT IS
3 GOING TO BE DESCRIBED BY MR. ANDERSON UNLESS THERE'S A
4 VIEWING. IT'S NOT THAT FAR FROM HERE, SHOULD NOT TAKE
5 THAT LONG BUT TO PUT IT ALL INTO CONTEXT SO THE JURY
6 COULD UNDERSTAND WHAT MR. ANDERSON WILL BE TALKING
7 ABOUT WHEN HE'S EXAMINED BY EITHER MR. JONES OR BY
8 MYSELF.

9 THE COURT: WELL, LET ME, BEFORE Y'ALL JUMP
10 INTO THAT, WE'LL TALK ABOUT THAT. CAPTAIN WEBER, WE
11 HAD TALKED EARLY ON IN TERMS OF SECURITY ISSUES THAT
12 MIGHT COME UP IN THE TRIAL, AND ONE WAS THAT ONE SIDE
13 OR THE OTHER MIGHT WELL ASK FOR A VIEWING OF THAT.
14 LET'S TALK BACK HERE A LITTLE BIT. WE DON'T HAVE TO
15 PUT ALL OF THAT ON THE RECORD, AND THEN I'LL COME BACK
16 AND DEAL WITH IT.

17 TELL THEM IN ABOUT FIFTEEN MINUTES, WE'LL
18 BE READY FOR THEM.

19 (TIME: 10:42)

20 (TRIAL RECONVENED AT 10:59 A.M.)

21 MR. HARPOOTLIAN: YOUR HONOR, JUST A
22 HOUSEKEEPING MATTER, THIS IS A LIST OF ITEMS THAT MS.
23 STROM IN THE SOLICITOR'S OFFICE HAS GIVEN TO US ALONG
24 WITH A COPY OF THE CHAIN OF EVIDENCE ON EACH ITEM. I
25 HAVE REVIEWED THIS WITH HER AND WITH--WELL, I'VE

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1 REVIEWED IT WITH OUR CLIENT, MR. SWERLING, AND I'VE
2 REVIEWED IT WITH HER, AND IF I COULD JUST PUT ON THE
3 RECORD WHAT I JUST TOLD HER, VERY BRIEFLY.

4 IN OTHER WORDS, YOU'LL SEE UNDER THAT COVER
5 SHEET, THERE'S A LIST. I THINK THE FIRST SHEET YOU
6 SHOULD HAVE IS THE PINK SHIRT. WE WOULD WANT WHO
7 RECOVERED THEM, THAT WOULD BE WEBER, WRIGHT AND JOLLEY,
8 THE TRACE PERSON WHICH IS ORTUNO, AND THAT WOULD BE ALL
9 WE'D NEED ON THAT CHAIN. IN OTHER WORDS, WE CAN'T
10 STIPULATE TO--WE'RE NOT GOING TO STIPULATE TO THE CHAIN
11 BUT WE DON'T NEED THE ENTIRE CHAIN. WE DON'T NEED
12 WHOEVER TOOK IT INTO THE SLED LOCKER AND BROUGHT IT OUT
13 OF THE SLED LOCKER AND WHATEVER. DOES THAT MAKE SENSE?

14 THE COURT: YES, SIR, I UNDERSTAND. IN
15 OTHER WORDS, Y'ALL IDENTIFIED THE KEY WITNESSES YOU
16 NEED TO BE SATISFIED THE CHAIN.

