

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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Brenda A. Douglas, CVR
Certified Court Reporter
P. O. Box 2896
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VOLUME XIII OF XXII

RICHARD MITCHELL: (IN CAMERA)

DIRECT BY JONES 3288
CROSS BY HARPOOTLIAN 3304

CHARLES MORRIS: (IN CAMERA)

DIRECT BY JONES 3328
CROSS BY HARPOOTLIAN 3331

SEPTEMBER 26, 1996:

COURT & MOTIONS: 3346

RICHARD MITCHELL:

DIRECT BY JONES 3367
CROSS BY HARPOOTLIAN 3386

CHARLES MORRIS:

DIRECT BY JONES 3426
CROSS BY HARPOOTLIAN 3432

KATHLEEN BARRETT:

DIRECT BY JONES 3459
CROSS BY SWERLING 3464

DIANE BIANICA:

DIRECT BY COULTER 3469
CROSS BY SWERLING 3480
REDIRECT BY COULTER 3500

1 THE PRIOR INCONSISTENT STATEMENT.

2 THE FOURTH ISSUE IS THAT THIS IS A
3 STATEMENT GIVEN TO THE POLICE AFTER HIS
4 DETERMINATION OF A CONSPIRACY. SO, IT'S NOT A CO-
5 CONSPIRATOR STATEMENT BECAUSE IT'S NOT IN
6 FURTHERANCE OF THE CONSPIRACY. SO IT WAS NOT
7 OFFERED AS A CO-CONSPIRATOR STATEMENT, IT WAS
8 OFFERED AS A PRIOR INCONSISTENT STATEMENT; COULD
9 NOT BE A CO-CONSPIRATOR STATEMENT BECAUSE IT WAS
10 POST-ARREST, POST-CONSPIRACY STATEMENT.

11 THE COURT: WELL, PART OF THE TESTIMONY,
12 PART OF THE INDICTMENT ALLEGES A PRE AND POST
13 CONSPIRACY. I UNDERSTAND YOUR OBJECTION; WE'LL
14 LEAVE IT AT THAT. I DON'T THINK I EVEN HAVE TO
15 REACH THAT FAR TO DO THAT UNDER THE THEORY OF
16 COMPLETENESS SINCE THE STATEMENT WAS THE BASIS OF
17 THE EXAMINATION, BUT JUST IN CASE. OKAY.

18 OKAY, LYLE ISSUE. WHO'S LEFT?

19 MR. JONES: RICK MITCHELL AND CHARLES
20 MORRIS. THEY'RE BOTH HERE. WE'D CALL MR. MITCHELL
21 FIRST.

22 THE COURT: BRING HIM ON.

23 RICHARD CARL MITCHELL, BEING
24 DULY SWORN, TESTIFIED AS FOLLOWS:
25 DIRECT EXAMINATION:

1 BY MR. JONES:
2 Q WHAT DO YOU GO BY?
3 A RICHARD MITCHELL.
4 Q RICHARD?
5 A YES.
6 Q ALL RIGHT. DID YOU HAVE OCCASION TO
7 MEET WITH ME ON SEPTEMBER 13TH, FRIDAY, SEPTEMBER
8 13TH OF THIS YEAR, TO DISCUSS A RELATIONSHIP THAT
9 YOU HAD WITH STEPHEN BECKHAM BACK IN 1994?
10 A YES, SIR.
11 Q AND DID I ASK YOU QUESTIONS ABOUT THAT
12 RELATIONSHIP AND WHAT IT WAS?
13 A YES, SIR.
14 Q NOW, I WANT TO ASK YOU QUESTIONS TODAY.
15 DID I ASK YOU NOT TO DISCUSS YOUR RELATIONSHIP WITH
16 STEPHEN--DEFENDANT BECKHAM WITH A FELLOW BY THE
17 NAME OF EDDIE JEFFERS THAT YOU SAW EARLIER TODAY?
18 A YOU ASKED ME NOT TO DISCUSS WITH HIM?
19 Q YES, SIR.
20 A I HAVEN'T EVEN TALKED TO HIM.
21 Q NOW, DO YOU KNOW DEFENDANT STEPHEN
22 BECKHAM?
23 A YES, SIR.
24 Q IS HE IN THE COURTROOM?
25 A YES, SIR.

1 Q WHERE DO YOU SEE HIM?

2 A SITTING RIGHT THERE WITH GLASSES ON.

3 Q WHAT ELSE HAS HE GOT ON? THERE'S

4 ANOTHER MAN WITH GLASSES?

5 A GRAY SUIT, TIE, WHITE SHIRT.

6 Q WHAT COLOR TIE?

7 A BLUE.

8 Q ALL RIGHT, NOW HOW LONG HAVE YOU KNOWN

9 HIM?

10 A GOES BACK ABOUT SIX OR SEVEN YEARS.

11 Q AND WHERE WAS IT YOU FIRST MET HIM?

12 A AT SMUGGLER'S.

13 Q THAT'S A BAR DOWN IN MYRTLE BEACH?

14 A YES, SIR.

15 Q WERE YOU WORKING THERE AT THE TIME?

16 A YES, SIR.

17 Q DID YOU HAVE AN OCCASION TO ENTER INTO

18 AN AGREEMENT WITH HIM IN 1991 CONCERNING SOME WORK

19 HE WANTED YOU TO DO?

20 A I BELIEVE IT WAS IN '91.

21 Q WHAT WORK WAS THAT?

22 A HE WANTED ME TO SCARE SOMEBODY.

23 Q DO YOU KNOW WHO HE WANTED YOU TO SCARE?

24 A IT WAS A BUSINESS PARTNER OF HIS AT THE

25 TIME.

1 Q HOW MUCH--WERE YOU GOING TO BE PAID
2 ANYTHING FOR THAT?
3 A I WAS GIVEN \$500.
4 Q DID YOU HAVE ANYBODY TO HELP YOU
5 ACCOMPLISH THE WORK HE WANTED YOU TO DO?
6 A ED JEFFERS.
7 Q AND DID YOU ACCOMPLISH THE WORK?
8 A NO, SIR.
9 Q WHAT DID YOU DO?
10 A IT JUST NEVER WORKED OUT. WE NEVER DID
11 IT. WE TRIED A FEW TIMES AND IT JUST NEVER
12 HAPPENED.
13 Q YOU DID TRY A FEW TIMES?
14 A WE WENT BY THE CLUB AND SEEN WHAT WAS
15 GOING ON, SEEN HIM.
16 Q AND WHAT KIND OF CAR DID HE DRIVE, DO
17 YOU REMEMBER?
18 A I BELIEVE IT WAS A JEEP GRAND CHEROKEE.
19 Q DO YOU REMEMBER WHERE HE LIVED?
20 A I CAN'T REMEMBER THE SUBDIVISION.
21 Q DO YOU REMEMBER WHERE HE WORKED?
22 A YEAH, IT WAS OFF OF 501, AN OFFICE
23 BUILDING THERE, OFFICE COMPLEX.
24 Q WHAT WOULD THE OFFICE COMPLEX HAVE BEEN
25 NEAR?

1 A IT WAS ACROSS THE STREET, THERE WAS A
2 BAR THERE CALLED--I CAN'T EVEN REMEMBER THE NAME OF
3 THE BAR THAT WAS ACROSS THE STREET. IT WAS JUST
4 BEFORE YOU GOT DOWN TO WHERE IT USED TO BE DUNE'S
5 HARLEY DAVIDSON CYCLE SHOP.

6 Q UH-HUH. CAN YOU THINK OF ANY OTHER
7 ESTABLISHMENTS OR LANDMARKS THAT WERE NEAR THIS
8 OFFICE BUILDING?

9 A NO, SIR. IF YOU WAS GOING DOWN THE
10 HIGHWAY HEADING TOWARD MYRTLE BEACH, IT WAS ON THE
11 LEFT SIDE RIGHT BEFORE YOU GOT TO DUNE'S CYCLES.

12 Q AT SOME POINT IN TIME, WHAT WERE YOU
13 INITIALLY SUPPOSED TO DO TO THIS PERSON?
14 INITIALLY, HOW WERE YOU SUPPOSED TO SCARE HIM?

15 A WE WAS GOING TO SHOOT HIS WINDOW OUT
16 WHEN HE DROVE BY.

17 Q AND WHOSE GUN WERE YOU GOING TO USE?

18 A I BELIEVE IT WAS A .22 THAT ED HAD.

19 Q ED JEFFERS?

20 A I BELIEVE SO.

21 Q AND DID ON ONE OCCASION YOU ATTEMPT TO
22 ACCOMPLISH THIS BUT THE CIRCUMSTANCES PREVENTED
23 YOU?

24 MR. HARPOOTLIAN: YOUR HONOR?

25 THE COURT: SUSTAINED AS TO LEADING.

- 1 MR. HARPOOTLIAN: THANK YOU, AND I'D
2 ASK, ESPECIALLY WITH THIS WITNESS, THAT HE NOT ASK
3 LEADING QUESTIONS.
- 4 Q HOW MANY TIMES DID YOU TRY TO ACCOMPLISH
5 WHAT YOU WERE SUPPOSED TO DO TO THIS FELLOW?
- 6 A MAYBE TWICE.
- 7 Q AND ON THE FIRST OCCASION, DESCRIBE IT
8 AND TELL US WHAT HAPPENED ON THE FIRST OCCASION.
- 9 A WE WAS ACROSS THE STREET FROM SMUGGLER'S
10 I BELIEVE AND THAT WAS THE ROUTE HE TOOK ON THE WAY
11 HOME AND WE JUST WATCHED HIM DRIVE BY.
- 12 Q DID YOU TRY TO DO ANYTHING AT THAT TIME?
- 13 A NO, SIR.
- 14 Q AND WHAT HAPPENED ON THE SECOND TIME YOU
15 TRIED TO ACCOMPLISH IT?
- 16 A IT WAS WHERE HE WAS COMING FROM HIS
17 HOUSE, LEAVING GOING TO WORK, AND I PARKED ON THE
18 DIRT ROAD AND ED JEFFERS WENT THROUGH THE WOODS AND
19 SAID HE WATCHED HIM GO BY.
- 20 Q DO YOU KNOW WHAT ED DID WHEN HE WATCHED
21 HIM GO BY?
- 22 A HE TOLD ME HE SHOT HIM AND MISSED.
- 23 Q SHOT AND MISSED?
- 24 A YES, SIR.
- 25 Q ALL RIGHT. NOW, DID YOU--HOW DID YOU

1 HANDLE THE RELATIONSHIP WITH DEFENDANT BECKHAM ON
2 THAT WORK THAT YOU WERE SUPPOSED TO DO WITH HIM,
3 THAT SITUATION? WHAT DID YOU TELL HIM ABOUT WHAT
4 YOU HAD DONE, AND HOW DID YOU WIND UP YOUR
5 RELATIONSHIP CONCERNING THAT WORK THAT HE WANTED
6 YOU TO DO?

7 A I WENT TO THE PENITENTIARY ON ANOTHER
8 CHARGE.

9 Q ON ANOTHER CHARGE?

10 A YES, SIR.

11 Q WHAT CHARGE DID YOU GO TO THE
12 PENITENTIARY ON?

13 A ACCESSORY TO MURDER AFTER THE FACT.

14 Q AND WHEN DO YOU RECALL GOING INTO THE
15 PENITENTIARY ON THAT CHARGE?

16 A IN '92.

17 Q AND SO DID YOU GO TO THE PENITENTIARY
18 BEFORE YOU HAD A CHANCE TO--WHAT WAS, WHEN YOU WENT
19 TO THE PENITENTIARY WHAT WAS THE RELATIONSHIP THAT
20 YOU HAD WITH THE DEFENDANT BECKHAM IN '92?

21 A WE WERE STILL FINE. NO PROBLEM.

22 Q HAD HE PAID YOU ANY MORE MONEY FOR THE
23 WORK YOU WERE TO DO FOR HIM IN '91?

24 A NO, SIR.

25 Q WERE YOU EXPECTING ANY MORE MONEY FOR

- 1 THE WORK YOU HAD DONE FOR HIM IN 1991?
- 2 A NO, SIR.
- 3 Q AND YOU WENT TO JAIL IN '92 ON THE
- 4 ACCESSORY AFTER THE FACT OF MURDER CHARGE, IS THAT
- 5 RIGHT?
- 6 A YES, SIR.
- 7 Q WHEN DID YOU GET OUT OF JAIL?
- 8 A MARCH OF '94.
- 9 Q WHAT DID YOU DO WHEN YOU GOT OUT OF
- 10 JAIL?
- 11 A A BUDDY OF MINE CAME DOWN FROM WEST
- 12 VIRGINIA AND TOOK ME BACK UP TO WEST VIRGINIA WITH
- 13 HIM.
- 14 Q HOW LONG DID YOU STAY IN WEST VIRGINIA?
- 15 A ROUGHLY A MONTH.
- 16 Q AND WHERE DID YOU GO WHEN YOU LEFT WEST
- 17 VIRGINIA?
- 18 A BACK DOWN TO MYRTLE BEACH.
- 19 Q AND WHAT TIME PERIOD WAS THIS WHEN YOU
- 20 WENT BACK DOWN TO MYRTLE BEACH?
- 21 A BEGINNING OF APRIL.
- 22 Q OF WHAT YEAR?
- 23 A '94.
- 24 Q BEGINNING OF APRIL IN '94, DID YOU HAVE
- 25 ANY CONTACT WITH DEFENDANT STEPHEN BECKHAM AT THAT

1 TIME?
2 A YES, SIR.
3 Q WHAT CONTACT DID YOU HAVE WITH DEFENDANT
4 STEPHEN BECKHAM THE BEGINNING OF APRIL IN 1994?
5 A I SAW HIM IN SMUGGLER'S, IN THE CLUB.
6 Q SAW HIM AT SMUGGLER'S?
7 A YES, SIR.
8 Q WHAT DID HE WANT YOU TO DO AT
9 SMUGGLER'S?
10 A IT WAS JUST SMALL TALK, HOW YOU BEEN,
11 THIS AND THAT. BROUGHT UP I STILL OWED HIM \$500.
12 Q HE DID?
13 A YES, SIR.
14 Q WHAT DID HE SAY ABOUT THAT?
15 A SAID HE POSSIBLY HAD SOMETHING ELSE FOR
16 ME TO DO TO CLEAR MY BILL.
17 Q AND WHAT ELSE WAS IT HE HAD FOR YOU TO
18 DO?
19 A HE DIDN'T SAY AT THAT TIME. I GIVE HIM
20 MY PHONE NUMBER WHERE I WAS STAYING AND TOLD HIM HE
21 COULD GET AHOLD OF ME THERE.
22 Q DID HE?
23 A YES, SIR.
24 Q AND WHERE WERE YOU STAYING AT THE TIME?
25 A DOOLEY'S MOBILE HOME PARK.

1 Q DOOLEY'S MOBILE HOME PARK?
2 A YES, SIR.
3 Q WHO WERE YOU LIVING WITH?
4 A CHARLES MORRIS.
5 Q DID CHARLES LIVE THERE?
6 A YES, SIR. HE WAS BUYING THE TRAILER.
7 Q WERE YOU WORKING ANYWHERE AT THIS TIME?
8 A I WAS WORKING FOR BILL'S ONSPA,
9 INSTALLING CARPET.
10 Q DID DEFENDANT BECKHAM COME BY THE
11 TRAILER PARK?
12 A YES, SIR.
13 Q HOW MANY TIMES DO YOU RECALL HIM COMING
14 BY?
15 A TWICE.
16 Q WHAT HAPPENED ON THE FIRST OCCASION THAT
17 HE CAME BY?
18 A HE TOLD ME HE COULD CLEAR THE BILL THAT
19 I OWED HIM PLUS THERE WOULD BE MORE. AND HE TOLD
20 ME WHAT HE WANTED ME TO DO.
21 Q WHAT DID HE TELL YOU THAT HE WANTED YOU
22 TO DO?
23 A HE WANTED HIS WIFE MURDERED.
24 Q SIR?
25 A HE WANTED HIS WIFE MURDERED.

- 1 Q HE TOLD YOU THAT?
- 2 A YES, SIR.
- 3 Q WHEN WAS THIS AFTER THE FIRST CONTACT
- 4 YOU HAD FROM HIM?
- 5 A PROBABLY A WEEK OR SO AFTER THE FIRST
- 6 TIME I SAW HIM.
- 7 Q SO WHEN WOULD YOU CHARACTERIZE IT IN
- 8 APRIL THAT HE CAME AND SAID THIS TO YOU?
- 9 A ABOUT MID-APRIL.
- 10 Q MID-APRIL?
- 11 A SOMEWHERE AROUND THERE.
- 12 Q WHAT DID YOU TELL HIM?
- 13 A I TOLD HIM I JUST GOT OUT OF THE
- 14 PENITENTIARY AND WASN'T IN ANY HURRY TO GO BACK.
- 15 Q WHAT WAS HIS REACTION THERE? WHAT DID
- 16 HE WANT TO DO THEN? WHAT WAS HIS REACTION WHEN YOU
- 17 TOLD HIM THAT? WAS HE SATISFIED WITH THAT?
- 18 A NO, IT WAS MORE LIKE "THINK ABOUT IT."
- 19 Q SIR?
- 20 A IT WAS MORE LIKE "THINK ABOUT IT AND LET
- 21 ME KNOW."
- 22 Q ALL RIGHT. AND DID YOU SEE HIM AGAIN?
- 23 A YES, SIR.
- 24 Q WHEN DID YOU SEE HIM AGAIN?
- 25 A FEW DAYS OR A WEEK LATER HE COME BACK TO

1 THE TRAILER.

2 Q AND WHAT DID HE WANT THIS TIME?

3 A SAME THING, BUT HE BROUGHT ME A RIFLE, A
4 PICTURE OF HIS WIFE AND AN ADDRESS.

5 Q A RIFLE, A PICTURE OF HIS WIFE AND AN
6 ADDRESS. AND WHAT DID HE SAY THAT HE WANTED YOU TO
7 DO WITH THE RIFLE AND THE PICTURE OF HIS WIFE AND
8 THE ADDRESS?

9 A HE WANTED ME TO KILL HIS WIFE. SAID IT
10 WOULD BE A GOOD WEEKEND, HE WOULD BE OUT OF TOWN
11 AND SHE WOULD BE ALONE.

12 Q WHAT DID HE TELL YOU ABOUT WHERE SHE WAS
13 AND HOW TO DO IT, IF ANYTHING?

14 A UH...I DIDN'T PAY A WHOLE LOT OF
15 ATTENTION TO THE DETAILS. I REMEMBER SOMETHING
16 ABOUT A LONG DIRT ROAD AND WOODS.

17 Q HOW WERE YOU GOING TO ACCOMPLISH THIS
18 WORK FOR HIM?

19 A WE NEVER REALLY GOT INTO THAT STUFF.

20 Q WHAT HAPPENED TO THE ADDRESS THAT HE
21 GAVE YOU?

22 A I TORE IT UP AND THE PHOTOGRAPH AFTER HE
23 LEFT.

24 Q DID YOU HAVE AN OCCASION TO SHOW THE
25 RIFLE AND THE PHOTOGRAPH, AND THE ADDRESS TO

1 ANYONE?

2 A YES, SIR, MY ROOMMATE.

3 Q WHO IS THAT?

4 A CHARLES MORRIS.

5 Q DID YOU SHOW THOSE ITEMS TO HIM?

6 A YES, SIR.

7 Q AND DID YOU TELL HIM ABOUT WHAT

8 DEFENDANT BECKHAM WANTED YOU TO DO?

9 A YES, SIR.

10 Q WHEN DID YOU TELL HIM WHAT DEFENDANT

11 BECKHAM WANTED YOU TO DO?

12 A I BELIEVE IT WAS RIGHT AFTER HE LEFT.

13 Q THE SAME DAY?

14 A YES, SIR.

15 Q SOMETIME IN LATE APRIL?

16 A YES, SIR.

17 Q WHAT DID YOU TELL HIM, CHARLES MORRIS,

18 ABOUT YOUR PLANS REGARDING DEFENDANT BECKHAM'S

19 REQUEST?

20 A THAT I HAD NO PLANS TO DO ANYTHING ABOUT

21 IT.

22 Q WHEN DID YOU LEAVE MYRTLE BEACH?

23 A THE END OF MAY.

24 Q OF WHAT YEAR?

25 A '94.

1 Q DID YOU SEE DEFENDANT BECKHAM AGAIN
2 BETWEEN THE END OF APRIL AND THE END OF MAY WHEN
3 YOU LEFT IN '94?

4 A NO, SIR. I WENT TO STAY WITH SOME OTHER
5 PEOPLE. I DIDN'T STAY AT THAT TRAILER ANYMORE.

6 Q WHERE DID YOU GO WHEN YOU LEFT AT THE
7 END OF MAY?

8 A BACK UP TO WEST VIRGINIA.

9 Q HOW LONG DID YOU STAY IN WEST VIRGINIA?

10 A A COUPLE OF YEARS.

11 Q WELL, LET'S SAY IN MAY OF '94 YOU MOVED
12 TO WEST VIRGINIA. HOW LONG DID YOU STAY THERE?
13 WELL, LET ME ASK YOU THIS. WHO WERE YOU LIVING
14 WITH IN WEST VIRGINIA?

15 A DON MCTAGGERT, A FORMER BOSS I HAD THAT
16 I WORKED FOR, FOR ABOUT TEN YEARS.

17 Q DID ANYONE FOLLOW YOU TO WEST VIRGINIA?

18 A MY WIFE.

19 Q WAS SHE YOUR WIFE THEN?

20 A NO, SIR.

21 Q AND SHE FOLLOWED YOU TO WEST VIRGINIA?

22 A SHE CAME UP A WEEK AFTER I LEFT.

23 Q WHERE DID THE TWO OF YOU, YOU DON'T HAVE
24 TO SAY THE ADDRESS--

25 MR. JONES: YOUR HONOR, WITH REGARD TO

1 THIS, I'VE TALKED TO HIM AT SOME POINT IN TIME AND
2 HE IS NOT PARTICULARLY INTERESTED IN DEFENDANT
3 BECKHAM AND WHOEVER ELSE DEFENDANT BECKHAM HAS
4 WORKING FOR HIM TO KNOW ABOUT WHERE HE'S LIVING
5 RIGHT NOW.

6 MR. SWERLING: OBJECTION, YOUR HONOR,
7 THAT...

8 THE COURT: EXCUSE ME JUST A MINUTE.

9 MR. JONES: JUDGE, I'LL APPROACH THE
10 BENCH.

11 MR. SWERLING: THAT STATEMENT SHOULDN'T
12 BE MADE. I'M WORKING FOR DEFENDANT BECKHAM. ARE
13 YOU AFRAID OF ME?

14 THE COURT: EXCUSE ME, GENTLEMEN. HE'S
15 A WITNESS ON THE STAND. HE ANSWERS ANY QUESTION
16 THAT'S PUT TO HIM.

17 MR. JONES: ALL RIGHT. OKAY.

18 Q WHERE, WHAT TOWN ARE YOU CURRENTLY
19 LIVING IN?

20 A ANDERSON, SOUTH CAROLINA.

21 Q HOW LONG HAVE YOU BEEN LIVING IN
22 ANDERSON?

23 A A LITTLE OVER A YEAR.

24 Q AND BEFORE YOU MOVED TO ANDERSON A
25 LITTLE OVER A YEAR AGO, WHERE DID YOU LIVE BEFORE

1 THAT?

2 A UP IN WEST VIRGINIA.

3 Q NOW, BETWEEN THE TIME THAT YOU LEFT

4 MYRTLE BEACH IN APRIL OF '94 AND JUNE--

5 A NO, MAY OF '94.

6 Q MAY OF '94 AND SEPTEMBER 13TH OF 1996,

7 HAD YOU BEEN TO MYRTLE BEACH OR TALKED TO ANYBODY

8 IN MYRTLE BEACH ABOUT DEFENDANT BECKHAM OR ANYTHING

9 THAT HE'D DONE?

10 A NO, I DIDN'T TALK, I HAD BEEN TO THE

11 BEACH TO SEE MY SON ONCE.

12 Q DID YOU TALK TO ANYBODY DOWN THERE THEN

13 ABOUT DEFENDANT BECKHAM?

14 A NO, SIR.

15 Q TELL ME THIS. WHAT WAS THE, IF YOU

16 RECALL, THE TYPE OF GUN THAT HE GAVE YOU?

17 A IT WAS AN OLD ARMY RIFLE, LIKE AN OLD M1

18 RIFLE.

19 Q UH-HUH, AND DO YOU HAVE IT NOW?

20 A NO, SIR.

21 Q AND WERE YOU TO RECEIVE COMPENSATION FOR

22 THE MURDER OF DEFENDANT BECKHAM'S WIFE? WHAT DID

23 HE TELL YOU ABOUT WHAT YOU WERE TO GET PAID?

24 A THERE WAS NO DOLLAR FIGURE DISCUSSED.

25 IT WAS GOING TO CLEAR THE \$500 I OWED HIM PLUS

1 THERE'D BE MORE.

2 Q PLUS THERE'D BE MORE?

3 A YES, SIR.

4 Q WHEN WERE YOU GOING TO GET THE MORE?

5 WHEN WERE YOU GOING TO BE PAID?

6 A WHEN HE GOT HIS MONEY.

7 Q DID HE TELL YOU THAT?

8 A YES, SIR.

9 Q WELL, WHEN WAS HE GOING TO GET HIS

10 MONEY?

11 A I DIDN'T GET INTO THAT.

12 Q WAS THERE ANY INFERENCE OR IMPLICATION

13 WITH REGARD...

14 A I ASSUMED IT...

15 MR. HARPOOTLIAN: YOUR HONOR, I OBJECT.

16 THE COURT: SUSTAINED. REPHRASE.

17 Q WERE YOU INTERESTED IN KNOWING HOW YOU

18 WERE GOING TO BE PAID, IF YOU WERE TO MURDER HIS

19 WIFE?

20 A NO, SIR. AFTER I GOT THE RIFLE AND THE

21 PICTURE AND THE ADDRESS, I DIDN'T WANT NOTHING TO

22 DO WITH IT. I WAS A HUSTLER, NOT A HIT MAN. I

23 HUSTLED PEOPLE FOR MONEY, I DIDN'T HURT PEOPLE.

24 Q BUT DID YOU QUESTION HIM AT SOME POINT

25 IN TIME ABOUT BEING PAID AND HOW YOU WOULD GET THE

1 MONEY?

2 A NO, SIR.

3 Q DID HE TELL YOU AT SOME POINT IN TIME
4 THAT HE WOULD GET YOURS AFTER HE GOT HIS?

5 A YES, SIR.

6 Q HE DID SAY THAT?

7 A YES, SIR.

8 Q ALL RIGHT. ANSWER ANY QUESTIONS...

9 MR. HARPOOTLIAN: MAY IT PLEASE THE
10 COURT, YOUR HONOR?

11 THE COURT: CROSS EXAMINATION.

12 CROSS EXAMINATION:

13 BY MR. HARPOOTLIAN:

14 Q MR. MITCHELL, THAT WAS INTERESTING.
15 YOU'RE A HUSTLE, NOT A WHAT?

16 A HIT MAN.

17 Q YOU'RE NOT A HIT MAN. HOWEVER, JUST A
18 MOMENT AGO, YOU TOLD US THAT YOU NEGOTIATED WITH
19 STEPHEN BECKHAM IN 19..WAS IT '90 OR '89 OR '91?

20 A IT WAS PROBABLY AROUND '89 OR '90.

21 Q '89 OR '90 THAT YOU NEGOTIATED WITH HIM
22 TO BEAT SOMEBODY UP?

23 A NO, WE WERE GOING TO SHOOT A WINDOW OUT
24 OF THE TRUCK WHEN HE CAME BY.

25 Q OKAY, SO --OKAY, SO YOU DRAW A

- 1 DISTINCTION THERE? YOU WERE JUST GOING TO SHOOT
2 OUT HIS WINDOW?
- 3 A YES, SIR.
- 4 Q YOU WEREN'T GOING TO LAY A HAND ON HIM?
- 5 A NO, SIR.
- 6 Q NEVER AGREED TO BEAT HIM UP?
- 7 A NO, SIR.
- 8 Q NEVER AGREED TO HURT HIM?
- 9 A NO, SIR.
- 10 Q NEVER HAD A PLAN WITH MR. JEFFERS TO
11 JUST BEAT HIM WITHIN AN INCH OF HIS LIFE AND TELL
12 HIM THAT, YOU KNOW, THIS IS FROM STEPHEN?
- 13 A NO, SIR.
- 14 Q NONE OF THAT SORT OF MAFIO-SO HITMAN,
15 MUSCLE KIND OF THING, IS THAT RIGHT?
- 16 A YES, SIR.
- 17 Q OKAY. NOW, YOU KNOW, HOW DID IT FEEL TO
18 SHOOT AT HIM?
- 19 A I DIDN'T SHOOT AT HIM. ED JEFFERS HAD
20 THE GUN AND WAS SHOOTING AT HIM. I WAS SITTING IN
21 THE CAR.
- 22 Q SO YOU NEVER SHOT AT HIM?
- 23 A NO, SIR.
- 24 Q AND YOU DON'T KNOW WHETHER MR. JEFFERS
25 SHOT AT HIM, HE JUST TOLD YOU HE SHOT AT HIM?

- 1 A HE TOLD ME HE DID. I NEVER HEARD A SHOT
2 OR NOTHING.
- 3 Q OKAY. DESCRIBE MR. JEFFERS' WEAPON FOR
4 ME, PLEASE?
- 5 A I BELIEVE IT WAS A .22 RIFLE, SEMI-
6 AUTOMATIC.
- 7 Q LET ME GO BACK A LITTLE BIT. HOW LONG
8 HAVE YOU KNOWN MR. JEFFERS?
- 9 A PROBABLY SEVEN YEARS, EIGHT YEARS.
- 10 Q SEVEN OR EIGHT YEARS?
- 11 A YES, SIR.
- 12 Q AND YOU AND MR. JEFFERS MEET--NOW, MR.
13 JEFFERS HAS BEEN IN PRISON FOR AWHILE, HAS HE NOT?
- 14 A YES, SIR.
- 15 Q HOW LONG HAS HE BEEN IN PRISON?
- 16 A HE WENT IN THE SAME TIME I DID, IN '92.
- 17 Q IN '92. AND Y'ALL KNEW EACH OTHER--DID
18 Y'ALL GO TO COURT THE SAME DAY?
- 19 A WE WAS IN THE COUNTY JAIL TOGETHER. WE
20 KNEW EACH OTHER PRIOR TO THAT.
- 21 Q OKAY. AND MR. JEFFERS AND YOU HAVE BEEN
22 IN THE DOPE BUSINESS TO SOME EXTENT? YOU EVER SOLD
23 DOPE?
- 24 A YES, SIR.
- 25 Q OKAY, AND HE SOLD DOPE, TOO, RIGHT?

1 A NOT REALLY.

2 Q NOT REALLY? AS A MATTER OF FACT, YOUR
3 CONVICTIONS OF ACCESSORY AFTER THE FACT OF
4 MURDER...

5 A RIGHT.

6 Q AND THAT WAS THE RESULT OF SOME HUSTLE?

7 A NO, THAT WAS THE RESULT OF SOMEBODY
8 GOING TO ROB SOMEBODY AND ENDED UP SHOOTING THEM
9 INSTEAD.

10 Q AND YOU MUST HAVE BEEN WITH THAT PERSON
11 WHEN THEY WENT TO ROB SOMEBODY?

12 A WE DROPPED HIM OFF.

13 Q OKAY, KNOWING HE WAS GOING TO ROB
14 SOMEBODY?

15 A YES, SIR.

16 Q AND THEN HE ACTUALLY KILLED THEM?

17 A YES, SIR.

18 Q AND THEN YOU PICKED HIM UP?

19 A YEAH.

20 Q AND SO THAT WOULD BE CONSIDERED SOME ACT
21 OF VIOLENCE, WOULD IT NOT, IN YOUR BOOK?

22 A I ALSO TURNED MYSELF IN ON THAT.

23 Q OKAY, AND YOU HAD A PENDING COCAINE
24 CHARGE AT THE TIME THAT YOU ALSO PLED GUILTY TO, IS
25 THAT RIGHT?

- 1 A RIGHT.
- 2 Q ALL RIGHT, NOW, YOUR TESTIMONY THEN IS
- 3 THAT 1989, OR '90, '89 OR '88...
- 4 A ALONG THAT TIME.
- 5 Q THAT MR. BECKHAM PAID YOU HOW MUCH?
- 6 A FIVE HUNDRED DOLLARS.
- 7 Q IS THAT ALL YOU EVER GOT WAS \$500?
- 8 A YES, SIR.
- 9 Q AND YOU SPLIT THAT WITH JEFFERS?
- 10 A WELL, WE SPENT IT TOGETHER. I DIDN'T
- 11 SAY HERE'S HALF OF IT OR ANYTHING LIKE THAT.
- 12 Q WHAT DID YOU SPEND IT ON?
- 13 A JUST PARTYING.
- 14 Q PARTYING?
- 15 A UH-HUH.
- 16 Q OKAY. AND IN THE PROCESS OF THIS--I'M
- 17 TRYING TO DETERMINE--TELL ME THE FIRST THING Y'ALL
- 18 DID, I MEAN, DID THIS GO ON FOR THREE OR FOUR DAYS,
- 19 THIS PROCESS OF TRYING TO SCARE HIM OR WAS IT A ONE
- 20 DAY DEAL, OR AFTERNOON DEAL, OR?
- 21 A MAYBE TWO OR THREE TIMES.
- 22 Q TWO OR THREE TIMES. I MEAN, DID YOU
- 23 ACTUALLY, I MEAN, DID YOU FOLLOW HIM FOR AWHILE?
- 24 A NO, WE SEEN WHERE HE WORKED AT. EDDIE
- 25 KNEW THE AREA WHERE HE LIVED AT. WE WATCHED HIM

1 DRIVE BY.

2 Q WHERE DID HE LIVE?

3 A I DON'T KNOW THE NAME OF THE
4 SUBDIVISION.

5 Q WHAT KIND OF HOUSE DID HE HAVE?

6 A IT WAS A TOWNHOUSE, I BELIEVE. OR
7 CONDO.

8 Q OKAY, WHAT KIND OF CAR DID HE DRIVE?

9 A JEEP CHEROKEE.

10 Q OKAY, NOW THE ONLY TIME THAT Y'ALL
11 ACTUALLY GOT NEAR HIM THEN WAS THIS ONE TIME YOU
12 TALKED ABOUT EDDIE SHOT AT HIM?

13 A YES, SIR.

14 Q OTHER THAN WATCHED...I THINK YOU SAID
15 YOU SAW HIM DRIVE BY AT SMUGGLER'S?

16 A WENT BY HIS OFFICE, SEEN HIS TRUCK
17 SITTING THERE.

18 Q BUT I MEAN IN TERMS OF ACTUALLY SEEING
19 HIM OR BEING IN A POSITION, HOW MANY HOURS DO YOU
20 THINK YOU ACTUALLY SPENT FOLLOWING HIM OR WATCHING
21 HIM PRIOR TO THE TIME EDDIE SHOT AT HIM, AND THAT
22 WAS THE LAST THING THAT WAS DONE?

23 A YES, SIR.

24 Q OKAY, HOW MANY?

25 A TWO OR THREE HOURS AT THE MOST.

- 1 Q TWO OR THREE HOURS AT THE MOST. AND IN
2 THE PROCESS OF THIS, I MEAN YOU NEVER TRIED TO
3 FORCE HIM OFF THE ROAD OR MAYBE EDDIE TAKE HIS CAR
4 AND TRY TO PUSH HIM OFF THE ROAD, OR GET IN FRONT
5 OF HIM AND STOP HIM SO YOU COULD GET HIM OUT AND
6 BEAT HIM UP OR SHOOT HIM?
- 7 A NO, SIR.
- 8 Q YOU NEVER FOLLOWED HIM IN A CAR WITH
9 EDDIE IN FRONT AND TRY TO SANDWICH HIM?
- 10 A NO, SIR.
- 11 Q NEVER TRIED TO GET--EDDIE NEVER TRIED TO
12 SLAM ON HIS BRAKES AND FORCE HIM TO STOP SO YOU
13 COULD SHOOT HIM?
- 14 A NO, SIR.
- 15 Q YOU NEVER, I MEAN, THINK ABOUT IT NOW.
16 YOU NEVER ACTUALLY HAD A PLAN TO JUST SORT OF ROUGH
17 HIM UP AND GIVE HIM A MESSAGE FROM STEPHEN?
- 18 A NO, SIR. THE PLAN WAS TO SHOOT HIS
19 WINDOWS OUT WHEN HE CAME BY. THAT WOULD BE ENOUGH
20 TO SCARE SOMEBODY.
- 21 Q SURE. SURE. BUT YOU DIDN'T HAVE THE
22 GUN?
- 23 A NO.
- 24 Q OKAY. AND ACTUALLY, YOU DON'T KNOW
25 WHETHER THAT WAS EVER ACCOMPLISHED, BUT YOU NEVER

- 1 SHOT? DID YOU EVER ACTUALLY HANDLE THAT GUN? DID
2 YOU EVER HAVE THAT .22 RIFLE IN YOUR HANDS?
3 A IT'S POSSIBLE.
4 Q I MEAN, DID YOU EVER TAKE THE GUN AND
5 TELL EDDIE YOU WERE GOING TO GO SHOOT, YOU HAD SOME
6 PLAN TO SHOOT THIS GUY'S WINDOWS OUT?
7 A NO.
8 MR. HARPOOTLIAN: BEG THE COURT'S
9 INDULGENCE.
10 Q WHO DID STEPHEN APPROACH TO DO THIS, YOU
11 OR JEFFERS?
12 A ME.
13 Q OKAY. AND WHERE DID THAT HAPPEN?
14 A SMUGGLER'S.
15 Q AND DID STEPHEN MEET, DID STEPHEN KNOW
16 JEFFERS?
17 A HE'D SEEN HIM IN THE CLUB.
18 Q AND SO THE THREE OF Y'ALL GOT TOGETHER
19 AND PLANNED THIS THING OUT, YOU, STEPHEN AND
20 JEFFERS?
21 A NO, SIR. ME AND STEPHEN GOT TOGETHER
22 AND PLANNED IT OUT.
23 Q WELL, DID STEPHEN KNOW JEFFERS WAS
24 INVOLVED?
25 A YEAH.

1 Q OKAY, DID STEPHEN AND JEFFERS TALK ABOUT
2 IT IN YOUR PRESENCE?
3 A NOT THAT I KNOW OF.
4 Q DO YOU KNOW, HAS JEFFERS EVER INDICATED
5 TO YOU HE TALKED TO STEPHEN ABOUT IT?
6 A NO, SIR.
7 Q TO YOUR KNOWLEDGE, DID JEFFERS AND
8 STEPHEN EVER MEET AND TALK ABOUT THIS?
9 A NOT THAT I KNOW OF.
10 Q BECAUSE HE GAVE YOU THE \$500, RIGHT?
11 A YES, SIR.
12 Q OKAY. LET ME MOVE ON TO ANOTHER AREA.
13 WHEN YOU LEFT THE BEACH IN, I THINK YOU TOLD ME
14 TOWARD THE END OF MAY, 1994?
15 A YES, SIR.
16 Q YOU HAD JUST BEEN OUT OF PRISON AT THAT
17 POINT SINCE ABOUT THE FIRST OF MARCH, IS THAT
18 CORRECT?
19 A GOT RELEASED ON MARCH 1ST.
20 Q AND YOU MAXED OUT YOUR SENTENCE, IS THAT
21 CORRECT?
22 A YES, SIR.
23 Q YOU WERE NOT PAROLED AND YOU HAD NO
24 PROBATION?
25 A NO, SIR.

- 1 Q AND WHEN YOU GOT OUT, YOU WENT TO LIVE
2 WITH MR. MORRIS, IS THAT CORRECT?
- 3 A WENT UP TO WEST VIRGINIA FOR A MONTH.
4 LIKE I SAY, MY BUDDY CAME DOWN AND PICKED ME UP AND
5 I WENT UP TO THE MOUNTAINS WITH HIM.
- 6 Q SO YOU WERE IN WEST VIRGINIA FROM THE
7 FIRST OF MARCH UNTIL THE FIRST OF APRIL?
- 8 A ABOUT THE BEGINNING OF APRIL.
- 9 Q OKAY. AND WHEN YOU CAME BACK DOWN, YOU
10 MOVED IN WITH MORRIS, IS THAT CORRECT?
- 11 A YES, SIR.
- 12 Q NOW, ONLY WHEN YOU WENT BACK TO WEST
13 VIRGINIA--WHERE IN WEST VIRGINIA DID YOU GO TO,
14 WHAT TOWN?
- 15 A RIDGLEY.
- 16 Q RIDGLEY. IS THAT NEAR HUNTINGTON?
- 17 A I'M NOT SURE. I'M NOT REAL FAMILIAR
18 WITH THOSE PLACES.
- 19 Q CONOVA? HAVE YOU EVER BEEN TO CONOVA?
- 20 A TOWARD CUMBERLAND, MARYLAND.
- 21 Q CUMBERLAND, MARYLAND. DID YOU EVER CALL
22 SMUGGLER'S AFTER YOU GOT UP TO WEST VIRGINIA, AFTER
23 MAY OF 1995, DID YOU EVER CALL SMUGGLER'S COLLECT?
- 24 A NO, SIR.
- 25 Q LET ME ASK YOU A LITTLE BIT ABOUT THE--

1 AND WHEN DID THIS HAPPEN? WHEN DID STEPHEN
2 APPROACH YOU ABOUT KILLING HIS WIFE?

3 A ABOUT THE BEGINNING OF APRIL WHEN I GOT
4 BACK DOWN THERE.

5 Q WHEN YOU GOT BACK DOWN THERE. AND YOU
6 HAD NOT SEEN STEPHEN IN THREE OR FOUR YEARS AT THAT
7 POINT?

8 A ABOUT THREE YEARS.

9 Q ABOUT THREE YEARS. AND SO THE FIRST
10 TIME YOU SAW STEPHEN WAS WHEN HE ASKED YOU TO KILL
11 HIS WIFE?

12 A NO, SIR. SAW HIM IN SMUGGLER'S AND JUST
13 CHATTED, "HOW YA' DOIN'?" YOU KNOW, "GOOD TO SEE
14 YA'." "YOU OWE ME \$500."

15 Q YOU TOLD HIM HE OWED YOU \$500?

16 A HE TOLD ME I OWED HIM.

17 Q OKAY, YOU OWED HIM \$500?

18 A YES, SIR.

19 Q FOR NOT BEATING UP THE GUY OR DOING
20 WHATEVER, OR SHOOTING THE GUY OR WHATEVER?

21 A RIGHT.

22 Q OF COURSE, THE GUY WAS DEAD BY THAT
23 POINT, OF SUICIDE, WASN'T HE?

24 A NOT THAT I KNEW OF.

25 Q YOU DIDN'T KNOW THAT?

- 1 A NO, SIR.
- 2 Q OKAY. YOU DID NOT KNOW HE IS DEAD AND
- 3 UNABLE TO COME AND CONFIRM WHAT...
- 4 A UNTIL YOU JUST NOW TOLD ME.
- 5 Q OKAY. AND YOU RAN INTO HIM IN
- 6 SMUGGLER'S AND...I MEAN, WHERE WERE YOU WORKING AT
- 7 THIS POINT?
- 8 A I WAS INSTALLING CARPET.
- 9 Q FOR?
- 10 A BILL ONSPA.
- 11 Q ONSPA, AND YOU ONLY WORKED FOR HIM FOR
- 12 TWO WEEKS, ISN'T THAT RIGHT?
- 13 A NO, A LITTLE LONGER THAN THAT.
- 14 Q HOW LONG?
- 15 A PROBABLY ABOUT THREE OR FOUR WEEKS, A
- 16 MONTH.
- 17 Q THREE OR FOUR WEEKS. AND AS A MATTER OF
- 18 FACT, WHEN YOU LEFT TO GO TO WEST VIRGINIA--
- 19 ACTUALLY, YOU WERE ONLY IN TOWN ABOUT FOUR WEEKS
- 20 BEFORE YOU LEFT AGAIN, RIGHT? FROM THE FIRST OF
- 21 APRIL UNTIL THE FIRST OF MAY?
- 22 A NO, I WAS THERE UNTIL ABOUT THE END OF
- 23 MAY.
- 24 Q EIGHT WEEKS?
- 25 A CLOSE.

1 Q AND DURING THAT EIGHT WEEK PERIOD, YOU
2 WENT TO WORK FOR MR. ONSPA?
3 A RIGHT.
4 Q AND THEN YOU MET HIS GIRLFRIEND?
5 A YES.
6 Q AND IN THAT SHORT EIGHT WEEK PERIOD, YOU
7 LEFT AND TOOK HER AND HER KIDS AND WENT TO WEST
8 VIRGINIA?
9 A SHE CAME UP A WEEK AFTER I LEFT.
10 Q OKAY. AND SHE'S NOW YOUR WIFE?
11 A YES, SIR.
12 Q THAT ROMANCE BLOSSOMED VERY QUICKLY,
13 DIDN'T IT?
14 A WELL, HE USED TO BEAT HER. I DON'T GO
15 FOR THAT.
16 Q HE BEAT HER, YOU DON'T?
17 A NO, SIR.
18 Q OKAY. BASIS OF A GOOD RELATIONSHIP.
19 YOU...
20 MR. JONES: YOUR HONOR, OBJECTION.
21 THE COURT: THE JURY'S OUT, IT'S LATE IN
22 THE DAY--AND I SUSTAIN THE OBJECTION, MR.
23 HARPOOTLIAN.
24 MR. HARPOOTLIAN: EIGHT O'CLOCK, YOUR
25 HONOR. SORRY. COULDN'T HELP MYSELF.

1 THE COURT: ALL RIGHT. EVERY NOW AND
2 THEN, YOU GET ONE. MOVE ON.
3 MR. HARPOOTLIAN: THANK YOU.
4 Q LET ME UNDERSTAND THIS. STEPHEN BROUGHT
5 A GUN OVER?
6 A YES, SIR.
7 Q WHICH IS WHERE NOW?
8 A I HAVE NO IDEA.
9 Q IT LOOKED LIKE AN OLD M1 ARMY RIFLE?
10 A YES, SIR.
11 Q YOU KNOW ANYTHING ABOUT WEAPONS?
12 A YES, SIR.
13 Q YOU WERE IN THE ARMY, WEREN'T YOU?
14 A YES, SIR.
15 Q YOU KNOW WHAT AN M1 LOOKS LIKE?
16 A YES, SIR.
17 Q AND IT WAS AN M1?
18 A YES, SIR.
19 Q YOU EVER SHOT AN M1?
20 A NO, NOT IN PARTICULAR AN M1.
21 Q HOW LONG WERE YOU IN THE ARMY?
22 A THREE YEARS.
23 Q WHAT BRANCH?
24 A ARMY.
25 Q WHAT DID YOU DO IN THE ARMY?

