

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Newberry County

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

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S.C. Supreme Court

STEPHEN ANDREW BECKHAM,

PETITIONER,

vs.

STATE OF SOUTH CAROLINA,

RESPONDENT.

SUPPLEMENTAL APPENDIX

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

NEWBERRY, SOUTH CAROLINA
SEPTEMBER 14-OCTOBER 4, 1996

B E F O R E

HONORABLE HENRY F. FLOYD, JUDGE.

A P P E A R A N C E S

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

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

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1 WAIVE ATTORNEY-CLIENT? WHY DON'T WE PUT HIM ON THE
2 STAND AND FIND OUT.

3 THE COURT: WELL, THAT'S THE SIMPLEST
4 WAY TO GET AROUND IT, IF WARD WOULD WAIVE IT.

5 MR. HARPOOTLIAN: YEAH, LET'S HAVE MR.
6 WARD COME IN. LET ME GET HIM TO COME IN, YOUR
7 HONOR.

8 MR. JACKSON: YOUR HONOR, THE RULE I
9 CITED IS RULE 1.6. AND THE COMMENT THAT I QUOTED
10 IS AT THE BOTTOM OF PAGE 257 IN THE LEFT-HAND
11 COLUMN ABOUT THE LAWYER BEING CALLED AS A WITNESS.

12 MR. HARPOOTLIAN: COULD WE HAVE HIM
13 SWORN, YOUR HONOR?

14 THE COURT: NO, WAIT JUST A MINUTE.
15 WELL, YOU CAN GO AHEAD AND SWEAR HIM IN.

16 JERRY WARD, BEING DULY SWORN,
17 TESTIFIED AS FOLLOWS:

18 THE COURT: MR. WARD, MR. CULLER IS
19 HERE WITH MR. JACKSON. MR. JACKSON REPRESENTS MR.
20 CULLER IN THIS PROCEEDING, AND YOU KNOW MR. CULLER?

21 A YES, SIR.

22 THE COURT: AND HE PREVIOUSLY
23 REPRESENTED YOU?

24 A YES, YOUR HONOR.

25 THE COURT: YOU KNOW MR. JACKSON, AS

1 WELL?

2 A YES, YOUR HONOR.

3 THE COURT: OKAY. MR. CULLER HAS SOME
4 CONCERN ABOUT BEING CALLED AS A WITNESS IN THESE
5 PROCEEDINGS WHERE YOU MIGHT TESTIFY AND DOES NOT
6 WANT TO BE PUT IN THE POSITION OF REVEALING ANY
7 CONFIDENCE THAT YOU MAY HAVE DISCLOSED TO HIM UNDER
8 THE ATTORNEY/CLIENT PRIVILEGE IN CONNECTION WITH
9 YOUR CASES IN ORANGEBURG COUNTY.

10 A YES, SIR.

11 THE COURT: AND HE HAS A RIGHT TO
12 ASSERT THAT PRIVILEGE. YOU HAVE A RIGHT TO ASSERT
13 THAT PRIVILEGE AND INSIST ON IT. HE CAN'T WAIVE
14 IT, BUT YOU CAN. AND THE QUESTION IS, IS WHETHER
15 OR NOT YOU ARE WILLING FOR YOUR ATTORNEY TO WAIVE
16 THE ATTORNEY/CLIENT PRIVILEGE RELATING TO
17 DISCUSSIONS HE MAY HAVE HAD WITH SOLICITOR BAILEY
18 CONCERNING INFORMATION ABOUT DEFENDANTS JOHNSON,
19 BECKHAM AND OTHERS. DO YOU HAVE AN ATTORNEY
20 PRESENTLY REPRESENTING YOU IN ANY MANNER?

21 A NO, SIR.

22 THE COURT: DO YOU UNDERSTAND WHAT I
23 MEAN BY AN ATTORNEY/CLIENT PRIVILEGE?

24 A YES, SIR, I UNDERSTAND.

25 THE COURT: AND DO YOU UNDERSTAND THAT

1 THAT IS A PRIVILEGE THAT THE ATTORNEY MUST ASSERT,
2 UNLESS YOU WAIVE IT?

3 A YES, SIR, I UNDERSTAND.

4 THE COURT: ASSUMING THAT PRIVILEGE
5 EXISTS IN THIS SCENARIO, DO YOU WISH TO WAIVE THAT
6 ATTORNEY/CLIENT PRIVILEGE OR DO YOU WISH THAT HE
7 MAINTAIN IT? OR -- AND QUITE FRANKLY, YOU PROBABLY
8 SHOULD HAVE THE OPPORTUNITY TO TALK WITH MR.
9 CULLER?

10 A I WOULD LIKE TO DISCUSS IT WITH HIM.

11 THE COURT: SURE.

12 A THIS IS THE FIRST WE'VE HEARD OF IT.

13 THE COURT: ALL RIGHT. THAT'S THE
14 QUESTION I'M GOING TO PUT TO YOU. AND I WOULD GIVE
15 YOU THE OPPORTUNITY TO TALK WITH MR. CULLER,
16 BECAUSE HE'S THE ONE ASSERTING AT THIS POINT IN
17 TIME AT YOUR -- HE CAN'T WAIVE IT WITHOUT YOUR
18 APPROVAL --

19 A YES, SIR, I UNDERSTAND THAT.

20 THE COURT: THAT'S THE BOTTOM LINE.

21 A I UNDERSTAND THAT.

22 THE COURT: ALL RIGHT, THEN STAND DOWN
23 AND TALK TO MR. CULLER, THEN.

24 LET'S TAKE A SHORT RECESS WHILE THEY
25 TALK JUST A MINUTE.

1 (BRIEF RECESS OF THE RECORD)

2 THE COURT: MR. WARD INDICATES THAT HE
3 WILL WAIVE ANY ATTORNEY/CLIENT PRIVILEGE, ASSUMING
4 IT EXISTED, AND MR. CULLER CAN TESTIFY, OKAY?

5 IS THAT CORRECT, MR. WARD?

6 A YES, SIR.

7 THE COURT: ALL RIGHT, YOU CAN STAND
8 DOWN AND WE'LL SWEAR MR. CULLER.

9 I'M NOT SURE IT EXISTED, BUT IF IT DID,
10 IT'S TAKEN CARE OF.

11 MICHAEL CULLER, BEING DULY
12 SWORN, TESTIFIED AS FOLLOWS:

13 THE CLERK: HAVE A SEAT. PLEASE, STATE
14 YOUR NAME.

15 THE WITNESS: MICHAEL RODNEY CULLER,
16 JR., CALLED MICHAEL.

17 DIRECT EXAMINATION:

18 BY MR. HARPOOTLIAN:

19 Q MR. CULLER, WHERE DO YOU PRACTICE LAW?

20 A ORANGEBURG.

21 Q AND WHAT DO YOU DO IN ORANGEBURG?

22 A I'M THE CHIEF PUBLIC DEFENDER FOR
23 ORANGEBURG COUNTY.

24 Q FULL TIME PUBLIC DEFENDER?

25 A YES.

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- 1 Q HOW LONG HAVE YOU BEEN SO?
- 2 A I'VE BEEN IN THAT OFFICE FOR ABOUT FIVE
- 3 YEARS. I'VE BEEN THE HEAD PUBLIC DEFENDER FOR
- 4 ABOUT FOUR.
- 5 Q ALL RIGHT. LET ME JUST -- SINCE WE'RE
- 6 IN-CAMERA, JUST SORT OF CUT TO THE CHASE. YOU
- 7 REPRESENTED MR. WARD?
- 8 A I DID.
- 9 Q AND I BELIEVE MR. JEFFCOAT WAS
- 10 REPRESENTED BY MR. SIMS?
- 11 A YES.
- 12 Q AND THEY WERE CO-DEFENDANTS?
- 13 A THEY WERE.
- 14 Q NOW, MR. WARD WAS -- WHEN WAS HE MOVED
- 15 TO SAFEKEEPING?
- 16 A HE ESCAPED FROM ORANGEBURG AND WAS
- 17 MOVED, I BELIEVE, SHORTLY AFTER HIS RECAPTURE. I
- 18 THINK IT WAS APRIL OF --
- 19 Q 'NINETY-FIVE?
- 20 A 'NINETY-FOUR?
- 21 Q 'NINETY-FOUR, OKAY.
- 22 A HE ESCAPED AND WAS RECAPTURED SHORTLY
- 23 THEREAFTER.
- 24 Q NOW, UPON HIS -- WELL, LET ME ASK YOU
- 25 THIS. HAVE YOU GOT SOME HISTORY WITH MR. WARD?

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- 1 A YES.
- 2 Q PRIOR TO APRIL OF '94?
- 3 A I WAS APPOINTED TO REPRESENT HIM AUGUST
- 4 THE 30TH OF '93 AND HAD SPOKEN TO HIM A COUPLE OF
- 5 TIMES PRIOR TO THAT.
- 6 Q DURING YOUR REPRESENTATION OF HIM IN
- 7 1993, DID HE ATTEMPT TO -- AND WHAT WAS HE CHARGED
- 8 WITH IN '93, WAS IT THE CHARGE HE ULTIMATELY --
- 9 A YEAH, THE SAME THING.
- 10 Q OKAY. AND WHEN YOU FIRST MET WITH HIM
- 11 OR DEALT WITH HIM, DID HE AT ANY TIME INITIALLY
- 12 INDICATE TO YOU THAT HE COULD GET INFORMATION OR
- 13 HAD INFORMATION WHICH HE FELT WOULD BE HELPFUL OR
- 14 BENEFICIAL TO THE STATE AND THEREFORE, HELPFUL OR
- 15 BENEFICIAL TO HIM?
- 16 A HE DID, WITH RESPECT TO A THIRD CO-
- 17 DEFENDANT IN THE CASE IN WHICH HE WAS CHARGED.
- 18 Q ALL RIGHT. AND DID YOU COMMUNICATE
- 19 THAT TO THE SOLICITOR AT THAT TIME?
- 20 A YES, WE DISCUSSED THAT, MR. WILLIAMS
- 21 AND I DID.
- 22 Q AND WHAT WAS MR. WILLIAMS' REACTION TO
- 23 THAT?
- 24 A SUBSEQUENT TO THAT -- HE WAS
- 25 INTERESTED. IN AS MUCH AS HE WAS WE, SUBSEQUENT TO

- 1 THAT, HAD A MEETING --
- 2 Q THE MEETING WOULD BE WITH?
- 3 A WITH MR. WILLIAMS.
- 4 Q AND YOU?
- 5 A MYSELF, MR. WILLIAMS, MR. WARD, MR.
- 6 JEFFCOAT, MR. SIMS --
- 7 Q OKAY.
- 8 A -- DETECTIVE LAFRANCE.
- 9 Q WHEN WOULD THIS HAVE BEEN?
- 10 A SOMETIME IN, I THINK IT WAS DECEMBER OF
- 11 '94, WE MET.
- 12 Q IN DECEMBER OF '94. SO HE HAD ALREADY
- 13 ESCAPED, BEEN RECAPTURED AND WAS ON SAFEKEEPING AT
- 14 THAT TIME?
- 15 A RIGHT, RIGHT.
- 16 Q AND WHAT WAS THE -- OKAY, AT THAT
- 17 POINT, YOU GOT --
- 18 A I THINK IT WAS SEPTEMBER, LET ME
- 19 CORRECT THAT.
- 20 Q SEPTEMBER OF '94. AND AT THAT POINT,
- 21 WHAT WAS THE INTEREST OF THE -- NOW, THE DETECTIVE
- 22 WAS THE DETECTIVE INVOLVED IN THE ORIGINAL
- 23 SAFECRACKING, BURGLARY --
- 24 A RIGHT.
- 25 Q -- SCENARIO?

- 1 A RIGHT..
- 2 Q AND WHAT, IF ANY, REPRESENTATIONS DID
- 3 WARD AND JEFFCOAT MAKE TO YOU OR TO THE LAW
- 4 ENFORCEMENT THAT THEY COULD DO?
- 5 A WELL, WITH REGARD TO THE THIRD CO-
- 6 DEFENDANT, MR. WARD RELATED TO ME THAT THERE HAD
- 7 BEEN -- THIS INDIVIDUAL HAD AIDED HIM IN HIS
- 8 ESCAPE. THERE HAD BEEN A CAR LEFT AT THE
- 9 ORANGEBURG LAW ENFORCEMENT COMPLEX, AND THAT HE HAD
- 10 BEEN VERY HELPFUL IN GETTING JERRY OUT OF JAIL.
- 11 AND THAT HE BELIEVED THAT WITH VERY LITTLE
- 12 CONVERSATION ON THE TELEPHONE THAT HE COULD AGAIN,
- 13 GET THIS GENTLEMAN TO DO SOME THINGS THAT WOULD
- 14 IMPLICATE HIM IN TRYING TO HELP HIM ESCAPE A SECOND
- 15 TIME.
- 16 Q SO, AT THIS POINT, JERRY, MR. WARD, WAS
- 17 INDICATING THAT HE COULD PROACTIVELY GET THIS GUY
- 18 ON THE PHONE --
- 19 A RIGHT.
- 20 Q -- AND ELICIT FROM HIM INCRIMINATING
- 21 STATEMENTS; IS THAT CORRECT?
- 22 A YES.
- 23 Q AND WHAT WAS LAW ENFORCEMENT'S
- 24 RESPONSE?
- 25 A REMARKABLY, APATHETIC, WHICH IS THE

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1 REASON THAT HE STAYED IN JAIL FOR SO LONG.
2 Q REMARKABLY APATHETIC IN --
3 A I THOUGHT SO.
4 Q -- THAT THEY WERE NOT INTERESTED IN
5 DOING THAT?
6 A DIDN'T SEEM TO BE.
7 Q OKAY.
8 A NOTHING EVER OCCURRED THAT I CAN
9 REMEMBER WITH REGARD TO ANY KIND OF INVESTIGATION.
10 Q OKAY. NOW, WAS THERE ANYTHING ELSE HE
11 WAS LOOKING INTO FOR THEM, OTHER THAN THIS CO-
12 DEFENDANT? DID HE MENTION ANY OTHER --
13 A NO, AT THAT POINT, THAT WAS HIS MAIN
14 FOCUS. AND THAT WAS HIS MAIN SOURCE OF INFORMATION
15 AT THAT POINT IN TIME.
16 Q OKAY. WAS HE WRITING YOU LETTERS? I
17 SEE HE WAS WRITING THE SOLICITOR LETTERS.
18 A I RECEIVED A LOT OF LETTERS AND PHONE
19 CALLS, PRIMARILY PHONE CALLS.
20 Q BUT DID HE WRITE YOU LETTERS?
21 A HE SENT ME A COUPLE OF LETTERS.
22 Q DO YOU HAVE THOSE WITH YOU TODAY?
23 A I HAVE ALL KINDS OF LETTERS?
24 Q COULD I SEE THEM, PLEASE? AND WHILE
25 YOU'RE LOOKING FOR THOSE, LET ME ASK YOU IF THIS IS

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1 ACCURATE. AS I UNDERSTAND IT, NOT ONLY WAS HE
2 WRITING LETTERS TO THE SOLICITOR AND WRITING
3 LETTERS TO YOU, BUT IF YOU HAD RECEIVED LETTERS OR
4 INFORMATION FROM HIM, YOU WOULD APPARENTLY DISCUSS
5 THAT WITH EITHER MR. BAILEY OR MR. WILLIAMS?

6 A AT SOME POINT I DISCUSSED IT WITH MR.
7 BAILEY, I THINK, AND PROBABLY MR. WILLIAMS, AS
8 WELL, ALTHOUGH MY FOCUS OF THE CONVERSATION WAS
9 MOSTLY WITH JIMMY WILLIAMS, INITIALLY, BECAUSE WE
10 WERE TALKING ABOUT -- THESE ARE SOME LETTERS THAT
11 DON'T RELATE TO THAT.

12 Q COULD I SEE THEM ANYWAY --

13 A CERTAINLY.

14 Q -- SINCE HE'S WAIVED ATTORNEY-CLIENT?

15 A YEAH.

16 Q GO AHEAD AND LOOK FOR THOSE OTHER
17 LETTERS, PLEASE.

18 A MY CONVERSATIONS WERE MOSTLY WITH MR.
19 WILLIAMS BECAUSE AT THAT POINT IN TIME OUR FOCUS
20 WAS ON THIS THIRD CO-DEFENDANT THAT WE BELIEVED --
21 I SAY WE, MR. WARD AND I BELIEVED THAT HE COULD DO
22 SOME THINGS THAT WOULD BENEFIT HIM. LAW
23 ENFORCEMENT WAS NOT TERRIBLY INTERESTED, AS I SAY,
24 NOTHING EVERY CAME OF THAT. EXCEPT, THERE WAS A
25 MEETING I THINK IN DECEMBER, WHICH MR. WILLIAMS

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1 INDICATED TO US THAT THERE WAS A TWELVE-YEAR OFFER
2 FOR THE CHARGES THAT HE HAD. AND I DO NOT REMEMBER
3 ANYTHING OTHER THAN THAT OFFER EVER HAPPENING IN
4 TERMS OF -- IN TERMS OF US DOING ANYTHING AND NOT
5 COMPLETING IT OR WE DID OUR PART, I DON'T REMEMBER
6 ANY OF THAT. I JUST THINK THE TWELVE YEARS WAS
7 SORT OF HANGING OUT THERE AND THAT WAS ABOUT IT.

8 Q WHAT WAS HE FACING?

9 A WELL, ON SAFECRACKING, I THINK AT THE
10 TIME IT WAS A LIFE SENTENCE. HE HAD TWO OF THOSE,
11 HE HAD TWO GRAND LARCENIES, TWO BURGLARY SECONDS,
12 WHICH I THINK WERE VIOLENT. SO HE HAD QUITE A
13 LAUNDRY LIST OF THINGS. THAT'S ONE OF THEM.

14 MR. HARPOOTLIAN: YOUR HONOR, JUST GIVE
15 ME A MINUTE TO LOOK AT THESE, PLEASE.

16 Q (BY MR. HARPOOTLIAN) THE LETTER YOU
17 RECEIVED ON MARCH 22ND, 1995, CONCERNS VERY
18 SPECIFIC DETAILS, I THINK, OF WHAT HE'S FINDING OUT
19 ABOUT MR. JOHNSON. HE IS QUOTING FROM OFFICIAL
20 POLICE REPORTS IN THIS LETTER, IS HE NOT?

21 A I'D HAVE TO LOOK AT THE LETTER. I KNOW
22 THAT HE DID THAT WITH GREAT FREQUENCY.

23 Q POLICE REPORTS FROM MR. JOHNSON'S CASE?

24 A FROM THIS LETTER, IT WOULD APPEAR THAT
25 THAT IS WHAT IT IS FROM. THE SHERIFF'S DEPARTMENT

1 IS REFERENCED, WHICH I WOULD PRESUME WOULD BE A
2 GREENVILLE COUNTY.

3 Q WELL, I GUESS WHAT I'M ASKING YOU IS,
4 WERE YOU SUPPLYING HIM WITH POLICE REPORTS
5 CONCERNING --

6 A NO.

7 Q DO YOU KNOW WHERE HE WAS GETTING THOSE?

8 A NO.

9 Q DID HE EVER INDICATE TO YOU WHERE HE
10 GOT THOSE?

11 A MY RECOLLECTION, BRIEFLY, WAS THAT
12 THERE WAS SOME INDIVIDUAL WHO -- HIS CHARGES HAD
13 BEEN DISMISSED OR SOMETHING OF THAT NATURE. MR.
14 WARD HAD ASKED THIS INDIVIDUAL WHEN HE CAME -- HE
15 WAS TAKEN TO A HEARING IN HIS COUNTY, WHEN HE CAME
16 BACK, HE WAS LOCKED BACK UP ON SAFEKEEPING. MR.
17 WARD SAID, WHY ARE YOU BACK, I THOUGHT YOUR CHARGES
18 WERE DROPPED? SUBSEQUENT TO THAT, HE WAS
19 SUCCESSFUL IN GETTING THIS INDIVIDUAL RELEASED FROM
20 SAFEKEEPING AND HE BECAME LIKE JESUS IN THE
21 MARKETPLACE.

22 Q WHICH MEANS?

23 A WHICH MEANS EVERYBODY CAME AND TALKED
24 TO JERRY.

25 Q NOW, ISN'T IT TRUE, THOUGH, THAT JERRY

1 AT SOME POINT ACTUALLY GAVE YOU DOCUMENTS OF
2 STEPHEN BECKHAM'S?

3 A I DON'T REMEMBER ANY DOCUMENTS. THERE
4 WAS A VISIT THAT I MADE TO THE EDISTO UNIT AND HE,
5 I BELIEVE, AT THAT TIME, GAVE ME A -- THAT WAS, I
6 CAN'T REMEMBER WHEN, GAVE ME A PHONE NUMBER. AND
7 IT WAS PURPORTED TO BE A PHONE NUMBER OF --
8 RELATING TO MR. BECKHAM'S FAMILY AND IT WAS
9 SOMETHING TO THE EFFECT THAT MRS. WARD WOULD BE
10 ABLE TO CALL AND TELL HER -- TELL MRS. BECKHAM
11 WHERE HER SON WAS. I THINK AT THAT POINT HE HAD
12 NOT YET --

13 Q BUT, MR. CULLER, DIDN'T HE INDICATE TO
14 YOU THAT HE HAD GOTTEN A HOLD OF MR. BECKHAM'S
15 DOCUMENTS -- SOME OF MR. BECKHAM'S DOCUMENTS AT
16 SOME POINT?

17 A NO, I DON'T REMEMBER HIM SAYING THAT.

18 Q YOU DON'T HAVE ANY KNOWLEDGE ABOUT
19 THAT?

20 A NO.

21 Q WHEN -- I SUPPOSE MY QUESTION IS, YOUR
22 MEET -- HE'S WRITING LETTERS TO THE SOLICITOR IN
23 FEBRUARY AND MARCH OF 1995?

24 A RIGHT.

25 Q AND WHEN HE'S WRITING THESE LETTERS TO

1 THE SOLICITOR, HE'S ALSO TALKING TO YOU AND YOU'RE
2 TALKING TO THE SOLICITOR?

3 A YES, HE CIRCUMVENTED ME GOING TO THEM
4 AND GOING THROUGH ME TALKING TO THEM. SO, HE'S
5 TAKING BOTH ROUTES.

6 Q AND IN THOSE LETTERS, HE'S INDICATING
7 TO THE SOLICITOR AND IS HE INDICATING TO YOU THAT
8 NOT ONLY DOES HE HAVE INFORMATION ON MR. JOHNSON,
9 BUT THERE ARE OTHER PEOPLE IN THERE WHO CONFIDE IN
10 HIM AND TALK TO HIM; IS THAT CORRECT?

11 A SURE, HE TOLD ME THAT.

12 Q HE TOLD YOU THAT AND HE'S TELLING MR.
13 BAILEY THAT IN ONE OF THE LETTERS THAT I READ -- OR
14 PUBLISHED JUST A MOMENT AGO; ISN'T THAT CORRECT?

15 A I THINK THE INFERENCE IS CERTAINLY
16 THERE, YES.

17 Q SO WHEN YOU'RE TALKING TO MR. BAILEY
18 ARE YOU -- I MEAN, AND YOU'RE TALKING ABOUT MR.
19 WARD, THEY'VE MADE A TWELVE-YEAR OFFER, BUT YOU
20 WANT BETTER THAN A TWELVE-YEAR OFFER AND HE WANTS
21 BETTER THAN A TWELVE-YEAR OFFER; ISN'T THAT
22 CORRECT?

23 A YES.

24 Q AND SO WHEN YOU'RE TALKING TO MR.
25 BAILEY, YOUR INTENTION IS -- AND MR. WARD KNOWS

1 THIS, IS TO GET HIM SOMETHING BETTER THAN TWELVE
2 YEARS?

3 A I WOULDN'T DOUBT THAT THAT'S A LOGICAL
4 CONCLUSION.

5 Q I MEAN, YOU COULD HAVE PLED FOR TWELVE
6 YEARS --

7 A YEAH, ABSOLUTELY.

8 Q -- ON JANUARY 1, 1995, CORRECT?

9 A YEAH.

10 Q YOU COULD HAVE WALKED IN AND SAID I
11 WANT TO PLEAD GUILTY AND TAKE THE TWELVE-YEAR
12 OFFER?

13 A RIGHT.

14 Q MR. WARD AND MR. JEFFCOAT COULD HAVE
15 DONE THAT; IS THAT CORRECT?

16 A THAT'S CORRECT.

17 Q BUT THEY WANTED BETTER THAN TWELVE
18 YEARS?

19 A YES.

20 Q AND MATTER OF FACT, WHEN ALL THIS IS
21 THROUGH, THEY GET MUCH BETTER THAN TWELVE YEARS?

22 A THEY GOT HALF OF THAT AND AS IT TURNED
23 OUT, SUSPENDED TO TIME SERVED.

24 Q OKAY. SO THEY GOT, NOT TWELVE YEARS,
25 BUT THEY GOT TIME SERVED, WHICH WAS ABOUT A YEAR

1 AND A HALF?

2 A PLED IN JUNE OF '96, HE WAS
3 INCARCERATED IN JULY OF '93, PLUS OR MINUS TWO OR
4 THREE YEARS; IT WAS A LITTLE WHILE.

5 Q LITTLE WHILE. SO AS -- I MEAN THERE'S
6 NO QUESTION THAT AT ANY POINT DURING THAT PERIOD IN
7 1995, THEY COULD HAVE WALKED IN AND TAKEN THE
8 TWELVE. BUT HE APPARENTLY THOUGHT AND YOU
9 APPARENTLY THOUGHT THAT HE COULD DO BETTER THAN
10 TWELVE IF HE COOPERATED OR DID SOMETHING?

11 A I THINK HE PROBABLY BELIEVED THAT HE
12 COULD DO BETTER. AT THE POINT IN TIME THAT WE'RE
13 TALKING ABOUT, I HAD A DEATH PENALTY CASE OF MY OWN
14 THAT I WAS DEFENDING COMING UP. AND I THINK THAT
15 MAY BE SOME OF THE REASON THAT HE CIRCUMVENTED ME.
16 SO IT WASN'T THAT HE WAS GETTING A WHOLE LOT OF
17 ENCOURAGEMENT FROM ME AT THAT POINT TO DO ANYTHING.

18 Q WELL, HE'S CERTAINLY WRITING LETTERS TO
19 THE SOLICITOR. AND ANY COMMUNICATION YOU HAD, HE
20 WAS INDICATING HE WAS EXPECTING SOMETHING, A QUID
21 PRO QUO, CORRECT?

22 A I WOULD THINK THAT'S A LOGICAL
23 CONCLUSION.

24 Q AND YOU WEREN'T TELLING HIM HE WAS NOT
25 GOING TO GET A QUID PRO QUO?

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1 A NO.

2 Q AND THE SOLICITOR WASN'T TELLING HIM HE

3 WOULDN'T GET A QUID PRO QUO?

4 A NO, NOT THAT I REMEMBER.

5 Q AND YOU WEREN'T TELLING HIM THAT THE

6 SOLICITOR SAID, FORGET IT, CLOSE THE DEAL, NO MORE,

7 NO LESS?

8 A MR. WILLIAMS WAS SAYING THAT.

9 Q MR. WILLIAMS WAS SAYING TWELVE NO

10 MATTER WHAT?

11 A HE WAS SAYING TWELVE, TWELVE, TWELVE.

12 Q WELL, WHY WEREN'T YOU TAKING THE

13 TWELVE?

14 A WELL, MR. WARD WAS UNHAPPY WITH THE

15 TWELVE. AND HE BELIEVE, I SUPPOSE, THAT --

16 Q IF HE DID SOME WORK FOR THE POLICE, HE

17 COULD DO BETTER THAN TWELVE?

18 A THAT HE COULD DO BETTER FOR HIMSELF AND

19 SOMEHOW, YEAH.

20 Q IF HE DID SOMETHING FOR THE STATE;

21 ISN'T THAT CORRECT?

22 A I WOULD THINK THAT'S HIS THOUGHT

23 PROCESS.

24 Q I MEAN, YOU'RE --

25 A I CAN'T TELL YOU WHAT HE THINKS, BUT

- 1 THAT'S A LOGICAL CONCLUSION, YEAH.
- 2 Q WELL, ISN'T THAT WHAT HE'S SAYING IN
- 3 THE LETTER TO MR. BAILEY? ISN'T THAT WHAT HE'S
- 4 SAYING IN THE LETTERS TO YOU? "I'VE GOT AN ASSET
- 5 THAT I CAN TRADE," ISN'T THAT WHAT HE'S SAYING?
- 6 A YEAH, I THINK HE PROBABLY IS SAYING
- 7 THAT.
- 8 Q OKAY. AND YOU'RE CONSULTING WITH HIM,
- 9 YOU'RE HIS LAWYER?
- 10 A SURE.
- 11 Q AND YOU'RE COMMUNICATING WITH THE
- 12 STATE? AND CERTAINLY, HE WOULD HAVE THOUGHT --
- 13 THERE WASN'T ANYTHING TO MAKE HIM THINK THAT WAS
- 14 NOT GOING TO HAPPEN, WAS THERE?
- 15 A THERE WAS NOT A -- I NEVER TOLD HIM,
- 16 BECAUSE MR. BAILEY AND I NEVER GOT DOWN TO THE
- 17 BRASS TACKS OF HIS YEARS, IN TERMS OF CUTTING THE
- 18 DEAL UNTIL NOVEMBER. BUT I NEVER TOLD HIM, "OH,
- 19 STOP," OR, "THIS IS WONDERFUL, CONTINUE TO DO
- 20 THIS." BUT HE IS --
- 21 Q WELL, LET ME ASK YOU THIS. THE STATE
- 22 KNEW THAT HE WAS DOING THIS IN FEBRUARY OF '95,
- 23 THAT HE WROTE A LETTER TO MR. BAILEY AND MR. BAILEY
- 24 TALKED TO YOU ABOUT IT, CORRECT?
- 25 A RIGHT.

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- 1 Q TWO, HE THOUGHT, YOU THOUGHT AND YOU
2 REPRESENTED TO THE STATE THAT HE WAS GOING TO
3 EXPECT SOMETHING IN EXCHANGE FOR THAT; IS THAT
4 CORRECT? NOW, NOT THAT HE WOULD GET IT, BUT HE
5 EXPECTED IT?
- 6 A I DON'T KNOW THAT I MADE THAT
7 REPRESENTATION TO ANYBODY.
- 8 Q HE DID, THOUGH, DIDN'T HE, IN THESE
9 LETTERS?
- 10 A OH, I'M SURE HE PROBABLY DID.
- 11 Q OKAY. AND THREE, WHEN HE SAID THAT "I
12 EXPECT SOMETHING IN RETURN," NO ONE COMM -- YOU
13 DIDN'T COMMUNICATE TO HIM AND CERTAINLY, THE
14 SOLICITOR DIDN'T TELL YOU TO TELL HIM -- THAT IS
15 SOLICITOR BAILEY HE WROTE IN FEBRUARY, MARCH AND
16 JUNE, TO FORGET IT?
- 17 A NO.
- 18 Q AND ONLY HE WAS PAID FOR HIS
19 COOPERATION; IS THAT CORRECT?
- 20 A HE WAS PAID FOR HIS COOPERATION IN THE
21 FIRST CIRCUIT. THAT WAS THE FOCUS OF WHAT OUR
22 NEGOTIATIONS IN NOVEMBER AND THEREAFTER WERE, WAS
23 THE TWO CASES, MR. ROGER DALE JOHNSON AND ALSO, MR.
24 GARDNER, WHICH WAS A DORCHESTER COUNTY CASE.
- 25 Q BUT PRIOR -- I MEAN, SORT OF THE ICING

- 1 ON THE CAKE, DIDN'T HE ALSO GIVE INFORMATION ON
2 OTHER CASES, INCLUDING THIS ONE? HOW DID YOU COME
3 ABOUT TO KNOW ABOUT MR. BECKHAM AND THAT
4 INFORMATION?
- 5 A HOW DID I COME TO KNOW ABOUT IT?
- 6 Q APPARENTLY, YOU'RE THE ONE THAT BROUGHT
7 IT TO MR. BAILEY.
- 8 A I THINK THAT MR. GARDNER WAS GOING TO
9 GO TO TRIAL, I THINK IT WAS IN DECEMBER OF '95, I
10 DON'T EVEN REMEMBER NOW. BUT MR. WARD WAS
11 CONCERNED THAT HIS OPPORTUNITIES WERE GOING TO
12 EVAPORATE IF WE DID NOT ACT QUICKLY. AND SO, I
13 THINK HE PROBABLY MADE ME AWARE SOMETIME MARCH,
14 APRIL OF '96, THAT THERE WERE THESE OTHER PEOPLE
15 OUT THERE, THAT THERE WERE CASES IN OTHER CIRCUITS
16 THAT HE HAD INFORMATION ON. IT MAY HAVE BEEN PRIOR
17 TO THAT, BUT FEBRUARY, MARCH, SOMETIME IN THAT TIME
18 FRAME.
- 19 Q IF SOLICITOR BAILEY TOLD SOLICITOR
20 JONES LATE SEPTEMBER OF '95?
- 21 A OKAY, WELL, HE TALKED TO ME JUST ABOUT
22 DAILY --
- 23 Q WELL --
- 24 A -- IN MY OFFICE. SO IT'S ENTIRELY
25 POSSIBLE THAT AT SOME POINT -- HE WAS PUSHING AND

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1 WANTED THIS INFORMATION TO BE PASSED ON.

2 Q HE WAS CALLING YOU IN YOUR OFFICE?

3 A OH, YES, WANTED TO MEET WITH THE
4 SOLICITOR, WANTED TO MEET WITH MR. BAILEY AND TALK
5 TO HIM ONE ON ONE.

6 Q WHEN WAS IT -- YOU DON'T REMEMBER WHEN
7 YOU RELATED TO MR. BAILEY THAT HE HAD INFORMATION
8 ON MR. BECKHAM?

9 A PRESUMABLY, PRIOR TO SEPTEMBER OF '95,
10 I DON'T REMEMBER. THERE WERE SO MANY THINGS THAT
11 HE RELATED IN SO MANY DIFFERENT CASES, THAT I DON'T
12 HAVE A CATALOG OF WHAT HE TOLD ME.

13 Q SO HE'S CONTINUING TO RELATE TO YOU
14 INFORMATION IN OTHER CASES AND YOU'RE RELATING THAT
15 TO MR. BAILEY AS YOU GOT IT?

16 A PROBABLY IN PASSING, NOT ANYTHING
17 SIGNIFICANT IN TERMS OF MATERIAL BECAUSE, AGAIN, I
18 THOUGHT THAT OUR FOCUS WAS ON THE FIRST CIRCUIT.
19 BUT THERE'S NO QUESTION, YOU KNOW, OF SOME OF THESE
20 OTHER THINGS POPPING UP.

21 Q AND WAS HE -- I MEAN, CERTAINLY, HIS
22 THRUST WAS, THE MORE HE GOT, THE BETTER OFF HE
23 WOULD BE?

24 A HIS THRUST, WHAT DO YOU MEAN, MR.
25 BAILEY'S THRUST?

- 1 Q NO, MR. WARD?
- 2 A OH, YEAH, I'M SURE, NO QUESTION.
- 3 Q AND THERE'S NO QUESTION THAT MR. WARD
- 4 WAS COMMUNICATING IT TO YOU AND YOU WERE
- 5 COMMUNICATING IT TO MR. BAILEY?
- 6 A NOT IN THE SAME MANNER. HE WOULD
- 7 COMMUNICATE A LOT MORE DETAIL ABOUT SOME OF THESE
- 8 CASES TO ME AND ASK ME TO CALL DIFFERENT
- 9 SOLICITORS, PERHAPS, AND SEE WHAT WE COULD DO. HE
- 10 WAS VERY CONCERNED THAT HIS TIME WOULD PASS AND
- 11 THAT HE WOULDN'T GET HIS DEAL.
- 12 Q HE WOULDN'T GET CREDIT, PAID,
- 13 COMPENSATION, SOME REWARD FOR COMMUNICATING THIS
- 14 INFORMATION?
- 15 A YES, I THINK THAT'S FAIR.
- 16 Q NOW, LET ME ASK YOU. THESE LETTERS
- 17 THAT HE WAS ACQUIRING FOR -- OR GETTING FROM MR.
- 18 JOHNSON, THAT HAPPENED IN THE SPRING OF 1995,
- 19 CORRECT?
- 20 A YEAH.
- 21 Q AND HE WAS ACTUALLY GETTING DOCUMENTS,
- 22 LETTERS?
- 23 A DOCUMENTS, DIAGRAMS.
- 24 Q ALL KINDS OF STUFF. HOW WAS THAT BEING
- 25 GIVEN TO THE STATE? WAS IT COMING TO YOU AND THEN

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1 GOING TO THE STATE OR WAS IT GOING STRAIGHT TO --
2 WAS HE CIRCUMVENTING YOU AGAIN?

3 A I CAN'T SAY IN TERMS OF WHAT HE DID,
4 YOU KNOW, THAT I WASN'T INVOLVED IN, OBVIOUSLY.
5 BUT HE GAVE ME A SHEATH OF INFORMATION THAT I -- ON
6 ROGER DALE JOHNSON, PASSED ON TO MR. BAILEY AT SOME
7 POINT, I THINK IN --

8 Q SPRING OF '9 --

9 A THE SPRING OR SUMMER OF '95, AND IT WAS
10 SORT OF, "WHAT IS THIS, IS THIS LEGITIMATE?" AND I
11 THINK THAT'S ABOUT AS FAR AS WE WENT.

12 Q OKAY. AND WE KNOW THAT IN -- ALSO,
13 AROUND THAT SAME TIME THAT -- WE ALSO KNOW THAT
14 DURING THIS SAME PERIOD OF TIME HE WROTE A LETTER
15 TO -- THAT WOULD BE IN MAY OF '95 TO MR. BAILEY, IN
16 WHICH HE INDICATES, "I AM SURE THAT GIVEN AN
17 OPPORTUNITY TO DO SO," THAT IS, COOPERATE, TO
18 CONFER WITH YOU AND COOPERATE, "WOULD ENLIGHTEN YOU
19 WITH SOME VERY FAVORABLE ASSETS ON OUR BEHALF."
20 NOW AT THAT POINT DOES HE -- HE'S TALKING ABOUT
21 MORE THAN JUST THE JOHNSON MATERIAL AND HE'S
22 APPARENTLY REFLECTING THAT THE JOHNSON MATERIAL HAS
23 ALREADY BEEN DELIVERED, THAT IS, THE NOTES, AND HE
24 GOES INTO VERY SPECIFIC THINGS.

25 "I'M SURE YOU'RE AWARE OF CERTAIN

1 COMMUNICATIONS BETWEEN MYSELF AND OTHER PEOPLE ON
2 SAFEKEEPING STATUS. WHILE I AM CONSIDERED TO BE
3 ONE OF THE MORE INTELLIGENT PEOPLE CONFINED HERE,
4 I'M OFTEN TIMES ASKED TO EXPRESS MY OPINION," BLAH,
5 BLAH, BLAH; IS THAT CORRECT?

6 A YES, SIR.

7 Q NOW, YOU, AS AN ATTORNEY, KNEW THAT
8 THESE PEOPLE WERE -- MANY OF THEM WERE REPRESENTED;
9 IS THAT CORRECT?

10 A I DIDN'T KNOW WHO ALL HE WAS TALKING
11 TO, BUT THE TWO OR THREE THAT WERE MENTIONED,
12 GARDNER, WAS COMING UP, I THINK, THE END OF '95.
13 MR. -- THE GENTLEMAN FROM CALHOUN COUNTY, ROGER
14 DALE JOHNSON, I THINK HAD HIS COUNSEL CHANGED OR
15 SOMETHING, BUT YEAH, I WAS AWARE THAT MR. GARDNER
16 HAD AN ATTORNEY.

17 Q AND THAT THEY WERE CONFINED,
18 REPRESENTED AND CONFINED? I MEAN THEY WERE IN
19 SAFEKEEPING --

20 A YEAH, SURE, OBVIOUSLY.

21 Q -- STATUS WITH HIM. AND THEY WERE
22 UNDER INDICTMENT AT THE TIME OF THESE
23 CONVERSATIONS?

24 A -- YOU KNOW, I CAN'T --

25 Q THEY HAD BEEN FORMALLY CHARGED?

- 1 A YEAH.
- 2 Q NOW, CERTAINLY, MR. WARD, BASED ON WHAT
- 3 HE TOLD YOU, WASN'T INDICATING THAT HE WAS
- 4 REPRESENTING TO THEM THAT HE WAS ANYTHING MORE THAN
- 5 AN INMATE?
- 6 A NO, I WOULDN'T SUSPECT THAT HE DID.
- 7 Q DO YOU KNOW WHETHER HE INITIATED
- 8 CONVERSATIONS WITH THESE PEOPLE OR NOT?
- 9 A I DON'T KNOW.
- 10 Q OKAY. AND -- THEN YOU COULDN'T DENY
- 11 THAT HE DID INITIATE CONVERSATIONS?
- 12 A I CAN'T CONFIRM NOR DENY.
- 13 Q OKAY. NOW, HE DID TESTIFY IN MR.
- 14 JOHNSON'S CASE; IS THAT CORRECT?
- 15 A YES.
- 16 Q WHO ELSE'S CASE DID HE TESTIFY IN?
- 17 A MR. GARDNER, WHICH WAS A DORCHESTER
- 18 COUNTY CASE.
- 19 Q AND BOTH OF THOSE ARE CASES IN WHICH HE
- 20 PROVIDED INFORMATION TO THE STATE IN THE SPRING OF
- 21 1995; IS THAT CORRECT?
- 22 A I BELIEVE THAT'S CORRECT.
- 23 Q OKAY. NOW, IT WAS AFTER PROVIDING THAT
- 24 INFORMATION, THAT SHEATH OF INFORMATION TO YOU IN
- 25 THE SPRING OF 1995 AND, AT WHICH TIME, HE HAD

1 RELATED THIS INFORMATION TO THE STATE, HE HAD A
2 TWELVE-YEAR OFFER ON THE TABLE, WAS EXPECTING
3 SOMETHING MORE IF HE COULD HELP THAT HE -- IT WAS
4 AFTER THAT THAT HE PROVIDED YOU WITH INFORMATION TO
5 COMMUNICATE TO MR. BAILEY ABOUT MR. BECKHAM OVER
6 HERE; ISN'T THAT CORRECT?

7 A I DON'T THINK HE -- HE DIDN'T
8 SPECIFICALLY TELL ME, "CALL MR. JONES AND TELL HIM
9 WHAT'S GOING ON." HE DIDN'T SPECIFICALLY SAY, CALL
10 MR. BAILEY AND TELL HIM WHAT'S GOING ON. BUT THERE
11 WERE A SERIES OF OTHER CASES, IN ADDITION TO MR.
12 BECKHAM.

13 Q AND -- I MEAN, HE'S RELATING THIS TO
14 YOU SO YOU CAN USE IT TO BUY HIM LESS TIME; ISN'T
15 THAT CORRECT?

16 A I THINK AT THAT POINT THAT'S WHAT HE'S
17 THINKING, SURE.

18 Q YEAH, I MEAN THAT'S WHAT HE'S SAYING.

19 A YEAH.

20 Q THE WAY HE'S COMMUNICATING TO YOU IS HE
21 WANTS SOMETHING, A QUID PRO QUO FOR INFORMATION?

22 A RIGHT.

23 Q HE WAS NEVER PAID ANY MONEY, WAS HE?

24 A NOT TO MY KNOWLEDGE.

25 Q AND WHILE HE WAS IN THE DEPARTMENT OF

1 CORRECTIONS IN SAFEKEEPING, DO YOU KNOW WHETHER OR
2 NOT HE WAS MEETING WITH INTERNAL INVESTIGATION
3 PEOPLE FROM THERE AND ACTING ON THEIR BEHALF IN
4 GATHERING INFORMATION?

5 A I HAVE NO IDEA.

6 Q HE NEVER RELATED THAT TO YOU?

7 A NEVER MENTIONED ANYTHING ABOUT THAT.

8 Q DID HE -- ARE YOU AWARE OF ANY LETTERS
9 THAT HE WROTE TO THE WARDEN TRYING TO INFORM ON
10 OTHER INMATES THERE?

11 A NO.

12 MR. HARPOOTLIAN: BEG THE COURT'S
13 INDULGENCE?

14 Q (BY MR. HARPOOTLIAN) OTHER THAN THE
15 FILE YOU WERE GIVEN IN THE SPRING OF '95 CONCERNING
16 MR. JOHNSON, ARE YOU TELLING US YOU WERE NEVER
17 GIVEN ANY DOCUMENTS THAT RELATED TO MR. BECKHAM BY
18 MR. WARD OR MR. JEFFCOAT?

19 A I WAS NEVER GIVEN ANY DOCUMENTS
20 RELATING TO MR. BECKHAM BY MR. WARD.

21 Q ANY PAPERS OTHER THAN THAT PHONE
22 NUMBER?

23 A NO, I DON'T REMEMBER -- THERE MAY HAVE
24 BEEN A LETTER, A BRIEF LETTER OF SOME KIND WITH THE
25 PHONE NUMBER IN IT. THAT WAS BASICALLY IT; IT

- 1 WASN'T ANYTHING OF SUBSTANCE.
- 2 Q NOTHING RELATING -- MR. WARD NEVER
- 3 INDICATED TO YOU THAT HE HAD STOLEN ANYTHING OUT OF
- 4 MR. BECKHAM'S CELL?
- 5 A NO.
- 6 Q HOW ABOUT THAT MR. JEFFCOAT HAD?
- 7 A I DON'T KNOW WHAT MR. JEFFCOAT HAD.
- 8 Q NO, DID MR. WARD RELATE TO YOU THAT MR.
- 9 JEFFCOAT HAD?
- 10 A OH, NO.
- 11 Q OKAY.
- 12 THE COURT: ALL RIGHT, CROSS --
- 13 ARE YOU THROUGH, MR. HARPOOTLIAN?
- 14 MR. HARPOOTLIAN: YES.
- 15 THE COURT: CROSS-EXAMINATION.
- 16 MR. COULTER: JUST VERY BRIEFLY.
- 17 CROSS-EXAMINATION:
- 18 BY MR. COULTER:
- 19 Q MR. CULLER, IT WAS MR. WARD WHO WAS
- 20 ATTEMPTING TO INITIATE ALL THIS CONTACT WITH THE
- 21 STATE PRIMARILY WITH THE FIRST CIRCUIT, CORRECT?
- 22 A YES.
- 23 Q AND THAT HE WAS PRETTY DILIGENT AND
- 24 PERSISTENT IN TRYING TO GET THAT CONTACT, CORRECT?
- 25 A OBVIOUSLY, YES.

1 Q ALL RIGHT. AND IT WASN'T UNTIL
2 NOVEMBER OF '95 THAT YOU ACTUALLY WERE ABLE TO GET
3 A MEETING WITH THE STATE -- WITH THE FIRST CIRCUIT,
4 DOES THAT SOUND ABOUT RIGHT?

5 A YES.

6 Q AND NOBODY IN THE FIRST CIRCUIT
7 SOLICITOR'S OFFICE EVER DIRECTED MR. WARD TO GET
8 INFORMATION FROM MR. BECKHAM, DID THEY?

9 A NO.

10 Q AND NOBODY IN THE FIRST CIRCUIT EVER
11 ASKED YOU TO DIRECT MR. WARD TO GET INFORMATION
12 FROM MR. BECKHAM, DID THEY?

13 A NO.

14 Q AND IT WASN'T UNTIL SOMETIME IN MID-
15 NOVEMBER OF '95 THAT YOU ACTUALLY DID COME UP WITH
16 SOME NEGOTIATION IN REGARD TO TESTIMONY INTO OTHER
17 FIRST CIRCUIT CASES; ISN'T THAT CORRECT?

18 A THAT'S CORRECT.

19 Q AND THAT HAD NOTHING TO DO WITH
20 ANYTHING INVOLVING MR. BECKHAM, DID IT?

21 A THAT'S NOT WHAT WE TALKED ABOUT, NO.

22 Q OKAY. OKAY, THANK YOU.

23 THE COURT: MR. CULLER, WHEN DID HE GET
24 THE SIX-YEAR RECOMMENDATION?

25 A I BELIEVE THAT MR. BAILEY AND I HAD

1 TALKED ABOUT THAT IN NOVEMBER OF '95.

2 THE COURT: AND WHEN DID --

3 A SUBSEQUENT, YOU KNOW, TO HIS TESTIMONY
4 AND COOPERATION IN THOSE TWO MATTERS.

5 THE COURT: AND WHEN DID JUDGE BROWN
6 GIVE HIM THE SENTENCE THAT HE DID?

7 A JUNE OF '96.

8 THE COURT: JUNE OF '96, IN ORANGEBURG
9 COUNTY?

10 A NO, SIR, IT WAS DONE IN -- I BELIEVE IT
11 WAS DONE IN DORCHESTER COUNTY.

12 THE COURT: DORCHESTER. AND THE
13 BECKHAM MATERIAL THAT WAS CONVEYED, THAT WAS IN
14 SEPTEMBER OF '95?

15 A I BELIEVE THAT'S RIGHT, YOUR HONOR, IT
16 WAS AFTER A MEETING THAT WE HAD. I THINK IT WAS --
17 MAY HAVE BEEN.

18 THE COURT: SEPTEMBER OR OCTOBER?

19 A YES.

20 THE COURT: ALL RIGHT, THANK YOU, SIR.
21 CALL YOUR NEXT WITNESS.

22 MR. HARPOOTLIAN: THAT WOULD BE ALL
23 WE'D HAVE, YOUR HONOR. WELL....

24 THE COURT: MR. HARPOOTLIAN, MR. CULLER
25 NEEDS HIS LETTERS.

1 MR. HARPOOTLIAN: YES, YOUR HONOR.

2 WE'RE HAVING COPIES MADE, WE'RE GOING TO MAKE PART
3 OF THE RECORD, ONE OF THEM, ANYWAY. WE'RE DOING IT
4 RIGHT NOW.

5 THE COURT: CAN YOU HANG ON JUST ONE
6 MINUTE?

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

8 MR. HARPOOTLIAN: IN A HURRY?

9 MR. CULLER: NO.

10 THE COURT: ARGUMENTS?

11 MR. HARPOOTLIAN: WELL, YOUR HONOR --
12 YOUR HONOR, I THINK THIS CASE FALLS SQUARELY. WE'D
13 ASK YOU TO SUPPRESS ANY TESTIMONY BY WARD OR
14 JEFFCOAT. IT'S CLEAR -- AND LET ME SAY THIS. AS
15 TO MR. JEFFCOAT, HE IS BASICALLY TAGGING ALONG WITH
16 MR. WARD IN TERMS OF HIS RELATIONSHIP. THAT THE
17 LETTERS ARE CLEAR THAT IN FEBRUARY OF 1995, THE
18 DEFENDANT HAS ESTABLISHED A RELATIONSHIP WITH THE
19 SOLICITOR BY WRITING A LETTER AND TELLING HIM HE
20 HAS INFORMATION.

