

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM WILLIAMSBURG COUNTY

R. Ferrell Cothran, Jr., Circuit Court Judge

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AUG 25 2014

THE STATE,

SC Court of Appeals

RESPONDENT,

V.

LOU ANN ROBINSON,

APPELLANT

APPELLATE CASE NO. 2013-000293

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA

2 County of Williamsburg

3
4 THE STATE OF SOUTH CAROLINA,
5 Plaintiffs

6 vs.

7
8 LueAnn Robinson,
Defendant

Trial
07-GS-45-152

9 December 14th&15th 2009
10 Kingstree, S.C.

11
12 Volume I

13 Before the Honorable R. Ferrell Cothran, Judge.
14
15

16 A-P-P-E-A-R-A-N-C-E-S

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(1 instruct you. And that's why I am going to tell
2 you you can't talk about the case in the jury
3 room. Because you want to defend that theory of
4 whatever you had early in this case. You
5 shouldn't start doing that until you hear
6 everything. All of the evidence as well as the
7 law.

8 The attorneys are going to get up, and
9 they should go first and make an opening
10 statement. And the defense will make their
11 opening statement. And we will proceed with the
12 testimony in this case. And I remind you if at
(13 any time during this trial you can't hear, or you
14 are uncomfortable and you need a break, just
15 simply raise your hand, and we'll stop and start
16 back. If you would, please pay close attention to
17 the attorneys and we'll get started.

18 THE COURT: Madam Solicitor.

19 MS. BARR: Thank Your Honor, if it please
20 the court. Mr. Jenkinson, Mr. Floyd, Ladies and
21 gentlemen, good morning. My name is Kimberly
22 Barr. And myself and along with Ronnie Sabb will
23 be representing the State of South Carolina in
(24 this case. Let me first of all begin by thanking
25 you most sincerely for being here. We understand

1 and appreciate that of all the places in the world
2 that you all could have been, the week before
3 Christmas, inside a Criminal Court in Williamsburg
4 County would probably be the last place on your
5 list. But we appreciate your presence here.

6 Folks, let me tell you that more than the
7 time that you give us, much more important is the
8 attention that you give us. When the judge began
9 this case, you all know that this is a murder
10 case. And in South Carolina that is the most
11 serious crime that a person can be accused of.
12 And so we certainly expect that you all will give
13 this Your undivided attention.

14 Now one of the things that I will tell you
15 right off the bat, is there is probably not going
16 to be a whole lot that the prosecution and the
17 defense is going to agreed upon. That's why we
18 have you all here. That's why you all are so
19 important. But one of the things I think, I feel
20 pretty satisfied with saying is, I think the
21 prosecution and the defense can agree that we've
22 got the right jury. You all may remember
23 yesterday when we went through the whole jury
24 selection process. You know some people's names
25 were called and they stood up. And they didn't

1 get selected. And I am sure some of you are
2 wondering well why them. Why didn't they get
3 selected or why did they select me.

4 Quite frankly when we are going through
5 the jury selection process, a lot of times lawyers
6 have to make a decision. We don't know a lot of
7 you. I don't think I even meet most of you ever
8 before. But based on how you present. The
9 prosecution and the defense lawyers believe that
10 you will be an intelligent person and attentive
11 person. And most importantly you will be a fair
12 juror.

13 Ladies and Gentlemen, that's all we want.
14 That's all anybody wants. This past weekend, I
15 realized there are about two weeks left and I
16 hadn't done any Christmas shopping. And I've got
17 a lot of people on my list. I started panicking
18 yesterday and I said, "Kim when are you going to
19 get this done." And I believe some time on
20 Saturday night when I was preparing my opening
21 statement for this case, it hit me, Mr. Dunmore
22 died on December 23rd 2006. He won't get to see
23 Christmas. And for his family, for his mother,
24 Ms. Pearlistine Dunmore, she does not get to
25 celebrate Christmas with her son anymore. And,

(1 folks, the evidence in this case is going to show
2 that the reason why she doesn't get to celebrate
3 Christmas or any other holiday with her son was
4 because he was stabbed to death by Lueann
5 Robinson. Now, folks, the reasons why and how
6 that happened, because you all are the judges of
7 the facts that will have to decide.

8 Folks, we will submit to you that once all
9 of the evidence comes in, every bit of it. That
10 you will be satisfied that this was a murder.
11 That she intentionally took the life of another
12 human being. And in our lives in our law, that
(13 conduct is impermissible. It's illegal. And
14 folks, I will have an opportunity to later in the
15 trial to come back and address you again. I will
16 get to talk again. And that part of the trial is
17 called the closing argument.

18 And at that time I'll be asking you all
19 based on everything that you have seen and
20 everything that you have heard during the course
21 of this trial, to return a guilty verdict. Thank
22 you all again for your time. Thank you all most
23 importantly for your attention.

(24 THE COURT: Yes, sir.

25 MR. FLOYD: All of you are probably

1 wondering why you are here. I want to briefly
2 take you back 3 years ago to December 23rd 2006.
3 Ms. Lueann Robinson is seated at the defense table
4 with a brown shirt. Her house and her home was
5 where she lived with her 80-year-old elderly
6 mother. Anticipations are high. Christmas is
7 right around the corner. The most wonderful time
8 of the year, as the song says. As Ms. Barr
9 alluded to, presents had been bought. Everyone is
10 expecting a large time.

11 Ms. Robinson is in her room. The heat is
12 on in her room. There is no heat in the rest of
13 the house. She's in her bedroom preparing a meal
14 for the family. About 8:30 her live in boyfriend
15 Willie Dunmore walks in. She is delighted to see
16 him. She's sitting on the bed. She anticipates a
17 warm greeting. She didn't get a warm getting.
18 She gets slapped off the bed. Willie is mad. A
19 struggle ensues. Willie pulls out his pocket
20 knife and lightly cuts her. That's not good
21 enough. There is a gun in the corner. Now a gun
22 gets involved. The melee continues until Willie
23 is stabbed one time right there.

24 Willie Dunmore walks out of the house and
25 gets in his vehicle and leaves. Later that

(1 evening, Willie Dunmore was at the Williamsburg
2 County hospital and he died. He's dead. As Ms.
3 Barr alluded to it's been like a tragedy occurred.
4 A tragedy for the family of Willie Dunmore and
5 also a tragedy for Lueann Robinson and her family
6 as well. Good morning, Ladies and gentlemen, my
7 name is Sam Floyd. I along with Billy Jenkinson
8 who is seated at defense table, Mandy Shuler,
9 represent Ms. Lueann Robinson. We would like to
10 talk to you, or I would like to talk to you this
11 morning for just a moment about what the law is.
12 What the State has to show you. What we intend or
(13 what the State has to prove to you, and what we
14 intend to show you what your job is.

15 The law in the State of South Carolina in
16 regards to murder and what Ms. Robinson is charged
17 with says this, and His Honor is going to tell you
18 this at the end of the case. And I want to tell
19 you now so you can expect: The unlawful killing
20 of another human being with malice aforethought.
21 Let me say that again, it's the unlawful killing
22 of another human being with malice aforethought.
23 Unlawful. I want you to remember that word. The
24 unlawful killing. When a killing is in self
(25 defense, and of all you probably have heard self

1 defense. Anytime anybody ever got in a fight in
2 school, what did they first say? Well I was
3 defending myself. Went to the principal.
4 Everybody said that. We all did. Me included.
5 There's a little more to it than that. You can't
6 just say I was defending myself. You have to show
7 some things. The things are, first thing you have
8 to show is that you are without fault in bringing
9 on the occurrence. Let me give you an example of
10 that. If we were at school and I walked up to you
11 and I punched you, and the principal walked by and
12 we will still fighting, I said, well I was
13 defending myself. I'm not without fault because I
14 brought it to the table. So you have to show
15 that.

16 The second charge you have to show in a
17 murder case is self defense. You have to prove,
18 or not have to prove you have to show that you
19 were in fear of death or great bodily harm. The
20 third thing you have to show that an ordinary
21 prudent person would have believed what you
22 believed, would have reacted the same way. That
23 their actions were warranted. And the fourth
24 thing that you have to show is that there was no
25 other means of avoiding the danger. You didn't

1 really have a choice.

2 Now I use my words carefully when I say
3 show, because the state, when I say the state, Ms.
4 Barr and Mr. Sabb. They have the burden of proof.
5 Now what is the burden of proof in a criminal
6 trial? Beyond a reasonable doubt. Some of you
7 may have heard that and never really understood
8 what it was. Not long after my wife and I got
9 married and in an argument, she smarted off and
10 said, "You can't prove it beyond a reasonable
11 doubt." And I smarted back and said, "Well you
12 don't know what a reasonable doubt is." And we
13 started laughing. She really didn't know what a
14 reasonable doubt was and I explained it to her.
15 A reasonable doubt is this, it's that doubt which
16 would cause a reasonable person to hesitate to
17 act. A reasonable doubt is the doubt that would
18 cause a reasonable person to hesitate to act.

19 Now the state has to show you, they have
20 the burden of proof, to prove Lueann murdered
21 Willie Dunmore beyond a reasonable doubt. But
22 then, once we, when I say we, Ms. Robinson said it
23 was self defense. They likewise have to prove to
24 you beyond a reasonable doubt that it was not self
25 defense. The burden of proving that it wasn't

1 self defense is upon them. Well how do they do
2 that? And you are sitting there going well how --
3 it sounds good, Sam. But what, how do they intend
4 to do that. With evidence. What is evidence?
5 Evidence can be tangible. In this case, the knife
6 potentially, the gun potentially. The documents
7 on record. Medical records. Those kind of
8 things. Those kinds of things are the things
9 that you would carry back in the jury room with
10 you. And you get to talk about them and pass them
11 around and look at them.

12 Other evidence can be testimony. Well
13 obviously you can't carry testimony back in the
14 room with you. And you listen intently to each
15 witness. And you don't lull off. Because there
16 are 12 of you and you can pick up on things and
17 you will be able to discuss them. The testimony
18 can be direct and it can be circumstantial. To
19 give you an example, direct evidence is this. A
20 man walked across a snowy field. Well how do you
21 know? I was going to feed my hogs this morning,
22 and I saw him walking across. That's direct
23 evidence.

24 Circumstantial evidence can be this. A
25 man walks across a snowy field. Well how do you

1 know? Well I drove back to my hog parlor this
2 morning to feed my hogs and I drove through the
3 corn field and there wasn't any footprints, and I
4 came back this afternoon to check on them. I saw
5 footprints where a man walked across the snow.
6 That's circumstantial evidence. You can believe
7 many witnesses against one or you can believe one
8 against many. It's all up to you. You weigh the
9 credibility.

10 In our case, I want to talk to you just a
11 little bit about what we intend to show you
12 through the evidence. Through the witnesses and
13 through the exhibits. We are going to show you
14 that Ms. Lueann Robinson was not at fault. We're
15 going to show you that Willie Dunmore was 6-foot
16 tall 200 pounds. And Ms. Robinson is 5-foot 4,
17 140. I'm going to show you she was in her own
18 house and she was violently attacked. I'm going
19 to show that. I'm going to show you she was
20 attacked with a gun and a knife so that anybody
21 would be in fear for their safety, death or great
22 bodily harm.

23 In regard to an ordinary reasonable
24 person's standard, and without faults, I mean, no
25 other means to avoid the danger standard. We're

1 going to have an expert witness talk to you.
2 Dr. Lois Veronon, who is seated in the courtroom
3 right now. She's a professor up at Winthrop
4 University. A known scholar, "The Battered
5 Woman's Syndrome." Probably never heard of that.
6 Maybe you have, maybe you haven't. She's going to
7 talk to you about the history. About how South
8 Carolina is 8th in the nation with the battered
9 women's syndrome. How African American women are
10 the prime target. She's going to go through all
11 that stuff with you. And explain it to you.
12 She's going to talk to you about Lueann and her
13 situation. How she suffered from depression from
14 when her own son was murdered in the 90's.
15 She's going to talk to you about post
16 traumatic stress. What it did to her afterwards.
17 She's going to tell you about since this incident
18 occurred, how she's had a stroke. Ms. Robinson
19 has had a stroke, and it effects her ability to
20 articulate facts and circumstances and talk about
21 them. And she's going to explain all that stuff
22 to you. And I want you to listen intently. And
23 then I want you to do what you came here to do.
24 Remember I asked the question, why are you here.
25 This is why you are here. You take the facts as

(1 you see them, and you take the law as His Honor is
2 going to give you, and you use something that
3 everybody brought with you today, and you didn't
4 even know it. It is called your common sense.
5 It's called your God given ability. It's that gut
6 feeling. And you make a decision, and you decide
7 whether the state has proven beyond a reasonable
8 doubt she's a murderer. And has proven beyond a
9 reasonable doubt it was not self defense. And you
10 come back with a verdict. Verdict means to speak
11 the truth.

(12 Ladies and gentlemen, that's why you are
13 here. When it comes to beyond a reasonable doubt.
14 Let me give you a brief illustration of that so
15 you will be able to further understand what their
16 burden is. Some of you may have been involved in
17 a civil trial. In A civil trial, the burden is by
18 a preponderance of the evidence. Or 51 percent.
19 Meaning a greater weight of the evidence. You've
20 all seen the scales of justice. Most courtrooms
21 have one in it, where lady justice is standing and
22 the scales are even. If she doesn't see age,
23 gender, race, everything is neutral.

(24 In a civil trial they start out even. And
25 if the party has the burden of proof, the

1 plaintiff, tips the scales ever so slightly in
2 their favor, they win. In a criminal trial, which
3 is where we are today, that's not where we start
4 out. The scales start out in favor of the
5 defendant. Because his Honor is going to tell you
6 as he already has, the defendant is presumed
7 innocent until proven guilty beyond a reasonable
8 doubt. And they have to take those scales and
9 they don't have to just make them even. They
10 don't have to just do them 51 percent, they have
11 to go beyond a reasonable doubt to tip them
12 entirely in their favor.

(13 I'll give you another illustration. It's
14 football season. A lot of ball games are going
15 on. Say you have a football game, the ball was
16 placed on the 50-yard line in a civil trial. If
17 you push it to the 49 yard line you win. In
18 criminal trials, the defendant is presumed
19 innocent. The ball is placed on the one yard
20 line. The state has to take that ball and take it
21 to the 10, 20, 30, 40, and 50. To 40, 30 to 20,
22 to 10 and on into the end zone. It is a heavy
23 burden.

(24 I want to ask you to do one other thing.
25 Just like in a football game, the state gets to go

1 first. The first half is their turn. They put up
2 their witnesses. I want you to keep an open mind
3 and listen intently. And don't form an opinion or
4 a decision until the second half of the game is
5 over. And that's when we put up our witnesses.
6 And at the end the game, and then you determine
7 whether the state has proven that the killing was
8 unlawful and not in self defense beyond a
9 reasonable doubt. Thank you, very much.

10 MS. BARR: Your Honor, can we approach?

11 (Whereupon, the attorneys approach and
12 confer with judge.)

13 THE COURT: Ladies and gentlemen, I have
14 got a matter of law that I have take up outside of
15 your presence. I need you to go to the jury room.
16 I remind you, don't discuss the case yet. I will
17 get you back as quick as I can.

18 (Whereupon, the following takes place
19 outside the presence of the jury.)

20 THE COURT: Yes, ma'am.

21 MS. BARR: Your Honor, at this point and
22 time, the State would make a motion to sequester
23 the witnesses. The State would be certain that
24 the ends of justice are protected by the exclusion
25 of witnesses during the testimony of the other

1 witnesses in the case.

2 Of course, Judge, we all know that the
3 trial is a search for the truth. To the extent
4 that we have witnesses in the courtroom who are
5 going to testify, particularly as expert
6 witnesses, who are taking notes regarding the
7 testimony of other witnesses. Assuming that they
8 are going to use those notes in preparation for
9 her testimony. I am specifically referring to
10 Dr. Foreston. Judge, we would just submit that's
11 inappropriate. In that the jury may very well
12 find more weight that he is an expert than a lay
13 witness. And so we have no problem, Your Honor,
14 if the sequestration is granted. We would only
15 ask that the victim's mom be allowed to remain in
16 the courtroom as well as Investigator Brown.

17 MR. JENKINSON: Your Honor, we see no
18 reason to sequester any of the witnesses. This is
19 an open trial. The fact that an expert is here.
20 If she decides to call an expert, they can bring
21 in expert physicians as well. We just see no
22 particular reason or prejudice being shown by the
23 State to be sequestering witnesses.

24 THE COURT: Okay. Well, Yes, ma'am.

25 MS. BARR: And, judge, our experts would

(1 simply testify as to the diagnosis and treatment.
2 That's the extent of their testimony. As to the
3 cause -- they are going to testify to the manner
4 and cause of death. It has absolutely no bearing
5 on whether or not this case was a murder. Or
6 whether or not it was one of self defense. So
7 therefore it was lawful killing.

8 This expert testimony is expected to go to
9 that entire issue of the battered spouse syndrome,
10 as well as the issue of self defense. Given that
11 she will relay that in her opinion to the jury.
12 We think it is inappropriate for her to be able to
13 stay and listen to other witnesses who testify,
14 and potentially fashion her testimony accordingly.

15 THE COURT: Well I understand. Normally
16 most of the time, the defense makes that motion.

(17 MR. JENKINSON: That's a defense motion
18 not a state.

19 THE COURT: Well either side has the right
20 to make it, and I understand. But most of the
21 time, the defense has made something out of an
22 abundance of precaution. I don't know what, you
23 know, in any trial where the evidence is going to
24 go in the case and what is going to happen. But I
25 will grant the Motion to Sequester but that would

1 be both sides. Obviously the defendant can stay.
2 The victim can stay. And the deceased's mother.
3 And the lead investigator. But everybody else has
4 got to go..

5 (Whereupon, Witnesses are sequestered.)

6 THE COURT: Is there anything from the
7 defense before I bring the jury? Anything else?

8 MS. BARR: No, sir, not from the State,
9 Judge.

10 MR. JENKINSON: None from the defense.

11 THE COURT: Bring us the jury.

12 THE COURT: You may call your first
13 witness.

14 MS. BARR: Your Honor, at this time, we
15 would call Scott King.

16 **Direct Examination by Ms. Barr:**

17 Q State your full name for the record.

18 A Scott Michael King.

19 Q Good morning. State your full name.

20 A Scott Michael King.

21 Q And would you tell the Ladies and
22 Gentlemen of the jury, well just introduce
23 yourself. Tell them where you work and what you
24 do.

25 A I'm the Florence County Sheriff's Deputy

Scott King-direct by Barr

1 with an EMS certificate, and intermediate EMT. I
2 work full as a sheriff's deputy, and part-time as
3 an EMT intermediate.

4 Q How long have you been in law enforcement?

5 A 18 years.

6 Q And you've been in Florence County that
7 entire time?

8 A No.

9 Q Where did you work before?

10 A I did 10 years with Florence County. Went
11 to Horry County. Did three years there. Came
12 over to Williamsburg County and became certified
13 in law enforcement full time to do EMS full time.

14 Q Okay.

15 A Then went back to Florence County
16 sheriff's office three years ago.

17 Q So how long have you been in the Medical
18 field total?

19 A About 8 years on and off.

20 Q And kind of explain to us a little bit
21 about your background to become an EMT. Can you
22 tell us what that means?

23 A Emergency Medical Technician?

24 Q Yes.

25 A The first phase is a basic. And then your

Scott King-direct by Barr

1 second phase we go from intermediate to, we can
2 practice a little bit more medicine or practice
3 more on the truck. There is three phases. You
4 get basic, intermediate and then paramedic level.
5 I've been through all three. But I've kept my
6 intermediate as well as law enforcement officer.
7 You can be a type of paramedic. This, the way it
8 works out if you are a paramedic and law
9 enforcement with patient care, it would easier if
10 you're a lesser as intermediate. Especially when
11 you are working as a law enforcement officer. You
12 can -- I, well I kept the intermediate status.

13 Q And are you licensed? Do you receive a
14 certification by the state?

15 A Yes, the intermediate was all of an 8
16 months class.

17 Q All right. Now what exactly does an EMT
18 do? What are your day to day responsibilities as
19 an intermediate?

20 A The basic intermediate, basic intermediate
21 response to a patient; our level of care. It
22 relates and we control bleeding. Assist with
23 patient medication if they have them. We can put
24 their -- control their blood pressure by having
25 fluids enter the body through IV's. And that's

Scott King-direct by Barr

1 usually the level that we stop before we can
2 monitor their level of blood pressure through IV
3 use.

4 Q Now, sir, I am going to take you back If I
5 can, to the night of December 23rd of 2006. On
6 that day, did you receive a dispatch call or
7 receive a request for assistance through dispatch
8 911?

9 A Yes. I working in the Trio area that
10 night.

11 Q And tell me what was the nature of the
12 call?

13 A The call initially came out, my
14 understanding that there was a motor vehicle
15 accident.

16 Q Okay.

17 A A truck in the ditch.

18 Q A truck in the ditch.

19 A Yes.

20 Q Did you actually go out to the scene where
21 the truck was?

22 A Yes, I did.

23 Q Kind of tell the jurors what you saw when
24 you got out to the scene. Well, first of all,
25 before you do that, what time did you get the

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1 call? The dispatch call?

2 A According to my our news desk run report
3 the initial call came out at 21:15 or 9:15 p.m.

4 Q 9:15 p.m. How long did it take you to get
5 out there?

6 A According to what I put, we left the base
7 at 9:20. It took us about 5 minutes to get the
8 truck started and pulled out.

9 Q And describe to the jurors what you
10 observed when you came out to the scene of the
11 truck.

12 A The truck was on the right hand side
13 headed towards, or down the highway. I saw the
14 truck had been in a deep ditch. So it landed,
15 landed in the truck, hit the top of the door.

16 Q Now this was on Seaboard Road?

17 A Seaboard Road.

18 Q And that is where? Lanes?

19 A It's between Lanes and Trio. There was a
20 male laying on the grass close to the truck. Not
21 in the ditch but on the roadside. And there was
22 two other people sitting -- or standing next to
23 him on the road.

24 Q Okay.

25 A I got out to check. And of course, I went

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(1 straight to the person laying on the ground. He
2 was on his stomach. I rolled him over and checked
3 to make sure he was breathing. He was. He was
4 breathing. He was actually talking about -- he
5 was complaining that he was hurt. and I asked
6 him, you know, what happened. Did you wreck your
7 truck. You know, I asked him, I remember asking
8 him if a deer had come out in front of him,
9 because he was laying on the ditch. He didn't say
10 anything at first. He just kept complaining that
11 his back was hurting. Or I understand that his
12 truck was a motor vehicle at the time.

(13 Q So at that time you were thinking that
14 he -- he had been involved in a motor vehicle
15 accident.

16 A Yes.

17 Q And was hurting because of that?

18 A Yes.

19 Q What did you do next?

20 A Because I believed he was a in motor
21 vehicle accident, I rolled him over, and went
22 through our protocol as patients involved in a
23 motor vehicle accident.

(24 Q Okay.

25 A So I secured him to a long spine board.

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1 A long plastic leg. I placed what is called a
2 heat collar on him to make sure it mobilized his
3 neck. Strap him down to keep him from moving.
4 Because, you can cause more injury by coming out
5 of the truck if, if, you know, making sure that it
6 was limited. When I got my hands on him, I want
7 to make sure he isn't hurt anymore.

8 Q Yes.

9 A I went to the mobilization phase of it.

10 Q Now what happened once you got him inside
11 the ambulance while in route to the hospital?

12 A I put him in the ambulance, and then we do
13 what is a full body check. Especially with
14 somebody involved in a trauma. We start with the
15 head, and work our way down. I cut off his
16 clothes. Or removed his clothes to make sure
17 there was no injury caused by the situation.

18 And at that time, I noticed he had a cut
19 right above the heart right there. And I asked my
20 partner at the time, I said, "Go make sure he
21 didn't hit something in that truck." He went
22 around and we checked. I said, "Watch him for
23 just a second. Put some oxygen on him."

24 I went to the truck and I remember running
25 my hand under the steering wheel, and on the dash.

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1 We check for what we call a mechanism injury, to
2 see if anything in the truck or anything actually
3 would have caused the bleeding, cause the injury.
4 I didn't see anything. The truck was not damaged
5 per se. It was like a strong motor vehicle. He
6 had run it in the ditch. Then I started treating
7 him for the scratch or the injury. And go ahead
8 and get him ready to start treating him for the
9 normal symptoms that are occurring.

10 Q Now when you use the word cut, or if that
11 takes a different connotation to different people.
12 Would you describe the cut as a laceration, deep
13 cut or stab wound? Based on what you could see.

14 A It was a stab wound. Because you could
15 tell the, I called it cut, because at the time, I
16 didn't know. I couldn't tell by looking inside.
17 But you can tell that his skin had been pierced in
18 to below the skin. And I treated that as if it
19 were open or it was a chest wound. Where you take
20 a bandage or a plastic or some other nonporous
21 material and lay it over, to keep the air from
22 traveling from outside of the body into the body
23 cavity as we did in this particular. You open it
24 up. You take the three sides, and leave the
25 second part, the bottom part of it open. And

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1 that's when the patient breathes in, it will pull
2 the skin and you will not allow the air to go in,
3 but as he breathes out, it will come out.

4 Q Now you mentioned the issue about
5 bleeding, did Mr. Dunmore ever complain about the
6 problems with breathing?

7 A Yes, ma'am. He was hyperventilating. His
8 respiration as we noted on DHEC form, he was about
9 24. Normal people breathe about 12 to 20 times a
10 minute. He was breathing very heavy. And
11 complaining he had a hard time breathing.

12 Q Now once your partner or once you get
13 back to the vehicle to see whether there was an
14 item inside of the vehicle that may have caused
15 some injury that he was suffering. And once you
16 satisfied yourself that that was not the case, did
17 you later come back and talk with him about the
18 injury?

19 A Yes. Because, I went, as we were going
20 for the route when a paramedic gets a call, and at
21 times, I asked, I said, "What happened here." And
22 the only thing I remember him saying is---

23 MR. JENKINSON: Your Honor, we object to
24 what someone told him. It's hearsay.

25 MS. BARR: The statement made within the

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1 medical diagnosis and treatment. It is a hearsay
2 exception 803.

3 THE COURT: You all approach a second.

4 (Whereupon, the attorneys approach and
5 confer with the judge.)

6 THE COURT: Ladies and gentlemen, I
7 apologize. I have to send you out again. I'll
8 get you back out just as quick as I can. Don't
9 discuss the case.

10 (Whereupon, the following takes place
11 outside the presence of the jury.)

12 THE COURT: All right.

13 MS. BARR: Your Honor, I will ask the
14 witness a question outside the presence of the
15 jury.

16 THE COURT: Okay.

17 Q Mr. King, you indicated that you asked
18 Mr. Dunmore, "What happened to you." You pointed
19 to the wound. Can you tell me what he said?

20 A He told me he said, "My girlfriend."

21 Q Did he ever use the word stabbed?

22 A I do not recall. I just remember him
23 saying, "My girlfriend."

24 MS. BARR: Judge, and so that's the
25 witness' testimony. Your Honor, we would submit

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1 that under either 803 (1)(2) and arguably (4).
2 That it is admissible as a present sense
3 impression, because it's a statement describing
4 and explaining the condition being that the
5 declarant received the medical condition or
6 immediately afterwards.

7 Judge, we would also submit that it comes
8 in as excited utterance under 803 Subsection 2,
9 because it's a statement made for a startling
10 event or condition made by the declarant, under
11 the declarant, caused by the event or condition.
12 The witness has already testified that he was
13 hyperventilating. He appeared very agitated. He
14 had difficulty breathing. Obviously this is
15 situation where the victim had just been stabbed.

16 And so we would submit it comes in under
17 one of those three hearsay exceptions.

18 THE COURT: Okay, you're arguing it comes
19 under (1, (2)?

20 MS. BARR: Or in the alternative, Judge,
21 that it's a dying declaration.

22 THE COURT: Okay. Do you want to respond
23 to that, counsel?

24 MR. JENKINSON: Under 803 (1) and (2)
25 there has been no showing that the declarant was

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1 proceeding the event or condition immediately
2 thereafter. The statement describing an event or
3 condition made while the declarant was proceeding
4 the event or condition. We don't know when it
5 occurred. He has not -- we've got him on the side
6 of the road. There is a man on the side of the
7 road that's got a wound. Did it occur the day
8 before? Did it occur 2 days before? Did it occur
9 an hour before? We don't have any -- we don't
10 know when the event was that the circumstances is
11 about.

12 Secondly, under the excited utterance it
13 says: "Condition made while the declarant was
14 under the stress of excitement caused by the
15 event or condition. We don't know when the event
16 or condition occurred, so we can't determine
17 whether it was excited or not based on the
18 evidence and testimony in this case thus far.

19 THE COURT: Okay. What about 804, under
20 Section 3, I mean 2, under dying declaration.
21 Under B (2).

22 MR. JENKINSON: That's 804?

23 THE COURT: Yes, sir. 804 (b) (2).

24 MR. JENKINSON: There is no evidence or
25 testimony that he was acting under the belief of a

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1 pending death. And no showing. He's got a wound
2 that he doesn't know, the medical technician
3 himself doesn't know how bad this is. He doesn't
4 know he is dying. There is no evidence or
5 testimony that death was imminent. He died later.
6 We know that. But I think you've got to know
7 you're dying.

8 THE COURT: What about that, Madam
9 Solicitor?

10 MS. BARR: Your Honor, if I may proffer,
11 just two more statements from the witness.

12 THE COURT: Okay.

13 Q Deputy King, If I may, can you
14 characterize the level of seriousness of the
15 victim's injury at the time you were administering
16 treatment?

17 A It was enough that I was treating him as
18 if it was a circumstance that had penetrated deep
19 enough into the lungs, because of the nature of
20 the injury. And our protocol shows because if we
21 come across an injury like, we treat it a certain
22 way because of the seriousness.

23 Q As a result of how you perceived the
24 seriousness of this injury, did you call for
25 additional assistance?

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1 A Yes, I called for a level above me, just
2 to make sure that he would be put on a monitor.

3 Q And you called Judy McCrea who is an EMS
4 worker?

5 A Yes, I did.

6 Q And could you tell at the time whether or
7 not the wound appeared to be fresh, a day old? Or
8 it appeared to be in the process of healing at
9 all?

10 A No, it was fresh. Just because of the way
11 it looked at the time. That's why I took it
12 serious.

13 MS. BARR: Judge, we would submit that for
14 one, the rule doesn't necessarily require that
15 the State show the timing of the event. The rule
16 simply requires that the State show that the
17 declarant was under the stress of the event
18 whenever it happened. And so, Judge, we would
19 submit that we believe that given it was clear
20 that the decedent was there under the stress of
21 the event in talking with EMS. That there was
22 some mention that asked, "What happened to you."
23 He said, "My girlfriend." That clearly given all
24 the facts and circumstances it comes in either as
25 an excited utterance or present sense impression.

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1 THE COURT: Okay.

2 MR. JENKINSON: Could I ask him a couple
3 of questions, Your Honor?

4 THE COURT: Certainly.

5 Cross Examination by Mr. Jenkinson:

6 Q Mr. King.

7 A Yes.

8 Q Anywhere on your form do you indicate that
9 he was near death or death was looming?

10 A No.

11 Q That night as he's laid on the side of the
12 road you frankly did not think he was dying, did
13 you?

14 A No, sir, I couldn't determine that at the
15 scene.

16 Q You could not determine if he was dying
17 that night.

18 A No, sir.

19 Q And if he was dying, you would have put it
20 on your form.

21 A No, sir, I cannot do that either. I just
22 have to treat what I see, the seriousness of it;
23 to prevent anything. Whether he does or not, I
24 have to go by the level of care by the injuries.

25 Q Based on what you saw that night, you

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1 weren't treating a dying man, were you?

2 A I don't know if he was dying, sir.

3 Q You can't sit here and say you were
4 treating a dying man.

5 A No, sir, I cannot tell you.

6 Q And the victim did not indicate to you or
7 by any action he was dying, did he?

8 A No, sir, not -- he didn't tell me he was
9 dying, no, sir.

10 Q He was lucid and clear in his responses to
11 you, was he not?

12 A No, he was not.

13 Q He was not.

14 A He was not clear and lucid as you and I
15 are talking.

16 Q I understand. But he was clear in his
17 responses of his complaints.

18 A Yes, sir, I could understand what he said.
19 He was hurting: "What happened."

20 Q He understood your questions.

21 A Yes.

22 Q Well to that extent, he understood what
23 you were asking him, and he was giving appropriate
24 responses.

25 A Yes.

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1 Q He was also drunk, wasn't he?

2 A I do not remember that part.

3 Q But you put down that he had the ETOH
4 plus?

5 A No, not the paramedic addressed on here.

6 Q Now when somebody has been drinking and
7 you know they have been drinking, you all note it
8 on your record, don't you?

9 A Yes, sir.

10 Q And that's noted right on your record.

11 A Yes.

12 MR. JENKINSON: That's all the questions I
13 have, Your Honor.

14 MS. BARR: Your Honor, I just, If I may
15 place on the record, we talked about it at the
16 bench. Judge, it seems clear to me in the opening
17 statements made by the defense that they have
18 conceded that the victim was stabbed by the
19 defendant. And so the notion that there is an
20 objection as to a witness testifying; that the
21 defendant stabbed the victim, seems
22 counterintuitive. Of course, my opinion doesn't
23 matter in that regard, but certainly, Judge, given
24 that there is a concession that the defendant
25 stabbed the victim. Coupled with the fact that

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1 the statement was made shortly after -- we
2 maintain shortly after the victim was stabbed.
3 And while the victim was in an excited state; that
4 certainly would be an admission of that evidence.
5 Given those circumstances, it's certainly not
6 prejudicial in any form or fashion.

7 THE COURT: Okay. I think that the
8 criteria here fits the criteria on State vs. Sims
9 in that there were three tests. The first, the
10 statement must be made regarding startled by the
11 event or condition. The second, statement had
12 been made while the declarant was under stress or
13 excited utterance or startled by the event or
14 condition.

15 Clearly the event and condition of the
16 stabbing in the upper chest. He -- this was not a
17 scenario where he received medical treatment. He
18 was calm and hospitable or whatever. Basically
19 his testimony to the EMT, that he couldn't breath.
20 He couldn't catch his breath. He was still
21 obviously under the stress of the wounds that he
22 had. And that that stress or that stab wound is
23 what caused him to make such a reliable statement.
24 Valid under hearsay.

25 The problem is of the question is the

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(1 totality of the circumstances. Is this statement
2 reliable, and or did he have time to sit and think
3 and come up with something that may not be true as
4 a result. And I think it fits under the excited
5 utterance. And I think under the circumstances at
6 that time. He said the call came in at 9:15 that
7 night. They responded. They left at 9:20. I
8 think clearly that the declarant was still under
9 stress of the event. I think it comes under that
10 impression.

(11 And like State vs. Sims, it was 12 hours
12 and the injury and excited utterance. And the
13 court found reliable under the circumstances. So
14 I think that it is admissible under that
15 impression. Anything else before we bring the
16 jury in?

17 MS. BARR: Nothing from the State.

18 THE COURT: Are we going - I don't where
19 the next series of questions are going? Are we
20 going anywhere -- I mean I don't know the next
21 question. But I don't want to send the jury out
22 again. I mean are there any other issues?

(23 MS. BARR: No, sir, Judge. I'll just ask
24 him on the record the level of seriousness with
25 regard to the injury. Whether or not the injury

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(1 appears to be fresh -- was fresh. And what his
2 response was and asked what happened. And that
3 would be it. And then the fact that he turned it
4 over to another paramedic.

5 THE COURT: And his response is going to
6 be, "My girlfriend". "My girlfriend stabbed me,"
7 or, "My girlfriend," period? And I think his
8 testimony was, my girlfriend. Okay. Anything
9 else before I bring the jury in?

10 MR. JENKINSON: No, sir.

11 THE COURT: You can bring the jury in.

(12 (Whereupon, the following takes place
13 within the presence of the jury.)

14 Direct Examination by Ms. Barr continues:

15 Q Deputy King, when you were accessing the
16 victim and you saw the wound above his heart,
17 could you tell whether or not the wound appeared
18 to be a fresh wound or whether or not it was in
19 the process of healing?

20 A No, it was fresh. It was still bleeding.

21 Q It was still bleeding?

22 A Yes.

(23 Q Now, sir, you indicated that right before
24 the jury was taken out of the courtroom, that you
25 asked him a question with regard to this. Tell us

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(1 again what you asked.

2 A I put my hand over where the laceration
3 was. I said, "What happened." He said, "My
4 girlfriend."

5 Q Okay. How did you characterize the
6 seriousness of the injury to him? Was it minor,
7 moderate, serious? Was it life threatening?

8 A I treated it as being serious, because it
9 looked like, because of his agitation and his
10 complaint. I treated it as extremely serious.
11 What I normally do in any case is treat it for the
12 best, and, you know, worse. And you hope it's
13 not as bad. But I treat it as what I saw, and it
14 may have been worse.

15 Q Now based on how you assessed it, you
16 characterized it as being a serious injury. Did
17 you then call for additional assistance?

18 A Yes.

19 Q Tell us who you called.

20 A I called my supervisor at the time Judy
21 McCrea.

22 Q Okay.

23 A She was a paramedic.

(24 Q How was she different in terms of her role
25 and her knowledge as opposed to, why did you feel

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1 the need to call her?

2 A A paramedic would place a patient or a
3 heart monitor. And read the heart monitor. And
4 because of her experience, she can assist on the
5 level of care. And also, administer medications
6 at the level that I cannot.

7 Q Where did you all eventually take
8 Mr. Dunmore?

9 A To the Kingstree Hospital.

10 Q Did you stay there while he was there, or
11 did you leave after you all arrived at the
12 hospital and got him safely there?

13 A No, we were there for awhile cleaning
14 up---

15 Q Okay.

16 A ---after the unit, you know, like the ER
17 while they are treating him.

18 Q Do you know whatever ultimately happened
19 to Mr. Dunmore?

20 A Yes, ma'am, he passed.

21 Q Do you know how long after he arrived at
22 the hospital that he passed?

23 A No, I do not. I don't know the exact
24 time.

25 MS. BARR: I beg the court's indulgence.

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1 That's all the questions I have. Please answer
2 any questions the defense counsel may have for
3 you.

4 Cross Examination by Mr. Jenkinson:

5 Q Mr. King, every time an ambulance rolls in
6 and goes out, you have a DHEC patient care form?

7 A Yes.

8 Q You have it in front of you, don't you?

9 A I do.

10 Q I would like to mark this for
11 identification as Defendant's No. 1.

12 (Run Report marked as Defendant's Exhibit
13 No. 1 for ID only.)

14 Q What is marked for identification is the
15 run report that night, is it not?

16 A Yes.

17 Q This is a history of what occurred on
18 December 23rd on the side of the road, at
19 Seaboard -- on Seaboard Road when you went to the
20 scene and found Mr. Dunmore.

21 A Yes.

22 Q The first thing that I would call your
23 attention to is down in left hand corner. It says
24 call received, 21:15.

25 A Yes.

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(1 Q Now when the call was received, somebody
2 found Mr. Dunmore and called 911, and said, "I
3 found Mr. Dunmore on the side of the road."

4 A Yes, sir.

5 Q We don't know how long Mr. Dunmore had
6 been on the side of the road outside of his
7 vehicle, do we?

8 A No.

9 Q It could have 15 minutes. It could have
10 been 20 minutes. It could have been an hour. We
11 do not know, do we?

12 A No.

(13 Q And it also says you arrived at the
14 hospital the last time at 21:49. That would be
15 about 11 minutes until 10:00 o'clock.

16 A Yes.

17 Q And so from and you arrived on the scene
18 at 26 after the hour.

19 A Yes.

20 Q So from 9:26 until 9:32, that's 6 minutes
21 within 6 minutes you picked him up and headed to
22 Kingstree.

23 A Yes, sir.

(24 Q Okay. And from 9:30 to on, you brought
25 him on in to town.

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1 A Yes, sir.

2 Q Now looking at this form on the other
3 corner, it says who's there. You've got Judy
4 McCrea. You've got Scott King. Who else is under
5 there? I can't, who is the third attendant?

6 A It was Jamie, I don't know -- I don't
7 recall his last name at this time.

8 Q And who is the receiving nurse or LPN?

9 A I can't read her handwriting.

10 Q Okay. Now---

11 A Jamie Tucker.

12 Q In the form itself, someone writes in
13 everything that takes place. Fills in all this
14 form, but fills in what took place. Is that a
15 fair statement?

16 A Yes.

17 Q And the first thing they wrote was: "Upon
18 arrival found patient,"---

19 MS. BARR: Judge, we would have to object
20 at this time to the extent it calls for hearsay
21 what somebody else wrote.

22 MR. JENKINSON: This is a Patient Care
23 Record that we will offer in our case.

24 THE COURT: I understand that, but until
25 it is offered into evidence, it's hearsay.

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1 Q Let me ask you, anywhere on this form in
2 the 6 minutes that you were there, is it---

3 MS. BARR: Judge, I am sorry. The same
4 objection. I mean, if You're asking him
5 something that is stated on the form that implies,
6 we object to the hearsay. To the extent he didn't
7 write the form, we would object.

8 MR. JENKINSON: If I can finish my
9 question, I think it will solve her question.

10 THE COURT: Finish your question.

11 Q Anywhere on the Defendant's Exhibit No. 1,
12 is it written that he said, "My girlfriend?"

13 A No, sir.

14 Q It's not on there. That's not written
15 anywhere. That is something apparently is
16 important, is it not?

17 A Yes.

18 Q It was not written on the record.

19 A Yes.

20 Q And now as I understood it from your
21 testimony when you got there, you actually talked
22 to Mr. Dunmore.

23 A We -- I asked him some questions. What I
24 would ask as an EMT.

25 Q He understood your questions?

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1 A Yes, sir. Some of them he did, yes, sir.

2 Q And he responded to your questions.

3 A Yes.

4 Q And his responses were appropriate
5 responses. In other words, what you would expect
6 or it was a clear obvious answer or whatever.

7 A He had to be asked several times before he
8 understood.

9 Q But he wasn't unconscious.

10 A No, sir, he wasn't. He was conscious and
11 breathing.

12 Q Now this man is suffering a stab wound,
13 never looked you in the eye and said, "My
14 girlfriend has stabbed me. Call the police." Did
15 he?

16 A No.

17 Q He never said, "My girlfriend has tried to
18 murder me," did he?

19 A Not that I can remember, no.

20 Q You have picked up murder victims before
21 when they were telling you exactly what happened
22 so there would be a record of it, haven't you?

23 A No, sir.

24 Q You never have.

25 A No, never have.

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1 Q You never have. So that you just never
2 happened to have that.

3 A No.

4 Q But you understand what it means. Where a
5 person has been the victim of a crime. They want
6 to tell you what happened, don't they?

7 A Yes.

8 Q You're a deputy you know that.

9 A Yes.

10 Q They want to explain to you what happened.
11 If somebody is doing something to them, correct?

12 A Yes.

13 Q And when he didn't say, "It is my
14 girlfriend's fault," did he?"

15 A No, sir, he didn't tell me that.

16 Q He had every opportunity to explain to you
17 it was his girlfriend's fault if he would have
18 wanted to say that.

19 A I don't know.

20 Q You rode in the back of the ambulance with
21 him all the way to Kingstree.

22 A Yes, sir.

23 Q You were on the side of the road with him
24 for 6 minutes.

25 A Yes.

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1 Q You were with him for almost 30 minutes.

2 A Yes, sir. But I was not in the capacity
3 of law enforcement that day.

4 Q I understand.

5 A I was EMT.

6 Q I understand.

7 A I did not want to go into detail about the
8 case that I was working other than the medical
9 side. I asked him what happened, hoping that the
10 mechanism of injury would tell me how to treat
11 him.

12 Q But in no time did he say, "Somebody has
13 committed a crime, and I want you to know about it
14 so you can tell the police." He never said that.

15 A No.

16 Q Never put any blame on Lueann Robinson?

17 A Other than what I testified he told me.

18 Q He just said: "My girlfriend."

19 A Yes, sir.

20 Q He didn't say, "My girlfriend did this
21 terrible thing to me at all."

22 A No, sir.

23 Q Now on your form you've got ETOH plus.

24 MS. BARR: Judge, that's the same
25 objection.

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1 THE COURT: I didn't hear the question.

2 Q What does ETOH plus written on your
3 documents mean?

4 A All right.

5 MS. BARR: Judge, that's the same
6 objection. It's my understanding and, judge, I
7 could be wrong, this witness did not prepare that
8 form. So asking him to talk about what somebody
9 else wrote would require him to give hearsay,
10 which he's not allowed to do. So it would be our
11 position that it's hearsay.

12 MR. JENKINSON: He signed it. I'm sorry,
13 Your Honor, he signed it.

14 THE COURT: Did you write that form?

15 A No, sir.

16 THE COURT: You didn't?

17 A I just pass on the information to the
18 other paramedic with the chain form.

19 Q Can I ask him, did you read it and sign
20 it?

21 A Yes.

22 THE COURT: Well the fact that he read it
23 and signed it, necessarily under the hearsay rule.

24 MR. JENKINSON: Well I am not really
25 asking him about a form, I am asking when they put

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1 ETOH on one of these forms, what does that mean.

2 That's my question.

3 MS. BARR: And, judge, that calls for
4 facts not in evidence.

5 MR. JENKINSON: Cross examination.

6 THE COURT: If you want you can testify
7 and put it in. He can testify to that.

8 Q Let me ask you the question. What does
9 ETOH mean? Tell the jury.

10 A It's a medical term for drinking alcohol
11 or alcohol in sugar. The patient who has been
12 drinking.

13 Q Now and if you go to the wreck scene and
14 find somebody in a wreck, do you write it on the
15 patient care form and put, ETOH?

16 A If the evidence we check. There is an
17 ETOH log if there is alcohol yes, I'll put in a
18 comment, yes.

19 Q And if you go to a scene your patient is
20 being transported, and they look like or smell
21 like they've been drinking you will note ETOH on
22 it.

23 A Yes. More than once we do that.

24 Q After he went to the hospital, you were
25 not in charge of his care.

Scott King-cross Jenkinson

1 A No, sir.

2 Q You were just cleaning up the equipment
3 and getting ready to leave.

4 A Yes, sir. We positioned him and moved him
5 to the table from my stretcher. And they started
6 working on him.

7 Q You all are done with him.

8 A Yes.

9 Q You get your equipment, clean it up and
10 move it out.

11 A Yes, sir.

12 Q Now the only injury I think you found on
13 him after examining him carefully was a stab
14 wound, or a cut as you described it on his chest.
15 No other lacerations.

16 A I don't remember if there were any other
17 physical injuries.

18 Q Does your report indicate any other
19 physical injury?

20 A No, sir.

21 Q If he had any other knife wounds on him
22 would you have noted it?

23 A Yes, sir. I would have found.

24 Q That is something that is important.

25 A Yes.

Scott King-cross Jenkinson

1 Q And you examined him?

2 A Yes, sir, I did.

3 Q You looked at them carefully.

4 A Yes, sir. Twice.

5 Q Sir?

6 A Twice.

7 Q Twice.

8 A Yes, sir.

9 Q And you found none.

10 A No, only the one documented.

11 Q If there were other knife wounds or cuts
12 on him found later, then they would have come at a
13 later time after you found him.

14 A If there had been any injuries on him that
15 was not life threatening, so I didn't feel was
16 detrimental to his health, they wouldn't have
17 included a scratch.

18 Q But they would have been noted.

19 A Not necessarily. If they didn't have
20 anything do to with treatment on him, or that I
21 didn't treat him for; that I didn't feel was life
22 threatening, I probably would not have noted it.

23 Q But you don't recall any?

24 A No.

25 MR. JENKINSON: No further questions.

Scott King-cross Jenkinson

1 MS. BARR: Just one fellow up question,
2 judge, if I may.

3 Redirect Examination by Ms. Barr:

4 Q Deputy King, you indicated on cross
5 examination that you were not acting in the role
6 as a law enforcement officer then.

7 A Yes, I was not.

8 Q What was your primary concern on that
9 particular occasion?

10 A It was treating my patient.

11 MS. BARR: Thank you, sir. That's all the
12 questions I have.

13 THE COURT: You may come down.

14 MS. BARR: Judge, we would ask that Deputy
15 King be excused so he may return home.

16 THE COURT: Any objection?

17 MR. JENKINSON: No problem.

18 THE COURT: You are excused.

19 MS. BARR: We would call Judy McCrea.

20 Judy McCrea, Being first
21 duly sworn, testified as follows;

22 Direct Examination by Ms. Barr:

23 Q Good morning, Ms. McCrea.

24 A Good morning.

25 Q If you will, kind of introduce yourself to

Scott King-redirect by Barr

1 the ladies and gentlemen of our jury.

2 A My name is Judy McCrea, and I am a
3 supervisor for Williamsburg County EMS.

4 Q Kind of explain to us what that means.
5 how long you have been doing what you are doing?

6 A I've been certified for 12 years. And a
7 supervisor 5 years. And a paramedic for 9 years.
8 And I manage four trucks. And actually 8 people
9 for 24 hours.

10 Q Okay. Explain to us a little bit about
11 your background and your training as a paramedic.

12 A You start out as an EMT. You take about
13 5 months to training. The education for this to
14 be a paramedic at that time I took it, it was
15 about 9 months long. Lots of training and lots of
16 clinicals and hospitals and other units. Writing
17 cases, and so forth in Patient care.

18 Q And give us an example of the types of
19 things that you do on a day to day basis.

20 A Generally as a admitting supervisor, I do
21 paperwork, pay employees. But most importantly, I
22 do patient care when there are emergency calls
23 when it is medical. And treat patients
24 appropriately for whatever their problem is at the
25 time I respond to them.

Judy McCrea-direct by Barr

1 Q And, Ms. McCrea, have you ever had
2 occasion to testify in this courtroom before?

3 A Yes, I have.

4 Q And have you testified and been declared
5 an expert witness in the field of paramedic
6 medicine?

7 A Yes.

8 THE COURT: Any objection?

9 MR. JENKINSON: No objection.

10 THE COURT: The court so finds.

11 Q Ms. McCrea, do you recall working on
12 December 23rd 2006.

13 A Yes, I was.

14 Q And you were called out by Mr. Scott King,
15 who was helping you regarding a patient, Willie
16 Dunmore?

17 A Yes, I was.

18 Q Tell us about what you remember about that
19 night.

20 A Scott King and his partner who was Jamie
21 Tucker, were on our medic three truck. It is what
22 we call an intermediate truck. Our level of care
23 that he would have taken. They responded to a
24 10:50, I remember that. Got him stable and
25 started to transport after we got the patient.

Judy McCrea-direct by Barr

1 Loaded and en route, and put him in the back of
2 the truck and started ALS.

3 Q What is ALS?

4 A Advance Life Support.

5 Q Advice Life Support. They requested it.

6 A They requested it. They felt like the
7 patient needed additional care higher than their
8 level of training. And I responded to them for
9 that. And met their unit en route. And I
10 continued to treat the patient until we get to the
11 ER. And turned over to their care. ER care.

12 Q Now where did you actually meet them?

13 A I believe it was right on 377 on the
14 Kingstree side of what would be Cooper's Country
15 store and 521.

16 Q How would you characterize the patient's
17 condition when you meet Scott?

18 A When I got him back in the truck, I
19 noticed the patient was very restless, agitated.
20 We had -- Scott was trying to tell him, be still,
21 or to settle down, calm down. Because he was
22 trying to get do an IV on him. I remember that.

23 Q Did you observe the wound to the patient?

24 A Yes, I did.

25 Q Tell us where it was.

Judy McCrea-direct by Barr

1 A It was in the upper chest here.

2 Approximately an inch, to an inch in length.

3 Q Now would you characterize for the benefit
4 of the jury how you would classify the seriousness
5 of the injury to Mr. Dunmore?

6 A We go by vital signs on a patient. I give
7 them, we look at the patient, and all of those
8 things. We characterize what if anything to do
9 for the patient. In his case, I felt like he was
10 what we would call a "high priority." He was very
11 restless, very anxious, his skin was cool and
12 clammy. I remember that. He did not -- he would
13 not follow commands very well, which is another
14 sign of high priority.

15 Q Okay. Was there a change in this vital
16 signs between the time you got him into the
17 ambulance and took him to the hospital?

18 A When I got him, he stayed about the same.
19 I do know that they did start, his pressure
20 started to drop just a little. And he was very
21 what we called, "active." Very fast. It should
22 not have been near that fast. It should be below
23 100. It was 140.

24 Q For his heart?

25 A Yes, ma'am.

Judy McCrea-direct by Barr

1 Q What about his respiration?

2 A His respiration---

3 Q 24, I believe.

4 A Yes, 24. That should be anywhere from 12
5 to about 18 for an average sized fellow. He was
6 breathing -- he was breathing in the chest for
7 air. His right lung sounded, did not sound clear.
8 His left to me sounded diminished.

9 Q And the left lung would have been the side
10 where he received the wound, is that correct?

11 A Yes.

12 Q Did you actually write the DHEC Patient
13 Care Form?

14 A Yes, I did.

15 Q So that's your writing there?

16 A Yes, ma'am, this is my handwriting.

17 Q And in that report, did you note the
18 letters ETOH?

19 A Yes, I did. On the very top right corner.

20 Q Tell us why you put that in the report and
21 what it means.

22 A ETOH what that is, is smelled similar to
23 alcohol on the patient.

24 Q Yes.

25 A That does not mean necessarily that the

Judy McCrea-direct by Barr

1 patient was or was not drinking. But you could
2 smell it on them. It could be from anything. I
3 did note the smell was from the smell of alcohol.

4 Q And so you're not testifying as to whether
5 he drank the alcohol or whether it was spilled on
6 him. You could smell it.

7 A Right, I cannot confirm from where. But I
8 can say that I did smell it on him.

9 Q Okay. What did you do with Mr. Dunmore
10 once he arrived at the hospital in Kingstree?

11 A Once we arrived, we put him on, I may be
12 incorrect, but I believe from trauma room to the
13 ER. And care was turned over to the nursing staff
14 first off.

15 Q So he would have been placed in one of the
16 trauma's room and once again to emergency room.

17 A Yes.

18 Q How long did you stay?

19 A Probably about 45 minutes at least. I had
20 done absolutely no paperwork en route. It takes a
21 little while to do the paperwork once we get it.
22 I had none of it done.

23 Q Do you know what happened ultimately to
24 Mr. Dunmore?

25 A While we were there, I do know that he

Judy McCrea-direct by Barr

1 went in to cardiac arrest. And they worked on the
2 cardiac code. I do know that.

3 Q While you were still there?

4 A Yes, they did start that. However, I'm
5 not positive, but I believe he also did pass while
6 I was there. They ended up calling the code. I
7 am not positive on that.

8 Q You can't swear to that.

9 A Right. Because once I stopped it, once I
10 get to the ER with the patient, my documentation
11 stops as far as patient care wise.

12 Q But you do feel it's possible in
13 testifying that while there within the 45 minutes,
14 he did go in to cardiac arrest.

15 A I know he went in to cardiac arrest. I do
16 know that. I do remember that.

17 MS. BARR: Ms. McCrea, I believe that's
18 all the questions I have for you. Please answer
19 any questions defense counsel has.

20 Cross Examination by Mr. Jenkinson:

21 Q Ms. McCrea, I think you are now qualified
22 as an expert paramedic. Do you routinely read
23 and look at medical reports like on blood gas and
24 blood work, as a part of your, are you familiar
25 with those?

Judy McCrea-cross by Jenkinson

1 A Not really, because we don't do lab work
2 in the ambulance and stuff.

3 Q I understand you don't do lab work, but
4 you understand what lab reports are.

5 A Some of them I can look at them and tell
6 what they are. And some of them I am not familiar
7 with.

8 Q I am going to show you a lab report from
9 the autopsy of Willie Dunmore, and ask you what
10 was reported. What do you recognize that
11 report---

12 MS. BARR: Objection.

13 Q ---to be generally?

14 MS. BARR: Judge, we would object on
15 hearsay grounds.

16 THE COURT: I don't think, he asked her
17 if she recognized what her report is generally. I
18 think she can testify to that.

19 MS. BARR: And, judge, I don't have any
20 problem with her saying that I do recognize it.
21 But to the extent that she is required to state
22 what's in it, we would object to hearsay.

