

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Appeal from Newberry County

S.C. Supreme Court

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

STEPHEN ANDREW BECKHAM,

PETITIONER,

vs.

STATE OF SOUTH CAROLINA,

RESPONDENT.

SUPPLEMENTAL APPENDIX

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STATE OF SOUTH CAROLINA)
COUNTY OF NEWBERRY) COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
PLAINTIFF,)
VERSUS)
STEPHEN ANDREW BECKHAM,)
DEFENDANT.)

TRANSCRIPT OF RECORD
96-GS-36-79

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 MIGHT HAVE.

2 THE COURT: CROSS-EXAMINATION,

3 SOLICITOR?

4 MR. JONES: NO QUESTIONS.

5 THE COURT: THANK YOU, YOU MAY STEP

6 DOWN.

7 CALL YOUR NEXT WITNESS.

8 MR. SWERLING: YOUR HONOR, WE CALL

9 SHANNON.

10 SHANNON B. [REDACTED] M, BEING DULY

11 SWORN, TESTIFIED AS FOLLOWS:

12 THE CLERK: HAVE A SEAT. PULL RIGHT UP

13 TO THIS MIKE AND GIVE US YOUR NAME.

14 THE WITNESS: SHANNON BECKHAM.

15 DIRECT EXAMINATION:

16 BY MR. SWERLING:

17 Q SHANNON, THE JURY HAS ALREADY MET YOU

18 THE OTHER DAY.

19 A YES, SIR.

20 Q LET'S JUST BRIEFLY REINTRODUCE YOU.

21 YOU ARE STEPHEN OLDEST CHILD?

22 A YES, SIR.

23 Q AND HOW OLD ARE YOU?

24 A SEVENTEEN.

25 Q AND YOU ARE A FRESHMAN, I BELIEVE, AT

- 1 WOFFORD?
- 2 A YES, SIR.
- 3 Q JUST STARTED A COUPLE OF WEEKS AGO?
- 4 A YES, SIR.
- 5 Q HAVEN'T BEEN MUCH TO SCHOOL IN THE LAST
- 6 COUPLE OF WEEKS, HAVE YOU?
- 7 A NO, SIR.
- 8 Q BEEN HERE?
- 9 A YES, SIR.
- 10 Q SHANNON, WHEN YOU WERE IN COURT THE
- 11 OTHER DAY, THERE WERE A LOT OF THINGS ABOUT
- 12 BACKGROUND THAT WE WEREN'T ABLE TO GO INTO --
- 13 DIDN'T GO INTO, NOT WEREN'T ABLE TO, BUT DIDN'T GO
- 14 INTO. WHAT I'D LIKE YOU TO DO TODAY IS TALK TO THE
- 15 JURY AND LET THEM KNOW ABOUT YOUR FATHER, YOUR MOM
- 16 AND YOUR BROTHERS, OKAY?
- 17 A OKAY.
- 18 Q YOU WERE BORN IN WHAT YEAR?
- 19 A [REDACTED]
- 20 Q AND WHERE WERE YOUR DAD AND MOM LIVING
- 21 AT THAT TIME?
- 22 A I DON'T KNOW.
- 23 Q WHAT ARE YOUR EARLIEST RECOLLECTIONS OF
- 24 WHERE THEY WERE LIVING?
- 25 A THEY LIVED IN AN APARTMENT AFTER I WAS

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1 BORN, OR THEY MIGHT HAVE BEEN LIVING THERE WHEN I
2 WAS BORN. THEN THEY MOVED TO POMARIA --
3 Q SO YOU REMEMBER --
4 A -- BESIDE MY GRANDPARENTS.
5 Q GO AHEAD, I'M SORRY. DO YOU REMEMBER
6 WHEN ANDREW WAS BORN?
7 A YES, SIR.
8 Q AND HOW MUCH YOUNGER THAN YOU IS
9 ANDREW?
10 A [REDACTED] YEARS.
11 Q AND WHEN WAS SAMUEL BORN?
12 A WHEN I WAS [REDACTED] IN MYRTLE BEACH.
13 Q SO WHEN YOU WERE -- DO YOU REMEMBER
14 LIVING IN NEWBERRY?
15 A NO, SIR.
16 Q AND WHERE IS THE FIRST PLACE, I'M
17 SORRY, THAT YOU SAY YOU REMEMBER LIVING?
18 A IN POMARIA, UP NEXT TO MY GRANDPARENTS.
19 Q OKAY. NOW, YOU'VE GOT A LOT OF FAMILY
20 HERE IN THE COURTROOM, DO YOU NOT?
21 A YES, SIR.
22 Q AND COULD YOU TELL THE JURY WHO SOME OF
23 THE PEOPLE ARE BECAUSE THEY MAY NOT HAVE MET
24 EVERYBODY, THAT YOU CAN SEE ON THE RIGHT SIDE OF
25 THE COURTROOM?

- 1 A OKAY, IT'S GOING TO TAKE A WHILE.
- 2 Q BUT IT'S -- GO AHEAD AND DO THAT
- 3 BECAUSE I THINK IT'S IMPORTANT FOR THE JURY TO SEE
- 4 HOW MUCH FAMILY IS HERE.
- 5 A THERE'S MY UNCLE LOUIS AND AUNT CAROL,
- 6 MY AUNT BRITT, MY AUNT JEANNIE, MY GRANDDADDY, MY
- 7 GRANDMOTHER, MY POPPA, MY GRAMMIE, MY UNCLE BILL,
- 8 MY AUNT DAISEY, MY COUSIN, LADONNA, MY AUNT
- 9 JEANNIE, MY BROTHER, MY DADDY. THERE'S A LOT OF
- 10 OTHER ONES, BUT THAT'S PRETTY, MY INTERMEDIATE.
- 11 Q THE COURTROOM IS FILLED WITH FRIENDS OF
- 12 -- CLOSE FAMILY AND FRIENDS --
- 13 A YES, SIR.
- 14 Q -- FROM BOTH SIDES OF THE FAMILY, ISN'T
- 15 IT?
- 16 A YES, SIR.
- 17 Q AND THEY ARE PEOPLE THAT YOU KNOW?
- 18 A YES, SIR.
- 19 Q AND THEY'RE PEOPLE THAT YOU'VE KNOWN
- 20 YOUR WHOLE LIFE?
- 21 A YES, SIR.
- 22 Q PEOPLE YOU'VE LOVED?
- 23 A YES, SIR.
- 24 Q AND ALSO, ANDREW AND SAMUEL?
- 25 A YES, SIR.

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1 Q AND THESE ARE PEOPLE OUT THERE ON BOTH
2 SIDES OF THE COURTROOM THAT YOU HAVE SPENT ALL OF
3 YOUR LIFE WITH?
4 A YES, SIR.
5 Q HOLIDAYS?
6 A YES, SIR.
7 Q BIRTHDAYS?
8 A YES, SIR.
9 Q SPECIAL OCCASIONS?
10 A YES, SIR.
11 Q AND THIS IS VERY DIFFICULT FOR YOU,
12 ISN'T IT?
13 A YES, SIR.
14 Q HAS ANYBODY -- DID ANYBODY ASK YOU TO
15 TESTIFY HERE OR IS THIS SOMETHING THAT YOU WANTED
16 TO DO?
17 A I WANTED TO.
18 Q YOU'RE A PRETTY YOUNG LADY.
19 A THANK YOU.
20 Q AND I'M SURE THIS IS A VERY TRYING
21 TIME. I'D LIKE YOU TO TELL THE JURY A LITTLE BIT
22 ABOUT YOUR FAMILY AND GROWING UP WITH BOTH SIDES OF
23 THIS FAMILY. TELL THE JURY, FOR EXAMPLE, ABOUT
24 HOLIDAYS WITH YOUR MOM AND YOUR DAD AND THE LANDER
25 SIDE OF THE FAMILY AND THE BECKHAM SIDE OF THE

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1 FAMILY. YOU MIGHT HAVE TO SIT BACK A BIT.

2 A THANKSGIVING, WE WOULD ALL -- MOST OF
3 THE TIME WE WOULD GO -- MOST OF THE TIME WE WOULD
4 JUST GO TO MY DAD'S FAMILY ON THANKSGIVING AND THEN
5 WE'D SPEND THE DAY WITH THEM. THEN WE'D GO OVER TO
6 THE LANDERS' AND HAVE DINNER OVER THERE.

7 Q THE BECKHAMS LIVED IN POMARIA?

8 A YES, SIR.

9 Q AND THE LANDERS LIVED IN NEWBERRY?

10 A YES, SIR.

11 Q SO THANKSGIVING WOULD BE SPENT AT BOTH
12 RESIDENCES?

13 A WELL, THE BECKHAMS ALL GOT TOGETHER,
14 THE BIG CLAN OF US, LIKE THIRD COUSINS AND PEOPLE I
15 DON'T KNOW THAT ARE RELATED TO ME, WE'D ALL GET
16 TOGETHER. WE'D ALL GET TOGETHER --

17 Q WAIT ONE SECOND.

18 A WE'D ALL GET TOGETHER AT A CERTAIN
19 PLACE. FOR A COUPLE OF YEARS, IT WAS AT AUNT
20 DAISEY'S HOUSE, FOR A LONG TIME. AND THEN, WE HAD
21 A PLACE DOWN AT THE BEACH WE'D ALL GET TOGETHER.

22 Q WHOSE PLACE AT THE BEACH?

23 A MY POPPA'S BROTHER AND HIS WIFE WERE
24 PARTNERSHIP IN THIS PLACE AT THE BEACH.

25 Q AND WHAT ABOUT ON THE LANDER SIDE OF

- 1 THE FAMILY?
- 2 A WHEN, AT THANKSGIVING?
- 3 Q WHEN YOU -- YEAH, AT THANKSGIVING.
- 4 A AT GRANDMOTHER AND GRANDDADDY'S HOUSE.
- 5 Q WERE THEY BOTH GOOD COOKS?
- 6 A BROWN RICE, PRETTY GOOD.
- 7 Q DID YOU LOOK FORWARD TO YOUR HOLIDAY
- 8 MEALS?
- 9 A OH, YEAH.
- 10 Q WERE THEY HAPPY TIMES WITH BOTH
- 11 FAMILIES?
- 12 A YES, SIR.
- 13 Q AND YOUR MOM AND DAD AND THE CHILDREN
- 14 ALL LOOKED FORWARD TO GOING TO BOTH SETS OF
- 15 PARENTS?
- 16 A YES, SIR.
- 17 Q DID Y'ALL HAVE SOME SPECIAL THINGS ON
- 18 CHRISTMAS, ALSO, THAT YOU WERE TELLING ME ABOUT?
- 19 A YES, SIR. MY GRAMMIE COOKS A BRUNCH.
- 20 Q GRAMMIE BECKHAM?
- 21 A YES, SIR, IT'S REALLY GOOD. SHE COOKS
- 22 OMELETS AND FRUIT AND GRITS -- I DON'T LIKE GRITS,
- 23 BUT THEY'RE STILL GOOD, I GUESS, AND HAM, STUFF
- 24 LIKE THAT.
- 25 Q AND WHAT WOULD YOU DO WITH THE LANDERS

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- 1 ON CHRISTMAS?
- 2 A WE'D EAT BRUNCH AND THEN WE WOULD OPEN
- 3 PRESENTS AND THEN GO OVER TO THE LANDERS.
- 4 Q AND SPEND THE REST OF THE DAY WITH
- 5 THEM?
- 6 A YEAH.
- 7 Q ANY OTHER HOLIDAYS THAT WERE SPECIAL TO
- 8 BOTH THE BECKHAM AND THE LANDER FAMILIES?
- 9 A ON BIRTHDAYS AND --
- 10 Q DID Y'ALL DO ANYTHING SPECIAL ON
- 11 BIRTHDAYS WITH THE FAMILY?
- 12 A YES, SIR, IT WOULD BE ALL THE COUSINS,
- 13 THAT'S A LOT. WE'D ALL GET TOGETHER FOR OUR
- 14 BIRTHDAYS.
- 15 Q SO IF SOMEBODY HAD A BIRTHDAY,
- 16 EVERYBODY GOT TOGETHER?
- 17 A YES, SIR.
- 18 Q AND YOUR MOM AND YOUR DAD PARTICIPATED
- 19 IN THAT?
- 20 A YES, SIR.
- 21 Q IS THAT SOMETHING ALL THE KIDS LOOKED
- 22 FORWARD TO?
- 23 A OH, YEAH.
- 24 Q ALL THE COUSINS?
- 25 A YES, SIR.

- 1 Q AND I THINK YOU WERE TELLING ME ABOUT
2 THE FOURTH OF JULY, IT WAS ALSO SOMETHING THAT YOU
3 --
4 A YES, SIR --
5 Q -- MADE A FUSS OVER?
6 A -- FOR A WHILE WE WENT TO MY AUNT
7 SANDRA'S AND SHOT SOME FIREWORKS.
8 Q AND WHERE DOES AUNT SANDRA LIVE?
9 A IN NEWBERRY. WE'D SHOOT FIREWORKS A
10 LOT AND I'M SCARED OF THEM. I JUST STAYED INSIDE
11 AND WATCHED.
12 Q NOW, AS YOU WERE GROWING UP DID YOU
13 PARTICIPATE IN SOME ACTIVITIES IN SCHOOL THAT YOUR
14 MOM AND DAD WERE INVOLVED WITH?
15 A YES, SIR.
16 Q TELL THE JURY ABOUT SOME OF THOSE.
17 A I WAS IN DANCE. MY DAD AND MY MOM
18 WOULD COME TO MY DANCE RECITALS. AND I WAS -- I
19 WAS IN THE BETA CLUB IN MIDDLE SCHOOL. MY DAD TOOK
20 OFF WORK AND CAME TO MY INITIATION.
21 Q WHICH BETA CLUB?
22 A ALL A'S AND B'S STUDENTS.
23 Q I THINK YOU TOLD US THE OTHER DAY YOU
24 SKIPPED A YEAR OF HIGH SCHOOL?
25 A YES, SIR.

- 1 Q PRETTY SMART IN SCHOOL?
- 2 A I JUST WORKED MY CREDITS THE RIGHT WAY.
- 3 Q WELL, THAT'S SMART. SHANNON, WHAT DID
- 4 -- WERE YOU -- YOU WERE ALSO A CHEERLEADER, I
- 5 THINK YOU SAID?
- 6 A YES, SIR, MY SENIOR YEAR.
- 7 Q AND YOU HAD PAGEANTS?
- 8 A I HAD PAGEANTS WHEN I GOT IN HIGH
- 9 SCHOOL.
- 10 Q AND RECITALS?
- 11 A YES.
- 12 Q AND YOUR MOM AND DAD AND GRANDPA AND
- 13 GRANDMA BECKHAM AND GRANDPARENTS LANDERS AND ALL
- 14 THE FAMILY, EVERYBODY COME TO THOSE, TOO?
- 15 A YES, SIR.
- 16 Q DID THE FAMILY GATHER AND GET TOGETHER,
- 17 YOUR MOM AND DAD, EVERYBODY, FOR THINGS EQUALLY
- 18 WITH ANDREW AND WITH SAMUEL?
- 19 A YES, SIR.
- 20 Q EVERYBODY SHARED THOSE THINGS TOGETHER?
- 21 A YES, SIR.
- 22 Q AND WAS THAT IMPORTANT TO YOU?
- 23 A YES, SIR.
- 24 Q WAS IT IMPORTANT TO YOUR TWO BROTHERS?
- 25 A YES, SIR.

- 1 Q WAS IT IMPORTANT TO YOUR MOM AND DAD?
- 2 A YES, SIR.
- 3 Q DO YOU MISS THOSE TIMES?
- 4 A YES, SIR.
- 5 Q DID YOUR DAD -- AS YOU WERE GROWING UP,
- 6 YOUR MOM AND DAD SHARED A LOT OF RESPONSIBILITIES?
- 7 A YES, SIR.
- 8 Q DID YOUR DAD LIKE TO COOK?
- 9 A YES, SIR, HE WAS GOOD AT IT.
- 10 Q DID HE DO A LOT OF COOKING?
- 11 A YES, SIR.
- 12 Q YOUR MOM AND DAD TOOK YOU TO THE
- 13 DOCTOR?
- 14 A YES, SIR.
- 15 Q TO THE DENTIST AND ALL THOSE KIND OF
- 16 THINGS?
- 17 A YES, SIR.
- 18 Q DID YOUR DAD PARTICIPATE IN ALL OF
- 19 THOSE THINGS THAT NEEDED TO BE DONE --
- 20 A YES, SIR.
- 21 Q -- AS WELL AS MOM?
- 22 A YES, SIR.
- 23 Q DID YOUR MOM AND YOUR DAD TAKE YOU
- 24 SHOPPING?
- 25 A YES, SIR.

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- 1 Q OUT TO EAT?
- 2 A YES, SIR.
- 3 Q AND YOU SAID THEY WENT WITH YOU TO
- 4 SCHOOL-RELATED ACTIVITIES AND THINGS LIKE THAT?
- 5 A YES, SIR.
- 6 Q DID YOU GO ON ANY TRIPS?
- 7 A YES, SIR.
- 8 Q VACATIONS WITH YOUR MOM AND DAD?
- 9 A YES, SIR. WE WENT TO DISNEY WORLD WHEN
- 10 I WAS FOUR. I DON'T REMEMBER TOO MUCH. I REMEMBER
- 11 GETTING SICK ON THE TEACUPS. WE WENT TO THE BEACH,
- 12 WHEN WE LIVED AT THE BEACH, ALMOST EVERY WEEKEND,
- 13 LAY OUT IN THE SUN. SOMETIMES MIKE AND KELLY WOULD
- 14 COME UP.
- 15 Q MIKE AND KELLY WERE YOUR LANDER COUSINS
- 16 -- COUSINS ON THE LANDER SIDE, YOUR AUNT AND UNCLE?
- 17 A UH-UH, DAD'S AND MOM'S FRIENDS.
- 18 Q FRIENDS, OH, OKAY. WHEN YOU LIVED AT
- 19 THE BEACH, YOU SPENT -- BASICALLY, SPENT THE TIME
- 20 ON THE WEEKENDS ON THE BEACH?
- 21 A YES, SIR, DURING THE SUMMER.
- 22 Q AND DID YOUR MOM AND DAD SPEND A LOT OF
- 23 TIME WITH YOU?
- 24 A YES, SIR.
- 25 Q WHEN THEY WEREN'T WORKING, WERE THEY

- 1 WITH YOU AND YOUR BROTHERS?
- 2 A YES, SIR.
- 3 Q DID THEY SPEND TIME AT NIGHT WITH YOU?
- 4 A YES, SIR. SOMETIMES WE'D EVEN GO TO
- 5 WORK WITH THEM WHEN WE DIDN'T GO TO SCHOOL THAT DAY
- 6 OR IT WAS A HOLIDAY OR SOMETHING.
- 7 Q DID MOM AND DAD BOTH HELP YOU WITH
- 8 SCHOOLWORK?
- 9 A YES, SIR. DAD HELPED WITH MATH AND MOM
- 10 HELPED WITH WRITING PAPERS AND SPELLING.
- 11 Q DID THEY DO THAT WITH SAMUEL AND
- 12 ANDREW, TOO?
- 13 A YES, SIR, DAD TAUGHT SAMUEL AT HOME FOR
- 14 A WHILE.
- 15 Q WHAT WAS SOME OF THE THINGS LIKE YOU
- 16 WOULD DO ON THE WEEKENDS WHEN THERE WAS NO WORK AND
- 17 WHEN YOU HAD SOME FREE TIME? YOU KNOW, YOU SAID AT
- 18 THE BEACH, YOU WOULD GO TO THE BEACH AND LAY OUT.
- 19 WHAT ABOUT AT HOME?
- 20 A DAD WOULD MAKE SURE ALL THE GRASS WAS
- 21 GREEN. HE HAD TO HAVE THE YARD PRETTY. MOM AND I
- 22 WOULD JUST LAY OUT ON THE DECK AT THE BEACH, ANDREW
- 23 AND DAD WOULD SPRAY US WITH THE HOSE SOMETIMES.
- 24 Q DID YOU SPEND A LOT OF QUALITY TIME
- 25 WITH YOUR PARENTS AND YOUR BROTHERS?

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- 1 A YES, SIR.
- 2 Q WERE -- WAS THE FOCUS POINT OF YOUR
- 3 PARENTS' RELATIONSHIP WITH YOU TO SPEND TIME WITH
- 4 YOU?
- 5 A TO MAKE US HAPPY.
- 6 Q ON FRIDAY AND SATURDAY NIGHT AND
- 7 SUNDAY, IF THEY HAD A CHOICE OF BEING WITH YOU OR
- 8 GOING SOMEWHERE ELSE, WHERE WOULD THEY -- WOULD
- 9 THEY DO?
- 10 A IT DEPENDED ON WHAT OUR PLANS WERE.
- 11 Q THEY OPT TO SPEND DAYS WITH YOU AS MUCH
- 12 AS THEY COULD, THOSE EVENINGS?
- 13 A YES, SIR.
- 14 Q YOU AND SAMUEL AND ANDREW?
- 15 A YES, SIR.
- 16 Q NOW, DID ALL OF YOU HAVE CHORES AND
- 17 THINGS THAT YOU NEEDED TO DO AND DID Y'ALL DO THEM
- 18 OR --
- 19 A I DID MINE.
- 20 Q YOU'RE LOOKING AT ANDREW OVER THERE,
- 21 HUH?
- 22 A YES, SIR, SOMETIMES HE WOULD PAY ME TO
- 23 DO HIS OR HE'D BLACKMAIL ME.
- 24 Q WHO -- DID MOM AND DAD -- WERE THEY
- 25 BOTH THERE TO COUNSEL YOU?

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1 A YES, SIR.

2 Q AND WERE THEY BOTH THERE TO EDUCATE

3 YOU?

4 A YES, SIR.

5 Q WERE THEY BOTH THERE FOR YOUR ADVICE --

6 OR FOR ADVICE FOR YOU?

7 A YES, SIR.

8 Q YOU TOLD ME YOUR MOM WAS YOUR BEST

9 FRIEND?

10 A SHE WAS.

11 Q AND YOUR DAD WAS SECOND?

12 A HE CAME UP SECOND.

13 Q BUT AS A YOUNG GIRL, YOU TALKED TO YOUR

14 MOM ABOUT A LOT OF THINGS THAT YOUNG GIRLS DO?

15 A YES, SIR.

16 Q AND ANDREW TALKED TO DAD ABOUT A LOT OF

17 THINGS THAT YOUNG BOYS DO?

18 A YES, SIR.

19 Q WHEN THEY SEPARATED, WAS THAT VERY

20 TRAUMATIC FOR YOU?

21 A YES, SIR, I FELT VERY TORN.

22 Q WAS IT TRAUMATIC FOR YOUR BROTHERS,

23 TOO?

24 A YES, SIR.

25 Q WERE YOU ALL -- Y'ALL ALTERNATED

- 1 BETWEEN MOM AND DAD --
- 2 A YES --
- 3 Q -- DURING THAT PERIOD OF TIME?
- 4 A YES, SIR.
- 5 Q DID THEY SUPPORT YOU, BOTH OF THEM?
- 6 A YES, SIR.
- 7 Q DID THEY SUPPORT YOU EMOTIONALLY,
- 8 MENTALLY?
- 9 A YES, SIR.
- 10 Q DID THEY BOTH MAINTAIN AN INTEREST IN
- 11 YOU AND WHAT ANDREW AND SAMUEL DID?
- 12 A YES, SIR.
- 13 Q THEY WERE HAVING PROBLEMS, BUT DID YOU
- 14 AND YOUR -- BECAUSE OF THE SEPARATION, BUT DID YOU
- 15 AND YOUR BROTHERS EVER PICK UP ON THAT? DID THEY -
- 16 - OR DID THEY KEEP THAT AWAY FROM THE TWO OF YOU?
- 17 A WE KNEW THEY HAD PROBLEMS, BUT THEY
- 18 DIDN'T LIKE TO FIGHT IN FRONT OF US. I MEAN, THEY
- 19 WOULD TAKE IT IN THE BEDROOM OR SOMETHING. THEY
- 20 WOULDN'T FIGHT IN FRONT OF US.
- 21 Q THE CHILDREN WERE NOT EXPOSED TO THAT?
- 22 A NOT VERY MUCH, NO, SIR.
- 23 Q AND YOU LOVED BOTH OF THEM THROUGHOUT -
- 24 -
- 25 A YES, SIR.

- 1 Q -- THE SEPARATION?
- 2 A YES, SIR.
- 3 Q DID YOU HAVE A STRONG CONNECTION WITH
- 4 BOTH PARENTS?
- 5 A YES, SIR.
- 6 Q DID ANDREW?
- 7 A YES, SIR.
- 8 Q DID SAMUEL?
- 9 A YES, SIR.
- 10 Q NOW, YOU REMEMBER THE DAY YOU FOUND OUT
- 11 ABOUT YOUR MOM, YOU TOLD US ABOUT THAT THE OTHER
- 12 DAY?
- 13 A YES, SIR.
- 14 Q AND THAT DAY, I THINK YOU DESCRIBED AS
- 15 THE WORST DAY OF YOUR LIFE?
- 16 A YES, SIR.
- 17 Q HOW OLD WERE YOU AT THAT TIME?
- 18 A I WAS FOURTEEN, ALMOST FIFTEEN.
- 19 Q AND YOU AND YOUR BROTHERS HAVE HAD TO
- 20 DEAL WITH THAT OVER THE LAST TWO YEARS, HAVEN'T
- 21 YOU?
- 22 A WE'VE TRIED.
- 23 Q AND WHO HAS HELPED YOU TRY TO DEAL WITH
- 24 THAT?
- 25 A MY DAD, EVERYBODY, REALLY.

- 1 Q AND YOUR GRANDPARENTS?
- 2 A BOTH SETS.
- 3 Q YOUR AUNTS AND UNCLES?
- 4 A YES.
- 5 Q AND YOU WERE HOW OLD WHEN THAT
- 6 HAPPENED?
- 7 A FOURTEEN.
- 8 Q WAS THAT A DIFFICULT TIME FOR YOU?
- 9 A YES, SIR.
- 10 Q WAS IT A DIFFICULT TIME FOR YOUR
- 11 BROTHERS?
- 12 A YES, SIR.
- 13 Q DID YOU GROW CLOSER WITH YOUR DAD
- 14 DURING THAT PERIOD OF TIME?
- 15 A CLOSER THAN EVER.
- 16 Q DID HE BECOME YOUR COUNSELOR?
- 17 A YES, SIR.
- 18 Q DID HE BECOME YOUR ADVISOR?
- 19 A YES, SIR.
- 20 Q WHAT ABOUT ANDREW AND SAMUEL?
- 21 A HE SPENT MORE TIME WITH US THEN HE EVER
- 22 HAD.
- 23 Q AND DURING THAT YEAR, WAS HE A
- 24 NECESSARY PART OF YOUR LIFE AND AN IMPORTANT AND
- 25 STRONG PART OF YOUR LIFE?