21 HE SENDS HIM ANOTHER LETTER AGAIN IN
22 THE -- IN MAY OF 1995. IT'S CLEAR FROM THIS
23 LETTER, YOUR HONOR -- AND WE WOULD LIKE THESE MADE
24 A PART OF THE RECORD, THAT HE IS FERRETING OUT
25 INFORMATION ON BEHALF OF THE STATE. AND WHILE MR.

1 BAILEY HAS NOT INDICATED THAT HE IS GOING TO DO
2 ANYTHING POSITIVE FOR HIM, THE FACT IS, THAT
3 THERE'S AN ONGOING DISCUSSION BETWEEN MR. BAILEY,
4 MR. CULLER, MR. SIMS AND MR. WILLIAMS -- AND AT
5 LEAST IN THE SPRING OR RIGHT PRIOR TO THIS LETTER
6 OF MAY OF '95, THERE ARE MEETINGS -- THERE'S A
7 MEETING BETWEEN MR. CULLER, MR. SIMS, MR. WILLIAMS,
8 THE OFFICER INVOLVED IN INVESTIGATING THE ORIGINAL
9 SAFECRACKING AND ESCAPE AND THEY ACTUALLY ASK HIM
10 OR DISCUSS AT THAT POINT HIM TAKING SOME VERY
11 PROACTIVE ROLE.

12 THERE'S NO QUESTION MR. WARD, ACCORDING
13 TO HIS ATTORNEY, WANTS TO GET SOME CONSIDERATION.
14 I DON'T THINK THERE'S ANY QUESTION THAT THE -- THAT
15 MR. WARD IS EXPECTING PAY -- WHEN I SAY PAY, NOT
16 CASH, BUT IS EXPECTING A REDUCED SENTENCE IN
17 EXCHANGE FOR HIS COOPERATION. I WOULD NOTE THAT HE
18 ULTIMATELY GETS THAT.

19 THE QUESTION IS, IS HIS -- ARE HIS
20 EFFORTS ON BEHALF OF THE STATE IN REFERENCE TO MR.
21 JOHNSON AND I GUESS, MR. GARDNER, IN THE SPRING OF
22 '95 -- AND THERE WAS SOME REFERENCE MADE TO A PRIOR
23 RULING AS TO WHETHER THAT WAS A MESSIAH VIOLATION
24 OR NOT. HE MAY NOT HAVE VERY WELL BEEN AN
25 INFORMANT UNDER MESSIAH WHEN HE TALKED TO GARDNER

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1 OR WHEN HE TALKED TO JOHNSON. HOWEVER, A PACKET OF
2 INFORMATION THAT HE GATHERS, NOTES THAT HE GETS
3 FROM JOHNSON, SKETCHES OR WHATEVER, IS MADE -- IS
4 GIVEN TO MR. CULLER, WHICH IS THEN GIVEN TO THE
5 STATE IN THE SPRING OF '95.

6 REMEMBER, YOUR HONOR, THAT MR. BECKHAM
7 DOESN'T EVEN GET TO SAFEKEEPING, ISN'T EVEN THERE
8 UNTIL JULY OF 1995. SO AT THIS JUNCTURE, MR. WARD
9 AND MR. JEFFCOAT ARE GATHERING INFORMATION, GIVING
10 IT TO THE STATE, WRITING TO THE STATE, TALKING TO
11 THE ATTORNEY -- THEIR ATTORNEY THROUGH THE STATE,
12 THEY ARE NOT BEING TOLD THAT THEY'RE NOT GOING TO
13 BE COMPENSATED IN SOME WAY, BUT GIVEN THE
14 IMPRESSION THAT, "IF YOU GET US THE STUFF, WE'LL
15 LOOK AT IT, WE'LL EVALUATE IT AND PERHAPS, YOU'LL
16 GET PAID FOR IT. NOT PAID IN CASH, BUT PAID IN
17 CONSIDERATION."

18 SO BY WRITING MR. BAILEY AND TELLING
19 HIM WHAT THEY'RE DOING, AT LEAST ON MAY 1, 1995 --
20 AND YOUR HONOR, THIS LETTER IS VERY EXPLICIT AS TO
21 WHAT THEY EXPECT AND WHAT THEY'RE DOING. AND NOT
22 BEING TOLD NOT TO DO IT -- I MEAN, I DON'T THINK
23 THE SOLICITOR -- I DON'T THINK -- I MEAN, FIRST OF
24 ALL, LET ME BACK UP. THE STATE IS THE STATE,
25 WHETHER HE'S WORKING FOR THE FIRST CIRCUIT

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1 SOLICITOR OR THE SIXTEENTH CIRCUIT SOLICITOR OR THE
2 EIGHTH CIRCUIT SOLICITOR, IT DOESN'T MATTER. HE'S
3 WORKING FOR THE STATE, HE'S AN AGENT FOR THE STATE,
4 THAT'S NUMBER ONE.

5 NUMBER TWO, THERE'S NO QUESTION IN THE
6 SPRING OF 1995, HE IS TRANSFORMED HIMSELF --
7 TRANSFORMED MR. WARD AND MR. JEFFCOAT INTO AGENTS
8 OF THE STATE. THEY ARE OVERTLY AND AGGRESSIVELY
9 GATHERING INFORMATION ON A CASE, AND OFFERING TO
10 GATHER ADDITIONAL INFORMATION ON ANY OTHER CASES.
11 BY THE TIME MR. BECKHAM GETS THERE IN JULY OF 1995,
12 THEY ARE EXPECTING TO BE PAID FOR GATHERING THIS
13 INFORMATION. THEY ARE REPRESENTING THEMSELVES AS
14 NO MORE THAN FELLOW INMATES OF MR. BECKHAM, AND
15 THERE'S NO QUESTION THAT MR. BECKHAM IS UNDER
16 CHARGES -- HE'S BEEN CHARGED WITH AN ARREST WARRANT
17 AT THAT TIME AND IS REPRESENTED.

18 NOW, YOUR HONOR, I WOULD SUBMIT THAT
19 THE STATE WOULD STIPULATE THAT IN JULY OF 19 --
20 WE'VE ALREADY HEARD TESTIMONY, PREVIOUSLY, THAT MR.
21 BECKHAM WAS REPRESENTED AS EARLY AS MARCH -- I
22 MEAN, AS EARLY AS JULY OF 1994 BY MR. SWERLING, SO
23 HE WAS REPRESENTED AT THAT POINT.

24 IS THERE ANY ARGUMENT ABOUT THAT?

25 MR. COULTER: NO, SIR.

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1 MR. HARPOOTLIAN: SO HE'S REPRESENTED,
2 HE HAS ASSERTED HIS RIGHT TO REMAIN SILENT. AND
3 THE STATE CAN'T JUST HAVE AN INMATE, YOU KNOW,
4 RUNNING RAMPANT THROUGHOUT THE SAFEKEEPING -- I
5 MEAN, HE IS PUT IN SAFEKEEPING STATUS BY THE STATE
6 OF SOUTH CAROLINA WITH THIS GUY WHO IS GATHERING
7 INFORMATION. AND WHILE I'M NOT ALLEGING THAT THE
8 EIGHTH JUDICIAL CIRCUIT SOLICITOR KNEW THAT WAS
9 GOING ON OR EVEN SLED KNEW THAT WAS GOING ON,
10 CERTAINLY, THE FIRST CIRCUIT SOLICITOR KNEW IT WAS
11 GOING ON. HE KNEW IT WAS GOING ON IN FEBRUARY. WE
12 BELIEVE THIS TO BE A MESSIAH VIOLATION AS OUTLINED
13 IN HENRY. WHAT THEY SAID WAS THERE'S THREE
14 FACTORS:

15 ONE, WAS THE INMATE ACTING UNDER
16 INSTRUCTIONS AS A PAID INFORMANT FOR THE
17 GOVERNMENT. HE'S TOLD THE GOVERNMENT IN THESE
18 LETTERS, HE'S TOLD MR. BAILEY WHAT HE'S GOING TO BE
19 DOING, HE'S TOLD HIS LAWYER, WHO'S TOLD MR. BAILEY.
20 AND WHILE THERE'S NO SPECIFIC AGREEMENT, THERE IS A
21 TACIT UNDERSTANDING THAT THEY'RE GOING -- THAT HE'S
22 GOING TO BE COMPENSATED IF HE GATHERS THE
23 INFORMATION.

24 SECOND, WAS THE INMATE OSTENSIBLY NO
25 MORE THAN A FELLOW INMATE OF THE DEFENDANT? YES.

1 AND THIRD, WAS THE INMATE -- WAS THE
2 INMATE, THAT WOULD BE MR. BECKHAM, IN CUSTODY AND
3 UNDER CHARGES AT THE TIME HE WAS ENGAGED IN
4 CONVERSATION BY THE OTHER INMATE?

5 WE WOULD SUGGEST TO YOU, YOUR HONOR,
6 THAT WE HAVE MET ALL THREE PRONGS OF THE HENRY
7 CASE, WHICH IS, I BELIEVE, THE MOST RECENT
8 EXPLANATION -- IT'S NOT THE MOST RECENT, BUT
9 PROBABLY THE MOST COHERENT EXPLANATION OF MESSIAH
10 IN RECENT TIMES.

11 YOUR HONOR, IN ADDITION, I WOULD NOTE
12 THAT AND REITERATE THAT THESE LETTERS TO MR. BAILEY
13 SHOW A VERY -- AND I WOULD LIKE TO MAKE ALL OF THEM
14 A PART OF THE RECORD AND HAND THEM UP TO THE COURT,
15 IF YOU'VE NOT HAD A CHANCE TO REVIEW THEM. HAVE
16 YOU READ THEM? WE'D LIKE TO MAKE THESE A PART OF
17 THE RECORD, BECAUSE THEY VERY CLEARLY SHOW THIS
18 GENTLEMAN WAS OPERATING UNDER THE ASSUMPTION THAT
19 HE WAS GOING TO BE COMPENSATED FOR GATHERING
20 INFORMATION AGAINST -- NOT ONLY AGAINST MR. JOHNSON
21 -- NOT ONLY IS HE LAYING OUT A PATTERN OF WANTING
22 TO COOPERATE ON THE JOHNSON CASE, BUT OTHER CASES,
23 TOO.

24 YOUR HONOR, IN ADDITION, THERE'S A
25 LETTER TO HIS ATTORNEY ON MARCH 22ND, 1995, OF

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1 WHICH WE MADE A COPY, IN WHICH HE -- AND HE GIVES
2 THEM A LAUNDRY LIST OF STUFF THAT HE KNOWS IS GOING
3 ON, THAT HE WANTS HIM TO GO TALK TO THE STATE
4 ABOUT. SOME OF IT -- AND HE'S QUOTING TO MR.
5 CULLER, HIS LAWYER, SPECIFIC PIECES OF INFORMATION
6 THAT HE'S PICKED UP ABOUT MR. JOHNSON. AND IT
7 INDICATES THIS ONGOING DIALOGUE -- THIS IS DATED
8 MARCH 22ND, 1995, AN ONGOING DIALOGUE BETWEEN MR.
9 CULLER AND MR. BAILEY ABOUT THE INFORMATION HE'S
10 FURNISHING THEM.

11 THERE'S NO QUESTION THAT IN THE SPRING
12 -- THAT WOULD BE SOMETIME IN THE SPRING OF '95, TWO
13 OR THREE MONTHS BEFORE MR. BECKHAM ARRIVES THERE,
14 THAT HE IS ACTUALLY FURNISHING DOCUMENTS TO THE
15 STATE. THAT'S MORE THAN JUST SORT OF GATHERING
16 SOMETHING AND SITTING THERE. HE'S GIVING IT TO THE
17 STATE AND WAITING TO HEAR BACK WHAT HE'S GOING TO
18 BE PAID FOR IT.

19 SO, I WOULD SUGGEST THAT ANY PREVIOUS
20 EXAMINATION OF A COURT OF THIS ISSUE, THAT MESSIAH
21 ISSUE, WOULD ONLY GO TO WHAT HE WAS DOING PRIOR TO
22 GATHERING THIS INFORMATION ON JOHNSON AND GARDNER,
23 NOT WHAT HE DID AFTER HE GATHERED THAT INFORMATION
24 WHICH IS WHAT HAPPENED HERE. THIS IS OCCURRING
25 AFTER HE'S ACTED AS AN INFORMANT IN THE JOHNSON AND

1 GARDNER CASES.

2 BEG THE COURT'S INDULGENCE FOR ONE
3 MOMENT.

4 YOUR HONOR, FOR THE RECORD, I WOULD
5 ALSO -- AND THE HENRY CASE, YOUR HONOR, I BELIEVE
6 YOU KNOW THE CITE, BUT IT'S 447 U.S. 264 100
7 SUPREME COURT 2183, IT'S A 1980 CASE. WE WOULD
8 ALSO CITE TO THE COURT R. H. CULLMAN VS. JOSEPH
9 ALLEN WILSON, WHICH IS 477 U.S. 436 106 SUPREME
10 COURT 2616; THAT'S A 1986 CASE. AND IN ADDITION,
11 UNITED STATES VS. SANDPOLE AND DIAZ, AND THAT IS A
12 UNITES STATES COURT OF APPEALS DISTRICT OF COLUMBIA
13 CIRCUIT 1980 CASE, AND IT'S 636 FED. 2ND 621.

14 ALL THREE OF THESE CASES, YOUR HONOR,
15 MAKE IT CLEAR THAT YOU CAN'T VIOLATE THE
16 DEFENDANT'S RIGHT TO COUNSEL, SIXTH AMENDMENT RIGHT
17 TO COUNSEL -- WHATEVER AMENDMENT IS RIGHT TO
18 COUNSEL AND FIFTH AMENDMENT RIGHT TO REMAIN SILENT,
19 BY ALLOWING AN INFORMANT TO SOLICIT INFORMATION
20 FROM THEM.

21 LET ME SEE IF MR. SWERLING WANTS TO SAY
22 ANYTHING ELSE ON THIS.

23 YOUR HONOR, ACTUALLY, WE NEED TO ASK
24 MR. WARD ONE QUESTION TO SORT OF MAKE THE RECORD
25 COMPLETE ON THAT. AND THAT IS, ONE OF THE CASES

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1 INDICATES -- IT'S IMPORTANT AS TO WHEN HE ASKED,
2 WHEN HE GAINED THIS INFORMATION FROM MR. BECKHAM.
3 I'M TALKING ABOUT A VERY LIMITED QUESTIONING OF HIM
4 FOR THE RECORD, UNLESS YOUR HONOR IS GOING TO RULE
5 OUR WAY AND THEN WE DON'T NEED TO MAKE THIS RECORD.

6 MR. SWERLING: JUST A COUPLE -- REALLY,
7 JUST TWO QUESTIONS. AND WE REALLY JUST WANT TO
8 FIND THAT NARROW OF A QUESTION.

9 THE COURT: BRING MR. WARD IN.

10 MR. HARPOOTLIAN: WE'RE NOT GOING TO
11 ASK HIM ABOUT--THIS IS NOT FISHING, JUST WHEN DID
12 IT HAPPEN.

13 THE COURT: OKAY, MR. WARD, YOU'RE
14 STILL UNDER OATH, AND THEY WOULD NEED TO ASK YOU A
15 COUPLE OF QUESTIONS.

16 MR. WARD: YES, YOUR HONOR.

17 THE COURT: MR. HARPOOTLIAN?

18 DIRECT EXAMINATION:

19 BY MR. HARPOOTLIAN:

20 Q MR. WARD, YOU WERE ON SAFEKEEPING IN
21 THE SUMMER OF 1995; IS THAT CORRECT?

22 A YES, SIR.

23 Q AND DID YOU MEET ONE STEPHEN BECKHAM
24 WHILE YOU WERE ON SAFEKEEPING?

25 A YES, SIR.

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- 1 Q DID YOU HAVE OCCASION TO HAVE A
2 CONVERSATION WITH HIM DURING THAT PERIOD OF TIME?
3 A YES, SIR.
4 Q DID HE DISCUSS WITH YOU ASPECTS OF HIS
5 CASE?
6 A YES, SIR.
7 Q AND WOULD YOU TELL US WHEN THAT
8 OCCURRED?
9 A EXACTLY?
10 Q JUST THE BEST YOU CAN GUESS.
11 A ONE OF THE CONVERSATIONS TOOK PLACE
12 WITHIN A WEEK OF HIS ARRIVAL THERE. THE OTHERS
13 WERE SPREAD OUT OVER A FOUR OR FIVE MONTH PERIOD,
14 BETWEEN JULY AND NOVEMBER.
15 Q JULY AND NOVEMBER?
16 A RIGHT.
17 Q AND -- I MEAN, WERE THESE CONVERSATIONS
18 YOU ELICITED OR HE JUST BROUGHT IT UP?
19 A CASUAL CONVERSATION, MOST OF THEM.
20 Q AND DURING THIS PERIOD OF TIME, YOU
21 WERE GATHERING INFORMATION FOR THE AUTHORITIES ON A
22 NUMBER OF DIFFERENT CASES?
23 A GATHERING INFORMATION FOR AUTHORITIES?
24 Q YEAH.
25 A NO, SIR.

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1 Q NOT?

2 A I WASN'T GATHERING INFORMATION -- AT
3 THAT TIME, I WASN'T GATHERING INFORMATION FOR
4 ANYONE. I WAS GATHERING INFORMATION FOR MYSELF.
5 EXACTLY WHAT THAT WAS GOING TO LEAD TO AT THAT
6 TIME; I HAD NO IDEA.

7 Q WERE YOU INTENDING TO GIVE IT TO THE
8 POLICE FOR AN EXCHANGE FOR HELP ON YOUR CASE AND
9 MR. JEFFCOAT'S CASE?

10 A POSSIBLY, BUT I HAD BEEN TO THE LAW
11 LIBRARY, SIR, AND I BECAME FAMILIAR WITH WHAT
12 CONSTITUTED A MISPRISION AS A FELONY. SO AT THAT
13 TIME, I COME TO THE CONCLUSION THAT IF I WERE EVER
14 BROUGHT INTO A COURTROOM, YOU KNOW, TO BE
15 CONFRONTED BY ANYONE ABOUT MY KNOWLEDGE OF MURDERS,
16 NOT MURDER, BUT MURDERS, YOU KNOW, I WOULD HAVE
17 SOME PROTECTION.

18 Q AS A RESULT OF THE INFORMATION YOU
19 GATHERED, YOU'VE TESTIFIED ALREADY IN TWO DEATH
20 PENALTY CASES?

21 A YES, SIR.

22 Q ARE YOU TESTIFYING IN A THIRD ONE IN
23 AIKEN?

24 A YES, SIR.

25 Q AND THIS ONE WILL BE YOUR FOURTH DEATH

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1 PENALTY CASE --

2 A NO, I HAVEN'T DID THE AIKEN CASE, YET.

3 Q YOU'RE GOING TO DO IT?

4 A IF CALLED UPON, SIR, YES, SIR.

5 MR. JONES: JUDGE, THIS QUESTIONING
6 ISN'T ABOUT WHAT HE SAID -- I MEAN, HE'S GOING A
7 LITTLE FURTHER THAN HE SAID HE WANTED TO GO.

8 MR. HARPOOTLIAN: I JUST GOT INTRIGUED,
9 YOUR HONOR, I APOLOGIZE.

10 THE COURT: I UNDERSTAND. LET'S WRAP
11 IT UP.

12 MR. HARPOOTLIAN: OKAY. YOUR HONOR, I
13 JUST NEED TO KNOW WHAT HE WAS TOLD IN JULY OF 1995.

14 THE COURT: BY WHOM?

15 MR. HARPOOTLIAN: BY MR. BECKHAM. WHAT
16 IS THE SPECIFIC --

17 THE COURT: HE GAVE YOU THE LETTER.

18 MR. HARPOOTLIAN: SIR?

19 THE COURT: DIDN'T HE GIVE YOU THE
20 LETTER? I'M NOT GOING TO LET YOU FISH THIS WITNESS
21 --

22 MR. HARPOOTLIAN: NO, SIR. NO, SIR.
23 BUT I THINK IT'S IMPORTANT THAT WE NEED TO
24 UNDERSTAND THE CONTEXT IN WHICH THE STATEMENT WAS
25 MADE. HE INDICATES THAT WITHIN A WEEK OF MR.

1 BECKHAM GETTING THERE HE HAD A CONVERSATION WITH
2 HIM.

3 THE COURT: THIS IS NOT A DISCOVERY
4 PROCEEDING.

5 MR. HARPOOTLIAN: YOUR HONOR, BUT UNDER
6 MESSIAH, WE NEED TO UNDERSTAND THE CONTEXT OF THAT
7 CONVERSATION.

8 MR. COULTER: THIS IS ABOUT WHETHER OR
9 NOT HE WAS ACTING AS AN AGENT FOR THE STATE, NOT
10 WHAT HE RECEIVED; THAT'S THE QUESTION.

11 MR. HARPOOTLIAN: WELL, THAT'S OKAY.

12 YOUR HONOR, WE WOULD LIKE TO ASK HIM
13 FOR PURPOSE OF THIS HEARING WHAT HE WAS TOLD AND
14 WHEN BEFORE YOU RULE AS TO WHETHER OR NOT IT WAS A
15 MESSIAH VIOLATION.

16 MR. COULTER: YOUR HONOR, AND I WOULD
17 OBJECT TO THAT QUESTION. I DON'T THINK THIS HAS
18 ANYTHING TO DO WITH THIS PARTICULAR HEARING.

19 THE COURT: THIS IS NOT A DISCOVERY
20 HEARING.

21 MR. HARPOOTLIAN: YES, SIR.

22 THE COURT: AND WE GAVE YOU THE
23 LETTERS. I ORDERED THE LETTERS -- WHATEVER HE SAID
24 -- WHATEVER THE MATERIAL WAS FROM SLED AGENT
25 NOATES.

1 MR. HARPOOTLIAN: YOUR HONOR, WE KNOW
2 WHAT HE SAID -- WHAT HE SAID IN -- THE STATEMENT HE
3 GAVE IN NOVEMBER OF 1995 DOESN'T INDICATE WHEN IT -
4 - WHEN WHAT WAS SAID. IT'S A SUMMARY, "THIS IS
5 WHAT STEPHEN BECKHAM HAS TOLD ME OVER A PERIOD OF
6 TIME." WHAT WE NEED TO KNOW IS WHAT HE SAID IN
7 JULY OF 1995. YOUR HONOR, COULD WE STEP OVER TO
8 THE SIDE BAR FOR JUST ONE SECOND --

9 THE COURT: SURE.

10 MR. HARPOOTLIAN: -- AND WE'LL EXPLAIN
11 WHY THAT'S IMPORTANT.

12 (BENCH CONFERENCE OFF THE RECORD.)

13 THE COURT: MR. WARD, DO YOU RECALL
14 WHAT YOU -- WHAT THE CONVERSATION WAS IN JULY OF
15 1995 WITH MR. BECKHAM?

16 A YES, SIR, I DO.

17 THE COURT: AND COULD YOU TELL ME WHAT
18 IT WAS?

19 A UPON MR. BECKHAM'S ARRIVAL AT
20 SAFEKEEPING, I OVERHEARD HIM DISCUSSING HIS CASE
21 WITH SEVERAL OTHER INMATES. AND THAT NIGHT -- IT
22 MAY HAVE BEEN THE NIGHT AFTER HE ARRIVED, BUT THAT
23 NIGHT, I, MYSELF AND INMATE ROGER JOHNSON AND A
24 THIRD INMATE, I DON'T REMEMBER HIS NAME, WERE LET
25 OUT OF OUR CELLS TO CLEAN THE SHOWER. AND A

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1 CORRECTIONAL OFFICER DOWNSTAIRS ASKED ME TO LOOK IN
2 BECKHAM'S DOOR EVERY FIFTEEN MINUTES AND SEE WHAT
3 HE WAS DOING AND JUST TELL HIM, IS HE SLEEPING, IS
4 HE WATCHING TV, IS HE SITTING UP. SO I ASSUMED
5 THAT MR. BECKHAM HAD BEEN PUT ON SUICIDE WATCH;
6 THAT'S WHAT IT MEANS IN THE DEPARTMENT OF
7 CORRECTIONS.

8 SO I WENT DOWN, OPENED MR. BECKHAM'S
9 WINDOW AND I SAID, "HEY, MAN, YOU ALL RIGHT, YOU
10 KNOW, YOU NEED ANYTHING? YOU'RE ON SUICIDE WATCH,
11 YOU KNOW." HE SAID, "YEAH, I'M OKAY." I SAID,
12 "WELL, LOOK, YOU KNOW, THINGS AREN'T AS BAD AS THEY
13 SEEM. YOU KNOW, TAKE YOUR TIME, YOU KNOW, THIS
14 ISN'T THE END OF THE WORLD, YOU KNOW. NOBODY
15 HERE'S GOING TO BOTHER YOU, YOU KNOW. AND YOU'RE
16 BETTER OFF HERE THAN YOU WERE IN LEXINGTON COUNTY
17 JAIL, YOU KNOW." AND I SAID, "WHAT YOU NEED TO DO,
18 DON'T DISCUSS YOUR CASE WITH NOBODY. I SAID I'M
19 SURE MR. SWERLING HAS TOLD YOU THAT." I HAD
20 LEARNED ALL OF THIS THROUGH THE RADIO, WHO HIS
21 ATTORNEY WAS AND THIS AND THAT. AND THE
22 CONVERSATION WENT ON. HE SAID, "THEY DON'T HAVE
23 ANY EVIDENCE AGAINST ME OR ANYTHING LIKE THAT, YOU
24 KNOW." I SAID, "THAT'S EXACTLY, YOU KNOW, WHAT YOU
25 DON'T NEED TO BE TALKING ABOUT, THIS EVIDENCE OR

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1 ANYTHING LIKE THAT." AND I DON'T REMEMBER THE
2 CONTENT OF THE CONVERSATION, YOU KNOW, UP TO THIS
3 POINT. BUT SHORTLY AFTER THAT, HE TOLD ME THAT THE
4 ONLY MISTAKE HE MADE WAS LETTING THE SON OF A BITCH
5 IN NEWBERRY COUNTY JAIL LIVE TO TELL ABOUT IT.

6 THE COURT: ALL RIGHT.

7 A THAT WAS THE -- MORE OR LESS THE
8 CONTENT OF THAT CONVERSATION.

9 MR. HARPOOTLIAN: YOUR HONOR, WAS THAT
10 THE NIGHT THAT MR. BECKHAM GOT TO SAFEKEEPING, IS
11 THAT WHAT HE'S SAYING?

12 A THAT'S THE NIGHT AFTER.

13 MR. HARPOOTLIAN: THE NIGHT AFTER, THE
14 SECOND NIGHT HE WAS THERE.

15 THE COURT: OKAY, GENTLEMEN.

16 ARGUMENT FROM THE STATE?

17 MR. HARPOOTLIAN: COULD YOU JUST ASK
18 HIM IF HE TOOK ANY PAPERS FROM MR. BECKHAM'S CELL?

19 THE COURT: NO, YOU CAN ASK HIM THAT
20 TOMORROW.

21 MR. HARPOOTLIAN: OKAY.

22 MR. COULTER: YOUR HONOR, IN REGARDS TO
23 THE ISSUE OF MIRANDA AND FIFTH AMENDMENT, I'M
24 QUOTING ILLINOIS VERSUS PERKINS. AND IT SAYS,
25 "CONVERSATIONS BETWEEN SUSPECTS AND UNDERCOVER

1 AGENTS, "-- EVEN THOUGH WE'RE CONTENDING THAT THIS
2 GENTLEMAN, MR. WARD AND MR. JEFFCOAT WERE NOT, BUT
3 EVEN IF THEY WERE TO BE CONSIDERED AGENTS,
4 "CONVERSATIONS BETWEEN SUSPECTS AND UNDERCOVER
5 AGENTS DO NOT IMPLICATE THE CONCERNS UNDERLYING
6 MIRANDA. THE ESSENTIAL INGREDIENTS OF A POLICE
7 DOMINATED ATMOSPHERE AND COMPULSION ARE NOT PRESENT
8 WHEN AN INCARCERATED PERSON SPEAKS FREELY TO
9 SOMEONE WHOM HE BELIEVES TO BE A FELLOW INMATE."

10 AND TO GO ON, IT SAYS, "MIRANDA DOES
11 NOT FORBID THE GOVERNMENT TAKING ADVANTAGE OF A
12 SUSPECT'S MISPLACED TRUST IN ONE HE SUPPOSED TO BE
13 A FELLOW PRISONER AND WAS NOT MEANT TO PROTECT
14 SUSPECT'S FROM BOASTING ABOUT THE CRIMINAL
15 ACTIVITIES IN FRONT OF PERSONS WHOM THEY BELIEVE TO
16 BE THEIR CELLMATES." AND THAT'S ILLINOIS VERSUS
17 PERKINS, THAT CASE IS 496 U.S. 292, A 1990 CASE.

18 THE DEFENSE IS UP HERE CLAIMING THAT
19 WARD AND JEFFCOAT WERE AGENTS OF THE STATE IN THE
20 SPRING OF '95, AND YET, THE UNCONTROVERTED
21 TESTIMONY PRESENTED FROM THE STAND WAS THAT THE
22 SOLICITOR'S OFFICE NEVER DIRECTED WARD OR JEFFCOAT
23 TO ELICIT ANY KIND OF INFORMATION, EITHER FROM MR.
24 BECKHAM OR ANY OTHER PERSON IN SAFEKEEPING. THAT
25 IT WASN'T EVEN UNTIL NOVEMBER OF '95, WELL AFTER

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1 THE INFORMATION WAS ALREADY PRESENTED TO MR. WARD
2 AND MR. JEFFCOAT, THAT THE FIRST CIRCUIT
3 SOLICITOR'S OFFICE EVEN DID MEET WITH MR. WARD.
4 AND IT WAS ONLY THEN THAT AN ARRANGEMENT WAS AGREED
5 UPON, AND THAT WAS ONLY IN REGARDS TO TESTIMONY
6 INVOLVING TWO OTHER FIRST CIRCUIT CASES AND NOT
7 THIS CASE INVOLVING MR. BECKHAM. SO BY THE TIME
8 THAT THEY COULD -- AT THE FIRST POSSIBLE MOMENT
9 THEY COULD EVEN BE CONSIDERED AN AGENT OF THE
10 STATE, IT WAS WELL AFTER THEY HAD ALREADY RECEIVED
11 THE INFORMATION -- THAT WARD AND JEFFCOAT HAD
12 ALREADY RECEIVED THE INFORMATION BEFORE THIS
13 MEETING WAS EVEN HELD.

14 I WOULD GO ON BEYOND MIRANDA TO THE
15 ISSUE OF THE SIXTH AMENDMENT AND THE MESSIAH ISSUE.
16 AND I WOULD QUOTE FOUR DIFFERENT CASES. THOMAS --
17 OR SYNOPSISIZE THESE FOUR DIFFERENT CASES, THOMAS
18 VERSUS COX, WHICH IS A FOURTH CIRCUIT CASE IN 1982;
19 HARPER VERSUS STATE OF MARYLAND, WHICH IS ALSO A
20 FOURTH CIRCUIT COURT CASE OF 1986; UNITED STATES
21 VERSUS MALLICK, WHICH IS A SEVENTH CIRCUIT CASE IN
22 1982. AND ESSENTIALLY, THESE CASES STATE THAT EVEN
23 FURTHER COURT'S ARE REFUSED TO EXTEND THE RULE OF
24 MESSIAH AND HENRY TO SITUATIONS WHERE AN INMATE
25 ACTING ON HIS OWN INITIATIVE DELIBERATELY ELICITS

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1 INCRIMINATING INFORMATION FROM ANOTHER INMATE.

2 I WOULD GO ON TO QUOTE UNITED STATES
3 VERSUS WATSON, WHICH IS A 1990 CASE, WHICH SAYS,
4 ESSENTIALLY, "MOREOVER THE FACT THAT THE INFORMANT
5 HAS SOME EXPECTATION THAT HE WOULD BENEFIT FROM
6 PROVIDING INFORMATION TO THE GOVERNMENT DOES NOT
7 MAKE HIM AN AGENT OF THE GOVERNMENT. AN INMATE
8 ACTING AS AN ENTREPRENEUR, HOPING TO MAKE A SALE OF
9 INFORMATION TO THE GOVERNMENT DOES NOT MAKE THE
10 GOVERNMENT RESPONSIBLE FOR HIS ACTIONS."

11 THIS IS AN INDIVIDUAL INCARCERATED, WHO
12 IS WORKING ON HIS OWN BEHALF, FOR WHATEVER PURPOSE,
13 BUT HE IS NOT AN AGENT OF THE STATE. AND
14 THEREFORE, MESSIAH AND A VIOLATION OF THE SIXTH
15 AMENDMENT WOULD NOT OCCUR.

16 THE COURT: ALL RIGHT, I FIND THAT
17 ADOPTING THE TEST THAT IT IS WHETHER OR NOT THE
18 INFORMATION WAS DELIBERATELY ELICITED AND NOT
19 LIKELY TO INDUCE. I FIND THAT THE COMMENTS BY THE
20 -- THAT ARE ALLEGEDLY ATTRIBUTED TO MR. BECKHAM AS
21 TESTIFIED TO BY MR. WARD WERE SPONTANEOUS AND
22 UNSOLICITED, AND WOULD FIND AND HOLD THAT MERE
23 PASSIVE LISTENING IS VIOLATIVE OF THE STANDARD OF
24 DELIBERATING ELICITING.

25 ALSO, DON'T FIND THAT THERE WAS ANY

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1 KNOWING EXPLOITATION BY THE STATE OF AN OPPORTUNITY
2 TO CONFRONT THE ACCUSED WITHOUT COUNSEL BEING
3 PRESENT BASED UPON THE TIME TABLE PRESENTED BY THE
4 STATE IN THE RECORD, NOR DO I FIND ANY INTENTIONAL
5 CREATION OF SUCH AN OPPORTUNITY. AND WOULD DECLINE
6 TO QUASH THE STATEMENT ALLEGEDLY ATTRIBUTABLE TO
7 MR. BECKHAM UNDER EITHER THE FIFTH AMENDMENT OR THE
8 SIXTH AMENDMENT.

9 AND I UNDERSTAND THAT YOU PUT -- AS FAR
10 AS THE RECORD, MR. SWERLING, THE LETTER OF AUGUST
11 THE 11TH, DID YOU PUT THAT IN THE RECORD?

12 MR. SWERLING: YES, SIR, WE PUT IT IN,
13 YOUR HONOR.

14 MR. HARPOOTLIAN: YES, SIR. I THINK WE
15 DID.

16 THE COURT: AND THE TESTIMONY APPEARS
17 THAT ANYTHING OCCURRED -- IT WOULD OCCUR PRIOR TO
18 THE 11TH OF --

19 MR. HARPOOTLIAN: THERE WAS ONLY ONE
20 QUESTIONING IN REGARDS TO HIS STATEMENT MADE.
21 THERE WAS FURTHER STATEMENTS MADE --

22 THE COURT: OH, I UNDERSTAND THERE WAS
23 OTHER STATEMENTS. BUT I'M SAYING THAT AS TO THE
24 JULY STATEMENT -- I'LL LEAVE IT AT THAT. YOU PUT
25 IT IN THE RECORD.

1 ALL RIGHT, DID Y'ALL GIVE HIM HIS
2 CRIMINAL RECORD?

3 MR. JONES: SHE DOESN'T HAVE IT. SHE'S
4 DOESN'T HAVE IT.

5 THE COURT: THERE'S A LETTER OF AUGUST
6 THE 11TH FROM MR. SWERLING TO THE --

7 MR. HARPOOTLIAN: WE'LL MAKE A COPY OF
8 IT, YOUR HONOR.

9 THE COURT: OKAY. NINE O'CLOCK IN THE
10 MORNING, GENTLEMEN.

11 (WHEREUPON, COURT'S EXHIBIT NO. 39 WAS
12 MARKED FOR IDENTIFICATION ONLY.)

13 (WHEREUPON, COURT WAS ADJOURNED FOR THE
14 DAY AT 7:17 P.M.)

15 (COURT RECONVENED FRIDAY, OCTOBER 4, 1996 AT 9:18
16 A.M.)

17 MR. COULTER: JUDGE, BEFORE WE START,
18 OUR FIRST WITNESS IS GOING TO BE JERRY WARD, WHO IS
19 A FELLOW WHO WAS IN SAFEKEEPING, AS YOU KNOW, WITH
20 THE DEFENDANT BECKHAM. AND WHAT I'D LIKE TO DO,
21 BEFORE WE PUT HIM ON THE STAND, IS TRY TO CLEAR UP
22 ANY ISSUES REGARDING HIS CRIMINAL HISTORY AS TO
23 WHAT WOULD BE ADMISSIBLE TO TRY TO GO TO HIS
24 CREDIBILITY.

25 THE COURT: ALL RIGHT. AND LET ME SAY

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1 ONE OTHER THING. I WAS KIND OF TIRED LAST NIGHT
2 WHEN I LEFT AND I DON'T RECALL ACTUALLY SAYING,
3 ALTHOUGH THE RECORD PROBABLY -- WOULD BE IMPLIED
4 FROM THE RECORD, I NEED TO MAKE A SPECIFIC FINDING
5 THAT HE WAS NOT A GOVERNMENT AGENT AND NOT A PAID
6 INFORMANT FOR THE PURPOSES OF THAT MESSIAH RULING.

7 ALL RIGHT, HOW ABOUT HIS RECORD?

8 MR. COULTER: IT'S MY UNDERSTANDING,
9 YOUR HONOR, BASED ON THE NEW RULES THAT WOULD BE
10 ADMISSIBLE ARE THOSE CRIMES WHICH HE RECEIVED MORE
11 THAN A YEAR WITHIN THE LAST TEN YEARS -- OR COULD
12 HAVE RECEIVED MORE THAN A YEAR WITHIN THE LAST TEN
13 YEARS. AND I THINK THOSE WOULD INCLUDE IN 1991,
14 THE CHARGE OF HABITUAL OFFENDER, AND THEN IN 1996,
15 THREE CHARGES OF SAFECRACKING, THREE CHARGES OF
16 GRAND LARCENY, ONE CHARGE OF AUTO THEFT, GRAND
17 LARCENY OF AN AUTOMOBILE, ONE ATTEMPTED ESCAPE, ONE
18 ESCAPE AND TWO CONVICTIONS FOR MALICIOUS INJURY TO
19 PERSONAL PROPERTY.

20 THE COURT: MR. SWERLING, DOES THAT
21 CONFORM TO WHAT YOU THINK?

22 MR. SWERLING: WELL, JUDGE, I DON'T --
23 I THINK THAT UNDER 602(B), THE COURT IS NOT BOUND
24 BY THE TEN YEAR RULE, IF IN THE INTEREST OF JUSTICE
25 THE PROBATIVE VALUE OF THE CONVICTION IS SUPPORTED

1 BY SPECIFIC FACTS AND CIRCUMSTANCES THAT
2 ESSENTIALLY OUTWEIGHS THE PREJUDICIAL EFFECT.

3 LET ME JUST -- IF YOUR HONOR WOULD JUST
4 GIVE ME A MOMENT.

5 THE COURT: SURE.

6 MR. SWERLING: BASICALLY, THAT'S THE
7 RULE, YOUR HONOR. THIS FELLOW HAS A HISTORY OF
8 BEING IN AND OUT OF CUSTODY, AND I WOULD ASK THE
9 COURT TO CONSIDER THAT FOR THE JURY TO ONLY HEAR
10 WHAT'S HAPPENED SINCE 1991 DOES NOT REALLY GIVE A
11 FULL PICTURE OF THIS INDIVIDUAL'S BACKGROUND. THE
12 -- IF YOU GO BACK -- JUDGE, THIS FELLOW'S RECORD
13 GOES ALL THE WAY BACK TO 1973, AND IT'S A
14 CONTINUOUS RECORD. IN '73, YOU HAVE A GRAND
15 LARCENY OF AN AUTO CONVICTION, IN '74 YOU HAVE A
16 VEHICLE THEFT, IN '76, YOU HAVE AN UNAUTHORIZED USE
17 OF A VEHICLE, IN '79, GRAND LARCENY. IN '79,
18 AGAIN, YOU HAVE A PETTY LARCENY, IN '80, YOU HAVE A
19 GRAND LARCENY, IN '81, YOU HAVE ANOTHER GRAND
20 LARCENY AND HOUSEBREAKING. IN '81, THERE'S AN
21 ABHAN AND A CARRYING A PISTOL. IN '84, THERE'S AN
22 AGGRAVATED ASSAULT AND AN ESCAPE. AND HE'S GOT A
23 SIXTEEN-YEAR SENTENCE AT THAT POINT FOR THAT OUT OF
24 TWO DIFFERENT COUNTIES, AND THAT WAS IN 1984.

25 SO TO GO AHEAD AND SAY IN 1991 -- ALSO,

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1 FILING A FALSE REPORT IN '85. SO TO START WITH
2 1991 DOESN'T GIVE THE JURY A FULL PICTURE OF THIS
3 INDIVIDUAL, AND ALSO, DOESN'T GIVE THE JURY A FULL
4 PICTURE OF THIS INDIVIDUAL'S KNOWLEDGE OF THE
5 SYSTEM AND HOW HE CAN MANIPULATE THE SYSTEM AND USE
6 IT TO HIS OWN ADVANTAGE. AND I THINK THE TEN YEAR
7 RULE WAS DESIGNED FOR SOMEONE WHO -- IN MY
8 EXPERIENCE IT'S BEEN THE TEN YEAR RULE WAS DESIGNED
9 FOR SOMEONE WHO COMMITS AN OFFENSE AND THEN DOES
10 NOT COMMIT ANY OTHER OFFENSES. AND AT SOME POINT
11 HIS CRIMINAL HISTORY SHOULD BE PUT ASIDE.

12 I DON'T THINK WE HAVE THAT WITH JERRY
13 WARD. THIS FELLOW HAS ESCAPED, HE'S GOT A
14 CONTINUING SERIES OF CRIMINAL TRANSACTIONS THAT
15 GIVES HIM THE KNOWLEDGE OF THE SYSTEM AND HOW TO
16 MANIPULATE IT, AND I THINK THE JURY NEEDS TO HEAR
17 THE FULL PICTURE.

18 THE COURT: WELL, MR. SWERLING, I HAVE
19 -- TO MY KNOWLEDGE, EVEN BEFORE THE TEN YEAR RULE,
20 NEVER DEVIATED FROM THAT. I JUST THINK THAT --
21 WELL, IF YOU GO BACK TO '86, REALLY, THEY'RE SAYING
22 THAT HE HAS NO RECORD OTHER THAN THIS SINCE 1986,
23 AND I'VE JUST STUCK PRETTY HARD AND FAST TO THAT IN
24 TERMS OF BEING CONSISTENT. AND I THINK YOU'VE GOT
25 ENOUGH HERE TO IMPEACH HIS CREDIBILITY, SO I WOULD

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1 DECLINE TO GO PASS 1986.

2 MR. SWERLING: YOUR HONOR, COULD WE
3 ACCEPT WHAT I'VE MADE AS A PROFFER --

4 THE COURT: YES, SIR.

5 MR. SWERLING: -- AS HIS RECORD?

6 THE COURT: YES, SIR.

7 MR. SWERLING: JUST FOR PURPOSES OF THE
8 RECORD.

9 THE COURT: YES, SIR.

10 MR. SWERLING: JUDGE, I WOULD ALSO
11 OBJECT TO HIS TESTIMONY COMING IN AT ALL. AS I
12 DON'T SEE THAT IT'S RELEVANT TO THE SENTENCING
13 PHASE OF A PROCEEDING. I DON'T KNOW IF WE COVERED
14 THAT YESTERDAY IN FULL. I'D LIKE TO HAVE AN IDEA
15 OF WHAT HE EXPECTS TO TESTIFY AND HOW THE STATE
16 CONTENDS THAT IT'S RELEVANT TO THIS ISSUE AND IS
17 NOT JUST AN ARBITRARY AND CAPRICIOUS FACTOR FOR THE
18 JURY TO RELY ON.

19 THE FACT THAT HE MADE SOME STATEMENT OR
20 STATEMENTS IN PRISON AFTER HIS ARREST, I WOULD
21 SUGGEST, DO NOT MAKE IT PROBATIVE ON ANY ISSUE
22 INVOLVED IN THIS CASE. AND EVEN IF IT IS
23 PROBATIVE, I STILL ASK THE COURT TO GIVE IT A 403
24 ANALYSIS, WHICH I DON'T THINK -- I STILL THINK IS
25 THE RULE, EVEN AT THIS SENTENCING PHASE OF THE

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1 TRIAL.

2 THE COURT: ALL RIGHT, I AGREE 403 IS
3 THE RULE.

4 SOLICITOR?

5 MR. COULTER: YOUR HONOR, WE WOULD
6 PROPOSE TO PRESENT THIS TESTIMONY IN REGARDS TO
7 CHARACTER AS WELL -- OF THE DEFENDANT BECKHAM, AS
8 WELL AS FUTURE DANGEROUSNESS. AND HE HAD INDICATED
9 TO MR. WARD THAT ONE OF THE THINGS HE SHOULD HAVE
10 DONE AND TRIED TO DO WAS TO HIRE SOMEBODY TO KILL
11 RICHARD ANDERSON WHILE HE WAS IN THE NEWBERRY
12 COUNTY JAIL. AND I THINK IT'S EXACTLY THAT TYPE OF
13 TESTIMONY WHICH IS PROBATIVE AND OUTWEIGHS THE
14 PREJUDICIAL EFFECT FOR THIS JURY TO BE ABLE TO
15 CONSIDER IN MAKING A DETERMINATION AS TO WHAT
16 SENTENCE IS APPROPRIATE.

17 MR. SWERLING: JUDGE, THAT'S RELATED TO
18 THIS CASE. IT'S NOT -- IF THE SOLICITOR IS USING
19 IT FOR FUTURE DANGEROUSNESS -- WE'RE STILL TALKING
20 ABOUT THIS CASE. IT'S CONNECTED WITH THIS CASE, IT
21 HAS NOTHING TO DO WITH HIS FUTURE DANGEROUSNESS.
22 THE JURY HAS ALREADY FOUND HIM GUILTY OF
23 CONSPIRACY, KIDNAPPING AND MURDER IN THIS CASE.

24 MR. COULTER: WELL, RICHARD ANDERSON --

25 MR. SWERLING: SO I DON'T SEE --

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1 MR. COULTER: I'M SORRY, EXCUSE ME.

2 RICHARD ANDERSON IS STILL ALIVE. AND WHETHER OR
3 NOT HE STAYS ALIVE WOULD HAVE A BEARING ON HIS
4 ADAPTABILITY TO PRISON LIFE, HIS FUTURE
5 DANGEROUSNESS.

6 MR. SWERLING: THERE'S NO EVIDENCE OF A
7 CONTINUING THREAT. I MEAN, YOU'RE TALKING ABOUT A
8 STATEMENT THAT WAS MADE -- IF IT WAS MADE, WHICH WE
9 CONTEND IT WAS NOT. BUT EVEN IF IT WAS MADE, IT
10 WAS MADE RIGHT AFTER HIS ARREST. I MEAN, IT'S NOT
11 THAT KIND OF STATEMENT THAT SOMEBODY WOULDN'T
12 UNDERSTAND; IF IT WAS MADE, WHICH WE DENY IT WAS.
13 BUT IT HAS NOTHING TO DO WITH THE FUTURE. AND IT
14 DOESN'T -- I SUBMIT IT DOESN'T GO TO HIS CHARACTER.
15 I MEAN, ALL IT DOES IS ALLOWS A JURY -- IT JUST
16 INJECTS SOMETHING INTO THIS TRIAL. THE FELLOW HAS
17 ALREADY BEEN CONVICTED OF CONSPIRACY AND MURDER AND
18 KIDNAPPING AND RICHARD ANDERSON WAS HIS CO-
19 DEFENDANT. I WOULD SUBMIT THAT ITS PREJUDICIAL
20 EFFECT FAR OUTWEIGHS ANY PROBATIVE VALUE IT COULD
21 POSSIBLE HAVE.

22 THE COURT: WELL, ONE OF THE TRAITS
23 THAT'S CONNECTED WITH THE STATE'S THEORY HAS TO DO
24 WITH CONCEALMENT, MANIPULATION -- YOU KNOW, IT CAME
25 OUT IN ANDERSON'S TESTIMONY DURING THE GUILT PHASE

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1 AS TO WHAT HE THOUGHT THE DEFENDANT MIGHT DO TO
2 HIM. I THINK THAT'S SUFFICIENTLY TIED TO AND
3 PROBATIVE OF THE QUESTION OF HIS CHARACTER. I
4 DON'T BELIEVE IT'S OUTWEIGHED BY THE PREJUDICIAL
5 VALUE, AND I WOULD ALLOW THE STATE TO PROCEED.

6 NOW, BRING MR. WARD IN HERE.

7 MR. COULTER: HE'S RIGHT HERE, YOUR
8 HONOR.

9 THE COURT: MR. WARD, I'M NOT FAMILIAR
10 WITH YOUR TESTIMONY, BUT I UNDERSTAND THAT YOU HAVE
11 TESTIFIED IN OTHER TRIALS. AND IF SUCH THINGS AS
12 HOW THOSE PREVIOUS CASES CAME OUT, SLIP OUT, YOU'RE
13 GOING TO GO TO JAIL FOR CONTEMPT. AND IF SUCH
14 THINGS AS HE SHOWS NO REMORSE, ANYTHING LIKE THAT
15 SLIPS OUT, YOU'RE GOING TO GO TO JAIL FOR CONTEMPT.
16 SO YOU STICK TO THE FACTS.

17 MR. WARD: YES, SIR.

18 THE COURT: AND NO EDITORIAL
19 COMMENTING. I'VE GOT THREE WEEKS IN THIS TRIAL AND
20 I'M NOT GOING TO LET YOU MESS IT UP.

21 MR. WARD: I UNDERSTAND, YOUR HONOR.

22 THE COURT: ALL RIGHT.

23 MR. SWERLING: JUDGE, JUST ONE OTHER
24 ADDITIONAL GROUND FOR THE RECORD. WE DON'T BELIEVE
25 THIS IS EVIDENCE OF ANOTHER CRIME, WHICH WOULD BE

1 CONSIDERED -- OR SHOULD BE CONSIDERED UNDER STATE
2 VERSUS STEWART.

3 THE COURT: I DON'T THINK THEY'RE
4 OFFERING IT AS EVIDENCE OF ANOTHER CRIME. I MEAN,
5 YOU KNOW TO BE A -- IT DOESN'T -- FROM WHAT I
6 UNDERSTAND HE'S GOING TO TESTIFY, IT DOESN'T AMOUNT
7 TO A SOLICITATION.