23 Q You understand generally what that is.

24 A It's a lab value of what appears to be
25 ethanol.

Judy McCrea-cross by Jenkinson

1 Q Okay. From a blood report.

2 A Yes.

3 Q You test blood to determine whether or not
4 ethanol, which is ETOH, right?

5 A Yes, sir. Ran.

6 Q That's the acronym for it.

7 A Right.

8 Q Do you understand what a .158 ethanol
9 value on a blood report is?

10 A I do not recall. We're not trained to
11 know blood values.

12 Q You don't understand that means double
13 drunk?

14 A No, sir. I couldn't tell you what the
15 value is.

16 Q Okay. You know there are values assigned
17 to it.

18 A Yes, I do.

19 Q And this appears to be a---

20 MS. BARR: Objection, Judge. Counsel is
21 testifying about what appears to be in the report.

22 MR. JENKINSON: I'll withdraw the
23 question.

24 Q Mr. Dunmore made no statements to you
25 about anybody or anything or how it happened the

Judy McCrea-cross by Jenkinson

1 whole time you were in the back of the ambulance.

2 A No, sir.

3 Q He didn't say, "Somebody has stabbed me.

4 Get the police. I want to tell what happened. "

5 A No, sir.

6 Q He didn't say, "Somebody has tried to
7 murder me."

8 A No, sir.

9 Q The whole time you were with him.

10 A No, sir.

11 MR. JENKINSON: No further questions.

12 Q He was responding to your questions and
13 understood what was going on.

14 A He would not answer me if I asked him
15 specifically except for that he, I think, he told
16 me he did not have any medial history or
17 allergies. The only other thing he kept telling
18 me was that his back was killing him. His back
19 was hurting. His back was killing him. That's
20 the only thing he would say.

21 Q That's the only thing he was saying.

22 A Right. Because he wasn't really answering
23 any questions that I would try to ask him.

24 MR. JENKINSON: No further questions.

25 THE COURT: Anything on redirect?

Judy McCrea-cross by Jenkinson

1 Redirect Examination By Ms. Barr:

2 Q If I may, Ms. McCrea, did you note in your
3 report the written part of your report that he had
4 breathing difficulty?

5 A Yes, I did.

6 MS. BARR: That's all the questions I
7 have.

8 THE COURT: Step down.

9 MS. BARR: We would call Tyrone Dunmore.
10 Tyrone Dunmore, Being first
11 duly sworn, testified as follows:

12 Direct Examination by Ms. Barr:

13 Q Good morning, Mr. Dunmore.

14 A Good morning.

15 Q I need you to make sure that you speak up
16 nice and clear so the jury can hear and
17 understand, okay.

18 A Okay.

19 Q Tell me your full name.

20 A Tyrone Dunmore.

21 Q And where do you live?

22 A I live in Columbia, South Carolina.

23 Q Now, sir, you are related to Willie
24 Dunmore.

25 A My brother.

Judy McCrea-Redirect by Barr

1 Q How old are you?

2 A 39.

3 Q How old was he at the time of his passing?

4 A 42.

5 Q How old---

6 THE COURT: Ms. Barr, the last witness, is
7 there any reason they can't be excused?

8 MS. BARR: And, judge, as soon as she
9 walked out the door, I thought -- wanted to make
10 sure we put on the record that they want to be
11 excused.

12 MR. JENKINSON: No problem whatsoever.

13 THE COURT: You can be excused. I'm sorry
14 for interpreting.

15 MS. BARR: Judge, no problem.

16 Q Sir, how long have you lived in Columbia?

17 A Approximately 17 years on and off.

18 Q And during the 17 years that you lived in
19 Columbia, well I guess, specifically, within the
20 last 5 years before your brother died, how often
21 do you think you got to see him or talk to him?

22 A Probably every week.

23 Q You would talk with him either by phone
24 or--

25 A By phone.

Tyrone Dunmore-direct by Barr

1 Q By phone?

2 A Most of that.

3 Q Y'all had a pretty close relationship?

4 A Yes.

5 Q Did you all kind of share confidences with
6 each other?

7 A Yes.

8 Q Kind of talked about what was going on in
9 your life. Would that be fair?

10 A Yes.

11 Q Sir, what was the nature of your brother's
12 relationship with the defendant?

13 A That's his live-in girlfriend.

14 Q When you say live-in girlfriend, was he
15 living at her house, or was she living at his
16 house?

17 A He was living at her house.

18 Q Who else stayed in the house with her?

19 A Her mother.

20 Q What's her mother's name?

21 A Ms. Ray.

22 Q You call her Ms. Ray?

23 A Yes.

24 Q Do you know how long your brother had
25 actually been seeing the defendant?

Tyrone Dunmore-direct by Barr

1 A About a year.

2 Q About a year or so? He was -- your
3 brother was separated from his wife at the time?

4 A Yes.

5 Q And what's his wife's name?

6 A Patricia Dunmore.

7 Q Patricia Dunmore. And she was in the
8 courtroom earlier?

9 A Yes.

10 Q Now do you know how long they had actually
11 been separated?

12 A Approximately a year.

13 Q About the same time?

14 A Yes.

15 Q Do you recall the last time you spoke with
16 your brother before he died?

17 A That afternoon actually.

18 Q The day he died?

19 A Yes.

20 Q What kind of mood was he in?

21 A Pretty good mood.

22 Q Do you remember the day of week your
23 brother died on?

24 A Yes.

25 Q Which day of the week was it?

Tyrone Dunmore-direct by Barr

1 A A Saturday.

2 Q And it was a couple of days before
3 Christmas, is that correct?

4 A Correct.

5 Q Now I asked you earlier whether you shared
6 confidences with each other as brothers. Did your
7 brother ever talk about his relationship with Ms.
8 Robinson?

9 A Not a whole lot.

10 Q And the week or so leading up to his
11 death, did he, what was his state of mind in
12 relation with his relationship with this
13 defendant?

14 A It wasn't going too good. He was having
15 some problems.

16 Q Did he tell you what his intent was with
17 regards to that relationship?

18 A Yes.

19 MR. JENKINSON: I object to any hearsay
20 testimony, Your Honor.

21 MS. BARR: Again, for the record, we would
22 assert 803, (3) is admissible as a hearsay
23 exception. And also we would cite State vs.
24 Westley, 625 S.E. 2nd, 641, 2006, Supreme Court
25 case.

Tyrone Dunmore-direct by Barr

1 THE COURT: Okay. I'll overrule the
2 objection under 803 exception.

3 Q You said the relationship was not going to
4 good. You can't tell me why, but he told you it
5 wasn't going too good.

6 A Yes.

7 Q And he did tell you what his intent was.

8 A Yes.

9 Q What did he say his intent was with
10 regard to the relationship?

11 A He was leaving.

12 Q Now you all are used to having a saying
13 when it came to what you would tell the defendant,
14 is that correct?

15 A Correct.

16 Q And you shared that with me on yesterday.
17 Kind of share that with the ladies and gentlemen
18 of the jury today.

19 A Well we would say: "If the relationship
20 goes bad, send me home. Don't kill me." And we
21 would laugh about it. But it ended up being just
22 that.

23 Q Exactly that's what happened.

24 A That's exact. If you got to hurt them or
25 kill them, send them home first.

Tyrone Dunmore-direct by Barr

1 Q Now when we say -- when you've been saying
2 you joke around and say, you know, if you've not
3 getting along send them home or words to that
4 effect, where would you -- where would home be to
5 you? What was the family home?

6 A My mother's house.

7 Q And this is your mom here?

8 A Yes.

9 Q And what's her name?

10 A Pearlistine Dunmore.

11 Q How well did your brother get along with
12 your mother?

13 A Good.

14 Q They had a close relationship?

15 A Yes.

16 Q Did she have room in her house for Mr.
17 Dunmore?

18 A Yes.

19 Q Do you know whether or not from your own
20 personal knowledge whether or not your brother
21 ever spent the night at his mom's house?

22 A A few nights.

23 Q And this was during the course of his
24 relationship with the defendant?

25 A Yes.

Tyrone Dunmore-direct by Barr

1 Q So he had a place to go.

2 A Yes.

3 Q If things were not such that they should
4 be at the defendant's house.

5 A That's correct.

6 MR. JENKINSON: Your Honor, counsel is
7 leading. And started to lead the witness, and we
8 would ask she be cautioned not to do that.

9 THE COURT: Okay. Just ask the questions
10 and let him answer it.

11 MS. BARR: Yes, sir.

12 Q Mr. Dunmore, you said you talked to your
13 brother earlier that day, the day he died?

14 A Correct.

15 Q And you said he was in a good mood.

16 A Correct.

17 Q Do you remember about what time it was
18 that you talked to him?

19 A About 12.

20 Q Earlier in the day?

21 A Yes.

22 Q Where was he going?

23 A He was actually going to start to
24 barbecue. Barbecue a hog at the pit. Ms. Virgil
25 Lee Wilson's house.

Tyrone Dunmore-direct by Barr

1 Q So he and some other family members had
2 planned to barbecue a hog that day?

3 A Correct.

4 Q And you say, whose house?

5 A Ms. Virgil Lee Wilson.

6 Q And where does she live?

7 A In Lane, South Carolina.

8 Q And that would have been the last time you
9 spoke with him?

10 A Correct.

11 Q When did you find out that your brother
12 had died?

13 A I received a call about 9:30 that night to
14 go to emergency room.

15 Q Do you remember who called you?

16 A I believe it was Mr. Deborah Ann Harrison.

17 Q Now who is Deborah Ann Harrison to you?

18 A That's his first cousin's wife.

19 Q Okay. Did you go to the emergency room?

20 A Yes.

21 Q So where were you when you got the call?

22 A In Lanes.

23 Q When you went to the emergency room here
24 in Kingstree, correct?

25 A Yes.

Tyrone Dunmore-direct by Barr

1 Q Was your brother there?

2 A Yes.

3 Q Tell us what happened once you got to the
4 emergency room.

5 A Well I noticed all his belongings on the
6 front desk. And they asked me to view the body.
7 Claim the body, and I did.

8 Q So by the time you got to the hospital,
9 your brother had already died?

10 A Correct.

11 Q And do you remember what time it was that
12 you got to the hospital? If you don't, that's
13 fine.

14 A About 9:50.

15 Q What did you do with his belongings?

16 A I had -- I kept most of it. The money I
17 just spread it among his kids.

18 MS. BARR: I beg the Court's indulgence.

19 Q Sir, you said you took the money and
20 divided it among his children?

21 A Yes.

22 Q Did you also take his cell phone?

23 A No.

24 Q Did you see his cell phone---

25 A No.

Tyrone Dunmore-direct by Barr

1 Q ---among his belongings?

2 A No, no cell phone. They had not at that
3 time known where it was.

4 Q What about his ID and his wallet?

5 A I kept that, because they placed it in the
6 bag.

7 Q What else did you take? What else was in
8 his belongings other than the money and his wallet
9 or anything else? You said you took his
10 belongings and you kept it. Tell me what you
11 mean.

12 A Mainly his wallet, and the money.

13 Q Were there any weapons?

14 A No.

15 Q Was there a gun among his belongings?

16 A No.

17 Q A knife?

18 A No.

19 MS. BARR: Thank you, sir. Please answer
20 any questions the defense may have for you.

21 Cross Examination by Mr. Jenkinson:

22 Q Mr. Dunmore, what time of day was it when
23 you last saw your brother on December 23rd 2006?

24 A When I saw him?

25 Q What time of day was it?

Tyrone Dunmore-cross by Jenkinson

1 A I didn't see him that day. I saw him that
2 night.

3 Q At night?

4 A He was dead.

5 Q I'm talking about what time did you last
6 see him alive?

7 A A week ago. I didn't see him that day.

8 Q You didn't see him that day at all.

9 A No.

10 Q So you don't know anything about what
11 happened that day.

12 A No.

13 Q It was about a week before.

14 A Right.

15 Q And during that week you don't know
16 whether he was staying at Lane's or staying with
17 your mother or anything.

18 A He was staying there.

19 Q So he hadn't left at all during that week?

20 A Not yet.

21 Q Okay. And so if he was going to leave,
22 that was something in the future he may do.

23 A It was.

24 Q You didn't know.

25 A I didn't know when.

Tyrone Dunmore-cross by Jenkinson

1 Q There was no time limit put on it.

2 A Right.

3 Q And you were living in Columbia at that
4 time?

5 A Back and forth, yes.

6 Q Back and forth. Okay. And now your
7 brother worked at Shaw Air Force Base, didn't he?

8 A Correct.

9 Q Did he tell you he had been fired from
10 Shaw Air Force Base----

11 MS. BARR: Objection.

12 Q ---the first week in November.

13 MS. BARR: Objection to hearsay. And
14 relevance.

15 THE COURT: Well it has been asked and
16 answered.

17 MS. BARR: And, judge, we would, to the
18 extent that it has been asked and answered, and to
19 the extent the court's sustains our objection, we
20 would ask that the jury be instructed to disregard
21 it.

22 THE COURT: Okay. I'll sustain the
23 objection.

24 MR. JENKINSON: Okay. It is not been
25 offered for the truth of the matter being

Tyrone Dunmore-cross by Jenkinson

1 asserted. It is being offered for state of mind.

2 MS. BARR: It not state of mind for the
3 victim. We would assert it is not relevant.

4 THE COURT: I mean---

5 MR. JENKINSON: The brother is the victim.

6 THE COURT: You all approach a minute.

7 (Whereupon, the attorneys approach and
8 confer with the judge.)

9 Q Were you aware that your brother had been
10 drinking a lot in the weeks and a couple of months
11 before his death?

12 A No.

13 Q More than normal?

14 A No.

15 Q Now you say you got a call to come to the
16 hospital because your brother was dead?

17 A No.

18 Q What was the call?

19 A He had been cut.

20 Q He had been cut.

21 A Yes.

22 Q And when you arrived at the hospital, had
23 he died?

24 A He died at the -- on the highway.

25 Q He died on the highway.

Tyrone Dunmore-cross by Jenkinson

1 A Yes, sir.

2 Q You didn't know he died about an hour
3 later at the hospital?

4 A No.

5 Q You weren't aware of that.

6 A No.

7 Q What time did you get to the hospital?

8 A 9:50.

9 Q 9:50. You feel pretty certain of that?

10 A I think so.

11 Q But your brother was already dead when you
12 got there.

13 A Correct.

14 Q And Ms. Barr was asking you about what you
15 got at the hospital belonging to your brother. Do
16 you remember picking up his items?

17 A His wallet and the money, mainly.

18 Q A nurse came out and asked you to sign a
19 receipt for items, did he not?

20 A Correct.

21 Q I want to show you a chain of custody,
22 Williamsburg Regional Hospital Form, and ask you
23 if that is your signature or a copy of your
24 signature?

25 A It is.

Tyrone Dunmore-cross by Jenkinson

1 Q You've seen this form. Ms. Barr has shown
2 it to you, hasn't she?

3 A I can't remember.

4 Q Okay, you haven't seen it before trial?

5 A This is the first I have seen it.

6 Q That is your signature.

7 A It is.

8 MR. JENKINSON: Mark this as Defendant's
9 No. 2 for identification.

10 MS. BARR: Your Honor, may we have the
11 originals and substitute a copy pursuant to Rule
12 5? I don't believe we have got a copy of that.

13 MR. JENKINSON: Rule 5 said they have the
14 medical records from the hospital.

15 MS. BARR: I'd like to see it, Judge.

16 MR. JENKINSON: I don't know how to answer
17 that.

18 THE COURT: You can certainly look at
19 that. You don't have any objection to her looking
20 at that, do you?

21 MR. JENKINSON: No, not at all. I mean I
22 thought she had a copy. She wrote me and said, I
23 got all the medical records.

24 MS. BARR: I don't believe that's a
25 medical record. I think that's a Chain of Custody

Tyrone Dunmore-cross by Jenkinson

1 form. But, let me -- if I can take a look at it.

2 MR. JENKINSON: Medical records from
3 Willie Dunmore's file that night.

4 (Medical Records of Willie Dunmore marked
5 Defendant's Exhibit No. 2 for id.)

6 Q What has been marked for Defendant's
7 Exhibit No. 2 for identification. Okay, you said
8 that is your signature.

9 A Correct.

10 Q And you remember this form, don't you?

11 A I don't remember.

12 Q Well certainly you signed it. And on
13 December 23rd of 2006?

14 A Correct.

15 Q And this is an inventory of your -- Willie
16 Dunmore, Jr. on that date, correct?

17 A Correct.

18 Q And you signed for these items.

19 A Correct.

20 Q And you just told us a few minutes ago you
21 got money from the hospital.

22 A Correct.

23 Q They had all his items put together to
24 hand to you, right?

25 A Correct.

Tyrone Dunmore-cross by Jenkinson

1 Q And this document that you hold in your
2 hands, lists the items that were given to you,
3 right?

4 A Correct.

5 Q And among those items is one pocket knife,
6 isn't it?

7 A Correct.

8 Q And then there was some New Port
9 cigarettes and some change and a Visa card. You
10 remember all those items, don't you?

11 A Correct. I don't remember that night,
12 but if it's on here.

13 Q That's what they wrote down. They had to
14 see a knife to write it down, didn't they?

15 A Correct.

16 Q The nurse wrote it down, didn't they?

17 A Yes.

18 Q And they handed it to you from out of your
19 brother's pocket, didn't they?

20 A Yes.

21 Q And he was stabbed with a knife, wasn't
22 he?

23 A Correct.

24 MR. JENKINSON: Thank you, sir. No
25 further questions.

Tyrone Dunmore-cross by Jenkinson

1 THE COURT: Any further questions from the
2 state?

3 Redirect Examination by Ms. Barr:

4 Q Sir, I am going to hand you what has been
5 marked as Defense Exhibit No. 2. Does this appear
6 to be the original signature, or a copy?

7 A A copy.

8 Q And you indicated that you don't -- that
9 that is your signature, but you don't remember
10 signing this?

11 A I don't. I just remember signing for his
12 belongings.

13 Q But you don't recall there being a pocket
14 knife in there?

15 A Not at the time. I can't remember.

16 Q Now I think Mr. Jenkinson asked you on
17 cross examination if Mr. Dunmore, your brother
18 actually told you anything about his intent the
19 day you spoke with him.

20 A Correct.

21 Q Do you know within that week from the
22 Saturday that he first told you that he had
23 intended to leave, did you have any further
24 communication with him about what his intent was
25 with regard to his relationship with Ms. Lueann

Tyrone Dunmore-Redirect by Barr

1 Robinson?

2 A He told -- the last thing he actually told
3 me was he can't put up with it because she is
4 doing drugs.

5 MR. JENKINSON: Objection, Your Honor. We
6 move to strike. That's not subject to any reply,
7 or to cross examination at all.

8 THE COURT: Sustain the objection, and
9 strike that from the record.

10 MR. JENKINSON: And explain to the jury
11 what you just did.

12 THE COURT: Ladies and gentlemen, I just
13 sustained his objection. And I struck that last
14 response, because it was not responsive to the
15 question. I instruct you for the record, you are
16 not to consider that in deliberations.

17 MS. BARR: Judge, that's all the questions
18 I have for this witness.

19 THE COURT: Step down. Any objection to
20 this witness being excused?

21 MS. BARR: No, judge. I think he probably
22 would want to, probably want to keep him
23 sequestered in the event we need to recall. He is
24 going to have to remain sequestered.

25 THE COURT: Call your next witness.

Tyrone Dunmore-Redirect by Barr

1 MS. BARR: We would call Ms. Patricia
2 Dunmore.

3 Patricia Dunmore, after being
4 duly sworn, testified as follows:

5 Direct Examination by Ms. Barr:

6 Q Ms. Dunmore, state your full name for me.

7 A Patricia June Dunmore.

8 Q And, ma'am, tell me where you live.

9 A I reside in Lane, South Carolina.

10 Q And how long have lived there?

11 A About 18 years as a resident. I have
12 lived in Lanes all my life.

13 Q And, of course, that Lane is here in
14 Williamsburg County.

15 A Right.

16 Q Ma'am, at the time of Willie Dunmore's
17 passing, you and he were legally married. Is that
18 correct?

19 A Yes, ma'am.

20 Q How long had you been separated?

21 A We were separated on May 11th of 2005.

22 Q May 11th of 2005.

23 A Yes.

24 Q And he died December 23rd 2006. So you
25 had been separated for about a year and a half.

Patricia Dunmore-direct by Barr

1 Do you all have any children together?

2 A Yes, three children. We have two girls
3 and a boy.

4 Q How old are you kids?

5 A Andrea is 21. Shawana Dunmore is 19. And
6 my son Willie Dunmore, just turned 18 on the 25th
7 of November. And Andrea is 22.

8 Q Okay. And where are your children now?

9 A Willie is in school today at C.E. Murray
10 High School.

11 Q Yes, ma'am.

12 A My daughter Shawana Dunmore is in college
13 at West Palm Beach. My oldest daughter, Andrea
14 Dunmore Williams, she is sitting right there.

15 Q Are you a grand mom as well?

16 A Yes, I am.

17 Q How many grand kids do you have?

18 A I have a total of 8 grandchildren.

19 Q Now how long had you been married to
20 Mr. Dunmore?

21 A We got married in February of 1994.

22 Q When you initially separated from your
23 husband, how often did you see him within the
24 first 6 months after you all separated in May of
25 05?

Patricia Dunmore-direct by Barr

1 A Well when we first separated, he would
2 come by every once in a while.

3 Q Would that change within the months before
4 he was killed?

5 A Oh, yes. When he first left, you know, it
6 was like, he wasn't really, we didn't really see
7 him that often. But a couple of months, I noticed
8 he started coming around and staying a little
9 longer.

10 Q Now when you say he started coming around,
11 what do you mean coming around?

12 A He would come by the house.

13 Q Would he talk with you?

14 A Well at first he didn't, you know, speak.
15 Then he would start asking how I was doing. Then
16 how are the children. Then he would talk with me
17 as well. That was something he was doing after he
18 left. And, you know, I could sense there was
19 something wrong. I asked him about it. Was
20 everything all right.

21 Q Okay.

22 A And, you know, I am going to object to the
23 reply.

24 MR. JENKINSON: I am going to object to
25 his reply.

Patricia Dunmore-direct by Barr

1 Q And let me ask you the question this way.
2 What was his state of mind as it related to his
3 relationship with the defendant?

4 MR. JENKINSON: Objection, Your Honor,
5 because it calls for hearsay. The whole way it
6 could have been related.

7 MS. BARR: And, judge, we just established
8 that there is a hearsay, state of mind hearsay
9 exception, under Rule 803.

10 THE COURT: Okay. Ask the question. We
11 have to take a break for the Court Reporter.

12 MS. BARR: All right.

13 (Whereupon, the court takes a short
14 recess.)

15 THE COURT: Bring the jury.

16 (Whereupon, the following takes place
17 within the presence of the jury.)

18 Q Ms. Dunmore, I believe when we left off,
19 I was asking you some questions regarding your
20 conversations that you had with your husband. Do
21 you remember those question?

22 A Yes, ma'am.

23 Q You indicated you that in the months
24 before his death, he started coming around you and
25 your children a little bit more often. Is that

Patricia Dunmore-direct by Barr

1 correct?

2 A That is correct.

3 Q And I asked you what was his state of mind
4 as it relates to his relationship with the
5 defendant. I need to ask you very specific
6 questions about that.. Make sure you understand
7 that question. Did he tell you whether or not he
8 was happy with his relationship with the
9 defendant?

10 A No, he did not.

11 Q Did he tell you, what was your stance of
12 how his relationship was based on his comments and
13 his mood and state of mind?

14 MR. JENKINSON: I just want to note our
15 objection throughout the questions.

16 MS. BARR: You may answer it.

17 A Well he didn't look happy, so I asked him
18 about it.

19 Q Did you say anything to him? Did you all
20 have a conversation about reconciliation?

21 A Yes, we did.

22 Q Tell me what he said.

23 A Well after he came over, and I saw that
24 something was troubling him. I told him, I said,
25 "Well, I see that you are not happy."

Patricia Dunmore-direct by Barr

1 Q Okay.

2 A I said: "Now everyone make mistakes." I

3 said, "If you would like to come home, you may."

4 I said, I am not telling you that you should go

5 and pack your stuff today. I said, "But why don't

6 you think about it." I said, "If you want to

7 come, home remember that the doors are open." And

8 that was the last -- those are the last words we

9 had with each other.

10 Q And how long was that before he died?

11 A That was about a week prior to that.

12 Q Now did Willie have a close relationship

13 with his mother?

14 A Yes, he did.

15 Q Do you know of your own personal knowledge

16 whether or not he had spent nights with his

17 mother?

18 A I believe that he did. Are you speaking

19 of after we separated or before?

20 Q Well both times.

21 A Well I know his mother. When we had

22 married, he often spent nights, you know, as we

23 had our little ups and downs.

24 Q You all went through -- I am sorry.

25 A When he had a little bag, he would go.

Patricia Dunmore-direct by Barr

1 Q He would always go to his mother's if you
2 all weren't getting along?

3 A You know, if we had a little problem, and
4 he didn't want to go through with it, he would
5 just pack a bag and go spend a night or two with
6 her.

7 Q And was that some of the -- that was one
8 of the things you didn't like; that you all didn't
9 get along, he would go his mom's house. That was
10 one of the things that you didn't like.

11 A I did not.

12 Q Would you say based on the time that you
13 knew him, that Willie was the type that would
14 start controversy, or walk away in the face of
15 controversy?

16 A He was the one that would walk away.

17 MS. BARR: I beg the court's indulgence.

18 Q When did you find out that he had died?

19 A I think it was that Saturday afternoon in
20 December of the 23rd, 2006. I think it was 6
21 o'clock, because I had to work that day from 6 to
22 6. And shortly after I arrived home, my telephone
23 rang. And I picked up the phone, and it was a
24 neighbor. And she asked me whether I had heard.
25 And I said, "Heard what." She proceeded to tell

Patricia Dunmore-direct by Barr

1 me that my husband and Ms. Robinson had an
2 altercation.

3 MR. JENKINSON: Your Honor, I am going to
4 object to that part of it, Judge. It's hearsay.

5 THE COURT: I'll sustain the objection.

6 Q You heard from a neighbor that your
7 husband had died?

8 A No, not that he had died. Just that he
9 had an altercation.

10 Q Okay. Don't tell me what she said. So
11 you did not know at that time.

12 A At that time I did not know.

13 Q When did you come to learn that he had
14 actually died?

15 A And while I was on the telephone with that
16 neighbor, I had a beep. And I went over to the
17 other line, and my brother-in-law was on the
18 phone. And he was the one that told me.

19 Q That your husband had died.

20 A That he had passed.

21 Q Now your husband was actually staying
22 together with the defendant?

23 A Yes.

24 Q Did you have any problems or situations
25 with the defendant during that time that they were

Patricia Dunmore-direct by Barr

1 together?

2 A The only problem that I had with her was,
3 it was on one Sunday afternoon, she pulled in my
4 yard with him and, you know. Now I don't have any
5 problems with him, but I did not want her in my
6 yard. And I really don't think it was proper for
7 her to do that. But she -- I asked my
8 mother-in-law to speak with him and tell him to
9 tell her to do not come back to my house.

10 Q And I am assuming you have not talked with
11 her since after your husband.

12 A No, I haven't.

13 Q You haven't seen her other than just in
14 court.

15 A Well I think we ran into her a couple of
16 times maybe in the food store.

17 MS. BARR: That's all the questions I
18 have, Ms. Dunmore, thank you.

19 MR. JENKINSON: No questions of this
20 witness.

21 THE COURT: Thank you, ma'am. You can
22 step down.

23 Jeffrey Scott, being first
24 duly sworn, testified as follows:

25 Direct Examination by Ms. Barr:

Patricia Dunmore-direct by Barr

1 Q Sir, let me to get you to state your full
2 name for the record?

3 A Lieutenant Jeff Scott.

4 Q And tell me where are you employed?

5 A I'm employed with the Williamsburg County
6 Sheriff's office.

7 Q Now, sir, how long have you been employed
8 with the sheriff's office?

9 A I've been employed with the sheriff's
10 office for over 10 years.

11 Q Are you a certified police officer?

12 A Yes, ma'am, I am.

13 Q What is your current assignment with the
14 sheriff's office?

15 A Currently, I'm the training officer for
16 the sheriff's department. I also work in the
17 capacity of crime scene investigator and evidence
18 custodian.

19 Q And with regard to that job
20 responsibility, did you have occasion in this case
21 to collect certain evidence?

22 A Yes, I did.

23 Q And you work with Investigator Collins and
24 Investigator Brown, is that correct?

25 A Yes, ma'am, I do.

Lieutenant Jeff Scott-direct by Barr

1 Q Now in the Sheriff's Department,
2 subsequent to the death of Willie Dunmore, did you
3 receive a call about the location of certain items
4 that may be evidence in this case?

5 A I was notified by Investigator Brown of a
6 location where some items might be at.

7 Q How did the Sheriff's Department come in
8 to knowledge about where the items were?

9 A I guess they received a phone call from
10 somebody advising them, and then I was advised.

11 Q And did Investigator Brown go out to the
12 location with you?

13 A Yes, he did.

14 Q When we're talking about the location,
15 what are we talking about?

16 A Road.

17 Q Where is that?

18 A It is over in the Salters area.

19 Q In Williamsburg County?

20 A Williamsburg County.

21 Q And who lives at that address?

22 A LueAnn Robinson.

23 Q And it's your understanding that the
24 mother lives there also as well?

25 A Yes.

Lieutenant Jeff Scott-direct by Barr

1 Q Now when you went out, what were you sent
2 out there to try and find?

3 A The main thing is that we went out to
4 process the scene. Or the scene there, to locate
5 certain items of an altercation that happened at
6 the residence.

7 Q Okay.

8 A I was able to photograph where a possible
9 incident took place.

10 Q Okay.

11 A And some items that were at that location.

12 Q Okay. Now you indicated that you
13 photographed the residence? Did you photograph
14 the residence on the night of the 23rd, or was
15 that at some point later when the Sheriff's
16 Department received this call? Or both times?

17 A After they received a call, they asked me
18 to come out to the residence later on that night.
19 And probably going in to the early morning.

20 Q Now when you say after they received a
21 call, you have to tell me about which call.
22 Because there were a couple of calls. When the
23 call came in about Mr. Dunmore's wrecked vehicle.

24 A Yes.

25 Q The night that he received the injury.

Lieutenant Jeff Scott-direct by Barr

1 A Yes.

2 Q Did you go that night leading up to the
3 next morning---

4 A Yes.

5 Q ---to photograph the house?

6 A Yes.

7 Q And at some point later, you received a
8 call from somebody, not knowing who, well the
9 Sheriff's Department did about where some items
10 of evidence may be found?

11 A Yes, that was relating to the
12 investigators.

13 Q And you again you photographed where those
14 items were found?

15 A Yes.

16 Q And Investigator Brown was with you at the
17 time?

18 A Yes.

19 Q And you indicated that you went to the
20 home of the defendant?

21 A Yes, I did.

22 Q And kind of describe the house for me.

23 A It was a brick house. It was in pretty
24 good order, in a liveable condition and
25 everything. The yard was nice and kept. Had a

Lieutenant Jeff Scott-direct by Barr

(1 little carport.

2 Q It did have a carport?

3 A Yeah, up on the front side.

4 Q Okay. And we'll see the photographs
5 later. But if I'm standing facing the house,
6 would the carport be on the right side or the left
7 side? If I'm facing the house.

8 A If you was to come down the road and turn
9 in, if you was to turn right in, the carport would
10 be right here. And then the side -- you would
11 walk into a side door in front of the house and be
12 in the front of the yard.

(13 Q Let me make sure I understand that. So if
14 you're in the front yard.

15 A Yes.

16 Q Facing the house.

17 A Yes.

18 Q Would the carport be on the right or the
19 left?

20 A On the right side.

21 Q On the right side.

22 A Yes.

(23 Q Now when you went out to gather certain
24 evidence in relation to the front of the house,
25 would the evidence have been found on the right

Lieutenant Jeff Scott-direct by Barr

1 side or the left side?

2 A On the right side.

3 Q On the right side.

4 A Yes.

5 Q Tell me about the surroundings of where
6 this evidence was found once you got the call to
7 the sheriff's department and where it would be
8 located.

9 A It was located to the right side of the
10 residence, to the side of the house. And there
11 was a field or grown up area behind an adjacent,
12 the yard stops and field started. And that was a
13 wood line along the back. And a larger, it looked
14 like a pecan tree of some sort to one side. But
15 it was an area between the adjacent, the yard and
16 the field or the grewed up area. It looked almost
17 like a garden spot.

18 Q When you first approached the area, was it
19 the evidence that you later collected, was it
20 clearly visible when you first walked up?

21 A Yes, I could see it.

22 Q Now were there any demarcations to
23 indicate to you where the evidence was found, or
24 would be found? Was there anything, any kind of
25 markings made to help you see where it would be?

Lieutenant Jeff Scott-direct by Barr

1 A It was one piece of evidence was located
2 in the edge of the weeds. The yard was here. The
3 weeds was here. And it was right there on the
4 edge---

5 Q Okay.

6 A ---of the weeds.

7 Q And what item of evidence was that, that
8 you're referring to?

9 A It was a shotgun. Bolt action.

10 Q Admitted, I believe without objection as
11 State's Exhibit No. 3.

12 (Shotgun marked as State's Exhibit No. 3
13 for evidence.)

14 Q Is this the shotgun that you found in the
15 wooded area of the defendant's home?

16 A Yes, it was in between the yard and that
17 grassy area that I was explaining to you.

18 Q Okay. Can you hold it for me? Is it
19 loaded or unloaded?

20 A It is unloaded. And there is no magazine,
21 and the bolt reach is in the backward position.

22 Q Okay.

23 A Cocked back.

24 Q Was it unloaded at the time you collected
25 it?

Lieutenant Jeff Scott-direct by Barr

1 A Yes, it was.

2 Q Did there appear to be any red substances
3 on it at the time that you collected it?

4 A Well at the upper forearm, which is this
5 area right here, the butt forearm, trigger back in
6 the other. Right along the upper forearm in this
7 area, was a reddish looking substance was located
8 in that area.

9 Q What did it look like?

10 A It looked like blood. It was in this area
11 just above the plate. In the forearm of the
12 handle.

13 Q Could you tell whether or not the weapon
14 had been recently fired?

15 A It was just empty. Unloaded, no magazine.
16 You couldn't -- The breach was open.

17 Q You said the breach was open when you
18 found it?

19 A Yes.

20 Q Lieutenant Scott, I am going to now hand
21 you what has been marked and admitted as, without
22 objection as State's Exhibit No. 2.

23 (Knife marked as State's Exhibit No. 2
24 into evidence.)

25 Q Tell the jury what that is, please, sir.

Lieutenant Jeff Scott-direct by Barr

1 A This is an evidence box. It has got the
2 date of -- this has got one knife. One knife, it
3 was found at. Road.

4 Q Okay.

5 A Inside the contents, it has a brown in
6 handle, silver. It looks to be a steak knife.

7 Q Okay. If you will, kind of hold it up so
8 the jurors can see it with the blade up. Blade
9 up. And where was that found in relation to the
10 shotgun?

11 A This was in the location over in the field
12 area. In the same area, but it was over in the
13 field.

14 Q Okay.

15 A Or in the grewed up area.

16 Q The same area where then---

17 A General location.

18 Q Now was the, what you have described as
19 the steak knife, was that later sent to sled for
20 processing and analysis?

21 A Yes, it was.

22 Q What about the shotgun? Was that also
23 sent to sled for processing and analysis?

24 A That was also sent to sled for processing.

25 Q Now as I understand, those two items were

Lieutenant Jeff Scott-direct by Barr

1 found subsequent to the night of December 23rd, is
2 that correct?

3 A The shotgun was found.

4 Q Later.

5 A No. The shotgun was found that night.

6 Q And the knife was found?

7 A That knife was transferred to me through
8 Willie -- Investigator Brown.

9 Q Now I am going to hand you what has been
10 admitted without objection as State's Exhibit No.
11 1. Tell us what that is.

12 A One evidence box containing, you want me
13 to pull it out and show them?

14 Q Yes, sir.

15 A Containing one large butcher knife.

16 Q Where was that found?

17 A This was found in the bedroom of the
18 location where the incident happened. It was
19 found around some books near the wall on the right
20 side of the bed in the room.

21 Q When you saw it, it was found in the
22 bedroom where the incident happened. Is that the
23 defendant's bedroom?

24 A Yes.

25 Q Did you photograph actually where it was

Lieutenant Jeff Scott-direct by Barr

1 found before you removed it from the residence?

2 A Yes, I did.

3 Q Did you have an independent recollection
4 as to where it was found inside the bedroom?

5 A It was found in the location I was
6 explaining to you. At the right side of the bed
7 there was some books. And it was found right up
8 on top of the books. And kind of wedged in
9 between the wall and the books.

10 Q Now you said the right side of the bed.
11 Is that, when you say the right side, is that if
12 you're facing the bed?

13 A Yes, if I'm facing the bed. If I am
14 looking at the bed, if the bed head is here, the
15 feet are here, the right side. The left side.
16 It's on the right side at the head of the bed.

17 Q Was this also sent to sled for process and
18 analysis?

19 A Yes, It was.

20 Q And when I say sled, I need to be clear
21 for the record. I'm talking about the State Law
22 Enforcement Division, is that correct?

23 A Yes, it is.

24 Q So I'm assuming if you photographed the
25 inside of the defendant's bedroom, you were there

Lieutenant Jeff Scott-direct by Barr

1 for some period of time?

2 A Yes, I was.

3 (Shirt marked as State's Exhibit No. 4
4 into evidence.)

5 Q And did you also remove what's been
6 admitted as State's Exhibit No. 4?

7 A Yes, I did.

8 Q Okay. Tell me---

9 A It had the lab markings of L07298.

10 Q Tell me what that is.

11 A It's a white shirt. You want me to go
12 ahead?

13 Q You can pull it out.

14 A It's a white shirt. It's got flowers on
15 it. A flowered shirt. It has the same markings
16 and the packaging, and the lab number. And it
17 has, it has a red, or a pronounced stain on
18 different sections of the shirt on the front.

19 Q Is that a female shirt or appears to be a
20 man's shirt?

21 A It appears to be a female's shirt.

22 Q Now when you said there was some red
23 stains, kind of tell me where they are. If you
24 will, step down from the witness stand and show
25 the jury where they are.

Lieutenant Jeff Scott-direct by Barr

1 A On the shirt.

2 Q And come over here so everybody can see.

3 (Whereupon the witness steps down from the
4 witness stand.)

5 A Like I said, the shirt lab number is
6 L07298. The shirt is white in color. It has
7 different flowers in the front. There is stain on
8 the collar area.

9 Q Is that the right side of the shirt, or
10 the left side or right side?

11 A It's on the right side.

12 Q All right.

13 A There is a small stain in the upper right
14 area above the flowers. There is a lower stain
15 down at the tuck in area of the shirt.

16 Q Okay.

17 A Can everybody see?

18 Q All right.

19 A On the back of the -- or the side to the
20 back, running from side to back, there is also a
21 stain.

22 Q Okay.

23 A On the shirt. Moves around. There is
24 some stain on the very back of the shirt at the
25 lower end.

Lieutenant Jeff Scott-direct by Barr

1 Q Okay. I believe that's it.

2 A And there is some stains along the back
3 crease of the shirt, the collar area.

4 Q Okay. You can have a seat, Lieutenant
5 Scott.

6 (Whereupon, the witness resumes the
7 witness stand.)

8 Q Where was that shirt found?

9 A This was found in the bedroom. Right in
10 front of the closet.

11 Q In front of the closet. Do you mean it
12 was on the dresser?

13 A It was on the floor.

14 Q On the floor---

15 A Yes, ma'am.

16 Q In front of the closet in the bedroom.

17 A Yes, ma'am. Directly in front of the
18 closet.

19 Q Now was there any way for you to be able
20 to conclude in the bedroom, could you tell, you
21 know how some couples, one person has one side of
22 the bed and the other person has the other side of
23 the bed. Was there any evidence in the house to
24 suggest to you who slept on which side?

25 A In the bedroom on the right side if

Lieutenant Jeff Scott-direct by Barr

1 you're -- the bed is facing this way.

2 Q If you're at the foot of the bed.

3 A I'm at the foot of the bed, right and
4 left. The right side had a collection of
5 pocketbooks on the bed. Which were photographed.

6 Q Okay.

7 A There was a bottle of eggnog and beer
8 cans. And other books, and other items that would
9 indicate a possible female side. On the left
10 side, there were two ball caps hanging on the top
11 of the headrest of the bed. And there were other
12 items that looked like a pair of jeans and some
13 other kind of clothing that would indicate a male
14 side, or male side of the bed.

15 Q So based on how you viewed the scene, it
16 appeared that the left side of the bed is where a
17 man would sleep. And the right side of the bed is
18 where a woman would sleep.

19 A Yes, ma'am.

20 Q And which side of the bed was that huge
21 knife found on we saw earlier?

22 A It was on the right side.

23 Q Where the female slept.

24 A Yes.

25 Q Now we've heard about so far in this case,

Lieutenant Jeff Scott-direct by Barr

1 about the victim being stabbed near his heart?

2 A Yes, sir.

3 Q When you all actually came out to the
4 defendant's residence that night, did you actually
5 see, we would imagine that you would see a lot of
6 blood out there. Did you actually see, "A lot of
7 blood at the scene?"

8 A There was a location in the room where
9 there was a blood stain on the floor. And it
10 looked like a small spot. Couple of small spots
11 on the bed. But it was in one specific area.

12 Q Okay. What about on any of the doors or
13 anything in the residence?

14 A I didn't see anything on the doors. There
15 was some blood staining as you go out through the
16 hallway, and as you are going out the door through
17 to the carport.

18 Q Yes, sir.

19 A There was small stains right there as you
20 go out that door; if you look at a couple of the
21 photographs.

22 Q Okay.

23 A At the door, at where the door meets and
24 where you go to the steps through the little door
25 ledge right there, there are some stains right

Lieutenant Jeff Scott-direct by Barr

1 there.

2 Q What if anything did the location of that
3 blood suggest to you, or indicate to you as to
4 where the deceased victim would have been?

5 A Well what that was, it would be leading
6 out of the house where those specific stains were
7 at that door ledge.

8 Q And that's the doorway to the carport.

9 A That's to the carport.

10 Q So when you are coming in from the
11 carport, there's the doorway and you go into the
12 kitchen of the residence?

13 A Yeah, in kind of the kitchen on the left.
14 And it kind of goes up like a little small
15 hallway.

16 Q And there is also a front door to the
17 residence, is that correct?

18 A Yes. Yes, there is.

19 Q Was there ever any indication of any blood
20 being on the front door, either the inside or
21 outside of the doorway?

22 A Not that we could tell.

23 Q Now I am assuming that other than the
24 collection of certain evidence, that was the
25 extent of your role in this case. Is that

Lieutenant Jeff Scott-direct by Barr

1 correct? And photographed.

2 A Yes.

3 Q Investigator Scott, I think I have just
4 one more question now. Now when you talk about
5 the area where the steak knife as you described
6 it, and the shotgun was found.

7 A Yes.

8 Q You indicated that it was on the opposite
9 side of the house where the carport is, is that
10 correct?

11 A It's on the -- the carport is here.
12 Facing the house here, it's on the right side.
13 Approximately in the field area.

14 Q Did you see any droplets of blood between
15 the area where the carport was, and the area where
16 the steak knife and the gun was found?

17 A I don't recall any in that area. Going in
18 that location.

19 Q So there was not a trail from the carport
20 to the area where the gun and the knife were
21 found?

22 A I did not notice any to that point.

23 MS. BARR: Lieutenant Scott, please answer
24 any questions defense counsel has.

25 Cross Examination by Mr. Jenkinson:

Lieutenant Jeff Scott-direct by Barr

1 Q I believe you took some pictures.

2 A Yes, sir.

3 Q Looks like a pile of them. A lot of
4 pictures.

5 A Yes, sir.

6 Q Now your job is as a crime scene
7 investigator?

8 A I work in that capacity.

9 Q You were working in that capacity.

10 A Yes, sir.

11 Q In other words, it's your job to gather
12 evidence.

13 A Yes, sir.

14 Q And then document that evidence, and bring
15 it to court and tell us what you found?

16 A That's correct.

17 Q Now we, all of these pieces of evidence
18 been introduced now. The shirt, and all of them
19 are in.

20 MS. BARR: Yes, sir.

21 Q Now the shirt first. The shirt that I am
22 holding in my hand that you identified with some
23 blood on it, is a female shirt. Wouldn't you
24 think, a small person?

25 A It looks to be a female shirt.

Lieutenant Jeff Scott-cross by Jenkinson

1 Q And the blood that is apparently on it,
2 looks like it has been not dropped on it, but
3 maybe this shirt was used to wipe it up off the
4 floor?

5 A Well it's in a smear pattern.

6 Q Yeah, which would indicate somebody wiping
7 it up off the floor.

8 A Well it's just in a smear pattern.

9 Q Right, well if it was dropped on
10 something, it would be just a drop pattern,
11 wouldn't it?

12 A Yes.

13 Q A smear pattern means like it has been
14 slid.

15 A Possibility.

16 Q It's a small amount of blood, isn't it?

17 A It's in a different location.

18 Q And a stab wound doesn't necessarily bleed
19 a whole lot, does it?

20 A It depends. I mean....

21 Q Oh, but you have seen stab wounds that do
22 not bleed a whole lot.

23 A I have seen in different cases.

24 Q Yes, sir. You understand what I mean.

25 A Yes.

Lieutenant Jeff Scott-cross by Jenkinson

1 Q Some stab wounds you can't even hardly
2 tell. They bleed very, very little.

3 A Yes, sir.

4 Q A person is bleeding inside instead of
5 outside?

6 A I have seen that.

7 Q Now, so you got this call. What time did
8 you go to the residence, do you recall?

9 A It was later on, early that morning.

10 Q Daylight?

11 A No, it---

12 Q It was still dark.

13 A ---was still dark. Yes, sir.

14 Q And you went with Investigator Willie
15 Brown?

16 A Yes.

17 Q Just the two of you all.

18 A I recall, I know he was there and possibly
19 another deputy. I am not exactly sure.

20 Q Who would that be?

21 A I don't exactly recall which one it was.

22 Q Well as a crime scene investigator, it's
23 very, very important to write down all these
24 details, isn't it?

25 A Yes, sir.

Lieutenant Jeff Scott-cross by Jenkinson

1 Q So you don't know who the third deputy
2 was.

3 A Me and Investigator Brown were the main
4 two that was working on this case.

5 Q You went looking for a knife, didn't you?

6 A I went looking for items that were related
7 to me that---

8 Q A stabbing.

9 A Yes, of an incident.

10 Q A knife.

11 A Items.

12 Q I bet you 50 cents you've got a big knife
13 in your pocket.

14 A I have. I carry a knife.

15 Q Men carry knives, don't they?

16 A I carry a knife.

17 Q What kind of knife do you have, just out
18 of curiosity?

19 A I have a skinny knife.

20 Q Let me look at it. Open it up, and open
21 the pocket blade out. So it is not unusual in
22 this county, is it?

23 A No.

24 Q And that would make a stabbing wound about
25 an inch and three quarters, wouldn't it?

Lieutenant Jeff Scott-cross by Jenkinson

1 A I don't know.

2 Q If you stuck someone with it, it would
3 cut. The width of that blade would be about an
4 inch and a half and three quarters, wouldn't it?

5 A Different blades have different diameters.

6 Q I am just talking about your blade.

7 A My blade is maybe 3/4's?

8 Q An inch and 3/4's.

9 A Well 3/4's of an inch if you're talking
10 about width.

11 Q I am talking about this way. How wide is
12 your blade?

13 A Maybe 3/4's at the most.

14 Q How much?

15 A 3/4's.

16 Q Let me look at it. But you can pull it
17 out and cut it deeper, can't you?

18 A I reckon.

19 Q Pull it out and use it. I guess, you can
20 go in and pull it back down, and cutting down, you
21 could make a pretty good size hole.

22 A I don't know. You can look at it on the
23 knife.

24 Q Now in your looking around, it's almost a
25 machete, isn't it?

Lieutenant Jeff Scott-cross by Jenkinson

1 A A large butcher knife.

2 Q It's a big knife.

3 A Yes, sir.

4 Q That size blade would be a big hole,
5 wouldn't it?

6 A Yes, sir.

7 Q Based on your investigation, you don't
8 think this caused the wound in Willie Dunmore, do
9 you?

10 A It depends on the measurements.

11 Q You don't know which knife, do you?

12 A Just depends on the measurements.

13 Q Did you find any evidence of blood on this
14 knife when you found it?

15 A That was submitted to sled for analysis.

16 Q Sir?

17 A That was submitted to sled for analysis.

18 Q Yeah, did you -- did sled find any blood
19 on it?

20 A I don't know, those reports were not sent
21 back to me. They would be sent to the solicitor's
22 office or investigations.

23 Q Well does the solicitor have a blood
24 report on this? You know, have you asked for it?

25 A They would have that information.

Lieutenant Jeff Scott-cross by Jenkinson

1 Q If there was blood on this knife, we would
2 know about it today, wouldn't we?

3 A And they would have that information.

4 Q And that would be important information if
5 in fact there was any blood on this knife.

6 A Yes, but they would have it.

7 Q Okay. I'm just trying to find out what is
8 going on. You understand it's important.

9 A I understand.

10 Q We're looking for a knife.

11 A Yes, sir.

12 Q And then there is the next second knife.

13 Where is the other knife, the short one?

14 A It should be down there.

15 Q So we've got a knife in here.

16 A Yes, sir.

17 Q This is a knife. You did not find it when
18 you went out and found a shotgun.

19 A That was transferred to me later.

20 Q Okay. Do you know how it was found?

21 A Investigator Brown recovered it, and
22 transferred it to me.

23 Q That's all you know about it?

24 A That's right.

25 Q How many days later?

Lieutenant Jeff Scott-cross by Jenkinson

1 A On the 29th, it was returned to -- it was
2 sent to me.

3 Q Any blood on this knife?

4 A It was sent to sled for analysis.

5 Q Okay. Are you aware of any analysis as
6 a -- you are the forensic investigator for this
7 case, aren't you?

8 A All analyses will go to the Solicitor's
9 Office or main investigators.

10 Q So you don't see it.

11 A No.

12 Q So you made no inquiry whether there is
13 any blood on this knife or not.

14 A That information would go to the
15 investigators or the Solicitor's Office.

16 Q If there was blood on it, we would know
17 about it, don't you think?

18 A Yes, through the Solicitor's Office or the
19 investigations.

20 Q Okay. So I have got two knives.

21 A Yes, sir.

22 Q How many other knives did you find?

23 A Those are the only two I found.

24 Q Did you go out to the hospital and get any
25 evidence from the hospital the night Mr. Dunmore

Lieutenant Jeff Scott-cross by Jenkinson

1 died?

2 A No, anything dealing with Mr. Dunmore was
3 there.

4 Q Was where?

5 A With him.

6 Q Okay. Well suppose he had a knife on him
7 in his pocket at the hospital when he was found
8 would that be important?

9 A Yes.

10 Q That would be hugely important, wouldn't
11 it?

12 A Yes, sir.

13 Q It could be the murder weapon, right?

14 A I guess so.

15 Q Or it could be the knife that Mr. Dunmore
16 got stabbed with, right?

17 A It's a possibility.

18 Q Yes, sir. And that would be something we
19 would need to know about.

20 A Yes, sir.

21 Q Now you're aware that when somebody dies
22 at the hospital of a homicide, there is a forensic
23 investigation there. You all check the body and
24 look at that very closely, don't you?

25 A Yes, sir.

Lieutenant Jeff Scott-cross by Jenkinson

1 Q And that's very important, don't you
2 think?

3 A Yes, sir.

4 Q You check for any wounds, cuts, abrasions
5 or anything. You want to document it, don't you?

6 A Yes, sir.

7 Q And that's done at the hospital.

8 A Yes, sir.

9 Q And that's done also by your officers who
10 are on duty that night.

11 A Yes, sir.

12 Q So you weren't on duty that night.

13 A I was called in.

14 Q To the hospital.

15 A Yes.

16 Q You went to the hospital?

17 A Yes, I did photographing of the victim.

18 Q Okay. You photographed him.

19 A Yes, sir.

20 Q Did you examine him?

21 A Yes.

22 Q Did you check his nails?

23 A All that was wrapped up and we went to---

24 Q I'm talking about his fingernails.

25 A His hands were photographed.

Lieutenant Jeff Scott-cross by Jenkinson

(1 Q I understand. So you photographed his
2 hands.

3 A I photographed his body.

4 Q The body itself?

5 A Yes.

6 Q But you were looking for any kind of
7 wounds on his body.

8 A Yes.

9 Q Did you see any wounds on his hands?

10 A Not that I can recall.

11 Q Okay. You looked at it, didn't you?

12 A Yes.

(13 Q And if they had been there you would have
14 seen them, wouldn't you?

15 A Yes, sir.

16 Q There was some testimony by Mr. Brown in a
17 Preliminary Hearing. They even check the
18 fingernails. Why do you check the fingernails?
19 Why do you check a victim's fingernails?

20 A To see if there is any materials.
21 Possible skin cells, or anything like that. Dirt,
22 grime, anything that can be found.

(23 Q That's good crime scene investigation,
24 isn't it? And check their fingers real well. And
25 you check all around the hands and their

Lieutenant Jeff Scott-cross by Jenkinson

1 fingernails, don't you?

2 A Yes, sir.

3 Q Does your report indicate anything found
4 on his hands whatsoever?

5 A His body was photographed. When they went
6 to MUSC photographs were taken there.

7 Q Oh, I know that. That's another day
8 later, isn't it?

9 A Yes.

10 Q I'm talking about that night when this
11 occurred. You were there.

12 A Yes.

13 Q You looked at it?

14 A Yes.

15 Q You saw nothing.

16 A Nothing out of the ordinary.

17 Q Well I mean a laceration or anything on
18 his hand. You didn't see that, did you?

19 A I couldn't tell.

20 Q Now, I am going to show you a hospital
21 record for Mr. Willie Dunmore for December 23rd
22 2006, at 10 minutes after 12:00 o'clock midnight.
23 You were there.

24 A Yes.

25 Q Do you recognize that document?

Lieutenant Jeff Scott-cross by Jenkinson

(1 A It looks familiar, yes.

2 Q Yes, sir. Whose signature is on that?

3 A Mine.

4 Q Your signature?

5 A Yes.

6 Q Well what were you doing on that occasion?

7 What were you signing for?

8 A Let me see. It looks like some clothing.

9 Q What all? Read it to us.

10 A One shirt, a pair of pants, a pair of
11 socks, sneakers of Willie Dunmore.

12 Q So you actually signed for those items.

(13 A Yes.

14 MR. JENKINSON: I want to mark that for
15 identification, Defendant's 3, please.

16 (Chain of Custody marked Defendant's
17 Exhibit No. 3 for ID only.)

18 Q And so it is very important to document
19 everything you get, and that's what you were doing
20 there.

21 A Yes.

(22 Q Okay. Now let me show you Defendant's
23 for identification No. 2. Chain of Custody item.
24 Do you recognize that as being identical to this
25 document in form or is it just different

Lieutenant Jeff Scott-cross by Jenkinson

1 information on it?

2 A Yes.

3 Q Was a knife found in Mr. Willie Dunmore's
4 pocket by the folks at the hospital and
5 inventoried?

6 MS. BARR: Objection, hearsay, judge.

7 THE COURT: Well I'll sustain. The
8 document is not in evidence.

9 Q Were you aware of a knife being found by
10 the hospital the night Mr. Dunmore's body was left
11 there?

12 A I wasn't aware. I mean I understand the
13 information that was in there.

14 Q Yes, sir.

15 A Yes, sir. But I have this signature on
16 this item.

17 Q Yeah, I know. But a knife was signed by
18 Willie Dunmore, was it not? I mean by Tryone
19 Dunmore?

20 A There is a signature for a Tryone Dunmore.

21 Q Yeah, for a knife from Willie Dunmore,
22 right?

23 A Well it's on there with some money, and
24 other things like that.

25 Q Yeah, but we're talking a knife. We're

Lieutenant Jeff Scott-cross by Jenkinson

1 not talking about money. This case is about a
2 knife, isn't it?

