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STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Appeal from Newberry County

S.C. Supreme Court

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

STEPHEN ANDREW BECKHAM,

PETITIONER,

vs.

STATE OF SOUTH CAROLINA,

RESPONDENT.

SUPPLEMENTAL APPENDIX

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

NEWBERRY, SOUTH CAROLINA
SEPTEMBER 14-OCTOBER 4, 1996

B E F O R E

HONORABLE HENRY F. FLOYD, JUDGE.

A P P E A R A N C E S

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

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

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Brenda A. Douglas, CVR
Certified Court Reporter
P. O. Box 2896
Aiken, South Carolina 29802

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BISHOP WILLIAM BECKHAM:

DIRECT BY SWERLING	4554
CROSS BY MCMAHON	4606
REDIRECT BY SWERLING	4694
RECROSS BY MCMAHON	4699

STEPHEN ANDREW BECKHAM(IN CAMERA):

BY COURT	4705
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LADONNA Z [REDACTED]:

DIRECT BY SWERLING	4731
CROSS BY JONES	4773
REDIRECT BY SWERLING	4816

1 THE COURT: OKAY?

2 MR. JONES: YES, SIR.

3 Q AND ALTHOUGH YOU KNEW A GREAT DEAL
4 ABOUT WHERE DEFENDANT STEPHEN BECKHAM WAS IN JUNE
5 OF 1994, YOU CANNOT TELL THIS JURY OF YOUR OWN
6 PERSONAL KNOWLEDGE WHERE HE WAS ON JUNE 12TH, 1994
7 BETWEEN 6:20 P.M. IN THE AFTERNOON AND 6:33, 6:33,
8 CAN YOU?

9 A STEPHEN DID NOT REPORT HIS TIMES TO ME.

10 Q IS THAT YOUR ANSWER?

11 A YES, SIR, IT IS.

12 Q THANK YOU.

13 THE COURT: ANYTHING ON REDIRECT?

14 MR. SWERLING: NO, SIR.

15 THE COURT: THANK YOU, MA'AM. YOU MAY
16 STEP DOWN.

17 CALL YOUR NEXT WITNESS.

18 MR. SWERLING: WE CALL BISHOP WILLIAM
19 BECKHAM, YOUR HONOR.

20 BISHOP WILLIAM BECKHAM, BEING
21 DULY SWORN, TESTIFIED AS FOLLOWS:

22 THE CLERK: HAVE A SEAT AND STATE YOUR
23 FULL NAME FOR THE RECORD.

24 THE WITNESS: WILLIAM ARTHUR BECKHAM.

25 DIRECT EXAMINATION:

- 1 BY MR. SWERLING:
- 2 Q GOOD MORNING, BISHOP.
- 3 A GOOD MORNING.
- 4 Q YOU ARE BISHOP WILLIAM BECKHAM?
- 5 A YES, SIR.
- 6 Q AND BISHOP BECKHAM, WHERE DO YOU LIVE?
- 7 A I LIVE IN POMARIA ON 4684, HIGHWAY 773.
- 8 Q AND YOU ARE MARRIED TO HARRIET BECKHAM?
- 9 A I AM.
- 10 Q AND HOW MANY CHILDREN DO YOU HAVE?
- 11 A I HAVE THREE LIVING. I HAD FOUR. MY
- 12 SON, MICHAEL, DIED IN 1988.
- 13 Q AND HOW MANY GRANDCHILDREN DO YOU HAVE?
- 14 A SEVEN.
- 15 Q AND ON YOUR PROPERTY RIGHT NOW -- WELL,
- 16 ACTUALLY, IN JUNE OF 1994, WHO WAS LIVING ON YOUR
- 17 PROPERTY?
- 18 A JAMIE, IN A LITTLE HOUSE NEXT DOOR,
- 19 WHICH WAS AT ONE TIME A TENANT HOUSE.
- 20 Q IS JAMIE YOUR GRANDSON?
- 21 A HE'S A GRANDSON. JAMIE SUBER. AND
- 22 STEPHEN IN THE MOBILE HOME.
- 23 Q AND WHEN DID YOU BUY THAT PROPERTY?
- 24 A I BOUGHT THAT PROPERTY IN 1973, I
- 25 BELIEVE IT WAS, OR '4.

- 1 Q NOW -- WELL, JUST FOR -- JUST A LITTLE
2 BIT OF HISTORICAL INFORMATION, YOU HAVE BEEN A
3 MEMBER OF THE CLERGY FOR HOW LONG?
- 4 A SINCE 1954, SO THAT WOULD BE 42 YEARS.
- 5 Q AND WHAT IS THE FAITH?
- 6 A THE EPISCOPAL CHURCH.
- 7 Q AND DURING THAT PERIOD OF TIME, HAVE
8 YOU HAD YOUR OWN CONGREGATIONS?
- 9 A YES, SIR.
- 10 Q HAVE THEY BEEN PRIMARILY IN SOUTH
11 CAROLINA?
- 12 A THEY HAVE ALL BEEN IN THIS DIOCESE.
- 13 Q AND HOW MANY CHURCHES ARE IN THE
14 DIOCESE?
- 15 A THERE ARE 63.
- 16 Q NOW, THE DIOCESE IN SOUTH CAROLINA IS
17 BROKEN UP INTO TWO DIVISIONS?
- 18 A THAT'S CORRECT.
- 19 Q THE UPPER AND THE LOWER?
- 20 A RIGHT.
- 21 Q AND WHAT DOES THE UPPER ENCOMPASS?
- 22 A IT ENCOMPASSES YORK COUNTY, LANCASTER
23 COUNTY, KERSHAW, RICHLAND, LEXINGTON, AIKEN AND
24 EVERYTHING NORTH AND WEST OF THAT.
- 25 Q NORTHWEST?

- 1 A CORRECT.
- 2 Q UPPER END OF THE STATE?
- 3 A UH-HUH, INCLUDING OCONEE.
- 4 Q AND GREENVILLE, PICKENS, THOSE AREAS?
- 5 A YES, SIR.
- 6 Q OKAY. NOW, AT SOME POINT -- WHERE WAS
- 7 YOUR CONGREGATION, YOUR LAST CONGREGATION?
- 8 A IN GREENWOOD.
- 9 Q ALL RIGHT. AND HOW LONG WERE YOU
- 10 THERE?
- 11 A ALMOST SIX YEARS.
- 12 Q AND AFTER YOUR CONGREGATION IN
- 13 GREENWOOD, SOUTH CAROLINA, WHAT DID YOU DO?
- 14 A I WAS APPOINTED ARCH DEACON OF THE
- 15 DIOCESE, WHICH IS THE BISHOP'S ASSISTANT FOR --
- 16 WELL, MINE WAS A LOT MORE THAN JUST ARCH DEACON.
- 17 IT WAS ADMINISTRATION AND FINANCE, MISSIONS,
- 18 CONGREGATIONS AND A LOT OF OTHER THINGS.
- 19 Q AND HOW LONG WERE YOU ARCH DEACON?
- 20 A FIFTEEN YEARS.
- 21 Q AND WHERE WERE YOU STATIONED OR I GUESS
- 22 IT'S --
- 23 A WELL, COLUMBIA.
- 24 Q COLUMBIA. YOU WERE LIVING IN COLUMBIA?
- 25 A I LIVED IN WHITE HALL, WHICH IS IN THE

1 ST. ANDREWS AREA.

2 Q AND AFTER YOUR FIFTEEN YEARS AS ARCH
3 DEACON, DID YOU BECOME BISHOP?

4 A YES, SIR.

5 Q AND AS BISHOP, WHAT WERE YOUR
6 RESPONSIBILITIES?

7 A WELL, AS BISHOP, YOU'RE THE CHIEF
8 PASTOR OF THE DIOCESE. YOU DO ALL THE ORDINATIONS,
9 ALL THE CONFIRMATIONS. ANYONE, AS A MATTER OF FACT
10 IN THE EPISCOPAL CHURCH WHO CELEBRATES THE HOLY
11 COMMUNION OR BAPTIZES DOES IT ON THE BISHOP'S
12 BEHALF.

13 Q AND THAT WAS OF THE ENTIRE UPPER
14 DIOCESE?

15 A THAT'S CORRECT.

16 Q SO, DID YOU HAVE A CONGREGATION
17 YOURSELF OR WAS IT AN ADMINISTRATIVE OVER THE
18 ENTIRE DIOCESE?

19 A I WAS IN A DIFFERENT CHURCH EVERY
20 SUNDAY.

21 Q AND THAT WAS SOME SIXTY-THREE CHURCHES,
22 I BELIEVE YOU SAID?

23 A YES, SIR.

24 Q AND ALSO, DID YOU SERVE ON A COUNCIL
25 FOR THE EPISCOPAL CHURCH.

- 1 A YES, I'VE SERVED ON A LOT OF THOSE. I
2 HAVE CHAIRED THE STANDING COMMISSION FOR THE CHURCH
3 IN SMALL COMMUNITIES, THE STANDING COMMISSION ON
4 STRUCTURE, NATIONALLY FOR THE CHURCH, SERVED ON THE
5 COMMISSION ON MINISTRY. I STILL CHAIR THE CHURCH
6 PENSION FUND BOARD WITH ALL OF IT'S AFFILIATES,
7 CHURCH INSURANCE.
- 8 Q THAT'S NATIONALLY?
- 9 A IT'S INTERNATIONAL.
- 10 Q INTERNATIONAL. SO YOU'RE THE
11 INTERNATIONAL CHAIR OF THE --
- 12 A PENSION FUND.
- 13 Q -- EPISCOPAL CHURCH PENSION FUND?
- 14 A YES, SIR.
- 15 Q OKAY. AND I IMAGINE THAT INCLUDES
16 QUITE A BIT OF CONGREGATIONS AND MINISTERS?
- 17 A EVERYBODY WHO'S ATTACHED TO THE
18 EPISCOPAL CHURCH IN THIS COUNTRY.
- 19 Q IT COMES UNDER THAT?
- 20 A YES, SIR.
- 21 Q AND YOU'RE THE DIRECTOR OR CHAIR OF
22 THAT?
- 23 A CHAIR OF THAT BOARD.
- 24 Q HOW LONG HAVE YOU BEEN DOING THAT?
- 25 A SINCE 1984.

1 Q NOW, AT SOME POINT IN THE LAST COUPLE
2 OF YEARS, DID YOU RETIRE AND SETTLE DOWN A LITTLE?

3 A I HAVEN'T SETTLED DOWN. I HAVEN'T HAD
4 A CHANCE FOR THAT, BUT RETIRED JANUARY 1, '95.

5 Q AND YOU AND YOUR WIFE, HARRIET,
6 CURRENTLY LIVE IN POMARIA?

7 A THAT'S CORRECT.

8 Q ON THE PROPERTY?

9 A YES, SIR.

10 Q NOW, SOMETIME IN MID-MARCH OR LATER
11 MARCH OF 1994, DID STEPHEN COME TO LIVE ON THE
12 PROPERTY?

13 A THAT'S CORRECT. IT ALL STARTED WHEN MY
14 LAST CONVENTION AS BISHOP OF THE DIOCESE, AND I
15 CAME HOME AND LEARNED THAT VICKI HAD MOVED OUT,
16 USING MY TRUCK, AS A MATTER OF FACT. AND THEN, THE
17 END OF MARCH, THEY WANTED TO MOVE AWAY FROM
18 ANDERSON STREET AND --

19 Q THAT WAS IN PROSPERITY?

20 A THAT WAS IN PROSPERITY. AND STEPHEN
21 AND ALL THE CHILDREN AND HARRIET AND I LOOKED AT
22 MOBILE HOMES EVERYWHERE, ORANGEBURG, EVERYWHERE
23 ELSE. AND WE GOT ONE THAT SHANNON, ANDREW AND
24 STEPHEN PICKED.

25 Q AND DID -- WHERE DID YOU DECIDE TO PUT

1 THE MOBILE HOME?

2 A WHERE ONE HAD BEEN -- WELL, TWO HAD
3 BEEN THERE PREVIOUSLY. MY DAUGHTER AND HER HUSBAND
4 AND JAMIE HAD BEEN THERE WHEN HE WAS A BABY.
5 MICHAEL, THE SON WHO DIED, AND SUSIE AND THEIR
6 CHILD LIVED DOWN THERE, ALSO. SO THERE WAS A
7 SEPTIC TANK, THERE WAS A POWER POLE. THERE HAD
8 BEEN A WATER LINE, WHICH HAD BEEN CUT, AND IT WAS
9 OFF OF OUR WELL, WHICH IS NO LONGER OPERATING. SO
10 WE HAD TO RUN WATER.

11 Q SO IN MID-MARCH TO LATE MARCH, DID
12 STEPHEN AND THE CHILDREN MOVE INTO THE MOBILE HOME?

13 A YES, THEY DID.

14 Q ALL RIGHT. NOW, IN GOING DOWN THERE
15 AND BRINGING THE MOBILE HOME ONTO THE PROPERTY, WAS
16 THERE WORK THAT HAD TO BE DONE IN CLEARING?

17 A YES, SIR. I THINK IT WAS MR. EPTON
18 THAT DID THE CLEARING WITH A--GETTING A LOT OF
19 STUMPS; THE PROPERTY HAD BEEN TIMBERED EARLIER.
20 SO HE GOT -- CAN I HAVE A SIP OF THAT WATER?

21 Q YES, I'LL GET IT.

22 A HE GOT STUMPS OUT AND LEVELED. SO IT
23 WAS ALL CLEAR BETWEEN THAT HOME AND THE POND AND UP
24 TO OUR HOUSE. THAT HAD BEEN -- WHAT'S HIS BACK
25 YARDS -- BACK YARD HAD BEEN WOODS.

- 1 Q NOW, WAS THERE A LOT OF WORK BEING DONE
2 ON THE PROPERTY, NOT ONLY IN CONNECTION WITH
3 PUTTING THE MOBILE HOME THERE, BUT OTHER AREAS OF
4 THE PROPERTY, THROUGHOUT THE SPRING AND INTO THE
5 SUMMER OF 1994?
- 6 A YES, SIR. WELL, IT STOPPED IN THE
7 SUMMER.
- 8 Q OKAY. BUT WHAT WAS BEING DONE? NOT
9 ONLY JUST MOVING THE MOBILE HOME THERE, BUT WAS
10 THERE OTHER CLEARING BEING DONE?
- 11 A YES, SIR.
- 12 Q AND WHO WAS DOING THAT REALLY, I GUESS?
- 13 A WELL, STEPHEN WAS DOING MOST OF IT.
- 14 Q ALL RIGHT. AND WAS THERE OCCASION OR
15 FREQUENT OCCASIONS WHEN THERE WOULD BE DEBRIS,
16 TREES, LIMBS, THINGS OF THAT NATURE AROUND THE
17 PROPERTY?
- 18 A THAT'S CORRECT.
- 19 Q AND WAS IT FREQUENT THAT YOU'D HAVE
20 FIRES?
- 21 A YES, SIR.
- 22 Q AND WHAT WAS THE PURPOSE OF HAVING THE
23 FIRES?
- 24 A TO GET RID OF THE DEBRIS.
- 25 Q NOW THIS WENT INTO JUNE OF 1994?

- 1 A YES, SIR, THAT WAS NOT AT ALL AN
2 UNCOMMON OCCASION. AS A MATTER OF FACT, I'VE HAD
3 THE SAME THING MYSELF, AND FORGOT TO CALL FORESTRY
4 SERVICE AND GOT FUSSED AT ONCE.
- 5 Q FOR NOT --
- 6 A FOR NOT LETTING THEM KNOW.
- 7 Q OKAY. NOW -- ALSO, THERE'S SOME
8 PHOTOGRAPHS IN EVIDENCE ABOUT SOME DOG PENS RIGHT
9 OUTSIDE OF YOUR HOUSE?
- 10 A UH-HUH.
- 11 Q AND HAVE THERE BEEN DOGS THERE?
- 12 A YES, SIR.
- 13 Q AND WERE THERE DOGS THERE IN JUNE OF
14 1994?
- 15 A YES, SIR.
- 16 Q THE -- DO THE DOGS BARK WHEN PEOPLE
17 APPROACH THE HOUSE OR ARE NEAR THE HOUSE?
- 18 A THEY DO.
- 19 Q AND IS THERE ANY PROBLEM HEARING THAT,
20 IS IT AUDIBLE?
- 21 A NONE AT ALL.
- 22 Q ARE THEY PRETTY VOCAL ABOUT PEOPLE
23 APPROACHING THE HOUSE?
- 24 A WELL, WE HAVE ONE DOG THAT'S NOT. SHE
25 JUST WANTS TO LICK EVERYBODY, BUT THE OTHERS BARK.

- 1 Q OKAY. GOOD WATCH DOGS?
- 2 A YES, SIR.
- 3 Q NOW, WHEN STEPHEN AND THE CHILDREN
- 4 MOVED INTO THE HOUSE IN POMARIA, THE MOBILE HOME IN
- 5 POMARIA, DID VICKI EVER LIVE THERE?
- 6 A NO, SIR.
- 7 Q SO, THEY HAD ALREADY SEPARATED AT THAT
- 8 TIME?
- 9 A THAT'S CORRECT.
- 10 Q AND YOU'RE FAMILIAR -- AND I'M NOT
- 11 GOING TO GO INTO IT AT THIS TIME, BUT YOU'RE
- 12 FAMILIAR WITH THE VISITATION, THE WAY IT WAS
- 13 ALTERNATING AND THE WEEKENDS?
- 14 A I'M NOT SURE I EVER UNDERSTOOD IT.
- 15 Q OKAY.
- 16 A OR EVER APPROVED, BUT...
- 17 Q ALL RIGHT. BUT THE FACT OF THE MATTER
- 18 IS THE CHILDREN WERE THERE SOMETIME AND THEY WERE
- 19 WITH VICKI SOMETIME?
- 20 A THAT'S CORRECT.
- 21 Q AND YOUR RELATIONSHIP WITH VICKI WAS
- 22 WHAT?
- 23 A VICKI WAS LIKE A DAUGHTER. I HAD LOVED
- 24 VICKI BEFORE THEY WERE MARRIED.
- 25 Q YOU WERE VERY CLOSE TO HER?

- 1 A YES, SIR.
- 2 Q THE SEPARATION UPSET YOU?
- 3 A YES, SIR.
- 4 Q NOW, YOU KNOW -- WERE YOU FAMILIAR WITH
- 5 THE CAR THAT VICKI DROVE?
- 6 A YOU KNOW, I HAD NEVER BEEN IN IT, BUT I
- 7 HAD SEEN IT. I HAD SEEN IT WITH VICKI DRIVING IT,
- 8 WITH STEPHEN DRIVING WITH VICKI, WITH THE SENATOR
- 9 DRIVING IT?
- 10 Q IS IT AUTOMATIC OR STICK SHIFT?
- 11 A IT WAS STICK SHIFT.
- 12 Q OKAY. NOW --
- 13 A ANDREW LIKED THAT AND SHANNON DIDN'T.
- 14 Q OKAY. NOW, LET ME GO TO JUNE 12TH,
- 15 SKIP TO THE DAY VICKI DIED. DO YOU RECALL THAT
- 16 DAY?
- 17 A YES, SIR.
- 18 Q WILL YOU EVER FORGET THAT DAY?
- 19 A NO, SIR.
- 20 Q NOW, IN THAT MORNING, WOULD YOU TELL
- 21 THE JURY WHAT YOUR ROUTINE WAS, AS IT IS IN MOST
- 22 SUNDAY MORNINGS?
- 23 A YES, SIR. I HAD A VISITATION AT THE
- 24 CHURCH OF THE CROSS, WHICH IS ON PATTERSON ROAD IN
- 25 COLUMBIA, OUT NEAR THE VETERAN'S HOSPITAL. IT WAS

- 1 A TEN O'CLOCK SERVICE, WITH A CONFIRMATION AND
2 BAPTISM, REAFFIRMATION, ALL OF THOSE THINGS.
- 3 Q NOW, YOU SAY IT'S A VISITATION. WHAT
4 IS THAT?
- 5 A ONE OF THE BISHOP'S ROLES IS THAT HE
6 MAKES OFFICIAL VISITATIONS TO CONGREGATIONS.
7 UNLIKE THE LUTHERAN CHURCH, PEOPLE ARE ONLY
8 CONFIRMED BY THE BISHOP IN THE EPISCOPAL CHURCH.
9 AND I DID, IN FIFTEEN YEARS, TEN THOUSAND PEOPLE.
- 10 Q YOU MEAN THROUGHOUT YOUR ENTIRE
11 DIOCESE, THE ONLY ONE THAT DOES A BAPTISM --
- 12 A IS THE BISHOP.
- 13 Q -- IS THE BISHOP?
- 14 A THAT'S CORRECT. NOT A -- CONFIRMATION.
- 15 Q CONFIRMATION, I'M SORRY.
- 16 A YES, SIR.
- 17 Q AND I BELIEVE, ALSO, DO YOU DO THE
18 ORDINATIONS?
- 19 A YES, SIR.
- 20 Q IS THAT THE PROPER WORD?
- 21 A THAT'S CORRECT. THAT'S CORRECT.
- 22 Q AND IN FACT, YOU DID REVEREND LIBBY'S?
- 23 A YES, I DID.
- 24 Q TEN THOUSAND?
- 25 A YES, SIR. I WISH THEY WERE ALL ACTIVE.

- 1 Q ON THAT DAY, SO YOU WENT TO A CHURCH IN
2 COLUMBIA?
- 3 A YES, SIR.
- 4 Q AND DO YOU RECALL WHEN YOU LEFT IN THE
5 MORNING?
- 6 A I LEFT AT EIGHT O'CLOCK FOR A TEN
7 O'CLOCK SERVICE.
- 8 Q IS STEPHEN'S HOUSE -- OR STEPHEN'S
9 HOME, WAS THAT CLEARLY VISIBLE FROM WHERE YOU --
- 10 A OH, YES, SIR.
- 11 Q AND WAS JAMIE'S?
- 12 A YES, SIR.
- 13 Q BEING FROM WHERE YOU WERE AND SORT OF
14 THE PATRIARCH OF THE FAMILY, ALSO, COULD YOU SEE
15 WHAT YOUR CHILDREN AND GRANDCHILDREN WERE DOING?
- 16 A YES, SIR. WE HAVE THIRTY FEET OF GLASS
17 AROUND THAT ROOM, TWO SIDES OF IT ARE TOTALLY
18 GLASS.
- 19 Q AND CAN YOU SEE THE PEOPLE APPROACHING
20 EITHER HOUSE?
- 21 A YES, SIR.
- 22 Q AS WELL AS YOUR OWN?
- 23 A UH-HUH. WELL, NOW I CAN SEE THEM
24 BETTER FOR OTHER HOUSES THAN I CAN FROM MY OWN.
- 25 Q IF YOU'RE IN THE BACK OF YOUR HOUSE?

- 1 A RIGHT.
- 2 Q NOW, ON THAT MORNING WHEN YOU LEFT, DID
- 3 YOU OBSERVE WHETHER OR NOT STEPHEN WAS HOME OR NOT?
- 4 A HIS CAR WAS THERE.
- 5 Q AND WHAT KIND OF CAR WAS THAT AGAIN?
- 6 A THAT WAS THE HONDA. THAT'S HIS
- 7 MOTHER'S CAR. IN MY NAME, BUT IT'S HIS MOTHER'S
- 8 CAR.
- 9 Q OKAY, BUT IT'S REGISTERED TO --
- 10 A TO ME.
- 11 Q -- YOU?
- 12 A YES, SIR.
- 13 Q NOW, DID YOU -- YOU WENT ON TO
- 14 COLUMBIA. DO YOU RECALL ABOUT WHAT TIME YOU GOT
- 15 HOME?
- 16 A I GOT HOME JUST A COUPLE MINUTES BEFORE
- 17 THREE.
- 18 Q AND WHEN YOU PULLED IN, DID YOU OBSERVE
- 19 WHETHER OR NOT STEPHEN WAS DOWN THERE OR NOT?
- 20 A STEPHEN WAS THERE AND THERE WAS ALSO
- 21 ANOTHER CAR THERE.
- 22 Q AND THE OTHER CAR, DID YOU LATER FIND
- 23 OUT WHO OWNED THAT CAR?
- 24 A I LATER FOUND OUT, A GOOD BIT LATER.
- 25 Q AND WHO WAS THAT?

- 1 A THAT WAS AILENE HURST.
- 2 Q NOW, DID YOU CALL STEPHEN IMMEDIATELY
- 3 UPON YOUR ARRIVAL THERE OR DID YOU AND YOUR WIFE GO
- 4 INTO THE HOUSE?
- 5 A NO, SIR, HE HAD COMPANY. WE WENT IN
- 6 THE HOUSE.
- 7 Q NOW, SOMETIME THAT AFTERNOON, DO YOU
- 8 RECALL CALLING STEPHEN?
- 9 A I DID, AFTER THAT CAR HAD LEFT.
- 10 Q ALL RIGHT. DO YOU RECALL APPROXIMATELY
- 11 WHAT TIME THAT WAS?
- 12 A IT WAS SOMEWHERE AROUND FIVE O'CLOCK.
- 13 MR. SWERLING: YOUR HONOR, I'M GOING TO
- 14 MAKE A CHART, IF I CAN.
- 15 Q SO YOU GOT HOME YOU SAID APPROXIMATELY
- 16 WHAT TIME?
- 17 A A COUPLE MINUTES BEFORE THREE.
- 18 Q SO, YOU SAY AROUND THREE.
- 19 A AROUND THREE.
- 20 Q SO YOU WERE HOME AND SAW TWO CARS AT
- 21 STEPHEN'S?
- 22 A RIGHT.
- 23 Q NOW, YOU SAID YOU MADE A PHONE CALL TO
- 24 STEPHEN'S -- AND LET ME --
- 25 A SOMEWHERE AROUND FIVE O'CLOCK.

- 1 Q LET ME SHOW YOU ONE OF THE LOGS IN
2 DEFENDANT'S EXHIBIT NO. 24, WHICH WAS SOME LOCAL
3 CALLS THAT WERE OBTAINED BY THE STATE.
4 A OKAY.
5 Q OKAY? AND CAN YOU IDENTIFY THE PHONE
6 NUMBERS ON THAT LOG?
7 A 276-4528 IS MY NUMBER.
8 Q OKAY.
9 A 276-1566 WAS STEPHEN'S NUMBER.
10 Q OKAY. AND WHAT DOES THAT LOG SHOW?
11 A IT SHOWS THAT AT 5:10 THERE WAS A 28.2
12 SECOND CALL.
13 Q AND DOES THAT SOUND LIKE THE PHONE CALL
14 THAT YOU MADE WHEN YOU SAID AROUND FIVE O'CLOCK?
15 A YES, SIR.
16 Q SO AT 5:10, YOU CALLED YOUR SON. DID
17 YOU SPEAK WITH HIM?
18 A YES, SIR, BRIEFLY.
19 Q AND DO YOU RECALL WHAT THE PURPOSE OF
20 THE PHONE CALL WAS, WITHOUT GOING INTO WHAT IT WAS,
21 WHAT HE SAID?
22 A I ASKED HIM IF HE AND THE CHILDREN
23 WOULD LIKE TO GO TO QUINCY'S OR ORANDA'S.
24 Q OKAY. NOW, DID YOU KNOW THE CHILDREN
25 WERE COMING BACK THAT NIGHT?

- 1 A YES, SIR.
- 2 Q OKAY. AND THAT WAS THE VISITATION
- 3 SCHEDULE?
- 4 A UH-HUH.
- 5 Q ALL RIGHT. WAS IT A LONG CALL, A BRIEF
- 6 CALL?
- 7 A VERY BRIEF.
- 8 Q NOW, YOU SPOKE WITH YOUR SON AT 5:10
- 9 P.M.; IS THAT CORRECT?
- 10 A THAT'S CORRECT.
- 11 Q WAS HE AT HIS HOME WHEN YOU SPOKE WITH
- 12 HIM?
- 13 A YES, SIR.
- 14 Q COULD HE HAVE BEEN AT TANNER'S AT 5:03
- 15 OR 5:04?
- 16 A HE SURE WOULD HAVE HAD TO HAVE A
- 17 HELICOPTER.
- 18 Q NOW, WHAT DID YOU DO FROM THE TIME YOU
- 19 SPOKE TO YOUR SON UNTIL THE NEXT TIME YOU HAD
- 20 CONTACT WITH HIM?
- 21 A WELL, MAINLY, READ THE PAPER. WE NEVER
- 22 GOT TO READ IT ON SUNDAY MORNING. I WENT FOR
- 23 SIXTEEN YEARS WITHOUT EVER SEEING A PROFESSIONAL
- 24 FOOTBALL GAME ON SUNDAY.
- 25 Q THAT'S UNDERSTANDABLE. NOW, DID YOU

1 HEAR FROM STEPHEN AT -- OR SPEAK WITH HIM AGAIN
2 BEFORE SIX O'CLOCK?
3 A HE CALLED ME BACK IN ABOUT THIRTY
4 MINUTES -- WELL, CALLED BACK UP THERE.
5 Q OKAY. AND LET ME SHOW YOU ONE OF THE
6 LOGS IN DEFENDANT'S EXHIBIT 24, AGAIN. AND DO YOU
7 RECOGNIZE THOSE PHONE NUMBERS?
8 A YES, SIR. 276-1566 WAS HIS. 276-4528
9 IS OURS.
10 Q AND THE RECORDS THAT SLED OBTAINED, DO
11 THEY SHOW WHAT TIME THAT PHONE CALL WAS MADE?
12 A IT WAS AT 5:51.
13 Q AND THAT PHONE CALL WAS FROM WHO TO
14 WHO?
15 A THAT WAS STEPHEN TO OUR HOUSE.
16 Q ALL RIGHT. AND DID YOU SPEAK WITH HIM?
17 A YES, I DID, I ANSWERED IT.
18 Q AND WHAT WAS THE LENGTH OF THAT PHONE
19 CALL?
20 A THAT WAS ONE MINUTE AND EIGHT SECONDS.
21 Q THAT'S 5:51, RIGHT?
22 A I THINK THAT'S CORRECT.
23 Q OKAY. NOW, AT -- THAT WAS AT 5:51.
24 NOW, THAT EVENING, DID -- AT SOME POINT, DID THE
25 CHILDREN START ARRIVING AT YOUR HOUSE?

- 1 A THEY CAME -- I SAW VICKI'S CAR COME UP,
2 JUST THE FRONT OF IT, ABOUT 6:15 OR A LITTLE AFTER.
- 3 Q SO AT 6:15 YOU SAW VICKI'S CAR ARRIVE,
4 OR A LITTLE AFTER?
- 5 A YES, SIR.
- 6 Q ALL RIGHT. AND HOW LONG AFTER -- HOW
7 LONG AFTER -- AT 6:15 OR SHORTLY THEREAFTER, VICKI
8 ARRIVED. WHO WAS THE FIRST CHILD UP AT THE HOUSE?
- 9 A SAMUEL.
- 10 Q AND APPROXIMATELY WHAT TIME DID SAMUEL
11 GET TO THE HOUSE?
- 12 A BEFORE 6:20, YOU KNOW, IF IT WAS AT
13 6:15 THING. BEFORE 6:20.
- 14 Q SO SOMEWHERE AROUND SIX --
- 15 A HE CAME STRAIGHT UP.
- 16 Q SO SHORTLY -- BEFORE 6:20?
- 17 A YES, SIR.
- 18 Q SOMEWHERE BETWEEN ABOUT 6:18, 6:17,
19 SOMEWHERE IN THAT AREA?
- 20 A YES, SIR, SOMEWHERE IN THAT AREA.
- 21 Q SO IT WAS JUST A MOMENT?
- 22 A YEAH, WE -- HARRIET AND I WERE WATCHING
23 HIM AND COMMENTED ON HOW CUTE HE WAS COMING UP. HE
24 ALWAYS SORT OF DID THIS WHEN HE WALKED.
- 25 Q OKAY. AND THEN WHO WAS THE NEXT ONE

- 1 UP?
- 2 A ANDREW.
- 3 Q AND IF SAMUEL CAME AT AROUND 6:18, HOW
- 4 QUICKLY DID ANDREW GET THERE?
- 5 A NOT TOO LONG BEHIND HIM. I DIDN'T SEE
- 6 ANDREW WHEN SAMUEL WAS COMING UP. BUT ANDREW CAME
- 7 UP, YOU KNOW, SAMUEL WASN'T IN THE HOUSE AND INTO
- 8 THE TOY BOX MUCH BEFORE ANDREW WAS THERE.
- 9 Q WOULD YOU SAY A MINUTE OR TWO?
- 10 A MINUTE OR TWO, YES, SIR.
- 11 Q SO WE'LL SAY 6:19 TO 6:20.
- 12 A RIGHT. AND I OPENED THE DOOR FOR BOTH
- 13 OF THEM. WE HAVE RATHER STEEP STEPS AND THE DOOR
- 14 SWINGS OUT, THAT USED TO BE A PORCH AND IT SWINGS
- 15 OUT. SO I, YOU KNOW, YOU'RE AFRAID THEY'LL PULL
- 16 THEMSELVES DOWN THE STEPS.
- 17 Q NOW, DID YOU GREET BOTH OF THE KIDS?
- 18 A YES, I DID.
- 19 Q AND WAS ANYBODY ELSE IN THE HOME AT
- 20 THAT TIME?
- 21 A HARRIET, MY WIFE.
- 22 Q NOW, DID YOU SEE SHANNON AND LADONNA?
- 23 A I SAW THEM LATER WHEN THEY CAME UP.
- 24 BUT BETWEEN --
- 25 Q NO, I WAS GOING TO ASK YOU. BUT YOU

- 1 SAW SHANNON AND LADONNA?
- 2 A YES, SIR.
- 3 Q AND ALSO, DID A COUPLE BY THE NAME OF
- 4 FIELDS --
- 5 A THEY CAME ABOUT THE SAME TIME, RIGHT
- 6 BEHIND THEM.
- 7 Q PRIOR TO SHANNON AND LADONNA COMING UP,
- 8 DID YOU HAVE AN OCCASION TO SEE YOUR SON?
- 9 A YES, I DID. HE WAS ON THE DAM.
- 10 Q ALL RIGHT, NOW. LET ME -- I'VE GOT
- 11 SOME PHOTOGRAPHS HERE. IS THIS -- CAN YOU
- 12 RECOGNIZE THAT PICTURE?
- 13 A YES, SIR.
- 14 Q OKAY. AND WHAT IS THAT A PHOTOGRAPH
- 15 OF?
- 16 A THAT'S A PHOTOGRAPH OF THE POND.
- 17 THERE'S DUCKWEED ALL OVER IT.
- 18 Q AND HERE'S IS A -- WHAT IS THAT CALLED?
- 19 A DUCKWEED.
- 20 Q DUCKWEED, OKAY. AND THIS IS EXHIBIT
- 21 50, IS THAT ANOTHER PHOTOGRAPH OF THE POND?
- 22 A IT'S ALMOST THE SAME.
- 23 Q AND PHOTOGRAPH 51, THAT'S LOOKING UP
- 24 FROM THE POND?
- 25 A THAT'S CORRECT.

1 Q ALL RIGHT. THE AREA YOU'RE REFERRING
2 TO, CAN YOU SEE IT ON THAT, ON THOSE PHOTOGRAPHS?
3 WHERE YOU SAID YOU SAW STEPHEN?

4 A OH, YES, SIR. YES, SIR.

5 Q WOULD YOU COME DOWN HERE AND JUST SHOW
6 THE JURY, JUST POINT WITH YOUR FINGER IF YOU WOULD,
7 AND SHOW THE JURY WHERE YOU SAW STEPHEN.

8 A THIS IS THE DAM ALL THE WAY ACROSS
9 HERE. STEPHEN WAS RIGHT NEAR THE SPILLWAY, WALKING
10 THAT WAY.

11 Q NOW, IN RELATIONSHIP TO WHEN YOU SAW
12 ANDREW AND IN RELATIONSHIP TO WHEN YOU SAW LADONNA,
13 HOW LONG AFTER YOU SAW ANDREW DID YOU SEE STEPHEN
14 OUT THERE?

15 A WASN'T TOO LONG, I IMAGINE IT WAS --
16 AND THIS REALLY IS BECAUSE NOBODY WAS LOOKING AT
17 CLOCKS. WHEN ANDREW CAME IN, I HAD A --

18 Q WE HAVE ANDREW DOWN AS 6:19, 6:20.

19 A YES, SIR. WHEN ANDREW CAME IN, HE DID
20 WHAT HE ALWAYS DOES, HE SAT ON MY LAP. AND I SAID,
21 ANDREW -- THIS IS OUR LITTLE THING WE GO THROUGH.
22 I SAID, ANDREW, IT'S HOT AND YOU'RE GETTING A
23 LITTLE BIG FOR THIS.

24 Q HE WAS.

25 A AND HIS COMMENT WAS, YOU BETTER GET

1 USED TO IT, OLD MAN, I'M GOING TO SIT ON YOU AS
2 LONG AS YOU LIVE. SO ANDREW WAS SITTING IN MY LAP.
3 Q AND SO IT WOULD BE HOW MANY MINUTES
4 AFTER YOU SAW ANDREW THAT YOU MADE THE OBSERVATION
5 OF STEPHEN DOWN AT THE DAM?
6 A JUST SEVERAL MINUTES.
7 Q WOULD FOUR OR FIVE --
8 A LESS THAN FIVE, I WOULD THINK.
9 Q LESS THAN FIVE?
10 A PROBABLY.
11 Q FOUR MINUTES?
12 A SOMEWHERE IN THERE, YES, SIR.
13 Q SO ABOUT 6:23 TO 6:24?
14 A UH-HUH.
15 Q DEPENDING UPON WHEN ANDREW GOT THERE --
16 A YES, SIR.
17 Q -- 6:19, 6:20, YOU SAW STEPHEN ACROSS
18 THE... ALL RIGHT. WHAT WAS STEPHEN DOING WHEN YOU
19 SAW HIM?
20 A HE WAS LOOKING FOR SOMETHING ON THE
21 DAM. I DIDN'T KNOW AT THAT TIME WHAT IT WAS.
22 Q NOW, AFTER YOU SAW STEPHEN, DID YOU SEE
23 LADONNA AND SHANNON?
24 A THEY CAME UP SHORTLY. I DIDN'T, YOU
25 KNOW, JUST SIT THERE AND STARE. JUST A FEW

1 MINUTES, THEY WERE THERE.

2 Q AND YOU SAY A FEW MINUTES.

3 APPROXIMATELY, IN RELATIONSHIP --

4 A IT WAS BEFORE 6:30 BECAUSE A CALL CAME

5 AT 6:30 AND SHANNON HAD TO RESPOND TO A QUESTION

6 AND SHE WAS THERE.

7 Q AND WAS ALSO -- WAS THE NEWS ON AT THAT

8 TIME?

9 A YES, SIR.

10 Q AND DID 6:30 HAVE SOMETHING TO DO WITH

11 THE NEWS, ALSO?

12 A THAT'S THE TIME THE NEWS COMES ON, YES.

13 Q OKAY. AND SO THEY GOT THERE BEFORE

14 6:30?

15 A UH-HUH.

16 Q WOULD 6:28, 6:29, IN THAT AREA?

17 A YES, SIR, AND THE FIELDS RIGHT BEHIND

18 THEM. NOW, I IMAGINE IT WAS COMING ON. I HAD TO

19 MUTE IT -- WELL, NOT MUTE IT, BUT PUT IT AS LOW AS

20 I COULD.

21 Q AND YOU SAY THE FIELDS WERE COMING

22 AROUND THE SAME TIME?

23 A YES, SIR.

24 Q ALL RIGHT. SO AT THE HOUSE -- SO AT

25 THAT TIME THEN, SHANNON WAS THERE, LADONNA WAS

- 1 THERE, THE FIELDS WERE THERE, ANDREW AND SAMUEL?
- 2 A YES, SIR.
- 3 Q AND YOU SAID THERE WAS A PHONE CALL.
- 4 WELL, THE NEWS YOU SAID WAS AT 6:30.
- 5 A AND A PHONE CALL AT 6:30.
- 6 Q AND WHO WAS THE PHONE CALL FROM,
- 7 WITHOUT GOING INTO THE NATURE OF WHAT WAS SAID?
- 8 A IT WAS FROM SENATOR LANDER.
- 9 Q ALL RIGHT, SO THAT'S AT 6:30. NOW,
- 10 AROUND THAT TIME, WAS THERE ALSO A DISCUSSION ABOUT
- 11 SHANNON'S GLAMOUR SHOTS?
- 12 A YEAH, BUT THAT WAS SORT OF TO THE SIDE
- 13 OF ME AND I WAS TALKING WITH MARCUS FIELD WHO WAS
- 14 SITTING BETWEEN ME AND THAT.
- 15 Q SO YOU DIDN'T HEAR THAT PART?
- 16 A WELL, I HEARD SOME OF IT.
- 17 Q WELL, DID SHANNON -- WELL, DID SAMUEL
- 18 AND SHANNON LEAVE?
- 19 A SAMUEL LEFT BEFORE SHANNON.
- 20 Q AND DO YOU RECALL ABOUT WHEN SAMUEL
- 21 LEFT IN RELATIONSHIP TO THE NEWS CHANGE AND --
- 22 A IT WAS AFTER THAT CALL, RIGHT AFTER
- 23 THAT CALL.
- 24 Q ABOUT 6:31, SOMEWHERE IN THERE?
- 25 A SOMETHING LIKE THAT, YES, SIR.

1 Q AND HOW LONG AFTER SAMUEL LEFT DID
2 SHANNON LEAVE?

3 A HE WASN'T AS FAR AS HALFWAY DOWN THE
4 BACKYARD WHEN SHE LEFT.

5 Q ABOUT 30 SECONDS OR SO?

6 A YEAH.

7 Q NOW, WHY DID YOU LET SAMUEL OUT?

8 A HE WANTED -- WELL, THERE WERE TOO MANY
9 PEOPLE IN THERE FOR HIM TO PLAY WITH HIS TOYS ALL
10 OVER THE FLOOR, AND HE DIDN'T WANT TO STAY THERE.

11 Q NOW, WAS HE FAMILIAR WITH YOUR
12 BACKYARD?

13 A OH, YES. AND HE WAS ONLY PERMITTED TO
14 PLAY WHERE HE COULD BE SEEN FROM THAT ROOM WHEN HE
15 WAS IN OUR CARE. AND ONLY WHEN HE COULD BE SEEN
16 FROM EITHER THE KITCHEN WINDOW OR THE DEN WINDOW
17 WHEN HE WAS IN HIS FATHER'S CARE.

18 Q WAS HE ALLOWED DOWN BY THE POND?

19 A NO, SIR.

20 Q AND HE KNEW THAT?

21 A YES, SIR.

22 Q AND --

23 A AND I COULD HAVE SEEN HIM ALL THE WAY
24 TO THE POND ANYWAY.

25 Q NOW, WAS THERE A PLAY AREA FOR SAMUEL

1 AND THE KIDS BETWEEN YOUR HOUSE AND STEPHEN'S
2 HOUSE?

3 A MORE OF THAT'S BEHIND THE TREE HOUSE.
4 THERE WAS A SWING SET THAT WE NEVER FINISHED
5 PUTTING TOGETHER ALL OF IT, NEVER GOT THE SLIDE ON.
6 AND THEN THERE WAS A TREEHOUSE, WHICH IS PROBABLY
7 THE ONLY AIR CONDITIONED TREEHOUSE IN POMARIA.

8 Q AIR CONDITIONED?

9 A YES, SIR. JAMIE AND I BUILT THAT WHEN
10 HE WAS A LITTLE FELLOW.

11 Q AND IS THIS THE -- IF YOU WOULD JUST
12 COME DOWN HERE ONE SECOND, I'LL SHOW YOU EXHIBIT
13 NO. 54 AND 53. WOULD YOU SHOW THE JURY WHERE
14 YOU'RE TALKING ABOUT?

15 A THIS IS OUR HOUSE, THE SWINGSET BEHIND
16 THE TREEHOUSE. THIS IS JUST THE BACK OF THE
17 TREEHOUSE AND THIS IS THE MOBILE HOME.

18 Q SPEAK A LITTLE LOUDER SO THE COURT
19 REPORTER CAN HEAR YOU.

20 THE COURT: IF YOU'RE GOING TO HAVE HIM
21 DOWN THERE, HAVE HIM USE THE MICROPHONE.

22 MR. SWERLING: OKAY.

23 A HERE'S THE MOBILE HOME, THE TREEHOUSE,
24 THE SWINGSET AND OUR HOUSE.

25 Q ALL RIGHT. NOW, DID SHANNON COME BACK

- 1 TO THE HOUSE?
- 2 A YES, SHE DID.
- 3 Q ALL RIGHT. AND APPROXIMATELY HOW LONG
- 4 AFTER SHE LEFT DID SHE COME BACK TO THE HOUSE?
- 5 A JUST TWO OR THREE MINUTES.
- 6 Q SO, LET'S SAY 6:33 AND A HALF TO 34 AND
- 7 A HALF.
- 8 A UH-HUH.
- 9 Q AND DID SHE HAVE SOME PHOTOGRAPHS WITH
- 10 HER?
- 11 A YES, SHE DID.
- 12 Q ALL RIGHT. NOW, AT THAT TIME -- WAS IT
- 13 ALSO AROUND THAT TIME THAT THE PHONE CALL WAS
- 14 RECEIVED AT YOUR RESIDENCE?
- 15 A YES, SIR.
- 16 Q AND LET ME SHOW YOU -- WOULD YOU SEE,
- 17 CAN YOU IDENTIFY THE PHONE NUMBERS AGAIN?
- 18 A FROM 276-1566, WHICH IS STEPHEN'S TO
- 19 OURS, WHICH IS 276-4528.
- 20 Q OKAY. SO, THERE WAS A CALL FROM
- 21 STEPHEN'S HOUSE TO YOUR HOUSE?
- 22 A A LITTLE OVER A HALF MINUTE.
- 23 Q NOW, SHANNON WAS IN YOUR HOUSE?
- 24 A SHE WAS EITHER IN OR COMING IN.
- 25 Q COMING IN. ANDREW WAS IN YOUR HOUSE?

1 A YES, SIR.

2 Q AND LADONNA WAS IN YOUR HOUSE?

3 A THAT'S CORRECT, AND THE FIELDS.

4 Q ALL RIGHT. WHO WAS THE PHONE CALL

5 FROM?

6 A IT WAS FROM STEPHEN.

7 Q AND DID THE PHONE CALL CONCERN SAMUEL?

8 A WELL, AT FIRST HE SAID, SEND THE

9 CHILDREN DOWN. AND I'M NOT SURE WHETHER HE SAID IN

10 THE PHONE OR WHETHER SHANNON SAID WHEN SHE CAME

11 IN...

12 MR. MCMAHON: YOUR HONOR, I OBJECT TO

13 HEARSAY.

14 THE COURT: SUSTAINED AS TO WHAT MR.

15 BECKHAM SAID.

16 A OH, EXCUSE ME.

17 MR. SWERLING: YES, SIR.

18 Q AS A RESULT OF THE PHONE CALL AND AS A

19 RESULT OF WHAT SHANNON SAID --

20 MR. SWERLING: WELL, YOUR HONOR,

21 SHANNON'S ALREADY TESTIFIED.

22 MR. MCMAHON: IT'S HEARSAY.

23 THE COURT: IT'S STILL HEARSAY.

24 MR. SWERLING: OKAY.

25 THE COURT: SUSTAINED.

1 Q DID YOU HAVE A CONVERSATION WITH
2 STEPHEN CONCERNING WHAT HE WAS CALLING ABOUT?

3 A IT WAS TO NOT LET THE CHILDREN STAY TOO
4 LONG, TO SEND THEM --

5 MR. MCMAHON: OBJECTION, HEARSAY.

6 THE COURT: SUSTAINED.

7 Q DON'T GO INTO WHAT YOU SAID OR WHAT WAS
8 -- DON'T GO INTO -- DON'T GO INTO WHAT HE SAID.

9 DID YOU HAVE A CONVERSATION WITH HIM?

10 A YES.

11 Q CONCERNING WHAT HE CALLED ABOUT?

12 A YES.

13 Q ALL RIGHT. AND THAT PHONE CALL WAS AT
14 6:33; IS THAT CORRECT?

15 A THAT'S CORRECT.

16 Q YOU RECEIVED IT YOURSELF?

17 A YES, SIR.

18 Q NOW DON'T GO INTO AGAIN WHAT PEOPLE
19 SAID, BUT DID YOU TELL YOUR WIFE ABOUT THE
20 CONVERSATION YOU HAD WITH STEPHEN?

21 A I TOLD HER THAT SAMUEL HAD --

22 Q NO, DON'T GO INTO -- JUST, DID YOU TALK
23 TO YOUR WIFE?

24 A YES.

25 Q DID YOU TELL HER ABOUT WHAT WAS THE

- 1 SUBSTANCE OF THE CONVERSATION?
- 2 A YES.
- 3 Q AND AS A RESULT OF THAT, DID SHE CALL
- 4 BACK DOWN TO THE HOUSE?
- 5 A YES, SHE DID. I DON'T UNDERSTAND ALL
- 6 THESE RULES.
- 7 Q I'M NOT SURE THE LAWYERS DO EITHER.
- 8 BISHOP, LOOK AT THE TELEPHONE LOG AGAIN AND DO YOU
- 9 SEE A PHONE CALL THERE AT 6:34?
- 10 A THAT'S CORRECT.
- 11 Q AND THE PHONE CALL WAS FROM WHAT NUMBER
- 12 TO WHAT NUMBER?
- 13 A 276-4528.
- 14 Q WHICH IS YOUR NUMBER?
- 15 A RIGHT.
- 16 Q TO?
- 17 A 276-1566, WHICH IS STEPHEN'S NUMBER.
- 18 Q AND WHO PLACED THE CALL?
- 19 A MY WIFE.
- 20 Q THAT'S AT 6:30 -- I'M SORRY, 6:34. ALL
- 21 RIGHT. NOW, AFTER THE PHONE CALL, DO YOU RECALL
- 22 WHAT TIME IT WAS THAT THE CHILDREN LEFT THE HOUSE?
- 23 A IT WAS BEFORE 6:45.
- 24 Q 6:44 OR 6:45?
- 25 A WELL, YOU KNOW.

- 1 Q SOMEWHERE IN THAT RANGE?
- 2 A CERTAINLY BEFORE SEVEN O'CLOCK.
- 3 Q THAT WAS -- PARDON?
- 4 A IT WAS CERTAINLY BEFORE SEVEN O'CLOCK.
- 5 Q WOULD -- AT 6:34 WAS WHEN THE PHONE
- 6 CALL WAS MADE DOWN TO STEPHEN'S AND YOU'RE PUTTING
- 7 IT AT ABOUT TEN MINUTES AFTER THAT?
- 8 A YES, SIR, UH-HUH.
- 9 Q NOW, WHEN YOU SAW STEPHEN, DO YOU
- 10 RECALL WHAT HE HAD ON?
- 11 A HE HAD ON WHAT WE CALL A MELON-COLORED
- 12 SHIRT AND KHAKI SHORTS OR TAN.
- 13 Q AND YOU'VE SEEN THE PHOTOGRAPH THAT WAS
- 14 INTRODUCED INTO EVIDENCE, WAS BASICALLY -- WAS THAT
- 15 THE SAME SHIRT?
- 16 A THAT WAS THE SAME SHIRT, ONLY IT WAS
- 17 TUCKED IN.
- 18 Q NOW, LET ME JUST GO -- AND LET ME JUST
- 19 ALSO ASK YOU, WAS THERE ANOTHER PHONE CALL BETWEEN
- 20 YOUR RESIDENCES THAT EVENING?
- 21 A AT 8:22.
- 22 Q OKAY, AND WHO CALLED WHO?
- 23 A STEPHEN CALLED FROM 276-1566 TO OUR
- 24 NUMBER, WHICH IS 276-4528.
- 25 MR. SWERLING: YOUR HONOR, I WOULD LIKE

1 TO OFFER THIS INTO EVIDENCE.

2 THE COURT: SUBJECT TO THE SAME FOR
3 RULING FOR BOTH SIDES.

4 COURT REPORTER: DEFENDANT'S 65, YOUR
5 HONOR.

6 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 65
7 WAS ADMITTED INTO EVIDENCE.)

8 MR. SWERLING: YOUR HONOR, MAY I GET A
9 GLASS OF WATER? I'VE GOT SOMETHING CAUGHT IN MY
10 THROAT.

11 Q NOW, DID YOU HAVE DINNER WITH HIM THAT
12 EVENING?

13 A NO, SIR.

14 Q ALL RIGHT, AFTER THE 8:22 PHONE CALL,
15 DID YOU HAVE ANY FURTHER CONTACT WITH EITHER
16 STEPHEN OR THE CHILDREN THAT EVENING?

17 A NOT THAT I RECALL.

18 Q WHAT WAS THE NEXT THING THAT HAPPENED
19 IN THE EVENTS OF THAT DAY?

20 A AT BETWEEN -- WELL, A LITTLE AFTER TWO
21 IN THE MORNING, I WAS AWAKENED BY A KNOCKING ON THE
22 DOOR. THE BEDROOM IS IN THE FRONT AND I HAD SNORED
23 HARRIET OUT AND SHE WAS SLEEPING IN THE DEN ON THE
24 SOFA. AND I WENT TO THE DOOR.

25 Q DID YOU RESPOND TO THE PHONE -- THE

- 1 DOOR?
- 2 A YES.
- 3 Q AND WHO WAS THERE, WITHOUT GOING INTO
- 4 WHAT WAS SAID?
- 5 A JERRY WRIGHT AND DANNY GILLIAM, WHO WAS
- 6 ABOUT THIRTY POUNDS LIGHTER AT THAT TIME.
- 7 Q AND AS A RESULT OF THAT TELEPHONE -- I
- 8 MEAN, I'M SORRY. AS A RESULT OF THE MEETING, WHERE
- 9 DID YOU GO?
- 10 A I WENT AND TOLD HARRIET WHAT HAD
- 11 HAPPENED AND PUT ON MY PANTS AND SHOES, WITHOUT
- 12 SOCKS, OVER MY PAJAMAS. LEFT THE PAJAMA SHIRT ON
- 13 AND WHEN DOWN TO STEPHEN'S.
- 14 Q NOW WHEN YOU GOT TO STEPHEN'S, WHO WAS
- 15 PRESENT?
- 16 A THE CHILDREN, ALL FOUR CHILDREN WERE IN
- 17 THE LIVING ROOM AND THE DOOR WAS CLOSED TO THE
- 18 BEDROOM. AND THERE WERE ALSO TWO OFFICERS OUTSIDE.
- 19 Q AND WHICH OF THE CHILDREN WERE THERE?
- 20 A SHANNON, ANDREW, LADONNA AND SAMUEL.
- 21 Q WERE ANY OF THEM UP?
- 22 A ALL OF THEM WERE AWAKE, EXCEPT FOR
- 23 SAMUEL.
- 24 Q AND DID YOU GO IN AND WAKE UP STEPHEN
- 25 OR WAS HE UP?

1 A HE WAS IN THAT ROOM WITH, IT TURNS OUT,
2 WRIGHT AND GILLIAM.
3 Q BY THE TIME YOU GOT DOWN THERE?
4 A YES, SIR.
5 Q NOW, DID STEPHEN LEAVE WITH THE
6 OFFICERS?
7 A YES, SIR, HE DID.
8 Q AND DID YOU STAY AT THE TRAILER?
9 A THAT'S CORRECT.
10 Q WITH THE CHILDREN?
11 A THAT'S CORRECT.
12 Q NOW, WHAT WAS THE NEXT CONTACT YOU HAD
13 WITH ANYONE THAT DAY? DID FAMILY COME OVER? DID
14 YOU CALL --
15 A WELL, NO. THIRTY MINUTES OR SO LONGER
16 OR AFTER THAT, I GOT A CALL FROM JIM LANDER WHO
17 TOLD ME --
18 Q WITHOUT GOING INTO WHAT HE TOLD YOU.
19 A I LEARNED THAT VICKI HAD BEEN MURDERED,
20 NOT JUST DEAD.
21 Q SO, AT FIRST, YOU WERE TOLD SHE WAS
22 DEAD? AND THEN --
23 A YES, SIR.
24 Q -- AS A RESULT OF THE PHONE CALL FROM
25 SENATOR LANDER, YOU FOUND OUT SHE WAS MURDERED?