1 A I WAS INFANTRY.

2 Q HERE, OVERSEAS?

3 A I SPENT TWO AND A HALF YEARS IN GERMANY.

4 Q IN GERMANY. AND BACK WHEN YOU WERE IN

5 THE ARMY, YOU WERE CARRYING WHAT, M16S?

6 A M16S.

7 Q BUT YOU'VE SEEN M1S?

8 A YES, SIR.

9 Q AND THEY HAVE THEM AROUND STILL AND THIS

10 WAS AN M1?

11 A I CAN'T SAY FOR SURE M1. IT WAS AN OLD

12 MILITARY RIFLE. BIG LONG RIFLE.

13 Q OKAY. LOOKED LIKE AN M1 TO YOU.

14 A YES, SIR.

15 Q NOW, HE ALSO GAVE YOU A PICTURE. WAS IT

16 AN 8 X 10 GLOSSY, A PHOTOGRAPH...

17 A WALLET-SIZE PICTURE.

18 Q WALLET-SIZE PICTURE. AND YOU ALSO DON'T

19 HAVE THAT ANY MORE.

20 A NO, SIR.

21 Q WHAT ABOUT THE ADDRESS? DO YOU REMEMBER

22 WHERE THE ADDRESS WAS?

23 A I DIDN'T PAY THAT MUCH ATTENTION TO IT.

24 Q SO LET ME GET THIS STRAIGHT. GUY COMES

25 OVER TO YOUR HOUSE, YOU'VE JUST BEEN OUT OF PRISON

1 WHAT, A MONTH? FOR ACCESSORY AFTER THE FACT OF
2 MURDER, HAS A GUN, HAS A PICTURE, HAS AN ADDRESS,
3 ASKS YOU TO KILL HIS WIFE, AND HEY, WHAT THE HECK?
4 LET'S NOT DO IT. THROW THE GUN AND THROW THE
5 PICTURE AND THROW THE ADDRESS AWAY. IS THAT SORT
6 OF THE SUM OF YOUR TESTIMONY?

7 A PRETTY MUCH.

8 Q DIDN'T CALL THE POLICE?

9 A NO, SIR.

10 Q NEVER SAID ANYTHING TO ANYBODY?

11 A NO, SIR. CAN I EXPLAIN WHY?

12 Q YEAH, I'M CURIOUS. THERE'S NO JURY
13 HERE. WHY?

14 A I JUST GOT OUT OF THE PENITENTIARY ON AN
15 ACCESSORY CHARGE AND I DID TURN MYSELF IN ON THAT
16 AND I STILL HAD TO DO TIME. I DIDN'T WANT ANY
17 INVOLVEMENT WITH IT.

18 Q THE IDEA YOU MIGHT SAVE A LIFE NEVER
19 ENTERED YOUR MIND, I SUPPOSE?

20 A I WISH I WOULD HAVE, BUT I DIDN'T.

21 Q NOW, WHEN DID HE TELL YOU HE WANTED IT
22 DONE?

23 A EXCUSE ME?

24 Q WHEN DID HE WANT IT DONE?

25 A THE LAST TIME I TALKED TO HIM HE TOLD ME

1 THAT THAT WEEKEND WOULD BE GOOD.

2 Q DO YOU REMEMBER WHAT WEEKEND THAT WAS?

3 A NOT BY DATE. IT WAS TOWARD THE END OF

4 APRIL.

5 Q TOWARD THE END OF APRIL?

6 A YES, SIR.

7 Q SO ONE OF THE LAST TWO WEEKENDS IN

8 APRIL?

9 A YES, SIR.

10 Q AND WHY WOULD ONE OF THOSE WEEKENDS BE

11 GOOD?

12 A HE SAID HE'D BE OUT OF TOWN AND SHE'D BE

13 ALONE.

14 Q OKAY. DID HE SAY WHERE HIS KIDS WOULD

15 BE?

16 A NO, SIR.

17 Q SO HE'D BE OUT OF TOWN WHICH WOULD GIVE

18 HIM AN ALIBI SOMEWHERE ELSE, AND SHE'D BE ALONE AT

19 THEIR HOME, IS THAT CORRECT?

20 A YES, SIR.

21 Q AND SO HE WAS GIVING YOU THE ADDRESS OF

22 WHERE HE LIVED...

23 A I DON'T KNOW WHOSE ADDRESS IT WAS.

24 Q BUT THE IMPRESSION YOU GOT FROM HIM IT

25 WAS THEIR JOINT HOME?

- 1 A HER HOME AS FAR AS I KNEW.
- 2 Q RIGHT, OKAY. BUT HE WOULDN'T BE THERE?
- 3 A NO, SIR.
- 4 Q YOU DON'T EVEN REMEMBER WHAT TOWN IT WAS
- 5 IN?
- 6 A NO, SIR.
- 7 MR. HARPOOTLIAN: BEG THE COURT'S
- 8 INDULGENCE ONE MOMENT.
- 9 Q JUST A FEW MORE QUESTIONS. ONE THING IS
- 10 WHILE YOU'VE BEEN WAITING BACK THERE IN THE BACK,
- 11 MR. JEFFERS HAS BEEN BACK THERE WITH YOU?
- 12 A HE CAME IN FOR A LITTLE WHILE.
- 13 Q OKAY, AND WHERE HAS MR. MORRIS BEEN?
- 14 A HE'S BEEN IN AND OUT OF THERE, TOO.
- 15 Q HE'S ALSO BEEN IN THE ROOM BACK THERE
- 16 WITH YOU?
- 17 A RIGHT.
- 18 Q AS I DISCUSSED WITH YOU EARLIER, YOU
- 19 TALKED TO ME A LITTLE BIT EARLIER, Y'ALL BEEN BACK
- 20 THERE WATCHING COURT TV, HAVEN'T YOU?
- 21 A WE SAW A LITTLE BIT OF IT.
- 22 Q AND WHEN YOU SAY YOU SAW A LITTLE BIT OF
- 23 IT, YOU SAW WHAT WAS BEING BROADCAST THROUGH THIS
- 24 CAMERA OF THIS COURTROOM?
- 25 A IT WAS SOMETHING THAT WAS RECORDED

1 EARLIER.

2 Q BUT IT WAS THIS COURTROOM?

3 A YES, SIR.

4 Q AND YOU WATCHED AND LISTENED TO IT, DID

5 YOU NOT?

6 A DIDN'T REALLY HEAR IT. THE VOLUME WAS

7 DOWN.

8 Q THE VOLUME DOWN. IT WASN'T DOWN THAT

9 MUCH. WHEN I LOOKED IN THERE, DID I NOT SEE Y'ALL

10 SITTING THERE WATCHING THE TELEVISION? AS A MATTER

11 OF FACT, Y'ALL WERE SITTING AT THE GRAND JURY,

12 BEHIND THE GRAND JURY BANISTER. THERE'S A LITTLE

13 CURVED PODIUM IN THERE AND THE TV IS DOWN THERE AND

14 Y'ALL ARE WATCHING, AREN'T YOU?

15 A I'VE DONE IT.

16 Q IS THAT A YES?

17 A YES, SIR.

18 Q OKAY. AND Y'ALL ARE BACK THERE, YOU AND

19 MR. MORRIS AND PERHAPS MR. JEFFERS FOR A LITTLE

20 WHILE, AND Y'ALL WERE TALKING ABOUT WHAT YOU WERE

21 WATCHING ON TV?

22 A NO, SIR.

23 Q NEVER TALKED ABOUT WHAT WAS GOING ON?

24 A THERE WAS AN OFFICER SITTING IN THERE

25 WITH US. WE WERE TOLD NOT TO DISCUSS NOTHING.

- 1 Q BUT Y'ALL WEREN'T TOLD NOT TO WATCH THE
2 TELEVISION?
- 3 A NO.
- 4 Q WHEN WERE YOU CONTACTED BY SOMEBODY TO
5 COME TO COURT, TO COME HERE? WHEN WAS THE FIRST
6 TIME YOU WERE CONTACTED?
- 7 A IT WAS THE 12TH OF THIS MONTH.
- 8 Q THE 12TH OF THIS MONTH WHICH WOULD HAVE
9 BEEN...
- 10 A ON A THURSDAY.
- 11 Q ...TWO WEEKS AGO TOMORROW?
- 12 A RIGHT.
- 13 Q AND WHO CONTACTED YOU?
- 14 A SANDY TEMPLETON, LAMAR WILLIAMS, AND
15 WILLIAM JOLLY, SLED AGENTS.
- 16 Q WHERE DID THEY CONTACT YOU?
- 17 A AT MY HOUSE.
- 18 Q AND AT YOUR HOUSE IN ANDERSON?
- 19 A YES, SIR.
- 20 Q WHEN ALL OF THESE SLED AGENTS CAME TO
21 YOUR HOUSE, DID YOU THINK YOU WERE IN TROUBLE?
- 22 A THEY WERE IN MY DRIVEWAY WHEN I PULLED
23 IN.
- 24 Q DID IT MAKE YOU NERVOUS?
- 25 A NO, SIR.

- 1 Q JUST SLED AGENTS THERE, RIGHT?
- 2 A I GOT OUT OF THE CAR AND ASKED THEM WHAT
- 3 THEY WANTED.
- 4 Q OKAY, AND WHAT DID THEY TELL YOU THEY
- 5 WANTED?
- 6 A THEY WANTED TO ASK ME ABOUT STEPHEN
- 7 BECKHAM AND RICHARD ANDERSON.
- 8 Q AND WHAT DID YOU TELL THEM?
- 9 A I TOLD THEM I DIDN'T KNOW NOTHING ABOUT
- 10 IT.
- 11 Q DIDN'T KNOW NOTHING ABOUT IT?
- 12 A NO, SIR.
- 13 Q THAT WAS YOUR ORIGINAL STATEMENT?
- 14 A YES, SIR.
- 15 Q OKAY, THEN WHAT DID THEY SAY?
- 16 A THEY GIVE ME THEIR BUSINESS CARDS AND
- 17 SAID IF I KNEW ANYTHING TO GET AHOLD OF THEM.
- 18 Q OKAY. AND?
- 19 A AND THEY LEFT. I WENT IN AND TALKED TO
- 20 MY WIFE. MY WIFE DIDN'T KNOW NOTHING ABOUT ANY OF
- 21 THIS. DIDN'T KNOW NOTHING ABOUT IT. I FELT
- 22 OBLIGATED TO TALK TO HER FIRST BEFORE I DID
- 23 ANYTHING.
- 24 Q AND THEN WHAT HAPPENED?
- 25 A WE DECIDED WHAT I HAD TO DO. I WALKED

- 1 BACK IN TO CALL THEM AND THEY WERE BACK ON MY FRONT
2 STEPS.
- 3 Q OKAY. AND THEN DID YOU INVITE THEM IN?
4 A YES, SIR.
- 5 Q AND THEN WHAT DID YOU TELL THEM?
6 A I TOLD THEM EVERYTHING I'VE BEEN TELLING
7 YOU.
- 8 Q WERE THEY TAKING NOTES?
9 A NO, SIR.
- 10 Q NOBODY WROTE DOWN A WORD YOU SAID?
11 A NO, SIR.
- 12 Q MR. TEMPLETON, MR. WIGGINS, NO ONE TOOK
13 DOWN A WORD?
- 14 A NO, SIR.
- 15 Q THEY WEREN'T MAKING NOTES AT ALL?
16 A NO, SIR.
- 17 Q WHEN NEXT DID YOU TALK TO SOMEBODY?
18 A IT WAS ON FRIDAY THE 13TH.
- 19 Q AND WHERE DID YOU TALK TO THEM?
20 A I BELIEVE IT WAS RIGHT HERE IN NEWBERRY.
- 21 Q AND WHO DID YOU TALK TO THEN?
22 A MR. SOLICITOR AND HIS PEOPLE, AND THE
23 SLED AGENTS.
- 24 Q AND DID ANYBODY TAKE NOTES THEN?
25 A POSSIBLY.

1 Q SLED AGENT MAYBE?
2 A POSSIBLY.
3 Q DID YOU, HAVE YOU, WHAT'S YOUR HOME
4 PHONE NUMBER IN ANDERSON?
5 A MY HOME PHONE NUMBER?
6 Q PLEASE.
7 A 716-0686.
8 Q 716-0686? AREA CODE 864?
9 A YES, SIR.
10 Q DO YOU HAVE A BUSINESS?
11 A NO.
12 Q WHERE DO YOU WORK?
13 A I WORK FOR SATTERFIELD CONSTRUCTION.
14 MR. JONES: JUDGE, WHAT'S THE RELEVANCE
15 OF ALL OF THIS?
16 MR. HARPOOTLIAN: I WANT HIS PHONE
17 NUMBER, YOUR HONOR.
18 MR. JONES: WHAT'S THE RELEVANCE?
19 THE COURT: THEY'RE ENTITLED TO RUN A
20 BACKGROUND CHECK ON HIM, SOLICITOR.
21 MR. JONES: OH, OKAY.
22 Q WHAT'S YOUR DATE OF BIRTH?
23 A 9/8/59.
24 Q YOUR SOCIAL SECURITY, PLEASE?
25 A 

1 Q DO YOU KNOW WHAT YOUR DRIVER'S LICENSE
2 IS?
3 A I DON'T HAVE A DRIVER'S LICENSE.
4 Q OKAY. HAVE YOU HAD A DRIVER'S LICENSE?
5 A NOT IN TEN OR TWELVE YEARS.
6 Q HOW DO YOU GET AROUND?
7 A MY WIFE AND THE GUY THAT LIVES WITH ME
8 WORKS WITH ME.
9 Q OKAY, DO YOU HAVE ANY PENDING CRIMINAL
10 CHARGES RIGHT NOW?
11 A NO, SIR.
12 Q DO YOU KNOW AN ATTORNEY IN MYRTLE BEACH
13 NAMED PAUL JOSEPH?
14 A YES, SIR.
15 Q HOW DO YOU KNOW HIM?
16 A HE WAS MY ATTORNEY, I BELIEVE, ON THE
17 CHARGES I HAD UP THERE, THE ACCESSORY.
18 Q THE ACCESSORY. HE'S NOT REPRESENTING
19 YOU ON ANYTHING RIGHT NOW?
20 A NO, SIR.
21 Q YOU DON'T HAVE A PENDING DRIVING UNDER
22 THE INFLUENCE?
23 A NO, SIR.
24 Q YOU HAVE NO PENDING CRIMINAL CHARGES
25 ANYWHERE IN THIS STATE?

1 A NO, SIR.
2 MR. HARPOOTLIAN: BEG THE COURT'S
3 INDULGENCE.
4 THANK YOU.
5 THE COURT: ANYTHING ON REDIRECT?
6 MR. JONES: NO, SIR.
7 THE COURT: ALL RIGHT, THANK YOU, SIR.
8 STEP DOWN.
9 CALL YOUR NEXT WITNESS.
10 MR. JONES: WE'LL HAVE CHARLES MORRIS.
11 CHARLES MORRIS, BEING DULY
12 SWORN, TESTIFIED AS FOLLOWS:
13 DIRECT EXAMINATION:
14 BY MR. JONES:
15 Q MR. MORRIS, I JUST WANT TO ASK YOU A
16 COUPLE OF QUESTIONS. DO YOU KNOW RICK MITCHELL?
17 A YES, SIR.
18 Q HAS HE EVER LIVED WITH YOU?
19 A YES, SIR.
20 Q WHEN DID HE LIVE WITH YOU?
21 A IT'S BEEN A FEW YEARS BACK.
22 Q WHERE WERE YOU LIVING WHEN HE LIVED WITH
23 YOU?
24 A LOT 18, DOOLEY'S MOBILE HOME PARK.
25 Q DOOLITTLE MOBILE HOME PARK?

1 A DOOLEY'S.
2 Q DOOLEY'S MOBILE HOME PARK?
3 A YES, SIR.
4 Q DO YOU REMEMBER THE TIME PERIOD THAT HE
5 LIVED WITH YOU?
6 A MAYBE A MONTH, MAYBE A MONTH AND A HALF.
7 Q DO YOU REMEMBER WHAT YEAR IT WAS IN?
8 A I BELIEVE IT WAS '94.
9 Q IN '94 FOR A MONTH?
10 A YES, SIR.
11 Q DO YOU REMEMBER HIM SHOWING YOU, AT ANY
12 POINT IN TIME, DURING THE TIME HE LIVED WITH YOU
13 ANY WEAPON?
14 A YES, SIR.
15 Q WHAT DID HE SHOW YOU IN THE WAY OF A
16 WEAPON?
17 A A RIFLE.
18 Q AND WHEN HE SHOWED YOU THE RIFLE, DID HE
19 SHOW YOU ANYTHING ELSE?
20 A THERE WAS A PHOTOGRAPH.
21 Q A PHOTOGRAPH?
22 A YES, SIR.
23 Q A PHOTOGRAPH OF WHAT?
24 A A LADY.
25 Q OF WHAT?

- 1 A A LADY.
- 2 Q IF YOU WOULD SPEAK UP AND SPEAK INTO
- 3 THAT MICROPHONE. JUST SIT UP AND SPEAK INTO THE
- 4 MICROPHONE. A LADY?
- 5 A YES, SIR.
- 6 Q NOW, WHEN HE SHOWED YOU THE PHOTOGRAPH
- 7 OF THE LADY AND THE GUN, HAD YOU SEEN ANYBODY
- 8 AROUND YOUR HOME ON THAT OCCASION?
- 9 A RICK TALKED TO A GENTLEMAN EARLIER THAT
- 10 DAY.
- 11 Q WHO?
- 12 A HE SAID IT WAS STEVE BECKHAM.
- 13 Q DID YOU KNOW STEVE BECKHAM?
- 14 A NO, SIR.
- 15 Q DID YOU KNOW WHAT HE LOOKED LIKE?
- 16 A NO, SIR.
- 17 Q DID YOU SEE HIM AT THE TIME?
- 18 A I SEEN HIM OUTSIDE TALKING.
- 19 Q YOU SEEN WHO OUTSIDE TALKING?
- 20 A STEVE. THAT'S WHO RICK HAD TOLD ME.
- 21 Q WELL, WHAT DID THE GUY THAT RICK WAS
- 22 TALKING TO OUTSIDE WHEN HE SHOWED YOU THE GUN AND
- 23 THE PICTURE LOOK LIKE? DESCRIBE HIM FOR ME. TELL
- 24 ME WHAT COLOR HAIR HE HAD?
- 25 A HAD DARK HAIR, KIND OF MEDIUM BUILD,

1 ABOUT 5'10" OR 5'11".

2 Q WHAT WEIGHT?

3 A ABOUT A HUNDRED AND SEVENTY.

4 Q DO YOU RECALL WHAT HE WAS DRIVING?

5 A NO, SIR. I WAS INSIDE.

6 Q YOU DIDN'T HEAR ANY OF THEIR

7 CONVERSATION?

8 A NO, SIR.

9 Q HAD THE GUY, HAD YOU EVER BEEN THERE

10 WHEN THE GUY CAME BY BEFORE?

11 A NO, SIR.

12 Q ANSWER ANY QUESTIONS THIS LAWYER HAS FOR

13 YOU.

14 THE COURT: CROSS EXAMINATION.

15 CROSS EXAMINATION:

16 BY MR. HARPOOTLIAN:

17 Q HAVE YOU BEEN SHOWN ANY PHOTOGRAPH

18 LINEUPS, ANY PHOTO SPREADS WITH PICTURES IN THEM?

19 A NO, SIR.

20 Q POLICE TRIED TO GET YOU TO DO ANY

21 IDENTIFICATION PROCESS?

22 A NO, SIR.

23 Q YOU LIVED IN DOOLEY MOBILE HOME PARK.

24 DID RICK MOVE IN WITH YOU AS SOON AS HE GOT OUT OF

25 PRISON?

- 1 A SHORTLY AFTER.
- 2 Q WHEN YOU SAY SHORTLY, WOULD IT HAVE BEEN
- 3 A WEEK, A MONTH, TWO MONTHS OR WHAT?
- 4 A POSSIBLY A WEEK OR TWO. I DIDN'T KEEP
- 5 UP WITH THE TIME FRAME.
- 6 Q WHERE DID YOU WORK AT THE TIME?
- 7 A NORTHGATE TIRE AND MUFFLER.
- 8 Q WHERE?
- 9 A NORTHGATE TIRE AND MUFFLER.
- 10 Q THIS PLACE?
- 11 A YES, SIR.
- 12 Q SORT OF A WILD QUESTIONS; YOU DIDN'T
- 13 SELL FOUR TIRES TO RICHARD ANDERSON ON MAY 9TH,
- 14 1994, DID YOU? DO YOU KNOW RICHARD?
- 15 A YES, SIR. I'VE SEEN HIM COME IN THE
- 16 SHOP, PLUS I'VE SEEN HIM AT SMUGGLER'S.
- 17 Q OH, YOU GO TO SMUGGLER'S TOO?
- 18 A NO, SIR. IT'S NOT A HANGOUT OF MINE.
- 19 Q YOU EVER BEEN THERE?
- 20 A I'VE BEEN THERE, YES SIR.
- 21 Q EVER WORKED THERE?
- 22 A NO, SIR.
- 23 Q ANY WAY TO TELL WHO SOLD THIS?
- 24 A LOOKS LIKE MY BOSS' HANDWRITING.
- 25 Q YOUR BOSS?

- 1 A YES, SIR.
- 2 Q SO HE COULD TELL US WHO HE SOLD THIS TO?
- 3 PROBABLY?
- 4 A POSSIBLY.
- 5 Q OKAY. THE GUN AND THE PICTURE, HOW BIG
- 6 WAS THE PICTURE?
- 7 A JUST A LITTLE PHOTOGRAPH.
- 8 Q HOW BIG WAS THE GUN?
- 9 A IT WAS A RIFLE. I DIDN'T MEASURE IT.
- 10 Q OKAY. WHAT HAPPENED TO THE GUN?
- 11 A I DO NOT KNOW, SIR.
- 12 Q I MEAN, RICK LEFT AFTER ABOUT A MONTH OR
- 13 SO, DIDN'T HE? DIDN'T HE GO TO WEST VIRGINIA?
- 14 A YES, SIR. I HAVE NOT SEEN THE GUN BUT
- 15 ONE TIME.
- 16 Q THAT WAS THAT ONE TIME?
- 17 A YES, SIR.
- 18 Q DO YOU KNOW WHAT HE DID WITH IT?
- 19 A NO, SIR.
- 20 Q DO YOU KNOW RICHARD ANDERSON?
- 21 A YES, SIR.
- 22 Q HAS HE EVER BEEN TO YOUR TRAILER?
- 23 A NO, SIR.
- 24 Q YOU EVER SEEN HIM IN SMUGGLER'S?
- 25 A AT THE DOOR.

1 Q OKAY. AND RICK WORKED THERE AS A BOUNCE
2 ALSO FOR AWHILE, DIDN'T HE?
3 A YES, SIR.
4 Q OKAY. SO HE AND RICK WORKED TOGETHER?
5 A I'M NOT SURE IF THEY WORKED THERE AT THE
6 SAME TIME. I KNOW BOTH OF THEM DID WORK THERE AT
7 ONE TIME.
8 Q OKAY. SO YOU SAW A PICTURE AND YOU SAW
9 A RIFLE, AND THIS IS SOMETIME IN THE SPRING OF 1994
10 AFTER HE GOT OUT OF JAIL?
11 A YES, SIR.
12 Q WAS RICK SELLING DRUGS OUT OF THE
13 TRAILER?
14 A NO, SIR. NOT THAT I'M AWARE OF.
15 Q SEE HIM SELLING DRUGS DURING THAT PERIOD
16 OF TIME?
17 A NO, SIR.
18 MR. HARPOOTLIAN: BEG THE COURT'S
19 INDULGENCE.
20 YOUR HONOR, THAT'S ALL I HAVE.
21 THE COURT: ANYTHING ON REDIRECT?
22 MR. JONES: NOT A THING, JUDGE.
23 THE COURT: THANK YOU, SIR. YOU MAY
24 STEP DOWN.
25 MR. COULTER, ON THE 1991, UPON WHAT

1 THEORY, WHAT LYLE EXCEPTION ARE YOU ATTEMPTING TO
2 OFFER THE EVIDENCE?

3 MR. COULTER: YOUR HONOR, THE STATE IS
4 INTENDING TO INTRODUCE THE 1991 EVIDENCE REGARDING
5 DEFENDANT BECKHAM'S HIRING OF MR. MITCHELL AND MR.
6 JEFFERS UNDER THE THEORY OF IDENTITY AS WELL AS A
7 COMMON SCHEME OR PLAN.

8 IT IS VERY CLEAR FROM THE DEFENDANT'S
9 CONDUCT THAT HIS COURSE AND HABITS IN REGARDS TO
10 TAKING OUT AND CARRYING OUT VIOLENCE ON ANOTHER
11 NECESSITATES THE HIRING OF SOMEONE ELSE TO
12 ACCOMPLISH THESE ACTS, WHICH IS EXACTLY WHAT
13 HAPPENED BACK IN 1991 WHICH IS A SIMILAR COURSE OF
14 CONDUCT AS TO WHAT HE ENROLLED IN, IN ATTEMPTING TO
15 HIRE RICK MITCHELL ONCE AGAIN TO KILL HIS WIFE, AS
16 WELL AS WHAT HE DID WITH RICHARD ANDERSON LATER,
17 SUCCESSFULLY COMPLETING THAT HIRING.

18 SO NOT ONLY DO WE SAY IT GOES TO THE
19 COMMON SCHEME OR PLAN CAUSED BY THE DEFENDANT, BUT
20 ALSO THE IDENTITY OF THE PERSON. RICHARD ANDERSON
21 IS STATING HE WAS HIRED AND HE WAS HIRED BY THE
22 DEFENDANT STEPHEN BECKHAM. THE TESTIMONY OF THESE
23 TWO INDIVIDUALS SHOW THAT IN FACT STEPHEN BECKHAM
24 DID, IN FACT HIRE PEOPLE TO DO HIS DIRTY WORK. AND
25 THAT'S WHAT RICHARD ANDERSON SAID AND IT GOES TO

1 THE IDENTITY OF THE DEFENDANT.

2 THE COURT: AS TO THE 1994, I UNDERSTAND
3 YOUR RES GESTAE, BUT AS TO 1994 ON WHAT EXCEPTION
4 ARE YOU INTENDING TO OFFER THE EVIDENCE?

5 MR. COULTER: YOUR HONOR, AS FAR AS 1994
6 GOES, WE WOULD OFFER IT AGAIN FOR IDENTITY, AND
7 VERY CLEARLY, WE WOULD CONTEND UNDER COMMON SCHEME
8 OR PLAN. ONCE AGAIN I QUOTE THE CASE OF STATE
9 VERSUS GOODE, WHERE THE STATE INTRODUCED EVIDENCE
10 OF SOME FOUR MONTHS PRIOR TO THE MURDER, AND
11 ROBBERY OF THE VICTIM, BY THE DEFENDANT, THE
12 DEFENDANT HAD BURGLARIZED THE VICTIM'S HOME. IN
13 FINDING THE EVIDENCE TO BE ADMISSIBLE, THE COURT IN
14 GOODE NOTICED THAT PRESCRIPTION OF LYLE BUT HELD
15 THAT THE EVIDENCE TENDS TO SHOW OFFENSES THAT ARE
16 MORE THAN A MERE SIMILARITY, BUT INSTEAD AN
17 INTERWOVEN AND CONTINUING COURSE OF CONDUCT AGAINST
18 THE VICTIMS.

19 THIS IS A RES GESTAE TYPE OF ARGUMENT,
20 YOUR HONOR, IN REGARDS TO THE INTERWOVEN SCHEME OR
21 PLAN OF THE DEFENDANT GOING TO MR. MITCHELL ONE
22 MONTH PRIOR TO HIRING MR. ANDERSON. I'D GO ON IN
23 THIS SAME REGARD AND QUOTE THE CASE OF THE STATE
24 VERSUS ANDERSON, WHICH IS A 1969 CASE, WHICH IS A
25 CASE FACTUALLY TO THE BECKHAM CASE. THE STATE

1 INTRODUCED EVIDENCE TENDING TO SHOW THAT THE
2 DEFENDANT HAD ATTEMPTED TO HAVE HIS WIFE MURDERED
3 BY AN ACQUAINTANCE APPROXIMATELY ONE MONTH PRIOR TO
4 THE DEFENDANT ACTUALLY MURDERING HIS WIFE. COURT
5 FOUND THIS EVIDENCE HAD BEEN PROPERLY ADMITTED AS
6 EVIDENCE ON THE ISSUE OF THE OVERALL PLAN TO MURDER
7 THE VICTIM. THAT CITATION IS 169 S.E.2ND, 706. 1969.

8 AGAIN, YOUR HONOR, THE STATE WOULD
9 CONTEND THAT BECKHAM'S PREVIOUS ATTEMPTS TO SOLICIT
10 THE MURDER OF HIS WIFE WOULD BE ADMISSIBLE AS PART
11 OF THE RES GESTAE OF THE CASE, AS HAS RECENTLY BEEN
12 DISCUSSED. THE SECOND CASE IS THE STATE VERSUS
13 WILLIAMS, KENNETH WILLIAMS, AS WELL AS THE STATE
14 VERSUS ADAMS, GEORGE ADAMS.

15 IN BOTH OF THESE CASES, THE COURT STATED
16 THAT EVIDENCE OF OTHER CRIMINAL CONDUCT THAT OCCURS
17 CONTEMPORANEOUSLY WITH AS PART AND PARCEL OF THE
18 CRIME CHARGED IS CONSIDERED PART OF THE RES GESTAE
19 AT THAT OFFENSE. UNDER RES GESTAE EVIDENCE OTHER
20 CRIMES IS ADMISSIBLE WHERE IT IS INTIMATELY
21 CONNECTED WITH THE PENDING OFFENSE. AND THAT IS
22 EXACTLY WHAT WE CONTEND, THAT THE SOLICITATION OF
23 RICK MITCHELL IS INTIMATELY CONNECTED WITH THE
24 DEFENDANT'S SOLICITATION OF RICHARD ANDERSON AND
25 THE EVENTUAL DEATH OF VICTORIA LANDER BECKHAM, AS

1 WELL AS--THAT'S IN REGARDS TO THE RES GESTAE.

2 SIMILAR AND SAME ARGUMENT, YOUR HONOR,
3 WE WOULD CONTEND WOULD BE MADE AS FAR AS THE LYLE
4 EVIDENCE UNDER A COMMON SCHEME OR PLAN.

5 THE COURT: ALL RIGHT, MR. HARPOOTLIAN,
6 AS TO THE 1991?

7 MR. HARPOOTLIAN: WELL, YOUR HONOR, WE
8 WOULD SUGGEST IT'S TOO REMOTE. THE TWO WITNESSES
9 THEY'VE PUT FORWARD ON THAT ISSUE DON'T AGREE ON
10 ANYTHING. SO, I MEAN, THERE'S SEVERAL DIFFERENT
11 ASPECTS OF THAT.

12 YOUR HONOR, LET ME START THE BATTLE
13 HERE. LET ME DEFER TO MR. SWERLING ON BOTH OF
14 THESE. HE DID ONE OF THE WITNESSES IN RELATION TO
15 THIS. IF HE'S GOING TO WHISPER IN MY EAR EVERY
16 FIVE SECONDS, I'M GOING TO LET HIM DO IT.

17 THE COURT: ANYTHING ELSE ON THE '91?

18 MR. SWERLING: ON THE '91? IF WE COULD
19 CONFER ONE MINUTE, YOUR HONOR.

20 JUDGE, AS TO THE '91 THING, I MEAN,
21 FIRST OF ALL, IT'S REMOTE AND IT'S NOT THE SAME.
22 IT DOES NOT HAVE THE SAME DEGREE OF SIMILARITY TO
23 ALLOW IT IN UNDER LYLE. ON THE ONE SITUATION, YOU
24 HAVE SOMEONE THAT'S TRYING TO FRIGHTEN SOMEONE,
25 ROUGH THEM UP, AND THE OTHER ONE, YOU HAVE A PLOT

1 TO KILL. SO, I SUBMIT THERE'S NOT THAT SIMILARITY
2 REQUIRED UNDER THE LYLE THEORY, SECOND OF ALL, IT'S
3 REMOTE, AND THIRD OF ALL, I DON'T THINK IT'S
4 RELIABLE. I THINK THE COURT HEARD TESTIMONY OF TWO
5 VERY DIVERSE SCHEMES FROM THE TWO WITNESSES THAT
6 HAVE TESTIFIED TO IT AND I DON'T THINK THAT WOULD
7 MEET THE CLEAR AND CONVINCING STANDARD UNDER BELL,
8 WHICH UNFORTUNATELY, I'M FAMILIAR WITH.

9 THE COURT: ALL RIGHT, 1994?

10 MR. SWERLING: JUDGE, I DON'T THINK,
11 UNDER THE RES GESTAE THEORY, I DON'T THINK IT COMES
12 IN BECAUSE AS I UNDERSTOOD THE RES GESTAE THEORY,
13 AS PROPOUNDED BY JUSTICE TOAL, IT HAS TO BE
14 CONTEMPORANEOUS. THE COURSE OF CONDUCT HAS TO BE
15 CONTEMPORANEOUS. THIS IS OBVIOUSLY NOT CONDUCT
16 THAT'S CONTEMPORANEOUS. THIS IS CONDUCT, IT'S TWO
17 SEPARATE ACTS BY THE DEFENDANT BECKHAM, ALLEGED BY
18 THE DEFENDANT BECKHAM. ONE IS ANDERSON, ONE IS
19 SLICK RICK.

20 AND SECOND OF ALL, THE METHODS WERE
21 DIFFERENT THAT WERE ADOPTED, OR PROPOSED BY
22 DEFENDANT BECKHAM TO EACH ONE OF THEM EVEN IF YOU
23 FIND THAT THEY ARE RELIABLE. SO I DON'T THINK IT'S
24 A RES GESTAE ISSUE. I THINK THE COURT HAS TO LOOK
25 IT AS FROM A LYLE SITUATION, AND I SUBMIT TO THE

1 COURT, IT'S NOT CLEAR AND CONVINCING. SECOND OF
2 ALL, IT'S NOT SIMILAR IN THE RESPECT THAT EVEN
3 THOUGH IT DOES INVOLVE A DEATH, PROPOSED DEATH,
4 IT'S NOT BY THE SAME MANNER AND MEANS. IT'S NOT
5 CLOSELY SIMILAR ENOUGH, OR IT'S NOT SIMILAR ENOUGH
6 IN THE MANNER IN WHICH IT WAS SUPPOSED TO BE
7 CARRIED OUT AS TO ALLOW IT TO COME IN UNDER LYLE AS
8 A COMMON SCHEME OR PLAN.

9 THE OBJECT MAY HAVE BEEN THE SAME BUT
10 THE MEANS WERE DIFFERENT, AND I DON'T THINK THAT
11 LYLE SPEAKS TO THAT KIND OF ISSUE. I THINK LYLE,
12 IN ORDER TO SHOW A COMMON SCHEME OR PLAN, YOU WOULD
13 HAVE TO SHOW THAT IT WAS THE SAME SCHEME AND PLAN;
14 THIS WAS NOT.

15 THE COURT: OKAY. ON THE...

16 MR. SWERLING: AND ALSO, YOUR HONOR, IF
17 I COULD, UNDER A 403 ANALYSIS, I'D ALSO SUBMIT EVEN
18 IF YOUR HONOR FINDS IT'S ADMISSIBLE, I THINK IT'S
19 PREJUDICIAL EFFECT OUTWEIGHS THE PROBATIVE VALUE.

20 THE COURT: ALL RIGHT. AS TO THE 1994,
21 I FIND THAT BY CLEAR AND CONVINCING EVIDENCE THAT
22 THE TESTIMONY SHOULD BE ADMITTED BEARING UPON THE
23 QUESTION OF IDENTITY AND INTENT. I'LL ACCEPT YOUR
24 ARGUMENT FOR RES GESTAE, BUT I'M NOT TERRIBLY
25 CONVINCED ABOUT THAT. THAT COULD BE AN ALTERNATIVE

1 GROUND FOR PURPOSES OF ANY APPEAL FROM THE THING,
2 BUT I'M SATISFIED THAT THERE WAS A FORM THAT A JURY
3 COULD FIND FROM THE TESTIMONY, IF THEY BELIEVE THE
4 WITNESSES, THAT HE HAD THE INTENT TO HAVE HIS WIFE
5 KILLED, AND CERTAINLY IT ESTABLISHES THE IDENTITY
6 OF THE PERSON WHO IS ATTEMPTING TO HIRE.

7 AS TO THE COMMON SCHEME OR PLAN, I DON'T
8 KNOW THAT IT EXACTLY FITS IN THERE, BUT IT DOES,
9 BUT I GUESS ONE COULD ARGUE THAT THE CRIME CHARGED
10 WAS PART OF THE CONTINUOUS TRANSACTION; THAT IS,
11 THAT HE IS TRYING TO FIND CONSPIRATORS TO, OR
12 PERSONS TO PARTICIPATE IN A PLAN TO HAVE HIS WIFE
13 KILLED.

14 AS TO THE 1991 TESTIMONY, I FIND THAT
15 THE STATE HAS FAILED TO ESTABLISH BY CLEAR AND
16 CONVINCING EVIDENCE THAT THIS TESTIMONY SHOULD BE
17 ADMITTED UNDER LYLE AS TO THE ISSUES OF COMMON
18 SCHEME, PLAN AND IDENTITY. THE WITNESSES CANNOT
19 EVEN AGREE WHAT THE PLAN WAS WITH THE TECHNIQUES.
20 PLUS THE FACT THERE'S NO SAME DEGREE OF SIMILARITY.
21 IT IS ALSO REMOTE IN TIME. IT ALSO REALLY GOES TO
22 CHARACTER. GIVEN THE TRUTH, ACCEPTING FOR THE
23 MOMENT, THE TRUTH OF THE MATTER, IT REALLY SHOWS
24 MORE THAN IDENTITY OR COMMON SCHEME OR PLAN. IT
25 SHOWS HE USES THESE TYPES OF METHODS TO ROUGH UP

1 PEOPLE. THE OBJECT IN THAT CASE WAS NOT TO KILL
2 SOMEBODY, BUT MERELY TO GET THEIR ATTENTION,
3 ACCORDING TO ONE OF THE WITNESSES. SO I EXCLUDE
4 THE '91 AND ALLOW THE '94.

5 MR. JONES: THANK YOU, YOUR HONOR.

6 MR. HARPOOTLIAN: YOUR HONOR, JUST ONE
7 OTHER MATTER FOR THE RECORD. I NOTED THAT THIS
8 YOUNG MAN, AT LEAST ONE OF THE WITNESSES WATCHED
9 COURT TV IN THE BACK WHILE THEY WERE SUPPOSED TO BE
10 SEQUESTERED. I NOTE THAT FOR THE RECORD, AND ASK
11 HIS TESTIMONY NOT BE ALLOWED BECAUSE OF THAT.

12 THE COURT: WELL, AS I HAD UNDERSTOOD
13 IT, MR. HARPOOTLIAN, HE--OF COURSE, YOU HAD A
14 CHANCE TO EXAMINE THE WITNESS AS TO WHAT HE SAW.
15 HE SAID IT WAS SOME TYPE OF REPEAT. WE HAD NOT
16 TAKEN UP ANY LYLE ISSUES IN HIS PRESENCE, SO
17 THERE'S NOTHING THERE FOR HIM TO WATCH. AND I'VE
18 TAKEN EXTRA PRECAUTIONS NOW TO MAKE SURE THERE'S
19 NOT GOING TO BE ANY MORE OF THAT WATCHING.

20 MR. HARPOOTLIAN: YOUR HONOR, BEFORE
21 PEOPLE START SPREADING OUT HERE, MY UNDERSTANDING
22 FROM SOLICITOR JONES IS HE WILL IN ALL PROBABILITY
23 REST HIS CASE AT SOME POINT TOMORROW. WE HAVE TO
24 BEGIN THE LOGISTICALLY PROCESS OF MARSHALLING OUR
25 FORCES FOR THE DEFENSE CASE. WE'D LIKE TO CALL

1 WITNESSES IN AN ORDER THAT MAKES SOME SENSE. WILL
2 YOU, YOU SAID YOU'D WAIT UNTIL...

3 THE COURT: SOLICITOR, YOU'RE GOING TO
4 BE FINISHED BY ONE OR TWO O'CLOCK?

5 MR. JONES: WELL, YOUR HONOR, WE'RE
6 GOING TO TRY. YOU KNOW, I'VE MENTIONED EARLIER
7 TODAY THAT I THOUGHT SPIKE MCCRAW WOULD BE,
8 YESTERDAY, I THOUGHT SPIKE MCCRAW WOULD BE ON THE
9 STAND MOST OF THE DAY, AND YOU KNOW, HE WAS. SO,
10 YOU KNOW, I'VE GOT FIVE OR SIX WITNESSES TOMORROW.
11 I DON'T KNOW HOW LONG THEY'RE GOING TO CROSS
12 EXAMINE THEM. AND YOU WOULD CERTAINLY AGREE THAT
13 THAT FACTORS IN AS TO HOW AND WHEN I CAN FINISH.

14 THE COURT: I'M NOT GOING TO START YOUR
15 CASE BEFORE FRIDAY MORNING.

16 MR. HARPOOTLIAN: OKAY.

17 THE COURT: AND THEN WE'LL ADJUST IT
18 ACCORDINGLY.

19 MR. HARPOOTLIAN: I MEAN, IF WE GO
20 PRETTY LATE,...

21 THE COURT: IT DEPENDS.

22 MR. HARPOOTLIAN: ...I MEAN, IF WE GO
23 LATE TOMORROW, YOU'LL GIVE US A LITTLE TIME FRIDAY?

24 THE COURT: I TOLD YOU I'LL GIVE YOU A
25 REASONABLE PERIOD OF TIME.

1 MR. HARPOOTLIAN: AND YOUR HONOR, AS TO
2 THE WITNESS, I WOULD BE SAFE, I BELIEVE, IN
3 BRINGING A WITNESS FROM OUT OF STATE IN ON
4 SATURDAY?

5 THE COURT: THE KENTUCKY WITNESS? THE
6 TENNESSEE WITNESS?

7 MR. HARPOOTLIAN: TENNESSEE, RIGHT.

8 THE COURT: SATURDAY, IF YOU WANT.

9 MR. HARPOOTLIAN: AND WE MAY PUT HER UP
10 OUT OF ORDER SO I CAN FLY HER IN AND FLY HER OUT
11 AND NOT HAVE TO...

12 THE COURT: WELL, LET ME TELL YOU THIS.
13 IT DOESN'T LOOK LIKE WE WILL BE DELIBERATING, UNDER
14 ANY SCENARIO BY SATURDAY NIGHT. I INTEND TO QUIT
15 IN TIME FOR ME TO GO HOME SATURDAY NIGHT. I HAVE A
16 THIRTY YEAR CLASS REUNION WITH ABOUT A HUNDRED AND
17 THIRTY-FIVE OUT OF A HUNDRED AND FIFTY-FOUR COMING,
18 AND I'D LIKE TO GO TO THAT. SO WE WILL KNOCK OFF
19 AT A REASONABLE HOUR SATURDAY. WE WON'T BE HERE
20 LIKE SEVEN OR EIGHT OR NINE O'CLOCK.

21 MR. HARPOOTLIAN: WELL, YOUR HONOR, JUST
22 SO I CAN SCHEDULE THIS PERSON IN...

23 THE COURT: I PLAN TO KNOCK OFF HERE
24 ABOUT FIVE, FIVE-THIRTY AT THE LATEST.

25 MR. HARPOOTLIAN: OKAY. IT'S JUST THAT

1 SHE'S GOT A FLIGHT IN AT NOON. I DON'T KNOW WHAT
2 THE FLIGHT RANGES ARE, BUT I DIDN'T WANT TO BOOK
3 THAT WITHOUT...

4 THE COURT: NOW, I'M GOING TO TALK TO
5 THE JURY. I DON'T LIKE TO DO THIS; PERSONALLY, IT
6 DOESN'T SUIT ME TO DO THIS, BUT I THINK WHEN WE ASK
7 A JURY TO STAY DOWN HERE FOR THE NUMBER OF DAYS
8 THAT THEY'RE HERE, I AM GOING TO GIVE THEM A CHOICE
9 OF WORKING THE WHOLE DAY SUNDAY, IF THEY WANT. I'M
10 NOT GOING TO SUGGEST THAT THEY DO IT, BUT IF THEY
11 INSIST ON IT, WE MAY GO...

12 MR. JONES: SUITS ME, YOUR HONOR.

13 THE COURT: WELL, I DON'T KNOW WHAT
14 THEY'LL SAY. BECAUSE, YOU KNOW, IT GETS KIND OF
15 TIRING, AND I DON'T LIKE THE IDEA OF DOING THAT,
16 BUT THEY--WE'VE MISCALCULATED THIS CASE, AND I'M
17 NOT COMPLAINING ABOUT EITHER SIDE. I'M JUST SAYING
18 WE MISCALCULATED IT, AND ASSUMING THERE IS A GUILTY
19 VERDICT IN THE CASE, THEN WE'VE STILL GOT A DAY OF
20 WAITING BEFORE WE EVER GOT TO THE PENALTY PHASE.

21 MR. JONES: YES, SIR.

22 THE COURT: WE'RE REALLY TALKING ABOUT
23 CONSUMING ANOTHER WEEK, POTENTIALLY.

24 MR. JONES: JUDGE, I KNOW YOU DON'T WANT
25 TO HEAR THIS, BUT YOU REMEMBER BACK DURING VOIR

1 DIRE AND I SAID TO ONE JUROR, "IT WON'T BOTHER YOU
2 TO BE AWAY FOR TWO OR THREE WEEKS," AND THE
3 DEFENSE JUMPED UP AND CLAIMING I WAS THREATENING
4 THEM WITH HOW LONG THEY WERE GOING TO BE AWAY AND
5 TRYING TO TALK THEM OUT OF COMING AND ALL OF THAT?

6 THE COURT: YEAH.

7 MR. HARPOOTLIAN: YOUR HONOR, FOR THE
8 RECORD, MR. JONES HAS BEEN PRESCIENT.

9 THE COURT: I DON'T THINK ANYBODY CAN
10 ACCUSE ANYBODY OF WASTING TIME. IT'S THE ONLY
11 CRITICISM THAT I HAVE SAID, IT'S HARD TO GET OLD
12 HABITS OUT OF GOOD LAWYERS REPEATING THEMSELVES.
13 AND YOU KNOW, THAT'S JUST SOMETHING THAT'S PART OF
14 THE PROFESSION. BUT AS FAR AS WORKING HARD AT IT,
15 I DON'T THINK ANYBODY IS GOING TO CRITICIZE YOU
16 FOLKS FOR THAT. IN FACT, YOU'RE MAKING ME TIRED.
17 SEE YOU IN THE MORNING AT 9:30.