8 MR. HARPOOTLIAN: WHAT IS IT EVIDENCE
9 OF THEN, YOUR HONOR?

10 THE COURT: EVIDENCE GOING TO HIS
11 CHARACTER, NOT OF ANOTHER CRIME.

12 MR. HARPOOTLIAN: THEN WE WOULD REQUEST
13 A CAUTIONARY INSTRUCTION.

14 THE COURT: ALL RIGHT, SOLICITOR,
15 WHAT'S YOUR POSITION ON THAT?

16 MR. MCMAHON: WHAT DO THEY MEAN BY --

17 THE COURT: IT'S NOT BEING OFFERED AS
18 EVIDENCE OF ANOTHER CRIME, BUT RATHER GOING TO THE
19 ISSUE OF HIS CHARACTER.

20 MR. MCMAHON: JUDGE, I THOUGHT THE
21 PURPOSE OF THE PENALTY PHASE WAS THE CIRCUMSTANCES
22 OF THE CRIME AND CHARACTER OF THE DEFENDANT. AND I
23 DON'T KNOW OF A CASE -- WHAT IS IT THEY WANT WHEN
24 THEY SAY CAUTIONARY INSTRUCTIONS?

25 THE COURT: WELL, WHAT THEY'RE -- I

1 GUESS WHERE THEY'RE HEADED IS, IS THAT NORMALLY IF
2 THERE'S EVIDENCE OF A PRIOR CRIMINAL RECORD IN THE
3 CASE, IT DOES NOT GO TO SHOW CIRCUMSTANCE OF
4 AGGRAVATION --

5 MR. MCMAHON: YES, SIR.

6 THE COURT: -- BUT RATHER TO THE
7 CHARACTER OF THE ACCUSED.

8 MR. MCMAHON: YES, SIR. AND, OF
9 COURSE, WE'RE NOT OFFERING THIS AS PART OF ANY
10 ATTEMPT TO SHOW PRIOR CRIMINAL RECORD. AND IT MAY
11 HAVE SOME WEIGHT, WHATEVER THE JURY SO CHOOSES TO
12 GIVE TO IT, AS FAR AS THE EXISTENCE OF STATUTORY
13 AGGRAVATING CIRCUMSTANCE CAUSED OR DIRECTED BECAUSE
14 THERE IS A REFERENCE WITHIN MR. WARD'S TESTIMONY TO
15 THE CO-DEFENDANT, MR. ANDERSON. SO IT'S NOT JUST
16 OFFERED FOR CHARACTER IN THIS PARTICULAR CASE.
17 IT'S FURTHER OFFERED AS TO WHATEVER WEIGHT THE JURY
18 WOULD WANT TO GIVE TO THIS TESTIMONY ON THE ISSUE--
19 ONE OF THE ISSUES WHICH WE HAVE PRESENTED TO THE
20 JURY AS TO WHETHER OR NOT WE CAN PROVE THE
21 AGGRAVATING CIRCUMSTANCE OF CAUSED AND DIRECTED --
22 THAT THE DEFENDANT CAUSED AND DIRECTED ANOTHER TO
23 COMMIT MURDER. SO THAT -- CHARACTER IS NOT SOLELY
24 THE ISSUE FOR WHICH IT IS OFFERED. I THINK IT GOES
25 TO HIS CHARACTER, BUT THAT'S NOT THE ONLY ISSUE.

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1 THE COURT: BUT IT'S NOT EVIDENCE OF A
2 CRIME. YOU'RE NOT OFFERING --

3 MR. MCMAHON: NO, SIR, IT'S NOT
4 EVIDENCE OF A CRIME. WELL, IT'S NOT EVIDENCE OF A
5 CRIME SEPARATE AND INDEPENDENT OF THE CRIME FOR
6 WHICH HE HAS BEEN TRIED. YOU KNOW, THIS WOULD --
7 MAY IN FACT HAVE BEEN ADMISSIBLE, MAYBE IN THE
8 PLAINTIFF'S CASE IN CHIEF. I REALIZE THERE WAS
9 SOME OTHER ISSUES INVOLVED THERE IN REPLY HAD THE
10 DEFENDANT TESTIFIED. SO IT'S CERTAINLY RELEVANT
11 AND I THINK IT'S RELEVANT NOT ONLY TO HIS
12 CHARACTER, BUT AS I SAY TO THE STATUTORY
13 AGGRAVATING CIRCUMSTANCE OF CAUSED AND DIRECTED,
14 WHICH WE'RE ATTEMPTING TO PROVE BEYOND A REASONABLE
15 DOUBT TO THIS JURY.

16 MR. HARPOOTLIAN: YOUR HONOR, WE WOULD
17 JUST OBVIOUSLY NOTE OUR EXCEPTION UNDER STATE
18 VERSUS GEORGE.

19 THE COURT: I'M TRYING TO -- I DECLINE
20 TO --

21 MR. HARPOOTLIAN: YES, SIR.

22 THE COURT: -- GIVE A PRECAUTIONARY
23 INSTRUCTION. I'LL THINK ABOUT IT IN TERMS OF THE
24 CHARGE TO THE JURY LATER, BUT NOT AT THIS POINT IN
25 TIME.

1 OKAY, EVERYBODY READY TO GO?

2 MR. COULTER: I'M SORRY, ONE OTHER
3 THING. WE DO HAVE A PHONE RECORD THAT I BELIEVE
4 WAS PRESENTED TO THE DEFENSE SOME TIME AGO. THIS
5 IS A PHONE RECORD REFLECTING THAT -- WHAT IN
6 ESSENCE IS GOING TO COME OUT THROUGH THE TESTIMONY
7 IS THAT MR. WARD WAS GIVEN DEFENDANT BECKHAM'S
8 PARENTS' PHONE NUMBER. DEFENDANT BECKHAM HAD
9 REQUESTED THAT MR. WARD MAKE A PHONE CALL IN ORDER
10 TO GET -- TO LET HIS PARENTS KNOW WHERE HE WAS, THE
11 DEFENDANT BECKHAM. AND IN FACT, MR. WARD CALLED
12 HIS OWN MOTHER AND HIS MOTHER IN FACT CALLED THE
13 BECKHAM HOME. AND WE WOULD OFFER, THROUGH THIS
14 WITNESS, THIS PARTICULAR PHONE RECORD REFLECTING
15 THAT IN FACT MR. WARD'S MOTHER MADE THE PHONE CALL
16 TO MR. BECKHAM'S HOME.

17 MR. HARPOOTLIAN: WELL, YOUR HONOR,
18 THAT WOULD BE EVIDENCE OF HEARSAY. UNLESS THEY'RE
19 GOING TO CALL MRS. WARD, WE WOULD OBJECT TO IT.

20 MR. COULTER: WE WERE TALK --

21 MR. HARPOOTLIAN: NUMBER ONE. AND
22 NUMBER TWO, I BELIEVE MR. CULLER TESTIFIED
23 YESTERDAY THAT HE WAS GIVEN THE PHONE NUMBER BY MR.
24 WARD TO HAVE TO GIVE TO MRS. WARD SO THAT SHE MIGHT
25 MAKE SOME PHONE CALLS.

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1 MR. COULTER: THAT'S NOT CORRECT. AS A
2 MATTER OF FACT --

3 MR. HARPOOTLIAN: WELL, THAT'S WHAT MR.
4 CULLER TESTIFIED TO.

5 MR. COULTER: WHATEVER MR. CULLER
6 TESTIFIED TO, THE FACT OF THE MATTER IS THAT MR.
7 WARD FINALLY GAVE THAT NOTE TO MR. CULLER, BUT IT
8 WAS MR. WARD WHO ACTUALLY CALLED HIS OWN MOTHER AND
9 TOLD HIS MOTHER TO CALL THE BECKHAM HOUSEHOLD.

10 MR. HARPOOTLIAN: WELL, I THINK HE CAN
11 TESTIFY THAT HE CALLED HIS MOTHER, BUT I DON'T
12 BELIEVE HE CAN TESTIFY THAT HIS MOTHER CALLED THE
13 BECKHAM HOUSEHOLD.

14 MR. COULTER: I JUST WANT TO INTRODUCE
15 THESE PHONE RECORDS.

16 THE COURT: I THINK THEY CAN OFFER
17 EVIDENCE THAT THERE IS A CALL FROM HIS MOTHER'S
18 RESIDENCE TO THE BECKHAM RESIDENCE. AS TO WHO MADE
19 IT, I -- YOU KNOW, THE JURY CAN INFER AS TO HOW HE
20 SET IT UP. I MEAN -- YOU MEAN THIS FELLOW'S MOTHER
21 WOULD JUST OUT OF THE CLEAR BLUE SKY CALL UP THE
22 BECKHAMS? I MEAN, THAT'S --

23 MR. HARPOOTLIAN: WELL, WE DON'T THAT
24 HIS MOTHER LIVES THERE.

25 THE COURT: I DON'T EITHER.

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1 MR. HARPOOTLIAN: WHOSE NAME IS THE
2 PHONE IN?

3 MR. COULTER: KATHLEEN HARLEY, 3430B
4 MEETING STREET ROAD, NORTH CHARLESTON, SOUTH
5 CAROLINA, WHICH IS MR. WARD'S MOTHER'S HOME.

6 MR. HARPOOTLIAN: YOUR HONOR, WE'D
7 OBJECT TO IT.

8 THE COURT: I OVERRULE THE OBJECTION.
9 I WILL ALLOW HIM TO TESTIFY AS TO THE FACT THAT HE
10 DIRECTED HIS MOTHER TO MAKE THE PHONE CALL. BUT AS
11 TO WHETHER OR NOT SHE MADE THE CALL, HE DOESN'T
12 KNOW THAT. YOU CAN OFFER THE RECORD TO SHOW THAT
13 THE CALL WAS MADE AND THE JURY CAN INFER FROM THAT.

14 MR. SWERLING: JUDGE, JUST ONE OTHER
15 THING. I WOULD ASK THE STATE TO DISCLOSE ON THE
16 RECORD, WHAT, IF ANY, CONVERSATIONS THEY OR ANY
17 AGENTS FOR THE STATE HAVE HAD TO MR. WARD IN
18 CONNECTION WITH HIS TESTIMONY. ANY CONSIDERATION,
19 ANY LETTERS BEING WRITTEN, ANY LETTERS BEING
20 CONSIDERED, ANY RECOMMENDATIONS BEING MADE,
21 ANYTHING AT ALL UNDER GIGLIO, BRADY OR AGERS.

22 THE COURT: I'M LED TO BELIEVE THAT HE
23 IS NOT IN CUSTODY?

24 MR. COULTER: THAT'S CORRECT.

25 THE COURT: SO IS THERE -- I MEAN,

1 YOU'RE ASKING FOR THAT AS IT RELATES NOW?

2 MR. SWERLING: WELL, I MEAN, WHAT -- AS
3 IT RELATES -- THEN OR NOW OR AT ANY TIME? I MEAN,
4 BASICALLY, WHAT I WANT TO KNOW IS HAVE THEY HAD ANY
5 CONVERSATIONS WITH MR. WARD IN WHICH HE WAS --
6 ANYTHING WAS REPRESENTED BY ANY AGENT OF THE STATE,
7 POLICE OFFICERS, SOLICITORS, DEPUTY SOLICITORS IN
8 CONSIDERATION FOR HIS COOPERATION WITH THIS OFFICE
9 AND OTHER OFFICES. UNDER -- I MEAN, IT WOULD BE A
10 BRADY ISSUE. AND I THINK THAT WE WOULD BE ENTITLED
11 TO EXPLORE THAT AS TO MOTIVE, INTEREST, BIAS,
12 PREJUDICE, STRAIGHT SIXTH AMENDMENT TYPE ISSUES.
13 BUT, I MEAN, I'M TALKING ABOUT ANYBODY. HAS
14 ANYBODY -- IS THERE ANY CONSIDERATION WHATSOEVER
15 BEEN DISCUSSED OR BEING DISCUSSED, EVEN TO THE
16 EXTENT OF WRITING A LETTER OR MAKING A CALL TO
17 ANOTHER SOLICITOR? WHATEVER IT MAY BE, I THINK WE
18 ARE ENTITLED TO KNOW.

19 MR. COULTER: YOUR HONOR, THE ONLY
20 AGREEMENT THAT I EVER UNDERSTOOD OCCURRED BETWEEN
21 THE STATE AND MR. WARD WAS IN REGARDS TO THE
22 SENTENCE HE RECEIVED IN NEGOTIATIONS INVOLVING
23 TESTIMONY IN THE DEATH PENALTY CASE INVOLVING
24 DEFENDANT GARDNER AND DEFENDANT JOHNSON. THERE HAS
25 BEEN NOTHING DISCUSSED IN REGARDS TO TESTIMONY IN

1 THIS CASE.

2 THE COURT: LET'S HAVE A SIDE BAR.

3 (BENCH CONFERENCE OFF THE RECORD.)

4 THE COURT: ALL RIGHT, I'M GOING -- AT
5 THE SIDE BAR, I'M ADVISED THAT SOLICITOR BARBARA
6 MORGAN AND SOLICITOR WALTER BAILEY HAD SOME CONTACT
7 WITH THE DEPARTMENT OF CORRECTIONS. AND ONCE MR.
8 WARD TESTIFIED IN THE JOHNSON CASE TO PLACE HIM IN
9 LEXINGTON FOR THE PURPOSES OF SAFEKEEPING. AND
10 THAT A FOLLOW-UP LETTER WAS SENT BY SLED TO SHERIFF
11 METTS THANKING HIM FOR THE COOPERATION WITH REGARD
12 TO WARD.

13 WITH REGARD TO JEFFCOAT, A LETTER WAS
14 SIGNED BY SOLICITOR MORGAN, SOLICITOR BAILEY AND
15 SOLICITOR JONES TO LIKEWISE AUTHORIZE SAFEKEEPING.
16 IN AS MUCH AS UPON JEFFCOAT'S PLEA IN ORANGEBURG,
17 HIS PAROLE WAS SUBJECT TO REVOCATION. AND AS I
18 UNDERSTAND IT, THE STATE REPRESENTS THAT THAT'S THE
19 ONLY CONSIDERATION BEEN GIVEN EITHER OF THOSE
20 DEFENDANTS AT THAT TIME.

21 MR. JONES: YES, YOUR HONOR.

22 THE COURT: ALL RIGHT. CAPTAIN WEBER
23 IS IN THE COURTROOM, AND HE, OF COURSE, IS FAMILIAR
24 WITH WHAT HAPPENED TO THAT EXTENT.

25 MR. SWERLING, ARE YOU SATISFIED WITH

1 THE REPRESENTATION AS I HAVE OUTLINED IT?

2 MR. SWERLING: YES, SIR. FOR THE
3 RECORD, I WOULD STATE THAT I WAS AWARE OF THE
4 LETTER WRITTEN ON BEHALF OF MR. JEFFCOAT. WHEN WE
5 CHECKED WITH THE DEPARTMENT OF CORRECTIONS FOR
6 THEIR FILES, I WAS AWARE OF THAT. I WOULD PROPOSE
7 NOT TO BRING THAT OUT.

8 THE COURT: THAT'S FINE.

9 MR. SWERLING: EITHER DIRECT OR CROSS-
10 EXAMINATION, ABOUT ANY KIND OF SAFEKEEPING STATUS.

11 THE COURT: I DON'T SEE THAT IT HAS ANY
12 BEARING ON THIS CASE AT THIS POINT IN TIME. THE
13 ONLY WAY I KNOW ABOUT THAT IS I WAS ADMINISTRATIVE
14 JUDGE IN THE SECOND CIRCUIT WHILE SOLICITOR MORGAN
15 -- WHERE SOLICITOR MORGAN IS THE SOLICITOR.

16 ALL RIGHT, BRING THE JURY IN.

17 (WHEREUPON, THE JURY WAS BROUGHT INTO
18 OPEN COURT AT 9:43 A.M.)

19 THE COURT: LADIES AND GENTLEMEN OF THE
20 JURY, GOOD MORNING.

21 DOES THE STATE WAIVE POLLING?

22 MR. JONES: THE STATE DOES WAIVE
23 POLLING, YOUR HONOR.

24 THE COURT: DEFENSE WAIVE POLLING?

25 MR. SWERLING: YES, SIR.

1 THE COURT: I TOLD YOU IT WOULD BE FALL
2 BEFORE WE GOT TO THIS CASE. HOWEVER, WE DID USE
3 THE TIME LAST NIGHT AND A LITTLE BIT THIS MORNING,
4 AND I THINK YOU WILL SEE THAT IT HAS MADE SOME
5 DIFFERENCE IN THE TIMING OF THE CASE. AND SO WE
6 WILL PROCEED ALONG WITH THE TESTIMONY.

7 MR. COULTER?

8 MR. COULTER: YES, SIR. THE STATE
9 WOULD CALL JERRY WARD TO THE STAND.

10 MR. SWERLING: YOUR HONOR, OUR
11 OBJECTIONS WILL BE NOTED CONTEMPORANEOUSLY, AS TO
12 THE ISSUES DISCUSSED?

13 THE COURT: AS TO THE ISSUES RAISED.
14 THEY'RE PRESERVED. ANY OTHER ISSUES YOU'D HAVE TO
15 MAKE THEM CONTEMPORANEOUSLY.

16 JERRY WARD, BEING DULY SWORN,
17 TESTIFIED AS FOLLOWS:

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

20 THE WITNESS: JERRY EUGENE WARD.

21 DIRECT EXAMINATION:

22 BY MR. COULTER:

23 Q ALL RIGHT, MR. WARD, WHERE ARE YOU
24 LIVING NOW?

25 A 3430 MEETING STREET, CHARLESTON, SOUTH

- 1 CAROLINA.
- 2 Q ALL RIGHT, IF YOU COULD, JUST PULL
- 3 CLOSE UP TO THAT MICROPHONE, PLEASE. ALL RIGHT,
- 4 AND WHO DO YOU LIVE WITH THERE IN CHARLESTON?
- 5 A MY MOTHER.
- 6 Q AND WHAT'S HER NAME?
- 7 A KATHLEEN HARLEY.
- 8 Q ALL RIGHT. AND YOU WORKING?
- 9 A YES, SIR.
- 10 Q WHAT DO YOU DO?
- 11 A I'M AN ELECTRONICS TECHNICIAN, SIR.
- 12 Q ALL RIGHT. HOW LONG HAVE YOU BEEN
- 13 DOING THAT?
- 14 A THIRTY YEARS.
- 15 Q ALL RIGHT. BACK IN 1993, WERE YOU
- 16 ARRESTED ON SOME CHARGES IN ORANGEBURG COUNTY?
- 17 A YES, SIR, I WAS.
- 18 Q WHAT CHARGES WERE THOSE?
- 19 A I WAS ARRESTED FOR TWO COUNTS OF GRAND
- 20 LARCENY, TWO SECOND DEGREE BURGLARIES, THREE
- 21 SAFECRACKING AND AUTO THEFT. AND ALSO, A GRAND
- 22 LARCENY IN DORCHESTER COUNTY.
- 23 Q ALL RIGHT. WHAT JAIL WERE YOU IN AS A
- 24 RESULT OF THOSE CHARGES?
- 25 A ORANGEBURG COUNTY JAIL.

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- 1 Q AFTER BEING PLACED IN THE ORANGEBURG
2 COUNTY JAIL ON THESE CHARGES, DID YOU IN FACT
3 ESCAPE FROM THE ORANGEBURG COUNTY JAIL?
- 4 A YES, SIR, I DID.
- 5 Q ALL RIGHT, AS A RESULT OF YOU ESCAPING
6 FROM THE ORANGEBURG COUNTY JAIL, WHAT HAPPENED?
- 7 A I WAS PLACED ON SAFEKEEPING STATUS IN
8 COLUMBIA.
- 9 Q OKAY. WHAT FACILITY IN COLUMBIA?
- 10 A BROAD RIVER.
- 11 Q ALL RIGHT. CAN YOU EXPLAIN WHAT
12 SAFEKEEPING IS?
- 13 A SAFEKEEPING IS THAT SECTION IN THE
14 DEPARTMENT OF CORRECTIONS WHERE COUNTIES MAKE A
15 MOTION TO THE GOVERNOR TO -- YOU KNOW, IF THEY'RE
16 HAVING A PROBLEM WITH AN INMATE IN A COUNTY
17 FACILITY THAT THEY FIGURE THEY CAN'T HANDLE, THEY
18 REQUEST THE GOVERNOR TO TRANSFER YOU TO SAFEKEEPING
19 WITHIN THE DEPARTMENT OF CORRECTIONS.
- 20 Q AND COULD YOU DESCRIBE THE AREA THERE
21 AT SAFEKEEPING?
- 22 A THE -- ACTUALLY, SAFEKEEPING IS ON
23 DEATH ROW. THERE'S FOUR TIERS OF TWENTY-FOUR
24 CELLS. ONE SIDE IS UPSTAIRS AND DOWNSTAIRS,
25 TWENTY-FOUR CELLS UPSTAIRS, TWENTY-FOUR DOWN. THAT

1 SIDE IS ENTIRELY DEATH ROW. THE OTHER SIDE IS
2 DOWNSTAIRS IT'S ENTIRELY DEATH ROW, UPSTAIRS IS
3 COUNTY SAFEKEEPERS.

4 Q ALL RIGHT. AND SO YOU WERE ON THE
5 UPSTAIRS, MR. WARD?

6 A YES, SIR.

7 Q ALL RIGHT. AND DO YOU RECALL ABOUT
8 WHAT YEAR AND MONTH IT WAS THAT YOU WERE PLACED IN
9 SAFEKEEPING?

10 A JUNE OF '94, SIR.

11 Q JUNE OF '94?

12 A YES, SIR.

13 Q ALL RIGHT. DO YOU REMEMBER AT SOME
14 POINT IN 1995 MEETING DEFENDANT BECKHAM?

15 A YES, SIR, I DO.

16 Q ALL RIGHT. AND COULD YOU DESCRIBE FOR
17 ME PLEASE BASICALLY HIS PHYSICAL APPEARANCE?

18 A LIGHT-BROWN, BLONDISH HAIR, FIVE SEVEN,
19 FIVE EIGHT, ABOUT MY HEIGHT, FIVE NINE, MAYBE,
20 HUNDRED FIFTY, HUNDRED FIFTY-FIVE POUNDS.

21 Q ALL RIGHT. DO YOU SEE HIM HERE IN THE
22 COURTROOM TODAY?

23 A YES, SIR, I DO.

24 Q WOULD YOU POINT HIM OUT, PLEASE?

25 A RIGHT THERE IN THE GRAY JACKET, YELLOW

- 1 TIE, GLASSES.
- 2 Q ALL RIGHT.
- 3 MR. COULTER: LET THE RECORD REFLECT,
- 4 YOUR HONOR, THAT MR. WARD HAS PICKED OUT DEFENDANT
- 5 BECKHAM.
- 6 Q (BY MR. COULTER) DO YOU REMEMBER
- 7 APPROXIMATELY WHAT MONTH IT WAS THAT YOU MET
- 8 DEFENDANT BECKHAM?
- 9 A YES, SIR, I WOULD SAY JULY OF '95, SIR.
- 10 Q ALL RIGHT. AND HOW DID YOU COME TO
- 11 MEET MR. BECKHAM?
- 12 A WELL, IN SAFEKEEPING STATUS THERE IS
- 13 VERY LITTLE TRAFFIC. I MEAN, YOU MIGHT GO TWO OR
- 14 THREE MONTHS WITHOUT ANYONE COMING OR GOING. YOU
- 15 KNOW, THERE'S ONLY -- NORMALLY TEN, FIFTEEN PEOPLE
- 16 ON SAFEKEEPING STATUS. SO WHEN SOMEONE DOES COME
- 17 IN, YOU KNOW, EVERYBODY'S, YOU KNOW, WHO ARE YOU,
- 18 WHERE ARE YOU FROM, YOU KNOW, YOU KNOW, CURIOUS.
- 19 AND I HAD, YOU KNOW, HEARD MEDIA TALK OF MR.
- 20 BECKHAM. AND THEN I OVERHEARD CORRECTIONAL
- 21 OFFICERS TALKING ABOUT WHO HE WAS AND YOU KNOW.
- 22 Q ALL RIGHT. SO IN JULY OF '95 HE WAS
- 23 BROUGHT ON THE SAFEKEEPING STATUS AS WELL?
- 24 A YES, SIR.
- 25 Q AND YOU HAD KNOWN HIM -- OF HIM

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1 PREVIOUS TO WHEN HE WAS BROUGHT TO SAFEKEEPING?

2 A YES. I HAD KNOWLEDGE OF HIS CASE, NOT
3 PERSONAL KNOWLEDGE OF MR. BECKHAM.

4 Q ALL RIGHT. DO YOU RECALL TALKING WITH
5 MR. BECKHAM ON THE FRIDAY HE WAS BROUGHT INTO
6 SAFEKEEPING?

7 A YES, SIR, I DO.

8 Q ALL RIGHT. WHAT DID YOU AND HE
9 DISCUSS?

10 A WELL, NORMALLY, WHEN SOMEONE COMES IN,
11 YOU KNOW, EVEN IF YOU HAVE MONEY ON YOU, YOU CAN'T
12 -- YOU HAVE A COMPUTERIZED CANTEEN CARD. AND YOU
13 HAVE TO HAVE -- NOW YOU HAVE TO HAVE A PIN NUMBER
14 TO MAKE A PHONE NUMBER. SO WHEN SOMEONE COMES IN,
15 YOU KNOW, THEY DON'T HAVE ANY PERSONAL HYGIENE
16 ITEMS OR WRITING MATERIALS AND THEY CAN'T, YOU
17 KNOW, MAKE A PHONE CALL. SO WE NORMALLY TRY TO
18 ACCOMMODATE, YOU KNOW, PEOPLE COMING IN TO HELP
19 THEM OUT AS MUCH AS POSSIBLE. AND WHEN MR. BECKHAM
20 CAME IN, I HAD -- THE DOORS ARE -- THEY ARE LARGE
21 STEEL DOORS AND THEY HAVE PROBABLY ONE AND HALF
22 FOOT BY TWO AND A HALF FOOT WINDOWS ON THE DOORS
23 WITH A SET OF BARS IN THEM. SO THESE CELLS ARE IN
24 A SQUARE, ALL RIGHT? AND YOU -- IT'S PROBABLY
25 SEVENTY-FIVE FEET ACROSS ONE WAY AND THEN YOU CAN

1 SEE, YOU KNOW, EVERYONE IN A CELL, SO YOU CAN
2 COMMUNICATE AND YOU CAN SEE WHAT'S GOING ON OUT ON
3 THE TIER.

4 Q SO FROM YOUR CELL, COULD YOU SEE THE
5 DEFENDANT BECKHAM'S CELL?

6 A YES, SIR.

7 Q ALL RIGHT. AND BASED ON THE FACT THAT
8 HE DIDN'T HAVE ANY ITEMS FROM THE CANTEEN, DID YOU
9 DO SOMETHING TO HELP HIM OUT?

10 A YES, SIR. WELL, I SENT HIM SOME
11 ENVELOPES AND WRITING MATERIALS. AND I OVERHEARD
12 HIM DISCUSSING HIS CASE WITH PEOPLE IN CELLS NEXT
13 TO HIM, AND I WROTE HIM A NOTE ALONG WITH THE
14 WRITING MATERIALS AND TOLD HIM NOT TO DISCUSS HIS
15 CASE, YOU KNOW, WITH ANYONE, AND IF I COULD DO
16 ANYTHING FOR HIM, YOU KNOW, TO LET ME KNOW.

17 Q ALL RIGHT. DID YOU HAVE AN OPPORTUNITY
18 TO DO ANYTHING FOR HIM LATER ON THAT SAME DAY?

19 A WELL, WE MADE SOME -- AT SEVEN O'CLOCK
20 AT NIGHT, THREE NIGHTS A WEEK, MONDAY, WEDNESDAY
21 AND FRIDAYS, WE WERE ALLOWED A TEN-MINUTE PHONE
22 CALL. AND DUE TO THE FACT THAT HE DIDN'T HAVE A
23 PIN NUMBER OR ANYTHING TO MAKE A PHONE CALL WITH, I
24 HAD ASKED HIM, YOU KNOW, IF I NEEDED TO NOTIFY HIS
25 FAMILY. YOU KNOW, I COULDN'T CALL -- YOU HAVE A

1 LIST OF PHONE NUMBERS THAT YOU CAN CALL ONLY. SO I
2 OFFERED TO LET MY MOTHER, WHICH WAS ROUTINE, YOU
3 KNOW, FOR EVERYBODY COMING ON, I OFFERED TO LET MY
4 MOTHER CALL HIS FAMILY AND LET THEM KNOW, YOU KNOW,
5 THAT HE WAS OKAY AND WHERE HE WAS.

6 Q ALL RIGHT. DID HE ASK YOU TO DO THAT?

7 A YES, SIR, HE DID.

8 Q ALL RIGHT. AND WERE YOU ABLE TO CALL
9 YOUR MOTHER?

10 A YES, SIR.

11 Q HOW DID -- DID HE GIVE YOU A NUMBER TO
12 CALL?

13 A YES, SIR.

14 Q HOW DID HE GIVE THAT TO YOU?

15 A HE SENT IT BY A CORRECTIONAL OFFICER.

16 Q ALL RIGHT.

17 A YOU -- THEY WALK THE TIER CONTINUOUSLY.

18 AND, YOU KNOW, EVEN AT TIMES, YOU KNOW, YOU'RE
19 ALLOWED, EVEN THOUGH YOU'RE SHACKLED DOWN, YOU
20 KNOW, IF YOU COME OUT OF A CELL, YOU'RE CHAINED
21 DOWN, REGARDLESS OF WHAT THE REASON. IF YOU GO TO
22 THE SHOWER, YOU'RE CHAINED DOWN.

23 Q ALL RIGHT. AND WHAT'S YOUR MOTHER'S
24 NAME AGAIN?

25 A KATHLEEN HARLEY.

- 1 Q ALL RIGHT. AND SHE LIVES WHERE?
- 2 A 3430 MEETING STREET ROAD, CHARLESTON --
- 3 NORTH CHARLESTON, I'M SORRY.
- 4 Q ALL RIGHT. I'LL LET YOU LOOK AT
- 5 STATE'S EXHIBIT NO. 158. DO YOU RECOGNIZE THE NAME
- 6 AND ADDRESS DOWN IN THE BOTTOM RIGHT-HAND CORNER?
- 7 A YES, SIR, THAT'S MY MOTHER.
- 8 Q ALL RIGHT. IF YOU COULD TURN TO THE
- 9 SECOND PAGE OF STATE'S EXHIBIT 158, PLEASE. YOU
- 10 NOTICE A PHONE CALL ON JULY 21ST?
- 11 A YES, SIR.
- 12 Q ALL RIGHT. AND WHERE WAS THAT PHONE
- 13 CALL PLACED TO?
- 14 A IT WAS PLACED TO NEWBERRY.
- 15 Q ALL RIGHT. AND THE NUMBER CALLED?
- 16 A 803, 276 -- IT APPEARS TO BE 2528.
- 17 Q ALL RIGHT. AFTER YOU HAD TALKED TO HIM
- 18 ABOUT THIS PARTICULAR PHONE CALL, DID YOU HAVE
- 19 OTHER OPPORTUNITIES TO TALK TO HIM?
- 20 A YES, SIR.
- 21 Q ALL RIGHT. DO YOU RECALL APPROXIMATELY
- 22 WHEN THAT WAS IN RELATION TO THE FIRST TIME HE CAME
- 23 IN?
- 24 A THAT WOULD HAVE BEEN THE SATURDAY NIGHT
- 25 FOLLOWING HIS ARRIVAL, I THINK IT WAS ON A FRIDAY

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1 HE CAME IN, BUT ANYWAY IT WAS SATURDAY NIGHT
2 AFTERWARD, ANOTHER INDIVIDUAL IN SAFEKEEPING --
3 WELL, TWO INDIVIDUALS ON SAFEKEEPING BESIDES MYSELF
4 WERE ALLOWED OUT OF THEIR CELLS ON SATURDAY NIGHTS
5 TO CLEAN SHOWERS. AND ON THAT PARTICULAR SATURDAY
6 NIGHT, I WAS ASKED BY A CORRECTIONAL OFFICER --
7 WHICH WAS -- HE WAS DOWNSTAIRS, LIKE I SAY, WE'RE
8 LOOKING DOWN -- HE WAS DOWNSTAIRS IN THE DEATH ROW
9 SECTION. THERE'S A CHAIN-LINK FENCE AROUND THE
10 UPSTAIRS PART. SO WHILE WE WERE OUT CLEANING THE
11 SHOWERS, THE CORRECTIONAL OFFICER ASKED ME TO KEEP
12 WALKING BY MR. BECKHAM'S CELL EVERY NOW AND THEN
13 AND JUST TELL HIM WHAT HE WAS DOING. AND WHAT THAT
14 MEANS IS --

15 Q WELL, JUST -- YOU WERE ASKED TO LOOK
16 INTO HIS CELL?

17 A YES, SIR, AND JUST TELL HIM WHAT HE WAS
18 DOING EVERY NOW AND THEN.

19 Q ALL RIGHT. AS A RESULT OF LOOKING INTO
20 HIS CELL, DID YOU TALK TO THE DEFENDANT BECKHAM?

21 A YES, SIR.

22 Q ALL RIGHT. AND WHAT DID YOU TALK
23 ABOUT?

24 A WELL, DUE TO THE STATEMENT FROM THE
25 CORRECTIONAL OFFICER, I REALIZED THAT THERE WAS A

1 UNIQUE PROBLEM OF SOME KIND WITH MR. BECKHAM. AND
2 I WENT TO HIS CELL --

3 MR. SWERLING: YOUR HONOR, COULD WE
4 APPROACH THE SIDE BAR?

5 THE COURT: SURE.

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: THE OBJECTION GOES TO MORE
10 THAN THE ANSWER TO THE LAST QUESTION. BUT AS TO
11 THE ANSWER TO THE LAST QUESTION, I'LL SUSTAIN THAT
12 AND STRIKE THAT FROM THE RECORD AND THE JURY WILL
13 DISREGARD IT.

14 ALL RIGHT, MR. COULTER.

15 MR. COULTER: THANK YOU, YOUR HONOR.

16 Q (BY MR. COULTER) MR. WARD, IN REGARDS
17 TO SPECIFIC CONVERSATIONS YOU HAD WITH THE
18 DEFENDANT BECKHAM THAT DAY, SATURDAY, DO YOU RECALL
19 A CONVERSATION THAT YOU HAD IN REGARDS TO AN
20 INDIVIDUAL IN NEWBERRY?

21 A YES, SIR.

22 Q ALL RIGHT. AND WHAT DID THE DEFENDANT
23 BECKHAM TELL YOU?

24 A HE TOLD ME THAT THE ONLY MISTAKE HE
25 MADE WAS LETTING THE SON OF A BITCH IN NEWBERRY

1 COUNTY JAIL LIVE TO TELL ABOUT IT.

2 Q DID YOU KNOW WHO HE WAS REFERRING TO,
3 THIS PERSON IN NEWBERRY COUNTY?

4 A YES, SIR.

5 Q AND WHO IS THAT?

6 A THROUGH THE MEDIA, RICHARD ANDERSON.

7 Q DO YOU RECALL -- YOU'VE HAD OTHER
8 OPPORTUNITIES TO TALK TO THE DEFENDANT BECKHAM
9 OTHER THAN THAT SATURDAY NIGHT?

10 A YES, SIR, WE WERE ALLOWED ONE-HOUR
11 RECREATION FIVE DAYS A WEEK.

12 Q ALL RIGHT. AND DO YOU RECALL HAVING
13 DISCUSSIONS WITH THE DEFENDANT BECKHAM ABOUT SOME
14 EVIDENCE REGARDING A CAR?

15 A YES, SIR.

16 Q AND WHAT WAS THAT CONVERSATION?

17 A HE HAD RETURNED FROM AN ATTORNEY'S
18 VISIT AND TOLD ME THAT THERE HAD BEEN A SMALL
19 HANDPRINT ON THE CAR AND THEY WERE FINGERPRINTING
20 PEOPLE TO DETERMINE WHOSE IT WAS. AND HE SAID THAT
21 WAS IMPOSSIBLE.

22 Q FINGERPRINT?

23 A YES, SIR -- OR HANDPRINT, I'M SORRY.

24 Q DO YOU ALSO RECALL ANOTHER CONVERSATION
25 YOU HAD SHORTLY AFTER HE HIRED AN ADDITIONAL

- 1 ATTORNEY?
- 2 A YES, SIR.
- 3 Q AND WHAT WAS THAT CONVERSATION?
- 4 A HE TOLD ME THAT HE SHOULD -- WHAT HE
- 5 SHOULD DO IS TAKE ONE OF THESE ATTORNEY'S FEES AND
- 6 PUT IT ON RICHARD ANDERSON'S HEAD.
- 7 Q DID HE DISCUSS ANYTHING IN ADDITION TO
- 8 JUST --
- 9 A HE JUST -- HE ASKED ME DID I KNOW A WAY
- 10 TO DO THAT.
- 11 Q DID HE INDICATE TO YOU AT SOME POINT
- 12 LATER ON THAT HE WAS BEING MOVED?
- 13 A YES, SIR.
- 14 Q AND WHERE WAS HE BEING MOVED TO?
- 15 A RICHLAND COUNTY.
- 16 Q DID YOU HAVE ANY DISCUSSIONS WITH THE
- 17 DEFENDANT BECKHAM ABOUT RICHLAND COUNTY?
- 18 A YES, SIR. HE ASKED ME WHAT WAS -- HE
- 19 ASKED ME HAD I EVER BEEN THERE AND WAS THERE A
- 20 POSSIBILITY OF ESCAPING FROM IT.
- 21 Q DO YOU REMEMBER HAVING ANY CONVERSATION
- 22 WITH THE DEFENDANT BECKHAM AFTER HE HAD HAD
- 23 VISITATION?
- 24 A YES, SIR. IT WAS SHORTLY AFTER A
- 25 CUSTODY HEARING OR SOMETHING AND I THINK HIS

1 FATHER-IN-LAW HAD LEFT HIS CHILDREN AT THE FRONT
2 GATE -- OR HE HAD STAYED AT THE FRONT GATE AND LET
3 HIS CHILDREN COME IN. AND I TOLD MR. BECKHAM THAT
4 IT MUST BE REAL HARD ON YOUR RELATIONSHIP WITH YOUR
5 CHILDREN BEING CHARGED WITH THEIR MOTHER'S MURDER.
6 AND HE SAID THAT --

7 MR. SWERLING: YOUR HONOR, MAY WE
8 APPROACH THE SIDE BAR?

9 THE COURT: SURE.

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

13 THE COURT: NO OBJECTION MADE -- I
14 MEAN, IT'S A CONTINUING OBJECTION, NO SPECIFIC
15 OBJECTION MADE.

16 YOU MAY PROCEED, MR. COULTER.

17 MR. COULTER: THANK YOU, YOUR HONOR.

18 Q (BY MR. COULTER) MR. WARD, DO YOU
19 RECALL HAVING A CONVERSATION WITH DEFENDANT BECKHAM
20 AFTER HE HAD HAD SOME VISITATION?

21 A YES, SIR.

22 Q AND IF YOU COULD, COULD YOU TELL THE
23 JURY, PLEASE, WHAT THE DEFENDANT BECKHAM TOLD YOU?

24 A HE SAID THAT I WOULD HAVE TO HAVE KNOW
25 -- HE SAID THAT WHEN THEY GOT OLDER THEY WOULD

1 UNDERSTAND AND THAT I WOULD HAVE HAD TO HAVE KNOWN
2 THE BITCH TO APPRECIATE THE SITUATION.
3 Q DID YOU END UP PLEADING GUILTY TO THOSE
4 CHARGES THAT YOU WERE ORIGINALLY PUT IN THE
5 ORANGEBURG COUNTY JAIL?
6 A YES, SIR, I DID.
7 Q AND CONVICTED OF ALL THOSE SAME
8 CHARGES?
9 A YES, SIR.
10 Q ANSWER ANY QUESTIONS...
11 THE COURT: CROSS-EXAMINATION, MR.
12 SWERLING?
13 MR. SWERLING: THANK YOU.
14 CROSS-EXAMINATION:
15 BY MR. SWERLING:
16 Q HELLO, MR. WARD.
17 A HOW YA' DOIN', MR. SWERLING?
18 Q MR. WARD, LET ME GO BACK IF I CAN WITH
19 YOU A LITTLE BIT TO --
20 MR. SWERLING: YOUR HONOR, BEFORE I ASK
21 THIS QUESTION, CAN I APPROACH SIDE BAR WITH YOU FOR
22 A SECOND?
23 (BENCH CONFERENCE IN THE PRESENCE OF
24 THE JURY, OUT OF THE HEARING OF THE JURY, AND OFF
25 THE RECORD.)

1 THE COURT: ALL RIGHT.

2 Q (BY MR. SWERLING) MR. WARD, IN JANUARY
3 OF 1984, YOU PLED GUILTY TO, IN ADDITION TO THE
4 OTHER CHARGES, LARCENY AND AGGRAVATED ASSAULT AND
5 BATTERY AND ESCAPE; IS THAT RIGHT?

6 A IN 1984?

7 Q WELL, AS A RESULT OF A 1984 ARREST?

8 A MR. SWERLING, I DON'T BELIEVE THAT
9 THAT'S ACCURATE.

10 Q WELL, WHAT IS ACCURATE?

11 A I PLED GUILTY TO THE CHARGES YOU'RE
12 TALKING ABOUT, BUT I BELIEVE IN '81. I'M SURE THE
13 ESCAPE WAS IN '81. IF THAT'S THE SAME FBI RAP
14 SHEET THAT I'VE BEEN SEEING, IT'S NOT ENTIRELY
15 ACCURATE. THERE'S ANOTHER ESCAPE ON THERE -- WELL,
16 IT'S NOT ON THERE.

17 Q I'M TALKING ABOUT FROM THE 1984, RIGHT
18 THERE.

19 A THE CHARGES ARE ACCURATE, BUT NOT THE
20 DATE.

21 THE COURT: YOU HAVE TO ACCEPT HIS
22 ANSWER.

23 MR. SWERLING: I DIDN'T UNDERSTAND WHAT
24 HIS ANSWER IS.

25 A THE CHARGES THAT YOU ARE TALKING ABOUT,

1 I'M FAMILIAR WITH. THE DATE 1984 IS NOT -- IT'S
2 THREE YEARS OFF, SIR. THOSE CHARGES, I PLED GUILTY
3 TO IN 1981. ESCAPE FROM SUMTER COUNTY, I BELIEVE,
4 ASSAULT IN LAURENS COUNTY; IS THAT CORRECT?

5 Q THESE ARE -- IT DOES NOT INDICATE WHAT
6 COUNTY.

7 THE COURT: MR. SWERLING, YOU CAN'T
8 FISH THE RECORD. YOU'VE GOT TO ASK HIM POINT...

9 MR. SWERLING: NO, HE ASKED ME, YOUR
10 HONOR.

11 THE COURT: NO, I KNOW, BUT YOU'VE GOT
12 TO ASK POINT BLANK AND HE EITHER ADMITS OR DENIES.

13 Q (BY MR. SWERLING) ALL RIGHT, LET ME
14 ASK YOU THIS. WERE YOU CONVICTED OF LARCENY,
15 AGGRAVATED ASSAULT AND BATTERY AND ESCAPE IN 1984
16 OR AFTER, AND GIVEN A SIXTEEN YEAR SENTENCE?

17 A NO, SIR.

18 MR. SWERLING: YOUR HONOR, IF I COULD
19 JUST BE INDULGED ONE MOMENT?

20 THE COURT: YES, SIR.

21 MR. SWERLING: I'M TRYING TO FIND
22 SOMETHING IN MY NOTES.

23 Q (BY MR. SWERLING) LET ME RESTATE IT IF
24 I CAN. DID YOU GO TO COURT IN 1984 --

25 A NO, SIR.

- 1 Q -- FOR THOSE CHARGES?
- 2 A NO, SIR.
- 3 Q NOW, IN 1985, DID YOU PLEAD GUILTY TO A
- 4 FILING A FALSE POLICE REPORT, LYING TO A POLICE
- 5 OFFICER?
- 6 A NINETEEN, EIGHTY-FIVE?
- 7 Q YES, SIR.
- 8 A NO, SIR.
- 9 Q NINETEEN, EIGHTY-SIX?
- 10 A NO, SIR.
- 11 Q IS THAT ALSO WRONG, TOO?
- 12 A THAT'S WRONG, TOO, SIR, IT WAS 1988.
- 13 Q 'EIGHTY-EIGHT? OKAY, 1988, THEN.
- 14 OKAY. SO IN 1988, THAT WAS WHEN YOU ACTUALLY PLED
- 15 GUILTY TO THE CHARGE?
- 16 A YES, SIR.
- 17 Q AND THAT WAS LYING TO A POLICE OFFICER?
- 18 A YES, SIR.
- 19 Q AND AS A RESULT OF THAT SIXTEEN-YEAR
- 20 CONVICTION, WHEN DID YOU GET OUT OF JAIL?
- 21 A I HAD A COUPLE OF PAROLE REVOCATIONS ON
- 22 IT. I GOT OUT IN OCTOBER OF '84, I WAS REVOCATED
- 23 IN '86, BACK OUT IN '87, I BELIEVE, I'M NOT QUITE
- 24 SURE OF THAT.
- 25 MR. SWERLING: YOUR HONOR, THEN I WOULD

1 SUBMIT THAT IT QUALIFIES UNDER THE RULE SINCE THE--
2 THE COURT: HE'S ANSWERED THE QUESTION.
3 MR. SWERLING: OKAY.
4 Q (BY MR. SWERLING) SO IT'S 1981, THESE
5 CONVICTIONS?
6 A YES, SIR.
7 Q NOW, THEN YOU IN 1990 -- I GUESS --
8 WHAT YEAR WAS IT YOU WERE ARRESTED FOR THE CHARGES
9 IN ORANGEBURG COUNTY?
10 A 'NINETY-THREE.
11 Q AND THOSE CHARGES -- YOU HAD A NUMBER
12 OF CHARGES --
13 A YES, SIR.
14 Q -- IN 1993; IS THAT CORRECT?
15 A THAT'S CORRECT, SIR.
16 Q ONE OF THEM WAS -- THESE ARE ORANGEBURG
17 COUNTY, YOU HAD A BURGLARY CHARGE, WHICH CARRIED A
18 FIFTEEN-YEAR SENTENCE, CORRECT?
19 A YES, SIR, TWO OF THEM.
20 Q AND ANOTHER BURGLARY CHARGE THAT
21 CARRIED A FIFTEEN-YEAR SENTENCE?
22 A YES, SIR.
23 Q TWO GRAND LARCENY CHARGES, WHICH
24 CARRIED A TEN-YEAR SENTENCE EACH?
25 A YES, SIR.

- 1 Q TWO SAFECRACKING CHARGES?
- 2 A YES, SIR.
- 3 Q AND AT THAT TIME, WHEN YOU COMMITTED
- 4 THOSE OFFENSES, THEY WERE LIFE IMPRISONMENT?
- 5 A YES, SIR.
- 6 Q IS THAT CORRECT?
- 7 A THAT'S CORRECT.
- 8 Q YOU ALSO, I BELIEVE, HAD AN AUTO THEFT?
- 9 A YES, SIR.
- 10 Q AND THEN AFTER YOU WERE IN CUSTODY --
- 11 WE'LL TALK ABOUT THAT IN A MINUTE, BUT YOU HAD AN
- 12 ESCAPE; IS THAT CORRECT?
- 13 A YES, SIR.
- 14 Q AND THEN IN AIKEN YOU HAD A GRAND
- 15 LARCENY?
- 16 A YES, SIR.
- 17 Q GRAND LARCENY AUTO?
- 18 A YES, SIR. WELL, THOSE CHARGES ARE
- 19 STILL PENDING.
- 20 Q IN DORCHESTER, YOU HAD ANOTHER GRAND
- 21 LARCENY?
- 22 A YES, SIR.
- 23 Q IS THAT CORRECT?
- 24 A YES, SIR.
- 25 Q ALL RIGHT. SO IN AIKEN COUNTY ALONE,

- 1 YOU WERE LOOKING AT TWO LIFE SENTENCES AND THIRTY,
2 FIFTY YEARS APPROXIMATELY?
- 3 A YES, SIR.
- 4 Q IS THAT A FAIR STATEMENT?
- 5 A YES, SIR, THAT'S CLOSE.
- 6 Q ALL RIGHT. SO -- SAFECRACKING,
7 CORRECT?
- 8 A RIGHT.
- 9 Q ALL RIGHT. NOW, YOU WERE HOUSED IN THE
10 ORANGEBURG COUNTY DETENTION CENTER?
- 11 A YES, SIR.
- 12 Q CORRECT? AND YOU'RE COHORT IN CRIME
13 WAS A FELLOW NAMED WYLIE JEFFCOAT; IS THAT CORRECT?
- 14 A THAT'S CORRECT.
- 15 Q AND MR. JEFFCOAT AND YOU SOMETIME IN
16 1994 ESCAPED FROM THE ORANGEBURG COUNTY JAIL?
- 17 A NO, SIR.
- 18 Q DID YOU ESCAPE?
- 19 A YES, SIR, I DID.
- 20 Q AND YOU WERE CAUGHT OUTSIDE OF SOUTH
21 CAROLINA?
- 22 A YES, SIR.
- 23 Q WHERE AT, IN GEORGIA, MAYBE?
- 24 A YES, SIR.
- 25 Q ALL RIGHT. AND YOU WERE BROUGHT BACK

1 TO ORANGEBURG. MR. JEFFCOAT WAS STILL IN
2 ORANGEBURG?

3 A NO, SIR, HE HAD BEEN MOVED IN FEBRUARY
4 OF THAT YEAR.

5 Q SO HE WAS MOVED AFTER YOU ESCAPED?

6 A NO, SIR.

7 Q I DON'T --

8 A BEFORE. I ESCAPED IN APRIL, HE WAS
9 MOVED IN FEBRUARY.

10 Q MOVED WHERE?

11 A TO SAFEKEEPING.

12 Q I'M SORRY?

13 A SAFEKEEPING.

14 Q SAFEKEEPING. SO HE WAS AN ESCAPE RISK
15 AT THE TIME -- OR EVEN BEFORE YOU ESCAPED?

16 A YES, SIR.

17 Q ALL RIGHT. NOW, WHEN YOU GOT CAUGHT,
18 YOU WERE BROUGHT BACK TO ORANGEBURG AND THEN SENT
19 TO SAFEKEEPING?

20 A THAT'S CORRECT.

21 Q ALL RIGHT. NOW, FROM THE MOMENT YOU
22 GOT CAUGHT, YOU STARTED COMMUNICATING WITH THE
23 SOLICITOR'S OFFICE IN ORANGEBURG, JIMMY WILLIAMS?