- 1 A THAT'S CORRECT.
- 2 Q DID YOU STAY THERE WITH THE KIDS?
- 3 A YES, SIR. I CALLED AND AWAKENED SOME
- 4 POOR LADY WHEN I MISDIALED A NUMBER. AND THEN I
- 5 GOT HOLD OF FRED BYRD AND TOLD HIM TO GO TO THE
- 6 LANDERS'.
- 7 Q AND WHO IS FRED BYRD?
- 8 A HE WAS MY ARCH DEACON.
- 9 Q AND DID FAMILY -- DID YOU CALL YOUR
- 10 OTHER SON?
- 11 A YES, SIR.
- 12 Q YOUR DAUGHTER?
- 13 A YES, SIR.
- 14 Q AND DID YOU ALL SPEND THE NIGHT AT YOUR
- 15 HOUSE OR OVER AT THE TRAILER?
- 16 A WELL, IT WAS BETWEEN THE TWO.
- 17 SOMETIMES I WAS THERE AND HARRIET WAS UP -- IT
- 18 DEPENDDED ON WHO WAS COMING.
- 19 Q AND THAT MORNING -- HAD YOU HAD ANY
- 20 SLEEP?
- 21 A NO, SIR.
- 22 Q THAT MORNING, DID YOU HAVE AN OCCASION
- 23 OR WAS THERE AN OCCASION WHEN THE POLICE OFFICERS
- 24 CAME BACK TO THE HOUSE?
- 25 A THEY CAME BACK, BUT HARRIET WAS DOWN

- 1 THERE THEN, WHEN THEY CAME BACK.
- 2 Q AT THE HOUSE?
- 3 A AT THE MOBILE HOME. AT 7:30, THEY CAME
- 4 BACK AND WENT THROUGH THE HOUSE AND I SAT ON THE
- 5 SOFA. THEY ALSO STIRRED THROUGH THE FIRE.
- 6 Q WERE YOU THERE WHEN THEY DID THAT?
- 7 A YES, SIR.
- 8 Q WHAT DID YOU OBSERVE IN THE FIRE?
- 9 A I OBSERVED NOTHING AND -- I DON'T KNOW
- 10 WHETHER I CAN MAKE THE STATEMENT OR NOT, BUT THE
- 11 STATEMENT WAS NOTHING THERE.
- 12 Q NOW, THE FIRE HAD BEEN LIT THE NIGHT
- 13 BEFORE?
- 14 A THAT'S CORRECT.
- 15 Q AND ABOUT WHAT, EIGHT O'CLOCK, 8:30 OR
- 16 SOMEWHERE IN THAT AREA?
- 17 A SOMEWHERE BETWEEN EIGHT AND 8:30.
- 18 Q AND WAS THAT AN UNUSUAL OCCURRENCE ON
- 19 THE PROPERTY?
- 20 A NO, SIR.
- 21 Q AND YOU WERE THERE WHEN SLED WENT
- 22 THROUGH THE FIRE?
- 23 A YES, SIR.
- 24 Q AND --
- 25 A SO WAS MY WIFE.

1 Q NOW --

2 A THE SLED AND DETECTIVE SCOTT WENT

3 THROUGH THE FIRE.

4 Q NOW, DURING THE COURSE OF THAT DAY,

5 WERE THERE TIMES WHEN YOU WERE AT YOUR HOME, AT THE

6 MOBILE HOME, AND WERE THERE OCCASIONS WHEN YOU WERE

7 OVER AT THE LANDERS'?

8 A YES, SIR.

9 Q DID ANYBODY GET ANY SLEEP AT ALL?

10 A NO. IF I HAD BEEN TO BED, I COULDN'T

11 HAVE SLEPT.

12 Q WHAT TIME WERE THE CHILDREN TAKEN OVER

13 TO THE LANDERS' HOUSE, DO YOU KNOW?

14 A I DON'T KNOW WHAT TIME THEY LEFT OUR

15 HOUSE, BUT THEY WERE TOLD ABOUT THEIR MOTHER AT

16 10:30.

17 Q AND WHO TOLD THE CHILDREN ABOUT VICKI

18 BEING MURDERED?

19 A WELL, ALL FOUR GRANDPARENTS WERE THERE.

20 Q AND WHERE WAS THAT?

21 A IT WAS IN OUR DEN.

22 Q AND AT SOME POINT DURING THE DAY, THEY

23 WENT OVER AND SPENT SOME TIME WITH THE LANDERS',

24 ALSO?

25 A THE WHOLE FAMILY, YES, SIR.

- 1 Q WHEN DID YOU HEAR FROM STEPHEN AFTER
2 YOU HAD SEEN HIM LEAVE AT TWO O'CLOCK IN THE
3 MORNING OR THEREABOUTS, WHEN WAS THE NEXT TIME YOU
4 HEARD FROM HIM?
- 5 A WELL, I DIDN'T HEAR FROM HIM. I HEARD
6 FROM THE COMPLEX THAT I COULD PICK HIM UP. AND MY
7 OLDEST SON, BILL, AND I PICKED HIM UP AT TEN
8 MINUTES TO FOUR.
- 9 Q TEN TO FOUR. NOW, YOU SAID YOU WERE
10 THERE WHEN THE SEARCHES WERE DONE?
- 11 A YES, SIR.
- 12 Q AND THE SEARCH WAS DONE OF THE --
- 13 A MOBILE HOME.
- 14 Q -- MOBILE HOME AND THE PROPERTY?
- 15 A THAT MORNING, YES, SIR.
- 16 Q ALL RIGHT. AND --
- 17 A WELL, THEY DIDN'T SEARCH THE PROPERTY.
18 I OFFERED TO LET THEM SEARCH THE SHEDS AND MY SHOP
19 AND THE CORN CRIB AND EVERYTHING ELSE, BUT THEY
20 SAID IT WASN'T NECESSARY.
- 21 Q AND SEVERAL DAYS LATER WAS THERE
22 ANOTHER SEARCH CONDUCTED?
- 23 A YES, SIR.
- 24 Q WHERE WAS THAT?
- 25 A THAT WAS, I THINK, FOUR DAYS LATER,

1 THEY CAME AND SEARCHED THE HOME MORE THOROUGHLY AND
2 AROUND IT, TOO.

3 Q AND THEN SUBSEQUENT TO THAT, SEVERAL
4 DAYS LATER, WAS THERE ANOTHER SEARCH?

5 A THERE WAS A MASSIVE THING. IT WAS, YOU
6 KNOW, OVER THE WHOLE 24.9 ACRES. AND I GUESS, MORE
7 THAN THAT, TOO, ANYTHING NEAR IT. THEY WERE EVEN
8 WALKING TWO AND FOUR ABREAST AS THEY SEARCHED.

9 Q SO THERE WERE THREE SEARCHES DONE
10 WITHIN ABOUT TEN DAYS OR THEREABOUTS?

11 A WITHIN TWO WEEKS.

12 Q TWO WEEKS.

13 A OR MAYBE A DAY OR SO MORE.

14 Q ALL RIGHT.

15 A AND THERE WERE, ALSO, DURING THAT TIME,
16 HELICOPTERS AND PLANES FLYING OVER.

17 Q NOW, I'M NOT GOING INTO ANYTHING DURING
18 THAT YEAR, BUT LET'S GO TO JULY OF 1995, OKAY?

19 A YES, SIR.

20 Q NOW, IN JULY OF 1995, WAS STEPHEN AND
21 THE CHILDREN MAKING SOME PLANS -- OR WERE THEY
22 MAKING SOME PLANS TO TAKE A VACATION OR TRIP?

23 A THEY WERE. THEY WERE TO LEAVE ON
24 MONDAY.

25 Q AND MONDAY WAS JULY 10TH, 1995?

- 1 A YEAH, THAT'S CORRECT.
- 2 Q IS THAT CORRECT?
- 3 A UH-HUH.
- 4 Q AND WAS THERE A DELAY IN THEIR LEAVING?
- 5 A WELL, THEY WAITED TOO LONG, AND MY WIFE
- 6 CONVINCED THEM IT WAS TOO LATE TO LEAVE.
- 7 Q AND SHANNON, I BELIEVE, ALSO HAD A
- 8 PARTY THAT NIGHT OR SOMETHING?
- 9 A SHE WAS NOT HOME. SHE WAS WITH DAWN.
- 10 Q NOW, THE MORNING OF THE 11TH, DID THEY
- 11 LEAVE ON THEIR TRIP?
- 12 A THEY LEFT AND CAME BACK AND LEFT AGAIN.
- 13 Q OKAY. DO YOU KNOW, BY THE WAY, HOW
- 14 LONG THEY HAD PLANNED ON GOING AWAY?
- 15 A A GOOD WHILE. THEY HAD TALKED ABOUT
- 16 IT, YOU KNOW, BUT NOBODY EVER GAVE ANY SPECIFICS.
- 17 ONE THING WAS THAT LIFE HAD BECOME SO MISERABLE
- 18 THAT THEY WERE THINKING ABOUT RELOCATING, MOVING.
- 19 Q SO ON THE MORNING OF THE 11TH, DID YOU
- 20 SEE THEM?
- 21 A YES, SIR.
- 22 Q AND DID YOU SAY GOODBYE TO THEM?
- 23 A YES, SIR.
- 24 Q ALL RIGHT. WERE THEY PACKED? DID THEY
- 25 HAVE THEIR LUGGAGE?

1 A WELL, IT WOULD BE IN THE TRUNK, I
2 COULDN'T SEE THAT.

3 Q NOW, SOMETIME ON THE DAY OF THE 11TH,
4 AFTER STEPHEN LEFT -- DO YOU RECALL ABOUT WHAT TIME
5 IT WAS HE LEFT IN THE MORNING?

6 A NINE O'CLOCK OR SOMEWHERE AROUND THERE.

7 Q AND YOU SAID HE CAME BACK ON ONE
8 OCCASION?

9 A YEAH, THEY HAD FORGOTTEN SOMETHING.
10 THEY HAD TO COME BACK AND GET IT.

11 Q SOUNDS LIKE ME.

12 A I THINK IT WAS SAMUEL'S SWIMMIES, THOSE
13 LITTLE THINGS THAT GO ON YOUR ARM.

14 Q RIGHT. AND SO YOU SAW THEM WHEN THEY
15 CAME BACK THE SECOND TIME?

16 A RIGHT.

17 Q NOW, WHEN DID YOU FIND OUT THAT THERE
18 WAS A WARRANT OR A WARRANT HAD BEEN ISSUED FOR
19 STEPHEN'S ARREST?

20 A IT WAS 3:30 OR SO THAT AFTERNOON WHEN
21 LIEUTENANT TEMPLETON AND QUITE A GROUP OF SLED AND
22 I THINK, ONE OR TWO NEWBERRY COUNTY CAME.

23 Q AND THEY CAME WHERE?

24 A CAME TO MY BACK DOOR.

25 Q ALL RIGHT. AND DID THEY HAVE A SEARCH

1 WARRANT?

2 A YES, THEY DID.

3 Q AND DID THEY HAVE AN ARREST WARRANT?

4 A NO, THERE WAS NO ARREST WARRANT.

5 Q BUT THEY HAD A SEARCH WARRANT?

6 A YES.

7 Q AND DID THEY SEARCH THE HOUSE AGAIN?

8 A THEY DID. I GOT UPSET ENOUGH WHERE MY

9 WIFE ASKED ME TO LEAVE. AND I LEFT AND WENT UP TO

10 THE HOUSE AND SHE STAYED THERE WITH THEM.

11 Q AND DID YOU -- WHEN DID YOU FIND OUT

12 THAT THERE WAS AN ARREST WARRANT?

13 A WHEN SHE -- WELL, I DIDN'T FIND OUT

14 UNTIL THERE WAS A NEWS CONFERENCE WITH THE SHERIFF.

15 Q AND WAS THAT LATER ON THAT DAY?

16 A YES, SIR.

17 Q AND THAT WOULD HAVE BEEN AFTER 3:30

18 WHEN THE SEARCH WARRANT WAS EXECUTED?

19 A I THINK THE NEWS CONFERENCE WAS

20 SOMEWHERE AROUND 5:30 OR FIVE OR SOMETHING LIKE

21 THAT.

22 Q ALL RIGHT. NOW, IF STEPHEN CHECKED

23 INTO A HOTEL IN DAYTONA BEACH AT 5:24 P.M., THAT

24 WAS TWO HOURS AFTER THE SEARCH WAS EXECUTED AT YOUR

25 HOUSE -- OR AT HIS HOUSE?

- 1 A YES, SIR.
- 2 Q NOW -- SO YOU FOUND OUT THAT EVENING
- 3 ABOUT AN ARREST WARRANT -- OR THAT HE WAS CHARGED?
- 4 A YES, SIR, AND WE IMMEDIATELY CALLED HIS
- 5 ANSWERING SERVICE. IN FACT, IT WAS CALLED BEFORE
- 6 THERE WAS AN ARREST WARRANT, TO COME HOME.
- 7 Q WERE YOU UPSET?
- 8 A SURE.
- 9 Q AND DID YOU -- YOU SAID YOU LEFT A
- 10 MESSAGE FOR HIM TO COME HOME?
- 11 A YES, SIR.
- 12 Q AT THE --
- 13 A AND TO GET IN TOUCH WITH YOU.
- 14 Q AND A WARRANT HAD BEEN ISSUED FOR HIS
- 15 ARREST?
- 16 A WELL, THAT WAS SAID LATER. I DON'T
- 17 THINK I EVER SAID THAT.
- 18 Q JUST TO COME HOME?
- 19 A SURE.
- 20 Q AND TO GET IN TOUCH WITH ME?
- 21 A YES, SIR.
- 22 Q OKAY. AND DID YOU LEAVE OTHER MESSAGES
- 23 DURING THE COURSE OF THAT WEEK?
- 24 A THE WHOLE WEEK. I DON'T THINK I EVER
- 25 CALLED AGAIN, BUT HIS SISTER DID AND HIS MOTHER DID

- 1 AND HIS BROTHER DID AND MAYBE SOME OTHERS.
- 2 Q DID YOU SPEAK WITH STEPHEN AT ALL THAT
- 3 WEEK AT ALL?
- 4 A NOT AFTER HE LEFT ON MONDAY -- OR
- 5 TUESDAY.
- 6 Q DID YOU HAVE ANY COMMUNICATION WITH
- 7 HIM?
- 8 A NONE.
- 9 Q DID HE CALL YOU?
- 10 A NONE.
- 11 Q DID YOU KNOW WHERE HE WAS?
- 12 A NO, SIR.
- 13 Q DID YOU KNOW WHERE HE WAS ORIGINALLY
- 14 GOING?
- 15 A NO, SIR.
- 16 Q WHERE HAD HE TOLD YOU HE WAS ORIGINALLY
- 17 GOING TO TAKE THE KIDS?
- 18 A HE DIDN'T TELL US. THE ONLY THING HE
- 19 SAID THAT I HEARD WAS THAT HE WANTED TO GET ANDREW
- 20 A PAIR OF SNEAKERS AT, I THINK, SOME -- ONE OF THE
- 21 OUTLETS FOR-- AND I'D HATE TO SAY WHICH ONE,
- 22 BECAUSE I ALWAYS BUY THE WRONG ONES.
- 23 Q SO THERE WAS NO COMMUNICATION AT ALL
- 24 THAT WEEK BETWEEN YOU AND HE?
- 25 A NO, SIR, JUST NAILBITING TIME.

- 1 Q AND YOU WERE AWARE OF THE FACT THAT A
2 WARRANT HAD BEEN ISSUED?
- 3 A YES, SIR.
- 4 Q AND YOU WERE AWARE OF THE FACT THAT
5 THEY WERE LOOKING FOR STEPHEN AND THE CHILDREN?
- 6 A YES, SIR.
- 7 Q AND YOU AND YOUR WIFE WERE WAITING FOR
8 A PHONE CALL?
- 9 A YES, SIR.
- 10 Q NOW, ON THE MORNING OF THE 15TH OF
11 JULY, 1995, DID YOU GET A PHONE CALL?
- 12 A NO, SIR.
- 13 Q I'M TALKING ABOUT --
- 14 A NO, SIR. MY BROTHER-IN-LAW CAME AND
15 AWAKENED ME.
- 16 Q HE DID NOT CALL?
- 17 A NO, SIR.
- 18 Q OKAY. AND HE -- WHAT TIME DID HE COME
19 TO YOUR HOUSE?
- 20 A IT WAS BETWEEN MIDNIGHT AND ONE
21 O'CLOCK.
- 22 Q AND AS A RESULT OF THE MEETING WITH
23 YOUR BROTHER-IN-LAW, DID YOU LEAVE THE HOUSE?
- 24 A YES, I-DID.
- 25 Q AND DID YOU -- WERE YOU HEADING TO

- 1 REVEREND LIBBY'S HOUSE?
- 2 A YES, I WAS.
- 3 Q DID YOU KNOW WHERE REVEREND LIBBY
- 4 LIVED?
- 5 A YES, SIR. I ALWAYS GOT LOST A LITTLE
- 6 BIT, BUT I KNEW.
- 7 Q ALL RIGHT. NOW AT THAT TIME, WHEN YOU
- 8 LEFT YOUR HOUSE WITH EARL ZEIDERS, DID YOU KNOW
- 9 WHAT YOU WERE GOING TO FIND WHEN YOU WENT TO
- 10 REVEREND LIBBY'S HOUSE?
- 11 A I DID NOT.
- 12 Q NOW, ON THE WAY TO REVEREND LIBBY'S
- 13 HOUSE, DID YOU PASS A CHURCH?
- 14 A YES, I DID.
- 15 Q AND WHOSE CHURCH IS THAT?
- 16 A IT'S BETSY LIBBY'S CHURCH. ST. FRANCIS
- 17 OF ASSISI.
- 18 Q IS THAT ONE OF THE CHURCHES THAT'S
- 19 WITHIN YOUR DIOCESE?
- 20 A YES, SIR.
- 21 Q AND AS YOU PASSED THE CHURCH -- DID YOU
- 22 HAVE TO PASS THE CHURCH TO GET TO REVEREND LIBBY'S
- 23 HOUSE?
- 24 A YOU DO.
- 25 Q ALL RIGHT. AS YOU PASSED THE CHURCH,

1 WHAT DID YOU OBSERVE?

2 A OBSERVED A BLUE LIGHT FLASHING AND RED
3 AND WHITE LIGHTS FLASHING, AND SAW BOB LIBBY'S CAR.

4 Q AND DID YOU STOP?

5 A YES, SIR, I PULLED IN, YES, SIR.

6 Q AND WHY DID YOU STOP?

7 A WELL, BECAUSE THERE WERE RED LIGHTS AND
8 WHITE LIGHTS AND BLUE LIGHTS AND IT COULD HAVE BEEN
9 A FIRE, AN AMBULANCE OR WHATEVER.

10 Q ALL RIGHT. DID YOU KNOW THAT YOUR SON
11 WAS GOING TO BE THERE WHEN YOU STOPPED?

12 A NO, SIR.

13 Q DID YOU FIND THAT YOUR SON WAS THERE?

14 A YES, I DID. I SAW HIM BEING TAKEN TO
15 THE AMBULANCE.

16 Q AND WHAT WAS YOUR REACTION?

17 A WELL, I SPOKE TO HIM, BUT HE DIDN'T
18 EVEN KNOW I WAS THERE.

19 Q WAS IT AN UPSETTING EXPERIENCE?

20 A YES, SIR, IT WAS.

21 Q NOW AT THAT POINT, DID YOU STILL KNOW
22 ABOUT THE CHILDREN?

23 A NO, SIR.

24 Q AS A RESULT OF A CONVERSATION WITH
25 REVEREND BOB LIBBY, DID YOU FIND OUT WHERE THE

1 CHILDREN WERE?

2 A I'M NOT SURE. YOU KNOW, IT'S KIND OF
3 FUZZY THERE. BUT, YOU KNOW, I WOULD SURMISE THAT
4 THEY HAD COME WITH STEPHEN.

5 Q WHAT WAS YOUR IMMEDIATE CONCERN WHEN
6 YOU STOPPED AT THE CHURCH?

7 A IT WAS STEPHEN'S.

8 Q AND DID THEY TAKE STEPHEN OFF IN THE
9 AMBULANCE?

10 A YES, THEY DID.

11 Q DID YOU STAY AT THE CHURCH OR --

12 A MATTER OF FACT, WE SAT -- HERKIE AND I
13 SAT ON A CURB IN THE PARKING LOT AND WE WATCHED AND
14 WATCHED AND WATCHED; NOT MUCH WAS SAID TO US. OUR
15 NAMES WERE ASKED FOR. AND I DON'T EVER RECALL
16 ANYBODY ASKING ME WHERE THE CHILDREN WERE.

17 Q AT THAT POINT DID YOU STILL KNOW -- OR
18 DID YOU KNOW?

19 A I DIDN'T KNOW.

20 Q AND YOU SAID THE EVENTS OF THE EVENING
21 ARE VERY FUZZY. BUT AT SOME POINT DURING THE
22 EVENING, DID YOU FIND OUT THAT THEY WERE AT
23 REVEREND LIBBY'S?

24 A YES, SIR.

25 Q ALL RIGHT. NOW AFTER SOME PERIOD OF

1 TIME, DID YOU GO TO THE HOSPITAL?

2 A WE DID, WITH A POLICE CAR IN FRONT AND
3 ONE BEHIND.

4 Q ALL RIGHT. NOW, WHILE YOU WERE SITTING
5 IN THE CHURCH PARKING LOT OR AT SOME POINT
6 THEREAFTER, DID YOU CALL ME?

7 A YES, SIR.

8 Q AND WHAT TIME OF THE MORNING ARE WE
9 TALKING ABOUT?

10 A I REALLY DON'T KNOW. IT WAS MAYBE
11 ABOUT THREE WHEN WE GOT TO THE HOSPITAL, SO YOU
12 WERE CALLED PRIOR TO THAT.

13 Q ALL RIGHT. AND WHEN YOU GOT TO THE
14 HOSPITAL, DID I MEET YOU THERE?

15 A YES, YOU DID.

16 Q ALL RIGHT. AND DID WE ALSO MEET CHIEF
17 STEWART, ROBERT STEWART, HEAD OF SLED?

18 A YES, SIR.

19 Q AND AS A RESULT OF THE CONVERSATION WE
20 HAD WITH CHIEF STEWART, DID YOU MAKE ARRANGEMENTS
21 TO HAVE THE CHILDREN PICKED UP?

22 A WELL, I TOLD HIM THAT THEY WERE
23 PROBABLY AT OUR HOUSE. AND THEN I THINK, NEWBERRY
24 -- WELL, IT WAS, NEWBERRY COUNTY DEPUTIES. I DON'T
25 REMEMBER ANY SLED PERSON THERE. THEY WERE THERE

1 WHEN I GOT BACK -- CAME JUST ABOUT THE TIME I GOT
2 BACK HOME.

3 Q BUT AT SOME POINT YOU FOUND OUT THAT
4 THE CHILDREN WERE AT YOUR HOME?

5 A YES, SIR.

6 Q ALL RIGHT. AND THAT WAS AS A RESULT OF
7 A PHONE CALL WHILE YOU WERE AT THE HOSPITAL?

8 A RIGHT.

9 Q AND WHAT I WAS -- I GUESS WHAT I WAS
10 REFERRING TO IS THE CONVERSATION WE HAD WAS WITH
11 CHIEF ROBERT STEWART; IS THAT CORRECT?

12 A THAT'S CORRECT.

13 Q AND AS A RESULT OF THAT, LAW
14 ENFORCEMENT OFFICERS PICKED UP THE CHILDREN AT YOUR
15 HOUSE?

16 A YES, SIR. WE LEARNED THAT THERE HAD
17 BEEN AN EXPARTE ORDER ISSUED THAT THEY WERE TO GO
18 TO THE LANDERS'. I LEARNED THAT WHEN I GOT BACK
19 HOME.

20 Q ALL RIGHT. AND, IN FACT, THEY WERE
21 TAKEN TO THE LANDERS' HOUSE THAT NIGHT -- THAT
22 MORNING?

23 A KICKING AND SCREAMING.

24 Q BUT THEY WENT THERE?

25 A VERY RELUCTANTLY, YES, SIR.

1 Q DID YOU GET TO SEE THE KIDS THAT NIGHT?

2 A BRIEFLY, RIGHT AS THEY WERE LEAVING.

3 AND DAWN HAD COME. EVIDENTLY, SOMEONE HAD CALLED

4 HER AND SHE WAS AT THE HOUSE, AND THE ONLY WAY

5 SHANNON WOULD LEAVE WAS IF DAWN WENT WITH HER.

6 Q PRETTY UPSETTING NIGHT?

7 A YES, SIR.

8 MR. SWERLING: EXCUSE ME ONE MINUTE,

9 YOUR HONOR.

10 Q ANSWER ANY QUESTIONS THAT THE SOLICITOR

11 MIGHT HAVE.

12 THE COURT: MR. MCMAHON HANDLING THE

13 CROSS?

14 MR. MCMAHON: YES, SIR. MAY IT PLEASE

15 THE COURT?

16 THE COURT: YES, SIR.

17 MR. MCMAHON: IF YOU'LL GIVE ME JUST A

18 MOMENT, YOUR HONOR. I'M LOOKING FOR A --

19 THE COURT: LET ME INQUIRE. DO YOU

20 HAVE AN IDEA AS TO HOW LONG YOU MIGHT BE. I MIGHT

21 LET THE JURY TAKE A SHORT BREAK BEFORE YOU START.

22 MR. MCMAHON: I REALLY DON'T.

23 THE COURT: ALL RIGHT. LET ME -- JUST

24 IN CASE, LET ME LET YOU TAKE A SHORT BREAK.

25 (WHEREUPON; THE JURY RECESSED TO THE

1 JURY ROOM AT 11:38 A.M.)

2 THE COURT: ALL RIGHT, BRING THE JURY

3 IN.

4 (WHEREUPON; THE JURY RETURNED TO OPEN

5 COURT AT 11:55 A.M.)

6 THE COURT: ALL RIGHT, MR. MCMAHON.

7 MR. MCMAHON: MAY IT PLEASE THE COURT?

8 THE COURT: YES, SIR.

9 CROSS-EXAMINATION:

10 BY MR. MCMAHON:

11 Q SIR, I'D LIKE TO GO BACK AND TALK --

12 WELL, TO BEGIN WITH TALK A LITTLE BIT ABOUT THE

13 PROPERTY OUT IN POMARIA.

14 A OKAY.

15 Q I BELIEVE YOU SAID YOU'VE OWNED THAT

16 PROPERTY SINCE '73 OR '74?

17 A RIGHT.

18 Q AND HOW LONG HAVE Y'ALL LIVED ON THAT

19 PROPERTY?

20 A SINCE WE'VE OWNED IT.

21 Q ALL RIGHT. SO YOU DIDN'T LIVE IN WHITE

22 HALL -- YOU LIVED IN WHITE HALL PRIOR TO '73 OR

23 '74?

24 A THAT'S CORRECT.

25 Q AND YOU WOULD COMMUTE --

- 1 A TO COLUMBIA.
- 2 Q -- BACK AND FORTH TO COLUMBIA. I
- 3 UNDERSTAND.
- 4 A RIGHT.
- 5 Q WHAT YEAR WAS STEPHEN BORN?
- 6 A STEPHEN WAS BORN IN 1959.
- 7 Q '59? SO WHEN Y'ALL MOVED OUT TO THE
- 8 PROPERTY, HE WOULD HAVE BEEN TWELVE, THIRTEEN YEARS
- 9 OLD?
- 10 A THIRTEEN OR FOURTEEN, I THINK.
- 11 Q AND HE WAS RAISED FROM THAT POINT ON
- 12 OUT ON THESE -- WHAT DID YOU SAY, 24.9 ACRES?
- 13 A THAT'S CORRECT.
- 14 Q AND WENT TO SCHOOL OVER AT -- WHAT
- 15 WOULD THAT BE, MID-CAROLINA?
- 16 A MID-CAROLINA.
- 17 Q ALL RIGHT. AND WHERE EXACTLY -- AND
- 18 JUST VERY GENERALLY, WHERE ARE THE BOUNDARIES OF
- 19 THE 24.9 ACRES?
- 20 A IT'S PRETTY MUCH A SQUARE. IT STARTS
- 21 AT THE BUNDRICK PROPERTY TOWARD POMARIA.
- 22 Q THAT WOULD BE UP 77 -- I'LL CALL IT UP
- 23 773, UP TOWARDS -- GOING TOWARDS 176?
- 24 A EAST ON 773.
- 25 Q ALL RIGHT.

1 A THEN IT WOULD -- OUR HOUSE WOULD BE
2 JUST ABOUT IN THE MIDDLE. AND THEN IT WOULD GO
3 DOWN TO THE, JUST BARELY TOUCH THE WOODS AT THE
4 OTHER END.

5 Q AND WHAT WOODS ARE YOU TALKING ABOUT
6 BARELY TOUCHING AT THE OTHER END? THAT'S GOING
7 BACK TOWARDS THE INTERSTATE?

8 A YES, SIR.

9 Q HOW FAR DOWN 773 WOULD THE PROPERTY GO
10 TOWARDS THE INTERSTATE?

11 A ABOUT THE SAME DISTANCE IT GOES THE
12 OTHER WAY.

13 Q WHAT DISTANCE IS THAT?

14 A I IMAGINE THAT'S, YOU KNOW, A THOUSAND
15 FEET EITHER DIRECTION.

16 Q THOUSAND FEET. OKAY, AND Y'ALL ARE
17 KIND OF IN THE MIDDLE OF THE SQUARE?

18 A NOT --

19 Q NOT THE MIDDLE, BECAUSE YOUR HOUSE IS
20 TO THE FRONT OF IT.

21 A MIDDLE OF THAT.

22 Q RIGHT, I UNDERSTAND. AND Y'ALL BUILT
23 THE HOME THAT YOU AND MRS. BECKHAM LIVE IN?

24 A NO, SIR. I REALLY DON'T KNOW ALL OF
25 THE HISTORY. PART OF IT IS THAT THAT HOUSE -- PART

1 OF THAT HOUSE WAS BUILT, WE ARE TOLD, IN 1835. IN
2 1872, IT WAS A LUTHERAN PARSONAGE. AND IT WAS
3 REDONE BY FURMAN FULMER AND HIS WIFE.

4 Q ALL RIGHT, SIR. NOW, BACK IN JUNE OF
5 1994, AS FAR AS THE HOME THAT YOU AND YOUR WIFE
6 LIVED IN, Y'ALL WERE THE ONLY TWO PEOPLE THAT LIVED
7 IN THAT HOME?

8 A THAT'S CORRECT.

9 Q IN JUNE OF '94?

10 A UH-HUH.

11 Q AND PRIOR TO THE MIDDLE OF MARCH OF
12 1994, AS I UNDERSTAND IT, THE ONLY OTHER PERSON
13 THAT LIVED ON THE PROPERTY WAS YOUR GRANDSON, JAMIE
14 SUBER?

15 A THAT'S CORRECT.

16 Q NOW, I BELIEVE YOU SAID ABOUT MID-MARCH
17 IS WHEN Y'ALL WERE EITHER SHOPPING OR WHEN YOU
18 ACTUALLY PURCHASED THE MOBILE HOME THAT STEPHEN AND
19 HIS CHILDREN LIVE IN; IS THAT THE RIGHT PERIOD OF
20 TIME?

21 A I THINK HE MOVED IN ABOUT THE MIDDLE OF
22 MARCH.

23 Q ABOUT THE MIDDLE OF MARCH?

24 A THE POWER WAS CUT ON AND WATER WAS PUT
25 IN.

- 1 Q AND THEY WERE SEPARATED?
- 2 A YES, SIR.
- 3 Q AND HOW WAS THAT MOBILE HOME PURCHASED?
- 4 A I PURCHASED THAT MOBILE HOME. MY WIFE
- 5 AND I DECIDED THAT WE WOULD DO THAT AS A TEMPORARY
- 6 THING. AND WHEN WE GOT A CHANCE, WE WOULD PUT IT
- 7 ON THE LAKE OR IN THE MOUNTAINS.
- 8 Q NOW, WAS STEPHEN WORKING THEN?
- 9 A STEPHEN WAS DOING TTI AND THE OTHER
- 10 ONE, I DON'T REMEMBER THE INITIALS.
- 11 Q TTI? THAT'S THE SAME NAME THAT APPEARS
- 12 ON STATE'S EXHIBIT NO. 104?
- 13 A YES, SIR, I HAPPEN TO BE --
- 14 Q TTI?
- 15 A I HAPPEN TO BE PRESIDENT OF THAT.
- 16 Q TTI, 4650, HIGHWAY 773, POMARIA?
- 17 A THAT'S CORRECT. THAT'S CORRECT.
- 18 Q AND THAT WAS OWNED BY YOU AND STEPHEN?
- 19 A THAT'S CORRECT.
- 20 Q AND, OF COURSE, THAT'S THE MAIL RECEIPT
- 21 WHERE HE SENT THE KHULUA OR THE PACKAGE OR WHATEVER
- 22 TO THE D.J. AT SMUGGLER'S?
- 23 A THAT'S WHAT IT SAYS.
- 24 Q YOU WEREN'T AWARE OF THAT?
- 25 A NO.

- 1 Q AND HE HAD ANOTHER BUSINESS THAT WAS
2 JUST INITIALS THAT YOU'RE NOT SURE OF THE INITIALS?
3 A AND SO IS THAT ONE, JUST INITIALS.
4 Q YES, SIR.
5 A I THINK THAT'S COMMON IN
6 TELECOMMUNICATIONS.
7 Q AND THAT'S PRETTY MUCH WHAT HE'S DONE
8 MOST OF HIS CAREER, TELECOMMUNICATIONS, HIS CAREER,
9 SPEAKING ABOUT YOUR SON, STEPHEN?
10 A BASICALLY. HE'S AN EXCELLENT SALESMAN.
11 Q IN TELECOMMUNICATIONS?
12 A YES.
13 Q AN EXCELLENT SALESMAN, HE HAS THE
14 CHARACTERISTICS THAT WOULD MAKE ONE AN EXCELLENT
15 SALESMAN?
16 A WELL, HE HAS SOME THAT I DON'T HAVE
17 BECAUSE I COULDN'T DO IT.
18 Q YES, SIR. AND, OF COURSE, TO BE AN
19 EXCELLENT SALESMAN IN TELECOMMUNICATIONS, HE WOULD
20 KNOW A GREAT DEAL ABOUT TELECOMMUNICATIONS?
21 A YES.
22 Q AND HOW THEY WORKED AND SUCH AS THAT?
23 A I WOULD THINK SO.
24 Q TO BE ABLE TO EXPLAIN AND TO SELL AND
25 TO HAVE A PROSPECTIVE CUSTOMER WANT THE PRODUCT

- 1 THAT HE WAS SELLING?
- 2 A THAT'S CORRECT.
- 3 Q NOW, IN YOUR HOME -- I BELIEVE YOU'VE
- 4 IDENTIFIED YOUR PHONE NUMBER FOR US. HOW MANY
- 5 TELEPHONES WERE IN YOUR AND YOUR WIFE'S HOME?
- 6 A THERE ARE --
- 7 Q AND BY -- LET ME REPHRASE MY QUESTION.
- 8 I'M NOT TRYING TO INTERRUPT. BY THAT I MEAN, HOW
- 9 MANY PHONE LINES, HOW MANY NUMBERS? NOT HOW MANY
- 10 EXTENSIONS THERE WERE.
- 11 A THERE ARE TWO NUMBERS.
- 12 Q TWO NUMBERS?
- 13 A WHEN I RETIRED I HAD A FAX PUT IN.
- 14 MAINLY, BECAUSE OF THE DUTIES IN NEW YORK WITH THE
- 15 PENSION FUND.
- 16 Q SO YOU HAD ONE LINE DEDICATED PURELY TO
- 17 A FAX LINE?
- 18 A THAT'S RIGHT.
- 19 Q AND THEN YOU HAD ONE TELEPHONE LINE?
- 20 A THAT'S CORRECT.
- 21 Q AND THAT NUMBER WAS -- WHAT WAS THAT
- 22 NUMBER AGAIN?
- 23 A ONE IS 4528, THE OTHER ONE IS 4578.
- 24 Q 276-4578.
- 25 A THAT'S THE FAX. 4528 IS THE TELEPHONE.

- 1 Q 276-4528 IS THE PHONE NUMBER IN YOUR
2 AND YOUR WIFE'S HOME?
3 A THAT'S CORRECT.
4 Q OKAY. NOW, I BELIEVE YOU WERE TALKING
5 A LITTLE BIT ON DIRECT ABOUT THE VARIOUS STEPS THAT
6 Y'ALL HAD TO TAKE TO PREPARE THE LAND, IF YOU WILL,
7 FOR THE MOBILE HOME?
8 A RIGHT.
9 Q AND THERE WAS A GOOD BIT OF CLEARING
10 AND SUCH?
11 A WELL, IT HAD BEEN TIMBERED. IT WAS A
12 CASE OF PUSHING STUMPS OUT --
13 Q UH-HUH.
14 A -- AND MOVING DEBRIS DOWN AND SOME
15 EARTH WITH IT.
16 Q AND SO THERE WAS NOT -- OR THERE DID
17 NOT HAVE TO BE A LOT OF ADDITIONAL CLEARING OR IT
18 JUST HAD TO BE PILING UP?
19 A WELL, THERE WAS SOME CLEARING. YOU
20 KNOW, SMALLER TREES THAT WEREN'T FIT FOR TIMBER AND
21 THINGS OF THAT TYPE.
22 Q AND WHEN WAS THIS TIMBERING AND ALL
23 DONE?
24 A IT WAS DONE OVER ABOUT HALF OF THE
25 TWENTY-FOUR ACRES.

- 1 Q WHEN WAS IT DONE?
- 2 A IT WAS DONE THE SPRING OR THE SUMMER
- 3 BEFORE THAT.
- 4 Q ALL RIGHT. SO WE ARE TALKING ABOUT THE
- 5 TIMBERING AND SUCH WAS BACK IN '93?
- 6 A '93.
- 7 Q ALL RIGHT, SIR. AND AS I UNDERSTAND
- 8 THE LAYOUT OF THE PROPERTY, IF I'M STANDING ON 773
- 9 AND THERE'S A DRIVEWAY THERE. LET'S SAY I'M
- 10 LOOKING DOWN INTO THE PROPERTY WITH MY BACK TO 773,
- 11 OKAY?
- 12 A OKAY.
- 13 Q YOUR HOME WOULD BE RIGHT ABOUT HERE?
- 14 A DEPENDS ON WHICH DRIVEWAY YOU'RE
- 15 STANDING IN.
- 16 Q GOING INTO THE DRIVEWAY THAT WOULD GO
- 17 BY MR. SUBER'S RESIDENCE INTO STEPHEN BECKHAM'S.
- 18 A NO, OUR HOME WOULD BE TO THE RIGHT.
- 19 Q BE RIGHT HERE?
- 20 A NO, NO, TO THE LEFT. YOU'RE RIGHT.
- 21 YOU'RE RIGHT, TO THE LEFT.
- 22 Q ALL RIGHT, SIR. TO THE LEFT, YOUR HOME
- 23 WOULD BE RIGHT HERE?
- 24 A UH-HUH.
- 25 Q AND Y'ALL HAVE KIND OF A CIRCULAR

1 DRIVE? JUST -- IT'S DEDICATED, SO TO SPEAK, TO
2 Y'ALL'S HOME?

3 A YEAH, THE CIRCLE IS NO LONGER USED.
4 THERE USED TO BE A HEDGE AROUND THERE AND I GOT
5 TIRED OF TRIMMING IT AND BUSH HOGGED IT.

6 Q IS THERE A DRIVEWAY FOR YOUR HOME
7 SEPARATE FROM THE DRIVEWAY THAT GOES DOWN TO MR.
8 SUBER AND YOUR SON'S MOBILE HOME?

9 A THAT'S CORRECT, ONLY OUR DRIVEWAY WILL
10 ALSO GO DOWN TO THAT MOBILE HOME.

11 Q IT WILL CONNECT UP?

12 A DOWN AT THE MOBILE HOME.

13 Q I UNDERSTAND. AND IF I SHOW YOU A
14 PHOTOGRAPH HERE -- LET ME SHOW YOU WHAT'S BEEN
15 MARKED AS DEFENDANT'S EXHIBIT NO. 41. WHICH
16 DRIVEWAY IS THAT?

17 A THAT'S THE DRIVEWAY TO OUR HOUSE.

18 Q TO YOUR HOME?

19 A UH-HUH.

20 Q AND DEFENDANT'S EXHIBIT NO. 18. WHICH
21 DRIVEWAY IS THAT?

22 A THAT'S THE DRIVEWAY LOOKING UP TO JAMIE
23 SUBER'S HOUSE AND ON DOWN TO THE MOBILE HOME.

24 Q IS THAT THE SAME AS THIS DRIVEWAY IN
25 STATE'S 18, THIS PHOTOGRAPH, THE SAME DRIVEWAY AS

- 1 IN 41?
- 2 A NO.
- 3 Q THEY'RE SEPARATE DRIVEWAYS?
- 4 A SURE.
- 5 Q DO YOU KNOW WHEN THESE PHOTOGRAPHS WERE
- 6 TAKEN? IF YOU DON'T, THAT'S FINE. I MEAN, I'M --
- 7 A NO, NOT TOO LONG AGO.
- 8 Q BUT THESE ARE TWO SEPARATE DRIVEWAYS
- 9 THAT WE'RE LOOKING AT HERE; IS THAT CORRECT?
- 10 A THAT'S CORRECT.
- 11 Q ONE GOING TO YOUR HOME AND ONE GOING
- 12 DOWN TO MR. SUBER AND YOUR SON, STEPHEN'S -- MR.
- 13 SUBER'S RESIDENCE AND YOUR SON, STEPHEN'S, MOBILE
- 14 HOME, TRAILER?
- 15 A THAT'S CORRECT.
- 16 Q ALL RIGHT. AND WHILE WE'RE AT IT, MR.
- 17 SUBER'S RESIDENCE -- OTHER INDIVIDUALS HAVE LIVED
- 18 IN THAT RESIDENCE OVER THE YEARS, OVER THE TWENTY
- 19 SOME ODD YEARS?
- 20 A THAT'S CORRECT.
- 21 Q AMONG THOSE INDIVIDUALS, WAS THERE A
- 22 TIME THAT VICKI AND STEPHEN, YOUR SON, LIVED IN
- 23 THAT SMALL HOME?
- 24 A YEARS AND YEARS AGO.
- 25 Q YEARS AND YEARS AGO. THAT WOULD HAVE

- 1 BEEN BEFORE OR AFTER THEIR FIRST SEPARATION?
- 2 A THAT WOULD HAVE BEEN BEFORE THEIR FIRST
- 3 SEPARATION.
- 4 Q BEFORE THEIR FIRST SEPARATION?
- 5 A THAT'S RIGHT.
- 6 Q AND THAT -- BECAUSE THEY HAD HAD
- 7 SEPARATIONS PRIOR TO FEBRUARY OF '94?
- 8 A THEY HAD ONE. I DON'T KNOW HOW LONG IT
- 9 WAS. BUT I --
- 10 Q THEY HAD JUST ONE OTHER TO YOUR
- 11 KNOWLEDGE?
- 12 A THAT'S THE ONLY ONE I KNOW OF.
- 13 Q ALL RIGHT, SIR. WHERE WERE THEY LIVING
- 14 AT THAT TIME, DO YOU KNOW?
- 15 A THEY WERE LIVING AT THAT LITTLE HOME
- 16 WHEN THAT OCCURRED.
- 17 Q WHEN THE FIRST SEPARATION OCCURRED?
- 18 A THAT'S CORRECT.
- 19 Q THEY WERE LIVING IN THE HOME --
- 20 A WHERE JAMIE SUBER LIVES.
- 21 Q -- WHERE JAMIE SUBER NOW LIVES --
- 22 A THAT'S CORRECT.
- 23 Q IS THAT RIGHT?
- 24 A THAT'S CORRECT.
- 25 Q WHEN I LOOK AT STATE'S 18 AND 41, IS

1 THAT VEGETATION SIMILAR TO WHAT IT WAS BACK IN '94?

2 A IT'S NOT MUCH DIFFERENT FROM '94. BUT
3 THERE WAS TWO YEARS OF GROWTH AFTER '94 THAT EVERY
4 TIME I GOT SOMEONE TO COME AND TRIM IT, THEY GOT --
5 INVESTIGATED OR AT LEAST BY THE POLICE. SO THE TWO
6 PEOPLE WHO CUT MY SHRUBBERY AND DID IT, DID NOT
7 COME ANY MORE. THAT WAS CURTIS -- OR CHARLES
8 WICKER AND HIS COUSIN, CURTIS.

9 Q AND EVERY TIME YOU HAD YOUR SHRUBBERY
10 CUT --

11 A WELL, THEY DIDN'T DO IT BUT ONCE EACH
12 AND THEN THEY SAID THAT'S ENOUGH OF THAT.

13 Q EVERY TIME YOU HAD YOUR SHRUBBERY CUT,
14 THE POLICE INVESTIGATED --

15 A WELL, I TRIMMED THE SHRUBBERY. BUT
16 THEY DID THE HEAVY WORK AND ALL THAT.

17 Q AND EVERY TIME THAT HAPPENED, THE
18 POLICE INVESTIGATED --

19 A THEY INVESTIGATED BOTH OF THEM, YES,
20 SIR.

21 Q NOW, WHERE WAS IT -- COULD YOU TELL ON
22 STATE'S 18 AND 43, COULD YOU POINT OUT FOR THE JURY
23 ON EITHER ONE OF THOSE PHOTOGRAPHS AND IF YOU CAN,
24 I'LL BRING THEM BACK UP TO YOU, WHERE THE TRASH CAN
25 WAS WITH THE LARGE BRANCHES IN THAT JAMIE SPOKE

- 1 ABOUT?
- 2 A I THINK I CAN SHOW IT TO YOU ON THE
- 3 ONE--
- 4 Q ONE OF THOSE?
- 5 A -- OF THAT DRIVEWAY. IT WOULD BE RIGHT
- 6 ABOUT THIS PINE RIGHT HERE.
- 7 Q RIGHT ABOUT HERE?
- 8 A YES, SIR.
- 9 Q ALL RIGHT AND THAT'S -- IT LOOKS LIKE
- 10 THAT PINE HAS GOT A LITTLE LIMB OR SOMETHING
- 11 KNOCKED OFF RIGHT THERE, THAT'S THE PINE YOU'RE
- 12 TALKING ABOUT?
- 13 A YES, THAT'S WHAT, THIRTY OR FORTY FEET
- 14 UP THE DRIVEWAY?
- 15 Q THAT WOULD BE ABOUT WHAT IT WAS?
- 16 A SOMETHING LIKE THAT.
- 17 Q AND WHAT SIZE TRASH CAN ARE WE TALKING
- 18 ABOUT?
- 19 A IT'S THE ONE THAT WAS SITTING IN FRONT
- 20 OF THE TREE HOUSE WHEN YOU AND THE JURY AND ALL OF
- 21 THEM CAME OUT THERE. IT'S NOT FIFTY-FIVE GALLONS,
- 22 BUT IT'S NOT MUCH LESS THAN THAT.
- 23 Q ALL RIGHT. NOT THAT IT MATTERS, BUT
- 24 JUST FOR THE RECORD, IT WASN'T ME OUT THERE. BUT
- 25 IT WAS ABOUT A FIFTY-FIVE GALLON TRASH CAN?

- 1 A OR LESS.
- 2 Q OR LESS?
- 3 A UH-HUH.
- 4 Q AND IT HAS -- WELL, HOW MUCH LESS? I
- 5 DIDN'T GET TO SEE IT. WHAT SIZE?
- 6 A WELL, YOU KNOW, I HAVEN'T MEASURED IT.
- 7 IT COULD BE FIFTY.
- 8 Q OKAY.
- 9 A I WOULD THINK THAT SOME PICTURES WOULD
- 10 SHOW IT.
- 11 Q I'M NOT SO MUCH TRYING TO PIN YOU DOWN
- 12 ON THE SIZE, EXCEPT THIS IS A VERY LARGE NOTICEABLE
- 13 TRASH CAN THAT WAS OUT TOWARDS THE END OF THAT
- 14 DRIVEWAY?
- 15 A SURE.
- 16 Q AND AS I UNDERSTAND IT, BACK ABOUT THIS
- 17 TIME, BACK IN JUNE OF '94, MR. BECKHAM, YOUR SON,
- 18 WAS DOING SOME CLEARING AND LIMB CUTTING AND ALL?
- 19 A YEAH, BUT NOT THERE. THAT HAD BEEN
- 20 DONE TO MOVE THE MOBILE HOME IN.
- 21 Q NOT WHERE, SIR?
- 22 A NOT WHERE THE -- NOT ON THAT DRIVEWAY.
- 23 Q YES, SIR.
- 24 A THAT HAD BEEN DONE EARLIER.
- 25 Q WAS THE TRASH CAN WITH THE LIMBS ON

- 1 THAT DRIVEWAY?
- 2 A YES, SIR.
- 3 Q IT WAS THERE?
- 4 A UH-HUH.
- 5 Q FROM CUTTINGS AND CLEARINGS THAT HAD
- 6 BEEN DONE EARLIER; IS THAT WHAT YOU'RE SAYING?
- 7 A IN MARCH, I GUESS.
- 8 Q IN MARCH?
- 9 A UH-HUH.
- 10 Q AND THEY WERE STILL THERE IN APRIL, MAY
- 11 AND JUNE. THAT TRASH CAN WAS STILL THERE WITH
- 12 LIMBS IN IT?
- 13 A STEPHEN WAS VERY GOOD AT CUTTING AND
- 14 VERY POOR AT PICKING UP.
- 15 Q OKAY, SIR. OF COURSE, HE MAY HAVE BEEN
- 16 POOR AT PICKING UP, BUT HE WAS VERY GOOD AT
- 17 BURNING, WASN'T HE, DEBRIS?
- 18 A IN HIS YARD, YES.
- 19 Q BECAUSE HE --
- 20 A HE WAS TRYING TO GET GRASS TO GROW.
- 21 Q YES, SIR. HE WOULD BURN THE DEBRIS --
- 22 HE EVIDENTLY WOULD BURN SOME AND WOULD PICK UP
- 23 SOME? IS THAT --
- 24 A IN THAT YARD. HE HAD USED A DISC
- 25 HARROW ON THAT YARD AND TRYING TO PLANT GRASS. AND

1 HE WAS PICKING UP EVERYTHING THAT TURNED UP.

2 Q WELL, THE LIMBS, THE LARGE LIMBS, IF
3 THAT'S AN APPROPRIATE DESCRIPTION, THAT WERE IN THE
4 FIFTY-FIVE GALLON OR WHATEVER LESS SIZE TRASH CAN
5 OUT AT THE END OF THE DRIVEWAY THAT YOU HAD POINTED
6 OUT, HAD THEY BEEN PICKED UP AND PLACED IN THAT
7 TRASH CAN BY YOUR SON, STEPHEN?

8 A I DO NOT KNOW. IT COULD HAVE BEEN BY
9 JAMIE. BUT THERE WEREN'T THAT MANY LIMBS IN THAT
10 TRASH CAN. MOST OF THEM WERE LYING TO EITHER SIDE
11 OF THE DRIVEWAY.

12 Q NOW, I THOUGHT JAMIE WOULD NOT DO ANY
13 YARD WORK AND WOULDN'T GET NEAR A CHAIN SAW?

14 A HE WOULDN'T CUT WITH A CHAIN SAW, BUT
15 HE CERTAINLY COULD MOVE LIMBS.

16 Q YES, SIR. SO HE MAY HAVE MOVED THOSE
17 LIMBS?

18 A HE COULD HAVE.

19 Q IS WHAT YOU'RE SAYING NOW?

20 A YES, SIR.

21 Q AND HIS PRACTICE MAY BE THAT HE WOULD
22 MOVE THE LIMBS INTO THE TRASH CAN, ALTHOUGH HE
23 COMPLAINED ABOUT IT? BUT STEPHEN'S PRACTICE WOULD
24 HAVE BEEN TO BURN THE DEBRIS?

25 A WELL, THAT DEBRIS ACTUALLY WAS BURNED.

1 Q YES, SIR. AND THAT WOULD BE --

2 A I DID THAT. I BURNED THAT DEBRIS
3 LATER.

4 Q I'M TALKING ABOUT DEBRIS IN GENERAL.
5 YOU SAID THAT FIRES WERE COMMON ON THE BECKHAM
6 PROPERTY?

7 A THAT'S CORRECT.

8 Q TO BURN DEBRIS?

9 A THAT'S CORRECT.

10 Q AND THAT WAS STEPHEN'S PRACTICE, TO
11 BURN THE DEBRIS?

12 A NOT ALL OF IT. SOME OF IT WAS HAULED,
13 CARRIED BACK TO A BIG -- EVEN LARGER TREES WOULD BE
14 CUT UP FOR FIREWOOD. SOME WOULD BE TAKEN BACK TO A
15 LARGER PILE BACK AT THE BACK OF THE PROPERTY.

16 Q NOW -- EXCUSE ME, I DIDN'T MEAN TO
17 INTERRUPT YOU, SIR.

18 A SOME MORE OVER BETWEEN JAMIE'S HOUSE
19 AND THE TENANT HOUSE, WHERE WE BURNED.

20 Q HOW MANY DIFFERENT LOCATIONS OF FIRES
21 WERE THERE ON THE BECKHAM PROPERTY?

22 A WELL, THERE WAS, OBVIOUSLY, ONE BEFORE
23 I CAME THERE BECAUSE I STILL CAN'T GET THE GRASS TO
24 GROW. AND THAT'S TO THE RIGHT OF MY HOUSE AS YOU
25 FACE THE ROAD.

- 1 Q I DON'T MEAN TO INTERRUPT YOU. JUST SO
2 I COULD PERHAPS ASK THE QUESTION FOR SUCCINCT FOR
3 YOU, SIR. HOW MANY AREAS OF BURNING WERE THERE ON
4 THE BECKHAM PROPERTY ON JUNE THE 12TH, JUNE THE
5 13TH OF 1994? WHERE THERE HAD BEEN FRESH BURNINGS?
6 A JUST THAT ONE.
7 Q JUST THIS ONE?
8 A UH-HUH.
9 Q AND THAT WAS FOR PURPOSES OF BURNING
10 DEBRIS?
11 A NOT ALL TOGETHER. HE HAD FIRES FOR THE
12 CHILDREN, TOO.
13 Q DO YOU KNOW THE PURPOSE OF THE FIRE
14 THAT WAS PRESENT ON THE EVENING OF JUNE THE 12TH
15 AND WAS PHOTOGRAPHED ON THE MORNING OF THE 13TH?
16 A NO, IT COULD HAVE BEEN FOR BOTH
17 REASONS, FOR THE CHILDREN AND PICKING UP TRASH
18 COINCIDENTALLY TO GET IT DONE.
19 Q AND, OF COURSE, THIS SHOWS THAT AREA
20 WHERE THE BURNING TOOK PLACE, STATE'S EXHIBIT NO.
21 18?
22 A THAT'S RIGHT. IT'S STILL THERE.
23 Q AND WHAT DO YOU SEE RIGHT ABOVE THAT
24 AREA OF THE FIRE?
25 A THE SWING SET.

1 Q THE SWING SET. AND CERTAINLY, SOMEONE
2 WITH GOOD SENSE, AT LEAST, WOULDN'T BURN DEBRIS
3 RIGHT THERE BY A CHILDREN'S SWING SET, WOULD THEY?

4 A MR. MCMAHON, I DON'T THINK I LIKE THAT
5 QUESTION.

6 Q I DIDN'T ASK YOU THAT, SIR.

7 THE COURT: MR. WITNESS, YOU CAN'T
8 COMMENT ABOUT WHAT YOU LIKE OR DON'T LIKE. JUST
9 ANSWER THE QUESTION.

10 A DOES THAT SAY HOW FAR IT IS FROM THE
11 SWING SET?

12 Q I DIDN'T ASK YOU THAT, SIR.

13 MR. MCMAHON: MAY THE WITNESS BE
14 DIRECTED TO ANSWER THE QUESTION?

15 THE COURT: YES, SIR. BUT REPHRASE THE
16 QUESTION YOU WANT HIM TO ANSWER.

17 Q CERTAINLY, SOMEONE WITH GOOD SENSE,
18 SIR, WOULDN'T BURN A DEBRIS FIRE THAT CLOSE TO A
19 CHILD'S SWING SET?

20 A WELL, I'M THE PERSON WHO HAD GOOD SENSE
21 WHO DID IT.

22 MR. MCMAHON: YOUR HONOR, MAY THE
23 WITNESS BE DIRECTED TO ANSWER THE QUESTION.

24 MR. SWERLING: JUDGE, THE QUESTION IS
25 NOT QUITE --

1 MR. MCMAHON: I'D LIKE TO TAKE THIS UP
2 ON THE SIDE.

3 THE COURT: I'LL BE GLAD TO HEAR YOU
4 OVER HERE.

5 A I THOUGHT I ANSWERED.

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

9 THE COURT: ALL RIGHT. MR. MCMAHON,
10 PHRASE THE QUESTION AGAIN.

11 AND, BISHOP BECKHAM, IF YOU'LL ANSWER
12 THE QUESTION THAT HE PUTS TO YOU.

13 MR. MCMAHON: THANK YOU, YOUR HONOR.
14 MAY IT PLEASE THE COURT?

15 THE COURT: YES, SIR.

16 Q ALL I'M ASKING YOU, SIR, IF YOU WERE
17 BURNING A DEBRIS FIRE, WOULD YOU BURN A DEBRIS FIRE
18 THAT CLOSE TO A CHILD'S SWING SET?

