

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Newberry County

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

RECEIVED

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S.C. Supreme Court

STEPHEN ANDREW BECKHAM,

PETITIONER,

vs.

STATE OF SOUTH CAROLINA,

RESPONDENT.

SUPPLEMENTAL APPENDIX

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Chief Deputy Attorney General

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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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WITNESS

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ALLEN H [REDACTED]
DIRECT BY SWERLING 4329
CROSS BY JONES 4332

LISA C [REDACTED]
DIRECT BY SWERLING 4335
CROSS BY JONES 4340

DAWN B [REDACTED]
DIRECT BY SWERLING 4345
CROSS BY JONES 4349
REDIRECT BY SWERLING 4361

HENRY SUMMER:
DIRECT BY HARPOOTLIAN 4362
CROSS BY MCMAHON 4368
REDIRECT BY SWERLING 4374

ELIZABETH LIBBY:
DIRECT BY SWERLING 4379
CROSS BY MCMAHON 4399

RITA BOOZER:
DIRECT BY HARPOOTLIAN 4429
CROSS BY JONES 4433
REDIRECT BY HARPOOTLIAN 4437

THOMAS BASS:
DIRECT BY HARPOOTLIAN 4439
CROSS BY JONES 4445

KATHERINE BECKHAM:
DIRECT BY SWERLING 4447
CROSS BY JONES 4452
REDIRECT BY SWERLING 4465

EARL ZEIDER:
DIRECT BY SWERLING 4469
CROSS BY JONES 4478
REDIRECT BY SWERLING 4489

SEPTEMBER 30, 1996

KELLY NOBLES:
DIRECT BY HARPOOTLIAN 4498
CROSS BY JONES 4503
REDIRECT BY HARPOOTLIAN 4513

DAISY ZEIDER:
DIRECT BY SWERLING 4514
CROSS BY JONES 4523
(IN CAMERA) REDIRECT BY SWERLING 4542
CROSS cont. BY JONES 4544

1 MR. SWERLING: MR. H [REDACTED], IS HE
2 HERE?

3 ALLEN H [REDACTED], BEING DULY
4 SWORN, TESTIFIED AS FOLLOWS:

5 THE CLERK: HAVE A SEAT AND STATE YOUR
6 FULL NAME.

7 THE WITNESS: MY NAME IS ALLEN

8 H [REDACTED]

9 DIRECT EXAMINATION:

10 BY MR. SWERLING:

11 Q ALLEN, WHERE DO YOU LIVE?

12 A PROSPERITY?

13 Q AND HOW OLD ARE YOU?

14 A FOURTEEN

15 Q WHAT GRADE ARE YOU IN?

16 A NINTH.

17 Q NOW, YOU KNOW -- ANDREW H [REDACTED] IS YOUR
18 FRIEND?

19 A YES, SIR.

20 Q HOW LONG HAVE Y'ALL BEEN FRIENDS?

21 A ABOUT TWO AND A HALF YEARS.

22 Q AND LET ME GO BACK TO -- BY THE WAY,
23 DID YOU SPEND THE NIGHT AT HIS HOUSE AND HE SPEND
24 THE NIGHT AT YOUR HOUSE FROM TIME TO TIME?

25 A YES, SIR.

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- 1 Q GO BACK TO JULY 10TH, 1995, OKAY? DO
2 YOU RECALL BEING OVER AT STEPHEN BECKHAM'S HOUSE IN
3 POMARIA?
- 4 A YES, SIR.
- 5 Q ALL RIGHT. WERE YOU WITH ANDREW THAT
6 DAY?
- 7 A YES, SIR.
- 8 Q AND WHAT WAS YOUR PURPOSE FOR BEING
9 OVER AT THE HOUSE?
- 10 A TO SPEND THE NIGHT.
- 11 Q AND YOU SAY YOU HAVE DONE THAT BEFORE?
- 12 A YES, SIR.
- 13 Q NOW, WHAT WAS GOING ON IN THE HOUSE
14 THAT DAY WHILE YOU WERE THERE? WERE THEY GOING
15 SOMEWHERE?
- 16 A YEAH, WE WERE BUSY PACKING.
- 17 Q AND WERE YOU HELPING THEM PACK?
- 18 A YES, SIR.
- 19 Q ALL RIGHT. WHO WAS PRESENT AT THE
20 TRAILER, BECKHAM TRAILER, WHILE YOU WERE THERE?
- 21 A STEPHEN.
- 22 Q AND WHAT KIDS WERE THERE?
- 23 A SHANNON, SAMUEL, ANDREW AND ME.
- 24 Q AND YOU SAID YOU HELPED ANDREW PACK
25 THAT DAY?

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- 1 A YES, SIR.
- 2 Q AND DID YOU ALSO SPEND THE NIGHT?
- 3 A YES, SIR.
- 4 Q AND DID YOU GET PICKED UP THE NEXT
- 5 MORNING OR DID THEY DROP YOU OFF?
- 6 A THEY DROPPED ME OFF.
- 7 Q NOW, DID YOU KNOW THEY WERE GOING ON
- 8 VACATION?
- 9 A YES, SIR.
- 10 Q ALL RIGHT. WAS THERE -- HAD YOU KNOWN
- 11 THAT FOR A COUPLE OF DAYS?
- 12 A I FOUND OUT THE DAY BEFORE WHEN WE
- 13 STARTED PACKING.
- 14 Q AND DURING THAT DAY AND DURING THAT
- 15 NIGHT, WHAT WAS STEPHEN BECKHAM'S DEemeanOR? WHAT
- 16 WAS HIS -- THE WAY HE RESPONDED TO YOU AND THE WAY
- 17 HE ACTED TOWARDS YOU?
- 18 A CALM.
- 19 Q DID YOU NOTICE ANYTHING DIFFERENT ABOUT
- 20 HIM?
- 21 A NO, SIR.
- 22 Q WHAT WAS SOME OF THE THINGS YOU DID
- 23 THAT DAY?
- 24 A WELL, WE PACKED. AND JUST ME AND ANDREW
- 25 PLAYED AROUND THE REST OF THE DAY, A LITTLE BIT

1 WITH STEPHEN, SOME WITH SAMUEL.
2 Q DID YOU WRESTLE A LITTLE BIT WITH
3 STEPHEN THAT DAY?
4 A YEAH.
5 Q DID HE SEEM TO BE PREOCCUPIED OF
6 ANYTHING?
7 A NO.
8 Q THE NEXT MORNING WHEN YOU GOT UP --
9 TELL ME AGAIN, HOW DID YOU GET HOME?
10 A HE BROUGHT ME.
11 Q HE DROPPED YOU OFF?
12 A YES, SIR.
13 Q AND THEN THEY WENT AWAY; IS THAT RIGHT?
14 A YES, SIR.
15 Q DID THEY GET UP AT A NORMAL TIME TO
16 LEAVE?
17 A YEAH, WE GOT UP PRETTY EARLY BECAUSE
18 THEY HAD A LONG DRIVE AHEAD OF THEM.
19 Q ANSWER ANY QUESTIONS THE SOLICITOR MAY
20 HAVE.
21 THE COURT: CROSS-EXAMINATION?
22 CROSS-EXAMINATION:
23 BY MR. JONES:
24 Q HEY, ALLEN.
25 A HEY.

- 1 Q DID YOU KNOW WHERE THEY WERE GOING?
- 2 A NO, SIR.
- 3 Q YOU DIDN'T? DID YOU KNOW THEY WERE
- 4 GOING ON VACATION?
- 5 A YES, SIR.
- 6 Q BUT YOU DIDN'T KNOW WHERE THEY WERE
- 7 GOING ON VACATION?
- 8 A NO, SIR.
- 9 Q WHILE YOU WERE DOWN THE NIGHT BEFORE,
- 10 THE NIGHT BEFORE THEY LEFT?
- 11 A UH-HUH.
- 12 Q DID ANDREW'S GRANDDADDY B [REDACTED] COME
- 13 BY?
- 14 A I CAN'T REMEMBER.
- 15 Q YOU DON'T KNOW WHETHER HE STOPPED BY?
- 16 A I'M NOT SURE.
- 17 Q YOU KNOW HIM?
- 18 A YES, SIR.
- 19 Q YOU KNOW HIS GRANDDADDY B [REDACTED]?
- 20 A YES, SIR.
- 21 Q WHAT DOES HE REFER TO HIM AS?
- 22 A POPPA.
- 23 Q POPPA. DID YOU STOP BY ON THE WAY OUT
- 24 TO SAY BYE TO POPPA?
- 25 A YES.

- 1 Q YOU DID? SO THEY SPOKE TO POPPA ON THE
2 WAY OUT?
- 3 A YES, SIR.
- 4 Q AND YOU WERE WITH THEM WHEN THEY DID
5 THAT?
- 6 A YES, SIR.
- 7 Q SO HE KNEW WHERE THEY WERE GOING?
- 8 A I GUESS SO, I DON'T KNOW.
- 9 Q OKAY. DID YOU -- IS YOUR HOUSE PRETTY
10 NEAR THEIR HOUSE?
- 11 A YEAH, ABOUT A FIVE-MINUTE DRIVE.
- 12 Q FIVE-MINUTE DRIVE. ANYBODY ELSE SPEND
13 THE NIGHT WITH YOU THAT NIGHT?
- 14 A NO.
- 15 Q NOBODY ELSE DID?
- 16 A NO.
- 17 Q HOW DID YOU GET OVER THERE THAT NIGHT
18 THAT YOU SPENT THE NIGHT?
- 19 A WELL, I HAD SPENT THE NIGHT OVER THERE
20 A COUPLE DAYS BEFORE THAT, TOO.
- 21 Q SO YOU HAD BEEN OVER THERE FOR A COUPLE
22 DAYS?
- 23 A YEAH.
- 24 Q AND THEY STARTED PACKING THE DAY
25 BEFORE?

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1 A YES, SIR.

2 Q DID YOU HELP ANDREW PACK?

3 A YES, SIR.

4 Q DID HE PACK HIS BATHING SUIT?

5 A YES, SIR.

6 Q DID HE SAY WHY?

7 A NO.

8 Q THANK YOU.

9 THE COURT: ANYTHING ON REDIRECT, MR.

10 SWERLING?

11 MR. SWERLING: NO, SIR.

12 THE COURT: CALL YOUR NEXT WITNESS.

13 MR. SWERLING: LISA CANUPP.

14 LISA CANUPP, BEING DULY

15 SWORN, TESTIFIED AS FOLLOWS:

16 THE CLERK: HAVE A SEAT AND STATE YOUR

17 FULL NAME.

18 THE WITNESS: LISA C [REDACTED].

19 DIRECT EXAMINATION:

20 BY MR. SWERLING:

21 Q LISA, YOU LIVE IN NEWBERRY?

22 A YES, SIR.

23 Q AND HOW OLD ARE YOU?

24 A SEVENTEEN.

25 Q AND WHERE DO YOU GO TO SCHOOL?

- 1 A MID-CAROLINA HIGH.
- 2 Q YOU'RE A FRIEND OF SHANNON'S?
- 3 A YES, SIR.
- 4 Q AND YOU ALSO KNOW DAWN [REDACTED]?
- 5 A YES, SIR.
- 6 Q YOU A LITTLE NERVOUS?
- 7 A YES, SIR.
- 8 Q HAVE YOU EVER BEEN IN COURT BEFORE?
- 9 A NO, SIR.
- 10 Q NOBODY'S GOING TO BITE. WHAT I WANT TO
- 11 GO TO IS THE NIGHT OF JULY 10TH, 1995, OKAY? DO
- 12 YOU RECALL THAT DAY?
- 13 A YES, SIR.
- 14 Q AND HAVE YOU BEEN ASKED ABOUT THAT DAY?
- 15 A YES, SIR.
- 16 Q AND IS THAT WHY YOU RECALL IT?
- 17 A YES, SIR.
- 18 Q NOW, YOU AND SHANNON AND DAWN ARE
- 19 FRIENDS?
- 20 A YES, SIR.
- 21 Q AND DID SHANNON HAVE SOME PLANS WITH
- 22 HER FAMILY TO GO OUT OF TOWN?
- 23 A YES, SIR.
- 24 Q AND YOU KNEW ABOUT THAT?
- 25 A UH-HUH.

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1 Q AND WERE -- DO YOU KNOW WHETHER SHE WAS
2 SUPPOSED TO GO OUT OF TOWN ON THE 10TH OR ON THE
3 11TH, THAT MONDAY OR THAT TUESDAY?

4 A WELL, THEY WERE SUPPOSED TO GO OUT ON
5 THAT MONDAY AND THEY CHANGED IT TO TUESDAY.

6 Q AND DO YOU KNOW WHY OF YOUR OWN
7 KNOWLEDGE? WAS THERE SOMETHING GOING ON THAT NIGHT
8 FOR ONE OF YOUR FRIENDS.

9 A WELL, ONE OF OUR FRIENDS WAS HAVING A
10 GET TOGETHER AND SHANNON WANTED TO SPEND THE NIGHT
11 WITH DAWN AND GO TO THAT.

12 Q SO THE PLANS WERE CHANGED. INSTEAD OF
13 LEAVING MONDAY, THEY WOULD LEAVE TUESDAY?

14 A YES, SIR.

15 Q AND ON MONDAY, DID YOU HAPPEN TO BE
16 OVER AT THE BECKHAM'S HOUSE?

17 A YES, SIR, THAT AFTERNOON.

18 Q AND WHEN YOU WERE OVER AT THE BECKHAM'S
19 HOUSE, WAS THERE ANYTHING GOING ON THAT YOU CAN
20 RELATE TO THE JURY?

21 A NOT ANYTHING OUT OF THE NORMAL. I
22 MEAN, THEY PACKED -- SHANNON PACKED BEFORE SHE LEFT
23 FOR THE NEXT MORNING, AND SHE LEFT WITH US.

24 Q OKAY, WAS THAT PART OF THE DEAL?

25 A YES, SIR, SHE HAD TO PACK BEFORE SHE

- 1 COULD GO.
- 2 Q AND DID YOU HELP HER PACK?
- 3 A YES, SIR.
- 4 Q AND YOU KNEW THEY WERE GOING AWAY?
- 5 A YES, SIR.
- 6 Q NOW, WAS DAWN ALSO THERE?
- 7 A YES, SIR.
- 8 Q AND SHE HELPED SHANNON PACK, ALSO?
- 9 A YES, SIR.
- 10 Q SO IS EVERYTHING PACKED?
- 11 A YES, SIR.
- 12 Q AND AFTER EVERYTHING WAS PACKED, WHERE
- 13 DID Y'ALL GO?
- 14 A WE WENT BACK TO DAWN'S HOUSE.
- 15 Q AND WHEN YOU WENT TO DAWN'S HOUSE, DID
- 16 YOU STAY THERE OR DID YOU GO OUT?
- 17 A WELL, WE WERE THERE FOR A LITTLE WHILE,
- 18 AND WE LET HER MOTHER KNOW WHERE WE WERE GOING AND
- 19 WHAT TIME WE HAD TO BE BACK, AND THEN WE WENT OUT.
- 20 Q SO YOU AND SHANNON AND DAWN WENT OUT
- 21 THAT NIGHT TO YOUR OTHER FRIEND'S HOUSE?
- 22 A YES, SIR.
- 23 Q AND DID YOU COME BACK THERE TO DAWN'S
- 24 HOUSE?
- 25 A YES, SIR.

1 Q DID YOU SPEND THE NIGHT WITH DAWN?
2 A YES, SIR.
3 Q DID SHANNON SPEND THE NIGHT WITH DAWN?
4 A YES, SIR.
5 Q THE NEXT MORNING, DID SHANNON GET
6 PICKED UP?
7 A YES, SIR. SHE LEFT EARLY THAT MORNING
8 AROUND EIGHT OR SO.
9 Q ALL RIGHT. WHEN YOU SAW STEPHEN ON THE
10 10TH -- YOU HAVE SEEN HIM ON OTHER OCCASIONS,
11 RIGHT?
12 A YES, SIR.
13 Q HAVE YOU BEEN OVER TO THEIR HOUSE A
14 LOT?
15 A YES, SIR.
16 Q WHAT WAS HIS ATTITUDE, WHAT WAS HIS
17 DEMEANOR, HOW DID HE APPEAR?
18 A JUST THE USUAL, YOU KNOW. HE WAS
19 HAVING THE KIDS GET READY AND EVERYTHING AND TOLD
20 US TO BE CAREFUL AND ALL BEFORE WE LEFT; NOTHING
21 OUT OF THE NORMAL.
22 Q NOTHING OUT OF THE NORMAL?
23 A NO, SIR.
24 Q ALL RIGHT. ANSWER ANY QUESTIONS THAT
25 THE SOLICITOR MAY HAVE.

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- 1 THE COURT: CROSS-EXAMINATION?
- 2 CROSS-EXAMINATION:
- 3 BY MR. JONES:
- 4 Q IS IT LISA C [REDACTED]?
- 5 A C [REDACTED]
- 6 Q C [REDACTED] LISA -- MAY I CALL YOU LISA?
- 7 A YES, SIR.
- 8 Q ARE YOU IN SCHOOL NOW?
- 9 A YES, SIR.
- 10 Q WHERE?
- 11 A MID-CAROLINA HIGH.
- 12 Q WHAT YEAR?
- 13 A I'M A SENIOR.
- 14 Q SENIOR. SO YOU ARE?
- 15 A SEVENTEEN.
- 16 Q SEVENTEEN. DO YOU REMEMBER THE FACT
- 17 THAT THEY WERE GOING TO GO OFF ON A TRIP?
- 18 A YES, SIR.
- 19 Q WAS IT A VACATION?
- 20 A YES, SIR.
- 21 Q WHAT TYPE OF VACATION?
- 22 A I GUESS, JUST YOUR USUAL VACATION WITH
- 23 THE FAMILY AND WITH THE CHILDREN.
- 24 Q TO?
- 25 A I WASN'T SURE.

- 1 Q YOU DIDN'T KNOW WHERE?
- 2 A NO, SIR.
- 3 Q SHE HADN'T TALKED TO YOU ABOUT WHERE
- 4 THEY WERE GOING?
- 5 A WELL, TO MY KNOWLEDGE, IT WAS LIKE A
- 6 SURPRISE VACATION. THEY WEREN'T REALLY SURE WHERE
- 7 THEY WERE GOING AND HE WAS JUST GOING TO...
- 8 Q AND HOW LONG HAD SHE BEEN TELLING YOU
- 9 ABOUT THE SURPRISE VACATION?
- 10 A THAT DAY WHEN WE WENT OVER THERE --
- 11 WELL, WE KNEW WHEN WE WENT OVER THERE THEY WERE
- 12 GOING ON VACATION THE NEXT DAY.
- 13 Q I MEAN, IT WAS A SURPRISE VACATION,
- 14 WASN'T IT?
- 15 A WELL, I MEAN THEIR DESTINATION WAS A
- 16 SURPRISE, TO MY KNOWLEDGE.
- 17 Q BUT THE DAY THEY WERE GOING TO LEAVE
- 18 WAS FIXED, IT WAS CERTAIN?
- 19 A AS FAR AS I KNOW.
- 20 Q HAD THEY NOT BEEN TALKING ABOUT GOING
- 21 OFF FOR A WEEK OR TWO BEFORE THEY WENT OFF?
- 22 A NOT THAT I CAN RECALL.
- 23 Q DID YOU HELP SHANNON PACK?
- 24 A YES, SIR.
- 25 Q AND SHE PACKED CLOTHES?

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1 A YES, SIR.
2 Q AND?
3 A WELL, I GUESS JUST HER CLOTHES THAT I
4 CAN REMEMBER.
5 Q UH-HUH.
6 A A FEW OUTFITS.
7 Q A FEW OUTFITS? I MEAN, IN A SUITCASE?
8 A IT WAS A SMALL SUITCASE, A FEW OUTFITS.
9 MAYBE ENOUGH TIME FOR A VACATION FOR THREE OR FOUR
10 DAYS.
11 Q SO THE DESTINATION WAS GOING TO BE A
12 SURPRISE THAT THEY WOULD LEARN ABOUT?
13 A TO MY KNOWLEDGE.
14 Q AND SHE LEFT FROM A SPEND-THE-NIGHT
15 PARTY THE NEXT MORNING?
16 A YES, SIR.
17 Q AND SHE KNEW SHE WAS LEAVING THE NEXT
18 MORNING?
19 A YES, SIR.
20 Q SO THE -- SHE HAD THE THINGS THAT YOU
21 HAD HELPED HER PACK WITH HER AT THE SPEND-THE-NIGHT
22 PARTY?
23 A NO, SIR.
24 Q WHERE WERE THEY?
25 A AT HER HOUSE.

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- 1 Q SO SOMEBODY PACKED HER THINGS FOR HER?
- 2 A NO, WE HAD TO PACK BEFORE WE LEFT --
- 3 Q YEAH.
- 4 A -- THAT NIGHT.
- 5 Q RIGHT.
- 6 A AND I SUPPOSE HER DAD TOOK THEM -- OR
- 7 PUT THEM IN THE CAR.
- 8 Q RIGHT.
- 9 A THE NEXT MORNING.
- 10 Q BUT WHEN SHE LEFT YOU, THEY WERE OFF ON
- 11 THE SURPRISE DESTINATION?
- 12 A YES.
- 13 Q RIGHT? NOW, I GUESS HER DAD GOT
- 14 EVERYTHING IN THERE SHE WANTED OR HAD Y'ALL ALREADY
- 15 PUT EVERYTHING IN THERE?
- 16 A WE HAD ALREADY PUT EVERYTHING IN THERE.
- 17 Q HER CURLERS?
- 18 A NO, IT WAS JUST CLOTHES. CLOTHES AND
- 19 MAYBE A LITTLE MAKEUP.
- 20 Q A LITTLE MAKEUP WAS PACKED?
- 21 A I GUESS.
- 22 Q YOU PACKED A LITTLE MAKEUP?
- 23 A MAYBE. IT WAS NOTHING BIG, JUST A FEW
- 24 THINGS.
- 25 Q DID YOU PACK HER CURLERS?

1 A NO, SIR.
2 Q MA'AM?
3 A NO, SIR.
4 Q WHERE WERE HER CURLERS?
5 A I DON'T KNOW WHERE HER CURLERS WERE.
6 Q SHE SPENT THE NIGHT WITH YOU THE NIGHT
7 BEFORE?
8 A YES.
9 Q SO SHE DIDN'T PUT ON ANY MAKEUP OR USE
10 THE CURLERS THE NIGHT BEFORE AT THIS SPEND-THE-
11 NIGHT OCCASION, THIS PARTY?
12 A OH, YES, SIR. SHE GOT READY BEFORE SHE
13 LEFT.
14 Q GOT READY WHERE BEFORE SHE LEFT?
15 A AT DAWN'S HOUSE WITH US.
16 Q SO SHE USED HER CURLERS OR DAWN'S?
17 A I SUPPOSE SHE USED DAWN'S, I DON'T
18 REMEMBER. WE ALL USED THE SAME KIND OF MAKEUP AND
19 EVERYTHING. WE USUALLY DON'T TAKE TOO MUCH WHEN WE
20 GOT TO SOMEBODY ELSE'S HOUSE.
21 Q OKAY. SO HER DAD WAS THE ONE THAT PUT
22 HER THINGS IN THE CAR FOR HER?
23 A YES, SIR.
24 Q THANK YOU.
25 THE COURT: ANYTHING ON REDIRECT?

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1 MR. SWERLING: NO, SIR.

2 THE COURT: THANK YOU. YOU MAY STEP

3 DOWN.

4 CALL YOUR NEXT WITNESS.

5 MR. SWERLING: CALL DAWN B [REDACTED] YOUR

6 HONOR.

7 DAWN B [REDACTED] BEING DULY

8 SWORN, TESTIFIED AS FOLLOWS:

9 THE CLERK: HAVE A SEAT AND STATE YOUR
10 NAME.

11 THE WITNESS: DAWN B [REDACTED].

12 DIRECT EXAMINATION:

13 BY MR. SWERLING:

14 Q YOU LIVE IN NEWBERRY, DAWN?

15 A LITTLE MOUNTAIN.

16 Q LITTLE MOUNTAIN?

17 A YES, SIR.

18 Q AND HOW OLD ARE YOU?

19 A SEVENTEEN.

20 Q AND WHERE DO YOU GO TO SCHOOL?

21 A MID-CAROLINA.

22 Q YOU KNOW SHANNON AND LISA?

23 A YES, SIR.

24 THE COURT: SHE NEEDS TO SPEAK UP.

25 Q SPEAK--COME FORWARD A LITTLE. THAT'S A

- 1 MICROPHONE, OKAY?
- 2 A YES, SIR.
- 3 Q YOU KNOW SHANNON AND LISA?
- 4 A YES, SIR.
- 5 Q GO TO JULY 10TH, 1995, OKAY? DO YOU
- 6 REMEMBER BEING WITH THEM THAT DAY?
- 7 A YES, SIR.
- 8 Q DO YOU REMEMBER SHANNON HAVING SOME
- 9 PLANS WITH HER FAMILY TO GO OUT OF TOWN?
- 10 A WELL, THEY HAD BEEN CAN... I MEAN, THEY
- 11 KEPT POSTPONING IT, THINGS WOULD COME UP. THEY HAD
- 12 PLANNED ON A VACATION.
- 13 Q AND DID YOU KNOW -- WERE YOU FAMILIAR
- 14 WITH THE FACT THAT ON JULY 10TH THEY WERE GOING TO
- 15 GO AWAY?
- 16 A YES, SIR.
- 17 Q AND WAS THAT POSTPONED UNTIL THE NEXT
- 18 DAY?
- 19 A YES, SIR.
- 20 Q ARE YOU FAMILIAR WITH THAT YOURSELF?
- 21 A (WITNESS NODS AFFIRMATIVELY.)
- 22 Q NOW, DID SHANNON SPEND THE NIGHT WITH
- 23 YOU THAT NIGHT?
- 24 A YES, SIR.
- 25 Q BEFORE SHE LEFT? AND PRIOR TO HER

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1 BEING ABLE TO SPEND THE NIGHT WITH YOU, WAS THERE
2 ANY REQUIREMENT OF WHAT SHE HAD TO DO?
3 A OH, STEPHEN MADE US PACK HER CLOTHES SO
4 SHE WOULD BE READY IN THE MORNING.
5 Q AND WERE YOU OVER AT HER HOUSE HELPING
6 HER PACK HER CLOTHES?
7 A YES, SIR.
8 Q DO YOU KNOW WHAT CLOTHES SHE PACKED?
9 PACK ENOUGH TO GO ON A VACATION?
10 A YES, SIR.
11 Q OKAY. AND DID YOU -- YOU ASSISTED HER?
12 A YES, SIR.
13 Q AND AFTER YOU -- WHILE YOU WERE THERE,
14 DID YOU SEE STEPHEN?
15 A YES, SIR.
16 Q YOU HAD BEEN TO STEPHEN'S HOUSE BEFORE?
17 A UH-HUH.
18 Q WHAT WAS HIS ATTITUDE, WHAT WAS HIS
19 Demeanor?
20 A SAME AS USUAL.
21 Q WAS HE FINE?
22 A YES.
23 Q FRIENDLY TO YOU?
24 A YES, SIR.
25 Q NOW, YOU WENT THAT NIGHT -- YOU AND

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- 1 SHANNON AND LISA WENT TO ANOTHER FRIEND'S FOR A
2 WHILE?
3 A YES, SIR.
4 Q YOU HAD SOME SORT OF GET-TOGETHER GOING
5 ON?
6 A YES, SIR.
7 Q AND WHO DROVE?
8 A I DID.
9 Q OKAY. AND DO YOU REMEMBER ABOUT WHAT
10 TIME YOU GOT HOME?
11 A AROUND TWELVE, TWELVE-THIRTY.
12 Q AND DID THE THREE -- IT WAS JUST THE
13 THREE OF YOU?
14 A YES, AND MY MOM.
15 Q AT YOUR HOUSE, AS FAR AS GIRLFRIENDS?
16 A YES, SIR.
17 Q DID YOU -- ALL THREE OF YOU SPEND THE
18 NIGHT THERE?
19 A YES, SIR.
20 Q SHANNON SPEND THE NIGHT WITH YOU?
21 A UH-HUH.
22 Q DID YOU GO TO SLEEP OR STAY UP?
23 A WE WENT TO SLEEP AROUND ONE, ONE-
24 THIRTY. SOMEWHERE IN THERE.
25 Q AND IN THE MORNING, HOW DID SHANNON

- 1 LEAVE?
- 2 A HER DAD CAME AND PICKED HER UP.
- 3 Q WAS THAT PREARRANGED?
- 4 A YES, SIR.
- 5 Q ANSWER ANY QUESTIONS THE SOLICITOR MAY
- 6 HAVE.
- 7 THE COURT: CROSS-EXAMINATION?
- 8 CROSS-EXAMINATION:
- 9 BY MR. JONES:
- 10 Q MISS B [REDACTED], IS IT DAWN BYERS?
- 11 A YES, SIR.
- 12 Q CAN I CALL YOU DAWN?
- 13 A YES, SIR.
- 14 Q OKAY. YOU'RE AT MID-CAROLINA, TOO?
- 15 A UH-HUH.
- 16 Q AND YOU'RE A SENIOR THERE?
- 17 A YES, SIR.
- 18 Q AND, OF COURSE, YOU DO REMEMBER THIS
- 19 TIME PERIOD BACK IN JULY OF '95?
- 20 A UH-HUH.
- 21 Q WHAT WAS THE OCCASION, WHAT WAS THE
- 22 PARTY THAT Y'ALL WANTED SHANNON TO GO TO?
- 23 A A FRIEND HAD A GET-TOGETHER.
- 24 Q A FRIDAY NIGHT GET-TOGETHER?
- 25 A WELL, IT WAS MONDAY.

- 1 Q MONDAY NIGHT GET-TOGETHER?
- 2 A UH-HUH.
- 3 Q WAS IT JUST A SPEND-THE-NIGHT PARTY?
- 4 A NO, SIR, A LOT OF US GOT TOGETHER.
- 5 Q OKAY, THAT'S WHAT I'M TRYING TO ASK
- 6 YOU. WHAT KIND OF PARTY WAS IT? I MEAN, WHERE DID
- 7 YOU GET TOGETHER?
- 8 A AT A FRIEND'S HOUSE.
- 9 Q AT WHAT?
- 10 A FRIEND'S HOUSE.
- 11 Q AND DO YOU REMEMBER WHO THAT WAS?
- 12 A TREY.
- 13 Q TREY?
- 14 A TALBERT .
- 15 Q TREY TALBERT? AND WHAT WAS THE NATURE
- 16 OF THE PARTY?
- 17 A FOR WHAT REASON?
- 18 Q YES, MA'AM.
- 19 A THERE WAS NO REASON.
- 20 Q WELL, I MEAN, WHAT DID YOU DO?
- 21 A WE JUST WENT OVER THERE.
- 22 Q WELL, I MEAN, WHAT -- WHO WENT OVER
- 23 THERE?
- 24 A ME AND SHANNON AND LISA.
- 25 Q AND WHO ELSE WAS OVER THERE?

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- 1 A THE REST OF OUR FRIENDS.
- 2 Q WHICH WOULD HAVE BEEN?
- 3 A YOU WANT ME TO NAME THEM ALL?
- 4 Q WELL, APPROXIMATELY, HOW MANY PEOPLE
- 5 WERE THERE?
- 6 A AROUND THIRTY OR FORTY.
- 7 Q THIRTY OR FORTY?
- 8 A IT WAS A LOT OF PEOPLE.
- 9 Q AND WHEN HAD THIS PARTY BEEN PLANNED,
- 10 WHO PLANNED THE PARTY?
- 11 A I GUESS TREY DID.
- 12 Q WHEN DID YOU GET YOUR INVITATION?
- 13 A I DON'T REMEMBER.
- 14 Q WAS IT A VERBAL INVITATION?
- 15 A YES, SIR.
- 16 Q COULD IT HAVE BEEN THAT DAY, OR THE DAY
- 17 BEFORE, OR THE DAY BEFORE? IT WAS A MONDAY NIGHT
- 18 PARTY?
- 19 A YES, SIR.
- 20 Q DURING THE SUMMER?
- 21 A YES, SIR.
- 22 Q SO YOU'RE NOT IN SCHOOL FOR WORD TO GET
- 23 OUT, RIGHT?
- 24 A WELL, WE SEE HIM AROUND, I GUESS.
- 25 Q OKAY. HOW DO YOU THINK HE CONTACTED

- 1 FORTY PEOPLE TO COME OVER TO HIS HOUSE.
- 2 A I DON'T KNOW HOW HE DID THAT.
- 3 Q OKAY. IS IT HIS HOUSE OR HIS PARENTS'
- 4 HOUSE?
- 5 A HIS PARENTS' HOUSE.
- 6 Q WERE THEY THERE?
- 7 A I DON'T KNOW, I DIDN'T GO INSIDE.
- 8 Q YOU DIDN'T GO INSIDE THE HOUSE?
- 9 A NO, HE LIVES ON THE LAKE.
- 10 Q IT WAS A LAKE PARTY? HOW LONG WERE YOU
- 11 THERE?
- 12 A I'M NOT SURE.
- 13 Q AN HOUR?
- 14 A PROBABLY MORE THAN AN HOUR.
- 15 Q DO YOU REMEMBER WHAT TIME YOU GOT
- 16 THERE?
- 17 A UH-UH.
- 18 Q YOU DON'T? DO YOU REMEMBER WHAT TIME
- 19 YOU LEFT?
- 20 A PROBABLY AROUND 11:45, TWELVE,
- 21 SOMEWHERE IN THERE.
- 22 Q ELEVEN, FORTY-FIVE OR TWELVE?
- 23 A UH-HUH.
- 24 Q AND YOU WERE DRIVING?
- 25 A YES, SIR.

- 1 Q AND YOU DON'T REMEMBER IF HIS PARENTS
2 WERE HOME?
3 A I DON'T KNOW IF THEY WERE OR NOT.
4 Q YOU DIDN'T GO INSIDE AT ALL TO USE THE
5 BATHROOM OR ANYTHING LIKE THAT?
6 MR. SWERLING: 403, OBJECT TO 403.
7 THE COURT: OVERRULED.
8 Q HOW OLD IS TREY TALBERT -- AT THAT
9 TIME, BACK THEN, HOW OLD WAS HE IN JULY OF '95?
10 A PROBABLY AROUND EIGHTEEN. I'M NOT
11 SURE.
12 Q EIGHTEEN? WAS THERE ANY SKIING?
13 A NOT AT NIGHT, NO. IT WAS NIGHTTIME.
14 Q ANY BOAT RIDING?
15 A NO, SIR.
16 Q SO THE PARTY ON THE LAKE WAS NOT REALLY
17 ON THE LAKE, BUT ON THE LAKESHORE?
18 A YES, SIR --
19 Q BETWEEN THE HOUSE --
20 A -- ON THE DOCK.
21 Q ON THE DOCK?
22 A WELL, WE WERE OUTSIDE.
23 Q WAS THERE A BAND?
24 A NO, SIR.
25 Q THERE WAS NO BAND?

- 1 A NO, SIR.
- 2 Q WAS THERE A STEREO OUTSIDE?
- 3 A YES, SIR, THERE WAS MUSIC PLAYING.
- 4 Q MUSIC WAS PLAYING. GOOD. WERE THERE
- 5 REFRESHMENTS?
- 6 A I DON'T REMEMBER.
- 7 Q YOU DON'T REMEMBER?
- 8 A REFRESHMENTS? YOU MEAN LIKE TO EAT?
- 9 Q EAT AND DRINK?
- 10 A SURE, YEAH.
- 11 Q WHAT WAS THERE TO EAT AND DRINK?
- 12 A THEY HAD CHIPS.
- 13 Q CHIPS?
- 14 A COKE.
- 15 Q COKE?
- 16 A PEPSI.
- 17 Q PEPSI?
- 18 A YES, SIR.
- 19 Q SO IT WAS A PARTY THAT YOU WANTED TO GO
- 20 TO?
- 21 A YES, SIR.
- 22 Q BUT IT WAS NO ONE'S BIRTHDAY?
- 23 A NO, SIR.
- 24 Q AND IT WAS ON A MONDAY NIGHT?
- 25 A YES, SIR.

- 1 Q AND HOW MANY OF THESE PARTIES DID YOU
2 HAVE? I MEAN, WAS IT A REGULAR THING OR WAS THIS A
3 SPECIAL OCCASION?
- 4 A IT WASN'T A SPECIAL OCCASION.
- 5 Q WASN'T A SPECIAL OCCASION?
- 6 A NO, SIR.
- 7 Q SO YOU MIGHT GET TOGETHER LIKE THIS
8 ONCE OR TWICE A WEEK OR ONCE EVERY TWO WEEKS?
- 9 A EVERY NOW AND THEN.
- 10 Q EVERY NOW AND THEN? WELL, IT WAS A
11 SIGNIFICANT ENOUGH EVENT TO DELAY THEIR VACATION?
- 12 A I DON'T KNOW.
- 13 Q OKAY. WELL, WHAT DO YOU KNOW ABOUT THE
14 VACATION? WHERE WERE THEY GOING?
- 15 A WHEN I TALKED TO SHANNON, SHE DIDN'T
16 KNOW EXACTLY WHERE THEY WERE GOING YET.
- 17 Q AND WHEN DID YOU TALK TO HER?
- 18 A THAT NIGHT.
- 19 Q AND YOU HELPED HER PACK THE PRECEDING
20 DAY?
- 21 A YES, SIR.
- 22 Q AND WHAT DID YOU PACK?
- 23 A CLOTHES, SHOES, STUFF LIKE THAT.
- 24 Q WHAT TYPE OF CLOTHES?
- 25 A SHORTS, TEE-SHIRTS.

- 1 Q BATHING SUIT?
- 2 A I DON'T KNOW IF THERE WAS A BATHING
- 3 SUIT OR NOT.
- 4 Q MAKEUP?
- 5 A YES, SIR.
- 6 Q CURLERS?
- 7 A NO, I DON'T THINK WE PACKED ANY
- 8 CURLERS.
- 9 Q WHERE DID SHANNON GET READY FOR THE
- 10 PARTY?
- 11 A I THINK SHANNON GOT READY AT HER HOUSE.
- 12 Q AT HER HOUSE?
- 13 A YEAH.
- 14 Q AND HOW DID SHE GET FROM HER HOUSE TO
- 15 YOUR HOUSE?
- 16 A I CAME TO HER HOUSE.
- 17 Q CAME TO HER HOUSE?
- 18 A YES, SIR.
- 19 Q AND GOT HER?
- 20 A YES, SIR. I WAS OVER THERE ALL DAY.
- 21 Q YOU WERE OVER THERE ALL DAY?
- 22 A YES, SIR.
- 23 Q SO SHE GOT READY TO GO TO THE PARTY
- 24 BEFORE YOU LEFT?
- 25 A YES, SIR.

- 1 Q IS THAT RIGHT?
- 2 A YES, SIR.
- 3 Q AND WHERE DID YOU GET READY TO GO TO
- 4 THE PARTY?
- 5 A WE WENT BACK TO MY HOUSE.
- 6 Q AND YOU GOT READY THERE?
- 7 A WELL, I HAD TO GET MONEY FROM MY MOM.
- 8 Q AND WHERE DID DAWN GET READY TO GO TO
- 9 THE PARTY?
- 10 A I AM DAWN.
- 11 Q I MEAN, I'M SORRY, WHERE DID LISA GET
- 12 READY TO GO TO THE PARTY?
- 13 A I DON'T REMEMBER.
- 14 Q YOU DON'T REMEMBER?
- 15 A I DON'T REMEMBER IF SHE GOT READY AT
- 16 SHANNON'S OR AT MY HOUSE, I DON'T KNOW.
- 17 Q WOULD IT HAVE BEEN EITHER AT SHANNON'S
- 18 OR AT YOUR HOUSE?
- 19 A PROBABLY SO.
- 20 Q IT WOULD HAVE BEEN?
- 21 A PROBABLY SO.
- 22 Q SO LISA GOT READY EITHER AT SHANNON'S
- 23 OR YOUR HOUSE?
- 24 A I DON'T REMEMBER.
- 25 Q WELL, YOU REMEMBER THE PARTY?

1 A YES, SIR.

2 Q AND IT WAS A SIGNIFICANT ENOUGH EVENT
3 FOR YOU TO REMEMBER AND RECALL?

4 A WELL, I MEAN, I DON'T REMEMBER EVERY
5 LITTLE DETAIL.

6 Q I'M NOT ASKING WHAT YOU WORE. I'M JUST
7 ASKING IF YOU REMEMBERED GETTING READY TO GO. KIND
8 OF, I'M GOING TO WEAR THIS. LET'S -- ARE YOU GOING
9 TO WEAR YOUR HAIR UP OR DOWN. YOU DIDN'T DISCUSS
10 THOSE KINDS OF THINGS GETTING READY FOR THE PARTY.
11 OR WHAT TO WEAR OR WHETHER -- WHO'S GOING TO PUT ON
12 THIS COLOR LIPSTICK, YOU DIDN'T --

13 MR. SWERLING: JUDGE, IS THAT A
14 QUESTION?

15 THE COURT: AND I SUSTAIN IT. 403,
16 SOLICITOR.

17 Q LET ME ASK YOU THIS, DAWN. YOU JUST
18 DON'T REMEMBER WHERE YOU GOT READY?

19 A IT COULD HAVE BEEN AT EITHER PLACE.

20 Q AT EITHER PLACE?

21 A YES, SIR.

22 Q WHY DIDN'T SHANNON BRING THE CLOTHES
23 SHE HAD PACKED FOR THE VACATION WITH HER TO YOUR
24 HOUSE?

25 A BECAUSE THEY WEREN'T GOING -- I MEAN,

- 1 THEY WERE GOING IN HER CAR, HER DAD'S CAR.
- 2 Q RIGHT. I MEAN, YOU HAD ALREADY PACKED
- 3 THEM?
- 4 A YES.
- 5 Q AND YOU HAD EVERYTHING IN THE SUITCASE
- 6 THAT SHE WAS GOING TO NEED. SHE DIDN'T PUT IT IN
- 7 HER DAD'S CAR THAT NIGHT, DID SHE?
- 8 A I DON'T KNOW.
- 9 Q WELL, I MEAN, YOU WERE WITH HER?
- 10 A I DIDN'T WATCH EVERYTHING SHE DID,
- 11 THOUGH.
- 12 Q BUT YOU HELPED HER PACK. AND WHAT I'M
- 13 ASKING YOU IS, AFTER YOU GOT EVERYTHING PACKED, DID
- 14 YOU LEAVE IT IN THE BEDROOM OR DID YOU GO PUT IT IN
- 15 HER DAD'S CAR?
- 16 A I'M NOT SURE WHAT SHE DID WITH IT.
- 17 Q THEN SHE COULD HAVE BROUGHT IT WITH HER
- 18 WITH YOU?
- 19 A IT WOULDN'T HAVE MADE SENSE.
- 20 Q SO YOU'RE SAYING THAT SHE DIDN'T BRING
- 21 THE BAG THAT YOU PACKED WITH YOU TO YOUR HOUSE, IN
- 22 YOUR CAR AND PUT IT IN THERE, RIGHT? I MEAN, YOU
- 23 REMEMBER SHE DIDN'T BRING IT WITH HER, DID SHE?
- 24 A SHE DIDN'T HAVE A BIG SUITCASE WITH
- 25 HER, NO.