24 A NO, SIR.

25 Q DIDN'T YOU START COMMUNICATING ABOUT

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- 1 HELPING THE STATE GET THE PERSON WHO HELPED YOU
2 ESCAPE?
3 A THAT WAS IN SEPTEMBER, YOU SAID
4 IMMEDIATELY AFTER.
5 Q WELL, OKAY, NOT IMMEDIATELY AFTER.
6 A THAT WAS IN SEPTEMBER.
7 Q SOMEWHERE -- AT SOME POINT, WITHIN A
8 COUPLE OF MONTHS?
9 A YES, SIR.
10 Q WHAT TIME DID YOU GET BACK TO
11 SAFEKEEPING?
12 A JUNE THE 23RD OR 24TH, SOMEWHERE ALONG
13 THERE, END OF JUNE.
14 Q OF WHAT YEAR?
15 A 'NINETY-FIVE.
16 Q 'NINETY-FIVE.
17 A NO, WAIT A MINUTE, '94.
18 Q 'NINETY-FOUR.
19 A 'NINETY-FOUR.
20 Q BECAUSE YOU WERE IN SAFEKEEPING FOR
21 OVER A YEAR --
22 A RIGHT.
23 Q LITTLE BIT OVER A YEAR?
24 A RIGHT, ABOUT A YEAR AND A HALF.
25 Q AND SO WHEN YOU -- YOU WERE FACING A

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1 SUBSTANTIAL NUMBER OF CHARGES?

2 A YES, SIR.

3 Q AND WHAT YOU STARTED TO DO IS YOU
4 CONTACTED MR. WILLIAMS, WHO WAS THE PROSECUTOR IN
5 CALHOUN COUNTY AND IN ORANGEBURG COUNTY; HE'S THE
6 DEPUTY SOLICITOR DOWN THERE?

7 A YES, SIR.

8 Q AND STARTED NEGOTIATING WITH HIM FOR
9 THE POSSIBILITY OF TURNING IN YOUR FRIEND WHO HAD
10 HELPED YOU ESCAPE, CORRECT?

11 A RIGHT.

12 Q AND THIS WAS A FRIEND OF YOURS,
13 CORRECT?

14 A WELL, HE WAS THE PERSON THAT HAD ME
15 ARRESTED ON THE THREE SAFECRACKING CHARGES, SO I
16 WOULDN'T HARDLY CONSIDER HIM A FRIEND.

17 Q OKAY.

18 A I FELT LIKE HE OWED ME A LITTLE.

19 Q ALL RIGHT. SO HE OWED YOU TO HELP YOU
20 ESCAPE?

21 A YES, SIR.

22 Q AND -- BUT IN THE END, YOU ALSO KNEW
23 THAT HE WAS THE ONE THAT IMPLICATED YOU IN THE
24 SAFECRACKINGS?

25 A YES, SIR.

1 Q WHAT DID YOU SAY THREE SAFECRACKING?
2 A YES, SIR.
3 Q THERE WERE THREE?
4 A THERE WERE THREE OF THEM.
5 Q I ONLY HAD TWO, SO THERE WERE THREE?
6 A THREE.
7 Q SO YOU WERE LOOKING AT THREE LIFE
8 SENTENCES?
9 A YES, SIR. I THOUGHT YOU SAID THREE.
10 Q I MAY HAVE BEEN WRONG, OKAY. SO THE
11 FELLOW WHO IMPLICATED YOU IN THE SAFECRACKINGS
12 TRIED TO HELP YOU ESCAPE AND THEN YOU TRIED TO GET
13 HIM BACK THROUGH TRYING TO ARRANGE ANOTHER ESCAPE,
14 CORRECT?
15 A YES, SIR, THAT'S CORRECT.
16 Q AND THAT DIDN'T WORK?
17 A IT -- NO ONE EVER FOLLOWED UP ON IT.
18 FOR WHAT REASONS, YOU KNOW, I CAN'T ELABORATE ON
19 THAT. YOU'D HAVE TO ASK MR. WILLIAMS. AFTER MR.
20 WILLIAMS HAD COME TO REALIZE THE PERSONALITY AND
21 THE BACKGROUND OF THE PERSON HE WAS DEALING WITH,
22 THE OTHER PERSON HE WAS DEALING WITH, HE DIDN'T
23 LIKE HIM VERY MUCH. AND THE SHERIFF'S DEPARTMENT
24 THERE HAD AGREED TO, YOU KNOW, INVESTIGATE IT OR
25 SOMETHING. AND IT WAS -- WE WERE DOWN TO A TWELVE-

1 YEAR AGREEMENT.

2 A AS A RESULT OF YOUR -- IN OTHER WORDS,
3 MR. WILLIAMS WAS WILLING TO LET YOU PLEAD TO A
4 TWELVE-YEAR SENTENCE BECAUSE OF YOUR COOPERATION IN
5 GETTING THIS FELLOW WHOSE NAME WAS SMITH?

6 A YES, SIR, AND THE BOTTOM -- THE END OF
7 IT IN DECEMBER, AFTER THE SEPTEMBER MEETING, IN
8 DECEMBER, MR. WILLIAMS GREW FRUSTRATED WITH THE
9 SHERIFF'S DEPARTMENT OBVIOUSLY AND BROUGHT ME TO
10 ORANGEBURG COUNTY AND OFFERED ME THE SAME TWELVE-
11 YEAR DEAL. AND FOR WHATEVER REASON HE DID THAT,
12 YOU KNOW, I DON'T KNOW. LIKE I SAY, I BELIEVE HE
13 HAD COME TO REALIZE THAT THINGS WEREN'T EXACTLY
14 WHAT HE THOUGHT THEY WERE IN THE BEGINNING.

15 Q LET ME REFOCUS. WHAT YOU DID IS
16 SOMETIME IN THE AUTUMN, I GUESS, OF 1994, YOU HAD A
17 MEETING WITH MR. JEFFCOAT AND YOUR LAWYERS AND THE
18 SOLICITOR AND SAID, I CAN GET THIS GUY, SMITH,
19 CORRECT?

20 A RIGHT.

21 Q AND YOU TOLD HIM WHAT YOU WANTED IN
22 RETURN?

23 A NO, BASICALLY --

24 Q WELL, YOU NEGOTIATED, YOU WERE
25 NEGOTIATING?

- 1 A MR. SWERLING, THAT'S NOT EXACTLY THE
2 WAY THE MEETING WENT. I CAME THERE AND SAID, I
3 WANT YOU TO TAKE A CLOSE LOOK AT THE PERSON THAT
4 YOU'VE GOT WALKING THE STREET, YOU KNOW, AND
5 REALIZE THAT HE'S NOT WHO YOU THINK HE IS, HE'S NOT
6 WHAT YOU THINK HE IS AND, YOU KNOW, DO YOU HAVE ANY
7 IDEA THAT HE HELPED ME ESCAPE? DID YOU KNOW THAT,
8 YOU KNOW? I MEAN, THE GUY YOU GOT ON THE STREET IS
9 NOT WHO YOU THINK HE IS.
- 10 Q YOU'RE TALKING ABOUT MR. SMITH?
- 11 A RIGHT.
- 12 Q YOU WEREN'T WHAT HE THOUGHT YOU WERE,
13 EITHER?
- 14 A RIGHT. WELL, HE WASN'T WHAT I THOUGHT
15 HE WAS --
- 16 Q NO, WHAT YOU'RE SAYING IS MR. WILLIAMS
17 -- YOU WERE NOT WHAT MR. WILLIAMS THOUGHT YOU WERE?
- 18 MR. COULTER: YOUR HONOR, I OBJECT,
19 THAT'S SPECULATION.
- 20 MR. SWERLING: NO, I --
- 21 THE COURT: OVERRULED, HE'S ANSWERED
22 THE QUESTION.
- 23 A RIGHT.
- 24 Q (BY MR. SWERLING) IS THAT WHAT YOU
25 WERE SAYING?

- 1 A RIGHT.
- 2 Q OKAY, I JUST WANTED TO CLARIFY WHAT YOU
- 3 WERE SAYING?
- 4 A RIGHT.
- 5 Q SO YOU HAD THE MEETING AND THE PURPOSE
- 6 OF THE MEETING WAS TO NEGOTIATE, THOUGH, A BETTER
- 7 SENTENCE FOR YOU?
- 8 A RIGHT.
- 9 Q I MEAN, YOU WERE LOOKING AT THREE LIFE
- 10 SENTENCES?
- 11 A RIGHT.
- 12 Q IS THAT RIGHT?
- 13 A YES, SIR.
- 14 Q THREE LIFE SENTENCES?
- 15 A WELL, I HAD BEEN OFFERED A GUILTY PLEA
- 16 OF THIRTY YEARS IN THE BEGINNING.
- 17 Q AND YOU REJECTED THAT?
- 18 A YES, SIR.
- 19 Q SO, AGAIN, THE BOTTOM LINE OF WHAT I'M
- 20 TRYING TO GET YOU TO UNDERSTAND OR TO -- SO WE CAN
- 21 COMMUNICATE TOGETHER IS THAT THE PURPOSE OF THE
- 22 MEETING WITH MR. WILLIAMS WAS TO TRY AND GET
- 23 YOURSELF A BETTER A DEAL, CORRECT? YES OR NO?
- 24 A IF THAT WAS THE --
- 25 Q WELL, MR. --

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1 A -- BOTTOM LINE, YEAH. BUT REALLY WHAT
2 I WANTED WAS THE OTHER PERSON THAT WAS INVOLVED,
3 YOU KNOW, TO --

4 Q MR. WARD, WERE YOU TRYING TO GET
5 YOURSELF A BETTER DEAL OR NOT? I MEAN, YOU GOT --

6 A YEAH, I'M ALWAYS TRYING TO GET A BETTER
7 DEAL, MR. SWERLING.

8 Q I UNDERSTAND, OKAY, THAT'S THE POINT.
9 AND AS A RESULT OF THAT MEETING -- YOU HADN'T HEARD
10 FROM ANYBODY IN LIKE TWO AND A HALF MONTHS, SO YOU
11 SENT MR. WILLIAMS A LETTER. NOW, YOU CIRCUMVENTED
12 YOUR LAWYERS, RIGHT?

13 A RIGHT.

14 Q AND YOU SAID I'M GOING TO DEAL WITH YOU
15 BECAUSE I CAN'T GET IN TOUCH WITH MY LAWYERS?

16 A RIGHT.

17 Q AND YOU COMMUNICATED AND SENT HIM A
18 THREE-PAGE LETTER?

19 A RIGHT.

20 Q TALKING ABOUT WHAT YOU COULD DO FOR
21 HIM?

22 A RIGHT.

23 Q AND WHAT YOUR FRUSTRATION WAS WITH THE
24 SYSTEM. FOR EXAMPLE, THE SHERIFF IN ORANGEBURG
25 COUNTY WASN'T DOING WHAT YOU WANTED HIM TO DO. THE

1 SHERIFF IN BAMBERG COUNTY, YOU DIDN'T THINK WAS
2 VERY ETHICAL.

3 A NOT WHAT I WANTED HIM TO DO, SIR.

4 Q WHAT YOU THOUGHT SHOULD BE DONE; IS
5 THAT A FAIR STATEMENT?

6 A NOT WHAT -- NO, WHAT WAS RIGHT. WE
7 WERE TALKING ABOUT, YOU KNOW, SOMEONE BREAKING THE
8 LAW. YOU KNOW, LIKE, I WAS IN JAIL FOR BREAKING
9 THE LAW, THIS PERSON'S BREAKING THE LAW AND I
10 WANTED TO KNOW, YOU KNOW, WHAT HE KNEW THAT I
11 DIDN'T KNOW THAT WAS KEEPING HIM OUT OF JAIL.

12 Q KEEPING HIM OUT OF JAIL, BUT -- AND YOU
13 WERE POINTING FINGERS AT THE TWO DIFFERENT
14 SHERIFFS, TOO, SAYING IT MUST BE SOMETHING GOING ON
15 WITH THEM?

16 A YES, SIR.

17 Q OKAY.

18 A THAT'S CORRECT.

19 Q SO YOU WERE POINTING FINGERS?

20 A RIGHT.

21 Q AND --

22 A ASKING QUESTIONS.

23 Q PARDON?

24 A ASKING QUESTIONS.

25 Q ASKING QUESTIONS AND POINTING FINGERS?

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- 1 A UH-HUH.
- 2 Q ALL RIGHT. THEN, YOU ALSO, IN THAT
- 3 LETTER WHEN YOU WERE TALKING ABOUT -- NOW YOU WERE
- 4 IN SAFEKEEPING AT THIS POINT, CORRECT?
- 5 A RIGHT.
- 6 Q AND IN THAT LETTER YOU STARTED TALKING
- 7 ABOUT A FELLOW NAMED ROGER DALE JOHNSON?
- 8 A RIGHT.
- 9 Q CORRECT. HE WAS CHARGED WITH MURDER?
- 10 A YES, SIR.
- 11 Q CORRECT. AND HE WAS ALSO IN THE SAME
- 12 FACILITY YOU WERE IN AWAITING TRIAL, CORRECT?
- 13 A THAT'S CORRECT.
- 14 Q AND WHAT YOU TOLD MR. WILLIAMS AT THAT
- 15 TIME WAS -- NOW THIS IS -- BY THE WAY, YOU
- 16 CIRCUMVENTED YOUR LAWYER?
- 17 A YES, SIR.
- 18 Q CORRECT? AND YOU WROTE TO MR. WILLIAMS
- 19 DIRECTLY, THE SOLICITOR? AND YOU TOLD HIM THAT YOU
- 20 COULD HELP THE STATE OF SOUTH CAROLINA IN
- 21 CONNECTION WITH MR. JOHNSON'S CASE?
- 22 A YES, SIR.
- 23 Q ISN'T THAT CORRECT? AGAIN, WHAT YOU
- 24 WERE TRYING TO DO WAS ENHANCE YOUR SITUATION,
- 25 CORRECT?

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- 1 A YES, I WOULD SAY THAT'S FAIR.
- 2 Q AND YOU EVEN SUGGESTED MEETING AND YOUR
- 3 LAWYER DIDN'T HAVE TO BE PRESENT AND YOU EVEN
- 4 SUGGESTED PLACES WHERE YOU SHOULD MEET?
- 5 A YES, SIR.
- 6 Q ALL RIGHT. NOW, YOU DIDN'T HEAR FROM
- 7 HIM FOR A WHILE, RIGHT?
- 8 A I DIDN'T HEAR FROM JIMMY WILLIAMS UNTIL
- 9 DECEMBER.
- 10 Q OKAY. NOW, LET ME TALK TO YOU A MINUTE
- 11 ABOUT MR. JOHNSON. THE RELATIONSHIP YOU HAD WITH
- 12 MR. JOHNSON WAS SOMEONE THAT, AS I UNDERSTOOD IT,
- 13 YOU AND HIM DID SOME RESEARCH TOGETHER ON LEGAL
- 14 ISSUES?
- 15 A YES, SIR.
- 16 Q CORRECT?
- 17 A THAT'S RIGHT.
- 18 Q AND ALSO, HE ASKED YOU QUESTIONS, YOU
- 19 ASKED HIM QUESTIONS, IT WAS AN EXCHANGE OF
- 20 INFORMATION, CORRECT? IS THAT CORRECT?
- 21 A THAT'S RIGHT.
- 22 Q ALL RIGHT. BUT WHAT YOU WERE DOING
- 23 DURING THAT PERIOD OF TIME IS YOU WERE KEEPING THE
- 24 NOTES THAT HE WAS SENDING YOU, CORRECT?
- 25 A THERE HAD COME A POINT IN TIME THAT I

- 1 WAS, YES, SIR.
- 2 Q ALL RIGHT. AND KEEPING DOCUMENTS FROM
- 3 HIS FILE, HIS CASE FILE --
- 4 A NO.
- 5 Q -- THAT HE WOULD SEND YOU WITH COMMENTS
- 6 ON IT?
- 7 A NO.
- 8 Q NO?
- 9 A NO DOCUMENTS FROM HIS CASE FILE.
- 10 Q JUST THE NOTES, QUESTIONS HE HAD AND
- 11 STATEMENTS HE MADE?
- 12 A YES, SIR.
- 13 Q AND THIS FELLOW WAS UNDER THE
- 14 IMPRESSION THAT YOU WERE TRYING TO HELP HIM?
- 15 A YES, SIR.
- 16 Q BUT IN EFFECT, WHAT YOU WERE DOING IS
- 17 YOU WERE BUILDING A FILE TO HELP YOURSELF?
- 18 A MR. SWERLING, MR. JOHNSON ADMITTED TO
- 19 ME GRAPHICALLY THAT HE HAD BRUTALLY MURDERED THE
- 20 MOTHER OF THREE CHILDREN.
- 21 Q I UNDERSTAND THAT.
- 22 MR. SWERLING: AND I MOVE THAT THAT BE
- 23 STRICKEN, YOUR HONOR. WE'RE NOT -- I --
- 24 THE COURT: NO, SIR.
- 25 A YOU ASKED THE QUESTION, MR. SWERLING.

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1 THE COURT: WAIT JUST A MINUTE, MR.

2 WARD. LET ME SEE Y'ALL OVER HERE JUST A MOMENT.

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

6 Q (BY MR. SWERLING) MR. WARD, WHAT YOU
7 WERE DOING -- LET ME SEE IF I UNDERSTAND. WHAT YOU
8 WERE DOING IS YOU KEPT NOTES FROM MR. JOHNSON,
9 CORRECT?

10 A YES, SIR.

11 Q AND YOU WENT TO MR. BAILEY WITH THAT
12 INFORMATION, CORRECT?

13 A NO, SIR, THAT'S NOT CORRECT.

14 Q MR. BAILEY CAME TO YOU AS A RESULT --

15 A NO, SIR.

16 Q DID YOU WRITE MR. BAILEY ON FEBRUARY
17 7TH, 1995?

18 A MR. BAILEY? YES, SIR, I DID.

19 Q OKAY. AND DID YOU TELL HIM THAT YOU
20 HAD INFORMATION THAT WOULD ASSIST HIM?

21 A YES, SIR, I TOLD HIM SEVERAL THINGS IN
22 THAT LETTER THAT YOU'RE TALKING ABOUT.

23 Q OKAY. I MEAN, THAT'S THE BOTTOM, OKAY.
24 AND IN FACT, YOU SENT HIM ONE OF THOSE HANDWRITTEN
25 NOTES --

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- 1 A YES, SIR.
- 2 Q -- THAT I WAS JUST REFERRING TO?
- 3 A YES, SIR.
- 4 Q ALL RIGHT. AND LET ME ASK YOU, WHILE
- 5 YOU WERE DOING THAT, YOU WERE ALSO TRYING TO HELP
- 6 YOUR ROOMMATE OR FRIEND, YOUR ACCOMPLICE, WYLIE
- 7 JEFFCOAT, CORRECT?
- 8 A YES, SIR, I HAD SEVERAL MOTIVES, SIR.
- 9 Q OKAY. I UNDERSTAND YOU HAD SEVERAL
- 10 MOTIVES. I'M ASKING YOU WAS ONE OF YOUR MOTIVE TO
- 11 ASSIST YOUR FRIEND, WYLIE JEFFCOAT?
- 12 A YES, SIR.
- 13 Q ALL RIGHT. AND HE WAS IN SAFEKEEPING
- 14 WITH YOU AT THAT TIME?
- 15 A YES, SIR, HE WAS.
- 16 Q ALL RIGHT. AND -- NOW YOU WERE DOING
- 17 THIS AGAIN -- THIS WAS ALL -- THESE WERE
- 18 COMMUNICATIONS BETWEEN YOU AND THE SOLICITOR AND
- 19 NOT BETWEEN YOU AND YOUR ATTORNEY?
- 20 A I HAD NO COMMUNICATIONS FROM THE
- 21 SOLICITOR.
- 22 Q I'M TALKING ABOUT YOU WERE WRITING THE
- 23 SOLICITOR?
- 24 A RIGHT.
- 25 Q CORRECT?

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- 1 A RIGHT, HE WASN'T WRITING ME.
- 2 Q ALL RIGHT. AND ON MAY 1ST WHEN YOU
- 3 SENT THAT OTHER LETTER -- WHEN I TOLD YOU -- OR
- 4 ASKED YOU IF YOU WERE WRITING TO HIM ON BEHALF OF
- 5 YOURSELF AND WYLIE JEFFCOAT, YOU TOLD HIM THAT YOU
- 6 HAD SOME VERY FAVORABLE ASSETS?
- 7 A YES, SIR.
- 8 Q YOU AND MR. JEFFCOAT?
- 9 A YES, SIR.
- 10 Q AND THAT WAS MEANING INFORMATION,
- 11 NOTES, PAPERWORK ON MR. JOHNSON AND ANOTHER FELLOW,
- 12 MR. GARDNER; IS THAT CORRECT?
- 13 A IN WHAT MONTH?
- 14 Q THIS WOULD HAVE BEEN IN MAY OF 1995?
- 15 A NO, SIR.
- 16 Q JUST MR. JOHNSON AT THAT POINT?
- 17 A YES, SIR.
- 18 Q YOU ALSO COMPLAINED TO HIM AGAIN IN
- 19 THAT LETTER ABOUT MR. SMITH, WHO WAS THE GUY WHO
- 20 IMPLICATED YOU IN THE SAFECRACKINGS AND --
- 21 A YES, SIR.
- 22 Q ALL RIGHT. OKAY, JUST WANTED TO MAKE
- 23 SURE. AND TOLD HIM ABOUT THE DEALS HE WAS HAVING
- 24 DOWN AT BAMBERG COUNTY WITH THE SHERIFF, CORRECT?
- 25 A YES, SIR.

- 1 Q YOU ALSO TOLD HIM IN THAT LETTER THAT
2 "I'M SURE YOU'RE AWARE OF CERTAIN COMMUNICATIONS
3 BETWEEN MYSELF," THAT BEING YOU --
- 4 A YES, SIR.
- 5 Q "--AND OTHER PEOPLE ON SAFEKEEPING
6 STATUS. WHILE I AM CONSIDERED TO BE ONE OF THE
7 MORE INTELLIGENT PEOPLE CONFINED HERE, I AM OFTEN
8 TIMES ASKED TO EXPRESS MY OPINION OF AND CONFIDED
9 IN SEVERAL MAJOR ISSUES."
- 10 A RIGHT.
- 11 Q SO BASICALLY, THAT'S ONE OF THE THINGS
12 YOU DID UP THERE, SINCE YOU WERE A LOT MORE
13 INTELLIGENT THAN THE AVERAGE PERSON UP THERE -- AND
14 YOU ALSO PERCEIVED YOURSELF THAT WAY, YOU GOT SOME
15 OF THESE OTHER PEOPLE TO CONFIDE IN YOU, CORRECT?
16 I GUESS -- ISN'T THAT WHAT THAT SAYS?
- 17 A THAT'S WHAT THE LETTER SAYS, YES, SIR,
18 BUT THERE'S A LOT MORE TO IT THAN THAT.
- 19 Q I KNOW, BUT WHAT I ASKED YOU WAS, DID
20 YOU TELL MR. BAILEY THAT?
- 21 A YES, SIR.
- 22 Q THAT YOU WERE INTELLIGENT AND PEOPLE
23 CONFIDED IN YOU?
- 24 A ASSUMING HE GOT THE LETTER, YOU KNOW.
- 25 Q AND IN THAT AREA NOW -- YOU ALSO, WITH

1 MR. BAILEY TOLD HIM THAT YOU UNDERSTOOD THAT YOU
2 HAD BEEN OFFERED TWELVE YEARS?

3 A THAT'S RIGHT.

4 Q FROM THE THREE LIFE SENTENCES AND THE
5 FIFTY OR SIXTY YEARS SOMETHING SENTENCE, YOU HAD
6 BEEN OFFERED TWELVE YEARS, BUT THAT WAS NOT GOOD
7 ENOUGH AT THAT POINT?

8 A NO, SIR, THAT'S NOT WHAT THE LETTER
9 SAYS.

10 Q WELL, YOU WANTED MORE THAN THAT, DIDN'T
11 YOU?

12 A THE LETTER SAYS, IF I REMEMBER
13 CORRECTLY, IT'S BEEN A LONG TIME SINCE -- WELL,
14 OBVIOUSLY, IT WAS WRITTEN A LONG TIME AGO. BUT I
15 BELIEVE IT SAID SOMETHING TO THE EFFECT THAT I'M
16 ALREADY DOWN TO A TWELVE-YEAR PLEA AGREEMENT IN
17 ORANGEBURG, SO MY CONCERNS ARE NOT ENTIRELY FOR
18 MYSELF OR NEITHER MR. JEFFCOAT, IS THAT WHAT IT
19 SAYS?

20 Q YES.

21 A IF I REMEMBER IT CORRECTLY.

22 Q YES, BUT YOU WANTED BETTER -- MORE
23 CONSIDERATION, ALSO; ISN'T THAT TRUE?

24 A WELL, AT THAT POINT, IF YOU READ ON
25 DOWN THE LETTER, I EXPRESSED CONCERNS FOR MY

1 SAFETY. YOU START TALKING ABOUT WAYS TO MOVE ME
2 AND HOW TO MEET. YOU KNOW, I WAS INVOLVED WITH
3 SOME VERY DANGEROUS INDIVIDUALS. AND --

4 Q MR. WARD, MY QUESTION IS THIS -- MY
5 QUESTION IS WERE YOU TRYING TO BETTER YOUR POSITION
6 WITH RESPECT TO THE TWELVE-YEAR DEAL, YES OR NO?

7 A YES, IF THERE WAS A POSSIBILITY.
8 ABSOLUTELY.

9 Q OKAY.

10 A I'M ALWAYS LOOKING FOR A BETTER DEAL.

11 Q OKAY. THAT'S WHAT I'M SAYING. THAT'S
12 THE ANSWER TO THE QUESTION.

13 A YES, SIR.

14 Q OKAY. AND YOU ALSO TOLD MR. BAILEY IN
15 THAT LETTER THAT IT HAD BEEN A MONTH OR SO SINCE
16 YOU HAD HEARD FROM YOUR LAWYER?

17 A YES, SIR.

18 Q AND AS YOU HAD INDICATED, THERE ARE
19 PEOPLE PRESENTING SIMILAR CIRCUMSTANCES?

20 A YES, SIR.

21 Q AND YOU WOULDN'T HESITATE TO REVEAL
22 STATEMENTS TO YOU?

23 A THAT'S RIGHT.

24 Q AGAIN, WITH THE IDEA OF ENHANCING YOUR
25 POSITION?

1 A YES, SIR.

2 Q I MEAN, THAT'S WHY YOU'RE WRITING THE
3 SOLICITOR, ISN'T IT? HE'S THE ONE THAT CAN MAKE
4 THAT --

5 A I DON'T KNOW REMEMBER WHAT MY FRAME OF
6 MIND WAS REALLY WHEN I WROTE THAT LETTER. YOU
7 KNOW, IT WAS A LONG PERIOD OF TIME ON SAFEKEEPING.
8 AND MY FEELINGS ABOUT WHAT I DID AND WHAT I WAS
9 DOING AND WHAT I AM DOING, YOU KNOW, WENT UP AND
10 DOWN AND CHANGED AND, YOU KNOW, SO I DON'T REALLY
11 REMEMBER WHAT FRAME OF MIND I WAS IN OR WHY I WAS
12 DOING--WHAT I WAS DOING, YOU KNOW, WHAT MY
13 MOTIVATION WAS AT THAT TIME.

14 Q OKAY, THAT LETTER WAS IN MAY?

15 A UH-HUH.

16 Q ALL RIGHT. NOW, AFTER THAT YOU MET MR.
17 BECKHAM SOMETIME IN JULY; IS THAT CORRECT?

18 A YES, SIR.

19 Q AND I THINK YOU CONTINUED TO HAVE
20 COMMUNICATIONS WITH MR. BAILEY. YOU WROTE HIM IN
21 SEPTEMBER OF 1995 AND WAS AGAIN COMPLAINING ABOUT
22 THE FACT THAT MR. SMITH HAD STILL NOT BEEN BROUGHT
23 TO JUSTICE?

24 A SEPTEMBER OF '95?

25 Q YES, SIR.

- 1 A I DON'T RECALL THAT ONE, BUT I PROBABLY
2 DID.
3 Q JUST SEE IF THIS IS THE--
4 A I WROTE SO MANY LETTERS, I'M SURE I
5 DID. UH-HUH. YES, SIR, I RECOGNIZE IT.
6 Q SO YOU WERE STILL AT THAT POINT SAYING
7 WHY CAN'T WE DO SOMETHING ABOUT MR. SMITH, RIGHT?
8 A YES, SIR.
9 Q ALL RIGHT. AND WHILE YOU WERE ALSO
10 WRITING LETTERS TO MR. BAILEY, YOU WERE ALSO
11 WRITING LETTERS IN THE PRISON, TOO, TO MR. HARVEY
12 AND HE'S THE -- ONE OF THE WARDENS?
13 A HE'S A DEPUTY COMMISSIONER OF
14 OPERATIONS -- HE'S DEPUTY -- HE'S MIDLANDS REGION
15 DIRECTOR, IS WHAT HE IS.
16 Q AND YOU WERE WRITING LETTERS TO CAPTAIN
17 REID, ALSO?
18 A YES, SIR.
19 Q ALL RIGHT. AND THE ESSENTIAL PART OF
20 THOSE LETTERS -- AND I THINK THERE WERE A NUMBER OF
21 THEM WRITTEN FROM A PERIOD OF AUGUST TILL THE TIME
22 YOU LEFT.
23 A YES, SIR.
24 Q AND BY THE WAY, WHEN DID YOU LEAVE
25 SAFEKEEPING STATUS?

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1 A NOVEMBER.

2 Q NOVEMBER. THE CONTEXT OF THE LETTERS

3 IS BASICALLY COMPLAINING ABOUT CONDITIONS THERE --

4 A YES, SIR.

5 Q NUMBER ONE, CORRECT?

6 A YES, SIR.

7 Q COMPLAINING ABOUT CERTAIN CORRECTIONAL

8 OFFICERS THAT YOU BELIEVED WERE DOING THINGS THAT

9 WERE WRONG, CORRECT?

10 A YES, SIR, THEY WERE WRONG.

11 Q YOU KNOW, I THINK SOME OF THEM YOU WERE

12 -- SOME OF THE PEOPLE YOU TOLD ON WERE SELLING

13 THINGS IN THERE, SOME PEOPLE WERE SLEEPING, OTHER

14 PEOPLE WERE MANIPULATING THE SYSTEM, ISN'T THAT

15 SOME OF THE CORRECTIONAL --

16 A NO, IT WAS AN INDIVIDUAL HARASSING

17 PEOPLE AND HE WAS --

18 Q JUST ONE?

19 A HE WAS MOVED OUT OF THE UNIT, YES, SIR.

20 Q JUST ONE?

21 A ONE PARTICULAR CORRECTIONAL OFFICER,

22 YES, SIR.

23 Q MR. RAY, IS THAT THE ONE?

24 A YES, SIR.

25 Q OKAY. BUT YOU COMPLAINED ABOUT THE

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- 1 FOOD, YOU COMPLAINED ABOUT THE AIR CONDITIONING,
2 YOU COMPLAINED ABOUT HARASSMENT, YOU COMPLAINED
3 ABOUT WHO WAS GETTING SERVED THE FOOD?
- 4 A YES, SIR, WE COMPLAINED ABOUT MR. RAY
5 FOR QUITE A WHILE TO THE, YOU KNOW, INSIDE THE
6 PENITENTIARY OFFICIALS AND COULDN'T SEEM TO GET
7 ANYONE'S ATTENTION. SO AT THAT POINT, I DECIDED
8 TO, YOU KNOW, GET ATTENTION BY --
- 9 Q WRITING LETTERS?
- 10 A BY DISCLOSING THE WHOLE --
- 11 Q DISCLOSING?
- 12 A YEAH.
- 13 Q DISCLOSING.
- 14 A THE WHOLE, YOU KNOW, EVERYTHING THAT
15 WAS WRONG. I HAD BEEN THERE FOR A YEAR, YOU KNOW,
16 LETTING DEATH ROW INMATES SERVE ME MY FOOD, YOU
17 KNOW. AND I DON'T, YOU KNOW, I DIDN'T -- HAVEN'T
18 FORGOTTEN PEEWEE GASKINS AND ALL THAT. SO, YOU
19 KNOW, I TOOK IT UPON MYSELF TO MAKE SOME CHANGES
20 THERE, YES, SIR.
- 21 Q AND YOU ALSO DISCLOSED INFORMATION
22 ABOUT THE FACT THAT THE GUARDS ON THE THIRD SHIFT
23 WERE SLEEPING, CORRECT, EVERY NIGHT?
- 24 A YES, SIR, I BELIEVE I DID.
- 25 Q I THINK YOU ALSO TOLD ABOUT HOW PEOPLE

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- 1 WEREN'T DOING THEIR JOB IN THE MAINTENANCE STAFF?
2 I MEAN, THESE ARE JUST DIFFERENT LETTERS YOU WROTE;
3 IS THAT RIGHT?
4 A YES, SIR, I WROTE QUITE A FEW OF THEM
5 IN THAT PERIOD OF TIME, SHORT PERIOD OF TIME, TOO.
6 Q YEAH.
7 A I HAD ALREADY BEEN THERE FOR A YEAR.
8 Q THAT'S WHAT I'M SAYING, AUGUST --
9 PROBABLY AUGUST THROUGH SEPTEMBER --
10 A YES, SIR.
11 Q -- IS ABOUT THE PERIOD OF TIME WE'RE
12 TALKING ABOUT. AND YOU STAYED ON BASICALLY A LOT
13 OF THOSE SAME ISSUES FOR THOSE SIXTY DAYS OR SO?
14 A YES, SIR.
15 Q ABOUT MR. RAY AND SOME OF THE OTHER
16 CORRECTIONAL OFFICERS THAT WERE IN THE PLACE WHERE
17 YOU WERE HOUSED?
18 A YES, SIR.
19 Q IS THAT CORRECT? ALL RIGHT. AND MR.
20 HARVEY YOU SAID WAS THE DIRECTOR OF OPERATIONS,
21 THEN, CAPTAIN REID, I GUESS, WAS ALSO ANOTHER
22 INDIVIDUAL WHO WAS SUPERVISOR OR THE C. O. OF THAT
23 AREA?
24 A WELL, HE'S THE CAPTAIN OF SECURITY
25 WITHIN THE INSTITUTION. MR. HARVEY IS NOT -- HIS

- 1 OFFICE IS IN HEADQUARTERS, SIR.
- 2 Q OKAY. BUT CAPTAIN REID, YOU WERE
- 3 BASICALLY DOING THE SAME THING, TELLING HIM WHO WAS
- 4 DOING WHAT WITHIN --
- 5 A BUT YOU'D HAVE --
- 6 Q -- THE SYSTEM?
- 7 A YOU'D HAVE TO GO THROUGH A CHAIN OF
- 8 COMMAND THERE. I MEAN, YOU CAN'T JUST WRITE THE
- 9 DIRECTOR AND START TALKING TO HIM ABOUT YOUR
- 10 PROBLEMS. SO, YES, SIR, I -- YOU KNOW, YOU WRITE
- 11 ONE PERSON AND YOU GET NO RESPONSE, YOU WRITE THE
- 12 NEXT PERSON, AND THAT'S THE PROCEDURES IN THE
- 13 DEPARTMENT OF CORRECTIONS. I'M SURE YOU HAVE
- 14 NUMEROUS LETTERS THERE.
- 15 Q YEAH, WELL, I WAS JUST KIND OF -- JUST
- 16 BASICALLY A SAMPLING OF THEM.
- 17 A RIGHT.
- 18 Q AND SOMETIME WHEN YOU WOULD WRITE, YOU
- 19 WOULD WRITE MR. HARVEY AND YOU'D WRITE CAPTAIN REID
- 20 AND TELL MR. HARVEY THAT YOU HADN'T HEARD FROM
- 21 CAPTAIN REID AND TELL CAPTAIN REID YOU HADN'T HEARD
- 22 FROM MR. HARVEY, SO BASICALLY, PLAYING PEOPLE OFF
- 23 EACH OTHER?
- 24 A STRATEGY.
- 25 Q STRATEGY, OKAY. THAT'S A GOOD WORD FOR

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1 IT, OKAY. NOW, ALSO, DURING THIS PERIOD OF TIME
2 THAT YOU HAD MENTIONED MR. GARDNER AND MR. GARDNER
3 WAS SOMEONE ELSE THAT YOU STARTED COLLECTING
4 INFORMATION FROM; ISN'T THAT TRUE?

5 A COLLECTING?

6 Q WELL, GETTING INFORMATION, NOTES,
7 PAPERWORK, THINGS OF THAT NATURE?

8 A NO, SIR, NOT AT THAT TIME.

9 Q NO?

10 A THIS IS --

11 Q AT SOME TIME DID YOU?

12 A THIS IS -- THAT BEGAN IN SEPTEMBER,
13 SIR. THOSE NOTES THERE HE PROBABLY GOT AFTER --
14 PROBABLY STARTED SOMEWHERE AROUND IN AUGUST OR
15 SOMEWHERE.

16 Q IRRESPECTIVE OF THE DATE, MY QUESTION
17 IS, DID YOU START GATHERING NOTES AND INFORMATION
18 FROM MR. GARDNER?

19 A MR. GARDNER CONFESSED TO ME THAT HE HAD
20 MURDERED A PERSON, SIR.

21 Q YES, SIR; MR. WARD, I UNDERSTAND THAT.
22 WHAT I'M ASKING YOU IS, DID YOU GET --

23 A GATHER, NO, SIR.

24 Q -- NOTES, DID YOU GET NOTES FROM HIM?

25 A YES, SIR.

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1 Q DID YOU GET PAPERWORK FROM HIM?
2 A YES, SIR.
3 Q OKAY. AND YOU USED THOSE, AGAIN, TO
4 HELP YOUR SITUATION? YOU WENT TO MR. BAILEY WITH
5 THEM?
6 A YES, I -- YEAH, I GUESS YOU COULD PUT
7 IT THAT WAY.
8 Q OKAY. I'M JUST ASKING --
9 A WELL, YOU'RE NOT GOING TO LET ME
10 ELABORATE, SO, GO AHEAD.
11 Q I'M JUST ASKING YOU --
12 A YES, SIR.
13 Q -- DID YOU GO TO MR. BAILEY WITH THAT
14 INFORMATION?
15 A YES, SIR.
16 Q I MEAN, IT'S A FAIRLY SIMPLE QUESTION;
17 IS IT NOT?
18 A YES, SIR.
19 Q OKAY, ALL RIGHT.
20 MR. SWERLING: IF THE COURT WILL
21 INDULGE ME ONE MOMENT?
22 Q (BY MR. SWERLING) OKAY, NOW SOMETIME
23 ALSO IN JULY OF 1995, YOU WROTE TO, I GUESS, SOME
24 CLASSIFICATION WORKERS ASKING -- OR CLASSIFICATION
25 WORKERS TO FIND OUT WHAT YOUR GOOD TIME WAS GOING

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1 TO BE AND WHAT YOUR POSSIBLE RELEASE DATES WERE
2 GOING TO BE BECAUSE YOU SAID -- STATED IN THE
3 LETTER, THAT YOU WERE NEGOTIATING YOUR PLEA
4 BARGAINS?

5 A OKAY.

6 Q IS THAT CORRECT?

7 A I WANTED TO KNOW HOW MUCH GOOD TIME I
8 GOT OFF THE TWELVE YEARS.

9 Q SO THAT WAS -- AND I THINK THE LETTER
10 IS DATED JULY 15TH?

11 A RIGHT.

12 Q IS THAT CORRECT?

13 A RIGHT.

14 Q AND WHAT YOU -- WHAT YOU STATED IN THE
15 LETTER WAS THAT YOU WERE NEGOTIATING THE PLEA
16 BARGAINING IN YOUR SITUATION?

17 A RIGHT.

18 Q ALL RIGHT. NOW, A LOT OF THAT WAS
19 BEING DONE BY YOURSELF, ALONE, NOT WITH YOUR
20 LAWYER; ISN'T THAT TRUE?

21 A YES, SIR. I HAD A VERY HARD TIME
22 GETTING IN TOUCH WITH MY ATTORNEY. HE'S A PUBLIC
23 DEFENDER AND I VERY SELDOM COULD GET IN TOUCH WITH
24 HIM. I THINK I HAD THREE VISITS -- THREE OR FOUR
25 VISITS FROM HIM IN EIGHTEEN MONTHS, THAT'S IT.

- 1 Q AND YOU HAD THE -- YOU HAD THE
2 INTELLIGENCE AND THE ABILITY TO DO THAT EVEN
3 WITHOUT HIM?
- 4 A I HAD NO OTHER WAY OUT, SIR.
- 5 Q I UNDERSTAND.
- 6 A YEAH.
- 7 Q BUT THE ANSWER TO MY QUESTION, IS THAT
8 CORRECT?
- 9 A I DON'T WANT TO FLATTER MYSELF BY
10 SAYING I HAD THE INTELLIGENCE AND THE ABILITY, SIR.
11 I DID THE BEST I COULD IS ALL I CAN SAY.
- 12 Q ALL RIGHT. BUT IN JULY YOU TOLD THE
13 CLASSIFICATIONS WORKERS THERE YOU WERE NEGOTIATING
14 PLEA BARGAINS AND WANTED TO HAVE AN IDEA AS TO WHEN
15 YOU WOULD GET OUT?
- 16 A YES, SIR.
- 17 Q ALL RIGHT. AND I THINK THERE WAS
18 ANOTHER PERSON THERE WHO HAS A CASE IN AIKEN COUNTY
19 THAT YOU WERE ALSO DEVELOPING A SIMILAR
20 RELATIONSHIP WITH, AS FAR AS GETTING HIS -- GETTING
21 SOME NOTES FROM HIM AND INFORMATION; IS THAT
22 CORRECT?
- 23 A THERE WAS ANOTHER PERSON WHO HAD ADMIT
24 -- AGAIN, ADMITTED KILLING A PERSON, SIR.
- 25 Q RIGHT. AND --

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1 A I GATHERED NOTHING FROM ANYONE.
2 Q YEAH, WHAT WAS HIS NAME, ALSO?
3 A MITCHELL.
4 Q ALL RIGHT. WHEN I SAY GATHERED
5 INFORMATION, MR. WARD, WHAT I'M TALKING ABOUT IS
6 RETAINED NOTES THAT YOU WERE GIVEN OR RETAINED
7 INFORMATION THAT YOU WERE GIVEN, REPORTS, POLICE
8 REPORTS, THINGS OF THAT NATURE. THAT'S WHAT I'M
9 TALKING ABOUT, NOT THAT YOU WENT OUT AND GATHERED -
10 -
11 A NOT POLICE REPORTS --
12 Q BUT NOTES.
13 A -- PERSONAL WRITINGS BETWEEN MYSELF AND
14 OTHER PEOPLE. YES, SIR, I'D KEEP THEM.
15 Q ALL RIGHT. AND THOSE WERE TURNED OVER
16 TO THE POLICE, TO THE SOLICITORS' OFFICES?
17 A RIGHT.
18 Q IN THESE RESPECTIVE CASES?
19 A YES, SIR.
20 Q NOW, LET'S TALK ABOUT FOR A MOMENT --
21 BY THE WAY, AT THE END OF ALL OF THAT, YOU WERE
22 ABLE TO GET NOT A TWELVE-YEAR SENTENCE -- WELL, NOT
23 THREE LIFE SENTENCES, NOT A TWELVE-YEAR SENTENCE,
24 BUT YOU WERE ABLE TO GET EVEN, WHAT, LESS THAN A
25 SIX-YEAR SENTENCE? WHAT WAS -- WHAT DID YOU REALLY

- 1 GET?
- 2 A SIX, SUSPENDED UPON SERVICE OF THIRTY-
- 3 FIVE MONTHS, WHICH WAS ABOUT THREE YEARS.
- 4 Q WHICH WAS THE TIME SERVED?
- 5 A RIGHT, I BELIEVE. I DON'T REMEMBER HOW
- 6 THE SENTENCE READ EXACTLY. IT WAS THIRTY-FIVE
- 7 MONTHS AND FIVE YEARS PROBATION, EIGHTY-SEVEN
- 8 HUNDRED DOLLARS RESTITUTION.
- 9 Q OKAY, AND THAT WAS ON ALL THOSE
- 10 CHARGES?
- 11 A YES, SIR.
- 12 Q ALL RIGHT. BUT THE NET EFFECT OF IT IS
- 13 WHEN YOU PLED GUILTY TO THOSE CHARGES, YOU WERE
- 14 RELEASED FROM JAIL THAT DAY?
- 15 A YES, SIR.
- 16 Q AND THAT WAS WHEN?
- 17 A JUNE THE 11TH.
- 18 Q OKAY, SO YOU'RE OUT?
- 19 A YES, SIR.
- 20 Q ARE YOU ON ANY KIND OF PROBATION, ARE
- 21 YOU ON ANY KIND OF PAROLE, ARE YOU ON ANY KIND OF--
- 22 A FIVE YEARS PROBATION, SIR.
- 23 Q FIVE YEARS PROBATION.
- 24 A AND EIGHTY-SEVEN HUNDRED DOLLARS
- 25 RESTITUTION.

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- 1 Q NOW, WITH MR. BECKHAM, MR. BECKHAM WAS
2 A -- CAME IN IN JULY?
3 A THAT'S CORRECT.
4 Q AND YOU WERE ON SAFEKEEPING STATUS, SO
5 WAS HE?
6 A YES, SIR.
7 Q OKAY. AND YOU WERE THERE AS A RESULT
8 OF AN ESCAPE RISK?
9 A YES, SIR.
10 Q NOW, WHEN WAS THIS STATEMENT THAT MR.
11 BECKHAM MADE TO YOU DONE, THE NIGHT HE GOT THERE OR
12 THE NEXT NIGHT?
13 A THE NEXT NIGHT.
14 Q HE JUST CAME RIGHT OUT, DIDN'T KNOW YOU
15 FROM ADAM AND JUST TOLD YOU --
16 A THAT'S CORRECT.
17 Q -- WHAT YOU TOLD THE JURY?
18 A THAT'S CORRECT.
19 Q HE DIDN'T TELL YOU THAT I'M NOT
20 SUPPOSED TO TALK WITH YOU AND THAT I'M NOT
21 MENTIONING ANYTHING, I'M NOT GOING TO DISCUSS MY
22 CASE, HE JUST TOOK YOU INTO HIS CONFIDENCE?
23 A SIR, I TOLD HIM THAT HE SHOULDN'T TALK
24 TO ANYBODY --
25 Q ALL RIGHT.

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- 1 A -- ABOUT HIS CASE. THAT WAS MY FIRST--
2 FIRST THING THAT I EXPLAINED TO MR. BECKHAM.
- 3 Q I UNDERSTAND. BUT IN OTHER WORDS, THIS
4 FELLOW, ON THE NIGHT HE COMES INTO THE JAIL JUST
5 TAKES YOU INTO HIS CONFIDENCE AND JUST TELLS YOU
6 ABOUT RICHARD ANDERSON?
- 7 A THE NIGHT AFTER.
- 8 Q THE NIGHT AFTER. AND WHAT HE SHOULD DO
9 OR SHOULD HAVE DONE TO RICHARD ANDERSON?
- 10 A NO, SIR, THAT WAS LATER ON.
- 11 Q THAT WAS LATER. WHAT WAS THE THING HE
12 SAID TO YOU THE FIRST NIGHT, I COULDN'T REMEMBER?
- 13 A THE ONLY MISTAKE I MADE WAS LETTING THE
14 SON OF A BITCH IN NEWBERRY COUNTY JAIL LIVE TO TELL
15 ABOUT IT.
- 16 Q OKAY. ALL RIGHT. AND NOW, YOU SAID
17 THAT YOU WERE FAMILIAR WITH THE CASE THROUGH THE
18 MEDIA?
- 19 A YES, SIR.
- 20 Q ALL RIGHT. AND YOU HAD -- SO WHEN HE
21 HAD BEEN ARRESTED, YOU WERE FOLLOWING THE CASE IN
22 THE MEDIA?
- 23 A YES, SIR.
- 24 Q AND I BELIEVE YOU SAID THAT YOU KEPT
25 PAPER CLIPPINGS?

- 1 A NO, SIR.
- 2 Q WELL, DID YOU KEEP ANY OF THE PAPER
- 3 CLIPPINGS?
- 4 A WE CAN'T -- YOU'RE NOT ALLOWED TO HAVE
- 5 NEWSPAPERS.
- 6 Q YOU WERE READING THE PAPER, THOUGH,
- 7 ALSO?
- 8 A YOU'RE NOT ALLOWED NEWSPAPERS.
- 9 Q NO NEWSPAPERS AT ALL?
- 10 A NO, SIR.
- 11 Q SO YOU CONTINUED A DIALOGUE WITH MR.
- 12 BECKHAM WHEN YOU SAID THESE OTHER STATEMENTS CAME
- 13 OUT; IS THAT CORRECT?
- 14 A CONTINUED A DIALOGUE?
- 15 Q YEAH, DISCUSSIONS, AS YOU JUST
- 16 TESTIFIED TO.
- 17 A THERE'S ONLY TWELVE PEOPLE IN THE WORLD
- 18 THAT YOU CAN TALK TO ON SAFEKEEPING, SIR.
- 19 Q AND MR. BECKHAM WHO NOW -- YOU
- 20 UNDERSTAND THAT HE WAS INSTRUCTED NOT TO DISCUSS
- 21 WITH YOU OR ANYBODY ELSE ANYTHING IN CONNECTION
- 22 WITH THE CASE?
- 23 A ABSOLUTELY.
- 24 Q AND HE TOLD YOU THAT?
- 25 A RIGHT.

- 1 Q AND HE TOLD YOU THAT THAT CAME FROM ME,
2 THAT HE WAS NOT TO DISCUSS ANY ASPECTS OF THIS
3 CASE, ANY ASPECTS OF THE INVESTIGATION --
- 4 A IN AN ENVELOPE THAT YOU WROTE, I
5 REMEMBER THAT WELL.
- 6 Q AND YOU REMEMBER THAT WHAT I PUT AROUND
7 -- MADE HIM WEAR AROUND HIS NECK --
- 8 A YES, SIR.
- 9 Q -- WAS, "I WILL NOT TALK TO YOU ABOUT
10 MY CASE; IS THAT CORRECT?"
- 11 A THAT'S CORRECT.
- 12 Q THAT'S BECAUSE YOU AND OTHER PEOPLE
13 WERE TRYING TO GET HIM TO TALK ABOUT HIS CASE,
14 CORRECT?
- 15 A I WASN'T TRYING TO GET STEPHEN BECKHAM
16 TO TALK ABOUT HIS CASE. I NEVER TRIED TO GET
17 ANYONE TO TALK ABOUT THEIR CASE, MR. SWERLING.
- 18 Q I UNDERSTAND THAT, MR. WARD. AND --
19 BUT DESPITE THE FACT THAT HE WAS WEARING THIS THING
20 AROUND HIS NECK THAT, "I WILL NOT DISCUSS MY CASE
21 WITH YOU," YOU SAY THAT HE DISCUSSED IT WITH YOU?
- 22 A HE WASN'T WEARING THAT AROUND HIS NECK,
23 MR. SWERLING. HE MAY HAVE PUT IT AROUND HIS NECK--
- 24 Q WELL, HE HAD AN ENVELOPE THAT HE WOULD
25 SHOW PEOPLE. YOU ADMIT HE HAD THE ENVELOPE AND HE

1 SHOWED IT TO PEOPLE?

2 A UH-HUH.

3 Q THAT HE WAS NOT GOING TO DISCUSS HIS
4 CASE, DON'T ASK HIM ANY QUESTIONS, ANYTHING ABOUT
5 ANY OF THE INVESTIGATION IN THE CASE, OR ANYTHING
6 THAT WAS GOING ON IN THE MEDIA, HE WAS NOT GOING TO
7 DISCUSS IT?

