

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Newberry County

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

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S.C. Supreme Court

STEPHEN ANDREW BECKHAM,

PETITIONER,

vs.

STATE OF SOUTH CAROLINA,

RESPONDENT.

SUPPLEMENTAL APPENDIX

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

NEWBERRY, SOUTH CAROLINA
SEPTEMBER 14-OCTOBER 4, 1996

B E F O R E

HONORABLE HENRY F. FLOYD, JUDGE.

A P P E A R A N C E S

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

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

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JERRY WRIGHT: (IN CAMERA)	
DIRECT BY MCMAHON	2331
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JERRY WRIGHT:	
DIRECT cont.BY MCMAHON	2354
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REDIRECT BY MCMAHON	2505
RECROSS BY HARPOOTLIAN	2508

SEPTEMBER 24, 1996:

DR. JOEL SEXTON:	
DIRECT BY JONES	2530
CROSS BY HARPOOTLIAN	2557

1 (COURT RECESSED FOR EVENING AT 8:30
2 P.M., RECONVENING SUNDAY, SEPTEMBER 22, 1996, AT
3 1:18 P.M.)

4 THE COURT: ALL RIGHT, MR. HARPOOTLIAN,
5 I UNDERSTAND THE FIRST WITNESS UP WILL BE DEPUTY
6 WRIGHT, AND THERE'S A QUESTION OF A SEARCH?

7 MR. HARPOOTLIAN: YES, SIR.

8 THE COURT: SO LET'S GO AHEAD AND COVER
9 THAT BEFORE WE BRING THE JURY OUT.

10 MR. MCMAHON: WE'D CALL DEPUTY WRIGHT
11 TO THE STAND.

12 JERRY WRIGHT, BEING DULY
13 SWORN, TESTIFIED AS FOLLOWS: (IN CAMERA)
14 DIRECT EXAMINATION:

15 BY MR. MCMAHON:

16 Q SIR, YOU HAVE TESTIFIED PREVIOUSLY AND
17 IDENTIFIED YOURSELF AS CHIEF DEPUTY OF NEWBERRY
18 COUNTY SHERIFF'S OFFICE?

19 A YES, I HAVE.

20 Q AND YOU WERE INVOLVED IN THE
21 INVESTIGATION INTO THE DEATH OF VICKIE LANDER
22 BECKHAM FROM THE DATE OF THE DISCOVERY OF HER BODY
23 UP UNTO AND INCLUDING TODAY, IS THAT CORRECT?

24 A THAT'S CORRECT.

25 Q I WANT TO SHOW YOU A DOCUMENT AND ASK

1 IF YOU CAN IDENTIFY IT FOR US, PLEASE?

2 A YES, SIR, THIS IS A SEARCH WARRANT THAT
3 I OBTAINED FOR THE SEARCH OF THE RESIDENCE OF
4 STEPHEN ANDREW BECKHAM.

5 Q AND ON WHAT DATE DID YOU OBTAIN THAT
6 SEARCH WARRANT, SIR?

7 A IT WAS OBTAINED ON JULY 11TH, 1995.

8 Q WAS THAT BEFORE OR AFTER THE INITIAL
9 STATEMENT WAS GIVEN BY RICHARD ANDERSON?

10 A IT WAS AFTER THE STATEMENT OF RICHARD
11 ANDERSON.

12 Q AND WHO DID YOU APPEAR BEFORE TO SECURE
13 THAT SEARCH WARRANT?

14 A I WENT BEFORE MAGISTRATE BARRY COON.

15 Q AND WHAT, IF ANYTHING, ADDITIONALLY DID
16 YOU TELL JUDGE COON BESIDES THE INFORMATION THAT IS
17 CONTAINED IN THE ATTACHED AFFIDAVIT?

18 A I TOLD HIM WE HAD ARRESTED A CO-
19 DEFENDANT IN THE MURDER OF VICTORIA LANDER BECKHAM,
20 AND THAT HE HAD GIVEN US A STATEMENT TO THE FACT
21 THAT STEPHEN ANDREW BECKHAM WAS INVOLVED IN THIS
22 MURDER. AND THAT HE HAD USED SOME TYPE OF SEMI-
23 AUTOMATIC HANDGUN THERE AT THE SCENE, AND USED IT
24 TO ASSAULT VICTORIA LANDER BECKHAM.

25 Q NOW, PREVIOUS TO YOU ADVISING JUDGE

1 COON OF THAT INFORMATION, HAD YOU LEARNED ANY
2 INFORMATION FROM DOCTOR JOEL SEXTON, THE
3 PATHOLOGIST ON THE CASE?

4 A YES, SIR. HE HAD TOLD US THAT SHE HAD
5 RECEIVED NUMEROUS INJURIES THAT WERE RECEIVED BY
6 WHAT APPEARED TO BE A BLUNT INSTRUMENT.

7 Q AND WOULD THAT BE CONSISTENT WITH AN
8 AUTOMATIC, SEMI-AUTOMATIC HANDGUN?

9 A YES, SIR.

10 Q DID YOU RELAY THAT INFORMATION TO JUDGE
11 COON, THAT SOME OF THE INJURIES WOULD HAVE BEEN
12 CONSISTENT WITH A SEMI-AUTOMATIC HANDGUN?

13 A YES, SIR, I DID.

14 Q DID YOU ADVISE JUDGE COON AS TO THE
15 LAST TIME THAT RICHARD ANDERSON HAD SEEN THIS SEMI-
16 AUTOMATIC HANDGUN?

17 A HE TOLD US THAT HE SAW THE DEFENDANT,
18 STEPHEN ANDREW BECKHAM, IN POSSESSION OF THIS
19 HANDGUN AT THE MURDER SCENE. HE HAD IT IN HIS HAND
20 AND CARRIED IT WITH HIM AS HE LEFT THE SCENE.

21 Q AND YOU ADVISED JUDGE COON OF THAT
22 INFORMATION?

23 A YES, SIR.

24 Q THE SCENE, WHERE IS THE SCENE AT IN
25 RELATIONSHIP TO DEFENDANT BECKHAM'S RESIDENCE?

- 1 A IT'S VERY CLOSE, WALKING DISTANCE.
- 2 Q DID YOU ADVISE JUDGE COON OF THAT
- 3 INFORMATION?
- 4 A YES, SIR. I ADVISED HIM IT WAS VERY
- 5 CLOSE PROXIMITY TO DEFENDANT BECKHAM'S HOME.
- 6 Q NOW, AS I RECALL, MR. ANDERSON GAVE HIS
- 7 INITIAL WRITTEN STATEMENT JULY 7TH, OF 1995, IS
- 8 THAT CORRECT?
- 9 A I BELIEVE THAT TO BE CORRECT, SIR.
- 10 Q AND PRIOR TO OBTAINING THAT SEARCH
- 11 WARRANT, YOU HAD POSSESSION OF AND READ A COPY OF
- 12 MR. ANDERSON'S STATEMENT?
- 13 A YES, SIR.
- 14 Q AND YOU RELAYED MUCH OF THE INFORMATION
- 15 IN THAT STATEMENT, OR SOME OF THAT INFORMATION IN
- 16 THAT STATEMENT TO JUDGE COON?
- 17 A YES, SIR.
- 18 Q WHAT LOCATION WAS THE SEARCH WARRANT
- 19 ISSUED FOR?
- 20 A IT WAS ISSUED FOR THE RESIDENCE OF
- 21 STEPHEN ANDREW BECKHAM, WHICH IS LOCATED AT ROUTE
- 22 1, BOX 163, POMARIA, SOUTH CAROLINA.
- 23 Q AND THAT WAS ISSUED ON JULY THE 11TH OF
- 24 '95, CORRECT?
- 25 A YES, SIR.

1 Q AND WHAT DATE WAS IT EXECUTED, SIR?

2 A IT WAS EXECUTED ON JULY 11TH, 1995, AT
3 3:28 IN THE AFTERNOON.

4 Q AND WHAT DATE WAS A RETURN MADE?

5 A THE VERY NEXT DAY WHICH WOULD BE JULY
6 12TH, 1995, AT 11:06 A.M.

7 Q WHAT ITEM OR ITEMS, IF ANY, WERE SEIZED
8 AS A RESULT OF THE EXECUTION OF THAT SEARCH
9 WARRANT?

10 A FIRST ONE WAS A SMITH AND WESSON MODEL
11 422, WHICH IS A .22 SEMI-AUTOMATIC TYPE REVOLVER;
12 SERIAL NUMBER TD81126, THREE SINGLE LATEX GLOVES
13 AND A .22 CALIBER MAGAZINE FOR SAID PISTOL.

14 Q WHEN YOU PROVIDED THIS INFORMATION TO
15 JUDGE COON, BOTH THE WRITTEN AFFIDAVIT AND THE ORAL
16 TESTIMONY THAT YOU HAVE PROVIDED TO THE COURT
17 TODAY, WERE YOU PLACED UNDER OATH?

18 A YES, SIR.

19 MR. MCMAHON: YOUR HONOR, I WOULD MARK
20 THE SEARCH WARRANT AS A COURT'S EXHIBIT.

21 COURT REPORTER: COURT'S ELEVEN.

22 (SO MARKED AND ENTERED, WITHOUT
23 OBJECTION.)

24 MR. MCMAHON: THANK YOU, YOUR HONOR. I
25 DON'T HAVE ANY FURTHER QUESTIONS.

1 THE COURT: CROSS EXAMINATION?

2 MR. HARPOOTLIAN: JUST A FEW QUESTIONS.

3 CROSS EXAMINATION:

4 BY MR. HARPOOTLIAN:

5 Q I WANT TO SAY MISTER, GIVE ME YOUR RANK
6 AGAIN.

7 A CHIEF DEPUTY.

8 Q CHIEF DEPUTY, OKAY. I APOLOGIZE. I'M
9 NOT GOOD ON TITLES.

10 WHAT INFORMATION DID YOU HAVE THAT ANY
11 OF THESE ITEMS, SPECIFICALLY WHAT YOU WERE LOOKING
12 FOR WAS A SEMI-AUTOMATIC HANDGUN. WHAT INFORMATION
13 DID YOU HAVE THAT WAS NOT FOURTEEN MONTHS OLD? DID
14 YOU HAVE ANY INFORMATION OTHER THAN ANDERSON'S
15 STATEMENT THAT THERE WAS A HANDGUN IN HIS HOME?

16 A NO, SIR.

17 Q OR THAT HE'D BEEN IN POSSESSION OF A
18 HANDGUN?

19 A NO, SIR, JUST FROM ANDERSON.

20 Q AND AS I UNDERSTAND, ANDERSON'S
21 STATEMENT, AT THAT JUNCTURE--AND THIS WOULD BE
22 EARLY-ON BEFORE HE STARTED DEVELOPING IT A LITTLE
23 BIT MORE. HIS STATEMENT AT THAT JUNCTURE WAS THAT
24 STEPHEN BECKHAM HAD HELD A HANDGUN ON HIM AND MADE
25 HIM KILL HIS WIFE, IS THAT CORRECT?

1 A YES, SIR. THERE WAS A STATEMENT TO
2 THAT EFFECT AT THE VERY BEGINNING.

3 Q AND THAT HE HAD SEEN STEPHEN BECKHAM
4 BLUDGEONING HIS WIFE WITH THIS HANDGUN, IS THAT
5 CORRECT?

6 A YES, SIR.

7 Q NOW, DID HE INDICATE TO YOU WHETHER OR
8 NOT HE HAD EVER BEEN TO STEPHEN BECKHAM'S TRAILER?

9 A I DON'T BELIEVE HE'D EVER BEEN THERE,
10 NO, SIR.

11 Q HAD HE EVER INDICATED HE'D EVER BEEN ON
12 ANY OF STEPHEN BECKHAM'S PROPERTY, AT THAT JUNCTURE
13 HAD HE INDICATED THAT?

14 A I BELIEVE HE HAD BEEN ON THE PROPERTY.

15 Q HAD HE EVER SEEN THIS GUN BEFORE THAT
16 DATE?

17 HAD HE INDICATED AT THAT POINT HE'D EVER SEEN A GUN
18 IN STEPHEN BECKHAM'S POSSESSION BEFORE THAT DATE?
19 AT THAT POINT IN TIME?

20 A I DON'T RECALL, SIR.

21 Q OKAY. WELL, WHEN YOU RELATED THE
22 INFORMATION TO THE MAGISTRATE THAT'S IN ADDITION TO
23 WHAT'S ON THIS SEARCH WARRANT--I GUESS WHAT I'M
24 TRYING TO FIND OUT IS THIS, AND MAYBE I CAN CUT
25 THIS SHORT. THE INFORMATION YOU HAD WAS RICHARD

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1 ANDERSON HAD SEEN A HANDGUN IN STEPHEN BECKHAM'S
2 POSSESSION FOURTEEN MONTHS EARLIER? WELL, ACTUALLY
3 ABOUT A YEAR EARLIER, IS THAT CORRECT?

4 A THAT'S CORRECT.

5 Q AND YOU THEN GOT A SEARCH WARRANT FOR
6 HIS RESIDENCE, SAYING THAT'S WHERE PEOPLE USUALLY
7 KEEP GUNS?

8 A THAT'S CORRECT, SIR. PEOPLE USUALLY
9 WHO HAVE GUNS KEEP THEM EITHER IN THEIR HOME OR IN
10 THEIR CAR.

11 Q OKAY. BUT OTHER THAN THAT USUAL, AND
12 THAT ISN'T SOME SORT OF SPECIAL KNOWLEDGE YOU HAVE
13 AS A LAW ENFORCEMENT OFFICER, THAT'S JUST SORT OF A
14 GENERAL ASSUMPTION THAT IF YOU'VE GOT A GUN, YOU
15 KEEP IT IN YOUR HOUSE OR IN YOUR CAR?

16 A YES, SIR. THAT'S COMMON SENSE.

17 Q COMMON SENSE. THE INFORMATION YOU HAD
18 THOUGH, THE INFORMATION YOU HAD WAS FRESH? THAT IS
19 YOU RECEIVED IT FROM ANDERSON RIGHT BEFORE YOU GOT
20 THIS SEARCH WARRANT?

21 A THAT'S CORRECT, SIR.

22 Q BUT THE INFORMATION HE HAD, THAT IS
23 THAT BECKHAM HAD HAD A HANDGUN IN HIS POSSESSION
24 WAS A YEAR OLD AT THIS POINT?

25 A YES, SIR.

- 1 Q AND YOU HAVE NO PARTICULARIZED
2 KNOWLEDGE THAT IT WOULD BE IN THE HOUSE, IT WAS
3 JUST YOUR BEST GUESS?
- 4 A BY USING COMMON SENSE, IT WAS EITHER IN
5 THE HOUSE OR THE CAR.
- 6 Q OKAY. AND WHILE YOU WERE IN THE HOUSE,
7 YOU TOOK MORE THAN A GUN, DID YOU NOT?
- 8 A YES, SIR.
- 9 Q YOU TOOK THREE LATEX GLOVES?
- 10 A YES, SIR.
- 11 Q WHERE DID YOU LOOK FOR THE GUN?
- 12 A IT WAS MADE--A SEARCH WAS MADE OF THE
13 RESIDENCE ITSELF, SIR.
- 14 Q OKAY. AND WHERE DID YOU FIND THE GUN?
- 15 A I DID NOT FIND THE GUN.
- 16 Q WHERE WAS IT FOUND?
- 17 A I BELIEVE IT WAS FOUND IN THE
18 DEFENDANT'S BEDROOM.
- 19 Q OKAY. AND WHO FOUND IT?
- 20 A THAT WOULD BE, I BELIEVE IT WAS AGENT
21 SPIKE MCCRAW.
- 22 Q OKAY, SO HE FOUND THE GUN, WHO FOUND
23 THE GLOVES?
- 24 A I BELIEVE HE WAS ALSO INVOLVED WITH THE
25 RECOVERY OF THOSE.

1 Q DID HE FIND THE GUN FIRST OR THE GLOVES
2 FIRST?

3 A I DO NOT KNOW WHICH ONES WERE ACTUALLY
4 FOUND FIRST. WE WERE LOOKING FOR A SEMI-AUTOMATIC
5 WEAPON, AND WE SEARCHED UNTIL WE FOUND THAT
6 PARTICULAR GUN, AND LOOKING FOR OTHER GUNS AS WELL.
7 THAT WAS THE ONLY GUN WE DID FIND.

8 Q WELL, YOU FOUND WHAT HAD BEEN DESCRIBED
9 TO YOU AS A .22 SEMI-AUTOMATIC GUN. YOU FOUND THAT
10 AND CONTINUED TO SEARCH, IS THAT CORRECT?

11 A WELL, WE WERE LOOK FOR A--ON THE SEARCH
12 WARRANT, IT SAID A SEMI-AUTOMATIC HANDGUN.

13 Q RIGHT.

14 A IT DOESN'T GIVE A CALIBER. WE FOUND A
15 .22, WE WERE LOOKING FOR OTHER CALIBERS AS WELL.
16 THAT'S THE ONLY ONE WE FOUND.

17 Q WHY DID YOU SEIZE THE GLOVES? THERE'S
18 NOTHING IN THE SEARCH WARRANT ABOUT GLOVES.

19 A THAT'S TRUE. MR. ANDERSON SAID THAT HE
20 HAD WORN GLOVES.

21 Q THAT HE HAD WORN GLOVES?

22 A YES, SIR.

23 Q BUT THERE WAS NOTHING TO INDICATE ANY
24 GLOVES YOU FOUND IN THE RESIDENCE WERE TIED IN ANY
25 WAY TO MR. ANDERSON, WAS THERE?

1 EVIDENCE RELATIVE TO THIS CRIME?"

2 A THAT'S CORRECT.

3 MR. HARPOOTLIAN: BEG THE COURT'S

4 INDULGENCE ONE MOMENT, PLEASE.

5 THAT'S ALL I HAVE.

6 THE COURT: ANYTHING ELSE IN REDIRECT?

7 REDIRECT EXAMINATION:

8 BY MR. MCMAHON:

9 Q JUST PRIOR TO GETTING THE SEARCH
10 WARRANT FOR THE GUN, YOU HAD KNOWLEDGE OF THE USE
11 OF THE GLOVES?

12 A YES, SIR.

13 Q FROM MR. ANDERSON'S STATEMENT?

14 A YES, SIR.

15 Q AND YOU HAD KNOWLEDGE AS TO WHO HAD
16 PROVIDED MR. ANDERSON WITH THE GLOVES?

17 A YES, SIR.

18 Q AND WHO...

19 A THE DEFENDANT BECKHAM HAD PROVIDED THE
20 GLOVES.

21 Q THANK YOU, I DON'T HAVE ANY FURTHER
22 QUESTIONS.

23 THE COURT: ALL RIGHT, ARGUMENT FROM
24 THE DEFENSE?

25 MR. HARPOOTLIAN: YES, SIR, YOUR HONOR.

1 I THINK THERE ARE SEVERAL DIFFERENT AREAS WHICH
2 WOULD MAKE THE SEARCH INFIRM. LET ME SORT OF DEAL
3 WITH THEM CHRONOLOGICALLY.

4 FIRST OF ALL, THE DESCRIPTION OF THE
5 PROPERTY SOUGHT IS A SEMI-AUTOMATIC HANDGUN.
6 THERE'S, YOU KNOW, I'VE SEEN A MILLION SEARCH
7 WARRANTS WHEN THEY SAY--WHERE THEY GO THROUGH THE
8 CIRCUMSTANCES OF THE CRIME, THEY DISCUSS WHAT THE
9 INFORMATION THEY HAVE, SO THE MAGISTRATE HAS SOME
10 IDEA OF WHAT THEY'RE LOOKING FOR. IN THE PROCESS OF
11 SEARCHING THE HOUSE, THEY ALLEGE, THEY APPARENTLY
12 CAME ACROSS A PIECE OF EVIDENCE THAT THEY'D NOT
13 DESCRIBED, NOR WAS IT COVERED BY THE SEARCH
14 WARRANT. THE APPROPRIATE REMEDY, AT THAT JUNCTURE,
15 IF THEY...IF THIS SEARCH WARRANT WERE...PASSED
16 CONSTITUTIONAL AND STATUTORY MUSTER, WOULD HAVE
17 BEEN TO GO GET ANOTHER SEARCH WARRANT. I THINK THE
18 CASE LAW IS CLEAR ON THAT TO GO GET THE GLOVES.

19 SO THEY DID NOT FOLLOW, IN MY OPINION,
20 THE APPROPRIATE PROCEDURE TO DO THAT, AND THIS
21 SEARCH WARRANT'S DESCRIPTION OF PROPERTY SOUGHT IS
22 LIMITED TO A SEMI-AUTOMATIC HANDGUN.

23 SECONDLY, YOUR HONOR, THE INFORMATION,
24 THE BASIS FOR THIS SEARCH WARRANT, THE INFORMATION
25 CONTAINED THEREIN IS STALE, AND THERE IS NO

1 SPECIFIC REASON TO BELIEVE OTHER THAN THIS AGENT
2 SAYS COMMON SENSE WOULD DICTATE THAT YOU KEEP A GUN
3 IN YOUR HOUSE OR IN THE CAR, THERE IS NOTHING TO
4 INDICATE WHY MR. BECKHAM'S PERSON AND/OR PROPERTY
5 SHOULD NOT BE REMAINED SECURE UNDER HIS FORTH
6 AMENDMENT RIGHTS. SIMPLY BECAUSE HE HAD A HANDGUN
7 AT ONE POINT IN HIS POSSESSION ACCORDING TO MR.
8 ANDERSON, DOESN'T MEAN THAT HIS HOUSE AND HIS
9 VEHICLE SHOULD BE SUBJECT TO A SEARCH.

10 IN ADDITION TO THAT, YOUR HONOR, I
11 WOULD NOTE THAT NOT ONLY, I MEAN THIS OFFICER JUST
12 RECEIVED THE INFORMATION, BUT IT WAS A YEAR BEFORE
13 WHEN THAT GUN WAS SEEN IN MR. BECKHAM'S POSSESSION.
14 A YEAR BEFORE. THEREFORE, I MEAN EVEN IF SOMEBODY
15 KEEPS A GUN IN THEIR HOUSE OR IN THEIR CAR, WHAT
16 REASON IS THERE TO BELIEVE THAT HE WOULD KEEP A
17 GUN...THAT GUN IN HIS HOUSE OR A CAR FOR A YEAR?
18 SO, I WOULD SUGGEST THAT THE INFORMATION UPON WHICH
19 THIS SEARCH WARRANT WAS BASED WAS STALE, THAT THE
20 MAGISTRATE WAS NOT GIVEN PROBABLE CAUSE BASED ON
21 THAT STALENESS, AND THAT THE OFFICER'S STATEMENT,
22 "WEAPONS ARE GENERALLY KEPT IN THE OWNERS HOME," IS
23 NOT SUFFICIENT ENOUGH TO GIVE THEM PROBABLE CAUSE
24 TO BELIEVE THAT SUCH A WEAPON, UNDER CONSTITUTIONAL
25 STANDARDS, WOULD HAVE BEEN IN THE HOME OR IN THE

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1 HOUSE.

2 AND THE THIRD ITEM, YOUR HONOR, WOULD
3 BE THAT THE RUBBER GLOVES OUGHT TO BE...AT THE
4 MINIMUM, OUGHT TO BE EXCLUDED, BECAUSE THEY WEREN'T
5 WITHIN THE PURVIEW OF THIS SEARCH WARRANT, AND THE
6 APPROPRIATE REMEDY WOULD HAVE BEEN, EVEN IF THIS
7 SEARCH WARRANT PASSED MUSTER, FOR THEM TO GO GET
8 ANOTHER SEARCH WARRANT.

9 I BEG THE COURTS INDULGENCE FOR ONE
10 MOMENT BEFORE I COMPLETE THIS ARGUMENT.

11 THANK YOU, YOUR HONOR.

12 THE COURT: MR. MCMAHON, ADDRESS THE
13 QUESTION OF THE GLOVES FIRST, PLEASE.

14 MR. MCMAHON: MAY IT PLEASE THE COURT,
15 I THINK THAT SHOWS THE COMMON SENSE INTERPRETATION
16 OF THE OFFICER WHEN HE SAID, "WELL, IT'S COMMONLY
17 HELD THAT AN INDIVIDUAL WOULD KEEP A FIREARM IN
18 THEIR RESIDENCE," AND THEREFORE, IT'S NOT COMMONLY,
19 NECESSARILY, THAT THEY WOULD KEEP THE LATEX GLOVES
20 THERE IN THE RESIDENCE.

21 SO THEY GO ON WITH WHAT I WOULD PRESENT
22 TO BE A VALIDLY ISSUED SEARCH WARRANT, AND THE
23 SCOPE OF THAT SEARCH IS TO SEARCH FOR A SEMI-
24 AUTOMATIC WEAPON. AND JUST BECAUSE THEY RUN ACROSS
25 WEAPON A, DOESN'T MEAN THERE ARE NOT ADDITIONAL

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1 SEMI-AUTOMATIC WEAPONS IN THE RESIDENCE. AND IT'S
2 NOT SPECIFIED IN THERE, IN THE DOCUMENT ITSELF, A
3 PARTICULAR DESCRIBED, EVEN BY CALIBER, BRAND,
4 SERIAL NUMBER, AUTOMATIC WEAPON. SO I THINK THAT
5 WARRANT GIVES THEM THE AUTHORITY TO SEARCH IN ALL
6 AREAS WHERE THEY MAY LOCATE SEMI-AUTOMATIC, ANY
7 SEMI-AUTOMATIC.

8 DURING THE COURSE OF EXECUTING THE
9 VALIDLY ISSUED SEARCH WARRANT, THEY COME ACROSS
10 WHAT IS AN IMMEDIATELY APPARENT SIZABLE ITEM UNDER
11 THE PLAIN VIEW DOCTRINE, THAT BASED ON THEIR PRIOR
12 KNOWLEDGE, AND THE FACT WHEN THEY GO THERE
13 SEARCHING FOR ONE ITEM, THEY COME ACROSS ANOTHER
14 ITEM. THEIR IN A PLACE THEY ARE CONSTITUTIONALLY
15 AUTHORIZED TO BE, AND DURING THE COURSE OF THAT,
16 THEY CAN SEIZE THOSE ITEMS IN PLAIN VIEW. IT'S NOT
17 THAT THEY HAD A WARRANT TO LOOK FOR A TELEVISION
18 SET AND WENT INTO A DRAWER TO LOOK FOR THE
19 TELEVISION SET AND FOUND THE GLOVES. THEY WERE
20 CONDUCTING A SEARCH WITHIN THE SCOPE OF THE
21 CONFINES OF WHERE A SEMI-AUTOMATIC WEAPON MAY BE
22 FOUND, AND DURING THE COURSE OF CONDUCTING THAT
23 SEARCH, THEY FOUND THE GLOVES.

24 AND YOUR HONOR, YOU KNOW, THERE'S A
25 NUMBER OF CASES, UNITED STATES SUPREME COURT CASES,

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1 AND I'M NOT AWARE THAT THEY REQUIRE THE OFFICERS,
2 WHEN THEY SEEK SOMETHING THAT'S READILY APPARENT
3 EVIDENCE OF CRIME, CIRCUMSTANTIAL EVIDENCE OF
4 CRIME, THAT REQUIRE THEM TO GO BACK AND GET ANOTHER
5 SEARCH WARRANT JUST TO SEIZE IT. THEY'RE
6 AUTHORIZED TO BE EXACTLY WHERE THEY ARE AND THEY
7 CAN SEIZE IT AT THE TIME.

8 THE COURT: ALL RIGHT, ANYTHING ELSE?

9 MR. HARPOOTLIAN: WELL, YOUR HONOR, I
10 MEAN, EVEN UNDER HIS ARGUMENT, IT WOULD HAVE TO BE
11 APPARENT FRUITS OF A CRIME FOR THEM TO SEIZE THOSE
12 GLOVES. EVEN IF YOU FOUND THAT THE SEARCH WARRANT
13 WAS APPROPRIATE FOR THE WEAPON, THERE'S NOTHING TO
14 INDICATE, AT THAT JUNCTURE, THEY WERE LOOKING FOR
15 SOME RUBBER GLOVES OTHER THAN MR. ANDERSON'S
16 INITIAL STATEMENT.

17 AND AGAIN, WE WOULD SUBMIT EVEN IF YOU
18 FIND THE INITIAL SEARCH IS VALID, WHICH WE'RE NOT
19 CONCEDING IN ANY WAY, THAT THEY SHOULD BE REQUIRED
20 TO GO BEFORE A MAGISTRATE AND SHOW WHAT THE
21 PROBABLE CAUSE WAS TO SEIZE THOSE GLOVES. AND THAT
22 ANYTHING THAT FLOWS FROM THE SEIZURE OF THOSE
23 GLOVES SHOULD BE EXCLUDED.

24 THE COURT: ALL RIGHT, I WOULD DENY
25 YOUR MOTION TO QUASH THE SEARCH WARRANT, INCLUDING

1 THE SEIZURE OF THE GLOVES. FIRST OF ALL, STALENESS
2 DOES NOT UNDERMINE PROBABLE CAUSE, PARTICULARLY
3 WHEN THERE'S AN UPDATED INFORMATION OR
4 CORROBORATION OF SUCH MATERIAL. STALENESS IS NOT
5 MEASURED MERELY ON THE BASIS OF MATURITY OF THE
6 INFORMATION BUT IN RELATION TO THE FOLLOWING FOUR
7 FACTORS: NATURE OF THE SUSPECTED CRIMINAL
8 ACTIVITY, DISCREET OR REGENERATING CONSPIRACY; TWO,
9 THE HABITS OF THE SUSPECTED CRIMINAL, NOMADIC OR
10 ENTRENCHED; THREE, THE CHARACTER OF THE ITEMS TO BE
11 SEIZED, PERISHABLE OR ENDURING UTILITY; AND FOUR,
12 THE NATURE AND FUNCTION OF THE PREMISES TO BE
13 SEARCHED, MERE CRIMINAL FORUM OR SECURE OPERATIONAL
14 BASE.

15 AND I FIND THAT THE AFFIDAVIT IS
16 SUFFICIENT TO SET FORTH THE FACT AND GIVE THE
17 MAGISTRATE PROBABLE CAUSE TO ISSUE A WARRANT TO GO
18 LOOK FOR A SEMI-AUTOMATIC PISTOL. THE OFFICERS
19 THEN BEING IN A CONSTITUTIONALLY PERMITTED PLACE,
20 HAVE A RIGHT TO SEIZE OTHER MATERIALS THAT THEY
21 HAVE, BELIEVE ARE REASONABLY RELATED TO THE OFFENSE
22 CHARGED. AND THE STATEMENT OF MR. ANDERSON WAS
23 THAT LATEX GLOVES WERE INVOLVED IN THE COMMISSION
24 OF THE OFFENSE, AND THAT THEY HAD COME FROM THE
25 DEFENDANT BECKHAM.

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1 ALL RIGHT. EVERYBODY READY TO GO?

2 MR. SWERLING: YOUR HONOR?

3 THE COURT: YES, SIR.

4 MR. SWERLING: YOUR HONOR, THE ONLY
5 THING I WANTED TO CLARIFY IS THE RULING ON THE
6 SEARCH ITSELF WOULD NOT IN ANY WAY BE CONSTRUED AS
7 A RULING ON ADDITIONAL ITEMS THAT THE STATE MAY
8 WANT TO INTRODUCE THAT WE DON'T THINK ARE RELEVANT?

9 THE COURT: AT THIS POINT IN TIME, THE
10 ONLY THING BEFORE ME ARE THE RUBBER GLOVES AND THE
11 PISTOL, SO I DON'T KNOW WHAT YOU'RE TALKING ABOUT.
12 IT'S LIMITED TO THAT AT THIS POINT.

13 MR. HARPOOTLIAN: YOUR HONOR, WE WOULD
14 RESPECTFULLY EXCEPT TO YOUR RULING.

15 THE COURT: YES, SIR. NOW, ON THE
16 OTHER ISSUE, AS I RECALL, WE GOT TANGLED UP A BIT
17 ON, WHILE DEPUTY WRIGHT WAS ON THE STAND, AS TO THE
18 CONSENT AND THE PHOTOGRAPHING. AS I UNDERSTAND IT
19 NOW, ANDERSON HAS TESTIFIED AS TO THE WHEREABOUTS
20 OF MR. BECKHAM SHORTLY AFTER THE ASSAULT, AND I'M
21 ANTICIPATING THE STATE'S GOING TO WANT TO PUT THE
22 PHOTOGRAPH OF THE HANDS IN.

23 MR. JONES: THAT'S CORRECT, YOUR HONOR.
24 THE PHOTOGRAPHS OF THE HAND AND THE BACK OF THE
25 NECK. IF YOU RECALL, THERE WAS A SCRATCH ON THE

1 BACK OF THE NECK, AS WELL AS ON THE LEFT WRIST
2 AREA.

3 THE COURT: YEAH, I UNDERSTAND. THAT'S
4 WHAT I'M ASKING.

5 OBJECTION NOW?

6 MR. SWERLING: JUDGE, I MEAN, I THINK
7 THAT THE OBJECTION IS STILL TWO-FOLD. ONE IS THAT
8 SCRATCHES ARE OBVIOUSLY NOT CAUSED BY VICTORIA
9 BECKHAM BECAUSE THE DNA EXCLUDED STEPHEN BECKHAM.
10 SO THE TESTIMONY OF MR. ANDERSON, I GUESS THE ONLY
11 THING THE STATE CAN ARGUE IS THESE SCRATCHES CAME
12 ABOUT AS A RESULT OF HIS GOING THROUGH THE WOODS,
13 WHICH I ASSUME IS WHAT THEIR ARGUMENT IS AT THIS
14 POINT, BASED UPON WHAT THEY'VE PREVIOUSLY TOLD US.

15 UNLESS OR UNTIL SOMEONE CAN SAY THAT
16 THOSE SCRATCHES APPEARED TO BE FRESH SCRATCHES, AND
17 NOT SCRATCHES THAT WERE MADE AT SOME REMOTE POINT
18 IN TIME, THERE'S NO RELEVANCE TO THOSE SCRATCHES.
19 I MEAN, I WOULD WONDER, YOUR HONOR, HOW SOMEONE WHO
20 WOULD HAVE A SCRATCH UNDERNEATH A SHIRT COULD GET
21 SCRATCHES UNDERNEATH HIS SHIRT RUNNING THROUGH THE
22 WOODS, WHEN IN FACT THERE'S NO BLOOD AND HIS SHIRT
23 IS NOT DESTROYED OR RUINED IN ANY WAY. SO AT THIS
24 POINT, I WOULD ARGUE RELEVANCE TO INTRODUCING THOSE
25 SCRATCHES AS NOT BEING TIED OR NOT BEING CONNECTED

1 TO ANY PROBATIVE ISSUE IN THIS CASE.

2 AND WHAT IT DOES IS IT ALLOWS JUST
3 UNDUE SPECULATION THAT STEPHEN BECKHAM GOT THOSE
4 SCRATCHES GOING THROUGH THE WOODS. YOU CAN LOOK AT
5 THOSE SCRATCHES, YOUR HONOR, AND JUST TELL THEY
6 DON'T APPEAR TO BE FRESH, THEY DON'T APPEAR TO BE
7 RED. AND WHAT IT'S GOING TO ALLOW THE STATE TO
8 ARGUE IS THAT THAT'S WHEN HE GOT THOSE SCRATCHES.
9 AND I DON'T THINK--I THINK UNDER 403, UNDER 402, I
10 DON'T BELIEVE THEIR RELEVANT. UNDER 403, EVEN IF
11 YOU FIND THAT THEY'RE RELEVANT, I THINK IT CAUSES
12 UNDUE SPECULATION AND ALLOWS THE JURY TO SPECULATE,
13 AND THE PREJUDICIAL EFFECT WOULD OUTWEIGH ANY
14 PROBATIVE VALUE.

15 THE COURT: ALL RIGHT, I WOULD DENY
16 YOUR MOTION AS TO THE 403 ANALYSIS. IT WOULD
17 CERTAINLY GO TO THE WEIGHT, YOU COULD CERTAINLY
18 MAKE AN ARGUMENT TO THE JURY THAT IT'S NOT--THE
19 SCRATCHES ARE NOT AS RED AS YOU THINK THEY SHOULD
20 BE, AND LOCATIONS THEY SHOULD BE FOR A PERSON WHO
21 JUST WALKED THROUGH THE WOODS. THAT GOES TO WEIGHT
22 RATHER THAN PREJUDICE.

23 AS TO RELEVANCE, I THINK THE STATE HAS
24 MET, AS YOU WELL KNOW, THE MINIMUM BURDEN OF
25 RELEVANCE THAT IT'S MORE LIKELY THAN--IF IT BEARS

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1 ON A QUESTION IN ISSUE THEN IT BECOMES RELEVANT. SO
2 I'LL ALLOW THOSE PHOTOGRAPHS IN.

3 MR. JONES: THANK YOU, YOUR HONOR. AND
4 WOULD WE BE ALLOWED TO PRESENT THEM TO THE JURY
5 THROUGH THIS WITNESS, WITNESS JERRY WRIGHT, CHIEF
6 DEPUTY WRIGHT?

7 THE COURT: AS I HAD UNDERSTOOD IT, THE
8 SLED AGENT, THEY HAD STIPULATED THAT IF RELEVANCE
9 WAS ESTABLISHED, THAT THEY AGREED THAT AGENT BLACK
10 TOOK THE PHOTOGRAPHS AND...

11 MR. JONES: IN THE PRESENCE OF...

12 THE COURT: HE'S THE ONE ASKED FOR THE
13 CONSENT.

14 MR. JONES: CHIEF DEPUTY WRIGHT.

15 THE COURT: YES, SIR.

16 MR. SWERLING: YOUR HONOR, THERE WAS A
17 STIPULATION THE PHOTOGRAPHS WERE TAKEN BY DAVID
18 BLACK, SUBJECT TO THIS...

19 THE COURT: TO THIS WITNESS, THAT'S
20 RIGHT.

21 ALL RIGHT, YOU CAN CONNECT IT UP THROUGH HIM.

22 ALL RIGHT, BRING THE JURY IN.

23 NOW, BEAR IN MIND WHILE THEY'RE COMING
24 IN, GENTLEMEN, WE NEED TO KNOCK THE ACTUAL
25 TESTIMONY OFF RIGHT AT FIVE O'CLOCK TO GIVE ME TIME

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1 TO INSTRUCT THE JURY ON THE JURY VIEW THIS
2 AFTERNOON SO WE GET MR. SWERLING ON HIS WAY BACK TO
3 COLUMBIA. AND THE JURY VIEW, WE'LL DO TOMORROW, AS
4 YOU KNOW.

5 (JURY IS RETURNED TO THE OPEN COURTROOM
6 AT 1:45 P.M.)

7 THE COURT: GOOD MORNING, MADAM
8 FOREMAN, LADIES AND GENTLEMEN OF THE JURY. I HOPE
9 YOU HAD A CHANCE TO CATCH UP. THIS HELPED US A BIT
10 BECAUSE WHETHER YOU REALIZE IT OR NOT, WHEN THE
11 CASE STARTS ON MONDAY MORNING. BOTH OF THESE SIDES
12 HAVE BEEN ENGAGED IN GETTING READY ALL THROUGH THE
13 WEEK BEFORE THE TRIAL PRETTY INTENSELY. SO IT GAVE
14 US A LITTLE BREAK TO CATCH UP.

15 WE WILL ACTUALLY BE TAKING TESTIMONY
16 TODAY, FOR APPROXIMATELY THREE HOURS. THEN I HAVE
17 SOME INSTRUCTIONS FOR YOU WITH REGARD TO THE JURY
18 VIEW WHICH WE WILL CONDUCT TOMORROW. BUT WE'LL DO
19 THAT LATER THIS AFTERNOON.

20 SO, MR. SOLICITOR, IF YOU WILL, CALL
21 YOUR FIRST WITNESS.

22 MR. JONES: SOLICITOR MCMAHON.

23 THE COURT: MR. MCMAHON, I'M SORRY.

24 MR. MCMAHON: STATE CALLS UP DEPUTY
25 JERRY WRIGHT.

1 THE COURT: ALL RIGHT, AND MADAM CLERK,
2 YOU RE-SWEAR HIM FOR PURPOSES OF THE JURY.

3 JERRY WRIGHT, BEING DULY
4 SWORN, TESTIFIED AS FOLLOWS:

5 DIRECT EXAMINATION:

6 BY MR. MCMAHON:

7 THE COURT: LET ME PUT ONE OTHER THING
8 IN THE RECORD. STATE WAIVE POLLING OF THE JURY?

9 MR. JONES: STATE WAIVES POLLING.

10 THE COURT: DEFENSE WAIVE POLLING, MR.
11 HARPOOTLIAN?

12 MR. HARPOOTLIAN: YES, SIR.

13 THE COURT: ALL RIGHT, YOU MAY PROCEED,
14 MR. MCMAHON.

15 Q SIR, WOULD YOU INTRODUCE YOURSELF TO
16 THE JURY, PLEASE?

17 A YES, SIR. MY NAME IS JERRY WRIGHT.

18 Q AND BY WHOM ARE YOU EMPLOYED?

19 A NEWBERRY COUNTY SHERIFF'S OFFICE.

20 Q WHAT IS YOUR POSITION WITH THE NEWBERRY
21 COUNTY SHERIFF'S OFFICE?

22 A I'M CHIEF DEPUTY.

23 Q DEPUTY WRIGHT, WOULD YOU RELATE FOR THE
24 JURY, PLEASE, YOUR EXPERIENCE AND VARIOUS POSITIONS
25 YOU'VE HELD DURING YOUR CAREER IN LAW ENFORCEMENT?

1 A I HAVE APPROXIMATELY TWENTY-TWO YEARS
2 IN LAW ENFORCEMENT. I WORKED FOR LEXINGTON COUNTY
3 SHERIFF'S OFFICE FOR ABOUT TEN YEARS; I TAUGHT AT
4 THE CRIMINAL JUSTICE ACADEMY THAT TEACHES POLICE
5 OFFICERS DRIVING AND FIREARMS FOR APPROXIMATELY
6 FOUR, AND I'VE BEEN HERE AS CHIEF DEPUTY SINCE
7 JANUARY THE 3RD OF 1989.

8 Q NOW, AS CHIEF DEPUTY, WOULD YOU BE
9 BASICALLY THE NUMBER TWO MAN AT THE SHERIFF'S
10 OFFICE?

11 A YES, SIR.

12 Q NOW, DEPUTY WRIGHT, I WANT TO DIRECT
13 YOUR ATTENTION BACK TO JUNE THE 12TH, THE EVENING
14 OF JUNE 12TH OF 1994. WERE YOU ON DUTY THAT
15 PARTICULAR EVENING?

16 A I WAS AT HOME WATCHING TV THAT NIGHT.

17 Q AND DID YOU GET A CALL TO RESPOND TO A
18 PARTICULAR LOCATION IN NEWBERRY COUNTY?

19 A YES, SIR, I DID.

20 Q AND APPROXIMATELY WHAT TIME DID YOU
21 RECEIVE THAT CALL?

22 A RECEIVED THE CALL PROBABLY ABOUT TEN
23 MINUTES AFTER TEN THAT NIGHT.

24 Q THAT WOULD HAVE BEEN P.M.?

25 A P.M., THAT NIGHT.

1 Q AND AS A RESULT OF THAT CALL, WHERE DID
2 YOU GO TO, DEPUTY WRIGHT?

3 A I WENT TO MOUNTAIN ROAD WHICH IS
4 LOCATED IN THE LITTLE MOUNTAIN SECTION OF NEWBERRY
5 COUNTY.

6 Q AND ALL THIS AREA WE'RE GOING TO BE
7 TALKING ABOUT, AS FAR AS LITTLE MOUNTAIN AND
8 POMARIA, AND THAT TYPE OF AREA, THAT IS LOCATED IN
9 NEWBERRY COUNTY?

10 A YES, SIR.

11 Q NOW, ABOUT WHAT TIME WOULD YOU HAVE
12 ARRIVED AT THE SCENE ON MOUNTAIN ROAD?

13 A IT PROBABLY TOOK ME ABOUT TWENTY-FIVE
14 MINUTES TO GET THERE. I LIVE IN THE CITY LIMITS OF
15 NEWBERRY.

16 Q AND COULD YOU DESCRIBE FOR THE JURY,
17 PLEASE, THE SCENE ON MOUNTAIN ROAD WHEN YOU
18 ARRIVED?

19 A YES, SIR. WHEN I ARRIVED, I CAME
20 AROUND THE MOUNTAIN THERE AT LITTLE MOUNTAIN, AND
21 AS I CAME AROUND THE CORNER, I NOTICED, YOU KNOW,
22 ALL KINDS OF CARS UP FRONT. THERE WERE POLICE
23 CARS, THERE WERE CIVILIAN CARS, THERE WERE TRUCKS.
24 THERE WAS AN AMBULANCE DOWN THERE. THE ROAD WAS
25 JUST CROWDED AND SCATTERED WITH CARS. IN FACT, I

1 HAD TO PARK APPROXIMATELY A HUNDRED AND FIFTY FEET
2 AWAY FROM THE SCENE.

3 Q I WANT TO SHOW YOU SEVERAL PHOTOGRAPHS,
4 STATE'S EXHIBITS NUMBER FOUR--TWO, THREE, AND FOUR.
5 AND ASK YOU IF YOU RECOGNIZE THOSE PHOTOGRAPHS?

6 A YES, SIR. I RECOGNIZE THEM.

7 MR. MCMAHON: YOUR HONOR, MAY THE
8 WITNESS STEP DOWN FOR THE PURPOSE OF PRESENTING
9 SOME DIAGRAMS?

10 THE COURT: YES, SIR. I THINK WE ALL
11 AGREED YESTERDAY THAT WE'D DO THAT.

12 MR. HARPOOTLIAN: WE AGREED? YES, SIR.

13 Q DEPUTY WRIGHT, IF YOU WOULD STAND ON
14 THIS SIDE AND KEEP YOUR VOICE UP, PLEASE, SO THE
15 COURT REPORTER CAN HEAR YOU.

16 LET ME REFER YOU FIRST TO STATE'S
17 EXHIBIT NUMBER EIGHTY-SIX. ARE YOU FAMILIAR WITH
18 THIS DIAGRAM?

19 A YES, SIR, I AM.

20 Q NOW, SIR, COULD YOU POINT OUT TO THE
21 JURY--WE'VE HEARD A LOT OF TALK ABOUT I-26. COULD
22 YOU POINT OUT FOR THE JURY IF I-26 APPEARS ON THAT
23 DIAGRAM?

24 A YES, SIR. IT RUNS FROM THIS AREA HERE
25 ALL THE WAY DOWN TO THIS AREA HERE.

- 1 Q IT'S BASICALLY THE DARKEST ROAD WE SEE,
2 THE MOST PRONOUNCED ROAD WE SEE ON THIS PARTICULAR
3 DIAGRAM, IS THAT RIGHT?
- 4 A YES, SIR. THE WIDE LINE THERE IS
5 MARKED I-26.
- 6 Q NOW, WHICH WAY WOULD GREENVILLE BE?
- 7 A GREENVILLE WOULD BE GOING UP THE ROAD
8 HERE. THAT WOULD BE BACK TOWARD GREENVILLE.
- 9 Q AND THEN WHAT DIRECTION WOULD COLUMBIA
10 BE?
- 11 A COLUMBIA WOULD BE DOWN IN THIS AREA
12 HERE.
- 13 Q NOW, ON THIS DIAGRAM, DOES THE CITY OF
14 NEWBERRY APPEAR?
- 15 A NO, SIR.
- 16 Q WHICH DIRECTION WOULD NEWBERRY BE?
- 17 A NEWBERRY WOULD BE ABOUT THIS LOCATION,
18 ABOUT WHERE MY HAND IS.
- 19 Q NOW, WHEN YOU WENT FROM YOUR HOME IN
20 NEWBERRY DOWN TO LITTLE MOUNTAIN, MOUNTAIN ROAD
21 THAT NIGHT, WHAT ROUTE WOULD YOU HAVE TAKEN?
- 22 A I WOULD HAVE COME DOWN I-26 AND THEN
23 GOT OFF THIS EXIT HERE, WHICH IS 202 EXIT.
- 24 Q NOW, WE'VE HEARD SOME TALK ABOUT 76
25 HIGHWAY. DOES THAT APPEAR ON HERE?

- 1 A SEVENTY-SIX RUNS THROUGH LITTLE
2 MOUNTAIN HERE AND THEN GOES ON DOWN TOWARD CHAPIN.
3 Q AND IF I COME BACK ON 76, AWAY FROM
4 LITTLE MOUNTAIN, BACK TOWARD WHERE YOU ARE STANDING
5 NOW, IT WOULD GO BACK TOWARD NEWBERRY?
6 A YES, SIR.
7 Q AND IF I COME IN THIS DIRECTION, I'D GO
8 BACK TOWARD CHAPIN?
9 A YES, SIR.
10 Q NOW, SIR, COULD YOU POINT OUT ON
11 STATE'S EXHIBIT NUMBER EIGHTY-SIX APPROXIMATELY
12 WHERE THIS AREA WAS YOU RESPONDED TO THAT NIGHT?
13 A IT WOULD BE, COMING THROUGH LITTLE
14 MOUNTAIN, THERE'S A ROAD THAT GOES AROUND THE
15 MOUNTAIN, WHICH THE MOUNTAIN IS IN HERE, AND YOU
16 WENT ON, IT'S GOT MOUNTAIN, PRETTY MUCH IS MOUNTAIN
17 ROAD.
18 Q ALL RIGHT, SIR. AND THESE PHOTOGRAPHS
19 I'VE SHOWN YOU PREVIOUSLY, STATE'S TWO, THREE, AND
20 FOUR, WHAT ARE THOSE PHOTOGRAPHS OF, DETECTIVE--
21 EXCUSE ME, DEPUTY WRIGHT?
22 A THIS IS THE VICTIM'S CAR PORTRAYED
23 HERE. IT'S A GRAY NISSAN.
24 Q NOW, THE WAY THE CAR IS PORTRAYED
25 THERE, IS THAT GOING UP OR DOWN THE MOUNTAIN?

- 1 A GOING DOWN THE MOUNTAIN.
- 2 Q SO, POINTING ON THIS DIAGRAM EIGHTY-
- 3 SIX, WHAT DIRECTION WOULD THAT BE?
- 4 A WOULD BE POINTED, GOING DOWN THIS WAY.
- 5 Q AND WOULD THAT BE AWAY FROM OR TOWARD
- 6 HIGHWAY 76?
- 7 A AWAY FROM 76.
- 8 Q ALL RIGHT, SIR. NOW, WAS THIS THE
- 9 CONDITION AND POSITION THE VEHICLE WAS IN THAT
- 10 NIGHT WHEN YOU ARRIVED?
- 11 A YES, SIR.
- 12 Q AND I SEE AN AMBULANCE IN THAT
- 13 PHOTOGRAPH. WAS THE AMBULANCE ALREADY THERE UPON
- 14 YOUR ARRIVAL?
- 15 A YES, SIR.
- 16 Q NOW, REFERRING TO STATE'S EXHIBIT
- 17 NUMBER THREE, BACK IN THIS BACKGROUND ON NUMBER
- 18 THREE?
- 19 A YES, SIR.
- 20 Q WHAT APPEARS BACK IN THERE?
- 21 A IT'S NUMEROUS PEOPLE. THERE WERE
- 22 PROBABLY TWENTY-FIVE, THIRTY, MAYBE EVEN MORE
- 23 PEOPLE THERE WHEN I GOT THERE.
- 24 Q NOW, WHEN YOU SAY PEOPLE, NOT THAT LAW
- 25 ENFORCEMENT OFFICERS AREN'T PEOPLE, BUT ARE YOU

1 TALKING ABOUT CITIZENS OR JUST POLICE OR WHAT?

2 A THERE WERE CITIZENS, VOLUNTEER FIREMAN,
3 VOLUNTEER RESCUE SQUAD WORKERS, THE CORONER, LAW
4 ENFORCEMENT.

5 Q AND, OF THOSE PEOPLE, DID YOU KNOW MANY
6 OF THEM?

7 A YES, I KNEW QUITE A FEW. SOME OF THE
8 PEOPLE I SAW DOWN THERE WAS DALE DOMINICK.

9 Q NOW, WHO IS DALE DOMINICK?

10 A HE'S A RESERVE DEPUTY WITH THE
11 SHERIFF'S OFFICE. HE LIVES IN THE PROSPERITY
12 SECTION OF OUR COUNTY. HE RESPONDED THAT NIGHT.

13 Q HE WAS THERE ON THE SCENE?

14 A YES, SIR.

15 Q ANY OTHERS THAT YOU OBSERVED, OR
16 RECOGNIZED?

17 A THERE WAS A GENTLEMAN THERE THAT, HE'S
18 ONE OF THE VOLUNTEER CAPTAINS, GENTLEMAN BY THE
19 NAME OF JOHN DANIEL FRICK.

20 Q NOW, YOU SAY A VOLUNTEER CAPTAIN, WITH
21 WHO? WHAT AGENCY?

22 A HE'S WITH THE RESCUE SQUAD THERE.

23 Q RESCUE SQUAD THERE IN LITTLE MOUNTAIN?

24 A YES, SIR.

25 Q ANY OTHER INDIVIDUALS?

1 A WELL, I SAW ROBERT BOWERS THERE THAT
2 NIGHT.
3 Q NOW, IS MR. BOWERS LAW ENFORCEMENT OR
4 EMERGENCY SERVICES OR...
5 A HE WAS THE PERSON WHO DIRECTED US TO
6 THE SCENE. HE WAS A WITNESS..
7 Q AND ANY OTHERS?
8 A A GENTLEMAN BY THE NAME OF JOHN
9 HAWKINS.
10 Q HE'S ALSO JUST A CITIZEN?
11 A YES, SIR.
12 Q NOT WITH ANY PARTICULAR EMERGENCY
13 SERVICE? AND LET ME ASK YOU THIS. DO YOU KNOW MR.
14 CHARLES SHEALY THAT TESTIFIED PREVIOUSLY IN THIS
15 TRIAL?
16 A YES, SIR. I DO.
17 Q IS MR. SHEALY ASSOCIATED WITH ANY OF
18 THE EMERGENCY SERVICES?
19 A HE'S ONE OF THE VOLUNTEERS. I'M NOT
20 SURE IF IT'S THE FIRE DEPARTMENT OR RESCUE.
21 Q WITH LITTLE MOUNTAIN?
22 A YES, SIR.
23 Q ALL RIGHT, SIR. NOW, PERHAPS YOU CAN
24 RETAKE THE STAND MOMENTARILY.
25 NOW, DEPUTY WRIGHT, WHAT STEPS DID YOU

1 TAKE AFTER YOU ARRIVED AT THE SCENE ON MOUNTAIN
2 ROAD? WHAT WERE YOUR DUTIES AND RESPONSIBILITIES?
3 A WELL, THE SHERIFF GOT THERE ABOUT THE
4 SAME TIME I DID, OR A LITTLE BIT AFTER. AND THE
5 FIRST THING THAT WE TRIED TO DO WAS MOVE THE PEOPLE
6 BACK SO THAT WE WOULDN'T MESS UP OR DESTROY THE
7 CRIME SCENE. AND THEN HE CALLED FOR SLED TO COME
8 DOWN THERE, THE FORENSIC UNIT.

9 Q AND WAS THAT COMMON THAT Y'ALL WOULD
10 REQUEST A SLED FORENSIC UNIT AT THE SCENE SUCH AS
11 THIS?

12 A YES, SIR.

13 Q AND WAS THE SCENE SECURED AFTER YOUR
14 AND THE SHERIFF'S ARRIVAL, UP UNTIL THE SLED TEAM
15 ARRIVED?

16 A YES, SIR.

17 Q ABOUT WHAT PERIOD OF TIME ARE WE
18 TALKING ABOUT WHEN THE SLED TEAM ARRIVE?

19 A WELL, I GOT THERE SOMEWHERE IN THE
20 NEIGHBORHOOD OF ABOUT TEN-THIRTY, AND IT PROBABLY
21 TOOK THEM ANOTHER HOUR OR SO TO GET THERE.

22 Q AND DURING THAT PERIOD OF TIME, WAS THE
23 SCENE SECURED?

24 A YES, SIR.

25 Q DO Y'ALL MOVE ANYTHING PRIOR TO THE

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1 ARRIVAL OF THE SLED TEAM?

2 A NO, SIR.

3 Q NOW, ALL OF THESE PHOTOGRAPHS THAT'S
4 BEEN PRESENTED TO THE JURY AND TAKEN, THOSE WERE
5 TAKEN BY THE SLED OFFICERS THAT RESPONDED?

6 A YES, SIR.

7 Q WHEN YOU FIRST ARRIVED, WERE YOU ABLE
8 TO--YOU LOOKED IN THE VEHICLE?

9 A YES, SIR, I DID.

10 Q WOULD YOU DESCRIBE, FOR THE JURY,
11 PLEASE, THE POSITION OF THE VICTIM IN THE VEHICLE?

12 A THERE WAS A WHITE FEMALE THAT WAS THERE
13 IN THE PASSENGER SEAT. SHE WAS LEANING OVER THE
14 CONSOLE, AND HER FACE WAS AWAY FROM US. WE
15 COULDN'T REALLY SEE HER FACE. THE BACK OF HER
16 SHIRT HAD BEEN CUT OPEN AND THERE WAS SOME TYPE OF
17 LEADS ON HER BACK.

18 Q AND THE BACK OF THE SHIRT AND THE LEADS
19 ON THE BACK, THAT WAS FROM EMERGENCY MEDICAL
20 PERSONNEL?

21 A YES, SIR.

22 Q AND SHOWING YOU STATE'S EXHIBIT NUMBER
23 FIVE, CAN YOU IDENTIFY THAT PHOTOGRAPH?

24 A YES, SIR. THAT'S A PICTURE OF THE LADY
25 THAT I SAW.

- 1 Q AND IS THAT THE POSITION THAT SHE WAS
2 IN?
- 3 A YES, SIR.
- 4 Q UPON YOUR FIRST OBSERVATION?
- 5 A YES, SIR.
- 6 Q SO THIS WOULD HAVE BEEN BEFORE OR AFTER
7 EMS?
- 8 A EMS HAD ARRIVED PRIOR TO MY ARRIVAL.
- 9 Q AND THE LEADS ON THERE AND THE BLOUSE
10 HAS BEEN CUT, IS THAT CORRECT?
- 11 A YES, SIR.
- 12 Q NOW, WERE Y'ALL ABLE TO IDENTIFY THE
13 VICTIM AT THE SCENE?
- 14 A YES, SIR. IT TOOK QUITE A WHILE. WE
15 HAD TO WAIT FOR THE FORENSIC UNIT TO GET THERE AND
16 TAKE THEIR PICTURES AND EVIDENCE THAT WAS
17 NECESSARY, AND THEN WAIT UNTIL THE CORONER GOT
18 THERE.
- 19 Q AND HOW DID Y'ALL IDENTIFY THE VICTIM
20 AT THE SCENE?
- 21 A HER POCKETBOOK WAS THERE WITH
22 IDENTIFICATION, AS WELL AS WHEN WE WERE ABLE TO
23 REMOVE HER BODY FROM THE CAR, WE WERE ABLE TO
24 IDENTIFY HER.
- 25 Q YOU RECALL THE COLOR OF THE POCKETBOOK?

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- 1 A NAVY BLUE CLOTH.
- 2 Q AND YOU SEE THIS OBJECT I'M POINTING TO
- 3 ON STATE'S EXHIBIT NUMBER FIVE?
- 4 A YES, SIR.
- 5 Q WHAT IS THAT OBJECT?
- 6 A COULD I SEE IT UP CLOSER?
- 7 Q YES, SIR.
- 8 A THAT IS HER POCKETBOOK.
- 9 Q AND COULD YOU DESCRIBE FOR THE JURY,
- 10 PLEASE, THE CONDITION OF THE POCKETBOOK WHEN Y'ALL
- 11 REMOVED IT FROM THE VICTIM'S VEHICLE?
- 12 A IT WAS JUST A POCKETBOOK LAYING IN THE
- 13 FLOORBOARD UNDERNEATH HER FEET.
- 14 Q DID IT APPEAR TO BE IN ANY DISARRAY?
- 15 A NO, SIR.
- 16 Q AND DID Y'ALL REVIEW, LOOK AT THE
- 17 CONTENTS OF THE POCKETBOOK?
- 18 A YES, SIR.
- 19 Q AND WERE ABLE TO IDENTIFY THE VICTIM BY
- 20 DRIVER'S LICENSE OR OTHER TYPE OF IDENTIFICATION?
- 21 A YES, SIR.
- 22 Q NOW, SHOWING YOU WHAT'S PREVIOUSLY
- 23 MARKED AS STATE'S EXHIBIT NUMBER ONE, TWENTY-FIVE,
- 24 CAN YOU IDENTIFY THOSE ITEMS AND TELL THE JURY
- 25 WHERE THEY WERE LOCATED?

1 A THE FIRST IS A SHELL CREDIT CARD WITH
2 STEPHEN A. BECKHAM'S NAME ON IT, THERE'S A GULF
3 CREDIT CARD WITH VICTORIA L. BECKHAM'S NAME ON IT,
4 AN AMERICAN AIRLINES ADVANTAGE CARD WITH STEPHEN
5 BECKHAM'S NAME ON IT, AND A CHECKBOOK WITH VICTORIA
6 LANDER BECKHAM'S NAME ON IT. THEY CAME OUT OF THE
7 VICTIM'S POCKETBOOK.

8 Q NOW, ONCE Y'ALL IDENTIFIED THE VICTIM,
9 DID YOU HAVE OCCASION TO LEAVE THE SCENE OF
10 MOUNTAIN ROAD?

11 A YES, SIR. ONCE THAT SHE WAS
12 IDENTIFIED, I DID LEAVE THE AREA.

13 Q AND DID YOU GO WITH ANY OTHER OFFICER
14 OR OFFICERS?

15 A MAJOR DANNY GILLIAM WITH NEWBERRY
16 COUNTY SHERIFF'S OFFICE ACCOMPANIED ME TO THE
17 RESIDENCE OF THE DEFENDANT, STEPHEN BECKHAM.

18 Q NOW, DID YOU KNOW WHERE THE RESIDENCE
19 OF THE DEFENDANT, STEPHEN BECKHAM, WAS AT?

20 A NO, SIR. I WAS DIRECTED THERE. THE
21 CHIEF OF POLICE HERE IN NEWBERRY, JACKIE SWINGLER,
22 KNEW OF MS. BECKHAM AS WELL AS MR. BECKHAM, AND
23 DIRECTED US TO THAT LOCATION.