19 A IF THAT'S WHERE THE FIRE PLACE WAS,
20 YES.

21 Q SO, THE NORMAL BECKHAM FAMILY DEBRIS
22 FIRE PLACE WAS RIGHT THERE BY THE CHILD'S SWING
23 SET; IS THAT WHAT YOU'RE TELLING THIS JURY, SIR?

24 A NO, SIR. I'M TELLING YOU THAT --

25 MR. SWERLING: JUDGE, THERE'S NO

1 AMPLIFICATION ON --

2 A -- THE CHILD'S SWING SET WAS A MOVEABLE
3 THING. IT MOVED EVERY TIME THE GRASS WAS CUT.

4 Q WHERE WAS IT ON JUNE THE 12TH OF 1994,
5 WHERE WE SEE IT NOW?

6 A IF THAT'S WHEN THAT PICTURE WAS TAKEN,
7 THAT'S WHERE IT IS.

8 Q THIS PICTURE WAS TAKEN ON THE MORNING
9 OF JUNE THE 13TH OF 1994.

10 A THEN THAT'S WHERE IT WAS.

11 Q IT HADN'T BEEN MOVED SINCE JUNE THE
12 12TH, 1994?

13 A IF YOU WILL LOOK, SIR, THAT WAS BEING
14 PUT TOGETHER.

15 MR. MCMAHON: SIR, THAT'S
16 NONRESPONSIVE, YOUR HONOR.

17 MR. SWERLING: NO, YOUR HONOR, IT'S
18 NOT.

19 MR. MCMAHON: MAY I APPROACH THE SIDE
20 BAR?

21 THE COURT: EXCUSE ME, GENTLEMEN. ALL
22 RIGHT, THE QUESTION THAT HE PUT TO HIM CAN BE
23 ANSWERED YES OR NO. THEN HE MAY EXPLAIN THE
24 ANSWER. THE QUESTION AS I UNDERSTOOD IT WAS
25 WHETHER OR NOT THE SWING SET WAS THERE -- HAD NOT

1 BEEN MOVED BETWEEN THE 12TH AND THE 13TH. IT CAN
2 BE ANSWERED YES OR NO.

3 ALL RIGHT, MR. MCMAHON, PHRASE THE
4 QUESTION.

5 Q HAD THE SWING SET BEEN MOVED BETWEEN
6 JUNE THE 12TH AND JUNE THE 13TH?

7 A NO.

8 Q WAS THAT THE NORMAL PLACE FOR THE
9 BECKHAM FAMILY DEBRIS FIRE PLACE, RIGHT THERE BY
10 THE SWING SET? THAT'S ALL I'M ASKING YOU, SIR.

11 A YES.

12 Q THAT WAS THE NORMAL PLACE?

13 MR. SWERLING: NOW, YOUR HONOR, CAN HE
14 EXPLAIN?

15 A NOW CAN I EXPLAIN?

16 THE COURT: YES, SIR, HE CAN DO IT.

17 Q CERTAINLY, SIR.

18 A THE SWING SET WAS BEING PUT TOGETHER.
19 IT WAS NOT EVEN IN USE AT THAT TIME.

20 Q ALL RIGHT, SIR. NOW, I BELIEVE -- BY
21 THE WAY, HOW OLD WAS MR. BECKHAM, STEPHEN, IN JUNE
22 OF '94, WHEN YOU PURCHASED THE MOBILE HOME FOR HIM?

23 A THIRTY-FIVE.

24 Q AND, OF COURSE, HE WAS EMPLOYED AT TWO
25 DIFFERENT JOBS?

- 1 A THAT'S CORRECT.
- 2 Q TWO DIFFERENT BUSINESSES? ONE OF WHICH
- 3 YOU DON'T REMEMBER THE NAME; IS THAT RIGHT?
- 4 A YEAH, HE DIDN'T HAVE ANY MONEY, THOUGH.
- 5 Q BECAUSE HE HAD TAX LIENS, AMONG OTHER
- 6 THINGS?
- 7 A I DIDN'T KNOW THAT UNTIL SENATOR LANDER
- 8 TOLD ME ALMOST A YEAR LATER THAT HE HAD TAX LIENS.
- 9 Q YOU WEREN'T AWARE OF HIS TAX PROBLEMS?
- 10 A NONE.
- 11 Q AND I TAKE IT, YOU WEREN'T AWARE OF HIS
- 12 DRUG PROBLEMS?
- 13 A NO.
- 14 Q EVER?
- 15 A NO.
- 16 Q NOT IN THE PAST, NOT AT THAT TIME?
- 17 A I SAID NO.
- 18 Q AT ANY TIME?
- 19 A ANY TIME.
- 20 Q ALL RIGHT, SIR. SO YOU DIDN'T KNOW
- 21 ABOUT HIS FINANCIAL PROBLEMS AND YOU DIDN'T KNOW
- 22 ABOUT HIS DRUG PROBLEMS?
- 23 A THAT'S CORRECT.
- 24 Q THOSE ARE AREAS OF HIS LIFE YOU DID NOT
- 25 KNOW ANYTHING ABOUT?

- 1 A THAT IS CORRECT.
- 2 Q AND I WOULD TAKE IT, IF WE GO BACK TO
- 3 STATE'S EXHIBIT NO. 100, THERE APPEARS TO BE A
- 4 PHONE CALL FROM 803-276-4528, WHICH IS YOUR PHONE
- 5 NUMBER, CORRECT?
- 6 A THAT'S CORRECT.
- 7 Q TO 803-293-2028, WHICH, I BELIEVE, IS
- 8 THE PHONE NUMBER FOR SMUGGLER'S SHOWGIRLS?
- 9 A YES, SIR. BUT I ALSO REMEMBER THAT
- 10 THAT WAS CHARGED TO ANOTHER PHONE.
- 11 Q YES, SIR.
- 12 A TO ANOTHER NUMBER.
- 13 Q YOU DO REMEMBER THAT?
- 14 A YES, SIR, IN EARLIER TESTIMONY.
- 15 Q CHARGED TO 803-276-1566. WHOSE NUMBER
- 16 IS THAT?
- 17 A THAT'S STEPHEN'S.
- 18 Q SO THAT PHONE CALL WAS MADE FROM YOUR
- 19 RESIDENCE?
- 20 A OBVIOUSLY.
- 21 Q TO SMUGGLER'S SHOWGIRLS?
- 22 A BUT I DIDN'T KNOW IT.
- 23 Q I'M NOT ASKING YOU IF YOU KNEW IT OR
- 24 NOT, SIR. BUT IT WAS TO SMUGGLER'S SHOWGIRLS?
- 25 A EVIDENTLY, YES.

- 1 Q BILLED TO STEPHEN'S NUMBER?
- 2 A THAT'S CORRECT.
- 3 Q AND YOU DIDN'T MAKE THAT CALL,
- 4 OBVIOUSLY?
- 5 A NO.
- 6 Q AND YOUR WIFE DIDN'T MAKE THAT CALL?
- 7 A NO.
- 8 Q AND THE ONLY TWO PEOPLE THAT ACTUALLY
- 9 HAVE ACCESS TO YOUR TELEPHONE -- LET ME BACK UP.
- 10 THE ONLY TWO PEOPLE THAT WERE RESIDENTS OF YOUR
- 11 HOME WAS YOU AND YOUR WIFE?
- 12 A THAT'S CORRECT.
- 13 Q AND ACCORDING TO THE NUMBER IT'S BILLED
- 14 TO, IT APPEARS THAT YOUR SON, STEPHEN, MADE THAT
- 15 CALL?
- 16 A THAT WOULD BE MY GUESS.
- 17 Q ALL RIGHT. AND YOU DIDN'T KNOW
- 18 ANYTHING ABOUT HIS CALLING -- JUST LIKE YOU DIDN'T
- 19 KNOW ABOUT FINANCES, YOU DIDN'T KNOW ABOUT DRUGS,
- 20 YOU DIDN'T KNOW ABOUT HIM CALLING BACK AND FORTH TO
- 21 SMUGGLER'S?
- 22 A NO.
- 23 Q BUT HE WOULD -- HE HAD CONTACTS THERE
- 24 AT THE BEACH?
- 25 A HE HAS COUSINS AT THE BEACH AND AN AUNT

1 AT THE BEACH, HAD BUSINESS ASSOCIATES AT THE BEACH.

2 Q NOW, WHEN -- YOU SAID SOMETHING ABOUT
3 RECALLING STEPHEN AND VICKI SEPARATING BECAUSE -- I
4 BELIEVE YOU SAID AS A MATTER OF FACT, SHE USED YOUR
5 TRUCK?

6 A THAT'S CORRECT.

7 Q AND THAT DIDN'T OFFEND YOU THAT SHE
8 USED YOUR TRUCK, DID IT?

9 A NO.

10 Q NO, SIR. AS A MATTER OF FACT -- WELL,
11 LET ME ASK YOU THIS.

12 A SHE --

13 Q I APOLOGIZE.

14 A -- KEPT IT AT LEAST A MONTH AFTER THAT.

15 Q AND THAT DIDN'T OFFEND YOU?

16 A NO.

17 Q NO, SIR. HOW MANY VEHICLES DID MR.
18 BECKHAM AND VICKI HAVE WHEN THEY SEPARATED, DO YOU
19 KNOW?

20 A THEY HAD A CHEVROLET SUBURBAN.

21 Q AND THAT'S --

22 A AND VICKI HAD BORROWED MY TRUCK BACK IN
23 OCTOBER OR NOVEMBER. SHE HAD HAD IT FROM THAT
24 POINT ON. BECAUSE SHE HAD A PLYMOUTH SUBURBAN --
25 OR PLYMOUTH WHATEVER IT IS, A CARAVAN, THAT I HAD

1 PAID FOR HER TO HAVE REPAIRED AND IT BLEW UP AGAIN.
2 AND SOME TIME IN THE SPRING OR LATE WINTER, THEY
3 BOUGHT A VOLKSWAGEN RABBIT FOR SHANNON TO USE WHEN
4 SHE GOT HER LICENSE, A DIESEL.

5 Q SO HOW MANY CARS WAS THAT?

6 A THAT'S ONE OF THEIR OWN THAT WAS
7 OPERABLE, AND ONE OF MINE THAT WAS OPERABLE.

8 Q AND WHICH ONE WAS YOURS?

9 A THE MAZDA PICKUP.

10 Q AND WHICH ONE WAS THEIRS?

11 A THE CHEVROLET SUBURBAN, I THINK YOU
12 CALL IT.

13 Q AND THAT'S DEFENDANT'S EXHIBIT NO. 31?
14 IS THAT THE REGISTRATION FOR THAT SUBURBAN?

15 A IT DOESN'T SAY SUBURBAN.

16 Q IT SAYS CHEVROLET?

17 A YEAH.

18 Q CHEVROLET IS THE SUBURBAN?

19 A IT WAS A CHEVROLET.

20 Q AND WHAT COLOR WAS THAT SUBURBAN?

21 A IT WAS SORT OF BEIGE AND A LIGHT CREAM.

22 Q AND THEY HAD THIS VEHICLE WHEN THEY
23 SEPARATED, THE SUBURBAN?

24 A THAT'S CORRECT.

25 Q AND ONE OTHER VEHICLE, WHICH WAS YOURS?

- 1 A THAT'S RIGHT.
- 2 Q WHICH WAS THE PICKUP TRUCK?
- 3 A AND VICKI HAD BEEN USING THAT FOR THREE
- 4 OR FOUR MONTHS.
- 5 Q AND THAT DIDN'T BOTHER YOU?
- 6 A NO.
- 7 Q I MEAN, YOU HAD EXTRA VEHICLES?
- 8 A RIGHT.
- 9 Q SURE.
- 10 A WHEN I BOUGHT MY NEW DODGE TRUCK IN
- 11 OCTOBER OF '93, THAT WAS SORT OF MY OWN RETIREMENT
- 12 PRESENT TO MYSELF, I DECIDED NOT TO TRADE THE MAZDA
- 13 BECAUSE SOMEONE WOULD WANT TO USE MY TRUCK. AND
- 14 THE NEXT DAY VICKI BORROWED MY MAZDA.
- 15 Q I SEE. AND THAT DIDN'T BOTHER YOU THAT
- 16 SHE BORROWED IT?
- 17 A NO.
- 18 Q AND YOU GOT IT BACK AT WHATEVER POINT
- 19 IN TIME?
- 20 A WHEN I NEEDED TO HAUL SOME THINGS, YES,
- 21 AND SHE NEVER ASKED FOR IT AGAIN.
- 22 Q AND, OF COURSE, SHE WAS DRIVING -- AND
- 23 YOU KNEW THAT SHE WAS DRIVING THE NISSAN THAT
- 24 YOU'VE SEEN AROUND THE LANDER FAMILY. I BELIEVE
- 25 YOU EVEN SAID YOU'VE SEEN SENATOR LANDER DRIVE THAT

- 1 NISSAN IN THE PAST?
- 2 A UH-HUH.
- 3 Q IS THAT CORRECT?
- 4 A THAT'S CORRECT.
- 5 Q AND WHEN STEPHEN MOVED IN, HE DIDN'T --
- 6 HE SOLD THE SUBURBAN OR?
- 7 A HE DID. HE WAS HAVING SOME TROUBLE
- 8 WITH IT AND HE SOLD IT.
- 9 Q OKAY.
- 10 A AND USED HIS MOTHER'S CAR.
- 11 Q WHICH IS THE HONDA?
- 12 A HONDA.
- 13 Q AND THAT'S PRETTY MUCH WHAT HE USED
- 14 FROM -- WOULD THIS BE A FAIR STATEMENT; FROM
- 15 FEBRUARY OR MARCH OF '94 FORWARD?
- 16 A I DON'T KNOW WHEN, BUT IT WAS CERTAINLY
- 17 BEFORE JUNE.
- 18 Q OKAY. AND, OF COURSE, HE WOULD DRIVE
- 19 THAT CAR FROM TIME TO TIME IN HIS BUSINESS WHENEVER
- 20 HE HAD TO GO TO THE BEACH?
- 21 A THAT'S CORRECT. AND HIS MOTHER ALWAYS
- 22 GOT ON HIM ABOUT PUTTING TOO MANY MILES ON IT.
- 23 Q AND, OF COURSE, THERE WERE TIMES YOU
- 24 KNEW HE WAS GOING BACK AND FORTH TO THE BEACH?
- 25 A YES.

1 Q NOW, I BELIEVE YOU SAID YOU WERE
2 FAMILIAR, BUT NOT IN AGREEMENT, OF COURSE, WITH THE
3 VISITATION OR CUSTODY OR WHAT HAVE YOU? I FORGOT
4 HOW YOU PUT IT.

5 A I'M NOT SURE I SAID THAT.

6 Q ALL RIGHT, SO HOWEVER YOU PUT IT.

7 A THAT I WAS -- I DIDN'T UNDERSTAND IT
8 AND I'M NOT SURE I APPROVED IT. THAT'S WHAT I
9 SAID.

10 Q YOU DIDN'T UNDERSTAND IT, BUT MAYBE
11 EVEN IF YOU DID, YOU MIGHT NOT HAVE APPROVED IT?

12 A WHEN YOU GO THREE DAYS HERE AND FOUR
13 THERE AND THEN SOMETHING ELSE, IT GETS A LITTLE
14 CONFUSING.

15 Q YES, SIR. AND THERE WAS -- THAT'S HOW
16 IT WAS, THERE WAS THREE DAY, FOUR DAY AND THEN
17 EVERY OTHER WEEKEND; IS THAT CORRECT?

18 A I THINK THAT'S -- I THINK THAT'S RIGHT.

19 Q WAS THAT THE GIST OF IT?

20 A I THINK THAT'S CORRECT.

21 Q NOW, HAVE YOU EVER TAKEN YOUR
22 GRANDCHILDREN BY STEPHEN AND VICKI BECKHAM BACK TO
23 THE LANDERS' RESIDENCE?

24 A I DON'T THINK SO DURING THAT PERIOD OF
25 TIME, BUT I HAVE DONE IT CONSIDERABLE NUMBER OF

- 1 TIMES.
- 2 Q AND WHEN WE SAY NOT DURING THAT PERIOD
- 3 OF TIME, WHAT PERIOD OF TIME ARE WE TALKING ABOUT?
- 4 A TALKING ABOUT THAT TWO OR THREE MONTHS
- 5 PRIOR TO--
- 6 Q SEPARATION?
- 7 A YEAH.
- 8 Q YOU DON'T RECALL EVER TAKING THEM BACK?
- 9 A I MAY HAVE, BUT I DON'T --
- 10 Q YOU DON'T REMEMBER?
- 11 A -- RECALL IT.
- 12 Q AND AS I UNDERSTAND IT, IS THIS THE
- 13 CORRECT STATEMENT; THAT WHATEVER PARENT HAD THE
- 14 CHILDREN WAS RESPONSIBLE FOR TAKING THEM BACK?
- 15 A I IMAGINE SO, BUT I NEVER WAS TOLD
- 16 THAT.
- 17 Q BY THAT I MEAN, THE PARENT THAT DIDN'T
- 18 HAVE THE CHILD -- CHILDREN, DIDN'T GO PICK THEM UP?
- 19 A I DO NOT KNOW THAT.
- 20 Q YOU'RE NOT SURE?
- 21 A NO, SIR.
- 22 Q DO YOU KNOW IF YOUR WIFE EVER TOOK THE
- 23 CHILDREN BACK DURING THAT PERIOD OF SEPARATION?
- 24 A I DON'T KNOW THAT EITHER.
- 25 Q TO YOUR KNOWLEDGE, WOULD THIS BE A FAIR

1 STATEMENT; YOUR SON WAS THE ONE THAT WOULD DELIVER
2 THE CHILDREN BACK TO VICKI?

3 A THAT WOULD BE MY GUESS, YOU KNOW.

4 MR. SWERLING: YOUR HONOR, IF IT'S NOT
5 OF HIS OWN PERSONAL KNOWLEDGE, I WOULD OBJECT, 403.

6 THE COURT: OVERRULED.

7 Q WELL, SIR, I MEAN, YOU SAW VICKI COMING
8 AND GOING WITH THE CHILDREN?

9 A YES, SIR.

10 Q DURING THE PERIOD OF SEPARATION?

11 A YES, SIR.

12 Q AND I'M SURE YOU SAW STEPHEN GOING WITH
13 THE CHILDREN?

14 A YES.

15 Q AND WOULD IT BE YOUR UNDERSTANDING,
16 FROM YOUR OBSERVATIONS, I MEAN, YOU CERTAINLY CAN
17 SEE ALL OF THIS AREA FROM YOUR TWO-SIDED GLASS
18 ROOM. YOU WOULD KNOW IF STEPHEN WAS TAKING THE
19 CHILDREN BACK TO VICKI'S WHEN THE VISITATION WAS
20 OVER, WOULDN'T YOU, SIR?

21 A THAT'S CORRECT.

22 Q OF YOUR OWN KNOWLEDGE. AND HE DID,
23 DIDN'T HE?

24 A YES.

25 Q AND YOU DON'T KNOW OF ANYONE ELSE

- 1 DURING THAT PERIOD OF SEPARATION THAT TOOK THE
2 CHILDREN BACK TO VICKI'S? YOU DIDN'T SEE --
- 3 A I DON'T THINK I DID AND I DON'T THINK
4 MY WIFE DID.
- 5 Q AND THERE WASN'T ANYONE -- YOU DON'T
6 THINK JAMIE SUBER DID?
- 7 A HE COULD HAVE.
- 8 Q YOU NEVER SAW IT?
- 9 A I NEVER SAW IT, BUT HE COULD HAVE.
- 10 Q YES, SIR. AND WHAT TIME DID THEY
11 NORMALLY HAVE TO BE BACK?
- 12 A SIX O'CLOCK.
- 13 Q SIX O'CLOCK. AND LET ME ASK YOU THIS.
14 WHO TOOK THE CHILDREN BACK TO MS. LANDER'S HOUSE AT
15 SIX O'CLOCK ON JUNE THE 3RD, FRIDAY, JUNE THE 3RD;
16 DO YOU RECALL?
- 17 A NO. BUT I KNOW I WAS HOME. THAT WHOLE
18 WEEK I WAS -- WELL, I LEARNED THAT I HAD TYPE TWO
19 DIABETES. AND SO WE SPENT A LOT OF TIME TRYING TO
20 GET THAT IN BALANCE. I THINK DETECTIVE GILLIAM
21 LEARNED ABOUT THE SAME TIME ABOUT HIS.
- 22 Q WERE THE CHILDREN WITH STEPHEN OR WITH
23 VICKI ON THE WEEKEND OF JUNE THE 3RD?
- 24 A I DON'T KNOW, MR. MCMAHON.
- 25 Q YOU DON'T KNOW?

- 1 A YOU KNOW, THERE'S NO REASON FOR ME TO
2 RECALL THAT?
- 3 Q NO REASON FOR YOU TO RECALL THAT?
- 4 A THAT'S CORRECT.
- 5 Q YOU CAN'T RECALL THE WEEKEND BEFORE THE
6 DEATH OF YOUR DAUGHTER-IN-LAW?
- 7 A THE WEEKEND BEFORE THE DEATH OF MY
8 DAUGHTER-IN-LAW, WE LEFT EARLY SUNDAY MORNING -- WE
9 WERE THERE SATURDAY, BUT WE LEFT EARLY SUNDAY
10 MORNING FOR CLEMSON AND SPENT THE ENTIRE DAY AT
11 CLEMSON.
- 12 Q SO YOU CAN RECALL WHERE YOU WERE ON
13 THAT SUNDAY?
- 14 A I KEEP A CALENDAR, A JOURNAL.
- 15 Q NOW, JUNE THE 8TH, WHERE YOU POINTED
16 OUT ON THIS DEFENDANT'S EXHIBIT, I THINK, WHERE
17 THAT TRASH CAN WAS AT. THAT TRASH CAN WAS THERE,
18 THE FIFTY-FIVE GALLON TRASH CAN WAS THERE ON
19 WEDNESDAY, JUNE THE 8TH?
- 20 A YES.
- 21 Q AND FOR SOMEONE TO GET OR SEE OR GET UP
22 NEAR THAT -- HOW FAR INTO THE DRIVEWAY WAS THAT
23 TRASH CAN?
- 24 A THIRTY OR FORTY FEET.
- 25 Q ONE MOMENT, PLEASE. AND LET ME ASK YOU

1 THIS, SIR. STATE'S EXHIBIT NUMBER 38, IS THE
2 DRIVEWAY DEPICTED IN STATE'S EXHIBIT NUMBER 38 THE
3 SAME DRIVEWAY THAT YOU POINTED OUT IN STATE'S 18?

4 A LOOKING IN THE OPPOSITE DIRECTION.

5 Q LOOKING ACROSS -- I SEE A PAVED -- IS
6 THIS A PAVED ROAD HERE?

7 A THAT'S 773.

8 Q ALL RIGHT, SIR. THIS AREA ACROSS THE
9 STREET, THE VEGETATION, THE FOLIAGE, THE TREES, THE
10 BUSHES AND ALL; IS THAT PRETTY MUCH LIKE IT WAS
11 BACK IN 1994?

12 A RIGHT THERE IT IS. FURTHER BACK INTO
13 THE WOODS, IT'S THINNER. IT WAS TIMBERED, TOO.

14 Q AND THESE TWO, AGAIN, I'M GOING TO
15 POINT IT OUT TO THE JURY. THIS IS THE SAME
16 DRIVEWAY?

17 A THAT'S CORRECT.

18 Q NOW, IF I COULD, I WOULD LIKE TO GO TO
19 THE 12TH OF JUNE OF 1994.

20 A OKAY.

21 Q I BELIEVE THAT DAY -- AND YOU AND MR.
22 SWERLING DID YOUR OUTLINE HERE-- YOU HAD GONE TO
23 COLUMBIA?

24 A THAT'S CORRECT.

25 Q YOU RETURNED HOME AROUND THREE O'CLOCK?

- 1 A YES, SIR, RIGHT BEFORE THREE. THREE
2 WAS THE GOAL AND I BEAT IT A LITTLE BIT.
3 Q AND THAT'S WHEN YOU SAW TWO CARS?
4 A THAT'S CORRECT.
5 Q AND LATER ON, YOU IDENTIFIED -- LATER
6 ON YOU LEARNED THE SECOND CAR BELONGED TO AILENE
7 HURST?
8 A I LEARNED THAT A YEAR LATER.
9 Q OKAY, BUT LATER ON?
10 A YEAH.
11 Q AND THEN THERE'S A PHONE CALL THAT YOU
12 MADE AT 5:10 TO STEPHEN?
13 A YES.
14 Q HOW LONG IS THAT PHONE CALL?
15 A VERY SHORT.
16 Q WELL, DO YOU STILL HAVE THOSE RECORDS
17 UP THERE?
18 A NO, I DON'T.
19 Q DEFENDANT'S NO. 24?
20 A I THINK IT WAS SOMEWHERE AROUND THIRTY
21 SECONDS.
22 Q LET'S SEE. LET ME SEE IF I CAN FIND
23 THOSE, SIR. YES, HERE THEY ARE, DEFENDANT'S
24 EXHIBIT NO. 24. AND HOW LONG WAS THAT CALL?
25 A TWENTY-EIGHT POINT TWO (28.2) SECONDS.

1 Q AND THAT CALL WAS, DO YOU WANT TO GO TO
2 QUINCY'S OR SOME OTHER RESTAURANT?

3 A YES.

4 Q AND THAT WAS A CONVERSATION BETWEEN YOU
5 AND YOUR SON, STEPHEN?

6 A YES, BUT I'M NOT SURE WHY IT'S THAT
7 SHORT. WE HAD CALL WAITING AND WE COULD HAVE HAD A
8 BEEP COME IN OR WHATEVER. I DON'T KNOW.

9 Q YOU DON'T REMEMBER?

10 A NO. I REMEMBER CALLING HIM AND ASKING
11 HIM IF THEY WANTED TO GO TO QUINCY'S OR ORANDA'S.

12 Q ALL RIGHT, SIR. NOW, WOULD YOU LOOK
13 BACK ON DEFENDANT'S EXHIBIT NO. 24, TO ONE PAGE
14 BACK AND SEE IF THERE IS NOT A CALL FROM THE ZEIDER
15 RESIDENCE?

16 A THAT'S CORRECT.

17 Q AND THAT CALL IS AT 4:56?

18 A RIGHT.

19 Q AND HOW LONG WAS THAT CALL FROM THE
20 ZEIDER RESIDENCE?

21 A THIRTY-FIVE AND A HALF SECONDS.

22 Q THIRTY-FIVE AND A HALF SECONDS?

23 A RIGHT.

24 Q DID STEPHEN HAVE AN ANSWERING MACHINE?

25 A YES, HE DID.

- 1 Q ALL RIGHT, SIR. NOW, THE CALL AT 4:56
2 IS SHORTER OR LONGER THAN THE CONVERSATION CALL YOU
3 HAD WITH YOUR SON?
4 A IT'S ABOUT SEVEN SECONDS LONGER.
5 Q THE 4:56 CALL IS SEVEN SECONDS LONGER
6 THAN YOUR CALL?
7 A BUT I KNOW NOTHING ABOUT THAT CALL.
8 Q I UNDERSTAND. BUT THOSE ARE
9 DEFENDANT'S EXHIBITS SO I'M GOING TO ASK YOU ABOUT
10 THEM.
11 A OKAY.
12 Q YES, SIR. THEN WE GO TO THE 5:10 CALL
13 THAT IS A CONVERSATION BETWEEN YOU AND YOUR SON?
14 A NOT MUCH OF ONE, OBVIOUSLY.
15 Q THERE IS A CONNECTION AND THERE'S
16 TALKING BY YOU --
17 A RIGHT.
18 Q -- THERE'S TALKING BY HIM. AND THAT
19 ONLY LAST 29.2 SECONDS.
20 A THAT'S RIGHT.
21 Q IS THAT RIGHT? NOW, AS I UNDERSTAND IT
22 THEN, YOU DON'T -- AS I UNDERSTAND IT, YOU DON'T
23 SEE YOUR SON, SEE YOUR SON AGAIN UNTIL 6:23 OR
24 6:24?
25 A THAT'S CORRECT.

- 1 Q BUT YOU TALKED TO HIM PRIOR TO THAT?
- 2 A YES.
- 3 Q AND --
- 4 A TWICE.
- 5 Q TWICE?
- 6 A TWICE.
- 7 Q ALL RIGHT, WHAT --
- 8 A FIVE TEN, AND IT SHOWS HERE THE NEXT
- 9 CALL 5:51, FROM HIM TO ME.
- 10 Q OH, YOU'RE COUNTING THE 5:10 CALL. I'M
- 11 SAYING AFTER 5:10 CALL?
- 12 A THERE'S ANOTHER ONE AT 5:51.
- 13 Q YES, SIR. AFTER THE 5:10 CALL, YOU
- 14 DON'T SEE YOUR SON AGAIN, YOU DON'T SEE HIM AGAIN
- 15 UNTIL 6:23 OR 6:24 AT THE DAM?
- 16 A BUT THE CAR DID NOT MOVE.
- 17 Q I DIDN'T ASK THAT.
- 18 A YOU'RE CORRECT. YOU'RE CORRECT.
- 19 Q LET ME ASK YOU AGAIN, SIR. FROM 5:10
- 20 TO 6:23 OR 6:24, YOU DO NOT SEE YOUR SON?
- 21 A I DIDN'T SEE HIM AT 5:10.
- 22 Q BETWEEN 5:10, AFTER YOU TALKED WITH
- 23 YOUR SON, WHEN WAS THE NEXT TIME YOU SAW YOUR SON?
- 24 A BETWEEN 6:20 AND 6:30.
- 25 Q BETWEEN 6:20 AND 6:30?

- 1 A IN THAT PERIOD RIGHT THERE.
- 2 Q SO YOU'VE GOT 6:23 AND 6:24, WE WOULD
- 3 BACK UP THREE MINUTES THIS WAY AND SIX MINUTES THAT
- 4 WAY? BECAUSE YOU SAY 6:23 AND 6:24, SAW STEPHEN ON
- 5 DAM -- AT DAM?
- 6 A UH-HUH.
- 7 Q IT'S ACTUALLY 6:20 TO 6:30?
- 8 A WHY?
- 9 Q BECAUSE YOU SAID SO, SIR.
- 10 A I SAID I SAW HIM BETWEEN 6:20 AND 6:30,
- 11 IT'S NOT 6:20 AND 6:30. IT'S BETWEEN 6:20 AND
- 12 6:30.
- 13 Q COULD HAVE BEEN --
- 14 A WHICH HAPPENED TO BE 6:23 OR 6:24.
- 15 Q IT COULD HAVE BEEN 6:20?
- 16 A NO.
- 17 Q IT COULD NOT HAVE BEEN 6:20?
- 18 A NO.
- 19 Q COULD HAVE BEEN 6:21?
- 20 A I DOUBT THAT.
- 21 Q COULD HAVE BEEN 6:22?
- 22 A I DOUBT THAT, TOO.
- 23 Q COULD HAVE BEEN 6:25?
- 24 A IT COULD HAVE BEEN.
- 25 Q COULD HAVE BEEN 6:26?

- 1 A I DOUBT THAT BECAUSE THE GIRLS WERE
2 COMING UP SHORTLY AFTER THAT.
- 3 Q SO, WHERE YOU HAVE HERE 6:23 AND 6:24,
4 NOW, YOU'RE SAYING IT MAY BE 6:23, 6:24 OR 6:25?
- 5 A NO, SIR, YOU'RE SAYING THAT. I'M NOT
6 SAYING THAT.
- 7 Q ALL RIGHT. FROM THE TIME YOU TALKED TO
8 YOUR SON UNTIL YOU SAW YOUR SON, IT WAS AN HOUR AND
9 THIRTEEN MINUTES?
- 10 A NO, SIR. FROM 5:51 TO 6:23 IS NOT THAT
11 LONG.
- 12 Q FROM THE TIME YOU TALKED --
- 13 A WELL, IT IS, YEAH, IT IS -- NO, IT'S
14 NOT. IT'S THIRTY-THREE MINUTES, THIRTY-THREE,
15 THIRTY-FOUR MINUTES.
- 16 Q FROM THE TIME YOU TALKED WITH YOUR SON
17 AT 5:10 UNTIL YOU SAW YOUR SON AT 6:23, HOW MUCH
18 TIME IS THAT?
- 19 A THAT'S AN HOUR AND THIRTEEN MINUTES.
- 20 Q NOW, YOU TALKED WITH YOUR SON YOU SAY
21 AT 5:51?
- 22 A THAT'S CORRECT.
- 23 Q AND THAT WAS HIM CALLING YOU?
- 24 A WELL, CALLING THE HOUSE. I HAPPENED TO
25 BE THE ONE THAT ANSWERED.

- 1 Q CALLING THE HOUSE, OKAY. AND YOU
2 DIDN'T SEE HIM -- YOU DID NOT SEE HIM BETWEEN 5:10,
3 THE TWENTY-EIGHT-SECOND CALL YOU HAD, YOU DIDN'T
4 SEE HIM, AND 5:51, THE MINUTE AND EIGHT-SECOND CALL
5 YOU HAD?
- 6 A THAT'S CORRECT.
- 7 Q SO YOU DON'T KNOW OF YOUR OWN PERSONAL
8 KNOWLEDGE WHERE HE WAS FOR THOSE FORTY-ONE MINUTES?
- 9 A I ONLY KNOW THAT THE CAR DID NOT MOVE.
- 10 Q YOU DON'T KNOW WHERE HE WAS OF YOUR OWN
11 --
- 12 A NO, I DON'T.
- 13 Q -- PERSONAL KNOWLEDGE FOR THOSE FORTY-
14 ONE MINUTES?
- 15 A NO, I DON'T.
- 16 Q AND THIS WAS BEFORE MS. LANDER ARRIVED
17 WITH THE CHILDREN?
- 18 A MRS. BECKHAM.
- 19 Q EXCUSE ME.
- 20 A NOT MS. LANDER.
- 21 Q VICTORIA LANDER BECKHAM, EXCUSE ME.
- 22 A THAT'S CORRECT.
- 23 Q THAT WAS BEFORE VICTORIA LANDER BECKHAM
24 ARRIVED WITH THE CHILDREN?
- 25 A THAT'S CORRECT.

1 Q NOW, HOW FAR IS IT FROM -- WELL, LET ME
2 BACK UP A MOMENT. DID YOU SEE -- DID YOU OR DID
3 YOU NOT SEE VICKI AND THE CHILDREN ARRIVE?

4 A I SAW THE FRONT OF THE CAR AND SAW THE
5 CHILDREN MILLING AROUND. I DIDN'T SEE VICKI.

6 Q AND WHERE DID YOU SEE THE CAR AT?

7 A IF YOU HAVE ONE OF THOSE PHOTOGRAPHS,
8 IT WAS RIGHT BETWEEN THE TREE HOUSE AND THE MOBILE
9 HOME, POINTED IN, RIGHT IN THAT AREA.

10 Q WOULD THIS ONE BE APPROPRIATE?

11 A WELL, NO, IT'S NOT. IT WON'T GIVE YOU
12 THE RIGHT PERSPECTIVE.

13 Q ALL RIGHT, SIR. WELL, JUST TELL US
14 WHERE IT WAS AT?

15 A WELL, ONE FROM THE OTHER DIRECTION
16 WOULD SHOW IT BETTER.

17 Q WOULD THIS SHOW IT?

18 A NO, THAT SHOWS JAMIE'S.

19 Q JUST TELL ME WHERE IT WAS AT. TELL ME
20 WHERE THE VEHICLE WAS AT.

21 A IT WAS POINTED IN -- THERE'S A POWER
22 POLE BETWEEN THE TREE HOUSE AND THE MOBILE HOME,
23 WHICH IS THE SERVICE POLE. THERE'S ANOTHER POLE
24 OUT FRONT, WHICH MY OTHER SON HAD THAT HAD AN
25 ANTENNA ON TOP OF IT. NEXT TO THAT ARE SOME LITTLE

- 1 OAK TREES, AND THEN FURTHER DOWN IS A PINE TREE.
- 2 IT WAS ABOVE THE OAK TREES AND THAT SECOND ANTENNA
- 3 POLE POINTED IN TOWARD THE HOUSE.
- 4 Q AND SHE ARRIVED ABOUT -- YOU SAW THE
- 5 VEHICLE ABOUT 6:15?
- 6 A YEAH. WELL, OR A LITTLE LATER.
- 7 Q HOW MUCH LATER?
- 8 A I SAID OR A LITTLE LATER. I DIDN'T SAY
- 9 A LITTLE LATER.
- 10 Q WELL, WHEN YOU SAY OR A LITTLE LATER,
- 11 WOULD YOU EXPLAIN THAT FOR THE JURY, PLEASE, SIR?
- 12 A BECAUSE I WASN'T, YOU KNOW, DOING THIS
- 13 TO SEE HOW LATE SHE WAS OR EARLY SHE WAS OR
- 14 ANYTHING OF THAT TYPE.
- 15 Q AND, OF COURSE, YOU WEREN'T DOING THAT
- 16 WHEN YOU SAID 6:23 OR 6:24, WERE YOU?
- 17 A NO, I WASN'T.
- 18 Q SO THAT COULD HAVE BEEN A LITTLE LATER?
- 19 A VERY LITTLE.
- 20 Q BUT A LITTLE LATER?
- 21 A COULD HAVE BEEN A MINUTE.
- 22 Q SO SHE COULD HAVE ARRIVED AT 6:16? IF
- 23 YOU SAY 6:15, 6:16?
- 24 A IT COULD HAVE BEEN 6:16.
- 25 Q ALL RIGHT. NOW, OF COURSE, YOU WEREN'T

- 1 LOOKING AT A WATCH OR A CLOCK?
- 2 A THERE'S A CLOCK RIGHT IN THE STUDY OR
- 3 OUR DEN. AND I DID NOTICE THE CLOCK WHEN SAMUEL
- 4 GOT UP AND THAT WAS RIGHT AT 6:20.
- 5 Q WELL, NOW YOU HAVE SAMUEL AT 6:18?
- 6 A WELL, IT WAS RIGHT AT 6:20.
- 7 Q SO TWO MINUTES GIVE OR TAKE IS RIGHT AT
- 8 6:20?
- 9 A SURE.
- 10 Q ALL RIGHT. AND WHAT DID YOU NOTICE
- 11 SAMUEL DO RIGHT AT 6:20?
- 12 A HE WAS COMING -- HE CAME UP AND I LET
- 13 HIM IN THE HOUSE.
- 14 Q OKAY. AND THAT WAS RIGHT AT 6:20?
- 15 A RIGHT CLOSE TO 6:20, YES.
- 16 Q ALL RIGHT. SO NOW, THERE ARE OTHER
- 17 CALLS THAT ARE PART OF DEFENDANT'S EXHIBIT NO. 24;
- 18 IS THAT CORRECT? I MEAN, THERE'S OTHERS BESIDES
- 19 THOSE I HAVE ASKED YOU ABOUT?
- 20 A THAT'S CORRECT. YOU ONLY ASKED ABOUT
- 21 THE 5:10; I VOLUNTEERED THE 5:51. THERE ARE
- 22 OTHERS.
- 23 Q YES, SIR, I WAS GETTING TO THAT. I
- 24 APPRECIATE YOU VOLUNTEERING, ALTHOUGH I DIDN'T ASK
- 25 YOU.

1 A OKAY. YOUR HONOR, DO I HAVE TO TAKE
2 THAT KIND OF STARING AND LOOK FROM SOMEBODY?

3 THE COURT: EXCUSE ME. Y'ALL COME
4 OVER TO THE SIDE BAR.

5 A I KNOW HIS JOB IS TO GET ME MAD BUT I--
6 IT'S NOT GOING TO WORK.

7 MR. MCMAHON: EXCUSE ME, I COULDN'T
8 HEAR THE WITNESS.

9 A I SAID SOMETHING TO THE JUDGE, NOT YOU.
10 THE COURT: MR. BECKHAM.

11 MR. MCMAHON: YOUR HONOR, COULD I TAKE
12 SOMETHING UP OUTSIDE...

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

16 THE COURT: OKAY. MR. BECKHAM AS TO --
17 AND AS I TOLD THE JURY AT THE OUTSET OF THE TRIAL,
18 THIS IS AN ADVERSARIAL PROCESS. THERE IS DIRECT,
19 REDIRECT, CROSS AND RECROSS-EXAMINATION. AND ALL
20 WITNESSES NEED TO RESPOND TO THE QUESTIONS PUT TO
21 THEM AND WITHOUT ASKING A QUESTION AND, OF COURSE,
22 GIVE A RESPONSIVE ANSWER. I WILL TRY TO WATCH BOTH
23 TO MAKE SURE THAT THEY'RE -- AND I HAVE CAUTIONED
24 BOTH SIDES ABOUT EDITORIALIZING THROUGHOUT THE
25 TRIAL. AND I WILL TRY TO TAKE CARE OF THAT.

1 YOU HAVE TO BE RESPONSIVE TO HIS
2 QUESTION WITHOUT GIVING ADDITIONAL INFORMATION IF
3 THE ANSWERS A QUESTION YES OR NO. AND THEN IF IT
4 REQUIRES AN EXPLANATION, THEN, OF COURSE, YOU WILL
5 BE PERMITTED TO DO THAT.

6 LET'S LEAVE IT AT THAT FOR THE TIME
7 BEING.

8 ALL RIGHT, MR. MCMAHON.

9 MR. MCMAHON: MAY IT PLEASE THE COURT?

10 THE COURT: ASK YOUR NEXT QUESTION.

11 Q THERE IS -- JUST A RECOUNT, AMONG OTHER
12 PHONE CALLS, THERE IS A PHONE CALL AT 5:10 P.M.
13 THAT YOU SAY YOU MADE TO YOUR SON, STEPHEN?

14 A CORRECT.

15 Q THERE IS A PHONE CALL AT 5:51 P.M.?

16 A CORRECT.

17 Q THAT YOU RECEIVED OR YOU ANSWERED THAT
18 CALL?

19 A CORRECT.

20 Q FROM YOUR SON?

21 A CORRECT.

22 Q STEPHEN?

23 A CORRECT.

24 Q NOW, NEXT ON DEFENSE EXHIBIT NO. 24,
25 THERE IS A 6:33 P.M. CALL; IS THAT CORRECT?

1 A THAT'S CORRECT.

2 Q I WANT TO SHOW YOU ANOTHER DOCUMENT.

3 MR. MCMAHON: AND, YOUR HONOR, I WOULD
4 OFFER THIS INTO EVIDENCE.

5 THE COURT: ALL RIGHT. SAVE IT UNTIL
6 THE OBJECTION MADE AT THE SIDE BAR AS TO RELEVANCY,
7 WHICH WAS OVERRULED.

8 NO OBJECTION TO AUTHENTICITY, RIGHT?

9 MR. SWERLING: NO, SIR.

10 THE COURT: OKAY, AS TO RELEVANCY.

11 COURT REPORTER: STATE'S 138.

12 (WHEREUPON, STATE'S EXHIBIT NO. 138 WAS
13 ADMITTED INTO EVIDENCE.)

14 Q AND REFERRING NOW TO STATE'S 138, THAT
15 APPEARS TO BE A TYPED-UP TELEPHONE LOG JUST LIKE
16 THE VARIOUS PAGES THAT APPEAR IN DEFENDANT'S
17 EXHIBIT NO. 24? WHEN I SAY JUST LIKE, I'M TALKING
18 ABOUT THE FORMAT, NOT THE INFORMATION THEREON. I
19 MEAN THE FORMAT IS THE SAME?

20 A YES.

21 Q AND ON THAT TELEPHONE LOG, THERE IS A
22 CALL ON JUNE THE 12TH, 1994 AT 6:31 P.M.; IS THAT
23 CORRECT?

24 A THAT'S CORRECT.

25 Q AND DOES THAT LOG INDICATE WHERE THAT

- 1 PHONE CALL IS ORIGINATING?
- 2 A ONLY LONG DISTANCE.
- 3 Q CALLED FROM AN UNIDENTIFIED LONG
- 4 DISTANCE NUMBER?
- 5 A THAT'S CORRECT.
- 6 Q DOES THAT LOG INDICATE WHERE THAT CALL
- 7 IS GOING TO?
- 8 A IT GOES TO 276-1566.
- 9 Q AND THAT IS YOUR SON, STEPHEN BECKHAM'S
- 10 PHONE NUMBER?
- 11 A THAT'S CORRECT.
- 12 Q AND WHAT IS THE TIME ON THAT CALL?
- 13 A SIX, THIRTY-ONE.
- 14 Q SIX, THIRTY-ONE? AND WHAT IS THE
- 15 AMOUNT OF TIME ON THAT CALL?
- 16 A IT'S ONLY TEN SECONDS.
- 17 Q ONLY TEN SECONDS. SO, THERE'S A CALL
- 18 AT 5:10, THERE'S A CALL AT 5:51. PER THE LOG,
- 19 THERE'S A CALL AT 6:31 FOR TEN SECONDS?
- 20 A I KNOW NOTHING ABOUT THAT CALL.
- 21 Q PER THE LOG?
- 22 A PER THE LOG, YES.
- 23 Q JUST LIKE, YOU KNOW, NOTHING, EXCEPT
- 24 FOR THE LOG, ABOUT THE CALLS FROM AILENE HURST THAT
- 25 ARE PART OF DEFENDANT'S EXHIBIT NO. 24?

- 1 A THAT'S CORRECT.
- 2 Q YES, SIR. I UNDERSTAND. NOW, THE 6:33
- 3 CALL, WHO MADE THAT CALL?
- 4 A THAT'S FROM STEPHEN'S HOUSE TO OUR
- 5 HOUSE.
- 6 Q AND WHO RESPONDED TO THAT CALL, WHO
- 7 ANSWERED THE PHONE?
- 8 A I DID.
- 9 Q AND WHAT IS THE AMOUNT OF TIME ON THAT
- 10 CALL?
- 11 A IT'S 33.2 SECONDS.
- 12 Q THIRTY-THREE POINT TWO (33.2) SECONDS?
- 13 A THAT'S CORRECT.
- 14 Q NOW, AS A RESULT OF THAT CALL, ARE YOU
- 15 SAYING THERE'S A CALL DIRECTLY BACK AT 6:34?
- 16 A YES. YES.
- 17 Q AND HOW LONG IS THE CALL AT 6:34?
- 18 A THAT'S 12.4 SECONDS.
- 19 Q NOW, WHEN ANDREW GOT UP TO YOUR HOUSE
- 20 THE AFTERNOON OF THE 12TH, I BELIEVE YOU TESTIFIED
- 21 HE GOT IN YOUR LAP?
- 22 A YES, SIR.
- 23 MR. MCMAHON: MAY I APPROACH THE SIDE
- 24 BAR, PLEASE?
- 25 (BENCH CONFERENCE IN THE PRESENCE OF

1 THE JURY, OUT OF THE HEARING OF THE JURY, AND OFF
2 THE RECORD.)

3 THE COURT: LADIES AND GENTLEMEN, LET
4 ME LET YOU GO TO THE JURY ROOM FOR JUST A FEW
5 MINUTES. WE'RE GOING TO COME BACK OUT IN JUST A
6 FEW MINUTES.

7 (WHEREUPON, THE JURY RECESSED TO THE
8 JURY ROOM AT 11:38 P.M.)

9 THE COURT: NOW, LET ME PREFACE WHAT
10 I'M ABOUT TO DO SO NOBODY MISUNDERSTANDS. JUST
11 LIKE SENATOR LANDER WANTED TO INTERPRET WHAT
12 HEARSAY IS, I DIDN'T LET HIM DO THAT, BECAUSE IT'S
13 MY JOB TO MAKE THAT DETERMINATION. NOR AM I GOING
14 TO LET THIS WITNESS DO CERTAIN THINGS IN THIS
15 COURTROOM.

16 NOW, WITH CONSENT OF THE PARTIES, STAND
17 DOWN AND GO TALK TO MR. SWERLING FOR JUST A FEW
18 MINUTES, NOT ABOUT YOUR TESTIMONY, BUT ABOUT OTHER
19 MATTERS. AND THEN, WE'LL RESUME.

20 (BRIEF CONFERENCE BETWEEN MR. SWERLING
21 AND BISHOP BECKHAM.)

22 NOW, IT DOESN'T DO EITHER SIDE ANY GOOD
23 WHEN YOU'VE GOT A WITNESS ON THE STAND FOR ME TO
24 HAVE TO CLIMB DOWN THEIR THROAT, BUT I'M PREPARED
25 TO DO IT. OKAY?

1 MR. SWERLING: JUDGE, I WILL POINT FOR
2 THE RECORD THAT NOTHING WAS SAID CONCERNING THE
3 MERITS OF THE TESTIMONY.

4 THE COURT: I UNDERSTAND THAT.

5 MR. SWERLING: STYLISTIC IS ALL I WENT
6 INTO.

7 THE COURT: ALL RIGHT. NOW BRING THE
8 JURY BACK IN.

9 (WHEREUPON, THE JURY RETURNED TO OPEN
10 COURT AT 11:55 P.M.)

11 THE COURT: ALL RIGHT, MR. MCMAHON, YOU
12 MAY CONTINUE.

13 MR. MCMAHON: MAY IT PLEASE THE COURT?

14 Q TALKING ABOUT THE 12TH OF JUNE OF '94,
15 OF YOUR THREE GRANDCHILDREN BY VICKI AND STEPHEN,
16 THE FIRST ONE TO ARRIVE WAS SAMUEL?

17 A THAT'S CORRECT.

18 Q AND THEN?

19 A ANDREW.

20 Q AND ANDREW GOT IN YOUR LAP?

21 A YES, HE DID.

22 Q NOW, THAT'S WHEN YOU HAD -- YOU RELATED
23 THE CONVERSATION OF WHAT HE -- THE ROUTINE YOU AND
24 HE GO THROUGH?

25 A YES.

Pg# 4659 Missing
from originals

- 1 Q YOU BEING ONE OF HIS TWO GRANDFATHERS?
- 2 A YES.
- 3 Q NOW, WHAT CAUSED -- OR WHY DID ANDREW
- 4 GET OUT OF YOUR LAP; DO YOU RECALL?
- 5 A WELL, HE DOESN'T SIT THERE ALL THE
- 6 TIME.
- 7 Q YES, SIR. I MEAN FOR WHAT PERIOD OF
- 8 TIME DID YOUR GRANDSON, ANDREW, REMAIN IN HIS
- 9 GRANDFATHER'S LAP?
- 10 A LONG ENOUGH TO HUG AND TO GO THROUGH
- 11 OUR LITTLE ROUTINE.
- 12 Q ALL RIGHT. SO, IT'S JUST A QUICK
- 13 THING?
- 14 A PRETTY QUICK, YES.
- 15 Q AND THEN HE GOT UP AND WENT WHERE?
- 16 A HE WAS RIGHT THERE IN THE ROOM ON THE
- 17 FLOOR.
- 18 Q ANDREW?
- 19 A UH-HUH.
- 20 Q AND THAT WAS ALSO WHERE SAMUEL WAS AT?
- 21 A YES. SAMUEL WAS PULLING TOYS IN TO
- 22 PLAY WITH.
- 23 Q NOW, WHAT HAD YOU BEEN DOING PRIOR TO
- 24 SAMUEL ARRIVING?
- 25 A I WAS READING THE PAPER.

- 1 Q AND WHEN THEY CAME IN, DID YOU HAVE --
2 DID YOU STOP READING THE PAPER?
- 3 A YES, SIR.
- 4 Q JUST TO GREET THEM?
- 5 A NO, I STOPPED READING IT PERIOD.
- 6 Q AND DID NOT GO BACK, AT LEAST WITHIN
7 THEIR PRESENCE, TO READING THE PAPER?
- 8 A THERE WAS NO TIME TO READ THE PAPER
9 FROM THAT POINT ON.
- 10 Q I UNDERSTAND. AND I TAKE IT, THE
11 TELEVISION SET WAS ALREADY ON?
- 12 A IT WAS ON.
- 13 Q AND IT WAS JUST KIND OF RUNNING AS IT
14 DOES IN A DEN, THE TV MAY BE ON, SOMEBODY MAY BE
15 READING THE PAPER. I MEAN, IT'S THERE HAPPENING
16 SIMULTANEOUSLY?
- 17 A YES.
- 18 Q AND I TAKE IT, YOU WERE WATCHING YOUR
19 GRANDSON, SAMUEL AND ANDREW, AND ENJOYING THEIR
20 COMPANY AND WATCHING THEM PLAY?
- 21 A YES.
- 22 Q ALL RIGHT, SIR. NOW, WHO WAS THE NEXT
23 PERSON THAT ARRIVED?
- 24 A SHANNON AND LADONNA AND --
- 25 Q NOW --

- 1 A EXCUSE ME.
- 2 Q EXCUSE ME, I DON'T MEAN TO INTERRUPT.
- 3 A RIGHT BEHIND THEM, THE FIELDS.
- 4 Q ALL RIGHT, SIR. NOW, DID YOU REMAIN IN
- 5 THE SAME CHAIR OR COUCH OR WHATEVER YOU WERE
- 6 SITTING IN?
- 7 A NO, SIR. I GOT UP AND OPENED THE DOOR
- 8 FOR ALL OF THEM.
- 9 Q FOR SHANNON, LADONNA AND THEN THE
- 10 FIELDS CAME IN BEHIND THEM?
- 11 A THAT'S RIGHT.
- 12 Q SO NOW IN THE HOUSE AT THIS TIME IS YOU
- 13 AND YOUR WIFE, CORRECT?
- 14 A THAT'S CORRECT.
- 15 Q MRS. FIELDS AND MARCUS FIELDS?
- 16 A RIGHT.
- 17 Q YOUR GRANDDAUGHTER, SHANNON?
- 18 A RIGHT.
- 19 Q YOUR GRANDNIECE, LADONNA?
- 20 A YES.
- 21 Q AND YOUR GRANDSONS, ANDREW AND SAMUEL?
- 22 A THAT'S CORRECT.
- 23 Q CORRECT?
- 24 A UH-HUH.
- 25 Q AND JAMIE HAD GONE TO COLUMBIA?

- 1 A THAT'S RIGHT.
- 2 Q YOU KNEW THAT?
- 3 A I DIDN'T KNOW THAT.
- 4 Q YOU DIDN'T KNOW THAT?
- 5 A NO.
- 6 Q BUT JAMIE WASN'T AROUND?
- 7 A THAT'S CORRECT.
- 8 Q SO THE ONLY ONE THAT WASN'T IN THE
- 9 HOUSE WAS STEPHEN?
- 10 A THAT'S CORRECT.
- 11 Q NOW, HOW LONG DID LADONNA AND SHANNON
- 12 STAY BEFORE THE GLAMOUR SHOT CONVERSATION?
- 13 A LADONNA DIDN'T LEAVE. SHANNON LEFT TO
- 14 GO GET THE GLAMOUR SHOTS.
- 15 Q AND WHAT PERIOD OF TIME DID SHE STAY AT
- 16 YOUR RESIDENCE BEFORE SHE WENT TO GET THE --
- 17 A IT WAS JUST A MATTER OF A COUPLE OF
- 18 MINUTES. WHEN THE FIELDS CAME IN, THAT
- 19 CONVERSATION WENT ON ABOUT THE GLAMOUR SHOTS WHILE
- 20 I WAS TALKING WITH MARCUS.
- 21 Q SHE LEFT? SHANNON?
- 22 A RIGHT BEHIND SAMUEL.
- 23 Q AND THEN SHE, SHANNON, RETURNED?
- 24 A RIGHT.
- 25 Q WITH THE GLAMOUR SHOTS?