18 (COURT RECESSED FOR EVENING AT 8:35 P.M.
19 RECONVENING AT 9:40 A.M. ON THURSDAY, SEPTEMBER
20 26TH, 1996)

21 THE COURT: ALL RIGHT, I SLEPT ON THE
22 RULING ON MR. SWERLING'S OBJECTIONS TO MR.
23 COULTER'S REDIRECT. I'M NOT GOING TO CHANGE THE
24 ULTIMATE RULING. THAT WILL STAND. BUT FOR
25 PURPOSES OF THE RECORD, I WOULD WITHDRAW, AS A

1 BASIS OF THAT RULE, USE OF 806 PURSUANT TO 801
2 (d)(2)(C)(D)OR (E) BUT THE RULE ALSO SAYS,-- WHICH
3 RELATES TO CO-CONSPIRACY. BUT THE RULE ALSO SAYS
4 THAT, "WHEN A HEARSAY STATEMENT OR A STATEMENT
5 DEFINED..." AND AS TO WHEN A HEARSAY STATEMENT HAS
6 BEEN ADMITTED, WHICH IT WAS, THAT RULE MIGHT BE
7 APPLICABLE. BUT STILL THE PRIMARY REASON WAS AS TO
8 COMPLETENESS SO I'LL LEAVE IT AT THAT. I AGREE
9 WITH YOUR ANALYSIS THAT 801 (d)(2)(E) WHICH IS THE
10 CO-CONSPIRATOR STATUS IS NOT APPLICABLE. WITHDRAW
11 THAT FROM THE RECORD.

12 MR. JONES: JUDGE?

13 THE COURT: YES, SIR.

14 MR. JONES: A COUPLE OF MATTERS BEFORE
15 WE BRING THE JURY OUT, IF I COULD. ONE, WE HAVE
16 THE TELEPHONE MAN HERE. WE CAN ENTER INTO A
17 STIPULATION, IF THEY WANT TO, ABOUT THE FACT THAT
18 HE TELLS US THAT THE...

19 THE COURT: WELL, WHATEVER. EITHER
20 STIPULATE OR PUT HIM ON THE STAND.

21 MR. HARPOOTLIAN: WE'D LIKE TO TALK TO
22 HIM.

23 MR. JONES: OKAY. HE'S...WHERE'S THE
24 TELEPHONE MAN?

25 MR. MCMAHON: HE'S ON THE PHONE BACK IN

1 THE BACK.

2 MR. HARPOOTLIAN: THAT'S WHERE A PHONE
3 MAN WOULD BE, YES, HE WOULD.

4 THE COURT: ALL RIGHT, WHAT'S THE OTHER
5 THING?

6 MR. JONES: THE OTHER THING, JUDGE, IS
7 IN LIGHT OF YOUR RULING YESTERDAY CONCERNING MR.
8 JEFFERS' TESTIMONY ABOUT THE 1991 WORK THAT HE SAYS
9 HE WAS DOING FOR MR. BECKHAM?

10 THE COURT: YES, SIR.

11 MR. JONES: YOU'VE RULED THAT THAT WAS
12 NOT CLEAR AND CONVINCING, AND OUR POSITION IS THAT
13 THAT RULING MEANS IT'S NOT ONLY NOT CLEAR AND
14 CONVINCING, BUT NOW COLLATERAL MATTERS. AS FAR AS
15 GOING INTO MR. MITCHELL ABOUT THAT MATTER, MY
16 MOTION IN LIMINE IS THAT I AM NOT ALLOWED TO ASK
17 HIM ABOUT THE \$500 THAT BECKHAM OWED HIM.

18 THE COURT: I'M SURE THAT THEY WOULDN'T
19 OPEN THAT DOOR FOR YOU TO RUN RIGHT THROUGH. BUT
20 IF THEY DID, YOU COULD GO RIGHT THROUGH IT.

21 MR. HARPOOTLIAN: WELL, YOUR HONOR,
22 PERHAPS THE WITNESS NEEDS TO BE INSTRUCTED IF I ASK
23 HIM HOW LONG HE'S KNOWN STEVE BECKHAM, HE'S NOT
24 SUPPOSED TO SAY, "HE OWED ME \$500," OR I MEAN...

25 MR. JONES: I TOLD HIM THIS MORNING THAT

1 HE WAS NOT ALLOWED TO TESTIFY ABOUT THE, THAT THE
2 JUDGE HAD RULED THAT HE COULDN'T TESTIFY ABOUT THE
3 PREVIOUS CASE. AND HE SAID, "YOU MEAN I CAN'T EVEN
4 TELL THEM HE OWED ME \$500?" AND I SAID, "NO, BUT
5 I'LL GO ASK THE JUDGE TO BE POSITIVE THAT WE'RE NOT
6 GOING TO GO INTO THAT. SO LET ME TELL HIM NOW, IF
7 I COULD, THAT HE'S NOT TO MENTION ANYTHING ABOUT
8 PRIOR--THAT HE CAN SAY HE KNEW HIM BUT HE CAN'T
9 TALK ABOUT THAT INCIDENT AT ALL.

10 MR. HARPOOTLIAN: THAT WOULD BE OUR
11 POSITION.

12 THE COURT: WELL, I'M NOT SAYING HE
13 CAN'T SAY THAT HE WAS OWED \$500. I MEAN, I DIDN'T
14 SAY THAT.

15 MR. HARPOOTLIAN: THE FACT THAT HE OWED
16 BECKHAM \$500.

17 THE COURT: BUT NOT WHY.

18 MR. HARPOOTLIAN: THAT HE OWED BECKHAM
19 \$500.

20 THE COURT: YEAH. I MEAN, WHY IS IT
21 INADMISSIBLE. THAT'S WHAT THE...

22 MR. HARPOOTLIAN: BEG THE COURT'S
23 INDULGENCE.

24 YOUR HONOR, A COUPLE OF OTHER MATTERS
25 THAT WE CAN DEAL WITH FAIRLY QUICKLY. WE'VE BEEN

1 GIVEN A NEW FORENSIC REPORT. THIS WILL BE I THINK
2 THE THIRD SET OF PEOPLE THAT HAVE LOOKED AT THESE
3 PRINTS, MAYBE THE FOURTH. AND BECAUSE WE DON'T
4 KNOW, MY UNDERSTANDING IS, AND MAYBE MR. COULTER OR
5 MR. JONES CAN GET THIS STRAIGHT. MR. SPRINGS HAS
6 MADE AN IDENTIFICATION OF 41.8 OF BEING THAT OF
7 RICHARD GEORGE ANDERSON. I WOULD NOTE THAT THE
8 REPORTS WE RECEIVED YESTERDAY INDICATE A DIFFERENT
9 SET OF EXAMINERS EXAMINED THESE PRINTS, NOT MR.
10 SPRINGS. AND THEY FOUND TWO PRINTS THAT PREVIOUSLY
11 HAVE BEEN UNIDENTIFIABLE AND NOW SAY THEY'RE
12 IDENTIFIABLE BUT UNIDENTIFIED. NOW WE HAVE A THIRD
13 SET...

14 MR. JONES: NO, YOUR HONOR. JUST TO
15 CORRECT--NOT WANTING TO INTERRUPT, BUT THEY
16 DETERMINED THAT PREVIOUSLY UNIDENTIFIABLE PRINTS
17 ARE IDENTIFIABLE ARE IDENTIFIABLE AND THEY
18 IDENTIFIED WHO THEY BELONG TO.

19 MR. HARPOOTLIAN: I THINK THEY PICKED UP
20 ONE MORE THAT WAS UNIDENTIFIED.

21 MR. JONES: YOUR HONOR, MY UNDERSTANDING
22 WAS THAT THEY WERE ABLE TO DETERMINE THAT THREE
23 LATENTS PREVIOUSLY LABELED AS INSUFFICIENT FOR
24 RIDGE DETAIL DID, IN FACT, HAVE SUFFICIENT RIDGE
25 DETAIL AND THEY IDENTIFIED IT.

1 MR. HARPOOTLIAN: NO, TWO OF THE THREE
2 WERE IDENTIFIED. ONE IS NOW, IN OTHER WORDS,
3 THEY'VE ADDED AN ADDITIONAL, THEY'VE IDENTIFIED,
4 THERE WERE--LET ME SORT OF RUN THROUGH THIS FOR THE
5 RECORD.

6 THE COURT: OKAY.

7 MR. HARPOOTLIAN: IF YOU REMEMBER, THERE
8 WERE THIRTY-ONE FINGERPRINTS.

9 THE COURT: I UNDERSTAND WHAT THEY'VE
10 DONE.

11 MR. HARPOOTLIAN: OKAY.

12 THE COURT: SO WHAT'S THE PROBLEM?

13 MR. HARPOOTLIAN: WELL, THE PROBLEM IS
14 NOW THAT WE'VE HAD--WE HAD MR. BLACK, THEN WE HAD
15 ANOTHER PERSON WHO--LET ME GET THE NAMES HERE SO
16 I'LL KNOW WHAT'S GOING ON.

17 WHERE IS THE REPORT WE RECEIVED
18 YESTERDAY? IF I COULD HAVE THAT, PLEASE. I'D LIKE
19 TO MAKE A RECORD ON THIS, YOUR HONOR.

20 SINCE THE ORIGINAL EXAMINATION BY AGENT
21 BLACK, THERE'S BEEN A GUY NAMED WADE FLEMING THAT'S
22 EXAMINED THE PRINTS, NOW MR. SPRINGS HAS EXAMINED
23 THE PRINTS AND WE'RE TOLD THERE'S A FOURTH PERSON,
24 SOME FBI AGENT, RETIRED FBI AGENT THAT'S EXAMINED
25 THE PRINTS. THE RESULTS THAT WE'VE RECEIVED

1 CONFLICT, THE NEW RESULTS CONFLICT WITH AGENT
2 BLACK'S RESULT AND GIVE GREAT QUESTION TO, EVEN
3 MORE QUESTIONS TO AGENT BLACK'S ORIGINAL RESULTS,
4 NUMBER ONE.

5 NUMBER TWO, THE STATE OF SOUTH CAROLINA
6 WAS AWARE OF THIS MATCH ON RICHARD ANDERSON. AT
7 SOME POINT THIS REPORT WAS GENERATED--YESTERDAY,
8 RIGHT, YESTERDAY. FOR INSTANCE, MR. SWERLING, IF
9 HE'S AWARE OF IT WOULD HAVE BEEN ABLE TO ASK AGENT
10 MCCRAW A NUMBER OF QUESTIONS RELATING TO WHAT MR.
11 ANDERSON TOLD HIM ABOUT A NUMBER OF ASPECTS OF WHAT
12 HE DID. IN OTHER WORDS, THIS WOULD HAVE BEEN MORE
13 MATERIAL THAT AGENT MCCRAW WOULD HAVE BEEN ABLE TO
14 HAVE BEEN ASKED ABOUT.

15 I THINK THE CASES ARE CLEAR THAT WE
16 DON'T HAVE TO SHOW THAT THE SOLICITOR KNEW ABOUT
17 IT, BUT THAT THE STATE OF SOUTH CAROLINA HAD IT IN
18 THEIR POSSESSION. I UNDERSTAND IT WAS FAXED TO THE
19 SOLICITOR THIS MORNING, AND I'M NOT SAYING THAT HE
20 HAD IT AND DIDN'T GIVE IT TO US. WHAT I AM SAYING
21 IS THAT THIS IS A CASE THEY'RE MAKING UP AS THEY GO
22 ALONG AND WE'RE HAVING TO REACT TO NEW INFORMATION.
23 AND I SUGGEST, YOUR HONOR, I UNDERSTAND THIS CASE
24 IS GOING ON FOR A LONG TIME AND I UNDERSTAND THIS
25 JURY'S SEQUESTERED, BUT I HAVE TO HAVE A DAY, UNDER

1 STATE VERSUS GEORGE, TO SIT DOWN WITH MY EXPERTS ON
2 THE PHONE, FAX TO THEM--APPARENTLY THEY'VE GOT SOME
3 POINTS OF IDENTIFICATION ON MR. ANDERSON IN THIS
4 AMIDO BLACK.

5 AMIDO BLACK PRINT, BY THE WAY, THAT
6 THEIR OWN EXPERT TESTIFIED TO EARLIER THIS WEEK,
7 DID NOT HAVE ANY RIDGE DETAIL IN IT.

8 THE COURT: WELL, MR. HARPOOTLIAN, ARE
9 YOU MAKING THAT FOR THE RECORD, OR DO YOU WANT ME
10 TO TAKE THAT FODDER AWAY FROM YOU BY JUST EXCLUDING
11 IT OR DO YOU WANT IT IN?

12 MR. HARPOOTLIAN: YOUR HONOR, I DON'T
13 KNOW BECAUSE I JUST GOT IT THIRTY MINUTES AGO AND I
14 CAN'T MAKE ANY SORT OF DECISION OR ASSESSMENT
15 WITHOUT TALKING TO MY EXPERTS IN CORNING, NEW YORK,
16 FAXING TO THEM THE DETAILED NOTES. YOU KNOW, THE
17 STATE GAVE US ALL OF DAVID BLACK'S NOTES, WHERE HE
18 EXAMINED, WHAT HE FOUND, WHAT HE DIDN'T FOUND. I
19 DON'T KNOW WHAT THE POINTS OF IDENTIFICATION ARE.
20 I CAN'T PROCEED WITH ANY SORT OF EXAMINATION OF MR.
21 SPRINGS, NUMBER ONE, YOUR HONOR, OR MR. FLEMING OR
22 THIS FBI AGENT...WE DON'T HAVE, WE'VE BEEN TOLD
23 THERE'S AN FBI AGENT THAT'S EXAMINED THESE PRINTS.
24 WE STILL DON'T--IT'S TEN O'CLOCK AND WE DON'T HAVE
25 HIS REPORT. WE'RE HAVING TO TRY THIS CASE ON THE

1 FLY, AND THAT'S...

2 MR. JONES: JUDGE, JUDGE, THIS WAS FAXED
3 TO US A SECOND AGO.

4 MR. HARPOOTLIAN: I SAID THAT.

5 MR. JONES: NO, I MEAN THIS. THIS IS
6 THE REPORT FROM THE EXPERT COMING UP FROM MYRTLE
7 BEACH. HE'S JAMES BARTEE, SENIOR.

8 THE COURT: WELL, SOLICITOR, LET ME ASK
9 YOU THIS FUNDAMENTAL QUESTION. Y'ALL REMEMBER THAT
10 LITTLE TALK I HAD WITH ALL OF YOU...

11 MR. HARPOOTLIAN: YES, SIR.

12 THE COURT: ...THAT SEVEN DAYS BEFORE
13 THE TRIAL YOU OUGHT TO BE READY TO TRY THIS CASE SO
14 THAT YOU COULD ALL REST AND THINK ABOUT IT AND BE
15 FOCUSED ON WHAT YOU WANT TO DO. ARE YOU INTENDING
16 TO OFFER THIS EVIDENCE?

17 MR. JONES: YES, SIR. AND JUDGE, AS FAR
18 AS THIS EVIDENCE GOES, WE WERE IN EFFECT SURPRISED
19 WITH OUR OWN WITNESS' TESTIMONY ABOUT THE FACT THAT
20 HE HAD OVERLOOKED A COMPARISON OF TWO FINGERPRINT
21 CARDS BEARING THE NAME MICHAEL BEATTY. BELIEVE ME,
22 JUDGE, WE AND I HAD PERSONALLY, TIME AND TIME AGAIN
23 SINCE JANUARY OF '96, REQUESTED THAT THE
24 FINGERPRINT EXAMINER, YOU KNOW, LOOK AT HIS WORK,
25 REVIEW HIS WORK, CONFIRM HIS WORK. I DIDN'T GO TO

1 LIEUTENANT SPRINGS AND SAY, "I WANT SOMEBODY IN A
2 MORE EXPERIENCED POSITION TO DO THIS," BUT I DID
3 SUGGEST AND INQUIRE ABOUT THE RESULTS OF THEIR
4 EXAMINATIONS AND THE FIRMNESS WITH WHICH THE
5 WITNESS FELT ABOUT HIS REPORTS AND HIS FINDINGS.
6 SO WHEN HE TESTIFIED THE OTHER DAY AND ADMITTED
7 THAT HE HAD FAILED TO COMPARE THE BEATTY PRINTS,
8 YOU KNOW, THERE WAS NO WAY...I DID EVERYTHING I
9 FELT I COULD DO PROFESSIONALLY AND PERSONALLY TO DO
10 WHAT YOU SAID AND THAT IS KNOW YOUR CASE A WEEK
11 BEFORE AND HAVE SHARED WHAT YOU HAVE WITH THE
12 DEFENSE A WEEK BEFORE.

13 NOW THEY KNEW A WEEK BEFORE THAT HE HAD
14 NOT COMPARED THEM, BUT...

15 THE COURT: WELL, THEY'RE NOT SUPPOSED
16 TO GIVE YOU THAT.

17 MR. JONES: I'M NOT TRYING TO SHIFT
18 ANYTHING, JUDGE. I'M JUST TRYING TO RESPOND TO,
19 YOU KNOW, TO WHAT YOU'RE SAYING. I WAS SURPRISED
20 BY THAT SO I DON'T FEEL THAT WE SHOULD BE PENALIZED
21 BY NOT BEING ALLOWED, WHEN WE ASKED THESE OTHER
22 EXPERTS, WHEN WE ASKED DAVID BLACK'S SUPERVISOR,
23 JIM SPRINGS, TO COME IN AND LOOK AT THESE, WE
24 DIDN'T KNOW WHEN WE ASKED HIM TO LOOK AT THEM WHAT
25 HE WAS GOING TO FIND. ALL WE KNEW PRETTY MUCH FOR

1 SURE AT THAT POINT IN TIME WAS AT LEAST A
2 COMPARISON OF THE TWO BEATTY PRINT CARDS COULD BE
3 MADE TO DETERMINE IF THEY WERE OR WERE NOT THE SAME
4 PERSON. OF COURSE BLACK HAD DONE THAT ON THE STAND,
5 BUT AT THAT POINT IN TIME, YOU KNOW, HIS
6 CREDIBILITY WAS BEING ATTACKED SO WE DID WANT AN
7 INDEPENDENT EVALUATION AND REVIEW OF THAT PROCESS
8 IN A SCIENTIFIC SETTING AND NOT FROM, YOU KNOW,
9 THIS CHAIR OR OUT IN THE CAR OR WHEREVER HE WENT
10 AND CONDUCTED THAT EXAMINATION. SO WE DID THAT,
11 BUT WE DIDN'T KNOW WHAT JIM SPRINGS WAS GOING TO
12 FIND. BUT HE FOUND WHAT HE FOUND, AND WHAT HE
13 FOUND, YOU KNOW, HAS BEEN PRESENTED TO YOU. HE
14 FOUND THAT THERE WERE AT LEAST THREE OTHER ERRORS,
15 FOUR OTHER ERRORS MADE BY DAVID BLACK IN HIS
16 COMPARISON OF THESE PRINTS. THAT'S FOUR ERRORS,
17 YOUR HONOR, OUT OF THIRTY-ONE LATENT PRINTS ON THE
18 CAR...

19 THE COURT: THAT HAS NOTHING TO DO WITH
20 THAT. WHAT IT HAS TO DO WITH, I MEAN THE BLACK
21 THING, THAT'S JUST CROSS EXAMINATION. THE QUESTION
22 ABOUT THE NEW PRINT IS THE ISSUE. THAT'S THE
23 QUESTION.

24 MR. JONES: WELL, IT'S A NEW
25 IDENTIFICATION OF AN OLD PRINT. IT'S AN OLD PRINT,

1 BUT JUDGE, YES, WE WOULD INTEND TO INTRODUCE IT.
2 WE FEEL THAT IT'S CRITICAL TO OUR CASE. AND AT
3 THIS JUNCTURE, YOUR HONOR, THE STATE'S POSITION
4 WOULD BE THAT WE, THE STATE, THE VICTIM'S FAMILY
5 DOES NOT FEEL THAT A ONE DAY, A TWENTY-FOUR HOUR
6 DELAY IN THE PROCEEDINGS OF THIS TRIAL WOULD BE
7 UNFAIR TO ALL PARTIES OR EVEN TO THE JURY. WE
8 RECOGNIZE, WE RECOGNIZE THAT IT HAS BEEN, YOU KNOW,
9 THAT THE TRIAL HAS GONE ON A LITTLE BIT LONGER.
10 BUT WE SHOULD ALSO RECOGNIZE, JUDGE, THAT EVEN
11 WITHOUT A TWENTY-FOUR HOUR DELAY, THERE IS A
12 POSSIBILITY THAT WE'LL BE HERE AROUND WEDNESDAY,
13 YOU KNOW, TUESDAY, WEDNESDAY, THURSDAY OF NEXT
14 WEEK. AND MY SUGGESTION TO YOU IS THAT IF WE'RE
15 HERE WEDNESDAY OF NEXT WEEK THEN THE FACT THAT WE
16 MIGHT NOT LEAVE HERE UNTIL FRIDAY OF NEXT WEEK IS
17 NOT THE KIND OF DELAY THAT WOULD RESULT IN AN
18 EXTREME HARDSHIP TO ANY OF THE PARTIES. I CAN
19 ASSURE THAT THE VICTIM'S FAMILY WILL BE WILLING TO
20 ACCEPT THE TWENTY-FOUR HOUR DELAY TO ALLOW THEM TO
21 DO WHATEVER THEY HAVE TO DO TO THEM.

22 MR. HARPOOTLIAN: YOUR HONOR, IF I MIGHT
23 MAKE TWO QUICK POINTS.

24 MR. JONES: AND YOUR HONOR...

25 MR. HARPOOTLIAN: YOUR HONOR...

1 MR. JONES: I'M SORRY, I WOULD LIKE TO
2 POINT OUT AT THIS TIME THAT THE DEFENSE HAS ALWAYS
3 HAD IN THEIR POSSESSION THIS UNDERLYING EVIDENCE.
4 THEY'VE ALWAYS HAD ACCESS TO THE LATENT PRINTS THAT
5 WERE ON THE CARDS AND THEY'VE ALWAYS HAD OUR
6 RESULTS AND FINDINGS. AND AS I UNDERSTAND IT, THEY
7 HAVE ALWAYS HAD THEIR OWN EXPERT AVAILABLE TO
8 EXAMINE ANY PRINT, ANY FINDING OR ANY MATTER THAT
9 WAS THERE. SO THEY'VE HAD THAT FOR SOME TIME.

10 MR. HARPOOTLIAN: LET ME DEAL WITH THAT
11 FIRST, YOUR HONOR. EVERYONE OF THESE PEOPLE WERE
12 RE-INKED, INCLUDING MR. ANDERSON I UNDERSTAND WAS
13 RE-INKED AFTER HIS TESTIMONY. THEY'VE GOT NEW
14 PRINTS THEY'VE OBTAINED, SINCE WE EXAMINED THE
15 WITNESS, NUMBER ONE. SO THE IDEA THAT WE'VE HAD IN
16 OUR POSSESSION WHAT THEY USED TO COMPARE IS NUMBER
17 ONE, FALSE AND WRONG. NOW, I KNOW THE SOLICITOR
18 DIDN'T INTENTIONALLY MISSTATE IT, BUT THE FACT OF
19 THE MATTER IS THAT THEY BROUGHT, WE TOLLED ALL
20 THESE PEOPLE UP HERE. THAT'S NUMBER ONE.

21 NUMBER TWO, IF YOUR HONOR WAS
22 CONSIDERING TO ALLOW IT, WE WOULD OBJECT TO ANY INK
23 PRINTS BEING PUT IN, THAT IS THE KNOWN PRINTS,
24 WITHOUT THE PERSON WHO GAVE THOSE PRINTS BEING
25 CALLED AND IDENTIFYING THE FACT THAT THEY GAVE

1 THOSE PRINTS. THAT'S NUMBER TWO.

2 NUMBER THREE, YOUR HONOR, IT IS, YOU
3 KNOW, I UNDERSTAND THAT THEY'RE WILLING TO WAIT A
4 DAY OR TWO OR THREE. WE JUST CHECKED, OUR
5 FINGERPRINT EXPERT IS IN TRIAL AND MAY NOT BE
6 AVAILABLE FOR US TO TALK TO FOR A DAY OR TWO.

7 AND NUMBER THREE, YOUR HONOR, OR NUMBER
8 FOUR I'M ON,...

9 THE COURT: WHY IS YOUR EXPERT IN TRIAL
10 WHEN HE KNOWS HE COULD BE CALLED FOR THIS CASE?

11 MR. HARPOOTLIAN: BECAUSE WE TOLD HIM WE
12 WOULDN'T NEED HIM PROBABLY UNTIL SATURDAY OF THIS
13 WEEK. AND YOUR HONOR, WE'VE BEEN KEEPING UP WITH
14 THAT, TRYING TO SCULPTURE OUR CASE SO THAT IF WE
15 NEEDED HIM, AND TO BE FRANK WITH YOUR HONOR, I
16 WASN'T INTENDING ON CALLING HIM. I TOLD HIM, AFTER
17 THEIR FINGERPRINT TESTIMONY AND AFTER, YOU KNOW,
18 AFTER WHAT WE SAW YESTERDAY IN TERMS OF THE NEW--
19 ALL THEY TOLD US WAS THAT THEY COMPARED SOME OF THE
20 UNKNOWN AND MR. SNELLING HAD BEEN IDENTIFIED ON TWO
21 OF THOSE, AND THAT THEY HAD ONE MORE UNKNOWN. WHAT
22 WOULD I NEED HIM FOR? SO BASICALLY I TOLD HIM
23 YESTERDAY THAT I DIDN'T THINK WE WERE GOING TO NEED
24 TO CALL HIM. AND HE SAID, YOU KNOW, "WELL, GOING
25 OVER TO THIS OVER TRIAL. IF YOU NEED ME, CALL ME."

1 I'M TELLING YOU IN TERMS OF CONSULTING WITH HIM, HE
2 AIN'T AVAILABLE TODAY AND MAY NOT BE AVAILABLE FOR
3 ME TO GET HIM ON THE PHONE, I'VE GOT TO FAX HIM,
4 THEY'VE GOT SOMEWHERE A CHART OF WHAT THEY
5 IDENTIFIED ON THESE PRINTS. THEY'VE GOT NEW
6 FINGERPRINT CARDS FROM ANDERSON. I DON'T KNOW HOW
7 MANY THEY REPRINTED. I KNOW THEY REPRINTED
8 ANDERSON, THE TWO BEATTYS AND A COUPLE OF OTHER
9 PEOPLE, WE'RE NOT SURE WHO. AND YOUR HONOR, BEYOND
10 THAT, THIS IS A MAKE-IT-UP-AS-YOU-GO-ALONG
11 PROSECUTION. IF, I WILL SAY THIS, IF WE'D KNOWN
12 THIS, WE WOULD HAVE HAD MORE QUESTIONS AND
13 DIFFERENT QUESTIONS FOR MR. ANDERSON, FOR MR.
14 MCCRAW, FOR A NUMBER OF OTHER WITNESSES.

15 THE COURT: YOU KNOW, THINK ABOUT THIS,
16 FOLKS. THINK ABOUT WHAT HE JUST SAID ABOUT MAKE IT
17 UP AS YOU GO. I'M NOT SAYING THAT'S TRUE, BUT
18 THAT'S ARGUMENT. WE'RE TALKING ABOUT A FINGERPRINT
19 IN A CAR THAT IS UNCONTRADICTED IN THIS CASE THAT
20 HE DROVE, AND YOU CAN'T SAY WHEN IT WAS PUT THERE.
21 NONE OF YOU CAN.

22 MR. HARPOOTLIAN: YES, SIR. MR.
23 ANDERSON.

24 THE COURT: YEAH. I MEAN THERE'S JUST
25 NO CONTEST THAT HE WAS IN THAT CAR.

1 MR. HARPOOTLIAN: IT'S IN BLOOD. IT'S
2 IN BLOOD.

3 THE COURT: THE FINGERPRINT IS IN BLOOD?

4 MR. HARPOOTLIAN: YES, SIR.

5 MR. JONES: YOUR HONOR, IT WAS DEVELOPED
6 WITH AMIDO BLACK WHICH DETECTS PRINTS AND REACTS
7 WITH PROTEIN. PROTEIN IS IN EGG WHITE...

8 THE COURT: WE'VE BEEN THROUGH ALL OF
9 THAT.

10 MR. HARPOOTLIAN: SO MR. ANDERSON WAS
11 JUGGLING EGG WHITES OR HAD MAYONNAISE ON HIS
12 FINGERS WHEN HE LEFT THE PRINT. COME ON. I MEAN,
13 IT'S IN BLOOD.

14 MR. JONES: JUDGE, AS LONG AS WE'RE
15 ARGUING 'COME ON,' LET ME MENTION TO YOU, IF YOU
16 RECALL, YESTERDAY I MENTIONED TO MR. HARPOOTLIAN IN
17 YOUR PRESENCE IN THE HALLWAY, "I WANT TO TALK TO
18 YOUR FINGERPRINT EXPERT. I WANT TO SEE YOUR
19 FINGERPRINT EXPERT." NOW HE TELLS YOU HE WENT AND
20 CALLED HIM AND SAID, "WE DON'T NEED YOU," WHEN I
21 TOLD HIM IN FRONT OF YOU "I WANT TO SEE THAT MAN.
22 I WANT TO TALK TO THAT MAN." DO YOU REMEMBER THAT,
23 JUDGE.

24 THE COURT: BUT YOU DON'T HAVE ANY RIGHT
25 TO ACCESS HIM UNTIL--THEY TOLD YOU THEY WEREN'T

1 GOING TO CALL HIM. IF THEY'RE NOT GOING TO CALL
2 HIM, THEY'RE NOT GOING TO CALL HIM. BUT NOW...

3 MR. HARPOOTLIAN: AND YOUR HONOR, ONE
4 OTHER FINAL POINT I'D MAKE. WHAT THEY'RE BASICALLY
5 DOING IS IMPEACHING THEIR OWN WITNESS.

6 THE COURT: WELL, THEY'RE ENTITLED TO DO
7 THAT.

8 MR. HARPOOTLIAN: I UNDERSTAND THEY CAN
9 DO THAT. I UNDERSTAND THEY CAN DO THAT. BUT WE HAVE
10 BEEN GIVEN, WE WERE IN THIS TRIAL NOW A WEEK AND A
11 HALF, AND I UNDERSTAND WHAT YOU'RE SAYING IS WHAT'S
12 THE BIG DEAL. WE'RE NOT SURE OF THE RAMIFICATIONS
13 OF THIS. IF WE HAD BEEN GIVEN THIS TWO WEEKS AGO,
14 WE COULD HAVE FIGURED OUT THOSE RAMIFICATIONS, WE
15 WOULDN'T BE ASKING FOR A DAY OR TWO OFF. BUT I
16 WOULD STATE TO THE COURT UNDER STATE VERSUS GEORGE,
17 THIS MAY BE INCULPATORY, AND WE BELIEVE THERE ARE
18 SOME EXCULPATORY ASPECTS OF THIS. WE MAY NOT,
19 AFTER ABOUT A TWO DAY RECESS OBJECT TO IT COMING
20 IN, UNTIL WE CAN FIGURE OUT IT'S REPERCUSSIONS.
21 BUT FOR THE RECORD, YOUR HONOR, I WOULD STATE THAT
22 MY EXPERT IS IN CORNING, NEW YORK. I HAVE TO DEAL
23 WITH HIM BY PHONE. I WOULD WANT NEW COPIES AND NOT
24 XEROX COPIES OR FAX COPIES, I WOULD WANT TO BE ABLE
25 TO FEDEX OR DELIVER TO HIM PHOTOGRAPHIC COPIES OF

1 WHAT THEY...IN THE PAST, WE HAVE TAKEN WHAT THEY'VE
2 GIVEN US AND FEDERAL EXPRESSED IT TO HIM, BECAUSE A
3 FAX COPY IS NOT SUFFICIENT FOR HIM TO MAKE AN
4 EXAMINATION. WHAT I'D LIKE TO DO IS HAVE WHAT THEY
5 COMPARED WHICH IS THE ACTUAL FINGERPRINT CARD OF
6 GEORGE ANDERSON, GEORGE RICHARD ANDERSON, THAT THEY
7 COMPARED WITH THE ACTUAL LATENT PRINT THAT THEY
8 COMPARED TO SEE IF THAT COMPARISON IS ACCURATE,
9 NUMBER ONE.

10 NUMBER TWO, YOUR HONOR, WHAT THEY'VE
11 GIVEN US IS, WE'RE UNDER THE IMPRESSION THAT THEY
12 COMPARED ALL OF THE FINGERPRINT CARDS THEY HAVE,
13 SOME NINETY PEOPLE AGAINST KNOWN AND UNKNOWN. WE
14 WANT TO MAKE SURE WE'VE GOT, YOU KNOW, EVERYTHING,
15 NOT JUST WHAT THEY WANT TO GIVE US AND NOT JUST
16 WHAT THEY WANT TO BRING OUT. AND I WANT TO SPEND
17 SOME TIME WITH MR. SPRINGS AND MR.--WHOEVER THE
18 OTHER GUY WAS, FLEMING, BECAUSE WE DON'T HAVE A--
19 HIS REPORT WAS SIGNED WITH MR. SPRINGS. AND WE'VE
20 NEVER EVEN MET MR. BARTEE. I MEAN, YOU SAW HIM
21 HAND ME THE REPORT TEN MINUTES AGO.

22 THE COURT: OKAY. WHAT ELSE HAVE YOU
23 GOT LEFT BESIDES THE FINGERPRINTS?

24 MR. JONES: YOUR HONOR, BEFORE WE LEAVE
25 THE FINGERPRINTS, COULD I MENTION ONE THING?

1 THE COURT: NO, I'M THROUGH TALKING
2 ABOUT FINGERPRINTS RIGHT NOW. WHAT ELSE HAVE YOU
3 GOT? WHAT ELSE HAVE YOU GOT TO PUT UP TODAY?

4 MR. JONES: THE LIFE INSURANCE.

5 THE COURT: OKAY, WHAT ELSE?

6 MR. JONES: FLIGHT EVIDENCE.

7 THE COURT: FLIGHT.

8 MR. JONES: AND THE LYLE.

9 THE COURT: AND THE LYLE AND THE
10 TELEPHONE.

11 MR. JONES: YES, SIR. HE'S HERE NOW.

12 THE COURT: ALL RIGHT.

13 MR. JONES: Y'ALL WANT TO SPEAK TO HIM?

14 MR. HARPOOTLIAN: YEAH, WE WANT TO TALK
15 TO HIM FOR TWO SECONDS.

16 (BRIEF RECESS)

17 MR. HARPOOTLIAN: IS THE NEXT WITNESS

18 MR. MITCHELL? WHY DON'T I DO HIM AND MR. SWERLING
19 CAN TALK TO THIS GUY? DOES THAT SUIT THE COURT?

20 MR. JONES: JUDGE, HOW LONG WILL IT TAKE
21 TO DECIDE BECAUSE...

22 MR. SWERLING: IT'S NOT A QUESTION, WHAT
23 IT IS, IS WE WANT TO LOOK AT THOSE PHONE CALLS.
24 HE'S JUST SHOWING US HOW TO IDENTIFY...

25 MR. HARPOOTLIAN: HOW TO IDENTIFY

1 DIFFERENT DATA ELEMENTS ON THE PHONE RECORDS.

2 THE COURT: THE OBJECTION YESTERDAY AS
3 TO INDIRECT HEARSAY WAS MADE AND SUSTAINED IN THAT
4 THAT AGENT IS NOT COMPETENT TO TESTIFY TO THAT.
5 THAT WITNESS IS. HE WASN'T ON THE WITNESS LIST, OR
6 WASN'T PREPARED TO CALL. THEY'RE ENTITLED TO ASK
7 HIM THAT QUESTION.

8 MR. JONES: YES, SIR, HE WAS ON THE
9 WITNESS LIST.

10 THE COURT: WELL, YOU DIDN'T HAVE HIM
11 HERE YESTERDAY, SO LET'S TAKE A MINUTE AND MOVE ON.

12 THE COURT: ALL RIGHT, BRING THE JURY
13 IN.

14 (JURY RETURNED TO THE OPEN COURTROOM AT
15 10:11 A.M.)

16 THE COURT: GOOD MORNING, MADAM
17 FORELADY, AND LADIES AND GENTLEMEN OF THE JURY.
18 WE'RE GOING TO RESUME TAKING TESTIMONY THIS MORNING
19 AND I'M AWARE THAT ONE OF YOU, WE WILL ATTEND TO
20 WHATEVER THE MEDICAL PROBLEM IS AT ONE O'CLOCK, SO
21 WE WILL STOP TO TAKE CARE OF THAT.

22 ALSO, LET ME REMIND YOU THAT WHEN THE
23 AGENTS ARE WITH YOU, WHEN YOU'RE COMING BACK AND
24 FORTH, IF ANYTHING IS SAID TO YOU BY ANYONE,
25 WHETHER YOU TAKE IT SERIOUSLY, LIGHTLY, WHATEVER,

1 PLEASE REPORT THAT TO THE AGENT IMMEDIATELY SO WE
2 CAN DEAL WITH THAT ON THE SPOT. I UNDERSTAND THERE
3 WAS ONE LITTLE MINOR INCIDENT THIS MORNING OR MAYBE
4 YESTERDAY THAT, MY IMPRESSION IS THAT IT DID NOT
5 CAUSE ANY PROBLEM, AND I'LL ASK FORMALLY THAT
6 QUESTION IN JUST A MINUTE, BUT PLEASE GIVE THAT
7 INFORMATION IMMEDIATELY SO THAT WE CAN DEAL WITH
8 THAT.

9 AND I WOULD ASK YOU, WITH REGARD TO THE
10 INCIDENT, AS TO THE STATEMENT MADE TO ONE OF THE
11 JURORS BY SOME PASSERBY, DOES ANY MEMBER OF THE
12 JURY PANEL FEEL THAT THAT WOULD CAUSE THEM ANY
13 PROBLEM IN CONTINUING AS A JUROR AND DECIDING THIS
14 CASE FAIRLY AND IMPARTIALLY? AND IF SO, IF YOU
15 WILL INDICATE BY A RAISED HAND? NOBODY RAISES
16 THEIR HAND, AND I WILL PLACE IN THE RECORD AT A
17 LATER TIME WHAT THE SLED INCIDENT REPORT WAS.

18 NOW, MR. SOLICITOR, ARE YOU READY TO
19 PROCEED?

20 MR. JONES: I AM, YOUR HONOR.

21 THE COURT: ALL RIGHT, CALL YOUR NEXT
22 WITNESS.

23 MR. JONES: WE'D CALL RICK MITCHELL TO
24 THE STAND, PLEASE.

25 RICHARD CARL MITCHELL, BEING

1 DULY SWORN, TESTIFIES AS FOLLOWS:

2 DIRECT EXAMINATION:

3 BY MR. JONES:

4 Q WHERE DO YOU WORK?

5 A RIGHT NOW I WORK FOR SATTERFIELD
6 CONSTRUCTION IN ANDERSON.

7 Q IN ANDERSON?

8 A YES, SIR.

9 Q SOUTH CAROLINA?

10 A YES, SIR.

11 Q OKAY, AND WHAT NAME DO YOU GO BY?

12 A RICHARD MITCHELL.

13 Q RICHARD, DID YOU EVER LIVE AND WORK IN
14 THE MYRTLE BEACH AREA?

15 A YES, SIR.

16 Q AND WHEN DID YOU LIVE AND WORK IN THAT
17 AREA?

18 A EIGHTIES, '89.

19 Q DID YOU LIVE DOWN THERE AFTER THAT?

20 A YES, SIR. EARLY NINETIES.

21 Q ALL RIGHT, WHEN YOU WERE LIVING AND
22 WORKING DOWN THERE, DID YOU HAVE A NICKNAME?

23 A SLICK RICK.

24 Q ALL RIGHT NOW, WHERE DID YOU WORK DOWN
25 THERE IN THE LATE EIGHTIES?

1 A SMUGGLER'S.

2 Q AND WHAT DID YOU DO AT SMUGGLER'S?

3 A BOUNCER.

4 Q DO YOU KNOW RICHARD ANDERSON?

5 A YES, SIR.

6 Q DID YOU WORK WITH HIM?

7 A NO, HE STARTED WORKING AFTER I QUIT

8 BOUNCING THERE.

9 Q DO YOU KNOW DEFENDANT BECKHAM?

10 A YES, SIR.

11 Q WHO DO YOU KNOW HIM AS?

12 A STEPHEN.

13 Q I'D ASK YOU IF HE'S IN THIS COURTROOM?

14 IF YOU WOULD, LOOK AND SEE IF HE'S IN THIS

15 COURTROOM, IF YOU SEE HIM.

16 A YES, SIR.

17 Q WHERE IS HE?

18 A STANDING UP.

19 Q ALL RIGHT, YOU RECOGNIZE HIM?

20 A YES, SIR.

21 Q OTHER THAN YESTERDAY, BEFORE YESTERDAY,

22 WHEN WAS THE LAST TIME YOU SAW DEFENDANT BECKHAM?

23 A AROUND THE END OF APRIL, '94.

24 Q WHEN AGAIN? SPEAK INTO THE MICROPHONE

25 SO THEY CAN HEAR YOU.

1 A END OF APRIL, '94.

2 Q AND WHERE WERE YOU ON FEBRUARY 29TH,
3 1994?

4 A FEBRUARY 29TH, MYRTLE
5 BEACH...EH...EXCUSE ME, WEST VIRGINIA.

6 Q I'M TALKING ABOUT BEFORE MARCH 1ST?

7 A OH, PENITENTIARY.

8 Q AND WHAT PENITENTIARY WERE YOU IN BEFORE
9 MARCH 1ST, 1994?

10 A ALLENDALE CORRECTIONAL INSTITUTE.

11 Q AND WHAT WERE YOU SERVING TIME FOR
12 BEFORE MARCH 1ST, 1994?

13 A ACCESSORY AFTER THE FACT OF MURDER.

14 Q AND WHEN DID YOU BEGIN SERVING THAT
15 SENTENCE FOR ACCESSORY AFTER THE FACT OF MURDER?

16 A IN '92.

17 Q IN 1992?

18 A YES, SIR.

19 Q DID YOU SEE STEPHEN BECKHAM BEFORE YOU
20 WENT AND SERVED YOUR TIME FOR ACCESSORY AFTER THE
21 FACT FOR MURDER?

22 A YES, SIR.

23 Q DID YOU KNOW HIM BEFORE THAT TIME?

24 A YES, SIR.

25 Q AND WHEN YOU WENT TO PRISON FOR

1 ACCESSORY AFTER THE FACT OF MURDER IN 1992, DID YOU
2 OWE HIM ANY MONEY?

3 A YES, SIR, I DID.

4 Q HOW MUCH MONEY DID YOU OWE HIM?

5 A FIVE HUNDRED DOLLARS.

6 Q WHEN DID YOU GET OUT OF JAIL FOR
7 ACCESSORY AFTER THE FACT OF MURDER?

8 A MARCH 1ST, '94.

9 Q NOW, WHEN YOU SERVED YOUR TIME ON
10 ACCESSORY AFTER THE FACT OF MURDER, DID YOU TURN
11 YOURSELF IN?

12 A YES, I DID.

13 Q AND YOU GOT A SENTENCE, IS THAT CORRECT?

14 A YES, SIR.

15 Q AND DID YOU ALSO HAVE A DRUG CHARGE THAT
16 RAN WITH THAT SENTENCE?

17 A YES, SIR.

18 Q AND DID YOU ALSO, DID YOU HAVE ANY OTHER
19 CHARGES THAT RAN WITH THAT ACCESSORY AFTER THE FACT
20 OF MURDER?

21 A NO, SIR.

22 Q NOW, WHEN YOU GOT OUT OF JAIL, WHEN DID
23 YOU GET OUT OF JAIL?

24 A MARCH 1ST, 1994.

25 Q WERE YOU ON PAROLE WHEN YOU GOT OUT?

1 A NO, SIR. I MAXED MY SENTENCE OUT.

2 Q YOU MAXED YOUR SENTENCE OUT?

3 A YES, SIR.

4 Q WHAT DOES THAT MEAN WHEN YOU MAX YOUR
5 SENTENCE OUT?

6 A YOU DO THE FULL TERM, WELL IT'S HALF THE
7 TERM AND YOU HAVE NO PAROLE. YOU'RE FREE AND CLEAR
8 TO GO.

9 Q SO YOU DON'T HAVE TO REPORT TO ANYBODY?

10 A NO, SIR.

11 Q YOU DON'T HAVE ANY OBLIGATIONS....

12 MR. HARPOOTLIAN: YOUR HONOR, I'D OBJECT
13 TO THE LEADING OF THESE QUESTIONS.

14 THE COURT: SUSTAINED AS TO LEADING.

15 Q WHEN YOU GOT OUT OF JAIL, AGAIN, WHAT
16 WAS THE DATE?

17 A MARCH 1ST, 1994.

18 Q AND WHERE IS THAT FACILITY THAT YOU WERE
19 IN? WHERE'S IT LOCATED?

20 A FAIRFAX, SOUTH CAROLINA.

21 Q WHERE DID YOU GO WHEN YOU GOT OUT OF
22 JAIL MARCH 1ST OF '94?

23 A RIDGLEY, WEST VIRGINIA.

24 Q WHAT WERE YOU DOING IN RIDGLEY, WEST
25 VIRGINIA?

- 1 A A FELLOW I WORKED FOR FOR ABOUT TEN OR
2 TWELVE YEARS COME DOWN AND PICKED ME UP WHEN I GOT
3 RELEASED AND I WENT BACK UP THERE WITH HIM.
- 4 Q HOW LONG DID YOU STAY IN RIDGLEY, WEST
5 VIRGINIA?
- 6 A I'D SAY ABOUT A MONTH.
- 7 Q WHERE DID YOU GO WHEN YOU LEFT RIDGLEY,
8 WEST VIRGINIA?
- 9 A BACK TO MYRTLE BEACH.
- 10 Q AND APPROXIMATELY WHAT TIME PERIOD IS
11 THAT WHEN YOU RETURNED TO MYRTLE BEACH?
- 12 A EARLY APRIL.
- 13 Q WHERE DID YOU LIVE WHEN YOU RETURNED TO
14 MYRTLE BEACH?
- 15 A WITH A BUDDY OF MINE, CHARLIE MORRIS.
- 16 Q CHARLIE MORRIS?
- 17 A YES, SIR.
- 18 Q WHERE DID HE LIVE?
- 19 A DOOLEY MOBILE HOME PARK, IN SOCASTEE.
- 20 Q AT DOOLEY'S MOBILE HOME PARK IN
21 SOCASTEE?
- 22 A YES, SIR.
- 23 Q WHO WAS LIVING WITH YOU AND CHARLES
24 MORRIS?
- 25 A A FRIEND OF HIS NAMED ALLEN WAS THERE

1 PARTTIME. HE DIDN'T REALLY ACTUALLY STAY THERE;
2 WHEN HE NEEDED A PLACE TO STAY, THAT'S WHERE HE WAS
3 AT.

4 Q HOW LONG DID YOU STAY THERE WITH HIM?

5 A ROUGHLY A MONTH.

6 Q WERE YOU WORKING FOR ANYBODY DURING THAT
7 TIME?

8 A YES, SIR. WORKED FOR BILL ONSPA
9 INSTALLING CARPET.

10 Q DURING THAT TIME WOULD YOU EVER GO TO
11 SMUGGLER'S BAR?

12 A YES, SIR.

13 Q DO YOU RECALL MEETING DEFENDANT BECKHAM
14 DURING APRIL OF '94?

15 A YES, SIR.

16 Q WAS IT THE FIRST PART OF APRIL?

17 A IT WAS EARLY APRIL.

18 Q WHAT WAS THE OCCASION OF YOUR MEETING
19 HIM AND WHERE DID YOU FIRST SEE HIM IN THE FIRST
20 PART OF APRIL?

21 A I WAS JUST IN SMUGGLER'S AND SAW HIM IN
22 THERE.

23 Q DID YOU HAVE A CONVERSATION WITH HIM?

24 A YES, SIR.

25 Q WHAT WAS THE CONVERSATION?

1 A IT WAS JUST SMALL TALK: "HOW YA' BEEN?
2 HOW YA' DOIN'," YOU KNOW. BROUGHT UP THE FACT THAT
3 I OWED HIM SOME MONEY.
4 Q WHAT ELSE, IF ANYTHING, WAS SAID OR
5 DONE?
6 A THAT POSSIBLY THERE WAS SOMETHING HE
7 WANTED ME TO DO, THAT HE'D GET IN TOUCH WITH ME,
8 AND I GIVE HIM MY PHONE NUMBER.
9 Q ALL RIGHT, YOU GAVE HIM YOUR PHONE
10 NUMBER?
11 A YES, SIR.
12 Q DID YOU LATER HEAR FROM HIM?
13 A YES, SIR.
14 Q HOW DID YOU HEAR FROM HIM?
15 A HE GIVE ME A CALL.
16 Q WHERE?
17 A AT THE MOBILE HOME PARK.
18 Q AND WHAT DID YOU SAY WHEN HE CALLED YOU?
19 A I GIVE HIM DIRECTIONS TO WHERE I LIVED
20 AND HE COME BY.
21 Q HE CAME BY THE MOBILE HOME PARK WHERE
22 YOU WERE?
23 A YES, SIR.
24 Q WHAT CONVERSATION, IF ANY, DID YOU HAVE
25 WITH DEFENDANT BECKHAM WHEN HE CAME BY WHERE YOU

1 LIVED IN THE MOBILE HOME PARK?

2 A IT WAS TO CLEAR THE MONEY I OWED HIM,
3 PLUS MAKE SOME MORE MONEY. HE WANTED ME TO KILL
4 HIS WIFE.

5 Q HOW LONG WAS THIS AFTER YOU HAD HAD THE
6 CONVERSATION WITH HIM AT THE BAR?

7 A FEW DAYS, WEEK, SOMETHING LIKE THAT.

8 Q WAS ANYBODY PRESENT DURING THIS FIRST
9 CONVERSATION YOU HAD WITH HIM ABOUT HIM WANTING YOU
10 TO KILL HIS WIFE?

11 A I DON'T BELIEVE SO.

12 Q WELL, TELL THE JURY KIND OF WHAT YOU
13 SAID AND WHAT HE DID, AND HOW THIS CONVERSATION
14 WENT.

15 A I EXPLAINED THAT I JUST GOT OUT OF THE
16 PENITENTIARY ON ACCESSORY TO MURDER CHARGE, I WAS
17 IN NO HURRY TO GO BACK.

