

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Richland County

Brooks P. Goldsmith, Circuit Court Judge

DOMINIC A. GALLMAN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-001179

APPENDIX

SUSAN B. HACKETT
Appellate Defender

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

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

LINDSEY MCCALLISTER
Assistant Attorney General
Rembert Dennis Bldg, Room 519
1000 Assembly Street
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

PAGES 501-1000

RECEIVED

MAR 19 2019

S.C. SUPREME COURT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED DECEMBER 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 2007	1
FINAL BRIEF OF APPELLANT	2355
FINAL BRIEF OF RESPONDENT	2377
FINAL REPLY BRIEF OF APPELLANT	2406
<u>STATE V. GALLMAN</u> , OP. NO. 2011-UP-006 (S.C. CT. APP. FILED JAN. 20, 2011)	2416
PETITION FOR REHEARING	2418
RETURN TO PETITION FOR REHEARING	2427
ORDER DENYING PETITION FOR REHEARING	2435
PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS	2437
RETURN TO PETITION FOR WRIT OF CERTIORARI	2464
ORDER DENYING PETITION FOR WRIT OF CERTIORARI	2491
REMITTITUR	2492
APPLICATION FOR POST-CONVICTION RELIEF	2493
RETURN	2500
AMENDED APPLICATION FOR POST-CONVICTION RELIEF	2507
SECOND AMENDED APPLICATION FOR POST-CONVICTION RELIEF	2510
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED MAR. 20 AND 23, 2018	2513
APPLICANT'S EXHIBIT #1 (CONFIDENTIALITY AGREEMENT)	2737
APPLICANT'S EXHIBIT #2 (MOTION TO SEVER)	2740
APPLICANT'S EXHIBIT #3 (STATEMENT OF DOMINIC GALLMAN)	2741
APPLICANT'S EXHIBIT #4 (CALENDAR)	2746

APPLICANT'S EXHIBIT #5 (RECEIPT)	2747
APPLICANT'S EXHIBIT #6 (PHONE RECORDS).....	2748
ORDER OF DISMISSAL.....	2793
INDICTMENTS AND SENTENCE SHEETS.....	2848

1 Q And where were you employed?

2 A The City of Columbia Police Department.

3 Q And what was your position at the CPD?

4 A My last position was sergeant, street sergeant.

5 Q And were you working for Columbia Police Department
6 in September of 2005, specifically September 4th,
7 2005?

8 A Yes, I was.

9 Q And what was your position then?

10 A I was a corporal at the time.

11 Q And how many years experience did you have at that
12 time with the Columbia Police Department?

13 A Approximately five years.

14 Q Okay. And when you say your position was corporal,
15 what does that position entail?

16 A Both street duties and supervising personnel on the
17 street.

18 Q Okay. Like a patrol officer but a supervisory patrol
19 officer?

20 A A patrol officer/supervisor when the supervisor likes
21 to take a day off.

22 Q Okay. Let's go back to September 4th, 2005. Were
23 you on duty on that day?

24 A Yes, I was.

25 Q Okay. Did you receive a call to go to Mildred

1 Avenue?

2 A Yes, I did. It was towards the end of our shift.

3 And it was an unknown trouble call. And I responded.

4 Q And was this [REDACTED] Mildred Street?

5 A Yes, it was.

6 Q Is that here in the City of Columbia?

7 A Yes, it is.

8 Q All right. And what type of call was it that you
9 received?

10 A Unknown trouble, an individual calling in hysterical.

11 Q Okay. Did you receive that call directly or was that
12 through dispatch?

13 A It was a dispatched call and I intercepted the call.

14 Q All right. Do you recall how long it took you to get
15 from wherever you were to Mildred Avenue?

16 A It was within a few moments. I wasn't far. That's
17 why I intercepted the call, because I was closest.

18 Q Okay. Approximately what time of day or night was
19 this?

20 A It was towards the end of the day, approximately
21 around 5:00, just after 5.

22 Q Okay. Would it have been daylight still?

23 A Yes.

24 Q When you arrived at the scene, were any other patrol
25 cars there?

1 A No, there weren't.

2 Q All right. So you were the first officer on the
3 scene?

4 A Yes, I was.

5 Q All right. What did you do?

6 A When I approached the residence there was a young
7 lady that approached me out on the street that was
8 hysterical. I began questioning that individual.

9 Q All right. And do you recall that young lady's name
10 at all?

11 A No, I don't.

12 Q All right. Did anybody else approach you at that
13 time?

14 A No one approached me.

15 Q And she was hysterical. Was she crying?

16 A Yes, she was.

17 Q And upset?

18 A Very upset.

19 Q And what did she tell you?

20 A She told me there were individuals in the home that
21 were dead in the house.

22 Q Did she tell you why she was there?

23 A She was there trying to find her friend, a girlfriend
24 of hers that was supposed to be at the house.

25 Q Okay. What did you do after speaking with that

1 individual?

2 A I asked her did she go in the house. She told me
3 what she had done. She had went in the house and saw
4 the individuals and used the phone just inside the
5 door. I asked her at that time did she go anywhere
6 else. She said no. I told her to stay in the street
7 near her car and to stay there. And then I went into
8 the house to see if there were any individuals that
9 were surviving in the house.

10 Q And were there?

11 A No.

12 Q That phone that she used, what did she use the phone
13 for?

14 A To call the police.

15 Q When you went through the house, you didn't see
16 anybody?

17 A I saw individuals, two individuals in the home; but
18 no one else that was there, no.

19 Q Okay. Did you hear anything when you went in the
20 house?

21 A No, I did not.

22 Q When you approached the -- how did you approach the
23 house? Which door did you go to?

24 A The front door.

25 Q When you came to the front door, what did you

1 observe?

2 A A white male face down with --

3 Q Let me back you up a little bit. Before you get to
4 the door, is the door shut or open?

5 A The door was open.

6 Q All right. And what did you observe?

7 A Well, you have a door and then you have a screen
8 door. The screen door was closed. The door, the
9 main door was open. I had to open the screen door.
10 And upon entering the residence, I saw a woman's
11 handbag, a cellphone and a set of keys I think it
12 was, and a phone to the right that had fallen down,
13 like it had been dropped, and a male figure face down
14 on the ground.

15 Q All right. And the other individual that you found
16 in the home, where was he?

17 A I began clearing each room. I saw an individual in
18 the hallway in the center of the house.

19 Q Do you recall the condition of the home? In other
20 words, did it look like there had been a burglary
21 there?

22 A It looked like selectively someone had gone through
23 certain things. It didn't look like the whole house
24 had been tore up. It was certain things within the
25 rooms, like dressers and things like that.

1 Q All right. After you went through the house, cleared
2 the house, what happened next?

3 A Well, the fire engines, the firefighters come as
4 first responders. And I had asked them to stay
5 outside the house and if I'd found anyone that was
6 surviving I would need them to come in and assist.
7 Once I cleared the house I sealed off the front of
8 entrance to allow no one else in. When EMS arrived I
9 allowed them to make sure that the victims were in
10 fact deceased and had them exit the residence.

11 Q Okay. And did you go in there with EMS?

12 A Yes, I did.

13 Q Did they disturb or tamper the scene in any way?

14 A No, they did not. I observed them do what they had
15 to do as far as identifying the victims and then exit
16 the home.

17 Q Did you see any obvious signs of forced entry into
18 the home?

19 A No, I did not.

20 Q Okay. Once EMS came in and left, was the crime scene
21 secured?

22 A Yes. I secured the crime scene.

23 Q And was that crime scene secured until Pete Currie
24 and Investigator Rose with crime scene arrived to
25 process the scene?

1 **A** Yes. At that time we were in the middle of shift
2 change. So the oncoming supervisors were in role
3 call. I interrupted their role call to get more
4 manpower out there so we could start relieving my
5 squad basically from the crime scene. But at that
6 time I secured the house and I had my officers tape
7 off the area.

8 **Q** Okay. And then crime scene arrived?

9 **A** Right.

10 **MR. ROSS:** Your Honor, this is Exhibit Nos. 1,
11 2, 5, 6, 7 and 8.

12 **THE COURT:** They've been agreed to for admission
13 purposes?

14 **MR. ROSS:** Right. Right.

15 **Q** Ms. Dutton, handing you State's Exhibit Nos. 1, 2, 5,
16 6, 7 and 8. Any objection?

17 **THE COURT:** They've previously been --

18 **MR. STRICKLER:** Subject to establishing an
19 adequate foundation, we have no objection.

20 **Q** Would you look at those photos?

21 **A** Yes.

22 **Q** Those photos, are they an accurate representation of
23 what you saw when you arrived on the scene?

24 **A** Yes.

25 **MR. ROSS:** Your Honor, I'd offer these into

1 evidence at this time.

2 **THE COURT:** Without objection.

3 (WHEREUPON, State's Exhibit No. 1 is admitted
4 into evidence.)

5 (WHEREUPON, State's Exhibit No. 2 is admitted
6 into evidence.)

7 (WHEREUPON, State's Exhibit No. 5 is admitted
8 into evidence.)

9 (WHEREUPON, State's Exhibit No. 6 is admitted
10 into evidence.)

11 (WHEREUPON, State's Exhibit No. 7 is admitted
12 into evidence.)

13 (WHEREUPON, State's Exhibit No. 8 is admitted
14 into evidence.)

15 **MR. ROSS:** Your Honor, can I publish these
16 photos to the jury, please?

17 **THE COURT:** Certainly.

18 **Q** I'm going to hold these photos up, Ms. Dutton. I
19 want you to explain what's shown in each photo. This
20 is State's Exhibit No. 1.

21 **A** This is the front of the residence at [REDACTED] Mildred.
22 That's their front door.

23 **Q** Okay. And this is the door that you described
24 earlier that you went up to?

25 **A** The screen door.

1 Q The screen door was closed but the front door was
2 open?

3 A That's correct.

4 Q State's Exhibit No. 2?

5 A That's the burgundy 300, I guess the 350 that was
6 parked inside on the dirt in front of the house. So
7 you have the front door and then you have a car
8 that's parked in the yard.

9 Q State's Exhibit No. 5?

10 A This is a hunter green Jaguar that was parked in
11 front of the residence on the road, off the road.

12 Q State's Exhibit No. 6?

13 A It's a Pontiac of some sort. And I believe that that
14 may have been the individual that approached me when
15 I got to the scene that had called the police. That
16 might have been her car. But I remember that car
17 being on the scene. It was also parked in front of
18 the residence off to the side of the road.

19 Q State's Exhibit No. 7?

20 A That's the front of the same car. And we obviously
21 had the crime scene tape attached to that vehicle
22 because it was part of the scene. Just a different
23 angle.

24 Q State's Exhibit No. 8?

25 A This is the individual that I found just inside the

1 doorway when I came into the home.

2 **Q** Is this address, this [REDACTED] Mildred Avenue, also in
3 the county of Richland?

4 **A** Yes, it is.

5 **MR. ROSS:** That's all the questions I have, Your
6 Honor.

7 **THE COURT:** Mr. Strickler.

8 **MR. STRICKLER:** Thank you, Your Honor. May it
9 please the Court.

10 CROSS EXAMINATION

11 **BY MR. STRICKLER**

12 **Q** Good afternoon, ma'am.

13 **A** Good afternoon.

14 **Q** My name is Doug Strickler. I'm here representing
15 Stanley Oliver. I believe your testimony was that it
16 was roughly 5:00, end of shift time for you when you
17 heard this call?

18 **A** That's correct.

19 **Q** And you indicated, I think the term you used was that
20 you intercepted the call?

21 **A** Mm-hmm (affirmative).

22 **Q** Now, can you enlighten me a little bit as to what you
23 mean by that? Did you actually hear the 911 call
24 yourself? Is that what that means?

25 **A** As a supervisor on the street and any other officer

1 that knows, if you're listening to the radio,
2 everyone hears the calls that go out; if you're a
3 closer unit, you go ahead and say, I'm closer, I'll
4 respond; because of the response time and wanting to
5 get there quickly. So if you're closer, logically
6 you would go ahead and take the call.

7 Q But all I'm trying to figure out is, did you
8 intercept a call from dispatch, or did you actually
9 hear the call into the 911 center itself?

10 A No, sir. The calls go into the 911 center and then
11 they in fact turn around and dispatch.

12 Q Okay. I just didn't know whether you'd actually
13 heard the woman as she was calling into 911.

14 A No, sir. Everything is relayed to us.

15 Q Got you. And you were there within just seconds or a
16 minute or so, correct?

17 A I wouldn't say seconds. I would say, you know, at
18 least a couple of minutes.

19 Q Okay. I believe you testified at that point in time
20 you were a corporal with CPD, correct?

21 A That's correct.

22 Q And that's a supervisory position, right?

23 A Yes, it is.

24 Q You were in charge of a shift in a particular area in
25 town at that point in time?

1 A That's correct. At that time it was north region.

2 Q Okay.

3 A That's the particular area in which I worked.

4 Q Okay. And at that point in time how many people, if
5 you can remember, did you have working underneath you
6 on your shift?

7 A It can be anywhere from eight to twelve individuals.
8 I can't recall the amount of persons I was in charge
9 of that day.

10 Q And you said the northeast region?

11 A North region.

12 Q North region. And what area does that encompass?

13 A It encompasses Eau Clair, a section of downtown which
14 is the north side of downtown, the Elmwood park area,
15 the Earlewood Park area, out off of North Main. And
16 forgive me. I'm trying to recall the areas. There's
17 several. Those are the main areas. Generally it's
18 called Eau Clair.

19 Q Okay. Eau Clair to include Elmwood Park?

20 A Earlewood Park.

21 Q Earlewood. Okay. And this area of [REDACTED] Mildred,
22 what area inside the north region would that be
23 located in? Earlewood?

24 A No.

25 Q Do you know?

1 **A** Earlewood and Elmwood Park are downtown. That's
2 within the Eau Clair area.

3 **Q** Okay. It's in the Eau Clair area? Okay. Now, you
4 responded on the scene. Did you file a report
5 regarding your response to the scene in this case?

6 **A** No.

7 **Q** No?

8 **A** No, I did not.

9 **Q** Okay. And you're obviously familiar with a document
10 called an incident report, correct?

11 **A** Yes, sir.

12 **Q** You are probably far too familiar I bet. Those are
13 filed when incidents occur. They contain blocks to
14 record pertinent information, et cetera, regarding
15 the case. Correct?

16 **A** That's correct.

17 **Q** And someone filed one in this case I take it, right?

18 **A** That's correct.

19 **Q** But it's not always the first officer or the first
20 responding officer to the scene who does that. Is
21 that correct?

22 **A** That's correct. It's not always the first officer.

23 **Q** Did you speak with someone who would have then
24 recorded the information you had to include in the
25 incident report?

1 A I spoke with Officer Gates.

2 Q Officer Gates?

3 A That's the individual that took the actual report.

4 Q Okay. And in many incidents I'm used to seeing the
5 first person on the scene at some point involved in
6 the incident report. Was this -- you're at the time
7 of a shift change at this point in time, correct?

8 A That's correct.

9 Q So you responded to the scene, and I guess one other
10 individual from your shift also responded to the
11 scene?

12 A I believe it was Officer Scott that came in behind
13 me. But he had actually gotten there a few moments
14 later than I. So I'd already cleared the home and
15 just asked him to stay at the front gate of the house
16 because there's a chain link fence to take names if
17 anyone were to come through the premises.

18 Q Okay. And you indicated that you maintained the
19 integrity of the premises itself, escorted EMS in and
20 out to make sure they didn't disturb anything. And I
21 think your testimony was that Officer Scott put up
22 the crime scene tape as we see in some of these
23 photographs?

24 A He assisted in that. He wasn't the sole person that
25 put the tape up.

1 Q And then I take it that shortly after, since shift
2 change was going on and you called in to interrupt
3 the shift change meeting, the briefing for the
4 oncoming shift, that as soon as possible they got
5 some people from the new shift out there and then
6 they relieved you and Officer Scott. Is that about
7 right?

8 A That's correct.

9 Q And at that point in time Officer Gates, he is from
10 the oncoming shift I take it?

11 A Right. He is one of the members of the oncoming
12 shift.

13 Q So you filled him in on the information that you had.
14 You provided him with that information?

15 A That's correct. I provided him with what I said.
16 You know, at that time I didn't really have any
17 details in reference to what had happened. All I had
18 was the response times, what I saw when I got there
19 and the fact that I sealed off the crime scene.

20 Q Okay. And that's the complete extent of your
21 involvement in this matter, correct?

22 A That's correct.

23 Q Okay. And rough estimate. Okay. When you first
24 entered the house, I mean, as an initial responder to
25 a crime scene, especially a scene of a crime where

1 there is obviously a violent crime that's occurred, I
2 mean, as soon as you're in the door you can see that,
3 you have a couple of concerns. You're concerned for
4 the safety of anyone who might be present and alive.
5 You're concerned for your own safety, correct?

6 **A** That's correct.

7 **Q** Okay. So as you clear the scene you are making sure
8 that there's no other danger there to anyone else who
9 is alive there and there is no other danger there to
10 yourself or any other officer who may show up at the
11 scene, correct?

12 **A** That's correct.

13 **Q** And if you can provide assistance to anyone also who
14 is living there, that's also important, correct?

15 **A** That's correct.

16 **Q** So the process it took to you to clear the crime
17 scene, and that's a technical term we use, roughly
18 how long did that take you inside the house?

19 **A** I have to think about it for a moment because, you
20 know, time does go either slower or faster in those
21 kind of circumstances.

22 **Q** I understand.

23 **A** I would say roughly just over a minute. It wasn't
24 more than two minutes. The house was reasonably
25 small and you move quite quickly.

1 Q And the clearing process is just to check to see
2 whether there's anyone else around and whether
3 there's any threats around and whether those people
4 on the ground can have any assistance?

5 A Right. Assistance is first and foremost along with
6 safety, yes.

7 Q And then, so about a minute in the house at that
8 point. Then you exited the house, maintained the
9 integrity of the house, escorted EMS in to check the
10 two victims that you have talked about, correct?

11 A Yes. I stayed at the front door. I didn't leave the
12 front door. I gave instructions from the front door
13 to the officers that had responded. EMS had arrived
14 at that time. I escorted EMS inside.

15 Q And then the same question regarding EMS. Roughly
16 how long were you in the house with EMS when you
17 escorted them in?

18 A I have no idea. I can't even imagine how long it
19 would take. I just know that I watched them and what
20 they had do. I don't know how long it takes for them
21 to actually conduct. A couple of moments per victim.

22 Q It didn't take a long time to make the determination
23 that these people were dead, correct?

24 A That's correct. I mean, I don't know how long it
25 takes to feel, find a pulse, you know. So each

1 victim, I would say we spent at least a few moments
2 in the home.

3 Q Okay. Thank you very much, ma'am.

4 A Mm-hmm (affirmative).

5 **THE COURT:** Mr. Milling?

6 **MR. MILLING:** Thank you, Your Honor. May it
7 please the Court. Counsel.

8 CROSS EXAMINATION

9 **BY MR. MILLING**

10 Q Good afternoon, Ms. Dutton. My name is Jonathan
11 Milling. I represent Dominic Gallman in this case.
12 You were the first person on the scene, correct?

13 A That's right.

14 Q You were the first person to speak with who you
15 termed a young lady who was there hysterical at the
16 scene?

17 A Yes.

18 Q Could you describe this lady for us?

19 A I believe she was probably in her mid-thirties, late
20 thirties, if I can remember. It has been a long
21 time.

22 Q Okay.

23 A African-American. All I remember really is her being
24 very hysterical and just saying, "They're dead
25 inside. I can't find my friend." That's all I

1 remember.

2 Q So she told you there were two dead people in there
3 and she couldn't find her friend?

4 A She said, "They're dead inside the home and I can't
5 find my friend. I have to find my friend".
6 Something to that extent.

7 Q Did she indicate there was more than one dead person
8 inside the house or just one?

9 A She indicated to me, it sounded like more. But she
10 just said that there's someone dead. I don't recall
11 the exact words.

12 Q But you were again --

13 A She said, "They're all dead", something to that
14 extent.

15 Q You were given the impression there was more than one
16 person inside the house who was dead?

17 A Yes.

18 Q Based on your conversation with her?

19 A Yes.

20 Q But you said that you don't have her name?

21 A I don't recall her name.

22 Q Did you take any notes when you arrived there?

23 A No, I did not take any notes.

24 Q You didn't take any notes?

25 A No.

1 Q You didn't do an incident report?

2 A No.

3 Q Okay. Did you wait to go inside the house until
4 Officer Scott arrived there?

5 A No, I did not.

6 Q Okay. Did you take this individual back in the house
7 with you?

8 A The woman that approached me?

9 Q Yes, ma'am. Or was she left outside alone?

10 A She was left -- when I reached the home, I asked her
11 what happened. I asked her if she touched anything
12 in the house. She said she had touched the phone
13 inside the door. I asked her was that all. I told
14 her to stay out at the street and that she needed to
15 stay there, that more help was coming. That's when I
16 approached the house and went inside.

17 Q Okay. The main door was open. The screen door was
18 shut but unlocked, correct?

19 A That's correct. Yes.

20 Q So go in. You see the first body, correct?

21 A Mm-hmm (affirmative).

22 Q Were you able to see the other body at that point in
23 time?

24 A No.

25 Q Okay. You say you took about a minute or two to

1 check to make sure that the area was safe, correct?

2 A That's correct.

3 Q Then you say you secured the area. What specifically
4 did you do to secure the area?

5 A Well, when you clear the home, you also check for any
6 open doors or anything like that. And all the
7 exterior doors had been shut. The back door had not
8 been breached. The side door had not been breached.
9 So I knew that those two doors were closed. I didn't
10 have to worry about that. There's a chain link fence
11 that goes around the house so you can control access.
12 So what I did was is that I maintained my position at
13 the front door because I had vision from the side and
14 the front because of the chain link fence. So that's
15 how I secured the scene until others came.

16 Q Let me ask you this. When you went in the house, did
17 you have on gloves or anything like that?

18 A No, I did not.

19 Q Did you touch anything in the house?

20 A No, I did not.

21 Q Okay. You said there were no signs of forced entry,
22 correct?

23 A Mm-hmm (affirmative).

24 Q And that the individual you spoke with at the scene
25 indicated that the door was unlocked when she got

1 there, correct?

2 **A** She didn't -- I didn't ask her about if the door was
3 unlocked and she didn't give me that information
4 because I didn't ask her. It was just -- it almost
5 seemed as though she had been welcomed at that house
6 before. I don't know. You know, I didn't ask those
7 kind of questions.

8 **Q** So all you asked her -- or you really didn't ask her
9 anything, did?

10 **A** No. I asked her -- I asked her what had happened,
11 what was going on. She instructed me that there's
12 people inside the house dead. And I said -- she
13 said, "I'm looking for my friend. That's why I came
14 over here." And I asked her where did she think her
15 friend was. And she said she was supposed to be
16 there. And then I told her to go back out to the
17 road.

18 **Q** Mr. Strickler made reference to incident reports.
19 And there are a number of I guess forms that you all
20 use when you approach a crime scene, like a crime
21 scene log to log everybody who was there? Is that
22 something that the City police uses?

23 **A** Well, typically what you do is you assign someone at
24 the door or where the entrance of the crime scene is
25 so they can take notes if anyone does enter the crime

1 scene. And if you look on the original incident
2 report, that was relayed to Officer Gates via Officer
3 Scott who was positioned at the gate initially.
4 Apparently no one had come in the gate at that time
5 other than myself and EMS. So officer Wines in turn
6 was placed at the gate. So whatever information is
7 in the incident report, I believe it's documented who
8 actually entered the crime scene. It's then placed
9 in the actual incident report, whoever writes it.

10 Q But you all don't have a separate form of a crime
11 scene log?

12 A No. We don't have a crime scene log, like a sheet or
13 something that will aid us in that. We just know
14 that's what we are to do, assign someone on the crime
15 scene entrance. Whoever comes in is documented.

16 Q How long total were you there on the scene?

17 A I don't even recall. Because I'm a supervisor and I
18 was the first to respond, I stayed on the scene to
19 assist the oncoming supervisor as far as the
20 positioning and things like that and making sure that
21 the street was blocked off. I couldn't even tell
22 you. It was well after my shift had ended. I do
23 know that.

24 Q But you don't know how long you were there?

25 A I don't recall how long. It was well past my shift I

1 do know.

2 **MR. MILLING:** Nothing further, Your Honor.

3 **THE COURT:** Mr. Delgado.

4 **MR. DELGADO:** Your Honor, I have no questions of
5 Ms. Dutton. Thank you.

6 **THE COURT:** Any redirect?

7 **MR. ROSS:** No, Your Honor. If she could be
8 excused?

9 **MR. STRICKLER:** Without objection, sir.

10 **THE COURT:** You may come down, ma'am. You're
11 free to go. Thank you very much.

12 **MR. MEADORS:** The State would call William
13 Felder.

14 **WILLIAM S. FELDER,** after being duly sworn,
15 testifies as follows:

16 **THE CLERK:** Thank you. Please have a seat in
17 the witness stand and state your full name for the
18 record.

19 **THE WITNESS:** William S. Felder.

20 **DIRECT EXAMINATION**

21 **BY MR. MEADORS**

22 **Q** Good afternoon, Mr. Felder.

23 **A** Good afternoon.

24 **Q** If you would just please just speak into here. Would
25 you state your name again, please?

1 A William S. Felder.

2 Q And very briefly, where are you from?

3 A I'm from right here in Columbia, South Carolina.

4 Q Born and raised?

5 A Yes, sir.

6 Q So where did you go to school?

7 A W. J. Keenan High School.

8 Q What did you do after that?

9 A I went into the military.

10 Q And have you been working in the Columbia area since?

11 A Yes, sir.

12 Q I'm not allowed to ask you any victim impact
13 evidence. You understand that?

14 A Yes, sir.

15 Q I explained that to you earlier?

16 A Yes, sir.

17 Q I've just got a few questions relating to a timeline.
18 That would be it. How did you know Desiree Felder?

19 A Desiree Felder was my wife.

20 Q And did there come a time when you all separated?

21 A Yes, sir.

22 Q Okay. And when was that?

23 A That was around 2003.

24 Q After that did you all stay in contact?

25 A Yes, sir. We did talk.

1 Q On the weekend, Labor Day weekend, September 3rd,
2 September 4th of 2005, did you have an occasion to
3 talk to her?

4 A Yes, sir.

5 Q And can you tell us, on the evening of September 3rd,
6 did you talk to her?

7 A Yes, sir.

8 Q And on the early morning hour of September 4th, did
9 you talk to her?

10 A Yes, sir.

11 Q Of 2005?

12 A Yes, sir.

13 Q And can you remember, do you remember about what time
14 it was when you talked to her the last time?

15 A It was around 1:30 in the a.m. of September the 4th.

16 Q 1:30 a.m. September 4th, 2005?

17 A Yes, sir.

18 Q Had you called her, or did she call you, Mr. Felder?

19 A I was returning her phone call.

20 Q So you called to her number?

21 A Yes.

22 Q Are you familiar with the number, 422-2474?

23 A Yes, sir.

24 Q Was that the number you called?

25 A Yes, sir.

1 Q Was that the number, her number?

2 A Yes, sir.

3 Q Her being Desiree Felder?

4 A Yes, sir.

5 Q And can you describe her demeanor at 1:30 in the
6 morning of September 4th, 2005?

7 A It was -- the only thing I can say, it was her, you
8 know. She was -- to me she was okay. She was okay.

9 Q And when is the next -- did you speak to her after
10 1:30 on September 4th, 1:30 a.m. on September 4th,
11 2005? Did you ever speak to her again?

12 A No, sir.

13 MR. MEADORS: That's all.

14 THE COURT: Cross examination.

15 MS. LAFAVE: Thank you, Your Honor. May it
16 please the Court.

17 CROSS EXAMINATION

18 BY MS. LAFAVE

19 Q Good afternoon, Mr. Felder.

20 A How you doing, ma'am?

21 Q I'm Mary LaFave. I represent Mr. Stanley Oliver.

22 Just a couple of questions for you. Okay? Mr.

23 Felder, how long were you and Desiree Felder married?

24 A We was married for two years.

25 Q For two years?

1 A Yes, sir. Yes, ma'am. I'm sorry.

2 Q That's all right. And so am I right in saying that
3 you were married in 2001?

4 A No. I'm sorry. We were married in 2000.

5 Q In 2000?

6 A Yes.

7 Q So two, three years?

8 A (Nods head affirmatively).

9 Q And you testified earlier that you became separated
10 in 2003, correct?

11 A Yes, ma'am.

12 Q But you guys remained married, correct?

13 A We were still legally married.

14 Q Were you legally separated, or you just lived
15 separate?

16 A Just lived separately.

17 Q Okay. All right. Mr. Felder, how often would you
18 say that you spoke to Desiree on a given day?

19 A Maybe once or twice -- about twice a day.

20 Q Twice a day. So would it be accurate to say that you
21 remained friends?

22 A Yes.

23 Q And you had no problem with her living with Mr. Batie
24 despite the fact that you guys were married?

25 A I didn't know.

1 Q You spoke to Ms. Felder at 1:30 a.m.?

2 A Yes, ma'am.

3 Q And that was Sunday, September the 4th?

4 A Yes, ma'am.

5 Q Beg the Court's indulgence. Mr. Felder, can you tell
6 me your cellphone number?

7 A 269-1306.

8 Q And that was your phone number at the time --

9 A Yes, ma'am.

10 Q -- of the incident? Okay. And did you have a home
11 phone number?

12 A Yes, ma'am.

13 Q Could you tell me that number also?

14 A 754-6917.

15 Q 6917?

16 A Yes, ma'am.

17 Q And that was your number at the time also?

18 A Yes, ma'am.

19 Q Thank you. Your Honor, I have no further questions.

20 **THE COURT:** Anything?

21 **MR. MILLING:** No questions, Your Honor.

22 **MR. DELGADO:** No questions, Mr. Felder.

23 **THE COURT:** Redirect?

24 **MR. MEADORS:** No. Thank you, Mr. Felder.

25 **THE COURT:** You may come down, Mr. Felder. May

1 this witness be excused? Without objection.

2 **MR. STRICKLER:** Without objection.

3 **MR. MEADORS:** Your Honor, he'll be in the
4 courtroom.

5 **THE COURT:** He can be excused. Next witness.

6 **MR. MEADORS:** Kenny Parker.

7 **THE COURT:** Wait. Hold it. What's counsel
8 doing up here?

9 **MR. DELGADO:** I need to speak to Mr. Meadors for
10 a second. Your Honor, this is a motion relating to
11 something we had previously discussed.

12 **THE COURT:** Well, I understand. But, I mean,
13 the witness is called and everybody jumps up to
14 confront the witness.

15 **MR. DELGADO:** No, sir. We weren't trying to
16 confront the witness. No. I'm sorry. I'm sorry.

17 **THE COURT:** Go ahead.

18 **MR. DELGADO:** Excuse me. May I speak to Mr.
19 Meadors?

20 **THE COURT:** Certainly. Just hold up just a
21 minute.

22 (Pause)

23 **MR. MEADORS:** Thank you, Your Honor.

24 (Pause)

25 **THE COURT:** Counsel, can we move on?

1 **MR. MEADORS:** Beg the Court's indulgence. We
2 want to mark this.

3 (Whereupon, a bench conference is had)

4 (WHEREUPON, State's Exhibit No. 131 is marked
5 for identification.)

6 (WHEREUPON, State's Exhibit No. 132 is marked
7 for identification.)

8 **THE COURT:** Call your witness.

9 **MR. MEADORS:** Kenny Parker.

10 KENNETH D. PARKER, after being duly sworn,
11 testifies as follows:

12 **THE CLERK:** Thank you. Please have a seat in
13 the witness stand and state your full name for the
14 record.

15 **THE WITNESS:** Kenneth Donnell Parker.

16 DIRECT EXAMINATION

17 **BY MR. MEADORS**

18 **Q** If you'll just speak in there. You got a little
19 cold, Mr. Parker?

20 **A** I've got a bad cold.

21 **Q** Just scoot up a little bit so His Honor and these
22 ladies and gentlemen can hear you, sir.

23 **A** All right.

24 **Q** Good afternoon. You're one Kenny Parker?

25 **A** Yes, sir.

1 Q Please tell these ladies and gentlemen of the jury
2 just a little bit about yourself. Where are you
3 from?

4 A Washington, D.C.

5 Q And when did you come to South Carolina, Mr. Parker?

6 A '88.

7 Q And when you got to South Carolina in '88, what did
8 you do?

9 A Well, my mother and father were in the military here.
10 I came here to visit them.

11 Q And your occupation is what?

12 A I -- well, I started out as a journeyman here doing
13 construction. Later on I became a club owner, a
14 nightclub owner.

15 Q And do you currently have a club?

16 A Yes.

17 Q Did you know George Batie?

18 A Yes. I had met him.

19 Q Did you know him by another name?

20 A I knew him by Jim.

21 Q Jim Batie?

22 A Yes.

23 Q All right. Now, you're aware of his death in
24 September of 2005?

25 A Yes, sir.

1 Q How long prior to that had you known Mr. Jim Batie,
2 Mr. Parker?

3 A Probably about close to three months I'd say.

4 Q Can you please tell these ladies and gentlemen where
5 you first met Jim Batie?

6 A It's a nightclub on Farrow Road called Green's
7 Barbecue.

8 Q Green's Barbeque on Farrow Road?

9 A Yes, sir.

10 Q As a result of that meeting, you and Jim Batie became
11 friends?

12 A I would say not only -- I don't know I would say
13 friends more so than I was trying to be a business
14 associate of his.

15 Q Well, explain that to us.

16 A A friend of mine who also owns a club here in
17 Columbia, Green, he introduced me to Jim and we spoke
18 briefly about opening up another place, more like a
19 restaurant/bar type thing.

20 Q Here in Columbia?

21 A Yes, sir.

22 Q And were you planning on doing that with Mr. Jim
23 Batie?

24 A Yeah, we were. We were working it out, just about
25 almost finalized it.

1 Q Now, let me go, please, and take you in your mind to
2 September 3rd, 2005. September 3rd, 2005, were you
3 to meet with Mr. Batie that night?

4 A Yes, sir. I was supposed to have met with him the
5 day before that as well.

6 Q On the evening of September 3rd, were you supposed to
7 meet him at VFW?

8 A I was supposed to have met him at the VFW, but I got
9 there. He wasn't there. And I phoned him again. He
10 told me to meet him at Green's. I went to the
11 barbecue place and that's where I met him at.

12 Q That's the evening of September 3rd?

13 A Yes.

14 Q Did you all socialize there at Green's?

15 A Yeah, we did.

16 Q Had a few pops, I call them; have a beer or two or
17 something to drink?

18 A Say it again?

19 Q Did you all socialize, have something to drink?

20 A Yes, sir.

21 Q And what, if anything, did you and/or Mr. Jim Batie
22 do when you left Green's?

23 A Well, we ate. Well, we had a few drinks first. We
24 had some shrimp that Green cooked at his place. We
25 supposed to have been leaving there to go to his

1 home, but he decided he wanted to go by the VFW
2 first. So I followed him over to the VFW. When we
3 got out the car, we started up the ramp to go into
4 VFW but they were already closing. So when they
5 closed I told him that I'd follow him over to his
6 house, I wanted to do some paperwork with him over
7 there. It was getting late and he had -- you know,
8 he had a few drinks. So on my way following him, I
9 also told him that I was going to stop along the way
10 to pick up a pack of cigarettes. And that's what I
11 did.

12 Q What is the VFW?

13 A It's on Main Street.

14 Q So you leave. It's closed. You go there from
15 Green's. It's closed. You're going to go back to
16 his house to finish some business. You stop by to
17 get some cigs. He goes on to his house?

18 A Yes, sir.

19 Q What did you do after you got your cigarettes?

20 A I continued to go towards his home.

21 Q Okay.

22 A And when I got to his home, I got out of my vehicle
23 and I went and knocked at his front door.

24 Q Had you been there before?

25 A Yes. I had been there once before.

1 Q And when you knocked at the door, did you hear a
2 voice?

3 A Yes, I did.

4 Q Did you recognize that voice?

5 A Yes, I did.

6 Q Had you heard that voice before?

7 A Yes, I had.

8 Q Okay. And what did the voice tell you?

9 A When I knocked at the door, a young lady, as I say, a
10 voice came to the door, which obviously it was
11 Desiree Felder. And she said, KP. She called me by
12 my initials which is an old military thing. If
13 you've ever been around the military, you know what
14 that is. My initials are KP. So they call me KP.
15 And she said, "KP, this is not a good time. Can you
16 see Jim tomorrow?" And I turned away and I walked
17 back to my car.

18 Q Now, had Desiree been out with you all?

19 A No.

20 Q Jim had been out with you and Desiree was still at
21 home, correct?

22 A Yes, sir.

23 Q And did you notice any cars there at the residence?

24 A I saw Jim's car.

25 Q What kind of car did he drive?

1 **A** That afternoon I'm saying he was driving his 300. I
2 also saw a Jag, if I'm not mistaken. There was
3 another rust colored car in the yard.

4 **Q** Did you know whose car that was?

5 **A** No, sir.

6 **Q** So the voice you've identified as Desiree said "now
7 is not a good time"?

8 **A** Yes.

9 **Q** What did you do?

10 **A** I went back to my car, got in my car. I left.

11 **Q** What kind of car were you driving?

12 **A** I was driving my Nissan Maxima.

13 **Q** And where did you go?

14 **A** I was headed to my house then.

15 **Q** Now, during that night; and we're going to play them
16 in a minute, but did you make some calls?

17 **A** Yes.

18 **Q** To Jim?

19 **A** Yes, sir.

20 **Q** While you were waiting on him?

21 **A** Yes.

22 **Q** And did you have the opportunity to make a call to
23 him right after Desiree told you "now is not a good
24 time"?

25 **A** Within a period of maybe two to three minutes.

1 Q And then later on that night, did you make some phone
2 calls back?

3 A Yes.

4 Q Trying to get in touch with Jim?

5 A Yes, I did.

6 Q Up into the morning?

7 A I even think I called him the next day.

8 Q And I don't mean anything. You'd had a few pops that
9 night?

10 A Yeah. Yeah. I had a few of them.

11 Q And you never did talk with Mr. Batie that morning?

12 A No, sir.

13 Q After you got back to his house?

14 A No, sir.

15 MR. MEADORS: Beg the Court's indulgence. Your
16 Honor, we had the CD ready that just had his phone
17 conversations on it. With the agreement of all the
18 parties, we're going to play the whole answering
19 machine. And a technological delay, because we have
20 had that evidence ready, we decided to do the others.
21 It's just going to be a few minutes before that comes
22 in. I'm sorry, beg the Court's indulgence. I think
23 it will save time down the road.

24 THE COURT: Before what comes in?

25 MR. MEADORS: The entire CD of the answering

1 machine at Mildred Avenue which has all the answering
2 machine messages.

3 **MR. STRICKLER:** For the record, as to Mr.
4 Oliver, we have no objection to playing the redacted
5 portion which just contains messages from him or the
6 entire portion. We figure the entire portion would
7 be played eventually. We just thought we'd get it up
8 there and out. So we have no objection to it.

9 **MR. MILLING:** Likewise, we would have no
10 objection, Your Honor.

11 **MR. DELGADO:** Your Honor, no objection, save
12 their foundation as to the telephone answering
13 machine number and circumstances of that being
14 obtained by law enforcement.

15 **MR. MEADORS:** Sure. And that can be I think
16 tied up later, Your Honor. It's just my
17 understanding that that -- Your Honor, we'll go ahead
18 and play this one.

19 (Whereupon, the CD is played for the jury).

20 (WHEREUPON, State's Exhibit No. 131 is admitted
21 into evidence.)

22 **Q** Now, that last reference about 12 something, "I owe
23 you" --

24 **A** 12:20.

25 **Q** What was that about?

1 **A** When we was at Green's we were doing a contract on a
2 club, nightclub business that I spoke to you earlier
3 about. And he was supposed to have saw me the day
4 before to finish and finalize the deal. But we never
5 got a chance to finalize it, as you well see.

6 **Q** Yes, sir. And that was your voice on the first call,
7 correct?

8 **A** Yes. I don't know who the second call is.

9 **Q** Oh. The second call said: "I've been waiting 45
10 minutes. Where are you?"

11 **A** It didn't sound like me. It could have been. I'm
12 not sure. Because I know I was supposed to have met
13 him -- initially I was supposed to have met him at
14 the VFW, but he wasn't there. But that didn't sound
15 like me.

16 **Q** If that's coming from the same number that it was
17 before on the tape, then it would have been you,
18 right?

19 **A** Yes, sir. Yes.

20 **Q** And you did have to wait for him at Green's and then
21 he showed up, correct?

22 **A** Yes, sir.

23 **Q** And you did in fact call him from Green's and say,
24 "Where are you?"

25 **A** Yes, sir.

1 Q And then the last phone call was after you'd been by
2 there and you called back?

3 A Yes, sir.

4 Q It said on there 2:29?

5 A That's after I left his house. After knocking at the
6 door and Desiree said to me that "this is not a good
7 time and just see him tomorrow", that's when I left
8 his house. And I phoned back to let him know I had
9 been there but no one, you know, let me speak with
10 Jim.

11 Q Your Honor, now might be the appropriate time to go
12 ahead and play them all if there is no objection.

13 A The---

14 Q Wait a minute.

15 A Excuse me.

16 Q Now, Mr. Parker.

17 A Yes, sir.

18 Q Did you make phone calls back up --

19 MR. STRICKLER: I'm sorry, Your Honor. I'm just
20 trying to get the exhibit numbers on these, Your
21 Honor. I apologize.

22 MR. MEADORS: I'm sorry. 132. And the other is
23 131, already in.

24 MR. STRICKLER: Okay. Thank you. I'm sorry.

25 Q Did you make some phone calls, I think you said up

1 into the morning, this same morning?

2 **A** Yeah. If I'm not mistaken, as I said, we did. We
3 had a few drinks, not many. But I'm almost certain I
4 did.

5 **Q** Okay. Would you please, Ms. Outen, now play what's
6 State's 132, I believe, Your Honor, without
7 objection.

8 **THE COURT:** Can she just set it on the --

9 **MR. MEADORS:** 132.

10 **THE COURT:** Will the wire reach to set it on
11 the --

12 (Whereupon, the CD is played for the jury)

13 (WHEREUPON, State's Exhibit No. 132 is admitted
14 into evidence.)

15 **Q** Was that you?

16 **A** Yeah. I could barely hear it at first. But, yeah,
17 that's me.

18 **Q** Okay.

19 (Whereupon, the CD continues to be played for
20 the jury)

21 **Q** That's all. Thank you.

22 **THE COURT:** Cross examination.

23 **MR. STRICKLER:** Thank you, sir. May it please
24 the Court.

25 CROSS EXAMINATION

1 **BY MR. STRICKLER**

2 **Q** Good afternoon, Mr. Parker.

3 **A** How you doing?

4 **Q** I am fine. Thank you, sir.

5 **A** Good.

6 **Q** My name is Doug Strickler. I am here today. I'm one
7 of the attorneys representing Mr. Oliver.

8 **A** Mm-hmm (affirmative).

9 **Q** And I'd just like to ask you a few things regarding
10 your relationship with Mr. Batie.

11 **A** Mm-hmm (affirmative).

12 **Q** Okay? And first of all, when was it that you first
13 met Mr. Batie?

14 **A** I would actually be lying if I told you an exact
15 date. But it couldn't have been more than two, three
16 months, two months and some change.

17 **Q** Two to three months prior to this incident?

18 **A** Yeah. Basically.

19 **Q** And correct me if I'm wrong. Did you meet him
20 through Mr. Green?

21 **A** Yes.

22 **Q** Who runs the establishment at Green's that you talked
23 about?

24 **A** Yes.

25 **Q** Is that correct? Okay. And how did that come about?

1 Were you all both out there at Green's?

2 **A** Yes, sir.

3 **Q** Did he introduce you all?

4 **A** Yes, sir.

5 **Q** And I guess that would put it in the -- two to three
6 months -- the summer of 2005 then. That would have
7 occurred at some point during that time, right?

8 **A** Yes, sir.

9 **Q** And what business were you in at that point?

10 **A** I'm in the nightclub business. I don't know if
11 you've ever heard of a place on Garners Ferry Road
12 that was called The Silver Dollar. And I also had a
13 place on Garners Ferry Road called The Iron Horse.

14 **Q** Both of those on --

15 **A** Garners Ferry.

16 **Q** You said had. I mean, do you still operate those
17 establishments?

18 **A** I don't operate those. But I do have one on Percival
19 Road. It was called The Iron Horse. We changed it
20 to Mirrors.

21 **Q** Is that your establishment now also?

22 **A** Yes, sir. It's mine and a friend of mine. We're in
23 partnership there.

24 **Q** And the establishment on Percival Road is called
25 what?

1 **A** It's called Mirrors now. It started out as The Iron
2 Horse.

3 **Q** Okay. I thought Iron Horse was on Garners Ferry?

4 **A** It was on Garners Ferry. The church bought that
5 property, and they took over that. So we moved it
6 from there to Percival Road.

7 **Q** All right. I've got you. And what type of
8 establishment is that?

9 **A** The one we had on Garners Ferry was more of a -- The
10 Iron Horse was more of a biker's club than anything.
11 But the one that we have over on Percival Road, a lot
12 of officers, police officers come in, to be honest.
13 It's a nightclub. You have to be 30 years old to get
14 in.

15 **Q** Okay. And you indicate you had been to Mr. Batie's
16 house on previous occasions --

17 **A** Yes, sir.

18 **Q** -- to this night?

19 **A** Yes, sir. Not previous. I had been there twice.
20 The last time was the second one.

21 **Q** The night you've been talking about was the second
22 time?

23 **A** Yes, sir.

24 **Q** Okay. And other than the time -- you'd been there on
25 one prior occasion to the house, correct? And how

1 many times had you met Mr. Batie away from his house
2 during the course of this two to three-month
3 relationship you had?

4 A I don't know. Probably around roughly I'd say nine
5 times, maybe ten.

6 Q Had you ever met him at your residence, or were all
7 these other meetings out and about?

8 A I think he came to my home once when I was living on
9 Polo Road. I would say that's when I was living on
10 Polo Road. And I'd prefer not to give my new address
11 out. But I think it was once on Polo Road. The rest
12 of the times, I met him one time I know at a club
13 called S's on Two Notch, two to three times at
14 Green's nightclub, and I think we met once at the VFW
15 again to discuss basically how we wanted to do
16 another club. I wanted to open a sports bar up on
17 Two Notch Road.

18 Q Yes, sir.

19 A Next to Gold's Gym.

20 Q And you were looking to Mr. Batie as a source for
21 financing for this proposed business venture?

22 A No, sir.

23 Q No?

24 A No, sir.

25 Q Well, then what would be his role in this business

1 venture?

2 A He wanted to get into the club business; and, you
3 know, I'm open for partnerships like that.

4 Q And if I remember correctly, you tried to hook up
5 with him the previous evening and you all hadn't been
6 able to get together?

7 A Yes, sir.

8 Q For whatever reason?

9 A Yes, sir. Actually I went to St. Matthews. But I
10 called him down there, too, and told him that I would
11 be coming back into Columbia. Me and a friend of
12 mine went to a family reunion.

13 Q Okay. And then you all got together the evening of
14 the 3rd, right?

15 A Yes, sir.

16 Q Okay. And that was at Green's?

17 A Green's Barbeque.

18 Q Okay. What time did you get together at Green's
19 Barbeque?

20 A It would have had to have been somewhere between
21 12:30, 1:00, somewhere inbetween. As I told you
22 again, exact time, I would be lying, and I'm not
23 going to do that.

24 Q 12:30 to 1:00 in the afternoon?

25 A At night. Early in the morning. I'll put it that

1 way. It was after 12:00 midnight.

2 Q And you all met there. And how long did you all stay
3 there at that point in time?

4 A We probably had about -- I think Jim was drinking
5 gin. I was drinking Crown Royal. Probably had about
6 three to four drinks. And we had enough time to sit
7 there. And Green cooked some shrimps and some other
8 things and we sit there and we talked and
9 conversated. Maybe, I don't know, 45 minutes. I'm
10 not sure.

11 Q And then, if I remember your testimony correctly, you
12 all left from there and were going to go over and --

13 A To the VFW.

14 Q To the VFW, right?

15 A Mm-hmm (affirmative).

16 Q The VFW was closed?

17 A They were closing.

18 Q Closing?

19 A Mm-hmm (affirmative).

20 Q Okay. Sorry. And then so you all decided to go from
21 there over to his place?

22 A Yes, sir.

23 Q And you told him you were going to stop by and get
24 some cigarettes first?

25 A Yes, sir.

1 Q When you got to his place, that's when you heard, had
2 a conversation with Ms. Felder?

3 A Yes, sir.

4 Q Right? Okay. Now, where is the VFW located?

5 A It's on North Main, Main, North Main. Just go
6 straight out and you run right into it. Just before
7 you get to -- where exactly is it? If you go
8 straight out Main Street, it runs into North Main, if
9 I'm not mistaken. And it will be up there on your
10 left-hand side probably just before I'd say -- what?
11 Five minutes before you hit the interstate.

12 Q Okay. So to get to Mr. Batie's place you would have
13 to head back into Columbia?

14 A Yes, sir.

15 Q Is that correct?

16 A Yes, sir.

17 Q Come down North Main and then turn off to get to his
18 house?

19 A Yes, sir. Yes, sir.

20 Q All right. And if you don't remember, that's fine.
21 You stopped some place along North Main to get the
22 cigarettes you talked about?

23 A Yeah. Because I'm not that familiar with this side
24 of town on the North Main/Fairfield Road and all
25 that. But I did turn on Fairfield Road. Which there

1 was nothing open on Fairfield Road. And I came back
2 down to Monticello and I did find a store and bought
3 me some cigarettes, maybe saved my life. I just, you
4 know --

5 **MR. STRICKLER:** Your Honor, I'd ask the witness
6 be directed to answer my questions.

7 **THE COURT:** Just try to answer the questions,
8 Mr. Parker.

9 **A** Judge, I was.

10 **THE COURT:** I don't know. You don't have to
11 comment on the side. Just we'll get ...

12 **Q** Then you indicated you'd been working on a contract.
13 You were going to finalize the contract with him?

14 **A** Yes, sir.

15 **Q** On this deal that you were putting together?

16 **A** Yes, sir.

17 **Q** Okay. Do you have a copy of this contract, of this
18 business deal --

19 **A** No, sir. I sure don't.

20 **Q** I'm sorry. If I could complete my question, please,
21 sir. Do you have a copy of this contract for this
22 business deal you allege you were putting together
23 with Mr. Batie?

24 **A** I have that very same contract that I did and signed
25 with someone else.

1 Q Okay. So the answer is, no, I do not have a copy of
2 the contract I was working on with Mr. Batie,
3 correct?

4 A I have that very same contract but I did not sign it
5 with him. Now, I can say no to your answer but it
6 would be lying to you and to them. I still have that
7 contract.

8 Q Yes, sir. You know, I don't have any further
9 questions. Thank you very much.

10 THE COURT: Anything further or anything from
11 Mr. Gallman?

12 MR. MILLING: Yes, Your Honor.

13 CROSS EXAMINATION

14 BY MR. MILLING

15 Q Mr. Parker, my name is Jonathan Milling and I
16 represent Dominic Gallman in this case.

17 A How you doing, Mr. John?

18 Q Fine. Thank you.

19 A Good. Thank you.

20 Q You indicated that you were involved in the club
21 business. Is that correct?

22 A Yes, sir.

23 Q When did you get involved in that business?

24 A I got out the penitentiary in 1997. And I was on
25 parole for five years. So it had to be in 2002 is

1 when I began.

2 Q Okay. What were you doing from '97 to '02?

3 A I was doing journey work. Construction. I worked at
4 NAPA. I mean, I worked several different places.

5 Q Okay. Hourly employee at that point in time?

6 A Yes, sir.

7 Q What was the most that you probably made during that
8 time period per hour?

9 A Oh, it depended on the job sometimes. Sometimes I
10 would do my own job.

11 Q Okay.

12 A I have -- on Decker Boulevard me and one guy did a
13 job where they have the -- it's where you go in and
14 change oil and all that kind of stuff. It was built
15 from the ground up by me and one other guy. Really
16 if I have to tell you how much we made on that, I
17 will. But I don't --

18 Q You just don't recall?

19 A No, sir.

20 Q Now, let me ask you this. You had to -- when you got
21 into the club business, I'm assuming you had to have
22 some money saved up, correct?

23 A Me and my wife.

24 Q Okay. How did you save up that money? What was the
25 source of those incomes?

1 **A** Through jobs.

2 **Q** Through jobs?

3 **A** Yeah. And my wife.

4 **Q** How long did it take you all to get up that money?

5 **A** It's not that much to get in the club business.

6 **Q** How much do you need?

7 **A** You can probably get into a club business now with
8 about \$15,000.

9 **Q** Didn't take you long to save up \$15,000?

10 **A** Five years.

11 **Q** It took you five years to save it up?

12 **A** Between me and a wife. It's not a long time. That's
13 not --

14 **MR. MEADORS:** Your Honor, I'm going to object to
15 relevance.

16 **THE COURT:** Sustained.

17 **Q** Now, Mr. Parker, you knew Mr. Batie for a couple of
18 months?

19 **A** Yes, sir.

20 **Q** Okay. What was your understanding as to how he
21 earned a livelihood?

22 **A** You know, I've heard -- and this is merely what I've
23 heard. People have said he sold drugs.

24 **Q** Okay.

25 **A** I don't care what he did for a living then.

1 Q That's not what I'm asking.

2 A I mean, I'm just telling you. You ask the question.

3 I'm going to give you my best answer.

4 Q Did you ever buy drugs from him?

5 A Never. I don't use drugs.

6 Q Okay.

7 A I don't sell drugs any more. I have sold drugs.

8 Q Okay. When was that?

9 A I went to the penitentiary for it in '92.

10 Q Okay. What kind of drugs was that?

11 A I sold cocaine.

12 Q You sold cocaine?

13 A Yes, sir.

14 Q And you said you were released in '97?

15 A '97. September 18th, 1997.

16 Q Okay. Law enforcement obviously talked to you after
17 this incident, correct?

18 A As far as?

19 Q As far as otherwise you wouldn't be here, the Labor
20 Day '05 incident. Did you ever speak with law
21 enforcement about your knowledge surrounding Mr.
22 Batie's death?

23 A Yes. Yes. I was phoned by an investigator downtown
24 to come down.

25 Q Did they ever ask you to give a written statement?

1 **A** I don't think so. I'm almost sure that they didn't.

2 **Q** When you were at Mr. Batie's house that night and you
3 heard Ms. Felder's voice, you didn't see anybody, did
4 you?

5 **A** No. But if I can back up a second, I'm not sure.
6 They may have made me take a written statement that
7 first day.

8 **Q** Okay.

9 **A** You may want to check that because I'm not going to
10 say that that's the truth. They may have made me
11 write out a written statement.

12 **Q** But you don't recall?

13 **A** No, sir.

14 **Q** And you didn't see anybody at Mr. Batie's that
15 morning?

16 **A** No, sir, I didn't.

17 **MR. MILLING:** Nothing further.

18 **MR. DELGADO:** I don't have any questions.

19 **THE COURT:** Redirect.

20 **MR. MEADORS:** Very briefly.

21 REDIRECT EXAMINATION

22 **BY MR. MEADORS**

23 **Q** On September after this incident, Mr. Parker, I'm
24 just trying to follow up Mr. Milling's questions, did
25 you talk to police officers?

1 **A** Excuse me?

2 **Q** Did you talk to the police officers?

3 **A** Yes.

4 **Q** You talked to a female?

5 **A** Yes.

6 **Q** Nice looking African-American female?

7 **A** Yes.

8 **Q** You remember talking to her?

9 **A** Yes.

10 **Q** And did she ask you what happened?

11 **A** Yes.

12 **Q** Did you tell her what happened?

13 **A** The same thing I told the people here.

14 **Q** Back then -- and you don't remember if it was an oral
15 or a written statement?

16 **A** I'm not sure whether it was oral or written. I know
17 it had to be oral because I remember talking to her.

18 **Q** It had to be oral because you were talking?

19 **A** Yeah. Excuse me.

20 **Q** That's all I have. Thank you.

21 **MR. STRICKLER:** No, sir. Nothing further.

22 **MR. MILLING:** Nothing, Your Honor.

23 **THE COURT:** You may come down, sir. Without
24 objection?

25 **MR. STRICKLER:** Oh. Without objection, sir.

1 **THE COURT:** Thank you very much, sir. Approach
2 the bench, please.

3 (Whereupon, a bench conference is had)

4 **THE COURT:** All right, ladies and gentlemen.
5 I'm just trying to again keep up with the schedule.
6 I think the next witness may be somewhat lengthy.
7 It's 5:30. I promised you we'd try to start with
8 normal business hours. So I'm going to release you
9 now for the evening and ask you to be back in the
10 jury room. Let's say 9:30. There's a reason for
11 that. But let's just say 9:30.

12 We're going to try to get started at 9:30 every
13 day. If we can move that schedule up and start at 9
14 every day, I'll try to do that. But there are a lot
15 of people that have to be in place every time we
16 start. So, let's reconvene tomorrow at 9:30.

17 Now, as I cautioned you the other day, I'm going
18 to ask you again not to discuss the case with anyone
19 else when you return to the jury room or with anyone
20 else over the evening hours. It now is becoming
21 somewhat apparent that there may be press coverage of
22 this trial. So I'm going to ask you in all
23 seriousness not to avail yourself or expose yourself
24 to that press coverage.

25 Now, obviously if you pick up the paper in the

1 morning and there's a screaming headline, you can't
2 avoid that, but you can avoid reading the article and
3 the content of the article. I'm going to ask you to
4 do that again for the simple reason that whatever is
5 reported is somebody else's interpretation of what
6 went on today. You know what went on today. You are
7 the finders of fact in this case, not the newspaper.
8 So, I hope you have a pleasant evening. We'll see
9 you at 9:30 in the morning. And have a pleasant
10 evening.

11 (Jury out at 5:27 p.m.)

12 **THE COURT:** All right, counsel. 9:30.

13 (Whereupon, a bench conference is had between
14 the Court and the deputy)

15 **THE COURT:** Anything further for today?

16 **MR. STRICKLER:** Nothing from Mr. Oliver.

17 **MR. MILLING:** Nothing from Mr. Gallman.

18 **MR. MEADORS:** Nothing.

19 **MR. DELGADO:** Nothing.

20 **THE COURT:** 9:30.

21 (Whereupon, the proceedings are concluded for
22 the day, to be reconvened tomorrow morning)
23
24
25

Thursday, December 6, 2007

(WHEREUPON, State's Exhibit No. 133 is marked for identification.)

(WHEREUPON, State's Exhibit No. 134 is marked for identification.)

(WHEREUPON, State's Exhibit No. 135 is marked for identification.)

(WHEREUPON, State's Exhibit No. 136 is marked for identification.)

(WHEREUPON, State's Exhibit No. 137 is marked for identification.)

(WHEREUPON, State's Exhibit No. 138 is marked for identification.)

(WHEREUPON, State's Exhibit No. 139 is marked for identification.)

(WHEREUPON, State's Exhibit No. 140 is marked for identification.)

THE COURT: Counsel, we have a note from a juror.

(Whereupon, a bench conference is had)

THE COURT: Mark it.

(WHEREUPON, Court's Exhibit No. 9 is marked for identification.)

THE COURT: All right, counsel. Anything before we bring the jury?

1 **MR. MEADORS:** Nothing from the State.

2 **THE COURT:** From Mr. Oliver?

3 **MR. STRICKLER:** Nothing from Mr. Oliver.

4 **THE COURT:** Mr. Gallman?

5 **MR. MILLING:** Your Honor, perhaps out of an
6 abundance of caution it might be a good idea if we at
7 least question this juror back in the hallway just to
8 make sure that they didn't have any conversations and
9 that there would be no prejudice.

10 **THE COURT:** He doesn't even indicate that he's
11 even -- all it says is he may have seen him.

12 **MR. MILLING:** Yes, sir.

13 **MR. MEADORS:** Your Honor, we'd object to that.
14 I think we've got a jury now that if they sense
15 anything, after yesterday, they're going to report it
16 to the Court.

17 **THE COURT:** Well, I think it's a conscientious
18 disclosure. He certainly doesn't indicate any
19 identification with either the witness or this case.
20 I don't think that's necessary.

21 **MR. MILLING:** Yes, sir.

22 **THE COURT:** From Mr. Joy?

23 **MR. DELGADO:** No, Your Honor.

24 **THE COURT:** All right. You ready for the jury?

25 **MR. ROSS:** Ready, Your Honor.

1 **MR. STRICKLER:** Yes, sir.

2 **MR. MILLING:** Yes, Your Honor.

3 **THE COURT:** Bring the jury, please.

4 (Jury in at 9:45 p.m.)

5 **THE BAILIFF:** Your Honor, the jury is present.

6 **THE COURT:** All right. Good morning, ladies and
7 gentlemen. I hope you had a pleasant evening. We're
8 now ready to continue with the trial. Solicitor,
9 call your next witness.

10 **MR. ROSS:** Your Honor, the State calls Chris
11 Cochran.

12 CHRISTOPHER D. COCHRAN, after being duly sworn,
13 testifies as follows:

14 **THE CLERK:** Thank you. Please have a seat in
15 the witness stand and state your full name for the
16 record.

17 **THE WITNESS:** Christopher David Cochran.

18 DIRECT EXAMINATION

19 **BY MR. ROSS**

20 **Q** Good morning, Mr. Cochran.

21 **A** God morning.

22 **Q** Mr. Cochran, where do you live?

23 **A** Back and forth from Atlanta and here, just depending.
24 You know, I haven't been able to work. So I'm
25 staying mostly with my family in Atlanta.

1 Q Okay. Let me take you back to September 3rd, 4th,
2 5th, 2005. Where did you live then?

3 A I lived in Whitehall off St. Andrews Road.

4 Q Okay. Did you work at that time?

5 A Yes, sir.

6 Q Where did you work?

7 A I was self-employed. We were just fixing up houses.
8 That's about it. Just fixing houses up.

9 Q Like remodeling or --

10 A Yes, sir. Just remodeling.

11 Q -- handyman type work?

12 A Right. I was a punch man for Mungo Homes for two and
13 a half years. Then I just started doing it by
14 myself.

15 Q How old are you, Mr. Cochran?

16 A Thirty-two.

17 Q Did you know Mr. Jim Batie?

18 A Yes, I did, sir.

19 Q Did you know him back in September of '05?

20 A Yes, sir.

21 Q How did you know him?

22 A I met him through my cousin. I met him at his shop.
23 He works at Midas. He's a cousin through marriage;
24 not a cousin through blood but just a cousin through
25 marriage.

1 Q What's your cousin's name?

2 A Tim Eargle.

3 Q So you knew Mr. Batie through Tim Eargle?

4 A Yes, sir.

5 Q How long had you known Mr. Batie prior to September
6 '05?

7 A A couple of years.

8 Q Okay. How much contact with him? Did you hang out
9 with him?

10 A On occasions. On occasions I'd come over and see
11 him. And mostly it was -- I had an addiction problem
12 at the time. You know, I'd get my product from Jim.