1 Q MA'AM?

2 A SHE DIDN'T HAVE HER SUITCASE WITH HER,

3 NO.

4 Q AND IF SHE DIDN'T HAVE IT WITH HER, SHE

5 LEFT IT THERE?

6 A PROBABLY SO.

7 Q OKAY. DAWN, THEY -- ACTUALLY, SHE HAD

8 BEEN DISCUSSING WITH YOU ABOUT THE FACT THAT THEY

9 WERE GOING TO TAKE A TRIP FOR A WEEK OR SO, HADN'T

10 SHE?

11 A FOR A WHILE.

12 Q COUPLE WEEKS IS REALLY WHAT IS WAS.

13 LIKE THE FIRST PART -- EVEN AROUND JULY THE 4TH OR

14 SOMETIME BEFORE THAT SHE SAID WE'RE GOING TO GO OFF

15 SOMETIME SOON, DIDN'T SHE?

16 A YES, SIR.

17 Q FOR AT LEAST A COUPLE OF WEEKS?

18 MR. SWERLING: YOUR HONOR, THAT'S A

19 WEEK. A WEEK IS MISLEADING. IT'S A WEEK.

20 MR. JONES: JUDGE, IT'S CROSS-

21 EXAMINATION.

22 THE COURT: IT'S CROSS-EXAMINATION.

23 403, SOLICITOR. NOW, MOVE FORWARD.

24 Q I JUST WANT TO ASK YOU. THE FACT IS,

25 IS THAT THEY HAD BEEN DISCUSSING ABOUT GOING OFF

1 FOR SOME TIME?

2 A YES, SIR.

3 Q AND YOU REMEMBER THAT?

4 A YES, SIR.

5 Q AND DURING THAT TIME, THEY WEREN'T

6 EXACTLY SURE WHEN THEY WERE GOING, WERE THEY?

7 A NO, SIR.

8 Q MA'AM?

9 A NO, SIR.

10 Q THANK YOU.

11 THE COURT: ANYTHING ON REDIRECT?

12 REDIRECT EXAMINATION:

13 BY MR. SWERLING:

14 Q DAWN, DID YOU HELP SHANNON PACK THAT

15 AFTERNOON ON THE 10TH?

16 A YES, SIR.

17 Q DID SHE SPEND THE NIGHT WITH YOU ON THE

18 EVENING OF THE 10TH?

19 A YES, SIR.

20 Q THANK YOU.

21 THE COURT: THANK YOU, MA'AM. YOU MAY

22 STEP DOWN.

23 MR. HARPOOTLIAN: HENRY SUMMER.

24 HENRY SUMMER, BEING DULY

25 SWORN, TESTIFIED AS FOLLOWS:

1 THE CLERK: HAVE A SEAT AND STATE YOUR
2 FULL NAME.

3 THE WITNESS: MY NAME IS HENRY SUMMER.

4 DIRECT EXAMINATION:

5 BY MR. HARPOOTLIAN:

6 Q STATE YOUR FULL NAME FOR THE RECORD,
7 PLEASE.

8 A MY NAME IS HENRY BAKER SUMMER.

9 Q AND MR. SUMMER, WHERE DO YOU LIVE?

10 A I LIVE AT 1814 COLLEGE STREET IN
11 NEWBERRY.

12 Q AND WHAT DO YOU DO THERE?

13 A OH, MY OFFICE IS AT 1508 LINDSAY
14 STREET. I'M AN ACCOUNTING PRACTITIONER. I PREPARE
15 TAX RETURNS, BOOKKEEPING, STUFF LIKE THAT.

16 Q OKAY. AND AS AN ACCOUNTING
17 PRACTITIONER, HAVE YOU PREPARED THE TAX RETURNS OF
18 STEPHEN AND VICKI BECKHAM FOR A NUMBER OF YEARS?

19 A YES, I HAVE.

20 Q AND IN 1994, SPECIFICALLY IN JUNE OF
21 1994 -- BY JUNE OF 1994, HAD YOU PREPARED A TAX
22 RETURN FOR THEM?

23 A YES, I HAD.

24 Q NOW, TO PREPARE THAT TAX RETURN, YOU
25 RECEIVED A W-2 FROM VICKI?

1 A THAT IS CORRECT.

2 Q AND TAX INFORMATION FROM STEPHEN; IS

3 THAT CORRECT?

4 A THAT IS CORRECT.

5 Q NOW, ON JUNE 12TH, THAT WOULD HAVE BEEN

6 A SUNDAY, WERE YOU IN YOUR OFFICE?

7 A NO, SIR.

8 Q ALL RIGHT. WHEN YOU CAME TO YOUR

9 OFFICE ON JUNE 13TH, DID YOU DETERMINE WHETHER OR

10 NOT YOU HAD RECEIVED A FAX?

11 A WHEN I CAME TO THE OFFICE ON MONDAY,

12 JUNE 13TH, THERE WAS A FAX IN MY MACHINE.

13 MR. HARPOOTLIAN: BEG THE COURT'S

14 INDULGENCE FOR JUST ONE MOMENT?

15 Q YOUR FAX LINE AT YOUR OFFICE --

16 MR. HARPOOTLIAN: AND YOUR HONOR,

17 REFERRING TO DEFENDANT'S EXHIBIT NO. 24.

18 Q -- IS 276-9555, OR IT WAS ON JUNE 12 OF

19 1994?

20 A THAT IS CORRECT.

21 Q AND I'D LIKE TO SHOW YOU DEFENDANT'S

22 EXHIBIT NO. 24. WOULD YOU PUBLISH THAT FOR ME,

23 PLEASE? JUST READ THAT.

24 A ON JUNE 12TH, 1994, AT 4:29 P.M., THERE

25 WAS A FORTY-ONE SECOND CALL FROM 803-276-1566

1 REGISTERED TO STEPHEN BECKHAM, POMARIA, SOUTH
2 CAROLINA TO 803-276-9555 REGISTERED TO HENRY SUMMER
3 FAX LINE, NEWBERRY, SOUTH CAROLINA.

4 Q ALL RIGHT. NOW, WHEN YOU ARRIVED AT
5 YOUR OFFICE ON MONDAY, THE 13TH -- LET ME SHOW YOU
6 THIS DOCUMENT. HAVE YOU EVER SEEN THAT DOCUMENT
7 BEFORE?

8 A YES, SIR.

9 Q OKAY. AND WHAT IS THAT DOCUMENT?

10 A THIS IS A NOTE --

11 MR. JONES: YOUR HONOR, COULD I SEE IT?

12 MR. HARPOOTLIAN: I THINK WE PREVIOUSLY
13 FURNISHED YOU A COPY, BUT, I APOLOGIZE.

14 MR. JONES: THAT'S FINE.

15 MR. HARPOOTLIAN: CAN I OFFER IN INTO
16 EVIDENCE AND HAVE HIM PUBLISH IT?

17 THE COURT: WITHOUT ANY OBJECTION.

18 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 64
19 WAS ADMITTED INTO EVIDENCE.)

20 COURT REPORTER: DEFENDANT'S 64.

21 Q OKAY, REFERRING YOU TO DEFENDANT'S
22 EXHIBIT 64, HOW ABOUT PUBLISH THAT TO THE JURY,
23 PLEASE?

24 A ALL RIGHT. IT SAYS: HENRY, PLEASE
25 SEND MY TAX RETURN TO ME AT ROUTE 1, BOX 163,

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1 POMARIA, SOUTH CAROLINA 29126. MY PHONE NUMBER IS
2 276-1566 IF YOU NEED ME. THANKS, STEPHEN BECKHAM.
3 Q OKAY. NOW, THIS IS WHAT YOU FOUND IN
4 YOUR FAX MACHINE ON THE 13TH WHEN YOU CAME IN THAT
5 MORNING; IS THAT CORRECT?
6 A THAT IS CORRECT.
7 Q THE TAX RETURN THAT YOU HAD PREPARED
8 FOR VICKI AND STEPHEN WAS A JOINT TAX RETURN, WAS
9 IT NOT?
10 A YES, SIR.
11 Q AND AS SUCH, WHOSE SIGNATURES WOULD IT
12 HAVE REQUIRED?
13 A IT WOULD REQUIRE SIGNATURES OF BOTH TAX
14 PAYERS, WHICH WOULD BE STEVE AND VICKI.
15 Q SO AT 4:29 ON THE 12TH --
16 THE COURT: WAIT JUST A MINUTE, MR.
17 HARPOOTLIAN.
18 SOLICITOR, COME RIGHT UP HERE JUST A
19 MINUTE.
20 (BENCH CONFERENCE IN THE PRESENCE OF
21 THE JURY, OUT OF THE HEARING OF THE JURY, AND OFF
22 THE RECORD.)
23 Q LET ME THINK WHERE I WAS. LET ME BACK
24 UP JUST A LITTLE. OH, OKAY. WE ESTABLISHED THIS
25 WAS A JOINT TAX RETURN THAT REQUIRED BOTH

1 SIGNATURES?

2 A YES, SIR.

3 Q SO AT 4:29 P.M. ON THE 12TH OF JUNE,
4 1994, STEPHEN BECKHAM WAS ASKING YOU TO SEND TO HIM
5 BY MAIL A DOCUMENT WHICH WOULD HAVE REQUIRED HIS
6 AND VICKI'S SIGNATURES; IS THAT CORRECT?

7 A I GOT THE FAX MONDAY MORNING AND THAT
8 IS WHAT THE LETTER SAID. AND THE TAX RETURN WOULD
9 REQUIRE BOTH SIGNATURES.

10 Q AND HE HAS FAXED YOU --

11 A AND IT CAME IN AT FOUR WHATEVER IT WAS
12 ON SUNDAY.

13 Q 4:29 P.M., ACCORDING TO THE PHONE
14 RECORDS?

15 A THAT IS CORRECT.

16 MR. HARPOOTLIAN: BEG THE COURT'S
17 INDULGENCE FOR JUST ONE MOMENT?

18 Q LET ME JUST ASK YOU A COUPLE MORE
19 QUESTIONS. YOU DIDN'T GET THIS UNTIL MONDAY; IS
20 THAT CORRECT?

21 A WHEN I OPENED MY OFFICE UP AT EIGHT
22 O'CLOCK MONDAY, IT WAS IN MY FAX MACHINE.

23 Q WAS THERE ANY WAY FOR MR. BECKHAM TO
24 GET HIS JOINT TAX RETURN BEFORE MONDAY FROM YOU?

25 A NO, SIR.

1 Q AND THE FAX INDICATES THAT YOU'RE TO
2 MAIL IT TO HIM?

3 A RIGHT. WHEN WE PREPARE TAX RETURNS, WE
4 PUT THEM IN A PICKUP BOX AND USUALLY, THE PEOPLE
5 PICK THEM UP. IF THEY WANT THEM MAILED, THEY
6 USUALLY CALL. SO IT'S NOT UNUSUAL FOR PEOPLE TO
7 GET IN TOUCH WITH ME AND ASK ME TO MAIL THEM TAX
8 RETURNS.

9 Q AND HOW LONG, APPROXIMATELY, IS IT YOUR
10 EXPERIENCE BEFORE THEY GET THESE RETURNS IN THE
11 MAIL AFTER THEY ASK FOR THEM?

12 A I DON'T KNOW WHEN THEY MAIL THEM.

13 Q WOULD IT BE MORE THAN A COUPLE OR THREE
14 DAYS?

15 A WELL, I DON'T KNOW. WE JUST GIVE THEM
16 THE TAX RETURNS. WHAT THEY DO WITH THEM, I DON'T
17 KNOW.

18 Q OKAY. SO ON SUNDAY, THE 12TH AT 4:30,
19 HE'S ASKING YOU TO HAVE THESE TAX RETURNS DELIVERED
20 TO HIM BY MAIL FOR HE AND VICKI TO SIGN; IS THAT
21 CORRECT?

22 A I GOT A FAX THAT WAS DATED 4/29 ON A
23 SUNDAY ASKING THAT THE TAX RETURNS BE MAILED, YES,
24 SIR.

25 Q AND THIS TAX RETURN YOU HAD DISCUSSED

1 WITH STEPHEN, IT WAS A JOINT TAX RETURN?
2 A IT WAS A JOINT TAX RETURN.
3 Q REQUIRING HE AND VICKI'S SIGNATURE?
4 A THAT IS CORRECT.
5 Q YOU'RE ALSO THE CHAIRMAN OF COUNTY
6 COUNCIL HERE; IS THAT CORRECT?
7 A THAT IS CORRECT.
8 MR. HARPOOTLIAN: BEG THE COURT'S
9 INDULGENCE?
10 Q THANK YOU.
11 THE COURT: CROSS-EXAMINATION, MR.
12 MCMAHON?
13 CROSS-EXAMINATION:
14 BY MR. MCMAHON:
15 Q I APOLOGIZE, IS IT MR. SUMMERS OR
16 SUMMER?
17 A SUMMER.
18 Q SUMMER?
19 A JUST LIKE THE SEASON.
20 Q ALL RIGHT, THANK YOU, SIR. MY NAME IS
21 KNOX MCMAHON. AND I WON'T SAY I HAVE A COUPLE
22 QUESTIONS, BUT I HAVE A FEW QUESTIONS, PERHAPS. IS
23 JUNE THE 12TH OF '94 TAX SEASON?
24 A NO, SIR. WE HAD GOTTEN AN AUTOMATIC
25 EXTENSION UNTIL AUGUST THE 15TH TO FILE THE TAX

1 RETURNS.

2 Q AND YOU ARE TALKING ABOUT FOR MR.

3 BECKHAM?

4 A FOR MR. AND MRS. BECKHAM.

5 Q MR. AND MRS. BECKHAM, YES, SIR.

6 A RIGHT.

7 Q SO, ACTUALLY, THE TAXES WOULD HAVE BEEN
8 DUE, I THINK, APRIL THE 15TH?

9 A THEY ARE DUE APRIL 15TH, UNLESS YOU ASK
10 FOR AN AUTOMATIC EXTENSION AND THEN THEY ARE DUE
11 AUGUST THE 15TH.

12 Q SO THEY WOULD NOT HAVE BEEN DUE UNTIL
13 AUGUST THE 15TH?

14 A AUGUST THE 15TH.

15 Q NOW, YOU SAY IN YOUR PRACTICE, MR.
16 SUMMER, PEOPLE GENERALLY COME BY AND PICK THEM UP?

17 A MOST OF THE TIME, PEOPLE PICK THEM UP.
18 SOMETIME PEOPLE CALL, PARTICULARLY PEOPLE, YOU
19 KNOW, SOMETIME THEY JUST CALL UP BECAUSE IT'S
20 INCONVENIENT OR THEY JUST DON'T WANT TO COME BY.

21 Q AND GENERALLY, PEOPLE WOULD CALL AND
22 SAY, HOW ABOUT DROP IT IN THE MAIL OR SOMETHING
23 LIKE THAT?

24 A MOST OF THE TIME THEY CALL.

25 Q MOST OF THE TIME THEY CALL?

1 A THEY CALL, YOU KNOW, SOMETIME THEY PICK
2 IT UP.

3 Q AND WAS THIS UNUSUAL TO RECEIVE A FAX
4 OVER THE WEEKEND LIKE THIS REQUESTING A COPY BE
5 SENT BY MAIL?

6 A I DON'T KNOW IF IT WOULD BE UNUSUAL OR
7 NOT. THE OFFICE IS CLOSED ON THE WEEKEND. IF
8 SOMEBODY WANTED TO GET IN TOUCH WITH ME ON THE
9 WEEKEND, THAT WOULD BE ONE WAY TO DO THAT.

10 Q YES, SIR. AND, OF COURSE, YOU CHECK
11 YOUR FAXES ON MONDAY MORNING?

12 A I CAME IN THE OFFICE ON MONDAY MORNING
13 AND THE FAX WAS THERE.

14 Q YES, SIR. AND I GUESS MY QUESTION WAS,
15 IS THAT USUAL OR UNUSUAL TO HAVE FAXES THERE ON A
16 MONDAY MORNING FROM THE PREVIOUS WEEKEND FOR PEOPLE
17 WHO ARE REQUESTING THAT YOU MAIL THEM THEIR TAXES?

18 A MOST OF THE TIME, WE DON'T GET FAXES
19 ASKING THAT THEY MAIL THEIR TAX RETURNS IN.

20 Q SO WOULD YOU CHARACTERIZE THAT AS
21 UNUSUAL?

22 A THAT'S NOT -- MOST OF THE PEOPLE PICK
23 UP TAX RETURNS.

24 Q YES, SIR.

25 A MOST OF THE ONES THAT DON'T PICK THEM

1 UP WILL CALL ME. SO IT'S NOT SOMETHING THAT WOULD
2 HAPPEN MOST OF THE TIME.

3 Q SO MOSTLY THEY PICK THEM UP -- NUMBER
4 ONE, IN THE HIERARCHY, SO TO SPEAK, IT WOULD BE
5 PICK IT UP?

6 A RIGHT.

7 Q AND THEN DOWN BELOW THAT, IT WOULD BE
8 CALL AND MAIL?

9 A RIGHT.

10 Q AND THEN SOMEWHERE WAY DOWN THERE
11 FURTHER DOWN, IT WOULD BE FAX TO YOU?

12 A YES, SIR.

13 Q AND WOULD THAT UNUSUAL THAT IT OCCURRED
14 -- I MEAN, BASED ON YOUR BUSINESS AND YOU'VE BEEN
15 AN ACCOUNTING PRACTITIONER FOR, I FORGOT HOW MANY
16 YEARS --

17 A RIGHT.

18 Q IT WOULD BE UNUSUAL TO RECEIVE A FAX
19 OVER THE WEEKEND REQUESTING THAT THEY BE MAILED?

20 A IT'S UNUSUAL. SOMETIMES PEOPLE WILL
21 FAX ME STUFF, YOU KNOW, MAKE ME A COPY OF THIS AND
22 MAIL IT TO THE BANK. OR MAKE ME A COPY OF THAT AND
23 MAIL IT TO THE BANK. SO WE DO GET REQUESTS FROM
24 TIME TO TIME. YOU KNOW, SO WE DO GET REQUESTS FROM
25 TIME TO TIME OVER THE WEEKEND ABOUT THINGS WHEN

1 PEOPLE CAN'T GET IN TOUCH WITH ME.

2 Q AND HERE, HE DOESN'T SAY ANYTHING -- I
3 REALIZE IT'S A JOINT TAX RETURN. I BELIEVE YOU
4 TESTIFIED TO THAT. BUT THIS PARTICULAR DOCUMENT
5 APPEARS TO BE HANDWRITTEN, PLEASE, SEND ME MY TAX
6 RETURN?

7 A THAT IS CORRECT.

8 Q IT DIDN'T REALLY SAY ANYTHING ABOUT
9 MAIL, DID IT? I MEAN, IT DOESN'T SAY, PLEASE, MAIL
10 MY TAX RETURN?

11 A IT SAID: SEND ME MY TAX RETURN. THAT
12 IS WHAT IT SAID. SEND ME MY TAX RETURN.

13 Q AND IT DOESN'T SAY ANYTHING ABOUT OUR
14 TAX RETURN, MINE AND VICKI'S?

15 A NO, IT SAID: SEND ME MY TAX RETURN. I
16 ASSUMED, SINCE THAT WAS THE TAX RETURN THAT I HAD
17 PREPARED, I ASSUMED THAT'S WHAT HE WANTED. AND I
18 ASSUME WHEN HE SAID, SEND ME, I ASSUMED IT WAS TO
19 MAIL IT TO HIM.

20 Q AND WHEN WAS THE TIME PREVIOUS TO YOU
21 SEEING THIS FAX, READING THIS FAX ON THE MORNING OF
22 JUNE THE 13TH OF '94, WHEN WAS THE MOST PREVIOUS
23 TIME YOU HAD HAD CONTACT WITH THE DEFENDANT ABOUT
24 HIS TAX RETURNS?

25 A SEEMS LIKE IT WAS SOMETIMES IN MAY.

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- 1 Q MAY?
- 2 A MAY.
- 3 Q WHICH WOULD HAVE BEEN AT LEAST TWELVE
- 4 DAYS. AT LEAST, IF WE GO BACK TO MAY 31ST?
- 5 A RIGHT. AND I THINK IT WAS MORE LIKE
- 6 THE FIRST PART OF MAY.
- 7 Q FIRST PART? SO TO THE BEST OF YOUR
- 8 MEMORY, THIS FAX THAT YOU CHECKED THAT WAS IN THE
- 9 MACHINE, OR WHATEVER THEY COME OUT OF, ON JUNE THE
- 10 13TH, THE MOST PREVIOUS TIME YOU HAD HAD ANY
- 11 CONTACT WITH THE DEFENDANT ABOUT HIS TAX RETURNS
- 12 WAS MAY, THE FIRST PART OF MAY, 1994?
- 13 A SOMETIME IN MAY, RIGHT.
- 14 Q AND, OF COURSE, FROM DOING THEIR TAXES,
- 15 YOU KNEW, I WOULD TAKE IT, THAT THE DEFENDANT AND
- 16 VICKI BECKHAM WERE SEPARATED?
- 17 A YES.
- 18 Q AND, OF COURSE, I GUESS IT GOES WITHOUT
- 19 SAYING, YOU SAY A TAX RETURN, HUSBAND AND SPOUSE --
- 20 OR HUSBAND AND WIFE BOTH HAVE TO SIGN?
- 21 A THAT IS CORRECT.
- 22 Q OBVIOUSLY, THAT IS NOT CORRECT -- I'M
- 23 NOT DISPUTING THAT ANSWER. I'M NOT TRYING TO BE
- 24 ARGUMENTATIVE, BUT IF A SPOUSE DIES OR IS DEAD
- 25 BEFORE THE FILING OF THE RETURN, THERE'S ONLY ONE

1 SIGNATURE, OBVIOUSLY?

2 A I BELIEVE THAT IS CORRECT.

3 Q THANK YOU, MR. SUMMER. I DON'T HAVE
4 ANYTHING ELSE.

5 THE COURT: ANYTHING ELSE?

6 REDIRECT EXAMINATION:

7 BY MR. HARPOOTLIAN:

8 Q JUST A COUPLE QUESTIONS, MR. SUMMER.

9 WHEN STEPHEN HAD BEEN IN TO SEE YOU PREVIOUSLY, HAD
10 HIS TAX RETURN BEEN READY AT THAT POINT?

11 A NO. TO START OFF WITH, STEPHEN HAD
12 TALKED WITH ME ABOUT FILING A MARRIED FILING
13 SEPARATELY.

14 Q RIGHT.

15 A AND WHEN WE LOOKED AT THE NUMBERS ON
16 THAT, IT CAME UP WHERE THERE WOULD BE A LIABILITY,
17 A BALANCE DUE. AND I TOLD STEPHEN THAT HE WOULD BE
18 BETTER OFF FILING A JOINT TAX RETURN WITH VICKI.
19 AND THEN I TALKED WITH VICKI AND VICKI GAVE ME A
20 W-2 -- OR A COPY OF HER W-2 FORM AND INSTRUCTED ME
21 TO FILE A JOINT TAX RETURN.

22 Q SO BOTH OF THEM, VICKI AND STEPHEN,
23 AGREED TO HAVE A JOINT TAX RETURN FILED?

24 A RIGHT.

25 Q IN MAY WHEN YOU TALKED TO THEM, WAS THE

1 TAX RETURN PREPARED AND READY AT THAT TIME?

2 A AFTER I TALKED TO THEM, I PREPARED A
3 TAX RETURN SOMETIME IN MAY.

4 Q WHAT I'M SAYING IS, THE LAST TIME YOU
5 SAW HIM, YOU'VE TESTIFIED SOMETIME IN EARLY MAY,
6 WAS THERE A TAX RETURN READY AT THAT POINT?

7 A WHAT I DID IS, WHEN I FIRST TALKED TO
8 STEPHEN HE SAID --

9 Q I'M TALKING -- WE CAN SAVE SOME TIME
10 HERE. WAS IT READY WHEN HE CAME BY IN MAY THAT YOU
11 TESTIFIED TO TALKING TO HIM ABOUT?

12 A NO.

13 Q OKAY. AND HAD YOU HAD ANY DISCUSSIONS
14 WITH HIM, EITHER OVER THE PHONE OR RECEIVED
15 MESSAGES FROM HIM BETWEEN THE TIME THAT YOU SAW HIM
16 IN MAY AND WHEN YOU RECEIVED THIS FAX INDICATING HE
17 WAS INTERESTED IN GETTING HIS TAX RETURN?

18 A I DON'T REMEMBER TALKING TO HIM ABOUT
19 SENDING IT TO HIM OR TALKING TO HIM ABOUT IT.

20 Q WHEN YOU RECEIVED THIS FAX, YOU
21 INDICATE -- MR. MCMAHON ASKED YOU ABOUT WHETHER IT
22 WAS USUAL, UNUSUAL. YOU GOT A FAX MACHINE IN YOUR
23 OFFICE, RIGHT?

24 A YES, SIR.

25 Q IS IT CONNECTED UP ON THE WEEKEND?

- 1 A I GET FAXES FROM JOHN SPRATT EVERY
2 WEEKEND, YOU WOULDN'T BELIEVE.
- 3 Q JOHN SPRATT IS A CONGRESSMAN?
- 4 A YES, SIR.
- 5 Q FOR THIS DISTRICT?
- 6 A YES, SIR.
- 7 Q RUNNING FOR RE-ELECTION?
- 8 A YES, SIR.
- 9 Q SO YOU WOULD BE GETTING THOSE OVER YOUR
10 FAX MACHINE EVERY WEEKEND?
- 11 A YES, SIR.
- 12 Q AND AS A MATTER OF FACT, YOU PROBABLY
13 GET FAXES FROM OTHER KINDS OF POLITICAL FOLKS, TOO,
14 EVERY WEEKEND, ARE YOU NOT?
- 15 A YES, SIR.
- 16 Q BUT YOU ALSO GET BUSINESS DOCUMENTS
17 RATHER ROUTINELY OVER A FAX MACHINE OVER THE
18 WEEKEND OR AT NIGHT, DO YOU NOT?
- 19 A YES, I DO.
- 20 Q AND THIS IS SOMETHING THAT HAS OCCURRED
21 OVER THE LAST FEW YEARS? TEN YEARS AGO, THERE WERE
22 NO FAX MACHINES, WERE THERE?
- 23 A NO, SIR, I DIDN'T HAVE ONE TEN YEARS
24 AGO.
- 25 Q AND IT WAS A LITTLE NICER LIFESTYLE,

1 WASN'T IT?

2 A I GUESS SO.

3 Q BUT MORE RECENTLY, PEOPLE HAVE BEGUN TO
4 USE FAX MACHINES TO COMMUNICATE RATHER THAN LEAVING
5 A MESSAGE ON AN ANSWERING MACHINE. ESPECIALLY, IN
6 THE FINANCIAL WORLD WHERE THEY WANT FINANCIAL
7 DOCUMENTS DEALT WITH; IS THAT CORRECT?

8 A THAT IS CORRECT. A LOT OF TIMES PEOPLE
9 WILL SEND ME MESSAGES MAINLY JUST SAYING, FAX A
10 COPY OF THIS OR THAT TO THE BANK.

11 Q AND WHEN YOU GOT THIS ON -- WHEN YOU
12 CAME INTO THE OFFICE ON THE MORNING OF JUNE THE
13 13TH AND FOUND THIS FAX, DID YOU THINK IT WAS OUT
14 OF THE ORDINARY OR UNUSUAL OR WERE YOU SHOCKED BY
15 IT?

16 A WELL, IT -- MY FEELING WAS -- BECAUSE I
17 KNEW SOMETHING HAD HAPPENED TO VICKI OVER THE
18 WEEKEND, IT WAS A FUNNY FEELING TO SEE A FAX LIKE
19 THAT, KNOWING SOMETHING HAD HAPPENED TO VICKI.

20 Q BUT IF YOU HAD NOT KNOWN SOMETHING HAD
21 HAPPENED TO VICKI, WOULD IT HAVE BEEN UNUSUAL OR
22 SHOCK YOU?

23 A NO, SIR.

24 Q OKAY. THANK YOU.

25 THE COURT: RECROSS, MR. MCMAHON,

1 ANYTHING FURTHER?

2 MR. MCMAHON: NO, YOUR HONOR, NOTHING
3 FURTHER.

4 THE COURT: THANK YOU, SIR. YOU MAY
5 STEP DOWN.

6 LET'S TAKE A SHORT BREAK.

7 MR. HARPOOTLIAN: MAY MR. SUMMER BE
8 EXCUSED, YOUR HONOR? CAN HE BE EXCUSED?

9 THE COURT: ANY OBJECTION TO HIM BEING
10 EXCUSED?

11 MR. MCMAHON: NO.

12 (JURY RECESSED TO JURY ROOM AT 4:37
13 P.M.)

14 MR. SWERLING: WE'RE READY, YOUR HONOR.

15 THE COURT: ALL RIGHT, BRING THE JURY
16 IN.

17 (WHEREUPON, THE JURY RETURN TO OPEN
18 COURT AT 5:00 P.M.)

19 THE COURT: CALL YOUR NEXT WITNESS,
20 PLEASE.

21 MR. SWERLING: WE'D CALL REVEREND
22 LIBBY, YOUR HONOR.

23 ELIZABETH WEAVER LIBBY,
24 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

25 THE CLERK: HAVE A SEAT AND STATE YOUR

- 1 FULL NAME.
- 2 THE WITNESS: ELIZABETH WEAVER LIBBY.
- 3 DIRECT EXAMINATION:
- 4 BY MR. SWERLING:
- 5 Q REVEREND LIBBY, YOU ARE AN ORDAINED
- 6 MINISTER; IS THAT CORRECT?
- 7 A YES.
- 8 Q AND WHAT FAITH ARE YOU?
- 9 A THE EPISCOPAL FAITH.
- 10 Q AND YOU HAVE A CONGREGATION?
- 11 A YES, I DO.
- 12 Q AND WHERE IS YOUR CONGREGATION?
- 13 A CHAPIN, SOUTH CAROLINA, WHICH IS ABOUT
- 14 TWENTY MINUTES FROM HERE.
- 15 Q THAT IS IN NEWBERRY COUNTY, CHAPIN?
- 16 A NO, IT'S NOT, LEXINGTON COUNTY.
- 17 Q IT'S NOT, I'M SORRY, LEXINGTON. AND
- 18 HOW LONG HAVE YOU BEEN ORDAINED?
- 19 A I HAVE BEEN ORDAINED SINCE 1984.
- 20 Q AND I BELIEVE YOUR HUSBAND IS ALSO AN
- 21 ORDAINED MINISTER?
- 22 A YES.
- 23 Q AND HOW LONG HAS HE BEEN ORDAINED?
- 24 A UH...
- 25 Q ROUGHLY?

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1 A ROUGHLY -- IT JUST TOOK ME BY SURPRISE,
2 BUT TWENTY-FIVE YEARS.

3 Q DOES HE HAVE HIS OWN CONGREGATION?

4 A YES, HE DOES.

5 Q NOW, WAS STEPHEN BECKHAM AND HIS THREE
6 CHILDREN PARISHIONERS OF YOURS?

7 A YES.

8 Q AND DO YOU RECALL ABOUT, APPROXIMATELY,
9 WHAT TIME IT WAS THEY BECAME PARISHIONERS?

10 A IN THE FALL AFTER VICKI'S DEATH, THEY
11 BEGAN ATTENDING MY CHURCH AND BECAME MEMBERS. THE
12 CHILDREN STARTED ACOLYTING AND THEY WERE REGULAR.,
13 AND FROM THAT TIME, THE FALL OF 1994.

14 Q NOW, LET ME GO TO JULY OF 1995, OKAY?
15 SPECIFICALLY, THE MIDDLE OF JULY, AROUND JULY 14TH,
16 13TH OR 14TH OF 1995. DID YOU RECEIVE A CALL FROM
17 SOMEONE, EITHER STEPHEN OR ONE OF THE CHILDREN IN
18 CONNECTION WITH THIS CASE?

19 A YES.

20 Q AND WHERE WERE YOU WHEN THAT CALL WAS
21 MADE?

22 A IT WAS FRIDAY, THAT IS OUR DAY OFF.
23 BOB AND I TAKE FRIDAY OFF, SO WE WERE HOME. BOB
24 WAS UPSTAIRS IN OUR STUDY AND I WAS STILL BEING
25 LAZY, READING IN BED.

- 1 Q HOW LONG HAVE Y'ALL BEEN MARRIED?
- 2 A WE'VE BEEN MARRIED THIRTEEN YEARS.
- 3 Q AND THIS WOULD HAVE BEEN JULY 14TH,
- 4 1995?
- 5 A IT WAS FRIDAY MORNING. I THINK THAT'S
- 6 JULY 14TH.
- 7 Q AND AT THAT TIME, WERE YOU AWARE OF THE
- 8 FACT THAT A WARRANT HAD BEEN ISSUED FOR STEPHEN
- 9 BECKHAM AS A RESULT OF THE MEDIA?
- 10 A YES, I CERTAINLY WAS.
- 11 Q AND YOU SAID YOU GOT A PHONE CALL.
- 12 ABOUT WHAT TIME OF THE DAY WAS IT AND WHO WAS THE
- 13 PHONE CALL FROM?
- 14 A THE PHONE CALL WAS FROM STEPHEN. IT
- 15 WAS ABOUT 10:30 IN THE MORNING. AND BOB ANSWERED
- 16 THE PHONE AND THEN HE CALLED ME TO GET ON THE
- 17 PHONE.
- 18 Q NOW, WITHOUT GOING INTO THE
- 19 CONVERSATION THAT YOU HAD, OKAY? BUT AS A RESULT
- 20 OF THAT CONVERSATION, WHAT DID YOU AND REVEREND BOB
- 21 LIBBY DO?
- 22 A WITHIN TWENTY MINUTES WE GOT ON THE
- 23 ROAD.
- 24 Q AND HEADED WHERE?
- 25 A ACTUALLY, WE DIDN'T KNOW EXACTLY WHERE

1 WE WERE HEADED, BUT WE HAD BEEN TOLD TO --

2 MR. MCMAHON: OBJECT TO THE HEARSAY,
3 YOUR HONOR.

4 THE COURT: SUSTAINED.

5 Q WITHOUT GOING INTO WHAT YOU HAD BEEN
6 TOLD --

7 MR. SWERLING: YOUR HONOR, ACTUALLY,
8 IT'S NOT BEING OFFERED FOR THE TRUTH. IT'S A
9 DIRECTION THAT THEY'RE GOING. IT'S NOT FOR THE
10 TRUTH OF THE MATTER.

11 THE COURT: DO YOU STAND BY YOUR
12 OBJECTION?

13 MR. SWERLING: I'M NOT GOING INTO
14 ANYTHING THAT WAS SAID, EXCEPT WHERE TO GO.

15 MR. MCMAHON: I'LL WITHDRAW IT FOR THE
16 MOMENT.

17 A WHAT WE KNEW WAS THAT WE WERE TO COME
18 ABOUT SIXTY OR SEVENTY MILES ABOVE KNOXVILLE ON I-
19 75, AND TO WAIT AT A PIZZA HUT AT A WILLIAMSBURG
20 EXIT. WE DID NOT KNOW THAT WAS KENTUCKY UNTIL WE
21 GOT INTO KENTUCKY, AND WE DID FIND THE PIZZA HUT
22 THERE.

23 Q SO WHEN YOU GOT ON THE ROAD, YOU DIDN'T
24 KNOW WHERE YOU WERE GOING, WHAT CITY OR STATE YOU
25 WOULD BE IN, BUT YOU KNEW WHERE YOU WERE SUPPOSED

1 TO GO?

2 A WE KNEW WILLIAMSBURG, BUT WE DID NOT
3 KNOW THAT WAS IN KENTUCKY. WE KNEW WE WERE GOING
4 TO GO ABOVE KNOXVILLE, TENNESSEE. WE KNEW WE WERE
5 PROBABLY SIXTY OR SEVENTY MILES FROM KNOXVILLE.

6 Q WHAT TIME DID YOU GET THERE?

7 A I BELIEVE IT WAS BEFORE SIX O'CLOCK.

8 Q NOW, WHEN YOU WENT UP THERE DID YOU
9 KNOW THAT STEPHEN BECKHAM WAS WITH THE CHILDREN --
10 OR THE CHILDREN WERE WITH STEPHEN BECKHAM?

11 A YES.

12 Q AND HAD YOU HAD ANY OTHER COMMUNICATION
13 WITH HIM THAT WEEK AT ALL?

14 A NO.

15 Q WHEN YOU WENT UP TO THE PIZZA HUT IN
16 WILLIAMSBURG, WHAT WAS YOUR INTENTION?

17 A OUR INTENTION WAS TO BRING THE CHILDREN
18 HOME SAFELY. WE WERE VERY CONCERNED THAT THE
19 CHILDREN NOT BE INVOLVED IN ANYTHING THAT WOULD NOT
20 TAKE THEM AWAY FROM FAMILY. ANYTHING THAT WAS
21 GOING TO HAPPEN, WE DID NOT WANT THE CHILDREN TO
22 WITNESS OR BE A PART OF OR BE CAUGHT IN ANOTHER
23 STATE. SO OUR PRIMARY INTENTION WAS TO MAKE SURE
24 THE CHILDREN WERE SAFE. WE, ALSO, WANTED STEPHEN
25 TO COME BACK WITH US.

1 Q AT THAT TIME AS A RESULT, I GUESS IT
2 WAS A BROADCAST, DID YOU KNOW THAT THERE WAS A
3 WARRANT FOR STEPHEN BECKHAM?

4 A ABSOLUTELY, YES.

5 Q AND YOU, ALSO, KNEW THE CHILDREN WERE
6 WITH HIM?

7 A YES.

8 Q AND YOUR CONCERN AT THAT TIME WAS
9 GETTING THE CHILDREN BACK SAFELY?

10 A YES.

11 Q AND, ALSO, GETTING STEPHEN BACK SAFELY?

12 A YES.

13 Q AND WHEN YOU WERE GOING UP THERE, WHAT
14 WAS YOUR INTENTION WITH REGARDS TO WHAT YOU WERE
15 GOING TO DO WITH THE CHILDREN?

16 A WE WERE GOING TO TAKE THEM BACK HOME,
17 TO GET THEM SAFELY THERE. WE HAD AGREED TO GET THE
18 CHILDREN SAFELY HOME. AND THEN, CONTACT YOU AND
19 LET YOU HELP MR. BECKHAM SURRENDER.

20 Q NOW, WHEN YOU GOT TO KENTUCKY --
21 WILLIAMSBURG, PIZZA HUT, DID YOU SEE STEPHEN AND
22 THE CHILDREN?

23 A NO.

24 Q AT SOME POINT, DID YOU GET TO MAKE
25 CONTACT WITH THEM?

1 A YES, THEY HAD AGREED TO MEET US AT
2 SEVEN O'CLOCK, OR AT LEAST, WE HAD BEEN TOLD THE
3 CHILDREN WOULD BE THERE AT SEVEN O'CLOCK.

4 Q AND TELL THE JURY WHAT HAPPENED.

5 A WE GOT THERE EARLY AND WE WENT IN AND
6 GOT A DRINK -- OR GAS NEXT DOOR, I THINK. RODE
7 AROUND A LITTLE BIT. WE WERE VERY ANXIOUS, I
8 THINK. AND AT SEVEN O'CLOCK, STEPHEN AND THE
9 CHILDREN DROVE UP TO THE PIZZA HUT AND MET US.

10 Q AND WHAT WERE THEY DRIVING, IF YOU CAN
11 RECALL?

12 A THE BURGUNDY HONDA.

13 Q AND HOW LONG DID YOU SPEND WITH THEM
14 WHILE YOU WERE IN WILLIAMSBURG?

15 A STEPHEN AGREED TO COME BACK WITH US, SO
16 WE WENT BACK WITH THEM TO THE MOTEL AND PICKED UP
17 THEIR BELONGINGS. AND I DON'T THINK THAT COULD
18 HAVE TAKEN US MORE THAN FIFTEEN MINUTES, THE WHOLE
19 THING, FROM THE TIME THEY MET US AT THE PIZZA HUT,
20 BUT I WASN'T KEEPING TIME.

21 Q SO EVERYTHING THEY HAD WAS BACK AT THE
22 MOTEL?

23 A YES.

24 Q SO YOU WENT BACK TO THE MOTEL. AND
25 WHAT KIND OF CAR WERE YOU DRIVING?

1 A CROWN VICTORIA.

2 Q WAS IT BIG ENOUGH FOR EVERYBODY TO COME
3 BACK IN?

4 A IT WAS BIG ENOUGH. ANDREW SAT IN THE
5 FRONT BETWEEN BOB AND I. WHICH, I DON'T THINK ANY
6 CARS ARE MADE FOR THREE PEOPLE IN THE FRONT THESE
7 DAYS, BUT WE HAD THREE IN THE FRONT AND THREE IN
8 THE BACK.