8 A JOKINGLY, HE HELD IT UP AND SAID, LOOK
9 A THERE.

10 Q HE HAD THAT; IS THAT RIGHT?

11 A YES, SIR.

12 Q AND HE SHOWED IT TO PEOPLE?

13 A YES, SIR.

14 Q ALL RIGHT. BUT YET, YOU'RE SAYING,
15 NOTWITHSTANDING THAT, HE DISCUSSED THESE THINGS
16 WITH YOU?

17 A YES, SIR.

18 Q DID YOU EVER GO INTO MR. BECKHAM'S CELL
19 AND LOOK THROUGH ANY OF THE, WHAT WE CALL
20 DISCOVERY, LEAD SHEETS, INVESTIGATIVE REPORTS, SLED
21 REPORTS, THAT WE GET AS ATTORNEYS THAT WE FORWARD
22 TO OUR CLIENTS SO THEY CAN REVIEW, DID YOU EVER
23 LOOK THROUGH ANY OF THOSE?

24 A MR. SWERLING, IF YOU WERE TO CHECK INTO
25 THE SCDC POLICY, YOU WILL FIND THAT THAT IS

- 1 ABSOLUTELY IMPOSSIBLE. I MEAN, I KNOW I WAS
2 CHARGED WITH SAFECRACKING AND ALL, BUT THOSE ARE
3 SOME VERY STOUT DOORS. I MEAN, I'VE SEEN YOU ON
4 DEATH ROW BEFORE. YOU DON'T GO IN ANOTHER PERSON'S
5 CELL.
- 6 Q I DIDN'T -- I DIDN'T ASK -- WHAT I WAS
7 ASKING YOU FIRST WAS, YOU ARE FAMILIAR WITH THE
8 KINDS OF REPORTS I'M TALKING ABOUT? INVESTIGATIVE
9 REPORTS --
- 10 A RIGHT.
- 11 Q -- INVESTIGATIVE NOTES --
- 12 A I KNOW WHAT YOU'RE TALKING ABOUT.
- 13 Q -- SLED REPORTS, THINGS OF THIS NATURE
14 THAT LAWYERS GIVE TO THEIR CLIENTS AS THEY RECEIVE
15 THEM?
- 16 A I'M FAMILIAR WITH THOSE, YES, SIR.
- 17 Q YOU'VE GOTTEN THEM YOURSELF?
- 18 A YES, I DID.
- 19 Q DID YOU LOOK AT ANY OF THOSE THAT MR.
20 BECKHAM HAD?
- 21 A NO, SIR.
- 22 Q DID YOU EVER GO INTO MR. BECKHAM'S CELL
23 WHEN HE WAS NOT THERE AND LOOK THROUGH ANY OF HIS
24 PERSONAL PAPERS?
- 25 A NO, SIR, THAT'S IMPOSSIBLE.

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1 Q DID YOU EVER TELL ANYBODY THAT YOU HAD
2 GONE INTO HIS CELL AND GOTTEN SOME PERSONAL PAPERS?

3 A NO, SIR, I DID NOT.

4 MR. SWERLING: JUDGE, COULD WE APPROACH
5 THE SIDE BAR FOR A MOMENT? I WANT TO GET A
6 CLARIFICATION ON SOMETHING.

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

10 Q (BY MR. SWERLING) MR. WARD, ALSO, NOW
11 YOU AND MR. BECKHAM WERE TOGETHER FOR HOW LONG A
12 PERIOD OF TIME BEFORE YOU WERE MOVED OUT OF THERE?

13 A APPROXIMATELY FOUR MONTHS.

14 Q FOUR MONTHS. AND YOU MOVED OUT AT WHAT
15 PERIOD OF TIME?

16 A I THINK I WAS MOVED ON JULY THE 3RD --
17 I MEAN, ON NOVEMBER THE 3RD, I'M SORRY.

18 Q AND WHEN DID YOU ACTUALLY GO TO COURT
19 AND TESTIFY -- NOT TESTIFY, WHEN DID YOU GO TO
20 COURT AND PLEAD, THAT'S WHAT I MEAN?

21 A JUNE.

22 Q OF?

23 A 'NINETY-FIVE.

24 Q THIS -- '95 OR '96?

25 A 'NINETY-SIX, I'M SORRY.

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- 1 Q 'NINETY-SIX. SO IT WAS JUST A FEW
2 MONTHS AGO; IS THAT RIGHT?
- 3 A YES, SIR.
- 4 Q NOW, YOU SAID SOMETHING ABOUT -- YOU
5 TALKED ABOUT THE FINGERPRINT -- YOU SAID YOU NEVER
6 SAW ANY OF THE SLED REPORTS?
- 7 A NO, SIR.
- 8 Q IN CONNECTION WITH MR. BECKHAM'S CASE?
- 9 A NO, SIR.
- 10 Q AND THAT -- YOU KNOW WHAT I'M TALKING
11 ABOUT, FORENSIC REPORTS?
- 12 A I HAVE NEVER SEEN ANY PAPERWORK
13 WHATSOEVER OF MR. BECKHAM'S, SIR.
- 14 Q AND HAD -- YOU SAID HE TALKED TO YOU
15 ABOUT RICHLAND COUNTY?
- 16 A YES, SIR.
- 17 Q AND YOU'VE NEVER BEEN IN RICHLAND
18 COUNTY, HAVE YOU?
- 19 A RIGHT.
- 20 Q SO WHY WOULD HE TALK TO YOU ABOUT
21 RICHLAND COUNTY?
- 22 A HE ASKED ME HAD I EVER BEEN THERE
23 BECAUSE HE KNEW THAT I HAD ESCAPED FROM ORANGEBURG
24 COUNTY?
- 25 Q ALL RIGHT. SO YOU DON'T KNOW WHAT

1 CONNECTION AND WHY HE WAS ASKING YOU ABOUT THAT
2 BECAUSE --

3 A HE ASKED --

4 Q -- IF YOU SAID THAT YOU HAD NEVER BEEN
5 TO RICHLAND COUNTY, WHY WOULD THE DISCUSSION EVER
6 TAKE PLACE ABOUT ESCAPING FROM RICHLAND COUNTY?

7 A THE WAY THE CONVERSATION WENT WAS, "DO
8 YOU KNOW ANYTHING ABOUT RICHLAND COUNTY JAIL, I'M
9 GOING TO BE GOING THERE?"

10 Q UH-HUH.

11 A I SAID, "NO, I'VE NEVER BEEN IN THERE."
12 HE SAID, "I WONDER WHAT THE POSSIBILITIES OF
13 ESCAPING ARE?" YOU KNOW, AND IT --

14 Q UH-HUH.

15 A WORD FOR WORD, VERBATIM, I DON'T
16 REMEMBER EXACTLY, YOU KNOW, BUT THAT WAS VERY CLOSE
17 TO THE CONTENT OF THE --

18 Q YES, SIR.

19 A -- CONVERSATION. IT WAS VERY CLEAR TO
20 MR. BECKHAM AND MYSELF EXACTLY, YOU KNOW, WHAT THE
21 QUESTION WAS AND WHY.

22 Q YES, SIR. YOU ALSO SAID THAT HE SAID
23 SOMETHING ABOUT TAKING HIS ATTORNEY'S FEES AND
24 WANTING TO DO A HIT ON MR. ANDERSON?

25 A YES, SIR.

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- 1 Q AND ASKED YOU IF YOU KNEW ANYBODY?
- 2 A KNEW A WAY TO DO THAT.
- 3 Q KNEW A WAY. YOU TALKED TO SPIKE MCCRAW
- 4 ON NOVEMBER THE 3RD, DIDN'T YOU, YOU KNOW SPIKE
- 5 MCCRAW?
- 6 A YES, SIR.
- 7 Q YOU NEVER TOLD HIM THAT?
- 8 A I NEVER TOLD HIM THAT?
- 9 Q YOU NEVER TOLD HIM THAT HE ASKED YOU IF
- 10 YOU KNEW A WAY TO DO THAT.
- 11 A I BELIEVE I DID. I'M NOT SURE, BUT I
- 12 BELIEVE I DID. THERE WAS A LOT OF INFORMATION THAT
- 13 I HAVE, I HAVE A BRIEFCASE FULL OF IT. I MAY HAVE
- 14 OVERLOOKED IT THAT DAY, BUT AT THAT PARTICULAR
- 15 TIME, I WASN'T INTERESTED IN STEPHEN BECKHAM NOR
- 16 JOSEPH GARNER.
- 17 Q BRIEFCASE FULL OF WHAT?
- 18 A OF PAPERWORK, YOU KNOW, NOTES.
- 19 Q STUFF THAT YOU HAD GATHERED FROM OTHER
- 20 PEOPLE?
- 21 A WELL, YEAH.
- 22 Q RIGHT.
- 23 A CONVERSATIONS THAT I HAD, YOU KNOW,
- 24 THIS AND THAT.
- 25 Q BUT YOU HAVE NOTHING --

- 1 A I KEEP -- I KEEP, YOU KNOW, I'VE GOT A
2 BOX FULL OF LETTERS FROM MY MOM, YOU KNOW, I SAVE
3 THOSE, TOO.
- 4 Q WELL, YOU SHOULD KEEP THE LETTERS FROM
5 YOUR MOM. DID YOU EVER TURN OVER ANYTHING THAT YOU
6 EVER GOT FROM STEPHEN BECKHAM OVER TO THE SOLICITOR
7 OR ANYBODY?
- 8 A NO, SIR, I GAVE A LITTLE HANDWRITTEN
9 NOTE TO MY ATTORNEY. I MEAN --
- 10 Q WHICH HANDWRITTEN NOTE, THE ONE ABOUT
11 THE PHONE NUMBER?
- 12 A YES, SIR.
- 13 Q YEAH, I'M TALKING ABOUT ANY OTHER --
14 THESE OTHER KIND OF NOTES THAT YOU SAY YOU GOT FROM
15 ANY OF THESE OTHER PEOPLE?
- 16 A NO, SIR.
- 17 Q YOU NEVER TURNED ANYTHING LIKE THAT
18 OVER TO --
- 19 A NO, SIR.
- 20 Q -- MR. JONES OR ANYTHING LIKE THAT?
- 21 A NO, SIR.
- 22 Q AND, OF COURSE, YOU CALLED AND TOLD --
23 OR NOT CALLED, BUT YOU SPOKE WITH MR. BAILEY ABOUT
24 MR. BECKHAM, TOLD HIM TO GET IN TOUCH WITH MR.
25 JONES, CORRECT?

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- 1 A I DON'T REMEMBER SPECIFICALLY HOW THAT
2 CAME TO BE, I DON'T RECALL HOW MR. BECKHAM--
3 Q BUT YOU WANTED TO ASSIST MR. JONES,
4 CORRECT?
5 A DID I WANT TO ASSIST HIM?
6 Q THAT YOU TOLD MR. BAILEY THAT YOU HAD
7 INFORMATION ABOUT MR. BECKHAM?
8 A I DON'T REMEMBER THAT. I DON'T
9 REMEMBER HOW THAT CAME TO BE.
10 Q YOU DON'T REMEMBER -- YOU JUST DON'T
11 REMEMBER --
12 A I MAY HAVE TOLD MY ATT -- I DON'T
13 REMEMBER. I DON'T REMEMBER HOW IT CAME TO BE.
14 Q DID YOU EVER TELL TONY COOPER THAT --
15 TO ASSIST YOU IN CONNECTION WITH THIS BECAUSE
16 BECKHAM WOULD BE A WAY FOR YOU TO GET OUT OF THERE
17 AND HIM TO GET OUT OF THERE?
18 A I DON'T LIKE TONY COOPER AND HE DOESN'T
19 LIKE ME, SIR. I NEVER HAVE; YOU KNOW, I'VE KNOWN
20 HIM FOR QUITE AWHILE.
21 Q I JUST ASKED YOU IF THE CONVERSATION
22 EVER TOOK PLACE?
23 A NO, SIR, IT'S -- I DON'T HAVE A LOT OF
24 USE FOR ANYONE ON DEATH ROW. THERE'S NO ONE THERE
25 THAT CAN CLAIM TO BE A FRIEND OR CONFIDENT OF MINE,

1 NO ONE.

2 MR. SWERLING: EXCUSE ME, ONE MINUTE,
3 YOUR HONOR.

4 Q MR. WARD, JUST ONE MORE QUESTION -- YOU
5 SAID -- TWO MORE QUESTIONS. YOU SAID YOU HAD SOME
6 CHARGES STILL PENDING IN AIKEN?

7 A YES, SIR.

8 Q HAS ANYBODY AGREED TO HELP YOU WITH
9 THOSE CHARGES --

10 A NO, SIR.

11 Q -- OR ANYTHING? AND WHEN WAS THE LAST
12 TIME YOU SAW MR. JEFFCOAT?

13 A THIRTY MINUTES AGO, TWO HOURS AGO.

14 Q ARE YOU WITH HIM NOW?

15 A NO, SIR. HE'S HERE.

16 Q HE'S HERE.

17 A YES, SIR.

18 Q DID YOU -- WHERE DID YOU SEE HIM?

19 A IN THE BACK ROOM BACK THERE.

20 Q OH, SO Y'ALL WERE SITTING IN THE BACK
21 ROOM TOGETHER?

22 A NO, SIR, WE WERE SEPARATED THIS
23 MORNING, BUT I SEEN HIM.

24 Q YOU WERE BOTH IN THE SAME ROOM?

25 A WE'VE BEEN IN THE SAME ROOM, YES, SIR.

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- 1 Q THAT'S WHAT -- I'M JUST -- I'M ASKING.
- 2 A I'M TRYING TO -- WELL, I MEAN, I'M
- 3 TRYING TO RECALL -- I WAS JUST KIND OF OUT OF IT
- 4 THIS MORNING, YOU KNOW, NERVOUS, SO I DON'T
- 5 REMEMBER WHETHER WE WERE IN THE SAME ROOM OR NOT.
- 6 AT ONE TIME, I WAS OUTSIDE IN THE HALLWAY, YOU
- 7 KNOW, AND HE WAS IN THERE.
- 8 Q YOU'VE BEEN TOGETHER WITH MR. JEFFCOAT
- 9 OVER THE LAST --
- 10 A THIS MORNING, YEAH.
- 11 Q AND ALSO, PRIOR TO THIS, WHEN YOU WERE
- 12 UP HERE A COUPLE OF DAYS AGO?
- 13 A YES, SIR.
- 14 Q AND YOU'VE BEEN IN THE SAME ROOM WITH
- 15 HIM, THEN?
- 16 A YES, SIR.
- 17 Q AND YOU HAVE VISITED HIM, MR. JEFFCOAT?
- 18 A YES, SIR.
- 19 Q BECAUSE HE'S STILL IN CUSTODY, CORRECT?
- 20 A RIGHT.
- 21 Q AND HOW OFTEN HAVE YOU VISITED HIM?
- 22 A VISITED HIM IN CUSTODY?
- 23 Q YES, SIR.
- 24 A YOU TALKING -- AT THE JAIL?
- 25 Q WHEREVER, I ASKED YOU IF YOU VISITED

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- 1 HIM AND YOU SAID, YES, SIR.
- 2 A NO, THE FIRST TIME I SEEN JEFFCOAT WAS
- 3 A COUPLE OF DAYS AGO HERE.
- 4 Q WHERE?
- 5 A FIRST TIME SINCE I'VE BEEN OUT.
- 6 Q AT THE JAIL?
- 7 A YES, SIR.
- 8 Q OKAY --
- 9 A NO, HERE, HERE, RIGHT BACK THERE IN THE
- 10 ROOM.
- 11 Q I'M SORRY, MAYBE -- I ASKED YOU DID YOU
- 12 VISIT WITH HIM, HAVE YOU VISITED WITH HIM AND YOU
- 13 SAID, YES.
- 14 A I'VE HAD OCCASION TO TALK TO HIM, SAY,
- 15 HEY, HOW YOU DOING, YOU KNOW.
- 16 Q HAVE YOU VISITED HIM IN JAIL?
- 17 A NO, SIR.
- 18 Q HAVE YOU SPOKEN TO HIM SINCE YOU'VE
- 19 BEEN OUT OF JAIL?
- 20 A BRIEFLY, OVER THE TELEPHONE.
- 21 Q OKAY. AND HOW MANY TIMES -- YOU'VE
- 22 BEEN UP HERE SEVERAL DAYS ALREADY, HOW MANY TIMES
- 23 DID YOU SPEAK TO HIM AND SEE HIM IN THE LAST
- 24 SEVERAL DAYS?
- 25 A I THINK HE'S BEEN HERE TWO DAYS THAT

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- 1 I'VE BEEN HERE, OR THREE, COUNTING TODAY.
- 2 Q IN THE SAME ROOM?
- 3 A THREE COUNTING TODAY. HE'S BEEN IN THE
- 4 SAME ROOM, YES, SIR.
- 5 Q BY THE WAY, HAVE YOU BEEN WATCHING THIS
- 6 CASE AND FOLLOWING THE CASE ON TV?
- 7 A NO, SIR, THEY DON'T -- THEY'RE NOT
- 8 SHOWING ANYTHING ABOUT IT IN CHARLESTON.
- 9 Q OKAY.
- 10 A NOTHING AT ALL. WE DON'T HAVE COURT TV
- 11 ON THE CABLE.
- 12 Q YOU'RE LIVING IN CHARLESTON NOW?
- 13 A YES, SIR.
- 14 Q ALL RIGHT. MR. WARD, THANKS.
- 15 THE COURT: ANYTHING ON DIRECT?
- 16 MR. COULTER: JUST BRIEFLY.
- 17 REDIRECT EXAMINATION:
- 18 BY MR. COULTER:
- 19 Q DID THAT PLEA THAT YOU RECEIVED BACK IN
- 20 JUNE OF '96?
- 21 A YES, SIR.
- 22 Q DID THAT HAVE ANYTHING TO DO WITH THE
- 23 TESTIMONY YOU ARE PRESENTING TODAY?
- 24 A NO, SIR.
- 25 Q NOTHING AT ALL?

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1 A NOTHING AT ALL.

2 Q ALL RIGHT, THANK YOU.

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

4 YOU MAY STEP DOWN.

5 CALL YOUR NEXT WITNESS.

6 DO Y'ALL WANT TO TAKE A SHORT BREAK?

7 THE FOREMAN: YES, SIR.

8 THE COURT: OKAY.

9 (WHEREUPON, THE JURY WAS RECESSED TO

10 THE JURY ROOM AT 10:49 A.M.)

11 THE COURT: ALL RIGHT, ARE Y'ALL READY

12 TO GO?

13 MR. HARPOOTLIAN: YES, SIR.

14 MR. MCMAHON: YES, SIR, I JUST WANT TO

15 INQUIRE OF THE COURT, THE PHOTOGRAPHS THAT WERE NOT

16 ADMITTED INTO EVIDENCE, YOU STILL HAVE THOSE?

17 MR. HARPOOTLIAN: HE'S GOT THEM.

18 THE COURT: I PHYSICALLY HAVE THEM UP

19 HERE.

20 MR. MCMAHON: ALL RIGHT, SIR.

21 THE COURT: AND I WILL BE GLAD TO MARK

22 THEM AFTER -- I MEAN, THEY'RE MARKED AS COURT'S

23 EXHIBITS, AND AFTER THAT TESTIMONY IS CONCLUDED --

24 WELL, I'LL HOLD ON TO THEM UNTIL THE END OF THE

25 TRIAL. I'M NOT GOING TO LET THAT --

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1 MR. SWERLING: JUDGE, I'D LIKE TO JUST
2 ALSO PUT ON THE RECORD WE HAD A SIDE BAR CONFERENCE
3 DURING MR. WARD'S TESTIMONY AS TO OTHER STATEMENTS
4 THAT WERE ALLEGEDLY MADE BY MR. BECKHAM CONCERNING
5 VICKIE BECKHAM, CONCERNING -- I'M TRYING TO
6 REMEMBER -- WHAT HE WOULD HAVE DONE TO -- SHOULD
7 HAVE DONE TO ANDERSON, ABOUT THE FINGERPRINT.
8 BASICALLY, THE OTHER CONVERSATIONS OTHER THAN -- I
9 THINK THE INITIAL CONVERSATION YOU RULED ON WAS THE
10 -- ABOUT THAT HE SHOULD HAVE KILLED ANDERSON, AND
11 THEN THERE WAS SEVERAL OTHER CONVERSATIONS THAT
12 CAME OUT. I'M JUST TRYING TO REMEMBER -- ANYWAY,
13 WE HAD A SIDE BAR AS TO THOSE CONVERSATIONS AND I
14 OBJECTED UNDER THE BASIS THAT I THOUGHT IT EXCEEDED
15 THE SCOPE OF THE TESTIMONY ALLOWED UNDER A DEATH
16 PENALTY SENTENCING PHASE, THAT IT INJECTED
17 ARBITRARY AND CAPRICIOUS FACTORS INTO THE RECORD.
18 AND SECOND, THAT I DIDN'T THINK IT WAS RELEVANT TO
19 THE SENTENCING PHASE AND EVEN IT WAS, UNDER 403, IT
20 SHOULD BE EXCLUDED AS BEING PREJUDICIAL, THOSE
21 COMMENTS THAT WERE MADE.

22 THE COURT: ALL RIGHT. AND AT THE SIDE
23 BAR ON THOSE ISSUES I OVERRULED THE OBJECTION AND
24 FOUND THEY WERE NOT UNDULY PREJUDICIAL AND
25 PROBATIVE UPON THE ISSUES FOR WHICH THE STATE

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1 OFFERED. OKAY?

2 ALL RIGHT, BRING THE JURY IN.

3 (WHEREUPON, THE JURY RETURNED TO OPEN
4 COURT AT 11:15 A.M.)

5 THE COURT: CALL YOUR NEXT WITNESS,
6 PLEASE.

7 MR. MCMAHON: MAY IT PLEASE THE COURT?
8 THE STATE CALLS DR. SEXTON.

9 DR. JOEL SEXTON, BEING DULY
10 SWORN, TESTIFIED AS FOLLOWS:

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

13 THE WITNESS: DR. JOEL STEPHEN SEXTON.

14 MR. MCMAHON: YOUR HONOR, MAY IT PLEASE
15 THE COURT? WOULD IT BE NECESSARY FOR ME TO GO BACK
16 THROUGH DR. SEXTON'S EDUCATIONAL --

17 MR. HARPOOTLIAN: NOT AT ALL, YOUR
18 HONOR. WE STIPULATE AS TO HIS QUALIFICATIONS AND
19 INCORPORATE EVERYTHING WE PUT IN THE FIRST CASE AS
20 TO HIS QUALIFICATIONS, AND EVEN HIS TESTIMONY.

21 THE COURT: AND INCLUDING THE RIGHT --
22 INCLUDING THE FACT THAT HE'S QUALIFIED AS AN
23 EXPERT.

24 MR. MCMAHON: THANK YOU, YOUR HONOR.
25 DIRECT EXAMINATION:

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- 1 BY MR. MCMAHON:
- 2 Q DOCTOR, I BELIEVE YOU PERFORMED THE
- 3 AUTOPSY ON THE BODY OF VICKIE LANDER BECKHAM; IS
- 4 THAT CORRECT, SIR?
- 5 A YES, THAT'S CORRECT.
- 6 Q AND THAT WAS PERFORMED AT THE NEWBERRY
- 7 COUNTY HOSPITAL MORGUE?
- 8 A YES, SIR.
- 9 Q DOCTOR, AS PART OF THE AUTOPSY
- 10 PROCEDURES IN THIS AND OTHER AUTOPSIES, DO YOU
- 11 PHOTOGRAPHICALLY RECORD THE INJURIES AND THE EXTENT
- 12 OF THE INJURIES?
- 13 A YES, THAT'S CORRECT.
- 14 Q DOCTOR, COULD YOU STEP DOWN HERE FOR ME
- 15 PLEASE, WITH THE COURT'S PERMISSION. AND DOCTOR,
- 16 WHAT I WOULD LIKE TO DO -- AND YOU'RE FAMILIAR WITH
- 17 DEFENDANT'S EXHIBITS 14 AND 15?
- 18 A YES, SIR, I AM.
- 19 Q DOCTOR, WHAT I WOULD LIKE TO DO IS,
- 20 STARTING FROM THE TOP OF THE HEAD AREA OF MRS.
- 21 BECKHAM, COULD YOU SHOW THE JURY STATE'S EXHIBIT
- 22 148, ORIENTATE THEM TO IT -- TO WHERE THAT WOULD BE
- 23 ON MRS. BECKHAM'S BODY AND WHAT WE'RE ACTUALLY
- 24 OBSERVING THERE?
- 25 A UNFORTUNATELY, THIS PHOTOGRAPH HAS A

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1 LOT OF EXTRANEEOUS MATERIAL ON IT AND HAS HAIR, SO
2 YOU CAN'T SEE THE ACTUAL INJURY. WE ALWAYS SHAVE
3 AN AREA THAT HAS AN INJURY, SO WE CAN CLEAN IT UP
4 AND SEE THE CHARACTER OF THE INJURY. BUT, AT
5 LEAST, ON THIS PHOTOGRAPH YOU CAN SEE THERE'S BLOOD
6 IN THE HAIR ABOVE AND SLIGHTLY BEHIND THE LEFT EAR,
7 WHICH IS IN THE CENTER OF THE PHOTOGRAPH.

8 THERE'S ALSO SOME DRIED BLOOD ON THE
9 FACE AND AROUND THE RIGHT EAR. BUT THE ONLY AREA
10 OF INJURY THAT IS PARTIALLY SHOWN HERE IN THIS
11 EXHIBIT, WHICH IS 148, IS THERE'S BLEEDING HERE
12 ABOVE AND BEHIND THE LEFT EAR. ALSO, ON THE RIGHT
13 SIDE OF THE CHIN ARE TWO BRUISES. THEY LOOK SORT
14 OF DARK MAROON IN THIS PHOTOGRAPH; ONE IS VERY
15 LARGE, ONE'S A LITTLE SMALLER AND CLOSER TO THE
16 FRONT OF THE CHIN.

17 Q DOCTOR, IF I COULD, COULD I ASK MS.
18 STROM TO STEP OUT HERE A MOMENT. DOCTOR, THIS
19 PARTICULAR PHOTOGRAPH, 148, THIS WOULD BE THE RIGHT
20 EAR OF THE VICTIM?

21 A THAT'S CORRECT. THIS WOULD BE ABOVE
22 AND BEHIND THE RIGHT EAR.

23 Q AND IS THIS YOUR HAND IN THIS
24 PHOTOGRAPH?

25 A NO, I DIDN'T TAKE THAT PHOTOGRAPH, I'M

- 1 NOT IN THAT PHOTOGRAPH.
- 2 Q BUT WHERE IS THAT HAND POINTING THERE,
3 SIR?
- 4 A IT'S POINTING TO THE AREA ABOVE AND
5 BEHIND THE RIGHT EAR --
- 6 Q UH-HUH.
- 7 A -- WHERE THERE'S A DEEP GASH ON THE
8 SIDE OF THE HEAD THAT IS UNDERMINED TO THE REAR,
9 MEANING THAT SOME HARD OBJECT STRUCK THE SKIN AT
10 THAT POINT GOING FROM FRONT TO BACK AND PEELED THE
11 SCALP AWAY FOR A DISTANCE OF ABOUT AN INCH, AS FAR
12 AS DEPTH TO THE REAR, AND THE VERTICAL HEIGHT OF IT
13 IS ABOUT A LITTLE OVER TWO AND A HALF INCHES.
- 14 Q NOW, SIR, I FURTHER SEE SOME, WHAT
15 APPEARS TO BE INJURIES IN THIS LOCATION ON STATE'S
16 148?
- 17 A THAT'S CORRECT. HERE ON THE ANGLE OF
18 THE JAW, NEAR THE EAR AREA, RIGHT ABOUT WHERE I'M
19 POINTING HERE IS A BRUISE ON THE UNDERSIDE OF THE
20 JAW. AND JUST IN FRONT OF THAT, CLOSER TO THE
21 MIDDLE OF THE JAW IS ANOTHER SMALL BRUISE ON THE
22 JAW.
- 23 Q NOW, DOCTOR -- DOCTOR, ARE ALL THE
24 INJURIES THAT WE SEE DEPICTED IN STATE'S EXHIBIT
25 148 -- WELL, BEFORE I ASK YOU THAT QUESTION, LET ME

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1 ASK YOU THIS. ARE YOU ABLE TO DETERMINE IF
2 INJURIES ARE PRE-MORTEM OR BEFORE DEATH OR AFTER
3 DEATH?

4 A YES, WE ARE. IN A PERSON THAT'S
5 INJURED WHILE THEIR HEART'S STILL BEATING, THE
6 PUMPING PRESSURE OF THE HEART FORCES BLOOD OUT
7 BETWEEN BLOOD VESSELS AND BETWEEN TISSUES AND
8 CAUSES A CONTUSION, WHICH IS SIMPLY A BRUISE, THAT
9 WILL NOT WASH AWAY. AFTER DEATH INJURIES THAT
10 OCCUR WILL BLEED, BUT IF YOU WASH THAT AREA, YOU
11 DON'T SEE ANY OF THE BRUISING.

12 NOW, THERE ARE RARE CASES WHERE A
13 PERSON IS INJURED AFTER DEATH IN AN AREA WHERE
14 BLOOD HAS POOLED FROM LIVIDITY AND THEY'LL HAVE
15 SOME BRUISING ASSOCIATED WITH THAT, BUT THESE WERE
16 NOT IN THOSE AREAS. IN MY OPINION, ALL OF THE FIVE
17 INJURIES ON TOP OF THE HEAD ON THE RIGHT SIDE AND
18 HERE BEHIND THE EAR, ALL OF THE FIVE INJURIES ON
19 THE FACE AND NECK REGION DID HAVE CONTUSIONS AND
20 WERE DURING LIFE, THAT IS, PRIOR TO THE HEART
21 STOPPING.

22 AS I MENTIONED EARLIER, THERE WERE ALSO
23 BRUISES ON THE RIGHT SIDE OF THE LOWER HIP, BRUISES
24 ABOVE AND BELOW EACH KNEE AND BRUISES ON THE BACKS
25 OF THE HANDS AND EACH FOREARM, ALL OF THESE WERE

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1 DURING LIFE OR PRE-MORTEM.

2 Q NOW, DOCTOR, I WANT TO SHOW YOU STATE'S
3 EXHIBIT NO. 147. WHAT IS THIS A PHOTOGRAPH OF,
4 DOCTOR?

5 A THIS IS A PHOTOGRAPH THAT I DID TAKE
6 AND THIS EXHIBIT 147 SHOWS THE AREA THAT EXHIBITED
7 HEMORRHAGE BEHIND AND SLIGHTLY ABOVE THE EAR. AND
8 HERE, BECAUSE OF THE WAY THE HAIR HAS BEEN PARTED,
9 YOU CAN SEE THE GASH THAT IS THERE. WE REFER TO
10 THAT AS A LACERATION AND UNDERNEATH THAT IN THE
11 SOFT TISSUE IS THE BRUISING OR CONTUSION.

12 Q THAT'S THE SAME AREA OF INJURY IN 148
13 AS DEPICTED IN 147?

14 A THE -- 147 SHOWS THE INJURY IN THE SAME
15 AREA THAT YOU SEE BLOOD IN 148.

16 Q ALL RIGHT, SIR. NOW, HOW MANY INJURIES
17 WERE THERE TOTAL IN THE HEAD AREA OF MRS. BECKHAM?

18 A THERE WERE FIVE UP IN THE HAIRLINE AND
19 THEN FIVE ON THE FACE, TWO BRUISES ON EACH SIDE OF
20 THE -- ON THE RIGHT SIDE OF THE CHIN, ONE ON THE
21 LEFT SIDE OF THE CHIN, BRUISE ON TOP OF THE NOSE,
22 AND THEN, THERE'S A LARGE AREA OF BRUISING ON THE
23 NECK THAT HAD ASSOCIATED WITH IT LINEAR ABRASIONS
24 OR SCRATCHES CAUSED BY THE OBJECT THAT ACCREATED
25 THESE INJURIES. RECOGNIZE A SOFT OBJECT, LIKE THE

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1 BACK OF THE HAND, COULD CAUSE THE BRUISING UNDER
2 THE SKIN AND MUSCLE, BUT NOT CAUSE ANY ABRASION ON
3 THE SURFACE. BUT THERE WAS AT LEAST EVIDENCE OF
4 TWO OBJECTS THAT HIT THE FRONT OF THE NECK THAT
5 CAUSED SCRAPING OR ABRASION OF THE SKIN WITH
6 UNDERLYING BRUISING, AS WELL AS THE FRACTURE OF THE
7 NECK THAT WE DISCUSSED EARLIER.

8 Q NOW, DOCTOR, WITHIN YOUR PARTICULAR
9 FIELD OF EXPERTISE, FORENSIC PATHOLOGY, ARE YOU
10 ABLE TO LOOK AT CERTAIN OBJECTS AND DETERMINE
11 WITHIN A REASONABLE DEGREE OF MEDICAL CERTAINTY THE
12 PROBABILITIES OF THE OBJECT HAVING INFLECTED
13 CERTAIN INJURIES?

14 A YES, THERE ARE CERTAIN TYPES OF
15 OBJECTS THAT ARE MORE COMMONLY ASSOCIATED WITH
16 CERTAIN TYPES OF INJURIES. OBVIOUSLY, YOU CAN TAKE
17 A HEAVY OBJECT AND JUST BARELY HIT SOMEONE AND
18 PRODUCE AN INJURY THAT'S NOT TYPICAL OR
19 CHARACTERISTIC OF THAT OBJECT. BUT IF YOU HIT WITH
20 REASONABLE FORCE, CERTAIN OBJECTS TEND TO PRODUCE
21 CERTAIN INJURIES, WHEREAS OTHER OBJECTS PRODUCE
22 DIFFERENT INJURIES.

23 Q DOCTOR, AS TO THE HEAD INJURIES THAT
24 YOU HAVE DESCRIBED THUS FAR AND AS BETWEEN THESE
25 TWO OBJECTS, STATE'S EXHIBIT NO. 98 AND STATE'S

1 EXHIBIT NO. 58, DID YOU EXAMINE -- HAVE AN
2 OPPORTUNITY TO EXAMINE BOTH OF THESE OBJECTS?

3 A YES, SIR, I HAVE.

4 Q AND AS BETWEEN THESE TWO OBJECTS, WHAT
5 WAS THE MOST PROBABLE CAUSE BETWEEN THESE TWO ITEMS
6 OF THE INJURIES TO MRS. BECKHAM'S HEAD AREA?

7 A THE OBJECT, WHICH IS THE PISTOL AND
8 WHICH IS LABELED EXHIBIT 98, HAS A SQUARED-OFF
9 SURFACE ON BOTH SIDES OF THE BARREL AND HAS A
10 SQUARED-OFF EDGE HERE ON THE FRONT OF THE BARREL
11 WITH A ROUNDED BARREL ABOVE IT. AND THESE AREAS ON
12 THE GUN ARE VERY CONSISTENT WITH THE INJURIES TO
13 THE HEAD BECAUSE THEY ARE AREAS OF LACERATION OR
14 TEARING OF THE SKIN ASSOCIATED WITH AN ADJACENT
15 BRUISING OR SCRAPING OF THE SKIN CONSISTENT WITH
16 THE FRONT OF THE GUN HITTING -- THERE'S JUST THAT
17 END OF THE BARREL STRIKING HERE ON TOP OF THE HEAD
18 TWICE-- I'M SORRY, THREE TIMES AND ONCE BEHIND THE
19 EAR. WHEREAS, THE BOTTOM OF THE BARREL WITH ITS
20 SQUARED-OFF EDGE IS MORE LIKELY TO HAVE CAUSED THE
21 INJURY OR SOME OBJECT LIKE THAT BEHIND AND ABOVE
22 THE EAR BECAUSE OF THE LACK OF SCRAPING OR ABRASION
23 ON THE EDGE OF THAT INJURY. THE BOLT CUTTERS TEND
24 TO HAVE A ROUNDED EDGE IN MOST AREAS EXCEPT, NEAR
25 THE TEETH UP FRONT. AND THERE'S NOT A WIDE ENOUGH

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1 AREA IN THAT LOCATION TO CAUSE THIS LACERATION
2 WITHOUT CAUSING SOME PARALLEL ABRASIONS BESIDE IT.

3 SO IN MY OPINION, THE HEAD INJURIES ARE
4 MORE CONSISTENT WITH AN OBJECT LIKE THIS PISTOL AND
5 ARE VERY CONSISTENT WITH THE END OF THE PISTOL
6 HAVING CAUSED THE INJURIES ON TOP OF THE HEAD.
7 WHEREAS, THE BOLT CUTTERS HAVE EDGES THAT ARE NOT
8 CONSISTENT WITH THE INJURIES THAT ARE ON TOP OF THE
9 HEAD.

10 Q NOW, DOCTOR, CAN YOU SHOW ME, USING MS.
11 STROM, WHERE THESE INJURIES WOULD HAVE BEEN AND THE
12 POSITION THE WEAPON WOULD HAVE BEEN TO THE VICTIM'S
13 HEAD?

14 A THE BOTTOM OF THIS BARREL, WHICH AS YOU
15 CAN SEE IS SQUARED, SO IT'S FLAT ON EACH SIDE AND
16 HAS A FAIRLY SQUARE EDGE, IS CONSISTENT WITH THE
17 INJURY THAT'S ABOVE AND BEHIND THE LEFT EAR WITH
18 THE FORCE BEING TO THE REAR BECAUSE THAT WOULD
19 ACCOUNT FOR THE SCALP BEING PEELED TO THE REAR.

20 THE INJURY SLIGHTLY BELOW THAT AND ONE
21 OF THE INJURIES ON TOP OF THE HEAD ARE CONSISTENT
22 WITH THE CORNER OF THE FRONT OF THE BARREL OR THE
23 CORNER OF THIS TRIGGER GUARD. THERE ARE TWO
24 INJURIES ON TOP OF THE HEAD THAT ARE VERY
25 CONSISTENT WITH THE FLAT END OF THE BARREL WITH THE

- 1 ASSOCIATED ROUNDED BARREL JUST ABOVE IT TO CAUSE
2 THE SCRAPE ASSOCIATED WITH THE LACERATION OR TEAR.
3 AND THOSE INJURIES -- THERE ARE THREE OF THEM UP
4 HERE ON TOP OF THE HEAD, THERE'S THIS LARGE ONE
5 BEHIND THE EAR AND ABOVE IT, AND THEN A SMALL ONE
6 RIGHT BELOW THAT.
- 7 Q DOCTOR, ALL THESE INJURIES, AGAIN,
8 WOULD HAVE BEEN PRE-MORTEM?
- 9 A YES, SIR.
- 10 Q DOCTOR, ARE THESE PAINFUL INJURIES?
- 11 A WE'VE ALL BUMPED OUR HEAD WHEN WE'VE
12 STOOD UP AND HIT SOMETHING ABOVE US OR HAD
13 SOMETHING FALL ON OUR HEAD AND ALL REALIZE IT'S
14 VERY PAINFUL TO GET HIT IN THE HEAD, AND IN MY
15 OPINION, THESE WOULD BE PAINFUL INJURIES.
- 16 Q SO NOW, DOCTOR, NOW GOING TO STATE'S
17 EXHIBIT NO. 145, COULD YOU IDENTIFY THAT PHOTOGRAPH
18 FOR THE JURY, PLEASE?
- 19 A THIS IS A COPY OF A PHOTOGRAPH THAT WE
20 DID TAKE, AND IT SHOWS THE INJURIES TO THE FRONT OF
21 THE NECK. YOU CAN SEE IN THIS PHOTOGRAPH THE
22 BRUISE THAT I INDICATED EARLIER THAT WAS ON THE
23 RIGHT CHIN AND THE SMALLER BRUISE THAT'S SLIGHTLY
24 IN FRONT OF IT. IT'S VERY DIFFICULT, BECAUSE IT'S
25 SO FAINT, TO SEE THE BRUISE ON THE LEFT SIDE OF THE

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1 CHIN. YOU CAN ALSO SEE SOME OF THE BRUISING AND
2 SCRAPING OF THE FRONT OF THE NECK. IT'S A LITTLE
3 TOO LOW TO SEE THE BRUISING ON TOP OF THE BRIDGE OF
4 THE NOSE.

5 Q ALL RIGHT, SO, DOCTOR, THIS BRUISE HERE
6 THAT I'M POINTING TO WOULD ALSO BE THE BRUISE
7 DEPICTED IN 148?

8 A THAT'S CORRECT.

9 Q NOW, THAT PARTICULAR BRUISE, DOCTOR, DO
10 YOU HAVE AN OPINION OF WHAT CAUSED THAT INJURY?

11 A BRUISES OF THAT SORT ARE MORE
12 CONSISTENT WITH A PADDED OBJECT HITTING THAT AREA.
13 AND, WHERE WE SEE IT MORE OFTEN IS WHERE A KNUCKLE
14 HITS THAT AREA AND CAUSES A ROUGHLY ROUND TO OVAL
15 BRUISE BECAUSE THE KNUCKLE IS PADDED BY SKIN, THE
16 SKIN OVERLYING THE CHIN BONE IS PADDED BY SKIN,
17 BUT ANY OBJECT LIKE THAT CAN CAUSE THAT TYPE OF
18 INJURY. BUT WHEN IT'S KNUCKLES AND IT'S A FORCEFUL
19 BLOW ON AN UPPERCUT TYPE OF INJURY, THAT'S THE TYPE
20 THAT'S MORE COMMONLY ASSOCIATED WITH THE SMALL
21 AMOUNT OF HEMORRHAGE THAT WE SAW IN THE
22 SUBARACHNOID AREA, WHERE THERE'S SHAKING OF THE
23 BRAIN BECAUSE OF THIS UPWARD FORCE.

24 Q THIS INJURY WOULD BE CONSISTENT WITH A
25 FIST?

1 A THAT'S CORRECT.

2 Q AND WHAT ABOUT OVER IN THIS AREA HERE,

3 DOCTOR, TOWARDS THE LEFT SIDE?

4 A WHAT YOU'RE POINTING AT THERE IS BLOOD

5 THAT'S STILL ON THE SKIN. WE TAKE PHOTOGRAPHS

6 BEFORE WE CLEAN THE BODY AND THEN AFTER WE CLEAN

7 THE BODY, BUT RIGHT BELOW IT IS A FAINT BRUISE.

8 Q SO AT THE POINT WE'RE AT NOW, DOCTOR,

9 WITH THE EXPLANATIONS YOU'RE GIVING THUS FAR, WOULD

10 IT BE YOUR OPINION THAT THERE WAS TRAUMA IN --

11 TRAUMA INFLICTED -- AND I'M NOT SAYING IT'S

12 NECESSARILY IN THE ORDER THAT WE TALKED ABOUT, BUT

13 TRAUMA INFLICTED BY AT LEAST TWO TYPES OF WEAPONS,

14 ONE CONSISTENT WITH THIS PISTOL OR A PISTOL OF THIS

15 TYPE, STATE'S 98, AND ANOTHER CONSISTENT WITH THE

16 HUMAN FIST?

17 A HUMAN FIST OR SOMETHING LIKE THAT. YOU

18 CAN ALSO GET THAT FROM FALLING ON SOME OBJECT THAT

19 IS PADDED AND WOULD CAUSE THAT TYPE INJURY. YES,

20 THERE ARE AT LEAST TWO DIFFERENT TYPES OF INJURIES

21 THAT WE'VE DISCUSSED SO FAR CAUSED BY DIFFERENT

22 OBJECTS.

23 Q NOW, DOCTOR, AS TO STATE'S 145, AGAIN,

24 IN THE AREA HERE, THIS PHOTOGRAPH, WHAT POSITION

25 WAS MRS. BECKHAM IN IN HER NECK AREA WHEN THIS

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1 PHOTOGRAPH WAS TAKEN?

2 A THE PHOTOGRAPH WAS TAKEN SHOWING THAT
3 THERE IS A HORIZONTAL ABRASION ACROSS THE FRONT OF
4 THE NECK AND ONE THAT'S SLIGHTLY AT AN ANGLE, WHICH
5 IS A LITTLE DIFFICULT TO SEE IN THAT DISTANT
6 PHOTOGRAPH, AND THEN A LOT OF BRUISING UNDERNEATH.
7 SO THE INJURY WOULD OCCUR WITH THE CHIN AT LEAST
8 LEVEL OR TILTED BACK IN ORDER TO HIT THIS AREA,
9 WHICH IS IN ONE CASE, RIGHT OVER THE ADAM'S APPLE,
10 WHICH YOU CAN FEEL HERE IN YOUR NECK, THE PART THAT
11 GOES UP AND DOWN, AND IN ANOTHER CASE, SLIGHTLY
12 BELOW THAT.

13 Q HOW MANY -- IN YOUR OPINION, HOW MANY
14 DIFFERENT BLOWS, MINIMUM, WOULD BE REPRESENTED IN
15 THIS AREA, DOCTOR?

16 A AS FAR AS SEEING THE SURFACE INJURY OR
17 THE SCRAPE CHARACTERIZED -- CHARACTERIZING WHAT
18 OBJECT HIT IT, THERE ARE AT LEAST TWO. AS I
19 MENTIONED, THERE COULD BE OTHERS. THERE'S A -- THE
20 BACK OF THE HAND OR SOME PADDED OBJECT COULD CAUSE
21 BRUISING AND DAMAGE TO THE UNDERLYING TRACHEA,
22 WHICH IS DAMAGED, THE VOICE BOX, WITHOUT LEAVING
23 ANYTHING ON THE SURFACE. SO THERE'S EVIDENCE OF AT
24 LEAST TWO INJURIES TO THE NECK.

25 Q ARE ALL OF THESE INJURIES PRE-MORTEM?

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1 A YES, SIR, THEY ALL SHOWED RED-BASED
2 ABRASIONS, MEANING THERE WAS BLEEDING INTO THE
3 SCRAPE AS WELL AS CONTUSION OF THE MUSCLE
4 UNDERNEATH OR BLEEDING INTO THE MUSCLE FROM THE
5 PRESSURE OF THE HEART PUMPING AFTER THE INJURY.

6 Q ARE THESE PAINFUL INJURIES?

7 A WE'VE ALL -- YOU CAN REACH IN AND JUST
8 POKE ON YOUR TRACHEA OR YOUR ADAM'S APPLE AND
9 REALIZE HOW SENSITIVE AND TENDER THAT IS. THESE
10 ARE VERY PAINFUL INJURIES.

11 Q DOCTOR, STATE'S EXHIBIT NO. 144, COULD
12 YOU IDENTIFY THAT FOR THE JURY, PLEASE?

13 A THIS IS A PHOTOGRAPH TAKEN BY SLED AT
14 THE SCENE AND IT SHOWS THIS SAME AREA OF ABRASION
15 AND BRUISING ON THE NECK A LITTLE MORE CLEARLY.
16 AND IT -- YOU CAN SEE THERE ARE THREE SORT OF
17 PARALLEL LINES AND THEN TWO OTHERS THAT ARE AT A
18 SLIGHTLY DIFFERENT ANGLE AS WELL AS BRUISING IN
19 THAT AREA.

20 Q NOW, -- EXCUSE ME, DOCTOR.

21 A THE -- EXCUSE ME, THE REDNESS UP ON THE
22 OTHER PART OF THE FACE, THOUGH, IS SIMPLY BLOOD AND
23 IS NOT RELATED TO INJURIES.

24 Q NOW, DOCTOR, THE TWO PARALLEL LINES,
25 WOULD YOU POINT THOSE OUT FOR ME, AGAIN, PLEASE,

1 SIR?

2 A IT'S A LITTLE DIFFICULT TO SEE AT THIS
3 DISTANCE SHOT, BUT IF YOU LOOK IN THIS AREA --

4 Q UH-HUH.

5 A -- WHICH IS -- THERE ARE SOME THAT ARE
6 NOT PARALLEL TO THE MARKER UNDERNEATH, THEY'RE
7 SLIGHTLY TILTED FROM THAT AND THEY GO ACROSS THE
8 NECK FROM LEFT TO RIGHT. AND THEN, THERE'S ANOTHER
9 SET OF PARALLEL LINES THAT ARE CLOSER TOGETHER THAT
10 ARE ABOUT TWENTY DEGREES OFF OF THE WIDER ONES THAT
11 ARE SLIGHTLY TO THE LEFT IN THE PHOTOGRAPH.

12 Q NOW, DOCTOR, DID YOU FORM AN OPINION AS
13 TO WHAT MAY HAVE CAUSED -- WHAT TYPE OF OBJECT OR
14 OBJECTS MAY HAVE CAUSED THESE INJURIES?

15 A BECAUSE IT FRACTURED THE LARYNX, OR THE
16 VOICE BOX, RIGHT UNDERNEATH, AND BECAUSE THERE'S A
17 FRACTURE OF THE NECK CLOSE TO THIS AREA, I FELT
18 LIKE IT WAS MORE LIKELY A HARD OBJECT. BUT
19 RECOGNIZE SOMETHING LIKE THE PISTOL, IF THE IMPRINT
20 ON THE SKIN IS BELOW THE IMPACT OF THE TISSUE, IN
21 OTHER WORDS, IF IT'S COMING UPWARD, THE PISTOL
22 COULD IN FACT HAVE FRACTURED THE VOICE BOX, BUT THE
23 ABRASION THAT I'M ASSOCIATING WITH BEING CONSISTENT
24 WITH THE PISTOL IS A LITTLE LOWER THAN THE VOICE
25 BOX. WHEREAS, THE ONE THAT GOES STRAIGHT ACROSS IS

1 IN THE AREA OF THE VOICE BOX, SO IT WOULD TAKE A
2 FAIRLY HEAVY OBJECT TO FRACTURE THE NECK THAT'S
3 UNDERNEATH. ALTHOUGH, A HAND OR SOMETHING THE
4 WEIGHT OF THE PISTOL COULD FRACTURE THE VOICE BOX
5 OR YOUR LARYNX.