13 Q When you say product, what do you mean?

14 A Cocaine.

15 Q Okay. Did you know Kevin Miller?

16 A Kevin Miller was living with me at the time of the
17 incident.

18 Q How long had you known Kevin?

19 A I have known Kevin since he was seven years old,
20 eight years old. But I didn't -- I was not real good
21 friends with him until I moved back to this state in
22 2000. And then my cousin, Dean Henry, is the one
23 that reintroduced and said, hey, do you remember
24 Kevin? And we started hanging out ever since. About
25 2001, 2.

1 Q So about four years prior to the incident you --

2 A Yes, sir.

3 Q -- had been hanging out with Kevin Miller pretty
4 regularly?

5 A Yes, sir.

6 Q Would you all consider yourself friends?

7 A Oh, best. I mean, he was living with me at the time.
8 He didn't have any power or anything. So he had
9 moved in with me helping me remodel.

10 Q So that's my next question. Was he working?

11 A He was just helping me out. I wasn't really paying
12 him. I was putting a roof over his head, food in his
13 stomach, paying for his gas, cigarettes and all like
14 that. But, you know, he was just doing it like that
15 until he could find another job.

16 Q Were you married at the time?

17 A Yes, sir.

18 Q Did you and your wife live together?

19 A We had separate houses. We were going through a
20 divorce but we weren't really telling anybody about
21 the divorce. So she had her house; I had mine. We
22 had our good days and bad days. Sometimes she'd send
23 me to the dog house. I'd go to Whitehall. And she
24 lived in Waterfall off of up near the DMV, not quite
25 Chapin area, Irmo. They still consider it the Irmo

1 area.

2 Q So prior to Labor Day weekend 2005, how long had
3 Kevin Miller been living with you?

4 A Only several weeks.

5 Q Okay. Do you know where he lived prior to that?

6 A Yes, sir. Right down the road from Ascott. I'm not
7 sure the name of the road that is. But it was -- if
8 you pass Ascott on the right, it's down on the left.
9 There's a little school on the left, and his house
10 was past that on the left.

11 Q Was he in a subdivision or --

12 A No. It's just right off that main road, whatever
13 road that is. I'm not sure of the name of the road.

14 Q Over in Irmo?

15 A Yes, sir.

16 Q Let's go to the early morning hours September 4th,
17 2005. Did you see Kevin Miller --

18 A He came to --

19 Q -- that Saturday night going into Sunday morning?

20 A Yes, sir. He came to the house. He pulled -- he
21 came to the house and went to Mr. Batie's for me.

22 Q About what time was that?

23 A 2:00'ish, somewhere around a little after 2.

24 Q P.M. or A.M.?

25 A A.M.

1 Q Do you know what type of vehicle Mr. Miller drove?

2 A A Toyota truck.

3 Q And you say he was going to go to Jim Batie's for
4 you. What had transpired prior to that?

5 A I was already working. He was on his way over from
6 Chapin. He was at a friend's house in Chapin and he
7 was on his way over. And I said I was going to run
8 to Jim's. He said, "Well, I'll run for you." So I
9 gave him my debit card and he left.

10 Q Did he know how to access --

11 A Yeah. I gave him my pin number. I mean, that's how
12 much I trusted the guy. It's not the first time he
13 had ever gotten money out of my account.

14 Q Okay. So what time do you think he left your house
15 approximately?

16 A Between 2:30 and 2:45 at the very latest, 2:20 or
17 2:30 I guess. I'm not 100 percent sure. I'm just
18 guesstimating. But I would imagine no later than
19 2:30.

20 Q All right. And he was going to Jim Batie's to buy
21 drugs?

22 A Yes, sir.

23 Q What type of drug?

24 A Cocaine.

25 Q How much was he supposed to buy?

1 **A** A half eight ball. Which is 1.7 grams, not much.
2 \$80 worth.

3 **Q** Okay. You had bought drugs from Jim Batie before?

4 **A** Yes, sir.

5 **Q** Had you called Jim Batie on this evening?

6 **A** Yes, sir. I had called him and told him I was
7 coming. And then Kevin showed up and said, "No.
8 Don't worry about it. I'll go. You just keep
9 working and then when I get back I'll help. We'll
10 continue working."

11 **Q** Where were you working?

12 **A** Inside the house.

13 **Q** In your own house?

14 **A** Right.

15 **Q** What were you doing?

16 **A** We changed all the electrical sockets, all of the
17 light switches and everything. Because the people I
18 had rented the house to before totally destroyed the
19 house. So we had to put carpet in certain rooms
20 where they left the dogs and like that. We just went
21 through and redid everything in the whole house, from
22 countertops to all the electrical. And he was real
23 good at electrical work. So he taught me a few
24 things on the electrical work. He did most of that
25 and showed me how to do it and all like that.

1 Q When he left your house what vehicle was he driving?

2 A His Toyota truck.

3 Q All right. What time do you think you had talked to
4 Jim Batie?

5 A Around 2. Like right at 2. And he told me to just
6 come on.

7 Q So did you know Kevin was on his way to your house
8 before you talked to Jim?

9 A Yes, sir.

10 Q So you were going to go to Jim's. Let me just make
11 sure I got this straight. You called Jim. You had
12 told him you were going to come to make a buy?

13 A Right.

14 Q Kevin was on his way. When he got to your house he
15 volunteered to go in your place basically?

16 A Yes, sir.

17 Q Okay. Did you talk to Kevin between the time he left
18 your house --

19 A And he got to --

20 Q -- until the time he ended up at Jim Batie's house?

21 A No, sir.

22 Q Did he have a cellphone?

23 A Yeah. He had a cellphone but the battery was dead.
24 That's why he had to stop and use the --

25 Q Stop right there.

1 A All right.

2 Q Did Jim Batie call you between the time Kevin left
3 his house? Kevin left your house I mean.

4 A Kevin called him I believe and said, "I'm coming
5 instead of Chris", as far as I can remember.

6 Q Okay. That phone call would have been from your
7 house?

8 A From my house.

9 Q Still at your house?

10 A Yes, sir. From my cellphone. I didn't have a home
11 phone. I had just a cellphone.

12 Q Okay. So he left driving his own truck, had your
13 teller card. And then what happens next?

14 A I waited and waited and waited and was getting upset.
15 My wife even offered to take me over there, and I was
16 like, no, we'll just give him a little while longer.

17 Q Okay. At some point did you call either Kevin or try
18 to call Kevin or talk to anybody?

19 A Yeah, I called Kevin. But it went to voice mail
20 immediately because the battery was dead.

21 Q Okay.

22 A And then I called Jim also and left him a couple of
23 messages, seeing what was going on, why he wasn't
24 back yet or why I haven't heard from anybody.

25 Q And what did you think was going on?

1 **A** I thought they were clowning me. I thought he took
2 my card. I mean, he has never done it before. But,
3 you know, I thought what is he doing now? You know,
4 the last thing in my mind was this, what had
5 happened.

6 **Q** Do you remember what times you made the calls to Jim
7 Batie? Did you ever talk to Jim Batie?

8 **A** Only at 2, around 2'ish.

9 **Q** Okay. After that you just left messages?

10 **A** Yes, sir.

11 **Q** Okay. Do you remember how many times you called or
12 what times those were?

13 **A** Quite a few times, because I was getting upset
14 because I had -- I don't have much money in that
15 account but it was enough to make me angry that he
16 was out with my pin number with my card.

17 **Q** Okay. What did you do when you never heard anything
18 back?

19 **A** I went to Jim's house the next morning.

20 **Q** About what time?

21 **A** 7 or 8:00 I guess.

22 **Q** Daylight or --

23 **A** Yes, sir. It was daylight.

24 **Q** Okay. When you got to Jim's house, what did you see
25 when you pulled up?

1 **A** Jim's car was in the grass and Kevin's truck was
2 pulled straight in front of his house. And I just
3 pulled behind Kevin's truck.

4 **Q** Did you see any other vehicles?

5 **A** No, sir.

6 **Q** Anybody outside?

7 **A** No, sir.

8 **Q** What did you do?

9 **A** I immediately went to Kevin's truck and grabbed his
10 keys and his cellphone because I knew he couldn't
11 leave without calling me to get his keys.

12 **Q** Okay. And then what did you do?

13 **A** I went to the front door and knocked on the front
14 door.

15 **Q** Did anybody come to the door?

16 **A** No, sir.

17 **Q** Did you hear anybody?

18 **A** I heard something in there because before I knocked I
19 was listening to see if they were in there. And I
20 don't know what I heard in there. It could have been
21 anything, an answering machine, radio, whatever. I
22 don't know. And then I beat on the door. And nobody
23 came to the door.

24 **Q** Did you hear anybody walking around inside?

25 **A** Not that I can -- no, sir. Not that I can recollect.

1 Q Did you say anything through the door?

2 A No, sir.

3 Q And how loud did you knock?

4 A Oh, very loud.

5 Q How long did you stay at the door?

6 A A minute, maybe two.

7 Q What did you do after that? When nobody came to the
8 door, what did you do?

9 A I went to open the door. And I turned the handle.
10 And I had a feeling that came over me that said don't
11 open that door. And so I didn't open that door. I
12 went back to my car and got in and left.

13 Q Did you go around the house at all?

14 A No, sir.

15 Q Did you go to the back door?

16 A No, sir.

17 Q Look through a window?

18 A No, sir.

19 Q See anybody when you were leaving?

20 A No, sir.

21 Q And where did you go next?

22 A I went -- I called my cousin and started having
23 everyone I knew call Jim. Dean, Tim. Just because I
24 was like I don't know what's going on with these
25 guys. I don't know if they're messing with my money

1 or my emotions or what. So I started calling
2 everyone. I went -- I rode around for a minute and
3 then I went to Sandy's around, I'm not sure, 10:30,
4 11, whatever time they opened and got a couple of hot
5 dogs.

6 Q Did you ever go back over to Jim's?

7 A No, sir.

8 Q Where did you go after Sandy's? Where is the Sandy's
9 at?

10 A St. Andrews Road.

11 Q Okay. So that's near your house?

12 A Yes, sir. That's right down the road from my house.

13 Q Okay. Where did you go after that?

14 A Back to the house.

15 Q When was it that you had learned what happened to
16 Kevin Miller?

17 A My cousin called me, Dean. He had been calling me
18 that night. And then the next morning I called him
19 back. And he was -- he thought he saw it on the news
20 that two people were murdered and one was missing and
21 he thought I was one of them that was either murdered
22 or missing. And he was just upset and he was on his
23 way over to Jim's at that point. And I wasn't even
24 sure that it was them yet. He just said he knew it
25 was in that area from the news. And he topped the

1 hill and started crying and said, "Yes, Kevin is
2 dead. Or I don't know. But his truck is here and
3 they've got it all taped off."

4 Q Now, what did you say you had gotten out of Kevin's
5 truck?

6 A His cellphone and his keys.

7 Q Did you get a teller machine receipt?

8 A Yes, sir. I think I did. Yes, sir, I did.

9 Q Did you get anything else out of the truck?

10 A No, sir. Because he left the keys in the ignition.

11 Q Did you talk to the police about this afterwards?

12 A Yes, sir. Yes, sir. I talked to some of the
13 detectives.

14 Q They interviewed you?

15 A Yes, sir.

16 Q Did you tell them what you have told us today?

17 A Yes, sir.

18 Q Did you have anything to do with Kevin Miller being
19 murdered?

20 A Absolutely not.

21 Q Do you know any of these three individuals: Stanley
22 Oliver, Dominic Gallman or Kenneth Joy?

23 A No, sir, I do not.

24 Q Had you ever seen them at Jim Batie's house before
25 while you were there?

1 **A** No, sir.

2 **Q** Had you ever seen them anywhere before today?

3 **A** No, sir. No, sir. Not at all.

4 **Q** Did you have anything to do with the murder of Jim
5 Batie?

6 **A** No, sir.

7 **Q** Anything to do with the murder of Desiree Felder?

8 **A** Absolutely not, sir.

9 **Q** Did you know Desiree Felder?

10 **A** Yes, sir.

11 **Q** And you knew Jim Batie?

12 **A** Yes, sir.

13 **Q** I hand you State's Exhibit No. 140. Do you recognize
14 that?

15 **A** Yes, sir. That's my account at 2:40 a.m.

16 **Q** Is that the teller machine receipt that you took out
17 of the truck?

18 **A** Yes, sir.

19 **MR. ROSS:** Your Honor, I'd offer that as State's
20 Exhibit No. 140.

21 **THE COURT:** Any objection?

22 **MS. LAFAVE:** Without objection, Your Honor.

23 **MR. MILLING:** No objection, Your Honor.

24 **THE COURT:** No objection.

25 **MR. DELGADO:** None.

1 (WHEREUPON, State's Exhibit No. 140 is admitted
2 into evidence.)

3 Q What's the time on the teller machine receipt?

4 A 2:40 a.m.

5 Q And that's your account?

6 A Yes, sir.

7 Q What bank did you bank with?

8 A BB&T and Bank of America. That's why they charged
9 two extra dollars because he went to a Wachovia.

10 Q Okay. Mr. Cochran, you have a prior record, right?

11 A Yes, sir.

12 Q Do you have a prior record from Georgia?

13 A Yes, sir.

14 Q And it looks like you were convicted in 1997, some
15 type of drug charge, controlled substance act. Is
16 that correct?

17 A Fraud. Yes, sir. Fraud.

18 Q And it looks like you had been convicted of some kind
19 of simple assault charge in 2001?

20 A Yes, sir.

21 Q Is that correct?

22 A Yes, sir.

23 Q And it looks like you had been convicted of some kind
24 of aggravated assault charge in 2003. Is that
25 correct?

1 **A** Yes, sir. It was actually reduced though to a
2 battery.

3 **Q** Did you ever go inside the house at Mildred Avenue?

4 **A** I had been. Not that day. But I had been in the
5 house. Yes, sir.

6 **Q** No. That morning that you went there.

7 **A** No, sir.

8 **Q** When you say you opened the door, did you open the
9 door enough to see inside?

10 **A** Absolutely not. When I got that feeling over me, the
11 door here, when I opened the door, it never went past
12 the wood part. And I just pulled it back to. I
13 mean, I didn't even open it maybe this much, and when
14 I had that feeling, I pulled it back to and went
15 right back to my car and left.

16 **Q** That's all the questions I have, Mr. Cochran. Answer
17 any questions the defense counsel has for you.

18 **A** Yes, sir.

19 **THE COURT:** Cross.

20 **MS. LAFAVE:** May it please the Court, Your
21 Honor.

22 **THE COURT:** Yes, ma'am.

23 CROSS EXAMINATION

24 **BY MS. LAFAVE**

25 **Q** Good morning, Mr. Cochran.

1 **A** Good morning.

2 **Q** My name is Mary LaFave. I represent Mr. Oliver. So
3 you say in your testimony that you have -- you used
4 to have an addiction problem, right?

5 **A** Yes, sir. I mean yes, ma'am. I'm sorry.

6 **Q** Can you tell me the dates that you had this addiction
7 problem?

8 **A** I would say from 2003 to 2005 on and off. I mean, it
9 wasn't a constant thing. It started out as just here
10 and there and then got worse.

11 **Q** Did you and Kevin Miller do drugs together?

12 **A** Yes, ma'am.

13 **Q** Now, on the night of September the 3rd, actually you
14 said it was about 2 a.m. So it would technically be
15 September the 4th, correct?

16 **A** Yes, ma'am.

17 **Q** You said that Kevin Miller was going go to Jim
18 Batie's for you?

19 **A** Right.

20 **Q** Was he going to buy cocaine just for you or for both
21 of you?

22 **A** For both of us.

23 **Q** So you gave him permission to take your card?

24 **A** Absolutely.

25 **Q** And he took out the exact of money that you wanted

1 him to?

2 A Yes, ma'am.

3 Q Because you said that he was going to buy \$80 worth
4 of cocaine?

5 A Right.

6 Q Is that right?

7 A Yes, ma'am.

8 Q And you said that he left your house sometime between
9 2:20, 2:30 approximately?

10 A Yes, ma'am.

11 Q And you said that he had to stop and use other phones
12 on the way because his cellphone was dead? Was that
13 before or after he left your house?

14 A After he left my house.

15 Q After he left your house?

16 A He used my phone before he left to let him know he
17 was coming instead of me.

18 Q Okay. Do you know what his cellphone number was?

19 A I don't remember, to be honest with you.

20 Q Can you tell me what your cellphone number was?

21 A It has been two years. I've had so many numbers
22 since then. No, ma'am. I can't.

23 Q I understand. Okay.

24 A I believe it was a 360 number, something.

25 Q Okay. Thank you. So okay. Let's trace your steps.

1 Kevin Miller leaves between 2:20 and 2:30?

2 A Yes, ma'am.

3 Q He goes to Jim Batie's house. Or that's where he
4 tells you he's going to go?

5 A Yes, ma'am.

6 Q And he stops at the Wachovia ATM at 2:40, correct?

7 A Right.

8 Q And then you don't hear from him or know anything of
9 what he did after that?

10 A Right.

11 Q Correct? So you at some point -- what time did you
12 drive over to Jim Batie's?

13 A The next morning. Around 8 or 9:00, something like
14 that. I'm not exactly sure.

15 Q It was about five hours. Five hours?

16 A Yes, ma'am.

17 Q And when you got there, the first thing you did was
18 go to Kevin Miller's truck?

19 A And took the keys.

20 Q You took his keys?

21 A The receipt and his cellphone.

22 Q So you took the keys, the receipt and the cellphone?

23 A Yes, ma'am.

24 Q Did you take anything else out of that truck?

25 A No, ma'am.

1 Q Okay. And then you walk up to the front door?

2 A Yes, ma'am.

3 Q You just stand there. You don't touch anything. You
4 just stand there at first?

5 A I listened. I just put my ear to the door to see if
6 I could hear anything. Right.

7 Q And then you said that you heard something. You
8 don't know what it is?

9 A Right. It could have been a radio or anything. It
10 could have been --

11 Q It could have been people talking?

12 A It could have been. Right.

13 Q So then you reached down and grabbed the doorknob?

14 A No, ma'am. I beat on the door first.

15 Q Okay. You beat on the door first?

16 A Yes, ma'am.

17 Q And you did it with a fist?

18 A Yes, ma'am. Just like this.

19 Q And then you reached down to the doorknob?

20 A Yeah. I beat on the door probably several times
21 before I reached down and grabbed the doorknob. Then
22 I reached --

23 Q You said you opened it?

24 A I went to open it and I turned the knob. And there
25 is the board that -- I didn't open it past that board

1 because if I would have, I would have seen Kevin
2 obviously.

3 Q So it never cracked open?

4 A No, ma'am.

5 Q Okay. So it never cracked open. So you don't know
6 what you would have seen actually at that time?

7 A Actually. Yes, ma'am.

8 Q Okay. And you said you were scared?

9 A Yeah. I got a very, very uneasy feeling. That's why
10 when I went to open the door, that feeling made me
11 pull the door back to and get back to my car pretty
12 quick.

13 Q And during direct examination you talked about phone
14 calls that you had made?

15 A Mm-hmm (affirmative).

16 Q After this?

17 A Right.

18 Q Now, did you call the police?

19 A No. I threatened the police to Jim and all that, but
20 I told him that I didn't want to bring the dirt to
21 his house. I just wanted to know what was going on
22 with my money and with Kevin. And I knew Kevin
23 couldn't leave because I had his keys.

24 Q My question is, you said that you were scared and you
25 thought something was wrong, right?

1 A I felt something was wrong for me, if I walked -- I
2 wasn't just going to walk up into someone else's
3 house.

4 Q But you weren't scared to the point -- there was
5 nothing telling you that you were scared to the point
6 where the police needed to be called?

7 A No. No.

8 Q Okay. That was my question. Thank you. So you made
9 phone calls to Jim Batie that morning?

10 A Yes, ma'am.

11 Q After you had left the house?

12 A Yes, ma'am.

13 Q Were you threatening to charge Kevin Miller with a
14 crime?

15 A Yeah.

16 Q Did you make any other calls in relationship to where
17 Kevin was, what had happened to him that morning?

18 A Just to Jim. That's it.

19 Q Only to Jim?

20 A Well, I called several people like my cousin and
21 several other people that knew Jim to have them call
22 to see if he would answer the phone for them. Just
23 maybe he wasn't answering it for me.

24 Q Could you tell me who else that you called if you
25 remember?

1 **A** Dean Henry and Tim Eargle.

2 **Q** And when was the first time that you found out that
3 Kevin Miller had been shot?

4 **A** The next morning when my cousin called me. Or when I
5 called him back.

6 **Q** So September the 5th is when you found out?

7 **A** The 6th I believe. If it was the 4th, the next night
8 he tried to call me and let me know he saw it on the
9 news. But I didn't contact him 'til the next morning
10 because I was already in bed. So if it happened the
11 4th, the 5th I was not aware. He was calling me to
12 let me know he thinks it was him. And then the next
13 morning he got up and I called him, and he said,
14 "Well, thank God you're alive. I'm headed over there
15 now. I'll let you know."

16 **Q** So Sunday was the day, Sunday, September the 4th was
17 the day that you went over to Jim Batie's house
18 between 7 and 8:00 that morning?

19 **A** Yes, ma'am.

20 **Q** And so you didn't find out that something had
21 happened to Kevin until ...?

22 **A** Two days later.

23 **Q** Two days later. So it would have been Tuesday,
24 September the 6th?

25 **A** Right.

1 Q The solicitor asked you about some of your prior
2 criminal record. I just want to touch on that real
3 fast. Okay?

4 A That's fine.

5 Q Do you know what Stanley Oliver is charged with?

6 A I would imagine murder.

7 Q Murder, burglary, kidnapping, armed robbery? Would
8 you say that's probably accurate?

9 A That's sounds about right.

10 Q Do you have any pending charges in Georgia right now?

11 A I do.

12 Q What are those charges?

13 MR. ROSS: Your Honor, I'm going to object to
14 that. That's totally improper.

15 THE COURT: Approach the bench.

16 (Whereupon, a bench conference is had)

17 THE COURT: I sustain the objection.

18 MS. LAFAVE: Thank you, Your Honor.

19 Q Mr. Cochran, just one last question.

20 A Sure.

21 Q You said that you bank with two separate banks?

22 A Yes, ma'am.

23 Q And those banks were Bank of America?

24 A And BB&T.

25 Q BB&T?

1 **A** Yes, ma'am.

2 **Q** Thank you, sir. Appreciate it. Thank you, Your
3 Honor.

4 **THE COURT:** Mr. Gallman.

5 **MS. LAFAVE:** Beg the Court's indulgence one
6 moment, please. Beg the Court's indulgence.

7 **THE COURT:** Excuse me.

8 **Q** Just a couple more things, Mr. Cochran. I apologize.

9 **A** That's okay.

10 **Q** Did you speak with Investigator Gertrude Burns about
11 this case?

12 **A** I believe that that was the name.

13 **Q** The Columbia Police Department?

14 **A** There was a lot. There was four I think, four or
15 five people I've spoke with.

16 **Q** And did you tell her that you had any knowledge about
17 Jim Batie and Desiree Felder going to Atlanta?

18 **A** Yes, ma'am.

19 **Q** Where you're from? And did you tell them that they
20 used to make trips down there to Atlanta?

21 **A** Yes, ma'am.

22 **Q** And what were those trips for?

23 **A** Cocaine.

24 **Q** What were they doing with the cocaine?

25 **A** Picking it up to bring it back here to sell it to

1 make money.

2 Q And it was both Desiree Felder and Jim Batie that
3 would make runs to Atlanta?

4 A The Desiree part I can't answer. I know that Jim by
5 himself definitely. But I don't know about Desiree.

6 Q Do you recognize the phone number 665-1247?

7 A That was mine. That was one of mine I believe. Or
8 my wife's. I can't remember which.

9 Q So it was a phone number associated with you during
10 this time? Can you remember?

11 A From what I can recall, I do believe that was one of
12 my numbers.

13 Q Okay.

14 A It may have been my wife's. It may have been mine.
15 I'm not sure of that.

16 Q Okay. I have no further questions, Your Honor.
17 Thank you.

18 MR. MILLING: Thank you, Your Honor. May it
19 please the Court.

20 THE COURT: Yes, sir.

21 CROSS EXAMINATION

22 BY MR. MILLING

23 Q Mr. Cochran, good morning. My name is Jonathan
24 Milling.

25 A Good morning.

1 Q I represent Dominic Gallman in this case. You
2 indicated to Ms. LaFave that you had given or spoken
3 with Columbia Police Department officers?

4 A Yes, sir.

5 Q Did you given give a written statement, or is this
6 just a verbal statement, that you might have talked
7 to them I guess?

8 A I can't really recall, to be honest with you. There
9 were -- I don't know if they were recorded. If I
10 would have known this was all going to happen, I
11 would have written a lot of stuff down. I'll be
12 honest with you.

13 Q But you didn't?

14 A I can't remember if I -- I can't recall if I did do a
15 written statement or not. I just told them that I
16 would -- anything they needed, that these guys were
17 dead, and I would do whatever it took to help find
18 the people and tell them all the information because
19 I'm not telling on anybody at this point.

20 Q Okay. Now, let me ask you this. You talked earlier
21 today about Mr. Batie and buying cocaine from Mr.
22 Batie, correct?

23 A Yes, sir.

24 Q Was Ms. Felder also involved in his drug business?

25 A If he was too drunk, she would meet me.

1 Q Okay.

2 A Like, yeah. If I would call him and he had been
3 drinking too much, she would come meet me somewhere.

4 Q And you told law enforcement that?

5 A Yes, sir.

6 Q When you spoke with law enforcement, did you also
7 tell them that you had authorized Kevin to withdraw
8 the money to go buy cocaine?

9 A Absolutely.

10 Q You didn't tell him that he was only supposed to be
11 getting money for cigarettes and gas for your
12 vehicle?

13 A Absolutely not.

14 Q Okay. So you didn't say that?

15 A No.

16 Q And if they recorded that, that's inaccurate?

17 A That's inaccurate.

18 Q Okay.

19 A Yeah.

20 Q Did they charge you with attempting to purchase
21 cocaine?

22 A No. How can you charge me with that?

23 Q Based upon your statement.

24 A No.

25 MR. MILLING: Nothing further, Your Honor.

CROSS EXAMINATION

2 **BY MR. DELGADO**

3 **Q** Mr. Cochran, sir, the Batie telephone number was
4 known to several individuals, including yourself and
5 Kevin Miller?

6 **A** Yes, sir.

7 **Q** You said it one time, and I hope I heard it
8 correctly; that Mr. Dean Henry, he is your cousin?

9 **A** Yes, sir.

10 **Q** Mr. Dean Henry knew the Batie telephone number?

11 **A** Yes, sir.

12 **Q** He knew that either independently of you or he had
13 come to that home on Mildred Avenue himself?

14 **A** Yeah. I gave him the number and introduced him.

15 **Q** All right, sir. Would that have been to purchase
16 some contraband?

17 **A** Absolutely.

18 **Q** The name Jim Eargle was another name that you
19 mentioned?

20 **A** Tim.

21 **Q** I apologize. Tim Eargle. He is not related to you.
22 He was one of your friend's associates?

23 **A** He was my cousin through marriage.

24 **Q** All right, sir. He too knew about the Batie
25 telephone number?

1 **A** He knew that he did what he did. Tim didn't do it,
2 but he was working on his car when I met Mr. Batie up
3 at Midas on Harbison Boulevard.

4 **Q** He did what he did. You're talking about illegal
5 drug activity?

6 **A** Yes, sir.

7 **Q** That's involving Tim?

8 **A** No. I mean Tim worked on his car for him.

9 **Q** Oh, I see.

10 **A** He's the manager.

11 **Q** I get it. But Tim knew the Mildred house number?

12 **A** I am not sure of that. He knows a cellphone number,
13 but I don't know about his home number. I mean, they
14 get all their information in the computer. So, yes,
15 he probably did have his number.

16 **Q** That is Mr. Batie's cellphone number and/or the
17 number at Mildred?

18 **A** Right.

19 **Q** All right, sir. Sir, how many times would you
20 imagine you'd ever been over to the Mildred Street
21 address?

22 **A** Five times. Four or five times maybe.

23 **Q** While you were there, did any other individuals
24 happen to come by?

25 **A** He had people there already on a couple of occasions.

1 They were just playing cards and drinking and like
2 that.

3 **Q** Again, sir, I may not have heard you correctly. Did
4 you say about Ms. Felder that at times if Mr. Batie
5 was not able to service you because of his, I think
6 you said he was too drunk?

7 **A** Yes, sir.

8 **Q** Then Ms. Felder would come and service you by
9 bringing you drugs?

10 **A** Yes, sir.

11 **Q** Outside the home someplace?

12 **A** Yes, sir.

13 **Q** Thank you very much. That's all, Your Honor. Thank
14 you.

15 **A** Yes, sir.

16 **THE COURT:** Anything further?

17 **MR. ROSS:** No, Your Honor. We'd ask the witness
18 be excused, Your Honor.

19 **THE COURT:** Any objection?

20 **MR. STRICKLER:** No, sir.

21 **THE COURT:** You may come down, sir. Thank you
22 very much.

23 **THE WITNESS:** Yes, sir.

24 **THE COURT:** The witness is excused.

25 **MR. STRICKLER:** Your Honor, if I may approach

1 the bench very quickly?

2 **THE COURT:** Sure.

3 (Whereupon, a bench conference is had)

4 **THE COURT:** Next witness.

5 **MS. MCDUFFIE:** The State calls Zondria McKie.

6 ZONDRIA L. MCKIE, after being duly sworn,

7 testifies as follows:

8 **THE CLERK:** Thank you. Please have a seat in
9 the witness stand and state your full name for the
10 record. And if you'll please spell your first name.

11 **THE WITNESS:** Zondria Lynn McKie. Zondria,
12 Z-O-N-D-R-I-A.

13 **MS. MCDUFFIE:** May it please the Court?

14 **THE COURT:** Yes, ma'am.

15 DIRECT EXAMINATION

16 **BY MS. MCDUFFIE**

17 **Q** Good morning, Ms. McKie.

18 **A** Good morning.

19 **Q** Ms. McKie, where do you reside?

20 **A** At the time of the incident, I was at [REDACTED] Brook
21 Pines -- no, I wasn't. [REDACTED] Brook Pines Apartments.
22 But I'm at [REDACTED] Lamar Court now.

23 **Q** And where are you employed?

24 **A** I'm not employed right now. Well, temporary service,
25 with Roper.

1 Q And at the time of the incident, were you employed?

2 A Yes. I was working at Agency Nurse Solutions,
3 working there part time at Richland.

4 Q And, Ms. McKie, did you know Desiree Felder?

5 A Yes.

6 Q And how did you become acquainted with her?

7 A Met her through another acquaintance.

8 Q And how long had you known her?

9 A At the time of the incident, it would have been about
10 maybe a year and a half.

11 Q And you two were good friends?

12 A Yeah. We were real good friends.

13 Q You would see each other socially?

14 A Yes.

15 Q And also go to church together?

16 A No. We never went to church together.

17 Q And how often would you see Ms. Felder?

18 A Sometimes maybe three, four times a week.

19 Q And did you have the occasion to talk to her on the
20 night of September 3rd, 2005?

21 A Yes.

22 Q About what time?

23 A I know I talked to her around 7 or 8 when I was
24 leaving Orangeburg. I talked to her again probably
25 around about 10. And right before I left the house,

1 it was between 12:30 and 1:00 was the last time I
2 talked to her.

3 Q And that would have been on the morning of September
4 the 4th?

5 A Yes.

6 Q And what was the nature of these conversations?

7 A I was trying to get her to go out with me. And she
8 said she wasn't going to going to go anywhere, she
9 was going to stay home and read and she was going to
10 get up and go to church the next morning.

11 Q And did you try and call her the next day to meet up
12 with her?

13 A I did. I tried to call her. Actually I was going to
14 see her because she had loaned me some money. And I
15 was trying to get it back to her before I went back
16 down to Orangeburg.

17 Q So you were trying to meet up with her at some point
18 on September the 4th?

19 A Right. Before I went back out of town.

20 Q And how many times did you try and reach her?

21 A I called several times during the day.

22 Q When you couldn't reach her, what did you then do?

23 A I called Jim's phone. I called the house phone. I
24 called back. I went by the residence where she was
25 staying at, and I didn't see her car there. So I

1 went by Jim's house, and I saw her car and his car
2 and what I believed to be his truck which I later
3 found out was not.

4 **MS. MCDUFFIE:** Your Honor, may I approach the
5 witness?

6 **THE COURT:** Yes, ma'am.

7 **Q** Ms. McKie, do you recognize this?

8 **A** Yes.

9 **Q** Can you explain to the jury, what is State's Exhibit
10 1?

11 **A** That's the house where Mr. Batie resided.

12 **Q** And is this what it looked like when you went there
13 on September 4th of 2005?

14 **A** Yeah. The door was closed.

15 **Q** The door was closed when you came to the house?

16 **A** Mm-hmm (affirmative).

17 **Q** And, Ms. McKie, can you please identify what's in
18 State's Exhibit 7?

19 **A** That's the car I was driving.

20 **Q** This is your vehicle that you parked in front of
21 their house?

22 **A** Right.

23 **Q** And you also -- what other vehicles did you see there
24 that day?

25 **A** I saw Desiree's car parked on the right-hand side of

1 the driveway. Jim's 300 was in the driveway. And
2 there was a green pick-up truck in front which at
3 first I thought was his truck.

4 Q And I'm going to show you State's Exhibit 5. Can you
5 please tell the jury what this is?

6 A That's Desiree's car.

7 Q And it's parked where?

8 A It's parked on the right side of the house, on the
9 right side of the driveway as you come in.

10 Q And State's Exhibit 2, would you please tell the
11 jury?

12 A That's Jim's car. It's parked in the driveway
13 towards the house.

14 Q When you approached the house on September the 4th,
15 what did you do?

16 A I got out of the car. I noticed the gate was open.
17 I got out of the car. I noticed the newspaper was in
18 front of the house. And I picked the newspaper up.
19 I went to the door. I listened for a minute and I
20 heard music. So I knocked on the door. No one
21 answered. Why I don't know. I turned the knob. I
22 did. I turned the knob and opened the door. And
23 when I opened the door, I, you know, noticed someone
24 laying by the door.

25 Q And, Ms. McKie, the door was unlocked?

1 **A** The door was unlocked.

2 **Q** And when you opened the door, was there any obstacle?
3 It opened freely?

4 **A** No. It opened freely.

5 **Q** And then you said you noticed someone lying in front
6 of the door?

7 **A** Yeah. He was lying on the floor.

8 **Q** And what was your first reaction to that?

9 **A** I said, gosh. You are that tight? You fell out
10 right there? I mean, that was just my reaction.

11 **Q** Meaning that ...?

12 **A** I thought he was just laying down sleeping because of
13 the way he was positioned.

14 **Q** And then what did you do?

15 **A** I walked over. Well, when I looked up I noticed the
16 hallway, there was clothes and stuff thrown
17 everywhere which I know was strange for their house
18 because Jim was real strict about keeping the house
19 clean. And I didn't really notice him at first, and
20 then as I was walking towards the hall door, I
21 noticed him lying on the floor. He was lying like on
22 a pile of clothes. And I called out his name. And
23 of course he didn't respond. And I looked down and I
24 noticed blood, dried, what appeared to be dried blood
25 on his right, the bottom part of his right leg.

1 Then I proceeded to -- I looked on the wall and
2 I saw blood splatter on the wall. And then I looked
3 at him again and I noticed like midway around his
4 abdomen his clothes appeared to be saturated. So I
5 looked up further and I noticed he wasn't really
6 breathing. And I looked down at his eyes and they
7 appeared to be a little bulged out of his head. And
8 I noticed a little smear of blood on the right side
9 of his head.

10 And I still kind of shook him and said, "Jim,
11 Jim." And I was just, I was just like, oh, Lord, he
12 must be dead. And so I turned around and I went back
13 to the other guy. Because the carpet is black, you
14 couldn't see anything. So I bent down and I was
15 like, if I see a saturation spot, oh, Lord. And I
16 did. And I was like, oh, Lord, he's been shot. And
17 I picked up the phone and dialed 911.

18 Q And, Ms. McKie, I'm going to show you what's been
19 introduced in evidence as State's Exhibit 8. Is this
20 the way you saw the individual in the front door?

21 A Yes. It was a little darker; but, yes.

22 Q And can you tell the jury what this is right here?

23 A That's my cellphone.

24 Q What else?

25 A My shades, my purse and the newspaper, all of which I

1 dropped.

2 Q And you brought the newspaper in?

3 A I did.

4 Q That's your purse, your cellphone and your
5 sunglasses?

6 A Yes.

7 Q And then you said you called 911?

8 A Yes.

9 Q Is this the phone beside the door you used to call
10 911?

11 A Yes.

12 Q And you spoke to a 911 operator?

13 A Yes.

14 Q And why is the phone laying like it is?

15 A Well, after I called, then I thought about Desiree.
16 And I was like, oh, Lord, where is Desiree? I
17 dropped the phone. And I ran back through the house.
18 I ran back past Jim and went in the bedroom on the
19 left and went around the bed looking for her hoping
20 she wasn't there, came back out, stepped across him
21 and went in the other bedroom and looked around for
22 her.

23 I came back out, came past Jim again, looked in
24 the bathroom. I can't remember whether the door was
25 open or I pushed it open, but I know I looked. I

1 went through the dining room. Then I went in the
2 kitchen. And I noticed a drawer was open with some
3 knives sticking out, like maybe somebody, you know,
4 was trying to get in it or something.

5 Then I proceeded to go into the room where the
6 TV was and I didn't see her there. Then I went to --
7 the dogs were barking the whole time. I went to the
8 back door and opened the back door because I can get
9 past the dogs. And I went back and I was thinking
10 maybe they had her out in the shed. So I opened the
11 shed. She wasn't in there.

12 I came back in through the back door, came back
13 to the phone. And I know I spoke with the operator
14 again. I'm not sure what I said. But at that time I
15 started thinking, oh, Lord, they might be still in
16 here. So I ran out the house.

17 Q And besides opening the shed and maybe pushing open
18 the bathroom door, do you remember touching anything
19 or moving anything in the rest of the house?

20 A I don't remember. No. I didn't look for anything.
21 I mean, you know, I was looking for Desiree.

22 Q And then did you wait outside for the police to come?

23 A I did.

24 Q And then did you speak to the police officers once
25 they arrived?

1 **A** I did.

2 **Q** And, Ms. McKie, do you know any of the defendants
3 here today, Mr. Stanley Oliver, Dominic Gallman or
4 Kenneth Joy?

5 **A** I've never seen them before other than on the news or
6 in the newspaper.

7 **Q** No further questions. Please answer any questions
8 the defense has.

9 **THE COURT:** Ms. LaFave.

10 **MS. LAFAVE:** Thank you, Your Honor.

11 CROSS EXAMINATION

12 **BY MS. LAFAVE**

13 **Q** Good morning, Ms. McKie.

14 **A** Good morning.

15 **Q** I know this is a very painful subject for you. I
16 will be brief. Okay?

17 **A** (Nods head affirmatively).

18 **Q** And I might have mistook what you might have said.
19 But how long did you know Desiree Felder?

20 **A** It was a little over a year. I moved back from
21 Tennessee in May from my daughter's graduation. And
22 I met her sometime between May and June of -- it
23 would have been '04.

24 **Q** So about a year and a half?

25 **A** Yes. Maybe.

1 Q Had she been with Mr. Batie that entire time that you
2 had known her?

3 A Yes.

4 Q And can you describe their relationship for the
5 court?

6 A A typical relationship. You know, they argued about
7 stuff. They had good times. I mean, it was what I
8 would call a normal relationship.

9 Q Did she talk to you about those problems?

10 A She talked to me a lot about being nervous about
11 being there sometimes and thinking somebody was
12 trying to break in the house sometimes. Yeah. We
13 talked a lot.

14 Q Was she living with Mr. Batie?

15 A Not at the time of that incident. She was, but she
16 moved out a couple of weeks prior.

17 Q Do you know why she moved out?

18 A Because they were not -- they weren't getting along.

19 Q Would you say that at the time that this happened
20 that her primary residence was somewhere else?

21 A Yes.

22 Q When you went to look for her the morning that you
23 discovered this Mildred Avenue crime scene, did you
24 go straight to Mildred Avenue, or did you go
25 somewhere else first?

1 A No. I went to where she was residing at.

2 Q So that was the place on Ridgewood that you would
3 expect to find her first?

4 A Right. Yeah. By Ridgewood. That was hers.

5 Q But then you went to Mildred Avenue?

6 A Right.

7 Q And you saw her car there?

8 A Right.

9 Q Okay. When you got to the house, Ms. McKie, what
10 kind of vehicles were sitting out front?

11 A Desiree's green Jaguar; Mr. Batie's I guess what you
12 call plum/burgundy colored 300 was in the yard; and a
13 green-like pick-up truck was parked right in front of
14 the house.

15 Q And the only vehicle that you did not really
16 recognize at first was the green Toyota?

17 A I thought it was Jim's because he has a green truck
18 similar, but it's an older model. I just didn't pay
19 that much attention.

20 Q Okay. So you walked up onto the porch, the porch-way
21 right there?

22 A Yeah. I picked up the paper by the mailbox first and
23 then I came around again and walked up.

24 Q Were you wearing gloves or anything?

25 A No.

1 Q So you opened the door?

2 A Mm-hmm (affirmative).

3 Q And where did you call the police from?

4 A From the the phone sitting right there by the door.

5 As soon as you walk in, to the right, it's sitting up
6 on the little stand.

7 Q Inside the house?

8 A Mm-hmm (affirmative).

9 Q So would it be accurate to say that when you went
10 inside the house you were in the living room at
11 first?

12 A Right.

13 Q And then you just were looking for Desiree, right?

14 A Well, when I noticed the person laying on the floor
15 that didn't look like they were breathing, I noticed
16 the disarray in the house. The house was all
17 ram-shamble, you know, clothes and stuff thrown
18 everywhere, and I noticed Jim was lying there. And I
19 went over looking to see if he was all right and
20 calling out his name and he wasn't responding. And
21 then I went back to make sure -- well, not to make
22 sure -- but to see if the other person was alive.
23 And, you know, I saw the wet spot on the floor. So I
24 just kind of put two and two together.

25 Q You knew something was wrong?

1 **A** Yes.

2 **Q** I mean, the house was ransacked, as you said?

3 **A** Yes.

4 **Q** And they don't usually keep their house like that?

5 **A** No.

6 **Q** And then did you go immediately into the kitchen, or
7 did you go --

8 **A** No. I came back to the phone. And after I kind of
9 bent over Kevin and noticed that there was a
10 saturated spot on the floor, I picked up the phone
11 and dialed 911.

12 **Q** Okay. And after you got off the phone with police,
13 is that when you went to look for Desiree Felder?

14 **A** Right.

15 **Q** And what room did you go into next?

16 **A** I went back into the hallway and I went around Jim
17 and I went to the bedroom that would be to your left,
18 the one facing the street, the first bedroom, the one
19 facing the street.

20 **Q** Okay. So did you go through each bedroom back there?

21 **A** Yeah. I went through that bed -- I walked around the
22 bed just to see if she was over there and came back
23 out of her room, went straight across the hall into
24 the other bedroom, did the same thing, walked around,
25 came back around, came back out, came back in the

1 hallway.

2 I don't know if the bathroom door was open or
3 not. I know I looked in there. I don't know if I
4 pushed it open or not. And went back through the
5 living room, went to the kitchen. After going
6 through the kitchen, I went in the room where the TV
7 was, peeked in there, didn't see her. Then I went to
8 the back door, opened the back door, went outside,
9 opened up the shed doors. And then I came back
10 inside and came back through the kitchen and into the
11 dining room and got back on the phone with the 911
12 operator.

13 Q Okay. And you didn't see anything else in the rooms
14 or in the kitchen or in the shed that were out of the
15 ordinary?

16 A Well, in the kitchen, yeah. The drawer was open.
17 And I believe there was a knife on the counter. Now,
18 I really can't remember. But I know it looked like
19 somebody had went through the knives or something,
20 you know. The drawer was open.

21 Q If you remember, was there a TV or a radio or
22 anything on?

23 A Yeah. The radio was on. That's what made me I guess
24 go for the knob. Because I was thinking, you know, I
25 know that you all got the music on, somebody in here;

1 why aren't you all opening the door? And I turned
2 the knob.

3 **MS. LAFAVE:** Your Honor, I have no further
4 questions.

5 **THE COURT:** For Mr. Gallman.

6 **MR. MILLING:** No questions, Your Honor.

7 **THE COURT:** Mr. Joy.

8 **MR. DELGADO:** Thank you, Your Honor.

9 CROSS EXAMINATION

10 **BY MR. DELGADO**

11 **Q** Ms. McKie, I believe I heard you say that you had
12 come back to Columbia from living or being out of
13 state for a while. Is that correct?

14 **A** Correct.

15 **Q** And where were you living before?

16 **A** I was in Memphis, Tennessee.

17 **Q** Tennessee?

18 **A** Mm-hmm (affirmative).

19 **Q** You came back approximately May of 2004. Is that
20 correct?

21 **A** Yes. Because my daughter was graduating.

22 **Q** Yes, ma'am. As a result of you coming back to South
23 Carolina, you met Ms. Desiree Felder?

24 **A** Yes.

25 **Q** All right. And that was the name that you knew her

1 under? Desiree Felder?

2 A Yes.

3 Q For the period of time from May of 2004 until
4 September of 2005, that's 15, 16 months; somewhere in
5 there?

6 A Right.

7 Q Would you meet her about three or four times a week,
8 did you say?

9 A Yeah. We were good friends. We would see each
10 other.

11 Q And you had been to the house on Mildred Avenue on
12 several occasions?

13 A Yes.

14 Q As a result of your friendship with her?

15 A Yes.

16 Q During that period of time, ma'am, did you ever see
17 individuals come to the home while you were there?

18 A Yes.

19 Q They would come to the home for relatively short
20 periods of time?

21 A Yes.

22 Q And they would leave?

23 A Yes.

24 Q All right. Ms. McKie, was it clear to you, ma'am,
25 that that house was being used for illegal

1 activities?

2 **A** Yes.

3 **Q** And Ms. McKie (sic) had loaned you some money and you
4 were going to repay her some money. Is that right?

5 **A** Yes.

6 **THE COURT:** Redirect?

7 **MS. MCDUFFIE:** None, Your Honor.

8 **THE COURT:** All right.

9 **MS. MCDUFFIE:** May this witness be excused?

10 **THE COURT:** Without objection?

11 **MR. STRICKLER:** Without objection, sir.

12 **MR. MILLING:** None.

13 **MR. DELGADO:** None, Your Honor.

14 **THE COURT:** Thank you. You may come down,
15 ma'am. You're free to go. Thank you very much.
16 Long witness? Anybody need a break? The solicitor
17 just indicated it might be a longer witness this
18 time.

19 **MR. MEADORS:** We've got a couple of pieces of
20 evidence. So it will just take two minutes to get
21 here.

22 **THE COURT:** Would you like to take a short break
23 now? It's quarter to 11. All right. The Foreman
24 says yes. The Foreman speaks for the group. If
25 everybody agrees, we'll take a short break. It will

1 be about 10 or 15 minutes. Just relax, ladies and
2 gentlemen. We'll call you when we're ready.

3 (Jury out at 10:45 a.m.)

4 **THE COURT:** We'll stand at ease for about ten
5 minutes.

6 (Whereupon, a break is taken)

7 (WHEREUPON, State's Exhibit No. 141 is marked
8 for identification.)

9 (WHEREUPON, State's Exhibit No. 142 is marked
10 for identification.)

11 (WHEREUPON, State's Exhibit No. 143 is marked
12 for identification.)

13 (WHEREUPON, State's Exhibit No. 144 is marked
14 for identification.)

15 (WHEREUPON, State's Exhibit No. 145 is marked
16 for identification.)

17 (WHEREUPON, State's Exhibit No. 146 is marked
18 for identification.)

19 (WHEREUPON, State's Exhibit No. 147 is marked
20 for identification.)

21 (WHEREUPON, State's Exhibit No. 148 is marked
22 for identification.)

23 (WHEREUPON, State's Exhibit No. 149 is marked
24 for identification.)

25

1 (WHEREUPON, State's Exhibit No. 150 is marked
2 for identification.)

3 (WHEREUPON, State's Exhibit No. 151 is marked
4 for identification.)

5 (WHEREUPON, State's Exhibit No. 152 is marked
6 for identification.)

7 (WHEREUPON, State's Exhibit No. 153 is marked
8 for identification.)

9 (WHEREUPON, State's Exhibit No. 154 is marked
10 for identification.)

11 (WHEREUPON, State's Exhibit No. 155 is marked
12 for identification.)

13 (WHEREUPON, State's Exhibit No. 156 is marked
14 for identification.)

15 (WHEREUPON, State's Exhibit No. 157 is marked
16 for identification.)

17 (WHEREUPON, State's Exhibit No. 158 is marked
18 for identification.)

19 (WHEREUPON, State's Exhibit No. 159 is marked
20 for identification.)

21 (WHEREUPON, State's Exhibit No. 160 is marked
22 for identification.)

23 (WHEREUPON, State's Exhibit No. 161 is marked
24 for identification.)

25

1 (WHEREUPON, State's Exhibit No. 162 is marked
2 for identification.)

3 (WHEREUPON, State's Exhibit No. 163 is marked
4 for identification.)

5 (WHEREUPON, State's Exhibit No. 164 is marked
6 for identification.)

7 (WHEREUPON, State's Exhibit No. 165 is marked
8 for identification.)

9 (WHEREUPON, State's Exhibit No. 166 is marked
10 for identification.)

11 (WHEREUPON, State's Exhibit No. 167 is marked
12 for identification.)

13 (WHEREUPON, State's Exhibit No. 168 is marked
14 for identification.)

15 (WHEREUPON, State's Exhibit No. 169 is marked
16 for identification.)

17 (WHEREUPON, State's Exhibit No. 170 is marked
18 for identification.)

19 (WHEREUPON, State's Exhibit No. 171 is marked
20 for identification.)

21 **THE COURT:** The State ready for the jury?

22 **MR. MEADORS:** Yes, sir. Your Honor, at a point
23 it will be Pete Currie's testimony, he is an officer,
24 he lifted a print from Mildred Avenue. Under the
25 case law of State v. Rich, I think the State is

1 required to prove who rolled the known print that he
2 compared the latent print to. That officer is
3 Officer Sweatt. He's currently employed at the Alvin
4 S. Glenn Detention Center. He is currently outside
5 our office. Co-counsel have offered to stipulate to
6 that. I believe earlier I asked Mr. Strickler if he
7 wanted to and Mr. Strickler said he did. So we are
8 going through with that. Officer Sweatt is outside.

9 During the testimony I'd like to stop and just
10 put on the record there is a stipulation between the
11 State and the defense, all defense attorneys, that
12 the known print of one Stanley Oliver was obtained by
13 an Officer Sweatt on October 1st of 2003. And that
14 is being offered as State's 146.

15 **MR. STRICKLER:** And that's a correct stipulation
16 as far as Mr. Oliver is concerned.

17 **MR. MILLING:** No objection.

18 **MR. DELGADO:** No objection, Your Honor.

19 **MR. MEADORS:** The back has been taken off which
20 is a reference to the charge that he was being booked
21 in on at that time.

22 **THE COURT:** And that's not Alvin S. Glenn?

23 **MR. MEADORS:** That was taken at Alvin S. Glenn.

24 **THE COURT:** But it's not an Alvin S. Glenn
25 sheet?

1 **MR. MEADORS:** Yes, sir. But it's just as benign
2 as it can be, Judge.

3 **THE COURT:** It's not identified. All right.
4 Call your next -- I mean, sorry. Bring the jury,
5 please.

6 (Jury in at 11:09 a.m.)

7 **THE BAILIFF:** Your Honor, the jury is present.

8 **THE COURT:** Thank you very much. All right,
9 Solicitor. Call your next witness.

10 **MR. MEADORS:** If it pleases Your Honor, the
11 State would now call Pete Currie.

12 PETER CURRIE, after being duly sworn, testifies
13 as follows:

14 **THE CLERK:** Thank you. Please have a seat in
15 the witness stand and state your full name for the
16 record.

17 **THE WITNESS:** My name is Peter Currie.

18 DIRECT EXAMINATION

19 **BY MR. MEADORS**

20 **Q** Good morning, officer Currie.

21 **A** Good morning.

22 **Q** As I do with every witness, could you just briefly
23 tell these folks about you, Pete Currie; where you're
24 from, where you were raised, how long you've been in
25 South Carolina?

1 **A** I was born in Germany. I have been -- my father was
2 in the military; being around a little bit of the
3 world and the country, came to Columbia, South
4 Carolina in 1965 and have been here ever since.

5 **Q** And are you from the Dentsville area?

6 **A** Yes, sir.

7 **Q** Columbia?

8 **A** Yes, sir.

9 **Q** And how long have you been in law enforcement?

10 **A** Going on 18 years. Almost 18 years.

11 **Q** Please tell the Ladies and Gentlemen of the Jury what
12 kind of training you received in law enforcement,
13 Officer Currie?

14 **A** I was assigned to the crime scene unit, crime scene
15 investigations. I've been in there approximately 12
16 years. During that time everybody has to go through
17 basic training as far as a police officer is
18 concerned. I have attended and completed the basic
19 fingerprint identification. I have completed the FBI
20 advanced fingerprint, the I.D. Tech school. And I am
21 also AFIS certified, which is the Automated
22 Fingerprint Identification System, by SLED. I am
23 also a member of the I.A.I. which deals in mostly
24 fingerprints which keeps us up and informed on any
25 new ideas or techniques and refresher courses on old

1 techniques.

2 Q Generally, what is AFIS? AFIS?

3 A AFIS is the Automatic Fingerprint Identification
4 System which deals strictly with fingerprints. It's
5 a database of fingerprints. And you have to be
6 certified through SLED to be able to operate it.
7 It's a computer.

8 Q Other than those schools, have you been to the
9 Criminal Justice Academy?

10 A Yes, sir. Of course I have basic and advanced
11 photography. I've been through FBI bomb school,
12 basic investigations. There are quite a few.

13 Q And how long have you been in this business?

14 A For 18 years.

15 Q Could you tell these ladies and gentlemen of the
16 jury -- let's talk about fingerprints a minute.

17 A Okay.

18 Q The difference between a -- what's a latent print?

19 A A latent print is a print that has to be developed.

20 MR. STRICKLER: Your Honor.

21 THE COURT: Just a minute.

22 MR. STRICKLER: Is he offering him at this
23 point?

24 MR. MEADORS: I'm giving a background on what
25 fingerprints are.

1 **THE COURT:** He's qualifying the witness.

2 **MR. MEADORS:** I intend to offer him as an
3 expert.

4 **THE COURT:** He's qualifying the witness.

5 **MR. MEADORS:** I don't know how else to do it.

6 **THE COURT:** Ask him.

7 **Q** Can you never generally, can you tell us, what's a
8 latent print?

9 **A** As I said, a latent print is a print that has to be
10 developed coming from whatever the finger touched.

11 **Q** What's an inked or known print?

12 **A** An inked or known print is a fingerprint that one
13 individual rolls onto paper with the individual, we
14 have an I.D. of who he is to know exactly who this
15 individual is and who the fingerprint belongs to.

16 **Q** And is the idea you compare one to the other to see
17 if they're the same?

18 **A** Yes, sir.

19 **Q** Have you had occasion to be involved in a number
20 of --

21 **THE COURT:** Sir, Mr. Meadors, do you wish to
22 qualify this witness as an expert?

23 **MR. MEADORS:** That's what I'm doing, Judge. I'm
24 asking how many he's done. Then I'm going to
25 offering him. Yes, sir.

1 **THE COURT:** Offer him right now.

2 **Q** Well, I think you need to know -- how many
3 fingerprints have you examined or lifted?

4 **A** I have examined I would say anywhere from 350,000 to
5 400,000 over the period of 12 years.

6 **Q** And in addition to that, how many crime scenes you
7 have you investigated?

8 **A** Hundreds.

9 **MR. MEADORS:** Your Honor, at this time with that
10 background, we would now offer him an expert.

11 **THE COURT:** Any objection --

12 **MR. MEADORS:** In the field of fingerprint
13 examination and crime scene investigation.

14 **THE COURT:** -- or Voir Dire?

15 **MR. STRICKLER:** I have no questions for this
16 witness, no Voir Dire.

17 **MR. MILLING:** No, Your Honor.

18 **MR. DELGADO:** None, Your Honor. Thank you.

19 **THE COURT:** You may proceed. The witness is
20 accepted as an expert in the field of fingerprint
21 analysis, analysis for lifting and comparison.

22 **MR. MEADORS:** Your Honor, we'd offer him as
23 fingerprint examination and crime scene
24 investigation, expert investigation.

25 **THE COURT:** Examination and crime scene

1 investigation. Yes, sir. So accepted.

2 **MR. MEADORS:** Thank you.

3 **Q** Now, specifically, as I think I am required to do, as
4 an expert in the field of fingerprint examinations,
5 where would you gather a latent print? Tell us
6 again, what is a latent print?

7 **A** A latent print is a print that has to be developed to
8 be able to see it. It could be developed in all
9 different type of ways. Fingerprint ninhydrins, a
10 fuming process, and a fingerprint that would be a
11 print that was left by whoever left it. In other
12 words, if I do this and lift my fingers, there would
13 be latent fingerprints right here, or whatever the
14 object, thereon.

15 **Q** And again, a known or inked print is something you
16 have in your possession that you are able to compare
17 to a latent print, correct?

18 **A** That is correct, sir.

19 **Q** Now, before I take you to [REDACTED] Mildred Avenue, as a
20 crime scene investigator, Currie, what's your job?
21 If you go to a crime scene, what are you supposed to
22 do?

23 **A** My main function at a crime scene is to photograph,
24 collect and process evidence and of course then
25 assist the investigators in any way that I possibly

1 can for a suspect.

2 Q You take photographs?

3 A Yes, sir.

4 Q Collect evidence?

5 A Yes, sir.

6 Q Search for prints?

7 A Correct.

8 Q Let's head back to [REDACTED] Mildred Avenue right now.

9 Did you have an occasion to go there?

10 A Yes, sir, I did.

11 Q Tell these folks what time you got there. What date
12 and time, investigator?

13 A I arrived there on 9-4-2005, and it was probably
14 right around -- I don't know the exact time -- but it
15 was probably right around 1:00 in the afternoon, 1300
16 hours.

17 Q And were there other CPD, Columbia Police Department
18 officers there when you got there?

19 A Yes, there were.

20 Q So in your opinion was the scene secured when you got
21 there?

22 A Yes, it was.

23 Q And what does that mean if a scene is secured?

24 A Scene secured means that an officer or officers will
25 be at the scene, and they make sure nothing is

1 touched, altered or disturbed.

2 Q And why is that important as a crime scene
3 investigator?

4 A Well, to start off with, one of the first things I do
5 at a crime scene is to photograph it. And it needs
6 to be photographed exactly the way it is because once
7 you touch something, once you move something, you
8 cannot put it back the same way it was.

9 Q So what's the first thing you did when you got to
10 Mildred Avenue, [REDACTED] Mildred Avenue?

11 A Well, the first thing I did is pretty much walked
12 through the scene to see exactly what I had. At that
13 point I did start some photography work on the
14 outside.

15 Q Tell the jury, when you walked in, what's the first
16 thing you saw? What are your observations? Pete
17 Currie as an officer when you come in, tell them what
18 you saw?

19 A Well, I had a dead body in the living room and walked
20 just a little bit further, had another dead body in
21 the hallway. We are talking about maybe six, eight
22 feet.

23 Q And you said when you do your walk through, you're
24 going through the house, what are you looking for?
25 What in your mind are you trying to determine, if

1 anything?

2 **A** Well, to start off with you pretty much look to see
3 where items are disturbed or incidents occurred.
4 Walking through this residence right here, most of
5 the residence was fairly clean, fairly neat, really
6 not much of anything disturbed until of course in the
7 living room, in the hallway and the two back
8 bedrooms. So I would pretty well know this is where
9 I'm going to be doing most of my work.

10 **MR. MEADORS:** Can I approach the witness, Judge?

11 **THE COURT:** Yes, sir.

12 **Q** As to State's No. 3 and State's No. 4, do you
13 recognize these? Do they relate to your testimony,
14 and does it reasonably and accurately reflect the
15 scene as you saw it that day?

16 **A** It does.

17 **MR. MEADORS:** Your Honor, we'd offer State's 3
18 and 4.

19 **MR. STRICKLER:** That's without objection, sir.
20 Your Honor, for the record, if he is offering
21 photographs we've already reviewed in camera and have
22 already agreed, we have no objections to them. He
23 does not have to bring them over to the table from us
24 to review.

25 **THE COURT:** All right.

1 **MR. STRICKLER:** For Mr. Oliver.

2 **THE COURT:** Yes, sir.

3 **MR. MEADORS:** Your Honor, I'd like for the
4 other, if that's --

5 **MR. MILLING:** That's fine, Your Honor.

6 **MR. DELGADO:** Also with Mr. Joy.

7 **THE COURT:** Acceptable? Thank you very much.
8 It may speed up the process.

9 (WHEREUPON, State's Exhibit No. 3 is admitted
10 into evidence.)

11 (WHEREUPON, State's Exhibit No. 4 is admitted
12 into evidence.)

13 **Q** State's 3, --

14 **THE COURT:** Expedite it.

15 **Q** -- tell the jury what that is?

16 **A** That is the front of the residence just to the right
17 of the front door. Actually it's a little back
18 towards right here.

19 **Q** State's No. 4?

20 **A** That's pretty much the same photo except a little
21 further back.

22 **Q** And are you taking these as kind of out, going in,
23 trying to document the scene in pictures?

24 **MR. STRICKLER:** I'll object to the leading, Your
25 Honor.

1 Q Why are you taking these pictures?

2 A Well, you want to try to back off and then come
3 closer to what you're trying to show.

4 Q After you have taken the pictures from the outside,
5 what did you do next?

6 A At that time I was informed that Ms. Zondria McKie --

7 MR. STRICKLER: Your Honor, if I may. It
8 appears the witness is referring to notes. And I
9 would object to him referring to notes unless there's
10 a basis for him having to refer to the notes.

11 THE COURT: Ask him.

12 Q Investigator or Officer Currie, did you document
13 contemporaneously, did you take notes in reference --

14 A Yes, sir, I did.

15 Q -- to what you did that day aiding you in this
16 investigation?

17 A Yes. I would have to. Due to this case being over
18 two years old, it would be hard for me, as many
19 scenes as I have worked, to be able to try to
20 remember everything that was done.

21 Q Do you have an independent recollection of what you
22 did and exactly where things were without referring
23 to those notes?

24 A A lot of the items; yes, sir, I would.

25 Q Would it aid you in helping you remember exactly

1 where the items were if you used those notes?