17 MR. HARPOOTLIAN: YES SIR.

18 THE COURT: AND SO THE INCIDENTAL OR
19 ADMINISTRATIVE THINGS, YOU DON'T NEED...

20 MR. HARPOOTLIAN: AND SOME OF THEM AREN'T
21 INCIDENTAL AND ADMINISTRATIVE, BUT WE'VE TALKED TO OUR
22 CLIENT AND HE'S AGREED, WE INDICTED TO HIM THAT WE
23 WOULD PROCEED WITH THOSE FOLKS PURELY ADMINISTERIAL. AS
24 TO THE BOLT CUTTERS, WE WANT THE FOLKS WHO RECOVERED
25 THEM. THAT WOULD BE FLOWERS AND JORDAN. THEY WERE

1 GIVEN TO AGENT MCGRAW. IS THAT RIGHT?

2 MS. STROM: MCCRAW.

3 MR. HARPOOTLIAN: MCCRAW, I'M SORRY. AND
4 LOUIE GALLMAN AT SLED. AS TO THE BREAD TIES, WE'D WANT
5 AGENT MCCRAW; AS TO THE RECEIPT FROM THE PAWN SHOP,
6 WE'D WANT TERRY WRIGHT AND DANNY GILLIAM; AS TO THE .22
7 CALIBER PISTOL, WE WANT AGENTS MCCRAW, FLEMMING AND
8 GALLMAN AND PERHAPS IRA JEFFCOAT. I NEED TO LOOK AT
9 THAT A LITTLE BIT FURTHER. MAJOR JEFFCOAT. ON THE
10 MAIL SERVICE RECEIPT, WE WANT AGENT MCCRAW AND MAYBE
11 MS. HEATH. I'M NINETY-NINE PERCENT SURE WE WILL NOT
12 NEED MS. HEATH, BUT I NEED TO CHECK ON THAT.

13 ON THE LETTERS FROM SENATOR LANDER'S HOUSE,
14 WE MAY REQUIRE MS. SENN AND MS. HEATH. AGAIN, I WANT
15 TO WORK ON THAT.

16 THE BAND BOOSTER, WE DON'T HAVE ANY
17 REQUIREMENTS ON. THE PIECE OF LOCK, WE DON'T HAVE ANY
18 REQUIREMENTS ON, AND THE LETTERS FOUND IN THE
19 DECEASED'S PURSE, WE WOULD PERHAPS WANT DAVID BLACK,
20 ALTHOUGH I MAY BE ABLE TO WORK THAT OUT.

21 SO, YOUR HONOR, WE'VE STIPULATED TO I THINK
22 A BIG CHUNK OF THE CHAINS AND WE MAY EVEN BE ABLE TO
23 WORK SOME OF THESE OUT BUT I JUST WANTED, AT THIS
24 JUNCTURE, GIVE THEM NOTICE AS QUICKLY AS POSSIBLE.

25 THE COURT: OKAY. ALL RIGHT NOW, ON THE

1 JURY VIEW, MR. SWERLING, I JUST PHYSICALLY CANNOT DO
2 THAT TODAY FOR A COUPLE OF REASONS. WE HAD PREVIOUSLY
3 DISCUSSED WITH CAPTAIN WEBER WHEN WE WERE TALKING ABOUT
4 SECURITY THAT WE ANTICIPATED THAT ONE SIDE OR THE OTHER
5 WOULD MAKE THAT REQUEST, IT WILL REQUIRE A NUMBER OF
6 STATE HIGHWAY TROOPERS TO DO THAT. THERE IS A CAROLINA
7 FOOTBALL GAME IN COLUMBIA TONIGHT. I KNOW THIS TRIAL
8 IS MORE IMPORTANT THAN THAT, BUT NEVERTHELESS, IT
9 REQUIRES JUST A LITTLE BIT OF NOTICE TO SET UP THAT
10 ARRANGEMENT. SO WHAT I WOULD SUGGEST, WE CAN--I CAN
11 ASK CAPTAIN WEBER TO GIVE ME AN IDEA, WE PROBABLY CAN
12 SET IT UP TOMORROW. SO IF ONE SIDE OR THE OTHER IS
13 GOING TO WANT IT, WE NEED TO GO AHEAD AND MAKE
14 ARRANGEMENTS TO DO IT AND I ASSUME YOU'RE GOING TO WANT
15 IT.