9 Q NOW, HOW LONG WERE YOU AT THE ACTUAL
10 HOTEL BEFORE YOU HEADED BACK TOWARDS SOUTH
11 CAROLINA?

12 A MAYBE FIVE MINUTES.

13 Q NOW, HAD YOU CALLED ANYBODY WHEN YOU
14 WENT UP TO WILLIAMSBURG TO LET ANYBODY KNOW?

15 A I CANCELLED ONE APPOINTMENT I HAD AT
16 HEARTFELT HEALTH MANAGEMENT THAT AFTERNOON. MY
17 SECRETARY DOESN'T WORK ON FRIDAY, EITHER. I
18 ORIGINALLY TRIED TO CALL HER AT HOME AND LEFT A
19 MESSAGE FOR HER TO CALL MY WARDEN TO TELL THEM I
20 WOULD BE OUT OF TOWN AND TO TAKE EMERGENCY CALLS.
21 AND THEN, WHEN I COULD NOT REACH HER, I CALLED ONE
22 OF MY WARDENS AND TOLD HIM I WOULD BE OUT OF TOWN,
23 BUT BE BACK THAT EVENING OR THE NEXT MORNING.

24 Q WARDEN BEING?

25 A THE WARDENS ARE THE CHIEF LAY OFFICERS

1 OF OUR CHURCH AND THEY ARE RESPONSIBLE FOR THINGS
2 IN MY ABSENCE.

3 Q NOW, DID YOU CALL ANY OF THE BECKHAM
4 FAMILY?

5 A NO, SIR, I DID NOT.

6 Q DID YOU CALL ANYBODY IN LAW
7 ENFORCEMENT?

8 A NO, I DID NOT.

9 Q AND WHY?

10 A PASTORALLY, I HAD AGREED TO SEE TO THE
11 SAFETY OF THE CHILDREN. AND THE AGREEMENT I MADE
12 WAS THAT I WOULD DO THAT BEFORE ANY REPORTS WERE
13 MADE TO LAW ENFORCEMENT. BUT IT WAS ALWAYS THE
14 INTENTION THAT THAT WOULD BE DONE, ALSO. IT WAS
15 JUST AN ISSUE OF GETTING THE CHILDREN SAFE BEFORE
16 THAT HAPPENED, MAKING SURE THEY WERE NOT INVOLVED
17 IN WHATEVER HAPPENED.

18 Q AND SO WHEN YOU WENT UP THERE, YOU
19 PACKED THE CAR AND STEPHEN WAS THERE. AND STEPHEN
20 SAID HE WAS COMING BACK TO SOUTH CAROLINA?

21 A YES.

22 Q NOW, WHERE WAS STEPHEN RIDING?

23 A STEPHEN WAS RIDING IN THE BACK SEAT.

24 WE ASKED HIM WHERE HE WOULD LIKE TO RIDE. I WAS
25 GOING TO SIT IN THE BACK WITH THE CHILDREN, AND HE

1 SAID THAT HE WOULD LIKE TO SLEEP, THAT HE WAS VERY
2 TIRED AND HE WOULD JUST RIDE IN THE BACK. SO WE
3 PUT HIM AND SAMUEL AND SHANNON IN THE BACK. AND
4 ANDREW SAT UP FRONT WITH BOB AND I.

5 Q WHO DROVE?

6 A BOB.

7 Q AND THAT'S YOUR HUSBAND?

8 A YES.

9 Q AND HOW LONG A TRIP IS IT BACK AND
10 FORTH?

11 A I BELIEVE IT'S ABOUT SIX HOURS, DRIVING
12 THE SPEED LIMIT, OR THEREABOUTS. AND WE, YOU KNOW
13 WHEN THE CALLS WERE TO 911 AND YOU KNOW WHEN THE
14 CALL CAME IN TO ME AT 10:30, SO YOU CAN FIGURE IT
15 OUT. WE WERE DIRECTLY UP THERE AND DIRECTLY BACK.

16 Q YOU DIDN'T STAY UP THERE AT ALL?

17 A NO, SIR.

18 Q NOW, ON THE WAY BACK, DID YOU -- OR ON
19 THE WAY BACK, DID YOU MAKE ANY PHONE CALLS TO
20 ANYONE? .

21 A NO.

22 Q AND ON THE WAY BACK, DID YOU GO
23 DIRECTLY TO YOUR HOME? DID YOU MAKE ANY STOPS ON
24 YOUR WAY?

25 A WE STOPPED ONCE, I THINK IT WAS IN

1 TENNESSEE, FOR GAS AND DRINKS FOR THE CHILDREN FOR
2 MAYBE AS LONG AS IT TAKES TO FILL UP FOR GAS. THAT
3 WAS THE ONLY STOP WE MADE. IN FACT, THE CHILDREN
4 WERE ASKING TO GO TO THE BATHROOM AND WE PUT THEM
5 OFF AT THE END OF THE TRIP.

6 Q NOW, YOUR HOME IS LOCATED WHERE?

7 A ON LAKE MURRAY.

8 Q AND IS IT EASILY ACCESSIBLE?

9 A WELL, THE LAKE TENDS TO BE A LITTLE BIT
10 DIFFICULT, ESPECIALLY AT NIGHT, IF PEOPLE DON'T
11 KNOW THE ROADS. IT'S NOT IMPOSSIBLE, BUT THERE ARE
12 A NUMBER OF TURNS.

13 Q AND WHEN YOU GOT BACK TO YOUR HOUSE,
14 WHAT WAS STEPHEN'S CONDITION?

15 A HE HAD SLEPT THE WHOLE WAY BACK. AND
16 HE STARTED OUT, HE HAD ON SUNGLASSES. BUT WHEN WE
17 GOT BACK TO THE HOUSE AND HAD CUT THE LIGHTS ON IN
18 THE CAR, HIS SUNGLASSES HAD FALLEN OFF. AND WE
19 TRIED TO WAKE HIM UP AND WE COULDN'T. I TOOK THE
20 CHILDREN IN, SO I DIDN'T SEE THE NEXT THINGS, BUT
21 WHEN BOB DIDN'T COME IN WITH STEPHEN, I WENT BACK
22 OUT. AND STEPHEN WAS LAID BACK IN THE CAR AND HIS
23 EYES WERE ROLLED BACK IN HIS HEAD AND HE WAS
24 DROOLING.

25 Q AND AS A RESULT OF THAT, DID YOU CALL

1 911?

2 A YES, I DID.

3 Q AND THAT WAS THE LEXINGTON COUNTY 911?

4 A YES, I CALLED TWO TIMES TO 911.

5 Q DID YOU IDENTIFY YOURSELF?

6 A I IDENTIFIED MYSELF BOTH TIMES.

7 Q AND DID YOU DIRECT THEM TO YOUR HOUSE
8 OR TO ANOTHER LOCATION?

9 A I TOLD THEM THAT MY CHURCH WAS ONE MILE
10 FROM THE FIRE STATION AND THAT I THOUGHT IT WAS AN
11 EMERGENCY AND THAT WE WOULD -- SOMEONE WOULD MEET
12 THEM THERE. I TOLD THEM WHO I WAS. I TOLD THEM
13 WHERE I WAS CALLING FROM. BUT THAT WE WOULD MEET
14 THEM -- OR SOMEONE WOULD MEET THEM IN MY CHURCH
15 PARKING LOT. IT WAS A TIME OF GREAT PANIC.

16 Q NOW, YOU SAID YOUR INTENTION WAS TO,
17 ALSO, GET THE CHILDREN SAFE?

18 A YES.

19 Q OR HOME SAFELY? WHEN YOU GOT TO YOUR
20 HOUSE, IN ADDITION TO CALLING 911, WHAT DID YOU DO
21 WITH RESPECT TO THE CHILDREN?

22 A BEFORE WE EVEN CALLED 911, THE FIRST
23 THING I TOLD THE CHILDREN TO DO, I TOLD SHANNON TO
24 CALL HER UNCLE AND TELL HIM TO GO TO POPPA'S HOUSE
25 AND TELL HIM TO COME TO BETSY'S. I DIDN'T WANT

- 1 ANYBODY ON THE ROADS THAT TIME OF NIGHT BY
2 THEMSELVES.
- 3 Q LET'S IDENTIFY WHO WE ARE TALKING
4 ABOUT. YOU TOLD SHANNON --
- 5 A I TOLD SHANNON TO CALL UNCLE HERKIE.
- 6 Q HERKIE, AND THAT'S EARL ZIEDERS?
- 7 A YES, SIR.
- 8 Q ALL RIGHT.
- 9 A AND TO TELL HIM TO GO TO POPPA'S HOUSE.
- 10 Q DID YOU TELL HIM WHAT FOR?
- 11 A I JUST SAID TO TELL HIM TO COME TO
12 BETSY'S.
- 13 Q SO YOU TOLD HIM TO GO TO BISHOP
14 BECKHAM'S HOUSE?
- 15 A YES.
- 16 Q AND THEN COME TO YOUR HOUSE?
- 17 A YES.
- 18 Q AND HE KNEW WHERE YOUR HOUSE WAS?
- 19 A EARL DID NOT, BISHOP BECKHAM DID.
- 20 Q OKAY. AND WAS BISHOP BECKHAM THE HEAD
21 OF THE DIOCESE, THE UPPER -- AT THAT TIME, HE WAS
22 NOT. BUT AT ONE TIME, HAD HE BEEN?
- 23 A YES, SIR.
- 24 Q AND THAT WOULD BE THE UPPER -- HOW DO
25 THEY --

1 A THE DIOCESES OF UPPER SOUTH CAROLINA.
2 OUR STATE, FOR OUR EPISCOPAL DENOMINATION, IS
3 DIVIDED INTO TWO DIOCESES.

4 Q SO YOU KNEW HIM --

5 A YES.

6 Q -- THROUGH YOUR WORK. SO SHANNON WENT
7 IN TO CALL?

8 A WE ALL WENT IN AND SHANNON WENT TO
9 CALL. SAMUEL HAD A BITE THAT WAS BOTHERING HIM AND
10 I WAS HELPING HIM GET SOMETHING ON THAT. AND
11 ANDREW WENT TO THE BATHROOM AND SHANNON WENT TO
12 CALL.

13 Q IS THIS AS SOON AS YOU GOT TO YOUR
14 HOUSE?

15 A YES, IMMEDIATELY.

16 Q AND AS SOON AS YOU GOT TO YOUR HOUSE,
17 DID YOU ALSO CALL 911?

18 A AS SOON AS I WENT BACK OUT, WHEN BOB
19 AND STEPHEN DIDN'T COME IN, I WENT IN AND I CALLED
20 -- I FIRST CALLED A FRIEND, WHO'S A DOCTOR, TO SEE
21 IF THIS COULD BE JUST FROM EXHAUSTION OR WHAT. AND
22 HE SAID CALL 911 RIGHT AWAY AND THAT'S WHAT I DID.

23 Q NOW, LET ME ASK YOU SOMETHING. YOU
24 CAME BACK IN ONE CAR. WHERE WAS THE OTHER CAR?

25 A AT THE MOTEL IN KENTUCKY.

- 1 Q AND WHO -- HOW WAS IT DECIDED THAT THE
2 CAR SHOULD STAY IN KENTUCKY?
- 3 A WE FELT VERY STRONGLY THAT STEPHEN
4 SHOULD COME BACK WITH --
- 5 Q YOU'RE SAYING WE, YOU AND --
- 6 A BOB AND I FELT VERY STRONGLY THAT
7 STEPHEN AND THE CHILDREN SHOULD ALL COME BACK WITH
8 US IN ONE CAR.
- 9 Q AND DID YOU HAVE ANY PARTICULAR REASON
10 FOR THAT?
- 11 A THE CHILDREN WERE VERY UPSET AND I FELT
12 LIKE THEY NEEDED THE PRESENCE OF THEIR FATHER WITH
13 THEM. AND I FELT LIKE STEPHEN DID NOT NEED TO BE
14 ON THE ROAD BY HIMSELF. AND BOB AND I NEEDED THE
15 SUPPORT OF ONE ANOTHER. WE DID NOT WANT TO
16 SEPARATE.
- 17 Q AND WERE ARRANGEMENTS MADE TO LEAVE THE
18 CAR AT THE MOTEL?
- 19 A THAT WAS MY UNDERSTANDING.
- 20 Q NOW, WHEN YOU GOT -- OF COURSE, YOU HAD
21 SHANNON CALL UNCLE HERKIE AND YOU CALLED 911. AT
22 THAT TIME, WERE YOU ABLE TO CALL ME?
- 23 A NO, SIR.
- 24 Q SUBSEQUENT TO THAT, DID YOU?
- 25 A SUBSEQUENT TO THAT, I THINK, BOB DID.

1 I WAS NOT ABLE TO DO THAT. I WAS -- I KEPT THE
2 CHILDREN. THEY KNEW ME THE BEST. I SENT BOB WITH
3 STEPHEN TO MEET THE AMBULANCE.

4 Q SO YOU STAYED AT THE HOUSE AND REVEREND
5 BOB WENT WITH THE THREE CHILDREN?

6 A YES -- NO, NO, NO.

7 Q I MEAN, WITH STEPHEN, I'M SORRY. THE
8 THREE CHILDREN STAYED AT YOUR HOUSE?

9 A RIGHT, RIGHT. I HAD STAYED TO WAIT FOR
10 THE BISHOP TO COME PICK THE CHILDREN UP. BUT I
11 DIDN'T THINK ABOUT --

12 Q I UNDERSTAND. I WAS THINKING ONE
13 QUESTION AHEAD. YOU HAD THE CHILDREN WITH YOU?

14 A YES.

15 Q AND REVEREND BOB WENT TO THE CHURCH
16 WITH STEPHEN?

17 A RIGHT.

18 Q OKAY. NOW, WE'VE HEARD TESTIMONY -- OF
19 COURSE, THE SHERIFF'S DEPARTMENT RESPONDED WITH THE
20 EMS, TOO, FROM THE 911 CALL?

21 A YES.

22 Q AND YOU KNEW THAT WHAT THEY WERE GOING
23 TO DO -- THAT THEY WOULD DO THAT --

24 MR. MCMAHON: OBJECTION, THAT'S
25 LEADING.

1 THE COURT: SUSTAINED.

2 Q DID YOU KNOW WHEN YOU CALLED THE 911
3 THAT, ALSO, YOU'D BE CALLING TO THE POLICE
4 DEPARTMENT?

5 A I CERTAINLY -- I DIDN'T KNOW THAT
6 POLICE WOULD AUTOMATICALLY COME. I CERTAINLY KNEW
7 THAT WE WOULD HAVE TO IDENTIFY WHO IT WAS. I'M AN
8 INTELLIGENT WOMAN AND I GAVE MY NAME TO BEGIN WITH.
9 I CERTAINLY KNEW THAT WE -- OUR PLANS TO CALL YOU
10 WOULD NOT GO THROUGH LIKE WE HAD PLANNED.

11 Q BECAUSE OF THE SITUATION?

12 A BECAUSE WE WERE MORE CONCERNED FOR
13 STEPHEN'S HEALTH AT THAT POINT THAN ANYTHING ELSE.

14 Q NOW, THE CHURCH -- IS THAT YOUR CHURCH
15 WHERE YOU SENT REVEREND LIBBY?

16 A YES.

17 Q AND IF BISHOP BECKHAM AND EARL WERE
18 COMING FROM BISHOP BECKHAM'S HOUSE TO YOUR HOME,
19 WOULD THEY GET TO YOUR HOME FIRST OR WOULD THEY GET
20 TO THE CHURCH FIRST?

21 A THEY WOULD GET TO THE CHURCH FIRST AND
22 THEY WOULD KNOW NO OTHER WAY TO COME.

23 Q AND SO, THEY WOULD PASS BY THE CHURCH
24 BEFORE THEY GOT TO YOUR HOUSE?

25 A YES.

1 Q LATER ON THAT EVENING, DID YOU TURN
2 OVER THE CHILDREN?

3 A YES, I DID.

4 Q AND WHO DID YOU TURN THEM OVER TO?

5 A I WAS CALLED AND TOLD THAT THE BISHOP
6 HAD STOPPED AT THE CHURCH. AND BOB AND THE BISHOP
7 AND HERKIE WERE GOING --

8 MR. MCMAHON: OBJECTION, YOUR HONOR,
9 HEARSAY.

10 THE COURT: SUSTAINED.

11 MR. SWERLING: IT'S NOT OFFERED FOR THE
12 TRUTH, YOUR HONOR. THIS IS ALL THE PRESENT SENSE
13 EXCEPTION UNDER 803(1).

14 THE COURT: I'LL OVERRULE THAT
15 OBJECTION, NOT WHO TOLD WHAT...

16 MR. SWERLING: THAT'S ALL IT'S BEING
17 OFFERED FOR.

18 A I WAS CALLED AND TOLD THAT --

19 THE COURT: SHE CAN'T ANSWER THAT
20 QUESTION.

21 MR. SWERLING: I'M SORRY, I THOUGHT YOU
22 SAID YOU OVERRULED IT.

23 THE COURT: I OVERRULE THAT OBJECTION--
24 I MEAN. I SUSTAIN THAT OBJECTION.

25 MR. SWERLING: OH, OKAY.

1 Q WHAT WAS THE SITUATION AT THAT POINT,
2 WAS IT PRETTY HECTIC?

3 A THE SITUATION WAS PANIC FROM THE TIME
4 WE GOT HOME.

5 Q I MEAN, WHAT WERE THE THREE THINGS THAT
6 YOU WANTED TO ACCOMPLISH AT THAT POINT -- OR WHAT
7 WERE THE THINGS YOU WERE TRYING TO ACCOMPLISH?

8 A I STILL WANTED TO KEEP THE CHILDREN
9 AWAY FROM ANY ACTIVITY THAT INVOLVED THEM SEEING
10 THEIR FATHER ARRESTED OR ILL. WE STILL WANTED TO
11 GET STEPHEN TURNED OVER IN A WAY THAT REPRESENTED
12 HIM TURNING HIMSELF IN. BUT OUR PRIMARY CONCERN
13 WAS HIS LIFE.

14 MR. SWERLING: YOUR HONOR, I WOULD
15 SUBMIT UNDER 803(1) --

16 THE COURT: SHE'S THE WITNESS AND I
17 DON'T KNOW WHO THE DECLARANT IS. THAT'S THE
18 PROBLEM.

19 Q WELL, WHO WERE YOU GOING TO QUOTE AT
20 THAT POINT, WAS IT YOUR HUSBAND OR BISHOP BECKHAM?

21 A MY HUSBAND CALLED ME.

22 Q AND YOUR HUSBAND WAS WITH STEPHEN AT
23 THE CHURCH?

24 A RIGHT.

25 MR. SWERLING: AND YOUR HONOR, IT'S THE

1 SAME SITUATION AS THE STATE --

2 MR. COURT: MR. MCMAHON, YOU STILL
3 STAND BY YOUR OBJECTION?

4 MR. MCMAHON: YES, SIR.

5 THE COURT: EVEN UNDER 803(1)?

6 MR. MCMAHON: YES, SIR, IT'S A PAST
7 MEMORY.

8 THE COURT: SUSTAINED.

9 MR. SWERLING: YOUR HONOR, COULD WE
10 APPROACH SIDE BAR?

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

14 MR. MCMAHON: I'LL WITHDRAW IT.

15 THE COURT: ALL RIGHT, WITHDRAWN.

16 Q REVEREND LIBBY, DID YOU GET A CALL FROM
17 YOUR HUSBAND, REVEREND BOB LIBBY?

18 A YES, I DID.

19 Q AND DID HE RELATE TO YOU --

20 MR. SWERLING: AND I'LL JUST LEAD, IF
21 IT'S ALL RIGHT WITH YOU?

22 Q DID HE RELATE TO YOU THAT STEPHEN HAD
23 BEEN TAKEN INTO CUSTODY?

24 A HE RELATED TO ME, YES, THAT HE HAD BEEN
25 TAKEN INTO CUSTODY AND THAT THE BISHOP AND HERKIE

- 1 HAD STOPPED ON THE WAY THERE.
- 2 Q AND THAT THEY WERE GOING TO THE
- 3 HOSPITAL?
- 4 A YES, SIR.
- 5 Q AND THAT HE WAS GOING TO CALL ME?
- 6 A YES.
- 7 Q THAT'S ALL I HAVE.
- 8 THE COURT: CROSS-EXAMINATION?
- 9 MR. MCMAHON: MAY IT PLEASE THE COURT?
- 10 CROSS-EXAMINATION:
- 11 BY MR. MCMAHON:
- 12 Q MA'AM, I APOLOGIZE, I WASN'T LISTENING
- 13 RIGHT THERE AT THE INTRODUCTION. HOW LONG HAVE YOU
- 14 BEEN AN EPISCOPAL MINISTER?
- 15 A SINCE 1984.
- 16 Q AND HAS ALL THAT TIME BEEN IN -- AND I
- 17 BELIEVE YOU SAID Y'ALL HAVE AN UPPER AND LOWER
- 18 DIOCESE; IS THAT CORRECT?
- 19 A YES, SIR.
- 20 Q AND HAS ALL THAT TIME BEEN IN THE UPPER
- 21 DIOCESE?
- 22 A YES, IT HAS.
- 23 Q AND HOW LONG -- LET'S SEE, IS IT ST.
- 24 FRANCIS OF ASSISI CHURCH?
- 25 A ASSISI.

1 Q ASSISI. AND HOW LONG HAVE YOU BEEN THE
2 MINISTER THERE?

3 A TEN YEARS.

4 Q SO THAT WAS FROM 1986?

5 A YES, SIR.

6 Q NOW, WHERE WERE YOU ORDAINED? IS THAT
7 THE CORRECT TERMINOLOGY, ORDAINED?

8 A YES, IT IS. IN A DIOCESE --EACH PERSON
9 ORDAINED IS ORDAINED IN THE SAME PLACE BY THE SAME
10 PERSON, WHICH IS BY THE BISHOP IN THE CATHEDRAL.

11 Q AND THE UPPER DIOCESES HAS A CATHEDRAL;
12 IS THAT CORRECT?

13 A YES, IT DOES.

14 Q AND WHERE IS THAT CATHEDRAL?

15 A TRINITY CATHEDRAL IN COLUMBIA, SOUTH
16 CAROLINA.

17 Q AND WHO WAS THE BISHOP OF THE UPPER
18 DIOCESE IN 1984?

19 A BISHOP WILLIAM BECKHAM.

20 Q SO WOULD THIS BE A CORRECT STATEMENT,
21 BISHOP BECKHAM ORDAINED YOU BACK IN 1984?

22 A YES. WE HAVE TWO ORDINATIONS AND HE
23 DID BOTH OF MY ORDINATIONS.

24 Q OH, Y'ALL HAVE TWO.

25 A YES.

- 1 Q BOTH OF THEM STICK? I DON'T MEAN THAT
2 LIGHTLY, BUT I MEAN --
- 3 A WE HAVE ORDINATION INTO THE ACULEATE
4 AND THEN INTO THE PRIESTHOOD.
- 5 Q YES, MA'AM. SO YOU HAVE KNOWN HIM AS
6 THE BISHOP FROM 1984 UNTIL HE RETIRED AS THE
7 BISHOP.
- 8 A I'VE KNOWN HIM SINCE BEFORE THAT. MY
9 PROCESS TO GO TO SEMINARY WAS FIVE YEARS LONG.
10 I'VE KNOWN HIM THAT WHOLE PROCESS.
- 11 Q SO THAT'S 1979?
- 12 A YES.
- 13 Q AND HE WAS THE BISHOP IN '79, I'M NOT
14 SURE?
- 15 A HAD JUST BECOME A BISHOP.
- 16 Q AND THEN YOU KNEW HIM FOR THE THIRTEEN
17 YEARS -- WHEN DID HE RETIRE?
- 18 A TWO YEARS AGO.
- 19 Q AND YOU KNEW HIM BOTH AS THE BISHOP AND
20 PERSONALLY; IS THAT A FAIR STATEMENT?
- 21 A YES. THE BISHOP IS THE PASTOR TO ALL
22 OF HIS PRIESTS, AND SO WE ALL KNOW HIM PERSONALLY.
- 23 Q NOW, IS ALL OF THAT THE SAME, IS ALL OF
24 THAT CORRECT WITH YOUR HUSBAND, MR. LIBBY?
- 25 A YES.

- 1 Q HE WAS ORDAINED TWICE?
- 2 A HE WAS ORDAINED TWICE, BUT HE HAS BEEN
- 3 IN ANOTHER DIOCESE.
- 4 Q HE'S BEEN IN ANOTHER DIOCESE? HOW LONG
- 5 HAS HE BEEN -- IS HIS CHURCH IN THE UPPER DIOCESE?
- 6 A YES, IT IS.
- 7 Q AND HOW LONG HAS HE BEEN IN THE UPPER
- 8 DIOCESE?
- 9 A SINCE 1979.
- 10 Q AND THERE WAS A PERIOD OF TIME, THEN --
- 11 IS THIS CORRECT, IF I'VE GOT MY DATES AND TIMES
- 12 RIGHT, THAT MR. BECKHAM WAS THE BISHOP WHILE MR.
- 13 LIBBY WAS AN EPISCOPAL MINISTER WITHIN THE UPPER
- 14 DIOCESE; IS THAT CORRECT?
- 15 A YES.
- 16 Q NOW, AS I TAKE IT, PRIOR TO THE FALL OF
- 17 1994, STEPHEN BECKHAM, THE DEFENDANT, WAS NOT A
- 18 PARISHIONER AT YOUR CHURCH?
- 19 A THAT'S CORRECT.
- 20 Q AND HE BEGAN GOING TO YOUR CHURCH IN
- 21 THE FALL OF 1994?
- 22 A THAT'S CORRECT.
- 23 Q WHICH, OF COURSE, WOULD BE AFTER -- I
- 24 MEAN, THAT WAS AFTER THE DEATH OF VICTORIA?
- 25 A YES, IT WAS.

- 1 Q VICTORIA LANDER BECKHAM?
- 2 A YES, IT WAS.
- 3 Q AND DID YOU KNOW HIM PRIOR TO THAT
- 4 TIME?
- 5 A ONLY TO HAVE MET HIM OR SEEN HIM?
- 6 Q JUST VERY CASUALLY, WOULD THAT BE A
- 7 FAIR STATEMENT?
- 8 A YES.
- 9 Q MAY HAVE MET HIM AROUND CERTAIN
- 10 FUNCTIONS OR SOMETHING LIKE THAT, AND MAY HAVE
- 11 KNOWN HIM ON SIGHT?
- 12 A YES, SIR.
- 13 Q BUT ANY REAL KNOWLEDGE THAT YOU HAD OF
- 14 HIM WAS AFTER -- YOU MAY HAVE SAID SEPTEMBER, I
- 15 APOLOGIZE IF I GOT THE DATE WRONG, BUT THE FALL --
- 16 A THE FALL. IT WAS A LITTLE LATER THAN
- 17 SEPTEMBER, BUT THE EARLY FALL OF 1994.
- 18 Q OKAY. AND, OF COURSE, THIS AS A
- 19 PARISHIONER CONTINUED ON -- WELL, LET ME ASK YOU
- 20 THIS. THAT SUNDAY, WHICH WOULD HAVE BEEN THE 9TH
- 21 OF JULY, BEFORE Y'ALL WENT TO KENTUCKY ON THE 14TH,
- 22 WAS MR. BECKHAM IN CHURCH THAT SUNDAY?
- 23 A I DO NOT REMEMBER.
- 24 Q YOU JUST DON'T REMEMBER? AND THAT
- 25 WOULDN'T BE UNUSUAL FOR YOU TO OR NOT TO REMEMBER

1 --

2 A NO, SIR.

3 Q -- WHO MAY OR MAY NOT BE THERE, UNLESS
4 THEY'RE NOT THERE AT ALL VERY REGULAR?

5 A THAT'S RIGHT.

6 Q YES, MA'AM, I'VE HAD THAT HAPPEN. BUT
7 YOU DON'T REMEMBER IF HE WAS THERE ON THAT SUNDAY,
8 THE 9TH, OR IF ANY OF THE CHILDREN WERE THERE ON
9 THAT SUNDAY, HAVE NO REASON TO HAVE THAT MEMORY?

10 A I DON'T HAVE THAT MEMORY. THEY WERE
11 REGULARLY THERE AT WORSHIP AND THE CHILDREN
12 REGULARLY ACOLYTED. I DON'T REMEMBER THAT
13 PARTICULAR SUNDAY.

14 Q AND AS WE GO ON THROUGH THAT WEEK,
15 STARTING WITH THE 9TH, THE 10TH, I TAKE IT THE
16 EARLY PART OF THAT WEEK YOU BECAME AWARE -- AS MR.
17 SWERLING ASKED YOU, I BELIEVE, THROUGH THE NEWS
18 MEDIA OF WHATNOT, THAT THEY WERE LOOKING FOR THE
19 DEFENDANT, STEPHEN BECKHAM?

20 A YES, INDEED.

21 Q AND IN ADDITION TO THAT, LOOKING FOR
22 HIS CHILDREN; IS THAT A FAIR STATEMENT?

23 A YES.

24 Q AND YOU WOULD HAVE KNOWN THAT THE EARLY
25 PART OF THAT WEEK?

1 A I WOULD HAVE KNOWN THAT PROBABLY THE
2 EVENING AFTER THE WARRANT WAS PUT OUT, WHENEVER THE
3 NEWS CAME OUT AND THE FAMILY BECAME AWARE.

4 Q NOW, I BELIEVE THE WARRANT WAS DATED
5 THE 11TH OF JULY, ASSUMING DURING NORMAL BUSINESS
6 HOURS. IF WE MAKE THAT ASSUMPTION, WOULD YOU HAVE
7 KNOWN IT THAT NIGHT --

8 MR. SWERLING: OBJECTION, YOUR HONOR.
9 WE HAVE NO IDEA WHEN IT WAS RELEASED. THAT'S
10 ASKING HER TO MAKE AN ASSUMPTION.

11 THE COURT: SUSTAINED.

12 Q LET ME SEE IF I CAN PHRASE THE QUESTION
13 APPROPRIATELY. DO YOU KNOW WHETHER OR NOT YOU KNEW
14 ABOUT IT ON THE 11TH?

15 A I DON'T -- I KNOW VERY SOON AFTER IT
16 HAPPENED, I KNEW ABOUT IT.

17 Q WELL, LET'S SEE IF PERHAPS I CAN BACK
18 INTO IT. IF YOU WENT TO KENTUCKY ON THE 15TH --
19 14TH --

20 A FRIDAY.

21 Q THAT WOULD HAVE BEEN THE --

22 A FRIDAY STICKS IN MY MIND BECAUSE IT'S
23 MY DAY OFF. BUT, I BELIEVE, IT WAS THE 14TH.

24 Q THE 14TH. DO YOU KNOW HOW MANY DAYS
25 YOU HAD KNOWN THAT THERE HAD BEEN A SEARCH FOR

1 STEPHEN BECKHAM?

2 A SEVERAL DAYS.

3 Q SEVERAL DAYS. SO WITHIN THAT SEVERAL
4 DAY PERIOD OF TIME, YOU MAY HAVE KNOWN ON THE 11TH?
5 GOING BACK TO THE 14TH, THAT WOULD JUST BE THREE
6 DAYS PREVIOUS.

7 A YES, SIR, I KNEW.

8 MR. SWERLING: YOUR HONOR, I THINK
9 SHE'S ALREADY INDICATED SHE DOESN'T KNOW WHEN IT
10 WAS RELEASED.

11 THE COURT: SHE ANSWERED THE QUESTION.

12 Q NOW, WITHIN THAT PERIOD OF TIME, LET'S
13 SAY THE 11TH, THE 12TH, THE 13TH, THE 14TH, UP
14 UNTIL THE PHONE CALL, I BELIEVE YOU SAID AT TEN,
15 10:30 IN THE MORNING --

16 A ABOUT 10:30.

17 Q ON THE 14TH, HAD YOU HAD ANY -- AND I'M
18 NOT ASKING YOU THE SUBSTANCE OF THOSE
19 CONVERSATIONS, BUT HAD YOU HAD ANY CONVERSATIONS
20 ABOUT THE FACT THAT MR. STEPHEN BECKHAM WAS BEING
21 SEARCHED FOR?

22 A YES.

23 Q AND HAD YOU HAD ANY OF THOSE
24 CONVERSATIONS WITH MR. LIBBY?

25 A YES.

1 Q HAD YOU HAD ANY CONVERSATIONS ABOUT
2 THAT WITH PEOPLE OUTSIDE OF YOU AND MR. LIBBY?

3 A YES.

4 Q WAS THAT MEMBERS OF MR. BECKHAM'S
5 FAMILY?

6 A SOME, YES; OTHER PARISHIONERS.

7 Q OTHER PARISHIONERS, ALSO?

8 A YES.

9 Q WOULD THAT INCLUDE CONVERSATIONS WITH
10 MR. BECKHAM'S FATHER?

11 A I DON'T BELIEVE I TALKED ONE-ON-ONE
12 WITH ANYONE. BUT I WAS WITH FAMILY, I WAS WITH
13 PARISHIONERS, IT WAS DEFINITELY A SUBJECT OF
14 CONVERSATION AND CONCERN.

15 Q AND WHEN YOU SAY YOU WERE WITH FAMILY
16 AND WITH PARISHIONERS, WOULD THAT INCLUDE THE
17 DEFENDANT'S FATHER?

18 A YES, IT WOULD.

19 Q NOW, YOU DIDN'T KNOW PRIOR TO THE 14TH
20 OF JULY WHERE MR. BECKHAM WAS?

21 A I DID NOT.

22 Q AND YOU HAD NO KNOWLEDGE, NO KNOWLEDGE,
23 THAT MR. BECKHAM, STEPHEN BECKHAM, HAD OR HAD NOT
24 PLANNED TO GO ANYWHERE?

25 A I HAD PROBABLY HEARD DURING THAT WEEK

1 THAT THEY HAD BEEN PLANNING ON GOING ON VACATION
2 THE WEEK THAT THEY WENT.

3 Q AND YOU WOULD HAVE HEARD THAT DURING
4 THAT WEEK?

5 A I WOULD IMAGINE THAT'S TRUE.

6 Q AND THAT WOULD HAVE BEEN IN THESE
7 CONVERSATIONS THAT YOU MAY HAVE HAD BETWEEN THE
8 11TH AND THE 14TH; IS THAT CORRECT?

9 A YES, SIR.

10 Q NOW, I TAKE IT SOMEONE WOULD HAVE KNOWN
11 WHERE THEY WERE GOING TO VACATION?

12 A IT WAS MY UNDERSTANDING THAT THERE WAS
13 A LOT OF STRESS AND THEY WERE JUST GOING TO TAKE
14 OFF AND GO.

15 Q AND ALL OF THIS STRESS -- WHAT WAS THE
16 STRESS ON JULY 10TH, LET'S SAY?

17 A I THINK FOR THE FAMILY FROM THE TIME OF
18 VICKI'S DEATH, THERE'S BEEN A GREAT DEAL OF STRESS.

19 Q TO YOUR KNOWLEDGE, WAS THIS THE ONLY
20 VACATION THAT HAD BEEN TAKEN...

21 A NO.

22 Q ...SINCE JUNE THE 12TH?

23 A SINCE JUNE -- SINCE --

24 Q THE 12TH OF '94?

25 A NO, SIR, IT WAS NOT.

1 Q IT WAS NOT? BUT YOU ARE SAYING THERE
2 WAS A LOT OF STRESS AND THAT'S WHY THEY TOOK THIS,
3 THAT WAS YOUR UNDERSTANDING?

4 A MY UNDERSTANDING WAS, IT WAS A TIME FOR
5 THE KIDS TO GET AWAY WITH THEIR DAD BEFORE...

6 Q NOW, MA'AM, WERE YOU AWARE OF ANY
7 CUSTODY DISPUTES BACK AROUND THIS TIME?

8 A NO, SIR.

9 Q CUSTODY OF THE CHILDREN?

10 A NO, SIR.

11 Q AND YOU WERE NOT AWARE WHETHER OR NOT,
12 SAY THE LANDERS, FOR EXAMPLE, HAD VISITATION RIGHTS
13 OR ANYTHING OF THAT NATURE?

14 A I DID KNOW THE GRANDPARENTS BOTH HAD
15 VISITATION. WHEN YOU SAY CUSTODY DISPUTES, I
16 WASN'T AWARE OF ANYTHING IN COURT OR ANYTHING -- I
17 KNEW THEY WERE TRYING TO WORK OUT THINGS.

18 Q NOW, I TAKE IT, PRIOR TO THE WEEK OF
19 THE 14TH, YOU HAD CALLED, FROM TIME TO TIME -- AND
20 I'M NOT SAYING THERE'S NOTHING WRONG WITH IT FOR
21 ANY PARTICULAR REASON, YOU HAD CALLED MR. BECKHAM,
22 THE DEFENDANT'S FATHER'S HOUSE JUST SOMETIME IN THE
23 PAST, PRIOR TO THE WEEK OF THE 14TH?

24 A I SURE I HAD.

25 Q NOW, WHEN Y'ALL RECEIVED THIS PHONE

1 CALL AT TEN O'CLOCK IN THE MORNING -- OR 10:30 IN
2 THE MORNING ON THAT FRIDAY, THE 14TH, I BELIEVE YOU
3 SAID YOU WERE OFF AND YOUR HUSBAND WAS OFF?

4 A THAT'S CORRECT.

5 Q AND WITHIN TWENTY MINUTES OF THIS PHONE
6 CALL, Y'ALL ARE ON THE ROAD?

7 A YES, SIR.

8 Q Y'ALL DON'T MAKE ANY PHONE CALLS THEN,
9 EXCEPT, I BELIEVE YOU SAID YOU TRIED TO GET YOUR
10 SECRETARY AND A WARDEN OR TWO?

11 A RIGHT.

12 Q BUT YOU DON'T MAKE ANY PHONE CALLS TO
13 THE DEFENDANT'S FAMILY?

14 A DELIBERATELY NOT.

15 Q NOR -- OH, I'M NOT SAYING ANYTHING IS
16 WRONG WITH THAT. I'M JUST SAYING YOU DON'T MAKE
17 ANY PHONE CALLS TO THE DEFENDANT'S FAMILY?

18 A DID NOT.

19 Q NOR DO YOU MAKE ANY PHONE CALLS TO LAW
20 ENFORCEMENT?

21 A NO, I DID NOT.

22 Q NOR DO YOU MAKE ANY PHONE CALLS TO THE
23 LANDERS OR ANYONE LIKE THAT?

24 A NO, I DID NOT.

25 Q THOSE ARE THE PHONE CALLS YOU MADE, TO

- 1 YOUR SECRETARY AND THE TWO WARDENS?
- 2 A RIGHT.
- 3 Q AND Y'ALL FOLLOWED THESE DIRECTIONS, SO
- 4 TO SPEAK, AND YOU DON'T KNOW YOU'RE GOING TO BE IN
- 5 KENTUCKY, BUT THAT'S WHERE YOU END UP?
- 6 A YES.
- 7 Q AND I TAKE IT, MAKING THAT DRIVE WHERE
- 8 YOU LEAVE CHAPIN, I TAKE IT YOU WOULD COME OUT
- 9 HIGHWAY 48 AND HIT THE INTERSTATE?
- 10 A I'M NOT REAL GOOD ON ROADS, BUT WE
- 11 PROBABLY CAME UP 76 TO LITTLE MOUNTAIN AND HIT THE
- 12 INTERSTATE.
- 13 Q OKAY, 76 TO LITTLE MOUNTAIN, WHICH IS
- 14 HIGHWAY 202, RIGHT?
- 15 A I BELIEVE, YOU'RE RIGHT. I DON'T
- 16 MEMORIZE HIGHWAY NUMBERS, USUALLY. I KNOW 76
- 17 BECAUSE IT'S THE MAIN ONE THROUGH CHAPIN.
- 18 Q AND Y'ALL WOULD HAVE GOTTEN ON 26 AND
- 19 HEADED NORTH --
- 20 A TOWARDS ASHEVILLE.
- 21 Q TOWARDS OCONEE COUNTY, MAYBE AND ON UP
- 22 TOWARDS TENNESSEE ON UP --
- 23 A TOWARDS ASHEVILLE, WENT THROUGH
- 24 ASHEVILLE.
- 25 Q AND HOW LONG DID THIS TRIP TAKE Y'ALL?

1 A I'M THINKING AROUND SIX HOURS. MAY
2 HAVE BEEN A LITTLE LONGER THERE OR BACK, ONE WAY OR
3 THE OTHER.

4 Q AND THERE WAS THE PARTICULAR LOCATION,
5 A PREARRANGED DESTINATION WHERE YOU WERE TO MEET
6 THE DEFENDANT AND THE CHILDREN?

7 A WE KNEW WE WERE TO MEET THE CHILDREN.
8 AND WE ASKED THE DEFENDANT TO MEET US, ALSO.

9 Q IN OTHER WORDS, THE CHILDREN WERE
10 CERTAIN?

11 A THE CHILDREN WERE CERTAIN.

12 Q AND Y'ALL WERE GOING TO TAKE THEM --
13 PROVIDE THEM A SAFE HAVEN AND BRING THEM BACK TO
14 SOUTH CAROLINA?

15 A YES.

16 Q IS THAT CORRECT?

17 A YES.

18 Q BUT ON YOUR WAY UP THERE FROM CHAPIN,
19 YOU DIDN'T KNOW WHETHER THE DEFENDANT WOULD BE
20 THERE OR NOT?

21 A I BELIEVED HE WOULD. WE ASKED HIM TO
22 BE THERE AND TO -- HE SAID HE WAS GOING TO TURN
23 HIMSELF IN AS SOON AS THE CHILDREN WERE SAFE. AND
24 WE ASKED HIM TO DO THAT WITH US.

25 Q YES, MA'AM. BUT YOU KNEW THE CHILDREN

1 WERE GOING TO BE THERE, BUT YOU DIDN'T KNOW WHETHER
2 OR NOT THE DEFENDANT WAS GOING TO BE THERE?

3 A WE TRUSTED THE CHILDREN WOULD BE THERE.
4 I CAN'T TELL YOU ON THAT SEVEN-HOUR DRIVE THAT WE
5 DIDN'T HAVE ANY ANXIETY ABOUT WHETHER THEY WOULD OR
6 NOT, WHETHER WE WOULD FIND THE RIGHT PLACE. BUT
7 THAT WAS OUR UNDERSTANDING THAT WE WERE GOING TO
8 PICK UP THE CHILDREN.