- 1 A THAT'S RIGHT.
- 2 Q NOW, I TAKE IT YOU NEVER SAW -- YOU
- 3 NEVER SAW VICKI AND STEPHEN, YOUR SON, IN THE CAR?
- 4 A NO, I DID NOT.
- 5 Q YOU NEVER SAW THAT?
- 6 A NO.
- 7 Q AND WHEN WAS THE LAST TIME THAT YOU SAW
- 8 STEPHEN?
- 9 A PRIOR TO WHEN?
- 10 Q PRIOR TO 6:30?
- 11 A 6:23 TO 6:25.
- 12 Q AND THAT'S ON YOUR EXHIBIT HERE?
- 13 A YES, SIR.
- 14 Q AND WHERE DID YOU SEE HIM AT?
- 15 A ON THE DAM.
- 16 Q HOW FAR IS THE DAM FROM STEPHEN'S
- 17 RESIDENCE?
- 18 A SEVENTY-FIVE, EIGHTY YARDS.
- 19 Q HOW FAR WAS THE DAM WHERE YOU SAW HIM
- 20 AT FROM WHERE YOU HAD SEEN VICKI'S CAR WHEN SHE
- 21 DROPPED, AS FAR AS YOU KNOW, THE CHILDREN OFF?
- 22 A YOU'D HAVE TO GO DOWN ON ABOUT SEVENTY-
- 23 FIVE YARDS, AND FIFTY, IT WOULD BE A HUNDRED --
- 24 BETWEEN 125 AND 150 YARDS.
- 25 Q DO YOU RECALL THE DESCRIPTION OF THE

1 SHADE TREE WHERE YOUR GRANDSON SAID MOM AND DAD
2 WERE SITTING IN THE CAR TALKING?

3 A IT'S A LARGE OAK.

4 Q AND WHERE IS THAT TREE IN RELATION TO
5 STEPHEN BECKHAM, YOUR SON'S, RESIDENCE?

6 A IT'S NEXT TO JAMIE SUBER'S RESIDENCE.

7 Q HOW FAR IS THAT?

8 A FIFTY YARDS.

9 Q HOW FAR THEN, IS THAT TREE WHERE ANDREW
10 SEES MOM AND DAD TALKING FROM THE DAM WHERE YOU SAW
11 STEPHEN?

12 A TWO HUNDRED YARDS.

13 Q TWO HUNDRED YARDS?

14 A UH-HUH.

15 Q SO IF THIS IS CORRECT, I JUST WANT TO
16 MAKE SURE I UNDERSTAND. WHERE ANDREW SAW MOM AND
17 DAD TALKING IS 200 YARDS AWAY FROM WHERE YOU SAW
18 YOUR SON, STEPHEN, ON THE DAM?

19 A THAT'S CORRECT.

20 Q AND AGAIN, WHAT TIME WAS IT YOU SAW
21 STEPHEN ON THE DAM?

22 A 6:23 TO 6:25.

23 Q AND LOOKING AT DEFENDANT'S EXHIBIT NO.
24 58, WHAT TIME DID ANDREW SEE MOM AND DAD IN THE CAR
25 TALKING?

1 A 6:23, 6:25.

2 Q SO, ACCORDING TO DEFENDANT'S EXHIBIT

3 NO. 58 AND DEFENDANT'S EXHIBIT NO. 65, WHEN YOU SAW

4 ANDREW -- EXCUSE ME, STEPHEN, AT 6:23 OR 6:24, YOU

5 SAW STEPHEN AT THE DAM. BETWEEN 6:23 AND 6:25 --

6 MR. SWERLING: YOUR HONOR, WHAT'S...

7 THE COURT: EXCUSE ME. THAT'S AN

8 INTERESTING QUESTION. HANG ON JUST A MINUTE.

9 MR. MCMAHON: IT'S IN EVIDENCE.

10 THE COURT: I UNDERSTAND WHAT YOUR

11 ARGUMENT IS.

12 MR. MCMAHON: YES, SIR.

13 THE COURT: BUT LET ME TALK TO YOU

14 ABOUT IT JUST A MINUTE.

15 (BENCH CONFERENCE IN THE PRESENCE OF

16 THE JURY, OUT OF THE HEARING OF THE JURY, AND OFF

17 THE RECORD.)

18 THE COURT: OBJECTION OVERRULED.

19 MR. MCMAHON: MAY IT PLEASE THE COURT?

20 THE COURT: YES, SIR.

21 Q ALL I'M ASKING IS ACCORDING TO THE

22 DEFENDANT'S EXHIBIT, THIS IS DEFENDANT'S EXHIBIT

23 NO. 65 AND THIS IS DEFENDANT'S EXHIBIT NO. 58. AND

24 UP TOP IS BISHOP BECKHAM, 6:23 TO 6:24, SAW STEPHEN

25 AT DAM, CORRECT?

- 1 A UH-HUH.
- 2 Q AND THAT'S CORRECT, THAT'S WHAT YOU
- 3 SAW. AND ON DEFENDANT'S EXHIBIT NO. 58, 6:23 TO
- 4 6:25, SEES MOM AND DAD IN CAR. AND THIS SAYS
- 5 ANDREW; IS THAT CORRECT?
- 6 A YES, IT DOES.
- 7 Q HOW FAR AWAY IS THE TREE THAT WAS
- 8 DESCRIBED FROM THE DAM WHERE YOU SAY YOU SAW
- 9 STEPHEN, 200 YARDS?
- 10 A SOMEWHERE BETWEEN 150 AND 200, YES.
- 11 Q SOMEWHERE BETWEEN 150 AND 200?
- 12 A UH-HUH.
- 13 Q OKAY. NOW, FROM 5:51 TO 6:33 -- NO,
- 14 EXCUSE ME. FROM 5:51 TO -- ACCORDING TO YOUR
- 15 DEFENDANT'S EXHIBIT 65, 5:51 TO 6:23, YOU DID NOT
- 16 TALK OR SEE YOUR SON, STEPHEN, ACCORDING TO WHAT
- 17 YOU RECALL?
- 18 A THAT'S CORRECT.
- 19 Q ALL RIGHT, SIR. NOW, SIR, I WANT TO GO
- 20 ON OVER INTO THE EARLY MORNING HOURS OF THE 13TH.
- 21 I BELIEVE YOU TOLD THE JURY THAT YOU WERE AWAKENED
- 22 EARLY IN THE MORNING?
- 23 A THAT'S CORRECT.
- 24 Q AT ABOUT WHAT TIME?
- 25 A TWO OR A LITTLE AFTER.

- 1 Q AND HOW WERE YOU AWAKENED?
- 2 A BY SOMEONE KNOCKING ON THE FRONT DOOR.
- 3 Q AND YOU LATER DETERMINED IT WAS SLIM
- 4 MR. GILLIAM AND DEPUTY WRIGHT?
- 5 A GILLIAM AND WRIGHT.
- 6 Q ALL RIGHT. AND I TAKE IT BEFORE YOU
- 7 HEARD THE KNOCKING ON THE DOOR, WERE YOU AWARE OF
- 8 ANYTHING OUTSIDE?
- 9 A NO.
- 10 Q IT'S WHAT TIME IN THE MORNING?
- 11 A TWO TO 2:10, IN THAT AREA.
- 12 Q AND THESE -- OR AT LEAST THIS ONE
- 13 COUNTRY DOG OF YOURS DOESN'T BARK TO ALERT YOU IF
- 14 SOMEONE COMES TO YOUR HOME --
- 15 A THE DOGS --
- 16 Q -- AND UP ON YOUR PORCH AT NIGHT?
- 17 A THE DOGS ARE ON THE BACKSIDE OF THE
- 18 HOUSE, THEIR PEN.
- 19 Q OKAY. SO THEY DON'T BARK AT NIGHT IF
- 20 SOMEONE COMES ON YOUR PROPERTY BECAUSE OF WHERE
- 21 THEY'RE AT?
- 22 A SURE, THEY DO. BUT I ALSO WEAR A
- 23 HEARING AID.
- 24 Q OKAY. DOES THAT MEAN YOU CAN'T HEAR
- 25 YOUR DOGS BARKING?

- 1 A THAT MEANS MY WIFE HEARS THEM BETTER
2 THAN I DO.
- 3 Q OKAY. SURE. BUT YOU DIDN'T HEAR THEM
4 THAT NIGHT? YOUR FIRST -- WHAT ROUSED YOU UP WAS A
5 KNOCKING ON THE DOOR?
- 6 A YES.
- 7 Q AND WHEN YOU ARRIVED IT WAS, YOU KNOW,
8 YOU DETERMINED IT WAS MR. WRIGHT AND MR. GILLIAM?
- 9 A RIGHT.
- 10 Q NOW, I BELIEVE YOU WENT ON DOWN TO YOUR
11 SON'S HOUSE?
- 12 A AFTER I TOLD MY WIFE, YES.
- 13 Q SURE. CERTAINLY. AND THE CHILDREN
14 WERE THERE ASLEEP?
- 15 A NO, ONLY SAMUEL WAS ASLEEP.
- 16 Q ALL THE OTHER CHILDREN WERE AWAKE?
- 17 A THAT'S CORRECT.
- 18 Q AND THE DOOR WAS SHUT TO --
- 19 A THE BEDROOM.
- 20 Q YOUR SON'S BEDROOM?
- 21 A YES.
- 22 Q HOW LONG DID IT TAKE YOU TO GET DOWN
23 THERE? I MEAN, JUST MOMENTS? YOU WERE, LIKE YOU
24 SAID -- WELL, NO, YOU DIDN'T DESCRIBE THAT NIGHT.
25 HOW LONG DID IT TAKE YOU TO GET DOWN THERE?

- 1 A FROM THE TIME THE OFFICERS LEFT UNTIL I
2 GOT THERE WOULD HAVE BEEN LESS THAN FIVE MINUTES.
- 3 Q AND, OF COURSE, YOUR SON, MR. BECKHAM,
4 LEFT WITH THE OFFICERS?
- 5 A THAT'S CORRECT.
- 6 Q VOLUNTARILY?
- 7 A YES.
- 8 Q AND YOU KNEW WHO HE WAS WITH AND WHERE
9 HE WAS GOING?
- 10 A YES.
- 11 Q AND, OF COURSE, THEY WERE AWARE OF YOUR
12 PRESENCE AND THAT THE CHILDREN THERE WERE YOUR --
13 THEY MAY HAVE NOT KNOWN LADONNA'S EXACT
14 RELATIONSHIP, BUT HAD THOUGHT THAT THEY WERE YOUR
15 GRANDCHILDREN?
- 16 A I DON'T KNOW WHAT THEY THOUGHT.
- 17 Q YOU, BEING A RESPONSIBLE ADULT, SOMEONE
18 WAS LEFT IN CHARGE OF THE CHILDREN --
- 19 A THAT'S CORRECT.
- 20 Q -- WHEN THE OFFICERS AND YOUR SON LEFT?
- 21 A THAT'S CORRECT. ONLY MY SON SAID LOOK
22 AFTER THE CHILDREN. THE OFFICERS NEVER SAID
23 ANYTHING.
- 24 Q AND, OF COURSE, YOU WERE THERE?
- 25 A YES.

- 1 Q AND WHEN YOUR SON SAID THAT THE
2 OFFICERS WERE THERE?
3 A THAT'S RIGHT.
4 Q NOW, I BELIEVE YOU SAID YOU HAD SOME
5 CONTACT WITH THE LANDERS AFTER THIS?
6 A WITH SENATOR LANDER.
7 Q AND WHO CALLED WHO?
8 A HE CALLED WHERE I WAS.
9 Q HE CALLED WHERE YOU WERE AT?
10 A YES, SIR.
11 Q AND AT YOUR HOME OR --
12 A I'M NOT SURE WHETHER HARRIET HAD COME
13 DOWN AND I WAS BACK AT THE HOUSE, OR WHETHER I WAS
14 STILL THERE. MY GUESS WAS THAT HE CALLED FROM THE
15 COMPLEX.
16 Q YES, SIR. I'M NOT ASKING WHERE HE
17 CALLED FROM. I WAS TRYING TO ASK WHERE YOU WERE
18 AT?
19 A I'M NOT SURE.
20 Q YOU'RE NOT SURE?
21 A NO.
22 Q YOU MAY HAVE RECEIVED THAT CALL AT YOUR
23 SON'S RESIDENCE --
24 A OR AT --
25 Q -- THE TRAILER, OR AT YOUR RESIDENCE,

- 1 YOU'RE JUST NOT SURE?
- 2 A THAT'S RIGHT. I REMEMBER THE WORDS,
3 NOT WHERE I WAS.
- 4 Q AND WASN'T THERE A DECISION MADE THAT
5 THE CHILDREN -- AND THIS IS KIND OF A JOINT
6 DECISION, THAT THE CHILDREN WOULD BE TOLD ABOUT
7 THEIR MOTHER'S DEATH LATER ON IN THE DAY, SO TO
8 SPEAK?
- 9 A THERE WAS A REQUEST BY THE SENATOR NOT
10 TO SAY ANYTHING TO THE CHILDREN UNTIL HE AND MRS.
11 LANDER COULD BE WITH US.
- 12 Q AND YOU DON'T FIND THAT BEING AN
13 UNREASONABLE REQUEST?
- 14 A NO, I DON'T.
- 15 Q BECAUSE YOU LOVE THOSE CHILDREN AS YOUR
16 GRANDCHILDREN?
- 17 A YES, I DO.
- 18 Q JUST LIKE THE SENATOR AND MRS. LANDER
19 LOVE THOSE CHILDREN AS THEIR GRANDCHILDREN?
- 20 A YES.
- 21 Q AND, OF COURSE, THE POLICE WANTED TO
22 TALK TO THE CHILDREN?
- 23 A MY WIFE WAS IN ON THAT. I WAS NOT IN
24 ON THAT AT ALL.
- 25 Q BUT YOU KNOW THE POLICE WANTED TO?

- 1 A YEAH.
- 2 Q AND IT WAS NOT THE POLICE'S DECISION TO
- 3 WITHHOLD TELLING THE CHILDREN. IT WAS KIND OF A --
- 4 MR. SWERLING: OBJECTION. WHAT'S THE
- 5 RELEVANCE?
- 6 THE COURT: OVERRULED.
- 7 Q IT WAS KIND OF A FAMILY DECISION,
- 8 THAT'S ALL I'M ASKING?
- 9 A THAT'S CORRECT.
- 10 Q IT WASN'T AN OFFICIAL DECISION. IT WAS
- 11 A DECISION MADE BY RESPONSIBLE ADULTS DURING THE
- 12 TIME OF GRIEVING AND A VERY UPSETTING TIME?
- 13 A THAT'S CORRECT.
- 14 Q ALL RIGHT. NOW, THAT NEXT DAY -- ON
- 15 INTO THE NEXT DAY, I MEAN, WE ARE ALREADY TALKING
- 16 ABOUT THE NEXT DAY, THE 13TH, WAS THE EVENTS OF THE
- 17 12TH A TOPIC OF DISCUSSION AT THE BECKHAM RESIDENCE
- 18 ON THE 13TH?
- 19 A BY ALL MEANS.
- 20 Q IT WAS?
- 21 A UH-HUH.
- 22 Q AND I ASSUME YOU WERE PRESENT DURING
- 23 SOME OF THOSE DISCUSSIONS?
- 24 A YES, SIR.
- 25 Q AND YOU HAVE -- OVER THE LAST -- SINCE

1 JUNE THE 13TH OF '94, YOU HAVE TALKED TO CERTAIN
2 LAW ENFORCEMENT OFFICERS ABOUT THIS, CORRECT?
3 A YES, SIR.
4 Q DO YOU KNOW WHO ROBERT STEWART IS?
5 A YES, I DO.
6 Q AND WHO IS ROBERT STEWART?
7 A HE'S THE CHIEF OF SLED.
8 Q HE IS THE CHIEF, THE NUMBER ONE OFFICER
9 AT THE STATE LAW ENFORCEMENT DIVISION?
10 A SLED, THAT'S RIGHT.
11 Q AND YOU HAVE TALKED WITH HIM, AS YOU
12 HAVE WITH OTHER LAW ENFORCEMENT OFFICERS ABOUT
13 THIS?
14 A YES, BUT IT WAS DIFFERENT.
15 Q WELL, LET ME ASK YOU THIS. YOU NEVER
16 TOLD CHIEF STEWART --
17 MR. SWERLING: MAY WE APPROACH THE SIDE
18 BAR, YOUR HONOR?
19 (BENCH CONFERENCE IN THE PRESENCE OF
20 THE JURY, OUT OF THE HEARING OF THE JURY, AND OFF
21 THE RECORD.)
22 THE COURT: THERE WAS NO OBJECTION
23 MADE.
24 MR. SWERLING: THERE'S NO OBJECTION.
25 Q SIR, I WAS --

1 MR. MCMAHON: MAY IT PLEASE THE COURT?

2 THE COURT: YES, SIR.

3 Q I WAS ASKING IF YOU HAVE EVER TOLD
4 CHIEF STEWART, WHO YOU WERE ABLE TO GET AN
5 APPOINTMENT WITH AND SIT DOWN AND TALK WITH.

6 A UH-HUH.

7 Q ABOUT SEEING STEPHEN ON THE DAM?

8 A I DON'T RECALL.

9 Q YOU DON'T RECALL?

10 A I RECALL TELLING CHIEF STEWART THAT I
11 CAME TO SEE HIM AT THE SUGGESTION OF ANOTHER SLED
12 AGENT, TO SAY THAT ENOUGH WAS ENOUGH.

13 Q YES, SIR. BUT YOU DON'T RECALL IF YOU
14 EVER TOLD CHIEF STEWART THAT YOU SAW STEPHEN ON THE
15 DAM?

16 MR. SWERLING: YOUR HONOR, HE'S ALREADY
17 SAID IT. ASKED AND ANSWERED, THAT THEY DIDN'T HAVE
18 THE CONVERSATION.

19 THE COURT: I'LL LET HIM ASK THE
20 QUESTION.

21 BUT NOW -- GO AHEAD.

22 Q YOU DON'T RECALL --

23 A I DON'T RECALL IT.

24 Q NOW, LET ME ASK YOU A COUPLE OF OTHER
25 THINGS. I'LL SHOW YOU A DOCUMENT AND ASK IF YOU

1 CAN RECOGNIZE THAT DOCUMENT FOR US, PLEASE? DON'T
2 TELL ME WHAT IT IS YET, BUT DO YOU RECOGNIZE IT,
3 SIR?

4 A I RECOGNIZE THE SIGNATURE. I HAVEN'T
5 READ THE REST OF IT; YES, SIR.

6 MR. MCMAHON: ONE MOMENT, PLEASE, YOUR
7 HONOR.

8 THE COURT: MR. MCMAHON, YOU WANT TO
9 SHOW THAT TO THE OTHER SIDE?

10 MR. MCMAHON: YES, SIR.

11 THE COURT: ALL RIGHT. LET HIM HAVE
12 THE DOCUMENT BACK.

13 MR. MCMAHON: MARK THIS WITHOUT
14 OBJECTION OR SUBJECT TO OBJECTION?

15 THE COURT: WITH OR WITHOUT?

16 MR. SWERLING: IT'S OBJECTIONABLE.

17 THE COURT: ALL RIGHT. THE OBJECTION
18 WAS OVERRULED.

19 (WHEREUPON, STATE'S 139 WAS MARKED AND
20 ENTERED OVER OBJECTION)

21 Q REFERRING NOW TO STATE'S EXHIBIT NO.
22 139, THAT PARTICULAR DOCUMENT, UPON VICKI LANDER
23 BECKHAM'S DEATH, HER SPOUSE WOULD HAVE BEEN THE
24 PERSONAL REPRESENTATIVE OF HER ESTATE?

25 A THAT'S CORRECT, I THINK, UNDER THE LAW.

1 Q ALTHOUGH THEY WERE SEPARATED, HE WOULD
2 HAVE BEEN THE PERSONAL REPRESENTATIVE?

3 A RIGHT.

4 Q AND THAT PARTICULAR DOCUMENT IS A
5 RENUNCIATION BY YOUR SON, STEPHEN BECKHAM, FROM
6 BEING THE PERSONAL ADMINISTRATOR OF MS. BECKHAM'S
7 ESTATE, WHATEVER IT MAY HAVE BEEN?

8 A YES.

9 Q YES, SIR. WHEN IS THAT DATED?

10 A IT'S DATED THE 22ND OF MARCH, 1995.

11 Q AND WHAT WAS THE RELATION OR KINSHIP
12 BETWEEN YOU AND VICKI LANDER BECKHAM?

13 A I WAS HER FATHER-IN-LAW.

14 Q YOU WERE HER FATHER-IN-LAW. AND, OF
15 COURSE, AS WE KNOW, SENATOR LANDER IS HER FATHER?

16 A THAT'S CORRECT.

17 Q AND WHO DID YOUR -- HER SEPARATED
18 SPOUSE NOMINATE TO BE THE PERSONAL REPRESENTATIVE
19 TO HANDLE VICKI'S ESTATE?

20 A HE NOMINATED ME.

21 Q NOW -- AND THAT'S THAT DOCUMENT YOU
22 HAVE RIGHT THERE?

23 A THAT'S CORRECT.

24 Q NOW, AS A RESULT OF THAT, YOU NEEDED
25 COPIES OF THE DEATH CERTIFICATE, DIDN'T YOU, SIR?

- 1 A YES, SIR.
- 2 Q AND I BELIEVE --
- 3 A I THOUGHT I DID. I FOUND OUT I DID
- 4 NOT. I ONLY NEEDED -- OR ONLY ASKED FOR ONE.
- 5 Q NOT ONLY DID YOU THINK YOU DID, YOU
- 6 WROTE A LETTER REQUESTING SOME FROM CORONER SMITH?
- 7 A YES.
- 8 Q YES, SIR. AND IN FACT, WENT AND
- 9 VISITED CORONER SMITH?
- 10 A YES, SIR.
- 11 Q NOW, HOW MANY TIMES DID YOU GO TO
- 12 CORONER SMITH'S OFFICE?
- 13 A I HAVE NO IDEA. HE WAS ALSO THE
- 14 MORTICIAN THAT TOOK CARE OF THE FUNERAL.
- 15 Q NUMEROUS TIMES, OR CAN YOU GIVE ME A
- 16 GENERAL IDEA?
- 17 A NO, I CAN'T.
- 18 Q YOU CAN'T?
- 19 A NO.
- 20 Q YOU DON'T KNOW IF YOU WENT ONE OR TEN?
- 21 A I DIDN'T GO TEN AND I WENT MORE THAN
- 22 ONE.
- 23 Q ALL RIGHT, SIR. AND ON ANY OF THOSE
- 24 OCCASIONS, WASN'T YOUR SON, STEPHEN BECKHAM,
- 25 PRESENT WITH YOU?

1 A HE WAS PRESENT WITH ME WHEN WE MADE THE
2 FUNERAL ARRANGEMENTS. I DON'T RECALL HIM GOING
3 WITH ME ANY OTHER TIMES, ALTHOUGH, HE POSSIBLY
4 COULD HAVE.

5 Q I'M TALKING ABOUT AFTER THE DATE OF THE
6 RENUNCIATION OF PROBATE, WHICH I BELIEVE IS MARCH
7 22ND OF --

8 A YES, YES.

9 Q YES, MARCH 22ND OF '95?

10 A HE WENT WITH ME IN -- APRIL THE 24TH OR
11 25TH.

12 Q APRIL 24TH OR 25TH OF '95?

13 A YES, SIR.

14 Q YOU AND YOUR SON, MR. BECKHAM, WENT AND
15 MET WITH CORONER SMITH, THE CORONER FOR NEWBERRY
16 COUNTY?

17 A THAT'S RIGHT.

18 Q WHO YOU CALL JAMES?

19 A RIGHT.

20 Q AND THERE HAD BEEN A REQUEST BY Y'ALL
21 FOR A -- BY YOU FOR A DEATH CERTIFICATE?

22 A YES, SIR, ONE THAT WAS NEVER MET.

23 Q EXCUSE ME, I APOLOGIZE. I DIDN'T
24 UNDERSTAND YOU.

25 A THAT REQUEST WAS NEVER MET.

1 Q THAT REQUEST -- AND YOU HAD REQUESTED
2 THAT OF CORONER SMITH?

3 A PROBABLY A MONTH BEFORE.

4 Q AND WHILE YOU WERE THERE, YOU AND
5 CORONER SMITH AND MR. BECKHAM, THE DEFENDANT, YOUR
6 SON, Y'ALL HAD A CONVERSATION ABOUT THIS?

7 MR. SWERLING: YOUR HONOR, I OBJECT TO
8 THE RELEVANCY.

9 A I DON'T RECALL THE CONVERSATION.

10 Q YOU DON'T RECALL THE CONVERSATION?

11 A I DON'T RECALL THE CONVERSATION,
12 EXCEPT, I SAID --

13 THE COURT: HOW IS IT RELEVANT?

14 MR. MCMAHON: I MIGHT CAN EXPLAIN IT TO
15 YOU. I'LL BE GLAD TO STEP OVER HERE AND EXPLAIN
16 IT.

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: THE OBJECTION IS OVERRULED.

21 MR. MCMAHON: MAY IT PLEASE THE COURT?

22 THE COURT: YES, SIR.

23 Q YOU RECALL MEETING WITH CORONER JAMES
24 SMITH AND YOUR SON WAS WITH YOU ONE TIME AFTER
25 MARCH 22ND OF '95?

- 1 A CORRECT.
- 2 Q AND YOU BELIEVE THAT WAS IN APRIL OF
- 3 '95, APRIL 24TH OR 25TH OF '95?
- 4 A YES, SIR. I DATE THAT BY A TELEPHONE
- 5 CALL.
- 6 Q AND PART OF THE REASON FOR THAT MEETING
- 7 WAS YOU, AS PERSONAL REPRESENTATIVE, NEEDED OR
- 8 THOUGHT YOU NEEDED A COPY OF THE DEATH CERTIFICATE?
- 9 A THAT'S CORRECT.
- 10 Q AND WAS THERE A CONVERSATION THAT DAY
- 11 AT THAT LOCATION BETWEEN YOU AND YOUR SON AND
- 12 CORONER SMITH?
- 13 A THE CORONER SAID THAT HE COULD NOT
- 14 RELEASE A COPY, THAT I HAD TO CALL THE SOLICITOR.
- 15 Q THERE WAS A CONVERSATION BETWEEN YOU
- 16 AND YOUR SON AND CORONER SMITH; IS THAT CORRECT?
- 17 A YES, SIR. YES, SIR.
- 18 Q AND PART OF THAT CONVERSATION WAS ABOUT
- 19 THE DEATH CERTIFICATE?
- 20 A YES.
- 21 Q AND, OF COURSE -- I'M REFERRING NOW TO
- 22 STATE'S FOR IDENTIFICATION 137. THERE WAS SOME
- 23 QUESTIONING ABOUT SOME ERRORS ON THE DEATH
- 24 CERTIFICATE OF MS. BECKHAM, ON VICKI BECKHAM; IS
- 25 THAT CORRECT?

1 A WELL, I ASKED HIM HOW SHE DIED. WE HAD
2 NEVER HEARD UNTIL WE SAW IT IN THE PAPER.

3 Q SURE.

4 A AND ALSO, THE TIME OF DEATH HAD BEEN
5 WHITED OUT AND CHANGED.

6 Q I SEE. YOU ALSO -- AND YOUR SON WAS
7 PRESENT DURING THIS CONVERSATION?

8 A I THINK HE WAS. I'M -- I THINK HE WAS.

9 Q BUT ISN'T THIS THE TIME YOU'RE TALKING
10 ABOUT?

11 A YOU'RE SAYING, I REALLY DON'T RECALL
12 STEPHEN BEING WITH ME. YOU'RE SAYING THAT.

13 Q NO, SIR, I'M ASKING THAT. I AM NOT
14 SAYING THAT. WAS HE OR WAS HE --

15 A REALLY? I DON'T KNOW, SIR.

16 MR. MCMAHON: YOUR HONOR, MAY I
17 APPROACH SIDE BAR?

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

21 THE COURT: JUST SIT DOWN, BOTH OF YOU.

22 NOW, MR. BECKHAM --

23 A YES, SIR.

24 THE COURT: -- I'VE WARNED YOU THE LAST
25 TIME. NOW NEXT TIME YOU MAKE AN EDITORIAL COMMENT

1 TO THE ATTORNEY EXAMINING YOU, I'M GOING TO HOLD
2 YOU IN CONTEMPT.

3 A ALL RIGHT, SIR.

4 THE COURT: NOW, JUST ANSWER THE
5 QUESTION WITHOUT ANY EDITORIAL COMMENT. WHETHER
6 PEOPLE BELIEVE IT OR NOT, WHEN THEY'RE ON THE
7 WITNESS STAND, LAWYERS HAVE SOME LATITUDE ABOUT
8 ASKING QUESTIONS AND YOU'VE GOT TO RESPOND TO IT.
9 A CROSS-EXAMINATION IS ALWAYS A MORE INTENSE PERIOD
10 OF TIME FOR EVERYBODY. BUT NEVERTHELESS, YOU
11 EDITORIALIZE AGAIN, I'M GOING TO HOLD YOU IN
12 CONTEMPT.

13 NOW, ASK THE QUESTION, MR. MCMAHON.

14 MR. MCMAHON: MAY IT PLEASE THE COURT?

15 Q I WAS ASKING, DO YOU OR DO YOU NOT
16 REMEMBER WHETHER OR NOT YOUR SON WAS PRESENT IN
17 THAT MEETING WITH YOU AND CORONER SMITH?

18 A I DO NOT.

19 Q YOU DO NOT? DID YOU NOT QUESTION HER
20 EDUCATIONAL LEVEL ON THE DEATH CERTIFICATE, THAT IT
21 WAS ONLY TWO YEARS OF COLLEGE INSTEAD OF FOUR YEARS
22 OF COLLEGE?

23 A THAT'S CORRECT.

24 Q DID YOU FURTHER NOT QUESTION THAT THE
25 TIME OF DEATH WAS 6:30?

- 1 A THAT'S CORRECT.
- 2 Q YOU DID? NOW, SIR, I WOULD LIKE TO
- 3 MOVE, IF I COULD, TO THE WEEK OF JULY 10TH THROUGH
- 4 THE 15TH OF 1995. DID YOU HAVE AN OCCASION TO COME
- 5 TO THE NEWBERRY COUNTY COURTHOUSE DURING THE EARLY
- 6 PART OF THAT WEEK?
- 7 A YES, I DID.
- 8 Q APPROXIMATELY, WHEN IN THAT WEEK DID
- 9 YOU COME TO THE NEWBERRY COUNTY COURTHOUSE?
- 10 A I THINK IT WAS THE 10TH.
- 11 Q AND THAT --
- 12 A MAYBE THE 11TH, I'M NOT SURE WHICH
- 13 DAY.
- 14 Q SO IT WAS EITHER THE DAY THE WARRANT
- 15 WAS ISSUED AS FAR AS YOU KNOW FOR YOUR SON'S ARREST
- 16 FOR MURDER?
- 17 A YES, SIR.
- 18 Q OR THE DAY BEFORE?
- 19 A RIGHT.
- 20 Q AND WHAT OFFICE DID YOU COME TO AT THE
- 21 NEWBERRY COUNTY COURTHOUSE?
- 22 A I CAME TO THE CLERK OF COURT'S OFFICE.
- 23 Q AND WHAT WAS THE PURPOSE OF YOU COMING
- 24 TO THE NEWBERRY COUNTY COURTHOUSE?
- 25 A TO FIND OUT WHAT ORDERS HAD BEEN SIGNED

1 BY A JUDGE TO HAVE OUR PHONE TAPPED AND OUR BANK
2 ACCOUNT LOOKED AT.

3 Q SO YOU FELT YOUR PHONE WAS BEING
4 TAPPED?

5 A YES.

6 Q AND HAD YOU COMMUNICATED THIS TO ANY OF
7 YOUR FRIENDS, INCLUDING THE REVEREND LIBBY?

8 A PROBABLY DID.

9 Q SO PEOPLE WOULD KNOW NOT TO CALL YOUR
10 HOME IF YOU HAD TOLD THEM?

11 A YEAH, THEY WOULD KNOW THAT.

12 Q NOW, SIR --

13 MR. SWERLING: OBJECTION TO RELEVANCE.

14 THE COURT: I'LL GIVE YOU A LITTLE MORE
15 LATITUDE, BUT I'M HAVING A HARD TIME WITH THAT LINE
16 OF QUESTIONING.

17 Q DID YOU ALSO --

18 MR. MCMAHON: I WASN'T GOING INTO ANY
19 MORE ON THE PHONES.

20 THE COURT: OKAY.

21 Q DID YOU ALSO ATTEMPT TO GET ANY
22 PASSPORTS OR INQUIRE ON HOW TO GET PASSPORTS?

23 A NO, I DID NOT. I WAS GOING TO GET A
24 RENEWAL BLANK FOR MY PASSPORT, SINCE I WAS GOING TO
25 GO TO HAITI. AND WHILE WE WERE THERE, WE SAID WE

1 WOULD PICK UP APPLICATIONS FOR THE CHILDREN BECAUSE
2 WE THOUGHT THIS WAS OVER WITH AND WE WOULD TAKE
3 THEM TO ENGLAND WHEN IT WAS OVER.

4 Q AND ON JULY 10TH OR JULY 11TH, YOU CAME
5 TO THE NEWBERRY COUNTY COURTHOUSE AND PICKED UP AN
6 APPLICATION TO RENEW YOUR PASSPORT?

7 A RIGHT.

8 Q AND TO GET APPLICATIONS FOR PASSPORTS
9 FOR YOUR GRANDCHILDREN BY STEPHEN AND VICKI?

10 A I'M NOT SURE THOSE ARE APPLICATIONS,
11 THEY'RE INFORMATION.

12 Q SO NOW, NEWBERRY IS NOT A PARTICULARLY
13 LARGE IN NUMBER COUNTY, IS IT?

14 A NO, IT'S NOT.

15 Q WOULD YOU CALL IT -- WOULD YOU
16 CHARACTERIZE IT AS A SMALLER, RURAL-TYPE COUNTY AS
17 OPPOSED TO SAY, CHARLESTON COUNTY OR GREENVILLE
18 COUNTY, IF YOU'RE FAMILIAR --

19 A YES.

20 Q WELL, YOU'RE FAMILIAR WITH GREENVILLE--

21 A YES.

22 Q -- THAT'S PART OF YOUR DIOCESE.

23 A YES.

24 Q AND THERE -- NEWS SOMETIMES TRAVELS
25 FASTER IN A SMALLER COUNTY THAN PERHAPS A LARGER

1 COUNTY?

2 A I DON'T KNOW.

3 Q IN A SMALLER COMMUNITY?

4 A I DON'T KNOW.

5 Q YOU DON'T KNOW THAT BASED ON YOUR
6 TRAINING AND EXPERIENCE?

7 MR. SWERLING: YOUR HONOR, IT CALLS FOR
8 SPECULATION, NOT RELEVANT, 403.

9 THE COURT: SUSTAINED.

10 Q YOU DON'T KNOW THAT?

11 A NO, I DON'T.

12 MR. SWERLING: YOUR HONOR, I THOUGHT
13 YOU SUSTAINED THE OBJECTION.

14 THE COURT: I DID SUSTAIN IT. STRIKE
15 IT FROM THE RECORD.

16 Q NOW, SIR, HOW LONG YOU SAY YOU HAVE
17 BEEN A MINISTER?

18 A FORTY-TWO YEARS.

19 Q SINCE 1954?

20 A YES, SIR.

21 Q NOW, SIR, THE EARLY MORNING HOURS OF
22 JULY 15TH OF 1995, DID SOMEONE ARRIVE AT YOUR
23 RESIDENCE?

24 A MY BROTHER-IN-LAW.

25 Q DID HE CALL BEFORE HE ARRIVED?

- 1 A NO, HE DID NOT.
- 2 Q AND YOU THOUGHT YOUR PHONE WAS BEING
- 3 TAPPED?
- 4 A I DON'T KNOW ABOUT AT THAT TIME.
- 5 Q WELL, THAT WAS THE SAME WEEK YOU HAD
- 6 COME UP HERE TO THE COURTHOUSE TO CHECK AND SEE --
- 7 MR. SWERLING: YOUR HONOR, AGAIN, I
- 8 OBJECT TO THE RELEVANCY.
- 9 THE COURT: I OVERRULE IT.
- 10 A I THINK I SAID IT HAD BEEN TAPPED.
- 11 Q AND I THOUGHT YOU SAID THAT WAS THE
- 12 SAME WEEK YOU CAME TO THE NEWBERRY COUNTY
- 13 COURTHOUSE TO SEE IF ORDERS HAD BEEN FILED TAPPING
- 14 YOUR LINE?
- 15 A HAD BEEN FILED TAPPING MY LINE, YES.
- 16 Q BUT MR. ZEIDER DID NOT CALL?
- 17 A NO.
- 18 Q HE CAME TO YOUR RESIDENCE?
- 19 A THAT'S CORRECT.
- 20 Q AND AWAKENED YOU IN MUCH THE SAME
- 21 MANNER THAT DETECTIVE GILLIAM AND DEPUTY --
- 22 DETECTIVE WRIGHT HAD AWAKENED YOU BACK ON JUNE THE
- 23 13TH OF '94, BY RAPPING ON THE DOOR?
- 24 A HE CAME TO THE BACK DOOR.
- 25 Q HE CAME TO THE BACK DOOR?

- 1 A YES, SIR.
- 2 Q AND YOU AROSE AND LEFT WITH HIM?
- 3 A THAT'S CORRECT.
- 4 Q NOW, AS I TAKE IT, THERE WAS NO
- 5 CONVERSATION BETWEEN YOU AND HE AS TO WHERE Y'ALL
- 6 WERE GOING?
- 7 A YES, THERE WAS.
- 8 Q YOU KNEW WHERE YOU WERE GOING?
- 9 A I KNEW I WAS GOING TO BETSY'S.
- 10 Q AND DID YOU KNOW WHY YOU WERE GOING TO
- 11 BETSY'S?
- 12 A I DID NOT.
- 13 Q YOU DID NOT? WAS THAT UNUSUAL OR USUAL
- 14 FOR YOUR BROTHER-IN-LAW TO SHOW UP THAT HOUR OF THE
- 15 MORNING AT THE BACK DOOR?
- 16 A THAT WAS UNUSUAL.
- 17 Q UNUSUAL? AND THERE WAS NO CONVERSATION
- 18 FROM YOUR HOME ON 773 ALL THE WAY DOWN TO WHAT
- 19 WOULD BE THE LEXINGTON SIDE OF CHAPIN, AS I
- 20 UNDERSTAND WHERE OLD LEXINGTON HIGHWAY IS?
- 21 A MORE SPECULATION THAN CONVERSATION.
- 22 Q MORE SPECULATION THAN CONVERSATION?
- 23 A YES, AS TO WHAT WE WOULD RUN INTO.
- 24 Q BECAUSE HE HAD NOT EVEN TOLD YOU WHO
- 25 HAD CALLED HIM OR HE DID?

- 1 A YES, HE DID. YES, HE DID.
- 2 Q HE HAD TOLD YOU YOUR GRANDDAUGHTER,
- 3 SHANNON?
- 4 A YES, SIR. BUT HE DID NOT SAY WHERE SHE
- 5 WAS.
- 6 Q AND, OF COURSE, YOU HAD NOT TALKED TO
- 7 YOUR SON SINCE -- YOUR SON, STEPHEN, SINCE?
- 8 A SINCE THE MORNING THEY LEFT.
- 9 Q THE MORNING OF THE 11TH?
- 10 A THAT'S RIGHT.
- 11 Q IS THE MORNING THEY LEFT?
- 12 A UH-HUH.
- 13 Q DID NOT KNOW WHERE HE WAS?
- 14 A THAT'S CORRECT.
- 15 Q KNEW HIS THREE CHILDREN, YOUR
- 16 GRANDCHILDREN, THE LANDERS' GRANDCHILDREN WERE WITH
- 17 HIM?
- 18 A THAT'S CORRECT.
- 19 Q COULD NOT GET IN TOUCH WITH HIM?
- 20 A THAT'S CORRECT.
- 21 Q AND KNEW THAT HE WAS BEING LOOKED FOR,
- 22 THAT HE WAS, IN FACT, A FUGITIVE?
- 23 A THAT'S CORRECT.
- 24 Q AND INSTEAD OF GOING TO THE REVEREND'S
- 25 HOUSE, YOU SAW LIGHTS, BLUE LIGHTS AND RED AT ST.

- 1 FRANCIS CHURCH AND PULLED IN THERE?
- 2 A YES, SIR. I THINK I CAN EXPLAIN THAT.
- 3 Q YES, SIR.
- 4 A IF I'M ALLOWED TO. WHEN HE SAID BRING
- 5 POPPA TO BETSY'S. THAT WAS ALSO BETSY'S CHURCH.
- 6 Q SO YOU WEREN'T JUST PASSING BY?
- 7 A I WAS PASSING BY, BUT WHEN I SAW THOSE
- 8 LIGHTS AND EVERYTHING, I COULD HAVE GONE TO BETSY'S
- 9 EITHER WAY.
- 10 Q AND, OF COURSE, DEPUTY JOHNSON -- YOU
- 11 RECALL DEPUTY JOHNSON?
- 12 A YES, SIR, I SAW HIM RECENTLY.
- 13 Q YES, SIR. AND THE CHILDREN WERE NOT
- 14 THERE?
- 15 A THEY WERE NOT.
- 16 Q AND WHEN YOU GOT TO THE HOSPITAL -- AS
- 17 A MATTER OF FACT, THAT NIGHT AT THE HOSPITAL, YOU
- 18 SPOKE WITH CHIEF STEWART; DO YOU REMEMBER THAT?
- 19 A YES, I DID.
- 20 Q NOW, WHAT WAS YOUR SON'S CONDITION?
- 21 A I THINK THE DEPUTY DESCRIBED IT WELL.
- 22 HE WAS WILD-EYES AND UNRESPONSIVE. I SPOKE AND HE
- 23 LOOKED MY WAY AND RIGHT PAST ME.
- 24 Q AND LATER ON, YOU UNDERSTOOD IT WAS --
- 25 MR. SWERLING: OBJECTION, YOUR HONOR,

1 WHAT HE UNDERSTOOD WOULD BE HEARSAY.

2 A I DID NOT UNDERSTAND. I WAS TOLD
3 NOTHING.

4 MR. MCMAHON: MAY I APPROACH THE SIDE
5 BAR?

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

9 THE COURT: WELL, HE ANSWERED THE
10 QUESTION. DO YOU WANT THE OBJECTION?

11 PHRASE THE QUESTION, MR. SOLICITOR, IF
12 YOU WANT AND OBTAIN THE ANSWER SO EVERYBODY CAN
13 REMEMBER WHAT HE SAID.

14 MR. MCMAHON: MAY IT PLEASE THE COURT?

15 THE COURT: YES, SIR.

16 Q SIR, YOU NEVER UNDERSTOOD, NEVER KNEW
17 WHAT WAS WRONG WITH YOUR SON ON THAT NIGHT?

18 A NO, I DIDN'T.

19 Q IS THAT MY UNDERSTANDING?

20 A NOT THAT NIGHT.

21 Q AND YOU DIDN'T -- AT ANY TIME OF HIS
22 HOSPITALIZATION?

23 MR. SWERLING: YOUR HONOR, PLEASE --

24 THE COURT: THAT IS SUSTAINED.

25 MR. MCMAHON: I'M ASKING HIM IF HE

1 UNDERSTOOD. I'M NOT ASKING HIM WHAT IT WAS.

2 THE COURT: YOU CAN ANSWER THAT
3 QUESTION, BUT HE CAN'T GO BEYOND THAT.

4 A NO.

5 Q YOU NEVER UNDERSTOOD?

6 A NO.

7 Q YOU STAYED BY HIS BEDSIDE? YOU WENT TO
8 THE HOSPITAL AND VISITED HIM?

9 MR. SWERLING: YOUR HONOR, I WOULD
10 OBJECT TO THIS LINE OF QUESTIONING. IT CALLS FOR
11 HEARSAY RESPONSES.

12 MR. MCMAHON: HIM VISITING THE
13 HOSPITAL, JUDGE?

14 THE COURT: HE CAN'T GIVE THE ANSWER
15 BECAUSE IT'S HEARSAY, SUSTAINED.

16 MR. MCMAHON: I'M ASKING HIM -- MAY I
17 APPROACH THE SIDE BAR?

18 THE COURT: SURE.

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

22 Q GOING BACK TO THE CHURCH JUST FOR A
23 MOMENT, ST. FRANCIS CHURCH IN THE EARLY MORNING
24 HOURS OF THE 15TH, DO YOU RECALL DEPUTY JOHNSON
25 ASKING YOU WHERE THE GRANDCHILDREN WERE?

- 1 A NO, I DON'T.
- 2 Q DID HE ASK YOU OR YOU DON'T RECALL?
- 3 A I'M NOT SURE I CAN ANSWER THAT. I
- 4 DON'T RECALL IT.
- 5 Q YOU DON'T RECALL IF DEPUTY JOHNSON
- 6 ASKED YOU WHERE THE CHILDREN WERE?
- 7 A THAT'S CORRECT.
- 8 Q NOW, GOING BACK JUST VERY BRIEFLY, VERY
- 9 BRIEFLY TO THE AFTERNOON OF THE 12TH, JUNE THE 12TH
- 10 OF '94?
- 11 A RIGHT.
- 12 Q FOR A PERIOD OF TIME, WHATEVER TIME,
- 13 5:51, 6:23, 6:24, YOU DIDN'T KNOW WHERE STEPHEN
- 14 WAS, CORRECT?
- 15 A I DIDN'T SEE HIM.
- 16 Q NOR KNOW WHERE HE WAS AFTER THAT PHONE
- 17 CALL?
- 18 A NO.
- 19 Q AND FOR A PERIOD OF TIME HIS CHILDREN
- 20 AND LADONNA WERE IN YOUR RESIDENCE?
- 21 A THAT'S CORRECT.
- 22 Q AND HE WAS NOT?
- 23 A THAT'S CORRECT.
- 24 Q AND PRIOR TO TODAY, HAVE YOU EVER TOLD
- 25 ANY POLICE OFFICERS, ANY POLICE OFFICERS THAT YOU

1 SAW STEPHEN ON THE DAM AT 6:23 OR 6:24?

2 A NO, BUT I'VE NEVER BEEN ASKED.

3 Q THANK YOU. I HAVE NO FURTHER
4 QUESTIONS.

5 THE COURT: REDIRECT?

6 MR. SWERLING: JUST ONE OR TWO
7 QUESTIONS.

8 REDIRECT EXAMINATION:

9 BY MR. SWERLING:

10 Q BISHOP?

11 A YES, SIR.

12 Q ARE YOU ANGRY?

13 A YES, I AM.

14 Q AND THE NIGHT OF JUNE 13TH, 1994, WERE
15 SOME THINGS SAID TO YOU BY LAW ENFORCEMENT TO CAUSE
16 YOU TO BE ANGRY?

17 A IT WASN'T THAT NIGHT, IT WAS THE
18 AFTERNOON WHEN I PICKED STEPHEN UP.

19 Q THE 13TH?

20 A YES, SIR.

21 Q AND WHAT WAS SAID?

22 MR. MCMAHON: OBJECTION, YOUR HONOR,
23 OBJECTION.

24 THE COURT: SUSTAINED.

25 MR. SWERLING: THAT COULD GO TO HIS

1 STATE OF MIND.

2 MR. MCMAHON: OBJECTION.

3 THE COURT: AS TO HIS STATE OF MIND

4 WHEN?

5 MR. SWERLING: RIGHT NOW AND THEN.

6 THE COURT: LET ME --

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

10 THE COURT: OBJECTION OVERRULED. TWO
11 LIMITED QUESTIONS.

12 MR. SWERLING: YES, SIR.

13 Q BISHOP, ON THAT MORNING, WHAT WERE YOU
14 TOLD THAT MADE YOU SO -- HAS MADE YOU ANGRY?

15 A I WAS TOLD THAT THEY WOULD PROBABLY
16 ARREST MY SON.

17 Q OKAY. AND HOW WAS IT TOLD TO YOU?

18 A IT WAS TOLD TO ME BY DEPUTY WRIGHT WHEN
19 I PICKED HIM UP.

20 Q AND THAT WAS ON THE MORNING OF THE
21 13TH?

22 A AFTERNOON.

23 Q THE AFTERNOON OF THE 13TH?

24 A YES, SIR.

25 Q AND WHEN STEPHEN WAS SUBSEQUENTLY --

1 AFTER A WARRANT WAS ISSUED FOR HIS ARREST AND IN
2 BETWEEN THE TIME THE WARRANT WAS ISSUED FOR HIS
3 ARREST AND THE TIME THAT HE WAS ARRESTED AND
4 THEREAFTER, WERE YOU ACCUSED OF BEING AN ACCESSORY?

5 A YES, SIR, IN THE PRESS.

6 Q OKAY. BY WHO?

7 MR. MCMAHON: OBJECTION, IF IT'S IN THE
8 PRESS.

9 THE COURT: SUSTAINED.

10 MR. SWERLING: NO --

11 MR. MCMAHON: THAT'S HEARSAY WITHIN
12 HEARSAY.

13 THE COURT: SUSTAINED.

14 MR. MCMAHON: AND MOVE TO STRIKE IT.

15 THE COURT: AND I GRANT THE MOTION TO
16 STRIKE THE QUESTION AND THE ANSWER.

17 Q DID YOU HAVE ANY CONTACT --

18 MR. SWERLING: I CAN ASK HIM THIS WAY,
19 YOUR HONOR.

20 Q DID YOU HAVE ANY CONTACT WITH ANYBODY
21 FROM THE NEWBERRY SHERIFF'S DEPARTMENT DURING THAT
22 PERIOD OF TIME?

23 A ONE.

24 Q OKAY.

25 A ONE PERSON.

- 1 Q AND WAS AN ACCUSATION MADE?
- 2 A YES.
- 3 Q AND WHAT WAS THE ACCUSATION?
- 4 MR. MCMAHON: WAS THAT OF HIS PERSONAL
- 5 KNOWLEDGE?
- 6 THE COURT: YOU'VE GOT TO LAY THE
- 7 FOUNDATION AS TO WHO HE TALKED TO AND...
- 8 MR. SWERLING: YES, SIR.
- 9 Q WHO DID YOU TALK TO?
- 10 A IT WAS NOT THE SHERIFF.
- 11 Q DO YOU KNOW WHO IT WAS?
- 12 A NO, SIR, I DON'T.
- 13 Q WAS -- WITHOUT GOING INTO IT, WAS WHAT
- 14 WAS SAID PART OF THE REASON WHY -- OR THE REASON
- 15 WHY YOU'RE ANGRY?
- 16 A IT'S PART OF IT, YES, SIR.
- 17 Q DID YOU KNOW WHERE YOUR SON WAS --
- 18 A I DID NOT.
- 19 Q -- WHEN HE LEFT NEWBERRY, SOUTH
- 20 CAROLINA?
- 21 A I DID NOT.
- 22 Q WHEN DID YOU SEE YOUR SON?
- 23 A AT ST. FRANCIS OF ASSISI CHURCH WHEN HE
- 24 WAS BEING PUT IN THE AMBULANCE.
- 25 Q HAD YOU TALKED TO HIM AT ALL DURING

1 THAT WEEK?

2 A NOT AT ALL.

3 Q AND ARE THE COMMENTS THAT WERE MADE TO
4 YOU ON THE MORNING OF THE 13TH AND WHAT WAS GOING
5 ON DURING THE WEEK OF JULY 10TH, ARE THOSE FACTORS
6 IN YOUR ANGER?

7 A YES, SIR.

8 MR. SWERLING: EXCUSE ME ONE MOMENT,
9 YOUR HONOR.

10 Q AFTER YOU TOLD -- OR AFTER YOU HAD THE
11 CONVERSATION WITH THE POLICE ON JUNE 13TH, DID
12 ANYBODY ASK YOU ABOUT THE EVENTS THAT YOU TESTIFIED
13 TO TODAY?

14 A NO, SIR.

15 Q ABOUT PHONE CALLS AND ABOUT YOUR
16 OBSERVING STEPHEN?

17 A NO, SIR.

18 Q DID ANYBODY OFFER TO ATTEMPT TO
19 CORROBORATE ANY OF THE THINGS THAT YOU DID TELL
20 THEM?

21 A NONE.

22 MR. SWERLING: THAT'S ALL.

23 THE COURT: ALL RIGHT, ANYTHING ON
24 RECROSS?

25 MR. MCMAHON: MAY IT PLEASE THE COURT?

1 RECROSS-EXAMINATION:
2 BY MR. MCMAHON:
3 Q DIDN'T YOU HAVE PERSONAL MEETINGS WITH
4 CHIEF STEWART WELL AFTER JUNE 17TH OF '94?
5 A IT WAS IN JANUARY OR FEBRUARY OF '95.
6 Q AND THAT WAS WITH CHIEF ROBERT STEWART
7 --
8 A THAT'S CORRECT.
9 Q -- CHIEF OF SLED?
10 A AND HIS DEPUTY.
11 Q HIS DEPUTY MAJOR CHRISTOPHER?
12 A YES, SIR.
13 Q AND DIDN'T YOU TELL DEPUTY JOHNSON THAT
14 ON THE MORNING OF THE 15TH THAT THE CHILDREN WERE
15 SAFE?
16 A I DON'T RECALL TELLING HIM ANYTHING
17 ABOUT THE CHILDREN.
18 MR. SWERLING: 15TH, I'M SORRY, 15TH OF
19 WHEN, JULY?
20 MR. MCMAHON: JULY OF '95.
21 THANK YOU. I DON'T HAVE ANY FURTHER
22 QUESTIONS.
23 THE COURT: THANK YOU, SIR. YOU MAY
24 STEP DOWN.
25 ALL RIGHT, LET'S TAKE A LUNCH BREAK

1 NOW. APPARENTLY, IT'S POURING DOWN OUTSIDE, SO
2 I'LL LET THE AGENTS WORRY ABOUT KEEPING YOU DRY,
3 OKAY? WE'LL START BACK ABOUT THREE OR THEREABOUTS.
4 AND I KNOW THE RAIN MAY CAUSE SOME DELAY ABOUT IT,
5 BUT AS CLOSE TO THREE O'CLOCK AS WE CAN. AS CLOSE
6 TO THREE AS WE CAN GET THEM BACK.

7 SLED AGENT: OKAY.

8 THE COURT: DON'T BREAK YOUR NECK OR
9 ANYTHING.

10 (WHEREUPON, THE JURY RECESS FOR LUNCH
11 AT 12:59 P.M.)

12 THE COURT: AND I'VE SAID THIS EIGHT OR
13 NINE TIMES, JUST DO NOT LOSE SIGHT OF WHAT WE'RE
14 TALKING ABOUT-- WHO, WHAT, WHEN AND WHERE ABOUT A
15 HOMICIDE AND WE CAN GET THROUGH THIS CASE IN A
16 REASONABLE PERIOD OF TIME.

17 MR. SWERLING: JUDGE, I HAVE A COUPLE
18 OF THINGS THAT WE DISCUSSED AT SIDE BAR, I GUESS
19 BEFORE -- SINCE MY MEMORY'S NOT TOO GREAT ANYMORE.

20 THE COURT: ALL RIGHT.

21 MR. SWERLING: ONE, JUDGE, THE PHONE
22 CALL THAT WAS LET INTO EVIDENCE, ADDITIONAL PHONE
23 CALL, I OBJECT TO IT'S RELEVANCY SINCE IT'S NOT
24 IDENTIFIED AS TO THE SOURCE FROM WHERE IT CAME OR
25 THE CIRCUMSTANCES UNDER WHICH IT WAS MADE. SO I

1 OBJECT TO IT. NOT TO THE AUTHENTICITY, BUT TO THE
2 RELEVANCY OF IT.

3 THE COURT: ALL RIGHT, I LET THE PHONE
4 CALL IN ON THE BASIS THAT IT WAS WITHIN THE TIME
5 FRAME, WHICH IS HOTLY CONTESTED BETWEEN THE
6 PARTIES. A REASONABLE INFERENCE COULD BE DRAWN AS
7 TO WHETHER ONE ANSWERED THAT CALL OR A MACHINE
8 ANSWERED IT. THERE'S A LOT OF WAYS TO TIE IT IN TO
9 THE PARTICULAR PERIOD THAT HIGHLY CONTESTED. SO I
10 LET IT IN ON THAT BASIS.

11 MR. SWERLING: JUDGE, I ALSO OBJECTED
12 AT SIDE BAR TO ANY REFERENCES CONCERNING THE
13 PROBATE -- OR THE PROBATE ISSUES NOT BEING
14 PROBATIVE OF ANYTHING UNDER 402, AND CERTAINLY NOT
15 UNDER 403; PREJUDICIAL EFFECT, I WAIVE PROBATIVE
16 VALUE OF IT.