1 A HE WAS ALL WE HAD LEFT.

2 Q DURING THAT YEAR FROM THE TIME MOM DIED

3 UNTIL THE TIME YOUR DAD WAS ARRESTED --

4 A UH-HUH.

5 Q -- DID HE SPEND A LOT OF TIME WITH YOU?

6 A YES, SIR.

7 Q AND YOUR BROTHERS?

8 A YES, SIR.

9 Q AND DID HE PROVIDE A LOT OF SUPPORT FOR

10 YOU?

11 A YES, SIR.

12 Q WAS HE THERE WHEN YOU NEEDED HIM AND

13 WHEN YOUR BROTHERS NEEDED HIM?

14 A YES, SIR.

15 Q YOU'VE HEARD A LOT OF THINGS ABOUT

16 THINGS THAT YOUR DAD DID DURING THAT PERIOD OF

17 TIME.

18 A YES, SIR.

19 Q DID ANY OF THAT EVER COME OUT OR DID

20 ANY OF THAT EVER -- DID YOU EVER PICK UP ON ANY OF

21 THAT OR DID ANY OF THAT EVER AFFECT ANYTHING THAT

22 HAPPENED BETWEEN YOU AND YOUR DAD AND YOUR

23 BROTHERS?

24 A I NEVER KNEW ANYTHING ABOUT IT UNTIL

25 THIS WEEK, WEEKS BEFORE.

1 Q DOES IT HURT?
2 A YES.
3 Q ARE YOU TRYING TO DEAL WITH IT?
4 A YES.
5 Q DO YOU LOVE YOUR DAD?
6 A YES.
7 Q DURING THAT YEAR, DID YOU -- DURING
8 THAT YEAR, DID YOUR DAD TAKE YOU AWAY AS MUCH AS HE
9 COULD TO GET YOU OUT OF TOWN?
10 A YES, SIR.
11 Q AND YOUR BROTHERS?
12 A YES, SIR.
13 Q AND YOU ALSO WERE CLOSE WITH THE FAMILY
14 -- BOTH SIDES OF THE FAMILY SUPPORTED YOU AND
15 HELPED YOU, DID THEY NOT?
16 A YES, SIR.
17 Q YOU WERE AT A VERY DIFFICULT AGE AT
18 THAT TIME, WEREN'T YOU?
19 A YES, SIR.
20 Q SO WERE YOUR BROTHERS?
21 A YES, SIR.
22 Q AND YOU'RE AT A DIFFICULT AGE NOW?
23 A YES, SIR.
24 Q YOU'RE A YOUNG LADY?
25 A YES, SIR.

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- 1 Q HOW DID YOU FEEL WHEN YOUR FATHER WAS
2 ARRESTED?
- 3 A SHOCKED, MY HEART JUST SANK.
- 4 Q WAS THE YEAR AFTER HE WAS ARRESTED, WAS
5 THAT DIFFICULT?
- 6 A YES, SIR.
- 7 Q YOU WERE WHAT YEAR IN SCHOOL AT THAT
8 POINT?
- 9 A SENIOR IN HIGH SCHOOL.
- 10 Q SHOULD BE A GOOD TIME?
- 11 A SHOULD BE THE BEST TIME.
- 12 Q BUT IT WASN'T?
- 13 A IT WAS THE WORST TIME.
- 14 Q WHAT ABOUT ANDREW AND WHAT ABOUT
15 SAMUEL?
- 16 A SAMUEL WAS LITTLE AND HE DIDN'T
17 UNDERSTAND.
- 18 Q ARE YOU CLOSE WITH YOUR BROTHERS?
- 19 A YES.
- 20 Q ARE THEY CLOSE WITH YOUR FATHER?
- 21 A YES.
- 22 Q AND YOUR DAD'S BEEN IN JAIL?
- 23 A YES, SIR.
- 24 Q A LITTLE OVER A YEAR?
- 25 A YES, SIR.

- 1 Q AND DID YOU GO SEE HIM?
- 2 A YES, SIR.
- 3 Q HOW OFTEN DO EITHER YOU OR YOUR
- 4 BROTHERS GO?
- 5 A AT FIRST SAMUEL, ANDREW AND I ALL GOT
- 6 TO GO AT THE SAME TIME AT BROAD RIVER.
- 7 Q ALL THREE CHILDREN?
- 8 A YES, SIR, AND WE COULD TOUCH DAD. HE
- 9 WOULD PLAY CARDS WITH US, ESPECIALLY SAMUEL BECAUSE
- 10 HE'S GOOD AT IT.
- 11 Q AND WHEN HE WAS MOVED FROM THERE?
- 12 A WE COULD ONLY TALK TO HIM THROUGH
- 13 GLASS.
- 14 Q THROUGH THE GLASS?
- 15 A YES, SIR.
- 16 Q DID ALL THREE OF YOU CONTINUE TO GO?
- 17 A YES, SIR.
- 18 Q AND WHO DID YOU GO WITH?
- 19 A WE COULD ALL GO WHEN HE GOT MOVED TO
- 20 SALUDA AND NEWBERRY. BUT THEN HE GOT MOVED TO
- 21 RICHLAND, ONE CHILD AND ONE ADULT CAN GO AT A TIME.
- 22 SO I WOULD GO WITH POPPA OR GRAMMIE ONE DAY, AND
- 23 ANDREW WOULD GO WITH POPPA OR GRAMMIE THE NEXT WEEK
- 24 AND SAMUEL WOULD GO WITH POPPA OR GRAMMIE THE NEXT
- 25 WEEK.

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- 1 Q SO INITIALLY, IT WAS EVERYBODY COULD
2 GO?
3 A YES, SIR.
4 Q UNTIL HE GOT TO RICHLAND COUNTY?
5 A YES, SIR.
6 Q AND THEN ONLY ONE COULD GO PER WEEK?
7 A YES, SIR.
8 Q WITH ONE OF THE GRANDPARENTS?
9 A YES, SIR.
10 Q AND DID Y'ALL DO THAT?
11 A YES, SIR.
12 Q DID YOU AND YOUR BROTHER DO THAT
13 RELIGIOUSLY?
14 A YES, SIR.
15 Q AND WHEN YOU WOULD MEET YOUR DAD, EVEN
16 THOUGH IT WAS THROUGH GLASS, WAS HE THERE FOR YOU?
17 A YES, SIR. I TALKED TO HIM ABOUT
18 EVERYTHING.
19 Q WAS HE YOUR CONFIDANT?
20 A YES, SIR.
21 Q WAS HE YOUR COUNSELOR?
22 A YES, SIR.
23 Q DID YOU ASK HIM THE QUESTIONS THAT YOU
24 AT ONE TIME WOULD HAVE BEEN ASKING YOUR MOTHER?
25 A YES, SIR.

1 Q AND HOW DID YOU FATHER RESPOND, EVEN
2 THOUGH HE WAS IN THAT CELL?
3 A HE WAS MY DADDY AND HE WAS A FRIEND.
4 Q DID YOU TALK TO HIM?
5 A YES, SIR.
6 Q HOW OFTEN DID YOU TALK TO YOUR FATHER
7 DURING THE LAST YEAR?
8 A ALMOST EVERY NIGHT UNTIL I WENT TO
9 COLLEGE.
10 Q HE WAS ABLE TO CALL, CALL COLLECT?
11 A YES, SIR.
12 Q AND WOULD HE CALL YOU AND THE KIDS
13 EVERY NIGHT?
14 A YES, SIR.
15 Q AND TALK?
16 A YES, SIR.
17 Q AND DID YOU HAVE OPPORTUNITIES AT THAT
18 POINT TO TALK WITH HIM --
19 A YES, SIR.
20 Q -- AND ASK HIM THE THINGS YOU NEEDED TO
21 ASK HIM?
22 A YES, SIR.
23 Q TELL HIM THE THINGS YOU NEEDED TO TELL
24 HIM?
25 A YES, SIR.

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- 1 Q EVEN THOUGH YOUR FATHER WAS
2 INCARCERATED, WAS HE ABLE TO BOND WITH YOU AND
3 PROVIDE YOU THE ADVICE AND COUNSELING YOU NEEDED?
- 4 A YES, SIR, HE'S STILL MY DAD.
- 5 Q WHAT ABOUT YOUR BROTHERS?
- 6 A YES, SIR, THEM, TOO.
- 7 Q YOU AND YOUR BROTHERS LOOKED FORWARD TO
8 HIS PHONE CALLS EVERY NIGHT?
- 9 A YES, SIR, AND SAM SENDS HIM SOME
10 SCHOOLWORK.
- 11 Q SAMUEL STILL SENDS HIM SCHOOLWORK?
- 12 A YES, SIR.
- 13 Q DID YOU WRITE TO HIM, ALSO?
- 14 A YES, SIR. HE WRITES ALMOST EVERYDAY.
15 WE WRITE -- WE TRY TO WRITE AT LEAST ONCE A WEEK.
- 16 Q EVEN STILL?
- 17 A YES, SIR.
- 18 Q AND WHEN HE WRITES YOU AND WHEN YOU
19 WRITE HIM, DO YOU SHARE SOME OF THE THINGS YOU
20 FEEL?
- 21 A YES, SIR.
- 22 Q AND DOES HE, ALSO?
- 23 A YES, SIR.
- 24 Q AND ALSO BETWEEN YOU AND YOUR BROTHERS
25 AND HIM?

1 A YES, SIR.

2 Q IS THERE ANY DOUBT IN THE WORLD THAT

3 YOUR FATHER LOVES YOU MORE THAN ANYTHING ON THIS

4 EARTH?

5 A I'M DADDY'S LITTLE GIRL.

6 Q IS THERE ANY DOUBT IN YOUR MIND THAT

7 YOUR FATHER LOVES YOUR BROTHERS?

8 A HE LOVES US MORE THAN ANYTHING.

9 Q AND HOW DO YOU FEEL ABOUT HIM?

10 A HE'S ALL I GOT LEFT.

11 Q YOU UNDERSTAND -- YOU GRADUATED IN

12 JUNE?

13 A YES, SIR.

14 Q AND THAT WAS A WONDERFUL OCCASION,

15 WASN'T IT?

16 A YES, SIR.

17 Q YOU WERE GOING TO BE A COLLEGE STUDENT?

18 A YES, SIR.

19 Q BUT IT COULD HAVE BEEN BETTER?

20 A YES.

21 Q YOUR DAD WASN'T THERE, WAS HE?

22 A NO, SIR, NONE OF MY PARENTS WERE THERE.

23 Q WE TALKED ABOUT THAT BECAUSE MY

24 DAUGHTER GRADUATED IN JUNE, TOO, DIDN'T SHE?

25 A YES, SIR.

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- 1 Q AND THEN YOUR FATHER CALLED YOU?
- 2 A YES, SIR.
- 3 Q AND AROUND THAT TIME, HE WAS TERRIBLY
- 4 UPSET ABOUT NOT BEING ABLE TO BE AT YOUR
- 5 GRADUATION, WASN'T HE?
- 6 A YES, SIR, BUT WE VIDEOTAPED IT FOR HIM?
- 7 Q AND DID HE GET TO SEE IT?
- 8 A NO, SIR, BUT WHEN HE COMES HOME HE
- 9 WILL.
- 10 Q YOU KNOW YOUR DAD HAS BEEN FOUND GUILTY
- 11 BY THE JURY?
- 12 A YES, SIR.
- 13 Q AND THE LAST COUPLE OF DAYS HAVE BEEN
- 14 TERRIBLE?
- 15 A THE WORST IN MY LIFE.
- 16 Q AND YOU'VE SEEN SAMUEL SINCE THE
- 17 VERDICT?
- 18 A YES, SIR.
- 19 Q AND YOU'VE TALKED TO ANDREW?
- 20 A YES, SIR.
- 21 Q AND Y'ALL HAVE TALKED TO YOUR FATHER?
- 22 A YES, SIR.
- 23 Q DO YOU STILL LOVE YOUR FATHER?
- 24 A YES, SIR.
- 25 Q DO YOU LOVE HIM ANY LESS?

- 1 A NO, SIR.
- 2 Q YOU KNOW THAT SOMEDAY, EVEN IF YOU
- 3 CAN'T RIGHT NOW, YOU HAVE TO RECONCILE WHAT THE
- 4 VERDICT IS?
- 5 A I CAN'T ACCEPT IT YET.
- 6 Q I UNDERSTAND. BUT YOU KNOW THAT
- 7 SOMEDAY THIS IS ALL GOING TO HAVE TO BE RECONCILED
- 8 AND DEALT WITH?
- 9 A YES, SIR.
- 10 Q FOR YOU AND YOUR BROTHERS?
- 11 A YES, SIR.
- 12 Q AND IS YOUR FATHER THE KIND OF PERSON
- 13 THAT YOU CAN TALK TO?
- 14 A YES, SIR.
- 15 Q DOES HE HAVE A HISTORY WITH YOU OF
- 16 SOMEONE THAT YOU CAN TALK TO?
- 17 A YES, SIR.
- 18 Q IS HE SOMEONE THAT YOUR BROTHERS CAN
- 19 TALK TO?
- 20 A YES, SIR.
- 21 Q AND DOES HE HAVE A HISTORY OF TALKING
- 22 AND RELATING TO YOUR BROTHERS?
- 23 A YES, SIR. WE NEED HIM MORE NOW THAN WE
- 24 EVER HAVE.
- 25 Q YOU AND YOUR BROTHERS ARE YOUNG?

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- 1 A YES, SIR.
- 2 Q STARTING OUT IN LIFE?
- 3 A YES, SIR.
- 4 Q AND YOU KNOW UNDER THE BEST OF
- 5 CIRCUMSTANCES, YOUR FATHER IS GOING TO HAVE TO
- 6 SERVE A LIFE SENTENCE?
- 7 A YES, SIR.
- 8 Q HE WON'T BE THERE FOR THOSE THINGS THAT
- 9 YOU NEED HIM FOR, PHYSICALLY?
- 10 A I KNOW THAT.
- 11 Q BUT AS YOU GO ON AND YOUR BROTHERS GO
- 12 ON, DO YOU WANT HIM THERE EMOTIONALLY?
- 13 A YES, SIR.
- 14 Q DO YOU NEED HIM THERE EMOTIONALLY?
- 15 A YES, SIR.
- 16 Q DO YOU NEED TO BE ABLE TO TALK TO HIM?
- 17 A YES, SIR.
- 18 Q AND WRITE?
- 19 A YES, SIR.
- 20 Q AND SEE HIM?
- 21 A YES, SIR.
- 22 Q DO YOU NEED ALL THE FOLKS OUT IN THE
- 23 AUDIENCE?
- 24 A YES, SIR.
- 25 Q DO YOUR BROTHERS --

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1 A YES, SIR.

2 Q NEED EVERYBODY OUT THERE?

3 A YES, SIR.

4 Q ANSWER ANY QUESTIONS THE -- WELL, LET

5 ME JUST -- I'M SORRY, I FORGOT, I APOLOGIZE.

6 SHANNON, I HAD ASKED YOU TO BRING SOME PICTURES.

7 A YES, SIR.

8 Q SHANNON, WOULD YOU COME DOWN HERE AND

9 JUST TELL -- I'D LIKE YOU TO SHOW THE JURY WHO

10 THESE FOLKS ARE. THIS IS EXHIBIT NO. 73, JUST SHOW

11 IT TO THE JURY.

12 A THIS IS MY DADDY. THIS IS ME IN MY

13 PAGEANT, MY MOM AND MY LITTLE BROTHER, SAMUEL.

14 Q DID -- THEY BOTH WENT TO THEIR PAGEANTS

15 -- YOUR PAGEANTS WITH YOU?

16 A YES, SIR.

17 Q THIS IS EXHIBIT NO. 74.

18 A YES, SIR.

19 Q WHO IS THAT, SWEETIE?

20 A THAT'S ME, WHEN I WAS SEVEN. THAT'S

21 ANDREW, HE WAS FIVE AND THAT'S MY DAD.

22 Q AND THIS IS 77.

23 A THIS IS ME AND MY DAD AT MY THIRTEENTH

24 BIRTHDAY PARTY, HE'S DANCING WITH ME.

25 Q AND THIS IS EXHIBIT NO. 75.

1 A THAT'S ME AND MY DAD.

2 Q EXHIBIT 76.

3 A AND THAT'S ME AND MY DAD ON HIS
4 BIRTHDAY.

5 Q GO AHEAD AND TAKE THE STAND, SWEETIE.
6 SHANNON, DO YOU AND YOUR BROTHERS NEED YOUR DAD TO
7 HELP YOU DEAL WITH ALL THAT'S GOING ON RIGHT NOW?

8 A YES, SIR.

9 Q TO HELP YOU DEAL WITH WHAT'S GOING TO
10 HAPPEN IN YOUR FUTURE?

11 A YES, SIR.

12 Q AND YOUR BROTHERS?

13 A YES, SIR.

14 Q DO YOU NEED EVERYBODY OUT THERE?

15 A YES, SIR.

16 Q ANSWER ANY QUESTIONS THAT THE SOLICITOR
17 HAS.

18 THE COURT: CROSS-EXAMINATION,
19 SOLICITOR.

20 MR. JONES: NO QUESTIONS, YOUR HONOR.

21 THE COURT: ALL RIGHT. THANK YOU,
22 MA'AM, YOU MAY STEP DOWN.

23 ANY FURTHER WITNESSES, MR. HARPOOTLIAN?

24 MR. SWERLING: NO, YOUR HONOR.

25 THE COURT: ANYTHING IN REPLY?

1 MR. JONES: YOUR HONOR, THE STATE WOULD
2 NOT PRESENT ANY REPLY.

3 THE COURT: ALL RIGHT.

4 MADAM FOREMAN AND LADIES AND GENTLEMEN
5 OF THE JURY, YOU HAVE RECEIVED ALL THE TESTIMONY
6 THAT YOU WILL BE ENTITLED TO CONSIDER UPON WHICH TO
7 BASE YOUR DECISION. IT TAKES US A FEW MINUTES TO
8 GO OVER SOME NECESSARY LEGAL ISSUES AND TO MAKE
9 SOME COPIES OF VARIOUS DOCUMENTS THAT I WILL NEED
10 TO GIVE TO YOU DURING YOUR DELIBERATION. SO WE'LL
11 TAKE APPROXIMATELY A THIRTY MINUTE BREAK TO DO
12 THAT, COME BACK WITH THE ARGUMENT AND CHARGE, AND
13 THEN GIVE YOU THE CASE TO DELIBERATE THIS
14 AFTERNOON. PLEASE DON'T DISCUSS THE CASE OR MAKE
15 UP YOUR MIND ABOUT ANYTHING. YOU HAVE NOT RECEIVED
16 THE INSTRUCTIONS NOR HAVE YOU HEARD THE ARGUMENTS
17 OF COUNSEL. SO, IT WILL TAKE US ABOUT -- ABOUT
18 THIRTY MINUTES, MAYBE A LITTLE LESS.

19 (WHEREUPON, THE JURY RECESSED TO THE
20 JURY ROOM AT 3:34 P.M.)

21 THE COURT: ALL RIGHT, I HAVE REVIEWED
22 THE REQUEST TO CHARGE AND I MADE ONE MODIFICATION
23 AS IT RELATED TO A DEFINITION OF MITIGATING
24 CIRCUMSTANCES. I WOULD ASSUME THAT THE STATE IS
25 NOT ARGUING DETERRENCE?

1 MR. MCMAHON: THAT'S CORRECT, YOUR
2 HONOR.

3 THE COURT: AND SO THERE WOULD BE NO
4 CHARGE ON DETERRENCE. AND THERE WILL NOT BE A
5 CHARGE AT THIS TIME ON ANY PAROLE ELIGIBILITY.
6 NOW, WHILE THE RECORD CONTAINS EVIDENCE OF THAT,
7 RIGHT NOW, I DON'T INTEND TO CHARGE THE JURY ON
8 THAT.

9 MR. MCMAHON: THEY COULD ARGUE THAT
10 FROM THE RECORD ABOUT MR. ANDERSON?

11 THE COURT: IT'S IN THE RECORD.

12 MR. MCMAHON: YES, SIR, WELL, THEN THE
13 STATE COULDN'T ARGUE THAT IF IT'S IN THE RECORD?

14 MR. HARPOOTLIAN: YOUR HONOR, THE STATE
15 MIGHT ARGUE THAT HE HAS TWENTY YEARS TO SERVE, BUT
16 LIFE -- THIS JURY'S GOING TO BE TOLD LIFE MEANS
17 LIFE FOR THIS GENTLEMAN RIGHT HERE.

18 THE COURT: NOT NECESSARILY.

19 MR. HARPOOTLIAN: SIR?

20 THE COURT: NOT NECESSARILY. YOU HAVE
21 PUT INTO THE RECORD THAT INFORMATION AND I'VE NOT
22 CROSSED THAT BRIDGE, YET. I DON'T --

23 MR. HARPOOTLIAN: YOUR HONOR, IT WAS
24 PUT INTO THE RECORD FOR IMPEACHMENT PURPOSES FOR
25 ONE OF THE STATE'S WITNESSES.

1 THE COURT: I KNOW, BUT IT IS
2 SUBSTANTIVE EVIDENCE IN THIS CASE. IT'S NOT --

3 MR. HARPOOTLIAN: WELL, THEY DIDN'T
4 KNOW THAT HE COULD HAVE BEEN FACING A LIFE WITHOUT
5 PAROLE.

6 THE COURT: WELL, I REALIZE THAT, AND I
7 KNOW THAT'S A TRICKY ISSUE IN THIS CASE.

8 MR. HARPOOTLIAN: YOUR HONOR, I --

9 THE COURT: I HADN'T QUITE GOTTEN TO
10 WHERE I -- WHAT I'M GOING TO DO WITH THAT YET.
11 BUT IF YOU ARGUE IT, IT MIGHT HELP MAKE UP MY MIND.

12 MR. HARPOOTLIAN: WELL, YOUR HONOR, THE
13 QUESTION IS NOT WHETHER WE'RE GOING TO ARGUE IT,
14 WE'RE NOT GOING TO ARGUE LIFE WITHOUT PAROLE. THE
15 QUESTION IS WHETHER THE STATE IS GOING TO ARGUE
16 THAT THIRTY YEAR LIFE.

17 THE COURT: WELL, I'M SUGGESTING TO
18 BOTH OF YOU TO LEAVE IT ALONE.

19 MR. HARPOOTLIAN: WE INTEND TO.

20 MR. SWERLING: I'M NOT GOING TO ARGUE
21 IT.

22 MR. MCMAHON: THAT WAS MY QUESTION. IS
23 THE STATE BOUND TO NOT ARGUE IT. IF THEY'RE NOT
24 GOING TO ARGUE IT, WE'RE NOT GOING TO ARGUE THE
25 TWENTY-YEAR PAROLE.

1 THE COURT: NOW --

2 MR. MCMAHON: BUT HE ARGUED IT IN HIS
3 OPENING.

4 THE COURT: I UNDERSTAND THAT.

5 MR. MCMAHON: WELL, I KNOW -- ASSUMING
6 THE OPENING'S NOT AN ARGUMENT, BUT IT SOUNDED LIKE
7 IT TO ME.

8 THE COURT: YOU KNOW -- I MEAN, I'M NOT
9 GOING TO TELL YOU HOW TO MAKE YOUR ARGUMENT, BUT I
10 SUGGEST TO YOU EITHER SIDE ARGUES IT -- I WOULD
11 FIRST SAY THAT THE -- WELL, IT MIGHT MAKE UP MY
12 MIND ABOUT THAT. I SUGGEST YOU STAY AWAY FROM THAT
13 AND LET'S SEE WHAT THE JURY DOES WITH IT. IT MAY
14 REQUIRE THE CONSENT OF THE STATE AT A LATER POINT
15 IN TIME, BUT WE'LL SEE.

16 MR. HARPOOTLIAN: YES, SIR. CAN WE
17 MOVE ON TO ANOTHER ISSUE?

18 THE COURT: YES, SIR.

19 MR. HARPOOTLIAN: YOUR HONOR, YOU ARE
20 GOING TO CHARGE THIS JURY ONE OF THE AGGRAVATING
21 CIRCUMSTANCES THEY COULD CONSIDER WOULD BE TORTURE?

22 THE COURT: YES, SIR.

23 MR. HARPOOTLIAN: WE WOULD OBJECT UNDER
24 STATE VERSUS THOMAS LEE DAVIS, A OCTOBER 5TH, 1992
25 DECISION, 309 SC 326-422, SOUTHEAST SECTION 133.

1 WE DON'T BELIEVE THAT THE STATE HAS MET THE BURDEN
2 THAT YOUR HONOR SHOULD ALLOW THEM TO GO FORWARD
3 WITH PHYSICAL TORTURE AS ONE OF THE AGGRAVATING
4 CIRCUMSTANCES.

5 THE COURT: MR. MCMAHON?

6 MR. MCMAHON: YOUR HONOR, I THINK IT
7 GOES TO THE WEIGHT. I MEAN, I THINK IT'S A JURY
8 ISSUE AT THIS POINT. THEY'RE SERIOUS INJURIES,
9 DEATH WAS NOT INSTANTANEOUS, THE VICTIM COULD HAVE
10 LIVED UP TO FIFTEEN MINUTES, HAD DAMAGE TO HER
11 VOICE BOX TO WHERE SHE MAY NOT HAVE BEEN ABLE TO
12 SPEAK OR IRRESPECTIVE OF THAT, IT WOULD HAVE
13 CHANGED THE CONDITION OF HER VOICE. I THINK
14 LOOKING AT THE CHARGE OF JUDGE ANDERSON IN THOMAS
15 LEE DAVIS, I THINK IT MAKES IT A JURY ISSUE AS TO
16 WHETHER THERE WAS OR WAS NOT PHYSICAL TORTURE.

17 MR. HARPOOTLIAN: WELL, YOUR HONOR, IF
18 I MIGHT JUST MAKE ONE COMMENT. THERE'S NO EVIDENCE
19 HERE THAT HE INTENDED TO TORTURE HER, NUMBER ONE.
20 NUMBER TWO, UNDER THE STATE'S THEORY ANYBODY WHO IS
21 SHOT, WHICH IS A VERY PAINFUL EXPERIENCE, AND
22 DOESN'T DIE INSTANTANEOUSLY WOULD BE TORTURE.

23 THE COURT: WELL, I CERTAINLY AGREE
24 WITH YOU, MR. HARPOOTLIAN. I SAID AT THE OUTSET
25 THAT I HAVE SOME CONCERN ABOUT THAT, BUT IT IS AN

1 EVIDENTIARY QUESTION AT THIS TIME. AND, I THINK
2 THE CHARGE THAT I HAVE AS TO WHAT CONSTITUTES
3 TORTURE WILL ADDRESS THAT. AND, YOU KNOW, WE ALL
4 TRUST THAT JURIES WILL FOLLOW INSTRUCTIONS.

5 MR. HARPOOTLIAN: AND, YOUR HONOR, I
6 HAVEN'T REVIEWED YOUR CHARGE.

7 THE COURT: IT IS THAT THE KILLING --
8 THAT HE INTENDED THAT SHE BE TORTURED.

9 MR. HARPOOTLIAN: FINE.

10 THE COURT: SO THAT'S A PRETTY TOUGH
11 BURDEN BASED ON THE RECORD OF THIS CASE.

12 MR. HARPOOTLIAN: WELL, YOUR HONOR, I
13 WOULD EXCEPT TO YOUR CHARGE. I WOULD SAY THAT
14 THERE'S NO EVIDENCE IN THE RECORD THAT MEETS THAT
15 INTENT REQUIREMENT, AND IF YOU WANT TO CHARGE THE
16 JURY, I WOULD ASK YOU TO WITHDRAW THE TORTURE
17 CONSIDERATION.

18 THE COURT: ALL RIGHT, I DECLINE TO DO
19 THAT AT THIS TIME.

20 MR. JONES: AND JUDGE, YOU'RE NOT GOING
21 TO CHARGE THIS DUTY TO CONSIDER MITIGATING, THAT'S
22 IN YOUR GENERAL CHARGE, CORRECT?

23 THE COURT: I ADDED -- WHAT I WAS
24 TRYING TO HAND TO YOU -- THE ONLY CHANGE THAT I
25 MADE IN THE -- HERE'S THE REVISED VERSION. THEY

1 HAVE TO CONSIDER -- THEY MUST CONSIDER THE
2 STATUTORY MITIGATING CIRCUMSTANCE. THEY MAY
3 CONSIDER ANY OTHER MITIGATING CIRCUMSTANCE IN THE
4 RECORD.

5 MR. JONES: BUT YOU'RE NOT CHARGING THE
6 REQUEST TO CHARGE --

7 THE COURT: NO, SIR.

8 MR. JONES: OKAY.

9 THE COURT: NOW, I DID -- I DID -- I DO
10 DEFINE WHAT A MITIGATING FACTOR IS, THOUGH, WHICH
11 IS A FACT, DETAILS, INCIDENTS OR OCCURRENCES WHICH
12 MITIGATE THE OFFENSE OF MURDER. MITIGATING
13 CIRCUMSTANCES ARE ANY FACTS, WHICH IN FAIRNESS AND
14 MERCY MUST BE CONSIDERED AS EXTENUATING OR REDUCING
15 THE DEFENDANT'S MORAL CULPABILITY, THAT GENERAL
16 LANGUAGE.