24 Q ALL RIGHT NOW, SIR, WHAT ROUTE DID YOU
25 TAKE FROM MOUNTAIN ROAD TO THE DEFENDANT'S

1 RESIDENCE?

2 A WE WENT MOUNTAIN ROAD OUT TO HIGHWAY
3 76, WENT ON 76 TO HIGHWAY 202 THAT TAKES US
4 DIRECTLY TO THE INTERSTATE, WENT TO I-26, GOT BACK
5 ON THE INTERSTATE, WENT UP TO HIGHWAY 773, GOT OFF
6 THERE TO THE RIGHT, AND WENT TO THE DEFENDANT'S
7 HOME.

8 Q I APOLOGIZE FOR GETTING YOU UP AND
9 DOWN, DEPUTY WRIGHT, BUT WOULD YOU STEP BACK DOWN
10 HERE FOR A MOMENT, PLEASE, AND LET'S REFER BACK TO
11 STATE'S EXHIBIT NUMBER EIGHTY-SIX? AND KEEP YOUR
12 VOICE UP.

13 I BELIEVE YOU IDENTIFIED THIS AREA AS
14 MOUNTAIN ROAD. IS THE ROUTE SHOWN ON THIS DIAGRAM
15 FROM MOUNTAIN ROAD TO THE DEFENDANT'S RESIDENCE?

16 A YES, SIR, IT IS.

17 Q WOULD YOU TRACE THAT ROUTE OUT FOR THE
18 JURY, PLEASE?

19 A THIS IS WHERE THE VICTIM'S BODY WAS IN
20 THE CAR. WE CAME BACK OUT MOUNTAIN ROAD, THIS AREA
21 HERE, GOT ON I-26 AND RIGHT BACK DOWN TO 202.
22 SHORT DISTANCE. ABOUT 202 TO I-26, FOLLOWED I-26
23 TOWARD NEWBERRY CITY, OR THE SPARTANBURG AREA, GOT
24 OFF THE ROAD, WE GOT TO HIGHWAY 773, WE TOOK A
25 RIGHT AND WE CAME RIGHT DOWN TO HIGHWAY 773 IS THE

1 DEFENDANT BECKHAM'S RESIDENCE.

2 Q ALL RIGHT, SIR. NOW, IF YOU GET ON THE
3 INTERSTATE AT 202 AND 26, IS THAT CORRECT?

4 A YES, SIR.

5 Q AND YOU GO IN THIS DIRECTION, BACK
6 TOWARD YOU, WHAT IS THE NEXT EXIT UP YOU COME TO?

7 A HIGHWAY 773.

8 Q AND WHO'S RESIDENCE IS ON HIGHWAY 773?

9 A STEPHEN BECKHAM'S.

10 Q IF MY MARKER WILL WORK, DEPUTY WRIGHT,
11 COULD YOU TRACE ON THAT, THE ROUTE YOU TOOK?

12 IT DOESN'T WORK WELL.

13 NOW, HOW LONG HAVE YOU BEEN--TELL US
14 AGAIN HOW LONG YOU'VE BEEN THE CHIEF DEPUTY FOR
15 NEWBERRY COUNTY?

16 A SINCE JANUARY 3RD, OF 1989.

17 Q AND IS THAT THE MOST--YOU KNOW THE
18 COUNTY PRETTY WELL?

19 A WELL, IT'S A BIG COUNTY, BUT I TRY. I
20 KNOW MOST OF IT.

21 Q IS THIS THE MOST DIRECT ROUTE FROM THIS
22 POINT ON MOUNTAIN ROAD...

23 A YES, SIR, IT IS.

24 Q ...BACK TO THE DEFENDANT'S RESIDENCE?

25 A YES, SIR.

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1 Q AND THERE ARE NO EXITS BETWEEN 202 AND
2 773?

3 A NONE.

4 Q YOU CAN RETAKE THE STAND. THANK YOU.

5 NOW, IF YOU WOULD, COULD YOU--WELL, LET
6 ME ASK YOU THIS. YOU GOT OVER ON 773, DESCRIBE FOR
7 THE JURY, PLEASE, WHAT YOU DID FIRST WHEN YOU
8 ARRIVED OVER THERE, WHOSE RESIDENCE YOU WENT TO.

9 A FIRST, WHEN WE PULLED INTO THE
10 DRIVEWAY, WE PULLED INTO THE DRIVEWAY OF A GREEN,
11 TWO-STORY, KIND OF A COUNTRY HOME THERE. AND
12 MYSELF, AND MAJOR DANNY GILLIAM, WE GOT OUT OF THE
13 CAR. IT WAS PROBABLY ABOUT, IN THE NEIGHBORHOOD OF
14 TWO O'CLOCK IN THE MORNING AT THIS POINT IN TIME.

15 Q TWO A.M.?

16 A ABOUT TWO A.M., YES, SIR. WENT UP ON
17 THE FRONT PORCH, I KNOCKED ON THE DOOR. YOU COULD
18 HEAR A LITTLE BIT OF SHUFFLING AROUND, AND AFTER A
19 SHORT PERIOD OF TIME, A GENTLEMAN CAME TO THE FRONT
20 DOOR.

21 Q NOW, THIS RESIDENCE YOU WENT TO THAT
22 YOU JUST DESCRIBED, THAT WAS A HOUSE?

23 A THAT WAS A HOUSE.

24 Q AND COULD YOU DESCRIBE FOR THE JURY,
25 PLEASE, WHETHER THE LIGHTS IN THE HOUSE WERE ON OR

- 1 OFF WHEN Y'ALL ARRIVED?
- 2 A THEY WERE OFF AND DID NOT HEAR ANY
- 3 SOUND.
- 4 Q AND WHAT STEPS DID YOU HAVE TO TAKE TO
- 5 GET ANYONE TO THE DOOR?
- 6 A WE KNOCKED, YOU KNOW, KIND OF HARD ON
- 7 THE DOOR.
- 8 Q AND DID SOMEONE RESPOND?
- 9 A YES, SIR.
- 10 Q WHEN THAT PERSON RESPONDED, JUST TELL
- 11 US WHAT HAPPENED.
- 12 A A GENTLEMAN CAME TO THE DOOR, THE
- 13 DEFENDANT'S FATHER, WHICH WAS WILLIAM BECKHAM.
- 14 Q DID YOU KNOW HIM AT THE TIME?
- 15 A NO, SIR.
- 16 Q ALL RIGHT, SIR. GO AHEAD.
- 17 A I IDENTIFIED MYSELF AND ASKED TO SPEAK
- 18 TO STEPHEN BECKHAM. HE SAID, YOU KNOW, THAT HE WAS
- 19 THE FATHER OF STEPHEN BECKHAM, AND WHAT HE TOLD US
- 20 WAS THAT HE LIVED BEHIND HIM IN A TRAILER BACK
- 21 THERE, AND DIRECTED US TO A DRIVEWAY.
- 22 Q WHEN YOU SAY YOU IDENTIFIED YOURSELF,
- 23 WHAT DID YOU TELL HIM, DEPUTY WRIGHT?
- 24 A I TOLD HIM THAT MY NAME WAS JERRY
- 25 WRIGHT, I'M CHIEF DEPUTY WITH THE SHERIFF'S OFFICE,

1 AND ASKED THAT I MIGHT SPEAK WITH STEPHEN BECKHAM.

2 Q DID YOU TELL MR. BECKHAM WHY YOU WANTED
3 TO TALK TO STEPHEN?

4 A NO, SIR. HE ASKED, HE SAID, "WHAT'S
5 WRONG?" AND I SAID, "WELL, I NEED TO TALK TO
6 STEPHEN FIRST, AND THEN I'LL BE GLAD TO TELL YOU."

7 Q NOW, WAS THERE ANY OTHER OFFICERS
8 PRESENT DURING THIS CONVERSATION YOU'RE HAVING WITH
9 THE DEFENDANT'S FATHER?

10 A MAJOR DANNY GILLIAM WAS THERE, AND
11 JACKIE SWINGLER, AND CHUCK COUNTS OF THE NEWBERRY
12 POLICE DEPARTMENT WAS STANDING THERE IN THE YARD.

13 Q WERE THEY UP ON THE PORCH?

14 A NO, SIR.

15 Q WHO WAS ON THE PORCH?

16 A JUST MYSELF AND MAJOR DANNY GILLIAM.

17 Q NOW, AFTER YOU WERE ADVISED WHERE THE
18 DEFENDANT'S RESIDENCE WAS, WHAT DID YOU AND MAJOR
19 GILLIAM DO?

20 A WALKED DIRECTLY OFF THE PORCH, GOT IN
21 MY CAR, BACKED UP, WENT ABOUT FIFTY FEET, PULLED
22 INTO STEPHEN'S DRIVEWAY, DROVE BACK MAYBE A HUNDRED
23 AND FIFTY FEET, AND PULLED UP AT HIS TRAILER.

24 Q APPROXIMATELY WHAT PERIOD OF TIME WOULD
25 IT TAKE--DID IT TAKE YOU TO GO FROM THE DEFENDANT'S

1 FATHER'S HOUSE TO THE DEFENDANT'S RESIDENCE, THE
2 TRAILER?

3 A A MINUTE, MINUTE AND A HALF AT THE
4 MOST.

5 Q NOW, DESCRIBE, ABOUT WHAT TIME WOULD
6 YOU THINK IT WAS, ABOUT WHAT TIME WAS IT WHEN YOU
7 ARRIVED AT DEFENDANT BECKHAM'S HOUSE?

8 A APPROXIMATELY TWO A.M.

9 Q AND COULD YOU DESCRIBE FOR THE JURY,
10 PLEASE, YOUR OBSERVATIONS OF THE DEFENDANT'S HOUSE
11 UPON YOUR ARRIVAL, THE DEFENDANT'S TRAILER?

12 A AS WE PULLED UP, IT WAS A DOUBLEWIDE
13 TRAILER THERE AND I NOTICED THERE WERE LIGHTS ON IN
14 THE TRAILER.

15 Q LIGHTS ON, PLURAL. COULD YOU DESCRIBE
16 FOR THE JURY, PLEASE, WHAT AREA OF THE TRAILER YOU
17 OBSERVED THE LIGHTS?

18 A YES, SIR. IN THE VERY FRONT ROOM ON
19 THE CORNER FACING WHERE WE PULLED IN, THAT ROOM WAS
20 ILLUMINATED COMPLETELY. THERE APPEARED TO BE A
21 KIND OF A DIFFERENT VARYING OF LIGHT IN THE FRONT
22 ROOM WHERE THE DOOR WAS, NOT FULLY ILLUMINATED, BUT
23 A LIGHT ON.

24 Q SHOWING YOU STATE'S EXHIBIT NUMBER
25 SEVENTEEN, CAN YOU IDENTIFY THAT FOR US, PLEASE?

- 1 A YES, SIR. THAT'S THE DEFENDANT'S
2 TRAILER AND HOME.
- 3 Q THIS IS THE TRAILER THAT YOU AND THE
4 MAJOR WENT TO THAT MORNING?
- 5 A YES, SIR.
- 6 Q NOW, ON THIS PARTICULAR PHOTOGRAPH, AND
7 I'LL WALK BACK UP THERE TO YOU WITH IT, DEPUTY
8 WRIGHT, COULD YOU POINT FOR ME, CAN YOU SEE THE
9 WINDOWS WHERE THE LIGHTS ARE ILLUMINATING FROM?
- 10 A YES, SIR.
- 11 Q WOULD YOU POINT THAT OUT FOR ME,
12 PLEASE?
- 13 A THIS BEING THE DEFENDANT'S BEDROOM, I
14 LATER FOUND OUT; THIS BEING THE DEN AREA.
- 15 Q SO, THESE TWO WINDOWS HERE, THERE WAS
16 LIGHTS ILLUMINATING FROM IT, IS THAT CORRECT?
- 17 A YES, SIR.
- 18 Q AND THAT'S THE TWO WINDOWS ON EITHER
19 SIDE OF THE--THAT WOULD BE THE FRONT DOOR?
- 20 A THE FRONT DOOR, YES, SIR.
- 21 Q NOW, WHEN Y'ALL ARRIVED AT THE
22 DEFENDANT'S RESIDENCE, WHAT STEPS DID YOU TAKE TO
23 GET ANYONE TO COME TO THE DOOR?
- 24 A BOTH OF US GOT OUT, GILLIAM AND MYSELF.
25 WALKED TO THE FRONT DOOR; WE PARKED RIGHT IN FRONT

- 1 OF THE DOOR, KNOCKED ON THE DOOR.
- 2 Q COULD YOU TELL US ABOUT HOW LONG IT WAS
- 3 FROM WHEN YOU KNOCKED ON THE DOOR UNTIL ANYONE
- 4 RESPONDED TO YOUR KNOCKING?
- 5 A VERY, VERY SHORT PERIOD OF TIME.
- 6 ALMOST--WE KNOCKED AND THE DOOR OPENED ALMOST
- 7 IMMEDIATELY.
- 8 Q AND WHO, IF ANYONE, DID YOU OBSERVE?
- 9 A THE DEFENDANT, STEPHEN BECKHAM.
- 10 Q DID YOU KNOW HIM AT THE TIME?
- 11 A NO, SIR.
- 12 Q YOU NEITHER KNEW HIS FATHER NOR HIM?
- 13 A NO, SIR.
- 14 Q DESCRIBE FOR THE JURY, PLEASE, HOW THE
- 15 DEFENDANT WAS DRESSED.
- 16 A HE WAS WEARING A PINK COLORED SHIRT,
- 17 BLUE JEANS AND TENNIS SHOES.
- 18 Q WAS HE FULLY OR NOT FULLY DRESSED?
- 19 A HE WAS FULLY DRESSED.
- 20 Q AND SHOWING YOU WHAT'S PREVIOUSLY BEEN
- 21 MARKED AS STATE'S EXHIBIT NUMBER THIRTEEN, DO YOU
- 22 RECOGNIZE THAT PHOTOGRAPH?
- 23 A YES, SIR. THAT'S THE DEFENDANT AND
- 24 THAT'S THE WAY HE WAS DRESSED THAT NIGHT.
- 25 Q WAS THAT THE WAY HE WAS DRESSED WHEN HE

1 ANSWERED THE DOOR?

2 A YES, SIR.

3 Q AT TWO O'CLOCK IN THE MORNING?

4 A YES, SIR.

5 Q WHAT WOULD THIS BE NOW, JUNE THE 13TH

6 OF '94?

7 A YES, SIR.

8 Q NOW, JUST DESCRIBE FOR THE JURY WHAT

9 HAPPENED AFTER THE DEFENDANT ANSWERED THE DOOR.

10 A HE OPENED THE DOOR, I IDENTIFIED MYSELF

11 AS JERRY WRIGHT, CHIEF DEPUTY OF THE NEWBERRY

12 COUNTY SHERIFF'S OFFICE, AND ASKED IF WE COULD COME

13 IN AND SPEAK TO HIM.

14 Q AND WHAT WAS HIS RESPONSE?

15 A HE INVITED US IN.

16 Q NOW, AS YOU STEPPED INTO THE FRONT DOOR

17 OF THE RESIDENCE, WHAT ROOM WERE YOU IN?

18 A THE DEN.

19 Q AND COULD YOU DESCRIBE FOR THE JURY,

20 PLEASE, YOUR OBSERVATIONS IN THE DEN?

21 A YES, SIR. THERE WERE FOUR SMALL

22 CHILDREN LAYING AROUND ON THE FLOOR AND ON THE

23 COUCH, AND LIKE PALETTES, SLEEPING.

24 Q WERE THERE ANY LIGHTS ON IN THE DEN?

25 A THERE WAS A LAMP ON.

1 Q AND HOW MANY CHILDREN?
2 A FOUR.
3 Q DID THEY ALL APPEAR TO BE ASLEEP?
4 A YES, SIR.
5 Q NOW, FROM THERE, WHERE DID YOU GO IN
6 THE RESIDENCE?
7 A WELL, WHEN I SAW THE CHILDREN, YOU
8 KNOW, I DIDN'T WANT TO TALK TO MR. BECKHAM AND
9 DISTURB THE CHILDREN, SO I ASKED IF WE COULD STEP
10 INTO ANOTHER ROOM.
11 THERE WAS A...IMMEDIATELY TO OUR LEFT,
12 AS WE STEPPED IN, THERE WAS A DOORWAY AND WHAT
13 APPEARED TO BE A BEDROOM. AND MR. BECKHAM LEAD US
14 INTO THIS BEDROOM.
15 Q NOW, THE BEDROOM THAT Y'ALL WENT INTO
16 WITH THE DEFENDANT, WAS THAT ONE OF THE ROOMS WHERE
17 THE LIGHT EMANATING FROM?
18 A YES, SIR. THAT WAS THE ROOM ON THE
19 LEFT THERE WHERE THE LIGHT WAS FULLY LIT UP.
20 Q WHO--EXCUSE ME, I DIDN'T MEAN TO
21 INTERRUPT YOU, SIR. WHOSE BEDROOM DID YOU
22 UNDERSTAND THAT TO BE?
23 A THE DEFENDANT, STEPHEN BECKHAM.
24 Q NOW, WHAT, IF ANYTHING, OCCURRED IN THE
25 BEDROOM?

- 1 A WELL, I SHUT THE DOOR, AND MAJOR
2 GILLIAM AND MYSELF WERE THERE, AND I TOLD MR.
3 BECKHAM, I SAID, "WE HAVE SOME BAD NEWS FOR YOU."
4 I SAID, "WE JUST FOUND YOUR WIFE, VICKIE'S BODY,
5 AND IT APPEARS THAT HER DEATH IS THE RESULT OF FOUL
6 PLAY."
7 Q YOU TOLD HIM THAT? YOU JUST FOUND HIS
8 WIFE'S BODY?
9 A YES, SIR.
10 Q AND WHAT WAS HIS RESPONSE?
11 A ALL HE REALLY SAID TO US, WELL,--YOU
12 KNOW, HE JUST KIND OF BACKED UP. HE DIDN'T REALLY
13 SAY ANYTHING AT THAT POINT IN TIME.
14 Q AND WHAT, IF ANYTHING, DID Y'ALL
15 REQUEST OF THE DEFENDANT?
16 A WELL, AFTER A SHORT PERIOD OF TIME, I
17 ASKED HIM WHEN THE LAST TIME IT WAS THAT HE'D SEEN
18 HIS WIFE, VICKIE. AND HE SAID, "WELL, SHE CAME
19 OVER TONIGHT ABOUT 6:15, AND DROPPED THE CHILDREN
20 OFF."
21 Q WHEN HE SAID SHE CAME OVER THERE
22 TONIGHT ABOUT 6:15, WHAT LOCATION WAS HE TALKING
23 ABOUT HER COMING TO?
24 A SHE CAME TO HIS HOUSE AT 6:15.
25 Q AND THAT WOULD HAVE BEEN ABOUT 6:15?

- 1 A ON THE 12TH, P.M.
- 2 Q THE SAME DAY HER BODY WAS FOUND ON
- 3 MOUNTAIN ROAD IN THE VEHICLE?
- 4 A YES, SIR.
- 5 Q AND THEN WHAT, IF ANYTHING, DID THE
- 6 DEFENDANT SAY?
- 7 A HE SAID, "SHE CAME OVER ABOUT 6:15."
- 8 SAID, "SHE WAS FIFTEEN MINUTES LATE AS USUAL."
- 9 Q LATE AS USUAL?
- 10 A YES, SIR.
- 11 Q ALL RIGHT, SIR, GO AHEAD.
- 12 A SO AT THAT POINT IN TIME, YOU KNOW, WE
- 13 ASKED HIM SOME GENERAL QUESTIONS, IF HE KNEW WHO
- 14 MIGHT HAVE DONE THIS TO HIS WIFE, DID SHE HAVE ANY
- 15 ENEMIES, YOU KNOW, ANYTHING ALONG THOSE LINES TO
- 16 KIND OF GIVE US A LEAD AS TO WHO TO LOOK FOR.
- 17 Q AND HIS RESPONSE?
- 18 A SAID SHE DIDN'T HAVE ANY ENEMIES,
- 19 DIDN'T KNOW WHO MIGHT HAVE DONE THIS.
- 20 Q NOW, AS A RESULT OF THAT CONVERSATION,
- 21 DID Y'ALL REQUEST THE DEFENDANT ACCOMPANY Y'ALL
- 22 ANYWHERE?
- 23 A YES, SIR. WE STAYED THERE FOR A FEW
- 24 MOMENTS, TRYING TO GET SOME INFORMATION, LIKE I
- 25 SAID, AS TO WHO MIGHT HAVE DONE THIS, ASKED IF SHE

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1 HAD ANY ENEMIES, FIND OUT A LITTLE BIT ABOUT WHO
2 SHE WAS, AND THAT TYPE STUFF. AND ABOUT THIS TIME,
3 THE DEFENDANT'S FATHER, WILLIAM BECKHAM, WALKED
4 DOWN TO THE TRAILER.

5 Q WHEN Y'ALL LEFT, DID THE DEFENDANT
6 LEAVE WITH YOU?

7 A YES, SIR. I ASKED HIM IF HE WOULD
8 ACCOMPANY US TO THE SHERIFF'S OFFICE. YOU KNOW, I
9 TOLD HIM, I SAID, "YOU KNOW, YOU PROBABLY KNOW MORE
10 ABOUT HER THAN ANYBODY. COULD YOU COME AND HELP US
11 GET SOME HISTORY ON HER, SOME FAMILY HISTORY, AS TO
12 WHERE SHE WORKED, WHO HER FRIENDS WERE, ANY
13 ACQUAINTANCES TO TRY TO GET US A START ON WHO TO
14 START LOOKING FOR. AND HE SAID THAT HE WOULD, AND
15 HE ASKED HIS FATHER, MR. WILLIAM BECKHAM, IF HE
16 WOULD STAY THERE WITH THE CHILDREN WHILE HE
17 ACCOMPANIED US TO THE SHERIFF'S OFFICE.

18 Q WHEN Y'ALL LEFT, THE DEFENDANT'S FATHER
19 WAS THERE AT THE DEFENDANT'S RESIDENCE?

20 A YES, SIR.

21 Q AND DID THE DEFENDANT ACCOMPANY YOU AND
22 MAJOR GILLIAM VOLUNTARILY TO THE SHERIFF'S OFFICE?

23 A YES, SIR.

24 Q HOW DID Y'ALL TRAVEL FROM HIS RESIDENCE
25 TO THE SHERIFF'S OFFICE?

1 A WE WENT BACK OUT 773 TO I-26, WENT
2 DOWN, THAT NIGHT, YOU KNOW, WE GOT OFF ON ONE OF
3 THE EXCHANGES HERE. I BELIEVE IT MIGHT HAVE BEEN
4 HIGHWAY 219, AND PROCEEDED ON TO THE SHERIFF'S
5 OFFICE.

6 Q NOW, WHEN Y'ALL ARRIVED AT THE
7 SHERIFF'S OFFICE, WHERE DID YOU AND THE DEFENDANT
8 AND THE MAJOR GO?

9 A WE WALKED IN AND WE HAVE A CONFERENCE
10 ROOM INSIDE THE ADMINISTRATIVE AREA, AND WE WENT
11 INTO THAT ROOM.

12 Q NOW, SIR, I WANT TO SHOW YOU A
13 DOCUMENT, STATE'S EXHIBIT NUMBER FORTY-SEVEN, AND
14 ASK YOU IF YOU CAN IDENTIFY IT FOR US, PLEASE?

15 A YES, SIR. THIS IS A COPY OF THE
16 MIRANDA WARNINGS THAT WE GAVE STEPHEN BECKHAM.

17 Q AND WHAT I NOW HOLD, STATE'S SEVENTY,
18 FOR IDENTIFICATION, WHAT IS THIS DOCUMENT?

19 A THAT'S A BLOWUP OF THIS ORIGINAL
20 DOCUMENT I HAVE IN MY HAND.

21 MR. MCMAHON: YOUR HONOR, I WOULD OFFER
22 STATE'S SEVENTY INTO EVIDENCE.

23 THE COURT: SUBJECT TO THE IN CAMERA
24 RULING, YES, SIR.

25 (SO MARKED AND ENTERED)

1 Q NOW, SIR, IF I COULD, AND I BELIEVE YOU
2 CAN STAY UP THERE, DEPUTY WRIGHT. IF YOU HAVE A
3 COPY OF THE ORIGINAL, PERHAPS I COULD FOLLOW ALONG.

4 WHEN YOU SAY Y'ALL WENT INTO THIS ROOM,
5 WAS THIS--JUST DESCRIBE THE ROOM. IS IT LIKE A
6 TYPICAL OFFICE OR WHAT?

7 A WELL, IT'S BIGGER. IT'S LIKE A
8 CONFERENCE ROOM. WE USE IT FOR MEETINGS, TRAINING
9 CLASSES. IT SERVES AS AN INTERVIEW ROOM, MULTI-
10 PURPOSE ROOM.

11 Q NOW, WHAT, IF ANYTHING, DID YOU AND THE
12 MAJOR ADVISE THE DEFENDANT OF?

13 A WE ADVISED HIM OF HIS MIRANDA WARNINGS.

14 Q AND THIS STATE'S SEVENTY, WHAT IS THIS
15 DOCUMENT?

16 A THIS IS A COPY OF A FORM OF HIS
17 CONSTITUTIONAL RIGHTS.

18 Q NOW, THE INFORMATION UP AT THE TOP, "I,
19 STEPHEN ANDREW BECKHAM, AM THIRTY-FOUR YEARS OF
20 AGE," THE WRITING UP HERE AT THIS TOP PART, WHOSE
21 WRITING IS THAT?

22 A THAT'S MY WRITING. MR. BECKHAM
23 FURNISHED THAT INFORMATION TO ME AND I WROTE IT
24 DOWN.

25 Q AND YOU IDENTIFIED YOURSELF AGAIN AS TO

1 WHO YOU WERE AND MAJOR GILLIAM AS TO WHO HE WAS?

2 A YES, SIR. IT'S ON THE FORM THERE.

3 IT'S SAYS, JERRY WRIGHT AND DANNY GILLIAM, WHO I
4 UNDERSTAND IS A POLICE OFFICER."

5 Q AND DID YOU TELL THE DEFENDANT WHAT
6 Y'ALL WISHED TO INTERVIEW HIM ABOUT?

7 A YES, SIR. IT WAS IN REFERENCE TO THE
8 DEATH OF VICTORIA BECKHAM.

9 Q NOW, YOU WERE DOING THE WRITING. WHO
10 WAS DOING THE TALKING, AS FAR AS ACTUAL ADVISEMENT
11 OF THE RIGHTS?

12 A MAJOR DANNY GILLIAM.

13 Q AND WHAT RIGHTS, SPECIFICALLY, DID YOU
14 ADVISE THE DEFENDANT OF?

15 A HE WAS ADVISED NUMBER ONE, "I HAVE THE
16 RIGHT TO REMAIN SILENT. THAT MEANS I DO NOT HAVE
17 TO SAY ANYTHING OR ANSWER ANY QUESTIONS."

18 Q NOW, AT THE END OF THAT, DID HE SAY
19 WHETHER OR NOT HE UNDERSTOOD HIS RIGHTS?

20 A YES, SIR, HE DID. AND HE SIGNED HIS
21 INITIALS OUT TO THE LEFT OF THEM, S.A.B.

22 Q THE INITIALS I'M POINTING TO, TO THE
23 LEFT OF NUMBER ONE, WHOSE INITIALS ARE THOSE?

24 A STEPHEN ANDREW BECKHAM.

25 Q AND WHO PLACED THOSE INITIALS THERE?

1 A STEPHEN ANDREW BECKHAM.

2 Q AND THEN DID YOU ADVISE HIM OF THE

3 SECOND RIGHT?

4 A THE SECOND ONE IS, "ANYTHING I SAY CAN

5 BE USED AGAINST ME."

6 Q DID HE INDICATE TO YOU VERBALLY WHETHER

7 OR NOT HE UNDERSTOOD THOSE RIGHTS?

8 A YES, SIR, HE DID.

9 Q AND WHAT WAS HIS INDICATION, THAT HE

10 DID UNDERSTAND?

11 A HE SAID HE UNDERSTOOD AND SIGNED HIS

12 INITIALS TO THE LEFT, S.A.B.

13 Q DID YOU ADVISE HIM OF HIS THIRD RIGHT?

14 A NUMBER THREE, "I HAVE THE RIGHT TO TALK

15 TO A LAWYER AND HAVE A LAWYER HERE WITH ME NOW TO

16 ADVISE AND HELP ME DURING QUESTIONING." HE

17 INDICATED THAT HE UNDERSTOOD AND SIGNED HIS

18 INITIALS, S.A.B., TO THE LEFT.

19 Q AND THE FOURTH RIGHT?

20 A THE FOURTH ONE, "IF I WANT TO HAVE A

21 LAWYER WITH ME DURING QUESTIONING, BUT I CANNOT

22 AFFORD TO PAY A LAWYER, ONE WILL BE PROVIDED TO ME

23 AT NO COST BEFORE I AM QUESTIONED." HE INDICATED

24 HE UNDERSTOOD, AND SIGNED HIS INITIALS, S.A.B., TO

25 THE LEFT OF NUMBER FOUR.

1 Q DID HE EVER ASK FOR A LAWYER?
2 A NO, SIR.
3 Q DID HE EVER REQUEST A LAWYER AT ANY
4 TIME?
5 A NO, SIR.
6 Q NOW, NUMBER FIVE?
7 A NUMBER FIVE, "IF I DECIDE TO ANSWER
8 QUESTIONS NOW WITHOUT A LAWYER HERE, I STILL HAVE
9 THE RIGHT TO STOP ANSWERING QUESTIONS WHENEVER I
10 WANT TO."
11 Q HE INDICATE HE UNDERSTOOD?
12 A YES, SIR. HE INDICATED HE UNDERSTOOD
13 AND SIGNED HIS INITIALS, S.A.B., TO THE LEFT OF
14 NUMBER FIVE.
15 Q AND HIS SIXTH RIGHT?
16 A NUMBER SIX, "I ALSO HAVE THE RIGHT TO
17 STOP ANSWERING QUESTIONS UNTIL I HAVE TALKED TO MY
18 LAWYER. HE INDICATED THAT HE UNDERSTOOD AND SIGNED
19 HIS INITIALS, S.A.B., TO THE LEFT OF NUMBER SIX.
20 Q NOW, HE INDICATED THESE BOTH ORALLY AND
21 BY INITIALS THAT HE'D BEEN ADVISED OF HIS RIGHTS.
22 WHAT IS THE NEXT SECTION OF THIS FORM, DEPUTY
23 WRIGHT?
24 A SAYS, "I UNDERSTAND MY RIGHTS AS
25 EXPLAINED BY OFFICER GILLIAM. I NOW STATE THAT I

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1 DO WISH TO ANSWER QUESTIONS AT THIS TIME, AND THAT
2 I DO NOT WISH TO HAVE A LAWYER HERE DURING
3 QUESTIONING."

4 Q AND THE NEXT SECTION?

5 A "MY DECISION TO ANSWER QUESTIONS NOW
6 WITHOUT A LAWYER IS MADE FREELY, AND IS MY CHOICE.
7 NO ONE HAS THREATENED ME IN ANY WAY OR PROMISED ME
8 SPECIAL TREATMENT. TO SHOW MY DECISION, I AM
9 SIGNING MY NAME IN THE SPACE BELOW."

10 Q AND IS THERE A SIGNATURE LINE FOR THE
11 DEFENDANT?

12 A YES, THERE IS. IT'S SIGNED STEPHEN A.
13 BECKHAM.

14 Q AND WHO SIGNED THE NAME, STEPHEN A.
15 BECKHAM?

16 A THE DEFENDANT, STEPHEN A. BECKHAM.

17 Q AND TO THE LEFT OF THAT SIGNATURE LINE,
18 IS THERE A DATE INDICATED?

19 A JUNE 13TH, 1994.

20 Q AND WHO WROTE THAT DATE?

21 A STEPHEN A. BECKHAM.

22 Q AND IS THERE A TIME INDICATED?

23 A TWO, FIFTY-FIVE A.M.

24 Q AND WHO WROTE THAT TIME?

25 A THE DEFENDANT.

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1 Q AND ARE THERE WITNESS SIGNATURES?

2 A WITNESSES ARE DANNY C. GILLIAM, AND
3 MYSELF.

4 Q NOW, DURING THIS PERIOD OF TIME, WOULD
5 YOU DESCRIBE FOR THE JURY WHAT THE DEFENDANT'S
6 DEMEANOR WAS, WHAT HIS--

7 MR. HARPOOTLIAN: YOUR HONOR, I WOULD
8 OBJECT TO ANY CHARACTERIZATION OF DEMEANOR.

9 THE COURT: DEPENDS ON HOW HE ASKS THE
10 QUESTION. OVERRULED.

11 MR. MCMAHON: I WAS GOING TO ASK IT THE
12 SAME WAY.

13 Q DURING THIS PERIOD OF TIME, WOULD YOU
14 DESCRIBE FOR THE JURY WHAT YOUR OBSERVATIONS OF THE
15 DEFENDANT'S DEMEANOR AND MENTAL STATE WAS AT THE
16 TIME?

17 MR. HARPOOTLIAN: YOUR HONOR...

18 THE COURT: SUSTAIN AS TO MENTAL STATE.

19 MR. HARPOOTLIAN: THANK YOU.

20 THE COURT: HE CAN SAY WHAT HE SAW,
21 WHAT HE LOOKED LIKE, THAT TYPE OF THING.

22 Q DESCRIBE YOUR OBSERVATIONS OF THE
23 DEFENDANT'S DEMEANOR AND HIS APPEARANCE AT 2:55
24 A.M.

25 A HE CAME IN AND SAT DOWN, AND JUST SAT

1 THERE AND DID NOT VOLUNTEER ANYTHING UNLESS WE
2 ASKED HIM A QUESTION.

3 Q DID HE APPEAR TO BE ALERT AND AWARE?

4 A YES, SIR.

5 Q NOW, SIR, AFTER HE WAS ADVISED OF HIS
6 RIGHTS, DID YOU AND MAJOR GILLIAM HAVE ANY
7 CONVERSATION WITH HIM?

8 A YES, SIR. WE, AT FIRST, YOU KNOW,
9 OFFERED HIM ANY COFFEE, DRINKS, ANYTHING THAT HE
10 MIGHT WISH BEFORE WE SAT DOWN AND STARTED TALKING
11 TO HIM. AND THEN WE STARTED TO TALK WITH HIM,
12 ASKING HIM QUESTIONS.

13 Q AND WHAT, IF ANYTHING, WOULD YOU TELL
14 US, PLEASE, THE SUBSTANCE OF THAT CONVERSATION?

15 A YES, SIR. HE REPEATED TO US AGAIN THE
16 FACT THAT THE LAST TIME HE'D SEEN HIS WIFE,
17 VICTORIA LANDER BECKHAM WAS ABOUT 6:15 ON JUNE
18 12TH, 1994. AND HERE AGAIN, HE SAID SHE WAS ABOUT
19 FIFTEEN MINUTES LATE, AS USUAL. SHE WAS SUPPOSED
20 TO HAVE BEEN THERE AT SIX O'CLOCK. SHE BROUGHT THE
21 CHILDREN OVER AND AS THEY TOOK THEIR SUITCASES OUT
22 OF THE CAR, HE WENT OVER AND SAT DOWN IN THE FRONT
23 PASSENGER'S SEAT.

24 Q AND HE TOLD YOU THAT AT THE HOUSE, HIS
25 RESIDENCE, THE DEFENDANT?

- 1 A YES, SIR.
- 2 Q ALL RIGHT, SIR. GO AHEAD.
- 3 A SAID, ASKED HIM HOW LONG THEY SAT
- 4 THERE, AND HE SAID, "WE SAT THERE ABOUT TEN
- 5 MINUTES."
- 6 I ASKED HIM WHAT HE TALKED ABOUT AND HE
- 7 SAID, "WELL, WE TALKED ABOUT THE CHILDREN, A
- 8 SHOPPING TRIP TO COLUMBIA," AND A NOTE THAT HE'D
- 9 GIVEN HER."
- 10 Q AND HOW LONG DID HE SAY HE SAT IN THE
- 11 CAR WITH HIS WIFE?
- 12 A ABOUT TEN MINUTES.
- 13 Q AND WHERE IN THE CAR?
- 14 A FRONT PASSENGER SEAT.
- 15 Q AND DID YOU UNDERSTAND IT WAS THE CAR
- 16 THAT MS. BECKHAM WAS FOUND IN?
- 17 A YES, SIR.
- 18 MR. MCMAHON: YOUR HONOR, I WOULD
- 19 OFFER, I'M NOT SURE IF THE ORIGINAL MIRANDA FORM
- 20 HAS BEEN INTRODUCED OR JUST I.D.'ED, STATE'S FORTY-
- 21 TWO.
- 22 THE COURT: ALL RIGHT, SUBJECT TO...
- 23 MR. MCMAHON: EXCUSE ME, STATE'S FORTY-
- 24 SEVEN.
- 25 THE COURT: SUBJECT TO THE IN CAMERA

1 RULING. ANY OTHER OBJECTION?

2 MR. HARPOOTLIAN: YOUR HONOR, I GUESS
3 WHAT I'M SAYING IS THIS. IS THAT THE SAME FORM AS
4 THE ONE THEY HAD THE BLOWUP OF?

5 THE COURT: YES, SIR.

6 MR. HARPOOTLIAN: I THINK IT UNDULY
7 EMPHASIZES--

8 MR. MCMAHON: YOUR HONOR, IF WE'RE
9 GOING TO ARGUE, I PREFER...

10 THE COURT: AND I'VE ALREADY RULED ON
11 THAT QUESTION.

12 MR. MCMAHON: THANK YOU.

13 THE COURT: OVERRULED.

14 MR. HARPOOTLIAN: HAVE YOU?

15 THE COURT: YES, SIR. OVERALL, ACROSS
16 THE BOARD.

17 MR. HARPOOTLIAN: OKAY.

18 THE COURT: I DON'T MIND TELLING THE
19 JURY THAT THE EVIDENCE IN THE, I MEAN THE FORM IS
20 THE EVIDENCE ITSELF.

21 (SO MARKED AND ENTERED)

22 Q NOW, DEPUTY WRIGHT, DID THE DEFENDANT
23 REMAIN VOLUNTARILY AT THE SHERIFF'S DEPARTMENT FOR
24 A PERIOD OF TIME?

25 A YES, SIR.

- 1 Q AND WERE THERE OTHER REQUEST MADE OF
2 HIM TO SEARCH HIS RESIDENCE?
- 3 A YES, SIR.
- 4 Q AND DID HE CONSENT TO THAT SEARCH?
- 5 A YES, SIR.
- 6 Q AND I WANT TO SHOW YOU WHAT'S
7 PREVIOUSLY BEEN MARKED AS STATE'S FOR
8 IDENTIFICATION NUMBER TWELVE. DO YOU RECOGNIZE
9 THAT FORM?
- 10 A YES, I DO.
- 11 Q AND WHAT DOES THAT FORM SAY?
- 12 A THIS IS A CONSENT TO SEARCH.
13 TO SEARCH WHAT?
- 14 A FOR INKED FINGER AND PALM PRINTS.
- 15 Q OF WHAT INDIVIDUAL?
- 16 A STEPHEN ANDREW BECKHAM. AND ALSO "TO
17 PHOTOGRAPH SCRATCHES OR INJURIES TO MY PERSON."
- 18 Q AND WHAT IS THE DATE AND TIME OF THAT
19 REQUEST?
- 20 A IT'S DATED JUNE THE 13TH, 1994, AT 4:32
21 A.M.
- 22 Q NOW, PREVIOUS TO THAT, HE HAD CONSENTED
23 TO A SEARCH OF HIS RESIDENCE AT FOUR O'CLOCK THAT
24 MORNING?
- 25 A YES, SIR.

1 MR. MCMAHON: YOUR HONOR, I WOULD OFFER
2 STATE'S TWELVE FOR IDENTIFICATION INTO EVIDENCE.

3 THE COURT: ALL RIGHT, SUBJECT TO THE
4 IN CAMERA RULING.

5 (SO MARKED AND ENTERED)

6 Q NOW, AS A RESULT OF STATE'S EXHIBIT
7 NUMBER TWELVE, WERE PHOTOGRAPHS TAKEN OF THE
8 DEFENDANT?

9 A YES, SIR, THEY WERE.

10 Q WOULD YOU STEP DOWN HERE IN FRONT OF
11 THE JURY, PLEASE. AND WE'VE ALREADY REFERRED TO
12 STATE'S EXHIBIT NUMBER THIRTEEN. THAT WAS A
13 PHOTOGRAPH, FULL STANDING PHOTOGRAPH OF THE
14 DEFENDANT, IS THAT RIGHT?

15 A YES, SIR.

16 Q NOW, REFERRING YOU TO STATE'S EXHIBIT
17 NUMBER FIFTEEN, DO YOU RECOGNIZE THAT PHOTOGRAPH?

18 A YES, SIR, THAT'S A PHOTOGRAPH THAT
19 SPECIAL AGENT BLACK TOOK THAT NIGHT.

20 Q AND WHERE I'M POINTING NOW, WHAT IS
21 THAT?

22 A THAT'S A PICTURE OF THE DEFENDANT'S
23 FOREARM.

24 Q AND IN THIS AREA HERE, WHAT ARE THOSE?

25 A IT APPEARS TO BE SCRATCHES TO ME.

Brenda A. Douglas, CVR

Certified Court Reporter

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1 Q IS THAT THE WAY HIS FOREARM APPEARED ON
2 THE MORNING OF JUNE THE 13TH OF 1994?

3 A YES, SIR.

4 Q NOW, AS A RESULT OF THAT CONSENT,
5 OFFICERS EXAMINE OTHER AREAS OF THE DEFENDANT'S
6 PERSON, IS THAT CORRECT?

7 A THAT'S CORRECT.

8 Q NOW, I WANT TO SHOW YOU WHAT'S
9 PREVIOUSLY MARKED STATE'S FOURTEEN FOR
10 IDENTIFICATION. DO YOU RECOGNIZE THIS PHOTOGRAPH?

11 A YES, SIR. THAT'S A PICTURE TAKEN OF
12 THE DEFENDANT'S SHOULDER AREA, THE LEFT SHOULDER
13 AREA.

14 Q AND RIGHT UP IN HERE, WHAT DOES THAT
15 APPEAR TO BE?

16 A IT APPEARS TO BE SCRATCHES ON THE
17 SHOULDER AREA.

18 Q AND THIS PHOTOGRAPH IS ALSO TAKEN
19 SHORTLY AFTER 4:30 A.M. ON THE MORNING OF THE 13TH?

20 A YES, SIR.

21 MR. MCMAHON: YOUR HONOR, I WOULD OFFER
22 STATE'S FOURTEEN AND FIFTEEN INTO EVIDENCE AT THIS
23 TIME.

24 THE COURT: ALL RIGHT, AGAIN, SUBJECT
25 TO THE IN CAMERA RULING.

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1 (SO MARKED AND ENTERED)

2 Q YOU CAN RETAKE THE STAND.

3 NOW, AND I HAD REFERRED PREVIOUSLY

4 STATE'S EXHIBIT NUMBER SIXTEEN, THAT'S THE CONSENT
5 ON THE RESIDENCE BEFORE, ISN'T IT?

6 A COULD I SEE THAT? YES, SIR. THIS IS A
7 CONSENT TO SEARCH FOR THE RESIDENCE OF DEFENDANT.

8 Q NOW, DEPUTY WRIGHT, DID THE DEFENDANT
9 REMAIN AT THE NEWBERRY COUNTY SHERIFF'S DEPARTMENT
10 FOR A PERIOD OF TIME?

11 A YES, SIR.

12 Q AND WAS THAT VOLUNTARY?

13 A YES, SIR.

14 Q WAS HE FREE TO LEAVE?

15 A YES, SIR.

16 Q WAS HE EVER LOCKED UP IN THE NEWBERRY
17 COUNTY JAIL ON THIS NIGHT?

18 A NO, SIR.

19 Q NOW, DID YOU HAVE AN OCCASION TO HAVE A
20 SEPARATE CONVERSATION WITH THE DEFENDANT AT ABOUT
21 5:30 A.M.?

22 A YES, SIR. LATER ON THAT MORNING, I
23 CAME BACK INTO THE ROOM, I HAD WALKED OUT. AND I
24 CAME BACK IN AND ASKED HIM WOULD HE BE WILLING TO
25 TALK WITH AN INVESTIGATOR BY THE NAME OF SONNY

1 SUTTON.

2 Q AND SONNY SUTTON IS THE INVESTIGATOR
3 THAT TESTIFIED YESTERDAY MORNING, IS THAT CORRECT?

4 A THAT'S CORRECT.

5 Q AND DID THE DEFENDANT AGREE TO REMAIN
6 AND TO TALK WITH INVESTIGATOR SUTTON LATER ON THAT
7 MORNING?

8 A YES, SIR. I INFORMED HIM MR. SUTTON
9 LIVED OUT OF COUNTY AND WOULD HE PLEASE STAY AND
10 TALK WITH HIM.

11 Q AND APPROXIMATELY WHAT TIME DID
12 INVESTIGATOR SUTTON ARRIVE AT THE SHERIFF'S OFFICE?

13 A APPROXIMATELY NINE A.M.

14 Q AND DID YOU HAVE A CONVERSATION WITH
15 INVESTIGATOR SUTTON?

16 A YES, SIR. I DID.

17 Q DID YOU ADVISE INVESTIGATOR SUTTON THAT
18 THE DEFENDANT HAD BEEN ADVISED OF HIS
19 CONSTITUTIONAL RIGHTS?

20 A YES, SIR, I DID.

21 Q AND AT THAT TIME, DID INVESTIGATOR
22 SUTTON HAVE A CONVERSATION WITH THE DEFENDANT?

23 A YES, SIR.

24 Q DID THE DEFENDANT, DURING THE
25 CONVERSATION THAT YOU AND MAJOR HAD WITH HIM

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1 SHORTLY AFTER 2:55 A.M. ON THE 13TH, DID THE
2 DEFENDANT EVER TELL YOU THAT HE'D LEFT THE PROPERTY
3 WITH HIS WIFE?

4 A HE SAID THAT HE JUST SAT IN THE CAR,
5 SAT IN THE CAR, STATIONARY, FOR TEN MINUTES.

6 Q BUT THAT'S WHAT HE TOLD INVESTIGATOR
7 SUTTON, THAT HE LEFT THE PROPERTY...

8 MR. HARPOOTLIAN: OBJECTION, YOUR
9 HONOR.

10 THE COURT: SUSTAINED.

11 MR. HARPOOTLIAN: AND YOUR HONOR, I
12 MOVE THAT BE STRUCK. THAT'S NOT WHAT HE TOLD HIM
13 AND...

14 THE COURT: I AGREE. STRIKE THAT
15 TESTIMONY AS TO WHAT HE TOLD AGENT, TO INVESTIGATOR
16 SUTTON THROUGH THIS WITNESS.

17 Q YOU WERE NOT PRESENT DURING THE
18 CONVERSATION?

19 THE COURT: WAIT A MINUTE. AND THE
20 JURY WOULD DISREGARD THAT. THEY ARE TO DETERMINE
21 WHO SAID WHAT, WHEN, AND WHERE. ALL RIGHT.

22 Q YOU WERE NOT PRESENT WITH THE DEFENDANT
23 DURING HIS CONVERSATION WITH INVESTIGATOR SUTTON?

24 A NO, SIR, I WASN'T.

25 Q NOW, SIR, DID YOU REMAIN INVOLVED IN

1 THE INVESTIGATION FROM JUNE THE 12TH ON THROUGH '94
2 AND '95?

3 A YES, SIR.

4 Q AND WERE ANY OTHER AGENCIES, YOU TALKED
5 ABOUT THE SLED FORENSIC TEAM, BUT DID ANY OTHER
6 AGENCIES ASSIST YOU AND OTHER OFFICERS OF THE
7 NEWBERRY SHERIFF'S DEPARTMENT IN THE FOLLOW-UP
8 INVESTIGATION OF THIS MURDER?

9 A YES, SIR. WE'VE HAD EXTENSIVE HELP
10 FROM SLED; ALSO, THE HORRY COUNTY POLICE DEPARTMENT
11 AND OTHER VARIOUS AGENCIES WHERE WE NEEDED TO RUN
12 DOWN RECORDS AND CHECKS.

13 Q AND DID THE INVESTIGATION FOCUS ON A
14 DIFFERENT AREA OF SOUTH CAROLINA?

15 A YES, SIR, IT STARTED FOCUSING ON THE
16 HORRY COUNTY/MYRTLE BEACH AREA.

17 Q AND OF COURSE THAT WAS WHERE RICHARD
18 ANDERSON WAS LOCATED, IS THAT CORRECT?

19 A THAT'S CORRECT.

20 Q AND THE GRAND PRIX AUTOMOBILE?

21 A YES, SIR.

22 Q NOW, SIR, GOING TO JUNE THE 11TH OF
23 1995, DID YOU HAVE AN OCCASION TO APPEAR BEFORE A
24 MAGISTRATE IN THIS COUNTY?

25 A YES, SIR.

1 Q AND WHAT WAS THE PURPOSE OF YOUR
2 APPEARANCE BEFORE THE MAGISTRATE?

3 A TO OBTAIN A SEARCH WARRANT.

4 Q AND WERE THERE ANY ARREST WARRANTS
5 ISSUED ON THAT DAY, JUNE 11TH?

6 A THERE WAS AN ARREST WARRANT ISSUED AND
7 IT WAS ON JULY 11TH OF '95.

8 Q SO THIS WAS OVER A YEAR AFTER THE
9 MURDER, IS THAT CORRECT?

10 A YES, SIR, IT WAS OVER A YEAR.

11 Q AND WHO WERE THE ARREST ISSUED FOR?

12 A THE ARREST WARRANTS WERE ISSUED FOR
13 STEPHEN ANDREW BECKHAM.

14 Q FOR WHAT OFFENSES?

15 A MURDER.

16 Q AND WHAT WAS THE SEARCH WARRANT ISSUED
17 FOR?

18 A THE SEARCH WARRANT WAS ISSUED FOR THE
19 SEARCH OF THE DEFENDANT'S, STEPHEN ANDREW BECKHAM,
20 HOME WHICH WAS LOCATED AT ROUTE 1, BOX 163,
21 POMARIA.

22 Q AND STATE'S SEVENTEEN, WAS THAT THE
23 SAME HOME, JULY 11TH, OF '95, THAT YOU AND THE
24 MAJOR HAD GONE TO THE EARLY MORNING HOURS OF JUNE
25 13TH, OF '94?

1 A YES, SIR.

2 Q AND DID OFFICERS CONDUCT A SEARCH OF
3 THE DEFENDANT'S RESIDENCE ON THE DATE OF JULY 11TH,
4 OF 1995?

5 A JULY 11TH? YES, SIR.

6 Q AND DID YOU PARTICIPATE IN THAT SEARCH?

7 A COULD I SEE THE SEARCH WARRANT, SIR?

8 THE COURT: THAT'S THE ONE I JUST--THE
9 ONE WE JUST HAD THE HEARING ON.

10 MR. HARPOOTLIAN: I JUST WASN'T SURE
11 WHETHER IT WAS DIFFERENT.

12 THE COURT: MR. MCMAHON, YOU NEED TO
13 ASK HIM ABOUT HIS KNOWLEDGE OF THAT WARRANT,
14 PLEASE, SIR.

15 MR. MCMAHON: I APOLOGIZE, YOUR HONOR?

16 THE COURT: YOU NEED TO ASK HIM DOES HE
17 KNOW THAT THAT'S THE WARRANT THAT WAS ISSUED.

18 Q YES, SIR. THIS COURT'S EXHIBIT NUMBER
19 ONE, THIS DOCUMENT, WHAT IS THIS DOCUMENT, SIR?

20 A THIS IS A SEARCH WARRANT THAT WAS
21 ISSUED FOR THE ARREST OF STEPHEN ANDREW BECKHAM,
22 LOCATED ROUTE 1, BOX 163, POMARIA, SOUTH CAROLINA.

23 Q NOW, YOU DID PARTICIPATE IN THE SEARCH
24 OF THAT RESIDENCE?

25 A YES, SIR.

- 1 Q AND WERE THERE OTHER OFFICERS OR
2 OFFICER PRESENT?
3 A YES, SIR.
4 Q AND WAS ONE OF THOSE OFFICERS AGENT
5 MCCRAW WITH THE STATE LAW ENFORCEMENT DIVISION?
6 A YES, SIR.
7 Q AND CERTAIN ITEMS WERE SEIZED AT THAT
8 TIME?
9 A YES, SIR, THERE WERE.
10 Q YOU DID NOT PERSONALLY SEIZE THE ITEMS?
11 A NO, SIR.
12 Q AGENT MCCRAW DID?
13 A YES, SIR.
14 Q WAS THE DEFENDANT PRESENT ON JULY THE
15 11TH OF '95 WHEN Y'ALL EXECUTED THAT SEARCH
16 WARRANT?
17 A NO, SIR, HE WASN'T.
18 Q NOW, Y'ALL HAD AN ARREST WARRANT FOR
19 HIM, IS THAT CORRECT?
20 A YES, SIR.
21 Q WERE Y'ALL ABLE TO LOCATE HIM AT THAT
22 TIME IN NEWBERRY COUNTY?
23 A NO, SIR. HE'D LEFT.
24 Q I'M SHOWING YOU ONE OTHER DOCUMENT AND
25 ASK YOU IF YOU CAN IDENTIFY IT FOR US, PLEASE.

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- 1 A THIS IS AN ARREST WARRANT FOR MURDER
2 AGAINST RICHARD GEORGE ANDERSON.
- 3 Q AND WHEN WAS THAT WARRANT ISSUED?
4 A JULY 10TH, 1995.
- 5 Q WAS THAT BEFORE OR AFTER THE ARREST
6 WARRANT WAS ISSUED FOR THE ARREST OF THE DEFENDANT
7 BECKHAM?
- 8 A THIS IS GOING TO BE BEFORE.
- 9 Q AND IT WAS ISSUED JULY 10TH, OF 1995.
10 WHEN WAS THAT WARRANT SERVED OR EXECUTED ON MR.
11 ANDERSON?
- 12 A JULY 10TH, 1995.
- 13 Q NOW, DEPUTY WRIGHT, WILL YOU STEP DOWN
14 FOR ONE FINAL TIME IN FRONT OF THE JURY?
- 15 AND YOU'RE FAMILIAR WITH STATE'S FIFTY-
16 FIVE AND SIXTY-EIGHT?
- 17 A YES, SIR.
- 18 Q ALL RIGHT, SIR, NOW IF YOU COULD, COULD
19 YOU ORIENTATE THE JURY TO THIS AREA AND WHAT THESE
20 ARROWS ARE POINTING TO?
- 21 A YES, SIR. THIS IS GOING TO BE HIGHWAY
22 773 RIGHT HERE, THIS AREA COMING UP.
- 23 Q ALL RIGHT, SIR. AND GOING BACK TO
24 STATE'S EXHIBIT NUMBER EIGHTY-SIX, WHERE IS HIGHWAY
25 773?

- 1 A IT'S THIS AREA COMING RIGHT OFF I-26
2 RIGHT HERE.
- 3 Q AND THE DEFENDANT'S HOUSE, LOOKING AT
4 EIGHTY-SIX, WOULD BE, AS YOU'RE COMING FROM I-26
5 WOULD IT BE ON THE RIGHT OR THE LEFT?
- 6 A IT WOULD BE ON THE RIGHT. IT WOULD BE
7 THIS AREA HERE.
- 8 Q AND ON THIS DIAGRAM, IS IT ON THE RIGHT
9 OR THE LEFT?
- 10 A ON THE RIGHT.
- 11 Q SO THEY ORIENTATED THIS PHOTOGRAPH TO
12 THIS DIAGRAM?
- 13 A YES, SIR.
- 14 Q IN THE SAME POSITION. NOW, COULD YOU
15 POINT OUT ON STATE'S FIFTY-FIVE, THE DEFENDANT
16 BECKHAM'S RESIDENCE?
- 17 A THIS IS IT RIGHT HERE. THIS LITTLE
18 WHITE AREA HERE.
- 19 Q AND THAT'S THE MOBILE HOME PICTURED IN
20 STATE'S SEVENTEEN, CORRECT?
- 21 A CORRECT.
- 22 Q YOU'D FOLLOW THAT LINE UP HERE FOR ME.
- 23 A THIS IS IT RIGHT HERE.
- 24 Q AND THAT WOULD BE THE DEFENDANT
25 BECKHAM'S RESIDENCE, IS THAT CORRECT?

- 1 A YES, SIR.
- 2 Q NOW, WHAT IS THIS INDICATED BY THIS
- 3 LOWER LINE HERE RIGHT THERE AT 773?
- 4 A THIS IS GOING TO BE HIS DRIVEWAY.
- 5 Q YOU SAY HIS DRIVEWAY, WHOSE DRIVEWAY?
- 6 A THE DEFENDANT'S DRIVEWAY, STEPHEN
- 7 ANDREW BECKHAM.
- 8 Q WAS THE DRIVEWAY THAT YOU AND DANNY
- 9 GILLIAM WENT DOWN THAT NIGHT AFTER YOU WENT TO THE
- 10 DEFENDANT'S FATHER'S HOUSE?
- 11 A YES, SIR.
- 12 Q FOLLOW THAT LINE OVER FOR ME, SIR.
- 13 NOW, COULD YOU DESCRIBE THE TERRAIN IN
- 14 THIS AREA ON THIS PHOTOGRAPH, AND COMPARE HOW IT
- 15 LOOKED BACK THEN, BACK ON JUNE OF 1994?
- 16 A WELL, THE DRIVEWAY HAS BEEN CHANGED.
- 17 I'VE BEEN BY THERE RECENTLY. WHEN WE WERE THERE ON
- 18 JUNE THE 12TH/13TH, REALLY JUNE THE 13TH OF 1994,
- 19 THE DRIVEWAY, IT WAS SHRUBBERY AND DEBRIS COMING
- 20 DOWN THE SIDE HAD BLOCKED THE VISION OF ANYBODY
- 21 COMING DOWN THE DRIVEWAY FROM MR. WILLIAM BECKHAM'S
- 22 HOME. I MEAN, IT WAS TALL. IT WAS PROBABLY TEN,
- 23 TWELVE FEET TALL.
- 24 Q WERE YOU ABLE TO SEE ANY OBJECT OR
- 25 OBJECTS IN THE AREA RIGHT THERE AT THE DRIVEWAY IN

- 1 THE ROAD?
- 2 A BRUSH PILE, AND I BELIEVE THERE WAS A
- 3 GARBAGE CAN THERE.
- 4 Q NOW, AS YOU COME DOWN, COMING DOWN 773
- 5 BACK IN THIS DIRECTION, I'M GOING BACK TOWARD I-26?
- 6 A BACK TOWARD I-26.
- 7 Q ALL RIGHT, SIR. AND WHAT IS THIS ROAD
- 8 HERE?
- 9 A THIS ROAD HERE IS A DIRT ROAD, CALLED
- 10 WEDERMAN ROAD.
- 11 Q AND AS YOU TRAVEL DOWN WEDERMAN ROAD,
- 12 WHAT IS THIS AREA HERE POINTING TO?
- 13 A THIS IS A LITTLE DIRT ROAD THAT GOES
- 14 BACK INTO THE WOODS. THERE'S A CHAIN BLOCKING THAT
- 15 WAY.
- 16 Q YOU SAID A CHAIN?
- 17 A IT'S A CHAIN THAT GOES BETWEEN TWO
- 18 LARGE POSTS THAT'S BLOCKING THIS ROAD. THIS ROAD
- 19 RIGHT HERE.
- 20 Q AND THAT WOULD BE HERE?
- 21 A YES, SIR.
- 22 Q IS THAT A CORRECT DESCRIPTION THERE?
- 23 ROAD WITH CABLE?
- 24 A YES, SIR.
- 25 Q AND THIS AREA HERE, IS ALL OF THIS A

- 1 WOODED AREA?
- 2 A YES, SIR.
- 3 Q AND THAT TERRAIN THERE, BRIARS,
- 4 STICKERS, UNDERBRUSH?
- 5 A A LOT OF UNDERBRUSH, SCRUB PINES, JUST
- 6 ALL CROWDED IN TOGETHER.
- 7 Q ALL RIGHT, SIR. NOW, I'M COMING DOWN
- 8 TO THE LOWER PHOTOGRAPH, AERIAL PHOTOGRAPH ON
- 9 STATE'S EXHIBIT NUMBER FIFTY-FIVE. WHAT IS THIS
- 10 AREA I'M POINTING TO HERE, SIR?
- 11 A THIS? THIS AREA HERE WILL BE THE
- 12 DEFENDANT'S TRAILER. THIS WHITE MARKER SPOT RIGHT
- 13 HERE.
- 14 Q RIGHT HERE?
- 15 A YES, SIR.
- 16 Q AND YOU COULD COME OUT, WHAT DRIVE
- 17 WOULD YOU COME OUT TO GO BACK TO 773, FROM THE
- 18 DEFENDANT'S TRAILER?
- 19 A THAT WOULD BE HIS DRIVEWAY GOING OUT TO
- 20 773, COME OUT RIGHT HERE, COME OUT ON THE ROADWAY
- 21 HERE.
- 22 Q AND COULD YOU POINT OUT FOR THE JURY
- 23 APPROXIMATELY WHERE THAT TRASH CAN AND THE BRUSH
- 24 PILE WAS YOU WERE TALKING ABOUT?
- 25 A IT WOULD BE A LITTLE BIT BACK UP THE

- 1 ROAD HERE, THIS AREA HERE.
- 2 Q SO YOU'D HAVE TO GET INTO THE DRIVEWAY
- 3 TO WALK BY IT?
- 4 A YOU'D HAVE TO WALK UP THE DRIVEWAY, AND
- 5 AS I RECALL, I BELIEVE IT WAS UP ON THE RIGHT-HAND
- 6 SIDE, I BELIEVE.
- 7 Q WHAT IS THIS LINE HERE INDICATING, SIR?
- 8 A THE END OF THE DRIVEWAY AS IT COMES OUT
- 9 TO 773.
- 10 Q THAT WOULD BE DEFENDANT BECKHAM'S
- 11 DRIVEWAY, IS THAT CORRECT?
- 12 A THAT'S CORRECT.
- 13 Q NOW, THIS LINE HERE, WHAT DOES THAT
- 14 INDICATE?
- 15 A OKAY, THAT IS GOING TO BE--THIS IS
- 16 WEDERMAN ROAD THAT COMES OUT HERE, AND THAT'S GOING
- 17 TO BE THE LOCATION OF WHERE THE ROAD IS WITH THE
- 18 CABLE.
- 19 Q SO THIS PHOTOGRAPH IS JUST A DIFFERENT
- 20 ANGLE OF THIS PHOTOGRAPH?
- 21 A YES, SIR. SAME SCENE AS THIS
- 22 PHOTOGRAPH.
- 23 Q AND THIS PHOTOGRAPH, IF I COME OUT OF
- 24 THE DEFENDANT'S DRIVEWAY, YOU TURN LEFT, WOULD I BE
- 25 GOING BACK TOWARD I-26?

