

VOLUME I OF II

STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY

SC Court of Appeals

Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RICHEY LAMONT BOYD,

APPELLANT

APPELLATE CASE NO. 2012-209166

RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

Attorney for Appellant

VOLUME I OF II
PAGES 1-500

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3727

W. WALTER WILKINS, III
Solicitor, Thirteenth Judicial Circuit
Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185
(864) 467-8282

Attorneys for Respondent

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STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

COURT OF GENERAL SESSIONS

2011-GS-23-06381

2011-GS-23-06382

2011-GS-23-06383

2011-GS-23-06384

2011-GS-23-06385

STATE OF SOUTH CAROLINA,)

vs.)

TRANSCRIPT OF RECORD

VOLUME I

RICHEY LAMONT BOYD,)

DEFENDANT.)

ORIGINAL

February 13, 14, 15, and 16, 2012
Greenville, South Carolina

B E F O R E:

THE HONORABLE CARMEN T. MULLEN, JUDGE; and a jury.

A P P E A R A N C E S:

W. JEFFREY WESTON, ESQ.
Assistant Solicitor

EVERETT P. GODFREY, JR., ESQ.
Attorney for Defendant Boyd
LARRY H. COOKE, ESQ.
Attorney for Defendant Williams

HOLLIE M. JENKINS
Circuit Court Reporter

1 anywhere. So I don't see any violation whatsoever under
2 that motion. And, again, you can't tell me or articulate
3 any prejudice. So, respectfully, I'm going to deny your
4 motion to quash the indictments, sir.

5 Thank you.

6 You have a motion to sever?

7 MR. GODFREY: Yes, Your Honor.

8 On behalf of Richey Boyd, we would move the Court for
9 an order granting severance. In the spring of 2011, my
10 client and four co-defendants were arrested and charged
11 with murder, burglary first degree, kidnapping, attempted
12 armed robbery, and possession of a weapon during the
13 commission of a violent crime and, also, criminal
14 conspiracy. Subsequent to the arrest, three co-defendants
15 made statements to law enforcement implicating my client
16 and the fifth Defendant, who is seated here at the table.

17 Subsequent to the arrest, the fifth Defendant, who is
18 here at the table, allegedly made some statements which
19 are against his penal interest, which I'm sure are going
20 to be part and parcel of this case, statements which
21 indicate that he potentially was the shooter. At no time
22 has my client made any statements to law enforcement or
23 anyone else about these charges. He has always maintained
24 his innocence.

25 THE COURT: Just so I'm clear, it is Mr. Williams --

1 am I correct, it is Mr. Williams that made a statement
2 implicating himself? Is that correct?

3 MR. GODFREY: That's correct.

4 THE COURT: Okay.

5 MR. GODFREY: He made it to co-defendants --
6 allegedly made it to co-defendants.

7 THE COURT: Okay.

8 MR. GODFREY: Judge, my client believes and would
9 submit to the Court that it is highly improper and
10 prejudicial for him to go before a jury at the same time
11 that Mr. Williams, who is the alleged shooter, goes before
12 the jury. Mr. Williams allegedly made statements against
13 his penal interest. My client has made no statements at
14 all.

15 If you allow these two people to be tried together,
16 based upon what the jury is going to hear and we're
17 sitting here at the same table, it appears to me that it
18 could lead to some jury confusion and could cause a jury
19 to make unfair and prejudicial inferences against
20 Mr. Boyd, which are not warranted in this case.

21 Judge, under the case of State v. Spears, which is
22 393 S.C. 466, it talks about the substantive rights of a
23 defendant to be tried, actually, by himself. We believe
24 that due process in this case requires that my client be
25 tried separately from Mr. Williams, based upon the

1 evidence that is going to be presented to the jury, and
2 the fact that we're seated here at the table with
3 Mr. Williams. I believe it could cause great problems for
4 the jury and could lead to improper inferences, which
5 would be to the detriment of my client. We believe that
6 due process requires that this case be severed and
7 Mr. Boyd be tried separately.

8 THE COURT: And, just so I'm clear, there are no
9 Bruton issues between these two Defendants; correct?

10 MR. GODFREY: There are no Bruton issues.

11 THE COURT: Thank you, sir.

12 Mr. Weston.

13 MR. WESTON: Thank you, Your Honor.

14 May it please the Court.

15 THE COURT: Yes, sir.

16 MR. WESTON: Counsel is correct. There are no Bruton
17 issues.

18 Let me try to address this in some sort of systematic
19 fashion. Again, Your Honor, what he's talking about is
20 one statement by one witness where the co-defendant gave a
21 confession wherein he says what he did, and he said there
22 were other parties involved. He never mentions
23 Mr. Godfrey's client. So there's no prejudice to him
24 there, although I don't -- I'm not sure whether it would
25 be prejudicial to mention him, but he's not mentioned.

1 Your Honor, if cases could -- if you could get
2 severance simply because the evidence against your client
3 is not going to be the exact same evidence that was
4 presented against another --

5 THE COURT: We would never try defendants together.

6 MR. WESTON: We would never try co-defendants.

7 Your Honor, this is one incident involving five
8 defendants -- as it relates to this motion, involving both
9 of these Defendants from start to finish. This is not a
10 disjointed conspiracy where one Defendant played one part,
11 another Defendant played another part in an ongoing series
12 of events that took place over a period of days or weeks.
13 This is a three- or four-hour event that began with them
14 together and ended with them together. And there is
15 absolutely no reason to sever these cases.

16 He mentioned substantive -- he throws around words
17 like substantive due process, but he's not alleged -- and
18 confusion of the jury, but he's not alleged anything,
19 specifically, where that would happen. And I would submit
20 to the Court, Your Honor, that is not going to happen.
21 We're only talking about two co-defendants. We're not
22 talking about 50.

23 THE COURT: And, again, I know very little about this
24 case, other than what I've been told this morning. But my
25 understanding is their theory of going against both of

1 them on the charge of murder is -- one of them is,
2 obviously, going to be under the hand of one is the hand
3 of all.

4 Is that correct?

5 MR. WESTON: That is correct, Your Honor.

6 THE COURT: And the same facts would be presented as
7 to both Defendants as far as the incident; is that
8 correct?

9 MR. WESTON: That is correct, Your Honor.

10 THE COURT: Anything further?

11 MR. GODFREY: Nothing, Your Honor.

12 THE COURT: Respectfully, I do not think it warrants
13 severance. I think, certainly, the jury can make their
14 own independent decisions as to each of these Defendants.
15 I don't see any prejudice in any way. We're going to go
16 forward with both of them.

17 Any other pre-trial motions?

18 MR. WESTON: Nothing from the State, Your Honor.

19 THE COURT: Gentlemen, you tell me how you wish to
20 proceed. I can take the first three as guilty pleas, if
21 that helps you, or we can go ahead and pull the jury. You
22 tell me. It's 12:55. I haven't been up here in
23 Greenville. I think the last time I held court here was
24 four and a half years ago. So you tell me what your
25 preference is. I don't want to leave your people

1 MR. GODFREY: Yes, Your Honor.

2 THE COURT: Thank you, gentlemen.

3 Let's bring the jury in.

4 (WHEREUPON, the jury came into open court at
5 approximately 4:17 p.m.)

6 THE COURT: Welcome back, ladies and gentlemen of the
7 jury.

8 At this time, what we're going to go ahead and do is
9 swear you in as the jury in the trial of this case. I am
10 going to give you just a very brief road map of what's
11 going to happen. And then the attorneys are each going to
12 make an opening statement.

13 But, if you would, ladies and gentlemen, to begin, if
14 you would all, please, stand and raise your right hand to
15 accept the oath as the jury in this case.

16 THE CLERK: The response to the oath is "I will."

17 You shall well and truly try case 2011-GS-23-2010,
18 State v. Lamar Dontray Williams, indicted for burglary
19 first degree; 2011-GS-23-2011 for murder and possession of
20 a weapon during the commission of a violent crime;
21 2011-GS-23-2012 for attempted armed robbery; and
22 2011-GS-23-2013 for kidnapping; 2011-GS-23-2014 for
23 conspiracy; and 2011-GS-23-2035 for intimidation or
24 attempted intimidation of a witness or potential witness,
25 and a true verdict render, according to the law and the

1 evidence, so help you God.

2 (WHEREUPON, all jurors said "I will.")

3 THE CLERK: Additionally --

4 THE COURT: Hold on just a minute.

5 MR. COOKE: I think you know what I was going to say.

6 THE COURT: Yes, absolutely.

7 Ladies and gentlemen, just -- you can put your hands
8 down. You are absolutely fine.

9 There was one charge that was read in there that is
10 not a proper charge, and was not a charge. It was the
11 intimidation of a witness. So you are to strike that and
12 disregard it, ladies and gentlemen. That is not a charge.

13 THE CLERK: I'm sorry.

14 THE COURT: That's all right.

15 And we'll go ahead. And you can go ahead and do it
16 as to Mr. Boyd.

17 THE CLERK: Okay.

18 THE COURT: Go ahead and raise your right hands
19 again. We're going to continue, ladies and gentlemen.

20 THE CLERK: Again, the response to the oath is "I
21 will."

22 You shall well and truly try case 2011-GS-23-6381,
23 Richey Lamont Boyd indicted for murder and possession of a
24 weapon during the commission of a violent crime;
25 2011-GS-23-6382 for kidnapping; 2011-GS-23-6383 for

1 burglary first degree; 2011-GS-23-6384 for attempted armed
2 robbery; and 2011-GS-23-6385 for conspiracy, and a true
3 verdict render according to the law and the evidence, so
4 help you God.

5 (WHEREUPON, all jurors said "I will.")

6 THE CLERK: Thank you..

7 INTRODUCTORY REMARKS

8 THE COURT: Thank you, ladies and gentlemen.

9 You may be seated.

10 Ladies and gentlemen, what I'm now going to say to
11 you is to serve as an introduction to the trial of this
12 case. These remarks are not a charge on the law. I am
13 going to instruct you on the law that's applicable to this
14 case at the end of the trial. This is just merely an
15 explanation of what's going to happen and the procedures
16 we're going to follow during this trial so you can better
17 understand what's happening.

18 Ladies and gentlemen, the Defendants in this case are
19 tried -- or charged by an indictment that's filed in this
20 Court with the offenses of murder, possession of a weapon
21 during the commission of a violent crime, kidnapping,
22 attempted armed robbery, burglary first, and conspiracy.
23 The elements of which I'm going to explain to you at the
24 end of this case.

25 I want you to understand, ladies and gentlemen, that

1 are required and what we intend to prove; and, finally,
2 tell you how we intend to prove it.

3 This case is about a home invasion, a crime that is
4 far too common in our society and community today. It's
5 about five men who conspired together to go into someone's
6 home and rob them, because they thought there was some
7 cash money there. We are required and we intend to prove
8 that these two men, Lamar Williams, seated here in the
9 blue shirt, and Richey Boyd, seated here in the dark blue
10 sweater, along with three others on the morning of October
11 the 18th, 2010, in the wee early morning hours went to the
12 home of Mr. Wallace Cruell, Jr., on High Valley Road up in
13 Travelers Rest, South Carolina, here in Greenville County.
14 They agreed to go there as a group and commit a crime
15 constituting conspiracy, which is the first charge.

16 They -- we will show that they committed a burglary
17 in the first degree. By that, I mean we will show that
18 they entered the residence of another without their
19 consent with the intent to commit a crime therein while
20 armed with a deadly weapon. The evidence will show that
21 three of them were armed with handguns, burglary in the
22 first degree.

23 We will show that they committed the offense of
24 kidnapping, that -- and let me give you the framework.
25 There were five of them, four went in. The driver of the

1 car stayed and waited for them to go in, complete the
2 crime, and come back and get with him and then leave. The
3 four of them that entered, including these two, both of
4 whom were armed, did not realize that the victim's uncle,
5 Mr. Noah Cruell, would be in the home. They wrestled him
6 to the ground, tied him up inside the house, and took him
7 into a room and held him there. One of the four that were
8 in the house held him there while the other three rummaged
9 through the house looking for money.

10 Now, kidnapping in its most obvious form and from
11 what we see on TV is where you stuff somebody in the trunk
12 of a car, take them away and then send a ransom note.
13 That's what we commonly think of as kidnapping. But the
14 Judge will tell you at the conclusion of the trial that
15 kidnapping is the restraint of the liberty of a person,
16 and restraining and inhibiting and preventing their
17 freedom of movement. They tied up Noah Cruell and held
18 him in another room, kidnapping.

19 As I said, they're all charged with conspiracy. And
20 conspiracy is simply the agreement by two or more people
21 to commit a crime. And then, at least, one act in
22 furtherance of that conspiracy. The evidence is going to
23 show, clearly, that not only did these five agree to do
24 this and that they all knew what they planned to do to
25 begin with, but that they went through with the crime. So

1 you've got conspiracy.

2 And, finally, ladies and gentlemen, you've got a
3 murder. During the time they're holding -- one of them is
4 holding Noah Cruell in a room while he's tied up and the
5 other three are rummaging through Wallace Cruell's home,
6 Wallace Cruell, who had just left a few minutes before
7 that to take his children to school, returned home and
8 interrupted their breaking in his home. They struggled
9 with him and wrestled him to the floor. They attempted to
10 tie him up. And when he tried to fight and get up and
11 defend his own home, that man in the blue shirt, Lamar
12 Williams, shot and killed him.

13 Once -- like rats fleeing a sinking ship, once the
14 shot was fired, all four of them freaked out and ran back
15 out of the house. They got back with the fifth man, got
16 in the car, and drove away. And the fifth man dropped
17 them off at the various locations that they told him to.
18 That's what happened, and that's what we intend to prove.

19 Finally, how we intend to prove it. You've heard me
20 say two or three times now about the five of them, but you
21 only see two sitting here. Because the way we're going to
22 prove it is from the testimony of the other three.

23 Now, we're not talking about eyewitness testimony of
24 some stranger who happened to see somebody from a distance
25 and might be wrong or right. We're talking about the

1 three people that confederated with these guys, their
2 cohorts in crime who are going to get on this witness
3 stand and tell you three things, I did what that man told
4 you at the beginning of the trial, I have pled guilty to a
5 lesser offense than murder, but I have pled guilty and
6 admitted my responsibility, and, finally, that I told the
7 police what happened and I named those two to begin with.
8 All three of them are going to tell you that. In
9 addition, you will hear evidence with regard to Lamar
10 Williams having made statements to other people that,
11 clearly, you will find indicates he admitted to this
12 crime.

13 Now, ladies and gentlemen, this is not going to be a
14 high-tech trial. This is not CSI. We're not going to
15 solve this in one hour counting commercials. You won't
16 see any DNA. You won't see any fingerprints. You won't
17 see any blue lights being strobed around the crime scene
18 and you find some aha thing, because it doesn't happen
19 like that in real life most times. This is a crime that
20 the police solved from the inside out.

21 Ladies and gentlemen, if you think about it, does it
22 get any better in terms of evidence that would satisfy you
23 than the people who, actually, committed the crime? We're
24 not talking about one dissatisfied co-defendant that
25 didn't get their share of the loot, or even two who were

1 just mad at the other three. We're talking about three of
2 the five who are going to come in here and tell you that
3 those are the other two. It's not to get themselves off.
4 They're going to admit they pled guilty.

5 When you listen to the testimony, ladies and
6 gentlemen, especially of those three co-defendants,
7 consider this, at the time Scottie Butler, the driver of
8 the car, was arrested, he gave a statement to the police.
9 He did three things. He told them what happened, pretty
10 much the same story I've just told you. He admitted his
11 involvement as the driver of the car. And he named those
12 two.

13 At the time, Willie Taylor was arrested separately
14 from Scottie Butler -- and they're going to tell you they
15 hardly even knew each other. And they're going to tell
16 you they never talked from the morning they were let out
17 of that car. He's going to tell you three things, Willie
18 Taylor will, that he was involved in the crime and it
19 happened pretty much the way I just told you it happened.
20 He's going to tell you that he was responsible, and what
21 he did, and that he was in that house. And he's going to
22 tell you that those are the other two.

23 Jeff Dornberg is going to get on that witness stand
24 and tell you he was the fifth man. He's going to tell you
25 three things. He's going to tell you what happened. And

1 it's going to be pretty much the same story that I just
2 told you. He's going to tell you that he was responsible
3 and that he participated. And he's going to tell you that
4 they were the other two. Three men, three statements
5 separately telling you I did it and these other people did
6 it, and they did it. If that's not enough, ladies and
7 gentlemen, I don't know what is.

8 At the conclusion of this trial, you're going to know
9 three things: Number one, how this crime was committed;
10 number two, that these other three co-defendants did it
11 and have pled guilty to it; and that these are the other
12 two.

13 Thank you.

14 THE COURT: Thank you, sir.

15 Mr. Godfrey.

16 MR. GODFREY: May it please the Court.

17 Ladies and gentlemen, again, my name is Bill Godfrey.
18 I represent Richey Boyd. Seated at the table with Richey
19 and myself is Private Investigator Paul Silvaggio, who's
20 helping me with the case.

21 Richey Boyd has been looking forward to coming to
22 court, because he has wanted to have this matter resolved.
23 As you just heard, he is charged with some serious
24 charges. You can't get much more serious than the charges
25 that he has. When somebody is charged with a crime, the

1 Government over here has to prove it. They have to bring
2 evidence in here and they have to prove beyond a
3 reasonable doubt that my client, Richey Boyd, had
4 something to do with it.

5 You know, as a jury, you're going to hear testimony
6 from this witness stand. You're going to see some
7 pictures that are put into evidence. You may see a couple
8 other physical items that are put into evidence. You're
9 going to see these witnesses up here. One of the things
10 you do as a jury is that you have the right to use your
11 common sense and look at somebody, and look at their
12 demeanor, and how they're acting so you can make a
13 determination as to whether somebody is telling the truth
14 or not.

15 There's going to be very little physical evidence in
16 this case, in fact, about none. What you're going to hear
17 is some people talking. One of the questions that you
18 have when you use your common sense is, what does a person
19 have to gain by saying what they're saying? What does a
20 person have to lose if they don't say what they're saying?
21 Who gains? Who loses? What's the motivation? Those are
22 the important considerations for this case. The demeanor
23 of the witnesses, who wins, who loses, who gains, who
24 loses. That's the crux of this case.

25 Ladies and gentlemen, the Government over here,

1 Mr. Weston, he has to prove to you each and every element
2 of each and every crime beyond a reasonable doubt. What
3 Richey Boyd requests that you do is carefully watch all of
4 the testimony from that witness stand and assess the
5 people who are making the statements. Who has something
6 to win? Who has something to lose? Who's gaining a
7 benefit? Who's losing a benefit? That's what this case
8 is about. We believe that after you have heard all of the
9 evidence -- I should say all of the statements, that when
10 you go back and deliberate, you will find that Richey Boyd
11 is not guilty of any of these charges.

12 Thank you.

13 MR. COOKE: May it please the Court.

14 THE COURT: Yes, sir.

15 MR. COOKE: Ladies and gentlemen, my name is Larry
16 Cooke. I've been practicing law in Greenville for over 40
17 years. I've got a little age on me, as you can tell. It
18 wasn't a senior moment. I was just busy with paperwork
19 over there. And I apologize to anybody I might have
20 called Mr. and Mrs., and that sort of thing.

21 Bill has done a pretty good job telling you folks
22 what this case is all about. Both of our clients are
23 presumed innocent until they're proven guilty beyond a
24 reasonable doubt, and it's up to the State of South
25 Carolina to do that. We don't have to do anything. I

1 mean, we can sit over there and not say a word, not
2 cross-examine a witness, not do anything, and make them
3 prove it to you. That's the greatest thing about our
4 system. We have that right.

5 Of course, we have a right for 12 people, 12 citizens
6 to sit in judgment of us. It's probably the most powerful
7 responsibility known to man is to have your fellow
8 citizens sit here and judge you, and have the power of
9 life and death. It's just an awesome power.

10 So I ask you to, please, consider all that and
11 consider the weight that's on the State of South Carolina.
12 I know you've heard in the past about reasonable doubt.
13 Sometimes, I equate that with the scales of justice.
14 They're evenly balanced when you come in. If you were
15 trying a civil case, if you just barely tip them in your
16 favor, you win a civil case, if I'm suing you for breach
17 of contract or some of that stuff. When you come in here
18 and you're charged with a crime, it's on the State of
19 South Carolina to take those scales that are evenly
20 balanced and get them down here. That's a big, big burden
21 for them to do.

22 I say that at the end of the trial, what you are
23 going to be asking yourself is, where is the beef? Where
24 is the evidence to show that my client is guilty of
25 anything in this case? My client has pled not guilty.

1 He's presumed not guilty until the State strips that away
2 and you find him guilty beyond a reasonable doubt. All 12
3 have to agree. We have plenty of time. I know some of
4 you have other things to do, but, please, give us your
5 close attention. And I think you will find that the State
6 cannot meet that burden of proof.

7 Thank you very much.

8 THE COURT: Thank you.

9 Ladies and gentlemen, we are going to go ahead and
10 break for the night. But, right before we do that, there
11 are a couple of other ground rules I want to tell you
12 before I release you for the remainder of the day.

13 To begin with, if you were able to get into the
14 courthouse today with cell phones or any type of
15 computers, I'm going to ask that you leave them at home or
16 back in your car, because you can get so much information
17 these days on a cell phone. We just ask that you leave
18 them back so no one is tempted in any way. If you need to
19 use a phone for any reason while you're performing jury
20 service, just ask the bailiffs.

21 Again, ladies and gentlemen, I will tell you the
22 bailiffs are here to take care of you. That is their sole
23 job. If you need anything, please, ask them. And, they,
24 of course, will ask me if it's something that requires my
25 order, or they will take care of you.

1 Also, I need to tell you again, you are not to
2 discuss this case with anyone. When you go home tonight
3 and you see a family member, friend, or a loved one and
4 they ask what you're doing at the courthouse, the only
5 thing that you are permitted to say is that you are
6 sitting on a jury involving a criminal trial. You're not
7 allowed to say the parties involved, the lawyers, or the
8 charges. And the reason why is this, inevitably, although
9 they know nothing about the case, they will have to tell
10 you something about something. And they, of course, will
11 be incorrect. And for you to be influenced would be
12 inappropriate. So out of an abundance of caution, don't
13 say anything.

14 Additionally, I told you there may be some press
15 coverage on this, either through the Internet, through the
16 newspapers, TV, possibly radio. Again, you are not to
17 read it. If there is any, I am going to ask you under
18 oath tomorrow whether or not you've looked at it, or read
19 it, or have seen it, heard it, or whatever form it's in.
20 Again, that would be inappropriate.

21 Additionally, ladies and gentlemen, I know you know
22 very little about this case, just what I've told you and
23 what these attorneys have told you in their opening
24 statements. But you are not to do any independent
25 research in this case. Again, that would be highly

1 inappropriate. You're going to have everything you need
2 to decide this case right here in this courtroom. For you
3 to do any type of research like that would, again, be
4 wrong. And I'm instructing you not to do it.

5 Additionally, ladies and gentlemen, this is something
6 that I newly have to charge jury's. If you are a person
7 that blogs, or Facebooks, or does any of these personal
8 websites, or chats, you are not to post on any type of
9 website, or e-mail, or anything else that you are sitting
10 on a jury or what it's about. Because, of course, it
11 could invite conversation. So, again, if you are someone
12 who on a daily basis blogs or puts things up, you are
13 not to state that you are sitting on a jury. And I
14 want to make sure everyone understands and appreciates
15 that.

16 Again, ladies and gentlemen, I remind you that you
17 are not to speak to any of the parties, any of the
18 witnesses, or anyone you happen to see in this courtroom
19 while you are coming and going from the courthouse.
20 Because, again, an innocent conversation out in the
21 parking lot or in the elevator of the courthouse could be
22 misconstrued. And, again, ladies and gentlemen, it always
23 gets reported back, I will tell you that. And I'm going
24 to have to ask you about it.

25 And, lastly, ladies and gentlemen, we are going to

1 begin tomorrow morning at 9:30. I cannot begin until all
2 14 of you are here. So if for any reason you have car
3 trouble or a problem getting here, I need you to call up
4 to the Clerk's Office and tell them. We will send someone
5 to come get you, or we will do whatever is necessary.

6 Because, again, ladies and gentlemen, I can't start until
7 y'all are here. But I do assure you this, once you all
8 are here and we're ready to go -- I'm going to make sure
9 the lawyers are prompt and everyone else is prompt, and
10 we're going to get this case moving.

11 All right. Ladies and gentlemen, I want to thank you
12 for your service again. Please understand how important
13 it is. If you were sitting as a party in this case or any
14 other case, you would want to know that the good people of
15 Greenville County would help you resolve this. And,
16 again, I can tell by looking out that you are a wonderful
17 jury. I know you're going to do a wonderful job with this
18 case.

19 And we look forward to seeing y'all back tomorrow
20 morning at 9:30. You're going to report to your jury
21 room. Your bailiffs are going to tell you where you're
22 going to go in the morning.

23 Again, thank you.

24 Good night. And we will see you at 9:30 in the
25 morning.

1 (WHEREUPON, the jury was excused from open court at
2 approximately 4:50 p.m.)

3 THE COURT: Okay. They're gone?

4 THE BAILIFF: Yes, ma'am.

5 MOTIONS

6 THE COURT: All right. Mr. Godfrey, I think you had
7 a motion that you brought up at the bar that I think you
8 need to renew for our court reporter.

9 MR. GODFREY: May it please the Court.

10 Judge, we would move for a mistrial at this time. We
11 all knew that the intimidation of a State's witness charge
12 was not going to go forward.

13 THE COURT: It was against Mr. Williams only.

14 MR. GODFREY: And, unfortunately, the Clerk was not
15 advised of that. And she verbally told the jury there was
16 an intimidation of a State's charge [sic] that applied to
17 Mr. Cooke's client. The Court then said it was an
18 improper charge, that it was not a charge in this case.

19 Judge, in this particular case, as Mr. Weston just
20 said, it comes down to three witnesses, who were allegedly
21 co-defendants of these clients -- of these people. The
22 jury has heard intimidation of a State's witness. That is
23 in their mind, and I don't know how it can be taken out of
24 their mind.

25 Earlier today, I started off the second motion with a

1 motion of severance, which was denied by the Court. I
2 believe that if the intimidation of a State's witness
3 charge had been part of the charges going forward with
4 Mr. Williams, the Court may have granted the --

5 THE COURT: Severance.

6 MR. GODFREY: -- motion for severance.

7 But, you know, there is no physical evidence in this
8 case. It's witnesses talking. The jury has heard
9 intimidation of a State's witness. How can they get that
10 out of their mind? How can it not raise a question in
11 their mind? And I believe that it creates prejudice to my
12 client. How does the jury know that there wasn't a charge
13 for intimidation of a State's witness that's not going
14 forward on my client? I believe that on a case that is
15 this serious, with these type of charges, people facing
16 potentially two natural life sentences plus 55 years that
17 there needs to be an abundance of caution, and that the
18 trial needs to be as absolutely fair as it can be.

19 Now that those words are out there and in the jury's
20 mind, I don't think a curative instruction can stop it.
21 It's in their mind. The bell -- you can't unring that
22 bell. We would ask for a mistrial.

23 THE COURT: Mr. Cooke.

24 MR. COOKE: Judge, I caught your eye as soon as that
25 was said.

1 THE COURT: I immediately cured it, realizing --

2 MR. COOKE: Well, I know you did. You did your best.

3 But I agree with Bill. I know we've been here a long
4 time today. And -- but I have a client who's in the same
5 boat. I mean, this -- they're depending on nothing but
6 the co-defendants testimony. There's no physical
7 evidence, no nothing, period. And to bring out
8 intimidation of a witness, I think in a case like this --
9 it may not matter in other cases, but in a case like this
10 where there is nothing but that sort of testimony and that
11 sort of evidence, I'm like Bill, I don't believe you can
12 unring that bell either. I think that's going to be in
13 their minds throughout this trial.

14 And to have people charged with the seriousness of a
15 crime like this, as he said, with two life sentences,
16 it's -- I just think we need to take a precaution that we
17 don't let this happen, that we don't let this jury take
18 this case under consideration. I think they're
19 prejudiced. I think they would be.

20 THE COURT: Mr. Weston.

21 MR. WESTON: Your Honor, just briefly. Let me begin
22 by saying that our Supreme Court has said on numerous
23 occasions that the declaration of a mistrial should be a
24 last resort. This was an inadvertent one line, with no
25 context, with absolutely no reference to Mr. Godfrey's

1 client whatsoever. It was cured immediately.

2 Counsel misconstrued -- or is misconstruing the
3 State's case, we've given them, of course, discovery,
4 but -- and while I did tell the jury that the case was
5 going to hinge primarily on the testimony of the three
6 co-defendants, I, by no means, said that was all the
7 evidence we had. There will be other physical things put
8 into evidence, Your Honor, other than just the testimony
9 of the three witnesses.

10 I did not object when Counsel in his opening
11 statement misconstrued what I said about the fact there
12 would be other statements from other people. I didn't
13 object to that. I could ask for a mistrial based on that,
14 Your Honor. But, once again, that was a minor thing, just
15 like this was a minor thing. It was cured immediately.
16 The fact that Counsel says that the jury might now think
17 this applies to his client shows how speculative that is
18 and how specious his argument is.

19 The State's position would be, Your Honor, that it
20 was minor. It was cured immediately. It, clearly, in no
21 way impedes this jury's ability to give their clients a
22 fair trial.

23 THE COURT: Okay. Well, respectfully, I did hear the
24 comment. I did cure it immediately. And not only did I
25 state that that is not a proper charge going forwards, it

1 is not a charge at any time. I did cure it immediately.

2 I, certainly, can give an additional curative instruction

3 during my jury charge as well.

4 So, at this time, I'm going to respectfully deny your
5 motion for a mistrial.

6 I will see y'all tomorrow morning at 9:30.

7 (WHEREUPON, the proceedings were concluded at

8 approximately 4:57 p.m., to be reconvened on

9 Tuesday, February 14, 2012.)
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1 WHEREUPON,

2 SHIRLENE D. CRUELL,

3 after first having been duly sworn, testified as follows:

4 THE CLERK: Thank you.

5 You may be seated.

6 Would you, please, state your name for the record.

7 THE WITNESS: My name is Shirlene D. Cruell.

8 THE CLERK: Thank you.

9 THE COURT: Thank you, ma'am.

10 DIRECT EXAMINATION

11 BY MR. WESTON:

12 Q Ms. Cruell, let's go ahead and begin by acclimating
13 the jury and the Court as to who you are. You are the
14 mother of the victim in this case, Mr. Wallace Cruell,
15 Jr.; is that correct?

16 A I am.

17 Q How old are you, Ms. Cruell?

18 A I am 61 years old.

19 Q And where do you live?

20 A I live at [REDACTED] in Travelers Rest.

21 Q Is that in Greenville County?

22 A That is, sir.

23 Q All right. Are you employed, Ms. Cruell?

24 A I am retired, but I am, also, a gospel recording
25 artist.

1 Q All right. And are you married?

2 A I am.

3 Q And who's your husband?

4 A My husband is Wallace Cruell, Sr.

5 Q And this is your husband seated right here?

6 A He is seated in the courtroom here.

7 Q And about how long -- not about, excuse me. How long
8 have y'all been married?

9 A We've been married for 44 years.

10 Q I had a feeling you would know the exact number of
11 years.

12 And in addition to Wallace Cruell, Jr., do you have
13 any other children?

14 A I have a daughter.

15 Q And how old is she?

16 A My daughter is 43.

17 Q Okay. Let me direct your attention to the aerial
18 photograph that's been placed to your left. Do you
19 recognize the streets listed at the bottom -- excuse me.

20 Would you just step down from there a moment right
21 next to you?

22 A (Witness complied.)

23 Q And I'm going to need you to speak up loudly since
24 you won't be at the microphone, so that the juror all the
25 way down at the far end can hear you.

1 All right. Do you recognize the two streets that are
2 listed at the bottom?

3 A Yes.

4 Q Would you tell the jury what those streets are, and
5 just kind of point to them?

6 A This is Bethany Baptist Road that comes down to a
7 point and stops at the main street, which is Valley Road.

8 Q And do you see -- this is an aerial photograph. Do
9 you see your home in this picture?

10 A Yes.

11 Q Would you point to it for the jury, please?

12 A This is our home here.

13 Q All right. And, now, did your son, Wallace Cruell,
14 live near you?

15 A Yes, he did.

16 Q And would you point to his home for the jury, please?

17 A This is my son's home here.

18 Q Now, it's obvious, but, just for the record, assuming
19 you were going down Valley Road, show the jury how you
20 would reach your son's home in a car.

21 A Here is our home and our driveway. He is several
22 feet -- maybe 100 feet from our -- from the main road from
23 our driveway. And it's a long extended driveway, which
24 used to be an old railroad area there. And this is the
25 end of our land stretch where he has an acre of land.

1 Q And I'm going to ask you about that in a moment. In
2 between the two homes, there appears to be sort of a
3 pathway. Would you just kind of point to that and show
4 the jury what I'm talking about?

5 A Here is the patio. From the patio, there is an open
6 stretch of area there that we cleaned off and made a
7 pathway there to go to our son's home.

8 Q All right. You can return to your seat, ma'am.

9 A (Witness complied.)

10 Q Let me show you what has been pre-marked as State's
11 Exhibit No. 5, and ask you if you recognize this, ma'am?

12 A Yes. This is our son's home.

13 Q All right. And is that the front or the back?

14 A This is the front.

15 Q All right. Let me show you what has been pre-marked
16 as State's Exhibit No. 3. Do you recognize that, ma'am?

17 A Yes.

18 Q What is that?

19 A This is the back patio area of our home.

20 Q All right. And what's been marked as State's Exhibit
21 No. 4, do you recognize this, ma'am?

22 A Yes. This is, also, another stretch of the back of
23 our home from the patio going to the pathway there.

24 Q So State's Exhibit Nos. 3 and 4 are the back of your
25 home?

1 A Yes.

2 Q And State's Exhibit No. 5 is the front of your son's
3 home?

4 A Yes.

5 Q And let me show you what's been marked as State's
6 Exhibit No. 2. Do you recognize that, ma'am?

7 A Yes, I do.

8 Q What is that, ma'am? What does that depict?

9 A This is the front of his home, the entrance.

10 Q To your son's home?

11 A Yes.

12 MR. WESTON: The State would introduce State's
13 Exhibit Nos. 2, 3, 4, and 5.

14 THE COURT: Have you shown them to the Defense?

15 MR. COOKE: No objection.

16 MR. GODFREY: Without objection.

17 (WHEREUPON, State's Exhibit Nos. 2, 3, 4, and 5 were
18 admitted into evidence.)

19 MR. WESTON: Permission to publish to the jury, Your
20 Honor?

21 THE COURT: You may, sir.

22 BY MR. WESTON:

23 Q Ms. Cruell, you have a picture in your hand --

24 A Yes.

25 Q -- that you brought to the witness stand. Would you

1 tell the jury what the picture depicts?

2 A This is a picture of our son.

3 Q All right. And this was taken sometime shortly
4 before his death?

5 A During Easter time of that year before he died.

6 Q And it's been marked as State's Exhibit No. 1?

7 A (Witness nodded.)

8 MR. WESTON: Your Honor, the State would ask to move
9 State's Exhibit No. 1 into evidence. I've shown it to
10 Defense Counsel already.

11 THE COURT: No objection?

12 MR. GODFREY: Without objection.

13 MR. COOKE: None here.

14 THE COURT: It's in evidence.

15 (WHEREUPON, State's Exhibit No. 1 was admitted into
16 evidence.)

17 MR. WESTON: Permission to publish it, Your Honor?

18 THE COURT: You may, sir.

19 BY MR. WESTON:

20 Q Now, who all lives in your home, ma'am?

21 A My husband and I. My daughter has just recently
22 moved in since our son died.

23 Q And how old is your daughter, you said?

24 A She's 43.

25 Q Okay. Was she living there back in October of 2010?

1 A No.

2 Q So it was just the two of y'all at that time?

3 A Yes.

4 Q Now, was your husband working in October of 2010?

5 A Yes. He has a small business, a lawn care business.

6 And he and my son worked together.

7 Q And by your "son," do you mean Mr. Wallace Cruell?

8 A Wallace, Jr., yes.

9 Q Did y'all call him -- have a nickname for your son?

10 A Jay was his nickname.

11 Q And you can refer to him as Jay, if you like, ma'am.

12 A Thank you.

13 Q Now, in October of 2010, what were the living
14 arrangements in your son's home?

15 A At the time, he was living there with his girlfriend
16 and with his two boys.

17 Q And how old are his children, ma'am?

18 A The children are eight, almost nine, and 12, the
19 oldest boy.

20 Q All right. And was -- and I assume both of these
21 children were in school at the time, back in October of
22 2010?

23 A Yes. He had taken them to school. We saw him leave.

24 Q Okay. Just --

25 A I'm sorry.

1 Q They were attending school at that time; correct?

2 A Yes.

3 Q Now, was his wife working at this time -- his
4 girlfriend, his fiancée, as you referred to her?

5 A Yes, she was at that time.

6 Q Where was she working?

7 A She was working at McDonald's at Furman.

8 Q All right. And, now, normally -- and were you
9 familiar or are you -- were you familiar with the
10 routine -- the morning routine in their home with regard
11 to getting the kids up, and getting them to school, and
12 that kind of thing?

13 A Yes, sir.

14 Q About what time did your husband's [sic] girlfriend
15 leave to go to McDonald's, generally?

16 A My son?

17 Q No. His girlfriend.

18 A Oh, I'm sorry. She has different shifts. And,
19 sometimes, the shifts that she's on takes her either later
20 in the morning or early in the morning. And this shift
21 took her earlier in the morning.

22 Q At about what time would she be leaving?

23 A I guess it was around maybe 6:00 or so. I'm not
24 quite sure.

25 Q And, on those mornings when she had to be at work at

1 6:00, who was responsible for taking your grandchildren to
2 school?

3 A My son..

4 Q And about what time would he do that?

5 A He left around 7:10, 7:15 that morning.

6 Q All right. Now, I'm going to direct your attention
7 to October the 18th of 2010, the morning of October 18th,
8 2010, the morning that your son was killed. And I know
9 this is going to be difficult for you, so I won't linger
10 too long on that. But I need to ask you some basic
11 questions about what happened that morning, and what you
12 saw.

13 You were at home that morning; is that correct?

14 A Yes, sir.

15 Q And where was your husband?

16 A He was in the house with me.

17 Q All right. And did your husband leave the home that
18 morning?

19 A He did. We were about to go walking, but he decided
20 to go hunting a little bit before they went to work.

21 Q All right. And so he was outside the home when you
22 first received news of any kind of an incident?

23 A Yes. He had walked down through the woods there near
24 our home, down through the woods area there. And I had
25 just seen my son drive in his driveway at 7:25. I looked

1 at my clock, because I was about to leave at 7:30 to go
2 walk. And he arrived back from taking the kids to school
3 at exactly 7:25.

4 Q So you saw him pull up in his driveway just from a
5 distance?

6 A Yes. I was standing in my den, and my window faces
7 the front of the road area.

8 Q Okay. So, now, tell the jury what happened next
9 after you saw your son and you just kind of moved, I
10 assume, or he went in the house or whatever, but you
11 didn't see him anymore. Tell the jury the events that
12 occurred next.

13 A At 7:25, I was about to go. I turned around and my
14 brother-in-law was coming around the front of the house --

15 Q Okay. Excuse me. Now, I'm going to interrupt you.

16 A I'm sorry.

17 Q No, no. I apologize for having to interrupt you.
18 But I'm going to interrupt you if I need to ask you a
19 question. And I apologize in advance for that.

20 A Okay.

21 Q You said your brother-in-law was coming around the
22 house. What is your brother-in-law's name?

23 A Noah Mack Cruell.

24 Q All right. And he was coming around your house?

25 A He was coming from the back area to around the front

1 of the house. And I spotted him. And I was wondering why
2 in the world was he coming around the front of the house
3 with no shoes and hardly any clothes on. And he had a
4 drop cord wrapped around his wrist, and he was struggling
5 trying to get it off of him.

6 And I saw him and I ran to the door. And I asked
7 him, Why in the world are you out here in this cold.
8 Because it was cold that morning. And all he could say
9 was that Jay shot. Jay shot.

10 And I asked him, What did you say?

11 And he said, Jay shot.

12 And I took off out the back door from my house. And
13 I ran down the path, and ran in his back door where it was
14 torn off the hinges. And I --

15 Q Excuse me, ma'am, for interrupting. Do you need a
16 moment, ma'am?

17 A I'm fine.

18 Q All right. Once we get through this, I promise I
19 won't linger long on it. Once you entered the home, where
20 was your son in the home?

21 A In the kitchen floor.

22 Q All right. And did you make any attempts to see what
23 his condition was? Did you go over to him, or something
24 like that?

25 A Yes. I went over to him and shook him trying to wake

1 him up. And he wouldn't answer me.

2 Q And so what did you do next, ma'am?

3 A I tried to find a phone. The house was in shambles.
4 I couldn't find the phone and --

5 Q Did you, finally, find a phone, ma'am?

6 A I, finally, found the phone. And I picked it up and
7 dialled 911. And --

8 Q All right. And did you see anyone else in the home?

9 A There was no one else in the house.

10 Q All right. Now, just going back briefly, ma'am. You
11 said something about the back door. What was the
12 condition of the back door?

13 A The door was torn off of its hinges. It was tilted
14 sideways. I just couldn't understand why the door was
15 that way.

16 Q Okay. Ma'am, I only have a couple more questions for
17 you, I promise, Ms. Cruell.

18 Now, back at your home before all of the -- before
19 your uncle, Noah Cruell -- your brother-in-law -- excuse
20 me, Noah Cruell, came to the home, did you see anyone
21 other than your son pulling in and your husband going off
22 to hunt that morning.

23 A No, I did not.

24 Q Did you hear any gunshots or anything like that, or
25 anything suspicious that morning?

1 A No, I did not.

2 Q Now, you said your -- and this is the last question I
3 have for you, ma'am, I promise.

4 You said your brother-in-law, Noah Cruell, just kind
5 of said, Jay shot. Would you -- did he seem to be very
6 excited and upset?

7 A My brother-in-law has an impediment, which causes him
8 to stutter, slow to speak. And he has a memory of
9 slowness. And so that's why I kept asking him. Because
10 he was sort of stuttering a little bit, and I couldn't
11 quite get what he was saying.

12 Q Now, your brother-in-law, you said, has some
13 communication deficiencies; is that correct?

14 A Yes.

15 Q Would it be safe to describe him as slow?

16 A Yes, he is.

17 Q Does he know right from wrong?

18 A Yes, he does.

19 Q Does he know the truth from a lie?

20 A Oh, yes.

21 Q And, now, where was your brother-in-law living at the
22 time of this incident?

23 A He was living with my son.

24 Q So your son is -- had in the home with him, his
25 girlfriend, their two children, and his brother -- uncle,

1 Noah Cruell; is that correct?

2 A Yes.

3 MR. WESTON: And I think that's all I have, Your
4 Honor.

5 THE COURT: Yes, sir.

6 MR. WESTON: Thank you, ma'am.

7 THE COURT: Thank you.

8 You can keep your seat.

9 Any questions from the Defense?

10 MR. GODFREY: May it please the Court.

11 I have no questions for Ms. Cruell.

12 THE COURT: Thank you.

13 Mr. Cooke.

14 MR. COOKE: I have just a couple.

15 CROSS-EXAMINATION

16 BY MR. COOKE:

17 Q Ms. Cruell, you have a very nice voice. I can
18 understand why you do some recordings. I have just a
19 couple of questions.

20 How many acres do y'all have there?

21 A Total 8.5.

22 Q How many?

23 A 8.5.

24 Q And the driveway to your son's house, did you hear
25 any cars or anything that morning?

1 A No, sir.

2 Q Okay. And how long had your son been living there
3 behind you?

4 A About 17 years.

5 Q Okay. And had he been away for any period of time?

6 A Yes, he had.

7 Q And tell me how long he had been away from the house.

8 A He was gone for five years.

9 Q Okay. And why was he gone for five years?

10 A Because he was incarcerated. He was incarcerated for
11 drugs.

12 Q He was incarcerated for drugs?

13 A Yes.

14 Q Okay. And he served five years?

15 A Five years, yes, sir.

16 Q Now, did Mr. Noah Cruell live there with your son?

17 A Yes, he did.

18 Q How long did he live there?

19 A I would say maybe five, six years, or so.

20 Q And did he leave for a period of time?

21 A No, not from his home, no, sir.

22 Q Do you know whether he's ever been to prison for
23 selling drugs?

24 MR. WESTON: Objection, Your Honor.

25 THE COURT: Basis?

1 MR. WESTON: Your Honor, he's laid no foundation.
2 And what he's doing is trying to put in the criminal
3 record of someone that hasn't even testified yet. There
4 are specific rules with regard to that type of evidence
5 coming in, Your Honor.

6 THE COURT: All right.

7 MR. WESTON: And this is not an appropriate way to
8 try to do that.

9 MR. COOKE: My response to that is they're the ones
10 that mentioned Noah Cruell, and the fact that he
11 stuttered, and he was slow, and he had a hard time -- in
12 other words, that he was dumb, I guess, is, basically,
13 what they're saying. That's what I kind of got from it.
14 And I'm trying to say that he didn't -- well, I'll get it
15 later on. I withdraw it --

16 THE COURT: From a different witness.

17 Ladies and gentlemen, strike that question.

18 MR. COOKE: I withdraw the question.

19 BY MR. COOKE:

20 Q So Noah Cruell lived there five years?

21 A I believe so, yes.

22 Q And they were all living there in the trailer?

23 A Yes.

24 Q How many bedrooms are in the trailer?

25 A Three.

1 Q So there was Noah, your son, two children, and his
2 girlfriend?

3 A Yes.

4 MR. COOKE: Excuse me just a minute.

5 (Pause.)

6 MR. COOKE: Thank you, ma'am.

7 I have no further questions.

8 THE COURT: Thank you.

9 MR. WESTON: I just have one question on redirect,
10 Your Honor.

11 THE COURT: Yes, Mr. Weston.

12 REDIRECT EXAMINATION

13 BY MR. WESTON:

14 Q How old was your son?

15 A 36 years old.

16 Q 36?

17 A Yes.

18 MR. WESTON: That's all I have, Your Honor.

19 THE COURT: Thank you.

20 You may step down, Ms. Cruell.

21 MR. WESTON: Your Honor, may we approach?

22 THE COURT: You may.

23 (WHEREUPON, a bench conference was held.)

24 THE COURT: Ladies and gentlemen of the jury, we are
25 waiting for a quick moment for the next witness to get

1 here. So I am going to take a quick break. I'm going to
2 send you back to the jury room to get a cup of coffee.

3 Again, do not discuss this case. It would not be
4 appropriate to do so among each other as well. And we'll
5 bring you right back in the courtroom.

6 Thank you.

7 (WHEREUPON, the jury was excused from open court at
8 approximately 9:56 a.m.)

9 THE COURT: All right. We're going to be at ease for
10 about five minutes or so. If y'all will let me know when
11 the next witness comes.

12 (WHEREUPON, a break was taken.)

13 MR. WESTON: Your Honor, Mr. Noah Cruell is now
14 present in the courtroom, and he is available to testify.

15 Before the jury comes back, I wanted to go through
16 his criminal convictions, which are not that lengthy, but
17 I wanted to make sure there was no issue with regard to
18 what matters can be used for impeachment.

19 He has a 1998 driving under the influence, driving
20 under suspension, and uninsured -- and driving uninsured
21 vehicle; 1990, driving under suspension; 1991, criminal
22 domestic violence; 1997, possession of crack, and
23 manufacturing and distribution of crack --
24 manufacturing/distribution of crack. That's just one
25 conviction.

1 If you would, you can call your next witness,
2 Mr. Weston.

3 MR. WESTON: Your Honor, the State would call
4 Mr. Noah Cruell.

5 THE COURT: Come on forward, Mr. Cruell, right up
6 here, sir -- right over here, sir.

7 If you'll place your left hand on the Bible and raise
8 your right hand.

9 Go ahead and face over this way, sir.

10 THE BAILIFF: Come right here.

11 THE CLERK: Mr. Cruell --

12 THE COURT: That's okay. Go ahead and swear him in.

13 WHEREUPON,

14 NOAH CRUELL,

15 after first having been duly sworn, testified as follows:

16 THE COURT: Thank you, sir.

17 You can go around and take a seat.

18 Mr. Cruell, I'm going to ask you to speak up.

19 THE WITNESS: Okay.

20 THE COURT: Thank you, sir.

21 DIRECT EXAMINATION

22 BY MR. WESTON:

23 Q Mr. Cruell, where do you live, sir?

24 A Travelers Rest.

25 Q I'm sorry?

1 A Travelers Rest.

2 Q Where do you live?

3 A (There was no response.)

4 Q Where do you live, sir?

5 A I stay with my brother.

6 Q All right. And is that up in Travelers Rest?

7 A Yeah.

8 Q And did you live with your nephew, Noah [sic] Cruell,
9 at sometime?

10 A Yeah.

11 Q And you've got to speak loudly so everybody can hear
12 you.

13 A Yeah.

14 Q Were you living with Noah [sic] Cruell back in
15 October of 2010?

16 A Yes, sir.

17 Q The morning of October 18th, tell the jury what
18 happened that morning.

19 A His dog was barking, and I raised up.

20 Q Lean a little forward closer to the microphone.

21 A (Witness complied.)

22 Q Thank you, sir.

23 A I raised up. I was wondering what the dog was
24 barking about.

25 Q When you say you "raised up," where were you at?

1 A Laying down.

2 Q In the house?

3 A Yes.

4 Q And this was in your nephew's house?

5 A Yes.

6 Q And you were wondering what the dogs were barking at.
7 What happened next, sir?

8 A I heard something bust through the door.

9 Q And then what happened, sir?

10 A Then I seen some -- then somebody came in.

11 Q And then what happened, sir?

12 A That tied me up.

13 Q Who tied you up?

14 A Two of them.

15 Q How many of them do you remember seeing altogether?

16 A About three of them.

17 Q All right. And two of them tied you up, you said?

18 A Yes.

19 Q What did they use to tie you up, sir?

20 A A drop cord.

21 Q All right. And did they have guns?

22 A I believe they did.

23 Q I'm sorry?

24 A I believe they did.

25 Q All right. And did they say anything to you?

1 A Yes, sir.

2 Q What did they say, sir?

3 A Asking about money.

4 Q They were asking you about money?

5 A Yeah.

6 Q Do you remember what they said about money?

7 A Yes, sir. They asked me did I know where it was at.

8 And I told them, No.

9 Q Where it was at?

10 A Yeah.

11 Q All right, sir. And what did they do with you? You
12 were on the floor in the living room when they came in?

13 A Yeah.

14 Q Once they tied you up, what did they do with you?

15 A Toted me back into the other room.

16 Q They toted you back into the back room?

17 A Yes, sir.

18 Q Is that a bedroom?

19 A Something like a bedroom.

20 Q All right. And did you see them searching the house?

21 A No, sir. I was in the back. I heard them back
22 there.

23 Q All right. And, now, where was Jay?

24 A He was gone.

25 Q All right. Taking the kids to school?

1 A Yes, sir.

2 Q All right. Now, while you -- when you were in the
3 bedroom, did any of them stay in there with you?

4 A Yes, sir, one of them did.

5 Q All right. And the one that stayed -- well, did
6 you -- what happened when you were in the room with the
7 one person? What happened next?

8 A He asked me questions.

9 Q All right. Did Jay come back home?

10 A Yes, sir, later on.

11 Q Were you still in the room being held in there?

12 A Yeah.

13 Q Let me ask you this, just to be clear. Were you
14 being held against your will?

15 A Yes, sir.

16 Q You didn't want to stay in there?

17 A No.

18 Q Did they let you leave?

19 A No.

20 Q Okay. Now, when Jay came home, tell the jury what
21 you heard and saw.

22 A I heard some scuffling back there. It back in the
23 back room where he was at.

24 Q Where who was at?

25 A Jay.

1 Q All right. And then what did you hear, sir?

2 A I heard a gun go off back there.

3 Q Tell the jury, sir, how many gunshots you remember
4 hearing.

5 A One.

6 Q Are you sure it was just one?

7 A Yes.

8 Q All right. And once you heard the gunshot, then what
9 happened? What happened to the person that was in the
10 room with you?

11 A He left.

12 Q All right. And did you hear anything once the
13 gunshot -- did you hear anything in the other room once
14 the gunshot went off?

15 A No.

16 Q What did you do then when the person left the room?

17 A I got up.

18 Q And then what did you do?

19 A Took the drop cord off of me.

20 Q And then what did you do, sir?

21 A I went to Shirlene's house.

22 Q I'm sorry?

23 A I went to Shirlene's house.

24 Q Shirlene, you mean your sister-in-law?

25 A Yes.

1 Q Did you tell her what happened?

2 A Yes.

3 Q All right. Did you still have the drop cord hanging
4 off your arm when you got there?

5 A Yes.

6 Q All right. Were you pretty upset and scared?

7 A Yeah.

8 Q Now, when you came out of the room, did you see Jay?

9 A Yes, sir. He was laying on the floor.

10 Q All right, sir. Now, after you talked to your
11 sister-in-law, the police came; is that correct?

12 A Yes, sir.

13 Q And when the police came, did you talk to them?

14 A Yes, sir.

15 Q Did you tell them pretty much the same thing you've
16 told us today?

17 A Yes, sir.

18 Q All right. And did they ask you about whether or not
19 your nephew, Jay, was involved with drugs?

20 A (Witness shook his head.)

21 Q The police I mean. Did the police ask you that?

22 A Yes, sir.

23 Q And did you have occasion to show them any sites in
24 the backyard?

25 A Yes, sir.

1 Q And what did you show them? What were you looking
2 for?

3 A Drugs.

4 Q Did you know that that was possibly where your
5 nephew, Jay, may have kept some drugs?

6 A Yes, sir.

7 Q Okay. And you thought -- you showed them where you
8 thought they might be?

9 A Yes, sir.

10 Q Thank you.

11 Just a couple more questions, sir. The men who came
12 into the house, did you know any of them.

13 A No, sir.

14 Q Were they wearing masks or have something covering
15 their face?

16 A Yes, sir, I believe they did.

17 Q All right. Do you know whether they were wearing
18 gloves?

19 A Yes, sir, I believe they was.

20 Q All right. And did they -- aside from tying you up
21 and holding you, did they beat you up, or anything like
22 that?

23 A No, sir.

24 Q And, as far as you know, sir, had you ever met any of
25 these men before?

1 A No.

2 Q Okay. You didn't recognize anybody's voice or
3 anything like that, did you?

4 A No.

5 MR. WESTON: Thank you, sir.

6 Answer any questions they may have for you.

7 MR. GODFREY: May it please the Court.

8 THE COURT: Yes, sir.

9 CROSS-EXAMINATION

10 BY MR. GODFREY:

11 Q Good morning, Mr. Cruell.

12 I just have a couple questions for you. When Wallace
13 took the children to school, were you there in the house
14 alone?

15 A Yeah.

16 Q Now, when the door got busted open, you say three
17 people came in?

18 A Yes, sir, I believe so.

19 Q Can you describe those people?

20 A No, sir.

21 Q Did you see how the people got to the house?

22 A No, sir.

23 Q Do you remember talking to the police down at police
24 headquarters that morning?

25 A Yes, sir.

1 Q Did the police take the clothes that you were
2 wearing?

3 A Yes, sir.

4 Q Did the police do something to your hands like
5 washing your hands?

6 A Yes, sir.

7 MR. GODFREY: Nothing further, Your Honor.

8 MR. WESTON: Just one question on recross --
9 redirect, Your Honor.

10 THE COURT: Okay.

11 REDIRECT EXAMINATION

12 BY MR. WESTON:

13 Q When the police took your statement down at the
14 police station, did you cooperate with them?

15 A Yes, sir.

16 Q When they did whatever they did washing your hands or
17 whatever, did you cooperate with that?

18 A Yes, sir.

19 Q Did you have anything to hide?

20 A No.

21 Q Did you do anything to invite these men into the
22 house?

23 A No, sir.

24 Q Did you want them in the house?

25 A No, sir.

1 MR. WESTON: All right. Thank you, sir.

2 MR. COOKE: May it please the Court.

3 CROSS-EXAMINATION

4 BY MR. COOKE:

5 Q Just a couple of questions, Mr. Cruell.

6 You said you heard, I believe, a loud noise. Was
7 that the back door? Did you hear the back door open?

8 A Yeah.

9 Q Okay. Did it sound like somebody kicked it open?

10 A Yes.

11 Q And did you recognize anybody there?

12 A No.

13 Q Okay. And you said you weren't sure if they had
14 gloves or not?

15 A Yes, sir.

16 Q And you, also, said that you weren't sure whether
17 their faces were covered?

18 A No, sir.

19 Q And you, also, said you couldn't recognize any of
20 them?

21 A No, sir.

22 Q Okay. You had never seen them before?

23 A No.

24 Q And you did know your -- you did know that your
25 nephew was selling drugs, didn't you?

1 A Yes.

2 Q You did know that, didn't you?

3 A (There was no response.)

4 Q Correct?

5 A Yes, sir.

6 Q And he was selling drugs out of that house where you
7 lived; correct?

8 A (There was no response.)

9 Q You lived there?

10 A Yes, sir.

11 Q And his two children lived there?

12 A Yes, sir.

13 Q And his wife lived there?

14 A (There was no response.)

15 Q Or girlfriend?

16 A Girlfriend.

17 Q Okay. And he was selling drugs with those people
18 living there in the house; is that correct?

19 A Yes, sir.

20 Q Mr. Cruell, you yourself have sold drugs in the past,
21 haven't you?

22 A A little bit.

23 Q You served some time for it, didn't you?

24 A Yeah.

25 MR. WESTON: Objection, Your Honor.

1 THE COURT: Okay. He's asked and answered it.

2 Move on.

3 BY MR. COOKE:

4 Q Mr. Cruell, were you helping your son [sic] at that
5 time sell drugs?

6 A No.

7 MR. WESTON: Objection to the characterization, Your
8 Honor. It's his nephew.

9 MR. COOKE: Nephew. Excuse me.

10 BY MR. COOKE:

11 Q Your nephew, were you helping him sell drugs there?

12 A (There was no response.)

13 Q You're under oath, Mr. Cruell.

14 THE COURT: You need to answer the question, sir.

15 THE WITNESS: Yes, sir.

16 BY MR. COOKE:

17 Q So you were helping him sell drugs as well?

18 A (There was no response.)

19 MR. COOKE: I have no further questions.

20 THE COURT: Anything further from the State?

21 MR. WESTON: No, ma'am, Your Honor.

22 THE COURT: You may step down, Mr. Cruell.

23 The State will call their next witness.

24 MR. WESTON: Your Honor, the State would ask
25 that Mr. Cruell be allowed to be excused from his

1 subpoena.

2 THE COURT: Any objection from the Defense?

3 MR. GODFREY: No objection.

4 MR. COOKE: I do have an objection to that, yes, I
5 do.

6 THE COURT: All right. We're just going to ask him
7 to stay back there. And, at the next break, I'll take it
8 up.

9 MR. WESTON: Your Honor, the State would call Officer
10 Matthew Hegger of the Greenville County Sheriff's Office.

11 THE CLERK: Officer Hegger, if you would, come
12 forward to be sworn in.

13 Please place your left hand on the Bible and raise
14 your right hand.

15 WHEREUPON,

16 MATTHEW CHARLES HEGGER,
17 after first having been duly sworn, testified as follows:

18 THE CLERK: Thank you.

19 You may be seated.

20 THE WITNESS: Good morning.

21 THE COURT: Good morning, sir.

22 THE CLERK: Please state your full name for the
23 record.

24 THE WITNESS: My full name is Matthew Charles Hegger.

25 THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WESTON:

Q Officer Hegger, with whom are you employed?

A I'm employed with the Greenville County Sheriff's Office.

Q And how long have you been at the sheriff's office?

A Approximately three years.

Q What is your rank, sir?

A What's my rank?

Q Yes, sir.

A Deputy two.

Q And, generally, describe to the jury without going into a whole bunch of detail what your duties are. Are you a road officer or --

A I'm a uniform patrol officer, which, basically, means we take calls for service from the public.

Q Back in October of 2010, were you assigned to the Travelers Rest area, or northern area of Greenville County?

A I was, sir.

Q All right. Did you have an occasion to respond to [REDACTED] in Travelers Rest?

A I did, sir.

Q And about what time did you receive the call?

A I received the call at approximately 7:49 in the

1 morning.

2 Q And what was the nature of -- what did dispatch tell
3 you the nature of the call was?

4 A The call came in as a possible suicide. Obviously,
5 the suspect -- excuse me, the victim was shot in the head.

6 Q All right. And so you responded to the scene; is
7 that correct?

8 A I did, sir.

9 Q And when you arrived at [REDACTED] what did you
10 find as you pulled up?

11 A When I pulled up the long driveway to the house at [REDACTED]
12 [REDACTED], I saw a black female, which I thought was
13 going to be the mother of the victim. In responding to
14 the call, I knew it was a possible gunshot victim.

15 Q And where was she at?

16 A She was at the front of the house frantically waiving
17 me down as to tell me where her son was. I asked her --

18 Q And I think I asked you this. Is the -- [REDACTED]
19 [REDACTED], is that in Greenville County?

20 A It is, sir.

21 Q All right. And once you got out of the car, did you
22 speak to the woman?

23 A I did very shortly.

24 Q And, after you spoke with her, what did you do?

25 A I asked her where the victim was. And she pointed

1 into the house. I ran into the house. At that point in
2 time, I located the victim.

3 Q And, just for the record, the woman you spoke with
4 first, was that Shirlene Cruell?

5 A Yes, sir, it was.

6 Q And is that her seated here in the red?

7 A Yes, sir, it is.

8 Q You recognize her?

9 A Yes, sir.

10 Q And so you went inside, and what did you find again?

11 A When I went inside the house -- it's a very narrow
12 trailer, house. As soon as you enter the front door, you
13 can see the living room area and, also, partially into the
14 kitchen. And there's a little dining room, I would say,
15 kind of a breakfast table. I saw a pair of legs on the
16 floor. That was the victim. He was laying face down.

17 Q And would you describe the victim to the jury in
18 terms of his race, height, weight, and any physical
19 characteristics?

20 A He was a black male. And, obviously, he was face
21 down. I couldn't tell any facial features or anything
22 like that. He had long dreadlocks, fairly long.