17 MR. MCMAHON: AND, JUDGE, ISN'T THERE A
18 CASE ABOUT YOU HAVE TO REVIEW ON THE RECORD ALL THE
19 MITIGATING -- THE STATUTORY MITIGATING
20 CIRCUMSTANCES?

21 THE COURT: YES.

22 MR. MCMAHON: I'M NOT SURE IF YOU DO.

23 THE COURT: I DO.

24 MR. MCMAHON: OKAY.

25 THE COURT: I HAVE TO MAKE A FINDING AS

1 TO THAT EFFECT --

2 MR. MCMAHON: ALL RIGHT.

3 THE COURT: -- BEFORE WE SUBMIT IT TO
4 THE JURY. I HAD INQUIRED OF -- NOT ONLY THAT, TO
5 MAKE SURE WE AGREED ON THE STATUTORY CIRCUMSTANCES.
6 BEFORE WE DO THAT IS THERE ANYTHING ELSE WE NEED TO
7 TALK ABOUT?

8 MR. HARPOOTLIAN: NO, SIR.

9 THE COURT: ALL RIGHT. I HAVE -- FROM
10 THE BASIS OF THE RECORD, WHAT I BELIEVE TO BE THE
11 STATUTORY AGGRAVATING CIRCUMSTANCES ARE AS FOLLOWS:
12 THAT THE MURDER WAS COMMITTED WHILE IN THE
13 COMMISSION OF THE KIDNAPPING, MURDER WAS COMMITTED
14 WHILE THE VICTIM WAS SUBJECTED TO PHYSICAL TORTURE,
15 THE DEFENDANT CAUSED OR DIRECTED ANOTHER TO COMMIT
16 MURDER OR COMMITTED MURDER AS AN AGENT OF EMPLOYEE
17 OR ANOTHER PERSON.

18 THAT SHOULD BE OR?

19 WE'LL MAKE A CORRECTION, IT SHOULD BE
20 AN AGENT OR EMPLOYEE OF ANOTHER PERSON, ON MY COPY.

21 AS TO THE MITIGATING CIRCUMSTANCES, THE
22 ONLY ONE THAT I CAN FIND FROM THE RECORD, BASED ON
23 THE STATUTORY MITIGATING CIRCUMSTANCES, IS THAT THE
24 DEFENDANT HAS NO SIGNIFICANT HISTORY OF PRIOR
25 CRIMINAL CONVICTION INVOLVING THE USE OF VIOLENCE

1 AGAINST ANOTHER PERSON. IS THERE ANY OTHER
2 STATUTORY MITIGATING CIRCUMSTANCE THAT THE DEFENSE
3 CAN THINK OF?

4 MR. HARPOOTLIAN: THAT'S THE ONLY
5 STATUTORY MITIGATING CIRCUMSTANCE, YOUR HONOR.

6 THE COURT: ALL RIGHT, DOES THE STATE
7 AGREE?

8 MR. MCMAHON: WE AGREE WITH WHATEVER
9 STATUTORY MITIGATING CIRCUMSTANCES THEY REQUEST.

10 THE COURT: ALL RIGHT.

11 MR. MCMAHON: IF THAT'S ALL THE
12 REQUEST, WE CERTAINLY AGREE WITH IT, YES, SIR.

13 THE COURT: THAT IS THE ONLY ONE I KNOW
14 THAT THEY WOULD BE ENTITLED TO.

15 MR. MCMAHON: YES, SIR. AND, JUDGE,
16 YOUR LANGUAGE ON THE AGENCY LIABILITY, IS IT THE
17 OFFENDER -- HOW DID YOU SAY THAT LANGUAGE, I
18 APOLOGIZE?

19 THE COURT: I'M SORRY, YOU WANT THE
20 STATUTORY CIRCUMSTANCE, YOU MEAN?

21 MR. MCMAHON: YES, SIR, STATUTORY
22 CIRCUMSTANCE.

23 THE COURT: THE DEFENDANT CAUSED OR
24 DIRECTED ANOTHER TO COMMIT MURDER OR COMMITTED
25 MURDER AS AN AGENT OR EMPLOYEE OF ANOTHER PERSON.

1 IF YOU WANT TO STRIKE --

2 MR. MCMAHON: WE --

3 THE COURT: IF YOU WANT A STRIKE AFTER
4 COMMIT MURDER --

5 MR. MCMAHON: WE DON'T -- OR COMMITTED
6 MURDER AS AN AGENT OR EMPLOYEE OF ANOTHER PERSON,
7 NO.

8 THE COURT: ANY OBJECTION TO STRIKING
9 THAT --

10 MR. HARPOOTLIAN: NO, SIR.

11 THE COURT: AND THAT WILL HELP US,
12 WE'LL HAVE TO MAKE SOME REVISIONS, BUT WE CAN DO
13 THAT.

14 ALL RIGHT. IT'LL TAKE US PROBABLY
15 TWENTY MINUTES TO MAKE THOSE CHANGES AND COPY AND
16 YOU CAN BE READY. I SUGGESTED TO YOU ALL A TIME
17 FRAME OF APPROXIMATELY FIFTEEN TO TWENTY MINUTES
18 PER PERSON THAT'S GOING TO ARGUE. I ASSUME --

19 THE STATE ADVISED ME THAT TWO PEOPLE
20 WERE GOING TO ARGUE?

21 MR. JONES: THAT'S CORRECT, YOUR HONOR.

22 THE COURT: SO WE'RE TALKING ABOUT A
23 THIRTY TO FORTY MINUTE PERIOD OF TIME?

24 MR. MCMAHON: YES, SIR, I THINK THAT
25 WOULD BE FINE FOR BOTH OF US, FORTY MINUTES FOR

1 BOTH OF US, FORTY-FIVE.

2 THE COURT: FORTY MINUTE UNIT?

3 MR. JONES: YES, SIR.

4 THE COURT: WHICH YOU CAN DIVIDE IT ANY

5 WAY YOU WANT, BUT YOU GOT FORTY MINUTES.

6 MR. MCMAHON: I THINK THAT WILL BE

7 SUFFICIENT.

8 THE COURT: ALL RIGHT. MR. -- FORTY

9 MINUTES?

10 MR. SWERLING: WE'D LIKE THE SAME.

11 THE COURT: ALL RIGHT. AND THEN AFTER

12 THE STATE MAKES ITS ARGUMENT, I'LL INQUIRE AS TO

13 WHETHER OR NOT THE DEFENDANT WANTS TO MAKE A FINAL

14 STATEMENT TO THE JURY. OF COURSE, HIS STATEMENT IS

15 CONFINED TO THE RECORD OF THE CASE.

16 MR. HARPOOTLIAN: YES, SIR.

17 THE COURT: ALL RIGHT. LET'S TAKE A

18 RECESS UNTIL ABOUT FOUR O'CLOCK AND THEN GO FROM

19 THERE. NOW, I INTEND TO SUBMIT THE STATUTORY -- I

20 MEAN, THE STATUTORY INSTRUCTIONS, THE VERDICT FORM

21 AND A COPY OF MY INSTRUCTIONS TO THE JURY.

22 MR. HARPOOTLIAN: YES, SIR.

23 (WHEREUPON, COURT RECESS AT 3:43 P.M.)

24 THE COURT: NOW, FORTY MINUTES, WE'RE

25 ALL FIRM ON THAT, RIGHT? I DON'T WANT TO GET DOWN

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1 TO WHERE YOU -- EVERYBODY BELIEVES THEY CAN DO IT
2 IN THAT? OKAY.

3 MR. SWERLING: YES, SIR.

4 THE COURT: I'M GOING TO TELL THE JURY
5 THAT WE'LL TAKE A BREAK BETWEEN THE STATE'S
6 ARGUMENT AND THE DEFENSE'S ARGUMENT FOR OUR
7 PURPOSES OF EXAMINING MR. BECKHAM. AND THEN
8 DEPENDING -- THEN I THINK WHAT I'LL PROBABLY DO IS
9 JUST GO STRAIGHT ON TO THE CHARGE. I CAN DO THE
10 CHARGE IN ABOUT TWENTY MINUTES.

11 MR. SWERLING: AFTER WE FINISH?

12 THE COURT: RIGHT.

13 ALL RIGHT, NOW, GENTLEMEN, NO
14 DETERRENCE ARGUMENT, NO LACK OF REMORSE ARGUMENT.
15 WHAT ELSE CAN YOU GET IN TROUBLE ON RIGHT OFF THE
16 TOP OF MY HEAD?

17 MR. HARPOOTLIAN: SCREAMING, YELLING.

18 THE COURT: WELL, I'LL LEAVE THAT
19 ALONE. USE YOUR OWN TRIAL TECHNIQUE.

20 OKAY, BRING THE JURY IN.

21 (WHEREUPON, THE JURY RETURNED TO OPEN
22 COURT AT 4:19 P.M.)

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, MADAM FOREMAN
2 AND LADIES AND GENTLEMEN OF THE JURY, WE'RE READY
3 TO HEAR THE CLOSING ARGUMENTS IN THE PENALTY PHASE.
4 JUST LIKE IN THE GUILT PHASE, LADIES AND GENTLEMEN,
5 THE ARGUMENTS OF THE ATTORNEYS DO NOT CONSTITUTE
6 EVIDENCE. YOU ARE TO CONSIDER ONLY THAT EVIDENCE
7 THAT HAS BEEN ALLOWED INTO THE RECORD, WHICH WOULD
8 BE THE ADOPTION OF THE TRIAL RECORD ITSELF IN THE
9 GUILT PHASE, ALONG WITH ANY TESTIMONY AND EXHIBITS
10 THAT HAVE BEEN RECEIVED DURING THIS PHASE OF THE
11 TRIAL. I WOULD, HOWEVER, ASK YOU TO PAY CLOSE
12 ATTENTION TO THE ATTORNEYS, IN THAT THEIR ANALYSIS
13 MIGHT HELP YOU IN MAKING YOUR DECISION AS SUCH.

14 WE WILL BREAK AFTER THE STATE'S
15 ARGUMENT FOR JUST ABOUT FIVE MINUTES OR TEN
16 MINUTES, AND THEN WE'LL COME BACK WITH THE DEFENSE
17 ARGUMENT AND GO STRAIGHT TO THE CHARGE WITHOUT A
18 BREAK. I CAN TELL YOU THAT THERE HAS BEEN A TIME
19 LIMIT, MUCH LESS -- A CONSIDERABLY SHORTER PERIOD
20 OF TIME HAS BEEN IMPOSED ON BOTH SIDES AS WAS IN
21 THE GUILT PHASE AND I WILL BE MONITORING THAT.

22 GENTLEMEN, I WILL GIVE YOU A FIVE
23 MINUTE WARNING FOR PURPOSES OF KNOWING WHERE YOU
24 ARE.

25 ALL RIGHT, UNDER THE PROCEDURE IN THE

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1 CASE, THE STATE ARGUES FIRST, THEN THE DEFENSE
2 WOULD ARGUE LAST?

3 MR. SOLICITOR -- MR. MCMAHON?

4 MR. MCMAHON: MAY IT PLEASE THE COURT?

5 MADAM FORELADY AND LADIES AND GENTLEMEN
6 OF THE JURY, AS I STOOD BEFORE YOU YESTERDAY
7 MORNING AND THANKED YOU FOR YOUR TIME AND
8 ATTENTION, I WOULD LIKE TO BEGIN IN THAT MANNER
9 ONCE AGAIN. AS ALL THE ATTORNEYS THAT HAVE STOOD
10 BEFORE YOU IN THE PAST HAVE ASKED FOR YOUR FOCUS,
11 FOR YOUR ATTENTION, FOR YOUR ABILITIES, YOU HAVE
12 CONTINUED TO SHOW THAT FOCUS, THAT ATTENTION,
13 FOCUSING YOUR ATTENTION ON THAT WITNESS STAND
14 BECAUSE OF THE SERIOUS NATURE OF THE DECISION THAT
15 YOU MUST SHORTLY DECIDE.

16 I GUESS WHEN I DO A CLOSING ARGUMENT I
17 GET TO THINKING ABOUT MYSELF, ABOUT THE TALENTS,
18 THE LIMITED TALENTS, THE LIMITED ABILITIES THAT I
19 MAY HAVE TO TRY TO PRESENT TO A JURY, TO
20 INDIVIDUALS AND TO TWELVE -- THIRTEEN INDIVIDUALS
21 TO BE ABLE TO EXPRESS, EXPRESS WHAT I SUBMIT THE
22 FACTS OF THE CASE DEMAND, WHAT THEY WARRANT.
23 PEOPLE MAY PICK AT ME, AND THEY SAY, YOU KNOW,
24 "SOLICITOR, SAY, YOU'RE TOO FOLKSY, TOO COMMON. "
25 AND I SAY, "WELL, YOU KNOW, THAT'S WHAT IT'S ABOUT,

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1 THAT'S WHAT IT'S ABOUT." AND ATTORNEY AFTER
2 ATTORNEY HAS STOOD BEFORE YOU, I THINK, AND TOLD
3 YOU THAT. AND I CONSIDER IT, I CONSIDER IT JUST A
4 VERY HIGH PRIVILEGE TO REPRESENT THE STATE OF SOUTH
5 CAROLINA, TO STAND IN THE SAME AREA OF THE NEWBERRY
6 COURTHOUSE THAT SOLICITOR JONES HAS SO ELOQUENTLY
7 STOOD IN THE PAST, AND THAT HIS FATHER THIRTY SOME-
8 ODD YEARS STOOD BEFORE HIM AND AS THOSE FINE
9 ATTORNEYS HAVE STOOD. AND I REALIZE THAT SHORTLY
10 OUR JOB WILL BE OVER. HIS, HIS WILL BE THE LAST
11 VOICE THAT YOU WILL HEAR ON BEHALF OF THE PEOPLE OF
12 SOUTH CAROLINA AND ON BEHALF OF VICKIE LANDER
13 BECKHAM. I TRUST, I TRULY BELIEVE, I SUBMIT THAT
14 THAT WON'T BE THE LAST VOICE HEARD ON HER BEHALF
15 COMING FROM THIS COURTROOM.

16 WHEN I SIT THROUGH THIS PHASE OF A
17 TRIAL, I THINK OF THE DUTIES AND RESPONSIBILITIES
18 AND DECISION THAT YOU, INDIVIDUALLY AND
19 COLLECTIVELY, MUST MAKE AS A JUROR -- AS A JURY.
20 AND YOU KNOW HOW TO DO IT. AND YOU KIND OF WONDER,
21 WELL, WHAT GOES INTO THIS JURY ROOM WITH US TO HELP
22 US MAKE THIS DECISION, BECAUSE THE DECISION IS EASY
23 TO IDENTIFY, LIFE OR DEATH. IT'S EASY, LIFE OR
24 DEATH. AND YOU'LL HAVE IN THAT JURY ROOM ALL THAT
25 COMES WITH THIS CASE FROM THAT FIRST PHASE AND ALL

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1 THAT'S PRESENTED HERE. AND WHEN YOU LOOK AT THAT,
2 WHEN YOU THINK ABOUT THAT, I WANT TO TALK TO YOU
3 JUST A MINUTE ABOUT FAMILY VALUES.

4 YOU'LL HAVE THESE PHOTOGRAPHS AND Y'ALL
5 HAVE LOOKED AT THEM. OLD PHOTOGRAPHS OF THE
6 DEFENDANT, HIS CHILDREN, FRIENDS, DECORATING
7 CHRISTMAS TREES, PAGEANTS WITH HIS DAUGHTER, SEEMS
8 TO BE THE EMPHASIS. BUT LET'S STOP AND THINK A
9 MINUTE, STOP AND THINK. PHOTOGRAPH OF THE VICTIM,
10 THERE'S ONE I THINK IN THESE PHOTOGRAPHS THAT THEY
11 PLACED IN EVIDENCE, VICKIE LANDER BECKHAM, PART OF
12 THIS FAMILY. IN ONE OF THESE PICTURES, I BELIEVE
13 ONE WHERE SHE AND MR. BECKHAM AND SHANNON AND I
14 THINK, SAMUEL IS AT A PAGEANT. FAMILY VALUES, GOES
15 PLACES WITH HIS CHILDREN, DOES THINGS FOR HIS
16 CHILDREN, COMMUNICATES WITH HIS CHILDREN, COUNSELS
17 HIS CHILDREN. THERE'S STEPHEN BECKHAM'S FAMILY
18 VALUES, THAT'S HIS FAMILY VALUES.

19 IN THE OPENING, I TOLD -- I -- IN THIS
20 ARENA THAT I LIVE IN, THAT I FUNCTION IN, THAT I
21 THRIVE IN, I GET SOMEWHAT DESENSITIZED TO THIS. I
22 LOOK AT IT DAY AFTER DAY, WEEK AFTER WEEK, YEAR
23 AFTER YEAR, AND I APOLOGIZE FOR THIS VIOLENCE, BUT
24 THAT'S HIS FAMILY VALUES. THE WORST DAY OF THAT
25 YOUNG LADY'S LIFE. WHO CAUSED IT? FAMILY VALUES.

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1 AND I TOLD YOU IN OPENING, I TOLD YOU
2 ABOUT THESE TEARS AND WHO CAUSED IT. WHO CAUSED
3 IT? THERE WASN'T A TEAR SHED, NOT FROM VICKIE'S
4 MOTHER, NOT FROM MR. BECKHAM'S BROTHER, CERTAINLY,
5 HIS BROTHER LOVES HIM, YOU CAN SEE THAT LOVE. NOT
6 FROM HIS CHILDREN, VICKIE'S CHILDREN, CERTAINLY
7 THEY LOVE HIM, YOU CAN SEE IT. AND WHO CAUSED ALL
8 THAT PAIN? WHO CAUSED IT ALL? WHAT -- WHAT --
9 FROM WHAT DID IT SPRING?

10 WELL, YOU KNOW, IT STARTED -- IT
11 STARTED WHEN HE WENT ON A SHOPPING TRIP. HE DIDN'T
12 GO SHOPPING FOR PAGEANT DRESSES, AND HE DIDN'T GO
13 SHOPPING FOR DUCK HUNTING DECOYS, AND HE DIDN'T GO
14 SHOPPING FOR ITEMS FOR SAMUEL, AND ITEMS FOR
15 ANDREW, HE WENT SHOPPING FOR A WEAPON. BECAUSE
16 SEE, YOU TAKE ALL THOSE FACTS IN THAT JURY ROOM,
17 AND WHEN I SAY YOU TAKE ALL THOSE FACTS IN THAT
18 JURY ROOM, I'M TALKING ABOUT THE BRUTAL, TERRIBLE,
19 HORRIFIC, VILE, INHUMANE FACTS OF THIS CASE GO
20 RIGHT INTO THAT JURY ROOM. THEY GO RIGHT OUT OF
21 THIS BOX WITH YOU AND GO RIGHT INTO THAT JURY ROOM.

22 NOW DURING ALL THESE TIMES -- I DON'T
23 KNOW WHEN THESE PHOTOGRAPHS WERE TAKEN. DURING ALL
24 THIS TIME, YOU THINK MAYBE THAT WAS THE DAY HE
25 TALKED -- THE WEEK HE TALKED TO SLICK RICK, THEY

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1 DON'T KNOW NOTHING ABOUT IT. AND WHAT WAS HE
2 DOING? SHOPPING, SHOPPING FOR A WEAPON TO CHANGE
3 THIS PHOTOGRAPH, THIS PHOTOGRAPH TO THAT WHICH YOU
4 WRENCH WHEN YOU LOOK AT IT. HE IS THE ARTIST THAT
5 CREATED THAT PHOTOGRAPH. THIS ISN'T SPUR OF THE
6 MOMENT. HE SHOPPED IN APRIL, I BELIEVE, YOU'LL
7 HAVE THE TIME LINE. RICK HAD JUST GOT OUT OF JAIL
8 FOR ACCESSORY AFTER THE FACT OF MURDER, COULDN'T DO
9 IT THEN.

10 SHOPPED IN MAY, HE WAS PERSISTENT WITH
11 MR. ANDERSON. DON'T LET ME FORGET ABOUT MR.
12 ANDERSON, EITHER, PLEASE DON'T LET ME FORGET THAT.
13 PERSISTENT WITH MR. ANDERSON, THEY DON'T KNOW
14 ANYTHING ABOUT IT. HIS MOTHER WHO LOVES HIM KNOWS
15 NOTHING ABOUT IT. NO DRUGS, NO SMUGGLER'S, NO
16 SLICK RICK'S, NO KING RICHARD'S, NO DRUG TAKING, NO
17 COUCH DANCES, NOTHING. DO YOU THINK MAYBE HE
18 MANIPULATED, THAT HE HAS THAT ABILITY?

19 SO HE KEEPS SHOPPING AND HE'S
20 PERSISTENT. AND WHAT DOES HE DO? WHAT ITEM DOES
21 HE PURCHASE OR OFFER TO PURCHASE? WHAT BALL OF
22 TERROR DOES HE BRING TO NEWBERRY COUNTY AND UNLEASH
23 ON THAT LADY'S DAUGHTER? NO, NO, NOT THAT LADY'S
24 DAUGHTER, THE MOTHER OF HIS CHILDREN. THE LADY WHO
25 GAVE BIRTH TO THESE BEAUTIFUL CHILDREN THAT SAT

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1 RIGHT HERE, THAT SAY THEY NEED HIS COUNSELING OR
2 THAT HE JUST HIDES BEHIND MORE.

3 SO HE BRINGS, HE BRINGS -- NOW, IT'S
4 IMPORTANT TO THINK THROUGH THIS NOW. WHAT'S GOING
5 ON IN VICKIE'S LIFE NOW? WHEN HE'S SHOPPING FOR
6 RICHARD ANDERSON, SHE'S WORKING, SHE'S LIVING AT
7 HOME WITH HER MOM AND DAD, SHE'S DRIVING HER
8 DADDY'S CAR, SHE'S LOOKING FOR HER OWN PLACE,
9 SHE'S TRYING TO FIND A NEST WHERE HER CHILDREN CAN
10 COME AND FEEL MORE LIKE HOME THAN GRANDMAMMA AND
11 GRANDDADDY.

12 BUT COLLEGE EDUCATED, WELL-RAISED,
13 WONDERFUL PARENTS RICHARD -- STEPHEN IS SHOPPING
14 AND GETS WHAT HE WANTS. RICHARD ANDERSON. RICHARD
15 ANDERSON. AND BRING HIM TO NEWBERRY COUNTY AND
16 SCHEMES. WHOSE SCHEME? STEPHEN'S. AND PLANS,
17 WHOSE PLANS? STEPHEN'S. AND MANIPULATES, STEPHEN
18 MANIPULATES RICHARD. SHOWING HIM HOW TO DO IT,
19 PLACING HIM IN THE POSITION TO STALK HER. NOT EVEN
20 HAVING TO STALK HER, HE'S GOING TO DELIVER HER UP
21 TO HIM. ON HIS ALTER OF SELFISHNESS, HE IS GOING
22 TO DELIVER HER. WHEN DID HE THINK ABOUT HIS
23 CHILDREN THEN? WHEN HAS HE EVER THOUGHT ABOUT HIS
24 CHILDREN UNTIL HE'S FACING WHAT HE'S FACING? WHEN?
25 BUT HE CAN BE A CONSTRUCTIVE AND POSITIVE INFLUENCE

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1 IN THEIR LIFE? THEY CAN CALL HIM? WHAT NUMBER DO
2 YOU HAVE TO DIAL TO CALL HER?

3 HE'S GOOD AT MAKING CALLS WHEN IT'S HIS
4 OWN BENEFIT. LOOK AT THE TIME CHART, THAT'S THE
5 CALLS HE MAKES. HE'S GOOD AT THAT. SO HE BRINGS
6 RICHARD ANDERSON TO NEWBERRY AND HIS PLAN'S ROLLING
7 RIGHT ALONG. AND THEY'RE LOVING THEIR DADDY AND
8 HIS PLANS ARE ROLLING RIGHT ALONG. AND THEY'RE
9 LOVING THEIR DADDY AND THEY'RE ROLLING RIGHT ALONG,
10 AND NOTHING WILL DETER HIM. THEY COME UP HERE AND
11 THEY SCOPE IT OUT. HE SHOWS RICHARD, RICHARD POINT
12 A TO POINT B. THAT'S INTERESTING, THAT'S
13 INTERESTING, POINT A, ANDERSON TO POINT B,
14 BECKHAM. THAT'S WHAT HE WANTED ME TO KNOW.

15 AND HE TRIES AND FAILS, YOU REMEMBER
16 THAT. JUNE THE 8TH, WHEN AUNT BONNIE WAS WITH
17 VICKIE. SHOWS HIM THE AREA, TRIES AND FAILS, BUT
18 HE'LL NOT BE DENIED. BECAUSE HE'S GOING TO GET
19 WHAT HE WANTS. WHETHER IT'S FROM RICHARD ANDERSON,
20 OR VICKIE BECKHAM, OR ANDREW OR SHANNON, OR ANY OF
21 THEM, HE'S GOING TO GET WHAT HE WANTS. AND IN THAT
22 MENTALITY, IN THAT MENTALITY, HE'S GOING TO GET
23 WHAT HE WANTS FROM YOU?

24 JUNE THE 8TH -- JUNE THE 12TH, JUNE THE
25 12TH -- AND MR. HARPOOTLIAN AND MR. SWERLING ARE

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1 VERY FINE ATTORNEYS, VERY FINE. AND THEY GET UP
2 HERE AND THEY QUESTION AND IN THE OPENING THEY TALK
3 ABOUT RICHARD ANDERSON AND IN THE CLOSING THEY
4 PROBABLY TALK ABOUT RICHARD ANDERSON AND THEY TALK
5 WITH DR. SEXTON ABOUT WELL, COULD IT HAVE BEEN
6 HERE, THERE AND YON THAT CAUSED THIS. WELL, LET'S
7 THINK ABOUT THIS A LITTLE BIT. LET'S THINK A
8 LITTLE BIT ABOUT JUNE THE 12TH.

9 JUNE THE 12TH WHEN MRS. LANDER SAYS,
10 OH, I WISH I HAD GONE WITH HER. OH, I WISH I HAD
11 RODE BACK WITH VICKIE. AND SHE GOES OVER THERE AND
12 HIS PLAN'S ONCE AGAIN, ONCE AGAIN, IS ROLLING, IT'S
13 IN PLACE. AND HE GETS IN THAT CAR WITH VICKIE
14 ARMED WITH THIS, I SUBMIT, WITH THIS. AND YOU'RE
15 GOING TO HAVE THOSE PHOTOGRAPHS. AND WE RELY ON
16 PHYSICAL TORTURE BECAUSE YOU CAN LOOK AT THAT AND
17 YOU THINK ABOUT THE PAIN AND SUFFERING. YOU THINK
18 ABOUT THE INHUMANE ABUSE. YOU THINK ABOUT WHEN HE
19 HITS HER UPSIDE HER HEAD, WHEN HE HITS HER AGAIN,
20 WHEN HE HITS HER AGAIN. WHERE WAS SHANNON AND
21 ANDREW AND SAMUEL THEN? WHERE? AND WHAT'S GOING
22 THROUGH VICKIE'S MIND THEN, WHEN THE MAN I TAKE
23 THAT SHE LOVED AND TRUSTED SOMEHOW THAT SHE BORE
24 HIS CHILDREN IS HITTING HER UPSIDE THE HEAD. AND
25 THEN DELIVERS HER, DELIVERS HER TO RICHARD

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1 ANDERSON, TO RICHARD ANDERSON.