9 Q AND YOU TRUSTED THAT THE CHILDREN WOULD
10 BE THERE, BUT YOU CAN'T TELL THIS JURY THAT YOU
11 TRUSTED THAT THE DEFENDANT WOULD BE THERE? THAT'S
12 ALL I'M ASKING.

13 A MY INTUITION FROM MY CONVERSATION WITH
14 HIM WAS THAT HE WOULD BE.

15 Q OF COURSE, WHEN YOU GOT THERE, IF I
16 TAKE IT CORRECTLY, NOBODY WAS THERE?

17 A WE GOT THERE AN HOUR EARLIER THAN WE
18 AGREED TO MEET.

19 Q AND NO ONE WAS THERE?

20 A NO ONE WAS THERE.

21 Q AND THEN THEREAFTER -- THEREAFTER --
22 AND YOU WERE GOING TO MEET AT A PIZZA HUT AT AN
23 EXIT?

24 A PIZZA HUT RIGHT OFF AN EXIT.

25 Q AND THEREAFTER, APPEARS THE DEFENDANT

- 1 AND THE CHILDREN IN THE HONDA?
- 2 A YES.
- 3 Q NOW, OF COURSE, YOUR UNDERSTANDING WAS
- 4 GOING TO GET THE CHILDREN?
- 5 A YES.
- 6 Q BUT AS I RECOLLECT YOUR TESTIMONY, THEY
- 7 WEREN'T PACKED?
- 8 A THEY DIDN'T HAVE THEIR THINGS IN THE
- 9 CAR. I CAN ONLY SPECULATE THAT MAYBE UNTIL WE GOT
- 10 THERE AND THEY WERE SURE WE WERE THERE, THEY DIDN'T
- 11 PUT THE THINGS IN THE CAR.
- 12 Q YES, MA'AM. BUT, OF COURSE, IF IT TOOK
- 13 Y'ALL SIX, SIX AND A HALF HOURS TO DRIVE THAT
- 14 DISTANCE --
- 15 A I SAID ABOUT SIX.
- 16 Q YEAH, SIX HOURS. AND I'M NOT TRYING TO
- 17 CHANGE THAT. I LOSE MY MEMORY SOMETIMES ON TIME.
- 18 BUT IF IT'S ABOUT SIX HOURS TO DRIVE UP THERE,
- 19 AFTER Y'ALL GET THERE THEY HAVE TO GO BACK TO THE
- 20 MOTEL TO PACK?
- 21 A NO, SIR, JUST TO PICK UP THEIR THINGS,
- 22 NOT TO PACK.
- 23 Q THEIR THINGS ARE PACKED. THEY HAVE TO
- 24 GO BACK TO THE MOTEL -- THINGS ARE PACKED IN THEIR
- 25 LUGGAGE AND THEIR SUITCASES, BUT THEY HAVE TO GO

1 BACK TO THE MOTEL AND PACK THE HONDA -- OR PACK THE
2 ITEMS INTO YOUR VEHICLE?

3 A IT'S MY RECOLLECTION THAT WE TOOK SOME
4 THINGS OUT OF THE MOTEL ROOM AND SOME THINGS OUT OF
5 THEIR CAR. PUT IT ALL IN OUR CAR AND LEFT AS SOON
6 AS POSSIBLE.

7 Q AT THE MOTEL, THEY LEAVE THEIR VEHICLE,
8 THE HONDA?

9 A YES.

10 Q AND IT'S BACKED IN?

11 A YES, IT WAS.

12 Q AND, OF COURSE, THERE IS NO LICENSE TAG
13 ON THE FRONT OF THE HONDA?

14 A I DO NOT REMEMBER, BUT I KNOW WE DON'T
15 REQUIRE FRONT TAGS.

16 Q NOW, ON THE WAY BACK THERE ARE SAMUEL,
17 ANDREW, SHANNON?

18 A YES.

19 Q THE DEFENDANT?

20 A YES.

21 Q AND YOU AND YOUR HUSBAND, MR. LIBBY; IS
22 THAT CORRECT?

23 A THAT'S CORRECT.

24 Q SIX PEOPLE IN Y'ALL'S FORD, I WOULD
25 SAY?

- 1 A THAT'S CORRECT.
- 2 Q AND IN THE BACK, I BELIEVE, WAS THE
- 3 DEFENDANT AND ANDREW --
- 4 A NO.
- 5 Q THE DEFENDANT, SHANNON AND SAMUEL?
- 6 A THAT'S CORRECT.
- 7 Q WHAT WERE YOUR OBSERVATIONS OF THE
- 8 DEFENDANT'S PHYSICAL CONDITION AT SEVEN O'CLOCK,
- 9 WAS THAT RIGHT, ABOUT SEVEN O'CLOCK?
- 10 A WHEN WE MET HIM?
- 11 Q YES, MA'AM, PHYSICAL CONDITION?
- 12 A HE WAS VERY TRIED AND DEPRESSED
- 13 LOOKING.
- 14 Q WAS HE SICK AT THAT TIME?
- 15 A NO, SIR.
- 16 Q HE DID NOT APPEAR TO BE SICK; IS THAT
- 17 CORRECT?
- 18 A HE CERTAINLY DID NOT APPEAR TO BE HIS
- 19 NORMAL SELF, BUT HE DID NOT APPEAR TO BE SICK.
- 20 Q AND I'M TALKING ABOUT PHYSICAL, DID NOT
- 21 APPEAR TO BE PHYSICALLY SICK?
- 22 A RIGHT.
- 23 Q AND THEN WHILE Y'ALL WERE THERE, Y'ALL
- 24 DIDN'T CALL ANYBODY?
- 25 A NO, WE DIDN'T.

- 1 Q DIDN'T CALL THE POLICE IN KENTUCKY?
- 2 A NO, SIR.
- 3 Q DIDN'T CALL ANY OF THE DEFENDANT'S
- 4 FAMILY?
- 5 A NO, SIR.
- 6 Q DIDN'T CALL ANY OF THE LANDERS OR THEIR
- 7 FAMILY?
- 8 A NO.
- 9 Q AND Y'ALL CAME BACK -- AND THIS IS
- 10 AROUND SEVEN, AFTER SEVEN O'CLOCK ON JULY THE 14TH
- 11 NOW OF '95; IS THAT CORRECT?
- 12 A I'M SORRY, WOULD YOU REPEAT THAT?
- 13 Q THIS IS AFTER SEVEN O'CLOCK ON JULY THE
- 14 14TH OF 1995?
- 15 A YES.
- 16 Q NOW, HOW MANY TIMES -- I BELIEVE YOU
- 17 SAID ONE, BUT HOW MANY TIMES DID Y'ALL STOP BETWEEN
- 18 KENTUCKY AND SOUTH CAROLINA?
- 19 A ONE TIME.
- 20 Q AND WHERE WAS THAT STOP AT?
- 21 A WE COULD PROBABLY FIND GAS RECEIPTS. I
- 22 THINK IT WAS SOMEWHERE IN TENNESSEE.
- 23 Q AND THAT WAS THE ONE AND ONLY STOP
- 24 Y'ALL MADE?
- 25 A THE ONE AND ONLY STOP ON THE WAY BACK.

1 Q AND YOU WOULD SAY THAT WOULD HAVE BEEN
2 AFTER DRIVING FOR SOME PERIOD OF TIME, AFTER
3 SEVERAL HOURS?

4 A I'M NOT SURE IT WAS HALFWAY. I THINK
5 IT WAS LESS THAN HALFWAY BACK. THE CHILDREN NEEDED
6 TO GO TO THE BATHROOM AND WE DECIDED TO GO AHEAD
7 AND GET GAS AND THOUGHT WE COULD MAKE IT BACK FROM
8 THERE. SO I THINK IT WAS PROBABLY -- I REALLY
9 COULDN'T TELL YOU WITHOUT LOOKING TO WHERE IT WAS.

10 Q OKAY. AND WHAT WAS THE DEFENDANT'S
11 PHYSICAL CONDITION THEN?

12 A HE WAS ASLEEP AND WOULD NOT WAKE UP.

13 Q OH, IN TENNESSEE?

14 A YES. THE CHILDREN SAID, DADDY WON'T
15 WAKE UP AND I SAID, HE PROBABLY NEEDS TO SLEEP, LET
16 HIM SLEEP.

17 Q AND THE CHILDREN COULDN'T WAKE HIM UP?

18 A WE DIDN'T TRY HARD TO WAKE HIM UP. BUT
19 WE STOPPED AND HE DIDN'T WAKE UP WITH THE LIGHTS OF
20 THE GAS STATION, HE DIDN'T WAKE UP WHEN THE DOORS
21 OPENED. HE STILL HAD ON HIS SUNGLASSES AND I SAID
22 -- HE WAS KIND OF SNORING AND I SAID, HE JUST
23 PROBABLY NEEDS TO SLEEP, LET'S JUST LEAVE HIM. HE
24 DOESN'T NEED ANYTHING.

25 Q SO IT WASN'T A MATTER OF, IF I

- 1 CHARACTERIZE THIS CORRECTLY, THAT YOU COULDN'T WAKE
2 HIM UP, IT'S A MATTER OF HE DIDN'T WAKE UP?
3 A IN TENNESSEE, WE DID NOT TRY TO WAKE
4 HIM UP.
5 Q I UNDERSTAND. AND HE JUST SLEPT
6 THROUGH THAT ROADSIDE STOP, SO-TO-SPEAK?
7 A YES.
8 Q NOW, Y'ALL CAME ON BACK DOWN THE SAME
9 ROUTE, DOWN THROUGH ASHEVILLE AND --
10 A YES.
11 Q -- COME ON INTO SPARTANBURG COUNTY AND
12 COME ON DOWN AND HIT 26?
13 A RIGHT.
14 Q AND, OF COURSE, Y'ALL WOULD HAVE PASSED
15 THREE, I GUESS, NEWBERRY EXITS?
16 A YES.
17 Q AND THEN Y'ALL WOULD GO ON TO -- THE
18 NEXT EXIT DOWN WOULD BE THE PROSPERITY EXIT, I
19 BELIEVE?
20 A YES.
21 Q AND THEN THE LITTLE MOUNTAIN EXIT AND
22 Y'ALL GO BACK TO Y'ALL'S HOME?
23 A RIGHT.
24 Q AND, OF COURSE, YOU NEVER STOPPED
25 ANYWHERE ON THE WAY BACK EXCEPT FOR THAT ONE PIT

- 1 STOP IN TENNESSEE?
- 2 A EXACTLY.
- 3 Q AND WHEN YOU GOT BACK TO YOUR HOME --
- 4 WHEN YOU GOT BACK TO YOUR HOME, WHICH I UNDERSTAND
- 5 IT IS DOWN OFF OF OLD -- IS IT OLD LEXINGTON --
- 6 A IT'S TWO MILES OFF OF OLD LEXINGTON
- 7 HIGHWAY.
- 8 Q DOWN ON THE LEFT?
- 9 A YES.
- 10 Q IS THAT CORRECT? THE CHURCH IS ON OLD
- 11 LEXINGTON HIGHWAY?
- 12 A THE CHURCH IS ON OLD LEXINGTON.
- 13 Q AND YOU WENT ON IN THERE -- OR WENT ON
- 14 TO YOUR HOME. AND ABOUT WHAT TIME IS IT THAT YOU
- 15 ARRIVE AT Y'ALL'S HOME?
- 16 A I CANNOT TELL YOU WHEN WE ARRIVED. BUT
- 17 I CAN TELL YOU IT WAS WITHIN MINUTES OF THAT -- I
- 18 CALLED 911 AND I THINK WE HAVE PHONE RECORDS THAT
- 19 WILL VERIFY WHAT TIME THAT WAS.
- 20 Q BUT DIDN'T YOU MAKE SOME PHONE CALLS
- 21 BEFORE YOU CALLED 911, DIDN'T I UNDERSTAND THAT?
- 22 A I MADE ONE PHONE CALL. SHANNON MADE
- 23 ONE PHONE CALL. AND I THINK SHANNON ALSO CALLED A
- 24 FRIEND WHILE SHE WAS WAITING ON HER GRANDADDY TO
- 25 COME.

- 1 Q SO YOU MADE ONE PHONE CALL TO A DOCTOR
2 FRIEND?
3 A YES.
4 Q DID I MISUNDERSTAND YOU?
5 A NO, YOU DID NOT MISUNDERSTAND ME.
6 Q OKAY. AND THEN YOU, AS I UNDERSTAND
7 IT, DIRECTED SHANNON TO CALL HER UNCLE, MR.
8 ZIEDERS?
9 A I THINK THAT WAS THE FIRST PHONE CALL.
10 Q THAT WAS THE FIRST. AND THEN, YOU
11 CALLED THE DOCTOR FRIEND?
12 A YES.
13 Q DID I HEAR YOU SAY YOU MADE ANOTHER
14 PHONE CALL OR NOT BEFORE THE 911 CALL?
15 A I DON'T -- I REMEMBER SHANNON TALKING
16 TO A FRIEND BEFORE HER GRANDADDY CAME, BUT I THINK
17 THAT WAS AFTER -- AND I MADE TWO 911 PHONE CALLS.
18 Q OKAY. BUT I'M JUST TRYING TO GET THE
19 SEQUENCE OF THE CALLS YOU MADE BEFORE 911. THERE
20 MIGHT HAVE BEEN TWO --
21 A IT'S MY RECOLLECTION THAT SHANNON -- I
22 TOLD HER TO GO IN IMMEDIATELY. WE WANTED TO GET
23 THE CHILDREN HOME SO WE COULD DEAL WITH LAW
24 ENFORCEMENT AS SOON AS POSSIBLE.
25 Q AND WHERE -- WHEN YOU SAY YOU WANTED TO

1 GET THE CHILDREN HOME, WHERE DID YOU CONSIDER HOME
2 TO BE?

3 A WHERE THEY HAD BEEN LIVING.

4 Q AND THAT WAS ON THE BECKHAM PROPERTY AS
5 FAR AS YOU KNEW?

6 A YES, SIR.

7 Q NOW, WHY MAY I ASK DID Y'ALL CALL THE
8 ZIEDERS RESIDENCE AND NOT THE BECKHAM RESIDENCE?

9 A IT WAS AT MY DIRECTION, SO IT WASN'T
10 Y'ALL, IT WAS ME. AND I TOLD SHANNON TO DO THAT,
11 BECAUSE I DID NOT WANT THE BISHOP TO COME IN THE
12 MIDDLE OF THE NIGHT BY HIMSELF. AND I DID NOT WANT
13 TO GET INTO ANY CONVERSATION OVER THE PHONE. AND I
14 THOUGHT THE SIMPLEST WAY TO HAVE TWO PEOPLE IN THE
15 CAR WAS FOR SHANNON TO CALL HER UNCLE AND HAVE HIM
16 GO AND GET HER GRANDFATHER.

17 Q SO THAT'S THE -- AND I DIDN'T MEAN TO
18 IMPLY THAT IT WAS A JOINT DECISION, Y'ALL. THAT'S
19 THE WAY I TALK, I GUESS. BUT YOU MADE THE DECISION
20 NOT TO CALL THE BECKHAM RESIDENCE, BUT TO HAVE
21 SHANNON CALL THE ZIEDERS RESIDENCE FIRST?

22 A YES.

23 Q AND WAS IT FURTHER YOUR DIRECTION THAT
24 MR. ZIEDERS WOULD GO PICK UP THE BISHOP, MR.
25 BECKHAM, AND THEY WOULD COME TO YOUR HOME?

1 A YES.

2 Q NOW, AFTER THAT PHONE CALL -- THAT WAS

3 THE FIRST PHONE CALL WHEN YOU GOT BACK?

4 A TO MY RECOLLECTION, THAT WAS THE FIRST

5 PHONE CALL.

6 Q AND THE SECOND PHONE CALL WAS TO A

7 DOCTOR FRIEND?

8 A THIS IS MY RECOLLECTION.

9 Q AND ONLY AFTER YOU TALKED TO THE DOCTOR

10 IS WHEN YOU CALLED 911?

11 A YOU UNDERSTAND THAT MY HUSBAND --

12 Q IS THAT A CORRECT STATEMENT, PLEASE?

13 MR. SWERLING: JUDGE, CAN SHE EXPLAIN

14 IT?

15 MR. MCMAHON: NO, SIR, SHE CAN ANSWER

16 IT FIRST, YOUR HONOR.

17 Q ONLY AFTER, ONLY AFTER YOU CALLED THE

18 ZIEDERS AND AFTER YOU CALLED YOUR DOCTOR FRIEND DID

19 YOU CALL 911, YES OR NO?

20 A YES. MAY I EXPLAIN NOW?

21 Q YOU CAN EXPLAIN, MA'AM.

22 A WHEN WE GOT HOME, BOB WAS GOING TO GET

23 STEPHEN OUT OF THE CAR AND I WENT IN WITH THE

24 CHILDREN. THAT WAS THE POINT AT WHICH WE MADE THE

25 PHONE CALL FOR THE CHILDREN TO BE PICKED UP. BOB

1 SAID HE WAS HAVING TROUBLE GETTING STEPHEN AWAKE.
2 AND I CALLED MY DOCTOR FRIEND AND TOLD HIM THE
3 SYMPTOMS AND SAID, COULD THIS HAPPEN FROM
4 EXHAUSTION AND STRESS OR IS THIS A CRITICAL
5 SITUATION? HE SAID, CALL 911, IMMEDIATELY. AND I
6 DID.

7 Q SO YOU CALLED 911 AT THE DIRECTION OF
8 THIS DOCTOR FRIEND?

9 A YES.

10 Q YOU HAD NOT EVEN FORMED A THOUGHT TO
11 CALL 911 BEFORE YOU TALKED TO YOUR DOCTOR FRIEND?

12 A IT WAS A TIME OF PANIC, BUT I THINK
13 THAT'S A CORRECT STATEMENT. I CANNOT TELL YOU
14 EVERYTHING THAT WAS GOING AROUND IN MY MIND. IT
15 WAS NOT THE WAY WE HAD HOPED IT WOULD BE. AND I
16 WAS VERY CONCERNED ABOUT THE CHILDREN SEEING THEIR
17 FATHER SICK OR ARRESTED.

18 Q WELL, MA'AM, YOU SAY IT WAS A TIME OF
19 PANIC, BUT THIS HAD BEEN SINCE 10:30 THAT MORNING,
20 CORRECT? CORRECT?

21 A WHAT HAD BEEN SINCE 10:30 THAT MORNING?

22 Q YOU'RE DEALING WITH THIS SITUATION
23 SINCE 10:30 THAT MORNING?

24 A RIGHT. BUT HE WASN'T SICK AT 10:30
25 THAT MORNING.

1 Q AND, OF COURSE, YOU WERE NOW BACK IN
2 THE SANCTITY OF YOUR HOME WITH THE CHILDREN IN THAT
3 SAFE HAVEN WITH YOU AND YOUR HUSBAND; IS THAT
4 CORRECT?

5 A WE WERE AT MY HOME.

6 Q AND THEY WERE SAFE IN YOUR HOME?

7 A THEY WERE SAFE PHYSICALLY, BUT THERE
8 WERE THINGS GOING ON THAT MIGHT HAVE UPSET THEM
9 GREATLY.

10 Q YES, MA'AM. NOW, WHEN YOU CALL 911,
11 YOU'RE, OF COURSE, NOT TELLING THIS JURY THAT EVERY
12 TIME ONE CALLS AN AMBULANCE THAT THE POLICE ARRIVE?

13 A SIR, I DIDN'T KNOW THAT THE POLICE
14 WOULD ARRIVE. BUT I KNEW THAT WE WOULD HAVE TO
15 TELL THE NAME OF WHO IT WAS. WE HAD HOPED TO GET
16 MR. BECKHAM'S LAWYER THERE, ALSO.

17 Q SO WHEN YOU CALLED 911 -- I GUESS MY
18 QUESTION IS, YOUR PURPOSE WAS TO CONTACT AN
19 AMBULANCE?

20 A EXACTLY.

21 Q NOT THE POLICE?

22 A YES, SIR.

23 Q YOU WERE GOING TO -- AND I'M NOT TRYING
24 TO SAY YOU WEREN'T GOING TO DEAL WITH THE POLICE AT
25 SOME POINT IN TIME, MA'AM. I'M NOT TRYING TO SAY

1 THAT. BUT I'M TRYING TO SAY THAT THIS IS A FAIR,
2 CORRECT STATEMENT, THE TWO 911 CALLS WERE SOLELY
3 FOR THE PURPOSE OF GETTING AN AMBULANCE FOR THE
4 DEFENDANT, CORRECT?

5 A THAT WAS THE PRIMARY PURPOSE. I
6 CERTAINLY HAD AWARENESS OF WHAT WOULD HAPPEN FROM
7 THOSE CALLS, BUT THAT WAS THE PURPOSE.

8 Q AND GOING ALL THE WAY BACK NOW TO
9 KENTUCKY, AS I TAKE IT THE REASON -- YOU HAD THREE
10 ADULTS, YOURSELF, MR. LIBBY AND STEPHEN BECKHAM.
11 OF COURSE, ONE OF THEM WAS WANTED FOR MURDER, BUT
12 THOSE THREE ADULTS, Y'ALL MADE THE DECISION THAT
13 YOU COULDN'T BRING THE TWO CARS BACK TO SOUTH
14 CAROLINA? Y'ALL MADE THAT DECISION?

15 A THE CHILDREN CERTAINLY DID NOT MAKE IT.

16 Q THE THREE ADULTS DID?

17 A WE DIDN'T HOLD A CONFERENCE. I DON'T
18 REMEMBER, EXCEPT WE ASKED IT TO BE DONE THAT AND IT
19 WAS DONE THAT WAY. IT WASN'T A LENGTHY DEBATE
20 ABOUT WHAT WOULD BE DONE.

21 Q NOW, THE DECISION WAS THEN MADE THAT
22 BECAUSE OF THE OUTLYING AREA WHERE YOU LIVE ON LAKE
23 MURRAY THAT THE REVEREND, YOUR HUSBAND, MR. LIBBY,
24 SINCE THE DEFENDANT WAS IN THE BACK OF THE CROWN
25 VICTORIA, WOULD MEET THE AMBULANCE AT ST. FRANCIS?

1 A THAT'S PART OF THE REASON.

2 Q WHAT WAS THE OTHER?

3 A THE CHILDREN.

4 Q THE CHILDREN. AND HE WENT UP THERE AND
5 THAT'S WHERE HE MET THE AMBULANCE; IS THAT RIGHT AS
6 FAR AS YOU KNOW?

7 A THAT'S WHERE THE AMBULANCE CAME.

8 Q NOW, LATER ON THAT NIGHT, IS THIS
9 CORRECT, MR. BECKHAM, THE DEFENDANT'S FATHER AND
10 MR. ZIEDERS, THE DEFENDANT'S UNCLE, CAME TO YOUR
11 HOME?

12 A NO, SIR, THEY STOPPED AT THE CHURCH
13 WHEN THEY SAW THE CROWN VICTORIA. THE BISHOP HAD
14 BEEN TOLD TO COME TO BETSY'S. AND HE COMES BY THE
15 CHURCH AND HE SEES AN AMBULANCE AND MY CAR, AND HE
16 DIDN'T KNOW IF MAYBE HE HAD MISUNDERSTOOD OR
17 SHANNON'S UNCLE HAD MISUNDERSTOOD AND HE WAS
18 SUPPOSED TO COME TO THE CHURCH--PLUS, THE SIGHT OF
19 THE AMBULANCE--AND SO HE STOPPED THERE BEFORE HE
20 CAME TO MY HOME.

21 Q SO HE DID NOT COME TO YOUR HOME?

22 A NO.

23 Q EVEN, TO YOUR KNOWLEDGE, ANYTIME THAT
24 NIGHT HE DID NOT COME TO YOUR HOME, MR. BECKHAM --

25 A HE DID NOT.

1 Q -- NOR MR. ZIEDERS. NOW I TAKE IT,
2 AFTERWARDS YOU WENT -- YOU AND MR. LIBBY WENT TO
3 THE LEXINGTON COUNTY HOSPITAL?

4 A I NEVER WENT TO THE HOSPITAL.

5 Q OH, YOU DID NOT?

6 A I STAYED WITH THE CHILDREN.

7 Q I UNDERSTAND. AND YOU NEVER WENT DOWN
8 THERE TO THE LEXINGTON COUNTY HOSPITAL THAT NIGHT?

9 A NO, I DID NOT.

10 MR. MCMAHON: INDULGE ME ONE MINUTE,
11 YOUR HONOR?

12 Q REVEREND LIBBY, WHEN YOU SAID THE
13 FAMILY VACATION WAS A TIME FOR THE CHILDREN TO BE
14 WITH THEIR FATHER BEFORE -- I BELIEVE YOU SAID
15 BEFORE. DO YOU KNOW BEFORE WHAT OR DO YOU RECALL
16 THAT?

17 A I DON'T RECALL SAYING THAT.

18 Q YOU DON'T RECALL THAT.

19 A I MIGHT HAVE BEEN THINKING BEFORE
20 SCHOOL STARTED. BUT JUST A TIME WITH JUST THEM,
21 WITH NO INFLUENCES THAT WERE GOING ON AROUND, NONE
22 OF THE STRESSES OF THE ONGOING INVESTIGATIONS AND
23 SUCH.

24 Q THAT WAS PRETTY COMMON KNOWLEDGE?
25 WITHIN THE BECKHAM FAMILY, THAT WAS PRETTY COMMON

1 KNOWLEDGE, THE ONGOING INVESTIGATION?

2 A YES.

3 Q THANK YOU.

4 THE COURT: REDIRECT?

5 MR. SWERLING: NO, SIR.

6 THE COURT: THANK YOU, MA'AM. YOU MAY
7 STEP DOWN.

8 MR. SWERLING: YOUR HONOR, I ASK THAT
9 SHE BE EXCUSED IF SHE NEEDS TO BE?

10 THE COURT: ALL RIGHT, WITHOUT
11 OBJECTION.

12 CALL YOUR NEXT WITNESS, PLEASE.

13 RITA LONG BOOZER, BEING DULY
14 SWORN, TESTIFIED AS FOLLOWS:

15 THE CLERK: HAVE A SEAT AND STATE YOUR
16 NAME.

17 THE WITNESS: I AM RITA LONG BOOZER.

18 DIRECT EXAMINATION:

19 BY MR. HARPOOTLIAN:

20 Q OKAY, MS. BOOZER, I'M GOING TO SORT OF
21 GET RIGHT TO THE MATTER HERE. DO YOU -- HAVE YOU
22 HAD OR DO YOU HAVE -- HAVE YOU HAD SOME
23 RELATIONSHIP WITH ANY OF THE CHILDREN OF STEPHEN
24 AND VICKI BECKHAM?

25 A YES, SIR.

- 1 Q AND THE RELATIONSHIP WOULD BE WITH
2 WHICH CHILD?
- 3 A SHANNON.
- 4 Q AND HOW DO YOU KNOW SHANNON?
- 5 A SHANNON WAS IN THE MID-CAROLINA
6 MARCHING BAND FOR SEVERAL YEARS AND I'M A BAND
7 MOTHER, VERY ACTIVE IN THE BAND BOOSTERS.
- 8 Q WHAT DOES A BAND MOTHER DO?
- 9 A TAKES CARE OF THOSE KIDS WHENEVER
10 THEY'RE AT PRACTICE AND CHAPERONING.
- 11 Q OKAY. NOW, PURSUANT TO YOUR DUTIES AS
12 A BAND MOTHER, YOU KNEW AND HAD KNOWN STEPHEN AND
13 VICKI BECKHAM FOR SOME TIME; IS THAT CORRECT?
- 14 A I KNEW THEM AS PART OF THE BAND
15 BOOSTERS.
- 16 Q OKAY. AND YOU WOULD HAVE KNOWN AND HAD
17 DISCUSSIONS WITH STEPHEN BECKHAM PRIOR TO JUNE 12TH
18 OF 1994?
- 19 A A FEW.
- 20 Q A FEW. DID YOU HAVE OCCASION TO SPEAK
21 WITH STEPHEN BECKHAM ON JUNE THE 12TH, 1994?
- 22 A YES, SIR, I CALLED HIM.
- 23 Q ABOUT WHAT TIME?
- 24 A IT WAS AROUND NINE O'CLOCK, NINE P.M.
- 25 Q OKAY. AND WHAT WAS THE PURPOSE FOR

1 YOUR CALL?

2 A THE BAND BOOSTERS HAD LOST SOME WORK
3 RECORDS ON SOME FUND RAISERS, AND WE WERE
4 CONTACTING THE PARENTS TO GET THAT RECREATED SO
5 THEIR CHILDREN WOULD GET THE PROPER CREDIT.

6 Q LET ME SHOW YOU DEFENDANT'S EXHIBIT NO.
7 24. WOULD YOU PUBLISH THIS TO THE JURY, PLEASE?
8 IF YOU'LL JUST READ THAT. BY PUBLISH, I MEAN READ.

9 A ON JUNE 12TH, 1994, AT 8:45 P.M. THERE
10 WAS A THREE MINUTE, FIFTEEN SECOND CALL FROM 803-
11 276-0641 REGISTERED TO RITA BOOZER, NEWBERRY, SOUTH
12 CAROLINA TO 803-276-1566 REGISTERED TO STEPHEN
13 BECKHAM, POMARIA, SOUTH CAROLINA.

14 Q NOW, DOES THIS RECORD REFLECT THAT
15 CALL?

16 A YES, SIR.

17 Q IN OTHER WORDS, YOU CALLED HIM?

18 A I CALLED HIM.

19 Q AND THE PURPOSE OF YOUR CALL WAS TO
20 DISCUSS?

21 A SOME FUND RAISERS DONE EARLIER IN THE
22 YEAR THAT THE RECORDS HAD BEEN LOST.

23 Q RIGHT. NOW, WHEN YOU CALLED HIM, WHAT
24 WAS HIS DEMEANOR, WHAT WAS HIS ATTITUDE AS YOU
25 TALKED TO HIM?

1 A HE WAS POLITE; HE WAS COURTEOUS; HE
2 TOOK MY QUESTIONS VERY SERIOUSLY. HE CALLED
3 SHANNON IN TO HELP REMEMBER.

4 Q AND WAS HE IMPATIENT WITH YOU AT ALL?

5 A NO.

6 Q WAS HE AGITATED WITH YOU IN ANY WAY?

7 A NO.

8 Q WAS HE IN A HURRY TO GET YOU OFF THE
9 PHONE?

10 A NOT AT ALL.

11 Q YOU INDICATED HE CALLED SHANNON IN, DID
12 THEY -- IF YOU ASKED QUESTIONS, DID HE ASK THEM OF
13 SHANNON?

14 A HE CALLED SHANNON TO WHERE HE WAS. AND
15 I DID NOT TALK TO SHANNON ON THE PHONE, BUT I ASKED
16 THE QUESTIONS AND THEN HE REPEATED THEM TO SHANNON
17 AND THEY DISCUSSED IT.

18 Q AND DID HE ANSWER YOUR QUESTIONS FULLY
19 AND IN A VERY CALM FASHION?

20 A YES, HE DID.

21 Q ANYTHING ABNORMAL ABOUT HIS DEMEANOR OR
22 TONE OR THE WAY HE RESPONDED TO YOU?

23 A NOTHING THAT I PICKED UP ON AT ALL.

24 Q AND DID YOU GET ALL YOUR QUESTIONS
25 ANSWERED?

1 A YES, SIR.

2 Q THANK YOU. PLEASE ANSWER ANY QUESTIONS

3 THE SOLICITOR MAY HAVE.

4 THE COURT: CROSS-EXAMINATION,

5 SOLICITOR?

6 CROSS-EXAMINATION:

7 BY MR. JONES:

8 Q MS. BOOZER.

9 A HELLO.

10 Q YOU CALLED HIM ON JUNE 12TH?

11 A YES, SIR.

12 Q MS. BOOZER, YOU DON'T KNOW WHAT STEPHEN

13 BECKHAM, THE DEFENDANT, STEPHEN BECKHAM WAS DOING

14 AT 6:15 ON JUNE THE 12TH, DO YOU?

15 A NO, SIR.

16 Q YOU DON'T KNOW WHERE HE WAS AT 6:20 ON

17 JUNE THE 12TH, DO YOU?

18 A NO, SIR.

19 Q YOU DON'T KNOW WHETHER OR NOT HE HAD A

20 GUN IN HIS HAND AT 6:25 ON JUNE 12TH?

21 MR. HARPOOTLIAN: YOUR HONOR, I WOULD

22 OBJECT. WE STIPULATE SHE HAD NO CONTACT WITH HIM

23 THAT DAY PRIOR TO THIS PHONE CALL, AND WE CAN

24 PERHAPS SHORTEN THIS UP.

25 THE COURT: OVERRULE THE OBJECTION.

1 Q YOU DON'T KNOW WHETHER HE HAD A GUN IN
2 HIS HAND AT 6:25 ON JUNE 12TH, DO YOU?

3 A NO, SIR.

4 Q YOU DON'T KNOW --

5 MR. HARPOOTLIAN: OBJECTION. CALLS FOR
6 SPECULATION ON THE PART OF THE WITNESS.

7 THE COURT: LET ME TALK TO YOU OVER
8 HERE JUST A MINUTE.

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

12 THE COURT: THE BASIS UPON WHICH YOU
13 MADE THE OBJECTION IS OVERRULED PURSUANT TO 403. I
14 WOULD ASK YOU TO MOVE ALONG.

15 Q ON JUNE 12TH OF 1994, HOW LONG HAD YOU
16 KNOWN DEFENDANT BECKHAM?

17 A I WOULD SAY AROUND TWO YEARS.

18 Q AND IN THAT TWO YEARS, HAD YOU HAD A
19 GREAT DEAL OF CONTACT WITH HIM?

20 A NO, I HAD VERY LITTLE CONTACT WITH
21 STEVE. I HAD MORE WITH VICKI, BUT NOT A WHOLE LOT
22 WITH EITHER ONE.

23 Q WELL, LET'S TALK ABOUT HOW MUCH CONTACT
24 YOU HAD HAD WITH DEFENDANT BECKHAM.

25 A LET'S SEE, OCCASIONALLY, HE WOULD BE AT

1 A FOOTBALL GAME WHERE I WAS A REGULAR CHAPERON, AND
2 BAND PARENTS JUST TEND TO GATHER TOGETHER. WE WENT
3 ON A TRIP TO FLORIDA, THE BAND DID, AND STEVE AND
4 VICKI CHAPERONED THAT TRIP. AND I CAN'T -- THAT
5 WAS IT, AS FAR AS BEING AROUND STEVE.

6 Q SO BASED ON THOSE TWO ENCOUNTERS, YOU
7 DEVELOPED THE ABILITY TO ASCERTAIN WHETHER OR NOT
8 IN HIS OWN WAY HE WAS DISGUIISING WHAT WAS GOING ON
9 INSIDE OF HIM?

10 A I DON'T THINK I UNDERSTAND THE
11 QUESTION. I DIDN'T --

12 Q YOU SAID THAT HE SOUNDED NORMAL AND
13 FINE TO YOU?

14 A STEVE HAS ALWAYS BEEN POLITE AND
15 COURTEOUS TO ME. AND HE WAS THAT NIGHT.

16 Q AND YOU DON'T HAVE THEN A NERVOUS,
17 AGITATED STATE THAT YOU'VE DISCUSSED WITH HIM OR
18 BEEN AROUND HIM TO COMPARE --

19 A RIGHT.

20 Q THAT'S TRUE OR NOT; IS THAT CORRECT?

21 A THAT'S CORRECT.

22 Q SO NOT BEING ABLE TO COMPARE HOW HE
23 WOULD SOUND OR HOW HIS VOICE WOULD COME ACROSS
24 DURING ANY OCCASIONS THAT HE MIGHT HAVE TO FEEL
25 NERVOUS OR UPSET, YOU WOULDN'T KNOW WHETHER OR NOT

- 1 HE HAS THE ABILITY --
- 2 A NO.
- 3 Q -- TO DISGUISE ANY NERVOUSNESS OR
- 4 TENSION OR APPREHENSION THAT HE MIGHT HAVE INSIDE
- 5 HIS GUT AND HEART, RIGHT?
- 6 A RIGHT, I DON'T HAVE THAT ABILITY.
- 7 Q AND IT WAS A PHONE CONVERSATION?
- 8 A IT WAS A PHONE CONVERSATION.
- 9 Q YOU DIDN'T HAVE A CHANCE TO SEE HIM?
- 10 A NO.
- 11 Q ON JUNE 12TH?
- 12 A NO.
- 13 Q 1994?
- 14 A NO, SIR.
- 15 Q HOW LONG DID YOU TALK TO HIM?
- 16 A SEVERAL MINUTES. THE THING I JUST READ
- 17 SAID A LITTLE OVER THREE MINUTES. I WOULDN'T ARGUE
- 18 WITH THAT AT ALL.
- 19 Q DID YOU KNOW THAT BETWEEN SAY 6:35,
- 20 6:40 AND THE TIME YOU TALKED HIM AT 8:45, HE HAD
- 21 HAD A CHANCE TO BUILD A BONFIRE, INCUBATE A DUCK
- 22 EGG, TEND TO FIRE ANT BITES, COOK CHICKEN FINGERS,
- 23 AND SET-UP TV WATCHING.
- 24 A I HAD NO IDEA.
- 25 MR. HARPOOTLIAN: WHAT WAS THAT TIME

1 FRAME, I DIDN'T HEAR IT?

2 MR. JONES: 6:40, 6:45 TO 8:40, 8:45.

3 Q ISN'T THAT WHEN YOU CALLED, 8:40, 8:45?

4 A EIGHT, FORTY-FIVE.

5 Q HE DIDN'T DISCUSS ANY OF THAT WITH YOU?

6 A NO, SIR.

7 Q SO BASICALLY, WHAT YOU CAME IN HERE TO

8 TESTIFY TO IS TO TELL THIS JURY WHEN YOU TALKED TO

9 HIM AT 8:45, HE SOUNDED LIKE HE HAD ALWAYS SOUNDED

10 TO YOU ON THE TWO PREVIOUS OCCASIONS YOU HAD TALKED

11 TO HIM?

12 A YES, SIR.

13 Q COURTEOUS?

14 A YES, SIR.

15 Q THANK YOU.

16 THE COURT: ANYTHING ON REDIRECT?

17 MR. HARPOOTLIAN: JUST A COUPLE OF

18 THINGS.

19 REDIRECT EXAMINATION:

20 BY MR. HARPOOTLIAN:

21 Q HOW MANY CHILDREN DO YOU HAVE?

22 A I HAVE THREE.

23 Q OKAY, ON A TYPICAL NIGHT, OVER A COUPLE

24 OF HOURS, COULD YOU FIX DINNER, HELP THEM WITH

25 THEIR SCIENCE PROJECT, BUILD A FIRE --

1 MR. JONES: OBJECTION, YOUR HONOR --
2 THE COURT: OVERRULED.
3 Q BUILD A FIRE, TEND TO THEIR INJURIES?
4 I MEAN, DOESN'T THAT SOUND LIKE A TYPICAL NIGHT FOR
5 YOU WITH THREE CHILDREN?
6 A YES, SIR.
7 Q AND MORE? IT AIN'T EASY, IS IT?
8 A RIGHT.
9 Q HAS ANYONE FROM LAW ENFORCEMENT EVER
10 ASKED YOU ABOUT THIS PHONE CALL?
11 A YES, SIR.
12 Q AND WHEN DID THEY ASK YOU ABOUT IT?
13 A I'M NOT SURE. IT WOULD HAVE BEEN -- I
14 TALKED TO THEM SOMETIME BETWEEN AUGUST AND THE
15 FIRST OF SEPTEMBER, MAYBE.
16 Q OF THIS YEAR?
17 A OF THIS YEAR. AND NOW, I TALKED TO
18 DEPUTIES AND PEOPLE RIGHT AFTER -- IN JUNE OF '94.
19 Q JUNE OF '94, THEY ASKED YOU ABOUT THIS
20 CALL, RIGHT?
21 A RIGHT.
22 Q AND YOU TOLD THEM ABOUT THE CALL?
23 A YES, I VOLUNTEERED THIS INFORMATION.
24 Q ALL RIGHT, THANK YOU.
25 THE COURT: ANYTHING ELSE?

1 MR. JONES: NO.
2 THE COURT: THANK YOU, MA'AM, STEP
3 DOWN.
4 CALL YOUR NEXT WITNESS.
5 MR. HARPOOTLIAN: I'D LIKE HER TO BE
6 EXCUSED.
7 THE COURT: EXCUSED WITHOUT OBJECTION.
8 MR. HARPOOTLIAN: THOMAS BASS.
9 THOMAS BASS, BEING DULY
10 SWORN, TESTIFIED AS FOLLOWS:
11 THE CLERK: HAVE A SEAT AND PLEASE,
12 STATE YOUR NAME.
13 THE WITNESS: THOMAS HENRY BASS.
14 DIRECT EXAMINATION:
15 BY MR. HARPOOTLIAN:
16 Q OKAY, AND MR. BASS, ARE YOU RELATED TO
17 STEPHEN BECKHAM?
18 A YES, SIR.
19 Q HOW ARE YOU RELATED TO HIM?
20 A FIRST COUSINS.
21 Q TELL ME, WHEN YOU SAY FIRST COUSINS,
22 WHO'S WHO?
23 A HIS MOTHER IS MY MOTHER'S SISTER.
24 Q HIS MOTHER IS YOUR MOTHER'S SISTER, SO
25 Y'ALL WOULD BE FIRST COUSINS?

1 A RIGHT.

2 Q MR. BASS, I WANT YOU TO THINK BACK --
3 WELL, FIRST OF ALL, WHAT VOCATION -- WHAT DO YOU DO
4 FOR A LIVING?

5 A MUSICIAN.

6 Q OKAY. AND WERE YOU A MUSICIAN BACK IN
7 JUNE OF 1994?

8 A YES, SIR.

9 Q I WANT YOU TO THINK BACK TO THE NIGHTS
10 OF FRIDAY AND SATURDAY, THAT WOULD BE JUNE 10TH AND
11 11TH; IS THAT CORRECT?

