

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APR 01 2019

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Honorable G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2018-001499

WILLIAM O. DICKERSON PETITIONER,

v.

STATE OF SOUTH CAROLINA.....RESPONDENT.

APPENDIX
VOLUME 5 OF 22

ELIZABETH FRANKLIN-BEST

SC Bar No. 72555

Blume Franklin-Best & Young, LLC

900 Elmwood Ave., Suite 200

Columbia, SC 29201

(803) 765-1044

Counsel for Petitioner

MELODY BROWN

Office of the Attorney General

P.O. Box 11549

Columbia, SC 29211

Counsel for Respondent

INDEX

CHARLESTON COUNTY RECORD ON APPEAL.....	1
PRETRIAL HEARING, APRIL 3, 2009.....	31
TRIAL TRANSCRIPT DATED APRIL 17- MAY 7, 2009	
JURY QUALIFICATION.....	254
VOIR DIRE	
JUROR #383	
Examination by the Court.....	486
Examination by Ms. Wilson.....	491
Examination by Mr. Bloom.....	496
JUROR #370	
Examination by the Court.....	504
Examination by Mr. Bloom.....	515
Examination by Ms. Wilson.....	524
Examination by Mr. Bloom.....	530
JUROR #377	
Examination by the Court.....	567
Examination by Ms. Wilson.....	569
Examination by Mr. Bloom.....	570
JUROR #278	
Examination by the Court.....	574
Examination by Mr. Bloom.....	576
JUROR #386	
Examination by the Court.....	582
Examination by Ms. Wilson.....	591
Examination by Mr. Bloom.....	594
JUROR #228	
Examination by the Court.....	611
Examination by Mr. Bloom.....	622
Examination by Ms. Wilson.....	634

JUROR #133	
Examination by the Court.	642
Examination by Ms. Wilson.	652
Examination by Mr. Bloom.	657
JUROR #227	
Examination by the Court.	679
Examination by Mr. Bloom.	687
Examination by Ms. Wilson.	706
JUROR #372	
Examination by the Court.	712
Examination by Ms. Wilson.	722
Examination by Mr. Bloom.	727
Examination by Ms. Wilson.	734
Examination by Mr. Bloom.	740
JUROR #134	
Examination by the Court.	748
Examination by Mr. Bloom.	757
Examination by Ms. Wilson.	766
JUROR #19	
Examination by the Court.	772
Examination by Ms. Wilson.	781
JUROR #280	
Examination by the Court.	792
Examination by Mr. Bloom.	792
JUROR #232	
Examination by the Court.	800
Examination by Ms. Wilson.	814
Examination by Mr. Bloom.	820
JUROR #37	
Examination by the Court.	831
Examination by Mr. Bloom.	843
JUROR #65	
Examination by the Court.	854
Examination by Ms. Wilson.	856
Examination by Mr. Bloom.	857

JUROR #389	
Examination by the Court.	861
Examination by Mr. Bloom.	864
JUROR #197	
Examination by the Court.	870
Examination by Ms. Wilson.	871
Examination by Mr. Bloom.	874
JUROR #66	
Examination by the Court.	877
Examination by Mr. Bloom.	879
JUROR #101	
Examination by the Court.	884
Examination by Ms. Wilson.	896
JUROR #160	
Examination by the Court.	912
Examination by Mr. Bloom.	924
Examination by Ms. Wilson.	930
Examination by Mr. Bloom.	933
JUROR #207	
Examination by the Court.	941
Examination by Mr. Durant.	951
Examination by Mr. Bloom.	956
JUROR #92	
Examination by the Court.	960
Examination by Mr. Bloom.	973
Examination by Ms. Wilson.	980
JUROR #256	
Examination by the Court.	987
Examination by Ms. Wilson.	998
Examination by Mr. Bloom.	1001
Examination by Ms. Wilson.	1007
JUROR #402	
Examination by the Court.	1010
Examination by Mr. Bloom.	1022

JUROR #385	
Examination by the Court.	1040
Examination by Ms. Wilson.	1043
JUROR #363	
Examination by the Court.	1048
Examination by Mr. Bloom.	1092
Examination by Ms. Wilson.	1101
JUROR #378	
Examination by the Court.	1106
Examination by Ms. Wilson.	1119
Examination by Mr. Bloom.	1124
MOTIONS.	1140
JUROR #315	
Examination by the Court	1146
Examination by Mr. Bloom.	1148
Examination by Ms. Wilson.	1156
Examination by the Court.	1160
Examination by Ms. Wilson.	1166
JUROR #306	
Examination by the Court.	1183
Examination by Mr. Durant.	1196
Examination by Mr. Bloom.	1200
JUROR #398	
Examination by the Court	1209
Examination by Mr. Bloom.	1213
Examination by Mr. Durant.	1216
JUROR #124	
Examination by the Court	1226
Examination by Mr. Bloom.	1242
JUROR #330	
Examination by the Court	1253
Examination by Mr. Bloom.	1268
JUROR #121	
Examination by the Court	1278

JUROR #209	
Examination by the Court.	1282
Examination by Ms. Wilson.	1295
Examination by Mr. Bloom.	1300
JUROR #54	
Examination by the Court	1314
Examination by Mr. Bloom.	1316
JUROR #343	
Examination by the Court.	1328
Examination by Ms. Wilson.	1343
Examination by Mr. Bloom.	1346
JUROR #358	
Examination by the Court.	1354
Examination by Ms. Wilson.	1358
JUROR #149	
Examination by the Court.	1362
Examination by Mr. Bloom.	1377
Examination by Ms. Wilson.	1385
JUROR #314	
Examination by the Court.	1389
Examination by Ms. Wilson.	1403
Examination by Mr. Bloom.	1409
JUROR #157	
Examination by the Court	1420
Examination by Mr. Bloom.	1437
JUROR #392	
Examination by the Court.	1449
Examination by Ms. Wilson.	1452
JUROR #381	
Examination by the Court.	1461
Examination by Ms. Wilson.	1477
Examination by Mr. Bloom.	1485

JUROR # 247	
Examination by the Court.	1491
Examination by Mr. Bloom.	1506
Examination by Ms. Wilson.	1510
JUROR #177	
Examination by the Court.	1513
Examination by Ms. Wilson.	1517
JUROR #221	
Examination by the Court.	1524
Examination by Mr. Bloom.	1539
Examination by Ms. Wilson.	1544
JUROR #289	
Examination by the Court.	1552
Examination by Ms. Wilson.	1561
JUROR #364	
Examination by the Court.	1570
Examination by Mr. Bloom.	1584
Examination by Ms. Wilson.	1588
Examination by the Court.	1626
Examination by Ms. Wilson.	1626
JUROR #234	
Examination by the Court.	1643
Examination by Ms. Wilson.	1665
Examination by Mr. Bloom.	1669
JUROR #8	
Examination by the Court	1667
Examination by Mr. Bloom.	1692
Examination by Mr. Durant.	1698
JUROR #50	
Examination by the Court	1703
Examination by Mr. Durant.	1709
Examination by Mr. Bloom.	1711
JUROR #262	
Examination by the Court	1715

JUROR #4	
Examination by the Court	1719
Examination by Mr. Bloom.	1735
Examination by Mr. Durant.	1741
JUROR #72	
Examination by the Court	1746
Examination by Mr. Durant.	1765
Examination by Mr. Bloom.	1768
JUROR #246	
Examination by the Court	1787
Examination by Mr. Durant.	1804
Examination by Mr. Bloom.	1806
JUROR #331	
Examination by the Court	1815
Examination by Mr. Bloom.	1829
Examination by Mr. Durant.	1834
JUROR #264	
Examination by the Court	1840
Examination by Mr. Durant.	1851
JUROR #272	
Examination by the Court	1859
Examination by Mr. Bloom.	1861
JUROR #148	
Examination by the Court	1868
Examination by Mr. Durant.	1886
Examination by Mr. Bloom.	1888
JUROR #357	
Examination by the Court	1895
Examination by Mr. Bloom.	1898
JUROR #11	
Examination by the Court	1905
Examination by Mr. Durant.	1924
Examination by Mr. Bloom.	1927

JUROR #104	
Examination by the Court	1935
Examination by Mr. Bloom.	1953
Examination by Mr. Durant.	1958
JUROR #69	
Examination by the Court	1962
Examination by Mr. Durant.	1981
Examination by Mr. Bloom.	1985
JUROR #22	
Examination by the Court	1992
Examination by Mr. Bloom.	1995
JUROR #252	
Examination by the Court	1998
Examination by Mr. Bloom.	2000
JUROR #90	
Examination by the Court	2005
Examination by Mr. Durant.	2023
Examination by Mr. Bloom.	2024
JUROR #287	
Examination by the Court	2029
Examination by Mr. Bloom.	2033
JUROR #317	
Examination by the Court	2036
Examination by Mr. Bloom.	2038
JUROR #63	
Examination by the Court	2040
JUROR #319	
Examination by the Court	2045
Examination by Mr. Durant.	2053
Examination by Mr. Bloom.	2055
JUROR #38	
Examination by the Court	2060
Examination by Mr. Bloom.	2062

JUROR #26	
Examination by the Court	2066
Examination by Mr. Durant.	2079
JUROR #281	
Examination by the Court	2084
Examination by Mr. Bloom.	2094
Examination by Mr. Durant.	2096
JUROR #304	
Examination by the Court	2099
Examination by Mr. Durant.	2107
COLLOQUY.	2112
JUROR #133	
Examination by the Court	2120
JUROR #19	
Examination by the Court	2152
JUROR #247	
Examination by the Court	2157
COLLOQUY.	2158
SELECTION OF JURY.	2166
OPENING REMARKS BY THE COURT.	2183
OPENING STATEMENTS BY MS. WILSON.	2215
OPENING STATEMENTS BY MR. CARROLL.	2230
KANESHIA SINGLETON	
Direct Examination by Ms. Wilson.	2254
Cross Examination by Mr. Bloom.	2266
Redirect Examination by Ms. Wilson.	2266
SHAREEN ROPER	
Direct Examination by Ms. Wilson.	2267

STEVO RIVERS	
Direct Examination by Mr. Durant.	2281
Cross Examination by Mr. Carroll.	2299
Redirect Examination by Mr. Durant.	2306
Recross Examination by Mr. Carroll.	2314
BENJAMIN DRAYTON	
Direct Examination by Mr. Durant.	2318
Cross Examination by Mr. Carroll.	2328
ANTONIO NELSON	
Direct Examination by Ms. Wilson.	2339
Cross Examination by Mr. Carroll.	2392
Redirect Examination by Ms. Wilson.	2412
DEVON KEELING	
Direct Examination by Mr. Durant.	2415
Cross Examination by Mr. Carroll.	2431
Redirect Examination by Mr. Durant.	2443
COLLOQUY.	2459
TOMISHA “SHELLEY” NELSON	
Direct Examination by Mr. Durant.	2494
Cross Examination by Mr. Bloom.	2535
Redirect Examination by Mr. Durant.	2571
Recross Examination by Mr. Bloom.	2579
DARREN PROIETTI	
Direct Examination by Ms. Wilson.	2584
Cross Examination by Mr. Bloom.	2594
Redirect Examination by Ms. Wilson.	2603
KIMBERLY RENEE GREGG	
Direct Examination by Ms. Wilson.	2603
STEVEN ARCHIE	
Direct Examination by Mr. Durant.	2614
Cross Examination by Mr. Carroll.	2631
Redirect Examination by Mr. Durant.	2641
Recross Examination by Mr. Carroll.	2649

TYRE JOHNSON	
Direct Examination by Ms. Wilson.	2648
OCTAVIO FABISIEWICZ	
Direct Examination by Ms. Wilson.	2685
Cross Examination by Mr. Bloom.	2690
DONTAIRE ANDERSON	
Direct Examination by Mr. Durant.	2701
Cross Examination by Mr. Carroll.	2711
Redirect Examination by Mr. Durant.	2716
MARLINA PINCKNEY	
Direct Examination by Mr. Durant.	2717
Cross Examination by Mr. Carroll.	2726
Redirect Examination by Mr. Durant.	2730
PATRICK PONTERI, SR.	
Direct Examination by Ms. Wilson.	2732
Cross Examination by Mr. Carroll.	2741
STEVEN HOOD	
Direct Examination by Mr. Durant.	2745
Cross Examination by Mr. Bloom.	2843
Redirect Examination by Mr. Durant.	2885
JEFFERY MILLER	
Direct Examination by Mr. Durant.	2892
Cross Examination by Mr. Bloom.	2916
JUDITH GORDON	
Direct Examination by Mr. Durant.	2920
MICHAEL R. SHERMAN	
Direct Examination by Mr. Durant.	2930
Cross Examination by Mr. Hood.	2943
Redirect Examination by Mr. Durant.	2946
COLLOQUY.	2949
JUROR #234	
Examination by the Court.	2950

JENNIFER WOOLEY	
Direct Examination by Mr. Durant.	2956
Cross Examination by Mr. Bloom.	2962
ANITA MAESTAS	
Direct Examination by Mr. Durant.	2965
Cross Examination by Mr. Bloom.	2972
RENEE CHARLES	
Direct Examination by Mr. Durant.	2974
RANDY UNTERBRINK	
Direct Examination by Mr. Durant.	2977
KINNEY KINSEY	
Direct Examination by Mr. Durant.	2979
Cross Examination by Mr. Bloom.	3010
LILLY SMALL GALLMAN	
Direct Examination by Mr. Durant.	3030
Cross Examination by Mr. Bloom.	3068
Redirect Examination by Mr. Durant.	3094
Recross Examination by Mr. Bloom.	3096
CYNTHIA SCHANDL	
Direct Examination by Ms. Wilson.	3098
Cross Examination by Mr. Bloom.	3157
Proffer Examination by Mr. Bloom.	3163
Proffer Cross Examination by Ms. Wilson.	3165
ARMON RASHAD DICKERSON	
Direct Examination by Mr. Durant.	3171
MOTIONS.	3268
ARMON RASHAD DICKERSON	
Direct Examination by Mr. Durant.	3275
Cross Examination by Mr. Carroll.	3288
Redirect Examination by Mr. Durant.	3331
COLLOQUY.	3334

ARMON RASHAD DICKERSON	
Redirect Examination..	3353
Cross Examination by Mr. Carroll.	3354
SELENA KERISE ROUSE	
Direct Examination by Ms. Wilson.	3356
Cross Examination by Mr. Carroll.	3423
Redirect Examination by Ms. Wilson.	3451
Recross Examination by Mr. Carroll.	3455
RASHID ABDUL MALIK	
Direct Examination by Ms. Wilson.	3468
Cross Examination by Mr. Carroll	3513
SANDRA FOKES	
Direct Examination by Ms. Wilson.	3529
Cross Examination by Mr. Bloom.	3536
AVEN ROPER	
Direct Examination by Ms. Wilson.	3543
Cross Examination by Mr. Bloom.	3542
MOTIONS.	3566
EXAMINATION OF DEFENDANT.	3569
COLLOQUY.	3581
CLOSING ARGUMENTS BY MS. WILSON.	3605
STATEMENT BY MR. DICKERSON.	3641
CLOSING ARGUMENT BY MR. CARROLL.	3644
JURY CHARGE.	3682
VERDICT.	3762
MOTIONS.	3770
IN CHAMBERS CONFERENCE.	3786

LEESTER WILLIAMS (<i>IN CAMERA</i>)	
Direct Examination by Mr. Durant.	3791
Cross Examination by Mr. Carroll	3804
MICHAEL HUGGINS (<i>IN CAMERA</i>)	
Direct Examination by Mr. Durant.	3821
Cross Examination by Mr. Carroll	3824
MOTIONS (<i>IN CAMERA</i>).....	3828
SENTENCING PHASE	
OPENING STATEMENT BY MR. DURANT.....	3851
OPENING STATEMENT BY MR. BLOOM.....	3856
EDWARD HASELDEN, JR.	
Direct Examination by Mr. Durant.	3865
Cross Examination by Mr. Carroll.....	3869
IAN F. TRAYNOR	
Direct Examination by Mr. Durant.	3870
Cross Examination by Mr. Carroll	3889
RONALD HULL (<i>IN CAMERA</i>)	
Direct Examination by Mr. Durant.	3887
Cross Examination by Mr. Carroll.....	3889
Redirect Examination by Mr. Durant.....	3891
GEORGE FORDHAM (<i>IN CAMERA</i>)	
Proffer Examination by Mr. Durant.....	3895
Proffer Examination by Mr. Carroll.....	3900
Proffer Redirect Examination By Mr. Durant.	3904
LEON FLUDD	
Direct Examination by Mr. Durant.	3911
Cross Examination by Mr. Carroll.....	3915
ANTONIO NELSON	
Direct Examination by Ms. Wilson.	3918
Cross Examination by Mr. Carroll.....	3928

RASHID MALIK	
Direct Examination by Ms. Wilson.	3930
Cross Examination by Mr. Carroll.	3935
Redirect Examination by Ms. Wilson.	3936
JOHN SCARBOROUGH	
Direct Examination by Mr. Durant.	3937
Cross Examination by Mr. Carroll.	3947
CAROLS CESPEDES	
Direct Examination by Mr. Durant.	3953
Cross Examination by Mr. Carroll.	3963
JEFFERY MILLER	
Direct Examination by Mr. Durant.	3967
MOTIONS.	
	3972
CEDEDRIK DAVIS (<i>IN CAMERA</i>)	
Proffer Examination by Mr. Durant.	3980
Cross Examination by Mr. Bloom.	3982
Redirect Examination by Mr. Durant.	3985
JUROR #234 (<i>IN CAMERA</i>)	
Examination by the Court.	3992
LAWRENCE GAINEY	
Direct Examination by Mr. Durant.	3995
Cross Examination by Mr. Bloom.	4007
CEDERICK DAVIS	
Direct Examination by Mr. Durant.	4008
Cross Examination by Mr. Bloom.	4012
Redirect Examination by Mr. Durant.	4015
Recross Examination by Mr. Bloom.	4015
TOMIESHA NELSON	
Direct Examination by Mr. Durant.	4016
Cross Examination by Mr. Bloom.	4022
LESTER WILLIAMS	
Direct Examination by Mr. Durant.	4026
Cross Examination by Mr. Carroll.	4033

Redirect Examination by Mr. Durant.....	4037
Recross Examination by Mr. Carroll.....	4038
MICHAEL HUGGINS	
Direct Examination by Mr. Durant.....	4039
Cross Examination by Mr. Bloom.....	4043
Redirect Examination by Mr. Durant.....	4048
MOTIONS (<i>IN CAMERA</i>).....	4049
SHAREEN ROPER	
Direct Examination by Ms. Wilson.....	4084
CYNTHIA SCHANDL, MD	
Direct Examination by Ms. Wilson.....	40110
MOTIONS (IN CAMERA).....	4136
WILLIAM DICKERSON (<i>IN CAMERA</i>)	
Examination by the Court.....	4140
JOSEPH LADSON	
Direct Examination by Mr. Bloom.....	4146
Cross Examination by Mr. Durant.....	4149
JOHN HEWITT	
Direct Examination by Mr. Bloom.....	4151
Cross Examination by Ms. Wilson.....	4153
STACY SIMMONS	
Direct Examination by Mr. Bloom.....	4154
Cross Examination by Ms. Wilson.....	4155
CURTIS HOOD	
Direct Examination by Mr. Bloom.....	4156
Cross Examination by Mr. Durant.....	4158
DAVID GADEIC	
Direct Examination by Mr. Bloom.....	4159
Cross Examination by Mr. Durant.....	4161

JAMES AIKEN	
Direct Examination by Mr. Bloom.	4163
Cross Examination by Mr. Durant.	4186
Redirect Examination by Mr. Bloom.	4193
Recross Examination by Mr. Durant.	4196
BARRY BRITT	
Direct Examination by Mr. Carroll.	4205
Cross Examination by Mr. Durant.	4210
ALEXANDER MORTON	
Direct Examination by Mr. Bloom.	4214
Cross Examination by Mr. Durant.	4283
Redirect Examination by Mr. Bloom.	4293
JOHNETTE R. WATSON	
Direct Examination by Mr. Bloom.	4295
Cross Examination by Ms. Wilson.	4303
TIERRA MCINTOSH	
Direct Examination by Mr. Bloom.	4304
JOHNNIE K. RIVERS	
Direct Examination by Mr. Bloom.	4311
Cross Examination by Mr. Durant.	4328
Redirect Examination by Mr. Bloom.	4339
Recross Examination by Mr. Durant.	4343
MOTIONS.	4346
MARY E. RANKIN	
Direct Examination by Mr. Bloom.	4357
Cross Examination by Mr. Durant.	4365
Redirect Examination by Mr. Bloom.	4368
MARJORIE HAMMOCK	
Direct Examination by Mr. Bloom.	4369
Cross Examination by Mr. Durant.	4425
Redirect Examination by Mr. Bloom.	4440
DORIS GAMBLE	
Direct Examination by Mr. Bloom.	4445
Cross Examination by Ms. Wilson.	4448

Redirect Examination by Mr. Bloom.....	4449
JIMMY MITCHELL	
Direct Examination by Mr. Bloom.	4450
JAMES DUNN	
Direct Examination by Mr. Bloom.	4453
Cross Examination by Ms. Wilson.	4461
Redirect Examination by Mr. Bloom.....	4465
ROBERT PHILLIPS	
Direct Examination by Mr. Bloom.	4472
Cross Examination by Ms. Wilson.	4508
MARK CUMMINGHAM	
Direct Examination by Mr. Bloom.	4530
Cross Examination by Ms. Wilson.	4580
ADELE WATSON	
Direct Examination by Mr. Bloom.	4603
WILLIAM DICKERSON	
Examination by the Court.	4608
MOTIONS.	4615
CLOSING ARGUMENT BY MR. DURANT.	4632
CLOSING ARGUMENT BY MR. BLOOM.....	4646
JURY CHARGE.	4671
VERDICT SENTENCING PHASE.....	4699
MOTION FOR A NEW TRIAL HEARING, JULY 7, 2009.....	4711
INDICTMENTS.....	4722
MOTION FOR A NEW TRIAL.	4728

EXHIBITS

STATE’S EXHIBIT 307, TRANSCRIPT OF PHONE CALL BETWEEN WILLIAM DICKERSON AND TOMISA NELSON.	4731
STATE’S EXHIBIT 319, AUTOPSY DIAGRAM.	4733
STATE’S EXHIBIT 320, AUTOPSY DIAGRAM.	4734
STATE’S EXHIBIT 321, AUTOPSY DIAGRAM.	4735
STATE’S EXHIBIT 322, AUTOPSY DIAGRAM.	4736
JUROR QUESTIONNAIRES.	4737
STATE’S EXHIBITS 141, 153, 160, 162, 166, 171, 172, 173, 177, 178, 181, 184, 335, AND 336 (AUTOPSY PHOTOGRAPHS ADMITTED DURING PENALTY PHASE); AND STATE’S EXHIBIT 78 (PHOTOGRAPH OF VICTIM’S BODY AT DISCOVERY SITE) HAVE BEEN TRANSPORTED TO THE COURT	
<i>STATE V. WILLIAM O. DICKERSON, JR.</i> , 395 S.C. 101, 716 S.E.2d 895 (2011).	5203
THIRD APPLICATION FOR POST-CONVICTION RELIEF.....	5212
STATE’S MOTION TO STRIKE AND OR IN THE ALTERNATIVE TO DISMISS CLAIM NOT COGNIZABLE IN POST-CONVICTION RELIEF.....	5222
MEMORANDUM IN RESPONSE STATE’S MOTION TO STRIKE AND OR IN THE ALTERNATIVE TO DISMISS CLAIM NOT COGNIZABLE IN POST-CONVICTION RELIEF.	5281
REPLY TO RESPONSE TO MOTION TO STRIKE AND OR IN THE ALTERNATIVE TO DISMISS CLAIM NOT COGNIZABLE IN POST-CONVICTION RELIEF.	5289
JULY 15, 2014 HEARING.	5297
FEBRUARY 2, 2015 HEARING.	5332
MAY 8, 2015 HEARING.	5359
SEPTEMBER 18, 2015 HEARING.....	5376
NOVEMBER 20, 2015 HEARING.....	5422

DECEMBER 7- 8,2015 HEARING..... 5441

RICHARD R. CANFIELD

Voir Dire Examination by Mr. Grose. 5448
Direct Examination by Mr. Grose. 5450
Cross Examination by Mr. Zelenka. 5537
Redirect Examination by Mr. Grose. 5572

MARLYNE K. ISRAELIAN

Voir Dire Examination by Mr. Grose. 5578
Direct Examination by Mr. Grose. 5585
Cross Examination by Mr. Mabry. 5664
Redirect Examination by Mr. Grose. 5725

CALVIN A. CARROLL

Direct Examination by Ms. Franklin-Best..... 5809
Cross Examination by Mr. Mabry. 5820

JEFFERY BLOOM

Direct Examination by Ms. Franklin-Best..... 5827
Cross Examination by Mr. Mabry. 5851
Redirect Examination by Ms. Franklin-Best. 5870
Recross Examination by Mr. Mabry. 5876

ROBERT DUDEK

Direct Examination by Ms. Franklin-Best..... 5878
Cross Examination by Mr. Zelenka. 5885

EXHIBITS

APPLICANT'S EXHIBIT #1, LEAD TEST..... 5908

APPLICANT'S EXHIBIT #2, USING GEOGRAPHIC INFORMATION SYSTEMS TO
ASSESS RISK FOR ELEVATED BLOOD LEAD LEVELS IN CHILDREN..... 5909

APPLICANT'S EXHIBIT #3, CHILDHOOD LEAD EXPOSURE: CAUSES AND
CONSEQUENCES 5918

APPLICANT'S EXHIBIT #4, CV OF DR. MARLYNE ISRAELIAN..... 6021

APPLICANT'S EXHIBIT #5, CHARLESTON COUNTY MAP..... 6027

APPLICANT'S EXHIBIT #6, MAP OF 20 ORRS COURT..... 6028

APPLICANT’S EXHIBIT #7, PSYCHIATRIC EXAMINATION OF WILLIAM DICKERSON, DATED 5/12/88.....	6029
APPLICANT’S EXHIBIT #8, SOCIAL HISTORY OF WILLIAM DICKERSON.....	6032
APPLICANT’S EXHIBIT #9, WILLIAM S. HALL PSYCHIATRIC INSTITUTE DOCUMENTS.....	6035
APPLICANT’S EXHIBIT 10, MEDICAL RECORD.....	6038
APPLICANT’S EXHIBIT #11, PSYCHOLOGICAL EVALUATION.....	6040
APPLICANT’S EXHIBIT #12, WECHSLER INTELLIGENCE TESTING.	6046
APPLICANT’S EXHIBIT #13, SOCIAL WORK REPORT.	6054
APPLICANT’S EXHIBIT #14, PSYCHOLOGICAL EVALUATION MARCH 31,2016 HEARING.	6057
APPLICANT’S EXHIBIT #15, LETTER TO OFFICE OF APPELLATE DEFENSE FROM DEFENSE COUNSEL, BLOOM.	6060
APPLICANT’S EXHIBIT #16, <i>WHEN LIGHTNING STRIKES BACK: SOUTH CAROLINA’S RETURN TO THE UNCONSTITUTIONAL STANDARDLESS CAPITAL SENTENCING REGIME OF THE PRE-FURMAN ERA</i> , 4 CHARLESTON L.REV. 479 (2010).	6064
RESPONDENT’S EXHIBIT #1, HOSPITAL DISCHARGE SUMMARY.....	6123
RESPONDENT’S EXHIBIT #2, ADMISSION TO ADDICTION TREATMENT UNIT....	6186
RESPONDENT’S EXHIBIT #3, <i>JONES V. GDCP WARDEN</i> , 753 F. 3D 1171 (11 TH CIR. 2014).	6191
RESPONDENT’S EXHIBIT #4, <i>K.C. V. FULTON COUNTY SCHOOL DIST.</i> , NOT REPORTED IN F.SUPP.2D (2006).	6209
RESPONDENT’S EXHIBIT #5, PSYCHIATRIC EVALUATION, 5/12/88.....	6222
RESPONDENT’S EXHIBIT #6, APPLICATION FOR EMERGENCY ADMISSION.....	6225
RESPONDENT’S EXHIBIT #7, MOTION TO BAR THE DEATH PENALTY BASED UPON RACE.....	6237

RESPONDENT’S EXHIBIT #8, ROBERT DUDEK NOTES.....	6246
MARCH 31, 2016 HEARING.....	6268
BARBARA O’BRIEN	
Direct Examination by Ms. Franklin-Best.....	6299
Voir Dire by Ms. Brown.	6308
Direct Continued by Ms. Franklin-Best.....	6312
Cross Examination by Ms. Brown.....	6347
Redirect Examination by Ms. Franklin-Best.	6388
Recross Examination by Ms. Brown.	6396

EXHIBITS

APPLICANT’S EXHIBIT #1, CV FOR BARBARA O’BRIEN.....	6432
APPLICANT’S EXHIBIT #2, MARCH 8, 2016 REPORT ON JURY SELECTION STUDY.	6438
APPLICANT’S EXHIBIT #3, JUROR SELECTION MATERIAL (ON FILE AT THE CHARLESTON COUNTY COURTHOUSE)	
APPLICANT’S EXHIBIT #4, ADDITIONAL JUROR SELECTION MATERIAL (ON FILE AT THE CHARLESTON COUNTY COURTHOUSE)	
APPLICANT’S EXHIBIT #6, EDDIE HASELDEN AFFIDAVIT.....	6465
APPLICANT’S EXHIBITS #7-#11 SEALED AND FILED WITH THE CHARLESTON COUNTY CLERK OF COURT’S OFFICE	
APPLICANT’S EXHIBIT #12, RONALD COULTER JURY SELECTION.....	6466
APPLICANT’S EXHIBIT #13, JEMOL BROWN JURY SELECTION.	6647
APPLICANT’S EXHIBIT #14, ETHAN MACK JURY SELECTION.	6686
APPLICANT’S EXHIBIT #15, MICHAEL JETER JURY SELECTION.	9569
APPLICANT’S EXHIBIT #16—FLASH DRIVE, IN THE POSSESSION OF THE CHARLESTON COUNTY CLERK OF COURT’S OFFICE	
APPLICANT’S EXHIBIT #17—SOUTH CAROLINA COMMISSION ON PROSECUTION COORDINATION SUBPOENA PRIVILEGE LOG	6755

MAY 12-13, 2016 HEARING.....	6760
BARBARA O'BRIEN (VIA SKYPE)	
Direct Examination by Ms. Franklin-Best.....	6772
Cross Examination by Ms. Brown.....	6775
Redirect Examination by Ms. Franklin-Best.....	6806
Recross Examination by Ms. Brown.....	6808
SCARLETT WILSON	
Direct Examination by Mr. Grose.....	6809
Cross Examination by Ms. Brown.....	6860
Redirect Examination by Mr. Grose.....	6872
Recross Examination by Ms. Brown.....	6882
JEFFERY BLOOM	
Direct Examination by Ms. Brown.....	6909
Cross Examination by Mr. Grose.....	6970
Redirect Examination by Ms. Brown.....	7003

EXHIBITS

APPLICANT'S EXHIBIT #1, AMENDED REPORT ON JURY SELECTION STUDY, DATED MAY 5, 2016.....	7011
APPLICANT'S EXHIBIT #2, APPLICANT'S STANDARD INTERROGATORIES.	7035
APPLICANT'S EXHIBIT #3, APPLICANT'S REQUEST TO PRODUCE.	7038
APPLICANT'S EXHIBIT #4, SUBPOENA.....	7041
APPLICANT'S EXHIBIT #5, INCIDENT REPORT.....	7046
APPLICANT'S EXHIBIT #6, INCIDENT REPORT.....	7049
APPLICANT'S EXHIBIT #7, INCIDENT REPORT.....	7052
APPLICANT'S EXHIBIT #8, INCIDENT REPORT.....	7054
APPLICANT'S EXHIBIT #9, INCIDENT REPORT.....	7058
APPLICANT'S EXHIBIT #10, INCIDENT REPORT.....	7061
APPLICANT'S EXHIBIT #11, INCIDENT REPORT.....	7063

APPLICANT’S EXHIBIT #12, INCIDENT REPORT	7071
APPLICANT’S EXHIBIT #13, INCIDENT REPORT	7073
APPLICANT’S EXHIBIT #14, INCIDENT REPORT.	7078
APPLICANT’S EXHIBIT #15, INCIDENT REPORT.	7091
APPLICANT’S EXHIBIT #16, INCIDENT REPORT	7094
APPLICANT’S EXHIBIT #17, PROSECUTOR’S DESKBOOK, 2010 EDITION.	7095
APPLICANT’S EXHIBIT #18, MOTION TO DISMISS THE DEATH PENALTY DUE TO UNCONSTITUTIONALITY OF STATE PROPORTIONALITY REVIEW.	7119
APPLICANT’S EXHIBIT #19, MOTION TO BAR THE DEATH PENALTY BASED UPON RACE.	7131
RESPONDENT’S EXHIBIT #1, DOCUMENTS.	7145
RESPONDENT’S EXHIBIT #2, CJIS SECURITY POLICY.	7165
RESPONDENT’S EXHIBIT #3, EMAIL CHAIN.	7165
RESPONDENT’S EXHIBIT #4, BOOKING REPORT.	7187
COURT’S EXHIBIT #1, TABLE, MSU REPORT.	7190
MAY 27,2016 HEARING.	7194
DR. WILLIAM NORTON	
Direct Examination by Ms. Scrantom.	7204
Cross Examination by Mr. Grose.	7225
Redirect Examination by Ms. Scrantom.	7248
Examination by the Court.	7255
MOTIONS.	7260
<u>EXHIBITS</u>	
STATE’S #1, CV OF DR. NORTON.	7280
STATE’S #2, EMAILED OPINION.	7287

STATE’S #3, FORMAL REPORT.	7285
MARCH 16, 2017 HEARING.....	7288
OCTOBER 23,2017 HEARING.	7315
BARBARA O’BRIEN	
Direct Examination by Ms. Franklin-Best.	7323
Cross Examination by Ms. Scrantom.....	7338

EXHIBITS

APPLICANT’S EXHIBIT #1 DR. O’BRIEN’S REPORT.	7362
APPLICANT’S EXHIBIT #2 FLASH-DRIVE LOCATED AT CHARLESTON COUNTY COURTHOUSE	
<i>STATE V. COLIN BROUGHTON</i> JURY SELECTION, 06-GS-08, 2164 B.....	7386
POST-TRIAL BRIEFING ON BEHALF OF PETITIONER.	9237
POST-TRIAL BRIEFING ON BEHALF OF RESPONDENT (SEALED).	
ORDER OF DISMISSAL.	9314
59(E) MOTION.....	9394
ORDER DENYING 59(E) MOTION.	9488
<i>STATE V. JALAL BEYAH</i> , 2001-GS-10-1736.....	9605

1 BAILIFF: It's a Wall Street Journal.

2 THE COURT: That's fine, just hold
3 onto it and we will make it's a court's
4 exhibit. Thank you.

5 (SO ENTERED AS COURT'S EXHIBIT 7)

6 EXAMINATION CONTINUED

7 BY THE COURT:

8 Q. Tell me what you mean by a type two, what
9 does that mean to you?

10 A. The type two was saying it was a person
11 that would listen to the evidence but they
12 still would not go with the death penalty.

13 Q. Yes, ma'am. Basically that in every
14 situation where a murder, where a person has
15 been convicted of murder, the only punishment
16 that you could ever impose would be life
17 imprisonment?