2 YOU KNOW HOW SHE WAS IN -- YOU KNOW THE

3 POSITION SHE WAS IN WHEN SHE WAS STRUCK TO START

4 WITH. SHE WAS IN THAT AUTOMOBILE WITH HIM. IT'S

5 RIGHT HERE ON THE RIGHT SIDE OF HER HEAD, IT'S UP

6 IN THE TOP OF HER HEAD. SHE'S HIT HERE, IT'S UP

7 UNDER HERE. YOU'VE GOT THE PICTURES, YOU'VE GOT

8 THE TESTIMONY, YOU'VE DECIDED IT. SHE'S KICKING ON

9 THAT FRONT GLASS, SHE'S FIGHTING FOR HER LIFE AND

10 WHAT DOES HE DO? MOTION TO RICHARD ANDERSON,

11 MOTION TO RICHARD ANDERSON TO GET BETWEEN THE SEATS

12 AND PULL HER BACK. AND I DON'T EVEN KNOW THE WORD

13 -- I DON'T KNOW THE WORD THAT MR. HARPOOTLIAN USED

14 LIKE RICHARD WASN'T A ROBOT. WHAT PRIVILEGES IN

15 LIFE DID HE HAVE? WHO WAS THE PUPPET AND WHO WAS

16 THE PUPPETEER? WHERE'S THE COMMON DENOMINATOR AND

17 WHERE'S THE THOUGHTS FOR HIS CHILDREN THEN, WHEN

18 AFTER HIS FURY, HIS DIRECT FURY, HIS TWO AND THREE

19 MONTHS OF SHOPPING ENDS UP WITH THIS ON HER NECK?

20 WHAT IS SHE THINKING THEN, FIFTEEN MINUTES, FIFTEEN

21 MINUTES? AND WHEN IS HE THINKING ABOUT HER

22 CHILDREN THEN, AT HOME COUNSELING HER CHILDREN?

23 YOU KNOW WHAT HE'S THINKING ABOUT THEN? GETTING UP

24 THROUGH THOSE WOODS.

25 VICKIE COULDN'T EVEN YELL FOR HELP, I

1 SUBMIT. SHE COULDN'T EVEN BEG FOR HER LIFE. SHE
2 COULD FIGHT FOR IT, BUT NOT BEG FOR IT. AND WHAT'S
3 HE DOING? GOING THROUGH THE WOODS, CUTTING A
4 TRAIL, GETTING BACK HOME, COVERING HIS TRACKS,
5 STARTING A FIRE, ACTING NORMAL. NO CHANGE, HE WAS
6 FINE, COOKING SUPPER FOR HIS CHILDREN, OH, HE'S
7 FINE. YEAH, THAT'S A GOOD ROLE MODEL, THAT'S A
8 GOOD ROLE MODEL. WHAT'S GOING ON WITH VICKIE THEN?
9 AND THEY SAY, WELL, RICHARD ANDERSON,
10 RICHARD ANDERSON ONLY GOT A LIFE SENTENCE. RICHARD
11 ANDERSON ONLY PLED GUILTY TO MURDER. RICHARD
12 ANDERSON STRUCK THE FATAL BLOWS. YES, MA'AM, HE
13 DID. YES, SIR, RICHARD ANDERSON DID, I SUBMIT TO
14 YOU HE DID. AND HE WIELED IT, WIELED RICHARD
15 ANDERSON. HE SHOPPED FOR THAT WEAPON JUST LIKE
16 SOMEONE SHOPPED FOR A SHOTGUN WHEN THEY WENT ON
17 THIS DUCK HUNT. THIS WAS THE DEADLY WEAPON IN
18 RICHARD ANDERSON'S HAND AND RICHARD ANDERSON WAS
19 THE DEADLY WEAPON IN HIS HAND. HE COULD HAVE
20 STOPPED IT, RICHARD ANDERSON TRIED. AND YOU SAY,
21 WELL, YOU CAN'T BELIEVE RICHARD ANDERSON, HE GOT A
22 SWEETHEART DEAL. AND I BELIEVE THEY EVEN SAID,
23 SOLICITOR, YOU DEALT WITH THE DEVIL, YOU DEALT WITH
24 THE DEVIL. YOU KNOW HOW YOU GET TO THE DEVIL, YOU
25 DEAL WITH HIS LIEUTENANT. YOU KNOW IT, I KNOW IT.

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1 RICHARD ANDERSON HAD -- HIS MOTIVE WAS DOPE
2 SMOKING, FIVE THOUSAND DOLLARS. HE WOULD NEVER
3 HAVE BEEN IN NEWBERRY, SOUTH CAROLINA, HE WOULD
4 HAVE NEVER SEEN, HEARD, TALKED ABOUT, KNOWN OR
5 LOOKED AT VICTORIA LANDER IN HIS LIFE, BUT FOR
6 STEPHEN BECKHAM.

7 AND YOU SAY -- GO BACK TO THOSE
8 QUESTIONS IN OCONEE. WHEN IT'S BAD ENOUGH, IF THE
9 CIRCUMSTANCES ARE BAD ENOUGH -- ALL MURDERS DON'T
10 DESERVE THE DEATH PENALTY, ALL MURDERS DON'T
11 DESERVE A LIFE SENTENCE, BUT WHEN IT'S BAD ENOUGH.
12 AND YOU WONDER HOW BAD DOES IT HAVE TO BE BECAUSE,
13 YOU KNOW, IT GETS WORSE. IT GETS WORSE FOR VICKIE.
14 BECAUSE UNMERCIFULLY SHE DOESN'T DIE
15 INSTANTANEOUSLY. SHE DOESN'T DIE. YOU HEARD THE
16 DOCTOR, YOU SAW THE PHOTOGRAPHS, YOU'VE SEEN HER
17 HANDS, HOW SHE FOUGHT OFF BLOWS. WELL, MAYBE
18 RICHARD ANDERSON INFLICTED THOSE BLOWS. WHO
19 INFLICTED RICHARD ANDERSON?

20 YOU KNOW WHAT IT REMINDS ME OF? IT
21 REMINDS ME OF THROWING A WOUNDED PERSON IN A SHARK
22 PIT. SHE WAS WOUNDED AND BLEEDING, ISN'T NO DOUBT
23 ABOUT THAT, WOUNDED AND BLEEDING WHEN HE DELIVERED
24 HER UP TO RICHARD ANDERSON AND RICHARD CIRCLED HER
25 LIKE A SHARK. HE CAUSED AND DIRECTED THAT TORTURE,

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1 THAT TORTURE, THAT PAIN, THAT SUFFERING. DOESN'T
2 MATTER WHOSE HAND INFLICTED IT, WE KNOW WHO
3 DIRECTED IT. WE KNOW WHO STARTED IT. WE KNOW WHO
4 COUNSELED IT. AND WE KNOW WHO DIDN'T CANCEL IT.
5 IS THAT UNFAIR, IS THAT UNFAIR TO GET TO THE MASTER
6 PLANNER, THE MASTER MANIPULATOR, TO CUT THAT DEAL
7 WITH THE DEVIL'S LIEUTENANT? THERE'S NO OTHER WAY.
8 THERE'S NO OTHER WAY. HE TOLD YOU HE DID IT,
9 RICHARD DID. HE PLED GUILTY TO MURDER, HE SET
10 BEFORE YOU, HE ANSWERED ALL THOSE QUESTIONS. BUT
11 YOU KNOW WHAT CAUSED IT AND YOU KNOW WHO'S
12 RESPONSIBLE FOR IT.

13 SO HOW BAD DOES IT HAVE TO BE? WELL,
14 VICKIE, THAT'S NOT BAD ENOUGH, THERE NEEDED TO BE A
15 FEW MORE BLOWS FOR IT TO BE AN AGGRAVATED MURDER OR
16 YOU NEEDED TO LIVE TWENTY MINUTES INSTEAD OF
17 FIFTEEN, THERE HAD TO BE ANOTHER FIVE MINUTES OF
18 TERROR --

19 MR. SWERLING: YOUR HONOR, I WOULD
20 OBJECT TO THE SOLICITOR SPEAKING TO VICKIE. I
21 THINK THAT'S IMPROPER. HE'S TRYING TO INFLAME THE
22 PASSION AND PREJUDICE OF THE JURY AND I OBJECT.
23 IT'S INJECTING AN ARBITRARY FACTOR IN THIS CASE.

24 THE COURT: OVERRULE THE OBJECTION.

25 MR. MCMAHON: AND DURING THIS TIME THEY

1 SAY -- AND THEY'LL TELL YOU ABOUT STATUTORY
2 MITIGATING CIRCUMSTANCES. THEY SAY GIVE HIM A LIFE
3 SENTENCE, GIVE HIM A LIFE SENTENCE, LADIES AND
4 GENTLEMEN. WE MUST PROVE TO YOU ONE -- AT LEAST
5 ONE, I SUBMIT WE'VE PROVED ALL STATUTORY
6 AGGRAVATING CIRCUMSTANCES BEYOND A REASONABLE
7 DOUBT: KIDNAPPING, WHICH YOU HAVE ALREADY DECIDED;
8 THEY KNOW THAT; CAUSED OR DIRECTED, THE OFFENDER
9 CAUSED OR DIRECTED MURDER BY ANOTHER, WE KNOW THAT,
10 AND PHYSICAL TORTURE. AND THEY WILL TALK TO YOU
11 ABOUT, WELL, YOU MUST CONSIDER STATUTORY MITIGATING
12 CIRCUMSTANCE THAT HE HAS NO PRIOR HISTORY OF
13 VIOLENCE AGAINST ANOTHER PERSON, NO PRIOR HISTORY
14 OF VIOLENCE. SO I GUESS, YOU ONLY HAVE TO HAVE ONE
15 MURDER, YOU ONLY HAVE TO KILL ONE WIFE, ONLY ONE
16 MOTHER OF YOUR CHILDREN, AND THAT IS A REASON TO
17 GIVE HIM A LIFE SENTENCE.

18 AND THEY SAY, OH, HE'LL ADAPT TO
19 PRISON. YEAH, HE'LL ADAPT TO PRISON. HE'S A
20 LEADER, HE'S A -- HE WAS A TRUSTEE. THEY TELL ME,
21 OH, HE'S INTELLIGENT. AND YOU KNOW WHAT, HE'LL
22 HAVE A HUNDRED RICHARD ANDERSON'S TO MANIPULATE
23 OVER THERE. GIVE HIM A LIFE SENTENCE. THAT'S
24 RIGHT, ALL THIS HAPPENS TO VICKIE BECKHAM, BUT HE
25 DESERVES A LIFE SENTENCE BECAUSE HE'LL ADAPT.

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1 HE'LL DO GOOD OVER THERE. I BELIEVE THIS ONE YOUNG
2 MAN GOT UP HERE AND SAID, WELL, I COMPLAINED
3 BECAUSE THE AIR CONDITIONER WASN'T WORKING TOO
4 WELL, OR I COMPLAINED BECAUSE THE DIET WASN'T GOOD
5 ENOUGH. SO GIVE HIM A LIFE SENTENCE. AND THEY'LL
6 TELL YOU YOU CAN GIVE HIM A LIFE SENTENCE FOR NO
7 REASON AT ALL, A SENTENCE BASED ON MERCY, MERCY.
8 WHERE WAS THE MERCY SHOWN -- NOT TO VICKIE, NOT TO
9 VICKIE, WHERE WAS THE MERCY SHOWN TO THOSE
10 CHILDREN? HE'S USING THEM JUST LIKE HE'S USED
11 EVERYBODY ELSE ALL ALONG THE WAY, ALL ALONG THE
12 WAY.

13 THERE'S BUT ONE SENTENCE IN THIS CASE.
14 NOT BECAUSE I SAY IT, NOT BECAUSE I SAY IT, NOT
15 BECAUSE I TRY TO CONVEY IT, BUT BECAUSE THE FACTS
16 SAY IT. HE CAN BE A POSITIVE INFLUENCE ON HIS
17 CHILDREN. VICKIE'S NO INFLUENCE ON HER CHILDREN
18 NOW; NONE. BUT HE DESERVES A LIFE SENTENCE.

19 LADIES AND GENTLEMEN, WHEN YOU GO BACK
20 IN THAT JURY ROOM, YOU'LL HAVE ALL THIS EVIDENCE.
21 AND AMONG THAT YOU'LL HAVE THIS LOCK, THIS PIECE OF
22 LOCK FROM DOWN THERE ON THE CABLE ROAD, BOLT
23 CUTTERS, GUNS, PHOTOGRAPHS, PICTURES. AND I'LL
24 TELL YOU HOLD THAT IN YOUR HAND, LOOK AT THIS HAND,
25 YOU'LL KNOW THE RIGHT DECISION, YOU'LL KNOW IT.

1 THE RIGHT DECISION UNDER THE FACTS OF THIS CASE,
2 UNDER THE CIRCUMSTANCES OF THIS CASE, THE ONLY
3 DECISION THAT DOES JUSTICE IS THE DEATH PENALTY.

4 EACH AND EVERY ONE OF YOU SAID, "UNDER
5 THE APPROPRIATE CIRCUMSTANCES, UNDER THE
6 APPROPRIATE CIRCUMSTANCES, I CAN SIGN MY NAME."
7 "IF IT'S BAD ENOUGH, I CAN SIGN MY NAME." HOW BAD,
8 HOW BAD, HOW BAD DOES IT HAVE TO BE? THANK YOU.

9 THANK YOU, YOUR HONOR.

10 THE COURT: SOLICITOR, TWELVE MINUTES?

11 MR. JONES: YES, SIR. IF IT PLEASE THE
12 COURT, YOUR HONOR?

13 MADAM FORELADY AND LADIES AND GENTLEMEN
14 OF THE JURY, I'VE GOT TWELVE MINUTES. I'M SURE
15 YOU'RE HAPPY TO HEAR THAT. I, ON BEHALF OF THE
16 FINE PEOPLE OF THIS COUNTY WANT TO THANK YOU, AND
17 ON BEHALF OF THE FRIENDLY FOLK OF THE CITY OF
18 NEWBERRY, I WANT TO THANK YOU FOR YOUR HARD WORK,
19 FOR COMING HERE AND DOING A JOB IN A SISTER COUNTY,
20 COUNTY OF NEWBERRY, BECAUSE YOU HAVE WORKED, AS I
21 TOLD YOU THAT EARLIER.

22 WHAT I'D LIKE TO TALK TO YOU ABOUT
23 RIGHT NOW IS THE WORK THAT YOU WILL DO IN THE JURY
24 ROOM. THE JUDGE IS GOING TO TELL YOU THAT YOU'RE
25 TO CONSIDER THREE STATUTORY AGGRAVATING

1 CIRCUMSTANCES, THREE STATUTORY AGGRAVATING
2 CIRCUMSTANCES. KIDNAPPING IS ONE, KIDNAPPING;
3 MURDER FOR HIRE, THAT IS, ASKING SOMEBODY TO COMMIT
4 THE MURDER FOR YOU UNDER THE OBJECT OF WORKING FOR
5 YOU, AND PHYSICAL TORTURE. AND THAT YOU CONSIDER
6 THOSE AGGRAVATING CIRCUMSTANCES.

7 HE WILL ALSO TELL YOU THAT THERE IS A
8 MITIGATING CIRCUMSTANCE, MITIGATING, LESSENING THE
9 CRIME, AGGRAVATING, AGGRAVATING THE CRIME. AND HE
10 WILL TELL YOU TO LISTEN TO THE STATUTORY MITIGATING
11 CIRCUMSTANCE AND THAT STATUTORY MITIGATING
12 CIRCUMSTANCE IS THAT THE DEFENDANT IN THIS CASE HAS
13 NO PRIOR CRIMINAL RECORD FOR INJURY, CAUSING HARM
14 TO SOMEBODY. AND HE WILL TELL YOU AS FAR AS
15 MITIGATION GOES, THAT YOU CAN CONSIDER ANY
16 MITIGATING FACTOR YOU WANT TO, ANY FACTOR, OKAY?
17 AND THAT'S WHAT YOU GO BACK HERE FOR, FIRST AND
18 FOREMOST.

19 NOW, OF COURSE, THE JUDGE IS GOING TO
20 TELL YOU THAT IF YOU FIND THAT THE EVIDENCE DOES
21 NOT PROVE BEYOND A REASONABLE DOUBT ANY AGGRAVATING
22 CIRCUMSTANCES, THEN YOU STOP AND IT'S OVER. OKAY?
23 BUT, BUT I SUGGEST TO YOU NOW THAT IN YOUR
24 DELIBERATIONS ALREADY YOU HAVE FOUND THE
25 AGGRAVATING CIRCUMSTANCE OF KIDNAPPING. YOU SEE,

1 IN THIS PHASE, THE FIRST THING I DID WAS TO
2 INTRODUCE ALL OF THE EVIDENCE THAT YOU HAD BEFORE
3 YOU IN THE PRIOR CASE. SO THAT EVIDENCE, ALTHOUGH,
4 IT WASN'T RUN BACK THROUGH THE WITNESS STAND, IT IS
5 IN FACT THE EVIDENCE OF THIS PHASE OF THE CASE.

6 SO WHAT I'M SUGGESTING TO YOU IS THAT
7 YOU HAVE THE SAME EVIDENCE IN FRONT OF YOU NOW AS
8 YOU HAD LAST WEEK. AND YOU FOUND, LAST WEEK, THAT
9 THERE WAS SUFFICIENT EVIDENCE TO CONVICT THE
10 DEFENDANT OF KIDNAPPING BEYOND A REASONABLE DOUBT.
11 SO THE JUDGE WILL SAY, ALL RIGHT, GO BACK AND SEE
12 IF THERE'S EVIDENCE OF THE AGGRAVATING CIRCUMSTANCE
13 OF KIDNAPPING. AND I'M SUGGESTING TO YOU, OF
14 COURSE, IT'S IN YOUR PURVIEW, IT'S YOUR WORK AS A
15 JUROR TO DECIDE WHETHER THERE'S ENOUGH EVIDENCE NOW
16 TO FIND THE AGGRAVATING CIRCUMSTANCE OF KIDNAPPING
17 BEYOND A REASONABLE DOUBT. BUT I SUGGEST TO YOU,
18 COMMON SENSE AGAIN, TELLS YOU THAT THERE IS. I
19 MEAN YOU FOUND IT TUESDAY NIGHT. IT'S THERE TODAY.
20 THE AGGRAVATING CIRCUMSTANCE IS THERE TODAY JUST AS
21 THE CRIME OF KIDNAPPING WAS THERE TUESDAY NIGHT.

22 SO, I'M SUGGESTING TO YOU THAT CLEARLY,
23 CONVINCINGLY, BEYOND A REASONABLE DOUBT YOU HAVE
24 ONE AGGRAVATING CIRCUMSTANCE THAT YOU HAVE ALREADY
25 FOUND. AND THAT YOU WOULD DO INJUSTICE,

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1 IMPROPRIETY TO THE EVIDENCE IN THIS CASE NOT TO
2 FIND IT AGAIN, WOULDN'T YOU? WHAT HAS OCCURRED
3 BETWEEN TUESDAY NIGHT AND TODAY TO DIMINISH THE
4 EVIDENCE THAT YOU FOUND TO BE PRESENT ON TUESDAY
5 NIGHT. I SUGGEST TO YOU NOTHING. THAT IN FACT, HE
6 IS GUILTY OF KIDNAPPING, AND THAT IN FACT, AS A
7 RESULT, THE AGGRAVATING CIRCUMSTANCE OF KIDNAPPING
8 IS PRESENT. SO WHEN YOU GO BACK, YOU FIND AT LEAST
9 ONE AGGRAVATING CIRCUMSTANCE.

10 NOW, THE JUDGE WILL TELL YOU THAT IN
11 ORDER TO FIND THAT AGGRAVATING CIRCUMSTANCE, YOU'VE
12 GOT TO FIND IT BEYOND A REASONABLE DOUBT. AND
13 THERE'S ONE OTHER THING YOU'VE GOT TO DO. YOU'VE
14 EACH GOT TO SIGN YOUR NAME THAT IT EXIST.

15 BUT THAT'S NOT THE SAME NAME SIGNING
16 THAT OCCURS LATER ON. THERE ARE ACTUALLY TWO
17 PLACES ON THE FORM THE JUDGE IS GOING TO GIVE YOU
18 FOR EACH OF YOU TO SIGN YOUR NAME. FIRST, IS IF
19 YOU FIND THE STATUTORY AGGRAVATING CIRCUMSTANCES.
20 IF YOU FIND BEYOND A REASONABLE DOUBT THAT THERE IS
21 THE EXISTENCE OF ONE OR MORE STATUTORY AGGRAVATING
22 CIRCUMSTANCES BEYOND A REASONABLE DOUBT, THEN YOU
23 EACH SIGN YOUR NAME AFTER YOU, MADAM FORELADY,
24 WRITE DOWN WHAT AGGRAVATING CIRCUMSTANCE IS
25 PRESENT. IF YOU DETERMINE THAT KIDNAPPING, THE

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1 AGGRAVATING CIRCUMSTANCE IS PRESENT, YOU WRITE IT
2 DOWN AND EACH OF THE TWELVE JURORS SIGN THEIR NAME,
3 HAVING FOUND SO. ONCE THAT IS DONE, AND I SUGGEST
4 TO YOU THOUGH, THE FACTS OF THIS CASE DICTATE IT
5 WITHOUT A DOUBT, WITHOUT A DOUBT. ONCE THAT IS
6 DONE, THEN YOU GO TO THE SECOND PHASE. AND LADIES
7 AND GENTLEMEN, THAT PHASE INVOLVES WHAT? THAT
8 PHASE INVOLVES DECIDING WHAT IS THE PROPER
9 PUNISHMENT. AND THAT IS A DECISION THAT YOU MUST
10 MAKE, ONLY YOU, EACH ONE OF YOU.

11 YOU KNOW, WHEN MR. MCMAHON TOLD YOU
12 EARLIER, HE WAS RIGHT, DO YOU REMEMBER BACK ON
13 SEPTEMBER 16TH, IT WAS A MONDAY, ABOUT TWO HUNDRED
14 OF YOU CAME INTO THE OCONEE COUNTY COURTHOUSE, WE
15 DIVIDED YOU INTO GROUPS OF TEN, YOU BEGAN TO GO
16 BACK IN THE ROOMS AND YOU WERE BROUGHT OUT IN FRONT
17 OF THE JUDGE AND ME AND THE REST OF THEM, ONE AT A
18 TIME. I INTRODUCED MYSELF TO YOU AND I TALKED TO
19 YOU AND I ASKED YOU SOME QUESTIONS. AND I
20 SUGGESTED TO YOU THEN, AND I TRIED TO LOOK AT YOU
21 STRAIGHTFORWARDLY AND I REALIZED THEN, AND KNEW
22 BETTER THAN YOU DID THEN, THAT YOU WOULD BE HERE
23 TODAY FACING THE JOB THAT ONLY ADULTS CAN PERFORM,
24 MAKING A DECISION THAT ONLY COURAGEOUS PEOPLE CAN
25 DO. DEALING WITH THE FACTS OF THIS CASE IN A

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1 MATURE, OBJECTIVE AND FIRM WAY. I KNEW IT THEN AND
2 I ASKED EACH ONE OF YOU --

3 MR. SWERLING: YOUR HONOR, I HAVE TO
4 OBJECT COURAGE HAS NOTHING TO DO WITH THIS.

5 MR. JONES: -- ARE YOU ABLE TO DO IT?

6 MR. SWERLING: I OBJECT.

7 THE COURT: SUSTAINED.

8 MR. SWERLING: I OBJECT AND I'D LIKE TO
9 NOTE A MOTION ON THAT.

10 THE COURT: ALL RIGHT. I ASK THE JURY
11 TO DISREGARD THE ARGUMENT WITH REGARD TO COURAGE
12 BASED UPON THE EVIDENCE IN THE CASE.

13 ALL RIGHT, MR. SOLICITOR.

14 MR. JONES: YES, SIR.

15 BASED UPON THE EVIDENCE IN THE CASE,
16 AND BASED UPON THAT EVIDENCE, LADIES AND GENTLEMEN,
17 WE ASK YOU TO COME IN AND DO WHAT IS RIGHT AND DO
18 WHAT JUSTICE DICTATES AND YOU WILL, YOU WILL. YOU
19 WILL DO WHAT JUSTICE DICTATES. YOU WILL DO IT
20 BECAUSE YOU HAVE WORKED HARD. YOU WILL DO WHAT'S
21 RIGHT BECAUSE YOU HAVE CONSCIENCE, BECAUSE YOU HAVE
22 A COMMITMENT, BECAUSE YOU ARE UNIFIED, YOU ARE A
23 WORKING BODY. YOU ARE WHAT MAKES THIS SYSTEM WORK.

24 BEFORE I CONCLUDE MY REMARKS, ALLOW ME
25 TO SAY THIS TO YOU. ALLOW ME TO SAY TO YOU, IT IS

1 ABSOLUTELY, THE FACTS DICTATE WITHOUT ANY DOUBT
2 THAT THE AGGRAVATING CIRCUMSTANCE OF KIDNAPPING IS
3 PRESENT. THAT MUST BE -- I SUBMIT TO YOU THAT MUST
4 BE DONE FIRST, THAT MUST BE DONE FIRST. KIDNAPPING
5 IS PRESENT, THE AGGRAVATING CIRCUMSTANCE IS
6 PRESENT, AND THAT MUST, MUST BE DONE FIRST. THEN
7 YOU DECIDE WHAT THE VERDICT IS, WHAT THE VERDICT
8 IS, LIFE OR DEATH. BUT KIDNAPPING IS PRESENT, IT
9 MUST BE DONE FIRST, THEN YOU DECIDE WHAT THE
10 SENTENCE AND VERDICT OF SENTENCE IS.

11 I ENJOY THIS WORK. I LOVE IT. AND IT
12 HAS BEEN A PLEASURE WORKING BEFORE EACH OF YOU, IT
13 HAS BEEN A PLEASURE. I HAVE LITERALLY BEEN AMAZED
14 BY YOU AND GROWN TO BE PROUD OF YOU, AND YOU SHOULD
15 EACH BE PROUD OF ONE ANOTHER. AND YOU --

16 MR. SWERLING: YOUR HONOR --

17 MR. JONES: -- SHOULD EACH APPRECIATE
18 ONE ANOTHER.

19 MR. SWERLING: -- AGAIN, I HAVE TO
20 OBJECT TO THE SOLICITOR --

21 THE COURT: SUSTAINED.

22 MR. SWERLING: -- PERSONALIZING HIS
23 STATEMENT. I, AGAIN, NOTE A MOTION.

24 THE COURT: SUSTAINED. AND THE JURY
25 WOULD DISREGARD THAT.

1 MR. JONES: LADIES AND GENTLEMEN, WHAT
2 I SUGGEST TO YOU AT THIS POINT IN TIME IS THAT YOUR
3 ABILITY TO DO JUSTICE IN THIS CASE, YOUR ABILITY TO
4 DO JUSTICE IN THIS CASE IS PRESENT AS I SPEAK TO
5 YOU AND IT WILL EMERGE DURING YOUR WORK. AND YOU,
6 AS THIS GROUP AND THIS JURY, IS WHAT MAKES US WORK.

7 MR. SWERLING: OBJECTION, YOUR HONOR,
8 AGAIN. THAT IS -- I, AGAIN, OBJECT TO THE
9 SOLICITOR CHARACTERIZING THE JURY'S FUNCTION AS
10 THAT.

11 THE COURT: ALL RIGHT.

12 MR. SWERLING: AND AGAIN, NOTE A
13 MOTION.

14 THE COURT: SUSTAINED.

15 ALL RIGHT, NOW, MADAM FOREMAN AND
16 LADIES -- FORELADY AND LADIES AND GENTLEMEN OF THE
17 JURY, I HAVE SUSTAINED ON THREE SEPARATE OCCASIONS
18 ARGUMENTS THAT ARE OUTSIDE THE RECORD. AND I WOULD
19 ASK YOU, LADIES AND GENTLEMEN, TO DISREGARD THOSE
20 PARTICULAR ARGUMENTS AND TO FOCUS PRIMARILY -- AND
21 FOCUS PRECISELY ON THE EVIDENCE IN THE CASE IN
22 MAKING YOUR DECISION. LET ME ASK YOU TO GO TO YOUR
23 JURY ROOM NOW FOR JUST ABOUT FIVE MINUTES.

24 (WHEREUPON, THE JURY RECESSED TO THE
25 JURY ROOM AT 4:59 P.M.)