3 A Yeah, a knife and some money. It was
4 signed for by a, it looks like a Tryone Dunmore.

5 Q And Mr. Willie Dunmore was stabbed with a
6 knife, was he not?

7 A Yeah, there is a stab wound on him.

8 Q And that knife could very well be the
9 weapon, could it not?

10 A I don't know. I mean.....

11 Q It was in his pocket, was it not?

12 MS. BARR: Objection, Judge. That calls
13 for speculation. He doesn't have any idea.

14 THE COURT: Okay, sustained.

15 Q If that knife, if Mr. Willie Dunmore had
16 a knife in his pocket, it certainly should have
17 been tested for blood and potential murder weapon
18 by which he died.

19 A Yes, it should.

20 Q That would be important as a forensic
21 crime scene investigator, isn't it?

22 A I guess.

23 Q That would be a huge piece of evidence in
24 this case, wouldn't it?

25 A Yes.

Lieutenant Jeff Scott-cross by Jenkinson

1 Q And the Sheriff's Office didn't get it?

2 A Not that I am aware of.

3 Q The Sheriff's Office never had it tested?

4 A Not that I am aware of.

5 Q Now you went out to the crime scene, and
6 you found -- did you find a shotgun outside when
7 you went, or did you do that last?

8 A The shotgun was found outside after the
9 scene was processed. In the process of processing
10 the entire scene.

11 Q What point did you find the shotgun?

12 A The inside of the residence was
13 photographed. And the shotgun was found outside.

14 Q Okay. Now who tested the blood on this
15 shotgun?

16 A That was sent to sled for analysis.

17 Q For analysis.

18 A Yes, sir.

19 Q Did you tell sled to investigate the blood
20 on it?

21 A For DNA and latent prints.

22 Q Okay. DNA and latent prints.

23 A Yes.

24 Q Okay. And do you have a latent print
25 report?

Lieutenant Jeff Scott-cross by Jenkinson

(1 A That would be forwarded to the Solicitor's
2 Office.

3 MR. JENKINSON: Judge, may we approach
4 just a minute?

5 THE COURT: Yes.

6 MR. JENKINSON: Thank you, judge.

7 Q Let me show you something that was
8 provided. Have you ever seen this before?

9 A This was sent to me, and then it was
10 forwarded to investigation.

(11 Q Okay. And so now we are understanding you
12 do receive sled reports, and it is forwarded to
13 the Solicitor's Office by you?

14 A It is received, but it is given to the
15 investigations. I don't...

16 Q You've seen that before.

17 A I get them from sled. I don't look at the
18 investigation on it. I forward them to the
19 investigators.

20 Q So you did not look at this.

21 A No.

22 Q What is this form?

23 A It is an analysis form that I know of.

(24 Q Latent prints.

25 A Yes.

Lieutenant Jeff Scott-cross by Jenkinson

1 Q Does it say anything about blood analysis?

2 MS. BARR: Judge, we are going to have to
3 object. First of all, that's not in the report.
4 The person who offered that report is under
5 subpoena and he can cross examine him regarding
6 what is in his report. But it is improper to ask
7 this witness who did not offer that report, and
8 not do an analysis on any item of evidence in
9 here, to then question him about what that reports
10 says. That's clearly hearsay.

11 MR. JENKINSON: He receives it, Your
12 Honor.

13 MS. BARR: It doesn't matter. Judge, It
14 doesn't matter.

15 THE COURT: You can ask him what he did
16 with it. And what his knowledge. But what is in
17 the report is hearsay.

18 MR. JENKINSON: But I can ask him what is
19 on it?

20 THE COURT: Ask him what is in it, you
21 can't ask him that until it gets into evidence.

22 Q Have you seen any report that you recalled
23 any blood analysis on?

24 A No, all those reports are forwarded to the
25 solicitor's office for investigation.

Lieutenant Jeff Scott-cross by Jenkinson

1 Q Have you seen a report with latent prints
2 analysis on it?

3 A That information is forwarded to the
4 investigations through the Solicitor's Office.

5 Q You don't know. Tell us what this is.

6 MS. BARR: Judge, I am going to have to
7 say the same objection. That document can speak
8 for itself at the appropriate time.

9 THE COURT: Okay.

10 Q And now when you are going to go to a
11 crime scene investigation, you do not move and
12 shuffle around in a room.

13 A Everything is photographed before we move
14 it.

15 Q Before you move it.

16 A Yes, sir.

17 Q So you don't move things around.

18 A No.

19 Q That would be a violation of the crime
20 scene.

21 A Yes.

22 Q Because you want it to be like it looked
23 in the crime scene.

24 A That's right.

25 MR. JENKINSON: I would like to mark these

Lieutenant Jeff Scott-cross by Jenkinson

1 two photographs for identification.

2 THE COURT: Okay.

3 MR. JENKINSON: As a matter of fact, let's
4 mark that one too.

5 (Photographs marked as Defendant's Exhibit
6 No. 4-7 for id. only.)

7 Q Why is it important not to move stuff
8 around?

9 A Because you want an actual documentation
10 of how the scene looked.

11 Q Okay.

12 A At the time -- at the possible time when
13 an incident happened.

14 Q Now I am going to show you what has been
15 marked as Defendant's Exhibit No. 6. Where is the
16 radio in that picture?

17 A It appears to be on top of the DVD and
18 VCR.

19 Q Okay. And I am going to show you
20 Defendant's Exhibit No. 5, and ask you where the
21 radio is located.

22 A Down beside the VCR.

23 Q Somebody has moved the radio?

24 A In the picture.

25 Q I understand. It would take two

Lieutenant Jeff Scott-cross by Jenkinson

1 different pictures to have something moved,
2 wouldn't it?

3 A This one has a Coors light beer can in
4 front of the dresser here.

5 Q I know.

6 A This is a different photograph.

7 Q I understand that but of the same area?

8 A Yes.

9 Q Ones up high and one is vertical.

10 A Yes.

11 Q Something been moved, right? Who was
12 moving stuff around while you all were there?

13 A Nobody was moving anything. Everything
14 was photographed in place.

15 Q Do you remember the gunshot shells being
16 in the bedroom?

17 A Yeah, they're in the -- let me see the
18 bottom part of that.

19 Q Look at that. That's in photograph No. 5.

20 A Yes.

21 Q And in No. 6, do you see them?

22 A Yes, I see them.

23 Q And in photograph No. -- No. 4 do you see
24 them?

25 A Yes, I see them in the photograph.

Lieutenant Jeff Scott-cross by Jenkinson

1 Q Those are Remington heavy load and federal
2 shotgun shells?

3 A Yes, sir.

4 Q Which side of the bedroom was this on, the
5 male side or the female side?

6 A On the left side.

7 Q The male side. Of course the shotgun
8 wouldn't have been in there, because it was out in
9 the yard.

10 A The shotgun was located out in the yard.

11 Q Okay. Now when you went in there, did you
12 find some food and some consumable food type items
13 on the dresser?

14 A There was different types of things
15 photographed in the area. I would have to look.
16 Look at the photographs.

17 Q But I mean, it was like condiments, steak
18 sauce, ketchup and that kind of stuff in there,
19 wasn't it?

20 A There was different things inside the
21 room.

22 Q Food items?

23 A Yes, sir.

24 Q And drink items.

25 A There was some drink items, different

Lieutenant Jeff Scott-cross by Jenkinson

1 things.

2 Q Like somebody had been using it for a
3 little more than a bedroom?

4 A Possibility.

5 Q That was based on what you observed?

6 A Yes, sir.

7 MR. JENKINSON: Mark this for
8 identification.

9 (Photograph marked Defendant's Exhibit No.
10 8 for ID.)

11 Q Defendant's Exhibit No. 8. Did you take
12 this picture?

13 A It's in the truck.

14 Q It's in the truck.

15 A Yes.

16 Q What is this on the floor?

17 A It looks to be a cell phone.

18 Q Cell phone.

19 A Yes, sir.

20 Q Where is the cell phone?

21 A It was inside the truck.

22 Q Where is it now?

23 A That item was left there inside the truck.
24 It was photographed and then left.

25 Q Not removed.

Lieutenant Jeff Scott-cross by Jenkinson

1 A No.

2 Q But it was inside the truck.

3 A Yes.

4 Q Did you ever make any determination of
5 whether that was Mr. Willie Dunmore's cell phone?

6 A I didn't look through it or anything. I
7 just photographed the contents of that view.

8 Q You did not open the phone and make any
9 notation of numbers he just called.

10 A No, I didn't look. I didn't look through
11 the phone.

12 Q That may have been some valuable
13 information that you may have needed in your
14 investigation. / It never occurred to you?

15 A I didn't look at the photographs other
16 than viewing.

17 Q You didn't check to see if it was on.

18 A No. I photographed it as it was inside
19 the vehicle.

20 Q The blood that you found on the door, was
21 that on the bedroom side of the door, or the hall
22 side of the door?

23 A Are you talking about near the, in the
24 room?

25 Q No, right by the doorknob in the

Lieutenant Jeff Scott-cross by Jenkinson

(1 photograph. One little bit of blood.

2 A I don't remember locating that.

3 Q You don't remember that?

4 A No.

5 Q You don't remember seeing that?

6 A In the photographs of the rooms.

7 Q You don't remember making any notation of
8 any blood? You didn't see this, did you?

9 A All these photographs in the bedroom.

10 Q That's the door going in the bedroom is it
11 not?

12 A These pictures are different.

(13 Q You didn't take these pictures.

14 A No.

15 Q These are some other pictures you got.

16 A Yes. I didn't took those.

17 Q You didn't take that?

18 A No.

19 Q You did not see the blood on the door when
20 you walk in.

21 A I didn't take that photograph.

22 Q You don't recall that blood being there.

23 A Not right off hand. I didn't take those
24 photographs.

(25 Q Did you take any photographs of injuries

Lieutenant Jeff Scott-cross by Jenkinson

1 to Lueann Robinson at the jail?

2 A No, sir. I did not photograph Ms.
3 Robinson.

4 Q Did you see her injuries at the jail?

5 A No, I never had any contact with her.

6 Q You never had any contact?

7 A No, sir.

8 MR. JENKINSON: Thank you, sir. That's
9 all I have.

10 MS. BARR: Your Honor, if I am not
11 mistaken, what has been marked as Defendant's
12 Exhibits 5 through 8 those haven't been offered at
13 this time, in evidence, have they? They have
14 just been marked.

15 MR. JENKINSON: That's correct.

16 DIRECT EXAMINATION BY MS. BARR:

17 Q Sir, I am going to show you what
18 Mr. Jenkinson asked you about, and marked as
19 Defendant's Exhibit No. 3. And that appears to be
20 a Chain of Custody form from the hospital?

21 A Yes, ma'am.

22 Q What time did you sign for receipt of
23 certain items belonging to Mr. Dunmore?

24 A It says 12/24/06. At 00:10 hours.

25 Q So that is Christmas Eve about 11 minutes

Lieutenant Jeff Scott-direct by Barr

1 after midnight?

2 A 10 minutes after midnight.

3 Q Okay. Was that before or after the
4 receipt was signed by Mr. Dunmore.

5 A This is after. The one who looks to be
6 signed by Mr. Dunmore 12/23/06 at 11:28 p.m.

7 Q Okay.

8 A Is what it states?

9 Q So about what, 40 minutes later?

10 A Yes.

11 Q When you received certain items?

12 A Yes.

13 Q Okay. Did you also photograph the
14 victim's clothing from MUSC?

15 A I photographed some, and photographed that
16 night that was present. But some of the
17 photographs were taken at MUSC. And the
18 pathologists also did their own photography of
19 items as well.

20 Q Okay. And when you say MUSC, we're
21 talking about the Medical University of South
22 Carolina.

23 A That is correct.

24 Q And Mr. Dunmore would have been taken
25 there, why?

Lieutenant Jeff Scott-direct by Barr

1 A To have an autopsy done.

2 Q And they would have taken their own set of
3 photographs as well.

4 A They do.

5 MS. BARR: I beg the court's indulgence.

6 Q Sir, in talking about what has been marked
7 as Defense Exhibit Nos. 5 and 6, Mr. Jenkinson
8 asked you whether or not any evidence have been
9 moved, right?

10 A Yes.

11 Q And you all had this lengthy discussion
12 about the position of the radio.

13 A Yes.

14 Q Does it appear that they have copies of
15 photographs that you took in this case now?

16 A They have every -- it looks like all the
17 photographs that were taken.

18 Q And he asked you a question of whether or
19 not a certain picture was taken by you or taken by
20 them. Do you remember that question?

21 A Yes.

22 Q So as it relates to Defendant's Exhibits 5
23 and 6, where it appears that the radio was moved,
24 do you know whether those photographs were taken
25 by the same camera by you?

Lieutenant Jeff Scott-direct by Barr

1 A I know this one was taken by my camera.

2 Q Okay.

3 A I can tell by the flash exposure.

4 Q So you can positively identify what's been
5 marked for identification purposes only as
6 Defendant's Exhibit No. 5 as being a picture that
7 was taken by you.

8 A Yes.

9 Q And in that photograph, it appears that
10 the radio is where?

11 A Down by the VCR/DVD player on the counter
12 top or on the dresser top.

13 Q Now in what's been marked as the
14 Defendant's Exhibit No. 6. The radio is where?

15 A It's on top of the VCR.

16 Q Okay. Do you---

17 A It's on top of some VCR tapes. On top of
18 the VCR/DVD player.

19 Q Can you be as certain that this particular
20 picture was taken by you?

21 A I don't recall that one being taken by me.

22 Q Okay.

23 MS. BARR: Can I have this marked, please
24 as State's Exhibit No. 5 for id.

25 (Photograph marked as State's Exhibit No.

Lieutenant Jeff Scott-direct by Barr

(1 5 for id.)

2 Q Sir, I am going to hand you what has been
3 marked for identification purposes as State's
4 Exhibit No. 5. Do you recognize whether or not
5 that photograph was taken by you? Or can you
6 tell?

7 A No, I did not. I don't recall taking this
8 one. There is sunlight coming through the window
9 portion in the background off of this mirror. And
10 it appears to be.

11 Q Okay.

(12 A When I took the photographs that I took,
13 it was at night.

14 Q Do you know whether or not in this
15 picture, does it appear that the radio is actually
16 on top of the DVD player or whatever device that
17 is?

18 A Yeah, the radio was on top of that DVD
19 player. And it looks like two VHS sets.

20 Q So other than you being in the home that
21 night, are you aware of anybody else photographing
22 the scene?

(23 A I don't recall anybody else photographing
24 the scene. I took my own photographs of the scene
25 that night.

Lieutenant Jeff Scott-direct by Barr

1 Q Now I know sometimes when we have murder
2 cases, we will have sled come in and take pictures
3 of the scene.

4 A Yes.

5 Q Did sled play a role in the investigation
6 of this case?

7 A They did come out and essentially process
8 it.

9 Q Okay. Do you know whether or not the
10 defendant had someone come and take pictures of
11 the scene?

12 A I don't recall. I do not know.

13 Q Mr. Jenkinson asked you about the pocket
14 knife. And can I get you to take it out again for
15 me?

16 A I have it out.

17 Q And would you open the blade for me?
18 Would that be a considered a typical size pocket
19 knife?

20 A For some maybe. You get -- it varies.
21 Different people have varying size.

22 Q Can you -- and Mr. Jenkinson asked you
23 about the measurements of that knife. Can you
24 tell me how wide the blade is if you use a
25 standard ruler?

Lieutenant Jeff Scott-direct by Barr

1 A The width at the widest point is close to
2 three quarters. A little over -- right at three
3 quarters of an inch.

4 Q So it's not even a full inch?

5 A It's not a full inch.

6 Q Now what about the length of just the
7 blade now? Not the handle, just the blade.

8 A The length of the blade to its point is a
9 little over three and a half. Three and have a
10 half inches.

11 Q Not even 4 inches, the whole blade?

12 A No, not even the whole blade. It's three
13 and a half inches.

14 MS. BARR: Judge, that's all the
15 questions.

16 Recross Examination by Mr. Jenkinson:

17 Q Could you take the ruler and tell us how
18 long was the blade and how wide was the blade on
19 the knife that was in the pocket of Mr. Willie
20 Dunmore at the hospital?

21 A I never -- that was collected before I
22 collected -- even got to the hospital.

23 Q We'll we don't know, do we?

24 A I never collected it.

25 Q I understand. If we don't know where the

Lieutenant Jeff Scott-direct by Barr

1 knife is, we don't know how wide it was or how
2 long that blade is, do we?

3 A No.

4 MR. JENKINSON: That's all I have, Your
5 Honor.

6 THE COURT: You can step down. Ladies and
7 gentlemen of the jury, we going to break for
8 lunch. And I ask you to be back in the jury room
9 at 2:30. I've got something I have to do at two.
10 I remind you please don't discuss this case
11 yourselves or read anything about it. Have a nice
12 lunch. I'll see you back here at 2:30. Come
13 straight to your jury room.

14 (Whereupon, the jury goes to lunch at
15 1:12 p.m.)

16 THE COURT: Anything before we break for
17 lunch?

18 (Whereupon, no response.)

19 THE COURT: We will be in recess until
20 2:30.

21 (Whereupon, the court takes a lunch
22 recess.)

23 (Whereupon, the following takes place
24 outside the presence of the jury.)

25 THE COURT: Solicitor, is there anything

Lieutenant Jeff Scott-direct by Barr

(1 before we bring the jury out?

2 MR. SABB: There was a matter of concern
3 relating to the photographs. And so I took the
4 issue on. And I think I have to figure it out.
5 And I think we need to clarify it through the
6 recall of Jeffrey Scott.

7 Judge, now let me candid with the court as
8 it relates to the communications with a witness
9 during the course of the sequestration motion. I
10 was remindful of the rule, and I want you to know
11 what I did. I asked him about the photograph. He
12 did testify that it appears that as if some of the
13 photographs may have been taken in the daytime, as
14 compared to his photograph that was taken in the
15 night.

16 So I asked him about the photographs that
17 J he had. And so what he did, judge, the
18 photographs are on disks. And so I went through
19 the photographs that were on his disks and those
20 photographs were not there. The defense has
21 provided us with also a disk of photographs.
22 Those photographs are actually on the disk that
23 was provided by the defense. So, judge, I would
24 like to recall him to deal with that issue; to
25 make sure that the truth as it relates to the

Lieutenant Jeff Scott-direct by Barr

1 photograph is known.

2 THE COURT: You want to be heard on that,
3 Mr. Jenkinson?

4 MR. JENKINSON: I don't, and I have no
5 objections.

6 THE COURT: Okay.

7 MR. JENKINSON: And I think after
8 reflecting on it, not when I did it, when I saw
9 it. I handed you that -- I went over and got that
10 stack of photographs. And I thought I had
11 something. And then as the cross -- on the
12 redirect, it started to occur to me what they did
13 was put out photographs to scale. I didn't
14 realize that. And when I started thinking about
15 the questions that well could have happened.

16 So for that reason, I don't want to, you
17 know, for some error to have occurred, that I may
18 have perpetrated unwittingly based on the
19 photographs handed to me during the trial.

20 THE COURT: Okay. Now let me---

21 MR. JENKINSON: Now we will be limited
22 strictly to that.

23 THE COURT: Right. And just to clear up
24 one point. Since we do have two sets of
25 photographs which are offered for identification,

Lieutenant Jeff Scott-direct by Barr

(1 is any time during this trial are you all
2 intending to offer the photographs that you all
3 took?

4 MR. JENKINSON: I was going to suggest
5 further that we not offer those two photographs.
6 Or at least only just one of them to avoid any
7 confusion with the jury.

8 MR. SABB: Well quite the contrary. I was
9 going to offer them both. So that there is no
10 confusion as it relates to them.

11 MR. JENKINSON: I have no problems. And I
12 am not trying to create any confusion.

(13 THE COURT: Well and I don't know, I saw
14 a stack of photographs. And I don't know how many
15 more we can put in. But if I have a series of
16 photographs taken by you or your office or
17 someone, and they -- I don't know who took them,
18 and whether a lawyer took them. And If a lawyer
19 took them, I don't want to get in a situation
20 where you're a witness in the case.

21 MR. JENKINSON: We are not really offering
22 the ones that has been marked for identification.

(23 THE COURT: I understand. I don't have a
24 problem with what is put before me now. But in
25 the future, I don't know if you have got an

Lieutenant Jeff Scott-direct by Barr

(1 investigator working, or somebody you are going to
2 put on the stand, but if the lawyer took them, I
3 don't want to get in to the scenario where the
4 lawyer becomes a witness in the case who is trying
5 it.

6 MR. JENKINSON: That is not out intention.

7 THE COURT: I just want to be sure we
8 don't get -- run in to that problem where there is
9 some question of the photograph. And then the
10 question of who took them. And come to find out,
11 one of the lawyers who is trying the case, took
12 the photographs, and now they are becoming a
13 witness.

14 MR. JENKINSON: In fact, the photographs.
15 I saw that Mr. Sabb has articulated the issue
16 clearly, and that can be taken care of.

17 THE COURT: Yeah, and we can clear that
18 up. I just want to be sure we don't get in this
19 same thing with the other witnesses and other
20 photographs that you start introducing the
21 photograph. Unless you are going to plan on
22 putting them in to evidence. And you can get them
23 in lawfully. I mean, I don't where they came
24 from.

(25 MR. JENKINSON: That's never been a issue

Lieutenant Jeff Scott-direct by Barr

1 amongst us. Meaning the prosecution or the
2 defense as to the photographs being admissible, I
3 don't think.

4 THE COURT: Well the problem is you all
5 have been waiving a bunch of photographs around,
6 and none of them are in evidence.

7 MR. JENKINSON: That's correct.

8 THE COURT: If you are not offering them
9 into evidence you can just put them in for
10 identification.

11 MR. JENKINSON: That's right.

12 THE COURT: And then you're talking about
13 it. And potentially, you shouldn't be doing that
14 but nobody is objecting.

15 Okay, anything else before I bring the
16 jury in? And I just want to be sure the next
17 witness, we don't get in to the same two sets of
18 photographs where I have got to clear all this up.
19 I want to get that out of the way right now.

20 MR. SABB: Judge, can we take a side bar
21 real quick?

22 THE COURT: Okay.

23 MR. SABB: You said something that you
24 sort of struck a cord. So I kind of think we need
25 to at least make you aware of it and possibly seek

Lieutenant Jeff Scott-direct by Barr

1 some guidance.

2 (Whereupon, the attorneys approach the
3 bench and confer with judge.)

4 THE COURT: Anything before we bring the
5 jury in?

6 MR. SABB: No, sir, judge.

7 THE COURT: Okay. You can bring the jury
8 in.

9 (Whereupon, the following takes place
10 within the presence of the jury.)

11 MR. SABB: We would call Jeffrey Scott.

12 THE COURT: I will remind you you are
13 still under oath.

14 Jeffrey Scott, being previously
15 sworn, retakes the stand and testifies as follows:

16 MR. JENKINSON: I thought Ms. Barr was
17 going to call this witness.

18 MR. SABB: Judge, I don't know, we are
19 limited to that as it relates to recalling
20 witnesses. If it were a continuation of reply, I
21 would be inclined to agree with my colleague.

22 THE COURT: I think he's right about that.

23 MR. SABB: May it please the court.

24 THE COURT: Yes, sir.

25 Redirect Examination by Mr. Sabb:

Lieutenant Jeff Scott-direct by Barr

1 Q Lieutenant Scott, I believe at my request
2 you did a little work for me.

3 A Yes, sir.

4 Q Now in this case, you took a series of
5 photographs?

6 A Yes, I did.

7 Q And those photographs were taken on disks?

8 A Yes. Those were on a different disk.

9 Q And at my request, did you go back and
10 look at the disks of the photographs that you
11 took?

12 A Yes, I did.

13 Q Now there were some photographs that I
14 handed you, and asked you specifically about
15 whether or not you had taken those photographs.

16 A Yes.

17 Q They looked a little odd to you.
18 Unfamiliar, did they not?

19 A Yes, these did.

20 Q And when you went back and looked at the
21 disk reflected in the photographs that you had
22 taken, did you find the photographs that
23 Mr. Jenkinson asked you about anywhere on the
24 disks?

25 A My photographs were on those disks.

Lieutenant Jeff Scott-direct by Sabb

(1 Q Was there also a second disk of
2 photographs that were provided to us by the
3 defense?

4 A Yes, they were.

5 Q Those photographs were also disks.

6 A Yes, they were.

7 Q Did you then look at the disk of the
8 photographs that the defense had taken and
9 provided to us.

10 A Yes, I did.

11 Q Did you in fact find those photographs on
12 there?

(13 A Yes, I did.

14 Q Now when we talk in terms of this business
15 of you all and moving things around in the house.

16 A Yes.

17 Q And using the photographs to illustrate
18 that point.

19 A Yes.

20 Q On all of the photographs that you took
21 everything was order.

22 A Yes, sir, they were.

23 Q Very consistent?

(24 A Yes, sir.

25 Q Now the photographs that Mr. Jenkinson and

Lieutenant Jeff Scott-direct by Sabb

1 Mr. Floyd provided on the other hand, there were
2 other items in there, and items having been moved
3 around.

4 A Yes, they were.

5 Q Now, a couple of more questions and I am
6 finished. Mr. Jenkinson had asked you some
7 questions relating to moving stuff around.

8 A Yes, he did.

9 Q Questions as it relates to you all, and
10 taking pictures of items as they appear at the
11 time you arrived.

12 A Yes.

13 Q Now in this particular case, you really
14 don't know happened the moment in which the
15 incident occurred, and the moment in which you
16 arrived.

17 A No, sir, that's correct.

18 Q And that gap is a blank we have got.

19 A That's true.

20 Q Now do you know of any eye witness to this
21 incident?

22 A I don't personally, no.

23 MR. JENKINSON: Your Honor, I am going to
24 object to any more questions. They're getting
25 beyond the scope of what we discussed.

Lieutenant Jeff Scott-direct by Sabb

1 MR. SABB: He might be right, Judge. Let
2 me just confer with my counsel. Judge, I am going
3 to back in clarification. The -- were you able to
4 determine the dates upon which the photographs
5 were taken?

6 A Yes, I was.

7 Q Tell the jurors about the date that your
8 photographs were taken, and the date the other
9 photographs were taken.

10 A Mine were taken on 12/24/06. It was that
11 morning the incident occurred. The other one my
12 understanding is time stamped dated 1/23/09.

13 Q A time stamp date of 1/23/09.

14 A Yes.

15 Q But what also did the computer indicate as
16 it relates to that particular date.

17 A That has been changed.

18 Q Modified.

19 A Modified.

20 MR. SABB: Nothing further.

21 Cross Examination by Mr. Jenkinson:

22 Q This morning when I was examining you,
23 you saw me walk over and pick up this big stack of
24 photographs that were on the defense counsel --
25 prosecution's table, right?

Lieutenant Jeff Scott-direct by Sabb

1 A Yes, sir.

2 Q That's where I got all of these
3 photographs from that I pulled out.

4 MR. SABB: Your Honor, please now, I
5 object to the notion of all of these photographs.
6 I don't know that this witness is competent to
7 testify to every single photograph that comes in,
8 as compared to the photographs that might be on
9 that table.

10 MR. JENKINSON: I object to the question,
11 Your Honor. Because I mean this is cross
12 examination of a witness. And he's answering the
13 questions. He must know.

14 THE COURT: Well you can ask the
15 questions. You can ask him what he saw and what
16 he observed.

17 MR. JENKINSON: That's right.

18 Q You saw me pick these up.

19 A Yes, sir.

20 Q And you saw me pull these photographs out
21 that I asked you about out of the stack.

22 A I saw you pull some photographs out.

23 Q Yeah. And saw me take them back over here
24 later at the end of it, and put it back.

25 A I don't recall that.

Lieutenant Jeff Scott-direct by Sabb

1 MR. JENKINSON: No further questions.

2 THE COURT: Thank you. You can step down.

3 MS. BARR: The State calls Investigator
4 Willie Brown.

5 Willie Brown, Being first duly
6 sworn, testified as follows:

7 Direct Examination by Ms. Barr:

8 Q Sir, let me get you to state your full
9 name for the record.

10 A Willie Brown.

11 Q Sir, if you will tell us where you are
12 employed and introduce yourself to the Ladies and
13 Gentlemen of the jury.

14 A My name is Willie Brown. I work at the
15 Williamsburg County Sheriff's office. I have been
16 employed there since the year 1994.

17 Q And you are currently assigned to
18 investigations, is that correct?

19 A That's correct.

20 Q And how long have you been a certified
21 police officer?

22 A Since the year 1997.

23 Q Okay. And if you will kind of just
24 briefly explain to the jury what it is you do day
25 to day.

Willie Brown-direct by Barr

1 A Investigate major crimes, burglaries and
2 larcenies. Anything that is passed on by the
3 patrol units.

4 Q Now, sir, were you working or on call back
5 on the 9th of December 23rd, leading up to the
6 morning of December 24th of 2006?

7 A Yes, I was on call.

8 Q And on that date, you received a call
9 regarding the victim, Willie Dunmore?

10 A That's correct.

11 Q And tell us how you became aware of this
12 incident.

13 A As being on call, we received a call from
14 dispatch.

15 Q Yes, sir.

16 A According to as far as being on duty.

17 Q Yes.

18 A That needed assistance working a case.
19 They told me that they had a subject that appeared
20 to be in an accident that was at the ER. And that
21 was subsequently found stabbed in the chest. And
22 they needed an officer to come out and help
23 investigate.

24 Q Okay. Did you actually go to the hospital
25 where Mr. Dunmore was?

Willie Brown-direct by Barr

1 A Yes, I did.

2 Q Did you speak with Mr. Dunmore?

3 A No, ma'am, I didn't.

4 Q When you got there was he still alive or
5 had he already passed?

6 A When I got to the hospital, I came in
7 contact with the officer Judy McCrea.

8 Q Okay.

9 A She told me that Mr. Dunmore had already
10 passed.

11 Q You didn't have a chance to speak with
12 him?

13 A No.

14 Q Now, sir, kind of tell me how it is that
15 you went from going to the hospital and learning
16 that Mr. Dunmore had died, until having subsequent
17 contact with the defendant.

18 A We were trying to get the family, you
19 know, try to get a feel of what is going on.

20 Q The victim's family.

21 A The victim's family.

22 Q Yes, sir.-

23 A Just to find out who he may have been in
24 contact with or may have talked with. And if I
25 am not mistaken, we actually did contact his

Willie Brown-direct by Barr

(1 mother.

2 Q And that's Ms. Pearlistine Dunmore?

3 A Pearlistine Dunmore.

4 Q All right.

5 A And she had indicated to myself and

6 Lieutenant Collins---

7 MR. JENKINSON: I am going to object to
8 what she said, Your Honor.

9 Q Don't tell me what she told you.

10 A Okay.

11 Q Tell me what you did as a result of your
12 conversation.

(13 A We went out there to Road
14 and made contact with the suspect, Leuann
15 Robinson.

16 Q And that's the address that is in Salters.

17 A That's correct.

18 Q Tell me what time you actually arrived, if
19 you remember, if it's reflected that you arrived
20 at the home of Ms. Robinson.

21 A We met Ms. Robinson that we made contact
22 at 11:30 or shortly before 12:30 a.m.

(23 Q Shortly before 12:30. So I guess it was
24 somewhere between maybe 11:30 that night leading
25 up to 12:30 the next morning?

Willie Brown-direct by Barr

(1 A That's correct.

2 Q Okay. So when you first went out to the
3 residence of the defendant, who was with you?

4 A Lieutenant Collins, Deborah Collins.

5 Q Anybody else?

6 A That's it. Myself and her.

7 Q Now when you first went out to the
8 residence, how did you announce your presence?

9 A We actually knocked on the door, and rang
10 the doorbell. And blew the horn of our vehicle.

11 Q Okay.

12 A But nobody came the door.

(13 Q Nobody came to the door?

14 A No.

15 Q There has been some testimony that this
16 house has a carport. Did you see that the
17 residence had a carport?

18 A That's correct.

19 Q Did you see that there were cars in the
20 yard?

21 A Two vehicles in the carport.

22 Q Two vehicles in the carport.

23 A That's correct.

(24 Q But you did not get an answer when you
25 blew your horn, knocked on the door, and rung the

Willie Brown-direct by Barr

1 doorbell.

2 A That's correct.

3 Q Did you check the front and back of the
4 house?

5 A We did check the front and the back.

6 Q You knocked on the front door and the back
7 door?

8 A That's correct.

9 Q When you didn't get a response, tell me
10 what you did.

11 A We then went next door, I don't have the
12 address of the person we made contact with. But
13 we asked them if they were familiar with Ms.
14 Robinson; that we needed to talk to her. If there
15 are two vehicles in the yard that her and her
16 mother are there. And then we inquired if she
17 had a phone number. You know we needed to get in
18 contact with her. They did provide a phone
19 number. And we then went back to the residence at
20 . I actually called the number.

21 Q Did you call from your cell phone?

22 A My cell phone.

23 Q At that time that you and Lieutenant
24 Collins were out there, the first time, when you
25 knocked on the door and you rung the doorbell,

Willie Brown-direct by Barr

1 were you in marked patrol units?

2 A We drove our unmarked vehicles.

3 Q Okay. Were there any marked patrol units
4 at that time?

5 A No.

6 Q So go and you knock on the door, you leave
7 and come back. And then dial the home number to
8 Ms. Robinson's residence.

9 A That's correct.

10 Q Tell me what happened when you dialed the
11 home number.

12 A A female picked up the phone. And I asked
13 if Ms. Robinson was there.

14 Q You asked whoever answered the phone.

15 A That's correct.

16 Q You asked if Ms. Robinson was there.

17 A I asked for Lueann Robinson.

18 Q Okay.

19 A And they indicated that that subject does
20 not live there. And they are not familiar. I
21 asked them if this was the address of
22 Road. And the person on the phone said, yes. I
23 said can you come to door. The person did.

24 Q All right. Tell me what happened when
25 that person who you were talking with, came to the

Willie Brown-direct by Barr

(1 door.

2 A They started talking. And we told them we
3 were looking for Lueann Robinson as a person, the
4 person that was on the phone, as Lueann Robinson.
5 Which indicated that she was in that house.

6 Q So according to your testimony, when you
7 initially placed the call to the residence,
8 someone who was later identified as Lueann
9 Robinson, the defendant, told you she didn't live
10 there anymore.

11 A That's correct.

12 Q And you later---

13 A She said I had the wrong number.

14 Q That you had the wrong number.

15 A That's correct.

16 Q And you later identified that she was in
17 fact was Lueann Robinson?

18 A That's correct.

19 Q Now did you tell her why you all were at
20 her residence?

(21 A We indicated that we needed to talk to her
22 about an incident regarding Willie Dunmore. If
23 she would like -- if she could, she needed to come
24 by the Sheriff's Office in reference to that
25 incident.

Willie Brown-direct by Barr

1 Q Let me ask you some questions regarding
2 the residence, if I may. I show you what's been
3 marked---

4 MS. JENKINSON: No objection, Your Honor.
5 (Photographs marked as State's Exhibit
6 Nos. 6 through 8 for id.)

7 Q ---as State's Exhibit No. 6, 7 and 8. And
8 it appears, that, Your Honor, without objection.
9 Do you recognize what is depicted in those
10 photographs?

11 A Yes, I do.

12 Q Let me ask you, if you will step down from
13 the witness stand for me. And what I would like
14 for you to do so you don't obstruct the view of
15 the jury is to stand over to this side, please
16 sir. Sir, Identify what is depicted in State's
17 Exhibit No. 6.

18 A Extending from the roadway, the main road
19 to the house. This is a house with the carport
20 facing the main road.

21 Q Is that a picture of the defendant's
22 residence?

23 A That's correct. Those are two vehicles
24 that was in the yard that night.

25 Q Okay.

Willie Brown-direct by Barr

1 A One in the carport.

2 Q Now, sir, it appears according to this
3 picture that this was taken during the daylight
4 hours, is it---

5 A That's correct.

6 Q ---not? Now when you and your crime scene
7 tech, and investigator Collins went out to the
8 residence, was it daytime or nighttime?

9 A It was nighttime. Myself and Lieutenant
10 Scott and I think it was Sargeant Warren Ballard.

11 Q So we heard testimony regarding pictures
12 taken by the Sheriff's Department and pictures
13 taken by the defense. Would this be one of the
14 pictures taken by the Sheriff's Department or by
15 the defense?

16 A This would be by the Sheriff's Department.
17 I think this was like a few days later on the
18 28th.

19 Q Okay. Tell me what is that little door
20 there.

21 A This door is leading in to the carport.

22 Q Okay. And what is this -- and tell me
23 what this is here.

24 A That is the main door leading in to the
25 kitchen area.

Willie Brown-direct by Barr

1 Q Okay. I am going to show what has been
2 admitted as State's Exhibit No. 7. Is that a
3 longer and side view of the carport of the
4 residence?

5 A That's correct.

6 Q And where would the front door be?

7 A Right there between this chair.

8 Q Okay. And I am going to hand you State's
9 Exhibit No. 8. And tell me what is depicted in
10 that photograph.

11 A This is a front view of the front of the
12 residence. The front door here. The carport is
13 to the left.

14 Q Okay. Now you and Lieutenant Scott you
15 all went in to the residence that evening?

16 A We did, yes.

17 Q Were you there when Lieutenant Scott
18 photographed some of the key pictures?

19 A Yes, I was.

20 Q And while you all were inside the
21 residence, Investigator Brown, did you move any
22 evidence, tamper with any evidence in any manner
23 that was inside the house or outside the
24 residence?

25 A No, ma'am.

Willie Brown-direct by Barr

1 Q And tell me when you all were inside the
2 residence, can you show me on that picture what
3 part of the residence the bedroom was on?

4 A It would actually be on this end of the
5 house.

6 Q And where would the carport be?

7 A On the opposite end.

8 Q Okay.

9 A I don't believe this window here is part
10 of the bedroom that we was in.

11 Q Okay.

12 A That window is on the very end of the
13 house.

14 Q So in this particular diagram the picture
15 isn't wide enough to reflect the end of the house.

16 A That's correct.

17 (Photographs marked State's Exhibit Nos. 9
18 through 23 for id.)

19 Q I show you what has been marked for
20 identification purposes as State's Exhibit Nos. 9
21 through 23. And we will show them at the
22 appropriate time. But tell me do you recognize
23 what is depicted in those particular exhibits?

24 A Yes, I do.

25 Q Do these pictures accurately depict how

Willie Brown-direct by Barr

1 the photos of the crime scene looked at the time?

2 A Yes, ma'am.

3 Q And again, there have been no changes or
4 modifications made in the pictures?

5 A No, ma'am.

6 Q I am going to go a little bit out of
7 order. I am going to hand you what has been
8 marked as State's Exhibit No. 23. And, Judge, we
9 would move State's Exhibit Nos. 9 through 23 in
10 evidence at this time.

11 THE COURT: What says the defense?

12 MR. JENKINSON: I would just like to look
13 at them without objection.

14 THE COURT: Exhibits 9 through 23 are in
15 without objection.

16 (Photographs marked State's Exhibit Nos. 9
17 through 23 into evidence.)

18 Q Okay. I call your attention to what has
19 been admitted as State's Exhibit No. 23. Tell me
20 what is depicted in that photograph.

21 A This is a picture of the side -- the other
22 side across from the carport.

23 Q Okay. And you mentioned something about
24 bedroom windows. Are those depicted in that
25 photograph?

Willie Brown-direct by Barr

1 A That's correct.

2 Q And you pointed to where the bedroom
3 windows are?

4 A Yes.

5 Q Would it be safe to assume that you were
6 particularly interested in what inside of the
7 bedroom looked like?

8 A That's correct.

9 Q I would like to call your attention to
10 what has been marked as State's Exhibit No. 22.
11 And tell me what is depicted in that photograph.

12 A This is the actual bedroom that Ms.
13 Robinson and Mr. Dunmore was in.

14 Q Okay.

15 A And this would be the right side of the
16 bed.

17 Q Now do you remember Lieutenant Scott being
18 in here saying that he believes the right side of
19 the bed might have been where the defendant slept?

20 A That's correct.

21 Q Based on the location of the purses and
22 everything?

23 A Yes, that's correct.

24 Q So the purses would be where?

25 A Right here on the headboard.

Willie Brown-direct by Barr

1 Q Right there.

2 A On the headboard.

3 Q Now I am going to show you what has been
4 marked as or has been admitted as State's Exhibit
5 No. 20. Tell us about that picture.

6 A This picture is indicated as a big butcher
7 knife which was on the right side of the bed.
8 Right here you can see the pocketbooks.

9 Q That's the defendant's side of the bed.

10 A That's correct.

11 Q And that's where the knife would have been
12 when your call came there?

13 A That's correct.

14 Q Is that the same knife that
15 Lieutenant Scott showed us earlier?

16 A That's correct.

17 Q And calling your attention to State's
18 Exhibit No. 21, tell us about that.

19 A This is also a picture depicting the knife
20 and the pocketbook and her side of the bed. We
21 photographed to see if any -- if we could see any
22 blood or anything. There was no blood found on
23 this side of the bed. But the knife, you know,
24 indicated the pocketbook on the right side of the
25 bed.

Willie Brown-direct by Barr

1 Q So the knife would be there?

2 A That's right.

3 Q Now what's this down here on the right
4 side of the bed?

5 A This is indicating Coors light cans. And
6 a pint of, I can't remember exactly what brand it
7 was of alcohol.

8 Q So that right there is alcohol?

9 A That's correct.

10 Q And that's the Coors light cans?

11 A That's correct.

12 Q Calling your attention to State's Exhibit
13 No. 19. Is that simply a closer up view of what
14 you just described?

15 A That's correct.

16 Q And that's the liquor bottle.

17 A That's correct.

18 Q And those are the two beer cans.

19 A Yes.

20 Q I call your attention to State's 18.

21 A This would be a full view of the bed
22 indicating her side versus his side. If you look
23 close there is a few blood drops here.

24 Q This appears to be blood splatter here.

25 A That's correct.

Willie Brown-direct by Barr

1 Q Now you indicated that this is his side.
2 How do you know this is his side? And what made
3 you assume that this is his side?

4 A Just the same as she has pocketbooks and
5 her personal stuff to the right. And he had some
6 clothes and his personal stuff to the left.

7 Q Where I am marking, that's a baseball cap?

8 A That's correct.

9 Q And his clothing? I call your attention
10 to 17. That's also a view of the bed.

11 A It is also a view of the bed.

12 Q And tell me which is right side and which
13 side is the left side.

14 A This is actually the foot.

15 Q Okay.

16 A This is the right side of the bed here.
17 This is the left side.

18 Q Okay. Tell me about State's 16.

19 A This is a picture of the bathroom here to
20 the right. This is a picture of the closet. And
21 then the bottom of the closet was where we found
22 some, a female shirt white in color right at
23 the -- inside the closet.

24 Q Investigator Brown, is this the foot of
25 the bed?

Willie Brown-direct by Barr

1 A This is the foot of the bed.

2 Q Okay. And you indicated that there is a
3 white shirt that's at the closet.

4 A That's correct.

5 Q On the floor? Is that the same white
6 shirt that Lieutenant Scott identified earlier in
7 the courtroom?

8 A That's correct, with the flowers in it.

9 Q You mentioned something about there being
10 what appears to be little droplets of blood on the
11 bed. I'm going to, tell me about State's Exhibit
12 No. 15.

13 A That would be a closeup view of the
14 droplets of blood on the bed.

15 Q That's on the sheets?

16 A That is correct.

17 Q Let's go back to---

18 A The headboard would be towards the side
19 view.

20 Q Let's go back and talk about that shirt.
21 I am a little interested in that. Tell me about
22 State's Exhibit No. 14.

23 A This is the shirt that's in the question
24 with the little flowers, the shirt had actually
25 had some blood stains inside the shirt. That's

Willie Brown-direct by Barr

1 it.

2 Q And No. 13?

3 A That's a full front view of the shirt with
4 the bloodstain down at the bottom on the right
5 side of the shirt. There is some more blood here
6 at the top right.

7 Q You can have a seat back on the witness
8 stand for now.

9 (Whereupon, witness resumes the witness
10 stand.)

11 Q You also heard Lieutenant Scott talk about
12 the location of a shotgun.

13 A That's correct.

14 Q And you were there when the shotgun was
15 recovered?

16 A Yes, sir, I was at the residence.

17 Q And don't get too comfortable up there.
18 Get too comfortable, because I need you to come
19 down in a moment. Can you tell us where the
20 shotgun was recovered in relation to the house?

21 A Yes. If you can refer back to the picture
22 indicting the two windows right there on the side
23 where the bedroom window. To what we can see---

24 Q In that little wooded area?

25 A That's right. I think they used it for a

Willie Brown-direct by Barr

1 garden sometime. It had grown up.

2 Q Okay. While you were in the residence,
3 did you locate what you thought, what appeared to
4 be blood at any location in the residence, other
5 than on the bed sheets which we saw on the
6 pictures, on the white shirt that was later taken
7 from the residence?

8 A Yes, I believe it was like going out
9 towards the kitchen door.

10 Q Where the carport is?

11 A That's correct.

12 Q Do you recall there ever being any type of
13 blood trail from the carport to where the gun was
14 recovered?

15 A Not that I can recall. None on the
16 outside.

17 MS. BARR: Judge, I would like to note for
18 the record that we have marked State's Exhibits 24
19 and 25 without objection from the defense.

20 THE COURT: Okay.

21 (Photographs marked State's Exhibit Nos.
22 24 and 25 into evidence.)

23 Q Do you recognize two photographs?

24 A Yes, I do.

25 Q I call your attention to State's Exhibit

Willie Brown-direct by Barr

(1 No. 24. Tell the jury what is in that photograph.

2 A That's a photograph of a steak knife that
3 was located to the side of the residence where the
4 bedroom was located in the little wooded area.

5 Q Now that particular night, was that found
6 the night that Mr. Dunmore was stabbed, or was
7 that found a few days later?

8 A A few days later.

9 Q Now you've heard testimony that you
10 instructed Lieutenant Scott to go, or Lieutenant
11 Scott was instructed by you to go out to the home.
12 You actually went out there as well, is that
(13 correct?

14 A That's correct. The very same night that
15 we got the initial call.

16 Q Now according to his records, he testified
17 that it was either on the 28th or 29th, I believe,
18 that you all went out and discovered the kitchen
19 knife.

20 A That's correct.

21 Q Now how did you all, who gave you the call
22 to go out there?

23 A We received a call from attorney Sam Floyd
(24 who represented.

25 Q Okay.

Willie Brown-direct by Barr

(1 A He represented the steak knife being
2 located inside the residence.

3 Q So the defendant's attorney called the
4 Sheriff's Department and told you all where the
5 knife was?

6 A That's correct.

7 Q Okay. Now let me go back through some of
8 those pictures that are in. I call your attention
9 to No. 23. Tell me, can you show us on that
10 particular exhibit where that knife would have
11 been found?

(12 A You wouldn't be able to see it here, but
13 It would be, if you're coming away from the house,
14 back this way here.

15 Q Okay. So the knife would have been found
16 on the opposite side where the carport is?

17 A No. It's on this side.

18 Q Okay.

19 A But it would be a little further back over
20 in the woods. You just can't see it on this
21 picture.

22 Q Okay. On that particular photograph,
23 where is the carport?

(24 A On the opposite side of the residence.

25 Q Okay.

Willie Brown-direct by Barr

1 A Directly on the opposite side.

2 Q Okay. And I will call your attention now
3 to No. 25. Tell me what that is.

4 A That's a picture depicting the shotgun
5 Lieutenant Jeff Scott found that night.

6 Q You can have a seat back on the witness
7 stand.

8 (Whereupon, the witness resumes the
9 witness stand.)

10 Q Before you go, for a minute for me, can
11 you tell us in the picture where the knife was in
12 relation to where the shotgun would have been
13 found?

14 A Yes, it would have been about, I'd say
15 almost a yard to the butt of the gun, which would
16 be on this area.

17 Q Okay. Was the knife there that night when
18 you all went out and got the shotgun?

19 A We didn't locate it.

20 Q So if it was there, you didn't see it
21 there?

22 A That's correct.

23 Q Now we have heard testimony that Mr.
24 Dunmore's body was taken to MUSC, is that right?

25 A That is correct.

. Willie Brown-direct by Barr

1 Q And he was -- the body was autopsied,
2 correct?

3 A That's correct.

4 MS. BARR: Investigator Brown, that's all
5 the questions I have of you at this time. Please
6 answer any questions the defense may have.

7 A Yes, sir.

8 THE COURT: Do you have any questions, Mr.
9 Jenkinson?

10 Cross Examination by Mr. Jenkinson:

11 Q Investigator Brown, you were the lead
12 investigator on this case?

13 A Yes.

14 Q You were called to the hospital about
15 9:30, 10:00 o'clock, on the 23rd of December 2006?

16 A Yes, I don't remember the exact time, but
17 that's correct.

18 Q The first you heard of it.

19 A That's correct.

20 Q When you left the Robinson residence that
21 night after taking these pictures and finding the
22 shotgun, what work on this case as far as talking
23 to witnesses, interviewing witnesses or obtaining
24 evidence did you do, other than go back outside
25 and pick up the knife?

Willie Brown-cross by Jenkinson

1 A I believe we went back and talked to his
2 mother., We did talk to the mother that night.

3 Q That night.

4 A That's correct.

5 Q Other than that. In other words, was
6 there any further investigation on this case other
7 than the night of the 23rd? Into the early
8 morning hours of the 24th?

9 A That's correct. That's about it.

10 Q That's the whole case. Nobody went back
11 out the next morning to look around the yard in
12 the daylight to look around, did they?

13 A We went back on the 28th. The 27th.

14 Q After Mr. Floyd called you and said, "I
15 found a knife in the yard in daylight."

16 A That's correct.

17 Q But nobody bothered to go out there and
18 look around in the daylight. Right?

19 A That's correct. We were there from dark
20 until daylight.

21 Q Did you go back to the pick-up truck on
22 the side of the road and check the cell phone and
23 see what calls had been made from it?

24 A No, sir. Lieutenant Jeff Scott processed
25 the truck.

Willie Brown-cross by Jenkinson

1 Q So you're investigation didn't include the
2 cell phone based on what Lieutenant Scott said.

3 A No, sir. I was not aware of a cell phone.

4 Q So you don't have an inventory of what was
5 in the truck.

6 A I am not aware of a cell phone that was in
7 the truck. No, sir.

8 Q How about a knife in the truck.

9 A It wasn't none indicated by Lieutenant
10 Scott.

11 Q And obviously we know now there was a
12 knife in Mr. Dunmore's pocket at the hospital,
13 don't we?

14 A According to the hospital records; yes,
15 sir.

16 Q You were at the hospital that night.

17 A That's correct. I went there.

18 Q And something like a knife would be
19 written down by the hospital. That's something
20 important, isn't it?

21 A That's correct.

22 Q That could be the weapon that stabbed him,
23 isn't it?

24 A That's correct.

25 Q And we don't know where that knife is.

Willie Brown-cross by Jenkinson

1 A No, sir, I don't.

2 Q To this day, we don't know where that
3 knife is, do we?

4 A No, sir.

5 Q And it was sitting right there in his
6 pocket at the hospital, and nobody bothers to get
7 it, do they?

8 A When we made contact with the hospital in
9 reference to his property, they stated that went
10 along with the body to MUSC.

11 Q Well that night when Ms. Lueann Robinson
12 talked to you, she talked to you in your office,
13 didn't she?

14 A Yes.

15 Q And she told you he had a knife---
16 MS. BARR: Objection, Your Honor.

17 Q ---in his pocket.

18 MR. SABB: Judge, we would like to
19 approach on this issue.

20 THE COURT: Okay.

21 (Whereupon, the attorneys approach and
22 confer with judge.)

23 THE COURT: Ladies and gentlemen, I need
24 to take up a matter outside of your presence, I
25 will get you back as quick as I can. Please don't

Willie Brown-cross by Jenkinson

1 discuss this case.

2 (Whereupon, the following takes place
3 outside the presence of the jury.)

4 MR. JENKINSON: Your Honor, for the
5 record, do you want me to state them now or do you
6 want me to wait a minute?

7 THE COURT: Well I don't care.

8 MR. JENKINSON: Our position is, I am
9 asking him questions about what Ms. Robinson told
10 him that night. I took the position that as her
11 counsel, I have a right to ask those questions,
12 and I am opening the door to her statement and I
13 understand that. I think I can do that. I think
14 the defense can.

15 THE COURT: Well I understand what rule at
16 this -- that point it is hearsay. How can you get
17 in to what she said? Because under what exception
18 to the hearsay rule, it is an out of court
19 statement.

20 MR. JENKINSON: No, sir. It is an out of
21 court statement, but the declarant to it is in
22 court.

23 THE COURT: But that has nothing to do
24 with it. Tell me how that -- and only under 10 --
25 801 (d) deals with prior statements of witnesses.

Willie Brown-cross by Jenkinson

1 And it deals with witnesses. She's not a witness.
2 It can only be if the statement is offered against
3 the party. The party's own statement or an
4 individual or representative capacity. He can
5 offer a statement against the party. If it's
6 against the party. But a serving statement
7 doesn't come in under that rule, is my
8 understanding. I mean, tell me under what theory
9 of the Hearsay Rule that comes in.

10 MR. JENKINSON: It's not hearsay. That's
11 the first basis. It is not hearsay, because the
12 declarant is in court.

13 MS. BARR: The declarant has to be under
14 oath, Judge.

15 THE COURT: Right. The fact that the
16 declarant is in court has nothing to do with it.
17 Hershey is an out of court statement. The
18 statement was made out of court. Obviously if the
19 declarant is in court and makes a statement
20 subject to cross examination. It's not -- it is
21 an out of court statement made by the declarant.
22 How is that not hearsay?

23 And if it -- and so I mean, it's an out of
24 court statement. And it's obviously offered for
25 the proof of the matter asserted, and so it is

Willie Brown-cross by Jenkinson

1 hearsay. Now the next question is, if it is
2 hearsay, under what exception does it fall under
3 that allows you to go there?

4 MR. JENKINSON: Hold on for one second.

5 THE COURT: Take the scenario that you put
6 a witness on the stand to tell what your client
7 would have said if she would have gotten on the
8 stand.

9 MR. JENKINSON: I asked him if he had a
10 conversation with her.

11 THE COURT: He said yes to that.

12 MR. JENKINSON: Okay. And then my next
13 question is,---

14 THE COURT: You said, didn't she tell you
15 he had a knife. Or something to that effect.

16 MR. JENKINSON: Yes, sir. I asked if he
17 had a pocket knife.

18 THE COURT: Right. But how is that not
19 hearsay? Now, you know, if some statements she
20 has given is offered into evidence by the state as
21 a confession then you certainly can cross examine
22 her on the basis of what she said or didn't say as
23 the result of confession.

24 MR. JENKINSON: All right, sir.

25 THE COURT: But at this point in the game,

Willie Brown-cross by Jenkinson

1 I don't have a confession in evidence; that's been
2 offered in to evidence that goes there. So the
3 fact that you just asked her what she said, I
4 mean, it's similar, if you had a witness on the
5 stand. You just call the witness and let them say
6 what your client would say.

7 MR. JENKINSON: I understand what your
8 ruling is. I am ready to go.

9 THE COURT: Okay. Since we do have the
10 jury out, I am going to take a 5-minute break.

11 MS. BARR: Yes, sir.

12 (WHEREUPON, THE COURT BREAKS.)

13 THE COURT: You may bring the jury.

14 (Whereupon, the following takes place
15 within the presence of the jury.)

16 THE COURT: You may continue.

17 MR. JENKINSON: Thank you, Your Honor.

18 Cross examination continues by Mr.

19 Jenkinson:

20 Q Investigator Brown, when you were at the
21 hospital, did you look at Mr. Dunmore's body?

22 A No, sir, I wasn't able to.

23 Q You relied on your other people to look at
24 him.

25 A That's correct.

Willie Brown-cross by Jenkinson

1 Q Based upon your investigation as chief
2 investigator, were there any other wounds on his
3 body other than the stab wounds?

4 A No, sir, not that I know of.

5 Q There was no stab wounds.

6 A I said other than the stab wound.

7 Q And you checked very carefully to insure
8 that there were other wounds, did you not?

9 A I did not view the body.

10 Q But you had your people do that.

11 A Yes, sir.

12 Q And you cannot describe the stab wound as
13 a slicing wound or just a penetrating wound, can
14 you?

15 A I wouldn't have been able to, sir.

16 Q But that's something that can happen.
17 Somebody can slice it bigger coming out, when you
18 pull the knife out, can't you?