12 A YES, SIR.

13 Q DID YOU HAVE OCCASION TO SEE ON THE
14 NIGHT OF JUNE 10TH -- WELL, FIRST OF ALL, WHERE
15 WERE YOU ON THE NIGHT OF JUNE 10TH? THAT WOULD BE
16 FRIDAY NIGHT.

17 A I WAS AT VISTA CENTRAL STATION.

18 Q WHAT IS THE VISTA CENTRAL STATION?

19 A IT'S A CLUB.

20 Q WHERE?

21 A LOCATED DOWNTOWN COLUMBIA.

22 Q DOWNTOWN COLUMBIA? OKAY. AND WHEN YOU
23 SAY IT'S A CLUB, INDOORS, OUTDOORS?

24 A WELL, WE WERE PLAYING OUTSIDE AT THE
25 TIME.

1 Q AT THE TIME. AND WHAT KIND -- I MEAN,
2 YOU'RE IN A BAND, DO YOU HAVE A BAND?
3 A RIGHT.
4 Q WHAT INSTRUMENT DO YOU PLAY?
5 A I PLAY GUITAR, KEYBOARD AND TRUMPET.
6 Q OKAY. AND YOU WERE OUTSIDE PLAYING IN
7 THIS BAND?
8 A YEAH.
9 Q WHAT TIME DID YOU START?
10 A APPROXIMATELY, FIVE O'CLOCK.
11 Q AND WHAT TIME DID YOU END?
12 A I'D SAY AROUND TEN OR ELEVEN.
13 Q NOW, DID YOU HAVE OCCASION TO SEE
14 STEPHEN BECKHAM, YOUR FIRST COUSIN, THAT NIGHT?
15 A YES, SIR.
16 Q AND ABOUT WHAT TIME DID YOU SEE HIM AND
17 WHERE?
18 A APPROXIMATELY, SIX O'CLOCK AND HE WAS
19 SITTING RIGHT IN FRONT OF ME.
20 Q CAME TO WATCH HIS COUSIN'S BAND?
21 A YES, SIR.
22 Q OKAY. WAS HE WITH ANYBODY?
23 A HE WAS WITH HIS SISTER, KATHERINE.
24 Q KATHERINE. IS KATHERINE HERE TODAY?
25 STAND UP.

- 1 IS THAT HIS SISTER?
- 2 A YES, SIR.
- 3 Q AND THEY WERE TOGETHER AT THIS VISTA
- 4 STATION AT ABOUT SIX?
- 5 A APPROXIMATELY, SIX O'CLOCK, YES.
- 6 Q DO YOU KNOW ABOUT WHAT TIME THEY LEFT?
- 7 A NO, SIR. PROBABLY ABOUT NINE OR TEN,
- 8 MAYBE IT WAS A BIG CROWD OF PEOPLE.
- 9 Q BUT YOU SAW THEM THERE AT THE BEGINNING
- 10 OF THE EVENING AND SAW THEM LEAVE SOMETIME LATER
- 11 ON?
- 12 A YES, SIR.
- 13 Q NOW, ON SATURDAY NIGHT, DID YOU HAVE
- 14 OCCASION -- WHERE WERE YOU AT SATURDAY NIGHT?
- 15 A SATURDAY NIGHT, WE WERE AT DOCKSIDE
- 16 RESTAURANT ON LAKE MURRAY.
- 17 Q ON LAKE MURRAY. WHERE IS THAT, I'M NOT
- 18 REAL FAMILIAR WITH IT?
- 19 A TWENTY MILES FROM COLUMBIA.
- 20 Q HOW FAR WOULD THAT BE FROM HERE?
- 21 A MAYBE THIRTY MILES, THIRTY, FORTY
- 22 MILES.
- 23 Q AND WHAT WERE YOU DOING THERE?
- 24 A PLAYING, ALSO.
- 25 Q YOU PLAY EVERY FRIDAY AND SATURDAY

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1 NIGHT?

2 A JUST ABOUT, YES, SIR.

3 Q AND THIS NIGHT, YOU WERE PLAYING AT

4 DOCKSIDE. NOW, DOCKSIDE, IS THAT INSIDE OR

5 OUTSIDE?

6 A THIS IS INSIDE.

7 Q AND DID YOU HAVE OCCASION TO SEE

8 STEPHEN BECKHAM AGAIN?

9 A YES, I DID.

10 Q WHAT TIME DID YOU SEE HIM?

11 A IT WAS APPROXIMATELY EIGHT-THIRTY, NINE

12 O'CLOCK.

13 Q P.M.?

14 A RIGHT, P.M.

15 Q WAS HE WITH ANYBODY?

16 A HE WAS WITH HIS SISTER AGAIN,

17 KATHERINE.

18 Q KATHERINE. DO YOU KNOW WHY THEY WERE

19 AT DOCKSIDE?

20 A THEY WERE THERE CELEBRATING KATHERINE'S

21 BIRTHDAY.

22 Q AND HOW LONG DID THEY STAY THERE THAT

23 NIGHT?

24 A THEY WERE THERE FOR A WHILE AND THEN

25 THEY WALKED OUTSIDE AND -- WELL, TO THE DECK

1 OUTSIDE.

2 Q THERE'S A DECK OUTSIDE?

3 A RIGHT.

4 Q ABOUT WHAT TIME WAS THE LAST TIME YOU
5 SAW THEM THAT NIGHT?

6 A I WOULD SAY ABOUT TEN O'CLOCK, 10:15,
7 SOMEWHERE IN THERE. WE TOOK A BREAK AND AFTER WE
8 TOOK A BREAK CAME BACK ON STAGE THAT'S WHEN HIM AND
9 KATHERINE WALKED OUTSIDE.

10 Q AND HE WAS WITH KATHERINE?

11 A RIGHT.

12 Q WAS HE WITH A GUY THAT'S ABOUT SIX FEET
13 TALL ABOUT 270 --

14 MR. JONES: LEADING, YOUR HONOR.

15 THE COURT: SUSTAINED.

16 Q LET ME SHOW YOU THIS PICTURE. WAS THIS
17 GUY HAVING DRINKS WITH HE AND KATHERINE?

18 A NO.

19 Q EITHER NIGHT?

20 A NO, SIR.

21 Q SEE HIM IN HIS COMPANY?

22 A NO, SIR.

23 MR. HARPOOTLIAN: YOUR HONOR, WE WOULD
24 OFFER THIS INTO EVIDENCE.

25 MR. JONES: OBJECTION, YOUR HONOR, SIDE

1 BAR.

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

5 BAILIFF: JURY SAYS THEY NEED A SHORT
6 BREAK.

7 THE COURT: ALL RIGHT. WE'RE GOING TO
8 PROBABLY GO UNTIL ABOUT OR SO. LET ME LET YOU
9 TAKE A SHORT BREAK, OKAY? THAT OBJECTION IS
10 SUSTAINED WHEN WE COME BACK OUT.

11 (WHEREUPON, JURY RECESSED TO JURY ROOM
12 AT 6:15 P.M.)

13 THE COURT: ALL RIGHT, MR. HARPOOTLIAN,
14 MR. SWERLING, ARE Y'ALL READY?

15 MR. SWERLING: YES, SIR.

16 THE COURT: ALL RIGHT, THE JURY SAID
17 THEY'RE READY.

18 (JURY RETURNED TO THE OPEN COURTROOM AT
19 6:24 P.M.)

20 THE COURT: ALL RIGHT, MR. HARPOOTLIAN.

21 MR. HARPOOTLIAN: YES, SIR.

22 Q NO FURTHER QUESTIONS. PLEASE ANSWER
23 ANY QUESTIONS MR. JONES MIGHT HAVE.

24 THE COURT: CROSS-EXAMINATION?

25 CROSS-EXAMINATION:

- 1 BY MR. JONES:
- 2 Q MR. BASS, LET ME SEE NOW. YOU'RE
- 3 DEFENDANT BECKHAM'S COUSIN?
- 4 A RIGHT.
- 5 Q AND HIS SISTER IS YOUR COUSIN, RIGHT?
- 6 A YES, SIR.
- 7 Q SO WHAT YOU'RE TELLING US, LET ME SEE
- 8 IF I'VE GOT THIS RIGHT. IS YOU SAW HIM BETWEEN --
- 9 ON FRIDAY, JUNE 10TH, YOU SAW YOUR COUSINS,
- 10 DEFENDANT BECKHAM AND HIS SISTER BETWEEN SIX AND
- 11 TEN FRIDAY NIGHT AT A BAND PARTY IN COLUMBIA; IS
- 12 THAT RIGHT?
- 13 A RIGHT.
- 14 Q AND THEN YOU'RE TELLING US THAT YOU SAW
- 15 THE SAME PAIR, YOUR COUSINS -- ANYBODY ELSE WITH
- 16 THEM?
- 17 A NO.
- 18 Q NO? BETWEEN 8:30 AND 10:15 ON SATURDAY
- 19 NIGHT, THE 11TH; IS THAT RIGHT?
- 20 A YES, SIR.
- 21 Q ALL RIGHT. YOU DON'T KNOW WHERE HE WAS
- 22 BETWEEN 6:15 AND 6:45 ON JUNE 12TH, 1994, DO YOU?
- 23 A NO, SIR.
- 24 THE COURT: ANYTHING ELSE?
- 25 MR. HARPOOTLIAN: NO, SIR.

1 THE COURT: THANK YOU, SIR. YOU MAY
2 STEP DOWN.

3 MR. HARPOOTLIAN: WE ASK THAT HE BE
4 EXCUSED.

5 THE COURT: WITHOUT OBJECTION. CALL
6 YOUR NEXT WITNESS.

7 MR. SWERLING: WE CALL KATHERINE
8 BECKHAM, YOUR HONOR.

9 KATHERINE BECKHAM, BEING
10 DULY SWORN, TESTIFIED AS FOLLOWS:

11 THE CLERK: HAVE A SEAT AND STATE YOUR
12 NAME, PLEASE.

13 THE WITNESS: KATHERINE LOUISE BECKHAM.

14 DIRECT EXAMINATION:

15 BY MR. SWERLING:

16 Q MS. BECKHAM, YOU'RE STEPHEN'S SISTER?

17 A YES.

18 Q AND I JUST HAVE A COUPLE OF QUESTIONS.

19 DURING THE WEEK OF JUNE 6TH, DID YOU AND STEPHEN
20 TALK ABOUT POSSIBLY HAVING DINNER ON JUNE [REDACTED] AT
21 HIS HOUSE?

22 A YES, THAT WAS MY BIRTHDAY AND STEPHEN
23 HAD INVITED ME TO COME TO HIS HOUSE AND EAT WITH
24 STEPHEN AND THE CHILDREN ON THE NIGHT OF THE [REDACTED].
25 BUT I TOLD HIM THAT JAMIE AND I WERE ALREADY

1 PLANNING TO GO TO DINNER.

2 Q AND JAMIE SUBER IS YOUR SON?

3 A RIGHT.

4 Q NOW, VICKI BECKHAM, WERE YOU CLOSE TO

5 VICKI?

6 A YES, I WAS.

7 Q WERE YOU BASICALLY LIKE SISTERS?

8 A YES, VICKI AND I WERE VERY CLOSE.

9 Q AND WOULD YOU TELL THE JURY HOW TALL

10 ARE YOU?

11 A JUST BARELY OVER FIVE FEET.

12 Q AND WOULD YOU TELL THE JURY HOW TALL

13 WAS VICKI?

14 A VICKI AND I PRETTY MUCH SAW EYE TO EYE.

15 Q NOW, TWO EVENTS. ONE, ON FRIDAY NIGHT

16 JUNE 10TH, 1994, WERE YOU WITH YOUR BROTHER?

17 A YES.

18 Q AND WHAT WAS THE OCCASION YOU WERE WITH

19 HIM?

20 A WELL, WE HAD DECIDED TO GET TOGETHER AT

21 SOME POINT OVER THE WEEKEND TO CELEBRATE MY

22 BIRTHDAY. AND I FOUND OUT MY COUSIN WAS PLAYING AT

23 VISTA CENTRAL, SO WE SPOKE TO EACH OTHER DURING THE

24 WEEK AND DECIDED TO GO THERE FRIDAY NIGHT?

25 Q TOMMY IS A PRETTY ACCOMPLISHED

- 1 GUITARIST AND KEYBOARD OPERATOR, I UNDERSTAND?
- 2 A YES, SIR.
- 3 Q SO DID YOU AND STEPHEN GO?
- 4 A YES.
- 5 Q AND DO YOU RECALL WHAT HOURS YOU WERE
- 6 TOGETHER?
- 7 A FIVE-THIRTY OR SIX UNTIL PROBABLY,
- 8 10:30 OR SO BEFORE WE GOT BACK TO MY HOUSE.
- 9 Q AND THEN DID HE GO HOME OR DID HE SPEND
- 10 THE NIGHT AT YOUR HOUSE?
- 11 A I DON'T REMEMBER, BUT I THINK HE WENT
- 12 HOME. I THINK HE WENT HOME.
- 13 Q ALL RIGHT. AND DID YOU SEE TOMMY
- 14 THERE?
- 15 A OH, YEAH, SPOKE TO HIM.
- 16 Q AND AS A RESULT OF SEEING HIM THERE ON
- 17 FRIDAY NIGHT, DID YOU FIND OUT WHERE HE WAS PLAYING
- 18 SATURDAY NIGHT?
- 19 A YES. WHEN WE WERE THERE, HE TOLD US HE
- 20 WOULD BE PLAYING AT DOCKSIDE THE NEXT NIGHT AND WE
- 21 SHOULD COME THERE. AND WE SAID WE WOULD TALK ABOUT
- 22 IT. WE DIDN'T MAKE ANY DEFINITE DECISION AT THAT
- 23 POINT.
- 24 Q AND ON SATURDAY, DID YOU AND STEPHEN
- 25 SPEAK ABOUT POSSIBLY GOING OUT AGAIN THAT NIGHT?

- 1 A YES, AND WE DID.
- 2 Q AND YOU DID? AND APPROXIMATELY, WHAT
- 3 TIME DID YOU GET TOGETHER?
- 4 A PROBABLY NINE, SOMEWHERE AROUND THERE.
- 5 Q AND DO YOU RECALL ABOUT WHAT TIME YOU
- 6 GOT TO DOCKSIDE?
- 7 A MAYBE 9:30, 9:15.
- 8 Q AND DID YOU SEE YOUR COUSIN, TOMMY,
- 9 AGAIN?
- 10 A YES.
- 11 Q AND DID YOU SPEND SOME TIME WITH
- 12 STEPHEN AT DOCKSIDE?
- 13 A YES.
- 14 Q WHAT TIME DID YOU LEAVE?
- 15 A I THINK I LEFT ABOUT ELEVEN OR SO,
- 16 ELEVEN-THIRTY.
- 17 Q NOW, ON SUNDAY, [REDACTED], THAT WAS
- 18 YOUR ACTUAL BIRTHDAY; IS THAT RIGHT?
- 19 A YES.
- 20 Q ALL RIGHT. AND THAT AFTERNOON, DID YOU
- 21 SPEND SOME TIME WITH YOUR SON?
- 22 A YES.
- 23 Q JAMIE?
- 24 A YES. HE CAME TO MY HOUSE AROUND FIVE
- 25 OR SHORTLY BEFORE. AND I THOUGHT HE NEEDED A

1 HAIRCUT, SO I MADE HIM GO WITH ME TO GET A HAIRCUT
2 AND THEN WE WENT TO EAT.

3 Q AND WHERE DID YOU GO EAT, DO YOU KNOW?

4 A WE WENT TO EAT AT A LITTLE MEXICAN
5 PLACE OVER THERE ON HARBISON. I FORGET WHAT IT WAS
6 CALLED -- CHILI'S, I THINK IT IS.

7 Q DO YOU RECALL WHAT TIME HE LEFT TO GO
8 BACK HOME?

9 A IT WAS SHORTLY BEFORE EIGHT, HE WENT ON
10 BACK.

11 Q AND HE LIVES IN THE HOUSE -- AS YOU GO
12 UP TO STEPHEN'S HOUSE, HE LIVES IN THE HOUSE ON THE
13 RIGHT-HAND SIDE, THE LITTLE HOUSE, BEFORE YOU GET
14 TO STEPHEN'S?

15 A YES.

16 Q SAME DRIVEWAY?

17 A RIGHT.

18 Q KATHERINE, LET ME ASK YOU THIS. YOUR
19 PARENTS LIVE IN POMARIA, CORRECT?

20 A YES.

21 Q IF YOU WERE GOING TO GO FROM POMARIA TO
22 NEWBERRY, WHICH WAY WOULD YOU GO?

23 A WELL, I GUESS I WOULD EITHER GO DOWN 76
24 AND THEN COME UP 219, OR I WOULD GO DOWN THE
25 INTERSTATE.

1 Q IF YOU WERE GOING TO NEWBERRY, WOULD
2 LITTLE MOUNTAIN BE IN THE SAME DIRECTION OR
3 OPPOSITE DIRECTION?

4 A OPPOSITE.

5 Q FROM POMARIA?

6 A OPPOSITE, YEAH, COMING BACK TOWARDS
7 COLUMBIA.

8 Q SO, ACTUALLY, POMARIA SITS BETWEEN
9 LITTLE MOUNTAIN AND NEWBERRY -- AS THE CROW FLIES,
10 IT'S NOT DIRECTLY --

11 A WELL, NOT DIRECTLY IN BETWEEN, BUT IT
12 WOULD BE GOING THE WRONG WAY.

13 Q BUT IF YOU WERE GOING TO NEWBERRY, YOU
14 CERTAINLY WOULDN'T GO TO LITTLE MOUNTAIN TO GO TO
15 NEWBERRY?

16 A NO.

17 Q THAT WOULD BE IN THE OPPOSITE
18 DIRECTION?

19 A RIGHT.

20 Q ANSWER ANY QUESTIONS THE SOLICITOR
21 MIGHT HAVE.

22 THE COURT: CROSS-EXAMINATION?

23 MR. JONES: YES, SIR.

24 CROSS-EXAMINATION:

25 BY MR. JONES:

- 1 Q IT IS MS. BECKHAM?
- 2 A YES.
- 3 Q MS. BECKHAM, ON JUNE 11TH, 1994, WHERE
- 4 WERE YOU LIVING?
- 5 A I WAS LIVING IN HARBISON.
- 6 Q UH-HUH.
- 7 A IN COLUMBIA.
- 8 Q COLUMBIA? AND HOW FAR IS HARBISON FROM
- 9 POMARIA?
- 10 A TWENTY-FIVE MINUTES, MAYBE. TWENTY,
- 11 TWENTY-FIVE MINUTES.
- 12 Q DRIVING THE INTERSTATE?
- 13 A YES.
- 14 Q AND THAT WOULD BE THE QUICKEST WAY TO
- 15 GET THERE, WOULD BE TO DRIVE THE INTERSTATE?
- 16 A PROBABLY, YEAH.
- 17 Q AND HOW FAR IS HARBISON FROM COLUMBIA?
- 18 A ANOTHER TWENTY MINUTES.
- 19 Q AND WHAT PART OF COLUMBIA ARE YOU
- 20 TALKING ABOUT?
- 21 A MAYBE FIVE POINTS AREA, SOMEWHERE
- 22 DOWNTOWN.
- 23 Q HOW FAR IS HARBISON FROM ST. ANDREWS?
- 24 A TEN MINUTES.
- 25 Q COULD YOU MAKE IT IN FIVE?

- 1 A DEPENDS ON WHERE YOU'RE GOING.
- 2 Q BUT ST. ANDREWS IS A -- IT'S ACTUALLY A
- 3 CITY WITHIN THE COLUMBIA METROPOLITAN AREA; IS IT
- 4 NOT?
- 5 A I DON'T THINK SO.
- 6 Q IS HARBISON A SUBDIVISION?
- 7 A YES.
- 8 Q IT'S A SUBDIVISION?
- 9 A WELL, YES, COMMUNITY.
- 10 Q WITH HUNDREDS, IF NOT THOUSANDS, OF
- 11 HOMES IN IT?
- 12 A I'M DON'T KNOW EXACTLY.
- 13 Q BUT THAT'S WHERE YOU WERE LIVING ON
- 14 JUNE THE 11TH?
- 15 A YES.
- 16 Q OKAY. NOW, YOU SAID YOU AND STEPHEN
- 17 GOT TOGETHER. WHERE DID YOU GET TOGETHER?
- 18 A ON THE 11TH?
- 19 Q YES.
- 20 A HE CAME TO MY HOME.
- 21 Q HE CAME TO YOUR HOUSE?
- 22 A YES.
- 23 Q AND HE GOT THERE ABOUT WHAT TIME?
- 24 A ON THE 11TH, I'D SAY NINE, LITTLE
- 25 BEFORE.

- 1 Q LITTLE BEFORE NINE?
- 2 A LITTLE BEFORE NINE OR NINE O'CLOCK,
3 RIGHT AROUND IN THERE.
- 4 Q HAD YOU MADE A PREARRANGED TIME THE DAY
5 BEFORE?
- 6 A NO, I JUST TOLD HIM WHEN HE GOT -- YOU
7 KNOW, HE SAID SOMETIME AROUND NINE, PROBABLY, AND I
8 SAID, OKAY.
- 9 Q BUT YOU KNEW YOU WERE GOING TO SEE THE
10 BAND?
- 11 A YES.
- 12 Q AND YOU MADE THAT DECISION THE DAY
13 BEFORE?
- 14 A YES -- WELL, NO, WE TALKED SOMETIME, I
15 THINK, THAT DAY. I CAN'T BE SURE, BUT I THINK WE
16 TALKED SOMETIME THAT DAY. HE MIGHT HAVE BEEN AT MY
17 PARENTS' OR SOMETHING, BUT SOMEHOW WE GOT THE WORD
18 TO EACH OTHER THAT WE WERE GOING TO GO AHEAD AND
19 GO. WE HADN'T MADE DEFINITE PLANS ON THE 10TH
20 BECAUSE I WASN'T SURE IF I WOULD WANT TO GO OR NOT,
21 AND I DON'T KNOW IF HE WAS SURE, EITHER.
- 22 Q BUT YOU DECIDED THAT YOU WANTED TO GO?
- 23 A UH-HUH.
- 24 Q AND YOU WENT?
- 25 A YES.

1 Q AND YOU DECIDED THAT HE WOULD COME AND
2 PICK YOU UP AT YOUR HOUSE?

3 A I THINK HE DROVE THAT NIGHT -- NO,
4 ACTUALLY, I THINK WE -- WHEN HE CAME TO MY HOUSE,
5 THEN WE WOULD DECIDE TO GO AHEAD AND TAKE TWO CARS
6 OVER.

7 Q OKAY, THAT'S WHAT I'M ASKING. YOU
8 TALKED TO HIM BEFORE HE GOT TO YOUR HOUSE, RIGHT?

9 A YES, AT SOME POINT DURING THE DAY.

10 Q AND YOU DECIDED THAT YOU WOULD GO SEE
11 THE BAND?

12 A UH-HUH.

13 Q AND YOU DECIDED THAT HE WOULD COME TO
14 YOUR HOUSE?

15 A RIGHT.

16 Q WHY?

17 A IT'S JUST USUALLY THE WAY WE DID IT.

18 Q WELL, I MEAN --

19 A PROBABLY, I WANTED TO RIDE IN ONE CAR.
20 THAT'S PROBABLY WHAT I WOULD HAVE PREFERRED TO DO.
21 BUT WHEN HE GOT THERE, I THOUGHT, WELL, YOU KNOW, I
22 MAY WANT TO COME HOME A LITTLE EARLY OR SOMETHING,
23 SO I'LL JUST FOLLOW YOU OVER.

24 Q ALL RIGHT. WELL, THE PREVIOUS NIGHT
25 WHEN YOU WENT TO HEAR THE BAND, THAT IS, ON THE

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1 10TH, DID YOU WANT TO LEAVE EARLY THEN AND YOU
2 COULDN'T?

3 A NO, WE KNEW IT WAS GOING TO BE AN EARLY
4 EVENING. WE KNEW THE BAND WOULDN'T EVEN BE PLAYING
5 REAL LATE, SO WE RODE TOGETHER INTO VISTA CENTRAL.

6 Q IN WHOSE CAR?

7 A IN THE HONDA.

8 Q HIS CAR?

9 A YES.

10 Q SO HE DROVE ON FRIDAY NIGHT?

11 A RIGHT.

12 Q AND HE PICKED YOU UP?

13 A YES.

14 Q AND HE DROVE YOU TO THE VISTA?

15 A RIGHT.

16 Q WHERE IS THE VISTA?

17 A IT'S FIVE POINTS -- WELL, IT'S OFF
18 GERVAIS STREET IN COLUMBIA.

19 Q DOWNTOWN COLUMBIA?

20 A YEAH.

21 Q TWENTY OR THIRTY MINUTES FROM YOUR
22 HOUSE?

23 A PROBABLY TWENTY.

24 Q AND TO GET THERE FROM WHERE HE WAS IN
25 POMARIA, HE DROVE RIGHT BY HARBISON?

1 A YES, I'M RIGHT OFF THE INTERSTATE.

2 Q SO IT WAS A NATURAL FOR HIM TO COME BY,
3 STOP AND PICK YOU UP AND DRIVE YOU ON IN?

4 A YES.

5 Q I MEAN, IF YOU'RE GOING TOGETHER?

6 A UH-HUH.

7 Q WHERE IS THE DOCKSIDE RESTAURANT IN
8 RELATION TO HARBISON?

9 A IT WOULD BE OUT OF THE WAY FOR HIM TO
10 COME GET ME --

11 Q I DIDN'T ASK YOU --

12 MR. SWERLING: YOUR HONOR, SHE'S JUST

13 --

14 THE COURT: SUSTAINED AS TO THE
15 OBJECTION. REPHRASE THE QUESTION THAT YOU WANTED
16 TO ASK.

17 AND, MA'AM, YOU HAVE TO ANSWER THE
18 QUESTION HE ASKS FIRST, OKAY.

19 A OKAY.

20 Q WHERE IS THE DOCKSIDE RESTAURANT IN
21 RELATION TO YOUR HOUSE?

22 A IT'S PROBABLY SORT OF AT A TRIANGLE
23 FROM BOTH OF US. IT WOULD BE OFF THE INTERSTATE A
24 GOOD WAYS FOR HIM AND THEN OFF BROAD RIVER ROAD FOR
25 ME. SO IT WOULD KIND OF BE OFF FOR EITHER ONE OF

- 1 US. IT WOULD BE A DISTANCE FOR EITHER ONE OF US.
- 2 Q ISN'T YOUR HOME LOCATED IN THIS AREA
- 3 RIGHT HERE, NEXT TO IRMO?
- 4 A RIGHT OFF THE INTERSTATE 26.
- 5 Q RIGHT. HARBISON IS LOCATED JUST OFF
- 6 THE INTERSTATE --
- 7 A IT'S NOT IN IRMO.
- 8 Q ACROSS THE INTERSTATE FROM IRMO?
- 9 A UH-HUH.
- 10 Q SAME EXIT?
- 11 A NO.
- 12 Q YOU CAN TAKE THE SAME EXIT TO GET TO
- 13 IRMO AND TO GET TO HARBISON?
- 14 A NO.
- 15 Q ALL RIGHT. ON STATE'S EXHIBIT NO. 85.
- 16 IRMO IS LOCATED JUST OFF INTERSTATE 26; IS IT NOT?
- 17 A YOU MAY BE ABLE TO GET TO SOME PART OF
- 18 HARBISON THAT I DON' T LIVE IN BY GOING THAT WAY.
- 19 Q WELL, HARBISON, YOU WOULD AGREE, IS A
- 20 FAIRLY LARGE SUBDIVISION; WOULD YOU NOT?
- 21 A YES.
- 22 Q I KNOW YOU SAID EARLIER YOU DON'T KNOW.
- 23 A I DON'T KNOW HOW MANY HOMES.
- 24 Q BUT IF YOU HAD TO SAY ON THE LOW END OF
- 25 THE HUNDREDS TO THE HIGH END OF THE HUNDREDS, INTO

1 THE THOUSANDS, HOW MANY HOMES WOULD BE IN THERE?

2 A I REALLY COULDN'T SAY.

3 Q OKAY. WELL, I'D LIKE FOR YOU TO POINT
4 OUT HERE WHERE ON THIS MAP THE DOCKSIDE RESTAURANT
5 IS?

6 MR. SWERLING: YOUR HONOR, HE HASN'T
7 ASKED HER WHETHER OR NOT SHE CAN IDENTIFY THE MAP
8 AND KNOWS.

9 THE COURT: I OVERRULE THAT OBJECTION.

10 A IT'S SOMEWHERE OFF OF 76.

11 Q OFF OF 76?

12 A YES.

13 Q THE DOCKSIDE RESTAURANT?

14 A IT'S SOMEWHERE OFF OF HERE, I DON'T
15 KNOW EXACTLY WHERE.

16 Q RIGHT UP IN THIS AREA, ISN'T IT?

17 A YEAH.

18 Q IT'S RIGHT IN THIS AREA?

19 A PROBABLY.

20 Q IS THAT CORRECT?

21 A YES.

22 Q SO IT'S BACK TOWARDS POMARIA TO GO TO
23 THE DOCKSIDE, RIGHT?

24 A PROBABLY ABOUT TEN MINUTES.

25 Q FROM YOUR HOUSE?

- 1 A YEAH.
- 2 Q FOR STEPHEN TO COME BY YOUR HOUSE AND
- 3 PICK YOU UP TO TAKE YOU TO THE DOCKSIDE RESTAURANT,
- 4 HE ACTUALLY PASSED WHERE HE WOULD TURN OFF TO GO TO
- 5 THE DOCKSIDE; DOESN'T HE?
- 6 A I DON'T LIKE TO GO OUT AT NIGHT IN MY
- 7 CAR ALONE, IF I CAN HELP IT. I DO, WHEN I HAVE TO.
- 8 Q RIGHT.
- 9 A BUT IF I CAN HAVE SOMEBODY WITH ME, I
- 10 WOULD PREFER IT.
- 11 Q OKAY.
- 12 A ESPECIALLY AT THAT POINT, I HAD A
- 13 REALLY OLD CAR.
- 14 Q RIGHT, I UNDERSTAND THAT. BUT I
- 15 THOUGHT YOU TOLD ME THAT WHEN HE GOT TO YOUR HOUSE,
- 16 YOU DECIDED TO TAKE TWO CARS?
- 17 A I FOLLOWED HIM.
- 18 Q RIGHT, YOU FOLLOWED HIM. SO YOU DID
- 19 TAKE YOUR OWN CAR?
- 20 A YEAH, I HESITATED, BUT I DID.
- 21 Q BUT YOU DIDN'T HAVE TO BECAUSE HE WAS
- 22 THERE?
- 23 A RIGHT.
- 24 Q OKAY. AND YOU'RE NOT GOING TO SAY THAT
- 25 HE FOLLOWED YOU BACK HOME, ARE YOU?

1 A WELL, HE WOULD HAVE, BUT I DECIDED TO
2 GO ON HOME. I TOLD HIM I WOULD BE FINE. IT WAS
3 ONLY TEN MINUTES AND I'D BE OKAY.

4 Q BUT YOU'RE OUT IN YOUR OLD CAR BY
5 YOURSELF, AREN'T YOU?

6 A UH-HUH. I LIVE ALONE. I FREQUENTLY
7 HAVE TO DO THAT. IT'S NOT MY PREFERENCE, BUT I DO
8 IT.

9 Q AND YOU DIDN'T HAVE TO DO IT ON THIS
10 NIGHT, DID YOU?

11 A NO, ESPECIALLY, ONE WAY I CERTAINLY
12 DIDN'T HAVE TO BECAUSE I WAS WITH HIM OR FOLLOWING
13 HIM.

14 Q WELL, HE WAS AT YOUR HOUSE IN HIS CAR,
15 WASN'T HE?

16 A UH-HUH. AND IT WOULD HAVE BEEN WAY OUT
17 OF HIS WAY TO COME BACK AGAIN.

18 Q TEN MINUTES.

19 A YEAH.

20 Q WELL, THAT'S WAY OUT OF HIS WAY?

21 A I DON'T THINK SO.

22 Q BUT HE THOUGHT SO? IS THAT WHAT YOU'RE
23 SAYING?

24 A NO, I JUST THOUGHT I MIGHT WANT TO
25 LEAVE A LITTLE EARLIER.

1 Q DID YOU?
2 A PROBABLY A COUPLE MINUTES.
3 Q A COUPLE OF MINUTES.
4 A I DON'T REALLY KNOW.
5 Q DID YOU LEAVE BEFORE HIM?
6 A YEAH.
7 Q SO YOU DON'T KNOW HOW MUCH AHEAD OF HIM
8 YOU LEFT, DO YOU?
9 A NO, I SURE DON'T.
10 Q HE COULD HAVE STAYED THERE FOR ANOTHER
11 HOUR?
12 A COULD HAVE.
13 Q OR TWO?
14 A COULD HAVE.
15 Q ALL RIGHT. AND WHEN HE LEFT THERE, HE
16 COULD HAVE DRIVEN ANYWHERE HE WANTED TO GO,
17 COULDN'T HE?
18 A I GUESS.
19 Q BUT YOU DON'T KNOW WHERE HE WAS AFTER
20 YOU LEFT?
21 A NO.
22 Q RIGHT? YOU KNOW YOU LEFT HIM AT THE
23 DOCKSIDE?
24 A UH-HUH.
25 Q AND YOUR COUSIN TESTIFIED EARLIER -- HE

- 1 MUST HAVE BEEN MISTAKEN, BECAUSE HE SAID Y'ALL
2 STAYED UNTIL ABOUT 10:15?
- 3 A INSIDE, WE STAYED UNTIL 10:15. THEN HE
4 WAS PLAYING ANOTHER SET AND WE WENT AND SAT OUTSIDE
5 ON THE OUTSIDE DECK.
- 6 Q FOR HOW LONG?
- 7 A I LEFT ABOUT 11:30.
- 8 Q SO YOU LEFT ABOUT 11:30?
- 9 A UH-HUH.
- 10 Q AND HE STAYED ON THE OUTSIDE DECK WHILE
11 YOU DROVE OFF?
- 12 A UH-HUH.
- 13 Q OKAY. AND YOU WEREN'T WITH HIM ANYMORE
14 THAT NIGHT?
- 15 A NO.
- 16 Q WHAT WAS THE REASON THAT YOU DECIDED TO
17 TAKE YOUR CAR THAT NIGHT?
- 18 A BECAUSE I THOUGHT I MIGHT WANT TO LEAVE
19 EARLIER THAN STEPHEN WOULD.
- 20 Q AND WHAT WAS THE REASON THAT HE CAME BY
21 YOUR HOUSE THAT NIGHT?
- 22 A BECAUSE I ASKED HIM TO MEET ME THERE.
- 23 Q AND WHAT WAS THE REASON YOU WANTED HIM
24 TO MEET YOU THERE?
- 25 A IT JUST SEEMED LIKE THE PLACE TO MEET.

1 IT'S USUALLY WHAT WE DID.

2 Q OKAY. SO YOU DON'T KNOW WHAT HE DID
3 SATURDAY NIGHT, JUNE THE 11TH, AFTER 11:15?

4 A ELEVEN-THIRTY, NO.

5 Q AND YOU DON'T KNOW WHERE HE WAS BETWEEN
6 6:15 AND 6:45, JUNE THE 12TH, 1994, DO YOU?

7 A NO, I DON'T.

8 Q I HAVE NO FURTHER QUESTIONS.

9 THE COURT: ANYTHING ELSE, MR.

10 SWERLING?

11 MR. SWERLING: JUST ONE THING, YOUR
12 HONOR.

13 THE COURT: YOU SAID YES?

14 MR. SWERLING: JUST ONE THING. IF THE
15 COURT WILL INDULGE ME ONE MOMENT?

16 REDIRECT EXAMINATION:

17 BY MR. SWERLING:

18 Q KATHERINE, BY THE WAY, YOU SAID YOUR
19 BIRTHDAY WAS SUNDAY, JUNE THE 12TH?

20 A YES.

21 Q THIS IS ALREADY IN EVIDENCE, BUT --

22 MR. JONES: YOUR HONOR, I DIDN'T ASK
23 HER ANYTHING ABOUT HER BIRTHDAY.

24 THE COURT: I'M SORRY.

25 MR. JONES: THIS IS RECROSS --

1 THE COURT: THAT'S NOT THE QUESTION
2 HE'S ASKING.
3 MR. JONES: OH, OKAY.
4 MR. SWERLING: THIS IS ALREADY IN
5 EVIDENCE.
6 Q DID STEPHEN CALL YOUR HOUSE THAT
7 EVENING AND WISH YOU A HAPPY BIRTHDAY?
8 A YES, HE DID, ON JUNE [REDACTED] H.
9 Q WHAT'S THE TIME ON DEFENDANT'S EXHIBIT?
10 A NINE, TWENTY-FIVE P.M.
11 Q I BELIEVE HE LEFT A MESSAGE FOR YOU?
12 A I WAS LISTENING WHEN HE LEFT THE
13 MESSAGE. TWO PEOPLE LEFT MESSAGES WHILE I WAS
14 LISTENING.
15 Q WHAT IS YOUR PHONE NUMBER?
16 A WELL, AT THAT TIME, IT WAS 732-1044.
17 Q OKAY. NOW, THE SOLICITOR -- I'M SORRY,
18 2 -- 732?
19 A ONE, ZERO, FOUR, FOUR. (1044)
20 Q WHAT WAS YOUR BROTHER'S PHONE NUMBER?
21 A 276-1566.
22 Q LET ME ASK YOU TO LOOK AT THESE PHONE
23 CALLS ON HERE THE SOLICITOR WAS TALKING ABOUT.
24 FROM JUNE 10TH, 1994, IS THERE A PHONE CALL FROM --
25 THIS PHONE CALL, WHAT IS THAT NUMBER FROM?

1 A FROM MY NUMBER -- WAIT A MINUTE, FROM
2 276-1566.
3 Q THAT'S--WHOSE NUMBER IS THAT?
4 A THAT'S STEPHEN'S NUMBER.
5 Q AND AT 4:04, THERE'S A CALL MADE TO
6 WHERE?
7 A TO MY HOME ON JUNE 10TH.
8 Q AND WHAT IS THE NUMBER THAT HE CALLED?
9 A 732-1044.
10 Q NOW, ON JUNE 11TH, IS THERE A PHONE
11 CALL?
12 A YES.
13 Q FROM STEPHEN AT 276-1566 TO YOUR PHONE,
14 732-1044?
15 A CORRECT.
16 Q WHAT IS THE TIME OF THE CALL ON THE
17 11TH?
18 A ELEVEN ZERO FOUR A.M. (11:04)
19 Q OKAY. AND THAT WOULD BE ON THAT
20 SATURDAY?
21 A RIGHT.
22 Q AND LET ME SHOW YOU -- ON THE 11TH, IS
23 THERE A PHONE CALL FROM YOUR HOUSE TO STEPHEN'S
24 HOUSE?
25 A YES, I MUST HAVE CALLED HIM BACK AT

1 2:49 P.M.