16 MR. SWERLING: I THINK SO, YES.

17 THE COURT: ALL RIGHT.

18 MR. SWERLING: FOR CLARITY PURPOSES.

19 THE COURT: AND SOLICITOR, I THOUGHT, YOU
20 KNOW, ARE YOU GOING TO WANT IT OR OPPOSE IT OR?

21 MR. JONES: NO, SIR. WE THINK THAT--YOU
22 KNOW, AND OF COURSE, IT WILL BE DONE PROPERLY.

23 THE COURT: YES SIR.

24 MR. JONES: DONE PROPERLY, IT WOULD, YOU
25 KNOW, ASSIST THE JURY IN GETTING A FEEL FOR THE AREA

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1 AND THE DISTANCES AND EVERYTHING. BUT AS FAR AS
2 UNDERSTANDING THE LOCATION, WE HAVE A NUMBER OF
3 EXHIBITS THAT WILL BE PRESENTED TO THEM TODAY.

4 MY POINT IS, JUDGE, AS FAR AS
5 UNDERSTANDING...

6 THE COURT: I'M NOT GOING TO DO...

7 MR. JONES: ...TESTIMONY, AND I'M EVEN
8 SUGGESTING TO YOU NOW THAT THE STATE'S POSITION MAY BE
9 THAT DURING THIS WITNESS' TESTIMONY, WHETHER IT'S TODAY
10 OR TOMORROW, IS NOT THE APPROPRIATE TIME FOR THE TRIP
11 TO BE MADE. EITHER AFTER THIS WITNESS' TESTIMONY, BOTH
12 DIRECT AND CROSS, HAS BEEN CONCLUDED WOULD BE THE MORE
13 APPROPRIATE TIME FOR THAT TRIP TO BE MADE, YOUR HONOR,
14 REGARDLESS OF WHEN WE CAN ARRANGE IT. AND INTERRUPTING
15 THIS WITNESS' TESTIMONY FOR A TRIP, EITHER IN DIRECT OR
16 CROSS, WOULD NOT BE, IN THE STATE'S POSITION, THE
17 APPROPRIATE TIME TO CONDUCT THAT TRIP.

18 THE COURT: Y'ALL MISUNDERSTOOD ME. WE ARE
19 NOT GOING TO BREAK UP THE EXAMINATION OF THIS WITNESS
20 FOR ANYBODY. ONCE HE TAKES THE STAND, WE'RE GOING TO
21 FINISH IT, IF IT GOES INTO THE NIGHT, BECAUSE NEITHER
22 SIDE IS GOING TO GET A TACTICAL ADVANTAGE OFF OF THAT.

23 MR. JONES: WELL, IN THAT REGARD, YOUR
24 HONOR, WHENEVER YOU CAN ARRANGE IT AND IT BE DONE
25 PROPERLY, THE STATE THINKS IT'S A FAIR OPPORTUNITY FOR

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1 THIS JURY TO APPRECIATE THE SCENE OF THIS MURDER.

2 THE COURT: THEN I'LL ADVISE CAPTAIN WEBER
3 TO BEGIN ANTICIPATING DOING IT SOMETIME TOMORROW
4 BECAUSE I THINK WE WILL COMPLETE ANDERSON TODAY.

5 MR. SWERLING: YES SIR. AND BY THE WAY, BY
6 SCENE, WHAT WE'RE TALKING ABOUT IS THE BECKHAM
7 RESIDENCE, WEDERMAN ROAD....

8 THE COURT: WE'LL AGREE ON ALL OF THAT.
9 DON'T MISUNDERSTAND ME, MR. SWERLING, IF I HADN'T
10 ALREADY THOUGHT ABOUT IT, IT DOESN'T MATTER TO ME
11 WHETHER THEY'RE PLAYING FOOTBALL AT CLEMSON OR
12 CAROLINA, I'D PULL THEM OFF. BUT WE'D ALREADY
13 ANTICIPATED THAT AND WE KNEW WE WERE GOING TO HAVE TO
14 HAVE A DAY'S NOTICE.