2 A Yes, sir.

3 Q Or refer to those notes?

4 A Yes, sir.

5 MR. MEADORS: Your Honor, we'd ask that he be
6 allowed to.

7 THE COURT: Yes, sir. Any objection?

8 MR. STRICKLER: And, Your Honor, I have no
9 objection.

10 THE COURT: Your objection is overruled. You're
11 withdrawing it.

12 MR. STRICKLER: Withdrawing it. Yes, sir.

13 MR. MEADORS: It might be easier, too, if I
14 could ask the witness to come down. And if he would
15 speak up, it might be just easier to go through these
16 photographs, if you don't mind.

17 THE COURT: Fine. Go right ahead.

18 Q If you'll step back here, please. If you'll just
19 talk up, you know, just so --

20 A Yeah. Okay.

21 Q -- the court reporter can take it. As to State's 12,
22 State's 11 State's 10, State's 9, do you recognize
23 those?

24 A Yes, I do.

25 Q Do they relate to your testimony?

1 **A** Yes, sir.

2 **Q** Do they reasonably and accurately reflect what you
3 saw that day?

4 **A** That's correct.

5 **MR. MEADORS:** Your Honor, we'd now offer State's
6 12, 11, 10 and 9, I believe without objection.

7 **THE COURT:** Without objection?

8 **MR. STRICKLER:** That's correct, sir.

9 (WHEREUPON, State's Exhibit No. 9 is admitted
10 into evidence.)

11 (WHEREUPON, State's Exhibit No. 10 is admitted
12 into evidence.)

13 (WHEREUPON, State's Exhibit No. 11 is admitted
14 into evidence.)

15 (WHEREUPON, State's Exhibit No. 12 is admitted
16 into evidence.)

17 **Q** If you came into the door that day; what, if
18 anything, would you see?

19 **A** Just a couple of feet in front of me was one of the
20 bodies.

21 **Q** Looking at State's 10, tell the jury what that is?

22 **A** That is as you look in through the front door at the
23 other end of it, there is a fireplace, and the first
24 body was laying on the floor face down.

25 **Q** State's 9, Officer Currie, what is that?

1 A That is pretty much the same except showing the back
2 part of the body.

3 Q What is -- look at that. Do you know? On State's 9?

4 A That's a telephone.

5 Q Could that be a pocketbook?

6 A There is I believe. I believe -- well, no. That's a
7 pocketbook. I'm sorry.

8 Q What is that there?

9 A That is the telephone. That's correct.

10 Q And again, --

11 A Telephone receiver.

12 Q -- do you search for evidence, pick up evidence
13 before or after taking pictures?

14 A After.

15 Q State's 12, what's that?

16 A As you walk into the residence, to the right was a
17 couch. On the couch right here, this item is a .40
18 caliber shell casing.

19 Q And you gathered that. And we're going to get into
20 that in a little bit, correct?

21 A (Nods head affirmatively).

22 Q And again, State's 11, what is that?

23 A That is again from a little further back, the shell
24 casing being right here, shown there.

25 Q Have a seat back. Showing you what's marked State's

1 142, do you recognize this drawing?

2 **A** Yes, sir, I do.

3 **Q** And what is this a drawing of?

4 **A** That shows the layout of the residence of [REDACTED]
5 Mildred Avenue.

6 **MR. MEADORS:** Your Honor, we'd now offer State's
7 142, I believe without objection.

8 **MR. STRICKLER:** That's without objection as to
9 Mr. Oliver.

10 **MR. MILLING:** Without objection, Your Honor.

11 **MR. DELGADO:** Yes, Your Honor.

12 **THE COURT:** Without objection, received.

13 (WHEREUPON, State's Exhibit No. 142 is admitted
14 into evidence.)

15 **Q** The pictures that you just showed the jury, we just
16 showed the jury, Investigator Currie, what room was
17 that?

18 **A** This being the front door coming in this way, showing
19 the fireplace right here, the body right here and the
20 shell casing right there.

21 **Q** And is it depicted on here? What number, if any, is
22 the shell casing depicted on your diagram?

23 **A** Number 1.

24 **Q** You've got a little scale or legend over here
25 depicting that?

1 **A** Right.

2 **Q** I show you what's marked State's 149 for I.D. only.
3 With this included in there, 168 is included inside.
4 Do you recognize this?

5 **A** Yes, I do.

6 **Q** And what is that?

7 **A** I filled that out myself. That is the .40 caliber
8 shell casing that was recovered from the top of the
9 couch.

10 **Q** What's depicted as number 1 right here?

11 **A** That is correct.

12 **MR. MEADORS:** Your Honor, at this time we'd
13 offer 168, I believe without objection.

14 **MR. STRICKLER:** That's without objection as to
15 Mr. Oliver.

16 **MR. MILLING:** No objection.

17 **MR. DELGADO:** As to Mr. Joy also.

18 (WHEREUPON, State's Exhibit No. 168 is admitted
19 into evidence.)

20 **MR. MEADORS:** The container that it was in is
21 149 for I.D. only. I'm informed it has to be 149-E
22 for I.D. only.

23 **COURT REPORTER:** Which one?

24 **MR. MEADORS:** This one.

25 **COURT REPORTER:** 149-E.

1 **MR. MEADORS:** Your Honor, can we take a break so
2 I can just get it in mind with the court reporter?
3 Your Honor, could we have a break just for a moment?

4 **THE COURT:** I'm not going to send the jury out.

5 **MR. MEADORS:** Your Honor, there's a big package
6 that has 149 and several things in it or 149-E. I
7 don't know how else to do it. It was marked by these
8 folks. So I think that's why we're doing it.
9 They're objecting to the package because it had some
10 wording on it. So we've taken it out and done
11 another number. I don't know how else to do it.

12 **THE COURT:** I can't answer that. Try to clear
13 it up at the next break.

14 **MR. MEADORS:** I think it's clear, Your Honor.

15 **Q** Can you go to the next room, please, Pete?

16 **A** Sir?

17 **Q** What do you do after you leave that room?

18 **A** When I left that room, that is when I walked into the
19 hallway.

20 **Q** And what, if anything, did you observe there?

21 **A** I had another body there.

22 **Q** Another body?

23 **A** Yes, sir.

24 **Q** What, if anything, did you do there? Did you take
25 pictures?

1 **A** Yes, sir, I did.

2 **Q** State's 19, State's 20, State's 21, State's 22; do
3 you recognize these?

4 **A** Yes, sir, I do.

5 **Q** Do they relate to your testimony?

6 **A** Yes, sir, they do.

7 **Q** Do they reasonably and accurately reflect what you
8 saw that day and took pictures of?

9 **A** Yes, they do.

10 **MR. MEADORS:** Your Honor, we'd offer 19, 20, 21
11 and 22 without objection.

12 **MR. STRICKLER:** No objection.

13 **MR. MILLING:** No objection.

14 **MR. DELGADO:** Without objection.

15 **THE COURT:** Without objection.

16 (WHEREUPON, State's Exhibit No. 19 is admitted
17 into evidence.)

18 (WHEREUPON, State's Exhibit No. 20 is admitted
19 into evidence.)

20 (WHEREUPON, State's Exhibit No. 21 is admitted
21 into evidence.)

22 (WHEREUPON, State's Exhibit No. 22 is admitted
23 into evidence.)

24 **Q** What is 19, Pete?

25 **A** 19 is a shot from the living room into the hallway

1 right here.

2 Q Describe what you saw, what's depicted in this
3 picture, if anything, as far as what's back here on
4 the floor? What is that?

5 A This is -- right here is sort of like a little
6 cabinet, closet, with clothing and some cleaning
7 items in it.

8 Q Does that appear in your opinion and training to be
9 in orderly fashion?

10 A Not necessarily.

11 Q I mean, is that no?

12 A No.

13 Q And State's 22, what does that depict, if anything?

14 A Okay. That is the body found there in the hallway.

15 Q Now I'm going to go through these pictures and then
16 come back. State's 20 and 21, what do they depict?

17 A This is sort of like a small coffee table that was
18 just as you go into the hallway to the right before
19 you get into the dining room.

20 Q And what, if anything, did you do with this table?

21 A That table was processed for fingerprints.

22 Q And did you get any fingerprints?

23 A Yes, I did. I did lift fingerprints from underneath
24 that table.

25 Q At this point tell the jury, how do you do that?

1 **A** Well, glass is one of the easiest things actually to
2 get a fingerprint from because it just, it will
3 really pick up a fingerprint. You can just about
4 take a light, a flashlight, and shine it across the
5 light and almost see a print. Of course to verify it
6 and to lift it, then you dust it. And then you take
7 tape, lift it, and then you put it on a latent print
8 card.

9 **Q** And what were you able to determine about that print?

10 **A** I'm sorry?

11 **Q** What did you do with that print once you had lifted
12 it?

13 **A** I lifted it and collected it.

14 **Q** And then what did you do?

15 **A** I kept it until I was able to see if I could make
16 some kind of identification on it at a later time.

17 **Q** Okay. And the pictures you've just shown us, going
18 back to State's 142, were from where?

19 **A** That would be right in here, number 8.

20 **Q** Look at State's 39 and 40. And the same questions.
21 Do you recognize them? Do they relate to your
22 testimony? And do they accurately reflect the scene
23 as you saw it that day?

24 **A** Yes.

25 **Q** Come on back down, Pete. I think it's just the best

1 thing just to go through all of them.

2 **MR. STRICKLER:** Without objection, sir.

3 **MR. MEADORS:** Thank you. I believe without
4 objection by everyone.

5 (WHEREUPON, State's Exhibit No. 39 is admitted
6 into evidence.)

7 (WHEREUPON, State's Exhibit No. 40 is admitted
8 into evidence.)

9 **Q** State's 39 is what?

10 **A** That again, that is a photo going into the hallway,
11 from the living room into the hallway. This is where
12 blood was collected. This is where the body was.

13 **Q** And State's 40?

14 **A** That is the same thing in the hallway right there
15 where the numbers indicate, show where I collected
16 blood samples.

17 **Q** On this door here, what in your expert opinion as a
18 crime scene investigator, maybe just common sense,
19 what appears to be on this door?

20 **A** Blood smears.

21 **Q** And you gathered what from State's 40, if anything?

22 **A** I gathered blood from those locations.

23 **MR. MEADORS:** Your Honor, this would be the 148
24 that I misspoke earlier. And I apologize. Subject
25 to a redaction on the front of each of these

1 envelopes, I do not believe there is an objection
2 from anybody.

3 **MR. STRICKLER:** Subject to the redaction, no
4 objection from Mr. Oliver, sir.

5 **MR. MILLING:** The same with Mr. Gallman.

6 **MR. DELGADO:** No objection.

7 (WHEREUPON, State's Exhibit No. 148 is admitted
8 into evidence.)

9 **Q** Well, these are the swabs you took from where?

10 **A** Yes, sir. Those are the swabs, four swabs I took
11 from the hallway where body number two was, from
12 different areas.

13 **Q** Let's stay in the hallway if we could. And perhaps
14 in the kitchen. State's 37, 36, 35; 35, 36, 37,
15 could you look at those? Do they relate to your
16 testimony?

17 **A** That is --

18 **Q** And do they accurately reflect the scene?

19 **A** Yes, they do.

20 **MR. MEADORS:** Your Honor, 35, 36, 37, I believe
21 without objection.

22 **MR. STRICKLER:** Without objection.

23 **THE COURT:** Without objection.

24 **MR. DELGADO:** Without objection.

25

1 (WHEREUPON, State's Exhibit No. 35 is admitted
2 into evidence.)

3 (WHEREUPON, State's Exhibit No. 36 is admitted
4 into evidence.)

5 (WHEREUPON, State's Exhibit No. 37 is admitted
6 into evidence.)

7 Q What's 37?

8 A 37 is supposed to be turned like this right here. As
9 I stated, when you walk in through the hallway, you
10 walk to your left, there was another cabinet. There
11 was one straight ahead and there was one to the left.
12 This shows where the safe was, the safe as we found
13 it was in that cabinet there, in that closet.

14 Q And looking at State's 36?

15 A Okay. That is pretty much the same picture except
16 just that from a different angle.

17 Q And looking at State's 35?

18 A Okay. That again, that is a different shot. Before
19 I shot the body going this way, this is coming from
20 the opposite direction.

21 MR. MEADORS: And, Your Honor, for the record
22 now, we're referring now back to State's 142, the
23 diagram.

24 A Caught shooting from this way.

25 Q Now, show me the safe on 142?

1 **A** The safe is right here inside this closet.

2 **Q** So 135, 35 (sic) is where on 142?

3 **A** 135 is right here to your left here which you don't
4 see, really see at this point. It would be the
5 closet.

6 **Q** So this would be here and the safe would be over here
7 and this would be Mr. Batie's body?

8 **A** Yes, sir.

9 **Q** That's State's 159, Officer Currie. Do you know what
10 that is?

11 **A** Yes, sir. That is the safe that came out of that
12 closet.

13 **MR. MEADORS:** Your Honor, we'd offer State's
14 159.

15 **MR. STRICKLER:** Your Honor, I have no objection
16 to the entry of the article. I do have an objection
17 to listings on the processing slip there which I
18 submit need to be redacted. Other than that, no
19 objection.

20 **MR. MILLING:** The same objection, Your Honor.

21 **MR. DELGADO:** The same, Your Honor.

22 **MR. MEADORS:** Your Honor, Ms. McDuffie will make
23 sure that that gets done before it goes to the jury.
24 Thank you.

25 **THE COURT:** Subject to redaction.

1 (WHEREUPON, State's Exhibit No. 159 is admitted
2 into evidence.)

3 Q When you found this safe in your investigation, was
4 the door open?

5 A Yes, it was; as shown on the photo.

6 Q Was there anything inside?

7 A Nothing.

8 Q And you say as shown inside. State's 40, that's
9 already been in, where is the safe?

10 A Correct. That safe right here. And as you can see
11 that, it's clean.

12 Q Where did you get your blood swabs from?

13 A Most of the blood I got was from the door right here,
14 the door frame, from the safe. This came off of this
15 door and this came off the carpet.

16 Q And just to be clear, had Mr. Batie's body been
17 removed at this point when you took these pictures?

18 A That is correct.

19 Q All right. So, your testimony so far, you've gone to
20 the living room?

21 A Correct.

22 Q Then you go where next?

23 A I go to the hallway.

24 Q Photograph it?

25 A Photograph it.

1 Q Collect evidence?

2 A Photograph everything first.

3 Q I understand that. I guess I'm trying to do both as
4 we go through.

5 A Right. Okay. And then after you have everything
6 photographed. Of course the bodies, before I
7 collected any evidence at all, the bodies were
8 removed. There are some GSR kits, gunshot residue
9 kits, that were performed on the bodies.

10 Q And I'm coming back to thought later. Okay?

11 A Okay.

12 Q After you've taken -- and your testimony is you go
13 through, photograph first, then you come back and
14 start collecting evidence?

15 A That is correct.

16 Q And can we go -- we did the living room and the
17 hallway. Where do you go next to photograph?

18 A The next, I went into the bedroom to the left which
19 we call bedroom number one.

20 Q State's 26 -- 23, 24, 25, 26, 27, do you recognize
21 those? Do they reasonably and accurately reflect
22 what you saw that day, and do they relate to your
23 testimony?

24 A Yes, they do.

25 MR. MEADORS: Your Honor, we'd now offer these.

1 **MR. STRICKLER:** From Mr. Oliver, no objection.

2 **MR. MILLING:** No objection, Your Honor.

3 **MR. JOY:** Without objection.

4 **MR. MEADORS:** 23, 24, 25, 26 and 27.

5 (WHEREUPON, State's Exhibit No. 23 is admitted
6 into evidence.)

7 (WHEREUPON, State's Exhibit No. 24 is admitted
8 into evidence.)

9 (WHEREUPON, State's Exhibit No. 25 is admitted
10 into evidence.)

11 (WHEREUPON, State's Exhibit No. 26 is admitted
12 into evidence.)

13 (WHEREUPON, State's Exhibit No. 27 is admitted
14 into evidence.)

15 **Q** Let's start with 23. What is that a picture of?

16 **A** That is a shot into the back to the best of my
17 recollection. It looks like it's been ransacked, the
18 area has been ransacked.

19 **Q** And going back to 142 briefly, again, this would be a
20 picture into this way?

21 **A** Yes, sir.

22 **Q** 24, what, if anything, is depicted in there? And is
23 that the same bedroom?

24 **A** That's the same bedroom.

25 **Q** And I believe you said things were in disarray. Can

1 you show on here what we're talking about?

2 **A** Yes, there were. Well, there were clothing,
3 shoeboxes mainly and shoes throughout the room.

4 **Q** 25?

5 **A** That's the same thing as we looked at again. This is
6 a checkbook box. And this is a shoebox right here.

7 **Q** Did you collect anything out of this room?

8 **A** Yes, I did. Several items.

9 **Q** And while Ms. McDuffie is doing that, State's 26,
10 describe State's 26 to these folks, Pete Currie?

11 **A** That again is -- you see the shoes laying here,
12 shoeboxes. There were some clothes, clothing that
13 were thrown around also.

14 **Q** This drawer, it appears to be a drawer. What is it
15 to you?

16 **A** Yes, sir. It looked like it was pulled out, a
17 dresser drawer.

18 **Q** And 27 finally in bedroom number one?

19 **A** Correct.

20 **Q** Is that a -- what is that?

21 **A** To the best of my recollection, that's -- as you're
22 walking into the left, it looks like a little chest
23 there. It looks like it had been opened. And again,
24 it is clothing around there.

25 **Q** Now, if you need to refer to your notes also as you

1 said, what items did you collect from bedroom number
2 one?

3 **A** Let me get those, please. As shown on the photo a
4 minute ago, the checkbook box with some checks, I
5 collected five shoeboxes --

6 **Q** Let me stop you.

7 **A** -- out of that room. That is a checkbook box. The
8 black that you see on the checkbook here is
9 fingerprint dust. That's where you have a nice,
10 clean surface that's not porous, fingerprint dust is
11 the best thing to use to try to lift a fingerprint
12 with.

13 **Q** And you didn't do this right there at the scene, did
14 you?

15 **A** No, sir. These items I collected and took back to
16 our lab. And they were processed. I process them
17 the next day at our lab.

18 **Q** How do you determine what to take and not to take?

19 **A** Well, you look for items that have been rummaged
20 through that would be feasible for a fingerprint.
21 There are a lot of items out there that are not
22 feasible for a fingerprint. So you pick up what's
23 feasible for a fingerprint to collect these items.
24 I'm going to need them in court anyway. So I'd
25 rather go ahead and collect them, take them with me

1 and then work in a lab actually where you're in a
2 situation, the conditions are a little better than me
3 trying to sit on the floor or kneel on the floor. Or
4 in a bedroom that's ransacked, blood all over the
5 place, opposed to me doing it there at the scene, I
6 collect them and process them at our lab.

7 Q And is that depicted in State's 25? Is that that?

8 A Yes, it is.

9 MR. MEADORS: Your Honor, we now offer State's
10 135.

11 MR. STRICKLER: Without objection from Mr.
12 Oliver.

13 MR. MILLING: No objection, Your Honor.

14 MR. DELGADO: Without objection.

15 (WHEREUPON, State's Exhibit No. 135 is admitted
16 into evidence.)

17 Q Did you collect anything else from bedroom number one
18 in State's 142?

19 A Five shoeboxes.

20 Q Why did you collect the shoeboxes?

21 A Because they appeared to have been gone through.
22 Somebody was looking for something.

23 Q And looking back on State's 25, do you see any
24 shoeboxes depicted in State's 25?

25 A Okay. The main one I show here is this right here,

1 is a shoebox at the scene.

2 Q Showing you what's marked State's 133, do you
3 recognize it?

4 A Yes, sir, I do.

5 Q Please tell these ladies and gentlemen --

6 A That is the shoebox I just showed you.

7 Q State's 25? That is depicted in State's 25?

8 A That is that shoebox; yes, sir.

9 Q And again for Madam Court Reporter, that is State's
10 133. Why did you pick this out?

11 A Checking the shoebox, most shoeboxes have shoes in
12 them or some items. But as I mentioned before, there
13 were items strewn throughout that room. I saw the
14 shoes laying out all over the floor, clothing to go
15 along with it. So evidently somebody went into these
16 shoeboxes, and I wanted to see who it possibly was.

17 Q Now, you collected more than this shoebox?

18 A Yes, sir.

19 Q Can you tell the jury what else you collected from
20 bedroom number one?

21 A Right. I collected this shoebox here. What is the
22 number? Exhibit 137.

23 Q State's 137.

24 A 136.

25 Q 136.

1 **A** 138 and 134.

2 **Q** 134, 136, 137 and 138. And what bedroom did they
3 come from?

4 **A** Bedroom number one.

5 **Q** And where were they in bedroom one?

6 **A** Pretty much all over. I don't recall exactly. They
7 were -- the bed was, as you walked into the bedroom,
8 the bed was kind of to the left. You had a fairly
9 open space right to the right of the bedroom. That's
10 where pretty much everything was.

11 **Q** Were they in the closet?

12 **A** No, sir.

13 **MR. MEADORS:** Your Honor, at this time we'd
14 offer State's 134, 136, 137 and 138.

15 **COURT REPORTER:** And what about 133?

16 **MR. MEADORS:** And 133. Thank you.

17 **MR. STRICKLER:** Those are all without objection
18 from Mr. Oliver.

19 **MR. MILLING:** No objection, Your Honor.

20 **MR. DELGADO:** No objection from Mr. Joy.

21 **MR. MEADORS:** Your Honor, did Your Honor get
22 that?

23 **THE COURT:** Yes, sir.

24 **MR. MEADORS:** Okay. Thank you.

25

1 (WHEREUPON, State's Exhibit No. 133 is admitted
2 into evidence.)

3 (WHEREUPON, State's Exhibit No. 134 is admitted
4 into evidence.)

5 (WHEREUPON, State's Exhibit No. 136 is admitted
6 into evidence.)

7 (WHEREUPON, State's Exhibit No. 137 is admitted
8 into evidence.)

9 (WHEREUPON, State's Exhibit No. 138 is admitted
10 into evidence.)

11 Q So we finished. And you gathered that evidence,
12 correct?

13 A That's correct.

14 Q Took pictures, gathered the evidence. Where do you
15 go next?

16 A Next I went to bedroom number two.

17 Q State's 29, if you'd hold that, please. State's 30,
18 31, 32 and 33 and 34; do you recognize them?

19 A Yes, I do.

20 Q Do they accurately reflect what you saw that day?

21 A Yes, they do.

22 Q You took pictures, didn't you?

23 A I did.

24 Q They relate to your testimony?

25 A Correct.

1 **MR. MEADORS:** Your Honor, we'd offer these, I
2 believe without objection; 29, 30, 31, 32, 33 and 34.

3 **MR. STRICKLER:** Without any objection from Mr.
4 Oliver, sir.

5 **MR. MILLING:** No objection.

6 **MR. DELGADO:** Nor from Mr. Joy.

7 (WHEREUPON, State's Exhibit No. 29 is admitted
8 into evidence.)

9 (WHEREUPON, State's Exhibit No. 30 is admitted
10 into evidence.)

11 (WHEREUPON, State's Exhibit No. 31 is admitted
12 into evidence.)

13 (WHEREUPON, State's Exhibit No. 32 is admitted
14 into evidence.)

15 (WHEREUPON, State's Exhibit No. 33 is admitted
16 into evidence.)

17 (WHEREUPON, State's Exhibit No. 34 is admitted
18 into evidence.)

19 **Q** Investigator Currie, we're now in bedroom two?

20 **A** That's correct.

21 **Q** This one right here?

22 **A** This bedroom right here.

23 **Q** Where would you say 29 is? Where did you take that
24 picture from?

25 **A** That is pretty much walking into the door right here,

1 the bed being right here.

2 Q Describe this picture, what you saw and what's in
3 this picture to these ladies and gentlemen, please?

4 A Again, the bed is unmade, some several things thrown
5 around, had several items on top of it, as this
6 metal, this small metal can. Let me get my notes
7 here, sir.

8 Q I've got it. State's 30?

9 A And that shows pretty much just shooting down onto
10 the top of the bed, this being the metal can I showed
11 you on the other picture right here and several other
12 items. The items that were there, there were three
13 paper boxes and two small metal cans.

14 Q And here, looking at this, this is State's 31?

15 A Again, showing pretty much the same thing as right
16 here.

17 Q State's 32?

18 A That's again shooting down on top of the bed.

19 Q Look at 33. Tell these folks, what is State's 33?

20 A That is the back dresser.

21 Q Was that door opened or closed?

22 A They were open.

23 Q Why did you take a picture?

24 A To show that somebody had disturbed the room.

25 Q State's 34?

1 **A** That is also a dresser, of course showing items that
2 were strewn around.

3 **Q** Now the next question is; what, if anything, did you
4 take out of there?

5 **A** Okay. Out of that room I collected two shoeboxes,
6 three paper boxes and two small metal cans.

7 **Q** Okay. Let's just do this. State's 166, did you
8 collect this from there?

9 **A** Yes, I did.

10 **Q** State's 164?

11 **A** That's correct.

12 **Q** State's 167?

13 **A** That's correct.

14 **Q** State's 163?

15 **A** I believe that came from that bedroom. Let me look.

16 **Q** Take your time.

17 **A** That's true.

18 **Q** That's correct?

19 **A** That's correct. That one also.

20 **Q** State's 165?

21 **A** Right. And the two shoeboxes. That's correct.

22 **Q** 161 and 162. And all those come out of bedroom two?

23 **A** Yes, they did.

24 **MR. MEADORS:** Your Honor, at this time we'd
25 invite the lawyers to look, we'd offer all of these;

1 State's 165, 161, 164, 162, 163, 167 and 166 in
2 evidence.

3 MR. STRICKLER: Those are without objection,
4 Your Honor, from Mr. Oliver.

5 MR. MILLING: No objection, Your Honor.

6 MR. DELGADO: And Mr. Joy, no objection.

7 THE COURT: Without objection.

8 (WHEREUPON, State's Exhibit No. 161 is admitted
9 into evidence.)

10 (WHEREUPON, State's Exhibit No. 162 is admitted
11 into evidence.)

12 (WHEREUPON, State's Exhibit No. 163 is admitted
13 into evidence.)

14 (WHEREUPON, State's Exhibit No. 164 is admitted
15 into evidence.)

16 (WHEREUPON, State's Exhibit No. 165 is admitted
17 into evidence.)

18 (WHEREUPON, State's Exhibit No. 166 is admitted
19 into evidence.)

20 (WHEREUPON, State's Exhibit No. 167 is admitted
21 into evidence.)

22 Q Why were you getting those pieces of evidence,
23 Officer Currie?

24 A Again, as I mentioned before, the house looked fairly
25 neat, nice, clean. These items looked out of place.

1 Somebody had handled them.

2 **Q** We've just left bedroom two?

3 **A** Yes, sir.

4 **Q** What do you do next?

5 **A** Then I pretty much went throughout the rest of the
6 residence to see what else there was.

7 **Q** Did you have an occasion to go in the kitchen?

8 **A** Yes, I did.

9 **Q** And would you show the jury, is this the kitchen on
10 State's 142?

11 **A** This is the kitchen right here.

12 **Q** 15, 16, 17 and 18, do you recognize them? Do they
13 accurately reflect the scene as you saw it, and would
14 it help you, and does it relate to your testimony
15 today?

16 **A** Yes, sir.

17 **MR. MEADORS:** Your Honor, we'd offer 15, 16, 17
18 and 18.

19 **MR. STRICKLER:** Without objection from Mr.
20 Oliver.

21 **MR. MILLING:** No objection, Your Honor.

22 **MR. JOY:** None from Mr. Joy.

23 (WHEREUPON, State's Exhibit No. 15 is admitted
24 into evidence.)

25

1 (WHEREUPON, State's Exhibit No. 16 is admitted
2 into evidence.)

3 (WHEREUPON, State's Exhibit No. 17 is admitted
4 into evidence.)

5 (WHEREUPON, State's Exhibit No. 18 is admitted
6 into evidence.)

7 Q Can you show us State's 15 on State's 142, where that
8 would be taken from?

9 A This photo right here was going into the kitchen from
10 the dining room.

11 Q State's 16, what is that?

12 A That a full shot this way, from actually this way
13 right here in the kitchen area.

14 Q That's the kitchen at Mildred Avenue?

15 A Yes, sir.

16 Q And did that drawer appear to be open or closed?

17 A It's open.

18 Q And was it that way when you all -- when you first
19 got there?

20 A Yes, it was.

21 Q And State's 16, and then I think it's just a
22 duplicate quite frankly; 17, what is that?

23 A Okay. That shows a scale, a spoon, and I found a
24 minute amount of white substance that I field tested
25 myself to be cocaine.

1 Q What does it mean to field test something?

2 A We have field test kits that we can check a drug to
3 see if it is a drug or if it is a fake or if it's any
4 good for anything whatsoever. It's -- you put a
5 small amount of that substance inside that field test
6 kit. There are several things you break, which on
7 cocaine, it brings cobalt into it. And if the
8 substance turns blue, it shows positive for cocaine.
9 And that is on a field test kit. After that
10 generally it is analyzed by a chemist as to what the
11 substance is.

12 Q Look at State's 143.

13 A Okay.

14 Q Does that appear to be the scale over there?

15 A Yes, sir. That is a scale right here which I
16 packaged myself.

17 Q Without commenting what it is, there's another item
18 in this. Do you know what that is?

19 A A pair of glasses, sir.

20 Q Where did that come from?

21 A Let me look at that again, please.

22 Q Yes, sir. If you need to refer to your notes ...

23 A Okay. The only glasses I collected were collected
24 from the living room. And evidently I just put those
25 in there with that.

1 Q And so this glass came from the living room?

2 A Yes, it did.

3 MR. MEADORS: Your Honor, State's 143, just the
4 scale, there is no objection with a redaction. And
5 that was only being offered, just the scale, 143.
6 And I will remove these other items and offer them
7 for the living room in a minute.

8 MR. STRICKLER: You're not going to offer the
9 glasses also?

10 MR. MEADORS: Might as well do it in a minute.
11 But at this point I'd offer the glasses, too, coming
12 from the living room, Your Honor, both contained in
13 143.

14 MR. STRICKLER: Subject to redaction that we
15 discussed, I have no objection to that.

16 MR. MILLING: No objection, Your Honor.

17 MR. JOY: No objection.

18 (WHEREUPON, State's Exhibit No. 143 is admitted
19 into evidence.)

20 Q Now, State's 151, is this what you testified about a
21 little while ago?

22 A Yes. This is the spoon. This is the white substance
23 that was laid on the countertop there.

24 Q That is 17 (sic), correct?

25 A That's correct.

1 Q And you field tested this white substance to be
2 cocaine?

3 A Cocaine.

4 MR. MEADORS: Again, Your Honor, I believe
5 subject to a redaction which Ms. McDuffie will
6 ensure happens, there's no objection to this.

7 MR. STRICKLER: That's correct, sir.

8 MR. MILLING: That's correct, Your Honor.

9 MR. DELGADO: That is correct.

10 COURT REPORTER: I'm sorry. What number was it
11 again?

12 MR. MEADORS: Did I say 17?

13 COURT REPORTER: You did say 17. State's 151,
14 Your Honor.

15 (WHEREUPON, State's Exhibit No. 151 is admitted
16 into evidence.)

17 Q I apologize. State's 13 and State's 14, do you
18 recognize those?

19 A Yes. That's in front of the house, little
20 screened-in porch.

21 Q This is the same of what we've shown before?

22 A Right.

23 MR. MEADORS: Your Honor, we'd offer State's 13
24 and 14, I believe without objection.

25 MR. STRICKLER: Correct, sir.

1 **MR. MILLING:** No objection.

2 **MR. DELGADO:** No objection.

3 (WHEREUPON, State's Exhibit No. 13 is admitted
4 into evidence.)

5 (WHEREUPON, State's Exhibit No. 14 is admitted
6 into evidence.)

7 **Q** I'll sit you back down in a minute. I'll go through
8 the rest in a minute. Did you take pictures of the
9 rest of the house of what you testified didn't appear
10 to be disturbed?

11 **A** I did.

12 **Q** State's 47, 46, 45, 44, 43, 42, 41; do you recognize
13 those?

14 **A** Yes, I do.

15 **Q** Do they accurately reflect what your eye saw that
16 day?

17 **A** Yes, they do.

18 **MR. MEADORS:** Your Honor, we'd offer State's 41
19 through 47, without objection.

20 **MR. STRICKLER:** That's correct.

21 **MR. MILLING:** No objection.

22 **MR. DELGADO:** No objection for Mr. Joy.

23 (WHEREUPON, State's Exhibit No. 41 is admitted
24 into evidence.)

25

1 (WHEREUPON, State's Exhibit No. 42 is admitted
2 into evidence.)

3 (WHEREUPON, State's Exhibit No. 43 is admitted
4 into evidence.)

5 (WHEREUPON, State's Exhibit No. 44 is admitted
6 into evidence.)

7 (WHEREUPON, State's Exhibit No. 45 is admitted
8 into evidence.)

9 (WHEREUPON, State's Exhibit No. 46 is admitted
10 into evidence.)

11 (WHEREUPON, State's Exhibit No. 47 is admitted
12 into evidence.)

13 Q Let's start with State's Exhibit 41. Can you tell
14 the ladies and gentlemen where this is on State's
15 142?

16 A Okay. This came from the den.

17 Q 41 came from the den?

18 A This being the den right here.

19 Q State's 42?

20 A This is also from the den. This is the only room
21 that had wood paneling.

22 Q Did this room appear to be in disarray at all?

23 A None whatsoever.

24 Q State's 43?

25 A The same thing, from the den; TV, fireplace.

- 1 Q Big-screen TV?
- 2 A Big-screen TV.
- 3 Q What is this over here? Maybe it's better shown in
4 State's 44.
- 5 A Oh. It's a big saltwater fish tank.
- 6 Q Aquarium? Fish tank?
- 7 A Correct.
- 8 Q State's 45, Officer Currie?
- 9 A Also the den.
- 10 Q State's 46?
- 11 A That is the dining room.
- 12 Q Does it appear there's place settings there?
- 13 A Right.
- 14 Q Are any of those place settings disturbed?
- 15 A None.
- 16 Q And State's 47?
- 17 A That's part of the dining room here also.
- 18 Q Okay, investigator. You can have a seat back at this
19 point. I do have some questions.
- 20 A Okay.
- 21 Q If you'd like, if you need to refer to your notes,
22 did you gather anything else from bedroom two that we
23 have not put in? Specifically, will you look at
24 State's 169 and 160? I'm asking you, please tell me
25 if you recognize it, and did you gather it that day?

1 **A** Okay. Hold on a second. These are the items that
2 were gathered that were turned over to Investigator
3 Burns at the scene.

4 **Q** And what items were they?

5 **A** It's a checkbook cover and a driver's license.
6 Exhibit 169. And what's the driver's license?

7 **Q** 160.

8 **A** 160.

9 **Q** Where were these items found?

10 **A** They were in a bedroom, in bedroom number two.

11 **Q** In bedroom number two?

12 **A** Yes.

13 **Q** Okay. Up here?

14 **A** That's correct.

15 **MR. MEADORS:** Your Honor, we'd offer State's 160
16 and 169.

17 **MR. STRICKLER:** Without objection as to Mr.
18 Oliver.

19 **MR. MILLING:** No objection, Your Honor.

20 **MR. DELGADO:** No objection from Mr. Joy.

21 (WHEREUPON, State's Exhibit No. 160 is admitted
22 into evidence.)

23 (WHEREUPON, State's Exhibit No. 169 is admitted
24 into evidence.)

25 **Q** State's 160 is the driver's license of whom?

1 **A** It's Desiree Felder, one of the victims.

2 **Q** Beg the Court's indulgence. I'd ask you to look at
3 what's marked as State's 170 and 171, Officer Currie.
4 Just please tell me what they are?

5 **A** I'm sorry. Those are two beer cans that were found
6 in the -- hold on. Let me look and see. They were
7 on the -- they came from the screened-in porch.

8 **MR. MEADORS:** Your Honor, I now offer State's
9 170 and 171 with the agreement that the -- just a
10 notation on the evidence bag will be redacted.
11 Without objection I believe.

12 **MR. STRICKLER:** That's correct, sir.

13 **MR. MILLING:** Correct, Your Honor.

14 **MR. DELGADO:** That's correct for Mr. Joy.

15 (WHEREUPON, State's Exhibit No. 170 is admitted
16 into evidence.)

17 (WHEREUPON, State's Exhibit No. 171 is admitted
18 into evidence.)

19 **Q** Again subject to a redaction on the evidence form,
20 Your Honor, we'd offer -- well, do you recognize 156?

21 **A** Yeah. That's a CD.

22 **Q** Did you gather anything from the living room?

23 **A** Right. Collected out of the living room, that's
24 where the glasses came from, a CD case and of course
25 the shell casing.

1 **MR. MEADORS:** 156, Your Honor, subject to
2 redaction, without objection I believe.

3 **MR. STRICKLER:** Correct, sir.

4 **MR. MILLING:** That's correct, Your Honor.

5 **MR. JOY:** That's correct from Mr. Joy.

6 (WHEREUPON, State's Exhibit No. 156 is admitted
7 into evidence.)

8 **Q** Staying at Mildred Avenue still before we move on for
9 a second, could you look at State's 147; and just
10 tell me, do you know what this is and does it pertain
11 to anything you did at Mildred Avenue September 4th,
12 2005?

13 **A** Yes.

14 **Q** Just, it does?

15 **A** Yes, sir.

16 **Q** Thank you. State's 147. And, Your Honor, this is
17 for I.D. only at this point. What is State's 147 for
18 I.D. only?

19 **A** It's a gunshot residue kit.

20 **Q** All right. Tell these ladies and gentlemen, what is
21 a gunshot residue kit?

22 **A** A gunshot residue kit is a kit that has four vials in
23 it with a sticky surface and then six more for a
24 liquid with cotton swabs in it. What that does is,
25 you take the sticky surface and you put it on an

1 individual's hands, swab it. The same thing with the
2 cotton swabs that you had add distilled water to.
3 And you swab the hands. And what that does, it will
4 pick up any gunpowder or primer residue from a bullet
5 that was discharged.

6 Q And if using my hands, how do you do it?

7 A The sticky surface, just using a pen, the end of it,
8 the four of them, like I said, a sticky surface, you
9 would swab the palm, you would turn it over and you
10 would do the back; the same thing on the other hand.
11 And with the cotton swabs which are moistened with
12 distilled water and five percent nitric acid, you
13 swab the hands on the inside; and of course you turn
14 them over, then you swab the hands on the outside,
15 getting inbetween the fingers, pretty much all over
16 the hand to see if there's any -- again, if there's
17 any powder or primer residue on the hands which would
18 determine if you had fired a weapon or not.

19 Q And using this kit, do you get a control?

20 A Yes. That's why I said there were six. One of them
21 is for control. Then there is another vial that you
22 use with the cotton swabs. That would be used if you
23 have a shell casing. Then you also swab the shell
24 casing.

25 Q What do you do with this after you gather this

1 evidence?

2 A That is sealed and that is taken out to SLED trace,
3 and they are the ones that analyze that.

4 Q And who did you perform a gunshot residue kit, or who
5 did you apply it to?

6 A I did three of them pretty much right after I got
7 there. One of them was on the victim, Kevin Miller.
8 The other one was on George Batie. And the third one
9 was on Zondria McKie who -- do you want me elaborate
10 on that, why?

11 Q She has already testified.

12 A Right.

13 Q She was the one who discovered the bodies.

14 A Right. Okay. She was at the scene.

15 Q And is it your practice as a criminal investigator,
16 do you just swab hands?

17 A Yes, sir. Anybody that has walked into a scene, and
18 it benefits them more so than anything else simply to
19 prove that they were at the scene but I did not fire
20 a weapon. Or of course if it comes back positive, it
21 would indicate, yes, you were at the scene and you
22 fired a weapon.

23 Q Could it also mean that you didn't fire a weapon but
24 you received some residue in a defensive fashion?

25 Could that happen?

1 **A** Yes, sir. Any time you are in an enclosed area --

2 **MR. STRICKLER:** Your Honor, I object. He's not
3 been qualified in this area.

4 **MR. MEADORS:** He's been qualified in crime scene
5 investigation.

6 **MR. STRICKLER:** Slightly. We want specifics.

7 **MR. MEADORS:** I'll be happy to qualify him now.

8 **THE COURT:** Go ahead.

9 **Q** You testified how you apply a gunshot residue kit,
10 correct?

11 **A** That is correct.

12 **Q** Front and back?

13 **A** Right.

14 **Q** Then do you get a control, too, so it can be
15 compared?

16 **A** Yes, sir.

17 **Q** And why are you doing that? What are you trying to
18 compare?

19 **A** You're trying to see if gunpowder was wherever the
20 individual is or a weapon fired.

21 **Q** And what happens when a weapon is fired?

22 **A** When a weapon is fired, when the firing pin hits the
23 bullet, the primer sets off the gunpowder. The
24 gunpowder ignites. As a matter of fact, it's a
25 miniature explosion. And it forces the projectile

1 out of the bullet. When it comes out, it will also
2 take gunpowder and some primer along with it.

3 **Q** And what happens to that?

4 **A** Of course the gunpowder and primer will fog out. I'm
5 sure a lot of you have seen a muzzle flash on TV or
6 whatever. That's showing the gunpowder coming out.
7 That's what's burning. That is the fired part that
8 you see that comes out of a weapon.

9 **Q** So you take -- doing the gunshot residue kit on a
10 body?

11 **A** Yes.

12 **Q** To determine if what's there?

13 **A** To see if there is any gunpowder residue.

14 **Q** How how long can gunshot residue --

15 **MR. STRICKLER:** Now he's getting into the area
16 that he needs to be qualified in in order to testify
17 about it.

18 **MR. MEADORS:** Your Honor, I don't know how else
19 he can do it without telling them what it is.

20 **MR. STRICKLER:** That is the subject of the
21 expert testimony, Your Honor.

22 **Q** How many gunshot residue kits have you done?

23 **A** Whew. Hundreds.

24 **MR. STRICKLER:** Your Honor, may we approach?

25 **THE COURT:** Sure.

1 (Whereupon, a bench conference is had)

2 Q After you got the samples, you sent them to SLED,
3 correct?

4 A That is correct.

5 Q And that is what your practice is. Then SLED then
6 analyzes everything -- well, not everything -- this
7 type of evidence for the Columbia Police Department?

8 A That is correct.

9 Q Or did at that time, without question?

10 A I'm sorry?

11 Q Did at that time, without question, 2005, correct?

12 A Right.

13 Q All right. Staying in the house. We've got the
14 evidence in now. Tell the jury specifically -- if
15 you need to refer to your notes -- what you
16 processed, what you attempted to do at the scene.
17 Not the stuff you took back to CPD --

18 A Right.

19 Q -- but what you did at the scene?

20 A Okay. At the scene, as the pictures were shown
21 earlier, I collected the blood swabs. And I also
22 dusted the -- I processed the safe to see if there
23 were any fingerprints on it. And I will have to
24 explain fingerprints a little bit on this. There
25 were no identifiable prints found on that safe.

1 Q Explain that to the jury?

2 A When you're looking for fingerprints, when an
3 individual handles different items; the safe, for
4 instance, the safe is very heavy. When you pull on
5 it, when you tug at it -- and it appeared to have
6 been pulled out -- I can put my hand right here with
7 average amount of pressure, lift it up; my
8 fingerprints are going to be here.

9 I can put my hand here and move it just a couple
10 of millimeters. And I may have one or two friction
11 ridges, but pretty much mostly what I'm going to have
12 is just a smear because you have smeared the lines
13 that are running in your fingers that I need to make
14 an identification. Any time you pick up or move
15 anything heavy, chances are if you pick up on it, you
16 put too much pressure on it, you will flatten it out,
17 and we'll have absolutely nothing there.

18 Or if you're pulling on it, that safe there is a
19 little bit awkward, you pull it from one side to the
20 other, if you slide just the least bit, again pretty
21 much the only thing you are going to have is a smear.
22 Which you have a fingerprint there, yes; but it is
23 not identifiable. You can actually do nothing with
24 it. I cannot say who it belongs to.

25 Q So you tried to get them off the safe. Couldn't get

1 any?

2 A Could not get anything identifiable off that safe.

3 Q You -- I think -- you remember the glass table we
4 looked at a long time ago now? And you said you
5 pulled a latent print from the glass table?

6 A Right.

7 Q What, if anything, were you able to do with that?

8 A Okay. The glass table. The glass table, two of the
9 prints -- I lifted three prints together and put them
10 on one latent print card. Somebody had lifted the
11 table up. And two of the fingerprints were
12 identifiable and they came back to Desiree Felder.
13 The third one was also smeared and it was not
14 identifiable.

15 Q Did you have an occasion or did you dust the front
16 door and frame and hallway doors and frames for
17 latent prints?

18 A Yes, I did. I dusted the front door, and there was
19 negative unidentifiable prints. The hallway, the
20 hallway frame and the doors were also dusted, which
21 there was positive -- I did get positive results
22 again.

23 Q What about the bedroom number two door, the front
24 side lower right facing the door?

25 A Yes, sir.

1 Q Did you lift any latents from there?

2 A Yes, sir, I did. I lifted three latents from there,
3 and they were unidentifiable.

4 Q The ones you said were identifiable from the hallway
5 closet door, those came back to whom? Who did you
6 ...

7 A My identifiable prints were from the glass from that
8 little table in the hallway. Hallway closet door,
9 inside left above the doorknob and of course later on
10 a shoebox, all the prints that I lifted inside of
11 that residence that were identifiable except for the
12 shoebox belonged to Desiree Felder.

13 Q That's my next question. And when you're actually
14 dusting, I mean, is the dust I had on my hands, Mr.
15 Strickler had on his hands a minute ago, you're
16 actually dusting in and around the doorways, correct?

17 A Yes, sir.

18 Q And what is that you're putting on there?

19 A I'm sorry?

20 Q What are you dusting with? What are you doing?

21 A It is a fingerprint dust which is mostly made up of
22 graphite and volcanic ash.

23 Q Did you -- were there any identifiable prints from
24 the metal can, from the paper boxes?

25 A No, sir.

1 Q I think you testified check box with books; no
2 identifiable prints?

3 A Right. No identifiable prints. No, sir.

4 Q Staying within the fingerprint line, with the items
5 that you did bring back to the Columbia Police
6 Department --

7 A Yes, sir.

8 Q -- did you process those further? If so, what items
9 did you process and what results did you get, if any?

10 A I processed items that came out of bedroom number one
11 and bedroom number two. And on identifiable prints,
12 I lifted one identifiable print that came from the
13 Wilson shoebox that we have here.

14 Q And that came from bedroom what?

15 A That came out of bedroom number one.

16 Q And is that the shoebox depicted in State's 25?

17 A That is correct.

18 MR. MEADORS: Your Honor, at this time there's a
19 stipulation between the state of South Carolina and
20 Defendant Stanley Oliver through his attorney,
21 Mr. Doug Strickler, Dominic Gallman through his
22 attorney, Mr. Jonathan Milling, and Kenneth Joy
23 through his attorney, Mr. John Delgado, that an
24 Officer Sweatt did roll the prints of one Stanley
25 Oliver on October 1st, 2003 and that the known prints

1 of one Stanley Oliver are contained and are marked as
2 State's Exhibit 146.

3 **MR. STRICKLER:** 1 what?

4 **MR. MEADORS:** 146.

5 **MR. STRICKLER:** 146. And we so stipulate, Your
6 Honor.

7 **MR. MILLING:** No objection, Your Honor.

8 **MR. DELGADO:** The same from Ken Joy.

9 (WHEREUPON, State's Exhibit No. 146 is admitted
10 into evidence.)

11 **Q** You got a lab at the Columbia Police Department?

12 **A** Yes, we do.

13 **Q** Is that where you processed the rest of these?

14 **A** That is correct.

15 **Q** And specifically the shoeboxes you processed, but as
16 far as State's 133, you processed this?

17 **A** Yes, I did.

18 **Q** Tell them how you did it specifically?

19 **A** Again, that being a very smooth, glossy surface,
20 fingerprint dust is sufficient to try to find a
21 fingerprint. And I did lift a fingerprint from that
22 box.

23 **Q** And can you show these ladies and gentlemen where you
24 lifted it?

25 **A** Sure.

1 Q Can you stand up, please?

2 A Sure.

3 MR. MEADORS: Your Honor, if you don't mind, if
4 he'd come down one more time. Madam Court Reporter,
5 State's 133.

6 A You can actually see where, like I said, when you
7 lift a fingerprint, you take just regular clear tape
8 and you put it over the print where it is and you put
9 it on a latent print card. You can see right here
10 where the tape was where I lifted that fingerprint
11 from.

12 Q And does this box have a top that comes on and off,
13 or is this attached?

14 A Just as it is. It's attached.

15 Q The fingerprint you lifted was where? If you'd just
16 point to it?

17 A Right here.

18 Q You took it back to the latent -- you can have a
19 seat -- back to your lab, correct?

20 A That's correct.

21 Q And at that point did you have an identifiable print?

22 A Yes, I did.

23 Q And what, if anything, did you do with that?

24 A That fingerprint I entered, as I told you before,
25 into AFIS, the Automatic Fingerprint Identification

1 System, which it is a data base of fingerprints where
2 you enter the print and it gives you numerous
3 possibilities of who that fingerprint might belong
4 to. It cannot and will not make a match. It cannot
5 tell you this fingerprint belongs to this individual
6 or that individual. You still have to manually find.

7 When I ran that print through AFIS, I got back
8 18 possibilities as to who that fingerprint might
9 belong to. Due to the minutia that you enter, it may
10 fit several prints but the minutia would be in a
11 completely different area opposed to if it is a
12 match. I physically have to look at the fingerprints
13 to make a match myself.

14 Q And as a result of that, did you obtain a known
15 fingerprint, State's 146, of Stanley Oliver?

16 A That is correct.

17 Q And so that led you to that fingerprint, the known
18 print?

19 A Right. Once I have a possible suspect, then I still
20 have to get the known prints of the individual that
21 it gives me the name to. In other words, if AFIS
22 says this fingerprint that you have selected belongs
23 to John Doe, then I still have to find John Doe. I
24 have to get his known prints to make a physical
25 match.

1 Q And that's what you did?

2 A Yes, sir.

3 Q It led you to Stanley Oliver. You then got known
4 prints of Stanley Oliver?

5 A That's correct.

6 Q 146?

7 A That's correct.

8 Q And what did you do with the known prints of Stanley
9 Oliver and the latent print that you gathered from
10 the Wilson shoebox, State's 133, if anything?

11 A I compared them and matched them.

12 Q Okay. Now, how do you do that?

13 A When you're looking at a fingerprint, of course you
14 look at what kind of fingerprint it is. There are
15 different kinds of fingerprints, your main ones being
16 loops, swirls and arches. So if I lift a loop from
17 an item and my suspect doesn't have any, it wouldn't
18 do me much, very good. But if I see, yes, my suspect
19 also has a loop, then I look at the distance between
20 the core and the delta of the fingerprint which can
21 be two, three ridges or it can be 15 or 20 ridges.
22 That gives me an indication.

23 Of course then I look for characteristics. It's
24 called characteristics or points that are in your
25 fingerprints, the ridges that you have running across

1 your fingers. You look for characteristics which
2 mainly are ending ridges and bifurcation or what's
3 called a splitting ridge. It's a ridge that runs and
4 splits. Sometimes two of them come together. It
5 could be an island. Occasionally you will have just
6 a dot. You look for points of identification that
7 match pretty much exactly from one to the other. And
8 that is how you make a match on a fingerprint.

9 Q Did you produce anything and then bring something to
10 court today that would help you in your explanation
11 to the jury?

12 A Yes, sir.

13 Q Would you please step down. With the Court's
14 permission?

15 THE COURT: Yes, sir.

16 Q If you'd just go on this side, please --

17 A Yes, sir.

18 Q -- so the court reporter can see you. Come around
19 where I am, please.

20 A Okay.

21 Q Referring to what's now State's 41 (sic), Your Honor,
22 without objection.

23 COURT REPORTER: 141? I thought you said 41.
24 You mean ...

25 MR. MEADORS: 141. Sorry. I apologize.

1 (WHEREUPON, State's Exhibit No. 141 is admitted
2 into evidence.)

3 Q What is 141?

4 A That is showing the latent print that I lifted from
5 that shoebox against the known print of the suspect.

6 Q State's 146, correct?

7 A Right.

8 Q And that does have the name of Stanley Oliver on
9 State's 146?

10 A Yes, it does. Okay. Here this is a printout from
11 the AFIS machine after I charted the print showing
12 the different points of identification. Again, as I
13 mentioned before, we are looking -- in this situation
14 right here, I'm looking for a loop. This here is
15 what is called a left-handed loop as far as a type of
16 fingerprint it is.

17 My comparison here has the same thing. So, one
18 of the -- then you look for specific points of
19 identification, as I mentioned before. And you can
20 just pop up and easily say I'm just going to go to
21 number 15. You can clearly see right here, ladies
22 and gentlemen, you have a ridge coming in and it
23 splits. It goes in two different directions. Go to
24 number 15 right here. You have a ridge that comes in
25 and it splits and it goes in separate directions.

1 Then I count, go back to before it splits, count
2 down one ridge and I have the same situation. Then I
3 go over here. I go to where it comes in. I go down.
4 Here I have the same situation again. You see where
5 the friction ridge splits. So I go back to where it
6 starts and I count two more, and I have the same
7 situation again as is right here.

8 And shown here on top, as I told you before,
9 sometimes you'll have two of them come together
10 forming what's called an island. And we come down
11 here. And on number 12 and 13, you have where a
12 splitting ridge is right here, a splitting ridge is
13 right here, and it forms an island.

14 And you just continuously count. Everything has
15 to be exactly the same. They have to be the same
16 amount of ridges, the same type of characteristic.
17 And as you count, just like I did right here, you've
18 got one count here; you've got two counts between
19 there. Then you go one, two, three, four, five, six;
20 you'll have another one there, and that's this one
21 right here; and you just continue on top and bottom
22 of the print.

23 We do not have in the United States a set
24 regulation as to how many points or characteristics
25 that you can have in a print to make a match. The

1 Columbia Police Department crime scene unit has, we
2 have to have at least ten points. Now, this, I
3 don't -- I think at 24 points is what I placed into
4 the AFIS computer. I charted out 20 here, double
5 what is required by us.

6 Q You had mentioned Scotland Yard in my personal
7 conversation with you earlier?

8 A Right. Some countries do have a minimum amount of
9 characteristics before you can call it. And in
10 England, Scotland Yard, it is my understanding they
11 have to have 14 points to make a positive match.

12 Q How many do you have here with the latent print and
13 the known?

14 A I've got 20 that I've charted out. And there are
15 more in there.

16 Q Are everybody's fingerprints different?

17 A Yes, sir. Everybody's fingerprints are different.
18 There is no two alike in the whole world.

19 Q And based on your examination and based your
20 experience in the field of fingerprints and as a
21 fingerprint expert, can you conclusively tell these
22 ladies and gentlemen of this jury who made the latent
23 print that was left in the house of Mildred Avenue?

24 A Mr. Oliver made it. That is -- that is his
25 fingerprint that I lifted from that shoebox that came

1 out of the room, bedroom number one.

2 Q You can have a seat back, please. Before we move on
3 to the storage facility, are there certain surfaces
4 that are more conducive to getting fingerprints than
5 others? I've forgotten. I'm sorry.

6 A That is very true.

7 Q Can you explain that?

8 A You pretty much have to have a smooth surface that
9 does not have any interruption in it or which will --
10 because when you break the fingerprint up, then you
11 can no longer count inbetween your ridges. If you
12 have a porous object, it is very hard to try to lift
13 a fingerprint intact.

14 But any time you have, whether it's metal,
15 plastic, glass, even wood; if you have a smooth
16 surface, your chances of picking up a fingerprint are
17 very good unless of course you don't know whether
18 it's going to be identifiable or not. But that is
19 what you need to lift a fingerprint.

20 Q Okay. Co-counsel tells me I didn't, and if I didn't,
21 I apologize. We offer State's 141. I thought I did,
22 but if I didn't --

23 MR. STRICKLER: I have no objection.

24 MR. MILLING: No objection, Your Honor.

25 MR. DELGADO: No objection from Ken Joy.

1 **MR. MEADORS:** Thank you.

2 (WHEREUPON, State's Exhibit No. 141 is admitted
3 into evidence.)

4 **Q** And as far as back for the I.D. on the GSR kit, 147
5 for I.D. only, did you log this in at the Columbia
6 Police Department?

7 **A** Yes, I did.

8 **Q** Now, you were at Mildred Avenue September 4th, 2005?

9 **A** Yes, sir.

10 **Q** Did you go back there?

11 **A** Yes, sir.

12 **Q** When?

13 **A** I went back the next day.

14 **Q** And how had the scene been secured, if any, between
15 the 4th and the 5th?

16 **A** There was an officer placed at that residence at all
17 times.

18 **Q** Did you go back to the scene after the 5th? Yes.
19 After September 5th, 2005, did you go back on the
20 6th?

21 **A** No, sir.

22 **Q** When you went back on the 5th, why did you go back on
23 the 5th?

24 **A** On the 5th I went back to -- we did -- I looked for
25 some more fingerprints in the hallway. And that's

1 when I collected the blood samples.

2 Q So the 4th you collected the evidence, took pictures?

3 A Right.

4 Q The 5th you get the swabs?

5 A Right.

6 Q And check for some more prints?

7 A That is correct.

8 Q And finally, the only identifiable prints besides the
9 Wilson box in that house were from whom?

10 A Was from Ms. Felder.

11 Q We're getting close to being through, Officer.

12 A I'm sorry?

13 Q Did you have an occasion to go to another scene in
14 this case, a storage facility?

15 A No. I did not go to a storage facility.

16 Q Did you have an occasion to examine a truck that had
17 come from a storage facility?

18 A Yes, I did.

19 Q My fault. Looking at State's 48, State's 49, State's
20 50, 51; this is 51?

21 A Right.

22 Q So, State's 48, 49, 50 and 51; do you recognize
23 these? Do they relate to this case? And do they
24 fairly and accurately represent what Pete Currie's
25 eyes saw that day?

1 **A** Yes, it does.

2 **MR. MEADORS:** Your Honor, we'd now offer these,
3 I believe without objection.

4 (Pause)

5 **Q** When did you see --

6 **COURT REPORTER:** Is there an objection?

7 **BY MR. MEADORS**

8 **Q** Well, I've got to ask one more question. Thank you.
9 State's 48, 49, 50 and 51, when did you see these
10 items, this item or items? Just timeframe. What
11 date?

12 **A** That was the 7th.

13 **Q** Of September?

14 **A** September the 7th.

15 **Q** 2005?

16 **A** 2005.

17 **MR. STRICKLER:** I have no objection, Your Honor.

18 **MR. MILLING:** We have no objection, Your Honor.

19 **MR. DELGADO:** No objection from Ken Joy.

20 (WHEREUPON, State's Exhibit No. 48 is admitted
21 into evidence.)

22 (WHEREUPON, State's Exhibit No. 49 is admitted
23 into evidence.)

24 (WHEREUPON, State's Exhibit No. 50 is admitted
25 into evidence.)

1 (WHEREUPON, State's Exhibit No. 51 is admitted
2 into evidence.)

3 Q And look what's marked 144, do you recognize it?
4 Does it relate to this?

5 A Yes, it does. It is a bag, black bag.

6 Q Does it relate to your testimony?

7 A Yes, sir.

8 Q All right.

9 MR. MEADORS: Your Honor, subject to a redaction
10 again on the front of the evidence bag, State's 144 I
11 believe is without objection.

12 MR. STRICKLER: That's correct, sir.

13 MR. MILLING: No objection, Your Honor.

14 MR. DELGADO: No objection.

15 (WHEREUPON, State's Exhibit No. 144 is admitted
16 into evidence.)

17 Q Pete, what's 48?

18 A Okay. That's the front of a 1989 Toyota pick-up
19 truck.

20 Q And what, if anything, were you asked to do with
21 State's 48, this pick-up truck?

22 A I was asked to process that vehicle for evidence,
23 look to see if -- well, I always process
24 automatically fingerprints, see if we could find any
25 guns or contraband or whatever inside of it.

1 Q State's 49 and State's 50, is that also the truck?

2 A That is also the truck. Right.

3 Q You were not present when -- wherever this truck was
4 taken from, you weren't there?

5 A No, I was not.

6 Q You just saw it when it was brought back to
7 headquarters?

8 A It was brought back and I was requested to process
9 it.

10 Q And how did you do that?

11 A At first I looked for fingerprints. The truck was
12 pretty nasty. One of the things that will handicap
13 you on fingerprints also, it was very hot those
14 couple of days that we worked this case; very hot.
15 It was my understanding that vehicle was inside of a
16 storage place shut up. So if it was 90 degrees
17 outside, it was probably 100 degrees on the inside of
18 it.

19 Fingerprints, unless you have oil or some
20 substance on them, they are made up of 97 percent
21 secretions. That is all it is. When you put a
22 little bit of secretion in 110-degree heat, it won't
23 last very long; it's gone.

24 I did not get any fingerprints off the vehicle.
25 Searching under the seats, all around it, I did not

1 find anything that would be of any good to this case.
2 When I lifted the back seat forward though, I found
3 this bag right here with about \$49,210 in it.

4 Q Hold on before we get to that.

5 A Okay.

6 Q But you dusted the vehicle for latents and no
7 identifiable prints?

8 A Right.

9 Q You also searched it?

10 A That's correct.

11 Q And when you searched it, you found how much?

12 A When we counted it, there was four or five of us
13 investigators, it was \$49,210.

14 Q That's in State's -- you took a picture of it?

15 A Yes, sir.

16 Q You counted it, documented it?

17 A Yes, sir..

18 Q And what's State's 144?

19 A That's the bag right here.

20 Q Okay. The bag that's inside the truck?

21 A That's correct.

22 Q Specifically now, where was this money in the truck?

23 A The money was pretty much in the middle of -- behind
24 the back seat. All pickup trucks -- well, this --
25 you only have one seat in that truck there. And the

1 seat, the back of the seat folds back and forth. So
2 when you fold that seat forward, that's when I found
3 that bag.

4 Q So that's my next -- I'm looking at State's 50. If
5 you just looked into the cab, Officer Currie, would
6 you have seen the money right off the bat?

7 A No.

8 Q So what did you have to do to find the money?

9 A I pulled that seat forward.

10 Q Your testimony I believe was no identifiable prints
11 on that. Did you have an occasion to examine any
12 other vehicles in this case?