2 Q AND IT'S FROM YOUR PHONE AT 732-1044?

3 A YES.

4 Q TO?

5 A TO STEPHEN AT 867-1566, WHICH WAS HIS

6 TOLL FREE NUMBER.

7 Q AND WHAT WAS THE LENGTH OF THAT CALL?

8 A THREE AND A HALF MINUTES, IS THAT IT?

9 Q SO, ACTUALLY, YOU DID SPEAK TO EACH

10 OTHER ON THE 10TH AND 11TH?

11 A YES.

12 Q IS THAT CORRECT?

13 A YES.

14 Q THANK YOU.

15 THE COURT: ANYTHING ELSE OF THIS

16 WITNESS?

17 MR. JONES: NOTHING, YOUR HONOR.

18 THE COURT: THANK YOU, MA'AM. YOU MAY

19 STEP DOWN.

20 CALL YOUR NEXT WITNESS.

21 MR. SWERLING: WE CALL EARL ZIEDER,

22 YOUR HONOR.

23 EARL ZIEDER, BEING DULY

24 SWORN, TESTIFIED AS FOLLOWS:

25 THE CLERK: HAVE A SEAT AND STATE YOUR

1 NAME, PLEASE.

2 THE WITNESS: EARL ZIEDER, SR.

3 DIRECT EXAMINATION:

4 BY MR. SWERLING:

5 Q AND EARL, WHERE DO YOU LIVE?

6 A LIVE IN POMARIA, 2383, POMARIA.

7 Q OKAY. WHAT DO YOU DO FOR A LIVING?

8 A I'M AN ELECTRICAL TECHNICIAN AT THE V.

9 C. CENTER, NUCLEAR CENTER IN JENKINSVILLE.

10 Q WHERE?

11 A IN JENKINSVILLE.

12 Q IN JENKINSVILLE?

13 A YES, SIR.

14 Q HOW LONG HAVE YOU BEEN DOING THAT?

15 A I'VE BEEN IN THE ELECTRICAL BUSINESS AT

16 THAT PARTICULAR JOB, SINCE 1973.

17 Q AND YOU'RE MARRIED TO DAISY ZIEDER?

18 A YES, SIR.

19 Q AND THAT'S BILL BECKHAM'S, BISHOP BILL

20 BECKHAM'S SISTER?

21 A YES, SIR, HIS YOUNGER SISTER.

22 Q AND STEPHEN IS YOUR NEPHEW?

23 A YES, SIR, THROUGH MARRIAGE.

24 Q NOW, YOU'RE UNCLE HERKIE?

25 A THAT'S MY NICKNAME, YES, SIR.

1 Q OKAY. THAT'S YOUR NICKNAME. I WON'T
2 ASK.

3 EARL, LET ME GO TO JUNE -- I'M SORRY,
4 JULY 15TH, 1995 IN THE EARLY MORNING HOURS.

5 A OKAY.

6 Q OR JUNE 14TH -- I MEAN, JULY 14TH. DID
7 YOU RECEIVE A PHONE CALL AT YOUR HOUSE?

8 A YES, SIR. EARLY IN THE MORNING OF THE
9 15TH, YES, SIR.

10 Q AND WHO WAS THE CALL FROM?

11 A SHANNON BROWN.

12 Q AND AS A RESULT OF THAT PHONE CALL,
13 WHERE DID YOU GO?

14 A I WENT TO BILL BECKHAM'S RESIDENCE.

15 Q NOW, WHERE WERE YOU DIRECTED TO GO?

16 A SHANNON TOLD ME, UNCLE HERKIE, WOULD
17 YOU GET POPPA AND BRING HIM TO THE LIBBYS'.

18 Q NOW, DID YOU KNOW WHO WAS AT THE
19 LIBBYS' WHEN YOU LEFT YOUR HOUSE?

20 A NO, SIR, OTHER THAN SHANNON, THAT'S ALL
21 I KNEW.

22 Q DID YOU CALL YOUR BROTHER-IN-LAW, BILL
23 BECKHAM?

24 A NO, SIR, I DID NOT.

25 Q WHAT DID YOU DO?

1 A I JUST GOT UP, PUT MY CLOTHES ON, GOT
2 IN THE CAR AND WENT OVER AND GOT BILL.
3 Q WAS HE AWAKE OR WAS HE ASLEEP AT THAT
4 TIME?
5 A HE WAS STILL ASLEEP.
6 Q DID YOU WAKE HIM UP?
7 A YES, SIR, I KNOCKED ON THE BACK DOOR.
8 Q NOW, DID YOU DRIVE OR DID HE DRIVE?
9 A I DROVE.
10 Q AND YOU WERE GIVEN DIRECTIONS -- OR YOU
11 WERE TOLD TO COME TO REVEREND LIBBY'S HOUSE?
12 A YES, SIR.
13 Q DID YOU KNOW HOW TO GET THERE?
14 A NO, SIR, I DIDN'T KNOW HOW TO GET TO
15 THE LIBBYS'.
16 Q WHO KNEW HOW TO GET THERE?
17 A MY BROTHER-IN-LAW, BILL, DID.
18 Q AND ON YOUR WAY OVER TO THE LIBBYS',
19 DID SOMETHING HAPPEN, DID YOU GET TO A CHURCH AND
20 FIND AN AMBULANCE THERE?
21 A YES, SIR. WE CAME INTO CHAPIN AND I
22 WAS GOING OUT THE OLD LEXINGTON HIGHWAY OR ROAD AND
23 WE CAME UPON THE CHURCH, ST. FRANCIS. AND WE SAW
24 FLASHING LIGHTS IN THE PARKING LOT AND WE TURNED IN
25 TO SEE WHAT IT WAS. BILL THOUGHT THERE MIGHT HAVE

- 1 BEEN A FIRE OR SOMETHING.
- 2 Q NOW, AT THE TIME YOU DROVE BY THERE --
- 3 AT THE TIME YOU DROVE BY THERE, DID YOU KNOW WHAT
- 4 WAS GOING ON AT THE CHURCH?
- 5 A NO, SIR, HAD NO KNOWLEDGE AT ALL.
- 6 Q WHY DID YOU STOP?
- 7 A BECAUSE OF THE FLASHING LIGHTS, BILL
- 8 THOUGHT THERE MIGHT HAVE BEEN A FIRE OR SOMETHING
- 9 THERE AND HE WANTED TO SWING IN THERE AND TAKE A
- 10 LOOK.
- 11 Q SO YOU HAD NOT YET GOTTEN TO REVEREND
- 12 LIBBY'S HOUSE?
- 13 A NO, SIR.
- 14 Q DID YOU EVER GET TO REVEREND LIBBY'S
- 15 HOUSE THAT NIGHT?
- 16 A NO, SIR, WE DID NOT.
- 17 Q WHAT DID YOU FIND WHEN YOU GOT TO THE
- 18 CHURCH?
- 19 A SAW THE RESCUE SQUAD AND A POLICE CAR.
- 20 AND WE SAW, I ASSUMED IT WAS ONE OF THE EMT'S
- 21 ASSISTING STEPHEN TO THE AMBULANCE.
- 22 Q SO WHEN YOU GOT THERE, STEPHEN WAS
- 23 BEING TRANSPORTED TO THE AMBULANCE ALREADY?
- 24 A YES, SIR.
- 25 Q HOW LONG DID YOU WAIT THERE?

- 1 A THROUGH THE WHOLE THING. WE MUST HAVE
2 BEEN THERE PROBABLY CLOSE TO TWO HOURS. WE WERE
3 TOLD TO STAY THERE, THAT THE SHERIFF'S DEPARTMENT
4 OF NEWBERRY WANTED TO TALK TO US.
- 5 Q AT THE CHURCH OR AT THE HOSPITAL?
- 6 A AT THE CHURCH.
- 7 Q AND WAS A CALL MADE TO ME FROM THERE?
- 8 A I DO NOT KNOW. BILL MIGHT HAVE CALLED,
9 I DIDN'T.
- 10 Q BUT YOU WERE THERE FOR A COUPLE OF
11 HOURS?
- 12 A I WOULD SAY RIGHT AT A COUPLE.
- 13 Q AND AS A RESULT OF THAT, DID YOU GO TO
14 THE HOSPITAL?
- 15 A STRAIGHT TO THE HOSPITAL.
- 16 Q AND DID YOU MEET ME THERE?
- 17 A YES, SIR.
- 18 Q WAS THAT THE FIRST TIME WE HAD EVER
19 MET?
- 20 A YES, SIR.
- 21 Q AND DID WE -- YOU SPENT SEVERAL HOURS
22 THERE OUTSIDE THE HOSPITAL?
- 23 A UNTIL WE WERE CERTAIN THAT STEPHEN WAS
24 ALL RIGHT.
- 25 Q NOW, ALSO, WHILE YOU WERE THERE, WERE

1 ARRANGEMENTS MADE WITH CHIEF ROBERT STEWART TO HAVE
2 THE CHILDREN TURNED OVER TO LAW ENFORCEMENT?
3 MR. JONES: YOUR HONOR --
4 A I DON'T KNOW THAT FOR CERTAIN.
5 THE COURT: HE ANSWERED IT.
6 MR. JONES: ALL RIGHT.
7 Q I'M SORRY, YOU SAID YOU DID NOT KNOW?
8 A NO, SIR, I DIDN'T KNOW.
9 Q BUT YOU SPENT THE NIGHT OUT THERE WITH
10 ME AND BISHOP BECKHAM?
11 A YES, SIR, IT WAS LIGHT BY THE TIME WE
12 LEFT.
13 Q NOW, TODAY, DID I ASK YOU, OR MR.
14 HARPOOTLIAN ASK YOU TO DRIVE A ROUTE THAT MR.
15 MCCRAW TESTIFIED TO?
16 A YES, YOU DID.
17 Q NOW, ARE YOU FAMILIAR WITH THE POMARIA,
18 LITTLE MOUNTAIN AREA?
19 A YES, I AM.
20 Q AND THE PLACES THAT WERE DISCUSSED BY
21 MR. MCCRAW?
22 A YES, SIR, I AM.
23 Q AND DID YOU, IN FACT, DRIVE FROM
24 STEPHEN'S HOUSE, YOUR NEPHEW'S HOUSE, TO TANNER'S?
25 A WELL, THE GATE WAS CLOSED AT THE WHITE

- 1 HOUSE. SO I DROVE FROM A GATE TO TANNER'S.
- 2 Q LET'S GO BACK. FROM JAMIE'S?
- 3 A YES, SIR.
- 4 Q SO THAT WOULD BE ANOTHER HUNDRED YARDS
- 5 SHORTER?
- 6 A APPROXIMATELY, ABOUT A HUNDRED
- 7 Q SO YOU DROVE FROM JAMIE'S HOUSE TO
- 8 TANNER'S?
- 9 A YES, SIR.
- 10 Q WHAT ROUTE DID YOU GO?
- 11 A ONE SEVENTY-SIX .
- 12 Q APPROXIMATELY, WHAT SPEED DID YOU GO?
- 13 A I MAINTAINED MY SPEED AT FIVE MILES TO
- 14 SEVEN TO EIGHT MILES OVER THE SPEED LIMIT.
- 15 Q AND YOU WENT FROM JAMIE'S TO TANNER'S
- 16 BY WHAT DIRECTION?
- 17 A CAME OUT OF THE DRIVEWAY, 773, MADE A
- 18 RIGHT. WENT DOWN 773 TO 176, MADE ANOTHER RIGHT.
- 19 AND FOLLOWED 176 TO TANNER'S.
- 20 Q AND HOW LONG DID YOU STAY AT TANNER'S?
- 21 A STAYED AT TANNER'S APPROXIMATELY ONE
- 22 MINUTE, NO LONGER. IT MIGHT HAVE BEEN A LITTLE
- 23 SHORTER THAN ONE MINUTE.
- 24 Q FROM TANNER'S, DID YOU DRIVE TO LITTLE
- 25 MOUNTAIN?

- 1 A YES, WE DID.
- 2 Q DID YOU DRIVE TO THE SITE WHERE VICKI'S
- 3 CAR WAS FOUND?
- 4 A YES, WE DID.
- 5 Q AND WHAT ROUTE DID YOU TAKE THERE?
- 6 A TOOK THE INTERSTATE. GOT ON INTERSTATE
- 7 26 TO 202, WHICH IS LITTLE MOUNTAIN EXIT; WENT INTO
- 8 THE TOWN OF LITTLE MOUNTAIN, AT THE RED LIGHT MADE
- 9 A LEFT AND THEN MADE A RIGHT ON THE ROAD THAT VICKI
- 10 WAS SUPPOSED TO HAVE BEEN MURDERED ON.
- 11 Q AND HOW LONG DID YOU STAY THERE?
- 12 A STAYED THERE APPROXIMATELY THIRTY-FIVE,
- 13 MAYBE FORTY SECONDS AT THE MOST, STOPPED, TURNED
- 14 AROUND AND CAME BACK INTO LITTLE MOUNTAIN.
- 15 Q OKAY. WHAT SPEED DID YOU TRAVEL FROM
- 16 TANNER'S TO LITTLE MOUNTAIN?
- 17 A TO LITTLE MOUNTAIN?
- 18 Q YES, SIR.
- 19 A THE SPEED LIMIT WAS SIXTY-FIVE, I WAS
- 20 TRAVELING AT SEVENTY TO SEVENTY-THREE MILES AN
- 21 HOUR.
- 22 Q FROM LITTLE MOUNTAIN, DID YOU GO TO
- 23 WEDERMAN ROAD WHERE THE CABLE WAS?
- 24 A YES, I DID.
- 25 Q AND APPROXIMATELY, WHAT SPEED DID YOU

- 1 GO FROM THERE?
- 2 A ALL MY SPEEDS WERE FIVE TO SEVEN MILES
- 3 OVER THE SPEED LIMIT.
- 4 Q AND DID YOU STOP AT THE CABLE ON
- 5 WEDERMAN ROAD?
- 6 A YES, I DID.
- 7 Q AND HOW LONG DID YOU STOP THERE?
- 8 A STOPPED THERE APPROXIMATELY, ONE
- 9 MINUTE, AND BACKED OUT AND WENT BACK UP TO 176.
- 10 Q AND WHERE DID YOU WIND UP?
- 11 A WOUND BACK UP AT THE DRIVEWAY AT
- 12 JAMIE'S HOUSE TO STEPHEN'S TRAILER.
- 13 Q AND WHO WAS WITH YOU AT THAT TIME?
- 14 A MY WIFE AND ONE OF YOUR ASSISTANTS,
- 15 ROBERT.
- 16 Q AND HOW LONG DID IT TAKE YOU TO DRIVE
- 17 THAT ROUTE AT THE SPEED YOU SAY?
- 18 A IT TOOK US SIXTY-NINE MINUTES -- I
- 19 MEAN, EXCUSE ME.
- 20 Q LET ME GIVE YOU THIS PIECE OF PAPER AND
- 21 SEE. IT'S YOUR NOTES.
- 22 A IT TOOK US FORTY-NINE MINUTES.
- 23 Q FORTY-NINE MINUTES. AND WHAT WAS THE
- 24 MILEAGE? DID YOU ALSO RECORD THE MILEAGE?
- 25 A MY WIFE WAS RECORDING THE MILEAGE. IT

- 1 STARTED AT 422.5 AND ENDING AT 463.0.
- 2 Q THAT WAS THE MILEAGE ON YOUR ODOMETER?
- 3 A YES, SIR, MY SPEEDOMETER. IT WAS
- 4 APPROXIMATELY 41.5 MILES.
- 5 Q AND THE TIME, AGAIN, WAS?
- 6 A FORTY-NINE POINT FORTY SECONDS. (49.40)
- 7 Q FORTY-NINE MINUTES?
- 8 A FORTY-NINE MINUTES POINT FORTY SECONDS.
- 9 Q ANSWER ANY QUESTIONS THAT THESE
- 10 GENTLEMEN HAVE?
- 11 THE COURT: CROSS-EXAMINATION,
- 12 SOLICITOR?
- 13 MR. JONES: YES, SIR.
- 14 CROSS-EXAMINATION:
- 15 BY MR. JONES:
- 16 Q MR. ZIEDERS.
- 17 A YES, SIR.
- 18 Q WHERE DO YOU LIVE IN RELATION TO BILL
- 19 BECKHAM?
- 20 A I LIVE APPROXIMATELY THREE MILES FROM
- 21 BILL. I LIVE OVER ON WHAT YOU CALL OLD PEAKE ROAD.
- 22 IT'S ON THE OTHER SIDE OF POMARIA.
- 23 Q OKAY. AND TALKING ABOUT WHEN YOU GOT
- 24 THE CALL FROM SHANNON, THAT WAS?
- 25 A SATURDAY MORNING. IT WAS AFTER

1 MIDNIGHT ON THE 14TH.

2 Q AND WHAT WAS IT SHE SAID TO YOU?

3 A SHE SAID, UNCLE HERKIE, THIS IS

4 SHANNON. CAN YOU GET POPPA AND BRING HIM TO THE

5 LIBBYS'.

6 Q YOU KNEW THAT LOTS OF PEOPLE WERE

7 LOOKING FOR THEM?

8 A YES, SIR.

9 Q AND YOU HAD KNOWN THAT SINCE WHEN?

10 A SINCE I SAW IT ON TELEVISION THAT THERE

11 WAS A WARRANT OUT FOR HIS ARREST.

12 Q DO YOU REMEMBER WHAT DAY YOU SAW THAT

13 ON TELEVISION?

14 A NO, SIR, I DO NOT.

15 Q AND YOU KNEW THEY WERE LOOKING FOR THE

16 CHILDREN, TOO?

17 A I WOULD IMAGINE IF THEY WERE LOOKING

18 FOR HIM, THEY WERE LOOKING FOR THE CHILDREN.

19 Q HAD THEY HAD A CHANCE TO -- HAD YOU HAD

20 A CHANCE TO TALK TO YOUR WIFE ABOUT IT, ONCE YOU

21 SAW IT ON TV?

22 A YES, WE PROBABLY HAD DISCUSSED, YES,

23 SIR.

24 Q AND YOU KNEW THAT HER BROTHER WAS VERY

25 CONCERNED ABOUT THE WHEREABOUTS OF HIS

1 GRANDCHILDREN?

2 A THAT'S RIGHT.

3 Q AND YOU KNOW YOUR WIFE'S BROTHER REAL
4 WELL, DON'T YOU?

5 A VERY GOOD, YES, SIR.

6 Q HOW LONG HAVE YOU KNOWN HIM?

7 A I'D KNOWN HIM BEFORE WE GOT MARRIED.

8 WE'VE BEEN MARRIED THIRTY-NINE YEARS, SO IT'S BEEN
9 OVER FORTY YEARS.

10 Q AND HOW LONG HAVE YOU LIVED ABOUT THREE
11 MILES FROM HIM?

12 A WE MOVED DOWN HERE IN '73 AND BILL WAS
13 STILL LIVING IN COLUMBIA, BUT WE WERE COMMUNICATING
14 BACK AND FORTH THEN.

15 Q AND YOU RECOGNIZED FEELINGS THAT HE HAD
16 FOR HIS GRANDCHILDREN?

17 A LIKE ANYONE WOULD, YES, SIR.

18 Q SURE. AND YOU RECOGNIZE THAT IS AS
19 LEVEL-HEADED A MAN AS YOU KNOW?

20 A YES, SIR.

21 Q ISN'T THAT RIGHT?

22 A YES, SIR.

23 Q AND VERY -- HE CALMS OTHER PEOPLE IN
24 TIMES OF STRESS AND NEED, DOESN'T HE?

25 A I'M SURE HE HAS.

- 1 Q WELL, I MEAN --
- 2 A HE DIDN'T HAVE TO WITH ME, BUT HE
- 3 PROBABLY HAS, YES, SIR.
- 4 Q HE HAS THE BASIS FOR MAINTAIN COMPOSURE
- 5 LIKE NO ONE YOU'VE EVER SEEN, DOESN'T HE?
- 6 A NO, SIR.
- 7 Q HE DOESN'T?
- 8 A I DON'T THINK SO.
- 9 Q SO HE DOESN'T HAVE THAT ABILITY?
- 10 A I WOULD SAY HE'S A HUMAN BEING AND HE
- 11 HAS FEELINGS AND COMPASSION JUST LIKE EVERYBODY
- 12 ELSE.
- 13 Q RIGHT.
- 14 A BUT I HAVE NOT BEEN WITH HIM ENOUGH TO
- 15 SAY THAT HE STAYS COMPOSED ALL THE TIME, I DON'T
- 16 KNOW.
- 17 Q WELL, I DIDN'T ASK YOU IF HE STAYED
- 18 COMPOSED ALL THE TIME.
- 19 MR. SWERLING: YOUR HONOR, ASK MR.
- 20 JONES NOT TO BE ARGUMENTATIVE WITH THE WITNESS.
- 21 A WELL, WHAT DID YOU ASK ME THEN, SIR?
- 22 MR. JONES: NO, SIR.
- 23 THE COURT: OVERRULE THAT OBJECTION.
- 24 Q WHO DO YOU KNOW THAT HAS MORE
- 25 COMPOSURE, MORE SELF-CONTROL THAN HIM?

1 A I REALLY DON'T KNOW OF ANYBODY.

2 Q WELL, THAT WAS MY QUESTION. HE HAS AS
3 MUCH SELF-CONTROL AND COMPOSURE AS ANYBODY YOU
4 KNOW?

5 A YES, SIR.

6 Q OR MORE?

7 A IT'S POSSIBLE.

8 Q AND IN ADDITION TO COMPOSURE AND SELF-
9 CONTROL, HE IS A MAN THAT USES COMPOSED THOUGHT
10 PROCESSES?

11 MR. SWERLING: JUDGE, CAN WE APPROACH
12 SIDE BAR FOR A SECOND?

13 MR. JONES: JUDGE.

14 THE COURT: HE'S NOT A WITNESS, YET.

15 MR. JONES: WELL, JUDGE --

16 THE COURT: COME OVER HERE.

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

20 THE COURT: OVERRULED.

21 Q MR. ZIEDERS, WHAT I WANT TO ASK YOU IS,
22 WHEN YOU GOT THE CALL FROM SHANNON, YOU WENT
23 DIRECTLY TO BILL BECKHAM'S HOUSE?

24 A THAT IS CORRECT.

25 Q YOU GOT DRESSED AND YOU GOT IN YOUR CAR

- 1 AND YOU DROVE THERE?
- 2 A YES, SIR.
- 3 Q YOU WOKE HIM UP?
- 4 A YES, SIR.
- 5 Q AND YOU TOLD HIM SHANNON HAD CALLED
- 6 YOU; IS THAT RIGHT?
- 7 A THAT'S CORRECT.
- 8 Q AND THAT HE NEEDED TO GO TO THE LIBBY'S
- 9 HOUSE?
- 10 A THAT SHANNON HAD DIRECTED ME TO PICK
- 11 HIM UP AND BRING HIM TO THE LIBBY'S HOUSE.
- 12 Q OKAY.
- 13 A YES, SIR.
- 14 Q AND YOU DID THAT?
- 15 A YES, SIR.
- 16 Q NO, YOU DIDN'T --
- 17 A WELL, WE NEVER GOT TO THE LIBBY'S
- 18 HOUSE.
- 19 Q THAT'S WHAT I'M SAYING. YOU DIDN'T DO
- 20 THAT?
- 21 A NO, SIR.
- 22 Q BUT SHANNON DIRECTED YOU TO DO THAT?
- 23 A YES, SIR.
- 24 Q SOMEONE INTERVENED IN YOUR DIRECTIONS,
- 25 DIDN'T THEY?

- 1 A SOME THING INTERVENED.
- 2 Q WELL --
- 3 A NOT SOMEONE.
- 4 Q ALL RIGHT. SO YOU MADE THE DECISION TO
- 5 STOP WHEN YOU SAW THE RED LIGHTS?
- 6 A MY BROTHER-IN-LAW SAID, I SEE A LIGHT,
- 7 IT MAY BE A FIRE. LET'S PULL INTO THE CHURCH.
- 8 Q I WANT TO ASK YOU. WHO MADE THE
- 9 DECISION TO STOP?
- 10 A MY BROTHER-IN-LAW.
- 11 Q ALL RIGHT. SO WHO INTERVENED? YOU
- 12 WOULDN'T HAVE STOPPED FOR THAT RED LIGHT IF HE
- 13 HADN'T TOLD YOU TO STOP, WOULD YOU?
- 14 A I DON'T KNOW WHAT I WOULD HAVE DONE.
- 15 Q WELL, YOU DIDN'T STOP UNTIL HE TOLD YOU
- 16 TO STOP, DID YOU?
- 17 A I HAD SLOWED DOWN.
- 18 Q YOU HAD SLOWED DOWN?
- 19 A YES, SIR.
- 20 Q AND HE TOLD YOU TO STOP?
- 21 A HE SAID, LET'S GO IN AND SEE WHAT THE
- 22 PROBLEM IS.
- 23 Q ALL RIGHT. AND YOU COULD SEE THAT
- 24 THERE WAS NOT A FIRE TRUCK THERE?
- 25 A ONCE WE GOT INTO THE PARKING LOT,

- 1 THAT'S CORRECT.
- 2 Q AND WAS THERE SMOKE?
- 3 A NO, SIR, THERE WAS NO SMOKE.
- 4 Q NO SMOKE. SO ONCE YOU GOT IN THE
- 5 PARKING LOT AND SAW THAT THERE WASN'T A FIRE TRUCK
- 6 AND THERE WASN'T SMOKE -- YOU HAD BEEN TOLD TO GET
- 7 HIM TO THE CHILDREN?
- 8 A THAT'S CORRECT.
- 9 Q AND HE, OF COURSE, WANTED TO GO TO THE
- 10 CHILDREN?
- 11 A YES, SIR.
- 12 Q BUT YOU STAYED THERE?
- 13 A YES, SIR, WHEN WE SEEN THEM ESCORTING
- 14 STEPHEN, HE WANTED TO STAY THERE.
- 15 Q RIGHT. AND YOU WERE THERE WHEN THE
- 16 OFFICERS WERE TRYING TO FIND OUT WHERE THE CHILDREN
- 17 WERE?
- 18 A I WAS THERE.
- 19 Q YES, SIR, YOU --
- 20 A NO ONE ASKED ME ANYTHING AT THAT POINT,
- 21 NO, SIR.
- 22 Q WELL, YOU WERE THERE WHEN THEY ASKED
- 23 MR. LIBBY AND MR. BECKHAM WERE THE CHILDREN WERE?
- 24 A NO, SIR.
- 25 Q YOU WEREN'T?

1 A I WAS PRESENT ON THE PROPERTY, BUT I
2 WAS NOT IN THAT CONVERSATION, NO, SIR.

3 Q SO YOU DID NOT HEAR THEM REFUSE --
4 MR. SWERLING: YOUR HONOR, HOW MANY
5 TIMES IS HE GOING TO ASK HIM THAT? 403.

6 THE COURT: OVERRULED.

7 Q SO YOU DID NOT ASK THE OFFICER -- YOU
8 DID NOT HEAR THEM NOT TELL THE OFFICERS WHERE THE
9 CHILDREN WERE?

10 A NO, SIR.

11 MR. SWERLING: OBJECTION, YOUR HONOR,
12 THAT'S NOT IN THE RECORD. AND I OBJECT TO HIM
13 TESTIFYING.

14 THE COURT: I SUSTAIN THAT OBJECTION.
15 STRIKE THAT, THE JURY WILL DISREGARD IT.

16 NOW, ASK HIM THE QUESTION YOU WANTS.

17 WHEN -- YOU WENT TO THE HOSPITAL AFTER
18 YOU LEFT THE PARKING LOT OF THE CHURCH?

19 A THAT'S CORRECT.

20 Q DID MR. LIBBY GO?

21 A YES, SIR.

22 Q OKAY. DID MR. BECKHAM GO?

23 A YES, SIR, THEY WENT IN MY VAN WITH ME;
24 I DROVE.

25 Q OKAY. DO YOU KNOW WHY THE DECISION WAS

- 1 MADE FOR YOU TO DRIVE THEM TO THE HOSPITAL?
- 2 A I OFFERED.
- 3 Q YOU OFFERED?
- 4 A YES, SIR.
- 5 Q DID ANYBODY DISCUSS THE PROSPECT OF
- 6 GOING BY THE LIBBY'S HOUSE?
- 7 A NO, SIR, NOT AT THAT POINT.
- 8 Q SHANNON DIDN'T TELL YOU WHY SHE CALLED
- 9 YOU INSTEAD OF POPPA, DID SHE?
- 10 A NO, SIR.
- 11 Q ON YOUR ROUTE THAT YOU TRAVELED, WHO
- 12 WAS TIMING THAT?
- 13 A ROBERT. ROBERT AND MY WIFE WERE
- 14 KEEPING UP WITH THE TIMES.
- 15 Q AND HOW WERE THEY TIMING IT?
- 16 A ROBERT HAD A WATCH WITH A DIGITAL
- 17 READOUT ON IT.
- 18 Q PARDON ME?
- 19 A HAD A CLOCK WITH A DIGITAL READOUT ON
- 20 IT, ROBERT DID. AND MY WIFE WAS USING HER WATCH.
- 21 AND I WAS CALLING OUT THE SPEEDOMETER READINGS.
- 22 Q YOU BELIEVE YOU COVERED A LITTLE OVER
- 23 FORTY-ONE MILES IN FORTY-NINE MINUTES?
- 24 A YES, SIR.
- 25 Q SO YOUR AVERAGE SPEED WAS CONSIDERABLY

1 LESS THAN SIXTY MILES AN HOUR?

2 A YES, SIR, BECAUSE THERE ARE DIFFERENT
3 SPEED ZONES ON THAT ROAD AND I MAINTAINED MY SPEED
4 AT FIVE TO SEVEN MILES OVER THE POSTED SPEED. YES,
5 SIR.

6 Q YOU WOULD AGREE THAT HAD YOU WANTED TO
7 COVER THAT DISTANCE IN A SHORTER PERIOD OF TIME,
8 DISREGARDING THE SPEED LIMIT, YOU COULD HAVE?

9 MR. SWERLING: THAT'S JUST SPECULATION,
10 YOUR HONOR.

11 THE COURT: I'LL OVERRULE THAT.

12 MR. SWERLING: AND NOBODY'S TESTIFIED
13 TO THAT.

14 THE COURT: I OVERRULED IT.

15 Q DO YOU WANT ME TO REPEAT THE QUESTION?

16 A YES, SIR, IN A WAY THAT I CAN
17 UNDERSTAND WHAT YOU'RE TRYING TO SAY.

18 Q ALL RIGHT. WHAT I'M TRYING TO SAY IS,
19 I'M ASKING YOU THAT YOU WOULD AGREE WITH ME WHEN I
20 SAY THAT IF YOU HAD WANTED TO COVER, THAT IS, RUN
21 THE SAME ROUTE THAT YOU RAN THIS AFTERNOON IN A
22 SHORTER PERIOD OF TIME, IN A SHORTER LENGTH OF TIME
23 AND DECIDED TO COVER THAT ROUTE WITH NO REGARD TO
24 THE SPEED LIMIT, YOU COULD HAVE DONE IT --

25 MR. SWERLING: THAT WAS NOT TESTIFIED

1 TO BY MR. ANDERSON THOUGH; THAT'S WHAT I OBJECT TO.

2 THAT'S NOT THE TESTIMONY BY MR. ANDERSON.

3 THE COURT: COME OVER HERE.

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

7 THE COURT: OBJECTION IS OVERRULED.

8 Q MR. ZIEDERS, YOU WOULD AGREE WITH ME
9 THAT YOU COULD DO IT IN SUBSTANTIALLY LESS TIME,
10 COULDN'T YOU?

11 A YES, SIR.

12 Q NO FURTHER QUESTIONS.

13 THE COURT: REDIRECT, MR. SWERLING.

14 REDIRECT EXAMINATION:

15 BY MR. SWERLING:

16 Q EARL, ON THAT ROUTE THAT YOU WENT, ARE
17 THERE STORES?

18 A EXCUSE ME, SIR?

19 Q ARE THERE STORES ON THAT ROUTE?

20 A A FEW STORES, YES, SIR.

21 Q ARE THERE RESIDENCES?

22 A YES, SIR.

23 Q IT'S NOT ALL OPEN ROAD, IS IT?

24 A NOT ALL OPEN ROAD, NO, SIR. BUT THERE

25 ARE PRETTY WELL TRAVELED ROAD AND I DID RUN UP ON

1 OTHER CARS.

2 Q THANK YOU.

3 THE COURT: ANYTHING ELSE FROM THIS
4 WITNESS?

5 MR. JONES: NO.

6 THE COURT: THANK YOU, SIR. YOU MAY
7 STEP DOWN.

8 MADAM FORELADY AND LADIES AND GENTLEMEN
9 OF THE JURY, WE ARE AT A LOGICAL BREAKING POINT FOR
10 THE EVENING. WE WILL START BACK IN THE MORNING AT
11 NINE O'CLOCK.

12 MR. SWERLING: WE GOT ONE OTHER SHORT
13 WITNESS, YOUR HONOR.

14 THE COURT: WE'RE AT A LOGICAL BREAKING
15 POINT. DON'T DISCUSS THE CASE AMONG YOURSELVES OR
16 ALLOW ANYONE TO DISCUSS IT WITH YOU, OR READ, WRITE
17 OR LISTEN TO ANY ACCOUNT OF THE TRIAL, OR MAKE UP
18 YOUR MIND ABOUT ANYTHING. WE'LL START BACK AT NINE
19 O'CLOCK TOMORROW AND IT WILL BE A PRETTY FULL DAY.
20 SO WE'LL SEE YOU TOMORROW. HAVE A NICE EVENING.

21 (WHEREUPON, THE JURY RECESSED FOR
22 EVENING AT 7:10 P.M.)

23 THE COURT: ALL RIGHT, MR. SWERLING,
24 YOU HAVE NO MORE THAN FOUR, BUT PROBABLY THREE
25 WITNESSES?

1 MR. SWERLING: THAT'S CORRECT.

2 THE COURT: AND I TOLD THE STATE THAT I
3 WOULD GIVE THEM APPROXIMATELY A TWO-HOUR LEAD TIME
4 ONCE YOU COMPLETED YOUR CASE ON REPLY, IF IT OCCURS
5 TOMORROW.

6 MR. HARPOOTLIAN: YOUR HONOR, BUT FOR
7 THE RECORD, IT MAY BE TOMORROW, IT MAY BE
8 WEDNESDAY.

9 THE COURT: I UNDERSTAND THAT A
10 POSSIBILITY. BUT IF YOU FINISH TOMORROW IN THE
11 NEIGHBORHOOD OF TWELVE OR ONE O'CLOCK, THEY GET A
12 TWO-HOUR BREAK.

13 MR. HARPOOTLIAN: YOUR HONOR, WE COULD
14 FINISH OUR CASE TOMORROW OR TUESDAY. I JUST WANTED
15 TO MAKE IT CLEAR THAT WE'RE NOT REPRESENTING WE'D
16 FINISH TOMORROW.

17 MR. JONES: AND YOUR HONOR, AS LONG AS
18 WE ARE TRYING TO CLARIFY MATTERS, THAT TWO-HOUR
19 BREAK IS GOING TO BE FROM THE TIME THEY RESTS. FOR
20 INSTANCE, IF YOU DISCUSS THINGS WITH THE DEFENDANT

21 --

22 THE COURT: OH, YEAH, YOU GET A GOOD
23 TWO HOURS, SOLICITOR. NO, I'M NOT GOING TO DO THAT
24 TO YOU. YOU GET A GOOD TWO HOURS, OKAY? FREE OF
25 HAVING TO SIT HERE AND LISTEN TO ANYTHING, OKAY?

1 ALL HANDS ON DECK WHEN YOUR TWO HOURS START BACK
2 THERE.

3 (WHEREUPON, COURT WAS RECESSED FOR THE
4 EVENING AT 7:12 P.M.)

5 (WHEREUPON COURT RECONVENED ON MONDAY,
6 SEPTEMBER 30, 1996 AT 9:02 A.M.)

7 THE COURT: ANYTHING BEFORE WE BRING
8 THE JURY IN?

9 MR. HARPOOTLIAN: YES, SIR, A COUPLE OF
10 THINGS BEFORE WE BRING THE JURY IN, YOUR HONOR.
11 FIRST OF ALL, WE'VE REVIEWED AND WANT TO MAKE SURE
12 THAT NO WEAPONS, OTHER THAN THAT .22 CALIBER PISTOL
13 WERE TAKEN FROM THE DEFENDANT'S HOUSE PURSUANT TO
14 ANY SEARCH WARRANT. THAT'S OUR UNDERSTANDING BASED
15 ON DOCUMENTS FURNISHED US BY THE PROSECUTION. IS
16 THAT CORRECT? NO RIFLES, NO SHOTGUNS, NO -- IS
17 THAT CORRECT? I'D JUST LIKE TO HEAR SOMEBODY SAY
18 YES.

19 THE COURT: MR. COULTER SAYS, YES,
20 THAT'S CORRECT.

21 MR. COULTER: THAT'S MY UNDERSTANDING,
22 YES, SIR.

23 MR. MCCRAW: THERE WERE SOME SHOTGUNS
24 AND RIFLES THERE, BUT WE JUST TOOK THE PISTOL.

25 MR. HARPOOTLIAN: I'M SORRY?

1 MR. SWERLING: THERE WERE?

2 MR. HARPOOTLIAN: THERE WERE SOME
3 SHOTGUNS AND RIFLES THERE, BUT THE ONLY THING THEY
4 TOOK WAS THE PISTOL.

5 SECONDLY, YOUR HONOR, WE'VE BEEN
6 FURNISHED PHOTOGRAPHS OF THE SEARCH OF JUNE 13TH
7 AND 17TH -- OR JUNE 13TH AND ONE CONDUCTED IN JULY
8 OF 1995 OF THE DEFENDANT'S TRAILER THAT WERE TAKEN
9 BY SLED. WERE THERE ANY ADDITIONAL PHOTOGRAPHS
10 TAKEN BY EITHER THE NEWBERRY COUNTY SHERIFF'S
11 DEPARTMENT OR OTHER PHOTOGRAPHS WE'VE NOT BEEN
12 FURNISHED?

13 MR. JONES: NO, SIR.

14 THE COURT: THAT'S OF THE BECKHAM
15 RESIDENCE?

16 MR. HARPOOTLIAN: OF STEPHEN BECKHAM'S
17 RESIDENCE.

18 THE COURT: THEY RESPOND THAT THERE ARE
19 NONE.

20 MR. HARPOOTLIAN: OKAY, THIRD -- YOUR
21 HONOR, THE OFFICERS ARE LOOKING THROUGH A BUNCH OF
22 PHOTOGRAPHS OVER THERE. WE'VE BEEN GIVEN ABOUT
23 TWENTY OR THIRTY PHOTOGRAPHS. I DON'T KNOW -- WHAT
24 ARE THOSE THEY'RE LOOKING THROUGH?

25 THE COURT: I DON'T KNOW.

1 MR. HARPOOTLIAN: COULD WE -- WE
2 HAVEN'T BEEN GIVEN THAT MANY.

3 MR. JONES: SURE, YOU HAVE.

4 MR. COULTER: OH, THERE'S DOUBLES IN
5 HERE, YOUR HONOR. WE'VE HAD DUPLICATES MADE.
6 WE'VE GOT THEM ALL MIXED UP TOGETHER.

7 THE COURT: THEY ANSWERED YOUR QUESTION
8 THEY HAVE THEM.

9 MR. HARPOOTLIAN: DO YOU HAVE ANY
10 PROBLEM WITH US LOOKING THROUGH THOSE?

11 THE COURT: THEY ANSWERED THE QUESTION.

12 MR. HARPOOTLIAN: OKAY. YOUR HONOR, IN
13 ADDITION, WE UNDERSTAND THAT MR. MCCRAW AND AT
14 LEAST ONE OTHER AGENT INTERVIEWED -- BASED ON RICK
15 MITCHELL'S TESTIMONY, INTERVIEWED HIM IN ANDERSON
16 ABOUT TWO WEEKS AGO. IS IT THE STATE'S POSITION
17 THAT THEY TOOK NO NOTES WHATSOEVER OF THAT
18 INTERVIEW?

19 MR. JONES: YES, SIR, IT IS OUR
20 POSITION THAT THEY TOOK NO NOTES ON IT. IT WASN'T
21 MCCRAW, IT WAS TEMPLETON.

22 MR. COULTER: JOLLY AND LAMAR.

23 MR. JONES: THAT'S TRUE, THOUGH, JUDGE.
24 THEY TOOK NO NOTES.

25 THE COURT: ALL RIGHT, THEY REPRESENT

1 TO YOU THAT THEY TOOK NO NOTES.

2 MR. HARPOOTLIAN: YOUR HONOR, THE
3 AGENTS AREN'T IN HERE. I WONDER IF THEY COULD JUST
4 CONFER WITH THEM FOR JUST A MOMENT AND MAKE SURE
5 THAT'S ACCURATE BEFORE -- MADE NO WRITINGS
6 WHATSOEVER CONCERNING THEIR CONTACT WITH MR.
7 MITCHELL?

8 THE COURT: ALL RIGHT, THE INQUIRY AS
9 TO WHETHER OR NOT THERE WERE ANY NOTES TAKEN OR ANY
10 TAPES --

11 MR. HARPOOTLIAN: WERE ANY--ANYTHING
12 DONE TO MEMORIALIZE THE INTERVIEW WITH RICK
13 MITCHELL AT ANY POINT?

14 AGENT TEMPLETON: I DIDN'T TAKE ANY
15 NOTES, NO, SIR.

16 MR. HARPOOTLIAN: NO FOLLOW UP REPORT,
17 NO --

18 AGENT TEMPLETON: NOTHING. I'VE NEVER
19 WRITTEN DOWN ONE WORD.

20 MR. HARPOOTLIAN: ANY TAPE RECORDING?

21 AGENT MCCRAW: NO, SIR.

22 MR. HARPOOTLIAN: WAS THAT DONE AT
23 SOMEBODY'S REQUEST?

24 AGENT MCCRAW: I JUST DIDN'T THINK TO
25 TAKE ANY.

1 MR. HARPOOTLIAN: NO ONE TOLD YOU NOT
2 TO TAKE NOTES?

3 MR. JONES: JUDGE, THE QUESTION IS, DID
4 THEY TAKE ANY NOTES.

5 THE COURT: THAT'S THE QUESTION AND
6 HE'S ANSWERED IT.

7 MR. HARPOOTLIAN: OKAY.

8 THE COURT: ANYTHING ELSE?

9 MR. HARPOOTLIAN: NO, SIR.

10 THE COURT: OKAY, NOW, WE'RE SWITCHING
11 SLED TEAMS TODAY, EXCEPT FOR BOBBY JENKINS. BUT
12 THE SAME AGENTS ARE COMING BACK. DOES ANYBODY SEE
13 THE NECESSITY OF RE-SWEARING THE AGENTS WHO HAD
14 ALREADY BEEN SWORN ONCE?

15 MR. SWERLING: NO, SIR.

16 THE COURT: BOBBY STAYS ON AS AIC, THE
17 REST OF THEM ARE SWAPPING OUT.

18 ALL RIGHT, ANYTHING ELSE BEFORE WE
19 BRING THE JURY IN?

20 MR. JONES: YOUR HONOR, IF THE DEFENSE
21 INTENDS THIS MORNING ON INTRODUCING ANY PHYSICAL
22 ITEMS OF EVIDENCE, WE WOULD ASK THAT YOU NOW, IN
23 CAMERA, ALLOW US TO OBSERVE THEM IF THEY HAVEN'T
24 PROVIDED THEM TO US, SO THAT WE CAN LOOK AT THEM
25 NOW, RATHER THAN WHILE THE JURY IS OUT HERE AND WE

1 HAVE TO TAKE A BREAK OF SOMETHING LIKE THAT.

2 MR. HARPOOTLIAN: YOUR HONOR, WE'RE
3 CONTINUING TO LOOK AT PHONE RECORDS. BUT AT THIS
4 POINT, WE HAVE NOTHING ADDITIONAL. WE SUBPOENAED
5 SOME ADDITIONAL RECORDS THIS MORNING, BASED ON SOME
6 TESTIMONY AND QUESTIONS THAT THE STATE HAS BEEN
7 ASKING ON CROSS-EXAMINATION OF OUR WITNESSES, THAT
8 WE'LL HAVE, HOPEFULLY, WITHIN THE HOUR. BUT IF WE
9 HAVE -- I MEAN, WE ALL AGREE THAT PHONE RECORDS
10 HAVE BEEN AUTHENTICATED WITH THE ADMISSIBLE -- I'LL
11 GIVE THOSE TO THEM AS SOON AS I HAVE THEM. I DON'T
12 HAVE THEM RIGHT NOW. OTHER THAN THAT -- AT THIS
13 POINT, I DON'T INTEND ON INTRODUCING IT. BUT NO,
14 WE DON'T HAVE ANY PHYSICAL EVIDENCE.