18 A. Life imprisonment.

19 Q. And that's you?

20 A. Yes, sir.

21 Q. So that means that there would never be
22 any circumstances that you could think of ---

23 A. No, sir!

24 Q. --- in which you would impose a death
25 sentence?

1 A. (Negative gesture), no, sir.

2 Q. Even if the judge instructed you to
3 consider it and if you found circumstances to
4 be such that you could impose it?

5 A. No, sir.

6 Q. You would never impose it?

7 A. No, sir, I would not.

8 Q. Under any circumstances?

9 A. (Negative gesture), under any
10 circumstances. No, sir.

11 THE COURT: Thank you, ma'am.

12 Please answer any questions the attorneys may
13 have of you

14 VOIR DIRE EXAMINATION

15 BY MR. BLOOM:

16 Q. Ms. Dawson, my name is Jeff Bloom and
17 along with Andrew Carroll, we represent
18 William Dickerson. I just have a few followup
19 questions from what Judge Dennis asked you.

20 Are your beliefs -- would you ever be able
21 to set your strong beliefs aside and serve as
22 a jury in a particular case and if you feel
23 the circumstances were such that you could
24 vote for the death penalty?

25 A. No, sir.

1 Q. You could never do that?

2 A. No, sir.

3 Q. Do you hold that belief as a matter of
4 your strong religious beliefs, religious
5 faith?

6 A. That's one reason, sir.

7 MR. BLOOM: Thank you.

8 THE COURT: So there are other
9 reasons that you just don't believe in it, in
10 addition to your religious beliefs?

11 JUROR NUMBER 357: I just don't
12 believe in the death penalty because of the
13 way that I was raised up; a person needs to
14 practice forgiveness.

15 THE COURT: Thank you, ma'am.
16 I am going to excuse you from any further
17 participation -- excuse me, do you'all have
18 any questions?

19 SOLICITOR WILSON: No, sir.

20 THE COURT: I'm sorry, I apologize,
21 Solicitor.

22 SOLICITOR WILSON: No questions.

23 THE COURT: I am going to excuse
24 you from any further participation in this
25 dispute. Thank you for your participation.

1 You are free to leave. You don't have to come
2 back anymore.

3 JUROR NUMBER 357: Oh, thank you.

4 THE COURT: Have a great day,
5 ma'am.

6 COURT REPORTER: The paper, Your
7 Honor, will be Court's Exhibit 7.

8 THE COURT: I am going to ask that
9 all counsel please review that paper, and that
10 newspaper has been marked as Court's Exhibit
11 7. It was found in the jury room.

12 MR. BLOOM: Judge, I would just
13 note for the last juror my similar objection
14 as to others who have expressed a religious
15 belief. We would object under the First,
16 Eighth and Fourteenth Amendment.

17 THE COURT: Thank you, Mr. Bloom.
18 Thank you for keeping me on task. I
19 apologize. I assume the State has no
20 objection to the disqualification of that
21 juror?

22 BRUCE DURANT: That's correct,
23 Your Honor.

24 THE COURT: I would find, as I have
25 previously found, that that juror, because of

1 her beliefs, religious and otherwise, would be
2 unable to fulfill and carry out her job and
3 follow the law, follow her oath as I
4 understand that oath to be. As she described,
5 there would never be a circumstance where she
6 could ever possibly consider setting aside her
7 belief, that would ever cause her to want to
8 set it aside. For that reason, I again deny
9 your Motion; but, again, thank you, it is
10 protected.

11 MR. BLOOM: Judge, I would note --
12 just for the record, I believe that the jurors
13 are minding your instruction. She indicated
14 that she saw the paper, hadn't looked at the
15 paper. It happens to be the Wall Street
16 Journal, New York City. If nobody else wants
17 it, I might take it over lunch.

18 THE COURT: I would love to have it
19 but I think we probably need to keep that as a
20 part of the record. I will ask that you make
21 sure -- in fact, I noted some persons that
22 have books. Do you'all have objection to
23 their having books with them?

24 MR. BLOOM: No, sir, and I have no
25 objection to a juror reading the Wall Street

1 Journal or other similar out-of-town papers?

2 THE COURT: The State?

3 MR. BLOOM: I mean out-of-South
4 Carolina papers. I can't imagine Mr.
5 Dickerson's case is in the Wall Street
6 Journal.

7 THE COURT: I can't either but my
8 concern is that there may be something in
9 there that is related material or like ---

10 SOLICITOR WILSON: I would ask
11 -- I don't have a problem if you look at it
12 and see that it is okay. I am concerned about
13 novels about murders or true crime books, the
14 type of ---

15 THE COURT: Yeah. I would think
16 right now that we need to -- the better thing
17 is to tell them that we will give them their
18 books when they come back. That's the safest
19 thing to do. Or you will let me look at it --
20 if the book is something -- and I don't want
21 to be flippant but if it is something that is
22 about sports or football, I don't have any
23 problem with that. Rather than you (bailiff)
24 making the call, if you would show it to me
25 then I can go ahead and make note of that and

1 then we can let them have it to pass the time.
2 Other than -- the newspapers, if there -- any
3 objection to the Wall Street Journal?

4 SOLICITOR WILSON: Yes, sir.

5 THE COURT: Okay, just take
6 newspapers from them. Thank you very much.
7 2:30. We've got twenty minutes for lunch,
8 folks.

9 (LUNCH RECESS)

10 (DEFENDANT PRESENT)

11 THE COURT: Let the record reflect
12 that Mr. Dickerson is present. This is Panel
13 No. 11, but we are going to bring in Ms.
14 Barker.

15 Ms. Barker is the juror that called
16 in sick yesterday. Ms. Barker is from Panel
17 No. 7, Juror Number 11.

18 (JUROR NUMBER 11 ENTERS COURTROOM)

19 THE COURT:

20 THE COURT: Hello, Ms. Barker.

21 JUROR NUMBER 11: Good afternoon.

22 THE COURT: Are you feeling better
23 today?

24 JUROR NUMBER 11: Much better, thank
25 you.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1592

1 THE COURT: You're very welcome.
2 First I would like to thank you for calling
3 and making that known. Believe it or not,
4 some people sometimes just don't even show up.
5 Thank you very much for that. That speaks
6 highly of you.

7 JUROR NUMBER 11: Thank you.

8 THE COURT: And, again, reaffirms
9 what I believe about this whole process. You
10 feel well enough to continue today?

11 JUROR NUMBER 11: I do. Yes, sir.

12 THE COURT: Great. We are going to
13 continue something that we started on Friday.
14 Of course, Friday we started asking you some
15 questions. Along that line, I am going to be
16 asking you some questions and the attorneys
17 may ask you some questions, as well.

18 JUROR NUMBER 11: Okay.

19 THE COURT: Just as you noted on
20 Friday and as I told you, there really are no
21 correct answers to any of these questions.

22 The purpose of these questions is
23 really to help all of you -- you and us --
24 determine whether you can be a fair and
25 impartial juror in this proceeding. We are

1 not here to challenge any philosophies or
2 beliefs that you have. You should not feel as
3 though you should have to defend any of these
4 or explain them. You're entitled to them.
5 Okay?

6 JUROR NUMBER 11: Okay. I under-
7 stand.

8 THE COURT: And we are not here to
9 invade any privacy either. We just ask you to
10 be truthful and candid in responding to these
11 specific questions. In that regard, I remind
12 you that you are under oath and -- will you do
13 that?

14 JUROR NUMBER 11: Yes, sir, I will.

15 SHERRI BARKER, being duly sworn to
16 tell the truth, the whole truth and nothing
17 but the truth, testified, as follows:

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 Q. Would you please state your name for the
21 record?

22 A. My name is Sherri Barker.

23 Q. Ms. Barker, I would remind you that you
24 are under oath -- I said that.

25 A. Yes, sir.

1 Q. Since we were together on Friday, have you
2 talked with anyone, permitted anyone to talk
3 with you -- talked to anyone or permitted
4 anyone to talk to you about this case or talk
5 about it in your presence?

6 A. No.

7 Q. Have you watched any news accounts or read
8 any newspaper articles about it?

9 A. I have not watched any local news or
10 anything about that. I did stumble across
11 the article on Monday and when I realized what
12 it was about, I put away.

13 Q. Very well, and you don't recall anything
14 specifically that you read before you
15 determined that?

16 A. No.

17 Q. And you understand -- whatever it was that
18 you read, that would not influence you in any
19 way in preparing your tasks and function as a
20 juror, and that is to make a commitment to the
21 court and to both parties that you would at
22 the appropriate time decide the true facts by
23 considering the evidence, which is testimony
24 of witnesses exhibits. Is that correct?

25 A. That's correct.

1 Q. Okay. Friday, I mentioned a number of
2 names but I failed to mention two names that I
3 need to ask you about. Are you related by
4 blood or marriage, have any business dealings
5 with or socially or casually acquainted with
6 or have any dealings with a Jeff Osborne or a
7 Matt Casey?

8 A. Not to my knowledge.

9 Q. When you came you were given a sheet when
10 you came in that sets forth three types of
11 jurors, have you had a opportunity to review
12 those three types of jurors?

13 A. Yes, I have.

14 Q. Have you given some thought to which type
15 most accurately describes you?

16 A. I have.

17 Q. Which one most accurately describes you?

18 A. That would be type three.

19 Q. Okay. Tell me what you mean by being a
20 type three juror. What does that mean to you?

21 A. It means that if someone were to be found
22 guilty I would then take the mitigating
23 circumstances and all the other information
24 and decide appropriately what I feel the
25 punishment would be. I would not

1 automatically feel that the punishment should
2 be one way or the other based on a guilty
3 verdict.

4 Q. Okay. Thank you very much. And you
5 understand that abstract case that you have
6 before you on that sheet where the three types
7 of jurors are deciding, that where you would
8 be in that case would be at the midpoint,
9 because the jury in that case, you if you were
10 on that jury, would have already, you would
11 have just completed the portion where the
12 State has to prove the charge itself; that is,
13 the charge of murder.

14 A. Okay.

15 Q. Okay?

16 A. (Affirmative nod).

17 Q. So you would have participated in that
18 deliberation and you would have concluded at
19 that appropriate time, when the court
20 instructed you to begin your deliberations,
21 you would have concluded that the person that
22 the State has accused was the person who
23 committed the crime and that the crime was in
24 fact murder. Murder is the intentional
25 killing of someone with malice aforethought.

1 That means that it was a malicious act on that
2 person's part, that it wasn't a mistake, or it
3 wasn't something that -- it wasn't any self-
4 defense, it wasn't an accident. They intended
5 to do it, they were motivated by an evil
6 spirit, a heart devoid of any concern of
7 anyone and certainly wanting to hurt somebody
8 and they went and killed that person.

9 It would have also excluded in murder
10 -- there are times when a jury may be
11 instructed to consider what we call lesser-
12 included offense and those are the killing of
13 a person -- when a person dies because -- one
14 would be manslaughter or involuntary man-
15 slaughter -- manslaughter, that's when
16 somebody, because of the sudden heat of
17 passion, they kill someone; part of that is
18 that they've been provoked into taking that
19 action.

20 A. I understand.

21 Q. Another would be involuntary manslaughter
22 where there may not have even been an intent
23 but because of their reckless action(s)
24 someone died and that could make out the crime
25 of involuntary manslaughter. Obviously both

1 of those are not involved because you found
2 the person guilty of murder. Do you under-
3 stand that?

4 A. I do.

5 Q. As I understand what you just said to me,
6 because you're at the point now -- what is
7 unusual about this abstract case is that it is
8 a case where that jury is now going to
9 determine the appropriate punishment for that
10 individual that they've found guilty. They
11 are going to determine what is appropriate for
12 the offenses of murder. Okay?

13 A. Okay.

14 Q. You haven't heard any of the evidence that
15 will be important to that decision other than
16 the evidence of the crime itself. Okay?
17 Because you've already gone through that part
18 and certainly you can consider that in the
19 second phase, as well. But you haven't heard
20 that evidence that really is reserved for this
21 second part, you realize that?

22 A. Yes.

23 Q. As I understand what you've said, at this
24 moment you haven't started and you, as a type
25 three juror, as you've described, have no

1 predetermination of what the appropriate
2 punishment should be?

3 A. No, I do not.

4 Q. Okay. If you are able to consider a death
5 sentence then you may consider that or life
6 imprisonment without the possibility of
7 parole.

8 A. Yes, either one.

9 Q. Either one?

10 A. (Affirmative nod).

11 Q. And now let me explain something else. I
12 said 'if you are able to consider a death
13 sentence' because it's not usual or customary
14 in murder trials for the jury to participate
15 in sentencing. Normally what happens, and
16 let's take that abstract case, the jury -- you
17 would have been on the jury and found the
18 person guilty of murder and what would have
19 happened is that after finding the person --
20 finding that the State has established and
21 convinced you beyond a reasonable doubt of
22 that person's guilt you returned a verdict of
23 guilty, as you were instructed to do, the
24 court would excuse you and the presiding judge
25 would then impose the sentence.

1 The sentence a presiding judge could
2 typically impose for that offense, the maximum
3 sentence would be life without parole. That
4 would be the most that a judge could impose. A
5 judge could never impose, couldn't even
6 consider a death sentence. Do you understand
7 that?

8 A. Yes. But why is this different?

9 Q. I'm about to tell you. In fact, a judge
10 wouldn't even have to impose a life without
11 parole, it could be less than that. Okay?

12 A. Okay.

13 Q. Very legitimate question. That is what
14 really separates this particular offense,
15 because -- and that's part of this second
16 phase. Part of my instruction in the second
17 phase when it came to that point would be that
18 I would tell you that unless the jury finds
19 beyond a reasonable doubt the existence of
20 some aggravating circumstance, which is set
21 forth in our laws, and they have to find that
22 beyond a reasonable doubt from the evidence,
23 they would have to bring back a verdict of
24 life imprisonment without the possibility of
25 parole because you can't consider that unless

1 that aggravating circumstance, at least one,
2 is present.

3 Our Legislature, through statutes, has
4 defined certain aggravating circumstances,
5 which if those exists and are proven to that
6 level, beyond a reasonable doubt, then a jury
7 may consider a death sentence.

8 A. Okay.

9 Q. But that has to be established.

10 A. Okay.

11 Q. They are really -- "aggravating
12 circumstances", just as the name would imply,
13 are something that make an offense of murder
14 worse. To give you an example -- there are a
15 number of them, but just for purposes of our
16 discussion and for purposes of our abstract
17 case, assume that the person who committed the
18 murder, the person whom they murdered was
19 either a child or a police officer. In those
20 situations, our legislature has provided that
21 if the State chooses to that they can seek the
22 death penalty as a sentence. Of course, they
23 have to prove that a murder was committed and
24 that the victim was either a police officer or
25 a child. If you conclude that, after

1 completing the second phase, beyond a
2 reasonable doubt, one of those circumstances
3 exist, then the jury at that point is entitled
4 to consider a life sentence -- in other words,
5 which one would apply.

6 A. Um-humm.

7 Q. So let's assume for our discussion
8 purposes that you were on that jury and that
9 you concluded the existence of an aggravating
10 circumstance. Okay?

11 A. Okay.

12 Q. Which would give you the option of
13 including a sentence of life imprisonment
14 without the possibility of parole or a death
15 sentence.

16 A. Okay.

17 Q. Being a type three juror, it is my
18 understanding that you are stating that as a
19 juror who has started this proceeding, second
20 proceeding, with an open mind -- because you
21 stated that you didn't have any predetermina-
22 tions.

23 A. Right.

24 Q. Unlike the type one or the type two who
25 did have predeterminations?

1 A. Right.

2 Q. I would suggest to you that one of the
3 critical aspects about being a juror is that a
4 juror needs to have an open mind when they
5 start the process. Would you agree with that?

6 A. I completely agree with that.

7 Q. That's critical. If you have already
8 predetermined anything, then you've really not
9 been fair and impartial, have you?

10 A. Correct.

11 Q. So at this point you have that open mind,
12 because that -- that's one of the things that
13 I typically instruct a jury, that you have to
14 maintain that open mind until the court tells
15 you to begin your deliberations.

16 It's at that time when that process begins
17 to change, when you're sitting with your other
18 jurors and you're talking about the evidence
19 and discussing the law and the applications.

20 Is that your understanding?

21 A. Yes, it is.

22 Q. Assuming now in this abstract that you are
23 there, you've heard all the evidence in the
24 second phase, you've received the law, it is
25 my understanding that as a type three juror

1 that -- and I am not asking you to tell me
2 which circumstances would warrant what, but
3 what you're saying is that -- insofar as
4 you're concerned, there are circumstances that
5 you have thought about, that could perceive
6 and conceive that given the option of life
7 imprisonment without the possibility of parole
8 or a death sentence, you could choose a death
9 sentence as being the appropriate sentence?

10 A. I believe I could.

11 Q. Okay. Likewise, given the choice where
12 you could impose a death sentence or a life
13 imprisonment without the possibility of
14 parole, you could also make a decision, given
15 the circumstances that 'While I could impose
16 it, I don't think that's the appropriate
17 sentence. Life imprisonment is the more
18 appropriate sentence.'

19 A. I could do that, as well.

20 Q. You would do that, as well?

21 A. (Affirmative nod).

22 Q. You understand that -- and that would be
23 based on your fair and impartial view of the
24 evidence and your fair and impartial
25 application of the law; is that right?

1 A. That is correct.

2 Q. Well, that is important because -- you
3 said something when you described yourself as
4 a type three juror. You said that you would
5 want to evaluate all the evidence and you
6 mentioned mitigating circumstances.

7 A. (Affirmative nod).

8 Q. That would be something that I would tell
9 you that you may see in that evidence. Some
10 of them are statutory, some of them are non-
11 statutory, meaning common sense mitigating
12 circumstances that you are entitled to apply
13 your common sense, your sense of logic as you
14 analyze the evidence.

15 A. (Affirmative nod).

16 Q. My instruction would be that if you find
17 mitigating circumstances, whether they are
18 non-statutory or statutory -- some of the
19 statutory mitigating circumstances are such
20 things as the person has had an addiction, has
21 been suffering with this addiction for a long
22 time and they were under the influence of some
23 drug or alcohol at the time; that they've had
24 some emotional or mental condition that
25 they've had all their life, that wouldn't give

1 rise to excusing the act but it may give the
2 jury an explanation of why that person may
3 have acted in the fashion that they did. It
4 doesn't justify it but it gives you some
5 rationale explanation for that.

6 A. I understand.

7 Q. Or upbringing, child abuse, that type of
8 thing that aids in a person -- and there are
9 others. But it is my understanding from your
10 statement that you could follow this portion
11 of my instruction because I would say if you
12 find any mitigating circumstances, either
13 statutory or nonstatutory, you'd have to give
14 meaningful consideration before determining
15 the sentence.

16 A. Yes.

17 Q. You would do that?

18 A. Yes.

19 Q. That would be important to you?

20 A. Yes.

21 Q. I would also instruct you that in both
22 phases, when persons are accused of committing
23 criminal offenses, they don't have any
24 obligation to prove or disprove anything.
25 They certainly don't have to prove their

1 innocence. Do you have any problem following
2 that instruction?

3 A. Not at all.

4 Q. In fact, they don't even have to offer any
5 evidence or present any testimony at all.
6 They don't have to testify and you would not
7 be permitted to consider that against them. I
8 would so instruct you. Would you have any
9 problem following that instruction?

10 A. Not at all.

11 Q. So if in the second phase there were no
12 mitigating circumstances presented for your
13 consideration, you couldn't use that or hold
14 that against the person who was accused of
15 that crime, do you understand that?

16 A. Yes. If there are no mitigating
17 circumstances, there is nothing to hold
18 against them regarding that?

19 Q. That's right. It's just something you
20 don't have to consider.

21 A. Right.

22 Q. You still would have to consider and make
23 an ultimate determination as to which of the
24 two sentences you believe to be the most
25 appropriate, based on what facts and

1 circumstances that you have?

2 A. Yes.

3 Q. But as I understand, you wouldn't penalize
4 someone for their being no mitigating
5 circumstances?

6 A. No.

7 Q. That's important because in addition to
8 all of those other things, mitigating
9 circumstances, aggravating circumstances,
10 which likewise you would be expected to give
11 weight to that as well ---

12 A. (Affirmative nod).

13 Q. Those circumstances what would make the
14 murder more serious, more significant, --
15 again, I am asking you to say how much weight
16 you would but you would be expected to
17 consider those as well, and all other evidence
18 that is presented. You would do that?

19 A. Yes, I would.

20 Q. I would also instruct you before you left
21 that not only are you to consider that but the
22 jury has the right, even though you have the
23 right to impose a death sentence, if you
24 choose to, you may impose life without the
25 possibility of parole for no reason at all.

1 Do you understand that?

2 A. (No verbal response).

3 Q. In other words, you just choose to do it?

4 A. Yes, I understand that.

5 Q. And you'd be able to give due consider to
6 that option, as well?

7 A. Yes.

8 Q. And decide again, after all other factors
9 and the law, you would decide what in your
10 opinion would be the fair, just verdict and
11 fair, just sentence in that situation?

12 A. Yes, I would.

13 Q. Now let's stop talking about this abstract
14 situation and let me talk to you a little bit
15 about the matter that brings you here today.

16 As I mentioned to you, Mr. Dickerson has been
17 accused of several criminal violations. We
18 talked about one principle of law that is very
19 important in every criminal case, and that is
20 that when persons are accused of criminal
21 violations they are presumed innocent until
22 and unless the State proves them guilty beyond
23 a reasonable doubt.

24 A. I understand.

25 Q. And you said that you have no problem with

1 that principle of law?

2 A. No, I don't.

3 Q. And that's an active presumption; which
4 means that as you see these persons, you have
5 to actively presume that they are innocent.

6 A. Yes.

7 Q. And as Mr. Dickerson sits in this
8 courtroom today, you believe him to be
9 innocent of these charges?

10 A. Yes, I do.

11 Q. And you would have no problem holding onto
12 that belief until the court told you to begin
13 your deliberations if you were on the jury and
14 would not change that position until you had
15 evaluated all the evidence and considered the
16 law and you were convinced beyond a reasonable
17 doubt that the State had established each
18 element of a particular crime?

19 A. Yes, I would do that.

20 Q. Before you would change?

21 A. Correct.

22 Q. And you've heard nothing thus far that
23 would give you any concern about your ability
24 to at the appropriate time fairly and
25 impartially apply your common sense, your

1 sense of logic and reason in analyzing the
2 evidence and making a decision of what you
3 believe to be the truth?

4 A. That's correct.

5 Q. Likewise, you've heard nothing that would
6 cause you to predetermine anything. In other
7 words, you would have an open mind if you were
8 selected? Is that correct?

9 A. Yes.

10 Q. Also you understand that another aspect of
11 your commitment is that you would promise that
12 you would accept the law as I give it to you
13 and apply that law fairly and impartially to
14 the facts that you would have to decide?

15 A. Yes, I would.

16 Q. And that would include any principle of
17 law -- we've talked about some and you said
18 that you didn't have a problem with them. But
19 if you heard one and you said, you know, 'I
20 don't think that is the law, I don't think
21 that should be the law' or 'that is not what I
22 understand the law to be' or 'that is
23 inconsistent with how I believe.'

24 A. Meaning -- from what? From your
25 instructions?

1 Q. Yes. If you should have that feeling or
2 reaction, the State, Mr. Dickerson and the
3 court would expect that you would be able to
4 set those feelings aside should they arise and
5 follow the law?

6 A. Well, my intention is to follow the law.

7 Q. Notwithstanding the ---

8 A. Notwithstanding my feelings, (affirmative
9 nod).

10 Q. Very well. Thank you so much. I
11 appreciate you answering my questions. If you
12 would, please answer any questions that the
13 attorneys may have.

14 A. Okay.

15 BRUCE DURANT: Thank you, Your
16 Honor.

17 THE COURT: Yes, sir.

18 VOIR DIRE EXAMINATION

19 BY BRUCE DURANT:

20 Q. Hello, Ms. Barker. I am Bruce Durant, I
21 am the Deputy Solicitor.

22 A. Hello.

23 Q. Scarlet Wilson right here, she's the
24 Solicitor. Rutledge Durant beside her.
25 We are going to be handling this case on

1 behalf of the State.

2 A. Okay.

3 Q. Thank you for being here this afternoon.

4 I notice that Ed Kniesley is your cousin?

5 A. That's correct.

6 Q. Are you aware that he used to work in our
7 office? About a year and a half ago?

8 A. He was a state prosecutor at one time.

9 Q. He's the county attorney now but he did
10 used to work in our office.

11 A. Okay.

12 Q. You brought that to the court's attention
13 on your questionnaire.

14 A. Yes.

15 Q. Do you -- is there any way that your
16 relationship with Ed or his relationship with
17 this office, do you think it would have any
18 bearing on your ability to be a juror in this
19 case?

20 A. I don't think so, no.

21 Q. In giving the State and the Defendant a
22 fair and impartial trial?

23 A. I don't think so. No.

24 THE COURT: You don't think that it
25 would affect you, right?

1 JUROR NUMBER 11: I have no reason to
2 believe that it would.

3 THE COURT: In other words, the
4 question was that you would give the State a
5 fair and impartial trial and you said 'I don't
6 think so.' You would give the State and the
7 Defendant a fair and impartial trial?

8 JUROR NUMBER 11: Yes, I would.

9 THE COURT: Excuse me, Mr. Durant.

10 BRUCE DURANT: No problem.

11 EXAMINATION CONTINUED

12 BY BRUCE DURANT:

13 Q. I would take it from your responses on
14 your questionnaire that you are generally in
15 favor of the death penalty; is that correct?

16 A. I have no objection to the death penalty.

17 Q. Okay. If you were to rank yourself on a
18 continuum between the folks that think it is
19 always appropriate and those that think it is
20 never appropriate, where would you put
21 yourself on that scale?

22 A. Right down the middle.

23 Q. And if, in accordance with what you just
24 told the judge -- in accordance with the law
25 and in accordance with his instruction if you

1 and the rest of the jurors in a given case
2 felt that death was the appropriate sentence,
3 would you be able to sign your name to a
4 verdict form that required a defendant to be
5 put to death?

6 A. Yes.

7 Q. Okay.

8 BRUCE DURANT: I don't believe
9 that I have any other questions, Your Honor.
10 Thank you.

11 THE COURT: Thank you very much.
12 Mr. Bloom.

13 VOIR DIRE EXAMINATION

14 BY MR. BLOOM:

15 Q. Hi, Ms. Barker, how are you doing this
16 afternoon?

17 A. I am doing fine, thank you.

18 Q. My name is Jeff Bloom and along with
19 Andrew Carroll, who is out of the courtroom
20 right now, we represent William Dickerson.
21 I just have a few followup questions from what
22 Judge Dennis asked you. Are you okay, ma'am?

23 A. Sure.

24 Q. If I can, your questionnaire -- when asked
25 what your opinion was about the death penalty,

1 you put "Go for it!!!", with exclamation
2 points.

3 A. I did that. I do not object to the death
4 penalty.

5 Q. Okay. Are there any particular reasons
6 you have in that regard? Can you explain that
7 any further?

8 A. Uh -- (pause) -- well, I'd have to think
9 about that. (Pause) -- I guess it's like
10 following the law. If -- based on the
11 circumstances, if I felt that the person
12 should be put to death then -- (pause) -- uh,
13 -- (pause), I would not have a problem with
14 it.

15 Q. All right. And you understand by Judge
16 Dennis' instructions that the law never
17 requires a juror to vote for the death
18 penalty?

19 A. I understand, (affirmative nod).

20 Q. Now, you also noted on your questionnaire,
21 and I appreciate your candor, that either you
22 or family members or someone that you've been
23 close to have been victims of violent crimes?

24 A. Yes.

25 Q. Could you explain that a little bit?

1 A. Yes, I was the victim of rape, I was the
2 victim of being beaten, I was the victim of
3 being run over by a car, being harassed -- the
4 harassment went on over several years, the
5 rape just one time, the beatings were more
6 than once. I actually went to the emergency
7 room after one beating, got photographed and
8 nothing was done about it.

9 Q. In the course -- of course, I'm not trying
10 to pry or invade your privacy. I apologize
11 for having to ask these questions.

12 From that experience, when you heard Judge
13 Dennis read some of the charges on Friday, one
14 of the charges being a criminal sexual conduct
15 charge.

16 A. Yes.

17 Q. Would that cause you some difficulty or
18 concern, hearing that type of case if you were
19 serving as a juror, your prior experience?

20 A. I've thought about it since we were here
21 last Friday and I've analyzed it and I've come
22 to the conclusion that I am responsible enough
23 and intelligent enough to separate that and it
24 would not have an effect on, you know, what
25 happened -- what this defendant has been

1 accused of.

2 Q. Next I want to ask you, you understand
3 that Judge Dennis sort of told you that each
4 juror would have to come to their own decision
5 when deciding between life imprisonment
6 without the possibility of parole and the
7 death sentence?

8 A. Yes.

9 Q. And the law calls that an individualized,
10 reasoned moral judgment. Can you accept that?

11 A. Yes.

12 Q. And after hearing all the evidence, all
13 the circumstances, the judge's charge and, you
14 know, discussing and debating with eleven
15 other jurors, you could come to your
16 individualized, reasoned moral judgment?

17 A. Absolutely.

18 Q. If eleven jurors were going one way and
19 you had made up your own individualized,
20 reasoned moral judgment another way, would you
21 be able to stand your ground or would you just
22 say, 'You know, it's late. I'm hungry, it's
23 time to go home and have dinner.'

24 A. I would stand my ground.

25 Q. Okay. You could ask them to respect your

1 vote?

2 A. Yes.

3 Q. And they could ask you -- you would also
4 respect their vote?

5 A. Yes, I would.

6 MR. BLOOM: Thank you.

7 THE COURT: Anything else, Mr.
8 Durant?

9 BRUCE DURANT: No, sir.

10 THE COURT: Thank you very much,
11 Ms. Barker. I need to chat with the attorneys
12 for just a few moments. If you could step
13 out, we will be with you momentarily.

14 (JUROR NUMBER 11 EXITS COURTROOM)

15 THE COURT: I find Ms. Barker to be
16 qualified. Any objection from the State?

17 BRUCE DURANT: None, Your Honor.

18 THE COURT: Any objection from the
19 defense?

20 MR. BLOOM: We acknowledge that she
21 is qualified.

22 THE COURT: Thank you so much. Ask
23 Ms. Barker to step back in, please.

24 (JUROR NUMBER 11 ENTERS COURTROOM)

25 THE COURT: Thank you, Ms. Barker.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1620

1 We've found that you're qualified to be a part
2 of the panel from which we will select our
3 jury tomorrow.

4 JUROR NUMBER 11: Okay.

5 THE COURT: That will take place at
6 9:30. That will occur in this courtroom. We
7 need to come here tomorrow. You'll be the
8 first person to have heard this: come to this
9 courtroom but the bailiff may take you over to
10 another courtroom where all the jurors will be
11 assembled until everybody is together, because
12 there will be a lot of people coming in and
13 out. We want to make sure that you all stay
14 together, kind of.

15 JUROR NUMBER 11: So look for the
16 bailiff.

17 THE COURT: Just look for the
18 bailiff. If somebody says 'I am going to take
19 you over there', don't think you're in the
20 wrong place.

21 JUROR NUMBER 11: Okay.

22 THE COURT: Just remember that
23 while you are still in the panel, until you
24 are dismissed, you are not at liberty to talk
25 about this case with anyone, you are not at

1 liberty to read anything about it or watch any
2 television programs; nor should anybody try to
3 talk with you about serving on the jury.

4 JUROR NUMBER 11: Okay.

5 THE COURT: Be here at 9:30 in the
6 morning. Also, be prepared to stay because if
7 you're selected, once we select the jury we're
8 going to start with the trial at that time.

9 JUROR NUMBER 11: Okay, so you are
10 saying that I am on a panel but not
11 necessarily selected as a juror?

12 THE COURT: (Affirmative nod), not
13 yet. You'll know that very -- pretty soon
14 after 9:30 tomorrow.

15 JUROR NUMBER 11: Okay.

16 THE COURT: It won't take us too
17 long, thirty minutes maybe and then we will be
18 done.

19 JUROR NUMBER 11: Okay.

20 THE COURT: Have a good afternoon
21 and we will see you there.

22 JUROR NUMBER 11: See you at 9:30.

23 (JUROR NUMBER 11 EXITS COURTROOM)

24 THE COURT: Juror Number 104,
25 Christopher Gaskins.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1622

1 (JUROR NUMBER 104 ENTERS COURTROOM)

2 THE COURT: Good morning, Mr.
3 Gaskins.. We are going to now continue the
4 process that we started on Friday. I am going
5 to have some questions that I am going to ask
6 of you and then the attorneys may, as well,
7 ask you some questions.

8 Just as you noted on Friday, none of
9 these questions are going to have any
10 "correct" answers to them. All that we ask is
11 that you be truthful and candid in your
12 responses and complete with your answers.
13 Will you do that?

14 JUROR NUMBER 104: Yes, sir.

15 THE COURT: Also, please know that
16 nothing that we ask you is an attempt to
17 invade any privacy, nor are we here to try to
18 change your mind about how you believe. You
19 are entitled to your beliefs and your
20 philosophies. We just ask that you share them
21 with us if they are addressed in any way.
22 Okay?

23 JUROR NUMBER 104: Okay.

24 THE COURT: But do not think that
25 you have to defend any of them because you do

1 not.

2 JUROR NUMBER 104: Okay.

3 THE COURT: I would remind you,
4 sir, that you are still under oath.

5 JUROR NUMBER 104: Okay.

6 CHRISTOPHER GASKINS, being duly sworn
7 to tell the truth, the whole truth and nothing
8 but the truth, testified, as follows:

9 VOIR DIRE EXAMINATION

10 BY THE COURT:

11 Q. Would you state your full name for the
12 record, please?

13 A. Christopher Allen Gaskins.

14 Q. Mr. Gaskins, since we were last together
15 on Friday, have you talked with anyone or
16 permitted anyone to talk with you or talked to
17 anyone, or permitted anyone to talk about this
18 case in your presence?

19 A. No.

20 Q. Have you watched any news accounts or read
21 any newspaper articles about this case?

22 A. No.

23 Q. On Friday, I mentioned a number of names
24 but I failed to mention two names that I need
25 to ask you about. Are you related by blood or

1 marriage, have any business dealings with or
2 socially or casually acquainted with either a
3 Jeff Osborne or Matt Casey?

4 A. Not that I am aware of, no.

5 Q. When you came today you were given a sheet
6 that sets forth three types of jurors, have
7 you had a opportunity to review that sheet?

8 A. Yes.

9 Q. Have you given some thought to which one
10 most accurately describes you?

11 A. Yes, sir.

12 Q. Which one would that be?

13 A. Type three.

14 Q. Okay, tell me what you mean by type three.
15 What is it that makes you think that you're a
16 type three?

17 A. I think that everyone deserves a fair and
18 just trial, that you must hear all the facts
19 before you could make a fair and just
20 decision. You can't decide whether someone is
21 guilty or not without hearing what's going on
22 in the case.

23 Q. Okay. All right, thank you for that. I
24 don't disagree with that. That's certainly
25 something that a juror would be expected to

1 be, a fair and impartial juror. That means
2 that -- I think another way of saying that is,
3 and I tell jurors this from time to time, 'I
4 told you that you will bring with you
5 everything you need to perform the task,
6 because all you're being asked to do is to
7 apply your commonsense, your sense of logic
8 and reason and your life's experiences.'
9 Everybody can do that. The question, and you
10 would have to say 'I will be fair and
11 impartial as a juror.' The second part, and
12 it really is all kind of encompassed in
13 everything that we're saying, is that a juror
14 has to have an open mind. Would you agree
15 with that?