15 ALL RIGHT, EVERYBODY READY TO GO?

16 MR. JONES: YOUR HONOR, THE STATE'S READY
17 TO GO.

18 MR. SWERLING: YES, SIR.

19 THE COURT: ALL RIGHT, BRING THE JURY IN.

20 (JURY RETURNED TO OPEN COURTROOM AT 11:05
21 A.M.)

22 THE COURT: ALL RIGHT, GOOD MORNING, MADAM
23 FOREMAN, AND LADIES AND GENTLEMEN OF THE JURY. AND I
24 APOLOGIZE TO YOU FOR THE TWO HOUR DELAY, AND THIS MOST
25 PROBABLY WILL BE THE ONLY TIME YOU'LL BE SUBJECTED TO

1 THAT TYPE OF SITUATION. WE JUST GOT CAUGHT WHERE WE
2 HAD TO TAKE SOME TESTIMONY. ONE OF MY PERSONAL PET
3 PEEVES, AS A TRIAL JUDGE, I HATE FOR JURORS TO HAVE TO
4 WAIT ON US. AND I ASSURE YOU THAT WHEN YOU ARE DOING
5 THAT, WE ARE DOING SOMETHING THAT IS ABSOLUTELY
6 NECESSARY AND NOT FRIVOLOUS. SO I APPRECIATE YOUR
7 BEING PATIENT.

8 STATE WAIVE POLLING?

9 MR. JONES: YOUR HONOR, STATE WAIVES
10 POLLING OF THE JURY.

11 THE COURT: DEFENSE WAIVE POLLING?

12 MR. SWERLING: YES, SIR.

13 THE COURT: OKAY, WE'RE READY TO BEGIN
14 TESTIMONY TODAY, AND WE, AS I'VE INDICATED, IT WILL
15 PROBABLY BE A FAIRLY LENGTHY DAY.

16 ALL RIGHT, MR. SOLICITOR, IF YOU'RE READY,
17 CALL YOUR NEXT WITNESS, PLEASE.

18 MR. JONES: MAY IT PLEASE THE COURT, YOUR
19 HONOR, STATE CALLS SONNY SUTTON TO THE STAND.

20 SONNY SUTTON, BEING DULY SWORN,
21 TESTIFIED AS FOLLOWS:

22 DIRECT EXAMINATION:

23 BY MR. JONES:

24 A MY NAME IS SONNY SUTTON.

25 Q ARE YOU AN INVESTIGATOR?

1 A YES SIR.

2 Q DID YOU COME TO NEWBERRY ON JUNE 13TH, 1994

3 TO INTERVIEW DEFENDANT BECKHAM?

4 A YES, I DID.

5 Q DID YOU SEE HIM ON THAT DAY?

6 A YES.

7 Q I HAND YOU STATE'S EXHIBIT FOR

8 IDENTIFICATION PURPOSES, THIRTEEN. IS THAT THE WAY HE

9 APPEARED TO YOU WHEN YOU SAW HIM ON JUNE 13TH, 1994?

10 A YES, IT WAS.

11 MR. JONES: YOUR HONOR, WE WOULD OFFER

12 THIS.

13 THE COURT: ANY OBJECTION TO THAT

14 PHOTOGRAPH?

15 MR. HARPOOTLIAN: WITHOUT OBJECTION.

16 Q HE WAS DRESSED IN THE MANNER DEPICTED IN

17 THIS PHOTOGRAPH, IS THAT CORRECT?

18 A YES SIR.

19 Q WHAT TIME WAS IT WHEN YOU SAW HIM ON JUNE

20 13TH, 1994?