- 1 A YES, SIR.
- 2 Q WOULD I BE GOING IN THE DIRECTION OF
- 3 WEDERMAN ROAD AND THE CABLE ROAD?
- 4 A YES, SIR.
- 5 Q AND REFERRING NOW TO STATE'S EXHIBIT
- 6 SIXTY-EIGHT, YOU FAMILIAR WITH THAT PHOTOGRAPH AND
- 7 DIAGRAM?
- 8 A YES, SIR.
- 9 Q SO, NOW COULD YOU POINT OUT ON THAT
- 10 DIAGRAM, IF IT APPEARS, HIGHWAY 773?
- 11 A THIS IS GOING TO BE 773, THIS WHITE
- 12 LINE COMING ALL THE WAY AND CURVING BACK AROUND.
- 13 Q AND GOING IN THIS DIRECTION, WOULD I BE
- 14 GOING TOWARD THE INTERSTATE?
- 15 A YES, SIR, I-26.
- 16 Q NOW, COULD YOU IDENTIFY ON THERE FOR
- 17 US, PLEASE, IF IT APPEARS, THE DEFENDANT'S
- 18 RESIDENCE?
- 19 A THIS IS IT RIGHT HERE. THE WHITE AREA.
- 20 Q AND COULD YOU IDENTIFY THE DEFENDANT'S
- 21 DRIVEWAY, IF IT APPEARS ON THAT?
- 22 A THIS WOULD BE THE END OF HIS DRIVEWAY
- 23 RIGHT HERE.
- 24 Q NOW, IN ORIENTATING DEFENDANT BECKHAM'S
- 25 RESIDENCE AND DRIVEWAY ON THIS DIAGRAM HERE, WOULD

- 1 YOU POINT OUT ON HERE IF 773 APPEARS WHERE THE
2 DEFENDANT'S RESIDENCE IS AT?
- 3 A YES, SIR. HIGHWAY 773 COMES RIGHT IN
4 FRONT OF THE DEFENDANT'S RESIDENCE.
- 5 Q WHERE WOULD IT BE ON HERE?
- 6 A OH, I'M SORRY. THIS IS 773 RIGHT HERE,
7 SIR.
- 8 Q AND APPROXIMATELY WHERE ON THERE WOULD
9 HIS RESIDENCE BE?
- 10 A RIGHT ABOUT HERE.
- 11 Q NOW, AS I'M TRAVELLING DOWN 773, IF
12 YOU'D JUST POINT, AND YOU SEE HOW MY FINGER IS
13 GOING HERE?
- 14 A YES, SIR.
- 15 Q THE FIRST ROAD TO THE RIGHT FROM THE
16 DEFENDANT'S RESIDENCE, WHAT ROAD IS THAT?
- 17 A THAT'S WEDERMAN ROAD IF YOU TURN TO
18 YOUR RIGHT.
- 19 Q NOW, ON THIS DIAGRAM, APPROXIMATELY HOW
20 FAR IS IT FROM THE DEFENDANT'S RESIDENCE DRIVEWAY,
21 773 AND WEDERMAN ROAD?
- 22 A ABOUT EIGHT-TENTHS OF A MILE.
- 23 Q AND I TURN RIGHT ON WEDERMAN ROAD, AND
24 DESCRIBE THE TERRAIN OF WEDERMAN ROAD. WHAT TYPE
25 OF ROAD IS IT?

- 1 A JUST A ROUGH GRAVEL ROAD, NOT PAVED.
- 2 Q AND AS I TRAVEL DOWN IT, WHAT IS THE
- 3 FIRST ROAD TO THE RIGHT?
- 4 A THERE IS A LITTLE ROAD, ONE LANE ROAD
- 5 THAT GOES BACK INTO THE WOODS BLOCKED BY A CABLE.
- 6 Q COULD YOU POINT THAT OUT ON THE AERIAL
- 7 PHOTOGRAPH?
- 8 A IT WOULD BE RIGHT IN HERE, SIR.
- 9 Q NOW, SIR, IF YOU GET ON THIS CABLE
- 10 ROAD, AND YOU TRAVEL BACK IN HERE, ANY TYPE OF
- 11 CLEARING BACK IN THERE?
- 12 A YES, SIR, THERE'S A CLEARING THAT COMES
- 13 UP RIGHT ABOUT HERE.
- 14 Q NOW, THIS IS WEDERMAN ROAD.
- 15 A OH, I'M SORRY.
- 16 Q ON THE CABLE ROAD.
- 17 A ON THE CABLE ROAD. OKAY, COMING DOWN
- 18 THIS DIRT ROAD HERE, AND IT WOULD BE ABOUT WHERE
- 19 THE TWO COME OFF, THE TWO ROADS COME OFF.
- 20 Q AND COULD YOU POINT THAT OUT ON THE
- 21 AERIAL PHOTOGRAPH FOR US, PLEASE?
- 22 A YES, SIR. THAT'S GOING TO BE RIGHT
- 23 HERE.
- 24 Q IS THERE ANY TYPE OF TRASH PILE OR
- 25 ITEMS DUMPED IN THAT AREA?

- 1 A YES, SIR. IT'S BEEN USED AS A DUMPING
2 AREA FOR MANY, MANY YEARS.
- 3 Q AND ONE FURTHER THING, STATE'S EXHIBIT
4 EIGHTY-FIVE, YOU'RE FAMILIAR WITH THIS DIAGRAM?
- 5 A YES, SIR.
- 6 Q COULD YOU POINT OUT, IF IT APPEARS ON
7 THIS DIAGRAM, I-26?
- 8 A THIS WOULD BE I-26 RIGHT HERE.
- 9 Q AND 773 AND I-26?
- 10 A SEVEN, SEVENTY-THREE AND I-26 IS GOING
11 TO BE RIGHT IN HERE, SIR.
- 12 Q AND WHAT IS THE NEXT EXIT DOWN?
- 13 A TWO-ZERO-TWO, (202) LITTLE MOUNTAIN
14 EXIT.
- 15 Q NOW, COMING TOWARD ME, THAT WOULD BE
16 GOING IN THE DIRECTION OF COLUMBIA?
- 17 A YES, SIR.
- 18 Q ON 26?
- 19 A I-26 TOWARDS COLUMBIA.
- 20 Q AND ARE YOU FAMILIAR WITH A LOCATION
21 KNOWN AS TANNER'S STORE?
- 22 A YES, SIR.
- 23 Q DOES THAT LOCATION APPEAR ON THIS
24 DIAGRAM, STATE'S EIGHTY-FIVE?
- 25 A IT WOULD BE AT THIS INTERSECTION RIGHT

1 HERE, SIR.

2 Q OF HIGHWAY 76?

3 A YES, SIR. IT WOULD BE HIGHWAY 176 AND
4 INTERSTATE I-26.

5 Q THANK YOU, DEPUTY WRIGHT. YOU CAN TAKE
6 THE STAND.

7 DEPUTY WRIGHT, JUST ONE--IF I COULD
8 BACK UP FOR ONE MOMENT, BACK TO THE SEARCH WARRANT
9 ON JULY THE 11TH OF 1995, OF THE DEFENDANT'S
10 RESIDENCE. DID YOU OBSERVE THE ITEMS THAT WERE
11 COLLECTED THERE?

12 A YES, SIR.

13 MR. MCMAHON: YOUR HONOR, MAY I
14 APPROACH SIDE BAR?

15 THE COURT: SURE.

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

19 THE COURT: ALL RIGHT, MR. MCMAHON,--
20 DO YOU NEED ANYTHING ON THE RECORD ON
21 THAT? NOT AT THIS TIME?

22 MR. HARPOOTLIAN: IF I DO, WE CAN DO IT
23 AFTER THIS WITNESS, YOUR HONOR.

24 THE COURT: OKAY. ALL RIGHT.

25 MR. HARPOOTLIAN: AS I UNDERSTAND IT,

1 THESE ITEMS WILL BE MARKED FOR I.D....

2 THE COURT: WILL BE I.D.

3 MR. HARPOOTLIAN: ...AND CAN BE USED

4 EVEN THOUGH, I MEAN, THEN THEY'LL CALL AT LEAST

5 THOSE TWO WITNESSES WE TALKED ABOUT?

6 THE COURT: THAT'S CORRECT.

7 MR. MCMAHON: MAY IT PLEASE THE COURT?

8 THE COURT: YES, SIR.

9 Q DETECTIVE WRIGHT, I WANT TO SHOW YOU A
10 PHOTOGRAPH MARKED STATE'S NINETY-SEVEN FOR
11 IDENTIFICATION. WHAT IS THAT A PHOTOGRAPH OF?

12 A IT'S A PHOTOGRAPH OF A SMITH AND
13 WESSON, .22 SEMI-AUTOMATIC PISTOL.

14 Q AND WHERE WAS THAT PHOTOGRAPH TAKEN?

15 A AT THE DEFENDANT'S RESIDENCE.

16 Q AND THAT WAS THE DATE YOU WENT AND
17 ASSISTED IN THE EXECUTION OF THE SEARCH WARRANT ON
18 JULY 11TH OF '95?

19 A YES, SIR.

20 Q AND IN WHAT ROOM OF THE DEFENDANT'S
21 RESIDENCE WAS THIS PHOTOGRAPH TAKEN?

22 A IN THE DEFENDANT'S BEDROOM.

23 Q IS THAT THE SAME BEDROOM THAT YOU AND
24 MAJOR GILLIAM WAS IN WITH THE DEFENDANT BACK ON
25 JUNE THE 13TH OF 1994?

1 A YES, SIR.

2 Q AND SHOWING YOU ANOTHER ITEM, STATE'S

3 FOR IDENTIFICATION NUMBER NINETY-EIGHT, WHAT IS

4 THIS ITEM, SIR?

5 A SMITH AND WESSON, .22 SEMI-AUTOMATIC

6 REVOLVER, PISTOL.

7 Q STATE'S NINETY-SEVEN, IS THAT A

8 PHOTOGRAPH OF STATE'S NINETY-EIGHT FOR

9 IDENTIFICATION?

10 A YES, SIR.

11 Q AND THIS WAS THE WEAPON THAT WAS

12 REMOVED FROM THE BEDROOM OF THE DEFENDANT?

13 A YES, SIR.

14 Q ON JULY THE 11TH OF '95?

15 A YES, SIR.

16 Q SAME BEDROOM Y'ALL WERE IN JUNE 13TH OF

17 '94?

18 A YES, SIR.

19 Q NOW, I BELIEVE YOU SEIZED OTHER ITEMS,

20 IS THAT CORRECT?

21 A YES, SIR.

22 Q AND I WANT TO SHOW YOU STATE'S FOR

23 IDENTIFICATION NUMBER NINETY-SIX AND ASK YOU IF YOU

24 KNOW WHAT THAT IS A PHOTOGRAPH OF?

25 A IT'S A PHOTOGRAPH OF SOME LATEX GLOVES.

- 1 Q AND WHERE, POINT ON HERE FOR ME, PLEASE
2 WHERE THE LATEX GLOVES ARE LOCATED.
- 3 A THEY'RE HERE AND HERE, SIR.
- 4 Q IN THIS DRAWER?
- 5 A IN THAT DRAWER.
- 6 Q AND WHERE WAS THIS PHOTOGRAPH TAKEN?
- 7 A IN THE DEFENDANT'S BEDROOM.
- 8 Q THAT'S THE SAME BEDROOM THAT YOU AND
9 DEFENDANT AND MAJOR GILLIAM WERE IN ON JUNE THE
10 13TH OF '94?
- 11 A YES, SIR.
- 12 Q AND THIS PIECE OF FURNITURE IS IN HIS
13 BEDROOM?
- 14 A YES, SIR. I BELIEVE THAT'S A
15 NIGHTSTAND TABLE.
- 16 Q NEXT TO HIS BED?
- 17 A YES, SIR.
- 18 Q LET ME ASK YOU SOMETHING. WHAT WAS THE
19 CONDITION OF HIS BED ON JUNE THE 13TH OF '94?
- 20 A WHEN WE GOT THERE?
- 21 Q YES, SIR.
- 22 A JUST MADE UP LIKE ANY BED.
- 23 Q DIDN'T APPEAR TO BE SLEPT IN?
- 24 A NO, SIR.
- 25 Q NOW, I'M SHOWING YOU STATE'S FOR

1 IDENTIFICATION NUMBER 126. WHAT ARE THESE ITEMS?

2 A THOSE ARE LATEX GLOVES.

3 Q AND ARE THOSE THE LATEX GLOVES THAT ARE
4 PHOTOGRAPHED IN STATE'S NINETY-SIX?

5 A YES, SIR, THEY ARE.

6 Q AND THEY'VE BEEN TREATED WITH
7 FINGERPRINT POWDER?

8 A YES, SIR.

9 MR. MCMAHON: MAY WE APPROACH SIDE BAR,
10 YOUR HONOR.

11 (BENCH CONFERENCE IN THE PRESENCE OF
12 THE JURY, OUT OF THE HEARING OF THE JURY, AND OFF
13 THE RECORD.)

14 THE COURT: WE'LL DO THAT AT THE NEXT
15 BREAK.

16 MR. MCMAHON: MAY IT PLEASE THE COURT?

17 THE COURT: YES, SIR.

18 Q DETECTIVE WRIGHT, EXCUSE ME, DEPUTY
19 WRIGHT, GOING BACK TO JUNE 17TH, '94, I APOLOGIZE
20 FOR GOING BACK TO THAT DATE, BUT THERE WAS A
21 CONSENT TO SEARCH SIGNED BY THE DEFENDANT ON JUNE
22 13TH OF '94 FOR HIS RESIDENCE, IS THAT CORRECT?

23 A THAT'S RIGHT.

24 Q AND THEN THERE WAS A SEARCH WARRANT ON
25 JUNE 17TH OF '94?

- 1 A YES, SIR.
- 2 Q ARE YOU FAMILIAR WITH THAT, SIR?
- 3 A YES, SIR, I AM.
- 4 Q AND DID YOU DO THE RETURN ON THAT
- 5 SEARCH WARRANT?
- 6 A YES, SIR, I EXECUTED THE SEARCH
- 7 WARRANT. I SERVED IT.
- 8 Q AND THERE WAS A NUMBER OF ITEMS SEIZED
- 9 AS A RESULT OF THAT SEARCH WARRANT OF THE
- 10 DEFENDANT'S RESIDENCE ON JUNE 17TH OF '94, CORRECT?
- 11 A CORRECT.
- 12 Q AND WHAT ITEMS WERE THOSE?
- 13 A THERE WAS FIVE SOLID, PINKISH COLOR,
- 14 WITH COLLAR SHIRTS, A GREEN SHIRT WITH A PINK
- 15 COLLAR, AND ONE PINK TEE-SHIRT THAT HAD AN
- 16 EXPRESSION ON IT, "DO IT IN THE MOUNTAINS."
- 17 Q NOW, I WANT TO SHOW YOU A BOX
- 18 CONTAINING SOME ITEMS AND ASK YOU IF YOU CAN
- 19 IDENTIFY THEM FOR THE JURY, PLEASE?
- 20 A YES, SIR, THOSE WERE THE SHIRTS.
- 21 Q THESE WERE THE FIVE PINK SHIRTS THAT
- 22 WERE RECOVERED AS A RESULT OF THAT SEARCH WARRANT?
- 23 A YES, SIR.
- 24 MR. MCMAHON: YOUR HONOR, WE WOULD
- 25 OFFER THESE INTO EVIDENCE, I UNDERSTAND WITHOUT

1 OBJECTION?

2 MR. SWERLING: THAT'S CORRECT.

3 THE COURT: WITHOUT OBJECTION.

4 COURT REPORTER: STATE'S FORTY-EIGHT.

5 (SO MARKED AND ENTERED IN EVIDENCE,

6 ABOVE PINK SHIRTS, STATE'S EXHIBIT FORTY-EIGHT,

7 WITHOUT OBJECTION.)

8 Q ALL OF THESE WERE RECOVERED FROM THE
9 DEFENDANT'S RESIDENCE, IS THAT CORRECT?

10 A YES, SIR.

11 Q AND THEN TO GO FORWARD IN TIME, THE
12 RESIDENCE SEARCH ON JUNE THE 17TH BY THAT SEARCH
13 WARRANT, AND THESE ITEMS, THE GUN AND THE GLOVES
14 WERE BY A SEARCH WARRANT JULY THE 11TH OF '95?

15 A YES, SIR.

16 Q THANK YOU. I DON'T HAVE ANY FURTHER
17 QUESTIONS.

18 THE COURT: ALL RIGHT, LET'S TAKE A
19 SHORT BREAK AND THEN WE'LL COME BACK WITH THE CROSS
20 EXAMINATION.

21 (RECESS AT 3:00 P.M.)

22 THE COURT: OKAY, LET'S SEE?

23 MR. SWERLING: NO OBJECTION.

24 THE COURT: NO OBJECTION, OKAY. LET ME
25 DO THIS HOUSEKEEPING MATTER BEFORE I LOSE TRACK OF

1 IT. HERE ARE YOUR CONES, YOUR SITES FOR THE TOUR.

2 MADAM CLERK, THIS IS ONE FOR THE
3 RECORD, AND ALSO THE PROPOSED INSTRUCTIONS TO THE
4 JURY FOR THE JURY VIEW, AND THE DEFENSE HAS NO
5 OBJECTION. AND MS. STROM, HAVE YOU TOLD THE
6 SOLICITOR ABOUT...THE STATE HAS NO OBJECTIONS?

7 MS. STROM: THAT'S CORRECT, YOUR HONOR.

8 THE COURT: TO THE JURY INSTRUCTIONS?

9 MS. STROM: THAT'S CORRECT.

10 MR. SWERLING: JUDGE, I'VE ALSO GIVEN A
11 LIST OF THESE CONES TO BISHOP BECKHAM, AND YOU'LL
12 BE INSTRUCTING...

13 THE COURT: THAT'S FINE. I HAVE NO
14 PROBLEM WITH THAT. I'LL DISCUSS THAT WITH
15 EVERYBODY THAT'S A MEMBER OF A FAMILY OR HAS SOME
16 INTEREST BEFORE WE LEAVE TONIGHT.

17 MR. HARPOOTLIAN: YOUR HONOR, ONE OTHER
18 HOUSEKEEPING MATTER IS, OUTSIDE THE JURY'S
19 PRESENCE, WE--HAD SOMETHING WE WANTED TO PUT ON THE
20 RECORD.

21 THE COURT: AS TO THE SEARCH WARRANT...

22 MR. SWERLING: WAIVING ANY OBJECTION.

23 THE COURT: THERE WAS NO OBJECTIONS AS
24 TO THE 17TH...

25 MR. HARPOOTLIAN: IN WHICH THEY SEIZED

1 THE SHIRTS.

2 THE COURT: SEIZED THE SHIRTS, YES.

3 JULY THE 17TH...

4 MR. HARPOOTLIAN: NO, NO, NO. IT'S THE
5 JUNE 17TH, 1994 SEARCH OF THE RESIDENCE FOR THE
6 SHIRTS.

7 THE COURT: JUNE 17TH, 1994, THERE WAS
8 A WARRANT ISSUED TO WHICH THIS OFFICER HAS
9 TESTIFIED TO. THERE'S NO OBJECTION FROM THE
10 DEFENSE. THEY DID NOT WANT A SUPPRESSION HEARING.

11 MR. SWERLING: THAT'S CORRECT, AND
12 THAT'S WITH THE CONSENT OF MR. BECKHAM.

13 THE COURT: WITH THE CONSENT OF THE
14 DEFENDANT.

15 MR. SWERLING: STEVE, STEVE, THAT WAS
16 WITH YOUR CONSENT, CORRECT?

17 MR. BECKHAM: RIGHT.

18 THE COURT: ALL RIGHT, LET'S SEE.
19 WE'RE DOWN TO CROSS EXAMINATION OF MR. WRIGHT, SO
20 BRING THE JURY BACK IN, PLEASE, SIR.

21 (JURY RETURNED TO OPEN COURTROOM AT
22 3:18 P.M.)

23 THE COURT: ALL RIGHT, MR. HARPOOTLIAN,
24 YOU MAY CROSS EXAMINE.

25 MR. HARPOOTLIAN: MAY IT PLEASE THE

1 COURT, YOUR HONOR?

2 CROSS EXAMINATION:

3 BY MR. HARPOOTLIAN:

4 Q LET ME, FIRST OF ALL, AGAIN, SINCE I'M
5 NOT FROM NEWBERRY COUNTY, I WANT TO UNDERSTAND A
6 LITTLE BIT ABOUT THE TERRAIN, AND THE SOLICITOR'S
7 ASKED A LITTLE BIT ABOUT WHERE PLACES ARE, AND
8 YOU'VE MARKED UP THE CHARTS AND MAPS AND THOSE
9 SORTS OF THINGS.

10 LET ME, FIRST OF ALL, UNDERSTAND, AND
11 I'M REFERRING TO STATE'S EXHIBIT NUMBER EIGHTY-
12 SEVEN. I WONDER IF...

13 MR. HARPOOTLIAN: MAY IT PLEASE THE
14 COURT, YOUR HONOR, COULD I ASK HIM TO STEP DOWN,
15 PLEASE?

16 THE COURT: SURE.

17 Q WHAT I'D LIKE YOU TO DO, IF YOU'LL STAY
18 ON THAT SIDE THEN THE JURORS UP HERE WILL BE ABLE
19 TO SEE, AND YOU JUST POINT FOR ME, PLEASE.

20 LET ME UNDERSTAND THIS EXHIBIT, AND
21 WHAT IT DEPICTS. YOU'RE FAMILIAR WITH THIS AREA,
22 CORRECT?

23 A YES, SIR.

24 Q AND YOU'VE BEEN OUT THERE?

25 A YES, SIR.

- 1 Q AND YOU KNOW PRETTY MUCH DISTANCES AND
2 THOSE SORTS OF THINGS, CORRECT?
- 3 A YES, SIR.
- 4 Q AND LET ME UNDERSTAND THIS CORRECTLY.
5 FROM THIS EIGHT-TENTHS OF A MILE, IS THAT FROM THE
6 END OF THE DRIVEWAY?
- 7 A YES, SIR.
- 8 Q OKAY, THEN IT'S ANOTHER TWO HUNDRED
9 YARDS OR SO FROM THE END OF THE DRIVEWAY UP TO MR.
10 BECKHAM'S RESIDENCE? STEPHEN BECKHAM'S RESIDENCE?
- 11 A I THINK I TESTIFIED, I THINK IT'S A
12 HUNDRED AND FIFTY FEET.
- 13 Q A HUNDRED AND FIFTY FEET TO HIS
14 RESIDENCE OR TO JAMIE'S HOUSE?
- 15 A I'D SAY TO HIS RESIDENCE.
- 16 Q A HUNDRED AND FIFTY FEET?
- 17 A YES, SIR.
- 18 Q FIFTY YARDS?
- 19 A YES, SIR.
- 20 Q OKAY. NOT ARGUING WITH YOU. JUST...
- 21 A THAT'S MY BEST GUESSTIMATE.
- 22 Q OKAY, THAT IS EIGHT-TENTHS OF A MILE
23 DOWN HERE TO WEDERMAN ROAD, AND IT'S ABOUT A TENTH
24 OF A MILE BACK TO THE DIRT ROAD?
- 25 A YES, SIR.

- 1 Q AND THEN THE CABLE AREA IS ABOUT, WHAT
2 WOULD YOU SAY, TWENTY YARDS, TEN YARDS?
- 3 A OFF OF WEDERMAN ROAD?
- 4 Q YEAH. ABOUT FROM HERE TO ABOUT HERE?
- 5 A IT'S MAYBE A CAR LENGTH AND A HALF,
6 WHICH WOULD BE ABOUT THAT AREA.
- 7 Q OKAY. NOW, TO GET FROM THAT CABLE AREA
8 TO MR. BECKHAM'S TRAILER WHICH IS ON THE BECKHAM
9 PROPERTY, AM I CORRECT, YOU'VE GOT TO CROSS 773. IS
10 THAT CORRECT?
- 11 A THAT'S CORRECT.
- 12 Q WELL, WHERE DOES 773 GO?
- 13 A IT GOES DOWN TO 176, WHICH IS THE
14 POMARIA AREA.
- 15 Q OKAY. AND IT COMES FROM I-26?
- 16 A YES, SIR.
- 17 Q NOW, PEOPLE LIVE UP IN HERE, OFF OF
18 WEDERMAN ROAD?
- 19 A I DON'T KNOW OF ANY HOMES UP IN THIS
20 AREA. I HAVEN'T BEEN DOWN IN THIS AREA BACK IN
21 HERE.
- 22 Q OKAY. THERE IS SOMEONE, WHAT'S THEIR
23 NAME, RICHARDSON? OR I CAN'T REMEMBER THEIR NAME,
24 BUT RIGHT HERE ON 773?
- 25 A THERE IS A FARMHOUSE, WHAT I CALL A

1 FARMHOUSE, RIGHT IN THIS AREA HERE, NEAR THE
2 INTERSECTION.

3 Q AND ANOTHER HOUSE UP HERE, ISN'T IT?

4 A YES, SIR.

5 Q AND THIS HIGHWAY IS FAIRLY WELL
6 TRAVELLED, IS THAT NOT CORRECT?

7 A YES, SIR.

8 Q I MEAN, IF YOU'RE OUT THERE ON A
9 TYPICAL AFTERNOON, YOU'RE GOING TO SEE CARS COMING
10 EVERY FEW SECONDS OR SO, THIRTY, THIRTY, FORTY,
11 FIFTY SECONDS OR SO?

12 A NO, SIR.

13 Q NO?

14 A IT'S A WELL-TRAVELLED ROAD, BUT THIS IS
15 THE COUNTRY AND YOU KNOW, YOU MIGHT HAVE TWO CARS
16 IN A MINUTE, AND THEN THERE MIGHT BE A PERIOD OF
17 TIME FOR TEN OR FIFTEEN MINUTES WHEN NOTHING COMES
18 ALONG.

19 Q BIG CHURCH UP HERE, RIGHT?

20 A YES, SIR.

21 Q BACK UP TOWARD I-26?

22 A YES, SIR.

23 Q WHAT'S THE NAME OF THAT CHURCH?
24 STONE...

25 A IT'S A STONE CHURCH THERE.

- 1 Q LUTHERAN CHURCH, ISN'T IT?
- 2 A I BELIEVE IT IS.
- 3 Q AND ON A SUNDAY NIGHT, A LOT OF PEOPLE
- 4 GO TO THAT CHURCH?
- 5 A YES, SIR.
- 6 Q AND A LOT OF PEOPLE LIVE UP HERE, DON'T
- 7 THEY?
- 8 A THEY LIVE IN THAT AREA. I'M NOT SURE
- 9 THEY HAVE CHURCH SERVICE ON SUNDAY NIGHT. THAT
- 10 PARTICULAR NIGHT, I'M NOT SURE.
- 11 Q OKAY. NOW, WHICH WAY WOULD YOU GO TO
- 12 GO TO THE LAKE?
- 13 A WELL, WHAT YOU'D DO, YOU'D COME 773,
- 14 CROSS OVER I-26.
- 15 Q AND GO DOWN. SO IF YOU WERE COMING
- 16 FROM UP HERE AND GOING DOWN TO LAKE MURRAY, YOU
- 17 WOULD TRAVEL THIS ROAD ON A SUNDAY AFTERNOON. OR
- 18 COMING BACK FROM LAKE MURRAY, YOU'D TRAVEL THAT
- 19 ROAD ON A SUNDAY AFTERNOON?
- 20 A IF YOU LIVED UP IN THIS AREA UP IN
- 21 HERE.
- 22 Q AND WHO LIVES UP HERE?
- 23 A THAT WOULD BE POMARIA.
- 24 Q POMARIA?
- 25 A THE POMARIA SECTION.

- 1 Q BUT TO GET FROM THIS AREA UP HERE DOWN
2 HERE, YOU'VE GOT TO CROSS THIS ROAD?
3 A YES, SIR.
4 Q AND I ASSUME THERE ARE INNUMERABLE WAYS
5 TO GET FROM HERE TO HERE, REALLY?
6 A YES, SIR.
7 Q OKAY, YOU COULD COME DOWN THE ROAD AND
8 GO RIGHT AT THE DRIVEWAY?
9 A YES, SIR.
10 Q AND THAT WOULD BE ABOUT A MILE, CLOSE
11 TO A MILE. I MEAN IT'S NINE-TENTHS JUST ON HERE;
12 JUST A LITTLE LESS THAN A MILE?
13 A YES, SIR. IF YOU FOLLOWED THE ROADWAY
14 ITSELF.
15 Q OKAY, IF YOU DIDN'T FOLLOW THE ROADWAY
16 ITSELF, IT WOULD STILL BE CLOSE TO A MILE ANY WAY
17 YOU CUT IT?
18 A IF YOU'RE RIGHT IN HERE, SIR?
19 Q I'M TALKING ABOUT FROM THE CABLE NOW.
20 A OKAY, FROM THE CABLE.
21 Q RIGHT.
22 A COMING AS THE CROW FLIES?
23 Q RIGHT.
24 A SHOULD BE A LITTLE LESS.
25 Q ALMOST A MILE? HAVE YOU MEASURED IT?

1 A I HAVE NOT.

2 Q HAS SOMEBODY MEASURED IT?

3 A I DON'T KNOW IF ANYBODY HAS MEASURED

4 IT.

5 Q OKAY.

6 A BUT I WOULD THINK THAT--WHAT I KNOW

7 ABOUT THAT AREA, IT'S GOING TO BE LESS THAN ABOUT

8 EIGHT-TENTHS OF A MILE.

9 Q WELL, BUT IF THAT'S EIGHT-TENTHS OF A

10 MILE FROM HERE TO HERE, IT CERTAINLY IS NOT GOING

11 TO BE ANY LESS THAN EIGHT-TENTHS OF A MILE FROM

12 HERE TO HERE, IS IT?

13 A NO, I THINK THIS DRAWING IS JUST NOT TO

14 SCALE.

15 Q OKAY. SO SOMEWHERE ABOUT EIGHT-TENTH,

16 NINE-TENTHS OF A MILE?

17 A AS THE CROW FLIES, A LITTLE BIT LESS,

18 SIR.

19 Q WELL, YOU KEEP SAYING THAT. HAVE YOU

20 MEASURED IT?

21 A I'M SAYING THE SAME THING OVER AND OVER

22 AGAIN.

23 Q OKAY. AND AS THE CROW FLIES, HOW FAR

24 IS IT?

25 A LESS THAN EIGHT-TENTHS OF A MILE, SIR.

- 1 Q IS IT LESS THAN SEVEN-TENTHS OF A MILE?
2 A YOU KNOW, HERE AGAIN, I'M TRYING TO
3 GIVE YOU MY BEST GUESSTIMATE ON THAT, AND I THINK
4 IT'S A LITTLE BIT LESS THAN EIGHT-TENTHS. IT COULD
5 BE BETWEEN SEVEN AND EIGHT, AND I CAN'T GIVE YOU
6 ANY BETTER THAN THAT.
- 7 Q YOU SAY NO LESS THAN THREE-QUARTERS OF
8 A MILE THEN?
9 A THREE-QUARTERS OF A MILE WOULD BE
10 ACCURATE.
- 11 Q AND THAT'S YOUR BEST GUESS?
12 A THAT'S MY BEST GUESS.
- 13 Q AND THAT'S IF YOU WENT AS THE CROW
14 FLIES?
15 A YES, SIR.
- 16 Q AND AS THE CROW FLIES, THAT CROW WOULD
17 BE FLYING THROUGH A LOT OF TREES, WOULDN'T IT?
18 BECAUSE WE'RE TALKING ABOUT FROM HERE TO HERE.
19 YOU'VE GOT TO GO THROUGH AT LEAST THESE TREES AT
20 THIS POINT, OR CUT UP TO THE ROAD, IS THAT CORRECT?
21 A THERE'S TREES THROUGH HERE. AS I
22 STATED EARLIER, A LOT OF SCRUB PINES, THERE'S A LOT
23 OF UNDERBRUSH THROUGH THERE. THERE'S CERTAIN AREAS
24 WITH ANY SCRUB PINES WHERE YOU'VE GOT PINE STRAW
25 DOWN, THERE'S AREA YOU CAN MOVE RIGHT THROUGH IN

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1 THERE.

2 Q BUT THE CROW WOULD HAVE TO FLY THROUGH
3 SOME TREES?

4 A IF HE'S FLYING BELOW TREE LEVEL, YES,
5 SIR.

6 Q SURE. SO I GUESS WHAT I'M GETTING AT
7 IS, IT'S NOT GOING TO BE AS QUICK TO CUT THROUGH
8 HERE AS IT IS TO GO SOMEWHERE LIKE ACROSS THIS
9 FIELD OR UP THIS ROAD, OR THROUGH ANY CLEARED AREA,
10 IS THAT CORRECT? BECAUSE THERE ARE TREES IN YOUR
11 WAY. YOU HAVE TO STEP AROUND THEM, ISN'T THAT
12 CORRECT?

13 A YOU HAVE TO STEP AROUND THEM BUT YOU'RE
14 GOING THIS WAY RIGHT IN HERE?

15 Q UH-HUH.

16 A IT IS QUICKER GOING THROUGH THE TREES,
17 AS OPPOSED TO COMING HERE AND GOING UP 773 TO THE
18 DRIVEWAY. IT IS QUICKER.

19 Q AND I SUPPOSE ALL OF US WILL GET A
20 CHANCE TO SEE JUST HOW THICK THAT AREA IS. AND
21 YOU'VE SEEN IT, AND I'VE SEEN IT, CORRECT?

22 A CORRECT.

23 Q AND AS A MATTER OF FACT, --I'LL GET MR.
24 SWERLING DO THIS SO WE DON'T WASTE ANY TIME THIS
25 AFTERNOON. I'LL COME BACK TO HOW WE GET FROM HERE

1 TO THERE.

2 WHILE I HAVE YOU UP HERE THOUGH, LET ME
3 UNDERSTAND, LOOKING AT STATE'S EXHIBIT NUMBER
4 EIGHTY-SIX, I THINK WE WERE JUST LOOKING AT THIS
5 AREA UP HERE, IS THAT CORRECT?

6 A YES, SIR. THIS IS THE--WELL, THIS
7 COMES TO MOUNTAIN ROAD...

8 Q RIGHT.

9 A ...WHERE WE FOUND THE BODY OF VICTORIA
10 BECKHAM, BACK TO I-26, UP 773 WHICH SHOWS WEDERMAN
11 ROAD AS WELL AS THE DEFENDANT'S RESIDENCE.

12 Q RIGHT. AND I NOTICE A LITTLE ROUTE
13 HERE YELLOWED IN, THERE'S OTHER WAYS TO GET FROM
14 THERE TO THERE, ISN'T IT?

15 A THIS IS THE QUICKEST ROUTE.

16 Q BUT YOU COULD GO UP TO POMARIA AND THEN
17 CUT DOWN ON 202, COULDN'T YOU?

18 A YES, SIR.

19 Q AND, I MEAN, YOU COULD GO DOWN 176 AND
20 CUT OVER ON THIS ROAD AND... BUT WHAT YOU'RE SAYING
21 IS Y'ALL HAVE DRIVEN IT AND THAT'S THE QUICKEST WAY
22 TO GO?

23 A THAT'S THE QUICKEST WAY TO GO.

24 Q OKAY. NOW, COULD YOU SHOW WHERE THE
25 WHALE'S TAIL IS, OR THE WHALE'S TAIL EXIT? WHERE

- 1 IS THAT? OR IS THAT NOT SHOWN ON THIS?
- 2 A THAT'S GOING TO BE...NO, SIR, IT'S NOT
- 3 SHOWN ON THAT ONE.
- 4 Q MAYBE IT'S BETTER ON THIS ONE RIGHT
- 5 HERE. STATE'S EXHIBIT NUMBER EIGHTY-FIVE. SHOW US
- 6 WHERE THE WHALE'S TAIL IS.
- 7 A RIGHT HERE; 176 AND I-26.
- 8 Q OKAY. AND WE'VE HEARD TESTIMONY ABOUT
- 9 A PLACE CALLED TANNER'S. WHERE IS THAT?
- 10 A TANNER'S IS GOING TO BE AT THAT
- 11 INTERSECTION. SHOULD BE RIGHT IN HERE, SIR.
- 12 Q IS THAT NEAR THE WHALE'S TAIL?
- 13 A YES, SIR. SAME AREA.
- 14 Q IF I GET OFF I-26, DO I GET OFF AT THE
- 15 SAME EXIT TO GO BOTH PLACES?
- 16 A YES, SIR.
- 17 Q AND HOW FAR IS THAT FROM...FIRST OF
- 18 ALL, OKAY, SO THAT'S--LET ME SORT OF GET AN
- 19 IDEA...I'M A LITTLE DISORIENTED HERE.
- 20 OKAY, THIS IS 773 UP HERE?
- 21 A YES, SIR.
- 22 Q THAT'S WHERE YOU GET OFF TO GO TO THE
- 23 BECKHAM RESIDENCE?
- 24 A YES, SIR.
- 25 Q AND LITTLE MOUNTAIN, THAT ROUTE YOU

1 SHOWED ME A MINUTE AGO, THE QUICKEST WAY FROM--AND
2 THE BECKHAM RESIDENCE WOULD BE SOMEWHERE UP IN
3 HERE?

4 A YES, SIR, BE RIGHT IN HERE.

5 Q RIGHT IN THERE. OKAY, SO YOU COME DOWN
6 HERE TO 26 AND THEN GO DOWN TO 202, AND THEN COME
7 DOWN HERE?

8 A YES, SIR.

9 Q AND HOW LONG DID THAT TAKE?

10 A THAT'S GOING TO PROBABLY TAKE YOU
11 SOMEWHERE IN THE NEIGHBORHOOD OF TEN TO FIFTEEN
12 MINUTES.

13 Q TEN OR FIFTEEN MINUTES.

14 A AND I HAVE NOT DRIVEN IT FOR TIME.

15 Q I MEAN, YOU'VE BEEN WORKING IN LAW
16 ENFORCEMENT IN THIS COUNTY FOR AWHILE, HAVEN'T YOU?

17 A YES, SIR.

18 Q AND YOU'RE GENERALLY FAMILIAR WITH THE
19 AREA?

20 A YES, SIR.

21 Q NOW, FROM LITTLE MOUNTAIN OVER HERE TO
22 TANNER'S WHICH YOU SAID WAS RIGHT ABOUT HERE?

23 A YES, SIR. AND 176 IS RIGHT HERE, SIR.

24 Q RIGHT HERE? HOW LONG DID THAT TAKE?

25 A FIFTEEN TO TWENTY MINUTES.

- 1 Q FIFTEEN TO TWENTY MINUTES. HOW ABOUT
2 FROM, IF I WAS DRIVING UP HERE FROM THE BECKHAM
3 RESIDENCE, HOW LONG WOULD THAT TAKE?
4 A LET'S SEE, 773 TO...
5 Q TWENTY-SIX DOWN TO 176.
6 A ONE, SEVENTY-SIX AND TWENTY-SIX?
7 Q YEAH.
8 A SOMEWHERE IN THE NEIGHBORHOOD OF I
9 GUESS MAYBE TWENTY MINUTES.
10 Q TWENTY MINUTES?
11 A YES, SIR.
12 Q OKAY.
13 A BECAUSE YOU DON'T HAVE TO COME BACK IN
14 HERE TO THE MOUNTAIN AND ALL.
15 Q YOU DON'T HAVE TO COME BACK INTO THE
16 MOUNTAIN. HOW LONG WOULD IT TAKE TO GET FROM 76 TO
17 LITTLE MOUNTAIN, DID YOU SAY? YOU SAID FIFTEEN TO
18 TWENTY MINUTES?
19 A OKAY, 76 WHERE, SIR?
20 Q WELL, FROM TANNER'S TO LITTLE MOUNTAIN?
21 A OKAY, 176 IS HERE. OKAY, 176 IS WHERE
22 TANNER'S IS.
23 Q RIGHT.
24 A OKAY, 76 RUNS ON DOWN TO CHAPIN AND
25 THEN ON DOWN...

1 Q BUT I MEAN, TO GET UP HERE TO LITTLE
2 MOUNTAIN, WOULD YOU GO UP 26, DOWN 202, WOULD THAT
3 BE THE QUICKEST WAY OR WOULD YOU GET ON 76?

4 A YOU'D GET ON I-26, COME STRAIGHT UP TO
5 THE MOUNTAIN.

6 Q SO IT WOULD TAKE ABOUT TWENTY MINUTES
7 TO GET, I THINK YOU SAID FIFTEEN OR TWENTY MINUTES
8 TO GET THERE. AND IF YOU KEPT ON GOING, IT WOULD
9 TAKE YOU FIFTEEN OR TWENTY MINUTES TO GET TO THE
10 BECKHAM RESIDENCE. SO IT'S ABOUT THE SAME DISTANCE
11 FROM TANNER'S?

12 A YEAH, MAYBE...YEAH, ABOUT THAT LONG.
13 TWENTY MINUTES.

14 Q SO IF I WAS LEAVING THE BECKHAM
15 RESIDENCE AND I GOT TO TANNER'S AT FIVE O'CLOCK,
16 FOR THE SAKE OF ARGUMENT, FIVE P.M., I WOULD HAVE
17 HAD TO LEAVE ABOUT TWENTY OF FIVE TO GET THERE?

18 A YES, SIR. TWENTY, TWENTY-FIVE 'TILL,
19 DEPENDING ON THE TRAFFIC.

20 Q DEPENDING ON THE TRAFFIC. TWENTY TO
21 TWENTY-FIVE 'TILL TO GET THERE. AND IF I WAS GOING
22 BACK BY WAY OF LITTLE MOUNTAIN TO GET BACK TO THE
23 BECKHAM RESIDENCE, IT WOULD TAKE ME, WHAT, THIRTY
24 MINUTES?

25 A WHERE ARE YOU TRAVELLING FROM, SIR?

1 Q TANNER'S. I MEAN, GO BY LITTLE
2 MOUNTAIN AND DROP OFF A GOLD CAR AND THEN GO ON
3 BACK UP THE DIRT ROAD AND DROP SOMEBODY OFF AT THE
4 CABLE AND THEN GET BACK TO THE HOUSE? TWENTY-FIVE
5 MINUTES?

6 MR. JONES: YOUR HONOR, HE HASN'T ASKED
7 HIM WHAT SPEED THEY'RE TRAVELLING. HE'S ASKED HIM
8 TO ASSUME...

9 THE COURT: HE CAN ANSWER THE QUESTION.
10 OVERRULED.

11 Q AVERAGE SPEED, NOT BREAKING THE SPEED
12 LIMIT.

13 A HERE AGAIN, THAT'S NOT--IT'S A GUESS.
14 I DIDN'T TIME IT.

15 Q SURE.

16 A TWENTY-FIVE, THIRTY MINUTES.

17 Q OKAY. LET ME GO BACK TO THE WOODED
18 AREA QUESTION. IF MR. SWERLING HAS SOME
19 PHOTOGRAPHS FOR ME. MR. SWERLING?

20 LET ME ASK YOU TO LOOK AT THESE
21 PHOTOGRAPHS, AND WHILE YOU'RE DOING THAT, SEE
22 IF...LET ME GIVE YOU ONE TO...IF THAT'S THE CABLE
23 THERE.

24 JUST LOOK AT THESE. I'M GOING TO ASK
25 YOU GENERALLY IF IT LOOKS LIKE THE KIND OF TERRAIN

1 AND THE KIND OF WOODS AROUND THE CABLE AREA AND
2 WEDERMAN ROAD.

3 A DO YOU WANT ME TO GO ON AND LOOK
4 THROUGH THEM?

5 Q YEAH, GO AHEAD AND LOOK THROUGH ALL OF
6 THOSE, AND LET ME HAVE THEM MARKED. THEN I'LL
7 THROW THEM UP ON THE THINGAMAJIG. GO AHEAD AND
8 TAKE THE STAND AGAIN, PLEASE, SIR.

9 DO THESE LOOK LIKE, LOOK TYPICAL OF THE
10 WOODED AREA AROUND WEDERMAN ROAD AND THE CABLE? I
11 BELIEVE IN ONE OF THESE YOU CAN ACTUALLY SEE THE
12 CABLE.

13 A YES, SIR, BUT NOW THAT'S THE OUTSIDE OF
14 THE WOODS.

15 Q RIGHT.

16 A AS YOU KNOW, WITH PINE THICKET, THERE'S
17 GOING TO BE A LOT MORE BUSHES AND SHRUBS AT THE
18 ENTRANCE, AND THEN IT CLEARS OFF A LITTLE BIT
19 UNDERNEATH.

20 Q I MEAN WE'RE LOOKING ON STATE'S EXHIBIT
21 NUMBER FIFTY-FIVE, WHEN YOU SAY PINE THICKET, WE'RE
22 TALKING ABOUT WHERE I HAVE MY HAND RIGHT HERE?

23 A YES, SIR.

24 Q THAT'S A PINE THICKET; I MEAN, IT'S
25 TYPICAL PINE WOODS HERE IN THE MIDLANDS OF SOUTH

1 CAROLINA, IS IT NOT?

2 A YES, SIR.

3 Q I MEAN, THERE'S NOTHING HORTICULTURALLY
4 ABNORMAL ABOUT THIS AREA, IS IT?

5 A NOT AT ALL, SIR.

6 Q I MEAN, THOSE OF US THAT LIVE HERE
7 UNDERSTAND WHAT A PINE THICKET LOOKS LIKE, AND
8 THESE PICTURES REPRESENT HOW IT LOOKS.

9 A ON THE OUTSIDE OF THE WOODS.

10 Q ON THE OUTSIDE.

11 MR. HARPOOTLIAN: OFFER THESE IN
12 EVIDENCE, YOUR HONOR.

13 THE COURT: ANY OBJECTIONS?

14 MR. MCMAHON: NO OBJECTION.

15 THE COURT: WITHOUT OBJECTION.

16 MR. HARPOOTLIAN: GIVE HER JUST A
17 MINUTES TO MARK THEM, PLEASE.

18 (SO MARKED AND ENTERED IN EVIDENCE,
19 PHOTOGRAPHS, DEFENDANT'S EXHIBITS EIGHT THROUGH
20 TWELVE, WITHOUT OBJECTION.)

21 COURT REPORTER: EIGHT THROUGH TWELVE
22 FOR THE DEFENSE.

23 Q LET ME SEE HOW THESE DO ON OUR LITTLE
24 PROJECTOR HERE.

25 LET ME STAND OVER HERE. LET'S GET A

1 LITTLE FOCUS ON THIS, PLEASE. HERE WE GO.

2 THE COURT: MR. HARPOOTLIAN, THEY CAN'T
3 SEE RIGHT BEHIND YOU, SO YOU NEED TO MOVE ONE WAY
4 OR THE OTHER.

5 Q CAN YOU SEE THIS?

6 A NO, SIR.

7 Q WHY DON'T YOU STEP DOWN SO YOU CAN LOOK
8 AT IT.

9 THIS IS THE AREA, WE BOTH AGREE, IT'S
10 OFF WEDERMAN ROAD. I MEAN, THAT'S TYPICALLY WHAT
11 IT LOOKS LIKE, ISN'T IT?

12 A YES, SIR.

13 Q THAT WAS DEFENDANT'S EXHIBIT NUMBER
14 EIGHT. THE NEXT ONE IS?

15 PROJECTIONIST: NUMBER NINE.

16 Q NUMBER NINE. AND HERE WE'RE LOOKING AT
17 THE AREA, I BELIEVE YOU CAN EVEN SEE THE CABLE
18 RIGHT HERE, LOOKING DOWN THAT ROAD, CAN YOU NOT?

19 A THAT APPEARS TO BE THE ROAD OFF
20 WEDERMAN ROAD, YES SIR.

21 Q AND AGAIN, THIS AREA AROUND HERE IS THE
22 BRUSH, IS IT NOT?

23 A YES, SIR.

24 Q ANOTHER ONE, PLEASE.

25 PROJECTIONIST: NUMBER TEN.

1 Q NUMBER TEN. AND AGAIN, WE'RE LOOKING
2 HERE AT THE TYPICAL, AS YOU WOULD SAY, THE OUTSIDE
3 SHRUBBERY WHICH WE SEE FROM THE OUTSIDE LOOKING
4 INTO THAT PINE THICKET, AS YOU CALL IT, IS THAT
5 CORRECT?

6 A CAN YOU TELL ME WHERE THAT WAS TAKEN
7 AT, ON WEDERMAN ROAD OR...

8 Q THAT'S RIGHT NEAR THE CABLE, LOOKING
9 BACK INTO THE WOODS.

10 A THAT'S BACK UP THE ROAD A LITTLE BIT.
11 THAT'S THE REFRIGERATOR, AS A MATTER OF FACT.

12 A OKAY, THE REFRIGERATOR IS IN THE SAME
13 PICTURE?

14 Q YEAH, THAT'S WAS...

15 A OKAY. YEAH, I'M FAMILIAR WITH WHERE
16 THAT IS, AND THAT IS IN THAT AREA.

17 Q OKAY, GO AHEAD AND TAKE YOUR SEAT,
18 PLEASE, SIR.

19 NOW, YOU SEIZED... NOW, YOU WENT ON
20 JUNE 17TH, 1994, TO STEVE BECKHAM'S TRAILER, IS
21 THAT CORRECT?

22 A THAT'S CORRECT.

23 Q YOU WENT ARMED WITH A SEARCH WARRANT,
24 AND YOU SEIZED EVERY PINK SHIRT YOU COULD FIND, IS
25 THAT CORRECT?

- 1 A ANY SHIRT THAT HAD PINK IN IT, YES,
2 SIR.
- 3 Q AND WE NOW KNOW, I DON'T KNOW WHETHER
4 YOU KNEW AT THE TIME, BUT WE...WELL, YOU KNEW AT
5 THE TIME THAT STEVE BECKHAM, WHEN HE WAS SEEN WITH
6 HIS WIFE, WAS WEARING A PINK SHIRT, IS THAT
7 CORRECT?
- 8 A THAT'S CORRECT.
- 9 Q AND SO THESE SHIRTS WERE SEIZED, ANY
10 PINK SHIRT HE HAD WAS SEIZED, IS THAT CORRECT?
- 11 A CORRECT.
- 12 Q AND AS A MATTER OF FACT, WHEN Y'ALL
13 WERE INTERVIEWING HIM AND THESE PICTURES WERE
14 TAKEN,--SOMEWHERE AROUND HERE IS A PICTURE OF HIM.
15 THERE WE GO. THAT WOULD BE DEFENDANT...STATE'S
16 EXHIBIT NUMBER THIRTEEN, HE HAD A PINK SHIRT ON
17 THEN, OR SOMETHING I WOULD CALL RED/PINK?
- 18 A IT WAS A PINK SHIRT, YES, SIR.
- 19 Q OKAY. AND HE TOLD YOU AND OTHERS TOLD
20 YOU THAT THAT WAS THE SHIRT HE HAD ON EARLIER IN
21 THE DAY, CORRECT?
- 22 A CORRECT.
- 23 Q NOW, SO ANYTHING THAT RESEMBLED A PINK,
24 RED, ANY SHADE OF THAT, IS IN HERE, IS THAT
25 CORRECT?

- 1 A YES, SIR.
- 2 Q AND YOU HAD ACCESS TO THE SHIRT THAT HE
- 3 HAD ON THAT DAY, AND YOU HAD FOLKS INDICATE TO YOU
- 4 THAT'S THE SHIRT HE HAD ON WHEN HE WAS WITH HIS
- 5 WIFE, IS THAT CORRECT?
- 6 A THAT'S CORRECT.
- 7 Q NOW, THESE SHIRTS HAVE BEEN TESTED?
- 8 A IT'S MY UNDERSTANDING THEY WERE SENT TO
- 9 SLED TO TEST.
- 10 Q OKAY. AND TO YOUR KNOWLEDGE, HAS
- 11 ANYONE FOUND ANY BLOOD ON THEM? ANY BLOOD ON THESE
- 12 SHIRTS?
- 13 A I DO NOT KNOW, SIR. I...
- 14 Q OF YOUR OWN KNOWLEDGE?
- 15 A I CAN'T SAY THEY FOUND ANY BLOOD ON THE
- 16 SHIRTS.
- 17 Q OKAY. NOW, WHAT ABOUT, HAVE YOU--
- 18 YOU'RE A HUNTER? YOU HUNT?
- 19 A NO, SIR, NOT IN A LONG TIME. JUST
- 20 DON'T HAVE THE TIME ANYMORE.
- 21 Q YEAH, I KNOW HOW YOU FEEL, BUT WHEN WE
- 22 USED TO HAVE THE TIME ON A SUNDAY AFTERNOON LIKE
- 23 THIS TO GET OUTSIDE AND MOVE AROUND A LITTLE BIT,
- 24 YOU'VE BEEN THROUGH PINE THICKETS LIKE WE'RE
- 25 TALKING ABOUT HERE, IS THAT CORRECT?

- 1 A YES, SIR.
- 2 Q YOU'VE RUN THROUGH THEM?
- 3 A YES, SIR.
- 4 Q IN THE PROCESS OF RUNNING THROUGH THEM,
5 DO YOUR CLOTHES COME IN CONTACT WITH BUSHES AND
6 TREES AND THOSE SORTS OF THINGS?
- 7 A IT DEPENDS ON THE DENSITY OF THE WOODS.
- 8 Q SURE. BUT IF ONE WERE RUNNING THROUGH
9 THE WOODS IN A HURRY TO GET SOMEWHERE, AND IF THEY
10 WERE AS DENSE AS SOME OF THE AREAS IN THIS PINE
11 THICKET YOU TALKED ABOUT--NOW, I'M NOT TALKING
12 ABOUT CAREFULLY AVOIDED THINGS, TAKING YOUR TIME,
13 LOLLYGAGGING THROUGH, BUT TRYING TO GET SOMEWHERE
14 IN A HURRY, YOU WOULD BRUSH AGAINST TREES, SHRUBS,
15 BUSHES, WOULD YOU NOT?
- 16 A NOT NECESSARILY, BECAUSE, YOU KNOW, AS
17 I STATED, LIKE THIS PINE THICKET IS KIND OF CLEARED
18 UNDERNEATH. THERE ARE PLACES THAT BRANCHES HANG
19 DOWN AND ALL OF THIS BUT...
- 20 Q SO YOU COULD RUN THROUGH THAT FOR A
21 MILE AND NOT GET ANYTHING ON YOUR CLOTHES? YOU
22 COULD RUN THROUGH THERE AND NOT GET ANY SORT OF
23 BRIARS OR STICKS STUCK TO YOU OR TEAR THEM AT ALL,
24 IS THAT WHAT YOU'RE TELLING ME?
- 25 A ARE WE GOING BACK TOWARD THE

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1 DEFENDANT'S HOUSE OR JUST IN GENERAL?

2 Q JUST IN GENERAL, OR BACK TO THE
3 DEFENDANT'S HOUSE. COULD YOU DO THAT WITHOUT
4 TEARING YOUR CLOTHES, TEARING THAT SHIRT, GETTING
5 STUFF STUCK IN IT?

6 A YES, SIR, YOU COULD. AND I BELIEVE
7 IT'S ABOUT THREE-QUARTERS OF A MILE, INSTEAD OF A
8 MILE.

9 Q SO THERE'D BE NO REASON, RUNNING
10 THROUGH THE WOODS IF YOU'RE NOT TEARING YOUR
11 CLOTHES OR GETTING ANYTHING STUCK ON IT TO GET
12 SCRATCHES, WOULD THERE?

13 A THERE ARE, YOU KNOW, BRANCHES IN THERE.

14 Q NO, NO, NO... GO AHEAD, I'M SORRY.

15 A MAYBE I DIDN'T UNDERSTAND YOUR
16 QUESTION. WOULD YOU REPEAT IT?

17 Q WELL, OKAY. IF IT'S NOT GOING TO TEAR
18 YOUR CLOTHES, AND YOU'RE NOT GOING TO GET ANY
19 MATERIAL STUCK ON IT, AND YOU'RE NOT GOING TO
20 SCRATCH UP THESE CLOTHES, YOU'RE NOT GOING TO GET
21 THINGS STUCK IN THEM, YOU'RE NOT GOING TO TEAR
22 THEM, HOW IS IT YOU WOULD SCRATCH YOUR NECK
23 UNDERNEATH YOUR SHIRT AND NOT THE SHIRT? HOW WOULD
24 THAT WORK?

25 A COULD I SEE THE PHOTOGRAPH, SIR?

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1 Q SURE. THAT WOULD BE STATE'S EXHIBIT
2 NUMBER FOURTEEN.

3 A YES, SIR. TO ME, IT APPEARS IT'S RIGHT
4 THERE AT THE NECK AREA, SIR, WHICH WOULD BE RIGHT
5 IN HERE. AND THEN OF COURSE THE ARMS, IN JUST
6 WALKING THROUGH ANY THICKET, YOU COULD GET THOSE
7 TYPE SCRATCHES.

8 Q JUST WALKING THROUGH A THICKET, SO YOU
9 WOULDN'T HAVE TO BE RUNNING THROUGH IT IN A HURRY?

10 A YOU COULD WALK THROUGH IT AT A BRIEF
11 PACE.

12 Q AND IF YOU'RE OUT JUST PICKING UP LIMBS
13 ON YOUR PROPERTY, YOU COULD GET THIS?

14 A YES, SIR.

15 Q AND COULD YOU TELL ME, BASED ON LOOKING
16 AT THIS, HOW OLD THESE SCRATCHES ARE?

17 A I COULD NOT DO THAT.

18 Q OKAY, SO YOUR TESTIMONY IS YOU COULD
19 GET SCRATCHES LIKE THAT IN A NUMBER OF DIFFERENT
20 WAYS, AND THEN IF YOU'RE RUNNING THROUGH THE WOODS
21 IN A HURRY, YOU WOULDN'T NECESSARILY TEAR YOUR
22 CLOTHES IN ANY WAY, IS THAT CORRECT?

23 A HERE AGAIN, IT DEPENDS ON THE DENSITY.

24 Q OKAY, AND THE DENSITY, YOU'RE SAYING
25 THAT THE DENSITY IS BETWEEN WHERE THE CABLE IS AND

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1 STEVEN BECKHAM'S HOUSE IS NOT SO DENSE TO HAVE TORN
2 HIS CLOTHES, OR IN ANY WAY GOTTEN MATERIAL CAUGHT
3 ON HIS CLOTHES?

4 A I DON'T FEEL THERE IS, SIR.

5 Q OKAY. AND IT WOULD NOT NECESSARILY BE
6 DENSE ENOUGH TO SCRATCH HIM?

7 A I CAN'T SAY THAT HE DID OR DID NOT GET
8 SCRATCHES THERE.

9 Q OKAY, YOU CANNOT SAY THAT?

10 A NO, SIR.

11 Q AND YOU'RE FAMILIAR WITH THAT AREA?

12 A I'M FAMILIAR WITH IT.

13 Q AND YOU CANNOT SAY WHETHER OR NOT HE
14 WOULD HAVE TORN HIS CLOTHES? THAT WOULD BE--I
15 MEAN, THERE'S OTHER REASONABLE EXPLANATIONS FOR
16 THOSE SCRATCHES OTHER THAN RUNNING THROUGH THE
17 WOODS, ISN'T THERE?

18 A I HAVEN'T HEARD ANY, BUT I MEAN,...

19 Q BUT THERE ARE REASONABLE EXPLANATIONS,
20 AREN'T THERE?

21 A THERE'S ALWAYS...

22 Q I MEAN, YOU JUST TOLD ME A COUPLE OF
23 THEM. I MEAN YOU WOULDN'T NECESSARILY HAVE TO BE
24 RUNNING THROUGH THE WOODS TO GET THESE SCRATCHES,
25 CORRECT?

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- 1 A THAT'S CORRECT.
- 2 Q WHEN HE CAME WITH YOU THAT NIGHT, HE
- 3 WAS TOTALLY COOPERATIVE, WAS HE NOT?
- 4 A YES, SIR.
- 5 Q HE ALLOWED YOU TO TAKE PHOTOGRAPHS OF
- 6 HIM, HE SIGNED CONSENTS TO SEARCH. I MEAN, HE DID
- 7 EVERYTHING HE COULD TO COOPERATE WITH YOU IN EVERY
- 8 WAY. WHENEVER YOU ASKED HIM TO SIGN SOMETHING, HE
- 9 SIGNED IT, DIDN'T HE?
- 10 A YES, SIR.
- 11 Q AND HE TOLD YOU THAT NIGHT, WHEN YOU
- 12 ASKED HIM WHEN HE SAW HIS WIFE LAST, HE TOLD YOU, I
- 13 THINK YOU TOLD THE SOLICITOR A MOMENT AGO, THAT SHE
- 14 GOT TO THE HOUSE ABOUT 6:15, BUT SHE WAS ALWAYS
- 15 LATE. SHE WAS SUPPOSED TO BE THERE AT SIX, BUT SHE
- 16 ALWAYS RAN LATE, ISN'T THAT CORRECT?
- 17 A YES, SIR. HE SAID, "SHE GOT HERE AT
- 18 6:15. SHE WAS FIFTEEN MINUTES LATE, AS USUAL."
- 19 Q "AS USUAL." SHE WAS BRINGING THE KIDS
- 20 FOR THEIR SCHEDULED VISIT?
- 21 A SAID SHE WOULD BRING THE KIDS HOME. I
- 22 DON'T KNOW IF HE SAID A SCHEDULED VISIT OR NOT, BUT
- 23 THAT'S POSSIBLE.
- 24 Q HE TOLD YOU HE WAS WASHING HIS VEHICLE
- 25 WHEN SHE ARRIVED?

- 1 A YES, SIR, HE DID TELL ME THAT.
- 2 Q PARDON ME?
- 3 A HE DID TELL ME THAT HE WAS WASHING HIS
- 4 MOTHER'S VEHICLE, I BELIEVE IT WAS.
- 5 Q WASHING HIS MOTHER'S...YOU'RE CORRECT.
- 6 HE STATED SHE STAYED ABOUT TEN MINUTES AFTER THE
- 7 KIDS WENT INSIDE TO PUT THE CLOTHES UP, HE SAT DOWN
- 8 ON THE PASSENGER SIDE OF VICKIE'S CAR AND THEY
- 9 TALKED ABOUT THE KIDS, ABOUT A SHOPPING TRIP TO
- 10 COLUMBIA; STEPHEN ASKED HER IF SHE'D READ A NOTE
- 11 HE'D GIVEN HER, SHE STATED, YES, SHE HADN'T GIVEN
- 12 IT MUCH THOUGHT. HE GOT OUT, SHE LEFT, HE'D NOT
- 13 SEEN HER SINCE, IS THAT CORRECT?
- 14 A THAT'S WHAT HE SAID.
- 15 Q SO HE TOLD YOU HE GOT IN THE CAR?
- 16 A YES, SIR.
- 17 Q AND HE TOLD YOU HE TALKED TO HER FOR
- 18 ABOUT TEN MINUTES?
- 19 A YES, SIR.
- 20 Q NOW, HE ALSO INDICATED TO YOU THAT HIS
- 21 DAUGHTER, SHANNON, THE DAUGHTER OF THE VICTIM AND
- 22 HIM, THE SON, ANDREW, OF THE VICTIM AND HIM, AND
- 23 THEIR YOUNGEST SON, SAMUEL, AND LADONNA, WHO I
- 24 BELIEVE IS HIS NIECE, WERE ALL THERE. IS THAT
- 25 CORRECT?