6 Q ARE THERE -- WAS THERE EVIDENCE OF
7 INJURIES INFLICTED IN THE NECK AREA OF MRS. BECKHAM
8 THAT COULD HAVE BEEN INFLICTED BY STATE'S 58 AND
9 STATE'S 98?

10 A YES, THAT'S CORRECT. THE -- AS I
11 MENTIONED, THE FRACTURE WOULD BE MORE CONSISTENT
12 WITH THE BOLT CUTTERS. THE ABRASION THAT'S A
13 SLIGHTLY DIFFERENT ANGLE ON THE LEFT SIDE OF THE
14 NECK IS MORE CONSISTENT WITH THE BARREL OF THE GUN.
15 THE UNDERLYING BRUISING IS CONSISTENT WITH EITHER
16 OF THOSE TWO, PLUS THERE'S BRUISING TO THE BACK OF
17 THE NECK IN THE SAME AREA OF THE FRACTURE THAT'S
18 MORE CONSISTENT WITH THE BOLT CUTTERS.

19 Q DOCTOR, COULD YOU SHOW US, USING
20 STATE'S 58, WHAT POSITION THESE WOULD HAVE BEEN IN
21 WHEN THE INJURIES WERE CAUSED TO THE NECK?

22 A THIS LEADING EDGE OF THE BOLT CUTTERS
23 IS MOST CONSISTENT WITH THE ABRASIONS THAT WE SEE
24 ON THE SKIN. SO IN MY OPINION, THE BOLT CUTTERS
25 WOULD HAVE BEEN USED TO STRIKE AN INDIVIDUAL

1 STRAIGHT ACROSS THE NECK LIKE THIS OR FROM THE
2 OTHER SIDE,-- I CAN'T SAY WHICH SIDE IT CAME FROM,
3 FROM THE PATTERN.-- AND THEN THIS LEADING EDGE OF
4 THE BOLT CUTTERS IS WHAT CAUSED THE PARALLEL
5 SCRAPES THAT ARE SEEN AND THE WEIGHT OF THE BOLT
6 CUTTERS IS WHAT WOULD BE CONSISTENT WITH CAUSING
7 THE FRACTURE OF THE NECK, EITHER FROM THE BLOW IN
8 THE FRONT -- OR BLOWS IN THE FRONT, OR FROM A BLOW
9 OR SEVERAL BLOWS TO THE BACK OF THE NECK. THE BACK
10 OF THE NECK IS MORE PADDED AND THE SKIN IS THICKER
11 IN THAT LOCATION. AND THERE WAS NO EVIDENCE OF ANY
12 ABRASION ON THE BACK OF THE NECK, SO I CAN'T TELL
13 HOW MANY INJURIES OCCURRED TO THE BACK OF THE NECK,
14 BUT THERE WAS EXTENSIVE BRUISING, MUCH MORE THAN
15 THERE WAS IN FRONT. BUT SOMETIMES THAT'S BECAUSE
16 THE ARTERY TENDS TO PUMP HARDER AND DISSECTING THE
17 SKIN. THE AMOUNT OF BRUISING IS NOT A GOOD
18 INDICATION OF THE NUMBERS OF BLOWS. SO IT COULD
19 HAVE ONLY BEEN ONE TO THE BACK OF THE NECK.

20 Q DOCTOR, AGAIN, IF YOU WOULD TAKE
21 STATE'S EXHIBIT NO. 98 AND COULD YOU INDICATE FOR
22 THE JURY IN WHAT POSITION THE WEAPON -- THIS WEAPON
23 COULD HAVE BEEN THAT INFLECTED THE OTHER INJURIES
24 THAT YOU HAVE DESCRIBED TO THE NECK AREA, THE
25 PARALLEL LINES?

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1 A THERE'S ONLY ONE OTHER INJURY THAT MAY
2 HAVE BEEN INFLICTED BY AN OBJECT LIKE THIS PISTOL,
3 AND IT WOULD BE THESE PARALLEL LINES HERE ON THE
4 UNDERSIDE OF THE PISTOL, IF THE INDIVIDUAL WERE
5 STRUCK IN THIS FASHION. SO THAT INSTEAD OF BEING
6 HORIZONTAL AS IT APPEARS FROM THE OTHER PARALLEL
7 LINES, IT'S SLIGHTLY AT AN ANGLE AND THAT'S
8 CONSISTENT WITH THE WIDTH AND THE SQUARED-OFF EDGES
9 THAT ARE ON EITHER SIDE OF THE BOTTOM OF THE
10 BARREL.

11 Q DOCTOR, THESE PHOTOGRAPHS THAT WE'VE
12 LOOKED AT TO THE NECK AREA OF MRS. BECKHAM, 145,
13 WHICH I HOLD IN MY LEFT HAND, 144, HAD THE AREA OF
14 HER NECK BEEN CLEANED OF BLOOD BY THAT TIME?

15 A NO, IT HAD NOT. BUT THE AREA WHERE THE
16 ABRASION AND BRUISING, WHERE THE SCRAPES AND
17 BRUISES ARE HAS NO BLOOD ON IT. THERE'S -- THOSE
18 ARE CONSISTENT WITH THE APPEARANCE -- AFTER WE DID
19 CLEAN THE AREA, THEY WERE STILL THE SAME.

20 Q NOW, SIR, THE INJURIES THAT WERE UP IN
21 THE TOP AREA OF HER HEAD AND OVER TOWARDS THE RIGHT
22 SIDE, IN YOUR OPINION, DOCTOR, WOULD THEY HAVE
23 CAUSED UNCONSCIOUSNESS?

24 A IT'S POSSIBLE, BUT NOT AS LIKELY AS THE
25 BRUISING TO THE CHIN, IF IN FACT THAT WAS A FIST,

1 BECAUSE THESE ARE SHALLOW INJURIES. THERE WAS NOT
2 HEMORRHAGE DIRECTLY UNDER THAT AREA IN THE BRAIN,
3 WHICH IS OFTEN ASSOCIATED -- IF YOU HAVE A BLOW TO
4 THE HEAD, THE INJURY TO THE BRAIN IS GENERALLY
5 DIRECTLY UNDER THAT AREA. IF YOU FALL AND HIT YOUR
6 HEAD, THE INJURY'S ON THE OPPOSITE SIDE OF THE
7 BRAIN. THE AMOUNT OF SUBARACHNOID HEMORRHAGE THAT
8 WAS ON THE SURFACE OF THE BRAIN WAS SMALL, AND IT
9 WAS NOT DIRECTLY UNDER THIS INJURY. BUT IN FACT,
10 THIS -- EVEN THIS GLANCING BLOW COULD HAVE BEEN
11 ENOUGH TO HAVE KNOCKED HER UNCONSCIOUS. IT'S
12 DOUBTFUL THAT THE OTHERS WHERE THE END OF SOME
13 OBJECT STRUCK HER WOULD HAVE BEEN. BUT CERTAINLY,
14 THE ONE ON THE SIDE OF THE HEAD, ABOVE AND BEHIND
15 THE RIGHT EAR MAY HAVE, BUT BECAUSE IT'S
16 TANGENTIAL, HAVING PEELED THE SCALP BACK, I THINK
17 IT'S LESS LIKELY THAT WOULD HAVE COMPARED TO THE
18 INJURIES ON THE CHIN, WHICH ARE MORE CONSISTENT
19 WITH BLOWS TO THE CHIN WITH A FIST.

20 Q NOW, DOCTOR, YOU TALKED ABOUT THE NECK
21 AREA AND I WANT TO SAY VOICE BOX --

22 A THAT'S CORRECT.

23 Q IS THAT AN APPROPRIATE TERM? WHAT
24 DAMAGE WAS DONE TO THE VOICE BOX OF MRS. BECKHAM?

25 A THE VOICE BOX, AS YOU CAN TELL BY

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1 FEELING IT, IS A FAIRLY RIGID STRUCTURE. IT'S MADE
2 OF CARTILAGE, WHICH IS BREAKABLE -- OBVIOUSLY, BONE
3 IS BREAKABLE, TOO, BUT BONE TAKES A LOT MORE FORCE
4 TO BREAK. BUT THE VOICE BOX IS MADE OF CARTILAGE
5 AND IT'S DESIGNED TO KEEP YOUR VOCAL CORDS
6 STABILIZED SO THEY CAN MOVE ON EACH OTHER TO MAKE
7 VOICE. IN THIS CASE, THERE WAS A FRACTURE OR A
8 BREAK ACROSS THE MIDDLE AND THE UPPER RIGHT PORTION
9 OF THAT VOICE BOX WHERE THE FORCE HAD COME ACROSS
10 THE FRONT AND HAD CRACKED IN THAT LOCATION, MAKING
11 IT LESS STABLE.

12 Q COULD YOU GIVE US AN INDICATION WHAT
13 THAT DAMAGE WOULD HAVE DONE TO MRS. BECKHAM'S
14 ABILITY TO SPEAK OR SPEAK NORMALLY?

15 A IT VARIES AS FAR AS WHEN THIS OCCURS
16 AND WHETHER THIS OCCURS. BUT AT THE TIME OF
17 AUTOPSY, THERE WAS SWELLING OF THE VOCAL CORDS AND
18 THERE WAS SOME INSTABILITY OF THE VOICE BOX.
19 INSTABILITY ALLOWS THE VOCAL CORDS TO COME TOGETHER
20 WHEN YOU ARE TRYING TO TALK IN AN INAPPROPRIATE
21 MANNER. INSTEAD OF STAYING OPEN AND VIBRATING,
22 THEY COME TOGETHER AND TOUCH. THIS ALSO -- THAT,
23 PLUS THE SWELLING CAN SWELL TO A POINT WHERE YOU
24 CAN'T GET AIR THROUGH THE VOICE BOX, WHICH IS THE
25 OPENING INTO YOUR LUNGS, SO THAT YOU'RE UNABLE TO

1 BREATHE. ACTUALLY, AS YOU FEEL YOUR -- THE REST OF
2 YOUR TRACHEA DOWN THE BELOW THE VOICE BOX, YOU CAN
3 TELL IT FEELS SENSITIVE AND IT ALSO HAS CARTILAGE
4 RINGS AROUND IT. AND TRAUMA TO IT CAN CAUSE
5 DISCOMFORT AND SWELLING OF THE TISSUE INSIDE AND
6 SPASM TO THE POINT WHERE IT CAN CAUSE YOU TO HAVE
7 SOME DIFFICULTY BREATHING BECAUSE IT'S PAINFUL, AS
8 OPPOSED TO BEING NORMAL.

9 SO THE INJURY TO THE VOICE BOX MAY HAVE
10 IMMEDIATELY PREVENTED HER FROM TALKING, MAY HAVE
11 WITH TIME AS THE SWELLING OCCURRED, PREVENTED HER
12 FROM TALKING OR IT MAY HAVE NOT PREVENTED HER FROM
13 TALKING. BUT SHE WOULD HAVE NOT -- PROBABLY NOT
14 HAVE BEEN ABLE TO TALK IN A NORMAL FASHION WITH
15 THESE INJURIES ONCE SHE SUSTAINED THEM AND WOULD
16 HAVE HAD DIFFICULTY BREATHING, WOULD HAVE BEEN
17 GASPING FOR BREATH, WHETHER IT WAS THE FRACTURE OF
18 THE VOICE BOX OR JUST INJURY TO THE TRACHEA, WHICH
19 IS SLIGHTLY BELOW THAT, WHERE THE INJURY THAT IS
20 CONSISTENT WITH THE PISTOL OCCURRED. IT, TOO,
21 COULD HAVE CAUSED SOME DIFFICULTY IN TALKING OR
22 BREATHING.

23 Q NOW, DOCTOR, THE INJURIES --
24 WOULD YOU STAND UP FOR ME A MOMENT?
25 THE INJURIES TO THE BACK OF THE NECK OF

1 THE VICTIM, COULD YOU SHOW THE JURY THE AREA WHERE
2 THEY WERE AT?

3 A THEY'RE HERE AT THE BASE OF THE NECK.
4 SOME OF THE BRUISING IS DOWN ON THE UPPER PART OF
5 THE BACK AND IT GOES ALL THE WAY UP TO THE BASE OF
6 THE SKULL. AND THE FRACTURE IS ABOUT THE MID-
7 PORTION OF THE NECK, IT'S BELOW THE AREA OF THE
8 VOICE BOX FRACTURE BY A SMALL AMOUNT, SO IT'S RIGHT
9 ABOUT THE MID-PORTION OF THE NECK, BUT CLOSER TO
10 THE BASE OF THE NECK.

11 Q AND DO YOU KNOW -- DO YOU HAVE AN
12 OPINION AS TO WHAT OBJECT OR OBJECTS MAY HAVE
13 CAUSED THE INJURIES TO THE BACK OF THE NECK OF MRS.
14 BECKHAM?

15 A BETWEEN THESE TWO OBJECTS, IT WOULD
16 HAVE TO BE THE HEAVIER OBJECT TO CAUSE THIS
17 EXTENSIVE BRUISING IN MY OPINION. AND, IF, IN
18 FACT, THE BLOW OR BLOWS TO THE BACK OF THE NECK
19 CAUSED THE FRACTURE OF THE NECK, IT WOULD HAVE TO
20 BE THE HEAVIER OBJECT TO HAVE ENOUGH FORCE TO DO
21 THAT.

22 Q DOCTOR, WAS SHE -- WOULD THE VICTIM
23 HAVE BEEN ALIVE WHEN INJURIES WERE INFLICTED TO THE
24 FRONT OF HER NECK?

25 A YES, THERE WAS HEMORRHAGE AND BRUISING

1 IN THE FRONT OF THE NECK, SO THOSE INJURIES WERE
2 DURING LIFE, JUST AS THE INJURIES TO THE BACK OF
3 THE NECK WERE DURING LIFE.

4 Q AND USING STATE'S EXHIBIT NO. 58, COULD
5 YOU SHOW THE JURY THE POSITION IN WHICH THAT OBJECT
6 MAY HAVE BEEN IN WHEN THE INJURIES WERE INFLICTED?

7 A THE INJURIES TO THE BACK OF THE NECK
8 MAY HAVE INFLICTED -- BEEN INFLICTED WITH THE
9 OBJECT IN THE SAME PLANE AS I MENTIONED BEFORE, SO
10 THAT IT'S HITTING THE LEADING EDGE, COULD
11 CONCEIVABLY BE THE FLAT SURFACE BECAUSE IT IS A
12 HEAVY OBJECT, BUT IT WOULD BE MUCH EASIER IF THE
13 LEADING EDGE LIKE THIS WOULD STRIKE THAT AREA.

14 Q AND, DOCTOR, I APOLOGIZE IF I'M ASKING
15 YOU AGAIN. I KNOW I ASKED YOU ABOUT THE FRONT, SHE
16 WAS ALIVE WHEN THAT WAS INFLICTED?

17 A YES, THAT'S CORRECT.

18 Q YOU CAN SIT BACK DOWN.

19 NOW, DOCTOR, WHAT ARE DEFENSE WOUNDS?

20 A WOUNDS THAT OCCUR ON THE HANDS AND
21 SOMETIMES, THE FEET OR LEGS OR ARMS ARE OFTEN
22 CHARACTERIZED AS DEFENSE WOUNDS BECAUSE THEY ARE
23 CONSISTENT WITH SOMEBODY TRYING TO SWING OUT AT
24 SOMEBODY OR HOLD THEIR HANDS UP IN DEFENSE WHEN
25 THEY ARE RECEIVING INJURIES.

1 Q ALL THESE VARIOUS WOUNDS YOU HAVE
2 DESCRIBED TO THIS POINT ON THE CHIN, THE NECK AREA
3 IN THE FRONT, THE NECK AREA IN THE BACK, WOULD
4 THOSE HAVE BEEN PAINFUL INJURIES?

5 A YES, SIR, IN MY OPINION, THEY WOULD.

6 Q WOULD THEY HAVE CAUSED SUFFERING?

7 A CERTAINLY, SUFFERING IS ASSOCIATED WITH
8 PAIN, YES, SIR.

9 Q ARE THOSE SERIOUS INJURIES?

10 A CERTAINLY, THE ONES TO THE NECK ARE
11 SERIOUS AND FATAL IN THE CASE OF THE FRACTURE OF
12 THE NECK AND POTENTIALLY FATAL IN THE CASE OF THE
13 FRACTURE OF THE VOCAL CORDS OR THE VOICE BOX.

14 Q NOW, DOCTOR, YOU HAVE TALKED ABOUT
15 DEFENSE INJURIES. SHOWING YOU STATE'S EXHIBIT NO.
16 143, WHICH HAND WOULD THAT BE?

17 A THIS IS A PHOTOGRAPH OF THE BACK OF THE
18 RIGHT HAND.

19 Q AND WHAT IS DEPICTED IN THAT
20 PHOTOGRAPH, DOCTOR?

21 A AS YOU SEE IN THE PHOTOGRAPH, THERE ARE
22 BRUISES DOWN HERE ON THE MIDDLE FINGER, NEAR THE
23 TIP OF THE FINGER, HERE ON THE INDEX FINGER,
24 APPROXIMATELY HALFWAY DOWN AND ON THE TIP, HERE ON
25 THE BACK OF THE HAND. AND NOTICE, THEY ARE NOT

1 ACTUALLY ON TOP OF THE AREAS THAT WE REFER TO AS
2 KNUCKLES, THEY'RE BEHIND THOSE AREAS ON THE BACK OF
3 THE HAND PRIMARILY.

4 Q DOCTOR, WHAT IS YOUR OPINION AS TO WHAT
5 CAUSED THESE INJURIES?

6 A IT'S BLUNT FORCE INJURY, IT COULD BE
7 FROM THE HAND FLAILING OUT AND HITTING SOMETHING.
8 NOTICE THERE ARE A FEW LITTLE SCRAPES IN AMONG
9 THOSE BRUISES SUGGESTING THE OBJECT THAT WAS STRUCK
10 -- THAT EITHER STRUCK THIS AREA OR THAT WAS STRUCK
11 BY THE HAND WAS A HARD OBJECT.

12 Q WOULD THE VICTIM -- WAS THE VICTIM
13 ALIVE WHEN THESE INJURIES WERE INFLICTED?

14 A YES, IN MY OPINION, SHE WAS, BECAUSE OF
15 THE BRUISING.

16 Q AND, DOCTOR, NOW REFERRING YOU TO
17 STATE'S EXHIBIT 149.

18 A THIS IS THE LEFT HAND. AND AS YOU SEE
19 ON THIS LEFT HAND, THERE'S BRUISING HERE ON THE
20 PROXIMAL PORTIONS OF THE FINGERS AND PARTICULARLY
21 ON THIS ONE, YOU CAN SEE THE LITTLE SCRAPE OR
22 ABRASION IN THE CENTER OF THE BRUISE. THESE ARE
23 FAIRLY LARGE BRUISES. TWO OF THEM EXTEND UP CLOSE
24 TO THE KNUCKLES, BUT YOU CAN SEE THE MAJOR PORTION
25 OF THEM IS DOWN ON THE FINGERS THEMSELVES. AND

1 THERE ARE A FEW SEEN ON THE BACK OF THE HAND AS
2 WELL.

3 Q DOCTOR, WOULD THE VICTIM HAVE BEEN
4 ALIVE WHEN THESE INJURIES WERE INFLICTED?

5 A YES, SIR, IN MY OPINION, SHE WOULD
6 HAVE.

7 Q AND WOULD YOU CHARACTERIZE THE INJURIES
8 DEPICTED TO THE HANDS OF MRS. BECKHAM AS DEFENSE
9 INJURIES?

10 A THEY'RE CERTAINLY CONSISTENT WITH
11 DEFENSE INJURIES, IN MY OPINION.

12 Q AND, DOCTOR, WERE THERE OTHER INJURIES,
13 OTHER BRUISES OR CONTUSIONS TO THE BODY OF MRS.
14 BECKHAM?

15 A YES, THERE WAS A BRUISE ON THE FRONT OF
16 THE RIGHT HIP AND SOME BRUISES ABOVE AND BELOW BOTH
17 KNEES.

18 Q AND ALL OF THOSE APPEAR TO BE WITHIN
19 THE SAME TIME FRAME AS THE INJURIES THAT WE HAVE
20 SHOWN PHOTOGRAPHICALLY?

21 A YES, THAT'S CORRECT. WE TOOK
22 MICROSCOPICS OF SOME OF THESE INJURIES TO SEE IF
23 THERE WAS ANY REACTION, ANY BODY REACTION, WHICH IS
24 CHARACTERIZED GENERALLY BY THE NEUTROPHILS, WHICH
25 ARE SOLDIER CELLS COMING IN TO TRY TO EAT UP ANY

1 INJURY AND ALLOW HEALING TO OCCUR. AND THERE WAS
2 NO REACTION IN ANY OF THESE.

3 Q DOCTOR, I BELIEVE YOU CAN RETAKE THE
4 STAND.

5 DOCTOR, HAND INJURIES, WOULD THEY HAVE
6 BEEN PAINFUL?

7 A YES. WE'VE ALL PINCHED OURSELVES OR
8 BEEN HIT BY SOMETHING OR BUMPED SOMETHING AND
9 REALIZE THAT YOUR HANDS ARE VERY SENSITIVE, WHICH
10 ALLOWS YOU TO PICK UP THINGS THAT ARE SMALL AND
11 ALLOWS YOU TO DO INTRICATE THINGS, SO YOUR HANDS
12 ARE VERY SENSITIVE. THESE INJURIES, PARTICULARLY
13 THE BACK OF THE HANDS, OVERLYING THE BONES OF THE
14 HANDS WOULD BE VERY PAINFUL.

15 Q DOCTOR, DO YOU KNOW WADE FLEMING WITH
16 SLED?

17 A I DO.

18 Q DO YOU RECALL THE TIME WHEN HE SHOWED
19 YOU STATE'S EXHIBIT NO. 98?

20 A I HAVE NO RECORD OF ANY DISCUSSION I
21 HAD WITH WADE. I KNOW THAT EITHER WADE OR SOMEONE
22 ELSE BROUGHT ME THAT OBJECT AND ANOTHER OBJECT AND
23 THEN AT LEAST ON ONE OTHER OCCASION I LOOKED AT THE
24 TWO OBJECTS THERE AND I THINK ANOTHER OBJECT TO
25 UNDERSTAND IF THOSE MAY BE CONSISTENT WITH THE

- 1 INJURIES.
- 2 Q WHAT INJURIES, SPECIFICALLY, WERE YOU
- 3 REFERRING TO, ALL OF THE INJURIES OR INJURIES TO
- 4 SPECIFIC PARTS OF MRS. BECKHAM'S BODY?
- 5 A I'M NOT SURE I FOLLOW YOUR QUESTION.
- 6 Q WELL --
- 7 A ON WHAT OCCASION?
- 8 Q WHEN WADE BROUGHT YOU THE PISTOL?
- 9 A INITIALLY, MY IMPRESSION IS WHEN WADE
- 10 BROUGHT THE PISTOL AND THE OTHER OBJECT, THE
- 11 QUESTION WAS COULD EITHER OF THESE BE THE OBJECT
- 12 THAT CAUSED THE LETHAL INJURIES ON THE INDIVIDUAL.
- 13 AND IN MY OPINION, THEY ARE NOT. MOST LIKELY, THE
- 14 LETHAL INJURIES WERE CAUSED BY THE PISTOL OR THE
- 15 OTHER -- SEEMED LIKE IT WAS A LIGHTWEIGHT METAL
- 16 OBJECT.
- 17 Q ALL RIGHT, SIR. BUT THE LETHAL
- 18 INJURIES, THE FATAL INJURIES IN YOUR OPINION WAS
- 19 CAUSED BY THE BOLT CUTTERS?
- 20 A BY SOMETHING AS HEAVY AS THE BOLT
- 21 CUTTERS.
- 22 Q ALL RIGHT, SIR. NOW, DOCTOR, MRS.
- 23 BECKHAM WAS BEATEN?
- 24 A YES, SIR, THAT'S CORRECT. IN MY
- 25 OPINION, THE INJURIES SHE SUSTAINED, IN PARTICULAR,

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1 THE FATAL INJURIES WERE THE RESULT OF A BEATING.

2 Q AND HOW MANY DIFFERENT TYPES OF WEAPONS
3 DID YOU SEE EVIDENCES OF THAT INFLICTED THE VARIOUS
4 INJURIES YOU'VE DESCRIBED.

5 A THERE WERE AT LEAST THREE DIFFERENT
6 INSTRUMENTS, ONE THAT HAD THE CONFIGURATION SIMILAR
7 TO THE PISTOL THAT CAUSED THE HEAD INJURIES, ONE
8 CONSISTENT WITH FISTS THAT CAUSED THE INJURIES TO
9 THE CHIN, AND ONE AS HEAVY AS AND HAVING SIMILAR
10 CONFIGURATIONS TO THE BOLT CUTTERS, TO CAUSE THE
11 INJURY TO THE FRONT OF THE NECK OR THE FRACTURE OF
12 THE NECK AND MOST PROBABLY THE FRACTURE OF THE
13 LARYNX AND THE INJURIES TO THE BACK OF THE NECK.

14 Q BASED ON ALL THE INJURIES AND THE TYPES
15 OF OBJECTS THAT INFLICTED THOSE INJURIES, WOULD
16 THERE HAVE BEEN SUFFERING?

17 A IN MY OPINION, THERE WOULD HAVE BEEN
18 SUFFERING.

19 Q NOW, DOCTOR, COULD YOU GIVE THE JURY
20 YOUR OPINION AS TO THE AMOUNT OF TIME IT WOULD HAVE
21 TAKEN FROM THE INFLECTION OF THE INJURIES UNTIL THE
22 DEATH OF MRS. BECKHAM?

23 A THAT'S A DIFFICULT INTERPRETATION TO
24 MAKE. AS I MENTIONED, WE DID MICROSCOPICS OF THE
25 BRUISING AREA AND THERE ARE STUDIES THAT SHOW THAT

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1 THERE IS A REACTION IN SOME PEOPLE IN SOME AREAS OF
2 THE BODY AS EARLY AS TWENTY MINUTES AFTER AN INJURY
3 HAS OCCURRED. AND THERE WAS NO REACTION IN THIS
4 BODY, BUT SOMETIMES THAT DOES TAKE LONGER.

5 AS I MENTIONED EARLIER, AS PERSON WITH
6 A BROKEN NECK, WOULD BE CHARACTERIZED AS SIMILAR TO
7 A PERSON THAT WAS ON A RESPIRATOR BECAUSE OF A HEAD
8 INJURY AND THE DECISION WAS MADE TO UNPLUG THE
9 RESPIRATOR TO SEE IF THEY WOULD SURVIVE AND BREATHE
10 ON THEIR OWN. IN THOSE CASES, THE BRAIN WAVES
11 GENERALLY TAKE FOUR MINUTES TO CEASE INDICATING
12 THAT BRAIN DEATH TAKES ABOUT FOUR MINUTES AFTER
13 THERE'S NO OXYGEN GETTING TO THE BRAIN.

14 SO IN MY OPINION, BECAUSE THE FATAL
15 INJURY IS THE FRACTURE TO THE NECK, ASSOCIATED ALSO
16 WITH THE FRACTURE OF THE LARYNX, SINCE THERE WAS
17 EVIDENCE THAT SHE HAD TROUBLE BREATHING BY THE
18 PETECHIAL HEMORRHAGES, THE LITTLE PINPOINT
19 HEMORRHAGES IN HER EYE THAT COME FROM HYPOXIA, IN
20 MY OPINION, THAT TAKES A PERIOD OF TIME. AT LEAST
21 FOUR MINUTES, IF WE ASSUME THAT ALL OF THIS
22 OCCURRED IN SAY A MINUTE OR LESS AND THE FATAL
23 INJURY TO THE NECK OCCURRED AT THAT TIME AND
24 IMMEDIATELY STOPPED THE RESPIRATORY CENTERS. IF IT
25 TOOK LONGER, THEN IT COULD BE, AS I SAY, AT LEAST

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1 UP TO FIFTEEN MINUTES BECAUSE THERE'S NO REACTION
2 AND PERHAPS, LONGER.

3 Q SO THE MINIMUM WOULD HAVE BEEN FOUR
4 MINUTES?

5 A IN MY OPINION, MINIMUM --

6 Q IN YOUR OPINION --

7 A WOULD BE FOUR TO HAVE THE PERSON DEAD
8 FROM THESE INJURIES.

9 Q AND MAXIMUM WOULD HAVE BEEN?

10 A I CAN'T REALLY SAY A MAXIMUM, BUT AT
11 LEAST AS FAR AS THE EVIDENCE, AS FAR AS LACK OF
12 REACTION, AT LEAST FIFTEEN MINUTES MAXIMUM, BUT IT
13 COULD BE MUCH MORE.

14 Q NOW, DOCTOR, YOU TALKED ABOUT THESE
15 HEMORRHAGES IN THE EYES AND THEY RELATE BACK TO
16 HAVING TROUBLED BREATHING?

17 A THAT'S CORRECT. THEY'RE DUE TO
18 HYPOXIA. IF YOU'RE GETTING INSUFFICIENT BLOOD TO
19 THE BRAIN, THE CAPILLARY WALLS TEND TO BREAK DOWN
20 AND THE PRESSURE OF THE BLOOD TENDS TO CAUSE THE
21 VESSELS TO LEAK AND SO YOU GET THE LITTLE PINPOINT
22 HEMORRHAGES IN THE EYES.

23 Q HOW LONG DOES IT TAKE FOR THE
24 HEMORRHAGES TO APPEAR?

25 A IT VARIES, BUT WE HAVE WITNESSED DEATHS

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1 WHERE PEOPLE ASPHYXIMATE IN A MINUTE OR TWO AND THEY
2 DON'T HAVE PETECHIAE, THEY ONLY HAVE A FEW. THESE--
3 UNFORTUNATELY, THERE ARE LITTLE CHILDREN WHO ARE
4 SMOTHERED UNDER VIDEO CAMERAS BECAUSE THEY SUSPECT
5 THE MOTHER OF HAVING INFLICTED THIS ON THE CHILD
6 AND THEY RESUSCITATE THE CHILD. AND THE CHILD'S
7 ALIVE, BUT IS TOTALLY DEAD AT THE TIME THEY CHECK
8 IT, A MINUTE AND A HALF AFTER THIS EVENT.

9 BUT THERE HAVE BEEN OTHERS WHERE PEOPLE
10 HAVE HEART CONDITIONS SO THAT THEIR HEART IS MORE
11 SUSCEPTABLE TO A LACK OF OXYGEN AND THEY WILL TEND
12 TO, IF THEY HANG THEMSELVES, WILL TEND TO DIE
13 WITHOUT AS MANY OR WITH NO PETECHIAE. BUT
14 GENERALLY, A PERSON THAT HAS PETECHIAE, IT'S A
15 MATTER OF MINUTES FOR THIS TO OCCUR, RATHER THAN IT
16 OCCURRING IN JUST A MATTER OF SECONDS, AT LEAST.
17 YOU'RE TALKING ABOUT PROBABLY THREE OR FOUR
18 MINUTES, MINIMUM, FOR IT TO OCCUR.

19 Q AND THAT'S A PERIOD OF TIME WITH WHICH
20 THE BODY -- THE VICTIM IS TRYING TO GET AIR,
21 OXYGEN?

22 A THAT'S CORRECT.

23 Q NOW, DOCTOR, WOULD ALL THE INJURIES YOU
24 OBSERVED, ALL YOUR FINDINGS, WOULD THEY BE
25 CONSISTENT OR INCONSISTENT WITH THE FINDING OF

1 INSTANTANEOUS -- INSTANT DEATH?

2 A NOT IN MY OPINION. THERE ARE NONE OF
3 THE INJURIES WHICH, IN MY OPINION, WOULD BE
4 CONSISTENT WITH THE INDIVIDUAL DYING INSTANTLY. AS
5 I MENTIONED, EVEN IF THE INJURY TO THE NECK THAT
6 BROKE THE NECK STOPPED THE RESPIRATION AT THAT
7 TIME, IT, FROM MEDICAL EVIDENCE, IT WOULD TAKE AT
8 LEAST FOUR MINUTES FOR THE PERSON TO DIE FROM THAT
9 LACK OF OXYGEN.

10 Q DOCTOR, BASED ON ALL THE INJURIES YOU
11 SAW, INCLUDING THE DEFENSE INJURIES, WOULD MRS.
12 BECKHAM, IN YOUR OPINION, HAVE FOUGHT FOR HER LIFE?

13 A WELL, THERE'S EVIDENCE OF DEFENSE
14 WOUNDS OR WOUNDS CHARACTERIZED BY THE PERSON EITHER
15 FLAYING OUT OR BEING STRUCK ON THE HAND, SO IN MY
16 OPINION, THERE IS EVIDENCE THAT SHE FOUGHT FOR HER
17 LIFE.

18 Q AND THAT WOULD HAVE BEEN PRE-
19 UNCONSCIOUSNESS; SHE WOULD NOT HAVE BEEN -- SHE
20 COULD NOT HAVE BEEN CONSCIOUS AND FIGHTING FOR HER
21 LIFE?

22 A IN MY OPINION, MOST PROBABLY SHE COULD
23 NOT HAVE BEEN CONSCIOUS AND FIGHTING FOR HER LIFE.
24 CERTAINLY --

25 Q EXCUSE ME, I SAID THAT BACKWARDS. SHE

1 COULD NOT HAVE BEEN UNCONSCIOUS AND FIGHTING FOR
2 HER LIFE?

3 A IN MY OPINION, MOST PROBABLY NOT.
4 PEOPLE IN COMAS DO STRANGE THINGS; IN OTHER WORDS,
5 THEY DO HAVE MOVEMENTS AT TIMES, PARTICULARLY AS
6 THEY'RE GOING IN AND OUT OF CONSCIOUSNESS. BUT
7 THERE ARE SO MANY INJURIES THAT ARE MORE CONSISTENT
8 WITH THE PERSON HAVING TO BE -- BEING CONSCIOUS AT
9 THAT TIME.

10 Q THANK YOU, DOCTOR, I DON'T HAVE ANY
11 FURTHER QUESTIONS.

12 THE COURT: CROSS-EXAMINATION, MR.
13 HARPOOTLIAN.

14 MR. HARPOOTLIAN: JUST A FEW
15 QUESTIONS. MAY IT PLEASE THE COURT, YOUR HONOR?
16 CROSS-EXAMINATION:

17 BY MR. HARPOOTLIAN:

18 Q DOCTOR, YOU AND I HAD AN OPPORTUNITY
19 TO TALK ABOUT ALL THIS A FEW MONTHS AGO, DID WE
20 NOT?

21 A YES, THAT'S CORRECT.

22 Q AND WE REVIEWED THESE PHOTOGRAPHS
23 TOGETHER AND WE REVIEWED YOUR REPORTS TOGETHER.
24 LET ME SEE IF I CAN GET RIGHT TO SOME OF THE ISSUES
25 WHICH MAY BE RELEVANT HERE.

1 FIRST OF ALL, THE -- YOU HAVE TALKED
2 ABOUT WHETHER THE INJURIES ARE CONSISTENT OR
3 INCONSISTENT WITH DIFFERENT OBJECTS. YOU WOULD
4 CONCEDE THAT YOUR OPINION IS THAT THIS OBJECT DID
5 NOT CAUSE ANY OF HER FATAL INJURIES, IF INDEED, IT
6 CAUSED ANY OF HER INJURIES; IS THAT CORRECT?

7 A THAT'S CORRECT. THE ONLY ONE IT COULD
8 HAVE CAUSED THAT COULD HAVE BEEN FATAL HAD SHE NOT
9 HAD THE BROKEN NECK WOULD BE IF THIS INJURY TO THE
10 FRONT WAS DUE TO THE PISTOL AND IF IT'S GOING
11 UPWARDS SO AS TO HAVE FRACTURED THE ADAM'S APPLE.

12 Q RIGHT. NOW, IF THIS INJURY WAS THE
13 INJURY THAT CAUSED -- THIS OBJECT WAS THE ONE THAT
14 CAUSED THE INJURY TO THE HEAD, WHICH EDGE WOULD
15 HAVE BEEN THE EDGE THAT WOULD HAVE BEEN STRIKING
16 THE HEAD?

17 A THERE WOULD HAVE BEEN SEVERAL EDGES.
18 IN MY OPINION, THE FRONT EDGE, HERE, SO THE PISTOL
19 WOULD BE BROUGHT DOWN ON THIS SURFACE, THIS FRONT
20 EDGE COULD CAUSE THE TEAR, AND THE ASSOCIATED
21 ROUNDED BARREL COULD CAUSE THE SCRAPE THAT
22 CHARACTERIZED TWO OF THE INJURIES ON TOP OF THE
23 HEAD, WHEREAS, EITHER THIS CORNER OR THIS CORNER
24 COULD CAUSE TWO OTHER INJURIES THAT ARE LINEAR AND
25 SLIGHTLY TRIANGULAR. WHEREAS THE SIDE OF THE

1 BARREL IS MORE CONSISTENT WITH THE LACERATION THAT
2 TENDS TO PEEL BACK THE SCALP ABOVE THE RIGHT EAR.

3 Q IF THIS WEAPON WERE USED FOR THE BLOW
4 TO THE HEAD -- AND THAT BLOW TO THE HEAD, AS I
5 UNDERSTAND IT, IS THE ONLY INJURY THAT ACTUALLY --
6 THAT YOU KNOW ACTUALLY BLED; IS THAT CORRECT?

7 A THAT'S CORRECT. THE ONE HERE ABOVE AND
8 BEHIND THE RIGHT EAR IS THE ONE THAT CAUSED THE
9 PRIMARY BLEEDING. THERE'S A LITTLE BIT OF BLOOD
10 COMING FROM THE OTHER SMALLER ONES, BUT PRIMARILY
11 THAT ONE.

12 Q IF THE LEADING EDGE OF THIS PISTOL, AS
13 YOU JUST POINTED OUT, WAS THE CAUSE OF THAT INJURY,
14 YOU WOULD EXPECT THAT SOME OF THE TISSUE OR BLOOD
15 WOULD HAVE BEEN FORCED INTO THIS HOLE?

16 A AS FAR AS THE ONES ON TOP OF THE HEAD?

17 Q YES, SIR.

18 A IT VARIES, BUT YOU WOULD EXPECT THERE
19 TO BE SOME FLUID THERE, IT MAY NOT BE BLOOD,
20 DEPENDING ON WHETHER THERE WAS BLOOD THERE WHEN THE
21 BLOW WAS INFLICTED OR WHETHER THE BLOW CAUSED
22 BLEEDING. SOMETIMES IF THE BLOW CAUSES BLEEDING,
23 YOU DON'T GET MUCH, IF ANY BLOOD ON THE OBJECT.

24 Q BUT YOU WOULD WANT TO LOOK AT IT?

25 A BEG YOUR PARDON?

1 Q YOU'D WANT TO LOOK, WOULDN'T YOU?

2 A WELL, DEFINITELY, IT SHOULD BE
3 EXAMINED.

4 Q OKAY. AND THE SAME THING -- I THINK
5 WHAT YOU'RE SAYING IS THIS OBJECT COULD HAVE CAUSED
6 ALL THOSE INJURIES, ALTHOUGH, IT'S MORE LIKELY, AT
7 LEAST ON THE HEAD INJURY, IT DID NOT; IS THAT
8 CORRECT?

9 A I COULDN'T FIND AREAS ON THAT OBJECT
10 WHERE I FELT WERE CLEARLY THE CAUSE OF THESE ON TOP
11 OF THE HEAD, BUT I CAN'T, AS YOU SAY, TOTALLY
12 ELIMINATE THAT. THE ROUNDED PARTS OF THE HANDLE
13 WOULD NOT BE CONSISTENT WITH THE FLAP OF SKIN THAT
14 WAS CREATED HERE ON THE RIGHT SIDE OF THE HEAD
15 BECAUSE THERE'S NO SCRAPING OF THE EDGE, IT'S
16 SQUARED-OFF, WHICH IS MORE CONSISTENT WITH A
17 SQUARED-OFF SURFACE.

18 Q WHAT ABOUT THIS SQUARED-OFF SURFACE,
19 RIGHT HERE?

20 A BUT THAT ONE IS IRREGULAR AND SHORTER,
21 WHEREAS THE LACERATION ON THE SIDE OF THE HEAD IS
22 NEARLY TWO AND A HALF INCHES. AND I THINK IF THIS
23 LEADING EDGE ON EITHER SIDE HERE CAUSED THAT WE
24 WOULD SEE A SHORTER LACERATION OR SPLIT IN THE SKIN
25 AND IT WOULD BE ASSOCIATED WITH SCRAPES ON EITHER

1 SIDE.

2 Q BUT YOU CANNOT RULE THIS OUT AS A CAUSE
3 OF THAT?

4 A NO.

5 Q IT IS POSSIBLE?

6 A THAT'S CORRECT, I CAN'T SAY IT'S NOT
7 POSSIBLE, IT'S ALWAYS POSSIBLE.

8 Q IT'S ALWAYS POSSIBLE. NOW, THERE'S NO
9 QUESTION IN YOUR MIND THAT IT WOULD HAVE BEEN AN
10 OBJECT LIKE THIS WHICH WERE THE CAUSE OF THE FATAL
11 INJURIES; IS THAT CORRECT?

12 A THAT'S CORRECT. BECAUSE OF THE WEIGHT
13 OF THE OBJECT AND THE LENGTH OF IT, GIVING IT
14 LEVERAGE.

15 Q SO IF SOMEONE HAD SAID THAT THEY --
16 THAT MRS. BECKHAM WAS LAYING ON HER BACK,
17 UNCONSCIOUS, AND THEN THEY HIT HER ON THE FRONT OF
18 THE NECK WITH THIS, THAT WOULD BE CONSISTENT WITH
19 THOSE INJURIES; IS THAT CORRECT?

20 A YES, THAT'S CORRECT.

21 Q AND THEN IF THEY SAID THEY ROLLED HER
22 OVER AND HIT HER ON THE BACK OF THE NECK AGAIN WITH
23 THIS OBJECT, THAT WOULD BE CONSISTENT WITH THE
24 INJURIES YOU FOUND?

25 A YES, THAT'S CORRECT.

1 Q AND THOSE ARE THE INJURIES THAT
2 ACTUALLY KILLED HER; IS THAT CORRECT?

3 A IN MY OPINION, THOSE ARE THE PRIMARY
4 CAUSE OF DEATH. THE INJURIES TO THE FRONT OF THE
5 NECK, WHICH FRACTURED THE NECK, ALSO FRACTURED THE
6 LARYNX AND VOICE BOX, AND BECAUSE SHE HAS
7 PETECHIAE, I DON'T REALLY KNOW WHETHER HER DEATH
8 WAS PRIMARILY FROM THE LACK OF OXYGEN BECAUSE OF
9 THIS INJURY TO THE VOICE BOX, OR PRIMARILY FROM
10 LACK OF OXYGEN FROM THE BROKEN NECK; EITHER COULD
11 DO THAT. BUT THE -- CERTAINLY, THE NECK INJURY
12 WOULD BE EXPECTED TO.

13 Q NOW, ALSO, YOU'VE INDICATED THAT SHE
14 HAD A BRUISE ON HER CHIN. AND I BELIEVE WHEN YOU
15 AND I TALKED SOME MONTHS AGO, YOU INDICATED THAT
16 THAT BLOW TO THE CHIN WOULD HAVE BEEN ENOUGH,
17 PERHAPS, TO KNOCK HER UNCONSCIOUS?

18 A THAT'S CORRECT. THERE IS -- THE
19 UPPERCUT TYPE OF BLOW THAT THIS MIGHT BE ASSOCIATED
20 WITH HERE ON THE RIGHT SIDE, THERE ARE TWO AND ON
21 THE LEFT SIDE, ONE, THOSE CAN CERTAINLY CAUSE A
22 PERSON TO BECOME UNCONSCIOUS.

23 Q MATTER OF FACT, YOU FOUND SOME -- AND
24 PERHAPS, YOU CAN REMIND ME OF THE MEDICAL TERMS,
25 SOME EVIDENCE THAT SHE WAS INDEED KNOCKED

1 UNCONSCIOUS. SHE HAD SOME SORT OF -- IS IT A
2 HEMORRHAGE OR A --
3 A THERE'S A SMALL AREA OF HEMORRHAGE IN
4 THE, WHAT WE CALL THE SUBARACHNOID SPACE, WHICH IS
5 THE SPACE JUST ON THE SURFACE OF THE BRAIN, UNDER A
6 THIN MEMBRANE. AND BECAUSE THE BRAIN FLOATS IN
7 FLUID, AND HAS SMOOTH SURFACES ON THE OUTSIDE OF
8 THE BRAIN AND THE INSIDE OF THE SKULL, IT'S VERY
9 DIFFICULT TO CAUSE HEMORRHAGE IN THE BRAIN, UNLESS
10 IT'S A SEVERE FORCE, A SEVERE SHAKING OR TWISTING.
11 AND TO FIND THAT IN THIS SMALL AMOUNT SUGGEST THAT
12 SHE DID RECEIVE A SEVERE FORCE HERE OR PERHAPS, ON
13 THE SIDE OF THE HEAD AND PROBABLY WAS RENDERED
14 UNCONSCIOUS.

15 Q SO WE CANNOT SAY WHETHER SHE WAS
16 UNCONSCIOUS WHEN THESE INJURIES WERE INFLICTED OR
17 NOT?

18 A SINCE WE -- SINCE I CANNOT TELL YOU IN
19 WHICH ORDER THESE INJURIES OCCURRED. IF IN FACT,
20 THE INJURY HERE TO THE CHIN WAS FROM A BLOW THAT
21 RENDERED HER UNCONSCIOUS, THEN IT'S POSSIBLE THAT
22 SHE WOULD BE UNCONSCIOUS FOR ALL THE OTHER
23 INJURIES, ALTHOUGH, AS YOU THINK ABOUT IT'S NOT A
24 LOT OF REASON TO CONTINUE TO BEAT ON SOMEBODY IF
25 THEY ARE ALREADY UNCONSCIOUS?

1 Q UNLESS YOU WANT TO KILL THEM?

2 A WELL, THESE ARE NOT CHARACTERISTIC OF
3 WHAT YOU THINK OF AS FATAL INJURIES, UNLESS THE
4 PERSON IS JUST FRANTIC AND NOT HAVE A WAY OF
5 INFLECTING INJURIES, BECAUSE THESE ARE SHALLOW,
6 SUPERFICIAL INJURIES AND TANGENTIAL, MORE LIKE THE
7 TYPE YOU SEE IF SOMEBODY IS MOVING AROUND AND BEING
8 STRUCK OR IF SOMEBODY IS DELIBERATELY TRYING TO
9 INFLECT PAIN.

10 Q WELL, AND AT THE SAME TIME -- I SHOW
11 YOU STATE'S EXHIBITS 143 AND 149. THE SOLICITOR
12 DID NOT ASK YOU, BUT I WILL ASK YOU, YOU CLIPPED
13 THE NAILS ON THESE HANDS, DID YOU NOT?

14 A YES, THAT'S CORRECT.

15 Q AND YOU ARE AWARE -- I WILL TELL YOU
16 PART OF THE RECORD IS THAT THE MATERIAL THAT WAS
17 ANALYZED, DNA ANALYSIS, WAS DONE FROM THE MATERIAL
18 YOU TOOK, THE CLIPPINGS YOU TOOK, INDICATES THAT
19 THE DNA MATERIAL UNDER THERE WAS INCONSISTENT WITH
20 STEPHEN BECKHAM, BUT CONSISTENT WITH RICHARD
21 ANDERSON.

22 A THAT'S CORRECT.

23 Q OKAY. NOW, KNOWING THAT THESE HANDS
24 THAT ARE DAMAGED IN DEFENSIVE WOUNDS HAVE RICHARD
25 ANDERSON'S DNA MATERIAL UNDER IT --

- 1 A CORRECT.
- 2 Q -- IS THERE ANY CONCLUSION YOU HAVE
- 3 ABOUT THESE DEFENSIVE WOUNDS, CAN YOU SAY ANYTHING
- 4 ABOUT THEM?
- 5 A IN WHAT RESPECT?
- 6 Q WELL, I MEAN, IF THEY'RE DEFENSIVE AND
- 7 SHE'S REACHING OUT -- AND DID SHE ALSO SCRATCH HIM?
- 8 A WELL, CERTAINLY, SHE COULD BE. AND THE
- 9 IMPLICATION IS WITH THERE BEING SOME TISSUE UNDER
- 10 THE SKIN THAT WAS IDENTIFIED AS CONSISTENT WITH
- 11 SOMEONE, YOU WOULD EXPECT THAT TO HAVE GOTTEN THERE
- 12 AT THE TIME THE TWO OF THOSE WERE CLOSE ENOUGH FOR
- 13 HER TO HAVE SCRATCHED THAT PERSON.
- 14 Q SO WOULD SHE -- WE COULD SAY THAT SHE--
- 15 IF THESE SO-CALLED DEFENSIVE WOUNDS, AND WE'RE NOT
- 16 SURE OF WHETHER THEY'RE OFFENSIVE, WHETHER SHE'S
- 17 STRIKING OUT, OR DEFENSIVE, FENDING OFF A BLOW, IF
- 18 SHE'S CONSCIOUS WHEN THOSE ARE OCCURRING, AND WE
- 19 SEE RICHARD ANDERSON'S DNA MATERIAL UNDER HER
- 20 FINGERNAILS, IS IT LIKELY THAT BOTH THESE WOUNDS
- 21 AND THAT TISSUE, THE TISSUE BEING SCRAPED UNDER HER
- 22 FINGERNAILS OCCURRED AT THE SAME TIME?
- 23 A I DON'T THINK I COULD SAY BECAUSE SHE'S
- 24 GOT SO MANY INJURIES. SHE'S GOT TEN HERE ON THE
- 25 HEAD, PLUS OTHERS THAT MAY BE FROM HER FLAYING OUT

1 OR HITTING SOMEBODY --

2 Q I'M JUST TALKING ABOUT --

3 A SO IT COULD HAVE OCCURRED

4 Q -- THE INJURIES ON THE HAND.

5 A IT COULD HAVE OCCURRED ON EITHER

6 OCCASION OR ON BOTH OCCASIONS.

7 Q ON BOTH OCCASIONS. BUT CERTAINLY,

8 FINDING TISSUE UNDER SOMEONE'S FINGERNAILS WOULD

9 INDICATE THAT THERE WAS A HIGH PROBABILITY THEY

10 WERE CONSCIOUS WHEN THAT SCRAPING OR SCRATCHING

11 OCCURRED?

12 A IN MY OPINION, THEY WOULD HAVE BEEN.

13 Q OKAY. THANK YOU, DOCTOR.

14 A YOU'RE WELCOME.

15 THE COURT: ANYTHING ON REDIRECT?

16 MR. MCMAHON: NOTHING ON REDIRECT.

17 THE COURT: THANK YOU, SIR.

18 MR. MCMAHON: THANK YOU, DOCTOR.

19 THE COURT: YOU MAY STEP DOWN.

20 CALL YOUR NEXT WITNESS.

21 MR. JONES: YOUR HONOR, AT THIS TIME

22 THE STATE WOULD REST ITS CASE IN --

23 THE COURT: ALL RIGHT.

24 MR. JONES: -- AGGRAVATION.

25 THE COURT: LET ME SEE Y'ALL OVER HERE

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1 JUST A MINUTE.