13 A We did check several other vehicles. Yes, sir.

14 Q Could you tell us about it real quick?

15 A Yes, sir. There were a couple of vehicles that were
16 at the scene. And --

17 Q When I say real quick, take your time. I didn't mean
18 that.

19 A Oh, okay.

20 Q Did you examine a 1997 Toyota truck?

21 A Yes, I did.

22 Q Okay.

23 A Okay. The Toyota truck belonged to one of the
24 victims. Then there was a 1988 Jaguar and a 2003
25 Nissan. Those vehicles appeared to have -- of course

1 we ran the tag number. They belonged to the
2 residents there. We weren't going to leave them
3 there to start off with, but we did want to bring
4 them in; again, to see if there's any kind of
5 evidence, guns, drugs, fingerprints or whatever that
6 were on them that might help us in this case.

7 Q So the 1997 Toyota truck, did you find any latent
8 prints?

9 A No, I did not.

10 Q What's the next car?

11 A The next one was the green Jaguar. There was nothing
12 identifiable. There were prints on the vehicle but
13 they were not identifiable to where you could make
14 any kind of a match on them.

15 Q And again, not being identifiable means that --

16 A Means there is not enough characteristics in the
17 fingerprint to say, yes, this fingerprint belonged to
18 this person or that person.

19 Q Did you examine another vehicle?

20 A Yes, sir. A 2003 --

21 Q Or process it. I apologize.

22 A A 2003 Nissan burgundy vehicle. I processed it for
23 fingerprints. And I did lift a fingerprint from the
24 passenger door. Do you want me to go ahead with it?

25 Q Sure. Yes, sir.

1 **A** Okay. That print -- on the outside of the door.
2 That print was identifiable. That print I entered
3 into AFIS, the Automatic Fingerprint Identification
4 System. And that fingerprint came back to a Rasheed
5 Ramone Rucker.

6 **Q** Beg the Court's indulgence. In reviewing these
7 pictures, going back to the safe, look at State's
8 157. Is that a -- do you recognize that?

9 **A** Yes, sir.

10 **Q** What's that a picture of?

11 **A** That is the hallway inside the residence with the
12 safe.

13 **MR. MEADORS:** Your Honor, we'd offer State's
14 157.

15 **MR. STRICKLER:** Your Honor, at this point I'd
16 have to object. It's cumulative.

17 **MR. MILLING:** The same objection, Your Honor.

18 **MR. DELGADO:** The same objection.

19 **THE COURT:** I guess I'll have to look at them.

20 **MR. MEADORS:** Can I ask one more question?

21 **Q** Is this a different picture from any other picture
22 that's been offered in evidence of the safe? Yes or
23 no?

24 **A** Yes, it is.

25 **THE COURT:** Cumulative as to what other

1 pictures?

2 **MR. STRICKLER:** I'll have to go find them, Your
3 Honor.

4 **THE COURT:** Well, he says it's different.

5 **MR. MEADORS:** It's a different angle.

6 (Pause - attorneys confer)

7 **MR. STRICKLER:** To be specific, Your Honor, we
8 submit State's 36, 37, 40, 39, all of which have been
9 admitted without objection on our part, sufficiently
10 cover that which is depicted in 144 or whatever it
11 is.

12 **MR. MEADORS:** Your Honor, our argument is 140
13 ... 157 is a broader view of the safe which is not
14 entered in evidence. We'd ask Your Honor to allow
15 that to go in.

16 **THE COURT:** Well, No. 140 and 157 appear to be
17 basically the same, just taken from a longer angle.
18 The only additional items in 157 are what appear to
19 be a Kleenex box or a shoebox, some of which may or
20 may not be introduced into evidence. I'll overrule
21 your objection. Go ahead.

22 (WHEREUPON, State's Exhibit No. 157 is admitted
23 into evidence.)

24 **MR. STRICKLER:** Thank you, Your Honor. I just
25 ask the record to reflect that we reviewed these

1 yesterday and that was --

2 **THE COURT:** Well, they were, but number 157 was
3 not on the list.

4 **MR. STRICKLER:** Because it wasn't reviewed with
5 you, sir. It was reviewed with us.

6 **MR. MEADORS:** That's correct. Exactly. It was
7 not offered yesterday. It's the only other one we
8 have to offer.

9 **THE COURT:** Just move on. We'll take that up at
10 lunchtime.

11 **Q** Investigator, you found one shell casing, correct?

12 **A** That is correct.

13 **MR. STRICKLER:** Asked and answered, Your Honor.
14 Objection.

15 **THE COURT:** Overruled.

16 **Q** And as a part of the investigation, do you know what
17 other officers went out there and searched the next
18 day also for evidentiary items, specifically
19 Investigator Rose?

20 **A** Investigator Rose and Sergeant Steedly.

21 **Q** Thank you. Beg the Court's indulgence. Thank you.
22 That's all I have.

23 **THE COURT:** All right, ladies and gentlemen.
24 It's 1:00. Let's take our lunch break at this time.
25 I'll ask you to be back in the jury room at 2:15.

1 That will give you a little over an hour. Again,
2 don't discuss the case among yourselves when you
3 return to the jury room or with anyone else over the
4 lunch break. I hope you have a pleasant lunch.
5 We'll see you at 2:15. Thank you very much.

6 (Jury out at 12:58 p.m.)

7 **THE COURT:** Officer Currie, you may come down,
8 but don't discuss the case. As a matter of fact, I'd
9 just as soon you not even talk with any of these
10 lawyers. Just have a pleasant lunch. We'll see you
11 at 2:15. We'll stand at ease until 2:15.

12 **THE WITNESS:** Yes, sir.

13 (Whereupon, a lunch break is taken)

14 **THE COURT:** The State ready to proceed?

15 **MR. MEADORS:** The State is ready.

16 **THE COURT:** Is the defense ready to proceed?

17 **MR. STRICKLER:** Yes, Your Honor. But for I
18 would request, Your Honor, we've had the first
19 expression of an expert opinion given in this case.
20 I'd ask Your Honor instruct the jury as to what
21 expert testimony is.

22 **MR. MEADORS:** No objection.

23 **MR. STRICKLER:** I don't know what your habit,
24 practice is in that regard. Some people instruct or
25 some judges --

1 **THE COURT:** I'll do it. I generally do it
2 during closing instructions. But it's no big deal.
3 I mean, I'll do it now.

4 **MR. MEADORS:** We have no objection.

5 **MR. STRICKLER:** Thank you. But for that, I'm
6 ready to proceed; yes, sir.

7 **THE COURT:** How about the other defendants?

8 **MR. MILLING:** Yes, Your Honor.

9 **MR. DELGADO:** We're ready, Your Honor.

10 **THE COURT:** All right. Bring the jury, please.
11 (Jury in at 2:26 p.m.)

12 **THE BAILIFF:** Your Honor, the jury is present.

13 **THE COURT:** Thank you very much, ladies and
14 gentlemen. I hope you had a pleasant lunch. We're
15 now ready to continue with the trial.

16 One thing I do want to mention to you before the
17 cross examination is that the last expert
18 testified -- you've heard some discussion among
19 myself and the attorneys about the ability of a
20 witness to testify or to give opinions.

21 Ordinarily in a trial what we call lay witnesses
22 or people who are not otherwise skilled but come
23 testify about what they know, hear or saw, that sort
24 of thing, and cannot offer opinions. In other words,
25 somebody who is an ordinary witness, shall we say, is

1 not eligible to offer opinions.

2 Now, this witness was allowed to give his
3 opinion as to certain things. And the reason that
4 took place was because I determined that he was
5 qualified to do that by his training and experience,
6 that he under our rules is able to give opinion
7 because he has studied about some particular subject.

8 So there'll be times, there may be other times
9 during the course of the trial when other witnesses
10 are called as experts, and either the State or the
11 defense will go through some basic qualification as
12 to their background and their experience, the fact
13 that they've testified before, their education,
14 things like that. And I will either designate them
15 as an expert witness or not. But in the long run all
16 that means is that that person is allowed to testify
17 to an opinion.

18 And as far as you are concerned, are you to just
19 gauge that testimony as you would any other witness.
20 It doesn't mean that his testimony or her testimony
21 is any better than anybody else's. It's just that
22 they are qualified by some particular experience to
23 offer an opinion. But you are to judge it based on
24 the same factors that you would use for any other
25 witness in terms of their credibility. So I just

1 wanted to bring that to your attention. Mr.
2 Strickler.

3 **MR. STRICKLER:** Yes, sir. Thank you very much.

4 **THE COURT:** Cross examination.

5 **MR. STRICKLER:** May it please the Court.

6 CROSS EXAMINATION

7 **BY MR. STRICKLER**

8 **Q** Good afternoon, Mr. Currie.

9 **A** How are you, sir?

10 **Q** Fine. Thank you, sir. Towards the end of your
11 testimony when you were talking with Mr. Meadors you
12 indicated the fingerprint, the latent on that chart
13 that you have there in the comparison with the AFIS
14 print was that of Stanley Oliver, correct?

15 **A** That is correct, sir.

16 **Q** Okay. And when you did that, you expressed your
17 opinion in that regard, correct? It is your opinion
18 that is his print?

19 **A** Yes, sir.

20 **Q** Okay. Now, Mr. Currie, when did you arrive on the
21 scene? Date and time?

22 **A** Approximately about I'd say anywhere from 45 minutes
23 to an hour after the police, Columbia Police
24 Department units arrived. And I believe they arrived
25 right there about 12:00 at noon.

1 Q Do you have any notes reflecting your activities in
2 this case?

3 A Yes, sir.

4 Q When do your notes reflect you arriving on the scene?

5 A They don't.

6 Q Well, Mr. Currie, would it be fair to say that you
7 have no independent recollection as to when you
8 arrived on the scene?

9 A No independent -- I'm sorry?

10 Q You don't know when you arrived on the scene, do you?

11 A Approximately 45 minutes to an hour after police
12 arrived. Yes, sir.

13 Q And you believe they arrived about noon. How about
14 they arrived sometime after 5:00?

15 A It's on the incident report, sir.

16 Q Yes, sir. But I'm asking you as to your records.
17 You testified you believe they arrived about noon.
18 You don't have any notes of your own, I understand
19 it, to reflect when you actually arrived there.
20 Correct?

21 A That is correct, sir.

22 Q Okay. Now, I believe you indicated that a crime
23 scene investigator photographed, collected evidence
24 and processes evidence, correct?

25 A Yes, sir.

1 Q Okay. And if I understand, you've got examples of
2 photographs you've taken and evidence that's
3 collected, and you testified about some of the
4 processing that's done?

5 A Yes, sir.

6 Q And the photographing part of it is to document the
7 evidence as it is observed on the scene, correct?

8 A That is correct, sir.

9 Q Okay. So the work of photographing it is to document
10 it so that it's available for us to look at down --
11 or anyone to look at -- further down the line, right?

12 A That is correct, sir.

13 Q Now, you indicated that the scene was secured when
14 you arrived?

15 A That is correct.

16 Q And then you indicated, I believe you indicated that
17 you came back the following day?

18 A That is correct.

19 Q Okay. And the scene had been secured overnight?

20 A That is correct.

21 Q What officers secured the scene?

22 A I'm not sure about that. All I know is a police
23 officer was there, sir. I don't recall who the
24 police officer was. They keep track of that.

25 Q Who keeps track of that?

1 **A** Their supervisors I would assume.

2 **Q** Do you know of your own independent recollection, do
3 you have any independent knowledge that there was an
4 officer securing the scene overnight?

5 **A** No, sir. I wasn't there overnight.

6 **Q** Okay. But certainly someone with the City of
7 Columbia Police Department was responsible for that
8 and someone kept a record of it, right?

9 **A** That's my understanding, because somebody has to be
10 dispatched there.

11 **Q** Wouldn't it be fair to say or fair to say that
12 correct procedure in the case would be to go ahead
13 and secure the scene overnight?

14 **A** I'm sorry. Repeat it. Please?

15 **Q** Wouldn't it be a correct statement to say that
16 correct procedure would be to secure a scene
17 overnight?

18 **A** Yes, sir. That's what --

19 **Q** Okay. You're sure about that. There's no question
20 about that?

21 **A** No question about that.

22 **Q** Okay. And why bother to secure it at all if you're
23 just going to unsecure it and then come back later,
24 right?

25 **A** Exactly.

1 Q But as to whether that was done in this particular
2 case, well, that's not part of your job, right?

3 A No, sir.

4 Q So you can't tell us whether or not it was done in
5 this case?

6 A Not while I wasn't there.

7 Q Right. Just that it should have been done anyway,
8 right?

9 A Right.

10 Q Okay. And if I have any questions about that, I'm
11 going to need to ask about whether it was actually
12 done and who did it, then I'm going to need to ask
13 somebody else about that, right?

14 A Exactly.

15 Q Okay. Well, that's fine. Thank you. Now, I take it
16 that you personally had never been to that house
17 before?

18 A No, sir.

19 Q In your life, correct?

20 A No, sir.

21 Q Either in a personal or a professional capacity,
22 right?

23 A No, sir. Never.

24 Q Okay. So you have no personal knowledge as to how
25 that house usually appears, correct?

1 **A** That is correct, sir.

2 **Q** You know how it appeared on September 4th when you
3 got there?

4 **A** Yes, sir.

5 **Q** I mean, you made some assumptions based on the
6 appearance of some rooms as opposed to the appearance
7 of other rooms, right?

8 **A** That's correct, sir.

9 **Q** Okay. Now, I'm not going to go through each and
10 every one of the pictures with you.

11 **A** Okay.

12 **Q** Okay. As to -- I'm just trying to think. As to --
13 let's see -- the dining room?

14 **A** Yes, sir.

15 **Q** It's got the dining table in it with the table
16 settings and this and that?

17 **A** Yes, sir.

18 **Q** What identification procedures, what work did you do
19 in that room?

20 **A** None.

21 **Q** None? Okay. And there was another room in the house
22 that you didn't do any work in also. Am I correct?

23 **A** The den.

24 **Q** The den?

25 **A** Yes, sir.

1 Q I thought there was. I just couldn't remember which
2 room it was. Thank you. And that was based on, if I
3 understood your testimony, you looked at the areas
4 that appeared to have been disturbed?

5 A Correct.

6 Q Those are the areas that you concentrated on?

7 A Yes, sir.

8 Q And that's where you collected the evidence that
9 you've come in here and testified to us about?

10 A Yes, sir.

11 Q Okay. So, if there were prints in either the dining
12 room or the den, they weren't collected. You never
13 even bothered to look for them in there, right?

14 A I did not look for them, and there is a reason for
15 that, sir.

16 Q Okay. And your viewing of those rooms led you to
17 believe that there was nothing of any evidentiary
18 value in those rooms?

19 A No, sir. Not necessarily. If I may explain. When
20 you are talking about the living room, when you are
21 talking about the dining room, when you are talking
22 about the den, it is more or less what I consider a
23 common area. I know that Mr. Batie had a lot of
24 company, a lot of people that came to his home. And
25 they would go into the dining room, into the living

1 room. But I don't know of too many people he would
2 invite to a bedroom.

3 Q And whatever the traffic was that came through his
4 house, the lot of people that you know came there --

5 A I'm sorry. I did not say I knew anybody that came
6 there.

7 Q You said you knew that there were a lot of people
8 came through his house.

9 A Most people have friends and they do come visit and
10 they do spend time together but generally only in
11 certain areas.

12 Q And the den and the dining room, whatever people from
13 outside the household that came, that came to those
14 rooms, if they left prints behind, we don't know
15 about them; those areas weren't tested, correct?

16 A That is correct, sir.

17 Q They were not processed by you or to your knowledge
18 anyone else from the City of Columbia, correct?

19 A That is correct.

20 Q All right. Now, you've testified about a .40 caliber
21 shell casing that you recovered on that date when you
22 came to the house, correct?

23 A That's correct, sir.

24 Q And you came back the following day and you recovered
25 another shell casing. Is that correct?

- 1 A No, sir.
- 2 Q No?
- 3 A No, sir.
- 4 Q You lifted prints from a glass coffee table?
- 5 A Yes, sir.
- 6 Q Was it in the living room?
- 7 A It was in the hallway there.
- 8 Q The hallway. And was that the area that one of them
- 9 turned out to be from Ms. Felder?
- 10 A Yes, sir.
- 11 Q The other two were unidentifiable?
- 12 A No. Two were identifiable. One was not
- 13 identifiable.
- 14 Q Two were from her?
- 15 A I'm going to -- all three of them were together.
- 16 Q Okay.
- 17 A Two of them I was able to identify. The other one I
- 18 couldn't. But I'm going to assume it was hers since
- 19 they were right next to the other two and they fit to
- 20 come from one hand.
- 21 Q Okay. The fact that you -- you lifted a number of
- 22 what you call latent prints?
- 23 A Yes, sir.
- 24 Q Prints that are deposited on a surface by someone.
- 25 Those were prints. There's no question about that,

1 right?

2 A Yes, sir.

3 Q Okay. And you've explained that you can't always
4 identify where they come from and you've explained
5 some of the reasons why that might be?

6 A Yes, sir.

7 Q That does not negate the fact that those weren't
8 prints, right?

9 A That's correct.

10 Q And that does not say who those prints were from,
11 correct?

12 A No, it doesn't.

13 Q That does not say they were from Stanley Oliver?

14 A That's right.

15 Q It equally does not say -- it does not exclude the
16 possibility they weren't from someone else entirely?

17 A I have no idea who they belonged to.

18 Q No idea.

19 A No idea.

20 Q No idea. As opposed to the print on the door to Mr.
21 Batie's car --

22 A Yes, sir.

23 Q -- that you were able to identify and you do have an
24 opinion?

25 A Yes, sir.

- 1 Q Just as you do about Mr. Oliver, you do have an
2 opinion that it was from one Rasheed Rucker, correct?
- 3 A Rucker. Yes, sir. Mr. Rucker.
- 4 Q Okay. A print on the victim's car from one Rasheed
5 Rucker?
- 6 A Yes, sir.
- 7 Q Correct? And that, if I understood your testimony
8 correctly, was from the exterior of the passenger
9 door?
- 10 A Yes, sir.
- 11 Q Okay. Now, you testified at some point on direct
12 that when you processed the truck --
- 13 A Yes, sir.
- 14 Q -- that had been towed in --
- 15 A Which one are you talking about, sir?
- 16 Q I'm sorry. The truck, the one that you processed
17 that you found the money in.
- 18 A The money? Okay.
- 19 Q That you weren't surprised you didn't find any
20 prints. Your understanding was it had been in a
21 storage area?
- 22 A Yes, sir.
- 23 Q It had been hot?
- 24 A Yes, sir.
- 25 Q Like that. And prints I guess in that sort of

1 situation can evaporate?

2 A Exactly, sir.

3 Q As a general proposition however, while they are
4 subject to environmental variables, you can't say how
5 long a print can stay on a surface?

6 A Not really. According again to conditions of
7 temperature and weather.

8 Q You'd have to know all of the conditions surrounding
9 the prints since it was deposited on the surface?

10 A Exactly, sir.

11 Q Okay. Some could stay for a very long period of time
12 and some in the kind of conditions that you're
13 talking about you would expect to be gone fairly
14 rapidly, right?

15 A Yes, sir.

16 Q Okay. Now, the print that you've identified as
17 belonging to Mr. Oliver, and you pointed out if I
18 remember correctly where you lifted it?

19 A Yes, sir. Right there.

20 Q From this, State's 133. You don't know when that was
21 deposited?

22 A No, sir.

23 Q Okay. Do you know when that shoebox came into the
24 possession of Mr. Batie?

25 A No, sir.

- 1 Q Okay. You testified about checking this safe here
2 marked as State's 159?
- 3 A Yes, sir.
- 4 Q Did you use black powder on that?
- 5 A Some parts of it black powder; others magnetic
6 powder.
- 7 Q Magnetic powder. There are a number of procedures
8 you can use to go ahead and try to visualize prints,
9 right?
- 10 A Yes, sir.
- 11 Q Okay. Depending on the condition of the surface,
12 black powder, magnetic powder?
- 13 A Right.
- 14 Q I believe you mentioned ninhydrin earlier?
- 15 A Right.
- 16 Q Superglue?
- 17 A Right.
- 18 Q That sort of thing?
- 19 A Right.
- 20 Q Some work better on different surfaces than others,
21 right?
- 22 A Exactly, sir.
- 23 Q Okay. But is it fair to say that you tested every
24 surface that could be tested on this safe?
- 25 A Yes, sir.

1 Q For the presence of prints?

2 A Yes, sir.

3 Q Did you find any smudges on it?

4 A Yes, sir. I think I mentioned that, smears and
5 smudges.

6 Q Nothing identifiable?

7 A Exactly.

8 Q But prints?

9 A Prints; yes, sir.

10 Q No question in your mind that they were consistent
11 with the kind of marks that would be left by human
12 fingers, right?

13 A Yes, sir.

14 Q Can't say whether they were Stanley Oliver's, can't
15 say whose they possibly could have been, right?

16 A I have no idea.

17 Q All right. Just, sir, as you have no idea as to
18 what, if anything, was inside that safe, right?

19 A That is correct.

20 Q Right?

21 A That is correct.

22 Q All you know sitting there right now that safe was
23 empty as the day is long on September 4th, 2005?

24 A That's correct, sir.

25 Q Right? Prior to anything happening?

- 1 **A** That is correct.
- 2 **Q** Do you have your notes with you there on the stand as
- 3 you had earlier, sir?
- 4 **A** Yes, sir.
- 5 **Q** The last thing, I have what are marked as two pages
- 6 from your initial notes, the end being one Verizon
- 7 cellphone and black wallet?
- 8 **A** Yes, sir.
- 9 **Q** And a driver's license?
- 10 **A** Yes, sir.
- 11 **Q** Okay. Those you returned to Investigator Burns?
- 12 **A** I turned them over to Investigator Burns. That's
- 13 correct.
- 14 **Q** That would be Gertrude Burns?
- 15 **A** Gertrude Burns.
- 16 **Q** Was an investigator with CPD back then?
- 17 **A** Yes, ma'am. I'm sorry.
- 18 **Q** Now, I will have to go through a few of these
- 19 pictures with you. I'm sorry. Beg the Court's
- 20 indulgence, Your Honor, one moment. Showing you
- 21 what's marked as State's 36 here --
- 22 **A** Yes, sir.
- 23 **Q** -- which you previously testified about --
- 24 **A** Yes, sir.
- 25 **Q** -- to the jury. On the door?

1 A Yes, sir.

2 Q Okay? These marks right here are directly above my
3 fingers?

4 A Yes, sir.

5 Q Those appear to be fingerprints in blood?

6 A They were just plain blood, sir.

7 Q Just plain blood?

8 A Well, they came off of fingers. Yes, sir.

9 Q They came off the fingers?

10 A Yes, sir.

11 Q Did you test to see whether you had prints that could
12 be recovered from those?

13 A I looked at them with a magnifying glass. I did not
14 see any friction ridges. Otherwise I would have
15 processed them with amido black.

16 Q Is that fact reflected in the notes you have
17 regarding the work that you did that day?

18 A No, sir. Not that I can state. No.

19 Q Turning to the work that you did on the 5th when you
20 returned?

21 A Yes, sir.

22 Q The third line from the bottom of your report there,
23 bedroom number two, front side, lower right facing
24 the door?

25 A Yes, sir.

1 Q Is that what we were just looking at, or is that a
2 different area?

3 A I'm sorry. Repeat? Let me see where it's at.

4 Q It's the third line from the bottom of your report
5 dated 9-5-05. If I may approach the witness?

6 A I've got it.

7 Q You got it?

8 A I'm just trying to -- no, sir. That indicates right
9 there that the latent was lifted from, as you go into
10 bedroom number two, on the right lower side.

11 Q That's a different place than what we were just
12 looking at?

13 A Yes, sir.

14 Q Okay. I was just making sure.

15 A That was -- I think that, what we were looking at,
16 was going into the closet there.

17 Q I believe so. Have you already testified as to all
18 of the prints that you identified in the house, all
19 of the prints that you located in the house, whether
20 they were identifiable or not?

21 A Right.

22 Q Correct? Now, you have -- as to the print that you
23 testified that you obtained that was Mr. Oliver's,
24 you have a print from one finger that's --

25 A Actually there are two. One is unidentifiable, and

1 the other one was very well -- I mean, it's the one
2 that I had the 24 points on.

3 Q Right. Right.

4 A Yes, sir.

5 Q You have one that you testified that you could
6 identify?

7 A Yes, sir.

8 Q Is that correct? Okay. That's what you've testified
9 to here. State's 144?

10 A Yes, sir.

11 Q The area on the latent print --

12 A Yes, sir.

13 Q Okay? The available area for comparison on the
14 latent print is smaller than that than the available
15 area for comparison on -- what is that called?

16 Patent print? The one that's recorded?

17 A Known.

18 Q No?

19 A Known.

20 Q Known?

21 A Known print.

22 Q Okay. There is more of a print shown on this known
23 print than there is shown on this latent?

24 A Yes, sir.

25 Q Okay. If there is any variation, I mean, you have no

1 idea what the print looks like outside the area that
2 you have available here?

3 A That's correct, sir.

4 Q I mean, what you have is what you have?

5 A Right.

6 Q Okay. And if what you have outside this area is
7 different than what's contained in the similar area
8 on the known print --

9 A Yes, sir.

10 Q -- then it doesn't match, right? Because it's got to
11 be unique in order to match, right?

12 A That wouldn't happen though.

13 Q Well, if it did, then it wouldn't be from the same
14 person, right?

15 A Exactly. And that could not be.

16 Q Okay. It could not be because every person's prints
17 are unique?

18 A Exactly, sir.

19 Q Right. And that's an established fact?

20 A Yes, sir.

21 Q And there has been testing done to prove that with 20
22 or 24 points of comparison, that's sufficient to
23 determine that that print is identifiable to one
24 person and one person only?

25 A Exactly, sir.

1 Q There has been empirical testing to establish that
2 fact. In other words, they have run -- there have
3 been scientific tests run to determine that that fact
4 is provable scientifically?

5 A That is correct.

6 Q That it's --

7 A It has been --

8 Q Go ahead, sir.

9 A It has been a known fact for over 100 years and it
10 had not been disproved by the best.

11 Q I haven't asked if it's been disproved. I have been
12 asking you, has it been proven. It's been a known
13 theory for 100 years --

14 A Yes, sir.

15 Q -- that's been employed, correct?

16 A Yes, sir.

17 Q And it's a known fact that all prints are unique?

18 A Yes, sir.

19 Q That has been scientifically proven, correct?

20 A Yes, sir.

21 Q Okay. As to how many points you have to have to
22 declare a print to be an exact match, there is not a
23 scientific proof of that theory, is there?

24 A I don't know if I quite understand you. The amount
25 of characteristics or points in a print, there is

1 none in the United States. There are in that I know
2 of, as I said before, in England, Scotland Yard, they
3 have a mandatory on that.

4 Q I understand. They've agreed on that as a law
5 enforcement agency, that you've got to have 24 or
6 however many you testified to?

7 A Fourteen.

8 Q Fourteen. Whatever. We don't even agree on that in
9 the United States. Okay?

10 A You're right.

11 Q There is no number?

12 A Right.

13 Q What it comes down to in the United States is whether
14 an examiner is of the opinion that the prints match.
15 That's what it comes down to in the United States?

16 A That is true.

17 Q Okay. And that's what it means to have an opinion.
18 You are of the opinion that they match?

19 A Yes, sir.

20 Q I am asking you to tell me the name of the scientific
21 study, such as the validation studies done to confirm
22 that DNA testing actually is DNA testing; I'm asking
23 you to give me the name of one study that proves that
24 14 matches, 20 matches or 20 points, 14 points, 10
25 points, however many, to prove that that will

1 establish to a scientific certainty that no one else
2 has that print?

3 A I couldn't give you a name such as that. I'm just
4 going by what I have been taught and what I have
5 experienced through the years that I have worked with
6 fingerprints.

7 Q And you're a professional, correct?

8 A Yes, sir.

9 Q And you are an expert in this field, correct?

10 A Yes, sir.

11 Q And as an expert in this field, if there were such a
12 study that said it had been conclusively established,
13 scientists around the world agree, that if there are
14 14 points, 20 points, 14 points, however many points,
15 --

16 A Yes, sir.

17 Q -- that is beyond a doubt statistically proven that
18 that establishes no one else could have that print,
19 if there had been such a study, you'd know about it,
20 wouldn't you?

21 A Yes, sir.

22 Q And you'd throw it right back in my face, wouldn't
23 you?

24 A Yes, sir.

25 Q And I'd deserve it. But there isn't such a study,

1 right?

2 A Not that I know of, sir.

3 Q So, absent such a study, what you've done is come in
4 here and give your opinion, just as you said at the
5 start of our conversation?

6 A Yes, sir.

7 Q And that's the opinion founded on your years of
8 experience?

9 A Yes, sir.

10 Q And sitting at the feet -- I'm not going to say
11 sitting at the feet of a master. But this knowledge
12 is passed on from one person to another largely,
13 right?

14 A Largely. And schooling.

15 Q And schooling. But it's largely hands on work, you
16 know, day in and day out?

17 A Yes, sir.

18 Q Right?

19 A Yes, sir.

20 Q All right. So, it's your opinion that that print
21 belongs to Stanley Oliver?

22 A Yes, sir.

23 Q All right. Thank you very much, sir.

24 THE COURT: Cross examination.

25 MR. MILLING: Thank you, Your Honor. May it

1 please the Court.

2 CROSS EXAMINATION

3 **BY MR. MILLING**

4 **Q** Good afternoon, Officer Currie. My name is Jonathan
5 Milling, and I represent Dominic Gallman in this
6 case.

7 **A** How are you, sir?

8 **Q** Good. I hope you are. Officer Currie, you've
9 indicated on direct examination that you were not the
10 first officer on the scene, correct?

11 **A** Correct.

12 **Q** That you arrived 45 minutes to an hour after --

13 **A** That is correct.

14 **Q** -- other people had been there? Do you know how many
15 people had been through the house before you got
16 there?

17 **A** No, sir. I wasn't there.

18 **Q** Okay. So you don't know how many people, how long
19 they had stayed or anything like that?

20 **A** That is correct.

21 **Q** Okay. Were you the only person who went through and
22 dusted for prints?

23 **A** I was the only person that did that. Yes, sir.

24 **Q** And you selected which items to dust, correct?

25 **A** That is correct.

1 Q Okay. Were you the only person who compared prints?

2 A Yes, sir.

3 Q Okay. Now, --

4 A Let me elaborate on that a little bit. I was the
5 only one that compared prints, but I did have them
6 verified.

7 Q Okay. Were you the only person who lifted prints
8 from the scene, the latent prints as you described
9 them?

10 A Yes, sir.

11 Q Okay. And you said you put those on cards?

12 A Yes, sir.

13 Q Do you have those cards with you today?

14 A Yes, sir. I sure do.

15 Q Could I see those, please?

16 A I have every one of them right here.

17 Q Every one of them? Well, I tell you what. Can you
18 tell me how many those are?

19 A I think there are eight. Yes, sir. There are eight.

20 Q Okay. And those eight were the only prints, only
21 latent prints you were able to lift from the
22 residence?

23 A One of them was lifted from the vehicle.

24 Q Okay.

25 A So seven from the residence and one from the vehicle.

1 Q Okay.

2 A Yes, sir.

3 Q Okay. And you were able to match the one from the
4 vehicle to Mr. Rucker?

5 A That's correct.

6 Q And you were able to match I think three from the
7 residence to Ms. Felder?

8 A Correct.

9 Q And then one that you testified it was your opinion
10 was Mr. Oliver's, correct?

11 A That is correct.

12 Q The other ones didn't match up to anybody?

13 A That unidentifiable did not match up to anybody.
14 Correct.

15 Q Okay. Okay. And you said that you decided what you
16 were going to dust for prints there in the residence?

17 A Yes, sir.

18 Q But you dusted the front door and frame, correct?

19 A Correct.

20 Q The glass table?

21 A Correct.

22 Q And the door frames inside the residence, correct?

23 A That is correct.

24 Q And I think you testified that you were looking for
25 things that had a smooth enough surface where they

1 would pick up a print, correct?

2 **A** Correct.

3 **Q** Now, let me ask you this. Other items there within
4 the residence that had a smooth surface that appeared
5 to have been disturbed, such as the dresser, did you
6 dust that?

7 **A** No, sir. I had a reason for that.

8 **Q** Okay. What is that reason?

9 **A** Okay. If you look at that picture, and I examined
10 the dresser afterwards, most of the drawers are
11 completely shut. The ones that were opened would
12 have been opened pretty much by the small little
13 handles.

14 **Q** Okay.

15 **A** They were left open. If they pull them out by those
16 little handles, which I don't think anybody is going
17 to dig their fingernails into the sides when there is
18 there is two little handles there, had they pushed
19 them shut, then I would have dusted them for
20 fingerprints. But in my opinion I didn't feel like
21 it was necessary. The other drawers, when I looked
22 at them, what was inside of them was not disturbed.
23 But the ones that were pulled out were just ransacked
24 through.

25 **Q** Okay. I want to get you to take a look also at

1 State's Exhibit No. 27. It appears to be a trunk?

2 A Yes, sir.

3 Q Correct?

4 A Yes, sir.

5 Q Smooth surface?

6 A I don't recall.

7 Q Okay. But you didn't dust?

8 A No, sir; I did not dust it.

9 Q Okay. Now, let me ask you; you talked a little bit
10 during Mr. Strickler's questioning about the elements
11 and how they can impact prints, correct?

12 A Yes, sir.

13 Q Would it be accurate to say that the elements, the
14 outside elements such as rain or a storm around where
15 the Nissan, Mr. Batie's Nissan was found, would cause
16 prints to deteriorate more quickly than if they were
17 inside a residence?

18 A Very much so.

19 Q Okay. Okay. Now, you also in addition to the prints
20 there within the residence collected some blood
21 samples, correct?

22 A Yes, sir.

23 Q Those blood samples matched up to whom?

24 A They matched up to Mr. Batie, every one of them.

25 Q Did you take any blood samples from the residence

1 that belonged to Mr. Miller?

2 **A** No, sir.

3 **Q** But he was clearly there in the residence?

4 **A** Yes.

5 **Q** Okay. Was there any blood surrounding his body?

6 **A** Around it, yes.

7 **Q** Okay.

8 **A** He had a big hole in his head.

9 **Q** But you didn't test any of the blood around there?

10 **A** No, sir.

11 **Q** Okay. And so the only blood that you found there
12 within the residence belonged, or that you tested,
13 belonged to Mr. Batie?

14 **A** That is correct, sir.

15 **Q** Okay. Other than the fingerprints that we've already
16 testified about and the blood that you just testified
17 about regarding Mr. Batie, did you find any other I
18 guess testable items to determine who would have been
19 there within the residence?

20 **A** Inside the residence?

21 **Q** Inside the residence; yes, sir.

22 **A** I guess I could have dusted the whole house. But
23 like I said, in my opinion it wasn't necessary.

24 **Q** Okay. But you weren't able to identify anybody as
25 having been in the residence at some point in time

1 other than Ms. Felder, Mr. Batie, obviously Mr.
2 Miller and then Mr. Oliver at some point in time?

3 A That is correct, sir.

4 Q Okay. Now, you also testified about certain I guess
5 shell casings, gun shell casings that were found
6 there in the residence, correct?

7 A One shell casing; yes, sir, that I found.

8 Q One was found. You found it. And then someone found
9 another one?

10 A Yes.

11 Q A day or so later?

12 A Right.

13 Q Different calibers? Or do you recall?

14 A Different calibers. Well, the other shell casing
15 that was found was of the same caliber.

16 Q Okay. The same caliber?

17 A Yes, sir.

18 Q Could it have been fired by the same gun?

19 A Yes, it was.

20 Q It was fired by the same gun?

21 A Yes, sir.

22 Q Okay.

23 A Tested by ballistics at SLED.

24 Q Okay. Okay. Beg the Court's indulgence one moment.

25 And you also had an opportunity, Mr. Currie, to test

1 and inspect the, I think it was a Toyota pick-up
2 truck that was recovered from the storage unit,
3 correct?

4 A Yes, sir.

5 Q Okay. You did not find any identifiable prints
6 there?

7 A No, sir; I did not.

8 Q The only thing that you have remarked about was a
9 large sum of money that was found there?

10 A Yes, sir.

11 Q Okay. 49,000 and some change, correct?

12 A That's correct.

13 Q What did you do with that money?

14 A That money was counted and placed into our evidence
15 room.

16 Q Did you take pictures of the individual dollar bills?

17 A 49,000 of them? No, sir.

18 Q Well, I guess let me back up a little bit. Do you
19 know what type of bills they were?

20 A Oh, yes, sir. They were in hundreds. I think it may
21 even show it on that photo. There's some 20's, 10's,
22 5's. And there were some 1's.

23 Q Were they deposited in a bank or --

24 A They were in a bag, sir.

25 Q They were in a bag. And I understand we've got the

1 bag here?

2 A Right.

3 Q Correct? Have you testified -- and perhaps I missed
4 it -- the money that was recovered from the vehicle?

5 A Had I what, sir?

6 Q Have you identified as one of these exhibits the
7 money, the cash?

8 A It's not here.

9 Q It's not here? Where is it?

10 A It's -- my assumption, it's in the bank.

11 Q It's your assumption that it's in the bank?

12 A That's what I was told by our evidence room, that it
13 was placed into the bank. Because they don't keep
14 that much money back there.

15 Q Okay. But you don't have a record of what specific
16 bills by I guess the identification number on each
17 bill as to which bills would have been --

18 A No. I don't know exactly how many 100's and how many
19 50's and how many 20's. No, sir. I don't.

20 Q Okay. Going through the residence, you didn't find
21 within any of these rooms a print that you matched up
22 to my client, Dominic Gallman?

23 A No. I did not find anything matching up to your
24 client, sir.

25 MR. MILLING: Nothing further, Your Honor.

1 **THE COURT:** Mr. Delgado.

2 **MR. DELGADO:** Thank you, Your Honor.

3 CROSS EXAMINATION

4 **BY MR. DELGADO**

5 **Q** Pete Currie, how are you, sir?

6 **A** Fine, sir. How are you?

7 **Q** Fine, thank you. Mr. Currie, would it be fair to
8 say, sir, that you are a preservationist?

9 **A** Do you want to elaborate on that a little bit?

10 **Q** Sure. You preserve things, correct?

11 **A** Correct.

12 **Q** You preserve things through photographs?

13 **A** Correct.

14 **Q** Mr. Currie, I'm not going to -- well, let me do it
15 this way. Mr. Currie, there was early in your
16 testimony, sir, as relates to Mr. Batie I believe,
17 and I think you just said to Mr. Milling, you took
18 some blood swabs?

19 **A** Yes, sir.

20 **Q** All right, sir. The reason you take blood swabs is
21 so that you can -- you, I'm talking about law
22 enforcement through all the agencies law enforcement
23 have, you can match up that blood with the known
24 blood of the deceased or anyone else?

25 **A** That is correct, sir.

1 Q All right. You would take blood swabs to possibly
2 include or exclude someone being present at a scene,
3 correct, sir? By that I mean --

4 A Exclude?

5 Q Sure.

6 A I really can't -- I can't say I exclude because --

7 Q At least do swabs?

8 A Right. Through that I can't.

9 Q Exactly.

10 A I can't prove they were there.

11 Q Exactly. My recollection, sir, is you took some
12 fingerprints. Correct, sir?

13 A Yes, sir.

14 Q And the reason you did that was to, as it relates to
15 one of the co-defendants in this matter, was to
16 include him as being inside that house. Would that
17 be fair?

18 A That is fair.

19 Q All right, sir. Mr. Currie, that's right. There was
20 something about a GSR kit. What that stands for, the
21 acronym stands for gunshot residue?

22 A Yes, sir.

23 Q When you fire your side arm, around your hand, on the
24 palm side of your hand and possibly on the back side
25 of your hand, there's some powder that can come from

1 the discharge of that firearm. Correct, sir?

2 A Not exactly.

3 Q All right.

4 A If I am holding the gun, I'm not going to have any
5 gunshot residue in the palm of my hand.

6 Q There. But you'll have it on the back side?

7 A Yes, sir.

8 Q And so what you did with the gunshot residue with
9 these two folks, Mr. Batie and Mr. Miller, --

10 A Right.

11 Q -- you dabbed some of the gunshot residue kit to see
12 if there was any gunshot residue on their hands?

13 A Yes, sir.

14 Q To determine for our jury, to preserve whether or not
15 either of those two individuals had fired a gun?

16 A That is correct.

17 Q All right, sir. And as I see dozens and dozens of
18 things, you take photographs to be able to preserve
19 what the scene looked like when you got there and as
20 you went through the various locations of the house?

21 A That is correct.

22 Q You do all these things, sir, in your capacity as a
23 technician, crime scene expert to preserve what you
24 saw, when you saw it. As a matter of fact, you went
25 from room to room to room?

1 **A** That's correct.

2 **Q** What you recovered, how you went through it.

3 Correct, sir?

4 **A** Correct.

5 **Q** In the same way that we preserve things through the
6 court reporter taking down your testimony here this
7 afternoon. Correct, sir?

8 **A** Correct.

9 **Q** All right, sir. She is preserving what you're saying
10 here today?

11 **A** Yes, sir.

12 **Q** All right, sir. Just one second, Your Honor, please.
13 Mr. Currie, there was one fingerprint in your
14 preservation on the exterior of Mr. Batie's car made
15 by someone by the name of Rucker. Correct, sir?

16 **A** Yes, sir.

17 **Q** There is no way of telling when that was placed
18 there. Correct, sir?

19 **A** That's correct.

20 **Q** It could have been at or after midnight on the night,
21 the morning of the 3rd of September, the morning of
22 the 4th of September. Correct, sir?

23 **A** That's correct.

24 **Q** All right, sir. Thank you very much, Mr. Currie.

25 Glad to see you.

1 **A** Yes, sir.

2 **THE COURT:** Any redirect?

3 **MR. MEADORS:** Very briefly.

4 REDIRECT EXAMINATION

5 **BY MR. MEADORS**

6 **Q** You didn't take any of that money, did you? 49,000?

7 **A** I started to go on vacation.

8 **Q** But there is a picture --

9 **A** No, I didn't.

10 **Q** You didn't take any of that money?

11 **A** No.

12 **Q** And there's a picture in here showing the money,
13 isn't it?

14 **A** Yes, sir.

15 **Q** You didn't just individually shoot every 1 and 5 and
16 20?

17 **A** Yes, sir.

18 **Q** But you counted it up?

19 **A** Yes, sir. Myself and about four or five
20 investigators.

21 **Q** And put that in your report, correct? You put the
22 total in your report?

23 **A** Oh, yes, sir.

24 **Q** That's all right.

25 **A** Yes, sir.

1 Q And what date -- Mr. Strickler asked you about the
2 shoebox. What date did you get this?

3 A I took that from the residence on the 4th.

4 Q On the 4th. Okay.

5 A The day of the incident.

6 Q The first time you were there. And I don't think we
7 asked you. What finger made that of Mr. Oliver's?

8 A Left middle finger or number 8 finger.

9 Q On this chart you prepared -- and you prepared this
10 for these folks to come in here in court now, right?

11 A Yes, sir.

12 Q You said how many points on here?

13 A Twenty.

14 Q But did you say there were more?

15 A Yes, sir. I just charted out 20.

16 Q So you could have charted even more?

17 A Yes, sir.

18 Q Whose print made that on State's 133 in your expert
19 opinion?

20 A Mr. Oliver.

21 Q Stanley Oliver?

22 A Yes, sir.

23 Q Mr. Strickler asked you about the common area I
24 think?

25 A I'm sorry?

1 Q Mr. Strickler asked you about the common area?

2 A Yes, sir.

3 Q And are there areas you didn't --

4 A Right.

5 Q -- try to dust?

6 A Right.

7 Q Now, Pete Currie, at your house if somebody comes
8 there and doesn't live there, are you more likely to
9 invite them into your living room or your bedroom?

10 A I think I'm going to invite them in my living room.

11 Q And your den. Are those places where you say people
12 are more likely to gather?

13 A Right. Correct.

14 Q And were any of those areas at Mildred Avenue
15 disturbed?

16 A No, sir.

17 Q And finally -- oh, a couple of other things. Mr.
18 Strickler asked you about some of the surfaces, too,
19 that were good for getting prints?

20 A That's correct.

21 Q If one were to wear a glove, would you expect to find
22 fingerprints?

23 A No, sir.

24 Q If one were to kind of clean up or wipe off, would
25 you expect to find fingerprints?

1 **A** No, sir.

2 **Q** And finally, how long after law enforcement arrived
3 at Mildred Avenue -- I didn't care what time it was
4 they arrived -- but how long after the first law
5 enforcement arrived at Mildred Avenue did you get
6 there?

7 **A** Like I said, I don't know the exact time, but I know
8 it was within 45 minutes, no later than an hour.

9 **Q** Why do you say that? You know that that's --

10 **A** Because it -- I got the call over the radio that the
11 incident occurred right within a minute or so after
12 the first officer arrived. And it probably took me
13 about 40 minutes to get there, the driving time.
14 That's how I came up with that time.

15 **Q** So as soon after you heard that, it was roughly 40,
16 45 minutes later you got there?

17 **A** Exactly.

18 **Q** No matter what time of day it was, it took you 45
19 minutes later?

20 **A** Right.

21 **MR. MEADORS:** Thank you. That's all.

22 **THE COURT:** Recross?

23 **MR. STRICKLER:** No, sir.

24 **MR. MILLING:** No, Your Honor.

25 **MR. DELGADO:** Nothing further, Your Honor.

1 Thank you very much.

2 **THE COURT:** All right. Thank you, officer. You
3 may come down, sir. Thank you very much.

4 **MR. MEADORS:** Your Honor, we'd ask that the
5 witness be excused, please.

6 **MR. STRICKLER:** Without objection.

7 **MR. MILLING:** No objection.

8 **THE COURT:** Without objection?

9 **MR. DELGADO:** None at all.

10 **THE COURT:** Approach the bench just one second,
11 counsel.

12 (Whereupon, a bench conference is had)

13 **THE COURT:** Next witness.

14 **MR. ROSS:** The State calls Investigator Rose.

15 WALTER ROSE, after being duly sworn, testifies
16 as follows:

17 **THE CLERK:** Thank you. Please have a seat in
18 the witness stand and state your full name for the
19 record.

20 **THE WITNESS:** My name is Walter Rose.

21 DIRECT EXAMINATION

22 **BY MR. ROSS**

23 **Q** Good afternoon, Investigator Rose. Investigator
24 Rose, where are you employed?

25 **A** City of Columbia Police Department.

1 Q How long have you been employed there?

2 A I'm on my 18th year.

3 Q What's your position at CPD?

4 A I am assigned to the crime scene unit.

5 Q And just briefly, because the jury has already heard,
6 but what does that entail?

7 A My job is to document, collect and analyze any
8 evidence at a crime scene.

9 Q Did you have occasion to process a crime scene
10 between September 4th and September 6th, 2005 at
11 Mildred Avenue?

12 A Yes, sir. I did.

13 Q All right. And when did you first go to that scene?

14 A On September the 4th.

15 Q And do you know approximately what time you arrived?

16 A I do not. I was called in to assist Officer Currie
17 at that crime scene.

18 Q Okay. When you got to the scene, was he there, or
19 did you arrive first?

20 A He was there.

21 Q Okay. Were there -- other officers were present?

22 A Yes, sir.

23 Q Was the crime scene secured when you arrived?

24 A Yes, sir, it was.

25 Q Okay. What did you do when you got there?

1 **A** My primary job was to assist Officer Currie at the
2 scene, to take notes or be his scribe. Anything that
3 we were to do at the crime scene, to document it.

4 **Q** Okay. Now, the jury has heard testimony about his
5 collection of evidence and the fingerprinting and
6 those types of things. Did you collect any evidence
7 on September the 4th?

8 **A** No, sir.

9 **Q** Okay. Approximately how long were you at the scene
10 on the 4th?

11 **A** Oh, we were there most of the evening, for a while.

12 **Q** Then at some point did you leave the scene?

13 **A** We did.

14 **Q** All right. And was the scene secured when you left?

15 **A** It was secured and we came back at daybreak.

16 **Q** On the following day?

17 **A** Yes, sir.

18 **Q** Would that have been September the 5th?

19 **A** Yes, sir.

20 **Q** What was the purpose of that?

21 **A** The daylight so we can see inside the house to finish
22 processing the scene.

23 **Q** Okay. And you continued to process the scene on the
24 5th?

25 **A** Yes, sir.

1 Q Did you collect any evidence on the 5th?

2 A I did not. I just assisted again in note taking. I
3 helped process inside the house for fingerprints with
4 the black powder.

5 Q All right. And at some point on the 5th, did you
6 leave the Mildred Avenue crime scene?

7 A We did, sir.

8 Q Was the scene secured when you left?

9 A It was.

10 Q And did you return to the scene?

11 A On the 6th; yes, sir.

12 Q All right. Was the scene secured when you arrived on
13 the 6th?

14 A Yes, sir.

15 Q When I say secured, I guess I ought to back up. How
16 was it secured?

17 A By an officer in a patrol car parked out in front of
18 the house.

19 Q Did officers rotate around the clock and watch the
20 scene?

21 A Yes, sir.

22 Q All right. And when you arrived and left each time,
23 was an officer there?

24 A Yes, sir.

25 Q So you go back on the 6th. Why did you return on the

1 6th?

2 A From information on the 5th that we had developed, we
3 went back on the 6th to finish looking at the scene.
4 We were looking for other evidence.

5 Q All right. What information had you received?

6 A That there might have been another weapon used in the
7 hallway area. And we wanted to check the hallway
8 area again and process any evidence that was there or
9 collect any evidence that was there.

10 Q Okay. And did you do that?

11 A Yes, sir.

12 Q All right. What did you find?

13 A We found a shell casing.

14 Q Do you know what caliber shell casing that was?

15 A A .40 caliber.

16 Q Okay. Was another shell casing recovered on the 4th?

17 A Yes, sir.

18 Q And what kind caliber was that?

19 A And that was a .40 caliber also.

20 Q All right. And what area of the house was the second
21 shell casing on the 6th found?

22 A It was in the hallway area inside of the threshold
23 part of the door of a closet.

24 Q Okay. On the crime scene diagram, what area are we
25 talking about?

1 **A** The area marked hallway.

2 **Q** Okay.

3 **A** And there is a number 2 right above that closet area
4 there.

5 **Q** This closet area right here?

6 **A** Yes, sir.

7 **Q** Okay. And where specifically was the shell casing
8 found?

9 **A** Inside the threshold area right beside the door
10 frame. It was right against the door frame.

11 **Q** I mean, was it on the floor? Shelf?

12 **A** On the floor looking into the closet on the right
13 side of the door frame.

14 **Q** Okay. Your Honor, I offer State's Exhibits 56, 57,
15 58. I ask Officer Rose to look at them first.
16 Officer Rose, look at those exhibits. Does that
17 accurately describe what you just described you
18 observed on September 6th?

19 **A** They do.

20 **MR. ROSS:** I offer those.

21 **THE COURT:** Any objection?

22 **MS. LAFAVE:** For the record, can we get the
23 numbers exactly?

24 **THE COURT:** No. He just read them out.

25 **MR. MILLING:** No objection.

1 **MR. DELGADO:** No objection from Ken Joy.

2 **MR. ROSS:** That was 56, 57, 58.

3 (WHEREUPON, State's Exhibit No. 56 is admitted
4 into evidence.)

5 (WHEREUPON, State's Exhibit No. 57 is admitted
6 into evidence.)

7 (WHEREUPON, State's Exhibit No. 58 is admitted
8 into evidence.)

9 **Q** Officer Rose, I hold up 56. What's shown in 56?

10 **A** That's the inside door frame of that. That's the
11 shell casing. Yes, sir.

12 **MR. ROSS:** May I publish this to the jury so
13 they can look at it, Your Honor?

14 **THE COURT:** Yes, sir.

15 **Q** 57?

16 **A** Yes, sir.

17 **Q** What does that show?

18 **A** Again, it's the hallway closet. Just step back a
19 little bit, take the picture looking into the closet.
20 The same shell casing is in there.

21 **Q** And 58?

22 **A** And that's a picture taken straight down on it, the
23 same shell casing.

24 **Q** Now, Officer Rose, what information led you to
25 believe that there was another shell casing at the

1 scene?

2 A There was an autopsy performed on the 5th on the
3 victim in the hallway which revealed that there was
4 two caliber weapons used. And we went back to check
5 and see if there was an semi-automatic weapon used
6 possibly versus a revolver as being the second
7 weapon. Since there was a .40 caliber used in the
8 front room in the living room, we went to the hallway
9 to check to see if that weapon or a semi-automatic
10 weapon was used there in the hallway.

11 Q A .40 caliber weapon used on Kevin Miller here?

12 A Yes, sir.

13 Q In the entryway. And then you learned two caliber
14 weapons used on Jim Batie?

15 A Yes, sir.

16 Q One of which you believed to also be a .40 caliber?

17 A Yes, sir.

18 Q Went back because a .40 caliber, common
19 semi-automatic caliber?

20 A Yes, sir.

21 Q And found the shell casing?

22 A Yes, sir.

23 Q Why was the first, why was it missed the first time?
24 When you processed the scene on the 4th and the 5th,
25 why was that shell casing not found?

1 **A** In the hallway area there, we didn't find any shell
2 casings around the body of the victim in the hallway.
3 And everything had been pulled out of the closet.
4 There was things all over the floor and there was
5 nothing above it. And again Officer Currie checked
6 the area there for other evidence and didn't see it
7 there because it was all up under everything there at
8 the scene.

9 **Q** As part of your job to check evidence at a scene and
10 then analyze that evidence, that might lead you to
11 other evidence that needs to be collected?

12 **A** Yes, sir.

13 **Q** And is that what happened in this case?

14 **A** It is.

15 **Q** Okay. Investigator Rose, I'm handing you 149-B. Do
16 you recognize that?

17 **A** Yes, sir.

18 **Q** What is that?

19 **A** This is the .40 caliber shell casing that was located
20 there in the hallway.

21 **Q** The same shell casing shown in the photo, the same
22 shell casing you just described?

23 **A** Yes, sir.

24 **MR. ROSS:** Your Honor, I'd offer State's Exhibit
25 149-B into evidence subject to a redaction.

1 **MS. LAFAVE:** Without objection from Mr. Oliver.

2 **MR. MILLING:** No objection, Your Honor.

3 **MR. DELGADO:** Without objection.

4 **THE COURT:** Without objection.

5 (WHEREUPON, State's Exhibit No. 149-B is
6 admitted into evidence.)

7 **Q** Any other evidence collected on the 6th?

8 **A** In the house? No, sir.

9 **Q** Okay. I think other evidence collected is already in
10 evidence which was maybe some beer cans. I can't
11 remember.

12 **A** Yes, sir.

13 **Q** Okay.

14 **A** That was on the 4th.

15 **Q** Those are already admitted. Those beer cans, where
16 were they located?

17 **A** There was a screened-in porch on the bottom right of
18 that diagram there somewhere, number 3 and 4. They
19 were on the screened-in porch on a table.

20 **Q** Did you process the storage building unit that was
21 located at 3041 McNaughton Road, the Acme storage
22 building?

23 **A** Yes, sir.

24 **Q** What did that -- when I say process the building,
25 what did you do?

1 **A** I used black fingerprint powder.

2 **Q** Back up. What part of the building did you process?

3 **A** It was the door, the roll-up door, the handles and
4 the side, the metal sides which is part of the door
5 frame.

6 **Q** How did you end up getting called to that scene?

7 **A** I was notified by the investigators.

8 **Q** All right. They were on the scene there?

9 **A** Yes, sir.

10 **Q** Okay. And what did you do?

11 **A** I processed the metal door and metal frames with
12 black powder looking for fingerprints.

13 **Q** What type of surface are you talking about?

14 **A** It was a metal surface but it had the white film on
15 it. It would stick to your hand. Your hand would
16 turn white. It was tough to try to process.

17 **Q** Like oxidation of metal?

18 **A** It was.

19 **Q** Is that what you're talking about?

20 **A** Yes, sir.

21 **Q** Before were you able to lift any prints?

22 **A** No, sir.

23 **Q** Did you inside the storage unit itself?

24 **A** I did not.

25 **Q** All right. I want you to look at State's Exhibits

1 52, 53, 54, 55. If you could look at those. Do
2 those accurately depict the outside of the storage
3 building?

4 **A** Yes, sir.

5 **Q** What day did you go there?

6 **A** I believe that it was on the 6th.

7 **Q** September 6th?

8 **A** Later in the afternoon.

9 **Q** Is that an accurate representation of the 6th?

10 **A** Yes, sir.

11 **MR. ROSS:** Your Honor, we'd offer these photos
12 in evidence at this time; 52, 53, 54 and 55.

13 **MR. STRICKLER:** Without objection, Your Honor.

14 **MR. MILLING:** Without objection.

15 **MR. DELGADO:** Without objection from Ken Joy.

16 (WHEREUPON, State's Exhibit No. 52 is admitted
17 into evidence.)

18 (WHEREUPON, State's Exhibit No. 53 is admitted
19 into evidence.)

20 (WHEREUPON, State's Exhibit No. 54 is admitted
21 into evidence.)

22 (WHEREUPON, State's Exhibit No. 55 is admitted
23 into evidence.)

24 **Q** I hold these up for the jury to see. This is State's
25 Exhibit 51. What's shown in that photo?

1 **A** The front of the building.

2 **Q** State's 53?

3 **A** That's the number for that storage unit.

4 **Q** That's the actual unit, 16?

5 **A** And that's the door.

6 **Q** State's 54, that's the door you processed?

7 **A** Yes, sir.

8 **Q** State's Exhibit 55?

9 **A** That's all the units. That one is in with those
10 units, just a shot of all of them.

11 **Q** So let me backtrack just a minute. When you
12 processed this door, you didn't put fingerprint
13 powder on the entire door, did you?

14 **A** No, sir; just the areas that would -- the areas that
15 you would touch, around the handle area, all down the
16 side, the inside of this area where the door meets
17 and the metal here and all the metal down here, this
18 metal down here at the bottom of the door.

19 **Q** One moment, Your Honor. That's all the questions I
20 have, Officer Rose.

21 **THE COURT:** Cross examination. Any cross
22 examination?

23 **MS. LAFAVE:** Yes, Your Honor. May it please the
24 Court.

25 CROSS EXAMINATION

1 **BY MS. LAFAVE**

2 **Q** Is it Officer Rose?

3 **A** Yes, ma'am.

4 **Q** Good afternoon, Officer Rose. Did you testify that
5 the first time you arrived on the scene was September
6 the 4th or the 5th?

7 **A** It was the 4th.

8 **Q** The 4th?

9 **A** Yes, ma'am.

10 **Q** Did you collect any evidence on the 4th?

11 **A** No, ma'am. Officer Currie did.

12 **Q** Officer Currie did? Did you collect any evidence on
13 the 5th?

14 **A** No, ma'am. Just helped process the scene.

15 **Q** Okay. But on the 6th you have testified that you
16 collected the shell casing?

17 **A** Yes, ma'am.

18 **Q** Okay. The shell casing you're assuming was there in
19 that hallway on the 4th, correct?

20 **A** Yes, ma'am.

21 **Q** And the 5th?

22 **A** Yes, ma'am.

23 **Q** And then on the 6th until you picked it up?

24 **A** Yes, ma'am.

25 **Q** So it was missed? Is that right? Would that be

1 accurate?

2 A Yes. We didn't find it on the 4th or the 5th.

3 Q You didn't find it on the 4th or the 5th. Were you
4 looking for shell casings on the 4th and the 5th?

5 A Yes.

6 Q But you didn't find it?

7 A No, ma'am.

8 Q Now, you testified that things were being shifted
9 around to look for different things, fingerprints,
10 shell casings, the like, correct? That you took
11 everything out and were changing things around to try
12 to get through the stuff that was everywhere?

13 A Yes. After we processed the scene we started
14 processing everything that was down on the ground.
15 Yes.

16 Q So the scene is processed and then you're moving
17 things around after it's photographed and logged
18 and --

19 A Right. After it's been documented.

20 Q Okay. But this shell casing was there the entire
21 time?

22 A Yes, ma'am.

23 Q And it's just, you're just assuming that it was there
24 on the 4th and 5th, right?

25 MR. ROSS: Your Honor, I object to the phrasing

1 of the assumption. I mean, he's not assuming
2 anything.

3 **THE COURT:** Overruled. Overruled. He can
4 answer the question.

5 **A** Yes. It was there.

6 **Q** State's Exhibit 142, you testified that the shell
7 casing was found here?

8 **A** Yes, ma'am.

9 **Q** On the threshold of the closet?

10 **A** Yes, ma'am.

11 **Q** In the hallway?

12 **A** Yes.

13 **Q** In your experience, in your general knowledge I guess
14 I would say, would a hallway be considered a common
15 area?

16 **A** Of the house? Yes.

17 **Q** So this was a piece of evidence in a common area that
18 was missed?

19 **A** Yes.

20 **Q** Is this the only piece of evidence that you logged
21 from that house and around that house?

22 **A** No, ma'am.

23 **Q** Wasn't there also a gun barrel?

24 **A** There was out -- it was across the street and given
25 to Officer Fraser before myself and Sergeant Steedly

1 arrived on that third day, and Officer Fraser gave
2 that to me.

3 Q Well, can you tell the court about this barrel?

4 A It was a gun barrel of a semi-automatic pistol.
5 GTZ058 was the serial number on it and all. It was
6 just the barrel.

7 Q Just the barrel?

8 A Yes, ma'am.

9 Q Do you know what caliber?

10 A I do not.

11 Q Did you process the barrel for prints?

12 A No, ma'am.

13 Q Did you log this barrel in evidence?

14 A I did.

15 Q How far away from the crime scene was this barrel
16 found?

17 A About 40 yards or so.

18 MS. LAFAVE: Beg the Court's indulgence. I have
19 no further questions for this witness, Your Honor.

20 THE COURT: Any questions?

21 CROSS EXAMINATION

22 BY MR. MILLING

23 Q Officer Rose, good afternoon. My name is Jonathan
24 Milling and I represent Mr. Gallman in this case. I
25 want to make sure I understand what your role was on

1 the 4th. You arrived after Officer Currie, correct?

2 A I did.

3 Q He is the one that did the dusting, right?

4 A Yes, sir.

5 Q He is the one who collected the evidence?

6 A Yes, sir.

7 Q Correct? Were you just walking behind him double
8 checking everything?

9 A No, sir. I was working -- I was his scribe or taking
10 his notes and whatever he needed documented.

11 Q Okay. Okay. So you were the one who actually took
12 his notes. Did he type them up, or who typed them
13 up?

14 A I did.

15 Q So you typed them up and put his name down at the
16 bottom?

17 A There is no name at the bottom. It was the case
18 notes for him.

19 Q Okay.

20 A And given to him.

21 Q Okay. And in going through the crime scene, that
22 first I guess early morning, you all were able to
23 identify a limited number of prints, latents I guess?

24 A Yes, sir.

25 Q And you missed a shell casing?

1 **A** Yes, sir.

2 **Q** Okay. You go back on the 6th and then find the shell
3 casing. What caused you all to go back?

4 **A** The information from the autopsy of the victim in the
5 hallway.

6 **Q** Okay. So it wasn't until then that you all realized,
7 well, maybe we missed something?

8 **A** Yes, sir.