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1 A YES, SIR.

2 Q AND THESE ARE THE FOUR CHILDREN, I
3 THINK, THAT WERE ON THE FLOOR WHEN YOU CAME IN THAT
4 NIGHT AROUND TWO O'CLOCK IN THE MORNING, ISN'T THAT
5 CORRECT?

6 A YES, SIR.

7 Q AND YOU, OR SOMEONE UNDER YOUR
8 SUPERVISION, HAS INTERVIEWED EACH ONE OF THESE
9 CHILDREN. YOU DID IT BACK IN JUNE OF 1994, ON JUNE
10 13TH, I BELIEVE, ISN'T THAT CORRECT?

11 A YES, SIR, WE STARTED THE INVESTIGATION
12 ON THE 12TH, AND WE STARTED INTERVIEWING THEN.

13 Q AND YOU INTERVIEWED SHANNON AND
14 LADONNA, AND ANDREW? I THINK SAMUEL WAS ONLY FOUR
15 AT THE TIME, ISN'T THAT CORRECT?

16 A YES, SIR.

17 Q AND OBTAINED STATEMENTS FROM THEM,
18 ISN'T THAT CORRECT?

19 A YES, SIR.

20 Q AND TO A LARGE EXTENT--WELL, NEVER
21 MIND. LET ME WITHDRAW THAT.

22 AND SO INTERVIEWS WERE DONE WITH THEM.
23 LET ME GET BACK TO ONE THING I FORGOT TO ASK YOU.
24 YOU OBTAINED INFORMATION, AND I BELIEVE YOU KNOW
25 THAT STEPHEN WAS WEARING SHORTS WHEN HE WAS WASHING

1 THE CAR, IS THAT CORRECT?

2 A YES, SIR.

3 Q NOW, DID ANYONE EXAMINE HIS LEGS?

4 A I DON'T RECALL, SIR.

5 Q THERE WAS NO PROBLEM, I MEAN, HE TOOK
6 OFF HIS SHIRT. HE WOULD HAVE TAKEN OFF HIS PANTS,
7 IF YOU'D ASKED HIM TO, WOULD HE NOT?

8 A I ASSUME SO.

9 Q YOU ASKED HIM TO TAKE OFF HIS SHIRT,
10 AND HE TOOK OFF HIS SHIRT?

11 A YES, SIR.

12 Q NOW, LET ME GO TO THE SCENE FOR JUST A
13 MINUTE. AS I UNDERSTAND IT, WHEN YOU ARRIVED AT
14 THE SCENE, AND WHEN I SAY THE SCENE, THE LITTLE
15 MOUNTAIN ROAD AREA, AND WE LOOK AT STATE'S EXHIBIT
16 NUMBER THREE. THIS REPRESENTS VICKIE BECKHAM'S
17 VEHICLE AS YOU SAW IT THAT NIGHT, IS THAT NOT
18 CORRECT?

19 A THAT'S CORRECT.

20 Q AND LET ME SHOW YOU THIS PHOTOGRAPH
21 WHICH WAS TAKEN AT SLED HEADQUARTERS. IS THAT HER
22 VEHICLE?

23 A YES, SIR.

24 Q AND AS I SEE THIS VEHICLE, IT IS DOWN
25 IN A DITCH, LEANING TOWARD THE PASSENGER SIDE.

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1 THAT'S IN STATE'S EXHIBIT NUMBER THREE, IS THAT
2 CORRECT?

3 A CORRECT.

4 Q YOU'VE IDENTIFIED THIS PHOTOGRAPH WHICH
5 WAS GIVEN TO US BY THE STATE.

6 MR. HARPOOTLIAN: I'D LIKE TO OFFER
7 THIS INTO EVIDENCE.

8 MR. MCMAHON: NO OBJECTION.

9 COURT REPORTER: DEFENSE THIRTEEN.
10 (SO MARKED AND ENTERED, WITHOUT
11 OBJECTION.)

12 MR. HARPOOTLIAN: THANK YOU.

13 Q NOW, WERE YOU THERE WHEN SLED PROCESSED
14 THE SCENE?

15 A YES, SIR.

16 Q AND WERE YOU THERE WHEN PEOPLE WERE
17 BEING INTERVIEWED?

18 A YES, SIR.

19 Q NOW, WE KNOW THAT THIS AREA ON LITTLE
20 MOUNTAIN ROAD--AM I SAYING THAT RIGHT? IS IT
21 LITTLE MOUNTAIN ROAD?

22 A YES, SIR. IT'S CALLED MOUNTAIN ROAD.

23 Q MOUNTAIN ROAD, BUT IT GOES TO LITTLE
24 MOUNTAIN?

25 A YES, SIR.

1 Q OKAY. ON MOUNTAIN ROAD, THERE ARE
2 PEOPLE THAT LIVED IN THE VICINITY OF WHERE HER CAR
3 WAS FOUND, IS THAT NOT CORRECT?

4 A YES, SIR. THEY LIVE AROUND THE
5 MOUNTAIN ON MOUNTAIN ROAD, PROBABLY, I'M GUESSING
6 THREE-QUARTERS OF A MILE FROM THE STAGED ACCIDENT
7 SCENE.

8 Q THAT WOULD BE THE BOWERS, IS THAT
9 CORRECT?

10 A YES, SIR.

11 Q AND THERE ARE A NUMBER OF PEOPLE THAT
12 YOU, PURSUANT TO YOUR INVESTIGATION IN THIS CASE,
13 INTERVIEWED THAT HAD BEEN IN THE AREA?

14 A YES, SIR.

15 Q AND A NUMBER OF PEOPLE WHO HAD DRIVEN
16 BY BETWEEN NINE AND NINE-THIRTY P.M. ON THE NIGHT
17 OF THE 12TH?

18 A YES, SIR.

19 Q SOME OF WHO HAD DRIVEN BY WHILE THERE
20 WAS A GOLD CAR THERE?

21 A YES, SIR.

22 MR. MCMAHON: OBJECTION. ALL OF THIS
23 IS HEARSAY, YOUR HONOR; 801, 803. HE'S JUST
24 REPEATING INTERVIEWS WITH OTHER INDIVIDUALS.

25 THE COURT: SUSTAINED UNLESS YOU'RE

1 OTHERWISE OFFERING IT.

2 MR. HARPOOTLIAN: WELL, YOUR HONOR, I'M
3 NOT OFFERING IT FOR TO PROVE THE MATTER ASSERTED.
4 I'M OFFERING IT TO SHOW WHERE THE INVESTIGATION
5 WENT IN THIS CASE.

6 THE COURT: OVERRULED.

7 MR. HARPOOTLIAN: THANK YOU.

8 Q AS A RESULT OF THOSE INTERVIEWS, DID
9 YOU NOT, ALONG WITH THE SOUTH CAROLINA LAW
10 ENFORCEMENT DIVISION GENERATE...

11 MR. MCMAHON: OBJECTION. OBJECTION.
12 THIRD PARTY.

13 THE COURT: LET ME HEAR FROM YOU ON THE
14 SIDE OVER HERE. I DON'T KNOW EXACTLY...

15 (BENCH CONFERENCE IN THE PRESENCE OF
16 THE JURY, OUT OF THE HEARING OF THE JURY, AND OFF
17 THE RECORD.)

18 THE COURT: ALL RIGHT, MR. HARPOOTLIAN,
19 MOVE INTO OTHER AREAS AND WE'LL COME BACK AND
20 REVISIT THAT.

21 Q CLEARLY, IN JUNE OF 1994, JUNE 13TH,
22 14TH, THE EARLY MORNING HOURS OF JUNE 13TH FORWARD,
23 YOU WERE ADVISING STEPHEN BECKHAM OF HIS RIGHTS, IS
24 THAT CORRECT? SO-CALLED MIRANDA WARNINGS?

25 A YES, SIR, THE MIRANDA WARNINGS.

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1 Q AND YOU WERE TREATING HIM, I THINK
2 SEVERAL OF THESE DOCUMENTS EVEN HAVE THE WORD
3 SUSPECT ON IT, IS THAT CORRECT?

4 A WHEN WE FIRST CAME IN CONTACT WITH HIM
5 WE WERE DEALING WITH HIM AS A VICTIM/WITNESS.

6 Q RIGHT.

7 A AND THEN WHEN WE GOT TO THE SHERIFF'S
8 OFFICE, WE ASKED HIM IF HE'D TALK TO US, BUT BEFORE
9 HE TALKED TO US, WE WANTED TO ADVISE HIM OF HIS
10 MIRANDA WARNINGS, JUST TO PROTECT HIM.

11 Q OKAY. TO PROTECT HIM?

12 A YES, SIR.

13 Q OKAY. SO, IN THIS EFFORT TO PROTECT
14 HIM, YOU HAD HIM TAKE HIS CLOTHES OFF, AND
15 PHOTOGRAPHED HIM, CORRECT?

16 A HE HAD AN OPTION, SIR. THAT WAS A
17 CONSENT. HE CONSENTED TO ALL OF THIS HERE.

18 Q BUT I GUESS YOU WERE TAKING THESE
19 PHOTOGRAPHS OF HIM TO PROTECT HIM?

20 A NO, SIR. WE ADVISED HIM, YOU KNOW,
21 YOU'RE TURNING IT AROUND. WE ADVISED HIM OF HIS
22 MIRANDA WARNINGS...

23 MR. HARPOOTLIAN: YOUR HONOR, I'D ASK
24 THE WITNESS TO BE INSTRUCTED NOT TO MAKE COMMENT ON
25 MY QUESTIONS.

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1 THE COURT: SUSTAINED.

2 MR. HARPOOTLIAN: THANK YOU.

3 THE COURT: JUST ANSWER THE QUESTIONS.

4 MR. HARPOOTLIAN: I'M SORRY?

5 A RESTATE YOUR QUESTION, PLEASE?

6 Q YOU WERE PROTECTING HIM BY TAKING THESE
7 PHOTOGRAPHS THAT WE SEE? THAT WAS YOUR INTENT?

8 A NO, SIR.

9 Q SO WHEN YOU HAD HIM SIGN THE SO-CALLED
10 MIRANDA WARNINGS, YOU WERE NOT TRYING TO PROTECT
11 HIM, IS THAT CORRECT?

12 A I WAS TRYING TO ADVISE HIM OF HIS
13 CONSTITUTIONAL RIGHTS?

14 Q OKAY. NOW, IN INTERVIEWING HIM, YOU
15 INTERVIEWED HIM INITIALLY, YOU WENT TO HIS HOUSE AT
16 WHAT TIME AND TOOK HIM TO THE SHERIFF'S DEPARTMENT?

17 A WENT TO HIS HOUSE ABOUT TWO O'CLOCK AND
18 HE ACCOMPANIED US TO THE SHERIFF'S OFFICE.

19 Q HIS CAR OR YOURS?

20 A OURS.

21 Q ALL RIGHT. AND HE GAVE YOU THE
22 STATEMENT WE TALKED ABOUT. YOU INTERVIEWED HIM AND
23 HE SAID SHE CAME AT 6:15, STAYED ABOUT TEN MINUTES,
24 HE GOT IN THE CAR, PASSENGER SIDE, SHE LEFT, IS
25 THAT CORRECT?

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1 A CORRECT.

2 Q NOW, AT SOME POINT THE NEXT MORNING--

3 AND THERE WAS A SERIES OF INTERVIEWS DONE

4 THROUGHOUT THE EVENING, IS THAT CORRECT?

5 A THE ONLY INTERVIEW THAT I WAS INVOLVED

6 WITH WAS THE INTERVIEW THAT I GAVE THE INFORMATION

7 ON. THE OTHER OFFICERS CAME IN AND ASKED FOR

8 CONSENTS ON DIFFERENT MATTERS, AND THAT'S THE ONLY

9 INTERVIEW THAT I'M AWARE OF, THE ONE THAT I DID.

10 Q OKAY. AND YOU KNEW AT THAT POINT,

11 SINCE THE BED HAD NOT BEEN MADE UP THAT HE

12 APPARENTLY HAD NOT BEEN TO BED SINCE THE PREVIOUS

13 MORNING, IS THAT CORRECT?

14 A HIS BED WAS MADE--

15 Q IT WAS MADE UP, BUT NOT SLEPT IN.

16 A IT WAS MADE UP. IT DID NOT APPEAR TO

17 BE SLEPT IN.

18 Q OKAY. AND HE APPARENTLY WAS--THE ONLY

19 TIME HE WAS INTERVIEWED AGAIN WAS LATER ON THE NEXT

20 DAY, OR THAT SAME DAY BUT SOMETIME AROUND TWELVE

21 O'CLOCK?

22 A I THINK IT STARTED ABOUT TEN WITH

23 INVESTIGATOR SUTTON, IF THAT'S WHAT YOU'RE

24 REFERRING TO.

25 Q OKAY. AND AT THAT POINT, HE'D BEEN UP

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1 TWENTY-FOUR HOURS PLUS, IS THAT CORRECT?

2 A I'M ASSUMING THAT, SIR. THAT WOULD BE
3 AN ASSUMPTION ON MY PART.

4 Q OKAY. AND AT THAT POINT, HE WAS TALKED
5 TO BY INVESTIGATOR SUTTON, IS THAT CORRECT?

6 A YES, SIR.

7 Q NOW, YOU HAVE NOT HAD AN OPPORTUNITY
8 TO--AND WE INTRODUCED INTO THIS CASE, DEPENDANT'S
9 EXHIBIT THIRTEEN.

10 LET ME SEE IF THIS IS--HOW ABOUT BLOW
11 THAT UP A LITTLE BIT FOR ME, PLEASE.

12 HOW ABOUT STEP DOWN WITH ME, PLEASE.
13 THIS WOULD BE THE... (ADJUSTING VIDEO)

14 DOWN HERE WE HAVE AN AREA THAT WAS
15 MUDDY AND THAT WOULD BE THE AREA IN THE DITCH, IS
16 THAT CORRECT?

17 A THAT'S CORRECT.

18 Q AND AS I SEE THIS PICTURE, WE'VE LOOKED
19 AT SEVERAL TIMES, IS THAT CORRECT? STATE'S EXHIBIT
20 NUMBER THREE?

21 A YES, SIR.

22 Q WE SEE THAT THE VEHICLE CAME TO REST
23 WITH ITS BUMPER DOWN IN THAT MUDDY EMBANKMENT, IS
24 THAT CORRECT?

25 A CORRECT.

1 Q NOW, WE ALSO SEE AN AREA RIGHT IN HERE
2 THAT IS DENTED IN, IS THAT CORRECT?
3 A CORRECT.
4 Q AND YOU WERE HERE PREVIOUSLY WHEN MR.
5 BLACK TESTIFIED ABOUT THIS VEHICLE, IS THAT
6 CORRECT?
7 A I WAS IN THE OTHER COURTROOM.
8 Q OKAY, DID YOU HEAR HIM TESTIFY...
9 MR. MCMAHON: OBJECTION. THAT WOULD BE
10 PITTING.
11 THE COURT: I'M SORRY?
12 MR. MCMAHON: PITTING. HE'S ASKING
13 ONE WITNESS ABOUT ANOTHER WITNESS' TESTIMONY?
14 THE COURT: I THOUGHT HE ASKED DID HE
15 HEAR THE WITNESS SAY SOMETHING.
16 MR. HARPOOTLIAN: RIGHT.
17 THE COURT: IT'S NOT A QUESTION IS
18 THERE SOME CONTEST. EITHER HE HEARD IT OR HE DID
19 NOT HEAR IT.
20 MR. HARPOOTLIAN: YES, SIR.
21 THE COURT: AND THAT'S NOT A HEARSAY
22 OBJECTION, WHOEVER MADE THAT OBJECTION THE OTHER
23 DAY.
24 MR. HARPOOTLIAN: I DID.
25 THE COURT: IT'S AN EXCEPTION TO THE

1 RULE.

2 THAT'S EXCLUDED BY DEFINITION.

3 MR. HARPOOTLIAN: THANK YOU. YES,
4 WELL, I LEARNED A LESSON THE OTHER DAY AND I WAS
5 TRYING TO MAKE SOME USE OF IT.

6 THE COURT: OKAY. THANK YOU.

7 Q DID YOU HEAR AGENT BLACK OF THE SOUTH
8 CAROLINA LAW ENFORCEMENT DIVISION WHO PROCESSED
9 THIS CAR SAY ANYTHING ABOUT A DENT UP HERE?

10 A NO, SIR, I DID NOT.

11 Q AND I WANT YOU TO PERHAPS, YOU CAN'T
12 SEE IT REAL WELL ON THAT. LET ME HAVE THE ORIGINAL
13 PICTURE HERE, PLEASE.

14 STEP OVER HERE IN FRONT OF THE JURY,
15 PLEASE. IF YOU LOOK IN THAT DENT, YOU SEE WHAT
16 LOOKS LIKE SOME GOLDISH MATERIAL?

17 A WHAT I SEE IS RUST.

18 Q RUST?

19 A YES, SIR.

20 Q IT COULD BE GOLD THOUGH?

21 A NO, SIR, I DON'T THINK SO. I BELIEVE
22 IT'S RUST.

23 Q OKAY. AND IS THERE--GO AHEAD AND HAVE
24 A SEAT AGAIN.

25 DO YOU HAVE IN YOU POSSESSION A SLED

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- 1 LAB REPORT ON WHAT THAT SUBSTANCE IS IN THAT DENT?
- 2 A I DO NOT, NO, SIR.
- 3 Q OKAY. AND IF ONE EXISTED, WOULD YOU BE
- 4 AWARE OF IT?
- 5 A I DO NOT RECALL THAT BEING IN THE LAB
- 6 REPORT.
- 7 Q OKAY.
- 8 A I'M NOT SAYING IT'S NOT THERE. I JUST
- 9 DON'T RECALL THAT.
- 10 Q NOW, DID YOU, PURSUANT TO YOUR
- 11 INVESTIGATION, IDENTIFY PEOPLE WHO HAD BEEN IN THE
- 12 AREA AROUND THE CAR? I BELIEVE MR. MCMAHON ASKED
- 13 YOU ABOUT A MR. SHEALY, AND YOU INDICATED, BASED ON
- 14 YOUR INVESTIGATION, YOU KNEW HE HAD BEEN AROUND THE
- 15 CAR, IS THAT CORRECT?
- 16 A OUR INFORMATION SAID HE HAD BEEN AROUND
- 17 THE CAR, YES, SIR.
- 18 Q OKAY. AND ALSO ABOUT A MR. FRICK, TOO.
- 19 IS THAT CORRECT?
- 20 A YES, SIR.
- 21 Q AND ABOUT A SAM MARTIN?
- 22 A SAM MARTIN HAD BEEN BY EARLIER, BUT I
- 23 DON'T BELIEVE HE HAD BEEN AROUND THE CAR.
- 24 Q MR. BOWERS?
- 25 A AROUND THE CAR, YES, SIR.

- 1 Q MR. HAWKINS?
- 2 A YES, SIR.
- 3 Q OKAY, AND THEY ALSO HAD BEEN PASSERS-BY
- 4 EARLIER, HAD THEY NOT?
- 5 A YES, SIR.
- 6 Q LET ME GO INTO ONE OTHER AREA. WERE
- 7 YOU PRESENT WITH SHERIFF FOSTER AT SLED ON JULY
- 8 7TH, 1995?
- 9 A YES, SIR.
- 10 Q AND I BELIEVE THAT MR. ANDERSON WAS
- 11 THERE THAT DAY FOR AN INTERVIEW?
- 12 A THAT'S CORRECT.
- 13 Q AND WERE YOU PRESENT FOR THAT
- 14 INTERVIEW?
- 15 A NO, SIR.
- 16 Q OKAY. BUT YOU WERE CALLED TO SLED
- 17 ALONG WITH THE SHERIFF, WERE YOU NOT?
- 18 A YES, SIR.
- 19 Q AND AT THAT TIME, DID MR. ANDERSON TELL
- 20 YOU AND THE SHER...
- 21 MR. MCMAHON: OBJECTION. HE WAS NEVER
- 22 QUESTIONED ABOUT THIS PARTICULAR INTERVIEW. HE
- 23 SAID HE WASN'T PRESENT.
- 24 MR. HARPOOTLIAN: YES, SIR, HE...
- 25 THE COURT: ALL

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1 RIGHT...WHOA...WHOA..WHAT'S YOUR OBJECTION, MR.

2 MCMAHON? THE QUESTION WAS DID ANDERSON TELL THIS
3 OFFICER SOMETHING?

4 MR. MCMAHON: YES, SIR. HE SAID HE
5 WASN'T PRESENT AT THE INTERVIEW.

6 MR. HARPOOTLIAN: I'M NOT TALKING
7 ABOUT THE INTERVIEW.

8 THE COURT: OKAY, WELL THEN AS TO THE
9 INTERVIEW, THE OBJECTION IS SUSTAINED. HE WASN'T
10 PRESENT. NOW, I DON'T KNOW WHERE YOU'RE HEADED SO
11 ASK YOUR NEXT QUESTION.

12 Q YOU WERE PRESENT FOR A CONVERSATION
13 BETWEEN MR. ANDERSON AND EITHER THE SHERIFF, OR MR.
14 ANDERSON AND YOU, OR MR. ANDERSON AND YOU AND THE
15 SHERIFF AND MAJOR CHRISTOPHER, WERE YOU NOT?

16 A THERE WAS NO DISCUSSION BETWEEN THE
17 SHERIFF, MYSELF AND MR. RICHARD ANDERSON.

18 Q BUT THERE WAS A DISCUSSION BETWEEN
19 RICHARD ANDERSON AND MAJOR CHRISTOPHER IN FRONT OF
20 YOU AND THE SHERIFF, WAS THERE NOT?

21 A NO, SIR. THERE WASN'T A CONVERSATION.
22 MAJOR CHRISTOPHER OFFERED RICHARD ANDERSON AN
23 ATTORNEY.

24 Q OKAY, AND RICHARD ANDERSON INDICATED
25 HE WANTED AN ATTORNEY, DID HE NOT?

1 A NO, SIR, HE DIDN'T.

2 Q LET ME ASK YOU TO LOOK AT THESE NOTES.

3 I THINK THESE ARE YOUR NOTES, I COULD BE WRONG.

4 ARE THOSE YOUR NOTES?

5 A YES, SIR.

6 Q OKAY, HOW ABOUT READ OVER THOSE. MAYBE

7 I'M JUST READING THEM WRONG.

8 A THESE ARE MY NOTES.

9 Q OKAY. AND AM I MISREADING IT THAT

10 RICHARD ANDERSON ASKED FOR A LAWYER, AND AT THAT

11 POINT, Y'ALL SAID YOU'D GET HIM ONE?

12 A IN MY NOTES, I MADE THE STATEMENT THERE

13 HE SAYS, "I MIGHT WANT TO TALK WITH A LAWYER," AND

14 WE OFFERED HIM A LAWYER, BUT HE DECLINED.

15 Q I GUESS--DID I MISUNDERSTAND. WERE YOU

16 THERE WHEN HE SAID, "I MIGHT NEED TO TALK TO A

17 LAWYER?"

18 A NO, SIR.

19 Q YOU WERE NOT THERE?

20 A NO, SIR.

21 Q OKAY. WELL, I APOLOGIZE. IT WAS IN

22 QUOTES, SO I ASSUMED YOU WERE THERE.

23 NOW, YOU'VE INDICATED THAT YOU HAD

24 INTERVIEWED OR WERE PRESENT FOR INTERVIEWS WITH MR.

25 BECKHAM, VICKIE--WELL, VICKIE AND STEPHEN BECKHAM'S

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- 1 DAUGHTER, SHANNON, AND SON, ANDREW. ALSO, THERE
2 WAS AN INTERVIEW DONE WITH JAMIE SUBER, IS THAT
3 CORRECT?
- 4 A YES, SIR.
- 5 Q NOW, JAMIE SUBER IS RELATED TO MR.
6 BECKHAM AS A NEPHEW?
- 7 A I BELIEVE THAT'S CORRECT.
- 8 Q OKAY. AND HE LIVES, ACTUALLY, ON THE
9 BECKHAM, IS THAT CORRECT?
- 10 A THAT'S CORRECT.
- 11 Q IN OTHER WORDS, WHEN YOU DRIVE UP
12 STEPHEN BECKHAM'S DRIVEWAY, I THINK YOU SAID ABOUT
13 A HUNDRED AND FIFTY FEET FROM THAT ROAD TO STEPHEN
14 BECKHAM'S RESIDENCE, ABOUT HALFWAY UP THAT DRIVEWAY
15 ON THE RIGHT IS WHERE JAMIE SUBER LIVES, IS THAT
16 CORRECT?
- 17 A CORRECT.
- 18 Q OKAY. AND YOU ALSO INTERVIEWED HIM
19 ABOUT THE EVENTS OF JUNE 12TH, 1994?
- 20 A YES, SIR.
- 21 Q AND OBTAINED A STATEMENT FROM HE,
22 SHANNON, AND ANDREW? IS THAT CORRECT?
- 23 A I TALKED WITH JAMIE SUBER THAT NIGHT,
24 EARLY THAT MORNING, YES, SIR.
- 25 Q OKAY. AND THE INTERVIEWS DONE WITH

1 THEM, THAT IS SHANNON AND ANDREW AND JAMIE, WERE
2 ALL DONE WHILE THE FATHER WAS STILL DOWN WITH Y'ALL
3 AT THE SHERIFF'S DEPARTMENT, IS THAT CORRECT?

4 A I BELIEVE THAT TO BE CORRECT.

5 Q BEFORE HE HAD A CHANCE TO TALK TO THEM,
6 OR COME BACK TO THEM ABOUT HIS EXPERIENCE AT THE
7 SHERIFF'S DEPARTMENT?

8 A I BELIEVE THAT'S CORRECT.

9 MR. HARPOOTLIAN: BEG THE COURT'S
10 INDULGENCE FOR ONE MOMENT, PLEASE.

11 Q THANK YOU.

12 THE COURT: NOW, YOU WANT TO TAKE UP
13 YOUR OTHER ISSUES?

14 MR. HARPOOTLIAN: WELL, I MEAN, THANK
15 YOU, EXCEPT FOR THOSE ISSUES.

16 THE COURT: ALL RIGHT, LET ME LET THE
17 JURY GO OUT SO I CAN TAKE THAT UP.

18 LET ME LET YOU GO BACK TO YOUR JURY
19 ROOM FOR JUST A FEW MINUTES.

20 (JURY RECESSED TO JURY ROOM AT 4:10

21 P.M.)

22 THE COURT: ALL RIGHT, MR. MCMAHON,
23 YOUR OBJECTION IS AS TO PUTTING THE COMPOSITE IN
24 WAS BASED ON A THIRD-PARTY THEORY THAT THE
25 DEFENDANT IS NOT ENTITLED TO, BY CONJECTURE OR

1 OTHERWISE, CAST GUILT ON SOMEONE ELSE.

2 NOW, WILL YOU AGREE WITH ME THAT RULE
3 803, RELATING TO HEARSAY, UNDER THAT RULE WHETHER
4 OR NOT THE DECLARANT IS AVAILABLE IS IMMATERIAL TO
5 THE APPLICATION OF THAT RULE? IN OTHER WORDS, THE
6 PERSON WHO MADE THE STATEMENT DOESN'T HAVE TO BE
7 HERE IN COURT?

8 MR. MCMAHON: WELL, 803, I AGREE WITH
9 YOU THAT THAT IS THE INTERPRETATION OF 803. I DO
10 NOT AGREE THAT THAT COMPOSITE FALLS UNDER ANY OF
11 THE EXCEPTIONS OF RULE 803.

12 THE COURT: WELL, LET ME GO A LITTLE
13 FURTHER BECAUSE YOU MIGHT BE RIGHT. I WANT TO
14 AGREE ON THE GROUND RULES FIRST, OKAY?

15 MR. MCMAHON: YES, SIR.

16 THE COURT: BECAUSE I DON'T KNOW WHAT
17 MR. SWERLING AND MR. HARPOOTLIAN CAN DO. BUT LET'S
18 ASSUME, UNDER 803, THAT HE CAN LAY A FOUNDATION AS
19 TO A PRESENT-SENSE IMPRESSION, THAT IS A STATEMENT
20 DESCRIBING OR EXPLAINING AN EVENT OR CONDITION MADE
21 WHILE THE DECLARANT, WHO DOESN'T HAVE TO BE HERE,
22 WAS PERCEIVING THE EVENT OR CONDITION, OR
23 IMMEDIATELY THEREAFTER.

24 NOW, IF HE LAYS THAT FOUNDATION, WHY
25 CAN'T IT COME IN?

1 MR. MCMAHON: WELL, I GUESS IF HIS
2 HONOR DECIDED IT CAME IN...

3 THE COURT: I'M ASKING YOU LEGALLY.
4 WE'RE HAVING AN ACADEMIC DISCUSSION. WE'RE NOT
5 TALKING ABOUT HOW I'M GOING TO RULE.

6 MR. MCMAHON: WELL, IF THAT FOUNDATION
7 WERE LAID, THEN I THINK PERHAPS IT WOULD BE
8 ADMISSIBLE UNDER 803(1). HOWEVER, I WOULD HAVE
9 ANOTHER ARGUMENT, IF THE COURT...

10 THE COURT: ALL RIGHT, LET ME HEAR WHAT
11 YOUR OTHER ARGUMENT IS.

12 MR. MCMAHON: WELL, I WOULD THEN GO TO
13 THIRD PARTY. I'M TALKING ABOUT OBVIOUSLY IF YOU
14 RULED THAT IT FELL ONE OF THE EXCEPTIONS TO THE
15 HEARSAY RULE.

16 THE COURT: YOU WOULD OTHERWISE AGREE
17 THAT IF--THIRD PARTY--ASSUMING IT DOESN'T FALL
18 UNDER YOUR THIRD PARTY EXCEPTION, IT WOULD STILL
19 HAVE TO BE OTHERWISE ADMISSIBLE, RIGHT? AND WE GO,
20 AND SO 803(1) WOULD MAKE IT ADMISSIBLE GENERALLY
21 UNDER THE RULES. THEN YOU GO TO WHETHER OR NOT IT
22 CONSTITUTES A VIOLATION OF THE PARKER CASE. THAT
23 IS, THAT RAISING CONJECTURE OR THAT THE CRIME WAS
24 COMMITTED BY SOME OTHER PERSON. THAT'S YOUR
25 OBJECTION?

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1 MR. MCMAHON: YES, SIR. AND I MIGHT
2 BE THE 403 ALSO.

3 THE COURT: ALL RIGHT.

4 MR. MCMAHON: I'M NOT JUST TRYING TO
5 THROW OUT THEORIES, YOUR HONOR. I DON'T MEAN IT
6 LIKE THAT, BUT I THINK THERE ARE SEVERAL THEORIES
7 FOR ITS INADMISSIBILITY. AND OF COURSE THEY
8 REPRESENTED AT THE SIDE BAR IT GOES TO THE
9 INTEGRITY OF THE INVESTIGATION, AND I DON'T SEE
10 THAT AS ANY EXCEPTION TO HEARSAY. I MEAN,
11 OBVIOUSLY, I COULDN'T PICK AND PLUCK DOCUMENTS,
12 HEARSAY DOCUMENTS OUT OF AN OFFICER'S CASE FILE.

13 THE COURT: BUT YOU'RE GOING TO AGREE
14 WITH ME THAT IF THEY LAID A FOUNDATION, IT'S FOR
15 THE SAKE--IT'S NOT HEARSAY, OR IT IS AN EXCEPTION
16 TO THE EXCLUSIONARY RULE? IT IS HEARSAY, BUT IT'S
17 AN EXCLUSION?

18 MR. MCMAHON: I'D LIKE TO RE-READ
19 STATE VERSUS HARRISON, BUT, I MEAN, YOU KNOW, YOU
20 SEE ALL THE FOUNDATIONS UNDER THE NEW RULE. I
21 THINK...

22 THE COURT: RIGHT, RIGHT. WELL, LET ME
23 ASK YOU THIS.

24 MR. MCMAHON: YES, SIR.

25 THE COURT: AND WE'RE TALKING

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1 ACADEMICALLY RIGHT NOW. YOUR THEORY WHICH IS IN
2 THE RECORD OF THIS CASE IS THAT IT TOOK TWO PEOPLE
3 TO COMMIT THE OFFENSE? I MEAN, THAT'S WHAT YOU PUT
4 BEFORE THE JURY; THAT IS YOUR THEORY?

5 MR. MCMAHON: MY THEORY IS THAT
6 RICHARD ANDERSON AND STEPHEN BECKHAM MURDERED
7 VICKIE LANDER BECKHAM, YES, SIR. THOSE TWO PEOPLE
8 TOGETHER.

9 THE COURT: ALL RIGHT, THAT'S RIGHT.
10 BUT THE DEFENDANT HAS PLED NOT GUILTY TO IT, FOR
11 PURPOSES OF PUTTING THE QUESTION IN ISSUE. AND BY
12 THAT PLEA, HE SAYS, "I DID NOT DO IT." SO IF YOUR
13 THEORY IS TWO PEOPLE, THEN IF IT'S SOMETHING WITH
14 THAT PLEA OF NOT GUILTY AND IT'S NOT REMOTE, WHY
15 WOULDN'T IT COME IN?

16 MR. MCMAHON: WELL, SIR, IF YOU'RE
17 TALKING ABOUT THE AUTOMOBILE ON MOUNTAIN ROAD...

18 THE COURT: YES, SIR.

19 MR. MCMAHON: ...THE MURDER WAS NOT
20 COMMITTED IN THE AUTOMOBILE ON MOUNTAIN ROAD. WE
21 HAVE NUMEROUS PEOPLE DRIVING BY THROUGHOUT THAT
22 PARTICULAR DAY. WE DON'T ALLEGE, EXCEPT WHEN THE
23 GRAND PRIX WAS DROPPED OFF, YOU KNOW, SOMETIME
24 AFTER 5:10 THAT AFTERNOON, THE AFTERNOON OF THE
25 12TH, THAT MR. BECKHAM WAS EVER THERE. SO YOUR

1 REMOTENESS COMES IN THAT JUST BECAUSE YOU SEE A
2 DECLARANT, A PERSON SEES A PERSON AROUND THAT GRAND
3 PRIX ON MOUNTAIN ROAD, HOW DO YOU TAKE THAT QUANTUM
4 LEAP TO SAY THAT SAME PERSON WAS IN THE WOODS AT
5 THE CABLE ROAD SOME DISTANCE AWAY?

6 THE COURT: WELL, JUST BECAUSE--AND I'M
7 RELYING ON WHAT YOU'VE GIVEN ME, BUT THE THING SAYS
8 DRIVING A VEHICLE, NOT AROUND. BUT WHAT YOU
9 REPRESENTED WAS THAT A PERSON IS DRIVING THAT
10 VEHICLE, SO WE'RE NOT TALKING ABOUT SOMEBODY JUST
11 STANDING AROUND, BASED ON WHAT... I DON'T KNOW
12 WHETHER THAT'S TRUE OR NOT.

13 MR. MCMAHON: BASED ON WHAT THEY GAVE
14 YOU.

15 THE COURT: YEAH, THAT'S RIGHT. I
16 DON'T KNOW WHETHER THAT'S TRUE OR NOT.

17 MR. MCMAHON: BASED ON WHAT THEY GAVE
18 YOU, RIGHT.

19 THE COURT: YES, SIR.

20 MR. MCMAHON: I WASN'T TRYING TO
21 MISREPRESENT THE COMPOSITE AND BOLO. I MEAN, I
22 APOLOGIZE TO THE COURT BECAUSE I HAVE NOT RE-READ
23 IT. BUT I WASN'T TRYING TO MISREPRESENT THAT TO
24 HIS HONOR, BUT I THINK IF YOU GO BACK UNDER OUR
25 THEORY OF THE CASE ON WHEN THE GRAND PRIX WAS

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1 DROPPED OFF, WHO TESTIFIED THEY DROPPED THE GRAND
2 PRIZ OFF, HOW HE TESTIFIED HOW HE LEFT THAT SCENE,
3 WHO HE LEFT WITH, IN WHAT VEHICLE HE LEFT IN, AND
4 TO WHAT AREA HE LEFT. I THINK THAT'S WHERE YOU GET
5 INTO THE REMOTENESS ISSUE, AND PARTICULARLY ON AN
6 ISSUE LIKE THAT, TO TRY TO GET IN THAT A THIRD
7 PARTY WOULD BE DRIVING A CAR OF THAT DESCRIPTION
8 THROUGH A WITNESS THAT DIDN'T SEE IT.

9 THE COURT: WELL, LET ME CROSS THAT
10 BRIDGE. I'M GOING TO PICK ON MR. SWERLING JUST A
11 MINUTE.

12 MR. MCMAHON: I APPRECIATE THAT.

13 THE COURT: LET ME TAKE YOU ONE MORE
14 STEP FIRST.

15 MR. MCMAHON: YES, SIR

16 THE COURT: IF YOU WOULD AGREE, FOR THE
17 SAKE OF ARGUING, THAT THIS COMPOSITE IS NEITHER
18 RICHARD ANDERSON OR STEPHEN BECKHAM...

19 MR. MCMAHON: YES, SIR, BECAUSE I
20 THINK IF IT WAS RICHARD ANDERSON, I'D ALREADY PUT
21 IT IN FOR CORROBORATION.

22 THE COURT: I THOUGHT SO. ALL RIGHT,
23 NOW LET ME WORK ON MR. SWERLING FOR A FEW MINUTES.

24 ALL RIGHT NOW, MR. SWERLING, HOW ARE
25 YOU GOING TO LAY A FOUNDATION AS TO PRESENT SENSE

1 IMPRESSION THROUGH THIS WITNESS?

2 MR. SWERLING: JUDGE, THE RULE IS 803.
3 IT USED TO BE IT HAD TO BE RES GESTAE. IN ORDER TO
4 GET IN, IT HAD TO BE RES GESTAE. THE NEW RULES
5 BROKE IT UP INTO TWO THINGS. ONE WAS THE EXCITED
6 OR PRESENT SENSE IMPRESSION, AND ONE WAS THE
7 EXCITED UTTERANCE.

8 NOW, THE SUPREME COURT, OVER THE YEARS,
9 HAS EXPANDED THE PRESENT SENSE EXCEPTION OR THE
10 EXCITED UTTERANCE EXCEPTION TO INCLUDE AS LONG AS
11 THOSE STATEMENTS WERE MADE OR THOSE IMPRESSIONS
12 WERE MADE UNDER THE INFLUENCE OF THE SITUATION, YOU
13 KNOW, I THINK THEY ARE ADMISSIBLE. THEY'D GONE
14 MANY HOURS AND SEVERAL DAYS.

15 THE COURT: I DON'T DISAGREE WITH YOU,
16 BUT HOW ARE YOU GOING TO LAY IT THROUGH THIS
17 WITNESS?

18 MR. SWERLING: THEY...

19 THE COURT: NO, THIS WITNESS.

20 MR. SWERLING: WE CAN DO IT THROUGH
21 THIS WITNESS, WE BELIEVE. WE DON'T WANT TO PLAY
22 OUR HAND AT THIS POINT, BUT THE FACT, AND IF WE
23 CAN'T DO IT, THEN WE'LL DO IT THROUGH ANOTHER
24 WITNESS. BUT THE FACT OF THE MATTER IS THAT AN
25 INVESTIGATION WAS DONE. AS A RESULT OF THAT

1 INVESTIGATION, SEVERAL WITNESSES WERE INTERVIEWED.
2 THERE WERE STATEMENTS MADE WHICH INDICATED THAT
3 THERE WERE TWO PEOPLE ON MOUNTAIN ROAD NEAR AND
4 AROUND THE CARS. THAT'S NUMBER ONE.

5 NUMBER TWO, TWO WHITE MALES. NOW WE
6 KNOW THAT AT THE TIME THEY SAID THAT HAPPENED, AT
7 NINE O'CLOCK, IT COULD NOT HAVE BEEN STEPHEN
8 BECKHAM. NO QUESTION ABOUT THAT. THE POLICE KNOW
9 THAT, THE INVESTIGATION REVEALED THAT, THAT THERE
10 WERE TWO WHITE MALES OUT THERE. ONE OF THEM WAS
11 OBVIOUSLY RICHARD ANDERSON BECAUSE HE'S ADMITTED
12 THAT. THE OTHER ONE WAS OBVIOUSLY NOT RICHARD
13 ANDERSON BECAUSE THERE'S EVIDENCE FROM THESE PEOPLE
14 THAT THE POLICE TALKED TO THAT THE OTHER PERSON WAS
15 WEARING SHORTS. YOU REMEMBER, RICHARD ANDERSON WAS
16 WEARING A VEST AND HE WAS WEARING JEANS.

17 NOW, THE STATE'S WHOLE THEORY IN THIS
18 CASE FROM THE BEGINNING OF TIME HAS BEEN THAT TWO
19 PEOPLE COMMITTED THIS CRIME, THAT THERE WAS NO WAY
20 THE CRIME COULD HAVE BEEN COMMITTED IN THE AREA
21 WHERE THE CABLE WAS AND THE BODY TRANSPORTED BACK
22 TO ANOTHER VEHICLE ON MOUNTAIN ROAD UNLESS TWO
23 PEOPLE HAD BEEN INVOLVED.

24 NOW, JUST AS WE SAID AT SIDE BAR, HE'S
25 PLED NOT GUILTY. THAT MEANS, IT'S VERY LOGICAL

1 THAT THERE ARE TWO PEOPLE INVOLVED, ONE OTHER THAN
2 RICHARD ANDERSON. AND FROM THE VERY BEGINNING,
3 FROM THE BEGINNING OF THIS CASE, FROM THE DAY THE
4 STATE STARTED INVESTIGATING IT, THERE'S BEEN
5 ANOTHER INDIVIDUAL, ANOTHER SUSPECT.

6 THE COURT: WELL, LET'S ASSUME I AGREE
7 WITH YOU ABOUT YOUR ARGUMENT ON PRESENT SENSE
8 IMPRESSION, LET ME HEAR YOU LAY YOUR FOUNDATION.

9 MR. SWERLING: JUDGE, THERE'S A COUPLE
10 OF OTHER ARGUMENTS ALSO THAT--WE CAN DO THIS FIRST,
11 BUT THERE'S SOME OTHER ARGUMENTS THAT I THINK GET
12 EVEN BEYOND THE PRESENT SENSE EXCEPTION.

13 THE COURT: LET ME HEAR THAT ARGUMENT.

14 MR. SWERLING: FIRST OF ALL, JUDGE, THE
15 COMPOSITE IS GENERATED AS A RESULT OF LAW
16 ENFORCEMENT TECHNIQUE, OKAY? THAT WAS AN ISSUE,
17 THAT COMPOSITE WAS ISSUED AS A RESULT OF THEIR
18 INVESTIGATION. THEY BROUGHT IN A POLICE ARTIST,
19 THEY TALKED TO THE WITNESSES AND THAT COMPOSITE WAS
20 GENERATED. THE COMPOSITE IS OBVIOUSLY NOT RICHARD
21 ANDERSON, IT'S OBVIOUSLY NOT STEPHEN BECKHAM. WE
22 BELIEVE THAT IT WOULD NOT EVEN, DOESN'T EVEN COME
23 TO A HEARSAY ISSUE BECAUSE IT'S NOT BEING OFFERED
24 FOR THE TRUTH OF THE MATTER ASSERTED. IT'S BEING
25 OFFERED THAT THIS WAS AN INVESTIGATIVE TECHNIQUE

1 USED BY LAW ENFORCEMENT.

2 THE COURT: BUT IN THIS CASE, MR.

3 SWERLING, THEN YOU FALL INTO MR. MCMAHON'S TRAP
4 THAT IT MIGHT BE MORE PREJUDICIAL THAN PROBATIVE IN
5 THIS CASE. THEY SAY THEY'VE GOT--THEY'VE GOT A CO-
6 DEFENDANT AND THEY'VE GOT A STATEMENT. I MEAN,...

7 MR. SWERLING: WELL, JUDGE, THAT
8 IGNORES THAT AN AGENT FROM SOUTH CAROLINA LAW
9 ENFORCEMENT DIVISION WENT TO A MAGISTRATE IN HORRY
10 COUNTY AND UNDER OATH, STATED TO THAT MAGISTRATE
11 THAT THEY HAD AN IDENTIFICATION OF MICHAEL BEATTY
12 AS ONE OF THE SUSPECTS. IT IGNORES THAT IN THAT
13 SAME AFFIDAVIT, THEY SAID THAT TWO MALES WERE SEEN
14 ON MOUNTAIN ROAD, OR THE CONCLUSION WAS THAT TWO
15 MALES WERE SEEN ON MOUNTAIN ROAD. IT IGNORES THE
16 FACT THAT RICHARD ANDERSON, UNTIL ABOUT A MONTH
17 AGO, UNTIL APRIL OF 1996, MAINTAINED THAT HE TOOK
18 MS. BECKHAM'S BODY AND HAD HER IN THE BACK SEAT,
19 DROVE TO LITTLE MOUNTAIN ROAD, AND THEN TOOK THE
20 BODY FROM THE BACK SEAT TO THE FRONT SEAT. THAT
21 DOESN'T MAKE ANY SENSE. UNLESS THERE'S SOMEONE ELSE
22 SITTING IN THAT PASSENGER SEAT.

23 MR. ANDERSON CHANGES...

24 MR. HARPOOTLIAN: IN THE FRONT SEAT.

25 MR. SWERLING: IN THE FRONT SEAT.

1 MR. HARPOOTLIAN: FRONT PASSENGER SEAT.

2 MR. SWERLING: FRONT PASSENGER SEAT.

3 WHEN THEY REALIZED...WHEN MR. ANDERSON REALIZED HOW
4 RIDICULOUS THAT SOUNDS THAT HE WOULD TAKE HER INTO
5 THE BACK SEAT AND THEN DRIVE TO MOUNTAIN ROAD AND
6 TRANSFER HER BODY TO THE FRONT SEAT, HE NOW, ON
7 APRIL 15TH, PUT THE FACT THAT HER BODY WAS
8 TRANSFERRED FROM THE BACK SEAT BACK INTO THE FRONT
9 SEAT AT THE SCENE, THERE'S TWO PEOPLE THERE. ONE
10 OF THEM IS OBVIOUSLY NOT HIM.

11 I MEAN, EVEN IF YOU BELIEVE RICHARD
12 ANDERSON, ONE OF THEM IS NOT HIM. AND WHAT THE
13 STATE IS SUGGESTING IS THAT, YOU KNOW, I HAVE
14 SEVERAL VIEWS. ONE OF THEM IS, THIS IS NOT EVEN AN
15 ISSUE OF THIRD-PARTY GUILT. THIS IS AN ISSUE THAT
16 THERE'S SOMEONE ELSE OUT THERE. AND WE CAN'T BE
17 PRECLUDED, I THINK, FROM RAISING THOSE INFERENCES
18 IN THE RECORD THAT THERE'S SOMEONE ELSE OUT THERE.
19 I MEAN, THIS IS NOT JUST CLASSIC THIRD-PARTY GUILT.
20 THEY WERE PURSUING SOMEONE ELSE. THAT PERSON IS
21 NOT RICHARD ANDERSON, THAT PERSON IS NOT STEPHEN
22 BECKHAM; WHO IS HE? AREN'T WE ENTITLED TO KNOW?
23 ISN'T THE JURY ENTITLED TO KNOW? ISN'T THE JURY
24 ENTITLED TO CONSIDER THAT THERE MAY HAVE BEEN TWO
25 PEOPLE AT THE CABLE DOING WHAT RICHARD ANDERSON

1 SAYS THAT STEPHEN BECKHAM DID?

2 THE COURT: WHAT'S YOUR OTHER ARGUMENT?

3 MR. SWERLING: ALL RIGHT, THE OTHER
4 ARGUMENT IS, AND WE WOULD SUBMIT THAT WE CAN PROVE
5 AND IT IS ADMISSIBLE AS TO THIRD-PARTY GUILT IF
6 THAT'S WHAT THE STATE IS SAYING WE'RE TRYING TO DO,
7 AND IF THAT'S WHAT YOUR HONOR IS CONCERNED ABOUT,
8 BASED ON EVERYTHING IN THE RECORD RIGHT NOW ABOUT
9 THIS ISSUE ABOUT MICHAEL BEATTY. NUMBER ONE, THE
10 AFFIDAVIT THAT WAS SWORN TO BEFORE A MAGISTRATE
11 THAT MICHAEL BEATTY WAS POSITIVELY IDENTIFIED,
12 ALONG WITH ONE OTHER WHITE MALE; NUMBER TWO,
13 MICHAEL BEATTY'S FINGERPRINTS HAVE NEVER BEEN
14 COMPARED. CLEARLY FROM DAVID BLACK'S TESTIMONY,
15 HIS FINGERPRINTS HAVE NOT BEEN COMPARED TO THE
16 CRIME SCENE.

17 WE HAVE SOME OTHER EVIDENCE THAT'S NOT
18 IN THE RECORD YET THAT WE ARE GOING TO PRESENT
19 ABOUT MICHAEL BEATTY, AND I'M NOT GOING TO GET INTO
20 IT AT THIS POINT. BUT TAKE MR. ANDERSON'S
21 STATEMENTS WHICH ARE IN THE RECORD, IF YOU CONSIDER
22 HIS INITIAL STATEMENTS THAT WERE MADE BEFORE APRIL
23 OF 1996, WE SUBMIT THAT HE HAD LAID OUT SUFFICIENT
24 EVIDENCE THAT SOMEONE ELSE WAS INVOLVED.

25 THE COURT: BUT ARE YOU SAYING THAT

1 THIS COMPOSITE LOOKS LIKE MICHAEL BEATTY?

2 MR. HARPOOTLIAN: NO...

3 MR. SWERLING: THAT'S COMPOSITE...

4 MR. HARPOOTLIAN: AGENT MCCRAW SAID...

5 MR. SWERLING: NO, THAT COMPOSITE HAS

6 BEEN IDENTIFIED AS BEING, LOOKING LIKE MICHAEL

7 BEATTY BY STACEY LEE, AND THAT'S IN THE

8 INVESTIGATIVE REPORT.

9 THE COURT: LET ME HEAR WHAT...

10 MR. MCMAHON: WELL, JUDGE, OF COURSE, I

11 HAD THE PRIVILEGE OF ASSISTING IN THE TRIAL OF

12 STATE VERSUS SUTHERLAND, WHICH IS THE MOST RECENT

13 OPINION ON THIRD-PARTY GUILT THAT I AM AWARE OF.

14 WELL, NO, I'M NOT SURE THAT IS THE MOST RECENT--

15 STATE VERSUS LUKE WILLIAMS, I ALSO HAD THE

16 PRIVILEGE OF ASSISTING IN TRYING. BUT SUTHERLAND

17 IS VERY SIMILAR TO THIS. THE VICTIM IN THIS CASE,

18 HER BOYFRIEND WAS AN INMATE IN THE DEPARTMENT OF

19 CORRECTIONS, AND SHE WOULD GO VISIT HER BOYFRIEND,

20 AND SHE ENDED UP BEING KIDNAPPED FROM HER HOME OVER

21 IN WEST COLUMBIA AND BRUTALLY MURDERED AND

22 DISMEMBERED AND SUCH LIKE THAT, SET ON FIRE. AND

23 THEY TRIED TO GET IT THAT IT WAS THE RESULT OF SOME

24 DRUG CONSPIRACY THAT SHE WAS INVOLVED IN WITH SOME

25 THIRD-PARTY THERE AT THE PENITENTIARY, AND NOT AS A

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1 RESULT OF THE INVOLVEMENT BETWEEN BO SUTHERLAND AND
2 TONY COOPER, WHO I THINK HAS BEEN SUBPOENAED BY
3 THEM, THE CO-DEFENDANT IN THE CASE.

4 BUT JUDGE, GOING BACK, GOING ALL THE
5 WAY BACK TO 803(1), I DON'T SEE HOW THEY CAN NOW
6 SAY THEY'RE NOT OFFERING IT FOR THE TRUTH OF THE
7 MATTER ASSERTED WHEN THEY'RE ABSOLUTELY OFFERING IT
8 TO POINT THE FINGER AT THE NAMED PERSON, MICHAEL
9 BEATTY.

10 THE COURT: I BUY THAT ARGUMENT.

11 MR. MCMAHON: YES, SIR. BUT GOING ALL
12 THE WAY BACK TO 803(1), AND I'VE REVIEWED THE CASE:
13 "A STATEMENT DESCRIBING OR EXPLAINING AN EVENT OR
14 CONDITION MADE WHILE THE DECLARANT WAS DECEIVING
15 THE EVENT OR CONDITION OR IMMEDIATELY THEREAFTER."

16 THE COURT: WELL, I'M GOING TO MAKE
17 HIM--HE SAYS HE CAN LAY A FOUNDATION FOR THAT. I
18 DON'T KNOW THAT HE CAN, BUT I WANT TO HEAR IT.

19 MR. MCMAHON: ALL RIGHT, SIR, THEN YOU
20 WANT ME TO WITHHOLD MY ARGUMENT ON BOTH THIRD-PARTY
21 GUILT AND THE INTEGRITY OF THE INVESTIGATION?

22 THE COURT: YES, SIR.

23 MR. MCMAHON: AND I THINK WHEN THEY GO
24 OUT AND SAY SOMEBODY ELSE IS OUT THERE, I MEAN, I
25 THINK THAT'S THE BUZZ WORD RIGHT THERE FOR CLASSIC

1 THIRD-PARTY. THANK YOU, YOUR HONOR.

2 THE COURT: ALL RIGHT.

3 MR. SWERLING: JUDGE, CAN I JUST
4 RESPOND? THIS CASE HAS NOTHING TO DO--NOT EVEN
5 CLOSE TO THE CASE THAT MR. MCMAHON TRIED. IN THAT,
6 THEY WERE JUST PULLING OUT OF THE AIR THAT THERE
7 WAS SOME DRUG DEALERS IN THE AREA AND THEY MAY HAVE
8 CAUSED THE MURDER. WE'RE FAR MORE FOCUSED IN THIS
9 SITUATION.

10 FIRST OF ALL, JUDGE, WHAT I WOULD POINT
11 OUT TO YOU IS WE HAVE AN UNIDENTIFIED, IDENTIFIABLE
12 BUT UNIDENTIFIED PRINT ON MS. BECKHAM'S CALF. WE
13 HAVE STEPHEN BECKHAM BEING EXCLUDED BY THE DNA; WE
14 HAVE A LETTER THAT RICHARD ANDERSON WROTE TO
15 MICHAEL BEATTY SAYING, "I TOLD YOU TO GET RID OF
16 THE CAR." IF THOSE THINGS DON'T POINT, NOW I SAY
17 THIS IS NOT JUST A THIRD-PARTY GUILT ISSUE. I SAY
18 THAT WE'RE ENTITLED TO SHOW THAT THERE'S A SECOND
19 PERSON INVOLVED, WHETHER IT'S THIRD-PARTY GUILT
20 THEORY OR NOT. BUT EVEN UNDER THIRD-PARTY GUILT
21 THEORY, I THINK IT'S ADMISSIBLE AT THIS TIME AND WE
22 ALSO, BASED UPON OTHER QUESTIONS THAT HAVE GONE ON,
23 OTHER RESULTS THAT HAVE BEEN OBTAINED IN THIS CASE,
24 IT DOES GO TO THE INTEGRITY OF THE INVESTIGATION.

25 THE COURT: BUT THE ONLY WAY THAT IT

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1 WOULD BE ADMISSIBLE, FIRST OF ALL, IS IT WOULD HAVE
2 TO BE AN EXCEPTION TO THE HEARSAY RULE. IT WOULD
3 HAVE TO QUALIFY UNDER 803(1) AT THIS POINT IN TIME.

4 MR. SWERLING: WITH ALL DUE RESPECT,
5 I'D HAVE TO DISAGREE.

6 THE COURT: TELL ME HOW YOU'D GET IT IN
7 OTHERWISE.

8 MR. SWERLING: IF THE POLICE GENERATED
9 A REPORT, A COMPOSITE, THAT THEY ISSUED, THEY'VE
10 ISSUED IT. THAT WAS ISSUED TO LAW ENFORCEMENT
11 AGENCIES ALL OVER SOUTH CAROLINA AND IT PROBABLY
12 WENT BEYOND. WHY IS THAT HEARSAY? IT'S BEEN
13 ISSUED EVERYWHERE.

14 THE COURT: AN EXCEPTION TO--I MEAN, IT
15 IS HEARSAY.

16 MR. SWERLING: BUT JUDGE, IF IT'S BEEN
17 ISSUED, WHAT I'M--I GUESS WHAT I'M TRYING TO
18 UNDERSTAND IS IF A REPORT IS ISSUED OUT TO ALL THE
19 LAW ENFORCEMENT AGENCIES, "BE-ON-THE-LOOKOUT FOR
20 THIS GUY DRIVING THIS VEHICLE," WHY IS THAT HEARSAY
21 ANY LONGER?

22 THE COURT: BECAUSE THEY ARE RELYING ON
23 SOME OTHER PARTY TO--FOR THAT MATERIAL. NOW, IT IS
24 HEARSAY IN THE SENSE OF THE DEFINITION, BUT IT IS
25 ADMISSIBLE BECAUSE, IT COULD BE ADMISSIBLE AS AN

1 EXCEPTION BECAUSE IT IS A PRESENT SENSE IMPRESSION
2 OF SOMEBODY ELSE. AND THERE'S A STANDARD THAT YOU
3 HAVE TO MEET--IN OTHER WORDS, THE WHOLE DEAL ABOUT
4 HEARSAY IN THE FIRST PLACE IS SOME OF IT'S
5 RELIABLE, SOME OF IT'S NOT. PRESENT SENSE
6 IMPRESSION, IF YOU MEET THE STANDARD, MAKES IT
7 RELIABLE SO THERE'S AN EXCEPTION. THAT'S THE
8 BASIS. SO WHAT I'M TELL YOU IS, LET ME HEAR YOUR
9 FOUNDATION.

10 MR. SWERLING: JUDGE, I UNDERSTAND YOUR
11 ARGUMENT. I'D LIKE THE COURT TO CONSIDER THE FACT
12 THAT IF IT GOES, THIS GOES OUTSIDE THE HEARSAY RULE
13 BECAUSE THERE IS A PUBLICATION ISSUED BY A POLICE
14 AGENCY. IT'S NOT--IT NO LONGER HAS THE HEARSAY
15 CHARACTERISTICS ANY MORE WHEN IT'S PUBLISHED. IT'S
16 BEEN PUBLISHED.

17 MR. MCMAHON: JUDGE, I'D LIKE TO KNOW
18 WHAT EXCEPTION TO 803 THAT IS.

19 MR. SWERLING: IT'S NOT HEARSAY.

20 MR. MCMAHON: IT'S HEARSAY BECAUSE IT'S
21 MADE BY AN OUT-OF-COURT DECLARANT.

22 MR. SWERLING: DO YOU MEAN TO TELL ME
23 THAT I CAN'T GO AND GET A DOCUMENT THAT HAS BEEN
24 PUBLISHED BY SOMEONE, ANYBODY, AND SAY, "DID YOU
25 PUBLISH THIS? IS THIS WHAT YOU PUBLISHED?" WHY IS

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1 THAT HEARSAY?

2 THE COURT: BECAUSE...I MEAN, THERE'S
3 REASONS. I DON'T WANT TO DEBATE THAT RIGHT NOW. I
4 WANT TO HEAR YOU LAY YOUR FOUNDATION.

5 MR. HARPOOTLIAN: YOUR HONOR, I
6 UNDERSTAND MR. SWERLING IS MAKING THIS ARGUMENT,
7 BUT LET'S GO BACK TO THE INVESTIGATION IN THIS
8 CASE.

9 Q AS I UNDERSTAND IT, YOU CONCEDED AND
10 STATED THAT SAM MARTIN, HAWKINS, BOWERS, PEOPLE
11 THAT HAD RIDDEN BY THIS AREA BETWEEN NINE AND NINE-
12 THIRTY AND HAD SEEN EITHER A GOLD PONTIAC OR THE
13 VICTIM'S CAR IN THAT AREA WERE INTERVIEWED BY LAW
14 ENFORCEMENT, IS THAT CORRECT?

15 A THAT'S CORRECT.

16 Q AND IN THE PROCESS OF INVESTIGATING
17 THIS CASE, YOUR AGENCY, ALONG WITH SLED, OBTAINED
18 INTERVIEWS FROM THESE PEOPLE, IS THAT CORRECT? AND
19 THOSE INTERVIEWS WERE OBTAINED ON, AS I UNDERSTAND
20 IT, ON THE 14TH AND 15TH?

21 A THAT WAS THE STATE OF IT, 13TH.

22 Q I'M SORRY. IT ALL STARTED--I'M
23 THINKING ONE DAY AHEAD,-- 13TH, 14TH, AND 15TH, AND
24 AT LEAST ONE OF THOSE, I MEAN, I THINK MR. HAWKINS
25 AND MR. BOWERS WERE IN A CAR TOGETHER AND IN THEIR

1 STATEMENT THEY INDICATED THAT THEY HAD SEEN, EACH
2 ONE OF THEM HAD SEEN A PERSON NEAR THE SILVER CAR
3 AND THE GOLD CAR, IS THAT CORRECT?

4 A EACH ONE OF THEM INDICATED THEY HAD
5 SEEN A PERSON.

6 Q RIGHT.

7 A THAT'S ONE PERSON, NOT TWO PEOPLE.

8 Q OKAY, AND HAD GIVEN YOU A DESCRIPTION
9 OF THAT PERSON, IS THAT CORRECT?

10 A ONE OF THEM DID, I BELIEVE.

11 Q AND HE WAS WEARING SHORTS?

12 A I DON'T RECALL THAT.

13 Q OKAY. MR. SAM MARTIN RODE BY IN HIS
14 TRUCK, IS THAT CORRECT?

15 A EARLIER IN THE EVENING, YES, SIR.

16 Q EARLIER IN THE EVENING. AND WHEN HE
17 RODE BY, HE SAW AN INDIVIDUAL AND AS A RESULT OF
18 HIS SEEING THAT INDIVIDUAL, HE GAVE A DESCRIPTION
19 AND MET WITH A SLED COMPOSITE DRAWER, ARTIST,
20 EXPERT, I DON'T KNOW WHAT THE TECHNICAL TERM IS,
21 AND REDUCED THAT DESCRIPTION THAT HE HAD GIVEN
22 Y'ALL ON THE 14TH WHEN Y'ALL INTERVIEWED HIM TO A
23 COMPOSITE ON THE 15TH, AS I UNDERSTAND IT?