18 Q AND WHAT WAS HIS REACTION TO THAT?

19 A PRETTY PERSISTENT. HE SAID THAT I OWED
20 HIM SOME MONEY AND THAT I NEEDED TO CLEAR THAT UP.

21 Q WELL, WAS THERE ANY INDICATION FROM HIM
22 CONCERNING MONEY OF WHETHER OR NOT YOU WOULD BE
23 GETTING MORE BACK...

24 MR. HARPOOTLIAN: YOUR HONOR, I WOULD
25 OBJECT TO THE LEADING NATURE...

1 THE COURT: SUSTAINED.

2 Q WHAT WAS THE NATURE, WHAT DO YOU RECALL
3 HIM SAYING OTHER THAN WHAT YOU OWED HIM, ABOUT
4 MONEY?

5 A THAT I COULD MAKE SOME MORE. I'D HAVE
6 TO WAIT FOR HIM TO GET HIS MONEY TO GET MY MONEY.

7 Q HE SAID YOU'D HAVE TO WAIT FOR HIM TO
8 GET HIS...

9 A YES, SIR.

10 Q ...BEFORE YOU GOT YOURS, IS THAT RIGHT?

11 A YES, SIR.

12 Q ARE YOU CERTAIN OF THAT?

13 A YES...

14 MR. HARPOOTLIAN: YOUR HONOR, I OBJECT
15 TO THE QUESTION.

16 THE COURT: SUSTAINED, SOLICITOR.
17 IMPROPER QUESTION.

18 Q RICK, LET ME ASK YOU THIS. DID YOU SEE
19 DEFENDANT BECKHAM, AND AGAIN, ABOUT WHAT TIME IN
20 APRIL WAS THIS? YOU SAID YOU MET WITH HIM THE
21 FIRST OF APRIL. WHEN WAS THIS MEETING AT THE
22 TRAILER APPROXIMATELY?

23 A AROUND THE MIDDLE OF APRIL.

24 Q ALL RIGHT, DID YOU MEET WITH HIM AGAIN?

25 A YES, SIR.

1 Q AND HOW LONG AFTERWARDS DID YOU MEET
2 WITH HIM AGAIN?

3 A MAYBE ABOUT A WEEK LATER.

4 Q SO ABOUT THE THIRD WEEK IN APRIL?

5 A YES, SIR.

6 Q WHERE DID YOU MEET WITH HIM THIS TIME?

7 A DOOLEY'S MOBILE HOME PARK.

8 Q DID HE COME BY THERE?

9 A YES, SIR.

10 Q DID YOU MEET WITH HIM INSIDE OR OUTSIDE?

11 A OUTSIDE.

12 Q WHEN YOU MET WITH HIM OUTSIDE, WHO WAS
13 INSIDE THE MOBILE HOME?

14 A CHARLIE.

15 Q CHARLIE WHO?

16 A CHARLIE MORRIS.

17 Q WHAT KIND OF AUTOMOBILE WAS DEFENDANT
18 BECKHAM DRIVING WHEN YOU MET WITH HIM?

19 A IT WAS A LITTLE CAR. I'M NOT SURE WHAT
20 MAKE OR NOTHING IT WAS; IT WAS A LITTLE IMPORT.

21 Q DID HE BRING ANYTHING WITH HIM?

22 A YES, SIR. HE BROUGHT ME AN OLD ARMY
23 RIFLE, A PICTURE OF HIS WIFE AND AN ADDRESS.

24 Q HE BROUGHT YOU AN OLD ARMY RIFLE...

25 MR. HARPOOTLIAN: YOUR HONOR, I WOULD

1 OBJECT.

2 THE COURT: SUSTAINED.

3 MR. HARPOOTLIAN: THANK YOU.

4 Q WHAT DID THE LADY IN THE PICTURE LOOK

5 LIKE?

6 A DARK HAIR, GOOD LOOKING LADY,

7 ATTRACTIVE.

8 Q WHAT SIZE PHOTOGRAPH WAS IT?

9 A WALLET SIZE.

10 Q DID YOU PAY ANY ATTENTION TO THE

11 ADDRESS?

12 A NOT REALLY.

13 Q CAN YOU TELL US NOW WHERE THE ADDRESS

14 WAS?

15 A NO, SIR.

16 Q DID HE GIVE YOU ANY INSTRUCTIONS ABOUT

17 WHAT TO DO WITH THE GUN AND WHAT TO DO WITH THE

18 ADDRESS?

19 A WE TALKED A LITTLE BIT ABOUT IT AND

20 ABOUT ALL I REMEMBER THERE WAS A LONG DRIVEWAY WITH

21 LOTS OF WOODS AND HE WOULD NOT BE IN TOWN THIS

22 WEEKEND, SHE WOULD BE ALONE, IT WOULD BE A GOOD

23 OPPORTUNITY THIS WEEKEND.

24 Q TO DO WHAT?

25 A TO KILL HIS WIFE.

1 Q WHAT DID YOU DO WITH THE PHOTOGRAPH HE
2 GAVE YOU?

3 A I TORE IT UP ALONG WITH THE ADDRESS AND
4 THREW IT AWAY.

5 Q WHAT DID YOU DO WITH THE GUN?

6 A I LEFT IT IN THE TRAILER.

7 Q WHEN DID YOU LEAVE THE TRAILER IN MYRTLE
8 BEACH?

9 A THE END OF APRIL. I WENT TO STAY WITH
10 ANOTHER COUPLE. I DIDN'T WANT NOTHING ELSE TO DO
11 WITH WHAT WAS GOING ON.

12 Q DO YOU REMEMBER BEING APPROACHED BY THE
13 DISC JOCKEYS IN SMUGGLER'S DURING THAT PERIOD OF
14 TIME?

15 A YES, SIR.

16 Q WHO IS THE DISC JOCKEY AT SMUGGLER'S?

17 A SHAWN.

18 Q SHAWN WHAT?

19 A I'M NOT SURE OF HIS LAST NAME.

20 Q AND DID HE APPROACH YOU ABOUT DEFENDANT
21 BECKHAM?

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

23 MR. JONES: I DIDN'T ASK WHAT HE SAID,
24 YOUR HONOR.

25 THE COURT: WELL, BUT YOU'RE LEADING.

1 MR. HARPOOTLIAN: AND IT ASKS FOR
2 HEARSAY, YOUR HONOR, AND I WOULD OBJECT.

3 THE COURT: WELL, I DON'T NOW THAT YET.

4 Q AS A RESULT OF A CONVERSATION THAT YOU
5 HAD WITH THE DJ AT SMUGGLER'S, WHAT DID YOU SAY TO
6 SHAWN?

7 A I TOLD HIM HE CONTACTED ME AND I DIDN'T
8 WANT NOTHING TO DO WITH IT.

9 Q YOU TOLD HIM WHAT?

10 A THAT I DIDN'T WANT NOTHING TO DO WITH
11 IT.

12 Q YOU TOLD HIM WHO HAD CONTACTED YOU?

13 A STEPHEN BECKHAM.

14 Q YOU TOLD THAT TO SHAWN?

15 A YES, SIR.

16 MR. HARPOOTLIAN: YOUR HONOR, THIS IS
17 REPETITIVE NOW.

18 THE COURT: I AGREE, AND SUSTAIN. IT'S
19 THE LAST TIME I'M GOING TO SAY IT, AND TO YOU
20 GENTLEMEN, THIS IS THE LAST TIME I'M GOING TO HAVE
21 THIS CONVERSATION WITH YOU ALL. BOTH SIDES. OKAY?

22 Q RICK, WHEN DID YOU LEAVE MYRTLE BEACH?

23 A I'D SAY THE END OF MARCH, NOT MARCH,
24 APRIL...END OF MAY.

25 Q END OF MAY?

1 A YES, SIR.

2 Q WHERE DID YOU MOVE TO?

3 A BACK UP TO WEST VIRGINIA.

4 Q WHERE IN WEST VIRGINIA?

5 A RIDGLEY, WEST VIRGINIA.

6 Q WHO WERE YOU LIVING WITH?

7 A DON MCTAGGERT, MY FORMER BOSS FOR ABOUT

8 TEN YEARS.

9 Q AND HOW LONG APPROXIMATELY DID YOU, DID

10 ANYBODY ACCOMPANY YOU TO WEST VIRGINIA?

11 A MY WIFE COME UP A WEEK LATER. SHE WASN'T

12 MY WIFE AT THE TIME, SHE WAS MY GIRLFRIEND.

13 Q AND PRIOR TO BEING YOUR GIRLFRIEND,

14 WHOSE GIRLFRIEND WAS SHE?

15 A BILL ONSPA'S.

16 Q AND SHE MOVED UP TO WEST VIRGINIA?

17 A YES, SIR.

18 Q DID SHE LEAVE MR. ONSPA THEN?

19 A YES, SIR.

20 Q DID SHE BRING ANYBODY WITH HER?

21 A HER CHILDREN.

22 Q HOW MANY?

23 A THREE, TWO BOYS.

24 Q AND HAVE YOU BEEN LIVING WITH HER SINCE

25 THEN?

1 A YES, SIR.

2 Q HAVE YOU MARRIED HER?

3 A YES, SIR.

4 Q WHEN DID YOU MARRY HER?

5 A AUGUST 17TH.

6 Q OF WHAT YEAR?

7 A THIS YEAR, '96.

8 Q AND WHAT ARE YOUR PLANS CONCERNING HER

9 SON?

10 MR. HARPOOTLIAN: YOUR HONOR...

11 THE COURT: SUSTAINED.

12 MR. HARPOOTLIAN: THANK YOU.

13 Q LET ME ASK YOU THIS QUESTION. HOW LONG

14 DID YOU LIVE WITH HER IN WEST VIRGINIA?

15 A ROUGHLY A YEAR BEFORE WE MOVED BACK DOWN

16 HERE.

17 Q AND WHEN YOU LEFT WEST VIRGINIA, WHERE

18 DID YOU MOVE TO?

19 A ANDERSON, SOUTH CAROLINA.

20 Q AND HOW LONG HAVE YOU LIVED IN ANDERSON?

21 A A LITTLE OVER A YEAR.

22 Q BETWEEN THE TIME YOU LEFT MYRTLE BEACH

23 IN LATE MAY OF '94 AND TODAY, HAVE YOU HAD ANY

24 CONTACT WITH DEFENDANT BECKHAM?

25 A NO, SIR.

1 Q HAVE YOU HAD ANY CONTACT WITH RICHARD
2 ANDERSON?
3 A I SAW HIM THAT ONE DAY WHEN I WAS WITH
4 THE SLED AGENTS IN NEWBERRY SHERIFF'S DEPARTMENT.
5 Q AND WHEN WOULD THAT HAVE BEEN?
6 A THIRTEENTH, FRIDAY.
7 Q OF WHAT MONTH?
8 A THIS MONTH.
9 Q OF THIS YEAR?
10 A YES, SIR.
11 Q SO YOU CAME TO NEWBERRY ON THE 13TH OF
12 SEPTEMBER, IS THAT CORRECT?
13 A YES, SIR.
14 Q ALL RIGHT, WHEN, WHEN DID YOU HAVE--I'LL
15 ASK YOU THIS. DID SLED AGENTS COME TO YOUR HOUSE
16 ON SEPTEMBER 12TH OF THIS YEAR?
17 A YES, SIR.
18 Q AND WHERE WERE YOU WHEN THEY WERE THERE?
19 A THEY WAS IN MY DRIVEWAY WHEN I PULLED
20 IN.
21 Q AND WHO DID YOU PULL IN WITH?
22 A MY WIFE.
23 Q WHERE WERE THE CHILDREN?
24 A WE HAD ONE WITH US AND THE OTHER TWO
25 WERE IN THE HOUSE.

1 Q AND WHEN YOU GOT OUT OF THE CAR WITH
2 YOUR WIFE AND THE ONE CHILD, WHAT DID YOU DO?

3 A WE TALKED TO THE SLED AGENTS.

4 Q AND DID YOU TELL THEM THAT YOU KNEW
5 RICHARD ANDERSON AND STEPHEN BECKHAM?

6 A I DIDN'T RECOGNIZE HIS NAME AT FIRST AND
7 THEN THEY SAID BOTH NAMES AND I RECOGNIZED THE
8 NAME.

9 Q AND DID YOU TELL THEM THAT YOU HAD BEEN
10 CONTACTED BY DEFENDANT BECKHAM TO KILL HIS WIFE AT
11 THAT TIME?

12 A NO, SIR.

13 MR. HARPOOTLIAN: YOUR HONOR, I WOULD
14 OBJECT.

15 THE COURT: I OVERRULE THAT OBJECTION.

16 MR. HARPOOTLIAN: OKAY.

17 A I TOLD THEM I DIDN'T KNOW NOTHING ABOUT
18 NOTHING.

19 Q YOU TOLD THEM YOU DIDN'T KNOW NOTHING
20 ABOUT NOTHING, IS THAT RIGHT?

21 A YES, SIR.

22 Q AND DID THEY LEAVE?

23 A YES, SIR. AND I WENT BACK IN THE
24 HOUSE...MY WIFE DIDN'T KNOW NOTHING ABOUT THIS, AND
25 I THOUGHT I NEEDED TO EXPLAIN IT TO HER. I TALKED

1 TO MY WIFE AND WE DECIDED WE NEEDED TO DO THE RIGHT
2 THING ON THIS.

3 WE WENT BACK IN THE HOUSE TO CALL THE
4 SLED AGENTS AND THEY WERE BACK AT MY FRONT PORCH
5 ALREADY.

6 Q AND WHAT DID YOU DO?

7 A I TOLD THEM EVERYTHING I KNOW.

8 Q AND THAT WAS ON WHEN?

9 A THE 12TH.

10 Q AND ON THE 13TH, WHAT DID YOU DO?

11 A THEY PICKED ME UP AND BROUGHT ME TO THE
12 NEWBERRY COUNTY SHERIFF'S DEPARTMENT.

13 Q AND WHO DID YOU MEET WITH?

14 A YOU, SIR.

15 Q AND DID WE TALK ABOUT THIS?

16 A YES, SIR.

17 Q AND WHO DID YOU TELL ME YOU WERE LIVING
18 WITH WHEN WE MET IN APRIL OF 1994?

19 A CHARLES MORRIS.

20 Q AND DID YOU TALK TO MR. MORRIS ON THAT
21 DAY?

22 A JUST FOR A SECOND.

23 Q AND WHAT DID YOU TELL HIM?

24 A I TOLD HIM TO TELL THE TRUTH ABOUT
25 EVERYTHING.

1 Q DID YOU TELL HIM WHAT EVERYTHING WAS?

2 A NO, SIR.

3 Q DID DEFENDANT BECKHAM KNOW WHAT YOU HAD
4 SERVED YOUR TIME FOR BETWEEN 1992 AND 1994?

5 MR. HARPOOTLIAN: OBJECTION, YOUR HONOR.
6 HE CAN'T SAY WHAT DEFENDANT BECKHAM KNEW.

7 THE COURT: SUSTAINED.

8 Q DID YOU TELL DEFENDANT BECKHAM WHAT YOU
9 HAD SERVED TIME FOR BETWEEN 1992 AND 1994?

10 A YES, SIR.

11 Q AND WHAT WAS THAT?

12 A ACCESSORY TO MURDER AFTER THE FACT.

13 Q ANSWER ANY QUESTIONS THESE LAWYERS HAVE.

14 THE COURT: CROSS EXAMINATION, MR.

15 HARPOOTLIAN.

16 MR. HARPOOTLIAN: MAY IT PLEASE THE
17 COURT, YOUR HONOR?

18 CROSS EXAMINATION:

19 BY MR. HARPOOTLIAN:

20 Q MR. MITCHELL, YOU AND I HAD A CHANCE TO
21 CHAT YESTERDAY, DID WE NOT?

22 A YES, SIR.

23 Q IN THE PROCESS OF CHATTING, WE LEARNED A
24 COUPLE OF THINGS. FIRST OF ALL, I THINK YOU
25 INDICATED TO ME THAT YOU DID NOT CONSIDER YOURSELF

1 A VIOLENT PERSON, IS THAT CORRECT?

2 A YES, SIR.

3 Q YOU WORKED AS A BOUNCER AT SMUGGLER'S
4 FOR ABOUT THREE OR FOUR YEARS?

5 A RIGHT.

6 Q WHEN DID YOU QUIT WORKING AS A BOUNCER?

7 A HAD TO BE '88 OR '89.

8 Q '88 OR '89. WHAT DID YOU DO AFTER THAT,
9 FROM '89 UNTIL '92 WHEN YOU WENT TO PRISON?

10 A CONSTRUCTION WORK MOSTLY.

11 Q DID YOU SELL DRUGS?

12 A A LITTLE BIT.

13 Q A LITTLE BIT. COCAINE?

14 A A LITTLE BIT.

15 Q OKAY. NOW WHEN YOU WORKED AT
16 SMUGGLER'S, YOU WORKED FOR MIKE BEATTY AND JERRY
17 HOGAN, IS THAT CORRECT?

18 A YES, SIR.

19 Q THEY WERE THE PEOPLE THAT OWNED
20 SMUGGLER'S. AND WOULD YOU TELL US, TELL THE JURY,
21 PLEASE, BACK THEN WHEN YOU WORKED AT SMUGGLER'S AS
22 A BOUNCER, THERE WAS A TREMENDOUS AMOUNT OF DRUG
23 TRAFFIC AT SMUGGLER'S, ISN'T THAT CORRECT?

24 A I WOULDN'T SAY TREMENDOUS AMOUNT. NO
25 MORE THAN ANY OTHER TOPLESS BAR.

1 Q SO MOST OF THE TOPLESS BARS WERE HAVENS
2 FOR DOPE DEALERS?
3 A TO MY KNOWLEDGE.
4 Q YOU COULD GO IN AND BUY COKE?
5 A PRETTY EASY.
6 Q PRETTY EASY. AT SMUGGLER'S DID MR.
7 HOGAN, WASN'T HE INVOLVED IN THE DRUG TRAFFIC?
8 A A LITTLE BIT.
9 Q A LITTLE BIT. OKAY. AND WHEN YOU SAY A
10 LITTLE BIT, WAS THAT A LINE HERE AND THERE, AN
11 OUNCE HERE OR THERE, A KILO HERE OR THERE, WHAT?
12 A I DIDN'T GET INTO A WHOLE BUNCH WITH
13 HIM. I DID A FEW DEALINGS WITH HIM, MAYBE AN
14 EIGHT BALL AT A TIME, NOTHING..
15 Q I'M SORRY, AN EIGHT BALL?
16 A AN EIGHTH OF AN OUNCE.
17 Q AN EIGHTH OF AN OUNCE OF COCAINE. WHAT
18 ABOUT CRACK?
19 A NO, SIR.
20 Q OKAY. AND MR. BEATTY AND MR. HOGAN
21 OWNED SMUGGLER'S AT THE TIME?
22 A RIGHT.
23 Q NOW, AS A BOUNCER, WHAT WERE YOUR
24 DUTIES?
25 A TO KEEP PEACE IN THE PLACE.

1 Q KEEP PEACE BY?

2 A IF PEOPLE GOT UNRULY OR OUT OF HAND, WE
3 ESCORTED THEM OUT.

4 Q ESCORTED THEM OUT? IS THAT SORT OF A...
5 THE COURT: MR. HARPOOTLIAN, DON'T YOU
6 REPEAT YOURSELF EITHER.

7 MR. HARPOOTLIAN: AM I DOING IT?

8 THE COURT: YES, SIR.

9 MR. HARPOOTLIAN: SORRY, YOUR HONOR.

10 Q BY ESCORTING THEM OUT, DO YOU MEAN,
11 "EXCUSE ME, SIR. WOULD YOU MIND STEPPING OUTSIDE?"

12 A WHATEVER IT TOOK TO GET THEM OUTSIDE.

13 Q AND THAT WORKS SOMETIMES?

14 A YEAH.

15 Q WOULD YOU EVER HAVE TO USE PHYSICAL
16 FORCE ON THEM?

17 A SOMETIMES.

18 Q WOULD YOU EVER HAVE TO HIT ONE OF THEM?

19 A USUALLY YOU CAN HANDLE IT JUST BY
20 GRABBING THEM AND GETTING THEM OUT.

21 Q NOW, WHO WORKED THERE AS A BOUNCER WITH
22 YOU?

23 A I WAS THE BOUNCER, AND WE HAD A BIG
24 BARTENDER THERE TO HELP ME.

25 Q WHAT WAS HIS NAME?

1 A WOODY.

2 Q WOODY? NOW, WHEN YOU INDICATE THERE WAS
3 A TREMENDOUS AMOUNT, NOT TREMENDOUS AMOUNT, BUT
4 COKE DEALINGS, DRUG DEALINGS IN THIS TOPLESS, LIKE
5 MOST TOPLESS BARS, I MEAN, IS THIS--AND I'M TRYING
6 TO GET A PICTURE FOR--I MEAN, DID THEY SELL JUST TO
7 PEOPLE THEY KNEW OR IF YOU CAME IN AND YOU WERE A
8 GOLFER FROM OHIO STAYING IN THIS, WALKING INTO THIS
9 TOPLESS BAR, COULD YOU BUY SOME COKE?

10 A NO, IT WAS MOSTLY PEOPLE HE KNEW,
11 REGULARS.

12 Q REGULARS?

13 A YES, SIR.

14 Q NOW, WHEN YOU SAY YOU BOUGHT AN EIGHT
15 BALL FROM MR. HOGAN, AND THAT WOULD BE AN EIGHTH OF
16 AN OUNCE, WOULD THAT BE FOR YOUR USE OR FOR RESALE?

17 A WELL, YOU BUY AN EIGHT BALL, YOU CAN
18 SELL A FEW GRAMS AND GET A GRAM FOR YOURSELF, GRAM
19 AND A HALF. THERE'S THREE AND A HALF GRAMS TO AN
20 EIGHT BALL.

21 Q THREE AND A HALF GRAMS. SO YOU SELL TWO
22 GRAMS AND YOU GET ONE FREE?

23 A I COULD DO ONE.

24 Q DO YOU CONSIDER YOURSELF HAVING A DRUG
25 PROBLEM?

1 A NOT NO MORE.

2 Q NOT NO MORE. DID YOU HAVE ONE WHILE YOU
3 WERE IN JAIL?

4 A NO.

5 Q NEVER HAD ANY PROBLEM WITH DRUGS WHILE
6 YOU WERE IN JAIL?

7 A (SHAKES HEAD NEGATIVE)

8 Q DO YOU REMEMBER A DISCIPLINARY ACTION
9 TAKEN AGAINST YOU WHILE YOU WERE IN JAIL?

10 MR. JONES: OBJECTION, YOUR HONOR.

11 THE COURT: OVERRULED.

12 Q DO YOU REMEMBER A DISCIPLINARY ACTION
13 TAKEN AGAINST YOU WHILE YOU WERE IN JAIL?

14 A FOR A URINALYSIS.

15 Q FOR A URINALYSIS. CAME BACK POSITIVE
16 FOR DRUGS, DID IT NOT?

17 A MARIJUANA.

18 Q CAME BACK POSITIVE FOR DRUGS, DIDN'T IT?

19 A MARIJUANA.

20 Q AND AS A RESULT OF THAT, A DISCIPLINARY
21 ACTION WAS TAKEN AGAINST YOU?

22 A YES, SIR.

23 Q AND YOUR CUSTODY STATUS WAS REDUCED?

24 A I DIDN'T GET TO GO TO RELEASE.

25 Q DIDN'T GET TO GO TO WORK RELEASE BECAUSE

- 1 YOU HAD A POSITIVE DRUG TEST WHILE YOU WERE IN
2 PRISON?
- 3 A YES, SIR. IT WASN'T COCAINE.
- 4 Q IT WAS A POSITIVE DRUG TEST. YOU'RE IN
5 A PRISON, CORRECT?
- 6 A YES, SIR.
- 7 MR. JONES: YOUR HONOR, IT'S NOT AN
8 IMPEACHMENT OFFENSE EITHER.
- 9 THE COURT: OVERRULED.
- 10 Q YOU WERE IN PRISON DOING DRUGS?
- 11 A YES, SIR.
- 12 Q WASN'T THAT AGAINST THE RULES?
- 13 A DOING DRUGS?
- 14 Q YEAH.
- 15 A IT'S AGAINST THE LAW ANYWHERE.
- 16 Q BUT IT'S REALLY, REALLY, REALLY AGAINST
17 THE LAW IN PRISON, ISN'T IT?
- 18 A NO, SIR. YOU CAN GET MORE DRUG IN PRISON
19 THAN YOU CAN GET ON THE STREETS.
- 20 Q SIMPLY BECAUSE YOU CAN GET THEM, SIMPLY
21 BECAUSE YOU CAN DO IT, SIMPLY BECAUSE YOU'RE NOT
22 GOING TO GET CAUGHT, DOES THAT MEAN YOU DO IT, MR.
23 MITCHELL?
- 24 A NO, SIR.
- 25 Q YOU DID WHILE YOU WERE IN PRISON.

1 A I SMOKED MARIJUANA TO RELAX ME AND KEEP
2 ME CALM.

3 Q DO YOU DO IT NOW?

4 A MARIJUANA?

5 Q YES.

6 A YES, SIR.

7 Q OKAY, YOU ARE A CONVICTED FELON, IS THAT
8 CORRECT?

9 A YES, SIR.

10 Q NOW, YOU'VE JUST ADMITTED THAT YOU STILL
11 CONTINUE TO DO DRUGS.

12 A ON OCCASION I SMOKE A JOINT.

13 Q ON OCCASION YOU SMOKE A JOINT.

14 THE COURT: DON'T REPEAT YOURSELF, MR.
15 HARPOOTLIAN.

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

17 Q NOW, WHEN YOU TOLD THE SOLICITOR THAT
18 YOU HAD IN YOUR POSSESSION A OPERABLE FIREARM, WERE
19 ANY REPRESENTATION MADE TO YOU THAT YOU WOULDN'T BE
20 PROSECUTED BY FEDERAL OR STATE AUTHORITIES FOR A
21 FELON IN POSSESSION OF A FIREARM?

22 A NO, SIR.

23 Q ARE YOU AWARE THAT'S A CRIME?

24 A YES, SIR.

25 Q WERE YOU AWARE IT WAS A CRIME BACK IN

1 1994?

2 A YES, SIR. I PUT THE RIFLE IN THE HOUSE,
3 SAT IT IN THE CORNER AND NEVER BOTHERED WITH IT
4 AGAIN.

5 Q AND HAVEN'T SEEN IT SINCE THEN?

6 A NO, SIR.

7 Q DIDN'T TURN OVER A RIFLE TO THE
8 SOLICITOR?

9 A NO, SIR.

10 Q DIDN'T TURN OVER A PICTURE TO THE
11 SOLICITOR?

12 A NO, SIR.

13 Q DIDN'T TURN OVER THE ALLEGED HANDWRITING
14 FROM...

15 A I TORE THEM UP AND THREW THEM AWAY.

16 Q TORE THEM UP AND THREW THEM AWAY.

17 THE COURT: AGAIN...

18 MR. JONES: HE'S REPEATING HIMSELF, YOUR
19 HONOR.

20 THE COURT: YES, SIR, I AGREE, AND QUIT
21 IT, MR. HARPOOTLIAN.

22 MR. HARPOOTLIAN: YES, SIR.

23 Q YOU, AS I UNDERSTAND IT, IN THE LATE
24 EIGHTIES WERE A BOUNCER AND DRUG PURCHASER AND DRUG
25 SELLER AT SMUGGLER'S, AND NO OTHER TOPLESS BAR, IS

1 THAT CORRECT?

2 A CORRECT.

3 Q YOU, IN THE LATE EIGHTIES AND EARLY
4 NINETIES, PRIOR TO YOUR INCARCERATION IN 199...IN
5 MAY OF 1992 IS WHEN YOU WERE SENTENCED, IS THAT
6 CORRECT?

7 A YES, SIR.

8 Q AND YOU'VE BEEN ARRESTED...HOW LONG DID
9 YOU SPEND IN JAIL PRIOR TO THAT?

10 A ABOUT SIX MONTHS IN THE COUNTY.

11 Q OKAY. SO, YOU'VE BEEN IN JAIL SINCE
12 WHAT, THE FIRST OF THE YEAR IN '92?

13 A YES, SIR.

14 Q DID YOU GET ARRESTED RIGHT AFTER THIS
15 HAPPENED?

16 A ARRESTED RIGHT AFTER WHAT HAPPENED?

17 Q WHATEVER THE ACCESSORY...

18 A NO, I WAS ARRESTED BEFORE THAT EVER
19 HAPPENED.

20 Q I'M TALKING ABOUT ON THE ACCESSORY AFTER
21 THE FACT OF MURDER.

22 A WHAT ARE YOU SAYING, WAS I ARRESTED
23 BEFORE THAT?

24 Q I WANT TO KNOW HOW LONG YOU WERE IN JAIL
25 PRIOR TO BEING SENTENCED?

- 1 A OH, PROBABLY ABOUT SIX MONTHS.
- 2 Q AND IF YOU WERE SENTENCED ON 5/11/92
- 3 THAT MEANS YOU'VE BEEN IN JAIL SINCE THE FIRST OF
- 4 JANUARY?
- 5 A OKAY.
- 6 Q OF '92?
- 7 A YES, SIR.
- 8 Q WOULD YOU DISAGREE WITH THAT?
- 9 A NO.
- 10 Q AND YOU, PRIOR TO THAT THEN, PRIOR TO
- 11 JANUARY 1 OF '92 IS WHEN YOU KNEW RICHARD ANDERSON?
- 12 A YES, SIR.
- 13 Q AND YOU KNEW RICHARD ANDERSON FROM
- 14 SMUGGLER'S?
- 15 A RIGHT. WHEN I QUIT BOUNCING, HE STARTED
- 16 BOUNCING THERE.
- 17 Q OKAY, SO HE GOT YOUR JOB?
- 18 A BASICALLY.
- 19 Q AND AS A RESULT, WOULD YOU CONTINUE TO
- 20 BE A REGULAR AT SMUGGLER'S?
- 21 A I'D STOP THERE ONCE IN AWHILE. I
- 22 WOULDN'T SAY A REGULAR.
- 23 Q ONCE IN AWHILE BEING?
- 24 A MAYBE ONCE OR TWICE A WEEK.
- 25 Q NOW THERE ARE A NUMBER OF DIFFERENT

- 1 DRINKING ESTABLISHMENTS IN THE MYRTLE BEACH AREA,
2 AS I UNDERSTAND IT, IS THAT CORRECT?
- 3 A YES, SIR.
- 4 Q LITERALLY HUNDREDS, IS THAT CORRECT?
- 5 A YES, SIR.
- 6 Q AND WOULD YOU FREQUENT OTHER DRINKING
7 ESTABLISHMENTS OTHER THAN SMUGGLER'S?
- 8 A YES, SIR.
- 9 Q NOW, THE ATTRACTION OF SMUGGLER'S WAS
10 YOU WORKED THERE BEFORE. WERE YOU A REGULAR?
- 11 A AT TIMES, YES. I WAS KNOWN THERE.
- 12 Q YOU WERE KNOWN THERE. YOU KNEW THE
13 BARTENDER?
- 14 A YES, SIR.
- 15 Q YOU KNEW THE BOUNCER? RIGHT?
- 16 A YES, SIR.
- 17 Q YOU KNEW THE OWNERS?
- 18 A AFTER THEY SOLD THE PLACE, I DIDN'T KNOW
19 THE NEW FELLOW THAT OWNED IT.
- 20 Q YOU DIDN'T KNOW MR. TOOTIE, I BELIEVE
21 HIS NAME WAS.
- 22 A I HEARD HIM CALLED J.T.
- 23 Q J.T.? BUT MIKE BEATTY WAS STILL WORKING
24 THERE?
- 25 A NO.

- 1 Q MIKE BEATTY, JUNIOR?
- 2 A MIKE BEATTY, JUNIOR WAS WORKING THERE.
- 3 Q OKAY, AND HE HAD BEEN WORKING THERE WITH
- 4 HIS DAD, MIKE BEATTY, SENIOR?
- 5 A NO, HE STOPPED IN ONCE IN AWHILE. HE WAS
- 6 UNDERAGE. HE COULDN'T WORK THERE.
- 7 Q IN 1990, '91, PRIOR TO YOU GOING TO
- 8 PRISON, YOU WOULD STOP BY AND HAVE A DRINK WITH THE
- 9 BARTENDER FROM TIME TO TIME?
- 10 A NOT NECESSARILY THE BARTENDER. I'D STOP
- 11 IN AND HAVE A DRINK.
- 12 Q YOU EVER TALK TO RICHARD ANDERSON WHILE
- 13 YOU WERE THERE?
- 14 A A LITTLE BIT.
- 15 Q WHAT WOULD Y'ALL TALK ABOUT?
- 16 A JUST BASIC THINGS PEOPLE TALK ABOUT.
- 17 "HOW YA' BEEN? WHAT YA' DOIN'?"
- 18 Q DO YOU KNOW WHERE HE WAS LIVING AT THE
- 19 TIME?
- 20 A NO, SIR.
- 21 Q YOU EVER BEEN TO HIS HOUSE?
- 22 A NO, SIR.
- 23 Q DID YOU KNOW TAMMY?
- 24 A I'D PROBABLY RECOGNIZE HER BY FACE, I
- 25 CAN'T SAY BY NAME.

1 Q SHE WOULD HAVE BEEN A DANCER PERHAPS AT
2 SMUGGLER'S THEN?

3 A THERE WAS A LOT OF DANCERS THERE, SIR.

4 Q NOW, WHEN YOU WENT OFF TO THE
5 PENITENTIARY IN MAY OF 1992 YOU ORIGINALLY WENT TO
6 LEVER, IS THAT CORRECT?

7 A YES, FOR EVALUATION.

8 Q FOR EVALUATION. AND WHILE YOU WERE AT
9 LEVER, YOU WERE THERE WITH MIKE BEATTY?

10 A MICHAEL, SENIOR.

11 Q MIKE BEATTY, SENIOR.

12 A YES, SIR.

13 Q AND HOW LONG WERE Y'ALL TOGETHER THERE?

14 A ABOUT THIRTY DAYS, FORTY-FIVE DAYS.

15 Q SO YOU SPENT SOME TIME IN CLOSE
16 PROXIMITY TO MIKE BEATTY AT LEVER, IS THAT CORRECT?

17 A YES, SIR.

18 Q AND Y'ALL, I GUESS YOU WOULD CALL Y'ALL
19 CELL MATES, WOULD THAT BE...?

20 A YES, SIR.

21 Q AND THIS IS THE SAME MIKE BEATTY THAT
22 OWNED SMUGGLER'S ALONG WITH MR. HOGAN?

23 A YES, SIR.

24 Q NOW, WAS MIKE BEATTY INVOLVED IN THE
25 DRUG TRAFFIC WITH MR. HOGAN?

- 1 A YES, SIR.
- 2 Q AND YOU HAD BOUGHT COCAINE FROM HIM,
- 3 ALSO, HAD YOU NOT?
- 4 A OCCASIONALLY.
- 5 Q OCCASIONALLY, AN EIGHT BALL, OUNCES?
- 6 A NO, SIR.
- 7 Q OKAY. SO YOU WERE INVOLVED IN THE DRUG
- 8 BUSINESS WITH MR. HOGAN AND MR. BEATTY, RIGHT?
- 9 A CORRECT.
- 10 Q MR. BEATTY WENT OFF FOR DRUGS, YOU WENT
- 11 OFF FOR DRUGS AND ACCESSORY AFTER THE MURDER?
- 12 A THE DRUG CHARGE WAS SOMETHING THAT
- 13 HAPPENED BEFORE THE ACCESSORY CHARGE.
- 14 Q RIGHT. BUT IN OTHER WORDS, YOU'D GOTTEN
- 15 ARRESTED FOR COCAINE, WERE OUT ON BOND, AND THEN
- 16 GOT ARRESTED FOR ACCESSORY AFTER THE FACT OF
- 17 MURDER, IS THAT CORRECT?
- 18 A YES, SIR.
- 19 Q YOU WERE OUT ON BOND WHEN YOU WERE
- 20 INVOLVED IN THIS MURDER?
- 21 A YES, SIR.
- 22 Q AND THEN YOU GO OFF TO THE PENITENTIARY
- 23 AND SPEND OVER A MONTH AS A CELL MATE OF MIKE
- 24 BEATTY?
- 25 A CORRECT.

1 Q NOW, YOU GET OUT IN MARCH, AROUND THE
2 FIRST OF MARCH, 1994, IS THAT CORRECT?

3 A ON THE FIRST OF MARCH.

4 Q ON THE FIRST OF MARCH, 1994. AND YOU
5 IMMEDIATELY LEAVE SOUTH CAROLINA, IS THAT CORRECT?

6 A I DIDN'T EVEN SLOW DOWN. THEY COME DOWN
7 FROM WEST VIRGINIA AND PICKED ME UP AND I WENT BACK
8 UP TO THE MOUNTAINS.

9 Q OKAY, WHEN YOU, YOU HAD ORIGINALLY TOLD
10 THE DEPARTMENT OF CORRECTIONS OFFICIALS THAT YOU
11 WERE GOING BACK TO MYRTLE BEACH IF YOU WERE
12 RELEASED ON FURLOUGH OR SOME EARLY RELEASE PROGRAM,
13 IS THAT CORRECT?

14 A PROBABLY. I CAN'T SAY FOR SURE.

15 Q OKAY. YOU IMMEDIATELY WENT TO WEST
16 VIRGINIA. YOU WERE UP THERE FOR HOW LONG?

17 A ROUGHLY A MONTH.

18 Q WHAT DID YOU DO UP THERE?

19 A I LIVED ON MY PARTNERS FARM, KICKED BACK
20 AND RELAXED.

21 Q HOW DID YOU KNOW HIM?

22 A EXCUSE ME?

23 Q HOW DID YOU KNOW THE GUY IN WEST
24 VIRGINIA?

25 A I WORKED FOR HIM FOR TEN YEARS.

- 1 Q BEFORE YOU CAME TO MYRTLE BEACH?
- 2 A RIGHT.
- 3 Q AND, I MEAN, YOU ONLY STAYED THERE ABOUT
- 4 A MONTH.
- 5 A THAT'S CORRECT. I WASN'T WORKING. I
- 6 JUST WAS LAYING AROUND.
- 7 Q OKAY. AND YOU DECIDED IT WAS TIME TO
- 8 QUIT LAYING AROUND.
- 9 A I WAS GOING BACK TO THE BEACH.
- 10 Q GOING BACK TO THE BEACH. WHAT WAS AT
- 11 THE BEACH FOR YOU TO RETURN TO?
- 12 A CHARLIE MORRIS, A REAL GOOD FRIEND OF
- 13 MINE.
- 14 Q HOW DO YOU KNOW CHARLIE MORRIS?
- 15 A I'VE KNOWN HIM FOR YEARS.
- 16 Q BEFORE YOU WENT OFF TO THE PENITENTIARY?
- 17 A YES, SIR.
- 18 Q AND HOW DID YOU KNOW HIM?
- 19 A AT ONE TIME, HE LIVED WITH ME AND MY
- 20 GIRLFRIEND FOR AWHILE.
- 21 Q WHAT YEARS WAS THAT?
- 22 A LATE EIGHTIES.
- 23 Q LATE EIGHTIES, WHICH IS BACK WHEN YOU
- 24 WERE WORKING AS A BOUNCER AT SMUGGLER'S?
- 25 A CORRECT.

1 Q AND WAS HE A FREQUENT PATRON OF
2 SMUGGLER'S?

3 A NO, SIR.

4 Q NEVER WENT IN SMUGGLER'S?

5 A MAYBE ONCE IN AWHILE. HE WASN'T INTO
6 THAT.

7 Q WAS HE INVOLVED IN DRUGS LIKE YOU?

8 A NO, SIR.

9 Q NEVER INVOLVED WITH DRUGS?

10 A NOT THAT I KNOW OF.

11 Q OKAY. AND DID HE COME VISIT YOU AT THE
12 PENITENTIARY?

13 A NO.

14 Q SO YOU WERE GONE FOR OVER TWO YEARS AND
15 YOU NEVER SAW MR. MORRIS?

16 A WE TALKED ON THE PHONE.

17 Q TALKED ON THE PHONE?

18 A YES, SIR.

19 Q AND --

20 MR. HARPOOTLIAN: I APOLOGIZE.

21 Q AND YOU, IN TALKING TO HIM ON THE PHONE,
22 HE SAID, "COME ON DOWN HERE AND LIVE WITH ME."

23 A YES, BASICALLY.

24 Q DID YOU HAVE A JOB BEFORE YOU HEADED
25 BACK FROM WEST VIRGINIA?

1 A NO, I KNEW I COULD GET A JOB VERY EASY.

2 Q AND I WANT TO ASK YOU ABOUT THAT. YOU
3 HAD FRIENDS AT MYRTLE BEACH?

4 A CORRECT.

5 Q PEOPLE THAT YOU'D KNOWN WELL.

6 A YES, SIR.

7 Q PEOPLE YOU'D WORKED FOR BEFORE?

8 A YES, SIR.

9 Q PEOPLE THAT YOU LIVED AT THE BEACH FOR
10 TEN YEARS BEFORE GOING OFF TO THE PENITENTIARY,
11 HADN'T YOU?

12 A NO, SIR.

13 Q HOW LONG?

14 A MAYBE ABOUT FIVE OR SIX YEARS.

15 Q FIVE OR SIX YEARS, AND OVER THAT FIVE OR
16 SIX YEARS, THE BULK OF THOSE FIVE OR SIX YEARS YOU
17 HAD WORKED FOR WHO?

18 MR. JONES: ASKED AND ANSWERED TWICE.

19 HE'S ASKED HIM ABOUT WHO HE WORKED FOR AT THE BAR.

20 THE COURT: I TEND TO AGREE WITH...

21 MR. HARPOOTLIAN: WELL, IT'S JUST A STEP
22 ON THE WAY TO ANOTHER QUESTION.

23 MR. JONES: IT'S RETURN TO...

24 THE COURT: OVERRULED IF YOU'RE GOING TO
25 TIE IT TO OTHER THINGS. DON'T ASK THAT QUESTION

1 AGAIN.

2 MR. HARPOOTLIAN: YES, SIR.

3 Q AND LET ME MAKE IT SIMPLE, THE BULK OF
4 THOSE FIVE OR SIX YEARS, YOU WORKED FOR MICHAEL
5 BEATTY AND...

6 A NO, SIR, I WORKED FOR RIP TIDE
7 CONSTRUCTION. I'VE BEEN A CARPENTER FOR SIXTEEN
8 YEARS.

9 Q I'M TALKING ABOUT THE FIVE OR SIX YEARS
10 PRIOR TO YOU GOING TO THE PENITENTIARY.

11 A I AM, TOO.

12 Q WELL, LET ME EXPLORE REAL QUICKLY. YOU
13 WORKED FOR THEM FOR THREE YEARS?

14 A YES, SIR.

15 Q THAT WOULD BE HALF OF SIX?

16 A YES.

17 Q OKAY. THAT'S WHAT I MEANT BY BULK.
18 HALF THE TIME YOU WORKED FOR THEM.

19 A WELL, TO ME BULK IS LIKE A BUNCH.

20 Q OKAY. I'M SORRY, I SHOULD HAVE DEFINED
21 THE TERM. WHEN YOU CAME BACK DOWN TO THE BEACH
22 FROM WEST VIRGINIA AFTER-GETTING OUT OF THE
23 PENITENTIARY, YOU WENT BY SMUGGLER'S?