19 A I would assume, yes.

20 Q You went so far as to actually have the
21 body examined. His fingernails and things like
22 that. And the call came back negative for any
23 kind of wounds or any kind of tissue or anything,
24 did they not?

25 A That's correct.

Willie Brown-cross by Jenkinson

1 Q That means they checked his fingers very
2 carefully.

3 A Yes, sir.

4 Q So if there were other wounds to his hand
5 or fingers they had to occur after the body left
6 Kingstree, right?

7 A I would assume, yes.

8 Q Sir?

9 A I mean, I wouldn't be able to answer that
10 when it occurred.

11 Q Well based on your investigation.

12 A I would assume it happened prior to his
13 death or, you know, shortly thereafter.

14 Q I understand that. But you didn't see any
15 other wounds or none was noted.

16 A No, sir.

17 Q So if some did become apparent later, they
18 had to have happened later after the body was sent
19 to Charleston. Or during en route.

20 A That's right. I assume that, yes, sir.

21 Q Now as I understand it, you found the
22 shotgun on the far end of the house away from the
23 carport.

24 A That's correct.

25 Q You found the shotgun adjacent to the

Willie Brown-cross by Jenkinson

1 house and the wood line about -- off that night
2 while you were looking.

3 A That's correct.

4 Q And how close was the knife to the
5 location of the gun when you found the knife
6 later?

7 A We would assume it was no less than more
8 than a yard or so. We didn't have the exact
9 measurements. We didn't know it was out there.

10 Q Now I asked you, do you recall me asking
11 you this identical question in your preliminary
12 hearing we had in this courtroom? You were
13 sitting in that seat.

14 A The question was.

15 Q About where the gun and the knife were
16 located.

17 A I would assume we did, yes, sir. I don't
18 remember that particular date.

19 Q Well I asked you some questions under oath
20 just like you are testifying today, Right?

21 A Uh-huh. (affirmative.)

22 Q And you were sworn to tell the truth on
23 that day, weren't you?

24 A That is correct.

25 Q Now I believe I am going to pass up the

Willie Brown-cross by Jenkinson

1 preliminary hearing. The original date. Counsel
2 had a copy of it. Make sure you can explain to
3 the jury what you were doing. This is what the
4 exact testimony. The -- I am going to put that
5 deposition in front of you. Do recall me asking
6 you -- telling me in your sworn testimony in your
7 deposition that you found the gun about 100 yards
8 to the right of the knife?

9 A I don't recall.

10 Q Look at page 7 of your preliminary
11 hearing, if you would. And I call your attention
12 to line 13. You see that?

13 A Yes, sir.

14 Q Do you recall me asking you, I said tell
15 me where you found the gun and where you found the
16 knife. Do you remember that question?

17 A Yes, I see it here.

18 Q And in that answer, read out loud what
19 your sworn testimony was that day.

20 A This was the carport. It turned,
21 elongated from the left to the right. And the
22 front door would be the right side of the house.
23 And they had the wood line that goes along the way
24 to the right. Back to the left. The gun was
25 adjacent to the house and the wood line. And

Willie Brown-cross by Jenkinson

1 about 100 yards to the right garden. There was a
2 knife in the little garden.

3 Q So you told us under oath in preliminary
4 hearing on March 28th 2007, that the gun and the
5 knife were 100 yards apart. Isn't that what your
6 sworn testimony was that day?

7 A That's what It says.

8 Q I understand that. But Which one of your
9 sworn testimony do you want this court to believe,
10 the one you have given today, or the one you gave
11 under oath back in March of 2007?

12 A I am just repeating what it says. I
13 don't -- you know, I didn't remember exactly.

14 Q I'm just asking which one you want, which
15 one is the truth?

16 A It's about 100 -- I mean about a yard.

17 Q 100 yards is about a football field.

18 A I would say it's about a yard away from
19 the gun.

20 Q A 100 yards is a long distance, isn't it?

21 A Big difference.

22 Q Big difference. Well which distance do
23 you want us to believe today?

24 A The distance---

25 Q 100 yards or a yard?

Willie Brown-cross by Jenkinson

1 A The distance between the gun and the knife
2 was about a yard.

3 Q That's what your testimony is today.

4 A That's true. Yes, sir.

5 Q Now you found blood on the shotgun that
6 you found in the yard.

7 A What appeared to be blood, yes, sir.

8 Q Yes, sir. And you sent that shotgun, had
9 it sealed up, and had it sent to sled to be
10 analyzed to get a blood report.

11 A That's correct.

12 Q And did.

13 A Yes, sir.

14 Q That's what you -- and you also wanted to
15 check that blood, didn't you?

16 A That's right.

17 Q Because you wanted to know if that was
18 Willie Dunmore's blood.

19 A Whose blood it was. That's correct.

20 Q Where is the blood report on whose blood
21 was on this shotgun?

22 A I have not seen the blood analysis back on
23 the shotgun.

24 Q You mean from 2006 until 2000, almost 2010
25 you can't give us a blood report?

Willie Brown-cross by Jenkinson

1 A No, sir.

2 Q But there is no question, blood was found
3 on this shotgun.

4 A It appeared to be blood. I don't know if
5 it was determined to be His blood or not at the
6 time.

7 Q If Willie Dunmore was beating Lueann
8 Robinson with this shotgun, like this, this motion
9 I am making right now, and he got stabbed in the
10 fight when he was beating her with it, that blood
11 would have been right at that shotgun on the stock
12 where it was found, wouldn't it?

13 A I don't recall.

14 Q Yeah, and it was found right here on the
15 stock. On the upper part of the stock, was it
16 not, from the photograph?

17 A Down by your hand. I think either here or
18 right here.

19 Q Where my hand is located.

20 A In front of the trigger guard.

21 Q Yeah, up near his chest where he was
22 stabbed.

23 A Yes, sir.

24 Q And that could have produced blood, right?

25 A It could have, yes, sir.

Willie Brown-cross by Jenkinson

1 Q You ever had a shotgun pointed at you and
2 somebody pulling the trigger?

3 A No, sir.

4 Q Would you be afraid for your life if
5 somebody did that?

6 A If somebody pointed a shotgun at me?

7 Q Yes, sir.

8 A Yes, sir.

9 Q Would you feel like your life was in
10 danger?

11 A Yes, sir.

12 Q As a police officer, would you pull out a
13 weapon and shoot somebody that did that to you?

14 A I would defend myself.

15 Q You wouldn't take a chance to find out if
16 it was loaded or not.

17 A It depends on the situation.

18 Q If they were mad at you and then drinking
19 and you all are arguing and fighting would you
20 pull out your weapon and use it?

21 A I would defend myself.

22 Q With a weapon, right?

23 A I would defend himself.

24 Q And you would do whatever is necessary to
25 protect your life.

Willie Brown-cross by Jenkinson

1 A I would defend myself. Yes, sir.

2 Q Pointing a shotgun at somebody and pulling
3 the trigger and sticking it in their face, I am
4 not going to insult you and do that. But that is
5 something that is dangerous to do loaded or
6 unloaded, isn't it?

7 A It's dangerous.

8 Q And you would shoot somebody under the
9 right circumstances for doing that to you if you
10 felt like your life was in danger?

11 A I would protect myself. That's correct.

12 Q And shoot them, wouldn't you? If you had
13 a pistol.

14 A I wouldn't say shoot them. I'm saying I
15 would defend myself depending on the situation,
16 yes.

17 Q Now let's talk about defending yourself.
18 Willie Dunmore based on the records that I have
19 seen, was 6'2, 203 pounds? Does that sound...

20 A That's correct, yes, sir.

21 Q Big man.

22 A That's correct.

23 Q 42 years old.

24 A That's correct.

25 Q Lueann Robinson is 53 years old, 11 years

Willie Brown-cross by Jenkinson

1 older. 5'4, 140, 135 pounds. That's a big
2 difference in a man or woman, isn't it?

3 A It is.

4 Q And a man that big and powerful could be
5 very dangerous with a shotgun in his hand,
6 couldn't he?

7 A He could be, yes, sir.

8 Q And in your mind a person under those
9 circumstances if they were being attacked with
10 this shotgun would have a right to defend
11 themselves and do whatever is necessary to stop
12 the attack.

13 MS. BARR: Objection, judge.

14 A Isn't that fair to say?

15 THE COURT: How is that an improper
16 question?

17 MS. BARR: Judge, that calls for a legal
18 conclusion. The ultimate issue of fact for the
19 jury.

20 THE COURT: You can ask him what he would
21 do.

22 Q You would take whatever physical force
23 necessary to stop that attacker, wouldn't you?

24 A I would defend myself, yes.

25 Q And if it was your daughter, you would

Willie Brown-cross by Jenkinson

1 want your daughter to do whatever is necessary to
2 protect her, wouldn't you?

3 A Defending herself.

4 Q Including stabbing or shooting a person if
5 she was armed, right?

6 A If it calls for that.

7 Q Well somebody sticking a shotgun in her
8 face and pulling the trigger is exceedingly
9 dangerous, isn't it?

10 A It is dangerous. But I mean If she pulled
11 the trigger, and it didn't fire or nothing.
12 Intending to kill her.

13 Q Do you want to stay around and see if it
14 is going to fire the next time?

15 A I was just replying to your question.

16 Q Not a good situation.

17 A Not a good situation.

18 Q Life threatening situation.

19 A It could be, yes, sir.

20 Q So to this day, we don't know anything
21 about the blood on the shotgun, do we?

22 A No, sir, I don't. That's correct.

23 Q Well while I am on blood, we've got a
24 knife here in a box that you found in the yard.

25 A That's correct.

Willie Brown-cross by Jenkinson

1 Q And how about the blood analysis of this
2 knife?

3 A I believe there was no blood found on that
4 knife.

5 Q Do you have a report stating that?

6 A I have not seen a report. We made
7 contact.

8 Q So there's no report, yes or no on that?

9 A No, sir.

10 Q That's just guessing on your part, isn't
11 it?

12 A At this point it is speculation, yes.

13 Q And you understand speculation is just
14 speculation, right?

15 A That's correct.

16 Q You tested it for blood. We don't know
17 whether this is the murder weapon that Willie
18 Dunmore died with being stabbed with, do we?

19 A No, sir, that was not attempted.

20 Q I am talking about this bigger knife that
21 looks like a small machete, doesn't it?

22 A It's a big knife, yeah.

23 Q We don't know if this is the weapon that
24 stabbed him, do we?

25 A I am not able to say, no, sir.

Willie Brown-cross by Jenkinson

1 Q I call your attention to Defendant's
2 Exhibit No. 2. The knife that was found on
3 Mr. Willie Dunmore the night he died, in his pants
4 pocket. We don't know if that's the weapon,
5 either, do we?

6 MS. BARR: Objection. Judge, there is no
7 evidence of where that was found. Objection.
8 There is no foundation for that question. That's
9 facts not in evidence.

10 THE COURT: Sustained.

11 MR. JENKINSON: Your Honor, please,
12 there's been plenty of testimony about that.

13 MS. BARR: No. The only thing---

14 MR. JENKINSON: Not the doctor paper
15 itself.

16 MS. BARR: No, sir.

17 MR. JENKINSON: But from Tryone Dunmore
18 the guy who got it.

19 MS. BARR: No. Tyrone Dunmore testified
20 he received certain items.

21 THE COURT: Right. He received items that
22 were given to him.

23 MR. JENKINSON: I'll ask it a different
24 way.

25 THE COURT: The only testimony, your

Willie Brown-cross by Jenkinson

1 question. I don't know if there was testimony.

2 Q If a knife was found at the hospital that
3 night in Tryone Dunmore's -- I mean, Willie
4 Dunmore's pocket and if it was put under
5 inventory, and if it was given to Mr. Tryone
6 Dunmore, his brother. We don't know if that was
7 the knife that he was stabbed with either, do we?

8 A No, sir.

9 Q So we have got three knives, right?

10 A That's correct.

11 Q Three knives that have not been tested for
12 blood that we know of. Right?

13 A That's correct.

14 Q And one of the two is missing.

15 A That's correct.

16 Q Certainly no one in that house on Harrison
17 Road was trying to hide anything. The evidence
18 you found was laying out in plain view, was it
19 not?

20 A It was in a wooded area. There was grass
21 growing up. We wouldn't have been able to see it
22 in plain view.

23 Q I'm talking about in the bedroom.

24 A No, sir. Everything was pretty much out.

25 Q Laying out. You took some pictures of

Willie Brown-cross by Jenkinson

1 some beer cans. But you have no idea when those
2 beer cans were open, drank and put down there, do
3 you?

4 A No, sir.

5 Q They could have been put there a month ago
6 before this. They could have been put there a
7 week before. You have no way of knowing, do you?

8 A That's correct.

9 Q They were just sitting there, and you took
10 pictures of them.

11 A That's right.

12 Q Now you talked to us about going out to
13 the Robinson's home to investigate there. And you
14 told us you called and someone said Lueann is not
15 there.

16 A They said I had the wrong number, that's
17 correct.

18 Q I understand. Now if she were sitting
19 there scared, and this was 12:30 at night, right?

20 A It was late, that's correct.

21 Q And you were a stranger, were you not?

22 A That's correct.

23 Q And a man calling a woman that they don't
24 know at 12:30 at night, she is not likely to
25 invite you into her house or let you know who is

Willie Brown-cross by Jenkinson

1 there. Wouldn't that be a safe statement?

2 A I guess. I assume.

3 Q That would be stupid almost for a woman to
4 say, "Oh yeah, come on down big boy." At 12:30 at
5 night to a total stranger. That would be fool,
6 wouldn't it?

7 A I would have figured she would answered
8 the door to find out who was there. We had the
9 horn blowing.

10 Q Well you had a shirt with a badge on it at
11 that point, didn't you?

12 A Yes, sir.

13 Q And she could look out and see that badge,
14 couldn't she?

15 A She could.

16 Q And you were identified at that particular
17 point and time?

18 A Not the first time we went there, she
19 didn't.

20 Q And she could have been very afraid of
21 Willie Dunmore coming back to her house that night
22 looking for her, couldn't she?

23 A She could have, yes, sir.

24 Q She could have been very afraid. And
25 maybe she had a right to be afraid that night,

Willie Brown-cross by Jenkinson

1 don't you think?

2 A I am not sure.

3 Q Well you were the chief investigator in
4 this case. She could have easily been a very
5 frightened woman when you called there the first
6 time. And didn't know who you were. That's a
7 fair statement, isn't it?

8 A She didn't appear to be afraid when I
9 talked to her on the phone.

10 Q Have you got an afraid meter in your car?

11 A No, sir. But I mean you're saying she
12 could have been. I mean in order for me to know
13 that---

14 Q You can't say.

15 A You want me to give my opinion on it. But
16 I mean, in my opinion she didn't seem to be
17 afraid.

18 Q Well if your wife or somebody called her
19 at 12:30 at night and didn't know you, to expect
20 her to say nobody is home too, wouldn't you?

21 A She don't have to lie, no, sir.

22 Q You place Ms. Robinson under arrest that
23 night did you not, or early that morning on the
24 24th?

25 A That's correct.

Willie Brown-cross by Jenkinson

1 Q And when you placed her under arrest you
2 saw where she had a deep scratch on her chest.

3 A That's correct.

4 Q And that's fresh.

5 A That's correct.

6 Q It could have been made with a knife,
7 couldn't it?

8 A I'm assuming it was a fingernail.

9 Q You're assuming that.

10 A I assumed.

11 Q But again it, could have been a knife.

12 A It could have been a fingernail. But I
13 mean, it's possible.

14 Q Yeah. And that's your assumption. But
15 that's all it is. It could have been a knife as
16 well.

17 A I assume it was a fingernail scratch.

18 Q Somebody had done something to her
19 physically, hadn't they?

20 A Yes, sir.

21 Q She also had bruises at least three places
22 on her body, didn't she?

23 A I only saw that one. I photographed the
24 places she told me were photographs she had
25 bruises, but I didn't see them.

Willie Brown-cross by Jenkinson

1 Q Did you take any photographs?

2 A Yes, sir.

3 Q You did?

4 A Yes.

5 Q Of her?

6 A Of her.

7 Q Not the ones that our office took. The
8 nurse in my office took.

9 A No, sir.

10 Q You got other photographs.

11 A Of that night.

12 Q That night.

13 A Yes.

14 Q Where did you get those, out of your file?

15 A Yes, sir.

16 Q What else have You got in the file?

17 A The Incident Report.

18 MS. BARR: And, judge, may we approach
19 before the witness continues his response?

20 THE COURT: Okay.

21 (Whereupon, the attorneys approach the
22 bench and confer with judge.)

23 MS. BARR: Judge, can we simply get the
24 file rather than having the witness to respond
25 affirmatively? We have no objection to him

Willie Brown-cross by Jenkinson

1 seeing the file. The case file.

2 THE COURT: Thank you, sir.

3 Q Investigator Brown, you have investigated
4 a lot of criminal domestic cases in Williamsburg
5 County, haven't you?

6 A A few, yes, sir.

7 Q That's where the live-in boyfriends,
8 husbands and wives, live-in boyfriends with their
9 girlfriends, perpetrate violence on one another.

10 A That's correct.

11 Q Are you -- do you all do any special
12 training in criminal domestic violence type
13 situations to recognize it at the Sheriff's
14 Department?

15 A Yes, we have. Different classes and
16 seminars.

17 Q Have you had that training?

18 A Yes, sir.

19 Q So you understand that South Carolina has
20 the 8th -- we're 8th worst in the nation, with the
21 women being killed by their live-in boyfriends or
22 husbands?

23 A If you say so. I am not aware of the
24 statute.

25 Q That's the kind of stuff you learn in

Willie Brown-cross by Jenkinson

1 these seminars, don't you?

2 A That's correct. I haven't been to a CDV
3 class since 2000, or 1997.

4 Q Okay. So you haven't had any training in
5 the last 10 years.

6 A Not as far as CDV courses.

7 Q Sir?

8 A Not as far as CDV courses.

9 Q Okay.

10 A Different courses, patrol.

11 Q But you understand what it is.

12 A Yes, sir.

13 Q It's a cycle of violence where one of the
14 either the boyfriend or girlfriend is a control
15 type freak, and he tries to control and abuses his
16 girlfriend. You've seen that before, haven't you?

17 A Yes, sir.

18 Q It's called a cycle of violence. And they
19 continue to stay in, because they love one
20 another. You've seen that.

21 A That's correct.

22 Q And you have investigated many murders in
23 this county where women have been killed because
24 boyfriends and husbands are abusing them, haven't
25 you?

Willie Brown-cross by Jenkinson

1 A No, sir, I wouldn't say that. I mean
2 different murders, I would say, yes.

3 Q It's been murders. Murders of women, by
4 their boyfriends and husbands?

5 A I wouldn't say in reference to CDV. I
6 mean, I haven't investigated many murders. But
7 the cause and what not.

8 Q Well a CDV type situation that leads to
9 murder.

10 A I would say yes on that. Different
11 circumstances.

12 Q Domestic violence is a problem in this
13 county, isn't it?

14 A It is.

15 Q It's a problem in this State.

16 A That's correct.

17 Q Because women are getting killed.

18 A Yes, women and men.

19 Q And African women are the most abused of
20 all, aren't they?

21 A I would assume, yes. But I don't the
22 stats.

23 Q That's something we need to recognize,
24 don't we?

25 A Yes.

Willie Brown-cross by Jenkinson

1 Q And it's something your department ought
2 to be trained in to be able to recognize, so you
3 can recognize these situations. Wouldn't that be
4 fair to say?

5 A Yes, sir. They do have the training.

6 Q And you haven't had training in it in
7 10 years?

8 A Not as far as, you know, on patrol. Not
9 as far as CDV.

10 Q No schooling or anything.

11 A Not for CDV classes.

12 Q No, sir. So as an investigator you really
13 don't have a whole lot of training in recognition
14 when a woman is being abused and beat up and taken
15 advantage of physically, do you?

16 A Yes, sir. You can see the physical abuse
17 on a person.

18 Q I understand what you can see. But what
19 you hear, and what they tell you and recognition
20 of it.

21 A That's correct, yeah. I would be able to
22 recognize the abuse.

23 Q Should be able to recognize it?

24 A Should be able to.

25 Q And when they tell you they have been

Willie Brown-cross by Jenkinson

1 beaten in the past over a period of time. When
2 they've been verbally threatened and abused over a
3 period of time. Those are big signs, aren't they?

4 A I mean that would be their statement to
5 the officer.

6 Q I understand that. But that's a sign of
7 this cycle of violence, isn't it?

8 A That's correct. If they're telling the
9 truth.

10 Q And when their boyfriends are playing like
11 control freaks, and calling them all the time and
12 checking on where they are. That's part of this
13 cycle of violence, isn't it?

14 A That's correct.

15 Q Calling them two or three times a day,
16 just making sure they are sitting at home.
17 Control freaking them. That's typical, isn't it?

18 A That's correct.

19 Q You can't go out with your friends. I
20 don't want you going anywhere. You stay home.
21 That's a typical sign of this abuse of women,
22 isn't it?

23 A It is.

24 Q All of that is.

25 A It is.

Willie Brown-cross by Jenkinson

1 Q And when you see that, you've got a
2 battered, abused woman, don't you?

3 A It depends on the situation. I mean it's
4 hard to say per situation. Every situation is
5 different. I mean, that would be an argument to
6 say that is the situation here.

7 Q And sometimes those lead to violent acts
8 and death, don't they?

9 A I wouldn't be able to say yes or no.

10 Q So you're training, because you don't know
11 enough about it to be able to say, do you?

12 A I mean every situation is different.

(13 MR. JENKINSON: I beg the Court's
14 indulgence one moment.

15 Q If Willie Dunmore would have called Lueann
16 Dunmore 54 times in 23 days in December leading up
17 to this at home to check on her, that's mighty
18 suspicious, isn't it? Of a control freak checking
19 on her?

20 A I mean that would be hard for me to say,
21 because he could be just as well checking on her.
22 I don't know what transpired with that, you know,
23 those 54 phone calls.

(24 Q But you understand that's a lot of phone
25 calls to be calling back and checking up on

Willie Brown-cross by Jenkinson

1 somebody, isn't it?

2 A That's a lot of phone calls, yes.

3 Q And that could be an indicator of a
4 control freak trying to control his girlfriend,
5 couldn't it?

6 A It can be, yes, sir.

7 MR. JENKINSON: Thank you, Investigator
8 Brown. I think that's all I have.

9 MS. BARR: Briefly, Judge, if I may.

10 THE COURT: Okay.

11 Redirect Examination by Ms. Barr:

12 Q Investigator Brown, I don't want to get
13 too much into your personal life, are you married
14 or do you have a little sweetheart?

15 A I am divorced at this time.

16 Q Okay. But you have had relationships,
17 relationships with women whether it be your wife
18 or whether it be your girlfriend, right?

19 A That's correct.

20 Q If you cover 55, 54 times in 23 days,
21 that's what about twice a day?

22 A Pretty much, yes.

23 Q Would that strike you as a sign of a crazy
24 person if they call your sweetheart or call your
25 woman or whoever, twice a day?

Willie Brown-redirect by Barr

1 A Make sure I care about them.

2 Q Okay. But that wouldn't strike you as
3 being odd or anything, would it?

4 A No, sir. No, ma'am.

5 Q And that alone wouldn't suggest to you
6 that a person is crazy if they called twice a day,
7 would it?

8 A No, ma'am.

9 Q Okay. Now Mr. Jenkinson asked you a whole
10 bunch of questions about CDV in Williamsburg
11 County and in South Carolina and in this nation as
12 a whole. Tell me how many CDV calls that Lueann
13 Robinson made reporting CDV from Willie Dunmore?
14 How many do your records reflect? You've got 0?
15 Zero?

16 A Zero.

17 Q And as a matter of fact, you all never got
18 a 911 call from that house at all that night, did
19 you?

20 A No, ma'am, we didn't.

21 Q So when she stabbed him, she didn't even
22 call 911.

23 A No, ma'am.

24 Q And if you assume all these things that
25 Mr. Jenkinson has asked, of course, there is no

Willie Brown-redirect by Barr

1 evidence to it. But if you assume all these
2 things that this person is crazy, had had a gun,
3 and this and that and the other, she wasn't scared
4 enough to call the police, was she?

5 A No, ma'am.

6 Q And let me be clear now. Whose house is
7 this?

8 A It's her house. Her and her mother's
9 house.

10 Q So It wasn't Mr. Dunmore's house?

11 A No, ma'am.

12 Q And the only people that you know about,
13 who really know what happened in that room, is
14 Willie Dunmore and Lueann Robinson.

15 A That's correct.

16 Q So whatever story the defense wants to
17 tell, you really don't have a way to refute it,
18 do you?

19 A That's correct.

20 Q Whatever they say, you weren't there so
21 you can't really refute it.

22 A That's correct.

23 Q And of course, Mr. Dunmore is dead.

24 A That's correct.

25 Q How were you and Lieutenant Collins

Willie Brown-redirect by Barr

1 dressed that night?

2 A We was in our -- I know I was in my green
3 uniform. And I would say Ms. Collins.

4 Q So your green uniform is a sheriff's
5 uniform?

6 A That's correct.

7 Q Got a big old sheriff on the back?

8 A Yes.

9 Q And had your badge with you.

10 A Gold star on the chest.

11 Q Okay. Had your badge with you and your
12 gun.

13 A That's correct.

14 Q So you went up there and testified that
15 you all knocked on the front door and the back
16 door.

17 A That's the side door.

18 Q On the side door. Okay. You all are
19 knocking on the front door and the back door and
20 you are in full uniform.

21 A That's correct.

22 MR. JENKINSON: She's leading a lot, Your
23 Honor. And we would ask that she not lead.

24 THE COURT: Okay.

25 MS. BARR: Well I haven't asked the

Willie Brown-redirect by Barr

1 question yet.

2 Q But would you all have been clearly
3 visible as police officers?

4 A That's correct. We try to shine the
5 lights on, you know, for dark spots, for safety
6 reasons, and for people trying to identify.

7 Q Do you remember where you were parked when
8 you first came to the house?

9 A We pulled up to the side, facing into the
10 carport.

11 Q And you, I am sorry, did you testify that
12 you had your lights on?

13 A Our headlights.

14 Q And you all went up to the carport door.
15 Was the garage door open?

16 A The garage door was open, that's correct.

17 Q And you were shining your lights.

18 A That's correct.

19 Q Investigator Brown, let me get you to
20 stand for a moment, please. Mr. Brown, step over
21 from the witness stand.

22 (Whereupon, the witness steps down from
23 the witness stand.)

24 Q I am going to call your attention to
25 State's Exhibit No. 6. Tell me where your vehicle

Willie Brown-redirect by Barr

1 was parked that night.

2 A It was kind of pointing at this corner. I
3 am sorry. This corner here, trying to shine at
4 the front end beside us to give us some light on
5 this side.

6 Q All right.

7 A And of course we had our flashlights on.
8 They would check the corners and stuff as we walk
9 up to the door.

10 Q And you said that's for safety reasons.

11 A Yes, ma'am.

12 Q For whose safety?

13 A Ours.

14 Q Your safety.

15 A Yes.

16 Q So of course you are going to be looking
17 out for you, right?

18 A Yes, ma'am.

19 Q So you shined the light. Did it properly
20 illuminate the area of the carport in the front?

21 A It illuminated the front, you know, all
22 the way up to the front door. And it cast a
23 shadow across this back part. So, you know, as
24 we walked in, we shined the light to make sure
25 nobody wasn't in there.

Willie Brown-redirect by Barr

1 Q Let me show you State's Exhibit No. 7.

2 This may be a better photograph to illustrate.

3 A Yes, kind of like that.

4 Q Show me where you were parked on that one?

5 A I was probably like right here in this
6 area. And It was shining light here and toward
7 the front door.

8 Q So you were in that area.

9 A Yes.

10 Q Further back.

11 A That's correct.

12 Q And your vehicle, were you and Lieutenant
13 Collins in the same vehicle, or did you all ride
14 separately? Or do you remember?

15 A We were in the same vehicle.

16 Q Now which door did you go to the first
17 time you went?

18 A Under there.

19 Q Okay. And where else?

20 A It was the front door.

21 Q And was -- do you have proper illumination
22 from your lights to see the front of the house?

23 A Yes, ma'am.

24 Q To walk up the -- is there little steps up
25 there?

Willie Brown-redirect by Barr

1 A There are steps on the front porch. It's
2 like a little patio.

3 Q So if you assume that someone was fearful
4 and having some strange man come to the house at
5 12:30 at night as has been suggested by the
6 defense, were you visible with your patrol vehicle
7 and your uniforms?

8 A Yes, ma'am. All right you can have a
9 seat, sir.

10 (Whereupon, the witness resumes the
11 witness stand.)

12 Q Now the questions that Mr. Jenkinson asked
13 you about your testimony at a prior hearing in
14 this case, do you remember those questions?

15 A Yes.

16 Q And he showed you what is purported to be
17 a transcript of that hearing, is that right?

18 A That's correct.

19 Q Now have you actually seen the transcript
20 of that hearing before today?

21 A No, uh-uh. (Negative.)

22 Q Have you actually heard the actual
23 audiotape from the transcript? I mean from the
24 hearing?

25 A No, ma'am, I haven't.

Willie Brown-redirect by Barr

1 Q So you know that for example in this case,
2 madam Court Reporter is actually writing down what
3 you say and it's being recorded on the tape
4 recorder, is that correct?

5 A That's correct.

6 Q You never heard the tape recorder from
7 that proceeding.

8 A No, ma'am.

9 Q And you never saw the transcript.

10 A No.

11 Q Do you know if the transcript is actually
12 accurate based on what you said?

13 A I don't know.

14 Q And you wouldn't have any way of knowing
15 that unless you actually heard it, right?

16 A That's correct.

17 Q And one last question, if I may.
18 Mr. Jenkinson asked you did Mr. Floyd call you and
19 tell you he just happened upon a knife. Do you
20 remember him---

21 A Yes.

22 Q ---saying that?

23 A Yes.

24 Q Did he actually say it that way, that I
25 just happened upon a knife, or he must have told

Willie Brown-redirect by Barr

1 you all to come and get it?

2 A The initial call went to our chief deputy.

3 Q Okay.

4 A Which was related to me, that they said
5 that the knife we were looking for was located
6 such and such place.

7 Q And not say that somebody just happened
8 upon it. Right? That's I mean, you're not
9 testifying to that, that somebody just happened
10 upon it.

11 A No, ma'am.

12 Q You don't know how it got there, right?

13 A No.

14 Q You don't know when It got there.

15 A No, I don't.

16 MS. BARR: That's all I have.

17 MR. JENKINSON: I just have one question
18 about the redirect.

19 THE COURT: About what?

20 MR. JENKINSON: About the redirect.

21 Recross Examination by Mr. Jenkinson:

22 Q When you went the first time, did you see
23 anybody in the house, any lights on?

24 A No, sir. We wasn't able to see anything.

25 MS. BARR: Judge, that's outside the scope

Willie Brown-recross by Jenkinson

(1 of redirect.

2 MR. JENKINSON: They were showing a
3 picture up here about going there the first time
4 and shining the light and illuminating it.

5 MS. BARR: We didn't ask about any
6 lighting inside the residence, Judge. Only
7 outside.

8 MR. JENKINSON: Well there was a question
9 of whether or not they could have seen them.

10 THE COURT: They can ask that question
11 whether they could see them or not. You're asking
12 one question about that.

(13 Q Did you see any lights on inside?

14 A No, sir, I wasn't able to.

15 Q The bedroom that you investigated later
16 was on the far end of the house, wasn't it?

17 A That's correct.

18 Q The opposite end from the carport.

19 A That's correct.

20 Q And it's just as possible that somebody
21 may not have heard you that first time?

22 A It's possible, yes.

23 THE COURT: You can come down. Your next
24 witness.

(25 MS. BARR: Judge, may we approach?

1 STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
2 COUNTY OF WILLIAMSBURG) No. 2007 GS 45 0152

3

4 STATE OF SOUTH CAROLINA)
)
5)
)
6 versus) TRANSCRIPT OF RECORD
)
7) VOLUME TWO
)
8 LOU ANN ROBINSON)
)
9 Defendant)

10 Kingstree, South Carolina
December 16-17, 2009

12 B E F O R E :

13 HONORABLE R. FERRELL COTHRAN, JR., Judge,
14 and a Jury

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17 KIMBERLY V. BARR, Esq.
Solicitors

18 For the Defendant: W. E. JENKINSON, Esq.

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20 Reporter: MARGARET T. SULLIVAN

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25

1 THEODORE HARRISON, being duly
2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY SOLICITOR BARR:

5 CLERK: Please take a seat on the witness
6 stand up there.

7 Ms. Barr?

8 Q. Mr. Harrison, let me get you to state your
9 full name for the record for me.

10 A. Theodore Harrison, Senior.

11 Q. And are you a life-long resident of Williams-
12 burg county?

13 A. Yes, I am.

14 Q. And are you married, sir?

15 A. Yes, I am.

16 Q. Who is your wife?

17 A. Debra Harrison.

18 Q. How long have you been married to her?

19 A. Thirty-one years.

20 Q. Thirty-one years, and how many children do you
21 have?

22 A. I have three. Three boys.

23 Q. Now, are you related to the victim in this
24 case, Willie Dunmore?

25 A. Yes.

T. HARRISON ON DIRECT

1 Q. And how are you related to him?

2 A. We are cousins.

3 Q. All right.

4 A. His mother and my mother were sisters. We
5 were first cousins.

6 Q. All right, describe for me -- as first cou-
7 sins, were the two of you all close friends?

8 A. I was more like a father to him.

9 Q. More like a father to him?

10 A. Yes.

11 Q. Now, how old are you?

12 A. I'm fifty-four.

13 Q. Fifty-four?

14 A. Yes.

15 Q. Okay, and how old was he when he died, if you
16 know?

17 A. I think he was forty.

18 Q. Okay.

19 A. We used to live together at one time.

20 Q. You said you all used to live together at one
21 time?

22 A. Yes, we did.

23 Q. Now, sir, do you know whether or not the De-
24 fendant had -- do you know whether or not Willie
25 Dunmore had -- do you know whether or not

MR. HARRISON ON DIRECT

1 the victim, your cousin, had a girlfriend at the
2 time of his death?

3 A. Yes.

4 Q. And who was that? Who was the girlfriend?

5 A. Lou Ann.

6 Q. Lou Ann Robinson?

7 A. Yes.

8 Q. Okay, and did he live with her in her home?

9 A. Yes.

10 Q. All right. Now, how far is her house from
11 your house?

12 A. . .

13 Q. Just approximately.

14 A. Two-tenths of a mile.

15 Q. Two-tenths of a mile?

16 A. Yeah, they lived behind where I live.

17 Q. So they were almost like back door next door
18 neighbors almost?

19 A. Almost.

20 Q. Okay. Now, when was the last time you saw
21 your cousin -- when was the last time before your
22 cousin died that you saw him with the Defendant?

23 A. With her? I can't really recall.

24 Q. Do you think it was weeks, days or months be-
25 fore he died?

MR. HARRISON ON DIRECT

1 A. They were to the house, but I can't recall
2 when it was.

3 Q. That's fine.

4 A. I just remember they had come to the house.

5 Q. Well, at the time you saw them together and
6 they came to the house, did she seem to be afraid
7 of him?

8 A. No.

9 Q. You didn't see any evidence of any violence
10 or anything like that, did you?

11 A. That's right. Not at my house.

12 Q. Okay. Now, were you in the company of Willie
13 that day?

14 A. Yes. I was going to cook a hog.

15 Q. All right, and where were the two of you
16 at?

17 A. We were at my mother-in-law house. Harrington.

18 Q. You all were at your mother-in-law's house,
19 and what is her name?

20 A. Ms. Wilson. Gregorie Wilson.

21 Q. And what time did you get there?

22 A. I got there about seven in the morning.

23 Q. Okay, and what time did Willie get there?

24 A. About nine or nine thirty.

25 Q. Okay. Now, I have no idea how long it takes

MR. HARRISON ON DIRECT

1 to get there from your house. Give me some idea
2 of about how long it takes?

3 A. Well, it depend on what way you go.

4 Q. Okay.

5 A. It generally take about (portion of answer
6 inaudible).

7 Q. And had you all planned that this would be an
8 all day thing? Cooking the hog?

9 A. Yeah.

10 Q. And there was some other people at the house
11 other than you and Willie?

12 A. Oh, yes. People was coming back and forth.
13 Some would call and some would come back and forth
14 during the day.

15 Q. Okay.

16 A. And he stood on the outside when he come.

17 Q. You said he. Who is he?

18 A. Willie.

19 Q. Willie. Okay.

20 A. When I come out he was right there.

21 Q. How long was he there that day?

22 A. He was there until we left.

23 Q. And was it dark outside when you all left from
24 there?

25 A. Yes.

MR. HARRISON ON DIRECT

1 Q. Okay, so he had been up there from that morn-
2 ing until that night?

3 A. Yeah. Well, he left out for a while and came
4 back. Yeah, he did left.

5 Q. Okay. Now, while Willie was out there, were
6 there other family members out there?

7 A. Yes.

8 Q. Okay, and were the folks there drinking alco-
9 hol?

10 A. Yeah.

11 Q. No doubt that Willie was drinking, is that
12 right?

13 A. That's right.

14 Q. Okay. Do you drink or you don't drink?

15 A. I don't drink.

16 Q. But you certainly don't begrudge somebody who
17 wants to drink?

18 A. No.

19 Q. Now, at the time that Willie was out there --
20 you have been around people who have had too much
21 to drink, right?

22 A. Yes.

23 Q. You've been around people who have been drunk,
24 right?

25 A. Right.

17

MR. HARRISON ON DIRECT

1 Q. Which category would Willie have fallen in
2 that day?

3 Do you think he was somebody who was having
4 something to drink, or do you think he was somebody
5 who was drunk?

6 A. He was somebody having something to drink.

7 Q. Okay. Did he act like he was drunk when you
8 left?

9 A. No, not when I left.

10 Q. Sir, if -- you have said that Willie was like
11 a son to you?

12 A. Yes.

13 Q. And when you left, if you had thought he had
14 had too much to drink would you have stopped him?

15 A. Yes.

16 Q. Would you have offered to take him home?

17 A. Yes.

18 Q. No question in your mind?

19 A. No question at all.

20 Q. You love Willie Dunmore?

21 A. Yes, I do.

22 Q. What was the final thing that he said to you
23 before you left?

24 A. Probably we talked about I can use the truck
25 the next morning to pick up some things, and he

MR. HARRISON ON DIRECT

1 would use the car. That I would take the truck
2 to do what I needed to do.

3 I said the next morning I needed to get the
4 truck and he could get my car for what he had to
5 do.

6 Q. Okay. All right, so that was all planned for
7 the next day?

8 A. Yes, that was planned.

9 Q. Okay, so all that day from nine o'clock on
10 that morning when you first saw Willie, up until
11 the point when you left that night, . .

12 A. Yes.

13 Q. . . and when you were doing the talking at
14 your mother in law's house, what kind of mood did
15 Willie seem to be in that day?

16 A. He was enjoying. A good mood.

17 Q. Did he seem to be enjoying, or when you left
18 did he seem to be in a good mood?

19 A. Yes.

20 Q. Now, when you left your mother in law's house,
21 where was he going?

22 A. He went to my sister house to carry her home
23 in the truck.

24 Q. Okay.

25 A. He carried her home in the back of the truck.

MR. HARRISON ON DIRECT

1 He was ahead of us.

2 Q. Okay.

3 A. We had to drop the hog off.

4 Q. Did you do that?

5 A. Yes.

6 Q. Where did you drop the hog off?

7 A. At my sister's house.

8 Q. Then you went on to your house?

9 A. Yeah.

10 Q. Did Willie stay for a period of time at your
11 sister's house?

12 A. No more than five minutes.

13 Q. All right, and how far is that house from
14 where the Defendant lived?

15 A. It's not far from his house and my house.

16 Q. Did you say your house was about two-tenths
17 of a mile away from Willie's house?

18 A. Two-tenths of a mile from my house.

19 Q. Now, when you left him at your sister's house,
20 did he still seem to be in a good mood?

21 A. Yes.

22 Q. Okay, and tell me what you did once you left
23 -- once you got to your house?

24 A. I went to take a shower and got ready to go
25 to work.

20

MR. HARRISON ON DIRECT

1 Q. Okay.

2 A. I went on about my business when he left.

3 Q. And what time did you have to be at work
4 that night? Do you remember?

5 A. At eleven.

6 Q. Okay, go ahead.

7 A. I usually leave home about ten -- about nine
8 forty-five.

9 Q. Okay.

10 A. When I got to the road I seen lights flash-
11 ing and a fire truck, and I call back and tell my
12 wife -- told her I was going down there to see what
13 happened, that something going on down there, and
14 I said I was going to see what it was, and I drove
15 on down there, and I passed the truck and I stop
16 and get out. His truck was in a ditch off the road.

17 Then I seen a guy from the fire truck and he
18 say somebody going to the hospital, and I said,
19 where's Willie, and he said they got him going to
20 the hospital, and I say, what happened, and he say
21 that he was stabbed.

22 Q. Okay. And you say this was about nine forty-
23 five?

24 A. About nine fifty when I got there.

25 Q. All right. So when he left your house, where

21

MR. HARRISON ON DIRECT

1 was he going to?

2 A. He was going to where he stay. To Lou Ann's
3 house.

4 Q. Okay.

5 Q. He was staying where?

6 A. Lou Ann's house.

7 Q. Okay, so you don't know whether he was going
8 there to stay the night or whether he was going
9 there to change his clothes and leave?

10 A. No, I don't know.

11 Q. You don't know?

12 A. No.

13 Q. Okay. How much time would have gone by --
14 you said there was a two-tenths of a mile distance
15 between your house and the Defendant's house.

16 How much time would have gone by from the time
17 he left you and the time you saw the truck on
18 the road?

19 A. From the time he left and I went to take a
20 shower, I would say like thirty or thirty-five
21 minutes.

22 Q. Could it have been no more than that?

23 A. No more than that.

24 Q. When you were told that he was being taken
25 to the hospital, that he had been stabbed, what was

1 your reaction?

2 A. . .

3 Q. Did it surprise you?

4 A. Yes, it was devastating.

5 Q. Sir, I hand you what has been admitted as
6 State's Exhibits Numbers 27 through 35.

7 Tell me, do you recognize what you see in
8 those pictures?

9 A. Yes.

10 Q. Look at Number 35. Is that your cousin's
11 truck?

12 A. Yes.

13 Q. I show you Exhibit 33. Is that your cousin's
14 truck?

15 A. Yes.

16 Q. And do you see some damage to the vehicle?

17 A. Yes.

18 Q. Number 31 -- that's the truck?

19 A. Yes.

20 SOLICITOR: Your Honor, we would move to pub-
21 lish at this time State's Exhibits 27 through 35
22 to the jury.

23 THE COURT: Those have previously been admit-
24 ted into evidence?

25 SOLICITOR: That's correct, Your Honor.

MR. HARRISON ON DIRECT

1 THE COURT: All right.

2 (Photographs shown to the jury)

3 BY SOLICITOR BARR:

4 Q. Mr. Harrison, you testified that you were
5 close to Willie?

6 A. Yes.

7 Q. Do you know his two girls?

8 A. Yes.

9 Q. Shawna and Ann?

10 A. . .

11 Q. Is that a yes?

12 A. Yes.

13 Q. Okay. Tell us about them. Where do they go
14 to school?

15 A. (Inaudible)

16 Q. One of them is -- are both of them basketball
17 players or is one of them a basketball player?

18 A. Both are basketball players.

19 Q. And they are pretty good, aren't they?

20 A. Yeah.

21 Q. Wasn't one of them a . .

22 MR. JENKINSON: I object to this as not being
23 relevant, Your Honor.

24 THE COURT: I would agree.

25 SOLICITOR: Judge, I withdraw the question.

MR. HARRISON ON DIRECT

1 BY SOLICITOR BARR:

2 Q. One final question and then I'll turn you
3 over to the Defendant.

4 Did Mr. Dunmore have a nickname for Shawna?

5 A. For who?

6 Q. For Shawna or Sewana? His daughter?

7 A. We had different nicknames we called each
8 other.

9 Q. Okay.

10 A. We called her Darling.

11 Q. All right, that's all the questions I have
12 for you. Please answer any questions Mr. Jenkinson
13 may have for you.

14 THE COURT: Cross examination.

15 CROSS EXAMINATION

16 BY MR. JENKINSON:

17 Q. Mr. Harrison, as I understand it, you all were
18 barbequeing a hog on December 23rd?

19 A. Yes, sir.

20 Q. And you all started about seven o'clock that
21 morning?

22 A. Yes.

23 Q. And it takes about twelve hours to barbeque
24 a hog?

25 A. . .

25

MR. HARRISON ON CROSS

1 Q. Sir?

2 A. We clean the hog first and then we put him

3 on.

4 Q. So it takes eight to ten hours?

5 A. Yeah.

6 Q. So if you start at seven o'clock in the morn-

7 ing, you all finished up with the hog about first

8 dark?

9 A. Right.

10 Q. And that would have been about five or six

11 o'clock?

12 A. When we cut him up.

13 Q. Okay.

14 A. Trim him up and all.

15 Q. That would have been about five or six

16 o'clock then?

17 A. He was already cooked.

18 Q. You finished cooking about five or six

19 o'clock?

20 A. No.

21 Q. What time?

22 A. A little bit later than that.

23 Q. A little later than that?

24 A. Yes, when we turn him over and trim him up,

25 cut him up, a little later than that.

26

MR. HARRISON ON CROSS

1 Q. So what time did you finish up?

2 A. Eight o'clock, ten minutes to eight.

3 Q. You all finished up about that time?

4 A. Yeah.

5 Q. Well, during that day when you were there,
6 Willie was drinking pretty much all day?

7 A. I didn't know if he was drinking all that
8 day.

9 Q. But he was fixing something during the day?

10 A. Right.

11 Q. Beer or liquor?

12 A. Beer.

13 Q. Did he get the beer out of his truck?

14 A. I don't know where he got the beer from now,
15 because several of them was drinking around the
16 table. Someone else may have bring it to him.

17 Q. Okay.

18 A. They were drinking around the table in the
19 yard. Coors Lite.

20 Q. Coors Lite?

21 A. Yes.

22 Q. Was that what he liked to drink?

23 A. (No verbal response)

24 Q. What time did you first see him that day?

25 A. Nine or nine thirty that morning.

27

MR. HARRISON ON CROSS

1 Q. Had he been drinking when he got there?

2 A. No, I can't say he had been drinking when he
3 got there.

4 Q. Willie has been drinking most of his life,
5 hasn't he?

6 A. Yes.

7 Q. And people who seem to drinking all the time
8 tend to handle it better than somebody who doesn't
9 drink all the time?

10 A. Say again.

11 Q. I say, people who drink all the time can handle
12 their liquor a little bit better than someone who
13 doesn't drink that much.

14 A. Yes.

15 Q. And Willie could drink a lot and sort of --
16 he could sort of fool you into drinking more so he
17 would look like he was okay when he wasn't okay.
18 Isn't that a fair statement?

19 A. No, I can't say that.

20 Q. But the whole time you were cooking that hog ,
21 he was walking around drinking a beer, or how many
22 other people were drinking?

23 A. I can't say really how many people were drink-
24 ing, you know.

25 Q. How many people was he drinking with out there?

MR. HARRISON ON CROSS

1 A. . .

2 Q. Who else was drinking beside him?

3 A. Like I say, some were drinking out there but
4 I can't give you no number because I wasn't paying
5 attention. I don't know.

6 Q. Who else was drinking out there with him?

7 A. You mean you want names?

8 Q. Yeah.

9 A. I can't remember good enough to be able to
10 come up with names.

11 Q. Okay. Willie was the only one who stayed
12 the whole day?

13 A. Huh?

14 Q. Willie was the only one who stayed the whole
15 day?

16 A. He stay the whole day.

17 Q. Was Tyrone out there?

18 A. Yeah, Tyrone was out there.

19 Q. Did Tyrone stay out there drinking with him?

20 A. I don't remember if he was drinking.

21 Q. You don't remember that?

22 A. No.

23 Q. Now, Willie was at your house and he went
24 over to your sister's house to take her home?

25 A. Right.

MR. HARRISON ON CROSS

1 Q. And he . .

2 A. No, no. He went to my sister house and park
3 in my sister's yard.

4 Q. Okay.

5 A. I took the hog in the truck and carried it to
6 my house cause me and my sister live from here to
7 . .

8 Q. You carried the hog?

9 A. Yes.

10 Q. So you didn't ride with Willie?

11 A. No.

12 Q. You don't know how he was driving?

13 A. Yes, I was driving behind him.

14 Q. Okay.

15 A. I was right behind him.

16 Q. Okay.

17 A. And he parked in the yard right next to you?

18 A. Right.

19 Q. And you all took the hog off there?

20 A. Right.

21 Q. And then you left?

22 A. Right.

23 Q. Now, you stayed at your sister's house?

24 A. I went in my sister's house to carry the hog
25 in and then I leave.

MR. HARRISON ON CROSS

1 Q. Then you went home and Willie left?

2 A. Right. We come back out and that's when we
3 had a conversation about the truck and then I went
4 on home.

5 Q. Do you know whether or not he went home behind
6 you?

7 A. No, sir.

8 Q. Do you know whether or not he went back to
9 Harrington?

10 A. Right.

11 Q. Do you know whether or not he went over to
12 Lester's house?

13 A. No, I don't know.

14 Q. But he could have gone both places?

15 A. He could have.

16 Q. Do you have some knowledge that he may have
17 gone some other places?

18 A. I don't have.

19 Q. You went and he left behind you?

20 A. Yes.

21 Q. You aren't certain whether he went to those
22 other places?

23 A. . .

24 SOLICITOR: Objection. He's already said he
25 doesn't know that.

MR. HARRISON ON CROSS

1 THE COURT: Sustained.

2 BY MR. JENKINSON:

3 Q. But you left and went on home?

4 A. Right.

5 Q. And the next time you saw any sign of Willie
6 was his truck?

7 A. Yes.

8 Q. Did you say you rode by and saw his truck in
9 the ditch?

10 A. Yes.

11 Q. And that was about nine fifty?

12 A. Yes.

13 Q. Is that just a -- just what you recall, or do
14 you have any specific -- did you write it down that
15 it was ten minutes to ten?

16 A. No.

17 Q. Where do you work?

18 A. I work at (inaudible).

19 Q. How far is that from your house?

20 A. Twenty-five miles.

21 Q. Is that about a thirty or forty minutes drive?

22 A. About that.

23 Q. What time do you have to get to work?

24 A. Eleven.

25 Q. Okay, so you were going thirty minutes early?

32

MR. HARRINGTON ON CROSS

1 A. Yes. About.

2 Q. When you went by -- your estimate was that
3 it had been thirty to thirty-five minutes since you
4 saw Willie before?

5 A. I talked to him and went home to take a
6 shower, and then I left to go to work.

7 Q. Could it have been longer than thirty-five
8 minutes?

9 A. It could have been, but not to my knowledge.

10 Q. We know that because we have the ambulance
11 -- I ask you that because we have the ambulance
12 report and they show that he was already in the
13 ditch a few minutes after nine.

14 So it could have been much longer than thirty
15 to thirty-five minutes.

16 A. A few minutes after nine?

17 Q. Fifteen minutes, to be exact, after nine.
18 He was already in the ditch and that's when some-
19 body called that he was in the ditch, and you said
20 you got there at nine fifty.

21 A. This is a report you have?

22 Q. Right.

23 A. From nine fifteen -- so it could have been
24 thirty minutes.

25 Q. You said nine fifty.

MR. HARRISON ON CROSS

1 A. When I left my house was at nine forty-five,
2 and if the ambulance says they got there at nine
3 fifteen -- that is thirty minutes.

4 Q. That's when they got the call.

5 A. Okay. Could be.

6 Q. So he had to have been in the ditch . .

7 A. I don't know how long he been in the ditch.

8 Q. But they had to get to him, so we don't know
9 how long he had been in the ditch.

10 A. That's right.

11 Q. So it could have been -- he could have been
12 there somewhat longer is what I'm saying.

13 A. Could have been. I don't know that. He
14 left me and I went home and took a shower and left
15 to go to work.

16 Q. But you didn't look at a clock?

17 A. No.

18 Q. Now, when he left you, you say he had been
19 drinking?

20 A. Yes.

21 Q. He had had a right good bit to drink during
22 the day, hadn't he?

23 A. I can't say that. I don't know.

24 Q. You can't say that? Well, you went to Lou
25 Ann Robinson's house after he had died to get his

MR. HARRISON ON CROSS

1 clothes?

2 A. Right.

3 Q. And you told them there that you had told him
4 to go to his momma's house because he had too much
5 to drink to drive, didn't you?

6 A. No.

7 Q. You don't remember that?

8 A. No.

9 Q. You understand that you are under oath here,
10 sir?

11 A. I understand.

12 Q. You are saying that you did not say that?

13 A. No, I did not.

14 Q. No further questions. Wait a minute.

15 (Brief pause in proceeding)

16 I may have one question. Would it surprise
17 you to know that when Willie's autopsy was done
18 and his blood was checked that it was double
19 drunk?

20 A. Yes.

21 Q. You would be surprised?

22 A. Yes.

23 Q. So you would be wrong about your estimation
24 if that is true?

25 A. If he was double drunk, he would be stumbling

35

MR. HARRISON ON CROSS

1 around and I could tell that.

2 Q. Some people can be double drunk and not stumb-
3 ling. Have you ever seen that before?

4 A. No.

5 Q. You don't know because you don't drink, is
6 that right?

7 A. Right.

8 Q. That's all.

9 THE COURT: Redirect, Solicitor?

10 SOLICITOR BARR: Just a few questions.

11 REDIRECT EXAMINATION

12 BY SOLICITOR:

13 Q. Mr. Harrison, let me ask you a few more ques-
14 tions. Where did Willie's mom live at the time
15 of his death?

16 A. She lives in Hicksville.

17 Q. So how far would her house have been from
18 where you all lived?

19 A. I think it been around fourteen miles.

20 Q. And how far was it from your mother in law's
21 house to the Defendant's house? To Lou Ann
22 Robinson's house?

23 A. About six miles.

24 Q. And you said you followed behind Willie for
25 some period of time?

MR. HARRISON ON CROSS

1 A. To my sister house.

2 Q. Okay, which is right next to your house. Is
3 that right?

4 A. Right.

5 Q. So now if he was so-called double drunk as
6 the Defense would have you believe, you would have
7 told him to go twelve miles as opposed to six
8 miles, right at your house?

9 A. No.

10 Q. It doesn't make any sense, does it?

11 A. No.

12 Q. Okay. That's all I have.

13 THE COURT: Anything further?

14 MR. JENKINSON: Briefly.

15 RECROSS EXAMINATION

16 BY MR. JENKINSON:

17 Q. You don't know what Willie Dunmore had to
18 drink after you saw him last?

19 A. No, I don't.

20 Q. Nothing further.

21 THE COURT: You can step down.

22 SOLICITOR: Judge, we would ask that this
23 witness be excused.

24 THE COURT: Yes, maam. Thank you, sir.

25 (Witness excused)

1 THE COURT: All right.

2 SOLICITOR BARR: The State would call Debra
3 Collins.

4 DEBRA COLLINS, being duly
5 sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY SOLICITOR BARR:

8 Q. Good morning, Investigator Collins.

9 A. Good morning.

10 Q. Would you introduce yourself to the ladies
11 and gentlemen of the jury?

12 A. I'm Debra Matthews Collins.

13 Q. All right, and tell us where you are em-
14 ployed?

15 A. Williamsburg County Sheriff's Department.

16 Q. And do you live in Williamsburg County?

17 A. Yes, maam.

18 Q. Have you lived here all your life?

19 A. Yes, maam.

20 Q. I won't ask you your age, but how long have
21 you been in law enforcement?

22 A. Thirty-one years this July, this past July.

23 Q. Thirty-one years?

24 A. Yes.

25 Q. Have you been with the Sheriff's Department

INV. COLLINS ON DIRECT

1 for that entire time?

2 A. Yes, maam.

3 Q. Okay, and are you currently assigned to the
4 investigative division? Investigation department?

5 A. Yes.

6 Q. All right. Kind of give us a little bit of
7 background about what you do when you investigate
8 a case?

9 A. I do follow-up on investigations. The patrol
10 officers go out and handle a complaint, and if
11 there is anything that needs to be followed up on
12 they will pass it on to me. I am the one that
13 follows up on that and people working under me.