16 A. Yes, sir.

17 Q. If they've predetermined anything, then
18 they're not being true to the oath of being
19 fair and impartial. Would you disagree with
20 that?

21 A. No, sir, I would not disagree with that.

22 Q. Okay. Let me set the stage, so to speak,
23 for the three (types of) jurors that we have.

24 A. Okay.

25 Q. As described.

1 A. Okay.

2 Q. You mentioned that you feel that type
3 three most accurately describes you, as I
4 understand it; is that correct?

5 A. Yes, sir.

6 Q. Obviously that's a case in which the jury
7 will have the responsibility of determining
8 the appropriate sentence for the crime of
9 murder, either life imprisonment without the
10 possibility of parole or the death sentence.
11 Okay?

12 A. Yes, sir.

13 Q. At the point that question is drafted,
14 that jury has already concluded something,
15 that the person who was charged with the crime
16 of murder, you've already heard all the
17 evidence concerning the charge. You -- while
18 you started that with that open mind and
19 promised to be fair and impartial, you would
20 have gone through the deliberations in the
21 first phase, evaluated the evidence and
22 concluded beyond a reasonable doubt that the
23 State had convinced you, and each of the
24 jurors, that the person accused was the person
25 that committed the crime; and, secondly, that

1 the crime was in fact murder.

2 Murder is the intentional killing of
3 someone with malice aforethought. That means
4 that they went out -- they wanted to kill
5 someone, they intended to do it, they were
6 motivated by an evil spirit, they had evil in
7 their mind and that's what they wanted to
8 carry out. As we would think about it, an
9 evil person doing it. No reason. No
10 justifiable motivation. They just wanted to
11 be mean and the person that they wanted to
12 kill, that's the person -- the person that was
13 killed was that person. They intended to do
14 that, there wasn't any question about that, it
15 wasn't a mistake, it wasn't an accident, it
16 wasn't self-defense. Okay?

17 A. (Affirmative nod).

18 Q. Also in this state we don't recognize
19 first degree, second degree, third degree. If
20 you've watched any programs you may have heard
21 that term. In this state the lesser-included
22 offense of murder are manslaughter and
23 involuntary manslaughter. They are -- they
24 both deal with killing someone.

25 Manslaughter is the killing of someone in

1 sudden heat of passion. Usually there is some
2 sufficient provocation. They were provoked to
3 take this action.

4 The crime that you just sat on and you
5 found the person guilty isn't that. You've
6 determined that's not manslaughter, it's
7 murder. They intended to do it and that it
8 was with malice.

9 The other was involuntary manslaughter and
10 -- that one, the person may not have even
11 intended it but they acted recklessly and the
12 law says, 'Okay, because of that, if someone
13 dies that is involuntary manslaughter.'

14 That has been ruled out also, so we're not
15 talking about that. Again, we are talking
16 about a malicious murder. Okay?

17 A. (Affirmative nod).

18 Q. And now you're at the point, because the
19 jury is going to determine where you're going
20 to go into a second phase, where in addition
21 to the evidence that you've heard now about
22 the crime itself, now you're going to hear
23 evidence which would be pertinent to and
24 important to deciding what the appropriate
25 punishment would be.

1 As I understand what you're saying, even
2 though you have been on a jury and convicted
3 this person beyond a reasonable doubt of the
4 crime of murder, you still have an open mind
5 as to what the proper punishment would be?

6 A. Yes, sir.

7 Q. Is that true?

8 A. Yes, sir.

9 Q. So you would not have predetermined
10 anything at that point?

11 A. Not at that point. I would still have to
12 decide which way he should go, if he should
13 just be in prison for life or ---

14 Q. That's good. It's important that you keep
15 an open mind in that second phase, for lots of
16 reasons. Number one, because we've both
17 agreed that a juror has to have an open mind
18 before he starts hearing the evidence. Do you
19 agree with that?

20 A. Yes, sir.

21 Q. That they have not predetermined -- in
22 fact, if you look at type one and type two,
23 both of those had predetermined something; had
24 they not?

25 A. Yes, sir.

1 Q. Because they'd heard and they'd found that
2 -- one said, 'well, we've convicted this
3 person of murder, my feeling is they ought to
4 get the death sentence.' Another said,
5 'Well, we have convicted this person of
6 murder. My feeling is that he has to have
7 life in prison.' But they hadn't heard any
8 evidence yet. So would you agree that is not
9 consistent with the oath that was taken?

10 A. No, sir, it is not consistent.

11 Q. So you would agree that you shouldn't do
12 that?

13 A. I agree. No, sir.

14 Q. All right, sir. As I understand it, you
15 wouldn't be in that position?

16 A. No, sir.

17 Q. That is very important because in this
18 state very seldom does a jury determine the
19 punishment in a murder case. Most of the time
20 the jury hears the first phase; that is,
21 determines whether the State provides evidence
22 sufficient to convict a person.

23 But if a jury finds that the State has
24 presented evidence and they've found a person
25 guilty beyond a reasonable doubt of the crime

1 of murder, typically what happens is that the
2 presiding judge says, 'Thank you very much.
3 You're excused.' Then the presiding judge
4 imposes a sentence.

5 The options for the judge, for murder in
6 that setting, are life without parole or some
7 amount less than life without parole but not
8 death. Do you understand that?

9 A. Yes, sir.

10 Q. Our law does not allow that to be a
11 possible punishment except in very limited
12 circumstances. That's one of the things that
13 you will hear in the second phase, because the
14 law says for the State to be entitled for you
15 to even consider a death sentence, it has to
16 prove the existence of at least one
17 aggravating circumstances. There are a number
18 that the statute defines and says that if
19 these are present and those have been
20 established beyond a reasonable doubt by the
21 evidence, then a jury, having determined as
22 being convinced that that exists, those
23 aggravating circumstances exist, may then
24 consider a death sentence -- but not before.

25 In fact, my instruction to you, if I was

1 trying this abstract case I would tell you
2 before we started, and after we started, that
3 you are to keep an open mind until the court
4 tells you to begin your deliberations.

5 The first thing that you have to do is
6 determine whether or not the State has
7 established an aggravating circumstance beyond
8 a reasonable doubt. Because if they haven't,
9 that's it. The only sentence that you can
10 impose is life without parole. You can't even
11 consider the death sentence. Okay? A. (No
12 verbal response).

13 Q. Would you have any problem following that
14 instruction?

15 A. No, sir.

16 Q. Okay. Let's assume that an aggravating
17 circumstance has been established. There are
18 a number. Let me just mention a couple.
19 Assume that case that we are talking about
20 dealt with a police officer or a child, both
21 of which would allow a jury to consider -- if
22 that's established, and let's assume that
23 you've considered the evidence and you're
24 convinced that it was a police officer or a
25 child. Then, only then would you have the

1 right to bring the death sentence to the
2 table. Do you understand that?

3 A. (Affirmative nod).

4 Q. Now, I would instruct you that just
5 because you found beyond a reasonable doubt
6 that there was an aggravating circumstance
7 that that meant that you had to bring back a
8 death sentence. In fact, the court will never
9 tell you what sentence you have to impose.
10 That's left to you. Okay?

11 A. Okay.

12 Q. It only says that because you found that,
13 then you have to consider all the
14 circumstances and decide what you believe to
15 be the most appropriate sentence.

16 It is my understanding, being a type three
17 juror as you have described, that at that time
18 you believe that you have the ability and
19 would be willing to apply your common sense,
20 your sense of logic and reason fairly and
21 impartially in analyzing the evidence and
22 decide what you believe to be the truth. Is
23 that correct?

24 A. Yes, sir.

25 Q. After deciding that, you could then make a

1 decision, assuming of course you found that an
2 aggravating circumstance existed beyond a
3 reasonable doubt, you could decide -- it may
4 be, based on the circumstances that have been
5 established and everything involved, that your
6 choice would be a death sentence even though
7 you could sentence them to life imprisonment
8 without the possibility of parole, you would
9 choose death over life imprisonment. Is that
10 correct?

11 A. Yes, sir.

12 Q. And you understand that if you did that,
13 after considering it all, -- and I'm not
14 asking you to tell me what they are, but there
15 are circumstances that you can conceive of and
16 think of that would -- that would warrant you
17 doing that. Is that correct?

18 A. Yes, sir.

19 Q. If you do, if you vote to do that and all
20 twelve agree, then you will sign a form --
21 that's one of the forms that you fill out,
22 that says 'yes, I impose a death sentence' and
23 you would sign your name? You could perform
24 that task, is that correct?

25 A. Yes, sir.

1 Q. And would, if you so felt that after
2 applying the law and decided the true facts?

3 A. Yes, sir.

4 Q. Likewise, you could also consider that and
5 decide 'well, I have an option of imposing the
6 death sentence but in this circumstance, I
7 believe that the better sentence is life
8 without parole' and would therefore not impose
9 a death sentence but impose a life sentence.

10 You could do that, as well?

11 A. Yes, sir.

12 Q. Whatever your decision, it would be fair
13 and impartial?

14 A. Yes, sir.

15 Q. Now, please understand something. In
16 addition to the aggravating circumstances and
17 other factors that may be very helpful in
18 making that determination, you also are going
19 to be instructed to consider any mitigating
20 circumstances. Mitigating circumstances, just
21 as that name would imply, are circumstances --
22 some may be statutory, some may be
23 nonstatutory, just common sense mitigating
24 circumstances, that tend to say 'Well, yeah,
25 it's risen because of the aggravating

1 circumstance(s) to the level where I could
2 consider a death sentence but these are
3 circumstances that I need to consider in
4 fashioning a sentence because they have some
5 affect on my decision' -- or could have some
6 affect. Not that they would, I am not
7 suggesting any of this -- that you have to
8 decide one way or the other. Do you under-
9 stand that?

10 A. Yes, sir.

11 Q. But some of the statutory mitigating
12 circumstances would be that a person may have
13 suffered from an addiction, may have been
14 under the influence of some drug or some
15 medication. They may have some mental or
16 emotional problem that they've been treated
17 for all their life that you say, 'Well, yeah,
18 that doesn't excuse it' -- in other words, it
19 doesn't rise to something that would excuse it
20 or justify it but you say, 'Okay, I see. That
21 explains or may be some explanation for why
22 they may have acted the way that they did.'

23 It may be evidence of some problem that
24 they had with being brought up, how they were
25 raised, child abuse or that sort of thing.

1 There are a statutory -- and, again, that
2 would be instructed to you. But what would be
3 instructed would be that you -- you would be
4 instructed to consider and give meaningful
5 consideration to any mitigating circumstances.
6 That means that you think about it, weigh it
7 and make a decision as to whether or not it
8 would affect your ultimate decision. Would
9 you be able to follow that instruction?

10 A. Yes, sir.

11 Q. I would also instruct you that the person
12 accused of committing an offense doesn't have
13 any burden to prove anything or establish
14 anything. They don't even have to present
15 evidence. They don't have to testify if they
16 don't want to and you can't use that against
17 them. Any problem following that principle of
18 law?

19 A. No, sir.

20 Q. In fact -- that applies to either phase,
21 but in the second phase if there are no
22 mitigating circumstances you can't hold that
23 against a person because they don't have an
24 obligation to offer that. Do you understand
25 that?

1 A. Yes, sir.

2 Q. Would you have any problem following that
3 instruction, as well?

4 A. No, sir.

5 Q. I would also instruct you that in addition
6 to everything that we've said, it would be the
7 right of the jury to return a sentence of life
8 imprisonment even though it could return a
9 death sentence, for no reason at all. Would
10 you have any problem considering that, as
11 well? In other words, your right to just
12 return a life sentence without any reason?

13 A. I -- yes, sir, that could be a
14 possibility.

15 Q. All right. And you would give
16 consideration to that? I am not saying that
17 you would do it or not do it, I am just asking
18 if you would consider that in determining what
19 your option is?

20 A. I would consider that as a possibility.

21 Q. Again, I am not asking you to commit to
22 anything. I am just saying that the court
23 would give you that instruction and you would
24 listen to that and apply that to everything
25 else that you would have to consider in

1 determining -- and, again, the decision that
2 you have to make is one that you're satisfied
3 is a fair, just decision based on all the
4 circumstances and the law. You could do that?

5 A. Yes, sir.

6 Q. And would do that?

7 A. Yes, sir.

8 Q. All right, let's -- we're finished with
9 that abstract case. Let's focus on this case
10 that we've been -- that brings you here today,
11 for just a moment.

12 As I mentioned to you, Mr. Dickerson has
13 been accused of several crimes. I believe you
14 stated that you have no problem with the
15 presumption of innocence that he is entitled
16 to, as is anyone charged with criminal
17 offenses.

18 That's an active presumption. It means
19 that you have to see any person who is accused
20 of a crime as being innocent until and unless
21 the State persuades you otherwise. I ask you
22 today, as you see Mr. Dickerson, do you
23 consider him to be innocent of these charges
24 as far as you're concerned?

25 A. Yes, sir.

1 Q. And you would be willing to maintain that
2 position throughout if you were selected on
3 the jury, throughout the trial until you got
4 to the point where the court told you to begin
5 your deliberation to decide whether or not the
6 State had convinced you otherwise?

7 A. Yes.

8 Q. And you wouldn't change until you
9 considered the evidence and applied the law
10 and concluded that, 'yes, I am convinced
11 beyond a reasonable doubt that the State has
12 established each of the elements of that
13 particular crime'; and then you would return a
14 verdict of guilty, which would give you the
15 right to change that position. But until then
16 would you maintain that position?

17 A. Yes, sir.

18 Q. And you've heard nothing that would give
19 you any concern about your ability to be a
20 fair and impartial juror, a fair and impartial
21 judge in this case?

22 A. No, sir, I have not.

23 Q. And would you be willing and able to
24 commit to the court and to each of the parties
25 that you would take the law as I gave it to

1 you and apply that law fairly and impartially
2 to the facts that you determine?

3 A. Yes, sir.

4 Q. Including, if necessary, setting aside any
5 strong feelings or beliefs that you may have
6 about what the law should be, could be or you
7 thought it was or -- or that it just doesn't
8 agree with how you think and feel? You would
9 be willing to set that aside and apply the law
10 fairly and impartially?

11 A. Yes, sir.

12 THE COURT: Thank you, sir. Answer
13 any questions that the attorneys may have,
14 sir.

15 VOIR DIRE EXAMINATION

16 BY MR. BLOOM:

17 Q. Mr. Gaskins, good afternoon, sir. How are
18 you doing this afternoon, sir?

19 A. Pretty good.

20 Q. My name is Jeff Bloom and along with
21 Andrew Carroll, who is out of the courtroom
22 right now, we represent William Dickerson. I
23 just have a few followup questions from what
24 Judge Dennis asked you. Okay?

25 A. (Affirmative nod).

1 Q. Would you tell me, if we were just
2 standing around talking and the topic of the
3 death penalty came up -- not this case but
4 just the general topic, what is your opinion
5 about the death penalty?

6 A. I don't have a solid opinion about the
7 death penalty. It all depends on all the
8 circumstances surrounding it. I've never
9 actually heard or seen of anyone having a
10 death penalty before, that I can honestly
11 remember. I've seen people die and I've heard
12 about crimes but I've never once heard of
13 someone getting -- being sentenced to death,
14 not that I remember, not since I was a young
15 child has there ever been a time when I've
16 heard anyone talking or talked to anyone about
17 that kind of subject.

18 I mean, it would all depend on what's gone
19 on, what that person did, how it happened.

20 Q. Okay. You said probably since you were a
21 young child? I am not sure that I understand
22 that.

23 A. (No verbal response).

24 Q. Can you tell me what you mean by that?

25 A. Last time I remember hearing about the

1 death penalty was when I was younger, when
2 they were getting rid of it -- in Texas. I
3 just remember hearing about it.

4 Q. Then you also made a comment that you'd
5 seen people die. You'd seen that in like
6 newspaper and things like that or is there a
7 personal experience that you have had?

8 A. Personal experience. I was actually a
9 witness to my father.

10 Q. Can you explain that to me?

11 A. It was suicide and I came in right after
12 it happened.

13 Q. I am sorry to have to ask you about that.

14 A. That's fine.

15 Q. Is there anything about that tragic
16 personal experience that might make it
17 difficult for you to serve on a case like this
18 where you're deciding facts about a homicide?

19 A. I don't think it would have anything to do
20 with this case. That was a completely
21 different situation. I know the reasons that
22 it happened.

23 Q. Thank you, sir. I appreciate your being
24 as candid as you've been.

25 I just have a few followup -- His Honor

1 defined for you the terms "murder" and "malice
2 murder." Some people, as soon as they find
3 someone guilty of murder, they are going to
4 automatically decide then and there that they
5 are going to automatically vote for the death
6 penalty. I take it that is not you?

7 A. I see no reason to impose the death
8 sentence automatically.

9 Q. Okay. And His Honor also explained
10 mitigating circumstances, which is a legal
11 phrase and he gave you some examples in terms
12 of substance abuse, drug addiction, mental
13 health, how a person was raised. Some jurors
14 just feel their belief is so strong that they
15 don't want anything to do with that. They
16 just don't think that's important. I take it
17 that's not you. That is important to you?

18 A. Yes, sir.

19 Q. You could give meaningful consideration to
20 that?

21 A. Yes.

22 Q. All right. Lastly, Judge Dennis of course
23 told you that any time a juror is deciding
24 between the ultimate punishment and life
25 without parole that that is an individual

1 choice. You understood that?

2 A. Yes, sir.

3 Q. The law never requires you to vote for the
4 ultimate punishment.

5 A. No, sir.

6 Q. And what I want to ask you -- the law also
7 calls that an individualized, reasoned moral
8 judgment. Can you accept that?

9 A. Yes, sir.

10 Q. All right. If after you'd heard all the
11 evidence, all the circumstances, accepted the
12 law as Judge Dennis gave it to you and you
13 were discussing things with the other eleven
14 jurors and all of you talked back and forth,
15 deliberated, you'd heard them, they'd heard
16 you, but you'd come to your own
17 individualized, reasoned moral judgment,
18 eleven jurors were going the other way but you
19 were -- you had made your judgment after
20 considering and talking about everything,
21 could you stand your ground or would you just
22 give up your vote and go along to get along?
23 A. I would have to say at that point I'd
24 stand my ground.
25 Q. You would ask them to respect your vote?

1 A. (Affirmative nod).

2 Q. And they would -- and, likewise, you would
3 respect theirs?..

4 A. (Affirmative nod).

5 MR. BLOOM: Thank you very much,
6 Mr. Gaskins.

7 JUROR NUMBER 104: Thank you.

8 THE COURT: Mr. Durant?

9 BRUCE DURANT: Thank you, Your
10 Honor.

11 VOIR DIRE EXAMINATION

12 BY BRUCE DURANT:

13 Q. Good afternoon, Mr. Gaskins. My name is
14 Bruce Durant. I'm the Deputy Solicitor. This
15 is Solicitor Wilson, she is the Solicitor.
16 This is Rutledge Durant. The three of us will
17 be handling this case on behalf of the State.

18 A. Okay.

19 Q. I just have a couple of questions that I
20 want to ask you. The judge has already
21 explained this to you and I just want to be
22 sure, because the law requires -- you
23 understand that the law requires more than
24 your just being able to consider the
25 possibility of imposing a death sentence.

1 You'd actually have to be prepared to vote for
2 that in accordance with the judge's
3 instructions if you believe that it is an
4 appropriate case. You could do that?

5 A. Yes, sir.

6 Q. Can you sign your name to a verdict form
7 which -- a part of which requires that a
8 defendant be put to death?

9 A. Yes, sir.

10 BRUCE DURANT: Thank you, sir. I
11 have nothing else.

12 THE COURT: Anything further, Mr.
13 Bloom?

14 MR. BLOOM: Nothing further, Your
15 Honor.

16 THE COURT: Mr. Gaskins, thank you
17 very much. If you would step out for just a
18 second, we will be with you momentarily.

19 (JUROR NUMBER 104 EXITS COURTROOM)

20 THE COURT: I find Mr. Gaskins to
21 be qualified. Any objection from the State?

22 BRUCE DURANT: No, sir.

23 THE COURT: From the defendant?

24 MR. BLOOM: No, Your Honor.

25 THE COURT: Ask him to come in,

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1 please.

2 (JUROR NUMBER 104 ENTERS COURTROOM)

3 THE COURT: Mr.. Gaskins, thank you
4 so much. We appreciate your patience. You've
5 been found to be qualified to be a member of
6 the panel from which we will select our jury.

7 That will take place tomorrow morning
8 at 9:30 in this courtroom.

9 JUROR NUMBER 104: Okay.

10 THE COURT: I need for you to be
11 here by 9:30, please. Come directly to the
12 courtroom. They may take you from this
13 courtroom or take you to another courtroom to
14 wait until everybody is here. Just follow the
15 bailiff's instruction. When we come in, we
16 will select our jury.

17 Once the jury is selected, we will
18 start the trial. So be prepared to stay in
19 case you're selected on the jury, because we
20 will start working immediately.

21 JUROR NUMBER 104: Okay.

22 THE COURT: Please know that until
23 you're dismissed that you're expected to
24 continue to not discuss this case with anyone
25 or permit anyone to talk with you about it,

1 talk about it in your presence. Also, do not
2 read any newspaper articles or watch any
3 television programs. Have a great evening and
4 I will see you tomorrow morning at 9:30.

5 JUROR NUMBER 104: Yes, sir. Thank
6 you.

7 THE COURT: You bet.

8 (JUROR NUMBER 104 EXITS COURTROOM)

9 THE COURT: The next one is Number
10 69, please.

11 (JUROR NUMBER 69 ENTERS COURTROOM)

12 THE COURT: Good afternoon. How
13 are you, sir?

14 JUROR NUMBER 69: Good afternoon.

15 THE COURT: If you will sit and
16 pull yourself up so that you can speak into
17 that mic comfortably.

18 I appreciate your patience. We are
19 going to continue the process that we started
20 on Friday. There are some questions that I am
21 going to have for you and that the attorneys
22 may have for you. As you noticed on Friday
23 with those questions, there are no correct
24 answers to any of these questions.

25 All of them are designed to assist

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1650

1 you and us in determining whether you'd be a
2 fair and impartial juror in this case. They
3 are not here to challenge any belief or
4 philosophies that you have. You are entitled
5 to those, so don't think that you have to
6 defend them for any reason.

7 We just ask that you be truthful and
8 candid in responding to the questions and
9 fully answer the questions. Will you do that,
10 sir?

11 JUROR NUMBER 69: I will.

12 THE COURT: Thank you, sir. I
13 would remind you, sir, that you are still
14 under oath in this matter.

15 JUROR NUMBER 69: (Affirmative nod).

16 JOHN DEDEN, being duly sworn to tell
17 the truth, the whole truth and nothing but the
18 truth, testified, as follows:

19 VOIR DIRE EXAMINATION

20 BY THE COURT:

21 Q. Would you please state your full name for
22 the record?

23 A. John David Deden.

24 Q. Mr. Deden, since we were together on
25 Friday, have you talked with anyone, permitted

1 anyone to talk with -- have you talked to
2 anyone or permitted anyone to talk to you
3 about this case or talk about it in your
4 presence?

5 A. No.

6 Q. Have you watched any news programs or
7 read any newspaper accounts about this case?

8 A. No, I haven't.

9 Q. On Friday, I mentioned a number of names
10 but I failed to mention two names that I need
11 to ask you about. Are you related by blood or
12 marriage, have any business dealings with or
13 are you socially or casually acquainted with
14 either Jeff Osborne or Matt Casey?

15 A. No, sir.

16 Q. When you arrived today you were given a
17 sheet that listed three types of jurors, have
18 you had a opportunity to review those three
19 types of jurors?

20 A. I have.

21 Q. Have you reflected on which one most
22 accurately describes you?

23 A. I have.

24 Q. Which one do you believe best describes
25 you?

1 A. I would say type two.

2 Q. Tell me what type two is to you and why
3 that describes you.

4 A. Number three doesn't take into, uh, moral
5 account murder. I would say the only time --
6 well, I wouldn't say the death penalty but the
7 only time that I would consider it murder is
8 any time when you're not defending somebody
9 else.

10 Q. So ---

11 A. Did I answer that right, did that make
12 sense?

13 Q. Let me ask you this question, if somebody
14 is defending somebody else that would not --
15 that could be self-defense or ---

16 A. (Affirmative nod), that would not be
17 murder.

18 Q. --- the defense of others?

19 A. Right. Yes, sir.

20 Q. Okay.

21 A. The only time that I would see the death
22 penalty is if I saw evil or -- I assume that
23 could happen, murder could happen then.

24 Q. So my understanding is one that it would
25 be one that you've witnessed yourself, is that

1 yourself?

2 A. No, sir. One that I believe ---

3 Q. Okay.

4 A. --- in the future that it would be ---

5 Q. I'm with you. If in evaluating it you
6 believed there was some future risk of ---

7 A. (Affirmative nod), some future risk.

8 Q. All right. So, basically, your position
9 is that you're opposed to the death penalty
10 but, as I understand what you just said, there
11 are circumstances where you could impose a
12 death sentence if those circumstances were
13 present and, again, were established beyond a
14 reasonable doubt?

15 A. Yes, sir.

16 Q. Okay. Let's talk about that abstract
17 case that we have there.

18 A. Okay.

19 Q. I want to lay some foundation here.

20 A. Okay.

21 Q. At this point -- okay?

22 A. (Affirmative nod).

23 Q. --- there is one thing that we know. We
24 know that you're in the middle, you've already
25 gone through a first phase where the crime

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1654

1 itself has been presented to you as a member
2 of the jury.

3 A. Okay.

4 Q. The offense of murder.

5 A. Okay.

6 Q. You're heard evidence about that. In
7 fact, you've sat with the jurors, you've
8 deliberated and you have decided that the
9 person that the State arrested and charged was
10 in fact the correct person who committed the
11 crime.

12 Furthermore, than the crime that was
13 committed was murder. In other words, there
14 wasn't any self-defense, there wasn't any
15 justification, there was no accident, there
16 was no reason for doing what they did, that it
17 was murder -- which is the killing of another
18 with malice aforethought.

19 A. Okay.

20 Q. It was a malicious act.

21 A. Okay.

22 Q. They were motivated by evil intent, by
23 hatred, wickedness, they'd committed
24 something, they had no rational basis for
25 doing so.

1 A. Okay.

2 Q. No legal basis for doing so. Okay?

3 A. Okay.

4 Q. It is not also -- in this State -- some
5 have mentioned first, second and third degrees
6 of murder. We don't have degrees in this
7 state. What we have in this state is the
8 offense of murder, which is the killing of
9 another with malice aforethought -- the
10 intentional killing of another with malice.

11 A part of that, the jury may consider
12 from time to time, a lesser-included offense
13 called voluntary manslaughter, which is the
14 killing of somebody in the sudden heat of
15 passion. They've been provoked by something
16 that would justify sufficient provocation to
17 cause them to be so angry that they couldn't
18 control themselves and killed somebody.
19 That's not what you've heard, you've concluded
20 that it is not manslaughter.

21 A. Okay.

22 Q. It was an intentional killing with
23 malice.

24 A. Okay.

25 Q. The other is involuntary manslaughter,

1 which is the killing sometimes where a person
2 may not even have intended it but they acted
3 so recklessly that it was involuntary
4 manslaughter.

5 A. Okay.

6 Q. But, again, that's been eliminated, too.
7 That's not what we're talking about.

8 A. Okay.

9 Q. We're talking about an intentional act by
10 somebody who wanted to kill somebody for no
11 real reason, no justified reason, they went
12 out and performed the act and now they've been
13 caught and they've been convicted for it.

14 Okay.

15 A. Okay.

16 Q. Now, the second phase, you're about to go
17 into the second phase where in addition to the
18 evidence of the crime you're going to hear
19 other evidence about this person, about the
20 circumstances surrounding the crime itself and
21 those are all -- would be evidence that would
22 be important to a jury, and you would be
23 instructed that you would be expected to apply
24 your common sense, your sense of logic and
25 reason fairly and impartially in analyzing

1 that evidence and deciding what you believe to
2 be the truth. Okay?

3 A. Okay.

4 Q. As I understand it, notwithstanding your
5 feelings or your inclination of what I
6 understand what you're saying would be 'Well,
7 I don't believe in the death penalty. I would
8 prefer life imprisonment but.---' ---

9 A. Right.

10 Q. --- 'there are circumstances where I
11 would impose a death sentence if I believed
12 strongly enough and that circumstance had been
13 established'? Is that correct?

14 A. (Pause) -- I believe so.

15 Q. Okay. The only reason that I ask that is
16 that what you would have said to everybody
17 when you started this process, and I take it
18 to be an important part of a juror, is that I
19 am going to be fair and impartial. 'Yes, I
20 have stated to you what I believe as a person'
21 but what you're saying to me as the judge is
22 that -- because I would instruct you -- and
23 let me go on a little further.

24 A. Okay.

25 Q. First of all, let's talk about this whole

1 situation. Normally in this state when a
2 murder, when a jury finds that a person is
3 guilty of murder the judge in that case tells
4 the jury 'thank you very much, your service
5 has been completed.' The jury doesn't
6 participate in sentencing. The judge, after
7 the jury leaves, typically says, 'Okay, I am
8 going to impose a sentence.' The maximum
9 sentence that the judge can legally impose is
10 life imprisonment without the possibility of
11 parole. We don't have to impose that, we can
12 impose a number of years less than that but
13 that is the maximum sentence but we cannot
14 impose the death sentence. That is not even
15 on the table.

16 A. Okay.

17 Q. This is one of those circumstances that
18 is -- this abstract case where it can be on
19 the table but this is what the State says,
20 that the Legislature had provided. Normally
21 the offense of murder doesn't warrant the
22 death sentence but if the State proves beyond
23 a reasonable doubt certain -- at least an
24 aggravating circumstance. There are a number,
25 there may be more than one. An aggravating

1 circumstance is what the Legislature has
2 defined as saying 'if these are established
3 beyond a reasonable doubt' then a jury would
4 have the right to impose a death sentence.

5 Okay?

6 A. Okay.

7 Q. So the first thing that has to be done in
8 the second phase is to determine whether or
9 not those circumstances are present. There
10 are a number of them. Okay?

11 A. (Affirmative nod).

12 Q. For purposes of our discussion, just to
13 mention two, one would be the killing of a
14 child and the other would be the killing of a
15 police officer.

16 If that is established beyond a reason-
17 able doubt and it was murder, then that jury
18 would be instructed that they may consider a
19 death penalty. They wouldn't have to -- the
20 court will never tell the jury that they have
21 to impose it, only that they can consider a
22 death sentence.

23 Then at that point the jury would have to
24 evaluate all of the evidence concerning the
25 circumstances and all of the evidence in the

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1660

1 second phase and make the decision of which
2 one was the most appropriate. Okay?

3 A. Okay.

4 Q. I understand what you told me about being
5 a type two, which says 'I really am kind of a
6 life imprisonment person' but I also
7 understand what you said was 'yeah, but there
8 are some circumstances where I could impose a
9 death sentence.'

10 A. (Affirmative nod).

11 Q. As I understand that, what -- when we get
12 to this point that we're talking about -- and
13 I am not asking you to describe those
14 circumstances for me, okay?

15 A. (Affirmative nod).

16 Q. I am not asking you to tell me what it is
17 going to take to switch from one to the other,
18 I am just asking you consistent with my
19 instruction, notwithstanding your strong
20 belief about life imprisonment and the death
21 penalty, you could evaluate the evidence,
22 consider all of the circumstances and decide
23 whether or not to impose a life imprisonment
24 without the possibility of parole or a death
25 sentence?

1 A. (Pause) -- I couldn't -- unless I saw
2 that it was evil and ---

3 Q. I am not asking you ---

4 A. Okay.

5 Q. When you say "saw", does that mean that
6 you have to visibly see ---

7 A. No, no, I ---

8 Q. "Saw" to me is something that says "I am
9 convinced", I am ---

10 A. Right, if I was convinced that it was
11 evil.

12 Q. Whatever, I am just asking you. I am not
13 asking you to state the parameters. I am
14 just asking you, there are circumstances that
15 exist in your mind -- if those are present in
16 that situation and you were given the option,
17 you would weigh both sentences and you would
18 -- you may give life imprisonment or you might
19 give a death penalty but you won't know until
20 you're there?

21 A. Yes.

22 Q. But you could -- if those circumstances
23 are present -- impose a death sentence?

24 A. I could.

25 Q. That's -- because what the important

1 thing is, what you were telling me, and that's
2 what you would be committing to do, would be
3 that you would be setting aside my strong
4 feelings that I have, and as I told you, you
5 have the right to have those but the question
6 is, can you set those aside and follow the law
7 and make a decision as to whether or not this
8 is one of those circumstances that you believe
9 warrants that death penalty?

10 A. That I personally ---

11 Q. --- could do that?

12 A. --- could?

13 Q. That you could vote for a death sentence
14 in a certain situation?

15 A. (Affirmative nod), in a certain
16 situation.

17 Q. All right.

18 A. Yes. It would be a tough decision.

19 Q. I understand that. There are -- there is
20 no such thing as easy decisions in criminal
21 cases, whether it is this or any of it. I
22 assure you. Somebody mentioned today, 'I
23 don't want to be a part...it would be tough to
24 be sentencing.' Tell me about it, you --
25 there is no pleasure in that. That's part of

1 our job and that's what you -- by being here,
2 by going through this process. If you make it
3 to the part where you're part of the pool,
4 what you're saying is that, 'it is not
5 something necessarily that I want to do but
6 it's something that I've been chosen, I've
7 been selected to be potentially a juror and if
8 I am selected, I will do it notwithstanding my
9 feelings.' Would you -- does that apply to
10 you?

11 A. I believe that my feelings would have --
12 would enter into it.

13 Q. I understand that but ---

14 A. But I would ---

15 Q. --- would they prevent you from following
16 my instructions and being fair and impartial
17 to both sides, not just the person accused of
18 murder but the State as well?

19 A. I would be fair and impartial.

20 Q. Because what you're saying here today is,
21 you're saying to both Mr. Dickerson and to the
22 State, 'Listen, this is my strong feeling but
23 there are circumstances where I could and
24 would impose a death sentence.'

25 A. I ---

1 Q. 'I am not going to tell you what they are
2 but I am telling you that there are
3 circumstances that if I saw it that I would do
4 that' and wouldn't have, 'I wouldn't have any
5 hesitancy.'

6 A. Strong circumstances.

7 Q. Well, whatever.

8 A. Yeah.

9 Q. But there are circumstances?

10 A. Yes, Your Honor.

11 Q. Okay. All right. And you would be fair
12 in performing that task?

13 A. I would.

14 Q. You would certainly be instructed and
15 expected to consider all the evidence and that
16 would include any mitigating circumstances
17 that may exist in the second phase? Those are
18 circumstances that may tend to lessen the
19 effects of the crime of murder; in other
20 words, move it back towards that normal
21 situation, such as addictions, drug
22 involvement, maybe child raising issues that
23 occur, some mental issues that may not justify
24 an action or excuse it but may give some
25 explanation for a person's -- that type of

1 evidence. There are a number of statutory
2 mitigating circumstances and some
3 nonstatutory, just common sense, but you would
4 give due consideration ---

5 A. I would.

6 Q. Consider those as well before fashioning
7 any sentence, is that correct?

8 A. Yes, sir.

9 Q. And all -- and your consideration of all
10 the evidence would be meaningful
11 consideration, to both sides?

12 A. Yes, it would.

13 Q. In other words, you would carefully
14 evaluate the evidence -- totally?

15 A. (Affirmative nod).

16 Q. I would also instruct you as a part of
17 the instruction that the jury has the right to
18 bring, to return a sentence of life without
19 parole, notwithstanding that you could have
20 imposed a death sentence, for no reason if you
21 so choose to. Okay?