23 Q I think you said he was lying face down?

24 A He was, sir.

25 Q How was he dressed?

1 A I can't recall.

2 Q Do you remember whether he had on shoes?

3 A Yes, sir, he did.

4 Q All right. And was -- did you see any blood around
5 the victim?

6 A As he was laying face down, it appeared to me that
7 there was a little bit of blood around his head area.

8 Q And did you think that there was -- did that give you
9 any indication, initially, as to where he may have been
10 shot -- or where he may have been injured? Excuse me.

11 A Initially, when the call came out, it was a possible
12 gunshot to the head. And I couldn't really determine
13 whether it was to the head or chest area.

14 Q Did you check the victim's pulse to, basically, see
15 if there was anything you could do to revive him?

16 A The first thing I did when I entered the house, I
17 went up to the suspect -- the victim, excuse me. I
18 checked to see if he was breathing, any vital signs,
19 anything like that. He didn't have any vital signs.

20 Q What did you do next after you sort of secured the
21 circumstances surrounding the victim?

22 A Immediately after doing that, what I went ahead and
23 did was cleared the house, and made sure there was nobody
24 in there.

25 Q Tell the jury what that means, cleared the house.

1 A Clearing the house, basically, means you go from room
2 to room to make sure there's nobody in the house, whether
3 it's a child, suspect, another victim, checking the
4 closets, underneath the beds, basically, anywhere somebody
5 could hide.

6 Q And did you find anyone?

7 A I did not.

8 Q So you had an opportunity, at that time, to sort of
9 walk through the entire house?

10 A Correct.

11 Q What would you -- how would you characterize the
12 condition of the house, the kitchen area, the bedroom
13 areas? Were they neat?

14 A To me, it seemed like maybe somebody was going
15 through things, maybe ransacked or -- it didn't look very
16 neat. But it looked like it was a little bit messy.

17 Q All right. And describe -- did you have occasion to
18 see the back door of the house?

19 A I did, sir.

20 Q Would you describe to the jury the condition of the
21 back door?

22 A Again, when I first arrived on scene and went up to
23 the victim, he wasn't breathing. At that time, I looked
24 up and saw that the back door was open. And when the back
25 door was open, I saw a black male standing there at the

1 door peering in at me.

2 Q Did you later determine who that male was?

3 A At that point in time, no. But I told him --

4 Q No. Listen to my question. Did you later determine
5 who that male was?

6 A I did.

7 Q Who was the male?

8 A He was the father of the victim.

9 Q Wallace Cruell, Sr.?

10 A Yes, sir.

11 Q What did you tell him to do?

12 A I told him to leave, go back around front, and stay
13 with his wife.

14 Q Did he seem to present any sort of threat to you
15 standing there at that time?

16 A No, sir.

17 Q He was just getting ready to contaminate the crime
18 scene?

19 A Correct.

20 Q After you got him situated out of the home, what did
21 you notice about the back door?

22 A The back door was wide open. And I believed it was
23 forced entry.

24 Q What was it that led you to believe that about the
25 door?

1 A It looked to be tampered with.

2 Q In what manner?

3 A Possibly pried open or kicked.

4 Q Now, once you had gotten the house cleared and what
5 have you, did you have an opportunity to speak with
6 Mr. Noah Cruell?

7 A I did, sir.

8 Q And did Mr. Cruell tell you what -- give you a
9 statement, an oral statement?

10 A He gave me an oral statement. And it was kind of
11 hard to understand him at the time. I didn't know if he
12 had a mental disability, or what. But he did give me some
13 vital information at that point in time.

14 Q What did he tell you?

15 A He told me that he was in the house at the time, and
16 that three black males came into the house, tied him up,
17 and took him to the back room. And one of the gentlemen
18 stuck a gun to the back of his head and said, Where's the
19 money?

20 Q Did he tell you anything else about what happened?

21 A Yes, sir, he did.

22 Q What else did he tell you, sir?

23 A He told me, at one point in time, when he was in the
24 back room with one of the males and he was guarding him,
25 the other males went into the other room. At that point

1 in time, the brother -- or not the brother, but
2 Mr. Wallace Cruell, Jr., came back home. The -- Noah
3 Cruell told me that he heard one gunshot. And then he
4 heard all the people in the house take off and leave.

5 He untied himself from whatever he was tied up with.
6 I think it was like a USB cord, or something like that.
7 He took that off and went to [REDACTED] where the parents of the
8 victim lived, up that little -- it's like a little dirt
9 path that goes up to the house, and he got help.

10 Q If you would, step down for one moment, sir, to look
11 at the aerial placard right here.

12 A (Witness complied.)

13 Q And I'm going to ask you to raise your voice a little
14 bit since you're not with the microphone anymore.

15 Would you show the jury -- do you recognize that,
16 first, as to where that is?

17 A I do.

18 Q All right, sir. And does that accurately depict the
19 two houses and the streets, basically?

20 A Yes, sir.

21 Q All right. Now, which house did you respond to?

22 A This one right here.

23 Q And, generally, just show the jury about where you
24 would have parked your car, not exactly, but just,
25 generally, what area. Would it have been the front, the

1 back, or all the way back down the road?

2 A When I first came in, I took a left onto the actual
3 driveway here. I came around the corner and parked my car
4 right about in this area, right about here.

5 Q Now, at the time you arrived, were there -- you were
6 the first officer on scene; is that right?

7 A I was the first officer on scene, yes, sir.

8 Q Was there any other emergency personnel there?

9 A Negative, sir.

10 Q Did any emergency personnel arrive while you were
11 there, or shortly thereafter?

12 A Shortly thereafter.

13 Q Who arrived -- I mean, what emergency personnel type
14 came?

15 A Another deputy responded, because I called out for
16 backup knowing the facts -- or the information that I got
17 from Noah that there were three black males that tied him
18 up, and we had one gunshot victim. At that point in time,
19 what I did, I notified our dispatch to put out a BOLO,
20 to be on the lookout, for three black males,
21 possibly dressed in dark clothing, black clothing with
22 handguns.

23 Q All right. And what was -- I think you mentioned
24 another officer arrived on scene. Did EMS arrive?

25 A Yes, sir, they did.

1 Q And did they immediately come in and go into the
2 house?

3 A At that point, no. Because --

4 Q And tell the jury why.

5 A At law enforcement, when we get a call such as this,
6 EMS is going to be staged. And, basically, all that means
7 is that they're waiting on us to go in and clear the
8 house, which is what I did. Because once I clear it and I
9 give them the okay to come in, that means it's secure and
10 they're not going to get hurt. And that's, basically,
11 what staging means.

12 Staging means they're, basically, going to wait for
13 me to give the okay for them to come in. And that's
14 exactly what I did.

15 Q Okay. You can retake your seat, sir.

16 Thank you.

17 A (Witness complied.)

18 Q After the second officer arrived on scene, did any
19 dog tracking officers arrive on scene?

20 A They did a short time after that.

21 Q And what was your next duty after sort of clearing
22 the house for EMS? I assume after you cleared it, they
23 were allowed to go in?

24 A Correct.

25 Q And what was the next thing that you did?

1 A The next thing I did with the other deputy, we went
2 ahead and taped off the house and, also, the end of the
3 driveway, which is back at the beginning of the road.

4 Q Back -- all way back down?

5 A Where Valley Road meets the driveway.

6 Q And why do you do that?

7 A It's a crime scene.

8 Q And is this the yellow tape we see all the time?

9 A That's the yellow tape you see.

10 Q All right. And did you have an occasion to transport
11 Mr. Cruell to the law enforcement center?

12 A I did, sir.

13 Q Now, you weren't involved in the taking of his
14 statement; is that correct?

15 A Negative.

16 Q Now, once you got to the law enforcement center, was
17 there -- did you get -- were you involved in the process
18 of either securing or delivering a search warrant for the
19 premises?

20 A I did, sir.

21 Q And did you do that?

22 A I did.

23 Q You brought the search warrant back to the premises,
24 the physical papers?

25 A I brought Noah Cruell to the law enforcement center.

1 At that point in time, from the investigator, I brought a
2 search warrant from the LEC, law enforcement center, back
3 to the actual incident scene and gave it to the
4 investigator on scene.

5 Q All right, sir. From your -- and about how long were
6 you on this scene? Counting the time you went back to the
7 law enforcement center to the time you, finally, left the
8 scene -- left Valley Road that morning or that day, about
9 how long were you there?

10 A I arrived on scene around 8:00, 7:49. And I
11 didn't -- I think I went back around 12:30, about
12 lunchtime.

13 Q So you were there about four or five hours?

14 A Four or five hours, yes, sir.

15 Q Now, during the entire time you were there, did you
16 see any obvious signs or obvious evidence -- aside from
17 the three black males description from Noah Cruell, did
18 you see any other obvious signs or obvious evidence that
19 would link any perpetrators to this -- any particular
20 perpetrators to this crime?

21 A No, sir.

22 Q All right. Thank you, sir.

23 Did you have any other involvement in this case after
24 that morning?

25 A No, sir.

1 MR. WESTON: All right. Thank you, sir.

2 Answer any questions Counsel may have for you.

3 MR. GODFREY: May it please the Court.

4 CROSS-EXAMINATION

5 BY MR. GODFREY:

6 Q Good morning, Deputy Hegger.

7 A Good morning, sir.

8 Q I see you brought some paperwork with you this
9 morning. Is that a copy of your incident report?

10 A Yes, sir, it is.

11 Q You spoke with Noah Cruell on the scene?

12 A I did, sir.

13 Q And he told you that three black males went in the
14 house?

15 A Yes, sir.

16 Q Could he provide a description whatsoever?

17 A He said between 20 years old to early 30's, black
18 males, wearing possible dark clothing, black in color.

19 Q Now, to back up for a second. When you first started
20 testifying, you indicated that you were dispatched to a
21 possible suicide; is that right? How is that determined?

22 A It comes out from whoever calls our dispatch.
23 Dispatch will, actually, let us know what type of call it
24 may be. That doesn't mean it's going to be that type of
25 call.

1 Q And when you went in, you made a determination that
2 it wasn't a suicide?

3 A At that point in time, it's a death investigation.

4 Q Are you trained in a course on manner of death?

5 A No, sir.

6 Q Now, regarding Mr. Cruell -- or Noah Cruell, you
7 talked to him and you took an oral statement from him
8 there at the scene?

9 A Just an oral statement, yes, sir.

10 Q And then it was your job to take him to the law
11 enforcement center to meet with the investigators?

12 A I was directed by the investigator on scene.

13 Q Did you take an oral statement from Shirlene Cruell?

14 A Just, basically, her involvement from the time she
15 was, actually, notified from Noah.

16 Q And you found out from that that she arrived after
17 everything had already happened?

18 A She arrived after Noah told her what had happened.
19 She was on the scene. She walked down the trail.

20 Q Did you utilize any type of audio recording or video
21 recording when you talked to Noah Cruell?

22 A No, sir.

23 MR. GODFREY: That's all I have, Your Honor.

24 MR. COOKE: I have no further questions.

25 Thank you.

1 MR. WESTON: Nothing on redirect, Your Honor.

2 THE COURT: Yes, sir.

3 MR. WESTON: Your Honor, the State would ask that
4 this witness be allowed to be excused.

5 THE COURT: Any objection?

6 MR. COOKE: None.

7 MR. GODFREY: No objection.

8 THE COURT: Deputy Hegger, you're excused, sir.

9 Thank you.

10 THE WITNESS: Yes, ma'am.

11 THE COURT: The State will call their next witness.

12 MR. WESTON: Your Honor, the State will call Officer
13 Robert Castillo.

14 THE CLERK: Good morning, Officer.

15 If you'll come forward to be sworn in, please.

16 Please place your left hand on the Bible and raise
17 your right hand.

18 WHEREUPON,

19 ROBERT CASTILLO,

20 after first having been duly sworn, testified as follows:

21 THE CLERK: Thank you.

22 You may be seated.

23 Please state your name for the record.

24 THE WITNESS: Deputy Robert Castillo.

25 THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. WESTON:

Q Deputy Castillo, with whom are you employed?

A The Greenville County Sheriff's Office.

Q And about how long have you worked there?

A Four years.

Q What is your rank?

A I am a deputy two.

Q All right. And did you have an occasion to respond to [REDACTED] in Travelers Rest, South Carolina, on the morning of October 18th, 2010?

A Yes.

Q And when you arrived on scene, what did you find?

A Well, I responded to the scene in response to a call for assistance by Deputy Hegger. When I arrived on scene, Deputy Hegger, EMS, and Slater/Marietta Fire Department were already on the scene. I was advised by Deputy Hegger as to what took place in the incident.

At that time, myself and Deputy Hegger did a perimeter, cleared a perimeter of the property, a quick clear of the perimeter. And we proceeded to string up crime scene tape at that time.

Q All right. And did you remain on scene until investigators arrived?

1 A Yes, sir.

2 Q And what was -- what did you do next with regard to
3 the investigation -- or facilitating the investigation of
4 this incident?

5 A The investigators were on scene, as well as my
6 sergeant at the time. My sergeant informed me that I
7 would need to take -- I believe it's Ms. Jones, which is
8 the victim's wife, down to the law enforcement center to
9 meet with investigators.

10 Q That would be Angela Jones?

11 A Yes, sir.

12 Q And you took -- so you took her to the law
13 enforcement center; is that correct?

14 A Yes, sir.

15 Q Was it for purposes of her to provide a statement?

16 A That's my assumption.

17 Q Okay. And, after that, did you return to the crime
18 scene?

19 A No, I did not.

20 Q And so about how long were you out there?

21 A Probably about 30 to 45 minutes.

22 MR. WESTON: All right. Thank you, sir.

23 That's all I have for this witness.

24 THE COURT: Anything?

25 MR. GODFREY: May it please the Court.

CROSS-EXAMINATION

BY MR. GODFREY:

Q Deputy Castillo, when you arrived on the scene, was Ms. Angela Jones already there?

A No, sir.

Q About how long was it before she showed up? Do you recall?

A I would guess that it was probably about a half hour.

Q About a half an hour. And did you enter the residence at [REDACTED]?

A I did.

Q And the purpose for that was to sweep the inside?

A That was already taken care of by Deputy Hegger. The reason for me entering the residence at that time was to meet with him and gain some knowledge as to what had taken place.

Q And then, after you talked to Deputy Hegger, that's when you and he went out and put up crime scene tape?

A We did. We walked around the perimeter of the building quickly just to make sure there was nothing else outside potentially. And, at that time, we did ask everybody to stay outside of the residence. And we proceeded to put up crime scene tape.

Q Now, at that -- and then it became your duty to take Ms. Jones to the law enforcement center?

1 A Yes.

2 Q Did you take any oral statements from Ms. Jones?

3 A I did not.

4 Q Did you ask Ms. Jones -- or did Ms. Jones tell you
5 anything regarding the description of the suspects?

6 A No, sir.

7 Q Did you have any conversation with her about this
8 incident from Travelers Rest down to the law enforcement
9 center?

10 A She was pretty upset at the time. I do not recall
11 having a whole lot of conversation with her.

12 Q But, based on what you know, she wasn't there at the
13 time of the incident; is that correct?

14 A That's correct, sir. She was at work.

15 MR. GODFREY: Nothing further.

16 MR. COOKE: Nothing from this side, Judge.

17 THE COURT: Any redirect?

18 MR. WESTON: Yes, ma'am, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. WESTON:

21 Q Counsel asked you about her not being there at the
22 time of this incident, and you implied that she was at
23 work. Where was she working?

24 A She was working at the McDonald's off of Old Buncombe
25 Road and Poinsett. It's that little shopping center

1 there --

2 Q Up near Furman?

3 A Up near Furman, northern area command.

4 Q Did you have to go pick her up from there or was
5 she -- did she come back to the crime scene, or what?

6 A She arrived on the scene. And how she was notified,
7 I do not know. It would be a guess that it was probably a
8 family member on the scene.

9 Q And did she arrive after you were already there?

10 A Yes, sir.

11 MR. WESTON: Thank you, sir.

12 THE COURT: Anything further?

13 MR. GODFREY: Nothing further.

14 MR. COOKE: Nothing further.

15 THE COURT: Any objection to Deputy Castillo being
16 released from anyone?

17 MR. GODFREY: No objection.

18 MR. COOKE: No objection.

19 THE COURT: You're released from subpoena, sir.

20 The State will call their next witness.

21 MR. WESTON: The State will call B.L. Osborne.

22 THE CLERK: Sir, if you'll come forward to be sworn
23 in.

24 Place your left hand on the Bible and raise your
25 right hand.

1 WHEREUPON,

2 BRIAN OSBORNE,

3 after first having been duly sworn, testified as follows:

4 THE CLERK: Thank you.

5 You may be seated.

6 Please state your name for the record.

7 THE WITNESS: Brian Osborne.

8 THE CLERK: Thank you.

9 DIRECT EXAMINATION

10 BY MR. WESTON:

11 Q Deputy Osborne, with whom are you employed?

12 A The Greenville County Sheriff's Office.

13 Q And how long have you been with the sheriff's office?

14 A Right at seven years.

15 Q And what is your rank?

16 A Deputy. I'm a K-9 handler.

17 Q I'm sorry?

18 A Deputy K-9 handler.

19 Q Did you have an occasion to respond to [REDACTED]
20 in Travelers Rest on the morning of October 18th, 2010?

21 A I did.

22 Q About what time did you arrive on scene?

23 A Let me look at my notes right fast.

24 I arrived at 8:24.

25 Q And when -- what was the nature of the call for you

1 to come -- the call for service? What was your
2 understanding?

3 A I had been advised there was a gunshot victim, and
4 that they needed a possible track, and needed my K-9
5 partner's assistance.

6 Q Just for the -- my and the jury's edification, when
7 you say "they needed a possible track," what does that
8 mean, generally?

9 A Generally, the suspect, whether it's this particular
10 incident or another, has left the scene and law
11 enforcement does not know exactly where they are. And
12 they've called myself or another K-9 handler to see if we
13 can track the suspect wherever they've gone to.

14 Q So when you arrived on scene, did you -- I assume you
15 had a dog with you?

16 A I did.

17 Q What's the name of your dog?

18 A His name is Mikey.

19 Q How long have you worked with this dog?

20 A Three years.

21 Q And without going into detail, because we don't need
22 to necessarily qualify you and qualify the dog very much.

23 A Sure.

24 Q Mikey has been trained to track?

25 A Yes.

1 Q And has he gotten certifications?

2 A He's nationally certified through the North American
3 Police Association.

4 Q Now, is he a drug dog?

5 A He's a drug -- he's a dual purpose patrol dog.

6 Q Tell the jury what that means.

7 A He does a little bit of everything. He's a narcotics
8 dog, tracking, trailing, and apprehension dog.

9 Q All right. And when you got to the scene, was this
10 your first time ever being on this property?

11 A Yes, it was.

12 Q All right. And what were you told concerning the
13 specifics of this particular case, and the parameters that
14 you would be working under?

15 A The only thing that I knew is there was a gunshot
16 victim inside the residence, and that, reportedly, three
17 black males had left the scene in some direction. They
18 were the ones that did this. They had left. And that's
19 about all I knew.

20 Q All right. Let me ask you to step down a moment, and
21 look at the aerial photograph on the placard there.

22 A (Witness complied.)

23 Q I need you to raise your voice a little bit since you
24 don't have the microphone with you.

25 A Okay.

1 Q Do you recognize that as the location that you
2 arrived at --

3 A Is this --

4 Q Let me finish my question, please.

5 A I'm sorry.

6 Q Do you recognize that as the location that you
7 arrived at on October 18th of 2010?

8 A Yes.

9 Q All right, sir. And where -- using either Valley
10 Road or -- how did you -- where did you pull in? Tell the
11 jury where you pulled in, and pretty much where you parked
12 your car or your truck.

13 A This is the first time I have seen this actual
14 picture.

15 Q Okay.

16 A So let me make sure.

17 Is this  right here?

18 Q Yes.

19 A When I pulled -- when I came down Valley Road, I
20 pulled in the long driveway here. There were a lot of
21 emergency vehicles, patrol cars, ambulances, and fire
22 trucks. So I, actually, had to park somewhere in this
23 area here.

24 Q Okay. Now, do you recognize the top house there as
25 the crime scene?

1 A Yes.

2 Q Did you have occasion to deal with the bottom house,
3 the house right below that?

4 A This one right here?

5 Q Yes, sir.

6 A Yes, sir, I did.

7 Q Were you advised as to whose home that was?

8 A This one, what I was told, was the victim's parents
9 residence.

10 Q Okay. And show the jury -- well, let me ask you
11 again -- just stay right there for a moment, because I
12 want you to tell the jury what you did with Mikey.

13 Once again, were you given any comparison samples,
14 for example?

15 A Are you talking about a scent article?

16 Q Yes, sir. Tell the jury what a scent article is.

17 A Before I tell you what that is, let me explain how
18 the canines track. They can scent discriminate, which
19 means when we walk into a house or a restaurant and, for
20 instance, someone is making vegetable soup, we smell
21 vegetable soup.. A K-9 will pick out the tomatoes, the
22 chili. Every ingredient that's in that soup, they can
23 discriminate between.

24 A scent article is used in tracking to where if I
25 have a contaminated area and I have, say, a shirt, for

1 instance, that somebody has worn, shoes, whatever it may
2 be, I can put my dog on that. And he will be able to
3 discriminate from any of the tracks that are in that
4 particular area, based on that.

5 But to answer your question, I did not have a scent
6 article that day.

7 Q Now, a scent article or a scent, as you were
8 describing, I think you used a very good analogy of the
9 soup. For instance, a dog is tracking me, would he track
10 just my body odor, or my body smell?

11 A What he's, actually, tracking is called skin rafts.
12 We're all pulling off skin rafts whether we're sitting
13 here, walking. Millions of dead skin cells is what it is.
14 It's a make up of your chemical analysis of your body,
15 deodorant, soaps, any perfume, anything like that.

16 The skin rafts of your particular cells are as unique
17 as your fingerprint. So each person has a different
18 smell, so to speak, than somebody else does.

19 Q Did you -- were you given a comparative article that
20 morning?

21 A A scent article?

22 Q A scent article, yes, sir.

23 A I did not have a scent article.

24 Q What were you told in terms of direction of travel of
25 the possible suspects?

1 A The only thing that I knew --

2 Q And you can use the map, if you'd like.

3 A The only thing that I knew is that the suspects had,
4 reportedly, from what I had been told, came in the back of
5 the residence. And I did not know exactly where they had
6 left from, possibly out the back as well. But I did not
7 know that.

8 Do you want me to go ahead and just tell you?

9 Q Yes, sir. Tell us to what you did, what you and
10 Mikey did.

11 A Now, that's what I was told when I arrived. I had to
12 walk my dog up the driveway to the residence itself. Now,
13 you have to understand, on this particular day, again,
14 there's emergency vehicles all over this property.
15 Emergency personnel, between fire, EMS, sheriff's office
16 are all around the front yard, as well as family members
17 and everything else.

18 So when I rounded this curve right here, I see all of
19 these people walking around. It makes it very difficult
20 to find a particular track. So I went ahead and told the
21 officers that were already on scene that I was not going
22 to try to attempt any kind of track in the front, because
23 it's pretty much useless at that point. I don't know who
24 I'm tracking.

25 So, I go around to the back of the residence where I

1 had been told that the suspects had come in. I placed my
2 dog up on the back porch in a down position. That's just
3 standard operating procedure when we start tracking. That
4 way, we get his mind to understand what's about to happen.
5 He's hooked up to a tracking harness. I've got a 15-foot
6 leash that he uses when we're tracking --

7 Q What is a 15-foot leash? I apologize for
8 interrupting.

9 A It is 15 feet of leash that I hook onto his tracking
10 harness, which wraps around his body.

11 Q And why is it 15 feet? Is there something particular
12 about that length?

13 A Well, when we're tracking, or doing an area search,
14 or anything like that, it gives him more area to move
15 around to work the area. It, actually, gives me more of
16 an avenue of escape in case something does happen. He's
17 got 15 feet out in front of me. At this particular time,
18 I used 15 feet. Now, I use 20 to give me an extra five
19 feet of reactionary time in case my dog does locate
20 somebody. I've got -- when you do this kind of work,
21 every little avenue of help helps.

22 Q Speaking of which, you asked about avenues of help --
23 or you just mentioned avenues of help. Are there usually
24 officers assigned to sort of walk with you to provide some
25 sort of security?

1 A There are.

2 Q And what is their role?

3 A Their role is to protect me and to make sure that --
4 usually, in a perfect situation -- and there's never a
5 perfect situation in law enforcement -- I would have three
6 cover officers. One who is assigned directly to me, which
7 means he stays right behind me. Two others would kind of
8 flake off behind him, behind my cover. And their main
9 goal is to watch the surroundings around me to see if
10 anybody has moved, if they've spotted anybody to let me
11 know.

12 My job is to watch the dog. I can't watch everything
13 else around me. That's what they're there for.

14 Q Would you tell the jury what you did -- you said you
15 didn't check the front of the house because so many people
16 had tracked through it. What did you do next?

17 A Again, I downed my dog just as a cue to him that
18 we're about to start tracking on the back porch. I gave
19 him his track command. And what he does -- you have to
20 work several hours with dogs to understand what I'm
21 looking for.

22 When he starts his track, he's going to give me
23 certain, what we call, distinct behavior changes. And if
24 you don't know how my dog operates, you won't know what to
25 look for, but I do. When he gave me these distinct

1 changes and I saw them, I knew immediately he was on a
2 track. He gave them as soon as he came off the back
3 porch.

4 We found a track -- he found a track through --
5 there's a -- for lack of a better term, a path through
6 these woods right here. And I'm not sure exactly the
7 length of this trail. But we followed the track from the
8 back of the victim's residence, all the way up and into
9 the yard to about right in here, the victim's parents
10 house. There were fresh footprints in the dew of the
11 grass. It was early in the morning. There were fresh
12 footprints coming into this area.

13 Once we got right in here, he had given me what we
14 call negative behavior changes, which means he'll check
15 over here. Certain little things happen, and he'll check
16 over here. And certain little things happen. And I know,
17 because I've experienced several tracks, and thousands of
18 hours of training with this dog that the track has ended
19 at that point. At which point, I left the investigators
20 and other personnel on the scene there. There was no more
21 tracking.

22 Q Now, did you, for lack of a better word, reach any
23 positive results as a result of your track that morning?

24 A Well, I positively knew I was tracking someone, no
25 doubt about that. I knew I was tracking someone. One,

1 because there's fresh dew prints -- or fresh footprints in
2 the dew. But about midways up the trail, we happened to
3 come across what I thought at the time, just going by it
4 real quickly, was a computer cord of some type, like you
5 would plug into a computer, or a phone jack, or something
6 like that. It looked like it had been tied in a loop
7 situation, basically, to resemble some type of restraining
8 device, which was laying about midways, I would say, give
9 or take, on this trail.

10 Q And did you take -- pick up the cord?

11 A I did not, no, sir.

12 Q What did you do, ultimately, with relationship to the
13 cord?

14 A Once I finished my track, I let my cover guys, which
15 was Deputy Whitlock, he was there with me. He went back
16 and secured. When I say "secured," he made sure nobody
17 came and tampered with this cord that was laying on the
18 trail.

19 Q At some point, at the conclusion of your activities,
20 did you talk to Investigator Chris Hammett to kind of just
21 let him know what you had found?

22 A I gave him a run down of what I had done, where the
23 track that I had been tracking had stopped, and what we
24 had found. And, at that point, I was finished with my
25 aspect of the case.

1 Q Did you advise Investigator Hammett about the
2 computer cord on the trail?

3 A I did -- well, if I didn't, Deputy Whitlock did. One
4 of us did advise him.

5 Q You can -- well, before -- you can resume your seat.

6 A (Witness complied.)

7 Q Did you have any further involvement in this case
8 after the morning?

9 A After the morning?

10 Q Yes, sir.

11 A No, sir, I did not.

12 Q And about how long were you out there, just
13 generally?

14 A Can I look at my notes right quick?

15 Q Yes, sir.

16 A Every time a K-9 is deployed, we keep pretty detailed
17 records. I arrived at 8:24 that morning. I began the
18 track at 8:45. At 9:00, the track ended, which means I
19 was finished with my K-9 partner. And I cleared -- excuse
20 me, I told you incorrectly. 8:45 is when I started the
21 track. 9:00 is when I ended. I left the scene at 9:40
22 that morning. Because I just remained on perimeter to
23 make sure no one else came in and secured the scene.

24 MR. WESTON: Thank you, sir.

25 Please retake your seat.

1 That's all I have, Your Honor.

2 THE COURT: Yes, sir.

3 MR. GODFREY: May it please the Court.

4 CROSS-EXAMINATION

5 BY MR. GODFREY:

6 Q Deputy Osborne, how long have you and Mikey been
7 together?

8 A Since October of 2009.

9 Q And I'm guessing he's with you 24/7?

10 A Yes, sir, except for today. He gets irritated when I
11 leave him by himself all day.

12 Q Well, I've got to go back over this, because I don't
13 really completely understand it. And I've got to ask the
14 question. You didn't find anything that you could -- a
15 scent item?

16 A A scent article, no, sir, I did not.

17 Q So the dog is trying to pick up the odor from dead
18 skin cells?

19 A Yes, sir.

20 Q And there are millions of dead skin cells?

21 A Each person drops millions of -- they're called skin
22 rafts. You're having them fall right now. They're
23 falling off of me as I speak.

24 Q Okay. So when you got on scene and you talked to
25 Deputy Hegger, he advised you that potentially you're

1 looking for three black males?

2 A Yes, sir.

3 Q Did you have a good idea about which way they left?

4 A Which way they left, no, sir. The only thing I knew
5 is that they had came in the back door and had possibly
6 left out of the back door. But I did not know for
7 certain.

8 Q Well, did you start Mikey in the house next to the
9 back door trying to -- I mean, how do you --

10 A I did not -- he did not go in the house at all.

11 Q Well, since there's so many skin cells -- I mean, I
12 know you tracked somebody. I know Mikey tracked somebody?

13 A Yes, sir.

14 Q But do you know -- you have no idea really who he
15 tracked?

16 A I do not know exactly who I tracked, no, sir.

17 Q Now, one of the problems that you and Mikey had was
18 the amount of foot traffic that had been around there?

19 A There was some contamination, quite a bit of it.

20 Q Because when you got there, there were emergency
21 personnel, fire trucks, other officers?

22 A Yes, sir.

23 Q And it made it very difficult for Mikey?

24 A It made it difficult for me to determine who we were
25 exactly tracking. My dog, he's trained to follow human

1 odor. He can't look up and tell me exactly who he's
2 tracking. He found it rather quickly, so it wasn't
3 difficult for him.

4 Q Now, other than this particular day, you were
5 involved in this case on November the 17th of 2010,
6 weren't you?

7 A Excuse me?

8 Q November the 17th of 2010, weren't you, dispatched
9 when they were arresting Willie Jermaine Taylor? Do you
10 remember that?

11 A I do not remember that.

12 Q Do you remember the day that Mikey had to go in the
13 attic?

14 A My dog has been in several attics. You're going to
15 have to be more specific --

16 MR. WESTON: Excuse me, Your Honor. Just to save
17 time -- and I don't have it in front of me. Counsel is, I
18 think, referring to his incident report. If he could take
19 about one minute to let him look at his report, it would
20 probably refresh his memory and move this along.

21 THE COURT: Would you like to refresh your
22 recollection, Deputy?

23 THE WITNESS: Yes, ma'am, absolutely.

24 THE COURT: Let's hand him a copy of the report.

25 THE WITNESS: Thank you, sir.

1 (Pause.)

2 THE WITNESS: Yes. I do remember this.

3 BY MR. GODFREY:

4 Q Officer, you have had the opportunity to review your
5 report?

6 A Yes, sir.

7 Q Has that refreshed your memory?

8 A It does.

9 Q Were you dispatched out when Willie Jermaine Taylor
10 was --

11 A As far as dispatch, no, sir, I was not. I was
12 contacted by a liaison for the U.S. Marshals.

13 Q Okay. But you were requested to come out for help?

14 A I did go to the scene, yes, sir.

15 Q And when you got there, there were already other
16 deputies on scene?

17 A There was.

18 Q And Willie Jermaine Taylor was, actually, coming out
19 and being placed in custody?

20 A There was a black male coming out. I don't know who
21 he was, or I didn't at the time.

22 Q Okay. Well, in your report, you indicated, When I
23 arrived, I noticed several other deputies already on
24 scene, and a black male later identified as Willie
25 Jermaine Taylor coming out of the front door?

1 A Later identified.

2 Q Now, on this occasion, you did search the attic?

3 A Yes, sir.

4 Q You went in the house. And that was at the request
5 of other officers; correct?

6 A Yes, sir.

7 Q I've got to ask this, because I don't know. How does
8 Mikey get in the attic?

9 A Very, very carefully. He is, actually, trained to
10 climb the attic space.

11 Q Really?

12 A Yes. Sometimes, he has to be prompted to do that,
13 but he is, actually, trained.

14 Q And he gets down the same way?

15 A Have you -- when you were a child, you worked a
16 yo-yo.

17 Q Yeah.

18 A That's similar to how I get him back down. He's on
19 another type of harness and I have to lower him back down.
20 He will try to climb, but he goes a little too quick. And
21 I don't want to injure him, so I'll lower him down slowly.

22 Q Okay. When Mikey got up to the attic, he indicated
23 on something; right?

24 A He did.

25 Q And you carefully approached, because you didn't know

1 what it was either?

2 A Well, what I was, originally, doing with placing him
3 in the attic was to make sure that there was nobody in the
4 attic. He was given a certain command, which meant to
5 look for a person.

6 What I'm feeling when I'm doing that -- he's still on
7 a leash. If there's a possibility he can work on a leash
8 without harming himself or me, he's on a leash. If not, I
9 can turn him off. But either way, he's going to give me
10 an indication if he's located somebody. At this point,
11 he's on a lead -- or a leash. And I'm not feeling any
12 resistance on the lead, or anything like that. It just
13 kind of stopped, which was curious to me because that's
14 not how he works.

15 So I had to peek up into the attic to see what my dog
16 was doing. And he was, actually, in a downed position.
17 Now, there's a couple different reasons why he would be in
18 a downed position. One, he's either found narcotics, or
19 he's found an article. Either way, I was somewhat upset
20 with him, I guess you could say, because I had not told
21 him to find narcotics or articles. But he had
22 spontaneously downed. And I had to figure out why he had
23 downed. So, yes, I had to approach that area very
24 carefully.

25 Q Smart dog.

1 A He is a very smart dog.

2 Q What did you find?

3 A Sir?

4 Q What did you find?

5 A There was a handgun, a wallet, and a small bag of
6 marijuana underneath the insulation.

7 Q And were you informed -- or did Willie Taylor tell
8 you that he put those items up there?

9 A I had -- I believe I heard that from another
10 investigator, that Willie Taylor had informed them that he
11 had placed those items up in the attic prior to coming
12 out.

13 MR. GODFREY: Thank you, Deputy Osborne.

14 I appreciate it.

15 THE WITNESS: Yes, sir.

16 THE COURT: Anything further?

17 MR. COOKE: No questions.

18 THE COURT: Anything further?

19 MR. WESTON: Nothing further, Your Honor.

20 THE COURT: Deputy Osborne, you may be excused, sir.

21 THE WITNESS: Thank you.

22 THE COURT: Thank you.

23 MR. WESTON: Your Honor, may we approach?

24 THE COURT: You may.

25 (WHEREUPON, a bench conference was held.)

1 THE COURT: Ladies and gentlemen, we're just
2 discussing scheduling of where we think the case is going
3 to go, and how long it's going to take. At this time,
4 it's about 11:10, and we are waiting on another witness.
5 I'm going to send you back to your jury room for just a
6 few minutes. We'll go ahead and take another morning
7 break. Again, get a cup of coffee, refresh yourselves.

8 I have to remind you, ladies and gentlemen, do not
9 discuss the case. Again, it wouldn't be appropriate to do
10 so. You haven't heard all the evidence. Go back and,
11 again, refresh yourselves. And we'll bring you right back
12 in.

13 Thank you.

14 (WHEREUPON, the jury was excused from open court at
15 approximately 11:10 a.m.)

16 THE COURT: Very well.

17 And, Hollie, just for the record, that sidebar was
18 truly scheduling purposes that we were discussing.

19 It's my understanding that we're waiting on a witness
20 that's just a couple minutes away. Someone is going to
21 let me know when that witness is here and ready to go?

22 MR. WESTON: Yes, Your Honor.

23 THE COURT: And we'll go ahead and take a break until
24 then.

25 MR. COOKE: Judge, I agree to cut Mr. Cruell loose.

1 THE COURT: All right. Mr. Noah Cruell, you are
2 excused, sir.

3 Thank you.

4 You may leave, sir, if you like.

5 We're at ease for 10 minutes until someone let's me
6 know about the next witness.

7 (WHEREUPON, a break was taken.)

8 THE COURT: It's my understanding that the witnesses
9 are here.

10 MR. WESTON: Yes, sir -- yes, ma'am, Your Honor.

11 THE COURT: Let's go ahead and bring the jury on in.

12 (WHEREUPON, the jury came into open court at
13 approximately 11:27 a.m.)

14 THE COURT: Welcome back, ladies and gentlemen.

15 The State will call their next witness.

16 MR. WESTON: Your Honor, the State would call
17 Dr. Michael Ward.

18 THE COURT: Dr. Ward, if you'll come forward to be
19 sworn.

20 THE CLERK: Sir, please, place your left hand on the
21 Bible and raise your right hand.

22 WHEREUPON,

23 MICHAEL EUGENE WARD, M.D.,
24 after first having been duly sworn, testified as follows:

25 THE CLERK: Thank you.

1 You may be seated.

2 THE COURT: Thank you, Dr. Ward.

3 THE CLERK: Please state your name for the record.

4 THE WITNESS: Michael Eugene Ward.

5 THE CLERK: Thank you.

6 DIRECT EXAMINATION

7 BY MR. WESTON:

8 Q Dr. Ward, with whom are you employed?

9 A I'm employed by Pathology Associates of Greenville,
10 and by the County of Greenville as the chief medical
11 examiner?

12 Q And about how long have you been in each of those
13 positions?

14 A I've been here in Greenville for almost 17 years, and
15 as the chief medical examiner for 15 years.

16 Q And just briefly, we're not going to go too much into
17 this, but tell the jury a little bit about your background
18 in terms of your education.

19 A I have a Bachelors Degree in Biology, a Master's
20 Degree in Forensic Science, and my medical degree from
21 various universities in Alabama. I did a four-year
22 anatomic pathology residency at the Medical University of
23 South Carolina in Charleston. And I did a one-year
24 fellowship in forensic pathology at the University of New
25 Mexico in Albuquerque. I'm board certified by the

1 American Board of Pathology in both anatomic and forensic
2 pathology.

3 Q And have you done post-graduate studies, and
4 research, and seminars, and training in those two areas?

5 A I have. There's continuing medical education that I
6 do in both anatomic and forensic pathology. I have
7 authored papers in forensic pathology, and presented
8 various studies or lectures here at Clemson, and at the
9 Coroner's Association, and around the state.

10 Q Have you testified in proceedings before with
11 regard -- and, basically, you perform autopsies?

12 A I do. I perform autopsies to determine cause and
13 manner of death.

14 Q And have you testified in proceedings before with
15 regard to your performance of autopsies?

16 A Yes, I have.

17 Q Approximately how many?

18 A Well over 100 times.

19 MR. WESTON: Your Honor, the State would offer
20 Dr. Ward as an expert in the field of forensic pathology.

21 MR. GODFREY: No objection.

22 MR. COOKE: No objection.

23 THE COURT: Ladies and gentlemen, typically, a
24 witness can only testify to what they've seen, heard,
25 specific facts. We allow a person who is deemed an expert

1 either by education and/or experience to give not only
2 their testimony, but, also, their opinion.

3 Ladies and gentlemen, in this case, Dr. Ward is being
4 qualified in the area of forensic pathology. He can give
5 you his opinion in that area. And, of course, his opinion
6 is to be used as you see appropriate, and as you compare
7 it to other evidence in the case.

8 MR. WESTON: Thank you, Your Honor.

9 BY MR. WESTON:

10 Q Dr. Ward, would you describe to the jury what an
11 autopsy is, and how an autopsy is done, and what its
12 function is?

13 A An autopsy is a detailed physical examination
14 performed on a person who has died. It -- its function is
15 to determine -- enable us to or assist us to determine
16 cause and manner of death, so that we look for natural
17 disease processes that may be present, any congenital
18 abnormalities that may be present, or any trauma that may
19 have led to or contributed to a person's death.

20 Q Did you have an occasion to perform the autopsy on
21 Wallace Cruell, Jr.?

22 A Yes, I did.

23 Q When did you perform that autopsy?

24 A On October 29th, 2010.

25 Q The 29th or 19th?

1 A 19th.

2 Q All right. And was it your understanding that he had
3 died the day before?

4 A That is correct.

5 Q And where would the autopsy have been performed?

6 A The autopsy was performed at the Greenville County
7 Morgue, which is on the grounds of Greenville Memorial
8 Hospital.

9 Q And who was present for the autopsy -- well, just,
10 specifically, was the investigator involved in the case,
11 Chris Hammett, present for the autopsy?

12 A He was.

13 Q And what were you told -- are you given background
14 information when you perform an autopsy just to assist you
15 to determine what you're looking for?

16 A Yes, I am.

17 Q What were you told about this case prior to beginning
18 the autopsy?

19 A I was told that it appeared that this gentleman had
20 taken his children to school. And when he came back,
21 returned to his home, apparently, he became involved in
22 some form of an altercation and was, subsequently, later
23 found dead in his home.

24 Q All right. And when you perform an autopsy, is the
25 victim usually clothed in the clothing that they had at

1 the time of their death? Do they still have on the same
2 clothes usually?

3 A Yes. After a person is pronounced dead, nothing
4 changes. So if they were clothed when they died and when
5 they were pronounced dead, then they are transported to us
6 in exactly the same fashion as they were at the scene.

7 Q Does your autopsy include, at least, a peripheral
8 examination of the clothing?

9 A Yes, it does.

10 Q And did you do that in this case?

11 A I did.

12 Q All right. And would you tell the jury what you did,
13 the basics of the autopsy, and what your conclusions were?

14 And let me ask you this before you begin. And I
15 apologize to keep interrupting. Do you have any kind of
16 drawing of the body that was -- that you use in reaching
17 your conclusions regarding the autopsy?

18 A Yes, I do.

19 Q Could you show me that, please, without holding that
20 up to the jury yet?

21 A (Witness complied.)

22 Q Thank you, sir.

23 And let's just begin. If you would, just hold up and
24 show the jury the anatomical drawing that you use for
25 describing or explaining the results of the autopsy. Just

1 kind of show it to the jury, and tell them what it is.

2 And, if you would, just step down here, in fact, that
3 might help.

4 A Do you want me to demonstrate the wounds now, or just.
5 the diagram?

6 Q Yeah. Let's just -- I tell you what. Let's do it
7 however you want to do it. Tell us what you found first,
8 and talk about that first, I think. I'm sorry.

9 A That's quite all right. One of the questions was,
10 what is an autopsy? And the process of the autopsy is to
11 do an external examination. And that includes looking at
12 the clothing of the decedent. I'm then present and make
13 removal of the clothing, examining it as we go through
14 layer at a time. I examine the outer surface of the body
15 for any signs of disease or trauma. We document that
16 diagrammatically [sic], photographically, and in the
17 written word.

18 And then we proceed with the internal examination,
19 again, to document any natural disease that's present.
20 But, in this situation, I'm looking for a continuation of
21 the trauma from the outside of the body to the inside of
22 the body and I'm documenting that.

23 That being said, one of the things we do is to
24 develop a body diagram, which is where I draw the wounds
25 present on the body onto this diagram.

1 And if I may step down?

2 THE COURT: You may sir.

3 (WHEREUPON, the witness stepped down from the witness
4 stand.)

5 THE WITNESS: This is a very simplified body diagram.
6 It's the front and back surface, so the anterior and
7 posterior surface of the body. Mr. Cruell had a single
8 gunshot wound. It entered his right upper back. So it's
9 this circle here on the right upper back. It passed from
10 his back to his front, and from his right to his left to
11 exit the left anterior chest just below the level of the
12 clavicle.

13 It's path included ribs on the back right, the right
14 upper lobe lung, the aorta, which is this big vessel that
15 takes blood from the heart to the rest of the body, then
16 out the anterior chest at the level of the second rib and
17 then out the skin. So no missile was recovered at the
18 time of autopsy.

19 On the inside of Mr. Cruell's chest, there was 1,300
20 milliliters of blood in the right chest cavity. And
21 there's not supposed to be any blood there. So,
22 basically, he bled out from this trauma to his lung into
23 his aorta and into his chest cavity.

24 MR. WESTON: Thank you, sir.

25 Your Honor, the State would-- and I don't think

1 we've marked it.

2 Doctor, you can resume your seat.

3 (WHEREUPON, the witness returned to the witness
4 stand.)

5 MR. WESTON: Your Honor, the State would like to mark
6 it.

7 THE COURT: Has the Defense seen it?

8 MR. GODFREY: Yes, Your Honor. No objection.

9 MR. COOKE: I'd just like to see it one more time,
10 please.

11 (WHEREUPON, State's Exhibit No. 20 was marked for
12 identification only.)

13 MR. WESTON: Your Honor, the State would offer this
14 exhibit as State's Exhibit No. 20, and ask that I be
15 allowed to publish it to the jury.

16 THE COURT: You may, sir.

17 (WHEREUPON, State's Exhibit No. 20 was admitted into
18 evidence.)

19 BY MR. WESTON:

20 Q Do you have another copy of this, Doctor, in case you
21 need to refer back to it?

22 A I do.

23 Q Doctor, in addition to the bullet wound that entered
24 his back and exited his chest, did you find any other
25 physical wounds to the body?

1 A Yes, I did.

2 Q Would you tell the jury about that?

3 A On the upper forehead, just into the hairline, was a
4 rectangular-shaped laceration or tearing of the skin.

5 This laceration was about one and a half inches in length,
6 and, roughly, a half an inch in width. It extended all
7 the way through the skin of the scalp, and beneath the
8 skin of the scalp was visible the underlying bone.

9 Q Do you have any conclusion as to what could have
10 caused that type of injury?

11 A It's, certainly, an injury caused by a blunt object.
12 This object would have been rectangular in its shape with
13 enough mass or weight to it to be able to cause that much
14 trauma to the skin. I could, certainly, speculate as to
15 what that object might have been.

16 Q That's okay. That's fine, Doctor.

17 Did you examine the organs of the body as part of the
18 autopsy?

19 A Yes, I did.

20 Q Did you find anything unusual about any of them?

21 A The only unusual findings were consequences of the
22 gunshot wound to the chest. There was blood in the lungs
23 as a result of hemorrhage from the gunshot wound. And
24 there was a paleness to the kidneys as a result of
25 profound blood loss. But, other than that, there were no

1 abnormalities.

2 Q Were you able to form a conclusion as to whether or
3 not Mr. Cruell could have died of natural causes?

4 A Mr. Cruell did not die from natural causes.

5 Q Would you tell the Judge -- the jury, first, what was
6 the cause of his death?

7 A Mr. Cruell died as a result of a gunshot wound to the
8 chest.

9 Q And how would you characterize the manner of death?

10 A The manner of death would be homicide.

11 Q And tell the jury what homicide is.

12 A Homicide is death at the hands of another individual.

13 The cause of death was caused by another individual.

14 MR. WESTON: Thank you, sir.

15 Answer any questions Counsel may have for you.

16 MR. GODFREY: May it please the Court.

17 CROSS-EXAMINATION

18 BY MR. GODFREY:

19 Q Dr. Ward, I just have a couple of questions. I want
20 to make sure I understand. To be clear, it was a single
21 gunshot wound?

22 A That is correct.

23 Q So it was one bullet or one missile?

24 A That's correct. One entrance to the back, one exit
25 to the front.

1 Q Now, from your examination of the wound, could you
2 tell what caliber it was, the caliber of the missile
3 bullet?

4 A No, sir.

5 Q Are you, sometimes, able to determine that?

6 A I do not speculate on caliber based on the wound, no.

7 MR. GODFREY: Okay. Thank you.

8 MR. COOKE: I have a couple questions.

9 CROSS-EXAMINATION

10 BY MR. COOKE:

11 Q The clothes were on the victim, or the deceased;
12 correct?

13 A Yes, sir.

14 Q Could you tell if there was any gunshot residue?

15 A I looked at the back of the clothing. I saw no
16 evidence of gunshot residue.

17 Q Okay. Could you step down? I'd just like you to
18 help me with something. I saw your picture there.

19 A (Witness complied.)

20 Q Would you demonstrate for the jury, assuming I'm the
21 body, where that shot entered the body on me. Just play
22 like I'm the victim.

23 A The entrance wound is right upper back, roughly, in
24 this region here.

25 Q Okay.

1 A It passes from Mr. Cruell's back to his front.

2 Q Okay.

3 A And from his right to his left, through the upper
4 lobe of the right lung. As it crosses the midline, it
5 transects the aorta, that large blood vessel. And then it
6 exits out the front side of the body. The clavicle is
7 here.

8 So it's, roughly, in this region here just to the
9 left of the midline. So entrance back, across midline to
10 exit out the front.

11 Q Okay. So let me use you. So if I've got a gun and I
12 shoot you in the back. You're shot in here, it comes out
13 here; correct?

14 A Yes, sir.

15 Q Now, if I'm left-handed, I'm going to have to -- this
16 is more like a right-handed shot --

17 MR. WESTON: Objection, Your Honor. That calls for
18 pure speculation.

19 MR. COOKE: Well, he's your expert.

20 MR. WESTON: And what you're asking calls for
21 speculation.

22 THE COURT: If he can answer it, he will. I
23 understand your objection.

24 But, Dr. Ward, if you can answer the question, that's
25 fine. If you can't --

1 BY MR. COOKE:

2 Q It's more logical, based on your examination of the
3 body, that someone who is right-handed had to hold that
4 gun to shoot from this part of the body to make it come
5 out this part of the body?

6 A That's if given the scenario that we are in this
7 position.

8 Q Okay.

9 A If I am in this position --

10 Q Right.

11 A -- then it would be just as easy -- or easier to be
12 left-handed.

13 Q But I'm saying -- let me ask it this way. If the
14 incident report indicated -- let's just assume this. If
15 the incident report indicates that the man is on his
16 stomach and he's shot in the back, wouldn't that indicate
17 to you that it was a right-handed person?

18 MR. WESTON: Objection, Your Honor, I'm going to
19 renew --

20 BY MR. COOKE:

21 Q In your medical opinion --

22 MR. WESTON: If I could finish my objection, Your
23 Honor. I want to renew my objection, and add to it that
24 he has not been qualified as a ballistics expert. And I
25 think this is an inappropriate question for him. He is an

1 expert in forensic pathology, not ballistics.

2 THE COURT: But he can talk about the pathway of a
3 bullet, which he can testify to. He is qualified.

4 BY MR. COOKE:

5 Q What say ye, Doc?

6 A I say that if I'm on my stomach that you can shoot me
7 with either your left hand or right hand.

8 Q I know you're trying, Doc. But I'm asking you what's
9 the probability of shooting somebody with your left hand
10 around like this --

11 MR. WESTON: Your Honor, I object.

12 MR. COOKE: No further questions.

13 MR. WESTON: Now, he's asking about probabilities.

14 MR. COOKE: No further questions.

15 THE COURT: Dr. Ward, if you want to answer, you may,
16 sir.

17 THE WITNESS: I think the difficulty I have with this
18 area of questioning is that we have the bullet -- or have
19 the muzzle of the gun adjacent to my body. And that's
20 simply not the case. There is no gunshot residue present
21 on the clothing, so that puts the muzzle of the gun from
22 the body, at least, two to three feet, possibly more.

23 And, given that scenario, it could be right-handed,
24 or it could be left-handed. It doesn't have to be an
25 awkward shot with the muzzle of the gun up next to the

1 body. If the body is on the ground, it, certainly, can be
2 right-handed or left-handed. I can't tell you which one
3 it is, but it could, certainly, be either one.

4 THE COURT: Thank you, Dr. Ward.

5 MR. COOKE: No further questions.

6 MR. WESTON: I have one question on redirect, Your
7 Honor.

8 THE COURT: Yes, sir.

9 REDIRECT EXAMINATION

10 BY MR. WESTON:

11 Q So the scenario that Counsel just put forth to you
12 was false in terms of your findings?

13 MR. COOKE: I object to that. He doesn't know
14 whether it's false or not. He just said it could be
15 either way --

16 MR. WESTON: He said it could not happen.

17 THE COURT: Okay. Y'all, don't argue your objections
18 in front of the jury. I think you need to rephrase it,
19 Mr. Weston.

20 MR. WESTON: All right.

21 BY MR. WESTON:

22 Q Counsel stood here and had you stand right in front
23 of him -- or right behind him and held the gun right to
24 your back. Did I hear you correctly when you said that
25 that could not have happened in this case?

1 A That's correct. This is a distance range gunshot
2 wound.

3 Q So the scenario he gave you is not in any way
4 applicable to the facts of this case?

5 A At that muzzle to target distance, that is correct.

6 MR. WESTON: Thank you, sir.

7 RECROSS-EXAMINATION

8 BY MR. COOKE:

9 Q You have no idea at what distance that shot was
10 fired, do you?

11 A I know it's a distance range gunshot wound greater
12 than two to three feet.

13 Q You said you had no training in gunshot wounds; is
14 that correct?

15 A No, sir.

16 MR. COOKE: Okay. I have no further questions.

17 THE COURT: Anything further, Mr. Weston?

18 MR. WESTON: No, ma'am, Your Honor.

19 THE COURT: Anything further of Dr. Ward?

20 Any objection to him being excused?

21 (WHEREUPON, there was no response.)

22 THE COURT: You are excused, Dr. Ward.

23 Does the State want to call their next witness?

24 MR. WESTON: Yes, Your Honor.

25 The State would call Investigator Chris Hammett.

1 Your Honor, I didn't hear whether you allowed
2 Dr. Ward --

3 THE COURT: I already excused Dr. Ward.

4 MR. WESTON: Thank you, Your Honor.

5 THE CLERK: Raise your right hand and place your left
6 hand on the Bible.

7 WHEREUPON,

8 HENRY CHRISTOPHER HAMMETT,
9 after first having been duly sworn, testified as follows:

10 THE CLERK: Please state your name for the record.

11 THE WITNESS: Henry Christopher Hammett.

12 DIRECT EXAMINATION

13 BY MR. WESTON:

14 Q Investigator Hammett, with whom are you employed?

15 A The Greenville County Sheriff's Office.

16 Q How long have you been with the sheriff's office?

17 A Approximately 15 years.

18 Q And what is your -- I said Investigator Hammett, I'm
19 assuming you're an investigator with the sheriff's office?

20 A That's correct. My actual rank is a deputy two, but
21 my title is investigator.

22 Q And you investigate -- how long have you been an
23 investigator approximately?

24 A Approximately, nine years.

25 Q All right. As part of your duties, do you have an

1 occasion to investigate homicides?

2 A Yes. I'm assigned to the homicide unit with the
3 criminal investigation division.

4 Q And just to give the jury just a little bit of brief
5 background. In a homicide situation that, let's say,
6 you're assigned as the investigator, would you be
7 considered the lead person in the investigation?

8 A Yes, sir. That's correct.

9 Q And you would pretty much direct officers -- direct
10 the officers and -- other officers involved in the case to
11 perform certain tasks or duties?

12 A Correct.

13 Q Did you have an occasion to respond on October 18th
14 of 2010, to the shooting that we are -- that brings us
15 here today?

16 A I did.

17 Q And how did you -- about what time did you receive a
18 call on this, just ballpark?

19 A I believe it was approximately 8:15 that morning.

20 Q And did you respond to the scene?

21 A Yes, I did.

22 Q Who did you receive a call from? Do you remember?

23 A The actual call that I received was from Sergeant
24 Cromartie, who is a uniform patrol supervisor.

25 Q So when -- and what was the nature of the call? What

1 was the nature of the call that you were going to respond
2 to?

3 A It was a deceased person who had been the victim of
4 an apparent gunshot wound.

5 Q All right. And when you arrived, were there any
6 other investigators on scene?

7 A As far as investigators, no, sir.

8 Q Did any other investigators arrive on scene?

9 A Yes, sir.

10 Q Who would that be?

11 A Investigator Eric Whaley, and myself.

12 Q And did he assist you in the investigation that
13 morning?

14 A Yes, he did.

15 Q All right. And so when you first got there, what was
16 the -- what did you find in terms of what was going on?

17 A Upon my arrival at the scene, as I turned into the
18 driveway, which was depicted here, the long gravel
19 driveway, there were emergency vehicles, patrol vehicles,
20 and a fire truck, I believe from Slater-Marietta Fire
21 Department, all lined pretty much down that road.

22 And then as I approached closer to the actual
23 residence itself, I observed that it was taped off with
24 the yellow sheriff's office crime scene tape to secure it
25 so no one could enter on the perimeter, or into the

1 residence.

2 Q When you got there, did you go into the residence?
3 What did you do when you first got there? I'm sorry.

4 A Initially, when I got there, I spoke with Sergeant
5 Cromartie and the reporting deputy, which is Deputy
6 Hegger.

7 Q Did they pretty much brief you on what they found?

8 A Yes, sir, they did.

9 Q What did you do next?

10 A Initially, when I spoke with Sergeant Cromartie, we
11 were told -- or I was told by her that there was a witness
12 to the incident who, also, resided at the incident
13 location, which was found to be Noah Cruell.

14 Q All right. Now, were you able to immediately direct
15 anyone to go in and search the premises?

16 A No, sir, I was not.

17 Q Now, you had already been -- had you been advised
18 that the premises had been cleared for suspects, and what
19 have you?

20 A Yes, sir, at that time, I was.

21 Q Now, back to the question that I previously asked
22 you. Were you able to immediately go in and search the
23 premises?

24 A No, sir, I was not. We have to have a search warrant
25 to enter the premises, or consent to search. And, as I

1 was en route to the location, I contacted Investigator
2 Bailey and requested that he complete a search warrant,
3 and have the Judge sign it while I was en route to
4 expedite the processing of the scene.

5 And I, also, contacted forensics to have them en
6 route so they would arrive at approximately the same time
7 I did.

8 Q All right. Did you have an occasion to see Noah
9 Cruell that morning?

10 A I did.

11 Q And did you talk to Mr. Cruell?

12 A Very briefly. Basically, the information I received
13 had come from Sergeant Cromartie and Deputy Hegger. I,
14 initially -- once I saw Mr. Cruell, I asked that he be
15 transported to the law enforcement center so that he could
16 be interviewed further away from the scene.

17 Q All right. And did you direct an investigator, or
18 anyone at the law enforcement center to interview him?

19 A Yes, sir. I asked Investigator Bailey if he would
20 interview Mr. Cruell.

21 Q Did you have an occasion to see Ms. Angela Jones that
22 morning?

23 A No, sir. I did not, actually, see her.

24 Q All right. And did you direct any investigators or
25 other officers to take any action with relationship to

1 her?

2 A Yes, sir, I did. I was informed that she was on the
3 scene, and that she was the live-in girlfriend of the
4 victim. And I requested that Investigator Whaley respond
5 to where she was being kept outside of the crime scene and
6 speak with her.

7 Q All right, sir. And you were advised that the victim
8 had children; is that correct?

9 A Yes, sir.

10 Q Did you -- now, at this point, did you form any
11 conclusions as to what had happened on the scene, and the
12 motivation behind this death?

13 A Definite conclusions, no, sir. We began to formulate
14 a theory that it appeared this was a home invasion or a
15 burglary that had been interrupted by the victim.

16 Q All right. Now, were the victim's children present
17 on the scene when you arrived?

18 A No, sir, they were not.

19 Q Did you make any arrangements to check on them?

20 A Yes, sir, I did. We were told that the victim had
21 just returned from dropping his children off at school.
22 So we were able to determine, I believe, through speaking
23 with Ms. Jones what respective schools the children were
24 in. And I then asked Sergeant Cromartie if she would,
25 either herself or have a deputy check at those respective

1 schools just to confirm that the children did get to
2 school okay.

3 Q All right. And did you find out about that?

4 A Yes, sir. Subsequently, Sergeant Cromartie advised
5 me after the fact that she had, indeed, confirmed -- I
6 believe, if I'm not mistaken, that it was Deputy Lollis
7 that went to the school or schools and confirmed that the
8 children were okay, and they were in class where they were
9 supposed to be, and they were fine.

10 Q All right. Now, did you have an occasion to speak
11 with Officer Osborne with regard to the dog tracking?

12 A Yes, I did.

13 Q Would you tell the jury about that?

14 A Yes. Deputy Osborne, who you saw testify earlier,
15 the K-9 handler, advised me that due to considerable foot
16 traffic on the scene, which is -- unfortunately, it's a
17 necessary evil because we have to go on to that scene.
18 So, unfortunately, it was disturbed a little bit.

19 He was unable to track in the front area where the
20 emergency vehicles were located. He did, also, indicate
21 to me that after that, he went around and did -- was able
22 to go through a path that led -- there's a dirt path that
23 led from the victim's residence to his parents home -- to
24 the victim's parents home. And that he had observed some
25 footprints in the dew on the grass around the victim's

1 parents home, which, subsequently, we were able to pretty
2 much account for being the victim's family after we got
3 their accounts of what had happened that morning.

4 Q Did Deputy Osborne indicate he had found anything
5 along the trail -- along the path?

6 A Yes, sir, he did. He advised me that in walking
7 through that path, he had observed some type of electrical
8 cord, or power cord of some type. He was unable to
9 specify exactly what it was, because he didn't touch it.

10 Q Did you go to that site?

11 A I did, sir.

12 Q And what did you find?

13 A I found the cord laying there. It appeared to have a
14 tie loop in it laying at the edge of the path.

15 Q I'll show you what's been marked -- pictures of
16 what's been marked as State's Exhibit Nos. 15 and 16, and
17 I'll ask you if you recognize those?

18 A Yes, sir, I do.

19 Q Tell the jury what they are.

20 A These are two photographs of the cord that Deputy
21 Osborne was referring to that we found along the path that
22 Noah Cruell had used after this incident occurred.

23 MR. WESTON: Your Honor, the State would offer these
24 as State's Exhibit Nos. 15 and 16.

25 MR. GODFREY: Without objection.

1 THE COURT: Mr. Cooke?

2 MR. COOKE: No objection.

3 THE COURT: Without objection.

4 (WHEREUPON, State's Exhibit Nos. 15 and 16 were
5 admitted into evidence.)