14 Also, whether it is a burglary or a murder
15 or whatever, I assist with the investigation.

16 Q. And, of course, with your thirty-one years of
17 experience with the Sheriff's Office, I would sus-
18 pect you have participated in the investigation of
19 many murders?

20 A. Yes, I have.

21 Q. And you, of course, were involved in the in-
22 vestigation of the murder of Willie Dunmore. Is
23 that right?

24 A. Yes.

25 Q. Okay, and did you go to the home of Lou Ann

INV. COLLINS ON DIRECT

1 Robinson as a result of that investigation?

2 A. Yes, maam.

3 Q. Who went there with you?

4 A. Investigator Brown.

5 Q. All right. Now, tell us what happened when
6 you went to the residence.

7 A. Well, I am not sure of the exact time, but I
8 know it was dark.

9 Q. It was dark?

10 A. Yes, maam, and when we got to Ms. Robinson's
11 residence we knocked at the front door and we didn't
12 get an answer. We knocked at the side door and
13 didn't get an answer.

14 So then when nobody came to the door we went
15 back up to secondary 16 to a residence and asked
16 was that the right house that we were at; was it
17 her house or not.

18 Then after we found out it was the right res-
19 idence, we went back to another house by Ms.
20 Robinson's residence, after not getting an answer
21 again, and we spoke to a lady who lived there and
22 she said somebody should be there, and we got a
23 phone number for the residence. Then Investigator
24 Brown made a call and talked to a lady on the phone
25 at the residence.

INV. COLLINS ON DIRECT

1 Q. Okay.

2 A. Then by that time we were back in the yard,
3 and we asked the person to come to the door, and
4 it was Ms. Robinson.

5 Q. Okay. Now, do you recall how you were dressed
6 that night?

7 A. In the same type uniform that I wear every
8 day.

9 Q. And did it have any markings to indicate that
10 you were a police officer?

11 A. Yes, maam. It had markings and a badge.

12 Q. All right. Now, how did you all respond to
13 the incident with Willie Dunmore? How did you all
14 first learn about what happened to him?

15 A. . .

16 Q. How did that call initially come to you?

17 A. Through nine one one as an accident.

18 Q. Okay.

19 A. On Secondary 16.

20 Q. You said it was an accident on Secondary 16?

21 A. Yes.

22 Q. And was there a proper name for that road?

23 A. Seaborn Road.

24 Q. Seaborn Road. Okay. How far would it have
25 been from where Mr. Harrison lived to where the

INV. COLLINS ON DIRECT

1 Defendant lived?

2 A. I would say approximately half a mile assum-
3 ing you went by the road.

4 Q. From the Defendant's house to where the acci-
5 dent was?

6 A. I thought you asked me where he lived to
7 . .

8 Q. No, I mentioned that Mr. Harrison lived on
9 Seaborn Road, but how far from the Defendant's
10 house was Mr. Dunmore's vehicle when it came to
11 a rest?

12 A. I'm not sure exactly the distance. It wasn't
13 quite a mile.

14 Q. Okay. Now, you all -- I believe you indi-
15 cated that you all went to a neighbor's house and
16 asked for the telephone number of the residence
17 of Lou Ann Robinson.

18 Is that correct?

19 A. Yes.

20 Q. Now, we all know that Ms. Robinson was sub-
21 sequently arrested.

22 When she was arrested, she was booked in at
23 the jail?

24 A. Yes.

25 Q. All right, and she would have been required

INV. COLLINS ON DIRECT

1 to provide certain information at the jail?

2 A. Yes.

3 Q. All right. I'm going to show you what has been
4 marked for identification purposes only as Exhibit
5 Number 36. Is that a copy of the booking report?

6 A. Yes, maam.

7 Q. All right, and does it indicate what the
8 telephone number is?

9 A. It's .

10 Q. Six one zero nine?

11 A. Yes.

12 Q. And I'll get back to that in just a moment.

13 Did you know Ms. Pearlestone Dunmore?

14 A. I had seen her before. I did not know her
15 personally.

16 Q. Okay. If she lived in Manor Court in Kings-
17 tree -- are you familiar with that area?

18 A. Yes, maam.

19 Q. How far would that have been from where the
20 Defendant lived?

21 A. . .

22 Q. I'm not going to hold you to a precise num-
23 ber here.

24 A. I would say between ten and fifteen miles on
25 the road.

INV. COLLINS ON DIRECT

1 Q. Okay. Now, I'm going to hand you what has
2 been admitted into evidence as State's Exhibit Num-
3 ber 23.

4 These are the cel phone records that were sub-
5 poenaed by the Defense and turned over to the Pro-
6 secution of Mr. Dunmore's cel phone.

7 What is the last call that was made on his
8 cel phone from these records, and it's on the last
9 page?

10 A. It says 12 23 ..

11 Q. That is the date.

12 A. The date, and the number is 803 .

13 Q. Is that the same number that is listed on the
14 booking report for Ms. Robinson?

15 A. Yes, maam.

16 Q. Does it appear that the last call made on Mr.
17 Dunmore's cel phone was to Lou Ann Robinson at
18 8:55 P.M.?

19 A. Yes, maam.

20 Q. All right, and are you aware that the nine
21 one one was placed to EMS at 9:14 regarding the
22 wrecked vehicle of Mr. Dunmore?

23 A. Yes.

24 Q. So that is about twenty minutes later?

25 A. Yes.

INV. COLLINS ON DIRECT

1 Q. Where is Ms. Robinson from? Is she from
2 Williamsburg County?

3 A. No, but I'm not sure where she came from.

4 Q. Now, there has been some testimony in this
5 trial concerning pictures taken during the daytime
6 of the scene, pictures taken in the nighttime at
7 the scene, pictures taken by your agency, pictures
8 taken by the Defense.

9 Let me ask you some questions about that. Do
10 you recall when Lieutenant Jeff Scott went out
11 to the scene to photograph it?

12 A. I want to say it was a couple of days later.
13 I'm not sure of the exact day.

14 Q. Okay. Do you recall the matter of the finding
15 of a knife that was later taken into evidence?

16 A. Yes.

17 Q. When Lieutenant Scott was actually out there
18 taking pictures of the scene, you were not there
19 when that happened?

20 A. No.

21 Q. How old was Mr. Dunmore at the time of his
22 death?

23 A. Let me check the incident report to be sure.
24 I don't . .

25 Q. I'll hand you my marked-up copy, but it is

INV. COLLINS ON DIRECT

1 the . .

2 A. The incident report shows that he was forty-
3 two.

4 Q. Okay. All right. Now, also during the course
5 of this trial -- have you seen this before?

6 A. Yes, maam.

7 Q. Okay. Do you know who it belongs to?

8 A. It came from the residence.

9 Q. But you're not sure whether it belongs to the
10 victim or belongs to her?

11 A. No. I only know where it came from.

12 Q. Could I get you to step down for a moment,
13 please?

14 A. Yes, maam.

15 (Witness leaving stand)

16 Q. If I hold this -- I'm sorry.

17 About how far is the distance between the two
18 of us?

19 A. Two to three feet.

20 Q. Two to three feet?

21 A. Yes, maam.

22 Q. I'll put it down. If this was a weapon in
23 your hand, could you reach me at that distance?

24 A. Possibly.

25 Q. Use that pen as a weapon. How can you reach

INV. COLLINS ON DIRECT

1 me -- my chest?

2 A. I would have to come closer to you.

3 Q. You would have to be closer?

4 A. I would have to be closer . .

5 Q. Come as close as you can get. Keep coming.

6 A. . .

7 Q. Okay, thank you.

8 I don't believe I have any more questions.

9 Investigator Collins, please answer any ques-
10 tions the Defense might have.

11 THE COURT: Cross examine.

12 CROSS EXAMINATION

13 BY MR. JENKINSON:

14 Q. Ms. Collins, good morning.

15 You said you've been investigating cases for
16 the Beaufort County Sheriff's Department for thirty-
17 one years?

18 A. I've been employed by the Beaufort County
19 Sheriff's Department for thirty-one years.

20 Q. How long have you been employed as an inves-
21 tigator?

22 A. Probably twelve years.

23 Q. So you are aware of the problems in the State
24 of South Carolina and Williamsburg County about
25 criminal domestic violence?

INV. COLLINS ON DIRECT

1 A. Yes.

2 Q. And you and I have seen each other many times
3 in a special Criminal Domestic Violence Court that
4 we have set up in Williamsburg County?

5 A. Yes.

6 Q. What training do you have and expertise do
7 you have in investigating criminal domestic vio-
8 lence?

9 A. I don't have any special training but I have
10 in-service training.

11 Q. When was the last time you received any train-
12 ing?

13 A. Last year. I don't remember the month, but
14 we had a class.

15 Q. What did you learn in that class with regards
16 to criminal domestic violence?

17 A. That . .

18 SOLICITOR: Judge, this is depending on hear-
19 say and . .

20 THE COURT: I agree.

21 MR. JENKINSON: All right.

22 BY MR. JENKINSON:

23 Q. Were you ever instructed or did anyone ever
24 teach you or did you ever review information that
25 told you that African-American women are the number

INV. COLLINS ON DIRECT

1 one victims of criminal domestic violence?

2 A. Yes.

3 Q. And did you -- have you since that time re-
4 ceived any further training with regard to how to
5 investigate one of those crimes?

6 A. No, sir.

7 Q. You have not?

8 A. No.

9 Q. Okay. Let me ask you this. You have inves-
10 tigated many murders. I'm certain of that.

11 A. Yes.

12 Q. What is the first thing you do in your inves-
13 tigation of a murder?

14 A. Try to find out what happened and . .

15 Q. You don't interview everyone involved in the
16 investigation?

17 A. Yes, sir. I start with collecting evidence
18 and go from there.

19 Q. Tell me who you interviewed in regards to
20 this case.

21 A. Ms. Robinson and I spoke with her
22 mother.

23 Q. Okay, and are those the only two people that
24 you interviewed?

25 Did you interview anybody else?

INV. COLLINS ON CROSS

1 A. I didn't.

2 Q. Did you try to get any information as to what
3 may or may not have happened from anyone else?

4 A. That was Investigator Brown's job in this
5 case.

6 Q. Did you ever -- who was the last law enforce-
7 ment officer to speak to Willie Dunmore?

8 A. After he went to the hospital?

9 Q. Do you remember seeing a report by Dean
10 McCrea?

11 A. I know what the report says but that doesn't
12 mean he was the last person.

13 Q. Did you talk to Dean yourself?

14 A. No, sir.

15 Q. You didn't talk to him yourself to find out
16 what he knew?

17 A. No, sir. As I said, it was Willie Brown's
18 job to do that.

19 Q. So you were very limited in your investiga-
20 tion?

21 A. Right.

22 Q. You didn't do a whole lot?

23 A. No.

24 Q. What was the second thing you did in the in-
25 vestigation?

INV. COLLINS ON CROSS

1 A. Pardon me.

2 Q. After you talked with or interviewed Ms.
3 Robinson, what was the second thing you turned to?
4 What is probably the second most important thing
5 you can do in a murder case?

6 What would you look for?

7 A. I would look for evidence at the scene of
8 the incident. (Portion not audible on tape)

9 Q. What would you look for in this case?

10 A. I would look for the knife.

11 Q. How many knives were involved in this inci-
12 dent here?

13 A. I believe only one.

14 Q. Did you look for any more?

15 A. Not that I remember.

16 Q. How many knives did you take into evidence
17 that night?

18 A. We didn't take any that night. Not when I
19 was there.

20 They went back to the residence after that
21 night, some officers from the Sheriff's Depart-
22 ment.

23 Q. You were not with them?

24 A. No, sir, when they did the search of the
25 residence I was not with them.

INV. COLLINS ON CROSS

1 Q. So you were not with them?

2 A. No, sir.

3 Q. Were you ever advised of the kind of
4 knives involved in this incident?

5 A. No, sir.

6 SOLICITOR: Judge, may we approach?

7 THE COURT: Yes, maam.

8 (Conference at the bench between counsel and
9 the Court off the record)

10 THE COURT: All right. Ask your question.

11 BY MR. JENKINSON:

12 Q. Investigator Collins, were you ever advised
13 or did you investigate whether Mr. Dunmore had a
14 knife in his pocket at the hospital?

15 A. The case was assigned to Investigator Brown.
16 I did not do any detailed investigation after the
17 night I went with Investigator Brown on the call.
18 I did not do anything else.

19 Q. But if he had had a knife in his pocket at
20 the hospital, that would be a crucial piece of evi-
21 dence, would it not?

22 A. Investigator Brown went to the hospital.

23 Q. But would you agree that would be a crucial
24 piece of evidence to this investigation?

25 A. I don't know what you're talking about.

INV. COLLINS ON CROSS

1 Q. Would a potential murder weapon that was re-
2 covered -- is that important to your investigation
3 or any investigation?

4 A. Yes, sir, if that is the murder weapon.

5 Q. Do you know what is the murder weapon?

6 A. Do I know what it is?

7 Q. Do you . .

8 SOLICITOR: Objection. We're getting in that
9 same area again, Judge.

10 THE COURT: Yes, . .

11 MR. JENKINSON: I'll rephrase the question,
12 Your Honor.

13 THE COURT: All right.

14 BY MR. JENKINSON:

15 Q. Is it a fair statement to say, Ms. Collins,
16 that at this point we have numerous weapons, but
17 we don't know which one was the murder weapon?

18 A. I would say we have got some, but I can't
19 say whether this is the knife that was used that
20 night. I don't know.

21 Q. You don't know?

22 A. No.

23 Q. So you are saying there could have been
24 another knife that wasn't recovered that could
25 have been the murder weapon?

INV. COLLINS ON CROSS

1 A. I'm saying that there was a knife that was
2 recovered that we have, but I'm not saying there
3 was another knife because I don't know.

4 Q. You have no knowledge of another knife?

5 A. No, sir.

6 Q. Three years later, you have no knowledge of
7 a third knife?

8 A. . .

9 SOLICITOR: Judge, I think we're getting into
10 the same area.

11 THE COURT: Yes, sir. That was answered.

12 BY MR. JENKINSON:

13 Q. A minute ago, Ms. Collins -- step down here
14 if you would, please.

15 A. (Leaving witness stand)

16 Q. Now, Ms. Collins was asking you -- not Ms.
17 Collins -- the Solicitor -- she was asking you if
18 you could reach me with the knife if we were like
19 this.

20 A. Yes, and she didn't point it all the way at
21 me.

22 Q. All right, but she was closer to you to do
23 that? If I had the gun I was baiting you with . .

24 A. Yes.

25 Q. Could you reach me now?

INV. COLLINS ON CROSS

1 A. No.

2 Q. Could you stab me now?

3 A. Possibly; yes.

4 Q. If I was doing that, would you be within
5 your rights to defend yourself? Get me off you?

6 A. First of all, if you had a gun then I wouldn't
7 have a chance to stab you.

8 Q. If I had already taken this gun and pulled the
9 trigger and if I've already taken a knife out and
10 cut you, could you yourself within your right of
11 trying to defend yourself stab me?

12 A. I would try to get out of your way.

13 Q. Would you try to get me off you?

14 A. I would try to.

15 Q. All right. Well, you would, wouldn't you?

16 A. I would try.

17 Q. All right. Ms. Collins, you have never re-
18 viewed the autopsy report?

19 A. No, sir.

20 Q. And after that night you actually haven't done
21 any investigation?

22 A. No. As I told you, the case was turned over
23 to Investigator Brown.

24 Q. You never went to the hospital and looked at
25 the body?

INV. COLLINS ON CROSS

1 A. No.

2 Q. Never talked to any doctors or nurses?

3 A. No. Investigator Brown did.

4 Q. Are you aware that there was blood found on
5 the gun?

6 A. Later.

7 Q. Do you have a blood analysis?

8 A. I don't. You would have to ask Investigator
9 Brown.

10 Q. Well, would you agree with me in a murder case
11 it is important when blood is found on a weapon to
12 find out whose blood that is?

13 A. Yes.

14 Q. So you would agree with me that was a crucial
15 piece of evidence?

16 A. Yes.

17 Q. It certainly would help determine the facts
18 of the case, wouldn't it? How the crime had
19 occurred?

20 A. . .

21 Q. It could determine the proximity of the person
22 to the gun or how close they were to the gun,
23 wouldn't it?

24 A. Not necessarily. Blood could have gotten on
25 my hand and then on the gun.

INV. COLLINS ON CROSS

1 Q. But it would be important to determine whose
2 blood it was and if that person was close enough
3 to that gun to get blood on them at some time?

4 A. I agree with your theory. I don't know how
5 the blood got on there.

6 Q. Well, anything is possible, isn't it, Ms.
7 Collins?

8 A. . .

9 Q. Can you agree with me it would be a crucial
10 piece of evidence?

11 A. It's possible..

12 Q. On the telephone call record that you went
13 over with Ms. Barr, the last telephone call from
14 that phone was to Ms. Robinson's home?

15 A. Yes, sir. From the number that's on the phone
16 record.

17 Q. And that phone call was answered, according
18 to the record?

19 A. Right.

20 Q. And there were only two people at the residence
21 that night?

22 A. Yes.

23 Q. And you don't know what was said during that
24 phone call, do you?

25 A. No.

INV. COLLINS ON CROSS

1 Q. You have no way of knowing?

2 A. No, sir.

3 MR. JENKINSON: May I have a minute, Judge?

4 (Brief pause in the proceeding)

5 BY MR. JENKINSON:

6 Q. Ms. Collins, I'm going to show you these two
7 chain of custody forms. Have you ever looked at
8 them?

9 A. I've never seen that.

10 Q. So you were never aware that the Defendant
11 had a pocket knife on him . .

12 SOLICITOR: Objection, Your Honor.

13 MR. JENKINSON: I don't have anything further,
14 Your Honor.

15 THE COURT: Solicitor?

16 SOLICITOR: May we approach?

17 (Conference at the bench between counsel and
18 the Court off the record)

19 SOLICITOR: No further questions of Investi-
20 gator Collins.

21 THE COURT: You can step down.

22 (Witness excused from stand)

23 (Brief pause in the proceeding)

24 THE COURT: The photographs we have just
25 discussed have been marked as State's . .

INV. COLLINS ON CROSS

1 COURT REPORTER: Thirty-seven, 38.

2 THE COURT: And the autopsy report? The diagram?

3 COURT REPORTER: Number 39.

4 THE COURT: I understand that they are in
5 without objection.

6 MR. JENKINSON: Yes, sir.

7 THE COURT: All right.

8 (Photographs admitted in evidence as State's
9 Exhibits 37 and 38. Autopsy report entered with-
10 out objection as State's Exhibit 39 in evidence.)

11 THE COURT: Call your next witness.

12 SOLICITOR: Dr. Presnell. Thank you, Your
13 Honor. May it please the Court?

14 We would call Dr. Erin Presnell.

15 SUSAN ERIN PRESNELL, being duly
16 sworn, testified as follows:

17 CLERK: Please have a seat on the witness
18 stand.

19 SOLICITOR: May it please the Court?

20 THE COURT: Yes, sir.

21 DIRECT EXAMINATION

22 BY SOLICITOR SABB:

23 Q. You are Erin Presnell?

24 A. Yes.

25 Q. And would you do me a favor and please

DR. PRESNELL ON DIRECT

1 introduce yourself to the ladies and gentlemen on
2 the jury?

3 A. My name is Erin Presnell. I'm a forensic
4 pathologist. I work at the Medical University of
5 South Carolina in Charleston.

6 Q. Okay, and would you just kind of tell the
7 jurors a little bit about your education, training
8 and background, and then I want you to tell us
9 about what you do.

10 A. Okay. I am -- as I said, I'm a forensic path-
11 ologist.

12 To back up a little, forensic pathology is a
13 subspecialty of pathology, which is a field of
14 medicine. Pathology is a field of medicine.

15 First, there is a general pathologist, and
16 most pathologists are general pathologists. They
17 -- if you go to your family doctor and they do a
18 biopsy, or say there is some type of lump in your
19 breast or elsewhere, that particular biopsy or
20 specimen will go to a pathologist who will look at
21 it under the microscope and determine if it is
22 cancerous or not. Is there infection or not.

23 Forensic pathology is a subspecialty of that.
24 So instead of looking at a specimen, we look at
25 the entire body of a person.

DR. PRESNELL ON DIRECT

1 We are looking for any disease process and we
2 are looking for signs of trauma, and the process
3 we go through to do this is called an autopsy.

4 We look at the full external parts of the body
5 as well as all the internal parts of the body.

6 To become a pathologist -- a pathologist is a
7 doctor who then has additional training and educa-
8 tion. To become a pathologist I went to MUSC for
9 medical school and did my four years of medical
10 school. At that point is where you pick a specialty.

11 I picked pathology and went through general
12 pathology training. I then decided on an interim
13 subspecialty in forensics and did all the work for
14 the examination and certification. So I am board
15 certified in general pathology and in the subspe-
16 cialty of forensic pathology.

17 Q. That's what I call a good two minute speech that
18 encompasses quite a bit, and we appreciate that.

19 So you work at what institution now?

20 A. I work at the Medical University of South
21 Carolina. I went there in 1989 and started medical
22 school, and I have never left. I was hired in 1999
23 as a pathologist.

24 Q. So we've been able to hold on to you for some
25 twenty years?

DR. PRESNELL ON DIRECT

1 A. About that, yes.

2 Q. And how is it that you get the cases that you
3 get to perform your autopsies on?

4 A. Well, South Carolina has a coroner system, so
5 that the counties have a coroner. The coroner in
6 a given county will do an examination to decide
7 whether an autopsy is warranted of a person.

8 Then they choose whatever institution they
9 would like to send that person to for an examina-
10 tion.

11 Q. And the Williamsburg County Coroner -- that's
12 our coroner, Harrison McKnight?

13 A. Yes, sir.

14 Q. And, Dr. Presnell, of course, I started my
15 solicitorial duties in 1990, and so you and I, of
16 course, go back a long way.

17 I know but I want the jurors to also know
18 that you have had occasion to be qualified as an
19 expert in our Courtroom on numerous occasions, hav-
20 en't you?

21 A. Yes.

22 SOLICITOR: If Your Honor please, Judge, at
23 this time we would tender Dr. Presnell as an ex-
24 pert in the area of forensic pathology.

25 THE COURT: Any objection?

DR. PRESNELL ON DIRECT

1 MR. JENKINSON: . No objection.

2 THE COURT: Okay, the Court so finds.

3 SOLICITOR: Judge, would you be inclined at
4 this point to advise the jurors with regards to
5 experts?

6 THE COURT: Yes. At this point I have quali-
7 fied the Doctor, ladies and gentlemen, as an expert
8 in the field of pathology.

9 What that means is this. Normally a witness
10 cannot give an opinion about a matter, but an ex-
11 pert can give their opinion about certain matters
12 that they may have expertise in.

13 Now, you are not to give the fact that she's
14 an expert any more weight than any other witness.
15 You are not to give her testimony any more weight
16 because of that. You make your determination based
17 on the evidence that you hear in this case.

18 I have ruled that she is qualified as an ex-
19 pert and able to give her opinion about the field
20 she is an expert in, and that's what it means.

21 SOLICITOR: Thank you, Your Honor.

22 BY SOLICITOR:

23 Q. Dr. Presnell, did you come in contact with
24 Willie Dunmore as a result of a referral from
25 Coroner Harrison McKnight?

DR. PRESNELL ON DIRECT

1 A. Right. Harrison McKnight referred Mr. Dunmore
2 to the Medical University for the autopsy to be
3 performed by a forensic pathologist there.

4 Q. And was that Dr. Kaplan?

5 A. Yes.

6 Q. And Dr. Kaplan would have been one of the
7 other forensic pathologists that sort of technically
8 works under you. Is that right?

9 A. Yes, he is a part of our autopsy team.

10 Q. And so typically when there are referrals of
11 a deceased person, members of the team actually per-
12 form the autopsy?

13 A. Yes.

14 Q. Okay, and what was your role with regard to
15 this particular case?

16 A. Well, I was involved in the case at the time the
17 examination was actually done by Dr. Kaplan in
18 2006. Then Dr. Kaplan left the University, and when
19 the case was coming up for trial I was contacted.

20 I reviewed the case and worked on the diagram,
21 and I also reviewed the autopsy photographs as well.

22 Q. Thank you for going through all of that for
23 us.

24 If you would at this time, can you talk to
25 us about the examination that was performed on Mr.
Dunmore?

DR. PRESNELL ON DIRECT

1 A. Well, as you heard me say, there was a full
2 external exam, and then a full internal exam was
3 done. Everything was documented.

4 He had one major injury. He had a stab wound
5 to the left portion of his chest, and the stab
6 wound went four point nine inches -- almost five
7 inches down the length of the body.

8 It went through the skeletal muscles and cut
9 through those muscles and down to the sack that
10 holds the heart, and then it went right into the
11 heart, the right side of the heart.

12 There was an abrasion of the heart, or a half
13 inch hole in the heart. Of course, the heart is
14 the pump for the blood throughout the body, and be-
15 cause of having a hole in the heart he bled, so he
16 ultimately bled to death.

17 Q. All right.

18 A. And all of that was documented at the time
19 of the autopsy examination.

20 Q. All right, and did you find any other injuries
21 that Mr. Dunmore had sustained?

22 A. He had a few, yes.

23 Q. And would you tell us about any other injuries
24 or wounds that were sustained by Mr. Dunmore,
25 please, Dr. Presnell?

DR. PRESNELL ON DIRECT

1 He did have a few more sharp point injuries,
2 a few cuts.

3 On his left hand he had a cut on the back of
4 his ring finger and also along the side of his left
5 thumb.

6 Q. Okay. Essentially, the sharp object that
7 would be consistent with a knife actually went into
8 Mr. Dunmore's heart?

9 A. Yes.

10 Q. Some four point nine inches into his body?

11 A. Yes, sir.

12 Q. Okay, and the two other cuts or wounds that
13 you described, would those have been consistent
14 with what we call defense wounds?

15 A. . . .

16 MR. JENKINSON: Your Honor, I'm going to ob-
17 ject to the leading and to his characterizing the
18 nature of the wounds.

19 SOLICITOR: I am asking her version of it.

20 MR. JENKINSON: Move to strike the comment,
21 number one, and, Judge, in terms of describing
22 them he can ask what she thinks they would be con-
23 sistent with.

24 THE COURT: All right. I'll allow the ques-
25 tion.

DR. PRESNELL ON DIRECT

1 BY SOLICITOR:

2 Q. You may answer.

3 A. We see those types of injuries on certain
4 bodies where we find stab wounds. When someone is
5 assaulted they may put their arms up or hands up
6 and sustain cuts on the hands or backs of the arms,
7 versus where on the front of the arms a cut there
8 would not agree with holding up the hands or arms
9 like that necessarily to defend yourself.

10 So cuts on the back of the finger and on the
11 side of the thumb could be consistent with defensive
12 wounds.

13 However, that is not always the case and so
14 I cannot state that as a definite fact they are
15 defense wounds.

16 Q. I appreciate that. Okay, would you tell us
17 about the examination?

18 A. Excuse me.

19 Q. Would you tell us about the actual examination
20 that was performed?

21 A. Well, like I said, we examine the entire
22 body externally and internally and we document our
23 findings.

24 We document any scars, we document anything
25 that we see.

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1 We diagram the location of the stab wounds on
2 the outside of the body, and then we look inside
3 the body, which we did.

4 Of course, we also documented the stab wound
5 to the heart and the hole in the heart. All of the
6 internal organs of the body were examined, and a
7 report was prepared of the findings.

8 Q. Okay.

9 A. And, of course, blood was drawn for toxicology
10 testing.

11 Q. And in terms of the toxicology report that
12 you just mentioned, that is a report that you use
13 to measure blood alcohol?

14 A. Yes.

15 Q. Things like whether or not cocaine is in some-
16 body's system?

17 A. Yes, sir. Drugs and alcohol.

18 Q. So cocaine, heroin, marijuana -- would those
19 kinds of things show up in that report?

20 A. Yes.

21 Q. Would you tell us about the results of the
22 toxicology report?

23 A. Yes, sir. Mr. Dunmore had a blood alcohol
24 level of point one five six. The limit for driving
25 or DUI is point zero eight. So this was approximately

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1 twice that. Point one five six.

2 Q. Okay.

3 A. Also some caffeine and some nicotine.

4 Q. But no so-called schedule two substances like
5 cocaine or marijuana -- any of those types of
6 things?

7 A. No.

8 Q. But he had consumed some alcohol?

9 A. Yes, sir.

10 Q. And the limit for driving you described as
11 being point zero eight?

12 A. Yes.

13 Q. Now, you indicated to the jurors that you had
14 a diagram?

15 A. Yes. Would you like me to go into that?

16 A. I would. Would you be kind enough to come
17 down and show the jury the area of injury?

18 A. Yes. (Leaving stand)

19 SOLICITOR: With your permission, Judge.

20 THE COURT: Yes.

21 BY SOLICITOR:

22 Q. All right. We're going to show it on the
23 screen here.

24 A. Yes.

25 Q. Okay. All right, if you would use that diagram

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1 which is State's Exhibit Number -- what number is
2 that?

3 REPORTER: Number 39.

4 BY SOLICITOR:

5 Q. State's Exhibit 39 -- if you would use that
6 to show the area of injury to the jurors, or the
7 wound areas.

8 A. All right. The diagram is relatively busy as
9 there was a lot of medical intervention.

10 Right here -- right above the nipple and
11 oriented in that oblique or diagonal manner is the
12 stab wound to the chest.

13 On the left hand -- this is the left hand.
14 The front and back of his left hand.

15 There is an incision or cut on the thumb as
16 well as a cut on the back of the ring finger.

17 Q. You talked in terms of it being busy and
18 that other things are going on with him.

19 Those are things that were done to try to
20 save his life?

21 A. Yes. Well, the medical intervention -- the
22 EKG tabs, the fibrillation tabs. He also has chest
23 tubes -- a chest tube in the left side of his
24 chest.

25 Q. That is the medical professionals doing

DR. PRESNELL ON DIRECT

1 whatever they can to save his life if they can?

2 A. Yes.

3 Q. And the stab wound area is here?

4 A. Yes.

5 Q. And these are the indications as relate to the
6 cuts on the fingers?

7 A. Yes.

8 Q. You indicated to the jurors that the depth of
9 the stab wound was four point nine inches?

10 A. Yes.

11 Q. What, if anything, can you tell them with re-
12 gard to the length or width?

13 A. One of the things that we do in stab wound
14 cases or blunt force injuries is we will measure
15 the width of the stab^{or cut} on the skin, and then we mea-
16 sure the depth.

17 We do this to characterize the wound.

18 Q. Okay.

19 A. Now, again, a lot of people watch CFI, and
20 this isn't TV. We are not going to be able to put
21 in something and pull out a replica of the knife.

22 But there are things that we look at. This
23 is the width across the skin, one point eight
24 inches, measuring across the skin. Almost two
25 inches.

1 Now, does that mean that the knife was one
2 point eight inches wide? Not necessarily, be-
3 cause as the knife goes in it can saw and it can
4 actually be bigger.

5 If the knife doesn't go in all the way, then
6 the point of the knife is not as wide as the knife
7 is closer to the handle.

8 So you can kind of get an estimate. It is
9 not a real small knife, but it is not exact. It
10 doesn't have that precision that someone might ex-
11 pect.

12 Now, the path through the body is four point
13 nine inches or the depth through the body is four
14 point nine inches, almost five inches. Almost five
15 inches in length.

16 Does that reflect how long the knife is?
17 Well, again, we have to kind of take it in con-
18 text. We kind of get an average or approximation.
19 It can actually be shorter, the knife, or the
20 knife can be longer if the knife did not go in all
21 the way. That makes sense.

22 So the wound path can actually be longer be-
23 cause the body is compressible. If somebody is
24 stabbed and the body is compressed, then the knife
25 can go further. It compresses the tissue together

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1 and then you draw it out, and the tissue being
2 compressed, then the knife can go further than it
3 is long. The tissue being compressed, when you
4 draw it out, the pathway is actually longer.

5 Having said that, if you have a small knife,
6 meaning not that long, and say the blade is two or
7 three inches, if you press and push it in far
8 enough that the body compresses, it can make an
9 almost five inch length pathway.

10 Then you would really expect some kind of
11 marking to be around the wound from the handle,
12 pushing on the body with that much force to com-
13 press it.

14 In this case we did not have that. This is
15 a single sharp entrance with no abrasions, no con-
16 tusions or bruises around it whatsoever.

17 So again, that suggests a larger knife, not
18 a small two inch type knife, but a longer blade,
19 around a four inch type blade.

20 Q. Let's go to State's Exhibit 37 that is in
21 evidence, and talk about the photograph, if you
22 can, to further explain the autopsy.

23 A. All right. Can I look at these for a minute?

24 Q. Yes, maam. Absolutely.

25 SOLICITOR: If Your Honor please, this is State's

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1 Exhibit 37, 38.

2 THE COURT: Okay.

3 A. This photograph was actually taken after his
4 death at the hospital, before the autopsy. He
5 still has a fair amount of bloodstain on him.

6 If you can see right here, there is his
7 nipple on his chest, his left chest, and there is
8 the stab wound.

9 It is gaping, meaning that it is against the
10 skin tension, or the skin tension is pulling it
11 open.

12 What we're going to do at autopsy is we
13 clean him up, and we reattach that or try to put
14 it back together, to take away that tension on the
15 skin, or reapproximate that. That is the next
16 one, I believe.

17 Q. Yes.

18 A. This is actually very close up to the stab
19 wound.

20 Q. Okay.

21 A. His nipple is probably around in here, and
22 here is where we are approximating this injury. You
23 can see the length again of the wound, one point
24 eight inches, and the direction of it is kind of
25 an oblique or diagonal direction.

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1 Q. Help me with -- if you could just with your
2 fingers show us about one point eight inches?

3 A. Approximately two inches. (Gesturing)

4 Q. Okay. Would this be right, my hand?

5 A. Yes. You can see it's from here to here.
6 About that.

7 Q. Let me put my fingers where yours are. So is
8 that about right?

9 A. Yes.

10 Q. Okay, good.

11 A. Two inches.

12 Q. Okay.

13 A. It is actually one point eight inches. You
14 do notice there are no markings or abrasions or
15 bruises around the wound.

16 Q. All right. So this is the width of the blade?

17 A. No, no, the width of the stab wound.

18 Q. You indicated that is not necessarily an in-
19 dication of how wide the blade is?

20 A. Yes.

21 Q. But this is really inconsistent though with
22 a little small blade, isn't it?

23 A. Well, taking everything on context, if you
24 have a small blade and it's not that long, you could
25 saw and create a width that wide on the skin with

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1 a smaller blade. If you press in far enough to
2 make it almost five inches I would expect some mark-
3 ings though on the surface of the skin from the
4 handle being pushed against the skin.

5 Q. Let me qualify my question in a different
6 way.

7 Look at the length of that, coupled with the
8 depth. Would you agree that is inconsistent with
9 a small blade?

10 A. . .

11 MR. JENKINSON: Your Honor, we object to the
12 leading.

13 THE COURT: Rephrase your question, Solicitor.

14 BY SOLICITOR:

15 Q. When you look at the depth of the wound, coup-
16 led with the length of the wound, is it consistent
17 or inconsistent with a small blade?

18 A. The way I would prefer to answer that is more
19 consistent with a larger blade.

20 Q. Thank you.

21 SOLICITOR: Permission to take my coat off a
22 minute, Judge?

23 THE COURT: All right.

24 BY SOLICITOR:

25 Q. Dr. Presnell, of course, we go back a long

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1 way, and I've seen what you are able to do a lot
2 of times.

3 Can you illustrate to the jurors the probable
4 path that the injury was inflicted?

5 A. What I can do -- you mean, to illustrate on
6 you?

7 Q. Yes, maam.

8 A. What I can do is slowly track the pathway to
9 try to determine the direction of the injury
10 through the body.

11 If you'll excuse me just a moment, I have a
12 little . .

13 Q. Yes, maam.

14 A. . . all right. If you can imagine this lit-
15 tle sticky note here is the stab wound, and remember
16 it is oriented in that direction, so the stab wound
17 enters here, and remember it is going to the right
18 side of the heart, and we are also going from
19 left to right, and we are also going from front to
20 back.

21 The direction of the stab wound is this way,
22 down, back and to the right.

23 Q. Doctor, would that be more consistent with
24 the notion of somebody moving up or would it be
25 more consistent with somebody coming down?

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1 A. Well, remember that when I see somebody at
2 autopsy that they are laid down. I don't know
3 the victim's position at the time of death or at
4 the time of the stabbing.

5 However, I can tell you the pathway of the
6 stab wound in the body, and the pathway is down.

7 So if you are asking if somebody is stabbing
8 upward, I would expect the stab to go upward.
9 This is downward.

10 I mean, you can see from -- remember the
11 picture that we showed? It is right by the nipple
12 area here, and it is going down to the heart. That
13 is the direction.

14 Q. So, again, Doctor, would the stab wound be
15 consistent with the injury coming down, or consis-
16 tent with the injury coming up?

17 A. It is coming down on the body. Again, I do
18 not know his position during the time of the inci-
19 dent but clearly the stab wound is going downward
20 on his body.

21 Q. Thank you, Doctor.

22 SOLICITOR: Thank you, Judge.

23 THE COURT: Yes, sir.

24 SOLICITOR: Court's indulgence?

25 THE COURT: Okay.

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1 BY SOLICITOR:

2 Q. Dr. Presnell, I neglected to . .

3 SOLICITOR: Permission to approach, Judge.

4 THE COURT: Yes.

5 Q. I'm going to have to ask you to come down.

6 A. All right.

7 Q. Four point nine inches -- that's the depth
8 of the wound?

9 A. Yes.

10 Q. What is the final diagnosis, Dr. Presnell,
11 as it relates to -- well, I neglected to do this.
12 Would you give us a description -- of course, we
13 saw Mr. Dunmore. Can you give us a description
14 about his size and weight?

15 A. He was approximately two hundred pounds, and
16 six feet -- height was six feet.

17 Q. Six feet, two hundred pounds?

18 A. Yes.

19 Q. Okay, and if you would, what was your final
20 diagnosis as it relates to Mr. Dunmore?

21 A. The cause of death was injury to the heart
22 secondary to a stab wound, and manner of death was
23 homicide.

24 Q. Stab wound to the heart being the cause of
25 death?

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1 A. Yes.

2 Q. And manner of death being homicide?

3 A. Yes.

4 Q. And the opinion or opinions as it relates to
5 the cause of death and the manner of death, Doctor,
6 are opinions to a reasonable degree of forensic
7 pathological certainty?

8 A. The cause of death is definitely without
9 question and with pathological certainty. Stab wound
10 to the heart.

11 When we state a manner as being a homicide,
12 or qualify a manner of death as a forensic pathol-
13 ogist as a homicide, that means it is not a natural
14 death. Homicide is meant in our realm as being at
15 the hands of another.

16 So it is in the jury's province to decide
17 ultimately the manner of death, but from our posi-
18 tion it means a death at the hands of another.

19 Q. It is not self inflicted, is it?

20 A. No, it could not have been self inflicted.

21 Q. Thank you, maam. Nothing further.

22 THE COURT: Mr. Jenkinson.

23 CROSS EXAMINATION

24 BY MR. JENKINSON:

25 Q. Dr. Presnell, I have not had the pleasure of

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1 meeting you before, unlike my good friend here.

2 My name is Jenkinson, and I represent the Defen-
3 dant, Lou Ann Robinson, in this case.

4 Now, on Christmas Day of 2006 is the time and
5 date of the autopsy of Mr. Dunmore?

6 A. Yes.

7 Q. A six foot tall, two hundred pound African-
8 American male?

9 A. Yes.

10 Q. And forty-two years old?

11 A. Yes.

12 Q. In a healthy condition otherwise?

13 A. Yes. I think he had had some prior medical
14 changes, but he was generally in a healthy condition,
15 yes.

16 Q. And at the time of death, an intoxicated man,
17 200 pounds, six feet tall?

18 A. Yes. He was under the influence of alcohol.

19 Q. To use a local phrase, he was double drunk?

20 A. Well, I'd have to just say he was at twice
21 the legal limit to drive a car.

22 Q. Okay, and people can function at that level
23 without stumbling around or falling down, can't
24 they?

25 A. I'm certain they can. I don't know about this

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1 particular person, but it's possible.

2 Q. People at that intoxication level, their judgment and good reason is affected, is it not?

4 A. . .

5 SOLICITOR: Judge, I'm not sure that that is within the realm of her expertise.

7 MR. JENKINSON: Your Honor, being a forensic pathologist, I would hope she can answer that.

9 SOLICITOR: All I did was comply with the rules and object.

11 THE COURT: I'm going to overrule the objection.

13 BY MR. JENKINSON:

14 Q. You can answer.

15 A. Well, alcohol is a question that we deal with quite often. The higher the levels of alcohol, the more the brain is affected. If the levels go higher and higher and higher, then the brain becomes more and more affected, and the person becomes more and more impaired.

21 So certainly it is not only how high the levels are but also dependent on how accustomed the person is to high levels of alcohol, what they are used to.

25 In this particular case, I don't know how Mr.

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1 Dunmore was affected by an alcohol level of one
2 point five six.

3 Q. It's not strange that people while drinking
4 do things that they ordinarily would not do when
5 they were sober?

6 A. I certainly agree with that.

7 Q. And people tend to be more violent when they
8 are intoxicated than not?

9 A. . .

10 SOLICITOR: Your Honor, I would object to
11 that.

12 THE COURT: I'll allow it. I think she can
13 answer that.

14 BY MR. JENKINSON:

15 Q. All right.

16 A. People who are intoxicated can certainly become
17 violent, while in other cases it may have the op-
18 posite effect on them.

19 In this particular case, I don't know how Mr.
20 Dunmore was affected by his alcohol level.

21 Q. But would you say a person with a blood alco-
22 hol of almost point sixteen is the same as the
23 person who hasn't been drinking at all?

24 A. No.

25 Q. They have different personalities and they act

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1 differently?

2 A. They probably do.

3 Q. Now, when you examined Mr. Dunmore, you found
4 one stab wound?

5 A. Yes.

6 Q. Not multiple stab wounds?

7 A. Not multiple stab wounds.

8 Q. And in a lot of cases where a stabbing is
9 done, there are multiple stab wounds when you in-
10 tend to kill somebody, and a single stab wound can
11 be a defensive stab wound where you are just try-
12 ing to get somebody off of you?

13 Is that a fair statement?

14 A. . .

15 Q. When you intend to kill someone, you typically
16 find multiple stab wounds, don't you?

17 A. Yes. In most of our stab wound cases, when
18 somebody has been killed by another person, there
19 are multiple stab wounds.

20 Q. And that means that not only am I going to
21 get you once, but I'm going to get you twice. I'm
22 going to make sure I'm killing you. Right?

23 A. I don't know that myself, but we do see mul-
24 tiple stab wounds in most of our stab wound kill-
25 ings, yes.

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1 Q. In this particular case, there was only one
2 stab wound?

3 A. Yes, one stab wound.

4 Q. And that would be consistent with somebody
5 trying to defend themselves against Willie Dunmore,
6 wouldn't it?

7 A. I'm not sure what you mean by trying to de-
8 fend themselves.

9 Q. All right. If, let's just hypothetically
10 say, Willie Dunmore was attacking someone, . .

11 A. Yes.

12 Q. . . and you want to get Willie . .

13 SOLICITOR: Objection, Your Honor.

14 Q. . . Dunmore . .

15 SOLICITOR: He's asking her a question from
16 facts that are not in evidence. A hypothetical is
17 appropriate, but from my understanding of the
18 rules it has to be consistent with the evidence
19 in the case.

20 There is no evidence of that in this case at
21 this point.

22 MR. JENKINSON: Your Honor, on cross examina-
23 tion it is not following hypothetical rules as it
24 would be if you were asking it on direct. This is
25 cross examination.

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1 THE COURT: But it should be consistent with
2 facts in evidence.

3 MR. JENKINSON: I'm just creating facts for
4 her to comment on. I'm just . .

5 BY MR. JENKINSON:

6 Q. If Willie Dunmore, assuming he was attacking
7 somebody and they wanted to keep him off of them,
8 and there was a stab wound, it would be a defensive
9 type wound?

10 A. I don't think we would classify it as defen-
11 sive. Even if it was in self defense, it was still
12 a homicide for us, whether in self defense or not.

13 We wouldn't call it a defense injury per
14 se, which is the way I think you are talking about
15 it.

16 But certainly if the two people are facing
17 each other and something happens and a person is
18 stabbed downward, that can certainly happen.

19 Q. And seldom do you get just one stab wound?
20 The vast majority of cases are multiple stab
21 wounds?

22 A. Most of the cases are multiple stab wounds,
23 yes. Not all of them but a majority of them are.

24 Q. Now, you were describing for Mr. Sabb this
25 angle. You can sit there and say that you can tell

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1 us the stab wound came downward and inward. Is
2 that right?

3 A. Yes.

4 Q. And that is all you can tell us?

5 A. . .

6 Q. You can't tell us what position Mr. Dunmore
7 was in?

8 A. Right. When I saw him, he was lying on his
9 back, as I indicated, and I do not know what posi-
10 tion he was in at the time of the event.

11 Q. Okay. If he was leaning over somebody and if
12 somebody was in a -- say, on their knees and
13 they were defending themselves or stabbing at him
14 to get him off them, and he was leaning over, that
15 would account for the inward and downward, would
16 it not? An inward and downward stab wound?

17 A. It depends on the -- if someone is stabbing
18 upward, you would expect an upward wound in the
19 body.

20 Q. All right.

21 A. And it could be inward and downward, depend-
22 ing on the position of the other person, it could
23 account for that.

24 Q. It depends upon the angle with respect to the
25 skin that the knife goes in?

DR. PRESNELL ON CROSS

1 A. I would say it depends more on the angle in
2 which the knife is directed into the body.

3 Q. If the body is standing straight, then it's
4 this way?

5 A. Right.

6 Q. If the body goes back, it gets more up in the
7 air?

8 A. Yes.

9 Q. And the more the body comes this way, it be-
10 comes more toward the breast. So it depends more
11 on the angle of the person's body?

12 A. Right. Now, what might be helpful to illus-
13 trate this kind of thing so that the jury might
14 understand is if you take that long probe and you
15 pull it to the chest -- hold your arm like that
16 and it kind of -- you can see if you are standing
17 it will be a direct stab.

18 Then if you lean over you can see the knife
19 might be coming upward -- like you were doing but
20 it might be more illustrative of what could be the
21 process.

22 Q. I think what I'm trying to understand is, it
23 depends upon the position of the body itself to
24 determine the angle and where the weapon went?

25 A. Right, it depends on the body and the position

DR. PRESNELL ON CROSS

1 of the perpetrator, the person who did the stab-
2 bing. It depends on both of them, both things.

3 Q. Right. Again, you can't say he was standing
4 up straight and you can't say he was leaning? It
5 could have happened in any of those positions?

6 A. That's right.

7 Q. Now, if your notes -- you dictated this report,
8 did you not?

9 A. No.

10 Q. But I believe you said you reviewed this autopsy
11 report?

12 A. Yes.

13 Q. And you have information in it that Willie
14 Dunmore had a knife and had it with him when he was
15 at the hospital?

16 A. . .

17 SOLICITOR: If Your Honor please, we would
18 object.

19 A. I was not at the hospital.

20 Q. Okay.

21 (Brief pause in the proceeding)

22 MR. JENKINSON: Thank you, Your Honor.

23 BY MR. JENKINSON:

24 Q. If Willie Dunmore had a knife in his pocket
25 at the hospital where he died, that would be a

1 knife that you would like to see in terms of whe-
2 ther or not that was the knife that he was stabbed
3 with. Would that be a fair statement?

4 A. That's right.

5 Q. If you had that knife, not only could you
6 compare it to his stab wound, but you could also
7 look for his blood on that knife?

8 A. Well, that would be analyzed in a laboratory.
9 We would not do that.

10 Q. But it would be a wonderful thing to have to
11 determine if it was what he was actually stabbed
12 with?

13 A. It could help to include or exclude it, yes.

14 Q. And if we don't have that weapon that -- that
15 knife that was in his pocket, we don't know, do
16 we?

17 A. I'm not sure about the knife. I can't speak
18 to that.

19 Q. But it would be a very useful piece of evi-
20 dence, would it not?

21 A. It would.

22 Q. Pardon?

23 A. Yes.

24 Q. Also, blood analysis in these type murder
25 cases is real important, is it not?

DR. PRESNELL ON CROSS

1 A. Yes.

2 Q. Critically important?

3 A. Yes.

4 Q. And in investigations and doing forensics that
5 is something that is usually very important?

6 A. . .

7 SOLICITOR: Your Honor, that is something that
8 is out of her expertise and we would object at
9 this point.

10 THE COURT: I'm not sure of his question.

11 MR. JENKINSON: I just asked her if blood
12 analysis was something that is very important in
13 forensics. In forensic investigations.

14 THE COURT: She can answer that question.

15 BY MR. JENKINSON:

16 Q. You can answer.

17 A. Yes.

18 Q. That would be your answer?

19 A. Yes.

20 Q. You say you found a cut or laceration on the
21 thumb and ring finger?

22 A. Yes, on the left hand.

23 Q. Do you know when that laceration occurred?

24 A. What was seen was consistent with it occurring
25 around the time of the stab. Could it have been

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DR. PRESNELL ON CROSS

1 two hours before? Yes. Could it have occurred an
2 hour before? Yes. Could it have occurred at the
3 same time? Yes.

4 Q. Okay, and I'm trying to understand in terms
5 of an investigation at the hospital of wounds on
6 his body and the existence or non-existence of
7 any other cuts on his hands when his body was at
8 the hospital.

9 That's what I was trying to focus on.

10 A. There was an injury to the side of Mr.
11 Dunmore's thumb and on the back of his finger.

12 Q. Which hand?

13 A. Left hand.

14 Q. You are talking about -- when you say the back,
15 you are talking about this point?

16 A. Yes. The back of the ring finger on the left
17 hand and to the side of the thumb.

18 Q. Okay. Now, if the -- which hand are we talking
19 about?

20 A. Left hand.

21 Q. Okay. Now, if Willie Dunmore would have been
22 holding his weapon, his finger could have been
23 exposed to somebody in this position very close to
24 somebody, could it not?

25 A. Yes.

DR. PRESNELL ON CROSS

1 Q. And although you call it a defensive wound,
2 he could have received that wound while attacking
3 someone?

4 A. Yes.

5 Q. I'm standing way back here, and I wanted to
6 make sure I understood about the width of that
7 wound.

8 As I understand it, the width is one point
9 how many inches?

10 A. One point eight inches.

11 Q. Going toward two inches?

12 A. Yes.

13 Q. And as I understand it, a blade, say, three
14 quarters of an inch to one inch, could have made
15 that big a hole?

16 A. Yes.

17 Q. So because the width of that is one point
18 eight inches, does that mean the blade was bigger
19 than that?

20 A. Yes, correct.

21 Q. If it was a bigger blade it would have been a
22 bigger hole?

23 A. Well, if it is a bigger blade (balance of
24 answer not audible on tape)

25 Q. Okay, if the blade on the very end point of it

DR. PRESNELL ON CROSS

1 or towards the end of it is bigger than one point
2 eight inches, then that would exclude it. Is
3 that right?

4 A. If the . .

5 Q. If the blade is, say, three inches where it
6 goes in . .

7 A. The tip of the knife?

8 Q. Yes. You've got four inches of blade going
9 in.

10 A. I'm confused.

11 Q. Okay, you've got four inches going in?

12 A. Three point nine inches.

13 Q. Three point nine inches, and the height of
14 that blade going in, the maximum height, is, say,
15 two inches . .

16 A. There was a one point eight inch mark on the
17 skin, and if the blade is three inches wide, it
18 would exclude it.

19 Q. And, likewise, a smaller blade, three quarter
20 inch blade or an inch blade can leave a one point
21 nine inch hole?

22 A. Yes.

23 Q. And going in depth-wise, the blade could be
24 less than five inches?

25 A. Yes.

Q. It could be four and a half inches?

DR. PRESNELL ON CROSS

1 A. Yes.

2 Q. And still make a one point nine inch hole?

3 A. Yes.

4 Q. Okay, but you don't believe that to be the
5 case here since you saw no impressions in Mr.
6 Dunmore's body?

7 A. Right. Well, I believe the blade was three
8 quarters of an inch wide and four inches long.

9 Q. Right.

10 A. Four and a half inches long.

11 Q. Right.

12 A. And, again, you do these measurements all the
13 time in making these opinions, but you cannot be
14 absolutely precise.

15 Q. I understand.

16 A. But the tissue can spread out, the skin, and
17 the compression can be perhaps a half inch and not
18 leave a mark, but certainly with more compression
19 there would be a mark left, or if the blade was a lot
20 shorter.

21 With a compression of two inches there would
22 be a mark on the skin. Having a shirt on would
23 protect him from a compression mark a little bit,
24 but certainly not completely and especially with a
25 smaller blade.

DR. PRESNELL ON CROSS

1 So I would say again that the wound in this
2 case, the injury we saw, was not consistent with
3 a small two inch blade, quarter inch wide.

4 (Brief pause in proceeding)

5 BY MR. JENKINSON:

6 Q. Dr. Presnell, let me show you what is in evi-
7 dence as State's Exhibit Number 2. You've seen this,
8 and I represent to you that I am not suggesting
9 this is the murder weapon, but it is something
10 that is in evidence.

11 Would that type of blade be consistent with
12 the type wound we have in this case?

13 A. You are not saying this is the weapon that
14 stabbed Mr. Dunmore?

15 Q. No, maam. There are all kinds of rulers around.

16 A. (Brief pause) All right. The length of this
17 blade is four point five inches and given another
18 point four inches of compression, it is actually
19 five inches.

20 So with comparing that with the wound, this
21 knife -- this knife would go to right about here,
22 with this being the edge.

23 So would I expect to see compression here? I
24 probably would, but I couldn't completely exclude
25 that.

DR. PRESNELL ON CROSS

1 To answer your question, it possibly could
2 be but I can't say that it is.

3 Q. But you didn't see any compression marks?

4 A. No.

5 Q. Okay.

6 THE COURT: Any further questions?

7 REDIRECT EXAMINATION

8 BY SOLICITOR:

9 Q. This particular knife which is in evidence
10 as State's Exhibit 2, it appears to be sort of
11 like a steak knife?

12 A. Yes.

13 Q. And there is a larger knife around here some-
14 where. Thank you.

15 Would it be consistent with something like
16 this?

17 A. May I hold it?

18 Q. Yes, maam. I didn't know whether I should
19 . .

20 A. Thank you. (Brief pause)

21 Well, this -- I cannot exclude this, but it
22 again is not what I would expect the murder weapon
23 to look like.

24 Q. I just asked about them because they were in
25 evidence. Just a couple more questions and then

DR. PRESNELL ON REDIRECT

1 I'm finished.

2 One of the things I found interesting that
3 Mr. Jenkinson asked you about is -- he said that
4 you have had occasion to examine a lot of stab
5 wounds or marks, and that a large percentage of
6 those are multiple stab wounds.

7 Do you remember that series of questions?

8 A. Yes.

9 Q. Let me quit here and go to gunshots for just
10 a second.

11 You have also had occasion to examine gunshot
12 bodies, if you will?

13 A. . .

14 MR. JENKINSON: Objection, Your Honor.

15 THE COURT: I'll allow it. I assume he's
16 going to go to multiple gunshot wounds.

17 SOLICITOR: Yes, sir.

18 THE COURT: I'll allow it.

19 BY SOLICITOR:

20 Q. You have seen a number of bodies with multi-
21 ple gunshot wounds?

22 A. Yes.

23 Q. Isn't it true, Doctor, that when there is a
24 first gunshot wound to the head, a lot of those are
25 one shots?

DR. PRESNELL ON REDIRECT

1 A. . .

2 MR. JENKINSON: Your Honor, I would object to
3 leading.

4 THE COURT: Rephrase your question.

5 BY SOLICITOR:

6 Q. Speak to the jury, if you would, about a gun-
7 shot wound to the head as it relates to someone
8 shooting somebody one time. Wanting to kill somebody
9 and shooting them one time.