24 A YES, SIR, HE DID.

25 Q OKAY.

1 MR. HARPOOTLIAN: YOUR HONOR, COULD I
2 SEE THE EXHIBIT, PLEASE?

3 Q AS A RESULT OF HIM GENERATING THAT
4 COMPOSITE, THAT IS THE PERSON HE SAID HE SAW BY THE
5 SIDE OF THE ROAD NEAR THE GOLD CAR AND THE SILVER
6 CAR, THIS--WELL, TWO THINGS HAVE BEEN DESCRIBED.
7 ONE IS SEVERAL PEOPLE DESCRIBED A 1978, '79 CHEVY
8 MONTE CARLO, GOLD/RUST IN COLOR, TEARDROP MAG
9 WHEELS, AND DARK TINTED WINDOWS, RIGHT?

10 A IT WAS A BASIC GENERIC DESCRIPTION
11 WOULD BE LATE '70'S GMC TYPE, AND IT RANGED IN
12 COLOR FROM YELLOW TO GOLD.

13 Q BUT YOU INTERVIEWED MR. FRICK AT THAT
14 POINT AND HE HAD A PRETTY SPECIFIC DESCRIPTION OF
15 IT, DID HE NOT?

16 A I DO NOT RECALL WHAT MR. FRICK SAID.

17 Q OKAY. AND THIS COMPOSITE IS THE
18 COMPOSITE THAT WAS GENERATED BY A SLED COMPOSITE
19 ARTIST BASED ON THE DESCRIPTION MR. MARTIN GAVE
20 HIM, IS THAT CORRECT?

21 A WELL, WHEN MR. MARTIN GAVE THIS
22 COMPOSITE HERE, THIS WAS WHEN HE RODE PAST A LOT
23 EARLIER IN THE EVENING.

24 Q RIGHT, BUT IT WAS SOMEONE WHO HE SAID
25 HE SAW BY THE GOLD CAR, IS THAT CORRECT?

- 1 A YES, SIR.
- 2 Q OKAY. AND Y'ALL THOUGHT WELL ENOUGH OF
- 3 IT TO GENERATE A COMPOSITE AND PUT IT ON -- THIS IS
- 4 CALLED A BOLO, ISN'T IT?
- 5 A YES, SIR.
- 6 Q BE-ON-THE-LOOKOUT?
- 7 A YES, SIR.
- 8 Q THAT'S WHAT BOLO STANDS FOR?
- 9 A YES, SIR.
- 10 Q YEARS AROUND LAW ENFORCEMENT, I PICK UP
- 11 THESE LITTLE TERMS. AND IT SAYS PLEASE CONTACT
- 12 DANNY GILLIAM WITH YOUR OFFICE, "... OR THE SOUTH
- 13 CAROLINA LAW ENFORCEMENT DIVISION. ABOVE
- 14 INDIVIDUAL SOUGHT FOR THE QUESTIONING IN THE MURDER
- 15 OF A WHITE FEMALE IN LITTLE MOUNTAIN, SOUTH
- 16 CAROLINA, JUNE 12TH, 1994."
- 17 A YES, SIR. WE WERE FOLLOWING ALL KINDS
- 18 OF LEADS AT THAT POINT IN TIME.
- 19 Q SURE, SURE. BUT YOU FOLLOWED THIS LEAD
- 20 FOR QUITE SOME TIME?
- 21 A YES, SIR. WE WERE FOLLOWING THAT ONE
- 22 AS WELL AS MANY OTHERS.
- 23 Q WELL, LET ME ASK YOU THIS. DIDN'T YOU
- 24 GENERATE THAT COMPOSITE AS PART OF YOUR NORMAL
- 25 INVESTIGATIVE TECHNIQUES? I MEAN, YOU'VE DONE THIS

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1 BEFORE, HAVEN'T YOU?

2 A YES, SIR.

3 Q IT'S SOMETHING THAT'S DONE ROUTINELY
4 WITH LAW ENFORCEMENT?

5 A YES, SIR, WHEN YOU'RE LOOKING FOR
6 SOMEBODY, I MEAN, YOU'RE LOOKING AT ANY PIECE OF
7 EVIDENCE YOU CAN GET.

8 Q ALL RIGHT NOW, IN JUNE OF 1995, SLED
9 SEIZED--THERE'S A PICTURE AROUND HERE SOMEWHERE OF
10 A GOLD--HERE IT IS. EXCUSE ME ONE SECOND.

11 SLED SEIZED THIS VEHICLE RIGHT HERE,
12 WHICH WOULD BE STATE'S EXHIBIT NUMBER--I KEEP
13 MESSING THESE UP. I APOLOGIZE. -- NUMBER THIRTY-
14 SEVEN, IS THAT CORRECT?

15 A CORRECT.

16 Q AND WHEN THEY WENT TO SEIZE IT, THEY
17 HAD A SEARCH WARRANT, AND YOU'VE SEEN THAT SEARCH
18 WARRANT BEFORE, HAVE YOU NOT?

19 A NO, SIR.

20 Q WELL, WOULD YOU PUBLISH FOR US THE
21 AFFIDAVIT OF THAT SEARCH WARRANT?

22 MR. MCMAHON: WELL, THAT'S JUST FOR
23 PURPOSES OF THIS HEARING.

24 MR. HARPOOTLIAN: WELL, YEAH, SURE.
25 THE JURY'S NOT HERE.

1 THE COURT: YES, SIR, I UNDERSTAND.

2 A "ON JUNE 12TH, 1994, THE BODY OF
3 VICTORIA BECKHAM WAS DISCOVERED IN HER VEHICLE, A
4 GRAY NISSAN MAXIMA WHICH WAS LOCATED IN A DITCH
5 ALONG SIDE OF MOUNTAIN STREET, LITTLE MOUNTAIN,
6 SOUTH CAROLINA.

7 AN AUTOPSY HAS DETERMINED VICTORIA
8 BECKHAM DIED AS THE DIRECT RESULT OF BLOWS TO THE
9 NECK, THROAT AND THROAT AREAS. THIS DEATH HAS BEEN
10 DETERMINED TO BE A HOMICIDE. AS A RESULT OF THE
11 INVESTIGATION, STATEMENTS WERE OBTAINED FROM
12 SEVERAL WITNESSES WHO DESCRIBED A TWO-TONED RUST
13 COLORED VEHICLE WHICH COULD HAVE BEEN A CHEVROLET
14 MONTE CARLO, BUICK REGAL, OR PONTIAC GRAND PRIX, OR
15 A VEHICLE OF THAT BODY STYLE. THIS VEHICLE WAS
16 ADDITIONALLY DESCRIBED AS BEARING A SOUTH CAROLINA
17 TAG WITH THE LETTERS JG...."

18 Q LET ME INTERRUPT YOU FOR ONE SECOND
19 THERE. WHO HAD TOLD Y'ALL THAT IT HAD THE LETTERS,
20 J.G.?

21 A I DID NOT KNOW, SIR.

22 Q OKAY, KEEP GOING.

23 A "AND THE NUMERAL SIX. THIS DESCRIBED
24 VEHICLE WAS SPOTTED PARKED ACROSS THE HIGHWAY FROM
25 THE VICTIM'S VEHICLE ON JUNE 12TH, 1994, AT

1 APPROXIMATELY NINE P.M. TWO PERSONS WERE SEEN IN
2 THIS SUSPECT VEHICLE."

3 Q ALL RIGHT, "TWO PERSONS WERE SEEN AT
4 THE SUSPECT VEHICLE." OKAY.

5 A "LAW ENFORCEMENT OFFICIALS HAD MADE A
6 COMPOSITE OF THE SUSPECTS FROM WITNESS
7 RECOLLECTIONS. ONE OF THE COMPOSITES WAS LATER
8 IDENTIFIED AS BEING THAT OF MICHAEL BEATTY OF 4759
9 COTTONWOOD DRIVE, MYRTLE BEACH, SOUTH CAROLINA."

10 Q OKAY, SO...

11 MR. HARPOOTLIAN: JUST FOR PURPOSES OF
12 THE RECORD, YOUR HONOR,...

13 Q ...THIS AFFIDAVIT WAS SIGNED, UNDER
14 OATH, BY THE DEWITT MCCRAW, THIS SLED AGENT SITTING
15 RIGHT OVER HERE, ON JUNE 21ST, 1995, SAYING FIRST
16 OF ALL, WE HAVE A GRAND PRIX OR MONTE CARLO, ONE OF
17 THE CARS BEING SEEN IN THE VICINITY WHERE VICKIE
18 BECKHAM'S CAR WAS FOUND, ONE, IS THAT RIGHT?

19 A YES, SIR.

20 Q AND TWO, THAT TWO PERSONS WERE SEEN IN
21 THE SUSPECT VEHICLE....IN THE SUSPECT VEHICLE. LAW
22 ENFORCEMENT OFFICIALS HAD MADE COMPOSITES OF THE
23 SUSPECTS FROM WITNESS RECOLLECTION; ONE OF THE
24 COMPOSITES WAS LATER IDENTIFIED AS BEING THAT OF
25 MICHAEL BEATTY, OF 4759 COTTONWOOD DRIVE, MYRTLE

1 BEACH, SOUTH CAROLINA. AND THAT IS UNDER OATH BY
2 AGENT MCCRAW ON THIS DOCUMENT, IS THAT CORRECT?

3 A I DON'T KNOW, SIR. I WASN'T PART OF
4 THIS AFFIDAVIT. IN FACT, THIS IS THE FIRST TIME
5 I'VE SEEN THIS DOCUMENT.

6 Q OKAY. AND JUST FOR PURPOSES OF THIS
7 HEARING, YOU WOULD AGREE THAT LOOKS LIKE, YOU'VE
8 SEEN A SEARCH WARRANT BEFORE?

9 A I KNOW WHAT A SEARCH WARRANT IS, YES,
10 SIR.

11 MR. HARPOOTLIAN: YOUR HONOR, I'D LIKE
12 TO MARK IT AS A COURT'S EXHIBIT FOR THIS HEARING.

13 COURT REPORTER: COURT'S TWELVE.

14 (SO MARKED AND ENTERED.)

15 Q THIS COMPOSITE, YOU'VE INDICATED YOU'VE
16 DONE A NUMBER OF THESE IN THE PAST, THESE
17 COMPOSITE--THESE BOLO'S LIKE THIS?

18 A YES, SIR.

19 Q IT'S SOMETHING ROUTINELY DONE WHEN YOU
20 HAVE A CRIME, NOT JUST A HOMICIDE BUT ANY SORT OF
21 CRIME WHERE YOU HAVE A WITNESS IDENTIFICATION AND
22 YOU'RE TRYING TO FIND SOMETHING OR SOME PERSON?

23 A YES, SIR. AND THAT PERSON, I THINK
24 FROM THAT COMPOSITE, WAS DESCRIBED AS BEING THERE
25 BEFORE EIGHT O'CLOCK. NOT APPEARING WHEN THE BODY

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1 WAS DROPPED OFF OR THE VEHICLE WAS DROPPED OFF,
2 THIS WAS SOMETIME PRIOR.

3 Q BUT IN THE VEHICLE OR AT THE VEHICLE?

4 A AT THE VEHICLE ALONG THAT TIME.

5 Q OKAY. NOW, THESE BOLO'S ARE DONE
6 ROUTINELY?

7 A YES, SIR.

8 Q AND KEPT BY Y'ALL IN THE ORDINARY
9 COURSE OF BUSINESS, ARE THEY NOT?

10 A THEY'RE DISPLAYED.

11 Q RIGHT, AND THEY'RE KEPT BY Y'ALL IN THE
12 ORDINARY COURSE OF BUSINESS?

13 A YES, SIR.

14 MR. HARPOOTLIAN: BEG THE COURT'S
15 INDULGENCE.

16 THAT'S ALL I HAVE, YOUR HONOR.

17 THE COURT: LET ME MAKE SURE I

18 UNDERSTOOD, WHEN DID HE SAY, OR IF HE DID SAY, THAT
19 THIS WITNESS MADE THIS, OR GAVE THIS INFORMATION TO
20 THE COMPOSITE ARTIST?

21 MR. HARPOOTLIAN: THE 15TH I BELIEVE IS
22 WHAT WE SAID.

23 THE COURT: TWO OR THREE DAYS LATER?

24 MR. HARPOOTLIAN: YES, SIR. WELL, TWO
25 DAYS LATER.

1 THE COURT: YOU CAN EXAMINE THIS
2 WITNESS, IF YOU WANT TO.

3 MR. MCMAHON: MAY I PUT A FEW THINGS IN
4 THE RECORD ON IT, THROUGH THE WITNESS?

5 THE COURT: SURE. IT'S YOUR CROSS.

6 MR. MCMAHON: WHERE IS THE COMPOSITE?
7 WAS IT MARKED?

8 COURT REPORTER: NO.

9 MR. HARPOOTLIAN: LET'S GO AHEAD AND
10 MARK IT. COURT'S EXHIBIT, AT THIS JUNCTURE?

11 COURT REPORTER: THIRTEEN, YOUR HONOR.

12 (SO MARKED AND ENTERED, COURT'S EXHIBIT
13 THIRTEEN.)

14 REDIRECT EXAMINATION:

15 BY MR. MCMAHON:

16 Q NOW, COURT'S EXHIBIT THIRTEEN, THIS
17 COMPOSITE WAS DRAWN ALONG THE LINES OF WHICH
18 WITNESS?

19 A SAM MARTIN.

20 Q SAM MARTIN. THAT'S JUST FOR THE
21 INDIVIDUAL OR THE AUTOMOBILE ALSO?

22 A JUST THE COMPOSITE FOR THE SAM MARTIN
23 ONLY. WE GOT THE CARS FROM MANY PEOPLE.

24 Q THE COMPOSITE OF THE INDIVIDUAL IS
25 SOLELY THE PRODUCT OF SAM MARTIN?

- 1 A TRUE.
- 2 Q AND THE AUTOMOBILE IS A CONGLOMERATION
- 3 OF NUMEROUS WITNESSES, IS THAT CORRECT?
- 4 A THAT'S CORRECT.
- 5 Q NOW, WHEN WE SAY SAM MARTIN, SITTING
- 6 HERE RIGHT NOW IN YOUR RECOLLECTION, DO YOU KNOW
- 7 WHEN HE WAS FIRST EXAMINED?
- 8 A NO, SIR. I'D HAVE TO LOOK IN HIS
- 9 INTERVIEW FORM.
- 10 Q LET ME HAND YOU THIS INCIDENT FOLLOW-UP
- 11 REPORT AND SEE IF YOU CAN TELL US WHO THAT'S ON?
- 12 A IT'S ON SAM MARTIN ON JUNE 15TH.
- 13 Q JUNE 15TH OF '94?
- 14 A YES, SIR.
- 15 Q TO YOUR KNOWLEDGE, IS THAT THE FIRST
- 16 INTERVIEW THAT WAS DONE WITH MR. MARTIN?
- 17 A YES, SIR, IT IS.
- 18 Q SO THAT WAS AT LEAST THREE DAYS, TWO
- 19 AND A HALF, THREE DAYS AFTER JUNE 12TH OF '94 WHEN
- 20 HE WAS FIRST INTERVIEWED?
- 21 A YES, SIR.
- 22 Q NOW, THAT FIRST INTERVIEW, WHAT DID HE
- 23 ADVISE LAW ENFORCEMENT?
- 24 A HE ADVISED LAW ENFORCEMENT TO ONE OF
- 25 OUR DEPUTIES, SAID CAME BY MOUNTAIN ROAD, LOCATION

- 1 OF SCENE AT 7:30 P.M. ON NIGHT IN QUESTION, DID NOT
2 SEE ANY AUTO PRESENT.
- 3 Q DIDN'T EVEN SEE AN AUTOMOBILE?
- 4 A DIDN'T SEE IT.
- 5 Q FIRST INTERVIEW WITH LAW ENFORCEMENT HE
6 CAME BY MOUNTAIN DRIVE SCENE AT WHAT TIME?
- 7 A SEVEN-THIRTY P.M.
- 8 Q DIDN'T SEE AN AUTOMOBILE?
- 9 A DID NOT SEE AN AUTOMOBILE.
- 10 Q DIDN'T SAY ANYTHING ABOUT ANY PEOPLE
11 EITHER?
- 12 A NO, SIR.
- 13 Q NOW, WAS THERE AN OPPORTUNITY TO
14 INTERVIEW MR. MARTIN AT A LATER TIME?
- 15 A THIS WAS DONE ON JUNE 23RD, 1994, AT
16 1:10 P.M.
- 17 Q EIGHT DAYS AFTER THE FIRST INTERVIEW?
- 18 A YES, SIR.
- 19 Q AND WHO CONDUCTED THAT INTERVIEW,
20 DETECTIVE...DEPUTY WRIGHT? WHOSE WRITING IS THAT?
- 21 A THIS IS MY WRITING.
- 22 Q DID YOU CONDUCT THE FIRST INTERVIEW?
- 23 A NO, SIR.
- 24 Q YOU CONDUCTED THE SECOND INTERVIEW?
- 25 A YES, SIR.

- 1 Q NOW, I'M ASSUMING FROM THE FIRST
2 INTERVIEW HE WOULD NOT HAVE PRODUCED THE COMPOSITE?
3 A NO, SIR.
4 Q BECAUSE HE SAID HE DIDN'T EVEN SEE THE
5 CAR?
6 A THAT'S CORRECT.
7 Q SO WE KNOW THE COMPOSITE CAME AFTER
8 JUNE 15TH OF '94?
9 A YES, SIR.
10 Q NOW, THE SECOND INTERVIEW, WHAT DID MR.
11 MARTIN SAY?
12 A WOULD YOU LIKE FOR ME TO READ IT?
13 Q YES, SIR.
14 A "ON THE NIGHT OF THE MURDER, SAM HAD
15 BEEN PLAYING WITH HIS DOGS ON MACEDONIA CHURCH
16 ROAD. HE TRAVELLED ON MOUNTAIN ROAD TOWARD HOME.
17 HE ARRIVED AT HOME DURING THE COMMERCIAL BEFORE
18 ANDY ROONEY ON 60 MINUTES. HE NOTICED A VEHICLE ON
19 THE RIGHT HAND SIDE OF THE ROAD, HEADED TOWARD
20 LITTLE MOUNTAIN. HE SAW A RUST COLORED MONTE
21 CARLO, REGAL, ETCETERA, EARLY '80'S GM CAR, TWO-
22 DOOR. A WHITE MALE WAS SEATED IN THE DRIVER'S SEAT
23 AND ANOTHER WHITE MALE WAS STANDING OUTSIDE ON THE
24 PASSENGER SIDE. HE WAS LOOKING DOWN THE HILL. THE
25 WHITE MALE STANDING WAS ABOUT THIRTY-FIVE TO FORTY

1 YEARS OF AGE, FIVE FOOT, TEN, LIGHT COLORED BROWN
2 HAIR, MEDIUM LENGTH, LIGHT COLORED SHIRT. CAR IS
3 BELIEVED TO HAVE A TAG ON IT; CAR APPEARED TO BE
4 RATTY LOOKING. HOOD WAS NOT UP ON THE CAR.

5 SAM HEARD THAT VICKIE HAD BEEN KILLED
6 THE NEXT DAY, WHEN HE WENT INTO HARDEE'S IN CHAPIN.
7 ABOUT A YEAR AGO, SAM WAS HITCHHIKING FROM THE WINN
8 DIXIE IN CHAPIN TO HIS HOME. A SMALL MAN, WHITE
9 MALE IN HIS THIRTIES, PICKED HIM UP IN A CAR VERY
10 SIMILAR TO THIS CAR ON MOUNTAIN DRIVE." AND
11 THERE'S A FOOTNOTE THERE THAT SAYS HE HASN'T HAD
12 ANY MEDICATION IN OVER TWO MONTHS.

13 Q WITH ALL DUE RESPECT, THAT WOULD BE
14 UNUSUAL FOR MR. MARTIN, TO YOUR KNOWLEDGE?

15 A HE'D INDICATED HE WAS ON MEDICATION,
16 BUT AT THIS TIME HE HAD NOT BEEN TAKING HIS
17 MEDICATION FOR TWO MONTHS. AND I WROTE THAT DOWN
18 WITH AN ASTERISKS.

19 Q SO HE STARTS OFF TWO TO THREE DAYS
20 AFTER THE EVENT, HE DOESN'T EVEN SEE AN AUTOMOBILE?

21 A CORRECT.

22 Q TEN OR ELEVEN DAYS AFTER THE EVENT, HE
23 DESCRIBES AN AUTOMOBILE, AND I ASSUME THE
24 DESCRIPTION OF THE AUTOMOBILE HAD ALREADY BEEN PUT
25 OUT?

- 1 A YES, SIR.
- 2 Q AND HE HAD LEARNED ABOUT MS. BECKHAM'S
- 3 DEATH, HE SAID?
- 4 A YES, SIR.
- 5 Q AND THEN HE SAYS HE SEES THE AUTOMOBILE
- 6 AND TWO PEOPLE?
- 7 A YES, SIR.
- 8 Q AND WHAT DID HE SAY ABOUT BEING PICKED
- 9 UP HITCHHIKING?
- 10 A SAID, "ABOUT A YEAR AGO, SAM WAS
- 11 HITCHHIKING FROM THE WINN DIXIE IN CHAPIN TO HIS
- 12 HOME. A SMALL MAN, WHITE MALE IN HIS THIRTIES,
- 13 PICKED HIM UP IN A CAR VERY SIMILAR TO THIS CAR ON
- 14 MOUNTAIN DRIVE."
- 15 Q AND THAT WOULD HAVE BEEN BACK IN '93,
- 16 ACCORDING TO HIM?
- 17 A YES, SIR.
- 18 Q NOW, SHOWING YOU THIS DOCUMENT, DOES
- 19 THIS APPEAR TO BE A DOCUMENT WHERE MR. MARTIN RIGHT
- 20 HERE IDENTIFIED THE GRAND PRIX AT SLED?
- 21 A "ON JUNE 22ND, 1995, WITNESS TWO--"
- 22 LET'S SEE, WITNESS TWO IS GOING TO BE SAM MARTIN.
- 23 "--OBSERVED PICTURES OF A VEHICLE IN CUSTODY
- 24 BELIEVED TO BE INVOLVED IN THIS CASE. ON SEEING
- 25 THE PICTURES, WITNESS TWO STATED, 'YES, THAT IS THE

1 CAR. I HAVE DREAMED ABOUT THE CAR AND THAT IS IT A
2 HUNDRED PRESENT SURE. '"

3 Q SO HIS IDENTI...WAS THERE ANY MORE? I
4 DIDN'T MEAN TO CUT YOU OFF, DEPUTY WRIGHT. ANY
5 MORE ON MR. MARTIN?

6 A NONE. THE NEXT IS ON ANOTHER WITNESS.

7 Q SO HIS IDENTITY OF SEEING THE CAR THE
8 FIRST--NOT SEEING THE CAR THE FIRST TIME, THEN
9 SAYING THAT HE SAW IT TEN TO ELEVEN DAYS LATER,
10 THEN IDENTIFYING IT AT SLED... WHAT DATE WAS IT HE
11 IDENTIFIED IT AT SLED?

12 A JUNE 22ND.

13 Q AND THAT'S PARTIALLY BASED ON DREAMING
14 ABOUT IT?

15 A YES, SIR. HE SAID HE DREAMED ABOUT IT.

16 Q NOW, AS FAR AS MR. MARTIN IS CONCERNED,
17 DO YOU KNOW WHAT HE'LL SAY TODAY?

18 A NO, SIR, I HAVE NO IDEA.

19 Q AS FAR AS THE TWO PEOPLE THAT WERE
20 PRESENT, DO YOU KNOW WHO HE WILL IDENTIFY THOSE TWO
21 PEOPLE AS? HAVE YOU HEARD THAT?

22 A NO, SIR.

23 Q YOU'RE NOT AWARE THAT HE HAD IDENTIFIED
24 ONE OF THEM AS RICHARD ANDERSON AND THE OTHER ONE
25 AS THE DEFENDANT, STEPHEN BECKHAM?

1 MR. HARPOOTLIAN: YOUR HONOR, I WOULD
2 HAVE TO OBJECT TO THIS LINE OF QUESTIONING. WE'RE
3 TALKING ABOUT WHAT HE KNEW ON THE 15TH.

4 MR. MCMAHON: NO, IT'S FOR PURPOSES OF
5 THIS HEARING AND THE MENTAL STATE--I'M NOT OFFERING
6 IT IN FRONT OF THE JURY, BUT FOR THE MENTAL STATE
7 OF THE COMPLAINANT.

8 THE COURT: I OVERRULE THE OBJECTION.
9 I'LL LET HIM PUT IT IN...

10 MR. HARPOOTLIAN: I JUST DON'T THINK
11 IT'S RELEVANT TO THE ISSUES THAT WE'RE CONFRONTING
12 HERE, WHICH IS WHAT HE KNEW ON THE 23RD.

13 THE COURT: IT MAY OR MAY NOT BE, BUT
14 I'LL LET HIM ANSWER THE QUESTION.

15 MR. HARPOOTLIAN: YES, SIR.

16 Q YOU UNDERSTAND TODAY, THE TWO PEOPLE HE
17 SAID HE SAW, HE IDENTIFIED ONE OF THEM AS RICHARD
18 ANDERSON?

19 A I'M PRIVY TO THAT INFORMATION THAT HE
20 SAID THAT IF HE WAS IDENTIFIED TODAY THAT ONE OF
21 THE PEOPLE HE'D IDENTIFY WOULD BE STEPHEN BECKHAM.

22 MR. MCMAHON: YOUR HONOR, I WOULD MARK
23 ALL OF THESE DOCUMENTS. I'D ASK TO BE ABLE TO GET
24 COPIES OF THEM LATER, BUT I'D MARK THEM ALL AS
25 COURT'S EXHIBITS.

1 THE COURT: ALL RIGHT, ANYTHING ELSE OF
2 THIS WITNESS?

3 MR. HARPOOTLIAN: JUST A COUPLE OF
4 QUESTIONS VERY BRIEFLY.

5 RECROSS EXAMINATION:

6 BY MR. HARPOOTLIAN:

7 Q YOU DO KNOW THAT SAM MARTIN WAS SHOWN A
8 PHOTOGRAPHIC LINEUP WHICH INCLUDED STEPHEN BECKHAM
9 JUST A COUPLE OF DAYS AFTER, WELL, I THINK IT WAS
10 THE DAY HE CAME AND DID THE COMPOSITE?

11 A YES, SIR.

12 Q AND HE SAID NONE OF THESE PEOPLE ARE
13 THE PEOPLE I SAW ON THE SIDE OF THE ROAD?

14 A YES, SIR.

15 Q AND THAT'S THE SAME DAY HE GAVE A
16 SKETCH, THIS SKETCH, OF SOMEBODY ELSE HE SAID HE
17 SAW ON THE SIDE OF THE ROAD?

18 A I'M NOT SURE OF THE DAY HE CAME UP AND
19 LOOKED AT THE COMPOSITE.

20 Q BUT HE DID, HE WAS SHOWN A LINEUP OF
21 SIX INDIVIDUALS, ONE OF WHOM WAS STEPHEN BECKHAM
22 AND SAID, "NONE OF THESE PEOPLE WERE THE PEOPLE I
23 SAW ON THE SIDE OF THE ROAD?"

24 A THAT'S WHAT HE SAID THEN.

25 Q NOW, AND CORRECT ME IF I'M WRONG, THIS

1 IS A DESCRIPTION, I MEAN, WHEN Y'ALL INTERVIEWED
2 HIM AND Y'ALL WERE GETTING A DESCRIPTION FROM HIM,
3 YOU KNEW ABOUT HIS MENTAL CONDITION, DID YOU NOT?

4 A YES, SIR.

5 Q YOU KNEW ABOUT HIS RELIABILITY OR
6 UNRELIABILITY?

7 A WE DIDN'T KNOW HOW RELIABLE HE WAS AT
8 THAT TIME. WE KNEW ABOUT HIS MEDICATION AND WE
9 KNEW THAT, YOU KNOW, HE WAS TELLING US DIFFERENT
10 THINGS.

11 Q WELL, DID YOU NOT GENERATE THIS--I
12 MEAN, YOU FELT HE WAS RELIABLE ENOUGH TO GENERATE A
13 SKETCH TO CIRCULATE ALL OVER THE STATE, ALL OVER
14 THE COUNTRY, OF THIS INDIVIDUAL AND THIS CAR, IS
15 THAT NOT CORRECT?

16 A WE TOOK THE INFORMATION THAT WE HAD AT
17 THAT TIME AND PUT OUT A COMPOSITE.

18 Q RIGHT. BUT WHAT I'M SAYING IS YOU HAD
19 ENOUGH CONFIDENCE TO PUT IT OUT?

20 A YES, SIR. WE WERE LOOKING FOR THE CAR
21 AND AS LONG AS WE HAD THAT COMPOSITE, WE PUT THAT
22 ON THERE AS WELL.

23 Q OKAY, BUT IT WAS ENOUGH, IT WAS
24 RELIABLE ENOUGH FOR YOU TO USE TO PUT OUT AND
25 CIRCULATE FOR A YEAR, AND IF-- AND I UNDERSTAND

1 YOU'VE NEVER SEEN THAT AFFIDAVIT BEFORE, BUT A YEAR
2 LATER, IT APPEARS A SLED AGENT WAS USING THIS
3 COMPOSITE AS A BASIS TO SEIZE THAT CAR, OR PART OF
4 THE PROBABLE CAUSE. ISN'T THAT CORRECT?

5 A I DON'T KNOW IF HE WAS USING THAT
6 INFORMATION OR NOT, BECAUSE I WAS NOT THERE, I DID
7 NOT PRESENT THE AFFIDAVIT...

8 Q ALL RIGHT, AND THAT'S MORE
9 APPROPRIATELY ARGUMENT FOR THE JUDGE. THANK YOU.

10 THE COURT: ALL RIGHT, ANYTHING ELSE OF
11 THIS WITNESS?

12 MR. MCMAHON: NO, YOUR HONOR.

13 MR. SWERLING: JUDGE, I JUST HAVE ONE
14 OTHER THING I'D LIKE TO ASK YOU TO CONSIDER, IS 803
15 (6) AND (8) AND ALSO, THE SOUTH CAROLINA BUSINESS
16 PRACTICE ACT.

17 THE COURT: I'M LOOKING AT THEM.

18 MR. MCMAHON: YES, SIR, AND THAT'S ONE
19 REASON I WENT INTO THE--

20 MR. SWERLING: WHICH WOULD BE, EXCUSE
21 ME.

22 MR. MCMAHON: I APOLOGIZE.

23 MR. SWERLING: WHICH WOULD BE 19-5-510.

24 MR. MCMAHON: THAT'S ONE REASON I WENT
25 INTO THE LACK OF TRUST WORTHINESS.

1 THE COURT: I'VE GOT IT. I UNDERSTAND
2 THE ARGUMENT.

3 MR. MCMAHON: THANK YOU.

4 MR. HARPOOTLIAN: YOUR HONOR, AND WE'RE
5 GETTING CLOSE TO THE BEWITCHING HOUR HERE...

6 THE COURT: YES, SIR.

7 MR. HARPOOTLIAN: I WOULD NOTE THAT
8 THIS IS THE HEART, AND I'VE SAID IT BEFORE AND I
9 REEMPHASIZE. THIS IS THE HEART OF THE DEFENSE
10 CASE, AND THERE ARE DISCRETIONARY DECISIONS TO BE
11 MADE BY YOUR HONOR AS TO HOW TO VIEW THIS EVIDENCE.
12 AND THEY HAVE EXPLANATIONS, YOU'VE ALREADY HEARD AS
13 WHETHER IT'S RELIABLE OR NOT RELIABLE. BUT WE
14 BELIEVE THIS IS EVIDENCE THAT THE JURY OUGHT TO
15 HAVE A CHANCE TO LOOK AT AND EVALUATE.

16 THANK YOU, YOUR HONOR.

17 MR. MCMAHON: OF COURSE, YOU KNOW, YOUR
18 HONOR, JUST FOR THE RECORD, THEY SAY THAT'S THE
19 HEART OF THE DEFENSE CASE, AND OF COURSE, LIKE I
20 SAY, JUST FOR THE RECORD, I THINK THAT SHOWS THE
21 WEAKNESS OF THE DEFENSE CASE WHEN YOU'RE TALKING
22 ABOUT THE LINE ON THE TRUSTWORTHINESS OF A WITNESS
23 LIKE THIS, WITH ALL DUE RESPECT TO...

24 THE COURT: I DON'T HAVE TO REACH THAT
25 TO REACH A DECISION IN THIS CASE.

1 MR. MCMAHON: THANK YOU, YOUR HONOR.

2 THE COURT: ALL RIGHT. I, THROUGH THIS
3 WITNESS, I WOULD DECLINE TO ALLOW THE INTRODUCTION
4 OF THE ARTIST IMPRESSION EITHER UNDER 803(1),
5 803(6) AND (7), WHICH IS ESSENTIALLY A VERSION OF
6 OUR UNIFORM BUSINESS RECORDS ACT AS EVIDENCE, WHICH
7 IS 19-5-510.

8 LET'S ASSUME FOR THE MOMENT THAT IT
9 MEETS--LET'S TALK ABOUT THE BUSINESS RECORDS ACT
10 FIRST. THE COURT HAS TO FIND THAT, "A RECORD OF AN
11 ACT, CONDITION OR EVENT SHALL INsofar AS RELEVANCE
12 BE COMPETENT EVIDENCE IF THE CUSTODIAN," WHO IS NOT
13 THIS GENTLEMAN, "OR OTHER QUALIFIED WITNESS
14 TESTIFIES," WHICH IS NOT THIS WITNESS, "TO ITS
15 IDENTITY AND THE MODE OF PREPARATION, AND IF IT WAS
16 MADE IN THE REGULAR COURSE OF BUSINESS AT OR NEAR A
17 TIME OF THE ACT, CONDITION OR EVENT, AND IS SUCH
18 OPINION OF THE COURT, AND IF, IN THE OPINION OF THE
19 COURT, THE SOURCES OF INFORMATION, METHOD AND TIME
20 OF PREPARATION WERE SUCH AS TO JUSTIFY ITS
21 ADMISSION."

22 THROUGH THIS WITNESS, I FIND IT WOULD
23 NOT MEET 19-5-510. ALSO, AS TO PRESENT SENSE
24 IMPRESSION, WE ARE TALK...THIS IS ESSENTIALLY A
25 HEARSAY, IT IS ESSENTIALLY A DOUBLE HEARSAY. IT IS

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1 A HEARSAY WITHIN HEARSAY. FIRST OF ALL, IT'S WHAT
2 THE MAN TOLD THE ARTIST, AND THE ARTIST'S
3 IMPRESSION IS ALSO AN IMPRESSION, AND SUBJECT--
4 WHICH GETS YOU TO THE OTHER PART OF THE RULE. EVEN
5 UNDER THE BUSINESS RECORD ACT, FOR EXAMPLE, MEDICAL
6 DOCUMENTS THAT CONTAIN SUBJECTIVE OPINIONS ARE NOT
7 ADMISSIBLE. AND I TAKE THE POSITION THAT THE
8 COMPOSITE ARTIST, AT LEAST RIGHT NOW BECAUSE I
9 DON'T HAVE ANYTHING ELSE IN FRONT OF ME, AND NOT
10 HAVING HEARD FROM THE ARTIST, BUT I WOULD TAKE THE
11 POSITION THAT THAT IS HIS SUBJECTIVE OPINION OF
12 WHAT THE WITNESS TOLD HIM, AND I WOULD NOT ALLOW IT
13 IN UNDER 19-5-510.

14 I FURTHER CALL TO YOUR ATTENTION THE
15 CASE OF STATE VERSUS RICH, WHICH IS A 1987 CASE
16 THAT HAD TO DO WITH FINGERPRINTS. IT'S KIND OF THE
17 SAME THING. FINGERPRINT EVIDENCE, OF COURSE DOES
18 NOT VIOLATE THE RULE OF PROHIBITION AGAINST HEARSAY
19 UNDER EITHER THE PUBLIC RECORDS OR BUSINESS RECORDS
20 EXCEPTION. HOWEVER, EVEN THOUGH IT DOESN'T DO
21 THAT, YOU STILL HAVE TO HAVE A PROPER FOUNDATION
22 LAID IN ORDER FOR THE ADMISSIBILITY OF THE
23 FINGERPRINTS AND AN AUTHENTICATION OF THOSE PRINTS.
24 AND I'M NOT READY TO LET THE STATE OR THE DEFENSE
25 RELY ON COMPOSITE DRAWINGS AT THIS POINT IN TIME TO

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1 ESTABLISH THE INNOCENCE OR THE GUILT OF THE
2 DEFENDANT.

3 NOW, MR. HARPOOTLIAN, AS TO THIS
4 WITNESS, I'M NOT GOING TO LET IT IN THROUGH THIS
5 WITNESS.

6 MR. HARPOOTLIAN: UNDER THE BUSINESS
7 RECORDS EXCEPTION, I UNDERSTAND YOUR REASONING. I
8 GUESS I'M ASKING FOR SOME GUIDANCE HOWEVER...

9 THE COURT: I'M NOT GOING TO PRACTICE
10 LAW WITH YOU. YOU'RE A GOOD LAWYER, OKAY? I DON'T
11 GIVE ADVISORY OPINIONS.

12 MR. HARPOOTLIAN: I UNDERSTAND THAT. I
13 JUST HATE TO BRING A WITNESS IN, CALL HIM AND SPEND
14 AN HOUR DOING SOMETHING AND THEN YOU...

15 THE COURT: WELL, YOU KNOW, I DON'T
16 WANT TO GET MY HANDS TIED ON IT.

17 MR. HARPOOTLIAN: YES, SIR, I
18 UNDERSTAND THAT.

19 THE COURT: YOU MIGHT AND YOU MIGHT
20 NOT.

21 MR. HARPOOTLIAN: WELL, WE'VE GOT ALL
22 THE TIME IN THE WORLD. I JUST DON'T WANT TO WASTE
23 YOUR TIME.

24 THE COURT: YOU'RE NOT. THAT'S AN
25 INTERESTING QUESTION.

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1 MR. HARPOOTLIAN: YES, SIR.

2 THE COURT: ALL RIGHT, ARE YOU THROUGH
3 WITH THIS WITNESS THEN, IN LIGHT OF THAT RULING?

4 MR. HARPOOTLIAN: YES, SIR.

5 THE COURT: ANYTHING ON REDIRECT BEFORE
6 I BRING THE JURY OUT?

7 MR. MCMAHON: JUST VERY BRIEFLY.

8 THE COURT: ALL RIGHT, THEN I'M GOING
9 TO LEAVE THE JURY OUT HERE AND INSTRUCT THEM, AND
10 LET THEM GO. HOW ABOUT, I NEED--AGENT BERRY?

11 (OFF THE RECORD.)

12 THE COURT: OKAY, BRING THE JURY BACK.

13 (JURY RETURNED TO OPEN COURTROOM AT
14 4:56 P.M.)

15 THE COURT: ALL RIGHT, MR. MCMAHON, YOU
16 MAY REDIRECT WITH THIS WITNESS.

17 MR. MCMAHON: THANK YOU, YOUR HONOR.

18 MAY IT PLEASE THE COURT, JUST VERY BRIEFLY.

19 REDIRECT EXAMINATION:

20 BY MR. MCMAHON:

21 Q DEPUTY WRIGHT, MR. HARPOOTLIAN WAS
22 ASKING YOU ABOUT SOME TIMES, DISTANCES, AND SUCH AS
23 THAT, FROM TANNER'S TO LITTLE MOUNTAIN, AND FROM
24 LITTLE MOUNTAIN TO CABLE ROAD, TO BECKHAM
25 RESIDENCE.

1 NOW YOU HAVE NOT PERSONALLY DROVE THOSE
2 DISTANCES AND TIMED THEM, IS THAT CORRECT?

3 A NO, SIR. SOME OF THOSE LOCATIONS ARE
4 OUT OF NEWBERRY COUNTY.

5 Q AND I BELIEVE YOU INDICATED IT WOULD
6 DEPEND ON VARIOUS FACTORS, ONE OF WHICH I BELIEVE
7 YOU IDENTIFIED FOR MR. HARPOOTLIAN, TRAFFIC
8 CONDITIONS?

9 A TRAFFIC FLOW, SPEED, MANY CONDITIONS.

10 Q SPEED?

11 A YES, SIR.

12 Q AND HE'S TALKING ABOUT DROPPING SOMEONE
13 OFF, DROPPING ONE VEHICLE OFF ON MOUNTAIN ROAD AND
14 GOING TO THE BECKHAM RESIDENCE, AND THAT WOULD
15 DEPEND ON HOW YOU WERE OPERATING THE VEHICLE, WHAT
16 PLANS YOU MAY HAVE FOR THIS AFTERNOON, HOW HASTILY
17 YOU WANTED TO GET SOMEWHERE, IS THAT CORRECT?

18 A YES, SIR. MANY FACTORS WOULD COME INTO
19 PLAY.

20 Q AND HE ALSO ASKED YOU ABOUT THE PINK
21 SHIRTS, STATE'S FORTY-EIGHT, AND TO YOUR KNOWLEDGE,
22 ALL OF THE PINK SHIRTS THAT WERE PRESENT AT THE
23 TIME LAW ENFORCEMENT SEARCHED THE HOUSE ON JUNE THE
24 17TH OF '94, WERE SEIZED, IS THAT CORRECT?

25 A YES, SIR.

1 Q AND REFERRING BACK TO STATE'S EXHIBIT
2 NUMBER EIGHTEEN, THIS PARTICULAR PHOTOGRAPH?

3 A YES, SIR.

4 Q NOW THAT PHOTOGRAPH WAS TAKEN WHERE?

5 A THAT WAS TAKEN BEHIND THE DEFENDANT'S
6 TRAILER.

7 Q THE RESIDENCE THAT YOU AND MAJOR
8 GILLIAM WENT TO ON THE MORNING OF...

9 MR. HARPOOTLIAN: I'M SORRY, WHAT
10 EXHIBIT WAS IT?

11 MR. MCMAHON: THIS PHOTOGRAPH,
12 EIGHTEEN.

13 Q AND THIS PARTICULAR PHOTOGRAPH TAKEN,
14 YOU CAN'T TELL THE JURY WHAT WAS AND WAS NOT
15 CONSUMED IN THAT FIRE?

16 A NO, SIR.

17 MR. HARPOOTLIAN: YOUR HONOR, I'D
18 OBJECT TO THAT. THERE ARE FORENSIC EXPERTS...

19 MR. MCMAHON: IF HE WANTS A SIDE BAR...

20 THE COURT: EXCUSE ME JUST A MINUTE. I
21 AGREE. COME AROUND HERE.

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

25 THE COURT: OBJECTION IS SUSTAINED AND

1 THE JURY WOULD DISREGARD THE QUESTION AND THE ANSWER
2 AS BEING SPECULATION FROM THIS WITNESS.

3 Q THAT WAS OBSERVED OUT THERE ON THE
4 MORNING OF THE 13TH, WHAT'S DEPICTED IN STATE'S
5 EXHIBIT NUMBER EIGHTEEN?

6 A YES, SIR, THAT WAS THERE.

7 Q AND YOU DON'T KNOW HOW MANY PINK SHIRTS
8 THE DEFENDANT MAY HAVE HAD PRIOR TO WHEN Y'ALL
9 SEIZED THESE SHIRTS, HOWEVER MANY IN NUMBER THEY
10 ARE, ON THE 17TH?

11 A NO, SIR.

12 Q THANK YOU. I DON'T HAVE ANY FURTHER
13 QUESTIONS.

14 MR. HARPOOTLIAN: JUST A COUPLE OF
15 QUICK QUESTIONS.

16 THE COURT: RECROSS.

17 RECROSS EXAMINATION:

18 BY MR. HARPOOTLIAN:

19 Q YOU DON'T KNOW HOW MANY PINK SHIRTS THE
20 DEFENDANT HAD, BUT YOU KNOW FROM TALKING TO THE
21 CHILDREN AND ALL OF THE OTHER WITNESSES...

22 MR. MCMAHON: OBJECTION, HEARSAY.

23 THE COURT: SUSTAINED.

24 Q AS A RESULT OF...

25 MR. MCMAHON: OBJECTION, HEARSAY.

1 Q AS A RESULT OF DISCUSSIONS YOU HAD WITH
2 INDIVIDUALS...

3 MR. MCMAHON: NO, SIR, I OBJECT TO THE
4 FORM OF THE QUESTION.

5 THE COURT: I SUSTAIN THE OBJECTION.

6 MR. HARPOOTLIAN: ALL RIGHT.

7 Q DAVID BLACK WENT TO--THIS PHOTOGRAPH
8 WAS TAKEN BY DAVID BLACK, THE FORENSIC EXPERT AT
9 SLED, IS THAT CORRECT?

10 A THAT'S MY UNDERSTANDING.

11 Q AND DAVID BLACK--THIS ONE RIGHT HERE.
12 DAVID BLACK, THE FORENSIC EXPERT AT SLED, WAS AT
13 THIS FIRE SITE ON THE MORNING OF THE 13TH?

14 A THAT'S MY UNDERSTANDING.

15 Q WHILE YOU AND OTHERS HAD STEPHEN
16 BECKHAM DOWN AT THE NEWBERRY LAW ENFORCEMENT
17 CENTER?

18 A YES, SIR. WE WERE AT THE COMPLEX.

19 Q TOTAL ACCESS TO THE ASHES AND CINDERS
20 AND WHATEVER ELSE OF THIS FIRE?

21 A I WASN'T THERE WHEN THAT PHOTO WAS
22 TAKEN, SIR.

23 Q DO YOU RECOGNIZE THIS PHOTOGRAPH?

24 A YES, SIR.

25 Q YOU SAW THAT WHEN? WHEN DID YOU SEE

1 THIS?

2 A I BELIEVE IT WAS LATER ON THAT DAY WHEN
3 I WENT BACK OUT THERE.

4 Q ALL RIGHT. AND NO ONE HAD CARTED OFF
5 ANYTHING THAT YOU KNOW OF, THE FIRE WAS THE FIRE,
6 RIGHT?

7 A I DON'T KNOW WHAT WAS TAKEN OUT OF
8 THERE OR PUT THERE.

9 Q OKAY. AS A MATTER OF FACT, STEPHEN
10 BECKHAM HAD GIVEN YOU A CONSENT TO GO ANYWHERE YOU
11 WANTED ON HIS PROPERTY AND TAKE WHATEVER YOU
12 WANTED, ISN'T THAT CORRECT?

13 A YES, SIR.

14 Q ANYTHING YOU WANTED OF EVIDENTIARY
15 VALUE. WHATEVER YOU WANTED, YOU COULD COME ON HIS
16 PROPERTY ON THE MORNING OF THE 13TH AND TAKE AWAY,
17 ISN'T THAT CORRECT?

18 A YES, SIR.

19 Q YOU COULD HAVE GOTTEN A BULL DOZER IN
20 OR BACKHOE AND SCOOPED UP FIFTEEN CUBIC YARDS OF
21 SOIL AND TAKEN IT OUT TO SLED AND GONE THROUGH IT
22 FIBER BY FIBER, ASH BY ASH, IF YOU WANTED TO, ISN'T
23 THAT CORRECT?

24 A YOU KNOW, YOU'RE ASKING MY OPINION OF
25 THAT FIRE AND THAT WAS A PRETTY HOT FIRE. I DON'T

- 1 KNOW WHAT WOULD HAVE BEEN LEFT.
- 2 Q ARE YOU SAYING THAT YOU DON'T HAVE THE
- 3 SCIENTIFIC CAPABILITY TO LOOK THROUGH A FIRE AND
- 4 TELL WHAT WAS BURNED?
- 5 A THAT'S NOT MY EXPERTISE.
- 6 Q BUT THERE ARE PEOPLE YOU HAD AT YOUR
- 7 DISPOSAL WHO'S EXPERTISE IT IS, DO YOU NOT?
- 8 A I DON'T KNOW THAT THEY CAN DO THAT,
- 9 SIR.
- 10 Q PINK SHIRTS. WHAT COLOR SHIRT DID MR.
- 11 BECKHAM HAVE ON IN THIS PHOTOGRAPH?
- 12 A PINK.
- 13 Q OKAY, DID HE INDICATE TO YOU THIS WAS
- 14 THE SHIRT HE HAD ON?
- 15 A YES, SIR.
- 16 Q IS THIS THE SHIRT THAT HE TOLD YOU HE
- 17 HAD ON WHEN HE WAS WITH VICKIE BECKHAM?
- 18 A YES, SIR.
- 19 Q DID Y'ALL TAKE THIS SHIRT?
- 20 A YES, SIR.
- 21 Q DID YOU EXAMINE THIS SHIRT?
- 22 A I UNDERSTAND SLED DID, YES, SIR.
- 23 Q NOW, AS TO TANNER ROAD, THE DISTANCE
- 24 FROM TANNER ROAD TO--OR FROM TANNER'S TO WHERE THE
- 25 BECKHAMS' LIVED, WHERE STEPHEN BECKHAM LIVES, CAN

1 THAT TRIP BE MADE IN FIVE MINUTES?

2 A NO, SIR.

3 Q TEN MINUTES?

4 A NO, SIR.

5 Q FIFTEEN MINUTES?

6 A IT'S POSSIBLE, IF HE'S REALLY, YOU

7 KNOW, MOVING ON.

8 Q HOW MOVING ON?

9 A WELL, TANNER'S STORE IS OUT OF OUR

10 COUNTY, AND EARLIER, I WAS TRYING TO GIVE YOU THE

11 BEST ESTIMATE I POSSIBLY COULD AND THAT'S ABOUT ALL

12 I CAN DO.

13 Q THANK YOU.

14 THE COURT: THANK YOU, SIR. YOU MAY

15 STEP DOWN.

16 MADAM CLERK, IF YOU WILL HAND OUT TO

17 THE JURY THOSE TWO PIECES OF PAPER, PLEASE.

18 LADIES AND GENTLEMEN, THE CLERK'S

19 HANDING YOU A COPY OF INSTRUCTIONS THAT SAYS

20 PROPOSED, BUT THEY'RE ACTUALLY GOING TO BE

21 INSTRUCTIONS TO YOU ABOUT THE JURY VIEW, ALONG WITH

22 AN INDEX AS TO THINGS YOU WILL LOOK AT TOMORROW.

23 AND I'D ASK YOU TO EACH TAKE ONE COPY OF THE

24 INSTRUCTION SHEET AND THE INDEX. SO IF YOU'LL JUST

25 PASS THEM AROUND, MADAM CLERK--I MEAN, MADAM

1 FORELADY.

2 ARE YOU SHORT ONE? YOU NEED ONE MORE?

3 WAIT A MINUTE.

4 CLERK: THEY'VE GOT THEM, JUDGE.

5 THE COURT: ALL RIGHT NOW, LADIES AND
6 GENTLEMEN OF THE JURY, LET ME TALK WITH YOU JUST A
7 MINUTE. AS I TOLD YOU YESTERDAY, FOR REASONS THAT
8 ARE NOT RELEVANT, ARE OF NO CONCERN TO YOU, WE
9 CANNOT TAKE TESTIMONY TOMORROW.

10 HOWEVER, WE HAD, BY AGREEMENT BETWEEN
11 ALL OF THE PARTIES, WOULD USE PART OF TOMORROW FOR
12 THE PURPOSES OF LETTING YOU HAVE A JURY VIEW OF
13 CERTAIN AREAS WHERE THERE HAS BEEN TESTIMONY ABOUT
14 ISSUES IN THE CASE.

15 I'M GIVING YOU A SET OF INSTRUCTIONS AS
16 WELL AS AN INDEX AS TO THE VIEW OF THE SCENE BY
17 YOU, AND LET ME GO OVER THOSE WITH YOU. TOMORROW,
18 YOU WILL BE TRANSPORTED DOWN TO THE GENERAL AREA
19 AND PERMITTED TO VIEW ABOUT NINE DIFFERENT SPOTS.
20 I WOULD SUGGEST THAT YOU WEAR SOME COMFORTABLE
21 SHOES, OR--YOU CAN DRESS REAL CASUAL TOMORROW, IN
22 OTHER WORDS. THERE MAY BE AN OPPORTUNITY WHEN YOU
23 WANT TO GET OUT AND WALK AROUND AND LOOK A BIT, AS
24 THE CASE MAY BE. OR YOU MAY DECIDE YOU DON'T WANT
25 TO. WE'LL KIND OF LEAVE THAT TO YOU AS YOU GET TO

1 THE PLACES.

2 FIRST OF ALL, LET ME TELL YOU THAT A
3 JURY VIEW OF SCENES THAT ARE OFFERED, DOES NOT
4 CONSTITUTE EVIDENCE. WHAT YOU'RE DOING TOMORROW
5 DOES NOT CONSTITUTE EVIDENCE UPON WHICH YOU MAKE A
6 DECISION. IT'S SIMPLY A MEANS FOR YOU, THE JURY,
7 TO BETTER UNDERSTAND THE EVIDENCE THAT HAS BEEN
8 PRESENTED IN THIS COURTROOM.

9 NOW, DURING THE JURY VIEW, LADIES AND
10 GENTLEMEN, I WOULD ASK YOU NOT TO DISCUSS WITH YOUR
11 FELLOW JURORS YOUR IMPRESSIONS OF WHAT YOU SEE. IF
12 ANYONE ATTEMPTS TO TALK WITH YOU, I'D ASK THAT YOU
13 REPORT THAT TO THE AGENT IN CHARGE, AND THEN WE'LL
14 TAKE UP THAT MATTER.

15 DURING THE VIEW, YOU WILL ALSO NOT BE
16 PERMITTED TO ASK QUESTIONS OF ANYONE ABOUT THE
17 VIEW. THE ORDER OF VIEWING, WHICH WILL GO BY,
18 BASICALLY THE CONES WILL MARK THE VARIOUS SPOTS ON
19 THE INDEX. THERE ARE NINE DIFFERENT CONES AND THEY
20 WILL HAVE A NUMBER ON THEM THAT WILL CORRESPOND
21 WITH YOUR INDEX.

22 THE ORDER OF THE VIEWING THAT I HAVE
23 SET FORTH HAS NO EVIDENTIARY MEANING WHATSOEVER.
24 THE ORDER WAS SELECTED AS A RESULT OF LOGISTICAL
25 CONSIDERATIONS, SO PAY NO ATTENTION TO THE ORDER IN

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1 WHICH YOU VISIT THESE PARTICULAR SITES. ALSO, THE
2 TIME OF MOVEMENT FROM ONE POINT TO ANOTHER POINT
3 HAS NO EVIDENTIARY VALUE, AND YOU SHOULD NOT
4 CONCERN YOURSELF ABOUT TIMING. YOU WILL BE DRIVEN
5 AT A SPEED CONSISTENT WITH THE REQUIREMENTS OF
6 SAFETY AND YOUR NEEDS TO ADEQUATELY VIEW THE SCENE.

7 SIX, PLEASE DISREGARD ANY SIGNS OR
8 DISPLAYS THAT MIGHT INTENTIONALLY OR INADVERTENTLY
9 COME WITHIN YOUR VIEW ABOUT ISSUES IN THIS CASE.
10 THIS CASE WILL BE DECIDED BASED UPON THE LAW AND
11 EVIDENCE PRESENTED IN THIS COURTROOM WITHOUT ANY
12 CONSIDERATION OF PASSION, SYMPATHY, BIAS OR
13 PREJUDICE, OR OTHER OUTSIDE INFLUENCE.

14 AS I SAID, THE NUMBERED CONES WILL MARK
15 THE AREAS THAT TESTIMONY HAS OR WILL BE ESTABLISHED
16 WHICH MAY HAVE SOME BEARING ON ISSUES IN THIS CASE.
17 AT THE MARKED AREAS, LADIES AND GENTLEMEN, YOU MAY
18 STOP AND PHYSICALLY WALK AROUND THE AREA, IF YOU
19 WISH. YOU MAY NOT COLLECT ANYTHING FROM THE
20 SCENES.

21 PLEASE REMEMBER, LADIES AND GENTLEMEN,
22 THAT YOU WILL DETERMINE WHAT WEIGHT OR CREDIBILITY
23 YOU WILL GIVE TO THE TESTIMONY ABOUT THE LOCATIONS
24 THAT YOU ARE BEING PERMITTED TO SEE.

25 NOW, AS I SAID, THERE ARE NINE

1 DIFFERENT SPOTS AND THE AREA WILL BE CORDONED OFF
2 TOMORROW FOR YOU TO DO THAT.

3 AND THE SLED TEAM DOES SWITCH TOMORROW,
4 AS I TOLD YOU. AGENT JENKINS IS THE AGENT IN
5 CHARGE AND HE WILL BE, WE WILL LEAVE AT 10:30
6 TOMORROW FROM YOUR QUARTERS, AND THEN DOWN THERE
7 AND BACK. AND YOU CAN TAKE AS MUCH TIME AS IS
8 NECESSARY TO DO THAT.

9 WHAT I WANT TO DO TONIGHT IS TO REMIND
10 YOU NOT TO DISCUSS THE CASE WITH ANYONE OR ALLOW
11 ANYONE ELSE TO DISCUSS THE CASE WITH YOU. DON'T
12 MAKE UP YOUR MIND OR FORMULATE ANY OPINIONS ABOUT
13 ANY ISSUES IN THIS CASE.

14 I'M GOING TO ASK AGENT BERRY TO COLLECT
15 THOSE DOCUMENTS FROM YOU SO THAT YOU DON'T MISPLACE
16 THEM TONIGHT, AND AGENT JENKINS WILL GIVE THEM BACK
17 TO YOU TOMORROW SO THAT YOU CAN HAVE THE RULES WITH
18 YOU AND YOU CAN HAVE THE ITINERARY AS TO WHERE
19 YOU'RE GOING.

20 SO YOU HAVE A NICE EVENING. THEY WILL
21 MAKE ARRANGEMENTS FOR YOU TO LEAVE AT 10:30
22 TOMORROW--

23 YES, SIR?

24 JUROR: COULD WE TAKE OUR NOTES WITH US
25 TOMORROW?

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1 THE COURT: NO, SIR. TAKE NO NOTES. I
2 NEED TO SAY THAT. DO NOT TAKE NOTES. IT'S A
3 MENTAL IMPRESSION TOMORROW BECAUSE IT'S NOT
4 EVIDENCE, ALL RIGHT. IF YOU'LL LEAVE YOUR PADS IN
5 YOUR SEAT, GIVE THE SHEET TO AGENT BERRY, AND
6 THEY'LL GIVE THEM BACK TO YOU IN THE MORNING WHEN
7 YOU LEAVE.

8 (JURY RECESSED FOR EVENING AT 5:20
9 P.M.)

10 AS I HAD UNDERSTOOD, THERE WERE NO
11 OBJECTIONS TO THE INSTRUCTIONS FROM THE STATE AND
12 DEFENSE, AND IS THAT STILL TRUE?

13 MR. JONES: YES, SIR.

14 MR. HARPOOTLIAN: YES, YOUR HONOR.

15 THE COURT: WHAT I ALSO UNDERSTAND NOW
16 IS AS AN ACCOMMODATION TO ALL PARTIES THAT MR.
17 BECKHAM HAS AGREED TO WAIVE THE PRESENCE OF MR.
18 SWERLING FOR TOMORROW, AND THAT MR. HARPOOTLIAN
19 WILL BE THERE?

20 MR. HARPOOTLIAN: YOUR HONOR, I WILL BE
21 THERE. LET ME ASK QUICKLY WHETHER HE WANTS TO
22 WAIVE HIS PRESENCE OR NOT.

23 HE'D LIKE TO ACCOMPANY US, YOUR HONOR.

24 THE COURT: NO, PROBLEM.

25 MR. HARPOOTLIAN: WE WOULD ASK IF HE'S

1 GOING TO BE IN THE VIEW OF THE JURY, HE NOT BE
2 SHACKLED.

3 THE COURT: HE WILL BE CONFINED TO THE
4 VEHICLE, NOT OUTSIDE, SO THEY WILL NOT KNOW THAT
5 ONE WAY OR THE OTHER.

6 MR. HARPOOTLIAN: FINE. JUST AS LONG
7 AS HE NOT BE DISPLAYED TO THE JURY IN SHACKLES.

8 THE COURT: WE HAVE MADE PLANS FOR THAT
9 TO OCCUR. WE NEED SOMEBODY FROM YOUR STAFF, OR
10 EITHER YOU IN THE CAR WITH HIM.

11 MR. HARPOOTLIAN: YOUR HONOR, SINCE I'M
12 GOING TO BE WANTING TO GET OUT OF THE CAR, I'LL GET
13 SOMEBODY TO RIDE WITH HIM.

14 THE COURT: ALL RIGHT NOW, LET ME SAY
15 TO ANSWER SOME OF THE QUESTIONS OF THE FOLKS IN THE
16 AUDIENCE, FIRST OF ALL, I FIND WITH REGARD TO THE
17 JURY VIEW THAT IT IS NECESSARY FOR A FAIR
18 DETERMINATION OF THE ISSUES IN THE CASE AND BY
19 STATUTE, UPON APPLICATION OF EITHER PARTY, THAT THE
20 COURT MAY GRANT A JURY VIEW AND I FIND THAT THAT IS
21 APPROPRIATE IN THIS CASE.

22 NOW, AS TO THE PEOPLE WHO HAVE SOME
23 INTEREST IN THE OUTCOME OF THIS CASE, LET ME TALK
24 ABOUT TWO OR THREE THINGS. FIRST OF ALL, THE STATE
25 HIGHWAY WILL BARRICADE OR BLOCK ENTRANCE OR EGRESS

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1 TO AND FROM A DESIGNATED AREA TOMORROW. NOBODY
2 WILL BE ALLOWED IN OR OUT WHILE THE JURY IS THERE,
3 AND THERE WILL BE OFFICERS INSIDE THE AREA TO MAKE,
4 IF THERE'S INTERNAL TRAFFIC THAT MOVES THAT THEY
5 CAN CONTROL THAT.

6 AS TO THE PRESS, THE PRESS WILL NOT BE
7 ALLOWED BEYOND THE ENTRY POINT THAT THE HIGHWAY
8 PATROL STAKES OFF JUST OUT OF I-26. I WOULD ASK
9 YOU NOT TO GO DOWN THERE. I DON'T WANT TO SEE ANY
10 PICTURES OF ANY JURY VANS EITHER ON TV OR IN THE
11 NEWSPAPER. AND I TRY TO BE REAL FAIR WITH THE
12 PRESS ABOUT LETTING YOU HAVE ACCESS HERE, BUT MY
13 HAMMER TO MAKE SURE THAT YOU DO THAT IS THAT YOU
14 MIGHT NOT BE IN HERE FOR THE REST OF THE TRIAL. SO
15 PLEASE, COMPLY WITH THAT REQUEST.