24 A YES, SIR.

25 Q AND WHEN YOU WENT BY SMUGGLER'S YOU SAW,

- 1 DID YOU KNOW SHAWN GEHM BEFORE YOU WENT OFF TO THE
2 PENITENTIARY?
- 3 A YES, SIR.
- 4 Q HE'D WORKED THERE FOREVER?
- 5 A I KNOW HIM.
- 6 Q AND YOU SAW RICHARD ANDERSON WHO WAS THE
7 BOUNCER?
- 8 A YES, SIR.
- 9 Q AND YOU SAW HIM AND TALKED TO HIM?
- 10 A YES, SIR.
- 11 Q AND YOU SAW, AS YOU'VE INDICATED, YOU
12 SAW STEVE BECKHAM?
- 13 A YES, SIR.
- 14 Q AND YOU SAW MIKE BEATTY?
- 15 A YES, SIR.
- 16 Q AND YOU SAW ALL THE OLD CROWD. DID YOU
17 SEE JERRY HOGAN?
- 18 A HE WASN'T WORKING THERE NO MORE.
- 19 Q HE WASN'T THERE ANYMORE.
- 20 A HE WASN'T AROUND THERE.
- 21 Q AND YOU WERE BACK, YOU HAD NO JOB, YOU
22 HAD NO MONEY, IS THAT CORRECT?
- 23 A CORRECT.
- 24 Q NO INCOME?
- 25 A NOT RIGHT AWAY.

1 Q SO WHO WERE YOU GETTING DRUGS FROM AT
2 THAT POINT?

3 A I WASN'T IN THE DRUGS REAL BAD. WHEN I
4 COME OUT OF THE PENITENTIARY, I HADN'T TOUCHED
5 COCAINE.

6 Q YOU SAID YOU WEREN'T INTO DRUGS REAL
7 BAD. WERE YOU DOING ANY DRUGS AT THAT POINT?

8 A SMOKING A LITTLE MARIJUANA.

9 Q WHERE WERE YOU GETTING IT?

10 A WHERE WAS I GETTING IT?

11 MR. JONES: HOW IS THAT RELEVANT?

12 THE COURT: YES -- RIGHT OVER HERE JUST

13 A MINUTE. LET ME SEE...

14 MR. HARPOOTLIAN: YOUR HONOR, I THINK
15 WE'LL BE...

16 YOUR HONOR, I WITHDRAW THE QUESTION, I'D
17 RATHER JUST MOVE ON THAN DEAL WITH THAT.

18 Q HOW MANY TIMES, OKAY, YOU GET BACK FROM
19 WEST VIRGINIA WHEN?

20 A WHEN DID I MOVE BACK TO THE BEACH?

21 Q YES.

22 A EARLY APRIL.

23 Q FIRST WEEK, SECOND WEEK?

24 A PROBABLY THE FIRST WEEK.

25 Q OKAY, AND YOU WERE THERE AT THE BEACH

1 FOR HOW LONG BEFORE YOU WENT TO WORK FOR BILL
2 ONSPA?

3 A MAYBE TWO WEEKS.

4 Q OKAY, THIS EVENT THAT YOU'RE TALKING
5 ABOUT, YOUR MEETING WITH STEVE BECKHAM OCCUR IN
6 THOSE TWO WEEKS OR AFTER YOU WENT TO WORK FOR BILL
7 ONSPA?

8 A BEFORE.

9 Q SO IT'S IN THE TWO WEEKS AFTER YOU GOT
10 BACK FROM WEST VIRGINIA BUT BEFORE YOU WENT TO WORK
11 FOR BILL ONSPA, IS THAT CORRECT?

12 A CORRECT.

13 Q AND DURING THAT TWO WEEK PERIOD, YOU
14 WERE LIVING WITH CHARLIE MORRIS?

15 A YES, SIR.

16 Q AND YOUR TESTIMONY IS THAT STEVE BECKHAM
17 APPROACHED YOU IN THE BAR?

18 A YES, SIR.

19 Q AND THEN CALLED YOUR HOUSE?

20 A CORRECT.

21 Q AND THEN CALLED OR CAME BY YOUR TRAILER,
22 IS THAT RIGHT?

23 A CORRECT.

24 Q AND WHEN HE CAME BY THE TRAILER, HE
25 BROUGHT A RIFLE, IS THAT CORRECT?

- 1 . A YES, SIR.
- 2 Q AND HE BROUGHT A PICTURE AND A
- 3 DESCRIPTION, IS THAT RIGHT?
- 4 A A PICTURE AND AN ADDRESS.
- 5 Q ADDRESS. NOW, DID YOU HAVE A VEHICLE AT
- 6 THE TIME?
- 7 A NO, SIR.
- 8 Q YOU DON'T HAVE A DRIVER'S LICENSE.
- 9 A NO, SIR.
- 10 Q SO IF YOU WERE TO TRAVEL FROM ONE PLACE
- 11 TO THE OTHER, SOMEBODY WOULD HAVE TO DRIVE YOU, IS
- 12 THAT CORRECT?
- 13 A YES, SIR.
- 14 Q AND AT THAT POINT, HOW WERE YOU GETTING
- 15 AROUND?
- 16 A I HAD A LOT OF FRIENDS, A LOT OF DANCER
- 17 FRIENDS. I HUNG OUT WITH THEM.
- 18 Q A LOT OF DANCER FRIENDS; RICHARD
- 19 ANDERSON EVER GIVE YOU A RIDE?
- 20 A NO.
- 21 Q RICHARD ANDERSON WOULD NEVER TAKE YOU
- 22 AROUND ON HIS MOTORCYCLE?
- 23 A WE WEREN'T THAT--I DIDN'T KNOW HE EVEN
- 24 HAD A MOTOR CYCLE.
- 25 Q OKAY, YOU DIDN'T EVEN KNOW HE HAD A

1 MOTORCYCLE? YOU EVER SEEN...

2 MR. JONES: REPEATING HIS ANSWER, YOUR
3 HONOR. I MEAN HE JUST DID IT.

4 THE COURT: YES, SIR. AND I...

5 MR. HARPOOTLIAN: I DID, YOUR HONOR, I
6 UNDERSTAND. OLD HABITS ARE HARD TO BREAK. I
7 APOLOGIZE.

8 THE COURT: WELL, AND I AGREE.

9 Q HAVE YOU EVER SEEN STATE'S EXHIBIT
10 NUMBER THIRTY-SEVEN BEFORE?

11 A I CAN'T SAY FOR SURE.

12 Q DID YOU EVER NOTICE AN OLD CAR LIKE
13 THIS, A MONTE CARLO MAYBE PARKED BEHIND SMUGGLER'S
14 OR AROUND SMUGGLER'S?

15 A I CAN'T SAY.

16 Q SO, YOU DID NOT HAVE A VEHICLE OR A
17 DRIVER'S LICENSE IN APRIL OF 1994?

18 A NO, SIR.

19 Q HOW DID YOU GET FROM THE TRAILER TO WORK
20 EVERYDAY?

21 A BILL WOULD COME BY AND PICK ME UP.

22 Q OKAY. NOW, THE GUN, I BELIEVE YOU
23 DESCRIBED THAT GUN AS AN OLD ARMY RIFLE, AN M1, IS
24 THAT CORRECT?

25 A AN M1 OR SOMETHING SIMILAR TO THAT.

1 Q OKAY. NOW, FOR OUR BENEFIT, YOU HAVE
2 BEEN IN THE ARMY?

3 A YES, SIR.

4 Q AND HOW LONG WERE YOU IN THE ARMY?

5 A THREE YEARS.

6 Q AND YOU WENT TO GERMANY?

7 A YES, SIR.

8 Q YOU WENT THROUGH, YOU WERE IN INFANTRY?

9 A YES, SIR.

10 Q YOU CARRIED A GUN?

11 A YES, SIR.

12 Q OR I BELIEVE THE PROPER TERM IS A RIFLE,
13 WEAPON.

14 A WEAPON.

15 Q WEAPON, I'M SORRY. AND YOU HAD FIREARMS
16 TRAINING?

17 A YES, SIR.

18 Q AND YOU KNOW WHAT DIFFERENT KINDS OF
19 RIFLES ARE?

20 A YES, SIR.

21 Q CAN YOU TELL US, YOU INDICATED THIS WAS
22 AN ARMY RIFLE. WAS IT AN AMERICAN RIFLE OR WAS IT
23 A GERMAN RIFLE?

24 A AMERICAN.

25 Q AMERICAN. DO YOU KNOW WHAT CALIBER IT

1 WAS?
 2 A THIRTY OUGHT SIX.
 3 Q OKAY. AND DO YOU KNOW WHETHER IT HAD
 4 ANY DISTINCTIVE MARKINGS ON IT?
 5 A NO, JUST AN OLD RIFLE, AN OLD BIG LONG
 6 RIFLE.
 7 Q OLD BIG LONG RIFLE. AND HOW MUCH
 8 AMMUNITION WERE YOU GIVEN?
 9 A NONE.
 10 Q OKAY. AND YOU WERE GIVEN A PICTURE?
 11 A YES, SIR.
 12 Q AND IT WAS A LITTLE POCKET PICTURE, I
 13 BELIEVE?
 14 A WALLET SIZE.
 15 Q WALLET SIZE PICTURE, AND YOU WERE GIVEN
 16 AN ADDRESS?
 17 A YES, SIR.
 18 Q AND THAT ADDRESS, YOU DON'T REMEMBER
 19 WHAT THAT ADDRESS WAS?
 20 A NO, SIR.
 21 Q BUT YOU DO REMEMBER THAT YOU WERE TOLD
 22 BY STEPHEN THAT THE HOUSE HAD A LONG DRIVEWAY, IS
 23 THAT RIGHT?
 24 A SOMETHING ABOUT A LONG, A DIRT ROAD OR
 25 DRIVEWAY. I DIDN'T PAY A WHOLE LOT OF ATTENTION TO

1 DETAILS.

2 Q WELL, LET'S TALK ABOUT DETAILS. DIRT
3 ROAD, LONG DRIVEWAY, IS THAT CORRECT?

4 A RIGHT.

5 Q AND IN THE PROCESS OF GETTING THIS
6 INFORMATION FROM STEPHEN, DID YOU WRITE ANY OF IT
7 DOWN?

8 A NO, SIR.

9 Q AND YOUR STORY IS THAT AS SOON AS HE
10 LEFT, YOU TORE UP THE PICTURE AND TORE UP THE
11 ADDRESS AND PUT THE GUN IN THE CORNER, AND NEVER
12 THOUGHT ANYTHING ABOUT IT?

13 A THAT'S THE TRUTH.

14 Q WELL, I MEAN THAT'S WHAT YOU'RE TELLING
15 US TODAY?

16 A THAT'S CORRECT.

17 Q NOW, THIS ADDRESS THAT YOU GOT, YOU WERE
18 SUPPOSED TO DO WHAT? I DON'T QUITE...WAS THERE A
19 PLAN HERE?

20 A NOT REALLY.

21 Q JUST TAKE THE GUN, HERE'S THE PICTURE,
22 GO KILL HER?

23 A YES, SIR.

24 Q AND THERE'S A LONG DRIVEWAY OR A DIRT
25 ROAD GOING UP TO THE HOUSE?

1 A WOODS, AND HE WOULDN'T BE AROUND AND
2 NOBODY ELSE WOULD BE THERE, AND IT WAS A GOOD TIME
3 TO DO IT, AND THAT'S WHY HE BROUGHT IT BY.

4 Q RIGHT. AND SHE WOULD BE ALONE THAT
5 WEEKEND BECAUSE HE WAS GOING TO BE OUT OF TOWN.

6 A THAT'S WHAT I UNDERSTOOD.

7 Q WELL, TELL ME IF YOU REMEMBER WHAT HE
8 SAID.

9 A I DON'T REMEMBER ALL THE DETAILS TO IT.
10 I REALLY DIDN'T PAY ANY ATTENTION.

11 Q WELL, TELL ME WHAT DETAILS YOU DO
12 REMEMBER.

13 A I TOLD YOU DIRT ROAD, AND WOODS, SHE'D
14 BE THERE ALONE AND HE'D BE OUT OF TOWN FOR THE
15 WEEKEND.

16 Q OKAY. AND YOU DON'T REMEMBER A SPECIFIC
17 ADDRESS, BUT WHERE IN HORRY COUNTY, WHERE AT MYRTLE
18 BEACH, I MEAN, WAS IT IN ONE OF THE EXPENSIVE
19 AREAS, OR WAS IT IN ONE OF THE...

20 A WHAT, THE ADDRESS?

21 Q YEAH.

22 A I DON'T KNOW. I DON'T EVEN THINK IT WAS
23 FOR MYRTLE BEACH.

24 Q WELL, HOW WERE YOU GOING TO GET THERE?

25 A I WASN'T GOING NOWHERE.

1 Q BUT I MEAN, DID YOU NOT SAY, "STEVE..."

2 A I NEVER SAID YES OR NO ONE WAY OR THE
3 OTHER.

4 Q WELL, YOU MUST HAVE SAID SOMETHING AT
5 THE INITIAL MEETING THAT GAVE HIM SOME
6 IMPRESSION...

7 A HE WAS PRETTY PERSISTENT.

8 Q PRETTY PERSISTENT?

9 A YES.

10 Q SO YOUR TESTIMONY HERE IS THAT YOU HAD A
11 CASUAL CONVERSATION WITH HIM IN WHICH YOU INDICATED
12 YOU WEREN'T INTERESTED TO BEGIN WITH, IS THAT
13 CORRECT?

14 A I NEVER SAID YES OR NO ONE WAY OR THE
15 OTHER.

16 Q AND THEN HE CALLS YOU UP AND BRINGS OVER
17 A GUN, A PICTURE, AN ADDRESS, AND A PROMISE TO PAY
18 YOU?

19 A YES, SIR. I OWED HIM SOME MONEY.

20 Q FIVE HUNDRED DOLLARS.

21 A AND IT WAS GOING TO CLEAR THAT PLUS GET
22 SOME MORE.

23 Q FIVE HUNDRED DOLLARS?

24 A YES, SIR.

25 Q AND YOU DIDN'T SAY, YOU OBVIOUSLY GAVE

1 HIM THE IMPRESSION YOU WERE GOING TO DO IT, IS THAT
2 RIGHT?

3 A THAT'S TRUE.

4 Q AND HE WAS PARTICULARLY INTERESTED IN IT
5 BEING DONE THAT WEEKEND BECAUSE SHE WOULD BE HOME
6 ALONE AND HE WOULD BE OUT OF TOWN?

7 A CORRECT.

8 Q NOW, DID HE DESCRIBE THE HOUSE TO YOU?

9 A NO, SIR, NOT THAT I REMEMBER.

10 Q DID HE INDICATE WHERE YOU SHOULD DO
11 THIS? ON THE DIRT ROAD? IS THAT WHY HE TOLD YOU
12 ABOUT THE DIRT ROAD?

13 A THAT COULD BE WHY; I'M NOT SURE. LIKE I
14 SAID, I DIDN'T PAY A WHOLE LOT OF ATTENTION. I HAD
15 NO INTENTIONS OF GOING NOWHERE.

16 Q NOW, LET ME ASK YOU THIS. DO YOU
17 SUBSCRIBE TO THE NEWSPAPER AT YOUR HOUSE?

18 A NO, SIR.

19 Q DO YOU WATCH TELEVISION?

20 A YES, SIR.

21 Q WERE YOU AWARE, PRIOR TO THE SLED AGENTS
22 COMING TO YOUR HOUSE LAST WEEK--ISN'T THAT WHAT
23 YOU'RE TELLING ME, LAST WEEK?

24 A ABOUT TWO WEEKS AGO.

25 Q TWO WEEKS AGO, THAT RICHARD ANDERSON HAD

1 BEEN CHARGED WITH THE MURDER OF STEVE...VICKIE...

2 A I DIDN'T KNOW NOTHING UNTIL THE SLED
3 AGENTS TOLD ME IN MY DRIVEWAY.

4 Q YOU DID NOT KNOW THAT RICHARD ANDERSON
5 HAD BEEN CHARGED WITH THE MURDER OF VICKIE BECKHAM
6 UNTIL TWO WEEKS?

7 A YES, SIR.

8 Q NOW, YOU'VE BEEN TO THE BEACH OVER THE
9 LAST YEAR, HAVE YOU NOT?

10 A YES, SIR.

11 Q AS A MATTER OF FACT, YOU'VE GOT A SON
12 THT LIVES DOWN THERE?

13 A YES, SIR.

14 Q AND WHERE AT THE BEACH DOES HE LIVE?

15 A YOU WANT HIS ADDRESS?

16 Q WHAT PART OF THE BEACH? WHAT BEACH?

17 A SOCASTEE.

18 Q SOCASTEE. WHICH IS RIGHT...

19 A JUST RIGHT BEFORE YOU GET INTO MYRTLE
20 BEACH.

21 Q MYRTLE BEACH, WHICH IS RIGHT, IF YOU
22 WERE COMING INTO MYRTLE BEACH IT WOULD BE WHAT, A
23 COUPLE OF MILES FROM, TWO OR THREE MILES FROM WHERE
24 SMUGGLER'S IS, IS THAT CORRECT?

25 A YES, SIR.

1 Q DID YOU GO BY SMUGGLER'S? WHEN YOU WERE
2 DOWN AT THE BEACH VISITING YOUR SON, DID YOU GO BY
3 SMUGGLER'S?

4 A YES, SIR.

5 Q DID YOU SEE ANY OF THE OLD GANG WHILE
6 YOU WERE DOWN THERE, ANY OF YOUR OLD FRIENDS?

7 A NO, SIR. I TOOK MY WIFE DOWN THERE, WE
8 PICKED UP MY SON AND WE WENT TO THE PAVILION.

9 Q WENT TO THE PAVILLION.

10 A IT WAS HIS BIRTHDAY.

11 Q AND YOU HAVEN'T TALKED, SINCE YOU GOT
12 OUT OF PRISON, SINCE YOU LEFT IN APRIL OF 1994 YOU
13 HAVEN'T TALKED TO ANYBODY AT THE BEACH SINCE YOU
14 LEFT?

15 A ONE TIME I TOOK MY EX-WIFE DOWN THERE
16 WITH MY SON TO DROP HIM OFF.

17 Q AND WHO DID YOU TALK TO?

18 A I SAW A MAN NAMED BRIC.

19 Q BRIC?

20 A YES, SIR.

21 Q AND HE WORKS AT?

22 A SMUGGLER'S.

23 Q AND HIS WIFE WORKS AT?

24 A SMUGGLER'S.

25 Q AND SHE DOES?

- 1 A SHE'S A WAITRESS.
- 2 Q OKAY. AND WHEN DID THIS HAPPEN? WHEN
- 3 DID YOU SEE THEM?
- 4 A IT HAD TO BE ABOUT SIX MONTHS AGO.
- 5 Q OKAY. NOW, HOW MUCH TIME DID YOU SPEND
- 6 WITH BRIC?
- 7 A ABOUT ONE BEER.
- 8 Q WHERE?
- 9 A AT THE BAR.
- 10 Q WHAT BAR?
- 11 A SMUGGLER'S.
- 12 Q I'M SORRY, SIX MONTHS AGO YOU WERE AT
- 13 SMUGGLER'S?
- 14 A I STOPPED IN FOR A BEER WITH MY EX.
- 15 Q DID YOU NOT TELL ME JUST A MINUTE AGO
- 16 YOU'D NOT BEEN IN SMUGGLER'S SINCE APRIL OF '94?
- 17 A NO, SIR.
- 18 Q DID I MISUNDERSTAND YOU?
- 19 A APPARENTLY.
- 20 Q SO SIX MONTHS AGO YOU'RE AT SMUGGLER'S?
- 21 A I STOPPED IN FOR A BEER WITH MY EX-WIFE.
- 22 Q WITH YOUR EX-WIFE; BRIC WAS THERE?
- 23 A YES, SIR.
- 24 Q WAS SHAWN THERE?
- 25 A YES, SIR.

- 1 Q YOU TALKED TO SHAWN?
- 2 A I WAVED TO HIM.
- 3 Q THAT'S IT?
- 4 A YES, SIR.
- 5 Q DIDN'T TALK TO SHAWN?
- 6 A NO, SIR.
- 7 Q YOU GO INTO SMUGGLER'S AND NOBODY THERE
- 8 MENTIONS THAT RICHARD ANDERSON HAS BEEN ARRESTED
- 9 AND CHARGED WITH THE MURDER OF VICKIE BECKHAM,
- 10 STEVE'S WIFE, IS THAT YOUR TESTIMONY?
- 11 A THAT'S CORRECT. THE ONLY PERSON I
- 12 TALKED TO WAS BRIC AND BRICK DID NOT SAY NOTHING
- 13 ABOUT IT.
- 14 Q BRIC DIDN'T TELL YOU THE POLICE HAD BEEN
- 15 BY TO INTERVIEW HIM?
- 16 A NO, SIR.
- 17 Q DID YOU TALK TO HIS WIFE?
- 18 A NO, SIR.
- 19 Q NOBODY THERE MENTIONED THE FACT THAT
- 20 SLED AGENTS HAD BEEN COMING AND GOING, AND COMING
- 21 AND GOING, AND INTERVIEWING EVERYBODY ABOUT THIS
- 22 HOMICIDE?
- 23 A NO, SIR.
- 24 Q NEVER CAME UP?
- 25 A NO, SIR.

1 Q AND SO WHEN YOU CAME HOME A COUPLE OF
2 WEEKS AGO AND SLED AGENTS WERE THERE, YOU HAD NO
3 IDEA IT HAD ANYTHING TO DO WITH THIS, IS THAT
4 CORRECT?

5 A NOT UNTIL THEY MENTIONED THE NAMES AND
6 THEN I REALIZED WHO IT WAS AND THEN THEY TOLD ME
7 WHAT HAPPENED.

8 Q AND THEN THEY TOLD YOU WHAT HAPPENED?

9 A YES, SIR.

10 Q AND WHAT DID THEY TELL YOU HAD HAPPENED?

11 A THAT RICHARD ANDERSON AND STEPHEN
12 BECKHAM HAD KILLED MRS. BECKHAM.

13 Q WHAT ELSE DID THEY TELL YOU?

14 A ASKED ME IF I KNEW ANYTHING ABOUT IT.

15 Q SO THEY TOLD YOU THAT RICHARD ANDERSON
16 AND STEPHEN BECKHAM HAD KILLED VICKIE, AND THEN
17 THEY ASKED YOU WHAT YOU KNEW ABOUT IT?

18 A YES, SIR.

19 Q NOW, WERE YOU DOWN AT THE BEACH JUST A
20 FEW WEEKS AGO WHEN HURRICANE FRAN CAME THROUGH?

21 A ABOUT THE 8TH OF SEPTEMBER?

22 Q YEAH.

23 A YES, SIR.

24 Q NOW, WHAT WERE YOU DOING DOWN THERE
25 THEN?

- 1 A IT WAS MY SON'S BIRTHDAY. WE CAME DOWN,
2 PICKED UP MY SON AND TOOK HIM TO THE PAVILLION, AND
3 RODE THE RIDES.
- 4 Q WAS THAT THE SAME WEEK AS HURRICANE
5 FRAN?
- 6 A I THINK IT WAS RIGHT AFTER HURRICAN
7 FRAN.
- 8 Q RIGHT AFTER.
- 9 A IT WAS ON THE 8TH WHEN I WAS DOWN THERE.
- 10 Q ON THE 8TH.
- 11 A HIS BIRTHDAY WAS ON THE 10TH.
- 12 Q OKAY, AND WHILE YOU WERE DOWN THERE, YOU
13 DIDN'T STOP BY SMUGGLER'S AND SEE BRIC?
- 14 A NO, SIR.
- 15 Q DIDN'T TALK TO ANYBODY DOWN THERE?
- 16 A NO, SIR.
- 17 Q DIDN'T SEE TAMMY?
- 18 A NO, SIR.
- 19 Q DIDN'T SEE ANY OF RICHARD ANDERSON'S
20 FRIENDS?
- 21 A I DIDN'T SEE NOBODY. I WAS WITH MY WIFE
22 AND MY KID.
- 23 Q AND HOW OLD IS YOUR KID?
- 24 A HE JUST TURNED SIX.
- 25 Q OKAY, AND YOUR EX-WIFE LIVES DOWN THERE?

- 1 A NO, SHE LIVES IN FLORIDA. MY SON STAYS
2 WITH FOSTER PARENTS BECAUSE HIS MOTHER...
- 3 Q OKAY, AND DID YOU SEE THE FOSTER
4 PARENTS?
- 5 A YES, SIR.
- 6 Q THEY KNEW YOU'D WORKED AT SMUGGLER'S
7 PREVIOUSLY?
- 8 A PROBABLY.
- 9 Q THEY NEVER DISCUSSED ANYTHING ABOUT THIS
10 BEING A BIG STORY DOWN THERE, ABOUT A BOUNCER FROM
11 SMUGGLER'S BEING...
- 12 A THEY'RE CHURCH-GOING PEOPLE. THEY
13 DIDN'T KNOW NOTHING ABOUT NOTHING ABOUT THAT.
- 14 Q IF IT HAD BEEN IN THE NEWSPAPERS, THEY
15 WOULDN'T KNOW ABOUT IT?
- 16 A THEY WOULDN'T KNOW I WAS ASSOCIATED WITH
17 THE PEOPLE. THEY WEREN'T HEP ON ME BEING IN THERE.
- 18 MR. HARPOOTLIAN: BEG THE COURT'S
19 INDULGENCE.
- 20 Q JUST A COUPLE MORE QUESTIONS. WHEN YOU
21 WERE IN SMUGGLER'S ON SEPTEMBER... I MEAN, BACK SIX
22 MONTHS AGO, AND YOU TALKED TO BRIC, DID THEY
23 INDICATE TO YOU THAT RICHARD ANDERSON HAD BEEN
24 CALLING SMUGGLER'S ALMOST DAILY FROM JAIL?
- 25 A NOBODY SAID NOTHING ABOUT IT, SIR.

1 Q DID THEY INDICATE THAT SHAWN GEHM, OR
2 BRIC, OR MIKE BEATTY, JUNIOR, OR ANY OF THOSE
3 FOLKS...

4 A NOBODY SAID NOTHING ABOUT IT. I TALKED
5 TO BRIC FOR ONE BEER, WAVED OVER TO SHAWN AND THEN
6 WE LEFT.

7 Q OKAY. AND NO ONE HAS OFFERED YOU OR
8 SUGGESTED TO YOU ANYTHING YOU OUGHT TO SAY?

9 A NO. I'M HERE BECAUSE I FEEL BAD.

10 Q WELL, IF YOU FEEL BAD, THEN WHY IS IT IN
11 MARCH OF 1994, APRIL OF 1994, WHEN SOMEBODY'S
12 HANDING YOU A RIFLE, A PICTURE OF THEIR WIFE, AND
13 AN ADDRESS AND ASKING YOU TO GO SNIP HER THAT YOU
14 DIDN'T FEEL BAD?

15 A WELL, THAT'S WHY I'M HERE NOW. THAT'S
16 WHY I FEEL BAD, BECAUSE I SHOULD HAVE DONE
17 SOMETHING THEN AND I DIDN'T.

18 Q AND YOU DIDN'T DO IT THEN?

19 A THAT'S RIGHT.

20 Q AND YOU DIDN'T DO IT, AND YOU'RE TELLING
21 THIS JURY TO BELIEVE YOU KNEW NOTHING ABOUT RICHARD
22 ANDERSON BEING ARRESTED OVER THE LAST TWO YEARS?

23 A IT'S THE TRUTH; IT'S A FACT.

24 Q AND YOU'RE TELLING THIS JURY TO BELIEVE
25 THAT YOU DIDN'T HEAR ANYTHING WHEN YOU WERE IN

1 SMUGGLER'S SIX MONTHS AGO ABOUT RICHARD ANDERSON,
2 THE BOUNCER THERE, BEING ARRESTED ALONG WITH
3 STEPHEN BECKHAM FOR KILLING HIS WIFE?

4 MR. JONES: ASKED AND ANSWERED, YOUR
5 HONOR.

6 A I TALKED TO ONE PERSON AND THAT WAS
7 BRIC, AND NOTHING WAS BROUGHT UP ABOUT IT.

8 Q AND THAT'S AS TRUE AS EVERYTHING ELSE
9 YOU'VE TOLD THIS JURY?

10 A YES, SIR.

11 Q THANK YOU.

12 THE COURT: ALL RIGHT, REDIRECT?

13 MR. JONES: NONE, YOUR HONOR.

14 THE COURT: THANK YOU, SIR. YOU MAY
15 STEP DOWN.

16 CALL YOUR NEXT WITNESS.

17 MR. JONES: CHARLES MORRIS.

18 MR. HARPOOTLIAN: YOUR HONOR, WHILE MR.
19 MORRIS IS BEING BROUGHT IN...

20 MR. JONES: YOUR HONOR, IF HE'S GOT
21 SOMETHING, WE CAN DO IT OVER HERE OR WE CAN ASK THE
22 JURY TO STEP OUT.

23 MR. HARPOOTLIAN: OKAY.

24 (BENCH CONFERENCE IN THE PRESENCE OF THE
25 JURY, OUT OF THE HEARING OF THE JURY, AND OFF THE

1 RECORD.)

2 CHARLES MORRIS, BEING DULY

3 SWORN, TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION:

5 BY MR. JONES:

6 Q MR. MORRIS, WHERE DO YOU WORK?

7 A NORTHGATE TIRE AND MUFFLER.

8 Q HOW LONG HAVE YOU WORKED AT NORTHGATE

9 TIRE AND MUFFLER?

10 A RIGHT AROUND SEVEN YEARS.

11 Q DO YOU KNOW RICK MITCHELL?

12 A YES, SIR.

13 Q HOW LONG HAVE YOU KNOWN HIM?

14 A PROBABLY ABOUT EIGHT YEARS.

15 Q EIGHT YEARS? IF YOU WOULD, SPEAK INTO

16 THE MICROPHONE SO FOLKS ON THE JURY CAN HEAR YOU,

17 ALL RIGHT?

18 A ROUGHLY ABOUT EIGHT YEARS.

19 Q DO YOU KNOW WHAT HE WENT TO PRISON FOR

20 IN 1992?

21 A ACCESSORY AFTER THE FACT.

22 Q TO WHAT?

23 A MURDER.

24 Q SO YOU KNEW HIM BEFORE HE WENT?

25 A YES, SIR.

- 1 Q AND DO YOU CONSIDER HIM A FRIEND OF
2 YOURS?
- 3 A YES, SIR.
- 4 Q WHEN HE GOT OUT, DID HE COME TO LIVE
5 WITH YOU?
- 6 A YES, SIR.
- 7 Q DO YOU RECALL WHEN HE MOVED IN WITH YOU?
- 8 A IT WAS RIGHT AFTER HE GOT OUT IN '92. I
9 DON'T KNOW THE DATES.
- 10 Q SIR?
- 11 A I DO NOT KNOW THE DATE.
- 12 Q PULL YOUR CHAIR A LITTLE BIT CLOSER.
13 YOU DON'T REMEMBER THE DATES?
- 14 A NO, SIR.
- 15 Q YOU REMEMBER WHERE YOU WERE LIVING THEN?
- 16 A YES, SIR.
- 17 Q WHERE?
- 18 A LOT 18, DOOLEY'S MOBILE HOME PARK, IN
19 MYRTLE BEACH.
- 20 Q DO YOU HAVE CHILDREN?
- 21 A YES, SIR.
- 22 Q HOW MANY?
- 23 A TWO.
- 24 Q HOW OLD ARE THEY?
- 25 A SIX AND FOUR.

1 Q WHERE DO THEY LIVE?
2 A WITH ME.
3 Q WERE THEY LIVING WITH YOU AT THE TIME?
4 A YES, SIR.
5 Q WERE THEY LIVING WITH YOU WHEN RICK WAS
6 THERE?
7 A YES, SIR.
8 Q AND WHO ELSE WAS LIVING WITH YOU?
9 A JUST ME AND RICK AT THE TIME.
10 Q DID, DURING THE TIME THAT HE WAS LIVING
11 WITH YOU, DID YOU HAVE AN OCCASION TO OBSERVE HIM
12 MEET WITH SOMEONE OUTSIDE THE TRAILER?
13 A YES, SIR.
14 Q DID YOU KNOW WHO HE WAS MEETING WITH?
15 A NO, SIR.
16 MR. HARPOOTLIAN: OBJECTION, YOUR HONOR,
17 UNLESS IT'S OF HIS OWN PERSONAL KNOWLEDGE.
18 THE COURT: SUSTAINED.
19 MR. HARPOOTLIAN: THANK YOU.
20 THE COURT: AS TO HIS OWN KNOWLEDGE.
21 MR. JONES: YES, SIR, THAT'S WHAT I
22 ASKED HIM.
23 THE COURT: WELL, NO.
24 MR. JONES: AND HE ANSWERED AND SAID HE
25 DIDN'T.

1 THE COURT: OKAY. MOVE ON.

2 Q DID YOU KNOW OF YOUR OWN PERSONAL
3 KNOWLEDGE--LET'S MOVE ON. ALL RIGHT, BUT DID YOU
4 SEE HIM MEET WITH SOMEONE OUTSIDE YOUR TRAILER?

5 A YES, SIR.

6 Q AND DO YOU REMEMBER, WAS IT DURING THE
7 TIME THAT RICK WAS LIVING WITH YOU?

8 A YES, SIR.

9 Q DO YOU REMEMBER SEEING THE PERSON
10 OUTSIDE THE TRAILER?

11 A JUST GLANCED OUT THE KITCHEN WINDOW. I
12 MEAN, I DIDN'T STARE AT HIM.

13 Q SO YOU COULDN'T IDENTIFY THE PERSON
14 TODAY THAT WAS MEETING WITH HIM.

15 A I DIDN'T VISUALLY STARE AT HIM.

16 Q DO YOU KNOW WHETHER IT WAS A MAN OR A
17 WOMAN?

18 A IT WAS A GENTLEMAN, SIR.

19 Q DO YOU KNOW WHAT THE GENTLEMAN'S RACE
20 WAS?

21 A WHITE.

22 Q DO YOU KNOW ABOUT HOW TALL THE GENTLEMAN
23 WAS?

24 A ROUGHLY ABOUT 5'10", 5'11".

25 Q DO YOU KNOW WHAT WEIGHT THE GENTLEMAN

- 1 APPEARED TO BE?
- 2 A ROUGHLY IN THE NEIGHBORHOOD OF 160, 170.
- 3 Q DO YOU RECALL THE COLOR OF THE
- 4 GENTLEMAN'S HAIR?
- 5 A IT WAS A DARKER COLOR. AS FAR AS
- 6 DARKER, IT WAS DARKER THAN MINE.
- 7 Q ALL RIGHT, SIR. DO YOU REMEMBER AFTER
- 8 RICK AND THE GENTLEMAN MET, RICK COMING BACK INSIDE
- 9 YOUR TRAILER?
- 10 A YES, SIR.
- 11 Q DID HE BRING ANYTHING INSIDE THE TRAILER
- 12 WITH HIM?
- 13 A YES, SIR.
- 14 Q WHAT DID HE BRING INSIDE THE TRAILER
- 15 WITH HIM?
- 16 A BROUGHT A RIFLE AND A PHOTOGRAPH.
- 17 Q YOU REMEMBER THAT?
- 18 A YES, SIR.
- 19 Q DID YOU LOOK AT THE RIFLE?
- 20 A I DIDN'T PHYSICALLY LOOK AT IT AS FAR AS
- 21 EXAMINING IT, NO SIR.
- 22 Q DID YOU LOOK AT THE PHOTOGRAPH?
- 23 A YES, SIR.
- 24 Q WHAT SIZE PHOTOGRAPH WAS IT?
- 25 A IT WAS A WALLET SIZE.

- 1 Q WHO WAS PICTURED IN THE PHOTOGRAPH?
2 WHAT TYPE OF PERSON?
3 A IT WAS A YOUNG LADY.
4 Q DO YOU RECALL ANYTHING ABOUT WHAT THE
5 LADY LOOKED LIKE?
6 A NO, SIR.
7 Q DO YOU RECALL WHAT RACE SHE WAS?
8 A SHE WAS WHITE.
9 Q DO YOU RECALL WHAT COLOR HAIR SHE HAD?
10 A IT WAS DARK COLORED HAIR.
11 Q DO YOU RECALL ANYTHING ELSE ABOUT THE
12 PICTURE THAT YOU CAN TELL THE JURY?
13 A NO, SIR.
14 Q WHO SHOWED YOU THE PHOTOGRAPH, THE
15 PICTURE?
16 A MR. MITCHELL.
17 Q DO YOU KNOW WHAT HE DID WITH THE
18 PHOTOGRAPH?
19 A NO, SIR, I DO NOT.
20 Q DO YOU KNOW WHAT HE DID WITH THE GUN?
21 A NO, SIR.
22 Q DO YOU KNOW WHAT HAPPENED TO THE GUN?
23 A NO, SIR.
24 Q BUT YOU DID SEE IT?
25 A YES, SIR.

1 Q DO YOU KNOW WHAT RICK WAS SUPPOSED TO DO
2 WITH THE GUN?

3 A HE HAD TOLD...

4 MR. HARPOOTLIAN: YOUR HONOR, UNLESS...

5 THE COURT: SUSTAINED.

6 MR. HARPOOTLIAN: YES, THANK YOU.

7 THE COURT: OF HIS OWN PERSONAL;

8 SUSTAINED.

9 Q ANSWER ANY QUESTIONS THESE LAWYERS HAVE
10 OF YOU.

11 THE COURT: CROSS EXAMINATION.

12 CROSS EXAMINATION:

13 BY MR. HARPOOTLIAN:

14 Q YOUR NAME IS MORRIS, IS THAT CORRECT?

15 A YES, SIR.

16 Q YOU UNDERSTOOD, I MEAN YOU'VE JUST BEEN
17 CONTACTED IN THE LAST WEEK OR TWO TO COME TESTIFY,
18 IS THAT CORRECT?

19 A YES, SIR.

20 Q AND YOU'RE NOT ABLE TO TELL, I MEAN, YOU
21 HAVE THIS RECOLLECTION OF A RIFLE BEING BROUGHT
22 INTO THE HOME BY YOUR ROOMMATE AT THE TIME, IS THAT
23 CORRECT?

24 A YES, SIR.

25 Q AND A PICTURE?

- 1 A YES, SIR.
- 2 Q YOU HAD KNOWN MR. MITCHELL FOR HOW LONG?
- 3 A ABOUT EIGHT YEARS.
- 4 Q EIGHT YEARS. DID Y'ALL WORK TOGETHER?
- 5 A NO, SIR.
- 6 Q WHERE DID YOU KNOW HIM FROM?
- 7 A I HAD WORKED WITH HIS WIFE. I HAD RUN
- 8 THE DOOR AT HARPER'S THREE WHICH IS A TOPLESS BAR,
- 9 BACK THEN.
- 10 Q I'M SORRY, I CAN'T HEAR YOU.
- 11 A I WORKED WITH HIM, WITH HIS WIFE.
- 12 Q OKAY. AND WHERE DID HIS WIFE WORK?
- 13 A HARPER'S THREE.
- 14 Q HARPER'S THREE WAS A TOPLESS BAR?
- 15 A YES, SIR.
- 16 Q AND YOU DID WHAT?
- 17 A I RUN THE DOOR.
- 18 Q YOU RUN THE DOOR. HOW LONG DID YOU WORK
- 19 RUNNING THE DOOR AT A TOPLESS BAR?
- 20 A ABOUT TWO MONTHS.
- 21 Q ABOUT TWO MONTHS. YOU MET HIS WIFE
- 22 THERE?
- 23 A YES, SIR.
- 24 Q AND THEN YOU MET RICK?
- 25 A YES, SIR.

- 1 Q DID YOU CONTINUE TO HAVE A FRIENDSHIP
2 WITH HIS WIFE AND HIM, OR JUST HIM?
- 3 A IT WASN'T REALLY THAT KIND OF FRIENDSHIP
4 WHERE WE WOULD GO OVER TO EACH OTHER'S HOUSE OR
5 NOTHING LIKE THAT. I'D SEE HIM AND WE'D SAY HEY.
6 AND AS FAR AS A FRIENDSHIP, THAT DIDN'T COME ALONG
7 UNTIL A COUPLE OF YEARS LATER.
- 8 Q AND HOW DID THAT COME ABOUT?
- 9 A JUST HE'D COME TO THE SHOP.
- 10 Q WHAT KIND OF SHOP?
- 11 A WHERE I WORK AT NOW, NORTHGATE TIRE AND
12 MUFFLER; AUTO MECHANIC SHOP.
- 13 Q OKAY. AND LET ME SEE, WE'VE GOT
14 SOMETHING HERE SOMEWHERE I WANTED YOU TO LOOK AT.
15 THIS IS A RECEIPT, I BELIEVE. I'M
16 REFERRING TO DEFENDANT'S EXHIBIT, YOUR HONOR,
17 NUMBER TWENTY. THAT'S A RECEIPT FROM THE PLACE YOU
18 WORK, IS THAT CORRECT?
- 19 A YES, SIR.
- 20 Q AND IT'S A RECEIPT FOR MAY 9TH, 1994, IS
21 IT NOT?
- 22 A YES, SIR.
- 23 Q FOR FOUR TIRES?
- 24 A YES, SIR.
- 25 Q AND THE TIRES WERE, I THINK THE TOTAL

- 1 PRICE INVOLVED IS \$180?
- 2 A YES, SIR.
- 3 Q WERE THOSE NEW TIRES FOR \$180?
- 4 A YES, SIR.
- 5 Q SO WE HAVE FOUR NEW TIRES FOR \$180
- 6 BOUGHT ON MAY 9TH, 1994. IS THAT CORRECT?
- 7 A YES, SIR.
- 8 Q AND WHO SOLD THOSE TIRES?
- 9 A AS FAR AS I CAN TELL, IT LOOKS LIKE MY
- 10 BOSS' HANDWRITING.
- 11 Q WHAT'S HIS NAME?
- 12 A ROGER BARTON.
- 13 Q ROGER?
- 14 A BARTON.
- 15 Q DOES HE STILL RUN...DOES HE OWN THIS
- 16 ESTABLISHMENT?
- 17 A NO, SIR. HE'S JUST THE MANAGER.
- 18 Q JUST THE MANAGER. NOW, WOULD Y'ALL HAVE
- 19 RECORDS AT NORTHGATE TIRE AND MUFFLER, IN ADDITION
- 20 TO THIS RECEIPT, TO INDICATE HOW IT WAS PAID FOR?
- 21 WHETHER IT WAS PAID FOR WITH CASH, OR WHETHER IT
- 22 WAS PAID WITH CHECK?
- 23 A LET ME SEE THE RECEIPT. THE MARK RIGHT
- 24 THERE, IT LOOKS LIKE IT WAS PAID WITH CASH.
- 25 Q OKAY. AND IS YOUR BOSS HERE TODAY OR

- 1 HAS HE BEEN IN THIS COURTHOUSE WITH YOU?
- 2 A NO, SIR.
- 3 Q DO YOU KNOW WHETHER ANYONE'S BEEN BY TO
- 4 TALK TO HIM ABOUT THIS RECEIPT, IN YOUR PRESENCE?
- 5 A SOMEBODY CAME BY LAST YEAR ASKING
- 6 QUESTIONS ABOUT IT.
- 7 Q ABOUT THIS RECEIPT?
- 8 A I DON'T KNOW IF IT WAS ABOUT THAT
- 9 RECEIPT OR NOT.
- 10 Q OKAY, BUT THEY CAME BY ASKING QUESTIONS
- 11 ABOUT WHAT?
- 12 A ABOUT FOUR TIRES THAT WAS PURCHASED
- 13 THERE.
- 14 Q OKAY. AT THAT POINT, DID YOU KNOW WHAT
- 15 THAT WAS IN RELATION TO?
- 16 A NO, SIR.
- 17 Q LET ME GET BACK TO THE ORIGINAL
- 18 QUESTION. HOW IS IT THAT YOU WOULD INVITE A GUY
- 19 WHO'S GETTING OUT OF PRISON FOR ACCESSORY AFTER THE
- 20 FACT OF MURDER AND A DRUG OFFENSE, COCAINE, COME TO
- 21 LIVE WITH YOU, YOUR WIFE AND TWO CHILDREN?
- 22 A I WAS NOT MARRIED, SIR.
- 23 Q OH, I'M SORRY, I MISUNDERSTOOD YOU. HOW
- 24 IS IT YOU WANT SOMEBODY LIKE THAT TO LIVE WITH YOU?
- 25 A RICK STAYED IN TOUCH WITH ME WHILE HE

1 WAS IN JAIL, AND I MEAN, WE COMMUNICATED TOGETHER.

2 Q HOW?

3 A AS FAR AS HE'D CALL ME WHEN HE GOT A
4 CHANCE.

5 Q OKAY, WERE THOSE COLLECT CALLS?

6 A YES, SIR.

7 Q OKAY, DID HE EVER MAKE ANY THIRD PARTY
8 CALLS? THAT IS, HE'D CALL SOMEBODY ELSE AND THEN
9 THEY'D CALL YOU?

10 A NO, SIR, NOT THAT I RECALL.

11 Q OKAY, DO YOU KNOW WHAT I'M TALKING ABOUT
12 WHEN I TALK ABOUT...

13 MR. JONES: HE ANSWERED THE QUESTION,
14 YOUR HONOR.

15 THE COURT: HE DID. SUSTAINED.

16 MR. HARPOOTLIAN: YES, SIR. OKAY.

17 Q SO, OVER THE PERIOD OF TWO YEARS HE WAS
18 IN PRISON FROM 1992 TO 1994, Y'ALL COMMUNICATED BY
19 PHONE. DID YOU EVER VISIT HIM?