6 MR. WESTON: Permission to publish to the jury?

7 THE COURT: Yes, sir.

8 BY MR. WESTON:

9 Q You have a bag in your hand that you've brought with
10 you today from the evidence room. Can you tell the jury
11 what that is?

12 A According to the labeling on it, it is an Energizer
13 USB cord that was found on the trail.

14 Q Is that the cord that was found on the trail that you
15 were just shown the pictures of?

16 A Yes, sir, it is.

17 MR. WESTON: Your Honor, the State is prepared to
18 offer this as an exhibit. Counsel hasn't seen it yet.
19 They're welcome to look at it.

20 MR. COOKE: I have not seen it.

21 THE COURT: Come on up and take a look.

22 MR. WESTON: Your Honor, if Counsel would like to
23 come up here and see it, so we don't show it to the jury.

24 THE COURT: Come on up.

25 (Pause.)

1 BY MR. WESTON:

2 Q Investigator, did you secure the cord?

3 A No, sir, I did not.

4 Q Who did?

5 A Forensic Technician Bucholz, who was a forensic
6 processing technician at the time.

7 Q And did you, basically --

8 A At my direction.

9 Q Is this the cord that was found on the road that
10 morning -- on the path that morning?

11 A Yes, sir, it is.

12 MR. WESTON: Your Honor, the State would offer this
13 as State's Exhibit No. 21.

14 MR. GODFREY: Without objection.

15 MR. COOKE: No objection.

16 THE COURT: Without objection.

17 (WHEREUPON, State's Exhibit No. 21 was marked for
18 identification and admitted into evidence.)

19 BY MR. WESTON:

20 Q I notice the cord still has some dirt on it. Is
21 that -- it hasn't been cleaned or anything?

22 A No, sir. It hasn't been cleaned.

23 Q And it's not too dirty, but it has a little dirt on
24 it. And you said the cord had a loop in it; is that
25 correct?

1 A Yes, sir.

2 Q Did you reach any conclusion as to what the loop was
3 for?

4 A Yes, sir. It appeared to be where it had been used
5 as some type of restraining device. It had that
6 appearance.

7 Q Now, did you speak with Mr. Cruell that morning, the
8 victim's father?

9 A Wallace Cruell, Sr.?

10 Q Yes, sir.

11 A Yes, sir, I did.

12 Q And did he provide you with information as to where
13 he was when these incidents took place?

14 A Yes, sir, he did. Mr. Cruell advised me that he had
15 been deer hunting somewhere on that property -- in the
16 vicinity of that property that morning.

17 Q All right. Did you speak with Mrs. Cruell that
18 morning?

19 A The morning of the incident on the scene, I do not
20 believe I spoke with Mrs. Cruell.

21 Q Did you speak with her at a later time?

22 A Yes, sir.

23 Q Was she able to provide you any information
24 concerning what she knew about this incident and her
25 involvement in it?

1 A Yes, sir. Basically, she stated that Mr. Cruell,
2 Noah, had come to her house somewhat panic stricken and
3 told her that Jay -- or the victim had been shot.

4 Q All right. And did she tell you what she did?

5 A Yes sir. I believe she said she went down to the
6 location, along with Wallace Cruell, Sr., and contacted
7 911 when they got there and found the victim.

8 Q You walked the path; is that correct, between the two
9 houses at some point that morning?

10 A Yes, sir, I did.

11 Q And did you see any footprints along the path?

12 A Yes, sir, I did.

13 Q Given the conversations that you had with Mr. Cruell
14 and Mrs. Cruell, and what you had been told about Noah
15 Cruell going up and down the path, were the footprints of
16 any use to you in terms of your investigation?

17 A No, sir, they were not. We were able to determine
18 that that's -- they were going to belong to the family
19 members.

20 Q All right. Now, as you were continuing your
21 preliminary investigation, did you receive a call from
22 Investigator Antonio Bailey from the law enforcement
23 center regarding the search warrant?

24 A Yes, sir, I did. Antonio -- or Investigator Bailey
25 had contacted me, advised me that the search warrant had

1 been signed by the Judge, and was in hand, and was going
2 to be brought to the scene.

3 Q All right. Now, let's step out of this particular
4 case for a moment. And, obviously, it's applicable to
5 this case, but I would like for you to tell the jury what
6 the procedure in this kind of investigation is as far as
7 gathering evidence.

8 Now, you testified that when you arrived on scene,
9 EMS, fire department, and a number of officers were
10 already there. Is -- was the victim's body still on
11 scene?

12 A Yes, sir, it was.

13 Q All right. After you got there, did you go into the
14 house? Tell the jury what the protocol is.

15 A The basic protocol in a death investigation is that
16 once we have the search warrant signed by the Judge,
17 myself or the lead investigator, along with a forensic
18 technician or a forensic sergeant, and a representative
19 from the Greenville County Coroner's Office will all enter
20 the scene at the same time. The reason for that is so
21 that one or the other does not disturb something before
22 all three of us get to see it as it is found initially.

23 The EMS, of course -- well, starting with the
24 responding deputies, they have to go into that location
25 prior to the search warrant being obtained. Because, at

1 that point, it's a matter of life and death. They need to
2 make sure the victim is, apparently, deceased, or can be
3 rendered medical aid. And then EMS -- once it is cleared
4 by deputies and rendered safe, then EMS, or fire
5 department, or both will enter the residence to check the
6 victim's condition, or pronounce that person as deceased.

7 And once that is done, then when the detectives or
8 investigators respond to the scene, we do it with the
9 search warrant and enter it at the same time with the
10 coroner and the forensics technician. Once the three of
11 us enter together, we do what is, basically, called a walk
12 through of the scene. In other words, we walk through
13 just, basically, to get a concept of what happened inside
14 the residence.

15 Once that initial walk through is complete, then
16 myself and the coroner's representative will exit the
17 location to allow the forensic technician to videotape and
18 photograph the interior of the residence without us
19 disturbing it.

20 Q And was that protocol followed in this case?

21 A Yes, sir, it was.

22 Q Now, when you first went into the scene, would you
23 tell the jury, generally, what you found, especially as it
24 relates to the victim and the condition of the premises?
25 Did you enter through the front or the rear door?

1 A Yes, sir. We, actually, entered -- the three of us
2 entered through the front door. That would be myself,
3 forensics, and the deputy coroner that was there. We
4 entered through the front door of the residence, which
5 is -- there's a small porch and steps. And we entered
6 through the front door so as to, hopefully, not disturb
7 any evidence found at the point of entry where the suspect
8 had came through the back door.

9 Once we entered in through the front door there, it
10 goes into the den area. As you enter that area, there was
11 a small desk on the right, like a computer desk. And
12 there was a small hallway that went around the corner to
13 what appeared to be a child's bedroom. To the left was
14 the remaining side of the living room area where the
15 master bedroom was attached. And then past the master
16 bedroom -- or what appeared to be the master bedroom, past
17 that was the -- I guess you would call it like a breakfast
18 area or dining area leading into the kitchen.

19 Q Before you leave the living room, what was the
20 condition of the living room?

21 A It was disheveled. There was a video game system
22 half off a shelf, half in the floor. There was a love
23 seat directly adjacent to the door to the master bedroom
24 that was -- it appeared to be askew. It was sitting caddy
25 corner. I don't know if it had been like that previously.

1 There was a knife found on that love seat. And then there
2 was a blanket or comforter type item lying in the floor in
3 the living room area.

4 Q Let me show you what's been pre-marked as State's
5 Exhibit Nos. 6 through 10 for identification purposes, and
6 ask you if you recognize these pictures?

7 A (Witness reviewed the pictures.)

8 Q Do you recognize the pictures?

9 A I do, yes, sir.

10 Q And start with State's Exhibit No. 6, what does that
11 depict?

12 A State's Exhibit No. 6 would depict the view from
13 inside the living room area towards the front door.

14 And State's Exhibit No. 7 --

15 Q I'm sorry. They're out of order.

16 A State's Exhibit No. 7 would, also, be a photograph
17 from inside the living room area. And instead of to the
18 right side being the front door, this is more angled to
19 the left side to show the hallway to the bedroom.

20 Q And State's Exhibit No. 8, sir?

21 A State's Exhibit No. 8 is, actually, a photo from the
22 area of the front door pointing towards the master bedroom
23 and the area leading into the kitchen.

24 Q And State's Exhibit No. 9?

25 A State's Exhibit No. 9 would, also, be a photo from

1 the front door area towards the master bedroom. But it's
2 with a slight more angle towards the -- to include what I
3 would refer to as like a breakfast room area.

4 Q All right, sir. And State's Exhibit No. 10?

5 A State's Exhibit No. 10 would be a photo, basically,
6 of the living room area floor where the comforter or
7 sleeping-bag-type item was laying in the floor.

8 Q All right, sir. And do all these pictures depict the
9 different angles of the living room, basically?

10 A Yes, they do.

11 Q And were these pictures taken by the forensics
12 officer that morning?

13 A Yes, they were.

14 Q Do they accurately depict the state of affairs of the
15 living room when you entered this morning?

16 A Yes.

17 MR. WESTON: Your Honor, the State would offer these
18 as State's Exhibit Nos. 6 through 10.

19 THE COURT: Any objection?

20 MR. GODFREY: Without objection.

21 MR. COOKE: No objection.

22 THE COURT: Without objection.

23 (WHEREUPON, State's Exhibit Nos. 6, 7, 8, 9, and 10
24 were admitted into evidence.)

25 MR. WESTON: Permission to publish, Your Honor?

1 THE COURT: You may, sir.

2 BY MR. WESTON:

3 Q Now, once you leave the living room -- you walked in
4 the living room, where did you go next in the home?

5 A From the living room area, we, initially, went
6 towards where the body would be located, which it was
7 lying in the floor right at the kitchen area, just past
8 the doorway to the master bedroom.

9 Q All right. And how was -- what was the condition of
10 the body in terms of position?

11 A The victim, at that point, was laying face down, both
12 legs straight, and the arms were slightly bent at the
13 elbows. But he was lying on his stomach face down.

14 Q I'm going to show you what's been pre-marked for
15 identification as State's Exhibit No. 11, and ask you if
16 you recognize that picture?

17 A Yes, sir, I do.

18 Q And what does that depict?

19 A This is a photograph of the kitchen of the incident
20 location taken from the point of view of just where the
21 body was located.

22 Q And is that the way the kitchen looked the morning
23 you entered into it on the day of the incident?

24 A Yes, sir, it is.

25 Q And is it an accurate depiction of the kitchen area

1 that morning?

2 A Yes, sir, it is.

3 Q Was it, also, taken by the forensics officer?

4 A Yes, sir, it was.

5 MR. WESTON: Your Honor, the State would offer this
6 as State's Exhibit No. 11.

7 THE COURT: Any objection?

8 MR. GODFREY: None.

9 MR. COOKE: No objection.

10 THE COURT: Without objection.

11 (WHEREUPON, State's Exhibit No. 11 was admitted into
12 evidence.)

13 BY MR. WESTON:

14 Q If you would, just kind of hold this up. You don't
15 need to come down here. If you would, just hold this up.
16 I'm going to publish it in a moment, but just kind of hold
17 it up for the jury. And just show them where the body
18 would have been below or around this picture.

19 A Relative to this picture, right where the frame cuts
20 off here, this is sort of where the kitchen area comes
21 into what you would consider the dining area or breakfast
22 room area, however you want to term it, and the body would
23 have been laying here in the door.

24 MR. WESTON: Thank you, sir.

25 Permission to publish, Your Honor?

1 THE COURT: Yes, sir.

2 BY MR. WESTON:

3 Q So once you -- how would you characterize -- the jury
4 has a picture of it. How would you characterize the
5 kitchen area?

6 A It was very cluttered, dishes. There was food out.
7 There was numerous clothing items stacked against the
8 wall. It was just very cluttered and in disarray.

9 Q And did you have an occasion to go into the bedroom
10 of the home?

11 A Yes, sir, I did.

12 Q And how would you characterize those rooms?

13 A In reference to the master bedroom or both?

14 Q Start with the master bedroom.

15 A The master bedroom, again, as I stated, was right off
16 the living room side where the kitchen was located. It
17 appeared to be ransacked where someone had gone through
18 looking for something. There was a suitcase found on the
19 bed. There were some shoe boxes. I believe there was a
20 drawer that was askew. But it had the appearance of
21 someone having searched that room.

22 The other room appeared to be, basically, a child's
23 room, a younger person's room, which had the appearance of
24 your typical child's room. It wasn't -- didn't appear to
25 have been affected by this.

1 Q Let me show you what's been pre-marked as State's
2 Exhibit Nos. 12 and 13 respectively. And can you identify
3 those pictures? What is State's Exhibit No. 13, first?

4 A State's Exhibit No. 13 is a photograph of the
5 victim -- or excuse me, of the master bedroom.

6 Q All right. And there's an object on the bed in that
7 picture. Can you tell the jury what that is, the black
8 object on the bed?

9 A Yes, sir. That appears to be the suitcase or -- that
10 I was referring to.

11 Q All right. And what about State's Exhibit No. 12,
12 what does that depict?

13 A This is a photograph of the child's room or what
14 we -- what appears to be a child's bedroom.

15 Q And in the middle of the picture on the floor, is
16 there an item that caught your -- that you found
17 significant?

18 A Yes, sir.

19 Q What is that?

20 A Another piece of cord. I'm not sure if it was a
21 connector cord, a USB cord, or some type of power cord.

22 Q Now, the bedroom picture that's depicted in State's
23 Exhibit No. 12, was that the bedroom that Noah Cruell said
24 he was held in?

25 A Yes, sir.

1 Q All right. And was the cord that you see on the
2 floor there, did you have an opportunity to look at that
3 cord and closely examine it?

4 A Yes, sir.

5 Q Was it similar to the cord that was found on the
6 path?

7 A Yes, sir, it was.

8 MR. WESTON: Your Honor, the State would offer
9 State's Exhibit Nos. 12 and 13 into evidence.

10 THE COURT: Any objection?

11 MR. GODFREY: No objection.

12 MR. COOKE: None.

13 THE COURT: Without objection.

14 (WHEREUPON, State's Exhibit Nos. 12 and 13 were
15 admitted into evidence.)

16 MR. WESTON: Permission to publish, Your Honor?

17 THE COURT: Yes, sir.

18 BY MR. WESTON:

19 Q Finally, Investigator Hammett, let me ask you, did
20 you go to the rear of the home?

21 A Yes, sir.

22 Q And what did you find of significance with regard to
23 the rear door?

24 A The rear door to the residence appeared to have been
25 forced open, most likely by kicking or ramming it with

1 your foot. The door frame itself -- or the door jam
2 appeared to have been splintered off. And there was,
3 actually, pieces of it there in the kitchen.

4 Q Let me show you what's been pre-marked for
5 identification as State's Exhibit Nos. 18 and 19, and ask
6 you if you recognize these?

7 A Yes, sir.

8 Q What is State's Exhibit No. 18?

9 A State's Exhibit No. 18 is a photograph of the
10 interior side of the rear door of the residence depicting
11 the damage to it from where it was forced open.

12 Q And what about State's Exhibit No. 19?

13 A State's Exhibit No. 19 would be a photograph from the
14 outside of the door that was forced open.

15 Q Do those two pictures accurately depict the way the
16 door looked the morning you were there and looked at it?

17 A Yes, they do.

18 Q And were they taken by the forensics officer as well?

19 A Yes, they were.

20 MR. WESTON: Your Honor, the State would offer
21 State's Exhibit Nos. 18 and 19 into evidence.

22 MR. GODFREY: No objection.

23 MR. COOKE: No objection.

24 (WHEREUPON, State's Exhibit Nos. 18 and 19 were
25 admitted into evidence.)

1 MR. WESTON: Permission to publish, Your Honor?

2 THE COURT: You may, sir.

3 BY MR. WESTON:

4 Q Now, what are the duties of the forensics officers
5 that you said went in with you as part of the initial walk
6 through?

7 A The forensics technicians are tasked with, basically,
8 processing the location by photographs, videotaping.
9 They'll, also, do a diagram of the scene to include the
10 measurements from particular items at the scene, so as
11 they can -- if we have to recreate where a specific object
12 was at some point, we can do that by measurements so we
13 know it's not a guesstimation. They handle all that, as
14 well as the actual physical collection of the evidence
15 with the exception of narcotics and money.

16 Q All right, sir. And what is the coroner's duties?

17 A The coroner's duty is, basically, to conduct the
18 examination of the body. In other words, their main focus
19 of being present at the scene is the condition of the
20 body, and to possibly be able to obtain some information
21 as to what the manner of death was -- correction, the
22 cause of death --

23 Q And I apologize for interrupting you. In conjunction
24 with the coroner, were you able to determine if there were
25 any wounds to the body?

1 A Yes, sir. After forensics had completed their
2 photographs and videotaping, once all that's done, prior
3 to the body being transported from the scene, we do a very
4 cursory inspection of the body, because we don't remove
5 any clothing. As Dr. Ward said, that needs to be left on
6 the body as part of the autopsy protocol. However, we do
7 inspect it, typically. And we did find -- inspecting the
8 body, we found what appeared to be a bullet hole in the
9 chest area.

10 Q And does the coroner do any more thorough examination
11 of the body at the scene?

12 A No, sir.

13 Q Why is that, sir?

14 A That is to preserve any evidence as far as trace
15 evidence that might be found on the victim's clothing or
16 person. Generally, you try to disturb it as little as
17 possible until it gets to the autopsy point where Dr. Ward
18 or the other pathologist will conduct a very thorough
19 autopsy.

20 Q And who are the forensics officers involved in this
21 particular case?

22 A At this particular incident, it was Sergeant Lendway,
23 as well as Forensic Technician Bucholz.

24 Q And who was the deputy coroner involved in this case?

25 A The deputy coroner who was present for this was Karie

1 Cain.

2 Q After forensics finishes their interview -- I mean,
3 their examination of the home, and walk through, and
4 measures whatever, do they meet with you and discuss with
5 you their findings?

6 A Yes, at some point.

7 Q All right. Did you have an occasion to do that in
8 this case?

9 A Yes, we did.

10 Q Did you have an occasion to walk the entire home with
11 regard to just seeing where everything was from front to
12 back, and around the house at some point during the day?

13 A Yes.

14 Q Let me show you what has not been marked as a State's
15 Exhibit yet.

16 (WHEREUPON, State's Exhibit No. 22 was marked for
17 identification only.)

18 BY MR. WESTON:

19 Q Let me show you what's been pre-marked as State's
20 Exhibit No. 22 for identification purposes, and ask you if
21 you recognize that?

22 A Yes, sir.

23 Q And tell the jury what that is.

24 A It appears to be a diagram of the incident location,
25 which depicts the particulars of the interior of the

1 residence, along with the location of where the body was
2 found.

3 Q And who would have prepared that document?

4 A This would have been prepared by the forensics
5 division.

6 Q Now, you can't vouch for the numbers, as far as 15
7 feet, the numbers in terms of measurements; is that
8 correct?

9 A Yes, sir. That's correct. I have no idea about the
10 measurements.

11 Q As far as the layout of the house and the location of
12 the body, is that an accurate depiction of the victim's
13 home that morning when y'all walked through it?

14 A Yes, sir, it is.

15 MR. WESTON: Your Honor, the State would offer
16 State's Exhibit No. 22 into evidence.

17 THE COURT: Any objection?

18 MR. GODFREY: Judge, on this one, he did not prepare
19 the form. It was prepared by forensics. I will agree
20 that he -- I will accept Investigator Hammett saying that
21 that's the way the interior of the house looked. There
22 are measurements noted on there. If we redact those
23 measurements, I have no trouble with that coming into
24 evidence.

25 MR. WESTON: Your Honor, we will hold up on

1 introducing this until after lunch, and take care of that.
2 And it's already been pre-marked. But I will take
3 possession of it, and we will take care of that.

4 THE COURT: Okay.

5 BY MR. WESTON:

6 Q Investigator Hammett, once you, the deputy coroner,
7 and the forensics officer have concluded your -- once you,
8 and the deputy coroner, and forensics officer have
9 completed your preliminary walk through, what happens then
10 with you and the deputy coroner?

11 A At that point, myself and the corner's representative
12 will step outside of the residence or the location to
13 allow the forensics to process the scene by photographing
14 and videotaping.

15 Q And was that done in this case?

16 A Yes, sir, it was.

17 Q And going back to when you first walked through and
18 saw the body, and just kind of looked around the interior
19 and exterior of the place, did you see any obvious signs
20 that would lead you to any conclusions regarding any
21 particular perpetrators at that point?

22 A No, sir, not at that point.

23 Q All right. Now, once forensics completes their
24 investigation -- or their examination, and videotaping,
25 and pictures, and what have you, what happens next to the

1 body?

2 A Once forensics has conducted everything they need to
3 do, the body is then placed into a clean -- a natural body
4 bag that is placed -- the body is placed in it, and it is
5 sealed with a zip-type seal that is numbered.

6 Q And what happens to it then once it is sealed?

7 A Once it's sealed, it is taken out of the location and
8 it is transported to the Greenville Memorial Hospital
9 morgue area to await the autopsy.

10 Q Once the forensics has concluded their analysis and
11 investigation, and once the body has been removed, then
12 what happens as far as the interior of the home?

13 A Well, the body, obviously, is, typically, the most
14 critical part of evidence that you have at the location --
15 or the crime scene. Once it is taken out and secured,
16 then you conduct a more thorough search of the actual
17 location itself.

18 Q And did y'all do that in this case?

19 A Yes, sir, we did.

20 Q All right. Was there an extensive search of the
21 residence done?

22 A Yes, sir, there was.

23 Q Let me ask you this. Stepping back to forensics,
24 once they've completed their investigation and assessment,
25 do they debrief you on any findings of significance they

1 may -- anything of significance they may have found?

2 A Yes, they will. We will confer several times before
3 the actual scene investigation is concluded.

4 Q Did you receive any information from them with regard
5 to any fingerprints that were found in the home that they
6 were able to see?

7 A No, sir, I did not.

8 Q All right, sir. Did you -- aside from the blood that
9 was found around the victim's -- where the victim was
10 laying, did they indicate they found any blood anywhere
11 else in the residence?

12 A No, sir, none. To my knowledge, the only blood I'm
13 aware of was right there where the victim was located.

14 Q And were there any kind -- and you had an opportunity
15 to see this yourself. Were there any kind of footprints
16 or anything in the blood that was found, fingerprints, or
17 footprints that would have provided you some clues?

18 A No, sir.

19 Q Well, had the blood been disturbed, basically?

20 A No, sir.

21 Q Did you find any shell casings?

22 A No, sir.

23 Q And, during your search, did you receive a call --
24 while you were searching the residence, did you receive a
25 call from the coroner with regards to the condition of the

1 body?

2 A Yes, sir, I did while we were still on the scene.

3 Q And what did the coroner tell you?

4 A At that time, Deputy Coroner Cain advised me that
5 what we had, initially, thought might be the actual
6 entrance wound in the chest area had been briefly examined
7 and determined to be an exit wound.

8 Q Now, at this point, the body is back at the morgue;
9 correct?

10 A That is correct, yes, sir.

11 Q Well, what do they do with the body at the morgue at
12 that point, based on what he told you?

13 A I'm sorry. I didn't understand your question.

14 Q You said he told you that what y'all thought,
15 initially, was an entrance wound was, in fact, an exit
16 wound?

17 A Yes, sir.

18 Q Did he indicate there were any other wounds that were
19 found?

20 A That is correct, yes. There was another wound found
21 in the right shoulder area of the victim's back. And, at
22 that point, there's, also, an X-ray procedure where an
23 X-ray is conducted on the victim to try to determine if
24 the projectile is still either inside the victim, or in
25 the victim's clothing, or anything associated with the

1 victim's body.

2 Q Did the corner indicate they found a projectile?

3 A No, sir, they did not. There appeared to be no
4 projectile.

5 Q So what did that tell you as an investigator back at
6 the scene?

7 A At the scene, that tells me that the projectile
8 exited the body and should be somewhere present at the
9 location, or possibly present at the location.

10 Q So once you received that information, what did y'all
11 do then?

12 A At that point, we, again, based on the position that
13 the body was found in, tried to formulate where the exit
14 point would have been, where the bullet would possibly
15 have come to rest after it exited the victim's body. At
16 which point, we started searching the area of the back
17 wall of the kitchen, pretty much from the area of the --
18 what would be the back left of where the victim was found,
19 all the way down the exterior of the rear wall, and
20 towards the back door where entry was made.

21 Q Let's deal, first, with the possibility that the
22 bullet left the residence. Did you check all the possible
23 places that the bullet could have gone through the wall,
24 or window, or ceiling, or whatever, or the floor?

25 A Yes, we did. Basically, of course, you're looking

1 for some type of evidence where the projectile would have
2 exited, either breaking the glass, or going through
3 panelling, or the outside areas of the house.. In the
4 floor areas, there -- actually, the kitchen cabinet doors
5 in the interior of the doors -- there was, actually, a
6 ledge above the cabinets, a gap between those and the wall
7 that was searched. There were items taken out of there.
8 We conducted that whole scene. We searched that whole
9 wall for any type of exit point that we could find.

10 Q So let's -- so were you able to rule out that the
11 bullet left through the building, either windows, wall,
12 ceiling, or floor?

13 A Yes, sir, we were.

14 Q So what did you do as far as searching inside the
15 residence for the bullet?

16 A At that point, then we began, basically, going
17 through all of the items that were in the kitchen area, as
18 well as the area adjacent to it, which was clothing.
19 There was dishes, obviously, in the cabinets. All that
20 was meticulously gone through by myself. I believe
21 Investigator Bailey assisted with that. Sergeant Lendway
22 was, also, present with the forensics division as we were
23 all together in the same area doing that.

24 Q How would you characterize what y'all did to that
25 room -- or those rooms?

1 A Basically, we pretty much ransacked it. We did
2 everything -- did an exhaustive of a search as we could do
3 without, actually, tearing the walls off the place.

4 Q Did you check every piece of clothing?

5 A Yes, sir. I mean, we were -- the clothing that was
6 folded or laid up was all picked up, pulled apart, gone
7 through, even the clothes in the baskets and stuff were
8 all gone through.

9 Q Did you find the bullet inside there?

10 A No, sir, we did not.

11 Q All right, sir. Now, did you have an opportunity to
12 talk to Noah Cruell later that morning yourself?

13 A Yes, sir.

14 Q At this point, had he returned from the law
15 enforcement center where he had given a statement to
16 Investigator Bailey?

17 A Yes, sir. After he spoke with Investigator Bailey,
18 he was transported back to [REDACTED] where myself and
19 Investigator Bailey were able to locate him. And, at that
20 point, we brought him back to the actual incident location
21 in an effort to try to reconstruct where everyone was
22 positioned as best we could when the shot was fired.
23 Again, it was to, hopefully, be able to come up with some
24 type of area as to where the projectile might have come to
25 rest.

1 Q Was that -- did that produce any results as far as
2 finding a bullet?

3 A No, sir, it did not.

4 Q All right. Now -- and, by the way, did Noah Cruell
5 tell you that he recognized any of the suspects?

6 A No, sir, he did not. Initially, he stated they had
7 masks on, or something covering their facial area.

8 Q And, at this point, had you started to form any
9 preliminary conclusions as to what the motive for this
10 crime was?

11 A Yes, sir. Based on what we observed at the scene, it
12 appeared to be some type of a robbery.

13 Q All right. Did you know -- or did you get any sense
14 from your investigation and from your conversations with
15 Noah Cruell -- well, let me ask you this. Were there any
16 drugs found in the house?

17 A Inside the residence?

18 Q Yes, sir.

19 A There were some what you would call marijuana
20 roaches, or what appeared to be marijuana roaches, just
21 the residue from marijuana cigarettes in some ashtrays --
22 or in an ashtray.

23 Q Were those in the master bedroom?

24 A Yes, sir, they were.

25 Q And did that appear to be a part of any of the

1 struggle between the victim and these perpetrators?

2 A No, sir.

3 Q All right. And did you question Noah Cruell with
4 regard to possible drug use, or sales at the residence?

5 A Yes, sir, I did.

6 Q And was he forthcoming?

7 A Yes, sir, he was.

8 Q And what did he tell you about that with regard to
9 either him and/or the victim?

10 A Noah Cruell, basically, stated that there was
11 narcotics being sold at the house. And the way he
12 formulated his response, he stated that -- and I asked
13 him, at that point, where any of the narcotics might be.
14 And, basically, that was to see if the suspects that had
15 perpetrated this knew the location of where the stuff
16 would be hidden, which would tell me they had been there
17 prior to this incident occurring, and was the main focus
18 of that.

19 At that time, Mr. Cruell said he doesn't -- I believe
20 he said they're not in the house, or he doesn't keep them
21 in the house, which kind of reading between the lines sort
22 of lead me to believe that somewhere on that property
23 there was -- would be where he, normally, would keep it
24 without keeping narcotics inside the residence.

25 Q All right, sir. So, as a result of that, what did

1 you do with regard to Mr. Cruell? What was your next
2 step?

3 A Basically, I spoke with Mr. Cruell further. And I
4 asked that he show us some of these locations that he
5 would be referring to outside of the residence. At which
6 point, Mr. Cruell agreed to accompany us and walk the
7 property with us. I believe he took us to, I believe,
8 three different locations in the woods, initially. And,
9 at each place, there was nothing found. And he, finally,
10 led us to a location behind the residence adjacent to a
11 dog pin area in the woods.

12 MR. WESTON: Your Honor, before we go any further,
13 could we approach for one moment?

14 THE COURT: Absolutely.

15 (WHEREUPON, a bench conference was held.)

16 THE COURT: Ladies and gentlemen of the jury, we're
17 going to take a very brief recess. I'm going to send you
18 back to the jury room. Again, do not discuss this case.
19 It would not be appropriate to do so. Refresh yourself.

20 I can tell you, I anticipate running till maybe close
21 to 1:00, or a little after that, and then we will break
22 for lunch. But we need to take a quick break right now.
23 And, again, I'm going to excuse you back to your jury
24 room, and we'll bring you right back.

25 Thank you.

1 (WHEREUPON, a break was taken.)

2 (WHEREUPON, State's Exhibit Nos. 23, 24, and 25 were
3 marked for identification only.)

4 THE COURT: Are you ready?

5 MR. WESTON: Yes, Your Honor.

6 THE COURT: All right. Let's bring the jury in.

7 Gentlemen, what I intend to do is we're going to try
8 to get through the direct of the Investigator, and then
9 break for lunch.

10 (WHEREUPON, the jury came into open court at
11 approximately 12:51 p.m.)

12 THE COURT: Welcome back, ladies and gentlemen.

13 Let's go ahead and continue with Investigator
14 Hammett.

15 MR. WESTON: Thank you, Your Honor.

16 BY MR. WESTON:

17 Q Investigator Hammett, you were talking about
18 discussing with Noah Cruell the possibility of drug use,
19 or sales at the residence. And I think I asked you, if
20 not the last question, one of the last questions before we
21 broke, did you find any drugs at the location. And you
22 said you found two small marijuana roaches, or something;
23 right?

24 A Yes, sir, inside the residence. That's correct.

25 Q And they were found in the master bedroom, I think?

1 A Yes, sir.

2 Q All right. Did you -- what did Noah Cruell tell you
3 about the possibility of drug use or sales? Generally,
4 what did he say?

5 A He, generally, admitted that it was happening at the
6 location.

7 Q As a result of that, did your investigation take any
8 turns in terms of what y'all did next?

9 A Yes, sir, it did.

10 Q What did y'all do?

11 A We -- well, we, initially, got Mr. Cruell to walk
12 with us outside the residence to point out these locations
13 that were known to him as hiding spots for narcotics
14 outside of the residence.

15 Q Did he say that they were his drugs, Noah Cruell?

16 A I don't recall him saying that, no, sir, not at all.

17 Q Did he, specifically, say whose drugs they were
18 that -- or who was selling drugs there?

19 A Wallace Cruell, Jr.

20 Q The victim?

21 A Yes, sir.

22 Q All right. And so once you went outside of the
23 residence, did y'all -- did Noah Cruell cooperate and
24 assist you with the search?

25 A Yes, sir, he did.

1 Q Did he appear to be trying to hide anything from you?

2 A No, sir.

3 Q All right. Obviously, he was -- I assume he was
4 uncomfortable with the topic of discussion --

5 MR. COOKE: I object.

6 MR. WESTON: I'll rephrase, Your Honor.

7 THE COURT: Don't lead him.

8 BY MR. WESTON:

9 Q Did he appear to be uncomfortable with talking about
10 drug sales at the house that he lived in?

11 A Yes, sir.

12 Q All right. But did he admit -- did he make those
13 admissions you just testified to?

14 A Yes, sir.

15 Q And did y'all find any drugs, or anything drug
16 related -- anything else drug related there?

17 A Yes, sir. Outside the residence, we did.

18 Q What did you find, and where did you find it?

19 A Initially, Mr. Cruell, Noah, led us to -- I believe
20 it was three locations at various spots in the wooded area
21 behind and adjacent to the residence. And the last
22 location he directed us to was, basically, behind the
23 residence, sort of adjacent to a dog pen that was in the
24 backyard. He directed us to, basically, a rotten tree
25 stump-type area and motioned for -- that that might be a

1 location where something would be.

2 Q Did y'all look there?

3 A Yes, sir, I did.

4 Q And what did you find?

5 A I, myself, sort of dug down into the dirt area there
6 where Mr. Cruell referred me to. And I found there was an
7 Ingles plastic grocery bag that contained a large clear
8 plastic bag with a compressed white substance in it, as
9 well as a significant amount of cash was located at the
10 same spot.

11 Q All right. And just to sort of cut through to it,
12 did y'all later -- did you later have the substance
13 examined and determine what it was?

14 A Yes, I did.

15 Q What was it?

16 A It was determined to be cocaine.

17 Q All right. Let me show you what's been pre-marked as
18 State's Exhibit Nos. 23 and 24 for identification, and ask
19 you if you recognize those pictures?

20 A Yes, I do.

21 Q What are those? What do those pictures depict?

22 A These are photographs of the cocaine -- what was
23 determined to be cocaine as it was located.

24 Q All right. Was it just laid on the ground and
25 pictures taken --

1 A Yes, sir.

2 Q -- right near the tree stump?

3 A Yes, sir. As a matter of fact, in the photo, you can
4 see where it was hidden up under that.

5 Q And which picture are you referring to?

6 A This right here.

7 Q Which number is that?

8 A State's Exhibit No. 23. Actually, it's, also,
9 visible in State's Exhibit No. 24.

10 Q Is that the fresh dirt you're talking about in the
11 middle of the picture?

12 A Yes, sir.

13 MR. WESTON: The State would offer State's Exhibit
14 Nos. 23 and 24 into evidence, Your Honor.

15 THE COURT: Any objection?

16 MR. COOKE: No objection.

17 (WHEREUPON, State's Exhibit Nos. 23 and 24 were
18 admitted into evidence.)

19 MR. WESTON: Permission to publish, Your Honor?

20 THE COURT: You may.

21 BY MR. WESTON:

22 Q You said you found a large amount of cash money; is
23 that correct?

24 A That is correct.

25 Q Let me show you what's marked as State's Exhibit

1 No. 25 -- well, before I show you that, tell the jury how
2 the money was packaged.

3 A It was packaged in small plastic bags --

4 Q Could you hold your hands up?

5 A Small plastic bags rolled into tight bundles, I guess
6 would be a good term for it. And it was packaged
7 separately into some plastic bags.

8 Q Let me show you what's been marked as State's Exhibit
9 No. 25. Do you recognize that picture?

10 A I do.

11 Q And tell the jury what it depicts, sir, please.

12 A This depicts the money that was found at the same
13 location that the cocaine was found at.

14 Q And was it, also -- was the picture, also, taken by
15 the forensic officer right there where it was located?

16 A Yes, it was.

17 MR. WESTON: Your Honor, the State would offer
18 State's Exhibit No. 25 into evidence.

19 THE COURT: Any objection?

20 MR. GODFREY: No objection.

21 MR. COOKE: None, Judge.

22 THE COURT: All right. It is in evidence.

23 (WHEREUPON, State's Exhibit No. 25 was admitted into
24 evidence.)

25 MR. WESTON: Permission to publish, Your Honor?

1 THE COURT: Yes, sir.

2 BY MR. WESTON:

3 Q You testified that you determined the white powder to
4 be cocaine. How much -- did you have it, at some point,
5 weighed?

6 A Yes, sir, we did.

7 Q And how much did it weigh?

8 A I don't remember the exact weight, but it was just
9 short of what is referred to as a kilo.

10 Q And is a kilo of cocaine 2.2 pounds?

11 A Honestly, I don't know. I'm sorry. I don't know the
12 exact --

13 Q Did it appear to weigh just a little over a couple of
14 pounds?

15 A Yes, sir.

16 Q So it was a couple of pounds of cocaine?

17 A Yes, sir.

18 Q Did you count the money that was found there?

19 A Personally, I did not. It was counted by
20 Investigator Whaley, as well as a narcotics investigator
21 that responded to the scene to assist us.

22 Q I'm going to come back to the narcotics investigator
23 again in a moment. But, just briefly, in any
24 investigation, whether it's burglary, murder, homicide,
25 whatever, if a Sheriff's Department official finds a lot

1 of money, what do y'all do?

2 A Basically, we count it. Although, it's not,
3 typically, counted by one person. We like to have, at
4 least, more than one to verify that it is the actual
5 amount, and none of it was taken. So it's kind of a
6 system of checks and balances. Once the money is
7 counted -- actually, in this particular case, we
8 videotaped it, because we had forensics still on the scene
9 with us.

10 Q You videotaped the counting?

11 A Yes, sir, we did.

12 Q Okay. Go ahead.

13 A And then it's placed in property and evidence where
14 it's kept.

15 Q Was the dual personnel protocol followed in this case
16 as far as the counting of this money?

17 A Yes, it was.

18 Q And were you able to determine approximately how much
19 money was found?

20 A It was a little over \$14,000.

21 Q All right. And I'm going to show you what has been
22 pre-marked as State's Exhibit No. 17, and ask you if you
23 recognize this?

24 A Yes, I do.

25 Q Before you tell the jury what that is, did you find

1 any other money in the backyard?

2 A Yes, we did.

3 Q What did you find, and where did you find it?

4 A Behind the residence, there was a -- I guess for
5 description purposes, an old broken-type outdoor grill.
6 And upon looking in the grill, we found a significant
7 amount of antique coin sets and change inside. It was,
8 actually, inside the grill.

9 Q All right. And would you tell the jury what is
10 depicted in the exhibit I just handed you?

11 A Yes, sir. This is a photo of those items as they
12 were found.

13 Q Now, the photo has little blue and red booklets -- or
14 what look like booklets from the outside. What are those?

15 A Those are coin collection mint containers that hold
16 coins.

17 Q So, inside, they have the little round circle places
18 to put the money in?

19 A Yes, sir.

20 Q So they're not passbooks, or savings books, or bank
21 certificates?

22 A No, sir. Those are all coin holders.

23 MR. WESTON: Your Honor, the State would offer this
24 as State's Exhibit No. 17.

25 MR. GODFREY: No objection.

1 MR. COOKE: No objection.

2 THE COURT: Without objection. And you may publish
3 it.

4 (WHEREUPON, State's Exhibit No. 17 was admitted into
5 evidence.)

6 BY MR. WESTON:

7 Q You didn't count the coin collection; is that
8 correct?

9 A No, sir.

10 Q You listed the item, but you didn't, actually, figure
11 out the value of each of these coins, or whatever?

12 A Yes, sir. That's correct. Because we don't -- you
13 know, we didn't know the values of the antique coins, so
14 we didn't want to count it.

15 Q Were they found in the proximity of the drugs and the
16 other money?

17 A Yes, sir.

18 Q All right. Now, you mentioned narcotics. Once y'all
19 found the drugs, what did you do next as far as the
20 narcotics were concerned?

21 A Once we found that significant amount of what we
22 believed to be, at the time, cocaine, as well as the
23 money, we contacted the sheriff's office vice and
24 narcotics unit to respond to brief them on what we had
25 located.

1 Q And did they respond?

2 A Yes, sir, they did. A sergeant over that unit, as
3 well as an investigator.

4 Q And did they bring a drug dog out, a narcotics dog?

5 A They didn't bring a drug dog per se. We, actually,
6 called -- and that's a different officer that responded
7 with that.

8 Q And did the drug dog walk the entire parsonage around
9 the house?

10 A Yes, sir. We let the dog walk the whole entire
11 property. And, as it was relayed to me, there were no
12 other items found -- or no other hits to indicate there
13 was anything we missed.

14 Q Let's talk about the crime scene wrap up. How long
15 were you out there that day?

16 A The entire day was 12 hours.

17 Q All right. And, during that period of time,
18 approximately how many officers, or emergency personnel,
19 or forensics, coroner's people, basically, law enforcement
20 investigative people -- how many people were on the scene
21 total?

22 A I would say probably around 20.

23 Q All right. And did you follow the -- what you
24 believed to be the protocol for this type of
25 investigation?

1 A Yes, sir, I did.

2 Q At the conclusion of the investigation at the scene,
3 were you -- did you have any leads with regard to
4 suspects?

5 A No, sir, we did not.

6 Q Did you have any specific forensics -- were you
7 able -- was forensics able to develop any specific
8 evidence, such as DNA, fingerprints identifiable that you
9 could match, footprints, and things of that nature?

10 A No, sir, they did not.

11 Q Okay. Is that uncommon?

12 A No, sir, it's not. It's, actually, more common to
13 find fingerprints or DNA matches at crime scenes.

14 Q It is more common or uncommon?

15 A It is more uncommon.

16 Q Okay. And, now, so at the conclusion of that day,
17 did you have any suspects at all?

18 A As far as at the scene or --

19 Q Any leads for suspects away from the scene? I'm
20 sorry.

21 A Yes, sir, we did.

22 Q Tell the jury about that.

23 A Actually, as we were concluding and wrapping up the
24 scene investigation, I received a call from Wes Nix, who
25 is an employee of the Slater-Marietta Fire Department.

1 Mr. Nix advised me that he had --

2 MR. GODFREY: Objection, hearsay.

3 THE COURT: Thank you.

4 BY MR. WESTON:

5 Q As a result of the conversation with Mr. Nix, were
6 you able to develop any possible -- did you form any
7 conclusion as to any possible suspects?

8 A Three black males.

9 Q Was that consistent with what Noah Cruell had said?

10 A Yes, sir, it was.

11 Q And did you have any -- were you able to develop any
12 initial assessments as to any vehicles that might be
13 involved?

14 A A white -- I believe it was a Toyota.

15 Q As a result of getting that -- of developing that
16 information, what did you do next?

17 A I requested a unit to respond to -- I believe it was
18 Lake Loop Circle in -- well, I believe that would be
19 Marietta, in close proximity to the actual incident
20 location.

21 Q And did you supervise the investigation into that
22 lead?

23 A I did, yes, sir.

24 Q And were you able to determine whether the three
25 black males in the white vehicle had anything to do with

1 this crime?

2 A Not immediately. Subsequently, after further
3 investigation, yes, sir, we were.

4 Q And did you rule them out as suspects?

5 A Yes, sir.

6 Q And you were the lead investigator?

7 A Yes, sir.

8 Q Was that -- did you rule them out conclusively?

9 A Yes, sir.

10 Q All right. And was that based on your personal
11 investigation?

12 A That is correct.

13 Q Or, at least, personal investigation and directives
14 that you gave to others underneath you?

15 A Yes, sir. That's correct.

16 Q But did you follow-up on that lead?

17 A Oh, yes, sir.

18 Q Did you attend the autopsy with Dr. Ward on October
19 the 19th?

20 A I did.

21 Q All right. And did you meet with the victim's
22 family, subsequently, to see if you could develop some
23 leads that way?

24 A Yes, sir, I did.

25 Q Were you able to develop any leads?

1 A No, sir.

2 Q Did the victim's family indicate to you that they had
3 any idea who may have committed this crime, anybody in the
4 family?

5 A No, sir.

6 Q All right. Now, let's -- were you able to get a
7 search warrant with regard to the phone of the victim?

8 A Yes, sir, we did.

9 Q Was that search warrant executed?

10 A It was.

11 Q Now, with regard to the victim's phone and the calls
12 he may have made or received, or text messages that he may
13 have sent or received, or pictures on the phone, were you
14 able to develop any leads through that?

15 A No, sir, we were not.

16 Q All right. Now, on October 21st, 2010, did you
17 receive a call from someone by the name of Scott?

18 A Yes, sir, I did -- well, actually, I received a
19 message on my voice mail.

20 Q Did you return the call?

21 A Yes, sir, I did.

22 Q Did you speak to someone named Scott?

23 A Yes, sir, I did.

24 Q Did he provide information with regard to this --
25 possible information with regard to this particular crime?

1 A Yes, sir, he did.

2 Q As a result of your conversation with him, did you
3 develop the name of any suspect?

4 A Yes, sir.

5 Q Who was the suspect -- what was the name of the
6 suspect you developed with regard to -- after your
7 conversation with Scott?

8 A I believe the way it was, initially, it was Jeff or
9 Jeffrey Dornberg.

10 Q All right. And did you develop any other suspects as
11 a result of that conversation?

12 A Yes.

13 Q What were the names of the other two suspects? Did
14 you have another like surname, a real name?

15 A Yes.

16 Q What was the other name?

17 A Scottie Butler.

18 Q Did you develop the name of another suspect with a
19 name to it at that point?

20 A A surname?

21 Q Yes, sir.

22 A No.

23 Q Did you develop a third suspect's nickname?

24 A Yes, I did.

25 Q And what was that nickname?

1 A Face.

2 Q So, at this point, you're looking for -- to talk to
3 Jeff Dornberg, Scottie Butler, and someone named Face?

4 A Yes, sir.

5 Q Was Scottie Butler and Jeff Dornberg -- was it your
6 assessment or initial determination that they were black
7 or white, Scottie Butler and Jeff Dornberg?

8 A White males.

9 Q What about Face?

10 A Black male.

11 Q Did you have a race and sex for that person?

12 A Black male.

13 Q And, at that point, is that all you knew?

14 A There were two other unknown black males.

15 Q Now, did you subsequently have an occasion to meet
16 with a Jennifer Burnette in Greenwood?

17 A Yes, sir, I did.

18 Q Without telling the jury what anybody said, how did
19 you come to meet with Jennifer Burnette?

20 A Through information received through the Greenwood
21 County Sheriff's Office, as well as Crime Stoppers.

22 Q All right. And, as a result of the information
23 received through the Greenwood Sheriff's Office and Crime
24 Stoppers, did you set up a meeting with Jennifer Burnette?

25 A Yes, sir, I did.

1 Q And who all attended that meeting?

2 A Myself, Investigator Antonio Bailey, as well as Major
3 Bill Kinney with the Greenwood County Sheriff's Office.

4 Q And where did the meeting take place?

5 A At the Greenwood County Sheriff's Office.

6 Q Did Jennifer Burnette provide you with a statement?

7 MR. COOKE: Judge, I'm going to object to this as
8 being hearsay, if he's trying to get in her statement
9 through this investigating officer --

10 MR. WESTON: I just think it's premature, Your Honor.
11 I haven't asked him --

12 MR. COOKE: Well, I don't know --

13 THE COURT: It is premature, but go ahead.

14 BY MR. WESTON:

15 Q Did Jennifer Burnette provide you with a statement?

16 A Yes, sir, she did.

17 Q A typed statement -- a written statement?

18 A Yes, sir.

19 Q Did she provide information that went into that
20 statement?

21 A Yes, sir, she did.

22 Q Did she sign that statement?

23 A Yes, sir, she did.

24 Q As a result of the conversation you had with Jennifer
25 Burnette and her statement, did you develop more serious

1 suspects?

2 A Yes, sir.

3 Q And who were they?

4 A Scottie Butler, Jeffrey Dornberg, and, again, Face.

5 Q Did you get any information concerning where Face
6 lived?

7 A In Laurens.

8 Q All right. Now, at this point, did you know who Face
9 was?

10 A No, sir.

11 Q Did you have a name for him?

12 A No, sir.

13 Q What did you do next as far as Laurens County is
14 concerned?

15 A While we were speaking with Ms. Burnette and
16 obtaining her statement, I contacted another investigator
17 with the Greenville County Sheriff's Office, Investigator
18 Laura Jones. And I requested that she contact the Laurens
19 County Sheriff's Office to speak with someone there to see
20 if they were familiar with anyone from Laurens who went by
21 the name of Face.

22 Q Now, without saying what anybody said, did you talk
23 to Laura Jones again that day, or the next day?

24 A Yes, sir, I did.

25 Q As a result of your conversation with her, were you

1 able to determine a name for the alias Face in Laurens
2 County?

3 A Yes, sir, I was.

4 Q Would you tell the jury that name?

5 A Lamar Dontray Williams.

6 Q And let me jump way ahead. Is the Lamar Dontray
7 Williams that you determined to be going by the name of
8 Face the same Defendant seated in the courtroom today?

9 A Yes, sir, it is.

10 Q All right. Did you talk to Jennifer Burnette about
11 the -- about where -- did you ask Jennifer Burnette -- and
12 don't tell the jury what she said. Did you ask Jennifer
13 Burnette about Scottie Butler's whereabouts around that
14 time, or how you could find him?

15 A Yes, sir, I did.

16 Q As a result of your questioning her about that, where
17 did y'all go next?

18 A To the -- I believe it's called the America's Best
19 Inn in Laurens.

20 Q And what did you find when you got there?

21 A When we arrived there, we located a lady named
22 Christina Childs.

23 Q Did you have a conversation with Ms. Childs?

24 A Yes, sir, I did.

25 Q Did you determine who Ms. Childs was visa vie Scottie

1 Butler?

2 A Yes, sir, I did.

3 Q Who was she -- or who was she described as being?

4 A His fiancée.

5 Q All right. And did you bring Ms. Childs to the law
6 enforcement center either in Greenville or in Laurens?

7 A Yes, sir. She went to the law enforcement center --
8 or the complex in Laurens.

9 Q Did you question her about this Scottie Butler and
10 this incident that brings us here today?

11 A Yes, sir, I did.

12 Q Did she provide you -- was she cooperative?

13 A Yes, sir, very.

14 Q Did she provide you a statement?

15 A Yes, sir, she did.

16 Q Was that statement typed?

17 A Yes, sir, it was.

18 Q Did she sign that statement?

19 A Yes, sir, she did.

20 Q As a result of taking -- so, at that point, after you
21 took her statement, what did you do with her?

22 A Once we were finished with the statement, we
23 transported her back to the motel.

24 Q When you arrived at the motel and were sort of
25 getting her situated, did anybody show up?

1 A Afterwards, yes, sir.

2 Q Who did?

3 A Scottie Butler.

4 Q And did you have an opportunity to -- did you tell
5 Mr. Butler who y'all were?

6 A Yes, sir.

7 Q Did you tell him why y'all were there?

8 A Yes, sir.

9 Q Did you talk about the fact that you were
10 investigating a murder that had taken place in Travelers
11 Rest?

12 A I don't believe that was, specifically, mentioned at
13 the motel.

14 Q Okay. Did you ask Scottie Butler if you could
15 question him?

16 A Yes, sir, I did.

17 Q Did he agree?

18 A Yes, sir, he did.

19 Q Was he questioned there?

20 A No, sir. He was, actually, subsequently, taken back
21 to the Laurens Police Department, also.

22 Q And who was present when you questioned Scottie
23 Butler?

24 A Actually, at the Laurens Police Department?

25 Q Yes, sir.

1 A Myself and Investigator Antonio Bailey.

2 Q Now, at this point, had you developed Scottie Butler
3 as a possible suspect in the murder of Wallace Cruell,
4 Jr.?

5 A Yes, sir.

6 Q All right. Once you got him to the law enforcement
7 center, did you explain that to him?

8 A Yes, sir.

9 Q And did you read him his rights?

10 A Yes, sir, I did.

11 Q Did you go over all the rights with him?

12 A I did, yes, sir.

13 Q Did you give him an opportunity -- did you tell him
14 he didn't have to tell you anything?

15 A Yes, sir. I explained to him that he could stop the
16 interview at any time.

17 Q Did you tell him -- and this is very important --
18 that he had anything to gain by telling you anything?

19 A No, sir, I did not.

20 Q Did you promise him anything?

21 A No, sir, I did not.

22 Q Did you -- do you have the authority to promise
23 somebody something with regards to charges against them?

24 A No, sir. I do not have that authority.

25 Q So you didn't tell him he had anything to gain by

1 talking to y'all?

2 A No, sir, I did not.

3 Q What was his demeanor?

4 A Mr. Butler --

5 Q Now, don't say what he said.

6 A -- appeared to be very apologetic and remorseful,
7 depressed.

8 Q And did he appear to be on drugs, or drunk, or
9 something like that?

10 A No, sir, he did not.

11 Q Is there any doubt in your mind that he was coherent,
12 and knew what he was doing?

13 A No, sir, there's not.

14 Q All right. Did you take a statement from Scottie
15 Butler that day?

16 A Yes, sir, I did.

17 Q Did that statement include details surrounding the
18 events of October 18th, 2010, up in Travelers Rest?

19 A Yes, sir, it did.

20 Q Did it include the names -- did Scottie Butler admit
21 his involvement in this?

22 A Yes, sir, he did.

23 Q Readily?

24 A Very readily, yes, sir.

25 Q What did he tell you he did --

1 MR. GODFREY: Objection.

2 MR. COOKE: Judge, again, I object.

3 THE COURT: Okay.

4 MR. WESTON: This is a statement by a co-defendant,
5 Your Honor, who is -- number one, it's a statement
6 against -- a statement by a co-defendant against his
7 interest.

8 Secondly, Your Honor, this Defendant has already pled
9 guilty. And he will testify and will be subject to
10 cross-examination. And they have a copy of his
11 statement --

12 MR. COOKE: Judge, excuse me, I object to that. He
13 is testifying now. Let him produce --

14 THE COURT: Okay. He has given a statement and he
15 was -- he gave a statement to this investigator. He can
16 testify to it, and he can answer it.

17 MR. WESTON: All right.

18 BY MR. WESTON:

19 Q Don't say anything Mr. Butler told you. After
20 Mr. Butler gave you his statement, what did you do as far
21 as Mr. Butler and charges?

22 A Once the statement was complete, Mr. Butler
23 accompanied us to Greenville County where he was,
24 subsequently, charged with this incident, and placed into
25 the Greenville County Detention Center to await his bond.

1 Q As a result -- after your -- not as a result of, but
2 after your conversation with Scottie Butler and after he
3 confessed, did you do -- did sign any other warrants
4 against anybody else?

5 A Yes, sir, I did.

6 Q Who did you sign the warrants against?

7 A At that particular time, we signed warrants for
8 Charles Jeffrey Dornberg. I believe it's Charles Jeffrey
9 Dornberg, II, actually.

10 Q Anybody else?

11 A Eventually, yes, sir.

12 Q But just at that time, that's the only other person
13 you signed warrants for?

14 A That is correct, yes, sir.

15 Q Now, at the time you were taking Scottie Butler's
16 statement, was your office contacted by any representative
17 on behalf of Mr. Dornberg?

18 A Actually, we were, but it was after Mr. Butler's
19 statement was complete and we had already arrived back in
20 Greenville.

21 Q But it was the same day?

22 A Yes, sir.

23 Q And who did you hear from?

24 A Charles Jeffrey Dornberg's mother.

25 Q All right. And, as a result of the conversation that

1 was had with her, what action did you or any -- what
2 action did you direct another law enforcement agent to
3 take?

4 A We directed uniform patrol officers to respond to --
5 I believe it was to the Wal-Mart, I believe, in
6 Simpsonville.

7 Q And what happened?

8 A To meet with Ms. Dornberg.

9 Q And was Charles Dornberg with her?

10 A Yes, sir, he was.

11 Q And what was the purpose of that meeting?

12 A To take him into custody. He was wanting to turn
13 himself in.

14 Q And from the time you met with Scottie Butler and
15 began that interview, did he have an opportunity -- until
16 the time he was put into a cell, did he have the
17 opportunity to call Mr. Dornberg, or make any calls?

18 A Mr. Butler?

19 Q Yes, sir.

20 A No, sir.

21 Q All right. So, now, you've got -- so was
22 Mr. Dornberg arrested at that point?

23 A Yes, sir, he was.

24 Q All right. After your meeting -- or after your
25 interviews -- or excuse me. Up to this point, you've

1 got -- I think you've developed leads on Scottie Butler,
2 Charles Dornberg, and a black male named Face that you
3 later determined whose name was Lamar Williams, I think
4 that's what you testified to?

5 A Yes, sir. That's correct.

6 Q Did you develop a nickname for another suspect after
7 your talk -- after your meeting with Scottie Butler?

8 A Yes, sir.

9 Q What was the name -- nickname that you developed?

10 A There were, actually, two.

11 Q What were their names?

12 A Esco and Solo.

13 Q All right. Did you develop any leads as to where
14 Solo -- what county Solo might be in after your
15 conversation with Scottie Butler?

16 A Yes, sir, I did.

17 Q What county?

18 A Greenwood County.

19 Q Did you contact the Greenwood Police Department -- or
20 the Sheriff's Department? I'm sorry.

21 A Yes, sir. I spoke with the Greenwood County
22 Sheriff's Office.

23 Q Did you pass that information on to them?

24 A Yes, sir, I did.

25 Q Were you able -- as a result of your conversation

1 with the Greenwood Sheriff's Office, were you able to
2 determine -- develop a name for the nickname Solo?

3 A Yes, sir, I was.

4 Q And what was that name?

5 A Richey Boyd.

6 Q Were you able to later determine whether or not
7 Richey Boyd is the same person seated in the courtroom
8 today?

9 A Yes, sir, I was.

10 Q All right. Let's talk about Esco. After your
11 conversation with Scottie Butler, did you develop -- or
12 were you able to, subsequently, find out the name of a
13 person -- or the real name for someone named Esco here in
14 Greenville County?

15 A Yes, sir, I was.

16 Q And what was the name that you developed as a
17 possible lead for Esco?

18 A Willie Taylor.

19 Q All right. Now, just to be -- so we're clear. Now,
20 right after Scottie Butler was arrested, he had an
21 attorney; right?

22 A Yes, sir.

23 Q He got an attorney?

24 A Yes, sir, he did.

25 Q And you could talk with his attorney, and y'all set

1 up a photo lineup; is that correct?

2 A Yes, sir.

3 Q And did the lineup include Mr. Boyd?

4 A Yes, sir, it did.

5 Q At that time, was Mr. Butler able to pick Mr. Boyd
6 out of the lineup?

7 A No, sir, he was unable to.

8 Q All right. Did you set up a photo lineup with Willie
9 Taylor?

10 A With Mr. Butler?

11 Q With Mr. Butler, yes, sir.

12 A Yes, sir, I did.

13 Q Was he able to pick Mr. Taylor out of the lineup?

14 A Yes, sir, he was.

15 Q Now, let's go back a few days to October 24th. Now,
16 this is October 24th, it's about six days after the
17 robbery, y'all have already gotten to where you are right
18 now; is that correct? After the murder and robbery?

19 A Yes, sir.

20 Q Now, did you have occasion to talk to someone from
21 the Lexington Police Department on October 24th?

22 A Yes, sir, I did.

23 Q Was it an Investigator Stowe?

24 A I believe -- it's Sergeant Stowe, I believe is his
25 rank.

1 Q Now, as a result of your conversation with him, what
2 did you do?

3 A I advised him that I had active warrants for Lamar
4 Williams in this incident.

5 Q And what -- as a result of your advising him of that,
6 what action did the Lexington Police Department take?

7 A They responded to a residence where Mr. Williams was
8 supposedly located at.

9 Q Were they able to effectuate his arrest?

10 A Yes, sir, they were.

11 Q Did you have an occasion to go down to Lexington?

12 A Yes, sir, after that, I did.

13 Q And we'll come back to that in a minute, your trip to
14 Lexington. On October 28th, did y'all go down to
15 Lexington to collect any evidence that was recovered,
16 along with the arrest of Lamar Williams and to bring him
17 back?

18 A Actually, it was for the evidence. I believe he had
19 already been transported -- or was transported by the
20 fugitive team. I had nothing to do with his return to
21 Greenville County.

22 Q And did you have an occasion to meet with a
23 gentleman by the name of Neil Haltiwanger when you went
24 down there?

25 A Yes, sir, I did.

1 Q Had you been directed to meet with Mr. Haltiwanger as
2 a result of the information you received from the
3 Lexington Police Department?

4 A Yes, sir, I was.

5 Q Where did you meet with Mr. Haltiwanger?

6 A We met at the -- I guess it's the Lexington County
7 Probation Department.

8 Q Was Mr. Haltiwanger a suspect in this case?

9 A No, sir, he was not.

10 Q All right. Did you find him to be cooperative?

11 A Yes, sir. He was very cooperative.

12 Q Did you threaten or promise him anything?

13 A No, sir, I did not.

14 Q Because he wasn't a suspect?

15 A Correct, he was not.

16 Q Did you take a statement from Mr. Haltiwanger?

17 A Yes, sir, I did.

18 Q Was it a typed statement?

19 A Yes, sir, it was.

20 Q Did he sign it?

21 A Yes, sir, he did.

22 Q All right. Now, just as an aside, and we can just
23 address this pretty quickly. At some point in your
24 investigation, you had an occasion to try to get video
25 footage from a Spinx gas station in Greenville; is that

1 correct?

2 A That is correct, yes, sir.

3 Q And just going to the end of it, were you able to get
4 any video footage showing any parties involved in this
5 case at the Spinx station at any time?

6 A No, sir, we were not.

7 Q But you tried?

8 A We did try, yes, sir.

9 Q All right. Now, on November 12 of 2012 [sic], did
10 you have cause to issue arrest warrants for Willie Taylor?

11 A Yes, sir, I did.

12 Q On November 16 -- and I said 2012, I meant 2010. I'm
13 sorry. On November 16 of 2010, was Willie Taylor
14 arrested?

15 A Yes, sir, he was.

16 Q Where was he arrested at?

17 A [REDACTED] in Greenville County.

18 Q And where was -- was Mr. Taylor there? Was anybody
19 there, other than Mr. Taylor?

20 A Yes, sir, there was.

21 Q Who was there?

22 A Felicia Roundtree.

23 Q Were any weapons recovered at the time Mr. Taylor was
24 arrested?

25 A Yes, sir, there were.

1 (WHEREUPON, State's Exhibit No. 26 was marked for
2 identification only.)