17 THE COURT: I ALLOWED THAT TESTIMONY IN
18 ON THE BASIS THAT THE STATE WAS OFFERING IT AS TO
19 BIAS OR MOTIVE OF THE WITNESS.

20 WHAT WAS THE OTHER BASIS, MR. MCMAHON,
21 ON THE PROBATE? THE ISSUE WAS BIAS AND MOTIVE AND
22 WHAT ELSE WAS ARGUMENT, ON THE SIGNATURE ON THE
23 PROBATE, ON THE RENUNCIATION?

24 MR. MCMAHON: I BELIEVE THERE WAS JUST
25 THE ISSUE OF BIAS AND PREJUDICE. FURTHER, HE HAD

1 RENUNCIATED IT MARCH 22ND OF '95. AND HAD
2 NOMINATED -- HE, THE DEFENDANT, HAD NOMINATED HIS
3 FATHER WHO ACCEPTED AS TO HIS DAUGHTER-IN-LAW AS
4 OPPOSED TO THE VICTIM'S NATURAL FATHER. SO I THINK
5 IT GOES TO THE ISSUE OF BIAS AND PREJUDICE.

6 MR. SWERLING: WELL, YOUR HONOR, HOW --
7 WHAT I WOULD LIKE TO SAY IS IN JUNE OF 1994 IS WHEN
8 SHE DIED. WAITED UNTIL APRIL FOR ANYBODY TO GO
9 AHEAD AND FILE THE PROBATE, SO I DON'T KNOW HOW
10 THAT GOES TO A BIAS AND PREJUDICE OF MR. BECKHAM,
11 WHEN IT WAS SIX MONTHS -- OR EIGHT MONTHS
12 AFTERWARDS AND NOBODY HAD OPENED UP THE ESTATE.

13 MR. MCMAHON: IT SHOWS THE CONNECTION
14 BETWEEN THE WITNESS AND THE DEFENDANT. I MEAN,
15 THAT'S WHERE I'M GOING FROM.

16 THE COURT: I UNDERSTAND THAT. I'LL
17 LET IT IN ON THAT BASIS.

18 ALL RIGHT, WHAT WAS THE OTHER THING?

19 MR. SWERLING: AND, YOUR HONOR, I WOULD
20 ALSO OBJECT TO THE -- EXCUSE ME ONE MINUTE. YOUR
21 HONOR, I HAVE TO OBJECT TO THE ADMONITION YOU DID
22 IN FRONT OF THE JURY TO THE WITNESS CONCERNING
23 CONTEMPT. IT'S A TRYING TIME FOR BOTH FAMILIES.
24 IT'S A TRYING TIME, ALSO, FOR BISHOP BECKHAM. AND
25 I THINK THAT ONLY COULD CONVEY TO THE JURY A

1 NEGATIVE FEELING TOWARD BISHOP BECKHAM BY THE JURY.

2 THE COURT: WELL, I CAN GIVE THE JURY A
3 CURATIVE INSTRUCTION THAT IT WAS PRIMARILY THAT THE
4 WITNESS CONFORM TO THE RULES OF EVIDENCE, YOU KNOW,
5 TO THAT EFFECT. BUT, YOU KNOW, EVERYBODY HAS THEIR
6 IDEA ABOUT HOW THIS TRIAL OUGHT TO BE CONDUCTED,
7 DEPENDING ON WHICH SIDE YOU'RE ON. I DON'T HAVE A
8 SIDE IN THIS CASE. AND IT'S JUST LIKE WHEN SENATOR
9 LANDER STARTED OUT TALKING ABOUT HEARSAY STATEMENTS
10 THAT HE WANTED TO INTERPRET, I CALLED HIM DOWN VERY
11 SPECIFICALLY IN FRONT OF THE JURY FOR THAT REASON.

12 AND LIKE BISHOP BECKHAM IN THIS CASE, I
13 WARNED HIM AND I ALSO GAVE YOU AN OPPORTUNITY TO
14 TALK TO HIM ABOUT A STYLISTIC POINT OF TESTIFYING
15 SO THAT MR. MCMAHON COULD KEEP FOCUSED ON HIS
16 EXAMINATION, AND WE HAD THAT. AND THEN THE THIRD
17 TIME, I THINK I'M ENTITLED TO CALL HIM DOWN AND I
18 DID.

19 MR. SWERLING: I THINK THAT WAS ALL I
20 HAD, YOUR HONOR.

21 THE COURT: I'VE TRIED TO BE REAL
22 PATIENT WITH EVERYBODY --

23 MR. SWERLING: YES, SIR, AND YOU HAVE.

24 THE COURT: -- BECAUSE OF THE TENSIONS
25 IN THE THING, BUT --

1 AND I NEED TO KIND OF SAY THIS AGAIN TO
2 THE AUDIENCE. YOU'VE BEEN DOING A GOOD JOB IN
3 HERE, BUT YOU HAVEN'T BEEN DOING SO GOOD OUTSIDE,
4 BASED ON REPORTS. AND I DON'T WANT TO BRING ANY
5 MORE TROOPERS IN HERE THAN I HAVE TO TO DO IT, BUT
6 I'M GOING TO KEEP LAW AND ORDER IN THIS COURTHOUSE
7 DURING THIS TRIAL. SO, EVERYBODY BE CAREFUL, HAVE
8 A NICE LUNCH. BE BACK AT THREE O'CLOCK.

9 (WHEREUPON, LUNCH RECESS BEGAN AT 1:58
10 P.M., RECONVENING AT 3:33 P.M.)

11 THE COURT: I WANT TO DO TWO OR THREE
12 THINGS WHILE WE'VE GOT A LITTLE DOWN TIME, BECAUSE
13 IT TOOK A LITTLE LONGER TO GET THE JURORS FED.

14 I WANT TO DEAL, FIRST OF ALL, WITH THE
15 UNDERSTANDING OF THE DEFENDANT'S RIGHT TO TESTIFY
16 OR NOT TO TESTIFY. AND THEN AFTER THAT, I WANT TO
17 SPEND A LITTLE TIME TALKING ABOUT POSSIBLE CHARGES.

18 MR. BECKHAM, IF YOU WOULD STAND AND
19 RAISE YOUR RIGHT HAND, PLEASE, SIR.

20 STEPHEN ANDREW BECKHAM, BEING
21 DULY SWORN, TESTIFIED AS FOLLOWS:

22 EXAMINATION:

23 BY THE COURT:

24 Q MR. BECKHAM, HOW OLD ARE YOU?

25 A THIRTY-SEVEN.

1 Q AND HOW FAR DID YOU GO IN SCHOOL?
2 A I HAVE A B.A. FROM COLLEGE.
3 Q SO YOU CAN READ, WRITE AND UNDERSTAND
4 THE ENGLISH LANGUAGE?
5 A YES, SIR.
6 Q AND WITHIN THE LAST TWENTY-FOUR HOURS,
7 HAVE YOU TAKEN ANY MEDICATION, DRUGS OR ALCOHOL?
8 A ONLY PRESCRIBED.
9 Q AND THE PRESCRIPTION DRUG IS WHAT?
10 A I HAVE SOME BLOOD PRESSURE MEDICINE AND
11 CALCIUM BETA BLOCKER AND ANTIBIOTIC.
12 Q DO THOSE MEDICATIONS THAT YOU'RE
13 TAKING, DO THEY AFFECT YOUR SOBRIETY OR YOUR
14 JUDGMENT?
15 A NO.
16 Q TODAY YOU'RE SOBER, YOU UNDERSTAND
17 WHERE YOU ARE AND WHAT YOU'RE DOING?
18 A YES, SIR.
19 Q AND AS YOU UNDERSTAND -- YOUR ATTORNEYS
20 HAVE ADVISED ME THAT THEY AT THIS POINT IN TIME
21 THINK THAT THEY WILL CALL ONE ADDITIONAL WITNESS,
22 AND THEY HAD ASKED ME TO GO THROUGH AN EXCHANGE
23 WITH YOU ABOUT YOUR RIGHTS, WHETHER TO TESTIFY OR
24 NOT TO TESTIFY.
25 FIRST OF ALL, DO YOU UNDERSTAND THAT

1 YOU HAVE AN ABSOLUTE CONSTITUTIONAL RIGHT TO
2 TESTIFY HERE DURING THE COURSE OF THIS TRIAL?

3 A YES.

4 Q LIKEWISE, DO YOU UNDERSTAND YOU HAVE
5 EQUALLY AS STRONG A RIGHT NOT TO TESTIFY DURING THE
6 COURSE OF THIS TRIAL?

7 A I DO.

8 Q AND DO YOU UNDERSTAND THAT I WILL TELL
9 THE JURY REGARDLESS OF WHETHER OR NOT YOU TESTIFY
10 DURING THE TRIAL THAT YOU ARE PRESUMED TO BE
11 INNOCENT OF THESE CHARGES AND YOU WILL REMAIN THAT
12 WAY UNTIL AND UNLESS THE STATE OF SOUTH CAROLINA
13 CAN MEET ITS BURDEN OF PROOF.

14 A YES.

15 Q DO YOU UNDERSTAND THAT I WILL ALSO TELL
16 THE JURY THAT THE BURDEN OF PROOF THAT THE STATE
17 MUST MEET IS PROOF BEYOND A REASONABLE DOUBT? DO
18 YOU UNDERSTAND THAT?

19 A YES, SIR.

20 Q AND IN THIS CASE, I WILL CHARGE
21 INITIALLY WHAT IS CALLED THE STATE VS. MANNING
22 CHARGE WHICH IS REASONABLE DOUBT IS A DOUBT WHICH
23 WOULD CAUSE A PERSON TO HESITATE TO ACT. AND DO
24 YOU UNDERSTAND THAT THAT'S THE NATURE OF THE CHARGE
25 THAT I WILL GIVE THEM?

- 1 A YES, SIR.
- 2 Q NOW, I WILL ALSO TELL THE JURY -- AND,
3 OF COURSE, I WILL TELL THE JURY WITH REGARD TO THE
4 PRESUMPTION OF INNOCENCE, THE PROOF BEYOND A
5 REASONABLE DOUBT WHETHER OR NOT YOU TAKE THE STAND
6 MAKES NO DIFFERENCE. NOW, IN THE EVENT THAT YOU
7 CHOSE NOT TO TAKE THE STAND, I WILL TELL THE JURY
8 THAT THE FACT THAT YOU DID NOT YOURSELF TESTIFY IN
9 THIS TRIAL CANNOT BE HELD AGAINST YOU. DO YOU
10 UNDERSTAND THAT?
- 11 A YES, SIR.
- 12 Q AND I WILL TELL THEM THAT THE BASIS OF
13 THAT RIGHT IS A CONSTITUTIONAL RIGHT TO REMAIN
14 SILENT. THAT IS THE BASIS FOR EXERCISING YOUR
15 RIGHT NOT TO TESTIFY. IT IS A CONSTITUTIONAL
16 PRIVILEGE AND RIGHT; DO YOU UNDERSTAND THAT?
- 17 A YES, SIR.
- 18 Q ALL RIGHT. I WILL ALSO TELL THEM
19 DURING THE COURSE OF THAT INSTRUCTION, IF YOU CHOSE
20 NOT TO TESTIFY, THAT THEY CANNOT EVEN DISCUSS THAT
21 FACT IN THE JURY ROOM, AND IN NO WAY CAN IT
22 MITIGATE OR BE HELD AGAINST YOU. DO YOU UNDERSTAND
23 THAT?
- 24 A YES, SIR.
- 25 Q I WOULD ALSO INSTRUCT YOU, MR. BECKHAM,

1 THAT DUE TO THE NATURE OF THIS TRIAL, YOU WILL
2 HAVE, ALONG WITH YOUR ATTORNEYS, THE RIGHT TO MAKE
3 THE LAST ARGUMENT TO THE JURY WITHIN THE RECORD OF
4 THE CASE. AND DO YOU UNDERSTAND THAT YOU WILL HAVE
5 THAT RIGHT?

6 A YES, SIR.

7 THE COURT: MR. SWERLING, MR.
8 HARPOOTLIAN, DO YOU WANT ME TO ASK HIM SPECIFICALLY
9 NOW OR IS THAT TO BE PRESERVED?

10 MR. SWERLING: AS TO THE ISSUE OF
11 TESTIFYING, YOUR HONOR?

12 THE COURT: YES, SIR.

13 MR. SWERLING: YOUR HONOR, YOU CAN
14 INQUIRE NOW.

15 BY THE COURT:

16 Q ALL RIGHT, MR. BECKHAM, YOUR ATTORNEYS
17 INDICATE TO ME THAT YOU HAVE MADE A DECISION NOT TO
18 TESTIFY IN THIS TRIAL; IS THAT CORRECT?

19 A CORRECT.

20 Q AND, SIR, HAS ANYONE THREATENED YOU OR
21 COERCED YOU OR INTIMIDATED OR PRESSURED YOU IN ANY
22 WAY TO GET YOU TO MAKE THAT DECISION?

23 A NO, SIR.

24 Q HAVE YOU MADE THAT DECISION AFTER
25 CONSULTATION WITH YOUR FAMILY AND YOUR ATTORNEYS,

1 AND ANYONE THAT YOU HAVE CONFIDENCE IN IN MAKING
2 THAT DECISION?

3 A YES, SIR.

4 Q AND, OF COURSE, YOU UNDERSTAND THAT IF
5 YOU STAND BY THAT DECISION CERTAINLY, I WILL TELL
6 THE JURY WHAT I HAVE JUST GONE THROUGH WITH YOU.
7 HAS ANYONE -- IN OTHER WORDS, THE DECISION THAT YOU
8 HAVE MADE HERE TODAY, IT IS A FREE AND VOLUNTARY
9 ONE?

10 A YES, SIR.

11 Q AND YOU UNDERSTAND THAT UP UNTIL THE
12 TIME THAT YOUR CASE IS CLOSED BY YOUR ATTORNEYS, OF
13 COURSE, THAT IS A DECISION THAT YOU CAN CHANGE YOUR
14 MIND UP TO THAT POINT. BUT ONCE WE GET TO THE
15 POINT WHERE THE DEFENSE SAYS WE REST, YOU WOULD NO
16 LONGER HAVE THE RIGHT TO TESTIFY AS A WITNESS IN
17 THE TRIAL?

18 A YES, SIR.

19 Q NOW THE FACT THAT YOU DON'T TESTIFY AS
20 A WITNESS IN THE TRIAL, OF COURSE, WILL NOT
21 PROHIBIT YOU FROM MAKING YOUR ARGUMENT TO THE JURY
22 IF YOU CHOOSE TO DO THAT DURING THE CLOSING
23 ARGUMENTS, YOU REALIZE THAT?

24 A YES, SIR.

25 Q OKAY. ARE YOU SATISFIED TO THIS POINT

1 WITH THE ADVICE, REPRESENTATION, TIME AND EFFORT OF
2 YOUR ATTORNEYS IN THIS CASE?

3 A YES, SIR.

4 Q DO YOU HAVE ANY COMPLAINT TO MAKE OF
5 THEM AT THIS TIME?

6 A NOT AT THIS POINT IN TIME.

7 Q AND I'M ASKING YOU AT THIS POINT IN
8 TIME?

9 A YES, SIR.

10 Q AND DO YOU HAVE ANY QUESTIONS THAT YOU
11 NEED TO ASK OF ME REGARDING THESE RIGHTS THAT I
12 HAVE JUST EXPLAINED TO YOU?

13 A NO, SIR.

14 Q SO THEN, I TAKE IT -- AND WHAT I WILL
15 DO IS WHEN WE GET THROUGH, AS I UNDERSTAND, THE
16 NEXT WITNESS, WHICH WILL MOST PROBABLY BE THE
17 DEFENSE'S LAST WITNESS, I WILL RENEW THE INQUIRY OF
18 YOU TO MAKE SURE THAT THAT IS STILL YOUR DECISION.

19 A YES, SIR.

20 THE COURT: MR. SWERLING, ANYTHING YOU
21 NEED TO ASK?

22 MR. SWERLING: NO, YOUR HONOR.

23 THE COURT: MR. HARPOOTLIAN?

24 MR. SWERLING: NOT AT THIS TIME.

25 THE COURT: NOT AT THIS TIME, OKAY.

1 MR. HARPOOTLIAN: YOUR HONOR, BEFORE
2 YOU PROCEED TO DISCUSS CHARGES AND EVIDENTIARY
3 MATTERS, I THINK WE OUGHT TO DEAL WITH THIS NOW AND
4 NOT HAVE TO SEND THE JURY OUT AND BE THE FIRST
5 THING WE TAKE UP PRIOR TO THEM -- AS SOON AS THEY
6 COME BACK IN.

7 THE COURT: IN TERMS OF THE NEXT
8 WITNESS?

9 MR. HARPOOTLIAN: WELL, IT WOULD BE
10 BEFORE THE NEXT WITNESS. THERE'S A TELEPHONE
11 STIPULATION WE'VE DRAWN UP, AND WE HAVE GIVEN
12 TELEPHONE RECORDS TO THE SOLICITOR AS WE'VE
13 RECEIVED THEM. I MEAN, IF I COULD STATE FOR THE
14 RECORD WHAT THEY ARE, MAYBE IT WILL --

15 THE COURT: ALL RIGHT, SIR.

16 MR. HARPOOTLIAN: THE FIRST IS A -- THE
17 LATEST MONTH AVAILABLE FOR PHONE BILLING WOULD BE
18 THE AUGUST 26TH BILLING CYCLE AND THAT WOULD BE FOR
19 JULY. WHAT WE DID --

20 THE COURT: JULY OF WHAT YEAR?

21 MR. HARPOOTLIAN: JULY OF 1996. WHAT
22 WE DID WAS WE TOOK MR. -- RICK--I'M BRAIN DEAD.
23 RICK MITCHELL GAVE US A PHONE NUMBER ON THE STAND.
24 WE RAN THAT PHONE NUMBER, IT CAME TO AN ADDRESS IN
25 ANDERSON, SOUTH CAROLINA REGISTERED TO A DENISE

1 SCUDE, WHO IS -- I BELIEVE HE TESTIFIED DENISE WAS
2 HIS WIFE. THAT PHONE NUMBER CAME BACK AND SHOWED
3 25 LONG DISTANCE CALLS MADE IN THE MONTH OF JULY.
4 THE FIRST ONE ON JULY 19TH TO LAKEWOOD, SOUTH
5 CAROLINA, WHICH IS WHERE -- ALTHOUGH THE NUMBER
6 HERE IS NOT THE NUMBER FOR SMUGGLER'S, LAKEWOOD IS
7 THE AREA WHERE SMUGGLER'S IS LOCATED. THERE ARE
8 ELEVEN PHONE CALLS HERE TO EITHER THE -- EITHER TO
9 MYRTLE BEACH OR THE MYRTLE BEACH AREA. WE WOULD
10 INTRODUCE THIS TO IMPEACH -- OR IT WOULD TEND TO
11 SHOW MR. MITCHELL'S TESTIMONY WAS NOT TRUTHFUL,
12 THAT HE SAID HE HAD LITTLE OR NO CONTACT WITH
13 ANYBODY IN MYRTLE BEACH OVER THE PAST YEAR OR SO.
14 AND WE THINK THAT THESE PHONE RECORDS -- THIS PHONE
15 RECORD IS RELEVANT ON THAT ISSUE. NOT THE WEIGHT
16 IT'S TO BE GIVEN, YOUR HONOR, BUT IT'S
17 ADMISSIBILITY. IT CERTAINLY GOES TO SHOW THAT HE
18 HAS BEEN CALLING MYRTLE BEACH FROM HIS HOUSE.

19 AND I WILL GO AHEAD AND GIVE YOU THE
20 SECOND. WE'VE DRAWN UP -- WE'VE JUST ABOUT AN HOUR
21 AGO RECEIVED THE BILLING INFORMATION FOR THE
22 GENTLEMEN'S CLUB, WHICH YOU REMEMBER MR. BRICK
23 MCCARTER TESTIFIED YESTERDAY, THAT'S THE NEW NAME
24 FOR SMUGGLER'S, THE GENTLEMEN'S CLUB, USED TO BE
25 KNOWN AS SMUGGLER'S. AND ON AUGUST 3RD AT 11:23

1 A.M. THERE WAS A FIVE MINUTE CALL, COLLECT CALL
2 FROM 803-287-4603 IN ANDERSON, SOUTH CAROLINA TO
3 THEM REGISTERED TO THE GENTLEMEN'S CLUB, LAKEWOOD,
4 SOUTH CAROLINA. THIS WAS A COLLECT CALL.

5 AGAIN, THIS WOULD GO TO SHOW THAT
6 SOMEONE IN ANDERSON IS CALLING THE GENTLEMEN'S CLUB
7 COLLECT, THAT CALL IS BEING ACCEPTED AND THERE'S A
8 FIVE-MINUTE CALL. WE BELIEVE THIS GOES TOWARDS --
9 I MEAN, IT'S JUST AS RELEVANT, YOUR HONOR, AS WHAT
10 WE SAW A MOMENT AGO ON CROSS-EXAMINATION WHERE A
11 PHONE CALL FROM AN UNKNOWN LONG DISTANCE -- AN
12 UNKNOWN LONG DISTANCE CALL WAS MADE TO MR.
13 BECKHAM'S RESIDENCE AT SOME POINT.

14 YOUR HONOR, WE THINK THESE PHONE CALLS
15 ARE RELEVANT. WE THINK THEY'RE RELEVANT TO THE
16 ISSUE OF MR. MITCHELL'S CREDIBILITY. WE WOULD
17 POINT OUT THAT MR. MITCHELL IS ONE OF TWO PEOPLE
18 ALLEGING THAT THEY HAVE FIRST-HAND KNOWLEDGE OF MR.
19 BECKHAM WANTING TO HAVE HIS WIFE KILLED. WE THINK
20 THAT ANY EVIDENCE THAT BEARS ON HIS CREDIBILITY IS
21 RELEVANT AND IMPORTANT TO OUR DEFENSE IN THIS CASE.

22 THE COURT: ALL RIGHT, SIR.

23 MR. JONES: JUDGE, TAKE THE LAST ONE
24 FIRST. THIS IS A -- WE KNOW THAT IT'S NOT RICK
25 MITCHELL'S TELEPHONE NUMBER; THAT IS, 803-287-4603.

1 WE DON'T KNOW WHOSE NUMBER IT IS. IT'S IN ANDERSON
2 -- THEY SAY IT'S AN ANDERSON TELEPHONE NUMBER, BUT
3 I CAN TELL YOU AUGUST 3RD --

4 THE COURT: IT CAN'T BE AN ANDERSON
5 TELEPHONE NUMBER.

6 MR. JONES: EIGHT-SIX-FOUR, RIGHT?

7 THE COURT: EIGHT-SIX-FOUR IS THE AREA
8 CODE.

9 MR. JONES: RIGHT, 864 IS THE AREA
10 CODE.

11 MR. HARPOOTLIAN: OH, DID THEY PUT 803
12 ON HERE. I'M SORRY, IT IS 864, IF YOU LOOK AT THE
13 RECORD. I UPON THE STIPULATION PUT IT WRONG. IT
14 IS 864, SHOWS ANDERSON ON THE RECORD.
15 864,287-4603. AND I APOLOGIZE, YOUR HONOR.

16 MR. JONES: ALL RIGHT, JUDGE. BUT EVEN
17 WITH THE CORRECT AREA CODE, JUDGE, IT'S NO WAY TO
18 TRY TO TIE THAT IN TO RICK MITCHELL. TO SAY THAT
19 BECAUSE HE LIVES IN THE ANDERSON AREA, THAT A PHONE
20 CALL MADE FROM THE ANDERSON AREA TO THE GENTLEMEN'S
21 CLUB ON AUGUST 3RD, 1996 IS EVIDENCE THAT HE MADE
22 THE CALL.

23 THE COURT: IS THAT OR IS IT NOT HIS
24 NUMBER?

25 MR. HARPOOTLIAN: THAT IS NOT HIS

1 NUMBER, YOUR HONOR.

2 MR. JONES: IT'S NOT HIS NUMBER.

3 THE COURT: HOW DO I GET BY THAT?

4 MR. HARPOOTLIAN: WELL, YOUR HONOR, THE
5 FACT OF THE MATTER IS, WHAT IT SHOWS TO THE JURY IS
6 THAT SOMEONE FROM ANDERSON DID CALL THE -- I MEAN,
7 HIS POSITION, HIS TESTIMONY WAS HE HADN'T BEEN TO
8 MYRTLE BEACH, HAD NO CONTACT WITH MYRTLE BEACH.

9 HE'S VERY CLEAR ON THE POINT THAT HE REALLY
10 COULDN'T GET IN TOUCH WITH MYRTLE BEACH. WE'VE GOT
11 TWO THINGS GOING IF YOU LOOK AT BOTH OF THESE
12 EXHIBITS. ONE IS --

13 MR. JONES: BUT I --

14 MR. HARPOOTLIAN: IF I COULD FINISH,
15 PLEASE.

16 THE -- FROM HIS HOUSE HE'S CALLED
17 MYRTLE BEACH OR THE MYRTLE BEACH AREA TEN TIMES.
18 OF THE TWENTY-FIVE PHONE CALLS MADE IN THE MONTH OF
19 JULY, TEN OF THEM WERE TO MYRTLE BEACH AND THE
20 MYRTLE BEACH AREA, IN JULY. ON AUGUST 3RD, WE HAVE
21 THE SMUGGLER'S BEING CALLED FROM AN ANDERSON
22 TELEPHONE NUMBER. ALL WE'RE TRYING TO SAY TO THE
23 JURY IS -- AND THIS SHOWS TO SOME SPECIFICITY, THAT
24 PEOPLE IN ANDERSON ARE MAKING COLLECT CALLS TO THE
25 SMUGGLER'S CLUB. AND THE FIRST EXHIBIT, YOUR

1 HONOR, SHOWS THAT MR. MITCHELL OR SOMEONE IN MR.
2 MITCHELL'S HOME IS MAKING TEN OUT OF TWENTY-FIVE
3 LONG DISTANCE CALLS TO MYRTLE BEACH OR THE MYRTLE
4 BEACH AREA. THAT CERTAINLY WOULD BELIE AND
5 UNDERMINE HIS POSITION THAT HE DIDN'T KNOW WHAT WAS
6 GOING ON IN MYRTLE BEACH.

7 AGAIN, YOUR HONOR, THE WEIGHT, WE
8 SUBMIT WOULD BE UP TO THE JURY TO DETERMINE, BUT WE
9 THINK IT'S RELEVANT ON THAT ISSUE. AND, YOUR
10 HONOR, I SUBMIT IT'S JUST AS RELEVANT ON THAT ISSUE
11 AS THAT UNIDENTIFIED LONG DISTANCE CALL THAT THEY
12 INTRODUCED JUST A FEW MOMENTS AGO.

13 THE COURT: WELL, NOT THAT I -- THAT'S
14 A BASIS FOR MAKING THIS RULING. THE CALL WAS MADE
15 TO THE BECKHAM RESIDENCE IN A PARTICULAR PERIOD OF
16 TIME, THAT'S THE BASIS UPON WHICH I LET IT IN.

17 LET ME HEAR YOU ON THE FIRST SET OF
18 CALLS, ON THE FIRST SET.

19 MR. JONES: THE FIRST SET, YOUR HONOR?

20 THE COURT: YES.

21 MR. JONES: ALL RIGHT. SO WE'RE
22 THROUGH WITH --

23 THE COURT: I HAVEN'T RULED ON IT, BUT
24 I'M GOING TO HEAR YOU ON THE FIRST SET.

25 MR. JONES: THE FIRST SET. FIRST OF

1 ALL, LET ME TELL YOU THAT WHEN I ASKED MR. RICK
2 MITCHELL TO COME DOWN TO TESTIFY, I ASKED HIS WIFE
3 TO BRING HER TELEPHONE RECORDS WITH HER. THE PHONE
4 IS IN HER NAME. LIVING IN THE HOME, IS HIS WIFE
5 AND HER THREE CHILDREN. THEY LIVED AT MYRTLE
6 BEACH, HIS WIFE AND HER THREE CHILDREN, DURING THE
7 TIME THAT HE WAS IN PRISON, '92, '93, '94. WHEN HE
8 GOT OUT OF PRISON, HE LEFT, AND THEY FOLLOWED
9 SHORTLY THEREAFTER. THESE CALLS ARE FROM HIS WIFE
10 AND FROM HER CHILDREN TO MYRTLE BEACH, JUDGE.

11 THE COURT: I DON'T KNOW THAT.

12 MR. JONES: WELL, BUT WE DON'T KNOW
13 THERE FROM HIM, EITHER. AND SINCE THERE ARE FOUR
14 OTHER PEOPLE IN THE HOME, AND SINCE THE PHONE IS
15 REGISTERED TO HER AND NOT TO HIM, YOU KNOW, WHY DO
16 WE ALLOW THIS EVIDENCE IN WHEN THERE'S NO -- IT'S--
17 THERE'S NO EVIDENCE THAT HE MADE THE CALL. HE
18 TESTIFIED THAT HE HASN'T BEEN DOWN THERE. HE
19 TESTIFIED HE HASN'T HAD ANY CONTACT. AND THESE --
20 AND, JUDGE, THERE IS ALSO ANOTHER COUPLE THAT LIVES
21 AT THE SAME ADDRESS WHERE HE LIVES. THEY'RE NOT
22 THE ONLY OCCUPANTS AT THAT RESIDENCE. THERE'S
23 ANOTHER COUPLE ALL TOGETHER THAT LIVE THERE. I
24 MEAN, JUDGE, IF THESE WERE CALLS THAT WERE TO
25 SMUGGLER'S, IT MIGHT BE RELEVANT. BUT YOU'VE GOT

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1 CALLS -- YOU KNOW, MYRTLE BEACH IS A BIG, BIG
2 COMMUNITY. IT'S A LARGE AREA. IT'S GROWING
3 EVERYDAY. AND CALLS TO THE MYRTLE BEACH AREA, YOU
4 KNOW, I DON'T KNOW -- HOW MANY CALLS DO THEY HAVE
5 ON THERE TO SMUGGLER'S. IF THEY'VE GOT A CALL TO
6 SMUGGLER'S, THEN I THINK THEY'VE GOT A BASIS TO
7 INTRODUCE IT. BUT IF THEY DON'T HAVE A CALL FROM
8 HIS RESIDENCE TO SMUGGLER'S, THEN YOU'RE GETTING
9 OUT IN PURE SPECULATION FOR THIS JURY. PURE
10 SPECULATION ABOUT WHO WAS CALLED AND WHAT IT WAS
11 ABOUT. AND THAT WOULD BE -- AND WE --

12 THE COURT: SO YOU'RE CONCEDED THE
13 SECOND ONE?

14 MR. JONES: JUDGE --

15 THE COURT: YOU'RE CONCEDED THE SECOND
16 SET OF CALLS -- THE SECOND CALL?

17 MR. JONES: SECOND CALL?

18 THE COURT: HE HAD A CALL TO
19 SMUGGLER'S.

20 MR. JONES: THAT'S NOT FROM HIS NUMBER.

21 THE COURT: I'M ASKING YOU, ARE YOU
22 CONCEDING THAT?

23 MR. JONES: NO, SIR. IF IT WAS -- I
24 SAID -- WHAT I MEANT TO SAY, WAS IF THEY HAVE A
25 CALL FROM THE NUMBER AT HIS RESIDENCE, OR A CALL

1 THAT CAN BE IDENTIFIED THAT WAS MADE BY HIM IF IT
2 WASN'T FROM HIS RESIDENCE, IN OTHER WORDS, FROM A
3 PAY PHONE CHARGED TO HIS RESIDENCE TO SMUGGLER'S,
4 THEN THEY'VE GOT SOMETHING. YOU KNOW, IT'S
5 ENTERING THE REALM OF RELEVANT. BUT JUST THE
6 MYRTLE BEACH AREA, JUDGE, IS SO SPECULATIVE AS TO
7 WHO IT WAS TO OR WHAT IT WAS FOR, OR WHAT
8 INFORMATION COULD BE GAINED. ON THOSE CALLS,
9 AGAIN, IT'S NOT A MATTER OF WHETHER OR NOT IT GOES
10 TO THE WEIGHT. IT'S A MATTER, JUDGE, OF IT EVEN
11 BEING PROBATIVE AT ALL.

12 WOULDN'T YOU AGREE THAT, NUMBER ONE, WE
13 ARE TALKING ABOUT A CRIME THAT OCCURRED TWO YEARS
14 FROM JUNE 12TH OF '96. YOU'RE TALKING ABOUT A
15 CRIME THAT AS FAR AS THE STATE'S EVIDENCE IS
16 CONCERNED, AS FAR AS THE STATE'S CASE IS CONCERNED,
17 WAS PERPETRATED BY THE DEFENDANT IN THIS TRIAL AND
18 RICHARD ANDERSON WHO WORKED AT SMUGGLER'S. AND THE
19 WITNESSES THAT WE HAVE PRODUCED FROM THE MYRTLE
20 BEACH AREA DURING THAT PERIOD OF TIME ALL HAD
21 WORKED AT SMUGGLER'S OR HAD A CONNECTION WITH
22 SMUGGLER'S. YOU KNOW, THERE'S NO ALLEGATION THAT
23 ANY OTHER AREA IN MYRTLE BEACH AS FAR AS ANY
24 EVIDENCE IN THIS CASE. AND WHAT --

25 THE COURT: ALL RIGHT.

1 MR. JONES: WHAT IS THE RELEVANCE TO A
2 CALL -- I CAN UNDERSTAND TO SMUGGLER'S. BUT TO
3 MYRTLE BEACH, JUDGE, WHERE DO YOU STOP AT? I MEAN,
4 WHAT IS MYRTLE BEACH ON HERE? IS IT CONWAY? IS IT
5 SURFSIDE? I MEAN, I DON'T KNOW WHAT THE PHONE --
6 WHAT THE PHONE LISTING. I KNOW THAT THE NUMBER OF
7 CALLS THEY SAID OUT OF TWENTY-FIVE, IF YOU COUNT
8 TEN, YOU'VE GOT TO INCLUDE FLORENCE TO GET TEN.

9 MR. HARPOOTLIAN: NO.

10 MR. JONES: WAS IT LORIS?

11 MR. HARPOOTLIAN: LORIS.

12 MR. JONES: ARE THEY INCLUDING LORIS?

13 MR. HARPOOTLIAN: LORIS.

14 MR. JONES: INCLUDING LORIS?

15 MR. HARPOOTLIAN: WELL --

16 THE COURT: GIVE ME THE PHONE NUMBERS.

17 MR. HARPOOTLIAN: I'LL HAND UP WHAT

18 I'VE GOT.

19 THE COURT: Y'ALL TREAT ME LIKE I'M A

20 JURY. I'M NOT A JURY.

21 MR. HARPOOTLIAN: I'M SORRY, YOUR

22 HONOR. I WOULD NOTE THAT STARTING OFF LAKEWOOD,

23 SOUTH CAROLINA, NUMBER ONE, IS WHERE SMUGGLER'S IS

24 LOCATED. IT IS THE SUBDIVISION WHERE SMUGGLER'S IS

25 LOCATED. THE NEXT ONE WOULD BE -- IF YOU GO DOWN

1 TO CALL NUMBER TEN IS MYRTLE BEACH, CALL NUMBER
2 ELEVEN IS MYRTLE BEACH, CALL NUMBER TWELVE IS
3 MYRTLE BEACH.

4 THE COURT: I'M LOOKING AT IT, MR.
5 HARPOOTLIAN.

6 MR. HARPOOTLIAN: I'M SORRY.

7 THE COURT: I CAN SEE IT.

8 MR. HARPOOTLIAN: AND I'M NOT TRYING --

9 THE COURT: I EXCLUDE IT ON THIS BASIS.
10 THE MAN DIDN'T EVEN KNOW HE WAS GOING TO BE A
11 WITNESS IN THIS CASE UNTIL THE 13TH OF SEPTEMBER --

12 MR. HARPOOTLIAN: YOUR HONOR --

13 THE COURT: -- WHEN THE SLED AGENTS
14 WENT TO SEE HIM.

15 MR. HARPOOTLIAN: YOUR HONOR, NOT IF
16 YOU ADOPT OUR THEORY. OUR THEORY IS THAT HE --
17 YOUR HONOR, LET ME BE HEARD ON THIS POINT.

18 THE COURT: SURE.

19 MR. HARPOOTLIAN: IF YOU BELIEVE RICK
20 WILSON, YOU'RE RIGHT -- OR RICK MITCHELL, YOU'RE
21 RIGHT. BUT IF YOU BELIEVE THAT THIS STORY WAS MADE
22 UP AND CONCOCTED AS A RESULT OF HIS CONTACT WITH
23 PEOPLE IN MYRTLE BEACH ON BEHALF OF ANDERSON OR ON
24 BEHALF OF ANYONE ELSE, THIS MAN TOOK THE STAND AND
25 SAID HE HAD HAD NO CONTACT WITH PEOPLE IN MYRTLE

1 BEACH, EXCEPT ONE FIVE-MINUTE BEER WITH BRICK, THAT
2 WAS IT. AND THEN, HE HAD BEEN THERE FOR ONE
3 BIRTHDAY PARTY.

4 WHAT WE SEE, JUST IN JULY, IS DISCOURSE
5 GOING BACK AND FORTH BETWEEN MYRTLE -- HE SAID HE
6 DIDN'T EVEN KNOW THAT RICHARD ANDERSON HAD BEEN
7 CHARGED WITH THE MURDER. AND HOW -- I MEAN, THIS
8 RAISES QUESTIONS ABOUT HIS CREDIBILITY. YOUR
9 HONOR, THIS IS FROM THE NUMBER -- IT MAY SAY DENISE
10 SCUDE. I SAID WHAT'S YOUR NUMBER? HE SAID, 864-
11 716-0686. THAT'S WHAT HE -- I ASKED HIM ON THE
12 STAND, WE WROTE IT DOWN. THIS IS WHAT HE SAYS HIS
13 PHONE NUMBER IS.

14 YOUR HONOR, I -- THIS IS AS RELEVANT AS
15 HALF THE PHONE CALLS THE STATE HAS PUT IN ABOUT --
16 WHEN HE SAYS, "WELL, YOU DON'T KNOW WHO MADE THEM.
17 "WELL, WE DON'T KNOW WHO MADE ANY OF THESE CALLS
18 THAT ARE ON THE CHART THAT THE STATE USED. ALL
19 THEY'RE SAYING IS THAT BECAUSE THEY CAME FROM
20 STEPHEN BECKHAM'S HOUSE, THERE IS AN INFERENCE HE
21 MADE THEM. ALL WE'RE SAYING IS -- ONE OF THEM EVEN
22 CAME FROM THE BISHOP'S HOUSE. ALL WE'RE SAYING IS
23 BECAUSE THEY CAME FROM HIS HOUSE, THERE'S AN
24 INFERENCE THAT HE MADE THEM.

25 YOUR HONOR, I WOULD ASK YOU NOT TO

1 SANITIZE THIS CASE TO THE POINT WHERE THE
2 DEFENDANT'S ABILITY TO CHALLENGE THE DEFENSE -- TO
3 CHALLENGE MR. MITCHELL'S -- AND, OF COURSE, WE
4 DIDN'T KNOW MR. MITCHELL. WE DIDN'T KNOW WHAT HE
5 WAS GOING TO SAY. WE WEREN'T GIVEN ANY STATEMENTS
6 PRETRIAL. WE'VE DONE EVERYTHING WE CAN SINCE HIS
7 TESTIMONY. I HAVE AN ORDER RIGHT NOW HIS WEST
8 VIRGINIA PHONE RECORDS. I HAVE AN ORDER RIGHT NOW
9 HIS -- THE REST OF HIS SOUTH CAROLINA RECORDS. IF
10 YOU'RE NOT GOING TO ALLOW THESE IN, I WOULD ASK FOR
11 A CONTINUANCE OF A DAY TO ALLOW US TO GET THE REST
12 OF HIS PHONE RECORDS. IN LIEU OF THAT, AT LEAST
13 LET ME GET THE MONTH OF JULY IN.

14 THE COURT: NO, BECAUSE -- TRUST ME.
15 I'VE BEEN MONITORING THIS CASE SINCE I WAS ASSIGNED
16 TO IT SOMETIME IN MAY, APRIL OR MAY. AND I KNOW
17 WITH ALL MY HEART THEY DIDN'T TALK TO THAT GUY
18 UNTIL THE VERY LAST MINUTE. THEY HAD NO WAY. THEY
19 DIDN'T --

20 MR. HARPOOTLIAN: THEY DIDN'T. THEY
21 DIDN'T, BUT RICHARD ANDERSON DID.

22 THE COURT: BUT I CAN'T -- THAT'S JUST
23 ABSOLUTELY TOO SPECULATIVE.

24 MR. HARPOOTLIAN: WELL, JUDGE, IF HE
25 WAS HIRED IN -- OR ALLEGEDLY ATTEMPTED TO BE HIRED

1 IN MARCH OF 1994, DOESN'T SAY A WORD, DOESN'T DO
2 ANYTHING. ANDERSON, ACCORDING TO EVERYBODY'S
3 TESTIMONY NEVER SAID A WORD ABOUT RICK MITCHELL
4 UNTIL TWO WEEKS AGO. NOT A WORD. ANDERSON SAID
5 THAT. THE OFFICERS SAID WELL, HE MAY HAVE
6 MENTIONED HIS NAME. TWO WEEKS AGO, ANDERSON
7 MAGICALLY SAYS, WELL, GUESS WHAT, THERE WAS ANOTHER
8 GUY HE TRIED TO HIRE. SLICK RICK MITCHELL. I
9 DON'T WHERE YOU CAN FIND HIM. THEY WENT DOWN TO
10 THE BEACH AND ASK AROUND. MYRTLE BEACH IS WHERE
11 THEY FOUND OUT THAT SLICK RICK MITCHELL LIVED IN
12 ANDERSON. NOW, IT SEEMS TO ME THIS MESSES
13 PERFECTLY WITH THAT. HOW WOULD THE PEOPLE IN
14 MYRTLE BEACH EVEN KNOW WHERE'S HE'S LIVING?

15 MR. JONES: JUDGE, JUDGE, JUDGE.

16 MR. HARPOOTLIAN: IF I COULD FINISH,
17 PLEASE.

18 THE COURT: LET HIM FINISH.

19 MR. JONES: WELL, THAT'S FINE. BUT THE
20 JURY'S IN THAT ROOM THERE.

21 THE COURT: THEY'RE NOT LISTENING TO
22 US.

23 MR. JONES: WELL, THEY MAY OR MAY NOT
24 BE ABLE TO HEAR, BUT HE DOESN'T NEED TO GET TO THAT
25 LEVEL.

1 THE COURT: LET ME DETERMINE THAT.

2 MR. JONES: ALL RIGHT.

3 THE COURT: IF YOU DON'T MIND.

4 MR. JONES: YES, SIR. YES, SIR.

5 MR. HARPOOTLIAN: IF IT PLEASE THE
6 COURT, YOUR HONOR? THIS FITS PERFECTLY WITH THE
7 THEORY EITHER SLICK RICK MITCHELL IS TELLING THE
8 TRUTH OR SOMEBODY HELPED HIM MAKE IT UP. NOW, YOUR
9 HONOR'S RULING ELIMINATES THE ABILITY OF THE
10 DEFENSE TO SHOW THAT HE HAD ACCESS TO THE PEOPLE IN
11 MYRTLE BEACH WHO WOULD HAVE KNOWN -- I MEAN, HIS
12 TESTIMONY WAS HE DIDN'T EVEN KNOW ANDERSON HAD BEEN
13 ARRESTED FOR MURDER.

14 THE COURT: I DON'T HAVE ANYTHING IN
15 THOSE RECORDS THAT SHOWS THAT HE TALKED TO ANYBODY
16 WHO KNEW ANYTHING ABOUT THIS CASE. AND I'M, YOU
17 KNOW, I'M JUST NOT GOING TO LET YOU PUT THEM,
18 THAT'S IT.

19 MR. HARPOOTLIAN: YOUR HONOR, I'D LIKE
20 THEM ENTERED FOR PURPOSES OF THE RECORD.

21 THE COURT: MARK THEM AS PROFFER. AND
22 ON THE OTHER ONE, I CAN'T POSSIBLY. IF IT HAD BEEN
23 TIED TO HIS NUMBER, I WOULD LET THAT IN TO
24 SMUGGLER'S.

25 MR. HARPOOTLIAN: WELL, YOUR HONOR, ON

1 THE BASIS OF THAT, I WOULD ASK YOU FOR A DAY'S
2 CONTINUANCE TO ALLOW US TO CHECK THE PHONE RECORDS
3 WHICH WE, AGAIN, WE DIDN'T EVEN KNOW WHAT HIS PHONE
4 NUMBER WAS UNTIL TWO DAYS AGO. BECAUSE THE STATE
5 DID NOT FURNISH TO US ANY MATERIAL CONCERNING HIS
6 PHONE NUMBER, OTHER THAN PUTTING HIM ON A WITNESS
7 LIST WE KNEW NOTHING ABOUT HIM.

8 I WOULD ASK YOUR HONOR UNDER GEORGE AND
9 A NUMBER OF OTHER CASES TO GIVE US UP TO ONE DAY
10 CONTINUANCE TO CHECK OUT HIS PHONE RECORDS AND TO
11 CHECK OUT WHAT CONTACT, IF ANY, HE HAD WITH MYRTLE
12 BEACH. ALL WE WERE ABLE TO GET WAS JULY AND
13 AUGUST. AND WE'VE JUST GOTTEN THOSE.

14 THE COURT: WELL, I DENY THAT MOTION.

15 MR. HARPOOTLIAN: YES, SIR.

16 THE COURT: AND WHILE IT MAKES NO
17 DIFFERENCE TO ME ONE WAY OR THE OTHER, AS LONG AS
18 IT'S A FAIR TRIAL, HOW IT COMES OUT, HE WAS CROSS-
19 EXAMINED VERY INTENSELY. THERE ARE LOTS OF
20 INCONSISTENCIES IN HIS STATEMENTS. AND I, FRANKLY,
21 THINK THAT ONCE YOU'RE IMPEACHED, YOU'RE IMPEACHED.
22 AND THE JURY MAY BELIEVE THAT HE WAS IMPEACHED.

23 MR. HARPOOTLIAN: YOUR HONOR, HOWEVER,
24 YOU WOULD NOTE THAT IF WE COULD FIND A CONTACT
25 BETWEEN HIM AND SMUGGLER'S, AS THE SOLICITOR JUST

1 SAID, THAT WOULD BE CRITICAL.

2 THE COURT: WELL, IT WOULD BE IF YOU
3 CAN FIND IT.

4 MR. HARPOOTLIAN: WELL, WE'RE NOT GOING
5 TO BE ABLE FIND IT BEFORE WE RESTS OUR CASE.

6 THE COURT: BUT I'M NOT GOING TO GIVE
7 YOU A CONTINUANCE. I MEAN, I'VE TOLD ALL OF YOU.
8 I'M GOING TO FINISH THIS CASE.

9 MR. HARPOOTLIAN: YES, SIR, I
10 UNDERSTAND.

11 MR. JONES: AND, JUDGE, IF I COULD FOR
12 THE RECORD, JUST SIMPLY TO POINT OUT THAT THEY GOT
13 HIS TELEPHONE NUMBER ON WEDNESDAY OF LAST WEEK,
14 THAT WAS DURING THE IN-CAMERA PROCEEDING LATE
15 WEDNESDAY AFTERNOON. THE FIRST QUESTION THAT WAS
16 ASKED OF HIM WAS, YOU KNOW, WHAT'S YOUR SOCIAL
17 SECURITY NUMBER? WHAT'S YOUR TELEPHONE NUMBER?
18 WELL, THAT WAS WEDNESDAY. HE TESTIFIED ON THURSDAY
19 OF LAST WEEK, FROM MY MEMORY. YOU CAN -- I JUST
20 WANTED TO POINT THAT OUT. SO THEY'VE KNOWN WHAT
21 HIS TELEPHONE NUMBER WAS SINCE ABOUT FOUR OR FIVE
22 O'CLOCK OF WEDNESDAY, SEPTEMBER -- ALL RIGHT,
23 SOMETHING.

24 ALSO, HIS NAME, RICK MITCHELL, WAS
25 PROVIDED TO THEM BEFORE THE TRIAL STARTED, BEFORE

1 WE BEGAN THE JURY SELECTION PROCESS IN OCONEE
2 COUNTY ON MONDAY. AND, YOU KNOW, ALL I'M SAYING
3 ABOUT THAT IS, IS THAT THEY WERE GIVEN HIS NAME AND
4 THAT, YOU KNOW, HE TESTIFIED HE KNEW DEFENDANT
5 BECKHAM BACK IN '89, '90, '91, '92, SO THEY HAD
6 ACCESS TO BECKHAM TO TRY TO BEGIN SEARCHING WHO HE
7 WAS AND WHERE HE WAS. AND I WOULD ALSO POINT OUT
8 TO YOUR HONOR, THAT IN THE STATE'S EFFORT TO LOCATE
9 MR. MITCHELL THAT MR. BILL ONSPA WAS INSTRUMENTAL
10 IN OUR LOCATING HIS WHEREABOUTS. AND I CAN TELL
11 YOU THAT MR. ONSPA HAS BEEN CONTACTED BY THE
12 DEFENSE BEFORE RICK MITCHELL TOOK THE STAND ON
13 WEDNESDAY AFTERNOON.

14 MR. HARPOOTLIAN: AND HAD NO PHONE
15 NUMBERS, AND HAD NO ADDRESSES, AND HAD NO
16 INFORMATION.

17 THE COURT: FELLOWS, I'VE RULED ON IT.

18 MR. JONES: ALL RIGHT.

19 MR. HARPOOTLIAN: YES, SIR. YOUR
20 HONOR, JUST SO THE RECORD IS CLEAR. ALL WE GOT
21 FROM THEM WAS A NAME, NO ADDRESS, NO PHONE NUMBER,
22 NO SOCIAL SECURITY, NO NOTHING.

23 THE COURT: NO QUESTION ABOUT THAT.

24 BUT I RULED ON SOME OTHER BASIS BESIDES THAT.

25 ALL RIGHT, THE JURY'S READY TO RESUME

1 YOUR TESTIMONY. HAVE YOU GOT YOUR NEXT WITNESS
2 READY?

3 MR. SWERLING: JUDGE, I'VE GOT TO FIND
4 MY NOTES. I'LL BE THERE IN ONE SECOND.

5 THE COURT: NOW, LET ME SAY THIS,
6 SOLICITOR.

7 MR. JONES: YES, SIR, YOUR HONOR.

8 THE COURT: I WANT A DECISION OUT OF
9 YOU FOLKS TONIGHT AS TO WHETHER YOU'RE GOING TO
10 NEED THAT TWO HOURS OR WHETHER OR NOT YOU'RE GOING
11 TO NEED THE REPLY. BECAUSE LET ME TELL YOU, THINK
12 THROUGH IT, I'M NOT STOPPING TOMORROW. IF YOU PUT
13 UP REPLY TOMORROW, I'M GOING RIGHT TO ARGUMENT AND
14 YOU ARGUE FIRST. SO IT'S BEST TO LET'S GET THIS
15 DECISION MADE TONIGHT SO EVERYBODY HAS A CHANCE TO
16 THINK ABOUT IT.

17 MR. JONES: YES, SIR. AND WHAT I WOULD
18 ASK THEN, IF YOU -- I KNOW YOU SAID, WELL,
19 SOLICITOR, I'LL GIVE YOU A COUPLE HOURS. I DON'T
20 THINK WE NEED THAT MUCH TIME. BUT WHAT I'M ASKING
21 YOU IS IF THEY -- SAY THEY FINISH UP WITH THIS
22 WITNESS AROUND FIVE O'CLOCK, WE FINISH UP WITH THIS
23 NEXT WITNESS, THEN WOULD YOU GIVE ME ABOUT AN HOUR
24 TO DECIDE WITH THE JURY HERE, SO THAT IF WE DECIDE
25 TO GO FORWARD, WE CAN GO FORWARD TONIGHT. THAT'S

1 WHAT I'M GOING TO ASK YOU. AT LEAST GIVE ME SOME
2 TIME IN THERE WITH THE JURY THERE.

3 THE COURT: WELL, LET ME TELL YOU.
4 WE'VE MADE A COMMITMENT ABOUT WHERE THE JURY'S
5 GOING TO GO AND I DON'T HAVE AS MUCH
6 MANEUVERABILITY. BUT EVERYBODY KNOWS PRETTY MUCH
7 WHAT'S COMING DOWN THE PIKE NOW, AND IT WOULD BE
8 BEST TO GIVE YOURSELF SOME TIME TO THINK BEFORE YOU
9 HAVE TO DO YOUR ARGUMENT. BUT I'M NOT STOPPING
10 TOMORROW NOW, WE'RE GOING. SO YOU CAN DO YOUR
11 THINKING TONIGHT OR YOU CAN DO IT IN THE MORNING
12 WITH A LITTLE QUIET TIME. BOTH SIDES.

13 MR. HARPOOTLIAN: YES, SIR.

14 THE COURT: BECAUSE AS IT IS, UNDER THE
15 BEST CASE SCENARIO, IF THEY RETURN A VERDICT THAT
16 WOULD REQUIRE A SECOND PHASE, WE WON'T GET TO THAT
17 UNTIL THURSDAY. SO, I MEAN, WE NEED TO START
18 THINKING ABOUT THOSE THINGS.

19 MR. HARPOOTLIAN: YOUR HONOR, I WOULD
20 NOTE THAT WE WOULD BE ENTITLED TO CONSIDER WHETHER
21 SUR-REBUTTAL WOULD BE NEEDED FOR REPLY IF THE
22 SOLICITOR CHOOSES TO PUT IT UP.