1 THE COURT: ALL RIGHT, MR. SWERLING?

2 MR. SWERLING: IF YOUR HONOR PLEASE, AS
3 TO THOSE THREE OBJECTIONS THAT I MADE, I THINK THAT
4 THOSE INJECTED ARBITRARY AND CAPRICIOUS FACTORS IN
5 THIS CASE AND APPEAL TO THE JURY'S PASSION AND
6 PREJUDICE, AND I WOULD HAVE TO MOVE FOR A MISTRIAL
7 AS TO THOSE THREE OBJECTIONS. THE CUMULATIVE
8 AFFECT OF THOSE COULD DO NOTHING BUT PREJUDICE THE
9 JURY IN THE EYES OF THIS CASE AND TOWARD MY CLIENT,
10 AND GIVE HIM -- DENY HIM A FAIR TRIAL, A FAIR
11 ASSESSMENT OF WHAT THE PUNISHMENT SHOULD BE BECAUSE
12 OF THE STATEMENTS AND COMMENTS MADE BY THE
13 SOLICITOR.

14 THE COURT: ALL RIGHT. I WOULD DENY
15 THAT MOTION. I HAVE GIVEN A CURATIVE INSTRUCTION
16 AND I BELIEVE THAT THIS JURY, BASED UPON MY
17 OBSERVATION IN DEALING WITH THEM THROUGHOUT ALMOST
18 THREE WEEKS OF TRIAL, HAVE BEEN ABLE TO SEPARATE
19 FACTORS LIKE THAT AND TO ALSO FOLLOW THE
20 INSTRUCTIONS OF THIS COURT. AND I WILL FURTHER
21 INSTRUCT THE JURY DURING THE COURSE OF THE CHARGE
22 THAT THEY'RE NOT TO HAVE AN ARBITRARY OR CAPRICIOUS
23 FACTOR IN THE CASE. I WILL DENY YOUR MOTION.

24 NOW, MR. BECKHAM, YOU HAVE A RIGHT AT
25 THIS POINT IN TIME TO ADDRESS THE JURY DURING THE

1 CLOSING ARGUMENTS OF YOUR ATTORNEYS. THE ARGUMENT
2 -- OF COURSE, YOUR STATEMENT TO THE JURY IS UNSWORN
3 AND IT MUST BE WITHIN THE CONFINES OF THE RECORD OF
4 THE CASE. AND AS I SAY, YOU HAVE AN ABSOLUTE
5 STATUTORY RIGHT TO DO THAT. SIR, I ASK YOU NOW, DO
6 YOU WISH TO EXERCISE THAT RIGHT?

7 A YES, SIR.

8 THE COURT: ALL RIGHT, SIR.

9 AND MR. SWERLING AND MR. HARPOOTLIAN,
10 I'M ASSUMING YOU HAVE DISCUSSED WITH HIM WHAT THE
11 TERMINOLOGY OF CONFINES OF THE RECORD IN THE CASE
12 MEAN.

13 MR. HARPOOTLIAN: YES, SIR.

14 THE COURT: ALL RIGHT. WHERE WOULD HE
15 ARGUE IN TERMS OF ORDER?

16 MR. HARPOOTLIAN: HE'LL ARGUE FIRST,
17 YOUR HONOR.

18 THE COURT: FIRST? ALL RIGHT. AND SO
19 WHO'S GOING -- HE WILL GO FIRST AND THEN YOU, MR.
20 SWERLING?

21 MR. SWERLING: YES, YOUR HONOR.

22 THE COURT: ALL RIGHT.

23 MR. HARPOOTLIAN: YOUR HONOR, PURSUANT
24 TO THAT, WE UNDERSTAND THERE MAY BE SOME EMOTION
25 FROM THE AUDIENCE CONCERNING ANY STATEMENT MADE BY

1 HIM. WE CERTAINLY WOULDN'T WANT THIS STATEMENT TO
2 BE INTERRUPTED OR ANY WAY PUNCTUATED BY THAT. WE'D
3 ASK YOU TO TAKE THE APPROPRIATE MEASURES TO DEAL
4 WITH THAT.

5 THE COURT: EVERYBODY'S BEEN REAL GOOD
6 HERE ABOUT THE TRYING UNDER VERY DIFFICULT
7 CIRCUMSTANCES AND NOT TO RESPOND. AND WE ARE THREE
8 WEEKS INTO THIS TRIAL AND IT'S TIME FOR THIS JURY
9 TO MAKE THIS DECISION. SO I WOULD ASK YOU TO
10 PLEASE DO NOT RESPOND OR ELSE I WILL HAVE TO STOP
11 THE TRIAL AND REMOVE YOU AND THAT WON'T DO ANYTHING
12 BUT HURT ONE SIDE OR THE OTHER. AND I DON'T KNOW
13 HOW THAT WILL HAPPEN, SO I'D ASK YOU NOT TO DO
14 THAT.

15 SOLICITOR, IS THERE ANYTHING YOU NEED
16 TO PUT IN THE RECORD AS TO MY RULINGS?

17 MR. JONES: AS TO YOUR RULINGS
18 REGARDING MY ARGUMENT?

19 THE COURT: YES, SIR.

20 MR. JONES: WELL, -- NO, SIR, IT'S
21 OVER, IT'S DONE WITH NOW, SO. BUT I WOULD LIKE TO
22 KNOW WHAT THE TIME LIMIT IS GOING TO BE --

23 THE COURT: FORTY MINUTE UNIT.

24 MR. JONES: THEY HAVE FORTY MINUTES
25 TOTAL PERIOD?

1 THE COURT: YES, SIR.

2 MR. JONES: AND I DIDN'T HEAR, I WAS
3 TRYING TO FOLLOW WHO IS GOING TO ARGUE FOR THE
4 DEFENSE?

5 THE COURT: BECKHAM -- MR. BECKHAM WILL
6 MAKE HIS STATEMENT AND THEY'RE GOING TO SPLIT THE
7 ARGUMENT BETWEEN THEM --

8 MR. HARPOOTLIAN: NO, MR. SWERLING.

9 THE COURT: NO, MR. SWERLING'S DOING
10 THE WHOLE BALANCE OF THE ARGUMENT.

11 MR. JONES: SO THERE'LL BE A FORTY
12 MINUTE PERIOD. IF DEFENDANT BECKHAM USES TEN, MR.
13 SWERLING HAS THIRTY?

14 THE COURT: THAT'S RIGHT.

15 MR. JONES: IS THAT CORRECT?

16 THE COURT: THAT'S RIGHT.

17 MR. HARPOOTLIAN: MR. BECKHAM'S GOING
18 TO USE ABOUT TWO.

19 MR. JONES: WELL, IN THAT REGARD, YOUR
20 HONOR, YOU KNOW, I -- OF COURSE, AUDIENCE CONTROL
21 IS NOT -- BUT WE ARE HERE AND CERTAINLY HAVE THE
22 RIGHT TO OBJECT TO ANYTHING DEFENDANT BECKHAM SAYS.

23 THE COURT: OH, SURE, SURE.

24 MR. JONES: YES, SIR.

25 THE COURT: SURE. YOU KNOW, I DON'T

1 KNOW WHAT HE WILL SAY OR NOT SAY AND SOMETIMES --
2 SOMETIMES IT'S BETTER NOT TO MAKE AN OBJECTION, YOU
3 NEVER KNOW.

4 MR. JONES: YES, SIR.

5 THE COURT: YOU'LL JUST HAVE -- YOU DO
6 WHAT YOU THINK YOU HAVE TO DO.

7 MR. JONES: AND YOUR HONOR, I WOULD
8 LIKE THE COURT TO KNOW AT THIS POINT IN TIME, IN
9 THE EVENT THAT I FORGET IT. YOU KNOW, I USED THE
10 WORD COURAGE FOR THE JURY, NOT GUTS. YOU KNOW, I--
11 YOU KNOW, I WAS TRYING NOT -- I WAS TRYING -- I
12 THOUGHT I USED A WORD THAT WAS ACCEPTABLE WHEN --
13 WHEN, YOU KNOW, YOU ASK -- CLEARLY YOU HAVE A JOB
14 TO DO.

15 THE COURT: CLOSE CALL. CLOSE ENOUGH
16 FOR ME TO SUSTAIN THE OBJECTION AND TO GIVE A
17 CURATIVE INSTRUCTION.

18 MR. JONES: AND --

19 THE COURT: AND YOU MIGHT BE RIGHT.

20 MR. JONES: -- COURAGE, AND THEN, OF
21 COURSE, I SAID PROUD, YOUR HONOR, WHEN I WAS
22 TALKING ABOUT -- PROUD OF THEIR WORK ETHIC, PROUD
23 OF THE WAY THEY BEHAVED THEMSELVES, PROUD OF THE
24 WAY THEY WORKED. I MEAN, YOU KNOW --

25 THE COURT: I UNDERSTAND. AND YOU --

1 THAT'S WHY I'M GIVING YOU THAT CHANCE TO MAKE A
2 STATEMENT.

3

4 MR. HARPOOTLIAN: YOUR HONOR, GIVE US
5 THIRTY SECONDS. MR. SWERLING JUST STEPPED IN
6 ANOTHER ROOM FOR ONE SECOND HERE, GETTING OLD.

7 MR. JONES: I FEEL LIKE THAT GUY THEY
8 YANKED OFF AT THE END.

9 THE COURT: WELL, AS YOU KNOW, THE
10 SUPREME COURT --

11 MR. JONES: UH-HUH.

12 THE COURT: -- TAKES A TOUGH LOOK AT
13 THIS AND I ERR ON THE SIDE OF CAUTION.

14 DO YOU THINK THEY'RE ABOUT READY?

15 (WHEREUPON, THE JURY WAS RETURNED TO
16 OPEN COURT AT 5:06 P.M.)

17 THE COURT: ALL RIGHT, MADAM FOREMAN
18 AND LADIES AND GENTLEMEN OF THE JURY, WE ARE
19 PREPARED TO HEAR THE DEFENSE ARGUMENT. AND UNDER
20 THE RULES, THE DEFENDANT IS ENTITLED TO MAKE AN
21 UNSWORN STATEMENT TO YOU AND HE HAS ELECTED TO DO
22 THAT. HE WILL PROCEED FIRST AND THEN MR. SWERLING
23 WILL CONCLUDE THE DEFENSE ARGUMENT.

24 MR. BECKHAM?

25 MR. BECKHAM: I'M VERY NERVOUS AND

1 SCARED AND I WILL ASK YOU TO BEAR WITH ME. I JUST
2 WANTED YOU TO SEE THAT I'M STEPHEN BECKHAM AND I'M
3 HUMAN, NOT JUST STEPHEN BECKHAM, THE DEFENDANT.
4 AND THAT I REALIZE IN MY LIFE I'VE MADE SOME HUGE
5 MISTAKES IN ASSOCIATING WITH PEOPLE LIKE RICHARD
6 ANDERSON AND DRUGS; THAT WAS A VERY HUGE MISTAKE.
7 AND IT'S CAUSED A LOT OF PEOPLE A LOT OF PAIN, I
8 GUESS, AND FOR THAT I APOLOGIZE.

9 AND I JUST WANT YOU TO KNOW THE OTHER
10 NIGHT WHEN YOUR VERDICT WAS READ AND Y'ALL WERE
11 TAKEN OUT, THEY TOOK ME INTO THE ROOM OVER THERE
12 AND I LISTENED TO MY CHILDREN --

13 MR. MCMAHON: OBJECTION, YOUR HONOR,
14 THAT'S NOT IN THE RECORD.

15 THE COURT: SUS -- WELL, HE CAN SAY
16 WHAT HE DID, NOT WHAT THEY SAID.

17 MR. MCMAHON: NONE OF THAT WAS IN THE
18 RECORD, WHERE HE WENT AFTER THE VERDICT, YOUR
19 HONOR.

20 THE COURT: ALL RIGHT. SUSTAINED.

21 MR. BECKHAM: AND I THINK THAT LIFE IN
22 PRISON REALLY DOESN'T APPEAL TO ME AND DYING MIGHT
23 BE EASIER FOR ME, BUT I KNOW IT WOULDN'T BE FOR MY
24 CHILDREN. AND THERE'S BEEN ENOUGH SUFFERING TO GO
25 AROUND FOR EVERYBODY, AND I JUST DON'T WANT MY

1 CHILDREN HURT ANYMORE.

2 THE COURT: MR. SWERLING?

3 MR. SWERLING: MADAM FORELADY AND

4 LADIES AND GENTLEMEN, THIS IS THE LAST TIME I GET

5 TO ADDRESS YOU AND PROBABLY THE LAST TIME I GET TO

6 SEE YOU. HOPEFULLY, SOMEDAY AGAIN, WE'LL -- OUR

7 PATHS WILL CROSS. BUT AGAIN, I WOULD LIKE TO THANK

8 YOU FOR THE WORK YOU HAVE DONE, CONSCIENTIOUSNESS

9 YOU HAVE SERVED, DELIBERATIONS YOU WENT INTO THE

10 OTHER NIGHT THAT TOOK SOME SEVEN HOURS TO CONSIDER

11 YOUR VERDICT IN THIS CASE, ALL OF THOSE WERE

12 APPRECIATED. YOUR VERDICT IS NOT BEING ARGUED,

13 IT'S NOT BEING CONTESTED, IT'S NOT BEING IN ANY WAY

14 QUESTIONED.

15 YOU HAVE FOUND THE EXISTENCE OF AN

16 AGGRAVATING CIRCUMSTANCE BY FINDING KIDNAPPING.

17 THE JUDGE WILL INSTRUCT YOU ON THE LAW AS TO WHAT

18 THE OTHER AGGRAVATING CIRCUMSTANCES ARE. AND HE

19 WILL ALSO INSTRUCT YOU ABOUT WHAT THE LAW IS IN

20 THIS CASE. AND I ASK YOU TO PAY AS CLOSE ATTENTION

21 TO WHAT THE JUDGE TELLS YOU TODAY AS I KNOW YOU DID

22 THE OTHER DAY. AND I'D ALSO ASK YOU TO CONSIDER

23 WHEN WE GOT TOGETHER, I THINK SEPTEMBER 16TH, IN

24 OCONEE -- AND YOU'LL SOON BE GOING BACK TO YOUR

25 HOMES, THE COMMITMENT AND PROMISE YOU MADE THAT

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1 EVEN FINDING SOMEONE GUILTY OF MURDER AND EVEN
2 FINDING THE EXISTENCE OF AGGRAVATING CIRCUMSTANCES,
3 YOU WOULD STILL CONSIDER A LIFE SENTENCE. AND
4 THAT'S WHAT I ASK YOU TO CONSIDER, THAT'S WHAT I
5 ASK YOU TO IMPOSE.

6 I'M FIFTY YEARS OLD, I'VE BEEN
7 PRACTICING FOR TWENTY-THREE YEARS. THIS DOES NOT
8 GET ANY EASIER, NEVER HAS, IT NEVER WILL. IF IT
9 EVER GETS EASY, WE NEED TO GET OUT OF HERE. A
10 LAWYER, WHO MAKES IT, THINKS IT'S EASY, NEEDS TO
11 STOP. THERE'S EMOTION, CONTACT, THERE ARE
12 FEELINGS, IT'S NOT JUST LAWYERING. I AGREE WITH
13 MR. JONES, HE LOVES WHAT HE DOES AND I LOVE WHAT I
14 DO. AND I THINK ALL THE PARTICIPANTS IN THIS CASE,
15 THE LAWYERS AND THE JUDGE AND THE COURT PERSONNEL
16 LOVE WHAT THEY DO. AND I'M SURE YOU ALL LOVE WHAT
17 YOU DO. BUT THIS IS NOT THE THEATER, THIS IS A
18 COURTROOM, IT'S A TEMPLE OF JUSTICE. AND INSIDE OF
19 A COURTROOM, WE SEE, YOU SEE, LIFE IN IT'S PURE
20 FORM, ALL THE PROBLEMS WITHOUT THEATER, ALL THE
21 DISCUSSIONS WITHOUT THEATER, ALL THE DECISIONS
22 WITHOUT THEATER. AND EVERYTHING THAT GOES INTO THE
23 HUMAN EXPERIENCE HAPPENS RIGHT HERE. IT'S NOT
24 SUPPOSED TO BE THEATER. IT'S NOT SUPPOSED TO BE
25 WHO CAN YELL THE LOUDEST, WHO CAN MAKE THE MOST

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1 CONVINCING ARGUMENT. WHAT'S SUPPOSED TO HAPPEN IN
2 THE COURTROOM IS ALL OF THAT IS SUPPOSED TO BE PUT
3 ASIDE. AND WE'RE SUPPOSED TO LOOK AT LIFE AS IT
4 REALLY IS, NOT SCRIPTED, NOT REHEARSED, NOT WITH
5 EMOTION, WITH A REAL SENSE OF DUTY AND A REAL SENSE
6 OF OBLIGATION. BECAUSE WHAT'S GOING TO HAPPEN IN A
7 FEW MOMENTS IS YOU'RE GOING TO MAKE THE MOST
8 IMPORTANT DECISION THAT YOU'VE EVER MADE IN YOUR
9 LIFE. AND IT SHOULD BE MADE WITHOUT EMOTION. IT
10 SHOULD BE MADE BASED UPON A RATIONAL AND
11 INTELLECTUAL DISCUSSION OF WHAT IS APPROPRIATE
12 UNDER THE CIRCUMSTANCES.

13 ALL OF YOU SAID THAT YOU COULD CONSIDER
14 A LIFE SENTENCE. THE STATE FINDS IT VERY EASY TO
15 ARGUE FOR THE DEATH PENALTY. THEY SAY THAT THIS IS
16 AN APPROPRIATE CASE FOR YOU TO CONSIDER AND TO
17 IMPOSE THE DEATH PENALTY. IT'S NOT THAT EASY
18 BECAUSE STEPHEN BECKHAM IS NOT JUST SOME STATUTE
19 SITTING OVER THERE, HIS KIDS ARE NOT JUST SOME
20 STATUTES SITTING OVER THERE. THEY ARE REAL PEOPLE.
21 WHEN THEY LEAVE THIS COURTROOM, THEY'RE GOING TO
22 TAKE WITH THEM ALL THE THINGS THAT PEOPLE TAKE WITH
23 THEM IN OUR HUMAN EXPERIENCE. FEELINGS, EMOTIONS,
24 THINGS THEY'RE GOING TO HAVE TO DEAL WITH IN THE
25 FUTURE, BOTH THE CHILDREN, STEPHEN AND THE OTHER

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1 PEOPLE. AND I'M ASKING YOU TO WEIGH THOSE, TO
2 WEIGH THOSE THINGS IN MAKING YOUR DECISION. WE
3 CANNOT BRING BACK VICKIE BECKHAM. VICKIE BECKHAM
4 DIED, SHE WAS MURDERED AND YOU HAVE FOUND THAT SHE
5 WAS MURDERED, SHE WAS KIDNAPPED AND THERE WAS A
6 CONSPIRACY. THAT IS NOT THE ISSUE AT THIS POINT.
7 THE ISSUE IS WHAT IS THE APPROPRIATE PUNISHMENT?
8 THE ISSUE IS WHAT DO WE NEED TO CONSIDER IN THIS
9 CASE IN DECIDING WHAT THE APPROPRIATE PENALTY IS?

10 THE JUDGE WILL TELL YOU THAT EVEN WITH
11 THE EXISTENCE OF AN AGGRAVATING CIRCUMSTANCE YOU
12 CAN IMPOSE A LIFE SENTENCE. YOU DON'T HAVE TO
13 STATE ANY REASON WHATSOEVER. AND IF YOU DECIDE TO
14 IMPOSE A LIFE SENTENCE, THEN MADAM FORELADY, WILL
15 SIGN HER NAME AND THAT WILL BE THE JUDGMENT OF THE
16 JURY.

17 ON THE OTHER HAND, IF YOU IMPOSE A
18 DEATH SENTENCE, THE LAW REQUIRES THAT EACH ONE OF
19 YOU AND UNANIMOUSLY SIGN THE DEATH WARRANT. IT'S
20 NOT THEATER, IT'S REAL LIFE, FOLKS. THIS IS WHAT'S
21 HAPPENING RIGHT NOW IN THIS COURTROOM. THIS IS
22 SERIOUS BUSINESS AND I KNOW YOU KNOW IT IS, WITH
23 SERIOUS IMPLICATIONS, SERIOUS THINGS FOR YOU TO
24 CONSIDER. AND JUST AS YOU DELIBERATED FOR SEVEN
25 HOURS THE OTHER NIGHT, I FULLY EXPECT THAT YOU WILL

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1 GIVE THE SAME CONSIDERATION AND CARE THAT YOU GAVE
2 THE VERDICT WHEN YOU DELIBERATED THE VERDICT.

3 THE SAME STANDARD APPLIES, REASONABLE
4 DOUBT. IF YOU HAVE A REASONABLE DOUBT AS TO WHAT
5 THE PUNISHMENT OUGHT TO BE OF IF YOU HESITATE TO
6 ACT WITH THE HUMAN EXPERIENCE --

7 MR. MCMAHON: YOUR HONOR, I OBJECT TO
8 THAT.

9 THE COURT: EXCUSE ME, I'M SORRY?

10 MR. MCMAHON: I OBJECT TO THAT.

11 THE COURT: I'LL HAVE TO HEAR YOU ON
12 SIDE BAR ABOUT THAT. I'M NOT SURE I UNDERSTAND.

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

16 MR. SWERLING: WITH RESPECT TO THE
17 PUNISHMENT, IF YOU HAVE A REASONABLE DOUBT AS TO
18 WHAT THE PUNISHMENT OUGHT TO BE, IN OTHER WORDS, IF
19 YOU HESITATE TO ACT IN THE MORE IMPORTANT AFFAIRS
20 OF YOUR LIFE, THEN YOU SHOULD IMPOSE A LIFE
21 SENTENCE. AGAIN, THAT'S WHAT WE'RE ASKING YOU TO
22 DO IN THIS CASE.

23 THE DEATH SENTENCE IN THIS CASE
24 REQUIRES UNANIMITY, EVERYONE MUST AGREE. WE ASK
25 YOU TO CONSIDER, TO DIGEST, TO TALK ABOUT, TO GO

1 INTO THE JURY ROOM AND DETERMINE THAT BASED UPON
2 THE EVIDENCE THAT YOU HAVE SEEN, THIS CASE WARRANTS
3 A LIFE SENTENCE.

4 YOU KNOW, LIFE IS NOT A REWARD. LIFE
5 SENTENCE MEANS PRISON. A LIFE SENTENCE MEANS
6 DEPRIVATION OF PRIVILEGE. IT MEANS YOU NO LONGER
7 ENJOY THE RIGHT TO WALK AMONG THE REST OF US. AND
8 STEPHEN BECKHAM, ACCORDING TO YOUR VERDICT, MADE A
9 CHOICE AND HE NO LONGER DESERVES THE RIGHT TO WALK
10 AMONG THE REST OF US. AND THE BEST THAT HE CAN
11 HOPE FOR FROM YOU AT THIS POINT IN TIME IS A LIFE
12 SENTENCE, TO BE LOCKED AWAY IN A PRISON SOMEWHERE
13 FOR THE REST OF HIS LIFE, HAVE TO THINK ABOUT WHAT
14 HE'S DONE.

15 AND STEPHEN BECKHAM, AS HE GROWS OLDER
16 AT THIRTY-SEVEN, -- AND IF YOU DOUBT WHETHER OR NOT
17 HE LOVES HIS CHILDREN OR NOT, I SUBMIT YOU DIDN'T
18 HEAR THOSE CHILDREN. THEY LOVE HIM, HE LOVES THEM.
19 AND THE STATE'S ARGUMENT DOESN'T MAKE ANY SENSE
20 WHEN YOU CONSIDER THE FACT THAT A FATHER CAN STILL
21 LOVE HIS CHILDREN, A MOTHER CAN STILL LOVE THEIR
22 CHILDREN, BUT DO THINGS AND THINGS AND OTHER THINGS
23 THAT ARE INCONSISTENT WITH WHAT IS GOOD, AND MAY BE
24 IN FACT BAD, BUT IT IN NO WAY AFFECTS THE LOVE THEY
25 HAVE FOR THEIR CHILDREN. BUT STEPHEN BECKHAM HAS

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1 GIVEN UP AND FORFEITED THE RIGHT TO ENJOY THE
2 THINGS THAT YOU ENJOY, TO ENJOY THE THINGS THAT THE
3 PEOPLE OUT HERE ARE GOING TO ENJOY AS THEY GET
4 OLDER AND AS THEIR CHILDREN GET OLDER. IF YOU'RE
5 MERCIFUL, HE WILL HAVE TO VIEW THEM ALL FROM A
6 PRISON CELL. HE'LL HAVE TO DEAL WITH ALL THOSE
7 WONDERFUL THINGS THAT GO ON IN LIFE ON A PHONE OR
8 THROUGH A GLASS PLATE OR THROUGH A LETTER. SO LIFE
9 IS NOT A REWARD, LIFE IS A PUNISHMENT. BUT THAT'S
10 THE PUNISHMENT THAT I SUBMIT TO YOU THAT STEPHEN
11 BECKHAM SHOULD GET IN THIS CASE.

12 YOU KNOW, THE STATE HAS ARGUED AND
13 TALKED TO YOU ABOUT SMUGGLER'S AND ABOUT COCAINE
14 AND ASKED ALL THE WITNESSES, WELL, YOU DIDN'T KNOW
15 ABOUT THIS AND YOU DIDN'T KNOW ABOUT THAT. BUT
16 NONE OF THAT, AS I SAID TO YOU BEFORE, IN ANY WAY
17 TAKES AWAY FROM THE LOVE THAT HE HAD FOR HIS
18 CHILDREN AND THE LOVE THAT HIS CHILDREN HAVE FOR
19 HIM. THEY LOST THEIR MOTHER. STEPHEN MADE BAD
20 CHOICES, HE MADE A LOT OF BAD CHOICES AND HE'S DONE
21 SOME BAD THINGS AND YOU HAVE FOUND THAT. AND THE
22 STATE HAS BROUGHT THAT ALL TO YOUR ATTENTION. BUT
23 THAT IN AND OF ITSELF DOES NOT WARRANT THE
24 IMPOSITION OF WHAT THE STATE HAS GOTTEN UP HERE AND
25 ASKED YOU FOR, AND THAT'S THE DEATH PENALTY.

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1 AND THEY MAKE IT SO EASY TO ARGUE FOR,
2 BUT LIFE IS PRECIOUS. LIFE IS PRECIOUS TO EVERY
3 ONE OF US, IT'S PRECIOUS TO EVERYONE IN THIS
4 COURTROOM. AND WE MUST LOOK TO LIFE, WE MUST NOT
5 LOOK TO DEATH. WE MUST AT SOME POINT IN OUR
6 HISTORY, IN OUR SOCIETY, WE MUST SAY STOP THE
7 KILLING. EVERYDAY WE READ ABOUT WARS, WE READ
8 ABOUT PEOPLE BEING KILLED, WE HAVE TO STOP THAT.
9 GOING AHEAD AND KILLING STEPHEN BECKHAM BECAUSE
10 VICKIE BECKHAM IS DEAD ACCOMPLISHES NOTHING, EXCEPT
11 REVENGE. THE STATE IS ANGRY. THE STATE IS ANGRY
12 IN THIS CASE AND THEY'VE GOT UP HERE AND THEY'VE
13 ARGUED FOR YOU TO TAKE STEPHEN BECKHAM'S LIFE. BUT
14 I SUGGEST PART OF THE ANGER HERE, PART OF THE ANGER
15 IS REALLY DIRECTED AT RICHARD ANDERSON.