21 A TEN O'CLOCK.

22 Q WHAT DID HE SAY TO YOU?

23 A HE TOLD ME THAT THE PREVIOUS EVENING HE HAD

24 WAITED ON HIS WIFE, VICKIE, TO BRING THE CHILDREN....

25 MR. SWERLING: YOUR HONOR,...

1 THE COURT: WAIT A SECOND.

2 MR. SWERLING: I'M SORRY, I DON'T MEAN

3 TO...

4 MR. JONES: OBJECTION, YOUR HONOR?

5 MR. SWERLING: IT'S AN OBJECTION, BUT...

6 MR. JONES: WHAT'S THE BASIS?

7 MR. SWERLING: I THINK JERRY WRIGHT NEED TO
8 TESTIFY FIRST TO LAY THE FOUNDATION.

9 THE COURT: I OVERRULE THAT OBJECTION.
10 UNDER THE NEW RULES, HE CAN CONNECT UP.

11 MR. SWERLING: JUST AS LONG AS HE CAN
12 CONNECT IT UP.

13 MR. JONES: YES SIR.

14 THE COURT: IF HE CAN'T, YOU KNOW...

15 MR. JONES: YES, SIR. I THOUGHT THAT'S...

16 THE COURT: WE UNDERSTAND EACH OTHER.

17 MR. JONES: ...WHAT WE JUST SPENT THE LAST
18 TWO HOURS FOR.

19 MR. SWERLING: WELL, JUDGE, THAT'S JUST NOT
20 AN APPROPRIATE COMMENT AND I OBJECT TO IT.

21 THE COURT: AND I SUSTAIN IT. STRIKE IT
22 FROM THE RECORD. ALL RIGHT, MOVE ON.

23 Q WHAT DID HE SAY TO YOU ON JUNE 13TH, 1994?

24 A HE TOLD ME THAT THE PREVIOUS EVENING THAT
25 HE'D WAITED ON HIS WIFE, VICKIE, TO BRING THE CHILDREN

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1 TO HIS RESIDENCE. WHEN THEY ARRIVED, THE CHILDREN WENT
2 INSIDE. HE SAID THAT HE GOT INTO THE CAR AND BEGAN
3 TALKING TO HIS WIFE. AND THAT LATER, THEY DROVE AWAY.

4 Q DID HE TELL YOU WHERE THEY DROVE?

5 A LATER IN THE CONVERSATION, IN THE
6 INTERVIEW, HE STATED THAT THEY DROVE TO ANOTHER PART OF
7 THE PROPERTY.

8 Q DID HE TELL YOU HOW LONG HE WAS WITH HER?

9 A THIRTY MINUTES.

10 Q DID YOU ASK HIM IF HE WAS DRESSED WHEN HE
11 SAW VICKIE THE SAME AS HE WAS DRESSED WHEN HE SPOKE TO
12 YOU?

13 A I DID.

14 Q WHAT DID HE SAY?

15 A HE STATED THAT HE WAS WEARING THE SAME
16 SHIRT, THAT AT THE TIME THAT HE SPOKE WITH HER, HE WAS
17 WEARING A PAIR OF SHORTS AND A DIFFERENT PAIR OF SHOES.

18 Q ANSWER ANY QUESTIONS THESE LAWYERS HAVE FOR
19 YOU.

20 THE COURT: CROSS EXAMINATION, MR.
21 SWERLING?

22 MR. SWERLING: YES, SIR. YOUR HONOR, I
23 WOULD JUST LIKE TO INQUIRE IS MR. WRIGHT GOING TO
24 TESTIFY, BECAUSE IF NOT...

25 MR. JONES: YOUR HONOR...

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1 THE COURT: YES, SIR. YES, SIR, HE IS,
2 OTHERWISE, I'M GOING TO STRIKE THE TESTIMONY, AND WE'VE
3 AGREED ON THAT.