23 THE COURT: WE'LL SEE.

24 OKAY, LET'S BE AT EASE. DON'T NOBODY
25 LEAVE NOW, LET'S JUST TAKE A COUPLE OF MINUTES.

1 AND WE'LL GET THE WITNESS AND BE READY TO GO.

2 THE COURT: MR. SWERLING, YOU READY TO

3 GO?

4 MR. SWERLING: YES, I'M READY, YOUR

5 HONOR.

6 THE COURT: ALL RIGHT. MR. SWERLING,

7 CALL YOUR NEXT WITNESS, PLEASE.

8 MR. SWERLING: THANK YOU, YOUR HONOR.

9 WE CALL LADONNA ZEIDERS.

10 LADONNA Z[REDACTED], BEING DULY

11 SWORN, TESTIFIED AS FOLLOWS:

12 THE CLERK: HAVE A SEAT AND STATE YOUR

13 NAME FOR THE RECORD.

14 THE WITNESS: LADONNA JOAN Z[REDACTED].

15 DIRECT EXAMINATION:

16 BY MR. SWERLING:

17 Q LADONNA, WHERE DO YOU LIVE?

18 A IN POMARIA.

19 Q AND HOW OLD ARE YOU?

20 A SEVENTEEN.

21 Q AND WHAT GRADE IN SCHOOL ARE YOU IN?

22 A I'M A SENIOR.

23 Q AND WHERE DO YOU GO TO SCHOOL?

24 A MID-CAROLINA HIGH SCHOOL.

25 Q NOW, YOU ARE COUSINS OF SHANNON AND

- 1 ANDREW AND SAMUEL, RIGHT?
- 2 A YES, SIR.
- 3 Q AND VICKI WAS YOUR AUNT?
- 4 A SHE WAS MY COUSIN --
- 5 Q OH, COUSINS.
- 6 A -- BY MARRIAGE.
- 7 Q PARDON?
- 8 A COUSIN BY MARRIAGE.
- 9 Q OKAY. YOU'RE GRANDPARENTS ARE DAISEY
- 10 AND EARL Z [REDACTED]S?
- 11 A YES, SIR.
- 12 Q AND YOU LIVE WITH THEM?
- 13 A YES, SIR.
- 14 Q NOW, LET ME GO THE EVENTS OF JUNE 12TH,
- 15 1994. DO YOU RECALL THOSE DATES?
- 16 A YES, SIR, I DO.
- 17 Q WHAT HAPPENED THAT DAY? NOT -- WHAT
- 18 MAKES YOU RECALL IT?
- 19 A THAT WAS THE NIGHT THAT VICKI WAS
- 20 KILLED.
- 21 Q ALL RIGHT, NOW. YOU NEED TO SPEAK LOUD
- 22 ENOUGH SO THE JURY CAN HEAR YOU, SPEAK INTO THE
- 23 MICROPHONE. HOW OLD WERE YOU AT THAT TIME?
- 24 A I WAS 1FIFTEEN.
- 25 Q AND WHERE WERE YOU IN SCHOOL AT THAT

1 TIME?

2 A MID-CAROLINA, I WAS A FRESHMAN. I HAD
3 JUST FINISHED MY FRESHMAN YEAR.

4 Q NOW, WERE YOU AND SHANNON IN THE SAME
5 GRADE AT THAT TIME?

6 A YES, SIR, WE WERE.

7 Q NOW, THAT WAS THE SUMMER OF 1994?

8 A YES, SIR.

9 Q AND YOU WERE GOING TO GO INTO WHAT
10 GRADE?

11 A THE TENTH.

12 Q NOW, HOW FAR DO YOU LIVE FROM WHERE
13 SHANNON AND ANDREW AND SAMUEL WERE LIVING AT THAT
14 TIME IN JUNE OF 1994?

15 A THREE OR FOUR MILES.

16 Q AND DID YOU GO OVER THERE FREQUENTLY?

17 A ALL THE TIME.

18 Q WERE YOU AND SHANNON NOT ONLY JUST
19 COUSINS, BUT WERE YOU VERY CLOSE?

20 A WE WERE VERY CLOSE.

21 Q AND DID YOU SPEND -- FREQUENTLY, DID
22 YOU SPEND NIGHTS THERE?

23 A YES, SIR.

24 Q ALL RIGHT. NOW, ON JUNE 12TH, DID THE
25 BECKHAM CHILDREN COME TO YOUR HOUSE?

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- 1 A YES, SIR.
- 2 Q WERE THEY EXPECTED?
- 3 A YES, SIR, THEY HAD CALLED AND ASKED IF
- 4 IT WOULD BE ALL RIGHT.
- 5 Q ALL RIGHT. AND DO YOU RECALL
- 6 APPROXIMATELY WHAT TIME IT WAS THEY GOT TO YOUR
- 7 HOUSE?
- 8 A IT WAS ABOUT A LITTLE AFTER FOUR.
- 9 Q AND WHO WAS WITH THE KIDS?
- 10 A VICKI HAD BROUGHT THEM OVER.
- 11 Q AND DID YOU HAVE A GOOD RELATIONSHIP
- 12 WITH VICKI?
- 13 A YES, SIR.
- 14 Q WERE YOU CLOSE WITH VICKI?
- 15 A I WAS VERY CLOSE WITH HER.
- 16 Q NOW, WHEN THEY GOT THERE AFTER FOUR,
- 17 WHAT DID YOU DO?
- 18 A WELL, LIKE, EVERYBODY HUGGED AND THEN
- 19 SHANNON AND I WENT OFF TO MY ROOM AND I WAS GOING
- 20 TO SHOW HER MY CLOTHES I HAD JUST GOT FOR MY
- 21 BIRTHDAY.
- 22 Q WHEN WAS YOUR BIRTHDAY?
- 23 A IT WAS IN THE FIRST PART OF MAY.
- 24 Q ALL RIGHT. NOW, WHERE DID THE OTHER
- 25 KIDS GO?

1 A BILLY AND ANDREW WENT OFF IN THE WOODS
2 AND AMANDA WENT WITH THEM. AND SARA AND SAMUEL
3 WENT WITH -- THEY JUST WENT EVERYWHERE.
4 Q NOW, DID YOUR GRANDMOTHER AND VICKI
5 STAY TOGETHER AND CHAT?
6 A YES, SIR.
7 Q NOW, SOMETIME AROUND FIVE O'CLOCK THAT
8 AFTERNOON, DID -- WAS A PHONE CALL MADE FROM YOUR
9 HOUSE -- NOW YOU LIVE THERE, RIGHT?
10 A YES, SIR, I DO.
11 Q WAS A PHONE CALL MADE FROM YOUR HOUSE
12 TO THE BECKHAM HOUSE?
13 A WE CALLED STEPHEN TO ASK IF I COULD
14 SPEND THE NIGHT -- SHANNON CALLED STEPHEN TO ASK IF
15 I COULD SPEND THE NIGHT.
16 Q WERE YOU PRESENT WHEN THAT WAS DONE?
17 A YES, I WAS.
18 Q AND WAS THAT SOMETHING NORMALLY YOU
19 WOULD DO?
20 A YES, SIR. WE KNEW IT WOULDN'T BE A
21 PROBLEM, BUT WE JUST HAD TO CHECK AND MAKE SURE.
22 Q AND WAS THE PHONE CALL ACTUALLY MADE?
23 A YES, SIR.
24 Q AND AFTER THAT -- NOW THAT WAS THE
25 PHONE CALL, I THINK AT 4:56?

- 1 A YES, SIR.
- 2 Q AND WHICH THE RECORDS -- YOU'VE LOOKED
- 3 AT THE RECORDS?
- 4 A YES, SIR.
- 5 Q ALL RIGHT. NOW, AFTER THAT, AROUND SIX
- 6 O'CLOCK, WHAT HAPPENED AS FAR AS STARTING TO GET
- 7 READY TO LEAVE?
- 8 A WELL, WE DID CALL A SECOND TIME.
- 9 Q OKAY. NOW, THE SECOND TIME YOU CALLED
- 10 DID IT CONNECT OR --
- 11 A IT WAS BUSY.
- 12 Q SO YOU NEVER CONNECTED THE SECOND TIME?
- 13 A YES, SIR.
- 14 Q AND WHAT WAS -- TO THE BEST OF YOUR
- 15 RECOLLECTION, WHAT WAS THE TIME THAT YOU MADE THAT
- 16 CALL?
- 17 A IT WAS ABOUT TEN TILL SIX, I THINK.
- 18 Q AND THE RECORDS SHOW -- NOW YOU SAY
- 19 THERE WAS NO CONNECTION MADE AT THAT TIME?
- 20 A RIGHT.
- 21 Q ALL RIGHT. AND I THINK THE RECORDS
- 22 SHOW THAT THERE WAS A PHONE CALL AT APPROXIMATELY--
- 23 AT 5:51 P.M. FROM STEPHEN BECKHAM TO WILLIAM
- 24 BECKHAM'S RESIDENCE. WOULD THAT BE ABOUT THE TIME
- 25 THAT YOU'RE REFERRING TO?

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- 1 A YES, SIR.
- 2 Q ALL RIGHT. NOW, AFTER THAT PHONE CALL
- 3 WAS MADE, WERE PREPARATIONS MADE TO LEAVE?
- 4 A YES, SIR, I WENT IN MY ROOM AND STARTED
- 5 TO PACK A BAG.
- 6 Q AND HOW LONG WAS IT BEFORE YOU GOT
- 7 READY AND EVERYBODY ELSE GOT READY AND STARTED
- 8 WALKING OUT THE DOOR?
- 9 A WE WALKED OUT OF THE HOUSE, IT WAS
- 10 PROBABLY ABOUT FIVE AFTER SIX. AND THEN WE STOOD
- 11 ON THE STEPS FOR A WHILE, AND VICKI AND MY
- 12 GRANDMOTHER WERE STILL TALKING.
- 13 Q NOW, WHO ELSE WAS PRESENT AT THAT TIME?
- 14 WHO WAS PRESENT AROUND IN THE AREA IN FRONT OF THE
- 15 YARD?
- 16 A WELL, ANDREW AND SAMUEL HAD ALREADY
- 17 GONE TO THE CAR, AND MY BROTHER WAS AT THE CAR.
- 18 AND SHANNON HAD GONE TO START THE CAR AND TURN THE
- 19 AIR CONDITIONER ON JUST BEFORE I CAME OUT.
- 20 Q AND BY THE TIME EVERYBODY SAID THEIR
- 21 GOODBYES, WHAT TIME DID YOU ACTUALLY GET IN THE CAR
- 22 AND LEAVE?
- 23 A IT WAS ABOUT TEN AFTER SIX.
- 24 Q NOW, DO YOU RECALL THE EVENTS OF THAT
- 25 DAY VERY WELL?

1 A YES, SIR.

2 Q HAVE YOU DISCUSSED THEM ON A NUMBER OF

3 OCCASIONS WITH THE POLICE AND WITH US?

4 A YES, I HAVE.

5 Q DO YOU REMEMBER WHAT HAPPENED A DAY OR

6 TWO OR A COUPLE OF DAYS BEFORE THAT?

7 A NO, SIR.

8 Q WHY DOES THAT DAY STICK OUT IN YOUR

9 MIND?

10 A BECAUSE I'VE BEEN QUESTIONED ABOUT IT.

11 Q NOW, SO LET'S GO -- I THINK THE BEST

12 THING TO DO IS LET'S GO MAKE A BOARD LIKE WE'VE

13 BEEN DOING. I'M GOING TO STAND OVER HERE AND USE

14 OUR EASEL AGAIN -- ACTUALLY, IT'S THE STATE'S

15 EASEL. IT'S L-A, RIGHT?

16 A YES, SIR.

17 Q CAPITAL D?

18 A NO, IT'S A LITTLE D.

19 Q LITTLE D?

20 A YES, SIR.

21 Q OKAY. SO YOU LEFT YOUR HOUSE AT ABOUT

22 TEN AFTER SIX?

23 A IT WAS PROBABLY MORE LIKE TWELVE OR

24 FIFTEEN AFTER BECAUSE WE ACTUALLY STARTED WALKING

25 TOWARDS THE CAR AT TEN AFTER SIX.

- 1 Q ALL RIGHT. AT SOME POINT DID SOMEONE
2 POINT TO A WATCH?
- 3 A MY GRANDMA DID BECAUSE I WAS BEING KIND
4 OF SLOW, AND SHE WAS LIKE, LOOK AT WHAT TIME IT
5 IS, YOU HAVE TO GO.
- 6 Q WHAT TIME TO THE BEST OF YOUR
7 RECOLLECTION DID YOU REACH THE BECKHAM RESIDENCE?
- 8 A IT WAS BETWEEN SIXTEEN AND TWENTY AFTER
9 SIX, PROBABLY.
- 10 Q SO ABOUT 6:16 TO 6:20, RIGHT?
- 11 A YES, SIR.
- 12 Q AND AGAIN, YOU WERE INTERVIEWED BY THE
13 POLICE THE NEXT DAY, RIGHT?
- 14 A YES, SIR, TWICE.
- 15 Q AND THEN THE DAY AFTER THAT, TWICE?
- 16 A YES.
- 17 Q NOW, WHEN YOU GOT THERE WOULD YOU
18 DESCRIBE TO THE JURY WHAT YOU OBSERVED -- DON'T GO
19 INTO WHAT WAS SAID, BUT WHAT DID YOU OBSERVE AND
20 HOW LONG DID IT TAKE TO GET OUT OF THE CAR AND
21 THINGS OF THAT NATURE?
- 22 A WHEN WE DROVE UP, STEPHEN WAS WASHING
23 HIS HONDA.
- 24 Q I'M GOING TO STAND OVER HERE BECAUSE
25 I'M GOING TO BE --

- 1 A OKAY. AND WE GOT OUT --
- 2 Q WHAT WAS HE WEARING, TO THE BEST OF
- 3 YOUR RECOLLECTION?
- 4 A HE HAD ON A WATERMELON-COLORED POLO
- 5 SHIRT AND KHAKI SHORTS. I DON'T KNOW WHAT KIND OF
- 6 SHOES HE WAS WEARING.
- 7 Q AND YOU'VE SEEN THE PICTURE THAT WAS
- 8 INTRODUCED INTO EVIDENCE OF HIM IN THE SHIRT AND IN
- 9 THE JEANS LATER ON THAT MORNING, WAS THAT THE SAME
- 10 SHIRT?
- 11 A IT WAS THE SAME SHIRT.
- 12 Q BUT AS FAR AS THE JEANS, YOU SAID THEY
- 13 WERE -- WHAT DID HE HAVE ON AS FAR AS --
- 14 A KHAKIS. HE HAD ON KHAKI OR TAN SHORTS.
- 15 Q OKAY. AND WAS HE -- YOU SAID HE WAS
- 16 WASHING THE CAR?
- 17 A YES, SIR.
- 18 Q AND WHERE WAS THIS? IN RELATIONSHIP TO
- 19 THE TRAILER, WHERE WAS IT?
- 20 A IT WAS -- THE CAR WAS PARKED -- THERE'S
- 21 KIND OF LIKE TWO LITTLE DIRTS LOTS AND IT WAS
- 22 PARKED IN ONE OF THOSE AND HE WAS JUST RINSING IT
- 23 OFF WITH THE HOSE.
- 24 Q AND WHEN YOU GOT OUT, DID YOU UNLOAD
- 25 THE CAR?

1 A YES, SIR. FIRST, WE HUGGED AND STUFF
2 LIKE THAT.
3 Q DID YOU OVERHEAR ANY CONVERSATION?
4 A YES, I OVERHEARD STEPHEN AND VICKI
5 DISCUSSING SAMUEL'S SWIM PRACTICE.
6 Q SWIMMIES, SWIM PRACTICE?
7 A SWIMMIES, SOMETHING LIKE THAT.
8 Q ALL RIGHT. AND BY THE TIME THAT YOU
9 STARTED WALKING IN THE DOOR, WHERE WAS STEPHEN?
10 A HE WAS AHEAD OF ME. HE WAS HOLDING THE
11 DOOR FOR ME AS I WAS COMING IN AND HE HAD STUFF IN
12 HIS HANDS. AND I HAD ONE BAG AND I SAID, LET ME
13 TAKE THIS IN FOR YOU. SO I TOOK THE STUFF THAT HE
14 HAD IN AND HE STAYED OUTSIDE.
15 Q AND WHO ELSE WENT INSIDE?
16 A SHANNON HAD GONE -- ALREADY GONE IN
17 AHEAD OF ME AND SAMUEL WENT UP TO UNCLE BILLY AND--
18 MR. AND MRS. BECKHAM'S HOUSE.
19 Q STEPHEN STAYED OUTSIDE?
20 A YES, SIR. AND ANDREW STAYED OUTSIDE.
21 Q WAS VICKI'S CAR STILL THERE WHEN YOU
22 WENT INSIDE?
23 A YES, IT WAS.
24 Q NOW, LET'S -- SO IF YOU GOT THERE
25 AROUND 6:16 TO 6:20, APPROXIMATELY WHAT TIME DID

- 1 YOU ENTER THE HOUSE?
- 2 A SIX, TWENTY-TWO, SIX, TWENTY-THREE,
- 3 SOMETHING LIKE THAT. IT TOOK A COUPLE OF MINUTES
- 4 TO UNLOAD THE CAR.
- 5 Q SO ABOUT 6:22?
- 6 A RIGHT.
- 7 Q I MEAN, NOW YOU'RE -- THESE ARE --
- 8 A THESE ARE APPROXIMATE.
- 9 Q OKAY. NOW WE'RE SAYING 6:20, 6:19,
- 10 6:22, WE'RE TALKING ABOUT IN TERMS OF MINUTES. ARE
- 11 THOSE APPROXIMATIONS?
- 12 A YES, SIR.
- 13 Q SO LET'S SAY AROUND 6:22, YOU WERE IN
- 14 THE HOUSE?
- 15 A YES, SIR.
- 16 Q ALL RIGHT. NOW, WHERE DID YOU AND
- 17 SHANNON GO?
- 18 A WE WENT IN HER ROOM AND WE READ --
- 19 Q DID WHAT?
- 20 A WE READ OUR HOROSCOPES FOR THAT MONTH.
- 21 Q AND DID YOU SEE SAMUEL AFTER HE WENT UP
- 22 TO THE BECKHAM'S HOUSE IN THE HOUSE?
- 23 A IN STEPHEN'S HOUSE?
- 24 Q YES, IN STEPHEN'S HOUSE.
- 25 A NO, SIR, I DID NOT.

1 Q DID YOU SEE ANDREW AGAIN IN THE HOUSE
2 BEFORE YOU LEFT THE HOUSE?
3 A NO, SIR.
4 Q NOW, HOW LONG DID YOU STAY IN THE ROOM?
5 A PROBABLY ABOUT FIVE MINUTES; JUST LONG
6 ENOUGH TO READ OUR HOROSCOPES.
7 Q AND WHERE HAD YOU DECIDED TO GO?
8 A UP TO MR. AND MRS. BECKHAM'S HOUSE.
9 Q SO WHEN YOU DECIDED TO LEAVE -- I THINK
10 YOU SAID IT WAS ABOUT FIVE MINUTES?
11 A YES, SIR.
12 Q SO THAT WOULD PUT IT AROUND 6:27?
13 A YES, SIR.
14 Q NOW, DID YOU LEAVE RIGHT AWAY OR DID
15 YOU KIND OF MEANDER A LITTLE BIT OR WHAT HAPPENED?
16 A WE -- FIRST, WE KIND OF GLANCED AROUND
17 THE HOUSE TO MAKE SURE NOBODY ELSE WAS THERE. AND
18 THEN WE -- SHANNON WROTE A NOTE TO STEPHEN TO LET
19 HIM KNOW WHERE WE WERE GOING TO BE.
20 Q OKAY. NOW, DID YOU SEE HER WRITE THE
21 NOTE?
22 A YES, I DID.
23 Q AND WHAT TIME WAS THE NOTE -- WHAT WAS
24 NOTED ON THE NOTE AS FAR AS THE TIME WAS CONCERNED?
25 A SIX, THIRTY-THREE.

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1 Q NOW, 6:33 IN THE BECKHAM HOUSE MEANT
2 WHAT?
3 A SIX, TWENTY-EIGHT.
4 Q ALL RIGHT, AND HOW DO YOU KNOW THAT?
5 A BECAUSE THEY KEPT THEIR CLOCKS FIVE
6 MINUTES FAST BECAUSE OF SCHOOL.
7 Q DO YOU DO THAT, TOO?
8 A I KEEP MINE TEN MINUTES FAST.
9 Q SO, IF THE NOTE WAS AT -- WAS THE NOTE
10 BASED UPON THE TIME ON THE CLOCK OR WAS IT BASED
11 UPON THE ACTUAL TIME?
12 A IT WAS BASED ON THE TIME ON THE CLOCK.
13 Q SO, 6:33 THEN, IF IT WAS FIVE MINUTES
14 FAST WOULD BE WHAT?
15 A SIX, TWENTY-EIGHT.
16 Q SO WE'LL PUT THAT IN PARENTHESES. SO
17 THAT WAS THE NOTE?
18 A YES, SIR.
19 Q OF COURSE, YOU SPOKE WITH THE POLICE
20 THE NEXT DAY, CORRECT?
21 A YES, I DID.
22 Q DID -- THE ONLY PEOPLE IN THE HOUSE AT
23 THAT TIME WERE YOU AND SHANNON?
24 A YES, SIR.
25 Q NOW, DID ANYBODY CALL THE BECKHAM

- 1 RESIDENCE? DID EITHER YOU OR SHANNON CALL --
- 2 A NO, SIR.
- 3 Q -- GRANDPA'S?
- 4 A NO, SIR.
- 5 Q THE NOTE WAS LEFT, HOWEVER?
- 6 A YES, SIR.
- 7 Q AND WHY DID YOU LEAVE THE NOTE?
- 8 A SO THAT STEPHEN WOULDN'T WORRY BECAUSE
- 9 NO ONE WAS THERE. BECAUSE NO ONE ELSE WAS THERE,
- 10 SO.
- 11 Q NOW, AS YOU WERE WALKING OUT THE DOOR--
- 12 YOU WERE GOING TO THE BECKHAM RESIDENCE, WHICH WAS
- 13 UP THE YARD; IS THAT RIGHT?
- 14 A YES, SIR.
- 15 Q DID YOU HEAR ANYTHING AS YOU LEFT THE
- 16 FRONT DOOR?
- 17 A WHEN I WAS GOING OUT THE FRONT DOOR, I
- 18 HEARD SOMEBODY COME IN AND SLAM THE BACK DOOR.
- 19 Q NOW, DO YOU KNOW WHO THAT WAS?
- 20 A NO, SIR, I DIDN'T SEE ANYONE.
- 21 Q DID YOU SEE WHO IT WAS?
- 22 A NO, SIR.
- 23 Q DID YOU SPEAK TO WHOEVER IT WAS?
- 24 A NO, SIR.
- 25 Q YOU JUST HEARD THE BACK DOOR --

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- 1 A YES, SIR.
- 2 Q -- SLAM?
- 3 A YEAH.
- 4 Q NOW, HOW LONG DOES IT TAKE TO GET UP TO
- 5 THE BECKHAMS'?
- 6 A THIRTY TO FORTY SECONDS.
- 7 Q AND WHEN YOU GOT THERE -- SO IT WOULD
- 8 BE LESS THAN A MINUTE?
- 9 A YES, SIR.
- 10 Q SO WE'LL SAY 6:34, WHICH WOULD BE
- 11 REALLY, 6:29. AND WHO WAS THERE AT THAT TIME?
- 12 A WELL, AS WE WERE COMING IN, MR. AND
- 13 MRS. FIELDS HAD JUST DRIVEN UP. AND MRS. FIELDS
- 14 CAME IN AT THE SAME TIME WE DID AND MARCUS STAYED
- 15 AT THE CAR, BUT CAME IN RIGHT BEHIND US. AND WHEN
- 16 WE WENT IN, UNCLE BILL, AUNT HARRIET, ANDREW AND
- 17 SAMUEL WERE THERE ALREADY.
- 18 Q SO, SAMUEL AND ANDREW HAD ALREADY
- 19 GOTTEN TO THE --
- 20 A YES, SIR.
- 21 Q BECKHAMS'? BY THE WAY, I MEANT TO ASK
- 22 YOU THIS. DO YOU -- VICKI'S CAR, THE ONE YOU DROVE
- 23 IN OVER THERE?
- 24 A YES, SIR.
- 25 Q WAS THAT AN AUTOMATIC OR STICK SHIFT?

1 A NO, SIR, IT WAS A STICK SHIFT.
2 Q STICK SHIFT. DO YOU DRIVE NOW?
3 A YES, SIR.
4 Q DID YOU DRIVE -- YOU DIDN'T DRIVE THEN,
5 DID YOU?
6 A NO, SIR.
7 Q NOW, WHEN YOU GOT TO THE BECKHAMS', DID
8 SHANNON HAVE AN OCCASION TO LEAVE?
9 A SHE DID.
10 Q NOW, DID YOU LEAVE WITH HER?
11 A NO, I STAYED.
12 Q NOW PRIOR TO HER LEAVING, HAD SAMUEL
13 LEFT?
14 A I DIDN'T SEE HIM LEAVE, BUT HE WASN'T
15 THERE, SO I ASSUMED HE DID.
16 Q SO YOU DIDN'T SEE SAMUEL LEAVE?
17 A NO, SIR.
18 Q BUT YOU SAW SHANNON LEAVE?
19 A YES, SIR.
20 Q AND -- AFTER YOU -- IF YOU GOT THERE,
21 BASED UPON THE BECKHAM CLOCK, STEPHEN'S CLOCK, AT
22 6:34, WHICH WAS IN ACTUALITY 6:29, HOW LONG AFTER
23 YOU GOT TO THE BECKHAM RESIDENCE DID SHANNON RETURN
24 TO HER RESIDENCE TO GET THE GLAMOUR SHOTS?
25 A ABOUT A MINUTE OR A MINUTE AND A HALF.

1 BECAUSE AS SHE WAS GOING OUT THE DOOR, THERE WAS A
2 PHONE CALL, AND AUNT HARRIET ASKED HER SOMETHING
3 AND SHE HAD TO RESPOND.

4 Q OKAY. BUT DON'T GO INTO ANYTHING THAT
5 EITHER PARTY SAID, OKAY? BUT THERE WAS A PHONE
6 CALL?

7 A RIGHT.

8 Q YOU REMEMBER THAT?

9 A YES, SIR.

10 Q SO WHAT -- YOU SAID IT WAS ABOUT A
11 MINUTE, MINUTE AND A HALF?

12 A UH-HUH.

13 Q SO THAT WOULD BE ABOUT 6:35 AND A HALF
14 TO -- AND THAT WOULD BE 6:30 AND A HALF TO 6:31 AND
15 A HALF, I GUESS. SO SHANNON LEFT. ALL RIGHT. AND
16 HOW LONG WAS SHANNON GONE? HOW LONG DID IT TAKE
17 HER TO GO BACK DOWN TO THE HOUSE AND GET HER
18 GLAMOUR SHOTS AND COME BACK UP?

19 A TWO TO THREE MINUTES.

20 Q SO IT WOULD BE ABOUT 6:35 -- I'M SORRY
21 SIX -- YOU SAID TWO MINUTES?

22 A TWO TO THREE.

23 Q ALL RIGHT. SIX -- LET'S SAY 6:37 TO
24 6:38, WHICH WOULD BE 6:32 AND A HALF TO 6:33 AND A
25 HALF, RIGHT?

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1 A YES, SIR.

2 Q I'M GETTING ALL THESE HALVES AND FULLS.

3 SO THAT'S WHEN SHANNON RETURNED; IS THAT RIGHT?

4 A YES, SIR.

5 Q NOW, IT'S FAIRLY CLOSE BETWEEN THE TWO

6 HOUSES, RIGHT?

7 A YES, SIR.

8 Q HAD YOU SEEN THE GLAMOUR SHOTS BEFORE?

9 A I DON'T BELIEVE SO. IT'S POSSIBLE,

10 THOUGH.

11 Q ALL RIGHT. BUT SHE BROUGHT THEM BACK

12 TO THE HOUSE?

13 A YES, SIR.

14 Q NOW, DO YOU REMEMBER THE PHONE RINGING

15 OR NOT RINGING WHEN YOU WERE AT THE BECKHAM

16 RESIDENCE AT AROUND 6:33?

17 A YES.

18 Q AND SO AT 6:33 REAL TIME IS A PHONE

19 CALL, RIGHT?

20 A YES, SIR.

21 Q AND DID THAT CORRESPOND TO AROUND THE

22 SAME TIME THAT SHANNON ARRIVED?

23 A YES, SIR.

24 Q AROUND THE SAME TIME?

25 A YES, SIR.

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- 1 Q ALL RIGHT, NOW. AFTER THAT PHONE CALL--
2 I MEAN, AFTER EVERYBODY GOT BACK -- OR EVERYBODY
3 WAS AT THE HOUSE -- NOW YOU SAID YOU DON'T REMEMBER
4 SAMUEL BEING THERE AFTER THAT POINT?
5 A RIGHT.
6 Q WAS THERE SOME DISCUSSION ABOUT SAMUEL
7 WITH SOME ANTS?
8 A YES, SIR. SHANNON --
9 Q WITHOUT GOING INTO WHAT WAS SAID, I'M
10 JUST --
11 A WE DECIDED TO GO BACK DOWN TO THE
12 HOUSE, NOT STAY TOO LONG, AND GO BACK DOWN TO THE
13 HOUSE AND HELP BATHE HIM BECAUSE HE GOT INTO SOME
14 ANTS.
15 Q SO AS A RESULT OF THAT, YOU WENT BACK
16 TO THE HOUSE?
17 A YES, SIR.
18 Q AND APPROXIMATELY WHAT TIME DID YOU AND
19 SHANNON LEAVE?
20 A ABOUT A QUARTER TILL SEVEN, 6:45.
21 Q ALL RIGHT. SO, WHEN YOU LEFT THE
22 HOUSE, WAS ANDREW STILL AT THE BECKHAM HOUSE?
23 A NO, HE WAS NOT.
24 Q ALL RIGHT. WHERE WAS ANDREW? DID YOU
25 SEE ANDREW?

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- 1 A NO, I DIDN'T SEE HIM.
- 2 Q NOW, WHEN YOU WENT BACK DOWN, WHAT DID
- 3 YOU FIND WHEN YOU WENT IN THE HOUSE? AND AGAIN,
- 4 DON'T GO INTO ANY DISCUSSIONS THAT WERE HAD OR WHO
- 5 SAID WHAT. BUT WHEN YOU WENT BACK TO STEPHEN'S, IT
- 6 WAS YOU AND LADONNA --
- 7 A IT WAS ME AND SHANNON.
- 8 Q I MEAN YOU AND SHANNON?
- 9 A YES, SIR.
- 10 Q WHEN YOU GOT BACK DOWN THERE, WHAT DID
- 11 YOU SEE?
- 12 A STEPHEN WAS IN HIS BATHROOM WITH
- 13 SAMUEL, BATHING HIM. AND WHEN WE CAME IN, HE WENT
- 14 OUT, I DIDN'T SEE HIM. AND WE DRIED SAMUEL OFF --
- 15 STARTED TO DRY SAMUEL OFF.
- 16 Q SO HE WAS DONE BATHING HIM AT THAT
- 17 TIME?
- 18 A YES, SIR. SAMUEL STAYED IN THERE A
- 19 LITTLE WHILE LONGER AND PLAYED.
- 20 Q SO YOU AND SHANNON DRIED SAMUEL OFF?
- 21 A SHANNON DID.
- 22 Q HAD HE GOTTEN STUNG OR GOTTEN INTO SOME
- 23 ANTS OR SOMETHING?
- 24 A YES, SIR.
- 25 Q DID YOU SEE THAT?

1 A THERE WERE BITES ON HIS ANKLES.

2 Q BUT EVERYTHING WAS ALL RIGHT?

3 A YES, SIR, HE WAS FINE.

4 Q NOW -- AND SO WHEN YOU GOT DOWN THERE,

5 SHANNON WAS DRYING HIM -- SHANNON DRIED HIM OFF?

6 A YES, SIR.

7 Q AND STEPHEN LEFT THE HOUSE? DID HE

8 LEAVE THE HOUSE ACTUALLY?

9 A I CAN'T SAY. HE JUST LEFT THE ROOM AND

10 I DIDN'T SEE HIM.

11 Q AND THAT WOULD HAVE BEEN APPROXIMATELY

12 WHAT TIME, AFTER YOU DRIED HIM OFF AND GOT HIM ALL

13 STRAIGHT -- OR SHANNON GOT HIM ALL STRAIGHT?

14 A OH, AFTER WE DRIED HIM OFF? PROBABLY

15 ABOUT SEVEN, FIVE AFTER, SOMETHING LIKE THAT.

16 Q SO EVERYTHING WAS -- SAMUEL WAS DRESSED

17 AND DRIED OFF AND EVERYTHING ABOUT SEVEN O'CLOCK?

18 A RIGHT, OR FIVE AFTER, SOMETHING LIKE

19 THAT.

20 Q OKAY. NOW, WHEN YOU CAME -- WHAT DID

21 YOU DO -- WHAT DID YOU AND SHANNON DO AFTER SAMUEL

22 GOT DRIED OFF AND GOT DRESSED?

23 A WELL, WE WERE ABOUT TO GO BACK INTO HER

24 ROOM AND THE PHONE RANG AND I ANSWERED IT.

25 Q NOW, THAT PHONE -- TAKE A LOOK AT THE

1 RECORDS FOR A MOMENT. I'M GOING TO SHOW YOU
2 DEFENDANT'S EXHIBIT NO. 24. IS THAT THE PHONE CALL
3 YOU ARE REFERENCING?
4 A YES, SIR.
5 Q ALL RIGHT. AND WHAT'S THE TIME OF THAT
6 PHONE CALL?
7 A SEVEN, ELEVEN P.M. (7:11)
8 Q ALL RIGHT. AND THAT'S ACTUAL TIME; IS
9 THAT RIGHT?
10 A YES, SIR.
11 Q ALL RIGHT. AND WHO WAS THE CALL FROM
12 TO AND TO WHO WAS IT MADE?
13 A IT WAS A CALL FROM 803-276-0770,
14 REGISTERED TO DONNA RICHARDSON, NEWBERRY, SOUTH
15 CAROLINA TO 803-276-1566, REGISTERED TO STEPHEN
16 BECKHAM, POMARIA, SOUTH CAROLINA.
17 Q AND YOU ACTUALLY ANSWERED THE PHONE?
18 A YES, SIR.
19 Q AND WHO WAS ON THE PHONE; DO YOU
20 REMEMBER?
21 A IT WAS A MAN AND HE ASKED FOR VICTORIA?
22 MR. JONES: OBJECTION, YOUR HONOR.
23 MR. SWERLING: NO, WE'RE NOT GOING INTO
24 WHAT HE SAID.
25 MR. JONES: WELL, THAT'S WHAT HE JUST

1 SAID. HE ASKED FOR --
2 MR. SWERLING: OH, I'M SORRY.
3 THE COURT: EXCUSE ME JUST A MINUTE.
4 STRIKE THE ANSWER THEN.
5 MR. SWERLING: STRIKE THE ANSWER.
6 Q (BY MR. SWERLING) WHO WAS ON THE
7 PHONE?
8 A HE DIDN'T GIVE HIS NAME, BUT IT WAS A
9 MAN.
10 Q ALL RIGHT. SO IT WAS A PHONE CALL?
11 A YES, SIR.
12 Q ALL RIGHT. AND WHAT DID YOU DO WITH
13 THE PHONE?
14 A I GAVE IT TO SHANNON, AND THEN I WENT
15 AND GOT STEPHEN.
16 Q DID STEPHEN GET THE PHONE?
17 A YES, SIR.
18 Q DID HE SPEAK WITH THE GENTLEMAN FOR
19 SOME --
20 A YES, SIR.
21 Q -- PERIOD OF TIME? WHAT -- HOW --
22 WHAT'S THE LENGTH OF THE PHONE CALL?
23 A THREE MINUTES AND TWELVE SECONDS.
24 Q BUT ACTUALLY -- SO YOU GAVE THE PHONE
25 CALL TO SHANNON AND THEN YOU WENT AND GOT STEPHEN

- 1 AND STEPHEN ANSWERED THE PHONE?
- 2 A YES, SIR.
- 3 Q ALL RIGHT. WHERE WAS STEPHEN WHEN YOU
- 4 WENT AND GOT HIM?
- 5 A HE WAS IN THE KITCHEN.
- 6 Q NOW, AFTER THE PHONE CALL WAS
- 7 COMPLETED, WHAT DID YOU DO?
- 8 A I WAS PLANNING TO GO INTO SHANNON'S
- 9 ROOM, BUT STEPHEN STARTED MAKING DINNER AND I
- 10 OFFERED TO HELP.
- 11 Q DO YOU LIKE TO COOK?
- 12 A YES, SIR.
- 13 Q DO YOU HELP YOUR GRANDMA COOK?
- 14 A YES, SIR.
- 15 Q NOW, WHAT WAS GOING TO BE COOKED THAT
- 16 NIGHT AT STEPHEN'S HOUSE?
- 17 A HAWAIIAN CHICKEN, PEAS AND HOME FRIES,
- 18 HOMEMADE FRENCH FRIES.
- 19 Q ALL RIGHT. AND DID STEPHEN LIKE TO
- 20 COOK?
- 21 A YES, SIR.
- 22 Q WHERE WAS SHANNON?
- 23 A SHE WENT IN HER ROOM.
- 24 Q ALL RIGHT. WHERE WAS ANDREW?
- 25 A I'M NOT SURE. I'M SURE HE WAS IN THE

- 1 HOUSE, BUT I REALLY --
- 2 Q ALL RIGHT. AND WHERE WAS SAMUEL, DO
- 3 YOU KNOW?
- 4 A NO, I DON'T KNOW.
- 5 Q NOW, THE CHICKEN THAT YOU COOKED, WAS
- 6 THIS FRESH CHICKEN, WAS IT A WHOLE CHICKEN OR HOW
- 7 WAS IT MADE?
- 8 A IT WAS --
- 9 Q THE PACKAGE.
- 10 A IT WAS IN A PACK -- IT WAS CHICKEN
- 11 BREASTS IN A PACKAGE; THEY WERE FROZEN AND IT HAD
- 12 BEEN THAWED OUT.
- 13 Q ALL RIGHT. YOU TALKING ABOUT LIKE THE
- 14 CELLOPHANE --
- 15 A YES, SIR.
- 16 Q -- PACKAGE?
- 17 A YES, SIR.
- 18 Q ALL RIGHT. AND WHO TOOK THE CHICKEN
- 19 OUT OF THE PACKAGE?
- 20 A STEPHEN DID.
- 21 Q ALL RIGHT. AND WHAT WERE YOU DOING?
- 22 A I WAS -- I WAS SKINNING POTATOES, BUT,
- 23 YOU KNOW HOW THERE'S KIND OF BLOOD IN THE PACKAGE?
- 24 Q UH-HUH.
- 25 A IT SPILLED ONTO THE COUNTER AND I

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- 1 STOPPED AND CLEANED THAT UP.
- 2 Q OKAY. SO YOU'RE TALKING ABOUT OUT OF
- 3 THE PACKAGE OF CHICKEN?
- 4 A YES, SIR.
- 5 Q AND HOW MANY PACKAGES OF CHICKEN WERE
- 6 THERE?
- 7 A I BELIEVE THERE WAS TWO OR THREE, ABOUT
- 8 FOUR PIECES IN EACH LITTLE PACKAGE.
- 9 Q ALL RIGHT. AND WHO CLEANED UP?
- 10 A I DID.
- 11 Q NOW, WHO ACTUALLY DID THE COOKING OF
- 12 THE CHICKEN, PREPARED THE CHICKEN?
- 13 A STEPHEN DID.
- 14 Q SO YOU HAD TWO PACKAGES OF CHICKEN,
- 15 VARIOUS CHICKEN PARTS?
- 16 A I THINK THEY WERE ALL BREASTS, I'M
- 17 PRETTY SURE.
- 18 Q OKAY. IN THESE PACKAGES THAT WERE
- 19 COVERED WITH CELLOPHANE?
- 20 A YES, SIR.
- 21 Q AND SO THEY WERE PREPARED AND THEN THEY
- 22 WERE COOKED?
- 23 A YES, SIR.
- 24 Q ALL RIGHT. AND DID EVERYBODY EAT
- 25 TOGETHER?

- 1 A YES, SIR.
- 2 Q SO WHAT TIME DID YOU START COOKING
- 3 DINNER?
- 4 A PROBABLY ABOUT FIFTEEN -- QUARTER AFTER
- 5 SEVEN, 7:30.
- 6 Q ALL RIGHT. AND WHAT TIME DID YOU EAT
- 7 DINNER?
- 8 A STARTED EATING, I THINK AT ABOUT EIGHT,
- 9 FIVE AFTER EIGHT.
- 10 Q AND WHO'S PRESENT DURING DINNER?
- 11 A STEPHEN, SHANNON, ANDREW, SAMUEL AND
- 12 MYSELF.
- 13 Q NOW, HOW LONG DID IT TAKE TO EAT
- 14 DINNER; DO YOU RECALL?
- 15 A PROBABLY ABOUT FIFTEEN, TWENTY MINUTES,
- 16 SOMETHING LIKE THAT.
- 17 Q NOW, LET ME ASK YOU THIS. WHEN YOU GOT
- 18 OUT OF THE CAR AND WENT INTO THE HOUSE AND SAW
- 19 STEPHEN, DID YOU GIVE HIM A HUG?
- 20 A YES, I DID.
- 21 Q DID YOU FEEL ANYTHING ON HIM, IN HIS
- 22 POCKETS OR IN HIS SHIRT --
- 23 A NO, SIR.
- 24 Q -- THAT WOULD RESEMBLE A GUN?
- 25 A NO, SIR.

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- 1 Q DID YOU SEE A PINK TOWEL?
- 2 A NO, SIR.
- 3 Q WHEN YOU SAW HIM, WHEN YOU GOT BACK
- 4 DOWN TO THE HOUSE, WAS HE WEARING THE SAME CLOTHES
- 5 THAT YOU HAD SEEN WHEN YOU WENT UP TO -- OR WHEN
- 6 YOU GOT OUT OF THE CAR AND WENT INTO THE TRAILER
- 7 AND THEN WENT UP TO YOUR -- THE BECKHAM RESIDENCE?
- 8 A YES, HE WAS.
- 9 Q WHAT WAS HIS -- WHEN YOU SAW HIM AGAIN,
- 10 WHAT WAS HIS ATTITUDE, WHAT WAS HIS Demeanor, WHAT
- 11 WAS HIS EMOTIONAL STATE?
- 12 A JUST BEING STEPHEN.
- 13 Q DID YOU NOTICE ANYTHING DIFFERENT ABOUT
- 14 HIM AT ALL?
- 15 A NO, SIR.
- 16 Q WAS HE SWEATING, WAS HE PERSPIRING?
- 17 A NO, SIR.
- 18 Q DID HE HAVE ANY BLOOD ON HIM?
- 19 A NO, SIR.
- 20 MR. JONES: LEADING, YOUR HONOR.
- 21 THE COURT: CALLS FOR A YES OR NO
- 22 ANSWER.
- 23 MR. JONES: ALL RIGHT.
- 24 Q (BY MR. SWERLING) WHAT, IF ANYTHING,
- 25 DID YOU SEE ABOUT STEPHEN, ABOUT HIS Demeanor,

- 1 WHETHER HIS ATTITUDE OR HIS EMOTIONAL STATE, THAT
2 WOULD HAVE BEEN DIFFERENT FROM NORMAL OCCASIONS
3 WHEN YOU SAW STEPHEN?
- 4 A NOTHING AT ALL.
- 5 Q WHILE YOU WERE COOKING DINNER, WHAT WAS
6 HIS ATTITUDE, HIS DEemeanOR, HIS EMOTIONAL STATE?
- 7 A HE WAS JOKING AROUND AND PICKING ON ME.
- 8 Q JOKING AROUND AND PICKING ON YOU?
- 9 A YES, SIR.
- 10 Q WHAT KIND OF THINGS WOULD HE PICK ON
11 YOU ABOUT?
- 12 A WELL, HE WAS PICKING ON ME ABOUT
13 COOKING.
- 14 Q BUT WAS IT GENERAL GOOD HUMOR?
- 15 A YES, SIR.
- 16 Q NOW DURING DINNER, WHAT WAS HIS GENERAL
17 ATTITUDE AND DEemeanOR AND EMOTIONAL STATE?
- 18 A I REALLY DON'T KNOW HOW TO DESCRIBE IT,
19 BUT I WOULD SAY HE WAS LOOKING FORWARD TO THE
20 FUTURE. THAT'S WHAT WE TALKED ABOUT.
- 21 Q ALL RIGHT. WAS HE IN A GOOD MOOD?
- 22 A YES, SIR.
- 23 Q WERE THE KIDS ALL IN A GOOD MOOD?
- 24 A YES, SIR.
- 25 Q NOW, SOMETIME AFTER DINNER DID Y'ALL

1 CLEAN UP?

2 A SHANNON AND I DID THE DISHES.

3 Q AND LATER ON THAT EVENING, DID JAMIE

4 COME OVER?

5 A HE CAME DOWN AS WE WERE FINISHING

6 DINNER.

7 Q AND HOW LONG DID JAMIE STAY?

8 A UNTIL WE DECIDED TO GO RENT SOME

9 MOVIES, WHICH WAS ABOUT 9:30, 9:45.

10 Q OKAY. AND DID YOU GO WITH THEM TO GO

11 AHEAD AND GET SOME MOVIES?

12 A YES, SIR, WE ALL WENT --

13 Q WHO WENT?

14 A -- EXCEPT STEPHEN AND SAMUEL. ME,

15 ANDREW, SHANNON AND JAMIE.

16 Q NOW AFTER DINNER, WHERE WAS STEPHEN?

17 A HE AND ANDREW WENT OUTSIDE.

18 Q AND HE AND ANDREW --

19 A YES, SIR.

20 Q WENT OUTSIDE? DID YOU SEE THEM?

21 A NOT AFTER THEY WENT OUTSIDE, I DIDN'T.

22 Q AND WHERE WERE YOU AND SHANNON?

23 A WE WERE DOING THE DISHES.

24 Q ALL RIGHT. AND WHERE WAS JAMIE?

25 A HE WAS -- FIRST, HE WAS STANDING IN THE

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- 1 DEN WATCHING TV. THEN HE CAME IN AND STARTED
2 TALKING TO US IN THE KITCHEN.
- 3 Q DID YOU SEE WHERE ANDREW AND STEPHEN
4 WENT OR WHAT THEY DID?
- 5 A NO, SIR, I DIDN'T PAY ANY ATTENTION.
- 6 Q NOW, AFTER YOU FINISHED DOING THE
7 DISHES AND GOT THAT ALL DONE, AND BEFORE YOU WENT
8 TO SHEALY'S, WHAT DID YOU DO?
- 9 A JUST SAT AROUND AND TALKED.
- 10 Q ALL RIGHT. AND WHO WAS PRESENT?
- 11 A EVERYBODY.
- 12 Q HAD A BONFIRE BEEN LIT OUTSIDE?
- 13 A YES, SIR.
- 14 Q AND WAS THAT --
- 15 A I IMAGINE THAT'S WHAT ANDREW AND
16 STEPHEN WERE DOING OUTSIDE.
- 17 Q AND EVERYBODY -- WHO WAS IN THE DEN
18 WHEN Y'ALL -- IS IT A DEN OR IS IT A LIVING ROOM OR
19 --
- 20 A EVERYBODY WAS KIND OF SPREAD OUT.
- 21 Q OKAY. BUT BEFORE YOU WENT TO GET TO
22 SHEALY'S WHERE -- OR WENT TO SHEALY'S TO GET THE
23 MOVIES, WHERE WAS STEPHEN?
- 24 A HE WAS BACK IN THE HOUSE.
- 25 Q AND WHERE WAS HE IN THE HOUSE, IF YOU

- 1 CAN RECALL?
- 2 A I BELIEVE HE WAS SITTING ON THE COUCH
- 3 IN THE DEN.
- 4 Q AND ABOUT WHAT TIME WAS THE DECISION
- 5 MADE TO GO TO SHEALY'S?
- 6 A ABOUT 9:30.
- 7 Q NOW WHEN YOU WENT TO SHEALY'S, WHO WAS
- 8 LEFT IN THE TRAILER?
- 9 A SAMUEL AND STEPHEN.
- 10 Q ALL RIGHT. AND WHERE WAS SAMUEL --
- 11 WHEN YOU LEFT, WHERE WAS SAMUEL AND WHERE WAS
- 12 STEPHEN?
- 13 A THEY WERE SITTING ON THE COUCH, SAMUEL
- 14 AND STEPHEN WERE WATCHING TV.
- 15 Q DID YOU GO TO SHEALY'S?
- 16 A YES, SIR. FIRST, WE WENT TO JAMIE'S
- 17 HOUSE.
- 18 Q AND WHAT WAS THE PURPOSE OF GOING TO
- 19 JAMIE'S HOUSE?
- 20 A WELL, WE THOUGHT THAT IF HE HAD SOME
- 21 MOVIES THAT WOULD BE INTERESTING TO WATCH, THEN
- 22 THERE WAS NO POINT IN US GOING TO SHEALY'S. BUT HE
- 23 REALLY DIDN'T HAVE ANYTHING, SO WE WENT ON UP
- 24 THERE.
- 25 Q NOW, WHEN YOU WENT TO SHEALY'S, DID YOU

- 1 GET ANY MOVIES?
- 2 A YES, SIR, WE DID, WE GOT TWO.
- 3 Q AND DO YOU REMEMBER WHAT THEY WERE?
- 4 A YES, I DO.
- 5 Q AND TELL THE JURY WHAT THEY WERE?
- 6 A THE FORTRESS AND SILENCE OF THE LAMBS.
- 7 Q WHEN YOU CAME BACK TO THE HOUSE, WHO
- 8 WAS PRESENT IN THE HOUSE?
- 9 A SAMUEL AND STEPHEN?
- 10 Q AND WHERE WERE THEY LOCATED IN THE
- 11 HOUSE?
- 12 A IN STEPHEN'S BEDROOM.
- 13 Q NOW, WHO WATCHED THE MOVIES?
- 14 A SHANNON, ANDREW, JAMIE AND I. AND
- 15 STEPHEN WAS IN AND OUT.
- 16 Q ALL RIGHT. AND WHERE WAS STEPHEN WHILE
- 17 YOU WERE WATCHING THE MOVIES?
- 18 A HE WAS IN HIS BEDROOM WATCHING
- 19 TELEVISION.
- 20 Q NOW AT SOME POINT, DID YOU FALL ASLEEP?
- 21 A I DID NOT, NO, SIR.
- 22 Q YOU DID NOT? DID THE OTHER KIDS FALL
- 23 ASLEEP?
- 24 A SHANNON WAS OUT AND JAMIE WAS DOZING.
- 25 AND ANDREW AND I STAYED AWAKE THE WHOLE TIME.

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1 Q ALL RIGHT. AND AT SOME POINT, DID
2 JAMIE LEAVE?

3 A YES, SIR, HE LEFT AFTER BOTH THE MOVIES
4 WERE FINISHED.

5 Q WHEN JAMIE LEFT, WHERE WAS STEPHEN?

6 A HE WAS STILL IN HIS BEDROOM.

7 Q WHERE WAS SAMUEL?

8 A HE HAD COME OUT, AND I THINK HE WAS
9 ASLEEP ON THE COUCH.

10 Q AND WHERE WAS SHANNON AND ANDREW AND
11 YOURSELF AND JAMIE?

12 A WE WERE ALL ON THE FLOOR.

13 Q IN WHAT ROOM?

14 A THE DEN.

15 Q NOW, AFTER JAMIE LEFT, DID YOU GET A
16 KNOCK ON THE DOOR?

17 A YES, SIR.

18 MR. SWERLING: NOW, YOUR HONOR, BEFORE
19 I GET INTO IT. CAN I -- I WOULD LIKE TO INTRODUCE
20 THIS INTO EVIDENCE.

21 THE COURT: SUBJECT TO THE SAME RULING
22 ON THE EXHIBITS.

23 COURT REPORTER: DEFENDANT'S EXHIBIT

24 68.

25 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 68

- 1 WAS ADMITTED INTO EVIDENCE.)
- 2 Q (BY MR. SWERLING) NOW, LADONNA, WHEN
- 3 THE KNOCK CAME AT THE RESIDENCE, WHO WAS THERE, AT
- 4 THE DOOR?
- 5 A POLICE OFFICERS.
- 6 Q ALL RIGHT. AND AT THAT TIME, WERE YOU
- 7 TOLD WHAT WAS GOING ON?
- 8 A NO, SIR.
- 9 Q WAS ANYBODY TOLD WHAT WAS GOING ON?
- 10 A NO, SIR.
- 11 Q AT SOME POINT, DID BISHOP BECKHAM COME
- 12 DOWN?
- 13 A YES, SIR, BUT I CAN'T REMEMBER WHEN.
- 14 Q ALL RIGHT. YOU DON'T REMEMBER THE
- 15 TIMES?
- 16 A NO, SIR.
- 17 Q AND WAS STEPHEN THERE AT THAT TIME WHEN
- 18 THEY CAME?
- 19 A YES, SIR.
- 20 Q DID STEPHEN LEAVE WITH THE POLICE
- 21 OFFICERS?
- 22 A YES, HE DID.
- 23 Q AND WHERE DID YOU STAY THE REST OF THE
- 24 NIGHT?
- 25 A WELL, WHEN WE -- BEFORE THEY KNOCKED ON

1 THE DOOR, WE SAW LIGHTS. AND IT KIND OF SCARED US,
2 SO WE ALL GOT ON THE COUCH, ALL FOUR OF US WERE ON
3 THE COUCH. AND WHEN THEY CAME IN --
4 Q YOU SAY -- YOU TALKING ABOUT LIGHTS,
5 YOU TALKING ABOUT LIKE FLASHING LIGHTS OR
6 SOMETHING?
7 A I'M NOT SURE.
8 Q OKAY. OR FLASHLIGHTS -- OR YOU DON'T--
9 A YEAH, I THINK THEY WERE FLASHLIGHTS.
10 Q ALL RIGHT. OKAY. AND SO WHAT DID YOU
11 DO?
12 A SO WE ALL GOT ON THE COUCH.
13 Q ALL RIGHT. YOU SAY YOU GOT ON THE
14 COUCH DOING WHAT, I GUESS THAT'S WHAT I WAS -- JUST
15 TO WATCH --
16 A HUDDLING UP --
17 Q -- OR LOOK.
18 A -- BECAUSE WE WERE SCARED.
19 Q PARDON?
20 A WE WERE HUDDLING UP BECAUSE WE WERE
21 SCARED.
22 Q SCARED? OH, OKAY, OKAY, I GOT YOU.
23 ALL RIGHT. AND SO THE POLICE OFFICERS COME IN AND
24 STEPHEN LEAVES?
25 A AFTER A WHILE.

- 1 Q AFTER A WHILE.
- 2 A THEY WENT IN HIS BEDROOM.
- 3 Q AND DID BECKHAM -- BISHOP BECKHAM CAME
- 4 TO THE RESIDENCE?
- 5 A YES, SIR.
- 6 Q ALL RIGHT. AND HOW LONG DID YOU STAY
- 7 AT THE RESIDENCE THAT MORNING?
- 8 A LITTLE BILL TOOK ME HOME AT ABOUT
- 9 SEVEN.
- 10 Q SEVEN IN THE MORNING?
- 11 A YES, SIR.
- 12 Q ALL RIGHT. AFTER STEPHEN LEFT, DID YOU
- 13 GET ANY SLEEP AT THE HOUSE?
- 14 A NO, SIR.
- 15 Q DID ANYBODY REALLY GET ANY SLEEP?
- 16 A NO, SIR.
- 17 Q AND WHERE DID YOU GO WHEN YOU LEFT THE
- 18 BECKHAM RESIDENCE?
- 19 A I WENT HOME.
- 20 Q NOW SOMETIME ON THE -- SOMETIME DURING
- 21 THE 13TH, DID YOU HAVE AN OCCASION TO SPEAK WITH
- 22 ANY OF THE LAW ENFORCEMENT OFFICERS?
- 23 A THAT MORNING, I DID.
- 24 Q THAT MORNING?
- 25 A BEFORE I WENT HOME.

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- 1 Q SO IT WAS BEFORE YOU WENT HOME?
- 2 A YES, SIR.
- 3 Q AND DO YOU RECALL APPROXIMATELY WHAT
- 4 TIME IT WAS?
- 5 A I THINK IT WAS ABOUT 5:30 OR SIX, I'M
- 6 NOT SURE.
- 7 Q AND DID YOU DISCUSS WITH THEM -- OR
- 8 ANSWER THEIR QUESTIONS?
- 9 A YES, SIR.
- 10 Q AND DID YOU GET TO SPEAK WITH THEM
- 11 AGAIN?
- 12 A YES, SIR.
- 13 Q AND WHEN WAS THAT?
- 14 A THE NEXT DAY, THE NEXT AFTERNOON, THE
- 15 14TH.
- 16 Q AND DO YOU -- DID YOU ANSWER THEIR
- 17 QUESTIONS AT THAT TIME?
- 18 A YES, SIR.
- 19 Q DID ANYBODY ASK YOU FOR THE NOTE?
- 20 A NO, SIR.
- 21 Q THAT YOU HAD WRITTEN -- YOU AND SHANNON
- 22 HAD WRITTEN?
- 23 A NO, SIR.
- 24 Q NOW THEY ASKED YOU A SERIES OF
- 25 QUESTIONS AND YOU GAVE A SERIES OF ANSWERS?

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- 1 A YES, SIR.
- 2 Q ON THE MORNING OF THE, WHEN YOU -- ON
- 3 THE 13TH, YOU SAY IT WAS EARLY IN THE MORNING WHEN
- 4 THEY WERE TALKING TO YOU?
- 5 A YES, SIR.
- 6 Q WHAT WAS YOUR EMOTIONAL STATE AT THAT
- 7 TIME?
- 8 A I WAS VERY CONFUSED.
- 9 Q DID YOU KNOW WHAT HAD HAPPENED?
- 10 A NO, SIR, NOBODY WOULD TELL US ANYTHING.
- 11 Q WHAT -- YOU SAY NOBODY WOULD TELL YOU
- 12 ANYTHING. BUT WHAT HAD HAPPENED IN YOUR PRESENCE,
- 13 AT LEAST, FROM TWO O'CLOCK IN THE MORNING ON?
- 14 A A BUNCH OF COPS CAME AROUND THE HOUSE
- 15 AND THEN THEY WENT IN STEPHEN'S ROOM AND THEN THEY
- 16 TOOK HIM AWAY.
- 17 Q OKAY. SO AT THE TIME YOU GAVE THAT
- 18 STATEMENT, WHAT WOULD YOU DESCRIBE YOUR EMOTIONAL
- 19 MAKEUP TO BE AT THAT POINT?
- 20 A CONFUSED AND SCARED.
- 21 Q NOW, ON THE 14TH WHEN YOU SPOKE WITH
- 22 THE POLICE, DID YOU KNOW AT THAT TIME THAT VICKI
- 23 HAD BEEN MURDERED?
- 24 A YES, SIR.
- 25 Q AND WITHOUT GOING INTO IT, BUT WHO TOLD

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1 YOU?