9 **Q** And then while you were there you find out about a
10 gun barrel 40 yards away?

11 **A** Right. That was found by a neighbor who gave it to
12 the officer that was securing the crime scene.

13 **Q** And you all didn't dust that for prints?

14 **A** No, sir.

15 **Q** Okay. Nothing further.

16 **THE COURT:** Mr. Delgado.

17 CROSS EXAMINATION

18 **BY MR. DELGADO**

19 **Q** Mr. Rose, with the crime scene division, the City of
20 Columbia, I believe your answer to the question that
21 Mr. -- that the solicitor asked you what did you do
22 with the crime scene division; I think your words
23 were -- excuse me one second -- that you and the
24 crime scene division document. Correct, sir?

25 **A** Yes, sir.

1 Q Analyze. Correct, sir?

2 A Yes, sir.

3 Q I think the last word was collect, right?

4 A Yes, sir.

5 Q That's what you all do. And you do it through a
6 whole variety of different techniques and methods?

7 A Yes, sir.

8 Q Correct, sir? So that, as we're seeing in this case
9 some 27 months later, a jury can be shown things as
10 they were shown and found at the scene, correct?

11 A Yes, sir.

12 Q You and Mr. Currie preserve matters for review by
13 others. Correct, sir?

14 A Yes, sir.

15 Q I put up here, sir, swabs, fingerprints, GSR which
16 stands for gunshot residue. Correct, sir?

17 A Yes, sir.

18 Q And photographs. Would you agree with me, sir -- I
19 stopped earlier -- a gunshot residue can determine
20 whether someone fired a gun or didn't fire a gun?
21 Would that be fair?

22 A Yes, sir.

23 Q So you could include someone firing a gun or exclude
24 somebody from firing a gun?

25 A You could.

1 Q All right, sir. Photographs preserve forever -- I'm
2 just going to pick one -- preserve forever what you
3 saw, or whoever took this photograph? That was
4 Mr. Currie?

5 A Yes, sir.

6 Q So 27 months later a jury can look at it and see it
7 exactly as you saw it through the lens, or Mr. Currie
8 saw it through the lens?

9 A Yes, sir.

10 Q Just one second. What you can collect; in that last
11 part down there, document, analyze and collect. You
12 can collect things like hair. Correct, sir?

13 A Yes, sir.

14 Q As a matter of fact, sitting over at my table just a
15 minute ago I noticed that one of my hairs maybe from
16 my beard had fallen out on the table and I pushed it
17 off. That's the sort of thing that you all could
18 collect if you'd seen it and found it, correct?

19 A Yes, sir.

20 Q A fingerprint on this microphone or on this wood or
21 on glass or on anything, that's what you all try to
22 collect?

23 A Certainly.

24 Q Bodily fluids are what you all try to collect?

25 A Yes.

1 Q Saliva, blood. Correct, sir?

2 A Yes, sir.

3 Q Footprints in that yard in front of Mildred Street,
4 there's a way that law enforcement has a way of -- I
5 forget the phrasing -- not concrete but a plaster --

6 A Yes, sir.

7 Q -- of to see if you can preserve that forever,
8 correct?

9 A Yes, sir.

10 Q Match it up to see if you can match it to a footprint
11 with size and width. Correct, sir?

12 A Yes, sir.

13 Q All right, sir. You can do bite marks. You can
14 show, if somebody had been bitten in an assault, you
15 all can preserve that and try to connect it to dental
16 records. Correct, sir?

17 A With a photograph; yes, sir.

18 Q All those types of things you have done, the City of
19 Columbia has done, law enforcement has done for a
20 long period of time?

21 A Yes, sir.

22 Q Thank you. Thank you, Mr. Rose. That's all, Your
23 Honor. Thank you.

24 THE COURT: Redirect.

25 MR. ROSS: One moment, Your Honor.

REDIRECT EXAMINATION

BY MR. ROSS

Q Officer Rose, I'm handing you State's Exhibit 158.

I'm also handing you State's Exhibit 57. Is 158 showing the same area of the house, that same closet?

A Yes, sir.

Q 57?

A It's the same area.

Q What's the difference?

A Two different days. This photograph right here --

Q Don't show it to the jury. Just keep it to yourself. What's the difference in the photos?

A The way they looked when the photograph was taken.

Q There's one on a different day?

A It is.

Q All right. Is it 57?

A 57 was taken on the 6th, and 158 was taken on the 4th.

Q 57 shows the same closet?

A Yes, sir.

Q But it shows it in a different condition?

A It does.

MR. ROSS: Your Honor, I'd offer State's Exhibit No. 158 into evidence.

THE COURT: Any objection?

1 **MS. LAFAVE:** Without objection, Your Honor.

2 **MR. MILLING:** No objection.

3 **MR. DELGADO:** No objection from Mr. Joy.

4 **THE COURT:** No objection.

5 (WHEREUPON, State's Exhibit No. 158 is admitted
6 into evidence.)

7 **Q** Let me go back over this, get myself straight. 57
8 was taken on what day?

9 **A** The one in your -- this one here, number --

10 **Q** Let's go to 56. 56 was taken on what day?

11 **A** 56 was taken on the 6th. That's the picture I took.

12 **Q** And 158 would have been taken ...?

13 **A** On the 4th. That's the one Officer Currie took.

14 **Q** Okay. Before -- 158 is before the shell casing is
15 found?

16 **A** Yes, sir.

17 **Q** The second shell casing?

18 **A** Yes, sir.

19 **Q** All right. 56, the shell casing was found on the 6th
20 when you found it when you went back?

21 **A** Right.

22 **Q** 158 shows that same closet area?

23 **A** Yes, sir.

24 **Q** On the 4th?

25 **A** Yes, sir.

1 Q Before the shell casing was found. And what's in
2 that closet area on the floor?

3 A Everything that was inside that closet. The whole
4 room is ransacked. It's just blankets, clothes.
5 There are things that were on the shelf just all over
6 in that whole area.

7 Q Was the shell casing in 56 underneath these items
8 that are shown in 158?

9 A It was.

10 Q So to find the shell casing in 56 you had to lift
11 up -- when you went back you had to lift up and
12 remove this material that's in the closet to look for
13 it?

14 A Yes, sir.

15 Q And I show you State's Exhibit 149-D. Do you
16 recognize that item? You might have to take it out
17 of the package.

18 A Yes, sir. That's the barrel.

19 Q Is that the barrel that Ms. LaFave was asking you
20 about earlier?

21 A It is.

22 Q And you said the gun barrel serial number is GTV2058
23 (sic)?

24 A I believe so. GTX058 (sic). Yes, sir.

25 Q And how did that come about? How did that barrel

1 come to you?

2 **A** On the 6th, when we went back to the house, this was
3 handed to me by Officer Fraser who was securing the
4 crime scene. He said that a neighbor handed it to
5 him. He said he found it. Then he pointed out, he
6 said 40 yards out.

7 **Q** Okay. Not at the house?

8 **A** No, sir. It's across the street in like a field.

9 **Q** Somebody else's house?

10 **A** Yes, sir.

11 **Q** All right. A neighbor across the street?

12 **A** Yes.

13 **Q** Is where the gun barrel was found?

14 **A** Yes, sir.

15 **Q** No other part of the gun?

16 **A** No.

17 **Q** Just, I mean, that's it?

18 **A** Just this barrel.

19 **Q** Did you take that gun barrel and securing it and log
20 it with the City?

21 **A** I did.

22 **Q** Did you tamper with it or alter it in any way?

23 **A** No, sir.

24 **Q** When did you log it in?

25 **A** On the 6th at 2:45 p.m.

1 Q Do you know if that gun barrel was sent to SLED?

2 A Yes, sir. Yes, sir, it was.

3 Q Do you know what the results of that examination
4 were? If you don't, that's okay.

5 A I don't have them. I don't know what they were.

6 Q Okay.

7 MR. ROSS: Your Honor, we'd offer State's
8 Exhibit No. 149-D subject to the redaction.

9 MS. LAFAVE: Without objection, Your Honor.

10 MR. MILLING: No objection, Your Honor.

11 MR. DELGADO: No objection from Mr. Joy.

12 THE COURT: Thank you. Without objection.

13 (WHEREUPON, State's Exhibit No. 149-D is
14 admitted into evidence.)

15 Q You were asked some questions by Mr. Delgado about
16 bite marks, that bite marks can be used as part of an
17 investigation. Sometimes bite marks can be matched
18 to dental records?

19 A Yes.

20 Q Were there any bite marks to compare in this case?

21 A No, sir.

22 Q Okay. You were asked about footprint tracks could be
23 compared to actual shoes. Were there any footprints
24 around the house that you were able to make a plaster
25 cast of in this case?

1 **A** None.

2 **Q** The gunshot residue Mr. Delgado pointed out, you
3 could get gunshot residue from firing a weapon?

4 **A** Yes, sir.

5 **Q** Could you also receive gunshot residue if you were a
6 victim and a gun was fired at you?

7 **A** Yes, sir. You can get it in close proximity.

8 **Q** I'm sorry?

9 **A** From close proximity. Yes, sir.

10 **MR. ROSS:** That's all the questions.

11 **THE COURT:** Any redirect?

12 **MS. LAFAVE:** Nothing further.

13 **MR. MILLING:** Briefly, Your Honor.

14 RE CROSS EXAMINATION

15 **BY MR. MILLING**

16 **Q** Now, Officer Rose, the barrel that was just placed
17 into evidence, did the neighbor bring that physically
18 to you or bring you out there to show you where it
19 was laying?

20 **A** Neither. The officer did.

21 **Q** The officer did?

22 **A** That was near the house. The person gave it to the
23 officer and the officer gave it to me, showed me
24 where the area was.

25 **Q** Okay. How long did you spend looking around in that

1 area?

2 A I looked in the area he told me about. I don't know.
3 I don't recall.

4 Q Five-foot area? Six-foot? Ten-foot? Twenty-foot?

5 A The section of yard he pointed at, I really don't
6 know how big it was.

7 Q So you just went over there and looked briefly?

8 A Yes, sir.

9 Q Okay. You didn't look anywhere outside of that for
10 the rest of the gun?

11 A No, sir.

12 Q Okay. Mr. Ross also just asked you about the outside
13 of the residence, as to whether or not there were any
14 I guess shoe prints, footprints, something like that
15 you could compare. You don't know how many city
16 police officers had been there before you got there,
17 do you?

18 A I do not.

19 Q Okay. But you arrived there after Officer Currie,
20 correct?

21 A Yes, sir.

22 Q And it was at least an hour before you got there?

23 A Probably.

24 MR. MILLING: Nothing further.

25 RECROSS EXAMINATION

1 **BY MR. DELGADO**

2 **Q** Mr. Rose, if someone is going to get a rid of a
3 murder weapon, make it disappear, you don't put it
4 40 yards from a scene, do you, sir? That wouldn't
5 make much sense, would it?

6 **A** I don't know what they would do with it.

7 **Q** All right. Let me just ask you this, sir. Has that
8 barrel of that gun been linked to the murder of
9 either Mr. Batie, Mr. Miller or to Ms. Felder in any
10 way?

11 **A** No.

12 **Q** All right, sir. Thank you very much.

13 **THE COURT:** All right, sir. You may come down.
14 Thank you very much. May this witness be excused?

15 **MR. STRICKLER:** Without objection.

16 **MR. MILLING:** Without objection from us.

17 **MR. DELGADO:** Without objection.

18 **THE COURT:** All right. You're excused, Officer.
19 Thank you very much. All right, ladies and
20 gentlemen. Let's take a short break. It will be a
21 short break. We'll call you in just a few minutes,
22 hopefully just a few minutes.

23 (Jury out at 4:01 p.m.)

24 (Whereupon, a break is taken)

25 **THE COURT:** The State ready to proceed?

1 **MS. MCDUFFIE:** We are, Your Honor.

2 **MR. STRICKLER:** Yes, sir.

3 **THE COURT:** I'm sorry. Is the defense ready to
4 proceed?

5 **MR. MILLING:** We are, Your Honor.

6 **THE COURT:** Bring the jury, please.

7 (Jury in at 4:25 p.m.)

8 **THE BAILIFF:** Your Honor, the jury is present.

9 **THE COURT:** All right. Thank you very much.
10 Solicitor, call your next witness.

11 **MS. MCDUFFIE:** The State calls Joseph Angelino.

12 JOSEPH ANGELINO, after being duly sworn,
13 testifies as follows:

14 **THE CLERK:** Thank you. Please have a seat in
15 the witness stand and state your full name for the
16 record, and please spell your last name.

17 **THE WITNESS:** My name is Joseph Angelino,
18 A-N-G-E-L-I-N-O.

19 DIRECT EXAMINATION

20 **BY MS. MCDUFFIE**

21 **Q** Good afternoon, Mr. Angelino. Can you please tell
22 the Court where you reside?

23 **A** 1317 Hard Scrabble.

24 **Q** And where are you employed?

25 **A** Continental.

1 Q And what do you do for Continental?

2 A I'm an engineer.

3 Q And are you familiar with Nina Lee and Donald
4 Streets?

5 A Yeah. I walk there quite often.

6 Q Is it close to your residence?

7 A Yes.

8 Q I'm going to show you what's been marked as State's
9 Exhibit 172 for identification purposes. Do you
10 recognize this?

11 A Yes, I do.

12 Q Is this a fair and accurate depiction of Nina Lee and
13 Donald Streets?

14 A Yes, it is.

15 Q And is this a fair and accurate depiction of these
16 streets in this area in September of 2005?

17 A It appears to be, yes.

18 MS. MCDUFFIE: Your Honor, the State offers 172
19 into evidence.

20 MS. LAFAVE: Without objection, Your Honor.

21 MR. MILLING: No objection.

22 MR. DELGADO: No objection from Mr. Joy.

23 THE COURT: Without objection.

24 (WHEREUPON, State's Exhibit No. 172 is marked
25 for identification and received in evidence.)

1 Q Mr. Angelino, did you have the occasion to be in the
2 vicinity of Nina Lee and Donald Streets in the early
3 part of September of 2005?

4 A Yes.

5 Q And any reason for that?

6 A I take a route which includes Nina Lee at least three
7 times a week, sometimes five or six times a week,
8 almost every day.

9 Q And what are you doing?

10 A I am getting exercise with my dog.

11 Q You are walking the dog in this vicinity, in this
12 area?

13 A Right.

14 Q And on September the 7th of 2005, did you notice
15 anything unusual in this area?

16 A I had been smelling an odor that smelled like rotten
17 animal, you know.

18 Q And on September the 7th, did anything catch your
19 eye, anything stand out?

20 A Well, I was smelling the odor and I was walking down
21 Donald, and I saw something blue on one side of
22 Donald off into the woods near the ground.

23 Q And can you point to the jury where that would be on
24 this map?

25 A I was walking this way.

1 Q In that area right there?

2 A Yeah.

3 Q And when you noticed the blue object in the woods,
4 what did you then do?

5 A Well, I attempted to discern what it was. I didn't
6 leave the road because, you know, after staring at it
7 a while I realized that it was human body and I
8 thought I'd better not walk over there.

9 Q So what did you do?

10 A So I called 911.

11 Q And from what did you call 911?

12 A A cellphone.

13 Q And then did you wait for the police to get there?

14 A Yes. I was instructed to wait and I waited.

15 Q And the police did arrive at that location?

16 A They arrived there, yeah.

17 Q Do you remember approximately what time of day this
18 was?

19 A It was getting dark. By the time the police got
20 there, it was almost dark or maybe it was already
21 dark.

22 Q Did you notice anyone else in the area or anything
23 suspicious?

24 A No.

25 Q Other than what you saw in the woods?

1 **A** Nothing else that I can remember, no.

2 **Q** And you were on Donald street when you saw the object
3 in the woods?

4 **A** That's right.

5 **Q** And did you ever go into the woods or leave Donald
6 street at any time?

7 **A** No, I did not.

8 **Q** And after the police came you spoke with officers?

9 **A** Yes.

10 **Q** And then at some point they allowed you to leave?

11 **A** Yes.

12 **Q** No further questions for this witness. Please answer
13 any questions defense counsel has.

14 **THE COURT:** Any questions?

15 **MS. LAFAVE:** Your Honor, I have no questions for
16 this witness on behalf of Mr. Oliver.

17 **MR. MILLING:** Briefly, Your Honor.

18 **CROSS EXAMINATION**

19 **BY MR. MILLING**

20 **Q** Mr. Angelino, good afternoon. My name is Jonathan
21 Milling. I represent Dominic Gallman in this case.
22 Do you recall how long or how many days you had been
23 smelling some type of strange odor?

24 **A** It was more than one day. Now, this was a year ago.

25 **Q** Yes, sir.

1 **A** And I will say subsequent to this I had come to
2 realize that hunters had been dumping entrails of
3 deer in the woods.

4 **Q** In that general area?

5 **A** Yes.

6 **Q** So you don't know whether what you smelled were the
7 deer remains or this body that you found?

8 **A** That's correct.

9 **Q** Okay. Do you recall whether during the preceding
10 weekend you heard any type of gunshots or anything
11 like that? And I understand that it's been a long
12 time ago.

13 **A** Now, again, when hunters not only dump deer. They
14 discharge firearms. And that was a long time ago.
15 But it's not uncommon to hear gunfire.

16 **MR. MILLING:** Nothing further, Your Honor.

17 **THE COURT:** Mr. Delgado.

18 **MR. DELGADO:** I don't have any questions. Thank
19 you, Mr. Angelino.

20 **THE COURT:** Any redirect?

21 **MS. MCDUFFIE:** None, Your Honor. May the
22 witness be excused?

23 **THE COURT:** Yes. Any objection?

24 **MS. LAFAVE:** No, Your Honor.

25 **MR. MILLING:** No objection.

1 **THE COURT:** The witness may be excused. Thank
2 you very much for coming, sir. Appreciate it.
3 You're free to go. Next witness.

4 **MR. ROSS:** Deputy Ulmer.

5 LATAVISH ULMER, after being duly sworn,
6 testifies as follows:

7 **THE CLERK:** Thank you. Please have a seat on
8 the witness stand and state your full name for the
9 record.

10 **THE WITNESS:** Deputy Latavish Ulmer.

11 **COURT REPORTER:** Would you spell your first
12 name?

13 **THE WITNESS:** L-A-T-A-V-I-S-H.

14 DIRECT EXAMINATION

15 **BY MR. ROSS**

16 **Q** Deputy Ulmer, where are you employed?

17 **A** Richland County Sheriff's Department.

18 **Q** How long have you been employed there?

19 **A** About three years.

20 **Q** Were you employed and working on September the 7th,
21 2005 around 1920 or 7:20 p.m.?

22 **A** Yes, sir.

23 **Q** And did you receive a call to go to Nina Lee and
24 Donald Streets?

25 **A** Yes.

1 Q And what type of call was that?

2 A It was a -- it was in reference to an unknown
3 situation. When we got there, we went into the wood
4 line and found a deceased person, a body in the wood
5 line.

6 Q When you arrived there did you encounter a Joseph
7 Angelino?

8 A Yes, sir.

9 Q All right. And what did he tell you when you
10 arrived? Were you the first officer on the scene?

11 A Yes.

12 Q What did he tell you when you arrived? Was it
13 daylight or nighttime, 7:20?

14 A It was night, just turning night. Yes. He advised
15 me that he was walking his dog when he observed an
16 unusual odor and stated that he saw something in the
17 wood line, a blue colored fabric in the wood line.

18 Q All right. And when you arrived where was he?

19 A He was standing near the scene. He was still on the
20 road, Donald Street.

21 Q What kind of road is this?

22 A Donald Street is a dirt road that runs off of Nina
23 Lee.

24 Q And what does Nina he run off of?

25 A Nina Lee runs off of Wilson Boulevard.

1 Q And what part of the county would you call that?

2 A Northeast Columbia. Northeast.

3 Q And this area that you are describing, is it in
4 Richland County?

5 A Yes, sir.

6 Q All right. What did you do after talking to Mr.
7 Angelino?

8 A We secured the crime scene. We taped it off, put up
9 yellow crime scene tape, taped it off, started a call
10 log and notified investigators.

11 Q All right. And did other units arrive?

12 A Yes.

13 Q All right. Was the scene secured?

14 A Yes.

15 Q Did you allow anybody to --

16 A No.

17 Q -- go in the scene?

18 A No unauthorized person. If anybody was there, they
19 had to be logged in.

20 Q And was the scene tampered with or altered while you
21 were there?

22 A No.

23 Q All right. Did you yourself put the crime scene tape
24 up, or did other deputies help you?

25 A Myself and other deputies.

1 Q Okay. I hand you State's Exhibits 86 and 87. Do you
2 recognize that?

3 A Yes.

4 Q What's shown in those photos?

5 A The -- well, these vehicles were also at the crime
6 scene when the tape was put up and secured the scene.

7 Q And this is the area that you just described?

8 A Yes. Off Donald Street.

9 Q This is September 7th?

10 A The 7th, yes.

11 MR. ROSS: I ask that 86 and 87 be admitted.

12 MS. LAFAVE: Without objection, Your Honor.

13 MR. MILLING: No objection, Your Honor.

14 MR. DELGADO: No objection from Ken Joy.

15 THE COURT: No objection.

16 (WHEREUPON, State's Exhibit No. 86 is admitted
17 into evidence.)

18 (WHEREUPON, State's Exhibit No. 87 is admitted
19 into evidence.)

20 Q So that's two photos of the same general area,
21 different directions?

22 A Yes.

23 Q Do you remember how long you stayed out there, Deputy
24 Ulmer.

25 A Roughly, I'd say about an hour and a half.

1 Q About an hour and a half?

2 A Myself. Yes.

3 Q And when you left, the crime scene was still secured?

4 A Yes.

5 Q And it was -- I'll ask the next witness.

6 A Okay.

7 Q Answer any questions defense counsel has.

8 THE COURT: Any questions?

9 MS. LAFAVE: I don't have any questions for this
10 witness, Your Honor.

11 THE COURT: Mr. Milling.

12 MR. MILLING: Very briefly, Your Honor.

13 CROSS EXAMINATION

14 BY MR. MILLING

15 Q Deputy Ulmer, you said that you arrived around 7:20
16 in the evening?

17 A Yes.

18 Q You left around 9?

19 A Yes.

20 Q Was that the last time that you were there at the
21 scene?

22 A Yes. That was the last time I was there.

23 Q So you never went back after that 9:00 that night?

24 A No.

25 Q Has the scene been processed at that point in time?

1 **A** No. It hasn't been processed.

2 **MR. MILLING:** Okay. Nothing further, Your
3 Honor.

4 **THE COURT:** Mr. Delgado.

5 **MR. DELGADO:** I don't have any questions. Thank
6 you, sir.

7 **THE COURT:** Any redirect? Any redirect?

8 **MR. ROSS:** No, Your Honor.

9 **THE COURT:** You may come down, sir. Thank you
10 very much. May this witness be excused?

11 **MR. OLIVER:** Without objection.

12 **MR. MILLING:** No objection.

13 **THE COURT:** Without objection, you're free to
14 go, Deputy. Thank you very much. Next witness.

15 **MR. ROSS:** Investigator Oates.

16 **ROBERT OATES,** after being duly sworn, testifies
17 as follows:

18 **THE CLERK:** Thank you. Please have a seat in
19 the witness stand and state your full name for the
20 record.

21 **THE WITNESS:** Robert Oates.

22 DIRECT EXAMINATION

23 **BY MR. ROSS**

24 **Q** Investigator Oates, where are you employed?

25 **A** The Richland County Sheriff's Department.

1 Q How long have you been employed there?

2 A Eight and a half years.

3 Q What's your position at the Sheriff's Department?

4 A Currently an investigator in the crime scene unit, a
5 crime scene investigator.

6 Q How long have you been a crime scene investigator?

7 A Three years and three months.

8 Q And what type of training have you had as part of
9 your duties as a crime scene investigator?

10 A I have taken courses in basic fingerprint
11 identification, basic palm print identification,
12 blood pattern analysis, advanced blood pattern
13 analysis, crime scene reconstruction, forensic art,
14 footwear impression evidence training, basic forensic
15 photography, advanced crime scene photography, and
16 fundamentals of crime scene investigation and
17 evidence collection.

18 Q Okay. And what's your educational background?

19 A My undergraduate education, a bachelor's of science
20 in criminal justice from the University of South
21 Carolina.

22 Q Do you have any other law enforcement experience
23 besides the Sheriff's Department?

24 A No, sir.

25 Q Okay.

1 **A** Well, as a patrolman for Darlington City was where I
2 first started and then as a patrol officer.

3 **Q** And then to Richland County?

4 **A** Yes.

5 **MR. ROSS:** Your Honor, we'd offer Investigator
6 Oates as an expert in crime scene investigation.

7 **MS. LAFAVE:** Your Honor, I have no Voir Dire for
8 him.

9 **THE COURT:** Any objection?

10 **MS. LAFAVE:** Without objection, Your Honor.

11 **MR. MILLING:** No objection, Your Honor.

12 **MR. DELGADO:** No objection.

13 **THE COURT:** All right. You may proceed. The
14 witness is qualified as an expert in crime scene
15 investigations.

16 **MR. ROSS:** Thank you, Your Honor.

17 **Q** Investigator Oates, did you respond to a scene at
18 Nina Lee Drive here in Richland County?

19 **A** Yes, I did.

20 **Q** And what date was that?

21 **A** That was on the -- excuse me -- September the 7th of
22 2005.

23 **Q** Okay. On the 7th? On September 7th --

24 **A** Yes.

25 **Q** -- is when you responded?

1 **A** I'm sorry. I correct that. That's when it actually
2 occurred. I responded the next day which was the
3 8th.

4 **Q** Okay.

5 **A** Correction. Sorry.

6 **Q** Were you the lead crime scene investigator for this
7 case?

8 **A** Yes, I was.

9 **Q** All right. What had transpired on the 7th?

10 **A** On the 7th I had Investigator Brown respond to the
11 scene at that time. What she did was she secured the
12 scene along with the responding deputies. She also
13 placed crime scene flags from the actual dirt road,
14 Donald Street dirt road which is clearing a path for
15 us to go through so we could find the body. And
16 that's what she did the night before. And then crime
17 scene was secured until the next day.

18 **Q** Okay. And you all kept a log of the officers that
19 worked that crime scene?

20 **A** Yes, sir.

21 **Q** Keeping the crime scene secure?

22 **A** Yes, sir.

23 **Q** And what time did you arrive on the 8th?

24 **A** 8:00 in the morning.

25 **Q** Okay. Was the scene secured then?

1 **A** Yes, it was.

2 **Q** There was a deputy on duty when you arrived?

3 **A** Yes.

4 **Q** Was any crime scene -- was it processed at all on the
5 7th?

6 **A** No. The only thing that was placed was the flags.

7 **Q** Okay. It's probably an obvious question, but why did
8 you wait until the 8th?

9 **A** Well, one reason is the light factor. It had already
10 been dusk. So as far as being able to adequately
11 identify or see any type of evidence, it would be
12 pretty hard. So we decided to shut the crime scene
13 down, basically secure it and wait until daybreak.

14 And it's a whole lot better time, a whole lot better
15 atmosphere, a whole lot better, you know, conditions
16 to start processing and so we won't miss anything.

17 **Q** Describe this area that we're talking about. It's a
18 dirt road?

19 **A** Yes. It's a dirt road off outbound Wilson Boulevard,
20 8000 block roughly. It's right off of Wilson
21 Boulevard which is right off of Nina Lee Road which
22 is in the Ashley -- Lake Ashley community in
23 Northeast Columbia.

24 **Q** Is this a subdivision, apartments?, Woods? What is
25 this?

1 **A** It's residential houses that are basically mixed
2 around a couple of dirt roads off the right-hand
3 shoulder, in that area.

4 **Q** Were there any residences right around where the body
5 was found?

6 **A** No, sir.

7 **Q** All right. Just describe the scene how you entered
8 the scene from the dirt road, how far you had to go,
9 what it was like as far as dense woods, not dense,
10 that type of thing, the general area around the body?

11 **A** Okay. We first entered the dirt road on Donald
12 Street. Basically it's patchy woods a little bit
13 right at the beginning of the course of the road,
14 roadside. And then once you enter in, the woods
15 clear out to a point where it's not as briary or
16 bushy.

17 When we got there, myself and Investigator
18 Bouknight, we first of all followed the flags to I
19 think it was the body, then did a sweep around the
20 body, which means checking just before we do
21 anything, any type of documentation at all or any
22 processing, looking for any kind of evidence around
23 the body or on the body.

24 We did, upon entering the woods did find the
25 victim laying on her back between a small tree and a

1 medium sized tree. And there was a stump that was
2 right beside her side there. Laying on her back, her
3 head was back. And it was her -- it was her left
4 hand that was kind of slightly elevated, like she was
5 pushed between the two trees. The left hand was in
6 an up position.

7 Q What was the condition of her body? And what was the
8 weather like at that time?

9 A Okay. On my notes it was 85 degrees at 8:00 already
10 that day. And so it was during that time of year was
11 pretty humid, pretty hot still. And it was a clear
12 day that day, a sunny day. The condition of her
13 body, her -- there was -- upon viewing her, her head
14 area apparently had already started to decompose.
15 But other areas, limbs and legs and things of that
16 sort, had started that process, but it was not as
17 severe as the head area.

18 Q What type of clothing, if any, did Ms. Felder have
19 on?

20 A I remembered her having on a denim long sundress and
21 no shoes. I didn't notice any jewelry of any kind.
22 And she had -- I remember the pink nail polish, toes
23 and hands.

24 Q Right around the body and, well, just in general,
25 what are you looking for when you are first doing

1 your -- just take the jury through the steps that you
2 do to document a scene and collect evidence?

3 **A** Okay. Basically after searching around the body or
4 the object, we're looking for maybe any projectiles
5 which are bullets or shell casings. We're looking
6 for any kind of --

7 **Q** Let me stop you right there. When you say you're
8 looking for a shell casing, just describe for the
9 jury what a shell casing is?

10 **A** Basically the shell, the brass part of the bullet
11 that holds the powder, et cetera.

12 **Q** What causes the shell casing -- why are you looking
13 for a shell casing?

14 **A** Okay. Well, when a weapon is fired, if it's an
15 automatic weapon, it's going to feed or eject a spent
16 projectile which is the brass part after the bullet
17 has been fired from the weapon. There is the brass
18 or shell casing is going to eject as a result of
19 that.

20 **Q** As opposed to a revolver. What happens with a
21 revolver?

22 **A** With a revolver, since it is a cylinder and it's
23 closed into the weapon, it does not eject as the
24 cylinder rotates. And you will get projectile but no
25 brass will eject. You have to manually eject it

1 yourself.

2 **Q** Okay. I didn't mean to interrupt you. Go ahead. So
3 you were looking for shell casings I think when I
4 stopped you?

5 **A** Right. Any shell casings. Also looking for any kind
6 of trace evidence, hairs, fibers, any blood stains,
7 any blood patterns. It will tell us maybe movements
8 of the victim during the assault. We're looking for,
9 on the body, we're also looking for trace on the body
10 also. It could be transferred from a suspect. Also
11 injuries to the victim, we're looking for injuries,
12 where those injuries might be and then going from
13 there looking for the other trace evidence and shell
14 casings and projectiles and blood evidence.

15 **Q** And what's your next step after doing your sweep?

16 **A** Okay. After we sweep, after we've identified or I've
17 identified evidence that is going to be processed or
18 going to be collected, I then return back to my
19 vehicle and get a digital camera. And again taking
20 visual photographs of far off shots of the actual
21 total area and moving closer, like in this case
22 toward the woods, toward the direction of the flags,
23 items towards the body and just taking photographs,
24 360 photographs basically taken of the crime scene
25 and then close ups of the victim and any evidence

1 that has been observed before we process or collect
2 it.

3 Q Did you observe any injuries on Ms. Felder?

4 A Yes. We observed -- we looked toward of course the
5 head area since it had started to decompose, focused
6 in that area and did actually find a piece of her
7 skull that had a round -- it had broken and had a
8 round hole, like it was a bullet hole into a part of
9 her skull.

10 Q Is that the only injury that you saw on the scene?

11 A That's the only injury that I saw. I think I did
12 observe a tear on her dress. But I did not see any
13 wound or any laceration.

14 Q All right. And what items of evidence, if any, did
15 you find at the scene?

16 A Okay. Okay. There was a piece of white feather
17 material we thought at that time attached to a broken
18 briar bush that was next to the victim's right leg.
19 We later determined that that was one of the seed
20 pods that's common in plants in the wood area. A
21 piece of blue material lying on straw laying next to
22 the victim's right leg. And a piece of white,
23 another white feather material, piece of material on
24 the ground near the victim's head.

25 Now, during the search of the crime scene we did

1 use metal detectors and we did search around the body
2 and went out different areas seeing if there was
3 any -- of course looking for shell casings. And we
4 did discover some other items that we did collect.

5 Q Did you find any shell casings?

6 A No. We didn't. No shell casings.

7 Q Did you find any type of weapon?

8 A No weapon.

9 Q Gun?

10 A No. No, sir.

11 Q These three items you talked about, the white
12 material and the blue material, could you determine
13 if they were connected to the crime scene at all?

14 A Right. We determined that they were not --
15 determined they weren't connected at all. Excuse me.

16 Q And then what other items did you locate when you
17 were looking for the shell casings?

18 A Well, we located a drink bottle toward the entrance
19 to the crime scene. It was close to where the first
20 flag was identifying entrance into the woods. And an
21 old washcloth that was hanging from a tree limb
22 there. And also a black leather purse that was found
23 under some pine straw in the woods.

24 Q Okay. Could you tell, were those items there
25 recently or had they been there?

1 **A** These items were weathered. They had been there a
2 while.

3 **Q** Okay.

4 **A** Yes, sir.

5 **Q** Any connection that you could find to the crime scene
6 at all?

7 **A** No, sir.

8 **Q** All right. Not you personally but through your
9 investigation and your viewing it, were you able to
10 identify Ms. Felder?

11 **A** Yes.

12 **Q** Could you readily identify her by looking at her in
13 the woods?

14 **A** No, sir.

15 **Q** Okay. And then how was she identified?

16 **A** She was identified by fingerprint analysis through
17 AFIS.

18 **Q** Handing you State's Exhibits 79, 98, 97, 96, 84, 93,
19 94, 108, 82, 18 and 101, 92; if you could look at
20 those and just tell me if those are an accurate
21 depiction of the crime scene on September the 8th?

22 **A** Yes, sir.

23 **Q** Those are?

24 **A** Yes, sir.

25 **MR. ROSS:** Your Honor, we'd move those items

1 into evidence at this time.

2 **MS. LAFAVE:** Subject to our previous objections,
3 Your Honor, it's without objection at this time.

4 **THE COURT:** All right. Subject to the
5 defendant's objection which was overruled.

6 **MR. MILLING:** Yes, sir.

7 **MS. LAFAVE:** Yes, Your Honor. Thank you.

8 **THE COURT:** I'm not sure if those photos were in
9 that batch. But I'm assuming they were.

10 (WHEREUPON, State's Exhibit No. 18 is admitted
11 into evidence.)

12 (WHEREUPON, State's Exhibit No. 79 is admitted
13 into evidence.)

14 (WHEREUPON, State's Exhibit No. 82 is admitted
15 into evidence.)

16 (WHEREUPON, State's Exhibit No. 84 is admitted
17 into evidence.)

18 (WHEREUPON, State's Exhibit No. 92 is admitted
19 into evidence.)

20 (WHEREUPON, State's Exhibit No. 93 is admitted
21 into evidence.)

22 (WHEREUPON, State's Exhibit No. 94 is admitted
23 into evidence.)

24 (WHEREUPON, State's Exhibit No. 96 is admitted
25 into evidence.)

1 (WHEREUPON, State's Exhibit No. 97 is admitted
2 into evidence.)

3 (WHEREUPON, State's Exhibit No. 98 is admitted
4 into evidence.)

5 (WHEREUPON, State's Exhibit No. 101 is admitted
6 into evidence.)

7 (WHEREUPON, State's Exhibit No. 108 is admitted
8 into evidence.)

9 Q I'm going to go ahead and do this, too. State's
10 Exhibit 173, do you recognize that?

11 A Yes, sir.

12 Q What is that?

13 A It's a crime scene sketch of the actual incident
14 location.

15 Q Is that a sketch you did?

16 A No.

17 Q Okay. Who did the sketch?

18 A Investigator Harold Bouknight.

19 Q Is it accurate?

20 A It is. Yes, sir.

21 MR. ROSS: All right. Your Honor, I offer
22 State's Exhibit 173 at this time.

23 THE COURT: Any objection?

24 MS. LAFAVE: Without objection, Your Honor.

25 MR. MILLING: None, Your Honor.

1 **MR. DELGADO:** None, Your Honor.

2 (WHEREUPON, State's Exhibit No. 173 is marked
3 for identification and received in evidence.)

4 **Q** Can you see that, Officer?

5 **A** Yes, sir.

6 **Q** Looking at your sketch, so this is -- where I'm
7 pointing on your sketch, that's the dirt road that
8 you're referring to?

9 **A** Yes. Yes, sir. Donald Street. Yes, sir.

10 **Q** And then you've got documented that Nina Lee Drive is
11 this way?

12 **A** Yes, sir.

13 **Q** All right. And does that take you out to Wilson
14 Boulevard?

15 **A** Yes. Yes. It will lead or take you to Wilson
16 Boulevard.

17 **Q** All right. And then this area here is a wooded area?

18 **A** Yes. That's a wooded area. Yes, sir.

19 **Q** All right. And then I think you've got on here it's
20 55 feet, 7 inches from the middle of the dirt road to
21 the body?

22 **A** Yes. Yes, sir.

23 **Q** All right. And then you've got some numbers on the
24 diagram. What are those numbers referring to?

25 **A** What we did and for purposes of measuring or trying

1 to measure the body to fixed objects for measurement
2 purposes for crime scene reconstruction, those are
3 actually trees that we initially wrapped with crime
4 scene tape and then numbered those. We used those as
5 markings as far as for measuring purposes.

6 Q Looking at State's Exhibit No. 92, what's shown in
7 that photograph?

8 A That's the particular entrance to the patch of woods,
9 and there is one identifying flag or marker flag
10 right there.

11 MR. ROSS: Your Honor, can I have the witness
12 step down?

13 THE COURT: Yes, sir.

14 Q Still looking at 92, if you could show the jury where
15 you're talking about?

16 A Okay. Right here is -- right here is a marker flag I
17 was talking about. This is actually the front shot
18 from the roadside toward the woods, toward where the
19 victim's body is. And this is actually a marker
20 right here showing -- I wanted to show that so we'll
21 know where we're going through the woods.

22 COURT REPORTER: I can't hear him. If he can
23 switch, I can read his lips.

24 Q Okay. So this would be towards the bottom of your
25 sketch?

1 **A** Yes. Yes, sir. This photograph.

2 **THE COURT:** Mr. Ross, just change places.

3 **MR. ROSS:** Yes, sir; I am. I'm going.

4 **THE COURT:** That's better.

5 **Q** State's Exhibit 101?

6 **A** Okay. This is basically one of the trees that we
7 used. I'm sorry. I was just seeing. Okay. This is
8 one of the trees that we used. It looks like it's
9 going to be right here at the road again from the
10 roadway or dirt road showing one of the markers.
11 That's basically what that is that we used for
12 measurement purposes.

13 **Q** State's Exhibit 81?

14 **A** Okay. While searching the outskirts of the body and
15 the area there is the woods, this is one of the
16 purses that we found. And again, we had to use the
17 metal detectors, and we had to dig this up from up
18 under the pine straw. But we, for investigative
19 purposes, we still photographed it and also marked it
20 and collected it also. But that's the location of
21 that just inside the woods near the dirt road on
22 Donald Street.

23 **Q** Anything in that purse?

24 **A** No, sir.

25 **Q** No connection that you could note to this crime

1 scene?

2 A No connection. Very weathered. No connection.

3 Q State's Exhibit 82, another shot of the same?

4 A That's a close up shot; yes, sir, a close up shot of
5 the same thing.

6 Q State's Exhibit 108?

7 A Okay. Here is -- okay. I believe that one is going
8 to be number 2 here to my knowledge. It's just
9 another tree that we used as far as documentation.
10 But we did mark it and it was used. It was used for
11 measurement purposes.

12 Q State's Exhibit 94?

13 A This is basically a shot from Donald down the dirt
14 road into the woods, basically just showing inside
15 the woods. You can almost see the victim right here.
16 Basically also showing how far you are from the road
17 to where she is. But you could still see her body to
18 a point.

19 Q State's Exhibit 93?

20 A Okay. This is another shot, I mean, another shot
21 from the actual curve of the dirt road into the woods
22 showing direction and also showing the position of
23 the body also inside the woods, as you can see.

24 Q State's Exhibit 84?

25 A Okay. This is just another shot also of her here

1 also basically.

2 **Q** State's Exhibit No. 96?

3 **A** Okay. And another close up shot into the woods
4 through the bushes here. You can kind of see a
5 little bit here of the victim and her position within
6 the woods. That's another photograph.

7 **Q** State's Exhibit No. 97?

8 **A** Okay. Getting a little closer, as you can tell, a
9 little closer in, walking into the woods, getting
10 closer to the body, taking another shot, showing
11 direction, showing distance also now from where we
12 are to where the body is and her position within the
13 woods.

14 **Q** State's Exhibit 98?

15 **A** Okay. The same thing, just another direction,
16 another angle. It appears to be moved over. So it's
17 just basically -- a lot of times taking photographs
18 we will go either in a circle, a 360 to the victim.
19 That's basically what we're doing here now when you
20 see these shots. Eventually we get closer, just from
21 outside in.

22 **Q** State's Exhibit 79?

23 **A** Okay. This is one of those white feathery materials,
24 piece of material that we found that was laying near
25 the body. And that's just showing that.

1 Q You can re-take your seat.

2 A Thank you, sir.

3 MR. ROSS: May we approach, Your Honor?

4 THE COURT: Sure.

5 (Whereupon, a bench conference is had)

6 Q Also handing you State's Exhibits 125, 126, 128; do
7 you recognize those?

8 A Yes, sir.

9 Q Is that an accurate depiction of the way you found
10 the body on the 8th?

11 A Yes, it is.

12 MR. ROSS: Your Honor, I'd move that those
13 exhibits be admitted.

14 THE COURT: Over the objection of the
15 defendants. What are the numbers?

16 MR. ROSS: Your Honor, this is going to be 125,
17 126 and 128.

18 THE COURT: All right.

19 (WHEREUPON, State's Exhibit No. 125 is admitted
20 into evidence.)

21 (WHEREUPON, State's Exhibit No. 126 is admitted
22 into evidence.)

23 (WHEREUPON, State's Exhibit No. 128 is admitted
24 into evidence.)

25 Q I'm sorry. If I can have the witness step back down,

1 Your Honor?

2 **THE COURT:** Yes, sir.

3 **Q** Looking at State's Exhibit 125, what does that show?

4 **A** Okay. That is a photograph of the victim's position,
5 a closer shot now. I already explained to you about
6 the 360. Now we're moving closer into the victim's
7 position. And that's just a closer picture of that
8 showing her.

9 **Q** State's Exhibit 126?

10 **A** Okay. Of course now we've gotten closer and
11 basically close up to the victim. And that's just
12 basically a photograph showing her laying, basically
13 her position between the two trees, the small one and
14 the medium sized one, the stump beside that,
15 basically showing that, where she basically laid.

16 **Q** What did you notice about her position shown in this
17 photo?

18 **A** Basically her position of being between the two trees
19 is pretty interesting in the area of the woods, and
20 basically where she basically laid down I mean.

21 **Q** And State's Exhibit 128, what's shown in that photo?

22 **A** Okay. That's a close up shot of a piece of a
23 notebook or a piece of paper. We found notebook
24 paper that was in her hand while she was there, was
25 laying in the woods.

1 Q Did you determine what was inside the notebook paper?

2 A Yes, we did. We determined it was a white rock-like
3 substance, what appeared to be cocaine.

4 Q Crack cocaine?

5 A Crack cocaine. Yes, sir.

6 Q Take your seat, Investigator Oates. Investigator
7 Oates, you touched on it briefly about being -- she's
8 basically wedged inbetween two trees?

9 A Right. Yes, sir.

10 Q So --

11 A Okay. I know what you're asking. Basically looking
12 at her position and where she is at, I mean, she
13 would -- to angle yourself to fall between two trees,
14 you would have to be pretty lined up in front of
15 those trees in order to, you know, in order to make
16 that dissent, I mean, that way.

17 Q One way you could have gotten in that position is to
18 be standing and then fall backwards inbetween those
19 two trees?

20 A Right. Right. You'd have to be in that area lined
21 up directly, I mean, in order to make that.

22 Q What was the position of her head?

23 A Okay. It was basically tilted back, chin up and in
24 that position.

25 Q And what was the condition of the back of her skull

1 where it rested on the ground?

2 **A** Okay. The actual back of the skull had come apart
3 and was detached from the skull itself or hanging
4 from the skull itself.

5 **Q** Any fingerprints, any identifiable fingerprints
6 lifted off of any of the items that you just
7 described?

8 **A** No, sir. No, sir.

9 **MR. ROSS:** A moment, Your Honor. That's all the
10 questions I have for Investigator Oates.

11 **THE COURT:** Cross examination.

12 **MS. LAFAVE:** If it please the court, Your Honor.

13 CROSS EXAMINATION

14 **BY MS. LAFAVE**

15 **Q** Good afternoon, Investigator.

16 **A** Hello.

17 **Q** You've been with Richland County Sheriff's Department
18 you testified eight and a half years. Is that right?

19 **A** Yes, ma'am.

20 **Q** How many crime scene would you say you've
21 investigated in the time that you've been there?
22 Just roughly.

23 **A** Okay. I'd say at least, at least 700 at least.

24 **Q** And it's been, as you probably know, over two years
25 since this incident occurred?

1 **A** Yes, ma'am.

2 **Q** So you're having to refer to your notes to kind of
3 refresh your memory?

4 **A** Right.

5 **Q** Because you've investigated so many crime scenes,
6 it's hard to keep them straight, correct?

7 **A** Sometimes, yes.

8 **Q** And so you're referring to your notes just to refresh
9 yourself?

10 **A** Right. Of course. Yes.

11 **Q** And when you arrived on the scene, the area was
12 secure?

13 **A** Right. Yes, ma'am.

14 **Q** And you were going over the area in a grid pattern?
15 Is that how you go through the crime scene?

16 **A** That's a technique, yes. That's one technique, yes.

17 **Q** And as you testified with Mr. Ross' questions, you
18 found several different materials --

19 **A** Right.

20 **Q** -- that you didn't think were connected to this crime
21 scene?

22 **A** They turned out not to be connected.

23 **Q** And why did you think they weren't connected?

24 **A** Well, we found out that the white what we thought was
25 material basically was from a plant found out there,

1 like a seed pod. And I know the other --

2 Q The blue material?

3 A Right. The blue material, I believe we found out
4 that that was actually a piece of one of our gloves
5 as far as I can recall. Or a glove.

6 Q I'm sorry. I didn't understand you.

7 A Or a piece of blue material. I didn't mean to say
8 glove. But --

9 Q You think it was something from police officers?

10 A No. No, no. Not that. No. I take that back. It's
11 not going to be from us. It's going to be like a
12 blue type of a rubbery type of substance but not a
13 glove. I don't know what I was thinking.

14 Q And not from police officers?

15 A Not from police officers. No.

16 Q Okay. And you testified that you also found a
17 washcloth?

18 A Right. An old washcloth.

19 Q What made you think that wasn't related?

20 A Well, this dirt road is off the main highway and it
21 was old. It was weathered. Basically it was torn,
22 really old and weathered. It had been hanging there
23 for a while because of being weathered. And the
24 drink bottle, the same thing. The paper on the drink
25 bottle, the label and such, et cetera, was also worn,

1 faded. So it was old also.

2 Q Were these things collected just in case?

3 A Right. Of course. Yes, ma'am. Mm-hmm

4 (affirmative). Yes, ma'am.

5 Q What about the purse? What made you think it was
6 old?

7 A The same thing. Looked inside the purse, looked at
8 the exterior material of the purse, and it was old,
9 weathered.

10 Q It was weathered from being out in the weather?

11 A That's right.

12 Q Or weathered from being used a lot?

13 A Being weathered, being out in the weather. Seen a
14 lot of weather. Weather. Yes.

15 Q Okay. So you arrived on scene and it was secured?

16 A Right.

17 Q And you are searching using metal detectors?

18 A Right.

19 Q Several people are helping to cover this crime scene?

20 A Right.

21 Q To be thorough?

22 A Right.

23 Q And diagrams are being drawn?

24 A Right.

25 Q Notes are being taken?

1 **A** Sure.

2 **Q** And most of the evidence that you found, would it be
3 accurate to say, is not actually related to Desiree
4 Felder?

5 **A** Right.

6 **Q** Or this crime scene?

7 **A** Right. Yes, ma'am.

8 **Q** Investigator, you testified earlier that you observed
9 no jewelry of any kind on Ms. Felder's body?

10 **A** That I can recall, yes.

11 **Q** Are you sure that's accurate? Would you like to
12 refer to your notes?

13 **A** I probably need to. I'll look at them again, but I
14 don't remember seeing anything. I'm not saying my
15 eyes aren't getting bad either.

16 **Q** Do you have a copy of your report, sir?

17 **A** I sure do.

18 **Q** If I may, I can direct your attention to, it looks
19 like page 3. Your Honor, may I approach the witness?

20 **THE COURT:** Sure. If that would expedite
21 things.

22 **A** Right here.

23 **Q** Your handwritten report. That's it.

24 **A** Okay. Okay. Okay. My mistake. She was wearing
25 earrings.

1 Q So Ms. Felder was wearing jewelry?

2 A Right. Earrings.

3 Q Okay. And again, as I said earlier, you make these
4 reports so that you can remember the crime scene?

5 A Right.

6 Q Just as you explained?

7 A Sure.

8 Q So Ms. Felder was wearing earrings as stated in your
9 report?

10 A Okay. Yes.

11 Q Because you want your reports to be fair and
12 accurate?

13 A Our reports, yes.

14 Q And complete?

15 A Right.

16 Q And true?

17 A Right.

18 Q Investigator, you made observations and noted these
19 observations in your report?

20 A Right.

21 Q So if you noticed something, obviously you noticed
22 that Ms. Felder had been killed by a shot, a gunshot
23 wound to the head, correct?

24 A Right.

25 Q And so you put that in your report?

1 A Right.

2 Q You put in your report that she wasn't wearing shoes?

3 A Right.

4 Q She was wearing a jean denim dress?

5 A Right.

6 Q But you also make other notations about what you
7 think about what happened with this crime, correct?

8 A Sure.

9 Q Well, for instance, forensically, whether photographs
10 are taken, --

11 A Right.

12 Q -- you check in your report whether photographs are
13 taken?

14 A I do.

15 Q You also note whether swabs of blood, hair samples
16 are taken?

17 A Mm-hmm (affirmative).

18 Q Whether you collect casings?

19 A Right.

20 Q Shell casings. Excuse me. What about evidence of
21 sexual assault, things of that nature? That's what I
22 mean when I say assumptions on your part about what
23 happened in this particular crime scene?

24 A No.

25 Q If you think that there's been sexual assault,

1 something like that?

2 **A** No. I don't recall putting that in my notes.

3 **Q** Okay. Do you recall there being any evidence of
4 robbery in this case, in this particular crime scene?

5 **A** No. I didn't see any, the implication of it.

6 **MS. LAFAVE:** Your Honor, I have no further
7 questions.

8 **THE COURT:** Mr. Milling.

9 **MR. MILLING:** Thank you, Your Honor. May it
10 please the Court.

11 CROSS EXAMINATION

12 **BY MR. MILLING**

13 **Q** Investigator Oates, good afternoon.

14 **A** Good afternoon.

15 **Q** My name is Jonathan Milling, and I represent Dominic
16 Gallman in this case.

17 **A** Mm-hmm (affirmative).

18 **Q** This is Donald Street, correct?

19 **A** Yes.

20 **Q** Nina Lee would be up this way, correct?

21 **A** Yes, sir.

22 **Q** We've got a path going in off Donald Street, correct?

23 **A** Yes.

24 **Q** Were you able to identify anything definitively to
25 show whether or not Mr. Felder entered from Donald

1 Street or from Nina Lee?

2 A No, sir.

3 Q So you don't know how she came in?

4 A Right. We didn't find any signs of anything like
5 that on the roadside or right inside the woods.

6 Q Did you all see footprints or anything like that you
7 all were able to take casts out of?

8 A No, sir.

9 Q How about tire tracks?

10 A No, sir. Again, that road is traveled. It's a side
11 road. So some other activities happen on that road.
12 There's a lot of side traffic also. So a lot of
13 traffic over traffic. So we didn't see any tire
14 tracks.

15 Q Okay. So we don't know exactly how she would have
16 arrived at this intersection between Donald or Nina
17 Lee, correct?

18 A I'm sorry?

19 Q We don't know how she would have arrived by way of
20 vehicle?

21 A Right.

22 Q We don't know how she would have gotten to her actual
23 location from Donald or Nina Lee?

24 A Forensically, no, we don't.

25 Q You weren't able to determine or locate any type of

1 forensic evidence surrounding her body?

2 A Right.

3 Q Which would have been of use. You found some other
4 items but they weren't related to the case?

5 A No signs of any pine straw, no leaves, no signs of
6 shrubs or anything like that had been disturbed that
7 I could tell.

8 Q How many other investigators assisted you with this
9 case?

10 A Okay. It was myself, Investigator Bouknight and
11 Sergeant Flemings and Investigator Reid Enzor.

12 Q Were you the lead investigator on the case?

13 A Yes.

14 Q And I think you testified earlier that you had been a
15 crime scene investigator for about three years three
16 years, three months I think you said?

17 A Three years as of last month or three months ago.
18 Yeah.

19 Q Okay.

20 A Yeah.

21 Q And this occurred over two years ago, correct?

22 A Yes.

23 Q So you had been a crime scene investigator for a
24 little over a year?

25 A A little over a year.

1 Q How many scenes had you investigated prior to this
2 time, prior to September '05?

3 A If I had to guess, roughly maybe 40, 50.

4 Q So 40 in that one-year period?

5 A Right. Roughly.

6 Q Okay. Ms Felder's body which was found there on or
7 about September the 8th, did it appear to you that
8 she had been there in the woods before that night for
9 an extended period of time?

10 A Of course, due to the condition of the body. Yes,
11 sir.

12 Q Okay. Decomposition had set in?

13 A Right.

14 Q The elements had taken a toll?

15 A Right.

16 Q Did it appear to you that any animals or insects may
17 have started to impact the body?

18 A Well, there were the evidence of -- well, there were
19 evidence of flies there. So insects of course being
20 out in the open. But as far as animal, I couldn't
21 determine that, didn't see anything like that. But
22 definitely insects.

23 Q The main area of trauma that you saw with Ms.
24 Felder's body was to her head?

25 A Right.

1 Q Did you notice any other trauma on her body other
2 than the normal course of decompensation?

3 A No, I didn't.

4 Q Any scratches on her hands?

5 A Hmm-mm (Negative).

6 Q Any scratches on her feet?

7 A No. No, sir.

8 MR. MILLING: Okay. Nothing further, Your
9 Honor.

10 THE COURT: Mr. Delgado.

11 MR. DELGADO: I don't have any questions of
12 Investigator Oates. Thank you, sir.

13 THE COURT: Any redirect?

14 MR. ROSS: No, Your Honor.

15 THE COURT: All right.

16 MR. ROSS: Ask the witness be excused.

17 THE COURT: Any objection?

18 MS. LAFAVE: Without objection, Your Honor.

19 MR. MILLING: No objection, Your Honor.

20 MR. DELGADO: No objection, sir.

21 THE COURT: You may come down, sir. The witness
22 is excused. Approach the bench, please, counsel, for
23 scheduling purposes.

24 (Whereupon, a bench conference is had)

25 THE COURT: All right, ladies and gentlemen.

1 That will conclude the testimony for the day. We'll
2 start promptly again at 9:30 in the morning. I say
3 promptly advisedly. But we will attempt to start
4 promptly at 9:30; and appreciate your being prompt
5 also.

6 Again, let me remind you not to discuss the case
7 among yourselves when you return to the jury room in
8 the morning or with anyone else over the evening
9 hours. Again, I am not aware of any -- you know I
10 can look at the press reports but I'm telling you not
11 to. But I did scan the paper this morning, didn't
12 see any press reports of this trial, and I assume
13 there won't be any tomorrow morning.

14 But again let me caution you about reading any
15 press reports, listening to press reports or videos
16 or television or anything like that that may somehow
17 involve this trial. Thank you very much for your
18 attention today. We'll see you at 9:30 in the
19 morning.

20 (Jury out at 5:25 p.m.)

21 **THE COURT:** We'll stand at ease until 9:30.

22 (Whereupon, the proceedings are concluded for
23 the day, to be reconvened tomorrow morning)

24

25

1 Friday, December 7, 2007

2 **MR. MEADORS:** Your Honor, can we approach real
3 quick?

4 **THE COURT:** Yes, sir. I was going to suggest
5 that.

6 (Whereupon, a bench conference is had)

7 (WHEREUPON, State's Exhibit No. 174 is marked
8 for identification.)

9 (WHEREUPON, State's Exhibit No. 175 is marked
10 for identification.)

11 **THE COURT:** The State ready to proceed?

12 **MR. MEADORS:** The State's ready. Our next
13 witness --

14 **THE COURT:** Defense ready to proceed?

15 **MR. STRICKLER:** For Mr. Oliver; yes, sir.

16 **MR. MILLING:** We're ready, Your Honor.

17 **MR. DELGADO:** Yes, Your Honor.

18 **MR. MEADORS:** Your Honor, somebody had
19 mentioned -- I don't know -- there was something they
20 wanted to bring up in camera before this witness came
21 up.

22 **THE COURT:** What's the name of the witness?

23 **MR. MEADORS:** Ms. Renata Williams.

24 **THE COURT:** Before we bring the jury? Anything
25 from the defense?

1 **MS. LAFAVE:** Yes, Your Honor. In pre-trial we
2 talked about several matters that were held in
3 abeyance. We discussed at the time that the witness
4 would be called for those issues that Mr. Oliver
5 would like to take up at this time whenever the Court
6 is ready.

7 **THE COURT:** Tell me about it.

8 **MR. STRICKLER:** Well, if I could, I hate to
9 interrupt my co-counsel. I think if we're going to
10 discuss this at this point in time, Ms. Williams does
11 need to exit the courtroom.

12 **THE COURT:** Ms. Williams needs to what?

13 **MR. STRICKLER:** The witness does need to exit
14 the courtroom at this point.

15 **THE COURT:** Is she in here?

16 **MR. MEADORS:** She is here with her attorney in
17 the back. We would ask the attorney if she would --
18 I guess the attorney could say obviously. If ms.
19 Williams, could step outside, please?

20 **THE COURT:** That's fine.

21 **MR. MEADORS:** Ms. Johns is Ms. Williams'
22 attorney. She is present and I think will be here
23 when we elicit testimony. Ms. Williams has exited
24 the courtroom.

25 **MR. STRICKLER:** Thank you.

1 **MS. LAFAVE:** Thank you, Your Honor. Discussing
2 in pre-trial the relevance of gang membership on the
3 part of the three defendants, and Ms. Williams was
4 referencing such membership in her statement given on
5 9-19 of '05.

6 **THE COURT:** Her written statement?

7 **MS. LAFAVE:** Yes, Your Honor.

8 **THE COURT:** 9-19-05.

9 **MS. LAFAVE:** Yes, Your Honor.

10 **THE COURT:** All right.

11 **MS. LAFAVE:** Your Honor, it's defense counsel's
12 position that the membership of Mr. Oliver in a gang
13 is not related to this crime. There has not been any
14 testimony or indication that this was gang motivated,
15 gang related or that that fact has no relevance in
16 this case. And that, Your Honor, I submit that it
17 would be more prejudicial than probative if allowed
18 to be submitted to the jury.

19 **THE COURT:** All right. Is that the only
20 objection to this lady's testimony? Based on the
21 written statement?

22 **MS. LAFAVE:** Yes, Your Honor.

23 **THE COURT:** All right.

24 **MR. MILLING:** Your Honor, on behalf of Mr.
25 Gallman, we do have an additional objection based off

1 of her second statement.

2 **THE COURT:** How many statements did she give?

3 **MR. MILLING:** Two statements, Your Honor. The
4 first statement does not mention Dominic Gallman
5 other than to say that he is a friend of Stanley
6 Oliver. The second statement however which she gave
7 shortly thereafter mentions, goes into detail about
8 what she perceived to be her knowledge about this
9 case.

10 **THE COURT:** This case?

11 **MR. MILLING:** Yes, Your Honor. She states
12 specifically a while later on when being questioned
13 about the evening of September the 4th that while
14 later on Stanley -- well, let me back up a little
15 bit. She says he said, talking about Stanley, that
16 he and Dominic Gallman had done a lick. "He called
17 Dominic Freaky. That's what I called him, too."

18 I think Your Honor has already ruled on the
19 nickname issue. But I think this is clear Bruton and
20 Crawford problems when she says -- an issue allowed
21 to testify that he and Dominic Gallman had done a
22 lick. My client will not be given an opportunity to
23 cross examine the person who allegedly made the
24 statement, Mr. Oliver. And, therefore, I submit that
25 needs to be redacted. That's on page 2 of her second

1 statement.

2 On page 1 of her second statement she makes
3 reference to Mr. Oliver having called Mr. Gallman to
4 come pick him up. I would propose that we ask Ms.
5 Williams to proffer her testimony in this regard so
6 that we can know whether or not that is something
7 that Mr. Oliver told her or whether or not it's
8 something that she actually observed. Obviously if
9 Mr. Oliver told her that, then I think that's again
10 another Bruton --

11 **THE COURT:** Told her what? Picked somebody up?

12 **MR. MILLING:** Yes, sir. Whether or not he
13 called my client that night, on the 4th. She also
14 says that my client must have come by to get Stanley
15 because Stanley was gone a little while later.
16 That's speculation. I don't think she is able to
17 testify as to that. Your Honor, those are the
18 objections I would have as to Ms. Williams'
19 testimony.

20 **THE COURT:** Mr. Delgado.

21 **MR. DELGADO:** Your Honor, the only thing that
22 Ms. Williams says specifically, she also indicates
23 that Mr. Joy is involved in the gang. And for the
24 same reasons as co-counsel, I ask the Court to
25 prohibit that mention.

1 **MR. MILLING:** And, Your Honor, I would join in
2 that as well.

3 **THE COURT:** The State's position.

4 **MR. MEADORS:** Your Honor, as far as the gang,
5 that's important because that keeps them -- that's
6 how they're known, one way they're known by this
7 witness, and that's one reason they hang together, if
8 you will. So that's how she has identified them, the
9 three of them. Beyond that, I don't know what to
10 say. I'm not going to --

11 **THE COURT:** Well, let me just inquire. Is there
12 any evidence that this is a gang in the law
13 enforcement sense; that is, an organized gang that
14 has a name or identification as Bloods, Cripps, Folk
15 Nation, any of those type things? Is the fact
16 that -- is gang activity -- is this a gang activity
17 murder or murders?