22 A. (No verbal response).

23 Q. Weighing all the options, it's my
24 understanding that you could carry out my
25 instruction?

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1666

1 A. I could.

2 Q. Very well. Now, let's set the abstract
3 case aside for a moment and let me ask you
4 about this case. Mr. Dickerson, as I
5 mentioned on Friday, has been accused of
6 several criminal offenses and I believe that
7 you stated that you have no problem with the
8 principle of law of being presumed innocent
9 until proven guilty?

10 A. I do not.

11 Q. And as I mentioned, that's an active
12 presumption which means that we -- anyone who
13 is not the person accused has to look at that
14 individual as being innocent. Today, do you
15 believe Mr. Dickerson is innocent of these
16 charges?

17 A. Yes, I do.

18 Q. And would you be willing to promise to
19 maintain that position until the court told
20 you to begin your deliberation and you were
21 then instructed to analyze the evidence and
22 you wouldn't change until you, after analyzing
23 the evidence, were convinced beyond a
24 reasonable doubt that he committed the acts
25 for which he stands accused?

1 A. I could do that.

2 Q. Because you understand that if after the
3 evidence that you were convinced that the
4 State would have met its burden of proof and
5 now you have the right, as a matter of law, to
6 say that he is guilty as charged?

7 A. Yes, sir.

8 Q. In fact, that is what you would be duty
9 bound to do?

10 A. (Affirmative nod).

11 Q. You could perform that function?

12 A. I could.

13 Q. And I think we have already covered this
14 with the abstract but let me be sure. In this
15 case you have heard nothing that would give
16 you any concern about your ability to fairly
17 and impartially apply your common sense, your
18 sense of logic and reasoning?

19 A. Yes, sir.

20 Q. And as you stated in the abstract, you
21 would also do the same for me in that you
22 would follow my instruction and set aside any
23 personal beliefs that you may have and not let
24 that interfere with you but carry it out as
25 you stated here today?

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1668

1 A. I don't think anyone can one hundred
2 percent set aside their personal belief.

3 Q. Well, they have to set it aside in this
4 respect, if you are selected and you raise
5 your hand, what you've said here today is that
6 'if I see the right factual situation, if it
7 meets that definition...' -- my definition --
8 'of circumstances, I could impose and will
9 impose a death sentence.' That's what you are
10 saying?

11 A. (No verbal response).

12 Q. That is setting it aside as far as I am
13 concerned. I am not suggesting that is what
14 you have to do, I am not suggesting that is
15 what is going to happen, I am not suggesting
16 that is even on the table at all.

17 I am just saying that what you're
18 promising through this process is, if it comes
19 to that and we get to that point and you're
20 there, that notwithstanding what you would
21 like to do, what would be most comfortable for
22 you to do, because you have made a commitment
23 as I see it, that 'I will do what I promised
24 that I will do.' That is, 'notwithstanding
25 how I personally feel about the death penalty,

1 I would in this case because I believe that it
2 is warranted.' That is what it is all about,
3 under these circumstances it is justified and
4 it is proper. That's all that we are asking
5 you to do.

6 As I understand, there are circumstances
7 that you can think of that would cause you to
8 vote for a death penalty?

9 A. There is, (affirmative nod).

10 THE COURT: Thank you. All right.
11 Please answer any questions that the attorneys
12 may have.

13 VOIR DIRE EXAMINATION

14 BY BRUCE DURANT:

15 Q. Is it Deden or Deden?

16 A. Deden.

17 Q. Good afternoon, Mr. Deden. My name is
18 Bruce Durant, I'm the Deputy Solicitor. This
19 is Scarlet Wilson, she is the Solicitor.
20 Rutledge Durant. We will be handling this
21 case on behalf of the State of South Carolina.

22 We've had the opportunity to have the
23 questionnaire that you filled out for the
24 court, we're aware of the answers that you put
25 down there. I just want you to be clear on

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1670

1 one thing. You understand that to perform
2 your service as a juror in this case, you
3 would have to do more than just pay lip
4 service to imposing a sentence of death?

5 A. Yes, I do.

6 Q. Okay. You have to be fair to put your --
7 you understand that you have to be fair, to
8 put your personal and religious feelings
9 aside?

10 A. (Affirmative nod).

11 Q. And in the appropriate case, vote on a
12 penalty which you have termed in your
13 questionnaire as being "immoral".

14 A. Yes.

15 Q. You told the Judge when he was talking to
16 you that you -- do you understand that if you
17 get to that point in a trial, because as you
18 said this is kind of a two trial process.

19 You have the first trial to determine
20 guilt or innocence, assuming that the State
21 meets its burden of proof.

22 Now you'd move on to the second phase to
23 determine the sentence. Assuming in that case
24 that the State proves an aggravating
25 circumstance, and I believe Judge Dennis told

1 you a couple but there are many others, uh,
2 then and only at that point could you
3 actually, or the jury actually, vote for a
4 sentence of either death or life without
5 parole. Do you understand that?

6 A. I do.

7 Q. So you understand that death and life
8 without parole are always going to be on the
9 table at this point?

10 A. I do.

11 Q. Can you envision a situation, given your
12 background in the Catholic church, that you
13 would impose a death sentence as opposed to a
14 sentence of life without parole?

15 A. I can, but it would be rare.

16 Q. And would that be for something that is
17 personal to you?

18 A. I don't know. Yes, if we were -- we were
19 talking something evil, that is not a ---

20 THE COURT: I am not going to allow
21 you to delve into that. He's expressed that.
22 I asked him specifically did it have to be him
23 involved and he said no, that it was his
24 perception of evil.

25 JUROR NUMBER 69: It is not personal

1 but -- (pause).

2 EXAMINATION CONTINUED

3 BY BRUCE DURANT:

4 Q. Well, you understand that the law
5 authorizes the imposition of the death penalty
6 in -- and I guess my question is this, the law
7 authorizes the death penalty in cases of
8 certain aggravating circumstances. Could you
9 consider that in the event of the aggravating
10 circumstances that might be proven to you?

11 A. (No verbal response).

12 THE COURT: Mr. Durant, you're
13 asking him to do something that I am not going
14 to allow you to do. You are going to have to
15 take what he said and apply it, sir. Thank
16 you.

17 BRUCE DURANT: Okay.

18 EXAMINATION CONTINUED

19 BY BRUCE DURANT:

20 Q. Just one other question, wouldn't this
21 put you in pretty much a hopeless moral
22 dilemma?

23 THE COURT: No. You're challenging
24 him now, his beliefs. I am not going to allow
25 that, I am not going to permit that question,

1 sir. He's answered and said that he would do
2 it.

3 BRUCE DURANT: Thank you, Your
4 Honor.

5 THE COURT: Thank you.

6 MR. BLOOM: Very briefly, Your
7 Honor.

8 VOIR DIRE EXAMINATION

9 BY MR. BLOOM:

10 Q. Mr. Deden, how you doing this afternoon,
11 sir?

12 A. Fine, sir.

13 Q. My name is Jeff Bloom and along with
14 Andrew Carroll, who is out of the courtroom
15 right now, we represent William Dickerson. I
16 just have a few followup questions.

17 You understood the court, the Judge
18 explain that each juror has to come to their
19 own choice?

20 A. Yes, I did.

21 Q. Decide whether the sentence ought to be
22 the ultimate punishment or life without
23 parole?

24 A. Yes, sir.

25 Q. The law calls that an individualized,

1 reasoned moral judgment. I take it that you
2 could make that?

3 A. I can.

4 Q. All right. After you heard all the
5 evidence and all the circumstances and the law
6 that Judge Dennis gave you, if you were to
7 decide with the other eleven jurors and they
8 were voting one way and you were voting
9 another, you wouldn't just give up your vote
10 to go along to get along and get out in time
11 to go home to dinner, would you?

12 A. I wouldn't do anything that I personally
13 didn't -- that would be immoral for me to 'go
14 with the crowd.'

15 Q. To just give up your vote?

16 A. I wouldn't give up my vote, no.

17 Q. If it were 5:00 o'clock and you wanted to
18 get home in time for dinner, you wouldn't just
19 give up your ---

20 A. No, I wouldn't.

21 Q. All right. And you would be able to
22 stand by that individualized, reasoned moral
23 judgment based on all the evidence, the law
24 and the discussion with your fellow jurors?

25 A. Yes, sir.

1 Q. You would ask them to respect your vote?

2 A. I would.

3 Q. And you would respect theirs?

4 A. Yes, I would.

5 Q. Thank you, sir.

6 THE COURT: Anything else, Mr.

7 Durant?

8 BRUCE DURANT: No, sir, Your
9 Honor.

10 THE COURT: Thank you. If you
11 would, we need for you to step out and we will
12 be with our momentarily.

13 (JUROR NUMBER 69 EXITS COURTROOM)

14 THE COURT: I understand the
15 State's frustration but, frankly, this is the
16 flip side of that side of somebody who says,
17 'I believe in the death penalty' but this
18 gentleman is not -- he is an electrical
19 engineer, a college graduate, he was very
20 articulate, I thought, in stating -- in
21 saying, 'Yep, they exist.' I believe that is
22 precisely what the law says, so -- I find him
23 to be qualified. You may object and I'll be
24 happy to hear from you.

25 BRUCE DURANT: I am not

1 objecting. My only objection is that he is
2 one of those that obviously could only impose
3 the death penalty in a very limited
4 circumstance and I don't think that's in
5 compliance with the law.

6 THE COURT: I appreciate that. He
7 said, "if I believe if evil exists." I think
8 that's what malice is all about. I think
9 that's what is there. I think that there are
10 circumstances in his mind that -- if we want
11 to change all that and allow you to say,
12 'Well, tell me about it.' I agree that it
13 would be great, it would be wonderful
14 information that we all would like to know.
15 'Tell me what those circumstances are.'
16 Because obviously then I could make a very
17 intelligent, hopefully more intelligent
18 decision because I could say, 'Well, that is
19 not this circumstance. You're excused.'

20 The same ought to be true over here. You
21 ought to be able to ask, 'Well, what about
22 this mitigating circumstance, is this going to
23 influence you?' We know that they can't do
24 that. So if they can't do that, then you
25 shouldn't be able to do that. That's just not

1 fair, that's what we call an even playing
2 surface.

3 So I appreciate it but that's
4 precisely why I think they call those things
5 peremptory challenges. Thank you very much.

6 BRUCE DURANT: Thank you, Your
7 Honor.

8 THE COURT: I assume you think that
9 he is qualified?

10 MR. BLOOM: Yes, sir, Your Honor.

11 THE COURT: I do, I find that he is
12 qualified. Please ask him to step in.

13 (JUROR NUMBER 69 ENTERS COURTROOM)

14 THE COURT: Mr. Deden, thank you
15 very much. I appreciate your patience with
16 us. I've found that you're qualified to be a
17 part of the panel from which we will select
18 our jury.

19 That process will take place in the
20 morning at 9:30, so we need you to be here.
21 Come directly to this courthouse (sic) and,
22 depending on what time you arrive you may be
23 able to come directly to the courtroom but
24 what probably we are going to need is for the
25 jurors -- because some jurors may be coming

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1678

1 early, so they may take you to another
2 courtroom but you will all be brought in at
3 9:30 and then we will select the jury at that
4 time.

5 Until then and until you have been
6 dismissed from this case, please remember that
7 you still are not at liberty to discuss this
8 case with anyone or permit anyone to talk with
9 you about it. Also, please continue not to
10 watch any news programs about it or read any
11 news accounts.

12 Come prepared tomorrow to stay if
13 you're selected on the jury because we will
14 start taking testimony tomorrow. Don't know
15 if you're going to be on the jury or not but
16 just plan -- just come expecting that to
17 happen.

18 JUROR NUMBER 69: Okay. Before
19 9:30.

20 THE COURT: If you will come, if
21 you will be here by 9:30, we will be on the
22 bench probably about 9:30 and that's when we
23 will start the process.

24 JUROR NUMBER 69: Yes, Your Honor.

25 THE COURT: Thank you so much.

1 Have a good evening.

2 (JUROR NUMBER 69 EXITS COURTROOM)

3 THE COURT: Juror Number 22, Ms.
4 Blank.

5 (JUROR NUMBER 22 ENTERS COURTROOM)

6 THE COURT: Good afternoon, Ms.
7 Blank. How are you?

8 JUROR NUMBER 22: Good afternoon.
9 I'm doing well.

10 THE COURT: Good. Thank you for
11 your patience. We are continuing the process
12 that we started on Friday. We are going to
13 have some questions that we need to ask of
14 you. None of these questions are designed to
15 force you to change any beliefs that you have.
16 You are entitled to those beliefs. You need
17 not have to defend those beliefs. Okay?

18 JUROR NUMBER 22: (Affirmative nod).

19 THE COURT: We are here to simply
20 ask you some questions to assist us in making
21 a determination whether you can be a fair and
22 impartial juror. Okay?

23 JUROR NUMBER 22: Yes, sir.

24 THE COURT: And there are no
25 correct answers to any of these questions.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1680

1 JUROR NUMBER 22: All right.

2 THE COURT: So all we ask is that
3 you be truthful and candid in responding to
4 them and we are confident that you will do
5 that.

6 JUROR NUMBER 22: I will.

7 THE COURT: I would remind you in
8 that regard that you are still under oath in
9 this matter. Okay?

10 JUROR NUMBER 22: All right.

11 PAMELA BLANK, being duly sworn to
12 tell the truth, the whole truth and nothing
13 but the truth, testified, as follows:

14 VOIR DIRE EXAMINATION

15 BY THE COURT:

16 Q. Please state your full name for the
17 record.

18 A. My full name is Pamela Shumacher Blank.

19 Q. Ms. Blank, since we were together on
20 Friday, have you talked with anyone, permitted
21 anyone to talk with you -- talked to anyone,
22 permitted anyone to talk to you about this
23 case or talk about it in your presence?

24 A. No, I have not.

25 Q. Have you watched any news accounts or

1 read any newspaper articles about it?

2 A. No, I have not.

3 Q. On Friday, I mentioned a number of names
4 and asked you whether you were related to any
5 of those persons.

6 A. (Affirmative nod).

7 Q. I failed to mention two names that I need
8 to ask you about. Are you related by blood or
9 marriage, have any business dealings with or
10 socially or casually acquainted with either a
11 Jeff Osborne or Matt Casey?

12 A. No, I do not.

13 Q. You were given a sheet when you came in
14 that sets forth three types of jurors.

15 A. Right.

16 Q. Have you had a opportunity to review that
17 sheet?

18 A. I have.

19 Q. Which type most accurately describes you?

20 A. Number two.

21 Q. What does number two say to you? Why are
22 you a number two?

23 A. I am just -- I am a Christian and feel
24 like I could not give the death sentence. I
25 could find someone guilty, I could put them in

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1682

1 jail for life but I could not enforce the
2 death penalty.

3 Q. In fact, you said that to me ---

4 A. I did, (affirmative nod).

5 Q. --- on Friday?

6 A. (Affirmative nod).

7 Q. You've also written that in your form as
8 well where you said, "I am against the death
9 penalty and would never be able to convict
10 someone of that, that somebody be sentenced to
11 death."

12 A. That's correct.

13 Q. I think you even then went on to the next
14 question and wrote, "For religious reasons, I
15 could never sentence someone to death."

16 A. That's correct.

17 Q. So am I to understand you, in furtherance
18 of that, there is absolutely no circumstance
19 that you can think of where a person who has
20 been convicted of murder -- in which you could
21 vote to impose a death sentence?

22 A. No, I could not.

23 Q. Never?

24 A. Never.

25 THE COURT: Okay. Any questions

1 from the State?

2 MR. BLOOM: I think I have two,
3 Your Honor.

4 VOIR DIRE EXAMINATION

5 BY MR. BLOOM:

6 Q. Ma'am, there's no way that you could set
7 those strong beliefs aside and listen to all
8 the evidence in a particular case, listen to
9 His Honor's charge, and find in some
10 situations that the death penalty might be
11 appropriate?

12 A. I could not. No.

13 Q. With all due respect, no one is here to
14 question or to challenge your views, I think
15 you've indicated that is a belief that you
16 have that is a deeply-held part of your
17 religion and faith?

18 A. I am a conservative Christian and that's
19 how I believe.

20 Q. Thank you very much.

21 A. Certainly.

22 Q. I appreciate that.

23 MR. BLOOM: Thank you.

24 THE COURT: Any questions, Mr.
25 Durant?

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1684

1 BRUCE DURANT: No, sir, Your
2 Honor.

3 THE COURT: Thank you very much. I
4 am going to excuse you, Ms. Blank, from
5 further participation in this dispute. Thank
6 you for your patience and your participation.
7 You are also excused from further jury duty.

8 JUROR NUMBER 22: Thank you.

9 THE COURT: Have a great day.

10 (JUROR NUMBER 22 EXITS COURTROOM)

11 THE COURT: Let's bring in Ms.
12 Rhyne, please. She is Number 252.

13 MR. BLOOM: Judge, as I did with
14 the other jurors, I would note our objection
15 under the First, Eighth and Fourteenth
16 Amendments where a juror ---

17 THE COURT: It's noted. This is a
18 juror who came up on Friday saying that she
19 could never, ever, ever do this. I believe
20 that she could not follow the instructions of
21 the court. Unlike Mr. Deden, who said that
22 she could. She could think of no
23 circumstance, whatsoever, in which she could
24 impose a death sentence. For that reason,
25 I've excused her because she could not follow

1 the instructions of the court nor could she
2 comply with the oath as a juror. Thank you.
3 Your objection is noted for the record.

4 I think we're going to have another
5 one right here, too.

6 (JUROR NUMBER 252 ENTERS COURTROOM)

7 THE COURT: Good afternoon, Ms.
8 Rhyne, how are you?

9 JUROR NUMBER 252: Good, thank
10 you.

11 THE COURT: Thank you for your
12 patience. We won't keep you much longer.
13 We have some questions that we need to ask of
14 you and -- I have some, the attorneys may have
15 some. There are no correct answers to any of
16 these questions nor are these questions
17 intended to challenge you of any beliefs that
18 you may have. We are not -- you don't have to
19 feel like you have to defend any beliefs that
20 you have, you're entitled to that. All we ask
21 is that you be candid and truthful in
22 responding to the questions and I am confident
23 that you will do that. Okay?

24 JUROR NUMBER 252: Yes, sir.

25 THE COURT: I would remind you that

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1 you're still under oath in this matter.

2 JUROR NUMBER 252: Yes, sir.

3 CAROLYN RHYNE, being duly sworn to
4 tell the truth, the whole truth and nothing
5 but the truth, testified, as follows:

6 VOIR DIRE EXAMINATION

7 BY THE COURT:

8 Q. I have a note attached with your form
9 that said that there was some surgery with
10 your daughter.

11 A. Yes, sir.

12 Q. Is that still involved?

13 A. No, sir.

14 Q. That is not?

15 A. No, sir.

16 Q. So that is no longer an issue?

17 A. No.

18 Q. Thank you. I just wanted to address that
19 right off the bat.

20 A. Thank you.

21 Q. Since we were together on Friday, have
22 you talked with anyone or permitted anyone to
23 talk with you or talk about this case in any
24 way?

25 A. No, sir.

1 Q. Have you watched any news programs about
2 it or read any newspaper accounts?

3 A. No, sir.

4 Q. Friday, we talked about a number of
5 persons and I failed to mention two names
6 that I need to ask you about. Are you related
7 by blood or marriage, have any business
8 dealings with or are you socially or casually
9 acquainted with Jeff Osborne or Matt Casey?

10 A. No, sir.

11 Q. When you arrived today they gave you a
12 sheet of paper and that sheet of paper had
13 three types of jurors listed on it?

14 A. (Affirmative nod).

15 Q. Have you had the opportunity to review
16 those types of jurors?

17 A. Yes, sir.

18 Q. And you've reflected on which one most
19 accurately describes you?

20 A. Yes, sir.

21 Q. Which one?

22 A. Number two.

23 Q. Okay. Tell me why and tell me what you
24 see number two to be.

25 A. Number two is -- I don't believe in the

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1688

1 death penalty. I don't believe that I have
2 that right, to sentence someone to death.

3 Q. All right. So you don't believe in its
4 use at all?

5 A. No, sir.

6 Q. For any circumstance?

7 A. No, sir.

8 Q. So if you were on a jury and the court
9 instructed you to consider certain
10 circumstances if you found certain facts to be
11 in existence, it doesn't matter whether you
12 found them in existence or not, you would
13 never consider the death penalty?

14 A. No, sir.

15 THE COURT: Thank you. Please
16 answer any questions that the attorneys may
17 have.

18 BRUCE DURANT: I have no
19 questions, Your Honor.

20 THE COURT: Mr. Bloom?

21 MR. BLOOM: Yes, just a few.

22 VOIR DIRE EXAMINATION

23 BY MR. BLOOM:

24 Q. Despite your strong belief, is there any
25 situation where you think that you could set

1 your death penalty beliefs aside and, if the
2 circumstances warranted it, impose the death
3 penalty?

4 A. I don't think so.

5 Q. Okay. No one is here to challenge you or
6 to question your belief.

7 A. Okay.

8 Q. Is that belief that you have based on
9 your religious faith?

10 A. Partly; yes, sir.

11 MR. BLOOM: Thank you, ma'am.

12 THE COURT: So there are other
13 reasons, too?

14 JUROR NUMBER 252: Yes, sir.

15 THE COURT: Thank you. Anything
16 else?

17 MR. BLOOM: No, sir.

18 THE COURT: Thank you very much,
19 Ms. Rhyne. I am going to excuse you from any
20 further participation in this dispute. Thank
21 you very much for your willingness to
22 participate and your involvement thus far.
23 Good luck to you. You've now completed your
24 service.

25 JUROR NUMBER 252: Thank you.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1690

1 (JUROR NUMBER 252 EXITS COURTROOM)

2 MR. BLOOM: Judge, with this juror
3 again we would just note, as we have with
4 others, our objection under the First, Eighth
5 and Fourteenth Amendments.

6 THE COURT: All right. As it
7 pertains to those reasons which she said are
8 related to the religious reasons, I understand
9 that and note it.

10 MR. BLOOM: Yes, sir.

11 THE COURT: But, again, this juror
12 has indicated that there were absolutely no
13 circumstances whatsoever because she just
14 didn't believe in that form of punishment,
15 that she could consider it; therefore, she
16 could not carry out or follow the court's
17 instruction nor honor the oath, in my opinion.
18 It's noted. Thank you so much.
19 Let's take about five minutes. How about
20 that? You'all can count. According to my
21 count we have thirty-seven.

22 MR. BLOOM: Thirty-eight.

23 THE COURT: Thirty-eight. Excuse
24 me.

25 (BRIEF RECESS)

1 (DEFENDANT PRESENT)

2 THE COURT: Let the record reflect
3 that Mr. Dickerson is present. Is the State
4 ready to resume?

5 SOLICITOR WILSON: Yes, sir.

6 THE COURT: Defense ready?

7 MR. BLOOM: Yes, sir.

8 THE COURT: Moving right along,
9 let's bring in our former anchor person,
10 Number 90, Ms. Ferguson.

11 (JUROR NUMBER 90 ENTERS COURTROOM)

12 THE COURT: Ms. Ferguson, good
13 afternoon.

14 JUROR NUMBER 90: Good afternoon,
15 Your Honor.

16 THE COURT: If you will sit and
17 pull yourself up so that you can speak into
18 that mic comfortably. We apologize for the
19 delay but we are almost there.

20 JUROR NUMBER 90: Not at all.

21 THE COURT: We are going to
22 continue the process that we started on
23 Friday. There are some questions that I have
24 of you and then the attorneys may have some
25 questions, as well.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1692

1 We are not here to challenge any of
2 your beliefs nor are we here to say that you
3 should change your mind about how you think or
4 believe. You are entitled to that. Please
5 don't think that you have to justify anything.
6 I don't think any of those types of questions
7 would be asked but if at any point you do feel
8 that, please know that's not the case. You
9 are entitled to those beliefs.

10 Nor are we here to invade any
11 privacy. We're here simply to ask you some
12 questions, which really are designed to assist
13 you and to assist us in determining whether or
14 not you can be a fair and impartial juror.
15 Okay?

16 JUROR NUMBER 90: I understand.

17 THE COURT: There are no correct
18 answers to any of these questions. All that
19 we ask is that you respond truthfully and
20 candidly and that you fully answer the
21 question. Will you do that?

22 JUROR NUMBER 90: I will.

23 THE COURT: Ms. Ferguson, I remind
24 you that you are still under oath in this
25 matter. Okay?

1 JUROR NUMBER 90: (Affirmative nod).

2 ANDREA FERGUSON, being duly sworn to
3 tell the truth, the whole truth and nothing
4 but the truth, testified, as follows:

5 VOIR DIRE EXAMINATION

6 BY THE COURT:

7 Q. Since we were last together on Friday,
8 have you spoken with anyone, permitted anyone
9 to talk with you or permitted anyone to talk
10 to you about this case or talk about it in
11 your presence?

12 A. No, just that I was being considered as
13 a juror in a murder case. That's all.

14 Q. I understand. That was the extent of the
15 conversation?

16 A. It was.

17 Q. Have you watched any news accounts or
18 read any newspaper articles about it?

19 A. No. I did see a headline that my husband
20 was reading but I did not read it and we did
21 not discuss it.

22 Q. Very well. Nothing that you've heard or
23 seeing that headline would cause you -- would
24 give you any concern about your ability to
25 fairly and impartially decide this case based

1 solely on the evidence. That's what you would
2 hear in the courtroom.

3 A. I don't even remember what the headline
4 said, no.

5 Q. Very well. On Friday, I mentioned a
6 number of names of persons and asked if you
7 were related by blood or marriage to any of
8 those persons. I failed to mention two names
9 that I need to share with you. Are you
10 related by blood or marriage, have any
11 business dealings with or are you socially or
12 casually acquainted with either a Jeff Osborne
13 or Matt Casey?

14 A. No, sir.

15 Q. Okay. When you arrived today, they gave
16 you a sheet that sets forth three types of
17 jurors.

18 A. Yes, sir.

19 Q. Have you had a opportunity to review that
20 sheet?

21 A. Yes.

22 Q. And have you had the opportunity to
23 reflect on which of the three types of jurors
24 most accurately describes you?

25 A. Yes.

1 Q. Which one would that be?

2 A. Three.

3 Q. Tell me what you believe type three, what
4 type of juror that is and why that applies to
5 you.

6 A. I think any witnesses in a trial have to
7 be vetted in the manner that you discussed
8 earlier, common sense and reason and so on,
9 and extenuating circumstances have to be
10 thought about.

11 Q. All right, that would be you?

12 A. That would.

13 Q. Let's focus on that abstract case for
14 just a second and let me set the stage if I
15 may. At the point where those three types are
16 being considered, certain things have
17 happened.

18 Number one, the person accused of
19 committing the offense of murder has had the
20 first phase. There's been a trial, witnesses
21 have been heard, the jury -- and you are a
22 part of this jury -- has deliberated on the
23 charge of murder and, following the court's
24 instruction, has considered the evidence and
25 determined that the State had met its burden

1 of proof and established each element required
2 or it on the offense of murder and, therefore,
3 returned a verdict.

4 That verdict says this:

5 Number one, that the person that
6 has been accused is the person who committed
7 this offense.

8 Number two, that the offense
9 that the person has committed is murder, not
10 some other offense. That murder is the
11 intentional killing of another with malice
12 aforethought. It is not a mistake, it is not
13 an accident, it is not self-defense, none of
14 those things would apply, those have been
15 excluded by the verdict, by the verdict
16 itself.

17 It also is not the verdict of -- the
18 person is not guilty of a lesser-included
19 offense, known as manslaughter or involuntary
20 manslaughter. In some states, it is murder in
21 the second degree, third degree. We don't
22 have that in South Carolina.

23 The lesser-included offense would be
24 manslaughter, which would be the killing of a
25 person in the sudden heat of passion.

1 Generally there has been some sufficient
2 provocation and the person responded to that
3 provocation and killed someone.

4 The involuntary manslaughter would be the
5 other and that is when a person typically --
6 typically when a person with reckless
7 disregard -- they were reckless in their
8 action and, as a result, someone died. That
9 could be involuntary manslaughter.

10 None of those apply because you've
11 determined as a part of the jury that the
12 State had convinced you beyond a reasonable
13 doubt that this crime was murder. That is,
14 somebody who was motivated and had malice --
15 that there was a malicious killing and they
16 were motivated by evil, evil intent. They
17 wanted to kill this person, they sought him
18 out and killed that person. They've carried
19 it, had no justification for doing so.

20 Now you're at the point where you're
21 about to start the second phase where the jury
22 is going to ultimately determine what the
23 appropriate sentence is, whether it is going
24 to be life imprisonment without the
25 possibility of parole or a death sentence.

1 Okay?

2 A. (No verbal response).

3 Q. Having said that, at this point you
4 haven't heard any evidence yet in the second
5 phase. Do you have in your mind any
6 conclusion about what the most effective or
7 proper sentence would be between the two?

8 A. Between the two?

9 Q. Between life imprisonment without the
10 possibility of parole or the death sentence?

11 A. I'd have to hear the specifics.

12 Q. Okay. Well, it is important that that
13 position be maintained because what you're
14 saying indirectly is that at this point you
15 are very open, you have an open mind to what
16 the appropriate sentence would be?

17 A. Yes, sir.

18 Q. And you wouldn't change that position
19 until you had been instructed by the court, I
20 assume, to begin your deliberations and that
21 would be after you'd heard all the evidence
22 and the law; is that correct?

23 A. That's correct.

24 Q. That's critical because of a number of
25 reasons, first and foremost because that's

1 what the law says and that your oath says that
2 you would do.

3 But, in addition, I would tell you that
4 it's not the norm when a jury is involved with
5 the sentencing in a murder trial. Typically
6 what happens in that abstract case is that the
7 court would receive your verdict and then say
8 'thank you very much, you're excused' and then
9 proceed to impose a sentence. The judge would
10 impose that sentence.

11 The most -- the maximum sentence that a
12 judge could impose for the crime of murder
13 would be life imprisonment without the
14 possibility of parole. The judge would not be
15 bound to that sentence but that would be the
16 most that the judge could impose. He could
17 impose less than that -- he or she.

18 But our State has said that in some
19 situations, in certain circumstances, the
20 State has the right to proceed with seeking a
21 death sentence but they have to do certain
22 things. First, we have to have that second
23 phase where we consider evidence concerning
24 the appropriate sentence. That's evidence
25 that would be in addition to the evidence that

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1700

1 is heard. Obviously the crime and the nature
2 of the crime, you would always be considering
3 in fashioning a sentence but you'd hear
4 matters that would not have been proper and
5 would not have been received in the first
6 phase.

7 The law goes on to say that in addition
8 to those -- to the general evidence that may
9 be important in fashioning a sentence, for a
10 jury to determine what the appropriate, what
11 an appropriate sentence would be, you have to
12 prove beyond a reasonable doubt first the
13 existence of some aggravating circumstance as
14 defined by our law. Without that, then this
15 crime is nothing more than the murder -- a
16 normal murder and the only sentence that a
17 jury could impose is life without parole in
18 that situation.

19 In other words, the instruction
20 would say that if at the conclusion of your
21 deliberations you don't find the existence of
22 an aggravating circumstance from the evidence
23 beyond a reasonable doubt, then you must
24 return a sentence of life without parole
25 because you can't even consider a death

1 sentence. Okay?

2 A. Okay.

3 Q. Any problem following that instruction in
4 that situation?

5 A. No, sir.

6 Q. There are a number of aggravating
7 circumstances that are provided by statute.
8 Just for purposes of our discussion, two of
9 them could be -- one is the killing of a
10 police officer and another is the killing of a
11 child. If one of those was present in your
12 abstract case and you were to conclude beyond
13 a reasonable doubt that that had been
14 established, my instruction would say that
15 once you'd made the determination beyond a
16 reasonable doubt of the existence of that,
17 then the jury may consider, in addition to the
18 life imprisonment without the possibility of
19 parole, a death sentence.

20 Now, that word "consider" means just
21 that. In other words, you would have to
22 decide between the two. The court would never
23 tell you that you have to pick one over the
24 either: either death over life or life over
25 death. It would be up to the jury to

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1702

1 determine, by considering all the evidence,
2 which one they believe to be the most
3 appropriate.

4 My understanding is that, as a type three
5 juror, at that time you would have heard all
6 the evidence, at that time you would have
7 received the law and you would be able to
8 apply your common sense, your sense of logic
9 and reasoning fairly and impartially and
10 decide between death or life imprisonment
11 without the possibility of parole; is that
12 correct?

13 A. Yes.

14 Q. And I am asking you to tell me the
15 circumstances, I'm just asking you this: In
16 your mind, there are circumstances that if
17 those exist then you would -- again, one of
18 which is that you've already determined an
19 aggravating circumstance, but understand that
20 you don't have to bring back -- as I told you,
21 I would never instruct you that you must
22 return it. You'd have to find an aggravating
23 circumstance to be able to consider it but in
24 considering those aggravating circumstances
25 and all other circumstances, while you have

1 the option to impose a life imprisonment, you
2 would choose to impose a death sentence?

3 A. I am not sure that I would.

4 Q. Well, in other words, when you're given
5 -- you have to determine there is an
6 aggravating circumstance to be given the
7 option.

8 A. Are you asking if I am capable of doing
9 that?

10 Q. Yes.

11 A. (Affirmative nod), I am.

12 Q. If you're satisfied that those
13 circumstances have been -- are present?

14 A. Yes.

15 Q. And you would do that if that be the
16 case?

17 A. If that be the case.

18 Q. You understand that in order to effect
19 that sentence that not only would you have to
20 vote for it but there would be a form that you
21 have to sign, that there would be a death
22 sentence that you would have to sign stating
23 that was your verdict.

24 A. It's not an easy thing for anyone to do.

25 Q. No, it is not. But you could sign that

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1704

1 form, as well?

2 A. (Sighs), with other circumstances and
3 such. Yes.

4 Q. Yes?

5 A. Yes.

6 Q. In other words, you would have concluded
7 that that is the just and proper sentence for
8 this situation?

9 A. I am afraid so.

10 Q. Well, don't -- I thank you for the way --
11 and I understand what you mean because there's
12 -- I assume you, as someone mentioned,
13 imposing a sentence is not the most pleasant
14 thing to have to do. I understand that.
15 Neither is it pleasant for me but it is a part
16 of the responsibility or one of the tasks that
17 we have to do when we accept the role of being
18 a judge in this case. That would be yours,
19 that you would carry out that function.

20 A. I could.

21 Q. Likewise, Ms. Ferguson, if in considering
22 both, while you would have had the opportunity
23 because of the existence of the aggravating
24 circumstance, as you know, you would also have
25 the right to consider and impose a life

1 without parole sentence.

2 A. Yes.

3 Q. You could, given the circumstances, if
4 you felt that it was warranted, just and it
5 was a proper sentence, decide not to impose
6 death but to instead impose life imprisonment
7 without the possibility of parole?