10 A. Okay. I think I . .

11 Q. I'll be glad to rephrase.

12 A. A lot of gunshot wounds we see have been to
13 the head, and sometimes . .

14 Q. I apologize if I'm . .

15 A. Like I said, a single gunshot wound or multi-
16 ple gunshot wounds to the head -- you know, we see
17 both, and I am not sure I can give you a summary
18 of gunshot wounds to the head being single shots.

19 Q. But on this notion of a single shot -- there
20 is no question a single shot to the head can kill
21 a person?

22 A. No.

23 Q. If you want to kill a person, what is the one
24 spot that can kill instantly?

25 A. To the head or to the heart, but in this

DR. PRESNELL ON REDIRECT

1 particular case there was a stab that made a hole
2 in the heart, causing him to bleed to death.

3 Q. Now, one more series of questions and then
4 I'll finish.

5 The question of drinking and how it affects
6 a person. I understood the answer to Mr. Jenkinson's
7 questions -- you indicated that alcohol affects
8 different persons in different manners or ways?

9 A. Yes.

10 Q. Some it makes them be happy?

11 A. Right.

12 Q. Some hostile?

13 A. Yes.

14 Q. Would it surprise you if in this case that
15 there is evidence that this gentleman was laughing,
16 talking and enjoying by the individual who would
17 classify as being his father figure?

18 A. . .

19 MR. JENKINSON: Objection to the question,
20 Your Honor. He is almost testifying and he certainly
21 is leading.

22 SOLICITOR: This is a hypothetical from mat-
23 ters that are in evidence, Judge.

24 THE COURT: What is your objection?

25 MR. JENKINSON: My objection is that he is

DR. PRESNELL ON REDIRECT

1 testifying rather than asking a question.

2 THE COURT: Rephrase your question to ask a
3 question.

4 SOLICITOR: I've got it, Judge.

5 BY SOLICITOR:

6 Q. Assume a hypothetical that Mr. Willie Dunmore
7 had gone over to a gentleman's house who had a
8 fatherly-like relationship with him.

9 Further assume that they were -- he was sort
10 of like the student and his father figure was like
11 the teacher as it relates to learning how to cook
12 a hog.

13 Additionally, if you would assume for me that
14 he consumed alcohol during this period of time
15 from around nine in the morning until early even-
16 ing when they finished putting the special sauce
17 on the hog.

18 Further assume that throughout the course of
19 this day, this last day that he lived, that he was
20 joking and having fun with his friends, his neigh-
21 bors and his brother.

22 Would you agree that that behavior is more
23 consistent with an individual who is simply drink-
24 ing and enjoying himself?

25 A. . . .

DR. PRESNELL ON REDIRECT

1 MR. JENKINSON: I would object to the question
2 as assuming facts that are not in evidence and has
3 nothing to do with . .

4 THE COURT: I'm going to allow the question.

5 BY SOLICITOR:

6 Q. You may answer.

7 A. Would I say it is more consistent -- with a
8 blood alcohol of one point six, he may very well
9 have been joking and laughing, but I cannot say
10 how he appeared at the time right before his death.

11 Q. Yes, maam, but if you assume that the facts
12 stated are true, then it is consistent with an
13 individual that is simply, quote/unquote, having a
14 good time, as opposed to behaving in a hostile
15 manner?

16 A. . .

17 MR. JENKINSON: Objection to leading, Your
18 Honor.

19 THE COURT: I'll allow the question.

20 SOLICITOR: Thank you, sir.

21 A. I was going to say that again you are asking
22 me to make an inference that I cannot make.

23 He could have been having a great time and
24 enjoying himself but with somebody having an alcohol
25 level that high I can't -- I can't tell from the

DR. PRESNELL ON REDIRECT

1 autopsy whether -- I can't tell that from the au-
2 topsy.

3 Q. And the idea of intoxication -- would it sur-
4 prise you that in this case there is evidence of
5 an individual following him while driving, and that
6 his driving at the time he was following him was
7 fine?

8 A. I'm sorry but I don't understand what you're
9 asking. You are saying he was driving a car . .

10 Q. Someone was driving behind him six miles down
11 the road -- the individual following him said his
12 driving was fine.

13 Would that surprise you?

14 A. That is possible.

15 Q. In fact, there are instances where we have
16 people that have a blood alcohol of four point
17 zero, and they walk in the hospital, don't they?

18 A. . .

19 MR. JENKINSON: I would object to the ques-
20 tion, Your Honor.

21 THE COURT: Rephrase that.

22 BY SOLICITOR:

23 Q. Have you come across instances where -- that's
24 okay.

25 THE COURT: Okay.

DR. PRESNELL ON RECROSS

1 RECROSS EXAMINATION

2 BY MR. JENKINSON:

3 Q. It's possible the steak knife could be and it's possible
4 it couldn't be? The murder weapon?

5 A. . .

6 SOLICITOR: Objection to going into possibil-
7 ities at this time.

8 MR. JENKINSON: This is cross examination.

9 SOLICITOR: Everything is possible, Judge.

10 THE COURT: She has already testified about
11 that. Rephrase your question.

12 Q. So it is not your testimony that this is the
13 murder weapon?

14 A. Right.

15 Q. It is not your testimony that this is the mur-
16 der weapon?

17 A. Right.

18 Q. Now, we are missing a third knife. Do you un-
19 derstand that?

20 A. . .

21 SOLICITOR: I'm going to object to the form of
22 the question.

23 MR. JENKINSON: We are talking about knives.

24 THE COURT: I'll sustain that.

25 MR. JENKINSON: Okay.

DR. PRESNELL ON RECROSS

1 BY MR. JENKINSON:

2 Q. Is it likely that it was a knife that fit the
3 description you have given us in your testimony
4 before that did the deed in this case?

5 A. I don't -- I have described the wound that we
6 found.

7 Q. Okay, and is it also . . .

8 SOLICITOR: Your Honor, it is my understand-
9 ing that in Recross he would be limited to those
10 matters that were raised in Redirect, and he is
11 going into matters that were not raised -- I would
12 ask that he be required to comply with the rules.

13 MR. JENKINSON: I am. He talked about the
14 knives, these two knives.

15 THE COURT: On Recross you can only cover new
16 matter but not anything that you have already cov-
17 ered.

18 Q. Did the Solicitor ask you a long hypothetical
19 about being out cooking this hog with somebody all
20 day?

21 A. Yes.

22 Q. Let's assume that person was of the opinion
23 that Willie Dunmore was safe to drive. Would you
24 agree that Willie Dunmore with a one point five
25 blood alcohol level . .

DR. PRESNELL ON RECROSS

1 SOLICITOR: Your Honor, . .

2 THE COURT: Finish your question.

3 MR. JENKINSON: My question is would she have
4 ridden with somebody with a point one five alcohol
5 level.

6 SOLICITOR: Judge, he knows that is not proper.

7 MR. JENKINSON: It is proper. Yes, sir. That
8 is exactly what he went into.

9 A. I don't know, sir.

10 MR. JENKINSON: Pardon?

11 (Answer of witness not audible due to several
12 parties speaking at the same time)

13 THE COURT: I'm going to ask you now to move
14 on.

15 MR. JENKINSON: Thank you for coming. We ap-
16 preciate your testimony. I don't have anything
17 further.

18 (Witness excused from stand)

19 (Brief pause in the proceeding)

20 THE COURT: Next witness.

21 SOLICITOR: Al Stuckey.

22 AL STUCKEY, being duly sworn,
23 testified as follows:

24 DIRECT EXAMINATION

25 BY SOLICITOR

MR. STUCKEY ON DIRECT

1 Q. Sir, let me ask you to state your full name
2 for us.

3 A. Al Stuckey, S T U C K E Y.

4 Q. And if you will, sir, please tell the ladies
5 and gentlemen of the jury where you work?

6 A. I work for the South Carolina Law Enforcement
7 Division, commonly referred to as SLED.

8 Q. And that agency is located in Columbia?

9 A. Yes. The headquarters and forensic lab and
10 main operations are centered in Columbia, South
11 Carolina.

12 Q. And what do you do there?

13 A. Currently I am assigned to the special inves-
14 tigations unit.

15 Q. Okay, and back in 2006 and 2007, where were
16 you assigned?

17 A. I was assigned to the latent fingerprint crime
18 scene department.

19 Q. Tell us what that means.

20 A. The latent print crime scene department is a
21 forensic lab with two major operations. One was a
22 lab function, meaning that we received evidence or
23 accepted evidence from local, state and federal
24 authorities throughout South Carolina to process
25 the evidence for latent fingerprints, tire tracks

MR. STUCKEY ON DIRECT

1 and blood splatter reconstruction and other things. .

2 We also have a field function in that we re-
3 spond to crime scenes throughout the State of South
4 Carolina at the request of local, state or federal
5 authorities to process those crime scenes and to
6 collect evidence.

7 Q. All right. Tell us a little bit about your
8 background and training that qualifies you for that
9 area?

10 A. I have received a Bachelor of Science degree
11 in criminal justice from the University of South
12 Carolina. I completed a two year training program
13 under qualified examiners at the South Carolina
14 Law Enforcement Division.

15 I have completed numerous courses at the South
16 Carolina Criminal Justice Academy, the International
17 Association of Identification, the South Carolina
18 Division of the International Association of Iden-
19 tification.

20 I am a past member of the International Asso-
21 ciation of Identification and a past member of the
22 South Carolina Division of the International Asso-
23 ciation of Identification.

24 Q. Now, have you had occasion during the course
25 of your career to testify in Courts with regards to
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1 criminal matters?

2 A. Yes, I have.

3 Q. How many times have you testified?

4 A. Forty or fifty times.

5 Q. All right, and have you been qualified as an
6 expert in the field of latent prints?

7 A. Yes.

8 SOLICITOR: Judge, at this time we would pre-
9 sent Mr. Stuckey as an expert in the field of
10 latent prints.

11 THE COURT: Any questions?

12 MR. JENKINSON: No objection.

13 THE COURT: Okay. I so find he is an expert
14 in the field of fingerprints.

15 BY SOLICITOR:

16 Q. Now, sir, did you at some point at the end
17 of 2006 or the beginning of 2007 receive certain
18 items of evidence from the Williamsburg County
19 Sheriff's Office?

20 A. We did at the beginning of 2007. Yes, maam.

21 Q. Okay, and tell me what all you received in
22 connection with this case?

23 A. I received one bolt action shotgun, one knife,
24 two fingerprint cards bearing the names of Lou Ann
25 Robinson and a butcher knife.

MR. STUCKEY, ON DIRECT

1 Q. Okay. I'm going to hand you what has been
2 admitted as State's Exhibit Number 3. Is that
3 the shotgun that you received?

4 A. Yes, maam, it is.

5 Q. I'm also going to hand you, sir, what's been
6 admitted as State's Exhibit Number 2, and I will
7 keep it in the box.

8 Is that one of the knives that you received?

9 A. Yes, maam.

10 Q. All right, and with regard to State's 1?

11 A. Yes, maam.

12 Q. Now, is Number 1 the item you referred to as
13 Exhibit 1?

14 A. Yes, maam. It is SLED item number 9.

15 Q. Now, let's talk about the shotgun first. Did
16 you -- were you able to obtain any prints from the
17 shotgun?

18 A. I did lift one latent fingerprint off the
19 shotgun, but it was no good for identification.

20 Q. Tell the jury what that means.

21 A. It is a general conclusion that we use when
22 there is no useful fingerprint or no identifiable
23 fingerprint on that lift, or the latent fingerprint
24 is insufficient or did not have enough identifying
25 marks.

MR. STUCKEY ON DIRECT

1 Q. Okay. Now, if somebody is handling this gun
2 or a firearm, would you expect to find fingerprints
3 on it?

4 A. If I process a firearm I might get a finger-
5 print off of it, but sometimes we do not get finger-
6 prints off of firearms.

7 Q. What could account for a situation where a
8 person handled a firearm and you do not find viable
9 prints on it?

10 A. Well, the obvious ones are they wiped the
11 item down or they wore gloves.

12 From a scientific standpoint, it depends on
13 the conditions of a person's hand, the environment
14 in which they are touching the item.

15 Q. If it is warm outside, for example, and the
16 person touching an item such as a firearm, would
17 that make it more or less likely that you would
18 have an identifiable fingerprint?

19 A. A fingerprint is made up of about ninety-nine
20 percent water, such as from perspiration, and the
21 more sweat that comes out of a finger the more you
22 would expect to find a fingerprint.

23 Q. Okay. With regard to State's Exhibit 2,
24 tell us about your analysis on that.

25 A. Okay. State's item 2, which was SLED item

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MR. STUCKEY ON DIRECT

1 Number 7 -- I did an examination for blood on
2 this item and then I did a fingerprint examina-
3 tion on it.

4 Q. What was the results of those examinations?

5 A. I found no blood on the items, and there
6 were not sufficient points on the item for identi-
7 fication.

8 Q. And would the scenario have been the same in
9 terms of possible reasons why there were no finger-
10 prints on this item?

11 A. Yes.

12 Q. The item being wiped down or something along
13 that nature?

14 A. Yes, maam.

15 Q. Okay. Tell me about State's Exhibit 1.

16 A. State's Exhibit 1 is SLED item 9, and like the
17 other knife I examined it for blood and for latent
18 fingerprints.

19 Q. I'm going to get that out.

20 A. That's fine. I examined for blood and for
21 latent prints.

22 Q. And the results of that?

23 A. There was no blood detected on the item and
24 no latent print found.

25 Q. Okay, and, again, you have to allow for the
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MR. STUCKEY ON DIRECT

1 possibility on State's Number 1 that it was wiped
2 off?

3 A. That could be one explanation.

4 Q. Once you examine an item and find no blood on
5 that item, is there any reason to do any other
6 analysis as it relates to blood?

7 A. No, maam.

8 Q. If it's not there, it's not there?

9 A. Not there.

10 Q. Mr. Stuckey, that's all the questions I have
11 for you.

12 Please answer any questions the Defense might
13 ask.

14 A. Yes, maam.

15 CROSS EXAMINATION

16 BY MR. JENKINSON:

17 Q. Mr. Stuckey, right?

18 A. Yes.

19 Q. Mr. Stuckey, when did you make your examina-
20 tion of the weapon and knives?

21 A. I completed my examination on February 7,
22 2007.

23 Q. And that was about six or seven weeks after
24 they were found?

25 A. I don't know the exact date they were found.

MR. STUCKEY ON CROSS

1 I'm sorry.

2 Q. Nothing was found on December -- the early
3 morning hours of December 23rd, 2006. A small
4 knife was found on December 28th, and the large
5 knife on December 23rd, late in the night.

6 SOLICITOR: I would have to object at this
7 point. That's actually not accurate. The ques-
8 tion assumes facts that are not in evidence.

9 MR. JENKINSON: I'm going by what the officer
10 said when he went out there the early morning hours
11 of the 24th, I believe.

12 SOLICITOR: Well, he said the 23rd.

13 MR. JENKINSON: I said the late night of the
14 23rd, going into the early morning hours of the
15 24th.

16 THE COURT: The jury has heard the testimony
17 and they determine the facts, so go on with your
18 questions.

19 BY MR. JENKINSON:

20 Q. So however many weeks it was from the
21 Christmas week over to when you did it was a
22 pretty good length of time?

23 A. . .

24 Q. I said it was a pretty good length of time
25 from Christmas week until you did the examination.

MR. STUCKEY ON CROSS

1 A number of weeks before you made your examination
2 of these items.

3 A. Yes.

4 Q. The quality of a fingerprint deteriorates
5 over a period of time, does it not?

6 A. It depends on the environment in which it is
7 . .

8 Q. I understand that. For instance, with these
9 weapons being outside -- the weapon particularly
10 being outside when it was found, and then coming
11 to you that late--you would like to do a dusting
12 for fingerprints immediately whenever you find a
13 weapon, wouldn't you?

14 A. We like to do it as soon as possible, but
15 we do it no matter what.

16 Q. Why do you want to do it as soon as possi-
17 ble?

18 A. Because, like I just got through saying, the
19 environment can act upon where fingerprints are.

20 Q. Like what?

21 A. Rain or friction -- rubbing up against some-
22 thing.

23 Q. Like a plastic bag?

24 A. Yes, but it was not submitted in a plastic
25 bag.

MR. STUCKEY ON CROSS

1 Q. So we don't -- it was submitted not in a
2 plastic bag?

3 A. It was submitted correctly, suspended in a
4 box. There was no friction involved.

5 Q. You don't know when it got put in that box?

6 A. January 10th, 2007.

7 Q. Okay. What happened to it between the time
8 it was located earlier on December 24th until
9 January 10th?

10 A. It was submitted to me on January 10th.

11 Q. Okay. But we don't know when it was put in
12 the box?

13 A. I don't know anything that happened to it be-
14 fore January 10th.

15 Q. That's right. You don't know what happened
16 to it prior to that time?

17 A. No.

18 (Brief pause in proceeding)

19 BY MR. JENKINSON:

20 Q. I'm going to show you what has been marked
21 for identification as Defense Exhibit Number 9,
22 which appears to be a photograph of the shotgun
23 taken by law enforcement.

24 Does there appear to be blood in the photo-
25 graph?

MR. STUCKEY ON CROSS

1 A. It appears to be blood.

2 Q. And it was identified by the officers as hav-
3 ing blood on it?

4 A. Yes.

5 Q. That would be a fair statement, would it not?

6 A. Yes.

7 Q. And it also appears from the photograph that
8 there is marsh dust on the weapon?

9 A. Yes.

10 Q. And would that have destroyed the quality of
11 the . .

12 A. That is correct.

13 Q. So there was an environment that would have
14 taken any fingerprint from the weapon, based on the
15 photograph?

16 A. . .

17 Q. From the environment the weapon was in, that
18 would have taken away any prints?

19 A. If there were prints, yes, sir.

20 Q. Based on the photograph, that is a likely
21 call, is it not?

22 A. It is a very likely cause.

23 Q. As opposed to somebody trying to wipe it
24 down?

25 A. Yes.

1 Q. And there was no evidence that it had been
2 wiped clean by anybody else or been tampered with?

3 A. No, sir. Not that I could find.

4 Q. None of these appeared to be tampered with,
5 did they?

6 A. I didn't make a note of that, and I do not
7 recall that.

8 Q. If it had been tampered with, you would have
9 made a note of it in your report?

10 A. Yes.

11 Q. And you made no such notation?

12 A. That's right.

13 Q. And you found no evidence of blood, you say, on
14 any of these items?

15 A. I actually took a swab from the shotgun.

16 Q. Okay. Well, we know there was blood at one
17 time but when it got to you the blood was gone?

18 A. I'm sorry?

19 Q. Whenever you looked for a sample of blood on
20 the shotgun, it was gone, so there was no blood on
21 the shotgun?

22 A. I swabbed the shotgun.

23 Q. Did you get a sample?

24 A. Yes, I did.

25 Q. What did you do with it?

MR. STUCKEY ON CROSS

1 A. It was submitted to SLED DNA.

2 Q. All right. Do you have that report?

3 A. No.

4 Q. So you don't know where that is?

5 A. No.

6 Q. And that was back in early 2007?

7 A. Yes.

8 Q. Almost three years ago?

9 A. Yes.

10 Q. But we don't have that?

11 A. No, I don't have it.

12 Q. So you don't know what that result was?

13 A. No.

14 Q. If there was a third knife in this case, we
15 don't have any testing of that, do we?

16 A. I was submitted two knives and a bolt action
17 shotgun and two fingerprint cards.

18 Q. It's very important to check for blood,
19 fingerprints on items of evidence to make a case,
20 isn't it?

21 A. Well, it depends upon the case.

22 Q. If you've got three knives and you're missing
23 one, you're missing a third of your knife evidence,
24 aren't you?

25 A. If that's the case, yes.

MR. STUCKEY ON CROSS

1 Q. A DNA result would give us . .

2 A. That is something for a DNA expert to testify
3 about.

4 Q. So you are not aware that a DNA can tell us
5 whose blood it is?

6 A. I know that they talk in terms of statistics,
7 but I am not expert. I could not speak as to
8 that.

9 Q. I understand that, but you know that DNA is
10 a way of identifying a person, is it not?

11 A. . .

12 Q. Matter of fact, the gold standard of blood
13 testing is DNA?

14 A. I suppose.

15 Q. It's the highest you can get?

16 A. As far as blood is concerned, yes, sir.

17 Q. Nothing further.

18 THE COURT: Any questions?

19 SOLICITOR: Just a few brief questions, Your
20 Honor.

21 REDIRECT EXAMINATION

22 BY SOLICITOR:

23 Q. Just to be clear, with regards to your exami-
24 nation of the knives, you just testified there was
25 no blood on either one of the knives, is that

MR. STUCKEY ON CROSS

1 correct?

2 A. Correct.

3 Q. No blood on either one of the knives that
4 were submitted?

5 A. Correct.

6 Q. I just wanted to be sure. No further ques-
7 tions.

8 MR. JENKINSON: Nothing further.

9 THE COURT: You can come down. Any objec-
10 tion to his being excused?

11 SOLICITOR: No, sir.

12 MR. JENKINSON: Not at all.

13 THE COURT: You are excused, sir.

14 (Witness excused from stand)

15 THE COURT: Next witness.

16 SOLICITOR: Pearlestone Dunmore.

17 PEARLESTONE DUNMORE, being
18 duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY SOLICITOR BARR:

21 Q. I'm going to ask you to speak up for me.

22 Ms. Dunmore, I need you to state your full
23 name for me.

24 A. My name is Pearlestone Dunmore.

25 SOLICITOR: Can we have a microphone next to

MS. DUNMORE ON DIRECT

1 her?

2 (Brief pause in the proceeding)

3 Q. Ms. Dunmore, where do you live?

4 A. I live in Hicksville, South Carolina.

5 Q. What is your address?

6 A. (Inaudible on tape)

7 Q. How long have you lived there?

8 A. Seventy years.

9 Q. Are you married?

10 A. Separated.

11 Q. How many children do you have?

12 A. I had three.

13 Q. You've got two now?

14 A. Just one.

15 Q. Just one?

16 A. Yes.

17 Q. Okay. Give me the names of all of your
18 children.

19 A. (Inaudible)

20 Q. What was the last name you gave me?

21 A. (Inaudible)

22 Q. You have lost two of your children?

23 A. Yes.

24 Q. Let's talk about Willie. Willie was 42
25 years old when he passed?

MS. DUNMORE ON DIRECT

1 A. Yes.

2 Q. Did you have a close relationship with him?

3 A. Yes, I did.

4 Q. You loved him very much?

5 A. Yes, I love all my children very much.

6 Q. At the time you lost your son, do you know
7 or do you remember what your phone number was way
8 back then?

9 A. Yes.

10 Q. What was your phone number?

11 A. It was .

12 Q. So 354 . .

13 A. Six 4 zero 8.

14 Q. Six 4 zero 8.

15 A. Yes.

16 Q. Ms. Dunmore, I'm going to show you State's
17 Exhibit Number 26, and this is the telephone records
18 from your son's phone.

19 The record indicates that the user name is
20 Pearlestone Dunmore. Is that you?

21 A. Yes.

22 Q. So the phone was in your name that belonged
23 to your son?

24 A. Right.

25 Q. You gave it to him?

123

MS. DUNMORE ON DIRECT

1 A. I gave it to my son.

2 Q. And you indicated that at that time your
3 number was ?

4 A. Yes.

5 Q. And is it true that during the last three
6 weeks of his life that he called you a bunch of
7 times?

8 A. Yes.

9 Q. And you called him a bunch of times?

10 A. Yes, maam.

11 Q. Okay. Now, whose number was ?

12 A. Patricia Dunmore.

13 Q. Patricia Dunmore?

14 A. Yes.

15 Q. Is that your daughter in law?

16 A. Yes, maam.

17 Q. I'm going to hand you State's Exhibit 26. If
18 you look at the calls that were made from this
19 phone back on December 18, does it appear that your
20 son called Patricia at 3:57 A.M.?

21 A. . .

22 Q. Do you see it?

23 A. Yes, maam.

24 Q. Do you see where he called her on the 20th at
25 9:26 in the morning?

MS. DUNMORE ON DIRECT

1 A. . .

2 Q. Do you see that?

3 A. Yes, maam.

4 Q. Now, let me ask you -- you actually talked
5 with your son the day he passed, is that right?

6 A. Yes, maam.

7 Q. You had a talk with him on the phone?

8 A. I talked with him three times.

9 Q. Okay. Now, how did you learn about what hap-
10 pened to your son? How did you find out he was
11 at the hospital?

12 A. . .

13 Q. Who told you?

14 A. . .

15 Q. I need you to speak up because I can barely
16 hear you.

17 A. My son come and pick me up.

18 Q. Did you go to the hospital?

19 A. Yes, maam.

20 Q. Okay. Did you see your son at the hospital?

21 A. No, maam.

22 Q. At the time you got to the hospital, had he
23 already passed?

24 A. He already passed.

25 Q. All right. Now, did you and your son get

MS. DUNMORE ON DIRECT

1 any items that belonged to Willie from the hospital? .

2 Did the hospital give you all anything of his per-
3 sonal belongings?

4 A. . .

5 Q. I can't hear you.

6 A. Yes, maam, but I'm not sure what they was.

7 Q. You remember getting something from the hos-
8 pital but you just don't remember what they were?

9 A. Yes, maam.

10 Q. Were they given to you all in one little
11 piece, or were they all in a bag and given to you?

12 A. Give to us in a bag. To my son.

13 Q. Okay. So the hospital put everything in a
14 bag, everything they thought belonged to him, and
15 gave it to your family?

16 A. Yes, maam.

17 Q. And you would have taken those items home
18 with you?

19 A. Yes, maam.

20 Q. Now, did you go through any of the belongings?

21 A. No, maam, I couldn't.

22 Q. I understand. You didn't want to see any-
23 thing in the bag?

24 A. No.

25 Q. Okay. Now, maam, if there was -- and I'm not

MS. DUNMORE ON DIRECT

1 saying there was or was not -- but if there was
2 a knife in Willie's belongings, did you see that?

3 A. No, maam, I didn't see that.

4 Q. And, again, I'm not saying there was or there
5 wasn't, but if there was one among his belongings,
6 do you know where it is now?

7 A. No, maam.

8 Q. I'm sorry? No, maam?

9 A. No, maam.

10 Q. Now, I understand that has been about three
11 years ago, but if there was a knife and you don't
12 know where it is you weren't trying to hide it from
13 anybody, were you?

14 A. No. I wouldn't.

15 Q. If you found it or happened to notice it, you
16 would have turned it over?

17 A. Yes, maam, I would have give it to you.

18 Q. Okay. Ms. Dunmore, that's all the questions
19 I have for you.

20 THE COURT: Mr. Jenkinson?

21 MR. JENKINSON: We would have no questions.

22 THE COURT: You may step down. Watch your
23 step, please.

24 (Witness excused from stand)

25 THE COURT: Ladies and gentlemen of the jury,

1 it's time for us to stop so you can have lunch.

2 I would ask you to go out that way and when
3 you come back go straight to your jury room. We'll
4 bring you back in as quick as we can.

5 Please don't discuss the case with anyone or
6 among yourselves.

7 (Jury excused from Courtroom)

8 THE COURT: Yes, sir.

9 MR. JENKINSON: Your Honor, at this time on be-
10 half of the Defendant we would move for a directed
11 verdict on the grounds that there is no evidence
12 that the Defendant, Lou Ann Robinson, committed the
13 crime of murder or was in possession of a deadly
14 weapon when a crime was committed or in connection
15 with this crime.

16 Furthermore, Judge, there is no evidence or
17 testimony that Willie Dunmore was in the residence
18 or in proximity of Lou Ann Robinson at or about
19 the time he would have been stabbed.

20 Taking into account Theodore Harrison's tes-
21 timony, there is no one that has him at her house
22 and no one that has him in her proximity when he
23 was stabbed.

24 There is no blood evidence. Supposedly there
25 was blood found in that bedroom, but the question

1 is whose blood it was.

2 There was never any analysis of that blood.
3 There is no DNA evidence, no evidence, zero evi-
4 dence. As a matter of fact, DNA evidence was never
5 performed. Or the conclusion we get is that it
6 wasn't performed.

7 There was no blood found on any weapons that
8 were sent to SLED for examination. The evidence
9 as to the knives in question are that there could
10 have been or there couldn't have been.

11 There were knives in the house, and if you go
12 in the house and count all the knives -- I mean,
13 it's just no way, and we heard from the forensic
14 pathologist that it could have been this knife or
15 could not have been this knife.

16 There is no evidence to place her in proxim-
17 ity to the deceased. He was found on the side of
18 the road with a stab wound to the chest. We
19 don't know if he ran off the road, got out and
20 confronted somebody who stabbed him -- we don't
21 know that.

22 There is speculation all over the place but
23 there is no fact that says this is what happened.
24 That is what happened.

25 One witness used the word girlfriend. This

1 man was separated from his wife. He didn't say
2 Lou Ann Robinson. He didn't identify her by name.
3 He didn't say, Lou Ann stabbed me, Lou Ann Robinson
4 stabbed me.

5 There was no dying declaration like she had
6 caused this. He just said girlfriend -- that he
7 was seeing Lou Ann Robinson, and maybe somebody
8 was mad because of that. We don't know.

9 So all we have here is a man found on the
10 side of the road with a stab wound who subsequently
11 died. He was taken to the hospital, and he didn't
12 make any dying declaration of what had happened to
13 him. He had ample opportunity to do that.

14 If he had said, Lou Ann Robinson stabbed me,
15 as he was lying there dying, it would be different,
16 but he didn't say that. None of that is here.

17 So what we have is -- we have no witness who
18 puts them together that day or any time that even-
19 ing. Nobody put them together the night before.

20 There is absolutely nothing here in this re-
21 cord other than the word girlfriend. I think every
22 man in this Courtroom could say I've got a girl-
23 friend.

24 That is just a term that was never linked to
25 Lou Ann Robinson. So we don't know where he was

1 the night before. We don't know where he was any
2 time.

3 As a matter of fact, I think she was cut so
4 it could have been her blood. So if it was her
5 blood in her room, that DNA would have determined
6 that. But we don't know.

7 This is pure unadulterated speculation based
8 on the evidence and testimony submitted in this
9 Courtroom, at best. We have nothing else.
10 The truck was found about a mile from her house.
11 About a mile from all these people he had been
12 out there drinking with. That's all.

13 So what we have here is a failure of proof.
14 There is nothing at this point to show that Lou Ann
15 Robinson is guilty of either charge.

16 SOLICITOR SABB: Judge, the evidence in this
17 case is clear that we have a situation where the
18 gentleman had come back with Mr. Harrison in a
19 window of time that simply gives him time to go
20 where he indicated to Mr. Harrison he was going,
21 to his girlfriend's house.

22 It is clear that Lou Ann Robinson is his live-
23 in girlfriend, and there is in fact blood at the
24 residence.

25 We have the fact that there are some indications

1 of an altercation from the pictures taken as re-
2 lates to Ms. Robinson, and he told the officer
3 slash EMT worker when he asked him who did this --
4 my girlfriend.

5 Judge, we submit to the Court that that event,
6 as circumstantial as it is -- we submit that you
7 should take the position that that is sufficient
8 to send this case to the jury.

9 Under our law, as Your Honor knows, you must
10 view the facts in the light most favorable to the
11 State, and we submit to the Court that there is
12 sufficient evidence in the record as to the murder
13 charge, number one, and, number two, that a sharp
14 object went into the body of the victim that
15 caused his death.

16 It is the State's position that the motion
17 should be denied.

18 THE COURT: Yes, sir. Anything further?

19 MR. JENKINSON: Judge, there is no testimony
20 that he went to the house from the time he left
21 Mr. Harrison and the time he was found on the side
22 of the road.

23 No testimony of an altercation at the resi-
24 dence.

25 Number three, he didn't say my girlfriend.

1 He just said girlfriend. I mean, here is nothing
2 to say who his girlfriend was, and there were all
3 kind of people out there that could have been mad
4 at him.

5 It's pure speculation, not credible evidence
6 that can be relied upon.

7 Oh, yeah, the EMS worker -- he said who -- I
8 forgot this. He didn't say who stabbed you. He
9 said, what happened, not who stabbed you. That's
10 my best recollection of the testimony. What happened,
11 and he said the word girlfriend.

12 I don't recall him asking who stabbed him but
13 what happened.

14 SOLICITOR: But he said my girlfriend, as I
15 recall the testimony. That is credible evidence to
16 get it to the jury.

17 And I think there was sufficient time from the
18 time he was with Mr. Harrison to go to the residence
19 of Lou Ann Robinson before the wreck.

20 MR. JENKINSON: There is no witness who puts
21 him at the residence or testified that any alterca-
22 tion occurred. The man was found lying on the
23 road with a stab wound to his chest.

24 SOLICITOR: He was asked what happened and he
25 said my girlfriend. I think there is credible

1 evidence to send this case to the jury.

2 THE COURT: Well, I can't determine the facts.

3 That is up to the jury.

4 It is my job to look for the existence of evi-
5 dence which is different from their job.

6 We do have his declaration to the EMT worker
7 and he said to my recollection my girlfriend, and
8 I think it did come out that she was his girlfriend
9 before that.

10 Mr. Harrison testified that at one point he
11 brought the Defendant to his house.

12 So there is evidence in this record that she
13 was in fact his girlfriend, and he said my girl-
14 friend. So I believe there is enough evidence to
15 send the case to the jury at this stage of the case.

16 I would have to deny your motion for directed
17 verdict.

18 Anything further at this time?

19 MR. JENKINSON: No, sir.

20 THE COURT: From the Staté?

21 SOLICITOR: No, sir.

22 THE COURT: Then we will start back up at
23 one thirty.

24 Any other motions?

25 MR. JENKINSON: No, sir.

1 (Whereupon, the Court stood in recess for the
2 lunch period until 1:30 P.M.)

3 THE COURT: I note that Defense Exhibits 1
4 through 9 have been marked for identification.

5 Is there any issue about that?

6 SOLICITOR: I need to look at them.

7 THE COURT: Defense Exhibits 1 through 9 were
8 marked for identification.

9 MR. JENKINSON: The patient care form -- it
10 has the times on it, and that's the principal rea-
11 son we want this particular information in. The
12 time he got to the hospital, and it has been iden-
13 tified by EMS as a document that was maintained in
14 the usual course of business.

15 If the question is relevance, it is relevant
16 because the times are particularly important and
17 also relevant in terms of there is no mention of
18 my girlfriend or girlfriend.

19 THE COURT: What's your position?

20 SOLICITOR: The fact that it contains some
21 critical information that has been testified to
22 doesn't make it admissible.

23 Our position is that it is one of the records
24 that people can testify to, which they did, but
25 it doesn't come in as cumulative information, if

1 you will, of what has been previously testified.

2 The various times have already been testified
3 to and are in the record.

4 He also has questioned them about the men-
5 tioning of or with regard to the girlfriend. He
6 asked Mr. -- I forgot the gentleman's name, but
7 the EMT -- he asked him specifically whether or not
8 it was said and all of that type stuff.

9 It's our position that this document should
10 not come in.

11 MR. JENKINSON: It is critically important,
12 Your Honor, to our case. It has great probative
13 value and there has been no prejudice shown. It
14 passes muster and should come in.

15 THE COURT: What is your objection to it com-
16 ing in?

17 SOLICITOR: Your Honor, I think there are
18 several. It's cumulative for one, and it is still
19 a hearsay document.

20 It is marked for identification and persons
21 have testified regarding this. We think that --
22 it's been testified to, so I think cumulative is the
23 appropriate objection, that it's sustainable under
24 our law.

25 THE COURT: So your objection is that it is

1 cumulative and it's hearsay.

2 MR. JENKINSON: Your Honor, there was no ob-
3 jection that it was hearsay, and it is not cumula-
4 tive.

5 I would think it would come in under business
6 record.

7 SOLICITOR: And it was testified to, Your
8 Honor. It is normally kept out.

9 THE COURT: Well, it does appear to -- with
10 regard to it being hearsay, it appears to come under
11 the normal hearsay exception.

12 SOLICITOR: I also pointed out that it was
13 cumulative.

14 THE COURT: I understand that, and most of
15 this information has come in by way of testimony.

16 MR. JENKINSON: I respectfully disagree with
17 Your Honor. It is demonstrative and illustrative,
18 and I think if I wanted to put her report in that
19 would be cumulative.

20 THE COURT: Well, while I'm thinking about it,
21 let's continue. Is there anything else we need
22 to take up? Anything about these documents?

23 Do you agree as to the rest of these?

24 SOLICITOR: No, sir.

25 THE COURT: What else?

1 SOLICITOR SABB: These photographs are irrele- .
2 vant, Your Honor.

3 THE COURT: What is your objection to the
4 photographs?

5 SOLICITOR BARR: Judge, we don't know who took
6 those photographs or when they were taken.

7 Those are a set that were apparently taken
8 during day-time hours by some unknown person, and
9 so we don't know when they were taken.

10 There hasn't been a foundation established,
11 one, to get them in.

12 THE COURT: Okay, what do you say about that?

13 It's my understanding that Mr. Scott didn't
14 take those photographs. He took this photograph,
15 is that right?

16 SOLICITOR: If I could see it again?

17 MR. JENKINSON: It's not a question of who
18 took the photographs but a question of whether it
19 is a fair representation of what was there.

20 THE COURT: Did Mr. Scott testify that it
21 is a fair representation of what he saw that
22 night?

23 SOLICITOR: No, sir, he didn't.

24 MR. JENKINSON: He took one and he identified
25 the one he took, and he testified . .

1 SOLICITOR: Judge, I believe in the photograph
2 that he took we don't know how many shells were in
3 that photograph, and that is why I object to this
4 photograph going in.

5 If this photograph comes in . . .

6 MR. JENKINSON: Well, he identified it, and that's
7 why I put that on the record so we could get this
8 in.

9 I knew that we would be offering it in evi-
10 dence at some point.

11 SOLICITOR: Judge, I think the problem is that
12 if that photograph comes in, when it has not been
13 properly authenticated and a foundation hasn't been
14 laid for it, then the jury will automatically as-
15 sume that, well, if it comes in then it must have
16 looked like that that night.

17 We don't know that. We have no way of deter-
18 mining that.

19 THE COURT: I will allow everything in but
20 Number 6, so that will be 1 through 9 except for
21 6.

22 (Following Defense Exhibits were admitted over
23 objection: Number 1, patient care form; 2 and 3,
24 chain of custody forms; 4, 5, 7, 8, 9, photographs.)

25 SOLICITOR: Judge, you are allowing these

1 photographs in, and the problem with it I have is
2 that we don't know who took the pictures that we
3 objected to. He is moving to introduce them now
4 over objection, and they haven't offered a witness
5 to get them in.

6 So how can he get them in if a witness hasn't
7 -- if he's not introducing them in through a
8 witness?

9 We understand Your Honor's ruling with regard
10 to Number 1, so that is no longer an issue we are
11 arguing.

12 As it relates to these photographs that were
13 not taken by him and taken at some time in the fu-
14 ture, then based upon the fact that he asked this
15 witness a question -- how then, based upon the fact
16 that he asked this witness a question about it, are
17 they admissible?

18 I am specifically -- that's Jeff's picture. That
19 is Jeff's picture. That's Jeff's picture. That
20 is not Jeff's picture.

21 That's Jeff picture -- no, that was the one
22 taken in the day time and I'm referring . .

23 THE COURT: That's not admissible.

24 SOLICITOR: So it is not admitted at this
25 time?

1 MR. JENKINSON: Well, I had it down here sep-
2 arated. That is Number 6, and it was not admitted
3 into evidence.

4 THE COURT: All right, let's continue.

5 (Brief pause in the proceeding)

6 (Defendant sworn by the Court for purpose of
7 following colloquy)

8 THE COURT: Do you understand -- you can put
9 your hand down. Thank you.

10 Do you understand that we have reached the
11 point in the trial where you have a right to take
12 the witness stand if you want to?

13 You are not required to do so under our law,
14 as it is the burden of the State to prove your guilt
15 beyond a reasonable doubt

16 But you certainly have a right to if you want
17 to. You can testify if you want to. You have a
18 right under our Constitution not to testify.

19 That is your right and your right alone. Your
20 lawyer can advise you whether he thinks you should
21 or you shouldn't testify, but ultimately it is your
22 decision whether you will give up your Fifth Amend-
23 ment rights and testify.

24 If you should decide to testify, you will be
25 treated just like any other witness. You will be

1 cross examined just like any other witness.

2 If you have a criminal record, and I don't
3 know if you do or not, but if you do that may be
4 brought out against you.

5 If you decide not to testify, I will instruct
6 the jury that they cannot consider that in any way
7 whatsoever with regard to your guilt or innocence
8 and that they may not even discuss that.

9 Do you understand all of that?

10 DEFENDANT: Yes, I do.

11 THE COURT: You can talk to your lawyer about
12 it, but it is your decision to make. Are you satis-
13 fied with your lawyer and your discussions with him?

14 DEFENDANT: Yes, sir.

15 THE COURT: Thank you, maam. You may take
16 your seat.

17 Anything else before we bring the jury?

18 (No verbal response heard)

19 All right, bring in the jury.

20 (Jury returned to the Courtroom)

21 THE COURT: Ladies and gentlemen, I know you
22 are going to think I'm a liar, but I had some other
23 issues that I had to take up, and that is why we
24 had this delay in bringing you back in.

25 We are ready to proceed. I believe the State

1 has rested.

2 SOLICITOR: Yes, sir.

3 THE COURT: Mr. Jenkinson?

4 MR. JENKINSON: May it please the Court? At
5 this time we would offer, subject to the objections
6 of the Solicitor, Defense Exhibits 1 through 9,
7 with the exception of Number 6, so 1 through 5 and
8 7, 8 and 9.

9 Thank you, Your Honor.

10 We would call Ms. Josephine Mouzon.

11 JOSEPHINE MOUZON, being duly
12 sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. JENKINSON:

15 Q. Tell us your name, please, maam.

16 A. Josephine Mouzon.

17 Q. Where do you live, please?

18 A. (Answer not audible)

19 Q. And how old are you?

20 A. Fifty-one.

21 Q. Even though you are just 51 years of age, you
22 are not in good health?

23 A. No, sir.

24 Q. As a matter of fact, you are in serious con-
25 dition as we speak, is that right?

MS. MOUZON ON DIRECT

1 A. That's right.

2 Q. And what is that condition?

3 A. Cancer.

4 Q. And are you undergoing treatment in the hos-
5 pital as we speak?

6 A. Yes.

7 Q. We've had to make special arrangements to
8 actually have you here today, did we not?

9 A. Yes.

10 Q. Where were you born and raised?

11 A. Lancaster.

12 Q. When did you move to Williamsburg County?

13 A. In 1961.

14 Q. How old were you then?

15 A. Twelve.

16 Q. So from age 12 on, you have lived here bas-
17 ically all your life?

18 A. Yes.

19 Q. Are you married?

20 A. No.

21 Q. Do you have any children?

22 A. One.

23 Q. Who is that?

24 A. A boy who is thirty-one years old.

25 Q. I know you are taking medication because of

MS. MOUZON ON DIRECT

1 your condition, but does it affect your ability to
2 remember and testify here today?

3 A. No.

4 Q. Now, I know it's difficult for you, but I
5 need you to speak loud enough for these jurors to
6 hear you. The jurors in the back of the box need
7 to hear you. I know it's difficult due to the
8 sound system.

9 All right?

10 A. All right.

11 Q. Now, you are not working now, of course?

12 A. No.

13 Q. Prior to retiring, where were you employed?

14 A. (Answer inaudible)

15 Q. How long did you work there?

16 A. Twenty years.

17 Q. What was your job title when you left there?

18 A. Supervisor.

19 Q. How many people did you supervise?

20 A. Twenty-six.

21 Q. Now, do you know Lou Ann Robinson, the De-
22 fendant in this case?

23 A. Yes.

24 Q. Is she a friend of yours?

25 A. Yes.

MS. MOUZON ON DIRECT

1 Q. How long have you known Lou Ann Robinson?

2 A. I met Lou Ann in 2004.

3 Q. And that's the first time you really got to
4 know her?

5 A. Yes.

6 Q. Where did Lou Ann live in 2006, if you recall?

7 A. I don't remember.

8 Q. Why was she down in South Carolina?

9 A. Her mother became sick.

10 Q. And who is her mother?

11 A. Mary Robinson. I know her as Miss Grace.

12 Q. Okay. Her name is Mary Robinson.

13 And her nickname is Miss Grace?

14 A. Yes.

15 Q. Now, did you know Willie Dunmore, who is the
16 deceased man in this case?

17 A. Yes, I know who he was.

18 Q. Did he have a nickname?

19 A. No.

20 Q. How long have you known him?

21 A. I been knowing him a long time.

22 Q. Did you have any particular reason to know
23 him well?

24 A. I was going with his first cousin, Lester
25 Harris.

MS. MOUZON ON DIRECT

1 Q. Lester Harris?

2 A. Yes.

3 Q. How long did you go with Lester?

4 A. Off and on about six years.

5 Q. Are you still with Lester?

6 A. No, I'm not now.

7 Q. Now, where did you meet Lou Ann Robinson?

8 A. At Lester's house.

9 Q. And that was when?

10 A. It was in 2004 around Christmas time. She and
11 some others came to Lester's house.

12 Q. And that's where you met her?

13 A. Yes.

14 Q. That was the first time you met her?

15 A. Right.

16 Q. Did you go out with them that night?

17 A. No.

18 Q. After that, did you learn whether or not Lou
19 Ann and Willie Dunmore were dating or going to-
20 gether?

21 A. It been a while after that.

22 Q. A while after that?

23 A. Yes.

24 Q. After you met her, did there come a time when
25 Lou Ann Robinson moved to South Carolina?

MS. MOUZON ON DIRECT

1 A. Yes.

2 Q. And when was that?

3 She came to stay with her mom?

4 A. Yes.

5 Q. When was that?

6 A. I think it was in 2005.

7 Q. After you met her around 2004?

8 A. Yes.

9 Q. Now, did there come a time when you learned
10 that Willie Dunmore had moved in to the house where
11 Lou Ann Robinson and her mother lived?

12 A. Yes.

13 Q. Do you recall when that was?

14 A. No.

15 Q. Now, from time to time did you see Lou Ann
16 and Willie Dunmore socially?

17 A. Yes, I saw them quite often.

18 Q. And they had started living together at some
19 point in time?

20 A. Yes.

21 Q. Do you recall what year it was they were
22 living together?

23 A. No.

24 Q. Were they living together prior to his death?

25 A. Yes.

MS. MOUZON ON DIRECT

1 Q. And that was in 2006?

2 A. Yes.

3 Q. Were they living together weeks or was it
4 months?

5 A. I don't know. I just knew they was living
6 together.

7 Q. You're not really sure?

8 A. No.

9 Q. Okay. Now, on what kind of occasions would
10 you see them?

11 A. Every now and then they would come around to
12 the house, or we would see them riding out some-
13 where.

14 Q. You were staying where during that period of
15 time?

16 A. At my house or my trailer.

17 Q. In your trailer?

18 A. Yes.

19 Q. Did you ever stay over at Lester's place?

20 A. Yes.

21 Q. Where was Lester's place?

22 A. Just before you pull out on the highway.

23 Q. What highway? What road?

24 A. (Inaudible)

25 Q. So you were staying there as well?

MS. MOUZON ON DIRECT

1 A. Yes.

2 Q. And what kin were Lester and Willie Dunmore?

3 A. Cousins.

4 Q. Okay. Now, did you become good friends with
5 Lou Ann and get to see her a lot in the latter
6 part of 2006?

7 A. No, not really. We started to get together
8 after she moved here some, but then it got to a
9 point where we couldn't get together because it
10 was causing a problem.

11 Q. Causing a problem?

12 A. Because he didn't want nobody to be around
13 them.

14 Q. Who is he?

15 A. . .

16 SOLICITOR: Your Honor, may it please the Court?
17 There is no foundation for this testimony, in terms
18 of whether or not this witness is in fact compe-
19 tent in terms of actually personal knowledge, not
20 based upon hearsay testimony, not based upon hear-
21 say innuendo or speculation, but personally.

22 We would ask that some foundation be laid.

23 THE COURT: Okay.

24 MR. JENKINSON: I'm doing that, Your Honor.

25 That's exactly what I'm doing.

MS. MOUZON ON DIRECT

1 SOLICITOR: I would disagree, and we ask that
2 a legal foundation be laid.

3 MR. JENKINSON: I've done that, Your Honor.

4 THE COURT: She can testify to what she has
5 observed personally.

6 BY MR. JENKINSON:

7 Q. I want you to tell us, based upon your per-
8 sonal observations, and not what you speculate but
9 what you know. Okay?

10 A. Around about . .

11 Q. You say you couldn't go over there. Why
12 couldn't you go over there?

13 A. Because like I said, it was always causing
14 problems. They was always, you know, arguing or
15 something. There was always a problem.

16 Q. Would you see these arguments?

17 A. Yes.

18 Q. You saw these arguments?

19 A. Yes.

20 Q. Why was he like this?

21 A. . .

22 Q. You were good friends with both of them.
23 What was going on?

24 A. I didn't understand it myself.

25 Q. He was . .

MS. MOUZON ON DIRECT

- 1 A. It was like he didn't want nobody around him.
- 2 Q. Even a friend like you?
- 3 A. Even a friend like me.
- 4 Q. How about calling over there?
- 5 A. Oh, I quit calling over there.
- 6 Q. Why?
- 7 A. He'd be mad.
- 8 Q. Would he be mad with you if you called?
- 9 A. Yes. He'd be mad before he found out who it was.
- 10 Q. So that caused a problem?
- 11 A. Yeah.
- 12 Q. Were you really her only --the only friend she
- 13 had at the time?
- 14 A. That I know of.
- 15 Q. Did she have a driver's license?
- 16 A. I don't know.
- 17 Q. Did you have to take her places?
- 18 A. Yeah, she would call me to take her places.
- 19 Q. Did you take her?
- 20 A. Yes.
- 21 Q. Where would you take her?
- 22 A. To the store and sometimes we go grocery shop-
- 23 ping.
- 24 Q. Okay.
- 25 A. And sometimes we would ride like around.

MS. MOUZON ON DIRECT

1 Q. Okay.

2 A. Sometimes I would take her when I would have
3 to go somewhere on my job. Do my collections.

4 Q. Okay.

5 A. I would take her with me sometimes.

6 Q. Would that be a problem when she would drive
7 off with you?

8 A. Well, yes, because he would find out that she
9 went with me and he would be mad.

10 Q. So that would be a problem?

11 A. Yeah.

12 Q. What was he acting like?

13 A. Um, how you mean?

14 Q. Was he ever controlling with her?

15 A. Controlling how?

16 Q. Trying to control what she did?

17 A. Yeah.

18 Q. Okay.

19 A. I remember one time she was riding with me
20 and he tried to make her get out the car.

21 Q. All right. Let me ask about this. Are you
22 talking about an incident that was not good?

23 A. Yeah.

24 Q. Was he physically abusive toward her?

25 A. He hit her up side the head.

MS. MOUZON ON DIRECT

1 Q. All right. So you actually witnessed him phy-
2 sically abusing her?

3 A. Yes.

4 Q. When did this take place?

5 A. It was the Friday after Thanksgiving.

6 Q. Okay. Tell the jury what happened that day.

7 A. She had called me to come pick her up. She
8 said she was tired of sitting in the house. So I
9 was driving a eighty-nine Cadillac.

10 Q. Did she have any way to leave the house?

11 A. No.

12 Q. Did she have any transportation?

13 A. No.

14 Q. Okay.

15 A. So I went to the house and as we was coming
16 out he came in the road and stopped the car and
17 came around to her side to tell her to get out.

18 She did not want to get out so I put the
19 car in reverse to go around his truck.

20 Q. Were you blocked in?

21 A. Huh?

22 Q. Were you blocked in?

23 A. Yes.

24 Q. Okay.

25 A. He was in the front of the car.

MS. MOUZON ON DIRECT

1 Q. Okay.

2 A. So I backed up and went around and then we
3 went to my house.

4 Then he came over to my house and Lester was
5 there, and he was outside talking to Lester, and
6 before Lester came up and she was getting out of
7 the car he hit her up side the house -- up side
8 the head and I told her to go on in the house.

9 Q. Did he hit her hard?

10 A. Yeah, he hit her hard.

11 Q. Okay. Which part of her body did he hit?

12 A. Up side the head.

13 Q. Okay.

14 A. So she went on inside the house and I told him
15 he had no right to hit her; it ain't going to be
16 no fights there.

17 She went on in the house and then she came
18 out and they was talking, and after a while she ask
19 me to take her back home, and I said, yeah, I'll
20 take you back home.

21 So when we was leaving that's when he told her
22 she was stupid -- she was stupid.

23 SOLICITOR: Judge, we object to hearsay.

24 THE COURT: Right.

25 MR. JENKINSON: That, Your Honor, is not

MS. MOUZON ON DIRECT

1 hearsay. It is what he was telling her. It is a
2 part of -- it is just not hearsay. It is not being
3 offered for the truth of the matter asserted.

4 Just because he said it doesn't mean that it's
5 hearsay. It is not objectionable hearsay. It is
6 an excited utterance.

7 THE COURT: I'll sustain the objection.

8 BY MR. JENKINSON:

9 Q. Go ahead.

10 THE COURT: No, no, no. I sustained the ob-
11 jection. That means she can't answer the question,
12 Mr. Jenkinson.

13 MR. JENKINSON: I understand that, but I'm
14 going ahead.

15 THE COURT: Go ahead with another question.

16 Q. Okay. After that, what happened?

17 A. Well, we got in the car -- I got in my car
18 and she got in my car, Lester got in the car, and
19 we drop her off at her mom's house.

20 When we got there -- about the time he got
21 there and he said . .

22 SOLICITOR: Same objection. We would ask the
23 witness be instructed not to repeat what might have
24 been said.

25 THE COURT: You can ask another question.

MS. MOUZON ON DIRECT

1 BY MR. JENKINSON:

2 Q. Was Lou Ann afraid?

3 A. Yes.

4 SOLICITOR: Objection.

5 THE COURT: Sustained. She has no way to
6 know that.

7 MR. JENKINSON: I'm asking based on her appear-
8 ance whether or not she was afraid.

9 Q. Maam?

10 A. She act like she was.

11 Q. And you had been watching what was going on?

12 A. Right.

13 Q. Did she have reason to be?

14 A. I guess. .

15 Q. Okay. So you dropped her at her house?

16 A. Yes.

17 Q. All right, that's one incident. Do you re-
18 call another incident that occurred where there
19 was physical abuse, where he abused her?

20 A. . .

21 SOLICITOR: We would object. That's a con-
22 clusion on her part.

23 THE COURT: Sustained. You can ask if she
24 observed anything.

25 MR. JENKINSON: I asked if there was another

MS. MOUZON ON DIRECT

1 instance where there was physical abuse.

2 SOLICITOR: Object again. There he goes again.

3 MR. JENKINSON: That was my question. I
4 don't believe it's a leading question.

5 THE COURT: Well, it is a conclusion perhaps
6 you're asking her to draw. You can ask if she ob-
7 served anything.

8 MR. JENKINSON: Let me ask her . .

9 BY MR. JENKINSON:

10 Q. Did you see any other physical abuse?

11 A. . .

12 SOLICITOR: Judge, that's the same question
13 he just asked.

14 THE COURT: You are asking for a legal con-
15 clusion. You can ask if there was any contact
16 between the two.

17 Q. Did you ever see any other contact between
18 them?

19 A. One other time.

20 Q. Okay.

21 A. Her and her mother came over to my house and
22 we were at the car, and I asked if they wanted to
23 ride to the store.

24 Then we were in the house and Lester was out-
25 side, and that's when he came and knocked on the

MS. MOUZON ON DIRECT

1 door.

2 Q. Okay.

3 A. When he came in the room, he told Lou Ann
4 -- he said, let's go, and she got up to leave, and
5 he got behind her and he pushed her in her back and
6 she like stumbled.

7 And she said, didn't you understand that I
8 won't have you lay a hand on me, and so he said,
9 well, I just want to go back to your house. She
10 said, well, you do whatever you want but don't
11 touch me again.