3 BY MR. WESTON:

4 Q I'm going to show you what's been marked as State's
5 Exhibit No. 26 for identification, and ask you if you
6 recognize it. And take a look at the serial number, most
7 importantly?

8 A Yes, sir.

9 Q When Willie Taylor was arrested, was a gun found with
10 him?

11 A Yes, sir, it was.

12 Q And did you secure the gun?

13 A Yes, sir, I did.

14 Q Did you place the gun into property and evidence?

15 A Honestly, I can't remember if I was the one that
16 placed it in, or if Deputy Osborne was the one.

17 Q Did you record the serial number?

18 A Yes, I did.

19 Q And have you looked at the serial number on the gun
20 that you have in front of you there?

21 A Yes, sir.

22 Q Is that the serial number of the gun you recovered
23 the morning Willie Taylor was arrested?

24 A Yes, sir, it is.

25 MR. WESTON: Your Honor, the State would offer

1 State's Exhibit No. 26 into evidence. It's a gun, but it
2 has been rendered inoperable by the security and deputy
3 sheriff at the Greenville courthouse.

4 THE COURT: You may.

5 MR. WESTON: I don't necessarily want to publish it
6 to the jury in the sense of showing it around.

7 Can I just hold it up?

8 (WHEREUPON, State's Exhibit No. 26 was admitted into
9 evidence.)

10 BY MR. WESTON:

11 Q What type of gun is this?

12 A It's a Smith & Wesson.

13 Q Is it a resolver or automatic?

14 A It's a revolver.

15 Q So when a shell is expended -- when a bullet is
16 expended, is there a shell ejected from it?

17 A No, sir, not from a revolver.

18 Q All right. Now, once Willie Taylor was arrested on
19 November 17th, did you take him into custody?

20 A Yes, sir.

21 Q Did you yourself interview him?

22 A I did.

23 Q Now, when Willie Taylor was arrested, did he, in
24 fact, engage an attorney?

25 A Yes, sir, he did.

1 Q And was it Mr. Steve Geoly?

2 A Yes, sir.

3 Q And just -- is that Mr. Geoly seated on the front row
4 in the gray suit?

5 A Yes, sir, it is.

6 Q Was Mr. Geoly present when you interviewed Willie
7 Taylor?

8 A For the statement portion, yes, sir, he was.

9 Q And did you make any promises to Willie Taylor?

10 A No, sir, I did not.

11 Q Did you threaten Willie Taylor in any way -- let me
12 back up. Did you tell him what he was being charged with?

13 A Yes, sir, I did.

14 Q Did you give him an understanding of what events
15 we're talking about, for instance, the killing up on
16 Valley Road in Travelers Rest?

17 A Yes, sir, I did.

18 Q Did he appear to understand what you were talking
19 about?

20 A Yes, sir, he did.

21 Q Now, this is within a few hours of his arrest; is
22 that correct?

23 A Yes, sir -- well, the actual portion where we
24 interviewed him with his attorney was, actually, the next
25 day.

1 Q All right. And once -- did you promise him anything?

2 A No, sir, I did not.

3 Q Specifically, and I want you to be very clear, did
4 you tell him he had anything to gain by giving you a
5 statement?

6 A No, sir, I did not.

7 Q Did you threaten him in any way?

8 A No, sir, I did not.

9 Q Now, I'm not going to ask you much about Miranda,
10 because you said his lawyer was sitting right there?

11 A Yes, sir, he was.

12 Q Was Willie Taylor cooperative?

13 A Yes, sir. He was very cooperative.

14 Q What was his demeanor?

15 A He was, also, very remorseful. And he appeared to be
16 almost like he had a real heavy burden on him. And he
17 was very --

18 MR. COOKE: Judge, you know, I really object to that.

19 THE COURT: It calls for speculation. Your objection
20 is sustained.

21 Ladies and gentlemen, strike that last answer. It's
22 not appropriate.

23 It calls for speculation, Solicitor.

24 BY MR. WESTON:

25 Q Did Willie take --

1 THE COURT: I apologize. I hate to be interrupting
2 you.

3 MR. WESTON: I understand.

4 THE COURT: We're getting late, at about 1:30. And I
5 want to know where we are as far as finishing up,
6 possibly, or when would be a good time --

7 MR. WESTON: Your Honor, I've got, at least, another
8 30 minutes. I'm sorry. If you want to break here, that's
9 fine.

10 THE COURT: No worries.

11 Is that all right if we go ahead?

12 I know it's late. And I think everyone is looking
13 tired.

14 Ladies and gentlemen, we are going to go ahead and
15 break for lunch right now, give everyone a nice break.
16 And we'll continue back with the Investigator when we come
17 back from lunch.

18 Of course, you are free to go about your business
19 over the lunch hour. Grab something to eat, come on back.
20 It is a little after 1:30. I am going to ask, ladies and
21 gentlemen, that you are back in the courtroom at 2:45.
22 That gives you a little over an hour for lunch.

23 Again, I need to tell you that you are not to discuss
24 this case with each other, or anyone you may come into
25 contact with. Additionally, ladies and gentlemen, you're

1 THE COURT: All right. Bring them on in.

2 Investigator, come on back on the stand. And I am
3 just going to remind you that you are still under oath.

4 (WHEREUPON, the jury came into open court at
5 approximately 2:50 p.m.)

6 THE COURT: Welcome back, ladies and gentlemen. I
7 hope y'all had a nice lunch.

8 At this time, we're going to go ahead and continue
9 the questioning of Investigator Hammett.

10 Mr. Weston.

11 MR. WESTON: Thank you, Your Honor.

12 May it please the Court.

13 THE COURT: Yes, sir.

14 CONTINUED DIRECT EXAMINATION

15 BY MR. WESTON:

16 Q Investigator Hammett, just to refresh your
17 recollection of where we were. We had just finished
18 talking about the gun. Just to refresh the jury's
19 recollection, where was this gun -- when this gun was
20 found, it was in conjunction with what event?

21 A The arrest of Willie Taylor.

22 Q All right. And it was found at the residence in
23 which he resided?

24 A Yes, it was.

25 Q Where was it found?

1 A In the attic area.

2 Q All right. Now, after you arrested -- and I may have
3 asked you this before we broke, but just forgive me for
4 not marking my place at the beginning. I don't want to
5 ask you too many questions about -- I believe we talked
6 about Mr. Geoly, who is his lawyer. So you did take the
7 statement from Willie Taylor; is that correct?

8 A Yes, sir, we did.

9 Q Was that statement reduced to writing?

10 A Yes, it was.

11 Q And did he sign the statement?

12 A Yes, he did.

13 Q Now, on January 19th of 2010 -- or excuse me, I said
14 January 19th, I meant November 19th, did you have an
15 occasion to interview a Ms. Wendy Bridges as part of this
16 investigation?

17 A Yes, I did.

18 Q How did you get to interviewing Wendy Bridges,
19 without saying what anybody said?

20 A We received information from the Greenwood Police
21 Department that contained her name.

22 Q All right. And, as a result of getting that
23 information, what did you do with regard to putting
24 yourself in touch with her?

25 A We went to her residence to make contact with her.

1 Q And were you able to locate her?

2 A Yes, sir, we were.

3 Q At the time you met with her, was she a suspect in
4 the investigation?

5 A No, sir, she was not.

6 Q All right. And you said you did meet with her; is
7 that correct?

8 A Yes, sir.

9 Q Did you take a statement from her?

10 A Yes, I did.

11 Q Was that statement reduced to writing?

12 A Yes, it was.

13 Q Now, you said she was not a suspect. After your --
14 before or -- after your interview with her -- was she
15 cooperative, by the way?

16 A Yes, she was.

17 Q Were you able to determine what her relationship with
18 any of the people involved in this proceeding was?

19 A Yes, sir.

20 Q What was that?

21 A She was the girlfriend of the Defendant, Lamar
22 Williams.

23 Q All right. Did she readily admit that?

24 A Yes, sir, she did.

25 Q Did you have an occasion to talk to a Ms. -- at any

1 point during your investigation with a Ms. Kristine
2 Sterling?

3 A Yes, sir, I did.

4 Q All right. And did you discuss this case with her in
5 terms of what you were doing and your investigation,
6 basically, what you were talking to her about, I mean?

7 A Yes, sir, I did.

8 Q All right. Did she provide you with any information
9 or assistance in this case?

10 A No, sir, she did not.

11 Q She knew who you were?

12 A Yes, sir.

13 Q I mean, you identified yourself to her?

14 A Yes, sir. That's correct.

15 Q All right. Now, on January 16th of this year, did
16 you have an occasion to meet with Jeff Dornberg, and his
17 attorney, and myself?

18 A Yes, sir, I did.

19 Q Where did that meeting take place?

20 A That meeting took place at the Greenville County
21 Detention Center.

22 Q And, as I indicated, was his attorney present?

23 A Yes, sir, he was.

24 Q Did Mr. Dornberg give you a statement?

25 A Yes, he did.

1 Q All right. And was that statement reduced to
2 writing?

3 A Yes, sir, it was.

4 Q And did he sign the statement?

5 A Yes, sir, he did.

6 Q All right. At the time this incident happened, was
7 there a good bit of media coverage about this case?

8 A No, sir, not at that time.

9 Q All right. Was any information released to the press
10 with regards to the details or circumstances surrounding
11 Mr. Cruell's death with the exception of his name, where
12 it took place, and who was arrested later on, anything
13 with regard to, for instance, the statement of witnesses,
14 and things like that?

15 A No, sir. Nothing like that would be released, just a
16 general release of the incident, but no specific details.

17 Q All right. Things like how many times he was shot,
18 or where he was shot, those things would not normally be
19 released?

20 A No, sir.

21 Q All right. And, as a result of your investigation,
22 just recap for the jury, who were the parties that were
23 charged with this -- that you charged and sought arrest
24 warrants for this crime?

25 A There were five total Defendants that were arrested

1 and charged in connection with this incident, Scottie
2 Butler, Charles Jeffrey Dornberg, Lamar Williams, Willie
3 Taylor, and Richey Boyd.

4 Q All right. And I think I neglected to ask you about
5 one thing. I apologize. When you met with Wendy
6 Bridges -- after you met with her -- and I think you
7 described her -- she characterized herself as Mr. Williams
8 girlfriend?

9 A Yes, sir. That's correct.

10 Q And you said you took a statement from her?

11 A Yes, sir, I did.

12 Q After you met with her, did you have an occasion to
13 speak with a Mr. Glenn Shannon?

14 A No, sir, I did not.

15 Q All right. And were you -- did you attempt to find
16 Mr. Glenn Shannon?

17 A Yes, sir. We did attempt to locate him.

18 Q Has he ever been located?

19 A No, sir.

20 Q Would you describe Mr. Shannon -- were you able to
21 get a description of Mr. Shannon?

22 A Yes, sir.

23 Q Would you tell the jury his description?

24 A Mr. Shannon was described to me as an elderly black
25 male with one leg.

1 Q And did that description just come from Wendy
2 Bridges, or some other folks as well?

3 A Some other individuals, as well as Ms. Bridges.

4 Q And --

5 MR. WESTON: Excuse me, Your Honor, may I have a
6 moment?

7 THE COURT: Yes, sir.

8 (Pause.)

9 MR. WESTON: Your Honor, I think that's all I have.
10 Thank you, sir.

11 THE COURT: Yes, sir.

12 MR. GODFREY: May it please the Court.

13 THE COURT: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. GODFREY:

16 Q Investigator Hammett, I just have a few questions.

17 A Yes, sir.

18 Q The first thing I want to talk about is the crime
19 scene itself. As the chief investigating officer, you
20 direct the investigation; is that correct?

21 A Yes, sir. That's correct.

22 Q And that, also, means calling in the forensics
23 technicians, and anybody else that you may need?

24 A Yes, sir. That's correct.

25 Q Just like you called in the sergeant for narcotics

1 when the kilo of cocaine and the about \$14,000 was found?

2 A Yes, sir. That's correct.

3 Q Now, was the house dusted for prints?

4 A Yes, sir.

5 Q And no prints were found?

6 A No, sir. That's correct.

7 Q Was there an attempt to find footprint impressions in
8 the ground?

9 A Yes, sir, there was.

10 Q And that didn't pan out?

11 A No, sir. We located what appeared to be some shoe
12 prints. But because of the weather where it had not
13 rained, the ground was so hard, and we were unable to lift
14 anything as far as, actually, lifting it. They were
15 photographed, but we couldn't lift or cast them.

16 Q Well, the back door to Mr. Cruell's house, was it
17 kicked open?

18 A I don't know that -- it was forced open.

19 Q But there was no shoe print on it?

20 A I can't remember off the top of my head without
21 looking at a photo.

22 Q Was there any hair, or fiber, or blood found in the
23 residence? I'm not talking about Mr. Cruell's blood. But
24 any hair, blood, or fiber found in that residence that was
25 of forensic value?

1 A No, sir, there was not.

2 Q Did you call in the SLED crime scene analyst expert
3 to look at the scene to see if he could determine
4 anything, or help you with what happened?

5 A No, sir, I did not.

6 Q Did you call in a blood spatter expert to take a look
7 and see if there was anything that he could help you with?

8 A No, sir, I did not. Sergeant Lendway took care of
9 that. He's versed in blood spatter analysis.

10 Q So was he present on the scene?

11 A Yes, sir, he was.

12 Q Now, the USB cord that was placed into evidence that
13 we have over here, that was found on the pathway?

14 A Yes, sir.

15 Q That, I believe, is what you all think was used to
16 tie up Mr. Noah Cruell?

17 A Yes, sir. That would be correct.

18 Q Did the forensic analysis -- forensic technician take
19 a look at that cord?

20 A Yes, sir. It was collected by the forensics
21 division.

22 Q Was it tested for DNA?

23 A Honestly, I'd have to -- I don't know off the top of
24 my head if it was tested for DNA or not.

25 Q Well, if it was tested for DNA, I would assume the

1 results would be negative, if you didn't know about it?

2 A That would be correct. Yes, sir.

3 Q Now, let me ask you. There is nothing at the crime
4 scene which directly connects my client to the crime
5 scene; is that correct?

6 A Yes, sir. That's correct.

7 Q Now, you, also, had an occasion or the opportunity to
8 search a car, didn't you? Didn't you all search a car?

9 A Yes, sir. In Laurens County, if that's what you're
10 referring to, yes, sir.

11 Q Is that the Dodge Intrepid?

12 A I believe so, yes, sir.

13 Q And I believe the tag on that car was FBH 124. Who
14 was --

15 A I -- honestly, I couldn't tell you for sure without
16 looking at my case file.

17 Q Do you remember who the tag was registered to?

18 A I believe it would have been Christina Renee Childs,
19 I believe.

20 Q Was the Dodge Intrepid processed for fingerprints?

21 A No, sir, it was not.

22 Q Was it processed for DNA?

23 A No, sir, it was not.

24 Q Was it processed for hair?

25 A No, sir, it was not.

1 Q And the vehicle was searched in Laurens County?

2 A Yes, sir. That is correct.

3 Q Was it taken in to search, or was it searched at the
4 place it was found?

5 A At the place it was found.

6 Q When we say "searched," does that mean that
7 investigators looked at it, or did the forensic people
8 come out and look at it?

9 A Investigators looked at it.

10 Q No forensic people were called?

11 A No, sir, they were not.

12 Q So there's nothing in that car -- you found nothing
13 that ties my client to that car, Mr. Richey Boyd; is that
14 right?

15 A Yes, sir. That's correct.

16 Q Now, I believe, based on your testimony, there were a
17 couple of laptop computers taken into custody; is that
18 correct?

19 A I believe there was -- I believe it was one I know
20 of, and there was another computer tower. I'm not sure if
21 it was a laptop or not. I know we had a computer, a
22 laptop -- a desktop, and a laptop.

23 Q Now, you had those computers analyzed; right?

24 A The laptop was, yes, sir.

25 Q The laptop was analyzed. Where did the tower come

1 from? I forget.

2 A From the victim's residence.

3 Q Now, the laptop was analyzed?

4 A Yes, sir. That's correct.

5 Q So it was taken over here on Church Street to that
6 office?

7 A Yes, sir, to county square by the forensic data
8 recovery unit.

9 Q Was any of the data extracted from the laptop
10 computer under the name of Richey Boyd?

11 A No, sir, it was not.

12 Q And when you request an analysis from the forensic
13 computer people that you all work with, you -- as the
14 investigator, don't you provide them with key words to
15 look for?

16 A Yes, sir, to some degree. As far as like a name or
17 something like that, yes, sir, we would.

18 Q Okay. And Richey Boyd's name was nowhere on that
19 computer?

20 A No, sir, it was not.

21 Q Now, I believe Willie Jermaine Taylor, he was
22 arrested at [REDACTED]

23 A [REDACTED], yes, sir.

24 Q Okay. And you recovered a cell phone?

25 A Yes, sir. There was a cell phone recovered.

1 Q Were the cell phone records obtained?

2 A Yes, sir, they were.

3 Q Did any of the telephone numbers come back to Richey
4 Boyd?

5 A No, sir, they did not.

6 Q Now, did you find a man's wallet?

7 A At that same location?

8 Q Yes.

9 A Yes, sir.

10 Q Whose wallet was it?

11 A There was an identification card in there for the
12 Defendant, Willie Taylor.

13 Q Willie Taylor?

14 A Yes, sir.

15 Q And that was recovered where, from the attic?

16 A Yes, sir, it was.

17 Q Where the gun and the marijuana were?

18 A Yes, sir.

19 Q Were you there when the gun was retrieved from the
20 attic?

21 A No, sir. I was not there when it was, actually,
22 brought out.

23 Q When the gun was inspected, was it loaded?

24 A I believe it was, yes, sir. I'm not 100 percent
25 sure.

1 Q Well, that gun is a Smith & Wesson. How many bullets
2 fit in the chamber?

3 A That particular one would be five, I believe.

4 Q Did it have four in with one blank under the hammer,
5 or did it have all five?

6 A To be honest with you, sir, I honestly don't
7 remember.

8 Q Was one of the cartridges a spent cartridge?

9 A Honestly, I cannot remember without looking. I don't
10 know.

11 Q Who did the gun belong to?

12 A The -- we were, actually, able to determine when we
13 ran it through -- the serial number through NCIC, it came
14 back, actually, as a stolen weapon. But the actual name
15 of the owner, I can't remember.

16 Q Okay. Was the gun processed for fingerprints?

17 A Yes, sir, it was.

18 Q Negative results?

19 A That's correct. Yes, sir.

20 Q Was the gun processed for DNA?

21 A Yes, sir.

22 Q And, again, negative results?

23 A That is correct. Yes, sir.

24 Q Was there any blood or human tissue found in the
25 barrel of that gun?

- 1 A No, sir.
- 2 Q And Willie Jermaine Taylor, that came out of where he
- 3 was staying, and he told you he put it in the attic?
- 4 A Yes, sir. That's correct.
- 5 Q Now, the bullet -- going back to Mr. Cruell's house.
- 6 A Yes, sir.
- 7 Q You all were looking for the bullet, but could not
- 8 find it?
- 9 A The projectile itself, yes, sir.
- 10 Q Yes, sir. And you could not find it?
- 11 A Yes. That's correct. We could not.
- 12 Q And you did a rather exhaustive search?
- 13 A Yes, sir. That's correct.
- 14 Q But the place was somewhat cluttered, wasn't it?
- 15 A Yes, sir. That's correct, also.
- 16 Q The size of a projectile is not that great. It's
- 17 sort of a small thing, isn't it?
- 18 A Yes, sir. That would be correct.
- 19 Q In fact, it's been known from time to time to happen
- 20 that sometimes emergency operators, either police or EMS
- 21 with the type of shoes they wear, if they were to step on
- 22 it, it could walk out on the bottom of somebody's shoe,
- 23 couldn't it?
- 24 A Yes, sir. That would be possible.
- 25 Q And isn't it true that just because you can't find a

1 projectile doesn't mean that it's not still there, it
2 could possibly still be there?

3 A Yes, sir. That would be correct.

4 Q Now, based on my discovery, it appears that you all
5 got telephone records of a lot of numbers; is that right?

6 A Yes, sir. That would be correct.

7 Q And the telephone numbers that you all researched and
8 obtained the records for, those for -- they were for call
9 records, weren't they?

10 A As far as to the phones, or from the phones?

11 Q Yes, sir.

12 A Yes, sir. That's correct.

13 Q There was nowhere in those records that Richey Boyd's
14 number came up, did it?

15 A Yes, sir. That would be correct. I don't know an
16 actual number for Mr. Boyd, so.

17 Q Now, I know you contacted the Greenwood County
18 Sheriff's Office. You told us about that. And you, also,
19 asked for help from the Greenwood County Sheriff's Office
20 in looking for somebody named Solo; is that right?

21 A Yes, sir. That would be correct.

22 Q How many people in Greenwood County go by Solo?

23 A To my knowledge, the only name I was provided was
24 one.

25 Q You don't know about a tattoo artist in Greenwood

1 that goes by Solo?

2 A No, sir, I do not.

3 Q Now, you testified that you all attempted to get the
4 Spinx video?

5 A Yes, sir. That's correct.

6 Q And you wanted to get that because allegedly people
7 stopped there before they went to Mr. Cruell's house; is
8 that right?

9 A Yes, sir. That's correct.

10 Q And it looks like you tried three times to get the
11 video?

12 A Yes, sir. That would be correct, also.

13 Q But all your efforts were unsuccessful?

14 A Yes, sir. That's correct.

15 Q Did you obtain the cash register sales tape
16 information to try to verify whether or not a stop there
17 was, actually, made there about that time, based on what
18 you knew?

19 A No, sir, I did not.

20 Q So the bottom line, there is no forensic evidence
21 anywhere that leads you to look at my client, Richey Boyd?

22 A Yes, sir. That's correct.

23 Q And, based upon the call records, telephone records,
24 there's nothing there that would indicate Richey Boyd,
25 that's correct, isn't it?

1 A Yes, sir. That's correct, also.

2 Q The computer that was analyzed, there is nothing in
3 it that points a finger electronically to Richey Boyd, is
4 there?

5 A Yes, sir. That's correct, also.

6 MR. GODFREY: That's all I have.

7 Thank you, Your Honor.

8 THE COURT: Mr. Cooke, cross-examination.

9 MR. COOKE: May it please the Court.

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. COOKE:

13 Q I'm going to try to remember everything. Honest to
14 goodness, it's been a long day and you've been up there a
15 long time. I'm going to kind of scatter shot you a little
16 bit, because I just jotted down notes that I'm going to
17 try to hit on the best I did -- as I can do.

18 All right. So forensics was called in, and they
19 processed the scene?

20 A Yes, sir. That's correct.

21 Q And I assume that all the clothing and all the lab
22 work was sent to SLED. Did y'all do any of that? I mean,
23 who processed the crime scene?

24 A Our forensic unit processed all of it.

25 Q So they check -- did they check the clothes for any

1 powder burns, or anything like that?

2 A No, sir, they did not.

3 Q Okay. Did they do any follow-up on the condition of
4 the clothing at all?

5 A No, sir. Other than the initial exam at autopsy and
6 the photographs they took.

7 Q Well, obviously, they had to turn the person over to
8 see that he was shot in the chest like they thought, is
9 that what it was?

10 A Yes, sir. That's correct.

11 Q So somebody had to turn him over. They had to touch
12 him?

13 A At what point are you referring?

14 Q Well, I'm saying y'all assumed, or you knew, or you
15 thought you knew from hearing some testimony earlier that
16 you thought the man had been shot in the chest?

17 A Initially, yes, sir. That's correct.

18 Q So somebody had to turn him over?

19 A Yes, sir. That's correct.

20 Q So somebody touched and turned him over?

21 A Yes, sir.

22 Q Who would that have been?

23 A That would have been the Coroner's Office, myself,
24 and the company that responds to transport the body.

25 Q Okay. So there are no footprints -- there's really

1 nothing there at the scene, fingerprints, footprints, DNA,
2 nothing; is that correct?

3 A Yes, sir. That is correct.

4 Q Okay. And you say you couldn't tell whether the door
5 was kicked open or pried open?

6 A That is correct.

7 Q Okay. And you -- I think my client -- didn't you
8 take his shoes? Somebody took his shoes.

9 A Yes, sir.

10 Q Were you able to match them up with anything there at
11 the scene?

12 A No, sir.

13 Q You mentioned that -- you searched the location -- I
14 believe it was after you let all the forensic people in,
15 you searched the location; correct?

16 A The residence, yes, sir.

17 Q Around the residence, in the residence, the whole
18 nine yards?

19 A Yes, sir. That's correct.

20 Q And Mr. Cruell told you there had been drugs --
21 finally, he told you that drugs had been sold out of the
22 house, I believe?

23 A Yes, sir. That's correct.

24 Q He didn't admit he sold any, did he?

25 A No, sir.

1 Q He didn't get charged with any drugs, did he?

2 A No, sir, he did not.

3 Q Although inside the house was marijuana?

4 A Residue.

5 Q Well, there was marijuana in there, wasn't there?

6 A That is correct.

7 Q He lived there, didn't he?

8 A Yes, sir, he did.

9 Q All right. So, anyhow, Mr. Cruell was very kind and
10 took y'all outside, and hit maybe three spots, and didn't
11 find anything. And then, finally, there was a hit on
12 number four, a rabbit hole under a stump, I guess, and you
13 found a pound of cocaine?

14 A Yes, sir. That is correct.

15 Q Now, I heard you say that you didn't know a lot about
16 drugs. But I remember us talking earlier yesterday about
17 what the street value of that was, and that was a lot of
18 money, wasn't it?

19 A Yes, sir. That's correct.

20 Q Like that wasn't a small time dealer over there, was
21 it?

22 A No, sir, not based on that.

23 Q We're talking \$80,000? \$90,000 --

24 MR. WESTON: Objection, Your Honor. He started a
25 question by saying the officer told him he doesn't know

1 anything about drugs. He's not prepared -- he's not
2 qualified to value the street value, Your Honor.

3 THE COURT: Okay. He can answer the question if he
4 can. If he doesn't know the answer, Investigator Hammett
5 will say he doesn't understand it or doesn't know.

6 BY MR. COOKE:

7 Q Do you remember our conversation?

8 A Yes, sir. That is correct.

9 Q And do you remember what you said you thought the
10 street value would be?

11 A Yes, sir.

12 Q What was it?

13 A It was \$80,000 to \$90,000.

14 Q Okay. So we've got a big time drug dealer, he and
15 his daddy [sic], two little children, and a girlfriend
16 living in that trailer, and they're dealing drugs?

17 A It's, actually, his uncle.

18 Q Uncle, whatever he is.

19 A Yes, sir. That is correct.

20 Q Both of them had served time, the deceased --

21 A Yes, sir.

22 Q The deceased had just gotten out of prison for
23 selling drugs, hadn't he?

24 A Yes, sir. That's correct.

25 Q He has a record, a history of drugs?

1 A Yes, sir. That's correct.

2 Q And he got out and he didn't learn his lesson, he
3 kept on selling drugs --

4 MR. WESTON: Objection, Your Honor, characterization.

5 THE COURT: Okay. Again, it calls for speculation.

6 It's not an appropriate question for him to answer.

7 Ask the next one.

8 MR. COOKE: Okay. I'm sorry.

9 BY MR. COOKE:

10 Q Also, Mr. Noah Cruell had a record of selling drugs,
11 didn't he?

12 A Yes, sir.

13 Q Crack cocaine?

14 A Yes, sir. That's correct, also.

15 Q He served time?

16 A Yes, sir.

17 Q You heard him admit on the stand that he continued to
18 sell drugs?

19 A Yes, sir. That's correct.

20 Q So that was kind of news to you. You just heard that
21 for the first time today?

22 A Oh, yes, sir.

23 Q Okay. That's the only place you found drugs was in
24 that rabbit hole in the hole under the stump?

25 A Yes, sir. That's correct.

1 Q And that was 2.2 pounds?

2 A Yes, sir. I believe that would be correct.

3 Q And no DNA, no footprints, no -- really no nothing,
4 except a white Toyota -- at some point in time, somebody
5 said somebody was there in a white Toyota?

6 MR. WESTON: Objection, Your Honor --

7 BY MR. COOKE:

8 Q And you later found out --

9 THE COURT: All right. Hold on a second.

10 MR. WESTON: My objection is the characterization.
11 Nobody said there was a white Toyota at the scene. He's
12 mischaracterizing the evidence, Your Honor.

13 MR. COOKE: I don't know why I had written down white
14 Toyota, Judge. I apologize, but, I mean, I wrote it down.

15 THE COURT: Why don't you --

16 BY MR. COOKE:

17 Q Anyway, Mr. Nix from the fire department called you
18 with that information, didn't he?

19 A Yes, sir. That's correct.

20 Q And he told you something about three black males in
21 a white Toyota?

22 A That is correct. Yes, sir.

23 Q So I'm correct. Okay.

24 A It was not at the residence.

25 Q Okay. Where was it, I mean?

1 A It was -- I mean, it was never claimed to have
2 been --

3 Q So it never checked out?

4 A No, sir.

5 Q Now, did this fellow, Scottie Butler -- not Scottie
6 Butler, but Willie Taylor, did his name ever come up in
7 any other conversations with police departments or -- for
8 instance, Travelers Rest Police Department, do you know
9 anything about a report that hit on Willie Taylor and a
10 girl named Roundtree that was mentioned earlier?

11 A Yes, sir, I do.

12 Q And what was that report all about? How did y'all
13 get on to that?

14 A We -- Investigator Bailey researched the address
15 through -- well, the tag number from the vehicle and
16 obtained the registered owner's name. And upon doing
17 that, he ran it through our system at the Sheriff's Office
18 and was able to locate Mr. Taylor's name in conjunction
19 with the registered owner of that vehicle's name.

20 Q And they found an incident report by Travelers Rest?

21 A That is correct. Yes, sir.

22 Q And what was that all about?

23 MR. WESTON: Objection to relevancy, Your Honor.

24 THE COURT: Well, I don't know yet either.

25 MR. COOKE: Well, I'm asking him how they located

1 Mr. Taylor and what led up to it, the evidence. And I was
2 talking about they got a hit --

3 Go ahead. I'm sorry.

4 THE COURT: Go ahead.

5 THE WITNESS: I don't remember the exact details of
6 the report. I know it was something to do with
7 counterfeit money of some type.

8 BY MR. COOKE:

9 Q One or both of them were trying to pass counterfeit
10 money?

11 A Yes, sir. That is correct.

12 Q Okay. Now, tell me -- you said that you interviewed
13 Willie Taylor with his attorney; is that correct?

14 A The second actual interview where the statement was
15 taken, yes, sir, his attorney was present.

16 Q And, at that time, you charged him; is that correct?

17 A He had been charged the day before.

18 Q What had you charged him with the day before?

19 A He had been charged with the murder in reference to
20 this incident.

21 Q And what else?

22 A The other charges that were with it, I believe.

23 Q Well, you charged him. You got the warrants. You
24 tell me what you charged him with.

25 A It would have been attempted armed robbery,

1 kidnapping, burglary first degree, conspiracy, and the
2 murder charge, I believe, if I haven't missed something.

3 Q So out of the goodness of his heart and with his
4 attorney, who was going to try to help him in this case,
5 he said, I've got to tell it all four days after the
6 incident; is that correct?

7 MR. WESTON: Objection, Your Honor. That --

8 THE COURT: Basis?

9 MR. WESTON: He's making a speech, Your Honor, as
10 opposed to asking a question.

11 THE COURT: He can ask a question. This is
12 cross-examination. He's fine. He can go ahead.

13 BY MR. COOKE:

14 Q So he just laid his soul out there and he said --
15 four days later, he said -- he gave you a statement
16 confessing his guilt in this crime; is that correct?

17 A As far as four days after what? I'm not --

18 Q Well, I mean, he admitted his part in a crime?

19 A Yes, sir. That is correct.

20 Q And he did it out of the goodness of his heart, in
21 your opinion?

22 MR. WESTON: Objection, Your Honor.

23 BY MR. COOKE:

24 Q Well, I'll ask you --

25 MR. WESTON: If I could state my objection first,

1 please, Your Honor.

2 THE COURT: What's your objection?

3 MR. WESTON: He knows there's absolutely no way this
4 man can say why he did it, whether it was out of the
5 goodness of his heart, or whether he was afraid, or
6 whatever. But that calls purely for speculation from this
7 witness. He can't say why the man did it, out of the
8 goodness of his heart or whatever, what's in this guy's
9 heart or mind.

10 MR. COOKE: Judge, this is cross-examination. I've
11 never been interrupted so many times on cross-examination
12 in my life.

13 THE COURT: And I have given you a lot of leeway.
14 Let's just get the questioning over.

15 MR. COOKE: Okay.

16 BY MR. COOKE:

17 Q I'm not trying to step on any toes here. I'm just
18 trying to try this case.

19 A Yes, sir. I understand.

20 Q Okay. Thank you.

21 All right. Now, you are telling us here today -- I
22 heard you testify that all these people that you say are
23 going to testify in this case and signed statements --

24 MR. WESTON: Objection, Your Honor, to
25 characterization. This man has not said anybody is going

1 to testify in this case.

2 THE COURT: He can testify to what he knows. Let's
3 just move on.

4 BY MR. COOKE:

5 Q The statements you took in this case. Okay.

6 A Yes, sir.

7 Q All of these people voluntarily gave these statements
8 to you, and you made no promises to them?

9 A Yes, sir. That's correct.

10 Q So they implicated themselves in murder to you;
11 correct?

12 A Yes, sir. That's correct..

13 Q And kidnapping?

14 A Yes, sir.

15 Q And armed robbery?

16 A Yes, sir.

17 Q And all those things, and there was no evidence?

18 A That's correct.

19 Q Just they offered that to you?

20 A Yes, sir. That's correct.

21 Q And not one shred of evidence -- physical evidence to
22 even implicate them in this case?

23 A That's correct. Yes.

24 Q Okay. Now -- so there's nothing down there in
25 forensics, no prints, no DNA, no testing of the clothes,

1 no nothing?

2 A No, sir. That's correct.

3 Q What did they do with the clothes? Throw them away?

4 A No, sir. They're in evidence.

5 Q Oh, so they are. So they haven't even been checked
6 to this day?

7 A That's correct. They're in evidence.

8 MR. COOKE: Excuse me just a minute.

9 (Pause.)

10 MR. COOKE: I have no further questions.

11 Thank you very much.

12 THE WITNESS: Thank you, sir.

13 MR. WESTON: Just a few on redirect, Your Honor.

14 I'll be brief.

15 THE COURT: Thank you.

16 REDIRECT EXAMINATION

17 BY MR. WESTON:

18 Q Investigator Hammett, with regard to Mr. Godfrey's
19 questions first. He mentioned blood spatter. With the
20 exception of the pool of blood found, which y'all found
21 underneath the head or near the head of the victim, was
22 there any other blood found, or blood spatter found
23 anywhere in the home?

24 A No, sir, there was not.

25 Q Would there be any reason to look for -- to have some

1 blood spatter person examine no blood found?

2 A No, sir.

3 Q All right. The stolen weapon that Mr. Godfrey
4 referred to that was found with the -- in Willie Taylor's
5 home, you said that weapon was -- had been reported
6 stolen. Did your review of the records regarding it being
7 reported stolen have anything to do with the victim in
8 this case, like it had been stolen from that residence or
9 somewhere around the victim's residence?

10 A No, sir, it did not.

11 Q All right. Now, with regard to the questions
12 Mr. Cooke asked you. He asked you about powder burns on
13 the clothing of the victim. During the autopsy -- and I
14 think Dr. Ward has already testified to this, but I want
15 to be sure, because you were there. Did y'all examine the
16 clothing for powder burns?

17 A Yes, sir.

18 Q If you had seen something that looked like a powder
19 burn, would you have submitted it for further examination?

20 A Yes, sir, I would have.

21 Q Did you see anything that would warrant you
22 submitting this clothing for powder burns?

23 A No, sir, I did not.

24 Q Thank you, sir.

25 Now, he asked you if you took the Defendant's shoes.

1 When was the Defendant arrested? How long after the
2 incident?

3 A At least -- I believe it was four days, or a week, or
4 something.

5 Q And where was he arrested?

6 A In Lexington.

7 MR. WESTON: I think that's all I have.

8 Thank you, sir.

9 MR. COOKE: Just one.

10 RECROSS-EXAMINATION

11 BY MR. COOKE:

12 Q What is the best way to check for powder residue or
13 powder burn, you or the medical examiner?

14 A Myself or the medical examiner?

15 Q How about SLED, or technical support, forensics,
16 wouldn't they be the most qualified to do that?

17 A Yes, sir.

18 MR. COOKE: Thank you.

19 MR. WESTON: No redirect, Your Honor.

20 THE COURT: All right. You may step down, sir.

21 Thank you.

22 MR. WESTON: Your Honor, the State would call
23 Ms. Wendy Bridges.

24 THE CLERK: Ms. Bridges, please, come forward to be
25 sworn in.

1 Please place your left hand on the Bible and raise
2 your right hand.

3 WHEREUPON,

4 WENDY ANN BRIDGES,

5 after first having been duly sworn, testified as follows:

6 THE CLERK: Thank you.

7 You may be seated.

8 THE COURT: Ma'am, remove your gum.

9 Thank you.

10 THE CLERK: Please state your full name for the
11 record.

12 THE WITNESS: Wendy Ann Bridges.

13 THE CLERK: Thank you.

14 DIRECT EXAMINATION

15 BY MR. WESTON:

16 Q Ms. Bridges, how old are you?

17 A 27.

18 Q Where do you live?

19 A In Greenwood.

20 Q Do you know the Defendant, Lamar Williams?

21 A Yes.

22 Q Do you see him in the courtroom?

23 A Yes.

24 Q Would you describe what he's wearing to the jury, and
25 where he's sitting?

1 A A blue shirt and khaki pants.

2 Q And where is he seated?

3 A Front row, right beside a man and a woman.

4 Q All right. And how do you know Mr. Williams?

5 A We're friends.

6 Q All right. And did you know -- how long have you
7 known him, just generally?

8 A I guess two years now.

9 Q All right. Did you know him back in October of 2010?

10 A Yes.

11 Q All right. And how long had you known him at that
12 point?

13 A Maybe five or six months.

14 Q Were y'all romantic?

15 A I guess you could say so.

16 Q And I don't mean to get in your personal life, but I
17 just want the jury to get some sort of characterization of
18 the nature of your relationship. That's all.

19 Back in October of 2010, do you remember around
20 October 23rd speaking with Mr. Williams?

21 A Yes.

22 Q How do you remember that date?

23 A My birthday was October 20th, so.

24 Q And what happened on -- how did you hear from
25 Mr. Williams on October 23rd?

1 A He called me earlier that morning and asked if I
2 would come pick him up.

3 Q And did you?

4 A Yeah.

5 Q Where did you take him?

6 A I took him back to my house.

7 Q When you were at your house, where was his -- where
8 did you pick him up from?

9 A Cadillac Apartments in Laurens.

10 Q Was that where he was living in Laurens at the time,
11 at the Cadillac Apartments?

12 A I think so.

13 Q That's where you knew him to live?

14 A Uh-huh.

15 Q And where did y'all go -- you took him back to your
16 apartment?

17 A Yeah, to my house.

18 Q All right. Do you know Jeff Dornberg?

19 A Yes.

20 Q How do you know Mr. Dornberg?

21 A He was dating a friend of mine.

22 Q Okay. Do you know Scottie Butler?

23 A Yeah.

24 Q How do you know Mr. Butler?

25 A He just came to the house with Lamar and Jeff.

1 Q I'm sorry?

2 A He came to my house with Lamar and Jeff.

3 Q You said "with Lamar and Jeff," do you mean Lamar
4 Williams?

5 A Uh-huh.

6 Q So, from your personal knowledge, does Lamar Williams
7 know Scottie Butler and Jeff Dornberg?

8 A Yes.

9 Q Did he know them back in October of 2010?

10 A Yes.

11 Q Did they sort of run together, and came to your house
12 together?

13 A Yes.

14 Q All right. Do you remember having a conversation
15 with Mr. Butler on October 23rd about Scottie and Jeff
16 getting arrested?

17 A Mr. Who?

18 Q Scottie Butler and Jeff Dornberg getting arrested, do
19 you remember having a conversation with Mr. Williams about
20 that?

21 A Yeah.

22 Q Did you tell -- did you know about it, or did he tell
23 you about it?

24 A He told me about it.

25 Q What did he tell you?

1 BY MR. WESTON:

2 Q So you think he had gotten a call from his sister?

3 A Yeah.

4 Q After that call, what happened then?

5 A He asked me to take him by some guy's house. And
6 then later after that, we went to Wal-Mart. I dropped him
7 off at Wal-Mart.

8 Q When you dropped him off at Wal-Mart, what happened?
9 And you need to speak clearly into the microphone, ma'am.

10 A He didn't drop -- he didn't get out at the front of
11 Wal-Mart. He got out like at the side road, like on the
12 top parking lot.

13 Q Did he direct you there?

14 A Uh-huh.

15 Q So you were going to park in a regular parking space?

16 A Well, I was just going to drop him off at the front.
17 And he told me to stop right there and he'll get out.

18 Q Did he tell you why?

19 A No.

20 Q All right. So did he get out?

21 A He got out.

22 Q Before he got out, did he give you anything?

23 A He told me to take his gun to Laurens, because he
24 couldn't take it in Wal-Mart.

25 Q All right. And did he give you a gun?

1 A Yeah.

2 Q And so did you wait for him to come back out of
3 Wal-Mart?

4 A No. He told me to go to Laurens.

5 Q And do what?

6 A And take the gun to -- back to his house, I guess.

7 Q All right. Where did you take the gun?

8 A To Cadillac Apartments.

9 Q Did you take it to his apartment?

10 A Yeah.

11 Q Did you see -- did he tell you to see a man there?

12 A Uh-huh.

13 Q Let's go back to -- how was the gun that he gave you?
14 Did he just hand you a gun?

15 A No. He put it in a bag. It was like a McDonald's
16 bag.

17 Q And did you look inside the bag and see the gun?

18 A No. I didn't look inside it.

19 Q You never looked at the gun?

20 A No. I mean, I seen him put the gun in the bag. But
21 after he got out, I didn't look in the bag.

22 Q How would you describe the gun? And I'm going to
23 just give you some terms. And if you don't understand
24 them, that's fine. I'll try to explain them. Was it a
25 revolver, or was it an automatic?

1 A It was the kind that you push out with the bullets.

2 I guess it was a revolver.

3 Q Okay. Like a revolver?

4 A (Witness nodded.)

5 Q And what did he tell you to do with the gun?

6 A He just told me to take it back to his house.

7 Q And give it to who?

8 A Glenn.

9 Q And did you do that?

10 A Yeah.

11 Q Did you see Glenn?

12 A Uh-huh.

13 Q Would you describe Glenn to the jury?

14 A He was a black guy with one leg.

15 Q Did -- so the reason he told you to take the gun to

16 Glenn was because he couldn't take it into the Wal-Mart?

17 A Right.

18 Q All right. Did you have an occasion -- when was the

19 next time you saw him after you dropped him off at the

20 Wal-Mart?

21 A He called me later on that night. And he asked if I

22 would take him to his mom's house in Lexington.

23 Q Where does his mom live?

24 A In Lexington.

25 Q Did he take a suitcase?

1 A Yeah.

2 Q And did you ask him -- or did he tell you why he was
3 moving to Lexington all of a sudden?

4 A He just -- he said, you know, with Jeff and Scottie
5 being his friends that everybody would think he had
6 something to do with it, but he didn't. And I guess he
7 was just scared.

8 Q When you say "but he didn't," you're saying that's
9 what he told you?

10 A Yeah. That's what he told me.

11 Q Did he give you any reason as to why he would think
12 he would somehow be implicated in this?

13 A He just said -- I guess because of his charges that
14 he had previous --

15 Q Okay --

16 MR. COOKE: Judge, I object. And I have a matter to
17 discuss with the Court --

18 THE COURT: All right.

19 MR. COOKE: -- outside the presence of the jury.

20 THE COURT: Ladies and gentlemen, I'm going to send
21 you back to your jury room for a brief moment. Again, do
22 not discuss this case. It would not be appropriate to
23 discuss this case. And we'll be right back with you.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 3:37 p.m.)

1 THE COURT: Mr. Cooke..

2 MR. COOKE: At this time, I'd respectfully move for a
3 mistrial on the grounds that the State's own witness out
4 of her mouth while being questioned by the Prosecutor
5 mentioned because of his previous charges, which would
6 indicate that my client has previous charges, has charges
7 pending against him that's not even related to this case.
8 It puts us in a terrible position, Judge, of having to
9 answer to that, having to take the stand, if necessary, to
10 explain it away when we may not even want to take the
11 stand.

12 So I'm asking for a mistrial, because I think it's a
13 highly prejudicial statement. And, certainly, she should
14 have known not to mention anything about his prior
15 criminal history. And the Prosecutor should have warned
16 her about that. And, honest to goodness, we've been
17 through a lot in this trial, and I hate to ask to start it
18 all over again because I'm court appointed and, certainly,
19 I'm not getting rich on this. But in order to carry out
20 justice and do right by my client, I think that Your Honor
21 should grant a mistrial in this case.

22 MR.. WESTON: Your Honor, this is not the typical
23 reference. The witness, in response to my question as
24 to -- I asked her why would he think he needed to move to
25 Lexington. She testified -- and I'm sort of paraphrasing,

1 but this is pretty much what she said, that because his
2 friends had gotten arrested and charged with this heinous
3 crime, he was afraid that he would somehow be implicated
4 because he had charges pending.

5 So she's testified as to what he said to her, and as
6 to a reason why he was leaving town. This is not an
7 inadvertent slip or bringing up a criminal record by a
8 police officer or something like that, a booking report.
9 She testified as to exactly what he told her. And he was
10 giving her a reason why he was moving to Lexington. So,
11 basically, the words coming out of her mouth are his
12 words. She's saying what he told her, and you can't moot
13 that. Those are his admissions.

14 MR. COOKE: I can -- if I knew that she was going to
15 get on the stand -- and I think I would have told her that
16 you can't mention anything about any of his prior criminal
17 history, just like you tell police officers, just like you
18 tell them don't talk about any prior records, don't talk
19 about arrests, don't talk about anything.

20 THE COURT: Okay. Mr. Cooke, I've heard you. And --

21 MR. WESTON: And, Your Honor, if I may just say one
22 more thing. I apologize, Your Honor. But just to be
23 clear, this is not a conviction. She just said charges
24 pending.

25 THE COURT: She said previous charges is what she

1. said. I heard previous charges.

2. MR. WESTON: Yes, ma'am, not previous conviction.

3. THE COURT: That doesn't mean it was a conviction --

4. MR. WESTON: Thank you, Your Honor.

5. I apologize for interrupting you, Your Honor.

6. THE COURT: It's okay.

7. Okay. I'm going to deny your motion for a mistrial.

8. I think it's a harmless error. I can, certainly, tell the

9. jury to strike her last answer. It wasn't responsive to

10. the question, and it wasn't appropriate for their

11. consideration.

12. You understand, ma'am, now you, obviously, can't

13. reference any prior charges --

14. THE WITNESS: Right.

15. THE COURT: -- or anything having to do with any

16. record. You understand that; is that correct?

17. THE WITNESS: Yes, ma'am.

18. THE COURT: Okay. Bring the jury back in.

19. (WHEREUPON, the jury came into open court at

20. approximately 3:42 p.m.)

21. THE COURT: Welcome back, ladies and gentlemen.

22. Ladies and gentlemen, the last question and answer,

23. I'm asking you to strike it. It is being stricken from

24. the record. It wasn't an appropriate question. It wasn't

25. relevant in any way, and you are to disregard it

1 completely.

2 MR. WESTON: Thank you, Your Honor.

3 CONTINUED DIRECT EXAMINATION

4 BY MR. WESTON:

5 Q Ms. Bridges, did Mr. Williams ever ask you to take
6 him to Greenwood around that time?

7 A To Greenwood?

8 Q Yes, ma'am. Around the 23rd. If not that day,
9 around that time?

10 A Oh, that's where I lived at, Greenwood.

11 Q Did he ever ask you to take him to anybody's house in
12 Greenwood?

13 A Yeah. It was some guy's house. I'm not sure of his
14 name, or anything else.

15 Q Do you remember what street it was?

16 A No. It was like two or three minutes from where I
17 lived, which I lived on Reynolds Street. So I can't
18 remember which street it was.

19 Q Are you familiar with Blake Street in Greenwood?

20 A Not --

21 Q If you're not, that's fine.

22 A Not really.

23 Q Yes, ma'am.

24 Now, on your way down to Lexington with Mr. Williams,
25 did y'all talk about either you leaving the State of South

1 Carolina, or him leaving the State of South Carolina?

2 A Well, he asked me like, you know, if somebody was
3 after -- you/know, I guess, after me or something where
4 would I go, or something like that.

5 Q Did he indicate to you where he might go if somebody
6 were after him?

7 A I think he said Charleston, or San Antonio, or
8 something like that.

9 MR. WESTON: All right. Thank you, ma'am.

10 That's all I have.

11 MR. GODFREY: Nothing, Your Honor.

12 THE COURT: Anything further, Mr. Cooke?

13 MR. COOKE: A couple of questions.

14 CROSS-EXAMINATION

15 BY MR. COOKE:

16 Q So you say you picked him up from his apartment. Do
17 you remember what time that was?

18 A It was probably around 10:00 that morning.

19 Q 10:00 a.m. Okay. And then you took him to Wal-Mart.
20 Do you remember about what time that was?

21 A It was probably after 4:00.

22 Q After 4:00. Okay.

23 A Something like that.

24 Q Okay. And he said, Let me out, I can't take this gun
25 in Wal-Mart. And he gave you his gun?

1 A Right.

2 Q And he stuck it in a bag that was already in the car?

3 A Right.

4 Q All right. And you took it and gave it to the person
5 he lived with?

6 A Right.

7 Q- Okay. And then the next time you saw him -- after
8 you dropped him off at 4:00 in the afternoon, the next
9 time you saw him was about what time that day?

10 A It was about 10:00 or so at night.

11 Q 10:00 p.m.?

12 A Right.

13 Q Okay. And I think -- did you know anything about his
14 girlfriend working at Wal-Mart?

15 A No.

16 Q You didn't know her?

17 A No.

18 Q Were y'all just friends, or girlfriend --

19 A Just like, I guess, friends.

20 Q Did you used to be girlfriend and boyfriend?

21 A No. We never was, you know.

22 Q All right. And you've known him a couple of years.
23 Now, did he mention his grandmother was going to be down
24 in Lexington?

25 A Yeah.

1 Q And she lived in like Virginia, I believe?

2 A I have no idea.

3 Q But she was from out of town, do you remember that?

4 A I can't remember.

5 Q Okay. And, now, you can -- you, actually, were going
6 to Columbia anyhow, weren't you?

7 A I was going, I think, the next night. But, you know,
8 I was planning on going that night, but I changed my mind.
9 But I went ahead and went anyway.

10 Q But you had already planned to go to Columbia that
11 night?

12 A Right.

13 Q And Lexington is just right down the road?

14 A Right.

15 Q Were you working in Columbia?

16 A Yeah. I didn't work that night, though.

17 Q But what were you doing in Columbia?

18 A Working..

19 Q Where did you work?

20 A Heartbreakers.

21 Q What is that?

22 A Heartbreakers?

23 Q What is Heartbreakers? Is that a bar?

24 A It's a club.

25 Q A club?

1 A Uh-huh.

2 Q And how often did you work there?

3 A Maybe three or four times a week.

4 Q Okay. Do you work there now?

5 A No.

6 Q All right. And he went on to tell you that he --
7 when he found out that Scottie had been arrested, that
8 because they were friends that he's afraid the police
9 would think he was involved in whatever they had arrested
10 Scottie for?

11 A Right.

12 Q And they'd throw him in jail? He mentioned that to
13 you in --

14 A Well, he didn't -- I guess he was just scared.

15 Q Okay. Do you happen to remember what kind of
16 suitcase he had?

17 A No.

18 MR. COOKE: Okay. Just a moment, please.

19 (Pause.)

20 MR. COOKE: Thank you very much, Wendy.

21 I appreciate it.

22 THE COURT: Anything further?

23 MR. WESTON: Nothing further from the State, Your
24 Honor.

25 THE COURT: Ms. Bridges, you may step down.

1 MR. WESTON: Your Honor, we would ask that
2 Ms. Bridges be allowed to be excused.

3 THE COURT: Any objection?

4 MR. COOKE: No objection from me.

5 THE COURT: You're excused, ma'am.

6 MR. WESTON: Your Honor, if I may have just one
7 moment.

8 THE COURT: Yes.

9 (Pause.)

10 MR. WESTON: Your Honor, the State would call
11 Mr. Willie Jermaine Taylor.

12 THE CLERK: Mr. Taylor, please, come forward to the
13 stand, please.

14 Please place your left hand on the Bible and raise
15 your right:

16 THE COURT: Go ahead and face over here, sir. Raise
17 your right hand.

18 Thank you, sir.

19 WHEREUPON,

20 WILLIE JERMAINE TAYLOR,
21 after first having been duly sworn, testified as follows:

22 THE CLERK: Thank you.

23 You may be seated.

24 Please state your name for the record.

25 THE WITNESS: Willie Jermaine Taylor.

1 THE CLERK: Thank you.

2 MR. WESTON: Your Honor, may we approach?

3 THE COURT: You may.

4 (WHEREUPON, a bench conference was held.)

5 THE COURT: Ladies and gentlemen, I need to have just
6 a very brief conference with the attorneys. I'm going to
7 send you back to the jury room for a quick moment.

8 Again, refresh yourselves. Get a cup of coffee,
9 whatever you need. We'll be back with you shortly.

10 (WHEREUPON, the jury was excused from open court at
11 approximately 3:50 p.m.)

12 THE COURT: Gentlemen, come on back with me.

13 (WHEREUPON, a break was taken.)

14 THE COURT: All right. Let's bring the jury in.

15 (WHEREUPON, the jury came into open court at
16 approximately 4:00 p.m.)

17 THE COURT: Welcome back, ladies and gentlemen.
18 Let's go ahead and begin with Mr. Taylor.

19 MR. WESTON: Thank you, Your Honor.

20 May it please the Court.

21 THE COURT: Yes.

22 DIRECT EXAMINATION

23 BY MR. WESTON:

24 Q Mr. Taylor, you are Willie Jermaine Taylor; is that
25 correct?

- 1 A Yes, sir.
- 2 Q And, Mr. Taylor, how old are you?
- 3 A 35.
- 4 Q All right. And do you live here in Greenville
- 5 County, Mr. Taylor?
- 6 A Yes, sir.
- 7 Q All right. And did you -- were you living on High
- 8 Valley Boulevard here in Greenville?
- 9 A Yes, sir.
- 10 Q Now, you were arrested back around early November, or
- 11 mid-November of 2010; is that correct?
- 12 A Yes, sir.
- 13 Q And you have been in the Greenville County Detention
- 14 Center since that time?
- 15 A Yes, sir.
- 16 Q And you were -- were you arrested as a result of the
- 17 incident that took place up in Travelers Rest involving
- 18 the death of Wallace Cruell?
- 19 A Yes, sir.
- 20 Q And you were charged with a number of offenses
- 21 resulting from that?
- 22 A Yes, sir.
- 23 Q All right. Now, at this point, have you entered a
- 24 guilty plea to the charges surrounding that incident?
- 25 A Yes, sir.

1 Q Do you remember what you pled guilty to?

2 A Voluntary manslaughter.

3 Q All right. And was that part of a plea agreement?

4 A Yes, sir.

5 Q And were all the other charges against you dismissed?

6 A Yes, sir.

7 Q That would be burglary?

8 A Yes, sir.

9 Q Conspiracy?

10 A Yes, sir.

11 Q Attempted armed robbery?

12 A Yes, sir.

13 Q And kidnapping?

14 A Yes, sir.

15 Q And, as a part of the agreement, were all those
16 charges dismissed?

17 A Yes, sir.

18 Q And were you, originally, charged with murder?

19 A Yes, sir.

20 Q And was the murder charge reduced to voluntary
21 manslaughter?

22 A Yes, sir.

23 Q And have you been sentenced yet?

24 A No, sir.

25 Q Is your sentencing deferred until after the

1 conclusion of this trial?

2 A Yes, sir.

3 Q Do you expect to be sentenced for the offense of
4 voluntary manslaughter?

5 A Yes, sir.

6 Q For the events surrounding the death of Wallace
7 Cruell?

8 A Yes, sir.

9 Q In exchange for that agreement, what do you have to
10 do?

11 A Tell the truth, give my statement.

12 Q All right. Now, let's go back, and just let you tell
13 the jury, basically, what happened. Let's start with the
14 basics. Do you know Lamar Williams?

15 A Yes, sir.

16 Q How do you know Lamar Williams?

17 A Through a mutual friend.

18 Q How long have you known him, just generally?

19 A About a month, month and a half.

20 Q You've only known him a month and a half since today?

21 A No. From today, I guess 17 months.

22 Q Did you know him in October of 2010?

23 A Yes, sir.

24 Q How long had you known him at that time, just
25 generally?

1 A About a month and a half.

2 Q And you met him, you said, through a mutual friend?

3 A Yes, sir.

4 Q Do you see him in the courtroom today?

5 A Yes, sir.

6 Q Would you tell the jury where he's seated, and what

7 he's wearing?

8 A On the right side with the blue shirt.

9 Q And where is he seated?

10 A Right there.

11 Q All right. Now, at the time back in October of 2010,

12 did he look like he looks today?

13 A Yes, sir.

14 Q Was his hair like that?

15 A I can't really remember.

16 Q All right. Do you know Mr. Richey Boyd?

17 A Yes, sir.

18 Q How do you know Mr. Boyd?

19 A Through a mutual friend.

20 Q Back in October of 2010, did you know Mr. Boyd?

21 A Yes, sir.

22 Q How long had you known him in October of 2010?

23 A Eight or nine months, maybe a year.

24 Q Do you know where Mr. Boyd lived, what county he

25 lived in?

1 A No, sir.

2 Q All right. Had you ever been to his home?

3 A No, sir.

4 Q All right. Do you see Richey Boyd in the courtroom
5 today?

6 A Yes, sir.

7 Q Would you tell the jury where he's seated, and what
8 he is wearing?

9 A A blue sweater, sitting over there.

10 Q All right. Any doubt in your mind about who he is?

11 A No, sir.

12 Q Any doubt in your mind about who Lamar Williams is?

13 A No, sir.

14 Q Are these the two people that you know and knew back
15 in 2010?

16 A Yes, sir.

17 Q Did Lamar Williams have a nickname?

18 A Yes, sir.

19 Q Did Richey Boyd have a nickname?

20 A Yes, sir.

21 Q What was Richey Boyd's nickname?

22 A Solo.

23 Q And is that how you knew him?

24 A Yes, sir.

25 Q Did you call him that?

1 A Yes, sir.

2 Q Did you have a nickname?

3 A Yes, sir.

4 Q What was your nickname?

5 A Esco.

6 Q All right.. Let's start with, you were present --
7 were you present on October the 18th, 2010, at about 7:30
8 in the morning, 8:00, when Wallace Cruell was killed?

9 A Yes, sir.

10 Q And where were you at -- where were you -- or y'all
11 when he was killed?

12 A I was in the kitchen like at the back door.

13 Q Were y'all in his home?

14 A Yes, sir.

15 Q All right. Let's go back a little bit. How did you
16 come -- and I want to ask you about how you came to be in
17 the home of Wallace Cruell that morning. What was -- who
18 all went to Wallace Cruell's home that morning?

19 A Me myself, Face, Solo, a guy named J.D., and a guy
20 named Scott.

21 Q Now, when you say "Face," who are you talking about?

22 A Lamar. I don't know his last name.

23 Q Would you point to him?

24 A Right there with the blue shirt.

25 Q No doubt?

1 A No doubt.

2 Q All right. Now, how did the five of y'all come to go
3 to his home that morning? Was this the first time y'all
4 had ever been to Mr. Cruell's home?

5 A No, sir.

6 Q How -- did you know Mr. Cruell?

7 A I had known him from a while back.

8 Q Did you know where he lived?

9 A Yes, sir.

10 Q Had you visited at his home before?

11 A Yes, sir.

12 Q And had you visited there with either of these two
13 men?

14 A Yes, sir.

15 Q Mr. Cruell -- I mean, Face and Solo?

16 A Yes, sir.

17 Q When did you go there with them before the morning he
18 was killed, about how long before that?

19 A Maybe a week before.

20 Q And what was the reason for going there then?

21 A Just to check it out.

22 Q Who all went with you when you went there to check it
23 out?

24 A Me, Face, Solo, and a guy named Guatto.

25 Q And who else?

1 A A guy named Scott.

2 Q When you say Face and Solo, once again, are you
3 talking about Lamar Williams and Richey Boyd?

4 A Yes, sir.

5 Q And when you say y'all went to "check it out", about
6 what time of the morning, or afternoon, or evening did
7 y'all go the first time?

8 A I think it was in the afternoon, late evening.

9 Q All right. Did y'all go to the house and knock on
10 the door and talk to him?

11 A No, sir.

12 Q What did y'all do?

13 A Just sat there and looked at it.

14 Q All right. Who drove the car?

15 A I think a guy named Scott.

16 Q All right. And was -- the guy you referred to as
17 J.D., was he with y'all the first time?

18 A No, sir.

19 Q Now, Guatto, do you know his real name?

20 A No, sir.

21 Q Was he with y'all the second time you went to the
22 home, the morning Mr. Cruell was killed?

23 A No, sir.

24 Q So let's talk about the morning Mr. Cruell -- well,
25 the first time y'all went, what kind of car was this guy,

1 Scott, driving?

2 A I can't quite remember.

3 Q Do you remember what color it was?

4 A I think it was green. I can't remember.

5 Q Okay. And let's go to the morning that Mr. Cruell
6 was killed. How did you know -- how did you come to get
7 with them that morning to go?

8 A Because they had called me.

9 Q When you say "they," who called you, specifically?

10 A Face.

11 Q And, once again, by Face, you mean Lamar Williams?

12 A Yes, sir.

13 Q And what did he tell you?

14 A He told me they was on their way to come up there so
15 we could go over there.

16 Q And do what?

17 A Rob him.

18 Q Had y'all talked about it the first time y'all went
19 there?

20 A Yes, sir.

21 Q And why were y'all going to rob Wallace Cruell, as
22 opposed to John Smith, or Bill Jones, or any other person?
23 Why Wallace Cruell?