8 A. I couldn't tell you until I've heard all
9 the evidence.

10 Q. That's fine. That's precisely what a
11 type three juror says that they will do.
12 Some of the circumstances that you will hear
13 in addition to aggravating circumstances,
14 which obviously have to be there in order to
15 be able to consider the death sentence, would
16 be other factors which may be important in
17 fashioning a sentence and in deciding between
18 life or death; also something that we call
19 mitigating circumstances. Some mitigating
20 circumstances are statutorily provided, some
21 are nonstatutory -- meaning just common sense
22 mitigating circumstances.

23 Those are facts and circumstances that
24 would tend to lessen the effect of a murder,
25 such as -- and there are a number, but such as

1 the person may have had a history of
2 addiction. There may be substance abuse in
3 their life. They may have had some problems
4 in childhood such as child abuse. They may
5 have some mental issues which would justify or
6 excuse the acts but be more as to some
7 explanation why the person would have done
8 what they've done. Again, it wouldn't change
9 the fact that it was murder. It would just be
10 something that would mitigate the ---

11 A. I understand.

12 Q. If those are present, the instruction
13 would also say that if there are mitigating
14 circumstances, you would be required as a
15 juror and as a judge to give meaningful
16 consideration to those circumstances, as well
17 as the aggravating circumstances in all other
18 aspects. You could do that?

19 A. I could.

20 Q. Those would be important to you before
21 you could determine a sentence?

22 A. Right.

23 Q. Now, in this process -- the person in
24 that abstract, I would have instructed you if
25 I had been the judge, in both phases, that

1 that individual had no responsibility to prove
2 or disprove anything at all. Persons accused
3 of criminal offenses have no burden of proof.
4 They don't have to prove their innocence, they
5 don't have to do anything. They don't even
6 have to present evidence. Certainly they
7 don't even have to testify. If they chose not
8 to, then your instruction would be that you
9 can't use that against them in any way.

10 That's either in the first or the second
11 phase. Would you have any problem following
12 that instruction?

13 A. No, I would not.

14 Q. Therefore, in the second phase, if there
15 aren't any mitigating circumstances for you to
16 consider, you wouldn't hold that against that
17 person, you would just decide it based on
18 whatever that you have. Is that correct?

19 A. That's correct.

20 Q. But you wouldn't penalize the defendant
21 because there weren't any mitigating
22 circumstances?

23 A. No.

24 Q. The final aspect of that charge would
25 say, we have talked about aggravating

1 circumstances, mitigating circumstances but
2 there would also be a portion of the charge
3 that says as a member of the jury deciding the
4 punishment, whatever the appropriate
5 punishment, you have the right to impose life
6 without parole for no reason, at all, if you
7 choose to. That's just your right.

8 Now, again, all of that would be
9 motivated by a view of all the other and your
10 ultimate conclusion of what is fair and just
11 under the facts and circumstances of this
12 case, but that would be a right that you have.
13 Would you be able to consider that, as well,
14 in fashioning the sentence?

15 A. Yes, I would.

16 Q. And it is my understanding that you would
17 consider all of the evidence fair and
18 impartial, make a decision of what you believe
19 to be the truth, take that law that we have
20 discussed and then you would, could, could
21 write a sentence and it might be a death
22 sentence or it might be life imprisonment
23 without the possibility of parole, but it
24 would depend on the facts and circumstances?

25 A. It would.

1 Q. Now, let's leave that abstract case for
2 just a moment. On Friday I mentioned to you
3 that Mr. Dickerson has been accused of several
4 criminal offenses. I further stated that, as
5 anyone accused of a criminal offense in this
6 state or in this country, is presumed innocent
7 until the State proves his guilt beyond a
8 reasonable doubt. You didn't have any problem
9 with that principle of law, did you?

10 A. No.

11 Q. That is a very active presumption. By
12 that, I mean simply this. When we see persons
13 who have been accused of crimes, that law
14 requires us to actively presume -- that means
15 to see them as innocent of those offenses.
16 Today as you sit here, is Mr. Dickerson in
17 your mind, as far as you are concerned,
18 innocent of these charges?

19 A. Yes.

20 Q. And would you be able to maintain that
21 position until you were instructed, if you
22 were on the jury, to consider the evidence, to
23 decide what you believe to be the truth and
24 then, deciding that, taking the law and you
25 have become firmly convinced as to each

1 element of a particular crime with which he
2 stands accused and then at that time -- then,
3 of course, under the instruction you would be
4 expected to find him guilty and that
5 presumption would vanish because the State
6 would have met its burden of proof. But until
7 that occurs, you would honor that presumption.
8 Is that correct?

9 A. Yes, sir, I would.

10 Q. All right. Based on what you've heard
11 thus far about this case, is there anything
12 that would give you any concern about your
13 ability to fairly and impartially consider the
14 evidence, decide the true facts and then take
15 the law as I gave it to you and apply it
16 fairly and impartially to those facts?

17 A. I could.

18 Q. The last question that I have is this, we
19 have two judges working together and I don't
20 know that this will happen -- it could, -- but
21 during the charge on the law there may be some
22 law that you hear that is not consistent with
23 your understanding of what you thought the law
24 was or what you think that it ought to be or
25 it may be inconsistent with what you believe

1 should be the case, just life itself, but part
2 of the oath that you've took is that you,
3 notwithstanding those feelings, would set
4 those feelings aside and apply that law as
5 stated, fairly and impartially?

6 A. I would.

7 THE COURT: Please answer any
8 questions that the attorneys may have.

9 VOIR DIRE EXAMINATION

10 BY BRUCE DURANT:

11 Q. Good afternoon, Ms. Ferguson.

12 A. Hi.

13 Q. My name is Bruce Durant, I'm the Deputy
14 Solicitor here. This is Scarlet Wilson, she
15 is the Solicitor. This is Rutledge Durant,
16 he's another Assistant in our office. We will
17 be prosecuting this case on behalf of the
18 State of South Carolina.

19 Based on your responses to the
20 questionnaire and your responses to Judge
21 Dennis, I don't believe that I have any
22 questions of you at this time.

23 Thank you.

24 THE COURT: Mr. Bloom?

25 VOIR DIRE EXAMINATION

1 BY MR. BLOOM:

2 Q. Ms. Ferguson, my name is Jeff Bloom and
3 along with Andrew Carroll, who is out of the
4 courtroom right now, we represent William
5 Dickerson. I just have a few questions.

6 Can you tell us just generally what your
7 opinion is about the death penalty?

8 A. I think that it is -- I support the death
9 penalty and that it is -- it depends on all
10 the circumstances and has a lot to do with
11 that number three, mitigation, mitigating
12 circumstances.

13 Q. All right, ma'am. And you understood
14 Judge Dennis' instructions that if you were a
15 juror in such a case and after you'd heard all
16 the evidence and instruction, that it is your
17 individual choice. That there is nothing in
18 the law that requires that you choose the
19 ultimate punishment but that you could chose
20 life without parole. Do you remember that
21 part of his instructions?

22 A. Yes.

23 Q. In that vein, the law calls that an
24 individualized, reasoned moral judgment. Can
25 you make that judgment?

1 A. I can.

2 Q. After you've heard all the evidence, all
3 the circumstances, Judge Dennis' instructions,
4 discussed it with your fellow jurors and
5 debates it, everybody had went around, you'd
6 listened to them, they'd listened to you, if
7 eleven jurors were voting one way but you were
8 voting the other way and it was your own
9 individualized, reasoned moral judgment based
10 on everything you had heard, decided, debated
11 and listened to, could you stand by that?

12 A. I could.

13 Q. Okay. You wouldn't just give them up and
14 go along to get along?

15 A. No.

16 Q. You'd didn't strike me as that but you
17 know that I have to ask.

18 A. (Affirmative nod).

19 Q. Likewise, you would then ask other jurors
20 to respect your vote?

21 A. Yes.

22 Q. You would respect theirs?

23 A. Yes.

24 MR. BLOOM: Thank you, ma'am.

25 THE COURT: Anything else, Mr.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1714

1 Durant?

2 BRUCE DURANT: No, sir, Your
3 Honor.

4 THE COURT: Thank you, Ms.
5 Ferguson. I would ask, if you could, for you
6 to step out just for a moment. We will be
7 with your momentarily.

8 (JUROR NUMBER 90 EXITS COURTROOM)

9 THE COURT: I find that Ms.
10 Ferguson is qualified. Any objections from
11 the State?

12 BRUCE DURANT: No, sir.

13 THE COURT: From the defense?

14 MR. BLOOM: No, sir.

15 THE COURT: Thank you very much.
16 Ask her to step in, please.

17 (JUROR NUMBER 90 ENTERS COURTROOM)

18 THE COURT: Ms. Ferguson, thank you
19 very much for your patience. You've been
20 found to be qualified to be a member of the
21 panel from which we will select our jury.

22 That will take place tomorrow
23 morning by 9:30. We need for you to be here
24 by 9:30 and we will start that process at that
25 time. It won't take that long, but I need for

1 you to plan to be here because if you're
2 selected for the jury we will then start the
3 trial of the case. That means, you wouldn't
4 be able to leave the courtroom for a while.
5 Plan on that.

6 Until then and until you have been
7 dismissed from this case, please remember that
8 you still are not at liberty to discuss this
9 case with anyone or permit anyone to talk with
10 you about it. Also, please continue not to
11 watch any news programs about it or read any
12 news accounts. Have a great day and we'll see
13 you in the morning.

14 Come directly to this courtroom.
15 Depending on what time you get here, the jury
16 may be redirected to another courtroom, just
17 because of all the people that will be milling
18 in and out of here, just to keep the jury
19 separate. We will bring you in at 9:30. You
20 may be able to come directly here, but someone
21 will be out there directing you. Okay?

22 JUROR NUMBER 90: Yes, sir.

23 THE COURT: You are telling them to
24 wear their JUROR button, I assume?

25 BAILIFF: (Affirmative nod).

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1716

1 THE COURT: Do that so that they
2 will know who you are. Thank you very much,
3 see you in the morning.

4 (JUROR NUMBER 90 EXITS COURTROOM)

5 THE COURT: Let's bring in Mr.
6 Smalls, Number 287.

7 (JUROR NUMBER 287 ENTERS COURTROOM)

8 THE COURT: Mr. Smalls, good
9 afternoon. How are you, sir?

10 JUROR NUMBER 287: Fine. Thank you,
11 Your Honor.

12 THE COURT: Sorry we have kept you
13 so long. Thank you so much. We won't keep
14 you too much longer but we need to continue
15 that process that we started on Friday. There
16 are some questions that I have to ask you and
17 the attorneys will have to ask you. As you
18 noticed on Friday, these questions don't have
19 any correct answers.

20 JUROR NUMBER 287: Right.

21 THE COURT: They are just simply
22 designed to help you and us to make a
23 determination as to whether you can be a fair
24 and impartial juror.

25 JUROR NUMBER 287: Okay.

1 THE COURT: All we ask is that you
2 be truthful and candid in your responses.
3 Will you do that, sir?

4 JUROR NUMBER 287: Yes, sir.

5 THE COURT: Please understand also
6 that we're not here to try to change your
7 mind about anything you believe or convince
8 you that you're wrong, so you don't have to
9 defend yourself. If you believe something
10 and you feel comfortable, you are entitled to
11 that belief. Okay?

12 JUROR NUMBER 287: Yes, sir.

13 THE COURT: Now, I would remind
14 you, sir, that you're still under oath in
15 this matter. Do you understand that?

16 JUROR NUMBER 287: Right.

17 ROBERT SMALLS, being duly sworn to
18 tell the truth, the whole truth and nothing
19 but the truth, testified, as follows:

20 VOIR DIRE EXAMINATION

21 BY THE COURT:

22 Q. Since we were together on Friday --
23 well, let me ask you to do something first,
24 state your full name?

25 A. Robert Lee Smalls.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1718

1 Q. Mr. Smalls, I don't know how I missed it
2 but I noticed in looking at your form when
3 preparing for this that you've reached that
4 wonderful station in life -- you're sixty-
5 nine?

6 A. Yes, sir.

7 Q. And you heard me say that you could be
8 excused if you wanted to be?

9 A. Right.

10 Q. But you choose to stay?

11 A. Right.

12 Q. Thank you so much, sir. It's an honor
13 to be here. Thank you for that sort of
14 commitment. I appreciate that, sir. I mean
15 that sincerely.

16 Since we were together on Friday, have
17 you talked with anyone, permitted anyone to
18 talk with you about this case or talk about
19 it in your presence?

20 A. No.

21 Q. Have you watched any news accounts or
22 read any newspaper articles about it?

23 A. No, sir.

24 Q. Remember on Friday I mentioned a number
25 of names?

1 A. Yes, sir.

2 Q. I failed to mention two names that I
3 need to ask you about. Are you related by
4 blood or marriage, have any business dealings
5 with or socially or casually acquainted with
6 either a Jeff Osborne or a Matt Casey?

7 A. No, sir, I don't know them.

8 Q. You were given a sheet when you came in
9 today.

10 A. Right.

11 Q. And that sheet of paper sets forth three
12 types of jurors, have you had a opportunity
13 to review that sheet, sir?

14 A. Yes.

15 Q. Have you had a chance to reflect on the
16 three types?

17 A. Yes, sir.

18 Q. Which type most accurately describes
19 you?

20 A. I think number -- number two.

21 Q. Tell me about number two, why that
22 describes you. Why do you think that
23 describes you?

24 A. Well, I think number two -- being that I
25 was in the military, seeing so many bad

1 things, I just don't think you could kill a
2 person because he committed a crime. Now, I
3 could go with life without parole but the
4 death penalty, (negative gesture).

5 Q. You just couldn't do that?

6 A. No, sir.

7 Q. As I understand, you're telling me that
8 is something that you couldn't do in any
9 circumstance, anybody convicted of murder,
10 you could never impose a death sentence for
11 them?

12 A. That's a hard question right there.

13 Q. Well, I understand it.

14 A. I -- (pause).

15 Q. Let me explain it a little bit more.

16 A. Okay.

17 Q. Because I told you when I started that I
18 wouldn't ask you to defend any belief, that
19 you're entitled to them. I am not asking you
20 to change your mind. I am not asking you to
21 put that -- to believe something else.

22 I am simply asking you would your belief,
23 would you be able to put that belief aside if
24 you were on a jury and instructed to consider
25 a case in which you would be entitled to

1 consider a death penalty and impose a death
2 sentence if you were convinced that was the
3 appropriate sentence, notwithstanding your
4 belief that you don't believe that somebody
5 should have to be put to death?

6 A. I don't think so.

7 Q. Under any circumstance?

8 A. No, sir.

9 THE COURT: Any questions?

10 MR. BLOOM: Yes, sir.

11 VOIR DIRE EXAMINATION

12 BY MR. BLOOM:

13 Q. Mr. Smalls, do you hold that as a part
14 of your religious belief, in part, that
15 belief?

16 A. Some of it.

17 Q. Thank you, sir.

18 THE COURT: Any other questions?

19 BRUCE DURANT: No questions,

20 Your Honor.

21 THE COURT: As I understand it,
22 part of it may be religious but part of it
23 has to do with what you had to deal with in
24 the military?

25 JUROR NUMBER 287: Yes, sir.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1722

1 THE COURT: Thank you so much, Mr.
2 Smalls. I am going to excuse you from any
3 further participation in this dispute. I
4 thank you for your commitment to your
5 community, being a part of it, it has been an
6 honor to serve with you, sir. You are now
7 excused from further service. Good luck to
8 you.

9 JUROR NUMBER 287: Thank you, Your
10 Honor.

11 (JUROR NUMBER 287 EXITS COURTROOM)

12 THE COURT: Yes, sir, Mr. Bloom?

13 MR. BLOOM: Your Honor, I would
14 just note our objection, as we did with the
15 other jurors, under the First, Eighth and
16 Fourteenth Amendments.

17 THE COURT: Thank you. For the
18 reasons stated in each of those instances, I
19 -- I appreciate Mr. Smalls, I believe Mr.
20 Smalls is an extremely honorable man who
21 would -- having been in the military, but I
22 believe that he first reacted but that when
23 he thought about it, 'there's no circumstance
24 where I could ever do that.' For that
25 reason, he could not carry out the

1 instruction(s) of the court or function as a
2 juror and, therefore, I disqualified him. I
3 assume the State has no objection to his
4 disqualification?

5 BRUCE DURANT: No, Your Honor.

6 THE COURT: Thank you. Okay.
7 That concludes Panel Number Eleven. Let's go
8 to Panel Number Twelve. Bring in Mr.
9 Tribuna.

10 (JUROR NUMBER 317 ENTERS COURTROOM)

11 THE COURT: If you will sit and
12 pull yourself up so that you can speak into
13 that mic comfortably.

14 I appreciate your patience. We are
15 going to continue the process that we started
16 on Friday. There are some questions that I
17 am going to have for you and that the
18 attorneys may have for you. As you noticed
19 on Friday with those questions, there are no
20 correct answers to any of these questions.

21

22 All of them are designed to assist
23 you and us in determining whether you'd be a
24 fair and impartial juror in this case. They
25 are not here to challenge any belief or

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1724

1 philosophies that you have. You are entitled
2 to those, so don't think that you have to
3 defend them for any reason.

4 We just ask that you be truthful and
5 candid in responding to the questions and
6 fully answer the questions. Will you do
7 that, sir?

8 JUROR NUMBER 317: Yes, sir.

9 THE COURT: I would remind you in
10 that regard that you are still under oath in
11 this matter. Okay?

12 JUROR NUMBER 317: Okay.

13 DANIEL TRIBUNA, being duly sworn to
14 tell the truth, the whole truth and nothing
15 but the truth, testified, as follows:

16 VOIR DIRE EXAMINATION

17 BY THE COURT:

18 Q. Please state your name.

19 A. Daniel Tribuna.

20 Q. Mr. Tribuna, since we were together on
21 Friday have you talked with anyone, permitted
22 anyone to talk with you about this case or
23 talk about it in your presence?

24 A. No.

25 Q. Have you watched any news accounts or

1 read any newspaper articles about it?

2 A. I saw the headline on the paper but I
3 didn't read it.

4 Q. What you saw, would that influence you
5 in any way in this case?

6 A. (Negative gesture).

7 Q. Sir?

8 A. No, sir.

9 Q. Okay. On Friday, we talked about a
10 number of persons. I mentioned a number of
11 names but I failed to mention two names that
12 I need to ask you about. Are you related by
13 blood or marriage, have any business dealings
14 with or are you socially or casually
15 acquainted with either Jeff Osborne or Matt
16 Casey?

17 A. No.

18 Q. When you arrived, they gave you a sheet
19 of paper that sets forth three types of
20 jurors, have you had a opportunity to review
21 that sheet?

22 A. Yes.

23 Q. Which type most accurately describes
24 you?

25 A. Type two.

1 Q. Tell me what it is about the type two,
2 why that applies to you?

3 A. I just don't agree with taking a life.
4 I could agree with life without parole but
5 not the death penalty.

6 Q. All right. As I understand,
7 notwithstanding the fact that we respect your
8 belief, there is nothing, no circumstance(s)
9 that you can think of where you would be
10 asked to consider, where you'd set aside that
11 belief or could set aside that belief and
12 impose a death sentence?

13 A. No, Your Honor.

14 Q. Under any circumstance at all?

15 A. No, Your Honor.

16 THE COURT: Does the State have
17 any questions?

18 BRUCE DURANT: No, Your Honor.

19 MR. BLOOM: I have one.

20 THE COURT: Okay.

21 VOIR DIRE EXAMINATION

22 BY MR. BLOOM:

23 Q. Mr. Tribuna, is that based on your
24 religious belief, your religious background?

25 A. (Negative gesture), it's just how I

1 believe.

2 Q. All right. Thank you very much, sir.

3 THE COURT: Thank you so much, Mr.
4 Tribuna. As I mentioned to you, we wouldn't
5 challenge that. We respect your right to
6 believe that way. I am going to excuse you
7 from any further participation. Thank you
8 for your service to your community and to
9 your State. You are now free to leave. You
10 do not have to report any more.

11 JUROR NUMBER 317: Thank you, Your
12 Honor.

13 (JUROR NUMBER 317 EXITS COURTROOM)

14 THE COURT: Bring in Number 63.

15 THE COURT: This gentleman has --
16 do you'all have attached some notes about
17 heart problems that he has, in your notes?

18 SOLICITOR WILSON: Yes, sir.

19 THE COURT: Okay, I am going to
20 ask him about that. I don't want to be
21 guilty of that.

22 (JUROR NUMBER 63 ENTERS COURTROOM)

23 THE COURT: Good afternoon, Mr.
24 Cunliffe. How are you, sir?

25 JUROR NUMBER 63: I'm here.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1728

1 THE COURT: That's good. I
2 appreciate that. First thing that I want
3 to ask you, did we talk about your health
4 condition on Friday?

5 JUROR NUMBER 63: (Affirmative
6 nod).

7 THE COURT: I thought we did. Let
8 me ask you -- what I have as part of your
9 form, given what's happened and what is going
10 to be involved, does that process concern you
11 insofar as its effect on your condition?

12 JUROR NUMBER 63: The only thing
13 that concerns me is that within the last
14 approximately two months I have had, shall we
15 say, a different condition; more troubling
16 than the condition that I've had for my whole
17 life.

18 I am being treated at MUSC. I do
19 have an event scheduled May 1st, which is --
20 it's not like a regular stress test.
21 Apparently they will put something on my face
22 like an athletic -- to figure my lung
23 capacity.

24 I have always had lightheaded, I do
25 take a number of medications and over the

1 last six weeks we have been working with -- I
2 am now on the third try to take some of the
3 symptoms down.

4 My cardiologist, when I told him --
5 he is always encouraging me, so I guess I see
6 a glimmer of positiveness there. I am happy
7 that I made it here now, I feel fine, I'm --
8 you know -- in front of some people. I guess
9 the worst is over for me on that. Although,
10 I am taking some new medication.

11 THE COURT: Is your cardiologist,
12 is he aware ---

13 JUROR NUMBER 63: No.

14 THE COURT: --- that you're about
15 to undertake a death case?

16 JUROR NUMBER 63: No. No.

17 THE COURT: So when he -- when you
18 said that he was -- was he aware that you
19 were summoned for a jury ---

20 JUROR NUMBER 63: Sir, this may
21 help. I was in North Carolina, I was sent
22 the notice for jury duty and I -- I'm almost
23 certain that the document that I provided to
24 the court, at least that court excused me.

25 THE COURT: Yes.

1 JUROR NUMBER 63: I know it's
2 updated and I'm not sure what it says but I
3 know that it does say something about my ---

4 THE COURT: I understand. I am
5 going to ask you to step out just for a
6 moment, please, sir. We will be with you in
7 just a minute. I need to discuss matters out
8 of your presence, which is typical of what we
9 do.

10 JUROR NUMBER 63: Thank you.

11 (JUROR NUMBER 63 EXITS COURTROOM)

12 THE COURT: I am not going to put
13 this fellow through this, I don't think; not
14 with what is in the file. I don't think it
15 is worth it? Do you have any objection?

16 SOLICITOR WILSON: I don't have any
17 objection.

18 THE COURT: I don't think anybody
19 -- unless he's done it before, I don't think
20 he can fathom the stress of this process.

21 SOLICITOR WILSON: I think that's
22 fair.

23 THE COURT: Okay. Do you have any
24 objection, Mr. Bloom?

25 MR. BLOOM: None at all.

1 THE COURT: Ask Mr. Cunliffe to
2 come in.

3 (JUROR NUMBER 63 ENTERS COURTROOM)

4 THE COURT: I appreciate, sir,
5 your willingness to come this far with this.
6 I am going to do something here, I am going
7 to find that because of the nature of this,
8 the length of the trial involved, the stress
9 associated with it, unless you tell me,
10 'Judge, I think I can do it, I would like to
11 participate', then I am not going to require
12 you to do it.

13 JUROR NUMBER 63: I think it is
14 best if I don't.

15 THE COURT: I think you're
16 correct. I would agree with you a hundred
17 percent. I am not going to put you through
18 it, so you are excused. I excuse you because
19 of your health condition. I wish you the
20 best of luck.

21 JUROR NUMBER 63: Thank you, sir.

22 (JUROR NUMBER 63 EXITS COURTROOM)

23 THE COURT: The next is Juror
24 Number 319, Ms. Ulmer. This person is a
25 graduate of GW. I don't believe that I will

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Marlday Dennis, Jr.

1 need to go into great detail about what is
2 required.

3 BRUCE DURANT: I understand.

4 (JUROR NUMBER 319 ENTERS COURTROOM)

5 THE COURT: We are talking about
6 your school. I said GW, and I thought 'no,
7 wait a minute, that's George Washington',
8 it's Washington & Lee, W&L.

9 JUROR NUMBER 319: (Affirmative
10 nod).

11 THE COURT: Good afternoon, Ms.
12 Ulmer.

13 JUROR NUMBER 319: Good afternoon.

14 THE COURT: How are you?

15 JUROR NUMBER 319: I am good,
16 thanks.

17 THE COURT: We are going to con-
18 tinue the process that we started on Friday.
19 As you probably can imagine and understand,
20 we are going to have some additional
21 questions. As you know, there are no
22 "correct" answers.

23 JUROR NUMBER 319: Yes, sir.

24 THE COURT: We just ask that you
25 be candid with your responses?

1 JUROR NUMBER 319: Yes, sir.

2 THE COURT: I would remind you
3 that you are still under oath.

4 JUROR NUMBER 319: I understand.

5 SUZANNE ULMER, being duly sworn to
6 tell the truth, the whole truth and nothing
7 but the truth, testified, as follows:

8 VOIR DIRE EXAMINATION

9 BY THE COURT:

10 Q. Since we were together on Friday, have
11 you talked with anyone about this matter?

12 A. (Negative gesture), other than the fact
13 that I was on the jury panel.

14 Q. That's it?

15 A. (Affirmative nod).

16 Q. Nothing specific about the case?

17 A. No, sir.

18 Q. Have you read -- has anybody talked
19 about the case in your presence?

20 A. No.

21 Q. Have you watched any news accounts or
22 read any newspaper articles about it?

23 A. I watched the news but nothing about the
24 case, the national news.

25 Q. On Friday, I mentioned a number of names

1 but I failed to mention two names that I need
2 to ask you about. Are you related by blood
3 or marriage, have any business dealings with
4 either Jeff Osborne or Matt Casey?

5 A. No.

6 Q. You were given a sheet when you came in
7 that sets forth three types of jurors, have
8 you had a opportunity to review that sheet?

9 A. Yes.

10 Q. Which type most accurately describes
11 you?

12 A. Type three.

13 Q. Tell me why you think you're a type
14 three and why that applies to you?

15 A. Because of my training, I think that I
16 am objective and I know you need to hear all
17 the evidence before any decisions can be made
18 objectively.

19 Q. And you understand the difference
20 between the two phases?

21 A. Yes.

22 Q. You would be able to separate those, as
23 well?

24 A. Yes.

25 Q. You understand that the murder we are

1 talking about is murder and -- the
2 intentional killing of another with malice
3 aforethought?

4 A. Yes.

5 Q. You understand what that means?

6 A. Yes.

7 Q. It is my understanding that as a type
8 three juror that if you went into the second
9 phase that you would not have made a decision
10 as to what the appropriate sentence would be?

11 A. No.

12 Q. And you may also understand because of
13 your training and background that in this
14 state typically a jury is not involved in
15 sentencing?

16 A. Yes.

17 Q. The jury in this situation may only
18 consider the sentence of death if they first
19 find the existence of at least one
20 aggravating circumstance. Do you understand
21 that?

22 A. Yes.

23 Q. And I would define that for you?

24 A. Yes.

25 Q. And then if the jury determines an

1 aggravating circumstance, then and only then
2 may they consider a death sentence. Do you
3 understand that?

4 A. Yes.

5 Q. And you would consider -- if given that
6 opportunity, if you determined the existence
7 of an aggravating circumstance, as I
8 understand you to say, you would then apply
9 your common sense, your sense of logic and
10 reasoning fairly and impartially in analyzing
11 all the evidence, including any mitigating
12 circumstances that may exist?

13 A. (Affirmative nod).

14 Q. And decide what you believe to be the
15 appropriate sentence, whether life imprison-
16 ment or death?

17 A. Yes.

18 Q. I am not asking you to tell me which
19 type of circumstance, but there are
20 circumstances where you believe the
21 appropriate sentence that would be justified
22 would be a death sentence?

23 A. Yes.

24 Q. And there are some that even though you
25 may impose a death sentence you may choose to

1 impose a life imprisonment?

2 A. Yes.

3 Q. And you won't know which until you've
4 heard it all?

5 A. Yes.

6 Q. And part of the instruction would also
7 say that you may also, notwithstanding
8 whether there are mitigating circumstances or
9 not, you still may give a life imprisonment
10 sentence without the possibility of parole
11 for no reason at all. There ---

12 A. Would you repeat that again?

13 Q. Yeah.

14 A. I'm sorry.

15 Q. That while mitigating circumstances may
16 be something that a juror analyzing it
17 pragmatically may say, 'Well, I believe it's
18 life because of this mitigating circumstance
19 here, this and this here. I don't believe
20 the aggravating circumstances would cause me
21 to shift over, and I want to give...' -- in
22 other words, giving some rationale
23 justification for it.

24 A. (Affirmative nod).

25 Q. The jury has the right, for no reason,

1 to say 'I chose life instead of death', for
2 no reason. It's called a mercy decision.
3 You have the right to do that if you choose
4 to.

5 A. Okay.

6 Q. Would you have any problem giving fair
7 consideration to that right, as well?

8 A. Yes.

9 Q. You would be able to do it?

10 A. If that's a right, (affirmative nod).

11 Q. It's the right of the jury in fashioning
12 a sentence.

13 A. I understand.

14 Q. That's all that I am saying. I am not
15 suggesting to you that you have to ---

16 A. I understand.

17 Q. Because, as you know, the ultimate
18 decision has to be the decision that is
19 consistent with the evidence and the law and
20 that you have determined to be fair and
21 impartial and to be a just and proper
22 decision.

23 A. Right.

24 Q. That's all that I am asking. You would
25 consider all of that, all factors.

1 A. Yes.

2 Q. As you know, persons accused of criminal
3 offenses are innocent until proven guilty.

4 A. Yes.

5 Q. And you have no problem with that?

6 A. Yes (sic).

7 Q. You fully understand that presumption?

8 A. Yes.

9 Q. You also realize that persons accused
10 have no burden of proof?

11 A. Yes.

12 Q. And you would not hold this defendant to
13 any burden of proof?

14 A. Correct.

15 Q. Now, we've been talking up to this point
16 about the abstract case.

17 A. Um-humm.

18 Q. Now I am talking about Mr. Dickerson.
19 He's been accused -- you don't see that he --
20 today, as he sits here, he is innocent, as
21 far as you are concerned?

22 A. Yes.

23 Q. And you wouldn't change that position
24 until and unless the State persuaded you
25 beyond a reasonable doubt that he is guilty

1 of one or more crimes?

2 A. Yes.

3 Q. It is my understanding that there is
4 nothing that you have heard that would give
5 you any concern about your ability to, at the
6 appropriate time, to fairly and impartially
7 apply your logic, your sense of reason and
8 your life's experience and decide from the
9 evidence what you believe to be the truth and
10 then take the law, as I give it to you, and
11 apply that fairly and impartially to those
12 facts?

13 A. I have no problem with that.

14 Q. This one may be, but I don't expect that
15 you will have any problems. You may hear a
16 principle of law that differs from your
17 understanding of what the law is, and I
18 respect your right to differ, and you and I
19 can debate that at another time and place,
20 but insofar as your service on this jury, for
21 the purposes of your decision, you would
22 promise to set that aside and take the law as
23 I gave it to you.

24 A. Yes. Luckily, I was not in criminal
25 law.

1 Q. Thank you very much. Please answer any
2 questions that the attorneys may have.

3 RUTLEDGE DURANT: Thank you, Your
4 Honor.

5 VOIR DIRE EXAMINATION

6 BY RUTLEDGE DURANT:

7 Q. Ms. Ulmer, ---

8 A. Yes.

9 Q. --- my name is Rutledge Durant. This is
10 the elected, Scarlet Wilson, and the Deputy
11 Solicitor, Bruce Durant. I've just got a
12 couple of questions for you.

13 A. Okay.

14 Q. First of all, I just want to start off
15 with your general understanding or opinion on
16 the death penalty?

17 A. I don't think that I fall into either
18 group, I think it's based on the facts of the
19 case and what's going on. I cannot say that
20 I am for it or against it.

21 Q. So you are not either ---

22 A. Yes, it depends on the situation.

23 Q. Because there are some people -- on the
24 extremes of the spectrum, there are those
25 people who would always give the death

1 penalty for a murder.

2 A. Right.

3 Q. And there are people who would always
4 give a life sentence?

5 A. Right.

6 Q. And you find yourself in the middle of
7 the road?

8 A. (Affirmative nod).

9 Q In this case, as a juror you will be
10 asked to decide between -- possibly decide --
11 a sentence of life or a sentence of death.
12 Could you fairly consider both?

13 A. Yes.

14 Q. And you would be able to hand down a
15 death sentence ---

16 A. I would.

17 Q. --- under the appropriate circumstance?

18 A. Yes.

19 Q. You would also be able to sign your name
20 on a ---

21 A. Yes.

22 Q. --- death sentence?

23 A. Yes.

24 RUTLEDGE DURANT: Thank you. I
25 think that's all the questions that I have.

1 VOIR DIRE EXAMINATION

2 BY MR. BLOOM:

3 Q. Hi, Ms. Ulmer. My name is Jeff Bloom
4 and along with Andrew Carroll, who is out of
5 the room right now, we represent William
6 Dickerson. I just have a few followup
7 questions for you.

8 First of all, you heard Judge Dennis
9 explain when a jury gets to that point where
10 they are deciding between the ultimate
11 punishment or life imprisonment without the
12 possibility of parole that the law doesn't
13 require ---

14 A. Correct.

15 Q. The law, in fact, calls that an
16 individualized, reasoned moral judgment. Can
17 you accept that?

18 A. Yes.

19 Q. After you've heard all the evidence, all
20 the circumstances, the law as Judge Dennis
21 instructs it to you, after you'd discussed it
22 all with your fellow eleven jurors, debated
23 back and forth, you'd listened to them, they'd
24 listened to you, if those eleven jurors were
25 voting one way and you were voting -- if you

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1744

1 believed that your individualized and reasoned
2 moral judgment was another way, would you be
3 able to hold to that?

4 A. Yes.

5 Q. You wouldn't just give that up and say,
6 'No, it's time to go home, go to dinner.'

7 A. No.

8 Q. I didn't think that of you but you know
9 that I had to ask.

10 A. I understand.

11 Q. You would ask them to respect your vote?

12 A. Yes.

13 Q. And you would respect theirs?

14 A. Yes.

15 Q. I have just a couple of other -- I note
16 that you're an alumni of SUNY Geneseo, is Aunt
17 Cookie's Subs still there?

18 A. I am not sure. It's been a while since
19 I've been up there.

20 Q. Breaks my heart. Thank you.

21 MR. BLOOM: Thank you.

22 THE COURT: Anything else, Mr.
23 Durant?

24 RUTLEDGE DURANT: No, Your Honor.

25 THE COURT: Ms. Ulmer, thank you

1 very much. I need to talk with the attorneys
2 out of your presence. If you would, step out
3 for just a moment and we will be with you
4 momentarily.