16 NOW, AS TO ANYONE WHO IS WITHIN EARSHOT
17 OF THIS INSTRUCTION, AND TO ANYONE THAT I COULD
18 ESTABLISH IS AWARE OF THIS WARNING, I WOULD TELL
19 YOU THAT YOU WOULD BE SUBJECT TO CONTEMPT OF COURT
20 AND/OR PROSECUTION FOR JURY TAMPERING IF ANY PERSON
21 DISPLAYS ANY SIGN, DOES ANYTHING THAT WOULD CAUSE
22 ANY JUROR TO BE DISTRACTED FROM THE PURPOSE OF
23 BEING THERE. NO SIGNS ABOUT THE CASE, NO SIGNS
24 ABOUT THE ISSUE, NO SIGNS ABOUT PEOPLE, NO NOTHING.
25 THOSE OF YOU WHO LIVE IN THE AREA WHERE THERE WILL

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1 BE THE JURY VIEW, IT'S MY UNDERSTANDING,
2 PARTICULARLY AS TO THE BECKHAM FAMILY, THEY WILL
3 REMAIN INSIDE THE RESIDENCES WHILE THEY'RE THERE.
4 JUST BE CAREFUL THAT NOTHING'S DONE TO BOTHER THIS
5 JURY, AND I TAKE THAT REAL SERIOUSLY.

6 ANYTHING ELSE, MR. SOLICITOR, THAT I
7 NEED TO DEAL WITH?

8 MR. JONES: YOUR HONOR, I CAN'T THINK
9 OF ANYTHING AT THIS POINT IN TIME. I WOULD POINT
10 OUT THAT WE ADDRESSED AN ISSUE ABOUT A WITNESS THAT
11 WE WILL BE CALLING, YOU KNOW, PROBABLY ON TUESDAY,
12 YOU KNOW, MAYBE AS LATE AS WEDNESDAY. AND YOU
13 KNOW, IT'S A MATTER OF WHETHER OR NOT YOU WANT TO
14 TAKE UP ANY--I DON'T KNOW WHETHER DEFENSE HAS ANY
15 MOTIONS THEY WANT TO MAKE IN REGARD TO THAT WITNESS
16 OR NOT. WE CAN DO IT, YOU KNOW, WHENEVER YOU WANT
17 TO DO IT.

18 THE COURT: WELL, YOU ALL HAD
19 INDICATED--WELL, THE PROBLEM TODAY IS, BECAUSE
20 WE'VE GOT SOME TIME CONSTRAINTS...

21 MR. JONES: OH, OH, OH, OKAY. I
22 FORGOT.

23 THE COURT: AND I APPRECIATE, FROM WHAT
24 YOU HAVE ADVISED THE DEFENSE AND ME IN CHAMBERS AS
25 TO PART OF THAT, OBVIOUSLY, THERE WOULD HAVE TO BE

1 A LYLE HEARING. AS TO PART OF IT, IT MAY NOT BE
2 NECESSARY, BECAUSE SOME OF THAT IS ALREADY IN THE
3 READING. BUT PRECEDING EVENT THAT YOU HAD
4 DISCUSSED WITH COUNSEL ABOUT MAY REQUIRE A LYLE
5 HEARING.

6 MR. HARPOOTLIAN: YES, SIR. AND WE'D
7 REQUEST A LYLE HEARING.

8 THE COURT: AND I'LL BE GLAD TO GIVE
9 YOU THAT. AND WHEN DO YOU ALL WANT TO DEAL WITH
10 THIS MESSIAH QUESTION?

11 MR. JONES: JUDGE, THAT COULD BE
12 SOMETHING THAT WOULD TAKE A HALF A DAY, IF YOU'RE
13 TALKING WALTER BAILEY AND MIKE CULLER, AND MORGAN
14 MARTIN. I WOULD PREFER TO DEAL WITH THAT ISSUE
15 AFTER SEVERAL, A NUMBER OF THE STATE'S WITNESSES
16 ARE PRESENTED, SO I'M SAYING WEDNESDAY NOW IS WHEN
17 I WOULD PREFER TO DEAL WITH THAT. WE'VE GOT A LOT
18 OF WITNESSES THAT WE NEED TO PUT UP TUESDAY THAT GO
19 TO THE HEART OF THE PROSECUTION'S CASE.

20 THE COURT: WELL, LET ME SUGGEST THIS,
21 SOLICITOR, THEN YOU NEED TO PUT MR. MARTIN ON
22 NOTICE ABOUT WHEN HE NEEDS TO BE UP HERE FOR MR.
23 CULLER. IF YOU'RE SHOOTING TO DO IT ON WEDNESDAY
24 THEN LET EVERYBODY KNOW IT'S GOING TO BE WEDNESDAY
25 RATHER THAN HAVE THEM COME UP HERE AND SIT ALL DAY

1 TUESDAY.

2 MR. JONES: YES, SIR. ALL RIGHT.

3 THE COURT: I THINK YOU'VE GOT PLENTY

4 TO DO ALL DAY TUESDAY.

5 MR. HARPOOTLIAN: YES, SIR.

6 THE COURT: ALL RIGHT, ANYTHING ELSE

7 YOU GENTLEMEN NEED?

8 MR. SWERLING: NO, SIR.

9 THE COURT: WE WILL HAVE THE--AND MR.

10 HARPOOTLIAN, UNDER MY RULE, YOU WILL HAVE TO LEAVE

11 YOUR CAR AT THE CHECKPOINT, AND WE WILL PICK YOU

12 UP, OKAY?

13 MR. HARPOOTLIAN: YES, SIR.

14 THE COURT: AND WE'LL BE THERE--LAMAR,

15 DO YOU THINK WE'LL BE THERE BY A QUARTER 'TILL?

16 AGENT: YES, SIR.

17 THE COURT: YOU'LL BE THERE BY A

18 QUARTER 'TILL?

19 MR. HARPOOTLIAN: I'LL BE THERE BY A

20 QUARTER 'TILL, AT THE PREARRANGED SPOT.

21 THE COURT: AND THE PROBLEM ABOUT DOING

22 THAT, IF YOU DO, THEN IT'S GOING--IF WE HAVE TO SIT

23 THERE AND WAIT ON YOU, WE'RE GOING TO HAVE A

24 PROBLEM.

25 MR. HARPOOTLIAN: OH, I HAVE AN IDEA

1 YOU WON'T HAVE TO WAIT ON ME.

2 THE COURT: ALL RIGHT, THANK YOU.

3 ALL RIGHT, AS FAR AS TESTIMONY IN THE
4 TRIAL IS CONCERNED, WE'LL START BACK AT NINE
5 O'CLOCK ON TUESDAY MORNING, AND GO FROM THERE. AND
6 I APPRECIATE EVERYBODY'S COOPERATION TODAY. I
7 BELIEVE WE GOT THROUGH ALMOST THE WHOLE DAY WITHOUT
8 TOO MANY OBJECTIONS, AND THE AUDIENCE WAS VERY NICE
9 AND POLITE, AND WE'LL SEE YOU AT NINE O'CLOCK
10 TUESDAY MORNING.

11 (COURT RECESSED 5:30 P.M., RECONVENING
12 TUESDAY, SEPTEMBER 24TH, 1996 AT 9:00 A.M.)

13 THE COURT: IS EVERYBODY READY TO GO
14 FORWARD?

15 MR. HARPOOTLIAN: YES, SIR.

16 THE COURT: ALL RIGHT, LET ME THANK
17 EVERYBODY, PRESS AND AUDIENCE, FOR THEIR
18 COOPERATION YESTERDAY. I THINK THE JURY VIEW WENT
19 VERY WELL.

20 OKAY, STATE WAIVE POLLING OF THE JURY?

21 MR. JONES: YOUR HONOR, I HAVE A MATTER
22 FOR THE COURT BEFORE WE BRING THE JURY IN FOR THE
23 NEXT WITNESS.

24 THE COURT: ALL RIGHT, LET ME GET,
25 STATE WAIVE POLLING?

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1 MR. JONES: I WAIVE POLLING.

2 THE COURT: DEFENSE WAIVE POLLING?

3 MR. SWERLING: YES, SIR.

4 THE COURT: ALL RIGHT, YOUR MATTER?

5 MR. JONES: YOUR HONOR, OUR FIRST

6 WITNESS THIS MORNING WILL BE DOCTOR JOEL SEXTON,
7 FORENSIC PATHOLOGIST, WHO WILL TESTIFY AS TO CAUSE
8 OF DEATH OF VICKIE LANDER BECKHAM. WE ANTICIPATE
9 ASKING HIM QUESTIONS ABOUT CERTAIN ITEMS IN
10 EVIDENCE AND CERTAIN ITEMS IDENTIFIED AS STATE'S
11 EXHIBITS FOR IDENTIFICATION PURPOSES; NUMBER ONE,
12 SET OF BOLT CUTTERS; NUMBER TWO, A .22 CALIBER
13 PISTOL, SEMIAUTOMATIC THAT IS STATE'S
14 IDENTIFICATION I.D. NINETY-EIGHT.

15 ACTUALLY, WAS IT I.D.?

16 THE COURT: THE PISTOL WAS I.D.'ED, THE
17 BOLT CUTTERS ARE IN.

18 MR. COULTER: THAT'S CORRECT.

19 MR. JONES: YOUR HONOR, A COUPLE OF
20 DAYS AGO DEFENSE PRODUCED A WEAPON IN CROSS
21 EXAMINATION OF RICHARD ANDERSON WHO TESTIFIED THAT
22 HE HAD SOLD A WEAPON TO A CHRIS BRACEY OR JASON
23 STOCKS PRIOR TO JANUARY 1ST, 1994, AND OUR POSITION
24 IS, UNDER STATE VERSUS McCONNELL, 350 S.E.2D 179,
25 THAT THE DEFENSE WOULD BE PRECLUDED FROM

1 QUESTIONING DR. SEXTON ABOUT ANY CONSISTENCE, ANY
2 COMPARISON OF THAT PARTICULAR WEAPON SINCE IT WAS
3 NOT IN THE POSSESSION OF THE DEFENDANT. IT'S BEEN
4 TESTIFIED TO THAT IT WAS SOLD AND NOT IN HIS
5 POSSESSION SINCE JANUARY OF '94; IT WAS NOT IN HIS
6 POSSESSION THE DATE THIS CRIME WAS COMMITTED IN
7 JANUARY OF '94.

8 THE COURT: I DIDN'T UNDERSTAND THAT'S
9 WHAT THEY OFFERED IT FOR.

10 MR. HARPOOTLIAN: YOUR HONOR, FIRST OF
11 ALL, OUR UNDERSTANDING FROM INTERVIEWING THE
12 WITNESS BRACEY IS THAT HE DIDN'T ACQUIRE IT UNTIL
13 AFTER JUNE OF 1994. THAT'S OUR UNDERSTANDING.

14 MR. JONES: BUT THE TESTIMONY WAS THAT
15 IT WAS SOLD TO HIM JANUARY OF '94.

16 MR. HARPOOTLIAN: WHO TESTIFIED TO
17 THAT?

18 MR. JONES: RICHARD ANDERSON;
19 UNCONTRADICTED TESTIMONY, YOUR HONOR.

20 MR. HARPOOTLIAN: WELL, WE INTEND ON
21 INTRODUCING TESTIMONY THAT WOULD CONTRADICT THAT IN
22 OUR CASE. THERE'S NO REASON WHY WE CAN'T ASK THIS
23 WITNESS IF THIS WEAPON COULD HAVE CAUSED THAT
24 INJURY, IS THERE? AND JUST MARK IT FOR
25 IDENTIFICATION, WHICH IS WHAT WE WERE TRYING TO DO

1 WITH RICHARD ANDERSON, IS JUST HAVE HIM IDENTIFY
2 IT.

3 THERE'S NO QUESTION, AS I UNDERSTAND
4 IT, THAT IS A GUN THAT RICHARD ANDERSON OWNED.
5 RICHARD ANDERSON TESTIFIED APPARENTLY THAT HE SOLD
6 THAT GUN TO BRACEY PRIOR TO JANUARY 1 OF '94. MY
7 UNDERSTANDING OF OUR INTERVIEW WITH BRACEY IS THAT
8 OCCURRED AFTER JANUARY 1 OF '95. AND THAT WE WOULD
9 TIE THAT UP IN OUR CASE.

10 THE COURT: THE PROBLEM THAT YOU RUN
11 INTO IS THAT IF YOU DON'T DO THAT, THEN IN THE
12 PRESENCE OF THE JURY, I'M GOING TO STRIKE THAT
13 TESTIMONY FROM THE RECORD WHICH WILL--YOU'RE
14 REPRESENTING TO ME THAT YOU CAN TIE THAT UP?

15 MR. HARPOOTLIAN: YES, SIR. WE'RE
16 MAKING SURE OF THAT...

17 MR. SWERLING: BEFORE I MAKE THAT
18 REPRESENTATION, I WANT...

19 MR. HARPOOTLIAN: WE'LL NAIL THAT DOWN
20 BEFORE WE DO THAT.

21 THE COURT: I MEAN, BECAUSE THAT CAN
22 HURT YOU IF YOU DON'T.

23 MR. HARPOOTLIAN: I UNDERSTAND AND WE
24 WILL NAIL IT DOWN.

25 THE COURT: HERE'S THE REMEDY. I MEAN,

1 IF THEY MAKE THAT REPRESENTATION TO ME WHILE THIS
2 WITNESS IS ON THE STAND, I'M GOING TO ALLOW THEM TO
3 CROSS EXAMINE THE WITNESS ABOUT IT. BUT IF THEY
4 CAN'T TIE IT UP, I'M GOING TO STRIKE IT AND THAT
5 HAS A VERY DETRIMENTAL EFFECT TO THEIR SITUATION,
6 SO IT WORKS BOTH WAYS.

7 MR. SWERLING: JUDGE, MY POSITION WOULD
8 BE THIS, AND I TRIED TO GET IT IN UNDER MR.
9 ANDERSON HAVING HIM AT LEAST IDENTIFY IT, AND I
10 STILL WOULD LIKE TO RENDER TO--I'D LIKE TO OFFER IT
11 FOR PURPOSES OF THE RECORD, TO SHOW THAT IS THE
12 WEAPON I TRIED TO GET MR. ANDERSON TO IDENTIFY.

13 THE COURT: WELL, YOU'RE CERTAINLY
14 ENTITLED TO THAT PROFFER.

15 MR. SWERLING: OKAY. NOW, MR. BRACEY
16 SAID, HE WAS INTERVIEWED ON JULY 13TH, 1995, BY
17 SLED, AND WHAT HE SAID WAS APPROXIMATELY ONE TO ONE
18 AND A HALF YEARS AGO, HE GOT THAT PISTOL FROM
19 RICHARD ANDERSON, WHICH WOULD PUT IT IN THE TIME
20 FRAME OR COULD PUT IT IN THE TIME FRAME OF WITHIN A
21 FEW DAYS OF JUNE 12TH, 1994. SO IT'S VERY
22 POSSIBLE, BASED ON WHAT MR. BRACEY HAS EVEN TOLD
23 SLED, THAT MR. ANDERSON COULD HAVE GOTTEN RID OF
24 THAT GUN IN THE SAME TIME FRAME MR. BRACEY SAID HE
25 GOT IT FROM MR. ANDERSON, SO IT WOULD BECOME VERY

1 RELEVANT. I THINK IT WOULD GO, AND I SUBMIT IT
2 WOULD GO TOWARD THE WEIGHT OF THE TESTIMONY RATHER
3 THAN THE ADMISSIBILITY.

4 I MEAN, THE JURY COULD FIND THAT MR.
5 ANDERSON IS NOT CREDIBLE ABOUT WHEN HE GOT THAT
6 GUN, OR WHEN HE HAD THAT GUN. YOU KNOW, WE'LL CALL
7 MR. BRACEY, IF WE HAVE TO, BUT THAT'S THE TIME
8 FRAME HE ESTABLISHED WITH SLED WHICH PUTS IT RIGHT
9 SMACK IN THE MIDDLE OF THIS INCIDENT.

10 THE COURT: WELL, YOU'RE GOING TO HAVE
11 TO DO THAT AT SOME POINT IN TIME, IN ORDER TO BE
12 PERMITTED TO ASK...BECAUSE THAT'S WHAT YOU'RE
13 TRYING TO SHOW, THAT ANDERSON HAD THE GUN AT THE
14 TIME.

15 MR. SWERLING: HAD A GUN.

16 THE COURT: RIGHT. SO YOU'RE GOING TO
17 HAVE TO DO THAT...

18 MR. HARPOOTLIAN: YES, SIR, BEFORE WE
19 ASK THAT QUESTION.

20 THE COURT: ...OR ELSE...

21 MR. HARPOOTLIAN: YOU'RE GOING TO
22 STRIKE IT.

23 THE COURT: YEAH.

24 MR. JONES: YOUR HONOR, I WOULD
25 RESPECTFULLY REQUEST THAT, IT'S GOING TO HAVE TO BE

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1 THAT GUN. IF THEY'RE GOING TO USE THAT GUN, THEY
2 SAID A GUN. THEY'LL HAVE TO SHORE UP AND PROVE
3 THAT IT WAS THAT GUN THAT HE HAD. THIS STATEMENT
4 SAID A YEAR TO A YEAR AND A HALF. A YEAR AND A
5 HALF FROM JULY OF '95 WOULD GO BACK TO JANUARY OF
6 '94.

7 THE COURT: WE'RE NIT-PICKING. I'VE
8 ALREADY TOLD YOU THE REMEDY. IF YOU CAN'T DO IT,
9 I'M GOING TO STRIKE IT IN THE PRESENCE OF THE JURY,
10 AND THEY KNOW THE DAMAGE TO THAT. IT WILL BE VERY
11 DETRIMENTAL TO THEM, SO THEY'RE GOING TO TREAD REAL
12 CAREFULLY.

13 MR. SWERLING: YES, SIR.

14 MR. HARPOOTLIAN: YOUR HONOR, JUST FOR
15 THE RECORD, THERE'S NO QUESTION THIS IS, AND WE
16 DON'T KNOW THIS, BECAUSE THEY HAVEN'T--I MEAN, THE
17 REPRESENTATION BY THE STATE IS THIS IS THE GUN THEY
18 OBTAINED FROM MR. BRACEY?

19 THE COURT: I UNDERSTAND.

20 MR. HARPOOTLIAN: OKAY. I JUST WANT TO
21 MAKE SURE.

22 THE COURT: I MEAN, Y'ALL ARE NIT-
23 PICKING RIGHT NOW. I'VE TOLD YOU WHAT WILL HAPPEN
24 IF A AND B DOESN'T OCCUR.

25 MR. HARPOOTLIAN: YES, SIR.

1 THE COURT: OKAY, BRING THE JURY IN.

2 (JURY RETURNED TO THE OPEN COURTROOM AT
3 9:10 A.M.)

4 ALL RIGHT, GOOD MORNING, LADIES AND
5 GENTLEMEN OF THE JURY PANEL. I HOPE YOU ENJOYED
6 YESTERDAY AFTERNOON OFF. WE WILL BE PRETTY MUCH
7 OPERATING ON A NINE TO SIX SCHEDULE OR THEREABOUTS
8 THE REST OF THE WEEK. THERE ARE A COUPLE OF LITTLE
9 WHAT I CALL IN CAMERA HEARINGS, OUTSIDE YOUR
10 PRESENCE, THAT WE'LL STILL HAVE TO DO. BUT BY AND
11 LARGE YOU'LL BE HERE FOR THE NEXT SEVERAL DAYS
12 PRETTY CONSISTENTLY.

13 SO, MR. SOLICITOR, ARE YOU READY TO
14 PROCEED?

15 MR. JONES: MAY IT PLEASE THE COURT,
16 YOUR HONOR? WE'D CALL DOCTOR JOEL SEXTON TO THE
17 STAND.

18 DOCTOR JOEL STEPHEN SEXTON,
19 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

20 DIRECT EXAMINATION:

21 BY MR. JONES:

22 Q DR. SEXTON, WHERE DO YOU WORK?

23 A I WORK--I'M A PRIVATE PRACTITIONER.

24 I'M ALSO THE DIRECTOR OF THE LABORATORY HERE IN

25 NEWBERRY, AND CONSULTING FORENSIC PATHOLOGIST FOR A

1 LITTLE OVER THIRTY OF THE FORTY-SIX COUNTY CORONERS
2 IN THE STATE.

3 Q DOCTOR, WOULD YOU TELL US WHAT YOUR
4 EDUCATIONAL EXPERIENCE AND PRACTICAL EXPERIENCE IN
5 THE FIELD OF FORENSIC PATHOLOGY HAS BEEN?

6 A I GRADUATED FROM THE MEDICAL UNIVERSITY
7 OF SOUTH CAROLINA IN CHARLESTON, AND AFTER
8 GRADUATION, THEN FUNCTIONED AS A MEMBER OF THE
9 FACULTY IN THE DEPARTMENT OF PATHOLOGY. IN
10 ADDITION, I WAS THE APPOINTED CHARLESTON COUNTY
11 MEDICAL EXAMINER FROM 1972 UNTIL 1983 WHEN I MOVED
12 HERE TO NEWBERRY.

13 IN THE CAPACITY OF THE COUNTY MEDICAL
14 EXAMINER, I HAVE THE SAME FUNCTION AS A CORONER;
15 AS A PHYSICIAN, I INVESTIGATE OVER FIVE HUNDRED
16 DEATHS A YEAR, EITHER MYSELF OR SOMEONE IN MY
17 OFFICE TO DETERMINE WHETHER THE DEATH IS A NATURAL
18 DEATH, ACCIDENTAL, SUICIDE, HOMICIDE.
19 APPROXIMATELY 125 OF THOSE WERE AUTOPSIED EACH
20 YEAR.

21 IN ADDITION, AT THAT TIME, I WAS THE
22 CONSULTING FORENSIC PATHOLOGIST FOR ALL OF THE
23 CORONERS IN THE STATE THAT CHOSE TO SEND CASES TO
24 US, WHICH OVER THAT TIME WAS MOST OF THE FORTY-SIX
25 COUNTIES.

1 WHEN I MOVED TO NEWBERRY, I CONTINUED,
2 AS I MENTIONED, DOING THAT TYPE OF WORK, AS WELL AS
3 BEING RESPONSIBLE FOR THE LABORATORY HERE AT
4 NEWBERRY, AND FUNCTIONING IN THE AREA OF SURGICAL
5 PATHOLOGY, WHICH MEANS EXAMINING TISSUE REMOVED
6 FROM SURGERY TO DETERMINE WHETHER IT THERE'S CANCER
7 PRESENT.

8 MR. HARPOOTLIAN: MAY IT PLEASE THE
9 COURT, YOUR HONOR, WE WOULD STIPULATE THAT DR.
10 SEXTON IS AN EXPERT IN THE AREA OF FORENSIC
11 PATHOLOGY.

12 THE COURT: ALL RIGHT.

13 MR. JONES: JUST A COUPLE MORE
14 QUESTIONS ALONG THOSE LINES.

15 THE COURT: SURE. OKAY, FOR PURPOSES
16 OF THE RECORD, THEY STIPULATE THAT HE IS AN EXPERT
17 IN THE FIELD OF PATHOLOGY AND IS COMPETENT TO
18 TESTIFY AS TO THE CAUSE OF DEATH.

19 Q (BY MR. JONES) DR. SEXTON, HOW OFTEN,
20 HOW MANY TIMES HAVE YOU BEEN QUALIFIED AS AN EXPERT
21 IN THE FIELD OF FORENSIC PATHOLOGY IN THE COURTS OF
22 THIS STATE PRIOR TO TODAY?

23 A OVER FIVE HUNDRED TIMES.

24 Q DR. SEXTON, I WANT TO ASK YOU IF YOU
25 HAD OCCASION TO CONDUCT AN AUTOPSY ON THE BODY OF

1 VICKIE LANDER BECKHAM?

2 A I DID. THAT WAS ON THE 13TH OF JUNE,
3 1994.

4 Q AND IF YOU WOULD, TELL THE JURY WHAT
5 THE RESULTS OF YOUR EXAMINATION IN THAT AUTOPSY
6 WERE.

7 A FIRST OF ALL, I MENTIONED THAT WE ASK
8 THAT THE BODY BE BROUGHT TO US JUST AS IT'S FOUND.
9 THAT WAS DONE IN THIS CASE. SHE WAS FOUND DEAD AT
10 A SCENE. WE EXAMINE THE BODY EXTERNALLY, AND THEN
11 DOCUMENT THAT WITH PHOTOGRAPHS AND DRAWINGS, AND
12 DICTATION, AND THEN WE DO AN INTERN EXAMINATION.

13 THE INJURIES CONSISTED OF WHAT WE REFER
14 TO AS BLUNT FORCE INJURIES. BLUNT FORCE INJURIES
15 INCLUDE THINGS SUCH AS WHAT WE COMMONLY REFER TO,
16 AS LAYMEN, AS ABRASIONS MEANING A SCRAPE ON THE
17 SKIN, OR A CUT OR LACERATION, BY MEDICAL TERMS, OR
18 A BRUISE, WHICH MEDICALLY IS CALLED A CONTUSION.
19 SO SHE HAD MULTIPLE BRUISES AND SCRAPES AND TEARS
20 OF THE SKIN THAT WE CALL LACERATIONS.

21 THESE VARY DEPENDING ON WHAT PART OF
22 THE BODY THEY OCCUR ON, HOW MUCH FORCE IS APPLIED,
23 BECAUSE THEY OCCUR WHEN SOME HARD OBJECT STRIKES
24 THE BODY AND PINCHES SOFT TISSUE, INCLUDING SKIN,
25 BETWEEN THE HARD OBJECT AND THE UNDERLYING BONE.

1 SO THE INJURY IS GREATEST WHERE THERE'S BONE CLOSE
2 TO THE SKIN, OR WHERE THE FORCE IS GREATER.

3 IN ADDITION, THESE INJURIES TEND TO BE
4 IN THE DEEPER TISSUES WHERE THERE IS PLENTY OF
5 TISSUE BETWEEN THE SKIN AND THE UNDERLYING BONE,
6 AND ARE MORE BRUISING INSTEAD OF SCRAPING. IN SOME
7 CASES, WHERE THE BONE IS NICE AND FLAT LIKE IN THE
8 THE SKULL, WE CAN ACTUALLY SEE AN IMPRINT OF THE
9 OBJECT.

10 THESE INJURIES CAN ALSO OCCUR WHEN
11 SOMEBODY FALLS AGAINST A SURFACE, SO THEY'RE NOT
12 SPECIFIC TO BLOWS VERSUS SMALLS IN ALL CASES. SOME
13 OF THEM CAN BE CAUSED BY FALLS.

14 THE INJURIES CONSISTED, ON THE RIGHT
15 SIDE OF THE HEAD, GOING FROM THE TOP OF THE BODY TO
16 THE BOTTOM, ON THE RIGHT SIDE OF THE HEAD WERE A
17 NUMBER OF LACERATIONS, WHICH AS I MENTIONED, ARE
18 TEARING AREAS OF THE SKIN, AND ABRASIONS, WHICH ARE
19 THE SCRAPES ON THE SKIN. AND THESE WERE ASSOCIATED
20 WITH BRUISES. THERE WERE FOUR SMALL ONES, THREE
21 HERE NEAR THE TOP OF THE HEAD ON THE RIGHT SIDE,
22 ONE DOWN BEHIND THE RIGHT EAR, AND THEN A LARGE ONE
23 THAT WAS ALSO BEHIND THE RIGHT EAR. THERE WAS
24 PRIMARILY A TEAR OF THE SKIN.

25 EXAMINING THE FACE, THERE WAS BRUISING

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1 OF THE NOSE WHICH WAS FROM TOP OF THE BRIDGE OF THE
2 NOSE WITHOUT ANY BREAKING OF THE NOSE, JUST THE
3 BRUISING OF THE SOFT TISSUE. THERE WERE BRUISES
4 AND TEARS OR LACERATIONS INSIDE THE MOUTH ON THE
5 LEFT SIDE AND IN THE FRONT OF THE LEFT. THERE'S
6 THE INNER LIP OVERLYING THE TEETH HAD BEEN BRUISED
7 AND LACERATED.

8 ON THE CHIN, THERE WERE TWO CIRCULAR
9 BRUISES ON THE RIGHT SIDE OF THE CHIN, ONE NEAR THE
10 POINT OF THE CHIN AND ONE FURTHER DOWN ON THE
11 THROAT. ON THE LEFT SIDE, THERE WAS ANOTHER
12 CIRCULAR BRUISE, AGAIN, ON THE EDGE OF THE CHIN.
13 THE COLORS OF BRUISES VARIES DEPENDING ON HOW CLOSE
14 TO THE SURFACE THEY ARE. THESE WERE REDDISH IN
15 COLOR BECAUSE THEY WERE NEAR THE SURFACE.

16 ON THE LEFT SIDE OF THE NECK WERE
17 DEEPER BRUISES THAT WERE MORE BLUISH PURPLE BECAUSE
18 OF BEING DEEPER IN THE SKIN. THESE INJURY ON THE
19 LEFT SIDE OF THE NECK CONSISTED OF BRUISING AND
20 SOME SCRAPES OR ABRASIONS THAT SHOW A PATTERN. AS
21 I MENTIONED, SOMETIMES A PATTERN IS VERY CLEAR AS
22 TO WHAT THE OBJECT IS. IN THIS CASE, THE PATTERN
23 WAS LESS CLEAR BECAUSE THE AMOUNT OF SKIN AND
24 TISSUE PRESENT WAS GREAT ENOUGH TO LEAVE ONLY A
25 FAINT PATTERN. BUT THERE WERE CLEARLY PATTERNS ON

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1 THE SKIN OF SOME OBJECT STRIKING IN THIS LOCATION.
2 THIS INJURY HAD ASSOCIATED WITH IT IN THE DEEPER
3 TISSUE IN ADDITION TO THE BRUISING, TEARING OF THIS
4 MUSCLE THAT GOES FROM THE BACK OF YOUR HEAD ON THE
5 LEFT SIDE BEHIND THE EAR, THE MASTOID AREA, TO THE
6 FRONT OF YOUR UPPER CHEST TO THE CLAVICLE AREA
7 WHERE IT ATTACHES THAT ROTATES YOUR HEAD.

8 THE FORCE WAS GREAT ENOUGH THAT IT TORE
9 THAT MUSCLE, IT FRACTURED THE LARYNX WHICH WE
10 COMMONLY CALL OUR VOICE BOX OR ADAM'S APPLE. IT
11 FRACTURED THAT AND CAUSED BRUISING OF THE VOCAL
12 CORDS, AND IT ACTUALLY BROKE THE NECK. THERE WAS
13 SEPARATION BETWEEN THE VERTEBRAL BODIES IN THE
14 NECK.

15 GOING FURTHER DOWN THE BODY, THERE WAS,
16 ON THE RIGHT HIP, A SINGLE BRUISE THAT WAS A FRESH
17 BLUISH COLORED BRUISE. ON BOTH LEGS, IN FRONT OF
18 THE LEGS, PRIMARILY THE KNEE REGION, JUST ABOVE AND
19 BELOW THE KNEES, WERE SOME ROUND, FRESH BRUISES.

20 ON THE HANDS, PARTICULARLY ON THE BACKS
21 OF BOTH HANDS, THERE WAS A BRUISE ON THE FRONT OF
22 THE LITTLE FINGER, ON THE TIP OF THE FINGER,
23 INDICATING IT HAD GOTTEN PINCHED BETWEEN SOME HARD
24 OBJECT AND ANOTHER HARD SURFACE. BUT THE OTHERS
25 WERE ON THE BACK OF THE HAND, AND IN STEAD OF BEING

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1 PRIMARILY ON THE KNUCKLES WHICH WE REFER TO AS THE
2 PROXIMAL JOINTS OF OUR FINGERS, THESE WERE BELOW
3 THAT ON THE BACK OF THE HAND, AND IN SOME CASES,
4 BETWEEN THE KNUCKLES AND THE TIPS OF THE HANDS, THE
5 TIPS OF THE FINGERS, WERE THESE BRUISES, SOME OF
6 WHICH HAD SCRAPES OR ABRASIONS IN THEM.

7 IN ADDITION, INTERNALLY, THE INJURY TO
8 THE RIGHT SIDE OF THE HEAD IN THIS LOCATION, THE
9 SMALL INJURY HAD A SLIGHT INDENTATION IN THE SKULL
10 IN THAT LOCATION, INDICATING IT WAS A FAIRLY HARD
11 OBJECT THAT WAS RATHER POINTED IN THAT LOCATION, TO
12 CAUSE A SMALL INDENTATION IN THE SKULL. AND THERE
13 WAS EXTENSIVE BRUISING OF THE SCALP, AS WE EXAMINED
14 IT, UNDER THE EXTERNAL SURFACE OF THE SCALP; IT'S
15 NOT VISIBLE EXTERNALLY, BUT INTERNALLY, AND SLIGHT
16 HEMORRHAGE, THE TYPE WE REFER TO AS SUBARACHNOID,
17 MEANING IT'S ON THE SURFACE OF THE BRAIN. BUT IT'S
18 ONLY BETWEEN THE OUTER SURFACE WHICH IS A THIN
19 MEMBRANE, THE PIARACHNOID, AND THE BRAIN TISSUE
20 ITSELF, INDICATING THAT THE BRAIN, WHICH NORMALLY
21 FLOATS IN FLUID, CEREBRAL SPINAL FLUIDS, SO AS TO
22 PROTECT IT. AND IT NORMALLY HAS TWO COATINGS, ONE
23 ON THE BRAIN AND ONE ON THE SKULL TO PROTECT IT
24 FROM INJURY. TO HAVE HEMORRHAGE IN THAT LOCATION
25 MEANS THE BRAIN WAS PUT INTO VIOLENT MOTION BY SOME

1 BLOW TO THE HEAD, AND THERE WAS A SMALL AMOUNT OF
2 HEMORRHAGE ON THE RIGHT SIDE IN THE AREA OF THESE
3 INJURIES TO THE SCALP.

4 THESE WERE THE PRIMARY INJURIES. THE
5 SECONDARY INJURY INCLUDED THE FACT THAT THE EYES
6 HAD HEMORRHAGES IN THEM. WE REFER TO THESE AS
7 PETECHIAL HEMORRHAGES BECAUSE THEY'RE VERY PETITE.
8 THEY'RE TINY, LITTLE ROUND HEMORRHAGES. IN THIS
9 CASE, THERE WERE ENOUGH OF THEM THAT SOME HAD FUSED
10 OR COALESCED WITH EACH SO AS TO CAUSE LARGER
11 HEMORRHAGES.

12 WHEN WE HAVE HEMORRHAGES IN THE EYE ON
13 THE WHITE OF THE EYE AND ON THE INSIDE OF THE
14 EYELID, THIS IS BECAUSE IN MOST CASES THE PERSON
15 HAS UNDERGONE ASPHYXIA, MEANING LACK OF OXYGEN TO
16 THE BRAIN. IT CAN OCCUR IN OTHER CONDITIONS BUT
17 THAT'S THE MOST COMMON WAY THAT WE FIND THESE, AND
18 IT'S NOT DUE TO INJURIES DIRECTLY TO THE EYE.
19 THERE WAS NO INJURY TO THE EYELID, SIMPLY THE
20 PRESENCE OF TOO LITTLE OXYGEN IN THESE SMALL
21 VESSELS AT A TIME THE PERSON IS TRYING TO BREATHE
22 HARD, AND YOU END UP GETTING LITTLE VESSELS
23 RUPTURED THERE IN THE EYE AND CAUSE THESE PETECHIAL
24 HEMORRHAGES.

25 THIS IS CONSISTENT WITH THE INJURIES TO

1 THE NECK BECAUSE THE INJURIES TO THE NECK WOULD
2 HAVE PREVENTED HER FROM BREATHING IN TWO WAYS: ONE,
3 IT DAMAGED THE VOCAL CORDS WHICH ALLOW US TO
4 BREATH, AS LONG AS THEY STAY OPEN. WHEN THEY GET
5 DAMAGED AND SWELL, THEY CLOSE SO AS TO PREVENT
6 BREATHING.

7 THE OTHER MECHANISM IS A FRACTURE OF
8 THE VOICE BOX OR LARYNX SO THAT THE STRUCTURE THAT
9 HOLDS THE CORDS APART COULD GIVE A LITTLE BIT TO
10 ALLOW THEM TO CLOSE AS THE PERSON TRIED TO BREATH,
11 AND THIRDLY, THE FRACTURE OF THE SPINE AT THAT
12 LOCATION, BECAUSE THE IMPULSES FROM THE BRAIN THAT
13 KEEP US BREATHING BY STIMULATING OUR DIAPHRAGM PASS
14 THROUGH THE SPINAL CORD, AND IT WAS INJURED AT A
15 LOCATION WHERE IT COULD DAMAGE THESE NERVE CENTERS.

16 SO ALL OF THESE CONTRIBUTED TO HER
17 INABILITY TO BREATH AND THEREFORE DIE FROM LACK OF
18 OXYGEN TO THE BRAIN.

19 THE OTHER INJURY THAT WAS SEEN
20 INTERNALLY BUT NOT EXTERNALLY WAS TO THE BACK, TO
21 THE UPPER BACK AND THE BACK OF THE NECK. THERE WAS
22 EXTENSIVE BRUISING THAT WAS JUST BARELY VISIBLE,
23 LOOKING AT THE SKIN. THERE WAS NO ABRASION OR
24 SCRAPE ON THE SKIN, JUST THE BRUISING. AND
25 EXAMINING INTERNALLY, THERE WAS EXTENSIVE

1 HEMORRHAGE AND INJURY TO THE BACK OF THE NECK AT
2 THAT LOCATION. THAT INJURY MAY HAVE CAUSED THE
3 FRACTURE TO THE FRONT, BUT THE INJURY TO THE FRONT
4 CERTAINLY COULD HAVE CAUSED THE FRACTURE OF THE
5 NECK.

6 Q ALL RIGHT, DR. SEXTON, BASED ON YOUR
7 EXAMINATION OF VICKIE'S BODY, DO YOU HAVE AN
8 OPINION AS TO THE CAUSE OF HER DEATH?

9 A I DO.

10 Q AND WHAT IS THAT?

11 A IN MY OPINION, AS I MENTIONED, IT WAS
12 ASPHYXIA DUE TO LACK OF BEING ABLE TO GET OXYGEN
13 INTO THE BRAIN DUE TO THE INJURIES TO THE NECK,
14 WHICH INCLUDED THE BLUNT FORCE INJURY TO THE VOICE
15 BOX CAUSING FRACTURE OF THE LARYNX AND THE FRACTURE
16 OF THE NECK WHICH WAS DUE TO SOME SORT OF BLUNT
17 FORCE INJURY TO THE NECK. IT REQUIRED A BLOW TO
18 THE NECK, I THINK, PRODUCED, IN MY OPINION OF THIS
19 TYPE OF INJURY.

20 SO IN MY OPINION, SHE DIED FROM A
21 BEATING THAT RESULTED IN FRACTURING HER NECK OR
22 BREAKING HER NECK AND DAMAGING HER LARYNX CAUSING
23 ASPHYXIA.

24 Q BASED ON YOUR FORENSIC EXAMINATION OF
25 THE FRONT OF HER NECK, COULD SHE HAVE RECEIVED MORE

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1 THAN ONE BLOW TO THE FRONT OF THE NECK?

2 A YES, SHE COULD. THERE WERE THE
3 ABRASIONS THAT WERE ON THE SURFACE OF THE NECK HAD
4 A SET OF PARALLEL LINES OF ABRASIONS THAT HAD AN
5 INTERSECTION, A SECOND SET OF PARALLEL LINES,
6 SUGGESTING EITHER AN OBJECT THAT HAD A VERY
7 IRREGULAR SURFACE OR TWO BLOWS, ONE FOLLOWING ONE
8 PLANE AND ONE A SLIGHTLY DIFFERENT PLANE.

9 Q DR. SEXTON, BASED ON THE INJURY TO THE
10 BACK OF VICKIE'S NECK, WHAT IS YOUR OPINION AS TO
11 THE BLOW THAT CAUSED THE I BELIEVE FRACTURE IN THE
12 CERVICAL SPINE? WAS THERE ANY PARTICULAR CERVICAL
13 VERTEBRA THAT WAS CRUSHED OR BROKEN?

14 A THERE WAS. BUT THE CERVICAL VERTEBRA
15 THAT WAS BROKEN WAS NOT UNDER EITHER OF THE
16 INJURIES. WHEN YOU BREAK AN OBJECT, THERE ARE
17 SEVERAL WAYS YOU CAN DO IT. IF THE TWO ENDS, SAY
18 YOU HAVE A STICK AND YOU HAVE IT RESTING ON TWO
19 SURFACES AND YOU HIT IT IN THE MIDDLE, IT'S GOING
20 TO BREAK WHERE YOU STRIKE IT. IF THERE'S NOTHING
21 HOLDING THE STRUCTURE STATIONARY, IT MAY BREAK
22 WHERE YOU STRIKE IT OR IT MAY BREAK NEAR THAT
23 LOCATION, DEPENDING ON THE FORCE THAT'S GENERATED
24 AND THE MOVEMENT. IN THIS CASE, THE FORCE ON THE
25 NECK IN THE FRONT WAS SLIGHTLY ABOVE THE FRACTURE

1 ABOUT, APPROXIMATELY AN INCH. THE ONE IN THE BACK
2 WAS SLIGHTLY BELOW THE FRACTURE, SO THE FRACTURE
3 WAS NEAR THE MID PORTION OF THE NECK. THE INJURY
4 IN THE BACK WAS SLIGHTLY ABOVE IT, ABOUT AN INCH,
5 I'M SORRY, THE FRONT WAS SLIGHTLY ABOVE IT BY AN
6 INCH; THE ONE IN THE BACK WAS SLIGHTLY LOWER. AND
7 EITHER HAD SUFFICIENT CONTUSION AROUND IT TO HAVE
8 POSSIBLY CAUSED THE INJURY SO I CAN'T SAY WHETHER
9 THE ONE IN THE BACK THAT WAS THE DEEP INJURY CAUSED
10 THE FRACTURE OR WHETHER THE ONE IN THE FRONT CAUSED
11 THE FRACTURE. BUT IT DOES TAKE AND IT DID INDICATE
12 FROM THE BRUISING THAT IT WAS A VERY HARD FORCE TO
13 CAUSE THIS FRACTURE. IT COULD NOT HAVE BEEN A
14 LIGHT BLOW THAT WOULD CAUSE THIS.

15 Q SO IN YOUR OPINION, THERE WAS A BLOW TO
16 THE BACK OF THE NECK?

17 A YES, SIR.

18 Q DR. SEXTON, I HAND YOU STATE'S EXHIBIT
19 FIFTY-EIGHT. IF YOU WOULD, EXAMINE IT.

20 NOW, DOCTOR, I ASK YOU, IS THAT OBJECT
21 CONSISTENT WITH AN OBJECT THAT COULD OR WOULD CAUSE
22 THE BLOW TO THE FRONT AND BACK OF VICKIE'S NECK?

23 A YES, IT IS. IT HAS ENOUGH WEIGHT TO
24 FRACTURE THE NECK IF A PERSON WERE STRUCK WITH IT
25 HARD ENOUGH. IT HAD SOME AREAS THAT HAVE LINEAR,

1 REASONABLY SHARP EDGES. BY THAT, I MEAN NOT SHARP
2 ENOUGH TO CUT YOU IF YOU RUN YOUR HAND ALONG IT,
3 BUT MORE OF A RIGHT ANGLE TYPE OF STRUCTURE THAT
4 WOULD BE CONSISTENT WITH THE PARALLEL ABRASIONS
5 THAT ARE ON THE NECK. AND SO YES, IT'S CONSISTENT
6 WITH THE INJURIES THAT I SAW TO THE BACK OF THE
7 NECK AND TO THE FRONT OF THE NECK.

8 Q DR. SEXTON, I HAND YOU STATE'S EXHIBIT
9 NINETY-EIGHT FOR IDENTIFICATION PURPOSES, AND ASK
10 YOU TO EXAMINE THAT.

11 BY THE WAY, DR. SEXTON, YOU ARE FAIRLY
12 FAMILIAR WITH FIREARMS, ARE YOU NOT?

13 A I AM.

14 Q AND DO YOU HAVE A PARTICULAR ADVOCATION
15 OR HOBBY THAT ALLOWS YOU TO ENGAGE IN THE USE OF
16 FIREARMS ON A REGULAR BASIS?

17 A I DO.

18 Q WHAT IS THAT?

19 A I COACH SEVERAL PISTOL TEAMS, AND
20 COMPETE IN INTERNATIONAL COMPETITION.

21 Q DR. SEXTON, I ASK YOU IF THAT STATE'S
22 EXHIBIT NINETY-EIGHT FOR IDENTIFICATION PURPOSES IS
23 CONSISTENT WITH THE INJURIES THAT YOU SPOKE OF TO
24 THE RIGHT SIDE OF VICKIE'S HEAD? THOSE ARE THE
25 ONES BEHIND AND ABOVE THE EAR; I BELIEVE YOU

1 MENTIONED TWO LACERATIONS IN THAT AREA?

2 A I DID. AND THESE ARE CONSISTENT WITH
3 THAT. RECOGNIZE THERE ARE OTHER TYPE PISTOLS THAT
4 MAY HAVE SIMILAR CHARACTERISTICS TO THIS THAT WOULD
5 MAKE THEM ALSO CONSISTENT. BUT WHAT MAKES THIS
6 MORE CONSISTENT THAN MOST PISTOLS IS THE FACT THAT
7 THE SIDE OF THE PISTOL HAS BEEN MILLED FLAT SO THAT
8 THERE'S A REASONABLY SHARP EDGE HERE AT THE
9 JUNCTION BETWEEN THE BOTTOM OF THE BARREL AND THE
10 SIDE OF THE BARREL.

11 THE BARREL ITSELF IS HOUSED IN THIS
12 METAL HOUSING IN THE FRONT, AND IT PROTRUDES OUT IN
13 FRONT. THAT ALSO IS SIGNIFICANT BECAUSE SEVERAL OF
14 THE INJURIES TO THE SKIN ARE SUCH THAT THERE IS A
15 LACERATION, REFERRED TO AS A TEAR IN THE SKIN,
16 ASSOCIATED WITH AN ADJACENT SCRAPE OR ABRASION.

17 A STRUCTURE LIKE THIS THAT HAS A SHARP
18 EDGE, A LEADING EDGE HERE THAT'S SHARP, WITH A
19 ROUNDED EDGE JUST ABOVE IT COULD EASILY PRODUCE
20 THAT TYPE OF INJURY BY FIRST SEPARATING THE TISSUE
21 AND CAUSING THE SCRAPE, AND THEN AS THE TISSUE
22 SEPARATES, THE ROUNDED EDGE OF THE BARREL CAUSING
23 THE ABRASION ON THE SURFACE OF THE SKIN.

24 THE LACERATION THAT'S ON THE RIGHT SIDE
25 OF THE HEAD IS A CURVILINEAR LACERATION AND SHOWS

1 VERY LITTLE SCRAPING OF THE EDGE. THIS IS
2 GENERALLY BECAUSE A OBJECT THAT STRIKES IT IS NOT
3 ROUNDED AND SO IT DOESN'T SINK INTO THE TISSUE
4 FORCING BLOOD OUT TO EITHER SIDE, AND SCRAPING THE
5 EDGE AS IT TENDS TO LACERATE IT, IT TENDS TO CUT IT
6 MORE CLEANLY. AND SO FOR THIS REASON, THE FACT
7 THAT IT'S SQUARED OFF HERE ON THE SIDES, MAKES IT
8 MORE LIKELY THAT A WEAPON LIKE THIS COULD CAUSE
9 THAT INJURY.

10 I MENTIONED IT WAS CURVILINEAR, YOU
11 TAKE A ROUND OBJECT LIKE A MELON AND YOU CUT IT,
12 NOT PERPENDICULARLY BUT AT AN ANGLE, WHEN YOU LOOK
13 AT THE CUT, THE CUT IS CURVILINEAR EVEN THOUGH
14 YOU'RE USING A STRAIGHT KNIFE. THE REASON IT'S
15 CURVILINEAR AND CAUSED BY A STRAIGHT OBJECT IS
16 BECAUSE AS THE SKIN IS SEPARATED FROM THE SCALP OR
17 FROM THE BONE, IT'S PEELED AWAY. THE INJURY WAS
18 UNDERMINED FROM THE FRONT TO THE BACK, MEANING THAT
19 AS THE OBJECT STRUCK IT, IT LIFTED THE SKIN FROM
20 THE BONE AND PEELED IT BACK IN SUCH A FASHION THAT
21 IT PRODUCED A CURVILINEAR LACERATION FROM A
22 STRAIGHT OBJECT.

23 ALSO, THERE'S--I MENTIONED THAT ONE OF
24 THE INJURIES HAD INDENTATION, A SLIGHT INDENTATION
25 IN THE BONE, AND THAT ALSO IS CONSISTENT WITH THE

1 FRONT EDGE OF A GUN LIKE THIS BECAUSE, AGAIN, IT'S
2 SORT OF SQUARED OFF INSTEAD OF BEING ROUNDED. SO
3 THAT THERE'S A VERY SHARP, RELATIVELY SHARP POINT
4 THAT COULD COME IN CONTACT WITH THE SCALP AT THAT
5 LOCATION. AND THE OVERLYING ABRASION ON TOP OF
6 THAT WAS A ROUGHLY V-SHAPED OR TRIANGULAR ABRASION
7 WHICH FITS WITH THE EDGE OF THE SQUARED-OFF BARREL
8 LIKE YOU SEE WITH THIS PARTICULAR PISTOL.

9 SO IN MY OPINION, A PISTOL LIKE THIS OR
10 THIS PISTOL, BECAUSE OF THE CONFIGURATION, IS VERY
11 CONSISTENT WITH THE THREE LACERATION ABRASIONS
12 WHICH ARE BREAKS IN THE SKIN AND SCRAPES ON THE
13 SKIN HERE ON THE RIGHT SIDE OF THE SCALP, RIGHT
14 SIDE OF THE HEAD NEAR THE TOP OF THE HEAD, AND THE
15 ONE BEHIND THE EAR THAT'S SMALL, AND THE ONE BEHIND
16 THE EAR THAT'S LARGE.

17 THERE'RE ALSO, BECAUSE OF THIS SQUARED-
18 OFF EDGE, ONE OF THE PARALLEL SET OF LINES THAT'S
19 ON THE NECK IS CONSISTENT WITH HAVING BEEN CAUSED
20 BY A GUN LIKE THIS BECAUSE OF THE DISTANCE BETWEEN
21 THESE EDGES AND THE DISTANCE BETWEEN THE ABRASIONS
22 ON THE SKIN ON THE FRONT OF THE NECK.

23 Q DR. SEXTON, SO THE BLOW, ONE OF THE
24 BLOWS OR BOTH OF THE BLOWS TO THE NECK COULD HAVE
25 BEEN CAUSED BY THE GUN ALSO?

- 1 A ONE OF THE TWO BLOWS COULD HAVE BEEN.
- 2 Q ONE OF THE TWO BLOWS...
- 3 A THE GUN, THE GUN, BY WEIGHT,
- 4 PARTICULARLY IN COMPARISON TO THE WEIGHT OF AN
- 5 OBJECT LIKE THIS, THIS GUN, BY WEIGHT, IS NOT HEAVY
- 6 ENOUGH TO CAUSE THE EXTENSIVE INJURIES THAT I SAW
- 7 ON THE NECK, IN MY OPINION. IT COULD HAVE
- 8 FRACTURED THE LARYNX. I WOULD DOUBT THAT IF IT
- 9 COULD TEAR THE MUSCLE OF THE NECK OR FRACTURE THE
- 10 SPINE.
- 11 Q ALL RIGHT, DOCTOR, THE TEARING OF THE
- 12 MUSCLES OF THE NECK, THE INJURY THAT YOU SAY IS
- 13 MORE CONSISTENT WITH THE BOLT CUTTERS...
- 14 A OR SOMETHING OF THAT SIZE.
- 15 Q YES, SIR. AND THE TEAR OF THE MUSCLE
- 16 TO THE NECK AND THE CRUSHING OF THE SPINE, THOSE
- 17 ARE NOT THE PRIMARY INJURIES THAT CAUSED HER DEATH,
- 18 ARE THEY?
- 19 A THE FRACTURING OF THE SPINE IS PART OF
- 20 THE PRIMARY INJURY AND THE FRACTURING OF THE
- 21 LARYNX, BUT NOT THE TEARING OF THE MUSCLE.
- 22 Q YES, SIR. BUT IS IT YOUR OPINION THAT
- 23 A BLOW TO THE NECK WITH THE GUN COULD HAVE
- 24 FRACTURED THE LARYNX, COULD HAVE CRUSHED THE
- 25 LARYNX?

1 A YES, IT COULD HAVE.

2 Q I BELIEVE YOU TESTIFIED THAT THE
3 CRUSHED LARYNX CONTRIBUTED TO THE ASPHYXIA, THE
4 INABILITY OF VICKIE TO BREATHE, RESULTING IN HER
5 DEATH, IS THAT CORRECT?

6 A THAT'S CORRECT.

7 Q NOW, DOCTOR, AS TO THE INJURIES TO THE
8 RIGHT SIDE OF VICKIE'S HEAD, WHICH OF THESE IS MORE
9 CONSISTENT WITH HAVING CAUSED THOSE INJURIES, THE
10 BOLT CUTTERS OR THE GUN?

11 A IN MY OPINION, THE GUN IS. THE
12 INJURIES TO THE RIGHT SIDE OF THE HEAD MAY HAVE
13 BEEN CAUSED BY SOMETHING LIKE THE BOLT CUTTERS, BUT
14 IF YOU NOTICE, THE BOLT CUTTERS HAVE ROUNDED EDGES
15 ON MOST OF THEIR SURFACES, EXCEPT NEAR THE END
16 WHERE IT HAS NOT ONLY A SQUARED-OFF EDGE, BUT SOME
17 OTHER ATTACHMENT. AND THERE WAS NO EVIDENCE OF
18 MORE THAN ONE SET OF LACERATIONS ON THE SCALP UP
19 HERE. AND THE LACERATIONS DID NOT HAVE ABRASIONS
20 AROUND THEM, PARTICULARLY THE LONG ONE HERE EXCEPT
21 THE ONES THAT WERE VERY SMALL. SO IN MY OPINION,
22 THE BOLT CUTTERS ARE NOT AS CONSISTENTLY. NOW, IF
23 A PERSON STRUCK SOMEBODY WITH THE VERY END OF THE
24 BOLT CUTTERS WITH IT SLIGHTLY OPEN, IT COULD BE
25 RATHER AWKWARD. YOU MIGHT GET THE ONE BEHIND THE

1 EAR, BUT ALL OF THESE ON THE SIDE OF THE HEAD ARE
2 MORE CONSISTENT WITH AN OBJECT LIKE THE PISTOL, IN
3 MY OPINION, AS OPPOSED TO AN OBJECT LIKE THE BOLT
4 CUTTERS.

5 Q DR. SEXTON, LET ME ASK YOU ABOUT THE
6 INJURIES TO THE BACK OF VICKIE'S HANDS, BENEATH THE
7 KNUCKLES. YOU MENTIONED THAT THOSE BRUISES WERE
8 BENEATH OR ABOVE THE KNUCKLES. WHAT DOES THAT TELL
9 YOU ABOUT THE NATURE OF THOSE INJURIES? DO YOU
10 HAVE AN OPINION AS TO THE TYPE OF WOUNDS THAT THOSE
11 WERE?

12 A BASICALLY, IT INDICATES THAT THAT PART
13 OF THE BODY WAS STRUCK BY A HARD OBJECT, OR THAT
14 PART OF THE BODY STRUCK A HARD OBJECT. AND IT WAS
15 IN A CONFIGURATION WHERE THE HAND WAS NOT, IN MY
16 OPINION, WAS NOT DOUBLED UP SO THAT THE KNUCKLES
17 ONLY WOULD STRIKE BECAUSE IT INCLUDED AREAS BETWEEN
18 THE KNUCKLES PRIMARILY, AS THOUGH THE PERSON WERE
19 WARDING OFF AN INJURY, HAVING THEIR HAND UP ON
20 THEIR HEAD PERHAPS WHEN THEY WERE STRUCK WITH SOME
21 OTHER OBJECT, OR STRIKING SOME OBJECT WITH AN OPEN
22 HAND, THE BACK OF THE HAND.

23 I SHOULD MENTION ALSO, I FAILED TO
24 MENTION EARLIER, THERE WERE TWO BRUISES ON THE
25 FOREARM, ONE JUST UP THE RIGHT ARM AND ONE JUST UP

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1 THE LEFT ARM WHICH WERE SIMILAR TO THE ONES ON THE
2 HAND, WHICH ALSO ARE CONSISTENT WITH HAVING THE
3 HANDS AND ARMS UP IN DEFENSE TRYING TO WARD OFF
4 INJURIES, OR SWINGING AT SOMETHING AND STRIKING
5 SOMETHING. BUT NOT WITH A BALLED FIST SO MUCH AS
6 JUST AN OPEN HAND, IF IT WAS DUE TO SWINGING.

7 Q DOCTOR, IN YOUR OPINION, ARE THOSE
8 WOUNDS MORE CONSISTENT AS BEING CHARACTERIZED AS
9 DEFENSE WOUNDS AS OPPOSED TO ATTACK WOUNDS?

10 A THEY ARE PRIMARILY CONSISTENT WITH
11 DEFENSIVE WOUNDS. BUT AS I MENTIONED, THEY, AND OF
12 COURSE THIS COULD BE CONSIDERED DEFENSIVE AS WELL,
13 SWINGING OUT AT SOMETHING, OR IT COULD BE
14 CONSIDERED AGGRESSIVE. BUT THEY COULD COME FROM
15 EITHER, EITHER FROM TRYING TO DEFEND A PERSON'S
16 SELF OR SWINGING AT SOMEBODY, BUT MORE WITH AN
17 OPEN-TYPE HAND THAN WITH A CLOSED, ALTHOUGH YOU
18 COULD GET THEM ON THE BACK OF THE HAND BY SWINGING
19 WITH A CLOSED HAND AND HAPPEN TO HIT THAT AREA AS
20 OPPOSED TO THE KNUCKLES.

21 Q DR. SEXTON, I BELIEVE YOU TESTIFIED
22 ABOUT AN INJURY TO THE LEFT SIDE OF VICKIE'S HEAD.
23 TO THE LEFT SIDE. IF YOU WOULD, IF YOU RECALL
24 MENTIONING THAT, REVIEW YOUR EXAMINATION REPORT.

25 A I MENTIONED TO THE LEFT SIDE OF THE

1 CHIN.

2 Q YES, SIR.

3 A AND TO THE LEFT SIDE OF THE NECK. THERE
4 WAS BRUISING INTERNALLY, BUT THERE WAS NOT ANY
5 EXTERNAL INJURY. AND I MENTIONED THAT THERE WAS
6 BRUISING OVER THE SCALP ON BOTH SIDES, BUT THERE
7 WAS NO EXTERNAL INJURY IN THAT LOCATION, JUST SOME
8 BRUISING ON THE LEFT SIDE OF THE HEAD, INTERNALLY.

9 Q THE BRUISING ON THE LEFT SIDE OF THE
10 HEAD INTERNALLY, WOULD THAT INJURY BE CONSISTENT
11 WITH BEING STRUCK ON THE RIGHT SIDE OF THE HEAD AND
12 HITTING AN OBJECT, FOR INSTANCE, A WINDOW, CAR
13 WINDOW, WITH THE LEFT SIDE OF THE HEAD?

14 A YES. THE INTERNAL BRUISING CAN COME
15 FROM HITTING SOME PADDED OBJECT, OR BEING STRUCK ON
16 THAT SIDE WITH A PADDED OBJECT. BUT THE BRUISING,
17 AS I MENTIONED, WAS ONLY IN THE SCALP UNDERNEATH,
18 NOT VISIBLE EXTERNALLY, WHICH CAN COME FROM EITHER
19 OF THOSE TWO CONDITIONS, EITHER BANGING ONE'S HEAD
20 AGAINST SOMETHING THAT IS NOT SHARP OR POINTED
21 AND/OR PADDED, BECAUSE THEY'RE STRUCK ON THE OTHER
22 SIDE OR BY BEING STRUCK ON THE LEFT SIDE OF THE
23 HEAD.

24 Q DR. SEXTON, BASED ON THE INJURIES THAT
25 YOU OBSERVED TO VICKIE, DO YOU HAVE AN ESTIMATE AS

1 TO THE TIME IT TOOK FOR HER TO DIE?

2 A IT'S VERY DIFFICULT TO EVALUATE
3 PRECISELY THE TIME IT TAKES FOR SOMEONE TO DIE. WE
4 ONLY HAVE A FEW FACTS TO OBSERVE IN A PERSON WHO IS
5 CONSIDERED POSSIBLY BRAIN DEAD AND THEY'RE ON A
6 RESPIRATOR. AND WHEN WE HAVE TO TURN THAT
7 RESPIRATOR OFF TO SEE IF THEY ARE GOING TO SURVIVE,
8 AT THAT POINT, THE BRAIN WAVES STOP AT ABOUT FOUR
9 MINUTES. SO IT TAKES ABOUT FOUR MINUTES WHEN A
10 PERSON HAS NO ABILITY TO BREATHE UNDER CONTROLLED
11 CONDITIONS TO DIE FROM HYPOXIA OR ANOXIA WHEN
12 THEY'RE NOT GETTING ANY OXYGEN TO THE BRAIN. SO
13 THAT'S ONE SET OF CONTROLLED CONDITIONS.

14 THERE ARE OTHER CONDITIONS SUCH AS
15 JUDICIAL HANGING WHERE THE SAME THING TAKES PLACE
16 WITH A BROKEN NECK AND CONSTRICTION OF THE BLOOD
17 FLOW TO THE BRAIN, AND IN SOME CASES THERE, IT'S UP
18 TO FIFTEEN MINUTES BEFORE THE PERSON ACTUALLY HAS
19 THE HEART STOP AND THE BRAIN WAVES STOP. IN ONE
20 CONDITION IS OBVIOUSLY ADRENALIN PRESENT AND THE
21 OTHER, THERE'S NOT.

22 SO ALL WE CAN SAY IS USUALLY WHEN A
23 PERSON IS UNDER CONTROLLED CONDITIONS AND HAS AN
24 INJURY TO THE NECK, EITHER A BREAKING OF THE NECK
25 OR CONSTRICTION OF THE AIRWAY, IT TAKES A MATTER OF

1 MINUTES FOR THEM TO DIE. WE ALSO KNOW IN CERTAIN
2 CONDITIONS WHERE IT'S OBSERVED WHERE PEOPLE ARE
3 CHOKED, THEY ACTUALLY CAN PASS OUT AND THE HEART
4 STOP IN SECONDS FROM PRESSURE ON THE BARORECEPTORS.
5 SO THERE ARE CERTAIN CONDITIONS WHERE A PERSON,
6 WHERE A SPECIFIC PRESSURE TO A SPECIFIC AREA THAT'S
7 UP UNDER YOUR JAW, AND IT'S HARD TO GET TO, WHERE A
8 PERSON CAN DIE VERY RAPIDLY. BUT WE GENERALLY
9 REFER TO IT AS SIMPLY MINUTES BECAUSE THAT'S WHAT
10 WE'VE SEEN THE MOST OF UNDER CONTROLLED CONDITIONS.