24 A Because he had some money.

25 Q Y'all thought he had money?

1 A Yes, sir.

2 Q And so about what time did they call you -- did Face
3 call you?

4 A About 11:00 to 2:00 in the morning.

5 Q 11:00 at night to 2:00 in the morning?

6 A Yes, sir.

7 Q Did he say when they were coming to get you?

8 A They just told me that they was on the way.

9 Q And when they got there, tell the jury who was
10 driving.

11 A Scott was driving.

12 Q The same guy from the first time?

13 A Yes, sir.

14 Q And was he driving the same car?

15 A Yes, sir.

16 Q Who was with him?

17 A Solo, and a guy named J.D.

18 Q And who else?

19 A Face.

20 Q Okay. So it was the five of y'all?

21 A Yes, sir.

22 Q All right. Now, when you got in the car, was
23 everybody else -- were the other four already in the car?

24 A Yes, sir.

25 Q So you would have been the last one that was picked

1 up?

2 A Yes, sir.

3 Q Are you sure about that?

4 A Yes, sir.

5 Q Okay. When you got in the car, did y'all go straight
6 to Travelers Rest, or did you stop somewhere first?

7 A We stopped at a convenience store.

8 Q Here in Greenville?

9 A Yes, sir.

10 Q And y'all just stopped to buy a few items?

11 A Yes, sir.

12 Q Once you bought some items at the convenience store
13 and got back in the car, tell the jury what happened next.

14 A We drove to Wallace Cruell's house.

15 Q Where did you park -- let me show you this picture
16 here. This has been identified already as Mr. Cruell's --

17 MR. WESTON: Your Honor, do you mind if this witness
18 steps down?

19 THE COURT: You may step down, sir.

20 MR. WESTON: Thank you.

21 BY MR. WESTON:

22 Q If you would, step down here, sir. And just stand
23 over on the other side here.

24 A (Witness complied.)

25 Q Sir, this has been previously identified as Wallace

1 Cruell's house, and his mother and father's house, and
2 this is the path between the two, and these are the roads
3 here. Do you remember where y'all pulled up, where you
4 drove up at? If you can, just point to it.

5 A I guess about right in here.

6 Q And when you got right in here, what happened?

7 A We got out of the car.

8 Q How many people got out of the car?

9 A Four.

10 Q Did the driver, Scott, come in, too?

11 A No, sir.

12 Q He stayed in the car?

13 A Yes, sir.

14 Q So where did y'all go? And just, generally, point to
15 where y'all went, and how y'all reached the house, just
16 generally.

17 A We walked through here up to this side right here.

18 Q All right. You can go back and take your seat.

19 A (Witness complied.)

20 Q Is it daylight yet when this happened? Was it
21 daytime? Was it morning yet, or still night outside?

22 A It was still dark a little bit.

23 Q All right. And what was the plan --

24 A That we was just --

25 Q -- as to when you were going to go in, or how were

1 y'all going to accomplish this?

2 A We were going to wait until he leaves and then go in.

3 Q And who had -- did anybody have guns?

4 A Yes, sir.

5 Q Who had guns?

6 A Face, Solo, and me.

7 Q By Face and Solo, once again, you mean Richey Boyd
8 and Lamar Williams?

9 A Yes, sir.

10 Q The gentlemen seated at this table right here?

11 A Yes, sir.

12 Q Are you sure?

13 A Yes, sir.

14 Q Did -- the other guy, J.D., he got out of the car,
15 too?

16 A Yes, sir.

17 Q And did he go -- did he have a gun?

18 A No, sir.

19 Q All right. Now, was anybody wearing gloves?

20 A Yes, sir.

21 Q Who all was wearing gloves?

22 A I think just Face and Solo.

23 Q All right. Was anybody -- did anybody have their
24 face covered?

25 A Yes, sir.

1 Q Who did?

2 A We all did.

3 Q All right. So y'all wait up in the woods. How did
4 y'all communicate -- were y'all able to communicate with
5 this guy, Scott, back in the car while y'all were up in
6 the woods?

7 A Yeah. We could have, but I don't think we did.

8 Q All right. Who was in charge of this -- of the five
9 of y'all?

10 A I guess --

11 Q I'm sorry?

12 A Nobody. I guess Face, but really nobody.

13 Q But Face was the one that called you and said they
14 were coming to get you?

15 A Yes, sir.

16 Q But you're not saying he's any more responsible than
17 anybody else?

18 A Yes, sir.

19 Q For leading this?

20 A Yes, sir.

21 Q Is that true?

22 A Yes, sir.

23 Q That's your belief?

24 A (Witness nodded.)

25 Q So once y'all get up in the woods, tell the jury what

1 happened when Mr. Cruell -- about what time did Mr. Cruell
2 leave? Had the sun come up?

3 A Yes, sir.

4 Q When Mr. Cruell left, tell this jury in your own
5 words -- and I'm going to try to interrupt you as little
6 as possible -- what happened over the next five or 10
7 minutes.

8 A When Mr. Cruell left, everybody went towards the back
9 of his house. And then we went up in his house.

10 Q How did y'all get in?

11 A I guess they kicked the door in.

12 Q You didn't kick the door in?

13 A No, sir.

14 Q Do you remember who the first person in was?

15 A I didn't even get to see the first person in.

16 Everybody was in by the time I came to the back.

17 Q Did you hear the door getting kicked open, a loud
18 bang, or something like that?

19 A I didn't even hear it.

20 Q But when you got there, the door was open?

21 A The door was open.

22 Q All right. Tell the jury what happened, and what you
23 saw when you got inside.

24 A When I got inside, I seen an old dude tied up on the
25 couch. And I seen Face standing in the living room. And

1 Solo was in the bedroom.

2 Q What were they doing?

3 A Solo was rambling.

4 Q When you say "rambling," what do you mean?

5 A Searching through things.

6 Q Okay. Now, what happened to the -- you said the old
7 dude in the living room on the couch that was tied up,
8 what happened to him?

9 A They took him into the bedroom.

10 Q And who went in the bedroom with him?

11 A Face had told me to help him pick him up. And then
12 when I picked him up, the white dude named J.D. grabbed
13 him. And they put him in the bedroom.

14 Q And did the white dude named J.D. stay in there with
15 him?

16 A Yes, sir.

17 Q So what happened once the old dude was put in the
18 bedroom? You said he was tied up; is that correct?

19 A Yes, sir.

20 Q Do you remember what y'all used to tie him up?

21 A When I came in the house, he was already tied up.

22 Q So what were y'all doing while the old dude was in
23 the bedroom?

24 A I went back in the room, and I looked at Solo. And
25 he was steady searching the house. And I stood there with

1 him for a second, and then I came back where Face was at.

2 Q And what was Face doing?

3 A Like looking, just watching.

4 Q All right. Then what happened?

5 A Then we heard a car pulling up.

6 Q And then who -- did you find out who was in the car?

7 A Wallace Cruell.

8 Q And what happened when he got out of the car?

9 A When I heard him getting out of the car, I went back
10 out towards the back door.

11 Q Why did you do that?

12 A I guess I got scared, and I was leaving.

13 Q Now, you knew Mr. Cruell; is that correct?

14 A Yes, sir.

15 Q Did you want anything to happen to him?

16 A No, sir.

17 Q All right. So what happened when Mr. Cruell came in
18 the house?

19 A Well, I was going out the back door. And when I
20 heard a commotion, I heard him say, Get on the ground.
21 Then I came back inside the house --

22 Q Excuse me, sir. Who said, Get on the ground?

23 A Face.

24 Q Lamar Williams?

25 A Yes, sir.

1 Q All right. And then what -- once -- they were
2 wrestling him to the ground?

3 A Yeah. Then they put him on the ground.

4 Q When you say "they," in addition to Lamar Williams,
5 who else?

6 A Solo.

7 Q Richey Boyd?

8 A Yes, sir.

9 Q All right. And so they got him on the ground. Then
10 what happened?

11 A Then they was trying to tie him up.

12 Q And then what happened?

13 A They couldn't. They asked J.D. to come and help
14 them, but he didn't know what to do.

15 Q J.D. was the white guy in the other room with the old
16 guy?

17 A Yes, sir.

18 Q When you say that he didn't know what to do, did he
19 come and help?

20 A No. He just froze. He didn't know what to do.

21 Q So then what happened?

22 A Then I guess Wallace Cruell tried to get off the
23 ground. And that's when, I guess, he was shot.

24 Q How many times was he shot?

25 A Once.

1 Q Once that one shot was fired, what did y'all do then?
2 A Ran out the back door.
3 Q Did everybody run?
4 A Yes, sir.
5 Q And what did y'all do once you got outside?
6 A They called Scott. And Scott came and picked us up.
7 Q And did he pick y'all up down near the bottom of the
8 path, or whatever, or the gravel driveway?
9 A The driveway.
10 Q And y'all jumped back in the car?
11 A Yes, sir.
12 Q Did Face -- did you know at that point who, actually,
13 had fired the shot?
14 A Not exactly, because I was at the back door.
15 Q Once you got in the car, did you find out who had
16 fired the shot?
17 A Yes, sir.
18 Q Who fired the shot?
19 A Face said he had shot him.
20 Q Lamar Williams?
21 A Yes, sir.
22 Q And did he say why he shot him?
23 A Because he was trying to get up.
24 Q And so y'all left the scene?
25 A Yes, sir.

1 Q All right. And where did y'all go from there in
2 terms of who was taken where first?

3 A They dropped me back off on High Valley.

4 Q And then they left to take -- the other four left in
5 the car?

6 A Yes, sir.

7 Q And you don't know where they went exactly after
8 that; is that correct?

9 A No, sir.

10 Q All right. Now, you had a revolver; is that correct?

11 A Yes, sir.

12 Q Did you see the guns that Lamar Williams and Richey
13 Boyd had?

14 A I think it was the same kind.

15 Q All right. And you said the white guy, J.D., didn't
16 have a gun as far as you can remember; is that correct?

17 A No, sir.

18 Q You keep referring to him as "J.D.," and I just want
19 to make sure we're all clear. Before that day, had you
20 ever seen him before?

21 A I don't think so.

22 Q In your whole life?

23 A Huh-uh.

24 Q Since that date when you were dropped off and they
25 drove away, have you seen him since?

1 A No, sir.

2 Q Would you consider him a friend?

3 A Not really, because I don't know him.

4 Q Did you discuss what happened with him -- and you
5 said you hadn't seen him, did you talk to him at any time
6 after that to discuss what had happened?

7 A No, sir.

8 Q Okay. The white guy that was driving the car, Scott,
9 did you know him before the first time y'all went up
10 there?

11 A No, sir.

12 Q Was that the first time you had ever seen him?

13 A Yes, sir.

14 Q After the second time you went and this incident took
15 place, and this man was killed, and he dropped you off and
16 you got out of his car, have you seen him since that day?

17 A No, sir.

18 Q Did you talk to him afterwards to talk about what
19 happened?

20 A No, sir.

21 Q You're sure?

22 A Yes, sir.

23 Q The guy, J.D., do you know his real name?

24 A Not really. I think --

25 Q The guy -- I'm sorry. Go ahead.

1 A I think it's Butler. I don't really know.

2 Q All right. So you don't even know their real names?

3 A No, sir.

4 Q All right. Did you in any way conspire or get
5 together with them to come up with some story?

6 A No, sir.

7 Q Okay. Now, you were arrested on October 22nd of
8 2010 -- I'm sorry, you were arrested in the middle of
9 November, about a month later; is that correct?

10 A Yes, sir.

11 Q And you were arrested at a home here in Greenville;
12 is that correct? Your home here in Greenville; is that
13 correct?

14 A Yes, sir.

15 Q At the time you were arrested -- well, let's just go
16 back. What did you do with the gun once you got back
17 home?

18 A I put it in the attic.

19 Q And once you were arrested, was the gun found?

20 A Yes, sir.

21 Q And the gun that was found in the attic on the day
22 you were arrested, was that the gun you used that day?

23 A It was the gun I had.

24 Q Did you ever fire that gun?

25 A No, sir.

1 Q Did anybody, other than Lamar Williams, fire a gun?

2 A No, sir.

3 Q And he only fired one shot?

4 A Yes, sir.

5 Q You're sure of that?

6 A Yes, sir.

7 Q All right. Now, when y'all got back in the car, was
8 there any discussion about a bullet in a shoe?

9 A I can't recall.

10 Q But everybody was pretty excited?

11 A No. They wasn't excited. They was, I guess, in
12 shock a little bit.

13 Q Okay. When you were arrested, you had your -- you
14 hired Mr. Geoly; is that correct?

15 A Yes, sir.

16 Q And he went with you -- or he was with you when you
17 gave a statement to police; is that correct?

18 A Yes, sir.

19 Q And they typed up your statement?

20 A Yes, sir.

21 Q And you signed that statement?

22 A Yes, sir.

23 Q All right. And, just to reiterate, you've been in
24 the detention center since the day you were arrested; is
25 that correct?

1 A Yes, sir.

2 Q And are you getting anything for testifying against
3 these two men, or was your agreement just to plead guilty
4 and tell the truth?

5 A Plead guilty and tell the truth.

6 Q Is that what you're doing, sir?

7 A Yes, sir.

8 Q Just a couple more questions. Any reason you'd be
9 mad at either one of these men? For instance, do you owe
10 either one of them money?

11 A No, sir.

12 Q Do they owe you money?

13 A No, sir.

14 Q Did they take a girlfriend from you, or vice versa?

15 A No, sir.

16 Q They were your friends?

17 A Kind of.

18 Q But you've admitted what you did in the crime; is
19 that correct?

20 A Yes, sir.

21 Q With regard to what you told us today about what they
22 did, is that the truth?

23 A Yes, sir.

24 MR. WESTON: Thank you, sir.

25 MR. GODFREY: May it please the Court.

CROSS-EXAMINATION

BY MR. GODFREY:

Q I don't have that many questions, but there's a couple of things that I'm confused about. Now, before you were arrested on these charges, did you live here in Greenville?

A Yes, sir.

Q Have you lived here in Greenville your whole life?

A Not my whole life.

Q How long have you lived here in Greenville?

A Since about 2005.

Q Since about 2005. Before that, where did you live?

A I was staying in Arizona for a little bit.

Q In Arizona. How long were you in Arizona?

A A year.

Q Were you born here in South Carolina?

A Yes, sir.

Q When you were a little fellow growing up, what city were you in?

A Greenwood.

Q Greenwood. Okay. Now, I believe your testimony was that you knew Lamar Williams for about a month and a half?

A Yes, sir.

Q How long had you known Jeffrey Charles Dornberg?

A I don't know who that is.

1 Q How long had you known Scottie Butler?

2 A Never.

3 Q How long had you known Richey Boyd?

4 A I think about a year, eleven months, a year or so,
5 two years, a year and a half, somewhere in there.

6 Q So you're saying you knew him longer than you knew
7 anybody else?

8 A Yes, sir.

9 Q How is it that you know him?

10 A Through a friend.

11 Q Who's the friend?

12 A 50 Grand, he's a rapper. I know him because they rap
13 together.

14 Q Okay. So you like rap music; right?

15 A I just know one of my friends rapped, and I know that
16 he rapped with him.

17 Q And Richey is a rapper; right?

18 A Yeah.

19 Q And he's pretty well known in Greenwood, isn't he?

20 A Yes, sir.

21 Q So that's how you know him?

22 A Through a friend.

23 Q Through rapping?

24 A I known him through a friend, because they rapped
25 together.

1 Q Okay. So does that mean that you went to see him
2 rap, or did -- or have you all done things together?

3 A No. I seen him over by my home boys house before.

4 Q Your friend who's a rapper?

5 A Yeah.

6 Q Okay. Now, your friend the home boy, who is that?

7 A They call him 50 Grand.

8 Q Okay. Now, in your statement and in your testimony,
9 the first time that there was a trip to Mr. Cruell's
10 house, a fellow by the name of Guatto went; is that right?

11 A Yes, sir.

12 Q And based upon what you have in this statement -- or
13 your statement, you've known Guatto for a long time?

14 A Yes, sir.

15 Q Did you know him when you were growing up in
16 Greenwood?

17 A Yes. He had moved to Greenwood when he was little.

18 Q Now, in your statement, you say he moved away and
19 came back. When did Guatto move away?

20 A When we were little.

21 Q When did he move back?

22 A After we got grown.

23 Q Well, was that, what, in 2008, 2009, 2010?

24 A About 2000 and -- I guess 2005, 2006.

25 Q Okay. So you knew he was back in Greenwood?

1 A Yeah.

2 Q Do you still have family in Greenwood?

3 A Yes, sir.

4 Q And you ran across Guatto, and you started up your
5 friendship again?

6 A Yes, sir.

7 Q And, according to your statement, Guatto called you
8 and asked you to come down and visit with him?

9 A Yes, sir.

10 Q And when you got down there, according to your
11 statement, there was another fellow there by the name of
12 Face?

13 A Yes, sir.

14 Q And Guatto and Face wanted to know if you knew
15 anybody that could be robbed?

16 A Yes, sir.

17 Q Is that right?

18 A Yes.

19 Q And you said, Well, not really?

20 A Yes, sir.

21 Q And then Guatto and Face started calling you again;
22 right?

23 A Yes, sir.

24 Q And then you said, Well, I may know somebody?

25 A Yes, sir.

1 Q You were talking about Mr. Cruell?

2 A Yes, sir.

3 Q You live in Greenville?

4 A Yes, sir.

5 Q Mr. Cruell lived in Travelers Rest?

6 A Yes, sir.

7 Q Were you dealing with Mr. Cruell?

8 A I had dealt with him in the past.

9 Q So you knew, basically, what he had been up to?

10 A Yes, sir.

11 Q And when you said you hadn't dealt with him in a
12 minute, basically, you were just saying that it had been a
13 while since you had dealt with him?

14 A Yes, sir.

15 Q And I guess if I understand what's in the statement
16 here, he might be a good person to rob?

17 A I don't know if I said that part.

18 Q I know you didn't say that part. But you pointed
19 everybody in his direction, because you thought --

20 A Yes, sir.

21 Q -- that might be what they were interested in?

22 A Yes, sir.

23 Q Is that a fair assessment?

24 A Yes, sir.

25 Q Then everybody gets together. Whose idea was it --

1 actually, who came to you first and said, Give me somebody
2 to rob? Was it Guatto?

3 A Yes, sir.

4 Q And the first time you ever saw Face was about a
5 month and a half before that?

6 A Probably so.

7 Q Where was Guatto on the second trip?

8 A He didn't come.

9 Q Do you know why?

10 A I guess they didn't want him there. We didn't want
11 him there.

12 Q Now, you pled before this trial to voluntary
13 manslaughter?

14 A Yes, sir.

15 Q And that is based upon a plea agreement where the
16 murder for which you were charged was reduced to voluntary
17 manslaughter?

18 A Yes, sir.

19 Q And part of that deal was that burglary in the first
20 degree would be dismissed?

21 A Yes, sir.

22 Q And attempted armed robbery would be dismissed?

23 A Yes, sir.

24 Q And kidnapping would be dismissed?

25 A Yes, sir.

1 Q That possession of a weapon during the commission of
2 a violent crime would be dismissed?

3 A Yes, sir.

4 Q And that criminal conspiracy would be dismissed?

5 A Yes, sir.

6 Q Now, when you pled guilty, you weren't sentenced,
7 were you?

8 A No, sir.

9 Q They said you'd be sentenced after this trial
10 sometime?

11 A Yes, sir.

12 Q You said in your direct testimony that you didn't
13 want anything to happen to Mr. Cruell?

14 A No, sir.

15 Q But you're the one that, actually, said where to go
16 to do the robbery?

17 A Yes, sir.

18 Q You don't think that's hurting him?

19 A (There was no response.)

20 MR. GODFREY: Nothing further.

21 THE COURT: Mr. Cooke.

22 MR. COOKE: Thank you.

23 CROSS-EXAMINATION

24 BY MR. COOKE:

25 Q So what you're telling us today is that you didn't

1 really see anybody get shot; is that right? You just
2 heard the shot?

3 A Yes. I heard the shot.

4 Q Okay. You didn't see anything?

5 A I didn't see the actual shooting go on.

6 Q You took off out the back door?

7 A Yes, sir.

8 Q Okay. And you said you knew Lamar about a month,
9 month and a half before this all happened?

10 A Yes, sir.

11 Q And that your buddy, Guatto, introduced y'all; is
12 that correct?

13 A Yes, sir.

14 Q And that -- do you have any idea where Guatto is
15 today?

16 A No, sir.

17 Q Did you give the police officers information about
18 him, where he lived, what he had to do with this case?

19 A Kind of.

20 Q I beg your pardon?

21 A Kind of. I just told them that he came the first
22 time, and he might be in Greenwood somewhere.

23 Q Wasn't he part of this original conspiracy that you
24 allege happened?

25 A Yes, sir.

1 Q So, as far as you know, they didn't arrest him or
2 pick him up?

3 A No, sir.

4 Q And you had known Mr. Boyd for eight or nine months
5 before this all happened; correct?

6 A Yeah.

7 Q And, basically, you're the one that gave everybody
8 the information about the Cruell house; is that correct?

9 A Yeah, because they asked me.

10 Q I mean, you wouldn't just stumble up on a driveway
11 and a house way back up here. You know where I'm talking
12 about, don't you?

13 A Yes, sir.

14 Q How many times have you been up there?

15 A A couple of times.

16 Q How many is a couple?

17 A Four or five.

18 Q Well, who did you deal with when you got up there?

19 A Mr. Cruell.

20 Q Only Mr. Cruell?

21 A Yes, sir.

22 Q Okay. Do you know of his uncle? Do you know his
23 uncle, Noah?

24 A Not really.

25 Q You don't know him. Did you ever buy any drugs from

1 an older guy there?

2 A No, sir.

3 Q Were any children there when you bought drugs?

4 A No, sir.

5 Q So just you and Mr. Cruell?

6 A Yes, sir.

7 Q And tell me, basically, what you purchased from him?

8 A I never bought nothing from him.

9 Q You never bought any drugs from him?

10 A No, sir.

11 Q Why did you go up there?

12 A I sold him drugs.

13 Q You sold him drugs?

14 A Yes, sir.

15 Q So you're a dealer?

16 A I guess, if that's what you want to call it.

17 Q Okay. Would you have any idea how he got hold of 2.2
18 pounds of cocaine?

19 A No, sir.

20 Q That's a lot of cocaine, isn't it?

21 A I guess it is.

22 Q What would you estimate the street value, you being a
23 drug dealer?

24 A I don't sell it.

25 Q You don't sell it?

- 1 A I don't sell cocaine.
- 2 Q What do you sell?
- 3 A Marijuana. That's what I sold him.
- 4 Q Okay. You don't sell crack, you never have?
- 5 A When I was young.
- 6 Q When you were young. Okay. So how much would you
7 sell him at a time?
- 8 A 20, 30, 40 pounds.
- 9 Q 20, 30, 40 pounds. How much is that worth?
- 10 A 20, 30 grand.
- 11 Q 20 or 30 grand. Where would you get 20 or 30 grand?
- 12 A From a mutual friend.
- 13 Q A mutual friend?
- 14 A (Witness nodded.)
- 15 Q So even after you grew older and you were no longer
16 younger, you continued to sell drugs and deal with drugs?
- 17 A Yes, sir.
- 18 Q Okay. So how many transactions would you say now --
19 let me -- I know you answered that, you said five or six
20 times, and it was always 20 or 30 pounds?
- 21 A Yes, sir.
- 22 Q And you say when y'all went in that everybody had
23 their faces covered?
- 24 A Yes, sir.
- 25 Q They had gloves on?

1 A Only two people had on gloves.

2 Q Who is that?

3 A Face and Solo.

4 Q Face and Solo, gloves. Okay. And you had never seen
5 J.D. or Scott before?

6 A No, sir.

7 Q Okay. Let me ask you about this. Do you know
8 anything about counterfeiting?

9 A Not really.

10 Q Have you ever tried to pass any counterfeit money?

11 A Maybe once or twice, because somebody had gave it to
12 me.

13 Q Who gave it to you?

14 A Face.

15 Q So -- well, you knew him then?

16 A During that month and a half.

17 Q So during a month and a half, Face gave you some
18 counterfeit money to pass for him?

19 A No. He just printed up some, and he gave it to me.

20 Q So you were dealing counterfeit money for Face?

21 A No. He just gave it to me.

22 Q He gave it to you?

23 A Yeah.

24 Q What were you going to do with it?

25 A I guess I was going to cash it, because I didn't have

1 no money.

2 Q So you were going to try to pass it?

3 A Yeah.

4 Q Were you using drugs at that time?

5 A No.

6 Q You weren't? No kind of drugs?

7 A I smoke marijuana.

8 Q Did you smoke a lot of it?

9 A I smoke it on occasion.

10 Q Give me an idea how much money you made a year
11 selling marijuana. I mean, dealing in those quantities,
12 give me an idea. It had to be a lot.

13 A No. I can't remember.

14 Q I beg your pardon.

15 A I can't recall.

16 Q Well, you filed a tax return, I'm sure.

17 A No.

18 Q You didn't. Okay. Oh, Lordy. You lived in
19 Greenville a while, and you moved out to Arizona. What
20 did you do out in Arizona?

21 A I stayed out there with a family member.

22 Q I'm sorry?

23 A I stayed out there with a family member.

24 Q Okay. Did you work out there?

25 A No, sir.

1 Q You didn't work. How old were you?

2 A 33, 32.

3 Q So who was supporting you at that time?

4 A I was supporting myself.

5 Q How were you doing that?

6 A By selling reefer.

7 Q Selling reefer in Arizona. You've got some
8 widespread connections. Where did you go after Arizona?
9 I mean, did you continue to deal in marijuana?

10 A I came back to Greenville.

11 Q Okay. Did you bring any with you?

12 A No, sir.

13 Q Okay. So let's get down to brass tacks here. You
14 got charged with murder, kidnapping, armed robbery, a
15 weapon during the commission of a crime, et cetera, et
16 cetera. Did anybody ever tell you what would happen if
17 you got convicted of murder, what the possibilities were?

18 A No, sir.

19 Q They didn't tell you that you could go to jail for
20 life?

21 A I kind of knowed [sic] it.

22 Q I beg your pardon?

23 A I kind of knowed [sic] it, but didn't nobody tell me.

24 Q You kind of knowed [sic] it?

25 A Yes, sir.

1 Q So you knew you could go to jail for the rest of your
2 life?

3 A Yes, sir.

4 Q And, out of the goodness of your heart, you admitted
5 everything?

6 A Yes, sir.

7 Q Okay. You just wanted to get it off your chest?

8 A Yes, sir.

9 Q Or did you just want to make a deal?

10 A I wanted to get it off my chest.

11 Q And you're telling me that you never had any contact
12 with Scottie or J.D. You never knew them before. Y'all
13 never got together and made up this story?

14 A I never knew them before.

15 Q Okay. Well, you know, I was a little bit taken aback
16 when you said you didn't want Mr. Cruell to get hurt. I
17 mean, it touched me. It really did. But I want to ask
18 you one question. If it touched you so much, if it
19 touched you so much and you wanted to help out, why didn't
20 you immediately come to the police and say, My good
21 friend, Mr. Cruell, was shot by some friends of mine? Why
22 didn't you do that?

23 A Because I was kind of scared.

24 Q You were scared. Do you recall back in 1993 --

25 A Yes, sir.

1 Q -- that you pled guilty to possession with intent to
2 distribute crack cocaine?

3 A Yes, sir.

4 Q And you got 12 years in prison?

5 A Yes, sir.

6 Q Okay. You do you, also, remember at the same time in
7 1994, you pled guilty to assault and battery with intent
8 to kill -- that was nolle prossed, excuse me. Did you
9 make a deal on that?

10 A No. That wasn't --

11 MR. WESTON: Objection, Your Honor.

12 THE COURT: Okay. It's not relevant in this case.

13 MR. COOKE: Okay.

14 THE COURT: Just move on.

15 MR. COOKE: Okay.

16 BY MR. COOKE:

17 Q In 1995, how about involuntary manslaughter?

18 A Well, that charge was from 1993. I got charged in
19 1995. And I was accidentally playing with a pistol, and
20 the gun went off and accidentally shot my best friend.

21 Q And then you got out on parole, didn't you?

22 A Yes, sir.

23 Q And you couldn't live up to parole. Why did they
24 send you back to prison?

25 A I did live up to parole.

1 Q Well, it says here they revoked your parole or your
2 probation. It says, Parole revocation here?

3 A Yes, sir.

4 Q So why did they do that?

5 A I --

6 MR. WESTON: Objection, Your Honor. I think, under
7 the rules, he can only ask him about convictions and
8 revocations. And once he answers, that's the extent of
9 it. He can't go into why.

10 THE COURT: You can ask it. It's fine.

11 MR. COOKE: Okay.

12 BY MR. COOKE:

13 Q Why?

14 A I stayed out two years. And I didn't have the money
15 to pay on my fines.

16 Q So you picked up some more drug cases?

17 A No. I didn't get no charges. I just --

18 Q You just couldn't pay your fines?

19 A I couldn't pay my fines.

20 MR. COOKE: Excuse me just a minute.

21 (Pause.)

22 MR. COOKE: I have no further questions.

23 Thank you, Judge.

24 MR. WESTON: No redirect, Your Honor.

25 THE COURT: All right. You may step down, sir.

1 sworn in.

2 Please place your left hand on the Bible and raise
3 your right hand.

4 WHEREUPON,

5 SCOTTIE D. BUTLER,

6 after first having been duly sworn, testified as follows:

7 THE CLERK: Thank you.

8 You can be seated.

9 Please state your full name for the record.

10 THE WITNESS: Scottie D. Butler.

11 THE CLERK: Thank you.

12 DIRECT EXAMINATION

13 BY MR. WESTON:

14 Q Mr. Butler, can you hear me all right?

15 A Yes, sir.

16 Q And I need you to speak loudly enough so that the
17 jurors down on this end can hear you.

18 A Yes, sir.

19 Q All right. How old are you, Mr. Butler?

20 A I'm 25.

21 Q And you have been in the detention center since
22 around October of 2010; is that correct?

23 A Yes, sir, October 22nd.

24 Q Okay. Prior to that time, where were you living?

25 A In Laurens County.

1 Q I'm sorry?

2 A Laurens County.

3 Q Where were you living in Laurens County?

4 A I was staying at the America's Best Hotel.

5 Q And who were you staying there with?

6 A My -- the mother of my kids, my fiancée, Christina
7 Childs.

8 Q Were you working at that time, sir?

9 A No, sir.

10 Q All right. Now, let's sort of cut through to it
11 here. Were you involved in the burglary, robbery, and the
12 incident that resulted in the death of Mr. Wallace Cruell,
13 Jr., on October 18th of 2010?

14 A Yes, sir.

15 Q And you need to speak loudly.

16 A Yes, sir.

17 Q And did that occur up on Valley Road up in Travelers
18 Rest?

19 A Yes, sir.

20 Q And I'm going to ask you to describe what happened in
21 a moment. But what was your role in the incident?

22 A I was the driver.

23 Q All right. And I think you said you've been in the
24 detention center since October 22nd?

25 A Yes, sir.

1 Q That would be four days after the incident?

2 A Yes, sir.

3 Q And you were arrested at that time?

4 A Yes, sir.

5 Q And were you charged with burglary first degree?

6 A Yes, sir.

7 Q Were you charged with attempted armed robbery?

8 A Yes, sir.

9 Q Were you charged with conspiracy?

10 A Yes, sir.

11 Q Were you charged with kidnapping?

12 A Yes, sir.

13 Q Were you charged with murder?

14 A Yes, sir.

15 Q Since that time, have you entered into an agreement
16 that resulted in your entering a guilty plea?

17 A Yes, sir.

18 Q What did you plead guilty to, sir?

19 A Accessory after the fact.

20 Q And was the agreement -- part of the agreement that
21 all the charges that I previously mentioned going to be
22 dismissed?

23 A Yes, sir.

24 Q And you are now awaiting sentencing?

25 A Yes, sir.

1 Q And in exchange for your pleading guilty to accessory
2 after the fact and the other charges being dismissed, what
3 were you required to do?

4 A Testify.

5 Q Were you told what to say?

6 A No, sir.

7 Q When you were arrested, did you provide a confession
8 to Investigator Chris Hammett?

9 A Yes, sir.

10 Q Was that done on the day of or the day after you were
11 arrested?

12 A The day of.

13 Q And, subsequently, you gave a second statement a few
14 days later?

15 A Yes, sir.

16 Q In your second statement, did you significantly
17 change what you were telling Investigator Hammett as to
18 what happened?

19 A Yes, sir.

20 Q Did you change what happened or --

21 A No, sir.

22 Q -- were you adding things?

23 A I didn't change what happened. My first line of the
24 statement --

25 Q Don't say what it said at this point. What type of

1 changes were you doing -- or were you adding things in the
2 second confession?

3 A Yes, sir.

4 Q Which one?

5 A The adding.

6 Q Have you maintained since the day you were arrested
7 the same story about what happened?

8 A Yes, sir.

9 Q Are you prepared to tell us today what happened?

10 A Yes, sir.

11 Q Let's begin with the obvious and the most critical
12 question here today. Would you name for this jury the
13 other four people -- or the other people who were involved
14 in this with you?

15 A Yes, sir.

16 Q Go ahead, sir.

17 A Lamar Williams, also, known as Scar Face; Richey
18 Boyd, also, known as Solo; Willie Taylor, known as Esco;
19 Jeff Dornberg; and myself, Scottie Butler.

20 Q All right. Let's begin with how you knew these
21 people. Let's start with Jeff Dornberg, how did you know
22 him?

23 A He is my baby mother's brother.

24 Q So you've known him for some time?

25 A Yes, sir. I've been with her for eight years.

1 Q Lamar Williams, do you see him in the courtroom?

2 A Yes, sir.

3 Q How long had you known Lamar Williams before this
4 incident?

5 A Maybe a year.

6 Q All right. Richey Boyd, I think you said he was
7 known as Solo. Did you know him before this incident?

8 A No, sir.

9 Q How many times had you seen him before the morning of
10 October 18th?

11 A Twice.

12 Q And what were the occasions that you saw him? And
13 we'll talk about the dates. But what was going on when
14 you saw him those other two times?

15 A We was going to Valley Road.

16 Q Going to the site of the incident on October 18th?

17 A Yes, sir.

18 Q Was this before October 18th?

19 A Yes, sir.

20 Q And why were y'all going there on two previous
21 occasions?

22 A To look at everything. They was going to scope it
23 out, you might as well say.

24 Q Scope it out for what purpose?

25 A To rob.

1 Q Willie Taylor, how long had you known him before this
2 incident?

3 A I don't.

4 Q I'm sorry?

5 A I don't.

6 Q Had you seen him before the morning of -- before the
7 morning of October 18th, had you ever seen him before?

8 A Before October 18th, I had seen him twice.

9 Q For the same reasons as Richey Boyd?

10 A Yes, sir.

11 Q Since October 18th, when you were arrested, have you
12 seen Willie Taylor?

13 A Yes, sir.

14 Q I'm sorry?

15 A Before --

16 Q You need to speak a little more loudly, and a little
17 more clear.

18 A Before October 18th, I seen him twice. But, as far
19 as that, I don't know him.

20 Q Since October 18th, and including today, have you
21 seen Willie Taylor?

22 A Yes, sir.

23 Q Where have you seen him?

24 A I saw him on -- I've seen him in jail.

25 Q Have you had any conversations with him?

1 A No, sir.

2 Q Y'all have been separated, basically?

3 A Yes, sir, kept separate.

4 Q All right. Between October 18th and October 24th,
5 when you gave your statement to law enforcement, did you
6 talk to Willie Taylor?

7 A Yes, sir.

8 Q When?

9 A The night the incident happened.

10 Q After the incident happened --

11 A No, sir.

12 Q -- and y'all left each other --

13 A No, sir.

14 Q -- until the time you gave your statement to law
15 enforcement, did you talk to Willie Taylor?

16 A No, sir.

17 Q Not at all?

18 A Not at all.

19 Q Between October 18th, when this incident happened,
20 and October 24th, when you gave your statement to law
21 enforcement, did you talk to anybody else as an
22 intermediary for Willie Taylor that spoke on his behalf to
23 you or for him?

24 A No, sir.

25 Q Did you attempt to make contact with him during those

1 days?

2 A No, sir.

3 Q As far as you know, did he attempt to make contact
4 with you?

5 A No, sir.

6 Q Was the statement you gave on October the 24th to law
7 enforcement independent of any conversations you had with
8 Willie Taylor?

9 A No, sir.

10 Q Was it independent and totally separate from any
11 conversations?

12 A Yes, sir.

13 Q Was it in any way in conjunction with or contrived
14 with Willie Taylor?

15 A No, sir.

16 Q All right, sir. Let's talk about what happened. And
17 I'm just going to kind of let you tell it. Begin with
18 y'all had gone up to this place, you said, a couple of
19 times before this incident?

20 A Yes, sir.

21 Q How did you come to be involved in this at all?

22 A I was asked by Lamar Williams to drive them up there.

23 Q All right. And this was the first time?

24 A Yes, sir.

25 Q Who was with y'all the first time?

1 A The first time, it was me, Lamar Williams, Solo,
2 which is Richey Boyd, Esco, which is Willie Taylor, and a
3 guy named Guatto. I don't know his real name.

4 Q Was that the first time you had seen this guy,
5 Guatto?

6 A Yes, sir.

7 Q And have you seen Guatto since that first time?

8 A No, sir.

9 Q You had never seen him before then, and you haven't
10 seen him since then?

11 A No, sir.

12 Q Now, let me ask you this. I want to be very clear,
13 and I want to make sure you understand my question.

14 A Yes, sir.

15 Q The first time you said y'all went, Guatto, and
16 Richey Boyd, known as Solo, were with y'all?

17 A Yes, sir.

18 Q Is there any way you're confusing and getting Guatto
19 and Richey Boyd confused, that they were the same person?

20 A No, sir.

21 Q They are two separate people?

22 A Yes, sir.

23 Q You're sure of that?

24 A I'm positive.

25 Q Okay. So the first time y'all went up there, about

1 how long before the 18th was that, a day before, a week
2 before?

3 A The 15th.

4 Q All right. And what did y'all -- about what time of
5 day or night was it?

6 A It was in the morning.

7 Q And what did y'all do?

8 A We just went up there. I pulled over on the side of
9 the road, and acted like my car was messed up. They got
10 out of the car. They went in the woods, from my
11 understanding, to scope it out.

12 Q And how long did they stay, just ballpark?

13 A Maybe an hour and a half.

14 Q And then they came back?

15 A Yes, sir.

16 Q What did y'all do then?

17 A We left.

18 Q And you were -- what kind of car were you driving?

19 A I was driving a blue Toyota Camry.

20 Q I'm sorry?

21 A A blue Toyota Camry.

22 Q And whose car was that?

23 A Jeff Dornberg's.

24 Q So on the 18th of October -- how did y'all end up
25 going up there on the 18th of October? How did you first

1 hear about this was going to happen, or happened?

2 A I was called by Lamar Williams. And he asked me was
3 I ready to go back up there.

4 Q When did you get this call?

5 A About 6:00 or 6:30.

6 Q On the 17th, the evening before?

7 A Yes, sir.

8 Q And where were you when you got the call?

9 A At America's Best Hotel.

10 Q And you agreed to go back?

11 A Yes, sir.

12 Q So what was the plan the next morning?

13 A To go up there, and nobody was supposed to be home.

14 They was going to go in -- there was supposed to be money

15 there. They was going to go in and get the money. And

16 there was supposed to be drugs. And they was going to get

17 that, and come out, and go home.

18 Q And we'll get to what, actually, happened in just a
19 moment. So you're at the America's Best Hotel, you said?

20 A Yes, sir.

21 Q Did you leave there by yourself?

22 A Yes, sir.

23 Q And where did you go first?

24 A Cadillac Apartments.

25 Q And is that in Laurens?

1 A Yes, sir.

2 Q Why did you go there?

3 A To pick up Lamar Williams and Jeff Dornberg.

4 Q And were Mr. Williams and Mr. Dornberg at the
5 Cadillac Apartments?

6 A Yes, sir.

7 Q Did you pick them up?

8 A Yes, sir.

9 Q Where did you go after that?

10 A After that, I let Lamar Williams drive. Jeff sat in
11 the passenger seat. And I sat in the back. We went from
12 there to Greenwood to Blake Road to pick up Solo, which is
13 Richey Boyd. And from there, we went to Greenville to
14 pick up Esco, which is Willie Taylor.

15 Q Let me go back to Greenwood and picking up Solo.
16 Where did you pick him up?

17 A On Blake Road.

18 Q Was it a house, or apartment, or what?

19 A It's like apartments.

20 Q And what was the name of the road?

21 A Blake Road.

22 Q And how did you know to go there?

23 A Lamar Williams gave me the directions.

24 Q All right. And when you went to Blake Road and
25 picked up this guy named Solo, was it the same guy that

1 was with you the first time y'all went and scouted it out?

2 A Yes, sir.

3 Q All right. And then you came back to Greenville, I
4 think you said, and picked up Esco?

5 A Yes, sir.

6 Q And where did you pick him up from, generally? Do
7 you know what road he lived on?

8 A No, sir.

9 Q How did you know how -- where to go to get him?

10 A Because I had been there before to get him.

11 Q When did you go get him before?

12 A The first time we went.

13 Q And how did you know how to go get him the first time
14 you went?

15 A Lamar Williams gave me the directions.

16 Q All right. Did Lamar Williams indicate, or did --
17 from your observation, was it clear that Lamar Williams
18 knew Esco?

19 A Yes, sir.

20 Q And they knew each other real well?

21 A Yes, sir.

22 Q And Lamar Williams knew how to get to his house?

23 A Yes, sir.

24 Q And he told you --

25 MR. COOKE: I really have to object to leading.

1 THE COURT: Sustained.

2 MR. COOKE: I want him to move on with it.

3 THE COURT: Don't lead, Mr. Weston.

4 BY MR. WESTON:

5 Q Just to make sure I'm clear and the jury is clear,
6 how did you know to get to Esco's house the first time?

7 A Lamar Williams.

8 Q Now, were you armed?

9 A No, sir.

10 Q Was anybody armed on the 18th?

11 A Yes, sir.

12 Q Who was armed?

13 A Lamar Williams.

14 Q Who else?

15 A Solo, Richey Boyd.

16 Q Who else?

17 A Esco, Willie Taylor.

18 Q Did you see their guns?

19 A Yes, sir.

20 Q What type of guns were they? Were they automatics or
21 revolvers?

22 A Revolvers.

23 Q Do you call Mr. Dornberg Charles Dornberg, or Jeff?
24 What do you call him?

25 A Jeff.

1 Q All right. Have you ever heard him referred to as
2 J.D.?

3 A Yes, sir.

4 Q Okay. So if I use the term "Jeff" or "J.D.," I'm
5 talking about Mr. Dornberg.

6 A Yes, sir.

7 Q Now, what kind of -- you were driving again; is that
8 correct?

9 A Yes, sir.

10 Q What were you driving this day?

11 A A 1999 Dodge Intrepid, maroon.

12 Q And whose car was that?

13 A My fiancée's.

14 Q So on the morning of the 18th, about what time did
15 you end up getting the last of the five of you -- the last
16 of the other four? About what time are we talking about
17 in the morning? Are we talking daylight yet?

18 A When we got there, it was daylight.

19 Q And what happened?

20 A They just -- pretty much the same thing. They went
21 there and nothing happened, because there was people at
22 home. They went in the woods. The people was home, so
23 nothing happened. They waited, you know, to see if they
24 would leave. Nobody left. So they all come back to the
25 car --

1 Q And --

2 A And they all -- it was Willie Taylor, Lamar Williams,
3 Richey Boyd, and Jeff Dornberg.

4 Q So they came back to the car. Why did they come back
5 to the car?

6 A Because nobody left.

7 Q And what did y'all do when they got back in the car?

8 A Left.

9 Q And where did you go?

10 A I took Esco home, which is Willie Taylor. I took
11 Richey Boyd home, which is Solo. I took Lamar home. And
12 I took Jeff home.

13 Q Now, is this the morning of the 18th, or is it before
14 the 18th?

15 A Before the 18th.

16 Q Now, I want to talk about the morning of the 18th.

17 A Okay.

18 Q Let's start with that morning. Because you were
19 talking about the -- I had asked you about the evening of
20 the 17th, and you said you got a phone call about going
21 the next morning?

22 A Yes, sir.

23 Q So, now, we're on the morning of the 18th.

24 A Okay.

25 Q Without going back through your testimony -- well, in

1 fact, let's go back through it. Who did you pick up
2 first?

3 A Lamar Williams and Jeff Dornberg.

4 Q Where at?

5 A Cadillac Apartments.

6 Q In what city?

7 A Laurens County.

8 Q Where did you go next?

9 A From there, I went to Greenwood on Blake Road to pick
10 up Richey Boyd.

11 Q And where did you go next?

12 A From there, I went to Greenville to pick up Willie
13 Taylor.

14 Q And do you remember the name of the street that
15 Willie Taylor lived on?

16 A No, sir. I didn't know the street, but I showed
17 them -- showed the police.

18 Q So once you picked the four of them up, was it still
19 dark outside on the 18th?

20 A Yes, sir.

21 Q All right. And about what time are we talking
22 about?

23 A It was -- this was on the 17th, and we stayed there
24 all night. I left at 6:00 to 6:30 p.m. on the 17th,
25 picked Lamar Williams up and Jeff Dornberg.

1 Q Okay.

2 A From there, I went to Blake Road to pick up Richey
3 Boyd. From there, we went to Greenville to pick up Willie
4 Taylor. And this was about 10:30 or 11:00.

5 Q All right.

6 A At night.

7 Q Where did y'all go from there?

8 A From there, we went to Travelers Rest to Valley Road.

9 Q Before you went to Travelers Rest, did y'all make any
10 stops for gas, or anything like that?

11 A Yes, sir.

12 Q Where did you stop?

13 A We stopped at a Spinx.

14 Q Was that here in Greenville?

15 A Yes, sir -- well, in between Greenville and Travelers
16 Rest.

17 Q And, after you stopped there -- about how long did
18 you stay there, just to go in and buy some things, or
19 what?

20 A Yes, sir, maybe about 10 minutes.

21 Q After you left the Spinx, then where did you go?

22 A We went to Valley Road.

23 MR. WESTON: Your Honor, if I may, I would like for
24 the witness to step down to the placard.

25 THE COURT: You may.

1 BY MR. WESTON:

2 Q I need you to step down right here. And when you
3 step down, Mr. Butler, I'm going to be asking you some
4 questions, I'm going to ask that you speak loudly, because
5 you don't have the microphone.

6 A (Witness complied.)

7 Q I need you to look at this placard here.

8 A Yes, sir.

9 Q Do you recognize that, what has been identified as
10 Mr. Cruell's house and his parents house? Do you
11 recognize these streets?

12 A Yes, sir.

13 Q All right, sir. Tell the jury where you pulled your
14 car in.

15 A There's a bridge that's right in here. And there's a
16 road that's like a hill, like a gravel road right here.
17 And I backed my car up right here. And they got out and
18 went up in the woods here. And from there, they went to
19 the trailer. Where they was at up there, I don't know.

20 Q That's fine, sir. Just resume your seat, please.

21 A (Witness complied.)

22 Q So once they went into the -- who all went into the
23 woods?

24 A Lamar Williams, Richey Boyd, Willie Taylor, and Jeff
25 Dornberg.

1 Q All right. And did they -- did the three of them
2 that you described as having guns take their guns with
3 them?

4 A Yes, sir.

5 Q And how long were they in the woods before you had
6 any contact with them?

7 A Since about 2:30, maybe 3:00. And they called me on
8 the -- Lamar Williams called me on the walkie-talkie and
9 told me they was cold. So they came back to the car.

10 Q So, now, you mentioned walkie-talkies. So y'all were
11 not using cell phones?

12 A No, sir.

13 Q Why not?

14 A Because we was scared it would make a noise and
15 somebody would hear it.

16 Q All right. So who called you on the cell phone?

17 A Lamar Williams called me on the cell phone.

18 Q And what did he want? What did he say?

19 A This was at the end of it. He called me on the cell
20 phone after.

21 Q Now, let's go back. You said he called you on the
22 walkie-talkie at about 2:30 in the morning?

23 A Yes, sir.

24 Q What did he want?

25 A He wanted to come back to the car, because they was

1 cold.

2 Q So did that happen?

3 A Yes, sir.

4 Q Tell the jury what happened next.

5 A After that, they sat in the car for maybe 30 minutes.

6 They got back out and went back to where they was posted

7 at. And I got nervous. I was sitting there. I was

8 scared about people riding up and down the road, so I

9 left. I went to a church.

10 There's a church up there that's off the road.

11 There's a church up there. I sat there for maybe 20

12 minutes. And I left there, and I went to the Ingles

13 parking lot. And, from there, I sat in the Ingles parking

14 lot until about 7:00 or 7:30.

15 Q What was the next thing you heard?

16 A I left there because it was daylight and people

17 driving by. So I left there because you can't get no

18 reach on the walkie-talkies. So I left there and drove up

19 and down the road a couple of times. And I didn't hear

20 nobody. I went back to the church. And when I got there,

21 I wasn't there maybe five minutes and Lamar Williams come

22 back over the walkie-talkie.

23 Q What did he say?

24 A He was out of breath. He told me to hurry up, hurry

25 up, come on, come on.

1 Q So what did you do?

2 A I left there. I sped up there and I left. And when
3 I got there, he got in the car -- Lamar Williams got in
4 the car. He was out of breath. He was shaking. He told
5 me, I shot him. He told me, I shot a man. And he said he
6 killed him. He said he knew he died, because he heard him
7 choke on his blood.

8 Q And Lamar Williams told you that?

9 A Yes, sir.

10 Q Who all got in the car?

11 A Lamar Williams got in the car first. And it was
12 Jeff, Willie Taylor, and Richey Boyd.

13 Q All right. So what did y'all do after they got back
14 in the car?

15 A When they got back in the car, I took them home. I
16 took Willie Taylor home first.

17 Q Take your time. Let's make sure we're clear. Where
18 did you go first to drop somebody off?

19 A First, I went to drop Willie Taylor off. He didn't
20 want me to drop him off at his house, so I dropped him off
21 a couple of houses down in the road. And from there, he
22 walked to his house.

23 Then I dropped Solo off, which is Richey Boyd, on
24 Blake Road. And then I dropped Lamar Williams off at
25 his -- he told me it was his wife's house, or his

1 fiancée's house. And, as we was going there, I'd say
2 maybe five miles from there, he rolled down the window,
3 took the bullets out of the gun one by one and started
4 throwing them out.

5 Q Who is "he"?

6 A Sir?

7 Q Who is "he" that did that?

8 A Lamar Williams.

9 Q All right. Let's go back to where you dropped him
10 off. Where did you drop Lamar Williams off at?

11 A At his fiance's -- wife's house.

12 Q Do you know what her name is?

13 A No, sir.

14 Q All right. And about what time is this when you
15 dropped him off there?

16 A Maybe 10:00, maybe 9:30, 10:00 in the morning.

17 Q All right. And he had been with you all night?

18 A Yes, sir.

19 Q After you dropped them off, what did you do?

20 A After I dropped Lamar Williams off there, I took J.D.
21 back -- Jeff back to Cadillac Apartments where his car
22 was. And then from there, I went back to America's Best
23 Inn.

24 Q When was the next time you talked to any of these
25 people?

- 1 A About 6:30 that night later on that evening.
- 2 Q Who did you talk to?
- 3 A Lamar Williams.
- 4 Q Did you call him, or did he call you?
- 5 A He called me.
- 6 Q And what did he want?
- 7 A He wanted to meet up and talk about what happened.
- 8 Q All right. Did you meet up with him?
- 9 A Yes, sir.
- 10 Q Was anybody else present?
- 11 A Yes, sir.
- 12 Q Who was that?
- 13 A Jeff Dornberg.
- 14 Q Was Richey Boyd there?
- 15 A No, sir.
- 16 Q Was Willie Taylor there?
- 17 A No, sir.
- 18 Q And so where did y'all meet up at?
- 19 A At the America's Best Motel.
- 20 Q All right. And did y'all talk about what happened?
- 21 A Yes, sir.
- 22 Q Was there any discussion about the bullet?
- 23 A Yes, sir.
- 24 Q What was the discussion?
- 25 A The discussion was that when he shot him, the bullet

1 went straight through him -- straight through the victim,
2 and it somehow ended up in Richey Boyd's boots.

3 Q Who said that?

4 A Lamar Williams.

5 Q All right. Now, when they went in to -- when they
6 got out of your car, was anybody wearing gloves?

7 A Yes, sir.

8 Q Who was wearing gloves that you can remember?

9 A Lamar Williams, Richey Boyd, and Willie Taylor.

10 Q Did anybody have anything over their face?

11 A Yes, sir.

12 Q Who was wearing what, and what were they wearing?

13 A Lamar Williams was wearing like a scream mask. And
14 Richey Boyd, he had a beanie on. And I'm not sure what he
15 had over his face. Willie Taylor had like a shirt or
16 something over his face.

17 Q All right. Now, would you describe Richey Boyd to
18 the jury?

19 A Yes, sir. He's about 6'3". He's dark skinned. When
20 I seen him, he had dreads. He had small dreads. He was
21 wearing a -- wearing -- what do you call it -- a wave cap
22 and a beanie. He had on a black jacket, black shirt,
23 black pants, and black shoes.

24 Q All right. Is there anything about his mouth that
25 sticks out in your mind?

1 A Yes. He had a gold tooth.

2 Q Top or bottom?

3 A Top.

4 Q All right. Have you talked -- did you talk to -- you
5 met with Jeff Dornberg and Lamar Williams, you said, after
6 the incident that evening?

7 A Yes, sir.

8 Q Have you talked to Jeff Dornberg since then about
9 this incident?

10 A No, sir.

11 Q All right. Now, you were -- when you were arrested,
12 you gave a statement to the police?

13 A Yes, sir.

14 Q Was your lawyer present?

15 A No, sir.

16 Q All right. And you were told about the charges that
17 were lodged against you; is that correct?

18 A Yes, sir.

19 Q And the statement was typed up?

20 A Yes, sir.

21 Q Did you read over it before you signed it?

22 A Yes, sir.

23 Q And did you, in fact, sign this statement?

24 A Yes, sir.

25 Q Now, you were, also, shown a photo lineup of Richey

1 Boyd -- that was supposed to have contained Richey Boyd;
2 is that correct?

3 A Yes, sir.

4 Q You were not able to pick him out of that lineup,
5 were you?

6 A No, sir.

7 MR. WESTON: Thank you, sir.

8 Answer any questions Counsel may have for you.

9 MR. GODFREY: May it please the Court.

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. GODFREY:

13 Q Good morning, Mr. Butler.

14 A Good morning.

15 Q I want to start off, I want to go over this again to
16 make sure that I understand it. Now, you have known Jeff
17 Dornberg for about eight years?

18 A Yes, sir.

19 Q And you know him because you all date sisters?

20 A Yes, sir.

21 Q And the sister that you dated, is that your fiancée?

22 A Yes, sir.

23 Q That's the girl you have your children with?

24 A Yes, sir.

25 Q Is Jeff Dornberg married to the other girl?

1 A No, sir.

2 Q Have they been together for a long time?

3 A Yes, sir.

4 Q So you have seen Jeff Dornberg, and have known him
5 very well for eight years?

6 A Yes, sir.

7 Q Okay. Now, Lamar Williams, you say you've known him
8 for about a year?

9 A Yes, sir, about a year, give or take.

10 Q How did you meet him?

11 A I met him -- this is how I met him. My mom, she's a
12 dope head. Okay. And that's how I met him, because she
13 used to go buy dope from him.

14 MR. COOKE: Your Honor, could I interrupt and just
15 get him to speak into the microphone a little more?

16 THE WITNESS: Okay.

17 THE COURT: Thank you, sir.

18 THE WITNESS: My mom, she uses crack cocaine, and I
19 took her to go get some from him. And that's how I met
20 him.

21 BY MR. GODFREY:

22 Q And how often -- it was about a year -- you knew him
23 for about a year. So you saw him how many times over the
24 course of that year?

25 A Maybe five. He's -- I don't hang out with him.

1 Q Okay. Now, Willie Taylor, how did you meet him?

2 A I met him through Lamar Williams.

3 Q You don't hang out with Lamar, but you met Willie
4 Taylor through Lamar?

5 A Yes, sir. This was in October. This was -- Lamar
6 and Jeff hang out a lot. Okay. I didn't hang out -- I
7 don't hang with him. I hang out with Jeff.

8 When he and Jeff come got me, we got some beers and
9 we went to these girls house in Greenwood. And Face -- we
10 went and picked Face up. And that's how I started getting
11 back in contact with Face.

12 Q Okay. So there was a period of time over the year
13 that you didn't see him probably for weeks at a time?

14 A Yes, sir. And I didn't hang out with him, or didn't
15 talk to him.

16 Q So when this renewal -- or when y'all got together
17 for beer over at this girl's house, how close in time was
18 that to the October incident?

19 A Maybe the 14th, or the 13th.

20 Q Okay. Now, Richey Boyd, how do you know Richey Boyd?

21 A Through Lamar Williams.

22 Q And when did you meet Richey Boyd through Lamar
23 Williams?

24 A Whenever -- the same way I met Willie Taylor, when I
25 went and picked them up.

1 Q So that would have been October the --

2 A The first time was October the 15th.

3 Q October the 15th. And that's the night that you say
4 you went up to Travelers Rest?

5 A It was the morning.

6 Q Well, it was on the 15th?

7 A Yes, sir.

8 Q That you went up to Travelers Rest?

9 A Yes, sir.

10 Q That was supposed to be some kind of dry run?

11 A Yes, sir.

12 Q Who was running the show?

13 A Lamar Williams.

14 Q What was Willie Taylor doing?

15 A He was right there with him, you know.

16 Q When you say "right there with him" --

17 A Like, you know, he agreed with him, you know. He
18 knew the guy -- Willie Taylor knew the guy, you know. But
19 Lamar Williams knew Willie Taylor and Richey Boyd, you
20 know. So that's how it all got set up.

21 Q All right. So it appeared to you that Richey Boyd --
22 excuse me. It appeared to you that Lamar Williams and
23 Willie Taylor were, basically, the ones in control, or
24 telling people what do?

25 A Yes, sir.

1 Q All right. I see. Now, you just testified that on
2 the -- the first time y'all went to Travelers Rest on
3 October the 15th that Lamar Williams, Esco, Solo, and Jeff
4 Dornberg, and you went up there?

5 A No, sir.

6 Q That's not what you said?

7 A No, sir. It wasn't Jeff Dornberg. It was Guatto.

8 Q You wrote a statement and you signed a statement?

9 A Yes, sir.

10 Q On October the 22nd, 2010?

11 A Yes, sir.

12 Q And that's the statement the Solicitor has been
13 asking you about?

14 A Yes, sir.

15 MR. GODFREY: Your Honor, may I approach the witness?

16 THE COURT: You may.

17 BY MR. GODFREY:

18 Q Is this the statement that you wrote on October the
19 22nd?

20 A Yes, sir.

21 Q Is that your signature?

22 A Yes, sir.

23 Q Is this your statement?

24 A Yes, sir.

25 Q Is that your initials by the first line?

1 A Yes, sir. That was the line I told -- it was a
2 lie -- that line right there was a lie. I was scared.
3 But then I corrected on the 24th.

4 Q Okay. So you're saying this line was a lie?

5 A Yes, sir.

6 Q So does that mean that Guatto was with you on the
7 15th?

8 A Yes, sir.

9 Q When did you first provide the information that
10 Guatto was with you on the 15th?

11 A I went and picked him up.

12 Q No. To law enforcement or the Government, when did
13 you tell them that Guatto was there?

14 A I didn't.

15 Q You didn't?

16 A No, sir.

17 Q So when did you decide to correct this first
18 statement that Guatto was there?

19 A I didn't. I was approached by -- asking who was
20 Guatto.

21 Q When was that?

22 A When Officer Hammett come and asked me.

23 Q I'm sorry?

24 A When Investigator Hammett come asked me did I know
25 Guatto. And then I told him that was one of the guys that

1 went with us the first time, but he didn't go with us no
2 more.

3 Q So did you sign another statement indicating that?

4 A No, sir. He never brought it back to me. We was
5 supposed to fix it, but it never happened.

6 Q Okay. So this first sentence was wrong?

7 A Yes, sir. That we went up there to buy two ounces of
8 marijuana, yes, sir, it was wrong. We went up there, but
9 it wasn't to buy no drugs.

10 Q And it was wrong in that Guatto's name was left out
11 of it?

12 A Guatto's name was left out, and Jeff Dornberg's was
13 put in.

14 Q Where was Guatto picked up?

15 A In Greenwood.

16 Q Where?

17 A I don't know. I was given directions by Lamar
18 Williams to pick him up.

19 Q Now, in your statement, you indicated that you got a
20 phone call after the incident; is that right?

21 A Yes, sir.

22 Q And who was it that called you?

23 A Lamar Williams.

24 Q And you all talked about it a little bit?

25 A Yes, sir.

1 Q And then you say he wanted to meet?

2 A Yes, sir. We met up at the America's Best Inn.

3 Q And when you say "we" --

4 A Me --

5 Q -- that was Jeff Dornberg, you, and Lamar Williams?

6 A Yes, sir.

7 Q What was the purpose of meeting?

8 A To talk about what had happened.

9 Q Now, law enforcement showed you a photo lineup on
10 October the 29th, and you couldn't pick out Richey Boyd;
11 right?

12 A No, correct.

13 Q You don't know Richey Boyd at all, do you?

14 A I don't know him personally, no.

15 Q I see. You just know him from --

16 A From the incident.

17 Q From picking him up in Greenwood on one date and
18 going to Travelers Rest, and then going back to Greenwood,
19 and then picking him up on the date of the incident, and
20 then driving to Travelers Rest and then driving back?

21 A Correct.

22 Q And, of course, you weren't driving the whole time,
23 Lamar picked him up; right?

24 A Yes, sir. I picked him up the first time. I drove
25 the first time. And on the night of the incident, Lamar

1 drove to pick him up. And when we got to Esco's house, me
2 and Lamar switched seats. It was me in the driver's seat,
3 Lamar was in the passenger seat, Willie Taylor, Richey
4 Boyd, and Jeff Dornberg were in the back.