5 (JUROR 319 EXITS COURTROOM)

6 THE COURT: She's qualified.
7 Anybody objects?

8 BRUCE DURANT: She knows too much
9 law, Your Honor.

10 THE COURT: I understand. She
11 probably could teach us a lot, I tell you
12 what.

13 (JUROR NUMBER 319 ENTERS COURTROOM)

14 THE COURT: Ms. Ulmer, thank you so
15 much. I appreciate your patience with the
16 court. You've been found to be qualified to
17 be a member of the panel from which we will
18 select our jury in this case.

19 That will occur in the morning at
20 9:30. I need for you to be here by 9:30. You
21 may come directly to the courtroom. As I've
22 told some of the other ones that are going to
23 be here, they may be a bailiff outside to
24 direct you to another courtroom until we bring
25 all the jurors in. Some jurors may be

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1746

1 arriving really early. If they take you to
2 another courtroom, they will be bringing you
3 in here.

4 Until then and until you have been
5 dismissed from this case, please remember that
6 you still are not at liberty to discuss this
7 case with anyone or permit anyone to talk with
8 you about it. Also, please continue not to
9 watch any news programs about it or read any
10 news accounts.

11 When you come tomorrow, you need to
12 come prepared to stay because if you're
13 selected we will start the trial of the case
14 after the jury is picked. Okay?

15 JUROR NUMBER 319: Okay.

16 THE COURT: Have a great after-
17 noon.

18 (JUROR NUMBER 319 EXITS COURTROOM)

19 THE COURT: Juror Number 39,
20 please. That's forty (jurors).

21 (JUROR NUMBER 38 ENTERS COURTROOM)

22 THE COURT: Good afternoon, Mr.
23 Burdette. How are you?

24 JUROR NUMBER 38: I'm fine, sir.

25 THE COURT: If you will sit and

1 pull yourself up so that you can speak into
2 that mic comfortably.

3 We are going to continue the process
4 that we started on Friday. I have some
5 questions that I need to ask of you and the
6 attorneys may have some questions. None of
7 these questions have any correct answers to
8 them. All we ask is that you be truthful with
9 your responses, candid with your responses and
10 that you answer the questions completely.
11 Will you do that?

12 JUROR NUMBER 38: Yes, sir.

13 THE COURT: And please know that no
14 one here, that none of these questions have
15 "correct" answers.

16 They are not designed to challenge
17 you in any way or to challenge your beliefs.
18 You are entitled to those. Don't feel as
19 though you have to defend yourself or defend
20 your philosophies. That is not necessary. We
21 respect that and will honor that.

22 Also, we are not here to invade any
23 privacy either. You are still under oath in
24 this matter. Do you realize that?

25 JUROR NUMBER 38: Yes, sir.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1748

1 ANN BURDETTE, being duly sworn to
2 tell the truth, the whole truth and nothing
3 but the truth, testified, as follows:

4 VOIR DIRE EXAMINATION

5 BY THE COURT:

6 Q. Since we were together on Friday, have
7 you talked with anyone, permitted anyone to
8 talk with you -- talked to anyone, permitted
9 anyone to talk to you about this case or to
10 talk about it in your presence?

11 A. No, sir.

12 Q. Since we were together last?

13 A. No, sir. I made my sister quit
14 discussing it and got off the phone.

15 Q. Thank you. Likewise, have you watched
16 any news accounts or read any newspaper
17 articles about it?

18 A. No, sir.

19 Q. On Friday, I mentioned a number of names
20 and I need to give you two more to find out if
21 you're related by blood or marriage, have any
22 business dealings with or socially or casually
23 acquainted with either a Jeff Osborne or a
24 Matt Casey?

25 A. Not that I am aware of. No, sir.

1 Q. Okay. You were given a sheet when you
2 came in that sets forth three types of jurors,
3 have you had a opportunity to review that
4 sheet?

5 A. Yes.

6 Q. Which type most accurately describes you?

7 A. I would be a juror number two.

8 Q. Number two?

9 A. (Affirmative nod).

10 Q. Tell me why you believe that and what you
11 understand juror type number two to be?

12 A. I believe that it is one that believes in
13 life imprisonment and not the death penalty.

14 Q. It is also one that says while you have
15 the right to believe that, it takes it one
16 step further and that is that that would be
17 the case in every single murder?

18 A. Yes, sir, I am not a death penalty
19 person.

20 Q. Under any circumstances?

21 A. Under any circumstances.

22 Q. So notwithstanding those strong feelings,
23 even though the court told you that you should
24 consider, you would be entitled to consider a
25 circumstance where a death penalty could be

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1750

1 returned, there is no circumstance where you
2 could vote to return a death sentence?

3 A. Not one that I've ever been presented
4 with.

5 Q. And you can't think of one?

6 A. No, not at this time.

7 THE COURT: Thank you, ma'am. Any
8 questions from the State?

9 BRUCE DURANT: No, sir.

10 THE COURT: Mr. Bloom?

11 MR. BLOOM: Very briefly, Your
12 Honor.

13 THE COURT: Yes, sir.

14 VOIR DIRE EXAMINATION

15 BY MR. BLOOM:

16 Q. My name is Jeff Bloom and along with
17 Andrew Carroll, we represent William
18 Dickerson. I just have a few followup
19 questions from what Judge Dennis asked you.

20 Ma'am, would you ever be able to set that
21 belief aside and serve in such a case and
22 impose ---

23 A. I am certain I would.

24 Q. Well, I didn't quite finish my question.
25 I'm sorry.

1 A. That's all right.

2 Q. Would you ever be able to set your
3 opinion aside and serve in such a case where
4 you might be able to consider an offense
5 appropriate to impose a death sentence, in any
6 situation?

7 A. Can you repeat the question?

8 Q. Basically I am just asking if you would
9 set your belief aside or would that be too
10 hard to do?

11 A. No, I probably could.

12 Q. Okay.

13 A. Depending on the circumstances, what was
14 set before me.

15 Q. Again, we're talking about the penalty,
16 not if a person is guilty or not guilty.
17 We're talking about in terms of death penalty
18 or life imprisonment without the possibility
19 of parole. That was my question, if you could
20 set your belief aside and ---

21 A. Oh, in that case, no. I do not believe
22 in the death penalty. I think life without
23 parole is an honest and fair sentence.

24 Q. Is this a belief that you hold based on
25 your religious faith or religious beliefs?

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1752

1 A. Religious and other beliefs.

2 MR. BLOOM: Thank you very much.

3 JUROR NUMBER 38: You're welcome.

4 THE COURT: Anything further from
5 the State?

6 BRUCE DURANT: Nothing, Your
7 Honor.

8 THE COURT: Thank you very much.

9 Ms. Burdette, if you would step out just for a
10 moment. Well, I -- no, no need to do that.
11 Excuse me. I am going to do what -- I told
12 you that we would honor that belief and I am
13 going to do that. You're excused from further
14 participation. Thank you for your commitment
15 to the process. Good luck to you, ma'am.

16 JUROR NUMBER 38: Thank you very
17 much.

18 (JUROR NUMBER 38 EXITS COURTROOM)

19 THE COURT: The State doesn't
20 object to the disqualification.

21 SOLICITOR WILSON: That's correct.

22 THE COURT: Mr. Bloom, I'll be
23 happy to hear from you.

24 MR. BLOOM: Judge, we just make the
25 same objection that we made with the other

1 jurors under the First, Eighth and Fourteenth
2 Amendment.

3 THE COURT: Very well, and my
4 ruling would be the rationale, the same as
5 previously stated.

6 All right, let's bring in Juror
7 Number 26, Ms. Bradshaw.

8 (JUROR NUMBER 26 ENTERS COURTROOM)

9 THE COURT: Good afternoon, Ms.
10 Bradshaw. How are you?

11 JUROR NUMBER 26: I'm good. How are
12 you?

13 THE COURT: Great, thank you.
14 Thank you for your patience. You are almost
15 to the point where we're probably going to let
16 you get out of here.

17 We started a process on Friday
18 talking about this case and there are some
19 additional questions that I need to ask of
20 you.

21 Just as you probably discerned on
22 Friday, there are no correct answers to any of
23 these questions. The purpose of the questions
24 is to help you and to help us make a
25 determination as to whether you can be a fair

1 and impartial juror. Okay?

2 JUROR NUMBER 26: Yes, sir.

3 THE COURT: All that we ask is that
4 you respond truthfully to the questions and
5 candidly, and that you answer the question
6 completely. Will you do that?

7 JUROR NUMBER 26: Yes, sir.

8 THE COURT: I would remind you in
9 that regard that you are still under oath in
10 this matter. Okay?

11 JUROR NUMBER 26: Yes, sir.

12 LAURA BRADSHAW, being duly sworn to
13 tell the truth, the whole truth and nothing
14 but the truth, testified, as follows:

15 VOIR DIRE EXAMINATION

16 BY THE COURT:

17 Q. Would you state your full name for the
18 record, please?

19 A. Laura Kristen Bradshaw.

20 Q. Ms. Bradshaw, since we were together on
21 Friday have you read anything, talked with
22 anyone, permitted anyone to talk with you or
23 permitted anyone to talk about this case in
24 your presence?

25 A. No, sir.

1 Q. I failed to mention two names that I need
2 to ask you about. Are you related by blood or
3 marriage, have any business dealings with or
4 socially or casually acquainted with either
5 Jeff Osborne or Matt Casey?

6 A. No, sir.

7 Q. You were given a sheet when you came in
8 that sets forth three types of jurors, have
9 you had a opportunity to review that sheet?

10 A. Yes, sir, I have.

11 Q. Have you had a chance to reflect on which
12 one most accurately describes you?

13 A. Yes, sir.

14 Q. Which one is that?

15 A. I would say type number three.

16 Q. Okay. Tell me why you believe that
17 you're a type three and what about type three
18 makes you believe that?

19 A. Really the first two just seem so black-
20 and-white to me. I am the type of person that
21 I like to see both sides of the story, both
22 angles that can bring certain things to a
23 case. If you hear one side, you normally just
24 go with that one side. I just like to keep
25 myself open-minded and hear all the -- both

1 sides of a case.

2 Q. That's interesting. You just mentioned
3 something that I believe is fairly significant
4 in the performance of the task as a juror is a
5 pretty significant characteristic. That is, a
6 juror needs to be open-minded when they start
7 the process. Do you agree with that?

8 A. Yes, sir.

9 Q. And as you've stated here, let's talk
10 about that situation that is reflected on that
11 sheet. Basically it's obvious from reading it
12 that that's a juror that would be involved in
13 sentencing someone for the crime of murder; do
14 you understand that?

15 A. Yes, sir.

16 Q. And let me also tell us that at the point
17 that the sheet that the questions surround,
18 that jury would have already heard the first
19 phase; that is, they would have been presented
20 evidence concerning the crime and a decision
21 would have been made by that jury and you
22 would have been on that jury as a type three
23 juror. You would have voted with your other
24 jurors that the State had convinced you beyond
25 a reasonable doubt that the person accused of

1 this crime had committed the crime and you
2 found the crime to be murder beyond a
3 reasonable doubt. Okay?

4 Murder. Let's talk about that. Murder
5 is the intentional killing of someone with
6 malice aforethought. That means that
7 somebody, with malice, went out intending to
8 kill somebody. They weren't -- they didn't
9 have any reason to do it, no justification for
10 doing it, they were evil in their thoughts,
11 mean-spirited, malicious and they carried it
12 out. You'd found that person guilty.

13 It wasn't -- in this state the lesser-
14 included offense is sometimes manslaughter or
15 involuntary manslaughter. It was none of
16 those. Manslaughter is the killing of someone
17 in the sudden heat of passion. Involuntary
18 manslaughter is a reckless act that sometimes
19 results in a death. It was neither of those,
20 you'd ruled those out.

21 It wasn't self-defense, it wasn't an
22 accident. It was murder. Okay?

23 At that point, as I understand what
24 you've just said, because you're about now at
25 the conclusion, being a jury -- you're a jury

1 that has been empaneled not only to determine
2 the charge but also to determine the
3 punishment.

4 A. Correct.

5 Q. And you haven't heard any evidence on
6 that yet. I understand what you're saying,
7 what you've basically said is this: 'Yeah,
8 I've determined that he is guilty. That's it.
9 The crime is murder. But I still don't know
10 whether the sentence should be life
11 imprisonment without the possibility of parole
12 or the death sentence because I haven't heard
13 the evidence yet.'

14 A. Correct.

15 Q. That's you?

16 A. Correct.

17 Q. And also based on what you've said, 'I
18 have an open mind as to which one that it
19 should be.' Is that correct?

20 A. Correct.

21 Q. 'And I won't be able to change that
22 position until I've heard all the evidence and
23 until I've received the instruction on the law
24 from the court.'

25 A. Yes, sir.

1 Q. That would be you?

2 A. Yes, sir.

3 Q. Well, it is important insofar as it's
4 proper insofar as performing the task as a
5 juror, what you would have accepted when you
6 started the process; which is to stay open
7 when you -- you were instructed them to change
8 your mind, you considered the evidence
9 carefully, you evaluated it, applying your
10 common sense and you found the person was
11 guilty of murder. That was fulfilling that
12 responsibility.

13 A. (Affirmative nod).

14 Q. Now you're open again: 'I haven't heard
15 anything. Won't know until I have heard it
16 all.' Right?

17 A. Right.

18 Q. It is important because normally a jury
19 is not involved in sentencing. Normally in
20 that setting, if a jury convicted this person
21 of murder a judge would have excused you, said
22 'thank you very much.' The judge would have
23 imposed a sentence. The sentencing judge
24 could have imposed a sentence of life without
25 parole or some lesser number of years. They

1 wouldn't have to -- they wouldn't be bound by
2 that. But there is no way that a judge could
3 have imposed, in a normal setting, a death
4 sentence. Do you understand that?

5 A. Yes, sir.

6 Q. Therefore the first thing that you need
7 to know about the second phase is that unless
8 you find certain circumstances, that we call
9 aggravating circumstances, exist beyond a
10 reasonable doubt, you can't even consider a
11 death sentence. In other words, the jury
12 would have to return a life imprisonment.

13 A. Yes.

14 Q. You wouldn't have any problem with that,
15 is that right?

16 A. No, (affirmative nod).

17 Q. The aggravating circumstances, and there
18 are a number of them, are circumstances that
19 the Legislature says if they exist with the
20 crime of murder, then in those situations a
21 jury may then consider in addition to life
22 imprisonment a death sentence. That has to
23 be established beyond a reasonable doubt.

24 Some of those circumstances -- there are
25 many, but some of them are the killing of a

1 police officer or the killing of a child.

2 Those are two, there are others.

3 But if the jury -- if you were on that
4 abstract case and you concluded that there
5 were aggravating circumstances, then
6 consistent with the instruction you would be
7 empowered to impose a death sentence if you
8 chose to or life in prison. Do you under-
9 stand?

10 A. Yes, sir.

11 Q. If it my understand that you would want
12 to -- at this point you still would not --
13 even after determining the existence of an
14 aggravating circumstance, which gives you the
15 right to -- you still wouldn't know which one
16 it was until you'd considered all the
17 circumstances and had a chance ---

18 A. Yes, sir.

19 Q. --- to talk with other jurors and then
20 make a decision for yourself?

21 A. Yes, sir.

22 Q. It is my understanding that you believe
23 that you would have the ability to apply your
24 common sense, your sense of logic and reason
25 fairly and impartially in performing that

1 task; is that correct?

2 A. Yes, sir, I would.

3 Q. And you would decide what you believe to
4 be the true facts, take the law and apply it
5 fairly and impartially to those facts, and
6 your decision -- depending on the facts and
7 circumstances -- could be a death sentence; is
8 that correct?

9 A. Yes, sir.

10 Q. Or even though you had the right to
11 impose a death sentence, you could choose to
12 impose a life imprisonment without the
13 possibility of parole.

14 A. Yes, sir.

15 Q. Is that right?

16 A. Yes, sir.

17 Q. And you believe that whatever result that
18 you did it would be fair and just and
19 consistent with the evidence and the law?

20 A. Yes, sir.

21 Q. One other -- there are a number of
22 factors that you would be instructed to
23 consider but one of them is that the court
24 would instruct you that for you to consider
25 the evidence and if there are mitigating

1 circumstances, some of those may be statutory
2 and some may be nonstatutory; meaning that
3 those are just common sense, known to people.

4 A. (Affirmative nod).

5 Q. And "mitigating", as that term would
6 imply, are those circumstances that would tend
7 to make -- while the aggravating circumstances
8 raise the murder to allow the death penalty,
9 the mitigating circumstances start moving it
10 back towards that normal situation when
11 someone's life has been taken and does not
12 permit life imprisonment.

13 None of these things that I am talking
14 about are controlling. In other words, the
15 aggravating circumstances doesn't mean that
16 you have to return a death sentence. You
17 still have the right to -- you can't return it
18 without it but if it is there, it doesn't mean
19 that you have to.

20 The mitigating circumstances doesn't mean
21 that you have to return a life imprisonment.
22 That just means that it may be something that
23 you want to consider in making your
24 determination.

25 In fact, I will tell you that if there

1 are mitigating circumstances, an instruction
2 would say that you would have to give
3 meaningful consideration to those.

4 Those would be important, I would assume,
5 to you if you're looking at all the facts and
6 circumstances, as you've stated that you are.

7 Is that correct?

8 A. Yes, sir.

9 Q. So they would -- you would give
10 meaningful consideration to those ---

11 A. I could.

12 Q. I would instruct you also that persons
13 committing that offense would have no burden
14 to prove anything in either phase.

15 A. (Affirmative nod).

16 Q. That includes the second phase. He
17 doesn't have to prove mitigating
18 circumstances. He doesn't have to -- he
19 doesn't even have to testify. I would tell
20 you that you can't use that against him.
21 Would you have any problem following that
22 instruction?

23 A. No, sir.

24 Q. And if there weren't any mitigating
25 circumstances in evidence, you wouldn't hold

1 that against the defendant?

2 A. No, sir.

3 Q. You would still make the decision based
4 on what was presented to you?

5 A. Yes, sir.

6 Q. Also part of the instruction would tell
7 you that if for no reason you wanted to impose
8 a life without the possibility of parole
9 instead of the death penalty that you have
10 that right?

11 A. Yes, sir.

12 Q. So you would also be able to consider
13 that and weigh that right, as well; is that
14 right?

15 A. Yes, sir.

16 Q. And you could do that fairly and
17 impartially?

18 A. Yes, Your Honor, I would.

19 Q. Let's look for a moment -- we will put
20 the abstract case aside. On Friday I
21 mentioned to you that Mr. Dickerson has been
22 accused of committing some criminal offenses.
23 I told you that a major principle of law
24 affecting those accused of such offenses are
25 that they are presumed innocent. You

1 indicated that you had no problem with that.

2 A. Correct.

3 Q. In fact, it is an active presumption and
4 that presumption is required to be maintained
5 at all times until the State persuades you
6 otherwise, that is beyond a reasonable doubt,
7 that he committed one or more of those
8 offenses. Do you understand that?

9 A. Yes, I do.

10 Q. So today -- considering that principle of
11 law, do you look at Mr. Dickerson as being
12 innocent of these charges?

13 A. Yes, sir, I do.

14 Q. And you would be able to maintain that
15 position until you were instructed by the
16 court, if you were on the jury, to begin your
17 deliberations and only after you had
18 considered all the evidence and applied the
19 law and were convinced beyond a reasonable
20 doubt that the State had established each
21 element of a particular crime would you change
22 that position?

23 A. Yes, sir.

24 Q. And you would perform those tasks fairly
25 and impartially and start with an open mind,

1 as you stated that you would in that abstract?

2 A. Yes, sir.

3 Q. Throughout the entire process?

4 A. Yes, sir.

5 Q. Would you also be willing to accept the
6 law as I gave it to you and apply that law
7 fairly and impartially?

8 A. Yes, sir.

9 Q. And that is even if during the charge you
10 heard some law that caused you to think, 'you
11 know, I don't like that law' or 'I think that
12 law ought to be changed.' You would set aside
13 those feelings?

14 A. Yes, sir, I would.

15 THE COURT: Please answer any
16 questions that the attorneys may have.

17 RUTLEDGE DURANT: Thank you, Your
18 Honor.

19 VOIR DIRE EXAMINATION

20 BY RUTLEDGE DURANT:

21 Q. Ms. Bradshaw, my name is Rutledge Durant.
22 I am an Assistant Solicitor here in
23 Charleston. This is the elected Solicitor,
24 Scarlet Wilson. This is the Chief Deputy
25 Solicitor, Bruce Durant.

1 Based on everything that you've told
2 Judge Dennis, we don't have any questions for
3 you.

4 A. Okay.

5 VOIR DIRE EXAMINATION

6 BY MR. BLOOM:

7 Q. Ms. Bradshaw, my name is Jeff Bloom and
8 along with Andrew Carroll, who is out of the
9 courtroom right now, we represent William
10 Dickerson. I just have a handful of questions
11 for you, ma'am.

12 Judge Dennis will tell you that if you
13 were a juror trying to decide between the
14 ultimate punishment and life without parole,
15 that choice is totally yours after hearing all
16 the evidence and hearing the instruction.

17 A. Yes, sir.

18 Q. There is no law or order or rule that
19 requires a juror to vote for death. You
20 understand that?

21 A. Correct.

22 Q. And the law calls that a individualized,
23 reasoned moral judgment. Can you accept that?

24 A. Yes.

25 Q. And after you've heard all the evidence,

1 all the circumstances, the instructions from
2 Judge Dennis, and you've discussed it with
3 your fellow jurors, if eleven jurors were
4 going one way and you were going another, you
5 wouldn't just give up your vote to go along;
6 would you?

7 A. No, sir, I would not.

8 Q. You could hold to that individualized,
9 reasoned moral judgment?

10 A. Absolutely.

11 Q. You would ask them to respect your vote?

12 A. Yes, sir.

13 Q. And you would respect theirs?

14 A. Yes, sir.

15 MR. BLOOM: Thank you, ma'am, I
16 have no further questions. Thank you for
17 being here.

18 THE COURT: Anything else, Mr.
19 Durant?

20 RUTLEDGE DURANT: No, Your Honor.

21 THE COURT: Thank you very much. I
22 need to speak to the attorneys for just a
23 moment. If you would, just step out and I'll
24 be with you momentarily. ?
25 A.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1770

1 (JUROR NUMBER 26 EXITS COURTROOM)

2 THE COURT: I believe she is
3 qualified. Any objection, Mr. (Rutledge)
4 Durant?

5 RUTLEDGE DURANT: No, Your Honor.

6 THE COURT: Any objection from the
7 defendant?

8 MR. BLOOM: No, Your Honor

9 THE COURT: Thank you. Ask her to
10 step back in.

11 (JUROR NUMBER 26 ENTERS COURTROOM)

12 THE COURT: Thank you so much, Ms.
13 Bradshaw. We find that you're qualified to
14 serve, to be a member of the panel from which
15 we will select our jury.

16 That will occur tomorrow morning at 9:30.
17 I need for you to be back here by 9:30.

18 JUROR NUMBER 26: Okay.

19 THE COURT: Come directly to the
20 courtroom. You may be directed to another
21 courtroom until we start but follow the
22 instructions of the bailiff or just be here.

23 Please understand that until you are
24 dismissed from this case, you are not free to
25 discuss this case with anyone or permit anyone

1 to talk about it in your presence. Also,
2 continue not to watch any news programs about
3 it or read any newspaper articles.

4 Tomorrow when you come, be prepared
5 to stand because if you're selected we'll
6 start the trial of the case.

7 JUROR NUMBER 26: Okay.

8 THE COURT: Have a good afternoon.
9 Thank you.

10 (JUROR NUMBER 26 EXITS COURTROOM)

11 THE COURT: Juror Number 281,
12 Tameka Singleton.

13 (JUROR NUMBER 281 ENTERS COURTROOM)

14 THE COURT: Good afternoon, Ms.
15 Singleton.

16 JUROR NUMBER 281: Good afternoon.

17
18 THE COURT: We are going to
19 continue the process that we started on
20 Friday. I have some questions that I need to
21 ask of you and the attorneys may have some
22 questions. None of these questions have any
23 correct answers to them. All we ask is that
24 you be truthful with your responses, candid
25 with your responses and that you answer the

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1772

1 questions completely. Will do you do that?

2 JUROR NUMBER 281: Yes, sir.

3 THE COURT: And please know that no
4 one here, that none of these questions have
5 "correct" answers.

6 They are not designed to challenge
7 you in any way or to challenge your beliefs.
8 You are entitled to those. Don't feel as
9 though you have to defend yourself or defend
10 your philosophies. That is not necessary. We
11 respect that and will honor that.

12 Also, we are not here to invade any
13 privacy either. You are still under oath in
14 this matter. Okay?

15 JUROR NUMBER 281: Yes, sir.

16 TAMEKA SINGLETON, being duly sworn
17 to tell the truth, the whole truth and nothing
18 but the truth, testified, as follows:

19 VOIR DIRE EXAMINATION

20 BY THE COURT:

21 Q. State your name for the record.

22 A. Tameka Shenelle Singleton.

23 Q. Ms. Singleton, since we were together on
24 Friday have you talked with anyone, permitted
25 anyone to talk with you about this case or to

1 talk about it in your presence?

2 A. No.

3 Q. Have you watched any news accounts or
4 read any newspaper articles about it?

5 A. No.

6 Q. On Friday, I mentioned a number of names
7 but I failed to mention two names that I need
8 to ask you about. Are you related by blood or
9 marriage, have any business dealings with or
10 socially or casually acquainted with either a
11 Jeff Osborne or Matt Casey?

12 A. No.

13 Q. You were given a sheet when you came in
14 that sets forth three types of jurors, have
15 you had a opportunity to review that sheet?

16 A. Yes.

17 Q. Which type most accurately describes you?

18 A. Type three.

19 Q. And that is a juror -- well, tell me what
20 you believe a type three is and why it applies
21 to you?

22 A. A type three juror is a juror that would
23 not have made up their minds before the case
24 ends, and would consider either a sentence of
25 life imprisonment without the possibility of

1 parole or a death sentence depending on the
2 facts.

3 Q. And you could do either?

4 A. (Affirmative nod).

5 Q. That would be your -- your position?

6 A. Yes, sir.

7 Q. Okay. And which one would apply would
8 depend on the facts and circumstances in a
9 given case; is that correct, is that right?

10 A. That's correct.

11 Q. And you understand that when -- this case
12 that you've -- the situation that you have on
13 that sheet, describes three jurors who are
14 presently involved in a trial of a murder
15 case. They are at midpoint, the murder has
16 already been established. Okay?

17 In other words, you were on that jury and
18 you've been a part of that decision and you've
19 found that the State has convinced you beyond
20 a reasonable doubt that the person accused was
21 guilty of murder.

22 Murder is the intentional killing of
23 somebody with malice aforethought, a malicious
24 killing. It is not accident, it is not 'I
25 didn't mean to do it', it is not self-defense.

1 It is not mistaken, they were motivated by
2 evil intentions, they were -- it was
3 malicious, ill will and they carried it out
4 and killed somebody.

5 It was not manslaughter where they were
6 provoked into doing something. It was not
7 involuntary manslaughter -- not that they just
8 made a mistake.

9 Okay?

10 A. (No verbal response).

11 Q. As I understand, being a part of that --
12 and now you're getting ready to hear the
13 second phase where you've going to determine
14 the punishment, -- do you understand that?

15 A. Yes.

16 Q. And you would not have made a decision at
17 that point?

18 A. No, sir.

19 Q. Is that right?

20 A. Are you saying that ---

21 Q. You've already heard that they committed
22 the crime of murder, no question about it, no
23 question that it is murder.

24 A. Okay.

25 Q. Now -- because normally the jury doesn't

1 participate in a sentencing.

2 A. Right.

3 Q. But because the State has claimed and is
4 seeking a death sentence, they have to do
5 certain things and that occurs in the second
6 phase, where you hear evidence of what -- that
7 would be assisting you in making that
8 determination. In other words, you wouldn't
9 have heard any of this in the first phase, the
10 first portion. The first portion is confined
11 just to the charge itself and nothing else.
12 While that is evidence that you will certainly
13 consider in determining the appropriate
14 sentence, you'll hear additional evidence now
15 in this second phase. Do you understand that?

16 A. Yes, sir.

17 Q. I ask you again, you've convicted them of
18 murder and you're able to start on the second
19 phase, do you have in your mind what sentence
20 you think would be appropriate at this point?

21 A. No, I still would be a type three.

22 Q. You still don't know which type that it
23 would be, you'd have to hear all the evidence?

24 A. Correct.

25 Q. And you would have an open mind about

1 that?

2 A. Yes.

3 Q. The second phase, you would hear -- the
4 court would tell you that the first thing that
5 the jury would have to do to be entitled to
6 even consider a death sentence is to find some
7 aggravating circumstance.

8 The law provides for a number of them --
9 just by way of examples and illustration, the
10 Legislature said that if someone kills a
11 police officer or kills a child and that jury
12 were to consider that case and find that had
13 been established beyond a reasonable doubt,
14 then that jury would be able to consider a
15 death penalty. They wouldn't have to bring
16 back one but they could consider a death
17 sentence.

18 But if there are no aggravating
19 circumstances -- and the State has to prove
20 that, they have to establish that beyond a
21 reasonable doubt. If they fail to do that,
22 then the only sentence that you can bring is
23 life without parole. Do you understand that?

24 A. Yes, sir.

25 Q. Any problem with following that law?

1 A. No.

2 Q. But if you have an aggravating
3 circumstance and you would have determined
4 that beyond a reasonable doubt, then the State
5 says that you may then consider it. You
6 aren't bound to bring it back, you're not
7 required to bring it back, the court is not
8 going to tell you that you must return it if
9 you find that. It just simply says that you
10 have the right to do so. Okay?

11 A. (Affirmative nod).

12 Q. It is my understanding that if you're in
13 that situation you would want to consider all
14 of the evidence and give serious, meaningful
15 consideration to everything that has been
16 presented in that second phase before you make
17 a determination. Is that right?

18 A. That's correct.

19 Q. That would include any mitigating
20 circumstances which may be presented; is that
21 true?

22 A. Yes.

23 Q. And those are circumstances, some are
24 statutory and some are just common sense, such
25 as somebody may be addicted and the addiction

1 -- they were under the influence of some drug
2 or substance, they had abused some substance.

3 They have some mental issues that would
4 cause them to -- would give you some
5 explanation for their actions. Similar type
6 situations.

7 There are a number and the court would
8 describe those for you, but you would have to
9 give meaningful consideration to those. Are
10 you willing to do that, too?

11 A. Yes.

12 Q. And you could do that?

13 A. Yes.

14 Q. You also would be told -- like I told
15 you, you're not required to return a death
16 sentence if you find an aggravating
17 circumstance, but you can. You have to do it
18 based on what your assessment is what the fair
19 and just verdict would be. You must consider
20 between life imprisonment without the
21 possibility of parole and the death sentence.
22 Do you feel that you could do that?

23 A. Yes.

24 Q. Also you would be instructed that if you
25 choose to, that you're entitled to bring back

1 a life imprisonment without the possibility of
2 parole for no reason. Do you understand that?

3 A. Yes.

4 Q. And you could weigh all of that and
5 consider all the law fairly and impartially
6 and then make a decision?

7 A. Yes.

8 Q. It might be death or it might be life
9 imprisonment without the possibility of
10 parole?

11 A. Yes.

12 Q. Is that right?

13 A. Yes.

14 Q. But you won't know the answer to that
15 until you've heard all the facts and
16 circumstances of a given case; is that
17 correct?

18 A. That's correct.

19 Q. Let's look at this case for a moment.
20 You mentioned -- when I started on Friday, I
21 told you that Mr. Dickerson has been accused
22 of several criminal offenses. I also told you
23 that as anyone accused of a criminal offense
24 that he is innocent until proven guilty. That
25 is that presumption of innocence. That is an

1 active presumption. You have to see him as
2 being innocent. Today, do you believe that he
3 is innocent of these charges?

4 A. Yes.

5 Q. And would you hold onto that presumption,
6 that mental state of how you view him until
7 and unless the State persuades you otherwise
8 if you were on the jury, and that would be
9 when you were instructed to begin your
10 deliberations.

11 Only after considering all the evidence
12 and the law and then deciding, 'you know, the
13 State has convinced me beyond a reasonable
14 doubt of each element of this crime', then you
15 may change that position and then you would be
16 expected to return a verdict of guilty should
17 that happen. Would you be able to do that?

18 A. Yes.

19 Q. Through, being a number three juror, you
20 could be fair and impartial?

21 A. Yes.

22 Q. You would take the law as I give it to
23 you and apply that fairly and impartially, as
24 well?

25 A. Yes, I can.

1 THE COURT: Thank you. Please
2 answer any questions that the attorneys may
3 have for you.

4 VOIR DIRE EXAMINATION

5 BY MR. BLOOM:

6 Q. Ms. Singleton, good afternoon. My name
7 is Jeff Bloom and along with Andrew Carroll,
8 who is out of the courtroom right now, we
9 represent William Dickerson. I just have a
10 few questions to follow up.

11 Ma'am, if we were just -- if we'd just
12 met after work, were sharing a coffee together
13 or something and got into a discussion about
14 the death penalty, maybe we saw something on
15 the TV, not about this case but just
16 generally, and I said to you, 'Well, what's
17 your opinion about the death penalty?' What
18 would your response be?

19 A. I would say that it depends on the
20 circumstances if I believe that the death
21 penalty is necessary and if -- I think it all,
22 all the factors and the law, it would just
23 depend on whether I would think the death
24 penalty was necessary in a case.

25 Q. Okay. Thank you, ma'am. And, lastly, I

1 just have a few followups. You heard Judge
2 Dennis tell you that if you were a juror in
3 such a case that each juror comes to their own
4 decision about the ultimate punishment or life
5 without parole. The law doesn't ever require
6 it, order it, there is no rule that dictates
7 it. You understood that?

8 A. Yes.

9 Q. And the law calls that an individualized,
10 reasoned moral judgment. Can you accept that?

11 A. Yes.

12 Q. After you've heard all the evidence, all
13 the circumstances, the law as Judge Dennis has
14 gave it to you, you've gone to the jury room
15 with the other eleven jurors, you'all have
16 discussed it, debated it, everybody went
17 around, you've listened to them, they have
18 listened to you. If eleven jurors were voting
19 one way and you were voting another and you
20 had made, after everything your own
21 individualized, reasoned moral judgment, would
22 you be able to stand your ground and hold onto
23 that?

24 A. Yes, I would.

25 Q. You are not the type of person who would

1 just give up you vote and go along to get
2 along?

3 A. No, sir.

4 Q. Okay. I didn't think so, but I had to
5 ask. And, lastly, ma'am, you would then ask
6 the other jurors to respect your vote?

7 A. Sure.

8 Q. Just as you would respect theirs?

9 A. Yes.

10 MR. BLOOM: Thank you.

11 THE COURT: State?

12 VOIR DIRE EXAMINATION

13 BY RUTLEDGE DURANT:

14 Q. Ms. Singleton, I see you're a newly wed.
15 Congratulations.

16 A. Thank you.

17 Q. My name is Rutledge Durant and I'm an
18 assistant solicitor here in Charleston. This
19 is Scarlet Wilson, the elected Solicitor, and
20 this is Bruce Durant, he is the Chief Deputy
21 Solicitor. Based on your answers to questions
22 you have already been asked, we don't have any
23 other questions for you.

24 THE COURT: Thank you. Ms.

25 Singleton, I am going to find that you are

1 qualified to sit on this panel. I am going to
2 ask that you return to the courtroom tomorrow
3 at 9:30.