18 I mean, so far, so far it sounds like a --
19 because I don't know the facts of this case other
20 than what's come out so far -- it sounds like a drug
21 situation; I mean a drug transaction, killing, what
22 have you. I don't know where the gang affiliation
23 comes in other than the fact that they may be members
24 of a group instead of a designated gang. I just --
25 it's clearly prejudicial and it's probably better

1 left unsaid if it can be unsaid.

2 **MR. MEADORS:** If I can just respectfully
3 respond. I think it's part of gang activity. There
4 are several witnesses have them identified with a
5 group, an organization called The Bloods. Some of
6 them, one of these folks, one of the higher ones. I
7 don't even know which right now, which one it is.
8 Part of that activity gang membership is just to kill
9 people. So in that respect, yeah, I guess it could
10 be furthered so their gang activity and maybe move up
11 in their world. So, yes, that side of it is.

12 Is this a specific gang retaliation? No. I
13 wouldn't say that. I think one of the -- well, the
14 facts will come out and have already come out. But,
15 no, from that aspect, it's not. But several, several
16 witnesses have identified them as members of Bloods
17 and this is a part of gang --

18 **THE COURT:** Culture.

19 **MR. MEADORS:** -- to-do list I guess. They go
20 out and kill and rob people. So from that aspect, it
21 would fit.

22 **THE COURT:** Well, the only evidence of that in
23 this record is your statement of that, and I take
24 it --

25 **MR. MEADORS:** Sure. Yes, sir.

1 **THE COURT:** I take it just as that. But at this
2 point in the trial I don't think that
3 identification -- or I do think that identification
4 of the three defendants as gang members is extremely
5 prejudicial and not very probative of anything. So I
6 will grant the defendants' motion and would ask
7 Ms. Johns -- is she still here?

8 **MS. JOHNS:** Yes, Your Honor.

9 **THE COURT:** She's hidden. To instruct your
10 client not to identify these individuals as gang
11 members.

12 **MS. JOHNS:** Yes, Your Honor. I will.

13 **THE COURT:** Group members, friends, fellow
14 church members, whatever, but --

15 **MR. MEADORS:** I'd like to have a few moments
16 with Ms. Johns and her client just to go over it just
17 so there won't be any problem.

18 **THE COURT:** Absolutely. All right. And let's
19 look at the other two concerns of the defense. One,
20 they're either Crawford or Bruton issues, that this
21 witness says in discussing something with Mr. Oliver
22 that he says that he and Gallman done a lick. I
23 don't know what that means, but --

24 **MR. MEADORS:** That would be a robbery, Judge.

25 **THE COURT:** Street talk?

1 **MR. MEADORS:** Yes, sir.

2 **THE COURT:** Well, maybe it is. I don't know.

3 **MR. MEADORS:** So the objection is just for these
4 purposes page 2 right now?

5 **MR. MILLING:** Yes. That's correct. Yes, Your
6 Honor.

7 **MR. MEADORS:** He said he and Dominic had done a
8 lick.

9 **THE COURT:** Yeah.

10 **MR. MEADORS:** We certainly understand, and I
11 will instruct her. I don't disagree on that.

12 **THE COURT:** He goes one step further and says
13 something about pick him up.

14 **MR. MEADORS:** Your Honor, that point in the
15 testimony I think I will proffer. She will say she
16 heard him --

17 **THE COURT:** Who?

18 **MR. MEADORS:** One, she heard him calling Freaky.
19 She heard him calling Dominic. We think that would
20 be admissible. So that's going to be her testimony.
21 She actually heard it with her own ears.

22 **MR. MILLING:** Well, and, Your Honor, I think
23 that I would have to object on that. Unless she
24 heard my client on the other end of the phone, she is
25 still listening what to Mr. Oliver said, which we

1 can't cross examine Mr. Oliver to ask whether or not
2 he actually called my client or called somebody else.

3 **MR. MEADORS:** Judge, how can you ever not -- and
4 I mean, she heard him say, I'm calling Freaky on the
5 phone, and then he comes over.

6 **THE COURT:** I think she can say that. If
7 there's a motion in that regard: I do that, they
8 done a lick and Bloods, I grant your motion on the
9 Bloods issue and on Mr. Gallman's issue on he doesn't
10 a like, whatever that means.

11 **MR. MEADORS:** Your Honor, at that point, can --
12 just to -- thank you for reminding me, because we did
13 talk to her about this in anticipation. And is she
14 allowed to say that he said he and another person did
15 a lick like we did, on those statements like we did;
16 just out of fairness to the State, if it was a
17 witness statement?

18 **THE COURT:** I don't know if you want to put
19 those words in her mouth.

20 **MR. MEADORS:** Sir?

21 **THE COURT:** I don't know if you can put those
22 word in her mouth.

23 **MR. MEADORS:** Well, if she has said an actual
24 name and we're not allowed to use that name, then if
25 it was a written statement, just she and another --

1 **MR. MILLING:** And, Your Honor, we would object.

2 **THE COURT:** Wait a minute. Go ahead.

3 **MR. MILLING:** Your Honor, we would object. This
4 again gets back to Crawford because my client is not
5 given the opportunity to cross examine Mr. Oliver
6 about the statement. He and another person. Your
7 Honor, I think that we discussed this issue --

8 **THE COURT:** We did.

9 **MR. MILLING:** -- when we hit Mr. Oliver's
10 statement.

11 **THE COURT:** We did.

12 **MR. MILLING:** We discussed the issue when we hit
13 Mr. Gallman's statement.

14 **THE COURT:** We did.

15 **MR. MILLING:** Your Honor, we think it's entirely
16 prejudicial, inappropriate, and we're not given the
17 opportunity to cross examine Mr. Oliver about what he
18 meant by that statement.

19 **THE COURT:** Okay.

20 **MR. MEADORS:** Your Honor, that's why under
21 Bruton, I think it's more a Bruton issue, those with
22 direct reference to Dominic Gallman. I don't think
23 you can bootstrap --

24 **THE COURT:** Well, I've already ruled in that
25 regard. I'm not going to change my ruling.

1 **MR. MEADORS:** That's what I'm saying. There's
2 going to be another person. Okay. Thank you.

3 **THE COURT:** Yes. Anything further?

4 **MR. MILLING:** Your Honor, the other issue that I
5 had was Ms. Williams' statement that my client must
6 have come by to get Stanley because he was gone a
7 little later. I think that's speculation. She
8 shouldn't be allowed to testify as to that.

9 **THE COURT:** I've lost you.

10 **MR. MILLING:** She makes a statement in her
11 written statement that my client, Mr. Gallman, must
12 have come by to get Stanley because Stanley is gone a
13 little later. I think that's speculation. She
14 shouldn't be allowed to testify as to that. She has
15 no personal knowledge as to whether or not my client
16 arrived or not.

17 **MR. MEADORS:** Your Honor, I think she --

18 **THE COURT:** When the question is asked you can
19 object.

20 **MR. MEADORS:** I doubt it's going to come out
21 word for word from this stand, quite frankly.

22 **THE COURT:** I think --

23 **MR. MILLING:** I think -- understand I'm just
24 trying to protect the record. Also for the record,
25 before we get Ms. Williams in here, when we were up

1 at the bench, Your Honor, I had asked that a charge
2 be given that the -- essentially the same charge that
3 Mr. Strickler had requested at the onset of the case,
4 that the evidence against one witness should not be
5 or cannot be construed as to all defendants.

6 And so we would request that a charge be given
7 at this time similar, if not the same, as what Mr.
8 Strickler had requested, that the evidence which has
9 been presented at this point in time linking Mr.
10 Oliver to the crime scene cannot be construed against
11 the other defendants.

12 **THE COURT:** Well, I've previously instructed the
13 jury to that effect. I don't think it's necessary to
14 continue to instruct them to that effect. You ready
15 for the jury?

16 **MR. MEADORS:** Judge, we need to talk. I need,
17 please, just a few minutes to make sure she
18 understands that.

19 **THE COURT:** Oh.

20 (Pause)

21 **THE COURT:** All right, Solicitor. Are you ready
22 to proceed?

23 **MR. MEADORS:** The State's ready. Thank you.

24 **MR. STRICKLER:** If I could quickly, Your Honor.

25 **THE COURT:** Yes, sir.

1 **MR. STRICKLER:** In the courtroom behind Mr.
2 Milling is Lee Connelly. She is the defense's chief
3 investigator in this case. She is also a listed
4 witness. I would move that she be permitted to be
5 present in the courtroom, just as the chief
6 investigators are for the State.

7 **MR. MEADORS:** Your Honor, we've had our chief
8 investigator, Mark Austin, who probably won't be
9 called. Would you all mind if Mark sits in here?
10 Dog. Called that after high school.

11 **MR. STRICKLER:** I never have a problem with him
12 being in here.

13 **MR. MEADORS:** And I certainly wouldn't object to
14 that.

15 **THE COURT:** All right. Fine. Thank you.

16 **MR. STRICKLER:** Thank you.

17 **THE COURT:** Bring the jury, please.

18 (Jury in at 10:15 a.m.)

19 **THE BAILIFF:** All the jury is present, Your
20 Honor.

21 **THE COURT:** All right. Thank you very much.
22 Good morning, ladies and gentlemen. A brief apology
23 for a little late getting started, but there were a
24 number of matters that I had to take up with the
25 attorneys prior to today's testimony, and I was also

1 trying to get some sort of a handle on the scheduling
2 so that we'd move right along and maybe finish a
3 little early today. So I hope that will work out.
4 All right, Solicitor. Call your next witness.

5 **MR. MEADORS:** If it please Your Honor, the State
6 will now call Ms. Renata Williams.

7 RENATA WILLIAMS, after being duly sworn,
8 testifies as follows:

9 **THE CLERK:** Thank you. Please have a seat in
10 the witness stand and state your full name for the
11 record, and please spell your first name.

12 **THE WITNESS:** Renata Williams, R-E-N-A-T-T-A.

13 DIRECT EXAMINATION

14 **BY MR. MEADORS**

15 **Q** Ms. Williams, if you'll just please talk in there so
16 Madam Court Reporter and the ladies and gentlemen of
17 the jury can hear you, please, ma'am. Tell these
18 folks about you Renata Williams. Where are you from?

19 **A** Right here in Columbia.

20 **Q** Right here in Columbia?

21 **A** Yes, sir.

22 **Q** Were you born and raised here?

23 **A** Yes, sir.

24 **Q** Tell these ladies and gentlemen where you went to
25 school?

1 **A** A. C. Flora.

2 **Q** Did you graduate A. C. Flora?

3 **A** No. I got sick, so I dropped out.

4 **Q** Ma'am?

5 **A** I got sick, so I dropped out.

6 **Q** You got sick?

7 **A** (Nods head affirmatively).

8 **Q** And I know you're soft spoken, but if you don't mind,
9 just speak up just a little bit or just maybe talk in
10 there a little more, please, Renata. How far did you
11 go in A. C. Flora?

12 **A** Tenth grade.

13 **Q** And after the 10th grade, what did you do?

14 **A** Just, you know, babysit and stuff like that, help my
15 mom, things in the neighborhood and stuff like that.

16 **Q** Babysit and odd jobs?

17 **A** Babysit and doing different odd jobs.

18 **Q** And --

19 **THE BAILIFF:** They can't hear.

20 **Q** With all due respect, I know some of the jurors are
21 having a little hard time. If you can just maybe
22 talk in there a little bit more. Okay?

23 **A** All right.

24 **Q** And did you ever become a desk monitor?

25 **A** Yeah. I was doing the security desk for Columbia

1 Housing.

2 Q And you worked for Columbia Housing?

3 A Yes, sir.

4 Q And how long did you do that?

5 A I'd say about three or four years.

6 Q Okay. And after that, being a desk monitor for
7 Columbia Housing, what did you do?

8 A I -- then I went back to like babysitting like I had.
9 I did babysitting for a while; collected unemployment
10 and, you know, babysitting.

11 Q Okay. Still staying with your mom?

12 A No. I had my own apartment then.

13 Q Where was your apartment?

14 A Palmetto Terrace.

15 Q And do you still live at Palmetto Terrace today?

16 A Yes, sir.

17 Q Have you ever heard of a place called Rest Assured?

18 A Yes. That's where I had been working since last
19 year.

20 Q Tell those folks about that job. What was that job?

21 A I was a nurse's aid taking care of seniors. The
22 people who were bedridden, like I would, you know --
23 anybody, I needed to go by the house for them. I'd
24 clean house, help cook or anything like that.

25 Q Did you like that job?

1 **A** I loved that job.

2 **Q** Are you still doing it now?

3 **A** No. I got in a car accident. And they had me out of
4 work for a while. I went back and got injured again.

5 **Q** When was the car accident?

6 **A** On Forest Drive.

7 **Q** When was the car accident?

8 **A** July 15th of this year.

9 **Q** Of this year?

10 **A** Mm-hmm (affirmative).

11 **Q** On Forest Drive?

12 **A** On Forest Drive.

13 **Q** As a result of that, did you have to stop working at
14 Rest Assured?

15 **A** I had to stop working.

16 **Q** What happened after that? Did you go back?

17 **A** I went back for I think about three to four weeks.
18 And I got injured on the job. And --

19 **Q** Injured?

20 **A** Yeah. I got injured on the job. And then I
21 worked -- I've been under doctor's care since October
22 1st of this year.

23 **Q** Would you like to go back to Rest Assured?

24 **A** I would love to go back to Rest Assured.

25 **Q** Do you know Stanley Oliver?

- 1 **A** Yes.
- 2 **Q** Can you tell these ladies and gentlemen how you know
- 3 Stanley Oliver?
- 4 **A** He was by boyfriend at the time.
- 5 **Q** Can you tell them when you first met Stanley Oliver?
- 6 **A** December 19th, 2003.
- 7 **Q** December 19th?
- 8 **A** 19th, 2003.
- 9 **Q** 2003. How can you remember that now?
- 10 **A** Because it was --
- 11 **Q** You remember that day?
- 12 **A** I remember that day.
- 13 **Q** After meeting him December 19th, 2003, did you all
- 14 become more -- did you all have a relationship?
- 15 **A** Yeah.
- 16 **Q** You started a relationship?
- 17 **A** Yeah.
- 18 **Q** And the end of December 2003, the first of 2004,
- 19 where were you living?
- 20 **A** I was living with my mom until March of 2004.
- 21 **Q** Okay. And in March --
- 22 **A** No. March of 2005. I'm sorry.
- 23 **Q** 2005?
- 24 **A** (Nods head affirmatively).
- 25 **Q** So you met Mr. Oliver in '04? '03 or '04?

1 **A** '03. The end of '03. Yes, sir.

2 **Q** Okay. What was you all's relationship like through
3 '04 up to March of '05 when you go to Palmetto
4 Terrace?

5 **A** It was good. We had rocky times, as all
6 relationships do.

7 **Q** You all were dating during that period?

8 **A** Yes.

9 **Q** I believe in March of '05, did you get a new
10 residence?

11 **A** Mm-hmm (affirmative).

12 **Q** And where was that?

13 **A** Palmetto Terrace.

14 **Q** Palmetto Terrace. And who was living with you?

15 **A** When I moved in, he moved in with me.

16 **Q** He being Stanley Oliver?

17 **A** Yeah. And for a while it was like off and on.
18 Sometimes he was there; sometimes he wasn't.

19 **Q** Do you know how many times a week he would spend the
20 night there, or was there a set pattern, or it just
21 depended?

22 **A** Sometimes it would be three or four times a week.
23 Sometimes maybe three or four times a week.

24 **COURT REPORTER:** Sometimes maybe what? I'm
25 sorry.

1 **A** Three or four times a week.

2 **Q** From March of 2005, Renata, up through Labor Day
3 weekend of 2005, were you still -- did you have a
4 relationship with, or were you still dating Stanley
5 Oliver?

6 **A** Yes.

7 **Q** And during that time period, from March of 2005 to
8 September, Labor Day 2005, was he staying at your
9 house on and off?

10 **A** Mm-hmm (affirmative).

11 **Q** Okay. Now, you had a land line or a cellphone at
12 your Palmetto Terrace apartment?

13 **A** A land line.

14 **Q** 779-6080, was that your number?

15 **A** Yes.

16 **Q** Was that in your name?

17 **A** Yes, sir.

18 **Q** Did you -- who all would use that phone from your
19 house, Renata?

20 **A** Myself, Stanley, my aunt, if my mom as well as
21 anybody who comes to the house.

22 **Q** But Stanley Oliver would use it some?

23 **A** Yeah.

24 **Q** Okay. And if you said it before, I apologize. Did
25 you have a cellphone on or about Labor Day weekend or

1 Labor Day time 2005? Did you own a cellphone?

2 A No.

3 Q During the summer of 2005, please, ma'am, did Stanley
4 Oliver have a job? Was he working at a restaurant?

5 A Yeah.

6 Q Do you remember which one?

7 A It was two. Bojangle's and Smoky Bones restaurant.

8 Q Smoky Bones?

9 A Yeah.

10 Q What was the other one?

11 A Bojangle's.

12 Q Bojangle's. Do you know Dominic Gallman?

13 A Yes.

14 Q How do you know Dominic Gallman?

15 A Through Stanley.

16 Q Was Dominic Gallman an associate of Stanley Oliver?

17 A Yes.

18 Q During the summer of 2005 up through Labor Day, would
19 you see them together some?

20 A Yeah. Off and on.

21 Q Do you know Kenneth Joy?

22 A Yes.

23 Q And how do you know Kenneth Joy?

24 A Through Stanley.

25 Q Through Stanley?

1 **A** Uh-huh (affirmative).

2 **Q** Have you seen Stanley and Dominic Gallman and Kenneth
3 Joy together, or did you see them together during the
4 summer of 2005 and through Labor Day weekend? During
5 that time period, did you see the three of them
6 together?

7 **A** Yes, sir.

8 **MR. DELGADO:** Your Honor, I'm just going to
9 object to the leading.

10 **Q** I'm trying not to lead.

11 **MR. DELGADO:** Well, I'm sorry. I object to the
12 leading.

13 **THE COURT:** All right. Sustained.

14 **Q** That's not leading. Did you see them together during
15 that time period?

16 **A** Yes.

17 **Q** Your Honor, it doesn't suggest an answer. You did
18 see them together during that time period?

19 **A** Yeah.

20 **MR. DELGADO:** That's leading.

21 **THE COURT:** That is leading.

22 **MR. MEADORS:** That is leading.

23 **Q** Did you call -- did you call Dominic Gallman much?

24 **A** No.

25 **Q** Would you have called him from your phone?

1 **A** No.

2 **Q** Did you call Kenneth Joy much?

3 **A** No.

4 **Q** Would you have called Kenneth Joy from your phone?

5 **A** Probably to look for Stanley if I was looking for him
6 or something.

7 **MR. DELGADO:** I'm sorry, Your Honor.

8 **MR. MEADORS:** Probably to look for Stanley if I
9 was looking for him.

10 **MR. DELGADO:** Your Honor, may I be able just to
11 move here? I appreciate the solicitor repeating
12 every answer, but I need to be able to hear it.

13 **THE COURT:** Step up. Take that seat at the
14 clerk's desk.

15 **MR. DELGADO:** Thank you.

16 **Q** Would you give your last -- I'm sorry?

17 **JUROR:** I can't hear her.

18 **Q** Renata, I know -- will you please just speak into
19 there a little more, and if you can speak a little
20 louder. I'm going to move over here so you speak
21 this way. Okay. And speak into the microphone,
22 please, ma'am. Please. I think the last question
23 and the answer was, had you called Kenneth Joy from
24 that phone? And your answer, please, was what,
25 Renata?

1 **A** Yes. Sometimes, yes; if I was looking for Stanley.

2 **Q** If you weren't looking for Stanley, would you have
3 called Ken?

4 **A** No. No.

5 **Q** I want to take you in your mind to Labor Day weekend
6 2005. Okay?

7 **A** (Nods head affirmatively).

8 **Q** Did you have an occasion that weekend to see Stanley
9 Oliver?

10 **A** Yes.

11 **Q** Can you tell them about that?

12 **A** I know I was at -- well, on Labor Day I know I was at
13 my mom's. He did come by there, and then off and on
14 that whole weekend. And --

15 **Q** Did you watch a TV show late at night sometimes?

16 **A** Late at night, yes.

17 **Q** What is that?

18 **A** Comic View.

19 **Q** Comic what?

20 **A** Comic View.

21 **Q** Comic View. And does that television show help you
22 remember anything?

23 **A** I know that I remember I was watching that and it
24 goes off at 2. I was asleep. And a while after that
25 I remember that he came in, in my bed.

1 Q He being who?

2 A Stanley. And he was saying something, but I don't
3 quite remember what it was. Then he got on the phone
4 and was talking to someone and left.

5 Q Okay.

6 A And --

7 Q Did you hear him call anybody on the phone?

8 MR. MILLING: Objection, Your Honor.

9 THE COURT: Overruled.

10 A I didn't hear him on the phone. I saw that he had
11 called someone on the phone.

12 Q Do you know who he called?

13 A Yeah.

14 Q Who?

15 A Dominic.

16 Q And does Dominic have a nickname?

17 A Freaky.

18 Q Freaky?

19 A Yes, sir.

20 Q So after you heard that, what happened after that?

21 A After that he left.

22 Q Okay. When did you see, if ever, Stanley Oliver
23 again?

24 A The next day.

25 Q Tell us about that. Where did you see him?

1 **A** He -- I can't remember. I know it was the next day.
2 And it was a while after that, someone else -- he was
3 just -- like I did see him. I just remember that he
4 did come back the next day and he --

5 **Q** Where did he come back, Renata?

6 **A** That afternoon.

7 **Q** Where did he come back to?

8 **A** Oh. To my apartment.

9 **Q** Where?

10 **A** At Palmetto Terrace.

11 **Q** And what, if anything, happened after he came back?

12 What, if anything, did you observe or hear him say?

13 **A** I did hear him tell someone else about some money. I
14 saw some drugs and --

15 **Q** Did you see any money and drugs?

16 **A** Yes, I did.

17 **Q** Where did you see them?

18 **A** He had it in his hand or counting it or something.

19 He had it like at the foot of my bed or something I
20 think.

21 **Q** Did you ask him where he got it from?

22 **A** Yeah.

23 **Q** What did he tell you?

24 **A** Well, not to me, but to someone else.

25 **Q** Did you hear him say it?

1 **A** I heard what he said. He said something about doing
2 a lick.

3 **Q** Was there someone else there?

4 **A** Mm-hmm (affirmative).

5 **Q** You can say it. I know what we're talking about, but
6 you can say if there was someone else there.

7 **A** Yes, there was.

8 **Q** Who else was there?

9 **A** Mike.

10 **Q** Do you know who Mike was or is?

11 **A** Mm-hmm (affirmative).

12 **Q** Okay. Well, can you tell them, please?

13 **A** His brother or something like that.

14 **Q** Beg the Court's indulgence. Do you know what a lick
15 means?

16 **A** I've heard that it means rob someone.

17 **Q** Now, did you have an occasion to see Stanley Oliver
18 later in that week?

19 **A** Yes.

20 **Q** And can you tell the ladies and gentlemen of the jury
21 about that?

22 **A** Well, I don't --

23 **Q** Did you go shopping later in the week?

24 **A** Yes.

25 **Q** Can you tell them where you went shopping?

- 1 **A** A shoe store and another little store. I went to get
2 something to eat that day.
- 3 **Q** Do you remember where you ate?
- 4 **A** I think it was Burger King. I think it was Burger
5 King.
- 6 **Q** And did you remember any particular kind of shoes?
- 7 **A** Some Timberland boots.
- 8 **Q** Who purchased the Timberland boots, Renata?
- 9 **A** He did.
- 10 **Q** For the record, who is he?
- 11 **A** Oh. Stanley.
- 12 **Q** And can you tell the ladies and gentlemen of the jury
13 how he purchased them? What did he use to pay with?
- 14 **A** Cash.
- 15 **Q** Do you remember what denomination?
- 16 **A** He had twenties. I really can't recall.
- 17 **Q** If you said it, I apologize to you, Renata. But do
18 you remember what store it was?
- 19 **A** The Shoe Show. That's where he got the shoes.
- 20 **Q** Where?
- 21 **A** The Shoe Show.
- 22 **Q** Did you go anywhere else with Stanley Oliver, to any
23 other stores?
- 24 **A** There's another little store on that road, on that --
25 that little shopping center. We bought some

1 earrings.

2 Q Those were for you?

3 A No. And anything else, I can't remember.

4 Q Did you get any cash from Stanley Oliver?

5 A He did give me \$300. But he took half of that back,
6 over half of that back. I had 50. I did keep \$50
7 which he let me keep.

8 Q Gave you 300, took 250 back?

9 A Yes.

10 Q Had you seen him with a lot of cash like that before?

11 A No. No.

12 Q Ms. Renata, when you testified you all went and
13 bought some stuff, where did you go after that?
14 Where did take the shoes and all that stuff?

15 A I don't -- I don't remember we took them anywhere or
16 anything like that. I don't remember that much.

17 MR. MEADORS: Okay. Your Honor, if I can
18 approach?

19 THE COURT: Yes, sir.

20 Q I'm going to show you what's marked State's 39 (sic),
21 Ms. Williams. Do you recognize this? Do you
22 recognize this?

23 A Yes.

24 Q Does that relate to what you were just telling -- is
25 this about what you were just telling the jury about?

1 139. I apologize to everybody. Your Honor, subject
2 to a redaction as we're going on all other items, I
3 believe it's without objection.

4 **MR. MILLING:** No objection.

5 (WHEREUPON, State's Exhibit No. 139 is admitted
6 into evidence.)

7 **Q** What is this?

8 **A** Those are the boots.

9 **Q** Timberland?

10 **A** Timberland. Yeah.

11 **Q** And where was this -- where were you staying at the
12 time?

13 **A** Palmetto Terrace.

14 **Q** Okay. And after you all went in the store, where was
15 this box taken, if anywhere?

16 **A** Probably back to my apartment, if there.

17 **Q** And this is State's 174. What was the name of the
18 shoe store you all said you went to?

19 **A** Shoe Show.

20 **Q** Shoe Show?

21 **A** Mm-hmm (affirmative). Mm-hmm (affirmative).

22 **Q** How did you say that Mr. Oliver paid for it?

23 **A** Cash.

24 **Q** Looking at that receipt -- your eyes are better than
25 mine -- what is that a receipt for? Where is that

1 to?

2 **A** Shoe Show.

3 **Q** Okay. And is this the receipt that was from Shoe
4 Show for those boots?

5 **A** Yes, it is.

6 **Q** All right. And what's the date on it, if you can
7 read it on there?

8 **A** 9-6-05.

9 **Q** 9-6-05.

10 **MR. MEADORS:** Your Honor, State's 174 without
11 objection.

12 **MS. LAFAVE:** Without objection, Your Honor.

13 **THE COURT:** Any objection?

14 **MR. MILLING:** No objection.

15 (WHEREUPON, State's Exhibit No. 174 is admitted
16 into evidence.)

17 **Q** Did you see Stanley Oliver again that week?

18 **A** Yes.

19 **Q** I'm going to show you what's marked State's 175 and
20 just ask you if you recognize that?

21 **A** Yes.

22 **Q** Whose signature is that right there?

23 **A** Mine.

24 **Q** 175, Renata, whose name is that down there?

25 **A** It's mine's (sic).

1 Q Renata Williams?

2 A Renata Williams, yes.

3 MR. MEADORS: Your Honor, we'd offer State's 175
4 without objection.

5 MS. LAFAVE: Without objection, Your Honor.

6 MR. MILLING: No objection.

7 MR. DELGADO: No objection.

8 (WHEREUPON, State's Exhibit No. 175 is admitted
9 into evidence.)

10 Q What is this, Renata?

11 A A guest registration for Marlboro Inn.

12 COURT REPORTER: I didn't hear.

13 A A guest registration for Marlboro Inn.

14 Q Where is this Marlboro Inn? Can you tell these
15 folks?

16 A Off Forest Drive.

17 Q And who were you at the -- and what date is on here?

18 A 9-7-05.

19 Q 9-7-05. Who, if anybody, were you at the Marlboro
20 Inn with?

21 A Stan.

22 Q Stanley Oliver?

23 A Yes, sir.

24 Q How was this room paid for?

25 A Cash. But he paid for it.

1 Q Is there a TV in the motel room you were in?

2 A Yes, sir.

3 Q And while you were watching TV, did Stanley Oliver
4 say anything?

5 A Well, I said something when we were watching the
6 news.

7 Q The news was on?

8 A Yes, sir.

9 Q Did anything come on the news?

10 A Yeah. I was -- they were showing about some people
11 that got murdered, and I was saying how bad it was
12 and it was a shame that something like that happens
13 to someone, you know, stuff like that, and saying how
14 crazy people are, that kind of stuff.

15 Q And after the news had come on and you had said that;
16 what, if anything, did Stanley Oliver say to you?

17 A I think a while after that he just said if something
18 was to happen to him and he'd get locked up, would I
19 let people know that he was my husband.

20 MR. MEADORS: Thank you, Your Honor. I'm sorry.
21 I apologize.

22 (Pause)

23 Q Renata, did you talk to the police officers in this
24 case when this first happened? Around about this
25 time period, did you talk to the police officers?

1 Let me -- maybe I'm not being clear. Did police
2 officers come and ask you and did you give some
3 police officers some statements?

4 A Yes.

5 Q Okay. That's all I'm asking you. Can you point out
6 for the record Stanley Oliver for these folks?

7 A He's right there.

8 MR. MEADORS: I'd like the record to reflect she
9 pointed to Mr. Oliver sitting beside Mr. Strickler.

10 Q Can you point out Mr. Dominic Gallman for the ladies
11 and gentlemen of the jury?

12 A He's right there.

13 Q You're pointing to the man next to Mr. Milling or the
14 lawyer there with his laptop up?

15 A Mm-hmm (affirmative).

16 MR. MEADORS: We'd ask the record so reflect.

17 A Mm-hmm (affirmative).

18 Q And can you point out Mr. Ken Joy?

19 A He's right there.

20 MR. MEADORS: Your Honor, let the record reflect
21 she's pointed out Ken Joy in the blue shirt.

22 THE COURT: Let the record reflect the witness
23 identified the defendants.

24 Q Now, Renata, back -- your lawyer is in this
25 courtroom, isn't she?

1 **A** Yes, she is.

2 **Q** Can you point her out?

3 (Witness points)

4 **Q** Ms. Johns, would you raise your stand up, please? Is
5 this your attorney?

6 **A** Yes, she is.

7 **Q** And were you charged in this as far as misprisonment
8 of a felony? Were you charged?

9 **A** Yes.

10 **Q** And are those charges still pending?

11 **A** Yes, they are.

12 **Q** And she is your attorney?

13 **A** Yes.

14 **Q** And what have I asked you to do here today, if
15 anything?

16 **A** Tell the truth.

17 **Q** Tell the truth. And what have I promised you in
18 return for that?

19 **A** Nothing.

20 **Q** Did I tell you I'd be fair with you?

21 **A** Yeah.

22 **Q** You and your attorney and I talked just as recently
23 as a little while ago in my office, correct?

24 **A** Yes.

25 **MR. MEADORS:** Your Honor, thank you very much.

1 **THE COURT:** Cross examination.

2 **MS. LAFAVE:** If it pleases the Court, Your
3 Honor.

4 CROSS EXAMINATION

5 **BY MS. LAFAVE**

6 **Q** Good morning, Ms. Williams.

7 **A** Good morning.

8 **Q** My name is Mary LaFave and I represent Stanley
9 Oliver. I have a few questions for you this morning.
10 Okay?

11 **A** (Nods head affirmatively).

12 **Q** Ms. Williams, are you scared about being here?

13 **A** A little bit.

14 **Q** Are you nervous?

15 **A** Yes.

16 **Q** You have a trashcan beside you. You've been really
17 nervous this morning, haven't you?

18 **A** Yeah.

19 **Q** You're not used to interrogations and search warrants
20 and police officers and things like that, are you?

21 **A** No.

22 **Q** You haven't had really any contact with law
23 enforcement most of your -- all of your life?

24 **A** No.

25 **Q** So this is new for you?

1 **A** Yes, it is.

2 **Q** And Mr. Oliver was your by friend at the time that
3 these incidents occurred?

4 **A** Yes.

5 **Q** And he would stay at your house sometimes?

6 **A** Yes.

7 **Q** Now, you testified to Mr. Meadors' questions that the
8 three defendants in the courtroom that you pointed
9 out were associates, as Mr. Meadors put it? Would
10 you say that they were friends, they just knew each
11 other, or do you not really know the association
12 between these three people?

13 **A** I know they're associates, friends.

14 **Q** You knew they were friends. But you don't know
15 exactly their association?

16 **A** No.

17 **Q** You just know that they were friends?

18 **A** Yeah.

19 **Q** Okay. Do you recall the morning of September the
20 4th, Mr. Meadors asked you about the TV show I
21 believe?

22 **A** Yes.

23 **Q** What time did that TV show come on?

24 **A** 1 a.m.

25 **Q** It came on at 1 a.m.?

- 1 A Mm-hmm (affirmative).
- 2 Q And so it lasted an hour?
- 3 A Mm-hmm (affirmative).
- 4 Q And so it was off at 2 a.m.?
- 5 A 2.
- 6 Q You were asleep before or after that?
- 7 A After that show.
- 8 Q After that. And so you said that at some time
- 9 Stanley Oliver came in shortly after you fell asleep.
- 10 Is that right?
- 11 A Yes.
- 12 Q Now, I'm going to take you back to that morning. Do
- 13 you remember waking up that morning on that Sunday of
- 14 Labor Day weekend?
- 15 A Yes.
- 16 Q Do you remember anything strange about the morning?
- 17 A No. No.
- 18 Q If I was to ask you if you remember ladybugs being on
- 19 the ceiling that morning, would you remember that?
- 20 A No.
- 21 Q Was Mr. Oliver with you when you woke up that
- 22 morning?
- 23 A Hmm-mm (Negative).
- 24 Q Do you not know or you don't remember?
- 25 A I don't know.

1 Q Do you remember if he was next to you that morning?

2 A No. Not really.

3 Q You don't remember?

4 A No.

5 Q Okay. We'll move on from that day since you don't
6 really remember. Was the first contact that you had
7 with law enforcement on September the 8th when they
8 came to search your house? Is that the first time
9 you heard of anything?

10 A Yeah. But I don't know if -- I don't know exact
11 date, but that was the first time I ever encountered
12 any kind of law enforcement.

13 Q But you knew it was around that time?

14 A Something like that.

15 Q Okay. Did you let them in?

16 A Yes.

17 Q Did you answer questions for them?

18 A Yes.

19 Q Did you understand that they were there to do their
20 jobs?

21 A Yes.

22 Q They were there just to find information?

23 A Yes.

24 Q Did you cooperate and answer all their questions?

25 A Yes.

- 1 Q Were you truthful with them?
- 2 A Yes.
- 3 Q I'm sorry?
- 4 A Yes.
- 5 Q Did you do everything you could to assist them in
- 6 their investigation at that point?
- 7 A Yes.
- 8 Q Did they take property out of your house that day?
- 9 A I think so. Yes.
- 10 Q Okay. Was everyone being nice to you at first?
- 11 A At first.
- 12 Q At first?
- 13 A But then it changed a little.
- 14 Q It changed a little?
- 15 A Yeah.
- 16 Q How do you mean it changed?
- 17 A It was just -- I mean, I understand they're doing
- 18 their job -- but loud and cursing, and it was scary.
- 19 Q They were yelling at you?
- 20 A Yeah. Yeah.
- 21 Q They were cussing at you?
- 22 A Yes.
- 23 Q They were being really loud?
- 24 A Yes.
- 25 Q And you were doing everything you could to help them

1 at that point, weren't you?

2 A Yes.

3 Q This wasn't the last time you would have any contact
4 with law enforcement, was it?

5 A No.

6 Q You gave a statement. I know you've reviewed your
7 statements today. You gave a statement on the 13th
8 of September?

9 A Yes.

10 Q Is that right? Do you remember that day?

11 A Yes. A little.

12 Q Do you remember that was the same day that Stanley
13 Oliver was arrested? Would that refresh your memory?

14 A They told me he had.

15 Q So you knew he had been arrested on that day?

16 A Yes.

17 Q And this is the day that you were interrogated for
18 the first time?

19 A Yes.

20 Q And so just so we're clear on what was going on, you
21 went to headquarters. Is that right?

22 A Yes.

23 Q And you were sitting in an interrogation room?

24 A Yes.

25 Q And how many officers were in there with you?

1 **A** Three.

2 **Q** Three officers were in there with you? How long were
3 you in there would you say?

4 **A** I don't know. Probably an hour and a half, maybe two
5 hours.

6 **Q** Hour and a half, two hours? Did you answer all their
7 questions to the best of your knowledge?

8 **A** Yes.

9 **Q** And like you said, they were just doing their jobs,
10 right?

11 **A** Yes.

12 **Q** You were being truthful with them at the time?

13 **A** Yes.

14 **Q** Would it be accurate to say that the information that
15 you gave police officers on that day would have been
16 anything you thought that they needed to know? Is
17 that right?

18 **A** I don't understand you.

19 **Q** You don't understand my question?

20 **A** No.

21 **Q** The information that you gave police that day, your
22 answers to their questions, would it be accurate to
23 say that you were giving them all the information you
24 thought that they needed to know?

25 **A** That I knew of.

1 Q That you knew of at the time?

2 A Mm-hmm (affirmative).

3 Q Okay. And if I characterized your initial statement
4 by saying it was mostly financially related, would
5 that be about accurate? That was the subject of that
6 first interrogation: Timberland boots, earrings,
7 things like that? Would that be about right?

8 A (Nods head affirmatively).

9 Q Do you not remember? It's okay if you don't
10 remember.

11 A Yes.

12 Q Do you have a copy of your statement?

13 A I think so. The first one.

14 Q The first one?

15 A (Nods head affirmatively).

16 Q Would you like to take a look at it to remember it?

17 A Yeah.

18 Q Yeah? Your Honor, may I approach the witness?

19 **THE COURT:** Sure.

20 Q There's your statement, Ms. Williams. Would you like
21 a moment to read over the statement, Ms. Williams?

22 A Yes.

23 Q Okay.

24 (Pause)

25 Q Have you gotten a good idea, Ms. Williams, about what

1 your statement was about? I'm not trying to trick
2 you or anything.

3 **A** Yes.

4 **Q** And you talked about expenditures that were made by
5 Stanley Oliver that week. Is that right?

6 **A** Say that again?

7 **Q** You talked about expenditures that had been made by
8 Mr. Oliver?

9 **A** Yes.

10 **Q** That week? You talked about Timberland boots,
11 earrings, things of that sort?

12 **A** Yes.

13 **Q** And you knew that the police were looking into this
14 situation because of a robbery that had happened.
15 You knew at least there was something like that going
16 on, right?

17 **A** Yes.

18 **Q** They're asking you all these questions to figure out
19 how much money Stanley Oliver has, right?

20 **A** Mm-hmm (affirmative).

21 **Q** You testified with Mr. Meadors' questions that he
22 bought a pair of Timberland boots and that he paid
23 for them in cash?

24 **A** Mm-hmm (affirmative).

25 **Q** State's Exhibit 174, tell the jury how much those

1 boots cost?

2 A 63.58.

3 Q Okay. So this was a \$63 pair of shoes, right?

4 A Yes.

5 Q And the earrings that were purchased, how much were
6 they worth?

7 A It was like a dollar, \$2 earrings. I don't know.

8 Q So we're looking at a \$2 pair of earrings so far.

9 Excuse me. I don't mean to talk out over you. A \$2
10 pair of earrings so far and a \$63 pair of shoes,
11 right?

12 A Mm-hmm (affirmative).

13 Q You also testified that you went out to eat?

14 A Yes.

15 Q Did you go to a nice restaurant?

16 A No. We went to Burger King.

17 Q You went to Burger King?

18 A Mm-hmm (affirmative).

19 Q How much would you say that your meal cost at Burger
20 King, if you remember?

21 A I can't remember.

22 Q It wouldn't be more than \$20, would it?

23 A I don't think so.

24 Q So what we've talked about so far, a \$63 pair of
25 shoes, a \$2 pair of earrings and \$20 at Burger King

1 on the high end. I've eaten at Burger King. I don't
2 know that it's that expensive. We're looking at
3 approximately 70, \$80 worth of things that you have
4 told the police about, right?

5 A Mm-hmm (affirmative).

6 Q And you also testified about the Marlboro Inn?

7 A Mm-hmm (affirmative).

8 Q Correct? And you stated on direct examination that
9 you paid -- that Stanley Oliver paid for the hotel?

10 A Mm-hmm (affirmative).

11 Q Or motel, right?

12 A Mm-hmm (affirmative).

13 Q How much does it cost to rent a room at the Marlboro
14 Inn?

15 A I can't remember.

16 Q Could you estimate?

17 A Maybe \$40.

18 Q Maybe \$40?

19 A Yes, ma'am.

20 Q Did Stanley Oliver pay for that --

21 A Yes.

22 Q -- motel room?

23 A Mm-hmm (affirmative).

24 Q You sure about that?

25 A Yeah. He gave me the money for it.

1 Q He gave you the money for it?

2 A Mm-hmm (affirmative).

3 Q I'd like for you to refer to your statement again.

4 A Yes.

5 Q Okay? Look on page 6. When you were interviewed by
6 police on the 13th of September --

7 A Mm-hmm (affirmative).

8 Q -- and they asked you about the hotel, who did you
9 tell them that paid for the hotel?

10 A I did. That's what I said.

11 Q Okay. I'm sorry?

12 A I did.

13 Q You told them that you did?

14 A Yeah. With the money he gave me. I didn't be
15 specific about it.

16 Q Okay. So, you're giving answers to the police and
17 they are writing what you're saying down. Is that
18 right?

19 A Mm-hmm (affirmative).

20 Q You weren't writing your statements, right?

21 A No.

22 Q They were writing down what you were saying?

23 A Mm-hmm (affirmative).

24 Q But were they writing down all that you were saying?

25 A I wasn't specific with that part.

1 Q You weren't specific?

2 A No. I should have been.

3 Q Okay. So Stanley Oliver paid for a hotel, earrings,
4 shoes and Burger King for a total of \$130, right?

5 A Mm-hmm (affirmative).

6 Q And you testified that Stanley Oliver had two jobs,
7 right? Bojangle's?

8 A They weren't at the same time. But those are two
9 jobs that he did work at some.

10 Q Was he working at one of those places during this
11 time?

12 A I really can't remember.

13 Q You can't remember?

14 A Hmm-mm (Negative).

15 Q But when you're working a job, you get a paycheck.
16 Is that right?

17 A Mm-hmm (affirmative).

18 Q Okay. Was it normal for Mr. Oliver to pay for Burger
19 King, a room at the Marlboro Inn? Was that normal
20 for him to pay for things like that?

21 A Yes.

22 Q Okay. This wasn't the last time that you would be
23 interrogated by police officers though, was it?

24 A No.

25 Q The next time was the 19th of September, correct?

- 1 **A** Yes.
- 2 **Q** Five days later, right?
- 3 **A** Yes.
- 4 **Q** And you had no new information about Stanley because
5 he had been incarcerated, right?
- 6 **A** That's what I was told, what I've heard.
- 7 **Q** What you had heard? But you gave another statement
8 on the 19th?
- 9 **A** Yes.
- 10 **Q** Correct? And you were taken to police headquarters,
11 right?
- 12 **A** Mm-hmm (affirmative).
- 13 **Q** You were put in an interrogation room?
- 14 **A** (Witness nods head affirmatively).
- 15 **Q** How long were you in that interrogation room, ma'am?
- 16 **A** I really can't remember how long.
- 17 **Q** Could you guesstimate? Was it five hours? Was it
18 more?
- 19 **A** Maybe an hour or so.
- 20 **Q** Maybe an hour or so?
- 21 **A** An hour and a half, maybe two.
- 22 **Q** Maybe two. How many police officers were in the room
23 with you?
- 24 **A** I think two.
- 25 **Q** You think two?

1 **A** Two. Uh-huh (affirmative).

2 **Q** Were there enough chairs for everyone to sit?

3 **A** Yeah.

4 **Q** There were? No one was standing up and asking you
5 questions?

6 **A** Well, they were standing. They sat once and one was
7 standing.

8 **Q** Were they being nice to you?

9 **A** No. Not really. Sometimes they were.

10 **Q** Now, Ms. Williams, I know this is uncomfortable for
11 you. You have a roomful of police officers sitting
12 here. I know and they know that you're not here to
13 offend them or anything. You're here to tell the
14 truth, as Mr. Meadors said. Okay. I'm not trying to
15 trick you or anything. I'm just trying to ask you.
16 Okay? And I just want you to be honest. Were they
17 being nice to you?

18 **A** Not really.

19 **Q** Were they cussing at you?

20 **A** A little. Not too harshly.

21 **Q** Were they showing you any pictures?

22 **A** Not that -- I can't remember if they did it that time
23 or not.

24 **Q** Were they threatening to charge you with murder?

25 **A** Yes.

1 Q They were? You were scared?

2 A Yes.

3 Q Now, your second statement is different from your
4 first statement, isn't it?

5 A Yes.

6 Q Were you telling them the truth?

7 A Yes.

8 Q The complete truth?

9 A Mm-hmm (affirmative).

10 Q So on the 19th you're telling them the truth, but on
11 the 13th you were telling them everything they wanted
12 to know. Is that right?

13 A Everything they asked me.

14 Q Everything they asked you. In your second statement
15 you also talked about the Marlboro Inn, didn't you?

16 A Yes.

17 Q You did?

18 A (Nods head affirmatively).

19 Q And this time you told them who paid for it?

20 A I think so. Probably.

21 Q You think so?

22 A Uh-huh (affirmative).

23 Q You told them you went to Marlboro Inn and Stanley
24 paid for it?

25 A Mm-hmm (affirmative).

1 Q And then you went to McDonald's?

2 A Mm-hmm (affirmative).

3 Q Okay. Did you get to read the statement before you
4 left, before you signed it?

5 A No. Because I just signed it.

6 Q So the police officers are writing down what you're
7 saying and they wouldn't let you read it?

8 A Hmm-mm (Negative).

9 Q They made you sign it?

10 A Mm-hmm (affirmative).

11 Q They told you you could just read it later, correct?

12 A Mm-hmm (affirmative).

13 Q And so you went ahead and just signed it?

14 A Yeah.

15 Q Do you even know what's in that statement?

16 A Just what I just saw.

17 **COURT REPORTER:** I'm sorry. I didn't hear the
18 response.

19 A Yeah. A while ago I really did see what was written
20 on it because I didn't have a copy of it.

21 Q They didn't show you a copy of it?

22 A No.

23 Q Thank you, Ms. Williams. Beg the Court's indulgence.

24 Ms. Williams, thank you for answering my questions.

25 Okay? Your Honor, I have no further questions for

1 this witness.

2 **THE COURT:** Questions?

3 **MR. MILLING:** No questions, Your Honor.

4 **THE COURT:** Any questions?

5 **MR. DELGADO:** I have no questions.

6 **MR. MEADORS:** A few brief follow-up.

7 (WHEREUPON, State's Exhibit No. 176 is marked
8 for identification.)

9 (WHEREUPON, State's Exhibit No. 177 is marked
10 for identification.)

11 **MR. MEADORS:** Can I approach again, Your Honor?

12 **THE COURT:** (Nods head affirmatively)

13 REDIRECT EXAMINATION

14 **BY MR. MEADORS**

15 **Q** You don't mind if I get close to you, do you?

16 **A** (Shakes head negatively).

17 **Q** Ms. LaFave asked you about a couple of your
18 statements. Do you remember?

19 **A** Mm-hmm (affirmative).

20 **Q** The first statement I think she was asking you about
21 was 9-13-04. Do you remember that?

22 **A** Uh-huh (affirmative).

23 **Q** And that's your signature, isn't it, Renata?

24 **A** Yes, sir.

25 **COURT REPORTER:** I can't hear her.

1 Q Just speak into there. I'm sorry. This is 117 (sic)
2 for I.D., items that you had bought that were in this
3 statement. Do you remember about how much stuff
4 cost?

5 A Yeah.

6 Q How much earrings and where you ate and all that. I
7 don't think she asked you; but do you remember about
8 the DVD's and CD's and all that that you bought?

9 A Yes.

10 Q She didn't ask you about it. But how much did you
11 all pay for those?

12 A Maybe 160 something dollars, something like.

13 Q 160?

14 A 160, yeah.

15 Q How did he buy those?

16 A He paid with cash.

17 Q And in this first statement you gave, did you tell
18 what kind of bills he was using, what kind of
19 denominations? I think she asked you about the --
20 how much were the earrings?

21 A I think they were like \$2 earrings.

22 Q Okay. What kind of bill did he use to buy those? Do
23 you remember?

24 A No.

25 Q Would it help you to refer to your statement to

1 remember that? She had you looking at it a minute
2 ago. Can you look on page 4? What kind of bill did
3 Stanley purchase it with?
4 **A** 100. \$100 bill.
5 **Q** \$100 bill?
6 **A** (Nods head affirmatively).
7 **Q** And I think she asked you that your first statement:
8 "I paid for the motel"; but did you answer her: "But
9 he gave me the money?"
10 **A** Yes.
11 **Q** So your answer, you put that in your first statement;
12 but he is the one who actually gave you the money to
13 pay for it?
14 **A** Yes.
15 **Q** And that's true, isn't it?
16 **A** Yeah.
17 **Q** She had it up to 80 some dollars. But did you tell
18 in the first statement how much you all paid at
19 Wal-Mart? Page 3 of your statement.
20 **A** How much?
21 **Q** Yes, ma'am.
22 **A** 160. \$160.
23 **Q** How did he pay for that?
24 **A** With cash.
25 **Q** What kind of bills?

1 **A** Hundreds, twenties.

2 **Q** Hundreds, twenties? Now, Ms. LaFave asked you about
3 this first statement. And you answered -- well, did
4 you answer what they asked you in the first
5 statement?

6 **A** Yes.

7 **Q** Was that what you told them?

8 **A** (Nods head affirmatively).

9 **Q** If I can approach you again. And please keep talking
10 in here. I'm sorry. Did you tell them everything in
11 the first statement?

12 **A** Yes.

13 **Q** And everything they asked you?

14 **A** Yes.

15 **Q** Did you go beyond what they asked you? Did you tell
16 them anything they didn't ask you?

17 **A** No.

18 **Q** September 19th they talked to you again, right?

19 **A** Yes, sir.

20 **Q** And that's you down there, Renata, right?

21 **A** Yes.

22 **Q** That's you?

23 **A** (Nods head affirmatively).

24 **Q** And you signed there, page 2?

25 **A** Yes.

1 Q Page 3?

2 A Mm-hmm (affirmative).

3 Q Page 4?

4 A Mm-hmm (affirmative).

5 Q Page 5?

6 A Yes.

7 Q That's all you, isn't it?

8 A Yes.

9 Q And 6?

10 A Right.

11 Q And how many times did you sign on each page?

12 A I don't know. Twice.

13 Q Okay. And did anybody make you sign, Renata? I
14 mean, they didn't force you to sign it, did they?

15 A No.

16 Q Now, a minute ago -- and you told them about the
17 motel room in the first statement, right?

18 A Yes.

19 Q Had they asked you about anything you might have said
20 after the news came on in the motel? Did they even
21 ask you about that in the first statement?

22 A No.

23 Q So you didn't volunteer it, did you, in the first
24 statement?

25 A No.

1 Q And you've testified earlier -- well, let me just ask
2 you. Is that in your second statement, State's 176
3 for I.D., about hearing it on the news and him
4 telling you what he did?

5 MS. LAFAVE: Objection, Your Honor.

6 Q Is that in there?

7 MS. LAFAVE: Objection.

8 THE COURT: What's the objection? What's the
9 objection?

10 MR. MEADORS: Your Honor, it's just her.

11 MS. LAFAVE: Prior inconsistent statement, Your
12 Honor. I'm not exactly sure what Mr. Meadors is
13 trying to admit this for, Your Honor.

14 MR. MEADORS: Your Honor, she has called into
15 question the fact that -- Doug -- I don't know why
16 Mr. Strickler is standing up.

17 THE COURT: Approach the bench.

18 (Whereupon, a bench conference is had)

19 Q Ms. LaFave had asked you about your first statement,
20 your second statement and the police's interaction
21 with you during the first and the second one. Do you
22 remember?

23 A Yes.

24 Q State's 117 (sic) for I.D. is the 9-13 statement,
25 correct?

1 **A** Mm-hmm (affirmative).

2 **Q** 9-13 that you signed. And did you tell them then
3 about the money that was spent and seeing Stanley and
4 spending some of the money, like she asked you, what
5 we just went over, correct?

6 **A** Yes.

7 **Q** Now, State's 176 for I.D., we just asked you a minute
8 ago about your signatures, right?

9 **A** Yes.

10 **Q** Did you put in here about seeing Stanley early one
11 morning?

12 **A** Yes.

13 **Q** Did you put in here about hearing Stanley say
14 something about a lick? Did you put that in here,
15 your 9-19 statement?

16 **A** Yes.

17 **Q** Did you put in here about the shopping and going and
18 spending the money with Stanley in this statement?

19 **A** Yes.

20 **Q** Let me back up. Did you put in here about seeing
21 money?

22 **A** Oh. Yes.

23 **Q** With Stanley?

24 **A** Yes.

25 **Q** Did you put in here about going to the motel with

1 Stanley?

2 **A** Yes.

3 **Q** And she asked you about this time, the difference at
4 this time. You said you paid for the motel, correct?

5 **A** Yes.

6 **Q** With whose money did you pay for it?

7 **A** His.

8 **Q** And did you put in your second statement about what
9 Stanley said after he saw the news at the Marlboro
10 Inn?

11 **MS. LAFAVE:** Objection, Your Honor.

12 **Q** Did put that in --

13 **MS. LAFAVE:** Asked and answered, Your Honor.

14 **THE COURT:** Overruled.

15 **MR. MEADORS:** I didn't get to it earlier.

16 **Q** Did you put that in here?

17 **A** Yes.

18 **Q** Did the police officers tell you to put in that
19 statement: "Are you still going to tell people I'm
20 your husband if I go to jail?" Did they tell you to
21 put that in there?

22 **A** No.

23 **Q** Whose words were those?

24 **A** Stanley's.

25 **Q** Did you put in here that they've known each other,

1 Joy, Gallman --

2 MR. MILLING: Your Honor, I object.

3 MR. DELGADO: Absolutely. The same objection,
4 Your Honor.

5 THE COURT: What's the objection?

6 MR. MILLING: It's outside the scope of cross.
7 It's not gone into during Ms. Lafave's cross
8 examination.

9 MR. MEADORS: Recross. Beg the Court's
10 indulgence. That's all. Thank you.

11 THE COURT: Recross?

12 MS. LAFAVE: Your Honor, just briefly.

13 RECROSS EXAMINATION

14 BY MS. LAFAVE

15 Q Ms. Williams, I left out a couple of things from your
16 statement about some of the expenditures made by Mr.
17 Oliver. As Mr. Meadors has pointed out, there was
18 \$160 worth of DVD's and CD's. And how much was spent
19 at Wal-Mart?

20 A About 160.

21 Q Like 160?

22 A About 160.

23 Q So we're looking at \$420 there, correct? And then
24 the \$90 that we talked about earlier from -- I'll
25 refer to my notes here -- the Marlboro Inn, the

1 earrings, the shoes; all of this together is less
2 than \$600, right?

3 **A** Yes.

4 **Q** Okay. Thank you, ma'am.

5 **THE COURT:** Anything further?

6 **MR. MILLING:** Nothing, Your Honor.

7 **MR. DELGADO:** Nothing.

8 **THE COURT:** Okay. You may come down, ma'am.
9 Thank you very much.

10 **MR. MEADORS:** I'd ask she be excused.

11 **THE COURT:** May the witness be excused?

12 **MS. LAFAVE:** Without objection, Your Honor.

13 **MR. MILLING:** No objection, Your Honor.

14 **MR. DELGADO:** No objection.

15 **MR. MILLING:** Your Honor, may we approach?

16 **MR. MEADORS:** We need to approach, please.

17 **THE COURT:** Hold on. Just hold on a minute,
18 please.

19 **MR. MEADORS:** I'm sorry. I'm sorry.

20 **THE COURT:** All right. Ladies and gentlemen,
21 we're going to take a short break at this time. It
22 will be about -- let's just leave it that way. We'll
23 take a short break at this time. We'll call you when
24 we're ready. Don't discuss the case among yourselves
25 while you're in the jury room. Thank you very much.

1 (Jury out at 11:27 a.m.)

2 **THE COURT:** Now, is there anything?

3 **MR. MILLING:** Your Honor, I was just hoping we
4 could take a brief recess for a bathroom break. And
5 I think that -- I don't know who the next witness is,
6 but I imagine this is along the same lines. We'll
7 probably have similar issues.

8 **THE COURT:** I don't know. We'll find out when
9 we return.

10 **MR. MILLING:** Yes, sir. Thank you.

11 (Whereupon, a break is taken)

12 **THE COURT:** The State ready to proceed?

13 **MR. MEADORS:** We are, Your Honor. There are
14 pre-trial issues on the next witness.

15 **THE COURT:** Who is the next witness?

16 **MR. MEADORS:** Mike Allen.

17 **THE COURT:** Mike Allen. All right.

18 **MR. STRICKLER:** We're double checking right now.

19 **THE COURT:** I don't recall the name.

20 **MR. MEADORS:** Well, it would be those type
21 issues I think that we said we'd address as we came
22 to it.

23 **THE COURT:** The same issues. All right. Has he
24 got a statement that you're concerned about or that
25 the defense is concerned about?

1 **MR. MEADORS:** Well, ...

2 **MR. STRICKLER:** Beg the Court's indulgence one
3 moment, sir, please.

4 **THE COURT:** Sure.

5 (Pause)

6 **MR. STRICKLER:** Thank you, Your Honor. As I
7 review the material we have on Mr. Allen, it doesn't
8 appear that we have problems unless the State -- and
9 I don't know what he's going to testify to here --
10 unless the State is prepared to offer his testimony
11 regarding, you know, that they robbed drug dealers.
12 And then we're back into Bruton issues.

13 **MR. MEADORS:** That's one issue I think we need
14 to discuss.

15 **MR. STRICKLER:** In reviewing his statement, I
16 don't see it in what I have in his statement. I may
17 have missed it scanning over it.

18 **MR. MEADORS:** Your Honor, there are two
19 witnesses that if we got through today we'd be in
20 great shape in this trial, this being one. I'm being
21 quite honest. I think that would be a great day's
22 work. The other thing is, I don't want to start with
23 direct and break over lunch, quite frankly. I think
24 this next witness if we just did him today would be a
25 great day.

1 So I guess I'm proposing, all that, thinking if
2 you were going to break early and if you were going
3 to break for lunch at 1, I'd rather break now, have a
4 short lunch, come back just finish these two
5 witnesses. And it would be ahead of schedule to
6 where I thought we'd be. I don't think anybody
7 cares.

8 **THE COURT:** All right.

9 **MR. DELGADO:** I mean, I care in that I don't
10 think if we broke at 12, came back at 1 or quarter to
11 1, I only thing, John, you can get through the
12 next -- if the second witness is from out of state
13 and in federal prison --

14 **MR. MEADORS:** We have another witness who is
15 here. I was just going to say I think we can do
16 those two today.

17 **MR. DELGADO:** Well, that depends on -- would you
18 mind just sharing? It doesn't matter to me.

19 **MR. MEADORS:** I assume -- you all tell me how to
20 do it. Ms. Robinson.

21 **MR. DELGADO:** That's going to take long. You
22 don't understand that. Because she's got to have her
23 attorney here. And knowing that attorney, I think
24 that that's going to be a little longer process.

25 **MR. MEADORS:** It might be. But we can -- I'd

1 request a break now until 12:30, resolve these issues
2 we have now in the next ten minutes. There is an
3 issue that they were incarcerated together, the next
4 witness and Mr. Oliver.

5 **THE COURT:** I thought you said Allen.

6 **MR. MEADORS:** This next witness and Stanley
7 Oliver were incarcerated together at three different
8 facilities. Obviously I'm going to say that they saw
9 each other during that time period. I'm not going to
10 say where they were. I just want to make sure I
11 don't do anything to affect this trial, infect it.
12 So that's one issue I'll be careful on. I don't know
13 if there are any other objections to -- obviously the
14 issue about robbing drug dealers, that's going to be
15 pretty in depth testimony of this witness. And it's
16 going to be very -- it's going to be pretty much what
17 she's been saying since Labor Day weekend, quite
18 frankly.

19 **MR. STRICKLER:** Well, no. And I'm sorry. As
20 far as that issue goes with Mr. Allen, unless I am
21 completely missing it --

22 **MR. MEADORS:** Well, maybe that's implicit in
23 describing this.

24 **MR. STRICKLER:** -- I mean, his statement relates
25 to the events of the weekend that we're talking about

1 which indeed is the robbery of a drug dealer. No
2 question about that.

3 **MR. MEADORS:** Maybe that's what I'm just
4 expressing. He is going to say that this was the
5 robbing of drug dealers, this event itself. So maybe
6 we're mincing words.

7 **THE COURT:** Let's just take it one piece at a
8 time. This witness, can this witness be completed by
9 1:00?

10 **MR. MEADORS:** No, sir. No way.

11 **MR. STRICKLER:** He is one of the major witnesses
12 in the case.

13 **THE COURT:** Why don't we send the jury to lunch,
14 bring them back at 1:00.

15 **MR. MEADORS:** Can you say 1:15? I might go eat
16 lunch today. 1:15. Well, whatever.

17 **THE COURT:** It's not even 12 yet.

18 **MR. MEADORS:** That's fine. 1:00 is fine.

19 **MR. STRICKLER:** I don't have any problem with
20 that, Judge.

21 **MR. DELGADO:** No, sir.

22 **THE COURT:** All right. Well, then we'll go as
23 far as we can go. We may only get one witness. I
24 don't know. Bring the jury.

25 (Jury in at 11:54 a.m.)

1 **THE BAILIFF:** All the jury is present, Your
2 Honor.

3 **THE COURT:** All right, ladies and gentlemen of
4 the jury. In talking with the lawyers, it appears
5 that the next witness will be lengthy, and by that I
6 mean not on the direct examination but the cross
7 examination. The anticipation is we couldn't be
8 finished with that witness by 1:00. So I think the
9 most efficient use of our time would be to go ahead
10 and take our lunch break now, ask you to be back at
11 1:00, at which time we can begin with that witness
12 and not interrupt it.

13 We generally don't like to break between a
14 direct examination and a cross examination. We like
15 to complete a witness while they're on the stand and
16 not have to break. Sometimes it's inefficient, but I
17 believe in this case, I think we can work around it.
18 So I can't give you a clear idea about how late we'll
19 work the afternoon, but let's start back at 1:00 and
20 we'll just take it as it comes.