15 MR. SWERLING: I DON'T KNOW OF ANY.

16 MR. HARPOOTLIAN: I DON'T KNOW OF ANY.

17 THE COURT: OKAY. BRING THE JURY IN.

18 WHILE THEY'RE COMING IN, DOES THE STATE
19 WAIVE POLLING OF THE JURY?

20 MR. JONES: YES, SIR.

21 THE COURT: DEFENSE WAIVE POLLING OF
22 THE JURY?

23 MR. SWERLING: YES, SIR.

24 (WHEREUPON, THE JURY RETURNED TO OPEN
25 COURTROOM AT 9:11 A.M.)

1 THE COURT: GOOD MORNING, LADIES AND
2 GENTLEMEN OF THE JURY PANEL. WE'RE READY TO RESUME
3 THE TESTIMONY. AS YOU ARE AWARE, THERE WILL BE A
4 SWAP IN THE SLED TEAM, EXCEPT FOR AGENT JENKINS.
5 HE WILL BE STAYING WITH YOU. AND THE ONES WE HAD
6 THE WEEK BEFORE, EXCEPT FOR THE AGENT IN CHARGE,
7 JIM BERRY, WILL BE HERE FOR THE BALANCE OF THE
8 TRIAL.

9 ALL RIGHT, MR. HARPOOTLIAN, CALL YOUR
10 FIRST WITNESS.

11 MR. HARPOOTLIAN: KELLY NOBLES. MR.
12 SWERLING IS GETTING HER, YOUR HONOR, SHE'S
13 DOWNSTAIRS. IT WILL TAKE JUST A SECOND TO GET HER
14 UP.

15 KELLY NOBLES, BEING DULY
16 SWORN, TESTIFIED AS FOLLOWS:

17 THE CLERK: HAVE A SEAT AND STATE YOUR
18 NAME, PLEASE.

19 THE WITNESS: KELLY NOBLES.

20 DIRECT EXAMINATION:

21 BY MR. HARPOOTLIAN:

22 Q MS. NOBLES, WHERE DO YOU LIVE?

23 A I LIVE IN NEWBERRY.

24 Q YOU'VE LIVED THERE MOST OF YOUR LIFE?

25 A ALL THIRTY-TWO YEARS.

- 1 Q ALL THIRTY-TWO YEARS. AND HAVING
2 LIVING IN NEWBERRY, YOU KNEW VICKI BECKHAM?
3 A I SURE DID.
4 Q AND YOU KNOW STEPHEN BECKHAM?
5 A SURE DO.
6 Q AND HAD A RELATIONSHIP AND FRIENDSHIP
7 WITH VICKI OVER A NUMBER OF YEARS; IS THAT CORRECT?
8 A THAT'S CORRECT.
9 Q LET ME ASK YOU A COUPLE OF QUESTIONS.
10 THE FIRST QUESTION WOULD BE, WERE YOU FAMILIAR WITH
11 WHERE SHE WAS LIVING AT THE TIME OF HER DEATH?
12 A YES, SIR.
13 Q AND WAS SHE LIVING WITH HER PARENTS,
14 THE LANDERS?
15 A HER PARENTS, THE LANDERS ON MAIN
16 STREET.
17 Q OKAY. AND ARE YOU FAMILIAR WITH WHERE
18 SHE WAS WORKING?
19 A YES, SIR.
20 Q THAT'S SBFI?
21 A THAT'S CORRECT.
22 Q AND WHERE IS THAT?
23 A OUT ON HIGHWAY 76 IN NEWBERRY.
24 Q IN NEWBERRY?
25 A UH-HUH.

1 Q HAVE YOU EVER BEEN ON MOUNTAIN ROAD IN
2 LITTLE MOUNTAIN?

3 A YEARS AGO, YES, SIR.

4 Q YEARS AGO. IF ONE -- AND YOU'RE
5 FAMILIAR WITH THIS COUNTY. IF ONE WERE TRAVELING
6 FROM STEPHEN BECKHAM'S RESIDENCE -- OR WHERE HIS
7 PARENTS' LIVE, DO YOU KNOW WHERE THAT IS?

8 A YES, SIR, I DO.

9 Q POMARIA. AND GOING TO EITHER SBFI,
10 WHICH YOU TESTIFIED IS IN THE TOWN OF NEWBERRY; IS
11 THAT CORRECT?

12 A YES, SIR.

13 Q OR TO THE LANDER'S RESIDENCE --

14 A IT'S NOT IN THE CITY LIMITS OF
15 NEWBERRY, BUT IT'S CONSIDERED NEWBERRY, IT'S NOT
16 PROSPERITY.

17 Q OKAY. IF YOU WERE GOING TO EITHER SBFI
18 OR TO -- WELL, FIRST OF ALL, LET ME SHOW YOU THIS.
19 THIS IS STATE'S EXHIBIT NO. 85. LET ME JUST ORIENT
20 YOU HERE REAL QUICKLY. THIS IS COLUMBIA. THIS IS
21 POMARIA, THAT'S 773 AND THAT'S 26. WHERE WOULD
22 NEWBERRY BE?

23 A I THINK NEWBERRY WOULD BE OVER IN THIS
24 AREA.

25 Q OVER IN HERE?

- 1 A UH-HUH.
- 2 Q OKAY. NOW, IF ONE WERE LEAVING THE
- 3 BECKHAM RESIDENCE -- IF THAT'S POMARIA AND THAT'S
- 4 773, WHERE WOULD THE BECKHAM RESIDENCE BE, JUST
- 5 APPROXIMATELY?
- 6 A RIGHT DOWN HERE.
- 7 Q RIGHT DOWN HERE NEAR POMARIA; IS THAT
- 8 CORRECT?
- 9 A YES, SIR.
- 10 Q NOW IF ONE WERE LEAVING THE BECKHAM
- 11 RESIDENCE AND GOING TO EITHER SBFI OR TO THE LANDER
- 12 RESIDENCE IN NEWBERRY, WHICH WAY -- WHERE WOULD YOU
- 13 GO, WHICH DIRECTION?
- 14 A I WOULD PROBABLY TAKE A LEFT OUT OF THE
- 15 DEFENDANT'S DRIVEWAY AND TRAVEL UP 773.
- 16 Q TO? THIS IS I-26.
- 17 A WHERE THE INTERSECTION IS TO 26. AND
- 18 THEN I WOULD HAVE TAKEN A RIGHT TO GET ON
- 19 INTERSTATE 26 TO GO TO NEWBERRY.
- 20 Q AND COME UP THIS WAY?
- 21 A CORRECT.
- 22 Q NOW, SHOW ME WHERE LITTLE MOUNTAIN IS.
- 23 A I BELIEVE IT'S IDENTIFIED RIGHT HERE.
- 24 Q AND THAT WOULD BE IN THE OPPOSITE
- 25 DIRECTION OF NEWBERRY?

- 1 A YES, SIR, I WOULD SAY SO.
- 2 Q SO TO GO TO SBFI OR THE LANDER
- 3 RESIDENCE, IT WOULD BE NO REASON TO GO TO LITTLE
- 4 MOUNTAIN OR MOUNTAIN ROAD; IS THAT CORRECT?
- 5 A THAT'S CORRECT.
- 6 Q NOW, AFTER VICKI'S DEATH IN JUNE OF
- 7 1994, YOU AND A NUMBER OF OTHER PEOPLE WERE
- 8 INTERVIEWED BY LAW ENFORCEMENT OFFICIALS; WERE YOU
- 9 NOT?
- 10 A THAT'S CORRECT.
- 11 Q PEOPLE ALL OVER NEWBERRY? A NUMBER OF
- 12 PEOPLE YOU KNEW?
- 13 A I ASSUME, YES, SIR. -
- 14 Q AND PURSUANT TO THAT, THEY GATHERED ALL
- 15 KINDS OF PIECES OF EVIDENCE AS FAR AS YOU KNOW; IS
- 16 THAT CORRECT?
- 17 A I WOULD ASSUME, YES, SIR.
- 18 Q WITHIN A WEEK OR TWO -- AND I SHOW YOU
- 19 STATE'S EXHIBIT 128. WITHIN A WEEK OR TWO OF
- 20 VICKI'S DEATH, DID YOU MAKE STATE'S EXHIBIT 128
- 21 AVAILABLE TO LAW ENFORCEMENT OFFICIALS?
- 22 A THIS APPEARS TO BE THE SAME CAROLINA
- 23 TRADER, YES, SIR.
- 24 Q OKAY. AND YOU GAVE THIS TO OFFICER
- 25 DANNY --

1 A GILLIAM.

2 Q GILLIAM. I KEEP PRONOUNCING THAT
3 GILLIAM, BUT APPARENTLY IN NEWBERRY, THAT'S
4 PRONOUNCED GILLIAM; IS THAT CORRECT?

5 A YES, SIR.

6 Q AND YOU GAVE THIS TO HIM; IS THAT
7 CORRECT?

8 A I BELIEVE DANNY WAS THE OFFICER I GAVE
9 IT TO, YES, SIR.

10 Q AND THAT WOULD HAVE BEEN ABOUT MID OR
11 LATE JUNE, 1994?

12 A IT WAS SHORTLY AFTER VICKI'S DEATH AND
13 I HAD RETURNED TO WORK, YES.

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

16 Q IF I SAID TO YOU THAT WAS JUNE THE 14TH
17 OF 1994 THAT YOU GAVE THAT DOCUMENT TO OFFICER
18 GILLMAN, WOULD YOU DISAGREE WITH ME?

19 A LET'S SEE. VICKI DIED ON THE 12TH. I
20 DIDN'T WORK ON THE 13TH. IT'S POSSIBLE, I JUST
21 DON'T BELIEVE IT WAS THAT SOON. BUT, IT'S
22 POSSIBLE.

23 Q THANK YOU.

24 THE COURT: CROSS-EXAMINATION?

25 CROSS-EXAMINATION:

- 1 BY MR. JONES:
- 2 Q GOOD MORNING, MS. NOBLES.
- 3 A GOOD MORNING.
- 4 Q WHEN DID YOU FIRST KNOW VICKI?
- 5 A I BELIEVE MY HUSBAND AND I BEGAN DATING
- 6 IN NOVEMBER OF '87 AND THEY WERE ONE OF THE FIRST
- 7 COUPLES I WAS INTRODUCED TO AFTER WE BEGAN DATING.
- 8 Q SO YOU DIDN'T KNOW HER BEFORE YOU BEGAN
- 9 DATING YOUR HUSBAND?
- 10 A I KNEW HER FAMILY, BUT VICKI WAS NOT MY
- 11 AGE AND WE DIDN'T GO TO SCHOOL TOGETHER, SO I
- 12 REALLY DIDN'T KNOW HER THAT WELL.
- 13 Q AND DID YOU KNOW HER HUSBAND BEFORE YOU
- 14 STARTED DATING YOUR HUSBAND?
- 15 A NO, SIR, I DID NOT.
- 16 Q SO YOU MET THEM BOTH, PERSONALLY,
- 17 AROUND '87?
- 18 A THAT'S CORRECT.
- 19 Q AND HOW WOULD YOU DESCRIBE YOUR
- 20 HUSBAND'S RELATIONSHIP WITH THE DEFENDANT BECKHAM
- 21 AT THAT TIME?
- 22 A THEY HAD BEEN CLOSE FRIENDS.
- 23 Q ALL RIGHT. AND THEY REMAINED CLOSE
- 24 FRIENDS UNTIL WHEN?
- 25 A I'D SAY THE SPRING OF '94, AFTER HE AND

1 VICKI'S SEPARATION.

2 Q ALL RIGHT. AND HOW MUCH TIME BETWEEN
3 '89 AND '94 WOULD YOU SAY YOU SPENT AROUND VICKI
4 AND THE DEFENDANT?

5 A WELL, WHILE THEY WERE LIVING AT THE
6 BEACH, WE WOULD GENERALLY GO ABOUT ONCE A MONTH TO
7 VISIT. THEY THEN MOVED TO IRMO AND WE SAW THEM
8 MORE FREQUENTLY, YOU KNOW, BECAUSE IT WAS CLOSER IN
9 PROXIMITY TO WHERE WE LIVED. WE WOULD THEN SEE
10 THEM PROBABLY WEEKLY ONCE THEY MOVED TO IRMO. THEN
11 AFTER THEY LEFT IRMO, THEY CAME TO PROSPERITY AND
12 WE SAW THEM PROBABLY ON A WEEKLY BASIS.

13 Q SO DO YOU RECALL ABOUT HOW LONG THEY
14 LIVED IN IRMO AND WHEN THAT WAS THEY MOVED TO IRMO?

15 A I BELIEVE THEY JUST LIVED THERE FOR THE
16 TERM OF A LEASE, WHICH I IMAGINE WAS A YEAR. THEY
17 MOVED THERE -- MY HUSBAND AND I WERE MARRIED IN MAY
18 OF '91. DURING THE SUMMER, CLOSE TO THE BEGINNING
19 OF SCHOOL, THEY MOVED TO IRMO. SO I WOULD SAY
20 AUGUST OF '91 THEY MOVED TO IRMO AND WERE THERE
21 DURING THE SCHOOL YEAR.

22 Q AND SO BETWEEN AUGUST OF '91 AND SOME
23 TIME THE FOLLOWING SUMMER IN '92, YOU PROBABLY
24 SPENT EVERY WEEKEND AROUND THEM?

25 A THAT WOULD BE FAIR TO SAY.

1 Q AND DID YOU HAVE AN OPPORTUNITY TO
2 OBSERVE THE DEFENDANT WITH REGARD TO HIS Demeanor
3 ON THOSE OCCASIONS?

4 A I CERTAINLY DID.

5 Q AND DID YOU HAVE AN OPPORTUNITY TO
6 OBSERVE HIM WITH REGARD TO THE FLUCTUATIONS IN HIS
7 Demeanor?

8 A YES, SIR, I DID.

9 Q AND DID YOU HAVE AN OPPORTUNITY TO
10 OBSERVE HIM REGARDING HIS ABILITY TO CONTROL --

11 MR. HARPOOTLIAN: YOUR HONOR, I OBJECT.
12 I DON'T KNOW WHAT THE RELEVANCE OF ALL THIS IS.

13 THE COURT: LET ME HEAR YOU ON THE
14 SIDE. I THINK I UNDERSTAND.

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

18 MR. JONES: YOUR HONOR, I WITHDRAW THAT
19 QUESTION.

20 THE COURT: OKAY.

21 Q MS. NOBLES, DID YOU HAVE A CHANCE TO BE
22 WITH VICKI ON THE FRIDAY BEFORE HER DEATH?

23 A YES, SIR, WE HAD LUNCH THAT FRIDAY AT
24 PIZZA HUT HERE IN NEWBERRY.

25 Q SO THAT WOULD BE THE 10TH OF JUNE?

1 A YES, SIR, THAT'S CORRECT.

2 Q AND DID YOU HAVE A CHANCE TO OBSERVE
3 HER DEMEANOR, HER --

4 MR. HARPOOTLIAN: YOUR HONOR, IF WE'RE
5 GETTING INTO HEARSAY OR SOMETHING THAT'S NOT
6 RELEVANT TO WHAT WOULD HAVE HAPPENED TWO DAYS
7 LATER, I WOULD OBJECT TO IT. AND I'M A LITTLE
8 CONCERNED THE SOLICITOR DOESN'T QUITE KNOW WHAT'S
9 COMING HERE.

10 THE COURT: I SUSTAIN THE OBJECTION ON
11 THE SAME DISCUSSION WE HAD AT THE SIDE BAR.

12 MR. JONES: I WITHDRAW THAT QUESTION,
13 YOUR HONOR.

14 Q MS. NOBLES, DO YOU RECALL IN THE SPRING
15 OF '94 BEING AT MYRTLE BEACH?

16 A YES, SIR, I DO. WE SPENT THE WEEKEND;
17 I BELIEVE, IT WAS THE 13TH, 14TH AND 15TH OF MAY.

18 Q AND WHO IS WE?

19 A ME AND MY HUSBAND AND A COUPLE WE WERE
20 FRIENDS WITH, KIM AND BARRY DERRICK.

21 Q AND WHERE DID YOU GO, WHAT BEACH DID
22 YOU GO TO, WHAT AREA?

23 A WE STAYED AT MYRTLE BEACH RESORTS,
24 WHICH, I BELIEVE, IS CLOSER TO THE SURFSIDE AREA.

25 Q AND DO YOU RECALL WHETHER OR NOT YOU

1 SAW THE DEFENDANT THERE DURING THAT TIME?

2 A I DID NOT.

3 MR. HARPOOTLIAN: OBJECTION, IT'S I DID
4 NOT WHICH --

5 THE COURT: SHE ANSWERED THE QUESTION.

6 MR. HARPOOTLIAN: OKAY.

7 THE COURT: NO GROUNDS FOR AN
8 OBJECTION.

9 Q WHILE YOU WERE THERE, DID YOU GO TO ANY
10 PLACES?

11 A YES, SIR.

12 Q WHERE DID YOU GO?

13 A WE WENT OUT TO EAT ONE EVENING AND ON
14 THE WAY BACK, WE HAD DROPPED MY HUSBAND AND BARRY
15 OFF BY SMUGGLER'S AND STEPHEN'S CAR WAS PARKED UP
16 FRONT.

17 Q AND THAT WAS MAY?

18 A THAT WOULD HAVE BEEN THE 14TH, ON THE
19 SATURDAY.

20 Q ALL RIGHT. NOW, LET ME ASK YOU THIS
21 QUESTION. STATE'S EXHIBIT 85 -- LET ME ASK YOU TO
22 COME DOWN. LAWYER HARPOOTLIAN ASKED YOU WHERE THE
23 BECKHAM PROPERTY IS, POINT THAT OUT AGAIN.

24 A IT'S CLOSER TO THE END OF 773 BEFORE
25 YOU COME INTO POMARIA.

1 Q OKAY. AND SHOW US -- ALTHOUGH IT'S NOT
2 DEPICTED ON THIS MAP, WHERE NEWBERRY IS?

3 A I WOULD SAY NEWBERRY WOULD BE BACK IN
4 THIS VICINITY.

5 Q OKAY. AND ITT -- I'M SORRY, SBFI.
6 SBFI, WHERE VICKI WORKED?

7 A IT WOULD HAVE TO BE BACK IN THIS
8 DIRECTION AS WELL--TOWARD NEWBERRY.

9 Q OKAY. SO IF VICKI LEFT THE BECKHAM
10 PROPERTY AND WENT TO NEWBERRY WHERE HER FAMILY --
11 WHERE SHE WAS STAYING, IT WOULD BE BACK IN THIS
12 DIRECTION?

13 A YES, SIR.

14 Q AND IF SHE LEFT THE BECKHAM PROPERTY
15 AND WENT TO WORK AT SBFI ON SUNDAY AFTERNOON, JUNE
16 12TH, IT WOULD BE BACK IN THIS DIRECTION; IS THAT
17 CORRECT?

18 A YES, SIR.

19 Q ALL RIGHT. IF YOU WERE LOOKING FOR
20 VICKI ON JUNE 12TH AT NINE OR TEN OR ELEVEN OR
21 TWELVE O'CLOCK AT NIGHT, YOU WOULD NATURALLY BE
22 LOOKING OVER IN THIS AREA, WOULDN'T YOU?

23 A I WOULD LOOK IN THE VICINITY TOWARDS
24 NEWBERRY, YES, SIR.

25 Q RIGHT. AND IF YOU WERE IN A HELICOPTER

1 LOOKING FOR HER, YOU WOULD BE LOOKING OVER IN THIS
2 AREA, WOULDN'T YOU?

3 A YES, SIR.

4 Q YOU WOULDN'T BE LOOKING DOWN IN THE
5 LITTLE MOUNTAIN AREA, WOULD YOU?

6 A NO, BECAUSE SBFI AND HER HOME WERE
7 LOCATED BACK THIS WAY TOWARDS NEWBERRY.

8 Q SO IF YOU WERE TRYING TO FIND HER CAR
9 OR HER WITH DOGS OR HELICOPTERS --

10 MR. HARPOOTLIAN: YOUR HONOR, OBJECT.
11 THERE'S NO EVIDENCE IN THE RECORD ABOUT DOGS OR
12 HELICOPTERS OR ANYTHING ELSE.

13 THE COURT: SHE'S ANSWERED THE
14 QUESTION, SOLICITOR, FOR WHAT YOU WANTED.

15 Q SO--ALL RIGHT, PLEASE RETURN TO THE
16 STAND.

17 MS. NOBLES, DURING THE COURSE OF YOUR
18 RELATIONSHIP WITH VICKI, YOU HAD A CHANCE TO
19 OBSERVE HER INTERACTING WITH HER CHILDREN, DIDN'T
20 YOU?

21 A YES, SIR, MANY TIMES.

22 Q AND HOW WOULD YOU DESCRIBE HER
23 INTERACTION WITH THE CHILDREN?

24 A THEY WERE VERY CLOSE. I OBSERVED HER
25 HELPING WITH THEIR HOMEWORK. SHANNON APPEARED TO

1 LOOK AT HER MOTHER LIKE A SISTER. THEY FREQUENTLY
2 TALKED ABOUT GIRL THINGS, GIRL PROBLEMS. AND SHE
3 WAS JUST AS EQUALLY CLOSE WITH ANDREW AND SAMUEL,
4 EVEN THOUGH THEY WERE BOYS.

5 Q ON THE WEEKEND OF JUNE 10TH AND 11TH, A
6 FRIDAY AND SATURDAY, OF 1994, DID YOU AND YOUR
7 HUSBAND HAVE KNOWLEDGE OF WHERE THE DEFENDANT WAS
8 SUPPOSED TO BE?

9 MR. HARPOOTLIAN: YOUR HONOR, THAT
10 WOULD CALL FOR HEARSAY.

11 THE COURT: SHE CAN ANSWER THAT
12 QUESTION YES OR NO AND THEN, SOLICITOR...

13 MR. HARPOOTLIAN: WHATEVER...I DON'T
14 KNOW WHAT THE BASIS IS.

15 THE COURT: I DON'T EITHER, BUT SHE CAN
16 ANSWER THE QUESTION WHETHER SHE HAS KNOWLEDGE
17 FIRST.

18 A YES, SIR, I DID.

19 THE COURT: NOW YOU CAN ASK HER HOW SHE
20 HAD KNOWLEDGE OF IT.

21 Q HOW DID YOU GET THAT KNOWLEDGE?

22 A WHEN VICKI AND I WERE AT LUNCH ON
23 FRIDAY --

24 MR. HARPOOTLIAN: YOUR HONOR, I WOULD
25 OBJECT. THAT WOULD BE HEARSAY RESPONSE.

1 THE COURT: SUSTAINED.

2 MR. HARPOOTLIAN: THANK YOU.

3 Q WELL, LET ME ASK YOU ABOUT THE WEEKEND
4 IN MAY YOU SAID YOU WERE AT THE BEACH. WHAT
5 WEEKEND WAS THAT?

6 A THE 13TH, 14TH AND 15TH, APPROXIMATELY
7 TWO WEEKS BEFORE MEMORIAL DAY.

8 Q HOW WOULD YOU DESCRIBE YOUR REACTION
9 WHEN YOU SAW STEPHEN'S CAR?

10 A I WAS --

11 MR. HARPOOTLIAN: OBJECTION, YOUR
12 HONOR. HER REACTION WHEN SHE SAW STEPHEN'S CAR?

13 THE COURT: OVERRULED.

14 Q HOW WOULD YOU DESCRIBE YOUR REACTION
15 WHEN YOU SAW DEFENDANT BECKHAM'S CAR AT SMUGGLER'S?

16 A I WAS VERY SURPRISED BECAUSE VICKI HAD
17 RELAYED TO ME --

18 MR. HARPOOTLIAN: OBJECTION, YOUR
19 HONOR.

20 THE COURT: NOW, SOLICITOR, COME HERE.

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

24 THE COURT: AS TO THE LAST ANSWER -- AS
25 TO THE LAST LINE OF QUESTIONING, STRIKE IT FROM THE

1 RECORD. IT HAS NO RELEVANCE ON THE ISSUE OF THE
2 HOMICIDE IN THIS CASE. DISREGARD THAT.

3 MR. JONES: AS TO THE LAST QUESTION?

4 THE COURT: YES, SIR.

5 MR. JONES: I HAVE NO FURTHER
6 QUESTIONS.

7 MR. HARPOOTLIAN: JUST A COUPLE
8 QUESTIONS, VERY BRIEFLY.

9 REDIRECT EXAMINATION:
10 BY MR. HARPOOTLIAN:

11 Q THE SOLICITOR ASKED YOU AND YOU
12 TESTIFIED THAT YOU ACTUALLY TOOK YOUR HUSBAND AND A
13 FRIEND TO SMUGGLER'S AND DROPPED THEM OFF TO GO IN?

14 A ME AND MY FRIEND DID, YES, SIR.

15 Q YOU AND YOUR FRIEND TOOK YOUR HUSBAND
16 AND A FRIEND TO DROP THEM OFF TO GO TO SMUGGLER'S;
17 IS THAT CORRECT?

18 A THAT'S CORRECT. THEY HAD SEEN STEPHEN
19 THERE EARLIER --

20 Q WELL, NOW, I DON'T WANT HEARSAY.

21 MR. JONES: SHE IS HIS WITNESS.

22 THE COURT: NO, HE'S NOT ENTITLED TO
23 HAVE A WITNESS VOLUNTEER AN ANSWER AS YOU KNOW.
24 SUSTAIN THE OBJECTION. STRIKE HER ANSWER.

25 NOW, MR. HARPOOTLIAN?

1 MR. HARPOOTLIAN: YES, SIR.

2 THE COURT: BOTH OF YOU.

3 MR. HARPOOTLIAN: YES, SIR.

4 THE COURT: JUST GET TO THE POINT YOU
5 WANT AND LET'S GET ON WITH IT, OKAY?

6 MR. HARPOOTLIAN: THANK YOU, YOUR
7 HONOR.

8 Q LET ME MOVE ON TO ANOTHER AREA. THE
9 SOLICITOR ASKED YOU IN FOLLOW-UP TO MY QUESTION
10 ABOUT THE AREA OVER NEAR LITTLE MOUNTAIN.

11 MR. HARPOOTLIAN: STRIKE THAT, FORGET
12 IT. NO FURTHER QUESTIONS.

13 THE COURT: ANYTHING ELSE?

14 MR. JONES: NO.

15 THE COURT: THANK YOU, STEP DOWN.

16 CALL YOUR NEXT WITNESS.

17 MR. SWERLING: DAISY ZIEDER.

18 DAISY ZIEDERS, BEING DULY
19 SWORN, TESTIFIED AS FOLLOWS:

20 DIRECT EXAMINATION:

21 BY MR. SWERLING:

22 Q DAISY, YOU LIVE IN NEWBERRY COUNTY?

23 A YES, IN POMARIA.

24 Q YOU'RE EARL'S, UNCLE HERKIE'S WIFE?

25 A YES.

- 1 Q OKAY. AND WHAT IS LADONNA'S
2 RELATIONSHIP TO YOU?
- 3 A SHE'S MY GRANDDAUGHTER, AND I'VE BEEN
4 RAISING FOUR GRANDCHILDREN FOR THE LAST NINE YEARS.
- 5 Q YOU AND EARL?
- 6 A YES.
- 7 Q AND BILL BECKHAM IS YOUR BROTHER?
- 8 A RIGHT.
- 9 Q OKAY, JUST WANTED TO GET THE
10 IDENTIFICATION RIGHT. LET ME GO QUICKLY TO JUNE
11 12TH, 1994.
- 12 A OKAY.
- 13 Q NOW, ON THAT DAY, DID YOU GET A CALL
14 FROM VICKIE?
- 15 A YES, I DID.
- 16 Q AND TO COME OVER AND SPEND SOME TIME
17 WITH YOU?
- 18 A YES.
- 19 Q NOW, YOUR GRANDCHILDREN ARE CLOSE WITH
20 VICKIE AND HER CHILDREN, WERE THEY NOT?
- 21 A EXCEPTIONALLY SO, YES.
- 22 Q ALL RIGHT. AND APPROXIMATELY WHAT TIME
23 DID VICKIE CALL AND SAY SHE WANTED TO COME OVER AND
24 SPEND SOME TIME WITH YOU?
- 25 A I BELIEVE IT WAS AROUND TEN MINUTES

1 BEFORE THREE BECAUSE WE TALKED A LITTLE WHILE
2 BEFORE SHE SAID, "COULD I COME OVER," AND SHE
3 SAID...

4 MR. JONES: YOUR HONOR, ARE WE GOING TO
5 HAVE ONE SIDE ASK WHAT VICKIE SAID AND THE OTHER
6 SIDE NOT BE ABLE TO ASK WHAT VICKIE SAID? THAT'S
7 MY OBJECTION.

8 MR. SWERLING: IT'S NOT...THAT'S ALL
9 RIGHT. JUDGE, I DON'T HAVE TO DO IT.

10 THE COURT: I WANT...

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

14 THE COURT: THE OBJECTION IS OVERRULED
15 ON THE BASIS OF THAT RESPONSE IS ALREADY IN THE
16 RECORD WITH ANOTHER WITNESS.

17 Q VICKI WANTED TO COME OVER, THAT WAS THE
18 BOTTOM LINE?

19 A THAT'S CORRECT.

20 Q OKAY. AND DID SHE HAVE HER CHILDREN
21 WITH HER?

22 A YES, SHE DID.

23 Q AND LET ME SEE NOW. YOUR GRANDCHILDREN
24 THAT YOU RAISED, ARE WHAT AGES?

25 A BILLY IS FIFTEEN, LADONNA IS SEVENTEEN,

1 AMANDA'S THIRTEEN AND SARAH IS TWELVE.

2 Q AND WERE THEY CLOSE THEMSELVES WITH
3 VICKI'S CHILDREN, SPENT A LOT OF TIME WITH THEM?

4 A YES, VERY MUCH SO.

5 Q AND YOU, YOURSELF, WERE CLOSE WITH
6 VICKI?

7 A VERY MUCH SO.

8 Q SO THIS IS SUNDAY AFTERNOON AND WHAT
9 TIME DID SHE COME OVER?

10 A SHE GOT THERE ABOUT TEN AFTER FOUR.
11 SHE WAS SUPPOSED TO COME AROUND FOUR, BUT SHE --

12 Q AND THE KIDS, I GUESS, DISBURSED AND
13 WENT THEIR WAY?

14 A IMMEDIATELY.

15 Q AND YOU AND VICKI SAT ON THE FRONT
16 PORCH, I THINK --

17 A NO, WE WENT IN THE KITCHEN AT FIRST AND
18 SAT AT THE TABLE.

19 Q AND SPENT A COUPLE OF HOURS TOGETHER?

20 A YES.

21 Q AND AT SOME POINT DURING THE AFTERNOON,
22 DID THE KIDS SUGGEST LADONNA WANTED TO SPEND THE
23 NIGHT AT SHANNON'S.

24 A YES, WE HAD GONE FROM THE KITCHEN TO MY
25 MOTHER BACKYARD, AND WE WERE SITTING OUTSIDE WHEN

1 THE GIRLS CAME OUT AND STARTED.

2 Q DOES YOUR MOTHER LIVE NEAR YOU?

3 A WE HAVE A WING OFF THE SIDE OF OUR
4 HOUSE THAT WAS BUILT FOR HER.

5 Q AND SO AT SOME POINT WAS A PHONE CALL
6 MADE -- LADONNA AND SHANNON CALLED STEPHEN TO FIND
7 OUT WHETHER OR NOT IT WOULD BE OKAY TO HAVE --

8 MR. JONES: LEADING, YOUR HONOR.

9 THE COURT: SUSTAINED AS TO LEADING.

10 Q DID THE KIDS CALL STEPHEN'S HOUSE?

11 A YES, THEY DID.

12 Q AND DO YOU RECALL APPROXIMATELY WHAT
13 TIME THAT WAS?

14 A SOMETIME AFTER FIVE, CLOSER TO 5:30,
15 POSSIBLY. I DON'T RECALL THE EXACT TIME.

16 Q THAT'S ALL RIGHT. LET ME SHOW YOU A
17 TELEPHONE LOG FROM DEFENDANT'S EXHIBIT NO. 24. IS
18 THAT YOUR PHONE NUMBER AND IS THAT STEPHEN'S PHONE
19 NUMBER?

20 MR. JONES: YOUR HONOR, HE'S SHOWING
21 HER EVIDENCE TO SUGGEST. I OBJECT ON THE FACT HE
22 ASKED HER A QUESTION, SHE GAVE AN ANSWER TO THE
23 QUESTION.

24 THE COURT: THE OBJECTION IS OVERRULED.
25 AS I UNDERSTAND THE RECORD, HE'S ASKING HER TO

- 1 IDENTIFY THE RECORD ON CALLS MADE FROM HER
2 TELEPHONE.
- 3 MR. JONES: ALL RIGHT.
- 4 THE COURT: OKAY?
- 5 MR. JONES: ALL RIGHT.
- 6 Q IS THAT YOUR PHONE NUMBER?
- 7 A YES, IT IS.
- 8 Q AND IS THAT STEPHEN'S PHONE NUMBER?
- 9 A YES, IT IS.
- 10 Q AND WHAT IS THE TIME OF THAT CALL?
- 11 A FOUR, FIFTY-SIX P.M.
- 12 Q NOW, WAS IT USUAL OR UNUSUAL FOR
13 LADONNA TO SPEND THE NIGHT WITH SHANNON?
- 14 A SHE WAS -- SHE SHOULD HAVE HAD A PIECE
15 OF FURNITURE OVER THERE TO PUT HER CLOTHES IN,
16 REALLY. SHE WAS CONSTANTLY.
- 17 Q NOW, LET ME ASK YOU ABOUT DURING THE
18 PERIOD OF TIME WHEN THE CHILDREN WERE LIVING WITH
19 STEPHEN AFTER THE SEPARATION. DID YOU HAVE
20 OCCASION TO DRIVE THE KIDS TO SCHOOL?
- 21 A YES, I DID.
- 22 Q AND WOULD YOU TAKE YOUR GRANDCHILDREN--
- 23 A RIGHT.
- 24 Q -- AND THE BECKHAM KIDS TO SCHOOL?
- 25 A RIGHT. I HAD A VAN AND I RAN THE BUS.

1 Q DID THEY ALL GO TO THE SAME SCHOOL?

2 A WELL, SEVERAL TIMES BEFORE VICKI DIED,
3 ANDREW WAS GOING TO GARMANY AND I HAD TWO AT
4 GARMANY. AND I WOULD SOMETIMES DROP HIM OFF AND
5 PICK HIM UP. AND THE OTHER TWO WENT TO MID-
6 CAROLINA MIDDLE SCHOOL.

7 Q WHAT'S THE NORMAL PRACTICE IN YOUR
8 HOUSE AS FAR AS A CLOCK, HOW ARE THEY SET?

9 MR. JONES: WHAT'S THE RELEVANCE, YOUR
10 HONOR?

11 THE COURT: SUSTAINED.

12 MR. SWERLING: WELL, JUDGE, CAN I
13 APPROACH THE SIDE BAR?

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

17 THE COURT: ALL RIGHT, THEY WITHDRAW
18 THEIR OBJECTION.

19 Q DAISY, HOW IS YOUR CLOCK SET?

20 A WHICH ONE?

21 Q WELL, DO YOU HAVE A CLOCK IN THE HOUSE
22 THAT'S SET AT DIFFERENT TIMES?

23 A SEVERAL.

24 Q OKAY. WHY?

25 A WELL, I KEEP THE ONE IN THE BATHROOM

1 FAST AND THE ONE IN THE KITCHEN, SO THAT THE
2 CHILDREN WILL MOVE A LITTLE FASTER. AND BY MY BED,
3 I KEEP IT TEN MINUTES FAST SO I CAN HIT THE SNOOZE
4 ALARM A COUPLE OF TIMES BEFORE I GET UP.

5 Q ALL RIGHT. AND WHEN YOU PICKED UP THE
6 KIDS OVER AT STEPHEN'S HOUSE, TO YOUR KNOWLEDGE,
7 WAS THE CLOCK SET FAST OVER THERE, ALSO?

8 A YES, IT WAS.

9 Q AND FOR WHAT PURPOSE?

10 A SO THE KIDS -- I ALMOST ALWAYS HAD TO
11 WAIT ABOUT FIVE MINUTES, SO WE WOULD BE ON TIME.

12 Q NOW, ON JUNE 12TH, DO YOU RECALL WHEN
13 VICKI LEFT, DO YOU RECALL THE CIRCUMSTANCES AROUND
14 HER LEAVING?

15 A YES. MY HUSBAND HAD COME IN WHEN WE
16 HAD COME BACK INTO THE KITCHEN AREA AND HUGGED HER

17 --

18 Q DON'T GO INTO WHAT WAS SAID. BUT GO
19 AHEAD.

20 A OKAY. AND SHE WAS IN THE PROCESS OF
21 LEAVING AT THAT TIME.

22 Q WHAT TIME DID THEY START GETTING READY
23 TO LEAVE YOUR HOUSE?

24 A IT WAS PROBABLY ABOUT FIVE AFTER SIX OR
25 SO.

1 Q AND WHAT TIME DID EVERYBODY ACTUALLY
2 GET OUTSIDE?

3 A WE WERE STANDING OUT ON THE STEPS
4 WAITING FOR LADONNA TO COME OUT. AND SHE CAME OUT,
5 IT WAS ABOUT TEN AFTER. THEY WALKED OVER TO THE
6 CAR AND THE CHILDREN WERE ALL IN THE CAR, SO I
7 WOULD SAY IT WAS PROBABLY A COUPLE OF MINUTES AFTER
8 THAT THEY LEFT.

9 Q AT SOME POINT, DID YOU HAVE OCCASION TO
10 LOOK AT YOUR CLOCK TO POINT OUT WHAT TIME IT WAS?

11 A YES, WHEN LADONNA CAME OUT.

12 Q AND WHAT DID YOU DO? JUST SHOW THE
13 JURY WHAT YOU DID.

14 A I POINTED TO MY WATCH AND I SAID, IT'S
15 TEN AFTER, VICKI'S GOT TO GO.

16 Q AND WAS IT STILL A FEW MINUTES BEFORE
17 THEY ACTUALLY LEFT?

18 A YES, BY THE TIME...YEAH.

19 Q AND WHAT TIME DO YOU THINK THEY
20 ACTUALLY MAY HAVE PULLED AWAY FROM YOUR HOUSE?

21 A BETWEEN TWELVE AFTER, FIFTEEN AFTER,
22 SOMETHING LIKE THAT.

23 Q NOW, YOU WERE ALSO INTERVIEWED BY THE
24 POLICE WITHIN A FEW DAYS?

25 A YES.

1 Q NOW, LET ME GO TO JULY 10TH AND THE
2 WEEK BEFORE THAT. WERE YOU AWARE THAT STEPHEN AND
3 THE CHILDREN WERE PLANNING TO GO AWAY?

4 A YES, I WAS.

5 Q WERE YOU PERSONALLY AWARE OF THAT?

6 A YES, I WAS.

7 Q AND DID YOU KNOW WHEN THEY WERE
8 ORIGINALLY SUPPOSED TO GO, WHETHER IT WAS THE 10TH
9 OR THE 11TH?

10 A I THINK THEY WERE SUPPOSED TO GO ON THE
11 10TH, WHICH WAS A MONDAY. STEPHEN TOLD ME THAT --

12 Q DON'T GO INTO WHAT HE SAID. YOU'RE NOT
13 ALLOWED TO GO INTO WHAT HE SAID.

14 A ALL RIGHT.

15 Q BUT AS A RESULT OF WHAT HE TOLD YOU,
16 DID THEY WAIT UNTIL THE 11TH?

17 A YES, THEY DID.

18 Q AND AS FAR AS YOU KNOW, DID THE LEAVE
19 ON THE MORNING OF THE 11TH?

20 A YES.

21 Q ALL RIGHT. ANSWER ANY QUESTIONS THE
22 PROSECUTION MAY HAVE.

23 THE COURT: CROSS-EXAMINATION,

24 SOLICITOR?

25 CROSS-EXAMINATION:

1 BY MR. JONES:

2 Q MS. ZIEDER.

3 A ZIEDERS.

4 Q ZIEDERS. YOU MENTIONED THAT VICKI
5 ARRIVED AT YOUR HOUSE TEN MINUTES LATE. AND YOU
6 DIDN'T SAY AS USUAL, BUT I GOT THE FEELING THAT YOU
7 WANTED TO?

8 A THAT WAS ONE OF HER ENDEARING
9 QUALITIES, I THINK. SHE NEVER WAS TOO RUSHED.

10 Q AND, OF COURSE, MOVING THREE AND FOUR
11 CHILDREN YOU MAY ALWAYS BE RUSHED, ON THE OTHER
12 HAND?

13 A POSSIBLY, BUT AT THAT TIME, I WAS
14 RUNNING A HOUSE, ABOUT TWENTY ROOMS, TAKING CARE OF
15 AN ELDERLY MOTHER, WASHING AND COOKING AND CLEANING
16 FOR TEN PEOPLE. I WAS ALMOST ALWAYS ON TIME.

17 Q ALL RIGHT. AND YOU TAKE SOME PRIDE IN
18 THAT?

19 A OF COURSE. IT TAKES SOME DOING.

20 Q YES. AND YOU BELIEVE THAT ANY TIME YOU
21 CAN ENCOURAGE OTHERS TO FOLLOW SUIT, IT WOULD BE A
22 GOOD THING TO DO?

23 A TRUE. BUT I HAD KNOWN VICKI SINCE SHE
24 AND STEPHEN STARTED DATING AND SHE WAS ALWAYS LATE.

25 Q BUT YOU WERE TRYING TO ENCOURAGE THE

1 CHILDREN TO FOLLOW YOUR HABITS AND WHAT YOU HAD
2 DEVELOPED AS GOOD HABITS AND THAT IS TO BE ON TIME?

3 A OF COURSE.

4 MR. SWERLING: JUDGE, RELEVANCE.

5 NOBODY SUGGEST THERE WAS ANYTHING BAD ABOUT IT.

6 THE COURT: OVERRULED.

7 Q AND, OF COURSE, YOU WOULD ENCOURAGE
8 VICKI ANY TIME YOU HAD, ANY CHANCE YOU HAD TO
9 CONFORM TO SCHEDULE, TO BE THERE?