20 A NO, SIR.

21 Q AGAIN, I GUESS I'M NOT QUITE SURE ABOUT
22 THIS RELATIONSHIP. HOW MANY TIMES DID YOU TALK TO
23 HIM OVER THAT TWO YEAR PERIOD?

24 A I'M NOT SURE. I DIDN'T KEEP TABS.

25 Q GUESS.

- 1 A FIVE OR SIX TIMES, MAYBE.
- 2 Q SO, FIVE OR SIX TIMES OVER A TWO YEAR
- 3 PERIOD, WERE Y'ALL REAL CLOSE FRIENDS BEFORE HE
- 4 WENT OFF TO THE PENITENTIARY?
- 5 A WE WEREN'T CONSIDERED BEST FRIENDS, BUT
- 6 WE DID COMMUNICATE AND WE WERE FRIENDS.
- 7 Q DID YOU PARTY TOGETHER?
- 8 A WE DRANK A LITTLE BIT TOGETHER. THAT'S
- 9 ABOUT IT.
- 10 Q DID YOU GO TO, FOR INSTANCE, A PLACE
- 11 LIKE SMUGGLER'S WITH HIM?
- 12 A NO, SIR, I NEVER WENT THERE WITH HIM.
- 13 Q HAVE YOU EVER BEEN TO SMUGGLER'S?
- 14 A YES, SIR.
- 15 Q YOU KNOW MIKE BEATTY?
- 16 A NO, SIR.
- 17 Q SHAWN GEHM?
- 18 A I KNOW SHAWN, THE DJ.
- 19 Q THE DJ; JERRY HOGAN?
- 20 A THAT WAS THE OWNER.
- 21 Q RIGHT, DID YOU KNOW HIM?
- 22 A JUST BY THERE.
- 23 Q I GUESS WHAT I'M TRYING TO GET AT IS,
- 24 AND LET ME ASK YOU THIS. HAVE YOU COMMUNICATED
- 25 WITH HIM SINCE HE LEFT THE BEACH AND WENT TO WEST

1 VIRGINIA IN '94?

2 A HE'S CALLED ME ON OCCASIONS, YES SIR.

3 Q RECENTLY?

4 A NO, SIR.

5 Q LAST MONTH?

6 A NO.

7 Q LAST TWO MONTHS?

8 A NO, SIR.

9 Q LAST YEAR?

10 A POSSIBLY WITHIN A YEAR, YES SIR.

11 Q AND WHERE WAS HE THEN? WHERE WAS HE

12 LIVING?

13 A HE TOLD ME IN WEST VIRGINIA.

14 Q SO OVER THE LAST YEAR HE TOLD YOU HE WAS

15 LIVING IN WEST VIRGINIA?

16 A YES, SIR.

17 Q NOT ANDERSON?

18 A NO, SIR. NOT AT THE PRESENT TIME.

19 Q WHERE DO YOU THINK HE'S LIVING RIGHT

20 NOW?

21 A ANDERSON.

22 Q HOW LONG DO YOU THINK HE'S BEEN LIVING

23 THERE?

24 A THAT, I DO NOT KNOW.

25 Q MY UNDERSTANDING IS, WAS IT DAYLIGHT OR

- 1 WAS IT AT NIGHT WHEN HE BROUGHT THIS GUN IN?
- 2 A NO, SIR, IT WAS DAYLIGHT.
- 3 Q AND HE MOVED OUT JUST A FEW WEEKS AFTER
- 4 THAT, DID HE NOT?
- 5 A IT WAS A WEEK AFTER THAT, SIR.
- 6 Q A WEEK AFTER THAT, HE MOVES OUT. AND
- 7 WHERE DOES HE GO, DO YOU KNOW?
- 8 A NO, SIR.
- 9 Q DID HE LEAVE AND GO TO WEST VIRGINIA?
- 10 A NOT THAT I'M AWARE OF. I DON'T KNOW.
- 11 Q DID HE TAKE THE GUN WITH HIM?
- 12 A I COULDN'T TELL YOU. I'VE NOT SEEN THE
- 13 GUN SINCE.
- 14 Q WHEN HE BROUGHT IT IN, DID HE PUT IT
- 15 SOMEWHERE? DID YOU SEE IT AFTER THAT NIGHT?
- 16 A NO, SIR.
- 17 Q DID HE STICK IT OVER IN THE CORNER WHERE
- 18 IT STAYED?
- 19 A I'M NOT SURE, SIR.
- 20 Q WELL, HOW MANY RIFLES DID Y'ALL HAVE IN
- 21 THAT HOUSE?
- 22 A I DON'T HAVE ANY AT THE HOUSE, SIR.
- 23 Q DID YOU HAVE A GUN AT THE HOUSE THEN?
- 24 A YES, SIR, THE RIFLE THAT HE HAD BROUGHT
- 25 IN.

1 Q OKAY, AND WHAT I'M TRYING TO GET AT IS
2 AFTER HE BROUGHT IT IN THAT DAY AND SHOWED IT TO
3 YOU, DID YOU SEE IT? HOW LONG DID YOU LOOK AT IT?

4 A JUST MAYBE ABOUT TEN OR FIFTEEN SECONDS.
5 THAT'S ABOUT IT.

6 Q DO YOU HAVE A RECOLLECTION OF HIM
7 STICKING IT IN THE CORNER?

8 A NO, SIR.

9 Q DID YOU EVER SEE IT AGAIN?

10 A NO, SIR.

11 Q SO WHEN HE MOVED OUT, IT WASN'T LEFT AT
12 THE HOUSE WITH YOU?

13 A NO, SIR.

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

16 Q JUST A FEW MORE QUESTIONS. HOW BIG A
17 TRAILER WERE YOU LIVING IN?

18 A IT'S A 14 X 70.

19 Q DOUBLEWIDE?

20 A NO, SIR, SINGLEWIDE.

21 Q FOURTEEN BY SEVENTY. TWO BEDROOMS?

22 ONE?

23 A TWO.

24 Q OKAY, HE HAD HIS OWN BEDROOM?

25 A YES, SIR.

- 1 Q DO YOU STILL LIVE IN THAT TRAILER?
- 2 A YES, SIR.
- 3 Q SO, WHEN YOUR WIFE AND--YOU GOT MARRIED
- 4 AND YOUR WIFE MOVED IN?
- 5 A NO, SIR. I'M NOT MARRIED; NEVER HAVE
- 6 BEEN.
- 7 Q I'M SORRY, I COULD HAVE SWORN YOU SAID
- 8 WIFE AND TWO KIDS AT SOME POINT.
- 9 A NO, SIR. THAT WAS YOU THAT SAID THAT.
- 10 Q OKAY, MAYBE I'M CONFUSED. THAT HAPPENS.
- 11 DO YOU STILL LIVE THERE? DO YOU HAVE A ROOMMATE
- 12 NOW?
- 13 A YES, SIR.
- 14 Q AND WHO IS THAT?
- 15 A JIM NOUNCE; HE WORKS WITH ME.
- 16 Q WHAT DO YOU DO?
- 17 A I'M ASSISTANT MANAGER AT NORTHGATE TIRE
- 18 AND MUFFLER.
- 19 Q OKAY. HAVE YOU CLEANED THAT TRAILER IN
- 20 THE LAST TWO YEARS?
- 21 A YES, SIR, IT STAYS CLEAN.
- 22 Q I MEAN, IT'S NOT--NOT THAT YOU DO THIS,
- 23 BUT IT'S NOT PILED UP WITH JUNK ALL OVER THE PLACE?
- 24 A NO, SIR.
- 25 Q IT'S A PRETTY CLEAN PLACE?

1 A YES, SIR.

2 Q WHO CLEANS IT?

3 A I DO, MOSTLY.

4 Q CLEAN UNDER THE BEDS?

5 A YES, SIR.

6 Q LOOK UNDER THE BEDS?

7 A YES, SIR.

8 Q LOOK IN THE CLOSETS?

9 A YES, SIR.

10 Q I GUESS WHAT I'M ASKING YOU IS, IS THERE

11 A RIFLE, AN ARMY RIFLE IN YOUR HOUSE, IN YOUR

12 TRAILER RIGHT NOW?

13 A NO, SIR.

14 Q YOU'RE SURE OF THAT?

15 A YES, SIR.

16 Q HE LEFT A WEEK LATER. WHEN HE LEFT THAT

17 WEEK LATER, WAS THERE STILL AN ARMY RIFLE IN YOUR

18 HOUSE?

19 MR. JONES: ASKED AND ANSWERED.

20 THE COURT: OVERRULE AS TO THAT

21 QUESTION.

22 Q BACK IN, HE MOVED IN WITH YOU WHEN?

23 A IT WAS IN '94.

24 Q PARDON ME?

25 A IT WAS IN '94. I'M NOT SURE...

- 1 Q SOMETIME IN '94. HE WAS THERE FOR ABOUT
2 TWO WEEKS AND THEN MOVED OUT?
- 3 A YES, SIR, ROUGHLY ABOUT THREE WEEKS OR A
4 MONTH.
- 5 Q THREE WEEKS TO A MONTH, AND THEN HE
6 MOVED OUT?
- 7 A YES, SIR.
- 8 Q YOU CLEAN YOUR HOUSE HOW OFTEN?
- 9 A I CLEAN IT ONCE A WEEK, SIR.
- 10 Q ONCE A WEEK. SO WITHIN A WEEK OF HIM
11 MOVING OUT, YOU CLEANED YOUR HOUSE?
- 12 A YES, SIR. WELL, I MEAN I PICK UP AFTER
13 MYSELF.
- 14 Q PICK UP AFTER YOURSELVES. DID YOU
15 STUMBLE OVER AN ARMY RIFLE ANYWHERE?
- 16 A NO, SIR.
- 17 Q SEE AN ARMY RIFLE?
- 18 A NO, SIR.
- 19 Q SEE THAT PICTURE YOU SAW BEFORE?
- 20 A NO, SIR.
- 21 Q DID RICK MITCHELL HAVE A CAR IN 1994?
- 22 A NO, SIR, I DON'T RECALL THAT HE DID.
23 MOTORCYCLE?
- 24 A NO, SIR.
- 25 Q WAS HE DRIVING ANY VEHICLE AT THAT

- 1 POINT? DID HE EVER DRIVE YOUR CAR?
- 2 A NO, SIR.
- 3 Q DID HE EVER DRIVE ANY VEHICLE?
- 4 A I'M NOT SURE IF HE DID OR NOT. I WASN'T
- 5 AROUND HIM TWENTY-FOUR HOURS.
- 6 Q OKAY, BUT WHILE YOU WERE AROUND HIM, HE
- 7 WASN'T DRIVING?
- 8 A NO.
- 9 MR. HARPOOTLIAN: BEG THE COURT'S
- 10 INDULGENCE.
- 11 Q JUST ONE OTHER AREA. WHO HAS TWO KIDS,
- 12 ONE SIX AND ONE FOUR?
- 13 A THAT'S ME, SIR.
- 14 Q OKAY, BUT THEY JUST NEVER LIVED WITH
- 15 YOU, OR THEY WEREN'T LIVING WITH YOU IN '94?
- 16 A YES, SIR, THEY STAYED WITH ME FOR A
- 17 PERIOD OF TIME IN '94.
- 18 Q AND I GUESS, WERE THEY STAYING WITH YOU
- 19 WHEN SLICK RICK WAS STAYING WITH YOU?
- 20 A YES, SIR, THEY DID STAY THERE FOR A
- 21 PERIOD OF TIME.
- 22 Q OKAY, HE WAS THERE THREE OR FOUR WEEKS.
- 23 HOW LONG WERE THOSE TWO KIDS WITH YOU?
- 24 A A FEW MONTHS AT THAT POINT IN TIME.
- 25 Q SO THEY WERE THERE WHILE HE WAS THERE?

- 1 A YES, SIR.
- 2 Q OKAY, DID YOU HAVE ANYONE OTHER THAN
- 3 YOUR TWO KIDS, SLICK RICK AND YOU IN THAT TRAILER
- 4 AT THAT PERIOD OF TIME? LIVING WITH Y'ALL?
- 5 A NOT AS FAR AS LIVING THERE, NO SIR.
- 6 Q COMING AND GOING, STAYING?
- 7 A A FRIEND OF MINE NAMED SHELLEY GARRISON
- 8 WAS THERE.
- 9 Q THAT'S A WOMAN?
- 10 A YES, SIR.
- 11 Q OKAY, WAS SHE HELPING TAKE CARE OF THE
- 12 KIDS?
- 13 A YES, SIR.
- 14 Q OKAY. AND DID SHE HELP CLEAN UP THE
- 15 TRAILER?
- 16 A NO, SIR.
- 17 Q WAS SHE STAYING WITH YOU AND DID Y'ALL
- 18 SHARE THAT TRAILER, SHELLEY AND YOU, IN THE MONTHS
- 19 OF 1994 WHEN RICK WAS STAYING WITH Y'ALL?
- 20 A NO, SIR. THAT WAS NEVER HER PLACE OF
- 21 RESIDENCE.
- 22 Q DID SHE SPEND THE NIGHT?
- 23 A SHE HAS SPENT THE NIGHT, YES SIR.
- 24 Q WHO WAS TAKING CARE OF THE KIDS DURING
- 25 THAT PERIOD OF TIME? YOU, SLICK RICK AND TWO KIDS

1 ARE STAYING AT THE TRAILER; WHO'S TAKING CARE OF
2 THE KIDS?

3 A ME. I TAKE CARE OF THE KIDS.

4 Q DURING THE DAY?

5 A THEN THEY WOULD EITHER STAY WITH THEIR
6 MOTHER OR SHELLEY HAS WATCHED THEM A COUPLE OF
7 TIMES.

8 Q AT THE TRAILER?

9 A YES, SIR. EITHER THERE OR AT HER
10 MOTHER'S HOUSE. MOST OF THE TIME AT HER MOTHER'S
11 HOUSE.

12 Q WAS SHELLEY THERE THE DAY THAT THE RIFLE
13 WAS BROUGHT INTO THE HOUSE?

14 A NO, SIR.

15 Q ARE YOU SURE ABOUT THAT?

16 A YES, SIR.

17 Q OKAY.

18 MR. HARPOOTLIAN: THAT'S ALL I HAVE,
19 YOUR HONOR.

20 THE COURT: ANYTHING ON REDIRECT?

21 MR. JONES: NONE, YOUR HONOR.

22 THE COURT: THANK YOU, SIR. YOU MAY
23 STEP DOWN.

24 TELEPHONE WITNESS?

25 MR. JONES: NO, SIR. KATHLEEN BARRETT.

1 MR. SWERLING: COULD WE APPROACH THE
2 SIDE BAR?

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

6 THE COURT: LET ME LET YOU TAKE JUST A
7 SHORT BREAK.

8 (JURY RECESSED TO JURY ROOM AT 11:22
9 A.M.)

10 THE COURT: AS FAR AS THE FINGERPRINT
11 STUFF IS CONCERNED, WE HAD AN IN-CHAMBERS
12 CONFERENCE WITH MR. MCMAHON, MR. SWERLING AND MR.
13 HARPOOTLIAN. AND I'M GOING TO ALLOW THE STATE TO
14 OFFER THAT EVIDENCE, BUT THE MECHANICAL PROBLEMS
15 ARE THESE. MR. MCDONALD IS NOT AVAILABLE UNTIL TWO
16 O'CLOCK FOR ANY TYPE OF CONSULTATION WITH THE
17 DEFENSE, BUT I THINK WE'VE WORKED OUT A--MR.
18 MCMAHON IS CORRECT, A PROTOCOL BETWEEN THE SLED LAB
19 AND THE FINGERPRINT PERSON TO HAVE CONVERSATION
20 BETWEEN THESE TWO SIDES IN ORDER TO FACILITATE
21 GETTING EACH SIDE READY IN THE LEAST AMOUNT OF TIME
22 POSSIBLE.

23 AM I CORRECT IN THAT, MR. MCMAHON?

24 MR. MCMAHON: YES, SIR.

25 THE COURT: OKAY. AND MR. HARPOOTLIAN?

1 MR. HARPOOTLIAN: YES, SIR, YOUR HONOR,
2 AND WE'RE GOING TO TRY TO EXPEDITE THAT PROCESS IN
3 EVERY WAY.

4 YOUR HONOR, SINCE YOU'VE RULED THAT
5 YOU'RE GOING TO ALLOW THOSE IN, PURSUANT TO RULE
6 611(D) AS IN DOG, WE WOULD ASK THAT WE BE ALLOWED
7 TO RECALL FOR CROSS EXAMINATION WITNESSES BLACK,
8 ANDERSON, AND PERHAPS MCCRAW, DEPENDING ON
9 ANDERSON'S RESPONSES, ONLY ON THE FINGERPRINT
10 ISSUE.

11 THE COURT: ALL RIGHT, MR. MCMAHON, AS I
12 INDICATED TO YOU THAT ON THAT ISSUE ONLY, I WILL
13 ALLOW THEM TO RECALL THOSE THREE WITNESS.

14 MR. MCMAHON: JUDGE, I'M NOT CORRECTING
15 THE COURT, I WOULD LIKE IF WE HAVE TO DO A CLOCK AT
16 LEAST THE OPPORTUNITY TO LOOK AT A LITTLE LAW ON
17 THAT PARTICULAR ISSUE. I UNDERSTAND RECALL IS
18 TOTAL DISCRETION; I UNDERSTAND THAT, YOUR HONOR.
19 BUT IF YOU'LL JUST GIVE US THE OPPORTUNITY, SINCE
20 THEY'RE GOING TO HAVE THE OPPORTUNITY TO WAIT TO
21 TALK TO THEIR EXPERT, TO PERHAPS LOOK AT HOW THAT'S
22 BEEN HANDLED IN OTHER CASES, AND CERTAINLY NOT
23 BEING ARGUMENTATIVE WITH THE COURT IN ANY MANNER,
24 COULD WE DELAY THAT, COULD YOU DELAY THAT RULING
25 UNTIL AFTER THEIR TWO O'CLOCK WITH THEIRS. BECAUSE

1 QUITE FRANKLY, IT MAY BE VERY PREMATURE RIGHT NOW?

2 THE COURT: IT MAY BE THAT YOU DON'T
3 EVEN OFFER THE EVIDENCE, YOU KNOW.

4 MR. MCMAHON: YES, SIR, SO, AND IF YOU
5 COULD GIVE US THAT AMOUNT OF TIME, PERHAPS, TO
6 CHECK SOME OF THOSE OTHER CASES?

7 THE COURT: ALL RIGHT. SURE.

8 MR. HARPOOTLIAN: WELL, YOUR HONOR,
9 OUR...WE'RE ATTEMPTING TO WORK THIS MATTER OUT, AND
10 I WOULD STATE TO THE COURT THAT, AND NO FAULT, AND
11 I'LL STATE FOR THE RECORD, THE SOLICITOR WAS NOT
12 AWARE OF THIS EVIDENCE UNTIL TEN MINUTES BEFORE HE
13 HANDED IT TO US THIS MORNING. IT'S NO FAULT OF THE
14 SOLICITOR, HOWEVER, THE STATE OF SOUTH CAROLINA WAS
15 AWARE OF THIS MATERIAL TUESDAY EVENING, AND NOT
16 FURNISHED TO US. WE'RE ATTEMPTING TO TRY TO
17 ACCOMMODATE THE COURT AS MUCH AS WE CAN, AND ONLY,
18 I THINK FAIRNESS WOULD ALLOW US, IF WE'D KNOWN
19 ABOUT THIS MATERIAL...

20 THE COURT: WE'LL ARGUE ABOUT THAT AT
21 TWO O'CLOCK.

22 MR. HARPOOTLIAN: ALL RIGHT.

23 THE COURT: BUT FAIRNESS IS A
24 CONSIDERATION.

25 MR. JONES: YOUR HONOR, BEFORE YOU BRING

1 THE JURY BACK IN, I AM NOT SURE, BASED ON AN
2 EARLIER RULING OR POSITION THAT YOU TOOK, WHETHER
3 YOU WANTED US TO PROFFER EVIDENCE OF LIFE INSURANCE
4 PRIOR TO PRESENTING THAT WITNESS TO THE JURY.

5 THE COURT: WELL, LET ME ASK YOU THIS,
6 MR. SOLICITOR, I GUESS THE QUESTION WOULD BE TO
7 THEM, IT'S NOT A QUESTION OF IF THEY OFFER EVIDENCE
8 SHOWING THAT THERE WAS INSURANCE THERE, THAT HE
9 WOULD HAVE BENEFITTED FROM THE POLICY BY REASON OF
10 HIS DEATH, HER DEATH. THAT'S ABOUT ALL THEY HAVE
11 TO SHOW UNDER EXISTING CASE LAW, ISN'T IT?

12 MR. SWERLING: WHAT'S THAT, YOUR HONOR?

13 THE COURT: UNDER VERMILLION AND THE
14 OTHER CASES, ALL THEY HAVE TO SHOW IS THE EXISTENCE
15 OF THE INSURANCE AND THAT HE MIGHT WELL BENEFIT
16 FROM IT, AND THEN IT BECOMES A JURY QUESTION AS TO
17 MOTIVE.

18 MR. SWERLING: WELL, JUDGE, I STILL
19 THINK, AS IN ANY EVIDENCE, IT HAS TO BE PROBATIVE
20 OF SOME ISSUE HERE. AND OF COURSE, WE'VE GONE
21 THROUGH OUR DISCUSSION ABOUT THAT BEFORE AS TO
22 WHETHER OR NOT IT'S PROBATIVE. I WOULD REMIND THE
23 COURT THERE'S NO CLAIM EVER MADE AGAINST THE
24 POLICY, AND THERE'S NO TESTIMONY FROM MR. ANDERSON.
25 THE MOTIVE THAT'S BEEN ESTABLISHED IN THIS CASE HAS

1 TO DO WITH OTHER THAN LIFE INSURANCE, BY THE STATE.

2 THE COURT: WELL, I MEAN, THEY'RE NOT
3 REQUIRED, AS I INDICATED TO YOU ALL THE OTHER DAY,
4 THEY DON'T HAVE TO, I MEAN, THEY COULD HAVE
5 MULTIPLE THEORIES FOR MOTIVE.

6 MR. SWERLING: YES, SIR. BUT I THINK IT
7 WOULD BE UNDULY PREJUDICIAL EVEN IF IT IS RELEVANT
8 TO ALLOW THE JURY, OR TO ALLOW THE STATE TO
9 INTRODUCE EVIDENCE AND TO ALLOW THE JURY TO
10 SPECULATE THAT IT HAD SOMETHING TO DO WITH
11 INSURANCE.

12 THE COURT: WELL, OKAY.

13 MR. SWERLING: I MEAN, THERE'S NO
14 CONNECTION. I MEAN, THERE'S BEEN NOTHING PUT IN
15 THE RECORD, THERE'S NO NEXUS ESTABLISHED BETWEEN
16 WHAT THEY'RE SEEKING TO PROVE AND WHAT IN REALITY
17 EXISTS.

18 THE COURT: WELL, I HAVE THIS EVIDENCE
19 IN FRONT OF ME, AND A PROFFER WAS MADE THE OTHER
20 DAY THAT NUMBER ONE, SOME TIME IN MARCH, EVEN
21 THOUGH IT MAY WELL HAVE BEEN A JOINT ACCOUNT, HE AT
22 LEAST INDICATED ON THE FACE OF THE CHECKS THAT HE
23 WOULD DELETE MS. BECKHAM'S NAME. I KNOW THAT
24 DOESN'T HAVE ANY LEGAL SIGNIFICANCE, BUT IT HAS AN
25 INFERENTIAL SIGNIFICANCE.

1 THE CHECKS, I DO NOT RECALL THAT MS.
2 BECKHAM, FROM MARCH ON, SIGNED ANY CHECK IN THAT
3 ACCOUNT.

4 SECONDLY, OR THIRDLY, THE PREMIUM WAS
5 CONTINUED TO BE DEDUCTED AND HE WAS ESSENTIALLY
6 CONTROLLING THAT ACCOUNT, NOT HER, BASED UPON WHAT
7 APPEARS TO BE THAT HE TREATED IT AS HIS OWN. AND WE
8 HAVE EVIDENCE OF THE TAX LIENS AS SUCH. WE ALSO
9 HAVE EVIDENCE THAT TO A WITNESS THAT: "YOU WILL GET
10 YOURS WHEN I GET MINE," WHICH COULD BE INTERPRETED
11 THAT IT COME FROM LIFE INSURANCE.

12 SO PURSUANT TO 403, I WOULD FIND THAT
13 WHILE THAT IS PREJUDICIAL, IT IS NOT UNDULY
14 PREJUDICIAL AND STATE WOULD BE PERMITTED TO OFFER
15 THAT AS A MOTIVE.

16 MR. SWERLING: JUDGE, NOW, I UNDERSTAND
17 YOUR RULING AND DO NOT ARGUE WITH THE COURT AS TO
18 THE RULING, BUT I WOULD ASK THE COURT TO CONSIDER
19 THAT THE TESTIMONY CONCERNING ANY 1989 DEBT OR ANY
20 OF THESE TAX LIENS IS NOT RELEVANT TO WHETHER OR
21 NOT MR. BECKHAM IS TRYING TO COLLECT THIS
22 INSURANCE.

23 THE COURT: WELL, AS I UNDERSTAND THE
24 LAW OF THE STATE WITH REGARD TO THE TAX LIENS, THEY
25 HAVE A LIFE EXPECTANCY AND THEY ARE IN, IN 1994,

1 THEY'RE WELL WITHIN THE LIFE EXPECTANCY OR THE
2 VALIDITY OF THE LIEN. AND THAT IS A SUBSTANTIAL
3 CLAIM AGAINST THE ASSETS OF THE PARTIES. IT'S A
4 REAL CLAIM.

5 MR. SWERLING: YES, SIR, EXCEPT IF I
6 HAVE A DEBT BUT THERE'S NO ENFORCEMENT ATTEMPTS ON
7 THE DEBT OR THERE'S A JUDGEMENT ISSUED, I MEAN IT'S
8 A JUDGEMENT, A JUDGEMENT AGAINST PROPERTY. THAT
9 DOES NOT MEAN NECESSARILY THAT YOU CAN TAKE, AND
10 CROSS THAT BRIDGE TO SAY THAT YOU'D COLLECT LIFE
11 INSURANCE TO PAY OFF THAT JUDGEMENT WHICH IS
12 BASICALLY WHAT YOU HAVE THE TAX LIEN WAS PUT ON
13 THERE WHAT, 1989 YOU SAID?

14 MR. COULTER: ONE WAS '89 AND ONE WAS
15 '92. BUT THE POINT IS THEY WERE IN EFFECT AT THE
16 TIME OF THIS MURDER.

17 MR. SWERLING: BUT THERE'S NO
18 ENFORCEMENT. THE STATE HAS NOT SHOWN THAT ANYBODY
19 WAS ATTEMPTING TO ENFORCE THOSE, AND THEY WERE JUST
20 EXISTING AS AN OUTSTANDING LIEN.

21 THE COURT: BUT IT GOES TO THE WEIGHT OF
22 THE EVIDENCE AND NOT THE ADMISSIBILITY. AND JUST
23 LIKE IF YOU PRESENT A CASE THEN OBVIOUSLY THAT CAN
24 BE DEALT WITH AS WELL AS THE FACT THAT HE DIDN'T
25 KNOW IT WAS HIS POLICY, OR HE DIDN'T KNOW THE

1 PREMIUMS...I FORGOT WHAT YOU SAID THE OTHER DAY,
2 BUT CERTAINLY THAT GOES TO WHAT THE JURY, WHAT
3 WEIGHT THE JURY GIVES.

4 MR. SWERLING: OF COURSE, THAT AGAIN
5 REQUIRES HIM TO PRESENT SOME EVIDENCE ON THAT
6 ISSUE.

7 THE COURT: I UNDERSTAND AND I DON'T
8 KNOW THAT HE IS. I'M JUST SAYING THERE IS, YOU ALL
9 HAVE ARGUED THAT THIS IS A CIRCUMSTANTIAL EVIDENCE
10 CASE AND, YOU KNOW, OBVIOUSLY I'LL CHARGE THE JURY
11 THAT ANY OTHER REASONABLE, RATIONAL OR LOGICAL
12 EXPLANATION THEN THEY CAN...

13 MR. SWERLING: YES, SIR. AND AGAIN,
14 THIS IS NOT ARGUING WITH THE COURT'S RULING ON THE
15 EXISTENCE OF LIFE INSURANCE. YOU'VE RULED THAT, I
16 ACCEPT THAT, AND YOU KNOW, WE HAVE OUR OBJECTION IN
17 THE RECORD. MY POINT NOW IS THAT EVEN IF YOU LET
18 IN THE EVIDENCE OF THE LIFE INSURANCE, THE EVIDENCE
19 OF THIS PRIOR DEBT TO THE STATE FOR THESE TAX LIENS
20 DOES NOT SHOW THAT IN 1994, JUNE OF 1994, STEPHEN
21 BECKHAM WAS UNDER ANY KIND OF FINANCIAL BURDEN THAT
22 HE WOULD CAUSE HIS WIFE'S DEATH TO COLLECT THE
23 INSURANCE TO PAY OFF THOSE LIENS.

24 THE COURT: WELL, I DON'T THINK THAT--I
25 MEAN, THAT'S A CONCLUSION ON YOUR PART. IT SHOWS

1 THAT A FIFTY OR SIXTY DOLLAR TAX LIEN TO A COUPLE
2 OF THEIR AGE WITH TWO OR THREE CHILDREN IS A FAIRLY
3 SUBSTANTIAL...

4 MR. SWERLING: I THINK THE AMOUNT IS--
5 HOW MUCH IS THE AMOUNT WE HAVE?

6 MR. COULTER: FOR THE LIENS?

7 MR. SWERLING: THE TWO LIENS.

8 MR. COULTER: TOTALS APPROXIMATELY SIXTY
9 THOUSAND DOLLARS.

10 THE COURT: THAT'S A FAIRLY SUBSTANTIAL
11 AND DEVASTATING ECONOMIC EFFECT. AS A MATTER OF
12 FACT, THE EVIDENCE INDICATES RIGHT NOW THAT THEY
13 ARE LIVING AND HAVE LIVED WITH ONE SET OF PARENTS
14 OR THE OTHER. AND SO THE INABILITY TO PAY THOSE
15 KINDS OF THINGS...

16 MR. SWERLING: THAT'S BECAUSE THEY WERE
17 SEPARATED.

18 THE COURT: I KNOW, AND FINANCIAL
19 REASONS ARE ONE OF THE BASIS, CAN ALSO BE ONE OF
20 THE REASONS SO I THINK THE JURY CAN SORT THAT OUT.

21 MR. SWERLING: WELL, JUDGE, JUST SO THE
22 RECORD IS CLEAR, 402 AND 403 OBJECTION ON THE
23 ACTUAL UNDERLYING FINANCIAL PROBLEMS WHICH I DON'T
24 THINK THE STATE HAS PROVED.

25 THE COURT: I UNDERSTAND THAT. OKAY,

1 BRING...

2 MR. JONES: YOUR HONOR, WE HAVE A
3 STIPULATION...

4 THE COURT: ON THE TELEPHONE?

5 MR. JONES: YES, SIR.

6 MR. MCMAHON: MS. STROM IS TYPING IT UP
7 RIGHT NOW, YOUR HONOR.

8 THE COURT: I HAD UNDERSTOOD THAT MR.
9 MCMAHON AND MR. SWERLING HAD AGREED TO IT AND IT'S
10 BEING TYPED, THAT'S RIGHT.

11 MR. JONES: JUDGE, WILL WE BE, OR WILL
12 YOU BE, OR WILL SOMEONE BE CONVERSING WITH THE
13 DEFENSE EXPERT, THE FINGERPRINT EXPERT AT TWO
14 O'CLOCK? AND WHAT I'M ASKING IS ARE WE GOING TO
15 RETURN TO BEGIN WITH POSSIBLY SOME PRESENTATION OF
16 EVIDENCE AT TWO-THIRTY OR TWO, IF WE BREAK AT ONE
17 OR TWELVE-THIRTY, OR WHAT'S KIND OF TIME FRAME...

18 THE COURT: I DON'T KNOW THE ANSWER TO
19 THAT QUESTION AND CANNOT GIVE YOU THE ANSWER TO
20 THAT QUESTION.

21 MR. JONES: WELL, YOUR HONOR, THE REASON
22 I'M ASKING IS BECAUSE, YOU KNOW, PART OF THE
23 PRESENTATION OF THE CASE FOR TRIAL IS, YOU KNOW, TO
24 TRY TO END WHEN YOU WANT TO END, AND I'M GOING TO
25 ASK YOU CONSIDER BREAKING AT 12:30 AFTER TWO

1 WITNESSES ARE PRESENTED FOR LUNCH AND TO BRING THEM
2 BACK AT 2:30 SO THAT WE CAN POSSIBLY KNOW WHETHER
3 OR NOT I WILL BE PRESENTING FINGERPRINT EVIDENCE OR
4 NOT. THAT'S WHAT I'M ASKING YOU TO CONSIDER DOING.

5 THE COURT: OKAY. THAT'S FAIR ENOUGH.
6 THAT'S FAIR ENOUGH.

7 MR. SWERLING: JUDGE, I WAS JUST ASKED
8 TO POINT OUT TO YOU THAT I THINK BOTH TAX LIENS ARE
9 FOR THE YEAR 1989. THEY WERE AGAIN VICKIE AND
10 STEPHEN BECKHAM, AND OF COURSE, I'D POINT OUT TO
11 THE COURT THAT UPON HER DEATH, WHILE THERE WOULD BE
12 JOINT LIABILITY OR JOINT RESPONSIBILITY PRIOR TO
13 HER DEATH, AFTER HER DEATH, ALL OF IT WOULD FALL ON
14 STEPHEN BECKHAM. SO IT'S SORT OF CONTRA-INDICATES
15 MOTIVE.

16 THE COURT: AND IT WORKS BOTH WAYS.
17 THAT'S WHY WE HAVE A JURY TO SORT THOSE THINGS OUT.
18 BRING THE JURY IN.

19 (JURY RETURNED TO THE OPEN COURTROOM AT
20 12:07 P.M.)

21 THE COURT: MR. SOLICITOR, CALL YOUR
22 NEXT WITNESS, PLEASE.

23 MR. JONES: KATHLEEN BARRETT.

24 KATHLEEN BARRETT, BEING DULY
25 SWORN, TESTIFIED AS FOLLOWS:

1 DIRECT EXAMINATION:
2 BY MR. JONES:
3 Q MS. BARRETT, WHERE DO YOU WORK?
4 A THE CAROLINA TRADER.
5 Q AND WHAT IS THE CAROLINA TRADER?
6 A IT'S AN ADVERTISING PAPER. WE ADVERTISE
7 ITEMS FOR SALE.
8 Q AND ARE YOU PART OWNER OF THE BUSINESS?
9 DOES YOUR FAMILY OWN IT?
10 A YES, SIR.
11 Q WHERE IS IT LOCATED?
12 A IN BALLENTINE, ON HIGHWAY 76.
13 Q BALLENTINE. BALLENTINE IS NEAR WHAT
14 MAJOR CITY?
15 A WELL, IT'S BETWEEN IRMO AND CHAPIN.
16 Q HOW FAR IS IT FROM COLUMBIA, SOUTH
17 CAROLINA?
18 A I DON'T KNOW. SOME TWENTY MILES. I
19 DON'T KNOW.
20 Q HOW FAR IS IT FROM NEWBERRY?
21 A WELL, ALL I KNOW IS IT TOOK US FORTY-
22 FIVE MINUTES TO GET HERE. I DON'T KNOW HOW FAR
23 THAT IS.
24 Q I WANT TO HAND YOU A COPY OF THE
25 CAROLINA TRADER AND ASK YOU IF YOU CAN IDENTIFY IT,

- 1 PLEASE?
- 2 A YES, THAT'S OUR PAPER.
- 3 Q AND WHAT YEAR WAS THAT PAPER, AND WHAT
- 4 MONTH WAS THAT PAPER...
- 5 A THIS IS APRIL THE 19TH, TO APRIL THE
- 6 25TH OF '94.
- 7 Q OF '94? I WANT TO ASK YOU IF THERE ARE
- 8 ANY RIFLES THAT YOU KNOW--DO YOU HAVE A SPECIAL
- 9 SECTION FOR GUNS?
- 10 A YES, WE DO.
- 11 Q ANY RIFLES FOR SALE BY MR. STEPHEN
- 12 BECKHAM?
- 13 A YES, P-17, FL 30.06 WORLD WAR I RIFLE,
- 14 GOOD CONDITION, WITH HIS PHONE NUMBER ON IT.
- 15 Q WHAT'S THE PHONE NUMBER?
- 16 A THE PHONE NUMBER IS 276-1566.
- 17 Q NOW, DID YOUR BUSINESS AND YOUR OFFICE
- 18 HAVE A CONVERSATION WITH MR. BECKHAM ON THE 21ST OF
- 19 APRIL, 1994?
- 20 A YES, OUR RECORDS SHOW THAT THE GIRL IN
- 21 THE OFFICE CALLED HIM AFTER HIS ADS HAD BEEN IN THE
- 22 PAPER FOR FOUR WEEKS AND ASKED DID HE SELL THEM...
- 23 MR. SWERLING: YOUR HONOR, I'D HAVE TO
- 24 OBJECT. THAT WOULD BE HEARSAY.
- 25 A WELL...

1 THE COURT: WAIT, WAIT, WAIT.

2 A I'M READING OUR RECORDS RIGHT HERE NOW.

3 THE COURT: MA'AM, WAIT JUST A MINUTE,
4 PLEASE. OKAY? HANG ON.

5 SOLICITOR, LAY YOUR FOUNDATION.

6 MR. JONES: YOUR HONOR, I'M NOT GOING TO
7 ASK HER WHAT...I JUST WANT TO KNOW WHAT HE SAID TO
8 THEM WITH REGARD TO THE ADVERTISEMENT, IF SHE CAN
9 SAY.

10 MR. SWERLING: THAT'S HEARSAY.

11 THE COURT: AS TO THIS WITNESS? I
12 MISUNDERSTOOD THE QUESTION. IT'S WHAT MR. BECKHAM
13 TOLD HER?

14 MR. JONES: WHAT MR. BECKHAM TOLD THE
15 COMPANY.

16 Q ARE YOU THE KEEPER OF THE BUSINESS
17 RECORDS?

18 A WELL, OUR COMPUTERS, EVERYBODY PUTS, YOU
19 KNOW, HAS ACCESS TO OUR COMPUTER, AND THE GIRL, WE
20 ADVERTISE...

21 MR. SWERLING: YOUR HONOR, MAY WE
22 APPROACH THE SIDE BAR?

23 THE COURT: SURE. HANG ON JUST A
24 MINUTE.

25 A SHE TOLD HIM...

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

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

6 THE COURT: ALL RIGHT, SOLICITOR, LAY
7 YOUR FOUNDATION UNDER THE BUSINESS RECORDS ACT.

8 Q MS. BARRETT, YOU ARE PART OWNER OF THE
9 BUSINESS THERE, THE CAROLINA TRADER?

10 A YES, SIR.

11 Q AND DO YOU HAVE ACCESS TO THE BUSINESS
12 RECORDS?

13 A YES, SIR.

14 Q AND DO YOU ROUTINELY REVIEW BUSINESS
15 RECORDS AND TAKE CARE OF BUSINESS RECORDS AS OWNER?

16 A WELL, NOT REALLY ADS, BECAUSE WE HAVE
17 THOUSANDS OF THEM, YOU KNOW.

18 Q BUT YOU HAVE ACCESS TO YOUR BUSINESS
19 RECORDS?

20 A I DO HAVE ACCESS TO OUR RECORDS, OF
21 COURSE.

22 Q AND DID YOU BRING A BUSINESS RECORD WITH
23 YOU TODAY CONCERNING DEFENDANT STEPHEN BECKHAM?

24 A YES, I DID.

25 Q NOW, YOU HAD MENTIONED THAT THERE WAS AN

1 AD IN YOUR PAPER FROM APRIL 19TH TO APRIL 25TH FOR
2 THE SALE OF A RIFLE BY DEFENDANT BECKHAM, IS THAT
3 CORRECT?

4 A YES, SIR.

5 Q AND WHAT DO YOUR RECORDS REFLECT
6 CONCERNING THAT AD?

7 A OUR RECORDS REFLECT THAT APRIL THE 21ST,
8 1994, PATTY CASTEEN, WHO IS A GIRL THAT WORKED IN
9 OUR OFFICE, CALLED STEPHEN AND ASKED DID HE SELL
10 ANY OF HIS ITEMS, IF NOT, DID HE WANT TO RELIST HIS
11 ITEMS. AND HE SAID HE DID NOT SELL ANYTHING AND
12 DID NOT RELIST THEM.

13 MR. SWERLING: YOUR HONOR, SUBJECT...

14 MR. JONES: I'M SORRY, YOUR HONOR. HE
15 WAS TALKING WHILE SHE WAS TALKING.

16 THE COURT: I KNOW, AND HE'S ENTITLED TO
17 MAKE THE OBJECTION. I OVERRULE THE OBJECTION ON
18 THE BASIS OF THE BUSINESS RECORDS ACT, AND IT'S NOT
19 BEING OFFERED FOR THE TRUTH OF THE MATTER BUT AS TO
20 WHY SUCH ACTION WAS TAKEN OR NOT TAKEN WITH REGARD
21 TO THE ADVERTISEMENT.

22 MR. JONES: YES, SIR.

23 Q WHAT DO THE RECORDS REFLECT, MA'AM?

24 A WELL, IT REFLECTS THAT STEPHEN SAID HE
25 DID NOT SELL HIS ITEMS, AND DID NOT RELIST ANY ADS.

1 Q DON'T RELIST ANY ADS?

2 A UH-HUH.

3 Q WHEN WAS THAT THAT HE SAID THAT?

4 A APRIL THE 21ST, 1994.

5 Q AND THAT WOULD INCLUDE THE RIFLE AD?

6 A IT WOULD HAVE TO BECAUSE IT'S IN THE

7 PAPER WITH HIS PHONE NUMBER ON IT.

8 Q NOW, WHEN WERE YOU SUBPOENAED AND WHEN

9 WERE YOU CONTACTED ABOUT THESE RECORDS, THESE 1994

10 RECORDS?

11 A SEPTEMBER 13, 1996.

12 Q ANSWER ANY QUESTIONS THE DEFENSE HAS FOR

13 YOU.

14 THE COURT: ALL RIGHT, CROSS

15 EXAMINATION, MR. SWERLING?

16 MR. SWERLING: YES, SIR, JUST VERY

17 BRIEFLY.

18 CROSS EXAMINATION:

19 BY MR. SWERLING:

20 Q IS IT MS. BARRETT?

21 A YES, SIR.

22 Q HOW YA' DOIN'?

23 A FINE.

24 Q GOOD. MS. BARRETT, THERE WERE A NUMBER

25 OF ITEMS LISTED IN THE CAROLINA TRADER BY MR.

1 BECKHAM, WEREN'T THERE?

2 A WELL, OUR RECORDS SHOW HE HAD SIX ITEMS,
3 BUT THAT DON'T NECESSARILY MEAN AT THIS TIME. IT
4 MEANS ALL OVER, HE'S HAD SIX ITEMS IN OUR PAPER.

5 Q OKAY. AND SO YOU CAN'T DETERMINE WHAT
6 PARTICULAR TIME, BUT IN THAT PAPER?

7 A YEAH, YOU MEAN THE TIME WE TALKED WITH
8 HIM?

9 Q YES, MA'AM.

10 A UH-HUH. SEE, THEY POST THE DATE ON THE
11 COMPUTER AND THEN PUT THE NOTE.

12 Q RIGHT. BUT AT THIS SAME TIME THERE WERE
13 SIX ITEMS IN THE PAPER?

14 A I DON'T KNOW IF THERE WAS SIX. I KNOW
15 THERE WAS SOME ITEMS. THERE WAS MORE THAN ONE, AND
16 THERE IS TWO GUNS, A PISTOL AND THAT GUN, IN THE
17 PAPER WITH HIS PHONE NUMBER ON IT. AND ALSO,
18 THERE'S A...

19 Q MAY I SEE THAT? I'VE GOT A XEROX OF
20 SOMETHING, BUT CAN I SEE THAT PARTICULAR PAPER?
21 LET ME SEE IF IT CORRESPONDS WITH SOME XEROX COPIES
22 I HAVE.

23 A SEE RIGHT THERE.

24 Q OKAY. THAT'S ON... SO THIS IS ON, NOT
25 ONLY WAS THE P-17 INFELD LISTED, BUT ALSO A

1 BLACKHAWK PISTOL, .357, CORRECT?

2 A YES.

3 Q ALL RIGHT. AND LET'S SEE...OKAY, THERE
4 WAS ALSO LISTED HERE, I NOTICE YOU HAVE A, FOR MR.
5 BECKHAM, A RADIO SHACK TEN BAND GRAPHIC EQUALIZER.
6 IS THAT CORRECT?

7 A IF IT'S GOT HIS NUMBER. I DIDN'T CIRCLE
8 THOSE ADS. SOMEBODY ELSE DID.

9 Q LET ME COME OVER HERE THEN, OKAY. I
10 HAVE SOME XEROX COPIES. I JUST WANT TO KNOW IF IT
11 CORRESPONDS.

12 ALL RIGHT, ON PAGE THIRTY-THREE, IT HAS
13 A RADIO SHACK EQUALIZER.

14 A IT SAYS 276-5666, AND THAT'S HIS PHONE
15 NUMBER IN OUR RECORD.

16 Q OKAY. ALL RIGHT, SO THAT'S ANOTHER
17 ITEM.

18 OKAY, ON THE FRONT PAGE, YOU HAVE A 17
19 CUBIC FOOT KENMORE FROSTFREE REFRIGERATOR WITH ICE
20 MAKER, ALMOND COLOR, VERY GOOD CONDITION, FOR
21 STEPHEN BECKHAM, ALSO. SO THAT'S FOUR ITEMS SO
22 FAR, CORRECT?