12 Q. Any other occasion?

13 A. No, that's about it, as much as I saw.

14 Q. But things were not good between them?

15 A. . .

16 SOLICITOR: Object to leading question.

17 THE COURT: Sustained.

18 BY MR. JENKINSON:

19 Q. Can you tell us whether or not the relation-
20 ship between them at the end of 2006 was good?

21 A. No, it was not.

22 Q. It was not?

23 A. No.

24 Q. Why?

25 A. I don't know other than what I told you.

MS. MOUZON ON DIRECT

1 He didn't want anybody else to be around them.

2 Q. Now, let's go to December 23rd, 2006. Did
3 you see Lou Ann Robinson that day?

4 A. Right about between six thirty and seven
5 o'clock she called me.

6 Q. Was this in the morning or the afternoon?

7 A. The evening.

8 Q. Okay.

9 A. She called me and said . .

10 SOLICITOR: Judge, hearsay objection.

11 THE COURT: Sustained.

12 BY MR. JENKINSON:

13 Q. As a result of that telephone call, what did
14 you do?

15 A. I went and took her to the store to buy some
16 cigarettes, and coming back . .

17 Q. Was that right after the phone call?

18 A. Excuse me.

19 Q. Right after she called you, did you go and
20 pick her up?

21 A. Yes.

22 Q. And you took her to the store?

23 A. Yes.

24 Q. How long were you gone to the store and then
25 back?

MS. MOUZON ON DIRECT

1 A. About fifteen, twenty minutes. I took her to
2 the store and got some cigarettes and I took her
3 home. She got out and went into the house and I
4 went home.

5 Q. Later that evening, did Lester come home?

6 A. He came home.

7 Q. How did he get home?

8 A. . .

9 SOLICITOR: I just want a foundation laid on
10 this question. I suggest he do that first or ask
11 that question first.

12 MR. JENKINSON: What question?

13 SOLICITOR: How he knows how he got home.

14 MR. JENKINSON: She was home. I'm talking
15 about to her house.

16 BY MR. JENKINSON:

17 Q. Do you know how he got to your house?

18 A. Yes.

19 Q. Lester is your boyfriend?

20 A. Right. He was.

21 Q. And Lester came home?

22 A. Yes.

23 Q. To your house?

24 A. Yes.

25 Q. How did he get there?

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MS. MOUZON ON DIRECT

1 A. . .

2 Q. If you know?

3 A. As far as I know, . .

4 SOLICITOR: Judge, I object again.

5 MR. JENKINSON: She can tell us if she knows.

6 SOLICITOR: I think her testimony was as far
7 as she knows.

8 BY MR. JENKINSON:

9 Q. Do you know who brought him there?

10 A. Monk brought him home.

11 Q. Okay, and had Lester been drinking when he
12 came in?

13 A. Yes.

14 Q. He had been?

15 A. Yes.

16 Q. Did you see Willie?

17 A. No.

18 Q. Did you have any conversation with him?

19 A. No.

20 Q. Okay.

21 SOLICITOR: If Your Honor please, he still
22 hasn't laid any foundation.

23 THE COURT: Sustained.

24 BY MR. JENKINSON:

25 Q. Did you see his truck outside?

MS. MOUZON ON DIRECT

1 A. I saw his truck when he pulled up in the
2 yard.

3 Q. Do you know Monk's truck?

4 A. Yes.

5 Q. You saw his truck for sure?

6 A. I saw his truck for sure.

7 Q. And Lester got out of the passenger side?

8 A. Yeah. He came in the house.

9 Q. Okay. Later that evening did you get a call
10 that there was a problem with Willie Dunmore?

11 A. Me and Lester got into an argument. I left
12 the house. I came back and when I came back he
13 asked me for the car, and I told him, no, he wasn't
14 taking my car. He was always thinking up an ex-
15 cuse and I told him he couldn't take my car.

16 And that's when he said, Lou Ann and Monk was
17 fighting and she cut him, and he wanted to go to
18 the hospital.

19 Q. That's the last you knew of it?

20 A. Yeah. But I thought he was lying.

21 Q. Okay. That's when he was going to the hos-
22 pital?

23 A. That's what he said.

24 Q. What Lester was saying?

25 A. Yeah.

MS. MOUZON ON DIRECT

1 Q. How did Lester know that? Did he tell you?

2 A. I didn't ask him.

3 Q. Answer any questions Mr. Sabb might have for
4 you.

5 THE COURT: Solicitor?

6 SOLICITOR SABB: May it please the Court, Your
7 Honor?

8 CROSS EXAMINATION

9 BY MR. SABB:

10 Q. Ms. Mouzon, as I understand, your full name
11 is Josephine Mouzon?

12 A. Yes.

13 Q. And you are fifty-one years old?

14 A. Yes.

15 Q. And I understand your condition and I don't
16 intend to be long, but I need to ask you some ques-
17 tions.

18 Now, first of all, let me make sure I under-
19 stood what you told Mr. Jenkinson.

20 As I understood it, you told Mr. Jenkinson
21 that you stopped calling Lou Ann; that you stopped
22 going to Lou Ann's house; that you stopped being
23 around Lou Ann.

24 A. Yes.

25 Q. But that wasn't exactly true, was it?

MS. MOUZON ON CROSS

1 A. Well, yes.

2 Q. But didn't you just testify that on the Friday
3 following Thanksgiving you were with Lou Ann
4 Robinson?

5 A. That is because she called me and asked me to
6 take her to the store.

7 Q. And then you -- so you were with her on that
8 day?

9 A. Yes, after she called me.

10 Q. Right, and the communications between the
11 two of you between November, the day after Thanks-
12 giving, and December 23rd, the day that Willie
13 died -- there were communications between the two
14 of you all?

15 A. On that day.

16 Q. No, between those dates. In fact, you indi-
17 cated on that day too.

18 A. I don't understand what you're telling me.

19 Q. Did you or did you not continue to talk with
20 Lou Ann Robinson up until the point where Mr. Dunmore
21 died?

22 A. No.

23 Q. Did you understand my question? Did you con-
24 tinue to communicate with Lou Ann Robinson from
25 Thanksgiving of 2006 through the point when Willie

MS. MOUZON ON CROSS

1 Dunmore died on December 23rd?

2 A. . .

3 Q. Did you continue to communicate with Lou Ann
4 Robinson?

5 A. The only time I would communicate with Lou Ann
6 Robinson was when she would call me to take her
7 somewhere. Not other than that.

8 Q. Now, why would you testify that she was afraid
9 of Willie?

10 A. Because of what she said.

11 Q. Now, how long did you observe her feelings?

12 A. How long?

13 Q. Yes, maam.

14 A. I don't understand. I don't know.

15 Q. A month?

16 A. I would say close to a month, or more.

17 Q. Two months?

18 A. I can't say for sure. All I know is I asked
19 her ..

20 Q. Maam, Maam. Please. Answer my questions if
21 you don't mind.

22 A. What is the question?

23 Q. The question related to -- you indicated that
24 you observed fear in her for two months. Is that
25 your testimony?

MS. MOUZON ON CROSS

1 A. No. My testimony is I can't put a time frame
2 on it.

3 Q. Well, was it more than two months? I thought
4 you said a month or more.

5 A. . .

6 Q. Two months, three months?

7 A. I still want to tell you that I couldn't put
8 a time frame on it.

9 Q. So what you told me before was not a good
10 gestimate or a good approximation?

11 A. No, it was not. No.

12 Q. But the first incident that you observed was
13 on February -- strike that -- on the day after
14 Thanksgiving which is usually the last Thursday
15 in November.

16 That's the first time you observed anything,
17 isn't that true?

18 A. That was the first time I seen him hit her.

19 Q. Yes, maam. That was my question.

20 A. Yes, sir.

21 Q. Now, the only reason why you mentioned this
22 idea of Lou Ann and Willie fighting the night he
23 was killed is really because you are trying to
24 help her, isn't it?

25 A. Help Lou Ann?

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MS. MOUZON ON CROSS

1 Q. Yes, maam. You are mentioning this business
2 of some fighting on December 23rd, 2006, because
3 you are trying to help her.

4 A. No, the reason I was mentioning it is because
5 I was asked.

6 Q. When you talked to Mr. Jenkinson, that is the
7 first thing you all talked about, isn't it?

8 A. . .

9 Q. Today isn't the first time you all talked about
10 that, is it?

11 A. I don't know whether it was or not.

12 Q. Oh, come on. So the only reason really why
13 you are mentioning this business of fighting between
14 Willie and Lou Ann is to help Lou Ann.

15 You really didn't see no fight, did you?

16 A. When?

17 Q. On December 23rd of 2006, the same day Mr.
18 Dunmore was killed.

19 A. I didn't see that then.

20 Q. And you don't know anything about it, do
21 you?

22 A. I don't think you heard my answer . .

23 Q. Your answer was clear . .

24 (Witness and Solicitor speaking at the same
25 time)

MS. MOUZON ON CROSS

1 THE COURT: Just wait. Let her answer.

2 SOLICITOR: I just want her to answer my ques-
3 tions.

4 THE COURT: Ask her a question and let her
5 answer. She has a right to explain her answer.

6 BY SOLICITOR SABB:

7 Q. My question . .

8 THE COURT: My Court Reporter can't take all
9 of you talking at the same time. I'm asking you
10 to speak one at a time.

11 SOLICITOR: I understand, Judge, and I apolo-
12 gize.

13 Q. Maam, do you have any personal knowledge or
14 that which you observed on your own about any kind
15 of altercation that occurred on December 23rd of
16 2006 between Lou Ann and Willie Dunmore. Yes or
17 no?

18 A. No. I wasn't there then.

19 Q. How much drinking did Lou Ann Robinson do on
20 December 23rd, 2006?

21 A. Drinking?

22 Q. Yes, maam.

23 A. I don't know.

24 Q. Did she tell you whether or not she had been
25 boozing it up that day?

MS. MOUZON ON CROSS

1 A. No. How much she had been drinking I don't
2 know. I didn't ask her.

3 Q. Did you go into her bedroom?

4 A. No. I just dropped her off at her house.

5 Q. And so you don't know whether or not she was
6 sipping on gin or anything like that?

7 A. No, I do not.

8 Q. But gin was one of her drinks of choice, was
9 it not?

10 A. Well, sometimes she would drink some.

11 Q. Was she a pour it back drinker?

12 A. No.

13 Q. Now, the reality of it is that when you would
14 go around collecting, you're talking about collect-
15 ing money off of pool tables?

16 A. Huh?

17 Q. Money off of pool tables?

18 A. Yes.

19 Q. I mean, pool tables are at the club, right?

20 A. Yes.

21 Q. And, I mean, sometimes in the morning you
22 would collect the change . .

23 A. No.

24 Q. Sometimes -- yes or no -- late in the evening
25 or early in the morning . .

MS. MOUZON ON CROSS

1 A. Not early in the morning. Late in the even-
2 ing but not early in the morning. I did my job.

3 Q. I understand, but two ladies at clubs with
4 other folks?

5 A. Yes.

6 Q. And drinking goes on in those clubs?

7 A. I went to do my job and I did my job.

8 Q. But sometimes when you were called you spent
9 some of your days at home?

10 A. . .

11 Q. Right?

12 A. I worked some days.

13 Q. But not every day?

14 A. Not every day, but most.

15 Q. Every day of the year?

16 A. Not every day of the year.

17 Q. But the point I was trying to make is that
18 some days when you were called to do your job you
19 had been drinking already?

20 A. If I'm drinking I don't answer their call.

21 Q. You just tell them, no, I'm not going to mess
22 with it?

23 A. That's it.

24 Q. You know, I mean, the reality of it is that
25 when you go out to a club and you talk to folks

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MS. MOUZON ON CROSS

1 that you know. Right?

2 A. Right.

3 Q. And you might have a drink or two? Maybe not
4 if you're working, but Lou Ann certainly could do
5 that.

6 A. I guess she could if she wanted to.

7 Q. I understand, but my point though is in terms
8 of going to places, a lot of times it was more
9 than just going and grabbing the money and coming
10 out?

11 A. I do my job.

12 Q. And if somebody wants to talk and fraternize,
13 you have to talk and fraternize?

14 A. For a while and then I tell them I got to go.

15 Q. Nothing further.

16 MR. JENKINSON: Nothing further.

17 THE COURT: Thank you, Ms. Mouzon, you can
18 come down.

19 (Witness excused from stand)

20 MR. JENKINSON: She needs to be excused.

21 THE COURT: Any objection?

22 SOLICITOR: Absolutely not.

23 THE COURT: Then you are excused, maam.

24 MR. JENKINSON: We would call the Defendant,
25 Lou Ann Robinson.

1 LOU ANN ROBINSON, being duly

2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. JENKINSON:

5 Q. I think by now everybody knows who you are,
6 but tell us your name for the record, please, maam.

7 A. Lou Ann Robinson.

8 Q. I want you to speak loud enough that those
9 folks in the back can hear you. Okay?

10 A. Lou Ann Robinson.

11 Q. Lou Ann, where do you live?

12 A. On Harrison Road in Salters.

13 Q. And is that in Williamsburg County?

14 A. Yes, it is.

15 Q. And how old are you?

16 A. Fifty-six.

17 Q. What is your birthday?

18 A. .

19 Q. ?

20 A. Yes.

21 Q. Last week?

22 A. Yes.

23 Q. And who lives with you on Harrison Road in
24 Salters?

25 A. My mother.

DEFENDANT ON DIRECT

1 Q. And is your mother -- what is her name?

2 A. Mary.

3 Q. How old is your mother?

4 A. Eighty-three.

5 Q. And is your mother well?

6 A. No.

7 Q. What problem does she have?

8 A. She has (inaudible). She has many problems.

9 Q. How is her mind?

10 A. Her mind is not good.

11 Q. All right. Does anybody else live there with
12 the two of you?

13 A. No.

14 Q. Do you have a driver's license?

15 A. No.

16 Q. Have you had a license since you've been in
17 South Carolina?

18 A. No, I have not.

19 Q. Do you have any transportation at your house
20 at all?

21 A. No.

22 Q. Now, where were you born and raised?

23 A. In Andrews, South Carolina.

24 Q. Where?

25 A. Andrews, South Carolina.

DEFENDANT ON DIRECT

1 Q. But you were born in Kingstree?

2 A. Yes.

3 Q. And where were you raised?

4 A. Philadelphia.

5 Q. You grew up in Philadelphia?

6 A. Yes.

7 Q. You went to school there?

8 A. And I had one year of college.

9 Q. When you got out of college, what kind of
10 work did you do?

11 A. Technology, mostly. Medical technology.

12 Q. And what kind of equipment mostly did you
13 work with?

14 A. With lasers.

15 Q. Is that the kind of work you did during your
16 working life?

17 A. Yes.

18 Q. Now, have you ever been married?

19 A. No.

20 Q. Have you ever been in a long relationship?

21 A. Yes.

22 Q. Let me ask you this up front. Health-wise you
23 look fine, but do you have some health issues?

24 A. Yes, sir.

25 Q. What is your problem?

DEFENDANT ON DIRECT

1 A. I have several problems. I can't hear very
2 well.

3 Q. Maam?

4 A. I can't hear very well, you know.

5 Q. All right. Have you ever had any kind of a
6 stroke?

7 A. I had a stroke last year.

8 Q. What has that affected?

9 A. It affected my speech and my writing and
10 other things.

11 Q. Has it affected your memory as well?

12 A. Yes.

13 Q. Do you have difficulty communicating thoughts?

14 A. Yes, sir, I do.

15 Q. And I know all of this has been very difficult
16 for you, has it not?

17 A. Yes, it has.

18 Q. Now, how many children do you have?

19 A. I have -- I had two children.

20 Q. Okay. Now, you lost a child?

21 A. Yes.

22 Q. Who was that?

23 A. Maurice. Maurice Robinson.

24 Q. And when did Maurice pass away?

25 A. In '91.

DEFENDANT ON DIRECT

1 Q. How did he die?

2 A. He was murdered.

3 Q. And where was he living?

4 A. Philadelphia.

5 Q. And that has been an awful experience for you
6 as well?

7 A. Yes.

8 Q. Have you suffered some mental issues as a
9 result of that?

10 A. Yes, I have.

11 Q. And have you been treated?

12 A. Yes, sir.

13 Q. Now, your other child -- let me ask you this.
14 Did your son have children?

15 A. Yes, he had two girls.

16 Q. Where are they now?

17 A. Philadelphia.

18 Q. What are they doing?

19 A. They're in college.

20 Q. Your other child, who is that?

21 A. Nicole.

22 Q. And that is Nicole right back there on the
23 end of the bench?

24 A. Yes.

25 Q. Does Nicole have children?

DEFENDANT ON DIRECT

1 A. Yes, two boys.

2 Q. Now, you moved at some point to South Carolina?

3 A. Yes.

4 Q. And when was that?

5 A. In 2004.

6 Q. Two thousand four?

7 A. Yes.

8 Q. Why did you move here?

9 A. I moved here to care for my mother.

10 Q. Why?

11 A. Because she couldn't take care of herself.

12 Q. She couldn't take care of herself?

13 A. No.

14 Q. And you have been her care-giver ever since?

15 A. Yes.

16 Q. After you moved down here with your mother,

17 did you meet Willie Dunmore?

18 A. Yes, I did.

19 Q. Did you start dating him?

20 A. Yes, I did.

21 Q. Did it become serious to the point that he
22 wanted to move in and you wanted him to move in?

23 A. Yes.

24 Q. When did Willie Dunmore move in with you and
25 your mother?

DEFENDANT ON DIRECT

1 A. In 2004.

2 Q. The same year you moved here?

3 A. It was in '05.

4 Q. Do you have trouble with dates?

5 A. Yes.

6 Q. Is that a part of your memory process?

7 A. Yes.

8 Q. Now, he died in '06. We know that.

9 A. Yes.

10 Q. Did he move in in '06 or in '05?

11 A. In '05.

12 Q. What part of '05?

13 A. The latter part of '05.

14 Q. Latter part. Okay. Now, when Willie moved
15 in, how were relations between the two of you?

16 A. It was growing at the time. It was fine.

17 Q. Did there come a time when it was not as
18 good?

19 A. Yes.

20 Q. About how long after he moved in did things
21 not go so well?

22 A. In about six months.

23 Q. Was there any particular reason that things
24 started going bad?

25 A. When he would be drinking he would raise --
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DEFENDANT ON DIRECT

- 1 when he became drunk, you know.
- 2 Q. Did he ever abuse you?
- 3 A. Yes.
- 4 Q. How?
- 5 A. He would slap me in my face and he would . .
- 6 Q. Did you have arguments?
- 7 A. We had a lot of arguments.
- 8 Q. Was he ever controlling with you?
- 9 A. He was controlling, he was jealous, and he
- 10 was always wanting to know what I was doing and
- 11 he would get angry if I went off; would check on me.
- 12 Q. Was he also good to you, at the same time?
- 13 A. He was.
- 14 Q. And when would he have -- when would he be
- 15 at his worst?
- 16 A. When he was drinking.
- 17 Q. Why did you put up with it?
- 18 A. I don't know. I was scared, I guess. I was
- 19 always scared.
- 20 Q. Did you love Willie?
- 21 A. Yes, I love him.
- 22 Q. You still love him today?
- 23 A. Yes.
- 24 Q. That's been a problem with you all along as
- 25 well, hasn't it?

DEFENDANT ON DIRECT

1 A. Yes.

2 Q. How old was Willie?

3 A. He was forty-one -- forty-two.

4 Q. So you all were about eleven years apart?

5 A. Yes.

6 Q. Now, how tall are you?

7 A. Five four.

8 Q. Now, when Willie had these problems, how was
9 he controlling? What did he do to control you?

10 A. He listened to all my phone calls. He would
11 record my telephone calls, and he wouldn't let me
12 go anywhere.

13 Q. Did he have a microphone or did you find a
14 recorder?

15 A. No, I didn't.

16 Q. Maam?

17 A. No, I didn't.

18 Q. You say you did not find a recorder?

19 A. No.

20 Q. Did he have a microphone?

21 A. Yes. And it would go to a recorder.

22 Q. Where was it?

23 A. On the dresser.

24 Q. Did you see it?

25 A. The recorder.

DEFENDANT ON DIRECT

1 Q. So you found it?

2 A. I found it but . .

3 Q. Did you ask him about it?

4 A. Yeah, I did.

5 Q. So he was recording your telephone calls?

6 A. Yes, he was.

7 Q. Where was your telephone at the house located
8 at that time?

9 A. By the bed.

10 Q. In your bedroom?

11 A. Yes.

12 Q. Where else?

13 A. I had one for the other room.

14 Q. Were these land lines that you had?

15 A. . .

16 Q. Not cel phones?

17 A. No, not cel phones.

18 Q. Were they walk around phones?

19 A. No.

20 Q. They were cord phones?

21 A. Yeah.

22 Q. Did you disconnect this recorder?.

23 A. Yes.

24 Q. Now, how was he controlling about you calling
25 people?

DEFENDANT ON DIRECT

1 A. Well, he was recording my calls and he would
2 try to take the phone from me.

3 Q. Was he jealous?

4 A. He was terribly jealous.

5 Q. Did you ever give him any reason to be jeal-
6 ous?

7 A. No, I didn't.

8 Q. Did you ever go out at night to clubs and
9 places with him?

10 A. Yes.

11 Q. How was that?

12 A. It was not fun.

13 Q. Why?

14 A. Because he would be drinking and he would
15 want to argue about everything. Especially when
16 we were at his cousin's club.

17 Q. He had a cousin?

18 A. Yeah. He had a cousin who owned a club.

19 Q. And where was the club located?

20 A. (Inaudible)

21 Q. Okay. And when was this? About when was
22 this?

23 A. November.

24 Q. Of what year?

25 A. Of '06.

DEFENDANT ON DIRECT

1 Q. Okay, what would happen?

2 A. What happen? One time I was sitting at the
3 bar, and a guy sat next to me and he was -- I
4 don't know his name but I was trying to run him
5 off.

6 Q. Why did you try to run him off?

7 A. I sat there and he . .

8 Q. I know, but why were you trying to run him
9 off?

10 A. Because there was going to be a problem.

11 Q. It was going to be a problem?

12 A. Yes.

13 Q. What happened?

14 A. He asked if he could buy me a drink, and I
15 said, no, I had one, and Willie -- he got mad and
16 he was walking up and down the bar and, you know,
17 throwing up his hands and pushing chairs, and I
18 said, let's go home.

19 Q. So you all went home?

20 A. Yes.

21 Q. Was that a problem?

22 A. Yeah. He was fussing going home and driving
23, very wild, and . .

24 Q. Were you scared?

25 A. Yes.

DEFENDANT ON DIRECT

1 Q. Okay.

2 A. And we went in and he went back outside, and
3 I . . .

4 Q. This is at your house?

5 A. Yeah, at my house. And I was trying to get
6 the keys away from him.

7 Q. Why were you trying to get the keys away from
8 him?

9 A. So he wouldn't be driving.

10 Q. Did you all get in a fight about the keys?

11 A. Yes, and he gave me a black eye, and I went
12 in the house.

13 Q. You went back in the house?

14 A. Yes.

15 Q. Did he come in the house with you?

16 A. I locked the door and so he walked down the
17 road and he had said he was going to get the gun, and
18 he called me later.

19 Q. Did you see him the next day? Well, he said
20 he was going to get the gun. What gun are you talk-
21 ing about?

22 A. The gun in my bedroom.

23 Q. Whose gun was it?

24 A. His gun.

25 Q. I want to show you what has been marked as

DEFENDANT ON DIRECT

1 State's Exhibit Number 3. Whose weapon is this?

2 A. That's Willie's.

3 Q. Where does it stay?

4 A. It stayed right on his side of the bed.

5 Q. On whose side of the bed?

6 A. Willie's.

7 Q. Now, did Willie have any shells for this gun
8 in the bedroom?

9 A. He did have.

10 Q. I'm going to show you what's been marked as
11 Defendant's Exhibit Number 5. Can you tell us where
12 the shotgun would stay in the bedroom?

13 A. On his side of the bed. Right there.

14 Q. His side was the far right and then there's
15 the dresser?

16 A. Yes.

17 Q. Is that in this picture? This was done after

18 . .

19 SOLICITOR: Your Honor, I object to the ques-
20 tion.

21 THE COURT: Sustained.

22 BY MR. JENKINSON:

23 Q. I will show you -- this is Defendant's Exhibit Num-
24 ber 4. Do you recognize that?

25 A. Yes.

DEFENDANT ON DIRECT

1 Q. What does that show?

2 A. The dresser.

3 Q. Is this where he kept the shotgun?

4 A. Yes.

5 Q. Were you fearful something bad was going to
6 happen that night when he wanted to get the shot-
7 gun?

8 A. Yes.

9 Q. Now, did Willie ever pull that shotgun out
10 before December 23rd and threaten you with it?

11 A. Yes.

12 Q. Did he ever point it at you before December
13 23rd?

14 A. No.

15 Q. He had never pointed it at you before the
16 night?

17 A. No.

18 Q. Now, did there come a time when he physically
19 abused you in front of other people?

20 A. Yes.

21 Q. You heard Josephine testify about a couple of
22 occasions.

23 A. Yes.

24 Q. Do you remember those occasions that Josephine
25 was talking about?

DEFENDANT ON DIRECT

1 A. I do.

2 Q. Are you embarrassed to even talk about those?

3 A. Yes. I'm ashamed.

4 Q. Are you ashamed about it?

5 A. I am.

6 Q. Why did you go back home with him?

7 A. I was scared. I was scared. I loved him but
8 I was scared.

9 Q. You loved him but you were scared?

10 A. Yes.

11 Q. Now, where was Willie working during this per-
12 iod of time?

13 A. At the Air Force Base.

14 Q. Shaw Air Force Base?

15 A. Uh hm.

16 Q. What time would he go to work?

17 A. Around six thirty when he did days.

18 Q. Okay.

19 (Brief pause in proceeding)

20 SOLICITOR SABB: If he's going to question
21 the witness about those, I'd like to see them
22 first.

23 MR. JENKINSON: I'm . .

24 SOLICITOR: I'd like to approach and see them.

25 MR. JENKINSON: I'm not offering them yet.

DEFENDANT ON DIRECT

1 I'm just letting her look at them.

2 SOLICITOR: I want to see them before you
3 question her about them.

4 BY MR. JENKINSON:

5 Q. But Willie lost his job?

6 A. He did.

7 Q. When?

8 A. He got fired in November.

9 Q. November?

10 A. Of '06.

11 Q. Why did . .

12 SOLICITOR: Judge, can we approach?

13 (Conference at the bench between counsel and
14 the Court off the record. Jury excused from Courtroom.)

15 THE COURT: Okay. What's your next question?

16 MR. JENKINSON: Can I proffer a few questions
17 to show you where I'm going?

18 THE COURT: Yes.

19 Q. Willie lost his job you said?

20 A. Yes, he got fired.

21 Q. Why did he get fired?

22 A. Because of his drinking.

23 Q. Would he go to work when he was drinking?

24 A. Huh?

25 Q. Did he go to work when he was drinking?

DEFENDANT ON DIRECT

1 A. I think so. I don't know.

2 Q. Did you find some papers after he died in your
3 house as to why he was fired?

4 A. Yes, I did.

5 Q. And I ask you if these are the papers you
6 located in your house about him being fired?

7 A. Yes.

8 Q. Was that the same time that he quit going to
9 work?

10 A. Yes, about the same time.

11 SOLICITOR: Judge, I know he didn't offer them
12 but I would point out that he just led her into
13 that. She testified before she didn't know if he
14 went to work when he was drinking.

15 A. I don't know. I just know that Willie got
16 fired. That's all I know.

17 BY MR. JENKINSON:

18 Q. I understand.

19 THE COURT: What is the State's objection?

20 SOLICITOR: She has no personal knowledge re-
21 garding the underlying reasons upon which he was
22 discharged.

23 THE COURT: So you are objecting to it as
24 hearsay?

25 SOLICITOR: Yes, sir.

DEFENDANT ON DIRECT

1 MR. JENKINSON: It is not hearsay. He didn't
2 go to work any more, and she can testify to that.

3 SOLICITOR: But now, Your Honor, when he
4 asked her that question the record will reflect
5 she said she didn't know.

6 THE COURT: I understand that.

7 MR. JENKINSON: She certainly can testify when
8 he was around her whether he was drinking or not, and
9 she can testify when he didn't go to work any
10 more, when he lost his job.

11 SOLICITOR: If there are some documents, and
12 I haven't seen them -- if he lays a proper founda-
13 tion they are here.

14 MR. JENKINSON: I am not offering them.

15 THE COURT: Well, he hasn't offered them yet
16 anyway.

17 SOLICITOR: If they are documents from his
18 employer . .

19 MR. JENKINSON: I haven't offered them yet and
20 I wasn't planning on offering them.

21 SOLICITOR: Well, she can't testify that he
22 got fired for drinking from those documents then.
23 The documents are not admissible and her testimony
24 is not admissible.

25 It's clearly hearsay. Clearly an out of Court

DEFENDANT ON DIRECT

1 document.

2 THE COURT: She can testify to what she knows.
3 If he didn't go to work and he stayed around home
4 drinking and she observed that, then she can tes-
5 tify to that.

6 SOLICITOR: Well, what she got from the docu-
7 ments is clearly hearsay.

8 THE COURT: Hearsay is objectionable when it
9 is offered to prove a matter being asserted. It
10 is not objectionable in and of itself.

11 SOLICITOR: He is trying to prove why he was
12 fired.

13 MR. JENKINSON: I'll just ask if he was
14 fired. That's all.

15 SOLICITOR: And she said yes, and when you
16 asked why she said she didn't know.

17 MR. JENKINSON: I won't ask why.

18 SOLICITOR: His next question is going to be
19 whether he missed a lot of work because he was
20 drinking, and our position before he goes there --
21 if Your Honor please, that question has been asked
22 and answered.

23 Now, he has led her, if Your Honor please,
24 with regard to this particular query in front of
25 the jury, and we submit it would be unfair for him
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1 to now be able to go back and rehash the same ques-
2 tions and her give the answer to a leading question of
3 why.

4 That is totally inconsistent with testimony
5 she has given on the record. Now, if he's not going
6 into that and he tells us that, I'll be satisfied.

7 MR. JENKINSON: I will only ask, you said he
8 was fired. That's all.

9 THE COURT: Okay.

10 SOLICITOR: I object to that as being asked
11 and answered.

12 THE COURT: I'll let him ask that again be-
13 cause it will go to all the objections that were
14 going on, and that will conclude it.

15 I'm not real sure any of this matters. You
16 all -- in my opinion, this drinking has nothing to
17 do with this case.

18 I don't think the jury will think so either,
19 but that is just my opinion.

20 She has testified about a drinking problem he
21 had and all of this, but you all are trying the
22 case.

23 I think you all are beating this to death.

24 All right. It's five after three. Just
25 from a scheduling aspect, how long do you think

DEFENDANT ON DIRECT

1 this is going to last?

2 MR. JENKINSON: Probably an hour for the
3 rest of the case with the expert, and then we're
4 going to rest.

5 I've got two witnesses tomorrow.

6 (Discussion between the Court and counsel con-
7 cerning scheduling)

8 (Whereupon, the Court took a brief recess and
9 the matter then resumed)

10 (The jury returned to the Courtroom.)

11 DIRECT EXAMINATION CONTINUED

12 BY MR. JENKINSON:

13 Q. Lou Ann, the first part of November what hap-
14 pened?

15 A. . .

16 Q. Was Willie still working?

17 A. No.

18 Q. Why was that?

19 A. He got fired.

20 Q. After he was fired, did he ever return back
21 to work?

22 A. No.

23 Q. After he was fired, was he living with you?

24 A. Yes.

25 Q. Can you tell us whether or not his drinking

DEFENDANT ON DIRECT

1 increased?

2 A. Yes, it did.

3 Q. Did the problems between you -- can you tell
4 us whether or not they got worse?

5 A. Yes.

6 Q. Now, you've heard about the incidents that
7 happened in the presence of other persons, but
8 was there other stuff going on as well?

9 A. Well, at times he would be drinking and he
10 would slap me or something for no reason at all.

11 Q. Where would this usually take place?

12 A. In the bedroom.

13 Q. Did you ever call the police for help?

14 A. I phoned them one time, but he left.

15 Q. Now, I show you -- you mentioned about his
16 being controlling, that he would be checking on
17 you or controlling?

18 A. Yes, he would.

19 Q. While he was living with you, when he would
20 leave and go off do you know where he would go?

21 A. No. No, I don't.

22 Q. When he came back, could you tell what he
23 had been doing?

24 A. Yes.

25 Q. Why?

DEFENDANT ON DIRECT

- 1 A. Because he would tell me.
- 2 Q. In December was he living with you?
- 3 A. Yes, sir.
- 4 Q. When he was gone, did he ever call back to
- 5 you?
- 6 A. Yes, he would.
- 7 Q. Why would he call back?
- 8 A. Checking.
- 9 Q. Checking on you?
- 10 A. Yes.
- 11 Q. Now, we have the State's Exhibit Number 26.
- 12 You've seen this before?
- 13 A. Yes.
- 14 Q. Whose cel phone record is this?
- 15 A. Willie's momma -- Willie's cel phone.
- 16 Q. Willie's cel phone?
- 17 A. Yes.
- 18 Q. In his mother's name, right?
- 19 A. Yes.
- 20 Q. In the month of December from the first to
- 21 the 23rd, you can count about fifty-three times he
- 22 called you?
- 23 A. He called.
- 24 Q. Now, on Saturday, the 23rd -- what is the
- 25 number at the house?

DEFENDANT ON DIRECT

1 A. It's .

2 Q. Now, what time on the 23rd did Willie --
3 from the night of the 22nd, was he with you on the
4 morning of the 23rd?

5 A. Yes.

6 Q. What time did you all get up?

7 A. Probably around -- it was early.

8 Q. Now, after you all got up and were around the
9 house, what did you do?

10 A. I started cooking.

11 Q. And what was Willie doing?

12 A. He was drinking.

13 Q. How about you? Did you have anything to
14 drink?

15 A. I had a little.

16 Q. You did?

17 A. Yes.

18 Q. What did you drink?

19 A. Gin.

20 Q. You did some gin?

21 A. Uh hm.

22 Q. How much gin did you drink?

23 A. I had a pint so about half of the bottle.

24 Q. Half?

25 A. Yes.

DEFENDANT ON DIRECT

1 Q. That morning?

2 A. Yes.

3 Q. With Willie?

4 A. Yes.

5 Q. And what was Willie drinking?

6 A. He was drinking gin also.

7 Q. Did there come a time when Willie left the
8 house?

9 A. Yes.

10 Q. What time was that?

11 A. He left about eleven thirty or twelve.

12 Q. Somewhere abouts?

13 A. Yes.

14 Q. After Willie left, did you have anything else,
15 any alcohol, to drink that day?

16 A. No, I didn't.

17 Q. Why is that?

18 A. Because I'm cooking. I want everything to --
19 I am still cooking.

20 Q. Now, back to the cel phone record, and I
21 think I mentioned that this is State's Exhibit 26
22 -- what is the first time that Willie called the
23 house that day?

24 A. At one twenty-six.

25 Q. Willie was already gone?

DEFENDANT ON DIRECT

1 A. Yes.

2 Q. Do you know where was going?

3 A. He said he was going to his cousin's house to
4 cook a pig.

5 Q. Okay. Did you ever see him that afternoon?

6 A. No.

7 Q. What were you doing?

8 A. Cooking collard greens and macaroni and . .

9 Q. What were you cooking for?

10 A. Christmas.

11 Q. So you were starting the cooking?

12 A. Yes.

13 Q. Now, what was it like inside the house, tem-
14 perature-wise?

15 A. It was cold inside the house.

16 Q. Was it a real cold day?

17 A. Yes, it was.

18 Q. So you got your stuff started that day or that
19 afternoon?

20 A. Yeah. I would put stuff on the stove and go
21 in the bedroom and I did the collard greens.

22 Q. Why were you doing food preparation in the
23 bedroom?

24 A. Because it was cold in the kitchen.

25 Q. It was what?

DEFENDANT ON DIRECT

1 A. It was cold.

2 Q. Where was it cold?

3 A. In the kitchen and the den.

4 Q. How about your bedroom?

5 A. It was warm.

6 Q. So that is why you were doing your -- what
7 were you doing it on?

8 A. . .

9 Q. Doing this food preparation?

10 A. I was walking back and forth.

11 Q. Were you on the floor or what?

12 A. No, I was on the bed.

13 Q. On the bed?

14 A. Yes.

15 Q. What else were you doing?

16 A. Watching TV and some house cleaning.

17 Q. Did there come a time that you called some-
18 body?

19 A. Yes.

20 Q. Who did you call?

21 A. Josephine.

22 Q. Why did you call Josephine?

23 A. For a ride.

24 Q. Pardon?

25 A. Because I wanted a ride.

DEFENDANT ON DIRECT

- 1 Q. Where did you want to go?
- 2 A. I wanted to go get some cigarettes.
- 3 Q. Okay. Did Josephine come pick you up?
- 4 A. Yes.
- 5 Q. What time was that?
- 6 A. Between six thirty and seven.
- 7 Q. Okay, and you went to the store?
- 8 A. Yes.
- 9 Q. What did you buy?
- 10 A. Beer and cigarettes.
- 11 Q. And cigarettes?
- 12 A. Yes.
- 13 Q. How many beers?
- 14 A. Six pack.
- 15 Q. Okay. Did you all go anywhere else?
- 16 A. No.
- 17 Q. Did you stay at the store long?
- 18 A. No, we went there and came back.
- 19 Q. Okay. What did you do with the beer and the
- 20 cigarettes?
- 21 A. I gave Josephine a beer and a couple of cig-
- 22 arettes and I took the rest.
- 23 Q. And you came back inside?
- 24 A. Yes.
- 25 Q. What did you do then?

DEFENDANT ON DIRECT

1 A. Put the beer in the refrigerator.

2 Q. Did you drink any?

3 A. No.

4 Q. You did not drink it at all?

5 A. No.

6 Q. Just put it in the refrigerator?

7 A. Yes.

8 Q. Okay. What did you do after that?

9 A. I went back to what I was doing.

10 Q. Calling your attention to the cel phone re-
11 cords again. Was there a second call from
12 Willie?

13 A. He had called about seven -- seven thirty.

14 Q. Was that before or after you got back from
15 the store?

16 A. That was after I got back.

17 Q. What was that phone call like?

18 A. . .

19 Q. Was it a pleasant or unpleasant call?

20 A. It was pleasant. He said, I love you, and
21 you know I love you, and I'll be back directly.

22 Q. Okay. Where were you after that phone call?

23 A. In the house on the bed or cooking or watch-
24 ing TV.

25 Q. There was a couple of knives we've had out

DEFENDANT ON DIRECT

1 in the Courtroom. Were those knives in your bed-
2 room?

3 A. Yes.

4 Q. Ones that you were using for food prep?

5 A. Yes.

6 Q. The big long knife, do you know where that
7 was?

8 A. Yes, sir. It was on the bed.

9 Q. And I think that was in a box by the wall?

10 A. Yes.

11 Q. Did you use that knife?

12 A. No.

13 Q. That just happened to be one that you had in
14 there?

15 A. Yes.

16 Q. How about the smaller knife? The steak knife?

17 A. I don't remember.

18 Q. So you were . .

19 A. I totally don't remember.

20 Q. I understand. Are you having a difficult
21 time with this part of the circumstances?

22 A. Yes, I do.

23 Q. Did Willie come in?

24 A. Yes.

25 Q. And was it a while after the second phone call?

DEFENDANT ON DIRECT

1 A. Yes, sir. Eight thirty or quarter of nine.

2 Q. Eight thirty or quarter of nine?

3 A. About.

4 Q. What happened?

5 A. He said that he had called before and I didn't
6 answer, and I said that I had went to the store for
7 some cigarettes.

8 Then he slapped me to the floor.

9 SOLICITOR: If Your Honor please, I object to
10 hearsay.

11 MR. JENKINSON: This is an excited utterance,
12 Your Honor. An objection to the hearsay rule.

13 SOLICITOR: I wasn't objecting to that, Your
14 Honor. I was objecting to hearsay.

15 THE COURT: I don't know that there is any
16 foundation laid for that at this point. I have no
17 idea what her answer is going to be.

18 Would you all approach the bench.

19 (Conference at the bench between counsel and
20 the Court off the record)

21 THE COURT: Ask your next question.

22 MR. JENKINSON: Thank you.

23 BY MR. JENKINSON:

24 Q. When Willie came in your bedroom, what was his
25 attitude?

DEFENDANT ON DIRECT

1 A. He was mad. I don't know how to -- he was
2 crazed-like. He came in the bedroom and he
3 slapped me and he said where you been. He slap
4 me with his left hand.

5 Q. Which side of the bed were you sitting on?

6 A. The left side of the bed.

7 Q. You were on the left side, so you were sitting
8 with the headboard behind you?

9 A. Yes.

10 Q. Okay. So that you're facing the foot of the
11 bed or the right side of the bed?

12 A. . .

13 SOLICITOR: Judge, he's testifying. I move
14 to strike, and I ask that he be cautioned with re-
15 gard to that.

16 THE COURT: Ask your question again.

17 BY MR. JENKINSON:

18 Q. This is the back bedroom wall?

19 A. . .

20 SOLICITOR: He's leading, Judge. Objection.
21 He can ask the witness to describe it but he cannot
22 describe it himself.

23 THE COURT: He's essentially saying where he
24 is -- this is the back bedroom wall, and I guess
25 he's asking her to explain.

DEFENDANT ON DIRECT

1 MR. JENKINSON: That's exactly right.

2 THE COURT: All right.

3 BY MR. JENKINSON:

4 Q. This is the back bedroom wall?

5 A. Yes.

6 Q. Where is the door that he's coming in?

7 A. . .

8 Q. He's walking in your bedroom and he has to
9 come through the door.

10 A. Yes, this way.

11 Q. And what do you see?

12 A. The bed.

13 Q. Which way is the headboard? On the far wall
14 or the other wall?

15 A. Other wall. The far side.

16 Q. So you walk through the door and you see the
17 bed, and you stand in the door. The bed is in front
18 of you.

19 Which side are you on?

20 A. . .

21 Q. When you're looking at the bed, which side are
22 you on?

23 A. Left hand side.

24 Q. Describe what you're calling the left hand
25 side.

DEFENDANT ON DIRECT

1 A. Well, the back wall is here and the bed is
2 here, and I'm here.

3 Q. Are you leaning up against the backboard?

4 A. Yes.

5 Q. And where is the left hand side?

6 A. Here.

7 Q. Okay, I got you.

8 Q. Now, you're sitting up side the board and he
9 hits you with which hand?

10 A. His left hand.

11 Q. And where do you land?

12 A. I land on the floor.

13 Q. What did you say?

14 A. I said, Willie, what's the matter? (Portion
15 not audible)

16 Q. What did you do then?

17 A. I try to get up and he had the knife and he
18 said I'm going to cut you up.

19 Q. He had a knife in his hand?

20 A. Yes.

21 Q. Do you know where he got the knife from?

22 A. No.

23 Q. Had you seen this knife before?

24 A. No, I hadn't.

25 Q. You hadn't seen this knife before?

DEFENDANT ON DIRECT

1 A. No.

2 Q. What kind of knife was it?

3 A. A pocket knife.

4 Q. A pocket knife?

5 A. Yes.

6 Q. Okay, what did he do with it?

7 A. I don't know.

8 Q. I mean, what did he do with the knife when
9 he was standing in front of you?

10 A. He was waving it.

11 Q. We've got a picture -- what did he do with the
12 knife? Did he cut you with it?

13 A. Yes, he cut me with it.

14 Q. What did you do?

15 A. I didn't know what to do. I was like -- from
16 when he hit me, I was like stunned. I didn't know
17 what to do. I had grabbed the little knife.

18 Q. Did he ever hit you a second time?

19 A. He came up fast and he shove me, and he
20 knocked me down.

21 Q. A second time?

22 A. When I was trying to get up.

23 Q. You were trying to get up?

24 A. Yes.

25 Q. Where were you going?

DEFENDANT ON DIRECT

1 A. I was going out the room.

2 Q. And he had cut you with the knife?

3 A. Yes.

4 Q. What happened next?

5 A. Then he went and got the gun, and he got the
6 gun and he came at me again.

7 Q. Now, let me ask you this. Is this the wea-
8 pon?

9 A. Yes.

10 Q. I'm not going to point it at you. Okay?

11 How close was he -- the end of this firearm, how
12 close was it to you?

13 A. To my stomach and I tried pulling at it.

14 He had it right at my stomach.

15 Q. Okay. How close was he to you -- stop me.

16 A. Stop.

17 Q. That close?

18 A. Uh hm, it touched my stomach, and he hit me
19 on my leg and my arm.

20 Q. Did he pull the trigger? Was his finger on
21 the trigger?

22 A. Yes.

23 SOLICITOR: Judge, that is -- objection. The
24 problem I have is that the questions are at what
25 point. Also, it's leading.

DEFENDANT ON DIRECT

1 THE COURT: I understand your objection. Try
2 to frame the questions so that she's testifying.

3 BY MR. JENKINSON:

4 Q. Where was the end of the barrel?

5 A. Touching my skin.

6 Q. Where was the barrel when he was pulling the
7 trigger?

8 A. Around my knees, my legs.

9 Q. Were you scared?

10 A. Yes, I was scared.

11 Q. Then what did he do with the shotgun?

12 A. He was pointing it at my legs and my arms
13 and everything.

14 Q. How close was he to you?

15 A. Right up on me.

16 Q. Come down here. You were on the floor. Show
17 us how you were on the floor.

18 A. I was on the floor like this.

19 Q. And he was -- where was he?

20 A. He was on top of me.

21 Q. Was he closer?

22 A. He was going like this.

23 Q. What were you doing?

24 A. I had to get him off of me and he wouldn't
25 move. I had the little salad knife.

DEFENDANT ON DIRECT

1 I had the knife and I was trying to get him to .
2 move but he wouldn't.

3 Q. So you were juggling the knife at him?

4 A. Yes.

5 Q. Did you know that you had stabbed him?

6 A. No, I didn't. He dropped the gun and he . .

7 Q. Go on back up.

8 A. He dropped it and put it in the corner.

9 Q. Stop a minute. You all were having this
10 match with him leaning over you?

11 A. Uh hm.

12 Q. You had a knife in your hand?

13 A. Yes.

14 Q. Do you know where you even got that knife?

15 A. No, I don't know. I just know I got it.

16 Q. That's all you know?

17 A. Yes.

18 Q. Did you have the knife when he cut you?

19 A. I don't know.

20 Q. You don't know?

21 A. No.

22 Q. Is it one of these two knives that is in this
23 box?

24 A. No.

25 Q. How bad a fight was it?

DEFENDANT ON DIRECT

1 A. It was a horrible thing. (Portion of answer
2 not audible)

3 Q. Did you know you had even stabbed him?

4 A. No, I didn't. Not at that point.

5 Q. But it was not good?

6 A. Pardon.

7 Q. It was not good?

8 A. No, it was not good.

9 Q. When did he stop?

10 A. At this time I don't know. He just stopped
11 and put the gun down and walked out the door.

12 Q. Stop right there. At this point, did you
13 know you had even cut him or stabbed him?

14 A. No, I didn't know. At that point I didn't
15 know.

16 Q. Okay, I'm going to come back to that, but he
17 is walking out?

18 A. Yes.

19 Q. Where did he go?

20 A. He walked out and down the hall, went in the
21 kitchen, and out the door.

22 Q. Where were you ?

23 A. I was behind him.

24 Q. How far behind him were you?

25 A. I'm not sure but right after he went out the

DEFENDANT ON DIRECT

1 door I locked the door.

2 Q. You locked the door?

3 A. Yes.

4 Q. What did you do next?

5 A. I don't know.

6 Q. Did he say anything to you?

7 A. . .

8 Q. Did he say anything to you walking down the
9 hall and walking out?

10 A. No.

11 Q. What happened next?

12 A. He got in the car and he drove away.

13 Q. Okay.

14 A. I went back into the bedroom. I was afraid
15 he was going to try to come back.

16 Q. This shirt that we had yesterday, . .

17 A. Yes.

18 Q. . . is that your shirt?

19 A. Yes. I wiped the blood up with it.

20 Q. And that's State's Number 4.

21 A very little bit of blood?

22 A. Yes.

23 Q. Okay. Could you tell how bad it was?

24 A. No, it was just a little bit.

25 Q. When he was attacking you, were you scared?

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DEFENDANT ON DIRECT

1 A. Yes.

2 Q. How scared were you?

3 A. I was -- I was very scared.

4 Q. What did you think he was going to do to you?

5 A. I thought he was going to kill me.

6 Q. Maam?

7 A. I thought he was going to kill me.

8 Q. You thought he was going to kill you?

9 A. Yes.

10 Q. Now, you cleaned up the blood, you said, and
11 what happened next?

12 A. I was wiping up the blood and the phone rang.
13 It was Willie. He said, I'm going to get you.

14 Q. That's all he said?

15 A. I'm going to get you.

16 Q. The last call coming to your house, the last
17 one on this list to your number, was when?

18 A. Five minutes to nine.

19 Q. He had just left your house?

20 A. Yes.

21 Q. And what did he say?

22 Q. I'm going to get you.

23 Q. What did you do then?

24 A. I don't know. I know I picked up the gun
25 and the knife, and I went to the front door and

DEFENDANT ON DIRECT

1 I remember I walked down the steps and down the
2 walk and threw the gun in the woods -- the gun and
3 the knife in the woods.

4 Q. Was the knife you threw in the woods the knife
5 you cut him with?

6 A. Yes.

7 Q. Now, did you see Willie put his knife back in
8 his pocket during this altercation?

9 A. I think so.

10 Q. Do you know what point in time that was?

11 A. I'm not sure.

12 Q. Do you know if that knife came back out or
13 not?

14 A. I don't know.

15 Q. Do you know if that was the knife that was
16 used?

17 A. I don't know.

18 Q. Did he cut you with that knife?

19 A. Yes, he did.

20 Q. Do you know what happened to it after he cut
21 you with it?

22 A. I don't.

23 Q. So you don't know what happened after you got
24 cut?

25 A. No.

DEFENDANT ON DIRECT

1 Q. Now, you picked up the little steak knife and
2 the shotgun you said?

3 A. Yes.

4 Q. Why did you pick those up?

5 A. Because I was afraid he was going to come back
6 and get me, and I didn't want him to use them.

7 Q. Did you even remember the big long knife being
8 in the bedroom?

9 A. No.

10 Q. Did you -- where did you stay the rest of the
11 evening?

12 A. In the bedroom. I stayed right there after
13 he called.

14 Q. After that phone call, were you scared?

15 A. I was scared, yes.

16 Q. Why were you scared?

17 A. I was afraid of him coming back to get me.

18 Q. Were you afraid of him harming you?

19 A. Yes.

20 Q. Why didn't you call the police?

21 A. I was afraid that by the time they got there
22 he would have come back.

23 Q. That Willie would have come back?

24 A. Yes.

25 Q. So you just stayed there?

DEFENDANT ON DIRECT

1 A. Yes..

2 Q. Do you remember somebody coming to the door
3 later that night?

4 A. Yes, somebody knocked on the door.

5 Q. Do you know who it was?

6 A. No.

7 Q. Were you scared?

8 A. Yes, I was scared.

9 Q. Why?

10 A. I don't know except I thought he was coming
11 back to get me. I didn't know who it was.

12 Q. You mean Willie?

13 A. Yes.

14 Q. And then after that a phone call came and
15 they identified themselves as to who they were?

16 A. Yes.

17 Q. Who was it?

18 A. It was Debra Collins and another officer.

19 Q. Did you agree to talk to them?

20 A. Yes.

21 Q. What did you tell them?

22 A. They said they wanted to ask me a couple of
23 questions.

24 Q. Did they tell you anything about Willie?

25 About Willie's condition?

DEFENDANT ON DIRECT

1 A. No.

2 Q. Were you even sure why they were talking to
3 you?

4 A. (Inaudible)

5 Q. Did you agree to go with them?

6 A. Yes.

7 Q. Did you go down to the jail?

8 A. Yes.

9 Q. Okay, and did you have to dress to leave?

10 A. Did I . . .

11 Q. Did you have to put some clothes on to go with
12 them?

13 A. Yes.

14 Q. What did you put on?

15 A. I don't remember.

16 Q. Okay.

17 A. I don't remember that.

18 Q. You weren't quite sure what was going on?

19 A. No.

20 Q. They didn't arrest you, did they?

21 A. Yes, they did.

22 Q. They told you that you were under arrest?

23 A. Yes.

24 Q. What did they tell you that you were under
25 arrest for?

DEFENDANT ON DIRECT

1 A. For killing Willie.

2 Q. That was later, but I'm talking about when they
3 came to the door. Did they put you under arrest?

4 A. Oh, no. They said they had a couple of ques-
5 tions they needed to ask me.

6 Q. So you went with them?

7 A. Yes.

8 Q. No handcuffs, no nothing?

9 A. No handcuffs, no nothing.

10 Q. You just rode down to the jail?

11 A. Yes.

12 Q. And you gave them a statement?

13 A. Yes.

14 Q. Have you seen a copy of your statement that
15 was given sometime later?

16 A. Yes.

17 Q. The time says twelve thirty-five A.M. Is that
18 your recollection of what time?

19 A. Yes.

20 Q. And the statement was over at twelve forty-
21 eight, thirteen minutes later?

22 A. . .

23 Q. They asked you some questions?

24 A. Yes, they did.

25 Q. One of the questions -- they had not found any

DEFENDANT ON DIRECT

1 gun or knife at that time, had they?

2 A. No.

3 Q. Were you scared when you were giving this
4 statement?

5 A. I was.

6 Q. Were you under oath to tell the truth as you
7 were giving this statement?

8 A. I don't remember.

9 Q. Now, in this statement do you recall telling
10 the officers that Willie was beating me?

11 A. Yes, I told them.

12 Q. Do you recall telling the officers . .

13 SOLICITOR: Your Honor, these are all leading
14 questions.

15 THE COURT: I'll allow it.

16 BY MR. JENKINSON:

17 Q. Do you recall making any statements about it
18 being a horrible fight? Can you tell us whether
19 or not you told them that?

20 A. Yes, I did.

21 Q. You told them all of that?

22 A. Yes.

23 Q. Your mother was in the house when this happened,
24 wasn't she?

25 A. Yes.

DEFENDANT ON DIRECT

1 Q. Did she come in your bedroom during this
2 fight?

3 A. She didn't come in the bedroom until after
4 he was gone.

5 Q. Okay. Now, in this statement did you ever
6 tell the officers which knife was used?

7 A. No.

8 Q. Do you know which knife it was?

9 A. No.

10 Q. To this day, do you know which knife it was?

11 A. No.

12 Q. Now, in this statement can you tell us whether
13 or not you told them that Willie threw the shotgun
14 out in the yard?

15 A. Yeah, I told them that.

16 Q. Is that wrong?

17 A. Yes, it was wrong. I was the one who threw
18 it in the woods because I was afraid he was going
19 to come back and kill me.

20 Q. Now, do you recall whether or not you told
21 them that there was a shirt with blood on it?

22 A. Yes.

23 Q. And you told them it was a bad fight?

24 A. Yes, I told them that.

25 221

DEFENDANT ON DIRECT

1 Q. Do you recall whether or not you told them
2 Willie was beating you with the gun?

3 A. I told them that. I told them that he hit me
4 with the gun, pushed me with the gun -- I told
5 them.

6 Q. Did you show them where he scratched you with
7 the knife?

8 A. Yes, I did.

9 Q. You showed them that night?

10 A. Yes. I showed Officer Brown.

11 Q. Was Officer Collins with him?

12 A. Yes.

13 Q. Do you recall whether you told them that
14 Willie had a knife with him?

15 A. Willie cut me with the knife right here.

16 Q. Did you tell them that could have been one
17 of the knives he got stabbed with?

18 A. . .

19 SOLICITOR: I object to the leading nature
20 of that question.

21 THE COURT: All right, don't lead her.

22 BY MR. JENKINSON:

23 Q. Do you recall whether or not you told them
24 that could have been one of the knives?

25 A. It could have been one of the knives, yes.

DEFENDANT ON DIRECT

1 I don't recall whether I told them that or not. I
2 can't recall that. I really can't tell you.

3 Q. Do you recall whether or not you told them
4 about Willie being depressed because he lost his
5 job for drinking?

6 A. No, I know I told him he was very depressed
7 and that he was drinking a lot.

8 Q. Do you recall whether or not they asked you
9 the question, how many times had he pulled out the
10 gun on you before?