16 AND WHAT WAS DONE WITH RICHARD
17 ANDERSON? YOU KNOW, THE STATE BARGAINED WITH
18 RICHARD ANDERSON. WE TALKED ABOUT THAT DURING THE
19 FINAL ARGUMENT IN THIS CASE. AND RICHARD ANDERSON
20 WAS GIVEN A DEAL, HE WAS GIVEN A LIFE SENTENCE AND
21 HE WAS ALLOWED TO PLEAD GUILTY WITH AN ELIGIBILITY
22 FOR PAROLE IN TWENTY YEARS. THE STATE DID NOT EVEN
23 HOLD OUT FOR RICHARD ANDERSON, A REQUIREMENT THAT
24 HE PLEAD GUILTY WITH AGGRAVATING CIRCUMSTANCES,
25 DIDN'T EVEN HOLD THAT OUT. DIDN'T SAY TO RICHARD

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1 ANDERSON, LOOK, YOU COOPERATE, WE WON'T SEEK THE
2 DEATH PENALTY, BUT YOU HAVE TO PLEAD GUILTY AND GET
3 A LIFE SENTENCE WITH A THIRTY-YEAR PAROLE
4 ELIGIBILITY, THAT WAS NOT EVEN DONE IN THIS CASE.
5 AND I SUBMIT TO YOU THAT'S PART OF THE ANGER HERE,
6 PART OF THE ANGER ON BEHALF OF THE STATE. THAT WHY
7 THEY'RE ASKING FOR THE DEATH PENALTY FOR STEPHEN
8 BECKHAM. BECAUSE RICHARD ANDERSON, THE KILLER, THE
9 ONE YOU FOUND WAS HIRED BY STEPHEN BECKHAM, BUT THE
10 KILLER, WHEN HE STOOD BEFORE A JUDGE ON APRIL 10TH,
11 1996, HAD NOT TOLD THE STATE THAT HE WAS THE
12 KILLER. IT WAS TWO DAYS LATER BEFORE RICHARD
13 ANDERSON, AFTER HE GOT HIS PLEA WITH THE STATE,
14 AFTER HE NEGOTIATED WITH THE STATE, AFTER HE SPOKE
15 IN FRONT OF A JUDGE, AFTER HE SWORE TO A JUDGE THAT
16 HE HIMSELF DID NOT ADMINISTER THE FATAL BLOWS, IT
17 WAS TWO DAYS LATER THAT HE FINALLY TOLD ANYBODY
18 THAT HE WAS THE KILLER. THE ANGER IS DIRECTED IN
19 PART TOWARD RICHARD ANDERSON AND WHAT HE WAS ABLE
20 TO DO. AND RICHARD ANDERSON NOW SITS IN A PRISON,
21 THE KILLER OF VICKIE BECKHAM AND IS ELIGIBLE FOR
22 PAROLE IN TWENTY YEARS. AND I SUBMIT TO YOU THAT
23 IS PART OF WHAT IS GOING ON OVER HERE, PART OF WHAT
24 IS GOING ON IN THE ARGUMENTS PRESENTED TO YOU.

25 WHAT ARE THE REAL MITIGATING

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1 CIRCUMSTANCES IN THIS CASE? WHAT ARE THE REAL
2 ISSUES IN THIS CASE? WHY IS THIS IN THIS
3 COURTROOM, WE HAVE TO LOOK AT HUMAN DRAMA, NOT
4 FEAR, BUT HUMAN DRAMA, WHAT REALLY HAPPENS IN LIFE,
5 WHAT ARE THE MITIGATING CIRCUMSTANCES?

6 WE PRESENTED THE FAMILY TO YOU SO YOU
7 WOULD KNOW STEPHEN BECKHAM, NOT JUST WHAT THE STATE
8 PRESENTED IN THE GUILT PHASE OF THIS TRIAL. WE
9 PRESENTED TO YOU THE MOTHER SO YOU WOULD KNOW THE
10 FAMILY HISTORY, SO YOU COULD MAKE THAT ASSESSMENT,
11 SO YOU COULD FIND OUT ABOUT STEPHEN BECKHAM. WE
12 PRESENTED SHANNON AND ANDREW BECAUSE THEY'RE HIS
13 CHILDREN, THEY LOVE HIM. AND THEY WANTED TO COME
14 UP AND TELL YOU WHAT IT WAS LIKE TO BE WITH
15 STEPHEN, WHAT HE WAS LIKE AS A FATHER, AS WELL AS
16 VICKIE. BECAUSE THEY LOVED VICKIE, TOO. SHANNON
17 SAID, VICKIE WAS MY BEST FRIEND, IT WAS THE WORST
18 DAY OF MY LIFE WHEN SHE DIED. BUT NO MATTER WHAT,
19 THEY LOVE STEPHEN. THEY ARE GOING TO HAVE TO
20 DEAL WITH THE DEATH OF THEIR MOTHER. AND I SUBMIT
21 TO YOU AT THIS POINT, THEY HAVE NOT BEEN ABLE TO.
22 TO THIS POINT, THEY HAVE NOT BEEN ABLE TO DEAL WITH
23 THE DEATH OF THEIR MOTHER BECAUSE THEY HAVE HAD
24 OVER THEIR HEADS THE CHARGES AND ACCUSATIONS
25 AGAINST THEIR FATHER. AND TWO DAYS AGO, YOU FOUND

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1 THAT THEIR FATHER WAS GUILTY OF KIDNAPPING AND
2 MURDERING THEIR MOTHER. AND THEY'RE GOING TO HAVE
3 TO RECONCILE THAT NOW. THEY'VE GOT TO RECONCILE
4 THOSE ISSUES THAT THEIR FATHER WAS FOUND BY A JURY
5 TO BE GUILTY OF COMMITTING A MURDER ON THEIR
6 MOTHER. DO THEY LOVE HIM? YES, THEY LOVE HIM. DO
7 THEY HAVE REASON TO LOVE HIM? YES, BECAUSE NO
8 MATTER WHAT, NO MATTER WHAT THE NIGHTS HE SPENT IN
9 SMUGGLER'S, NO MATTER THE DAYS HE MAY HAVE DONE
10 SOME COCAINE, HE LOVED HIS CHILDREN AND TOOK CARE
11 OF HIS CHILDREN, COUNSELED WITH THEM, GUIDED WITH
12 THEM. THE STATE MOCKS THAT. HOW CAN YOU MOCK
13 THAT? THAT IS SO IMPORTANT TO CHILDREN. REMEMBER
14 YOUR PARENTS, REMEMBER THE PARENTS --

15 MR. MCMAHON: OBJECTION, OBJECTION,
16 YOUR HONOR.

17 MR. SWERLING: -- OF THE PEOPLE IN THE
18 COURTROOM.

19 THE COURT: SUSTAINED. SUSTAINED, MR.
20 SWERLING.

21 MR. SWERLING: YES, SIR.

22 THESE ARE CHILDREN WHO ADORED THEIR
23 PARENTS. AND NO MATTER WHAT, THEY WILL ALWAYS LOVE
24 THEIR PARENTS. BUT THESE KIDS HAVE TO GO THROUGH A
25 RECONCILIATION PERIOD ABOUT THE DEATH OF THEIR

1 MOTHER AND THE CONVICTION OF THEIR FATHER. THEY
2 ARE SEVENTEEN AND FOURTEEN AND SIX. AND I'VE SPENT
3 THE LAST COUPLE OF YEARS WITH THEM. YOU'VE SEEN
4 THEM. I WANTED YOU TO SEE THEM. I WANTED YOU TO
5 SEE HOW THEY FEEL. I WANTED YOU TO SEE WHAT THEIR
6 HOPES AND THEIR DREAMS AND THEIR ASPIRATIONS ARE.
7 THEY'RE BEAUTIFUL KIDS. WOULD YOU NOT BE CHEATED
8 IN ASSESSING THIS DECISION, THIS MOST WEIGHTED,
9 IMPORTANT DECISION OF YOUR LIFE IN NOT KNOWING WHAT
10 THE CHILDREN WERE LIKE AND WHAT THEY FELT ABOUT
11 THEIR DADDY AND THEIR MAMMA?

12 YOU KNOW WHAT MAKES THIS CASE DIFFERENT
13 THAN ANY OTHER CASES IN THE DEATH PENALTY SCHEME.
14 WHAT YOU'VE HAD IN YOUR MIND WITH RESPECT TO THE
15 DEATH PENALTY IS POSSIBLY SOME RANDOM ABDUCTION ON
16 THE STREET SOMEWHERE AND SOMEONE GETTING RAPED AND
17 MURDERED BY SOMEONE THEY NEVER KNEW OR SOMEONE
18 WALKING INTO A STORE --

19 MR. JONES: OBJECTION, YOUR HONOR, NO
20 FACTS IN EVIDENCE.

21 MR. SWERLING: I'M ARGUING, YOUR HONOR.

22 THE COURT: I'LL OVERRULE THAT ONE,
23 OVERRULE THAT OBJECTION.

24 MR. SWERLING: OR SOMEONE WALKING INTO
25 A STORE AND VICIOUSLY AND VIOLENTLY SHOOTING

1 SOMEONE THEY DIDN'T KNOW. THERE'S A THOUSAND
2 SCENARIOS I COULD CREATE FOR YOU ABOUT WHAT'S
3 APPROPRIATE, WHERE THE DEATH PENALTY MAY BE
4 APPROPRIATE, WHERE A JURY MAY IMPOSE AND SHOULD
5 IMPOSE UNDER OUR STATUTORY SCHEME THE DEATH
6 PENALTY. BUT WHAT'S UNIQUE ABOUT THAT -- THIS
7 CASE?

8 IN THOSE CASES WHEN YOU WALK INTO THE
9 COURTROOM, ON ONE SIDE OF THE COURTROOM, YOU HAVE
10 THE VICTIM'S FAMILY SITTING BEHIND THE STATE, AND
11 THE OTHER SIDE OF THE COURTROOM, YOU HAVE THE
12 DEFENDANT'S FAMILY. AND YOU HAVE TWO DIFFERENT
13 FACTIONS, VICTIM AND DEFENDANT. BUT IN THIS CASE,
14 AS SHANNON POINTED OUT TO YOU, AND THAT HAS BEEN SO
15 POINTEDLY POINTED OUT TO YOU DURING THE ENTIRE
16 CASE, ON BOTH SIDES OF THIS COURTROOM, THERE ARE
17 VICTIMS. THEY ALL LOVED VICKIE, HERE AND THERE.
18 AND THAT'S WHAT MAKES THIS CASE DIFFERENT. THAT'S
19 WHAT MAKES THIS CASE A NOT DEATH PENALTY CASE OR A
20 NON-DEATH PENALTY CASE. BECAUSE AS YOU COME INTO
21 THIS COURTROOM AND WHEN YOU LOOK AT BOTH SIDES OF
22 THE COURTROOM, YOU SEE FAMILY. YOU SEE THE
23 MATERNAL FAMILY AND THE PATERNAL FAMILY, WHO ARE
24 ALL VICTIMS, UNLIKE THOSE OTHER CASES THAT YOU MAY
25 HAVE ENVISIONED AND YOU MAY HAVE IMAGINED AND MAY

1 HAVE THOUGHT OF IN THE PAST WHERE THE DEATH PENALTY
2 WAS APPROPRIATE, ALL VICTIMS.

3 WE PRESENTED VICTIMS ON THE WITNESS
4 STAND, SHANNON AND ANDREW, JUST LIKE THE LANDERS.
5 AND NO ONE, NO ONE, NO ONE COULD EVER IMAGINE WHAT
6 IT'S LIKE TO LOSE A CHILD. NO ONE CAN ALSO IMAGINE
7 WHAT IT'S LIKE TO ALSO LOSE A PARENT, ESPECIALLY AT
8 A YOUNG AGE. AND IF YOU KNOW ANYBODY WHO HAS, YOU
9 KNOW THE TRAUMA AND THE IMPACT IT HAS AND THE
10 DEVELOPMENTAL PROBLEMS IT CAN CAUSE AS THE YEARS GO
11 ON. WE HAVE THREE CHILDREN, SIX, SIXTEEN --
12 FOURTEEN, I MEAN AND SEVENTEEN, THREE BEAUTIFUL
13 CHILDREN. SO DID WE WANT YOU TO SEE THEM? DID WE
14 WANT YOU TO TALK TO THEM? DID WE WANT THEM TO TALK
15 TO YOU? YES. BECAUSE YOU HAD TO SEE THEM. YOU
16 HAD TO HEAR WHAT THEY FELT ABOUT THANKSGIVING AND
17 CHRISTMAS AND THE TRIPS. AND HOW MOM COUNSELED
18 THEM AND DAD COUNSELED THEM AND THEY WENT ON TRIPS.
19 YOU HAVE TO HEAR THAT IN MAKING THE TOTAL
20 ASSESSMENT IN THIS CASE. SO WHEN YOU GO BACK THERE
21 YOU CAN MAKE A HUMAN DECISION, NOT A THEATRICAL
22 DECISION, NOT AN EMOTIONAL DECISION, BUT A HUMAN
23 DECISION.

24 MITIGATION, MITIGATION.. THOSE KIDS,
25 LADIES AND GENTLEMEN, LOST THEIR MOTHER, THEIR

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1 MOTHER WAS MURDERED. BUT THEY'VE GOT YEARS TO GO.
2 THEY'VE GOT SITUATIONS THAT ARE GOING TO COME UP.
3 SHANNON IS A FRESHMAN AT SCHOOL, SHE'S GOING TO
4 GRADUATE, HER FATHER WON'T BE THERE. SOMEDAY SHE'S
5 GOING TO MEET A YOUNG MAN AND GET MARRIED AND HER
6 FATHER WON'T BE THERE. AND SOMEDAY SHE'S GOING TO
7 HAVE GRANDCHILDREN FOR HIM, BUT HE WON'T BE THERE.
8 AND WHAT BETTER PLEASURE CAN YOU HAVE IN LIFE THAN
9 AFTER YOU'VE RAISED YOUR OWN FAMILY TO SEE YOUR
10 GRANDCHILDREN. I ANXIOUSLY LOOK FOR THAT, AWAIT
11 THAT. AND SOMEDAY ANDREW'S GOING TO CARRY THAT
12 FOOTBALL FOR A TOUCHDOWN AND WANT HIS FATHER THERE,
13 BUT HIS FATHER WON'T BE THERE, HIS MOTHER'S NOT
14 GOING TO BE THERE. AND HE'S GOING TO GRADUATE HIGH
15 SCHOOL, JUST LIKE SHANNON DID IN JUNE, WHEN MY
16 DAUGHTER GRADUATED AND HE'S GOING TO CRY BECAUSE
17 HIS MAMMA'S NOT THERE AND HIS DADDY'S NOT GOING TO
18 BE THERE. AND HE'S GOING TO GO ON AND DO
19 SOMETHING, MAYBE IT'S GOING TO BE SCHOOL, MAYBE IT
20 WILL BE SOMETHING ELSE, BUT HE WON'T HAVE HIS DAD
21 TO SHARE IT WITH PHYSICALLY OR HIS MOM TO SHARE IT
22 WITH PHYSICALLY AND HE TOO, MAY GET MARRIED. AND
23 HE, TOO, MAY HAVE CHILDREN AND THOSE THINGS ARE
24 GOING TO PASS BY STEPHEN BECKHAM, ALSO.
25 AND LITTLE SAMUEL, IS GOING TO HAVE TO

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1 GO UP THROUGH SCHOOL AND HE WON'T HAVE STEPHEN
2 AROUND OR VICKIE AROUND TO HELP HIM DO THE
3 HOMEWORK. HE WON'T HAVE THEM TO BE THERE WHEN HE
4 GRADUATES GRADE SCHOOL AND JUNIOR HIGH SCHOOL AND
5 HIGH SCHOOL AND COLLEGE, AND BE THERE WHEN HE GOES
6 TO THE DANCES AND GOES TO THE SOCIALS AND PAGEANTS
7 AND ALL THE OTHER THINGS THAT HAVE TO BE DONE.
8 NEITHER ONE OF THOSE CHILDREN, NONE OF THE THREE
9 WILL HAVE THEIR PARENTS THERE DURING THOSE VERY
10 HAPPY AND EMOTIONAL TIMES IN LIFE.

11 ONE OF THE WORST THINGS THAT CAN HAPPEN
12 TO A CHILD IS TO LOSE A PARENT. ONE OF THE WORST
13 THINGS THAT COULD HAPPEN TO A CHILD IS WHEN YOU GO
14 THROUGH THANKSGIVING, FOURTH OF JULY AND CHRISTMAS
15 AND YOUR BIRTHDAY AND YOU GO WITH THE FAMILIES IS
16 TO NOT HAVE ONE OF YOUR PARENTS THERE, BECAUSE
17 EVERY TIME THOSE THINGS HAPPEN, IT'S PAINFUL. YOU
18 THINK ABOUT THE MEMORIES, YOU THINK ABOUT WHAT WAS,
19 YOU THINK ABOUT ALL THE THINGS THAT COULD BE.

20 BUT THESE CHILDREN, THE STATE WANTS YOU
21 TO REMOVE STEPHEN FROM THEIR LIVES. HE WON'T BE
22 THERE PHYSICALLY ANYWAY. HE'S NOT GOING TO BE ABLE
23 TO BE THERE FOR THOSE EVENTS, FOR THOSE OCCASIONS.
24 BUT WHAT HAVE THOSE KIDS SAID TO YOU? WHAT IS THE
25 ISSUE HERE? THE ISSUE IS THAT THEY NEED HIM, THEY

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1 NEED THEIR FATHER. EVEN THOUGH HE CANNOT BE THERE
2 PHYSICALLY FOR ANY OF THE THINGS THAT THEY ARE
3 GOING TO ENJOY, HE WILL BE THERE EMOTIONALLY, HE
4 WILL BE THERE SPIRITUALLY, HE WILL BE THERE TO
5 PROVIDE ADVICE AND GUIDANCE. THE STATE RIDICULES
6 THAT, BUT THAT'S PARENTING.
7 AND EVEN THOUGH STEPHEN MAY HAVE DONE
8 WRONG, EVEN THOUGH HE MAY HAVE COMMITTED ACTS THAT
9 YOU FOUND THAT HE DID, HE STILL LOVES HIS CHILDREN
10 AND CAN PROVIDE FOR THEM THE HEALING, THE DEALING
11 WITH WHAT'S GOING TO HAPPEN OVER THE YEARS THAT
12 THEY'RE GOING TO HAVE TO DEAL WITH, THE ANGER, THE
13 FRUSTRATION, THE EMOTION. HE WILL BE THERE AT LEAST
14 TO HELP THEM MAKE THESE DECISIONS, TO DISCUSS, TO
15 COUNSEL, TO WRITE WITH, TO TALK ON THE PHONE WITH.
16 HE HAS FORFEITED HIS RIGHT TO ENJOY WITH THEM, BUT
17 THEY SHOULDN'T HAVE FORFEITED THEIR RIGHT TO HAVE
18 HIM THERE IN SOME CAPACITY. HE WON'T BE THERE
19 PHYSICALLY, BUT THE CHILDREN, THE CHILDREN HAVE THE
20 RIGHT TO HAVE STEPHEN THERE WHEN THEY NEED HIM.
21 FOR ALL THOSE QUESTIONS THAT SHANNON'S GOING TO
22 HAVE, FOR ALL THOSE QUESTIONS ANDREW'S GOING TO
23 HAVE AND FOR ALL THOSE QUESTIONS THAT SAMUEL'S
24 GOING TO HAVE, FOR THOSE TRYING MOMENTS IN LIFE
25 WHEN THERE'S ONLY ONE PERSON YOU CAN GO TO AND

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1 THAT'S A PARENT.

2 THINK ABOUT THE ISSUES THAT GO ON IN
3 SOMEONE'S LIFE WHEN THERE'S ONLY ONE PERSON THAT
4 YOU CAN GO TO. YOU CAN'T GO TO YOUR FRIENDS, YOU
5 CAN'T GO TO YOUR CLERGYMAN, YOU CAN'T GO TO THE
6 MINISTER, YOU CAN'T GO TO A TEACHER, YOU CAN'T GO
7 TO A SPOUSE, YOU CAN'T GO TO A CHILD, BUT YOU CAN
8 ALWAYS GO TO YOUR PARENTS. BECAUSE YOUR PARENTS
9 ARE THERE, NO MATTER WHAT, YOUR PARENTS LOVE YOU
10 AND YOU LOVE THEM. AND THERE'S SOMETHING WISE AND
11 THERE'S SOME MAGICAL ABOUT THE RELATIONSHIP AND
12 BOND BETWEEN A PARENT AND A CHILD, THERE'S NO
13 QUESTION ABOUT THAT. THE STATE, NO MATTER HOW THEY
14 ARGUE, CANNOT TAKE THAT AWAY.

15 WHAT STEPHEN -- NOT STEPHEN -- BECAUSE
16 I'M NOT -- IN SPITE -- I AM ASKING YOU ON BEHALF OF
17 SHANNON, I'M ASKING YOU ON BEHALF OF ANDREW, I'M
18 ASKING YOU ON BEHALF OF SAMUEL AND YES, I'M ASKING
19 YOU ON BEHALF OF STEPHEN, SO THAT HE CAN HELP THESE
20 CHILDREN DEAL WITH WHAT THEY ARE GOING TO HAVE TO
21 DEAL WITH. I'M ASKING YOU TO SPARE HIS LIFE.

22 I MAY NOT GIVE IT THE EMOTION, I MAY
23 NOT GIVE IT THE THEATER AND IT MAY NOT CARRY THE
24 EMOTIONAL IMPACT THAT THE STATE DOES BECAUSE IT'S
25 SO EASY TO ASK FOR DEATH. IT'S EASY TO ASK FOR

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1 DEATH. BUT LIFE IS PRECIOUS AND THESE CHILDREN,
2 THEY NEED STEPHEN BECKHAM ALIVE. THESE CHILDREN
3 NEED TO HEAL, THESE CHILDREN NEED TO DEAL WITH WHAT
4 HAS HAPPENED HERE. THEY NEED TO DEAL WITH THEIR
5 MOTHER'S DEATH AND THEY NEED TO DEAL WITH THEIR
6 FATHER'S CONVICTION. AND THERE'S ONLY ONE WAY THEY
7 CAN DO THAT. AND THAT'S TO HAVE STEPHEN THERE TO
8 HELP THEM DEAL WITH IT, NO ONE ELSE CAN DO THAT.
9 AND IF STEPHEN'S NOT THERE TO HELP THEM DEAL WITH
10 IT, THEN YOU HAVE A SEVENTEEN-YEAR-OLD BEAUTIFUL
11 GIRL AND A HANDSOME FIFTEEN-YEAR-OLD BOY AND A
12 YOUNG SIX-YEAR-OLD HANDSOME KID WHO ARE GOING TO
13 HAVE ALL THE DIFFICULTIES IN THE WORLD, ALL THE
14 BAGGAGE IN THE WORLD, ALL THE PROBLEMS IN THE WORLD
15 THAT THEY DON'T NEED. BECAUSE THEY DIDN'T DESERVE
16 IT. NO MATTER WHAT HAPPENS HERE, THE CHILDREN
17 DIDN'T DESERVE WHAT HAPPENED TO THEIR MOTHER AND
18 THE CHILDREN DON'T DESERVE WHAT HAPPENS TO THEIR
19 FATHER. AND THAT'S WHAT I'M ASKING YOU TO THINK
20 ABOUT HERE. THAT'S WHERE I'M ASKING YOU TO DIRECT
21 YOUR ATTENTION. THE CHILDREN DON'T DESERVE THIS.

22 MR. MCMAHON: OBJECTION, YOUR HONOR,
23 WE'RE NOT PROCEEDING AGAINST THE CHILDREN --

24 MR. SWERLING: THEY'RE VICTIM'S IMPACT,
25 YOUR HONOR.

1 MR. MCMAHON: OBJECTION.

2 THE COURT: EXCUSE ME, GENTLEMEN.

3 MR. MCMAHON: AS FAR AS THE SENTENCING.

4 MR. SWERLING: THEY ARE VICTIMS IN THE
5 CASE.

6 THE COURT: SUSTAINED.

7 MR. SWERLING: I'M ASKING YOU ON BEHALF
8 OF THE CHILDREN, FOR THE REASONS I'VE ALREADY
9 DISCUSSED WITH YOU, TO SPARE STEPHEN. AND IN THAT,
10 THERE'S GOING TO BE A CATHARSIS, THERE'S GOING TO
11 BE A HEALING PROCESS. AND ALL THE PEOPLE IN THIS
12 COURTROOM CAN COME TOGETHER, BOTH SIDES OF THE
13 FAMILY, BOTH SIDES AND HEAL AND MOVE TOGETHER FOR
14 WHAT'S IN THE BEST INTEREST OF THOSE THREE KIDS.

15 STEPHEN BECKHAM WILL BE LOCKED AWAY.
16 STEPHEN BECKHAM WILL NOT ENJOY THOSE THINGS THAT I
17 HAVE JUST DISCUSSED WITH YOU. BUT HIS CHILDREN
18 WILL HAVE THE RIGHT TO HAVE HIM THERE WHEN THEY
19 NEED HIM. AND AS YOU'VE SEEN OVER THE LAST YEAR,
20 THEY HAVE UTILIZED THAT, THIS IS NOT SOME FICTION,
21 THIS IS NOT SOMETHING IMAGINARY, THEY HAVE UTILIZED
22 HIM. THEY HAVE SPOKEN TO HIM EVERY NIGHT, THEY
23 HAVE SEEN HIM EVERY WEEK AND THEY HAVE COMMUNICATED
24 WITH HIM BY MAIL. THOSE KIDS NEED STEPHEN BECKHAM.
25 STEPHEN BECKHAM NEEDS THOSE KIDS.

1 THIS IS AN AWFUL RESPONSIBILITY. MR.
2 HARPOOTLIAN AND I HAVE LIVED WITH THIS FOR A COUPLE
3 OF YEARS NOW. THE CHILDREN AND ALL -- BOTH SIDES
4 OF THIS COURTROOM HAVE LIVED WITH THIS FOR A COUPLE
5 OF YEARS NOW. IT HAS BEEN PAINFUL. IT'S
6 TRAUMATIC, IT'S TRYING, IT MAKES ONE GET OLD REAL
7 QUICK. BUT OUR JOB IN A FEW MOMENTS IS GOING TO BE
8 DONE. WE'VE TRIED TO PRESENT TO YOU -- DESPITE
9 WHAT THE STATE SAYS, WE'VE TRIED TO PRESENT TO YOU
10 A PICTURE OF THE HUMAN EXPERIENCE OF WHAT THE HUMAN
11 SIDE OF THIS IS ALL ABOUT. WE WANTED YOU TO HAVE
12 THAT PICTURE SO THAT WHEN YOU GO IN THERE AND YOU
13 ASSUME THE RESPONSIBILITY IN THIS CASE OF HAVING TO
14 DECIDE WHAT THE FATE IS OF STEPHEN BECKHAM, THEN
15 YOU WILL HAVE ALL OF THAT INFORMATION.

16 I'M GOING TO CLOSE AND I'M NOT GOING TO
17 TAKE EVEN MY FULL TIME. THIS JURY HAS BEEN
18 ATTENTIVE, IT HAS GIVEN CAREFUL AND DUE
19 DELIBERATION TO ALL THE ISSUES THAT HAVE BEEN
20 PRESENTED. I ASK YOU AGAIN, IN CLOSING, TO
21 CONSIDER THAT THIS IS A MOST UNUSUAL CASE, THESE
22 ARE MOST UNUSUAL FACTS. YOU HAVE FOUND STEPHEN
23 BECKHAM GUILTY. BUT UNLIKE THOSE OTHER SITUATIONS
24 THAT WE THINK ABOUT, THIS IS A COURTROOM FULL OF
25 VICTIMS. AND THE PERSON WHO CAN HELP THE THREE

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1 VERY IMPORTANT PEOPLE IN THIS COURTROOM DEAL WITH
2 ALL OF THIS IS STEPHEN BECKHAM. THOSE CHILDREN
3 RIGHT NOW ONLY HAVE ONE PARENT AND THAT'S GOING TO
4 BE TOUGH GOING THROUGH LIFE, THAT'S GOING TO BE
5 TOUGH. BECAUSE LIFE IS TOUGH AND WITHOUT A PARENT
6 IT'S GOING TO BE VERY DIFFICULT. WHAT I'M ASKING
7 IS THAT THEY DON'T HAVE TO GO THROUGH LIFE WITHOUT
8 ANY PARENTS. THAT THEY DON'T HAVE TO BE ORPHANS.
9 THANK YOU FOR LISTENING, THANK YOU FOR YOUR
10 ATTENTION, THANK YOU FOR ABOUT WHAT YOU ARE GOING
11 TO DO TO AGAIN GIVE THIS CASE CAREFUL AND DUE
12 DELIBERATION.