23 A UH-HUH.

24 Q NOW I'M LOOKING FOR DECORATIVE ARTICLES
25 NOW?

- 1 A THAT WOULD BE THIRTY.
- 2 Q PAGE THIRTY.
- 3 A BLOCK THIRTY.
- 4 Q OKAY. WE ALSO HAVE A SOUTH CAROLINA
- 5 WATERFOWL ASSOCIATION PRINT, WOOD DUCK PRINT FOR
- 6 1989-1990, LISTED TO STEPHEN BECKHAM ALSO FOR SALE.
- 7 SAME PHONE NUMBER, CORRECT?
- 8 TWENTY-ONE, IS THAT SECTION TWENTY-ONE?
- 9 A UH-HUH.
- 10 Q THERE'S A GOLD CUT ROPE CHAIN FOR SALE.
- 11 THIS IS THAT SAME NUMBER, TOO, IS THAT CORRECT?
- 12 A CORRECT.
- 13 Q AND I THINK WE'VE ALREADY TALKED ABOUT
- 14 THE KENMORE FROSTFREE REFRIGERATOR. SO THERE WERE
- 15 SIX ITEMS LISTED IN YOUR PAPER.
- 16 A HE HAD LISTED SIX. THEY WOULDN'T
- 17 NECESSARILY ALL HAVE TO BE IN THIS PARTICULAR
- 18 PAPER. THEY COULD BE..
- 19 Q BUT THEY ARE.
- 20 A WELL...
- 21 Q ALL SIX OF THE ITEMS WE JUST REFERRED TO
- 22 ARE IN THE PAPER YOU ACTUALLY BROUGHT TO COURT, IS
- 23 THAT CORRECT?
- 24 A YES. AND THEN IT SHOWS SIX HERE. SEE?
- 25 Q OKAY. NOW, WHAT I UNDERSTAND THE

1 CONVERSATION WAS AND YOUR RECORDS SHOW IS THAT HE
2 DIDN'T SELL ANY OF THE ITEMS AND WANTED THE ADS
3 DISCONTINUED.
4 A THAT'S WHAT HE TOLD US.
5 Q NOT SPECIFICALLY THE ONE DEALING WITH
6 THE RIFLE THAT THE SOLICITOR ASKED YOU ABOUT, BUT
7 ALL SIX ADS?
8 A ALL SIX ADS.
9 Q SO THEY WERE ALL CANCELLED?
10 A YES.
11 Q THANK YOU, MA'AM.
12 THE COURT: ANYTHING ON REDIRECT?
13 MR. JONES: YOUR HONOR, I'D LIKE TO
14 OFFER THAT CAROLINA TRADER INTO EVIDENCE.
15 MR. SWERLING: OH, NO OBJECTION.
16 THE COURT: WITHOUT OBJECTION.
17 MR. JONES: AND HER BUSINESS RECORDS.
18 MR. SWERLING: I...
19 THE COURT: SUBJECT TO THE OBJECTION
20 WITHOUT...THAT'S THE COMPUTER...
21 (SO MARKED AND ENTERED IN EVIDENCE
22 STATE'S EXHIBIT NUMBER 128 AND 129, OBJECTION
23 STATUS AS NOTED.)
24 THE COURT: ALL RIGHT, ANYTHING ELSE OF
25 THIS WITNESS?

1 MR. JONES: NO, SIR.

2 THE COURT: ALL RIGHT. THANK YOU MA'AM.

3 ANY REASON SHE CAN'T BE RELEASED FROM THE SUBPOENA?

4 MR. SWERLING: OH, NO OBJECTION.

5 THE COURT: ALL RIGHT, WITHOUT

6 OBJECTION. THANK YOU.

7 ALL CALL YOUR NEXT WITNESS, PLEASE SIR.

8 MR. JONES: MR. COULTER WILL BE

9 EXAMINING.

10 MR. COULTER: YOUR HONOR, THE STATE

11 WOULD CALL DIANE BIANCA TO THE STAND.

12 DIANE BIANCA, BEING DULY

13 SWORN, TESTIFIED AS FOLLOWS:

14 DIRECT EXAMINATION:

15 BY MR. COULTER:

16 Q MS. BIANCA, JUST MOVE UP REAL CLOSE TO
17 THAT MICROPHONE.

18 A OKAY.

19 Q WHERE IS IT THAT YOU WORK, MS. BIANCA?

20 A BIANCA INSURANCE AGENCY IN MYRTLE BEACH,
21 SOUTH CAROLINA.

22 Q ALL RIGHT. AND YOU HAVE AS ONE OF YOUR
23 INSURANCE COMPANIES YOU REPRESENT OLD LINE LIFE
24 INSURANCE?

25 A YES, I DO.

1 Q IS IT STILL REFERRED TO AS OLD LINE
2 LIFE?

3 A THAT'S CORRECT.

4 Q ALL RIGHT, DID YOU HAVE AN OPPORTUNITY
5 TO MEET WITH THE DEFENDANT BACK IN 1990, THE
6 DEFENDANT, STEPHEN BECKHAM, IN REGARDS TO AN
7 INSURANCE POLICY?

8 A YES, SIR.

9 Q ALL RIGHT, AND WHAT WAS THE REASON FOR
10 MEETING WITH HIM?

11 A TO OBTAIN LIFE INSURANCE ON HIS FAMILY.

12 Q ALL RIGHT, AND DID IN FACT HE FILL OUT
13 AN APPLICATION FOR LIFE INSURANCE?

14 A YES, HE DID.

15 Q AND WHAT WAS THE AMOUNT OF THAT LIFE
16 INSURANCE POLICY?

17 A TWO HUNDRED THOUSAND.

18 Q ALL RIGHT, AND HOW WAS THAT LIFE
19 INSURANCE POLICY FOR THE DEFENDANT BECKHAM TO BE
20 PAID, DO YOU RECALL?

21 A YOU MEAN AS BENEFICIARY?

22 Q NO, AS FAR AS PREMIUM PAYMENTS.

23 A OH, PREMIUM, EXCUSE ME. HE HAD AN
24 ANNUAL PREMIUM.

25 Q AND HOW DOES AN ANNUAL PREMIUM WORK?

1 A ANNUAL MEANING HE PAID THE YEARLY
2 AMOUNT, FULL YEAR FOR THE FULL YEAR, TWELVE MONTHS.

3 Q ALL RIGHT, AND WHAT WAS HIS ANNUAL
4 PREMIUM PAYMENT FOR THIS \$200,000 LIFE INSURANCE
5 POLICY, IF YOU CAN RECALL?

6 A THREE HUNDRED AND TWENTY-FOUR DOLLARS.
7 MAY I REFER TO MY RECORDS?

8 Q YES, PLEASE.

9 A THREE HUNDRED AND TWENTY-FOUR DOLLARS
10 PER YEAR.

11 Q ALL RIGHT, AND WAS THAT INSURANCE POLICY
12 IN EFFECT IN 1991?

13 A YES, IT WAS.

14 Q WAS THAT LIFE INSURANCE POLICY IN EFFECT
15 IN 1992?

16 A UP UNTIL MAY 24TH OF 1992. IT LAPSED
17 THEREAFTER.

18 Q NO FURTHER PREMIUM PAYMENT WAS MADE?

19 A NO, SIR.

20 Q AND HE WAS TO PAY THIS HOW AGAIN?

21 A EVERY TWELVE MONTHS, ANNUALLY.

22 Q AND IS THERE ANOTHER WAY TO MAKE AN
23 INSURANCE PAYMENT ON PREMIUMS?

24 MR. SWERLING: IF YOUR HONOR PLEASE, I'D
25 HAVE TO OBJECT UNLESS THIS IS FIRST-HAND KNOWLEDGE.

1 I UNDERSTAND MS. BIANCA WROTE THE POLICIES. WHAT
2 BUSINESS RECORDS IS SHE REFERRING TO, OR?

3 MR. COULTER: SHE FILLS OUT THE
4 APPLICATIONS, YOUR HONOR.

5 MR. SWERLING: I KNOW, BUT ARE THESE, AS
6 FAR AS THE PREMIUM PAYMENTS, ARE THEY MADE TO MS.
7 BIANCA OR ARE THEY--IS THAT HEARSAY?

8 THE COURT: LAY THE FOUNDATION.

9 MR. COULTER: I'M SORRY, YOUR HONOR. DO
10 YOU MIND IF WE COME OVER HERE?

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

14 MR. SWERLING: JUDGE, JUST SO THE RECORD
15 IS CLEAR, WE HAVE STIPULATED TO THE BANK RECORDS.

16 THE COURT: YES, SIR.

17 MR. SWERLING: THE ONLY THING WE'RE
18 ASKING IS THAT MS. BIANCA TESTIFY AS TO OTHER
19 MATTERS FIRST-HAND.

20 MR. COULTER: ALL RIGHT, THANK YOU.

21 Q MS. BIANCA, COULD YOU AGAIN TELL THE
22 JURY HOW THE DEFENDANT'S LIFE INSURANCE POLICY
23 PREMIUMS WERE TO BE PAID?

24 A HE ELECTED TO PAY ON AN ANNUAL BASIS,
25 MEANING EVERY TWELVE MONTHS. HE SENDS HIS PREMIUM

1 IN TO OLD LINE LIFE.

2 Q ALL RIGHT, IS THERE OTHER WAYS TO PAY
3 PREMIUM PAYMENTS ON LIFE INSURANCE?

4 A YES. HE MADE PAYMENT ON A PRE-
5 AUTHORIZED CHECKING ACCOUNT, MEANING THE AMOUNT
6 WOULD BE DRAFTED FROM HIS ACCOUNT ON A MONTHLY
7 BASIS.

8 Q AUTOMATICALLY?

9 A CORRECTLY--THAT'S CORRECT, EXCUSE. OR
10 HE COULD PAY QUARTERLY OR HE COULD PAY SEMI-ANNUAL
11 OR ANNUAL, AND HE CHOSE ANNUAL.

12 Q ALL RIGHT, DO YOU REMEMBER DURING THAT
13 CONVERSATION IN 1990 ABOUT WHEN YOU WERE FILLING
14 OUT THIS \$200,000 LIFE INSURANCE POLICY FOR THE
15 DEFENDANT BECKHAM WHETHER OR NOT AN INSURANCE
16 POLICY FOR VICKIE LANDER BECKHAM WAS MENTIONED?

17 A WE DISCUSSED INSURANCE FOR HE AND HIS
18 WIFE.

19 Q ALL RIGHT. DID YOU THEN HAVE AN
20 OPPORTUNITY AFTER YOU MET WITH DEFENDANT BECKHAM TO
21 MEET WITH VICKIE LANDER BECKHAM?

22 A YES, APPROXIMATELY FIVE TO TEN DAYS
23 LATER.

24 Q ALL RIGHT.

25 A AT HER JOB.

1 Q I HAND YOU WHAT'S BEEN MARKED STATE'S
2 EXHIBIT NUMBER 121. I'D ASK IF YOU COULD LOOK AT
3 THAT POLICY, THAT DOCUMENT, AND IDENTIFY IT FOR THE
4 JURY, PLEASE?

5 A YES, THIS IS VICTORIA L. BECKHAM'S
6 POLICY.

7 Q AND WERE YOU PRESENT WHEN THE
8 APPLICATION FOR THAT POLICY WAS TAKEN OUT?

9 A MOST DEFINITELY. I AM THE AGENT AND YOU
10 WILL NOTICE THAT IN THE BACK OF THE POLICY THERE'S
11 AN APPLICATION WHICH IS THE ORIGINAL WITH MY
12 SIGNATURE.

13 Q ALL RIGHT. SO YOU WITNESSED HER
14 SIGNATURE ON THAT APPLICATION?

15 A THAT IS CORRECT.

16 Q LET ME HAVE YOU LOOK AT WHAT'S BEEN
17 MARKED AS STATE'S EXHIBIT NUMBER 122. IS THAT AN
18 ENLARGEMENT OF THE FIRST PAGE OF THAT APPLICATION?

19 A IT IS.

20 Q AND IF YOU COULD REFER TO THAT FIRST
21 PAGE OF THAT APPLICATION AND LOOKING AT STATE'S
22 EXHIBIT NUMBER 122, COULD YOU TELL ME THAT MS.
23 BECKHAM HAD ELECTED TO MAKE HER PREMIUM PAYMENTS?

24 A PRE-AUTHORIZED CHECKING ACCOUNT. AS AN
25 AGENT, I DO HAVE TO EMPHASIZE THE METHOD OF

1 PAYMENT.

2 Q ALL RIGHT, AND THAT'S WHERE MY FINGER IS
3 POINTING?

4 A CORRECT.

5 Q SO SHE HAD ELECTED TO HAVE AUTOMATIC
6 BANK WITHDRAWALS, IS THAT CORRECT?

7 A THAT IS CORRECT.

8 Q AND IN LOOKING AT YOUR APPLICATION, WHAT
9 WAS TO BE THE MONTHLY PREMIUM PAYMENT FOR THIS LIFE
10 INSURANCE POLICY?

11 A EIGHTEEN DOLLARS AND NINE CENTS.

12 Q ALL RIGHT, ON THE APPLICATION DOES IT
13 SAY \$18.09?

14 A IT SAYS \$18.08.

15 Q ALL RIGHT.

16 A HOWEVER, THE ACTUAL DRAFT IS \$18.09. I
17 FIGURE THE RATE BUT THE HOME OFFICE OF COURSE
18 CAUGHT MY PENNY DIFFERENCE THERE AND CORRECTED IT
19 AT THE HOME OFFICE.

20 Q ALL RIGHT.

21 A SO THE ACTUAL DRAFT AS PRE-AUTHORIZED IS
22 \$18.09 MONTHLY FROM HER CHECKING ACCOUNT.

23 Q AND IF YOU COULD, REFERRING BACK TO THIS
24 ENLARGEMENT, STATE'S EXHIBIT NUMBER 122, COULD YOU
25 POINT OUT THIS LIFE INSURANCE AMOUNT?

- 1 A ONE HUNDRED THOUSAND.
- 2 Q ALL RIGHT, \$100,000 FOR THIS AND THE
- 3 PREMIUM WAS GOING TO BE \$18.09 A MONTH, IS THAT
- 4 RIGHT?
- 5 A THAT IS CORRECT.
- 6 Q NOW, IF YOU COULD, FURTHER ON STATE'S
- 7 EXHIBIT NUMBER 122, WHO WAS THE BENEFICIARY OF THIS
- 8 \$100,000 LIFE INSURANCE POLICY? IS IT ON THIS
- 9 PARTICULAR APPLICATION PAGE?
- 10 A IT IS IN NUMBER EIGHT, BENEFICIARY:
- 11 STEPHEN A. BECKHAM.
- 12 Q THE BENEFICIARY OF THIS HUNDRED THOUSAND
- 13 DOLLAR LIFE INSURANCE POLICY IS THE DEFENDANT
- 14 BECKHAM, IS THAT RIGHT?
- 15 A THAT IS CORRECT.
- 16 Q AND WAS THIS LIFE INSURANCE POLICY IN
- 17 EFFECT IN JUNE OF 1994?
- 18 A YES, IT WAS.
- 19 Q SPECIFICALLY JUNE 12TH OF 1994?
- 20 A YES, SIR.
- 21 Q I'D LIKE YOU TO TAKE A LOOK AT WHAT'S
- 22 BEEN MARKED AS STATE'S EXHIBIT NUMBER 78 WHICH IS A
- 23 BANK RECORD OF STEPHEN BECKHAM, DEFENDANT BECKHAM
- 24 AND VICTORIA BECKHAM. THIS IS A MARCH OF '94 BANK
- 25 STATEMENT. DO YOU SEE THIS PARTICULAR ENTRY?

1 A YES, I DO.

2 Q AND COULD YOU EXPLAIN TO THE JURY WHAT
3 THAT ENTRY IS?

4 A THAT IS A BANK DRAFT FROM THE MONTHLY,
5 EXCUSE ME, FROM THE ACCOUNT ON A MONTHLY BASIS, OF
6 \$18.09 IN WHICH VICKIE SIGNED ACTUALLY A FORM
7 STATING THAT SHE WOULD LIKE TO HAVE THE \$18.09
8 DRAFTED FROM HER ACCOUNT ON A MONTHLY BASIS.

9 Q ALL RIGHT, I'D ASK YOU IF YOU COULD
10 HIGHLIGHT THAT PARTICULAR ENTRY WITH THAT
11 HIGHLIGHT?

12 DO YOU KNOW WHETHER OR NOT VICTORIA
13 BECKHAM HAD ACCESS TO THIS ACCOUNT BACK IN MARCH OF
14 '94?

15 MR. SWERLING: HOW WOULD SHE KNOW?

16 MR. COULTER: I'M ASKING.

17 THE COURT: DOES SHE KNOW, YES OR NO.

18 A I DON'T UNDERSTAND THE QUESTION.

19 Q DO YOU KNOW WHETHER OR NOT VICKIE
20 BECKHAM HAD ACCESS TO THIS PARTICULAR ACCOUNT IN
21 MARCH AND JUNE OF '94?

22 A I ASSUME SHE WOULD AS HER NAME IS ON THE
23 ACCOUNT.

24 Q ALL RIGHT, DO YOU KNOW WHETHER OR NOT
25 SHE ACTUALLY HAD ANY DEALINGS WITH THIS BANK

1 ACCOUNT SUBSEQUENT TO FEBRUARY...

2 MR. SWERLING: I HAVE TO OBJECT TO

3 ANY...

4 THE COURT: OVERRULED.

5 Q DO YOU KNOW WHETHER OR NOT SHE HAD ANY

6 DEALINGS WITH THIS BANK ACCOUNT SUBSEQUENT TO

7 FEBRUARY OF 1994, YES OR NO?

8 A I DO NOT KNOW.

9 Q DO YOU SEE THIS PARTICULAR ENTRY IN

10 APRIL OF 1994?

11 A CORRECT.

12 Q ALL RIGHT, AND WHAT IS THAT?

13 A THAT IS A DRAFT IN THE AMOUNT OF \$18.09

14 OUT OF HER ACCOUNT.

15 Q ALL RIGHT, IF YOU COULD HIGHLIGHT THIS

16 PARTICULAR ENTRY?

17 THIS IS FOR APRIL OF 1994, IS THAT

18 CORRECT?

19 A THAT IS CORRECT.

20 Q THIS IS STATE'S EXHIBIT NUMBER 80. I

21 DRAW YOUR ATTENTION TO THIS PARTICULAR ENTRY. DO

22 YOU SEE THAT?

23 A YES, I DO.

24 Q AND WHAT IS THAT ENTRY?

25 A AGAIN, THAT IS A DRAFT OUT OF THE JOINT

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1 ACCOUNT IN THE AMOUNT OF \$18.09 TO OLD LINE LIFE.

2 Q PLEASE HIGHLIGHT THAT. AND THIS IS FOR
3 MAY OF '94, IS THAT CORRECT?

4 A THAT IS CORRECT.

5 Q I HAND YOU STATE'S EXHIBIT NUMBER 81,
6 AND DRAW YOUR ATTENTION TO THIS PARTICULAR ENTRY.
7 JUNE OF '94, WHAT PARTICULAR ENTRY IS THAT?

8 A THIS AGAIN IS OLD LINE LIFE, INSURANCE
9 PREMIUM, MONTHLY DRAFT IN THE AMOUNT OF \$18.09 FROM
10 THEIR JOINT ACCOUNT.

11 Q WHEN DID YOU BECOME AWARE OF THE DEATH
12 OF VICTORIA BECKHAM?

13 A WHEN TWO SLED AGENTS VISITED ME IN MY
14 HOME IN MYRTLE BEACH.

15 Q AT THE TIME THAT THEY VISITED YOU, DO
16 YOU RECALL ABOUT WHEN THAT WAS? WHAT YEAR, WHAT
17 MONTH?

18 A APRIL OF '95.

19 Q AND THAT IS SOME ALMOST A YEAR AFTER HER
20 DEATH, IS THAT CORRECT?

21 A I DO NOT KNOW.

22 Q THAT BEING JUNE 12TH OF 1994.

23 A THAT WOULD BE CORRECT THEN.

24 Q ALL RIGHT, WAS THERE STILL DRAFTS BEING
25 TAKEN THAT YOU'RE AWARE OF IN THIS SAME AMOUNT OF

1 \$18.09?

2 A YES, THEY WERE DRAFTED ALL THE WAY UP TO
3 MAY OF '95. I ELECTED TO CALL THE HOME OFFICE TO
4 STOP THAT DRAFT ONCE THEY TOLD ME OF HER DEATH.

5 Q ALL RIGHT. BUT IN THE TIME PERIOD OF
6 FEBRUARY TO JUNE OF 1994, ARE YOU AWARE OF WHETHER
7 OR NOT THE DEFENDANT HAD HIS LIFE INSURANCE POLICY
8 IN EFFECT THROUGH YOU AND OLD LINE LIFE INSURANCE?

9 A HIS INSURANCE WAS EFFECTIVE MAY THE
10 24TH, 1990 THROUGH MAY 24TH, 1992 ONLY.

11 Q TO BE PAID BY WHAT METHOD?

12 A AGAIN, ON AN ANNUAL BASIS; EVERY TWELVE
13 MONTHS.

14 Q SO THE POLICY THAT YOU HAD TAKEN OUT,
15 THE APPLICATION FILED BY THE DEFENDANT BECKHAM
16 THROUGH YOU WAS NOT IN EFFECT IN JUNE OF '94?

17 A NO, IT WAS NOT.

18 Q ANSWER ANY QUESTIONS DEFENDANT MAY HAVE.

19 THE COURT: CROSS EXAMINATION, MR.

20 SWERLING.

21 MR. SWERLING: THANK YOU.

22 CROSS EXAMINATION:

23 BY MR. SWERLING:

24 Q HEY, MS. BIANCA. THIS IS THE FIRST TIME
25 WE'VE ACTUALLY MET, CORRECT?

- 1 A YES, SIR.
- 2 Q OKAY, BUT WE HAD SPOKEN ON THE PHONE.
- 3 A WE HAVE SPOKEN ON THE PHONE.
- 4 Q AND YOU, AS AN AGENT, REPRESENT SEVERAL
- 5 INSURANCE COMPANIES, OLD LINE BEING ONE OF THEM?
- 6 A YES, I DO. I'M AN INDEPENDENT AGENT,
- 7 OLD LINE BEING ONE.
- 8 Q CORRECT. YOU HAVE YOUR OWN AGENCY IN
- 9 MYRTLE BEACH?
- 10 A THAT IS CORRECT.
- 11 Q AND THE HISTORY OF THE ACCOUNT WAS THAT
- 12 VICKIE BECKHAM HAD OBTAINED BEFORE STEPHEN BECKHAM,
- 13 IS THAT THE WAY IT HAPPENED, OR WHICH POLICY CAME
- 14 FIRST?
- 15 A STEPHEN'S POLICY WAS EFFECTIVE MAY THE
- 16 24TH.
- 17 Q OF?
- 18 A OF 1990, AND VICTORIA'S POLICY WAS
- 19 EFFECTIVE ON JUNE 6TH OF '90. I HELPED HIM FIRST
- 20 AND THEN I HELPED VICKIE.
- 21 Q A MONTH LATER?
- 22 A WELL, THE ACTUAL POLICY WAS DATED A
- 23 MONTH LATER, BUT I SAW HER APPROXIMATELY SEVEN TO
- 24 TEN DAYS THEREAFTER.
- 25 Q OKAY. SO STEPHEN TOOK OUT A POLICY--

1 LET'S JUST GO THROUGH THIS. STEPHEN TOOK OUT A
2 POLICY FOR \$200,000?

3 A THAT IS CORRECT.

4 Q AND DO YOU HAVE THE NUMBER OF THAT
5 POLICY WITH YOU?

6 A THE NUMBER? OH, THE POLICY NUMBER.
7 YES.

8 Q COULD YOU READ THE POLICY NUMBER INTO
9 THE RECORD?

10 A POLICY NUMBER 1623738.

11 Q 1623738.

12 A I'M SORRY. EXCUSE ME. THAT'S VICKIE'S.

13 Q THAT'S VICKIE'S NUMBER. IT GETS
14 CONFUSING SOMETIMES, DOESN'T IT?

15 A POLICY NUMBER 1620240.

16 Q SOMETIMES IT GETS CONFUSING WHEN YOU
17 HAVE A COUPLE OF POLICIES, DOESN'T IT?

18 A A FEW MOMENTS WHEN YOU ASKED ME ABOUT
19 THE AMOUNT, I DID STATE \$324. THAT AMOUNT IS \$352
20 INSTEAD OF \$324.

21 Q ALL RIGHT, LET'S START OVER AGAIN SO
22 WE...STEPHEN BECKHAM'S POLICY WAS POLICY NUMBER?

23 A 162040.

24 Q AND THE AMOUNT OF THE CHECK WAS FOR?

25 A HIS ANNUAL PAYMENT WAS \$352.

- 1 Q OKAY. AND IT WAS FOR A FACE VALUE OF
2 \$200,000?
3 A THAT'S CORRECT.
4 Q ALL RIGHT, NOW, VICKIE TOOK OUT A POLICY
5 OR APPLIED FOR A POLICY SEVEN TO TEN DAYS LATER?
6 A CORRECT.
7 Q AND I THINK SHE WAS ALSO EMPLOYED AT
8 THAT TIME? THEY WERE BOTH EMPLOYED, CORRECT?
9 LIVING IN MYRTLE BEACH.
10 A THEY BOTH WERE EMPLOYED, YES. STEPHEN
11 WAS EMPLOYED AT SOUTHERN COMMUNICATIONS AND VICKIE
12 WAS EMPLOYED AT WACAMAW POTTERY AS A PERSON
13 SECRETARY.
14 Q AND I THINK YOU EVEN TOLD ME YOU MIGHT
15 HAVE GONE OVER AND MET HER AT HER OFFICE, IS THAT
16 MY MEMORY?
17 A I MET BOTH OF THEM AT THEIR PLACE OF
18 BUSINESS.
19 Q OH, OKAY. FINE. VICKIE'S POLICY WAS
20 APPLIED FOR AND SHE GOT A POLICY ON WHAT DATE?
21 A HER POLICY WAS EFFECTIVE ON JUNE THE 6TH
22 OF 1990.
23 Q AND HER NUMBER WAS?
24 A AND HER POLICY NUMBER IS 1623738.
25 Q THAT WAS THE NUMBER YOU HAD GIVEN ME

- 1 BEFORE FOR STEPHEN BECKHAM?
- 2 A THAT I ORIGINALLY GAVE YOU.
- 3 Q NOW, HER POLICY WAS A DRAFT, \$18.09 A
- 4 MONTH.
- 5 A THAT'S CORRECT.
- 6 Q WE ACTUALLY HAVE IN THE RECORD, I THINK,
- 7 FOR ABOUT THREE OR FOUR MONTHS, CORRECT, OF THE
- 8 DRAFT?
- 9 A WHAT DO YOU MEAN, THREE OR FOUR MONTHS,
- 10 SIR?
- 11 Q THREE OR FOUR MONTHS' STATEMENTS SHOWING
- 12 THE DRAFTS OF...
- 13 A OH, YES, SIR.
- 14 Q OKAY. LET ME JUST ASK YOU TO TAKE A
- 15 LOOK AT THESE, IF YOU WOULD. THE POLICY WAS
- 16 DRAFTED AND I THINK WENT WITH MR. COPELAND UP TO
- 17 JUNE OF 1994, CORRECT?
- 18 A YOU DID.
- 19 Q THIS IS THE STATEMENT FOR JUNE OF 1994.
- 20 LET'S SEE IF IT'S THE SAME THING. OKAY, THAT'S THE
- 21 SAME. OKAY. THIS IS THE ACCOUNT SUMMARY FOR JULY,
- 22 1994. DO YOU SEE A DRAFT THERE?
- 23 A YES, I DO.
- 24 Q IS THAT FOR THE SAME POLICY?
- 25 A YES, IT IS.

- 1 Q ALL RIGHT, IS THAT FOR A JOINT ACCOUNT
2 OF VICTORIA AND STEPHEN BECKHAM?
- 3 A YES, IT IS.
- 4 Q SO THIS IS ONE MONTH AFTER HER DEATH,
5 CORRECT? THIS IS JULY OF 1994? LOOK UP HERE.
- 6 A YES, IT IS. JULY.
- 7 Q OKAY. FINE. WHY DON'T YOU JUST TURN
8 THOSE STATEMENTS DOWN AND THEN WE'LL JUST...THIS IS
9 THE ACCOUNT SUMMARY FOR AUGUST OF 1994. DO YOU SEE
10 A DRAFT ON THAT ACCOUNT TO THAT POLICY, TO OLD LINE
11 FOR THAT SAME POLICY?
- 12 A THAT'S CORRECT, IN THE AMOUNT OF \$18.09.
- 13 Q AND WHAT IS THE DATE OF THAT DRAFT?
- 14 A THIS IS AUGUST OF '94.
- 15 Q THAT'S FOR VICKIE'S POLICY?
- 16 A CORRECT.
- 17 Q THAT'S TWO MONTHS AFTER HER DEATH. THIS
18 IS OCTOBER OF 1994. I GUESS I'M MISSING SEPTEMBER.
19 BUT DO YOU SEE A DRAFT ON THAT ACCOUNT--AND THAT'S
20 STILL A JOINT ACCOUNT, CORRECT?
- 21 A YES, SIR, \$18.09.
- 22 Q AND IT STILL SHOWS A DRAFT, \$18.09 FOR
23 THAT POLICY?
- 24 A YES, SIR, OLD LINE LIFE. YES, IT DOES.
- 25 Q OKAY, GO AHEAD AND TURN THAT OVER.

1 NOVEMBER OF '94?

2 A NOVEMBER OF '94 IN THE AMOUNT OF \$18.09,
3 OLD LINE LIFE. SAME POLICY NUMBER, SAME DRAFT,
4 SAME PERSON'S NAME ON IT.

5 Q AND LET'S SEE, THIS IS DECEMBER OF 1994.
6 STILL A JOINT ACCOUNT?

7 A YES, IT IS STILL A JOINT ACCOUNT, STILL
8 SAME AMOUNT; OLD LINE LIFE, SAME POLICY NUMBER,
9 VICKIE'S POLICY, \$18.09.

10 Q OKAY. AND LET'S GO INTO FEBRUARY OF
11 1995?

12 A OLD LINE LIFE, \$18.09; SAME POLICY
13 NUMBER, STILL A JOINT ACCOUNT, FOR FEBRUARY 17, '95
14 ACCOUNT.

15 Q ALL RIGHT, THAT'S EIGHT MONTHS AFTER HER
16 HOMICIDE, CORRECT?

17 A CORRECT.

18 Q THIS IS APRIL, AND LET ME JUST SHOW YOU
19 APRIL OF 1995.

20 A APRIL, '95; \$18.09, OLD LINE LIFE, SAME
21 POLICY NUMBER.

22 MR. SWERLING: YOUR HONOR, WE WOULD LIKE
23 TO OFFER THESE AS AN EXHIBIT.

24 THE COURT: ANY OBJECTION?

25 MR. SWERLING: OH, WE HAVE, YOUR HONOR,

1 WE'D PUT SEPTEMBER IN THERE ALSO. LET ME JUST HAVE
2 HER IDENTIFY IT.

3 Q IS THAT THE SEPTEMBER?

4 A YES, IT IS, \$18.09.

5 Q ALL RIGHT, THANK YOU.

6 MR. SWERLING: ANY OBJECTIONS?

7 MR. COULTER: NO, NOT THAT I CAN SEE.

8 THE COURT: ALL RIGHT, WITHOUT

9 OBJECTION.

10 MR. SWERLING: LET ME JUST GO AHEAD AND
11 MAKE THE RECORD CLEAN ON IT AS FAR AS...THIS IS
12 MAY.

13 Q MR. COULTER JUST ASKED YOU ABOUT MAY BUT
14 THAT DOES NOT SHOW A DRAFT, CORRECT?

15 A NO, SIR. I STOPPED THE DRAFT IN APRIL
16 SO THE ACTUAL DRAFT WOULD NOT HAVE BEEN TAKEN OUT
17 IN MAY OF '95.

18 Q SO FOR SOME SIX, ALMOST I GUESS TEN
19 MONTHS AFTER HER DEATH, HER ACCOUNT AND STEPHEN
20 BECKHAM'S ACCOUNT, JOINT ACCOUNT, WAS STILL BEING
21 DRAFTED FOR HER POLICY?

22 A YES, IT WAS.

23 Q OKAY.

24 COURT REPORTER: DEFENDANT'S TWENTY-
25 SEVEN.

1 (SO MARKED AND ENTERED AS DEFENDANT'S
2 EXHIBIT NUMBER 27, WITHOUT OBJECTION.)

3 Q NOW, DO YOU HAVE STEPHEN'S ORIGINAL
4 APPLICATION?

5 A NO, I DO NOT. THE ORIGINAL WAS ALWAYS
6 IN THE POLICY AT THE HOME OFFICE.

7 Q OKAY. DO YOU KNOW WHETHER OR NOT HE HAD
8 ANY OTHER INSURANCE AT THE TIME HE APPLIED FOR THE
9 POLICY WITH OLD LINE?

10 A THEY BOTH HAD A SMALL POLICY WITH ME
11 THROUGH A COMPANY CALLED INVESTOR'S LIFE, BUT THEY
12 HAD DROPPED THAT POLICY AND TOOK OUT THIS INSURANCE
13 WITH OLD LINE.

14 Q SMALL POLICY?

15 A THIRTY THOUSAND.

16 Q OKAY. LET ME JUST SEE IF YOU CAN
17 RECOGNIZE THIS AND SEE IF YOU CAN IDENTIFY IT. AND
18 I'LL SHOW IT TO MR. COULTER AFTER. IT'S ANOTHER
19 APPLICATION. CAN YOU IDENTIFY IT? CAN YOU IDENTIFY
20 THE DOCUMENT, NOT NECESSARILY WHAT'S ON IT?

21 A OH, YES, SIR. IT'S AN APPLICATION
22 THROUGH, TO OLD LINE LIFE ON STEPHEN BECKHAM FOR
23 \$100,000 INSURANCE, DATED DECEMBER THE 12TH OF '94.

24 Q OKAY. AND DOES IT SHOW THE EXISTENCE OF
25 ANY OTHER INSURANCE THAT MR. BECKHAM STATED HE HAD?

1 A STATES HERE HE HAD UNK.

2 Q UNKNOWN?

3 A OH, OKAY. UNKNOWN. 1988 FOR, THAT WAS
4 OBTAINED FOR \$250,000.

5 Q OKAY. ALL RIGHT. BUT IT HAS UNKNOWN
6 AND THEN IT HAS AN AMOUNT, IS THAT CORRECT?

7 A THAT'S CORRECT.

8 MR. SWERLING: DO YOU HAVE ANY OBJECTION
9 TO THIS, MR. COULTER?

10 MR. COULTER: NO.

11 THE COURT: WITHOUT OBJECTION.

12 (SO MARKED AND ENTERED AS DEFENDANT'S
13 EXHIBIT NUMBER 28, WITHOUT OBJECTION.)

14 THE COURT: MR. SWERLING, HOW LONG ARE
15 YOU GOING TO BE?

16 MR. SWERLING: JUST A COUPLE OF MOMENTS.
17 YOUR HONOR, MY COPY HAS THIS HIGHLIGHT IN YELLOW.
18 WE COULD MAKE A REGULAR COPY AND THEN JUST
19 SUBSTITUTE IN THE RECORD.

20 Q ALL RIGHT, NOW, MS. BIANCA, LET ME ASK
21 YOU JUST A COUPLE MORE QUESTIONS, IF I CAN. DO YOU
22 REMEMBER RECEIVING A CALL FROM ME IN FEBRUARY OF
23 1995?

24 A YES, I DO.

25 Q OKAY, DID YOU KEEP ANY RECORDS FROM OUR

- 1 CONVERSATION?
- 2 A NO, I DID NOT.
- 3 Q OKAY. DO YOU RECALL, YOU RECALL WHEN WE
- 4 SPOKE?
- 5 A YES, I DO.
- 6 Q THAT WAS THE FIRST TIME, IN FACT, WASN'T
- 7 IT, WHERE YOU HAD ANY COMMUNICATION WITH ANYONE FOR
- 8 STEPHEN BECKHAM IN CONNECTION WITH THAT POLICY,
- 9 ISN'T THAT TRUE?
- 10 A OTHER THAN SLED WHEN THEY VISITED MY
- 11 HOME ASKED QUESTIONS.
- 12 Q YES, MA'AM. YES, MA'AM. IN OTHER
- 13 WORDS, WHEN I CALLED YOU IN FEBRUARY OF 1995 I WAS
- 14 INQUIRING ABOUT A POLICY THAT WE HAD HEARD WAS IN
- 15 EXISTENCE, IS THAT CORRECT?
- 16 A THAT IS CORRECT.
- 17 Q ALL RIGHT, AND I STATED TO YOU WE DID
- 18 NOT KNOW ABOUT THE EXISTENCE OF THAT POLICY, ISN'T
- 19 THAT CORRECT? THAT IT WAS STILL IN EFFECT?
- 20 A ARE YOU SPEAKING OF VICKIE'S POLICY...
- 21 Q YES, SIR.
- 22 A ...OR STEPHEN'S POLICY?
- 23 Q NO, VICKIE'S POLICY, AT THE TIME WHEN I
- 24 CALLED YOU.
- 25 A AT THE TIME YOU CALLED ME.

1 Q I SAID TO YOU THAT WE WERE NOT AWARE
2 THAT POLICY WAS STILL IN EFFECT.

3 A YOU WERE NOT AWARE, I WAS AWARE.

4 Q BUT YOU WERE AWARE OF IT. I SAID WE
5 WERE NOT, IS THAT CORRECT?

6 A THAT IS CORRECT.

7 Q ALL RIGHT, YOU AGREE WITH THAT
8 CONVERSATION?

9 A I DO.

10 Q ALL RIGHT. AND THEN YOU TOLD ME, WHEN I
11 ASKED ABOUT, I THINK YOU TOLD ME YOU HAD BEEN
12 VISITED BY SOME SLED AGENTS AT THAT TIME?

13 A YES, SIR.

14 Q OR SOME FBI AGENTS, I WASN'T ...

15 A SLED AGENTS.

16 Q SLED AGENTS. AND THAT WAS ABOUT WHEN?
17 OUR CONVERSATION WAS IN FEBRUARY OF 1995.

18 A APRIL THE 17TH OF '95 IS WHEN I ACTUALLY
19 CALLED THE HOME OFFICE TO STOP THE DRAFT SO IT WAS
20 ABOUT TWO OR THREE DAYS PRIOR TO THAT THEY ACTUALLY
21 LET ME KNOW OF HER DEATH.

22 Q RIGHT.

23 A AND THAT WAS MY RESPONSIBILITY AS AN
24 AGENT TO STOP THE DRAFT SINCE NO ONE IN THE FAMILY
25 HAD DONE SO.

- 1 Q THAT'S WHAT I WANTED TO REMIND YOU OF.
2 WE TALKED ON FEBRUARY 9TH OF 1995, CORRECT?
- 3 A I DO NOT KNOW WHEN YOU AND I ACTUALLY
4 SPOKE BUT I DO KNOW IT WAS THE BEGINNING OF THE
5 YEAR.
- 6 Q BEGINNING OF THE YEAR. AND WHEN WE
7 SPOKE, YOU HAD ALREADY BEEN CONTACTED BY LAW
8 ENFORCEMENT?
- 9 A YES, SIR.
- 10 Q SO YOUR CONTACT WITH LAW ENFORCEMENT HAD
11 TO TAKE PLACE PRIOR TO FEBRUARY OF '95, FOLLOW ME?
- 12 A YES, THAT'S TRUE.
- 13 Q OKAY. IT WASN'T APRIL.
- 14 A LET ME LOOK AT MY NOTES AGAIN, PLEASE.
- 15 Q OKAY.
- 16 A NO, SIR, I WAS NOT ACTUALLY SEEN UNTIL
17 APRIL OF '95.
- 18 Q OKAY, BUT...
- 19 A BECAUSE I DIDN'T KNOW AT THAT TIME.
- 20 Q WELL, WE SPOKE IN FEBRUARY OF 1995.
- 21 A IF WE SPOKE IN FEBRUARY, I DID NOT KNOW
22 WE SPOKE IN FEBRUARY; I KNOW IT WAS THE FIRST OF
23 THE YEAR BUT I KNOW I PERSONALLY DID NOT KNOW UNTIL
24 I WAS VISITED BY THE SLED AGENTS, UP OR DOWN.
- 25 Q WELL, IF I SAY, IF I TOLD YOU WE SPOKE

1 IN FEBRUARY OF 1995, YOU WOULD NOT DISPUTE THAT, IS
2 THAT CORRECT?

3 A I WOULD SAY I DO NOT KNOW WHAT MONTH WE
4 SPOKE.

5 Q WELL, WOULD YOU DISPUTE IT?

6 A I DON'T KNOW THE MONTH WE SPOKE, SO I
7 GUESS THAT WOULD BE A DISPUTE, YES.

8 Q ALL RIGHT. WOULD YOU DISPUTE THE FACT
9 IN OUR CONVERSATION YOU TOLD ME YOU'D ALREADY BEEN
10 VISITED BY THE SLED AGENTS?

11 A IF I TOLD YOU THAT, I DON'T REMEMBER
12 SAYING SO. I DO REMEMBER THEM COMING TO MY HOME
13 AND I REMEMBER CALLING THE HOME OFFICE ON APRIL
14 17TH BECAUSE I ACTUALLY WROTE IT DOWN WHEN I DID
15 SO.

16 Q DO YOU RECALL TELLING ME WHEN WE SPOKE
17 IN FEBRUARY OF 1995 THAT A NOTICE HAD BEEN SENT BY
18 THE INSURANCE COMPANY TO STEPHEN BECKHAM?

19 A YES, THAT IS CORRECT.

20 Q ABOUT VICKIE'S DEATH.

21 A I AUTOMATICALLY, WHEN I CALLED APRIL
22 17TH, 1995, WOULD AUTOMATICALLY SEND A CLAIM FORM
23 TO THE BENEFICIARY.

24 Q BUT SHE DIED IN JUNE OF 1995, '94. JUNE
25 12TH OF '94.

1 A OKAY.

2 Q AND DO YOU RECALL IN OUR CONVERSATION, I
3 TOLD YOU THAT MR. BECKHAM HAD NEVER RECEIVED A
4 CLAIM FORM?

5 A A CLAIM FORM WAS SENT OUT TO ROUTE 1,
6 BOX 163, POMARIA, SOUTH CAROLINA.

7 Q WHAT DATE WAS IT SENT OUT THOUGH, MS.
8 BIANCA?

9 A I HAVE NO IDEA WHEN THE HOME OFFICE
10 ACTUALLY SENT IT OUT. I NOTIFIED THE HOME OFFICE
11 ON APRIL 17TH OF '95. IT'S CUSTOMARY THAT ONCE I,
12 AS AGENT, SINCE I NOTIFIED THEM OF VICKIE'S DEATH,
13 IT'S CUSTOMARY FOR AN INSURANCE COMPANY TO SEND OUT
14 THE CLAIM FORMS IMMEDIATELY. AND I WOULD SAY IT
15 PROBABLY WENT OUT WITHIN THE NEXT SEVEN TO TEN
16 DAYS, UNLESS THEY WERE EXTREMELY BACKLOGGED.

17 Q MS. BIANCA, THIS IS NOT AN EFFORT TO TRY
18 AND CONFUSE YOU. IT'S AN EFFORT TO TRY AND GET THE
19 DATE STRAIGHT, OKAY.

20 LET ME SHOW YOU THIS AND SEE IF THIS
21 REFRESHES YOUR MEMORY AS TO WHEN YOU SPOKE WITH THE
22 SLED AGENTS.

23 A THIS SAYS AUGUST OF '94. IT COULD...I
24 DON'T REMEMBER WHEN THE SLED AGENTS ACTUALLY CAME
25 TO MY HOME.

1 Q OKAY. I UNDERSTAND THAT.

2 A BUT IF THEY CAME AUGUST 31ST, AND THEY
3 DOCUMENTED AUGUST THEN THEY DID COME TO MY HOME
4 AUGUST 31ST.

5 Q AUGUST 31ST OF '94 WAS WHEN THE SLED
6 AGENTS CAME TO SEE YOU, CORRECT?

7 A THAT'S WHAT THIS SAYS. UH-HUH.

8 Q ALL RIGHT. AND THAT'S AN INTERVIEW
9 SHEET WITH YOU, IS THAT CORRECT. DO YOU RECALL THE
10 INTERVIEW?

11 A YES, I DO.

12 Q OKAY. SO THE INTERVIEW TOOK PLACE IN
13 AUGUST OF 1994?

14 A ACCORDING TO THIS, IT DID, YES SIR.

15 Q TWO MONTHS AFTER VICKIE BECKHAM'S DEATH,
16 CORRECT?

17 A THIS IS WHAT, THE DATE OF INTERVIEW SAYS
18 AUGUST 31ST OF '94.

19 Q SO YOU WERE CONTACTED ACTUALLY FOR SEVEN
20 MONTHS PRIOR TO WHEN YOU SAY, WHEN YOU THOUGHT
21 YOU'D BEEN CONTACTED? IS THAT CORRECT?

22 A OBVIOUSLY. I JUST, I DON'T REMEMBER
23 WHEN THEY ACTUALLY CAME, BUT I DO REMEMBER WHEN I
24 ACTUALLY CALLED THE HOME OFFICE.

25 Q BUT THE PREMIUMS KEPT BEING DRAFTED

1 UNTIL APRIL OF 1995, ACCORDING TO WHAT WE'VE JUST
2 SEEN, CORRECT?

3 A EVIDENTLY, I DID NOT CALL IN AT THAT
4 TIME BECAUSE PERHAPS MAYBE IN MY MIND I THOUGHT
5 THAT MR. BECKHAM DID SO. AND MAYBE AT THAT TIME
6 WHEN THE SLED AGENTS WERE TALKING TO ME, I PERHAPS
7 DID NOT KNOW THAT WAS STILL GOING ON AND THEN WHEN
8 I ACTUALLY PROBABLY LOOKED AT MY COMMISSION
9 STATEMENTS ONE DAY REALIZED IT AND THEN THAT
10 PROBABLY PROMPTED ME TO CALL AND STOP THAT DRAFT IN
11 APRIL OF 1995.

12 Q THE BOTTOM LINE IS IN AUGUST OF 1994 YOU
13 KNEW ABOUT VICKIE BECKHAM'S DEATH, BUT THE POLICY
14 KEPT BEING DRAFTED FROM THE JOINT ACCOUNT OF
15 STEPHEN AND VICKIE BECKHAM UNTIL APRIL OF 1995,
16 RIGHT?

17 A THAT'S NOT MY RESPONSIBILITY TO CALL.

18 Q I'M NOT SUGGESTING IT WAS, OKAY. BUT
19 THE COMPANY WAS NOT NOTIFIED?

20 A THE COMPANY WAS NOT NOTIFIED THEREFORE
21 THEY CONTINUED DRAFTING OUT OF THE JOINT ACCOUNT.

22 Q IN FACT, THE COMPANY WAS NOT NOTIFIED OF
23 VICKIE'S DEATH UNTIL APRIL OF 1995, ISN'T THAT
24 TRUE?

25 A APRIL 17TH OF '95 IS WHEN I ACTUALLY

1 NOTIFIED THEM.

2 Q AND THAT WAS AS A RESULT OF THE PHONE
3 CALLS THAT YOU AND I WERE HAVING IN THE SPRING OF
4 1995, ISN'T THAT TRUE?

5 A THAT IS CORRECT.

6 Q AND THAT WAS WHEN YOU FOUND OUT THAT HE
7 HAD NEVER BEEN NOTIFIED OF THE POLICY OR HIS RIGHT
8 TO CLAIM THE POLICY, ISN'T THAT TRUE?