4 MR. SWERLING: THE REASON I ASKED, YOUR
5 HONOR, IS I WOULD AVOID SOME QUESTIONS.

6 THE COURT: YES SIR.

7 CROSS EXAMINATION:

8 BY MR. SWERLING:

9 Q MR. SUTTON, YOU GOT TO THE SHERIFF'S
10 DEPARTMENT APPROXIMATELY NINE O'CLOCK IN THE MORNING AS
11 I UNDERSTAND IT?

12 A A LITTLE AFTER NINE, YES SIR.

13 Q THEN YOU HAD A CONVERSATION WITH JERRY
14 WRIGHT WHO IS THE CHIEF DEPUTY FOR NEWBERRY COUNTY, IS
15 THAT CORRECT?

16 A THAT'S CORRECT.

17 Q AND YOU WERE MADE AWARE OF THE FACT THAT
18 MR. BECKHAM HAD BEEN AT THE SHERIFF'S DEPARTMENT SINCE
19 ABOUT TWO-THIRTY THAT MORNING, IS THAT CORRECT?

20 A THAT IS CORRECT.

21 Q AND YOU WERE MADE AWARE OF THE FACT THAT
22 MR. BECKHAM HAD BEEN UP SINCE APPROXIMATELY SEVEN-
23 THIRTY, EIGHT O'CLOCK THE PREVIOUS MORNING?

24 A NO. I JUST WAS TOLD HOW LONG HE HAD BEEN
25 AT THE SHERIFF'S DEPARTMENT. THERE WAS NOTHING

1 MENTIONED ABOUT WHAT TIME HE GOT UP.

2 Q OKAY, BUT YOU WERE AWARE OF THE FACT THAT
3 HE HAD NOT SLEPT ALL NIGHT?

4 A YES.

5 Q AND YOU STARTED...YOU INTERVIEWED HIM
6 APPROXIMATELY TEN O'CLOCK IN THE MORNING, AS I
7 UNDERSTAND IT?

8 A THAT'S CORRECT.

9 Q AND OF COURSE MR. WRIGHT FILLED YOU IN ON
10 SOME INFORMATION THAT HE, SOME CONVERSATIONS THAT HE
11 AND MR. BECKHAM HAD HAD ALSO EARLIER IN THE MORNING, IS
12 THAT CORRECT?

13 A THAT'S CORRECT.

14 Q OKAY. JUST TO GIVE YOU SOME BACKGROUND ON
15 THE SITUATION?

16 A RIGHT.

17 Q AND SO LET ME ASK YOU THIS, JUST FROM YOUR
18 EXPERIENCE, SOMEONE WHO'S UP TWENTY-FOUR, TWENTY-FIVE
19 HOURS IS NOT THE OPTIMAL OR BEST TYPE OF ENVIRONMENT IN
20 WHICH TO INTERVIEW SOMEONE, IS THAT CORRECT?

21 A THAT'S CORRECT.

22 Q AND THAT'S BECAUSE PEOPLE WHO HAVE BEEN UP
23 TWENTY-FOUR, TWENTY-FIVE HOURS BECOME FATIGUED?

24 A ALSO, DIFFERENT PEOPLE--IT AFFECTS
25 DIFFERENT PEOPLE DIFFERENTLY.

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1 Q CORRECT.

2 A IN MY ESTIMATION, HE UNDERSTOOD EVERYTHING
3 THAT WE DISCUSSED. HIS ANSWERS WERE VERY QUICK, SO,
4 YOU KNOW, HE WAS ABSOLUTELY LUCID. FRANKLY, I WAS
5 AMAZED THAT HE WAS AS ALERT AS WHAT HE WAS.

6 Q MY POINT IS THIS, TWENTY-FIVE HOURS AWAKE
7 WOULD BE A POINT AT WHICH MOST PEOPLE WOULD BE
8 FATIGUED?

9 A THAT'S RIGHT.

10 Q THAT IS NOT A GOOD AMOUNT OF TIME FOR
11 SOMEONE TO BE UP TO BE INTERVIEWED BECAUSE OF THAT
12 FATIGUE, CORRECT?

13 A WELL, IT'S --IT'S NOT THE BEST KIND OF
14 CONDITION.

15 Q EXACTLY, AND THAT'S BECAUSE FATIGUE CAUSES
16 CONFUSION?

17 A HE ABSOLUTELY WAS NOT CONFUSED.

18 Q I UNDERSTAND THAT. WE'VE ESTABLISHED THAT.
19 WHAT I'M ASKING YOU IS THIS. GENERALLY SPEAKING,
20 FATIGUE CAUSES CONFUSION?