11 A. I don't, no. I don't remember if I told them
12 that.

13 Q. You don't know that?

14 A. No.

15 Q. Do you recall being asked at the end of your
16 statement, are you afraid of him?

17 A. Yes.

18 Q. And what did you tell them?

19 A. I tell them I was afraid of him, that he said
20 he was going to come back and get me.

21 Q. Did you think he was still out there?

22 A. I did. I didn't know he was dead, but I
23 wasn't sure what I was saying.

24 Q. Now, they cut the recorder off. You asked them
25 a question. What question was that?

DEFENDANT ON DIRECT

1 A. I asked them where Willie was.

2 Q. Okay.

3 A. That's when they said he was dead.

4 Q. What happened?

5 A. I fell in the floor. I fell in the floor.

6 Q. Were you upset?

7 A. Yes. I was out of my mind.

8 Q. You had no idea Willie was dead until that
9 time?

10 A. No, I did not.

11 Q. Did you know he had even been stabbed until
12 you saw that blood?

13 A. Not until I saw the blood and then I knew I
14 had stabbed him.

15 Q. I want you to do the best you can and answer
16 any questions Mr. Sabb has for you.

17 A. Okay.

18 CROSS EXAMINATION

19 BY SQL SABB:

20 SOLICITOR: May it please the Court?

21 THE COURT: Yes, sir.

22 Q. Ms. Robinson, you are fifty-three years old?

23 A. I was 53 then.

24 Q. At the time of Willie's death he was 42 and
25 you were 53?

DEFENDANT ON CROSS

1 A. Yes.

2 Q. Is that right?

3 A. Yes.

4 Q. And so there were eleven years that separated
5 the two of you?

6 A. Right.

7 Q. And now the Willie that you described is a
8 Willie that nobody who has known Willie for all his
9 life knew?

10 A. I don't know.

11 Q. The Willie that we know never got convicted
12 of a single solitary crime in his life, did he?

13 A. I don't know.

14 Q. He never got convicted of a single solitary
15 time of pulling a gun on anybody or a knife on any-
16 body or anything in the entire 42 years he lived
17 on this earth?

18 A. He pulled a knife on me.

19 Q. Maam, answer my question, please, if you
20 know.

21 A. I don't know. Someone told me -- Tyrone . .

22 Q. Go ahead and say it. Someone told you what?

23 A. Tyrone told me he had a doorknob and he was
24 beating . .

25 Q. What in the world does that have to do with . .

DEFENDANT ON CROSS

1 A. You said . .

2 Q. Let me ask you a question, if you don't mind.
3 What in the world does that have to do with whether
4 or not Willie ever had been locked up or in jail
5 for beating, shooting, cutting another solitary
6 individual on this earth?

7 A. . .

8 Q. What in the world does that have to do with
9 it?

10 A. I don't know.

11 Q. Is that another thing you and your lawyer con-
12 jured up for this case?

13 A. . .

14 Q. Maam?

15 A. . .

16 MR. JENKINSON: Your Honor, that was an in-
17 appropriate question, and I object.

18 A. You don't have to yell.

19 BY SOLICITOR:

20 Q. I don't mean to be yelling. My voice tends
21 to carry. I'll try to talk at a lower tone. If
22 I yell, it is fine for you to ask me to lower my
23 voice because I am typically not a yeller.

24 Now, you told Mr. Jenkinson that you don't
25 drive now, but was there not a point in time when

DEFENDANT ON CROSS

1 you had a driver's license?

2 A. Yeah, when I was younger, in another State.

3 Q. And you own a car, don't you?

4 A. Sure.

5 Q. Okay. So -- well, if you had a driver's li-
6 cense in one State . .

7 A. It had expired.

8 Q. Yeah, but, I mean, . .

9 A. I didn't have one. I didn't get another one.

10 Q. All you have to do is go down and . .

11 A. I didn't get another one.

12 Q. Now, Willie Dunmore didn't have nothing to
13 do with that mess?

14 A. No.

15 Q. That was your mess?

16 A. Yes.

17 Q. Okay. Now, you described an incident where you
18 claim you called law enforcement, is that right?

19 A. Yes.

20 Q. Now, would it surprise you that there is not
21 a single solitary nine one one tape from you?

22 A. I did though.

23 Q. Would it surprise you there is not a . .

24 A. Law enforcement came out and Willie had left
25 out and act like he was shooting at birds.

DEFENDANT ON CROSS

1 Q. Like he was shooting at birds?

2 A. Yes. He was shooting and shooting.

3 Q. Who was shooting?

4 A. Willie was.

5 Q. That's the first time we've heard that one.

6 When was Willie shooting?

7 A. He was shooting -- I don't remember when it
8 was but the cops came out.

9 Q. Did you call nine one one?

10 A. No. I didn't call.

11 Q. Maam, there isn't a single solitary record
12 about that, is there?

13 A. Of that call? Maybe a neighbor call.

14 Q. Now, the telephone records -- your testimony
15 is that he constantly checked on you. Is that
16 right?

17 A. . .

18 Q. Maam?

19 A. Yes.

20 Q. The reality of it is that he would call
21 you about two times a day or sometimes three?

22 A. . .

23 Q. And the conversation was short conversations,
24 generally one, two or three minutes?

25 A. Uh hm.

DEFENDANT ON CROSS

1 Q. Right?

2 A. Yes.

3 Q. Very similar to the calls he made to his
4 mother?

5 A. To his mother?

6 Q. Yeah, very similar in terms of the time he
7 talked to you, the same time he talked to his mother
8 when he checked on her?

9 A. . .

10 Q. We've got the records. You can look at them.

11 A. I don't know.

12 Q. Look at them. Do you see that those
13 records reflect that at the time he talked to you
14 was typically one, two or three minutes, and if you
15 look at the calls he made to his mother they were
16 one, two or three minutes?

17 A. Yes.

18 Q. So you agree with me?

19 A. Yes.

20 Q. And he called his mother often? I mean, es-
21 sentially the two of you were the ladies in his
22 life?

23 A. He had more numbers on his call list.

24 Q. I understand, but he was calling his mother --
25 I'm just trying to get into this notion of good

DEFENDANT ON CROSS

1 calls.

2 I mean, does it really seem to you that the
3 idea of the boyfriend or husband calling his wife
4 or his girlfriend two or three times a day -- does
5 it really strike you as being unusual?

6 A. . .

7 Q. How long have you been in . .

8 A. Wait a minute. Yes, it was.

9 Q. In prior relationships you told Mr.
10 Jenkinson about, it was unusual for you to talk to
11 your boyfriend two times a day?

12 A. Every day? Not . .

13 Q. My question though is there is nothing unus-
14 ual about a husband or boyfriend calling two or
15 three times a day?

16 A. No. Can I say why? He would record my
17 calls.

18 Q. I'll get to that. Can you show or play for
19 this jury a single solitary call that you got on
20 this recorder that you claim where you got where
21 he was taping your conversations?

22 A. I've never played them for anyone.

23 Q. You don't have them, do you, period?

24 A. Yes, I do.

25 Q. Tell me where the tape is?

DEFENDANT ON CROSS

1 A. At home.

2 Q. All right. So you've got a tape at home,
3 and when you go home tonight are you going to give
4 it to Mr. Jenkinson for me to play tomorrow?

5 A. Yes.

6 Q. Okay.

7 A. Yes.

8 Q. So how long a period of time did he tape con-
9 versations before you found out about it?

10 A. I don't know when he started doing it.

11 Q. How many messages are there?

12 A. Four or five.

13 Q. Who were you talking to?

14 A. My family.

15 Q. Who in your family?

16 A. I talked to my best friend in . .

17 Q. Maam, I am specifically interested in the
18 four or five calls that you have a tape of that
19 Willie made of you talking with people.

20 I am specifically interested in those four to
21 five individuals.

22 A. Those four or five individuals -- my cousin,
23 . .

24 Q. Maam, I ask you again. How many conversations

25 231

DEFENDANT ON CROSS

1 are there on the tape that you allegedly have?

2 A. I said four or five.

3 Q. And if you will answer my follow-up question
4 and tell me who were the people you were talking
5 to?

6 A. I don't know. I can't remember which calls
7 are on there.

8 Q. In fact, the first time you really talked
9 about this supposedly controlling business was in
10 this Courtroom. Yes or no?

11 A. No. No.

12 Q. You disagree with that?

13 A. Yes.

14 Q. All right. Now, on the day that this inci-
15 dent occurred, you had been with Willie the Christmas
16 before the December 23rd of 2006, hadn't you?

17 A. I don't remember that, no.

18 Q. Well, I thought you said you had been together
19 about a year and a half?

20 A. A year. The only Christmas I had was this one
21 year.

22 Q. So he moved in sometime in 2006?

23 A. No, it was '05.

24 Q. Well, December 23rd -- there are eight days
25 left in 2006. Are you telling us that he moved in

DEFENDANT ON CROSS

1 between Christmas . .

2 A. Eight days in 2006 and . .

3 Q. When you go back to 2005, maam -- as I under-
4 stand it, Willie died December 23rd of 2006.

5 A. Yes.

6 Q. Right? You need to answer yes or no so the
7 Court Reporter can take it down.

8 A. Yes.

9 Q. And so a year before December 23rd of 2006
10 would be December 23rd of 2005?

11 A. I don't remember spending that Christmas with
12 him.

13 Q. So you never had a Christmas with him then?

14 A. No.

15 Q. All right, and so the statement of Ms.
16 Josephine talking about that on the Friday follow-
17 ing Thanksgiving you weren't staying with Willie
18 at that time?

19 A. Yes, I was.

20 Q. You either were or you weren't. You can't have
21 your cake and eat it too.

22 A. I was, yes. It was about a month but I don't
23 remember having Christmas with him.

24 Q. So the first Christmas you spent with this man
25 you have no recollection of?

DEFENDANT ON CROSS

1 A. In 2006 I had one Christmas with him.

2 Q. No, you didn't. He died the 23rd. So then
3 if you did have . .

4 A. On December 23rd -- I didn't have a Christmas
5 with Willie before that.

6 Q. Well, was he living with you -- he was liv-
7 ing with you but you didn't have Christmas with
8 him?

9 A. Only in 2006.

10 Q. I want to be certain we are clear on what we
11 are talking about. I'm talking about December of
12 2005.

13 Were you or were you not living with Willie
14 Dunmore on December 23rd of 2005?

15 A. Yes.

16 Q. No question in your mind about it?

17 A. I don't know. I don't know. I can't remember
18 a Christmas before with him, so I don't know.

19 Q. Well, certainly it wasn't three Christmases
20 ago because you weren't here, were you?

21 A. No.

22 Q. You weren't here in December of 2003?

23 A. My mind is bad, and I can't . .

24 Q. Are you sure it's not just a point of conven-
25 ience?

DEFENDANT ON CROSS

1 A. No. No, sir. I had some very, very bad times .
2 and it just made me -- a whole lot of bad years. I
3 can't remember things very good.

4 Q. Now, you testified about one of these prior
5 incidents that I'm curious about. You tell me whe-
6 ther I wrote down right what you told us.

7 You told Mr. Jenkinson about an encounter that
8 occurred at a bar with Willie's cousin. Do you
9 remember telling him that?

10 A. Yes.

11 Q. That some man offered to buy you a drink?

12 A. Yes.

13 Q. Willie went ballistic, right?

14 A. Yes.

15 Q. That he sat down in the middle of the floor?

16 A. No, he took the chairs and sat them at the
17 door.

18 Q. Sat the chairs but didn't sit in it?

19 A. He was standing and walking back and forth,
20 being crazy.

21 Q. Did he sit down in it or not?

22 A. I said he shoved the chair. He sat down and
23 then he got up and walked back and forth.

24 Q. All right. There were people in there, right?

25 A. Yes.

1 Q. And there would have been this bizarre event?

2 A. Yes.

3 Q. All right. Give me some names of them.

4 A. I don't know anybody down here. I don't know
5 anybody.

6 Q. Okay, so we can't really verify that, can
7 we?

8 A. It was his family's bar so somebody would
9 know about it.

10 Q. That's your story?

11 A. . .

12 Q. Let's talk about the rest of your story.

13 Now, you got in the car with Willie after you told
14 him, let's go, and . .

15 A. The van.

16 Q. The vehicle. Right?

17 A. Yes.

18 Q. And you all went down the road, right?

19 A. . .

20 Q. You need to talk louder. You talk very softly.
21 I'm talking maybe too loud.

22 A. Yes, you're making me scared.

23 Q. So you are scared of me now?

24 A. When you talk loud.

25 Q. Were you scared of the police? Did they talk

DEFENDANT ON CROSS

1 loud at you?

2 A. I'm not afraid of them.

3 Q. I thought you told Mr. Jenkinson when you
4 were talking to the police at the jail that you
5 were scared.

6 A. I wasn't scared then. No, I wasn't.

7 Q. So you told . .

8 A. Because Willie wasn't there.

9 Q. Because you were scared of Willie?

10 A. . .

11 Q. Oh, another Willie -- which Willie? Willie
12 Brown or Willie Dunmore?

13 A. Willie Dunmore.

14 Q. And so when Willie stopped the car at the
15 house -- this is what you told Mr. Jenkinson . .

16 A. Did he stop? Let me say this and then ask
17 me your question.

18 He did stop. He was driving crazy, and he
19 got to the house and stopped.

20 Q. Okay, and when he stopped you at the house
21 he punched you in the eye and gave you a black eye?

22 A. He did hit me in the eye.

23 Q. Did you tell Mr. Jenkinson after that that
24 he called you and said he was in a ditch?

25 A. When I got in the house I locked the door

DEFENDANT ON CROSS

1 and he called.

2 Q. Did he say he was in the ditch with the same
3 keys you took and went in the house with?

4 A. It wasn't . . .

5 Q. Isn't that right?

6 THE COURT: Wait, wait. Let her finish.

7 A. I had the keys in my hand and he went in the
8 ditch. He couldn't get in the car. He couldn't
9 get in his van until the next day.

10 BY SOLICITOR:

11 Q. So you were in the car in the ditch with him?

12 A. No, I wasn't. I went in the house after I
13 snatched the keys from the ignition.

14 Q. Was the car moving after you snatched the
15 keys out of the ignition?

16 Come on now.

17 A. He walked on down the road. He was walking
18 down the road and . . .

19 Q. How did the car get in the ditch?

20 A. He was in the ditch. He was.

21 Q. Was he in the ditch or the car in the
22 ditch? Which one, or do you know?

23 A. I know. He was in the ditch.

24 Q. Willie jumped in the ditch?

25 A. He fell in the ditch.

DEFENDANT ON CROSS

1 Q. Did you tell Mr. Jenkinson that Willie called
2 you and told you that the vehicle was in the ditch?

3 A. No.

4 Q. Didn't you tell Mr. Jenkinson that?

5 A. No, I didn't.

6 Q. You told Mr. Jenkinson that Willie called you
7 because he was in the ditch?

8 A. Uh hm. He was drunk.

9 Q. So he's in the ditch and he calls you and he
10 -- let me finish my question.

11 He was in the ditch and he called and said,
12 Lou Ann, I'm in the ditch?

13 A. He called and I asked where he was.

14 Q. Now, how far away is this club?

15 A. From my house?

16 Q. From your house?

17 A. Maybe ten miles.

18 Q. All right. So Willie is able to get in the
19 car and drive ten miles, but he's not able to
20 walk down the road?

21 A. I told him he was driving me crazy. He was
22 driving me crazy.

23 Q. So he drove safely from the club to the
24 house?

25 A. He drove crazy.

DEFENDANT ON CROSS

1 Q. The car made it safely to the house, didn't
2 it, maam?

3 A. He made it to the house but he was like out
4 -- he was driving so crazy I told him he had to
5 stop. He was driving so crazy I wanted him to
6 stop.

7 Q. How long did it take for you and Willie to
8 drive to the house that night?

9 A. . .

10 Q. Tell us about that.

11 A. Willie was driving me crazy.

12 Q. Maam, my question is that you never said any-
13 thing to Mr. Jenkinson about -- you never mentioned
14 anything about all this and these stops and it taking
15 a couple of hours to get home?

16 A. I didn't say a couple of hours.

17 Q. How long did it take?

18 A. . .

19 Q. You didn't mention a couple of hours or an
20 hour, or did I misunderstand you?

21 A. I would say half an hour.

22 Q. So it takes a half hour to get those ten
23 miles? How many times did he stop?

24 A. . .

25 Q. Did you understand my question? How many times

DEFENDANT ON CROSS

1 did he stop?

2 A. He would stop the car and slap me. He would
3 stop the car and slap me.

4 Q. Approximately how many times, maam? That's
5 all I'm asking.

6 A. I don't know.

7 Q. You don't know?

8 A. No.

9 Q. All right. Now, do you know that Willie went
10 to Ted's house on the morning of the day that Willie
11 died?

12 A. . .

13 Q. You know that, don't you?

14 A. He said he was going to a cookout.

15 Q. That Ted was barbequeing a hog?

16 A. I just remember he was going somewhere to
17 barbeque.

18 Q. I thought you told Mr. Jenkinson that he was
19 going to his cousin's house. Did you say that?

20 A. Yes, I said that.

21 Q. So did you know where he was going?

22 A. No, I didn't know he was going to his cousin's
23 house until after. He said he was going to barbeque
24 a hog. That's what he told me.

25 Q. And no question that you were drinking that

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DEFENDANT ON CROSS

1 day?

2 A. That morning.

3 Q. So early that morning you were drinking?

4 A. Yes.

5 Q. Was that unusual to have a bottle of liquor
6 at eight o'clock in the morning?

7 A. Yeah, but Willie was there and we watched TV
8 and did some drinking.

9 Q. That was not my question. Is it unusual for
10 you to drink at eight o'clock in the morning?

11 A. Yes, but it was because he was there and he
12 was drinking.

13 Q. And in terms of you, you had been home pretty
14 much all that day?

15 A. Yes.

16 Q. And you had drank all the beer you had at the
17 house that day?

18 A. I didn't drink any beer.

19 Q. Well, if there was beer in the house why would
20 you go and get some more?

21 A. If you're cooking, you're not going to be
22 drinking beer.

23 Q. I'm talking about -- well, did you have beer
24 in the house? I thought you had run out of beer.
25 If I misunderstood you, then . .

DEFENDANT ON CROSS

1 A. I didn't have any beer. We did drink gin that
2 morning.

3 Q. Well, it is not that significant, but you
4 actually bought a case, didn't you?

5 A. I'm not sure. I thought it was a six pack.

6 Q. Maam, isn't there in these photographs the
7 case of beer that you bought?

8 A. I don't know. I thought they were in the corner.

9 Q. If you didn't put the beer in the room . .

10 A. I don't know.

11 Q. Did you see the photographs that Mr. Scott
12 took?

13 A. No.

14 Q. No? Okay. If I tell you that in the photo-
15 graph that Jeffrey Scott took, the beer is not in
16 the corner, would that surprise you?

17 A. I don't know. Let me look at it.

18 Q. Okay.

19 A. I'm not talking about these. I'm not talk-
20 ing about the beer cans that got the cigarette ash
21 and stuff like that in them.

22 State's Exhibit 19 -- I'm not talking about
23 those beers. Is that what you were talking about,
24 beer that had been drank?

25 A. Yes.

DEFENDANT ON CROSS

- 1 Q. Those are on your side, aren't they?
- 2 A. On my side.
- 3 Q. When did you drink those?
- 4 A. The night before.
- 5 Q. The night before Willie was killed?
- 6 A. I don't remember. Friday or Saturday.
- 7 Q. But Saturday is the day he was killed.
- 8 A. Then it was Friday night.
- 9 Q. Let me show you what's in evidence as State's
- 10 Exhibit Number 5. You see that? I'm sorry, it's
- 11 Defendant's Exhibit Number 5.
- 12 A. Yes.
- 13 Q. That's Willie's side of the bed, isn't it?
- 14 A. Yes.
- 15 Q. Isn't any beer over there, is it?
- 16 A. No, I don't see any.
- 17 Q. Would it surprise you -- would it surprise
- 18 you if there was a subsequent photograph taken by
- 19 you all that showed beer in that corner?
- 20 A. I don't know.
- 21 Q. You heard Ms. Mouzon testify that you got a
- 22 case?
- 23 A. I didn't get a case. I got a six pack.
- 24 Q. I'm just asking you, was she in error when
- 25 she said that?

DEFENDANT ON CROSS

1 A. She was.

2 Q. Now, Willie wasn't getting a paycheck after
3 he lost his job, was he?

4 A. . .

5 Q. Money was getting a little tight?

6 A. Money was always tight.

7 Q. But you had to cut back, didn't you?

8 A. Yes.

9 Q. It became more important to have the heat on
10 in one bedroom rather than heat the entire house?

11 A. . .

12 Q. Willie was a provider for this house, wasn't
13 he?

14 A. No, he wasn't.

15 Q. Willie didn't help you out at all with his
16 checks?

17 A. Not really.

18 Q. So you told Mr. Jenkinson that you love him
19 but you're saying he didn't pay no bills.

20 A. I love him, yes.

21 Q. But now he didn't pay no bills?

22 A. He didn't pay the bills.

23 Q. I see. You take a man into your house and he
24 ain't got to do nothing?

25 A. . .

DEFENDANT ON CROSS

1 Q. He can beat on you, and you just sit there
2 because you just want him there?

3 A. I . .

4 Q. He's not providing for you, he's terrorizing
5 you, but you are just so much in love that you
6 just . .

7 A. . .

8 Q. Now, you testified that Willie slapped you
9 with his left hand?

10 A. Yes.

11 Q. Is that right?

12 A. Yes.

13 Q. The back of the hand or his forehand?

14 A. His forehand.

15 Q. All right. So you are on the left side of
16 the bed, . .

17 A. When you come in the room, I'm on the left
18 side of the bed. He came in and slapped me off
19 the bed.

20 Q. So you are on the left side of the bed and
21 he slapped you all the way to the right side of
22 the bed?

23 A. Not the right side. He slapped me on the
24 floor.

25 Q. If you are on the left side of the bed and he
slaps you like this, the only place you're going

DEFENDANT ON CROSS

1 is further on the bed.

2 A. No, I was on the floor, right by the bed.

3 Q. He knocked you all the way across the bed to
4 the other side?

5 A. That's the other side. The right side -- his
6 side of the bed.

7 Q. And in fact you've told this case so many
8 different ways until you now have to put yourself
9 on Willie's side because that's where it was,
10 wasn't it?

11 A. I was never on Willie's side of the bed.

12 Q. Never on Willie's side?

13 A. No. He slap me off the bed.

14 Q. How did blood get on Willie's side?

15 A. Maybe from the wiping . .

16 Q. We're talking about spots of blood, not a wipe.

17 A. . .

18 Q. Do you see in these photographs on Willie's
19 side there are drops of blood? There are drops
20 on Willie's side?

21 A. Yes.

22 Q. But you have told us all along that the thing
23 occurred on your side of the bed?

24 A. It did occur on my side of the bed. It was on
25 my side of the bed and slap me on the floor and . .

DEFENDANT ON CROSS

1 Q. But you said . .

2 A. I was on the floor on my side of the bed and
3 Willie came on that side of the bed.

4 (Counsel and witness speaking at the same
5 time)

6 Q. And you claim that he hit you how many times
7 with his hand?

8 A. Two times.

9 Q. Hit you twice with his hand?

10 A. Yes.

11 Q. Tell us again what he did, in your own words?

12 A. Well, he came in and he slap me off the bed,
13 . .

14 Q. Right.

15 A. . . and at that time I was trying to get up.
16 I was trying to get up and he slammed the door
17 close and then he pulled a knife out and he cut
18 me. He cut me right there, and I was stunned and
19 I -- He cut me and he said I got something for you,
20 and he went and got the gun.

21 Q. Did he go to the bathroom?

22 A. . .

23 Q. Yes or no?

24 A. Uh uh.

25 Q. Come on. You can tell us. Did he go to the

DEFENDANT ON CROSS

1 bathroom? Yes or no?

2 A. I guess when he first came in.

3 Q. What?

4 A. When he first came in.

5 Q. Before he cut you?

6 A. I'm not real sure.

7 Q. I want to talk to you about that. Your claim
8 was that you were on the left side of the bed,
9 but your claim now is that you were on the right
10 side of the bed?

11 A. No.

12 Q. You were on this side or this side? Which
13 side were you on?

14 A. On the left hand side.

15 Q. Look at me.

16 A. On the left hand side when he come in. I was
17 on the bed here.

18 Q. All right.

19 A. Then he hit me . .

20 Q. Now, maam, the bathroom is right there on
21 that side of the room, isn't it? On the opposite
22 side of the room?

23 A. Yes.

24 Q. Now, Willie slapped you down?

25 A. Yes.

DEFENDANT ON CROSS

1 Q. You were like this?

2 A. Yes.

3 Q. And he leaves you -- listen to me. He hit
4 you and he walked . .

5 A. It's not far to the bathroom.

6 Q. We'll talk about it. He walked to the end
7 of the bed?

8 A. Yes, he did and he . .

9 Q. That's okay. We're going to talk about it
10 all.

11 He walks from the end of the bed to the other
12 corner of the bed?

13 A. No, he went to the bathroom first.

14 Q. No, maam. The bathroom is ahead and . .

15 A. No, it's not.

16 Q. Okay, okay. So you don't have to go around
17 -- the bathroom you're saying was at the foot of
18 the bed?

19 A. At the foot of the bed.

20 Q. Okay.

21 (Brief pause in the proceeding)

22 BY SOLICITOR:

23 Q. All right. So the entire time he's gone it
24 takes you to get up?

25 A. I can't say exactly.

DEFENDANT ON CROSS

1 Q. And so your claim is that Willie goes to the
2 bathroom and comes back, and what happens next?

3 A. He comes back and cuts me right here.

4 Q. Is that after he came from the bathroom?

5 A. He had already been to the bathroom.

6 Q. So after he comes out of the bathroom he cuts
7 you?

8 A. Yes.

9 Q. I thought you just told us that he cut you
10 and you were stunned, and so you weren't able to
11 get up because . .

12 A. No, I was on the floor.

13 Q. He hadn't gotten there yet . .

14 A. He cut me and then he walk away. He had went
15 to the bathroom and I was trying to get up and get
16 out the door. He slammed the door and he said he
17 had something for me. Then he went and got his gun
18 and came back.

19 Q. All right, let's just skip over that.

20 Now, tell us what happened after he gets the
21 gun.

22 A. After he got the gun he came towards me . .

23 Q. Were you on the ground at this point, or where
24 were you?

25 A. On the floor.

DEFENDANT ON CROSS

1 Q. You were on the floor?

2 A. Yes.

3 Q. All right. So you never got a chance to get
4 up?

5 A. No.

6 Q. All right. So he went to the bathroom while
7 you were on the floor, and how long did he stay in
8 the bathroom?

9 A. It wasn't that long at all.

10 Q. All right, and then he came out of the bath-
11 room and you were still on the floor?

12 A. Yes, he came back.

13 Q. You are still on the floor?

14 A. Yes.

15 Q. Okay, and then he says I got something for
16 you?

17 A. Yes, something bigger.

18 Q. Something bigger?

19 A. Yes, but first he had cut me.

20 Q. Did he cut you before he went in the bathroom
21 or afterwards, maam?

22 A. Afterwards.

23 Q. Didn't you tell Mr. Jenkinson he cut you be-
24 fore?

25 A. I don't know.

DEFENDANT ON CROSS

1 Q. Okay.

2 A. All I know is I'm trying to tell you what hap-
3 pened.

4 Q. No, you're trying to tell your story the best
5 way to help you, aren't you?

6 A. The best way -- the way it happened.

7 Q. You stabbed this man in the chest, didn't
8 you?

9 A. Yes.

10 Q. Did you pull it out or did you leave it attached
11 to this box?

12 A. I don't know. I was trying to keep -- he was
13 pushing me with the gun and I was trying to get the
14 gun off of me.

15 Q. Did you pull the knife out? Yes or no?

16 A. I don't know. I didn't know I had cut him.

17 Q. So you had no idea when you stabbed the man
18 whether the knife went in his chest or not?

19 A. No.

20 Q. The knife went four point nine inches into
21 this man's body and pierces this man's heart, and
22 you had no idea . . .

23 A. No, I didn't.

24 Q. Did the knife that you had meet any resistance
25 at all?

DEFENDANT ON CROSS

1 A. I don't know. As I said, I was trying to get
2 him off me with the gun.

3 Q. And then after you stabbed the man, you tried
4 to hide the evidence?

5 A. I was afraid he was going to come back. I
6 saw the blood after he was gone but I didn't know
7 how bad it got him. I didn't know that.

8 Q. Maam, if Willie wanted to get you, he could
9 have gotten you right then and there?

10 A. I don't know. I was trying to get him off of
11 me. He could have shot me or stabbed me, I guess,
12 before he walked out the door.

13 Q. If he wanted to bust you in your face with
14 this gun, he could have done it very easily,
15 couldn't he?

16 A. . .

17 Q. I mean, he could have taken the gun and
18 whacked you across the head, but he didn't do any-
19 thing to you, did he?

20 A. Yes, he did.

21 Q. And were you angry when you stabbed him?

22 A. I was afraid.

23 Q. Were you angry when you stabbed him? Yes or
24 no?

25 A. I don't know. I was trying to get him off me,

DEFENDANT ON CROSS

1 and he kept coming at me.

2 Q. And the reality of it is that when you
3 stabbed him you stabbed him like this, didn't you?

4 A. No.

5 Q. You weren't on your knees?

6 A. Yes, I was.

7 Q. You . .

8 A. That's why I was trying to get him off me.

9 Q. In order for that to happen, he's got to be
10 almost like this on you?

11 A. Yes. He had the rifle in his hand and he was
12 on me.

13 Q. So the knife that Willie had could not have
14 been the knife that was involved in this alterca-
15 tion, could it?

16 A. No. I don't know.

17 Q. You . .

18 A. I don't know. I really don't know.

19 Q. Because if he had the knife -- say he cut you
20 and then he goes in the bathroom and says I'll be right . .
21 back . .

22 A. No, that's not what happened.

23 Q. My question, he cut you and laid the knife down
24 and said, I've got something for you . .

25 A. I don't know that.

DEFENDANT ON CROSS

1 Q. Why didn't you get the knife?

2 A. I don't know. I don't know. Like I said,
3 I got a knife and I don't know when I got it.

4 Q. You had it around you already and you knew
5 it, because you had been cooking and cutting up . .

6 Q. I had one knife that I was cutting up potatoes
7 with and . .

8 Q. Well, you wouldn't be cutting up no potatoes
9 with a rusty knife?

10 A. No.

11 Q. Where is the knife you killed the man with?
12 Tell us now.

13 A. I don't know. I don't know. I . .

14 Q. Well, there was no one at that house to pre-
15 vent you from disposing what you wanted to dispose
16 of after he was there and he was stabbed and left
17 there?

18 A. No. I don't know.

19 Q. And then you lied to the police about Willie
20 having a gun going out of the house?

21 A. They asked me about the knife and the gun,
22 yes.

23 Q. Maam, did you lie to the police?

24 A. What part? On what part?

25 Q. The part relating to Willie taking the gun

DEFENDANT ON CROSS

1 out of the house.

2 A. Yes. Yeah, I lied about that. I . .

3 Q. So you . .

4 A. I was afraid he was coming back to get me.

5 Q. Then why -- you are changing your story now . .

6 A. No.

7 Q. . . and is it because you know, don't you,

8 . .

9 A. No, I'm not.

10 Q. . . that there is no trail of blood from any-

11 where in the house to anywhere in the woods where

12 you threw the gun?

13 There's no blood, is there?

14 A. No.

15 (NOTE: Counsel and witness continuing to
16 speak at the same time)

17 Q. But there is blood from where Willie was in

18 the house to where he went to the car, wasn't there,

19 maam?

20 A. No. I don't know. I was locked up.

21 Q. Maam, you stayed in lock-up three weeks?

22 A. Yes.

23 Q. Since that time you've been out?

24 A. . .

25 Q. Don't tell me you haven't talked with folks

DEFENDANT ON CROSS

1 about this case. You know you have reviewed this .
2 case. Come on, now, maam.

3 You stayed in lock-up for three weeks and
4 you've been out since then.

5 This whole battered wife syndrome business --
6 you've got this doctor coming down here testifying,
7 don't you -- testifying about it? Feeding into
8 this whole notion.

9 A. I tell you again that I've had a stroke and
10 I can't remember everything.

11 Q. Is your doctor who treated you for the stroke
12 going to come in here and testify about any memory
13 lapse?

14 A. No, but do you know why? That's because . .

15 Q. My question, maam, did you understand it?

16 A. No. That is as a result of what happened
17 while I was in the hospital.

18 Q. Is there a doctor that is coming in here
19 and telling us that you suffered memory loss as a
20 result of your stroke? Yes or no?

21 A. No.

22 Q. You still cook?

23 A. Yes.

24 Q. And you know when you cut a pot on that you
25 have to cut it off? It's not like . .

DEFENDANT ON CROSS

1 A. I know how to cut the stove off and on.

2 Q. Have you burned up the house yet?

3 A. No.

4 Q. Have you called the fire department about the
5 house being on fire?

6 A. No, but I've burned food a lot of times.

7 Q. Burned pots with food in them?

8 A. Yes.

9 Q. Okay. What shirt did you have on that
10 night?

11 A. I don't remember.

12 Q. This shirt that you claim . .

13 A. I don't remember.

14 Q. . . that he . .

15 A. I took it off. They told me to do it.

16 Q. Who?

17 A. The officers.

18 Q. They told you to take off your bloody shirt
19 so you changed your shirt. Which one told you
20 to change your shirt?

21 A. It was Collins. They told me to do it.

22 Q. They told you to take off your bloody shirt?

23 A. I don't know.

24 Q. Tell me about this shirt you claim that the
25 man cut you with. I know the shirt has a cut on

DEFENDANT ON CROSS

1 it, right?

2 A. I don't know. I had my shirt open.

3 Q. All right. So it just so happens that the
4 part where he cut you was already open because
5 your shirt was open?

6 A. Was open. It was loose.

7 Q. So because you had it open, no blood got on
8 it. It was open and it was loose?

9 A. Yes.

10 Q. Right?

11 A. It was open and it was loose.

12 Q. So there was no blood on the shirt that you
13 claim you had on when you claim that he cut you.
14 Isn't that a fact?

15 A. No. I don't know where it is. I had the
16 shirt on and after he cut me I changed my shirt.

17 SOLICITOR: Court's indulgence.

18 THE COURT: Yes, sir.

19 (Brief pause in the process)

20 BY SOLICITOR:

21 Q. All right, this incident occurred close to
22 nine o'clock P.M.?

23 A. I can't tell you the exact time.

24 Q. And the officers came to your house after
25 twelve o'clock?

DEFENDANT ON CROSS

1 A. . .

2 Q. What did you do for these three hours between
3 the incident and the Sheriff's Department coming
4 out to your house?

5 A. I sat there and I was scared. I took care
6 of my mother.

7 I was scared and . .

8 Q. I know you called the police because you were
9 scared?

10 A. No, I called the police . .

11 Q. You didn't call the police at all, did you?

12 A. I had called them another time.

13 Q. Let me get this straight. You were scared
14 of Willie, so you left the confines of your house
15 and . .

16 A. I didn't leave the house.

17 Q. Well, you took the gun to the woods, didn't
18 you?

19 A. Yes. I ran and did it and then ran back and
20 locked the door.

21 Q. Because you were afraid of Willie?

22 A. Yes.

23 Q. But you left the confines of your safe haven
24 house and you go outside where Willie very well
25 could be and you walk a pretty good distance, don't

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DEFENDANT ON CROSS

1 you?

2 A. . .

3 Q. I mean, it's further from the corner of that
4 wall here in this Courtroom where you walked to
5 throw those things in the woods?

6 A. Yes.

7 Q. So you walked that distance . .

8 A. I was afraid. I was afraid and I ran, and
9 that's all I can say.

10 That's all I can say. I . .

11 Q. You went outside where the assailant might
12 be but you were in fear of him?

13 A. I heard the car leave and then I went out.
14 I ran out the door and I threw the things in the
15 woods.

16 Q. And you claim that Willie phoned?

17 A. He did.

18 Q. But the reality of it is that Willie actually
19 called on the way home, didn't he?

20 A. Called on the way home?

21 Q. Yes, ma'am, and you talked with him two minutes,
22 didn't you, the same two minutes you would typi-
23 cally talk with him when he called you?

24 A. No.

25 Q. Well, tell the jurors how long you talked to

DEFENDANT ON CROSS

1 him on that day.

2 A. I can't remember. When are you talking about?

3 Q. I'm talking about the eight fifty-five call
4 that you claim . .

5 A. I said that he called earlier to say he was coming home

6 Q. Let me finish my question. Let me finish my
7 question.

8 A. He called me after he left and he said, I'm
9 going to get you.

10 Q. How long did it take to say that?

11 A. Not long.

12 Q. Less than ten seconds?

13 A. Yes.

14 Q. Now, you claim . .

15 A. He stuttered and . .

16 Q. How long did it take with the stuttering. Was
17 it less than thirty seconds?

18 A. . .

19 Q. Tell the jurors how long -- you have the re-
20 cord. Tell them how long the conversation lasted.
21 Go ahead and tell them.

22 A. . .

23 Q. That phone call lasted more than two minutes,
24 didn't it?

25 A. I don't know.

DEFENDANT ON CROSS

1 Q. Isn't that what the records say?

2 A. Yes.

3 Q. Now, look at all the other calls that Willie
4 ever made to you. Tell the jurors any call that
5 he talked to you more than two minutes?

6 A. I'm telling you he called and said he was
7 going to get me, and I was wiping the blood off
8 the floor . .

9 Q. Maam, . .

10 A. I was not sure where he went and I . .

11 Q. Did you understand my question? I'm really
12 not talking about that.

13 I'm talking about the phone call . .

14 A. He said he was going . .

15 Q. Let me put it this way, and you tell me whe-
16 ther or not you disagree with me.

17 To save time, what is your phone number, and
18 then we'll look at this.

19 A. Excuse me.

20 Q. What is your phone number?

21 A. It's .

22 Q. All right. Look at the top. On December
23 first of 2006, you talked to Willie one minute,
24 didn't you?

25 A. Yes.

DEFENDANT ON CROSS

1 Q. At four twenty-six in the afternoon -- you
2 see it? One minute?

3 A. Yes.

4 Q. So you talked with him for a minute?

5 A. Yes.

6 Q. All right, and later on that day which is the
7 next line, Willie called and talked with you for
8 two minutes? Two fifty-three?

9 A. Then on December 2nd, 2006, Willie talked to
10 you for two minutes, didn't he?

11 A. Yes.

12 Q. And you talked with him quite a bit that day.
13 It looks like there are about six other calls.

14 A. Yes.

15 Q. Each call either one or two minutes long.

16 A. Uh hm.

17 Q. Then on December 5th, which is three days
18 later, he called again?

19 A. Yes.

20 Q. And he talked with you that day four times
21 during the course of the day, and those calls were
22 one minute, one minute, two minutes, three minutes.
23 Isn't that right?

24 A. Yes.

25 Q. And if you look on the next page . .

DEFENDANT ON CROSS

1 A. Five times a day.

2 Q. Not five times every day, and there is not a
3 single place on here where he ever talked more
4 than three minutes.

5 A. Yes.

6 Q. And you are trying to shorten his phone call
7 to make it appear as it was a threatening call from
8 Willie when it is really not?

9 A. . .

10 Q. He called you on the way home and you talked
11 for a two minute period of time like these other
12 phone conversations.

13 The record doesn't lie, does it?

14 A. He did call to say he was coming home. Did
15 you say on the way home?

16 Q. At eight-fifty six, yes, maam. Isn't
17 that what you told Mr. Jenkinson, that he . .

18 A. He called me after he left and I picked up
19 the phone and he said, I'm going to get you, and
20 that was it.

21 Q. That took you every bit of ten seconds, didn't
22 it?

23 A. I don't know how long. I'm telling you what
24 he said when he called me after he left.

25 Q. No, maam, you are to answer my questions. I

DEFENDANT ON CROSS

1 want you tell me what he was talking to you about
2 for two minutes.

3 A. I didn't say anything. He was calling me and
4 he was talking. I can't remember everything. I
5 know he said he was going to get me.

6 Q. That is how long it would take him to make a
7 single threat to you, but in reality he called --
8 the reality of it is he talked with you . .

9 MR. JENKINSON: That's been asked and answered.
10 He's beating a dead horse about these phone calls.

11 If he . .

12 SOLICITOR: If she would answer, I wouldn't
13 have to ask it over and over.

14 MR. JENKINSON: It's been asked and answered
15 so many times . .

16 THE COURT: I'm not sure if it's been answered
17 or not.

18 BY SOLICITOR:

19 Q. Do you deny that the phone records reflect
20 that on the day that Willie was killed you talked
21 with him -- strike that.

22 The phone records reflect that the conversation
23 at eight fifty-five P.M. was two minutes. Do
24 you deny that?

25 A. No, I don't deny it.

DEFENDANT ON CROSS

1 Q. You don't?

2 A. No, I don't.

3 Q. Thank you. I don't have anything else.

4 THE COURT: You can step down.

5 (Witness excused from stand)

6 (Conference at the bench between counsel
7 and the Court)

8 THE COURT: Ladies and gentlemen of the jury,
9 the lawyers tell me they have one more witness for
10 today and that it's going to take forty-five min-
11 utes to an hour.

12 My wife is going to kill me. We're going to
13 take about ten or fifteen minutes, and if you
14 need to call your house to tell them it will be
15 six thirty or quarter to seven before you get home, you
16 can do that.

17 I'm going to call my wife and tell her. I have
18 invited my Sunday school class to my house and I
19 was going to cook dinner, but I haven't cooked any-
20 thing. So she will have to take care of it for
21 me.

22 We'll take a short break to do that, and we
23 will come back then and try to finish up with this
24 witness.

25 (Jury excused from Courtroom)

1 (Whereupon, the Court took a short recess, and .
2 the matter was continued)

3 THE COURT: All right.

4 SOLICITOR: Your Honor, I understand that
5 Dr. Vernon is the next witness, and I would like to
6 know if she has prepared a report for Mr. Jenkinson
7 at this point.

8 MR. JENKINSON: We don't have a written re-
9 port from her.

10 THE COURT: No report.

11 SOLICITOR: Thank you, sir. Let's bring the
12 jury in.

13 (Jury returned to Courtroom)

14 THE COURT: All right.

15 MR. JENKINSON: The Defense would call Dr.
16 Vernon.

17 LOIS VERNON, being duly
18 sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. JENKINSON:

21 Q. You are Dr. Lois Vernon?

22 A. Yes, I am.

23 Q. Dr. Vernon, tell the jury where you live,
24 please, maam.

25 A. I live in Blackville, South Carolina.

DR. VERNON ON DIRECT

1 Q. How long have you lived there?

2 A. I've lived there since 1989.

3 A. What kind of work do you do?

4 A. I'm a clinical psychologist and a part-time
5 professor at Winthrop University.

6 Q. Tell me, the term doctor, is that an academic
7 title?

8 A. It is an academic title. I have a PHD, a
9 Doctor of Philosophy, from North Texas University.
10 I majored in clinical psychology and received a
11 PHD in 1982.

12 Q. Where were you originally born and raised?

13 A. I was originally born and raised in Minnesota.

14 Q. Where did you go to college?

15 A. I graduated from Minnesota State University,
16 and then I did graduate work and my PHD work at
17 North Texas University.

18 Then I came to the Medical University of South
19 Carolina in Charleston where I did a clinical psy-
20 chology internship, and I took a doctoral position
21 the following year.

22 Q. Were you on the staff or faculty of the Med-
23 ical University?

24 A. After that I became a faculty member and was
25 a faculty member until or through 1988.

DR. VERNON ON DIRECT

1 Q. What kind of work did you do at the Medical
2 University?

3 A. My work at the Medical University focused on
4 trauma in women who have been abused. My disserta-
5 tion was on the response of rape victims, and I
6 did that dissertation research while I was at the
7 Medical University.

8 Then I began at the University there a large
9 study dealing with the impact on women who were
10 victims of violence, and that was done at various
11 time intervals after their last traumatic exper-
12 ience.

13 We also did a National Institute study dealing
14 with forty to fifty patients, looking at some of
15 the factors that occurred after these people had
16 presented.

17 I also a study as to the effective treatment
18 for victims of violence. We had another study that
19 looked at that and we did research into traumatic
20 events such as losing a family member to violence
21 and what happens to family functioning and individ-
22 ual functioning when there is homicide in a family.

23 Also, I have been involved with twenty-one
24 publications and somewhere around sixty-five pre-
25 sentations based on my research.

DR. VERNON ON DIRECT

1 Q. You have been published how many times?

2 A. I think it is twenty-one.

3 Q. What is your area of expertise that brings
4 you here?

5 A. My areas of expertise that bring me here are
6 reactions of women who have been victims of vio-
7 lence, and particularly dealing with personal as-
8 saults or what we call intimate partner violence
9 by the Attorney General.

10 Q. Is it also called battered women events or
11 battered women events?

12 A. Yeah. More specifically, as to battered wo-
13 men events or syndrome, those are persons who have
14 had a history of domestic violence and at some
15 point have struck out violently themselves and were
16 charged with a crime and are in a position then
17 of defending themselves.

18 It is also known in the legal literature as
19 battered women syndrome. In our psychological
20 literature we don't call it that. The title is
21 domestic violence or reactions of victims.

22 Q. And when working on battered women type
23 cases, do you customarily and regularly rely on
24 medical records in your evaluations?

25 A. On medical and psychological records, and

DR. VERNON ON DIRECT

1 criminal background data, to the extent possible.
2 when evaluating a client.

3 Q. In the past, have you actually worked with
4 the Solicitor's Office, Mr. Sabb and Ms. Barr, on
5 cases?

6 A. I have. I've worked with Solicitors' offices
7 in conjunction with evaluating sexual assault
8 victims through trial, and I have been part of
9 that process and preparing victims for trial.

10 So I have been a part of that and also have
11 worked with the defense before.

12 MR. JENKINSON: Your Honor, we would offer her
13 today as an expert witness in her field.

14 Q. What field are you offering as an expert in?

15 A. It is my understanding that I am offering as
16 an expert in the area of victims of domestic vio-
17 lence and the battered women syndrome.

18 Q. Have you testified in the criminal courts of
19 this State about your evaluation of battered women,
20 like you are doing?

21 A. Yes, I have testified -- the very first one
22 I did was in 1979 in Charleston County, and I . . .

23 Q. Did that case go on to be approved by the
24 State Supreme Court? When you were the expert
25 witness and the State Supreme Court found you to

DR. VERNON ON DIRECT

1 be qualified to testify in these cases?

2 A. Correct.

3 Q. What case was that?

4 A. Charleston County versus Cindy Hutto.

5 Q. And that was a case where -- was there a murder
6 involved there?

7 A. Yes.

8 Q. And . .

9 SOLICITOR: I object to him leading his own
10 witness.

11 THE COURT: Don't lead.

12 SOLICITOR: As well, he's going into facts
13 that are not relevant to this case.

14 MR. JENKINSON: I'm offering for the relevancy
15 that this is the type case she has testified on.

16 THE COURT: What does that have to do with
17 anything?

18 MR. JENKINSON: I'll move on.

19 BY MR. JENKINSON:

20 Q. But you testified in that case?

21 A. Correct.

22 Q. Have you testified in cases where women have
23 been involved in fights and arguments where their
24 husband died as a result of being stabbed or shot?

25 A. Yes, I have.

DR. VERNON ON DIRECT:

1 Q. How many of those cases have you done?

2 A. Over the years I have testified probably for
3 -- have done an evaluation in over eighty cases,
4 and testified in probably seventy cases.

5 Q. Are you on the faculty of the college?

6 A. Yes, I am.

7 Q. Where?

8 A. I am part-time faculty at the Winthrop De-
9 partment of Psychology.

10 Q. What do you teach there?

11 A. Psychology of women.

12 Q. And do you have a regular practice?

13 A. I have a regular clinical practice as well.

14 MR. JENKINSON: We would offer Dr. Vernon as
15 an expert in the field of the battered women
16 syndrome.

17 THE COURT: What says the State?

18 SOLICITOR: No objection.

19 THE COURT: She is so qualified.

20 BY MR. JENKINSON:

21 Q. Now, at my request, did you see Lou Ann
22 Robinson?

23 A. I did.

24 Q. How many times did you see Lou Ann?

25 A. I saw her three different times beginning on
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DR. VERNON ON DIRECT

1 April 17th of this year, and the last time I saw
2 her was in June of this year.

3 Q. What dates was it that you saw her those three
4 times?

5 A. On 4 17, 5 15 and 6 3.

6 Q. Did you talk to her alone on those occasions?

7 A. Yes, I did.

8 Q. What kind of work do you do with a person
9 that you evaluate?

10 A. Well, as suggested earlier, I try to gather
11 some background information about the victim, and
12 then at that point I do a detailed interview and
13 psychological testing that are designed to show
14 what various kinds of experiences the person may
15 have had and compare them to that of other victims,
16 the known data on other victims.

17 Q. How much time did you spend with Lou Ann
18 Robinson on these three occasions?

19 A. I spent a total of eighteen and a half hours.

20 Q. Is this an unusual amount of time with a vic-
21 tim?

22 A. This is an unusual amount of time with the
23 victim. Typically, I spend seven or eight hours
24 of time, but in this situation we found out that
25 she had had a stroke and because of this stroke

DR. VERNON ON DIRECT

1 she had various difficulties and that required
2 more time to interview and evaluate.

3 Also, we did some additional testing where
4 we were determining with that background a type of
5 reliability and validity. That is what we were
6 determining.

7 We had her take an entire what we call neuro-
8 psychological battery which is a test of native
9 intelligence, and then we gave her a number of
10 memory scales and tests of her memory to make an
11 assessment based on that.

12 We also did a test based on language and other
13 things to come up with and name items. We also
14 did some tests to look at attention and confronta-
15 tion.

16 Q. In your experience, are battered women and
17 women being murdered by their boyfriends and
18 husbands a problem in this State?

19 A. According to the Attorney General, the big-
20 gest problem he talked about that he faces is
21 criminal domestic violence.

22 SOLICITOR: Objection to hearsay.

23 MR. JENKINSON: I'm talking about published
24 reports of the Attorney General's Office.

25 A.. Certainly with my experience in the criminal

DR. VERNON ON DIRECT

1 justice system, it is a huge problem throughout the
2 State.

3 Q. Are states ranked in the worst states to the
4 best states?

5 A. They are. The Attorney General has reported
6 that in the last ten years South Carolina is number
7 one in terms of men killing women. Currently we
8 are in the top ten.

9 Q. So it is a big problem in this State?

10 A. Yes.

11 Q. What is criminal domestic violence and how
12 does it relate to this battered women's defense?

13 A. Criminal domestic violence is the violence
14 that occurs between family members.

15 Criminal domestic violence generally involves
16 intimate partners. It can be boyfriend and girl-
17 friend, husband and wife, ex-spouses. That is the
18 area of what we call intimate partner violence
19 or domestic violence.

20 Q. What types of classification is there on wo-
21 men who are subject to violence in terms of African-
22 American?

23 A. That is -- from the data, it appears that
24 African-American women are highly susceptible to
25 domestic violence.

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1 Q. What is a battered woman's self defense rule?

2 A. A battered woman's self defense -- since the
3 late nineteen seventies it has been developed
4 through law because it seemed there was a bias.
5 The women were trying to establish that the taking
6 of a life to be a justifiable act in circumstances
7 under which the violence may occur, and a bias may
8 occur.

9 For example, a bias in terms of just the lang-
10 uage of the law. The construction of the law in
11 the nineteen seventies was based on an assumption
12 that they were equal combatants, and that a man's
13 home was his castle.

14 They have changed that language so there is
15 a difference where they make assumptions that -- of a
16 sense of self and that a woman's self defense may
17 involve different actions in self defense than a
18 man's self defense.

19 Men by history are trained to use a more ag-
20 gressive means. For example, as a boy if somebody
21 hits you, you hit them back. Among girls though
22 that violence is frowned upon. You know, isn't
23 there another way in which she can handle that?

24 That is one issue, and another issue lies in
25 that women in family situations often cling to that

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1 family situation, and are mediating and moderat-
2 ing a need for their children in trying to give
3 them their best.

4 And so a woman would not depart immediately
5 from a violent man. A lay person might say, well,
6 if a man hit me, I would get out of there, but in
7 fact on average seven times they leave and then
8 come back to that relationship, to that person
9 that they have been intimate with or share resources
10 with.

11 So women -- the idea of women leaving a rela-
12 tionship or why some women don't leave a relation-
13 ship is something that is appropriate to address
14 in a battered woman defense.

15 We also know that women become extremely con-
16 nected with a spouse or loved one, although that
17 person may clearly be abusive. A woman will re-
18 spond after that behavior if the partner is sorry
19 and says they won't do it again.

20 You know, I'll give him a second chance. I
21 will adjust to that relationship and work on it.

22 And some women don't immediately report domes-
23 tic violence, and a reason they don't is because
24 they don't want the partner necessarily locked
25 up because it means a loss of wages, disturbance

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1 in the family and a lot of other things.

2 So those factors are included as a part of the
3 battered woman self defense. It is understandable
4 that a reasonable woman's activities and experi-
5 ences are very different than those of a man's
6 activities and experience.

7 So that is a battered woman's self defense
8 . . .

9 Q. Women look at things differently than men?

10 A. Definitely.

11 Q. Now, has the research shown that the general
12 public holds beliefs that were found to be dif-
13 ferent as to women and men?

14 A. Correct. I have been talking about some of
15 them.

16 Beliefs are that I would leave in a situation
17 like that, but it has been shown to be true that
18 women do not leave immediately and that others will
19 leave and come back.

20 There is a belief that the violence can't be
21 that serious or the person would leave, which
22 is one reason why people end up in the emergency
23 room, and that is a number one factor in terms of
24 suicide attempts.

25 It is a very serious health problem. In fact,

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1 in the Center of Disease Control and Prevention,
2 there is a whole area of domestic violence and of
3 partner violence because it is a huge health risk.

4 It is very definitely a serious problem. It
5 is not just a question of one person just battering
6 the other one around a little bit. There are se-
7 vere injuries that are seen in the emergency room
8 and elsewhere as a result of this.

9 Q. What are some types of abuse that men inflict
10 on women that causes them to become battered wo-
11 men?

12 A. Well, hitting, shoving, certain physical
13 abuse. It can be threats of harm or it could be
14 I'm going to take this person away and you will
15 never see that person again.

16 Or it could be I'm going to harm the pets or
17 the children. It can be a variety of things. It
18 can also be -- sexual assaults are common.

19 Q. Controlling their activities?

20 A. Very definitely. Control, situations in
21 which access is restricted to friends, family, to
22 other persons.

23 Restrictions as to cars, going to church,
24 other things, or a frequent monitoring type of
25 behavior or what we call stalking behavior.

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1 When you get many calls or showing up at a
2 person's work place, appearing in a work situation,
3 and that is the first place sometimes where it is
4 known that a person is in a violent relationship
5 because they have often had to deal with that.

6 Q. What information did you collect, besides
7 talking to Lou Ann and taking a history? What
8 material did you collect in order to understand
9 her situation and be able to testify about it?

10 A. Well, I had the mental health records from
11 Philadelphia. She from 1994, I believe, to 2006,
12 was intermittently a patient at a mental health
13 center.

14 Q. What did those records tell you?

15 A. Well, they were significant because at some
16 point -- well, in any case, you have to find from
17 records what the base line of a person was, and
18 so difficulties before she came into my office --
19 I understand that she had a history of trauma and
20 mental health problems.

21 Q. And that was what you had to look at?

22 A. Correct.

23 Q. And what else did you have?

24 A. I also did use her medical records, and she
25 had been evaluated in July of 2008 and found to

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1 have had a stroke, and that was not just from a
2 medical document, but she had had a scan which con-
3 firmed that she had the stroke, an infarct in the
4 left hemisphere.

5 Q. Tell the jury what a left hemisphere infarct
6 involves and . .

7 SOLICITOR: Judge, I'm going to object at
8 this point because she is not qualified in that
9 area.

10 MR. JENKINSON: She has seen medical records
11 which were taken into account in her evaluation
12 . .

13 THE COURT: I think the question is whether
14 . .

15 MR. JENKINSON: My question was to tell us
16 what a left hemisphere infarct is.

17 SOLICITOR: I don't object to that, but I would
18 object to him asking her about medical records
19 . .

20 MR. JENKINSON: She doesn't have those records,
21 but I was trying to establish that she has seen
22 those records.

23 A. I did have those records.

24 BY MR. JENKINSON:

25 Q. Would you tell us what a left hemisphere