13 AND WHEN YOU GO IN THERE AND YOU VOTE
14 AS TO WHAT THE APPROPRIATE PUNISHMENT SHOULD BE,
15 ALL I ASK YOU TO DO IS TAKE INTO CONSIDERATION SOME
16 OF THE THINGS I'VE MENTIONED, TAKE INTO
17 CONSIDERATION ABOUT RICHARD ANDERSON, TAKE INTO
18 CONSIDERATION THAT THAT IS PART OF THE STATE'S
19 ANGER HERE, TAKE INTO CONSIDERATION STEPHEN BECKHAM
20 HAS HAD NO HISTORY BEFORE OF ANY PRIOR VIOLENCE,
21 BUT MOST OF ALL, TAKE INTO CONSIDERATION THOSE
22 CHILDREN. AND EVEN FROM INSIDE A PRISON WALL, HE
23 CAN HELP THEM, HE CAN GUIDE THEM. THANK YOU.

24 THE COURT: ALL RIGHT, MR. BAILIFF, IF
25 YOU WILL HAND THESE --

1 LADIES AND GENTLEMEN OF THE JURY, THERE
2 IS A CLIP TO EACH PACKAGE AND I WOULD ASK YOU TO
3 TAKE ONE AND SIMPLY TURN IT OVER FACE DOWN IN YOUR
4 LAP AND DON'T BEGIN READING IT AT THIS POINT.

5 LADIES AND GENTLEMEN, IF YOU WOULD JUST
6 TURN THOSE FACE DOWN AND I WILL TELL YOU WHAT YOU
7 HAVE. AND AT SOME POINT DURING THE CHARGE, I'LL
8 ASK YOU TO REFER TO CERTAIN PARTS OF IT, BUT
9 ESSENTIALLY YOU HAVE THE SENTENCING PHASE CHARGE
10 THAT I AM GOING TO READ TO YOU NOW, GO OVER WITH
11 YOU NOW. YOU ALSO HAVE A COPY OF THE STATUTORY
12 INSTRUCTIONS THAT I'M REQUIRED BY LAW TO GIVE YOU.
13 AND YOU ALSO HAVE BEEN GIVEN A COPY OF THE
14 POTENTIAL -- OF THE VERDICT FORMS THAT YOU'RE TO
15 USE. AND I GIVE YOU THAT, LADIES AND GENTLEMEN, TO
16 ASSIST YOU IN YOUR DELIBERATION. AND I WOULD ALSO
17 REMIND YOU THAT WITH REGARD TO THE SENTENCING PHASE
18 CHARGE YOU ARE TO TAKE THE CHARGE IN ITS ENTIRETY
19 AND NOT TO TAKE ANYTHING OUT OF CONTEXT.

20 LADIES AND GENTLEMEN OF THE JURY, AS
21 YOU KNOW, THE DEFENDANT, STEPHEN A. BECKHAM, HAS
22 BEEN FOUND GUILTY OF MURDER. IT IS NOW YOUR DUTY
23 TO DETERMINE THE SENTENCE TO BE IMPOSED UPON HIM.
24 YOU MUST DECIDE WHETHER TO SENTENCE HIM TO LIFE
25 IMPRISONMENT OR TO DEATH. IN THIS PROCEEDING, AS

1 IN THE PRECEDING PHASE OF THIS TRIAL, YOU, LADIES
2 AND GENTLEMEN OF THE JURY, ARE THE JUDGES OF THE
3 FACTS. THE LAW DOES NOT PERMIT ME TO HAVE AN
4 OPINION ABOUT THE FACTS. THIS IS A MATTER SOLELY
5 FOR YOU THE JURY TO DETERMINE.

6 AS JURORS THEN, IT IS YOUR DUTY AS I
7 HAVE INSTRUCTED YOU BEFORE TO DETERMINE THE EFFECT,
8 THE VALUE, THE WEIGHT AND THE TRUTH OF THE EVIDENCE
9 PRESENTED DURING THIS PROCEEDING. YOU MUST ASSESS
10 THE CREDIBILITY OR THE BELIEVABILITY OF THE
11 WITNESSES WHO HAVE TESTIFIED. AND YOU MUST ANALYZE
12 AND EVALUATE THE EVIDENCE AND DETERMINE WHICH
13 EVIDENCE CONVINCES YOU OF ITS TRUTH.

14 IN ASSESSING THE CREDIBILITY, LADIES
15 AND GENTLEMEN, OF CERTAIN WITNESSES TESTIMONY, YOU
16 MAY CONSIDER ANY CRIMINAL CONVICTIONS OF SUCH
17 WITNESSES WHICH MAY PUNISHABLE BY IMPRISONMENT IN
18 EXCESS OF ONE YEAR. THE CRIMES OF HABITUAL
19 OFFENDERS, SAFECRACKING, GRAND LARCENY, AUTO
20 BREAKING, ATTEMPTED ESCAPE, ESCAPE, MALICIOUS
21 INJURY TO PROPERTY AND ASSAULT AND BATTERY OF A
22 HIGH AND AGGRAVATED NATURE ARE CRIMES PUNISHABLE BY
23 IMPRISONMENT FOR A PERIOD OF MORE THAN ONE YEAR ON
24 THAT ISSUE.

25 FURTHERMORE, LADIES AND GENTLEMEN, YOU

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1 WILL RECALL IN MY PREVIOUS INSTRUCTIONS TO YOU THAT
2 I TOLD YOU THAT THERE ARE CERTAIN WITNESSES WHO BY
3 TRAINING, EDUCATION OR EXPERIENCE ARE CONSIDERED TO
4 BE EXPERTS IN A PARTICULAR FIELD AND WHO CAN GIVE
5 OPINIONS IN THAT FIELD BASED UPON THE FACTS OF A
6 MATTER AND THEIR CONCLUSIONS. THESE OPINIONS,
7 LADIES AND GENTLEMEN, CONSTITUTE EVIDENCE TO BE
8 CONSIDERED BY YOU IN CONNECTION WITH ALL OTHER
9 EVIDENCE AND TESTIMONY IN THIS CASE. YOU MAY
10 CONSIDER ANY EXPERT'S OPINION JUST AS YOU WOULD ALL
11 OTHER EVIDENCE THAT HAS BEEN PRESENTED. YOU ARE
12 NOT REQUIRED TO ACCEPT THE TESTIMONY OF AN EXPERT,
13 EVEN IF IT'S UNCONTRADICTED. RATHER, IT IS FOR YOU
14 THE JURY TO GIVE THE EXPERT'S TESTIMONY SUCH WEIGHT
15 AS YOU IN YOUR EXPERIENCE AND DISCRETION MAY
16 DETERMINE. AND YOU CAN WEIGH SUCH EVIDENCE AND
17 ACCEPT IT OR REJECT IT IN THE SAME MANNER AS YOU
18 TREAT ALL OTHER EVIDENCE IN THE CASE.

19 IN EXERCISING THE MENTAL PROCESS OF
20 DELIBERATION, LADIES AND GENTLEMEN, AND DETERMINING
21 WHAT YOU CONSIDER TO BE TRUE, THE LAW SIMPLY
22 REQUIRES THAT YOU EXERCISE YOUR GOOD JUDGMENT, YOUR
23 COMMON SENSE, YOUR SENSE OF LOGIC AND REASON AND
24 YOUR EXPERIENCES IN LIFE. YOU THEN APPLY THESE
25 ATTRIBUTES TO THE EVIDENCE THAT HAS BEEN PRESENTED

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1 BE CONSIDERED BY YOU IN ANY WAY IN YOUR
2 DELIBERATION WITH REGARD TO THE SENTENCE TO IMPOSE
3 UPON THE DEFENDANT. IT MUST NOT BE CONSIDERED BY
4 YOU IN ANY MANNER WHATSOEVER AGAINST THE DEFENDANT
5 OR MITIGATE AGAINST HIM IN ANY MANNER. A DEFENDANT
6 HAS A CONSTITUTIONAL RIGHT TO REMAIN SILENT AND THE
7 ASSERTION OF SUCH CONSTITUTIONAL RIGHT CANNOT AND
8 MUST NOT BE CONSIDERED BY YOU IN YOUR
9 DELIBERATIONS. YOU'RE TO REACH NO INFERENCE AND
10 DRAW NO CONCLUSIONS WHATSOEVER FROM THE FACT THAT
11 THE DEFENDANT HIMSELF DID NOT TESTIFY DURING THIS
12 PROCEEDING. THIS FACT SHOULD NOT EVEN BE DISCUSSED
13 OR MENTIONED BY ANYONE OF YOU IN THE JURY ROOM. I
14 REPEAT THE BURDEN OF PROOF IN THIS PROCEEDING IS
15 UPON THE STATE AND THE FACT THE DEFENDANT DID NOT
16 TESTIFY IS NOT TO BE CONSIDERED BY YOU IN YOUR
17 DELIBERATIONS WITH REGARD TO THE SENTENCE TO BE
18 IMPOSED UPON THE DEFENDANT.

19 IN DETERMINING THE APPROPRIATE SENTENCE
20 FOR THE DEFENDANT, YOU MAY CONSIDER CERTAIN
21 STATUTORY AGGRAVATING CIRCUMSTANCES, WHICH ARE
22 SUPPORTED BY THE EVIDENCE. YOU MAY CONSIDER THE
23 PARTICULAR NATURE OF THE CRIME AND THE PARTICULAR
24 CHARACTERISTICS, IF ANY, OF THE DEFENDANT. IN
25 ARRIVING AT YOUR DECISION, LADIES AND GENTLEMEN,

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1 YOU MUST FIRST DETERMINE FROM THE EVIDENCE
2 PRESENTED DURING THE TRIAL AND DURING THIS
3 SENTENCING PROCEEDING WHETHER THE ALLEGED STATUTORY
4 AGGRAVATING CIRCUMSTANCES EXISTED BEYOND A
5 REASONABLE DOUBT AT THE TIME THE VICTIM WAS
6 MURDERED BY THE DEFENDANT.

7 A STATUTORY AGGRAVATING CIRCUMSTANCE IS
8 A FACT, AN INCIDENT, A DETAIL, OR AN OCCURRENCE,
9 WHICH THE GENERAL ASSEMBLY OF THE STATE OF SOUTH
10 CAROLINA HAS DECLARED BY STATUTE TO AGGRAVATE OR TO
11 MAKE WORSE THE OFFENSE OF MURDER WHEN THAT FACT,
12 THAT INCIDENT, THAT DETAIL, OR THAT OCCURRENCE
13 ACCOMPANIES THE ACT OF MURDER.

14 IN OTHER WORDS, A STATUTORY AGGRAVATING
15 CIRCUMSTANCE INCREASES THE DEFENDANT'S GUILT AND
16 ENORMITY OF THE OFFENSE AND ADDS TO THE INJURIOUS
17 CONSEQUENCES OF THE OFFENSE. BEFORE YOU CAN IMPOSE
18 A DEATH SENTENCE UPON THE DEFENDANT, ALL TWELVE OF
19 YOU MUST AGREE THAT YOU ARE SATISFIED BEYOND A
20 REASONABLE DOUBT THAT THE EVIDENCE IN THIS CASE
21 ESTABLISHES THAT THE VICTIM WAS MURDERED IN THE
22 COMMISSION OF AT LEAST ONE OF THE ALLEGED STATUTORY
23 AGGRAVATING CIRCUMSTANCES. UNLESS YOU FIND --
24 UNLESS YOU SO FIND, YOU CANNOT SENTENCE THE
25 DEFENDANT TO DEATH.

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1 THE STATUTORY AGGRAVATING CIRCUMSTANCES
2 ALLEGED BY THE STATE WILL BE SUBMITTED TO YOU IN
3 WRITING IN A DOCUMENT ENTITLED STATUTORY
4 INSTRUCTIONS, WHICH YOU WILL HAVE WITH YOU IN THE
5 JURY ROOM WHEN YOU BEGIN YOUR DELIBERATIONS.

6 THE STATUTORY AGGRAVATING CIRCUMSTANCES
7 ALLEGED BY THE STATE ARE: ONE, THAT THE VICTIM WAS
8 MURDERED IN THE COMMISSION OF A KIDNAPPING; TWO,
9 THAT THE VICTIM WAS MURDERED IN THE COMMISSION OF
10 AN ACT OF PHYSICAL TORTURE; THREE, THAT THE
11 DEFENDANT CAUSED OR DIRECTED ANOTHER TO COMMIT
12 MURDER. THE PHRASE IN THE COMMISSION OF INCLUDES
13 ALL THE ACTS COMMITTED BY ONE WHICH PROXIMATELY
14 LEADS TO THE ACCOMPLISHMENT OF HIS CRIMINAL PURPOSE
15 AND ALL ACTS COMMITTED DURING ANY ESCAPE FROM THE
16 SCENE OF HIS CRIME. A KIDNAPPING TAKES PLACE WHEN
17 A PERSON IS SEIZED, CONFINED, INVEIGLED, DECOYED,
18 KIDNAPPED, ABDUCTED OR CARRIED AWAY, AND SUCH
19 SEIZURE, CONFINEMENT, INVEIGLEMENT, DECOYING,
20 KIDNAPPING, ABDUCTION OR CARRYING AWAY WAS
21 ACCOMPLISHED BY SOME MEANS WITHOUT THE AUTHORITY OF
22 LAW. PHYSICAL TORTURE TAKES PLACE WHEN THERE IS AN
23 INTENTIONAL INFLICTION OF SERIOUS, VILE, OR
24 HORRIBLE ABUSE UPON THE BODY OF ANOTHER BEFORE
25 DEATH. IT MAY INCLUDE THE MALICIOUS INFLICTION OF

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1 BODILY HARM TO ANOTHER BY SERIOUSLY DISFIGURING OR
2 RENDERING HIS OR HER BODY OR A MEMBER THEREOF
3 USELESS. OR IT MAY BE THE INTENTIONAL AND
4 UNMERCIFUL PROLONGING OF SEVERE PAIN AND ABUSE TO
5 THE BODY OF ANOTHER BEFORE DEATH. IN OTHER WORDS,
6 PHYSICAL TORTURE OCCURS WHEN THERE IS AN
7 INTENTIONAL AND UNMERCIFUL INFLICTION OF SERIOUS
8 AND EXTENSIVE PHYSICAL PAIN AND ABUSE UPON THE BODY
9 OF ANOTHER BEFORE DEATH. THE INTENT TO TORTURE IS
10 SEPARATE AND APART FROM AND IN ADDITION TO THE
11 INTENT TO MURDER THE VICTIM.

12 IF ALL TWELVE OF YOU ARE SATISFIED
13 BEYOND A REASONABLE DOUBT THAT ONE OR MORE OF THE
14 ALLEGED STATUTORY AGGRAVATING CIRCUMSTANCES EXISTED
15 AT THE TIME THAT THE VICTIM IN THIS CASE WAS
16 MURDERED, THEN YOU WOULD BE AUTHORIZED TO IMPOSE
17 EITHER A SENTENCE OF LIFE IMPRISONMENT OR DEATH
18 UPON THE DEFENDANT. IF HOWEVER, YOU DO NOT FIND
19 BEYOND A REASONABLE DOUBT THAT ONE OR MORE OF THE
20 ALLEGED STATUTORY AGGRAVATING CIRCUMSTANCES EXISTED
21 AT THE TIME THE VICTIM WAS MURDERED, THEN YOU WOULD
22 NOT BE AUTHORIZED TO IMPOSE THE DEATH SENTENCE UPON
23 THE DEFENDANT AND YOU WOULD ONLY BE AUTHORIZED TO
24 IMPOSE A SENTENCE OF LIFE IMPRISONMENT UPON THE
25 DEFENDANT.

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1 IN ARRIVING AT YOUR DECISION, YOU MUST
2 ALSO CONSIDER THE FOLLOWING STATUTORY MITIGATING
3 CIRCUMSTANCE. ONE, THAT THE DEFENDANT HAS NO
4 SIGNIFICANT HISTORY OR PRIOR CRIMINAL CONVICTION
5 INVOLVING THE USE OF VIOLENCE AGAINST ANOTHER
6 PERSON. IN ADDITION, YOU MAY ALSO CONSIDER AS A
7 MITIGATING FACTOR ANY ASPECT OF THE DEFENDANT'S
8 CHARACTER OR RECORD AND ANY OF THE CIRCUMSTANCES OF
9 THE OFFENSE FROM WHICH THE DEFENDANT PROFFERS AS A
10 BASIS FOR A SENTENCE OTHER THAN DEATH. IN OTHER
11 WORDS, YOU CONSIDER ANY RELEVANT MITIGATING FACTORS
12 OR CIRCUMSTANCES.

13 MITIGATING CIRCUMSTANCES ARE FACTS,
14 DETAILS, INCIDENTS, OR OCCURRENCES WHICH MITIGATE
15 THE OFFENSE OF MURDER. MITIGATING CIRCUMSTANCES
16 ARE ANY FACTS, WHICH IN FAIRNESS AND MERCY MUST BE
17 CONSIDERED AS AN EXTENUATING OR AS REDUCING THE
18 DEFENDANT'S MORAL CULPABILITY FOR THE COMMISSION OF
19 THE ACT OF MURDER. YOU MUST CONSIDER MITIGATING
20 CIRCUMSTANCES BECAUSE IF YOU ARE TO MAKE AN
21 INDIVIDUALIZED -- BECAUSE IF YOU ARE TO MAKE AN
22 INDIVIDUALIZED ASSESSMENT OF THE APPROPRIATENESS OF
23 THE DEATH PENALTY IN THE DEFENDANT'S CASE, WHICH
24 THE LAW OF THIS STATE REQUIRES YOU TO DO, EVIDENCE
25 ABOUT THE DEFENDANT'S BACKGROUND AND CHARACTER IS

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1 VERY RELEVANT.

2 WHILE IT IS NECESSARY IF YOU FIND
3 BEYOND A REASONABLE DOUBT THAT ONE OR MORE OF THE
4 ALLEGED STATUTORY AGGRAVATING CIRCUMSTANCES EXISTED
5 AT THE TIME THE VICTIM WAS MURDERED IN ORDER TO
6 IMPOSE THE SENTENCE OF DEATH UPON THE DEFENDANT, IT
7 IS NOT NECESSARY THAT YOU FIND UNANIMOUSLY AND/OR
8 BEYOND A REASONABLE DOUBT THAT ANY MITIGATING
9 CIRCUMSTANCES EXISTED AT THE TIME THE VICTIM WAS
10 MURDERED IN ORDER TO IMPOSE A SENTENCE OF LIFE
11 IMPRISONMENT RATHER THAN DEATH UPON THE DEFENDANT.
12 YOU ARE AUTHORIZED TO IMPOSE A SENTENCE OF LIFE
13 IMPRISONMENT REGARDLESS OF WHETHER YOU FIND ANY
14 MITIGATING CIRCUMSTANCES EXISTED AT THE TIME THE
15 VICTIM WAS MURDERED.

16 A DECISION TO IMPOSE A SENTENCE OF LIFE
17 IMPRISONMENT, LIKE A SENTENCE TO IMPOSE A SENTENCE
18 OF DEATH, MUST BE UNANIMOUS.

19 IN ARRIVING AT YOUR DECISION, YOU ARE
20 NOT TO ALLOW PASSION, PREJUDICE OR ANY OTHER
21 ARBITRARY FACTOR TO INFLUENCE YOUR JUDGEMENT. AS
22 JURORS, YOU MUST MAKE YOUR DECISION WITHOUT BIAS
23 TORRID, AND WITHOUT PREJUDICE AGAINST ANY PARTY.
24 YOU MUST NOT ALLOW YOURSELVES TO BE GOVERNED BY
25 PASSION. BOTH THE STATE AND THE DEFENDANT ARE

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1 ENTITLED TO EXPECT THAT EACH OF YOU WILL CAREFULLY
2 AND IMPARTIALLY CONSIDER ALL OF THE EVIDENCE IN THE
3 CASE AND THAT YOU WILL FOLLOW THE LAW AS I HAVE
4 EXPLAINED IT TO YOU IN REACHING YOUR DECISION.

5 FINALLY, LET ME DISCUSS WITH YOU THE
6 DECISION REGARDING THE DEFENDANT'S PUNISHMENT. AND
7 IF YOU WILL, LADIES AND GENTLEMEN, AT THE BACK OF
8 THE PACKAGE THERE ARE SHEETS THAT CONTAIN STATUTORY
9 INSTRUCTIONS ALONG WITH A SENTENCE AND VERDICT
10 FORM. IT'S A TWO-PART PAGE ENTITLED STATUTORY
11 INSTRUCTION AND IT'S A TWO-PART FORM THAT TALKS
12 ABOUT JURY'S FINDINGS. PLEASE REFER TO THE
13 STATUTORY INSTRUCTIONS.

14 ONE, IN DETERMINING WHETHER THE
15 DEFENDANT, STEPHEN A. BECKHAM, SHOULD BE SENTENCED
16 TO LIFE IMPRISONMENT OR DEATH FOR THE MURDER OF
17 VICTORIA LANDER BECKHAM YOU SHALL FIRST DETERMINE
18 WHETHER THE STATE HAS PROVEN THE EXISTENCE OF ONE
19 OR MORE OF THE FOLLOWING STATUTORY AGGRAVATING
20 CIRCUMSTANCES BEYOND A REASONABLE DOUBT: THE MURDER
21 WAS COMMITTED WHILE IN THE COMMISSION OF A
22 KIDNAPPING, THE MURDER WAS COMMITTED WHILE THE
23 VICTIM WAS SUBJECTED TO PHYSICAL TORTURE, THREE,
24 THE DEFENDANT CAUSED OR DIRECTED ANOTHER TO COMMIT
25 MURDER.

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1 IF YOU DO NOT FIND THE EXISTENCE OF ONE
2 OR MORE OF THE ALLEGED STATUTORY AGGRAVATING
3 CIRCUMSTANCES LISTED ABOVE, YOU SHALL SO INDICATE
4 ON PART (1) A OF THE SENTENCING VERDICT FORM
5 ENTITLED FINDINGS OF PROOF ON AGGRAVATING
6 CIRCUMSTANCES. AT THIS POINT, YOU WILL CEASE
7 DELIBERATIONS AND RETURN TO THE COURTROOM WITH YOUR
8 VERDICT, WHICH IS TO BE SIGNED BY THE FORELADY. IF
9 YOU WILL LOOK AT PART ONE OF THE SENTENCING SHEET,
10 IF YOU DO NOT FIND BEYOND A REASONABLE DOUBT THE
11 EXISTENCE OF ONE OR MORE OF THE STATUTORY
12 AGGRAVATING CIRCUMSTANCES, THEN THE FORELADY WOULD
13 SIMPLY SIGN HER NAME, YOU WILL DELIBERATE NO MORE
14 AND RETURN TO THE COURTROOM.

15 IF HOWEVER, YOU UNANIMOUSLY FIND THE
16 EXISTENCE OF ONE OR MORE OF THE ALLEGED STATUTORY
17 AGGRAVATING CIRCUMSTANCES LISTED ABOVE, YOU SHALL
18 SO INDICATE ON PART (1)B OF THE SENTENCING VERDICT
19 FORM ENTITLED JURY'S FINDINGS ON PROOF OF
20 AGGRAVATING CIRCUMSTANCES. THIS FINDING, IF MADE
21 BY YOU MUST BE SIGNED BY EVERY MEMBER OF THE JURY.
22 IF YOU UNANIMOUSLY FIND THE EXISTENCE OF ONE OR
23 MORE OF THE ALLEGED STATUTORY AGGRAVATING
24 CIRCUMSTANCES AND DESIGNATE THIS FINDING ON PART
25 (1) B OF THE SENTENCING VERDICT FORM, YOU MUST THEN

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1 CONTINUE YOUR DELIBERATIONS IN ORDER TO DETERMINE
2 WHETHER OR NOT THE DEFENDANT, STEPHEN A. BECKHAM,
3 SHOULD BE -- WHETHER HE SHOULD BE SENTENCED TO LIFE
4 IMPRISONMENT OR TO DEATH.

5 NOW, LADIES AND GENTLEMEN, IF YOU WILL
6 REFER TO PART (1)B ON THE SENTENCING FORM THERE IS
7 A SPACE FOR YOU TO FIND IF YOU DO UNANIMOUSLY FIND
8 BEYOND A REASONABLE DOUBT ONE OR MORE OF THE
9 AGGRAVATING CIRCUMSTANCES.

10 MADAM FORELADY, IF THE JURY MAKES SUCH
11 A FINDING, YOU MUST WRITE IN THAT SPACE THE
12 AGGRAVATING CIRCUMSTANCE, IF ANY, SO FOUND
13 UNANIMOUSLY BY THE JURY. AND THEN, IF THAT FINDING
14 IS MAKE, LIKEWISE, EACH MEMBER OF THE JURY MUST
15 SIGN ABOVE THEIR NAME INDICATING THAT THEY HAVE
16 UNANIMOUSLY FOUND BEYOND A REASONABLE DOUBT THE
17 EXISTENCE OF ONE OR MORE OF THE AGGRAVATING
18 CIRCUMSTANCES..

19 AGAIN, IF YOU FIND THE EXISTENCE OF ONE
20 OR MORE OF THE AGGRAVATING -- STATUTORY AGGRAVATING
21 CIRCUMSTANCES BEYOND A REASONABLE DOUBT, OF COURSE,
22 AS MY INSTRUCTION SAYS, YOU WOULD CONTINUE YOUR
23 DELIBERATION.

24 IN DETERMINING WHETHER THE DEFENDANT
25 SHOULD BE SENTENCED TO LIFE IMPRISONMENT OR TO

1 DEATH, YOU MAY CONSIDER ANY OF THE STATUTORY
2 AGGRAVATING -- I'M SORRY, ANY OF THE STATUTORY
3 AGGRAVATING CIRCUMSTANCES FOUND BY YOU TO EXIST
4 BEYOND A REASONABLE DOUBT.

5 YOU MUST ALSO CONSIDER THE FOLLOWING
6 MITIGATING CIRCUMSTANCE. ONE, THAT THE DEFENDANT
7 HAD NO SIGNIFICANT HISTORY OF PRIOR CRIMINAL
8 CONVICTION INVOLVING THE USE OF VIOLENCE AGAINST
9 ANOTHER PERSON. YOU MAY ALSO CONSIDER ANY EVIDENCE
10 OF MITIGATING FACTORS SUPPORTED BY THE RECORD,
11 WHICH YOU DEEM APPROPRIATE.

12 WHEN YOU HAVE DETERMINED THE SENTENCE
13 TO BE IMPOSED UPON THE DEFENDANT, INDICATE YOUR
14 VERDICT BY COMPLETING EITHER A OR B OF THE FORM
15 ENTITLED THE JURY DETERMINATION OF THE SENTENCE TO
16 BE IMPOSED. IF THE UNANIMOUS VERDICT OF THE JURY
17 IS THAT THE DEFENDANT SHOULD BE SENTENCED TO DEATH,
18 EACH MEMBER OF THE JURY SHALL INDICATE HIS OR HER
19 AGREEMENT WITH THE VERDICT BY SIGNING AS INDICATED.
20 AND IF YOU WILL LOOK ON PAGE TWO -- OR PART TWO OF
21 THE FORM, IT HAS EITHER A, WHICH MEANS IMPRISONMENT
22 OR LIFE IMPRISONMENT. IF THAT BE THE VERDICT OF
23 THE JURY UNANIMOUSLY, THEN MADAM FORELADY YOU WOULD
24 SIGN YOUR NAME THERE.

25 IF THE VERDICT BE DEATH, THEN EACH

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1 MEMBER OF THE JURY PANEL MUST SIGN THEIR NAME OVER
2 THE PLACE WHERE IT'S PROVIDED FOR. AND MADAM
3 FORELADY, YOU WOULD DATE THE VERDICT FORM AT THE
4 TIME THE JURY ARRIVES AT THIS VERDICT.