10 A NO, I NEVER SUGGESTED THAT.

11 Q WELL, WHEN SHE VISITED YOU THAT DAY,
12 YOU KNEW THAT SHE WAS SUPPOSED TO BE AT STEPHEN'S
13 AT SIX O'CLOCK?

14 A YES.

15 Q YOU KNEW THAT?

16 A YEAH.

17 Q AND YOU KNEW THAT, NOT ONLY WHEN SHE
18 ARRIVED AT 4:10, BUT YOU KNEW IT WHEN SHANNON
19 CALLED HER DAD TO SEE IF YOUR GRANDDAUGHTER,
20 LADONNA, COULD SPEND THE NIGHT?

21 A TRUE.

22 Q AT 4:56?

23 A RIGHT.

24 Q AND YOU KNEW THAT SHE WAS DUE THERE AT
25 SIX O'CLOCK WHEN SHANNON CALLED AGAIN -- DID SHE

- 1 CALL AGAIN SOMETIME AFTER FIVE?
- 2 A YES, SHE DID.
- 3 Q DO YOU REMEMBER ABOUT WHEN THAT WAS?
- 4 A PROBABLY ABOUT TEN MINUTES TO SIX,
- 5 SOMETHING LIKE THAT. I'M NOT QUITE SURE.
- 6 Q SHE CALLED AGAIN AT TEN MINUTES OF SIX?
- 7 A I'M NOT SURE.
- 8 Q WELL, YOU SAID PROBABLY TEN MINUTES TO
- 9 SIX. WHAT GIVES YOU THE BASIS FOR SAYING THAT?
- 10 A I BELIEVE SHE CALLED TWICE. I BELIEVE
- 11 I REMEMBER THAT WE WERE STILL OUT IN THE YARD.
- 12 Q HOW LONG WERE YOU OUT IN THE YARD WHEN
- 13 SHE CALLED?
- 14 A WHEN SHE WHAT?
- 15 Q YOU SAID YOU BELIEVED YOU WERE STILL
- 16 OUT IN THE YARD. HOW LONG HAD YOU BEEN OUT IN THE
- 17 YARD THAT DAY?
- 18 A VICKI HAD BEEN THERE ABOUT FORTY-FIVE
- 19 MINUTES WHEN MY MOTHER CAME IN AND WANTED US TO GO
- 20 OUT TO HER YARD AND SEE HER WINDFLOWERS.
- 21 Q SO YOU WENT OUT IN THE YARD AROUND FIVE
- 22 O'CLOCK?
- 23 A PROBABLY A LITTLE BIT BEFORE THAT,
- 24 YEAH.
- 25 Q LITTLE BEFORE FIVE?

- 1 A UH-HUH.
- 2 Q AND HOW LONG WERE YOU OUT THERE?
- 3 A UNTIL ABOUT SIX O'CLOCK.
- 4 Q WELL THEN, YOU'RE USING THE FACT THAT
- 5 YOU WERE OUT IN THE YARD TO ESTABLISH THE FACT THAT
- 6 YOU THINK SHANNON CALLED THE SECOND TIME AT TEN
- 7 TILL SIX?
- 8 A POSSIBLY. I'M NOT SURE WHY I REMEMBER
- 9 THAT.
- 10 Q YOU DIDN'T SUGGEST TO HER THAT SHE GO
- 11 CALL AGAIN, DID YOU?
- 12 A NO, I DID NOT.
- 13 Q SHE DID THAT ON HER ON?
- 14 A UH-HUH.
- 15 Q COULD SHE HAVE CALLED AGAIN AT 5:30?
- 16 A I WAS NOT IN THE HOUSE, SO I'M NOT
- 17 AWARE OF ANY CALLS.
- 18 Q SO YOU DON'T KNOW --
- 19 A I'M NOT AWARE THAT -- YOU KNOW, IF SHE
- 20 CALLED AT 5:30, I'M NOT AWARE OF THAT.
- 21 Q WELL, ARE YOU AWARE THAT SHE CALLED AT
- 22 TEN TILL SIX?
- 23 A YES.
- 24 Q HOW ARE YOU AWARE OF THAT?
- 25 A I'M NOT SURE, IT WAS LIKE BEFORE FIVE

1 O'CLOCK. I DO KNOW THAT SHE CALLED THEN BECAUSE
2 SHE CAME OUT AND ASKED.
3 Q CAME OUT AND ASKED WHAT?
4 A IF LADONNA COULD SPEND THE NIGHT.
5 Q ALL RIGHT. YOU SAID TEN TO SIX,
6 THOUGH. DO YOU MEAN TEN TILL FIVE, THE CALL THAT'S
7 ON YOUR RECORD?
8 A PROBABLY, PROBABLY.
9 Q THE CALL THAT'S ON YOUR RECORD --
10 A PROBABLY.
11 Q -- IS TEN MINUTES UNTIL FIVE. I
12 BELIEVE IT'S --
13 A THAT'S PROBABLY WHAT I'M THINKING OF.
14 Q ACTUALLY, IT'S 4:56, IT'S FOUR MINUTES
15 TO FIVE.
16 A SOMEWHERE IN THERE.
17 Q SO RIGHT ABOUT FOUR MINUTES TO FIVE,
18 YOU KNOW THAT SHE CALLED BECAUSE IT'S ON YOUR PHONE
19 RECORDS?
20 A THAT'S CORRECT.
21 Q DID SHE CALL AGAIN?
22 A I'M NOT SURE.
23 Q YOU MENTIONED THAT LADONNA SPENT A
24 GREAT DEAL OF TIME OVER THERE WITH HER?
25 A YES.

- 1 Q AND WHEN DID LADONNA START SPENDING A
2 GREAT DEAL OF TIME OVER THERE WITH HER?
3 A WHEN VICKI AND STEPHEN MOVED TO
4 PROSPERITY.
5 Q SO SHE SPENT A GREAT DEAL OF TIME WITH
6 THEM IN PROSPERITY?
7 A CORRECT. VICKI WOULD CALL HER AT TIMES
8 AND ASK HER TO COME.
9 Q WHAT ABOUT IRMO?
10 A NO, I DON'T BELIEVE SO.
11 Q WOULD LADONNA SPEND ANY TIME WITH HER
12 WHEN THEY WERE AT THE LANDERS?
13 A NO, SHE DID NOT.
14 Q WHY NOT?
15 A SHE FELT MORE COMFORTABLE GOING TO
16 STEPHEN'S. SHE DID NOT KNOW THE LANDERS.
17 Q HOW LONG HAD SHE KNOWN SHANNON?
18 A ALL OF HER LIFE.
19 Q FIFTEEN YEARS AT THAT TIME?
20 A TRUE. SHE WAS CERTAINLY MORE
21 COMFORTABLE WITH STEPHEN THAN SHE WAS WITH THE
22 LANDERS. NOTHING AGAINST THE LANDERS, BUT...
23 Q WELL, WHO WAS SHE GOING TO BE AROUND
24 STEPHEN OR SHANNON?
25 A I WOULD THINK IT WOULD BE SHANNON,

1 ANDREW, STEPHEN AND SAMUEL.

2 Q HOW FREQUENTLY, WHEN THEY LIVED ON THE
3 BECKHAM PROPERTY IN THE MOBILE HOME, WOULD YOU SAY
4 LADONNA WAS OVER THERE?

5 A WELL, SHE DIDN'T ALWAYS SPEND THE
6 NIGHT. YOU KNOW, SHE WOULD BE THERE IN THE
7 AFTERNOONS AND STUFF. SHE DIDN'T ALWAYS SPEND THE
8 NIGHT.

9 Q BUT HOW FREQUENTLY?

10 A QUITE FREQUENTLY. PROBABLY FIVE, SIX,
11 SEVEN DAYS OUT OF A MONTH, DIFFERENT AFTERNOONS, A
12 COUPLE WEEKENDS.

13 Q AND YOU KNOW THIS BECAUSE YOU KEPT UP
14 WITH WHERE SHE WAS?

15 A ABSOLUTELY.

16 Q NOW, HOW FAR DO YOU LIVE FROM THE
17 BECKHAM PROPERTY?

18 A PROBABLY, A LITTLE OVER THREE MILES.

19 Q AND HOW OFTEN WOULD YOU SAY THAT YOU
20 WOULD VISIT THAT AREA?

21 A DURING SCHOOL, I WAS THERE EVERY DAY,
22 TWICE A DAY.

23 Q TWICE A DAY?

24 A UH-HUH, SURE.

25 Q AND SO YOU'RE FAMILIAR WITH THE AREA?

- 1 A OF COURSE.
- 2 Q NOW, YOU MENTIONED ABOUT YOUR CLOCKS.
- 3 YOU SAID, I BELIEVE, THAT YOUR BEDROOM CLOCK WAS
- 4 TEN MINUTES FAST?
- 5 A EXACTLY.
- 6 Q AND THAT YOUR KITCHEN AND BATHROOM
- 7 CLOCKS ARE FAST. HOW FAST ARE THEY?
- 8 A FIVE MINUTES FASTER.
- 9 Q FIVE MINUTES FASTER THAN THE TIME --
- 10 A IF YOU'VE EVER HAD CHILDREN GETTING
- 11 READY FOR SCHOOL IN THE MORNINGS, ESPECIALLY,
- 12 GIRLS, THREE GIRLS, YOU TRY TO KEEP IT FASTER.
- 13 Q AND STEPHEN'S IS FAST?
- 14 A YES.
- 15 Q HOW FAST IS HIS?
- 16 A APPROXIMATELY, THE SAME AS MINE, ABOUT
- 17 FIVE MINUTES.
- 18 Q COULD IT BE SEVEN MINUTES FAST?
- 19 A I WOULDN'T HAVE ANY WAY OF KNOWING
- 20 THAT.
- 21 Q MA'AM?
- 22 A I WOULDN'T HAVE ANY WAY OF KNOWING
- 23 THAT.
- 24 Q WELL, HOW DO YOU KNOW IT'S
- 25 APPROXIMATELY FIVE MINUTES FAST.

- 1 A BECAUSE HE HAD TOLD ME THAT.
- 2 Q HE SAID, I GOT MY CLOCKS SET FIVE
- 3 MINUTES FAST.
- 4 A YEAH. I TOLD HIM I KEPT MINE FIVE
- 5 MINUTES FAST AND WE KNEW WHAT TIME I WOULD BE
- 6 LEAVING THE HOUSE AND ABOUT WHAT TIME I WOULD BE
- 7 GETTING THERE.
- 8 Q SO YOU'VE NEVER ACTUALLY SEEN THIS
- 9 DINING ROOM OR KITCHEN CLOCK TO KNOW EXACTLY HOW
- 10 FAST IT IS?
- 11 A NEVER HAD ANY OPP -- NEVER HAD ANY
- 12 OCCASION TO DO THAT.
- 13 Q SO YOU --
- 14 A I MEAN I DIDN'T GO STAND THERE AND LOOK
- 15 AT HIS CLOCK AND LOOK AT MY WATCH AND SEE IF IT WAS
- 16 FIVE MINUTES FASTER. I NEVER DID THAT.
- 17 Q RIGHT. SO IT COULD BE SEVEN MINUTES
- 18 FAST AS FAR AS YOU KNOW?
- 19 A MINUTE ONE WAY OR THE OTHER, I DON'T
- 20 THINK WOULD MAKE TOO MUCH DIFFERENCE. I STILL
- 21 WAITED FOR THE CHILDREN. THEY STILL RAN ON THE
- 22 SAME SCHEDULE EVERYDAY.
- 23 Q MS. ZIEDERS?
- 24 A YES.
- 25 Q I DON'T -- I WANT TO ASK YOU THIS

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1 QUESTION. A MINUTE ONE WAY OR THE OTHER MIGHT NOT
2 MAKE ANY DIFFERENCE TO YOU, BUT YOU CAN CERTAINLY
3 UNDERSTAND HOW IT CAN MAKE A DIFFERENCE TO SOMEBODY
4 ELSE, DON'T YOU?

5 A ABSOLUTELY.

6 Q ALL RIGHT. WELL, YOU CAN'T SAY WHETHER
7 IT WAS SEVEN MINUTES FAST OR NOT, CAN YOU?

8 A NO, I CANNOT.

9 Q OR EIGHT MINUTES FAST?

10 A I CANNOT.

11 Q OR NINE MINUTES FAST?

12 A NO.

13 Q BUT YOU KNOW THAT ON JUNE 12TH, YOUR
14 CLOCK INSIDE AT THE KITCHEN WAS FIVE MINUTES FAST?

15 A RIGHT.

16 Q ALL RIGHT. NOW, YOU MENTIONED THAT
17 VICKI WAS AT YOUR HOUSE, AND LADONNA AND SHANNON,
18 AND ANDREW AND SAMUEL AND VICKI WERE LEAVING TO GO
19 TO STEPHEN'S?

20 A RIGHT.

21 Q WHY?

22 A BECAUSE SHE WAS TO DROP THE CHILDREN
23 OFF.

24 Q AT WHAT TIME?

25 A AT SIX.

1 Q AND YOU DIDN'T ENCOURAGE HER AT A
2 QUARTER TO SIX TO LEAVE WITH THE KIDS ON TIME, DID
3 YOU?

4 A OF COURSE NOT.

5 Q YOU DIDN'T TELL HER THAT STEPHEN WOULD
6 BE THERE WAITING AT SIX FOR THE KIDS TO GET THERE?

7 A STEPHEN KNEW THAT SHE WAS USUALLY LATE.
8 I MEAN THAT WAS -- EVERYBODY IN THE FAMILY KNEW
9 THAT. SO I DIDN'T -- WHY WOULD I WONDER WHETHER
10 THAT WOULD BE A PROBLEM?

11 Q WELL, VICKI HAD NOT BEEN TO YOUR HOUSE
12 SINCE FEBRUARY OF '94, HAD SHE?

13 A NO, SHE HAD NOT. I HAD SEEN HER AT THE
14 SCHOOL.

15 Q BUT THAT WAS THE FIRST OCCASION, SINCE
16 FEBRUARY OF '94, THAT SHE HAD BEEN AT YOUR HOUSE?

17 A THAT'S TRUE.

18 Q AND THAT WAS THE FIRST TIME THAT YOU
19 HAD THE OPPORTUNITY TO INFLUENCE THE ARRIVAL OF THE
20 CHILDREN AT STEPHEN'S ON TIME, WASN'T IT?

21 A NO. I DON'T UNDERSTAND WHAT YOUR
22 QUESTION IS.

23 Q MY QUESTION IS, ON JUNE 12TH, 1994, YOU
24 KNEW WHAT TIME IT WAS?

25 A YES.

1 Q AND YOU HAD THE OPPORTUNITY TO GATHER
2 THE GIRLS AND THE CHILDREN TOGETHER AND GET THEM IN
3 THE CAR AND SUGGEST TO VICKI THAT SHE LEAVE AT TEN
4 MINUTES TO SIX OR EVEN FIVE MINUTES TO SIX TO GET
5 TO STEPHEN'S ON TIME, DIDN'T YOU?

6 MR. SWERLING: YOUR HONOR, COULD THE
7 SOLICITOR REPEAT THE QUESTION. I MEAN, IT WAS A
8 WHOLE -- I THINK IT WAS SEVERAL QUESTIONS.

9 THE COURT: I THINK --

10 MA'AM, DO YOU UNDERSTAND THE QUESTION?

11 A I'M NOT SURE WHAT --

12 MR. JONES: I'LL REPEAT IT.

13 THE COURT: ALL RIGHT, REPEAT IT.

14 Q MS. ZIEDERS, ON JUNE 12TH, 1994, YOU
15 HAD THE OPPORTUNITY TO GATHER THE CHILDREN, THE TWO
16 GIRLS AND THE TWO BOYS AND VICKI?

17 A UH-HUH.

18 Q YOU KNEW AT LEAST AT 4:56, ALMOST FIVE
19 O'CLOCK --

20 A UH-HUH.

21 Q THAT SHANNON AND LADONNA WERE GOING
22 OVER THERE TOGETHER, CORRECT?

23 A TRUE.

24 Q AND YOU KNEW THEY WERE SUPPOSED TO BE
25 THERE AT SIX O'CLOCK, DIDN'T YOU?

1 A YES, I DID.

2 Q AND YOU HAD AN OPPORTUNITY TO GATHER
3 THEM TOGETHER AND INFLUENCE THEIR DEPARTURE BY
4 SUGGESTING THAT THEY LEAVE ON TIME SO THEY CAN BE
5 THERE WHEN THEY'RE SUPPOSED TO BE AT SIX, DIDN'T
6 YOU?

7 A I DID, BUT I WOULDN'T HAVE DONE THAT.

8 Q ALL RIGHT. WELL, WHAT WAS ANY
9 DIFFERENT ABOUT THAT DAY THAN ANY PLACE THAT THE
10 CHILDREN WERE SUPPOSED TO BE AT A GIVEN TIME?

11 A IT WAS A VERY RELAXED ATMOSPHERE.

12 Q WELL, IT -- THE CHILDREN ARE SUPPOSED
13 TO BE AT SCHOOL AT A CERTAIN TIME, AREN'T THEY?

14 A TRUE. THAT'S DIFFERENT. THERE'S
15 SOMEBODY THERE THAT WILL COUNT THEM TARDY IF
16 THEY'RE NOT THERE ON TIME.

17 Q IF YOU'RE SUPPOSED TO BE SOMEWHERE AT A
18 CERTAIN TIME, ARE YOU OR AREN'T YOU SUPPOSED TO BE
19 THERE AT A CERTAIN TIME?

20 A THAT'S TRUE.

21 Q CAN'T YOU IMAGINE AND DON'T YOU KNOW
22 THAT IF CHILDREN ARE SUPPOSED TO BE DROPPED OFF AT
23 A CERTAIN TIME AND THEY AREN'T, IT CAUSES PROBLEMS?

24 MR. SWERLING: OBJECTION, YOUR HONOR,
25 THAT IS ABSOLUTELY SPECULATION. NO SUGGESTION IT

1 WAS GOING TO CAUSE SOME PROBLEMS.

2 THE COURT: OVERRULED. I'LL LET HER
3 ANSWER THE QUESTION.

4 A COULD YOU REPEAT THE QUESTION, PLEASE?

5 Q DON'T YOU KNOW THAT IF CHILDREN ARE
6 SUPPOSED TO BE DROPPED OFF AT A PLACE, TO A PARENT
7 AT A CERTAIN TIME AND THEY ARE NOT THERE, THAT IT
8 CAUSES PROBLEMS?

9 A I WOULD NOT BE ABLE TO SAY THAT I HAD
10 KNOWLEDGE THAT IF CHILDREN WERE SUPPOSED TO BE
11 DROPPED OFF AT A CERTAIN TIME AND THEY WEREN'T,
12 THAT IT WOULD CAUSE PROBLEMS.

13 Q OKAY. SO BASED ON YOUR KNOWLEDGE, YOU
14 WOULD SAY THAT IF CHILDREN WERE SUPPOSED TO BE
15 DROPPED OFF AT SIX O'CLOCK AND THEY AREN'T DROPPED
16 OFF UNTIL SEVEN O'CLOCK --

17 A WHAT CHILDREN?

18 Q MA'AM?

19 A WHAT CHILDREN? YOU'RE USING A WIDE --

20 Q YES, I AM.

21 A UH-HUH. OKAY.

22 Q AND THE ORIGINAL QUESTION I ASKED YOU
23 WAS A WIDE QUESTION. I ASKED YOU WEREN'T YOU AWARE
24 THAT WHEN CHILDREN ARE SUPPOSED TO BE DROPPED OFF
25 FROM ONE PARENT AT A CERTAIN TIME AND THEY ARE NOT,

1 IT CAUSES PROBLEMS. AND I BELIEVE YOUR ANSWER WAS
2 YOU CAN'T SAY THAT?

3 A THAT'S TRUE.

4 Q YOU DON'T HAVE ENOUGH KNOWLEDGE --

5 A NO, I DON'T HAVE FIRST-HAND KNOWLEDGE,
6 THERE'S A DIFFERENCE.

7 Q I DIDN'T ASK YOU ABOUT FIRST-HAND --

8 MR. SWERLING: YOUR HONOR, THE
9 SOLICITOR IS ARGUMENTATIVE...

10 THE COURT: ARGUMENTATIVE UNDER 403.

11 SHE'S ANSWERED YOUR QUESTION. NOW, MOVE ON TO
12 ANOTHER SUBJECT, PLEASE, SIR.

13 Q SO AGAIN, YOU SAID THAT THIS SITUATION
14 WAS NOT ONE THAT REQUIRED TIMELINESS? THAT IT
15 DIDN'T REQUIRE THAT THE CHILDREN BE THERE WHEN THEY
16 WERE SUPPOSED TO BE AT SIX O'CLOCK; IS THAT
17 CORRECT?

18 A I WAS NOT PUSHING FOR HER TO GO AT SIX
19 O'CLOCK, NO.

20 Q OKAY. BUT YOU WERE PUSHING FOR HER TO
21 GO, WEREN'T YOU?

22 A NO, I WAS NOT.

23 Q I THOUGHT YOU SAID ON DIRECT
24 EXAMINATION THAT YOU SAID, "CHILDREN, VICKI, IT'S
25 TEN AFTER SIX --"

- 1 A NO, SIR, I DID NOT SAY THAT.
- 2 Q ALL RIGHT. SO YOU DID NOT REMIND THEM
- 3 OF THE TIME AND REMIND THEM OF WHERE THEY WERE
- 4 SUPPOSED TO BE --
- 5 A I ONLY REMINDED LADONNA. LADONNA WAS
- 6 STILL IN THE HOUSE. WE WERE WAITING FOR HER TO
- 7 COME OUT.
- 8 Q WE WERE WAITING FOR HER TO COME OUT?
- 9 A VICKI AND I WERE STANDING ON THE STEPS.
- 10 Q WHY WERE WE WAITING FOR HER TO COME
- 11 OUT?
- 12 A SHE WAS PACKING A BAG.
- 13 Q I MEAN, WHY WEREN'T YOU WITH YOUR
- 14 MOTHER?
- 15 A MY MOTHER WAS IN HER HOUSE.
- 16 Q WELL, SO YOU WERE HELPING VICKI GET
- 17 EVERYBODY TOGETHER TO GO?
- 18 A WE WERE STANDING OUT ON THE STEPS. THE
- 19 CHILDREN HAD ALL WALKED TO THE CAR. SHANNON CAME
- 20 OUT, SHE GAVE HER THE KEYS SO SHE COULD START THE
- 21 CAR AND GET THE AIR CONDITIONER ON, AND SHE AND I
- 22 WERE WAITING FOR LADONNA AND STILL TALKING.
- 23 Q YOU DON'T RECALL SAYING ON DIRECT
- 24 TESTIMONY, SAYING THROUGH THAT MICROPHONE, "IT'S
- 25 TEN AFTER AND VICKI'S GOT TO GO?"

1 A I SAID THAT TO LADONNA.

2 Q AND WHY --

3 A VICKI HAD SAID AT THE TIME SHE HAD TO
4 BE SOME PLACE AT 6:30.

5 MR. JONES: YOUR HONOR, UNRESPONSIVE.

6 THE COURT: STRIKE THAT ANSWER.

7 MR. JONES: STRIKE THAT ANSWER.

8 MR. SWERLING: MAY WE APPROACH THE SIDE
9 BAR? I MEAN, HE'S...

10 THE COURT: SURE.

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

14 THE COURT: STRIKE FROM THE RECORD ANY
15 REFERENCE TO 6:30 ON THE BASIS OF HEARSAY.

16 MR. SWERLING: JUDGE, I DIDN'T MAKE THE
17 OBJECTION.

18 THE COURT: HE DID, AS BEING
19 UNRESPONSIVE TO HIS QUESTION.

20 Q MS. ZIEDERS, YOU SAID ON DIRECT
21 EXAMINATION, THAT AFTER YOU LEARNED OF VICKI'S
22 MURDER -- AND YOU DID KNOW WHEN YOU LEARNED OF HER
23 DEATH THAT SHE HAD BEEN MURDERED; DID YOU NOT?

24 A NO, I DID NOT.

25 Q YOU DID NOT?

1 A NO.

2 Q AND WHAT THEN WERE YOU TOLD WAS THE
3 CAUSE OF HER DEATH?

4 MR. SWERLING: OBJECTION, YOUR HONOR --

5 THE COURT: THAT'S GOING TO OPEN IT
6 WIDE UP, SOLICITOR, SO YOU MIGHT GET STUCK WITH AN
7 ANSWER. I'M GOING TO SUSTAIN THE OBJECTION. NOT
8 AS TO WHAT SHE WAS TOLD. WE DON'T KNOW BY WHOM OR
9 WHAT'S GOING TO COME OUT.

10 Q WHEN DID YOU LEARN OF HER DEATH?

11 A IT WAS THE MORNING OF THE 13TH.

12 Q THE MORNING OF THE 13TH?

13 A YES.

14 Q AND ON THAT DAY --

15 THE COURT: MA'AM, DO YOU NEED A SHORT
16 BREAK?

17 A PLEASE.

18 THE COURT: ALL RIGHT, LET'S TAKE A
19 SHORT BREAK.

20 (WHEREUPON, JURY WAS RECESSED TO JURY
21 ROOM AT 10:05 A.M.)

22 THE COURT: ALL RIGHT, BRING THE JURY
23 IN, PLEASE. NO, WAIT A MINUTE.. YOU NEED TO
24 PUT...

25 MR. SWERLING: JUDGE, YES, IF I CAN.

1 REDIRECT EXAMINATION: (IN CAMERA)

2 BY MR. SWERLING:

3 Q DAISY, WE'RE NOT IN FRONT OF THE JURY,
4 BUT THIS IS FOR THE PURPOSE OF THE RECORD. WHY
5 WERE YOU SO CONCERNED ABOUT THE TIME? THE
6 SOLICITOR HAS POINTED OUT AND ASKED YOU QUESTIONS
7 ABOUT THAT. WHAT WAS YOUR CONCERN ABOUT THE TIME?

8 A VICKI SAID THAT SHE HAD TO BE SOME
9 PLACE AT 6:30.

10 Q SO DID IT HAVE ANYTHING TO DO WITH THE
11 CHILDREN GETTING BACK TO STEPHEN'S HOUSE AT SIX OR
12 DID IT HAVE TO DO WITH HER GETTING TO HER
13 APPOINTMENT AT 6:30?

14 A YES. SHE NEVER MENTIONED, YOU KNOW,
15 SIX O'CLOCK. THAT WAS JUST COMMON KNOWLEDGE THAT
16 SHE WAS GOING TO BE THERE UNTIL SHE TOOK THE
17 CHILDREN.

18 MR. SWERLING: JUDGE, MY POSITION WOULD
19 BE THAT IN LIGHT OF THE FACT THAT THE SOLICITOR HAS
20 ASKED PROBABLY, TEN TO FIFTEEN QUESTIONS CONCERNING
21 WHY SHE DIDN'T GET VICKI AND THE CHILDREN ON THE
22 WAY SO THEY COULD BE THERE AT SIX, AND THE FACT
23 THAT IT WOULD CAUSE PROBLEMS AND THE INFERENCE
24 THAT'S BEEN CREATED BY THE STATE, THEN WHAT I
25 PROPOSE IS THAT IT WOULD ONLY BE FAIR TO BE ABLE TO

1 RESPOND THAT MS. ZIEDERS' CONCERN WAS NOT GETTING
2 THE CHILDREN BACK AT SIX O'CLOCK, BUT GETTING VICKI
3 TO AN APPOINTMENT AT 6:30, WITHOUT GOING INTO THE
4 DETAILS OF WHERE SHE WAS GOING, BUT THE MERE FACT
5 THAT SHE HAD AN APPOINTMENT. IT'S NOT BEING
6 OFFERED FOR THE TRUTH OF THE MATTER ASSERTED. IT'S
7 REALLY BEING, JUST BEING ALLOWED TO EXPLAIN WHY MS.
8 ZEIDERS WANTED THE CHILDREN AND HER TO GET ON THE
9 WAY. I THINK THE SOLICITOR HAS SPENT AN AWFUL LOT
10 OF TIME TRYING TO PUT INTO THE JURY'S MIND THE FACT
11 THAT THIS WOMAN WAS IRRESPONSIBLE AND IT MADE NO
12 SENSE THAT SHE DID NOT GET THE KIDS BACK AT SIX --
13 OR ENCOURAGE VICKI TO GET THE KIDS BACK AT SIX
14 O'CLOCK. AS A MATTER OF EXPLANATION, I WOULD
15 PROPOSE WE BE ENTITLED TO GO INTO WHAT I JUST WENT
16 INTO.

17 THE COURT: I WOULD OVERRULE THAT
18 OBJECTION.

19 NOW WE'VE SPENT A LARGE AMOUNT OF TIME
20 CHASING ISSUES THAT DON'T HAVE ANYTHING REALLY TO
21 DO WITH THIS CASE. I'VE GOT ALL THE TIME IN THE
22 WORLD. BUT IT'S TIME FOR YOU ALL TO THINK ABOUT
23 THIS JURY AND GET THIS CASE TO THEM ON THE GUILT
24 AND INNOCENCE PHASE. UNDER THE BEST OF
25 CIRCUMSTANCES RIGHT NOW, IF WE DON'T FINISH TODAY

1 AND IT'S TOMORROW, AND THERE'S A GUILTY VERDICT --
2 AND I'M MAKING AN ASSUMPTION, THAT IF THERE WERE TO
3 BE A GUILTY VERDICT RETURNED, WE WON'T BE OUT OF
4 THERE UNTIL THE WEEKEND. SO IT'S TIME FOR Y'ALL TO
5 START FOCUSING. YOU'VE BOTH DONE A GOOD JOB IN
6 GETTING THE POINTS MADE THAT NEED TO BE MADE. NOW
7 IT'S TIME TO GET FOCUSED ON RAPPING IT UP.

8 ALL RIGHT. AND THAT ANSWER WOULD BE
9 PURE SPECULATION. I MEAN, IT COULD BE SUBJECT TO
10 HER SAYING IT COULD HAVE BEEN A MEETING WITH
11 STEPHEN BECKHAM, AND THE STATE COULD ARGUE THAT.
12 AND I'M JUST NOT GOING TO LET THEM DO THAT -- LET
13 YOU DO THAT.

14 BRING THE JURY IN.

15 (WHEREUPON, THE JURY RETURNED TO THE
16 COURTROOM AT 10:28 A.M.)

17 CROSS EXAMINATION:

18 BY MR. JONES:

19 Q MS. ZEIDERS, I WAS ASKING YOU ABOUT THE
20 13TH OF JUNE, 1994. YOU WERE AT YOUR BROTHER'S
21 HOUSE, BILL BECKHAM'S; IS THAT RIGHT, SOMETIME
22 DURING THAT DAY?

23 A YES.

24 Q AND DO YOU ALSO RECALL BEING THERE THE
25 AFTERNOON OF THE 13TH?

1 A YES, I WAS THERE.

2 Q AND AMONG OTHER THINGS, YOU WERE
3 DISCUSSING THE EVENTS OF THE PREVIOUS DAY; WERE YOU
4 NOT?

5 A YES.

6 Q AND YOU DISCUSSED THE EVENTS OF THE
7 PREVIOUS DAY, THAT IS, JUNE 12TH, 1994, ON JUNE
8 13TH, 1994 WITH WHO, THAT AFTERNOON?

9 A SENATOR LANDER.

10 Q THAT AFTERNOON?

11 A WELL, IT WAS -- WHENEVER IT WAS THAT I
12 WENT OVER, HE WAS THERE AND I TALKED TO HIM IN THE
13 LIVING ROOM.

14 Q RIGHT. AND THEN HE LEFT THAT MORNING
15 AROUND MID-DAY AND WENT HOME?

16 A I DON'T REALLY KNOW WHAT TIME IT WAS.
17 I HAD LEFT GRETA JOLEEN AND SAMUEL AND I WALKED
18 DOWN TO THE POND.

19 Q OKAY. ON THE AFTERNOON OF THE 13TH,
20 WHO WAS AT YOUR BROTHER'S HOME, THAT YOU RECALL?
21 WERE YOU THERE?

22 A YES, AND MY MOTHER.

23 Q AND WHO ELSE WAS THERE THAT YOU RECALL
24 IN THE AFTERNOON, THE AFTERNOON HOURS OF THE 13TH?

25 A MY SISTER. THERE WAS A LOT OF PEOPLE

- 1 THERE. FATHER BYRD, THE LIBBYS, DIFFERENT ONES.
2 PEOPLE WERE IN AND OUT ALL THE TIME.
3 Q AND DURING THAT PERIOD OF TIME, DID YOU
4 DISCUSS THE EVENTS OF THE 12TH?
5 A ONLY THING I DISCUSSED WAS --
6 Q DID YOU DISCUSS THE EVENTS OF THE 12TH?
7 A NOT ALL THE EVENTS, NO.
8 Q ALL RIGHT. AND DID YOU GO BACK TO YOUR
9 BROTHER'S HOUSE ON JUNE 14TH IN THE MORNING?
10 A I'M NOT SURE. I PROBABLY TOOK
11 SOMETHING, A CASSEROLE OR A CAKE OR SOMETHING OVER
12 THERE.
13 Q AND DO YOU RECALL WHETHER YOU DISCUSSED
14 THE EVENTS OF JUNE 12TH OVER THERE THAT MORNING?
15 A NO, I DID NOT. I DON'T THINK SO.
16 Q YOU DID NOT --
17 A NO. I DON'T THINK SO, NO. I TALKED
18 TO, I THINK IT WAS OFFICER SCOTT THAT AFTERNOON.
19 Q THE AFTERNOON OF THE 14TH?
20 A RIGHT.
21 Q AROUND TWO O'CLOCK THAT AFTERNOON?
22 A APPROXIMATELY.
23 Q AND YOU TALKED WITH HER ABOUT THE
24 EVENTS OF JUNE 12TH, 1994?
25 A I ANSWERED WHATEVER SHE ASKED.

1 Q RIGHT. AND WHAT I WAS ASKING YOU IS
2 THAT DID YOU DISCUSS THOSE EVENTS WITH ANYONE
3 BEFORE YOU TALKED WITH HER?

4 A NOT TO MY KNOWLEDGE, NO.

5 Q YOU DIDN'T DISCUSS --

6 A I DON'T THINK SO.

7 Q -- THOSE EVENTS?

8 A I THINK WE ALL WERE PRETTY MUCH IN
9 SHOCK.

10 MR. SWERLING: YOUR HONOR...

11 THE COURT: I'M SORRY. I'M SORRY.

12 MR. SWERLING: I WOULD OBJECT. I THINK
13 HE SHOULD ASK HER A SPECIFIC QUESTION.

14 THE COURT: IT'S CROSS-EXAMINATION.
15 I'LL GIVE HIM A LITTLE LEEWAY.

16 Q DID YOU OR DIDN'T YOU DISCUSS --

17 A NO, I DON'T BELIEVE I DID.

18 Q YOU DID NOT?

19 A NO.

20 Q OKAY. ALL RIGHT. NOW, ON JULY 14TH,
21 1995, DO YOU RECALL YOUR HUSBAND GETTING UP IN THE
22 EARLY MORNING HOURS TO LEAVE IN A HURRY?

23 A THE PHONE IS RIGHT BY OUR BED. I WAS
24 AWAKE.

25 Q AND YOU KNEW WHERE HE WAS GOING?

- 1 A I JUST KNEW THAT HE WAS SUPPOSED TO GO
2 TO MS. BETSY'S. WE DID NOT KNOW WHERE BETSY LIVED.
3 Q RIGHT. BUT YOU KNEW HE WAS TO GO THERE
4 BECAUSE SHANNON WAS THERE?
5 A WE DID NOT KNOW SHANNON WAS THERE.
6 SHANNON CALLED AND SAID TO GET POPPA TO GO THERE.
7 SHE DID NOT TELL US THAT SHE WAS THERE.
8 Q OKAY. SO YOU KNEW THAT SHANNON HAD
9 CALLED?
10 A CORRECT.
11 Q AND YOU KNEW THAT SHANNON HAD CALLED
12 AND SAID, GET POPPA AND BRING HIM TO THE LIBBYS'?
13 A TO MS. BETSY'S.
14 Q TO MS. BETSY'S?
15 A RIGHT.
16 Q WHICH IS THE LIBBYS'?
17 A RIGHT.
18 Q AND YOU KNEW THAT?
19 A YES, I DID.
20 Q AND YOU KNEW HE WAS GOING TO GET YOUR
21 BROTHER TO GO THERE?
22 A YES.
23 Q AND WHAT DID YOU DO AFTER HE LEFT?
24 A I PROBABLY WENT DOWNSTAIRS AND DRANK
25 COFFEE.

- 1 Q AND CALLED THE LANDERS TO LET THEM
2 KNOW?
3 A I CALLED NO ONE.
4 Q YOU CALLED NO ONE?
5 A I CALLED NO ONE.
6 Q BUT YOU WERE UP?
7 A I PROBABLY WENT IN AND CHECKED ON MY
8 MOTHER.
9 Q WELL, YOU STAYED UP UNTIL YOU HEARD
10 BACK FROM HIM LATER ON THAT MORNING, DIDN'T YOU?
11 A I DON'T RECALL GOING TO BED AT ALL,
12 WHICH WAS NOT INFREQUENT FOR ME WITH MY MOTHER
13 BEING ILL.
14 Q AND LATER ON THAT MORNING, YOU KNEW
15 THAT THE CHILDREN WERE AT THE LIBBYS', DIDN'T YOU?
16 A I DID NOT KNOW ANYTHING.
17 Q YOU DIDN'T HEAR BACK --
18 A NO, I DID NOT KNOW THAT THE CHILDREN
19 WERE AT THE LIBBYS'. I DID NOT KNOW ANYTHING ABOUT
20 THE CHILDREN.
21 Q AT EIGHT O'CLOCK IN THE MORNING YOU
22 DIDN'T KNOW THAT?
23 A NO, I DID NOT.
24 Q TEN O'CLOCK IN THE MORNING?
25 A I DID NOT.

- 1 Q WHEN DID YOUR HUSBAND RETURN?
- 2 A MID-MORNING, I'M NOT SURE.
- 3 Q MID-MORNING BEING ELEVEN OR TWELVE?
- 4 A IT WAS LIGHT, THAT'S ALL I KNOW.
- 5 Q DID YOU KNOW THAT THEN?
- 6 A DID I KNOW WHAT?
- 7 Q THAT THE KIDS WERE OKAY AND STEPHEN WAS
- 8 IN THE HOSPITAL?
- 9 A I DID NOT KNOW ANYTHING ABOUT THE
- 10 CHILDREN.
- 11 Q YOU DIDN'T?
- 12 A NO, I DID NOT.
- 13 Q AT MID-MORNING?
- 14 A NO, I DID NOT.
- 15 Q LATER ON THAT AFTERNOON?
- 16 A I DON'T KNOW.
- 17 Q YOU DON'T KNOW --
- 18 A I DO KNOW THAT THEY HAD BEEN TAKEN TO
- 19 THE LANDERS'. I FOUND THAT OUT AT A DIFFERENT
- 20 TIME.
- 21 Q ALL RIGHT. LET ME ASK YOU, MA'AM, YOU
- 22 SAID THAT YOU RECALL, PRIOR TO THE 14TH, THAT YOU
- 23 KNEW THAT DEFENDANT BECKHAM WAS GOING TO TAKE THE
- 24 CHILDREN ON A VACATION; IS THAT CORRECT?
- 25 A THAT'S CORRECT.

1 Q AND YOU KNEW WHAT DAY THEY WERE GOING
2 TO LEAVE?

3 A HE WAS AT MY HOUSE ON THE FIRST OF JULY
4 FOR A BAR-B-QUE FOR HIS BIRTHDAY. WE SAT BY THE
5 POOL WHILE THE CHILDREN WERE SWIMMING.

6 Q AND THE --

7 A IT PROBABLY WAS MY SUGGESTION BACK IN
8 MAY OR SO.

9 Q IT WAS YOUR SUGGESTION TO DEFENDANT
10 STEPHEN BECKHAM?

11 A I KNEW THAT THEY HAD BEEN UNDER A
12 TERRIBLE STRAIN AND I TOLD HIM --

13 Q NO -- GO AHEAD. GO AHEAD.

14 A -- THAT HE AND THE CHILDREN WOULD NEED
15 TO GET OFF BY THEMSELVES.

16 Q SO IT WAS YOUR SUGGESTION THAT THEY
17 LEAVE?

18 A NO, IT WASN'T MY SUGGESTION. I MAY
19 HAVE SUGGESTED IN MAY OR SO THAT THEY WOULD NEED A
20 GOOD VACATION.

21 Q UH-HUH.

22 A TIME TOGETHER. QUALITY TIME WITHOUT
23 INTERFERENCE OR OTHER CHILDREN.

24 Q SO, IT WOULD BE A FAIR STATEMENT IF I
25 ASKED YOU, YOU KNOW A GOOD BIT ABOUT DEFENDANT

1 STEPHEN BECKHAM AND WHAT IS GOOD FOR HIM AND HIS
2 FAMILY; IS THAT CORRECT?

3 A I DON'T KNOW WHETHER I DO OR NOT.

4 Q WELL -- BUT YOU GENERALLY, IN JUNE OF
5 1994, KNEW A GOOD BIT ABOUT WHAT WAS GOING ON ON
6 THE BECKHAM PROPERTY WHERE HE LIVED, DIDN'T YOU?

7 A IN JUNE OF '94?

8 Q YES, MA'AM.

9 A OR '95?

10 Q '94. IN JUNE OF '94?

11 MR. SWERLING: JUDGE, I THINK HE NEEDS
12 TO PUT HER BACK IN A PROSPECTIVE. HE WAS TALKING
13 ABOUT '95, NOW HE'S BACK --

14 THE COURT: HE'S ASKING THE QUESTION
15 ABOUT '94.

16 MR. SWERLING: OKAY.

17 Q IN JUNE OF '94, YOU KNEW A GOOD BIT
18 ABOUT WHERE THE DEFENDANT STEPHEN BECKHAM WAS AND
19 THE PROPERTY THAT HE LIVED ON, DIDN'T YOU?

20 A YES.

21 MR. SWERLING: JUDGE, WE'RE LOOKING AT
22 GETTING A HEARSAY RESPONSES.

23 THE COURT: I UNDERSTAND IT. AND I AM
24 NOT GOING TO STOP IT FROM HERE ON OUT.

25 MR. JONES: YES, SIR.