5 Q I see. Now, the Solicitor has talked about
6 everything that you were charged with?

7 A Yes, sir.

8 Q Murder, and burglary first, and kidnapping, and
9 attempted armed robbery, possession of a weapon during the
10 commission of a violent crime --

11 A No possession of a weapon.

12 Q Okay.

13 A Conspiracy.

14 Q Conspiracy?

15 A Yes, sir.

16 Q And there is an agreement. You pled guilty
17 immediately before this trial, didn't you?

18 A Yes, sir.

19 Q And you pled guilty to accessory after the fact?

20 A Yes, sir, of A, B, C, or D felony.

21 Q Right. And all the other charges are dismissed?

22 A Yes, sir.

23 Q And you're not going to be sentenced until after this
24 trial is over?

25 A Yes, sir.

1 Q And that was your understanding?

2 A Yes, sir.

3 MR. GODFREY: Thank you.

4 THE WITNESS: Yes, sir.

5 MR. COOKE: May it please the Court.

6 THE COURT: Yes, sir.

7 CROSS-EXAMINATION

8 BY MR. COOKE:

9 Q How are you doing, Mr. Butler?

10 A Yes, sir.

11 Q My name is Larry Cooke. I'm the lawyer who's
12 representing Mr. Williams, who is sitting over there at
13 the table in the blue shirt.

14 A Yes, sir.

15 Q I'm just curious, you had mentioned that -- by the
16 way, you gave this statement -- some -- how many days after
17 the alleged incident?

18 A Four days.

19 Q Four days. Okay. And who all did you talk with
20 between then and the time you gave this statement? How
21 many people did you talk to?

22 A Just Lamar Williams and Jeff Dornberg.

23 Q Okay. Nobody else?

24 A No, sir.

25 Q Okay. And you had mentioned you were down in the

1 jail. And I believe the Solicitor was trying to make out
2 like you didn't have contact with any of these Defendants
3 since you've been in jail?

4 A Yes, sir. We are all kept separate.

5 Q Yeah. But there are ways to communicate down at the
6 LEC, aren't there?

7 A Yeah.

8 Q I mean, you guys, it's kind of get away with most
9 anything you want to down there as far as communicating?

10 A Kind of.

11 Q Well, you can write your girlfriend?

12 A Yeah.

13 Q Okay. And then she can write so and so. There's
14 ways to communicate?

15 A Yes, sir. I understand.

16 Q Okay. You know what I'm talking about?

17 A Yes, sir.

18 Q All right. I'm curious about this walkie-talkie.
19 You said that you received a message on the walkie-talkie;
20 is that correct?

21 A Yes, sir.

22 Q What happened to the walkie-talkies?

23 A They were supposed to be picked up by Officer
24 Hammett.

25 Q I'm sorry?

1 A They were supposed to be picked up by Officer
2 Hammett.

3 Q So you don't know anything about what happened to the
4 walkie-talkies?

5 A No, sir.

6 Q And you date -- y'all date sisters, you and Jeff?

7 A Yes, sir.

8 Q Y'all have been very close friends?

9 A Yes, sir.

10 Q Okay. And you've been able to call your girlfriend,
11 and he's been able to call his?

12 A No. My sister is dead.

13 Q I mean, your girlfriend.

14 A Yes, sir.

15 Q Do you use drugs?

16 A No, sir.

17 Q You never have?

18 A Yes, sir, I have.

19 Q Well, what have you used?

20 A I've used methamphetamines. I've used marijuana.
21 I've took pills, drank.

22 Q So what were you using the day of this incident?

23 A Marijuana.

24 Q So y'all had smoked up a bunch of marijuana?

25 A No, not a bunch, just one blunt.

1 Q One?

2 A Yes, sir.

3 Q What does that do to you?

4 A Just calms me down.

5 Q Calms you down?

6 A Yes, sir.

7 Q Okay. And you made a deal with the Solicitor. When
8 was that deal made?

9 A Maybe two weeks ago.

10 Q So two weeks ago. So you agreed if they kept you
11 from going to prison -- did you know you could get life in
12 prison for murder?

13 A Yes, sir.

14 Q Would you tell a lie to keep from going to prison for
15 the rest of your life?

16 A No, sir.

17 Q You wouldn't?

18 A No, sir.

19 Q Okay. So you're only staring at -- what's the
20 possibilities of you going to jail? Do you have any idea
21 what you're staring at?

22 A Yes, sir.

23 Q What?

24 A A lot of time.

25 Q Well, give me an idea. Do you know?

1 A No, sir, not really. I can get 15 years violent, 15
2 years non-violent.

3 Q So you can get up to 15 years on this thing?

4 A Yes, sir. When I took the guilty plea of accessory
5 after the fact, yes, sir, zero to 15.

6 Q That's right. So you made that deal to keep from
7 going to jail for the rest of your life?

8 A Yes, sir.

9 Q I want to ask you --

10 MR. COOKE: May I approach the witness, Judge?

11 THE COURT: You may.

12 BY MR. COOKE:

13 Q Do you recognize this handwriting?

14 A Yes, sir.

15 Q Is that your handwriting?

16 A Yes, sir.

17 Q And do you see the date on that?

18 A Yes, sir.

19 Q December the 1st, 2010?

20 A Yes, sir.

21 Q Could you tell me what that's all about? What does
22 that say?

23 A That says, I, Scottie Butler, am writing at my own
24 free will giving this statement that Lamar Williams did
25 not have anything to do with the crime, Scottie Butler.

1 Q And do you admit you signed that, and you wrote that?

2 A Yes, sir.

3 Q Mr. Butler, isn't it true that you, Willie Taylor,
4 and Jeff Dornberg put masks on, put gloves on, took
5 your girlfriend's car, and went into that trailer to rob
6 it?

7 A No, sir.

8 Q It's not?

9 A No, sir.

10 Q And you wouldn't tell a lie to save your life, would
11 you?

12 A No, sir. I didn't tell a lie when I wrote my
13 statement. That's before my lawyer was present. And I
14 have no reason to do so now, sir.

15 MR. COOKE: No further questions.

16 Thank you, Mr. Butler.

17 MR. WESTON: Just a couple on redirect, if I may.

18 THE COURT: Yes, sir.

19 REDIRECT EXAMINATION

20 BY MR. WESTON:

21 Q Mr. Butler, let's talk about this statement Counsel
22 just asked you about. I don't know where he put it.

23 MR. COOKE: It's right here.

24 MR. WESTON: May I have that?

25 MR. COOKE: You have one.

1 BY MR. WESTON:

2 Q Who wrote the actual statement? Not the signature at
3 the bottom, but who wrote it?

4 A Lamar Williams wrote it. I signed it. I put my name
5 right there, Scottie Butler. And I signed it Scottie
6 Butler.

7 Q And the date of it is December 1st, 2010; is that
8 correct?

9 A Yes, sir.

10 Q And where were you when this statement was written?

11 A In the Greenville County Detention Center, inside the
12 rec court..

13 Q When you signed this statement, where was Lamar
14 Williams?

15 A In the rec court with me.

16 Q How far away was he from you?

17 A Five feet, if that.

18 Q How did you get this statement?

19 A He gave it to me.

20 Q And what was he supposed to do for you in exchange
21 for giving this statement?

22 A Sign the same thing. He said he had already given it
23 to his lawyer.

24 Q With that said, you didn't have anything to do with
25 it?

1 A Yes, sir. I tried to get him to write me one. But
2 he said he already gave it to his lawyer, and there was no
3 reason for it.

4 Q This is his lawyer?

5 A Yes, sir.

6 Q Did he ever give you your statement?

7 A No, sir.

8 Q He kind of tricked you, didn't he?

9 A Yes, sir.

10 Q Now, Counsel implied that you have now -- you're
11 fabricating the story about Lamar Williams?

12 A Yes, sir.

13 Q You gave a statement on the 24th of October of 2010?

14 A Yes, sir.

15 Q To law enforcement?

16 A Yes, sir.

17 Q Without even a lawyer present?

18 A Without a lawyer present, I waived my rights and
19 answered on my own free will. I wasn't offered nothing.
20 I wasn't promised nothing. I did it because, you know, I
21 knew the fact that I could face the rest of my life in
22 prison. And I just couldn't deal with the conscience on
23 my chest, you know. I've got two kids. And, you know, I
24 guess I deserve prison time. I don't say I don't. But
25 did I kill anybody? No.

1 Q Did you tell the police in your statement on the 24th
2 pretty much the same thing you're telling this jury today?

3 A The exact same thing.

4 Q Did you name the same people?

5 A Yes, sir.

6 Q Including Lamar Williams?

7 A Including Lamar Williams.

8 Q Including Richey Boyd?

9 A Including Richey Boyd.

10 MR. WESTON: Thank you, sir.

11 THE COURT: Any questions, Mr. Godfrey?

12 MR. GODFREY: I beg the Court's indulgence for just a
13 second.

14 (Pause.)

15 MR. GODFREY: Just one question.

16 RECROSS-EXAMINATION

17 BY MR. GODFREY:

18 Q The first statement you gave, there was -- the first
19 sentence in that statement was wrong?

20 A Yes, sir.

21 Q You left out Guatto's name?

22 A Yes, sir.

23 Q And then that was corrected later?

24 A Yes, sir.

25 MR. GODFREY: Thank you.

1 MR. COOKE: I have no further questions.

2 THE COURT: Anything further, Mr. Weston?

3 MR. WESTON: No, ma'am, Your Honor.

4 THE COURT: All right. You may be excused, sir.

5 MR. COOKE: Excuse me. Could I ask him one
6 question -- no, that's okay.

7 THE COURT: That's okay.

8 MR. COOKE: No.

9 Thank you, Judge.

10 I don't need to ask him anything else.

11 THE COURT: All right. You may step down.

12 MR. WESTON: The State will call Mr. Charles Jeffrey
13 Dornberg.

14 THE CLERK: Mr. Dornberg, if you'll come around to be
15 sworn in, please.

16 Place your left hand on the Bible and raise your
17 right, please.

18 WHEREUPON,

19 CHARLES JEFFREY DORNBERG,
20 after first having been duly sworn, testified as follows:

21 THE CLERK: Thank you.

22 You may be seated.

23 THE COURTROOM OFFICER: Slide up to the microphone
24 and speak loud and clear.

25 THE CLERK: Would you, please, state your name for

1 the record.

2 THE WITNESS: Charles Jeffrey Dornberg.

3 THE CLERK: Thank you.

4 DIRECT EXAMINATION

5 BY MR. WESTON:

6 Q Mr. Dornberg, how old are you?

7 A 23.

8 Q And I'm going to ask you to speak loudly so the
9 jurors down on this end can hear you.

10 A Yes, sir.

11 Q Thank you.

12 Are you married, sir?

13 A No, sir.

14 Q Do you have any children?

15 A Yes, sir.

16 Q What are their ages and sexes?

17 A Excuse me?

18 Q What are their ages and sexes, boys, girls?

19 A All four boys.

20 Q And how old are they?

21 A Two, three, five, and six.

22 Q Okay. Now, you've been in the detention center in
23 Greenville since about October of 2010; is that correct?

24 A Yes, sir.

25 Q Prior to that time, where were you living?

- 1 A In Williamston, South Carolina.
- 2 Q And were you employed?
- 3 A No, sir.
- 4 Q All right. Now, let's just cut to the heart of this.
- 5 You have pled guilty to the crime of voluntary
- 6 manslaughter; is that correct?
- 7 A Yes, sir.
- 8 Q And you pled right before the beginning of this
- 9 trial; is that correct, sir?
- 10 A Yes, sir.
- 11 Q You were not sentenced. And your sentencing is going
- 12 to be deferred until after this trial; is that correct,
- 13 sir?
- 14 A Yes, sir.
- 15 Q And, prior to pleading guilty, you were charged with
- 16 the offenses of conspiracy?
- 17 A Yes, sir.
- 18 Q Attempted armed robbery?
- 19 A Yes, sir.
- 20 Q You were charged with kidnapping?
- 21 A Yes, sir.
- 22 Q You were charged with burglary first degree?
- 23 A Yes, sir.
- 24 Q And you were charged with murder; is that correct?
- 25 A Yes, sir.

1 Q And do these charges stem from an incident that
2 occurred on October 18th, 2010, up in Travelers Rest?

3 A Yes, sir.

4 Q Just flat out, did you participate and were you
5 guilty of all the charges I just named from the standpoint
6 of you participating -- your participation?

7 A Yes, sir.

8 Q Now, I'm not suggesting that you, actually, shot
9 somebody. But were you a part of the group that did those
10 things?

11 A Yes, sir.

12 Q And in exchange for your pleading guilty to voluntary
13 manslaughter, all of those charges were dismissed; is that
14 correct?

15 A Yes, sir.

16 Q Or will be dismissed. I'm sorry. And, in return,
17 what do you have to do to get that deal?

18 A Testify.

19 Q Were you told how to testify?

20 A No, sir.

21 Q Were you told what to say?

22 A No, sir.

23 Q What were you told about your testimony?

24 A To tell the truth.

25 Q All right, sir. And that's all you have to do to get

1 the deal?

2 A Yes, sir.

3 Q Let's now go to how you know the other parties
4 involved. Were you present on the morning of October the
5 18th, 2010, at [REDACTED] here in Greenville -- here
6 in Travelers Rest? I'm sorry.

7 A Yes, sir.

8 Q And were you in the home when Wallace Cruell was
9 shot?

10 A Yes, sir.

11 Q How did you -- let's begin -- who all was -- who all
12 participated, in addition to yourself, in the crimes I
13 just outlined? Tell the jury their names.

14 A Myself, Scottie Butler, Lamar Williams, Esco, and
15 Solo.

16 Q Do you know Esco's real name?

17 A Yes, sir.

18 Q What is it?

19 A Willie Taylor.

20 Q Do you know Solo's real name?

21 A Yes, sir.

22 Q What is it?

23 A Richey Boyd.

24 Q And let's go down the line here with, I guess, the
25 easiest first. How do you know Scottie Butler -- or how

1 did you know him back then? And when I ask you this, I'm
2 talking about back in October of 2010, how you knew him
3 and about how long you had known him?

4 A I have four kids with his sister. I've probably
5 known Scottie maybe six or seven years.

6 Q How did you know Lamar Williams?

7 A I met him through a friend.

8 Q And, in October of 2010, how long had you known him,
9 ballpark?

10 A Maybe a year and a half.

11 Q Did y'all hang out together from time to time?

12 A Yes, sir.

13 Q All right. Did you know Richey Boyd before October
14 10th -- October 18th, 2010?

15 A No, sir.

16 Q Did you know Willie Taylor before October the 18th,
17 2010?

18 A No, sir.

19 Q Y'all didn't -- with regard to the last two names,
20 Willie Taylor and Richey Boyd, y'all didn't hang out
21 before then?

22 A No, sir.

23 Q How did you come to be in the home up in Travelers
24 Rest that morning with people you didn't even know? I
25 mean, what was your connection to these people?

1 A I knew -- Face introduced me to them.

2 Q By Face, you mean who?

3 A Lamar Williams.

4 Q All right. And let's go back to how did this all get
5 started. Did it start that day, or had y'all been up
6 there before?

7 A That was the first time that I had been there. But I
8 do know that they had been there before.

9 Q What was the reason -- do you know why they went
10 there before?

11 A I guess to kind of scope out the place.

12 Q So how did you know to go on October the 18th, 2010?
13 How did that come up? How did you first find out this was
14 going to happen?

15 A Well, I first found out about it when me and Lamar
16 was riding down the road, and he told me about a good
17 lick.

18 Q Tell the jury what a "lick" is.

19 A I guess a robbery.

20 Q And what did he tell you about this lick?

21 A He said that it was a lot of dope, and a lot of
22 money.

23 Q All right. And you agreed to participate?

24 A Yes, sir.

25 Q Nobody forced you?

1 A No, sir.

2 Q And so about how long before October 18th was that?
3 The day before? A couple days before, or what?

4 A The day before.

5 Q All right. And how did you get in with everybody
6 that morning? How did you get up with them?

7 A Scottie came to get me. Scottie Butler came and
8 picked me up, me and Lamar.

9 Q Where were y'all at?

10 A Cadillac Apartments.

11 Q In Laurens?

12 A Yes, sir.

13 Q And what kind of car was Scottie driving?

14 A A Dodge Intrepid.

15 Q Do you know who it belonged to?

16 A Christie Childs.

17 Q And that's your sister?

18 A Yes, sir.

19 Q And after he picked y'all up, where did y'all go
20 next?

21 A To Greenwood.

22 Q And who did you pick up in Greenwood?

23 A Richey Boyd.

24 Q Does Richey Boyd have a nickname?

25 A Solo.

1 Q And do you remember where y'all went in Greenwood to
2 pick him up?

3 A Kind of downtown Greenwood.

4 Q Did you go to a house, or apartments?

5 A A house.

6 Q And did -- how did Scottie Butler know how to get
7 there?

8 A I think Lamar showed him how a little bit of the way
9 how to get there.

10 Q Once you picked up Richey Boyd, now, it's you,
11 Scottie Butler, Richey Boyd, and Lamar Williams. Where
12 did y'all go next?

13 A Greenville.

14 Q And who did you pick up in Greenville?

15 A Esco.

16 Q And Esco is Willie Taylor, I think you said; is that
17 correct?

18 A Yes, sir.

19 Q Did you know how to get to his house?

20 A No, sir.

21 Q All right. Was that morning the first time you had
22 ever seen him?

23 A Yes, sir.

24 Q Was that morning the first time you had ever seen
25 Richey Boyd?

1 A Yes, sir.

2 Q All right. Once y'all picked up Esco, then what did
3 you do?

4 A Headed towards Travelers Rest.

5 Q Did y'all make any stops along the way before you got
6 there?

7 A At a Spinx.

8 Q And just to do some shopping, get a couple of items,
9 or something?

10 A Get gas and, from my understanding, they bought a
11 Black and Mild, and Cigarillo wrap.

12 Q Once you got to Travelers Rest, did everybody get
13 out -- just to give you an example of what I mean, did
14 Scottie Butler park the car and everybody get out, or, how
15 did that work?

16 A Scottie didn't get out.

17 Q Did he let y'all out down on the main road?

18 A On a bridge.

19 Q And once he let y'all out -- it's still dark outside
20 at this point, I assume?

21 A Yes, sir.

22 MR. COOKE: I object to leading.

23 THE COURT: Sustained.

24 Don't lead him, Mr. Weston.

25 MR. WESTON: Yes, ma'am, Your Honor.

1 BY MR. WESTON:

2 Q Was it still dark outside when you got there?

3 A Yes, sir.

4 Q And about what time was this, as best you can
5 remember?.

6 A Maybe anywhere from midnight to 2:00.

7 Q And I assume it was kind of cold outside?

8 A Yes, sir.

9 Q How long -- when Scottie Butler let you out, I think
10 you said, at the bridge, what did y'all do then?

11 A We went into the woods.

12 Q And what was the purpose of that?

13 A To see what was going on at the house.

14 Q Were y'all -- was the plan to enter the house with
15 people in there?

16 A No, sir.

17 Q What were y'all waiting for?

18 A For them to leave.

19 Q All right. And you -- did you know who was in the
20 house, and what the logistics were, and what the
21 circumstances of this house was?

22 A No, ma'am -- no, sir.

23 Q All right. And so how long did y'all stay up in the
24 woods?

25 A Maybe three hours.

1 Q Did y'all go on in, or did you get back with Scottie
2 Butler?

3 A We got back with Scottie Butler.

4 Q Why was that?

5 A It was cold.

6 Q And what did y'all do?

7 A We rode up to where it tees off, maybe 20 minutes,
8 came back, and went back to the woods.

9 Q All right. Who got out of the car the second time?

10 A Me, Lamar, Esco, and Solo.

11 Q And Esco is who?

12 A Esco is Willie Taylor.

13 Q And Solo is who?

14 A Richey Boyd.

15 Q And who had -- did anybody have guns?

16 A Lamar, Richey Boyd, and Willie Taylor.

17 Q And did they have revolvers or automatics?

18 A Revolvers.

19 Q You saw the guns?

20 A Yes, sir.

21 Q Did you have a gun?

22 A No, sir.

23 Q What was your job supposed to be in this crime?

24 A To kind of help with anything, if I see anything, to,
25 basically, help.

1 Q All right. So y'all went back to the woods. And how
2 long did y'all stay in the woods this time? Was it
3 daylight before y'all did anything?

4 A Yes, sir.

5 Q What did you see happen in terms of the house? Were
6 you able to see what was going on at the house?

7 A I just heard the truck leaving.

8 Q All right. Once you heard the truck leaving, what
9 happened then?

10 A We went up to the house.

11 Q And was anybody wearing gloves?

12 A Yes, sir.

13 Q Who?

14 A Lamar Williams and Richey Boyd.

15 Q Did anybody have masks on, or pulled over their face?

16 A All four of us.

17 Q So once the truck left and you went up to the
18 house -- and I'm just going to kind of let you tell the
19 story. I may ask a question or two. But tell the jury
20 what happened, or how you got in.

21 A Lamar kind of popped the door open. He did not kick
22 it. He forced it open a little bit.

23 Q Is it the front door or the back door?

24 A The back door.

25 Q All right, sir.

1 A Lamar went in. Solo went in. I went in. Willie
2 Taylor was behind me. At the time we came in, Lamar held
3 his gun at the uncle, I suppose. And he tied the uncle
4 up. The uncle, he put him on the couch.

5 And, by that time, Willie Taylor came in. Lamar had
6 Willie Taylor kind of help him off the couch. And then
7 like I was just kind of standing there. Then kind of like
8 Lamar then gave him to me kind of. But it wasn't far.
9 And then the uncle kind of laid down in the room.

10 Q Which room is this now?

11 A The kids room.

12 Q So it's like a bedroom?

13 A Yes, sir.

14 Q All right. So then what happened? Where did you --
15 once the uncle is in the bedroom, where did you go, or
16 stay?

17 A I stayed right in the doorway.

18 Q Of the bedroom?

19 A Yes, sir.

20 Q All right. Then what happened? What did you see?

21 A Then by that time, I seen Richey Boyd in the room, in
22 the master bedroom, and Willie Taylor in the master
23 bedroom. Richey Boyd was going through a lot of stuff.

24 And then a couple of seconds later, we heard the
25 truck pull up. And Lamar kind of stood right in front of

1 me a little bit. I don't know where the other two was.

2 And when he came in, Lamar kind of tried to wrestle him
3 down, and put him on the ground. This was kind of in the
4 master bedroom, maybe kitchen-living room area. And, as
5 he was being -- he was trying to tie him up. But the guy,
6 he wasn't going for it.

7 Q He was resisting?

8 A Yes, sir.

9 Q So then what happened?

10 A When the guy got up, he looked like he tried to run.
11 And Lamar shot him in the back.

12 Q Would -- I'm sorry. You said that kind of fast.
13 Would you repeat that?

14 A Lamar shot him in the back.

15 Q Did you see that?

16 A Yes, sir.

17 Q How many times did he fire?

18 A Once.

19 Q Once he was shot in the back, what happened? What
20 did Mr. Cruell do?

21 A He fell.

22 Q Were there very many more movements from him once he
23 fell?

24 A No, sir.

25 Q Once Mr. Cruell was shot and fell to the ground, then

1 what did y'all do?

2 A We ran out of the house.

3 Q Everybody?

4 A Yes, sir.

5 Q And where did you go?

6 A To get in the car.

7 Q And how -- was the car waiting for y'all when you
8 came out of the woods?

9 A When we came out of the house, the car was waiting.

10 Q Do you know how Mr. Butler would have known to be
11 waiting?

12 A Lamar called him on the cell phone.

13 Q And when you got to the car, then what happened?

14 A We got in the car. And Face said that he had to do
15 it, he had to kill him.

16 Q Did he say why?

17 A Because he was bucking.

18 Q I'm sorry?

19 A He was resisting, bucking.

20 Q And when you say that Face said he had to kill him,
21 who are you talking about?

22 A Wallace Cruell.

23 Q But who is Face?

24 A Lamar Williams.

25 Q All right. So where did y'all go when you left the

1 incident location?

2 A To the neighborhood where we picked up Willie Taylor.

3 Q And did you drop him off?

4 A Yes, sir.

5 Q Then where did you go?

6 A Greenwood.

7 Q Where did you go -- why did you go to Greenwood?

8 A To drop Boyd off.

9 Q And then where did you go?

10 A To Waterloo where Face's -- Lamar Williams girlfriend
11 lives.

12 Q So, finally, it's just you and Scottie Butler in the
13 car?

14 A Yes, sir.

15 Q And where did he take you?

16 A To Cadillac Apartments.

17 Q Why did he take you there?

18 A My car was there.

19 Q Now, once he dropped you off, when was the next
20 time you talked to Face -- or Lamar Williams? I'm
21 sorry.

22 A Him and Scottie called me. I was at a friend's
23 house. And they came and picked me up in Lamar's
24 girlfriend's car.

25 Q Where did y'all go?

1 A We kind of just rode around in town.

2 Q And why did y'all get together?

3 A He was talking about they didn't really have nothing,
4 had no leads.

5 Q I'm sorry. Would you repeat that slowly?

6 A Y'all had no leads.

7 Q By "y'all," do you mean the police?

8 A Yes, sir.

9 Q All right. Did Mr. Williams say anything about the
10 bullet projectile, and what had happened to that?

11 A It had ended up in Richey Boyd's shoe.

12 Q Who said that?

13 A Lamar Williams.

14 Q All right. Now, you said you had never met Willie
15 Taylor before this incident; is that correct?

16 A Yes, sir.

17 Q And have you talked to Willie Taylor since then --
18 since this incident?

19 A In the jail, I asked him how he was doing, you know.
20 Because I knew that he was with us, you know. That's the
21 only time I talked to him.

22 MR. WESTON: Thank you, sir.

23 I think that's all I have.

24 MR. GODFREY: May it please the Court.

25 THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. GODFREY:

Q Good morning, Mr. Dornberg.

Now, you gave a statement in this case to law enforcement?

A Yes, sir.

Q When did you give that statement?

A About three weeks ago.

Q About two weeks ago?

A Three.

Q Three weeks ago?

A Yes, sir.

Q Okay. Was the statement written?

A Typed.

Q Did you sign your name to it?

A Yes, sir.

MR. GODFREY: Judge I would move to have a copy of Mr. Dornberg's statement. I have not been provided with that.

MR. WESTON: Your Honor, if I may, we provided both Counsel with statements within a few days of him giving a statement. We provided it. It was picked up from our office. I can give him another copy, if you'd like.

MR. GODFREY: Please.

THE COURT: Mr. Godfrey, you did have a copy of it,

1 didn't you, sir?

2 MR. GODFREY: I'm sorry, Judge?

3 THE COURT: You did have a copy of it, didn't you?

4 MR. GODFREY: Of this statement? I do now.

5 THE COURT: Yes, sir. But did you before?

6 MR. GODFREY: To my knowledge, I do not. I've talked
7 to my investigator about that, and neither one of us could
8 locate a statement. I don't know what happened. I'm not
9 saying the State was trying to hide anything, or do
10 anything wrong with the discovery. I'm not saying that at
11 all.

12 BY MR. GODFREY:

13 Q Mr. Dornberg --

14 THE COURT: Actually, before we start your
15 cross-examination, we're going to take a brief recess.
16 The jury has been going for a bit of time.

17 Ladies and gentlemen, do not discuss this case. It
18 wouldn't be appropriate to do so. And I will be back with
19 you shortly.

20 Thank you.

21 (WHEREUPON, the jury was excused from open court at
22 approximately 11:37 a.m.)

23 THE COURT: All right. I need the State to find
24 where they turned over a copy of the statement to
25 Mr. Godfrey.

1 MR. WESTON: She's going to find it right now.

2 THE COURT: Mr. Cooke, did you have a copy of the
3 statement?

4 MR. COOKE: Right before the trial, I got a copy of
5 the statement that was executed, I think, sometime in
6 January; is that correct?

7 MR. WESTON: Yes, sir.

8 Do you have the date of my letter? There should be a
9 cover letter with it where y'all signed for it.

10 There should be a cover letter, Your Honor. It was
11 given, we thought, within a few days of it being taken
12 about three weeks ago. We gave him one and -- my
13 secretary is getting the copies now.

14 MR. COOKE: I just know I just got it a couple of
15 weeks ago.

16 THE COURT: It was only given three weeks ago, so I
17 understand that. But no one better be setting this up for
18 a PCR.

19 MR. COOKE: Oh, I understand.

20 THE COURT: And that is not your intention,
21 Mr. Godfrey?

22 MR. GODFREY: No, Judge, it was not.

23 THE COURT: Okay. You just don't have a copy of it.

24 MR. GODFREY: If I was provided a copy of it, I
25 mislaid it, because I don't have it. I've talked with

1 Mr. Silvaggio as late as this morning about it. Neither
2 one of us had a copy of the statement. I gave my
3 investigator a complete copy of the file. It's possible
4 that I mislaid it. I'm not trying to set anything up.
5 I'm not trying to say anybody did anything wrong. I just
6 wanted to look at the statement.

7 THE COURT: Let me talk to the lawyers in the hall.

8 MR. WESTON: Your Honor, do you want them taken to
9 the back in the holding cell?

10 THE COURT: I don't plan on being too long.
11 How long is it going to take your person?

12 MR. WESTON: She should be back in the office right
13 now. She'll be back in just a few minutes.

14 THE COURT: Are you okay with keeping him here,
15 instead of moving him?

16 THE COURTROOM OFFICER: Yes.

17 (WHEREUPON, a break was taken.)

18 THE COURT: All right. Mr. Weston, why don't you
19 tell me what you found.

20 MR. WESTON: Your Honor, the statement was given to
21 the -- the cover letter was given to Counsel with a copy
22 of the statement on February the 9th of this year. And,
23 by that, I mean it was placed up front. What we do in
24 Greenville is we place them up front and defense lawyers
25 pick them up.

1 Obviously, Mr. Cooke picked his up. Mr. Godfrey's
2 office did not pick up Mr. Dornberg's statement, which is
3 why he does not have it. And we wouldn't have known he
4 didn't have it, because we don't check what's been picked
5 up on a daily basis. They have folders up front in the
6 front of our office.

7 THE COURT: And so I understand, this was the first
8 statement that Mr. Dornberg had made. And what I need to
9 know is, in that statement, does it differ substantially
10 from either Mr. Taylor's statement that was previously
11 given, or Mr. Butler's statement?

12 MR. WESTON: Not substantially, Your Honor. And it
13 does not differ substantially from what he testified to on
14 direct, most importantly.

15 THE COURT: Okay.

16 MR. WESTON: I don't have any objection, Your Honor,
17 to --

18 THE COURT: Breaking for lunch, maybe, letting
19 Mr. Godfrey have an opportunity to look at it with his
20 client.

21 MR. WESTON: Yes, Your Honor.

22 And just so you'll know for scheduling purposes, we
23 have one more witness after him who is going to last -- my
24 direct will last about 15 minutes, and the State will have
25 concluded their case. That's just for scheduling

1 purposes. And I have no objection to doing that, Your
2 Honor. I think that would cure any problems.

3 THE COURT: Okay.

4 MR. COOKE: I don't have any dog in this particular
5 fight, but I do want to make one comment. If this
6 statement was given on the 19th of last month, why in the
7 world would it take until February the 9th to just get us
8 a copy of it?

9 You know, we're right here at the beginning of a
10 trial, and I think that's way outside the rules. I mean,
11 that's three weeks -- it's more than three weeks. I mean,
12 to just now get that statement, that doesn't --

13 THE COURT: Well, there's nothing outside of the
14 rules. There's no specific rule. It needs to be timely
15 turned over, but there is not a timeline date.

16 Again, Mr. Cooke, that was something you should have
17 raised at the beginning of trial because you, in fact, did
18 have a copy of it before trial.

19 Mr. Godfrey.

20 MR. GODFREY: May it please the Court.

21 I have now read the statement. There is nothing
22 unusual in the statement at all. There's nothing that
23 would cause any particular problem. I do see that this
24 came from their front desk. And it's dated February the
25 10th when it was put up there. I have been there and

1 picked up. I don't know whether I left it behind, or
2 whether it wasn't handed to me.

3 But, you know, I've known Jeff Weston for more than
4 20 years. And I've been trying cases with him for a long
5 time. He doesn't hide any discovery ever. And I didn't
6 know what was going on with this one. I'm sorry about the
7 confusion. But I literally did not have it. And I know I
8 was there. I always check right before trial. I don't
9 know what happened.

10 THE COURT: And are you comfortable right now? Would
11 you like to go ahead and take a lunch break now?

12 You can have an opportunity to talk about the
13 statement with your client, or are you ready to go ahead
14 and proceed with your cross-examination of Mr. Dornberg?

15 MR. GODFREY: I don't believe there's anything
16 contained in this statement that I need to go over with my
17 client, because it is exactly, basically, what we
18 expected. And he has already heard the testimony. I'm
19 ready to go forward with cross-examination.

20 THE COURT: And it is, also, consistent with what
21 Mr. Taylor and Mr. Butler have already testified to as
22 well, in addition to the direct examination of
23 Mr. Dornberg?

24 MR. GODFREY: Yes, substantially so.

25 THE COURT: And you're comfortable going forward?

1 MR. GODFREY: Sure.

2 THE COURT: All right. Well, then let's keep going.
3 Are y'all ready?

4 And I didn't know, did the lawyers have an
5 opportunity to take a short break? Do you need a quick
6 break before I bring the jury back in?

7 Are you all right, Mr. Cooke, Mr. Godfrey, and
8 Mr. Weston.

9 MR. WESTON: Yes, Your Honor.

10 The State is ready to proceed.

11 THE COURT: Mr. Cooke, are you ready?

12 MR. COOKE: Yes.

13 THE COURT: Let's bring the jury on in.

14 (WHEREUPON, the jury came into open court at
15 approximately 11:53 a.m.)

16 THE COURT: Welcome back, ladies and gentlemen.

17 Mr. Godfrey, you may continue, sir.

18 MR. GODFREY: May it please the Court.

19 CONTINUED CROSS-EXAMINATION

20 BY MR. GODFREY:

21 Q Now, how many times did you go to Travelers Rest to
22 Mr. Cruell's house?

23 A Once.

24 Q Once. You didn't go up there on October the 15th?

25 A No, sir.

1 Q But you did go on October the 17th?

2 A Yes, sir.

3 Q And then, of course, the incident happened shortly
4 thereafter?

5 A Yes, sir.

6 Q So, now, did you ever go to Greenwood and talk about
7 this -- the plans on this before this ever occurred?

8 A Yes, sir. We talked about it, what was there.

9 Q I'm sorry. Say that again.

10 A We talked about how much money they thought was
11 there. That was pretty much it.

12 Q Who is the "they" you're talking about that --

13 A Lamar Williams, myself, and your client.

14 Q Okay. Now, did you meet a Guatto?

15 A Yes, sir.

16 Q Was he at this meeting?

17 A Sir?

18 Q Was he present?

19 A Yes, sir.

20 Q Okay. Whose idea was it to go up to Mr. Cruell's
21 place?

22 A All of -- I guess, you know, all of us, I would say.

23 Q Well, who was leading the conversation? Who was
24 saying it's a good idea, we need to do this?

25 A Pretty much Lamar Williams.

1 Q Whose place were you at in Greenwood? Was it Lamar
2 Williams? Was it Guatto's?

3 A I don't know. I don't know who lives there.

4 Q Okay. About how long was that before the incident,
5 actually, occurred at Mr. Cruell's?

6 A Half a day -- I mean, a day probably.

7 Q Okay. So it was real close in time?

8 A Yes, sir.

9 Q I see. Now, it's been pointed out that you know
10 Scottie Butler real well?

11 A Yes, sir.

12 Q Now, the rest of the folks -- and I know the
13 Solicitor has asked you about this, but I want to make
14 sure I understand. When did you first meet Willie Taylor?

15 A The night all this occurred.

16 Q So you didn't meet him until October the 17th?

17 A Yes, sir.

18 Q Now, Lamar Williams, how long have you known him?

19 A A year and a half, possibly two years.

20 Q Okay. Did you all hang out a good bit?

21 A Yes, sir.

22 Q Now, Richey Boyd, when did you first meet him?

23 A At, I imagine, whoever's house that was that we went
24 to in Greenwood.

25 Q Okay. At that time, did you know him as Solo, or did

1 you know his name?

2 A Solo.

3 Q At the time of the incident, did you know him by his
4 name, or did you know him by Solo?

5 A Solo.

6 Q It was sometime after the incident that you learned
7 his real name?

8 A Yes, sir. It was pretty much when I had my motion of
9 discovery.

10 MR. GODFREY: Oh, I see. I understand.

11 Thank you, sir.

12 I appreciate it.

13 THE WITNESS: Thank you.

14 THE COURT: Mr. Cooke.

15 MR. COOKE: May it please the Court.

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. COOKE: .

19 Q You gave a written statement just a few weeks ago,
20 didn't you?

21 A Yes, sir.

22 Q Why did you decide after roughly a year and a half or
23 so to do that? You just wanted to tell the truth and get
24 it off your chest?

25 A Pretty much.

1 Q Do it for your children?

2 A Yes, sir.

3 Q Okay. Who do your children live with?

4 A Dianne Stewart and Eddie Stewart.

5 Q Who?

6 A Dianne Stewart and Eddie Stewart.

7 Q How much child support do you pay?

8 A I haven't paid none. I've been locked up.

9 Q Well, prior to that, how much child support were you
10 paying?

11 A None.

12 Q Who keeps your children up?

13 A At the time, my mother and the other two parents.

14 Q So you didn't take care of your children, basically?

15 A Sir, after my --

16 Q You're a dead beat dad, aren't you --

17 MR. WESTON: Objection, Your Honor. He hasn't let
18 him answer the question.

19 THE COURT: Let him answer the question.

20 MR. COOKE: I'm sorry.

21 THE WITNESS: Sir, it's kind of hard to find a job
22 out there.

23 BY MR. COOKE:

24 Q It is?

25 A Before this happened, I did have a job.

1 Q Now, tell me, do you use drugs?

2 A No, sir.

3 Q You never have?

4 A Oh, yes, sir, I have.

5 Q What is your drug of choice?

6 A I don't have a drug of choice.

7 Q Oh, any kind?

8 A No.

9 Q Well, give me an example of some of the drugs you've
10 used?

11 A I've used cocaine before. And I've used marijuana
12 before.

13 Q How much does a hit of cocaine cost?

14 A I have no idea how much a hit of cocaine cost.

15 Q Well, how much do you buy at a time?

16 A I've bought 20's, maybe 50's. That's it.

17 Q How about marijuana?

18 A Ounces.

19 Q How many dollars a week would you spend on drugs?

20 A I didn't spend dollars a week.

21 Q Oh, you didn't?

22 A No, I didn't.

23 Q What did you spend?

24 A I didn't spend dollars a week at all. It wasn't like
25 that. It wasn't week after week after week.

1 Q So you didn't have a bad drug habit?

2 A No, sir.

3 Q Okay. But any of that money you were using on drugs,
4 you were saving for your children; is that correct?

5 A Saving for anything that I needed.

6 Q That you needed.

7 Thank you.

8 Now, y'all, you say, stopped at a Spinx?

9 A Yes, sir.

10 Q On the way up there?

11 A Yes, sir.

12 Q And what did you roll?

13 A I didn't roll nothing.

14 Q Well, you said something about a Black and Mild?

15 A Yeah.

16 Q What's that?

17 A That's just a cigar.

18 Q What's that all about? What do you do with it?

19 A The same thing you do with a cigarette, smoke it.

20 Q Did you put anything in it?

21 A A cigar is not a drug.

22 Q Did y'all smoke any marijuana?

23 A I did not.

24 Q Did anybody else?

25 A Yes, sir.

1 Q Okay. Now, you said you stayed in the woods how
2 long?

3 A Anywhere from 12:00 to maybe 3:00 to 4:00, three to
4 four hours.

5 Q Really?

6 A Yes, sir.

7 Q Did you see anybody deer hunting out there?

8 A No.

9 Q Okay. And who all had on gloves, and who all had on
10 masks?

11 A All of us had masks.

12 Q Okay. And you -- you're handcuffed there; right?

13 A Yes, sir.

14 Q Are you right or left-handed?

15 A Right.

16 Q You're right-handed?

17 A Yes, sir.

18 Q Okay. Now, you mentioned that you have seen
19 Mr. Butler, and you've seen your friend down there in the
20 jail since you've been locked up at the LEC? You've seen
21 the two people who made the deal; is that correct?

22 A Yes, sir. But I never talked to them.

23 Q You don't talk to them?

24 A We've got to keep separate.

25 Q They keep you separate?

1 A Yes, sir.

2 Q Are there ways to communicate down there?

3 A Yes, sir, there is.

4 Q So, anyhow, out of the thought of your children, you
5 say, and this and that and the other, you decided to give
6 this written statement just a few weeks ago?

7 A Not just for the thought of my children, for myself,
8 also.

9 Q Oh, yourself. All right. You knew you had a chance
10 of going to prison for the rest of your life?

11 A Yes, sir.

12 Q So that was a motivation, wasn't it?

13 A Yes, sir.

14 Q And, of course, you wouldn't tell a lie to keep from
15 doing that, would you?

16 A I have no reason to lie.

17 Q So you wouldn't tell a lie to keep from going to
18 prison for the rest of your life?

19 A Everything that I've said is the truth.

20 Q Okay. And have you ever admitted to anyone that you,
21 actually, shot --

22 A No, sir.

23 Q You never have?

24 A No, sir.

25 Q Well, you don't remember going over to a lady's house

1 that you used to date, an ex-girlfriend, and admitting to
2 her that you had done the shooting?

3 A I never admitted I had done nothing. I admitted I
4 was involved in the shooting.

5 Q Do you remember talking to a Ms. Burnette?

6 A Yes, sir.

7 MR. WESTON: Excuse me, Your Honor. I can't hear
8 him. He's clicking his pen. I can't hear what the
9 witness is saying.

10 MR. COOKE: I'm sorry. I'll put it down.

11 BY MR. COOKE:

12 Q So you deny that you've ever admitted to anybody you
13 shot Mr. Cruell that night?

14 A Yes, sir.

15 MR. COOKE: Excuse me just a minute, please.

16 (Pause.)

17 BY MR. COOKE:

18 Q Isn't it true that -- the three of you, the ones who
19 made the deal with the State, isn't it true that the three
20 of you put on masks, and put on gloves, and after
21 Mr. Taylor told you there was a target, the three of you
22 went up there to rob those people, and that you shot --

23 A No --

24 Q -- let me get through -- and that you shot
25 Mr. Cruell?

1 A No. That's not true.

2 Q That's not true?

3 A For one, you said all three of us that made the deal.
4 Scottie Butler sat in the car the whole time. Why would
5 he have gloves or a mask on at any time?

6 Q I don't know.

7 A He didn't --

8 Q I'm saying --

9 A No. That's not true.

10 Q I'm saying that Mr. Butler, in fact, went in?

11 A No. Mr. Butler did not go in.

12 Q He didn't?

13 A No, sir.

14 Q And you deny that you shot Mr. Cruell?

15 A Because I didn't.

16 Q And you deny you ever told anybody you did?

17 A Yes, sir.

18 MR. COOKE: No further questions.

19 MR. WESTON: Just a couple on redirect.

20 THE COURT: Yes, sir.

21 REDIRECT EXAMINATION

22 BY MR. WESTON:

23 Q Just to be clear, Mr. Dornberg. There was mention of
24 Guatto and Richey Boyd. Are they the same person?

25 A No, sir.

1 Q And you've seen both of them in the same room?

2 A Outside of the house.

3 Q Describe Guatto. What did he look like?

4 A It, sir, has been so long. He had a hat on. I can't
5 really explain.

6 Q Is he black?

7 A Black, yes, sir.

8 Q Is he -- describe Richey Boyd.

9 A Black.

10 Q Height? Weight? Just ballpark.

11 A Maybe 5'8". And he had a gold tooth.

12 Q All right. But you're sure Guatto and Richey Boyd
13 are two separate people?

14 A Yes, sir.

15 MR. WESTON: I think that's all I have, Your Honor.

16 THE COURT: Anything further, gentlemen?

17 Mr. Godfrey?

18 Mr. Cooke?

19 MR. GODFREY: Nothing, Your Honor.

20 MR. COOKE: Nothing, Judge.

21 THE COURT: All right. You may be excused, sir.

22 The State will call the next witness.

23 MR. WESTON: The State will call Mr. Neil

24 Haltiwanger.

25 THE CLERK: Mr. Haltiwanger, if you'll come forward,

1 (WHEREUPON, the jury came into open court at
2 approximately 12:15 p.m.)

3 THE COURT: Welcome back, ladies and gentlemen.
4 Mr. Weston, you can go ahead, sir.

5 MR. WESTON: Thank you, Your Honor.
6 May it please the Court.

7 THE COURT: Yes, sir.

8 DIRECT EXAMINATION.

9 BY MR. WESTON:

10 Q Mr. Haltiwanger, I'm not sure whether you said it or
11 not, but would you state your name for the record, please?

12 A Neil Haltiwanger.

13 Q All right. And, Mr. Haltiwanger, I'd like for you to
14 speak up so these back jurors down on this corner can hear
15 you, sir.

16 A Okay.

17 Q And if you don't understand my question, please, ask
18 me to repeat it.

19 A All right, sir.

20 Q Where do you live, Mr. Haltiwanger?

21 A [REDACTED], Lexington, South Carolina.

22 Q And how old are you?

23 A I am 38.

24 Q Are you married?

25 A No, sir.

1 Q Do you have any kids?

2 A Yes, sir.

3 Q How old are they?

4 A They are six and seven.

5 Q I'm sorry?

6 A Six and seven.

7 Q All right, sir. Now, let's try to cut right to this,
8 Mr. Haltiwanger. Do you know anything, personally, about
9 the incident that happened on October 18th, 2010, up in
10 Travelers Rest, South Carolina, involving the death of
11 Wallace Cruell?

12 A No, sir.

13 Q Do you know the Cruells up there in Travelers Rest?

14 A No, sir.

15 Q Do you even -- had you even heard of Travelers Rest,
16 South Carolina, before October 10th of 2010?

17 A I had never heard of it.

18 Q And that's not a strike at Travelers Rest or
19 anything, I understand. You were living in Lexington at
20 that time?

21 A Yes, sir.

22 Q All right. Do you know the Defendant, Mr. Lamar
23 Williams?

24 A Yes, sir.

25 Q Tell the jury how you knew Mr. Williams back in

1 October of 2010.

2 A I dated his mother.

3 Q And was -- in October of 2010, was his mother living
4 with you?

5 A Yes, sir.

6 Q In Lexington?

7 A Yes, sir.

8 Q Now, had you ever seen Lamar Williams before October
9 of 2010?

10 A Yeah.

11 Q About how many times?

12 A I would say probably about three or four times.

13 Q All right. Did he have an occasion to come to your
14 home on October 23rd of 2010?

15 A No, sir.

16 Q Did he come to your home that day, that evening --

17 A Yeah, yeah.

18 Q Okay. You need to listen to my question now before
19 you answer.

20 A All right.

21 Q Prior to October 23, had he ever been to your home
22 before?

23 A No.

24 Q And it wasn't because he wasn't invited. It just
25 hadn't happened --

1 A Yeah --

2 MR. COOKE: Objection --

3 MR. WESTON: I'll withdraw the statement and the
4 question, Your Honor. I was just trying to move it along.

5 THE COURT: Okay.

6 BY MR. WESTON:

7 Q Had you ever seen him before that day?

8 A Yes.

9 Q So you knew who he was?

10 A Yeah.

11 Q Now, on October 23rd, tell the Court about what time
12 and under what circumstances he came to your home.

13 A Well, he came the night before. Me and him had a
14 conversation about what happened.

15 Q Don't get that far yet. Just tell us about how he
16 arrived, when he arrived, and what happened. We'll get
17 there.

18 A When he arrived, he brought a female friend with him.
19 And he asked to look on the computer.

20 Q Now, when he got there, would you describe the
21 female?

22 A Yeah. She was a little slim, short, I'd say about
23 5'2", 5'3" brunette. That's about it.

24 Q Had you ever seen her before?

25 A No.

1 Q And do you remember her name?

2 A No.

3 Q Okay, sir. When he first got there, did he ask you
4 about anything specific?

5 A No.

6 Q Did he talk about getting on the computer?

7 A Yes.

8 Q How soon after he got there did he start talking
9 about that?

10 A It was as soon as he arrived there.

11 Q All right. Did he tell you what he was looking for
12 on the computer?

13 A About some crime that happened.

14 Q Did he say where it happened?

15 A Well, in Greenville.

16 Q Okay. And what did he say about the crime that had
17 happened in Greenville?

18 A I remember him looking on there and saying, I know
19 the two guys, and, basically, that was it.

20 Q All right. Did he show you on the computer any
21 reports of the crime, or something?

22 A No. He was, basically, looking at the -- I guess the
23 crime scene. And I guess I saw the family on there that
24 was mourning over the guy's death, or something like that.

25 Q And that's what he showed to you?

1 A Basically. It was me, his mother, and his
2 grandmother that was in there. And he was, basically,
3 just looking at it. So he really didn't go like come
4 here, look at this.

5 Q All right. So, now, the next morning, Sunday,
6 October 24th, did you have an occasion to have a
7 conversation with Mr. Williams?

8 A Yes.

9 Q Where did this take place?

10 A In my bedroom.

11 Q How did the conversation -- how did he end up in your
12 bedroom?

13 A Well, he knocked on the door and asked could he come
14 in and talk to me. So he asked me a question about what
15 went on, what could be the case of him getting time, how
16 much time he could get for doing something. But, at that
17 time, he never told me what he had done.

18 Q Did he later tell you what he had done?

19 A Yeah.

20 Q During that same conversation?

21 A Yeah.

22 Q What did he tell you he had done?

23 A Well, first, he said that he went in the guy's house
24 and said he had some money, like \$10,000, or something
25 like that. And he, I guess, was going to get something

1 for that money. And he said that the guy had like five
2 guys with him. And they all put on hoods. And he said
3 his buddies went in and they all started shooting. That
4 was his first story.

5 Q And how did that conversation end? Did he leave the
6 bedroom?

7 A Yeah, he left. I think he was distracted by a phone
8 call.

9 Q All right. Did he come back into your bedroom?

10 A Yes, sir.

11 Q About how long after the first conversation?

12 A Let's see. I can't remember really, probably about
13 10 minutes later.

14 Q When he came back in the bedroom the second time,
15 tell this jury what he told you.

16 A He wasn't detailed at all. He said he shot the guy.
17 And he said he must have been up on the guy, because the
18 bullet, or the casing, or something went in his shoe.
19 And, basically, that was it.

20 Q Okay. Was it the same story he had told you the
21 first time?

22 A No.

23 Q What did you tell him to do after you heard that?

24 A I told him to turn himself in.

25 Q And what did he say?

1 A He said that he don't want to do it because, you
2 know, how the Greenville officers are. And that he
3 wouldn't get a fair trial, and nothing like that. And he
4 just don't trust the cops in Greenville.

5 Q All right. Did he ask for your assistance in eluding
6 the police in any way?

7 A No.

8 Q Did he ask you about getting him some money?

9 A Yes.

10 Q Tell the jury what he asked you about doing that.

11 A Well, he asked me could I collect some money from a
12 friend that was going to send him some money. And I told
13 him, No, I'm not getting involved in that. You need to
14 turn yourself in.

15 Q And, once again, after you told him that the second
16 time to turn himself in, what did he say?

17 A Yeah. He said he's not going to do it. He said that
18 they've just got to catch him.

19 Q Did he talk about where he might go?

20 A He mentioned Arizona and Virginia where his sisters,
21 I guess, were located.

22 Q All right. Did you hear him talking on the phone
23 with anybody else about this matter in Greenville that
24 morning?

25 A Yeah.

1 Q What did -- and I know you didn't hear the other side
2 of the conversation. Do you know who he was talking to?

3 A No.

4 Q Tell the jury what you heard him say about a woman
5 involved in this case.

6 A I heard him say, We need to get rid of her because of
7 talking, or whatever.

8 Q That she was talking?

9 A Yeah.

10 Q And he said what now?

11 A That they need to get rid of her.

12 Q Okay. And you don't know who he was talking to?

13 A No, sir.

14 Q Now, did he tell you what happened to the gun in this
15 case?

16 A He said that he gave it to a friend so his friend
17 could melt the gun. And he, also, mentioned the clothes.
18 He gave his friend the clothes so his friend could burn
19 the clothes.

20 Q All right. Do you know Scottie Butler?

21 A No.

22 Q Does that name mean anything to you?

23 A No.

24 Q Do you know -- does the name Willie Taylor mean
25 anything to you?

1 A No.

2 Q How about Jeffrey Charles Dornberg, does that name
3 mean anything at all to you?

4 A No.

5 Q Have you -- as far as you know, have you ever even
6 met any of these gentlemen?

7 A Never.

8 MR. WESTON: Thank you.

9 That's all I have.

10 THE COURT: Mr. Godfrey.

11 MR. GODFREY: May it please the Court.

12 THE COURT: Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. GODFREY:

15 Q Does the name Richey Boyd mean anything to you?

16 A No, sir.

17 Q And just one other question. You say that
18 Mr. Williams told you that he shot a guy and he must have
19 been up on him close, because the bullet or shell fell in
20 his shoe?

21 A Yes.

22 MR. GODFREY: Thank you, sir.

23 THE COURT: Mr. Cooke.

24 MR. COOKE: May it please the Court.

25 THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. COOKE:

Q Mr. Haltiwanger, you had dated Lamar's mother. How long had you dated her?

A Probably, I would say, about two years.

Q And do y'all still date?

A No.

Q Okay. When did you break up?

A We broke up -- that was, I would say, a few months after the incident.

Q All right. And did you particularly like Lamar?

A Oh, yeah. Oh, yeah. I think he was a -- Lamar was --

Q Answer my question. I said, did you like Lamar?

A Yeah, yeah. I liked him a lot. He's a great guy, but...

Q I'm sorry.

A In my opinion, I think he's a great guy.

Q And you heard him talking to friends over the phone about the crime in Greenville and he pulled up the news on his [sic] computer; is that correct?

A Yeah.

Q Y'all were kind of all looking?

A Yeah.

Q People were talking back and forth about what had

1 happened in Greenville. And a couple of his buddies had
2 been arrested, and he was upset about that?

3 A Yeah.

4 Q And you said he came in your room and discussed with
5 you that -- I think you said the first time he didn't say
6 anything about shooting anybody?

7 A No, no.

8 Q Then the second time, he just came in there and said,
9 I shot somebody, what should I do?

10 A Yeah.

11 Q Now, let me find out a little bit about you and your
12 background. You grew up where?

13 A Well, I grew up in Batesburg-Leesville.

14 Q Okay. I know where that is. And you went to school
15 down there?

16 A Yes. I went to middle school in Batesburg as well.

17 Q And you moved on to Lexington after that. How long
18 have you been down there?

19 A Since I was 18, about 20 years.

20 Q And where do you work?

21 A I work at Super Suds Car Wash.

22 Q Super Suds Car Wash?

23 A Yes, in West Columbia.

24 Q How long have you been there?

25 A About a year and a half.

1 Q Okay. And let me ask you a question just a little
2 bit about your past history with law enforcement. Do you
3 remember on occasions when you've been either convicted or
4 pled guilty to giving false information to police
5 officers?

6 A One time.

7 Q Could it have been twice?

8 A Huh?

9 Q Could it have been twice?

10 A No, no, not that I can recall.

11 Q Okay. Now, tell me, you're on probation now for
12 something?

13 A Yes, sir.

14 Q Okay. What are you on probation for?

15 A Assault and battery of a high and aggravated nature.

16 Q Okay. And are you still on probation?

17 A Yes, sir. I'll be off in October.

18 Q So you're up to snuff on everything --

19 MR. WESTON: Objection, Your Honor. This is beyond
20 impeachment. He's answered the question.

21 THE COURT: Okay. Let's finish up.

22 BY MR. COOKE:

23 Q So you are on probation now?

24 A Yes, sir. I sure am.

25 What does that have to do with it?

1 THE COURT: Sir, you're not to ask questions. You're
2 to answer the questions that are posed to you.

3 BY MR. COOKE:

4 Q Well, to be honest with you, what it has to do with
5 it --

6 MR. WESTON: Objection, Your Honor --

7 THE COURT: Gentlemen.

8 All right. You just ask a question, Mr. Cooke.
9 Let's go.

10 MR. COOKE: Okay.

11 BY MR. COOKE:

12 Q And you're sure you've only been convicted or pled
13 guilty one time of giving false information to police?

14 MR. WESTON: Objection, Your Honor, asked and
15 answered.

16 THE WITNESS: Yes. You've already asked me that
17 question.

18 THE COURT: Overruled.

19 BY MR. COOKE:

20 Q Okay. I know I have, but I'm asking you one more
21 time.

22 A And I told you one more time.

23 MR. COOKE: Your Honor, may we approach, just the
24 Solicitor and I?

25 THE COURT: You may.

1 (WHEREUPON, a bench conference was held.)

2 THE COURT: Mr. Cooke, you may proceed.

3 MR. WESTON: Your Honor, Counsel is asking for my
4 documents that I've already provided to him first thing
5 this morning. And he said it's under his stack of papers.

6 MR. COOKE: I've got it.

7 THE COURT: Gentlemen --

8 MR. WESTON: I'm sorry, Your Honor.

9 THE COURT: Gentlemen, let's go.

10 BY MR. COOKE:

11 Q Mr. Haltiwanger, I'm looking at the NCIC report that
12 shows in 1997, you were convicted of giving false
13 information to police?

14 A Okay. That's 15 years ago.

15 Q Okay. Now, I'm showing you again, a 1998, giving
16 false information to police?

17 A That's 14 years ago.

18 Q Okay. So it's twice, not just once?

19 A I just can't remember, 14, 15 years ago.

20 Q You just don't remember?

21 A I just can't remember.

22 Q But you remember everything that happened the night
23 with Lamar Williams? You have such a great memory.

24 That's a year and a half ago, and you remember it all?

25 A I remember it all.

1 MR. COOKE: Thank you, Mr. Haltiwanger.

2 No further questions.

3 THE COURT: Anything further, Mr. Weston?

4 MR. WESTON: No redirect, Your Honor.

5 THE COURT: Any objection to him being excused?

6 MR. COOKE: None, Judge.

7 THE COURT: You're excused.

8 MR. GODFREY: None.

9 THE COURT: You're excused, sir.

10 MR. WESTON: Your Honor, the State rests.

11 I do need to give Mr. Haltiwanger one piece of advice
12 with regard to his travel up here, if I may, Your Honor.
13 It'll take just about 10 seconds.

14 But the State is going to rest at this point.

15 THE COURT: Okay. Well, I'll go ahead and address
16 the jury.

17 At this time, the State has rested their case. Based
18 on the hour, and because there are some matters of law I
19 need to take up with the attorneys, I think now is a good
20 time for you all to go for your lunch break.

21 I will tell you, ladies and gentlemen, we are
22 attempting to push on today. And what I'm going to do is
23 give you a slightly shorter lunch break. I hope that's
24 okay, and I hope you all can accommodate yourself. By the
25 clock at the back of the courtroom, it looks like it's

1 about 12:35ish, or so. I am going to ask you to be back
2 in your jury room at 1:30. That's a little less than an
3 hour. And we're going to continue the trial of this case.
4 And if anybody has a problem and finds themselves rushing
5 at all, please, don't. We can't start until all 14 of you
6 are here. But, again, we're going to try to move things
7 along, and take a slightly shorter break.

8 Again, ladies and gentlemen, do not discuss this
9 case. Do not do any independent research. Go get a
10 sandwich. And we'll look forward to seeing you back at
11 1:30 in the jury room.

12 Thank you.

13 (WHEREUPON, the jury was excused from open court at
14 approximately 12:36 p.m.)

15 THE COURT: Gentlemen, let's go ahead and make
16 motions.

17 Are you ready to go ahead and do that right now, or
18 do you want to grab some lunch first? You tell me your
19 preference.

20 Mr. Godfrey doesn't even eat lunch he told me.

21 MOTIONS

22 MR. GODFREY: Well, the motion is very short.

23 Judge, on behalf of Richey Boyd, we would move for a
24 directed motion -- for a motion of directed verdict of
25 acquittal given that the evidence presented does not

1 present a prima facie case on any of the charges
2 presented.

3 THE COURT: Mr. Cooke, do you want to join in on that
4 motion?

5 MR. COOKE: I beg your pardon?

6 THE COURT: Do you want to join in on that motion?

7 MR. COOKE: I definitely join in on that motion,
8 Judge.

9 At the same time, I feel like the State has failed to
10 prove that my client is guilty, even viewing the evidence
11 most favorable to the State. There's only been
12 conflicting statements made by co-defendants. There's
13 absolutely no physical evidence that's been presented in
14 this case to tie my client to that crime, none. There's
15 no phone records, no nothing. Just a bunch of hoods up
16 there on the stand saying that he was there that night.
17 When, in fact, one of them said, under oath, that my
18 client had nothing to do with it. He admitted signing
19 that statement.

20 THE COURT: All right. Well, respectfully,
21 Mr. Cooke, there were three of them stating -- and even
22 one, we all know, would be enough taking the light -- or
23 the evidence in the light most favorable to the State.

24 There is, certainly, adequate evidence for this case
25 to go forward as to both Defendants as to the charge of

1 to go. I have a matter I need to bring to the Court's
2 attention.

3 THE COURT: Yes, sir.

4 MR. COOKE: A couple weeks ago -- a week and a half
5 ago, I met with a fellow by the name of Michael Williams
6 at the LEC with his lawyer, a court-appointed lawyer,
7 regarding his testimony on behalf of my client. He was to
8 testify as to certain conversations that he had had with
9 Mr. Dornberg that was previously on the stand. And the
10 testimony would have been that Mr. Dornberg had admitted
11 before him and others that he had, in fact, killed the
12 victim in this case.

13 So he was subpoenaed to come up here today to
14 testify. They brought him up. I went down to talk with
15 him. And, for some reason, there's been some intimidation
16 from somewhere. I don't know where. But he acts very
17 reluctant now. He says he's afraid to testify. And it
18 didn't really make any sense to me, but something about a
19 bond, and something about he needs to get out on bond to
20 be safe. He's scared that he won't be safe at the LEC if
21 he does testify, and that people will be out to get him.

22 So I would just like to inquire as to maybe who has
23 tried to intimidate him. Because -- and I don't accuse
24 the Solicitor of doing it at all. I would just like to
25 know why he has just changed on me like this, because he's

1 a very important witness.

2 THE COURT: Okay. Well, we can, certainly -- if you
3 want to bring him up here.

4 Is he going to be your first witness?

5 MR. COOKE: Well, he was, but I want to get him in
6 and find out --

7 THE COURT: Well, let's go ahead.. We'll bring him in
8 here. You can go ahead and question him. And that's
9 fine. And I will, certainly, question him as well.