2 A MY GRANDMA DID.

3 Q AND THAT WAS WHEN, ON MONDAY OR

4 TUESDAY?

5 A THAT WAS THE MORNING OF THE 13TH.

6 Q SO YOU FOUND OUT WHEN YOU WENT HOME?

7 A YES, SIR.

8 Q AND ON THE 14TH AT TWO O'CLOCK WHEN YOU

9 WERE INTERVIEWED BY THE POLICE, WOULD YOU DESCRIBE

10 FOR THE JURY YOUR GENERAL EMOTIONAL STATE AND HOW

11 YOU FELT?

12 A I WAS VERY UPSET.

13 Q DID YOU LOVE VICKI?

14 A YES, SIR.

15 Q DO YOU NEED BREAK?

16 JUDGE --

17 THE COURT: ALL RIGHT. WE'LL TAKE A

18 LITTLE SHORT BREAK. DON'T GET INTO ANY COMMENTS OR

19 DISCUSSIONS ABOUT IT.

20 MR. SWERLING: VERY BRIEF.

21 (WHEREUPON, THE JURY RECESSED TO THE

22 JURY ROOM AT 4:45 P.M.)

23 (WHEREUPON, THE JURY RETURNED TO OPEN

24 COURT AT 4:52 P.M.)

25 Q (BY MR. SWERLING) LADONNA, WHEN YOU

1 SPOKE WITH THEM YOU SAID ON JUNE 14TH, 1994,
2 WERE -- HAD -- YOU DID KNOW WHAT HAD HAPPENE
3 THAT RIGHT?

4 A YES, SIR.

5 Q NOW, LET ME ASK YOU THIS, COUPLE OF
6 THINGS. DO YOU RECALL TELLING THE POLICE THAT YOU
7 THOUGHT STEPHEN WAS WEARING JEANS?

8 A YES, SIR, IN RESPONSE TO A CERTAIN
9 QUESTION I WAS ASKED.

10 Q ALL RIGHT. AND WHAT WAS THAT IN
11 CONNECTION WITH?

12 A I WAS ASKED WHAT STEPHEN WAS WEARING
13 THE LAST TIME I SAW HIM.

14 Q AND WHAT WAS HE WEARING THE LAST TIME
15 YOU SAW HIM?

16 A JEANS AND THAT SAME WATERMELON-COLORED
17 SHIRT.

18 Q AND DID YOU EVER SEE STEPHEN AND VICKI
19 DRIVE OFF FROM THE FRONT OF THE TRAILER?

20 A NO, SIR, I DID NOT.

21 Q ALL RIGHT. WHEN WAS THAT DISCUSSED, IF
22 EVER?

23 A THAT NIGHT AT THE DINNER TABLE.

24 Q AT DINNER, OKAY. AND IS THAT WHERE YOU
25 FOUND THAT OUT FROM?

1 A YES, SIR.

2 Q FROM THAT DISCUSSION?

3 A YES, SIR.

4 Q LADONNA, BETWEEN 6:20 AND 6:45, WHEN

5 YOU SAW STEPHEN?

6 A YES, SIR.

7 Q WHAT, IF ANYTHING, DID YOU SEE ABOUT

8 STEPHEN THAT WOULD INDICATE THAT HE HAD

9 PARTICIPATED IN THE KIDNAPPING AND DEATH OF VICKI

10 BECKHAM?

11 A NOTHING AT ALL.

12 Q DID YOU SEE ANY BLOOD?

13 A NO, SIR.

14 MR. JONES: YOUR HONOR, HE'S ASKED THE

15 QUESTION.

16 THE COURT: THAT'S BEEN ASKED AND

17 ANSWERED, MR. SWERLING.

18 MR. SWERLING: YES, SIR.

19 Q ANSWER ANY QUESTIONS THAT THE SOLICITOR

20 HAS.

21 THE COURT: ALL RIGHT, CROSS-

22 EXAMINATION, SOLICITOR.

23 MR. JONES: YES, YOUR HONOR. MAY IT

24 PLEASE THE COURT?

25 CROSS-EXAMINATION:

- 1 BY MR. JONES:
- 2 Q IT IS LADONNA ZEIDERS?
- 3 A YES, SIR.
- 4 Q MISS ZEIDERS, YOU'RE IN -- ARE YOU IN
- 5 SCHOOL NOW?
- 6 A YES, SIR.
- 7 Q WHERE?
- 8 A MID-CAROLINA HIGH SCHOOL.
- 9 Q SENIOR?
- 10 A YES, SIR.
- 11 Q MAKING REAL GOOD GRADES?
- 12 A RELATIVELY SO.
- 13 Q GOOD. WERE YOU MAKING GOOD GRADES BACK
- 14 IN '94?
- 15 A YES, SIR.
- 16 Q AND YOU SPENT A LOT OF TIME WITH
- 17 SHANNON THEN; IS THAT RIGHT?
- 18 A YES, SIR.
- 19 Q DID YOU HAVE ANY CLOTHES OVER IN HER
- 20 BEDROOM?
- 21 A SOMETIMES I LEFT SOME THERE.
- 22 Q I MEAN, YOU WERE FAMILIAR WITH THE
- 23 HOUSEHOLD?
- 24 A YES, SIR.
- 25 Q DURING THE SPRING AND SUMMER OF '94?

- 1 A YES, SIR.
- 2 Q SAY YOU WERE OVER THERE AT LEAST ONCE
- 3 OR TWICE A WEEK?
- 4 A YES, SIR.
- 5 Q SPENDING THE NIGHT?
- 6 A SOMETIMES, SOMETIMES NOT.
- 7 Q VISITING WITH -- GO AHEAD.
- 8 A SOMETIMES, SOMETIMES I JUST WENT OVER
- 9 THERE.
- 10 Q BUT AT LEAST ONCE OR TWICE A WEEK?
- 11 A YES, SIR.
- 12 Q NOW, WHEN Y'ALL ARRIVED THERE AT ABOUT
- 13 SIX OR 6:15, 6:16 TO 6:20 IS WHAT YOU SAID, I
- 14 THINK?
- 15 A YES, SIR.
- 16 Q AND STEPHEN WAS WASHING THE CAR?
- 17 A UH-HUH.
- 18 Q WITH WHAT?
- 19 A HE WAS RINSING IT OFF.
- 20 Q RINSING IT OFF?
- 21 A YES.
- 22 Q HE DIDN'T HAVE A TOWEL OUT THERE HE WAS
- 23 WASHING THE CAR WITH, DID HE?
- 24 A NOT THAT I SAW.
- 25 Q SO YOU DIDN'T SEE A TOWEL THAT HE HAD?

- 1 A NO, SIR.
- 2 Q AND WOULD YOU TELL THE JURY HE DIDN'T
- 3 HAVE A TOWEL WHILE HE WAS WASHING THE CAR?
- 4 A I CAN'T SAY THAT FOR SURE.
- 5 Q YOU CAN'T SAY THAT FOR SURE?
- 6 A NO, SIR. I DID NOT SEE A TOWEL.
- 7 Q OKAY. YOU DIDN'T SEE AN OLD TIN BUCKET
- 8 THAT HE HAD WATER IN THAT HE WAS WASHING IT WITH,
- 9 DID YOU?
- 10 A NO, SIR.
- 11 Q YOU DIDN'T SEE THAT?
- 12 A NO, SIR.
- 13 Q AS FAR AS TOWELS GO, DO THEY HAVE ANY
- 14 PINK TOWELS IN THE HOUSE?
- 15 A I DON'T RECALL.
- 16 Q WELL, I MEAN, YOU STAYED OVER THERE A
- 17 GOOD BIT, ONCE OR TWICE A WEEK, DIDN'T YOU?
- 18 A YES, SIR.
- 19 Q AND I ASSUME WHEN YOU SPENT THE NIGHT
- 20 YOU'D GET UP AND YOU'D EITHER BATHE THAT NIGHT OR
- 21 BATHE THE NEXT MORNING, WOULDN'T YOU?
- 22 A YES, SIR.
- 23 Q YOU WOULDN'T HAVE YOUR OWN TOWELS WITH
- 24 YOU, WOULD YOU?
- 25 A SOMETIMES.

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1 Q AND SOMETIMES YOU WOULDN'T?

2 A YES, SIR.

3 Q AND WOULDN'T YOU USE TOWELS THERE IN
4 THE HOUSE?

5 A YES, SIR.

6 Q AND YOU'RE TELLING ME AND THIS JURY
7 THAT YOU DON'T KNOW WHETHER OR NOT THEY HAD ANY
8 PINK TOWELS IN THAT HOUSE?

9 MR. SWERLING: YOUR HONOR, THAT'S BEING
10 A LITTLE ARGUMENTATIVE. SHE SAID SHE DIDN'T KNOW.

11 THE COURT: SHE CAN ANSWER THE
12 QUESTION.

13 Q (BY MR. JONES) IS THAT RIGHT?

14 A I DON'T RECALL THE EXACT COLOR OF ALL
15 THE TOWELS THEY HAD IN THE HOUSE.

16 Q DO YOU RECALL SEEING ANY PINK TOWELS IN
17 THE HOUSE?

18 THE COURT: THAT'S BEEN ASKED AND
19 ANSWERED, SOLICITOR.

20 Q (BY MR. JONES) I WANT TO HAND YOU THIS
21 PHOTOGRAPH AND ASK YOU IF YOU RECOGNIZE WHAT'S
22 DEPICTED --

23 MR. SWERLING: YOUR HONOR, PLEASE, CAN
24 WE SEE THE PICTURE FIRST?

25 THE COURT: HAVE YOU ALREADY MARKED IT

1 AS AN EXHIBIT?

2 MR. JONES: NO, SIR, BUT THEY'VE SEEN
3 THEM.

4 THE COURT: OKAY.

5 MR. JONES: I'LL SHOW THEM TO THEM NOW.

6 MR. SWERLING: IT'S HARD TO SEE WHICH
7 ONES HE'S TALKING ABOUT.

8 MR. HARPOOTLIAN: WHO TOOK THESE?

9 MR. JONES: SLED.

10 MR. HARPOOTLIAN: I WANT THEM
11 AUTHENTICATED BEFORE YOU USE THEM?

12 THE COURT: ANY OBJECTIONS?

13 MR. HARPOOTLIAN: YES, SIR, THEY'VE
14 BEEN AUTHENTICATED.

15 THE COURT: OKAY. LAY A FOUNDATION.

16 Q (BY MR. JONES:) DO YOU RECOGNIZE WHAT
17 IS DEPICTED IN THIS PHOTOGRAPH?

18 A YES, SIR, I DO.

19 Q WHAT IS DEPICTED IN THIS PHOTOGRAPH?

20 MR. SWERLING: YOUR HONOR, PLEASE,
21 BEFORE SHE TESTIFIES, IT'S GOT TO BE AUTHENTICATED.

22 THE COURT: THAT'S NOT -- CAN SHE
23 IDENTIFY THE LOCATION OR PLACE ON THAT DAY?

24 MR. JONES: YES, SIR. YES.

25 Q (BY MR. JONES:) DO YOU RECOGNIZE THE

- 1 LOCATION?
- 2 A YES, SIR.
- 3 Q WHERE IS IT?
- 4 A THIS IS THE MASTER BATHROOM IN
- 5 STEPHEN'S TRAILER.
- 6 Q OKAY. AND WHAT DO YOU RECOGNIZE, IF
- 7 ANYTHING -- DO YOU RECOGNIZE WHAT'S DEPICTED IN
- 8 THIS PICTURE?
- 9 A YES, SIR.
- 10 Q AND WHAT LOCATION IS IT?
- 11 A THIS IS THE WASHROOM ON THE END OF THE
- 12 TRAILER.
- 13 Q THE WHAT?
- 14 A THE WASHROOM, WHERE YOU PUT THE WASHER
- 15 AND DRYER.
- 16 MR. SWERLING: YOUR HONOR, THAT'S NOT
- 17 AUTHENTICATING. WE DON'T KNOW WHEN THE PICTURES
- 18 WERE TAKEN OR ANYTHING. YOU'VE GOT TO AUTHENTICATE
- 19 THE PICTURES.
- 20 THE COURT: SO FAR, I AGREE WITH YOU.
- 21 HE'S WORKING ON IT.
- 22 Q (BY MR. JONES:) DO YOU RECOGNIZE
- 23 ANYTHING IN THERE THAT WOULD GIVE YOU AN INDICATION
- 24 AS TO WHEN THE PHOTOGRAPH WAS TAKEN.
- 25 A NO, SIR, I DON'T.

1 Q YOU DON'T?

2 A DO YOU RECOGNIZE ANYTHING IN THIS
3 PHOTOGRAPH THAT WOULD GIVE YOU AN INDICATION AS TO
4 WHEN IT WAS TAKEN?

5 A NO, SIR.

6 Q AND I ASK -- I HAND YOU THIS PHOTOGRAPH
7 AND ASK YOU IF YOU RECOGNIZE WHAT'S DEPICTED IN
8 THAT?

9 A YES, SIR.

10 Q YOU DO?

11 A YES, SIR.

12 Q AND WHAT ROOM, IF ANY, IS DEPICTED IN
13 THIS PHOTOGRAPH?

14 A THAT'S THE KITCHEN.

15 Q DOES THIS PHOTOGRAPH OF DEFENDANT
16 BECKHAM'S KITCHEN APPEAR AS IT WAS WHEN YOU LEFT IT
17 --

18 MR. SWERLING: YOUR HONOR, PLEASE, I
19 HAVE TO OBJECT TO THAT.

20 THE COURT: SUSTAINED. SUSTAINED.

21 MR. SWERLING: WE -- THEY TOOK PICTURES

22 --

23 THE COURT: THERE'S A SIMPLE WAY TO
24 SOLVE THE PROBLEM. MARK IT FOR IDENTIFICATION AND
25 THEN YOU CAN SEE. YOU'VE GOT TO HAVE A DATE, TIME,

1 WHO TOOK THE PHOTOGRAPH. ONCE YOU GET TO THAT...

2 MR. JONES: JUDGE, I'D LIKE TO JUST

3 TELL YOU --

4 THE COURT: SURE. SURE.

5 MR. JONES: WHAT I WOULD ASK YOU DO.

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

9 (WHEREUPON, STATE'S EXHIBIT NOS. 140,
10 141, 142 WERE MARKED FOR IDENTIFICATION PURPOSES.)

11 THE COURT: MA'AM, ONLY RESPOND TO THE
12 QUESTIONS THAT ARE PUT TO YOU, ALL RIGHT?

13 ALL RIGHT, SOLICITOR.

14 Q (BY MR. JONES:) AS FAR AS STATE'S
15 EXHIBIT NO. 140 FOR IDENTIFICATION PURPOSES, DO YOU
16 RECOGNIZE THAT AS THE KITCHEN OF DEFENDANT
17 BECKHAM'S HOME -- YOU STATED THAT YOU DID EARLIER.
18 DO YOU RECOGNIZE IT AS BEING IN THE CONDITION THAT
19 YOU LEFT IT ON THE EVENING OF JUNE 12TH AFTER
20 HAVING CLEANED UP AFTER DINNER?

21 A I DON'T RECALL.

22 Q MA'AM?

23 A I CAN'T SAY WHETHER THAT WAS THE
24 CONDITION WE LEFT IT IN OR NOT.

25 Q YOU CANNOT SAY THAT?

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- 1 A NO, SIR.
- 2 Q SO YOUR ANSWER IS YOU DON'T RECALL?
- 3 A YES, SIR.
- 4 Q ALL RIGHT. AND I ASK YOU -- I HAND YOU
- 5 STATE EXHIBIT NO. 142 FOR IDENTIFICATION PURPOSES,
- 6 YOU TESTIFIED THAT THAT IS THE BATHROOM OF
- 7 DEFENDANT STEPHEN BECKHAM?
- 8 A YES, SIR.
- 9 Q AND I ASK YOU IF THAT BATHROOM IS IN
- 10 THE CONDITION THAT YOU LEFT IT AFTER YOU HAD DRIED
- 11 OFF DEFENDANT BECKHAM'S SON, SAMUEL B [REDACTED], ON
- 12 JUNE 12TH, 1994, AS YOU TESTIFIED AT APPROXIMATELY
- 13 7:05 IN THE EVENING ON THAT DAY?
- 14 A I DON'T REMEMBER.
- 15 Q EXCUSE ME?
- 16 A I DON'T REMEMBER.
- 17 Q SO YOU DON'T RECALL IF THAT'S THE
- 18 CONDITION YOU LEFT THE BATHROOM?
- 19 MR. SWERLING: YOUR HONOR, HE'S
- 20 REPEATING THE ANSWER. OBJECT, REPETITIVE, 403.
- 21 THE COURT: SUSTAINED. SUSTAINED.
- 22 Q (BY MR. JONES:) I HAND YOU STATE'S
- 23 EXHIBIT NO. 141 FOR IDENTIFICATION PURPOSES. THE
- 24 PHOTOGRAPH DEPICTING THE PANTRY OF DEFENDANT
- 25 STEPHEN BECKHAM'S HOME, AND I ASK YOU IF THAT

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1 PANTRY IS IN THE CONDITION THAT YOU SAW IT WHEN YOU
2 AND SHANNON B [REDACTED] WALKED THROUGH THE HOME LOOKING
3 FOR OTHER PEOPLE IN THE HOME ON JUNE 12TH, 1994, AT
4 APPROXIMATELY 6:33 OR 6:28, DEPENDING ON WHICH TIME
5 YOU'RE USING, ON THAT DAY?

6 MR. SWERLING: YOUR HONOR, SHE NEVER
7 TESTIFIED SHE WENT LOOKING THROUGH THE HOME.

8 MR. JONES: SHE TESTIFIED --

9 MR. SWERLING: THAT'S ANOTHER --
10 DIFFERENT WITNESS. THAT'S A DIFFERENT WITNESS.

11 THE COURT: JUST ASK HER THE QUESTION
12 IF SHE KNOWS -- WHETHER SHE RECOGNIZES THAT'S THE
13 CONDITION THE PANTRY WAS IN ON THAT DAY.

14 A I DON'T RECOGNIZE IT.

15 Q (BY MR. JONES:) MA'AM?

16 A I DON'T REMEMBER THAT. I DON'T
17 REMEMBER HOW IT WAS WHEN WE LEFT IT.

18 Q OKAY. NOW, YOU MENTIONED THAT YOU
19 ARRIVED AROUND 6:16 TO 6:20 --

20 A YES, SIR.

21 Q IS THAT RIGHT?

22 A YES, SIR.

23 Q AND HOW DID YOU KNOW THAT THAT'S WHAT
24 TIME IT WAS?

25 A THAT'S AN APPROXIMATE TIME, DEPENDING

- 1 ON WHAT TIME WE LEFT.
- 2 Q WELL, WHAT TIME DID YOU LEAVE?
- 3 A PROBABLY ABOUT 6:12 OR 6:15.
- 4 Q WELL, HOW -- PARDON?
- 5 A PROBABLY ABOUT 6:12 OR 6:15.
- 6 Q OKAY. AND HOW DID YOU KNOW THAT'S
- 7 ABOUT WHAT TIME YOU LEFT?
- 8 A WHEN I WAS LEAVING -- WHEN I WAS GOING
- 9 OFF OF THE STEPS MY GRANDMOTHER SHOWED ME HER
- 10 WATCH. AND THEN, I WENT TO THE CAR AND MY BROTHER
- 11 WAS THERE. AND WE SAT THERE FOR A LITTLE WHILE AND
- 12 THEN WE PULLED OFF, PROBABLY ABOUT TWO MINUTES. I
- 13 MEAN, IF IT WAS 6:10 WHEN I LEFT THE STEPS, IT WAS
- 14 PROBABLY ABOUT 6:12 OR 6:13 WHEN WE PULLED OUT OF
- 15 THE DRIVEWAY. IT TAKES ABOUT FIVE MINUTES TO GET
- 16 TO STEPHEN'S HOUSE.
- 17 Q OKAY. AND THEN YOU GOT THERE?
- 18 A YES, SIR.
- 19 Q IT TAKES FIVE MINUTES TO DRIVE THREE
- 20 MILES?
- 21 A IT DEPENDS ON HOW FAST YOU'RE GOING.
- 22 Q WELL, HOW FAST WERE YOU GOING?
- 23 A I CAN'T SAY.
- 24 Q WELL, YOU ESTIMATED THE TIME AT FIVE
- 25 MINUTES.

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1 A IF YOU'RE GOING THE SPEED LIMIT.
2 Q UH-HUH.
3 A THEN IT TAKES ABOUT FIVE MINUTES --
4 Q WHAT'S THE SPEED LIMIT?
5 A -- MAYBE FOUR AND A HALF.
6 Q WHAT'S THE SPEED LIMIT?
7 A THIRTY THROUGH POMARIA.
8 Q THIRTY MILES AN HOUR?
9 A YES, SIR.
10 Q OKAY. WHEN YOU GOT THERE, WELL, WHAT
11 DID YOU DO?
12 A WE EXCHANGED GREETINGS AND UNLOADED THE
13 CAR.
14 Q OKAY. AND WHAT DID YOU UNLOAD?
15 A MY BAG, AND THEN I TOOK WHAT STEPHEN
16 HAD IN HIS HANDS AT THE DOOR.
17 Q WELL, WHAT DID SHANNON TAKE OUT OF THE
18 CAR?
19 A HER CLOTHES AND THINGS THAT SHE HAD HAD
20 WITH HER.
21 Q HAD WITH HER WHERE?
22 A AT THE LANDERS' OR WHEREVER SHE HAD
23 BEEN.
24 Q SHE WAS AT THE LANDERS'?.
25 A I SUPPOSE IF SHE WAS WITH VICKI, THAT'S

- 1 WHERE SHE WAS.
- 2 Q AND WHAT DID ANDREW HAVE WITH HIM?
- 3 A I DON'T RECALL EXACTLY WHAT HE HAD. HE
- 4 HAD THINGS.
- 5 Q AND WHAT DID SAMUEL HAVE WITH HIM?
- 6 A A LITTLE SUITCASE. HE TAKES IT WITH
- 7 HIM EVERYWHERE.
- 8 Q OKAY. AND WHO UNPACKED THE LITTLE
- 9 SUITCASE?
- 10 A STEPHEN, I BELIEVE.
- 11 Q OKAY. SO BASICALLY WHAT HAPPENED WAS
- 12 IS THAT YOU GOT OUT OF THE CAR WITH YOUR BAG?
- 13 A UH-HUH.
- 14 Q SHANNON GOT OUT OF THE CAR WITH HER
- 15 BAG, ANDREW GOT OUT OF THE CAR WITH HIS BAG, AND
- 16 VICKI HANDED STEPHEN SAMUEL'S BAG?
- 17 A NO, SIR. VICKI GOT OUT OF THE CAR AND
- 18 -- THEIR THINGS WERE IN THE TRUNK.
- 19 Q WHAT THINGS?
- 20 A SAMUEL'S AND ANDREW'S AND SHANNON'S
- 21 THINGS.
- 22 Q WERE IN THE TRUNK?
- 23 A YES, SIR.
- 24 Q OKAY.
- 25 A WE ALL WENT AROUND TO THE TRUNK.

1 Q ALL RIGHT. WELL, LET'S SEE. YOU PULL
2 UP, YOU PARK, YOU GET OUT OF THE CAR, YOU WALK
3 AROUND TO THE TRUNK, YOU PUT THE KEY IN THE TRUNK,
4 AND YOU OPEN THE TRUNK. AND YOU HAND ANDREW HIS
5 BAG, SHANNON HER BAG AND STEPHEN SAMUEL'S BAG.
6 AND, OF COURSE, YOU ALREADY HAD YOUR BAG IN YOUR
7 HAND?

8 A YES, SIR.

9 Q TAKES ABOUT FIFTEEN SECONDS, WOULDN'T
10 YOU AGREE?

11 A NOT WHEN WE WERE ALL HUGGING AND
12 TALKING AND ALL THAT AT THE SAME TIME.

13 Q WELL, NOW, WHO WAS VICKI HUGGING?

14 A SHE HUGGED SHANNON AND ANDREW AND
15 SAMUEL GOODBYE.

16 Q I THOUGHT SAMUEL HIT THE GROUND RUNNING
17 AND WENT ON UP TO THE BECKHAMS'.

18 A NOT BEFORE HE SAID GOODBYE TO HIS
19 MOTHER.

20 Q OKAY. AND THEN SHE HUGGED SHANNON
21 GOODBYE?

22 A YES, SIR.

23 Q AND SHE HUGGED SAMUEL GOODBYE?

24 A ANDREW.

25 Q AND ANDREW?

- 1 A YES, SIR.
- 2 Q ALL RIGHT. SO, YOU ADD ANOTHER FIFTEEN
- 3 SECONDS. I MEAN, YOU'LL AGREE THIS PROCESS DIDN'T
- 4 TAKE MORE THAN THIRTY MINUTES -- THIRTY SECONDS?
- 5 A I'D SAY IT PROBABLY TOOK ONE TO TWO
- 6 MINUTES.
- 7 Q WELL, THAT'S WHAT YOU SAID ON YOUR
- 8 CHART.
- 9 A UH-HUH.
- 10 Q YOU SAID THAT YOU GOT THERE BETWEEN
- 11 6:20 AND -- 6:16 AND 6:20 AND IT TOOK YOU TWO
- 12 MINUTES TO GET IN THE HOUSE. BUT THE BOTTOM LINE
- 13 IS, IF YOU GET OUT OF THE CAR WITH YOUR BAG IN YOUR
- 14 HAND, IT TAKES YOU FIFTEEN SECONDS --
- 15 MR. SWERLING: YOUR HONOR, IT'S
- 16 ARGUMENTATIVE --
- 17 Q -- TO WALK IN THE HOUSE, DOESN'T IT?
- 18 MR. SWERLING: OBJECT.
- 19 THE COURT: SUSTAINED. SUSTAINED.
- 20 SHE'S ANSWERED YOUR QUESTION.
- 21 Q (BY MR. JONES:) SO STEPHEN WALKED TO
- 22 THE DOOR, DEFENDANT BECKHAM, WITH THE BAG THAT HE
- 23 HAD AND HANDED IT TO YOU AND YOU TOOK IT ON INSIDE?
- 24 A YES, SIR.
- 25 Q WHERE WAS SHANNON?

- 1 A SHE WAS ALREADY IN -- BACK IN HER ROOM.
- 2 Q BACK IN HER ROOM?
- 3 A YES, SIR.
- 4 Q OKAY. AND WHERE WAS ANDREW?
- 5 A HE STAYED OUTSIDE.
- 6 Q STAYED OUTSIDE?
- 7 A UH-HUH.
- 8 Q AND YOU WENT INSIDE?
- 9 A YES, SIR.
- 10 Q AND THAT'S THE LAST THAT YOU SAW OF
- 11 DEFENDANT BECKHAM; IS THAT CORRECT?
- 12 A UNTIL SOMETIME LATER WHEN I WENT BACK
- 13 DOWN TO THE HOUSE, YES, SIR.
- 14 Q WELL, THAT'S RIGHT. SOMETIME LATER YOU
- 15 WENT ON DOWN, BUT THAT'S THE LAST YOU SAW OF HIM
- 16 THEN, ISN'T IT?
- 17 A YES, SIR.
- 18 Q RIGHT?
- 19 A YES, SIR.
- 20 Q OKAY. AND YOU AND SHANNON WENT INSIDE?
- 21 A YES, SIR.
- 22 Q AND YOU DON'T KNOW WHAT WAS GOING ON
- 23 OUTSIDE?
- 24 A NO, SIR.
- 25 Q DID YOU HAVE A CHANCE TO SEE SAMUEL GET

1 UP TO THE HOUSE?

2 A NO, SIR.

3 Q YOU DIDN'T?

4 A NO, SIR.

5 Q SO YOU DIDN'T KNOW WHERE SAMUEL WAS,

6 DID YOU?

7 A I KNEW WHERE HE WAS GOING.

8 Q HOW DID YOU KNOW WHERE HE WAS GOING?

9 A BECAUSE OF THE WAY HE HEADED.

10 Q BECAUSE OF THE DIRECTION THAT HE

11 HEADED?

12 A YES, SIR. HE HEADED UP THE HILL

13 TOWARDS UNCLE BILL AND AUNT HARRIET'S.

14 Q TOWARDS HIGHWAY 773?

15 A RIGHT.

16 Q RIGHT? THE LOGGING TRUCKS --

17 MR. SWERLING: OBJECTION, YOUR HONOR,

18 ARGUMENTATIVE, SPECULATION, 403.

19 THE COURT: OVERRULED. CROSS-

20 EXAMINATION FOR AWHILE.

21 MR. JONES: AND, JUDGE, THE JURY IS

22 SAYING THEY'RE HAVING A DIFFICULT TIME HEARING THE

23 WITNESS --

24 THE COURT: SURE.

25 MR. JONES: SO IF YOU WOULD ASK HER TO

- 1 SPEAK INTO THE MICROPHONE.
- 2 THE COURT: COULD YOU SIT UP JUST A
- 3 LITTLE CLOSER? THANK YOU.
- 4 Q (BY MR. JONES:) UP TOWARDS THE
- 5 HIGHWAY?
- 6 A UP TOWARD THE HOUSE.
- 7 Q AND THE HIGHWAY?
- 8 A WELL, THE DRIVEWAY'S ON THIS SIDE OF
- 9 THE HOUSE -- THE HOUSE IS HERE. IF YOU HEAD
- 10 DIAGONALLY, YOU HEAD TOWARD THE HOUSE, NOT THE
- 11 HIGHWAY.
- 12 Q AND YOU WENT ON IN THE TRAILER?
- 13 A YES, SIR.
- 14 Q TO DO WHAT?
- 15 A TALK.
- 16 Q WITH WHO?
- 17 A SHANNON.
- 18 Q OKAY. WHOM YOU HAD BEEN WITH FOR THE
- 19 LAST TWO HOURS?
- 20 A YES, SIR.
- 21 Q OKAY. AND Y'ALL TALKED
- 22 A WE READ OUR HOROSCOPES FOR THAT MONTH.
- 23 Q OKAY. READ HOROSCOPES?
- 24 A YES, SIR.
- 25 Q FOR ABOUT HOW LONG?

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- 1 A FIVE MINUTES, PROBABLY. AS LONG AS IT
2 TAKES TO READ OUR HOROSCOPES. I'D SAY FIVE
3 MINUTES, FIVE TO SIX MINUTES, SOMETHING LIKE THAT.
- 4 Q AND THEN YOU DECIDED TO DO WHAT?
- 5 A WE DECIDED TO GO TO UNCLE BILL AND AUNT
6 HARRIET'S.
- 7 Q WHY?
- 8 A BECAUSE WE WERE BORED AND THAT'S WHERE
9 EVERYBODY ELSE WAS.
- 10 Q WELL, HOW DID YOU KNOW THAT'S WHERE
11 EVERYBODY ELSE WAS?
- 12 A BECAUSE WHEN WE CAME OUT OF OUR ROOM,
13 WE DIDN'T SEE ANYBODY, SO WE ASSUMED THAT'S WHERE
14 EVERYBODY ELSE WAS.
- 15 Q BUT YOU DIDN'T LOOK OUTSIDE TO SEE
16 WHERE ANYBODY WAS?
- 17 A NO, SIR, I DID NOT.
- 18 Q DID YOU LOOK THROUGH THE HOUSE TO SEE
19 WHERE ANYBODY WAS?
- 20 A I DIDN'T GO INTO EVERY ROOM, I LOOKED
21 AROUND.
- 22 Q DID YOU CALL OUT FOR ANYBODY? ANDREW?
23 DID YOU CALL OUT FOR ANDREW?
- 24 A NO, SIR.
- 25 Q CALL OUT FOR DEFENDANT STEPHEN BECKHAM?

1 A NO, SIR.

2 Q BUT YOU DECIDED TO GO UP TO THE BIG

3 HOUSE?

4 A YES, SIR.

5 Q AT 6:27?

6 A APPROXIMATELY.

7 Q APPROXIMATELY?

8 A WELL, NOT BY THE CLOCK THAT WE WENT BY.

9 Q WHAT CLOCK DID YOU GO BY?

10 A THE COFFEE MAKER, WHICH IS IN THE

11 KITCHEN.

12 Q DID SHANNON HAVE A CLOCK IN HER ROOM?

13 A YES, SIR.

14 Q DID YOU EVER LOOK AT THAT CLOCK TO SEE

15 WHAT TIME IT WAS?

16 A NO, SIR.

17 Q YOU NEVER DID THE WHOLE TIME YOU WERE

18 THERE?

19 A NO, SIR.

20 Q ANYTIME YOU'D GO OVER TO SPEND THE

21 NIGHT WITH HER, DID YOU EVER LOOK TO SEE WHAT TIME

22 IT WAS?

23 A SURE.

24 Q AND HER CLOCK WAS FIVE MINUTES FAST,

25 TOO?

- 1 A I'M THINKING IT WAS PROBABLY ABOUT TEN
2 MINUTES FAST.
- 3 Q HER CLOCK WAS TEN MINUTES FAST?
- 4 A PROBABLY.
- 5 Q OKAY. AND YOU JUDGED THE TIME ON THE
6 COFFEE MAKER CLOCK IN THE KITCHEN AREA, DINING
7 ROOM?
- 8 A YES, SIR.
- 9 Q WHEN YOU WERE LOOKING AROUND TO SEE
10 WHERE PEOPLE WERE; IS THAT RIGHT?
- 11 A DID I LOOK AT THE CLOCK WHILE I WAS
12 LOOKING AROUND, IS THAT WHAT YOU'RE ASKING ME?
- 13 Q UH-HUH.
- 14 A NO, SIR. I LOOKED AROUND FIRST --
- 15 Q ALL RIGHT.
- 16 A AND THEN WE SAID, WELL, NOBODY'S HERE,
17 SO LET'S GO UP THERE.
- 18 Q AND BEFORE YOU LEFT, YOU DID WHAT?
- 19 A WE LEFT A NOTE.
- 20 Q WHO WROTE THE NOTE?
- 21 A SHANNON DID.
- 22 Q YOU DIDN'T WRITE IT?
- 23 A NO, SIR.
- 24 Q SHE WROTE IT?
- 25 A YES, SIR.

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- 1 Q AND SHE WROTE WHAT TIME IT WAS?
- 2 A YES, SIR.
- 3 Q DID YOU HELP HER WRITE IT?
- 4 A NO, SIR.
- 5 Q DID YOU TELL HER WHAT TIME IT WAS?
- 6 A NO, SIR.
- 7 Q HOW DO YOU KNOW WHAT TIME SHE PUT ON
- 8 THE NOTE?
- 9 A BECAUSE I WATCHED HER WRITE IT. I WAS
- 10 LOOKING OVER HER SHOULDER AS SHE WAS WRITING IT.
- 11 Q OKAY. AND SHE WROTE THE NOTE TO
- 12 STEPHEN?
- 13 A YES, SIR.
- 14 Q LETTING HIM --
- 15 A ACTUALLY, IT WAS ADDRESSED TO DAD.
- 16 Q DAD. LETTING HIM KNOW WHAT?
- 17 A THAT WE WERE GOING UP TO GRANNY AND
- 18 POPPA'S AT 6:33, WE'LL BE BACK IN A LITTLE WHILE,
- 19 LOVE SHANNON.
- 20 Q AND THEN YOU WENT UP THERE?
- 21 A YES, SIR.
- 22 Q AND HOW LONG DID YOU STAY UP THERE?
- 23 A I STAYED UP THERE UNTIL ABOUT A QUARTER
- 24 TILL SEVEN. BUT SHANNON WENT BACK TO GET HER
- 25 GLAMOUR SHOTS.

- 1 Q OKAY. AND THEN SHE CAME BACK?
- 2 A YES, SIR.
- 3 Q AND SHOWED EVERYBODY THE GLAMOUR SHOTS?
- 4 A MAINLY MRS. FIELDS; THAT'S THE REASON
- 5 SHE GOT THEM.
- 6 Q AND THEN WHAT DID YOU DO?
- 7 A WE JUST STAYED AND TALKED. AND THEN
- 8 LIKE I SAID, YOU KNOW, BEFORE THAT, THERE WAS THAT
- 9 PHONE CALL, SO WE DIDN'T WANT TO STAY TOO LONG.
- 10 Q UH-HUH.
- 11 A SO THEN, AFTER WE FOR A LITTLE WHILE,
- 12 IT WAS ABOUT A QUARTER TILL SEVEN, WE WENT BACK
- 13 DOWN.
- 14 Q WHO IS WE?
- 15 A SHANNON AND I.
- 16 Q NOBODY ELSE WENT?
- 17 A NOT WITH US.
- 18 Q ANDREW DIDN'T GO WITH YOU?
- 19 A NO, SIR.
- 20 Q HE STAYED ON BACK UP THERE?
- 21 A HE WAS ALREADY GONE WHEN WE LEFT.
- 22 Q HE HAD ALREADY GONE?
- 23 A YES, SIR.
- 24 Q SO, MR. BILL BECKHAM AND HARRIET
- 25 BECKHAM DIDN'T GO DOWN WITH YOU?

1 A NO, SIR.

2 Q THE FIELDS DIDN'T GO?

3 A NO, SIR.

4 Q WELL, WHEN YOU WENT DOWN WHO DID YOU

5 SEE?

6 A SAW STEPHEN IN THERE BATHING SAMUEL.

7 Q AND WHAT TIME WAS THAT?

8 A IT WAS ABOUT QUARTER TILL SEVEN.

9 Q QUARTER TILL SEVEN?

10 A YES.

11 Q WHAT WAS HE WEARING THEN?

12 MR. SWERLING: YOUR HONOR, HE KEEPS

13 REPEATING HIMSELF. I OBJECT.

14 THE COURT: SUSTAINED.

15 Q (BY MR. JONES) WHAT WAS HE WEARING

16 THEN?

17 A THE WATERMELON-COLORED POLO SHIRT AND

18 KHAKI SHORTS.

19 Q AND YOU WALKED IN AND DID WHAT?

20 A HE SAID, FINISH UP WITH SAMUEL. AND

21 THEN, HE WENT OUT AND SHANNON -- I JUST SAT THERE

22 AND TALKED TO SHANNON WHILE SHE WAS LETTING SAMUEL

23 PLAY AND THEN HE GOT OUT AND SHE DRIED HIM OFF.

24 Q HE WENT OUTSIDE OR OUTSIDE THE BEDROOM?

25 A HE WENT OUT OF THE ROOM. I DON'T KNOW

- 1 WHERE HE WENT. I DIDN'T WATCH HIM GO.
- 2 Q ALL RIGHT. AFTER YOU DRIED HIM OFF --
- 3 A SHANNON DRIED HIM OFF.
- 4 Q WELL, HOW LONG DID THAT TAKE?
- 5 A WELL, LIKE I SAID, HE STAYED IN THERE
- 6 AND PLAYED PROBABLY ABOUT TEN MINUTES. AND THEN
- 7 SHE GOT HIM OUT AND DRIED HIM OFF. AND THAT WAS
- 8 PROBABLY ABOUT SEVEN, FIVE AFTER SEVEN, WHEN SHE
- 9 DRIED HIM OFF.
- 10 Q OKAY.
- 11 A AND THEN SHE GOT HIM DRESSED.
- 12 Q CAME OUTSIDE OR JUST --
- 13 A OUTSIDE.
- 14 Q -- OUT OF THE BATHROOM?
- 15 A WELL, THEN THERE WAS THAT CALL. AND I
- 16 TOOK THAT IN STEPHEN'S BEDROOM BECAUSE WE WERE
- 17 STILL THERE.
- 18 Q UH-HUH.
- 19 A AND THEN AFTER THAT I HAD GONE -- I
- 20 WENT TO GET STEPHEN, HE WAS IN THE KITCHEN AT THE
- 21 TIME. AND THEN I WENT -- SHANNON AND I WERE GOING
- 22 TO GO BACK IN HER ROOM, BUT I DECIDED TO STAY AND
- 23 HELP STEPHEN COOK.
- 24 Q THIS IS AROUND WHAT TIME?
- 25 A PROBABLY ABOUT FIFTEEN AFTER SEVEN.

- 1 Q AND WHAT DID HE HAVE ON THEN?
- 2 A THE SAME WATERMELON-COLORED SHIRT AND
- 3 KHAKI SHORTS.
- 4 Q DID THE SHIRT HAVE A COLLAR?
- 5 A YES, SIR.
- 6 Q IT DID?
- 7 A YES, SIR.
- 8 Q WAS HE A SHORT-SLEEVED OR LONG-SLEEVED?
- 9 A SHORT-SLEEVED.
- 10 Q WAS IT TUCKED IN OR TUCKED OUT?
- 11 A I DON'T RECALL THAT.
- 12 Q YOU DON'T RECALL THAT?
- 13 A NO, SIR.
- 14 Q DO YOU RECALL WHAT SHOES HE HAD ON?
- 15 A NO, SIR, I DON'T.
- 16 Q YOU DON'T RECALL WHETHER HE HAD ON
- 17 BROWN SHOES OR WHITE SHOES?
- 18 A NO, SIR.
- 19 Q TENNIS SHOES OR STREET SHOES?
- 20 A NO, SIR.
- 21 Q BUT YOU DO RECALL THAT HE HAD ON
- 22 KHAKIS?
- 23 A YES, SIR.
- 24 Q CUT-OFF KHAKIS?
- 25 A NO, SIR.

- 1 Q LONG KHAKIS?
- 2 A THEY WERE KHAKI SHORTS, THEY WEREN'T
- 3 CUT OFF.
- 4 Q KHAKI SHORTS?
- 5 A YES, SIR.
- 6 Q FLIP-FLOPS, DID HE HAVE ON FLIP-FLOPS?
- 7 A I DON'T RECALL WHAT KIND OF SHOES HE
- 8 WAS WEARING.
- 9 Q ALL RIGHT. AND HE DIDN'T GO BACK
- 10 OUTSIDE TO YOUR KNOWLEDGE BETWEEN THE TIME THAT HE
- 11 HANDED YOU AND SHANNON SAMUEL TO DRY OFF AT
- 12 APPROXIMATELY, I THINK YOU SAID THAT WAS TEN TILL
- 13 SEVEN?
- 14 A YES, SIR, ABOUT.
- 15 Q UNTIL AFTER, TO YOUR KNOWLEDGE, YOU HAD
- 16 FINISHED COOKING?
- 17 A TO MY KNOWLEDGE, THAT'S CORRECT, SIR.
- 18 Q AT APPROXIMATELY EIGHT O'CLOCK?
- 19 A RIGHT.
- 20 Q AND THEN YOU ATE?
- 21 A YES, SIR.
- 22 Q AND HE STILL HAD ON THE KHAKI SHORTS?
- 23 A YES, SIR.
- 24 Q AND THEN AFTER YOU ATE IS WHEN HE WENT
- 25 OUTSIDE WITH ANDREW --

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- 1 A YES, SIR.
- 2 Q IS THAT RIGHT?
- 3 A THAT'S CORRECT.
- 4 Q AROUND EIGHT THIRTY?
- 5 A SOMETHING LIKE THAT.
- 6 Q AND IS THAT WHEN THEY BEGAN COLLECTING
- 7 SHRUBBERY FOR THE FIRE?
- 8 A AS I RECALL, IT WAS ALREADY PILED.
- 9 Q IT WAS ALREADY PILED?
- 10 A UH-HUH.
- 11 Q SO THE SHRUBBERY HAD ALREADY BEEN
- 12 GATHERED AND PILED OUT BY THE SWING IN THE BACK?
- 13 A YES, SIR.
- 14 Q THAT'S WHAT YOU RECALL?
- 15 A YES, SIR.
- 16 Q AND WHEN DO YOU RECALL OBSERVING THE
- 17 SHRUBBERY IN THE BACK OUT BY THE SWING?
- 18 A PROBABLY WHILE I WAS DOING DISHES, I
- 19 GLANCED OUT THE WINDOW.
- 20 Q OKAY.
- 21 A I CAN'T SAY FOR SURE.
- 22 Q DO YOU RECALL SEEING THE FIRE BURNING?
- 23 A YES, SIR, I DO.
- 24 Q DO YOU RECALL COOKING ANY MARSHMALLOWS
- 25 ON THE FIRE?

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- 1 A NO, SIR.
- 2 Q ANY HOT DOGS?
- 3 A NO, SIR.
- 4 Q LIGHTING ANY FIREWORKS?
- 5 A NO, SIR, WE DIDN'T -- I DIDN'T GO OUT
- 6 TO THE FIRE.
- 7 Q IT WASN'T THE KIND OF CAMPFIRE YOU
- 8 WOULD SIT AROUND AND TELL STORIES AND SING SONGS,
- 9 WAS IT?
- 10 A YOU COULD, BUT WE DIDN'T.
- 11 Q OKAY. AND IT BURNED THROUGH THE NIGHT
- 12 AND INTO THE MORNING?
- 13 A I CAN'T SAY FOR SURE.
- 14 Q WELL, YOU WERE UP AT TWO A.M., WEREN'T
- 15 YOU?
- 16 A YES, SIR.
- 17 Q AND YOU DON'T RECALL IT BURNING?
- 18 A I WAS WATCHING MOVIES. WHEN I WATCH
- 19 MOVIES, I WATCH MOVIES.
- 20 Q OKAY. WHO PICKED OUT THE MOVIES YOU
- 21 WATCHED?
- 22 A IT WAS A JOINT DECISION.
- 23 Q BETWEEN?
- 24 A JAMIE, MYSELF, SHANNON AND ANDREW.
- 25 Q AND WHO PICKED OUT SILENCE OF THE

1 LAMBS?

2 A LIKE I SAID, IT WAS A JOINT DECISION.

3 Q DID YOU WANT TO WATCH IT?

4 A YES, SIR, I HAD NEVER SEEN IT.

5 Q YOU HAD NEVER SEEN IT?

6 A NO, SIR.

7 Q AND SINCE WE'VE HEARD THREE PEOPLE

8 TESTIFY THAT SILENCE OF THE LAMBS WAS ONE OF THE

9 MOVIES THAT YOU WATCHED, TELL US WHAT SILENCE OF

10 THE LAMBS IS ABOUT?

11 MR. SWERLING: YOUR HONOR, OBJECTION.

12 THE COURT: OVERRULED.

13 A IT'S ABOUT AN FBI AGENT, WHO HAD JUST

14 BECOME AN FBI AGENT. AND JODIE FOSTER STARS IN IT,

15 AND SHE'S THE FBI AGENT. AND AS I RECALL, SHE WAS

16 FROM VIRGINIA. AND SHE'S GOING THROUGH TRAINING

17 AND HER FIRST CASE IS ABOUT A SERIAL MURDERER, WHO

18 KILLS WOMEN AND SKINS THEM. AND THEY CALLED HIM

19 BUFFALO BILL, AS I RECALL. AND THEY THINK IT'S

20 THIS ONE GUY, BUT THEN AT THE END, THEY FIND OUT

21 IT'S ANOTHER GUY AND SHE ENDS UP AT HIS HOUSE. AND

22 THERE'S THIS BIG SUSPENSEFUL SCENE WHERE HE'S LIKE

23 BEHIND HER, BUT SHE CAN'T SEE BECAUSE IT'S DARK.

24 THEN IN THE END, SHE TURNS AROUND AND SHE SHOOTS

25 HIM. AND ALSO, ANTHONY HOPKINS IS IN IT AND HE'S

1 HER -- HE'S IN JAIL AND HE'S A PSYCHO AND HE'S HER
2 CONSULTANT FOR THE CASE.

3 Q THEY CALLED HIM HANNIBAL, THE CANNIBAL,
4 DON'T THEY?

5 A YES, SIR.

6 Q HANNIBAL LECTOR?

7 A YES, SIR.

8 Q AND HE'S A SERIAL KILLER, ALSO, ISN'T
9 HE?

10 A HE WAS, UNTIL HE WAS PUT IN JAIL.

11 Q AND HE WOULD EAT HIS VICTIMS, WOULDN'T
12 HE?

13 A YES, SIR, PART OF THEM, THEIR LIVERS.

14 MR. SWERLING: YOUR HONOR, WHAT IS THE
15 POSSIBLE RELEVANCE OF THIS?

16 THE COURT: SUSTAINED. SOLICITOR, NOW,
17 MOVE ON.

18 ALL RIGHT, KNOCK IT OFF OUT THERE IN
19 THE AUDIENCE.

20 MOVE ON.

21 Q (BY MR. JONES) AND YOU SAID THAT WHEN
22 YOU WATCH MOVIES, YOU WATCH MOVIES, YOU DON'T LOOK
23 TO SEE IF THE FIRE'S BURNING. SO WHEN DID YOU
24 WATCH THAT MOVIE THAT NIGHT?

25 A WE WATCHED IT FIRST.

- 1 Q YOU WATCHED IT FIRST?
- 2 A UH-HUH.
- 3 Q AND THEN THE SECOND MOVIE YOU GOT WAS
- 4 CALLED WHAT?
- 5 A THE FORTRESS.
- 6 Q OKAY. AND YOU WATCHED THAT ONE SECOND?
- 7 A YES, SIR.
- 8 Q NOW, WHEN YOU WENT TO GO GET THE
- 9 MOVIES, WAS THE FIRE BURNING THEN?
- 10 A PROBABLY.
- 11 Q DO YOU REMEMBER WHETHER IT WAS BURNING
- 12 OR NOT?
- 13 A NO, SIR, I DIDN'T LOOK TO SEE.
- 14 Q OKAY. WELL, WAS IT DARK OUTSIDE WHEN
- 15 YOU WENT TO GO GET THE MOVIES?
- 16 A YES, SIR.
- 17 Q ALL RIGHT. YOU DON'T REMEMBER SEEING
- 18 LIKE A BRIGHT LIGHT OUTSIDE WHEN YOU LEFT TO GO
- 19 GET THEM?
- 20 A IT WASN'T A BIG GIANT INDIAN FIRE, IT
- 21 WAS JUST SOME TWIGS AND STUFF.
- 22 Q STATE'S EXHIBIT 18, DO YOU RECOGNIZE
- 23 WHAT'S DEPICTED THERE?
- 24 A NOT FROM MY OWN PERSONAL KNOWLEDGE. I
- 25 WOULD ASSUME -- THAT'S WHERE THE FIRE WAS, THAT'S

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- 1 PROBABLY THE ASHES.
- 2 Q AND THAT'S THE ASHES OF THE TWIGS THAT
- 3 YOU'RE TALKING ABOUT?
- 4 A LIMBS AND TWIGS, YES, SIR.
- 5 Q AND THAT'S THE FIRE THAT WOULD HAVE
- 6 BEEN DIFFICULT TO SEE THE HEAT AND BLAZE FROM?
- 7 A I DIDN'T SAY IT WOULD BE DIFFICULT. I
- 8 SAID IT WASN'T A GIANT FIRE THAT YOU COULDN'T HELP
- 9 BUT SEE.
- 10 Q WELL, I'M ASKING YOU IF YOU REMEMBER
- 11 SEEING IT WHEN YOU LEFT TO GO GET THE MOVIES?
- 12 A NO, SIR, I DO NOT.
- 13 Q DO YOU REMEMBER SEEING IT WHEN YOU CAME
- 14 BACK FROM GETTING THE MOVIES?
- 15 A NO, SIR, I DO NOT.
- 16 Q WHEN YOU LEFT, WHETHER THE FIRE WAS
- 17 BURNING OR NOT, THAT WAS ABOUT NINE O'CLOCK?
- 18 A NO, SIR, THAT WAS ABOUT A QUARTER TILL
- 19 TEN.
- 20 Q QUARTER TILL TEN?
- 21 A YES, SIR.
- 22 Q YOU LEFT DEFENDANT STEPHEN BECKHAM
- 23 THERE WITH SAMUEL, HIS FOUR-YEAR-OLD SON, DIDN'T
- 24 YOU?
- 25 A YES, SIR.

1 Q AND HE WAS THE ONLY ONE THERE AT THAT
2 POINT IN TIME, WASN'T HE?
3 A HE AND SAMUEL.
4 Q RIGHT. NOW, DO YOU RECALL ON JUNE THE
5 14TH, 1994, AT ABOUT 2:10 P.M., TALKING WITH THIS
6 LADY HERE, SHERRY SCOTT?
7 A YES, SIR, I DO.
8 Q AND DO YOU RECALL TALKING WITH ANOTHER
9 MAN -- MR. TEMPLETON BEING AROUND AT THE TIME?
10 A THERE WAS A MAN.
11 Q OKAY. AND DO RECALL WHERE THEY TALKED
12 TO YOU?
13 A YES, SIR.
14 Q AND DO YOU RECALL WHAT THE NATURE OF
15 THEIR CONVERSATION WAS, WHAT THEY WANTED TO TALK TO
16 YOU ABOUT?
17 A YES, SIR.
18 Q WHAT DID THEY WANT TO TALK TO YOU
19 ABOUT?
20 A DIFFERENT THINGS THAT HAD HAPPENED ON
21 JUNE 12TH.
22 Q AND WHAT DID YOU FEEL WAS THE INTENT OF
23 THEIR QUESTIONS AND DISCUSSION WITH YOU AT THAT
24 TIME?
25 A I REALLY DIDN'T KNOW.

- 1 Q YOU DIDN'T KNOW WHAT THEY WANTED TO
2 TALK TO YOU ABOUT?
- 3 A I KNEW WHAT THEY WANTED TO TALK TO ME
4 ABOUT, BUT I DIDN'T KNOW WHY.
- 5 Q WHAT DID THEY WANT TO TALK TO YOU
6 ABOUT?
- 7 A THE EVENTS OF THAT DAY.
- 8 Q OF?
- 9 A JUNE THE 12TH.
- 10 Q AND SPECIFICALLY, THE EVENTS
11 SURROUNDING YOUR ARRIVAL --
- 12 A YES, SIR.
- 13 Q -- AT DEFENDANT STEPHEN BECKHAM'S HOME?
- 14 A YES, SIR.
- 15 Q AND WHAT YOU OBSERVED ABOUT VICKI
16 BECKHAM'S DEPARTURE, WASN'T IT?
- 17 A YES, SIR.
- 18 Q ALL RIGHT. NOW, I'D LIKE TO GIVE YOU
19 THIS DOCUMENT AND ASK YOU TO TAKE AN OPPORTUNITY TO
20 READ THROUGH IT. HAVE YOU READ THROUGH IT?
- 21 A I SCANNED IT.
- 22 Q ALL RIGHT. I'D ASK YOU TO LOOK AT LINE
23 TWO --
- 24 A UH-HUH.
- 25 Q WELL, REGARDLESS OF LINE TWO, LET ME

1 ASK YOU. DID YOU NOT TELL THE POLICE ON JUNE 14TH
2 IN 1994, THAT A FEW MINUTES AFTER SIX YOU LEFT YOUR
3 HOME AND AT APPROXIMATELY 6:12 TO 6:15 YOU ARRIVED
4 AT SHANNON'S HOUSE?

5 MR. SWERLING: YOUR HONOR, THAT'S NOT
6 WHAT IT SAYS.

7 THE COURT: I DON'T HAVE IT IN FRONT OF
8 ME, SO I DON'T KNOW WHERE Y'ALL -- DON'T TELL ME
9 THAT, JUST LET ME SEE A COPY OF IT.

10 MR. SWERLING: ASK A SPECIFIC QUESTION.

11 THE COURT: EXCUSE ME. Y'ALL COME OVER
12 HERE JUST A MINUTE.

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

16 THE COURT: OBJECTION SUSTAINED, BUT
17 REPHRASE YOUR QUESTION.

18 Q (BY MR. JONES) WHEN YOU TALKED WITH
19 THE OFFICERS -- AND IS THIS ANOTHER GENTLEMAN THAT
20 WAS THERE WITH YOU? DO YOU REMEMBER HIM?