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

5 THE COURT: ALL RIGHT, LADIES AND
6 GENTLEMEN, THIS IS A LOGICAL PLACE TO LET YOU GO TO
7 LUNCH.

8 I WOULD ASK TO BE -- HAVE THEM BACK AT
9 1:15 OR THEREABOUTS AND WE'LL CONTINUE ON.

10 WE'RE MAKING PRETTY GOOD PROGRESS
11 TODAY. SO DON'T DISCUSS THE CASE OR ALLOW ANYONE
12 TO DISCUSS IT WITH YOU OR FORMULATE ANY OPINION
13 ABOUT THE OUTCOME.

14 (WHEREUPON, THE JURY WAS EXCUSED FOR
15 LUNCH AT 12:09 P.M.)

16 (WHEREUPON COURT RECONVENED AT 1:23
17 P.M.)

18 THE COURT: OKAY, ARE WE READY TO GO?

19 MR. HARPOOTLIAN: YOUR HONOR, FOR THE
20 RECORD, WE WOULD MOVE TO INCORPORATE ALL EVIDENCE
21 INTRODUCED BY THE DEFENSE IN THE GUILT OR INNOCENCE
22 PHASE.

23 THE COURT: ALL RIGHT. THAT WAS
24 IMPLICIT IN MY RULING TO ADOPT THE WHOLE RECORD,
25 BUT AS A PRECAUTION, THAT MOTION'S GRANTED.

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1 MR. HARPOOTLIAN: THANK YOU, YOUR
2 HONOR.

3 THE COURT: ALL RIGHT, BRING THE JURY
4 IN.

5 (WHEREUPON, THE JURY RETURNED TO OPEN
6 COURT AT 1:27 P.M.)

7 THE COURT: ALL RIGHT, MR. HARPOOTLIAN,
8 CALL YOUR FIRST WITNESS, PLEASE.

9 MR. HARPOOTLIAN: IF IT PLEASE THE
10 COURT, YOUR HONOR, ANDREW BECKHAM, PLEASE.

11 ANDREW B [REDACTED], BEING DULY
12 SWORN, TESTIFIED AS FOLLOWS:

13 THE CLERK: PLEASE GIVE US YOUR NAME.

14 THE WITNESS: ANDREW B [REDACTED]

15 DIRECT EXAMINATION:

16 BY MR. HARPOOTLIAN:

17 Q ANDREW, I'M GOING TO ASK YOU TO TURN --
18 PULL UP -- TURN JUST A LITTLE THIS WAY AND SPEAK
19 INTO THIS MICROPHONE. CAN YOU HEAR ME?

20 A YES, SIR.

21 Q TELL US YOUR NAME AGAIN, PLEASE.

22 A ANDREW B [REDACTED]

23 Q AND ANDREW, WHAT IS YOUR -- WE'VE BEEN
24 THROUGH THIS BEFORE, BUT LET ME JUST FOR THE RECORD
25 ASK YOU AGAIN, YOUR RELATIONSHIP TO VICKIE BECKHAM,

- 1 THE VICTIM IN THIS CASE?
- 2 A SHE'S MY MOTHER.
- 3 Q AND YOUR RELATIONSHIP TO THE DEFENDANT
- 4 IN THIS CASE, STEPHEN BECKHAM?
- 5 A MY FATHER.
- 6 Q ANDREW, HAVE YOU SUFFERED A LOSS AS A
- 7 RESULT OF THE DEATH OF YOUR MOTHER?
- 8 A YES, SIR.
- 9 Q AND BEFORE I GET INTO THAT, LET ME ASK
- 10 YOU THIS. HAS ANYONE FORCED YOU OR THREATENED YOU
- 11 OR MADE YOU FEEL GUILTY IN ANY WAY ABOUT TESTIFYING
- 12 HERE OR ARE YOU HERE TESTIFYING BECAUSE YOU WANTED
- 13 TO TESTIFY?
- 14 A BECAUSE I WANTED TO TESTIFY.
- 15 Q HAS YOUR FATHER OR US OR HAS ANY --
- 16 YOUR GRANDPARENTS, ANYBODY PUT ANY PRESSURE ON YOU
- 17 TO COME HERE AND TESTIFY?
- 18 A NO, SIR.
- 19 Q HOW OLD ARE YOU?
- 20 A FOURTEEN.
- 21 Q WHEN ARE YOU GOING TO BE FIFTEEN?
- 22 A IN ABOUT A WEEK AND A HALF.
- 23 Q WHAT GRADE ARE YOU IN?
- 24 A NINTH.
- 25 Q TELL THIS JURY ABOUT THE FIRST MEMORIES

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- 1 OF YOUR MOM THAT YOU HAVE.
- 2 A I REALLY DON'T.
- 3 Q I MEAN, DO YOU REMEMBER GOOD TIMES WITH
- 4 YOUR MOM?
- 5 A YES, SIR.
- 6 Q TELL THE JURY ABOUT SOME OF THE GOOD
- 7 TIMES YOU HAD WITH YOUR MOM.
- 8 A GOING TO THE BEACH, JUST GOING UP AND
- 9 VISITING MY AUNTS AND UNCLES AND SOMETIMES, JUST
- 10 SITTING AROUND, YOU KNOW.
- 11 Q AND YOUR DAD, HAVE YOU HAD GOOD TIMES
- 12 WITH HIM, TOO?
- 13 A YES, SIR.
- 14 Q DO YOU FEEL ANY -- AND I KNOW THIS IS A
- 15 RIDICULOUS QUESTION. DO YOU FEEL ANY LOSS AS A
- 16 RESULT OF THE DEATH YOUR MOTHER, DO YOU MISS HER?
- 17 A YES, SIR.
- 18 Q IS IT SOMETHING YOU JUST THINK ABOUT
- 19 ONCE IN A WHILE OR ALL THE TIME?
- 20 A ALL THE TIME.
- 21 Q HAVE YOU HAD THE OPPORTUNITY TO TRY TO
- 22 RECONCILE, TRY TO DEAL WITH THE FEELINGS YOU HAVE
- 23 ABOUT THE DEATH OF YOUR MOM?
- 24 A YES, SIR, I'VE TRIED.
- 25 Q HOW YOU DOING?

- 1 A OKAY, I GUESS.
- 2 Q YOUR GRADES IN SCHOOL OKAY?
- 3 A SOME, YES, SIR.
- 4 Q OKAY. YOUR DAD HAS BEEN CONVICTED OF
- 5 THE MURDER OF YOUR MOM, DO YOU UNDERSTAND THAT?
- 6 A YES, SIR.
- 7 Q DO YOU LOVE YOUR DAD?
- 8 A YES, SIR.
- 9 Q DO YOU NEED YOUR DAD?
- 10 A YES, SIR.
- 11 Q EVEN IF YOUR DAD IS IN JAIL THE REST OF
- 12 HIS LIFE, WILL YOU NEED HIM?
- 13 A YES, SIR.
- 14 Q DO YOU HATE HIM OR DO YOU LOVE HIM?
- 15 A I LOVE HIM.
- 16 Q LET ME SHOW YOU SOME PICTURES AND ASK
- 17 YOU IF YOU CAN TELL US WHAT THESE ARE. LET ME
- 18 FIRST OF ALL SHOW THEM TO THE SOLICITOR.
- 19 THE COURT: ALL RIGHT, WITHOUT
- 20 OBJECTION.
- 21 Q (BY MR. HARPOOTLIAN) NOW, ANDREW,
- 22 YOU'VE HAD AN OPPORTUNITY TO GO AND GET SOME
- 23 PICTURES FOR ME, HAVE YOU NOT?
- 24 A YES, SIR.
- 25 Q AND I'D LIKE YOU TO STEP DOWN HERE FOR

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1 JUST A MINUTE, PLEASE. AND I'LL GET THIS
2 MICROPHONE SO YOU CAN... TELL THE JURY, PLEASE,
3 WHAT THIS FIRST PICTURE IS. I WANT YOU TO STAND
4 RIGHT UP HERE.

5 A THIS IS MY --
6 COURT REPORTER: IT'S NOT TURNED ON.
7 MR. HARPOOTLIAN: IT'S NOT TURNED ON.
8 OKAY, HERE WE GO.

9 A THIS MY FATHER AND I DECORATING THE
10 CHRISTMAS TREE IN THE CHRISTMAS OF '94.

11 Q SHOW THAT TO THE JURY, PLEASE. Y'ALL--
12 THIS WAS THE CHRISTMAS AFTER YOUR MAMMA'S DEATH?

13 A YES, SIR.

14 Q WAS THAT A TOUGH TIME?

15 A YES, SIR.

16 Q DO YOU TALK TO YOUR DAD AT ALL ABOUT
17 HOW YOU'RE FEELING?

18 A YES, SIR.

19 Q AND THIS PICTURE, TELL THE JURY WHAT
20 THIS PICTURE IS, PLEASE.

21 A THIS IS ONE OF THE MANY TIMES ME AND MY
22 FATHER -- WELL, MY FATHER, JIM EDWARDS AND I HAVE
23 GONE DUCK HUNTING.

24 Q DID Y'ALL GO DUCK HUNTING FROM TIME TO
25 TIME?

- 1 A YES, SIR, JUST ABOUT EVERY WINTER.
- 2 Q OKAY. DID YOU HAVE FUN, DID YOU ENJOY
- 3 IT?
- 4 A YES, SIR.
- 5 Q WAS IT EDUCATIONAL, DID IT TEACH YOU
- 6 CERTAIN THINGS?
- 7 A YES, SIR.
- 8 Q AND THIS PICTURE, TELL ME WHAT THIS IS
- 9 A PICTURE OF?
- 10 A THIS IS MY FATHER, SHANNON, SAMUEL AND
- 11 I AT BROAD RIVER CORRECTIONAL INSTITUTION.
- 12 Q THIS IS LAST YEAR, AFTER HE HAD BEEN
- 13 ARRESTED?
- 14 A YES, SIR.
- 15 Q DID YOU GO VISIT HIM?
- 16 A YES, SIR.
- 17 Q AND THIS IS A PICTURE OF Y'ALL VISITING
- 18 IN PRISON?
- 19 A YES, SIR.
- 20 Q YOU CAN TAKE THE STAND, PLEASE.
- 21 ANDREW, SINCE YOUR DAD'S BEEN IN JAIL, YOU'VE BEEN
- 22 OUT TO VISIT HIM?
- 23 A YES, SIR.
- 24 Q HAS THAT BEEN HELPFUL TO YOU IN TERMS
- 25 OF DEALING WITH THE GRIEF ABOUT YOUR MOM?

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- 1 A YES, SIR.
- 2 Q AND DO YOU HAVE SOME -- YOU HAVE SOME
- 3 FEELINGS ABOUT -- I UNDERSTAND YOU HAVE SOME
- 4 FEELINGS ABOUT WHETHER YOUR DAD WAS INVOLVED IN
- 5 THAT OR NOT, DON'T YOU?
- 6 A YES, SIR.
- 7 Q YOU UNDERSTAND THIS JURY'S SPOKEN?
- 8 A YES, SIR.
- 9 Q AND THAT HE'S GUILTY OF THAT UNDER THE
- 10 LAW, DO YOU UNDERSTAND THAT?
- 11 A YES, SIR.
- 12 Q DO YOU NEED HIM?
- 13 A YES, SIR.
- 14 Q ARE YOU GOING TO NEED HIM FOR A LONG
- 15 TIME?
- 16 A PROBABLY SO, YES, SIR.
- 17 Q HAVE -- HAVE YOU BEEN VICTIMIZED BY THE
- 18 DEATH OF YOUR MOM?
- 19 A YES, SIR.
- 20 Q ARE YOU A VICTIM?
- 21 A YES, SIR.
- 22 Q YOU'RE WITHOUT A MOTHER?
- 23 A CORRECT.
- 24 Q DO YOU WANT TO BE WITHOUT A FATHER?
- 25 A NO, SIR.

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1 Q WHAT WOULD YOU SAY TO THIS JURY ABOUT
2 THAT?

3 MR. JONES: YOUR HONOR.

4 THE COURT: SUSTAINED.

5 MR. HARPOOTLIAN, HE CANNOT GIVE AN
6 OPINION ABOUT THAT.

7 MR. HARPOOTLIAN: YES, SIR.

8 THE COURT: THE JURY WILL MAKE THE
9 DETERMINATION.

10 Q (BY MR. HARPOOTLIAN) WHO ARE YOU
11 CURRENTLY LIVING WITH?

12 A MY GRAMMIE AND POPPA; THAT'S MY FATHER
13 PARENTS.

14 Q DO YOU SEE ANY OF THE LANDER FAMILY AT
15 ALL?

16 A YES, SIR.

17 Q HOW OFTEN DO YOU SEE THEM?

18 A EVERY OTHER WEEKEND, THAT'S WHEN I'M
19 SUPPOSED TO GO THERE.

20 Q DO YOU STAY WITH THEM EVERY OTHER
21 WEEKEND?

22 A MOST OF THE TIME.

23 Q SO YOU'RE BEING RAISED BY YOUR
24 GRANDPARENTS?

25 A YES, SIR.

1 Q HOW OFTEN DO YOU TALK TO YOUR DAD?
2 A I TALK TO HIM ON THE PHONE NEARLY EVERY
3 NIGHT.
4 Q IS IT HELPFUL TO YOU?
5 A YES, SIR.
6 Q CAN YOU IMAGINE GROWING UP WITHOUT HIM?
7 A NO, SIR.
8 Q DO YOU WANT TO GROW UP WITHOUT HIM?
9 A NO, SIR.
10 MR. HARPOOTLIAN: BEG THE COURT'S
11 INDULGENCE?
12 Q (BY MR. HARPOOTLIAN) ANDREW, THANK YOU
13 FOR YOUR -- I KNOW THIS IS TOUGH FOR YOU, BUT
14 ANSWER ANY QUESTIONS THE SOLICITOR MIGHT HAVE,
15 OKAY?
16 A YES, SIR.
17 THE COURT: MR. JONES?
18 MR. JONES: NO QUESTIONS, YOUR HONOR.
19 THE COURT: THANK YOU, SIR. YOU MAY
20 STEP DOWN.
21 CALL YOUR NEXT WITNESS.
22 MR. SWERLING: CALL REVEREND BOB LIBBY.
23 REVEREND BOB LIBBY, BEING
24 DULY SWORN, TESTIFIED AS FOLLOWS:
25 THE CLERK: HAVE A SEAT. PLEASE, STATE

1 YOUR NAME.

2 THE WITNESS: ROBERT EDWARD LIBBY.

3 DIRECT EXAMINATION:

4 BY MR. SWERLING:

5 Q REVEREND LIBBY, YOU ARE THE HUSBAND OF

6 REVEREND LIBBY WHO TESTIFIED BEFORE THE JURY

7 BEFORE?

8 A YES, SIR.

9 Q AND YOU ARE AN EPISCOPAL MINISTER?

10 A YES, SIR.

11 Q HOW LONG HAVE YOU BEEN IN THE CHURCH?

12 A I'VE BEEN A MINISTER IN THE CHURCH FOR

13 TWENTY-SIX YEARS NOW.

14 Q AND DO YOU HAVE YOUR OWN CONGREGATION?

15 A YES, MY CONGREGATION IS IN IRMO.

16 Q NOW, DID YOU REACH -- MEET STEPHEN

17 BECKHAM AND HIS CHILDREN IN 1994?

18 A YEAH, AT -- IN THE SPRING OF 1994. I--

19 STEPHEN AND HIS CHILDREN, AS WELL AS THE BISHOP HAS

20 BEEN A PART OF MY WIFE'S CHURCH. SO I HAD MET

21 STEPHEN AND THE CHILDREN ON A NUMBER OF OCCASIONS,

22 BUT I NEVER HAD TIME TO SPEND WITH THEM PER SAY.

23 IN THE SPRING OF '94, MY WIFE AND I BOUGHT A USED

24 PONTOON BOAT A COUPLE OF YEARS AGO. AND IT WAS

25 NICE WEATHER, SIMILAR TO LIKE TODAY, AND WE DECIDED

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1 WELL, IT WOULD BE A GOOD TIME TO LAUNCH IT. AND
2 STEPHEN AND THE CHILDREN AND THE BISHOP AND BILL
3 AND HARRIET, IT MIGHT BE A GOOD TIME TO TAKE THEM
4 OUT ON THE LAKE. SO -- SO WE DID THAT. WE
5 LAUNCHED THE BOAT AND AFTER CHURCH, BILL AND
6 HARRIET AND SHANNON AND SAMUEL, ANDREW AND STEPHEN
7 CAME OVER AND WE WENT FOR AN OUTING ON THE LAKE.
8 THAT'S THE FIRST TIME, REALLY, I HAD A LONG TIME TO
9 SPEND WITH THE WHOLE FAMILY AND TO WATCH THEM
10 INTERACT WITH ONE ANOTHER.

11 SAMUEL WANTED TO DRIVE THE BOAT AND
12 THAT IS FINE AND WATCHING HOW THE CHILDREN REALLY
13 CONSTANTLY WENT BACK AND FORTH TO THEIR DAD. WE
14 STOPPED FOR A LUNCH AND SAMUEL TALKED ABOUT FISHING
15 AND HIS DAD TOLD HIM -- GAVE HIM SOME POINTERS
16 ABOUT HOW YOU DO BASS FISHING ON THAT AREA OF THE
17 LAKE. WE HAD A WONDERFUL OUTING.

18 Q WHAT WAS YOUR -- WHAT WERE YOUR
19 OBSERVATIONS CONCERNING THE RELATIONSHIP BETWEEN
20 STEPHEN AND HIS CHILDREN?

21 A WHAT STRUCK ME -- IN FACT AFTERWARDS, I
22 TOLD MY WIFE THAT I REALLY HAVE KNOWN -- IN MY
23 WHOLE MINISTRY, I PROBABLY CAN COUNT ON MY HANDS
24 HOW MANY FATHERS REALLY HAVE THAT TREMENDOUS
25 ABILITY TO RELATE WITH TEENAGERS. IN FACT, I KEEP

1 AN EYE OUT FOR THAT BECAUSE IT'S SO HARD TO FIND
2 ADULTS TO WORK WITH YOUNG PEOPLE. IT'S ALWAYS A
3 STRUGGLE TO FIND THAT SPECIAL ADULT THAT CAN RELATE
4 WITH A TEENAGER. AND TO WATCH STEPHEN RELATE WITH
5 ANDREW AND SHANNON JUST BLEW MY MIND. THE WAY THEY
6 HAD SUCH A CASUAL, HONEST, UP FRONT, SHARING WITH
7 ONE ANOTHER. IT STILL AMAZES ME, THAT KIND OF
8 GIFT. I DON'T HAVE THAT GIFT. I THINK I WAS A
9 GOOD PARENT WITH MY CHILDREN, BUT I DON'T HAVE THAT
10 GIFT. AND TO SEE THAT -- THAT -- THOSE CHILDREN
11 INTERRELATE WITH STEPHEN WAS A REAL GIFT, REAL GIFT
12 TO THEM. AND I WAS HALFWAY ENVIOUS, TO TELL THE
13 TRUTH.

14 Q REVEREND LIBBY, AFTER STEPHEN WAS
15 ARRESTED --

16 A UH-HUH.

17 Q -- DID YOU AND YOUR WIFE START SEEING
18 HIM WHEN HE WAS INCARCERATED?

19 A RIGHT. WE TRIED TO SEE HIM AS SOON AS
20 POSSIBLE AND WE HAD A LITTLE DIFFICULTY AT THAT
21 TIME. AND WE FINALLY WERE ABLE TO SEE HIM AT BROAD
22 RIVER INSTITUTE AND WE SAW HIM ON A WEEKLY BASIS.
23 WE TRIED TO BE ABLE TO TAKE COMMUNION INTO HIM. IN
24 FACT, WE SAW STEPHEN ALMOST WEEKLY EXCEPT, WHEN WE
25 WERE ON VACATION, DURING THESE THIRTEEN PLUS

1 MONTHS.

2 Q SO FOR THE LAST THIRTEEN MONTHS, YOU
3 HAVE SEEN HIM ALMOST WEEKLY?

4 A ALMOST WEEKLY.

5 Q AND IS THAT ON SUNDAY OR OTHER DAYS,
6 ALSO?

7 A NO, IT'S JUST BEEN ON SUNDAYS. IT'S
8 ONLY BEEN RECENTLY IN THE LAST FEW MONTHS THAT
9 WE'VE BEEN ABLE TO GO IN ON SUNDAY AND ACTUALLY
10 HAVE A SERVICE WITH HIM AND THE INMATES IN HIS
11 CELL.

12 Q WOULD YOU DESCRIBE A TYPICAL VISIT THAT
13 YOU HAD WITH STEPHEN DURING THOSE THIRTEEN MONTHS,
14 AND YOU WOULD SAY, SOME FIFTY VISITS, MAYBE?

15 A AT LEAST, FIFTY. IT MIGHT BE CLOSER TO
16 SIXTY OR SEVENTY, ACTUALLY. I TELL YOU WHAT A
17 TYPICAL VISIT --

18 Q BY THE WAY, IS HE -- HE IS IN A JAIL
19 SETTING; IS THAT CORRECT?

20 A RIGHT --

21 Q PRISON SETTING?

22 A YEAH, I DON'T KNOW HOW MANY OF YOU
23 REALLY HAVE BEEN IN THE JAIL SYSTEM, IT REALLY IS A
24 VERY HARSH ENVIRONMENT. WHEN MY WIFE FIRST WENT IN
25 AT BROAD RIVER, SHE CAME OUT SHAKING. THEY'RE ALL

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1 THE SAME IN THE EFFECT THEY'RE ALL CONCRETE BLOCK,
2 ALL HARD SURFACES, ALL NOISY, ALL YOU HAVE IS BARS,
3 SMALL CELLS, SOME HAVE VARIOUS AREAS WHERE YOU CAN
4 HAVE A MEET OR THEY CAN HAVE -- BE OUT FOR BRIEF
5 TIMES. WE MET STEPHEN IN HIS CELL, ACTUALLY, AT
6 BROAD RIVER. AND MR. WARD EXPLAINED THE SIZE OF
7 THE CELLS, IT'S NINE FEET BY THREE FEET, THAT
8 INCLUDES THE OPEN TOILET AND A BED AREA.

9 WE ALSO HAD THE OPPORTUNITY AT THAT
10 TIME -- STEPHEN, OFTEN TIMES, THE ONLY TIME HE
11 COULD MEET WITH US WAS DURING LUNCH TIME AND
12 THEREFORE, WE SAW THE SQUARE MEALS THAT HE'LL -- HE
13 HAS GOTTEN. AND THEY KEEP A PERSON ALIVE WITH
14 SOMETHING THAT I DEFINITELY WOULD NOT SAY WAS MUCH
15 SUBSTANCE AT ALL.

16 Q MOST OF THE TIME THAT YOU'VE SPENT HAS
17 BEEN WHEN HE'S BEEN AT THE RICHLAND COUNTY, BEING
18 HELD THERE?

19 A ACTUALLY, IT'S ALMOST EQUAL TIME -- I
20 WAS TRYING TO REMEMBER THE EXACT MONTH THAT HE WENT
21 TO THE RICHLAND COUNTY BECAUSE HE WENT FROM BROAD
22 RIVER TO SALUDA. AND HE WAS THERE -- AT SALUDA,
23 WAY PAST CHRISTMAS TIME, BECAUSE I REMEMBER, I
24 LITERALLY BEGGED THE JAILER TO ALLOW SAMUEL TO GIVE
25 HIM A HUG. IN FACT, I WROTE A LETTER TO THE

1 JAILER, AND SAID, BEGGED, "PLEASE, SAMUEL WANTS TO
2 GIVE HIS FATHER A HUG, CAN YOU LET HIM DO THAT?"
3 AND THEY REFUSED THAT, BUT I KNOW HE WAS IN SALUDA
4 WELL AFTER CHRISTMAS. AND DIDN'T KNOW -- A
5 SURPRISE TO US AND AS FAR AS I KNOW TO STEPHEN THAT
6 HE WOULD EVER END UP AT RICHLAND COUNTY TO TELL THE
7 TRUTH. HE WENT FROM THERE TO NEWBERRY AND THEN
8 FROM THERE ON TO RICHLAND COUNTY.

9 Q I THINK I MAY HAVE INTERRUPTED YOU.
10 YOU WERE TELLING THE JURY ABOUT A TYPICAL VISIT YOU
11 MIGHT HAVE.

12 A TYPICALLY, WHEN -- AND MY WIFE AND I
13 MADE MOST OF THESE VISITS TOGETHER. WE WOULD TALK
14 FIRST OF ALL ABOUT HOW STEPHEN WAS DOING, SIT AND
15 SHARE HOW EACH ONE OF US WAS DOING. STEPHEN WOULD
16 ASK HOW WE'RE DOING. AND WE -- IMMEDIATELY, HE
17 WANTED TO KNOW ABOUT THE CHILDREN. OFTEN TIMES, HE
18 WOULD SHARE -- NOT OFTEN TIMES, BUT SEVERAL TIMES
19 HE WOULD SHARE TIMES THAT HE GIVEN ADVICE TO ONE OF
20 THE CHILDREN. ANDREW WOULD PHONE ABOUT SOME OF THE
21 PROBLEMS WITH SCHOOL OR DEALING WITH TEACHERS OR
22 JUST GROWING-UP TYPE PROBLEMS THAT THEY WERE
23 DEALING WITH IN THEIR LIVES. AND HE OFTEN WOULD
24 SHARE THOSE WITH US AND HOW HE CONNECTED WITH THE
25 CHILDREN.

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- 1 Q WOULD YOU AND YOUR WIFE GO TOGETHER?
- 2 A WE WENT TOGETHER ALMOST ALWAYS. WE
- 3 WOULD -- VERY SELDOM DID WE GO BY OURSELVES. IT'S
- 4 VERY DIFFICULT FOR MY WIFE TO GO BY HERSELF TO TELL
- 5 THE TRUTH IN THAT KIND OF HARSH SETTING.
- 6 Q WHEN -- YOU SAID HE SPOKE A LOT ABOUT
- 7 HIS CHILDREN AND HE WAS CONCERNED ABOUT HIS
- 8 CHILDREN AND ADVICE ABOUT HIS CHILDREN?
- 9 A RIGHT. HE WAS -- WE WOULD SHARE A LOT
- 10 ON THAT BASIS. AND I WAS GLAD THAT HE WAS ABLE TO
- 11 MAINTAIN PHONE CONTACT WITH THEM BECAUSE THEY NEED
- 12 HIM. THEY NEED HIM DESPERATELY, ESPECIALLY IN
- 13 THESE TEENS YEARS AND THEIR DEVELOPMENT. AND
- 14 THAT'S MY HOPE THAT THAT WILL BE ONGOING.
- 15 Q THE SITUATION AS YOU WERE DOWN THERE,
- 16 DID YOU GET INTO ANY -- YOU HAD SOME PRAYER
- 17 MEETINGS WITH HIM AND HOW DID THOSE DEVELOP?
- 18 A WELL --
- 19 Q WERE YOU ACTUALLY ABLE TO HOLD A
- 20 SERVICE?
- 21 A YES. IT'S VERY INTERESTING BECAUSE
- 22 SHORTLY -- WE'D HAD COMMUNION WITH STEPHEN AT BROAD
- 23 RIVER AND WE WOULD AT SALUDA. THEY GAVE US ENOUGH
- 24 SPACE AS BIG AS WHERE THE JUDGE IS HERE. BUT THE
- 25 WONDERFUL THING IS WE WERE ABLE TO WORSHIP TOGETHER

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12 HIM. THEY NEED HIM DESPERATELY, ESPECIALLY IN
13 THESE TEENS YEARS AND THEIR DEVELOPMENT. AND
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16 DID YOU GET INTO ANY -- YOU HAD SOME PRAYER
17 MEETINGS WITH HIM AND HOW DID THOSE DEVELOP?

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25 WONDERFUL THING IS WE WERE ABLE TO WORSHIP TOGETHER

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1 AND BREAK BREAD TOGETHER, OUR LORD'S BODY, AND WE
2 WEREN'T ABLE TO DO THAT IN RICHLAND COUNTY. BUT
3 LONG BEFORE THAT, STEPHEN HAD ASKED FOR A
4 DEVOTIONAL AND THE BOOKLETS LIKE UPPER ROOM AND
5 THAT SORT OF THING. AND WE STARTED GIVING HIM THAT
6 AND NEXT THING HE SAID, WELL, HOW ABOUT BRING A FEW
7 MORE. AND PRETTY SOON IT WAS AVERAGING ABOUT
8 TWENTY DEVOTIONAL BOOKLETS FOR A MONTH.

9 THEN IT STARTED -- THEN HE STARTED
10 GETTING BIBLE STUDY GROUPS GOING, AND YOU WERE ONLY
11 ALLOWED AT RICHLAND TO BRING IN THREE BOOKS AT A
12 TIME, THEY ARE ONLY ALLOWED THAT AT A TIME. THEY
13 HAVE TO GIVE UP THE REST THEY HAD. SO WE WERE
14 BRINGING THREE BIBLES AT A TIME EVERY VISIT. AND
15 PRETTY SOON HE GAVE ME NAMES OF OTHER INMATES SO WE
16 COULD GET MORE BIBLES IN. AND THE WHOLE TIME HE
17 WAS IN RICHLAND COUNTY, WE BROUGHT IN OVER -- OVER
18 -- A LITTLE OVER A HUNDRED BIBLES. AND --

19 Q AND THOSE WERE FOR OTHER INMATES?

20 A THOSE WERE FOR OTHER INMATES. NOW --
21 BECAUSE THEY WERE HAVING -- STEPHEN WAS LEADING
22 BIBLE STUDY WITHIN THE PRISON. LATER, WHEN
23 RICHLAND ALLOWED US TO DO WORSHIP SERVICE ON THE
24 CELL BLOCKS, WE ACTUALLY WENT IN ON SUNDAY
25 MORNINGS, AS WE HAD SOME OTHER CLERGY HELP WHEN WE

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1 WEREN'T THERE AND ABOUT -- THERE WAS ABOUT FIFTY
2 INMATES ON A CELL BLOCK AT RICHLAND COUNTY. AND WE
3 WERE ALLOWED TO ACTUALLY GATHER THEM TOGETHER --
4 ACTUALLY, STEPHEN WOULD GATHER THEM TOGETHER. WE
5 HAD NOW A THIRD OF THAT CELL BLOCK WOULD GATHER AND
6 WE WOULD HAVE A WORSHIP SERVICE.

7 Q HOW LONG HAVE YOU BEEN DOING THAT?

8 A AS LONG AS WE'VE BEEN ALLOWED, THAT'S
9 SEVERAL MONTHS NOW. AS LONG AS -- THERE'S A NEW
10 POLICY THE COUNTY STARTED THIS.

11 Q WAS THAT ONGOING UP UNTIL THE TIME THE
12 TRIAL STARTED?

13 A RIGHT, EVERY SUNDAY UNTIL THE TRIAL
14 STARTED. THAT'S IN ADDITION TO OUR WEEKLY VISIT.

15 Q AND APPROXIMATELY HOW MANY PEOPLE DO
16 YOU -- PARTICIPATE IN THAT?

17 A AS MANY AS COULD CRAM IN THE SIZE --
18 THERE AGAIN, ABOUT THE JUDGE'S AREA UP HERE.
19 LITERALLY, PACKED IN, AND ABOUT TWENTY PEOPLE
20 STANDING UP, AND IT WASN'T LIKE OUR TYPICAL
21 PHYSICAL SERVICES. MORE LIKE -- MY BACKGROUND --
22 I'VE BEEN A BAPTIST AND PRESBYTERIAN AND METHODIST,
23 AND IT REALLY WAS LIKE A PRAISE SERVICE AND
24 UPLIFTING PRAYERS FOR FAMILY, ASKING GOD'S
25 FORGIVENESS FOR THINGS DONE WRONG AND A TIME OF

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1 REALLY WORSHIPPING TOGETHER AND ASKING GOD'S GRACE
2 AND PRESENCE AND MERCY.

3 Q DURING THAT PERIOD OF TIME, DID YOU
4 ALSO -- DID STEPHEN GET -- OR ASK YOU TO GET THINGS
5 FOR OTHER PEOPLE THAT WERE THERE, IN ADDITION TO
6 BIBLES AND THINGS OF THAT NATURE?

7 A YEAH, EVERY VISIT WE MADE -- ACTUALLY,
8 IT TOOK US ABOUT FIFTEEN MINUTES GETTING INTO --
9 ALMOST EVERYDAY, SOMETIMES IT TOOK US AN HOUR GOING
10 THROUGH ALL THE GATES AND EVERYTHING. AND OFTEN ON
11 ON THE WAY MY WIFE AND I WOULD TALK AND WE'D SAY,
12 WELL, I WONDER WHAT STEPHEN WOULD LIKE US TO HELP
13 SOMEONE WITH THIS WEEK. AND THERE'S A COUPLE OF
14 TIMES, LIKE FOR SHOES. ONE PRISONER -- INMATE HAD
15 NO SHOES, IT WAS A SIZE THIRTEEN AND A HALF. WELL,
16 TO SCROUNGE UP A PAIR OF THIRTEEN AND HALF SNEAKERS
17 WAS A CHALLENGE FOR US.

18 ALSO, WE TRIED GETTING SOME WRITING
19 PAPER AND THIS TYPE OF THING OR MAKE CONTACTS WITH
20 PEOPLE. STEPHEN HAS A MINISTRY -- OR HAS HAD A
21 MINISTRY IN HIS PRESENT SETTING THAT HE'S BEEN IN.

22 Q ARE YOU FAMILIAR WITH THE CONTACT HE'S
23 MAINTAINED WITH HIS CHILDREN?

24 A VERY MUCH SO.

25 Q AND YOU KNOW THE CHILDREN?

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1 A YES.

2 Q AND YOU FEEL THAT EVEN IN A -- UNDER A

3 SENTENCE OF LIFE THAT HE CAN MAINTAIN CONTACT WITH

4 HIS CHILDREN?

5 A YES, HE DEFINITELY WILL.

6 Q IS THAT IMPORTANT IN THEIR DEVELOPMENT,

7 IN THEIR HEALING?

8 A I DESPERATELY -- I BELIEVE SO. I THINK

9 STEPHEN'S LIFE IS DESTROYED. THESE CHILDREN'S LIFE

10 CAN ONLY BE MORE DESTROYED IF HE'S PUT TO DEATH.

11 MR. JONES: YOUR HONOR.

12 THE COURT: SUSTAINED.

13 MR. JONES: YOUR HONOR?

14 THE COURT: MR. SWERLING.

15 MR. SWERLING: HE'S NOT EXPRESSING AN

16 OPINION, HE'S --

17 MR. JONES: OBJECTION, YOUR HONOR.

18 THE COURT: SUSTAINED.

19 MR. SWERLING: CAN WE APPROACH THE SIDE

20 BAR?

21 THE COURT: YEAH.

22 (BENCH CONFERENCE IN THE PRESENCE OF

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

24 THE RECORD.)

25 THE COURT: REPHRASE YOUR QUESTION, MR.

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- 1 SWERLING.
- 2 Q (BY MR. SWERLING) REVEREND LIBBY, DO
- 3 THE CHILDREN NEED STEPHEN BECKHAM ALIVE?
- 4 A YES.
- 5 Q EVEN INCARCERATED?
- 6 A ABSOLUTELY.
- 7 Q AND IS THAT NECESSARY FOR THEIR NORMAL
- 8 DEVELOPMENT, OR AS NORMAL DEVELOPMENT AS THEY COULD
- 9 HAVE?
- 10 A IN MY OPINION, IT'S VERY NECESSARY FOR
- 11 THEIR DEVELOPMENT.
- 12 Q ARE THESE CHILDREN HURT?
- 13 A THESE CHILDREN ARE DEVASTATED. AND --
- 14 Q FROM WHAT YOU'VE OBSERVED IN THE LAST
- 15 YEAR, CAN HE PROVIDE, EVEN INCARCERATED, SOME
- 16 STRUCTURE, COUNSELING, GUIDANCE AND A FATHERLY
- 17 IMAGE TO THE CHILDREN?
- 18 A HE HAS DONE THAT IN THE PAST THIRTEEN
- 19 MONTHS AND I REALLY BELIEVE HE'S NEEDED TO BE ABLE
- 20 TO DO THAT.
- 21 MR. SWERLING: THAT'S ALL I HAVE, YOUR
- 22 HONOR.
- 23 THE COURT: ALL RIGHT, CROSS-
- 24 EXAMINATION?
- 25 MR. JONES: YES, SIR.

1 CROSS-EXAMINATION:

2 BY MR. JONES:

3 Q WHEN WAS IT THAT YOU WENT ON THE
4 BOATING TRIP?

5 A I BELIEVE THAT WAS IN MAY, IT WAS THE
6 SPRING OF '94. IT WAS REALLY THE FIRST TIME WE HAD
7 A CHANCE TO GET OUR BOAT OUT.

8 Q I THOUGHT YOU SAID ON DIRECT IT WAS
9 MORE LIKE A DAY LIKE TODAY, AUGUST OR SEPTEMBER,
10 BUT IT WAS MAY?

11 A YEAH. WHAT I MEANT BY A DAY LIKE TODAY
12 IS IT'S A LITTLE COOL AND IT'S REAL SUNNY, IT WAS
13 CLEAR, LIKE TODAY.

14 Q WHO WENT OUT ON THE BOAT?

15 A BILL AND HARRIET, MY WIFE AND I, AND
16 STEPHEN AND SHANNON AND ANDREW AND SAMUEL. WE HAVE
17 A USED TWENTY FOOT PONTOON BOAT.

18 Q A WEEKEND IN MAY?

19 A THIS WAS A SUNDAY AFTER CHURCH.

20 Q YOU DON'T REMEMBER EXACTLY WHEN THE DAY
21 WAS, DO YOU?

22 A NO, I DON'T, BUT IT HAD TO BE A WEEKEND
23 WHEN SAMUEL WAS -- YOU KNOW, THE CHILDREN WERE
24 VISITATION WITH THE BECKHAMS, BUT I DON'T REMEMBER
25 THE EXACT SUNDAY IT WAS.

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- 1 Q SIR, YOU KNOW THAT THERE HAS BEEN A
2 GOOD BIT OF TESTIMONY THAT QUITE OFTEN DURING MAY
3 HE WAS IN MYRTLE BEACH AT SMUGGLER'S TOPLESS BAR,
4 DON'T YOU?
- 5 A YES, SIR.
- 6 Q DURING MAY OF '94?
- 7 A RIGHT, UH-HUH.
- 8 Q YOU KNOW THERE WAS TESTIMONY OF AT
9 LEAST ONE WEEKEND, I THINK IT WAS MAY 13TH, 14TH OR
10 15TH THAT HE WAS DOWN THERE; IS THAT CORRECT?
- 11 A I DON'T REMEMBER. I DIDN'T WRITE DOWN
12 THE DATES DURING THE TESTIMONY.
- 13 Q ALL RIGHT. AND I BELIEVE YOU SAID THAT
14 IT WAS BASED ON THAT OUT -- WHEN -- DID YOU SEE HIM
15 MUCH MORE THAT SUMMER OF '94?
- 16 A WE SAW HIM FROM TIME TO TIME. THERE
17 AGAIN, LIKE I SAID, IT'S IN CONNECTION -- MY WIFE--
18 STEPHEN AND THE CHILDREN AND BILL AND HARRIET GO TO
19 MY WIFE'S CHURCH, SO I SAW THEM FROM TIME TO TIME.
20 BUT THAT WAS ONE TIME THAT I -- IN THE OUT-- PER
21 SAY AS AN OUTING WITH THE WHOLE FAMILY.
- 22 Q WELL, AT THAT TIME, THEY WEREN'T A
23 MEMBER OF YOUR WIFE'S CHURCH?
- 24 A I BELIEVE THEY WERE AT THAT TIME, YES,
25 SIR, IN FACT, ACTUALLY, THE FALL BEFORE.

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- 1 Q THE FALL OF '93?
- 2 A YEAH, I BELIEVE SO, YEAH.
- 3 Q FALL OF '93?
- 4 A I DON'T REMEMBER THE EXACT DATE TO TELL
- 5 THE TRUTH. I'M SORRY, I DON'T KNOW, I DON'T
- 6 REMEMBER EXACTLY WHEN THEY BECAME MEMBERS OF MY
- 7 WIFE'S CHURCH. I DON'T HAVE ENOUGH TIME TO KEEP MY
- 8 OWN CHURCH, I DON'T KEEP TRACK OF HER RECORDS.
- 9 Q SO IT COULD HAVE BEEN THE FALL OF '94,
- 10 AFTER VICKIE'S DEATH?
- 11 A THAT HE BECAME A MEMBER?
- 12 Q RIGHT.
- 13 A YEAH, I BELIEVE THAT'S PROBABLY WHEN IT
- 14 WAS.
- 15 Q IT WAS AFTER VICKIE'S DEATH --
- 16 A RIGHT.
- 17 Q -- THAT HE AND THE CHILDREN --
- 18 A YEAH.
- 19 Q -- JOINED YOUR WIFE'S CHURCH?
- 20 A I BELIEVE IT WAS.
- 21 Q IN THE FALL OF '94?
- 22 A I BELIEVE THAT MIGHT BE THE TIME.
- 23 Q SO HE DIDN'T HAVE THE CONNECTION TO
- 24 YOUR WIFE'S CHURCH IN MAY OF '93 AS A MEMBER AND
- 25 THE CHILDREN AS MEMBERS?

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1 A I'M NOT GOOD AT DATES. I THINK IT WAS
2 MAY OF '94.
3 Q MAY OF '94 THEN?
4 A UH-HUH.
5 Q YOU KNOW THAT VICKIE WAS TAKING THE
6 CHILDREN TO THE EPISCOPAL CHURCH HERE IN THE CITY
7 OF NEWBERRY, EVEN ON JUNE 12TH OF 1994?
8 A I BELIEVE SO, ACCORDING TO THE
9 TESTIMONY.
10 Q WELL, SIR, I BELIEVE YOU SAID THAT YOU
11 DIDN'T KNOW THAT STEVE -- THE DEFENDANT BECKHAM WAS
12 A REGULAR CUSTOMER OF THIS BAR IN MYRTLE BEACH, DID
13 YOU?
14 A NO, I DID NOT.
15 Q AND YOU DIDN'T KNOW ABOUT HIS COCAINE
16 USE AND SALES, DID YOU?
17 A NO, I DID NOT.
18 Q AND YOU DIDN'T KNOW ABOUT THE
19 RELATIONSHIP THAT HE HAD WITH THE INDIVIDUALS THAT
20 WORKED AND FREQUENTED THIS CLUB, DID YOU?
21 A OF COURSE NOT.
22 Q AND YET, YOU SAY THAT BASED ON A SUNDAY
23 OUTING ON A BOAT AND THE INTERACTION YOU OBSERVED
24 THAT HE RANKS -- AFTER YOU'VE BEEN IN CHURCHES FOR
25 TWENTY-SIX YEARS --

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1 MR. SWERLING: YOUR HONOR, CAN THE
2 SOLICITOR JUST ASK THE QUESTION.

3 THE COURT: IT'S CROSS-EXAMINATION.

4 Q (BY MR. JONES) YOU SAY THAT AFTER YOU
5 HAVE MINISTERED FOR TWENTY-SIX YEARS, THE MEN THAT
6 YOU HAVE COME INTO CONTACT WITH OVER THE PERIOD OF
7 TWENTY-SIX YEARS, YOU CAN COUNT ON YOUR HAND ONLY
8 FIVE MEN THAT WOULD EQUAL HIM IN THE ABILITY TO
9 POSITIVELY INFLUENCE TEENAGERS?

10 MR. SWERLING: HE SAID HIS CHILDREN,
11 YOUR HONOR.

12 A I DON'T BELIEVE I SAID IT THAT WAY.
13 WHAT I SAID WAS IN MY MINISTRY I'VE ONLY KNOWN
14 LITERALLY A HANDFUL OF ADULTS THAT CAN RELATE SO
15 WELL WITH YOUNG PEOPLE, ESPECIALLY TEENAGERS AND
16 FATHERS IN THEIR RELATIONSHIP WITH THEIR CHILDREN.

17 Q INTERRELATING WITH THEM IS DOING THINGS
18 THAT WOULD GIVE THEM IMPRESSIONS OF WHAT IS GOOD
19 AND WHAT IS BAD; IS IT NOT?

20 A THAT'S CORRECT.

21 Q I MEAN, INTERRELATING WITH THEM IS
22 BEING A ROLE MODEL FOR THEM; IS IT NOT?

23 A YES, I OBSERVED STEPHEN TAKING TIME TO
24 BE WITH ANDREW, TO SHOW HOW HE MIGHT BE ABLE TO
25 FISH AND ALSO, TAKE TIME WITH HIM, HOLDING HIM IN

1 HIS LAP AND DRIVING THE BOAT AND RELATING WITH HIM
2 ON HIS LEVEL, MEETING HIS NEEDS AS HE WAS RIGHT
3 THEN IN PRESENTING HIMSELF, AND THAT, LIKEWISE FOR
4 SHANNON AND FOR ANDREW. AND THAT CAUGHT ME,
5 BECAUSE A LOT OF TIMES PARENTS DO NOT RELATE THAT
6 WELL WITH THEIR TEENAGERS.

7 Q A LOT OF TIMES PARENTS DO NOT RELATE
8 THAT WELL WITH THEIR TEENAGERS?

9 A THAT IS CORRECT.

10 Q WELL, YOU CERTAINLY ENCOURAGE THE MEN
11 AND WOMEN WHO ATTEND YOUR CHURCH TO BE GOOD TO
12 THEIR CHILDREN AND TO DO THE KIND OF THINGS WITH
13 ONE ANOTHER?

14 A YES, SIR.

15 Q THAT WOULD CREATE GOOD FEELINGS AND
16 GOOD IMPRESSIONS IN THOSE CHILDREN, DON'T YOU?

17 A ABSOLUTELY.

18 Q YOU ENCOURAGE YOUR PARISHIONERS THAT
19 ARE MARRIED, HUSBAND AND WIVES, TO TREAT EACH OTHER
20 FAIRLY AND PROPERLY AND RESPECTFULLY, DON'T YOU?

21 A YES, SIR.

22 Q BECAUSE YOU WANT THEIR CHILDREN TO
23 LEARN FROM THAT, SO THAT THEY WILL TREAT OTHER
24 PEOPLE RESPECTFULLY AND PROPER, DON'T YOU?

25 A YES, SIR.

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1 Q THAT WAS THE FIRST TIME YOU HAD BEEN IN
2 A JAIL WHEN YOU WENT DOWN THIRTEEN MONTHS AGO?

3 A THAT IS MY WIFE'S FIRST TIME. I HAVE
4 BEEN -- ACTUALLY, MY FIRST EXPERIENCE WITH JAIL
5 LIFE WAS IN 1969 WHEN I SPENT A WEEK IN CCI DURING
6 CLINICAL PASTORAL TRAINING. I'M ALSO PART OF CAIOS
7 MINISTRY, WHICH IS A MINISTRY A MILITARY ECUMENICAL
8 MINISTRY TO LAY PEOPLE FROM CHURCH OF GOD,
9 BAPTIST, METHODIST, PRESBYTERIAN, ALL CHURCHES THAT
10 DO MINISTRIES WITHIN THE JAILS. AND ACTUALLY TRY
11 TO GATHER INMATES TOGETHER FOR A WEEK AND TO TEACH
12 THEM THE GOSPEL AND TO HELP THEM TO SET UP REGULAR
13 TIMES FOR PRAYER AND FOR STUDY WITHIN THE SYSTEM,
14 THIS HAS BEEN RECEIVED VERY WELL. I HAVE DONE
15 CAIOS MINISTRY, THIS ECUMENICAL MINISTRY IN
16 KIRKLAND AND BLANDING. I ALSO HAVE HAD ONGOING
17 MINISTRY WITH PERSONS WHO HAVE BEEN INCARCERATED,
18 BOTH WOMEN AND MEN IN MY MINISTRY, INCLUDING
19 WOMEN'S CORRECTIONAL INSTITUTE ON BROAD RIVER,
20 KIRKLAND. AND IN MY OTHER PLACES WHERE I HAD A
21 MINISTRY IN, I BELIEVE, BEAUFORT AND HORRY COUNTY
22 AND MYRTLE BEACH, I'VE HAD PRISON MINISTRY ONGOING.

23 Q SO YOU HAVE AN ACTIVE PRISON MINISTRY?

24 A MY PARISH MINISTRY TAKES MOST OF MY
25 TIME AND THEREFORE, I WOULDN'T SAY IT'S ACTIVE, BUT

1 I DO TRY -- AT LEAST YEARLY TRY TO DO LIKE A CAIOS
2 WEEKEND. AND WHEN I HAVE PARISHIONERS OR WHEN I'M
3 ASKED, SOMETIMES I'VE BEEN ASKED TO -- LIKE WHEN AN
4 EPISCOPALIAN WAS INCARCERATED AT WOMEN'S
5 CORRECTIONAL INSTITUTE ON BROAD RIVER, I WAS ASKED
6 TO HAVE A MINISTRY THERE TO BRING THE GOSPEL TO
7 HER, AND I DID WHILE SHE WAS INCARCERATED THERE.
8 SO OVER THE YEARS, I'VE HAD SOME PERIODS MORE
9 ACTIVE THEN OTHERS. BUT NORMALLY, LIKE I SAID, I
10 TRY JUST BECAUSE MY -- BEARING A PARISH MINISTRY, I
11 TRY LIKE ONE WEEKEND A YEAR PER SE THEN ONGOING AS
12 NECESSARY.

13 Q AND I GATHERED THAT YOU FEEL THAT WE
14 OUGHT TO UPGRADE THE DAILY DIETARY SUPPLEMENT THAT
15 WE ARE AFFORDING --

16 MR. SWERLING: OBJECTION, YOUR HONOR.

17 THE COURT: SUSTAINED, SOLICITOR.

18 Q (BY MR. JONES) YOU MENTIONED THAT YOU
19 VISITED THE DEFENDANT WHILE HE WAS AT BROAD RIVER
20 CORRECTIONAL INSTITUTION; IS THAT CORRECT?

21 A YES, SIR.

22 Q AND THAT'S A SAFEKEEPING FACILITY?

23 A YES, SIR.

24 Q THANK YOU.

25 THE COURT: REDIRECT?

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1 MR. SWERLING: NO FURTHER QUESTIONS.