4 Please continue not to talk about
5 this case or to permit anyone to talk with you
6 about this case.

7 Be here at 9:30. They will either
8 let you come into the courtroom or the
9 bailiffs will take you to another courtroom
10 but we will start the selective process.

11 Please come prepared to stay because
12 if you're on the jury we will start the trial
13 tomorrow. Okay?

14 JUROR NUMBER 281: Okay.

15 THE COURT: Have a good evening.
16 See you tomorrow at 9:30.

17 (JUROR NUMBER 281 EXITS COURTROOM)

18 THE COURT: I made a rash
19 assumption and assumed she's qualified,
20 because I think she is. Any objection from
21 the State?

22 RUTLEDGE DURANT: No, sir.

23 THE COURT: Any objection from the
24 defense?

25 MR. BLOOM: No, sir.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1786

1 THE COURT: Thank you very much.

2 Let's bring in Mr. Suggs.

3 (JUROR NUMBER 304 ENTERS COURTROOM)

4 THE COURT: Hello, Mr. Suggs. The
5 last one. How are you?

6 JUROR NUMBER 304: Good afternoon.
7 Good, sir.

8 THE COURT: Good to see you again.

9 JUROR NUMBER 304: Yes, sir.

10 THE COURT: And thank you for your
11 patience.

12 JUROR NUMBER 304: You're welcome.

13 THE COURT: We are going to
14 continue the process that we started on
15 Friday. I have some questions that I need to
16 ask of you and the attorneys may have some
17 questions. None of these questions have any
18 correct answers to them. All we ask is that
19 you be truthful with your responses, candid
20 with your responses and that you answer the
21 questions completely. Will do you do that?

22 JUROR NUMBER 304: Yes, sir.

23 THE COURT: They are not designed
24 to challenge you in any way or to challenge
25 your beliefs. You are entitled to those.

1 Don't feel as though you have to defend
2 yourself or defend your philosophies. That is
3 not necessary. We respect that and will honor
4 that.

5 Also, we are not here to invade any
6 privacy either. You are still under oath in
7 this matter. Will you honor that and answer
8 truthfully.

9 JUROR NUMBER 281: Yes, sir.

10 DANIEL SUGGS, being duly sworn to
11 tell the truth, the whole truth and nothing
12 but the truth, testified, as follows:

13 VOIR DIRE EXAMINATION

14 BY THE COURT:

15 Q. Have you talked with anyone, permitted
16 anyone to talk with you, watched any TV
17 programs or read any news accounts of this
18 since we were last together?

19 A. No, sir, none. I just put the papers and
20 everything to the side.

21 Q. Thank you, sir. I gave you a number of
22 names but I failed to ask you, on Friday,
23 whether you knew or were related by blood or
24 marriage to Jeff Osborne or Matt Casey?

25 A. No, sir.

1 Q. You were given a sheet that described
2 three types of jurors?

3 A. Yes, sir.

4 Q. You've had a chance to review that?

5 A. Yes, sir.

6 Q. Which of the three most accurately
7 describes you?

8 A. Three.

9 Q. Why? Tell me what it is that makes you
10 conclude that?

11 A. Because I really haven't heard the
12 evidence or the case and before I can do that,
13 I would have to weigh all of that before I
14 could make up in my mind what should be done.

15 Q. That would be the case even if you were
16 -- let's -- the case that you read, assuming
17 for a moment that you had convicted a person
18 of the crime of murder -- and that's the
19 intentional killing of somebody, not mistake,
20 not any lesser offense, it's with malice --
21 that that has been established and you'd voted
22 to find that, that doesn't change your
23 position?

24 A. No, sir.

25 Q. Because you would be empaneled to decide

1 the penalty and that -- you would know that
2 there would be additional evidence that would
3 be presented?

4 A. Yes, sir.

5 Q. And you'd have to hear all of that first?

6 A. Yes, sir.

7 Q. The second phase, the court would tell
8 you first of all that in order to even
9 consider a death sentence in that abstract
10 case that you would first have to find beyond
11 a reasonable doubt that the State had
12 convinced you of the existence of some
13 aggravating circumstance. Without that, no
14 one -- the jury, the court, no one -- can
15 impose a death sentence. Okay?

16 A. (No verbal response).

17 Q. By way of example, and there are a
18 number, but the killing of a police officer is
19 one or the killing of a child. That type of
20 situation is what changes it and gives --
21 brings the murder up to allow and permit the
22 death sentence. Okay?

23 A. Okay.

24 Q. You wouldn't have any problem following
25 that instruction?

1 A. No, sir.

2 Q. And that is that if the State failed to
3 prove it beyond a reasonable doubt you'd have
4 to bring back a verdict without the
5 possibility of parole. Do you understand
6 that?

7 A. I would have to see the facts. Yes, sir.

8 Q. I understand that. But if you didn't
9 find ---

10 A. Yes, sir.

11 Q. --- an aggravating circumstance, you
12 couldn't even bring back a death sentence.
13 Okay?

14 A. Yes, sir.

15 Q. You could follow that instruction?

16 A. Yes, sir.

17 Q. Now, if you found an aggravating
18 circumstance, the court would say finding
19 that, concluding that the State had convinced
20 you of that, it is necessary for you now to
21 consider, but you don't have to, -- in other
22 words, you now have a choice; whereas before
23 you didn't have a choice, you now have a
24 choice. Your choice can either be life
25 imprisonment without the possibility of parole

1 or a death sentence.

2 It is my understand that as a type three
3 juror that before you could make that choice
4 you would have had to have heard all of the
5 evidence involved in that second phase.

6 A. That's correct.

7 Q. And that would include, because you might
8 hear evidence of mitigating circumstances
9 which tend to make the crime less; such as,
10 some are statutory, some are none, such as
11 addictions that the defendant may have had in
12 his life, childhood situations, mental health
13 issues that may not excuse the crime but may
14 give some reason to explain the action. You
15 would want to hear all of that, too, would you
16 not?

17 A. Yes, sir.

18 Q. And you would be able to give meaningful
19 consideration to that, as well as the
20 aggravating circumstances?

21 A. Yes, sir.

22 Q. It is my understanding that as a type
23 three juror that you believe that you could,
24 after hearing all the instruction and know
25 that you aren't required to bring back a death

1 sentence, nor are you required to bring back
2 life imprisonment without the possibility of
3 parole unless you don't find an aggravating
4 circumstance, then you are, but if you do find
5 it's an option, for you. You can bring back
6 life even if you find aggravating
7 circumstances, for no reason whatsoever if you
8 want to.

9 It is my understanding that you would be
10 in a position and you could, fairly and
11 impartially at that time, consider all the
12 evidence, decide what you believe to be the
13 truth, and if certain circumstances were
14 present and established beyond a reasonable
15 doubt, you could consistent with that
16 instruction return a death sentence.

17 A. Yes, sir.

18 Q. Likewise, even though you could return a
19 death sentence, you could impose a life
20 imprisonment without the possibility of parole
21 sentence instead?

22 A. Yes, sir.

23 Q. And you wouldn't know which one until you
24 had heard it all?

25 A. Yes, sir.

1 Q. Let's look at this case for just a
2 moment. As I mentioned on Friday, Mr.
3 Dickerson has been accused of a number of
4 criminal offenses. I told you that he is
5 presumed innocent.

6 A. (Affirmative nod).

7 Q. You didn't have any problem with that
8 presumption of innocence, as I understand it?

9 A. No, sir.

10 Q. That means that you have to actively
11 presume that he is innocent.

12 A. (Affirmative nod).

13 Q. That today, as you see him, he is
14 innocent of these charges as far as you are
15 concerned; is that true?

16 A. Yes, sir.

17 Q. That would be your position -- that would
18 have to be your position if you were selected
19 on the jury throughout the trial and could
20 only change when you as a member of the jury
21 were instructed to consider the evidence in
22 the first phase and make a decision whether
23 you were convinced beyond a reasonable doubt
24 that he committed one or more of these
25 offenses.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1794

1 Then after viewing the evidence and
2 applying the law you were firmly convinced,
3 beyond a reasonable doubt, then you would
4 return -- I assume would change your position
5 and be able to return a verdict of guilty. Is
6 that true?

7 A. Yes, sir.

8 Q. But until then you would maintain that
9 position of him being innocent?

10 A. Yes, sir.

11 Q. Do you understand that he has no burden
12 to prove anything?

13 A. Yes, sir.

14 Q. The only person that has to prove
15 anything is the State?

16 A. I understand.

17 Q. You would also follow the court's
18 instruction and set aside any personal
19 feelings that you may have about what the law
20 is or should be and take it as I say that it
21 is?

22 A. Yes, sir.

23 Q. And apply that fairly?

24 A. Yes, sir.

25 THE COURT: Thank you, Mr. Suggs.

1 Answer any questions that the attorneys may
2 have.

3 VOIR DIRE EXAMINATION

4 BY RUTLEDGE DURANT:

5 Q. Mr. Suggs, my name is Rutledge Durant. I
6 am an assistant solicitor here in Charleston.
7 I will be presenting evidence in this case
8 along with the prosecution, which is Scarlet
9 Wilson, the elected Solicitor, and Bruce
10 Durant, the Chief Deputy Solicitor.

11 Based on your responses so far, we don't
12 have any questions for you. Thank you, sir.

13 VOIR DIRE EXAMINATION

14 BY MR. BLOOM:

15 Q. Mr. Suggs, my name is Jeff Bloom and
16 along with Andrew Carroll, who is out of the
17 courtroom at the moment, we represent William
18 Dickerson. I just have a handful of
19 questions.

20 Could you tell me just generally what
21 your opinion is about the death penalty? Not
22 about this case, but just generally.

23 A. Well, you know, I haven't thought about
24 that. That is not something that you think
25 about every day. It's a very serious -- you

1 know, something serious to think about. I
2 wouldn't wish it on anybody but for
3 circumstances sake you have to make the best
4 judgment, apply it to the case and the burden
5 of proof.

6 Q. Fair enough, sir. You understood Judge
7 Dennis when he talked about jurors making a
8 judgment between the ultimate punishment and
9 life without parole that that is totally up to
10 you, that there is no law, no rule that
11 requires the death penalty, that he would
12 never order it. You understood that?

13 A. Yes, sir.

14 Q. And the law calls that juror's judgment
15 an individualized, reasoned moral judgment.
16 Can you accept that?

17 A. Yes, sir.

18 Q. All right. After you've heard all the
19 evidence, all the circumstances, the law from
20 Judge Dennis, and you and the other jurors had
21 discussed, debated it, you'd listened to them,
22 they had listened to you, if eleven jurors
23 were voting one way and you voted another way,
24 would you be able to hang onto that
25 individualized, reasoned moral judgment or

1 would you give up your vote just to kind of go
2 along to get along?

3 A. . . . No, I couldn't give up my -- no.

4 Q. You didn't strike me as that kind of
5 person but you know that I need to ask.

6 A. Okay.

7 Q. You'd ask that those other jurors respect
8 your vote?

9 A. Yes, sir.

10 Q. Just as you would respect their vote?

11 A. Yes, sir.

12 MR. BLOOM: Thank you.

13 THE COURT: Anything else?

14 RUTLEDGE DURANT: Nothing, Your
15 Honor.

16 THE COURT: Thank you very much.
17 I find that you are qualified to serve, Mr.
18 Suggs, and ask that you return tomorrow
19 morning at 9:30. We are going to select a
20 jury at that time. When I say qualified to
21 serve, I mean qualified to serve as a member
22 of the panel from which we will select the
23 jury.

24 JUROR NUMBER 304: Okay.

25 THE COURT: So come tomorrow

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1798

1 prepared to serve on the jury because we will
2 start into the case once that jury has been
3 selected, and you'll know that hopefully by
4 about 10:00 o'clock or so.

5 Until then and until you have been
6 dismissed from this case, please remember that
7 you still are not at liberty to discuss this
8 case with anyone or permit anyone to talk with
9 you about it. Also, please continue not to
10 watch any news programs about it or read any
11 news accounts. Have a great evening and I
12 will see you in the morning.

13 JUROR NUMBER 304: Yes, sir. Thank
14 you all very much.

15 THE COURT: Thank you very much,
16 sir. Thank you for your patience, too.

17 (JUROR NUMBER 304 EXITS COURTROOM)

18 THE COURT: We've got?

19 COURT REPORTER: Forty-three.

20 THE COURT: Right on the money.
21 Forty-three.

22 BRUCE DURANT: Hit it right on
23 the nose.

24 THE COURT: All right. Anything
25 from the State before we recess?

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1799

1991

1 SOLICITOR WILSON: No, sir.

2 THE COURT: From the defense?

3 MR. BLOOM: No, sir.

4 THE COURT: I'll see you in the
5 morning. Let's gather here about 9:00. Have
6 a good evening, thank you all for your
7 patience, see you in the morning.

8 (COURT IN RECESS)

9 (TRANSCRIPT CONTINUED NEXT PAGE)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 APRIL 23, 2009

9:00 A.M.

2

3

(DEFENDANT PRESENT)

4

BENCH CONFERENCE:

5

THE COURT: Good morning. My

6

plan is for me -- we are going to talk to --

7

there have been two jurors that have called in

8

and then you'all want me to talk to Ms.

9

Prioleau, as I understand.

10

BRUCE DURANT: Very briefly.

11

THE COURT: No problem. What

12

I would propose that we do is that we bring

13

those jurors over before we start bringing the

14

panel over. The panel is next-door. I am

15

going to bring those over and have them stand

16

-- have them come in one at a time and there

17

-- there is no need to have it done in open

18

court. I don't believe that you'all have any

19

problem with that.

20

SOLICITOR WILSON: Who called?

21

THE COURT: There was one,

22

that was Denode Heyward, and then Janet Bergen

23

who called. I don't know what it is about.

24

Then we are going to select the

25

jury. What we are going to do with the jury

1 first -- once that is selected, then I am
2 going to send -- if we get sixteen, then I am
3 going to send those back to their jury room.

4 Then I am going to excuse the panel,
5 because I want to speak to them.

6 Then I will be happy to take up --
7 while they are going back, any objection --
8 Don (Michele) wants to go over with them the
9 procedure for parking, he's got little juror
10 cards that they are going to need to use and
11 he needs to explain that to them, and then
12 talk with them about during the lunch hour
13 moving their cars so that they can come to a
14 secured area here. They are going to be in a
15 secured area the entire time. Any objection
16 to the clerk talking to them during that
17 period of time?

18 SOLICITOR WILSON: No, sir.

19 MR. BLOOM: (Negative
20 gesture).

21 THE COURT: So that will
22 accomplish that. So that when we bring them
23 back, we will be prepared to do openings. We
24 can take up any matters such as this then if
25 you want to address that.

1 SOLICITOR WILSON: One other
2 thing that I discussed briefly with Jeff
3 yesterday, we have -- we might be adding a
4 witness in the penalty phase. If you could
5 ask the panel.

6 THE COURT: Sure.

7 SOLICITOR WILSON: I don't know
8 that we are but just to be on the safe side.

9 MR. BLOOM: What was that
10 name?

11 THE COURT: Marvin, also known
12 as "Nick", Hancock?

13 SOLICITOR WILSON: Yes, sir.

14 BRUCE DURANT: His name is
15 Marvin Hancock but he goes by "Nick" most of
16 the time.

17 MR. BLOOM: Who is he?

18 BRUCE DURANT: He is the
19 custodian of the jail, at the jail.

20 MR. BLOOM: Okay.

21 SOLICITOR WILSON: I am going to
22 run to the restroom.

23 THE COURT: We will get you a
24 copy of ---

25 MR. BLOOM: If you would.

1 THE COURT: Give us just a
2 moment and we'll bring in -- see who is ready.

3 (BENCH CONFERENCE CONCLUDED)

4 DEPUTY: Your Honor?

5 THE COURT: Sir?

6 DEPUTY: One of the media is
7 requesting whether they can be here for jury
8 selection.

9 THE COURT: There is no reason for
10 them to be in here. They can be in here to
11 witness it but I don't want any camera in here
12 for the jury selection. There is nothing to
13 show.

14 DEPUTY: Yes, sir.

15 THE COURT: All right. All the
16 lawyers are here. Let the record reflect that
17 Mr. Dickerson is present. Good morning, Mr.
18 Dickerson.

19 DEFENDANT: Good morning.

20 THE COURT: Thank you all again --
21 I know everybody is anxious to get started.
22 We're having a few last minute things but that
23 is not unusual or uncommon and I'm confident
24 that they will work (out) fine.

25 Let me ask now -- we know that we

1 are starting on Thursday, start really
2 Thursday afternoon, the reason I am asking --
3 and I am going to make this a Court's Exhibit
4 to ---

5 COURT REPORTER: Court's Exhibit 8.

6 THE COURT: I have received this
7 communication, just a few minutes ago, from
8 Ms. Ferguson. It is a matter that she
9 discussed with me about a trip that was
10 planned for May 6th, which is Wednesday two
11 weeks from yesterday. Best guess? Are we
12 going to be finished?

13 SOLICITOR WILSON: (Affirmative nod),
14 I think by then.

15 MR. BLOOM: What is the date?

16 THE COURT: May the 6th.
17 Wednesday.

18 SOLICITOR WILSON: Wednesday week.

19 THE COURT: A week from next
20 Wednesday.

21 MR. BLOOM: Yeah, that's hard to
22 say. We may still be in the sentencing phase.
23 It depends on the State, how much they are
24 putting up in the sentencing.

25 THE COURT: Well, let me ask

1 you'all a question. Have you'all discussed
2 about the -- because what I am going to tell
3 the jury, I've said that I am going to let
4 them pick the time. The time is going to be a
5 minimum of 6:00 o'clock. We are going to work
6 to 6:00 every day, at least.

7 Now if they want to work a little
8 longer, I am willing to do that. I know you
9 all would like not to but if they want to work
10 a little bit longer, that's fine with me, too.

11 But I am going to set the time at
12 6:00, starting at 9:30 in the morning until
13 6:00. I'll let them make the call on
14 Saturday. My guess is that they probably are
15 not going to want to work on Saturday. I've
16 got my fingers crossed. I would like not to
17 work on Saturday but -- are you going to
18 require all the chain testimony?

19 MR. BLOOM: No, sir. We resolved
20 that yesterday.

21 THE COURT: So that should shorten
22 ---

23 BRUCE DURANT: That will shorten
24 us considerably, Your Honor.

25 THE COURT: Insofar as the first

1 phase is concerned?

2 BRUCE DURANT: Right.

3 THE COURT: Yes, that's the key to
4 me. If we can get started in the second, if
5 there is a second phase, I don't know that yet
6 at this point. I think we will, I am going to
7 tell her ---

8 MR. BLOOM: This is Juror Andrea
9 Ferguson?

10 THE COURT: Yes.

11 MR. BLOOM: Just to be candid with
12 the court, we don't intend to use many of our
13 alternate strikes.

14 THE COURT: You don't think that we
15 will get to her.

16 MR. BLOOM: I don't think we'll get
17 to her.

18 THE COURT: Then I am just going to
19 not respond to that at this point. I will
20 just tell her -- well, I will. I will tell
21 her that we've talked about it and we will
22 address it after the strike. Or the better
23 thing, yet, just don't respond to it. Okay.
24 I will make it Court's Exhibit 7 ---

25 COURT REPORTER: Court's Exhibit 8.

1 (SO ENTERED AS COURT'S EXHIBIT 8)

2 THE COURT: Thank you. She's
3 attached a booking that she has arranged, but
4 I don't think anybody is challenging that she
5 has a trip planned. Okay.

6 I am going to take the first two and
7 then I want to chat with you all again so that
8 I can get in my mind -- I think that I
9 understand about Ms. Prioleau before we bring
10 them over.

11 Bring them through the hall, we are
12 not going to bring them through the outside.
13 I am going to take it here in front of Ms.
14 Garrison. Bring in Denode Heyward, first.

15 SOLICITOR WILSON: Do you want us up
16 there?

17 THE COURT: Sure. Does Mr.
18 Dickerson have any problem with you'all coming
19 up without ---

20 MR. BLOOM: No, sir.

21 THE COURT: Thank you, Mr.
22 Dickerson. If he wants to come, I'll
23 certainly -- that would be fine. The first
24 one is Denode Heyward, Juror Number 133.

25 (JUROR NUMBER 133 ENTERS COURTROOM)

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1808

1 BENCH CONFERENCE:

2 THE COURT: Good morning, Mr.
3 Heyward. Come on around. I'm going to let
4 you stand right here so that we can talk to
5 our court reporter. Good morning, sir. How
6 are you?

7 JUROR NUMBER 133: Okay.
8 Fine.

9 THE COURT: You called the
10 court's -- you called the clerks' office
11 yesterday and said that you had a reason to
12 talk with the court. What is that, sir?

13 JUROR NUMBER 133: Yeah, I don't
14 think I could be on this trial. I just don't
15 feel safe because I'm in that area up there
16 where this happened a lot.

17 THE COURT: Why?

18 MR. BLOOM: Your Honor, I
19 can't hear him.

20 THE COURT: Stand over here.

21 JUROR NUMBER 133: You said you
22 don't feel safe because you're in that area a
23 lot?

24 JUROR NUMBER 133: Yes.

25 THE COURT: Do you feel that

VOLUME FIVE OF TEN

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
R. Markley Dennis, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIAM O. DICKERSON,

APPELLANT

RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

Kathrine H. Hudgins
Appellate Defender

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

JEFFREY P. BLOOM
Pro-Bono
1911 Pickens Street
Columbia, SC 29201
(803) 256-7001

Attorneys for Appellant

VOLUME FIVE
Pages 2001-2500

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Assistant Deputy Attorney General

MELODY J. BROWN
Senior Assistant Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-6305

SCARLETT ANNE WILSON
Solicitor, Ninth Judicial Circuit
101 Meeting St., Ste. 400
Charleston, SC 29401-2214
fax (843) 740-5858
(843) 958-1900

Attorneys for Respondent

INDEX

INDEX.....	i

VOLUME I

TRANSCRIPT, APRIL 3, 2009.....	1

MOTIONS.....	2

TESTIMONY

JERARD ANTONIO SMITH

Direct Examination by Mr. Bloom.....	28

Cross Examination by Mr. Durant.....	41

VANTE BIRCH

Direct Examination by Mr. Bloom.....	44

Cross Examination by Mr. Durant.....	68

MOTIONS.....	72

JOHNETTE WATSON

Direct Examination by Mr. Bloom.....	98

Cross Examination by Ms. Wilson.....	110

Redirect Examination by Mr. Bloom.....	123

MOTIONS.....	124

FRIDAY, APRIL 17, 2009

COURT REPORTERS INDEX.....	194

STATUTORY JURY QUALIFICATION.....	224

JUROR #27

Examination by the Court.....	236

JUROR #95

Examination by the Court.....	237

JUROR #37	
Examination by the Court.....	239
JUROR #132	
Examination by the Court.....	239
JUROR #55	
Examination by the Court.....	240
JUROR #308	
Examination by the Court.....	241
JUROR #93	
Examination by the Court.....	242
JUROR #356	
Examination by the Court.....	242
JUROR #320	
Examination by the Court.....	243
JUROR #359	
Examination by the Court.....	244
JUROR #95	
Examination by the Court.....	246
JUROR #44	
Examination by the Court.....	247
JUROR #391	
Examination by the Court.....	248
JUROR #359	
Examination by the Court.....	249
JUROR #164	
Examination by the Court.....	249
JUROR #103	
Examination by the Court.....	250
JUROR #396	
Examination by the Court.....	250
JUROR #325	
Examination by the Court.....	251

JUROR #145	
Examination by the Court.....	252
JUROR #395	
Examination by the Court.....	252
JUROR #245	
Examination by the Court.....	252
JUROR #173	
Examination by the Court.....	253
JUROR #43	
Examination by the Court.....	254
JUROR #238	
Examination by the Court.....	255
JUROR #379	
Examination by the Court.....	256
JUROR #205	
Examination by the Court.....	257
JUROR #110	
Examination by the Court.....	259
JUROR #383	
Examination by the Court.....	259
JUROR #176	
Examination by the Court.....	261
JUROR #214	
Examination by the Court.....	263
JUROR #150	
Examination by the Court.....	265
JUROR #385	
Examination by the Court.....	266
JUROR #358	
Examination by the Court.....	267
JUROR #278	
Examination by the Court.....	268

JUROR #119	
Examination by the Court.....	269
JUROR #63	
Examination by the Court.....	270
JUROR #232	
Examination by the Court.....	271
JUROR #27	
Examination by the Court.....	272
JUROR #47	
Examination by the Court.....	273
JUROR #262	
Examination by the Court.....	274
JUROR #216	
Examination by the Court.....	216
JUROR #46	
Examination by the Court.....	276
JUROR #165	
Examination by the Court.....	277
JUROR #383	
Examination by the Court.....	277
JUROR #350	
Examination by the Court.....	279
JUROR #107	
Examination by the Court.....	279
JUROR #138	
Examination by the Court.....	280
JUROR #291	
Examination by the Court.....	281
JUROR #406	
Examination by the Court.....	282
JUROR #161	
Examination by the Court.....	284

JUROR #64	
Examination by the Court.....	285
JUROR #68	
Examination by the Court.....	285
JUROR #214	
Examination by the Court.....	286
JUROR #399	
Examination by the Court.....	288
JUROR #20	
Examination by the Court.....	288
JUROR #359	
Examination by the Court.....	290
JUROR #321	
Examination by the Court.....	291
JUROR #253	
Examination by the Court.....	293
JUROR #390	
Examination by the Court.....	294
JUROR #383	
Examination by the Court.....	298
JUROR #46	
Examination by the Court.....	300
JUROR #237	
Examination by the Court.....	301
JUROR #394	
Examination by the Court.....	301
JUROR #110	
Examination by the Court.....	303
JUROR #89	
Examination by the Court.....	304
JUROR #52	
Examination by the Court.....	304

JUROR #176	
Examination by the Court.....	306
JUROR #165	
Examination by the Court.....	307
JUROR #224	
Examination by the Court.....	307
JUROR #5	
Examination by the Court.....	308
JUROR #202	
Examination by the Court.....	309
JUROR #190	
Examination by the Court.....	310
JUROR #399	
Examination by the Court.....	311
JUROR #99	
Examination by the Court.....	313
JUROR #194	
Examination by the Court.....	314
JUROR #325	
Examination by the Court.....	315
JUROR #115	
Examination by the Court.....	314
JUROR #223	
Examination by the Court.....	318
JUROR #273	
Examination by the Court.....	319
JUROR #127	
Examination by the Court.....	321
JUROR #372	
Examination by the Court.....	322

JUROR #361	
Examination by the Court.....	323
JUROR #262	
Examination by the Court.....	323
JUROR #166	
Examination by the Court.....	324
JUROR #245	
Examination by the Court.....	325
JUROR #230	
Examination by the Court.....	325
JUROR #320	
Examination by the Court.....	326
COLLOQUY	327
JUROR #107	
Examination by the Court.....	332
JUROR #262	
Examination by the Court.....	335
JUROR #201	
Examination by the Court.....	335
JUROR #146	
Examination by the Court.....	336
JUROR #183	
Examination by the Court.....	337
JUROR #125	
Examination by the Court.....	339
JUROR #385	
Examination by the Court.....	340
JUROR #116	
Examination by the Court.....	343
JUROR #118	
Examination by the Court.....	344

JUROR #161	
Examination by the Court.....	345
JUROR #389	
Examination by the Court.....	346
JUROR #149	
Examination by the Court.....	348
JUROR #234	
Examination by the Court.....	349
JUROR #201	
Examination by the Court.....	352
JUROR #220	
Examination by the Court.....	354
JUROR #330	
Examination by the Court.....	355
JUROR #178	
Examination by the Court.....	357
JUROR #262	
Examination by the Court.....	358
JUROR #63	
Examination by the Court.....	359
JUROR #255	
Examination by the Court.....	361
JUROR #54	
Examination by the Court.....	363
JUROR #214	
Examination by the Court.....	365
JUROR #221	
Examination by the Court.....	367
JUROR #127	
Examination by the Court.....	368
JUROR #286	
Examination by the Court.....	369

JUROR #275	
Examination by the Court.....	370
JUROR #97	
Examination by the Court.....	371
JUROR #113	
Examination by the Court.....	373
JUROR #289	
Examination by the Court.....	373
COLLOQUY	374
JUROR #362	
Examination by the Court.....	383
JUROR #225	
Examination by the Court.....	385
JUROR #161	
Examination by the Court.....	385
JUROR #115	
Examination by the Court.....	387
JUROR #168	
Examination by the Court.....	388
JUROR #377	
Examination by the Court.....	388
JUROR #234	
Examination by the Court.....	389
JUROR #253	
Examination by the Court.....	390
JUROR #389	
Examination by the Court.....	391
JUROR #254	
Examination by the Court.....	392
JUROR #275	
Examination by the Court.....	393

JUROR #14	
Examination by the Court.....	393
JUROR #380	
Examination by the Court.....	394
JUROR #201	
Examination by the Court.....	395
JUROR #403	
Examination by the Court.....	396
JUROR #160	
Examination by the Court.....	396
JUROR #227	
Examination by the Court.....	397
JUROR #289	
Examination by the Court.....	398
JUROR #325	
Examination by the Court.....	399
JUROR #401	
Examination by the Court.....	399
JUROR #404	
Examination by the Court.....	400
JUROR #339	
Examination by the Court.....	401
JUROR #125	
Examination by the Court.....	402
JUROR #353	
Examination by the Court.....	403
JUROR #123	
Examination by the Court.....	404
JUROR #374	
Examination by the Court.....	405
JUROR #148	
Examination by the Court.....	406

JUROR #146	
Examination by the Court.....	407
JUROR #22	
Examination by the Court.....	407
JUROR #220	
Examination by the Court.....	408
COLLOQUY	409

MONDAY, APRIL 20, 2009

JURY VOIR DIRE

JUROR #383	
Examination by the Court.....	456
Examination by Ms. Wilson.....	461
Examination by Mr. Bloom.....	466
JUROR #370	
Examination by the Court.....	474
Examination by Mr. Bloom.....	485
Examination by Ms. Wilson.....	494
Examination by Mr. Bloom.....	500

VOLUME TWO

JUROR #377	
Examination by the Court.....	507
Examination by Ms. Wilson.....	509
Examination by Mr. Bloom.....	510
JUROR #278	
Examination by the Court.....	514
Examination by Mr. Bloom.....	516
JUROR #386	
Examination by the Court.....	522
Examination by Ms. Wilson.....	531
Examination by Mr. Bloom.....	534
JUROR #228	
Examination by the Court.....	551
Examination by Mr. Bloom.....	562
Examination by the Ms. Wilson.....	574
JUROR #133	
Examination by the Court.....	582
Examination by Ms. Wilson.....	592

Examination by Mr. Bloom.....	597
JUROR #227	
Examination by the Court.....	619
Examination by Mr. Bloom.....	627
Examination by Ms. Wilson.....	646
JUROR #372	
Examination by the Court.....	652
Examination by Ms. Wilson.....	662
Examination by Mr. Bloom.....	667
Examination by Ms. Wilson.....	674
Examination by Mr. Bloom.....	680
JUROR #134	
Examination by the Court.....	688
Examination by Mr. Bloom.....	697
Examination by Ms. Wilson.....	706
JUROR #19	
Examination by the Court.....	712
Examination by Ms. Wilson.....	721
JUROR #280	
Examination by the Court.....	732
Examination by Mr. Bloom.....	732
JUROR #232	
Examination by the Court.....	740
Examination by Ms. Wilson.....	754
Examination by Mr. Bloom.....	760
JUROR #37	
Examination by the Court.....	771
Examination by Mr. Bloom.....	783
JUROR #65	
Examination by the Court.....	794
Examination by Ms. Wilson.....	796
Examination by Mr. Bloom.....	797
JUROR #389	
Examination by the Court.....	801
Examination by Mr. Bloom.....	804
JUROR #197	
Examination by the Court.....	810
Examination by Ms. Wilson.....	811

Examination by Mr. Bloom.....	814
JUROR #66	
Examination by the Court.....	817
Examination by Mr. Bloom.....	819
JUROR #101	
Examination by the Court.....	824
Examination by Ms. Wilson.....	836
JUROR #160	
Examination by the Court.....	852
Examination by Mr. Bloom.....	864
Examination by Ms. Wilson.....	870
Examination by Mr. Bloom.....	873
JUROR #207	
Examination by the Court.....	881
Examination by Mr. Durant.....	891
Examination by Mr. Bloom.....	896
JUROR #92	
Examination by the Court.....	900
Examination by Mr. Bloom.....	913
Examination by Ms. Wilson.....	920
JUROR #256	
Examination by the Court.....	927
Examination by Ms. Wilson.....	938
Examination by Mr. Bloom.....	941
Examination by Ms. Wilson.....	947
JUROR #402	
Examination by the Court.....	950
Examination by Mr. Bloom.....	962

TUESDAY, APRIL 21, 2009

JUROR #385	
Examination by the Court.....	980
Examination by Ms. Wilson.....	983
JUROR #363	
Examination by the Court.....	988

VOLUME THREE

JUROR #363	
Examination by Mr. Bloom.....	1002
Examination by Ms. Wilson.....	1011

JUROR #378	
Examination by the Court.....	1016
Examination by Ms. Wilson.....	1029
Examination by Mr. Bloom.....	1034
MOTIONS	1050
JUROR #315	
Examination by the Court.....	1056
Examination by Mr. Bloom.....	1058
Examination by Ms. Wilson.....	1066
Examination by the Court.....	1070
Examination by Ms. Wilson.....	1076
JUROR #306	
Examination by the Court.....	1093
Examination by Mr. Durant.....	1106
Examination by Mr. Bloom.....	1110
JUROR #398	
Examination by the Court.....	1119
Examination by Mr. Bloom.....	1123
Examination by Mr. Durant.....	1126
JUROR #124	
Examination by the Court.....	1136
Examination by Mr. Bloom.....	1152
JUROR #330	
Examination by the Court.....	1163
Examination by Mr. Bloom.....	1178
JUROR #121	
Examination by the Court.....	1188
JUROR #209	
Examination by the Court.....	1192
Examination by Ms. Wilson.....	1205
Examination by Mr. Bloom.....	1210
JUROR #54	
Examination by the Court.....	1224
Examination by Mr. Bloom.....	1226
JUROR #343	
Examination by the Court.....	1238
Examination by Ms. Wilson.....	1253
Examination by Mr. Bloom.....	1256

JUROR #358	
Examination by the Court.....	1264
Examination by Ms. Wilson.....	1268
JUROR #149	
Examination by the Court.....	1272
Examination by Mr. Bloom.....	1287
Examination by Ms. Wilson.....	1295
JUROR #314	
Examination by the Court.....	1299
Examination by Ms. Wilson.....	1313
Examination by Mr. Bloom.....	1319
JUROR #157	
Examination by the Court.....	1330
Examination by Mr. Bloom.....	1347
JUROR #392	
Examination by the Court.....	1359
Examination by Ms. Wilson.....	1362
JUROR #381	
Examination by the Court.....	1371
Examination by Ms. Wilson.....	1387
Examination by Mr. Bloom.....	1395
JUROR #247	
Examination by the Court.....	1401
Examination by Mr. Bloom.....	1416
Examination by Ms. Wilson.....	1420
JUROR #177	
Examination by the Court.....	1423
Examination by Ms. Wilson.....	1427
JUROR #221	
Examination by the Court.....	1434
Examination by Mr. Bloom.....	1449
Examination by Ms. Wilson.....	1454
JUROR #289	
Examination by the Court.....	1462
Examination by Ms. Wilson.....	1471
JUROR #364	
Examination by the Court.....	1480