21 A WELL, BUT WE'RE TALKING ABOUT STEPHEN
22 BECKHAM, AND HE WAS NOT CONFUSED.

23 Q WE'RE TALKING ABOUT YOUR EXPERIENCE, THAT
24 TWENTY-FIVE HOURS BEING AWAKE IS NOT A GOOD AMOUNT OF
25 TIME FOR SOMEONE TO BE UP IN ORDER TO BE INTERVIEWED,

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1 CORRECT?

2 A THAT IS CORRECT.

3 Q AND THAT IS BECAUSE OF FATIGUE?

4 A RIGHT.

5 Q AND FATIGUE CAUSES CONFUSION?

6 A YES, BUT...

7 Q I UNDERSTAND WHAT YOU'RE GOING TO SAY. I'M
8 JUST ASKING YOU IF YOU'D ANSWER MY QUESTION FIRST?

9 MR. JONES: YOUR HONOR, HE HAS A CHANCE TO
10 EXPLAIN HIS ANSWER.

11 MR. SWERLING: HE ABSOLUTELY DOES.

12 THE COURT: YES SIR.

13 MR. SWERLING: I'D JUST LIKE FOR MY
14 QUESTION...

15 THE COURT: AND I WOULD REQUIRE HIM TO
16 ANSWER THE QUESTION.

17 Q FATIGUE CAUSES CONFUSION?

18 A IN SOME PEOPLE, IT DOES.

19 Q THANK YOU.

20 THE COURT: ANYTHING ON REDIRECT?

21 REDIRECT EXAMINATION:

22 BY MR. JONES:

23 Q DID HE SPEAK TO YOU FREELY AND VOLUNTARILY?

24 A ABSOLUTELY.

25 Q NO FURTHER QUESTIONS.

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1 THE COURT: ALL RIGHT, THANK YOU, SIR.
2 CALL YOUR NEXT WITNESS.

3 MR. JONES: YOUR HONOR, AT THIS TIME, THE
4 STATE CALLS RICHARD ANDERSON.

5 THE COURT: MR. SWERLING AND MR.
6 HARPOOTLIAN, IF HE DOES NOT CALL MR. WRIGHT, THEN I
7 WILL STRIKE THAT AND THEY'VE GOT A PROBLEM SO
8 DON'T...BUT CALLING THIS WITNESS HAS NOTHING TO DO WITH
9 THAT.

10 MR. SWERLING: THAT'S FINE, YOUR HONOR. I
11 JUST THOUGHT MR. WRIGHT WOULD BE CALLED NEXT OR I WOULD
12 HAVE HAD ANOTHER SERIES OF QUESTIONS FOR THIS WITNESS
13 BASED UPON WHAT WAS REPRESENTED.

14 THE COURT: WELL...

15 MR. JONES: YOUR HONOR, THERE WAS NO
16 REPRESENTATION AS TO THE ORDER OF OUR WITNESSES.

17 THE COURT: I AGREE AS TO THE FACT THERE
18 WAS NO DISCUSSION ABOUT THE ORDER OF THE WITNESSES NOW.

19 MR. SWERLING: THEN I'D LIKE THE WITNESS
20 RECALLED, BECAUSE I WAS CLEARLY LEAD TO BELIEVE, AND SO
21 WAS MR. HARPOOTLIAN, THAT MR. WRIGHT WAS GOING TO BE
22 CALLED IN SEQUENCE, THIS WAS THE WAY IT WAS GOING TO BE
23 DONE. SO I'D LIKE TO ASK MR....

24 MR. JONES: WELL, YOUR HONOR. HOLD IT A
25 SECOND, HOLD IT A SECOND, HOLD IT A SECOND, HOLD IT A