2 THANK YOU, REVEREND LIBBY.

3 THE COURT: YOU MAY STEP DOWN, SIR, YOU
4 MAY STEP DOWN.

5 CALL YOUR NEXT WITNESS.

6 MR. HARPOOTLIAN: BILL BECKHAM.

7 WILLIAM A. BECKHAM, JR.,

8 BEING DULY SWORN, TESTIFIED AS FOLLOWS:

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

11 THE WITNESS: MY NAME IS WILLIAM A.
12 BECKHAM, JR.

13 DIRECT EXAMINATION:

14 BY MR. HARPOOTLIAN:

15 Q BILL, WHAT'S YOUR RELATIONSHIP WITH
16 STEVE BECKHAM OVER HERE?

17 A HE'S MY BABY BROTHER.

18 Q YOUR BABY BROTHER. KNOWN HIM ALL YOUR
19 LIFE?

20 A YES, SIR, ALL OF HIS LIFE.

21 Q ALL OF HIS LIFE. WHERE DO YOU WORK?

22 A I WORK IN THE INTERNAL AUDIT DEPARTMENT
23 FOR COLONIAL LIFE AND ACCIDENT INSURANCE COMPANY.

24 Q I WANT YOU TO TELL THE JURY A LITTLE
25 BIT OF YOUR BACKGROUND. YOUR FAMILY MOVED AROUND A

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- 1 GOOD BIT WHEN YOU WERE GROWING UP?
- 2 A YES, SIR, I'M THE OLDEST. I WAS BORN
- 3 IN COLUMBIA, AND MY FATHER ATTENDED SEMINARY WHEN
- 4 I WAS ABOUT THREE YEARS OLD. FROM THAT POINT,
- 5 GRADUATION FROM SEMINARY AND BECOMING A MINISTER,
- 6 WE LIVED BRIEFLY HERE IN NEWBERRY. WE ALSO LIVED
- 7 IN EDGEFIELD, UNION, GREENWOOD, BACK TO IRMO AND
- 8 SOMETIME AFTER MY PARENTS WERE MARRIED, THEY MOVED
- 9 TO POMARIA. STEPHEN WAS BORN WHEN WE LIVED IN
- 10 GREENWOOD.
- 11 Q OKAY. HOW OLD ARE YOU?
- 12 A I'M FORTY-SEVEN.
- 13 Q HOW OLD IS STEPHEN?
- 14 A STEPHEN IS THIRTY-SEVEN, HE IS A LITTLE
- 15 LESS THAN TEN YEARS YOUNGER THAN I AM.
- 16 Q AND YOU HAVE BROTHERS AND SISTERS?
- 17 A I HAVE ONE SISTER WHO'S LIVING,
- 18 CATHERINE.
- 19 Q AND YOU HAVE A BROTHER WHO IS DECEASED?
- 20 A MY BROTHER, MIKE, DIED IN 1988.
- 21 Q HOW OLD WAS HE WHEN HE DIED?
- 22 A HE WAS THIRTY-FIVE.
- 23 Q AND THESE ARE YOUR PARENTS SEATED OUT
- 24 HERE?
- 25 A YES, SIR.

- 1 Q YOU WERE -- YOU'RE APPROXIMATELY TEN
2 YEARS OLDER THAN STEPHEN; IS THAT CORRECT?
- 3 A YES, SIR.
- 4 Q AND HAVE YOU, DURING THE YEARS,
5 REMAINED CLOSE, APART?
- 6 A CLOSE, VERY CLOSE. I WAS THERE WHEN
7 STEPHEN TOOK HIS FIRST STEPS.
- 8 Q AND YOU -- YOU WERE THERE AND YOU KNOW
9 HIS CHILDREN?
- 10 A VERY WELL. SHANNON IS MY GODCHILD AND
11 ANDREW AND SAMUEL ARE VERY SPECIAL, BEAUTIFUL
12 CHILDREN.
- 13 Q DID YOU HAVE AN OPPORTUNITY TO BE WITH
14 THEM, THAT IS THEIR FAMILY, ON HOLIDAYS OVER THE
15 YEARS?
- 16 A YES, SIR, ALMOST EVERY THANKSGIVING WE
17 GATHER AS A FAMILY. WE SPENT MANY CHRISTMASES
18 TOGETHER, ALWAYS AT CHRISTMAS WE SAW EACH OTHER.
- 19 Q AND THAT WOULD BE VICKIE AND STEPHEN
20 AND THE KIDS?
- 21 A YES, SIR.
- 22 Q BASED ON YOUR OBSERVATIONS, DID THE
23 KIDS HAVE A GOOD RELATIONSHIP WITH VICKIE, DID THEY
24 LOVE HER, DID THEY GET ALONG WITH HER?
- 25 A THE CHILDREN LOVED THEIR MOTHER VERY

- 1 MUCH.
- 2 Q AT THE TIME OF HER DEATH, I BELIEVE
- 3 SHANNON WAS FOURTEEN OR FIFTEEN?
- 4 A YES, SIR, SHE WAS FOURTEEN, MAYBE
- 5 FIFTEEN, I BELIEVE.
- 6 Q TEENAGER?
- 7 A YES, SIR; JUST BECOMING A YOUNG WOMAN.
- 8 Q SOME TEENAGERS HAVE DIFFICULTY WITH
- 9 THEIR MOTHER, ESPECIALLY YOUNG GIRLS, IN TERMS OF--
- 10 MR. JONES: LEADING, YOUR HONOR.
- 11 THE COURT: SUSTAINED, REPHRASE.
- 12 Q (BY MR. HARPOOTLIAN) WHAT, IF ANY,
- 13 RELATIONSHIP DID SHANNON HAVE WITH HER MOTHER,
- 14 VICKIE?
- 15 A YOU COULD TELL THAT VICKIE WAS
- 16 SHANNON'S MOTHER, BUT I THINK THE RELATIONSHIP WAS
- 17 EVEN MORE SPECIAL THAN THAT. IT WAS ALMOST A BIG-
- 18 SISTER TYPE OF RELATIONSHIP THAT SHANNON AND HER
- 19 MOTHER HAD; THEY WERE VERY CLOSE.
- 20 Q WHAT ABOUT WITH ANDREW?
- 21 A ANDREW AND HIS MOTHER WERE ALSO VERY
- 22 CLOSE. I THINK VICKIE HAD GREAT LOVE FOR ALL OF
- 23 HER CHILDREN AND FOR HER FAMILY.
- 24 Q YOU'VE HAD AN OPPORTUNITY TO BE AROUND
- 25 YOUR BROTHER WITH THESE CHILDREN?

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1 A MANY TIMES.

2 Q AND DESCRIBE THEIR RELATIONSHIP,
3 PLEASE, TO THE JURY.

4 A MY BROTHER ALSO HAS A GREAT LOVE FOR
5 HIS CHILDREN. WE'VE SHARED MANY TIMES TOGETHER,
6 GOING TO BASEBALL GAMES TOGETHER, GOING TO
7 AMUSEMENT PARKS AT MYRTLE BEACH, I THINK, A SEASON
8 PAST, A PLACE CALLED MYRTLE WAVES. WE ALL WENT OUT
9 WHEN WE'D GO DOWN AND VISIT. WE WENT TO A BRAVES
10 CARAVAN A FEW YEARS TOGETHER. VICKIE AND STEPHEN
11 AND THEIR CHILDREN, MY WIFE AND SON AND I; BIRTHDAY
12 PARTIES, ALWAYS, WHENEVER ONE OF THE CHILDREN HAD A
13 BIRTHDAY, MY SON OR ONE OF STEPHEN'S AND VICKIE'S
14 CHILDREN, WE GATHERED, CELEBRATED BIRTHDAYS.

15 Q WHAT CAN YOU TELL US ABOUT THE
16 RELATIONSHIP BETWEEN STEPHEN AND THE CHILDREN SINCE
17 VICKIE'S DEATH?

18 A STEPHEN HAS ALWAYS BEEN VERY CLOSE TO
19 HIS CHILDREN. I KNOW THAT HAS NOT CHANGED IN AN
20 EMOTIONAL SENSE SINCE VICKIE'S DEATH. THEY'VE BEEN
21 SEPARATED PHYSICALLY, BUT THEIR CONTACT HAS BEEN
22 ONGOING. HE HAS NEVER WAVERED IN HIS LOVE AND
23 DEVOTION TO THOSE CHILDREN OR TO ANY OF US IN THE
24 FAMILY.

25 Q HAS HE PROVIDED TO YOUR KNOWLEDGE ANY

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1 GUIDANCE FOR THESE CHILDREN?

2 A NOT ONLY TO HIS CHILDREN, BUT TO MY
3 CHILDREN -- MY CHILD, WHO IS THIRTEEN AND IS
4 STEPHEN'S GODCHILD. STEPHEN HAS BEEN THERE TO
5 COUNSEL AND TO ADVISE. MY SON IS VERY INVOLVED IN
6 SPORTS. STEPHEN HAS SHOWN A TREMENDOUS INTEREST IN
7 MY SON'S PARTICIPATION IN SPORTS, AND ALSO, IN
8 SPORTS IN GENERAL. THEY TALK ABOUT THAT ON THE
9 PHONE FREQUENTLY. THEY WRITE TO EACH OTHER. HE'S
10 BEEN THERE FOR HIS CHILDREN ON AN ONGOING BASIS.

11 Q YOU HAVE GOTTEN TO KNOW SHANNON AND
12 ANDREW AND SAMUEL FAIRLY WELL OVER THE YEARS; HAVE
13 YOU NOT?

14 A YES, SIR.

15 Q THEY'RE YOUR NIECES AND NEPHEWS --
16 NIECE AND NEPHEWS?

17 A VERY CLOSE.

18 Q DO THEY NEED THEIR DAD?

19 A I FEEL THEY PROBABLY NEED THEIR DAD NOW
20 AS MUCH AS THEY EVER HAVE.

21 Q NOW, BILL, WE HEARD SOME TESTIMONY IN
22 THIS TRIAL ABOUT YOUR BROTHER, THEIR FATHER, BEING
23 IN A PLACE CALLED SMUGGLER'S AND OTHER -- I THINK
24 DISREPUTABLE PLACES WOULD BE A TERM WE COULD LIVE
25 WITH, AROUND AND USING DRUGS. YOU'VE INDICATED

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1 THAT YOUR CHILDREN TALK, WRITE TO STEPHEN AND YOU
2 THINK HE IS ABLE TO PROVIDE SOME TYPE OF LEADERSHIP
3 FOR HIS CHILDREN. HOW DO YOU RECONCILE THAT?

4 A IT'S DIFFICULT FOR ME TO RECONCILE, BUT
5 I HAVE A VERY STRONG BELIEF THAT IT'S POSSIBLE TO
6 HATE WHAT SOMEONE DOES, BUT NOT TO HATE THAT
7 PERSON. AND I LOVE MY BROTHER, I WILL ALWAYS LOVE
8 MY BROTHER.

9 Q THANK YOU.

10 THE COURT: CROSS-EXAMINATION,
11 SOLICITOR?

12 MR. JONES: NO QUESTIONS.

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

15 CALL YOUR NEXT WITNESS.

16 MR. SWERLING: CALL JIM EDWARDS.

17 JIM EDWARDS, BEING DULY
18 SWORN, TESTIFIED AS FOLLOWS:

19 THE CLERK: HAVE A SEAT, PLEASE STATE
20 YOUR NAME.

21 THE WITNESS: MY NAME IS JIM EDWARDS.

22 DIRECT EXAMINATION:

23 BY MR. SWERLING:

24 Q JIM, TELL THE JURY WHERE YOU'RE FROM?

25 A I GREW UP IN CHARLESTON, SOUTH

- 1 CAROLINA. I LIVE IN COLUMBIA, SOUTH CAROLINA.
- 2 Q AND HOW OLD ARE YOU?
- 3 A BORN IN '54, SO FORTY-TWO.
- 4 Q AND ARE YOU MARRIED?
- 5 A YES, I'M MARRIED.
- 6 Q DO YOU HAVE A -- ARE YOU A FRIEND OF
- 7 STEPHEN'S?
- 8 A STEPHEN BECKHAM IS A GOOD FRIEND, A
- 9 CLOSE, PERSONAL FRIEND, A MAN I LOVE HIM.
- 10 Q JIM, I THINK THE JURY JUST SO -- YOUR
- 11 FATHER IS THE FORMER GOVERNOR OF SOUTH CAROLINA; IS
- 12 THAT RIGHT?
- 13 A YES, SIR.
- 14 Q AND YOU GREW UP IN COLUMBIA?
- 15 A I GREW UP IN MOUNT PLEASANT, SOUTH
- 16 CAROLINA, OUTSIDE OF CHARLESTON. AND I'VE LIVED IN
- 17 COLUMBIA FOR THE MOST PART SINCE 1975.
- 18 Q AND WHEN WAS IT -- WHAT WAS THE PERIOD
- 19 OF TIME THAT YOU MET STEPHEN?
- 20 A I MET STEPHEN BACK IN THE EARLY '80'S.
- 21 I WAS WORKING FOR LINE ONE, A THE LONG DISTANCE
- 22 TELEPHONE COMPANY, I WAS A GRAPHICS MANAGER AND HE
- 23 WAS IN SALES.
- 24 Q SO THE TWO OF YOU WORKED FOR THE SAME
- 25 COMPANY?

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- 1 A YES, SIR.
- 2 Q HOW LONG DID YOU DO THAT?
- 3 A I WAS WITH LINE ONE FOR ABOUT SEVEN
- 4 YEARS AND IT WAS BOUGHT OUT.
- 5 Q DID YOU AT THAT TIME OR DURING THAT
- 6 PERIOD OF TIME GET TO KNOW HIS CHILDREN?
- 7 A YES, SIR.
- 8 Q AND DID YOU SPEND A LOT OF TIME WITH
- 9 HIS CHILDREN?
- 10 A WE SPENT A GOOD BIT OF TIME WITH HIS
- 11 FAMILY AND MINE.
- 12 Q AND -- BOTH FAMILIES?
- 13 A YES, AS MY CHILDREN CAME IN THE WORLD.
- 14 Q HOW MANY CHILDREN DO YOU HAVE?
- 15 A I HAVE THREE CHILDREN.
- 16 Q AND WAS STEPHEN THERE WHEN YOU HAD YOUR
- 17 CHILDREN?
- 18 A WE ADOPTED TWO CHILDREN THROUGH BETHANY
- 19 CHRISTIAN SERVICES. AND STEPHEN WAS THERE THE DAY
- 20 WE BROUGHT SAMUEL HOME AND MADE A SPECIAL TRIP, HE
- 21 AND HIS FAMILY, WHEN WE BROUGHT JAMES, OUR LITTLE
- 22 BOY HOME.
- 23 MR. JONES: NO OBJECTION.
- 24 THE COURT: WITHOUT OBJECTION.
- 25 Q (BY MR. SWERLING) CAN YOU IDENTIFY THAT,

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1 PLEASE?

2 A THIS IS THE DAY I BROUGHT JAMES HOME,
3 WHEN WE ADOPTED HIM. AND I'M SAMUEL'S GODFATHER.

4 Q SAMUEL B [REDACTED]?

5 A SAMUEL B [REDACTED], STEPHEN'S SON. SO I
6 HOPE THAT THE FRIENDSHIP WILL CONTINUE ON TO THE
7 NEXT GENERATION.

8 MR. SWERLING: I'D LIKE TO OFFER THIS
9 IN.

10 Q (BY MR. SWERLING) JIM, AFTER YOU LEFT
11 LINE ONE, DID YOUR RELATIONSHIP WITH STEPHEN
12 CONTINUE?

13 A STEPHEN BECKHAM MADE A POINT TO KEEP IN
14 TOUCH. EVERYBODY ELSE, YOU KNOW, WE WERE ALL BUSY
15 TRYING TO PROVIDE FOR OUR FAMILIES AND IT'S TOUGH
16 BEING, YOU KNOW, ONE SIDE IN COLUMBIA IN ANOTHER
17 TOWN, IT'S TOUGH TO KEEP TOGETHER, BUT STEPHEN MADE
18 A POINT KEEPING UP OUR FRIENDSHIP.

19 Q WHERE WERE HE AND THE CHILDREN AND
20 VICKIE LIVING AT THAT TIME?

21 A WELL, MYRTLE BEACH TO START OFF.

22 Q DID YOU SPEND TIME TOGETHER?

23 A YEAH, WE WOULD -- I CAME DOWN TO MYRTLE
24 BEACH AND WENT FISHING WITH HIM AND SPENT TIME IN
25 THEIR HOME, HAD A GRAND TIME WITH STEPHEN AND

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1 VICKIE AND THE CHILDREN.

2 Q HOW DID -- FROM THOSE YEARS AND, OF
3 COURSE, UP UNTIL THE TIME OF HIS ARREST, DID YOU
4 SEE HIM CONTINUOUSLY?

5 A YES, SIR.

6 Q WOULD YOU RELATE TO THE JURY STEPHEN'S
7 RELATIONSHIP WITH HIS CHILDREN AND INTERACTION HE
8 HAD WITH THE CHILDREN?

9 A IF EVERY MAN TREATED HIS CHILD LIKE
10 STEPHEN BECKHAM TREATED HIS CHILDREN, AMERICA WOULD
11 BE A BETTER PLACE. HE LOVES HIS FAMILY. AND, YOU
12 KNOW, IT'S A HERITAGE. YOU CAN SEE THE LOVE OF HIS
13 FATHER INTERRELATING TO HIS CHILDREN AND IT GOES
14 ON. HE LOVES HIS KIDS VERY MUCH.

15 Q JIM, YOU HEARD -- YOU KNOW THERE'S BEEN
16 TESTIMONY IN THIS CASE ABOUT -- AND, OF COURSE, YOU
17 KNOW THE JURY'S VERDICT IN THE CASE.

18 A YES, SIR.

19 Q ALL RIGHT. AND THERE'S BEEN TESTIMONY
20 ABOUT STEPHEN AT SMUGGLER'S AND THEN SOME DRUG
21 RELATED ACTIVITIES. WAS THAT THE STEPHEN YOU KNEW,
22 IS THAT THE STEPHEN YOU KNOW?

23 A NO, IT'S NOT THE STEPHEN BECKHAM I
24 KNEW. I HAVEN'T RECONCILED THAT. I CAN'T -- I'M
25 WORKING WITH THAT. THE STEPHEN BECKHAM I KNOW IS A

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1 GENTLEMAN, A CLOSE FRIEND, A MAN OF HONOR.

2 Q DID HE EVER -- THESE ACTIVITIES AT
3 MYRTLE BEACH THAT HAVE COME OUT, DID THAT EVER
4 CARRY OVER THAT YOU COULD SEE IN HIS RELATIONSHIP
5 WITH HIS CHILDREN?

6 A IT'S LIKE ANOTHER MAN, ANOTHER PLANET.
7 I CAN'T -- I HAVE YET TO BELIEVE IT, YOU KNOW, I
8 JUST CAN'T, THE OLD MEDICINE TENURE OF TIME. I
9 HAVE TO DEAL WITH THAT.

10 Q YOU'RE GOING TO HAVE TO DEAL WITH IT?

11 A YEAH.

12 Q DID -- HOW DID STEPHEN FEEL ABOUT HIS
13 CHILDREN?

14 A HE LOVES THEM, IT'S AN ONGOING THING.

15 Q HOW DID THEY -- HOW DID YOU PERCEIVE
16 THE CHILDREN RELATE TO HIM AND FEEL ABOUT HIM?

17 A THEY LOVED AND LOVE HIM AND CONTINUE TO
18 DO SO AND LOVE VICKIE AND, YOU KNOW, IT'S
19 WONDERFUL.

20 Q DO THE CHILDREN NEED HIM?

21 A MOST DEFINITELY.

22 Q HAS HE MAINTAINED A RELATIONSHIP WITH
23 THE CHILDREN EVEN THOUGH HE'S BEEN INCARCERATED?

24 A TO THE VERY BEST ANYBODY COULD DO.

25 Q DID YOU AND STEPHEN AND ANDREW WOULD DO

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1 THINGS TOGETHER?

2 A WE WOULD GO HUNTING AND FISHING ONE DAY
3 AT MY FAMILY'S FARM AND WE'D GO AT HIS DAD'S POND
4 AND FISH THERE. WE JUST HAD A GRAND TIME. IT
5 REALLY WASN'T, YOU KNOW, GOING OUT ON A GREAT
6 SAFARI, YOU KNOW, GOING, MOUSE HUNTING WITH STEPHEN
7 BECKHAM WOULD BE FUN. PLUS, YOU KNOW, HE'S JUST --
8 WE HAD A GRAND TIME WITH HE AND HIS KIDS.

9 Q HAVE YOU HAD A CHANCE TO DEAL WITH THE
10 CHILDREN OR SEE THE CHILDREN OVER THE LAST YEAR?

11 A YES, SIR.

12 Q AND ALSO TO SPEAK WITH THEM IN THE LAST
13 COUPLE OF DAYS?

14 A YES, SIR.

15 Q AND YOUR FEELING OF NEED THAT THEY HAVE
16 FOR HIM IS BASED UPON OBSERVATIONS THEN AND ALSO,
17 NOW?

18 A YES, SIR.

19 Q THANK YOU. ANSWER ANY QUESTIONS THE
20 SOLICITOR MAY HAVE.

21 THE COURT: CROSS-EXAMINATION,
22 SOLICITOR.

23 MR. JONES: NO QUESTIONS.

24 MR. EDWARDS: THANK YOU, SIR.

25 THE COURT: THANK YOU, SIR, YOU MAY

1 STEP DOWN.

2 CALL YOUR NEXT WITNESS.

3 MR. HARPOOTLIAN: FIVE MINUTES? WE
4 NEED ABOUT FIVE MINUTES BEFORE WE PUT UP OUR NEXT--
5 WE'VE GOT TWO SHORT WITNESSES LEFT.

6 THE COURT: ALL RIGHT. TAKE ABOUT A
7 FIVE OR TEN MINUTE BREAK.

8 (WHEREUPON, THE JURY RECESSED TO THE
9 JURY ROOM AT 2:25 P.M.)

10 THE COURT: HERE'S A COPY OF A PROPOSED
11 SENTENCING PHASE CHARGE. AND HERE'S A COPY OF
12 PROPOSED STATUTORY INSTRUCTIONS AND VERDICT FORM.
13 AND I'LL LOOK AT WHAT Y'ALL HAVE GOT HERE.

14 ALL RIGHT, MR. HARPOOTLIAN, I
15 UNDERSTAND THAT THE DEFENSE INTENDS TO CALL TWO
16 ADDITIONAL WITNESSES. ONE OF THOSE WITNESSES WOULD
17 NOT BE THE DEFENDANT --

18 MR. HARPOOTLIAN: YES, SIR.

19 THE COURT: -- SO I NEED TO EXAMINE
20 YOUR CLIENT.

21 MR. BECKHAM, WOULD YOU STAND AND RAISE
22 YOUR RIGHT HAND, PLEASE, SIR.

23 STEPHEN BECKHAM, BEING DULY
24 SWORN, TESTIFIED AS FOLLOWS:

25 THE COURT: AND, MR. BECKHAM, LIKE IN

1 THE GUILT PHASE, YOU HAVE A RIGHT TO TESTIFY OR NOT
2 TO TESTIFY, DO YOU UNDERSTAND THAT YOU HAVE THAT
3 RIGHT?

4 A YES, SIR.

5 Q DO YOU ALSO UNDERSTAND THAT I WILL,
6 DURING THE PENALTY PHASE, AS IN THE GUILT PHASE,
7 INSTRUCT THE JURY THAT THE BURDEN OF PROOF IS UPON
8 THE STATE TO PROVE THE APPROPRIATE PENALTY AND THE
9 JURY MUST SO FIND BEYOND A REASONABLE DOUBT THE
10 APPROPRIATE PENALTY IN THIS CASE, WHETHER IT BE
11 LIFE OR DEATH, DO YOU UNDERSTAND THAT?

12 A YES, SIR.

13 THE COURT: DO YOU ALSO UNDERSTAND THAT
14 I WILL TELL THE JURY THAT YOU HAVE A RIGHT TO
15 REMAIN SILENT AND NOT TO TESTIFY, AND THAT IF YOU
16 DO MAKE THAT CHOICE THEN THEY CANNOT HOLD THAT
17 AGAINST YOU NOR CONSIDER THAT FACT IN THE JURY
18 ROOM, DO YOU UNDERSTAND THAT?

19 A YES, SIR.

20 THE COURT: TO THIS POINT, MR. BECKHAM,
21 ARE YOU SATISFIED WITH THE ADVICE AND TIME AND THE
22 EFFORTS SPENT BY YOUR ATTORNEYS, MR. SWERLING AND
23 MR. HARPOOTLIAN?

24 A YES, SIR.

25 THE COURT: ALL RIGHT, SIR. AND HAS

1 ANY ONE FORCED YOU OR THREATENED YOU OR COERCED YOU
2 OR INTIMIDATED OR PRESSURED YOU IN ANY WAY TO GET
3 YOU NOT TO TESTIFY DURING THIS PHASE OF THE
4 PROCEEDING?

5 A NO, SIR.

6 THE COURT: YOUR DECISION TO DO SO IS
7 FREELY AND VOLUNTARY?

8 A YES, SIR.

9 THE COURT: AND YOU'RE NOT UNDER THE
10 INFLUENCE OF ANY DRUGS OR ALCOHOL OR SUBSTANCE THAT
11 WOULD IMPAIR YOUR JUDGMENT OR YOUR ABILITY TO
12 RESPOND TO THESE QUESTIONS?

13 A NO, SIR.

14 THE COURT: OKAY.

15 MR. HARPOOTLIAN, ANY FURTHER QUESTIONS?

16 MR. HARPOOTLIAN: NO, SIR.

17 THE COURT: ALL RIGHT. I FIND HE'S
18 FREELY, VOLUNTARILY, KNOWINGLY AND INTELLIGENTLY
19 WAIVED HIS RIGHT TO TESTIFY DURING THE PENALTY
20 PHASE AND I WOULD ACCEPT HIS DECISION IN THAT
21 REGARD.

22 I'LL COME BACK AND INQUIRE AFTER YOU --
23 WE GET THROUGH THE EVIDENTIARY PHASE AS TO THE
24 ARGUMENT RIGHT THAT YOU HAVE.

25 MR. HARPOOTLIAN: YOUR HONOR, HE

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1 UNDERSTANDS THAT, HOWEVER, HE INDICATES TO ME HE
2 WANTS TO HEARS WHAT THE SOLICITOR HAS TO SAY BEFORE
3 HE EXERCISES THAT OPTION.

4 THE COURT: OKAY. ALL RIGHT, WE CAN DO
5 THAT. WE'LL DO THAT AT A BREAK BETWEEN THE
6 ARGUMENTS.

7 MR. HARPOOTLIAN: YES, SIR.

8 THE COURT: OKAY, EVERYBODY READY TO
9 GO?

10 MR. HARPOOTLIAN: YES, SIR.

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

13 (WHEREUPON, THE JURY IS RETURNED TO
14 OPEN COURT AT 2:43 P.M.)

15 THE COURT: ALL RIGHT, MR. SWERLING,
16 CALL YOUR NEXT WITNESS, PLEASE.

17 MR. SWERLING: YOUR HONOR, WE CALL
18 HARRIET BECKHAM.

19 HARRIET BECKHAM, BEING DULY
20 SWORN, TESTIFIED AS FOLLOWS:

21 THE CLERK: HAVE A SEAT, PLEASE STATE
22 YOUR NAME.

23 THE WITNESS: I'M HARRIET BECKHAM,
24 MOTHER OF STEPHEN BECKHAM.

25 DIRECT EXAMINATION:

1 BY MR. SWERLING:

2 Q HARRIET, I WANT YOU TO TALK A LITTLE
3 BIT ABOUT THE FAMILY, THE FAMILY BACKGROUND, SO THE
4 JURY WILL HAVE AN IDEA ABOUT THE FAMILY.

5 A ALL RIGHT.

6 Q WHERE DID YOU GROW UP?

7 A I GREW UP IN COLUMBIA. AND MY HUSBAND
8 WAS BORN IN COLUMBIA AND GREW UP IN NEW JERSEY.

9 Q AND WHEN DID YOU GET MARRIED?

10 A WE WERE MARRIED IN 1948.

11 Q AND WHAT WAS HE DOING AT THAT TIME AND
12 WHAT WERE YOU DOING?

13 A HE WAS A STUDENT AT THE UNIVERSITY OF
14 SOUTH CAROLINA AND I DID PART -- WORKED PART TIME.
15 AND THEN WE HAD A BABY THE NEXT YEAR AND I STAYED
16 HOME MOST OF THE TIME WITH THE CHILDREN.

17 Q DID YOU ATTEND THE SEMINARY WITH HIM OR
18 WERE YOU MARRIED WHEN HE ATTENDED THE SEMINARY?

19 A YES. HE TOLD ME THE SUMMER BEFORE HE
20 WENT TO SEMINARY THAT HE WAS PLANNING TO GO. AND
21 WE WENT TO ALEXANDRIA, VIRGINIA AND HE ATTENDED
22 SEMINARY FOR THREE YEARS.

23 Q AND WHERE WAS HIS FIRST CONGREGATIONS?

24 A HIS FIRST CHURCHES WERE IN EDGEFIELD,
25 TRENTON AND JOHNSTON.

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- 1 Q IN SOUTH CAROLINA?
- 2 A IN SOUTH CAROLINA, YES.
- 3 Q AND WHERE WERE HIS CHURCHES AFTER THAT?
- 4 A FROM THERE, HE WENT TO UNION AND FROM
- 5 UNION, HE WENT TO GREENWOOD AND THEN TO COLUMBIA TO
- 6 BE ARCHDEACON OF THE CHURCH.
- 7 Q SO ALL TOTAL HE HAS BEEN IN THE
- 8 MINISTRY OR A MINISTER FOR -- SINCE THE '50'S?
- 9 A SINCE '54.
- 10 Q SO SOME FORTY-TWO YEARS?
- 11 A YES, SIR.
- 12 Q AND DURING THAT PERIOD OF TIME, YOU
- 13 HELPED HIM DO ANY WORK IN CONNECTION WITH THE
- 14 CHURCH?
- 15 A YES, AND I WAS -- WHEN HE BECAME
- 16 BISHOP, I ACTUALLY BECAME A CHAUFFEUR FOR HIM,
- 17 HELPED HIM OUT WITH THE DRIVING AND ENJOYED --
- 18 Q OKAY, I'M SORRY, I APOLOGIZE.
- 19 A -- GOING TO DIFFERENT CHURCHES.
- 20 Q GO AHEAD.
- 21 A I JUST SAID I WAS A CHAUFFEUR WHEN HE
- 22 BECAME BISHOP AND WE WENT TO DIFFERENT CHURCHES IN
- 23 -- IT WAS THE DIOCESE IN UPPER SOUTH CAROLINA.
- 24 THERE WERE MANY, MANY DAYS WHEN HE HAD TO BE -- NOT
- 25 JUST ON SUNDAYS, BUT OTHER DAYS OF THE WEEK HE HAD

1 TO BE AT A CHURCH FOR A SERVICE.

2 Q IN HIS -- IN THAT ROLE HE HAD, DID YOU
3 ATTEND THE CHURCHES WITH HIM AND GO WITH HIM AND --

4 A YES, I DID.

5 Q -- PLAN CERTAIN ACTIVITIES AROUND THE
6 CHURCH.

7 A WELL, I DIDN'T PLAN THE ACTIVITIES AT
8 THE OTHER CHURCHES, BUT I --

9 Q NO, I'M TALKING EVEN BEFORE THAT, AT
10 THE CHURCHES IN WHICH HE WAS --

11 A OH --

12 Q THE MINISTER.

13 A YES, YES. I WAS INVOLVED IN TEACHING
14 SUNDAY SCHOOL AND THINGS LIKE THAT.

15 Q AND WOULD YOU SAY THAT MOST OF THE TIME
16 AS YOU WERE GROWING UP WITH HIM AND RAISING YOUR
17 CHILDREN, A LOT OF YOUR ACTIVITIES WERE SURROUNDING
18 THE CHURCH?

19 A YES, WE WERE VERY INVOLVED IN CHURCH
20 WORK.

21 Q THE -- LET'S SEE, YOUR OLDEST CHILD WAS
22 BILL?

23 A BILL, JR. WAS OUR OLDEST CHILD AND THEN
24 MIKE WAS BORN, HE WAS BORN IN '53, AND CATHERINE
25 WAS BORN IN '55 AND STEPHEN IN '59.

- 1 Q AND, OF COURSE, WE'VE HEARD FROM BILL.
2 MICHAEL PASSED AWAY, DIED?
3 A HE GOT IN AN ACCIDENT IN 1988.
4 Q AND MICHAEL HAD SOME PROBLEMS?
5 A YES, HE HAD SOME EMOTIONAL PROBLEMS.
6 Q AND I'M SURE THAT WAS A GREAT TRAGEDY
7 FOR YOU?
8 A IT WAS.
9 Q AND THE BISHOP?
10 A IT WAS. WE ALL LOVED HIM VERY MUCH.
11 Q AND THE FAMILY. CATHERINE DOES WHAT?
12 A CATHERINE IS A SCHOOL TEACHER, SHE
13 TEACHES THIRD GRADE.
14 Q AND HOW MANY GRANDCHILDREN DO YOU HAVE?
15 A WE HAVE SEVEN. MICHAEL HAD TWO
16 CHILDREN, A GIRL AND A BOY.
17 Q AND DO YOU STAY IN TOUCH WITH THEM?
18 A OH, YES, THEY LIVE IN CHAPIN, JUST A
19 SHORT DISTANCE FROM WHERE WE LIVE?
20 Q HOW OLD WAS MICHAEL WHEN HE DIED?
21 A I BELIEVE HE WAS THREE.
22 Q THE -- STEVE AND VICKIE WERE MARRIED
23 AND THEN -- YOU RECALL THAT PERIOD OF TIME, WHEN
24 THEY WERE FIRST MARRIED AND HAD CHILDREN?
25 A WELL, WHEN THEY WERE FIRST MARRIED,

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1 THEY LIVED IN NEWBERRY AND HAD AN APARTMENT. AND
2 WE HAD A HOUSE, WHICH WAS VACATE ON OUR PLACE, AND
3 WHEN THEY HAD A BABY, WE DECIDED, YOU KNOW, IF YOU
4 WANT THE HOUSE, WE'LL BE GLAD TO FIX IT UP FOR YOU
5 AND LET YOU MOVE OUT THERE AND THEY WOULDN'T HAVE
6 TO PAY RENT.

7 Q SO YOU -- THAT WAS IN POMARIA?

8 A YES. AND STEPHEN WAS GOING TO SCHOOL
9 AT THAT TIME.

10 Q AND WHERE DID HE ATTEND SCHOOL?

11 A AT NEWBERRY COLLEGE.

12 Q AND THE HOUSE YOU'RE TALKING ABOUT IS
13 THE HOUSE THAT JAMIE NOW LIVES IN?

14 A THAT'S RIGHT.

15 Q THAT THE JURY SAW LAST WEEK?

16 A THAT'S RIGHT.

17 Q AND YOU MOVED OUT ON THAT PROPERTY
18 WHEN?

19 A NINETEEN, SEVENTY-THREE.

20 Q AND AT THAT TIME YOUR HUSBAND WAS IN
21 COLUMBIA?

22 A YES, HE WAS AT THE DIOCESAN HOUSE AS
23 ARCHDEACON.

24 Q SO VICKIE AND STEPHEN LIVED IN THAT
25 HOME, THAT HOUSE?

1 A THAT'S RIGHT, THEY LIVED THERE FOR
2 SEVERAL YEARS.

3 Q AND, OF COURSE, ALONG CAME THE THREE
4 CHILDREN THAT THEY HAVE?

5 A WELL, ACTUALLY, TWO -- SHANNON WAS BORN
6 BEFORE THEY MOVED OUT AND THEN ANDREW WAS BORN
7 WHILE THEY WERE LIVING THERE.

8 Q BUT EVENTUALLY, THEY HAD THREE
9 CHILDREN?

10 A YES.

11 Q AND WHEN -- YOU SAID THEY LIVED THERE
12 ABOUT FOUR YEARS AT THAT RESIDENCE?

13 A ABOUT FOUR YEARS, YES, SIR.

14 Q THAT PROPERTY IS JUST MAYBE A HUNDRED
15 YARDS FROM YOUR HOUSE OR LESS?

16 A THAT'S RIGHT, THAT'S RIGHT. WE SAW A
17 LOT OF THEM.

18 Q DID YOU SPEND A LOT OF TIME WITH THEM?

19 A YES, WE DID.

20 Q SPENT A LOT OF TIME AT YOUR HOUSE AND A
21 LOT OF TIME AT THEIR HOUSE?

22 A THAT'S RIGHT.

23 Q DID YOU LOVE VICKIE?

24 A WE LOVED VICKIE VERY MUCH. SHE WAS
25 JUST LIKE A DAUGHTER TO US.

1 Q DID YOU -- YOU SUFFERED A GREAT DEAL
2 WHEN SHE WAS MURDERED?
3 A YES, WE ALL DID.
4 Q DID YOU SPEND A LOT OF TIME WITH
5 VICKIE, NOT JUST STEPHEN, BUT WITH VICKIE, ALSO?
6 A YES, WE DID THINGS TOGETHER. SOMETIMES
7 WE'D SHOP, SOMETIMES VICKIE WOULD JUST COME OVER
8 AND SIT AND TALK.
9 Q DID YOU SPEND A LOT OF TIME WITH THE
10 CHILDREN?
11 A YES, WE DID. I BABYSAT WITH SHANNON
12 FOR TWO DAYS A WEEK WHEN SHE -- VICKIE WAS WORKING.
13 Q AND DID YOU PARTICIPATE IN CARPOOLING
14 AND GETTING THEM WHERE THESE KIDS NEEDED TO BE --
15 A YES.
16 Q FROM TIME TO TIME?
17 A WE DID.
18 Q AS WELL AS THE LANDERS?
19 A OH, YES.
20 Q THEY WERE LUCK -- FORTUNATE TO HAVE
21 FOUR GRANDPARENTS ALIVE?
22 A THAT'S RIGHT, THEY WERE.
23 Q EVERYBODY PITCHED IN?
24 A YES, THEY DID. EVERYBODY TRIED TO
25 HELP.

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1 Q NOW AT SOME POINT, DID THEY MOVE DOWN
2 TO THE BEACH?

3 A YES, THEY DID, THEY MOVED THERE IN, I
4 BELIEVE IT WAS '87.

5 Q AND DID YOU CONTINUE YOUR CLOSE CONTACT
6 WITH THEM AND THE KIDS?

7 A YES, WE TRAVELED DOWN THERE PROBABLY
8 MORE THAN THEY CAME UP TO SEE US BECAUSE OF THE --
9 YOU KNOW, HAVING THE CHILDREN, HAVE TO BRING OUT --
10 TAKE OUT OF SCHOOL AND SO FORTH. SO WE WERE DOWN
11 THERE VISITING THEM AS OFTEN AS WE COULD.

12 Q NOW, THEY MOVED BACK -- THEY EVENTUALLY
13 WOUND UP -- STEPHEN MOVED BACK ON THE PROPERTY
14 AFTER THEY WERE SEPARATED?

15 A YES, HE WAS LIVING ON THE PROPERTY WHEN
16 THEY WERE SEPARATED.

17 Q WAS THE SEPARATION TROUBLING TO YOU?

18 A YES, IT WAS.

19 Q WAS IT DIFFICULT TO DEAL WITH?

20 A IT REALLY WAS, IT WAS VERY DIFFICULT TO
21 DEAL WITH.

22 Q AND THE CHILDREN LIVED WITH STEPHEN AT
23 THE HOUSE PART OF THE WEEK AND THEN WITH VICKIE --

24 A THAT'S RIGHT.

25 Q -- AT THE LANDER HOME PART OF THE WEEK?

- 1 A YES, THEY DID. THEY HAD CERTAIN DAYS--
2 STEPHEN HAD THE CHILDREN CERTAIN DAYS AND VICKIE
3 HAD THE CHILDREN.
- 4 Q DID YOU MAINTAIN CLOSE CONTACT WITH THE
5 CHILDREN DURING THAT PERIOD OF TIME?
- 6 A YES, WE TRIED TO, YES.
- 7 Q WERE THEY FREQUENTLY AT YOUR HOUSE?
- 8 A I CAN'T REMEMBER HOW OFTEN, BUT WE DID
9 SEE THEM A LOT.
- 10 Q WERE YOU FREQUENTLY AT THEIR HOUSE?
11 DID YOU DO THINGS TOGETHER WITH THEM?
- 12 A OH, YES.
- 13 Q AND YOUR HUSBAND --
- 14 A WHENEVER THEY WERE THERE WITH STEPHEN,
15 YOU KNOW, WE'D DO FUN THINGS TOGETHER.
- 16 Q DID YOU SPEND -- DO HOLIDAYS TOGETHER,
17 AND SPEND HOLIDAYS --
- 18 A OH, YES,
- 19 Q -- DOING HOLIDAY-TYPE OF ACTIVITIES?
- 20 A THANKSGIVING, AS MY SON SAID, WAS A
21 GREAT DAY FOR ALL OF US AND CHRISTMAS WAS
22 WONDERFUL. SO MANY TIMES ON CHRISTMAS EVE -- WE
23 ALL WENT TO A SERVICE ON CHRISTMAS EVE AND THEN
24 CAME HOME AND WE HAD A HOUSE FULL OF PEOPLE.
- 25 Q WHAT -- HOW WOULD YOU DESCRIBE

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- 1 STEPHEN'S RELATIONSHIP WITH THE KIDS?
- 2 A WELL, I'VE OFTEN THOUGHT -- HE WOULD
- 3 JUST GIVE UP THINGS TO BE WITH THEM. HE WOULD GIVE
- 4 UP THINGS TO DO WHAT THEY WANTED DONE. AND HE JUST
- 5 -- HE SIMPLY ADORED THE CHILDREN.
- 6 Q DID HE SPEND A LOT OF TIME WITH THE
- 7 CHILDREN?
- 8 A YES, HE DID.
- 9 Q WITH ALL THREE OF THEM?
- 10 A ALL THREE OF THEM.
- 11 Q DID HE REACT WITH THEM AND INTERACT
- 12 WITH THEM?
- 13 A YES. IN FACT, THEY FELT SO COMFORTABLE
- 14 WITH HIM THAT THEY WOULD BRING THEIR FRIENDS OVER.
- 15 ALMOST ALWAYS THERE WAS AT LEAST ONE OR TWO OTHER
- 16 CHILDREN AROUND.
- 17 Q DID HE TAKE THE CHILDREN OUT AND
- 18 FRIENDS OUT, TOO?
- 19 A YES, HE DID. HE TOOK THEM TO MOVIES,
- 20 THEY WOULD GO OUT AND GET HAMBURGERS. HE DID A LOT
- 21 OF COOKING, TOO, FOR ALL OF THEM.
- 22 Q SO HE RELATED WELL, NOT ONLY HIS OWN
- 23 CHILDREN, BUT THE OTHER KIDS AS WELL?
- 24 A THAT'S RIGHT.
- 25 Q YOU OBSERVED THAT FIRST HAND?

1 A OH, YES, I DID.

2 Q AND HOW WAS YOUR RELATIONSHIP WITH THE
3 CHILDREN DURING THAT PERIOD OF TIME?

4 A WELL, I SAW THEM A LOT, BUT I FELT THE
5 MOST IMPORTANT THING WAS FOR THEM TO BE WITH THEIR
6 PARENTS, WITH VICKIE WHEN SHE HAD THEM AND WITH
7 STEPHEN.

8 Q NOW, AFTER VICKIE WAS MURDERED, STEPHEN
9 -- HOW DID STEPHEN DEAL WITH THE CHILDREN, FROM
10 YOUR PERSONAL OBSERVATIONS?

11 A WELL, HE WAS VERY CONCERNED ABOUT THE
12 CHILDREN BECAUSE THEY HAD LOST THEIR MOTHER. AND
13 HE TRIED TO SPEND MORE TIME WITH THEM THAN HE HAD
14 EVER SPENT.

15 Q AND DID HE SPEND A LOT OF TIME WITH
16 THEM?

17 A HE DID, HE SPENT A GREAT DEAL OF TIME
18 WITH THEM. BUT EVEN MORE, IN FACT, HE WANTED TO BE
19 WITH THEM CONSTANTLY. HE FELT THEY NEEDED SOMEONE
20 WITH THEM ALL THE TIME.

21 Q DID HE RELATE TO SHANNON AND TO ANDREW
22 AND TO SAMUEL?

23 A OH, YES.

24 Q DID HE COUNSEL THEM, DID HE COMFORT
25 THEM?

- 1 A YES, THEY WOULD SIT AROUND AND TALK.
2 AND I DIDN'T WANT TO GO DOWN AND INTERFERE BECAUSE
3 THEY HAD THEIR OWN TIMES TOGETHER.
- 4 Q AND DID YOU SPEND TIME WITH THEM DURING
5 THAT PERIOD OF TIME, TOO?
- 6 A YES, I DID.
- 7 Q THE CHILDREN --
- 8 A WHenever I WAS NEEDED AND WHENEVER MY
9 HUSBAND WAS NEEDED, WE WERE THERE.
- 10 Q THE CHILDREN WERE OBVIOUSLY TERRIBLY
11 TRAUMATIZED DURING THAT PERIOD?
- 12 A THEY CERTAINLY WERE.
- 13 Q AND DID YOU AND YOUR HUSBAND DO WHAT
14 YOU COULD TO ASSIST IN THAT SITUATION?
- 15 A YES, WE DID.
- 16 Q NOW YOU DID NOT KNOW ANYTHING ABOUT
17 THESE ACTIVITIES THAT CAME OUT OVER THE LAST COUPLE
18 OF WEEKS ABOUT STEPHEN WITH SOME OF THE DRUGS AND
19 SMUGGLER'S AND THINGS OF THAT NATURE, DID YOU?
- 20 A NO, WE DIDN'T.
- 21 Q AND HOW WOULD YOU REACT TO THAT, HOW DO
22 YOU --
- 23 A IT'S JUST HARD TO DEAL WITH RIGHT NOW.
- 24 Q DO YOU FULLY UNDERSTAND IT YET?
- 25 A NO, I REALLY DON'T.

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1 Q NOW YOU SORT -- ARE YOU IN SHOCK
2 YOURSELF AT THIS POINT?

3 A YES.

4 Q DO YOU -- THINKING BACK, KNOWING NOW
5 WHAT YOU'VE HEARD OVER THE LAST COUPLE OF WEEKS,
6 AND, OF COURSE, TAKING INTO CONSIDERATION THE
7 JURY'S VERDICT IN THE CASE, DO YOU -- HAVE YOU EVER
8 SEEN ANY OF THAT INTERFERE OR AFFECT STEPHEN'S
9 BONDING WITH THE CHILDREN AND THE WAY HE DEALT WITH
10 THE CHILDREN, THE RELATIONSHIP WITH THE CHILDREN?

11 A NO, I HAD NO IDEA THAT ANYTHING
12 INTERFERED WITH IT.

13 Q DID YOU OR YOUR HUSBAND EVER PICK UP ON
14 ANY OF THE THINGS THAT HAVE BEEN DESCRIBED OVER THE
15 LAST COUPLE OF WEEKS THAT AFFECTED STEPHEN AND HIS
16 RELATIONSHIP WITH THE CHILDREN?

17 A NO, I NEVER SAW ANYTHING OR HEARD
18 ANYTHING OR REALIZED THIS WAS GOING ON.

19 Q THIS LAST COUPLE OF WEEKS HAS BEEN A
20 TERRIBLE ORDEAL; HAS IT NOT?

21 A IT CERTAINLY HAS.

22 Q AND IT'S BEEN A TERRIBLE ORDEAL FOR THE
23 LANDER FAMILY, TOO?

24 A YES, I KNOW IT HAS.

25 Q AND THE CHILDREN ARE GREATLY AFFECTED

1 BY THE VERDICT IN THE CASE, IS THAT --

2 A YES, SIR.

3 Q -- FAIR TO SAY?

4 A I THINK THEY'RE TRYING TO DEAL WITH IT.

5 Q HAVE YOU BEEN WITH THEM IN THE LAST

6 COUPLE OF DAYS?

7 A WITH THE CHILDREN? YES.

8 Q AND HAS IT TRAUMATIZED THEM?

9 A YES, IT HAS.

10 Q AND ARE THEY TRYING TO DEAL WITH IT,

11 TOO?

12 A THEY'RE TRYING, I'M NOT SURE HOW WELL

13 THEY'RE DOING RIGHT NOW.

14 Q DO THE CHILDREN, FROM WHAT YOU SEE,

15 LOVE STEPHEN?

16 A THEY REALLY DO. I'VE NEVER SEEN ANY

17 MORE LOVE BETWEEN PARENTS THAN STEPHEN AND THE

18 CHILDREN.

19 Q DO THE CHILDREN --

20 A ESPECIALLY SINCE VICKIE DIED, THEY FELT

21 SO CLOSE TO HIM.

22 Q DO THE CHILDREN NEED STEPHEN?

23 A YES, THEY DO.

24 Q DO YOU THINK YOU OR YOUR HUSBAND OR ANY

25 OF YOUR OTHER CHILDREN OR THE LANDERS OR ANYBODY

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1 CAN PROVIDE, EVEN WITH STEPHEN IN PRISON, CAN ANY
2 OF YOU PROVIDE WHAT HE CAN PROVIDE AS A FATHERLY
3 FIGURE, SOMEONE TO GO TO AND COUNSEL AND TALK TO?

4 A NO, I DON'T. I FEEL LIKE NONE OF US
5 CAN TAKE THE PLACE OF A PARENT, AND PARTICULARLY
6 ONE LIKE STEPHEN. HE CALLS THEM AND TALKS WITH
7 THEM AND THEY ASK HIS ADVICE ON THINGS. AND THEY
8 FEEL -- THEY JUST REALLY LEAN ON HIM.

9 Q IN SPITE OF WHAT HE HAS DONE AND WHAT
10 THE JURY HAS -- WHAT WAS BROUGHT OUT AND THE JURY
11 HAS FOUND THAT HE HAS DONE, DO YOU BELIEVE THAT HE
12 CAN STILL PROVIDE WHAT THE CHILDREN NEED, EVEN FROM
13 AN INCARCERATED POSITION?

14 A YES, I DO.

15 Q AND DO YOU THINK THE CHILDREN NEED HIM?

16 A I REALLY DO. I THINK THAT THEY HAVE
17 ONE PARENT AND THEY NEED TO HANG ON TO HIM AND LET
18 HIM GIVE THEM ADVICE. LET HIM BE THE ONE THAT THEY
19 CAN CALL -- I MEAN, NOT CALL HIM, BUT HE COULD CALL
20 THEM AND THEY COULD TALK WITH HIM WHEN THEY HAVE
21 PROBLEMS, SOMETHING THE GRANDPARENTS SOMETIMES
22 CAN'T DO.

23 Q DO YOU NEED HIM?

24 A YES, I DO.

25 Q ANSWER ANY QUESTIONS THE SOLICITOR

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