10 (Pause.)

11 THE CLERK: Mr. Williams, if you'll come around,
12 please.

13 And if you'll place your left hand on the Bible and
14 raise your right hand.

15 WHEREUPON,

16 MICHAEL ANTONIO WILLIAMS,
17 after first having been duly sworn, testified as follows:

18 THE CLERK: Have a seat, please.

19 Would you, please, state your name for the record.

20 THE WITNESS: Michael Antonio Williams.

21 THE CLERK: If you could, move forward just a little
22 bit.

23 THE COURT: Your last name, sir?

24 THE WITNESS: Williams.

25 THE COURT: Mr. Williams, we're going to go ahead and

1 I'm going to allow him to ask you a certain number of
2 questions. As you can see, there's no jury here. I want
3 you to know and understand that you have been subpoenaed
4 here today to give your testimony.

5 You have sworn him in, Joelle; is that correct?

6 THE CLERK: Yes, I just did.

7 THE COURT: You have to answer truthfully. And I'm
8 going to go ahead and allow Mr. Cooke to ask you some
9 questions at this time.

10 THE WITNESS: Yes, ma'am.

11 THE COURT: All right. And if there's any problem
12 you have or don't understand, ask me.

13 THE WITNESS: Yes, ma'am.

14 DIRECT EXAMINATION

15 BY MR. COOKE:

16 Q Mr. Williams, you remember talking to me a couple of
17 weeks ago with your lawyer present --

18 A Yes, sir.

19 Q -- Mr. Scott Robinson?

20 A Yes, sir.

21 Q And with his permission, did you voluntarily talk
22 with me about this case?

23 A Yes, sir.

24 Q And about Mr. Lamar Williams?

25 A Yes, sir.

1 Q And --

2 THE COURT: Mr. Williams, you need to speak up.

3 THE WITNESS: Yes, sir.

4 BY MR. COOKE:

5 Q And you had told me that, at some point in time, down
6 at the LEC while playing cards late one night that you had
7 a conversation with Mr. Dornberg, I believe?

8 A Yes, sir.

9 Q And, at that time, you told me that Mr. Dornberg had
10 admitted that he had, actually, been the one that shot
11 Mr. Cruell; is that correct?

12 A Yes, sir.

13 Q And did he say that in your presence?

14 A Yes, sir.

15 Q And then I just came down to talk with you during the
16 break a few minutes ago, and you had mentioned to me that
17 you don't feel safe about testifying. You feel like that
18 maybe something might happen to you down there in jail; is
19 that correct?

20 A Yes, sir.

21 Q And it had something to do with you not being able to
22 get out on bond, and you were trying to get out on bond
23 where you could be home and you could be safe and, that
24 way, you would be able to testify; is that correct?

25 A Yes, sir.

1 Q But, now, you don't feel safe, and you don't want to
2 testify; is that correct?

3 A I will testify.

4 Q You will testify?

5 A Yes, sir.

6 MR. COOKE: Okay. I have no further questions.

7 MR. WESTON: Your Honor, I don't have any -- I have
8 to ask the Court's indulgence with regard to one matter
9 before I ask any questions. Your Honor, all we have is
10 Mr. Williams name on the witness list that we received on
11 Monday morning. We don't have a social security number or
12 birth date. So we've not been able to run any RAP sheet
13 on him. And I was wondering if I could get that
14 information from him today before he testifies, and we be
15 given time to run a RAP sheet, at least, so we know what
16 to cross-examine him on.

17 THE COURT: Okay. Well, you have the power to do
18 that. So I can imagine it will only take you about 10 or
19 15 minutes to run a RAP sheet on him.

20 Sir, will you give them your date of birth, and your
21 social security number?

22 THE WITNESS: [REDACTED], [REDACTED], [REDACTED]

23 MR. WESTON: I'm sorry. Say that again, sir.

24 THE WITNESS: [REDACTED]

25 MR. WESTON: What was the date of birth, sir?

1 THE WITNESS: [REDACTED] [REDACTED].

2 MR. WESTON: Your Honor, if I now may question him
3 about this intimidation matter he was talking about.

4 THE COURT: Absolutely. And you're going to go run
5 his RAP sheet right now.

6 CROSS-EXAMINATION

7 BY MR. WESTON:

8 Q Mr. Williams, you said -- and I'm not going to get
9 into much about the conversation with Mr. Dornberg itself,
10 but you, basically, said you had a conversation with him,
11 and he made some admission to you; is that correct?

12 A Yes, sir.

13 Q And was anybody else present?

14 A Everybody was like asleep. We was in the back of the
15 dorm really.

16 Q And do you know Lamar Williams?

17 A Yeah. I've seen him around the jail. But the jail
18 ain't that big where we at on our side.

19 Q Have you had any conversations with him?

20 A Not about his case.

21 Q Have you had any conversations with him?

22 A Yes.

23 Q And you said something about you're afraid now that
24 somebody might hurt you. Who might hurt you, sir?

25 A I mean, we're in jail, man.

1 Q I know you're in jail, but Mr. Dornberg and the
2 people --

3 A You get labeled --

4 Q Excuse me. Let me finish what I'm saying, sir, then
5 you can answer. I apologize, but both of us can't talk at
6 the same time.

7 A Okay.

8 Q You're in jail with the people who you're getting
9 ready to testify against?

10 A Yeah.

11 Q So you said you want to get -- who is it in jail
12 you're afraid of? Is it Mr. Dornberg?

13 A I'm not afraid of anyone. He misinterpreted what I
14 said. Like I'm not afraid to testify.

15 Q Well, tell the Court what you said, sir.

16 A It's like my lawyer said he felt like it probably
17 wasn't good for me to testify, because people probably
18 will label me as a snitch. I mean, you know, how that
19 goes, things like that.

20 Q No, sir. How does that go?

21 A Like if somebody thinks you're a snitch, they're
22 going to try to get at you. So you have to defend
23 yourself on a daily basis.

24 Q I see, sir. So you want to get a bond in exchange
25 for your testimony?

1 A Nah. I ain't worried about no bond.

2 Q So you didn't discuss getting a bond with Mr. --

3 A No. I told --

4 Q Excuse me. Let me finish my question.

5 Thank you.

6 You didn't discuss getting a bond with Mr. Cooke

7 earlier this morning? That's what he told the Court.

8 A No. Mr. Cooke said -- me and my lawyer was talking.

9 My lawyer said that, you know, you don't have a bond. So
10 you cannot really just go home and be safe. And I told

11 Mr. Cooke that, too.

12 I'm not worried. I've been in jail seven months.

13 I'm not worried about a bond. I can defend myself. But
14 if somebody told me he's the trigger man, but this man is
15 on trial for something another man told me he did, I feel
16 like that's the right thing, to tell the truth.

17 Q And when did you tell this story?

18 A About a month ago.

19 Q Okay. And when did he tell you that before that?

20 A About two months before then.

21 MR. WESTON: That's all I have, Judge.

22 MR. COOKE: I have no further questions, Judge.

23 THE COURT: How long do we need to wait for y'all to
24 run a RAP sheet? Do you have someone doing it, or are we
25 okay?

1 MR. WESTON: Your Honor, we've not been able to
2 determine if he has any prior record.

3 If I may just ask.

4 BY MR. WESTON:

5 Q Do you have a prior record?

6 A No, sir.

7 MR. WESTON: Your Honor, the information we have is
8 correct.

9 THE COURT: What are the charges you're in on right
10 now?

11 THE WITNESS: Seven attempted murders.

12 THE COURT: Seven attempted murders?

13 THE WITNESS: Yes.

14 THE COURT: Seven counts from the same incident?

15 THE WITNESS: Yes.

16 THE COURT: Was it a shooting incident?

17 THE WITNESS: Yeah, but it's nothing.

18 THE COURT: So that's the charges, seven counts of
19 attempted murder?

20 THE WITNESS: Yeah. And like six or seven
21 co-defendants.

22 THE COURT: With six or seven co-defendants?

23 THE WITNESS: Something like that.

24 THE COURT: And are you any relation to the
25 Defendant, Mr. Williams?

1 THE WITNESS: No.

2 THE COURT: You just have the same last name?

3 THE WITNESS: Yeah.

4 MR. COOKE: Judge, we can just leave him up there,
5 because he'll be my first witness.

6 THE COURT: Are you comfortable with not having to
7 run a RAP sheet on him?

8 MR. WESTON: Yes. We can see he has no prior record.
9 And there would be no impeachment on the charges he's
10 facing now, obviously.

11 THE COURT: Okay. Let's go get the jury.

12 I'm just going to ask you that when you testify, lean
13 over.

14 And the Clerk is going to re-swear you in.

15 MR. GODFREY: May it please the Court.

16 THE COURT: Yes, sir.

17 MR. GODFREY: Before the jury comes in, my client has
18 decided that he's not going to testify.

19 THE COURT: Do you want to take care of that, both of
20 y'all, right now?

21 MR. COOKE: Judge, I don't. I'd prefer to do that
22 later.

23 THE COURT: We'll take the time later. You've got
24 it.

25 Thank you, Mr. Godfrey.

1 (WHEREUPON, the jury came into open court at
2 approximately 1:58 p.m.)

3 THE CLERK: Would you, please, raise your right hand.
4 WHEREUPON,

5 MICHAEL ANTONIO WILLIAMS,
6 after first having been duly sworn, testified as follows:

7 THE CLERK: Thank you.

8 THE COURT: And, sir, would you give us your name for
9 the jury?

10 THE WITNESS: Michael Antonio Williams.

11 THE COURT: Thank you, sir.

12 Whenever you're ready, Mr. Cooke.

13 MR. COOKE: May it please the Court.

14 DIRECT EXAMINATION

15 BY MR. COOKE:

16 Q You are Michael Antonio Williams?

17 A Yes, sir.

18 Q How old are you, Michael?

19 A 22.

20 Q When did you first meet me, Michael?

21 A About two weeks ago.

22 Q Two weeks ago?

23 A Yes, sir.

24 Q And who was present at that meeting?

25 A My lawyer, Scott Robinson.

1 Q And who is Scott Robinson?

2 A My lawyer.

3 Q And I think we met at the LEC; is that correct, the
4 law enforcement center?

5 A No. You came to the attorney visiting room.

6 Q Well, the attorneys room at the law enforcement
7 center?

8 A Yes, sir.

9 Q And with his permission, did you talk with me?

10 A Yes, sir.

11 Q About this case?

12 A Yes, sir.

13 Q And, during that conversation, did you tell me you
14 knew Lamar Williams?

15 A Yes, sir.

16 Q Okay. Are you related to Lamar Williams in any way?

17 A No, sir.

18 Q Okay. Do you know him personally? Are you friends
19 at all, or acquaintances down at the LEC? Tell me how
20 you're connected to him.

21 A No. I met him like we was on the same hall before.
22 And people used to talk about him, but nothing more than
23 that.

24 Q All right. Do you know a Mr. Dornberg?

25 A Yeah.

1 Q Jeffrey Dornberg, you do know him?

2 A Yeah, from the jail.

3 Q I beg your pardon?

4 A From the jail.

5 Q From the jail?

6 A Yes, sir.

7 Q And how do you know him? Are you all in the same
8 pod?

9 A Yeah. We was in the same dorm.

10 Q And how long have you been in there with him?

11 A He was in there for probably like a month, and then
12 he checked himself out.

13 Q He checked himself out?

14 A Yes, sir.

15 Q And, during that period of time, did you get to know
16 Jeff Dornberg?

17 A A little bit, you know. In jail, certain people talk
18 to each other, certain people don't.

19 Q Did you socialize with him at all?

20 A A little bit.

21 Q Play cards, or anything like that?

22 A Yeah. Yes, sir.

23 Q Okay. Did you guys get -- at night, do y'all -- are
24 y'all able to play cards together, or do you have to go
25 into cells and go to bed, or what?

1 A In the ward we was in, the block we was in, you can
2 be out all night, really.

3 Q Okay. Do you recall an occasion -- and if you can,
4 tell me approximately when. Did you have a conversation
5 with Mr. Dornberg regarding the murder of a fellow by the
6 name of Cruell?

7 A I can't remember the exact date, but it was late one
8 night, though, about two or three month months ago.

9 Q Two or three months ago?

10 A Yes, sir.

11 Q And what was that conversation about?

12 A He was just like -- we was just playing cards. And
13 he was like asking me about my case. And I was just like,
14 you know, My lawyer told me don't get into that.

15 And he was like, Yeah, I got a body.

16 And I was like, You got a body?

17 And he went on to tell me, I shot this dude, but
18 everybody is saying Face did it. So I'm going to let him
19 take the rap for it, and he wasn't even there.

20 That's exactly what he said. He told me what kind of
21 weapon he used and all. He told me that they ain't going
22 to find the bullet. It fell in my home boy's shoe.
23 That's what he said to me.

24 Q So he said that he did the shooting, and the bullet
25 fell in his home boy's shoe?

1 A Yes, sir.

2 Q Do you have any idea who his home boys were?

3 A No, sir.

4 Q Do you know any of the other -- do you know anybody
5 by the name of Butler or Taylor?

6 A No, sir.

7 Q Okay. Have you ever talked with a Willie Taylor, or
8 a fellow named Scottie Butler that you recall?

9 A No, sir.

10 Q Have you -- did Lamar Williams put you up to this?

11 A No, sir.

12 Q Okay. So you're telling the Court that you had that
13 conversation --

14 MR. WESTON: Objection, Your Honor. He's leading.

15 MR. COOKE: I'm sorry.

16 BY MR. COOKE:

17 Q Was -- how was Mr. Dornberg portraying this? Was he
18 bragging to you?

19 A He sounded like very confident, and like he wanted
20 somebody to be scared of him, or something.

21 MR. COOKE: Excuse me just a second.

22 I have no further questions I don't think, but just
23 let me make sure.

24 (Pause.)

25 MR. COOKE: I have no further questions.

1 Thank you very much.

2 CROSS-EXAMINATION

3 BY MR. WESTON:

4 Q Mr. Williams, is it unusual for somebody to brag in
5 jail about things they've done to make people scared of
6 them, so they can kind of get a reputation and nobody
7 bother them?

8 A I mean, a lot of people don't talk about their cases
9 these days.

10 Q That's not my question, sir. Let me repeat it slowly
11 to make sure you understand, so I can make sure you answer
12 my question. Is it unusual for people in jail to brag and
13 bolster about what they've done and pump themselves up so
14 nobody in jail bothers them?

15 A Not really.

16 Q Nobody tries to seem badder than they are in jail, is
17 that what you're telling this jury?

18 A Well, they do, but --

19 Q The answer to the question is yes then?

20 A Yeah.

21 Q Thank you.

22 A Nobody is going to say they got a body in front of
23 somebody like they done killed somebody. That's something
24 you don't brag about.

25 Q Nobody would do that?

1 A Period.

2 Q Period?

3 A I've got seven attempted murders. I don't be in
4 there talking about that.

5 Q So you've been charged with attempting to kill seven
6 people?

7 A Yeah. That's what I'm trying to tell you. People,
8 they talk about stuff. If you want to try to make
9 yourself be somebody, or be bigger than what you is. But
10 some people try to confide in people like here, this is my
11 man, you're going to do this for me.

12 Q Are you finished? I want to make sure I understand
13 what you just said.

14 A Yes, sir.

15 Q So some people, if they try to make themselves
16 bigger, they'll say it? Isn't that what you just said?

17 A Yes, sir.

18 Q So the answer to my question is yes --

19 A Yes.

20 Q -- people bolster, and brag, and pump themselves up,
21 and say things that aren't true to make themselves scary
22 in jail?

23 A Exactly.

24 Q Thank you.

25 Now, you called this man here Face; is that correct?

1 A Yeah. That's what they call him.

2 Q Is that what you call him?

3 A That's what they call him. That's his name in jail.
4 His name is Lamar.

5 Q Haven't you talked to him a number of times, you said
6 on direct examination?

7 A Yeah.

8 Q You don't call him Face, though?

9 A No.

10 Q When Jeff Dornberg allegedly gave you the statement,
11 had you ever had any conversations with this man before
12 that?

13 A Yeah.

14 MR. WESTON: Thank you, sir.

15 MR. COOKE: No further questions.

16 THE COURT: Anything?

17 MR. GODFREY: (Mr. Godfrey shook his head.)

18 THE COURT: All right. You may be excused.

19 You may call your next witness.

20 MR. COOKE: Yes, ma'am. She's outside getting her.

21 THE COURT: What's his name?

22 MR. COOKE: Oh, I'm sorry. Her name is Jennifer
23 Burnette.

24 THE COURT: Thank you.

25 MR. COOKE: I apologize.

1 THE CLERK: Ms. Burnette, if you'll come around here
2 to be sworn in.

3 THE COURT: Come right here and face the Clerk. And
4 she's going to administer the oath.

5 WHEREUPON,

6 JENNIFER BURNETTE,
7 after first having been duly sworn, testified as follows:

8 THE CLERK: Okay. You may be seated.

9 Thank you.

10 Would you, please, state your name for the record.

11 THE WITNESS: Jennifer Burnette.

12 DIRECT EXAMINATION

13 BY MR. COOKE:

14 Q Ms. Burnette, other than -- I guess it was Monday --
15 didn't you come over here on Monday? I can't remember.

16 A (Witness nodded.)

17 Q We served a subpoena on you; is that correct?

18 A Uh-huh.

19 Q And you came over pursuant to our subpoena?

20 A Yes, sir.

21 Q Prior to that, had you ever met me, or talked with
22 me?

23 A No, sir.

24 Q So you're over here from Greenwood today?

25 A Yes, sir.

1 Q Okay. I would like to ask you how old you are, first
2 of all?

3 A I'm 23.

4 Q Okay. Are you married?

5 A No.

6 Q Do you have any children?

7 A Yes.

8 Q How many?

9 A One.

10 Q Okay. And where do you work?

11 A Sykes Enterprises.

12 Q And what is Sykes Enterprises?

13 A It's an AT&T call center in Greenwood.

14 Q So if I've got a problem with my phone, that's
15 where --

16 A Uh-huh.

17 Q And we can talk to you?

18 A Yes, sir.

19 Q Okay. Fair enough.

20 Now, do you know a Mr. Dornberg?

21 A Uh-huh.

22 Q How long have you known him?

23 A Since I was like 13 or 12, just back when we was --
24 we went to the skating ring and all that together.

25 Q So y'all kind of grew up in junior high together,

1 that sort of thing?

2 A Uh-huh.

3 THE COURT: Say "yes" for the record. You need to
4 say "yes" or "no."

5 THE WITNESS: I'm sorry.

6 THE COURT: That's all right.

7 BY MR. COOKE:

8 Q Have you ever been in court before?

9 A No.

10 Q All right. So I know you're a little nervous. Tell
11 me, back in 2010 -- as a matter of fact, I believe it was
12 in the fall of 2010, do you remember Mr. Dornberg coming
13 over to your grandmother's house?

14 A Yes, sir.

15 Q And did he call before he came?

16 A He -- I wasn't at home. I was, actually, at Old Navy
17 with my sister. He called my cell phone, and it was my
18 house calling. And he called from my house phone. My
19 grandmother let him in.

20 Q So you weren't there when he came?

21 A No.

22 Q Did he leave and come back, or did you go home?

23 A I told him to wait on me. I'm not sure if he left in
24 between those times, but he was there waiting on me out in
25 the car.

1 Q Okay. And so what -- when he got there, did y'all
2 talk about this case at all immediately?

3 A No.

4 Q Okay. Did -- tell me what you did.

5 A I got there and he was out there in the car waiting
6 on me. I had to get my son out of my sister's car, and
7 just stuff we had got from Old Navy for me and him. And
8 he got out of the car. And I introduced him to my sister.
9 And we went inside after that and put everything up. I
10 gave my son a bath. Then, after that, I got him ready for
11 bed, and all that.

12 And then that's when we went out and got in the car.
13 And we just talked about ordinary stuff. And then he
14 ended up telling me --

15 Q What -- tell me what he told you.

16 A He told me that he's the one that shot the guy.

17 Q He told you that he shot Mr. Cruell in this case?
18 And he voluntarily told you that? How many times did he
19 tell you that?

20 A A couple. And then after he left -- or before he
21 left, he just told me, We didn't talk about nothing, like
22 for me not to say anything.

23 Q Promise not to say anything?

24 A Yes, sir.

25 Q Then later on, did you mention this to him later on,

1 say, the next day?

2 A I talked to him, I think, the next day. And he was
3 wanting to see me that day so we could talk and stuff.
4 And I asked him, I said, Do you not remember what you told
5 me last night? And I told him what he told me.

6 He said, Oh, I was just BS'ing.

7 Q BS'ing. And this is not the first time you've told
8 this story?

9 A No.

10 Q Okay. You told it to the police officers?

11 A Yes, sir.

12 Q And how -- were y'all ever boyfriend and
13 girlfriend --

14 A Yes, sir.

15 Q Over the years off and on?

16 A Yes. But the first time was like a long time ago, we
17 were just kids.

18 Q But you didn't have any children by him?

19 A No.

20 MR. COOKE: Okay. Thank you very much.

21 Hold on one second, and let me make sure I don't have
22 any other questions.

23 (Pause.)

24 MR. COOKE: No other questions.

25 Thank you very much.

CROSS-EXAMINATION

BY MR. WESTON:

Q Ms. Burnette, you said he told you at the end that he was just kidding. I don't want to use the word he probably used, but he was just joking, or kidding?

A Yes.

Q And did you talk -- after that conversation, did you take him anywhere?

A No.

Q Did you ever take him to Laurens?

A No.

Q Do you know Lamar Williams?

A No.

Q Do you know the name Lamar Williams?

A Uh-huh.

Q How do you know that name?

A I've just heard stuff about him.

Q Well, don't tell me what you've heard about him. But how did you know the name?

A People talking.

Q Have you heard Jeff talking about him?

A Uh-huh.

Q You have to say "yes" or "no."

A Yes.

Q And do you know what Jeff called him --

1 MR. COOKE: I object, Judge. He's trying to get
2 hearsay testimony, I believe.

3 MR. WESTON: It's the same testimony he's trying
4 to elicit, the testimony of the co-defendant, Your
5 Honor.

6 THE COURT: You can go ahead and ask it.

7 MR. WESTON: Thank you.

8 BY MR. WESTON:

9 Q Do you know what Jeff called Lamar Williams?

10 A Face.

11 MR. WESTON: One moment, Your Honor.

12 (Pause.)

13 MR. WESTON: That's all I have.

14 Thank you.

15 MR. COOKE: Thank you, ma'am.

16 THE COURT: You may step down.

17 MR. COOKE: Could she be released from the subpoena?

18 THE COURT: You are excused, ma'am.

19 THE WITNESS: Thank you.

20 MR. COOKE: Thank you, ma'am.

21 Our next witness is Kristine Sterling.

22 THE CLERK: Ms. Sterling, please, come forward to be
23 sworn in.

24 Please place your left hand on the Bible and raise
25 your right.

1 WHEREUPON,

2 KRISTINE STERLING,

3 after first having been duly sworn, testified as follows:

4 THE CLERK: Thank you.

5 You may be seated.

6 Please state your full name for the record.

7 THE WITNESS: Kristine Sterling.

8 THE CLERK: Thank you.

9 MR. COOKE: May it please the Court.

10 THE COURT: Yes, sir.

11 DIRECT EXAMINATION

12 BY MR. COOKE:

13 Q You are Kristine Sterling?

14 A Correct.

15 Q Okay. Ms. Sterling, I think you met me the first
16 time on Monday -- or last week? I don't remember.

17 A Last week.

18 Q Last week. Okay. And you came over to discuss this
19 case with me?

20 A I did.

21 Q Okay. Speak into that microphone a little bit.

22 A I did.

23 Q Where do you live?

24 A In Laurens, South Carolina.

25 Q Okay. And how old are you?

1 A 25 years old.

2 Q Okay. And do you have any children?

3 A I do not.

4 Q Okay. Tell me, where did you go to high school?

5 A Laurens District 55 High School.

6 Q You speak very softly, so you've got to speak up just
7 a little bit.

8 A Okay.

9 Q All right. Now, did you get any higher education
10 than high school? Did you do any --

11 A After I went to Laurens District 55, I, actually,
12 left there in the eleventh grade, but I did go to adult
13 education in Greenville and got my high school diploma.
14 But did not further my education after that.

15 Q Tell me, where you are presently employed?

16 A I'm employed at the Wal-Mart pharmacy in Greenwood.

17 Q And how long have you been with the Wal-Mart
18 pharmacy?

19 A Since August of 2009.

20 Q Now, tell me, do you know Lamar Williams?

21 A I do.

22 Q And how do you know Lamar?

23 A I was working at a convenience store, I believe it
24 was at the end of 2005, or beginning of 2006, and we met
25 there. We lost contact for a little while. And then we

1 started dating in 2008.

2 Q 2008?

3 A That's correct.

4 Q Now, I'm going to take you back to October of 2010.

5 A Okay.

6 Q Okay. Now, were you living with Lamar at that time?

7 A He was, actually, living between my place and his --
8 an apartment in Laurens.

9 Q And when you say he was living at your place, who was
10 living there with you besides Lamar?

11 A My mother.

12 Q Okay. So your mother, yourself, and Lamar; correct?

13 A Correct.

14 Q Okay. And on or about -- let's say, in the middle of
15 October, was Lamar kind of living the same arrangements?

16 A Yes.

17 Q Okay. And, now, tell me, prior to this alleged
18 incident that Lamar was involved in, you had -- I think
19 you had told Lamar --

20 MR. WESTON: Objection, Your Honor.

21 MR. COOKE: I'll rephrase it.

22 THE COURT: Thank you.

23 BY MR. COOKE:

24 Q Prior to this incident, had you told Lamar he had to
25 move out?

1 A We had broken up on October the 11th. So we was, you
2 know, not really on good terms with each other. And I did
3 tell him that my grandmother was coming to town so he
4 couldn't be there while she was there, because I only have
5 a two-bedroom house. And my grandmother was going to
6 sleep in my bed, and my mother in her room, and I was
7 going to sleep on the couch. So I did tell him he had to
8 leave.

9 Q Do you remember about when that was?

10 A It was -- I believe it was the middle of the week
11 before she, actually, came in on her flight, my
12 grandmother.

13 Q Okay. Do you remember, I mean, what date that was in
14 October, or anything?

15 A I really don't.

16 Q Was it in October?

17 A It was.

18 Q Okay. Now, do you recall Lamar, at some point in
19 time, coming to see you at Wal-Mart while you worked? Did
20 he ever come by there to see you, that sort of thing?

21 A He does.

22 Q Did you ever work the night shift?

23 A I worked different shifts. It's swing shift. I
24 could work any time from 7:45 in the morning until
25 9:00 p.m.

1 Q Would it be unusual for him to come and hang around
2 Wal-Mart for a while before you got off, or just hang out?

3 A No.

4 Q So he would do that on occasion?

5 A He would, yes.

6 Q Okay. Now, I want to take you back to the date that
7 this incident occurred, which was October the 18th of
8 2010. Tell me, did you see Lamar on the 17th?

9 A I did.

10 Q Which is the day before. And were y'all living
11 together at that time?

12 A We was, actually, kind of still on the outs at that
13 time. We hadn't gotten back together yet. But he did
14 like to hang around. And, you know, we was trying to work
15 things out. But I did see him on the 17th.

16 Q And did he spend the night with you on the 17th?

17 A He did.

18 Q And do you recall, on the 18th, what you folks did?

19 A I do. On the 18th, that morning, we woke up. We got
20 ready to leave. I will say I woke up, and it was 8:00 or
21 shortly after. And we left the house. It was between --
22 9:15, 9:30. And I stopped at an ATM at a Hot Spot in
23 Laurens. I withdrew \$20. And then we went to the bonds
24 office in Laurens, and paid \$100 on his bond.

25 And then once I left there, we went to the social

1 security office, because he had applied for a social
2 security card. He never received it in the mail. So he
3 was going to check on that. We got to the social security
4 office. And we was there maybe, roughly, 15 or 20
5 minutes. And the gentleman at the window had made an
6 announcement that if you didn't have --

7 MR. WESTON: Objection, Your Honor. Hearsay.

8 BY MR. COOKE:

9 Q Don't say what the gentleman said. But, based on
10 what the man said, did y'all stay or leave?

11 A We left because he didn't have his identification.

12 Q He didn't have his identification?

13 A That's correct.

14 Q I want to show you -- can you identify these photos,
15 ma'am?

16 A This one is my puppies. And this one is a photo of
17 my dog laying on Lamar's back on the couch.

18 Q And tell me on what occasions these pictures were
19 taken.

20 A The one of the photo with the dog in my kitchen, that
21 one -- I just take random pictures of my animals. But the
22 one with Lamar in it was when we had left the social
23 security office. We came back to the house. And he
24 couldn't find his identification. So I wasn't -- I didn't
25 take him back out at that time. And we was watching

1 television at that time.

2 Q Okay. Is that the -- whose shirt is that? Is that
3 Lamar there with the dog?

4 A Correct.

5 MR. COOKE: I'd like to have these marked.

6 (WHEREUPON, Defendant's Exhibit Nos. 1 and 2 were
7 marked for identification only.)

8 BY MR. COOKE:

9 Q Now, to be fair, these photographs have no date on
10 them when they were taken. This is strictly your memory
11 of --

12 MR. WESTON: Objection, Your Honor leading.

13 MR. COOKE: I was. And I apologize.

14 BY MR. COOKE:

15 Q Is there any date here that would indicate that you
16 know when these were taken?

17 A Not unless it would be on the back of the photo.

18 Q And have you looked at the back of them?

19 A They do have dates on them.

20 Q And what are those dates?

21 A This one is December the 3rd of 2010.

22 Q Okay.

23 A And this one is October 18th of 2010.

24 Q Okay. So that was taken on October the 18th of 2010?

25 A Correct.

1 Q And, again, tell me who's on that sofa.

2 A That is Lamar, and my now deceased puppy.

3 MR. WESTON: Your Honor, I think I'm not going to
4 have a problem, but, at least, I should be able to look at
5 them. He has not offered them into evidence before he
6 started showing them to the jury.

7 MR. COOKE: Here you go. You can look at anything
8 you want to, you know that.

9 (Pause.)

10 MR. WESTON: Thank you, Your Honor.

11 No objection.

12 (WHEREUPON, Defendant's Exhibit Nos. 1 and 2 were
13 admitted into evidence.)

14 BY MR. COOKE:

15 Q Now, after y'all went back to your apartment, you
16 said Lamar was taking a nap, and y'all were watching TV?

17 A We went back to my house.

18 Q How long did you stay there? Now, this was on the
19 18th?

20 A Okay.

21 Q And you said that y'all had slept there on the 17th?

22 A Correct.

23 Q Was Lamar with you the whole night and morning of the
24 17th of October, 2010?

25 A Yes, he was.

1 Q Okay. Now, when you went up town that morning -- and
2 you said that you had gotten 20 bucks out of the ATM
3 machine?

4 A I did.

5 Q Do you recall that you said you had gone to a bonding
6 company?

7 A I did.

8 Q Okay. And give me the name of that bonding company,
9 please.

10 A Reliable Bonding.

11 Q And Reliable Bonding is located where?

12 A On Clinton Highway going towards Clinton in Laurens
13 County.

14 Q Okay. Do you remember about what time? Was it in
15 the morning or the afternoon that you went to Reliable
16 Bonding?

17 A It was the morning time.. It had to have been between
18 9:30 and 10:00.

19 Q Now, who did you see at Reliable Bonding?

20 A Iesha.

21 Q Was Iesha the only person working there that morning?

22 A I think I recall maybe one other person, a female
23 that works there.

24 Q But you say the two were there, or you don't
25 remember?

1 A I don't remember.

2 Q But did you normally deal with Iesha?

3 A Correct.

4 MR. COOKE: Excuse me just a moment, please.

5 THE COURT: Yes.

6 (Pause.)

7 MR. COOKE: I have no further questions. Would you
8 answer any for Mr. Weston, please?

9 CROSS-EXAMINATION

10 BY MR. WESTON:

11 Q Ms. Sterling, just a few questions. The pictures
12 that were just introduced into evidence, they don't have a
13 time on them, do they?

14 A They do.

15 MR. WESTON: If I may, sir. I apologize.

16 BY MR. WESTON:

17 Q Starting with that one.

18 A I'm sorry. The time is in my --

19 Q Does the picture have a time on it?

20 A It does not.

21 Q Does this picture have a time on it, ma'am?

22 A It does not.

23 Q Thank you, ma'am.

24 You're still dating Lamar Williams, aren't you? Not
25 dating in the y'all get to go out sense, but you and he

1 are still considered boyfriend and girlfriend, aren't you?

2 A No. We are not together at this time.

3 Q I didn't ask if y'all are together. Do you still
4 consider him your boyfriend?

5 A No, I don't.

6 Q Why not?

7 A We're not together.

8 Q I understand that. When is the last time you talked
9 to him?

10 A Yesterday.

11 Q When is the last time you talked to him before that?

12 A The day before.

13 Q Yes. Because I've got -- when was the last time you
14 talked to him before the day before yesterday?

15 A I talk to him just about every day.

16 Q Thank you.

17 But you're not boyfriend and girlfriend any more,
18 that's what you're telling the jury?

19 A We're not currently together, no.

20 Q Yes, ma'am. And we're playing semantics here. And I
21 don't mean to do that. Why do you talk to him every day
22 if he's not your boyfriend?

23 A Because we are friends.

24 Q Give me the name of another friend of yours.

25 A Walter Burnside.

1 Q Did you talk to him yesterday?

2 A I did.

3 Q Did you talk to him the day before that?

4 A I did.

5 Q The day before that?

6 A I talk to him just about every day as well.

7 Q Do you talk to all of your friends every day?

8 A I do not.

9 Q All right. You care about him, don't you?

10 A I do.

11 Q A good bit?

12 A Yes.

13 Q And you don't want to see anything bad happen to him?

14 A I don't.

15 Q At the time -- you say y'all were together on the
16 morning of October 18th, and y'all had spent the night
17 together; is that right, ma'am?

18 A That's correct.

19 Q And y'all were dating -- y'all were -- he was your
20 good friend then?

21 A We had, actually, broken up on October the 11th, but
22 we still, you know...

23 Q How long did y'all stay broken up?

24 A I'd say a week or two.

25 Q So it could have been about two weeks?

1 A Possibly.

2 Q Then how the heck, ma'am, is he staying with you on
3 the night of October the 17th, six days later? It's
4 two weeks, ma'am, that y'all broke up. How could that
5 be?

6 A We don't have to be together to stay in the same
7 house together.

8 Q But y'all had broken up because your grandmother was
9 coming, and he could not be there, ma'am. That's what you
10 told the jury.

11 A That's not why we had broken up, no, sir.

12 Q That's what you told us on direct, that you told him
13 he had to get out of the house because your grandmother
14 was coming. Now, please, what is it?

15 A No. We had broken up on October the 11th. And we
16 was still working things out. So -- and then -- but I
17 told him he couldn't stay at my house, because my
18 grandmother was coming in on a flight on October the 24th.
19 So he couldn't stay at my house, because I didn't have
20 room for him to stay there. My grandmother was going to
21 sleep in my bed. And I had to sleep on the couch.

22 Q When did you tell him that, ma'am? Let's just get it
23 straight. Let's sort all this out. You broke up on
24 October 11th. Why did y'all break up then? I'm going to
25 ask you one question at a time.

1 Why did you break up then, if it wasn't your
2 grandmother?

3 A Relationship problems.

4 Q What were the problem?

5 A It was different things.

6 Q Tell us all of them.

7 A That, you know, he wasn't coming home on time. He
8 had a curfew with me, generally. And, you know,
9 sometimes, I couldn't get ahold of him. And it was
10 just --

11 Q But you remember getting ahold of him on the night of
12 October 17th, and he was home with you that night?

13 A He had called me on the night of the 17th when he was
14 on his way to my house.

15 Q Who brought him to your house?

16 A A gentleman I only know by the name of Tub.

17 Q Tub?

18 A Uh-huh.

19 Q Is he black or white?

20 A Black.

21 Q Some guy named Tub brought him to your house?

22 A Correct.

23 Q But you cared about him, and you took him in that
24 night?

25 A I did.

1 Q And you're still talking to him on the phone daily
2 now; right?

3 A Correct.

4 Q So, ma'am, tell this jury, do you remember meeting
5 with Christopher Hammett, this investigator, and
6 Investigator Antonio Bailey, who is sitting in the back of
7 the room, on, specifically, February 27th of 2011?

8 A I don't remember the date, but they did come to my
9 house.

10 Q And they talked to you about this murder, didn't
11 they, ma'am, and your friend?

12 A Correct.

13 Q Tell this jury what you told them when you swore he
14 couldn't have done it because he was with you that night.
15 Tell the jury what you told them. What did they say when
16 you told them that?

17 A (There was no response).

18 Q You didn't tell them that, did you, ma'am?

19 A I told them I couldn't remember anything specific
20 about that date.

21 Q So October 20 -- I mean, excuse me. I want to get
22 this right. February 27th of 2011, you couldn't remember
23 about that date; right?

24 A Not at that time.

25 Q But now, in 2012, you remember everything. Is that

1 what you're telling this jury, ma'am?

2 A Well, I have records of, you know, places I went that
3 day. I went through my cell phone, and looked at
4 pictures. I went through my bank records. And I, also,
5 have a receipt from where I went to the bonding office
6 and, you know, certain things --

7 Q Your friend is charged with murder, ma'am. These
8 investigators come to your house. You've got an alibi for
9 him, and you don't even bother to look until February of
10 2012. This is the first time you've told this story
11 publicly, isn't it, ma'am?

12 A Publicly, yes.

13 MR. WESTON: Thank you.

14 Nothing further for this witness.

15 MR. COOKE: I do.

16 May it please the Court.

17 REDIRECT EXAMINATION

18 BY MR. COOKE:

19 Q You mentioned that at the time the officers
20 interviewed you that you really couldn't remember what
21 happened on those dates, or where you were?

22 A Yes.

23 Q Fair enough. All right. How were you able to make
24 that determination?

25 A Through my phone records, pictures in my phone, and a

1 receipt from a bonding office that I went that morning,
2 and my bank records.

3 Q Okay. I want to show you a copy of this receipt.
4 Tell me what that is.

5 A That is a receipt where Lamar Williams paid --

6 MR. WESTON: Your Honor, I'm going to object. This
7 is a new matter that was not gone into on
8 cross-examination.

9 MR. COOKE: He brought it up.

10 MR. WESTON: I didn't bring up anything about the
11 receipt --

12 MR. COOKE: You didn't ask about a receipt --

13 THE COURT: All right. Gentlemen.

14 Mr. Cooke, I'm going to allow it. Go ahead and go
15 forward.

16 MR. COOKE: Thank you.

17 BY MR. COOKE:

18 Q Identify that, please, ma'am.

19 A This is a receipt that was given by the bond office.
20 It says, Lamar Williams paid for himself \$100 on
21 10/18/2010, received by Iesha.

22 Q And that's what helped you refresh your memory when
23 you went through and found this?

24 A That's correct.

25 MR. COOKE: I'd like to mark this.

1 (WHEREUPON, Defendant's Exhibit No. 3 was marked for
2 identification only.)

3 MR. WESTON: Your Honor, I'm going to object to the
4 introduction of this document through this witness. It's
5 a copy. She didn't write it. I don't think she's
6 qualified to introduce that as being authentic, Your
7 Honor. And he can't show it to the jury.

8 THE COURT: Mr. Cooke, come here.

9 MR. COOKE: I'm sorry. I apologize.

10 THE COURT: Let me see what it is.

11 MR. COOKE: Okay.

12 THE COURT: She didn't write it.

13 MR. COOKE: I'll get it in through my next witness.

14 THE COURT: Thank you.

15 BY MR. COOKE:

16 Q So this is the receipt that you received when y'all
17 paid the bond; is that correct?

18 A That's correct.

19 MR. COOKE: I have no further questions.

20 MR. WESTON: Just one question on recross.

21 RECROSS-EXAMINATION

22 BY MR. WESTON:

23 Q You say it's the receipt you received. It's for, I
24 think, \$100?

25 A It is.

1 Q Who paid the bond, you or Face -- you or Lamar
2 Williams?

3 A Lamar Williams.

4 Q So why would they give you the receipt, ma'am?

5 A He gave me the receipt after he paid it. But I took
6 him to the bonding office.

7 Q So when you say you received it, you received it from
8 Lamar Williams?

9 A That's correct.

10 Q Sometime after that?

11 A As soon as he paid it.

12 Q Why would he give it to you, ma'am?

13 A Because I keep records of all of his receipts that he
14 pays.

15 Q But you're not his girlfriend; right?

16 A I am not currently, no.

17 MR. WESTON: Thank you, ma'am.

18 MR. COOKE: Just one other question.

19 FURTHER EXAMINATION

20 BY MR. COOKE:

21 Q I was trying to reserve this for the next witness,
22 but I'll show you an original receipt. Is this the
23 receipt that I showed you a few minutes ago?

24 A That is the receipt.

25 Q Okay. Same date?

1 A It is.

2 Q Received from Iesha at the bonding company?

3 A Correct.

4 MR. COOKE: Would you like to see this, Mr. Weston?

5 MR. WESTON: Well, I don't doubt that's the original.

6 Once again, my objection remains the same. It was not
7 given to her, and she's admitted that. Unless we've
8 got --

9 THE COURT: She can't authenticate. You're going to
10 have to do it through somebody else.

11 MR. COOKE: I'd like to mark this.

12 (WHEREUPON, Defendant's Exhibit No. 4 was marked for
13 identification only.)

14 MR. COOKE: No further questions.

15 THE COURT: Anything further?

16 MR. WESTON: Nothing from the State, Your Honor.

17 MR. COOKE: I'd like to have her released from the
18 subpoena.

19 THE COURT: Any objection to her being released?

20 MR. WESTON: No objection, Your Honor.

21 THE COURT: You are excused.

22 Mr. Cooke, you may call your next witness.

23 MR. COOKE: Iesha, please.

24 (Pause.)

25 MR. COOKE: Judge, excuse me. I object to this

1 conversation being overheard by the jurors there. I think
2 he's speaking a little loud.

3 MR. WESTON: I just asked him whether he wrote the
4 word "name" or "none." And he said it was "none," Your
5 Honor. And I don't think the jury --

6 MR. COOKE: Well, it's loud enough for the jury --

7 THE COURT: Okay. Gentlemen, sit down.

8 THE CLERK: Ms. Scruggs, please come forward to be
9 sworn in.

10 Please place your left hand on the Bible and raise
11 your right.

12 WHEREUPON,

13 IESHA SCRUGGS,

14 after first having been duly sworn, testified as follows:

15 THE CLERK: Thank you.

16 You may be seated.

17 Please state your name for the record.

18 THE WITNESS: Iesha Scruggs.

19 THE CLERK: Thank you, ma'am.

20 DIRECT EXAMINATION

21 BY MR. COOKE:

22 Q Could you spell your last name?

23 A S-C-R-U-G-G-S.

24 Q Ms. Scruggs, had you ever seen me before today?

25 A No, sir.

1 Q Okay. And were you subpoenaed by Lamar Williams to
2 come to court today?

3 A Yes, sir.

4 Q Can you tell me where you live, please, ma'am?

5 A I live in Laurens.

6 Q Okay. By the way, how far is Laurens from here?

7 A About 30 minutes.

8 Q 30 minutes. Okay. And what do you do over in
9 Laurens?

10 A I work at Reliable Bail Bonding Agency.

11 Q And how long have you been with Reliable?

12 A Since 2006.

13 Q Okay. And do you know Lamar Williams?

14 A Yes, sir.

15 Q Okay. And has he done business with you before?

16 A Yes, sir.

17 Q Okay. Can you tell me if you saw Lamar Williams on
18 October the 18th of 2010?

19 A Yes, sir, I did.

20 Q And how do you know that, Ms. Scruggs?

21 A Because Lamar came in and made a payment. And I was
22 the one that received it. And I wrote him a receipt.

23 Q Okay. Let me show you a copy. Is that the receipt?

24 A Yes, sir.

25 Q Okay. And you wrote that, that's your initials?

1 A Yes, sir.

2 Q Can you tell me the date that was written?

3 A October 18th, 2010.

4 Q And how much was it written for?

5 A \$100.

6 MR. COOKE: I'd like to have this marked.

7 THE COURT REPORTER: I've already marked it.

8 MR. COOKE: Mr. Weston?

9 MR. WESTON: No objection.

10 (WHEREUPON, Defendant's Exhibit No. 4 was admitted into
11 evidence.)

12 BY MR. COOKE:

13 Q Now, do you have any idea what time -- there's no
14 time on the receipt. Do you have any idea what time he
15 came in your office? By the way, did anybody come with
16 him?

17 A Not inside.

18 Q And did you see anybody waiting on him in the car?

19 A I didn't see a car.

20 Q So he came in by himself?

21 A Yes, sir.

22 Q And did he pay you some money himself?

23 A Yes, sir.

24 Q Now, tell me what time -- do you have any way of
25 knowing what time he paid you?

1 A It was between -- after 8:30, but before 10:00. He
2 was the first payment I received for that day. And we
3 open at 8:30.

4 Q And you're the one that usually opens up?

5 A Yes, sir.

6 Q Okay. And you distinctly remember that?

7 A Yes, sir.

8 MR. COOKE: Okay. No further questions.

9 MR. WESTON: Just a couple, Your Honor.

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. WESTON:

13 Q Ms. Scruggs, let me be clear. I want to make sure
14 we're all clear. Are you sure there was nobody inside
15 with him that he handed the receipt to as soon as you gave
16 it to him?

17 A He was in the office alone.

18 Q Are you sure there wasn't a woman by the name of
19 Jennifer Burnette [sic] -- this woman right here --

20 MR. WESTON: Could you stand up, please, ma'am.

21 BY MR. WESTON:

22 Q Was this lady here with him?

23 A She did not come in with him, no, sir.

24 Q You're sure of that?

25 A Yes, sir.

1 Q All right. And it could have been as late as 10:00
2 in the morning?

3 A Yes, sir.

4 Q Why 10:00, as opposed to 11:00, or 2:00, or 3:00?
5 I'm just curious.

6 A Because we had a training session on that day. And
7 it started at 10:00. And we didn't have anyone come in
8 after 10:00.

9 MR. WESTON: Thank you, ma'am.

10 I have nothing further.

11 MR. COOKE: Just a quick question on follow-up.

12 REDIRECT EXAMINATION

13 BY MR. COOKE:

14 Q Does Lamar ever come in with anybody else?

15 A Yes, sir.

16 Q Have you seen this lady before?

17 A Yes, sir.

18 Q She's been in there with him to make payments?

19 A Yes, sir.

20 MR. COOKE: Thank you very much.

21 MR. WESTON: Just one question.

22 RE CROSS-EXAMINATION

23 BY MR. WESTON:

24 Q But she was not with him that day?

25 A No, sir.

1 MR. WESTON: Thank you.

2 THE COURT: Anything further?

3 MR. WESTON: Nothing from the State, Your Honor.

4 THE COURT: All right. You may step down.

5 MR. COOKE: Judge, I just have a matter probably
6 outside of the presence of the jury, and then maybe a
7 little bit of a break.

8 THE COURT: Sounds good.

9 Ladies and gentlemen of the jury, we're going to take
10 a short break. Return to your jury room. Refresh
11 yourselves. Again, do not discuss this case.

12 MR. COOKE: Can I release this lady from subpoena?

13 MR. WESTON: No objection from the State, Your Honor.

14 THE COURT: Ms. Scruggs, you may be released.

15 (WHEREUPON, the jury was excused from open court at
16 approximately 2:40 p.m.)

17 THE COURT: Yes, Mr. Cooke.

18 MR. COOKE: Your Honor, I would like just maybe 10
19 minutes to talk this over with my client to see whether he
20 wants to take the stand.

21 THE COURT: All right. Let's go ahead -- absolutely.
22 Let's go ahead and take about a 10-minute break.

23 (WHEREUPON, a break was taken.)

24 THE COURT: Mr. Cooke.

25 MR. COOKE: Judge, I have discussed this matter with

(WHEREUPON, the jury was excused from open court at approximately 3:39 p.m.)

And the lady who is from Laurens said it took her

1 about 30 minutes to drive over here today. I don't know
2 if it's rush hour or not. I say it's impossible for my
3 client to have gone home, done all that, dressed, gone to
4 his bondsman, took a picture on the 18th on the sofa, and
5 paid his bond lady, who had the receipt. I think it's --
6 the State hasn't done anything to disprove anything
7 they've said. They've put up no -- they've done nothing.

8 I would say that the evidence is overwhelmingly in
9 favor of the Defendant in this case, Judge. And I'd ask
10 for a directed verdict.

11 THE COURT: Mr. Weston.

12 MR. WESTON: Just briefly, Your Honor. With regard
13 to Mr. Boyd, there's been no evidence -- there's been
14 nothing that has changed since the motion that was made at
15 the conclusion of the State's case. At that time, the
16 Court ruled there was sufficient evidence, obviously,
17 based on the fact that there are three co-defendants who
18 identified him as being one of the perpetrators. The
19 State's position would be that that is sufficient to take
20 the case to the jury.

21 THE COURT: Respectfully, I agree. And I'm going to
22 deny his motion for a directed verdict.

23 MR. WESTON: With regard to Mr. Williams, Counsel is
24 misstating the facts. He says 8:30 or 9:00. According to
25 the victims, it happened at 7:30. According to the

1 eyewitness that is the most independent, the bonding lady,
2 it could have been as late as 10:00 in the morning when he
3 came in -- when he paid on this bond, which is a matter of
4 two and a half hours, which is ample time for him to have
5 done that, committed the crime, and been there. So it is
6 not impossible, as he indicated, because you change the
7 time line.

8 With regard to the alibi witnesses, I think the
9 State -- and even on direct, there was some questions
10 about her -- there's definitely questions about her
11 credibility. She admits that she is still talking to the
12 Defendant on a daily basis. So there are issues of bias
13 with regard to her. And her testimony was controverted by
14 their own next witness. Basically, she made her out to be
15 a liar. It didn't require very much for me to prove that
16 she was not even in the building with him as she had just
17 testified to. So there's issues of credibility with
18 regard to the alibi witness, Your Honor. I think it
19 raises a question for a jury.

20 THE COURT: All right. Well, respectfully, I'm going
21 to deny, also, Mr. Williams motion for a directed verdict.
22 I do think taking the evidence in the light most favorable
23 to the State, I think they were able to attack the
24 credibility of the alibi witnesses. Obviously, the burden
25 is on the State to disprove the alibi witnesses, but I

1 think they did, certainly, adequately do that to make it a
2 jury issue. So we're going to send it to the jury.

3 MR. COOKE: Thank you, Judge.

4 THE COURT: Gentlemen, anything else we need to do
5 before tomorrow morning?

6 (WHEREUPON, there was no response.)

7 THE COURT: Good night, y'all. We'll see you at 9:30
8 in the morning.

9 (WHEREUPON, the proceedings were concluded at
10 approximately 3:45 p.m., to be reconvened on
11 Thursday, February 16, 2012.)
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1 charge, other than what we discussed yesterday?

2 MR. WESTON: Nothing from the State, Your Honor.

3 MR. COOKE: Nothing here.

4 MR. GODFREY: Nothing, Your Honor.

5 THE COURT: Thank you.

6 Let's bring in the jury.

7 (WHEREUPON, the jury came into open court at
8 approximately 9:39 a.m.)

9 THE COURT: Good morning, ladies and gentlemen of the
10 jury.

11 At this time, you are going to hear the closing
12 arguments from the attorneys. I am going to charge you on
13 the law applicable to this case. And then we're going to
14 send this case to you for your deliberations.

15 Mr. Godfrey.

16 MR. GODFREY: May it please the Court.

17 THE COURT: Yes, sir.

18 CLOSING ARGUMENTS

19 MR. GODFREY: Solicitor, and, Mr. Cooke.

20 Good morning, ladies and gentlemen.

21 As you remember, my name is Bill Godfrey. And I
22 represent Richey Boyd, who's sitting over there with the
23 blue sweater.

24 You know, this is a tragic, horrible case. It's one
25 of the worst cases that you can hear. Justice must be

1 done. In this case, we know that there was no evidence
2 found at the scene itself which ties anyone to this crime.
3 It wasn't because the officers didn't try. Investigator
4 Hammett called out the forensics people. He called out
5 the dog. They worked very hard trying to find evidence at
6 the scene that would give them a clue as to what was going
7 on, or who did it. But there is none of that. What you
8 all have is statements of people, statements of people
9 which have to be considered.

10 Now, I want to ask you to think about this evidence
11 from a very practical viewpoint. I mean, for me, when I
12 think about it in total, it's a mess. You've got stuff
13 all over the place. Let's look at it from a practical
14 viewpoint. The first witness that testified was Mr. Noah
15 Cruell. He was the uncle of Wallace Cruell, who was
16 killed. Obviously, his interest is easily known. He was
17 tied up. He was jerked around. People were in his house.
18 His nephew got killed. His interest is clear. He wants
19 to do everything he can do to help the officers find out
20 who did this so that justice can be done.

21 Now, Mr. Noah Cruell, obviously, has a stuttering
22 problem. We know that from when he testified. He
23 answered the questions of Mr. Weston. Now, what did
24 Mr. Noah Cruell have to say? He told us that Wallace
25 Cruell took his children to school. And that after

1 Wallace Cruell left, then people came through the back
2 door. He says it was three people. That was his
3 testimony, three people. He, also, said that they were
4 wearing masks. And I believe he said that one of them had
5 dreadlocks.

6 Now, when he talked to the officers, he told the
7 officers it was black guys. Well, maybe that was an
8 assumption. You know what? You know for a fact that part
9 of it was wrong because you have, at least, one white
10 fellow who has got up on the stand and said he was there,
11 he did it. But the folks were wearing masks. But the
12 point is, he said it was three people.

13 I would, respectfully, submit to you, ladies and
14 gentlemen, if someone attacks you in your house or if a
15 group of people attack you in your house, you're going to
16 know how many people it was. He said three people. When
17 the officers first started investigating, they were
18 concerned about finding three people. Now, what happened
19 to Mr. Cruell, Noah Cruell, should not have happened. He
20 was attacked in his house by three people.

21 Now, let's take a practical view of what Willie
22 Taylor had to say. Willie Taylor, the first co-defendant
23 that testified, the black client -- or black defendant who
24 had dreadlocks. He's the only one, according to the
25 testimony, that knew Wallace Cruell. If you believe him,

1 there were two people from Greenwood and two people from,
2 basically, the Greenville area.

3 But look at this. This has been pointed out a number
4 of times during the course of the trial, that's
5 Mr. Cruell's house where the incident occurred. There's a
6 lot of woods out here. There's a long driveway, and then
7 it makes a turn. I asked Willie Taylor whose idea this
8 was, who was running the thing. He said, well, we all
9 sort of did it. We all sort of did it. Well, is that
10 right from a practical view? Willie Taylor is the only
11 one that had ever been to that house before.

12 Willie Taylor was a drug supplier for Wallace Cruell.
13 He told you that he had been up there five to six times.
14 He told you that he had sold \$30,000 worth of drugs up
15 there at one time. He knew Wallace Cruell, nobody else
16 did. Everyone went up there for a robbery or money and,
17 apparently, drugs. And we're told that. And they were
18 told they were going to get thousands of dollars. Who
19 knew that? Who's the only one that had any dealing with
20 him? It's Willie Taylor.

21 Now, Willie put in his statement -- or his testimony
22 that he received a phone call from someone named Guatto in
23 Greenwood. And when I asked him about Guatto, he said,
24 well, it was a childhood friend. He had moved away for a
25 while and then came back.

1 Willie Taylor gets a phone call from Guatto. He goes
2 down to see Guatto. And, according to him, Mr. Williams
3 is there. And Guatto wants to find some place where they
4 can go rob. Willie Taylor says, I don't know about that.
5 I don't really know anybody. And, according to him, he
6 leaves and goes back to Greenville. And he gets a couple
7 more phone calls from Guatto and, you know, then he says,
8 well, I might know a place. I haven't met with him for a
9 minute, but I might know a place.

10 And then from that conversation, you have the first
11 trip up to Mr. Cruell's house. And, on that particular
12 trip, Guatto was present. Well, now, on the second trip,
13 Guatto was not present. You know the interesting thing
14 about Guatto is that he was never located. He was never
15 located. That leads you to a couple ideas about that.
16 Does Guatto exist, or is Guatto that good at not being
17 found?

18 Now, the other interesting thing about Willie Taylor,
19 he said he knew my client because my client was a rapper
20 down in Greenwood. And Willie Taylor, when he testified,
21 if you think about what he had to say, he was, apparently,
22 in my view, trying to limit his exposure to what happened.
23 He was contacted about a robbery, give me a name, but he
24 didn't really want to participate. Then he, finally, got
25 talking. Then they get up there and he's the last one

1 that goes in the house. It looks like he's trying to
2 limit his exposure.

3 Now, as he told you, he has a record. As he told
4 you, he served some time for manslaughter because he ended
5 up killing a close friend of his. He's been down the
6 road. He knows the system. In fact, he probably has a
7 PhD in the system. So what is he really trying to do?
8 When Willie Taylor was arrested, as Deputy Osborne told
9 you, he sent his dog, Mike, up into the attic. And they
10 found marijuana. And they found this gun that's been
11 placed into evidence.

12 What does Willie Taylor have to gain out of this?
13 Does he have anything to gain? He's limiting his
14 exposure. He's pointing the finger at somebody else.
15 He's saying that he wasn't the person that directed how
16 all this took place. I mean, this is up in Travelers Rest
17 with a bunch of forest around it, so much forest, in fact,
18 that the father of Wallace Cruell went hunting that
19 morning, just walked out of his house to go hunting.

20 Now, let's take a practical view of Mr. Scottie
21 Butler. Scottie Butler, in his first statement, he said
22 the first sentence of his first statement is wrong. The
23 first sentence that I asked him about didn't have Guatto's
24 name in it. And when I asked him about that, he said,
25 well, I corrected that when I was asked by the officer.

1 So Guatto did go up the first time. But, from a practical
2 viewpoint, why didn't Scottie Butler have Guatto's name in
3 it the first time he made the statement?

4 Now, Scottie Butler, he's got a lot to gain by
5 testifying. You know what the deal is. I'm not going
6 over that. Y'all have heard it innumerable times. But
7 Scottie Butler was asked about Richey Boyd. And the
8 officers showed him a photo lineup that Richey Boyd was
9 in. Investigator Hammett, I believe, is the one who
10 testified that he could not pick out Richey Boyd. When I
11 asked Scottie Butler about it, he agreed he could not pick
12 out Richey Boyd. He said he didn't know him that well.
13 Well, now, did he or didn't he?

14 You know, if you pick somebody up in Greenwood -- and
15 when he was picked up, apparently, another co-defendant
16 was driving, according to Scottie Butler. You drive from
17 Greenwood to Travelers Rest on one occasion to scope out
18 the place. You drive back from Greenwood -- or Travelers
19 Rest all the way to Greenwood. That's a pretty good trip.
20 There's a lot of opportunity to view Richey Boyd.

21 Then, if you believe his statement, there is another
22 trip from Greenwood to Travelers Rest. And then they get
23 put out into the woods. And then they go back to the car
24 for a while. And then this incident occurs. And then he
25 gets all the way back to Greenwood. Why is it Scottie

1 Butler couldn't pick Richey Boyd out of a photo lineup?
2 He had plenty of opportunity to know what he looked like.
3 He had been with him, at that point in time, several hours
4 on a couple of different days.

5 Now, another interesting thing about this case.
6 There was some talk about a walkie-talkies. They were
7 using a walkie-talkies to talk back and forth. They
8 didn't want to use a cell phone. The walkie-talkies were
9 supposed to be at the motel room. The officers couldn't
10 locate the walkie-talkies. They tried to find the
11 walkie-talkies. They never found them. As a practical
12 matter, were there ever any walkie-talkies?

13 Another thing, Wendy Bridges, who, supposedly, was
14 the girlfriend of Mr. Williams, she ended up taking him to
15 Lexington in the long run to his grandma's house.
16 But, before that, there was testimony that she took him to
17 Wal-Mart, and he put a gun in a McDonald's bag. And he
18 told her to take it over and give it to this one-legged
19 man in this apartment. You know what? We don't have that
20 gun. In fact, we don't have the one-legged man. He was
21 never found. I wonder why that was?

22 When I was talking with Investigator Hammett, I went
23 down a whole list of forensic evidence. And I'll grant
24 you that they have no fingerprints, DNA, hair, fiber,
25 bullets. I understand that. They do have call records.

1 Those call records show phone calls received and made.
2 And I asked Investigator Hammett if Richey Boyd was on any
3 of those call logs. He wasn't, not a one.

4 They, also, took a lab top computer into evidence and
5 had it analyzed. I asked Investigator Hammett if Richey
6 Boyd's name was anywhere on the computer. And, again, the
7 answer was no. From a practical viewpoint, what's going
8 on here? You've got three people who claim they
9 participated. Two of them want to claim they were in the
10 house. One wants to claim he was in the car. That's
11 three people. Noah Cruell testified that three people
12 were in the house, not four, three.

13 Mr. Dornberg, in his testimony, you know, he
14 indicated he didn't have a gun. And then we found out
15 from this fellow, Mr. Williams, from the jail that
16 Mr. Dornberg tells folks at the jail that he did commit
17 the murder. And, of course, what was that all about? Is
18 that just somebody running their mouth, or is that
19 somebody who's talking to people he thinks are his friends
20 at the time? What is that all about?

21 Then there were Mr. Cooke and Mr. Williams, and they
22 presented some alibi witnesses. And I'm going to only
23 talk about one of them, because I'm sure the rest will be
24 talked about a lot. You had a bond lady who was working
25 at her office on the morning of the incident. And there

1 is a receipt here, which is marked as Defendant's Exhibit
2 No. 4, from Lamar Williams showing that he made a \$100
3 payment on October 18th. That's an interesting piece of
4 paper right there, you know.

5 That bonding lady, she doesn't have a dog in this
6 fight. She doesn't have any interest in this fight. She
7 came in here and said what she did. And there's
8 documentation of it.

9 Now, this bonding company is not here in Greenville,
10 as I recall. And I'll let somebody else go into that.
11 She has nothing to gain or to lose by saying she took this
12 \$100 from Lamar Williams. This crime occurred earlier
13 that morning. From a practical standpoint, is it likely
14 that somebody who's involved in a robbery gone bad, which
15 turns into a killing, leaves with everybody, and everybody
16 gets dropped off, and then he has enough responsibility
17 about him to get dressed up and go pay his bondsman \$100?
18 That doesn't make any sense.