11 Q DR. SEXTON, DID YOU TAKE A SAMPLE OF
12 VICKIE'S BLOOD AND SEND THAT TO SLED?

13 A I DID. AT THE TIME OF AUTOPSY, SAMPLES
14 WERE TAKEN AND THEY WERE TURNED OVER TO SLED AGENT
15 DAVID BLACK.

16 Q DID YOU ALSO TAKE SCRAPINGS FROM
17 UNDERNEATH HER FINGERNAILS AND TURN THOSE OVER TO
18 SLED?

19 A RATHER THAN SCRAP, WE ACTUALLY TRIMMED
20 THE NAILS SO AS TO GET EVERYTHING THAT WAS THERE
21 AND PUT THOSE INTO SEPARATE CONTAINERS, ONE FOR
22 EACH HAND.

23 Q DOCTOR, DID YOU DETERMINE THE AMOUNT OF
24 BLOOD THAT VICKIE LOST PRIOR TO, OR DURING THE
25 COURSE OF EXAMINING HER?

1 A THERE'S NO WAY TO KNOW EXACTLY HOW MUCH
2 BLOOD A PERSON LOSES. YOU HAVE TEN PINTS OF BLOOD
3 IN YOUR BODY. IT TENDS TO DISTRIBUTE ITSELF INTO
4 THE SOFT TISSUES AND THE LUNG AND OTHER TISSUES AT
5 THE TIME OF DEATH. WE GET AN IMPRESSION FROM
6 LOOKING INSIDE AS TO WHETHER THE PERSON HAS LOST A
7 GREAT DEAL OF BLOOD, OR WHETHER THEY LOST THE USUAL
8 AMOUNT. AND THERE WAS NO INDICATION THAT SHE'D
9 LOST A GREAT DEAL OF BLOOD.

10 THERE WAS BLOOD ON THE CLOTHING,
11 PARTICULARLY ON THE SHIRT, AND SOME SMEARED ON THE
12 RIGHT SIDE OF THE SHORTS THAT SHE WAS WEARING, BUT
13 THERE WAS NO INDICATION OF A LARGE QUANTITY OF
14 BLOOD LOST.

15 Q ONCE THE HEART STOPS, WOULD IT BE YOUR
16 OPINION THAT MOST BLOOD LOST DIMINISHES, IF NOT
17 STOPS, DEPENDING ON THE POSITION OF THE BODY, I'M
18 SURE?

19 A THAT'S CORRECT. IF THE BODY'S IN SUCH A
20 POSITION THAT BLOOD CAN DRAIN OUT OF AN OPENING
21 BECAUSE OF GRAVITY, THEN BLOOD WILL CONTINUE TO
22 COME OUT OF THE BODY. BUT ONCE THE HEART STOPS
23 THERE'S NO LONGER ANY FORCE TO PUMP THE BLOOD OUT.

24 Q ONE MOMENT.

25 MR. JONES: BEG THE COURT'S INDULGENCE,

1 YOUR HONOR.

2 Q DR. SEXTON, I HAND YOU STATE'S EXHIBIT
3 FIVE FOR IDENTIFICATION PURPOSES...

4 MR. JONES: IT'S IN EVIDENCE, YOUR
5 HONOR, I BELIEVE. WE'LL HAVE TO GO BACK THROUGH
6 AND HAVE THOSE ADEQUATELY DISTRIBUTED.

7 Q BASED ON VICKIE'S BODY'S POSITION, AND
8 YOUR KNOWLEDGE OF THE INJURIES TO THE RIGHT SIDE OF
9 HER SCALP, COULD BLOOD HAVE, COULD GRAVITY HAVE
10 CAUSED BLOOD TO DRAIN FROM THAT WOUND OVER A PERIOD
11 OF TIME?

12 A YES. THE POSITION OF THE BODY IS
13 LEANING FORWARD, TO THE RIGHT, IN SUCH A FASHION
14 THAT THE RIGHT SIDE OF THE HEAD WHERE THE INJURIES
15 WERE LOCATED WOULD BE LOCATED BETWEEN THE SEATS AND
16 COULD HAVE CAUSED BLOOD TO DRAIN DOWN THE RIGHT
17 SIDE OF THE BODY OR DIRECTLY INTO THE LOCATION
18 BETWEEN THE SEATS.

19 Q PLEASE ANSWER ANY QUESTIONS THESE
20 LAWYERS HAVE.

21 THE COURT: ALL RIGHT, CROSS
22 EXAMINATION, MR. HARPOOTLIAN; YOU'RE DOING IT?

23 MR. SWERLING: YES, SIR.

24 THE COURT: OKAY.

25 MR. HARPOOTLIAN: MAY IT PLEASE THE

1 COURT, YOUR HONOR?

2 YOUR HONOR, MAY WE APPROACH SIDE BENCH
3 JUST A MOMENT?

4 THE COURT: SURE.

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

8 THE COURT: ALL RIGHT, LADIES AND
9 GENTLEMEN OF THE JURY PANEL, LET ME LET YOU STEP
10 OUT JUST FOR A MINUTE. WON'T BE LONG. JUST LONG
11 ENOUGH FOR ME TO MAKE AN INQUIRY.

12 (JURY OUT AT 9:48 A.M.)

13 ALL RIGHT, LADIES AND GENTLEMEN, AS I
14 HAD TOLD THE JURY DURING THE OPENING REMARKS,
15 EVERYBODY HAS A JOB TO DO OR RESPONSIBILITY TO
16 PERFORM, AND MR. HARPOOTLIAN ADVISES ME THAT SOME
17 OF THE CROSS EXAMINATION COULD BE GRAPHIC. HE DOES
18 NOT MEAN BY WAY OF THAT TO CAUSE ANYONE ANY
19 PARTICULAR PROBLEM. IT'S HIS JOB. I WOULD ASK
20 YOU, LADIES AND GENTLEMEN, THAT IF YOU THINK THAT
21 WOULD BOTHER YOU, I'LL GIVE YOU AN OPPORTUNITY TO
22 STEP OUT NOW UNTIL HE FINISHES THAT. OTHERWISE, I
23 WOULD ASK YOU TO BE SURE YOU MAINTAIN PROPER
24 DECORUM DURING THE CROSS EXAMINATION.

25 IF YOU NEED TO LEAVE, AND I'M JUST

1 RELATING TO YOU WHAT THE STATE AND THE DEFENSE HAVE
2 INDICATED TO ME, AND I'LL BE GLAD TO HAVE YOU STAY,
3 BUT IF YOU STAY, I'VE GOT TO HAVE YOU MAINTAIN
4 PROPER DECORUM.

5 ANYBODY NEED TO LEAVE? OKAY, CHECK WITH
6 THEM, SOLICITOR.

7 ALL RIGHT, BRING THE JURY BACK IN.

8 (JURY RETURNED TO OPEN COURTROOM AT 9:50
9 A.M.)

10 CROSS EXAMINATION:

11 BY MR. HARPOOTLIAN:

12 Q DR. SEXTON, LET'S GO OVER THIS IN A
13 LITTLE MORE DETAIL, PLEASE.

14 FIRST OF ALL, LET ME ASK YOU, WHEN YOU
15 FIRST ENCOUNTERED OR WERE FIRST AWARE OF YOUR ROLE
16 IN THIS INVESTIGATION?

17 A WE'RE USUALLY CONTACTED BY THE CORONER
18 AND ASKED IF WE COULD DO AN AUTOPSY. IN THIS CASE,
19 WE WERE MADE AWARE OF THAT SOMETIME THE EVENING OF
20 THE 12TH OR SOMETIME THE MORNING OF THE 13TH. AND
21 WE DID THE AUTOPSY AT ELEVEN A.M. I DON'T HAVE ANY
22 NOTES TO INDICATE WHETHER I WAS CALLED THAT MORNING
23 BEFORE THE AUTOPSY OR THE NIGHT BEFORE.

24 Q NOW, YOU OFTENTIMES HAVE BEEN CALLED OUT
25 TO THE SCENE, THAT IS WHERE THE BODY IS FOUND, IS

1 THAT CORRECT?

2 A DURING THE NEARLY TWENTY YEARS I WAS IN
3 CHARLESTON, AND IN PARTICULAR, THE TEN YEARS I WAS
4 THE CHIEF MEDICAL EXAMINER, I WENT TO SCENES.
5 EITHER PERSONALLY WENT OR SOMEBODY IN THE OFFICE
6 WENT AND CONTACTED ME, NOT ONLY THERE BUT ACROSS
7 THE STATE.

8 WHEN I MOVED HERE AND I WAS IN SOLO
9 PRACTICE, I HAD TO BE AT WORK EVERYDAY INCLUDING
10 WEEKENDS, I DIDN'T CONTINUE TO GO TO SCENES.
11 THERE'S BEEN A COUPLE OF OCCASIONS WHERE I'VE GONE
12 TO A SCENE HERE IN TOWN. I DON'T RECALL ON THIS
13 OCCASION WHY I WAS NOT AT THE SCENE; EITHER I WAS
14 OUT OF TOWN OR WAS NOT CALLED.

15 Q BUT YOU, OVER THE YEARS, EVEN AFTER
16 MOVING TO NEWBERRY, I THINK YOU WILL REMEMBER A
17 COUPLE OF TIMES WHEN I WAS A PROSECUTOR IN
18 COLUMBIA, YOU CAME TO SCENES WHERE BODIES WERE
19 FOUND AND ACTUALLY DID YOUR FORENSIC EXAMINATION
20 WHERE THE BODY WAS FOUND?

21 A THAT'S CORRECT.

22 Q NOW, IS IT ADVANTAGEOUS FOR YOU AS
23 SOMEONE WHO'S TRAINED IN FORENSIC PATHOLOGY TO GO
24 TO WHERE THE BODY IS FOUND?

25 A IT IS, ALTHOUGH OVER THE YEARS WHEN I

1 DID GO TO SCENES ACROSS THE STATE, THE SLED
2 INVESTIGATORS WENT AS WELL, AND WE SORT OF LEARNED
3 FROM EACH OTHER. AND WHEN I MOVED HERE, BY THAT
4 TIME, THERE WERE ENOUGH INVESTIGATORS THAT WERE
5 WELL TRAINED, SO GENERALLY THEY WENT TO THE SCENE
6 AND PASSED INFORMATION ALONG TO US. BUT THERE'S
7 ALWAYS AN ADVANTAGE OF HAVING A PERSON WITH MEDICAL
8 TRAINING IN FORENSICS ACTUALLY SEE THE BODY AT THE
9 SCENE.

10 Q ALL RIGHT, AND ONE OF THOSE ADVANTAGES,
11 IF THE BODY IS NOT IN A STATE OF DECOMPOSITION,
12 THAT IS A BODY IN WHICH RIGOR HAS NOT FULLY SET IN
13 WOULD BE TO RUN TESTS TO DETERMINE TIME OF DEATH.
14 IS THAT NOT ACCURATE?

15 A THAT'S CORRECT. ALTHOUGH TIME OF DEATH
16 IS STILL AN ESTIMATE, BUT IF YOU'RE ABLE TO EXAMINE
17 EACH PART OF THE BODY TO SEE HOW MUCH RIGOR IS
18 PRESENT, WHETHER IT IS PRESENT, THAT GIVES YOU A
19 LITTLE BETTER ESTIMATE OF TIME OF DEATH.

20 Q AND ONE OF THE TECHNIQUES YOU'VE
21 DEVELOPED OVER THE YEARS AND YOU'VE BEEN VERY
22 EFFECT AT WHEN YOU'VE HAD THE OPPORTUNITY TO DO IT,
23 IS TO TAKE BODY TEMPERATURES, IS THAT NOT CORRECT?

24 A NOT REALLY. BODY TEMPERATURES TO BE
25 ACCURATE HAVE TO BE CORE TEMPERATURES, WHICH MEANS

1 YOU HAVE TO STICK A SCALPEL INTO THE BODY AND PUSH
2 THE THERMOMETER INTO THE LIVER OR PUT IT INTO THE
3 RECTUM. AND OVER THE YEARS, I'VE JUST NOT DONE
4 THAT.

5 Q BUT OFTENTIMES...

6 A IT'S NOT AS PRACTICAL AS IT SEEMS MOST
7 OF THE TIME.

8 Q BUT YOU'VE SEEN IT DONE?

9 A CAN'T SAY THAT I HAVE IN THIS STATE.

10 Q OKAY. BUT IN TERMS OF DETERMINING TIME
11 OF DEATH, IF YOU'RE THERE WHEN THE BODY IS FOUND,
12 AND THE BODY WAS FOUND IN THIS CASE, ACCORDING TO
13 YOUR NOTES, ABOUT WHAT TIME?

14 A I HAVE AN INDICATION OF ABOUT TEN
15 O'CLOCK WHEN THE BODY WAS FIRST LOCATED.

16 Q AND YOU'VE ALSO GOTTEN REPORTS UPON
17 WHICH YOUR EXPERT OPINION IS BASED AS TO THE EXTENT
18 OF RIGOR, IS THAT CORRECT?

19 A THAT'S CORRECT.

20 Q AND AS A RESULT OF THOSE REPORTS, THAT
21 IS THE EXTENT OF RIGOR, THEY DID TOUCH THE BODY. I
22 THINK YOUR REPORT INDICATES IT WAS COOL IN SOME
23 PARTS, AND WARM IN OTHERS.

24 A THAT'S RIGHT.

25 Q WERE YOU ABLE TO ESTIMATE TIME OF DEATH?

1 A CORRECT. THERE WAS AN ESTIMATE PUT. IT
2 WAS A COMBINED ESTIMATE BETWEEN MYSELF AND LAW
3 ENFORCEMENT BASED ON THE INFORMATION THEY HAVE
4 OBTAINED FROM WITNESSES AS TO WHEN THE DECEDENT WAS
5 LAST SEEN ALIVE AND WHEN SHE WAS FOUND, AND THE
6 FINDINGS ON THE BODY OF THE PRESENCE OF RIGOR IN
7 THE EXTREMITIES MEANING THE ARMS AND LEGS, AND A
8 WARMTH IN THE ABDOMINAL REGION, DEEP WARMTH, BUT
9 COOLNESS ELSEWHERE IN THE BODY, AND THE PRESENCE OF
10 LIVIDITY WHICH IS SETTLING OF THE BLOOD.

11 AFTER DEATH, THE BLOOD SETTLES TO THE
12 DEPENDENT PART OF THE BODY, AND THIS LIVIDITY HAD
13 STARTED TO DISAPPEAR TO A DEGREE. IN OTHER WORDS,
14 IT WAS STILL BLANCHABLE. IF THE LIVIDITY IS IN A
15 PARTICULAR LOCATION FOR SIX TO EIGHT HOURS AND
16 STAYS IN THAT LOCATION AT LEAST THAT LONG THEN THE
17 BLOOD TENDS TO SEEP OUT OF THE VESSELS AND SO WHEN
18 YOU MOVE THE BODY, IT STAYS IN THAT POSITION. BUT
19 IN THIS CASE, THERE WAS STILL A HINT OF LIVIDITY IN
20 A POSITION DIFFERENT FROM THE POSITION IN THE
21 VEHICLE, AND IT WAS BLANCHABLE INDICATING IT HAD
22 NOT BEEN A FULL SIX HOURS PERHAPS AT THAT TIME OR
23 EIGHT HOURS--THERE'S A RANGE THERE. BUT IT WAS
24 GETTING CLOSE TO THAT.

25 Q WHAT DID LAW ENFORCEMENT INDICATE TO YOU

1 WAS THE LAST TIME SHE WAS SEEN ALIVE?

2 A I WAS TOLD SIX P.M.

3 Q SIX P.M.?

4 A THAT'S RIGHT.

5 Q OKAY. AND WHAT--DID YOU COME TO SOME
6 CONCLUSION AS TO THE RANGE OF WHEN DEATH OCCURRED?

7 A WE HAD A RANGE IT WAS SOMEWHERE BETWEEN
8 THAT TIME, SHORTLY AFTER SIX P.M. AND MAYBE AN HOUR
9 LATER. WE CHOSE A TIME OF AROUND 6:15 BASED ON THE
10 LIVIDITY, THE FACT IT WAS BARELY BLANCHABLE BUT HAD
11 STARTED TO SHIFT, AND THE PRESENCE OF THE RIGOR AND
12 THE LOCATION WHERE IT WAS FOUND.

13 Q COULD THE TIME OF DEATH HAVE BEEN LATER
14 THAN THAT?

15 A YES, IT COULD HAVE.

16 Q SEVEN, FIFTEEN?

17 A PROBABLY AS LATE AS 7:15 FROM THE TIME
18 THE BODY WAS ACTUALLY EXAMINED.

19 Q WAS THERE ANYTHING THAT COULD HAVE BEEN
20 DONE BY LAW ENFORCEMENT AT THE SCENE TO HELP YOU
21 FOCUS ON AND DETERMINE MORE ACCURATELY WHAT TIME
22 DEATH OCCURRED?

23 A IT'S BEEN MY EXPERIENCE THAT IT'S VERY
24 DIFFICULT TO PINPOINT TIME OF DEATH. AS I
25 MENTIONED, THE RANGE WITH LIVIDITY VARIES FROM SIX

1 TO EIGHT HOURS BEFORE IT COMES FIXED, AND THAT'S
2 UNDER IDEAL CONDITIONS AT ROOM TEMPERATURE WHERE
3 THE TEMPERATURE STAYS CONSTANT. THE SAME IS TRUE
4 OF RIGOR. RIGOR VARIES DEPENDING ON WHETHER THE
5 PERSON IS IN EXTENSIVE RIGOROUS ACTIVITY JUST PRIOR
6 TO DEATH OR WHETHER THEY'RE VERY RELAXED JUST PRIOR
7 TO DEATH.

8 PEOPLE IN COMBAT WHO USE UP ALL OF THEIR
9 ADENOSINE TRIPHOSPHATE WHICH IS AN ENERGY SOURCE
10 FOR THE MUSCLES. WHEN THEY DIE, AT THE TIME OF
11 DEATH, THEY GO INTO IMMEDIATE RIGOR. THEY CALL IT
12 CADAVER SPASM BECAUSE THEY GO INTO RIGOR SO
13 QUICKLY, AND THEY'VE EVEN BEEN SEEN TO BE DEAD
14 STANDING UP BECAUSE THEY BECOME RIGID IMMEDIATELY.

15 SO A PERSON THAT HAS A LOT OF STRENUOUS
16 ACTIVITY CAN GO INTO RIGOR MORE RAPIDLY THAN A
17 PERSON WHO IS NOT. AND THAT VARIES ENOUGH THAT IT
18 MAKES IT VERY DIFFICULT EVEN WITH BODY TEMPERATURE
19 BECAUSE OF THE VARIATION IN THE ENVIRONMENTAL
20 TEMPERATURE, CAN BE VERY DIFFICULT TO PINPOINT
21 PRECISELY. WE GET A RANGE, DEPENDING ON HOW FAR
22 AWAY IT IS FROM THE TIME OF DEATH, THAT VARIES FROM
23 A MATTER OF MINUTES TO HOURS TO DAYS, DEPENDING ON
24 HOW FAR AWAY IT IS FROM THE TIME OF DEATH WHEN WE
25 FIND THE BODY.

- 1 Q COULD THE TIME OF DEATH HAVE BEEN LATER
2 THAN 7:15?
- 3 A POSSIBLY, BUT I THINK...
- 4 Q SEVEN, THIRTY?
- 5 A ...MORE LIKELY BETWEEN SAY 6:15 AND
6 7:30, AND I FELT AT THE TIME, MORE LIKELY CLOSER TO
7 6:15.
- 8 Q SOMETIME BETWEEN 6:15 AND 7:30,
9 BUT...AND THIS IS YOUR, I MEAN, YOUR BEST GUESS
10 BECAUSE YOU REALLY DON'T HAVE A LOT, IS THAT RIGHT?
- 11 A THAT'S CORRECT.
- 12 Q SO MANY VARIABLES HERE?
- 13 A THAT'S CORRECT.
- 14 Q I'D LIKE YOU TO LOOK AT THESE TWO
15 DOCUMENTS AND SEE IF YOU CAN IDENTIFY THEM FOR ME,
16 PLEASE, AND IF YOU PREPARED THEM?
- 17 A YES.
- 18 Q OKAY.
- 19 A THESE WERE TWO DRAWINGS THAT WERE MADE
20 AT THE TIME OF AUTOPSY. SOME OF WHAT'S ON THERE IS
21 MY WORK, SOME IS ONE OF MY ASSOCIATES. WE SHARE
22 THAT RESPONSIBILITY AND THEN I REVIEW IT AND
23 INITIAL IT BEFORE I PUT IT IN THE RECORD.
- 24 Q PREPARED EITHER BY YOU OR UNDER YOUR
25 SUPERVISION?

1 A THAT'S CORRECT.

2 MR. HARPOOTLIAN: YOUR HONOR, WE WOULD
3 OFFER THESE INTO EVIDENCE?

4 THE COURT: ANY OBJECTION?

5 Q COULD I SEE YOUR COPIES OF THESE? MAYBE
6 THEY'RE CLEARER THAN MINE. MINE ARE XEROXED
7 COPIES. ARE YOUR'S THE ORIGINALS?

8 A NO, MINE ARE XEROXED AS WELL.

9 Q MINE ARE FAXED THOUGH. LET'S SEE.

10 MR. HARPOOTLIAN: WELL, ACTUALLY, YOUR
11 HONOR, I'D LIKE TO USE HIS. THEY'RE GOING TO SHOW
12 UP A LITTLE BIT BETTER.

13 THE COURT: ANY OBJECTION?

14 MR. JONES: NONE, YOUR HONOR.

15 THE COURT: ALL RIGHT, WITHOUT
16 OBJECTION.

17 (SO MARKED AND ENTERED.)

18 MR. HARPOOTLIAN: YOUR HONOR, I'M GOING
19 TO GIVE DR. SEXTON MINE, AND I'M GOING TO INTRODUCE
20 THESE.

21 Q OKAY NOW, DR. SEXTON, LET ME FIRST OF
22 ALL--WAIT JUST A SECOND BEFORE YOU TURN THAT
23 BECAUSE I CAN'T SEE WHAT I'M DOING.

24 AND THAT WOULD BE DEFENDANT'S EXHIBIT--
25 YES, THAT IS IN FOCUS. HOW ABOUT STEP DOWN HERE

1 FOR ME, PLEASE. AND LET'S TURN THIS A LITTLE BIT
2 SO THE JURY CAN SEE IT.

3 COURT REPORTER: FOURTEEN, MR.
4 HARPOOTLIAN.

5 Q THAT'S FOURTEEN. AND LET ME BORROW
6 SOLICITOR'S POINTER, AND WE WILL SLIDE IT UP IN A
7 MINUTE, BUT HOW ABOUT START FOR US AT THE TOP AND
8 GO OVER THESE INJURIES, PLEASE.

9 AND I'M GOING TO ASK YOU TO STAND--I
10 WONDER IF IT'S POSSIBLE--WELL, COULD YOU STAND OVER
11 HERE? IS IT POSSIBLE FOR YOU TO DO IT FROM OVER
12 HERE SO YOU DON'T BLOCK THIS JUROR RIGHT HERE.

13 A BASICALLY WE LISTED WHAT WE SEE ON THE
14 BODY AND TRY TO DRAW IT NOT PRECISELY, JUST AS WE
15 FREQUENTLY SAY, IT'S NOT TO SCALE; JUST A LOCATION
16 AND ROUGH SHAPE AS TO WHAT WAS FOUND.

17 WE TALK ABOUT HERE JUST THE FACT THAT
18 THERE'S HAIR, OF APPROXIMATE EIGHT INCH LENGTH,
19 THAT IT'S BROWN, AND IT HAS BLOOD MATTED IN IT.

20 WE MENTION AT THIS POINT THAT THERE'S
21 BROWN EYES, THAT THEY DO HAVE PROMINENT PETECHIAL
22 EYE. THAT'S WHAT THIS STATEMENT IS, MEANING THAT
23 THEY HAVE LITTLE HEMORRHAGES, THE PINPOINT
24 HEMORRHAGES THAT HAVE BEEN COALESCED TO FORM LARGER
25 HEMORRHAGES.

1 THIS ARROW INDICATES THE BRUISING, AND
2 CONTUSION ON TOP OF THE NOSE. THERE'S NO FRACTURE
3 OF THE NOSE.

4 THIS REFERS TO THE INJURY TO THE NECK
5 WHICH CONSISTED OF LINEAR SCRAPES OR ABRASIONS AND
6 BRUISING OF THE SKIN.

7 THERE ARE A NUMBER OF SMALLER BRUISES
8 HERE THAT ARE MENTIONED IN THIS AREA, AS WELL AS
9 THIS ONE RIGHT HERE. THERE'S A BRUISE ON THE LEFT
10 SIDE OF THE CHIN, THE BRUISE ON THE RIGHT SIDE OF
11 THE CHIN, AND THE ONE JUST BELOW THE CHIN, ARE
12 CHARACTERIZED BY THESE ROUGHLY ROUND, CIRCULAR
13 AREAS THAT ARE DARKENED AND DESCRIBED HERE AND
14 HERE.

15 CAN THAT BE SHARPENED UP A LITTLE BIT?

16 MR. HARPOOTLIAN: CAN YOU FOCUS THAT A
17 LITTLE, PLEASE?

18 A I'M NOT ABLE TO READ THE WORDING VERY
19 WELL.

20 Q IS THAT ANY BETTER? YEAH, WHY DON'T YOU
21 JUST GET YOUR COPY.

22 A THIS NOTATION SIMPLY INDICATES THAT BOTH
23 EARLOBES ARE PIERCED, BUT THERE ARE NO EARRINGS
24 PRESENT.

25 THIS NOTATION, POINTING TO THE MOUTH,

1 DESCRIBED THE FACT THAT THE TEETH ARE HER TEETH.
2 THEY'RE NATURAL TEETH, AND DESCRIBES THE INJURIES,
3 AS I MENTIONED EARLIER, TO THE INSIDE OF THE LIP,
4 ON THE LEFT SIDE OF THE LOWER LIP, AT THE CORNER OF
5 THE MOUTH.

6 YOU CAN SEE DRAWN HERE ON THIS ARM AND
7 THAT ARM DARKENED AREAS WHICH ARE BRUISES THAT ARE
8 FOUND ON EACH ARM.

9 THIS NOTATION INDICATES THAT THERE ARE
10 CONTUSIONS OF THE BACK OF BOTH HANDS. THEY'RE NOT
11 DRAWN IN ON THIS. I HAVE SEPARATE DRAWINGS OF THE
12 HANDS. BUT THIS JUST INDICATES THAT THERE ARE
13 CONTUSIONS ON THE BACK OF THE HANDS.

14 THERE'S A SURGICAL SCAR AT THIS
15 LOCATION. THAT'S A DIAGONAL SCAR; IT'S WELL
16 HEALED, IN THE AREA OF THE GALLBLADDER.

17 THERE'S A SMALL CONTUSION ON THIS PART
18 OF THE FRONT OF THE BODY, WHICH IS OVERLYING THE
19 HIP REGION.

20 THERE ARE MULTIPLE CONTUSION THAT IN
21 LOOKING AT THE PHOTOGRAPHS THEY'RE NOT NEARLY AS
22 PROMINENT AS THEY'RE SHOWN HERE. BUT THEY'RE ON
23 THE FRONT OF THE LEGS IN THE REGION OF THE KNEES,
24 BOTH ABOVE AND BELOW THE KNEES.

25 AND WE HAVE A NOTATION HERE THAT THERE

1 WERE NO INJURIES TO THE GENITALIA NOTED.

2 I THINK I'VE POINTED OUT ALL OF THE
3 INJURIES. THE ONLY THING FURTHER IS IT'S MENTIONED
4 HERE IN THIS WORDING THAT THERE IS A PATTERN TO THE
5 ABRASION ON THE NECK.

6 Q WHAT ABOUT THIS AREA OVER HERE ON THE
7 BACK OF HER ARM, THE BACK OF HER RIGHT ARM?

8 A AS I MENTIONED OVER HERE, THIS AND THIS
9 ARE THOSE CONTUSIONS, AND IT'S ALSO SHOWN AND
10 CHARACTERIZED ON THE BACK OF THIS RIGHT ARM. THIS
11 IS THE SAME AS THE ONE OVER HERE ON THIS...

12 Q CONTUSION IS A BRUISE?

13 A THAT'S CORRECT.

14 Q OKAY. AND AN ABRASION WOULD BE ABRADED
15 WHERE ACTUALLY THE SKIN HAS BEEN BROKEN, IS THAT
16 CORRECT?

17 A THAT'S CORRECT.

18 Q NOW, LET ME PUT THE OTHER ONE ON THERE,
19 PLEASE. THIS WOULD BE THE HANDS.

20 AND, DOCTOR, LET ME ASK YOU, TO SAVE
21 SOME TIME HERE. YOU'VE NOTED, FIRST OF ALL, UP
22 HERE. WHAT IS THIS AREA UP HERE THAT'S SHOWING?
23 THAT WOULD BE HER LEFT AND RIGHT HANDS LOOKING FROM
24 ABOVE, IS THAT CORRECT?

25 A THAT'S CORRECT. LOOKING AT THE BACK OF

1 BOTH HANDS--THIS IS THE BACK OF THE RIGHT, BACK OF
2 THE LEFT--THE DARKENED AREAS ARE THE AREAS THAT
3 SHOW BRUISING ON THE BACK OF THE HANDS. AS YOU CAN
4 SEE, THERE ARE ONLY A FEW OF THEM THAT ARE
5 OVERLYING THE ACTUAL KNUCKLE AREA OF THE PROXIMAL
6 KNUCKLES THAT WE REFERRED TO AS KNUCKLES. MOST OF
7 THEM ARE ON THE FINGERS, BELOW THE KNUCKLES, TOWARD
8 THE TIPS, ON THE BACK OF THE HANDS.

9 Q WELL, I GUESS WHAT I'M ASKING IS,
10 LOOKING AT MY HAND, THE ABRASIONS WOULD BE RIGHT
11 HERE ON MY HAND, IS THAT CORRECT? WHERE MY WEDDING
12 RING IS?

13 A THAT'S CORRECT.

14 Q IN THAT AREA? OKAY, AND THAT WOULD BE
15 ON THE LEFT HAND?

16 A THERE ARE ABRASIONS, BUT PRIMARILY WHAT
17 YOU'RE SEEING ARE CONTUSIONS. INSIDE THE BRUISE OR
18 CONTUSION, THERE ARE A FEW SCRAPES OR ABRASIONS
19 THAT ARE CHARACTERIZED ON THE DRAWING, AND WHAT
20 THIS NOTATION IS, IT'S POINTING TO THE AREAS THAT
21 ARE A LITTLE BIT DARKER WHICH ARE THE ABRASIONS
22 WHICH ARE INSIDE THE AREAS THAT ARE NOT AS DARK
23 THAT ARE THE BRUISES OR CONTUSIONS.

24 Q WELL, LET ME ASK YOU ABOUT THAT. WHEN
25 YOU SAY ABRASIONS, IF THIS AREA IS WHAT WE'RE

1 TALKING ABOUT, SHE'S GOT SOME BRUISES ON THOSE.
2 SHE'S GOT BRUISES ON HER LITTLE FINGER, THE RING
3 FINGER, THE FINGER NEXT TO IT AND THEN OVER ON THE
4 SIDE OF THE...

5 A INDEX FINGER.

6 Q ...INDEX FINGER. AND INSIDE, WHEN YOU
7 SAY INSIDE, ON THOSE BRUISES, THERE ARE SCRAPES.
8 THE SKIN HAS BEEN BROKEN, IS THAT CORRECT? IT'S
9 BEEN ABRADED AS IF, WELL, I MEAN, IT'S BEEN
10 ABRADED. THAT IS THE SKIN HAS BEEN TORN AWAY?

11 A IT STRUCK SOME HARD SURFACE, OR HAD BEEN
12 STRUCK BY A HARD ENOUGH SURFACE TO SCRAPE THE SKIN
13 AWAY.

14 Q OKAY. NOW, ON HER RIGHT HAND, AND--WAIT
15 A MINUTE. WE HAVE--THESE ARE MERELY BRUISES, IS
16 THAT CORRECT?

17 A THAT'S CORRECT.

18 Q I MEAN, I CALL THEM BRUISES, YOU CALL
19 THEM CONTUSIONS?

20 A RIGHT.

21 Q AND ON HER RIGHT HAND, WE HAVE BRUISES
22 ON THIS FINGER?

23 A THAT'S CORRECT.

24 Q DOWN HERE AND AROUND THE KNUCKLE, SAME
25 THING AROUND THE KNUCKLE ON THE INDEX FINGER?

- 1 A THAT'S CORRECT.
- 2 Q AND THEN WE'VE GOT, ACTUALLY WE'VE GOT
- 3 BRUISES AROUND HER KNUCKLES ON THAT HAND, IS THAT
- 4 CORRECT?
- 5 A THAT'S CORRECT. YOU REFERRED TO THESE
- 6 AS KNUCKLES. THESE ARE JOINTS. WE NORMALLY THINK
- 7 OF KNUCKLES AS THE HARD PART.
- 8 Q OKAY, I'M SORRY. BUT WE DO HAVE SOME
- 9 BRUISING ON HER LEFT HAND AND ON HER RIGHT HAND
- 10 AROUND THE KNUCKLES, IS THAT CORRECT?
- 11 A THAT'S CORRECT.
- 12 Q SO IF YOU'RE LOOKING AT MY HAND, SHE
- 13 WOULD HAVE BRUISES. I'M GOING TO USE THE TERM
- 14 BRUISES, BECAUSE CONTUSION IS A LITTLE DIFFICULT
- 15 FOR ME. BRUISES ON HER LEFT HAND IN THIS AREA.
- 16 SHE'S GOT BRUISES ON AT LEAST THE LAST THREE
- 17 KNUCKLES.
- 18 THESE ARE KNUCKLES?
- 19 A THAT'S RIGHT.
- 20 Q AND ON THESE BRUISES, SHE'S GOT--SHE'S
- 21 ABRADED. SHE'S RIPPED AWAY PART OF THE SKIN?
- 22 A ON THIS PART DOWN HERE.
- 23 Q ON THE LEFT HAND, RIGHT. ON THIS PART
- 24 DOWN HERE.
- 25 A BETWEEN THE JOINTS.

- 1 Q BETWEEN THE JOINTS. ALSO, SHE HAS
2 BRUISES AROUND WHERE MY WATCH IS.
3 A THEY'RE DOWN TOWARD THE WRIST, IN THIS
4 REGION. THAT'S CORRECT.
5 Q SO IT WOULD BE RIGHT AROUND HERE ON MY
6 HAND?
7 A THAT'S CORRECT.
8 Q AM I RIGHT?
9 A NO, I'M SORRY. YOU'VE GOT IT ON THE
10 OPPOSITE SIDE.
11 Q OVER HERE.
12 A LITTLE FINGER SIDE.
13 Q LITTLE FINGER SIDE. SO SOMETHING CAME
14 IN CONTACT WITH THIS PART OF HER HAND, IS THAT
15 CORRECT?
16 A THAT'S RIGHT, AND IT'S MOSTLY THE BACK
17 OF THAT HAND AS OPPOSED TO THE SIDE. BUT IT DOES
18 EXTEND AROUND TO THE SIDE.
19 Q AROUND HERE. AND ON THE RIGHT HAND,
20 WE'VE GOT BRUISES UP HERE?
21 A THAT'S CORRECT.
22 Q WHICH WOULD BE UP IN THIS, UP IN THIS
23 AREA AROUND THESE KNUCKLES, I MEAN, AROUND THESE
24 JOINTS, I'M SORRY.
25 A CORRECT.

- 1 Q AND WE'VE GOT HER KNUCKLES BRUISES. AND
2 WE'VE GOT BRUISES ON THE BACK OF HER HAND, IS THAT
3 CORRECT?
- 4 A THAT'S CORRECT.
- 5 Q AND HER LITTLE FINGER ON THAT HAND IS
6 ALSO BRUISED, IS THAT CORRECT?
- 7 A THAT'S CORRECT. ON THE INSIDE.
- 8 Q ON THE INSIDE.
- 9 A OKAY.
- 10 Q GO AHEAD AND TAKE THE STAND, PLEASE.
- 11 NOW, THESE INJURIES, AND THE SOLICITOR
12 ASKED YOU ABOUT DEFENSIVE, OR ABOUT OFFENSIVE, OR--
13 ALL YOU CAN TELL THIS JURY IS, IS THAT THESE
14 INJURIES ARE CONSISTENT WITH SEVERAL PARTS OF HER
15 HANDS COMING IN CONTACT WITH SOMETHING, WITH ENOUGH
16 FORCE TO BRUISE OR ABRADE THEM, IS THAT CORRECT?
- 17 A THAT'S CORRECT, AND YOU HAVE TO
18 RECOGNIZE THAT TO SCRAPE OR ABRADE, THE OBJECT HAS
19 TO BE FAIRLY HARD OR ROUGH, NOT PADDED.
- 20 Q WELL, I MEAN, YOU CERTAINLY IN YOUR
21 CAREER SEEN SOMEBODY ABRADE THEIR HAND ON SOMEBODY
22 ELSE'S FACE?
- 23 A NO, SIR.
- 24 Q NEVER SEEN IT HAPPEN?
- 25 A THAT JUST BRUISES. NOW YOU CAN LACERATE

1 THE FACE, BECAUSE THE BONE IS VERY CLOSE TO THE
2 SKIN, AND YOU CAN LACERATE THE HAND, IF YOU HIT AN
3 AREA THAT IS BONY. PEOPLE FREQUENTLY LACERATE THE
4 EDGE OF THEIR EYEBROW BECAUSE THE BONE IS JUST
5 UNDER THE SKIN AND THE BONE IS SORT OF POINTED.
6 AND A PERSON THAT STRIKES SOMEBODY THERE CAN
7 SOMETIME LACERATE THAT PART OF THEIR HAND, BUT MORE
8 COMMONLY, THEY SIMPLY BRUISE.

9 IN THIS CASE, THERE WAS BRUISING WITH
10 SOME ABRASION IN IT, AS WE MENTIONED EARLIER, ON
11 BOTH HANDS.

12 Q SO YOUR TESTIMONY IS WHEN SOMEBODY
13 STRIKES SOMEBODY WITH A FIST, THEY WOULD NOT
14 NECESSARILY, OR WITH THEIR HAND, THEY COULD NOT
15 ABRASE AND BRUISE, OR THEY PROBABLY WOULD NOT?

16 A NOTHING IS ABSOLUTE, BUT IN MY
17 EXPERIENCE, I HAVE NOT SEEN THAT. IT'S UNLIKELY
18 STRIKING A PADDED SURFACE, THE FACE IS CONSIDERED
19 TO BE PADDED BECAUSE YOU'VE GOT AT LEAST A QUARTER
20 INCH OF SKIN AND TISSUE BETWEEN ALL OF THE BONES,
21 AND SO YOU'RE LESS LIKELY TO HIT A BONE, A BARE
22 BONE, UNLESS YOU'VE ALREADY BARED THAT BONE BY
23 OPENING UP A LACERATION. YOU'RE LESS LIKELY TO HIT
24 THAT HARD ENOUGH TO CAUSE ANY SORT OF ABRASION.

25 Q DOCTOR, YOU'RE NOT TELLING US THAT THESE

1 BRUISES AND ABRASIONS COULDN'T HAVE BEEN CAUSED BY
2 MS. BECKHAM HITTING SOMEBODY ELSE?

3 A IN MY OPINION, IT WOULD NOT BE CAUSED,
4 THOSE THAT HAD THE ABRASIONS WOULD NOT BE CAUSED BY
5 HITTING SOMEBODY ELSE. IT WOULD BE MORE CONSISTENT
6 WITH SOMETHING HITTING HER IN THAT LOCATION, THAT
7 WAS HARD ENOUGH TO SCRAPE THE SKIN AND BRUISE THE
8 SKIN. OR HER HITTING SOME OBJECT THAT WAS HARD
9 ENOUGH TO BRUISE AND ABRASE THE SKIN. IT WOULD BE
10 VERY UNLIKELY SHE'D GET THAT FROM STRIKING ANOTHER
11 PERSON IN THAT LOCATION.

12 NOW, THE ABRASIONS ARE NOT ON THE
13 KNUCKLES.

14 Q RIGHT.

15 A THE ABRASIONS ARE ON THE FINGERS BETWEEN
16 THE JOINTS. THE BRUISES ON THE KNUCKLES COULD HAVE
17 COME FROM HITTING SOMEONE.

18 Q HITTING SOMEBODY?

19 A THAT'S CORRECT. AS YOU SAID, IT COULD
20 BE EITHER STRIKING SOMEONE ELSE...

21 Q OR STRIKING AN OBJECT.

22 A OR STRIKING AN OBJECT. BUT IN MY
23 OPINION, IT HAS TO BE BOTH, OR SHOULD HAVE BEEN
24 BOTH.

25 Q WELL, LET ME ASK YOU THIS. WHEN I SAY

1 STRIKING SOMEBODY, IF THEY HAVE ON CLOTHES THAT
2 WOULD, WOULD...WOULD THIS SHIRT I HAVE ON ABRAD
3 SOMEBODY, IF THEY STRUCK IT A GLANCING BLOW, COULD
4 IT ABRAD THEM?

5 A CORRECT, CLOTHING CAN ABRAD A PART OF
6 THE BODY BECAUSE IT'S A ROUGH SURFACE, IF IT'S A
7 TANGENTIAL-TYPE BLOW.

8 Q WHAT ABOUT LEATHER? I MEAN, IF I HAD ON
9 A LEATHER COAT RIGHT NOW AND SOMEONE STRUCK ME, A
10 GLANCING BLOW AS OPPOSED TO A HARD-ON BLOW, THAT
11 WOULD EASILY ABRAD, BECAUSE, I MEAN, IT'S A MUCH
12 ROUGHER SURFACE?

13 A IT DEPENDS ON THE SURFACE. MOST LEATHER
14 IS FAIRLY SMOOTH COMPARED TO THE ROUGHNESS OF A
15 FABRIC. BUT YES, A LEATHER GARMENT, DEPENDING ON
16 WHETHER THE GARMENT IS STRUCK TANGENTIALLY AND IT'S
17 OVERLYING A BONE PROMINENCE, COULD CAUSE AN
18 ABRASION. BUT RECOGNIZE, THOSE ABRASIONS ARE
19 DIFFERENT FROM THE ABRASIONS WE SEE HERE.

20 THE ABRASIONS WE SEE HERE ARE SMALL AND
21 TEND TO OVERLIE THE CENTRAL PART OF A BONE
22 UNDERNEATH, AS OPPOSED TO THE ABRASION YOU GET WHEN
23 YOU HIT A FLAT SURFACE, JUST AS LACERATIONS OF THE
24 SCALP THAT ARE ASSOCIATED WITH HITTING A FLAT
25 SURFACE LIKE THE PAVEMENT, ARE GENERALLY STELLATE

1 AND HAVE A ROUND SCRAPE OR ABRASION AROUND IT.
2 WHEREAS BEING HIT WITH A LINEAR OBJECT, YOU GET A
3 SMALL AREA OF LACERATION THAT HAS LITTLE TO NO
4 ABRASION. THESE ABRASIONS ARE NOT CONSISTENT WITH
5 HITTING A CLOTHING-TYPE OBJECT.

6 Q HITTING A BELT BUCKLE MAYBE?

7 A POSSIBLY A BELT BUCKLE.

8 Q BUT I GUESS WHAT I'M GETTING AT IS YOU
9 CAN'T SAY WHETHER VICKIE BECKHAM WAS HITTING
10 SOMETHING OR WHETHER SOMETHING WAS HITTING HER ON
11 HER HAND?

12 A I CAN, IN MY OPINION, AT LEAST THE AREAS
13 THAT SHOWED ABRASION AND CONTUSION WERE BLOWS TO
14 HER MORE LIKELY, WITHIN MY, WITHIN REASONABLE
15 MEDICAL CERTAINTY, WHEREAS THE ONES ON HER KNUCKLES
16 MAY HAVE BEEN FROM HER HITTING SOMETHING.

17 Q IF SHE WAS FIGHTING SOMEBODY IN THE BACK
18 SEAT OF A CAR AND WAS FLAILING OUT AT THE BACK OF
19 THAT CAR, MAKING CONTACT WITH THE BACK OF THAT CAR
20 WOULD CAUSE THOSE SAME INJURIES, WOULD IT NOT?

21 A THAT'S CORRECT, BECAUSE IF SHE HIT
22 AGAINST SOMETHING THAT WAS HARD, THAT COULD CAUSE
23 INJURIES JUST AS EASY AS SOME HARD SUBSTANCE.

24 Q SO ALL THE INJURIES TO HER HANDS ARE
25 CONSISTENT WITH HER EITHER OFFENSIVE OR DEFENSIVE,

1 EITHER FIGHTING OR TRYING TO AVOID BEING HIT?

2 A YES, THAT'S CORRECT.

3 Q EITHER OFFENSIVELY PUSHING SOMEONE AWAY
4 OR TRYING TO GET AWAY FROM SOMEONE, OR TRYING TO
5 AVOID BEING HIT, IS THAT CORRECT?

6 A YES, THAT'S RIGHT.

7 Q OKAY. NOW, LET ME GO BACK TO THE OTHER
8 SKETCH WHICH WERE INJURIES TO THE DIFFERENT PARTS
9 OF HER BODY OTHER THAN HER HANDS. AS I UNDERSTAND
10 IT, THERE ARE A NUMBER OF BRUISES TO HER LEGS, IS
11 THAT CORRECT?

12 A THAT'S CORRECT.

13 Q CAN YOU TELL WHAT KIND OF OBJECT STRUCK
14 THAT?

15 A THERE ARE NO SCRAPES OR ABRASIONS
16 ASSOCIATED WITH THOSE, SO IT COULD BE EITHER A
17 PADDED OBJECT OR A HARD OBJECT WITH A SMOOTH
18 SURFACE, COULD BE HER KICKING AGAINST SOMETHING AND
19 GETTING THAT, OR BEING STRUCK IN THAT LOCATION, OR
20 FALLING AGAINST SOMETHING.

21 Q I GUESS WHAT I'M GETTING AT HERE, WE
22 HAVE GOING, IF YOU'LL USE YOUR SKETCH, I'LL POINT
23 THEM OUT HERE. FROM THE BOTTOM UP, WE'VE GOT ONE,
24 TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT BRUISES
25 TO THE LEGS ALONE, IS THAT CORRECT?

1 A THAT'S CORRECT. AND THEY, I SHOULD
2 MENTION, AS I SAID EARLIER, THEY'RE NOT TO SCALE.
3 THEY'RE SMALLER THAN THE ONES CHARACTERIZED...

4 Q BUT HER LEGS, EITHER SOMEONE HIT HER ON
5 THE LEGS OR SHE KICKED SOMETHING WITH HER LEGS, IS
6 THAT CORRECT?

7 A YES. IN MY OPINION, THAT WOULD BE
8 CORRECT.

9 Q AND WHILE WE'RE TALKING ABOUT BRUISES,
10 DO BRUISES OCCUR BEFORE OR AFTER DEATH, OR BOTH?

11 A A BRUISE TYPICALLY OCCURS BEFORE DEATH
12 BECAUSE IT REQUIRES THE PUMPING ACTION OF THE HEART
13 TO PUSH THE BLOOD OUTSIDE OF THE BLOOD VESSELS INTO
14 THE SURROUNDING TISSUE SO IT CANNOT BE WASHED AWAY.

15 IN RARE CASES, IF THERE'S BLOOD POOLED
16 IN A LOCATION AND AN INJURY OCCURS AFTER DEATH, THE
17 FORCE OF THE INJURY CAN PUSH THIS BLOOD OUT INTO
18 THE TISSUE, BUT IN GENERAL, BRUISES OCCUR DURING
19 LIFE WHILE THE HEART IS STILL PUMPING.

20 Q SOMEWHERE ON HER LEGS, I BELIEVE IN
21 FRONT OF YOU, DAVID BLACK, WITH SLED, PROCESSED AN
22 AREA WITH AMIDO BLACK, IS THAT CORRECT?

23 A THAT'S CORRECT.

24 Q AND WHERE WAS THAT? WAS THAT AROUND ONE
25 OF THESE BRUISES?

1 A IT WAS ALL OF THE LEGS AND ALL OF THE
2 ARMS.

3 Q DID YOU SEE HIM LIFT ANY SORT OF RIDGES
4 PRINT?

5 A THERE WERE A NUMBER OF AREAS THAT WERE
6 PROMISING. I'M NOT AWARE OF WHAT CAME OUT OF WHAT
7 HE LIFTED, WHETHER ANY OF THOSE GAVE ENOUGH RIDGE
8 DETAIL TO ONE, SAY IT WAS A FINGERPRINT, OR TWO,
9 SAY WHO IT CAME FROM.

10 Q WERE ANY OF THOSE AREAS THAT SHOWED
11 PROMISE OVER ONE OF THESE BRUISES?

12 A NOT TO MY RECOLLECTION, BUT YOU'D HAVE
13 TO ASK DAVID THAT BECAUSE WHILE HE WAS DOING THAT,
14 I WAS DOING SOME OTHER ASPECT OF THE EXAMINATION.
15 BUT THEY WERE PARTICULARLY CONCENTRATING ON ANKLES
16 AND WRISTS BECAUSE THOSE AREAS HAVE LESS HAIR AND
17 THE SKIN IS A LITTLE EASIER TO PROCESS IN THOSE
18 AREAS.

19 Q DOCTOR, THESE INJURIES ARE CONSISTENT
20 WITH,-- FIRST OF ALL, LET'S ESTABLISH THIS. YOU
21 WERE NEAR MS. BECKHAM, YOU DID NOT OBSERVE WHAT
22 HAPPENED TO CAUSE HER DEATH, IS THAT CORRECT?

23 A THAT'S CORRECT. I HAVE NO FIRST HAND
24 KNOWLEDGE OF WHAT SPECIFICALLY OCCURRED AT THE TIME
25 OF HER DEATH.

1 Q SO WHAT YOU CAN TELL US IS WHETHER
2 SOMETHING IS CONSISTENT WITH OR INCONSISTENT WITH
3 THE INJURIES YOU FOUND, IS THAT CORRECT?

4 A YES, THAT'S CORRECT.

5 Q AND AREN'T THESE INJURIES CONSISTENT--I
6 MEAN, THEY'RE CONSISTENT WITH A NUMBER OF DIFFERENT
7 SCENARIOS, IS THAT NOT CORRECT?

8 A YES, THAT'S TRUE.

9 Q AND ONE OF THOSE SCENARIOS WOULD BE THAT
10 VICKIE BECKHAM, IN THE FINAL MINUTES OF HER LIFE,
11 AND WE DON'T KNOW HOW LONG, WE DON'T KNOW OVER WHAT
12 PERIOD OF TIME THESE INJURIES OCCURRED, IS THAT
13 CORRECT?

14 A THAT'S CORRECT.

15 Q IT COULD HAVE BEEN AN HOUR, AS FAR AS
16 YOU KNOW, IS THAT CORRECT?

17 A YES, THAT'S CORRECT.

18 Q DURING THAT PERIOD OF TIME, WHATEVER ITS
19 LENGTH, ISN'T IT--AREN'T THESE INJURIES CONSISTENT
20 WITH VICKIE BECKHAM FIGHTING FOR HER LIFE?

21 A CERTAINLY THE WOUNDS ON THE, THE BRUISES
22 AND ALL ON THE HANDS AND ARMS, AND THE NUMBER OF
23 INJURIES WOULD SUGGEST THAT.

24 Q YOU SAID THE INJURIES TO THE LEGS IS
25 CONSISTENT WITH HER KICKING AT SOME OBJECT OR BEING

1 STRUCK ON THE LEGS.

2 A THAT'S CORRECT.

3 Q THE INJURIES TO HER HANDS ARE CONSISTENT
4 WITH BOTH OFFENSIVE AND DEFENSIVE WOUNDS, IS THAT
5 CORRECT?

6 A THAT'S CORRECT.

7 Q INJURIES TO HER FACE WHERE SHE'D BEEN
8 BRUISED, INJURIES TO ARMS WHERE SHE'S SHOWING
9 BRUISING, ARE CONSISTENT WITH MULTIPLE BLOWS, IS
10 THAT CORRECT?

11 A YES, THAT'S CORRECT.

12 Q AND CONSISTENT WITH HER FIGHTING
13 SOMEBODY, IS THAT CORRECT?

14 A THAT'S CORRECT.

15 Q NOW, THIS INJURY TO HER HEAD, THIS GASH
16 ON THE RIGHT SIDE, IT WOULD--IT WOULD OR WOULD NOT
17 CONTINUE TO BLEED AFTER HER DEATH?

18 A BECAUSE OF IT BEING OPEN IN AN AREA
19 WHERE THE VASCULAR, THE NUMBER OF VESSELS IS VERY
20 SIGNIFICANT, OR ANYBODY THAT'S EVER SEEN SOMEONE
21 LACERATE THEIR SCALP KNOWS HOW MUCH BLOOD COMES OUT
22 DURING LIFE, DEPENDING ON THE POSITION OF THE BODY,
23 AND BECAUSE OUR BRAIN IS THE LAST PART OF THE BODY
24 TO DIE, AND SO BLOOD IS SHUNTED TO THE BRAIN AND TO
25 THE HEAD FROM THE REST OF THE BODY, YES, DEPENDING

1 ON THE POSITION OF THAT WOUND. AND AS WE POINTED
2 OUT EARLIER IN THE PHOTOGRAPH, THE WOUND WAS TILTED
3 AND DEPENDANT ON THAT SIDE OF THE HEAD, IT WAS ON
4 THE BOTTOM OF THE HEAD, IT COULD HAVE BLED AFTER
5 THAT.

6 Q WELL, IF--AND THAT WOUND WOULD CAUSE, I
7 THINK WHEN YOU AND I MET AND TALKED ABOUT THIS, YOU
8 TOLD ME THAT THAT WOUND WOULD CAUSE A LOT OF BLOOD
9 BUT WOULD NOT BE LIFE-THREATENING. IS THAT
10 CORRECT?

11 A AS FAR AS THE AMOUNT OF BLOOD LOSS?

12 Q WELL, IN TERMS OF IT WOULD NOT BE A BLOW
13 THAT WOULD BE LIFE-THREATENING IN THE NORMAL COURSE
14 OF CONDUCT. IT COULD BE SUTURED. YOU MIGHT LOSE A
15 LOT OF BLOOD, BUT IF CARED FOR WITHIN A REASONABLE
16 PERIOD OF TIME, WOULD NOT THREATEN, BE LIFE-
17 THREATENING. ISN'T THAT CORRECT?

18 A THE LACERATION ITSELF, THAT'S CORRECT.
19 WHAT CANNOT BE EVALUATED ACCURATELY IS THE EFFECTS
20 ON THE BRAIN, BECAUSE PEOPLE WHO ARE HEALTHY IN A
21 CAR TWENTY MILES AN HOUR, GO THROUGH AN
22 INTERSECTION, HIT A CAR THAT'S COMING THROUGH THE
23 INTERSECTION BY MISTAKE, SOMETIMES ONLY HAVE A
24 BRUISE ON THEIR SCALP, NOTHING IN THEIR BRAIN, AND
25 THEY DIE FROM HEAD CONCUSSION. SO THAT PEOPLE WITH

1 VERY MINIMAL INJURY CAN DIE FROM THAT INJURY TO THE
2 HEAD. IN THIS CASE, THERE WAS SOME SMALL AMOUNT OF
3 HEMORRHAGE ON THE SURFACE OF THE BRAIN IN THE
4 PIARACHNOID. BUT IN MY OPINION, BECAUSE THIS IS A
5 TANGENTIAL BLOW, I SUSPECT IT COULD NOT HAVE BEEN
6 LIFE-THREATENING AS FAR AS THE EFFECTS ON THE
7 BRAIN, AND THAT'S WHY I CONSIDER THE CAUSE OF
8 DEATH, THE MUCH MORE SERIOUS INJURE OF THE NECK AND
9 THE FRACTURE OF THE VOICE BOX.

10 SO IN GENERAL, IT WOULD PROBABLY NOT BE
11 LIFE-THREATENING.

12 Q AND IT WOULD BLEED ALMOST UPON IMPACT, I
13 MEAN, AS SOON AS WHATEVER, SO THERE WOULD HAVE BEEN
14 BLOOD COMING FROM THAT, IS THAT CORRECT?

15 A THAT'S CORRECT. AND RIGHT NOW THIS IS
16 IN THE HAIR AREA, SO THE BLOOD WOULD THEN WELL UP
17 ON THE HAIR AND DRIP OUT AS OPPOSED TO SPATTERING
18 IN MOST CASES, DEPENDING ON WHETHER THERE ARE OTHER
19 BLOWS RENDERED TO THAT SAME AREA WHERE THE BLOOD
20 HAS POOLED.

21 Q AND WOULD IT BE CONSISTENT WITH WHAT
22 YOU'VE JUST SAID THAT THAT WOUND WOULD GENERATE
23 QUITE A BIT OF BLOOD PRE-MORTEM AND POSTMORTEM?

24 A PARTICULARLY PRE-MORTEM, AND DEPENDING
25 ON POSITION, ALSO POSTMORTEM UNTIL THE BLOOD

1 DRAINED FROM THE HEAD.

2 Q AND WOULD OBJECTS COMING IN CONTACT WITH
3 HER HEAD--WELL, I MEAN, I GUESS IF IT'S GOING TO
4 WELL UP AND DRAIN DOWN HER HAIR ANYWHERE ON HER
5 HEAD AND WHERE EVER IT DRAINED, OBVIOUSLY COMING IN
6 CONTACT WITH HER THEN MIGHT, OR MOST PROBABLY WOULD
7 RECEIVE SOME CONTACT OF BLOOD, IS THAT CORRECT?

8 A IN OTHER WORDS, YOU'RE SAYING IF AN
9 OBJECT STRUCK AN AREA WHERE THE BLOOD HAD ALREADY
10 GOTTEN ONTO THE HAIR OR CLOTHING, WOULD THAT OBJECT
11 HAVE BLOOD ON IT?

12 Q RIGHT.

13 A WE'D EXPECT IT TO HAVE SOME, IF IT'S
14 HITTING AN AREA THAT BLOOD SOAKED. IF THERE'S ONLY
15 A SMALL QUANTITY OF BLOOD, IT MAY OR MAY NOT GET
16 BLOOD ON IT.

17 Q I GUESS WHAT I'M SAYING IS AS HER BODY
18 MOVES AROUND THE INSIDE OF THAT CAR, EITHER PRE-
19 MORTEM OR POSTMORTEM, BEFORE DEATH OR AFTER DEATH,
20 ANY OBJECT IT WOULD COME IN CONTACT WITH, A SEAT,
21 THE CEILING, THE DOOR, THE WINDOW, WHATEVER, WOULD
22 MORE LIKELY THAN NOT HAVE BLOOD LEFT ON IT. IS
23 THAT CORRECT?

24 A THAT'S TRUE, DEPENDING ON WHAT PART OF
25 THE BODY, WHETHER A PART OF THE BODY THAT WAS BLOOD

1 SOAKED CAME IN CONTACT WITH THAT...

2 Q AND AT LEAST INITIALLY, THE ONLY PART OF
3 HER BODY THAT'S GENERATING ANY BLOOD, WELL THE ONLY
4 WOUND, AS I UNDERSTAND IT, THAT GENERATED ANY BLOOD
5 WAS THE ONE ON THE HEAD?

6 A CORRECT. AND IT'S ON THE...

7 Q RIGHT SIDE.

8 A ...RIGHT SIDE OF THE HEAD.

9 Q I'M SORRY. NONE OF THE WOUNDS TO THE
10 NECK CAUSED ANY BLEEDING?

11 A THAT'S CORRECT.

12 Q AND NONE OF THE OTHER WOUNDS CAUSED ANY
13 BLEEDING, SO WHEN WE SEE BLOOD...

14 A THE NOSE CONCEIVABLY COULD HAVE CAUSED
15 SOME BLEEDING. THERE WAS BLOOD IN THE OUTER EDGES
16 OF THE NARES, BUT WHEN THIS WAS WIPED AWAY, AND IT
17 ACTUALLY LOOKED AS THOUGH IT MAY HAVE BEEN WIPED
18 THERE TO BEGIN WITH, WHEN IT WAS WIPED AWAY, THERE
19 WAS NO BLOOD NOTED UP INSIDE THE NOSE. BUT THE
20 ONLY INJURIES THAT WERE CLEARLY BLEEDING WAS THE
21 ONE ON THE RIGHT SIDE OF THE HEAD.

22 Q SO IF WE LOOK AT PICTURES OF THE INSIDE
23 OF THE VEHICLE IN WHICH SHE WAS FOUND AND WE SEE
24 BLOOD, EITHER HER HEAD OR SOME PART WHERE IT
25 DRAINED ONTO, OR SOMETHING, SOMEBODY, IF THEY

1 TOUCHED HERE, TOUCHED THAT AREA, IS THAT CORRECT?
2 EITHER SHE TRANSFERRED IT ON THERE OR SOMEBODY ELSE
3 TRANSFERRED IT ON THERE, IS THAT CORRECT?

4 A ASSUMING IT'S HER BLOOD, THAT WOULD BE
5 CORRECT. EITHER SOME PART OF HER BODY CAME INTO
6 CONTACT OR SOMEBODY GOT BLOODY AND TOUCHED THAT
7 AREA THEMSELVES.

8 Q AND WE WOULDN'T KNOW WHETHER IT WAS
9 SOMEBODY ELSE'S BLOOD UNLESS IT WAS TESTED, IS THAT
10 CORRECT?

11 A THAT'S CORRECT.

12 Q SO EVERYWHERE THAT YOU SEE BLOOD INSIDE
13 THE VEHICLE, UNLESS YOU TEST THAT SPECIFIC SPOT FOR
14 DNA OR FOR TYPING, YOU WOULD NOT KNOW WHETHER IT
15 WAS HER BLOOD OR SOMEBODY ELSE'S BLOOD, IS THAT
16 CORRECT?

17 A THAT'S CORRECT.

18 Q NOW, DURING YOUR AUTOPSY, YOU REMOVED,
19 AND I BELIEVE YOU HAVE A DOCUMENT CALLED EVIDENCE
20 TRANSFER, IS THAT CORRECT?

21 A YES, THAT'S CORRECT.

22 Q LET ME GO OVER SOME ITEMS AND ASK YOU IF
23 I'M CORRECT ABOUT THIS. YOU REMOVED FROM HER FACE
24 AND NECK SOME HAIR AND FIBERS, IS THAT CORRECT?