21 A I BELIEVE SO, HE HAD ON SUNGLASSES, SO
22 I CAN'T BE SURE.

23 Q ON THAT DAY, TWO O'CLOCK IN THE
24 AFTERNOON, JUNE 14TH, 1994 -- AND YOU ARE, AND I'M
25 SURE YOU HAVE BEEN TOLD, A BRIGHT YOUNG LADY,

- 1 HAVEN'T YOU?
- 2 A SURE.
- 3 Q YOU UNDERSTAND THAT THE NATURE OF
- 4 CONVERSATION, INVESTIGATION AND DETAIL WHEN IT
- 5 COMES TO FIGURING THINGS OUT, AREN'T YOU?
- 6 A YES, SIR.
- 7 Q YOU ARE?
- 8 A YES, SIR.
- 9 Q AND YOU UNDERSTOOD THAT ON JUNE 14TH,
- 10 DIDN'T YOU?
- 11 A TO SOME EXTENT.
- 12 Q 1994. WELL, DID YOU UNDERSTAND IT TO
- 13 THE EXTENT THAT YOU RECALL TELLING THEM THAT YOU
- 14 LEFT YOUR HOUSE A LITTLE AFTER SIX?
- 15 A SIX, TWELVE OR 6:15 IT SAYS.
- 16 Q WELL, ACTUALLY, AT APPROXIMATELY 6:12
- 17 OR 6:15, WE ARRIVED AT SHANNON'S HOUSE?
- 18 A NO, ACTUALLY, IT SAYS LADONIA. I
- 19 REALLY DON'T KNOW WHO WROTE THIS, BUT THEY SPELLED
- 20 MY NAME WAY WRONG. IT SAYS, STATES FEW MINUTES
- 21 AFTER SIX, THEY LEFT FROM HER HOME --
- 22 Q RIGHT.
- 23 A -- AT APPROXIMATELY 6:12 OR 6:15.
- 24 THAT'S WHAT I SAID. AND THEN IT SAYS IN CAPITAL
- 25 LETTERS, WHICH MEANS THAT'S THE BEGINNING OF THE

1 SENTENCE, IF I'M CORRECT, WE ARRIVED AT SHANNON'S
2 HOUSE. STEPHEN WAS OUTSIDE WASHING HIS CAR.

3 MR. JONES: YOUR HONOR?

4 THE COURT: YES, SIR.

5 MR. JONES: I'M NOT ASKING HER TO READ
6 THE STATEMENT.

7 THE COURT: SUSTAINED. AND SO YOU ASK
8 HER SPECIFICALLY TO ADMIT OR DENY WHETHER OR NOT
9 SHE MADE A STATEMENT. AND THEN WE CAN --

10 Q (BY MR. JONES) DO YOU ADMIT --

11 MR. SWERLING: YOUR HONOR, I'D LIKE HER
12 TO HAVE THE OPPORTUNITY TO EXPLAIN SINCE HE IS --

13 THE COURT: THAT'S TRUE. IT'S ADMIT OR
14 DENY --

15 MR. SWERLING: IT'S NOT HER STATEMENT.
16 THAT'S THE POINT OF THE WHOLE THING.

17 THE COURT: ADMIT OR DENY WHETHER OR
18 NOT SHE SAID THIS.

19 MA'AM, YOU HAVE TO ADMIT OR DENY
20 SPECIFICALLY THE QUESTION HE PUT TO YOU. IF YOU
21 DENY IT, YOU'RE ENTITLED TO EXPLAIN YOUR ANSWER.
22 IF YOU ADMIT IT, THAT'S THE END OF IT. ALL RIGHT?

23 Q (BY MR. JONES) DO YOU ADMIT OR DENY
24 THAT YOU TOLD THESE OFFICERS ON JUNE 14TH, 1994, A
25 FEW MINUTES LATER STEPHEN AND VICKI LEFT, VICKI WAS

1 DRIVING.

2 A YES, I SAID THAT. BUT I SAID VICKI WAS
3 IN THE DRIVER'S SEAT AND I ASSUMED SHE WAS DRIVING.

4 Q AND IN THE SAME SENTENCE YOU SAID STEVE
5 WAS WEARING PINKISH POLO SHIRT AND JEANS?

6 A YES, SIR.

7 Q AND THEN YOU NEXT SAID, 6:33, I KNOW
8 BECAUSE I LOOKED AT CLOCK AND WROTE A NOTE TO
9 STEVE?

10 A IT SAYS WE WROTE A NOTE. ACTUALLY,
11 SHANNON WROTE IT.

12 Q ALL RIGHT. NOW, DID YOU ALSO SAY THAT
13 SHANNON STAYED FOR APPROXIMATELY TEN MINUTES AND
14 THEN WENT BACK TO THE TRAILER TO GET THE GLAMOUR
15 SHOTS?

16 A I DON'T RECALL SAYING THAT'S WHEN SHE
17 WENT. WE STAYED TEN MINUTES, APPROXIMATELY, IN
18 ALL.

19 Q OKAY. ALL RIGHT. NOW, YOU KNEW THAT
20 THE OFFICERS WANTED TO TALK TO YOU ABOUT WHAT HAD
21 GONE ON THERE THAT EVENING, DIDN'T YOU?

22 A YES, SIR.

23 Q AND YOU KNEW THAT THEY WERE TRYING TO
24 FIND OUT DETAILS TO SOLVE VICKI'S MURDER, DIDN'T
25 YOU?

1 A I REALLY WASN'T AWARE THAT SHE WAS
2 MURDERED. I WAS CONFUSED AS TO THEIR REASON.

3 Q WELL, YOU KNEW THAT SHE WAS -- HAD GONE
4 ON?

5 A YES, SIR.

6 Q AND YOU KNEW THAT THESE WERE POLICE
7 OFFICERS?

8 A YES, SIR.

9 Q AND YOU KNEW THAT THEY WERE ASKING
10 QUESTIONS ABOUT WHAT HAD HAPPENED THAT DAY, DIDN'T
11 YOU?

12 A YES, SIR.

13 Q AND YOU NEVER ONCE TOLD THEM ABOUT THE
14 BACK DOOR SLAMMING, DID YOU?

15 A THEY DIDN'T ASK ME.

16 Q WELL, HOW WERE THEY GOING TO KNOW ABOUT
17 THE BACK DOOR SLAMMING IF YOU DIDN'T TELL THEM?

18 A THEY ASKED ME SPECIFIC-POINTED
19 QUESTIONS AND I GAVE THEM SPECIFIC-POINTED ANSWERS.

20 Q SO IN AN EFFORT TO ASSIST THE LAW
21 ENFORCEMENT OFFICERS THAT WERE GOING TO ATTEMPT TO
22 SOLVE THE DEATH OF A WOMAN WHOSE TEARS YOU JUST
23 SHED THIRTY MINUTES AGO, YOU'RE TELLING THIS JURY--

24 MR. SWERLING: YOUR HONOR, HE'S BEING
25 ARGUMENTATIVE WITH THE WITNESS.

1 THE COURT: NO, CROSS-EXAMINATION, MR.

2 SWERLING.

3 Q (BY MR. JONES) YOU'RE TELLING THIS

4 JURY THAT IF THEY DIDN'T ASK IT, YOU DIDN'T

5 VOLUNTEER IT, TWO DAYS AFTER HER DEATH; IS THAT

6 RIGHT?

7 A THAT'S CORRECT.

8 Q NOW YOU'RE TELLING US THAT WHEN YOU

9 WALKED DOWN FROM POPPA BECKHAM'S HOUSE THAT THE

10 FIELDS DID NOT COME DOWN AND WALK DOWN THAT AREA

11 AND SEE STEPHEN OUT IN THE YARD, IS THAT WHAT

12 YOU'RE TELLING US?

13 A YES, SIR.

14 Q AND YOU'RE TELLING US THAT YOU DIDN'T

15 ALL COME DOWN TOGETHER, YOU AND THE FIELDS, IS THAT

16 WHAT YOU'RE TELLING US?

17 A YES, SIR.

18 Q AND YOU'RE TELLING US THAT THERE'S NO

19 WAY THAT STEPHEN HAD ON BLUE JEANS AT TEN MINUTES

20 TO SEVEN OR SEVEN O'CLOCK OUT IN THE YARD BUILDING

21 THAT BRUSH FIRE, IS IT?

22 A YES, SIR, THERE'S NO WAY.

23 Q NO WAY?

24 A NOPE.

25 Q NOW, LET ME ASK YOU THIS. YOU SAID ON

1 DIRECT EXAMINATION THAT YOUR STATEMENT CONCERNING
2 THE FACT THAT STEPHEN AND VICKI LEFT TOGETHER WAS
3 BASED ON A CONVERSATION THAT YOU HAD HAD AT SUPPER
4 THAT NIGHT; IS THAT RIGHT?

5 A YES, SIR.

6 Q AND YOU WERE ALL SITTING AROUND THE
7 SUPPER TABLE EATING; IS THAT RIGHT?

8 A YES, SIR.

9 Q AND ANDREW SAID, HEY, WHERE DID MOM AND
10 DAD GO TOGETHER?

11 A NO.

12 MR. SWERLING: ISN'T THAT HEARSAY?

13 THE COURT: EXCUSE ME.

14 A THAT'S NOT WHAT HE SAID.

15 Q OKAY. WELL, DID HE ASK YOU --

16 MR. SWERLING: HEARSAY, SOLICITOR, --
17 EXCUSE ME, YOU WOULDN'T LET ME DO IT.

18 THE COURT: SUSTAINED.

19 Q (BY MR. JONES) WAS DEFENDANT STEPHEN
20 BECKHAM PRESENT WHEN THE CONVERSATION AROSE THAT
21 GAVE YOU KNOWLEDGE THAT STEPHEN AND VICKI HAD RODE
22 OFF TOGETHER?

23 A YES, HE WAS.

24 Q OKAY. SO, YOU WOULD ADMIT THAT THERE
25 WAS SOME CONCERN ON ANDREW'S PART ABOUT WHY --

1 MR. SWERLING: OBJECTION, YOUR HONOR.

2 THE COURT: EXCUSE ME.

3 MR. SWERLING: THAT'S CHARACTERIZATION.

4 THE COURT: SUSTAINED.

5 MR. SWERLING: I OBJECT TO THAT. MOVE
6 THAT IT BE STRICKEN.

7 THE COURT: SUSTAINED. STRIKE IT.

8 Q (BY MR. JONES) ALL RIGHT. WELL, THE
9 FACT OF THE MATTER IS, IS THAT YOU DON'T KNOW WHERE
10 DEFENDANT STEPHEN BECKHAM WAS BETWEEN 6:20 AND
11 6:33, DO YOU?

12 A NO, SIR.

13 Q AND THE FACT OF THE MATTER IS, IS THAT
14 THE LAST TIME YOU SAW VICKI LANDER BECKHAM ALIVE,
15 SHE WAS IN HIS COMPANY, WASN'T SHE?

16 A NOT THE LAST TIME I SAW HER. ANDREW
17 AND STEPHEN WERE WITH HER WHEN I LAST SAW HER.

18 Q I ASKED YOU IF SHE WAS IN HIS COMPANY?

19 A YES, SIR.

20 MR. JONES: NO FURTHER QUESTIONS, YOUR
21 HONOR.

22 THE COURT: REDIRECT?

23 MR. SWERLING: JUST ONE OR TWO.

24 REDIRECT EXAMINATION:

25 BY MR. SWERLING:

1 Q LADONNA, LET ME ASK YOU THIS. WHEN --
2 WERE YOU INTERVIEWED BY -- WHEN YOU WERE
3 INTERVIEWED BY THE POLICE, DID YOU KNOW STEPHEN WAS
4 A SUSPECT IN THIS CASE?
5 A NO, SIR.
6 Q HAD YOU SPOKEN TO STEPHEN WHEN YOU WERE
7 INTERVIEWED?
8 A NO, SIR.
9 Q DID YOU KNOW WHEN THE POLICE WERE
10 ASKING YOU QUESTIONS THAT THEIR INVESTIGATION HAD
11 FOCUSED ON WHAT WAS GOING ON DURING THAT TWENTY
12 MINUTE PERIOD?
13 A NO, SIR.
14 Q SO WHEN YOU WERE RELATING IT, YOU WERE
15 DOING IT TO THE BEST OF YOUR ABILITY?
16 A YES, SIR.
17 Q ALL RIGHT. NOW, ON THE MORNING OF THE
18 13TH AND ON THE 14TH, YOU TOLD THE POLICE THAT A
19 NOTE HAD BEEN LEFT AT 6:33, DIDN'T YOU?
20 A YES, I DID.
21 Q AND NOBODY ASKED YOU FOR THAT NOTE?
22 A NO, THEY DID NOT.
23 MR. SWERLING: NOTHING FURTHER.
24 THE COURT: ALL RIGHT. ANYTHING ELSE?
25 MR. JONES: NO, SIR.

1 THE COURT: THANK YOU, MA'AM, YOU MAY
2 STEP DOWN.

3 ALL RIGHT, LADIES AND GENTLEMEN, I NEED
4 FOR YOU TO GO TO THE JURY ROOM FOR A FEW MINUTES,
5 TAKE A SHORT BREAK. WE'LL BE RIGHT BACK OUT IN
6 PROBABLY, TEN OR FIFTEEN MINUTES.

7 (WHEREUPON, THE JURY RECESSED TO THE
8 JURY ROOM AT 5:37 P.M.)

9 THE COURT: AN EXAMPLE OF THE ADOPTIVE
10 ADMISSIONS -- THAT WOULD HAVE BEEN AN EXAMPLE OF
11 THE ADOPTIVE ADMISSIONS CLAUSE, MR. BECKHAM IS
12 UNAVAILABLE.

13 MR. MCMAHON: YES, SIR, AND OF COURSE--

14 THE COURT: THAT WOULD HAVE BEEN A
15 CLASSIC EXAMPLE OF IT.

16 MR. MCMAHON: THAT, OF COURSE, WAS MY
17 THEORY WITH CORONER SMITH --

18 THE COURT: YES, SIR.

19 MR. MCMAHON: --AND MR. BECKHAM'S
20 FATHER.

21 THE COURT: ALL RIGHT.

22 MR. JONES: YOUR HONOR?

23 THE COURT: YES, SIR.

24 MR. JONES: WITH REGARD TO REPLY
25 TESTIMONY?

1 THE COURT: YES, SIR.

2 MR. JONES: IF I COULD ADD -- IF I
3 COULD DISCUSS A MATTER, EITHER HERE OR IN CHAMBERS
4 WITH YOU ABOUT THE EXTENT AND LIMIT --

5 THE COURT: WELL, LET'S FIND OUT, FIRST
6 OF ALL, WHERE WE ARE, OKAY? THEN WE'LL KNOW.

7 MR. SWERLING: WE RESTS.

8 THE COURT: THE DEFENSE RESTS.

9 NOW, MR. BECKHAM, I, OF COURSE,
10 UNDERSTAND THAT THEY HAVE MADE THAT ASSERTION. AND
11 SO, SIR, I ASK YOU, DO YOU STILL WISH TO NOT
12 TESTIFY IN THIS TRIAL?

13 MR. BECKHAM: NO, YOUR HONOR.

14 THE COURT: AND YOU'VE UNDERSTOOD ALL
15 OF THE --

16 MR. SWERLING: AT THIS TIME?

17 THE COURT: YEAH, AT THIS TIME, DURING
18 THIS PHASE.

19 MR. SWERLING: OKAY.

20 THE COURT: AND THAT YOU'VE UNDERSTOOD
21 ALL THE LEGAL REQUIREMENTS THAT I DISCUSSED WITH
22 YOU A WHILE AGO?

23 MR. BECKHAM: YES, SIR.

24 THE COURT: AND YOU HAVE NO QUESTIONS
25 OF ME ABOUT THAT?

1 MR. BECKHAM: NONE.

2 THE COURT: AND YOUR DECISION, NOW, IS
3 A FREE AND VOLUNTARY ONE?

4 MR. BECKHAM: YES, SIR.

5 THE COURT: NOBODY'S PROMISED YOU
6 ANYTHING OR THREATENED YOU OR COERCED YOU OR
7 INTIMIDATED OR PRESSURED YOU IN ANY WAY TO MAKE
8 THAT STATEMENT -- MAKE THAT DECISION?

9 MR. BECKHAM: NO, SIR.

10 THE COURT: ALL RIGHT.

11 MR. HARPOOTLIAN: YOUR HONOR, FOR THE
12 RECORD, WE ADVISED OUR CLIENT THAT WHILE HE HAS
13 CHOSEN NOT TO TESTIFY AT THIS TIME, SHOULD THE
14 STATE PUT UP REPLY TESTIMONY, HE MAY HAVE TESTIMONY
15 RELATIVE TO THAT AND IT WOULD BE ADMISSIBLE IN SUR-
16 REBUTTAL. IF -- I UNDERSTAND, IT'S VERY LIMITED
17 AND VERY NARROW, AND THE CHANCES OF THAT ARE
18 REMOTE. BUT I WANTED TO MAKE SURE FOR THE RECORD
19 THAT WE -- THAT IT IS CLEAR WE ADVISED HIM OF THAT.

20 THE COURT: WELL, AT THIS POINT, THE
21 STATE -- I MEAN, THE DEFENSE RESTS, THAT'S WHAT I
22 WANT TO KNOW?

23 MR. HARPOOTLIAN: OH, YES, SIR. NO,
24 WE'VE RESTED.

25 THE COURT: ALL RIGHT.

1 MR. HARPOOTLIAN: AND I JUST WANTED TO
2 MAKE IT CLEAR THAT WE'VE ADVISED HIM OF THAT. AND
3 I UNDERSTAND SURREBUTTAL IS VERY LIMITED, BUT WE
4 DON'T KNOW WHAT THEY'RE GOING TO PUT UP.

5 THE COURT: ALL RIGHT. I'LL ACCEPT HIS
6 DECISION AS HAVING BEEN FREELY, VOLUNTARILY,
7 KNOWINGLY AND INTELLIGENTLY MADE WITH ADVICE AND
8 COUNSEL OF COMPETENT ATTORNEYS IN WHOM HE INDICATES
9 HE'S SATISFIED. AND, OF COURSE, WE'LL COMPLY WITH
10 MY DISCUSSION WITH HIM ABOUT MAKING THE APPROPRIATE
11 INSTRUCTIONS TO THE JURY ON THAT DECISION.

12 SOLICITOR, I'LL BE GLAD -- NOW THAT WE
13 KNOW WHERE WE ARE, I'LL BE GLAD TO TALK WITH YOU
14 ALL IN CHAMBERS ABOUT THAT FOR A MOMENT OR TWO, OR
15 WE CAN DO IT HERE, WHICHEVER SUITS YOU.

16 MR. JONES: CHAMBERS IS FINE, YOUR
17 HONOR.

18 THE COURT: ALL RIGHT, LET'S DO IT
19 THERE. LET'S TAKE A SHORT BREAK.

20 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

21 THE COURT: MR. SWERLING, AS I
22 UNDERSTAND, THE STATE HAS INDICATED THAT THEY'RE
23 PREPARED TO GO FORWARD AND THEY INTEND TO OFFER ONE
24 WITNESS IN REPLY.

25 MOTION, YOU SAID YOU HAD.

1 MR. SWERLING: YES, SIR. I OBJECT TO
2 THEM CALLING THAT WITNESS. IF I MAY, YOUR HONOR--
3 LET ME JUST GET MY PAPERWORK OUT SO I CAN... IF
4 YOUR HONOR -- YOU READY, YOUR HONOR?

5 THE COURT: YES, SIR.

6 MR. SWERLING: IF YOUR HONOR PLEASE, ON
7 JANUARY 19TH, 1996, I WAS SERVED WITH A REQUEST FOR
8 NOTICE OF ALIBI BETWEEN THE HOURS OF SIX AND TEN
9 P.M. OF JUNE 12TH, 1994. I COMPLIED WITH THAT AND
10 IN FACT, COPIED YOUR HONOR. AND -- WELL, FAXED
11 YOUR HONOR AND ALSO SENT THE SOLICITOR A COPY AND
12 DEMANDED, PURSUANT TO THE RULE, THAT THE STATE
13 ADVISE ME WITHIN TEN DAYS PURSUANT TO RULE 5(E)2
14 WHO THEY INTENDED TO USE TO CONTRADICT THE ALIBI.
15 I'VE GOTTEN THESE THREE NOTICES FROM THE STATE WITH
16 RESPECT TO THAT. NONE OF THEM LIST MRS. FIELDS.
17 AND I WOULD OBJECT TO HER BEING CALLED, SINCE THEY
18 DID NOT COMPLY WITH THE RULE.

19 I WOULD ALSO STATE FOR YOUR HONOR THAT
20 WE HAVE ADOPTED A TRIAL STRATEGY BASED UPON THE
21 STATE'S COMPLIANCE WITH THE RULE AND NONCOMPLIANCE
22 WITH THE RULE.

23 THE COURT: WELL, MR. SWERLING, THE --
24 WELL, SOLICITOR, WHAT YOU GOT TO SAY?

25 MR. JONES: WELL, JUDGE, YOU KNOW, WE

1 DID COMPLY WITH THAT RULE TO THE BEST OF OUR
2 KNOWLEDGE. WHAT THIS WITNESS IS BEING CALLED FOR
3 IS IMPEACHMENT PURPOSES ON MISS LADONNA ZEIDERS.
4 SHE, YOUR HONOR, BASICALLY SAID THAT -- YOU KNOW,
5 WHAT SHE SAID ON THE STAND WAS DIFFERENT FROM WHAT
6 SHE HAD SAID IN THE STATEMENT, THE NOTES OF THE
7 POLICE OFFICERS THAT WE HAD, CONCERNING THE ATTIRE
8 OF THE DEFENDANT AT THIS PARTICULAR TIME. THAT'S
9 WHAT WE'RE CALLING THIS WITNESS FOR, WAS WHAT HE
10 WAS WEARING.

11 MR. SWERLING: THAT'S DOESN'T IMPEACH.

12 MR. JONES: WE'RE NOT -- WE'RE NOT --
13 WE'RE NOT, YOU KNOW, PUTTING UP A WITNESS THAT SAYS
14 HE WASN'T THERE.

15 MR. SWERLING: THEY'RE PUTTING UP A
16 WITNESS TO CONTRADICT OUR ALIBI BETWEEN THE HOURS
17 OF SIX AND TEN. THAT'S THE PURPOSE OF THE RULE. I
18 COMPLIED WITH THE RULE, THE STATE HAS NOT.

19 THE COURT: WELL, AS I HAD UNDERSTOOD
20 IT, THE STATE HAD GIVEN YOU COPIES OF THE SLED
21 INTERVIEW -- OR NEWBERRY COUNTY POLICE INTERVIEW
22 SHEETS OF MRS. FIELDS; AM I CORRECT?

23 MR. SWERLING: THAT'S CORRECT, YOUR
24 HONOR.

25 THE COURT: ALL RIGHT. AND, OF COURSE,

1 THEY DID NOT CALL THEIR WITNESS -- DID NOT CALL --
2 DID NOT CHALLENGE THE -- OR DID NOT CALL THE
3 WITNESS IN THEIR CASE. AND IN FACT, CALLED NOBODY
4 WHO TESTIFIED ABOUT MRS. FIELDS, AS I UNDERSTAND
5 IT. YOU ALL CALLED WITNESSES WHO REFERRED TO MRS.
6 FIELDS; AM I CORRECT.

7 MR. SWERLING: YOUR HONOR, THAT IS
8 CORRECT. AND ALSO, THEY BROUGHT IT OUT THROUGH
9 CROSS-EXAMINATION. THE STATE WAS AWARE OF THAT.
10 AND THE PURPOSE OF THE RULE IS THAT THE -- AND WE
11 COMPLIED WITH IT. IT SAYS, WITHIN TEN DAYS AFTER
12 DEFENDANT SERVES HIS NOTICE, BUT IN NO EVENT LESS
13 THAN TEN DAYS BEFORE A TRIAL, PROSECUTION SHALL
14 SERVE ON THE DEFENDANT OR HIS ATTORNEY THE NAMES
15 AND ADDRESSES OF WITNESSES UPON WHOM THE STATE
16 INTENDS TO RELY TO ESTABLISH THE DEFENDANT'S
17 PRESENCE.

18 THE COURT: WELL --

19 MR. SWERLING: AND THAT'S WHAT --

20 THE COURT: -- EVERY WITNESS THAT YOU
21 HAVE PRODUCED, UP THROUGH THE CHILDREN, HAVE SAID
22 THAT HE WAS DRESSED IN KHAKIS AT THE TIME THAT MRS.
23 VICKI BECKHAM PULLED UP AND EVERY WITNESS HAS STUCK
24 TO THAT STORY. AND ALSO, SAID TO THE EFFECT THAT
25 IF THEY SAID SOMETHING TO THE POLICE IT WAS TAKEN

1 OUT OF CONTEXT. THAT IS, THEY THOUGHT THEY WERE
2 BEING ASKED THE LAST TIME THAT THEY SAW STEPHEN
3 BECKHAM WHAT DID HE HAVE ON, THAT'S WHY THEY GAVE
4 THE JEANS DESCRIPTION.

5 MR. SWERLING: YES, SIR.

6 THE COURT: SO WHY WOULD THE STATE NOT
7 BE ENTITLED TO CALL A WITNESS ON THAT LIMITED ISSUE
8 AS --

9 MR. SWERLING: BECAUSE IT GOES TO THE
10 ISSUE OF ALIBI. AND THE STATE DID NOT PROVIDE
11 NOTICE AS REQUIRED BY THE RULE. AND I ADOPTED A
12 TRIAL STRATEGY NOT TO CALL MRS. FIELDS.

13 THE COURT: BUT IN YOUR -- IN YOUR --
14 IN ALL THE INFORMATION THAT SLED HAD OR THE STATE
15 HAD, THE CHILDREN'S STATEMENTS WERE JEANS, WHICH IS
16 CONTRARY TO THE STATEMENT THAT THEY HAD THAT IT WAS
17 KHAKIS. AND EACH ONE OF THE WITNESSES DID NOT TALK
18 -- AT LEAST TWO OF THE WITNESSES DECLINED TO TALK
19 TO THE STATE --

20 MR. SWERLING: ONLY --

21 THE COURT: -- PRIOR TO TAKING THE
22 STAND.

23 MR. SWERLING: ONLY BECAUSE THEY WANTED
24 US THERE.

25 THE COURT: WELL, I UNDERSTAND THAT.

1 MR. SWERLING: BUT, I MEAN, YOUR HONOR,
2 THAT'S WHY THE RULE IS WHAT IT IS. THAT WE GAVE
3 THEM NOTICES OF THE WITNESSES THAT WE INTENDED TO
4 RELY ON. THEY WERE AVAILABLE FOR INTERVIEW. WE
5 SPOKE WITH THE SOLICITOR AND TOLD HIM THAT WE WOULD
6 -- THEY'RE THERE, WE'LL MAKE THEM ALL AVAILABLE IF
7 WE CAN BE THERE, THAT'S WHAT THE WITNESSES WANTED.
8 AND WE PROVIDED THAT LIST. THEY, IN TURN, YOUR
9 HONOR, COMPLIED WITH -- THAT'S WHAT I FIND
10 INTERESTING, YOUR HONOR. THEY COMPLIED WITH PART
11 OF THE NOTICE OF ALIBI, THEY LISTED SIX WITNESSES,
12 SEVEN WITNESSES. THEY DID NOT LIST MRS. FIELDS.
13 AND I THINK IT GOES BEYOND THE RULE TO ALLOW THEM
14 TO CALL HER, ESPECIALLY WHEN NOW WE ARE AT THE END
15 OF OUR CASE. WE HAVE NOW RESTED. AND OUR TRIAL
16 STRATEGY WAS DEVELOPED AROUND A SITUATION OF THE
17 STATE NOT HAVING CALLED HER AND US NOT CALLING THEM
18 EITHER.

19 THE COURT: WELL, I WOULD DENY YOUR
20 MOTION. THE RULE TALKS ABOUT BEING PRESENT AT THE
21 SCENE OF THE ALLEGED CRIME AND HE -- AS I
22 UNDERSTAND WHAT THE TESTIMONY IS PROPOSED TO BE, IS
23 THAT SHE'S GOING TO TESTIFY THAT HE WAS THERE.

24 MR. SWERLING: AT THE TIME, AT THE SAME
25 TIME.

1 THE COURT: AT A CERTAIN TIME.

2 MR. SWERLING: ALL RIGHT. AND --

3 THE COURT: AND THAT'S WHAT YOUR
4 DEFENSE IS, THAT HE WAS THERE AT A CERTAIN TIME.

5 MR. SWERLING: YES, SIR, BUT WHAT THE
6 STATE ALSO INTENDS TO DO IS TESTIFY AS TO WHEN
7 CERTAIN PEOPLE CAME AND WENT, ALSO. AND THAT WOULD
8 GO TOWARD THE ISSUE OF PRESENCE. YOUR HONOR, I'D
9 SHOW YOU THE NOTICE THEY SENT ME.

10 MR. JONES: JUDGE?

11 THE COURT: YES, SIR.

12 MR. JONES: OF COURSE, THIS IS IN YOUR
13 DISCRETION. AND, OF COURSE, THIS WITNESS WAS ON
14 THE LIST THAT THE DEFENSE GAVE US. SO, YOU KNOW,
15 THEY KNOW ABOUT THE WITNESS.

16 MR. SWERLING: CORRECT.

17 MR. JONES: THEY'VE KNOWN ABOUT THE
18 WITNESS.

19 MR. SWERLING: CORRECT.

20 MR. JONES: YOU KNOW, WE -- AS A MATTER
21 OF FACT, I CAN RECALL HAVING A DISCUSSION WITH MR.
22 COULTER WHEN WE WERE --

23 THE COURT: WELL --

24 MR. JONES: -- WHEN WE WERE TRYING TO
25 REPLY TO THEIR ALIBI.

1 THE COURT: WELL, WHAT --

2 MR. JONES: AND WE HAD -- WE HAD
3 STATEMENTS OF, YOU KNOW, OF SHANNON ~~BECKHAM~~ AND
4 THESE OTHERS THAT DIDN'T SEEM TO CONFORM WITH WHAT
5 WE ANTICIPATED THEIR ALIBI WOULD BE. AND HE SAID,
6 SHOULD WE LIST THEM AS OUR WITNESSES? BECAUSE
7 THEY'VE GOT THEM LISTED ON THEIR LIST. AND, YOU
8 KNOW, I GUESS IT -- I JUST MENTION THAT FOR YOU
9 EDIFICATION. AND THAT, YOU KNOW, WE WOULD TRY AND
10 DECIDE HOW --

11 THE COURT: WELL, THE ONLY PERSON WHO
12 KNOWS -- THERE ARE ONLY TWO PEOPLE IN THIS WORLD
13 WHO KNOW WHO WAS AT THE SCENE, ACCORDING TO THE
14 STATE'S THEORY. MR. BECKHAM AND MR. ANDERSON.
15 MRS. FIELDS DOESN'T KNOW WHETHER HE WAS PRESENT AT
16 THE SCENE OF AN ALLEGED CRIME OR NOT. AND SHE WAS
17 NOT PRESENT AT THE SCENE OF THE ALLEGED CRIME. AND
18 THE RULE GOES TO -- SHE'S NOT SAYING HE...

19 MR. SWERLING: JUDGE, THE SCENE --
20 NOBODY WAS REALLY AT THE SCENE.

21 THE COURT: THAT'S --

22 MR. SWERLING: THE ISSUES GENERALLY ARE
23 -- IN THIS CASE, CLEARLY, THE ISSUES HAVE BEEN
24 FRAMED BY WHAT TIME WAS STEPHEN BECKHAM AT THE
25 HOUSE, WHO WAS PRESENT, WHO OBSERVED HIM. AND I

1 COMPLIED WITH THE NOTICE OF ALIBI BECAUSE THE STATE
2 FRAMED IT FROM SIX O'CLOCK TO TEN O'CLOCK IN THE
3 EVENING OF JUNE 12TH. OBVIOUSLY, NOBODY WAS AT THE
4 SCENE. BUT IT GOES TO THE ISSUE OF ALIBI TO ALLOW
5 MRS. FIELDS TO COME IN AND TESTIFY ABOUT TIMES AND
6 --

7 THE COURT: WELL --

8 MR. SWERLING: -- WHO WAS PRESENT,
9 WHERE WERE THE KIDS, I MEAN, THAT JUST -- THAT GOES
10 TO THE VERY HEART OF THE ALIBI.

11 THE COURT: WELL, AS I UNDERSTAND THE
12 TESTIMONY, SHE'S GOING TO TESTIFY SHE SAW HIM
13 THERE.

14 MR. SWERLING: BUT LATER.

15 THE COURT: AT THE TIME SHE SAW HIM.

16 MR. SWERLING: LATER.

17 THE COURT: LATER THAN THE STATE'S OWN
18 THEORY.

19 MR. SWERLING: NO, LATER THAN WE HAVE
20 RAISED AS AN ISSUE.

21 THE COURT: THAT'S RIGHT, WHICH ALL
22 YOUR WITNESSES AGREE WITH LATER.

23 MR. SWERLING: RIGHT. BUT, IN OTHER
24 WORDS, WHAT'S IMPORTANT ABOUT IT, YOUR HONOR, IS
25 THAT SHE PUTS DIFFERENT TIMES AS TO WHEN THE KIDS

1 LEFT AND IN A DIFFERENT ORDER THE WAY THE KIDS LEFT
2 AND DOES NOT CONFORM TO THE TIMES THAT WE HAVE PUT
3 INTO THE RECORD AT THIS POINT, BASED UPON THE STATE
4 NOT NOTIFYING US THAT THEY WERE GOING TO CALL MRS.
5 FIELDS. IN OTHER WORDS, IT'S NOT -- OBVIOUSLY, WE
6 KNOW NOBODY WAS AT CABLE ROAD.

7 THE COURT: RIGHT.

8 MR. SWERLING: OKAY. SO ALIBI -- THEY
9 WERE BROAD ENOUGH TO SAY THAT THEY WANTED ALL OF
10 OUR WITNESSES BETWEEN SIX AND TEN O'CLOCK. THE
11 IMPORTANCE OF THAT IS BECAUSE STEPHEN BECKHAM
12 CLAIMED -- ALIBI MEANS YOU'RE SOMEWHERE ELSE. SO
13 THE PEOPLE ARE NOT BEING USED TO EVER PROVE THAT A
14 PERSON WAS AT THE SCENE OF A CRIME. THEY'RE BEING
15 USED TO PROVE THAT SOMEONE WAS NOT AT THE SCENE OF
16 A CRIME. AND THAT'S WHAT ALIBI IS. SO WE HAVE
17 OFFERED A THEORY OF DEFENSE THAT STEPHEN BECKHAM
18 WAS AT THE HOUSE. WE'VE DONE THAT THROUGH PEOPLE
19 BEING POSITIONED AT HIS HOUSE, AT HIS PARENTS'
20 HOUSE, PHONE CALLS THAT WERE BEING MADE. AND
21 THAT'S WHAT WE SPENT THE LAST THREE DAYS DOING. TO
22 NOW ALLOW THE STATE TO CALL MRS. FIELDS IN, WHEN
23 THEY HAD NOT NOTICED US THAT THEY INTENDED TO USE
24 HER TO CONTRADICT THE ALIBI. AGAIN, THE ALIBI IS
25 NOT THE PRESENCE AT THE SCENE, IT'S THE PRESENCE

1 AWAY FROM THE SCENE.

2 THE COURT: AS I UNDERSTOOD, THEY WERE
3 NOT OFFERING THE WITNESS TO CHALLENGE THE ALIBI,
4 BUT RATHER TO CHALLENGE WHAT HE HAD ON.

5 MR. SWERLING: WELL, THAT GOES TO THE
6 ALIBI, TOO, THOUGH, YOUR HONOR.

7 THE COURT: OKAY.

8 MR. SWERLING: THAT GOES TOWARD ALIBI,
9 ALSO. AND IT ALSO GOES TOWARD THE MOVEMENT OF
10 PEOPLE AND THE TIMES THAT PEOPLE MOVED. I MEAN, I
11 THINK -- ALIBI, AGAIN, IS AWAY FROM THE CRIME, NOT
12 AT THE CRIME. I JUST -- YOU KNOW, I COMPLIED AND I
13 THINK THE STATE SHOULD HAVE, TOO.

14 I'M SURE THE STATE DEVELOPED A THEORY
15 OF DEFENSE BASED ON WHAT WE NOTICED THEM. IN FACT,
16 THE SOLICITOR JUST SAID THEY CONFERRED, HE AND MR.
17 COULTER, AND TALKED ABOUT THEY EXPECTED SHANNON AND
18 SOME OF THE KIDS TO NOT TESTIFY IN CONFORMANCE WITH
19 THEIR STATEMENTS. SO I MEAN, THAT'S WHAT LAWYERS
20 DO. BASED UPON THE APPROPRIATE NOTICES THAT ARE
21 GIVEN AND THE RULES, THEY DEVELOP A STRATEGY AND
22 HOW THEY INTEND TO CALL PEOPLE AND THE ORDER THEY
23 INTEND TO CALL PEOPLE AND WHAT THEY'RE GOING TO
24 INTEND TO PRESENT AND THEY STAY AWAY FROM OTHER
25 THINGS, BASED UPON THOSE STRATEGIES.

1 I MEAN, THIS IS NOT SOME ISSUE, YOUR
2 HONOR, LIKE MR. MITCHELL, WHO THEY FIND OUT ABOUT
3 TWO WEEKS BEFORE. THEY'VE KNOWN ABOUT THIS WITNESS
4 FOR TWO YEARS, COULD HAVE SIMPLY LISTED THAT SO
5 THAT WE COULD HAVE CONSIDER THAT IN MAKING OUR
6 DETERMINATIONS AS TO HOW TO PRESENT OUR CASE.

7 THE COURT: ANYTHING ELSE, SOLICITOR,
8 ON IT?

9 MR. JONES: WELL, JUDGE, JUST THAT THIS
10 IS NOT A WITNESS THAT THEY DIDN'T KNOW ABOUT. I
11 MEAN, THIS ISN'T A SITUATION WHERE WE'VE COME IN
12 AND SURPRISED THEM WITH SOME UNKNOWN WITNESS THAT
13 WE HELD BACK. THIS IS A WITNESS THAT WAS ON THEIR
14 LIST. THEY KNOW EVERYTHING -- THEY'VE KNOWN THIS
15 WITNESS. THEY'VE HAD THIS WITNESS. THIS WITNESS,
16 YOU KNOW, WAS PRESENT. THEY CHOSE NOT TO CALL THIS
17 WITNESS BECAUSE THEY DON'T LIKE WHAT THIS WITNESS
18 IS GOING TO SAY. THAT'S AS SIMPLE AS IT IS. AND--
19 BUT WE DIDN'T KNOW THAT THEY WEREN'T GOING TO CALL
20 THIS WITNESS. YOU KNOW, WE DIDN'T KNOW -- THEY'VE
21 KNOWN -- WHAT I'M TRYING TO SAY --

22 THE COURT: WELL, THAT --

23 MR. JONES: WHAT I'M TRYING TO SAY --

24 THE COURT: THAT BACKS YOU INTO HIS
25 ARGUMENT.

1 MR. JONES: NO, SIR. NO, SIR. WHAT MY
2 -- MY POSITION IS, IS THIS IS NOT A MATTER OF BEING
3 UNFAIR. THIS IS A MATTER -- IF THEY --

4 THE COURT: WE'RE NOT TALKING ABOUT
5 FAIRNESS HERE. WE'RE TALKING ABOUT COMPLIANCE WITH
6 THE RULE.

7 MR. JONES: AND DISCRETION.

8 THE COURT: YES.

9 MR. JONES: WHETHER OR NOT
10 NONCOMPLIANCE RESULTS IN PREJUDICE AND UNFAIRNESS
11 TO THE DEFENSE. AND I ASK YOU, WHAT'S THE
12 PREJUDICE AND WHAT'S THE UNFAIRNESS WHEN THEY KNEW
13 THAT THE WITNESS WAS THERE ALL ALONG.

14 MR. SWERLING: SO DID THE STATE. THEY
15 CHOSE NOT TO PRESENT HER EITHER. WE ADOPTED A
16 STRATEGY BASED ON THAT. I MEAN, WHY WOULD THE
17 STATE GO THROUGH THE EFFORT OF FILING THREE
18 DIFFERENT -- I MEAN, THE RECORD WILL REFLECT THAT
19 THEY FILED THREE DIFFERENT RESPONSES TO THE NOTICE
20 OF ALIBI BECAUSE THEY KNEW THAT A RULE MEANS THAT
21 IT'S A RULE. THREE DIFFERENT RESPONSES THERE, THEY
22 JUST DIDN'T LIST HER. I GUESS, I JUST --

23 MR. JONES: JUDGE, THIS WAS POINTED OUT
24 EARLIER. WE DIDN'T KNOW. WE DID NOT KNOW THAT
25 SHANNON B [REDACTED], ANDREW [REDACTED], LADONNA Z [REDACTED]

1 WOULD COME IN HERE AND TESTIFY TO MATERIAL THAT WAS
2 DIFFERENT FROM WHAT THEY SAID ABOUT CLOTHING BACK
3 IN JUNE OF '94. WE DIDN'T KNOW THAT. AS A MATTER
4 OF FACT, I CAN TELL YOU THAT WE HOPED AND PRAYED
5 THAT THEY WOULDN'T.

6 MR. SWERLING: JUDGE, THEY JUST DIDN'T
7 INTERVIEW HER -- INTERVIEW THEM. THEY WERE
8 AVAILABLE. AND THIS IS A DEATH PENALTY. OF ALL
9 CASES WHERE YOU SHOULD COMPLY WITH THE RULES, THIS
10 IS ONE OF THE CASES.

11 MR. MCMAHON: JUDGE, CAN I ANALOGIZE IT
12 TO A RECENT CASE?

13 THE COURT: SURE.

14 MR. MCMAHON: IT'S SOMEWHAT OF A
15 DIFFERENT SETTING. BUT THERE WAS A CASE OUT OF
16 SALUDA COUNTY, STATE VERSUS TROTTER, WHERE A
17 PROSECUTOR DURING THE COURSE OF A CRIMINAL SEXUAL
18 CASE FAILED TO TURN OVER SOME NOTES FROM A
19 COUNSELOR OF THE VICTIM IN THAT PARTICULAR CASE.
20 OUR COURT OF APPEALS SAID THAT WAS A VIOLATION OF
21 DISCOVERY. NOW, I REALIZE THAT'S NOT AN ALIBI
22 ISSUE, BUT IT IS A DISCOVERY ISSUE. AND THAT THE
23 FAILURE OF THE PROSECUTOR IN THAT PARTICULAR CASE
24 TO TURN OVER THE NOTES OF THE COUNSELOR, WHICH THE
25 COUNSELOR BECAME RELEVANT BECAUSE IT WAS CROSS-

1 EXAMINATION, OUR COURT OF APPEALS SAID THAT
2 VIOLATED DISCOVERY. OUR SUPREME COURT REVERSED
3 THAT HOLDING IN THE COURT OF APPEALS AND SAID, NO,
4 THAT WAS NOT A VIOLATION OF DISCOVERY. AND THEY
5 WENT BACK AND THEY WERE INTERPRETING THE COURT'S,
6 ANOTHER PART OF RULE 5 WHICH WOULD HAVE BEEN RULE
7 5(A)(D), I BELIEVE, IN THAT WHERE IT WAS TALKING
8 ABOUT THAT WASN'T A FAILURE TO COMPLY BECAUSE IT
9 WASN'T KNOWN AT THE TIME. THERE WAS NO REPORTS
10 MADE.

11 AS I SAY, JUDGE, I REALIZE THAT'S NOT
12 INTERPRETING, ACTUALLY, RULE 5(E)(2) AND (4), BUT I
13 WOULD SUBMIT IT'S VERY ANALOGOUS TO THAT. THAT
14 WITH THEM HAVING THE KNOWLEDGE ALL ALONG, WITH THEM
15 HAVING ALL OF THE FILES, STATEMENTS AND SUCH FROM
16 THIS PARTICULAR WITNESS THAT IT WOULD NOT BE A
17 SURPRISE AND IT REALLY DOESN'T GO TO THE ISSUE OF
18 ALIBI, IT GOES TO THE ISSUE OF CREDIBILITY. OF THE
19 CREDIBILITY OF THE WITNESSES WHICH HAVE BEEN
20 PRESENTED ON BEHALF OF THE DEFENDANT THAT GO TO HIS
21 ALIBI. AND EVEN -- EVEN, YOUR HONOR, IF YOU FIND--
22 IF YOU WERE TO FIND THAT IT WAS NON-COMPLIANT, IF
23 YOU READ ON -- WHICH I KNOW HIS HONOR IS MUCH MORE
24 FAMILIAR WITH IT THAN I AM. IF YOU READ ON THROUGH
25 E(4), IT SAYS THE COURT MAY EXCLUDE THE TESTIMONY

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1 OF ANY UNDISCLOSED WITNESSES OFFERED BY EITHER
2 PARTY. IT'S NOT A REQUIREMENT. IT'S NOT A SHALL.

3 I DON'T THINK THE RULES ARE -- I
4 REALIZE THE STATEMENT'S ALWAYS MADE AND I'VE HEARD
5 IT MADE IN MANY CASES THAT WELL, THIS IS A DEATH
6 PENALTY CASE. THE RULES AREN'T HEIGHTENED.
7 THEY'RE STILL THE RULES AND IT'S WITHIN YOUR
8 DISCRETION. BUT AS I SAY, I THINK IT'S VERY
9 ANALOGOUS TO THAT STATE VERSUS TROTTER SITUATION.

10 THE COURT: ALL RIGHT. MR. SWERLING,
11 I'M GOING TO DENY YOUR MOTION ON THIS ISSUE. I DID
12 FIND THAT THEIR CONDUCT WITH REGARD TO THE -- TO
13 THE WITNESSES, WARD AND JEFFCOAT, CLEARLY VIOLATED
14 THE DISCOVERY RULE AND I FELT THAT THEY WOULD HAVE
15 TO SUFFER THE PROPER REMEDY OF DEALING WITH IT IN
16 REPLY, WHICH THEY WILL NOT BE ABLE TO DEAL WITH.

17 HOWEVER, I FIND THAT WITH REGARD TO THE
18 RULE, THAT IT IS IN FACT, A DISCOVERY RULE. AND
19 THAT THERE IS NO PREJUDICE OR HARM TO YOU BY REASON
20 -- OR YOUR CLIENT BY REASON OF THE FACT THAT YOU
21 KNEW WHAT THIS WITNESS WOULD SAY. AND I'M GOING TO
22 TAKE IT ONE STEP FURTHER THAT THIS -- WE ARE IN
23 REPLY, RATHER THAN IN THE STATE'S CASE IN CHIEF.
24 CERTAINLY, IF THE ISSUE CAME UP IN THE STATE'S CASE
25 IN CHIEF, I'D BE A LITTLE MORE SYMPATHETIC WITH YOU

1 ABOUT IT. ALSO, IT REALLY -- IF I UNDERSTAND WHAT
2 THE WITNESS IS GOING TO SAY, IT REALLY IS GOING TO
3 CHALLENGING THE CREDIBILITY OF THE CHILDREN WHO
4 TESTIFIED IN THIS CASE. I'M GOING TO ALLOW IT.

5 MR. HARPOOTLIAN: YOUR HONOR, AND
6 YOU'RE ONLY GOING TO ALLOW HIM TO DEAL WITH THAT
7 ONE ISSUE?

8 THE COURT: YES, SIR.

9 MR. HARPOOTLIAN: OKAY.

10 MR. SWERLING: JUDGE, WELL, MAYBE I
11 DON'T UNDERSTAND IT. WHAT I -- I WOULD FURTHER
12 MAKE AN OBJECTION IN THAT SHE NOT BE ALLOWED TO
13 TESTIFY AS TO ANYTHING THAT HAPPENED PRIOR TO HER
14 SEEING STEPHEN BECKHAM, AS FAR AS WHICH KID LEFT
15 FIRST, WHAT THE TIME -- WHAT TIMES WERE INVOLVED,
16 BECAUSE THAT WOULD DEFINITELY GO TO THE HEART OF
17 THE ALIBI. IF THE ONLY THING THE STATE'S GOING TO
18 PRESENT IS SHE SAW HIM AT 6:50 WEARING JEANS, THEN
19 THAT'S ONE THING. BUT IF IT GOES -- IF SHE'S
20 ALLOWED TO TESTIFY THAT AT 6:35 ONE CHILD WAS HERE
21 AND AT 6:36, ONE CHILD WAS HERE, THAT GOES TO THE
22 VERY HEART OF THE ALIBI.

23 AND WHILE I UNDERSTAND WHAT YOUR HONOR
24 IS SAYING, I THINK THAT IT'S MORE HARMFUL TO THE
25 DEFENDANT THAT IT'S ON REPLY BECAUSE THAT'S WHEN

1 ALI -- THAT'S WHEN A WITNESS WHO'S SUPPOSED TO BE
2 NOTIFIED -- I'M SORRY. IT'S ONLY ON REPLY THAT A
3 WITNESS WHO THEY ARE SUPPOSED TO NOTIFY US OF WOULD
4 BE CALLED. I MEAN, BECAUSE THE ALIBI WOULDN'T BE
5 PRESENTED UNTIL THE DEFENDANT'S CASE AND THEN THE
6 STATE REPLIES. SO, AS TO THAT ISSUE, I WOULD MAKE
7 A FURTHER OBJECTION THAT SHE NOT BE ALLOWED TO GO
8 INTO ANY TIMES AROUND 6:30, 6:35, -- FOR
9 NONCOMPLIANCE.

10 THE COURT: OF COURSE, ONE OF THE
11 THINGS THEY HAVE TO DISPROVE THE ALIBI. AND THEY
12 WENT ABOUT THAT IN THEIR CASE IN CHIEF -- OR
13 ATTEMPTED TO DO THAT IN THEIR CASE IN CHIEF TO
14 COVER ALL THE TIMES AND SO FORTH.

15 MR. HARPOOTLIAN: WELL, YOUR HONOR, MY
16 UNDERSTANDING IS THEY ARE CALLING HER SPECIFICALLY
17 ON THIS ISSUE OF CLOTHING.

18 THE COURT: THAT'S WHERE THEY STARTED
19 OUT.

20 MR. HARPOOTLIAN: WELL, YOUR HONOR --

21 MR. SWERLING: THEY TOLD US -- I'M
22 MEAN, I'M JUST GOING BY WHAT THEY SAID OUTSIDE. IF
23 THEY'RE TALKING ABOUT WHEN THIS CHILD LEFT AND WHEN
24 THIS CHILD LEFT. JUDGE, TO ME, IF YOU'RE SUPPOSED
25 TO COMPLY WITH THE RULE AND NOTIFY WHO YOU INTEND

1 TO CALL AS A WITNESS, THEN BY NOT LISTING THAT
2 PERSON, YOU'RE STATING THAT YOU'RE NOT GOING TO
3 CALL THAT WITNESS. THAT'S THE WAY I INTERPRET IT.
4 I MEAN, I'M NOT YOUR HONOR. BUT, I MEAN, TO ME, IF
5 THE RULE SAYS YOU GOT TO TELL THE DEFENSE WHO
6 YOU'RE GOING TO CALL AS A WITNESS AND YOU DON'T
7 LIST THAT PERSON AND YOU LIST OTHER PEOPLE, THAT
8 MEANS YOU ARE SAYING WE'RE NOT CALLING ANYBODY
9 ELSE.

10 MR. HARPOOTLIAN: YOUR HONOR, ALSO THE
11 ALIBI RULE.

12 MR. JONES: WHERE IS THAT RULE?

13 MR. HARPOOTLIAN: JUST LET ME ADD THIS.
14 THE DISCOVERY RULE IS TO NOTIFY CERTAIN WITNESSES
15 IN CASE IN CHIEF. IT DOESN'T SAY IN CASE IN CHIEF
16 FOR ALIBI. IT SAYS IN CASE IN CHIEF FOR CERTAIN
17 OTHER WITNESSES, BUT IN CASE IN CHIEF DOES NOT
18 APPLY TO ALIBI.

19 THE COURT: OF COURSE, I MEAN, IT'S
20 HARD FOR YOU TO SAY THAT IT CAUSES YOU PREJUDICE
21 WHEN YOU SERVED THE NOTICE OF ALIBI, WHICH MEANS,
22 THAT'S THE FIRST TIME THE STATE'S PUT ON NOTICE OF
23 ALIBI.

24 MR. HARPOOTLIAN: RIGHT.

25 THE COURT: AND SO -- AND YOU KNEW OF

1 THE AVAILABILITY OF THIS WITNESS.

2 MR. SWERLING: BUT WE ADOPTED TRIAL
3 STRATEGY BASED UPON THEIR SAYING WE'RE NOT CALLING
4 HER. I MEAN, TO -- AGAIN, WHAT I'M SAYING IS THE
5 FAILURE FOR THEM TO LIST HER AS A WITNESS AND THEY
6 LIST SEVEN OTHER PEOPLE STATES TO ME, IN JUST A
7 CLEAR INTERPRETATION OF WHAT IT MEANS UNDER THE
8 RULES, THAT WE'RE NOT CALLING ANYBODY ELSE. THESE
9 ARE THE PEOPLE WE'RE CALLING. THEY SENT US THREE
10 SEPARATE SUPPLEMENTAL NOTICES STATING THIS IS WHO
11 WE INTEND TO CALL. THEY DON'T LIST MRS. FIELDS, SO
12 I SEE IT AS THEY'RE SAYING, WELL, THEY'RE NOT GOING
13 TO CALL MRS. FIELDS. THEY'RE NOT CALLING ANYBODY
14 ELSE.

15 MR. HARPOOTLIAN: AND, YOUR HONOR, ANY
16 WITNESS THEY -- WE LISTED ALIBI AND WHO WOULD
17 SUPPORT THAT ALIBI. ANY WITNESS THEY'RE GOING TO
18 LIST WOULD TEND TO IMPEACH THOSE WITNESSES. THE
19 QUESTION IS JUST SIMPLY BECAUSE THEY CALL IT IN
20 REPLY AS IMPEACHMENT WITNESS -- AS AN IMPEACHMENT
21 WITNESS WITH IMPEACHMENT EVIDENCE DOESN'T MEAN THAT
22 IT SOMEHOW FALLS OUTSIDE THE PURVIEW OF THE RULE.
23 I UNDERSTAND YOUR RULING. I WOULD EXCEPT FROM IT.
24 BUT AT LEAST, IF YOU'RE GOING TO ALLOW IT, ALLOW IT
25 ON THE VERY NARROW -- THE NARROW GROUND.

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1 THE COURT: LET ME TALK TO Y'ALL OVER
2 HERE JUST A MINUTE.

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

5 MR. HARPOOTLIAN: IT WILL REMAIN
6 NARROW, THOUGH, YOUR HONOR --

7 MR. JONES: YES, SIR.

8 MR. HARPOOTLIAN: AS THE SOLICITOR JUST
9 SAID.

10 THE COURT: IF WE'RE GOING TO DO IT,
11 WE'RE GOING TO DO IT WIDE OPEN.

12 MR. SWERLING: JUDGE, CAN I PUT MY --
13 JUST SO -- I'D LIKE TO PUT THE NOTICES THAT THE
14 STATE PROVIDED ME IN THE RECORD.

15 THE COURT: SURE.

16 MR. SWERLING: AS COURT'S EXHIBITS.

17 COURT REPORTER: THAT AS ONE EXHIBIT,
18 YOUR HONOR?

19 THE COURT: ONE EXHIBIT.

20 COURT REPORTER: COURT'S NUMBER 23.

21 (WHEREUPON, COURT'S EXHIBIT NO. 23 WAS
22 MARKED FOR IDENTIFICATION ONLY.)

23 MR. SWERLING: THIS IS THE DEMAND PUT
24 ON THE STATE WITH THE CERTIFICATE OF SERVICE ON IT,
25 YOUR HONOR.

1 THE COURT: YES, SIR.

2 COURT REPORTER: DO YOU WANT THAT AS A
3 SEPARATE EXHIBIT?

4 MR. SWERLING: NO, IT CAN ALL BE -- GO
5 ALL TOGETHER.

6 THE COURT: ALL RIGHT, BRING THE JURY
7 IN.

8 MR. HARPOOTLIAN: YOUR HONOR, WE'D LIKE
9 TO REST ON THE RECORD, PLEASE.

10 THE COURT: OH, YEAH, ON THE RECORD,
11 SURE.

12 (WHEREUPON, THE JURY RETURNED TO OPEN
13 COURT AT 6:30 P.M.)

14 MR. SWERLING: YOUR HONOR, WILL YOU
15 ALLOW OUR OBJECTION TO RUN THROUGHOUT THE
16 TESTIMONY?

17 THE COURT: YES, SIR, IT WILL BE A
18 CONTINUING. AS TO THAT ISSUE NOW, IF THERE'S SOME
19 OTHER ISSUE YOU'D HAVE TO RAISE IT. MR. SWERLING?

20 MR. SWERLING: YES, SIR.

21 THE COURT: AS TO THAT ISSUE, YES. BUT
22 IF THERE'S ANY NEW ISSUE, YOU'D HAVE TO RAISE IT
23 CONTEMPORANEOUSLY.

24 MR. SWERLING: THAT'S THE ISSUES WE
25 UNDERSTAND SHE'S GOING TO TESTIFY ABOUT.

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