5 NOW, AGAIN, LET ME REITERATE TO YOU
6 THAT REGARDLESS OF THE SENTENCE YOU DECIDE TO
7 IMPOSE, YOU MUST UNANIMOUSLY FIND BEYOND A
8 REASONABLE DOUBT THAT THE STATE HAS ESTABLISHED AT
9 LEAST ONE OF THE AGGRAVATING CIRCUMSTANCES. ALSO,
10 YOU MUST FIND UNANIMOUSLY AND BEYOND A REASONABLE
11 DOUBT THAT THE SENTENCE YOU HAVE DECIDED TO IMPOSE
12 IS THE APPROPRIATE SENTENCE IN LIGHT OF THE RECORD
13 OF THE CASE.

14 NOW, LET ME ASK YOU, LADIES AND
15 GENTLEMEN, IF YOU WOULD RETIRE TO YOUR JURY ROOM.
16 I CAN TELL YOU, IN READING THE FORM, THERE IS ONE
17 EDITORIAL -- ONE EDITORIAL DUPLICATION ON A SHIFT
18 FROM ONE PAGE TO THE OTHER, BUT I THINK IF YOU SEE
19 IT -- YOU WILL BE ABLE TO SEE IT WITHOUT ANY
20 PROBLEM. LET ME POINT THAT OUT TO YOU. I'LL
21 DOUBLE CHECK WITH THE LAWYERS TO SEE IF THERE'S ANY
22 REASON I NEED TO MAKE A CORRECTION ABOUT THAT. I
23 THINK IT'S JUST A TYPOGRAPHICAL ERROR.

24 SO LET ME ASK YOU TO GO TO YOUR JURY
25 ROOM AND DON'T BEGIN ANY DELIBERATIONS, MADAM

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1 FORELADY, AND LADIES AND GENTLEMEN, UNTIL YOU ARE
2 AUTHORIZED TO DO SO. WHAT WILL HAPPEN IS THAT YOU
3 WILL GET THE ORIGINAL VERDICT -- THE ORIGINAL
4 STATUTORY INSTRUCTIONS, WHICH I'LL SIGN, ALONG WITH
5 THE FORM THAT IS MARKED ORIGINAL.

6 NOW, MADAM FORELADY, WHEN YOU DO THE
7 ACTUAL WORK AS FAR AS FILLING OUT THE FORM, PLEASE
8 USE THE ORIGINAL, AND IT'S MARKED; DO NOT USE A
9 COPY, OKAY? SO LET ME ASK YOU TO GO TO YOUR JURY
10 ROOM, PLEASE.

11 (WHEREUPON, THE JURY RECESSED TO THE
12 JURY ROOM AT 6:06 P.M.)

13 THE COURT: ALL RIGHT, EXCEPTIONS OR
14 OBJECTIONS FROM THE STATE? I KNOW THERE'S A
15 TYPOGRAPHICAL ERROR, I CAN'T PUT MY FINGER ON IT IN
16 THERE, BUT I'LL FIND IT IN JUST A MINUTE.

17 MR. JONES: YOUR HONOR, THE ONLY THING
18 WE WERE CONSIDERING, AND I THINK THAT WE PROBABLY
19 HAVE DECIDED IN SPITE OF THE FACT DEFENSE COUNSEL
20 TOLD YOU THEY WOULD NOT ARGUE TWENTY YEAR LIFE NO
21 PAROLE OR ANY OF THAT, SAID TO YOU THEY WOULDN'T DO
22 IT BEFOREHAND, YOU SAID, ALL RIGHT, NOBODY'S GOING
23 TO DO THAT, NOBODY'S GOING TO MAKE THAT ARGUMENT,
24 SO I WON'T HAVE TO WORRY ABOUT WHETHER I CHARGE
25 THIS JURY THAT HE'S ELIGIBLE FOR TWENTY-YEAR PAROLE

1 ELIGIBILITY WITH NO AGGRAVATING CIRCUMSTANCE,
2 THIRTY YEARS WITH AGGRAVATING CIRCUMSTANCE AND A
3 LIFE SENTENCE. AND THAT LIFE DOES NOT MEAN LIFE
4 WITH NO PAROLE AS STATED IN THIS FORM. BUT NO,
5 WE'RE GOING --

6 THE COURT: I'LL -- YOU KNOW, IF THEY
7 COME BACK WITH A QUESTION ABOUT THAT, I'LL DEAL
8 WITH IT WHEN I GET TO THAT.

9 MR. JONES: DEAL WITH IT THEN, OKAY.

10 THE COURT: ALL RIGHT, ANY EXCEPTION OR
11 OBJECTION? AND HELP ME OUT WITH MY TYPOGRAPHICAL
12 ERROR, I KNOW I READ IT.

13 MR. HARPOOTLIAN: I DIDN'T SEE ONE,
14 YOUR HONOR.

15 THE COURT: WELL, MAYBE IT'S JUST IN MY
16 MIND.

17 COURT REPORTER: IT'S ON THE BOTTOM OF
18 THE STATUTORY INSTRUCTIONS, WHERE IT SAYS IN ORDER
19 TO DETERMINE WHETHER THE DEFENDANT STEPHEN BECKHAM
20 AND IT GOES TO THE TOP OF THE NEXT PAPER.

21 THE COURT: ALL RIGHT, IT'S A
22 DUPLICATION. SO DO YOU MIND IF I STRIKE -- I USED
23 IN ORDER TO DETERMINE TWICE, I KNEW I SAW IT AND I
24 JUST COULDN'T PUT MY --

25 MR. HARPOOTLIAN: IT'S NOT ON YOUR

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1 CHARGE, IT'S ON THE STATUTORY INSTRUCTIONS?

2 THE COURT: IT'S ON THE STATUTORY
3 INSTRUCTIONS.

4 MR. HARPOOTLIAN: YEAH, NO, SIR.

5 MR. SWERLING: JUDGE, ALSO, FOR THE
6 RECORD, WHAT I ARGUED ABOUT WAS RICHARD ANDERSON'S
7 PLEA BARGAIN WITH THE STATE OF SOUTH CAROLINA, NOT
8 ANYTHING ABOUT STEPHEN BECKHAM.

9 MR. MCMAHON: NO, SIR, NOT --

10 MR. SWERLING: HE'S IGNORING -- HE'S
11 IGNORING WHAT IN FACT IS THE RECORD.

12 MR. MCMAHON: YES, SIR, AND WE TALKED
13 ABOUT THAT BEFOREHAND AND WE SAID IT WAS IN THE
14 RECORD AND WANTED TO KNOW IF WE COULD ARGUE IT.
15 THEY SAID THEY WEREN'T GOING TO ARGUE AND WE SAID
16 WE WEREN'T; THAT WAS OUR UNDERSTANDING.

17 MR. SWERLING: AND I DIDN'T.

18 THE COURT: LET ME --

19 MR. MCMAHON: YOU JUST SAID YOU DID --

20 MR. SWERLING: I ARGUED ABOUT RICHARD
21 ANDERSON. HE MENTIONED RICHARD ANDERSON.

22 THE COURT: THERE'S NO QUESTION HE
23 ARGUED IT FROM RICHARD ANDERSON'S STANDPOINT. AND
24 THAT'S A CLEVER WAY TO DO IT. LET'S JUST SEE WHAT
25 THE JURY DOES.

1 MR. MCMAHON: YES, SIR, THAT MAY BE
2 CLEVER, BUT THAT'S NOT WHAT HE STATED ON THE
3 RECORD, YOUR HONOR. I NEVER SAID HE WASN'T CLEVER.
4 YOU KNOW, BASICALLY, WHAT I'M SAYING IS THEY SAID
5 THEY WOULDN'T ARGUE IT AND THEY DID.

6 THE COURT: WELL --

7 MR. MCMAHON: THAT'S NOT CLEVER, I
8 DON'T THINK IS WHAT I WOULD CHARACTERIZE IT AS.

9 THE COURT: LET'S SEE WHAT THE JURY
10 SAYS. I DON'T SEE THE REASON FOR ME TO TELL THEM
11 WHAT TO DO RIGHT NOW. LET'S SEE WHAT THEY DO.

12 ALL RIGHT, NOW, GENTLEMEN, I HAVE
13 MARKED THE DUPLICATION ON THE TOP. ANY OBJECTION
14 TO THAT?

15 MR. MCMAHON: SIR?

16 THE COURT: THE COMPUTER JUST TYPED THE
17 SAME WORDS, IN ORDER, TWICE.

18 MR. MCMAHON: NO OBJECTION FROM THE
19 STATE.

20 MR. HARPOOTLIAN: NO, SIR.

21 THE COURT: ALL RIGHT.

22 (WHEREUPON, THE COURT WAS IN RECESS
23 AWAITING A VERDICT.)

24 (WHEREUPON, A VERDICT WAS REACHED AT
25 8:08 P.M.)

1 THE COURT: ALL RIGHT, LADIES AND
2 GENTLEMEN, SAME RULES AS AT THE GUILT PHASE AS TO
3 NOT TO DISPLAY ANY EMOTION ONE WAY OR THE OTHER. I
4 HAVE NO REASON TO DEVIATE FROM WHAT I SAID
5 BEFOREHAND. THIS HAS BEEN A WELL-TRIED CASE AND I
6 COMMEND THE ATTORNEYS AND SOLICITOR AND EVERYONE,
7 AND THE LAW ENFORCEMENT, EVERYBODY THAT'S HAD
8 SOMETHING TO DO WITH IT.

9 ALL RIGHT, BRING THE JURY IN.

10 (WHEREUPON, THE JURY RETURNED TO OPEN
11 COURT 8:21 P.M.)

12 THE COURT: ALL RIGHT, MADAM FOREMAN,
13 HAS THE JURY REACHED A UNANIMOUS VERDICT?

14 MADAM FOREMAN: WE HAVE, YOUR HONOR.

15 THE COURT: ALL RIGHT, IF YOU'D PASS IT
16 TO THE BAILIFF, PLEASE, MA'AM.

17 ALL RIGHT, MADAM CLERK, YOU MAY PUBLISH
18 THE VERDICT.

19 THE CLERK: CASE NO. 96-GS-36-79, STATE
20 OF SOUTH CAROLINA VERSUS STEPHEN A. BECKHAM, WE THE
21 JURY IN THE ABOVE ENTITLED CASE UNANIMOUSLY FIND
22 BEYOND A REASONABLE DOUBT THE EXISTENCE OF THE
23 FOLLOWING AGGRAVATING CIRCUMSTANCES: ONE, THE
24 MURDER WAS COMMITTED WHILE IN THE COMMISSION OF A
25 KIDNAPPING; TWO, THE MURDER WAS COMMITTED WHILE THE

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1 VICTIM WAS SUBJECTED TO PHYSICAL TORTURE; THREE,
2 THE DEFENDANT CAUSED OR DIRECTED ANOTHER TO COMMIT
3 MURDER, AND IT'S SIGNED ALICE C. LAMAR, FORELADY,
4 EDNA A. CAPPS, DELLA F. PRICE, MARJORIE WEST, RANDY
5 M. REID, JOHN ROBERT GRIMES, JAMES H. COOPERIDER,
6 JOE L. TURNER, GRETA A. HALL, JACK E. CALBRETH,
7 CHRISTOPHER L. CONNELLY, KATHY A. MCGUFFIN.

8 WE THE JURY IN THE ABOVE ENTITLED CASE
9 HAVING FOUND BEYOND A REASONABLE DOUBT THE
10 EXISTENCE OF A STATUTORY AGGRAVATING CIRCUMSTANCE
11 AS INDICATED IN PART (1) B, UNANIMOUSLY FIX THE
12 PUNISHMENT OF THE DEFENDANT, STEPHEN A. BECKHAM, AS
13 A, IMPRISONMENT IN THE STATE PENITENTIARY FOR THE
14 BALANCE OF HIS NATURAL LIFE; SIGNED ALICE C. LAMAR,
15 FORELADY.

16 MADAM FOREMAN, LADIES AND GENTLEMEN, IF
17 THIS IS YOUR VERDICT, PLEASE, INDICATE BY RAISING
18 YOUR RIGHT HAND.

19 THE COURT: ALL RIGHT, THANK YOU.

20 LET THE RECORD REFLECT THEY ALL
21 INDICATED IN THE AFFIRMATIVE.

22 DOES THE STATE REQUEST POLLING OF THE
23 JURY?

24 MR. JONES: NO, YOUR HONOR, THE STATE
25 WOULD WAIVE POLLING.

1 THE COURT: THE STATE WAIVES.
2 DEFENSE?

3 MR. HARPOOTLIAN: WAIVES.

4 THE COURT: WAIVES? ALL RIGHT, THE
5 DEFENSE WAIVES POLLING.

6 MADAM FORELADY AND LADIES AND GENTLEMEN
7 OF THE JURY, LET ME SAY PUBLICLY TO YOU THAT YOU
8 CAME INTO NEWBERRY COUNTY TO TRY A CASE THAT QUITE
9 FRANKLY, HAS DIVIDED THIS COMMUNITY. AND I THINK
10 YOU HAVE DONE -- I WOULD AGREE WITH THE ATTORNEYS
11 AND THE -- DURING THE COURSE OF THE ARGUMENTS THAT
12 YOU CERTAINLY WORKED HARD AND THAT YOU PAID VERY
13 CLOSE ATTENTION AND YOU RESOLVED A VERY, VERY
14 DIFFICULT AND THORNY CASE HERE IN THIS AREA.

15 I WANT TO TAKE JUST A FEW MINUTES TO
16 TALK WITH YOU ABOUT SOME DETAILS ABOUT MOVING YOU--
17 TRANSPORTING YOU BACK AND FORTH AND SOME THINGS
18 LIKE THAT AND GIVE YOU SOME INSTRUCTIONS CONCERNING
19 YOUR RIGHT TO TALK OR NOT TO TALK TO THE JURY -- TO
20 ANYONE ABOUT THE CASE. AND I WANT TO, IF YOU DON'T
21 MIND, LET ME DO IT IN THE JURY ROOM WITH YOU. I'VE
22 GOT A LETTER FOR YOU, IT EXPLAINS SOME DETAILS
23 ABOUT GETTING YOU BACK HOME AND WE'LL MAKE A
24 DECISION ABOUT THAT.

25 AND INSOFAR AS THE -- WHY DON'T WE TAKE

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1 ABOUT A, LET'S SAY A FIFTEEN OR TWENTY MINUTE BREAK
2 WHILE I DO THIS WITH THE JURY. I ASK THAT THE
3 PEOPLE IN THE COURTHOUSE NOT -- IN OTHER WORDS,
4 KEEP THE BACK PART OF THE COURTHOUSE CLEARED SO WE
5 CAN TRANSPORT THE JURY OUT. EVERYBODY STAY IN THIS
6 SIDE. I WILL LIFT THE GAG ORDER FOR PURPOSES OF
7 ANYONE WHO WISHES TO TALK TO THE PRESS ONE WAY OR
8 THE OTHER ABOUT THE CASE. AND WE'LL BE BACK IN
9 HERE FOR SENTENCING IN LET'S SAY ABOUT QUARTER TO
10 NINE.

11 ALL RIGHT, BE AT EASE WHILE I TALK --
12 EVERYBODY STAY SEATED UNTIL WE GET THE JURY IN THE
13 JURY BOX AND THEN WE'LL -- IN THE JURY ROOM.

14 (WHEREUPON, THE JURY RECESSED TO THE
15 JURY ROOM AT 8:25 P.M.)

16 THE COURT: WE PROBABLY NEED TO MOVE
17 THE DEFENDANT WHILE WE'RE AT EASE AND THEN WE'LL
18 COME BACK AND DEAL WITH THAT.

19 ALL RIGHT, MR. SWERLING AND MR.
20 HARPOOTLIAN, ANYTHING YOU'D LIKE TO ADD TO THE
21 RECORD?

22 MR. SWERLING: NO, YOUR HONOR, I THINK
23 JUST AT THIS TIME JUST TO PROTECT THE RECORD FOR
24 PROCEDURAL PURPOSES, WE'D LIKE TO MAKE THE MOTIONS
25 AND NOTE OUR MOTIONS --

1 MR. HARPOOTLIAN: RENEW OUR MOTIONS.

2 MR. SWERLING: RENEW OUR MOTIONS THAT
3 WERE MADE AT THE CONCLUSION OF THE STATE'S CASE AND
4 INCORPORATE THEM HEREIN AS FULLY AS IF WE HAD
5 STATED THEM AS FAR AS NEW TRIAL AND JUST TO PROTECT
6 THE RECORD WITH REGARDS TO THAT.

7 THE COURT: I WOULD DENY THOSE MOTIONS.
8 ANYTHING ELSE YOU WOULD LIKE TO ADD?

9 MR. BECKHAM, IS THERE ANYTHING YOU WANT
10 TO ADD?

11 MR. BECKHAM: NO.

12 THE COURT: WELL, I TRIED TO THINK OF
13 SOMETHING THAT COULD BE SAID TO HELP RESOLVE THE
14 DIFFICULTY THAT IS HERE IN NEWBERRY AND I'M NOT
15 SURE THAT I KNOW WHAT IT IS. BUT I THOUGHT LAST
16 NIGHT THAT BASICALLY THE FAMILIES HAVE FOUR -- AS
17 FAR AS I CAN TELL YOU HAVE FOUR THINGS IN COMMON.
18 ONE, I DON'T KNOW THAT ANYBODY EXPRESSED ANYTHING
19 OTHER THAN LOVE FOR VICTORIA LANDER BECKHAM AND THE
20 FAMILIES. OBVIOUSLY, EVERY FAMILY HAS STRONG
21 COMMITMENTS WITHIN THEIR FAMILIES, THE LANDERS AND
22 THE BECKHAMS. NO QUESTION YOU GOT THREE GREAT
23 GRANDCHILDREN AND YOU HAVE THREE FINE CHILDREN, MR.
24 BECKHAM. CLEARLY, ALL OF YOU BELIEVE IN THE VERY
25 BASIC CHRISTIAN PRINCIPLES. AND, YOU KNOW, I --

1 THE GREATEST OF THOSE, OF COURSE, IS LOVE AND GRACE
2 AND THE JURY GAVE YOU GRACE TONIGHT. AND I WOULD
3 HOPE THAT YOU WOULD DO WHAT YOU NEED TO DO TO BRING
4 THE TWO FAMILIES TOGETHER, EVERYBODY HAS SUFFERED.

5 AND BEFORE I PASS SENTENCE, I WANT TO
6 PERSONALLY THANK THE SOLICITOR AND HIS STAFF,
7 SHERIFF FOSTER, CHARLIE WEBBER, SLED, THE HIGHWAY
8 PATROL, CERTAINLY, JACKIE BOWERS, THE CLERK HERE
9 AND HER STAFF AND FOLKS FROM OCONEE FOR MAKING AT
10 LEAST A VERY UNFORTUNATE SITUATION RUN AS SMOOTH AS
11 IT COULD. AND CERTAINLY, TO MR. HARPOOTLIAN AND
12 MR. SWERLING, I COMMEND YOU FOR YOUR HARD WORK ON
13 BEHALF OF YOUR CLIENT.

14 ON INDICTMENT NO. 96-36-79, FOR COUNT
15 RELATING TO MURDER, THE SENTENCE OF THE COURT IS
16 YOU, STEPHEN A. BECKHAM, BE CONFINED TO THE SOUTH
17 CAROLINA DEPARTMENT OF CORRECTIONS FOR THE BALANCE
18 OF YOUR NATURAL LIFE, SEE THE AGGRAVATING
19 CIRCUMSTANCE FORM FOR PAROLE ELIGIBILITY. AS TO
20 96-GS-36-79, KIDNAPPING, BECAUSE A LIFE SENTENCE --
21 BECAUSE A MURDER CONVICTION WAS RETURNED AND THE
22 LIFE SENTENCE IS IMPOSED THE SENTENCE ASSUMED, BUT
23 IT IS THIRTY YEARS CONCURRENT. ON 96-GS-36-79,
24 CONSPIRACY TO COMMIT MURDER, FIVE YEARS CONCURRENT.
25 GOOD LUCK TO YOU.

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1 MR. SWERLING: YOUR HONOR, THANK YOU.

2 MR. HARPOOTLIAN: THANK YOU, YOUR

3 HONOR.

4 HEARING CONCLUDED.

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF NEWBERRY)

3 C E R T I F I C A T E

4 I, THE UNDERSIGNED BRENDA A. DOUGLAS,
5 OFFICIAL COURT REPORTER OF THE EIGHTH JUDICIAL
6 CIRCUIT FOR THE STATE OF SOUTH CAROLINA DO HEREBY
7 CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE, AND
8 COMPLETE TRANSCRIPT OF RECORD OF ALL PROCEEDINGS
9 HELD AND EVIDENCE INTRODUCED IN THE DEATH PENALTY
10 TRIAL OF THE ABOVE CAPTIONED CASE, RELATIVE TO
11 APPEAL, IN THE COURT OF GENERAL SESSIONS FOR
12 NEWBERRY COUNTY, SOUTH CAROLINA ON THE 16TH DAY OF
13 SEPTEMBER THROUGH THE 4TH DAY OF OCTOBER, 1996.

14 I DO FURTHER CERTIFY THAT I AM NEITHER
15 OF KIN, COUNSEL, NOR INTEREST TO ANY PARTY HERETO.

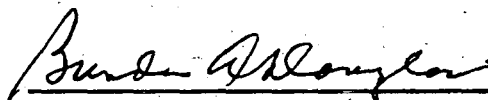
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June 25, 1997

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Recd. @ 3:45 pm

(WR) 1 Fleming
5 Anderson Tapes
6

Quinn's Notes

How Hysterical
May we hear the rules about the
"hand of one is the hand of all" Does
the accused have to be present in the scene?
there are reporters under the window of the
jury room. We need the window open & are
concerned about our arguments & deliberations
being heard.

Lee Lamm, Foreman

Recd. 9:35 pm

Your Honor.
May we have the part of Thomas Fleming's
Testimony which applies to the a a pistol and 1
possible (or impossible) injuries incurred by same.

Miss Jones, Texas

Rec'd 6:20
Dr 6:40
6:44

Your Honor.

One or two of the jurors are still
confused about the rule of "~~one~~ or
"the hand of one is the hand of all"
I'm sorry, but may we hear it again?

Recd 10:18 pm

Alvin Lamar, Foreman

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

STATE OF SOUTH CAROLINA

VS.

STEPHEN A. BECKHAM,
DEFENDANT.

)
) IN THE COURT OF GENERAL SESSIONS
) EIGHTH JUDICIAL CIRCUIT

)
) STATUTORY INSTRUCTIONS

)
) 96-GS36-79
)
)
)
)

(1) IN DETERMINING WHETHER THE DEFENDANT STEPHEN A. BECKHAM SHOULD BE SENTENCED TO LIFE IMPRISONMENT OR DEATH FOR THE MURDER OF VICTORIA LANDER BECKHAM, YOU SHALL FIRST DETERMINE WHETHER THE STATE HAS PROVEN THE EXISTENCE OF ONE OR MORE OF THE FOLLOWING STATUTORY AGGRAVATING CIRCUMSTANCES BEYOND A REASONABLE DOUBT:

1. THE MURDER WAS COMMITTED WHILE IN THE COMMISSION OF A KIDNAPPING.
2. THE MURDER WAS COMMITTED WHILE THE VICTIM WAS SUBJECTED TO PHYSICAL TORTURE.
3. THE DEFENDANT CAUSED OR DIRECTED ANOTHER TO COMMIT MURDER.

(2) IF YOU DO NOT UNANIMOUSLY FIND THE EXISTENCE OF ONE OR MORE OF THE ALLEGED STATUTORY AGGRAVATING CIRCUMSTANCES LISTED ABOVE, YOU SHALL SO INDICATE ON PART I(a) OF THE SENTENCING VERDICT FORM ENTITLED *JURY'S FINDINGS ON PROOF OF AGGRAVATING CIRCUMSTANCES*. AT THIS POINT, YOU WILL CEASE DELIBERATIONS AND RETURN TO THE COURTROOM WITH YOUR VERDICT, WHICH IS TO BE SIGNED BY THE FORELADY.

(3) IF, HOWEVER, YOU UNANIMOUSLY FIND THE EXISTENCE OF ONE OR MORE OF THE ALLEGED STATUTORY AGGRAVATING CIRCUMSTANCES LISTED ABOVE, YOU SHALL SO INDICATE ON PART I(b) OF THE SENTENCING VERDICT FORM ENTITLED *JURY'S FINDINGS ON PROOF OF AGGRAVATING CIRCUMSTANCES*. THIS FINDING, IF MADE BY YOU, MUST BE SIGNED BY EVERY MEMBER OF THE JURY. IF YOU UNANIMOUSLY FIND THE EXISTENCE OF ONE OR MORE OF THE ALLEGED STATUTORY AGGRAVATING CIRCUMSTANCES AND DESIGNATE THIS FINDING ON PART I(b) OF THE SENTENCING VERDICT FORM, YOU MUST THEN CONTINUE YOUR DELIBERATIONS IN ORDER TO DETERMINE WHETHER THE DEFENDANT STEPHEN A. BECKHAM SHOULD BE

IN ORDER TO DETERMINE WHETHER THE DEFENDANT STEPHEN A. BECKHAM SHOULD BE SENTENCED TO LIFE IMPRISONMENT OR TO DEATH.

(4) IN DETERMINING WHETHER THE DEFENDANT SHOULD BE SENTENCED TO LIFE IMPRISONMENT OR TO DEATH, YOU MAY CONSIDER ANY OF THE STATUTORY AGGRAVATING CIRCUMSTANCES FOUND BY YOU TO EXIST BEYOND A REASONABLE DOUBT. YOU MUST ALSO CONSIDER THE FOLLOWING MITIGATING CIRCUMSTANCE:

1. THAT THE DEFENDANT HAS NO SIGNIFICANT HISTORY OF PRIOR CRIMINAL CONVICTION INVOLVING THE USE OF VIOLENCE AGAINST ANOTHER PERSON.

YOU MAY ALSO CONSIDER ANY EVIDENCE OF MITIGATING FACTORS SUPPORTED BY THE RECORD WHICH YOU DEEM APPROPRIATE.

(5) WHEN YOU HAVE DETERMINED THE SENTENCE TO BE IMPOSED UPON THE DEFENDANT, INDICATE YOUR VERDICT BY COMPLETING EITHER (a) OR (b) OF THE FORM ENTITLED *JURY'S DETERMINATION OF THE SENTENCE TO BE IMPOSED*. IF THE UNANIMOUS VERDICT OF THE JURY IS THAT THE DEFENDANT SHOULD BE SENTENCED TO DEATH, EACH MEMBER OF THE JURY SHALL INDICATE HIS OR HER AGREEMENT WITH THE VERDICT BY SIGNING AS INDICATED.

HENRY F. FLOYD
PRESIDING JUDGE
EIGHTH JUDICIAL CIRCUIT

OCTOBER ____, 1996
NEWBERRY, SOUTH CAROLINA

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

STATE OF SOUTH CAROLINA

VS.

STEPHEN A. BECKHAM,

DEFENDANT.

IN THE COURT OF GENERAL SESSIONS
EIGHTH JUDICIAL CIRCUIT

PART I

JURY'S FINDING ON PROOF OF
AGGRAVATING CIRCUMSTANCES

96-GS36-79

COMPLETE EITHER (a) OR (b), AS APPROPRIATE:

(a) WE, THE JURY IN THE ABOVE-ENTITLED CASE, DO NOT UNANIMOUSLY FIND BEYOND A
REASONABLE DOUBT THE EXISTENCE OF ANY STATUTORY AGGRAVATING CIRCUMSTANCE. THIS
IS OUR VERDICT.

SIGNED

ALICE C. LAMAR, FORELADY

(b) WE, THE JURY IN THE ABOVE ENTITLED CASE, UNANIMOUSLY FIND BEYOND A
REASONABLE DOUBT THE EXISTENCE OF THE FOLLOWING AGGRAVATING CIRCUMSTANCE(S):

SIGNED:

ALICE C. LAMAR, FORELADY

EDNA A. CAPPS

DELLA F. PRICE

MARJORIE WEST

BRANDY M. REID

JOHN ROBERT GRIMES

OCTOBER , 1996
NEWBERRY, SOUTH CAROLINA

JAMES H. COOPRIDER

JOE L. TURNER

GRETA A. HALL

JACK E. GALBREATH

CHRISTOPHER L. CONNALLY

KATHY A. MCGUFFIN