21 So again I'll ask you not to discuss the case
22 among yourselves when you return to the jury room or
23 with anyone else over the lunch hour. Have a
24 pleasant lunch. We will see you at 1:00. We'll be
25 ready to go at that time.

1 (Jury out at 11:55 a.m.)

2 **MR. MEADORS:** Judge, Mr. Delgado may know more
3 about the witness after that or Ms. Robinson than I
4 do. But if that's going to be a pre-trial hearing,
5 then I'd like to go ahead and maybe plan for that
6 after this witness. We'll get a call into that
7 attorney and try to get him over here around 3:30 or
8 4.

9 **MR. DELGADO:** My understanding, Mr. Nettles he
10 just happened to come through the courtroom today.
11 He said that as a result of his meeting with you all
12 Thursday of last week that you all were going to
13 notify him when she was going to come and he'd come
14 here with her to testify. That's all I can tell you.

15 **MR. MEADORS:** So we'll try to get him here this
16 afternoon, Your Honor. He's been on standby along
17 with his client. And I think he might have mentioned
18 it this morning. I do not know. But we'll try to
19 take that up after this. Or we have another witness
20 that we can --

21 **THE COURT:** Why don't you see how soon he -- I
22 mean, he doesn't work that far away. All right.
23 Stand at ease until 1:00. Hold it. Hold it one
24 second. Let me see. The next witness, Allen, any
25 pre-trial?

1 **MR. MEADORS:** I don't disagree. I think I was
2 saying what he described and ended up doing that. I
3 don't disagree with Mr. Strickler on that.

4 **MR. STRICKLER:** All I want to be clear about --
5 and I haven't talked with him; I don't know what he's
6 going to say. Okay. I know what his recorded
7 statement says, and it deals with what we're talking
8 about in this incident. All right. Obviously he can
9 testify about that.

10 **MR. DELGADO:** Well, it would be --

11 **MR. STRICKLER:** But if part of what he's going
12 to say is that it was Stanley's deal to rob drug
13 dealers, then we need to deal with that issue.

14 **THE COURT:** Well, what is the issue?

15 **MR. STRICKLER:** Well, the issue is Lyle. We're
16 back to this --

17 **MR. MEADORS:** Yes, he's going to say that. I
18 mean, that's what this is and that's what they did.
19 Did he specifically say that? I don't know. That's
20 what cross is for. But is he going to say that's
21 kind of what they did? Yeah. That's what they do.
22 That's what they did do. And that's the truth. I
23 don't mean that disrespectfully. But I mean,
24 that's --

25 **MR. STRICKLER:** Well, I'm not getting an answer

1 to my question. Then here is my position. Here is
2 my position. If he testifies to that effect, I will
3 object at that point in time. I have asked for a
4 pre-trial in limine ruling. I don't know that there
5 is anything before Your Honor to rule on based on the
6 solicitor's response. If that happens I will object,
7 and Your Honor can rule on it at that point in time.
8 And part and parcel of that ruling will be ruling on
9 my motion for a mistrial at that time.

10 **MR. MEADORS:** And, Your Honor, I think you could
11 anticipate testimony like that; yes, sir, that that's
12 one person who was a big drug dealer, would send the
13 other folks to go rob them. Yes, sir. So, yes, sir.
14 If you want to rule, I think that's part -- I don't
15 see how you can separate them. I mean, is it
16 word-for-word in there? No. But what's that the
17 statement, the theory of the case is. So, yes;
18 anticipate it. If Your Honor could be thinking about
19 it over the lunch break, that would be fine with the
20 State.

21 **MR. DELGADO:** I think we want to see a copy of
22 it.

23 **MR. MEADORS:** Counsel wants to say -- maybe I'm
24 mishearing him.

25 **MR. MILLING:** Your Honor, if I may, in looking

1 at Mr. Allen's statement which apparently was given
2 on September the 14th of 2005, I don't see where my
3 client's name is mentioned at all. If, however, he
4 plans on testifying different from this statement, if
5 he plans on -- if the State plans on getting into
6 evidence perhaps anticipating that maybe Mr. Oliver
7 might have said something, that Mr. Joy might have
8 said something, I don't know; we might have a Bruton
9 and/or a Crawford issue. But at least from his
10 statement he doesn't say anything about anything like
11 that.

12 **THE COURT:** Mr. Delgado.

13 **MR. DELGADO:** Nothing, Your Honor.

14 **THE COURT:** Anything further?

15 **MR. MEADORS:** No, sir. Thank you.

16 **THE COURT:** 1:00.

17 (Whereupon, a lunch break is taken)

18 **MR. MEADORS:** Your Honor, before we get to the
19 next witness, the witness after that was going to be,
20 is going to be Tatanisha known as Tata Robinson. She
21 is seated with her attorney, Mr. Bill Nettles. I
22 don't think we'll be able to get to that based on our
23 discussions in chambers and the schedule of the Court
24 before later on this afternoon. I've been informed
25 through Mr. Ross, Mr. Nettles has a conflict later on

1 this afternoon.

2 That being said, we'd like to schedule I guess
3 Ms. Robinson Monday and see if we can go ahead and
4 just put that on the record, make sure we're all
5 clear on the time.

6 **THE COURT:** All right. Any problem with that?
7 He's scheduling Ms. Robinson, is it?

8 **MR. MEADORS:** I guess Bill and I can talk. My
9 understanding is he can't be here late this
10 afternoon.

11 **MR. NETTLES:** If you don't mind, I had
12 previously been scheduled for a post conviction
13 relief hearing in Florence.

14 **THE COURT:** You?

15 **MR. NETTLES:** Well, I was being post convicted.

16 **THE COURT:** That's what I meant. That was the
17 source of my surprise.

18 **MR. NETTLES:** But I will -- I mean, if I could
19 just -- if I could call that court and tell them that
20 this court has asked me to be here, I'm sure that
21 will take care of it.

22 **THE COURT:** I didn't know I had such --

23 **MR. NETTLES:** Excuse me?

24 **THE COURT:** I didn't know I had such rank.

25 **MR. NETTLES:** I think you do.

1 **THE COURT:** If you will advise the Attorney
2 General.

3 **MR. NETTLES:** Yes, sir. I'll call the Attorney
4 General. It hasn't ever been rescheduled. So I
5 can't see that it would be a problem.

6 **THE COURT:** Thank you very much.

7 **MR. MEADORS:** And, Your Honor, for the record,
8 Ms. Robinson has been here, as her attorney
9 instructed her, every day; is under subpoena. And
10 that does continue, and I think through the next two
11 weeks. So we certainly ask her to be back here
12 Monday, as she has, and we'll be prepared to do --

13 **MR. NETTLES:** Can we do this hearing at 9:00 on
14 Monday?

15 **MR. MEADORS:** Depending how far we go today, I
16 have no problem with that.

17 **MR. NETTLES:** Because I've got a plea in
18 Beaufort Monday afternoon.

19 **MR. MEADORS:** I have no problem.

20 **THE COURT:** We'll try to work with your
21 schedule.

22 **MR. NETTLES:** Thank you. Appreciate it.

23 **MR. MEADORS:** Your Honor, for the record, it
24 will probably be 9:30, won't it? Or do you want the
25 hearing at 9?

1 **MR. NETTLES:** I'll be here at 9.

2 **THE COURT:** Security has advised me that they --
3 as I think I told them, as of next week they will
4 have all defendants here present and seated by 9:00.

5 **MR. MEADORS:** I'm just not a big 9:00 guy. But
6 I understand.

7 **THE COURT:** Keep moving.

8 **MR. NETTLES:** May my client be excused until
9 Monday morning at 9?

10 **THE COURT:** Any objection?

11 **MR. MEADORS:** I have no objection.

12 **MR. NETTLES:** Thank you.

13 **THE COURT:** Without objection.

14 **MR. NETTLES:** Thank you, Your Honor.

15 **THE COURT:** All right. Ready for the jury?

16 **MR. STRICKLER:** I think the only thing we need
17 to resolve prior to the jury is the matter of prior
18 record on the part of Mr. Allen.

19 **THE COURT:** Okay.

20 **MR. STRICKLER:** And I can speed things along. I
21 see a conviction, a 4-4 arrest, 4-4 of '91;
22 conviction 12-10-93 for forgery.

23 **MR. MEADORS:** Judge, let me just tell you this.
24 I'm bringing it all out, stuff they don't even know
25 about he may have done. Every conviction, I'm going

1 to bring it all out. So if I didn't, they can ask
2 him. And I commit to you for that.

3 **MR. STRICKLER:** That's all for me.

4 **THE COURT:** All right. We're ready to proceed.
5 Let me just say this before we proceed. This is
6 turning into somewhat of a protracted trial. I
7 understand that individuals may have strong feelings
8 in this case one way or the other. This Court will
9 tolerate no outbursts in this courtroom. Any
10 outbursts from any party in this courtroom, witness
11 or otherwise, will be dealt with severely.

12 And I just caution all participants in this
13 trial to respect the dignity of this court. If you
14 choose not to, then I can deal with that. And I
15 won't get into what that possibly could mean. But I
16 just advise you to please conduct yourself
17 accordingly. Bring the jury, please.

18 (Jury in at 1:27 p.m.)

19 **THE BAILIFF:** The jury is all present, Your
20 Honor.

21 **THE COURT:** All right. Thank you very much,
22 ladies and gentlemen. I hope you had a pleasant
23 lunch. We're now ready to continue with the trial.
24 Solicitor, call your next witness.

25 (Pause)

1 **MR. MEADORS:** Mike Ulicen Allen.

2 ULICEN C. ALLEN, after being duly sworn,
3 testifies as follows:

4 **THE CLERK:** Thank you. Please have a seat in
5 the witness stand and state your full name for the
6 record.

7 **THE WITNESS:** My name is Ulicen Clifton Allen
8 aka Michael Allen.

9 DIRECT EXAMINATION

10 **BY MR. MEADORS**

11 **Q** Mr. Allen, if you'll -- I think your voice is
12 pretty -- if you'll just be sure to talk so the court
13 reporter and the jury can hear. Repeat your name
14 again?

15 **A** Ulicen Clifton Allen aka Michael Allen.

16 **Q** Would you mind pulling up a little bit so you can --
17 thank you. Mr. Allen, would you please tell these
18 ladies and gentlemen where you're from?

19 **A** New York.

20 **Q** Were you born and raised there?

21 **A** Yeah. I was born in -- I lived in New York until I
22 was 18.

23 **Q** And did you go to high school in New York?

24 **A** No, sir.

25 **Q** Where did you go to school?

1 A Down here. I got my GED down here.

2 Q Well, did you go to school in New York?

3 A Yeah.

4 Q Before you came down here?

5 A Yeah, I did.

6 Q How far did you go in school?

7 A The 12th grade.

8 Q And where were you -- were you with your -- where
9 were you residing in New York? With your family?

10 A No. I pretty much like grew up in group homes and
11 like foster care, institutions like that.

12 Q And I guess my question is, how long did you stay in
13 New York prior to coming to South Carolina?

14 A Eighteen years. I was in New York from the time I
15 was born until I was 18.

16 Q What foster care home were you in?

17 A Aster Home for Children.

18 Q Aster?

19 A Yeah.

20 Q So you come to South Carolina in what year?

21 A 1987.

22 Q And where did you reside when you came in 1987 to
23 South Carolina?

24 A My mother lived on South Woodrow Street in Columbia.
25 So I stayed with her for maybe a month, six weeks,

1 something like that. And then I stayed with a lady
2 named Beatrice Boyd after that.

3 Q So you had not been staying with your mama in New
4 York?

5 A No.

6 Q Had they moved down here prior to you coming down
7 here?

8 A Yeah. Some years before.

9 Q Okay. You stayed with her for a month?

10 A Right.

11 Q Then where did you stay?

12 A Gonzales Gardens.

13 Q And who were you staying with there?

14 A Beatrice Boyd and Monique Smith.

15 Q At some point in this time period when you came to
16 South Carolina, did you meet Stanley Oliver?

17 A Yes.

18 Q Can you tell the ladies and gentlemen of the jury how
19 that happened?

20 A Stanley is -- well, Monique Smith I have a daughter
21 by. And Monique is Stanley's older sister. And
22 Beatrice is his stepmother.

23 Q So you met him through Monique?

24 A Right.

25 Q And you have a child by Monique?

- 1 **A** Yes, sir.
- 2 **Q** And so what year was it you met him?
- 3 **A** 1987.
- 4 **Q** And when you got here to South Carolina, you say you
- 5 got your GED?
- 6 **A** Yes, sir.
- 7 **Q** What did you do after you got down here?
- 8 **A** Pretty much got into a bunch of trouble, you know,
- 9 sold drugs, broke a bunch of laws.
- 10 **Q** And did you have a P.W.I.D. crack conviction?
- 11 **A** Yes, sir.
- 12 **Q** And did you do some time for that back in '90?
- 13 **A** Yes, I did. I got a 15-year sentence suspended to a
- 14 sentence of one year and five years probation.
- 15 **Q** When did you get out on that?
- 16 **A** I got out February the 3rd, 1990.
- 17 **Q** What did you do after you got out?
- 18 **A** No. I got out February 3rd, 1991. Forgive me.
- 19 **Q** Got out. Okay. What did you do after that?
- 20 **A** Pretty much I was on a vindictive chase. So I was
- 21 going around like robbing drug dealers and, you know,
- 22 doing the same thing that got me put in jail the
- 23 first time.
- 24 **Q** Did you get arrested again after that?
- 25 **A** Yes, I did.

- 1 Q When was that?
- 2 A August 16th, 1991.
- 3 Q And did you plead guilty to that?
- 4 A Yes, sir.
- 5 Q All right. And armed robberies, assault and battery
- 6 with intent to kill and drugs?
- 7 A Yes, sir.
- 8 Q Numerous counts of armed robberies?
- 9 A Yeah. About six, seven counts of armed robbery.
- 10 Q And how many years did you get on that?
- 11 A I got 12 years.
- 12 Q And did you serve that time in different facilities
- 13 in this state?
- 14 A Yes, sir. Eight different maximum securities.
- 15 Q When did you max out of that, Mr. Allen?
- 16 A June the 11th, 2000.
- 17 Q And during that time period when you were in jail,
- 18 did you get to know a female there?
- 19 A Yes.
- 20 Q And what was her name?
- 21 A Eunice Allen.
- 22 Q Her name is now Eunice Allen. Was there another name
- 23 prior to that?
- 24 A Eunice Dodson.
- 25 Q You now get out of prison June 11th, 2000, correct?

1 **A** That's right.

2 **Q** All right. Tell these folks, what do you do then?

3 **A** Well, Monique came and got me. You know, when I got
4 released, she came and picked me up. And I went and
5 resided with her for maybe seven months, eight
6 months. But that relationship didn't work out too
7 well. So I pretty much like left her. And I went
8 and found a place to live back in Gonzales Gardens.
9 And I had a job, a couple a few jobs that I got, you
10 know, tried to work, tried to do something right and
11 stop the stuff that had put me in jail.

12 **Q** And do you remember after you got out in June of 2000
13 where your first employment was?

14 **A** Yes. Nancy's Nook on Broad River and Rush's.

15 **Q** And how long did you work there?

16 **A** Give or take, about seven months. I worked at just
17 for the period of time I was living with Monique on
18 Broad River. So, you know, when I left Broad River I
19 found another job on the other side of town.

20 **Q** You started living at Gonzales Gardens?

21 **A** Yes, sir.

22 **Q** Did you work anywhere else besides --

23 **A** Well, when I moved from Broad River, I went over
24 to -- I started working at Benedict for Mr. Swinton
25 doing janitorial work. And then I went from there to

1 the afternoons I worked as at Bojangle's.

2 Q Did you ever have occasion to work at Dreamland
3 Motel?

4 A No. I stayed at Dreamland until --

5 Q I'm sorry.

6 A -- because I didn't -- well, the guy I was living
7 with in the Gardens, we didn't get along very well.
8 Money issues. So I went and got an apartment at
9 Dreamland so I could at least wash, you know, have a
10 place to lay my head when I wasn't working all day.

11 Q And now back to Ms. Allen. Did you have an occasion
12 to get married after you got out?

13 A Yeah. Well, when I left, a couple of months before I
14 maxed out, she resigned from the Department of
15 Corrections and she always told me, you know, when I
16 got out, you know, to give her a call. And like
17 maybe after, you know, eight, nine months of me being
18 free, I bumped into a friend of hers, and, you know,
19 we ended up reconnecting, marrying or getting married
20 about a year later. We got married in February of
21 2001.

22 Q You're still married?

23 A Yes, sir.

24 Q You all have three children?

25 A Yes. Two children.

1 Q Had you worked after you got married?

2 A Yes, sir.

3 Q Did marriage affect your life?

4 A Well, up until I was 30, I never really like had a
5 job, you know. I never really knew what it meant to
6 go out there and work hard for yours, you know. It
7 was always about drugs, you know, or quick money, you
8 know, quick come up. So marriage was more, you know,
9 something that like tied me down, let me, you know,
10 realize that there was more to life than the quick
11 fix, you know. So, you know, I had kids and I mouths
12 to feed. And I knew that I couldn't just so much
13 feed them if I was out there, you know, breaking the
14 laws.

15 Q Did you work anywhere else after you got married?

16 A Yeah. I had -- I worked at Southland Log Homes for
17 three years. I've worked Smokey Bones for two and a
18 half years. I worked for Fazoli's, and I worked for
19 Applebee's.

20 Q Did you ever do any work for the University of South
21 Carolina?

22 A Yes. I worked for the Russell House. Like when I
23 was like 18, 19, I worked for them, you know, for
24 like maybe a year, a summer, something like that.

25 Q Were you still selling drugs during this time period?

1 A No. When I worked for the University?

2 Q After you got married.

3 A No. No.

4 Q Were you smoking marijuana?

5 A Yes, sir.

6 Q After you got to know Stanley Oliver and you met him
7 through Monique, did you all call each other
8 something? What do you refer to him as?

9 A I call him my little brother. I mean, that was
10 generally, you know, what he was. Just, I mean, he
11 still is to me, you know, my little brother.

12 Q And from the time you met him up until today, would
13 you see him often?

14 A Yeah. I mean, he was nothing but a phone call. You
15 know, to contact Stanley was like, you know,
16 contacting mama. You know, a phone call; you know,
17 somebody you knew where he was, leave a message or
18 whatever.

19 Q Is it fair to say you all would see each other often,
20 on a daily basis?

21 A Yeah. If we didn't see each other, you know, we
22 would at least phone contact.

23 Q This would be true up through the summer of 2005,
24 correct?

25 A Yes, sir.

1 Q And did you see him as much after you got married as
2 you did before you got married?

3 A No. No. My wife didn't like -- you know, she didn't
4 really like want me hanging out with the same people
5 who before my marriage I hung out with. So it was
6 more or less, you know, if I was going to see Stanley
7 or deal with Stanley, you know, it was on the D.L.,
8 the down-low.

9 Q You say on the D.L.?

10 A Yeah. The down-low. Hush-hush.

11 Q But on a D.L., would you still talk to him after you
12 got married?

13 A Yeah.

14 Q Did you do still do it on the D.L. and your wife
15 didn't know?

16 A Yeah.

17 Q Did you ever -- or do you know Dominic Gallman?

18 A Yes, sir.

19 Q Can you tell the jury when you met Dominic Gallman
20 and how you met him?

21 A Stanley -- Stanley introduced me to Dominic prior to
22 the incident at hand; maybe -- I don't know -- give
23 or take six weeks, you know, five weeks before it
24 happened. He introduced me to Dominic. He was a
25 friend of his.

1 Q Okay. And do you know Kenneth Joy?

2 A Yes, sir.

3 Q And when did you meet Kenneth Joy?

4 A Approximately maybe two months, two and a half months
5 before the incident at hand took place.

6 Q Did you meet him here in -- where did you meet him?

7 A On a spot on Tremain Street in Richland County off
8 Two Notch.

9 Q How did Stanley Oliver introduce you to these folks?
10 What did he tell them you were to him, if anything?

11 A Well, it was pretty much, you know, this his homies,
12 you know, referring as far as --

13 Q What did he describe you to them as, is what I'm
14 asking.

15 A His brother.

16 Q Okay. His brother?

17 A Yeah.

18 Q So over the course of that month and a half to two
19 and a half months before this incident, did you have
20 an occasion to see Dominic and Kenneth Joy after you
21 met them?

22 A Yes, sir.

23 Q And what, if any -- was Stanley working for Kenneth
24 Joy?

25 A Like job wise?

1 Q Well, when you introduced him, did he introduce him
2 and say that he had done some work for him? I'm just
3 trying to -- is that how you first met him?

4 A Yeah.

5 Q He said he did some work for Kenneth Joy?

6 A Yeah.

7 Q Okay. Beg the Court's indulgence. Where were you
8 working, if anywhere, during the summer of 2005 up
9 into September of 2005? You said you'd started
10 working and were on --

11 A I was working for Smokey Bones, a bar and grill in
12 Harbison.

13 Q And were you working there up 'til --

14 A Yeah. I was working there approximately about two
15 and a half years up until that point.

16 Q What did you do there?

17 A I was a grill cook.

18 Q And during that summer of 2005, do you know where
19 Stanley was working?

20 A Well, he wasn't -- he wasn't working anywhere. But I
21 got him a job, you know. It might have been like
22 June I got him a job, you know, at Smokey Bones. And
23 he might have worked for maybe like six weeks and
24 then he quit.

25 Q But through your contact there he started working for

1 a while at Smokey Bones?

2 **A** Yes, sir.

3 **Q** Now, on the Labor Day weekend, September 2005, do you
4 remember that?

5 **A** Yes, sir.

6 **Q** This incident we're here about. Were you working
7 that weekend?

8 **A** Yes, sir.

9 **Q** And do you remember specifically when you worked that
10 weekend?

11 **A** Yes. I worked Friday from 4 to close. I worked a
12 double on Saturday and a double on Sunday.

13 **Q** And I haven't worked in a restaurant in a while. But
14 I'm going to show you what's marked State's 178.
15 Would you agree that that says September of 2005, and
16 it is a blank calendar?

17 (WHEREUPON, State's Exhibit No. 178 is marked
18 for identification.)

19 **A** Yes, sir.

20 **MR. MEADORS:** Your Honor, we'd offer State's 178
21 without objection.

22 **MR. STRICKLER:** That's without objection, Your
23 Honor.

24 **MR. MILLING:** No objection.

25 **MR. DELGADO:** No objection.

1 **THE COURT:** All right.

2 (WHEREUPON, State's Exhibit No. 178 is admitted
3 into evidence.)

4 **Q** So, a what on Friday?

5 **A** A 4 to close.

6 **Q** What on Saturday?

7 **A** A double.

8 **Q** And a what on Sunday?

9 **A** A double.

10 **Q** What's a double?

11 **A** It means I go in at 9 in the morning and I will get
12 off at 11, maybe 12:00 at night.

13 **Q** So on Sunday evening what time did you get off?

14 **A** About quarter to 12.

15 **Q** And after you got off at a quarter to 12, what did
16 you do?

17 **A** I wasn't feeling real good, so I go on home.

18 **Q** And do you remember your phone numbers during this
19 time period?

20 **A** Yes. My home phone number was (803) 561-0054. And
21 the second line was (803) 551-0973.

22 **Q** You said you worked all these. You got home. You
23 weren't feeling good. What did you do when you got
24 home?

25 **A** I think I like took a shower and changed out of my

1 work clothes, grabbed something to eat. Then I like
2 crawled into the bed.

3 Q What, if anything, happened after that?

4 A Well, about sometime after, you know, I got in bed I
5 got a phone call. And Stanley was on the phone. And
6 he was asking me, you know, he said he needs me to
7 come over to see him, come over to his house. And I
8 told him I wasn't feeling very well. But he pretty
9 much demanded that I come over; it was important.

10 Q So this was after you got home from work Sunday
11 evening?

12 A Yes, sir.

13 Q Into the Monday?

14 A Yes.

15 Q Did you go?

16 A Yes, sir. I did go.

17 Q And where did you go?

18 A I went to his girlfriend's house, Renata, at Palmetto
19 Terrace.

20 Q And had you been there before?

21 A Yes, sir.

22 Q Did you know Renata?

23 A Yes, sir.

24 Q You'd seen her before?

25 A Yes, sir.

1 Q Had you ever called Renata's house to get in touch
2 with Stanley?

3 A Yes, sir.

4 Q And when you got to Renata's house, can you tell us
5 what happened when you got to the apartment?

6 A Well, when I arrived, there were -- Renata was there.
7 I think it was her aunt or some lady was in the
8 living room. And my brother was there in the
9 bedroom. He told me to come in. And I went to the
10 room. And there were like guns, a .12 gauge shotgun.
11 There were like bundles of money. There was crack
12 cocaine, you know, cocaine and like digital scales
13 for drug sales, you know, drug weight.

14 And I asked my brother, you know, you know, I
15 see you done turned somebody off or, you know, you
16 done pulled off a lick. And he was like, yeah, yeah.
17 I asked him, I was like, you know, I just hope, you
18 know, you didn't do a lick entire where somebody is
19 going to end up shooting my little brother in the
20 head, you know, a couple of weeks from now. And he
21 said something like, nah, you ain't got to worry
22 about that. The guy we got this from ain't going to
23 be looking for us. And, you know, I pretty much just
24 like brushed it off.

25 After that he gave me like \$150, you know. As

1 soon as he gave me the money, I got like real
2 violently sick, you know. And after that, you know,
3 I think I left real shortly after that, afterwards.

4 Q Do you know how much money was there, Mr. Allen?

5 A No. I don't know how much it was to say exactly. I
6 just know there were maybe, you know, six or seven
7 bundles. And the way it was stacked you could tell
8 it was either \$100 or 1's on the outside. They were
9 folded in half and had like rubber bands on them over
10 the money, you know. They were just large stacks of
11 money. So you couldn't actually just tell, you know,
12 from looking at it. But it was, you know, a nice
13 little sum, you know. I was looking at thousands.

14 Q You said there were drugs there?

15 A Yeah. Yeah. There was a lot of drugs.

16 Q Had you seen Stanley Oliver the week prior to that,
17 to Labor Day?

18 A Yes, sir. I seen him Thursday, Thursday or Friday
19 morning. I loaned him a couple of dollars.

20 Q You said you lent him a couple of dollars?

21 A Yes, sir.

22 Q So you didn't see him with large amounts of money the
23 Thursday before Labor Day?

24 A No, sir.

25 Q Do you remember how much you leant to him?

1 **A** Like 50 bucks, 50 or \$60.

2 **Q** So after you had this conversation with him and you
3 asked him if somebody would be coming after him, he
4 said no, you said he gave you some money?

5 **A** Yes, sir.

6 **Q** And do you know how much he gave you?

7 **A** About \$150, 200, somewhere around there.

8 **Q** You said you got sick. And then where did you go?
9 Back home?

10 **A** Yeah. I mean, I never got, you know -- when I
11 touched that money, I had a bad feeling. Something
12 real bad came over me, you know. I never experienced
13 something like that before, you know. I mean, it's
14 something you just can't explain. But it was almost
15 as though somebody had walked over my grave or
16 something had like entombed my body, just like taken
17 over. And I knew something bad had happened, but
18 then at the same time I believed what Stanley had
19 told me, you know, nothing had happened to make me be
20 able to justify that feeling. So, you know, I
21 thought it was maybe just because I wasn't feeling
22 well and just, you know, went on back home after I,
23 you know, got the money from him.

24 **Q** And you'd worked -- I don't know -- a couple of
25 doubles and a single. Did you go to work the next

1 day?

2 A No. I was off. I stayed home for like the next two
3 days sick. So ...

4 Q At some point did you learn more about the incident
5 on Labor Day?

6 A I think it was like either that Wednesday morning or
7 that Wednesday night, I had got -- my wife told me,
8 she said, you know, did you hear -- did you see the
9 news? Two people had been found shot in the head up
10 on Piney Grove Road, you know. And, you know, it was
11 like in one ear and out the other. For me, I was
12 like, you know, well, that's what happens. People
13 get killed. You know, I thought no more of it, you
14 know.

15 And like Friday came around and, you know, she
16 came back. She was like, they found somebody else
17 they said is connected with the murder. They found
18 some woman dead over off Wilson Boulevard. She was
19 at the house and somebody shot her in the head and
20 left her over there at Wilson Boulevard. And she
21 gave me a newspaper article to read, you know.

22 And part of reading the newspaper article there
23 was, you know, a mention of a vehicle, you know. And
24 the way, you know, everybody, witnesses had seen a
25 vehicle parked outside the house, you know, on a

1 stakeout. And I just was able to remember, you know,
2 touching the money. And then the vehicle that was
3 explained and kind of like knowing some of the things
4 that my brother was into, you know, made me kind of
5 like automatically feel like, you know, he had
6 something, some type of involvement with this
7 incident right here.

8 Q But you still didn't know?

9 A No, I didn't know. I didn't know for sure.

10 Q And after that and prior to the next week, did you
11 have a conversation with him, Stanley Oliver, about
12 this incident?

13 A Well, after I had got the newspaper article and read
14 it that Friday, you know, I went over to Renata's
15 house looking for my brother, you know. I don't
16 think I bothered to call him because it wasn't
17 something that, you know, I wanted to talk to him on
18 the phone about. So I went over there looking for
19 him. And I think Renata was, you know, edging the
20 premises when I pulled up. And I asked if he was
21 there. She said, you know, no, he's not here.

22 As I was about to leave, she said, you know, did
23 you hear? And I was like, hear what? She was like,
24 well, I'm not going to tell you. I'm going to wait
25 until you see him and let him tell you, you know what

1 I'm saying.

2 So, you know, it was like another bad feeling of
3 knowing something bad had happened. And I believe
4 when I left there I went back home and called
5 Beatrice, you know, which is his stepmother. And
6 then I went over there. And his stepfather, you
7 know, pretty much told me, he said, homicide, you
8 know what I'm saying, is looking for Stanley, you
9 know, for something about some murders that done took
10 place in Richland County.

11 So when I left there I went home and I called
12 Monique up in Charlotte because, you know, that was
13 his last word. He said, well, you know, he told me
14 he was going to Charlotte to see Monique. I called
15 her. She was like he was out with a couple of
16 friends right now, you know, and she'd have him call
17 me, you know, as soon as he got back. So, you know,
18 he called me like later on that Saturday or Sunday
19 morning.

20 Q And did Mr. Stanley Oliver at that point tell you he
21 had more -- or something else about the incident?

22 A Well, I told him, you know, you know, the police was
23 looking for him and everything. He said he knew
24 homicide was looking for him because, you know, his
25 fingerprints obviously had turned up at a murder

1 scene. Where the murders had took place, his
2 fingerprints were there. And, you know, he was like,
3 you know, I ain't have anything to do with no murder
4 or nothing. We tore the dude up. We tore the dude
5 up but I didn't kill nobody, nothing like that. So,
6 you know, but since it was over the phone, you know,
7 he said, we're not going to talk about it over the
8 phone. He said, you know, I'll be back tomorrow.
9 I'm coming back in town. I'll be back in town
10 tomorrow. And that was like Saturday, Saturday night
11 when I talked to him.

12 And Sunday he ended up coming back, you know,
13 stayed at my house Sunday. He kept telling me, you
14 know, he didn't kill -- he said he didn't kill the
15 woman. He was like, well, bottom line is I ain't
16 killed no woman. I'm a Muslim. You know I didn't
17 kill no woman. So --

18 Q Let me stop you. When you talked to him initially he
19 said he knew homicide was looking for him and his
20 friend was there. Did he initially say, we tore the
21 dude up but I didn't kill him?

22 A Yeah. He said we tore him up. He did the lick but,
23 you know, I didn't kill nobody.

24 Q But you're saying tore, like lick, a robbery?

25 A Yeah. Take something, take somebody else's property

1 that don't belong to you or whatever.

2 Q And you said he told you, I didn't kill a woman?

3 A Yes.

4 Q I didn't kill the woman?

5 A Yes, sir.

6 Q And you started to say something after that about
7 Muslim. What did you say?

8 A Well, I mean, our faith is Muslim, you know. And
9 it's totally forbidden for you to even strike a
10 woman. And, you know, knowing Stanley as long as
11 I've known Stanley, you know, I've seen women
12 assaulted. And Stanley, he's never even raised a
13 hand to 'em. So, you know, for him to tell me that
14 was enough for me to know, you know, that he didn't
15 kill the woman, you know. He wouldn't kill a woman. I
16 mean, the bottom line was, you know, whatever had
17 happened, he was willing to let me know that he
18 didn't kill that woman, you know. Not to say that he
19 didn't kill anybody else, but to make me understand
20 that he didn't kill that woman. And, you know, to
21 me, that was all that really mattered, you know, that
22 he didn't kill the woman.

23 Q After you talked with him on the phone, did you have
24 an occasion to see him later in the week or the
25 beginning of the next week?

1 **A** After I talked to him on the phone, that was
2 Saturday, he told me, you know, he'd be back in town.
3 He's going up to the house on Sunday. He said, I'll
4 be there, you know, Sunday, tomorrow, you know, give
5 or take Monday. And he showed up.

6 **Q** That's here?

7 **A** Yeah.

8 **Q** When you say give or take Monday, do you mean that to
9 be Sunday or Monday? Is that what you're saying?

10 **A** Yeah. I talked to him on like Saturday was here on
11 10th of September. But then he came, he showed up at
12 my house Sunday, Sunday night. So, that was the 11th
13 I guess, you know, and stayed with me, you know, 'til
14 Tuesday.

15 **Q** And we'll get to Tuesday. So the conversation he had
16 with you about, we just tore him or did a lick but
17 didn't kill him, was that at the same time that he
18 told you about, I didn't kill the woman?

19 **A** No. Well, there was two conversations. The
20 conversation that took place as far as the robbery
21 took place; because, you know, I said, well, you
22 know, they got your fingerprints at the murder scene,
23 you know. And, you know, just like I said, after I
24 had the bad feeling with the money, you know, I had
25 done talked to Renata, you know, Renata told me

1 blase, blase, he told me, he said, you know, listen;
2 I didn't -- you know, we did a lick. Okay. That was
3 already known, that, you know, this is a robbery,
4 it's in the paper, you know what I'm saying. But as
5 far as anybody admitting to, you know, doing any
6 killings, we didn't talk about that on the phone. We
7 didn't talk about that until he came back and we was
8 at my house. You know what I'm saying. We was at
9 the house, you know what I'm saying, that that part
10 came out. Because I began to ask him a whole lot of
11 questions, you know, that didn't add up to what he
12 had told me to begin with.

13 And he just -- he was smoking marijuana, you
14 know. I guess, you know, he relaxed a little bit and
15 made it known, you know, listen, I didn't kill the
16 woman. I didn't kill that woman. I don't care what
17 they say, I didn't kill that woman.

18 And to me, because, you know what I'm saying,
19 like I said, that's my little brother and I know him,
20 you know. I knew that he hasn't killed a woman. You
21 know, I knew a lot of things that, you know, people
22 didn't know, the investigators or whatever. But I
23 just knew that for a fact, that he was telling me the
24 truth about that.

25 Q And at this point was he staying at your house, or

1 were you staying at his house prior to Tuesday?

2 **A** Prior to Tuesday he was staying with me. He stayed
3 with me from -- he came from -- like I say, he was
4 with Monique in Charlotte. And when he came from
5 Charlotte that Sunday, he stayed with me that Sunday,
6 that Monday. And Tuesday, you know, I took him down
7 to the police station. So he stayed with me for the
8 three days.

9 **Q** And during those -- before that day did you have any
10 conversation with Dominic or Ken Joy once he got back
11 from -- he being Stanley Oliver; excuse me -- from
12 Charlotte? And prior to Tuesday -- excuse me for
13 turning my back; I'm sorry -- did you have any
14 conversation with Dominic Gallman or Kenneth Joy?

15 **A** Prior to Tuesday?

16 **Q** Yes, sir.

17 **A** No, sir.

18 **Q** Okay.

19 **A** No.

20 **MR. MEADORS:** Your Honor, we need to approach
21 briefly.

22 (Whereupon, a bench conference is had)

23 **Q** Sunday, the -- thank you. Bear with me -- the 12th
24 and -- excuse me. Sunday, the 11th, Monday, the
25 12th, and up 'til Tuesday morning Stanley Oliver is

1 with you. Is that your testimony?

2 A Yes, sir.

3 Q And on Tuesday at some point did you go down to the
4 police department with him?

5 A Yeah. Well, Monday we attempted to go to the police.
6 And I believe like Monday we were trying to get a
7 lawyer to represent Stanley before he went to the
8 police and turned himself in.

9 Q On what day?

10 A Monday. This was Monday. Monday, they was like, Ken
11 Joy was trying to give him -- you know, have him take
12 some money to Jimmy Rogers, you know, to represent
13 him before he went, you know, into -- down to see the
14 police. And we went to Jimmy Rogers' office, me and
15 my brother, on Monday afternoon. And Jimmy Rogers
16 was like, you know, well, I can't take the money
17 right now. What you'll have to do is go to the
18 Sheriff's Department, you know, and see what they
19 want. If they arrest you, then you can contact me
20 and, you know, you can pay me and retain me. So
21 like, you know, all the running about on Monday
22 turned out to be like to no avail because he wouldn't
23 represent him until there was a formal charge placed
24 against him.

25 So this took place, this happened maybe until

1 about 4 or 4:30, you know, Monday. So when he called
2 the investigator who was looking for him, you know,
3 they said something like, well, just come down
4 tomorrow, we'll talk to you tomorrow. And, you know,
5 my brother had took it to mean, you know, they ain't
6 got nothing, you know what I'm saying. Why else
7 would they tell me to wait 'til tomorrow, not to turn
8 myself in today? So we just, you know, went through
9 Monday and waited 'til Tuesday to go down there, you
10 know, and then take him down there to talk to the
11 investigators.

12 Q You mentioned Mr. Joy a minute ago. And he tried to
13 offer assistance with the retainer fee --

14 A Yes, sir.

15 Q -- of Mr. Rogers?

16 A Yes, sir.

17 Q Let's go to Tuesday. And at this point did you have
18 a cellphone?

19 A No, sir.

20 Q So both of these up here would be land lines during
21 this time?

22 A Yes, sir.

23 Q How was contact on Monday -- how did -- did you all
24 call Mr. Rogers before you went over there?

25 A Yes. My brother had his cellphone. So he was

1 calling using his cellphone, you know, to call
2 Mr. Rogers and, you know, everybody else.

3 Q We're at Tuesday now. I've got this calendar. Beg
4 the Court's indulgence. This has Monday up here.
5 Most calendars have Sunday. Does that say Monday up
6 there?

7 A Yes, sir.

8 Q So on Tuesday, the 13th, did you have an occasion to
9 go to the Columbia Police Department?

10 A Yes, sir. Tuesday, after like a bunch of, you know,
11 still yet rippity running, you know, with my brother
12 just to try to decide on whether he's going to turn
13 himself in or how he was going to turn himself in,
14 finally, about 5:00, 5:30, we finally made it down to
15 the Richland County Sheriff's Department on
16 Washington Street; the City Police Department on
17 Washington Street. And I took him in.

18 Q Tuesday, the 13th?

19 A Yes, sir.

20 Q After you took your brother, Stanley Oliver, to the
21 police department, was a call made back to Jimmy
22 Rogers?

23 A Yes. To inform him that Stanley had been locked up,
24 I called Jimmy Rogers.

25 Q Okay. Now, after that, did you have an occasion to

1 hear from or see Kenneth Joy?

2 **A** After I called Jimmy Rogers and notified him that my
3 brother had been locked up, I called Kenneth Joy and
4 told him that Stanley had been locked up but I didn't
5 know what the charges were.

6 **Q** Why did you call him?

7 **A** Well, prior to going to take Stanley into the
8 Sheriff's Department, we had called Kenneth Joy.
9 Kenneth Joy said, well, just call me and let me know,
10 you know, what happens after you come out. So my
11 brother had gave me his cellphone just for me to make
12 sure that I had done that.

13 **Q** So prior to turning him in, Mr. Joy asked you all to
14 call him and just let him know what's going on?

15 **A** Right.

16 **Q** When Stanley turned himself into the Columbia Police
17 Department, what did he do with his phone?

18 **A** He had gave it to me.

19 **Q** Okay. And that was his cellphone you then had?

20 **A** Right.

21 **Q** And what phone was used to call Jimmy Rogers?

22 **A** Stanley's cellphone.

23 **Q** What phone was used to call Kenneth Joy?

24 **A** Stanley's cellphone.

25 **Q** Who made those phone calls?

1 **A** I did.

2 **Q** And as a result of that phone call, did you see Mr.
3 Joy after that? Or did you see him after that?

4 **A** Well, after I talked to him he informed me that he
5 was going to -- he said, well, I've got to go stop
6 over at Renata's house and then I'll come over to
7 your house and see you. So I didn't see him until
8 later on that night at about 7:30.

9 **Q** On the same Tuesday?

10 **A** Yeah. The same Tuesday.

11 **Q** And where did he come to?

12 **A** To my house over at Woodland Hills.

13 **Q** And can you tell these ladies and gentlemen of this
14 jury what happened when Kenneth Joy came to your
15 house on the night of September 13th?

16 **A** Well, when Mr. Joy showed up, you know, I pretty much
17 already had felt like the incident at hand that took
18 place, my brother didn't do it by his self. Okay.
19 And I knew --

20 **MR. DELGADO:** Judge, I object to any speculation
21 this gentleman is going to offer.

22 **MR. MILLING:** Objection.

23 **MR. MEADORS:** Why did you feel that way? Your
24 Honor, I think he said --

25 **MR. DELGADO:** He can say what he saw, heard,

1 observed; not what he thought, what he felt.

2 **THE COURT:** All right.

3 **MR. DELGADO:** Please.

4 **THE COURT:** Confine it to that.

5 **MR. MEADORS:** Your Honor, if I could do this?

6 **Q** Did you think other people were involved in this?

7 **MR. DELGADO:** Your Honor, please.

8 **MR. MILLING:** Objection, Your Honor.

9 **MR. DELGADO:** Jeez.

10 **MR. MEADORS:** I didn't say other people.

11 **MR. DELGADO:** Leading.

12 **MR. MEADORS:** That is not a leading question,
13 Judge.

14 **MR. DELGADO:** It calls for a yes or no answer.

15 **MR. MEADORS:** That doesn't mean it's leading,
16 Mr. Delgado.

17 **MR. MILLING:** It also calls for speculation.

18 **THE COURT:** I sustain that objection.

19 **Q** What, if anything, had Stanley Oliver told you about
20 the woman?

21 **A** I couldn't hear you, sir.

22 **Q** What, if anything, had Stanley Oliver told you about
23 the female victim?

24 **A** Well, he told me he didn't kill her.

25 **Q** What, if anything, did that mean to you?

1 **A** That meant that he didn't kill her.

2 **Q** And if he didn't kill her, what did that mean?

3 **A** It means somebody else killed her.

4 **Q** We're back at your house on September 13th. Okay?

5 **A** Yes, sir.

6 **Q** Mr. Joy came over there, correct?

7 **A** Yes, sir.

8 **Q** What, if anything, happened then?

9 **A** Well, I kind of like composed myself, and like I was
10 really upset that, you know, my brother had been
11 locked up. I was really upset about that, but I was
12 more interested in finding out, you know, what really
13 had taken place. Mr. Joy showed up at my house with
14 another young individual named Pancho. And I, you
15 know, went back into my wife and I's bedroom. You
16 know, I had tears around my eyes.

17 Mr. Joy walked back there, you know, took the
18 tears for me being truly upset. And he told me, you
19 know, you don't have to worry about that, Mike. It's
20 not even like that. Just take it easy, you know.
21 You don't have to worry about, you know, your
22 brother. He's going to be all right, you know. I'm
23 going to take care of him. He was said, they ain't
24 going to be able to put him in jail for the murders
25 because I burned the clothes. Okay. He said there

1 are two guns used in the murders. I got rid of both
2 of them, and they'll never be able to find them, and
3 I made the car disappear.

4 Up until he had told me that, I had no
5 indication that Kenneth Joy had anything to do with
6 what took place. Okay? I hadn't told the
7 investigators nothing involving Kenneth Joy up until
8 he came to my house and divulged this information to
9 me. And it helped me realize that my brother, just
10 like I thought, didn't do this murder by his self, on
11 his own.

12 Q Two different guns?

13 A Yeah. He said there were two different guns used in
14 the murders.

15 Q What about the clothes?

16 A He burned the clothes and he got rid of the car and
17 that nobody would like testify to this, be able to
18 sign a statement because nobody knew, you know,
19 nobody knew about it.

20 Q When you're saying nobody, he said nobody knew about
21 it, what did he say about witnesses?

22 A There was none.

23 Q And this conversation was where?

24 A In my bedroom at my house.

25 Q Who was present?

1 **A** Just me and Mr. Joy.

2 **Q** And you said he said something about guns?

3 **A** Yeah.

4 **Q** And what did he say about the guns?

5 **A** There were two guns used and they would never find
6 them because he got rid of them. He said without the
7 murder weapon --

8 **Q** Did he say anything about the gender of any of the
9 victims?

10 **A** He said just that it was a man and a woman. I think
11 he said the guns -- his words were, the guns used on
12 a man and a woman were different.

13 **Q** The gun used on the man and the woman were different?

14 **A** Right.

15 **Q** Did you know that before then?

16 **A** No, sir.

17 **Q** What did you do after that? After Mr. Joy had told
18 you that; your brother, you took your brother, and
19 you were upset, correct?

20 **A** Yeah.

21 **Q** You've taken your brother to jail. Mr. Joy had now
22 come over and told you this. What did you then do
23 next, Mike Allen?

24 **A** Well, when Mr. Joy left my house, you know, I had
25 called the investigator. It was a black woman. You

1 know, I don't remember her name. But I had called
2 her, you know, to let her know, you know, that I
3 needed to talk to her because I had some more
4 information for her. She informed me that tomorrow,
5 like the next day that I could come down there and
6 see her and, you know, let her know what I had gotten
7 and what I had to tell her.

8 Q You called the investigator?

9 A Yes, sir.

10 Q The next day?

11 A Right.

12 Q Is that this day, the 14th?

13 A Wednesday, yes.

14 Q And said, I need to talk to you?

15 A Yes, ma'am. Yes, sir.

16 Q And you did talk to her?

17 A Yes, sir, I did.

18 Q Were you in jail?

19 A No, sir.

20 Q Did you have any charges on you?

21 A No, sir.

22 Q Were you working?

23 A Yes, sir.

24 Q Prior to that or after -- and I guess Mr. Joy left,
25 correct, that night?

1 **A** Yes, sir.

2 **Q** What did you do after that?

3 **A** After he left, after I left the house?

4 **Q** Yes, sir. Did you go see an investigator the next
5 day?

6 **A** Right.

7 **Q** You tell her what happens?

8 **A** Yes, sir.

9 **Q** What did you tell her?

10 **A** I told her --

11 **Q** That's fine. You told her what happened, what you'd
12 heard, correct?

13 **A** Yeah. There were like three investigators, her and
14 two other white guys. They like took statements of
15 what I had told them of the events. They wrote them
16 all down.

17 **Q** Did you do anything else after that?

18 **A** Yes. I informed the investigators at that time that,
19 you know, I had known my brother's affiliation and
20 who he was affiliated with. Okay. And his
21 affiliation was with Mr. Gallman and Mr. Joy and
22 himself.

23 **Q** Mr. Gallman?

24 **A** Yes, sir. So, you know, he told me -- you know, I
25 told them I wouldn't have come down here and said

1 this had happened if it didn't happen because, you
2 know, this is what was divulged to me, after which
3 time I left. They wanted to talk to Mr. Gowan (sic)
4 but didn't know where Mr. Gowan (sic) lived at.

5 Q You're saying Mr. Gowan?

6 A Yes, sir.

7 Q Are you saying Mr. Gallman?

8 A Gallman. Yeah. And because they didn't know where
9 he lived at, he said that they couldn't talk to him,
10 you know, they couldn't question him. And my brother
11 had taken me to, you know, Mr. Gowan's (sic) house
12 like a couple of days before he ended up getting
13 arrested, give or take. And I was able to retrace
14 the steps to get to Mr. Gowan's (sic)'s house, Mr.
15 Gallman's house. And afterwards I got his address.
16 And he had got a new cellphone. He gave me his
17 cellphone number. When I left I, you know, contacted
18 the investigators on the phone and gave them the
19 address and the cellphone number after I had spoke
20 with Mr. Gowan (sic).

21 Q And where did you speak with Mr. Gallman?

22 A At his apartment or his girlfriend's apartment, their
23 new apartment off Two Notch Road.

24 Q And you said you had been there previously?

25 A Well, yeah. I had been there, you know, one night,

1 give or take, you know, three or four days when my
2 brother had come back in town.

3 Q So this would have been before or this would have
4 been after you'd gone to see the nice looking
5 investigator?

6 A Yes, sir.

7 Q Do you give them his address, his number?

8 A Yes, sir.

9 Q Did you talk to him when you went over there?

10 A Yes, sir.

11 Q Why? What did you ask him?

12 A Well, with my brother was already locked up, you
13 know. And, you know, I just felt like, you know, I
14 just had a few questions I needed answered. One was
15 about, you know, the robbery. I was like, you know,
16 my brother's prints are all over the spot where the
17 murder took place, you know. You know, you all did a
18 robbery. You know, the thing about the robbery, you
19 know, if you're going to do a robbery, you know, why
20 you let him run in there; and if it went to the
21 extent, you know, why did you let him go in there
22 without his gloves on? Why did you let him leave his
23 prints all over the place if it was going to go down
24 like this, you know, like, you know, automatically
25 giving yourself away.

1 And he told me, he said, man, you know how your
2 brother be. Your brother was all on that cocaine.
3 Man, I couldn't tell your brother that. You know,
4 your brother wanted to do what he wanted to do; you
5 know what I'm saying, pretty much answering the
6 questions of why his prints were all over the place,
7 because he couldn't stop, you know, my brother from
8 doing what he wanted to do, you know.

9 **Q** Did you learn any information about what actually
10 happened at Mildred? And if so, from who?

11 **A** Well, I learned from Dominic that I guess they were
12 at the spot and they were outside, you know --

13 **MR. STRICKLER:** I object. On behalf of Mr.
14 Oliver, I object at this point in time.

15 **THE COURT:** Sustained.

16 **MR. STRICKLER:** Thank you.

17 **MR. MEADORS:** What's the objection?

18 **Q** Did Dominic Gallman tell you what happened at the
19 scene?

20 **A** Yes, sir.

21 **Q** Okay. What --

22 **MR. STRICKLER:** On behalf of Mr. Oliver, I
23 object, Your Honor.

24 **THE COURT:** Approach the bench.

25 (Whereupon, a bench conference is had)

1 Q Listen to my question very carefully. Okay. When
2 you were talking to Mr. Gallman, did Mr. Gallman tell
3 you what, if anything, he did at Mildred Avenue and
4 what happened at Mildred Avenue? Without you using
5 any other name, can you do that?

6 A Yes, sir.

7 Q Okay. Do you understand the question?

8 A Yes, sir.

9 Q Okay.

10 A He was sitting -- they were sitting outside for, you
11 know, quite some time trying to figure out how they
12 were going to, A, gain entrance to the premises. A
13 white dude pulled up. When the white boy got out the
14 car, they rushed the white boy into the house. That
15 is how they gained entrance. He never went no
16 further than that. It was just that's as far as he
17 went with me and left it alone.

18 MR. MEADORS: Beg the Court's indulgence. Beg
19 the Court's indulgence. Your Honor, I'm almost
20 through.

21 (Pause)

22 MR. MEADORS: Your Honor, if we could approach
23 again, I think I'm about finished. I'm sorry.

24 (Whereupon, a bench conference is had)

25 Q Have you ever seen Stanley Oliver with any weapons?

1 Firearms?

2 **A** Yes, sir.

3 **Q** Any particular types?

4 **A** A 9-millimeter, .40 caliber, .12 gauge shotgun.

5 **Q** Is the person that came -- that called you and that
6 you went to see in the early morning hours of
7 September 5th, you saw the money and the drugs and
8 the person that told you that I didn't -- I robbed
9 them but didn't kill them and the person that told
10 you, I didn't kill the woman; is that person in the
11 courtroom?

12 **A** Yes, sir.

13 **Q** Would you please point him out?

14 (Witness points).

15 **MR. MEADORS:** I'd like the record to reflect
16 he's pointed to Mr. Stanley Oliver.

17 **THE COURT:** Let the record reflect the witness
18 identified Defendant Oliver.

19 **Q** Is the individual who came to your house -- and by
20 the way, what phone had you used to call Mr. Joy when
21 you called him prior to seeing him?

22 **A** Stanley's cellphone.

23 **Q** Is the person that came to your house and told you
24 you don't have to worry about it --

25 **MR. DELGADO:** Objection now to leading, please.

1 **THE COURT:** Don't lead your witness.

2 **Q** Well, let's go to -- what did he tell you when he
3 went by your house? Tell us again?

4 **MR. DELGADO:** Asked and answered.

5 **THE COURT:** Overruled. Overruled.

6 **A** Mr. Joy informed me that I didn't have to worry
7 about, you know, my brother being convicted because
8 he had destroyed the evidence. He had burned the
9 clothes. He had got rid of the guns that were used.
10 They were different for the man and the woman. And
11 he had gotten rid of the vehicle and that there were
12 no witnesses to, you know, say that anything was
13 done. And if anybody was to say, you know, something
14 was done that they wouldn't live to tell about it
15 generally.

16 **Q** Is that person who told you that in this courtroom?

17 **A** Yes, sir.

18 **Q** Point him out, please.

19 (Witness points)

20 **MR. MEADORS:** I'd like to record to reflect he's
21 pointed out Mr. Kenneth Joy. And finally --

22 **THE COURT:** Let the record reflect the witness
23 identified the Defendant, Kenneth Joy.

24 **Q** Finally, is the individual that you said you talked
25 to and gave the address and the phone number to the

1 police and said they waited on the white boy to come
2 and stopped him, took him to the door and basically
3 stopped there; is that person in the courtroom?

4 **A** Yes, sir.

5 **Q** Please point him out.

6 (Witness points)

7 **MR. MEADORS:** I'd like the record to reflect,
8 respectfully, he's pointed out Mr. Dominic Gallman.

9 **THE COURT:** Let the record reflect the witness
10 identified the Defendant, Dominic Gallman.

11 **Q** Were you working at Smokey Bones after this?

12 **A** Yes, sir.

13 **Q** Still working after that?

14 **A** Yes, sir.

15 **Q** Did you write some bad checks after that?

16 **A** Yes, sir.

17 **Q** And how many bad checks have you got out there?

18 **A** Nine.

19 **Q** And what's the total dollar amount of those bad
20 checks?

21 **A** \$360.

22 **Q** And are you currently at the Lexington Detention
23 Center on time for one of those checks?

24 **A** Yes, sir.

25 **Q** Thank you. Beg the Court's indulgence. I'm sorry.

1 I forgot. Do you know a guy named Blue?

2 A Yes, sir.

3 Q Who is Blue?

4 A Blue, you know, was a drug dealer, one of the homies.

5 Q Pretty well known by the neighborhood?

6 A Yes, sir.

7 Q What was his -- you say a drug dealer. What, if
8 anything, would he do with powder when it came to
9 him?

10 A Rock it up, turn it into crack, sell it.

11 Q Was he known for that?

12 A Yes, sir.

13 Q I'm sorry. One other thing. Beg the Court's
14 indulgence. One final question, respectfully to
15 everybody. Why did you come forward back in
16 September of '05?

17 A Like I said, I had no qualms with the robbery. Okay?
18 You know, I've done done robberies and all, you know.
19 I've lived on that side of the law, you know, my
20 whole life, you know.

21 Something about this robbery was wrong. And I
22 didn't know how wrong it was until I touched that
23 money. And I never felt, you know, something so
24 strong overcome a person as your soul. And I really
25 feel like, you know, the people who died became a

1 part of me for just a moment to let me know something
2 real bad had happened and you're the only person who
3 can right this.

4 So, in doing -- in coming forth, it wasn't so
5 much because of the wrong that they did but maybe,
6 you know, to make right for them souls that touched
7 me from beyond, you know, their grave. I believe
8 that those were the people when I touched that money
9 who came into me to speak for them. So that's why I
10 came forward.

11 Q Thank you.

12 THE COURT: Cross examination.

13 MR. STRICKLER: May we approach briefly, Your
14 Honor?

15 THE COURT: Sure.

16 (Whereupon, a bench conference is had)

17 THE COURT: All right, ladies and gentlemen.
18 Let's take a short break. This will be a brief one.
19 We want to try to press on this afternoon. We'll
20 call you in just a few minutes.

21 (Jury out at 2:30 p.m.)

22 THE COURT: Mr. Allen -- is Mr. Allen in -- are
23 you in custody now?

24 THE WITNESS: Yes, sir.

25 THE COURT: In Lexington?

1 **THE WITNESS:** (Witness nods)

2 **THE COURT:** Okay. Somebody -- Jessie. Mr.
3 Allen needs to ...

4 (Whereupon, a bench conference is had between
5 the Court and the deputy).

6 **THE COURT:** Dog, he's with you, man. All right.
7 Mr. Allen, you're half way through your testimony.
8 Just don't discuss it with anybody else. Do you
9 understand?

10 **THE WITNESS:** Yes, sir.

11 **MR. STRICKLER:** He said yes, sir.

12 **THE COURT:** All right. We'll stand at ease for
13 ten minutes.

14 (Whereupon, a break is taken)

15 **THE COURT:** Bring the witness, please.

16 **MR. MEADORS:** He's on the way, Judge.

17 **THE COURT:** The State ready to proceed?

18 **MR. MEADORS:** Yes, sir.

19 **THE COURT:** Defense ready?

20 **MR. STRICKLER:** Yes, sir.

21 **MR. DELGADO:** Yes, sir.

22 **THE COURT:** Bring the jury, please.

23 (Jury in at 2:45 p.m.)

24 **THE BAILIFF:** The jury is all present, Your
25 Honor.

1 **THE COURT:** Thank you Mr. Strickler, cross
2 examination.

3 **MR. STRICKLER:** Thank you, Your Honor. May it
4 please the Court.

5 CROSS EXAMINATION

6 **BY MR. STRICKLER**

7 **Q** Good afternoon, Mr. Allen. My name is Doug
8 Strickler. I am here representing Mr. Oliver.
9 You've referred to Stanley as like a brother to you,
10 right?

11 **A** Yes, sir.

12 **Q** And you know that Stanley has a nickname that he uses
13 or is used about him. He is known as Solo, correct?

14 **A** Yes, sir.

15 **Q** Solo as in going it alone? Solo, right?

16 **A** Yes, sir.

17 **Q** Okay. And Stanley sells drugs, correct? Obviously
18 not now. Back then?

19 **A** Yes, sir.

20 **Q** He was involved in the drug business, right?

21 **A** Yes, sir.

22 **Q** Okay. You have sold drugs with him, correct?

23 **A** Yes, sir.

24 **Q** Now, Mr. Meadors went through some of your record
25 with you. Let me ask you about a couple of other

1 things. If you went into it with him, he didn't get
2 it down. 1991 arrest, a conviction. December 1st,
3 1993, a conviction for forgery. You received a
4 sentence of time served?

5 **A** Yes, sir.

6 **Q** Okay. Now, the forgery, this was a check?

7 **A** Yes, sir.

8 **Q** Okay. So that's somebody else's check?

9 **A** Yes, sir.

10 **Q** That you signed their name to?

11 **A** Yes, sir.

12 **Q** And passed it or tried to pass it?

13 **MR. MEADORS:** Your Honor, that's not proper. He
14 can ask him if he had a conviction and move on.

15 **THE COURT:** Sustained.

16 **Q** You maintained you were someone else at that point in
17 time, right? You passed a bad check?

18 **A** Yes, sir.

19 **Q** So you lied at that point in time, right?

20 **A** No, sir. What I did was, I had a check. I took it
21 from my roommate. I filled it out to myself and went
22 uptown and tried to cash it. And they arrested me
23 for counterfeit something. But I put my name on it.
24 It was in my name. It's just the check wasn't given
25 to me.

1 Q On his account?

2 A Her account.

3 Q Her account. All right. Okay. And your contention
4 is that's not a lie. And you were arrested in
5 September of 2006, September 25th, 2006 for
6 fraudulent check?

7 A Yes, sir.

8 Q And you were arrested June 28th, 2007 for possession
9 of a controlled substance?

10 A Yes, sir.

11 Q What was that?

12 A Marijuana.

13 Q Marijuana. And you were also on that same date
14 arrested for fraudulent check, July 28th, 2007?

15 A Yeah. A bench warrant.

16 Q A bench warrant from the earlier arrest?

17 A Yes, sir.

18 Q When were you initially arrested on that charge?

19 A I can't remember.

20 Q You were also arrested on another count of --

21 MR. MEADORS: Your Honor, I've gone beyond it,
22 but arrests aren't impeachable. He's been arrested,
23 hasn't even been convicted. Fraudulent checks. He
24 said he had 360. You can't go into detail on every
25 one of them. Number one, they're charges.

1 **MR. STRICKLER:** If I may, Your Honor.

2 **THE COURT:** Mm-hmm (affirmative).

3 **MR. STRICKLER:** He brought them up. All I'm
4 doing is counting them.

5 **THE COURT:** Go ahead and count them.

6 **MR. STRICKLER:** Thank you.

7 **Q** You were arrested for another count of fraudulent
8 check on July 28th, correct?

9 **A** July -- I was arrested and charged with nine counts
10 of fraudulent check, one count of simple possession
11 of marijuana. So I had nine bench warrants for
12 fraudulent checks and I had a fresh simple possession
13 of marijuana charge.

14 **Q** Okay. At that point in time you were living with
15 your wife?

16 **A** Yes, sir.

17 **Q** At what address?

18 **A** My present address.

19 **Q** Which is ...?

20 **A** [REDACTED] Cactus Avenue.

21 **Q** And you bonded out of the county jail sometime after
22 July 28th, 2007?

23 **A** Yeah. The next morning. The next morning I was
24 released on a P.R. bond.

25 **Q** I'm sorry?

1 **A** The next morning I was released on a personal
2 recognizance bond.

3 **Q** Let me see. You were arrested on a bench warrant
4 you've told us?

5 **MR. MEADORS:** Judge, he just can't go into all
6 these charges. I mean, it's ...

7 **THE COURT:** I'm not sure. Ask the question.

8 **Q** You testified --

9 **THE COURT:** His convictions are his record.
10 He's testified to it. You can't ask him about what
11 the details of those arrests were. You understand
12 the rule.

13 **MR. STRICKLER:** Yes, sir. I'm not asking him
14 about the details of the arrest.

15 **Q** Let me ask you this. When you bonded out the next
16 morning, however that occurred, what address did you
17 supply the jail?

18 **A** [REDACTED] Cactus Avenue.

19 **Q** [REDACTED] Cactus Avenue. Now, if I understand it, if I
20 understand your testimony correctly, on the weekend,
21 Labor Day weekend 2005, the time period that you
22 talked about with Mr. Meadors, you worked Friday 4 to
23 close, Saturday you worked a double, and Sunday you
24 worked a double, this being at what? Smokey Bones,
25 right?