9 A HE WAS NOTIFIED AFTER I NOTIFIED THE
10 COMPANY OF HER DEATH. THERE WAS A CLAIM FORM SENT
11 TO HIM.

12 Q RIGHT, BUT NOT AT THE TIME THAT YOU AND
13 I WERE TALKING. AND YOU FOUND THAT OUT BECAUSE OF
14 OUR CONVERSATIONS, ISN'T THAT TRUE? ISN'T IT TRUE
15 YOU WERE SURPRISED WHEN I CALLED YOU AND TOLD YOU
16 HE HAD NEVER BEEN NOTIFIED OF THAT POLICY OR THE
17 CLAIM FORM, AND THAT'S WHAT PROMPTED YOU TO CALL
18 THE COMPANY?

19 A WELL, I DON'T KNOW WHETHER OUR
20 CONVERSATION--I THINK WHAT PROMPTED ME TO CALL THE
21 COMPANY WAS THE FACT THAT I NOTICED IT STILL ON MY
22 COMMISSIONS STATEMENTS.

23 Q RIGHT, BUT WE WERE ALSO HAVING
24 CONVERSATIONS IN FEBRUARY AND MARCH OF 1994, 5.

25 A WE WERE HAVING CONVERSATIONS, YES.

- 1 Q OKAY. AND AS A RESULT OF YOUR CALLING
2 THE COMPANY, AS A RESULT OF MY PHONE CALLS WITH YOU
3 AND AS A RESULT OF YOUR CALLING THE COMPANY, THIS
4 FORM WAS SENT OUT WITH A COPY TO YOU ON APRIL 17TH,
5 1995, ISN'T THAT CORRECT?
- 6 A NO, SIR. I DID NOT RECEIVE THIS.
- 7 Q IT SAYS YOU CC ON THE BOTTOM, DOESN'T
8 IT?
- 9 A YES, IT DOES.
- 10 Q I MEAN IS THAT OLD LINE LIFE INSURANCE
11 COMPANY?
- 12 A YES, IT IS. I DID NOT RECEIVE--EVEN
13 THOUGH IT DOES SAY CARBON COPY TO DIANE BIANCA, I
14 DID NOT RECEIVE THAT.
- 15 Q BUT THAT INDICATES THE DAY THAT THE
16 CLAIM, THE NOTICE AND THE CLAIM FORM WAS SENT TO
17 STEPHEN BECKHAM, ISN'T THAT TRUE?
- 18 A YES, IT DOES.
- 19 Q AND THE DATE OF THAT IS WHAT?
- 20 A APRIL 17TH, 1995.
- 21 Q OKAY.
- 22 A SO THAT THAT WAS SENT OUT TO ROUTE 1,
23 BOX 163, POMARIA.
- 24 Q SO, WHAT WE HAVE IS...
- 25 MR. SWERLING: I'D LIKE TO OFFER THIS.

1 ANY OBJECTION?

2 THE COURT: ANY OBJECTION?

3 MR. SWERLING, YOU TOLD ME JUST A MINUTE
4 OR TWO...

5 MR. SWERLING: YES, SIR. WE JUST TOOK A
6 LITTLE WHILE LONGER...

7 MR. COULTER: I DO HAVE A FEW QUESTIONS
8 IN FOLLOW-UP AS WELL. I DON'T OBJECT.

9 MR. SWERLING: NO OBJECTIONS, OKAY.

10 (SO MARKED AND ENTERED AS DEFENDANT'S
11 EXHIBIT NUMBER 29, WITHOUT OBJECTION.)

12 Q MS. BIANCA, THEN WHAT WE HAVE IS YOUR
13 CONTACT WITH SLED IN AUGUST, MY CONTACT WITH YOU IN
14 THE SPRING, AND THE COMPANY ONLY IN APRIL OF 1995
15 NOTIFYING MR. BECKHAM, CORRECT?

16 A CORRECT.

17 Q NOW, ARE YOU ALSO AWARE OF THE FACT THAT
18 MR. BECKHAM RELINQUISHED ANY CLAIM TO THAT POLICY?

19 A EXCUSE ME. OF COURSE THERE IS A LETTER
20 HERE ON JUNE 13TH THAT I HAVE HERE IN MY FILE THAT
21 WENT TO MR. KENNETH WINGATE.

22 Q JUNE 13TH OF WHAT YEAR?

23 A 1996.

24 Q 1996.

25 A UH-HUH. STATING THAT THEY AGAIN HAVE

1 SENT ONE NOTICE AND WERE SENDING ANOTHER BECAUSE NO
2 ONE FOLLOWED UP ON THE ACTUAL CLAIM.

3 Q THAT'S JUST A COUPLE OF MONTHS AGO, AND
4 ARE YOU AWARE OF THE FACT THAT MR. BECKHAM
5 RELINQUISHED ANY CLAIM THAT HE HAD UNDER THE POLICY
6 TO THE CHILDREN?

7 A NO, I'M NOT AWARE OF THAT.

8 MR. SWERLING: THAT'S ALL I HAVE, YOUR
9 HONOR.

10 THE COURT: REDIRECT, MR. COULTER.

11 MR. COULTER: THANK YOU.

12 REDIRECT EXAMINATION:

13 BY MR. COULTER:

14 Q IF YOU COULD, REFERRING BACK TO DEFENSE
15 EXHIBIT NUMBER 29, WHAT'S THE DATE OF THAT
16 PARTICULAR LETTER?

17 A APRIL 17TH OF 1995. THAT IS THE DATE I
18 CALLED IN TO NOTIFY.

19 Q APRIL OF '95?

20 A THAT'S RIGHT.

21 Q AND THE DEFENDANT'S ATTORNEY, MR.
22 SWERLING, CALLED YOU APPARENTLY WHEN?

23 A I DO NOT KNOW WHEN MR. JACK SWERLING
24 CALLED ME.

25 Q DID HE INDICATE TO YOU THROUGH NOTES, OR

1 DID HE INDICATE DURING CROSS THAT IT WAS IN
2 FEBRUARY OF '95?

3 A HE DID, BUT I DO NOT REMEMBER. I KNOW
4 THAT WE TALKED BUT I DO NOT REMEMBER THE DATE THAT
5 WE TALKED.

6 Q AND HE WAS CALLING ON THE DEFENDANT
7 BECKHAM'S BEHALF IN FEBRUARY OF '95?

8 A HE CALLED ME ON THE DEFENDANT'S BEHALF,
9 BUT I DO NOT KNOW THE MONTH THAT HE CALLED ME.

10 Q OKAY. SO IN FEBRUARY OF '95, WHO WAS
11 THE BENEFICIARY ON THE APPLICATION OF VICTORIA
12 LANDER BECKHAM?

13 A THE SAME AS IN 1990 WHEN THE POLICY WAS
14 ESTABLISHED. A BENEFICIARY CANNOT BE CHANGED.

15 Q SO, IF THE BENEFICIARY, IF THE DEFENDANT
16 BECKHAM RELINQUISHED HIS BENEFICIARY STATUS, IT WAS
17 SUBSEQUENT TO THE TIME YOU TALKED TO MR. SWERLING
18 IN FEBRUARY OF '95?

19 A I DON'T UNDERSTAND THE QUESTION. I'M
20 SORRY.

21 Q IF THE DEFENDANT HAD RELINQUISHED HIS
22 RIGHTS AS A BENEFICIARY--YOU SAID IN FEBRUARY OF
23 '95, THE BENEFICIARY WAS STILL THE DEFENDANT
24 BECKHAM, IS THAT RIGHT?

25 A RIGHT.

1 Q IF HE HAS, IN FACT, RELINQUISHED
2 BECOMING A BENEFICIARY, IT WAS AFTER MR. SWERLING
3 CALLED ON HIS BEHALF IN FEBRUARY OF '95, IS THAT
4 CORRECT?

5 A I GUESS. I SUPPOSE THAT WOULD BE
6 CORRECT IF THAT'S WHEN HE CALLED ME, IN FEBRUARY.
7 I JUST DON'T REMEMBER THE MONTH HE CALLED ME, BUT
8 WE DID HAVE A CONVERSATION, A LONG CONVERSATION.

9 Q SO IT WAS AFTER HIS ATTORNEY CALLED
10 YOU...

11 MR. SWERLING: OBJECTION; ASKED AND
12 ANSWERED.

13 THE COURT: SUSTAINED.

14 Q NOW, HOW MANY PEOPLE DID YOU TALK TO
15 BACK WHEN MR. SWERLING CONTACTED YOU? WAS IT JUST
16 MR. SWERLING ON ONE LINE AND YOU ON THE OTHER?

17 A I DON'T KNOW.

18 Q WELL, WAS HE ON A SPEAKER PHONE, DO YOU
19 RECALL?

20 A ONE TIME HE WAS IN HIS CAR WHEN HE
21 CALLED ME.

22 Q ALL RIGHT, SO WHEN HE INDICATED TO YOU
23 THAT "WE" DIDN'T KNOW A POLICY WAS IN EFFECT, IT
24 WAS ACTUALLY HE WAS INDICATING TO YOU...

25 MR. SWERLING: OBJECTION, YOUR HONOR,

1 LEADING HIS WITNESS?

2 THE COURT: REPHRASE YOUR QUESTION.

3 Q DID HE NOT CHARACTERIZE TO YOU DURING
4 CROSS EXAMINATION THAT "WE" DID NOT KNOW THE POLICY
5 WAS IN EFFECT? DIDN'T HE SAY THAT?

6 A THAT'S CORRECT.

7 Q BUT IN FACT, YOU ONLY TALKED TO MR.
8 SWERLING, ISN'T THAT RIGHT?

9 MR. SWERLING: OBJECTION, YOUR HONOR.

10 SHE DOESN'T KNOW WHO SHE WAS SPEAKING TO. SHE
11 KNOWS SHE WAS SPEAKING TO ME.

12 THE COURT: EXCUSE ME. THAT'S THE
13 QUESTION THAT HE ASKED. SHE MAY ANSWER THE
14 QUESTION.

15 Q SO YOU ONLY TALKED TO MR. SWERLING ABOUT
16 IT, OTHER THAN SLED?

17 A YES. I TALKED TO MR. SWERLING, YES.

18 Q ALL RIGHT. AND WHO AGAIN TALKED TO YOU
19 FIRST ABOUT VICKIE BECKHAM GETTING A HUNDRED
20 THOUSAND DOLLAR LIFE INSURANCE POLICY? WHO TALKED
21 TO YOU ABOUT THAT?

22 A WHO TALKED TO ME ABOUT IT?

23 Q YES.

24 A SLED WHEN THEY VISITED ME.

25 Q NO, BACK IN 1990, WHO INITIATED VICKIE

1 BECKHAM GETTING A HUNDRED THOUSAND DOLLAR LIFE
2 INSURANCE POLICY?

3 MR. SWERLING: YOUR HONOR, HE'S
4 IMPEACHING HIS OWN WITNESS.

5 MR. COULTER: NO.

6 MR. SWERLING: ARGUING HIS OWN WITNESS.

7 THE COURT: HE IS PERMITTED TO DO THAT.

8 Q WHO, IN 1990 INITIATED VICKIE BECKHAM
9 GETTING A HUNDRED THOUSAND DOLLAR LIFE INSURANCE
10 POLICY?

11 A VICKIE INITIATED IT BECAUSE SHE WOULD
12 HAVE TO SIGN TO INITIATE THE APPLICATION.

13 Q WHO FIRST TALKED TO YOU ABOUT GETTING
14 THE HUNDRED THOUSAND DOLLAR LIFE INSURANCE POLICY?

15 MR. SWERLING: OBJECTION. HE'S ARGUING
16 WITH HIS WITNESS.

17 THE COURT: OVERRULED.

18 MR. COULTER: NO.

19 Q WHO FIRST TALKED TO ABOUT VICKIE GETTING
20 A HUNDRED THOUSAND DOLLAR LIFE INSURANCE POLICY?

21 A WHEN I FIRST VISITED STEPHEN WE
22 DISCUSSED INSURANCE FOR HE AND VICKIE.

23 Q SO THE DEFENDANT BECKHAM FIRST MENTIONED
24 THIS HUNDRED THOUSAND DOLLAR POLICY?

25 MR. SWERLING: OBJECTION, YOUR HONOR.

1 THAT IS A CONCLUSION ON HIS PART. HE'S STATING IT
2 IN A FORM...

3 THE COURT: SUSTAINED. SHE ANSWERED THE
4 QUESTION.

5 MR. COULTER: I DON'T HAVE ANYTHING
6 FURTHER.

7 MR. SWERLING: NOTHING FURTHER.

8 THE COURT: ALL RIGHT, THANK YOU, MA'AM.
9 ALL RIGHT, MA'AM, YOU MAY STEP DOWN. ANY REASON
10 WHY SHE CAN'T BE RELEASED FROM HER SUBPOENA?

11 MR. SWERLING: NO OBJECTION.

12 THE COURT: ALL RIGHT, LADIES AND
13 GENTLEMEN OF THE JURY PANEL, I KNOW MS. DUKES WILL
14 TAKE ONE OF THE JURORS THAT NEEDS TO HAVE SOME
15 ATTENTION TODAY. WE'LL ASK YOU TO BE BACK AT 2:30
16 AND WE'LL CONTINUE ALONG. DON'T BEGIN ANY COMMENT
17 OR DISCUSSION, AND THAT WILL GIVE EVERYBODY A
18 CHANCE TO DO WHAT THEY NEED TO DO.

19 (JURY RECESSED FOR LUNCH AT 1:00 P.M.)

20 THE COURT: ALL RIGHT, I HAVE NO IDEA
21 WHAT THE RESULT OF THAT CONVERSATION AT TWO O'CLOCK
22 IS GOING TO BE, BUT I WOULD ADVISE THE STATE TO
23 HAVE AGENT BLACK, RICHARD ANDERSON AND MCCRAW
24 AVAILABLE IN THE EVENT THINGS WORK THEMSELVES OUT
25 AND THEY ARE CALLED AS WITNESSES, AND WE CAN GET ON

1 WITH IT. NOW IT MAY BE THAT WE CAN'T, AND IT MAY
2 BE THAT WE HAVE AN OVERNIGHT OR AN ALL DAY--I JUST
3 DON'T KNOW WHAT'S GOING TO HAPPEN YET.

4 MR. HARPOOTLIAN: YOUR HONOR,...

5 MR. JONES: JUDGE, CAN MS. BIANCA BE
6 EXCUSED?

7 THE COURT: SURE, I'M SORRY. GO AHEAD.
8 I THOUGHT I SAID THAT AWHILE AGO.

9 MR. HARPOOTLIAN: YOUR HONOR, WE'LL BE
10 HERE AT TWO O'CLOCK FOR THAT PHONE CALL. WE WOULD
11 ASK THAT NO ONE CONVERSE WITH MR. ANDERSON ABOUT
12 ANY FINGERPRINTS. OF COURSE, MR. BLACK I'M SURE
13 HAS BEEN WITH AND HAD TO BE WITH AGENT SPRINGS AND
14 THOSE FOLKS DURING THE PROCESS OF...

15 THE COURT: I HAD...MR. ANDERSON IS HERE
16 IN THE NEWBERRY DETENTION CENTER, AS I UNDERSTAND
17 IT. AND I'VE JUST HAVE INSTRUCTED THE SHERIFF THAT
18 JEFFCOAT, WARD AND I'LL EXTEND IT TO ANDERSON, ARE
19 TO HAVE NO CONTACT WITH ANYBODY. SO PUT ANDERSON
20 ON THE LIST THAT NO CONTACT AT THIS POINT IN TIME
21 AND THEN WE'LL SEE WHAT HAPPENS.

22 YOU KNOW, I UNDERSTAND UNDER THE RULES
23 YOU MAY BE ENTITLED TO SOME RELIEF FROM THAT. I
24 JUST DON'T WANT ANY INFERENCE ONE WAY OR THE OTHER
25 ABOUT THIS THING, SO JUST KEEP THEM CLEAN AND SAFE.

1 . OKAY?

2 ALL RIGHT, WE'LL START BACK HERE AT 2:30
3 BUT WE'LL BE BACK AT TWO TO SEE WHAT WE CAN IRON
4 OUT ONE WAY OR THE OTHER.

5 (COURT RECESSED FOR LUNCH, RECONVENING
6 AT 3:13 P.M.)

7 MR. COULTER: JUDGE, I'D LIKE TO CLEAN
8 JUST ONE THING UP BEFORE WE GOT STARTED. THIS IS A
9 PHOTOGRAPH THAT HAS BEEN MARKED FOR IDENTIFICATION
10 AS STATE'S EXHIBIT NUMBER 18. I JUST WANTED TO
11 MAKE SURE IT'S INTRODUCED INTO EVIDENCE.

12 MR. HARPOOTLIAN: YOUR HONOR, WE
13 OBJECTED TO THAT PHOTOGRAPH BECAUSE IT HAD NO
14 EVIDENTIARY VALUE, BECAUSE THERE'S BEEN NO
15 TESTIMONY THERE WAS ANYTHING IN THAT FIRE OF ANY
16 EVIDENTIARY VALUE, AND IT CALLS FOR SPECULATION ON
17 THE PART OF THE JURY.

18 THE COURT: INVESTIGATOR BLACK, FOR THE
19 RECORD, YOUR HONOR, TESTIFIED THAT HE LOOKED AT IT,
20 SAW NOTHING OF ANY EVIDENTIARY VALUE IN THAT FIRE
21 SO THEREFORE HE DID NOT HAVE A SAMPLE.

22 MR. COULTER: AND EVERYTHING IN THE FIRE
23 IF THERE WAS ANYTHING IN THE FIRE, WAS CONSUMED.

24 MR. HARPOOTLIAN: BUT IT WASN'T
25 MICROSCOPICALLY CONSUMED.

1 MR. COULTER: AGAIN, THAT GOES TO
2 WEIGHT, NOT ADMISSIBILITY, YOUR HONOR.

3 MR. HARPOOTLIAN: YOUR HONOR, I WOULD
4 SUGGEST IT CALLS FOR UNDUE SPECULATION ON THE PART
5 OF THE JURY.

6 THE COURT: LET ME SEE THE PHOTOGRAPH.

7 (PHOTOGRAPH PROFFERED)

8 MR. COULTER: JUDGE, HERE'S A FIRE, A
9 FIRE THAT'S SO HOT THAT THE NEXT DAY IT IS STILL
10 GLOWING WITH EMBERS AND THE AGENT CAN FEEL IT AS HE
11 APPROACHES THAT FIRE AFTER IT IS ALL...AND THIS IS
12 IN THE MIDDLE OF JUNE, MIND YOU. I THINK THERE'S
13 AN ARGUMENT THERE THAT CAN BE MADE BY THE STATE,
14 AND WOULDN'T CALLED SPECULATIVE. IT WOULD BE
15 THEORY AND IT WOULD GO TOWARD WEIGHT NOT
16 ADMISSIBILITY.

17 THE COURT: ALL RIGHT, OBJECTION
18 OVERRULED ON THE BASIS THAT, OF COURSE HE MIGHT
19 WELL HAVE AN EXPLANATION THAT THEY HAD FOUR
20 CHILDREN AT THAT HOUSE, YOU KNOW, IN THE
21 SUMMERTIME.

22 ALL RIGHT, LET ME DEAL WITH WHAT I WAS
23 GOING TO DEAL WITH. ALL RIGHT, LISTEN, GENTLEMEN.

24 MR. HARPOOTLIAN: I'M SORRY, YOUR HONOR.

25 THE COURT: THE COMMENT THIS MORNING WAS

1 MADE AT BILL AND FRAN'S BY SOMEBODY WHO WALKED BY
2 ONE OF THE JURORS WHO IS MS. EDNA CAPPS, I BELIEVE,
3 WHO IS THE ALTERNATE, SOMETHING TO THE EFFECT,...HE
4 SIMPLY WALKED BY AND MADE THE COMMENT "HUNG JURY."

5 HER RESPONSE TO THE SLED AGENT, LINDA
6 MARSH, WAS THAT SHE FELT HE WAS MAKING A SMART
7 REMARK, AND NONE OF THE OTHER JURORS ACTUALLY HEARD
8 THE REMARK, BUT MS. CAPPS MADE A COMMENT ABOUT IT
9 THAT SHE FELT SOMEBODY WAS BEING SMART. BECAUSE
10 SHE DID NOT IMMEDIATELY REPORT THAT, WE WERE NOT
11 ABLE TO APPREHEND THAT PERSON TO FIND OUT ANYMORE.
12 THAT WAS THE REASON FOR MY INSTRUCTION THIS
13 MORNING.

14 THE SLED AGENT, MS. MARSH, TELLS ME
15 THAT, AND IN HER REPORT TO ME WAS THAT THEY
16 BELIEVED IT WAS IN FACT A SMART REMARK AND DO NOT
17 ATTACH ANY SIGNIFICANCE. NOW, I'LL BE GLAD TO GIVE
18 ANYBODY ANY FURTHER HEARING WITH THE SLED AGENT OR-
19 -I'VE ALREADY INQUIRED OF THE JURY...

20 MR. HARPOOTLIAN: EXCUSE US, YOUR HONOR.
21 LET US CHECK WITH OUR CLIENT.

22 (BRIEF ATTORNEY/CLIENT CONFERENCE)

23 MR. HARPOOTLIAN: YOUR HONOR, OUR CLIENT
24 WOULD JUST RELATE THROUGH US TO YOU HE WOULD
25 APPRECIATE ANY TIGHTENING OF ACCESS TO THE JURY

1 THAT COULD BE HAD BY SLED GUARD. WE UNDERSTAND
2 IT'S DIFFICULT TO KEEP THEM AWAY FROM PEOPLE, THE
3 GENERAL PUBLIC BUT WE'VE GOT TWO WEEKS IN THIS
4 TRIAL AND WE CERTAINLY DON'T WANT TO...

5 THE COURT: QUITE FRANKLY, IN TALKING
6 WITH AGENT JENKINS THEY DID NOT HEAR THE REMARK BUT
7 THERE WERE THREE AGENTS, ONE IN FRONT, ONE IN BACK,
8 AND ONE IN THE MIDDLE. THAT'S HOW INCIDENTAL A
9 COMMENT...BUT I WILL INSTRUCT THEM TO TIGHTEN UP.

10 MR. HARPOOTLIAN: YES, HE'S JUST
11 CONCERNED THAT WE NOT...HE LIKES THIS JURY AND WE'D
12 LIKE TO PROCEED WITH THIS JURY IF AT ALL POSSIBLE.

13 THE COURT: YES, SIR. ALL RIGHT, MARK
14 THAT AS A COURT EXHIBIT.

15 (SO MARKED AND ENTERED)

16 ALL RIGHT, ON THE FINGERPRINTS ISSUE, AS
17 I UNDERSTOOD IT, THE PARTIES HAVE APPARENTLY
18 RESOLVED A PROCEDURE FOR HANDLING IT TODAY.

19 MR. HARPOOTLIAN: YES, YOUR HONOR, LET
20 ME STATE THIS FOR THE RECORD.

21 THE COURT: OKAY.

22 MR. HARPOOTLIAN: WE HAVE NOT WAIVED OUR
23 OBJECTION TO THIS MATERIAL COMING IN.

24 THE COURT: AND THE BASIS FOR THAT
25 OBJECTION WAS WHAT, TIMELINESS OR WHAT?

1 MR. HARPOOTLIAN: WELL, SEVERAL BASES;
2 ONE IS UNDER RULE 5, NONE OF THIS MATERIAL WAS MADE
3 AVAILABLE TO US PRE-TRIAL. WHEN I SAY NONE OF THE
4 MATERIAL, I'M TALKING ABOUT THE REPORTS OF THE
5 SOUTH CAROLINA LAW ENFORCEMENT DIVISION. THESE
6 TESTS WERE DONE AFTER THE TRIAL BEGAN; ACTUALLY
7 AFTER AGENT BLACK HAD TESTIFIED, THEY WENT BACK AND
8 APPARENTLY HAVE RETESTED.

9 THERE'S A WHOLE NEW TESTING PROCESS THAT
10 WAS RUN ON EACH ONE OF THE LATENTS THAT WAS REMOVED
11 FROM THE VEHICLE. AND TO BE FRANK WITH YOU, THEY
12 NOW HAVE DIFFERENT RESULTS THAN THEY HAD WHEN AGENT
13 BLACK TESTIFIED.

14 IF WE HAD HAD THOSE RESULTS PRIOR TO
15 AGENT BLACK'S TESTIMONY, WE WOULD HAVE TAKEN A
16 DIFFERENT TACT WITH AGENT BLACK. IN OTHER WORDS, I
17 THINK WE'VE BEEN DENIED NUMBER ONE, RULE...

18 THE COURT: IF YOU HAD HAD THOSE
19 RESULTS, MR. HARPOOTLIAN, WE WOULDN'T HAVE THIS
20 PROBLEM. HE WOULDN'T HAVE MADE THAT MISTAKE.

21 MR. HARPOOTLIAN: NO, HE WOULD HAVE
22 ISSUED A REPORT WHICH WAS IN ERROR. THEY THEN
23 WOULD HAVE ISSUED A CORRECTED REPORT AND WE COULD
24 HAVE EXAMINED THE SOUTH CAROLINA LAW ENFORCEMENT
25 OFFICER ON WHY HE MADE THOSE ERRORS TO BEGIN WITH.

1 . THAT'S NUMBER ONE.

2 YOUR HONOR, I THINK IT'S A MISTAKE TO
3 MIS...TO UNDERESTIMATE THE IMPACT THIS HAS HAD ON
4 OUR SIXTH AMENDMENT RIGHT, TO CONFRONT AND TO
5 INTELLIGENTLY EXAMINE THE STATE'S WITNESSES. THIS
6 IS MATERIAL THAT HAD IT BEEN MADE AVAILABLE PRE-
7 TRIAL WOULD HAVE MADE A DIFFERENCE IN STRATEGY AND
8 APPROACH TO THESE WITNESSES.

9 AT THIS JUNCTURE, YOUR HONOR'S FACED
10 WITH THE DILEMMA OF EITHER EXCLUDING THE EVIDENCE
11 BECAUSE IT WASN'T PROVIDED TO US IN A TIMELY
12 FASHION UNDER RULE 5 AND BRADY, AND SECONDLY, I
13 BELIEVE IT VIOLATES OUR CLIENT'S DUE PROCESS RIGHTS
14 UNDER THE SIXTH AMENDMENT TO THE CONSTITUTION.

15 HOWEVER, YOU OVERRULED THAT OBJECTION
16 AND NOW WE ARE PROCEEDING WITH, GIVEN THAT YOU'VE
17 RULED IN THAT FASHION, I WANT THE RECORD TO REFLECT
18 THAT YOUR HAVING RULED IN THAT FASHION, I'M
19 ATTEMPTING TO DEAL WITH IT IN THE MOST EXPEDITIOUS
20 FASHION SO AS NOT TO INCONVENIENCE THE COURT, OF
21 THIS JURY. AND WHILE AT THE SAME TIME, EVEN THOUGH
22 I WOULD SUBMIT TO THE COURT, AND I'M NOT GOING TO
23 BEAT THE DRUM ON SIXTH AMENDMENT AND BRADY AND ALL
24 OF THAT VIOLATION. GIVEN IN THAT CONTEXT, WHAT WE
25 WOULD AGREE TO DO IS GO FORWARD WITH THAT

1 TESTIMONY. I'VE HAD THE OPPORTUNITY TO TALK
2 BRIEFLY WITH MR. MCDONALD. YOU'VE INDICATED TO ME
3 THAT YOU WOULD GIVE ME AS MUCH TIME AS NECESSARY TO
4 TALK TO OUR EXPERTS. I WOULD STATE FOR THE RECORD
5 THERE'S NO DEBATE UNDER STATE VERSUS GEORGE.
6 YOU'VE GIVEN US AN OPPORTUNITY FOR A RECESS, TO
7 MEET WITH OUR EXPERTS AND REVIEW THEIR NEW RESULTS.
8 I'VE MET WITH MR. SPRINGS, I'VE TALKED WITH MR.
9 MCDONALD, I'VE TALKED TO THE STATE'S WITNESSES AND
10 THEY, AT THIS JUNCTURE, BASED ON YOUR HONOR'S PRIOR
11 RULING, THERE'S NO REASON TO TAKE A DAY TO DO THAT,
12 GIVEN THOSE INTERVIEWS.

13 AND AS I UNDERSTAND THE PROCEDURE, THEY
14 WILL CALL, I GUESS IT WOULD BE JIM SPRINGS AND...

15 MR. MCMAHON: WOULD CALL WADE FLEMING,
16 JIM SPRINGS AND THE FORMER FBI AGENT, JAMES BARTEE,
17 SENIOR.

18 MR. HARPOOTLIAN: AND YOUR HONOR, I
19 WOULD NOTE THAT EXAMINATION, THE ONE BY THE FBI,
20 FORMER RETIRED FBI GUY, AND THAT GUY AIN'T EVEN
21 WITH SLED. WE NEVER EVEN HEARD OF HIM BEFORE
22 TODAY.

23 THE COURT: WELL, I UNDERSTAND. NOBODY
24 DID, AND THE REASON THEY'RE OFFERING HIM IS TO, WAS
25 AN INDEPENDENT EVALUATION OF SLED RESULTS.

1 MR. HARPOOTLIAN: OKAY. YOUR HONOR, WE
2 WOULD, HOWEVER, WE HAVE NOT PREVIOUSLY, AND WE
3 WOULD NOT WAIVE ANY OBJECTIONS TO ANY
4 AUTHENTICATION OF ITEMS THEY EXAMINE. IN OTHER
5 WORDS, IF AGENT SPRINGS, THEY SAY HE EXAMINED THIS
6 PRINT AND THERE'S A LATENT, THEN WHOEVER LIFTED
7 THAT LATENT HAS TO TESTIFY AND IDENTIFY IT BEFORE
8 THEY PUT HIM UP. NONE OF THOSE, ALL AGENT BLACK
9 DID ON DIRECT OR CROSS BY ME, EXCEPT FOR THE ONE
10 PRINT THAT I PUT IN EVIDENCE WHICH WAS THE AMIDO
11 BLACK PRINT, WAS SAY GENERALLY WHERE THEY WERE.

12 I WOULD LIKE YOUR HONOR TO UNDERSTAND,
13 I'M NOT STIPULATION TO ANY FOUNDATION SO I THINK
14 THEY MAY HAVE TO CALL AGENT BLACK IF THEY'RE GOING
15 TO USE, TO GET INTO EVIDENCE WHERE HE LIFTED THE
16 PRINTS AND HOW HE PROCESSED THEM, FIRST.

17 MR. MCMAHON: NO, SIR, I...IF I COULD BE
18 HEARD ON THIS.

19 THE COURT: YES, SIR.

20 MR. MCMAHON: I BELIEVE THAT'S NOT THE
21 ONLY PRINT HE ASKED HIM ABOUT. AS A MATTER OF
22 FACT, IF YOU RECALL, YOUR HONOR, HE TOOK DIFFERENT
23 PAGES OF AGENT BLACK'S REPORT AND HAD IT PROJECTED
24 ON THE SCREEN. AND AGENT BLACK WENT THROUGH
25 STATE'S EXHIBIT NUMBER 84 AND TESTIFIED TO THE

1 VARIOUS LOCATIONS OF THE PRINTS ON THE VEHICLE, THE
2 QUALITY OF THE VARIOUS PRINTS, IN HIS OPINION, ON
3 THE VEHICLE, WHAT HE DID WITH THOSE LATENTS, AND
4 THE FACT HE HAD THEM WITH HIM.

5 NOW THEY PUT IN THREE DIFFERENT PRINTS,
6 BOTH THE ONE OFF THE VICTIM'S BODY, DEFENSE EXHIBIT
7 NUMBER TWO, AND A SET OF PRINT CARDS FROM MICHAEL
8 BEATTY, JUNIOR AND MICHAEL BEATTY, SENIOR. SO, YOU
9 KNOW, WHAT I PROPOSE TO DO, I MEAN, JUST KIND OF
10 LAY IT RIGHT OUT. AGENT FLEMING TESTIFIED THAT HE
11 REPRINTED MICHAEL BEATTY, JUNIOR AND MICHAEL
12 BEATTY, SENIOR; THAT HE THEN COMPARED THOSE PRINTS
13 TO DEFENSE EXHIBITS NUMBER FOUR AND FIVE, AND THAT
14 THE PRINT OF THE PERSON HE PRINTED AS MICHAEL
15 BEATTY, SENIOR WAS IN FACT MICHAEL BEATTY, SENIOR,
16 DEFENSE EXHIBIT NUMBER FOUR. AND THE PRINT OF THE
17 INDIVIDUAL HE PRINTED AS MICHAEL BEATTY, JUNIOR IS
18 THE SAME AS DEFENSE EXHIBIT NUMBER FIVE; THAT HE
19 THEN COMPARED THOSE PRINTS, THE BEATTY PRINTS, TO
20 ALL THE IDENTIFIABLE BUT UNIDENTIFIED PRINTS OFF OF
21 THE VICTIM'S VEHICLE AND THEY DID NOT MATCH.

22 MR. HARPOOTLIAN: YOUR HONOR, AND I'M
23 NOT TRYING TO INTERRUPT MR. MCMAHON, BUT WHAT I'M
24 SAYING IS HOW DOES HE KNOW WHERE THESE PRINTS CAME
25 FROM? HE LOOKED AT SOME DOCUMENTS THAT AREN'T IN

1 EVIDENCE, THAT NO ONE SAID WHERE THEY CAME FROM.

2 I MEAN THE ONLY PRINT THAT'S IN EVIDENCE
3 IS THE PRINT THAT WAS TAKEN OFF OF HER THIGH WHICH
4 IS UNIDENTIFIABLE. SOMEWHERE IN THE SLED, BOWELS
5 OF SLED, THERE ARE MORE OF THESE THAT DAVID BLACK
6 WILL SAY, YOU KNOW, "THIS ONE CAME FROM HERE," AND
7 THEN WHEN IT'S INTRODUCED THEN THE WITNESS CAN SAY,
8 "I COMPARED THIS AND IT TO THAT KNOWN." SOMEBODY
9 NEEDS TO SAY WHERE THEY GOT THE KNOWN.

10 THE COURT: I HAD UNDERSTOOD WHAT WE ARE
11 FUSSING ABOUT HERE HAS TO DO WITH ONE PRINT THAT'S
12 CALLED INTO QUESTION THAT THEY HAVE NOW IDENTIFIED
13 AS MR. ANDERSON'S PRINT.

14 MR. HARPOOTLIAN: WELL, IF THAT'S THE
15 PRINT, THEN I HAVEN'T GOT A PROBLEM WITH THAT.

16 THE COURT: BUT THEY ALSO REPRINTED AND
17 REDID EVERYTHING ELSE TO THE EXTENT THAT THE OTHER
18 EVIDENCE DOES NOT CHANGE. I MEAN THERE'S NO NEW
19 IDENTIFICATIONS EXCEPT FOR ONE. WHATEVER STATE
20 THEY WERE IN, AFTER AGENT BLACK TESTIFIED, THAT'S
21 THE STATE THEY'RE IN TODAY AFTER A RE-EVALUATION
22 EXCEPT FOR THE ONE AMIDO PRINT. AM I CORRECT?

23 MR. HARPOOTLIAN: WELL, THAT'S NOT
24 EXACTLY CORRECT.

25 MR. MCMAHON: JUDGE...

1 THE COURT: I MEAN, EITHER THAT'S TRUE
2 OR NOT TRUE.

3 MR. HARPOOTLIAN: NOT TRUE.

4 THE COURT: ALL RIGHT, WHY IS IT NOT
5 TRUE?

6 MR. MCMAHON: BECAUSE THERE WERE THREE
7 PRINTS OFF OF THE VEHICLE THAT AGENT BLACK HAD
8 FORMERLY IDENTIFIED, HAD FORMERLY CHARACTERIZED AS
9 BEING INSUFFICIENT RIDGE DETAIL. UPON RE-
10 EXAMINATION, AND I DON'T REALLY INTEND TO OFFER
11 THOSE IF THAT'S HIS HONOR'S DECISION. UPON RE-
12 EXAMINATION AGENT SPRINGS WOULD TESTIFY THAT THERE
13 WAS SUFFICIENT RIDGE DETAIL FOR IDENTIFICATION OF
14 THOSE THREE PRINTS. ONE OF THEM WOULD BELONG TO
15 HOWARD SNELLING WHO HAS ALREADY TESTIFIED
16 PREVIOUSLY IN PRINTS THAT HAVE BEEN IDENTIFIED ON
17 THE VEHICLE. ONE OF THEM WOULD BE IDENTIFIED AS
18 ANDREW BECKHAM'S, WHOSE PRINTS WERE ALSO PREVIOUSLY
19 IDENTIFIED ON THE VEHICLE, AND ONE OF THEM WOULD BE
20 IDENTIFIED AS VICKIE BECKHAM'S WHOSE PRINTS WERE
21 IDENTIFIED ON THE VEHICLE.

22 THE COURT: LET'S GO ONE STEP FURTHER.
23 EACH ONE OF THOSE PRINTS WERE IDENTIFIED BY A
24 NUMBER, AND AGENT BLACK TESTIFIED FROM THE STAND BY
25 NUMBER TO A CHART OF WHERE HE GOT THE PRINT.

1 MR. HARPOOTLIAN: NO, SIR.

2 MR. MCMAHON: JUDGE, I DON'T HAVE A
3 PROBLEM NOT GOING INTO THOSE PRINTS. I DON'T HAVE
4 A PROBLEM AT ALL. THE ONLY PRINT, IF THAT'S HIS
5 HONOR'S RULING, THAT I'M INTERESTED IN GOING INTO
6 IS 41.8, THE AMIDO PRINT OFF OF THE VEHICLE WHICH
7 HAS NOT BEEN IDENTIFIED AS BELONGING TO THE CO-
8 DEFENDANT IN THIS CASE, RICHARD ANDERSON, BOTH BY
9 AGENT SPRINGS AND BY FORMER FBI AGENT BARTEE.

10 THE COURT: WELL, HELP ME OUT HERE. I
11 THOUGHT 41.8 HAS BEEN SPECIFICALLY POINTED OUT AS
12 TO WHERE IT WAS LIFTED FROM THE VEHICLE. IS THAT
13 TRUE OR NOT TRUE?

14 MR. MCMAHON: I SAY THE AMIDO PRINT HAS
15 BEEN SPECIFIED IDENTIFIED AS WHERE IT CAME FROM THE
16 VEHICLE WHICH WOULD BE RIGHT HERE. UNIDENTIFIED.

17 THE COURT: WHO REPRINTED ANDERSON IN
18 MAY?

19 MR. MCMAHON: IN MAY?

20 THE COURT: IS THAT THE ONE IT WAS
21 COMPARED TO, THE ANDERSON?

22 MR. MCMAHON: YES, SIR, I BELIEVE IT WAS
23 COMPARED TO THE MAY, 1996. I BELIEVE HE WAS
24 PRINTED BY AGENT BLACK.

25 THE COURT: ALL RIGHT, THEN THAT'S

1 WHAT...

2 MR. HARPOOTLIAN: I'M SAYING AGENT BLACK
3 NEEDS TO TESTIFY BEFORE AGENT SPRINGS, IS ALL I'M
4 SAYING.

5 MR. MCMAHON: AGENT HAS ALREADY
6 TESTIFIED TO THE COMPARISONS OF RICHARD ANDERSON'S
7 PRINTS. WHAT I'M SAYING IS THAT'S A FOREGONE
8 CONCLUSION BECAUSE AGENT BLACK TESTIFIED UP HERE
9 AND THEY CROSS EXAMINED HIM. WE COMPARED RICHARD
10 ANDERSON'S; IT WASN'T RICHARD ANDERSON'S.

11 MR. HARPOOTLIAN: YOUR HONOR, WHAT I
12 THINK THEY'RE MISSING HERE IS THAT WE MAY HAVE IN
13 THE PROCESS OF CROSS EXAMINING AND EXAMINING AGENT
14 BLACK GLOSSED OVER CERTAIN REQUIREMENTS AS TO WHAT
15 DOCUMENT WENT WITH WHAT PRINT. THEY ARE NOW
16 ATTEMPTING TO COME BACK IN AND CORRECT THAT
17 TESTIMONY.

18 WITH THESE WITNESSES, I AM NOT WILLING
19 TO GLOSS OVER ALL OF THAT. I AM WILLING TO GLOSS
20 OVER SOME OF IT, BUT ALL I'M SAYING IS IF THEY'RE
21 GOING TO HAVE SOMEBODY SAY THEY COMPARED A PRINT
22 TAKEN OFF THIS CAR WITH SOME FINGERPRINT CARD THEY
23 HAVE--BY THE WAY, YOU KNOW, THEY CAN SAY THIS IS
24 MICHAEL BEATTY'S FINGERPRINTS, BUT...AND I'M NOT
25 GOING TO OBJECT TO THEM NOT HAVING MICHAEL BEATTY

1 HERE TESTIFYING THAT THOSE ARE HIS PRINTS.

2 THE COURT: YOU DON'T EVER HAVE TO HAVE
3 THAT HAPPEN.

4 MR. HARPOOTLIAN: DON'T HAVE TO.

5 MR. MCMAHON: JUDGE, THAT'S A DEFENSE
6 EXHIBIT. THEY SAY IT'S MICHAEL BEATTY'S PRINTS.

7 MR. HARPOOTLIAN: NO, SAID THOSE ARE THE
8 PRINTS YOU WROTE MICHAEL BEATTY ON.

9 MR. MCMAHON: DEFENSE FOUR AND FIVE.

10 MR. HARPOOTLIAN: THAT'S NOT AN ISSUE.
11 BUT WHAT I THINK THEY DO HAVE TO DO IS HAVE
12 SOMEBODY, I MEAN, WHAT'S GOING TO HAPPEN IS THIS.
13 JIM SPRINGS HAS AN EXHIBIT. ON ONE SIDE OF THE
14 EXHIBIT IS A KNOWN THUMB PRINT OR INDEX FINGER OF
15 ANDERSON. ON THE OTHER SIDE IS THE UNKNOWN LATENT,
16 THE AMIDO BLACK, THE PRINT IN BLOOD. HE'S GOING TO
17 SAY HE'S COMPARED THESE TWO ITEMS AND THEY'RE THE
18 SAME. NO ONE, THESE ARE TWO PICTURES THAT ARE
19 BEING INTRODUCED. NO ONE HAS EVER IDENTIFIED
20 THESE PICTURES AND WHERE THEY CAME FROM. HE CAN
21 SAY IT'S 41.8, BUT NO ONE SAID FROM 41.8 HAS COME
22 FROM AS A MATTER OF THE RECORD, AND NO ONE HAS
23 IDENTIFIED THAT PHOTOGRAPH AS BEING 41.8.

24 I'M SAYING TO THE EXTENT THAT THEY'RE
25 GOING TO PUT FINGERPRINTS IN, THEY OUGHT TO AT

1 LEAST HAVE, WE'RE ONLY TALKING ABOUT ONE, I THINK
2 MAYBE ONE PRINT. WHAT IS THE PROBLEM WITH CALLING-
3 -WE'VE SPENT MORE TIME ARGUING ABOUT IT THAN IT
4 WOULD TAKE TO PUT HIM UP ON THE STAND. I LIFTED
5 THIS PRINT, THIS IS A PICTURE OF IT AND I TURNED IT
6 IN TO SLED, AND YEAH, THAT'S THE SAME ONE. AND
7 THEN JIM SPRINGS CAN TAKE THE STAND OR WADE FLEMING
8 AND SAY "I LOOKED AT THAT PRINT. I LOOKED AT
9 THIS."

10 THE COURT: WELL, MR. HARPOOTLIAN, IS
11 THAT ALL WE'RE GOING TO EXAMINE MR. BLACK ABOUT IF
12 WE RECALL HIM?

13 MR. HARPOOTLIAN: NO, SIR.

14 MR. MCMAHON: THAT'S THE POINT EXACTLY.
15 IT'S ALREADY BEEN TESTIFIED TO, JUDGE.

16 MR. HARPOOTLIAN: OKAY. SOMEBODY HAS--
17 I'D LIKE TO VOIR DIRE JIM SPRINGS OR WADE FLEMING,
18 WHOEVER YOU'RE GOING TO PUT UP FIRST, OUTSIDE THE
19 PRESENCE OF THE JURY, TO SHOW WHAT THE PROBLEM IS.

20 MR. MCMAHON: I'D LIKE TO SEE A CASE
21 WHERE HE HAS A RIGHT TO VOIR DIRE ANYONE.

22 THE COURT: HE DOESN'T HAVE A RIGHT TO
23 DO THAT. BUT...

24 MR. HARPOOTLIAN: YOUR HONOR, I WITHDRAW
25 THE OBJECTION.

1 THE COURT: ALL RIGHT. THAT SOLVED THE
2 PROBLEM, DIDN'T IT.

3 BRING THE JURY IN.

4 (JURY RETURNED TO THE OPEN COURTROOM AT
5 3:34 P.M.)

6 THE COURT: LADIES AND GENTLEMEN OF THE
7 JURY, I APPRECIATE YOUR WAITING. AT THE END OF THE
8 TRIAL, I'LL BE GLAD TO SIT DOWN WITH YOU OR ANSWER
9 ANY QUESTIONS YOU WANT ABOUT WHY OR HOW WE DID
10 CERTAIN THINGS. JUST TRUST ME THAT THERE ARE
11 REASONS THAT YOU HAVE TO WAIT. I DON'T LIKE IT,
12 BUT SOMETIMES IT HAPPENS.

13 NOW, NOT TO CLOG UP YOUR MIND ABOUT,
14 WE'RE GETTING READY TO TAKE SOME ADDITIONAL
15 TESTIMONY. IT IS ANTICIPATED THAT THE STATE WILL
16 CONCLUDE ITS CASE IN CHIEF THIS AFTERNOON. DON'T
17 KNOW EXACTLY WHEN, BUT SOMETIME THIS AFTERNOON. WE
18 HAD PLANNED FOR A BREAK OF A FEW HOURS BETWEEN THE
19 END OF THE STATE'S CASE AND THE BEGINNING OF THE
20 DEFENSE TO KIND OF RESHUFFLE AND GET THINGS DONE.
21 MY PLAN AT THIS POINT IN TIME IS TO BRING YOU BACK
22 AFTER HAVING HAD LUNCH TOMORROW AT ONE O'CLOCK TO
23 START WITH THE DEFENSE CASE.

24 NOW, NO ONE CAN PREDICT EXACTLY HOW LONG
25 FURTHER TESTIMONY WILL BE IN THE CASE, AND I'M NOT