25 A THAT'S CORRECT. AND I SHOULD MENTION,

1 WHEN I SAY HAIR AND FIBERS, WE'RE LOOKING AT THIS
2 GROSSLY...

3 Q WHAT DOES THAT MEAN?

4 A THAT MEANS WE'RE JUST LOOKING AT IT WITH
5 OUR NAKED EYE. THERE'S BEEN OCCASIONS WHERE I'VE
6 CALLED SOMETHING HAIR AND FIBERS, AND IT'S ALL BEEN
7 FIBERS OR ALL BEEN HAIR. BUT LOOKING AT IT
8 GROSSLY, IT DID APPEAR TO BE HAIR AND FIBERS, AND
9 IT WAS FROM THE FACE AND NECK REGION.

10 Q BUT YOU NOTED IT AND THOUGHT IT OF
11 EVIDENTIARY VALUE, SO YOU REMOVED IT AND PUT IT IN
12 A CONTAINER AND TURNED IT OVER TO DAVID BLACK, IS
13 THAT CORRECT?

14 A YES, THAT'S CORRECT.

15 Q YOU ALSO FOUND HAIR, THEY APPARENTLY
16 BROUGHT HER IN IN A SHEET. YOU FOUND HAIR AROUND,
17 IN, ON THAT SHEET WHICH YOU REMOVED AND PUT IN A
18 CONTAINER AND GAVE TO DAVID BLACK, IS THAT CORRECT?

19 A YES, THAT'S CORRECT.

20 Q NOW, IN THIS NECK ABRASION, YOU FOUND
21 SOME MATERIAL, IS THAT CORRECT?

22 A YES. I DESCRIBED IT AS TINY, CLEAR
23 FOREIGN MATERIAL.

24 Q CLEAR, FOREIGN MATERIAL THAT HAD BEEN
25 IMBEDDED IN HER NECK?

1 A IT WAS JUST STUCK TO THE SURFACE OF THE
2 NECK.

3 Q STUCK TO THE SURFACE OF THE NECK. AN
4 OBJECT, I MEAN, IT COULD HAVE BEEN LEFT THERE, ONE
5 OF THE WAYS IT COULD HAVE BEEN LEFT THERE WAS
6 WHATEVER STRUCK HER IN THE NECK HAD THAT SUBSTANCE
7 ON IT, WHATEVER IT WAS, IS THAT CORRECT?

8 A THAT'S CORRECT. IN OTHER WORDS, IT MAY
9 HAVE BEEN PART OF THE OBJECT THAT STRUCK HER IN THE
10 NECK, OR IT MAY HAVE BEEN SOMETHING ADHERENT TO THE
11 OBJECT THAT STRUCK HER IN THE NECK, OR IT COULD
12 HAVE COME FROM OTHER SOURCES.

13 Q OKAY. BUT THAT, YOU REMOVED WITH GREAT
14 CARE AND PUT IN A VILE OR AN ENVELOPE, OR SOME
15 CONTAINER SO IT WOULD NOT BE COMPROMISED IN ANY
16 WAY, AND TURNED IT OVER TO DAVID BLACK, IS THAT
17 CORRECT?

18 A YES, THAT'S CORRECT.

19 Q YOU ALSO FOUND SOME HAIR ON HER SHIRT?

20 A AGAIN, HAIR OR FIBER. I CHARACTERIZED
21 IT AS LOOKING LIKE HAIR, AND IT WAS ON THE SHIRT.

22 Q SOMETHING YOU CONSIDERED OF EVIDENTIARY
23 VALUE?

24 A THAT'S RIGHT.

25 Q YOU PUT IT IN A CONTAINER AND GAVE IT TO

1 DAVID BLACK?

2 A YES.

3 Q YOU THEN, AS YOU'VE ALREADY TESTIFIED,
4 THERE ARE NAIL CLIPPINGS. YOU CLIPPED HER NAILS ON
5 HER RIGHT AND LEFT HANDS AND PUT THOSE IN SEPARATE
6 CONTAINERS AND GAVE THEM TO DAVID BLACK, IS THAT
7 CORRECT?

8 A YES, THAT'S CORRECT.

9 Q AND YOU ALSO TOOK SAMPLES OF HER BLOOD
10 AND HER HAIR, IS THAT CORRECT

11 A YES. YOU ALWAYS TAKE STANDARDS,
12 SOMETHING TO COMPARE, TO MAKE SURE THAT WHAT WE
13 FIND IS NOT SOMETHING FROM THE DECEDENT.

14 Q AND THE REASON YOU DO THAT IS BECAUSE
15 YOU FOUND HAIR ON HER BODY, OR IN THAT SHEET. YOU
16 WANT TO HAVE A, AND THEY CAN COMPARE THESE HAIRS,
17 IS THAT CORRECT?

18 A THAT'S CORRECT.

19 Q LOOK AT THEM AND SAY IT'S HER HAIR OR
20 NOT HER HAIR?

21 A WELL, THEY CAN SAY IT'S CONSISTENT.
22 AGAIN, UNLESS YOU DO DNA TYPING, IT'S A MATTER OF
23 SEEING THE CHARACTERISTICS ARE CONSISTENT.

24 Q AND YOU CAN DO DNA TYPING ON HAIR, CAN
25 YOU NOT?

1 A IF YOU HAVE ENOUGH. GENERALLY, IT'S DONE
2 WITH THE ROOT OF THE HAIR AND IT DOES REQUIRE A
3 CERTAIN QUANTITY.

4 Q BUT IT CAN BE DONE?

5 A IN SOME CASES, THAT'S RIGHT.

6 Q AND THE REASON YOU TOOK BLOOD WAS SO,
7 AND YOU WERE AWARE OF THE FACT THAT THERE WAS--

8 I SHOW YOU STATE'S EXHIBIT NUMBER FIVE,
9 AND THIS IS JUST ONE OF THE MANY PHOTOS. YOU WERE
10 GIVEN A NUMBER OF THE PHOTOS OF THE INTERIOR OF THE
11 VEHICLE, WERE YOU NOT?

12 A YES, I WAS.

13 Q AND THAT, YOU CAN SEE BLOOD IN THAT
14 PHOTOGRAPH?

15 A YES, YOU CAN SEE IT BOTH IN THE VEHICLE
16 AND ON THE SEAT IN THIS PHOTOGRAPH.

17 Q AND SO ONE DRAWS A KNOWN BLOOD SAMPLE SO
18 THE TESTING CAN BE DONE TO DETERMINE WHETHER OR NOT
19 THE BLOOD THAT WE SEE HERE IS HER BLOOD OR SOMEONE
20 ELSE'S BLOOD?

21 A YES, THAT'S CORRECT.

22 Q NOW, ALL OF THESE ITEMS ARE TURNED OVER
23 TO DAVID BLACK, IS THAT CORRECT?

24 A YES, SIR, THAT'S CORRECT.

25 Q AND YOU DID NOT TEST THEM, DID YOU?

1 A NO, THAT TYPE OF TESTING IS GENERALLY
2 DONE BY THE SLED LAW ENFORCEMENT LAB, OR WHERE
3 NECESSARY, SENT OUT TO A CONSULTING LAB.

4 Q OKAY. NOW, LET ME GET A LITTLE MORE
5 SPECIFIC ABOUT SOME OF THE INJURIES ON MS.
6 BECKHAM'S BODY. FIRST OF ALL, LET'S TALK ABOUT
7 THIS HEAD WOUND ON THE RIGHT SIDE. I BELIEVE
8 YOU'RE TELLING ME--

9 MS. WILLIAMSON, COME HERE, PLEASE.
10 HOW ABOUT STEP DOWN HERE FOR A SECOND,
11 PLEASE, DOCTOR.

12 WOULD YOU DEMONSTRATE ON MS. WILLIAMSON,
13 ON THE RIGHT SIDE OF HER HEAD--LET ME TURN THE
14 CHAIR THIS WAY. YEAH. SHOW ME WHAT YOU THINK THE
15 PLANE, AND IF YOU WOULD, THE ANGLE OF ATTACK. THAT
16 IS HOW, CAN YOU, BASED ON THE INJURY, FROM WHAT
17 DIRECTION THAT BLOW CAME, AND HOW IT PROCEEDED
18 THROUGH?

19 A YOU'RE REFERRING TO THE LARGER ONE ON
20 THE RIGHT SIDE OF THE HEAD?

21 Q YES.

22 A RIGHT. THE LARGER ONE ON THE RIGHT SIDE
23 OF THE HEAD IS IN THIS PLANE AS THOUGH A FORCE
24 COMES ACROSS LIKE SO, AND STRIKES THE SKIN SURFACE
25 BEHIND AND SLIGHTLY ABOVE THE EAR, AND THEN CARRIES

1 THAT TISSUE CLEAR AWAY FROM THE SCALP, BACKWARD.
2 THERE'S THE--WHEN I LOOK UNDER THE SKIN BEFORE I
3 DISSECT, THE SKIN IS NOT TOUCHING THE SCALP ON THE
4 BACK SIDE OF THE LACERATION OR THE BREAK IN THE
5 SKIN, BUT IT IS TOUCHING MOSTLY ON THE FRONT. SO
6 IT'S CONSISTENTLY WITH THIS SORT OF FORCE, OR THIS
7 SORT OF FORCE ACROSS THE RIGHT SIDE OF THE HEAD,
8 GOING FROM FRONT TO BACK, IN A NEARLY VERTICAL BUT
9 SLIGHTLY OBLIQUE FASHION SO AS TO HIT THE ROUNDED
10 SURFACE OF THE SCALP, AND A LINEAR OBJECT THEN
11 PRODUCED A CURVED LACERATION THAT PEELS IT BACK AS
12 I ILLUSTRATED, WHEN YOU CUT ACROSS SAY AN APPLE OR
13 AN ORANGE.

14 Q OKAY, NOW, LET'S TALK FOR A MOMENT ABOUT
15 THE INJURIES TO HER NECK. TELL ME, IF YOU CAN,--
16 WELL, FIRST OF ALL, IN THE FRONT OF THE NECK, I
17 UNDERSTAND THAT WOULD HAVE BEEN TO THE LEFT?

18 A CORRECT. THE INJURIES THAT ARE THE
19 SERIOUS INJURIES TO THE NECK ARE ON THE LEFT SIDE;
20 PRIMARILY THEY GO FROM THE CENTER ACROSS TO THE
21 LEFT. AND ONE OF THEM IS NEARLY HORIZONTAL ACROSS
22 THE NECK, THE ONE THAT'S THE DEEPEST. THE ONE
23 THAT'S THE MORE SHALLOW AND CAUSED LESS INJURY IS
24 SLIGHTLY OBLIQUE...

25 Q SLIGHTLY OBLIQUE. HOW ABOUT USING THE

1 POINTER AND SHOW ME THE ANGLE OF IT.

2 A THE ONE THAT'S THE DEEPEST GOES ACROSS
3 LIKE SO, HITTING IN THE FRONT ON THE ADAM'S APPLE
4 AND EXTENDING ACROSS THE LEFT SIDE OF THE NECK IN A
5 NEARLY HORIZONTAL DIRECTION. THE ONE THAT'S LESS
6 DAMAGING IS MORE LIKE THIS. THERE'S THE PORTION ON
7 THE LEFT SIDE IS HIGH, THE PORTION IN THE MIDDLE IS
8 LOW, AND IT'S BELOW THE ADAM'S APPLE.

9 Q AND CAN YOU TELL THE ANGLE, YOU TALKED
10 ABOUT THIS--THIS WOULD BE THE HORIZONTAL PLANE.
11 CAN YOU TELL AT WHAT ANGLE, WAS IT COMING UP? WAS
12 IT COMING DOWN? BASED ON THE STRUCTURE UNDERNEATH
13 THAT WAS CRUSHED, CAN YOU TELL WHICH WAY IT WAS
14 COMING?

15 A YOU REALLY CAN'T GET A FEEL FOR UP OR
16 DOWN BECAUSE THERE WAS A GREAT DEAL OF INJURY
17 UNDERNEATH, NOT ONLY TEARING OF THE MUSCLE DIRECTLY
18 UNDER THE INJURY, BUT EXTENSIVE BRUISING AND THEN
19 FRACTURING OF THE LARYNX, NOT JUST IN A SINGLE LINE
20 BUT LIKE WHEN YOU CRUSH A PINGPONG BALL, IT MAY POP
21 IN SEVERAL DIRECTIONS, AND THE LARYNX IS SIMILAR.
22 SO THE INJURY WAS EXTENSIVE ENOUGH THAT ALL I COULD
23 SAY IS IT'S MOST CONSISTENT WITH GOING STRAIGHT
24 BACK, BUT IT MAY HAVE BEEN SLIGHTLY UP OR DOWN,
25 BECAUSE IT DID HAVE TO HAVE ENOUGH FORCE STRAIGHT

1 BACK TO CAUSE THE FRACTURE OF THE SPINE, IF IN FACT
2 THE ONE FROM THE FRONT FRACTURED THE SPINE AS
3 OPPOSED TO THE ONE FROM THE BACK.

4 Q AND THERE WAS BRUISING AROUND THAT AREA,
5 IS THAT CORRECT?

6 A YOU COULD SEE BRUISING EXTERNALLY, AND
7 THERE WAS EXTENSIVE BRUISING INTERNALLY.

8 Q WHICH WOULD INDICATE IT WAS PRE-MORTEM?

9 A CORRECT.

10 Q NOW, THE ONE ON THE BACK OF THE NECK,
11 SHOW ME WHERE THAT WOULD HAVE COME.

12 A THE ONE ON THE BACK OF THE NECK RANGED
13 FROM RIGHT ABOUT THE SHOULDER LEVEL UP TO THE TOP
14 OF THE NECK. THERE WAS NO CLEAR CUT PATTERN ON THE
15 SKIN SURFACE. THERE WAS HERE JUST AT THE BASE OF
16 THE NECK, AN AREA OF BRUISING IN THE SUPERFICIAL
17 SUBCUTANEOUS TISSUE,--THAT'S THE FAT THAT'S JUST
18 UNDER THE SKIN--INDICATING THAT ONE OF THE BLOWS,
19 IF THERE WAS MORE THAN ONE, THERE WAS AT LEAST ONE,
20 OCCURRED HERE AT THE VERY BASE OF THE NECK. BUT
21 THE HEMORRHAGE EXTENDED FROM DOWN ABOUT THREE
22 INCHES BELOW THE TOP OF THE BACK OR THE BASE OF THE
23 NECK UP ALL THE WAY TO THE BASE OF THE SKULL, AND
24 WAS QUITE EXTENSIVE, INDICATING THE FORCE WAS
25 INDEED VERY, A VERY GREAT FORCE IN ORDER TO CAUSE

1 THAT MUCH CONTUSION IN THAT AREA.

2 Q LET ME HAVE MS. WILLIAMSON TURN AROUND
3 ONE MORE TIME AND LET ME ASK YOU ABOUT THE INJURIES
4 ON THE FRONT OF THE NECK.

5 FROM LOOKING AT THE PHOTOGRAPHS YOU
6 MADE, IT WOULD SEEM THAT THESE--IT WOULD HAVE BEEN
7 DIFFICULT TO GET THE OBJECT, WHATEVER STRUCK HER IN
8 THE NECK HERE, WITH HER CHIN DOWN, IS THAT CORRECT?

9 A IT WOULD BE MUCH EASIER TO GET THE
10 INJURY WITH THE HEAD BACK, BUT THERE IS JUST BARELY
11 ENOUGH CLEARANCE TO GO BY THE CHIN AND PRODUCE THIS
12 INJURY. BUT IT IS MORE CONSISTENT WITH THE HEAD
13 BENT BACK.

14 Q THERE'S NO SCRAPING OF THE TISSUE
15 UNDERNEATH HER CHIN. IN OTHER WORDS, IS THERE
16 ANYTHING TO INDICATE THAT IT GLANCED OFF ANY OTHER
17 PART OF THE FACE BEFORE IT HIT?

18 A IN ADDITION TO THESE BRUISES ON EITHER
19 SIDE, THERE IS A FAINT SCRAPE HERE ON THE CHIN, AND
20 IT COULD HAVE COME FROM THAT OR...

21 Q OR SOMETHING ELSE.

22 A ...SOMETHING ELSE.

23 Q BUT YOU CAN'T TELL US THE ANGLE OF
24 ATTACK. ALL YOU CAN TELL US IS, OR THE ORDER OF
25 THESE TWO BLOWS, IS THAT CORRECT?

1 A THAT'S CORRECT.

2 Q ALL YOU CAN TELL US IS THAT AT SOME
3 POINT--WELL, LET ME ASK YOU THIS. WOULD IT BE
4 CONSISTENT WITH LAYING HER ON HER BACK?

5 A YES.

6 Q STANDING OVER HER AND HITTING HER ON THE
7 NECK AT LEAST ONCE ON THE FRONT, OR MAYBE TWICE,
8 THEN ROLLING HER OVER AND DOING THE SAME THING
9 AGAIN WITH THESE BOLT CUTTERS? WOULD IT BE
10 CONSISTENT WITH THAT?

11 A YES, IT WOULD.

12 Q SO BOTH OF THESE INJURIES WHICH YOU HAVE
13 TESTIFIED CAUSED HER DEATH ARE CONSISTENT WITH
14 THESE BOLT CUTTERS, IS THAT CORRECT?

15 A THAT'S CORRECT. THE ONLY INJURY ON THE
16 NECK THAT'S NOT CONSISTENT WITH THE BOLT CUTTERS IS
17 THE ONE THAT'S SLIGHTLY OBLIQUE. IT'S MORE
18 CONSISTENT WITH SOME OTHER OBJECT. BUT AGAIN, IT
19 COULD BE THE BOLT CUTTERS AT A SLIGHTLY DIFFERENT
20 ANGLE.

21 Q OKAY. SO ACTUALLY, ALL THE INJURIES TO
22 HER NECK, FRONT AND BACK, ARE CONSISTENT WITH THESE
23 BOLT CUTTERS?

24 A THAT'S CORRECT.

25 Q THANK YOU, MS. WILLIAMSON.

1 AS A MATTER OF FACT, DOCTOR, LET ME ASK
2 YOU ABOUT THIS. ON JULY 12TH, 1995, DO YOU
3 REMEMBER MEETING WITH WADE FLEMMING FROM THE SOUTH
4 CAROLINA LAW ENFORCEMENT DIVISION, AND REVIEWING
5 WITH HIM...

6 A I FREQUENTLY DO NOT MAKE ANY NOTES OF
7 WHEN I TALK TO PEOPLE ABOUT CASES. I HAVE NO NOTES
8 SAYING WHEN I TALKED TO ANYONE SPECIFICALLY ABOUT
9 THIS CASE. BUT I DID TALK TO A NUMBER OF PEOPLE,
10 SO I MAY HAVE TALKED TO WADE ON THAT OCCASION.

11 Q DO YOU REMEMBER MEETING WITH WADE
12 FLEMMING WHO'S WITH THE SOUTH CAROLINA LAW
13 ENFORCEMENT DIVISION AT 5:58 P.M., --MAYBE THIS
14 WILL HELP REFRESH YOUR MEMORY.

15 A THIS IS CONSISTENT WITH US HAVING MET,
16 AND IF WADE WROTE THAT DOWN, I SUSPECT WE DID ON
17 THAT OCCASION.

18 Q OKAY, AND ON THAT OCCASION WHICH WOULD
19 HAVE BEEN JULY 12TH, 1995...

20 A YES, THAT'S CORRECT.

21 Q ...WADE FLEMMING ASKED YOU TO EXAMINE A
22 PIECE OF METAL AND A SMITH AND WESSON, .22 CALIBER,
23 SEMIAUTOMATIC PISTOL. THIS IS A SMITH AND WESSON,
24 .22 CALIBER, AUTOMATIC PISTOL, IS THAT CORRECT?

25 A THAT'S CORRECT.

1 Q AND ON THAT DATE, DID YOU TELL WADE
2 FLEMMING, THAT WOULD HAVE BEEN IN JULY, 1995, THAT
3 THIS ITEM--THAT IS A SMITH AND WESSON, .22 CALIBER,
4 SEMIAUTOMATIC PISTOL WAS NOT CONSISTENT WITH THE
5 INJURIES TO VICTORIA BECKHAM?

6 A IF WE DISCUSSED THAT ON THAT OCCASION, I
7 FEEL SURE WE DID, MY STATEMENT WOULD HAVE BEEN MORE
8 LIKELY, "THAT'S NOT CONSISTENT WITH THE FATAL ON
9 THE NECK," BECAUSE THE WEIGHT OF THAT IS NOT HEAVY
10 ENOUGH TO, IN MY OPINION, BREAK THE NECK. ALTHOUGH
11 IT COULD CONCEIVABLY FRACTURE THE LARYNX, BUT THE
12 INJURY TO THE NECK THAT MAY HAVE BEEN CAUSED BY
13 THAT PISTOL, AND IN MY OPINION IS A LITTLE MORE
14 CONSISTENT THAN IT IS WITH THE BOLT CUTTERS, IS
15 BELOW THE LARYNX ON THE LEFT SIDE.

16 Q BUT DO YOU DENY TELLING HIM ON THAT DATE
17 THAT THESE TWO, THAT IS THE PIECE OF METAL AND THE
18 SMITH AND WESSON, .22, WERE NOT THE CAUSE OF MS.
19 BECKHAM'S INJURIES? IS THAT WHAT YOU TOLD HIM?

20 A I DON'T HAVE ANY WRITTEN NOTE. AS I
21 MENTIONED, IT'S MY OPINION THAT I WOULD HAVE SAID
22 THEY WERE NOT THE CAUSE OF THE FATAL INJURIES.

23 Q OKAY, SO WHAT KILLED HER WAS NOT A BLOW
24 FROM THIS GUN? THERE'S NO QUESTION ABOUT THAT IN
25 YOUR MIND?

1 A IN MY OPINION, THAT'S TRUE. THAT WOULD
2 NOT HAVE BEEN THE WEAPON THAT WOULD HAVE KILLED HER
3 BECAUSE THE INJURY THAT'S ASSOCIATED WITH THAT IS
4 BELOW THE LARYNX WHICH IS PART OF THE CAUSE OF
5 DEATH.

6 Q OKAY. AND THE INJURY, THE ONE YOU'RE
7 TALKING ABOUT NOT CAUSE PERHAPS, WELL YOU'VE
8 ALREADY INDICATED ALL OF THEM ARE CONSISTENT WITH
9 THIS. THERE'S ONE YOU'VE GOT A QUESTION ABOUT,
10 WHICH IS CONSISTENT WITH A GUN LIKE THIS GUN, OR
11 COULD BE CONSISTENT WITH ANY WEAPON CARRIED BY
12 ANYONE, IS THAT CORRECT?

13 A THAT'S CORRECT. SOME OF THE EDGES ARE
14 SQUARED OFF SO THEY WOULD LEAVE THE PARALLEL
15 ABRASIONS THAT WERE PRESENT.

16 Q AND YOU'VE BEEN IN THIS BUSINESS FOR
17 AWHILE, THERE ARE TESTS ONE CAN RUN ON AN INANIMATE
18 OBJECT LIKE THIS TO DETERMINE WHETHER OR NOT
19 THERE'S TISSUE OR BLOOD OR ANY KIND OF TRACE
20 EVIDENCE ON SOMETHING LIKE THIS, ARE THERE NOT?
21 YOU'VE SEEN IT DONE?

22 A THAT'S RIGHT. BUT I RECOGNIZE IN THIS
23 CASE THOUGH, HITTING THE SKIN WOULD NOT NECESSARILY
24 LEAVE ANYTHING ON IT, BUT HITTING THE SCALP, YOU'D
25 EXPECT MIGHT LEAVE SOMETHING.

1 Q OH, YOU WOULD EXPECT IF THIS WERE THE
2 OBJECT THAT CAUSED THAT GAP IN HER SCALP THAT
3 SOMEWHERE ON HERE THERE WOULD BE MICROSCOPIC
4 EVIDENCE OF BLOOD OR TISSUE OR BOTH, WOULD YOU NOT?

5 A DEPENDING ON HOW IT WAS CLEANED AFTER
6 THE FACT.

7 Q OKAY. AND EVEN IF IT WAS CLEANED, THERE
8 PROBABLY OR COULD BE MICROSCOPIC EVIDENCE...

9 MR. JONES: YOUR HONOR, HE ANSWERED THE
10 QUESTION.

11 THE COURT: OVERRULED.

12 Q ...MICROSCOPIC EVIDENCE OF BLOOD OR
13 TISSUE ON AN OBJECT LIKE THIS?

14 A AGAIN, DEPENDS ON THE EXTENT...SOME
15 PEOPLE SIMPLY CLEAN THE OUTER PORTION OF THE GUN,
16 MAYBE TAKE THE GRIP OFF, OTHERS TAKE IT DOWN MUCH
17 FURTHER AND CLEAN INSIDE. BUT IF THEY DON'T CLEAN
18 INSIDE, THERE'S A CHANCE OF BEING BLOOD,
19 MICROSCOPICALLY, INSIDE THE OBJECT.

20 Q AND THESE BOLT CUTTERS, IF THEY WERE THE
21 OBJECT THAT CRUSHED VICKIE BECKHAM'S LARYNX AND
22 THROAT AND THEN BROKE HER NECK, AND SHE WAS STRUCK
23 WITH IT MULTIPLE TIMES, YOU WOULD EXPECT, BASED ON
24 THE CONDITION OF HER BODY, THAT THERE WOULD BE A
25 STRONG PROBABILITY THERE WOULD BE BLOOD OR TISSUE

1 OR BOTH ON THEM SOMEWHERE?

2 A ASSUMING THAT THE INJURIES TO THE HEAD
3 OCCURRED PRIOR TO THE INJURIES TO THE NECK, AND THE
4 OBJECT STRUCK AN AREA WHERE THERE WAS BLOOD
5 ALREADY, YOU'D EXPECT BLOOD TO GET ON THE OBJECT.
6 BUT AGAIN, WHETHER THERE BLOOD ON IT WHEN IT'S
7 FOUND WOULD DEPEND ON HOW WELL IT'S CLEANED.

8 Q IF SOMEONE TESTIFIED THAT SHE WAS
9 COVERED IN BLOOD BEFORE THEY STRUCK HER WITH THIS,
10 WOULD YOU EXPECT TO FIND BLOOD ON THE BOLT CUTTERS?

11 A I'D EXPECT THERE TO HAVE BEEN BLOOD ON
12 THE BOLT CUTTERS AT THAT TIME, IF THEY HIT THE AREA
13 THAT WAS BLOODY, WHICH PROBABLY WOULD HAVE IN THE
14 BACK. BUT AGAIN, DEPENDING ON HOW WELL THEY WERE
15 CLEANED BEFORE THEY WERE PICKED UP BY POLICE, THEY
16 MAY OR MAY NOT SHOW THAT BLOOD.

17 Q SURE. AND WE SEE ON THE BOLT CUTTERS
18 THERE ARE A NUMBER OF PLACES THAT DIRT OR BLOOD, OR
19 ANY KIND OF WHAT WE WOULD CALL TRACE EVIDENCE COULD
20 BE CAPTURED, IS THAT CORRECT?

21 A YES, THAT'S CORRECT.

22 Q IN OTHER WORDS, THE MORE CREVICES, THE
23 MORE, LIKE AROUND THESE NUTS AND AROUND THIS PLATE,
24 THE MORE OF THAT KIND OF AREA YOU HAVE, THE MORE
25 CHANCE THAT EVIDENCE--WHEN I SAY EVIDENCE, TRACE

1 EVIDENCE, BLOOD, TISSUE, HAIR, THOSE KINDS OF
2 THINGS WOULD GET JAMMED UP IN THERE, IS THAT
3 CORRECT?

4 A YES, THAT'S CORRECT.

5 Q SO TO CLEAN THEM AND REMOVE THAT, YOU'D
6 HAVE TO UNDO THE BOLTS PERHAPS AND SCRUB IT DOWN
7 REAL WELL?

8 A EITHER THAT OR EMERGE IT IN SOMETHING
9 THAT WOULD GET INTO THOSE AREAS, RECOGNIZING THAT
10 SOMETIMES BLOOD WILL GET IN A CREVICE AND GO INSIDE
11 THE CREVICE IF THERE'S ENOUGH BLOOD THERE. BUT
12 HERE YOU'RE TALKING ABOUT STRIKING AN AREA THAT
13 MIGHT HAVE BLOOD ON IT, NOT NECESSARILY POOLED, SO
14 IT MAY NOT HAVE GOTTEN INTO THE CREVICES, BUT IT
15 CERTAINLY CAN.

16 Q BUT YOU WOULD WANT TO, IF SOMEONE MADE
17 THE ALLEGATION THIS WAS USED TO KILL VICKIE
18 BECKHAM, AFTER THEY OBSERVED HER FACE AND HEAD AND
19 BODY COVERED IN BLOOD, YOU WOULD EXPECT TO AT LEAST
20 EXAMINE THE BOLT CUTTERS, IS THAT CORRECT?

21 A THAT'S NOT MY AREA OF EXPERTISE, BUT
22 NORMALLY YOU WOULD EXPECT THEM TO BE EXAMINED AND
23 CHECKED.

24 Q NOW, GIVE ME JUST A COUPLE OF MINUTES
25 HERE AND I THINK I CAN FINISH THIS.

1 DOCTOR, IN TERMS OF THE FORENSIC
2 EXAMINATION OF THE VEHICLE, DO YOU PARTICIPATE IN
3 THAT AT ALL?

4 A NO, I DIDN'T.

5 Q WERE YOU ASKED BY SLED, OR WERE YOU AT
6 ANY POINT ASKED TO GIVE YOUR OPINION AS TO WHETHER
7 OR NOT THERE SHOULD BE--LET'S SAY FOR THE SAKE OF
8 ARGUMENT, NOT FOR THE SAKE OF ARGUMENT. LET'S SAY,
9 HYPOTHETICALLY, THAT VICKIE BECKHAM WAS SITTING
10 UPRIGHT IN THE DRIVER'S SEAT OF THIS VEHICLE WHEN
11 THAT FIRST BLOW CAME TO HER HEAD. THIS IS A
12 MAXIMA, A RELATIVELY SMALL VEHICLE.

13 A RIGHT.

14 Q WITH A RELATIVELY SMALL AMOUNT OF
15 CLEARANCE BETWEEN SOMEONE'S HEAD AND THE TOP OF THE
16 VEHICLE. WERE YOU EVER ASKED BY THE POLICE WHETHER
17 OR NOT IF SUCH A GLANCING BLOW THAT WOULD PRODUCE
18 THAT CUT WOULD LEAVE BLOOD ON THE ROOF OF THE--WHEN
19 I SAY THE ROOF, THE--I WANT TO SAY CEILING, THE
20 INSIDE FABRIC COVERING OF THAT ROOF OR CEILING?

21 A I KNOW WE DISCUSSED A NUMBER OF THINGS
22 ABOUT THE SCENE WHERE THE CAR WAS FOUND AND THE
23 DECEASED FOUND IN IT. I DON'T RECALL THAT SPECIFIC
24 QUESTION BEING ASKED. I KNOW WE DISCUSSED THE
25 POSSIBILITY YOU MIGHT EXPECT BLOOD TO BE ON THE

1 CEILING BECAUSE OF THE CLOSE PROXIMITY AND BECAUSE
2 OF THE DIRECTION OF THE BLOW. BUT RECOGNIZE THE
3 HAIR ITSELF CAN TEND TO MUFFLE OR SUBDUE THAT SO
4 THAT YOU MAY OR MAY NOT MORE COMMONLY, THE BLOOD
5 SPATTERS THAT GET ON FABRIC AND OTHER PARTS OF THE
6 CAR COME WHEN A SECOND BLOW HITS A BLOODY AREA.
7 BUT THE SCALP IS FAIRLY BLOODY TO BEGIN WITH AND
8 DOES BLEED VERY RAPIDLY, SO YOU CAN GET IT WITH THE
9 FIRST BLOW IN THAT PARTICULAR AREA BECAUSE IT'S
10 DEEP ENOUGH, SOMETIMES YOU DON'T BECAUSE EITHER THE
11 BLOOD IS NOT THERE IN THAT BIG A HURRY OR BECAUSE
12 THE HAIR DOES PREVENT IT FROM SPATTERING. PLUS THE
13 OTHER BLOWS WERE ALL IN OTHER AREAS SEPARATE FROM
14 THAT, AND WERE SMALLER AREAS. THE LACERATIONS DID
15 NOT GO ALL THE WAY TO THE SKULL AND OPEN UP THE
16 SCALP. THEY DID IN SOME PLACES GO ALL THE WAY TO
17 THE SKULL BUT LEFT A VERY SMALL OPENING.

18 Q OKAY, NOW IF THE BLOWS--LET ME REFER YOU
19 TO STATE'S EXHIBIT THIRTY-FIVE. LET ME SHOW IT TO
20 YOU AND THEN I'LL PUT IT ON THE SCREEN UP HERE.

21 YEAH, THAT WILL WORK.

22 LOOKING AT, AND I THINK YOU MIGHT HAVE
23 THE SAME PICTURE, IS THAT CORRECT?

24 A I DO. I HAVE A SIMILAR PICTURE. IT'S
25 FROM THE OPPOSITE SIDE, BUT IT'S SIMILAR.

1 Q OKAY. WELL, I WANT--IF YOU COULD STEP
2 DOWN HERE A MOMENT, PLEASE. LET ME POINT OUT AN
3 AREA HERE.

4 IF YOU WERE TOLD THAT VICKIE BECKHAM WAS
5 LAYING FEET UP HERE AND HEAD DOWN HERE WHEN THE
6 BLOWS WERE DELIVERED WITH THAT PAIR OF BOLT
7 CUTTERS, FIRST TO THE FRONT AND THEN TO THE BACK.
8 IN OTHER WORDS, SHE WAS LAYING ON HER BACK AND HIT
9 IN THE NECK WITH THE BOLT CUTTERS.

10 FIRST OF ALL, IF SHE'S ON HER BACK AND
11 SHE'S COVERED IN BLOOD, HEAD'S COVERED IN BLOOD,
12 YOU WOULD FIRST OF ALL EXPECT TO SEE--AND THESE ARE
13 CLOTH SEATS. YOU WOULD EXPECT TO SEE BLOOD SOAKED
14 IN HERE, WOULD YOU NOT?

15 A IT WOULD DEPEND UPON WHERE THE HEAD WAS
16 IN RELATION TO THIS PORTION OF THE SEAT. IF IT'S
17 HANGING OFF THE SEAT, YOU MIGHT EXPECT TO SEE IT
18 MORE LIKELY HERE OR ON THE GROUND. IF IT'S ON THE
19 SEAT, YOU'D EXPECT SOME TO COME ACROSS THE SEAT.

20 Q BUT YOU WOULD EXPECT TO SEE BLOOD IN
21 THIS AREA SOMEWHERE, YOU WOULD?

22 A I WOULD AT SOME POINT THERE BECAUSE OF
23 THE AMOUNT OF BLOOD COMING OUT OF THE SCALP AND WE
24 SEE BLOOD COMING OUT OF THE SCALP BETWEEN THE SEATS
25 WHEN SHE'S THERE AFTER HER DEATH.

1 Q AND YOU LOOKED AT THIS PHOTOGRAPH. DO
2 YOU SEE ANY BLOOD DRIPPING DOWN IN HERE OR BLOOD
3 HERE?

4 A I DON'T IN EITHER PHOTOGRAPH, BUT AGAIN,
5 THE IS ALWAYS VARIABLE DEPENDING ON HOW WELL
6 SOMEBODY TRIES TO CLEAN UP AFTER THE FACT.

7 Q OKAY. WELL, LET ME ASK YOU THIS. IF
8 SHE'S LAYING HERE ON THIS PLANE, FACE UP, OKAY?
9 AND SHE'S HIT WITH THE BOLT CUTTERS, WHICH SIDE OF
10 THE--AND YOU'RE SWINGING DOWN, OKAY? WHICH SIDE OF
11 THE NECK WOULD THE BOLT CUTTERS COME IN CONTACT
12 WITH FIRST, IF IT'S GOING TO BE OFF-CENTER, IT'S
13 GOING TO HIT ON ONE SIDE OR THE OTHER, IF SHE'S
14 LAYING FACE UP?

15 A IF YOU'RE ASSUMING SHE'S PERPENDICULAR
16 TO THE DOOR JAM...

17 Q SHE'S LAYING LIKE THIS. LAYING ON HER
18 BACK WITH HER HEAD BACK.

19 A SHE COULD BE SLIGHTLY OFF-CENTER, BUT IF
20 SHE'S PERPENDICULAR, THE LEFT SIDE WOULD COME IN
21 CONTACT A LITTLE SOONER THAN THE RIGHT.

22 Q THE LEFT OR THE...?

23 A BUT IF SHE'S...

24 Q NOW, HER HEAD IS THIS WAY...

25 A BUT IF SHE'S OFF-CENTER...

- 1 Q HER HEAD IS THIS WAY NOW.
- 2 A CORRECT.
- 3 Q OKAY, SO HER--THAT'S RIGHT, HER LEFT
- 4 SIDE.
- 5 A BUT IF SHE'S OFF-CENTER A LITTLE BIT
- 6 THEN THE BOLT CUTTERS COULD HIT STRAIGHT ACROSS.
- 7 Q STRAIGHT ACROSS. AND THE SWINGING OF
- 8 THE BOLT CUTTERS WOULD HAVE TO BE ON THIS PLANE, IS
- 9 THAT CORRECT?
- 10 A THAT'S RIGHT. THROUGH THE OPEN DOORWAY.
- 11 Q THROUGH THE OPEN DOORWAY. IT WOULD HAVE
- 12 TO CLEAR THE TOP OF THE DOOR.
- 13 A THAT'S RIGHT.
- 14 Q AND WOULD HAVE TO HAVE ENOUGH ROOM TO
- 15 COME DOWN THROUGH THE TOP OF THE DOOR AND THEN
- 16 STRIKE HER NECK, IS THAT CORRECT?
- 17 A YES, THAT'S CORRECT.
- 18 Q AND WOULD YOU WANT TO KNOW WHAT THE
- 19 CLEARANCE AREA WAS BETWEEN THE TOP OF THE DOOR...
- 20 IN OTHER WORDS, IF I AM ATTEMPTING TO SWING THROUGH
- 21 AN OPEN DOOR TO HIT HER IN THE NECK, HER HEAD OR
- 22 NECK WOULD HAVE TO BE, RELATIVE TO THIS, HAVE TO BE
- 23 OUT, IS THAT CORRECT?
- 24 A YES, IN MY OPINION IT PROBABLY WOULD
- 25 HAVE TO BE OUT SOME. ALTHOUGH, RECOGNIZE YOU'VE

1 GOT AN ARCH, DEPENDING ON WHETHER THE PERSON DOING
2 THIS IS REAL TALL OR WHETHER THEY BEND DOWN. THEY
3 COULD CHANGE THAT ARCH SO THAT THE ARCH WOULD NOT
4 TOUCH UP HERE AND STILL HIT AN OBJECT DOWN HERE.

5 Q BUT IF YOU'RE SWINGING LIKE THIS, IF THE
6 TESTIMONY IS YOU SWUNG STRAIGHT DOWN, THE HEAD
7 WOULD HAVE TO BE OUT FROM THE SEAT A LITTLE BIT TO
8 MAKE CONNECTION WITH THAT PART OF THE NECK?

9 A IN MY OPINION, THAT WOULD BE THE MOST
10 CONSISTENT.

11 Q AND IT'S CONSISTENT WITH HER HEAD LYING
12 BACK OFF THE SEAT?

13 A MORE LIKELY, SINCE THERE'S VERY LITTLE
14 BLOOD ON THE SEAT, BUT AGAIN, THERE IS ENOUGH
15 CLEARANCE HERE, DEPENDING ON WHETHER THE PERSON
16 BENT THEIR LEGS SO THAT THEY MIGHT GET SOMEBODY
17 WHOSE HEAD STILL IS FAIRLY...

18 Q AND IF THEY WERE GOING TO ROLL THEM OVER
19 AND DO THE SAME THING, IN OTHER WORDS, THE HEAD
20 AREA, FRONT AND BACK, BASED ON THE SCENARIO I GAVE
21 YOU, WOULD COME IN CONTACT WITH THIS CAR IN THIS
22 AREA, IS THAT CORRECT?

23 A THAT'S CORRECT. THE RIGHT SIDE OF THE
24 HEAD WOULD BE TO THE RIGHT INITIALLY, AND THEN FACE
25 DOWN. IF THAT WAS SECOND, THE RIGHT SIDE WOULD BE

1 CLOSER TO THE BACK PORTION OF THE SEAT.

2 Q AND IF YOU'D HEARD THAT HER HEAD AND
3 FACE WERE COVERED IN BLOOD, YOU WOULD EXPECT TO SEE
4 A LOT, OR SOME TRACE OF BLOOD IN THIS AREA RIGHT
5 HERE?

6 A RECOGNIZE THERE ARE SEVERAL VARIABLES.
7 IT TAKES ABOUT THREE MINUTES FOR BLOOD TO DRY. IF
8 THERE'S BLOOD ALL OVER THE FACE AND HEAD THAT'S
9 DRIED THEN YOU WOULDN'T GET IT. IF THE BLOOD IS
10 STILL DRAINING, YOU WOULD EXPECT TO SEE SOME DROPS.
11 AND WITH THE FORCE OF THE BLOW, YOU MIGHT SEE WHAT
12 I HAVE SEEN ON SOME PHOTOGRAPHS THAT WERE SHOWN OF
13 THE DOOR, SOME SPATTERS THAT WERE UP THE DOOR.

14 Q ON THE INSIDE OF THE DOOR WHICH WOULD
15 HAVE BEEN OPEN?

16 A INSIDE OF THE OPEN DOOR ON THE PASSENGER
17 SIDE, REAR.

18 Q BUT YOU WOULDN'T EXPECT TO SEE ANY BLOOD
19 HERE?

20 A AGAIN, YOU EXPECT IF YOU HIT HERE, THE
21 HEAD COMES FORWARD AND THE BLOOD WOULD TEND TO GO
22 UP AND THEN DRIP BACK DOWN, IF YOU'RE LYING ON YOUR
23 BACK.

24 Q I MEAN THIS IS THE SAME BODY THAT TWO
25 HOURS LATER HAS COAGULATED. AS A MATTER OF FACT,

- 1 IT'S DRAINING DOWN THROUGH THE TRANSMISSION ONTO
2 THE GROUND. I MEAN, A GREAT AMOUNT OF BLOOD; AS A
3 MATTER OF FACT, IT SEEPED ALL THE WAY UNDERNEATH
4 THE PASSENGER SEAT AND THEN OUT OF THE CAR. SO WE
5 KNOW IT'S NOT COAGULATED AT THAT POINT, DON'T WE?
6 A CORRECT. WELL, NO, WE DON'T KNOW THAT
7 BECAUSE BLOOD CAN CLOT AND THEN BE RE-OPENED. IN
8 OTHER WORDS, UNTIL IT ACTUALLY HEALS, YOU CAN HAVE
9 AN INJURY, ALL OF US HAVE HAD INJURIES THAT THE
10 DOCTOR HAD TO OPEN UP SO IT WOULD BLEED SOME MORE
11 AFTER YOU GET TO THE HOSPITAL. SO THE INJURY COULD
12 HAVE BEEN DRIED AND PARTIALLY CLOTTED AT THIS TIME,
13 MAY OR MAY NOT HAVE OPENED UP. THEN IN MOVING THE
14 BODY TO THE DRIVER'S SEAT, IT MAY HAVE OPENED IT UP
15 AGAIN AND BLED AT THAT TIME.
- 16 Q BUT BASED ON THE DESCRIPTION, "SHE'S
17 COVERED IN BLOOD," YOU WOULD MORE PROBABLY THAN NOT
18 EXPECT THERE TO BE BLOOD IN THIS AREA?
- 19 A WELL, AGAIN, NOT KNOWING WHETHER THEY'RE
20 DESCRIBING BLOOD SOAKED INTO CLOTHING AND DRIED, OR
21 BLOOD FLOWING, COULD BE DIFFICULT TO SAY.
- 22 Q IT'D BE DIFFICULT TO SAY, BUT IF IT WERE
23 FLOWING, IF IT HADN'T COAGULATED...
- 24 A IF IT HAD NOT COAGULATED AND WAS
25 FLOWING, THEN YOU WOULD EXPECT TO SEE BLOOD THERE.

1 IF IT HAD DRIED, EITHER ON THE CLOTHING AS I SAW
2 IT, OR ON THE FACE AS I SAW IT WHERE IT HAD DRIED
3 AND APPARENTLY BEEN WIPED SOME BECAUSE WHEN BLOOD
4 IS WIPED, YOU GET SORT OF A PATTERN, AND THERE WAS
5 EVIDENCE OF THE BLOOD BEING SMEARED ON THE FACE AS
6 OPPOSED TO JUST RUNNING DOWN FROM THE INJURIES ON
7 THE RIGHT SIDE.

8 Q BUT LET'S SAY FOR THE SAKE OF ARGUMENT,
9 AND I'M REFERRING YOU TO STATE'S EXHIBIT NUMBER
10 THIRTY-THREE...LET ME SEE IF THIS SHOWS UP IN
11 ENOUGH DETAIL. I MAY HAVE TO...

12 OKAY, I THINK YOU HAVE A COPY OF THAT
13 PHOTOGRAPH?

14 A I DO.

15 Q YOU'VE GOT PART OF IT.

16 A PART OF IT'S GOT A...

17 Q OKAY, AND WHAT WE SEE, AND I'LL PULL IT
18 DOWN AND HAND IT OUT TO THE JURY IN JUST A MINUTE,
19 IS WHAT WE SEE IS UP IN THIS AREA IS SOME BLOOD
20 THAT LOOKS WIPED, DOES IT NOT?

21 A I DON'T SEE--DID YOU SAY WIPED?

22 Q WIPED.

23 A WIPED, YES, THERE'S...

24 Q AS IF SOMETHING WITH BLOOD ON IT HAD
25 COME AND TRAVELLED ACROSS THAT SURFACE.

1 A THAT'S CORRECT. HERE IN THIS AREA AND
2 DOWN A LITTLE LOWER, THERE'S SEVERAL AREAS THAT
3 LOOK LIKE LINEAR WIPE OF BLOOD CONSISTENT WITH
4 HAIR...

5 Q HAIR, THAT'S RIGHT. THAT'S RIGHT. AND
6 WHEN WE LOOK DOWN IN THIS AREA RIGHT HERE AND HERE,
7 WE SEE NO SUCH BLOOD, IS THAT CORRECT?

8 A I DON'T HAVE THIS...

9 Q OKAY, LET ME--I'LL PULL THE ORIGINAL OFF
10 AND LET YOU LOOK AT IT. AND THAT WOULD BE STATE'S
11 EXHIBIT NUMBER THIRTY-THREE.

12 A THERE MAY BE BLOOD IN THIS PHOTOGRAPH IN
13 THAT LOCATION, BUT IT'S NOT AS EVIDENT AS THE BLOOD
14 THAT'S HERE ON THE DOOR. I DON'T SEE ANY IN THIS
15 PHOTOGRAPH, LOOKING ONLY AT THE PHOTOGRAPH AND NOT
16 AT THE CAR ITSELF.

17 Q WELL, YOU KNOW, SLED FORENSIC FOLKS
18 EXAMINED THIS CAR IN GREAT DETAIL, BOTH AT THE
19 SCENE AND AT THE SLED LAB, IS THAT CORRECT?

20 A THAT'S MY UNDERSTANDING.

21 Q OKAY. SO IF YOU'RE NOT ABLE TO, THEY
22 SHOULD BE ABLE TO TELL US WHERE BLOOD WAS FOUND, IS
23 THAT CORRECT?

24 A THAT'S RIGHT.

25 Q GO AHEAD AND TAKE THE STAND AGAIN,

1 PLEASE.

2 THE EVIDENCE--MAYBE I'VE ALREADY ASKED
3 YOU THIS. I JUST WANT TO MAKE SURE IN CASE I
4 MISSED IT. ALL THE TRACE EVIDENCE YOU TOOK OFF HER
5 BODY, YOU GAVE TO DAVID BLACK, AGENT WITH SLED, IS
6 THAT CORRECT?

7 A YES, THAT'S CORRECT.

8 Q WHEN DID YOU DO THAT?

9 A THAT WAS DONE ON THE DAY OF THE AUTOPSY,
10 AT 6:15 IN THE EVENING.

11 MR. HARPOOTLIAN: OKAY. BEG THE COURT'S
12 INDULGENCE JUST ONE MOMENT, PLEASE.

13 Q DOCTOR, JUST A COUPLE MORE QUESTIONS.
14 YOUR DATA WAS FORWARDED TO THE F.B.I. SO THEY COULD
15 PERHAPS ASSIST YOU IN DETERMINING A TIME OF DEATH,
16 IS THAT CORRECT?

17 A NO, IT WAS NOT.

18 Q LET ME ASK YOU TO LOOK AT THIS DOCUMENT.
19 LET ME ASK YOU, HAVE YOU EVER SEEN THIS DOCUMENT
20 BEFORE? MAYBE I'M GETTING MY TERMINOLOGY WRONG.
21 HAVE YOU EVER SEEN THAT DOCUMENT BEFORE?

22 A NO, I HAVE NOT. I RECALL THIS. THE
23 F.B.I., ONE OF THE PERSONS FROM THE ARMED FORCES
24 INSTITUTE OF TECHNOLOGY, MAJOR STEVE COGWELL, CAME
25 AND HELPED REVIEW THE CASE HERE. I DON'T HAVE A

1 COPY OF THIS REPORT THOUGH. IT WAS NOT SENT TO
2 MYSELF.

3 Q YOU NEVER RECEIVED A COPY OF THAT
4 REPORT?

5 A NO, I DON'T HAVE ONE IN THE FILE.

6 Q YOU WOULD NOT DISAGREE WITH THEIR
7 FINDINGS, WOULD YOU?

8 A LET ME FINISH READING IT.

9 Q GO AHEAD.

10 A DO YOU HAVE A COPY THAT DOESN'T HAVE
11 PART OF THE WORDING OBLITERATED?

12 Q WELL, LET ME LOOK. YES, I SURE DO. I
13 BELIEVE THIS IS THE SAME THING. I APOLOGIZE, I
14 THOUGHT THAT WAS PART OF YOUR FILE. IS THAT THE
15 SAME ONE?

16 A IT'S STILL A PART OF IT--I SEE MOST OF
17 IT HERE THOUGH.

18 Q DO YOU WANT ME TO SEE IF I CAN GET THE
19 ORIGINAL FROM THE SOLICITOR?

20 A THAT'S FINE.

21 I'M NOT SURE I WOULD AGREE WITH DR.
22 COGWELL'S STATEMENT THAT IT COULD BE AS EARLY AS
23 8:30, BUT I WOULD NOT TOTALLY DISAGREE WITH THAT.
24 IN OTHER WORDS, HE GIVES A TIME INTERVAL BETWEEN
25 6:15 AND 9:30, WITH THE LIKELIHOOD OF THE DEATH

1 BEING CLOSER TO THE FRONT OF THAT WINDOW. AND HE
2 SAYS 7:30 PLUS OR MINUS AN HOUR. I WOULD BE MORE
3 PRONE TO SAY LESS THAN THAT, OR CLOSER TO THE
4 EARLIER TIME LIMIT.

5 Q DO YOU KNOW THIS PERSON?

6 A OH, YES. HE'S ONE OF MY STUDENTS.

7 Q HE'S ONE OF YOUR STUDENTS. DID HE GET A
8 PASSING GRADE?

9 A SURE DID. HE MADE VERY GOOD GRADES.

10 Q AND HE WOULD ESTIMATE THAT, HE SAYS
11 7:30, PROBABLY CLOSER TO 8:30, AND YOU SAY 7:30,
12 PROBABLY CLOSER TO 6:30?

13 A NO, HE SAYS IN THAT WINDOW BETWEEN 6:30
14 AND I THINK 9:30.

15 Q SO 6:15 TO 9:30.

16 A SIX-FIFTEEN TO 9:30. HE SAYS, "CLOSER
17 TO THE FRONT OF THAT WINDOW, SAY AROUND SEVEN
18 O'CLOCK, PLUS OR MINUS AN HOUR." I THINK IT'S
19 CERTAINLY WITHIN THE RANGE OF SEVEN O'CLOCK, BUT
20 MINUS AS OPPOSED TO PLUS AN HOUR. BUT AGAIN, WE
21 CAN'T BE THAT PRECISE, SO I'M NOT IN DISAGREEMENT
22 TOTALLY WITH DR. COGWELL'S OPINION.

23 Q I WANT TO SHOW YOU THIS PHOTOGRAPH.
24 DOES THAT APPEAR TO BE ANOTHER ONE OF THE
25 PHOTOGRAPHS OF THE INTERIOR OF THE VEHICLE?

1 A IT IS.

2 Q ALL RIGHT.

3 MR. HARPOOTLIAN: YOUR HONOR, I WOULD

4 LIKE TO OFFER THIS INTO EVIDENCE.

5 THE COURT: ANY OBJECTION?

6 MR. JONES: NO OBJECTION, YOUR HONOR.

7 COURT REPORTER: DEFENDANT'S SIXTEEN.

8 (SO MARKED AND ENTERED, WITHOUT

9 OBJECTION.)

10 Q LET ME THROW THIS UP ON THE SCREEN, IF I

11 COULD.

12 A I MAY NEED TO SEE YOUR COPY. I DON'T

13 HAVE THAT ONE.

14 Q WELL, I'M NOT GOING...YEAH, I MEAN, WE

15 CAN PROBABLY, WHAT I'M GOING TO ASK YOU FOR IS NOT-

16 -LET ME GET A LITTLE FOCUS HERE. GREAT, THANK YOU.

17 LET ME GET YOU TO STEP DOWN HERE FOR

18 JUST A SECOND.

19 DOWN IN THIS AREA, WE SEE A REARVIEW

20 MIRROR, IS THAT CORRECT?

21 A YES, THAT'S CORRECT.

22 Q AND THIS IS A PHOTOGRAPH OF THE VEHICLE

23 WHICH VICTORIA BECKHAM'S BODY WAS FOUND, IS THAT

24 CORRECT?

25 A THAT'S MY UNDERSTANDING, IT IS.

1 Q GO AHEAD AND TAKE YOUR SEAT AGAIN,
2 PLEASE.

3 MY QUESTION IS WHEN, IF THEY DID, DID
4 ANYONE BRING THIS REARVIEW MIRROR TO YOU TO SHOW IT
5 TO YOU TO SEE IF IT WAS CONSISTENT WITH ANY OF THE
6 INJURIES TO VICTORIA BECKHAM? DID ANYBODY EVER
7 BRING IT TO YOU?

8 A I REMEMBER SEEING IT IN THE PHOTOGRAPH.
9 I DON'T SPECIFICALLY REMEMBER SEEING THE MIRROR
10 ITSELF. I DON'T REMEMBER HOLDING IT TO GET A FEEL
11 OF IT.

12 Q YOU DON'T KNOW WHAT KIND OF EDGE IT HAD
13 ON IT?

14 A FROM THE PHOTOGRAPH, YOU CAN GET A FEEL
15 FOR IT BUT NO, I DON'T KNOW SPECIFICALLY WHAT TYPE
16 OF EDGE, ALTHOUGH THEY'RE GENERALLY SORT OF
17 ROUNDED. BUT IT'S A STRAIGHT EDGE ON THE SURFACE
18 WHERE THE MIRROR IS LOCATED.

19 Q AND SO YOU CAN'T, YOU DON'T HAVE ENOUGH
20 INFORMATION TO TELL US WHETHER THAT MIRROR IS
21 CONSISTENT OR INCONSISTENT...I MEAN, YOU CAN'T TELL
22 US WHETHER IT CAUSED ANY OF THE INJURIES, WHETHER
23 IT DID OR DIDN'T BECAUSE YOU HAVEN'T EXAMINED IT
24 AND HAVEN'T HAD A CHANCE TO COMPARE IT TO HER
25 INJURIES, IS THAT CORRECT?

1 A THAT'S CORRECT. ALTHOUGH MIRRORS,
2 GENERALLY, ALTHOUGH THAT LOOKS VERY LARGE, ARE
3 LIGHTER THAN THE TYPE OF MATERIAL THAT WOULD BE
4 REQUIRED SAY TO CAUSE THESE THAT GO DOWN AND INDENT
5 THE SKULL BEHIND THE EAR. BUT THEY CERTAINLY COULD
6 LAY OPEN THE SCALP ON THE RIGHT SIDE.

7 Q BUT THAT MIRROR IS RIPPED FROM--IT'S NOT
8 WHERE IT'S SUPPOSE TO BE, YOU WOULD AGREE?

9 A THAT'S CORRECT. IT'S IN THE FLOOR AS
10 OPPOSED TO BEING ON THE WINDSHIELD.

11 Q AND IT'S ATTACHED TO THE WINDSHIELD, IS
12 THAT CORRECT? NORMALLY, YOU'VE SEEN THEM?

13 A CORRECT. THEY'RE NORMALLY GLUED TO THE
14 WINDSHIELD.

15 Q GLUED TO THE WINDSHIELD; ATTACHED SO
16 THAT A CASUAL GLANCING TOUCH TO THEM WON'T KNOCK
17 THEM DOWN, MORE OFTEN THAN NOT?

18 A MORE OFTEN THAN NOT.

19 Q ALTHOUGH THAT WILL HAPPEN FROM TIME TO
20 TIME.

21 YOU CAN'T TELL US, BECAUSE YOU HAVEN'T
22 BEEN ASKED TO EXAMINE IT, WHETHER OR NOT VICKIE
23 BECKHAM'S HEAD CAME IN CONTACT WITH THAT REARVIEW
24 MIRROR? WERE THERE ANY EDGES ON THAT REARVIEW
25 MIRROR WHICH COULD HAVE CAUSED ANY OF HER INJURIES

1 BECAUSE YOU HAVEN'T EXAMINED IT, ISN'T THAT
2 CORRECT?

3 A TO MY KNOWLEDGE, I DON'T RECALL
4 EXAMINING THE MIRROR.

5 Q AND SO YOU CAN'T TELL US--WELL, THAT'
6 FINE.

7 MR. HARPOOTLIAN: BEG THE COURT'S
8 INDULGENCE ONE MOMENT, PLEASE.

9 Q THANK YOU, THANK YOU, DOCTOR.

10 THE COURT: ALL RIGHT, SOLICITOR,
11 ANYTHING ON REDIRECT?

12 MR. JONES: NO, YOUR HONOR.

13 THE COURT: ALL RIGHT, THANK YOU, SIR.
14 YOU MAY STEP DOWN.

15 ANY REASON DR. SEXTON CAN'T BE RELEASED
16 FROM HIS SUBPOENA?

17 MR. JONES: NONE, YOUR HONOR.

18 MR. HARPOOTLIAN: NO, SIR.

19 THE COURT: LET'S TAKE A SHORT BREAK,
20 AND THEN WE'LL CONTINUE ALONG WITH THE TESTIMONY.
21 ABOUT TEN TO FIFTEEN MINUTES.

22 (JURY RECESSED TO JURY ROOM AT 11:02
23 A.M.)

24 MR. SWERLING: JUDGE, I DO HAVE ONE
25 MATTER. JUDGE, AS YOU MAY BE AWARE, THERE WAS SOME

1 LETTER THAT WAS PURPORTEDLY RECEIVED BY MR. GAMBLE
2 LAST MONTH, I THINK IN JULY, POSTMARKED IN MIAMI.
3 AND I DON'T KNOW IF THE STATE INTENDS TO TRY AND
4 OFFER IT OR NOT, BUT I WOULD OBJECT TO THAT BEING
5 OFFERED IN THIS CASE, BEING NOT CONNECTED WITH THIS
6 DEFENDANT AT ALL.

7 THE COURT: I DON'T REALLY KNOW MUCH
8 ABOUT, JUST GENERALLY SPEAKING, I KNOW THERE WAS A
9 LETTER.

10 MR. JONES: YOUR HONOR?

11 THE COURT: YES, SIR.

12 MR. JONES: WE CERTAINLY WOULD ADVISE
13 THEM PRIOR TO CALLING MR. GEHM TO TESTIFY ABOUT
14 THAT LETTER. THAT LETTER IS SOMETHING THAT WE HAVE
15 BEEN DISCUSSING ABOUT A MOTION FOR A HANDWRITING
16 SAMPLE FROM THE DEFENDANT, EVEN AT THIS STAGE OF
17 THE GAME.

18 THAT LETTER WAS NOT RECEIVED, AS MR.
19 SWERLING SAID, UNTIL SOMETIME WITHIN THE LAST MONTH
20 OR TWO. IT WAS POSTMARKED FROM THE MIAMI, FLORIDA
21 AREA. UPON EXAMINATION JUST FROM THE LAYMAN, IT
22 APPEARS TO BE WRITTEN WITH THE WRONG HAND, IF YOU
23 WILL, YOUR HONOR. IT APPEARS THAT THE AUTHOR
24 ATTEMPTED TO DISGUISE ITS PENMANSHIP. SO WITH THAT
25 IN MIND, I JUST SAY WE WILL CERTAINLY ADVISE THE

1 COURT, MR. GEHM IS NOT TESTIFYING NEXT. AS A
2 MATTER OF FACT, WE MAY OR MAY NOT GET TO HIM BEFORE
3 LUNCH. AND THERE ARE SOME ISSUES WE HAVE BEEN
4 DISCUSSING, THOSE OF US IN THE PROSECUTION, IN THE
5 INVESTIGATION OF THIS CASE, CONCERNING A MOTION FOR
6 HANDWRITING SAMPLES. AND WE HOPE TO, YOU KNOW,
7 HAVE A DECISION IN THAT REGARD, BY LUNCH.

8 THE COURT: OKAY, SO FAR, NO PROBLEM.

9 MR. SWERLING: THAT'S FINE, YOUR HONOR.
10 IT WAS MORE IN THE NATURE OF A MOTION IN LIMINE.

11 MR. JONES: BUT, YOUR HONOR, IF I COULD,
12 JUST FOR YOUR EDIFICATION AND FOR DEFENSE COUNSEL,
13 AT THIS JUNCTURE, WE DO NOT INTEND TO ATTEMPT TO
14 INTRODUCE THAT LETTER, AND WOULD AGREE WITH
15 DEFENSE, AT THIS JUNCTURE, IT IS IRRELEVANT TO THIS
16 CASE. SO THAT'S OUR POSITION.

17 THE COURT: ALL RIGHT. ARE YOU READY?

18 MR. JONES: YES, SIR.

19 THE COURT: ALL RIGHT, BRING THE JURY
20 IN.

21 (JURY RETURNED TO THE OPEN COURTROOM AT
22 11:25 A.M.)

23 THE COURT: ALL RIGHT, SOLICITOR, CALL
24 YOUR NEXT WITNESS, PLEASE.

25 MR. JONES: WE'D CALL REBECCA ANN