1 A Yes, sir.

2 Q My understanding of the double is you worked from 9
3 to closing basically?

4 A Right.

5 Q Which is some place close to 12:00. I believe you
6 said you say you got off about 11:45 on Sunday,
7 right?

8 A Yes, sir.

9 Q Okay. Do you have the timecards to reflect the fact
10 that you actually worked those days?

11 A No, sir.

12 Q Okay. Do you have any records from Smokey Bones to
13 reflect that you actually did work those days?

14 A No, sir.

15 Q And you came home and your address then was different
16 than it is. What was your address then? I'm sorry?

17 A I don't remember. Something like [REDACTED] Woodland Hills
18 Road. I don't remember exactly what it was.

19 Q Woodland Hills?

20 A Woodland Hills.

21 Q You came home. You weren't feeling too well,
22 showered, got something to eat, laid down, and then
23 you got the phone call, right?

24 A Yes, sir.

25 Q Okay. Where is Woodland Hills Road located?

- 1 **A** It's off Bush River. Or it's off St. Andrews Road
2 behind The Steak Out.
- 3 **Q** Okay. And home, shower, eat, bed. Your wife was
4 there at that point in time, correct?
- 5 **A** Yes, sir.
- 6 **Q** Now, had you had the opportunity to fall asleep
7 before you got the phone call that you testified you
8 got from Stanley?
- 9 **A** No, sir.
- 10 **Q** No? How long had you been in bed?
- 11 **A** I couldn't hear you, sir.
- 12 **Q** I'm sorry. How long had you been in bed for?
- 13 **A** Well, I wasn't sleeping. I was just, you know, in
14 bed. I wasn't asleep in bed, so ...
- 15 **Q** That's fine.
- 16 **A** I don't know. Five, ten minutes. Five, ten minutes.
- 17 **Q** Okay. And you got the phone call. You answered it
18 there in the bedroom?
- 19 **A** Yes, sir.
- 20 **Q** And you didn't much want to go but Stanley prevailed
21 on you to come on over to Renata's house, right?
- 22 **A** Yes, sir.
- 23 **Q** Roughly how far is that from where you were staying
24 at that point in time?
- 25 **A** 15 minutes.

1 Q A 15-minute drive? And what did you tell your wife
2 you were doing?

3 A I was going to see my brother, I'd be back in a
4 little while.

5 Q This is the same brother that when you would see you
6 would have to see on the down-low because she wanted
7 you to break all the associations you had before you
8 got married, right?

9 A That's right.

10 Q On this particular occasion it didn't bother you that
11 you were up front about it with her. You didn't feel
12 the need to go on the down-low as far as what you
13 were up to, right?

14 A Right.

15 Q Okay. You got there and you saw what you testified
16 about. And Stanley gives you I think you said 150
17 bucks?

18 A Yes, sir.

19 Q And you got this spooky sensation that you've
20 testified about just a few minutes ago, right?

21 A Yes, sir.

22 Q You did leave with the \$150, right?

23 A Yes, sir.

24 Q Okay. Not spooky enough that you wouldn't take the
25 money, right?

1 **A** Well, I believed my brother over, you know, my own
2 better judgment or feeling at that time.

3 **Q** So the answer is, no, not spooky enough that you
4 wouldn't take the money?

5 **A** No.

6 **Q** Right? Now, and you testified about giving the
7 statement to the police on the 13th, right?

8 **A** I don't know what date that was, sir.

9 **Q** Let me show you this.

10 **A** Yeah. I mean, what day of the week was it?

11 **Q** According to what we're referring to, that looks like
12 a Tuesday to me.

13 **MR. MEADORS:** Your Honor, what date did he say
14 did he give a statement to the police?

15 **A** No, sir. It wasn't Tuesday.

16 **Q** Let me show you the statement itself. It's the 14th?

17 **A** What was the date on it?

18 **Q** 14th. That would be a Wednesday?

19 **A** Wednesday, yes.

20 **Q** You gave a statement to the police on Wednesday. And
21 you didn't mention this spooky feeling that you had
22 to the police when you gave him the statement, did
23 you?

24 **A** Oh, yes, I did, sir.

25 **Q** You mentioned the spooky feeling when he gave you the

1 money?

2 A Yes, sir, I did.

3 Q Have you had an opportunity to review this statement?

4 A Yes, sir. The officer -- it was two officers. They
5 took one -- both officers were writing the statement.
6 So there is another statement that, you know, he must
7 have not wrote down. But it was in the other
8 statement. I gave to it officers. But they wrote it
9 down. It is written down.

10 Q You would agree with me though that as to this
11 statement, it's not in this statement?

12 A Well, like I said, I haven't even read that
13 statement.

14 Q I thought you said you'd reviewed it, sir.

15 A No, sir. I've never seen the statement. I just
16 signed it.

17 Q You've never seen it; you've just signed it?

18 A I mean, I've never had it in my hand and read the
19 statement, sir.

20 Q Well, I don't want to ask you about something you've
21 never read. If you want to have a look at it, I'd be
22 happy to have you take a look at it. I mean, ...

23 (Pause)

24 **THE COURT:** Is there a question?

25 Q Have you had an opportunity to review your statement,

1 sir?

2 **A** Well, I see a phrase in here.

3 **Q** My question to you, sir, is; have you had an
4 opportunity to review your statement?

5 **A** I can't read this.

6 **Q** Okay. I'm sorry.

7 **MR. MEADORS:** Your Honor, would he like to read
8 it to him if it's not his handwriting so he can --

9 **THE COURT:** No, sir. It's his cross
10 examination, not yours.

11 **MR. STRICKLER:** And the record should reflect
12 I've asked him specifically about one item in the
13 statement. That's the \$150.

14 **THE COURT:** He's answered the question.

15 **Q** Now, you are familiar with a woman by the name of
16 Donna Kohn, aren't you? K-O-H-N?

17 **A** No, sir.

18 **Q** No, sir? You deny any knowledge of that woman?

19 **A** By that name, sir, I don't know anybody.

20 **Q** How about T. Y.?

21 **A** Is that a woman?

22 **Q** Yes.

23 **A** No, sir.

24 **Q** D. Y.? Pardon me. D. Y.?

25 **A** D. Y.? No, sir.

1 Q So I take it you would further deny being upset with
2 Mr. Oliver for his disclosure to this lady of certain
3 medical conditions that you have?

4 MR. MEADORS: Your Honor.

5 A Well, I mean, that was no secret. I mean, I wasn't
6 upset with him, I mean. But I don't know who this
7 woman is. I mean, it wasn't no secret, my HIV
8 status. Stanley wasn't like the only person who
9 knew. I mean, it wasn't no secret. I was never mad
10 at him. But I don't know any D. Y.

11 Q All right, sir. Thank you very much.

12 THE COURT: Do you have anything?

13 MR. MILLING: May it please the Court.

14 CROSS EXAMINATION

15 BY MR. MILLING

16 Q Mr. Allen, good afternoon. My name is Jonathan
17 Milling. I represent Dominic Gallman in this case.
18 Now, you indicated that you met Mr. Gallman in the
19 latter part of July 2005, correct?

20 A Yes, sir.

21 Q Roughly six weeks prior to Labor Day?

22 A Yes, sir.

23 Q Okay. You indicated that you think he had stopped by
24 a residence with Mr. Oliver on one occasion to see
25 Mr. Gallman?

1 **A** Yes, sir.

2 **Q** And that's the only time that you had seen him prior
3 to the incident, correct?

4 **A** No, sir.

5 **Q** No?

6 **A** No.

7 **Q** Okay. There were other occasions?

8 **A** Yes, sir.

9 **Q** Okay. But you had only been to Mr. Gallman's
10 residence once prior to that time?

11 **A** That residence.

12 **Q** That residence?

13 **A** Yes, sir.

14 **Q** While we're on that topic, what is the address or the
15 apartment complex or --

16 **A** I don't know.

17 **Q** You don't know?

18 **A** He just moved there. Like maybe a week he'd been
19 living there, maybe two weeks. I don't know. He
20 just moved. His prior residence was off Kingstree
21 and he had moved to his new residence over off Two
22 Notch, and I didn't know the address or, you know,
23 pretty much where it was.

24 **Q** Okay.

25 **A** Because I'd only been that one time.

- 1 Q Okay. So you didn't tell law enforcement officers
2 the address?
- 3 A Yes, I did.
- 4 Q You did?
- 5 A Yes, sir.
- 6 Q Okay. But you don't have it now?
- 7 A No, sir. That was two and a half years ago.
- 8 Q And you said the first residence was off Kingstree?
- 9 A Yes, sir.
- 10 Q Had you ever actually been inside of either
11 residence?
- 12 A No, sir.
- 13 Q Okay. And you had been to -- which residence was it
14 that you went to with Mr. Oliver to see Mr. Gallman?
- 15 A Both residences.
- 16 Q So you had been to both residences?
- 17 A Yes, sir.
- 18 Q Okay. Do you recall the telephone number that you
19 gave law enforcement?
- 20 A No, sir. If I am correct, Mr. Dominic gave me that,
21 said it was his new phone, said he only had it for a
22 couple of days.
- 23 Q But you don't have that number?
- 24 A No, sir.
- 25 Q Did you give it to the officers orally or did you

1 write it down for them?

2 A No. I called them over the phone and gave it to them
3 orally, the address and the phone number.

4 Q Do you know which officer you gave it to?

5 A The black woman.

6 Q Burns? Or do you recall the name?

7 A No. I just remember how she looked. I don't recall
8 the name, sir.

9 Q But you talked to her over the telephone?

10 A Yes, sir.

11 Q Are you sure it's the same officer?

12 A Yes, sir. She gave me her card.

13 Q Okay. Now, you indicated that when you assisted in
14 turning your brother in that you gave a written
15 statement to law enforcement at that point in time,
16 correct?

17 A The next day, sir.

18 Q The next day?

19 A Yes, sir.

20 Q Okay. And that next day in that statement you did
21 not mention having spoken with Dominic Gallman at
22 all?

23 A No, sir.

24 Q Okay. When you're speaking with law enforcement,
25 they indicated to you that Dominic Gallman was

1 somebody that they'd like to speak with?

2 **A** No, sir.

3 **Q** Oh, they didn't?

4 **A** Not that I remember, no.

5 **Q** Okay. And that's why you went out and got an address
6 for them?

7 **A** No, sir.

8 **Q** No? You just took it upon yourself to go and try to
9 speak with my client?

10 **A** Well, yes, I did, sir. Now, since you asked me that,
11 I already knew my brother's affiliation with Mr.
12 Gallman.

13 **MR. MILLING:** Objection, Your Honor.

14 **THE COURT:** You asked him a question.

15 **A** I already knew my brother's affiliation with Mr.
16 Gowan's (sic).

17 **MR. MILLING:** Your Honor, may we approach?

18 **THE COURT:** He's already testified to that.
19 That's been testified to.

20 **MR. MILLING:** Okay.

21 **A** So with the incident at hand, all I wanted to know
22 was what happened. So I took it upon myself to go
23 out there and see Dominic myself. I had to find the
24 apartment because he had just moved there. They
25 hadn't been living there for more than maybe two

1 weeks I guess, you know.

2 Q Okay.

3 A So when I got there and found, you know, the right
4 apartment and knocked on the door, Dominic came out.
5 And we spoke briefly, for maybe 25, 30 minutes.

6 Q In the parking lot?

7 A In front of his house, his driveway.

8 Q Beg the Court's indulgence one moment. And, Mr.
9 Allen, you also indicated -- and I'm going to back up
10 a little bit -- you indicated that someone came with
11 Mr. Joy to your residence, correct?

12 A Yes, sir.

13 Q Now, who was that?

14 A A fellow named Pancho.

15 Q Pancho?

16 A Yeah.

17 Q Okay. Nothing further, Your Honor.

18 **THE COURT:** Mr. Delgado.

19 **MR. DELGADO:** Thank you.

20 **CROSS EXAMINATION**

21 **BY MR. DELGADO**

22 Q Mr. Allen, I mean you no religious disrespect, sir;
23 but you know the phrase, "Allah Hu Akbar", do you
24 not, sir?

25 A Yes. "God is greatest."

1 Q "God is great." To your faith, that is a saying that
2 is spoken on various occasions. Correct, sir?

3 A Yes, sir.

4 Q Yes, sir. Let me see if I can do a couple of small
5 little things and then I'll back up and ask you some
6 longer questions. Your HIV status, sir, is --

7 MR. MEADORS: Objection to relevance.

8 MR. DELGADO: I can go into it.

9 THE COURT: Sustained.

10 Q Let me rephrase it. Everything about your background
11 is an open book for anybody who has ever employed you
12 then. Is that right?

13 A I -- I couldn't hear the question, sir. I'm sorry.

14 Q Sure. Everybody who has ever employed you knows
15 everything about your background. Would that be
16 fair?

17 A No. Not to say because, you know, people are pretty
18 ignorant to the disease. So not everybody. But most
19 of my employers, you know, who did know me or needed
20 to know me, if it was a job which they needed to
21 know, yeah.

22 Q And you revealed that to Smokey Bones, did you?

23 A I revealed it to my manager.

24 Q You revealed that to Rush's, did you?

25 A No. Not Rush's.

1 **MR. DELGADO:** Okay. Your Honor, just a second.
2 I'm going to get my chart.

3 **THE COURT:** Yes, sir.

4 **Q** Mr. Allen, you have made several statements in this
5 case from the time of September the 13th and 14th to
6 the recent past. Correct, sir?

7 **A** Well, I know I made a statement on the 13th or that
8 Wednesday. And I think I had one on that Friday. I
9 mean, I think that was the two that I had, the only
10 two. I'm pretty sure that was the only two I had.

11 **Q** As a matter of fact, sir, while you've been out at
12 the Lexington County Detention Center, we asked an
13 investigator to come out and talk with you there,
14 didn't we?

15 **A** Lee County.

16 **Q** Yes, sir.

17 **A** Yeah.

18 **Q** A white lady, small, blonde hair?

19 **A** Yes, sir.

20 **Q** And you talked with her about your remembrance and
21 your recollection?

22 **A** I talked to her, you know, about generally what I had
23 remembered, you know, from the incident two and a
24 half years earlier.

25 **Q** Sure. She told you who she was?

1 **A** Yeah. She said was an investigator who was working
2 for Stanley Oliver.

3 **Q** Okay. You talked with her truthfully, did you not?

4 **A** Yeah.

5 **Q** Okay. You told her everything that you could recall
6 in a truthful manner. Correct, sir?

7 **A** Yes, sir.

8 **Q** Sir, what was your inmate number at the Lexington
9 County Detention Center? Or what is it now? Let me
10 back up. Let me rephrase it. While you're at the
11 Lexington County Detention Center, you have an inmate
12 number, do you not, sir?

13 **A** Yes, sir. 41898.

14 **Q** Say it again. I'm sorry.

15 **A** 41898.

16 **Q** Mr. Allen, the statement that you made to police on
17 either the 13th or the 14th or that week you gave as
18 a result of what was told to you, correct?

19 **A** That's right.

20 **Q** All right. In fact, sir, you went a little further.
21 You wanted to search it out for yourself. Wouldn't
22 that be fair to say?

23 **A** I didn't -- can you rephrase the question? What?

24 **Q** Sure. You wanted some information to satisfy
25 yourself, correct?

1 **A** Some information --

2 **Q** To satisfy yourself. You wanted to know what
3 happened?

4 **A** Right.

5 **Q** Right. And in testifying here today, it's all about
6 whether or not you're to be believed. Would that be
7 fair?

8 **A** Correct.

9 **Q** And if there are things in your background or things
10 that are inconsistent, that's part of whether or not
11 you're to be believed. Correct, sir?

12 **A** Well, I mean, yes. I would say.

13 **Q** Tell these folks when you've ever said anything about
14 Pancho going with you to Dominic's house? Or excuse
15 me. I'm so sorry. Can you see this, Mr. Allen?

16 **A** Yeah.

17 **THE COURT:** There's another stand over there.
18 You can raise it up.

19 **MR. DELGADO:** Yes, sir. Thank you.

20 **Q** September 2005, right, sir?

21 **A** (Nods head affirmatively).

22 **Q** The 14th which is if they have done this right,
23 Wednesday, the 14th; that's the day that Stanley
24 Oliver was turned in by you -- excuse me. That was
25 on Tuesday, the 13th, wasn't it? Right?

1 **A** Yep.

2 **Q** That's right. That night, Tuesday, the 13th of
3 September, 2005, Ken Joy supposedly comes to your
4 house. Correct, sir?

5 **A** Yes, sir.

6 **Q** All right. And I'm certain that you told the police
7 officers everything about him coming to your house,
8 correct?

9 **A** Yes, sir.

10 **Q** Because you wanted to be complete?

11 **A** Yes, sir.

12 **Q** You wanted to be accurate?

13 **A** Yes, sir.

14 **Q** You wanted to be thorough?

15 **A** Yes, sir.

16 **Q** Do you have a copy of that statement still up there
17 with you?

18 **A** No, sir.

19 **Q** Okay. One moment. I want you to -- it's not the
20 best handwriting in the world. But you take the time
21 to look at that and see if the name Pancho -- go
22 ahead and take it. See if the name Pancho is ever
23 revealed to the folks at the City of Columbia Police
24 Department.

25 **A** Sir, upon giving my statement, the officers took the

1 statement. There are three statements that were
2 taken.

3 Q Speak into that. I'm certain they tape recorded that
4 statement, didn't they?

5 A No, sir. There were -- three written statements were
6 taken. Three officers were there. If they tape
7 recorded, I'm sure I wasn't aware. I was just giving
8 my statement.

9 Q Because if it had been tape recorded, then everything
10 that you said would have been recorded, right?

11 A Yes, sir.

12 Q And the name Pancho would have been there, right?

13 A Sir, on my statements the name Pancho is there. I
14 believe you're just dwelling on these two statements,
15 but there are two more statements in which it is
16 written in there.

17 Q Is that right?

18 A Yes, sir.

19 Q Now, that statement is the only one we've been
20 provided for the 13th and 14th?

21 MR. MEADORS: Objection. That is not true. It
22 is in notes of other officers.

23 THE COURT: All right.

24 Q Is the name Pancho in there at all?

25 A No, sir.

1 Q When Ms. Lee Connelly talked to you, she talked to
2 you at the Lexington County Detention Center,
3 correct?

4 A Yes, sir.

5 Q If I told you that day was November the 1st, 2007,
6 that would have been about -- oh, I don't know --
7 five weeks or so ago, right?

8 A Yes, sir. It would have been.

9 Q Do you remember it was November the 1st? If not,
10 it's fine.

11 A I don't remember what the day was, sir, when that
12 was.

13 Q Okay. Within five to six weeks ago. Would that be
14 fair?

15 A Yes, sir.

16 Q All right. Did you ever tell her about Pancho coming
17 over to the house, too, with Ken Joy?

18 A I -- I don't remember if I told her. You know, if I
19 did, you know, I did. I remember when I gave the
20 original statement I told them. You know, I don't
21 remember what -- you know. I can't say whether or
22 not I told her or I didn't tell her, you know.

23 Q Absolutely. I understand. But Ken Joy, the person
24 that you've known for I think it was two months. Is
25 that correct?

1 **A** That's right.

2 **Q** He reveals to you on the night of the 13th of
3 September. I'm certain you all were that close, were
4 you?

5 **A** Well, actually, we were.

6 **Q** Really?

7 **A** Yes. And the reason why we were was because my
8 relationship with my brother, my brother invited me
9 into their inner circle. And only through my brother
10 was I able to gain the trust of Mr. Gowan's (sic) and
11 Mr. Joy. Had not my brother invited me into that
12 circle, he wouldn't have come and divulged that
13 information to me.

14 **Q** That's right. If you are to be believed, right?

15 **A** If I'm to be believed.

16 **Q** All right. Now, I am certain you inquired because
17 you wanted to tell the police how this car
18 disappeared? Didn't you ask questions of Mr. Joy?

19 **A** No.

20 **Q** So he tells you -- let me just take it for -- I mean,
21 among other things, you don't have to worry about the
22 clothes, right?

23 **A** (Nods head affirmatively).

24 **Q** I burned the clothes, right?

25 **A** (Nods head affirmatively).

1 Q I'm certain you told that to the police when you
2 talked with them on Wednesday, the 14th, didn't you?

3 A Sure did.

4 Q And I'm certain they, being documented and thorough
5 and accurate, they tried to find out where that may
6 have happened. Correct, sir?

7 A I would hope so.

8 Q But you didn't tell them any more information because
9 that's all that was told to you supposedly, right?

10 A That's correct.

11 Q Now, the wallet that supposedly was taken from the
12 young fellow who was there, Mr. Miller; he told you
13 something about the wallet, too, didn't he?

14 A Who?

15 Q Well, I guess that would be Ken Joy, wouldn't it?

16 A I don't remember, you know, all of them details
17 there, sir. That was two and a half years ago.
18 Whatever I told the police two and a half years ago,
19 it was documented, written down. And I told, you
20 know, the lady what I remembered when she seen me
21 last month, you know, the same thing, you know.

22 Q That's Ms. Connelly?

23 A Right.

24 Q All right. What about the watch that this gentleman
25 was wearing?

1 **A** I didn't have know nothing about, you know, them
2 little details there. I mean, that was like my
3 interest was in the murder and who killed who and
4 what my brother's part was in it. That was my
5 interest in the whole thing.

6 **Q** Yes, sir. We understand. The point, sir, is that
7 when he told you these things, Pancho is kind of
8 standing right there, is he?

9 **A** No.

10 **Q** No?

11 **A** No.

12 **Q** And your wife probably was not standing there either
13 as well?

14 **A** (Shakes head negatively).

15 **Q** Just the two of you all to be able for to you hear
16 this information, correct?

17 **A** That's it.

18 **Q** And I'm certain that when he told you all of these
19 things, you being the inquiring individual that you
20 are, wanting to find out information about what had
21 happened, I'm certain you asked him, how did you get
22 rid of the car, man? I'm certain you asked him that,
23 didn't you?

24 **A** No, sir.

25 **Q** You're just there to receive information. You're not

1 there to ask as an inquiring mind as to how that was
2 done, correct?

3 **A** Well, I mean, I would -- why would I ask him, you
4 know, ask him that? Because he'd get suspicious as
5 to why you asked him. You know, three people just
6 got killed. Why am I going to ask you what you did
7 with the car? What if he said, well, what you want
8 to know for?

9 **Q** Yeah. But he is the one involved and tells you all
10 this stuff, right?

11 **A** Because my brother -- I was in distress over my
12 brother. That's what he was believing. Do you
13 understand?

14 **Q** I understand. Sir, when you were told all these
15 things, you called police that same night, correct?

16 **A** That's right.

17 **Q** And the next day or so you came down and told police
18 about what had supposedly happened, correct?

19 **A** That's right.

20 **Q** You mean to tell us, sir, that when supposedly you
21 and your brother, Stanley Oliver, are at Mr. Jimmy
22 Rogers' office, one or more of you all called the
23 City of Columbia Police Department, correct?

24 **A** Yes, sir.

25 **Q** And my friends with the City of Columbia -- and you

1 told them what you were calling about, correct?

2 **A** Yes, sir.

3 **Q** You weren't talking calling about the price of tea in
4 China. You were giving them information about a
5 triple murder, right?

6 **A** Yes, sir.

7 **Q** Three armed robberies, right?

8 **A** I just know three murders.

9 **Q** All right. And that's the only thing that really
10 bothered you, because the robbing that really doesn't
11 bother you, does it?

12 **A** No.

13 **Q** That's right. And I am certain that when you called
14 for Mr. Rogers' office on Monday night, Monday
15 evening, the 12th, I am certain --

16 **MR. MEADORS:** Objection. Did he say call from
17 his office? There's no evidence of that.

18 **Q** Let me rephrase it. You called the City of Columbia
19 Police Department; correct, sir, on the evening of
20 the 12th?

21 **A** Sir --

22 **MR. MEADORS:** Judge.

23 **A** -- I don't know what days those were. I can't say.
24 I know Monday my brother called the police, not me.
25 He called.

1 Q Okay. Fine. He called to say, here I am; I want to
2 turn myself in?

3 A That's right.

4 Q And they said, it's all right, man. You just take
5 your time, come on in tomorrow. Is that right?

6 A Pretty much.

7 Q Okay. Because I guess it wasn't that big a deal to
8 them, right?

9 MR. MEADORS: Objection, Your Honor.

10 A No. I think --

11 THE COURT: Sustained.

12 A -- they thought that if they spooked him he would
13 take off running.

14 Q I've got it. So they just said come on in tomorrow
15 and everything will be cool?

16 A That's right.

17 Q Right. And in truth and in fact, that's exactly what
18 did happen. And you turned him in on the 14th,
19 correct? On Tuesday?

20 A No. The 13th.

21 Q Oh. 13th. I'm sorry.

22 A He turned his self in.

23 Q Oh, you didn't take him down there?

24 A Yeah. I went with him but he walked in there
25 willingly on his own.

1 Q Oh, I understand. I'm not saying that you forced him
2 in. I'm just saying that you escorted him. You
3 walked in there to the City of Columbia Police
4 Department, didn't you?

5 A That's right.

6 Q Yes, sir. But backing up here to September the 4th,
7 that evening -- excuse me -- that evening -- no.
8 What is the date? I'm sorry, Mr. Allen. What is the
9 date that you took the \$150 from him?

10 A The Sunday. It was that Sunday, sir.

11 Q Yeah. Okay. Well, I think that Sunday may be the
12 4th. I'm so sorry. My eyes are so bad. This is
13 Sunday, the 4th?

14 A No.

15 Q See, they didn't start with Sunday. This is Monday,
16 Tuesday, Wednesday, Thursday. They end on Sunday.
17 All right. If I tell you this is Sunday, the 4th,
18 here you go. You just look a little closer. Do you
19 see? Right here. Sunday the 4th, correct? That's
20 Monday, the 5th. That was Labor Day. Sunday, the
21 4th is the day when you are told about this and you
22 see all this money and drugs and stuff. Isn't that
23 right?

24 A Told about what, sir? The murders?

25 Q Yes, sir.

1 **A** No, sir. I didn't -- I wasn't told about the murder
2 on Sunday, sir.

3 **Q** Oh, that's right. That's right. That's right. You
4 just saw drugs and money?

5 **A** I was told about the lick.

6 **Q** Oh, the lick?

7 **A** The lick took place. That's it. They didn't say
8 nothing about no murder.

9 **Q** You're right. I agree. You're absolutely correct.
10 And that occurred on Sunday evening, the early
11 morning hours of the 5th. That's when you got up out
12 of bed and went across town over to Stanley's house.
13 Isn't that right?

14 **A** That's right, sir.

15 **Q** That's right. I'm not confusing you. Is that right
16 or not right?

17 **A** Yeah.

18 **Q** That's right. And you had a bad feeling about that
19 money, right?

20 **A** Yes, sir.

21 **Q** Okay. Did you ever tell the police -- I think you've
22 told our jury that -- did you take the money?

23 **A** Yes, sir.

24 **Q** You did, didn't you? So I guess it was a bad enough
25 feeling but it wasn't that bad?

1 **A** Well, if my brother would have told me then, look, I
2 killed some people, you know, I wouldn't have took
3 the money. But my brother --

4 **Q** You would not have taken it?

5 **A** No.

6 **Q** It's wrong to take money --

7 **MR. MEADORS:** Your Honor, if he'd let him
8 finish.

9 **Q** Sure. Absolutely.

10 **A** But my brother told me, he said he didn't -- nobody
11 -- he didn't hurt nobody. You know, nobody would be
12 looking for him for no robbery or nothing of that
13 that he had done. So I believed my brother over any
14 bad feeling that I got, you know, until there was
15 something to prove different. So he gave me money.
16 I had lent him money. He give me money. And I had
17 no problem with it.

18 **Q** Okay. So it was good and clean money then?

19 **A** It was good and clean until the murders came out.

20 **Q** Ah. Okay. But that's the kind of guy you are.

21 You'll take money that came from an armed robbery,
22 but murder is something that you're just not going to
23 cotton to?

24 **MR. MEADORS:** Judge, that's not what he said.

25 **A** Well, like I said, I grew up on the other side of the

1 law. I done did armed robberies. I done shot
2 people. But my thing is, I know robbery don't
3 require murder. You understand? In my involvement
4 with my brother and his friends, we've done robberies
5 where nobody had to be killed. The presence of a gun
6 was enough to stop a person from fighting for his
7 belongings. So we didn't have to kill anybody. So I
8 already had known, you know what I'm saying, what in
9 robbery you don't have to kill nobody. Nobody has to
10 die when you rob somebody. The only way you have to
11 die is you want them to die.

12 Q You said on September the 4th, did you take the money
13 or did you not take the money?

14 A For the last time, sir, I took the money.

15 Q You took the money. Did you ever tell Ms. Connolly
16 in November of this year that you didn't take the
17 money?

18 A Ma'am? Sir?

19 Q Yes, sir.

20 A If I told her, it was because either I didn't
21 remember or it just wasn't an issue. The money
22 wasn't even the issue for me. It was more the
23 feeling that I got when I had the money. I wasn't
24 feeling good. I was sick. The money gave me an even
25 worse feeling. But I didn't know if the feeling was

1 a reflection of me taking the money or something bad
2 happening with the money or the fact that I was
3 already feeling under the weather. You understand?

4 Q Right. I understand. So the answer is you just
5 don't recall whether you told her that you took the
6 money or not?

7 A Well, I don't remember what I told her. I mean, I
8 know if I took it, I took it. I mean, it wasn't
9 something that I hid. If I took it, I took it. I
10 remembered him giving me the money. I remembered the
11 money part, you know.

12 Q Well, let's go further into this statement about
13 going to Renata's house. Do you remember that?

14 A Yeah.

15 Q What day again was that, sir, if you recall?

16 A Either Thursday or Friday.

17 Q That would be this Thursday or Friday. Excuse me.
18 The 8th or the 9th. Is that right?

19 A Okay. Sunday is when I got the money. Two days I
20 spent -- Monday I spent sick. Tuesday I was sick.
21 Wednesday is when I heard about it in the paper.

22 Q Right.

23 A Then Thursday or Friday I went over to Renata's
24 house. Either Thursday or Friday. Probably more
25 like Friday.

1 Q Right. Okay. So on Friday, the 9th, sir, have you
2 ever -- did you ever say anything about Mr. Dominic
3 Gallman being at Renata's? Do you remember that?

4 A I remember -- see, the --

5 Q No, sir. Let me be clear with you, sir. Did you say
6 to the police that Dominic Gallman was there at
7 Renata's on either the 8th or the 9th or the 9th and
8 the 10th when you got there? Did you ever say that
9 to the police?

10 A I don't remember, sir. I really -- I just don't
11 remember.

12 Q Okay. But you remember saying to Ms. Connelly that
13 he was there when you spoke to her just a month or so
14 ago?

15 A Yeah.

16 Q Yeah?

17 A I remember that.

18 Q Sir, would you consider yourself to be the State's
19 key witness in this matter?

20 MR. MEADORS: Objection, Your Honor.

21 THE COURT: Sustained.

22 Q All right. Mr. Allen, while you've been at the
23 Lexington County Detention Center while you're
24 serving this sentence for these checks, fraudulent
25 checks. Is that correct?

- 1 **A** Yes, sir.
- 2 **Q** Right? When do you max that out or when do you get
3 out of that?
- 4 **A** I don't have -- I don't even know what my max out
5 date is. I ain't inquired. Like five months.
- 6 **Q** I'm sorry, sir.
- 7 **A** Like five months today altogether.
- 8 **Q** You've been arrested or confined since when, sir?
- 9 **A** October 26th.
- 10 **Q** Okay. From October the 26th up until today you've
11 talked to various members of law enforcement
12 involving this case, have you not, sir?
- 13 **A** No. I talked to the solicitor. He came.
- 14 **Q** He came out to the Lexington County jail to see you?
- 15 **A** Yes, sir.
- 16 **Q** All right. That was before or after November the
17 14th, if you know?
- 18 **A** Before.
- 19 **Q** Well, actually let me just make certain. Hold on.
20 Yes, sir. November the 14th, 2007, did the solicitor
21 come to see you at the Lexington County Detention
22 Center by that time?
- 23 **A** Yeah. I mean, I seen him when I turned myself in the
24 next day I think.
- 25 **Q** When you turned yourself in?

1 **A** Yeah.

2 **Q** And that was in late October, was it?

3 **A** Yeah. October the 26th.

4 **Q** And you turned yourself in on these bad check
5 charges?

6 **A** Yeah. Well, the solicitor had been -- they had been
7 sending the marshals with subpoenas for me. They
8 needed to talk to me about the trial, you know. And
9 I had been running from them because of the simple
10 fact I didn't want to come trial and testify against
11 my brother, you know. I wanted to, you know, let you
12 all guys do your job, you know. If you've got a
13 case, you know, the State, do what you've got do.

14 But at the same time, you know, I was ducking
15 them because even though I knew what was done was
16 wrong and I had been given information about what had
17 happened and I was going to do what was right, I was
18 going to tell the truth, you know; I ain't going to
19 lie, you know. I had received threats or whatever,
20 you know, to stay away from it and leave it alone. I
21 still was going to do what was right.

22 **Q** Right. That's just the kind of guy you are?

23 **MR. MEADORS:** Your Honor, if he'd let him
24 finish.

25 **A** Well, put it like this. It might not be the kind of

1 guy I am, but it's the kind of guy of the God that I
2 believe in.

3 Q Exactly my point, sir. Because your Muslim faith
4 requires you to tell the truth. Is that right?

5 A That's right.

6 Q And to be forthright, correct?

7 A That's right.

8 Q And honest?

9 A That's the truth.

10 Q Not to have any agenda behind what you may say,
11 right?

12 A No. It's not -- that's right. Not to have to judge
13 nobody. I mean, speak not a lie against the truth.

14 Q There you go. And that's the reason God is great in
15 your faith. Correct, sir?

16 A That's right.

17 Q Sir, did you ever write Ken Joy a letter while you
18 were at the Lexington County Detention Center?

19 A I sure did, sir. I also wrote to my brother.

20 Q Good. My question to you is, sir, you wrote Ken Joy
21 knowing that he was at the Richland County Detention
22 Center. Correct, sir?

23 A I did, sir.

24 Q You know he'd been confined there since
25 September 2005, didn't you?

1 A Yes, sir.

2 Q Without bond, correct?

3 A Yes, sir.

4 Q You wrote him a letter have?

5 MR. MEADORS: Your Honor, if he's going to offer
6 the letter, we have no objection. We'd like to see
7 it. I do not want him to ask him anything off of
8 that unless he's going to introduce it in evidence,
9 and I'd like to see it.

10 MR. DELGADO: Sure. I'd be glad to, Your Honor.

11 Q Well, sir, first let me see if I can lay the
12 foundation for it. See if you can read that, sir.
13 Oops. Excuse me. No. Before that, let's do this.
14 Let's do the envelope first.

15 A Would you like me to read the whole letter, sir?

16 Q No. Just I want you to identify it first because
17 then I've got to show it to my colleagues.

18 A Is there a certain part of the letter you want me to
19 identify?

20 Q Just look at it and look at the envelope, see if
21 that's your name on the return address?

22 A That's my name.

23 Q That's your handwriting?

24 A That's my handwriting.

25 Q That's your inmate number, right?

1 **A** Very much so.

2 **Q** At the Lexington County Detention Center, correct?

3 **A** Yes, sir.

4 **Q** Gibson Road, Lexington, South Carolina, correct?

5 **A** Yes, sir.

6 **Q** Addressed to whom? Tell our jury.

7 **A** It is addressed to Kenneth Joy.

8 **Q** And what was his address on that envelope?

9 **A** Richland County Detention Center.

10 **Q** All right, sir. And in that letter, sir, --

11 **MR. MEADORS:** Your Honor, objection. If he'd

12 mark it and let me see it before he asks any

13 questions.

14 **MR. DELGADO:** Sure. Be glad to. You're

15 absolutely correct, sir.

16 **MR. MEADORS:** It's my understanding he's going

17 to offer this as Defendant's 1.

18 **MR. DELGADO:** Oh, no, no, no. I'm not offering

19 anything.

20 **THE COURT:** Sir, just wait a minute.

21 **MR. MEADORS:** Sir, can we approach?

22 **MR. DELGADO:** I can cross examine him on it.

23 **MR. MEADORS:** No, you can't.

24 **MR. DELGADO:** Sure I can. I am going to ask

25 him. Sure I can.

1 **MR. MEADORS:** You've got to put it in evidence.

2 **MR. DELGADO:** No, sir. I do not.

3 (Whereupon, a bench conference is had)

4 **THE COURT:** Ladies and gentlemen of the jury,
5 let me take this up with the lawyers on the record.
6 But I'm going to actually excuse you for just a
7 minute until we get this matter worked out.

8 (Jury out at 3:37 p.m.)

9 **THE COURT:** All right, Mr. Delgado.

10 **MR. DELGADO:** Yes, Your Honor. Your Honor, I'd
11 like to mark this an exhibit for the Court's review
12 as well. Your Honor, when I -- this is a letter and
13 the envelope, the original letter and the original
14 envelope Mr. Allen has on the stand. It's dated
15 November 17th, 2007.

16 When I asked Mr. Allen whether or not he
17 considered himself to be the State's star witness, I
18 wasn't just making that up. It's right here in this
19 letter. If I could show this to Your Honor. It's a
20 three-page --

21 **MR. MEADORS:** Judge, could we all have a few
22 minutes to read it before we talk about it? Please?

23 **MR. DELGADO:** Sure.

24 **MR. MEADORS:** Does Doug have a copy?

25 **THE COURT:** I don't know.

1 **MR. MEADORS:** He might have already seen it.

2 **MR. STRICKLER:** Yes, I have one.

3 (Pause)

4 **THE COURT:** Are you ready, Mr. Meadors?

5 **MR. MEADORS:** Almost.

6 (Pause)

7 **MR. MEADORS:** Your Honor, there are just three
8 pages. May I see the original?

9 **MR. DELGADO:** Sure. He's got it.

10 **MR. MEADORS:** Have you finished reading it, Mr.
11 Allen?

12 (Document handed to Mr. Meadors from the
13 witness)

14 **MR. MEADORS:** Two more seconds.

15 (Pause)

16 **MR. MEADORS:** I think I'm ready.

17 **THE COURT:** All right. Now, Mr. Delgado, what's
18 your position? Apparently the solicitor has objected
19 on the grounds that, as I understand it, the grounds
20 that if you are offering this document or a portion
21 thereof for impeachment purposes, it constitutes
22 evidence that you are offering on behalf of your
23 client. And he is certainly -- as I understand it,
24 he is agreeable that. It's my understanding you take
25 the position it's not offered as evidence --

1 **MR. DELGADO:** No, sir.

2 **THE COURT:** -- but it's impeachment material. I
3 don't want to state your position for you, but that's
4 clear for the record.

5 **MR. DELGADO:** Exactly. So, in other words, it's
6 not substantive evidence. It impeaches this man's
7 credibility and believability in front of the jury;
8 specifically, Your Honor, the last three lines of the
9 second page and into the third page.

10 "I am the State's key witness. I will either
11 send you to prison for the rest of your natural life
12 or walk away. What would you like me to do? I need
13 to be able to take care of my brother for" -- the
14 next page -- "for what may be a very long minute, and
15 since Allah has endowed me with this task of
16 implementing Allah's justice, I would rather you tell
17 me what Allah wants me do. Allah Hu Akbar. Mike
18 Ulicen Allen".

19 **MR. MEADORS:** I still don't understand what he's
20 doing. How does that impeach him?

21 **MR. DELGADO:** My goodness. It gives him motive.

22 **MR. MEADORS:** He never answered the question
23 about key witness. I objected and Your Honor
24 sustained the objection. He never answered the
25 question. He wasn't allowed to. So how could he

1 impeach something that never came out in evidence?

2 **MR. DELGADO:** Well, it goes to the general view
3 that this gentleman holds. Your Honor, may we ask
4 Mr. Allen to be removed from the courtroom? I
5 certainly don't want to --

6 **THE COURT:** Mr. Who?

7 **MR. DELGADO:** Mr. Allen, the gentleman on the
8 stand, so that when I make these arguments he doesn't
9 unnecessarily understand --

10 **MR. MEADORS:** Mr. Dog. Dog has got him, Judge.

11 **MR. DELGADO:** Your Honor, I submit to you that
12 under State vs. Jones, anything tending to relate to
13 the credibility or believability of a witness is
14 useful for impeachment purposes. We didn't create
15 this. Until the solicitor continued this case we
16 didn't have this. But Mr. Allen has placed himself
17 in this position. And to be very candid with Your
18 Honor, your phrase you used with us, and I think it
19 was last week prior, it is what it is. What this is
20 is a dissection of this man's character that this
21 jury needs to know about.

22 **MR. MEADORS:** I'm not following. And he went to
23 the beach that weekend, for the record. Judge, he
24 asked a question about key witness. I objected. You
25 sustained. This doesn't impeach anything. He's

1 sitting up here talking religion. His first question
2 was quoting Allah. He brought that up. He answered
3 it. He put that in there. This doesn't impeach
4 anything. All I'm saying -- and, Judge, you can't
5 publish something if it's not in evidence. It's an
6 old defense trick. You mark it as I.D. and then try
7 to get everything out without being it in there.
8 He's already said he's putting up a defense. Just
9 put it in and let's go.

10 **MR. DELGADO:** No, sir. I appreciate the
11 solicitor trying my case, but I'll try it the way I
12 want to try it.

13 **MR. ROSS:** Can I ask Mr. Delgado? What is the
14 prior inconsistent statement? You're trying to use
15 this --

16 **MR. DELGADO:** No, sir. It's not a prior
17 inconsistent statement.

18 **MR. MEADORS:** You started saying it was.

19 **MR. ROSS:** Then why are you using it?

20 **MR. DELGADO:** To show the jury exactly what I
21 told them in opening, that you all didn't know what
22 you had until --

23 **MR. ROSS:** But under what rule?

24 **MR. DELGADO:** Certainly it goes --

25 **MR. ROSS:** Under what rule? What rule?

1 **MR. DELGADO:** It doesn't have to go to a rule,
2 sir.

3 **MR. ROSS:** It --

4 **MR. DELGADO:** Excuse me, sir. It goes to our
5 right to a fair trial, Solicitor. Your Honor, --

6 **MR. ROSS:** Rules of evidence; what rule, please?
7 Help me out. What rule of evidence?

8 **MR. DELGADO:** Your Honor, this is impeachment.

9 **THE COURT:** Mr. Ross.

10 **MR. ROSS:** I'm trying to read it.

11 **THE COURT:** Mr. Ross.

12 **MR. ROSS:** Yes, sir.

13 **THE COURT:** Mr. Delgado is not on the stand.
14 Now, just, you need not interrogate him. And if he
15 says it's case law, it's case law. It may not be
16 under the rules. I'm not taking up for his position.
17 I'm just saying I'm not going to sit here all
18 afternoon and have you all just chat and argue with
19 each other.

20 **MR. ROSS:** I understand. But he's making an
21 argument. He came prepared to make this argument
22 obviously, and he has no case law and he can't cite a
23 rule.

24 **MR. DELGADO:** I think I --

25 **MR. MEADORS:** Judge, it doesn't impeach

1 anything. That's in the record.

2 **MR. DELGADO:** It's impeaches his character. His
3 character is in evidence as soon as he takes the
4 stand.

5 **THE COURT:** Sure it is.

6 **MR. MEADORS:** How does this impeach his
7 character then, Judge; the follow-up would be?

8 **MR. ROSS:** Your Honor.

9 **THE COURT:** That's not the question.

10 **MR. MEADORS:** It has --

11 **MR. ROSS:** Rule 613(b) --

12 **THE COURT:** Now --

13 **MR. DELGADO:** It's not used to refresh memory.
14 It's not used to -- it's used to impeach his
15 believability, his credibility which is now an issue
16 in front of the jury. They can put it in if they
17 wish.

18 **THE COURT:** Now, if he asks him the next
19 question, has he told Mr. Joy that he would send him
20 to prison for the rest of his life and he says no, he
21 can impeach him with this. That's clear. Now, --

22 **MR. ROSS:** Yes, sir. But that's not what he was
23 using it for. He was using it for "star witness".
24 We objected. You sustained the objection.

25 **THE COURT:** Because I thought that was a

1 characterization on behalf of Mr. Delgado.

2 **MR. ROSS:** Right.

3 **THE COURT:** I didn't see it.

4 **MR. ROSS:** I'm sorry?

5 **THE COURT:** I didn't see this document. I see
6 this document now. He says, "I am the State's star
7 witness." Now it's a fair question.

8 **MR. ROSS:** No, sir. Hang on.

9 **MR. MEADORS:** I still object, Judge.

10 **MR. ROSS:** He is trying to impeach him --

11 **THE COURT:** I'm going to tell you something.
12 Turn your book, your little book, to the rules of
13 criminal procedure, Rule 18.

14 **MR. ROSS:** Your Honor, I -- well, I wish he had
15 disclosed this letter before --

16 **THE COURT:** Well, --

17 **MR. ROSS:** -- like he was supposed to under
18 reciprocal discovery.

19 **MR. DELGADO:** No. Your Honor, that's not true.
20 But ...

21 **THE COURT:** All right.

22 **MR. ROSS:** Yes, sir. I am not arguing with him.
23 I'm not trying to. I'm not intentionally.

24 **MR. MEADORS:** He doesn't mean to.

25 **THE COURT:** Sir?

1 **MR. MEADORS:** He doesn't mean to, is what he's
2 trying to say.

3 **THE COURT:** Well, it applies to the -- it
4 applies to everybody in this courtroom. If he asks
5 him the question again, am I the State's star
6 witness, --

7 **MR. MEADORS:** I'd object.

8 **THE COURT:** And I would overrule.

9 **MR. MEADORS:** Respectfully, on what grounds? I
10 still don't think it's admissible. Just because
11 something did something out of a courtroom, they can
12 ask the question, doesn't mean it's admissible inside
13 the courtroom. It's A characterization still, no
14 matter what he said.

15 **THE COURT:** I would overrule you.

16 **MR. MEADORS:** I'd accept it. I understand.

17 **MR. ROSS:** Your Honor, he wanted to know whether
18 he thought he was the star witness. We objected.
19 You sustained it.

20 **THE COURT:** No. What he really wants to know
21 is, what he really wanties is to impeach this
22 witness.

23 **MR. ROSS:** Correct.

24 **THE COURT:** And that's what he's doing. And I'm
25 going to allow him to do it. If the witness felt

1 strong enough about this to write a letter to his
2 client and say, "I will send you to prison for the
3 rest of your life" --

4 **MR. MEADORS:** Yes, sir. And I'm going to ask
5 him --

6 **THE COURT:** -- and if he denies that, I'm going
7 to let him ask about it. Because he wrote it. It's
8 your witness. It's your witness. Whether you knew
9 he did it or not, I can't help that. I'm going to
10 allow him to do it. And I'm not going to consider it
11 as evidence for the purpose of requiring him to not
12 be allowed the last argument. And I think that's
13 what this is all about.

14 **MR. ROSS:** I understand that. But he jumped the
15 question. He immediately tried to use this to
16 impeach him and he never asked the question. He
17 never denied what he was asking. That's my point.

18 **MR. MEADORS:** We're ready to go and we
19 understand. Thank you.

20 **THE COURT:** We'll let him deny it. If he's
21 going to deny it, he's going to deny it. If he's
22 not -- that doesn't mean -- let me be clear. That
23 does not mean this entire statement comes into
24 evidence.

25 **MR. DELGADO:** Yes, sir.

1 **THE COURT:** Do you understand, Mr. Delgado?

2 **MR. DELGADO:** Yes, sir. I understand.

3 **THE COURT:** All right. Bring the witness. Mr.
4 Meadors.

5 **MR. MEADORS:** Your Honor, before he comes in, if
6 the witness happened to answer, yes, I think I am the
7 star witness, he couldn't impeach him.

8 **THE COURT:** Well, then he'll ask him the next
9 question.

10 **MR. MEADORS:** That came from Mr. Williams right
11 there.

12 **THE COURT:** All right, Mr. Delgado. Oh, I'm
13 sorry. Bring the jury, please.

14 (Jury in at 3:53 P.M.)

15 **THE BAILIFF:** All the jury is present, Your
16 Honor.

17 **THE COURT:** Thank you. Mr. Delgado, you may
18 continue.

19 **MR. DELGADO:** Thank you.

20 **Q** Mr. Allen, I want you to turn to our jury and tell
21 them whether or not you have ever stated that you are
22 the State's key witness?

23 **A** Yes, sir.

24 **Q** Have you ever stated to Ken Joy: "I will either send
25 you to prison for the rest of your natural life or

1 walk away"; and then the next sentence says: "What
2 would you like me to do?" Have you ever stated that?

3 **A** Yes, sir.

4 **Q** Have you ever stated: "I need to be able to take
5 care of my brother for what may be a very long
6 minute, and since Allah has endowed me with this task
7 of implementing Allah's justice" --

8 **MR. MEADORS:** Your Honor, objection. He's now
9 publishing this --

10 **THE COURT:** Overruled. Continue.

11 **MR. DELGADO:** Thank you.

12 **Q** "I need to be able to take care of my brother for
13 what may be a very long minute, and since Allah has
14 endowed me with this task of implementing Allah's
15 justice, I would rather you tell me what Allah wants
16 me to do." Have you ever stated that to Ken Joy?

17 **A** Yes, sir, I did.

18 **Q** And you concluded in -- have you ever said to Ken Joy
19 Allah Hu Akbar? Have you?

20 **A** "God is greatest."

21 **Q** "God is greatest." Thank you, sir. That's all the
22 questions I have, Your Honor.

23 **THE COURT:** All right. Any redirect?

24 **MR. MEADORS:** Oh, yes, sir.

25 REDIRECT EXAMINATION

1 **BY MR. MEADORS**

2 **Q** A few brief in direct follow-up to just Mr.
3 Delgado's. Okay?

4 **A** I'm sorry. What did you say?

5 **Q** In follow-up to some of the questions Mr. Delgado
6 asked you?

7 **A** Yes, sir.

8 **Q** What day was it he asked you about going down, going
9 with Stanley Oliver? He said 13th, 14th. He kept
10 saying it back and forth. What day did you go down
11 with Stanley Oliver to the Columbia Police
12 Department?

13 **A** He turned himself in, it was on the 13th.

14 **Q** The 13th?

15 **A** Right.

16 **Q** And as we've all stated now, usually Sunday is over
17 here on the thing. Sunday is there. So this Monday
18 and this would be Tuesday, the 13th, correct?

19 **A** Yes, sir.

20 **Q** And he asked you about your written statement you've
21 given, correct?

22 **A** Yes, sir.

23 (WHEREUPON, State's Exhibit No. 179 is marked
24 for identification.)

25 **Q** State's 179 for I.D. only, do you see this statement?

1 **A** Yes, sir.

2 **Q** Whose name is up here?

3 **A** Ulicen Allen.

4 **Q** Who signed down here?

5 **A** Ulicen Allen. Me.

6 **Q** What date is on this document?

7 **A** 9-14-05.

8 **Q** Okay. 9-14-05. Is that before or after you went
9 with your brother down to the police department?

10 **A** After.

11 **Q** After. What, if anything, happened on the evening of
12 the 13th after you took your brother to the Police
13 Department? Did you have an occasion to see anybody
14 that night?

15 **A** Yes, sir.

16 **Q** Who did you see?

17 **A** Kenneth Joy.

18 **Q** Kenneth Joy. Now, who, if anybody, did Kenneth Joy
19 bring to your house?

20 **A** Pancho.

21 **Q** Pancho?

22 **A** Yes.

23 **Q** Did you bring him there?

24 **A** No, sir.

25 **Q** Was he already then when Kenneth Joy came?

1 **A** No, sir.

2 **Q** Who brought him to your house?

3 **A** Kenneth Joy.

4 **Q** What's Pancho's real name?

5 **A** I don't know, sir.

6 **Q** You don't even know his real name?

7 **A** Hmm-mm (Negative).

8 **Q** Where did you all go have the conversation? When he
9 asked you about where did you talk, where in your
10 house did you have this conversation with Ken Joy?

11 **A** In my bedroom.

12 **Q** But no question a Pancho was there somewhere else in
13 the house, correct?

14 **A** Yeah. He was in the living room.

15 **Q** You don't even know who he is?

16 **A** I know him. He's a friend of my brother's.

17 **Q** Do you know where he lives?

18 **A** No, sir.

19 **Q** After this meeting with Ken Joy, did you go to the
20 police department on the 14th?

21 **A** Yes, sir.

22 **Q** Mr. Delgado asked you about your statement, State's
23 179 for I.D. Did you put in your statement referring
24 to Ken Joy, he said he also took the clothes and
25 burned them?

1 **MR. DELGADO:** Objection, Your Honor.

2 **A** Yes, sir.

3 **MR. DELGADO:** Objection, Your Honor.

4 **Q** He also took the car with him where he couldn't find
5 it?

6 **A** Yes, sir.

7 **THE COURT:** Mr. Meadors.

8 **MR. MEADORS:** Yes, sir.

9 **THE COURT:** There's an objection. I need to
10 hear it.

11 **MR. DELGADO:** Yes, sir. The solicitor is
12 testifying. I think what we do here in this state is
13 we ask the questions and let the witness answer.

14 **Q** Did you tell the police --

15 **MR. DELGADO:** Without leading.

16 **MR. MEADORS:** It's not leading, Judge. It's not
17 calling for a yes or no answer. I didn't say "didn't
18 you tell the police".

19 **Q** Did you tell the police that you talked to Ken Joy
20 the night before? Yes or no?

21 **MR. DELGADO:** It calls for one answer. It calls
22 for a one-word answer, Your Honor. What did you say
23 to the --

24 **MR. MEADORS:** Respectfully, that's not leading.

25 **MR. DELGADO:** What did you say?

1 Q Did you talk to the police on the 14th?

2 A Yes, sir.

3 Q Did you tell them what Kenneth Joy had told you?

4 A Yes, sir.

5 Q Did you tell them what he told you about the clothes?

6 A Yes, sir.

7 Q Did you tell them what he told you about the car?

8 A Yes, sir.

9 MR. DELGADO: That's three yes or no answers in
10 a row, Your Honor.

11 MR. MEADORS: Your Honor, respectfully, for the
12 record, he is wrong.

13 Q Look at page 3 of your statement. Just starting on
14 line one, two, three, four. Or line three. What did
15 he say about the car, if anything? What did you say
16 that he said about the car, about anything, in your
17 statement? Can you read that?

18 A No, sir. I'm sorry.

19 Q You didn't write this?

20 A No.

21 Q In your statement on the 4th (sic) did you say, "If
22 anybody gives a statement, they won't say it again"?
23 Did he say that?

24 A Yes, sir.

25 MR. DELGADO: Objection, Your Honor. It's

1 leading again.

2 **THE COURT:** Yes, sir. It's leading. You can
3 ask him what he told the police, but you can't ask
4 him, didn't he tell the police thus and so.

5 **Q** What, if anything, --

6 **THE COURT:** That is leading. It is.

7 **Q** -- did you tell the police about what he told you
8 about the guns?

9 **A** That there were two guns used and they would not be
10 able to find them because he got rid of them.

11 **Q** You put that in your statement?

12 **A** Yes, sir.

13 **Q** What, if anything, did you tell them that Kenneth Joy
14 had said about whether or not there were any
15 witnesses?

16 **A** He said that there were no witnesses and if anybody
17 came forward they wouldn't even live to tell about
18 it.

19 **Q** They wouldn't live to tell about it?

20 **A** No.

21 **Q** Did you put in your statement about what happened on
22 the early morning hours of September 5th, 2005? Did
23 you put that in here?

24 **A** September 5th, 2005? Yes, sir.

25 **Q** Did you put in your statement about going to

1 Renata's?

2 **A** Yes, sir. If I recollect correctly, I did. Yes,
3 sir.

4 **Q** Did you put in your statement about what Mike had
5 told you that morning?

6 **A** Yes, sir.

7 **Q** And he asked you specifically about this. Did you
8 tell him later in the week, I think you said Thursday
9 or Friday --

10 **MR. DELGADO:** Your Honor, may we approach the
11 bench for a moment, please?

12 **THE COURT:** Yes, sir.

13 (Whereupon, a bench conference is had)

14 **Q** And after you talked to the police on the 14th, did
15 you see Dominic Gallman after that?

16 **A** Yes, sir.

17 **Q** And did you end up telling one of the officers about
18 that?

19 **A** Yes, sir.

20 **MR. MEADORS:** Your Honor, could I see the
21 letter, please?

22 **THE COURT:** The witness had it.

23 (WHEREUPON, State's Exhibit No. 180 is marked
24 for identification.)

25 **Q** Now, what was the investigator's name that came from

1 somebody? They weren't representing the State, were
2 they?

3 **A** No, sir.

4 **Q** And what was her name?

5 **A** Lee Connelly.

6 **Q** Female?

7 **A** Yes, sir.

8 **Q** Nice looking female?

9 **A** Yeah.

10 **Q** Did she show you your statement before she talked to
11 you?

12 **A** No, sir.

13 **Q** She didn't provide you a statement to look over
14 before you talked to her about something?

15 **A** No, sir.

16 **Q** Did she give you anything?

17 **A** No, sir. She gave me a card.

18 **Q** And you talked to her out there at the detention
19 center in Lexington County?

20 **A** Yes, sir.

21 **Q** Did you tell her what happened?

22 **A** She just like asked me a bunch of questions and she
23 was reading off of something, you know.

24 **Q** She was just reading off something?

25 **A** Yes, sir.

1 Q Was she recording you?

2 A Not that I know, sir.

3 Q Did she take notes or anything?

4 A Yes, sir.

5 Q Now, Mr. Delgado was showing you what's marked
6 State's 180 for I.D. at this point. And you said you
7 recognize it, correct?

8 A Yes, sir.

9 Q Why did you write this to Ken Joy? I think you told
10 him. Why did you write him this letter?

11 A Well, I had already known the things that I know
12 because of my affiliation with these individuals. I
13 didn't want to come to court 'cause I love Stanley.
14 That's my brother. I love him. Okay. And to have
15 to sit here, you know, and testify to what went down,
16 it hurts me because I care about this man, you know.
17 And this right here changed his life, you know.
18 Somebody took him from me. So after this, you know,
19 it's like he's not going to be there as my little
20 brother. He's going to be locked up somewhere. I
21 wrote this letter because I felt like Ken Joy took my
22 little brother away from me, you know.

23 I felt like I put him in Ken's hands and Ken
24 would do him right. And he didn't do him right. He
25 did him wrong. He took him down the wrong path and

1 he took my brother from me. And I wanted him to know
2 how upset I was by that. And I wanted him to know
3 that my God was going to make him pay for that. No
4 matter what you all did, that my God would make him
5 pay for that.

6 And I had nothing to hide behind in my
7 statements of what I said to them because it was the
8 truth. I wasn't going to come up here and lie. I
9 wasn't going to live in fear of, you know, your
10 retaliation, your threats and all of that. Because
11 you took something from me that I'm never going to
12 get back, and that's Stanley.

13 Stanley lived by the same God I lived by, by
14 Allah. Allah Hu Akbar. La Hu Allah Hom Ni Bar Pur
15 Su Allah (phonetic). I believe in Allah and nobody
16 but Allah. And I stand for my God and I'll die for
17 my God.

18 And if he understood that, then he would take
19 that letter and he would take what he did and hold
20 his part and be accountable for his without me having
21 to come up here and stand up as a lost soldier and
22 tell them what they told me.

23 And Allah is a key witness. That's right. He
24 is a key witness. Because it was only through me
25 that all these things were known and came about

1 because you divulged them to me. It was Allah's will
2 that you would divulge them to me. So it's Allah's
3 will that I sit here today worried and scared. But I
4 love my brother. And I'm going to do what's right
5 for my brother.

6 So I sent him that letter hoping that he
7 wouldn't make me go this far, that they wouldn't make
8 me come to court to testify. But I had to come. I
9 tried to run. But I had to. So that letter was my
10 final plea to him to not make me sit up here, not
11 make me bring everything that I keep to myself, okay,
12 out in front of the whole world.

13 You know, I didn't want the whole world to know,
14 you know, I'm HIV positive, but I can't hide that now
15 because I've got to sit here and tell you the truth.
16 You understand? I have no reason to lie. I have no
17 reason to lie for my brother. I ain't got no reason
18 to lie for Dominic or none of them. I've done
19 robbed; I've done stole; I've done hurt people.

20 **MR. DELGADO:** Your Honor.

21 **A** But I don't do it any more. That letter was my
22 testament. That letter was my calling, telling him,
23 look, if you make me go this far, I'll do it. Tell
24 me what you want me to do. What do you think Allah
25 wants me to do? My God don't want me to sit here and

1 lie. So I'm not going to lie. My God don't want me
2 to sit here and be afraid. So I'm not going to be
3 afraid. My God wants you to stand accountable for
4 what you've done, what you've spoke. Speak not a lie
5 against the truth; what you told me. And that's what
6 I'm standing here to testify against, and that's why
7 I wrote that letter to him.

8 **Q** Was this in response to anything else when you wrote
9 this?

10 **A** Yeah. Death threats. He sent death threats to my
11 kids.

12 **MR. DELGADO:** Objection, Your Honor. That
13 better be verified.

14 **MR. MEADORS:** Your Honor, he opened the door.

15 **MR. DELGADO:** Your Honor, I ask that be struck.
16 I ask that be stricken for the record.

17 **MR. STRICKLER:** I would join in that objection,
18 sir.

19 **THE COURT:** All right. Strike it from the
20 record. Just disregard that, ladies and gentlemen.
21 Strike it from the record.

22 **Q** Did you tell him anything, Kenneth Joy ...

23 **A** I have lost my brother.

24 (Witness crying)

25 **Q** Did you put in this letter about Kenneth Joy's role

1 in the robbery?

2 **A** Yes, sir.

3 **Q** You did?

4 **A** (Nods head affirmatively).

5 **MR. MEADORS:** Your Honor, the State would offer
6 this as 180. 180, we'd offer his letter.

7 **THE COURT:** Any objection?

8 **MR. DELGADO:** Not from me.

9 **THE COURT:** Any objection from Mr. Oliver?

10 **MR. STRICKLER:** Beg the Court's indulgence one
11 moment, sir. No. No, sir.

12 **THE COURT:** By Mr. Gallman?

13 **MR. MILLING:** No, Your Honor.

14 **THE COURT:** All right.

15 (WHEREUPON, State's Exhibit No. 180 is admitted
16 into evidence.)

17 **Q** Did you send any other letters?

18 **A** I sent a letter to my brother.

19 **Q** Mr. Allen, thank you.

20 **THE COURT:** Cross examination. Recross from Mr.
21 Oliver?

22 **MR. STRICKLER:** I'll be happy to let the witness
23 compose himself for a few minutes, Your Honor.

24 **THE COURT:** Sir, you're not quite finished.
25 He's not finished.