19 Three co-defendants testified and want to say, well,
20 we really didn't know each other that well. Scottie and
21 Dornberg did because they're married to sisters. They're
22 real close. They're tight. But we didn't know these
23 other people that well. And, you know, we just agreed to
24 do that. We just decided we'd go do it. From a practical
25 standpoint, does that make any sense to you? Do people

1 who don't know each other decide they're going to go rob
2 some place, especially when the leader of the pack thinks
3 there's thousands of dollars there? Are people who just
4 met and barely know each other going to agree to do
5 anything like that? From a practical standpoint, that's
6 unbelievable.

7 I would submit to you ladies and gentlemen, that what
8 is believable is this, it appears to me that Willie Taylor
9 knew there was a bunch of money up at Wallace Cruell's
10 house. He knew Scottie Butler and he knew Jeffrey
11 Dornberg. And I believe they got together, and they went
12 up there, and they attempted to rob the place. I think
13 it's real interesting that the only one of the statements
14 made and testimony given that said he didn't have a gun
15 was Dornberg when you had Mr. Williams up here saying that
16 Mr. Dornberg is the one who said he killed Wallace Cruell.

17 People with loose associations don't go about trying
18 to rob others for thousands of dollars. What it appears
19 to me is that we have -- and Willie Taylor is a rather
20 successful drug dealer -- or, actually, drug supplier. He
21 sold \$30,000 worth of drugs to Wallace Cruell up at that
22 house. He knew the house. Somebody I would respectfully
23 submit that is dealing in those kinds of pounds of drugs,
24 they're not doing it alone. They have their organization,
25 their own cohorts.

1 Willie Taylor, he has a pedigree in the criminal
2 system. He knows how it works. He killed his best
3 friend -- or close friend. And he gets up here and says
4 he felt sorry for Mr. Cruell, and that wasn't supposed to
5 happen. He was going to rob him. I guess he didn't care
6 about that. But he served time for manslaughter. It
7 appears to me that what's happened here is that Willie
8 Taylor, Scottie Butler, Jeff Dornberg, they got together
9 and said, we've got a problem here. We know if we turn
10 evidence, we're going to end up with a better deal. But
11 we've got to put ourselves away from it as much as we can.
12 We've got to find some people we can throw under a bus.

13 So they find a couple of people they know from
14 Greenwood. Willie Taylor knows Richey Boyd, because he's
15 a rapper. Willie Taylor claims he met Face, or
16 Mr. Williams, through Guatto. Who's Guatto? Where is
17 Guatto? If he's the one that wanted to do the robbery,
18 why wasn't he with them the second time? Where is the
19 one-legged man? People up here are saying things to try
20 to cut their exposure. And that is exactly what's
21 happening.

22 You all have heard how many charges have been
23 dismissed and have heard that, once again, Willie Taylor
24 has pled to voluntary manslaughter. What's going on here?
25 Is it loose associations trying to commit a robbery with

1 people they don't know, supposedly, working together to
2 get thousands of dollars? Or does it make more sense that
3 Willie Taylor, a very successful drug dealer -- I say that
4 because I would consider somebody that sells drugs and
5 gets \$30,000 at one time a pretty successful drug dealer.
6 Does it make more sense that he and his cohorts know where
7 the money is and decide to go get it? And then when it
8 goes wrong, they get together and come up with an idea
9 about how they can cut their exposure. Is Guatto involved
10 in this? Who knows. He was never found.

11 In this case, ladies and gentlemen, justice has to be
12 done. And what is justice? You all have heard the facts
13 of this case. You have seen each and every one of these
14 people testify. You know what they have to gain, and you
15 know what they have to lose. And some things in this case
16 plain flat out make no sense. The biggest thing to me
17 that makes no sense is Scottie Butler can't pick my client
18 out of a photo lineup after being with him on two
19 occasions on long drives from Greenwood to Travelers Rest,
20 and then being in Travelers Rest for a while. It makes no
21 sense.

22 These guys want to say there was no leader. I don't
23 think there's ever anything that's ever been done without
24 a leader saying we need to do it this way, or this is
25 where we need to go. There's always a leader. In this

1 case, who would be the best choice for a leader? Willie
2 Taylor.

3 Ladies and gentlemen, you have to consider all of the
4 evidence. And you can consider the evidence -- the fact
5 that there is no evidence. You can consider what there
6 has been put in, and you can consider what hasn't been put
7 it because it's not available. It is your duty to do
8 justice in this case. The Government here has to prove
9 that my client committed all of these crimes beyond a
10 reasonable doubt.

11 A reasonable doubt is the kind of doubt that would
12 cause a reasonable person to hesitate to act. Look at all
13 of what you heard from a practical viewpoint, and you
14 decide what makes sense. I believe, ladies and gentlemen,
15 that when you do, you will see that Richey Boyd has not
16 been proven guilty beyond a reasonable doubt. But what
17 you have is co-defendants trying to squirm their way out
18 of a bad situation. Justice in this case, we believe, is
19 acquittal.

20 Thank you.

21 MR. COOKE: May it please the Court.

22 THE COURT: Yes, sir.

23 MR. COOKE: Again, I'll introduce myself. My name is
24 Larry Cooke. I've been practicing law in Greenville for
25 over 40 years. And I do represent Lamar Williams. My

1 style is a little bit different from my cohort over here.
2 He's a little more laid back. Sometimes, I get carried
3 away, and some of you may not like that. And I apologize
4 beforehand if I do. But it's just my nature.

5 What I want to do right now is compliment
6 Mr. Godfrey. I thought he did an excellent job summing up
7 the evidence. There are lot of things that I probably am
8 going to miss, because you folks -- you've heard a lot of
9 stuff yourselves. You're going to have a hard time
10 remembering it all. But you do have a lady up here who's
11 taking down everything, and all that testimony will be
12 available to you. So if you need to listen to any of it,
13 then, certainly, you can do that. You have that right.

14 I want to start off just by taking them as they were
15 presented to us, the witnesses. Mr. Cruell's mother was
16 the first lady -- the first witness, I believe, for the
17 State. And Ms. Cruell really didn't know much, other than
18 she saw her brother-in-law coming down from around where
19 the trailer was way back in the woods down to her house.
20 And he was stuttering. And, based on that, she went up to
21 the trailer and found her son dead. I asked Ms. Cruell
22 did she know that her son had been selling drugs out of
23 that house. And she said she didn't know. She said she
24 had no idea he was still selling drugs, that he had been
25 away to prison for doing that. But she had no idea he was

1 still doing that. The children were living there, as you
2 heard, along with the uncle.

3 So, ultimately, Mr. Noah Cruell admitted that he was,
4 also, selling drugs out of that trailer. Mr. Cruell --
5 Noah Cruell said that three people came in. He said
6 gloves and a mask. Twice he told them three people. He
7 did say dreads. So I think he felt like that probably one
8 of them was black, and maybe assumed the rest of them were
9 black.

10 But I think we have found from the testimony here
11 that it was two white guys. They had on masks, and they
12 had on gloves. And one thing we know for sure is they had
13 dreads. And we know Mr. Taylor, who was on that stand,
14 had dreads. He still has dreads. So I don't think
15 Mr. Cruell is mistaken about any of that.

16 Officer Hegger then took the stand. He didn't know
17 much. He said he just tried to preserve the scene for
18 everybody else. Officer Castillo came and he said he
19 transported somebody down to the LEC. He didn't know
20 anything much about the case. Officer Osborne appeared.
21 He had a dog that tracked back to the house, and probably
22 picked up on Noah Cruell's track. I have no idea. So he
23 didn't offer much.

24 Later on in the investigation, as it went along,
25 Officer Osborne did remember using his dog to search

1 Willie Taylor's house. Remember, he was talking about how
2 he got up those attic steps. And that's Willie Taylor
3 that I was telling you about that had the dreads. And
4 I'll talk about that later on.

5 By the way, they did find a gun up in the attic at
6 Willie Taylor's house. That's from Officer Osborne. And
7 I do not remember, and I don't think it was ever offered
8 that the State ever ran any ballistic test on Mr. Taylor's
9 gun to see if it had been fired before.

10 Now, folks, I think that is a very, very important
11 thing. Why wouldn't they run a ballistic test? They had
12 the gun, but they never did. They never ran any tests, or
13 forensics on the clothing. They never ran -- they've got
14 it all, and they ran no tests. There are no footprints.
15 There are no fingerprints. There's no samples of
16 anything. And Mr. Godfrey was right, there is no
17 evidence, no physical evidence at the crime scene.

18 Dr. Ward got on the stand. And as hard as I tried to
19 prove by his testimony that somebody right-handed had to
20 have shot Mr. Cruell -- by the way, the bullet went in and
21 the bullet came out at that angle. He did everything he
22 was supposed to do. He's a witness for the State. He
23 said, well, it's according to which way the guy was turned
24 and this, that, and the other. It could have been a
25 right-handed guy, it could have been a left-handed guy.

1 Well, the reason I was trying to do that is I think
2 the evidence -- Mr. Cruell is on his stomach. It ain't
3 like he was shot and he fell on his side. He was on his
4 stomach. So he was, obviously, shot in the back. And
5 that trailer, folks -- you can look at the evidence, the
6 pictures. That trailer is close quarters. You've got to
7 be pretty close to do any shooting. And gun powder
8 residue, you can pick it up from any distance. And they
9 have experts. The State has experts that can prove to you
10 by those powder residues how far away somebody was. And
11 then this gets back to whether it was a right-handed shot
12 or left-handed shot. Mr. Dornberg said he was
13 right-handed. I don't know if you've noticed, but my
14 client writes left-handed --

15 MR. WESTON: Objection, Your Honor. He is -- and I
16 apologize. I hate to interrupt anybody's closing. He's
17 putting in stuff that is not in evidence, Your Honor.

18 THE COURT: Mr. Cooke.

19 MR. COOKE: I apologize. Again, I'm interrupted. I
20 apologize for that.

21 Let's go back to Officer Hammett. Now, Officer
22 Hammett said when he arrived, there were a lot of people
23 there. Mr. Cruell was on his stomach. He said there was
24 absolutely no evidence of anything. He said he turned
25 over Mr. Cruell. He said they found roughly \$90,000 worth

1 of cocaine, and over \$14,000 in cash. They did a phone
2 search on Mr. Cruell's phone records and found nothing.

3 On October the 21st, Scottie called and said he had
4 some information. They talked with him. He signed a
5 statement, by the way, which he later signed another piece
6 of paper indicating that my client had nothing to do with
7 the case. As much as Mr. Weston over here would like to
8 put in his mouth that I, in some way, tricked him into
9 doing that, I know nothing about that. But, some way,
10 Mr. Weston made it look like if you do me, I'll do you
11 type thing. Well, that's, certainly, not the case,
12 because the State had a way of proving that if they wanted
13 to. He, clearly, wrote a statement saying that Lamar
14 Williams had nothing to do with this case.

15 Now, the next witness -- a witness that I called as
16 an alibi witness. The next witness the State interviewed
17 was Jennifer Burnette. Now, they talked to Jennifer
18 Burnette. Because she had called the Greenwood Police
19 Department and Crime Stoppers and said she had information
20 about this case. I subpoenaed her, not the State. I
21 subpoenaed her. She voluntarily called the Greenwood
22 Police Department and Crime Stoppers to tell her [sic]
23 what she knew about it.

24 And what she told them was Jeff Dornberg came to her
25 house shortly after this incident and wanted to talk to

1 her. And he admitted to her, at least, three times in
2 that conversation that he had killed somebody. And he
3 told her, he said, Don't tell anybody. She talked to him
4 the next day and she confronted him. She said, You
5 remember what you told me? She was upset about it,
6 because she was getting ready to call the police. He
7 said, I was just BS'ing.

8 Now, somewhere in the testimony of Officer Hammett
9 was something about a possible video at a Spinx station,
10 which never turned out. I don't know what happened to it
11 or whether they, in fact, stopped at a Spinx station,
12 whoever stopped there.

13 Then Willie Taylor hired an attorney sometime after
14 all of this. After they had found this gun, Willie
15 Taylor, all of a sudden, he's in with the same story as
16 Scottie and Dornberg. Then Wendy was interviewed. She
17 said that she took my client to Lexington, South Carolina,
18 to his grandmother's house.

19 Now, there was something about a gun. And, honestly,
20 I don't know. All we know is she dropped Lamar off at
21 Wal-Mart where his girlfriend worked as a pharmacy
22 assistant. We know that. Anything about a gun, I have
23 not seen any evidence of a gun. You know, this idea of
24 finding a one-legged man -- they had his name, one-legged,
25 you know, over in that community everybody knew who a

1 one-legged man by the name of Glenn was. And that girl
2 said that's who she gave the gun to.

3 Nobody has found this mysterious man, Glenn. It's
4 kind of like the TV program The Fugitive. Everyone is
5 looking for the one-armed man, and they all felt like he
6 never existed. If there's a one-legged man, through all
7 the police officers in Greenwood that know everybody over
8 there in that little town, there ain't no one-legged man.
9 I don't know whether that happened or not.

10 But I do know this, she did take Lamar to his
11 grandmother's house. And he calls his girlfriend --
12 ex-girlfriend. They had broken up. She had no room for
13 him at her house because her grandmother was coming that
14 weekend. So he got Wendy, who worked at a club down
15 there, and she had planned to go down there anyhow. He
16 had Wendy to take him down there to visit his mother.
17 There's no evidence of any flight. They'd like to make
18 you think he was fleeing.

19 Well, hell -- excuse me. If you're fleeing
20 somewhere, you're not fleeing to Lexington, South
21 Carolina. There's no evidence even in her testimony or
22 her statement that indicates he was fleeing anywhere. He
23 asked for a ride down there knowing that she worked down
24 there at a club.

25 So he went down to his grandmother's house. I don't

1 recall Wendy ever mentioning she saw anybody by the name
2 of Haltiwanger. She never said anything about him. And I
3 don't know how that guy comes into play in this thing,
4 except he made a statement that my client admitted to him
5 he shot somebody. Why would my client confess to him that
6 he shot somebody? That doesn't make any sense.

7 Haltiwanger has already given false information.
8 He's already a liar. He's a confessed liar. He's already
9 been convicted or pled twice to giving false information
10 to police officers. And you would expect us to believe
11 that he didn't do it the third time, fourth time. There
12 is no telling how many times. Plus, he's on probation
13 already for the commission of a serious crime.

14 Then we have Kristine Sterling. She's an alibi
15 witness. They're trying to make it look like if you knew
16 all this, why did you not tell us when we came to
17 investigate about this case just a few days after the
18 thing happened? She didn't know where she had been. She
19 didn't know what she was doing. But when they questioned
20 her, she said, I really don't know much about it.

21 When Lamar gets charged with a crime, she starts
22 looking back through her personal effects to try to
23 remember where she was and where Lamar was during the day
24 on the 17th and 18th. She looked through everything she
25 had, including her pictures.

1 And I can tell you right now that I know nothing
2 about cameras. I barely know how to work my cell phone.
3 I don't even know how to take a picture with my cell
4 phone. But I do know and I'm familiar with the fact that
5 when you take a picture with your cell phone or your
6 camera, some of them put the date. It's printed on the
7 back of the picture. I don't know how it's done, or
8 anything about it. I just know that this picture right
9 here indicates it was taken on the 18th of October.

10 This picture really has nothing to do with it. It
11 was taken in December. But I guess it shows the
12 consistency and the fact that she's got one that shows
13 December, got a dog, same dog on Lamar's back. He's lying
14 on the couch, she said, watching TV after they got back
15 from the social security office. Well, that's all that's
16 about. But she did take a picture on the 18th. Of
17 course, I'm sure Mr. Weston is going to say what time was
18 the picture taken? How do we know that that date wasn't
19 rigged, this, that, and the other. I have no idea. All I
20 can tell you is what Ms. Sterling said.

21 Now, Mr. Weston is going to make a big deal out of
22 her testimony. She said she was with Lamar when he went
23 to the bail bonding company in Greenwood that morning. I
24 had a copy of the receipt. I didn't have the original at
25 the time. It was over amongst my souvenirs over there.

1 And Mr. Weston was objecting violently, violently, where
2 is the original? You can't do that.

3 Well, I walked over there and got it, and there it
4 is. There is the receipt crumbled up. It's been in her
5 billfold, pocketbook. I don't know where, but there is
6 the receipt. She's not lying about that. But he's going
7 to say, well, she said she was there when Lamar Williams
8 made the payment. Well, maybe she was. Maybe she sat out
9 in the car. I don't know. But, remember, the lady from
10 the bail bonding company said that she came with him
11 often. Ms. Sterling came with Lamar often to make his
12 payment. So we know she had been there a number of times.

13 But the real interesting thing about this, folks, is
14 this receipt. This lady who has been in the bail bonding
15 business over there has no ax to grind with anybody. She
16 wrote this receipt. She received payment from Lamar
17 Williams in Greenwood, South Carolina, between 8:30 and
18 10:00 that morning.

19 Now, you tell me, you tell me how Lamar Williams
20 could have killed Mr. Cruell up in the upper part of
21 Greenville County at 7:30 in the morning, and by the
22 testimony of the State's own witnesses dropped somebody
23 off on White Horse Road, dropped some other guys off over
24 in Laurens, and then drove Mr. Lamar Williams back to his
25 house, and he was still able to go to the bail bonding

1 company between 8:30 and 10:00 and make a payment. Does
2 that make sense?

3 You cannot drive -- it's my contention that you
4 cannot drive from the upper part of Greenville County in
5 the rush hour in the morning, say, 7:30, a quarter until
6 8:00, drop somebody off on White Horse Road, drop somebody
7 off in Laurens, and then drive all the way to Greenwood
8 and do that in less than an hour and a half, two hours.
9 It seems impossible. And then be dressed to go make a
10 bail bond payment, and then go to the social security
11 office.

12 And then how could you make up a story that the
13 reason we left the social security office is because I had
14 no ID? I mean, you know, you could have just said, well,
15 I went to the social security office. The place was
16 crowded, so I left. But I had no ID. I mean, you can't
17 just make up something like that.

18 You know, I was -- I almost fainted over there when
19 we had Willie Taylor on the stand and I was asking him
20 about what kind of drugs he used, and he said he used
21 marijuana. And I said, Did you buy marijuana from
22 Mr. Cruell? And he said, No, I sold him marijuana. Well,
23 I had no idea when I asked him that question how that was
24 going to blow up into something kind of big. When I asked
25 him how much and he told me how much, I almost fainted

1 over there. That ain't small potatoes. I mean, that's
2 big time drug dealing. And I guess maybe we might be
3 doing a little police work for the Sheriff's Department,
4 because we know there's some stuff going on up that way.
5 And they probably ought to do a closer investigation on
6 it.

7 But, anyhow, the next person I have a note here on
8 Scottie Butler. Scottie Butler is -- he's one of the
9 three that I believe went to the house. He lined it up.
10 He's the man that -- he's the man who tried to deny that
11 he had written that note down there at the jail for my
12 client. He's the guy who mentioned walkie-talkies, and
13 none was ever found. He's the guy who said my client
14 called him on the cell phone, come get us.

15 Folks, as I told you, I don't know anything about
16 cell phones. But one thing I know and I learned this by
17 being in the business I'm in, I don't understand how it's
18 done, but you can check cell phone records. All
19 Mr. Butler had to do was give his cell phone number, and
20 get Mr. Williams cell phone number, and see if that call
21 was made. There's been nothing introduced in this
22 courtroom to show that call was ever made. And those
23 records just don't disappear. Because they had that
24 opportunity to do that right away. They had all that
25 information right away. They did not do it. No cell

1 phone call was ever made.

2 What happened -- and this is my opinion. They went
3 into that house. They parked. They went through the
4 woods and went in that house and attempted to rob
5 Mr. Cruell. He walked in on them. Mr. Dornberg, by his
6 own admission through two different people, shot him. He
7 shot him. He shot him big.

8 Mr. Dornberg later said he didn't support his
9 children. I said, What did you do with your money? He
10 said, For myself. I said, When you were working, did you
11 support your children? No. But he shot this man because
12 he wanted his money. That's why he said he needed to do
13 it. He needed the money. It wasn't for his children. He
14 said it was for me, for me.

15 All of those fellows said they were wearing masks and
16 gloves, all three of them. You know, I think I asked a
17 couple of them -- I don't remember who it was -- would you
18 tell a lie to keep from going to jail for the rest of your
19 life? And both of them said, No. Well, I'll tell you
20 right now, I believe I would. I believe I'd tell a lie to
21 keep from going to jail for the rest of my life. I
22 believe these guys would tell a lie to keep from going to
23 jail for the rest of their lives. And I think they've
24 told a lie. They have made the difference -- with the
25 plea negotiations, the difference of going to jail for

1 life or going to jail, two of them with zero to 30 years,
2 the other one -- I'm sorry, from three to 30 years for
3 manslaughter, the other one is zero to 15 years.

4 The burden you have, folks, is awesome. I wouldn't
5 want to be in your place. My client has tried to prove by
6 way of an alibi and by cross-examination, which I have a
7 right to do, he has tried to prove to you folks that we
8 weren't there. And I think we have. Not only by our own
9 witnesses that I put up at the end, the four people I put
10 up, not only did we prove that we weren't there by those
11 witnesses, but by cross-examination of the State's
12 witnesses. All of this has been proven to you, that we
13 were not there. And the State has the burden of
14 disproving my alibi defense. It's upon -- it's the burden
15 of the State to disprove it. It's a heavy, heavy burden
16 to disprove it.

17 The Judge will charge you that. It takes twelve of
18 you to either convict or find these two gentlemen guilty
19 or not guilty. It has to be a unanimous decision. I know
20 you'll do your duty, which is absolutely the most awesome
21 duty that anybody can dump in your lap. I, myself, have
22 never sat on a jury. But when you wake up in the morning
23 and you look at yourself in the mirror, you say, by
24 George, I did the right thing. And you go on about your
25 day. That's the important thing. You have an opinion.

1 You have a vote. And I ask you to find my client not
2 guilty.

3 And I thank you very much for your time.

4 THE COURT: Thank you.

5 Ladies and gentlemen of the jury, we're going to go
6 ahead and take a very short break before we go ahead and
7 hear from the State, as well as my charge on the law. I
8 need to caution you again, do not discuss this case. It
9 wouldn't be appropriate to do so. We're going to bring
10 you right back in the courtroom.

11 Thank you.

12 (WHEREUPON, the jury was excused from open court at
13 approximately 10:35 a.m.)

14 THE COURT: All right. We're going to break for five
15 minutes, and we'll be back.

16 Thank you.

17 (WHEREUPON, a break was taken.)

18 THE COURT: All right. Is everyone ready?

19 MR. WESTON: Yes, ma'am, Your Honor.

20 THE COURT: Go ahead and bring the jury in.

21 (WHEREUPON, the jury came into open court at
22 approximately 10:43 a.m.)

23 THE COURT: Welcome back, ladies and gentlemen of the
24 jury.

25 Mr. Weston.

1 MR. WESTON: Thank you, Your Honor.

2 May it please the Court.

3 THE COURT: Yes, sir.

4 MR. WESTON: Ladies and gentlemen, you've heard all
5 the evidence. And, in a few moments, the case will be
6 yours to consider. At the conclusion of my remarks, the
7 Judge will give you her instructions on the law. And you
8 should take the law as she gives it to you.

9 I'd like to begin by just talking about a few things
10 that I think she's going to talk about that I'd ask that
11 you consider very, very carefully. Number one, she's
12 going to tell you about reasonable doubt. She's going to
13 tell you a definition for reasonable doubt. I would
14 suggest to you that reasonable doubt is a doubt that would
15 cause a reasonable, prudent -- a reasonably prudent person
16 firm in their convictions to hesitate to act.

17 For instance, the sun is going to come up tomorrow.
18 We don't know that absolutely. But we can say beyond a
19 reasonable doubt that the sun is going to come up
20 tomorrow. Reasonable doubt is not an absolute certainty.
21 Are you sure? That's what I say, are you sure?

22 She's, also, going to tell you about the presumption
23 of innocence, and that the Defendants are presumed
24 innocent. And they sit here innocent at this point in
25 time. She's going to tell you about that your verdict has

1 to be unanimous. She's going to tell you about the fact
2 that the State has the burden of proof.

3 But the two things I want you to really pay close
4 attention to and consider carefully as you are
5 deliberating are, number one, the hand of one is the hand
6 of all. We don't have to prove that either one of these
7 two men, actually, killed Wallace Cruell, Jr. We don't
8 have to prove that either one of these men, actually, took
9 Noah Cruell and took him into another room, and held him
10 there against his will constituting kidnapping. We don't
11 have to prove that either one of these two men, actually,
12 kicked the door in and first came in the room, or that
13 they were even armed with a weapon.

14 The Judge will instruct you that the hand of one is
15 the hand of all. When two or more people confederate or
16 combine to enter into a criminal venture, they are each
17 and every one responsible for all of the likely outcomes
18 of that venture. In this case, an armed burglary into
19 someone's home, it's not unreasonable and unlikely that
20 somebody could get killed. So if you believe that these
21 men participated in the crime that occurred on the morning
22 of October the 18th, 2010, at about 7:20, 7:25 a.m. up in
23 Travelers Rest, South Carolina, then they are guilty of
24 every crime.

25 The second thing I want you to pay close attention

1 to, ladies and gentlemen, is that she is going to instruct
2 you about judging the credibility of the witnesses. She's
3 going to talk about you have the right to judge based on
4 their demeanor, what they say, and using your common sense
5 as the -- applying it to what they say, and determining
6 whether they're telling the truth or not. You can believe
7 all of what somebody is saying, a part of what somebody is
8 saying, or none of what somebody is saying.

9 She's going to talk to you, most importantly, about
10 the credibility and what a witnesses motivation is to lie
11 or tell the truth. And I agree with Counsel -- both
12 Counsel in this case.

13 And I kind of just made a mental note. Between the
14 two of them, they said five different times, what did
15 these three men have to gain? You've got to look at what
16 they had to gain. They were involved in a crime. And
17 there's no question they were involved. They did it. And
18 they kept saying, what did they have to gain? But, ladies
19 and gentlemen, they didn't finish the sentence. Because
20 there's no question they've got something to gain by
21 confessing. They're hoping to get a good deal. There's
22 no doubt about that. That's not even a dispute. And I
23 won't even argue that.

24 But the complete sentence is, what do they have to
25 gain once they admit their guilt in lying on these two?

1 That's the end of the sentence. But neither one of these
2 lawyers said that. And you heard nothing about why these
3 men would lie on these two. And I'm going to come back to
4 that. But those are the two things I'd like for you to
5 consider very carefully when the Judge charges you.

6 And with that backdrop in mind, let's talk about the
7 evidence for a moment and the charges. As I said a moment
8 ago, if you -- well, excuse me. Let me back up. As I
9 said at the outset, I believed that at the conclusion of
10 the trial that three things would be true. Number one,
11 that the crimes that are charged, actually, occurred, that
12 a burglary occurred, that an attempted armed robbery
13 occurred, that a kidnapping occurred, that a murder
14 occurred, and that it was part of -- it was done by a
15 group of people, which formed a conspiracy to commit these
16 crimes.

17 I don't think there's any question that all of those
18 crimes occurred on the morning of October 18th, 2010, at
19 this home up on Valley Road in Travelers Rest, South
20 Carolina. I don't think there's any dispute about that.
21 I don't even -- I think their lawyers even conceded that.
22 The crimes occurred.

23 So the only real question, ladies and gentlemen,
24 would be whether or not these two were involved. Because
25 if you believe that they were, then they are guilty of

1 everything. There won't be any need to discuss, well, did
2 Richey Boyd do this, or did Lamar Williams do that, or did
3 Lamar Williams do this, or did Richey Boyd do that? The
4 hand of one is the hand of all.

5 Now, let's talk about those crimes briefly. We are
6 required -- and, as I told you at the outset, I thought
7 that we would -- we intended to prove, and I believe we
8 have proved, that a burglary in the first degree occurred.

9 Burglary in the first degree is the entering into the
10 dwelling of -- into the residence -- excuse me -- of
11 another without consent with the intent to commit a crime.
12 Most of us think in terms of burglary as somebody did a
13 robbery. It doesn't have to be. If you enter into the
14 residence of another with the intent to commit a crime,
15 that is burglary. Burglary in the first degree is
16 established if you are armed -- if you do that while armed
17 with a deadly weapon.

18 In this case, you've got the testimony of Noah Cruell
19 who said, yeah, two or three of them had guns. You've got
20 the testimony of three of the -- two of the men who went
21 in the home, and the other one was in the car, who said
22 three of us had guns. The door was kicked or forced open.
23 They went in with the intent to commit a robbery, burglary
24 in the first degree. So if you find that these two men
25 were involved in this, then they are guilty of burglary in

1 the first degree.

2 Attempted armed robbery. Attempted armed robbery is
3 the attempt to take by force the property of another while
4 armed with a deadly weapon. It's the same facts as I just
5 told you about, ladies and gentlemen. There's no question
6 that there was an attempted armed robbery in this case.
7 These men entered this residence with guns. They said to
8 Noah Cruell, as he testified, Where's the money? Where's
9 the money? And they put a gun to his head. That is
10 attempted armed robbery.

11 So, therefore, if you find that these two men were
12 involved in this enterprise, then they are guilty of
13 attempted armed robbery. And going back to what I said
14 previously, and what His Honor -- what Her Honor will
15 instruct you, you don't have to show that -- we don't have
16 to prove that each one of them had a gun, or pointed a
17 gun, or said, Where's the money? The hand of one is the
18 hand of all.

19 Kidnapping. We most -- most of us think of
20 kidnapping, and I still do, too, as what we see on TV.
21 You snatch Patty Hearst because here daddy is rich, put
22 her in the trunk of a car and take her off, and write a
23 ransom note. That is kidnapping. But kidnapping is much
24 broader than that. It includes any attempt to limit the
25 movement of -- freedom or movement of another person. In

1 this case -- and His Honor -- Her Honor will give you the
2 specific definition. But, basically, if you hold somebody
3 against their will, that is kidnapping.

4 In this case, based on the testimony of Noah Cruell,
5 as the victim of the kidnapping, and two of the people who
6 were in the room and watched it happen, Willie Taylor and
7 Jeff Dornberg, he was tied up and taken to a room and held
8 there -- kidnapping -- while they ransacked his nephew's
9 house and looked for money. That is kidnapping, ladies
10 and gentlemen. And the Judge will give you the
11 definition. And when you apply the definition, I don't
12 think there will be any question in your mind that a
13 kidnapping occurred that morning.

14 And, once again, if you find that these two men
15 participated in this enterprise, then you have to find
16 them guilty of kidnapping. You don't have to find that
17 each one of them grabbed the cord, each one of them
18 touched Noah Cruell, each one of them helped bind him up,
19 or each one of them held him in the room. If they
20 participated as a group under the hand of one is the hand
21 of all, then they are guilty of kidnapping.

22 Conspiracy. It's not hard. Conspiracy is when two
23 or more people join together to engage in a criminal
24 enterprise, and do some act in furtherance of the
25 conspiracy. In this case, they carried it all the way

1 through to the point of killing somebody. There's no
2 question. You've heard from three people. So there's no
3 question as to two or more. There's no question that they
4 banded together to commit a crime. They sat in a car.
5 They even cased the joint one time before they even,
6 actually, committed the crime. There's no question that
7 this was a conspiracy among, at least, three people. And,
8 once again, if you find that these two people were
9 involved, then they are guilty of conspiracy.

10 Finally, ladies and gentlemen, there's murder. And,
11 of course, being dramatic, I saved that for last. Murder
12 is defined -- and, once again, the Judge will give you the
13 charge, and you take it from her. But I think she's going
14 to tell you it's the killing of another with malice
15 aforethought. And, obviously, someone was killed.
16 Someone was shot.

17 And the Judge will give you the definition of malice.
18 She's going to tell you that malice involves an evil
19 heart, an intent designed to do harm, or to do wrong, to
20 violate that kind of social contract that we as human
21 beings have among each other to live in a community and
22 not harm each other.

23 But, basically, malice just means just being mean,
24 just mean. And if you shoot somebody, if you kick in
25 somebody's door and come in their house to try to rob them

1 and they happen to try to fight you off and defend their
2 home and you shoot them, that's just mean. And there's no
3 question that the element of malice is satisfied in this
4 case. Remember what I told you, the hand of one is the
5 hand of all.

6 So we don't even have to prove that either one --
7 and, obviously, both of these men did not shoot Wallace
8 Cruell, Jr., only one of them did. We think the evidence
9 is very clear what that man did, Lamar Williams, not only
10 by the testimony, but by his own actions afterwards.

11 But this man, Richey Boyd, is just as guilty under
12 the hand of one is the hand of all. Two of the three
13 co-defendants have pled guilty to voluntary manslaughter,
14 a lesser charge. There's no question. But it's still
15 about the killing of somebody. They've admitted that they
16 were involved in it. And the hand of one is the hand of
17 all. They are guilty of the killing of someone. But if
18 you find that these two men were involved in this
19 enterprise, then they're both guilty of murder.

20 And that brings us now to the testimony and the
21 evidence. Because, as I said, there's three things that I
22 thought you would be sure of at the end of this trial.
23 Number one, that a crime was committed. Number two, that
24 the three men who testified committed that crime. All
25 three of them got on this witness stand and told you that

1 they banded together. They went and cased the joint, at
2 least, two of them a week or so beforehand, or a few days
3 beforehand. And the three of them participated in the
4 burglary, the attempted armed robbery, the kidnapping, and
5 the murder.

6 They all three -- two of them, when they were
7 arrested, Scottie Butler and Willie Jermaine Taylor,
8 separate within a few days of their arrest confessed to
9 the crime. They told Investigator Chris Hammett the
10 almost exact same story, independent of each other as to
11 what happened. They named these two guys and gave their
12 nicknames as two of -- as the other two co-conspirators.

13 Jeff Dornberg later, as a result of plea
14 negotiations, reached an agreement with our office wherein
15 he agreed to plead to voluntary manslaughter, at which
16 point he gave a statement. He gave the exact same
17 statement in terms of the outline of what happened, and
18 what his role was, what the other three -- other four mens
19 roles were. And he, also, named these two guys as the
20 other two perpetrators.

21 And going back to what I said originally, ladies and
22 gentlemen, and what their Counsel didn't mention to you,
23 yeah, they've got a reason to lie. If I did it and I
24 don't want you to -- I don't want to go to jail, I'm going
25 to lie and say I didn't do it, or I'm going to, at least,

1 minimize my involvement. But why would I lie after I
2 admit I did it to bring in two totally innocent people?
3 Why would three separate men do that?

4 As I told you at the outset, ladies and gentlemen,
5 this is a case that was solved from the inside out. It
6 happens often with law enforcement. There's no forensics.
7 There's no fingerprints, because they wore gloves. That's
8 what these guys told you. There was no identification by
9 Noah Cruell. They wore masks over their faces or they --
10 they either had that or had coats pulled over their faces.

11 There's no DNA because they didn't -- Counsel said
12 something about blood spatter. There was no blood
13 spatter. There was just blood -- there was one shot
14 fired. Wallace Cruell fell to the floor. And there was
15 blood that trickled out of his body there after he laid
16 right there. You don't need Horatio from CSI to come and
17 tell you there's not going to be any blood spatter all
18 over the rest of the place. That is what you call a red
19 herring, ladies and gentlemen.

20 Lawyers -- and I'm a lawyer. We're an odd group. We
21 like to just wave flashy, pretty things over here when the
22 real deal is over here. A good example, Mr. Cooke, who
23 I've known and who is a colleague -- has been a colleague
24 of mine, just like Mr. Godfrey, for about 25 or 30 years.
25 But Mr. Cooke stood here and looked y'all in the face and

1 said, That gun, that gun, how come they didn't test fire
2 that gun? Against what?

3 They could fire that gun until they're blue in the
4 face at the laboratory. They could take it to Guantanamo
5 where the CIA does their thing. And they would say, well,
6 okay, we fired it 50 times, what are we comparing it
7 against? Remember, there's no bullet. They could test it
8 and see if it had ever been fired. Of course, it had been
9 fired, last week, last month, last year. What does that
10 prove? That is what you call a red herring, ladies and
11 gentlemen.

12 What would they be testing this gun for if they don't
13 have the bullet to match something to? You fired it 50
14 times, you've got 50 bullets laying in a big water tank
15 where they go. You take them out, and you look at them
16 and you go, okay, you've got 50 bullets. What does this
17 have to do with that location? Because there's nothing to
18 compare it to.

19 I don't even know whether Mr. Cooke saw the same
20 trial we did, some of the stuff he said in his closing.
21 He said, for instance, talking about the murder that took
22 place at 7:30, 7:45. Ladies and gentlemen, remember --
23 and you can play back the testimony if you're not sure,
24 because I may have misunderstood. Like he loves to say,
25 my opinion, my opinion was that Shirlene Cruell said, I

1 looked at my watch. It was 7:25, because I was getting
2 ready to go to my walk -- go on my walk, 7:25 when Noah
3 Cruell came to her door.

4 Noah Cruell who was tied up in a bedroom here, who
5 after the shots were fired -- and you heard the three
6 Defendants testify -- or two of them that were in the
7 house testified, as soon as that shot was fired, they high
8 tailed it out of there. They ran back to the car and
9 left.

10 Noah Cruell then had to free himself from here, run
11 down the path, get here at 7:25, which means that the
12 killing took place three, four, five, 10 minutes before
13 7:25. That puts us back to 7:20 or 7:15. There was
14 plenty of time to get to Laurens by 10:00. I'm going to
15 come back to that.

16 Ladies and gentlemen, as I said, they didn't complete
17 the sentence. What is the motivation for all three of
18 these guys to lie on them? And could -- what are the odds
19 that all three of these guys would name -- not only name
20 the same two co-defendants, first of all, that they would
21 name other co-defendants?

22 If the three of them did it, if they're confessing,
23 if when Willie Taylor was caught and confessed with his
24 lawyer sitting right there and said, I was there, I did
25 it, I understand I'm guilty of the murder. Even though I

1 didn't shoot the guy, I'm was in -- I'm the one who
2 planned it and said, this is the guy we could rob. Why
3 would he name two other people who didn't have anything to
4 do with it? What would be the point of that? Why would
5 he hate them that much?

6 When Scottie Butler was arrested separate from Willie
7 Taylor -- and both of them testified they didn't even talk
8 to -- once they -- once that happened that morning and
9 everybody went their separate ways, they didn't talk.
10 They didn't get their story together. And could you
11 imagine the conversation they would have had if they did.
12 Hey, Scottie, this is Willie. Listen, the cops are going
13 to be on us, man. I'll tell you what, who should we come
14 up with to add to this thing? Because I'm going to
15 confess. And I'm going to tell on you. And I'm going to
16 tell on Jeff. What other two guys should we add in to
17 make it -- I guess five is -- we won't get in as much
18 trouble if it's five versus three. What was that
19 conversation like? We're just going to add in two more
20 people.

21 Ladies and gentlemen, they came in. They were
22 caught. The evidence against them was strong. And other
23 people had said they had said stuff to them. And the
24 police confirmed it with them. And they confessed. And
25 they named the other two people that you saw up here, and

1 they just threw them in just because.

2 What are the odds, ladies and gentlemen, that three
3 different people would get caught, admit to their
4 involvement in a crime, and then name not only the same
5 two other people, but use their nicknames? There are
6 eight billion or so people on this planet, about four
7 billion of them are men. I don't know what the odds are
8 that all three of these guys would have named the same
9 two, and used the same two nicknames separately when they
10 talked to the police, but I know those odds are beyond a
11 reasonable doubt.

12 There is no doubt, ladies and gentlemen, that those
13 three men were telling you the truth. Because they told
14 you they did it. They told you what they did. They told
15 you what each persons role was. And they told you that
16 these were the two that were with them. Why would they do
17 that separately? One person -- as I said in my opening,
18 one guy, maybe. I didn't get my cut of the money and,
19 man, they promised me. Scottie Butler, they didn't put
20 any gas in my car like they were supposed to when we left.
21 Okay. He makes up a lie and somehow comes up with these
22 two guys.

23 Willie Taylor gets arrested. Man, I got caught with
24 a gun, and they didn't have no gun. So I'm in worse
25 trouble than them, so I'm going to lie on these two guys

1 who didn't confess and who haven't been arrested. Jeff
2 Dornberg, I don't know what Jeff Dornberg would have said
3 as to why he would put these guys in it.

4 And when you go back in the jury room, try to think
5 of a reason. And if you can think of a good reason, a
6 reasonable reason as to why they would name these two
7 guys, why three different guys would name these two guys
8 by name and by -- and name them by nickname, and put them
9 into a murder situation that they had nothing to do with,
10 then find them not guilty, if you can think of a reason.
11 But you won't be able to, because there is no reason.

12 And they were subject to cross-examination by these
13 lawyers, good lawyers. And they talked about, yeah, you
14 have a reason to lie, you have a reason to lie, you cut a
15 deal. They cut a deal for themselves. But they did not
16 even touch them with regard to why they would lie on these
17 guys.

18 Ladies and gentlemen, the police solved these crimes
19 from the inside out. And that's exactly what happened
20 here. They named Lamar Williams, and they named Richey
21 Boyd. They named "Face," and they named "Solo." It was
22 three different guys, three different times talking to the
23 police.

24 If these guys were innocent, why would the three guys
25 put them in it? Like I said, if y'all can think of a

1 reasonable reason as to why all three of them would have
2 separately done that when they're admitting their own
3 guilt, then find them not guilty and cut them loose. But
4 if you believe that the evidence clearly shows that these
5 two guys were the fourth and fifth guys, then you've got
6 to find them guilty of everything.

7 Let's talk about Lamar Williams, and what he did
8 afterwards. Immediately after -- or within a few days of
9 the crime, Lamar Williams packs a suitcase and moves to
10 Lexington. Once again, the red herring kind of thing, or
11 maybe he was watching a different trial. Mr. Cook said to
12 y'all, well, she said -- that woman said she'd give him a
13 ride down there because she was going down there anyway.
14 I didn't hear her say that. And I may have been wrong.
15 And you can replay the tape.

16 I didn't hear anything -- that she said anything
17 about she was going down there anyway. She said he packed
18 a suitcase and asked her to take him to Lexington. She
19 went to Lexington only at his request. Because he's
20 getting the heck out of town. Because he has heard that
21 his boys have been arrested. He knows Jeff Dornberg and
22 Scottie Butler are in jail. And he knows he's next.

23 So he goes to Lexington. And then, once again,
24 lawyers. And I'm a lawyer, so whatever I say about him is
25 like rubber, it bounces back on me. Mr. Cooke jumbles the

1 going to Lexington with the I was staying with the other
2 girlfriend. And I'm still kind of confused as to which
3 one of these ladies is his girlfriend, but be that as it
4 may.

5 Mr. Cooke -- we're talking about him going to
6 Lexington on the 23rd, 24th of October, four or five days
7 after the incident. The other girlfriend who is just "his
8 friend" says that he was with her on the 17th or 18th.
9 It's two different things.. And we're not talking about
10 whether he could have been in Lexington on the 24th or the
11 25th. We're not even arguing it. Of course, he was.
12 We're talking about the 17th and the 18th as the critical
13 times of where he was at the time of this murder..

14 She takes him to Lexington and drops him off at --
15 Mr. Cooke said his grandmother's house, but it wasn't his
16 grandmother's house. It was Neal Haltiwanger's house. He
17 told you that. I don't know what trial he was watching.
18 His grandmother was not there. She had nothing to do with
19 this. He mixes it up, once again, red herring. The
20 grandmother has to do with Kristine Sterling, whose
21 grandmother was coming to visit her, which is why he had
22 to get out of her house. And we're going to come back to
23 that.

24 Wendy Bridges told you, and she told the police
25 originally, that after -- a few days after the murder,

1 this man, Lamar Williams, Face, came to her and said --
2 and had a gun in a McDonald's bag. And she said it was a
3 revolver, the same kind of gun described by the three
4 co-defendants. And he said, Take this. Give it to this
5 man. He's only got one leg. He lives over in Cadillac
6 Apartments. Take it to him, and he'll get rid of it. Why
7 did he do that?

8 Isn't that a coincidence that he now wants to get rid
9 of a gun, a gun just like the type of gun that was used to
10 kill Mr. Cruell? Isn't that a coincidence? And they
11 didn't challenge her about that. There's no question that
12 happened. That man right there told his girlfriend, Take
13 this gun, give it to this man, and he'll get rid of it.
14 Why would he do that, unless it was the gun that was used
15 to kill Mr. Cruell and he's trying to get rid of the
16 evidence.

17 The funny thing about Mr. Williams is that he trusts
18 this woman enough to give her the gun, the evidence to
19 dispose of. So he must have a very close relationship
20 with her. But he tells her, as he's giving her the gun,
21 to hide the gun -- he's like, this is my girl. She's
22 going to look out for me. He has her -- he has the
23 audacity to drop her off -- him off at the Wal-Mart where
24 the other girlfriend works. But remember what she said?
25 He had me pull over on the side. Why did he do that?

1 Because he didn't want the other girl to see another
2 girlfriend dropping him off. He's quite the player, ain't
3 he? But that's what she said.

4 Then we've got Michael Williams, who got up here and
5 admittedly has seven attempted murder charges pending. He
6 says he's an inmate at the detention center. And, out of
7 the goodness of his heart, he's going to come in here and
8 tell you about a statement that Dornberg supposedly made
9 to him in jail.

10 And I asked him, I said something to the effect,
11 Isn't it true, sir, that people in jail, prisoners, or
12 inmates kind of pump themselves up? That's right, I'm
13 bad, I killed a guy. I've got seven attempted murders
14 pending. And if he's talking to me and I'm just getting
15 in jail and I'm in there for writing a bad check and I'm
16 not a jail kind of guy, I might say, hey, I've got a body.
17 That's exactly what he said Dornberg told him, I've got a
18 body, which is jail lingo for I killed somebody. He's
19 puffing, ladies and gentlemen.

20 Jeff Dornberg is in there charged with murder for the
21 death of someone, because the hand of one is the hand of
22 all. So when this guy says, yeah, I've got seven
23 attempted murders, is it surprising that Dornberg might
24 have said, yeah, I've got a body?

25 Assuming it was said, because Mr. -- and I'm sorry, I

1 forget the name -- Mr. Williams admitted that he knows
2 Face. He, apparently, is the only person in the world
3 that doesn't call him Face. He was just steadfast, no, I
4 call him Michael [sic] Williams. I don't call him Face.
5 Of course, he does. They're in jail, you don't use
6 nothing but nicknames in jail.

7 He talked to Mr. Williams before that. He talked to
8 Mr. Williams after that. Now, what he got for his
9 testimony, I'll never know. We'll -- none of us will ever
10 know. But, once again, the bottom line, it doesn't
11 matter. It doesn't matter, ladies and gentlemen. Because
12 the hand of one is the hand of all.

13 Even if you go back there and find that Jeff Dornberg
14 shot Mr. Cruell, if you find that these two guys were
15 there, then they're still guilty. So I'm not suggesting
16 how you should deliberate, and what is important, and
17 what's not important. That's up to y'all. But I would
18 suggest to you, that ain't important.

19 Now let's talk about Iesha Scruggs and the bonding
20 company. Ms. Scruggs seemed like she wanted to try to be
21 honest and forthright with you. And she said that she
22 got -- she wrote this receipt on the 18th for \$100 to
23 Lamar Williams and -- as payment on some bonding work they
24 were doing for him.

25 And Mr. Cooke points out -- I'm sorry it may have

1 been my friend, Mr. Godfrey, who pointed out, why would
2 somebody who just killed somebody want to go make a bond
3 payment? If you had killed somebody and you thought you
4 might get caught, don't you want to be in good standing
5 with your bondsman? Isn't that one of the people that you
6 want to get -- if you owe your bondsman some money for
7 something else, don't you want to make sure that if I need
8 him, I can call him again?

9 But she said that this happened sometime between 8:30
10 and 10:00, because they were going into training. And
11 I've never worked at a bonding company, ladies and
12 gentlemen. I've seen their commercials on TV, though.
13 I've never seen one that says that we ain't open 24 hours
14 a day every day. But she came in here and told y'all that
15 they closed for the rest of the day. A bonding company,
16 please.

17 And what kind of training do you give a bonds person
18 that's going to take all day? Take the money, make sure
19 they show up for court. What kind of training? She
20 didn't go into that. She didn't tell you about how long
21 it was going to take, or who was going to do this
22 training.

23 Ladies and gentlemen, I would suggest to you that
24 this receipt could have been written any time that day,
25 that no bonding company closes up for training for the day

1 and can't get any more money after that. So all they made
2 was \$100 that day when they could have made \$200, or \$300,
3 or \$1,000, or \$10,000. They closed up. That's what she
4 wants you to believe.

5 And most important, ladies and gentlemen, and you may
6 or may not have noticed it. As soon as she finished her
7 testimony, she went right back over there and sat right
8 next to that woman, Kristine Sterling. Birds of a
9 feather, ladies and gentlemen. She knew Lamar Williams.
10 She was his bondswoman. I'm not suggesting she lied. I'm
11 suggesting that she conveniently doesn't remember that
12 day. And that it's easy for her just to say, well, yeah,
13 I remember we had some training that morning, so we must
14 have closed for a whole day. Please. That's ridiculous
15 on its face.

16 When was the last time a bank closed for the whole
17 day because they had some training for some people? When
18 was the last time a restaurant closed for the day because
19 they had some training for their people -- for a few --
20 for some of their people? You don't close up your shop
21 when you can -- especially a bonding company. Have you
22 ever seen one that does not say we're open 24 hours a day
23 every day, we're there for you.

24 Finally, ladies and gentlemen, that brings me to
25 Kristine Sterling. She's a piece of work. And I'm not

1 going to take too long with her, except to say I would
2 suggest to you everything she said after her name was a
3 lie, point blank. Everything she told you after her name
4 was a lie, starting with the fact that she describes
5 herself as just a friend of Lamar Williams, a man who is
6 sleeping in her house on a regular basis with her mother
7 there. And her mother allows one of her friends just to
8 sleep over with her on a regular basis, and not even be
9 her boyfriend.

10 And all she had to do was just admit, yeah, he's my
11 boyfriend. She admitted she talks to him -- yesterday,
12 she admitted she talked to him the day before yesterday,
13 the day before that, the day before that. She talks to
14 him every day. She's talked to him every day for the last
15 two or three weeks getting this story together.

16 Let's talk about her story. And I'm not going to go
17 back through all of it. There are only two things that
18 you need to remember that just -- it's just math, simple
19 elementary math. She testified that on the 11th or 12th,
20 she had a conversation with Lamar Williams. She told him
21 he had to get out because her mother's mother, her
22 grandmother, was coming for two weeks, and there was not
23 enough room in the place.

24 But she then went on to say that on the 17th or 18th,
25 he is sleeping with her that night and that morning so he

1 couldn't have committed this murder. 12, 13, 14, 15, 16,
2 17, that's six days. So, evidently, they made some other
3 arrangements for her grandmother. My momma used to tell
4 me, the problem with telling a lie is that you've always
5 got to remember the lie. The truth is always the truth.
6 You can tell it over and over. And it may change as you
7 get older, but, generally, the truth is going to be the
8 truth. But when you start telling lies, you've got to
9 remember the lie you told before.

10 The lie she told was that her grandmother was staying
11 for two weeks. She was coming on the 11th or 12th, and
12 that she told that man to get out. Then, ladies and
13 gentlemen, he couldn't be there on the 17th or 18th like
14 she said he was. That was a lie. And simple math tells
15 you it was a lie. And, once again, the Judge is going to
16 tell you about what witnesses have to -- she's his
17 girlfriend. She talks to him every day now. Everything
18 after her name was a lie.

19 Finally, ladies and gentlemen, let me just say this,
20 and I'm going to sit down, I think. Unlike Mr. Cooke, I
21 know a lot about computers. I don't look like it because
22 I'm old. But I know a lot about computers. And one of
23 the things I do know is what JPG means. JPG means that
24 these pictures were not taken with a regular Polaroid
25 camera. These are computer-generated pictures, a camera

1 that, basically, uploads to a computer.

2 And JPG -- on the back of here -- when y'all take
3 this back there, look at it. On the back of here, this
4 JPG date means that that is either the date that it was
5 uploaded on to a computer -- on to a hard drive or put on
6 to a flash drive. I know that.

7 And even if you don't believe -- so that means,
8 basically, she could put any date she -- she could use any
9 date she wanted, but definitely not on necessarily October
10 the 18th. Oh, what a tangled web we weave when we first
11 practice to deceive. Then you've got -- even if you don't
12 believe that, ladies and gentlemen, if there's nobody on
13 the jury who knows enough -- knows about computers, they
14 can tell you all about that.

15 These are two pictures they put in as an alibi for
16 that man. And I want you to look at these pictures and
17 look at him, and see if you see him in these pictures,
18 anything that looks like him in these pictures. What the
19 heck were they put in for? Do they think y'all are
20 stupid? Do they think, like he said about Noah Cruell,
21 that y'all are dumb. And I would suggest to you, ladies
22 and gentlemen, Noah Cruell is not dumb. He's anything but
23 dumb. He's honest. And he's a victim.

24 But why do they give you these pictures here? And
25 her -- she says, Oh, this is Lamar Williams arm. Eight

1 billion people on the planet, and she wants you to believe
2 this is his arm. This is the same lady who is just his
3 friend, not his girlfriend, even though she's sleeping
4 with him in front of her momma on a regular basis, just a
5 friend.

6 Ladies and gentlemen, I told you at the outset of
7 this trial that I believed that at the conclusion of this
8 trial, three things would be true. Number one, that these
9 crimes were committed. And there's no question they were.
10 Number two, that the three men who got up on this witness
11 stand, swore an oath, and told you what they did after
12 they've pled guilty, which is the same thing they told the
13 police when they arrested -- were arrested, and named
14 these two guys who committed those crimes. And there's no
15 question the three of them did. And, number three, that
16 that man and that man are the other two.

17 Thank you.

18 CHARGE ON THE LAW

19 THE COURT: Thank you, Mr. Weston.

20 Madam Foreperson, and, members of the jury, it is now
21 my duty to charge you on the law in this case. Now, the
22 State has charged the Defendants, Lamar Williams and
23 Richey Boyd, with murder, kidnapping, attempted armed
24 robbery, burglary in the first degree, conspiracy, and
25 possession of a weapon during the commission of a violent

1 crime. I remind you that the fact that a defendant is
2 arrested, charged, and indicted in a case is not evidence
3 in the case, nor does it create any presumption or
4 inference of guilt. These documents are simply the formal
5 written instruments that contain the charges that are made
6 against a defendant. They are the formal documents by
7 which a case is brought into the courtroom.

8 Now, the Defendants have pled not guilty to these
9 indictments. And those pleas put the burden on the State
10 to prove the Defendants guilt beyond a reasonable doubt.
11 A person charged with committing a criminal offense in
12 South Carolina is never required to prove himself
13 innocent. I charge you that it's an important rule of law
14 that a defendant in a criminal trial, no matter what the
15 seriousness of the charge, will always be presumed
16 innocent of the crime for which the indictment was issued,
17 unless guilt has been proven by evidence satisfying you,
18 the jury, of that guilt beyond a reasonable doubt.

19 Now, ladies and gentlemen, the presumption of
20 innocence is not a mere legal theory we use. It's not
21 just a legal phrase. It is a substantial right to which
22 every defendant is entitled, unless you, the jury, are
23 satisfied from the evidence of the defendant's guilt
24 beyond a reasonable doubt.

25 Now, what is a reasonable doubt in the law? A

1 reasonable doubt is the kind of doubt that would cause a
2 reasonable person to hesitate to act.

3 Now, the State has the burden of proving the
4 Defendant guilty beyond a reasonable doubt. Now, ladies
5 and gentlemen, some of you may have served as jurors in
6 civil cases where you were told that it was only necessary
7 to prove that a fact is more likely true than not true,
8 such as by the greater weight of the evidence, or what we
9 call a preponderance of the evidence. In criminal cases,
10 the State's proof must be more powerful than that. It
11 must be beyond a reasonable doubt. Proof beyond a
12 reasonable doubt is proof that leaves you firmly convinced
13 of the Defendant's guilt.

14 Now, ladies and gentlemen, there are very few things
15 in the world that we know with absolute certainty. And,
16 in criminal cases, the law does not require proof that
17 overcomes every possible doubt. If, based on your
18 consideration of the evidence, you are firmly convinced
19 that a Defendant is guilty of the crime charged, you must
20 find him guilty. If, on the other hand, you think there
21 is a real possibility that a Defendant is not guilty, you
22 must give that Defendant the benefit of the doubt and find
23 him not guilty.

24 Now, I remind you that during this trial, you and I
25 have certain duties to perform. As the trial judge, it is

1 my duty to preside over the trial of this case. And I,
2 also, have the duty to rule on the admissibility of the
3 evidence offered during the trial. Ladies and gentlemen,
4 you are to consider only the competent evidence before
5 you. If there was any testimony ordered stricken from the
6 record in this case during the trial, you must disregard
7 that testimony. And you are to consider only the
8 testimony which has been presented from the witness stand,
9 as well as any other exhibits which have been made a part
10 of the record in this case, and any stipulations of
11 Counsel.

12 Ladies and gentlemen, I have the additional duty to
13 charge you the law that's applicable to this case. As the
14 presiding judge, I am the sole judge of the law. And it's
15 your duty as jurors to accept and apply the law as I now
16 state it to you. If you already have any ideas as to what
17 the law is, or what the law ought to be, and it does not
18 agree with what I now tell you the law is, you must
19 abandon that idea. You are sworn to accept the law and
20 apply the law exactly as I state it to you.

21 Ladies and gentlemen, in every case tried in this
22 court before a jury, the jury becomes the sole and
23 exclusive judges of the facts in the case. A trial judge
24 cannot state, intimate, comment on, or make any statement
25 to a jury about the facts in a case. And since you, the

1 jury, are the sole judges of the facts in this case, you
2 are not to infer from what I have said during the progress
3 of this trial in ruling upon the admissibility of
4 evidence, or otherwise, or anything I say now to you
5 during the course of these instructions that I have any
6 opinion about the facts in this case. The law does not
7 allow me to have an opinion about the facts of this case.
8 Again, this matter is solely for you, the jury, to
9 determine.

10 Ladies and gentlemen, in each trial, there are two
11 types of evidence which are, generally, presented, they're
12 called direct evidence and circumstantial evidence.

13 Direct evidence is the testimony of a person who claims to
14 have actual knowledge of a fact, such as an eyewitness.
15 It is evidence which immediately establishes the main fact
16 to be proven.

17 Circumstantial evidence is proof of a chain of facts
18 and circumstances indicating the existence of a fact. It
19 is evidence which immediately establishes collateral facts
20 from which the main fact may or may not be inferred.
21 Circumstantial evidence is based on inference and not on
22 personal knowledge or observation. Ladies and gentlemen,
23 the law makes absolutely no distinction between the weight
24 or value to be given either direct or circumstantial
25 evidence, nor is a greater degree of certainty required of

1 circumstantial evidence than of direct evidence.

2 You should weigh all the evidence in this case. And,
3 after weighing all the evidence, if you are not convinced
4 of the guilt of a defendant beyond a reasonable doubt, you
5 must find that defendant not guilty. On the other hand,
6 after weighing all the evidence in the case, if you are
7 convinced of the guilt of a defendant beyond a reasonable
8 doubt, you must find that defendant guilty.

9 Ladies and gentlemen, necessarily, you must determine
10 the credibility of witnesses who have testified in this
11 case. And credibility simply means believability. It
12 becomes your duty as jurors to analyze and to evaluate the
13 evidence, and determine which evidence convinces you of
14 its truth.

15 Now, in determining the believability of witnesses
16 who have testified during the trial of this case, you may
17 believe one witness over several witnesses, or several
18 witnesses over one witness. You may believe a part of the
19 testimony of a witness, and reject the remaining part of
20 the testimony of that same witness. You may believe the
21 testimony of a witness in its entirety, or reject the
22 testimony of a witness in its entirety. You may, also,
23 consider whether any witness has exhibited to you any
24 interest, any bias, or prejudice, or other motive in this
25 case. And you may, also, consider the appearance and

1 manner of the witness while on the witness stand.

2 Now, ladies and gentlemen, the rules of evidence
3 ordinarily do not permit witnesses to testify to opinions
4 or conclusions. An exception to this rule exists for
5 witnesses we call expert witnesses. A witness who by
6 education or experience has become an expert in some art,
7 science, or profession may give an opinion as to the
8 subject the witness claims to be an expert in, and may,
9 also, give the reasons for their opinion.

10 Ladies and gentlemen, you should consider any expert
11 opinion given by a witness and, like any other evidence,
12 give it the weight you think it deserves. If you decide
13 an expert witnesses testimony is not based on sufficient
14 education and experience, or if you decide that the
15 reasons given in support of the opinion are not sound, or
16 the opinion is outweighed by other evidence in the case,
17 you may disregard the opinion entirely. An expert
18 testimony -- or expert witnesses testimony is to be given
19 no greater weight than that of any other witness simply
20 because the witness is an expert. And you do not have to
21 accept an expert's opinion, even though it is
22 uncontradicted.

23 Now, ladies and gentlemen, I instruct you and
24 emphasize the fact that the Defendants did not testify in
25 this case is not a factor to be considered by you in any

1 way in your deliberations and in your consideration on the
2 question of the guilt or the innocence of the Defendants.
3 It must not be considered by you in any manner whatsoever.
4 A Defendant has the Constitutional right to remain silent.
5 And the assertion of this right must not be considered by
6 you in your deliberations. I repeat, under your oath, you
7 are to draw no conclusion whatsoever from the fact that
8 the Defendants did not testify. The fact that a Defendant
9 does not testify should not even be discussed in the jury
10 room.

11 Again, ladies and gentlemen, the burden of proof, as
12 I stated to you, is on the State. A Defendant is not
13 required to prove his innocence. And the burden of proof
14 remains on the State to prove guilt beyond a reasonable
15 doubt.

16 Now, ladies and gentlemen, there's been evidence
17 presented that witnesses have made prior statements which
18 are not consistent with the witnesses present testimony.
19 You may use this evidence to decide whether to believe the
20 witness. You may, also, use evidence of the earlier
21 contradictory statement to determine the truth of those
22 statements. It is up to you to decide whether to believe
23 the earlier statements or the testimony given at trial.

24 If a witness is shown to have knowingly testified
25 untruthfully concerning any material matter, you may