Examination by Mr. Bloom.....	1494
Examination by Ms. Wilson.....	1498

VOLUME FOUR

JUROR #364	
Examination by the Court.....	1506
Examination by Ms. Wilson.....	1506

WEDNESDAY, APRIL 22, 2009

JUROR #234	
Examination by the Court.....	1523
Examination by Ms. Wilson.....	1545
Examination by Mr. Bloom.....	1549

JUROR #8	
Examination by the Court.....	1557
Examination by Mr. Bloom.....	1572
Examination by Mr. Durant.....	1578

JUROR #50	
Examination by the Court.....	1583
Examination by Mr. Durant.....	1589
Examination by Mr. Bloom.....	1591

JUROR #262	
Examination by the Court.....	1595

JUROR #4	
Examination by the Court.....	1599
Examination by Mr. Bloom.....	1615
Examination by Mr. Durant.....	1521

JUROR #72	
Examination by the Court.....	1626
Examination by Mr. Durant.....	1645
Examination by Mr. Bloom.....	1648

JUROR #246	
Examination by the Court.....	1667
Examination by Mr. Durant.....	1684
Examination by Mr. Bloom.....	1686

JUROR #331	
Examination by the Court.....	1695
Examination by Mr. Bloom.....	1709
Examination by Mr. Durant.....	1714

JUROR #264	
Examination by the Court.....	1720
Examination by Mr. Durant.....	1731
JUROR #272	
Examination by the Court.....	1739
Examination by Mr. Bloom.....	1741
JUROR #148	
Examination by the Court.....	1748
Examination by Mr. Durant.....	1766
Examination by Mr. Bloom.....	1768
JUROR #357	
Examination by the Court.....	1775
Examination by Mr. Bloom.....	1778
JUROR #11	
Examination by the Court.....	1785
Examination by Mr. Durant.....	1804
Examination by Mr. Bloom.....	1807
JUROR #104	
Examination by the Court.....	1815
Examination by Mr. Bloom.....	1833
Examination by Mr. Durant.....	1838
JUROR #69	
Examination by the Court.....	1842
Examination by Mr. Durant.....	1861
Examination by Mr. Bloom.....	1865
JUROR #22	
Examination by the Court.....	1872
Examination by Mr. Bloom.....	1875
JUROR #252	
Examination by the Court.....	1878
Examination by Mr. Bloom.....	1880
JUROR #90	
Examination by the Court.....	1885
Examination by Mr. Durant.....	1903
Examination by Mr. Bloom.....	1904
JUROR #287	
Examination by the Court.....	1909
Examination by Mr. Bloom.....	1913

JUROR #317	
Examination by the Court.....	1916
Examination by Mr. Bloom.....	1918

JUROR #63	
Examination by the Court.....	1920

JUROR #319	
Examination by the Court.....	1925
Examination by Mr. Durant.....	1933
Examination by Mr. Bloom.....	1935

JUROR #38	
Examination by the Court.....	1940
Examination by Mr. Bloom.....	1942

JUROR #26	
Examination by the Court.....	1946
Examination by Mr. Durant.....	1959

JUROR #281	
Examination by the Court.....	1964
Examination by Mr. Bloom.....	1974
Examination by Mr. Durant.....	1976

JUROR #304	
Examination by the Court.....	1979
Examination by Mr. Durant.....	1987

THURSDAY, APRIL 23, 2009

COLLOQUY	1992

JUROR #133	
Examination by the Court.....	2000

VOLUME FIVE

JUROR #133	
Examination by the Court.....	2001

JUROR #19	
Examination by the Court.....	2002

JUROR #247	
Examination by the Court.....	2007

COLLOQUY	2008

SELECTION OF JURY 2016

OPENING REMARKS BY THE COURT 2033

OPENING STATEMENT BY MS. WILSON 2065

OPENING STATEMENTS BY MR. CARROLL 2080

TESTIMONY

KANESHIA SINGLETON

Direct Examination by Ms. Wilson.....2104

Cross Examination by Mr. Bloom.....2116

Redirect Examination by Ms. Wilson.....2116

SHAREEN ROPER

Direct Examination by Ms. Wilson.....2117

STEVO RIVERS

Direct Examination by Mr. Durant.....2131

Cross Examination by Mr. Carroll.....2149

Redirect Examination by Mr. Durant.....2156

Recross Examination by Mr. Carroll.....2164

BENJAMIN DRAYTON

Direct Examination by Mr. Durant.....2168

Cross Examination by Mr. Carroll.....2178

ANTONIO NELSON

Direct Examination by Ms. Wilson.....2189

Cross Examination by Mr. Carroll.....2242

Redirect Examination by Ms. Wilson.....2262

DEVON KEELING

Direct Examination by Mr. Durant.....2265

Cross Examination by Mr. Carroll.....2281

Redirect Examination by Mr. Durant.....2293

FRIDAY, APRIL 24, 2009

COLLOQUY 2309

TESTIMONY

TOMISHA "SHELLEY" NELSON

Direct Examination by Mr. Durant.....2344

Cross Examination by Mr. Bloom.....2385

Redirect Examination by Mr. Durant.....2421

Recross Examination by Mr. Bloom.....	2429
DARREN PROIETTI	
Direct Examination by.....	2434
Cross Examination by Mr. Bloom.....	2444
Redirect Examination by Ms. Wilson.....	2453
KIMBERLY RENEE GREGG	
Direct Examination by Ms. Wilson.....	2455
STEVEN ARCHIE	
Direct Examination by Mr. Durant.....	2464
Cross Examination by Mr. Carroll.....	2481
Redirect Examination by Mr. Durant.....	2491
Recross Examination by Mr. Carroll.....	2494
TYRE JOHNSON	
Direct Examination by Ms. Wilson.....	2500

VOLUME SIX

OCTAVIO FABISIEWICZ	
Direct Examination by Ms. Wilson.....	2507
Cross Examination by Mr. Bloom.....	2512

MONDAY, APRIL 27, 2009

DONTAIRE ANDERSON	
Direct Examination by Mr. Durant.....	2523
Cross Examination by Mr. Carroll.....	2533
Redirect Examination by Mr. Durant.....	2538
MARLINA PINCKNEY	
Direct Examination by Mr. Durant.....	2539
Cross Examination by Mr. Carroll.....	2548
Redirect Examination by Mr. Durant.....	2552
PATRICK PONTERI, SR.	
Direct Examination by Ms. Wilson.....	2554
Cross Examination by Mr. Carroll.....	2563
STEVEN HOOD	
Direct Examination by Mr. Durant.....	2567
Cross Examination by Mr. Bloom.....	2665
Redirect Examination by Mr. Durant.....	2707
JEFFREY MILLER	
Direct Examination by Mr. Durant.....	2714

Cross Examination by Mr. Bloom.....	2738
JUDITCH GORDON	
Direct Examination by Mr. Durant.....	2742
MICHAEL R. SHERMAN	
Direct Examination by Mr. Durant.....	2752
Cross Examination by Mr. Hood.....	2765
Redirect Examination by Mr. Durant.....	2768
TUESDAY, APRIL 28, 2009	
COLLOQUY	2771
JUROR #234	
Examination by the Court.....	2772
JENNIFER WOOLEY	
Direct Examination by Mr. Durant.....	2778
Cross Examination by Mr. Bloom.....	2784
ANITA MAESTAS	
Direct Examination by Mr. Durant.....	2787
Cross Examination by Mr. Bloom.....	2794
RENEE CHARLES	
Direct Examination by Mr. Durant.....	2796
RANDY UNTERBRINK	
Direct Examination by Mr. Durant.....	2799
KINNEY KINSEY	
Direct Examination by Mr. Durant.....	2801
Cross Examination by Mr. Bloom.....	2832
LILLY SMALL GALLMAN	
Direct Examination by Mr. Durant.....	2852
Cross Examination by Mr. Bloom.....	2890
Redirect Examination by Mr. Durant.....	2916
Recross Examination by Mr. Bloom.....	2918
CYNTHIA SCHANDL	
Direct Examination by Ms. Wilson.....	2920
Cross Examination by Mr. Bloom.....	2979
Proffer Examination by Mr. Bloom	2985
Proffer Cross Examination by Ms. Wilson	2987

ARMON RASHAD DICKERSON	
Direct Examination by Mr. Durant.....	2993

VOLUME SEVEN

ARMON RASHAD DICKERSON	
Direct Examination by Mr. Durant.....	3000

WEDNESDAY, APRIL 29, 2009

MOTIONS	3060

ARMON RASHAD DICKERSON	
Direct Examination by Mr. Durant.....	3067
Cross by Mr. Carroll	3080
Redirect Examination by Mr. Durant.....	3123

COLLOQUY	3126

<i>IN CAMERA</i>	3127

JURY IN:.....	3144

ARMON RASHAD DICKERSON	
Redirect Examination by Mr. Durant.....	3145
Recross Examination by Mr. Carroll.....	3146

SELENA KERISE ROUSE	
Direct Examination by Ms. Wilson.....	3148
Cross Examination by Mr. Carroll	3215
Redirect Examination by Ms. Wilson.....	3243
Recross Examination by Mr. Carroll.....	3248

RASHID ABDUL MALIK	
Direct Examination by Ms. Wilson.....	3259
Cross Examination by Mr. Carroll	3306

SANDRA FOKES	
Direct Examination by Ms. Wilson.....	3322
Cross Examination by Mr. Bloom.....	3329

AVEN ROPER	
Direct Examination by Ms. Wilson.....	3335
Cross Examination by Mr. Bloom.....	3354

MOTIONS	3358

EXAMINATION OF DEFENDANT	3361

THURSDAY, APRIL 30, 2009

COLLOQUY	3373
CLOSING ARGUMENT BY MS. WILSON.....	3397
STATEMENT BY MR. DICKERSON	3433
CLOSING ARGUMENT BY MR. CARROLL.....	3436
JURY CHARGE.....	3475

VOLUME EIGHT

VERDICT	3524
MOTIONS	3532

FRIDAY, MAY 1, 2009

IN CHAMBERS CONFERENCE	3548

TESTIMONY

LEESTER WILLIAMS (*IN CAMERA*)

Direct Examination by Mr. Durant.....	3553
Cross Examination by Mr. Carroll	3566

MICHAEL HUGGINS (*IN CAMERA*)

Direct Examination by Mr. Durant.....	3583
Cross Examination by Mr. Carroll	3586

MOTIONS (<i>IN CAMERA</i>)	3590

MONDAY, MAY 4, 2009

JURY IN	3613

OPENING STATEMENT BY MR. DURANT	3613

OPENING STATEMENT BY MR. BLOOM.....	3618

TESTIMONY

EDWARD HASELDEN, JR.

Direct Examination by Mr. Durant.....	3627
Cross Examination by Mr. Carroll	3631

IAN F. TRAYNOR	
Direct Examination by Mr. Durant.....	3632
Cross Examination by Mr. Carroll.....	3651
RONALD HULL (<i>IN CAMERA</i>)	
Direct Examination by Mr. Durant.....	3649
Cross Examination by Mr. Carroll.....	3651
Proffer Examination by Mr. Durant.....	3653
GEORGE FORDHAM (<i>IN CAMERA</i>)	
Proffer Examination by Mr. Durant.....	3657
Proffer Examination by Mr. Carroll.....	3663
Proffer Redirect Examination by Mr. Durant.....	3666
JURY IN	3673
LEON FLUDD	
Direct Examination by Mr. Durant.....	3673
Cross Examination by Mr. Carroll.....	3677
ANTONIO NELSON	
Direct Examination by Ms. Wilson.....	3680
Cross Examination by Mr. Carroll.....	3690
RASHID MALIK	
Direct Examination by Ms. Wilson.....	3692
Cross Examination by Mr. Carroll.....	3697
Redirect Examination by Ms. Wilson.....	3698
JOHN SCARBOROUGH	
Direct Examination by Mr. Durant.....	3699
Cross Examination by Mr. Carroll.....	3709
CARLOS CESPEDES	
Direct Examination by Mr. Durant.....	3715
Cross Examination by Mr. Carroll.....	3725
JEFFREY MILLER	
Direct Examination by Mr. Durant.....	3729
MOTIONS	3734
CEDEDRIK DAVIS (<i>IN CAMERA</i>)	
Proffer Examination by Mr. Durant.....	3742
Cross Examination by Mr. Bloom.....	3744
Redirect Examination by Mr. Durant.....	3747

JUROR #234 (<i>IN CAMERA</i>)	
Examination by the Court.....	3754
JURY IN	3756
LAWRENCE GAINES	
Direct Examination by Mr. Durant.....	3757
Cross Examination by Mr. Bloom.....	3769
CEDERICK DAVIS	
Direct Examination by Mr. Durant.....	3770
Cross Examination by Mr. Bloom.....	3774
Redirect Examination by Mr. Durant.....	3777
Recross Examination by Mr. Bloom.....	3777
TOMIESHA NELSON	
Direct Examination by Mr. Durant.....	3778
Cross Examination by Mr. Bloom.....	3784
LESTER WILLIAMS	
Direct Examination by Mr. Durant.....	3788
Cross Examination by Mr. Carroll	3795
Redirect Examination by Mr. Durant.....	3799
Recross Examination by Mr. Carroll.....	3800
MICHAEL HUGGINS	
Direct Examination by Mr. Durant.....	3801
Cross Examination by Mr. Bloom.....	3805
Redirect Examination by Mr. Durant.....	3810
MOTIONS (<i>IN CAMERA</i>)	3811
JURY IN	3816
MOTIONS (<i>IN CAMERA</i>)	3818

TUESDAY, MAY 5, 2009

JURY IN	3843
SHAREEN ROPER	
Direct Examination by Ms. Wilson.....	3846
CYNTHIA SCHANDL, MD	
Direct Examination by Ms. Wilson.....	3872
MOTIONS (<i>IN CAMERA</i>)	3898

WILLIAM DICKERSON (<i>IN CAMERA</i>)	
Examination by the Court.....	3902
JURY IN	3907
JOSPEH LADSON	
Direct Examination by Mr. Bloom.....	3908
Cross Examination by Mr. Durant	3911
JOHN HEWITT	
Direct Examination by Mr. Bloom.....	3913
Cross Examination by Ms. Wilson.....	3915
STACY SIMMONS	
Direct Examination by Mr. Bloom.....	3916
Cross Examination by Ms. Wilson.....	3917
CURTIS HOOD	
Direct Examination by Mr. Bloom.....	3918
Cross Examination by Mr. Durant	3920
DAVID GADEIC	
Direct Examination by Mr. Bloom.....	3921
Cross Examination by Mr. Durant	3923
JAMES AIKEN	
Direct Examination by Mr. Bloom.....	3925
Cross Examination by Mr. Durant	3948
Redirect Examination by Mr. Bloom.....	3955
Recross Examination by Mr. Durant.....	3958
BARRY BRITT	
Direct Examination by Mr. Carroll	3967
Cross Examination by Mr. Durant	3972
ALEXANDER MORTON	
Direct Examination by Mr. Bloom.....	3976

VOLUME NINE

ALEXANDER MORTON	
Cross Examination by Mr. Durant	4016
Redirect Examination by Mr. Bloom.....	4025
JOHNETTE R. WATSON	
Direct Examination by Mr. Bloom.....	4027
Cross Examination by Ms. Wilson.....	4035

TIERRA MCINTOSH

Direct Examination by Mr. Bloom.....4036

JOHNNIE K. RIVERS

Direct Examination by Mr. Bloom.....4043

Cross Examination by Mr. Durant 4060

Redirect Examination by Mr. Bloom.....4071

Recross Examination by Mr. Durant.....4075

WEDNESDAY, MAY 6, 2009

MOTIONS 4078

MARY E. RANKIN

Direct Examination by Mr. Bloom.....4089

Cross Examination by Mr. Durant 4097

Redirect Examination by Mr. Bloom.....4100

MARJORIE HAMMOCK

Direct Examination by Mr. Bloom.....4101

Cross Examination by Mr. Durant 4157

Redirect Examination by Mr. Bloom.....4172

DORIS GAMBLE

Direct Examination by Mr. Bloom.....4177

Cross Examination by Ms. Wilson.....4180

Redirect Examination by Mr. Bloom.....4181

JIMMY MITCHELL

Direct Examination by Mr. Bloom.....4182

JAMES DUNN

Direct Examination by Mr. Bloom.....4185

Cross Examination by Ms. Wilson.....4193

Redirect Examination by Mr. Bloom.....4197

ROBERT PHILLIPS

Direct Examination by Mr. Bloom.....4204

Cross Examination by Mr. Durant 4240

MARK CUNNINGHAM

Direct Examination by Mr. Bloom.....4262

Cross Examination by Ms. Wilson.....4312

ADELE WATSON

Direct Examination by Mr. Bloom.....4335

WILLIAM DICKERSON	
Examination by the Court.....	4340
MOTIONS	4347

THURSDAY, MAY 7, 2009

MOTIONS	4353
CLOSING ARGUMENT BY MR. DURANT	4364
CLOSING ARGUMENT BY MR. BLOOM	4378
JURY CHARGE.....	4403
VERDICT SENTENCING PHASE	4431
TRANSCRIPT DATED JULY 7, 2009 MOTION FOR A NEW TRIAL	4443
INDICTMENTS	4454
MOTION FOR NEW TRIAL	4460
STATE'S EXHIBIT 307, TRANSCRIPT OF PHONE CALL BETWEEN WILLIAM DICKERSON AND TOMISA NELSON.....	4463
STATE'S EXHIBIT 319, AUTOPSY DIAGRAM.....	4465
STATE'S EXHIBIT 320, AUTOPSY DIAGRAM.....	4466
STATE'S EXHIBIT 321, AUTOPSY DIAGRAM.....	4467
STATE'S EXHIBIT 322, AUTOPSY DIAGRAM.....	4468
JUROR QUESTIONNAIRES OF SITTING JURORS AND STRUCK JURORS	4469

VOLUME TEN

JUROR QUESTIONNAIRES OF SITTING JURORS AND STRUCK JURORS	4501
STATE'S EXHIBITS 141, 153, 160, 161, 162, 166, 171, 172, 173, 177, 178, 181, 184, 335, AND 336 (AUTOPSY PHOTOGRAPHS ADMITTED DURING PENALTY PHASE); AND STATE'S EXHIBIT 78 (PHOTOGRAPH OF VICTIM'S BODY AT DISCOVERY SITE) HAVE BEEN TRANSPORTED TO THE COURT.	

5

1 may affect your ability to be fair and
2 impartial?

3 JUROR NUMBER 133: Yeah.

4 THE COURT: So you don't think
5 that you could carry out your function as a
6 juror?

7 JUROR NUMBER 133: Definitely
8 not.

9 THE COURT: Any objection to
10 excusing Mr. Heyward?

11 SOLICITOR WILSON: No, sir.

12 MR. BLOOM: No, sir.

13 THE COURT: Mr. Heyward, thank
14 you for coming forward. You are excused from
15 further participation.

16 If there -- I want to be sure of
17 something, because this would be very serious.
18 No one has threatened you personally since you
19 have been on the jury, have they?

20 JUROR NUMBER 133: (Negative
21 gesture).

22 THE COURT: If that should
23 occur, that's a matter separate and apart from
24 this case, it's a matter that I'd need to deal
25 with because that would deal with the system

1 itself. If anyone ever threatens you, you
2 make that known to Ms. Armstrong because we
3 would want to take -- we would want to follow
4 up on that, sir. Okay? Thank you, sir, you
5 are excused. You are free to leave, sir.

6 (JUROR NUMBER 133 EXCUSED, EXITS COURTROOM)

7 (BENCH CONFERENCE CONCLUDED)

8 THE COURT: Any objection to
9 excusing him, any followup?

10 MR. BLOOM: No, sir.

11 SOLICITOR WILSON: No, Your Honor.

12 THE COURT: Okay, bring in Ms.
13 Bergen. Is she outside?

14 And what is Ms. Prioleau's number?

15 BRUCE DURANT: 247.

16 (JUROR NUMBER 19 ENTERS COURTROOM)

17 BENCH CONFERENCE:

18 THE COURT: Good morning, Ms.
19 Bergen. Come forward and stand here. How are
20 you?

21 JUROR NUMBER 19: Good. How
22 are you?

23 THE COURT: I'm great. You
24 called the clerk's office and said that you
25 needed to speak to the court?

1 JUROR NUMBER 19: Yes.

2 THE COURT: All right, what is
3 it?

4 JUROR NUMBER 19: I was
5 concerned about the conversation that we had.
6 Given the information that you gave me, I do
7 not feel that -- given that the law does not
8 require that it be done, I just feel like I
9 could not give the death penalty.

10 THE COURT: Have you done
11 independent research on the death penalty?

12 JUROR NUMBER 19: No. No,
13 I was just thinking on what you'd said. I
14 apologize for waffling on it but it's a
15 difficult subject. I just don't feel like I
16 could -- with the information that you gave
17 me, I just don't feel like I -- that I
18 wouldn't be required by law to do that, I just
19 don't think that I could.

20 THE COURT: Do you wish to
21 examine this witness any further? I'll be
22 happy to place her on the stand if you wish to
23 examine ---

24 MR. BLOOM: No, sir.

25 THE COURT: Does the State

1 wish to ---

2 BRUCE DURANT: No, sir.

3 THE COURT: Thank you very
4 much. I am going to excuse you, Ms. Bergen.
5 I am going to caution you about something,
6 though, in the future if you're ever serving
7 on a jury -- and it's normal but it's
8 something that you can't do. You can't do
9 independent research, it creates a problem.

10 JUROR NUMBER 19: It wasn't
11 about the case or anything, you ---

12 THE COURT: I've had people
13 say, 'well, I went online and I looked at the
14 law and I was wondering how you were going to
15 get around' certain issues. A juror just
16 cannot at a point -- it points out something
17 that I need to do, that I need to stress more
18 clearly. I don't fault you, but I am just
19 warning you about that. In the future, if
20 you're ever on a panel, you have to resist
21 that temptation. You are excused.

22 Having said that, again, I am
23 not saying that you did anything because you
24 didn't violate anything specifically.

25 JUROR NUMBER 19: No.

1 THE COURT: I want to thank you
2 for doing what you're doing. That's another
3 reason that I so strongly belief that the
4 system does work, because there are people
5 just like you who are conscientious, they
6 think about things, and I admire you for that
7 and I thank you.

8 JUROR NUMBER 19: I apologize.

9 THE COURT: No, ma'am. That
10 is precisely what I don't want you -- you do
11 not have to apologize. You are doing exactly
12 what you should be doing. Okay?

13 JUROR NUMBER 19: Okay.

14 THE COURT: Good luck to you,
15 ma'am.

16 (BENCH CONFERENCE CONCLUDED)

17 (JUROR NUMBER 19 EXITS COURTROOM)

18 THE COURT: Hold up Ms. Prioleau
19 just a moment. What is it that you're
20 concerned about? That she knows one of the
21 victim's relatives or that she knows the
22 victim's family or ---

23 MR. BLOOM: Yes.

24 THE COURT: Then why don't I just
25 ask her that?

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1814

1 SOLICITOR WILSON: Okay.

2 THE COURT: Bring in Ms. Prioleau.

3 (JUROR NUMBER 247 ENTERS COURTROOM)

4 BENCH CONFERENCE:

5 THE COURT: Good morning, Ms.

6 Prioleau. Sorry to bother you. There was
7 something that came up after you -- if you
8 would, just stand right here. There was some
9 question -- we identified a number of names,
10 you will remember, on Friday.

11 JUROR NUMBER 247: Yes.

12 THE COURT: Do you know or are
13 you aware of consciously knowing any of the
14 victim's family?

15 JUROR NUMBER 247: (Negative
16 gesture), no.

17 THE COURT: The family name is
18 "Roper"?

19 SOLICITOR WILSON: Roper, Aven
20 Roper or Shareen Roper?

21 THE COURT: Any of those
22 persons?

23 JUROR NUMBER 247: No.

24 THE COURT: And no one has
25 talked with you -- your husband, to your

1 knowledge, you'all haven't talked about this,
2 I'm sure.

3 JUROR NUMBER 247: I haven't
4 said anything.

5 THE COURT: You haven't
6 mentioned anything to him?

7 JUROR NUMBER 247: (Negative
8 gesture).

9 THE COURT: I am going to ask
10 you to continue to do that. Okay?

11 JUROR NUMBER 247: Okay.

12 THE COURT: I told a jury the
13 other day that I had an experience, to briefly
14 bore you with a story but my wife was -- I
15 didn't think that she would be picked but they
16 let her sit on a jury that I tried, which was
17 very interesting. We were almost finished,
18 ready for the jury to deliberate. I was
19 sitting doing something and I made a comment
20 about, 'Did you notice the lawyer today?' She
21 looked at me and she said, "you said we're not
22 to supposed to talk about this case." I said,
23 'Yes, ma'am, excuse me.' So if your husband
24 does something as foolish as I did then just
25 tell him, 'Look, I can't talk to you about

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1816

1 that right now.'

2 JUROR NUMBER 247: Right.

3 THE COURT: Thank you very
4 much, Ms. Prioleau. We will bring you'all in
5 in just a few minutes. You may return to the
6 other jurors and we'll be ready for you all in
7 a minute.

8 (JUROR NUMBER 247 EXITS COURTROOM)

9 (BENCH CONFERENCE CONCLUDED)

10 THE COURT: All right. Again, I
11 want to thank you all -- I thank the court
12 personnel but thank you all because I -- I
13 remember being a lawyer, too, and how you're
14 worn out at the end of the day. People aren't
15 aware that your day doesn't end when you walk
16 out of the courtroom. I understand that and
17 remember that. So thank you all for enduring
18 the selection ordeal, too.

19 BRUCE DURANT: We wouldn't want
20 to have to do it again.

21 THE COURT: No, no. In fact, we
22 were talking about the bar exam and how
23 strenuous and how demanding it is, physically,
24 that at the end of it you're just -- at least
25 I was, I was drained. But I thought, you

1 know, maybe that's not a bad thing because
2 that's what happens if you're in an extended
3 trial. You really and truly have to push
4 every fiber in your body to go to the nth
5 degree, certainly in this type of cases.
6 Just listening wears you out.

7 Okay. Mike, when we get to those
8 numbers, if we get to those numbers, I will
9 say "excused by the court". Any objection to
10 my stating that this morning?

11 MR. BLOOM: I'm sorry, sir. I
12 didn't hear you.

13 THE COURT: I take it that there is
14 no objection to skipping Number 133 and Number
15 19 on our list? Or do you want me to say
16 "excused by the court"?

17 SOLICITOR WILSON: No objection.

18 THE COURT: From the defense?

19 MR. BLOOM: (Negative gesture), we
20 can just skip them. We understand that
21 they've been excused and it's on the record.

22 THE COURT: Okay. Is the State
23 ready for the jury to be brought in?

24 SOLICITOR WILSON: Yes, Your Honor.

25 THE COURT: Is the Defendant ready

1 for the jury to be brought in?

2 MR. BLOOM: Yes, sir.

3 THE COURT: Let's bring in our jury
4 panel, please.

5 (QUALIFIED JURY PANEL IN @ 9:54 A.M.)

6 THE COURT: Good morning, Ladies
7 and Gentlemen. Before we start, again I want
8 to thank you for your participation thus far,
9 thank you for your patience with all the
10 things, all the delays that have occurred. I
11 appreciate that.

12 Before we start with the selection,
13 I have a couple of things to ask of you:

14 Number one, I would remind all of
15 you that you are still under oath and I want
16 to administer, ask you now if each of you do
17 or can solemnly swear or affirm that -- again
18 throughout this entire process, we have talked
19 about this, each one of you. We've talked
20 about it when we asked you -- but you have
21 continued to honor the court's instruction,
22 except for those that shared when we asked
23 you, some situations have occurred and we have
24 already addressed those, but otherwise you
25 have honored the court's instruction by not

1 talking with anyone, permitting anyone to talk
2 with you about the case, not read any accounts
3 nor have you watched any news programs about
4 it. If you can say that, please say "I can."

5 (AFFIRMATIVE RESPONSE BY JURORS)

6 THE COURT: Are there any members
7 of the panel who could not make that
8 commitment? If so, please stand. (No
9 response).

10 The next question, Ladies and
11 Gentlemen, is -- you've gone through a number
12 of questions and you were kind enough to fill
13 out the questionnaire. Does any juror present
14 now wish to alter, modify or supplement either
15 the questionnaire or your answers to the
16 questions given at any stage throughout this
17 process? If so, please stand. (No response).
18 Thank you, there are none.

19 What is going to happen now is that
20 we have your names, your names have been
21 placed on a list. That list is numbered
22 sufficient to cover all the jurors. In just a
23 moment, I am going to call out the numbers,
24 starting with number one. If you happen to be
25 Juror Number One, that is not you. The

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1820

1 numbers are the numbers of the list. So if
2 you will bear with us, we are ready now to
3 select the twelve jurors that will be
4 empaneled to, hopefully, complete this case.

5 I say that because we're going to
6 select four alternates, hopefully. An
7 alternate juror is a juror that may have to
8 participate but we don't know at this time.
9 It depends on how the first twelve are.
10 Things happen during a trial to persons and
11 that's why we have alternates.

12 Hopefully nothing will and hopefully
13 the twelve will remain. The four alternates
14 have a very important function, because they
15 have to be prepared at all times to suddenly
16 move onto the jury panel. Please understand
17 that if you happen to be selected as an
18 alternate don't think, 'Phew, I don't have to
19 worry about it.' You do have to worry about
20 it, you're very much a part of the panel.

21 It's a very trite analogy that I've
22 been accused of using before but when I first
23 started Steve Young was still a backup
24 quarterback for Joe Montana, San Francisco
25 '49ers. You can be assured that Steve Young

1 was prepared to play every single game, was
2 ready to go onto the field. That is very
3 similar to what an alternate juror has to do,
4 so please understand that.

5 Thank you again. We won't take too
6 much more of your time. We are going to now
7 start the selection process.

8 (OFF RECORD SIDEBAR WITH CLERK)

9 THE COURT: As you will recall, --
10 excuse me a moment. You will recall that we
11 asked you if you knew several people we called
12 by name. I need to ask all of you, is there
13 any member of the jury panel that is related
14 by blood or marriage, has any business
15 dealings with or who are socially or casually
16 acquainted with Julian Malasa or Marvin, also
17 known as "Nick", Hancock?

18 JUROR NUMBER 134: I know Nick
19 Hancock.

20 THE COURT: The fact that you are
21 acquainted with him, would that influence you
22 in any way, sir?

23 JUROR NUMBER 134: Not at all.

24 THE COURT: Would you base your
25 decision entirely on the evidence and the law

1 as we've discussed throughout?

2 JUROR NUMBER 134: Yes.

3 THE COURT: Your decision would be
4 fair to both Mr. Dickerson and to the State?

5 JUROR NUMBER 134: Yes, sir.

6 THE COURT: Your name and number?

7 JUROR NUMBER 134: Charles High,
8 Number 134.

9 THE COURT: Charles High?

10 JUROR NUMBER 134: Yes, sir.

11 THE COURT: Thank you so much, Mr.
12 High. Appreciate it.

13 JUROR NUMBER 11: Your Honor, I have
14 a question.

15 THE COURT: Yes, ma'am?

16 JUROR NUMBER 11: What exactly is
17 the process now?

18 THE COURT: The process now is just
19 what I told you, we are going to select
20 twelve. If you're not -- and that's a
21 legitimate question.

22 Customarily, I should say, because
23 it is not uncommon -- I've done this process
24 even when we're not in a situation where there
25 may be two phases. I've used this same

1 format.

2 In a civil trial, this is the exact
3 format that is always used. Your name has
4 been drawn at random and placed on a list.
5 The list is numbered one through -- whatever.
6 That's why I said we will be striking from the
7 list. You don't know what number -- which
8 juror is what number. So we just go through
9 the process.

10 It is not meant to be secretive but
11 it is not -- if you've ever been in a criminal
12 dispute, and some of you may have served, you
13 were called and you brought your belongings
14 and you came and you stood and -- you'd walk
15 up here (to podium) and you'd stand here
16 (facing audience) and the clerk would say,
17 'What says the State?' They'd say to either
18 seat the juror, excuse the juror, swear the
19 juror. Then it would be the defense's term
20 and they'd say to seat the juror, swear the
21 juror, excuse the juror. We'd go through that
22 process.

23 We are doing it -- really it is
24 quicker this way and it is eliminated other --
25 there are other legal reasons why it is

1 helpful, but that's not necessary.

2 JUROR NUMBER 11: Okay. Thank you
3 for explaining it.

4 THE COURT: You're very, very
5 welcome. Thank you for the question. I
6 appreciate it. Are there any other questions
7 or concerns? (No response). Thank you, then,
8 we are ready to start.

9 I assume there are -- are there any
10 other matters that we need to address?

11 SOLICITOR WILSON: No, sir.

12 THE COURT: Thank you.

13 MR. BLOOM: No, sir.

14 THE COURT: Thank you. As we
15 discussed, each of you have your sheets. They
16 are numbered, the jurors' names have been
17 placed on that sheet randomly, sequentially,
18 and what says the State as to juror number
19 one?

20 SOLICITOR WILSON: Please present
21 juror number one.

22 THE COURT: What says Mr. Dickerson
23 as to juror number one?

24 MR. BLOOM: Seat the juror.

25 THE COURT: Juror number one is

1 seated. What says the State as to juror
2 number two?

3 SOLICITOR WILSON: Please present
4 juror number two.

5 THE COURT: What says Mr. Dickerson
6 as to juror number two?

7 MR. BLOOM: Seat the juror.

8 THE COURT: What says the State as
9 to juror number three?

10 SOLICITOR WILSON: Please excuse
11 juror number three.

12 THE COURT: The State will excuse
13 juror number three.

14 What says the State as to juror
15 number five?

16 SOLICITOR WILSON: Please present
17 juror number five.

18 THE COURT: What says Mr.
19 Dickerson?

20 MR. BLOOM: Seat the juror.

21 THE COURT: Juror number five is
22 seated. What says the State as to juror
23 number six?

24 SOLICITOR WILSON: Please present
25 juror number six.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1 THE COURT: What says Mr.

2 Dickerson?

3 MR. BLOOM: Seat the juror.

4 THE COURT: Juror number six is
5 seated. What says the State as to juror
6 number eight?

7 SOLICITOR WILSON: Please present
8 juror number eight.

9 THE COURT: What says the
10 defendant?

11 MR. BLOOM: We would excuse the
12 juror from the trial of this case.

13 THE COURT: Number eight is
14 excused. What says the State as to juror
15 number nine?

16 SOLICITOR WILSON: Please present
17 juror number nine.

18 THE COURT: What says Mr.
19 Dickerson?

20 MR. BLOOM: We would excuse the
21 juror from this case.

22 THE COURT: Number nine is excused.
23 What says the State as to juror number ten?

24 SOLICITOR WILSON: Please excuse
25 juror number ten.

1 THE COURT: Juror number ten is
2 excused. What says the State as to juror
3 number eleven?

4 SOLICITOR WILSON: Please excuse
5 juror number eleven.

6 THE COURT: Juror number eleven is
7 excused. What says the State as to juror
8 number twelve?

9 SOLICITOR WILSON: Please present
10 juror number twelve.

11 THE COURT: What says Mr.
12 Dickerson?

13 MR. BLOOM: Seat the juror.

14 THE COURT: Number twelve will be
15 seated. What says the State as to juror
16 number thirteen?

17 SOLICITOR WILSON: Please present
18 juror number thirteen.

19 THE COURT: What says Mr.
20 Dickerson?

21 MR. BLOOM: Please excuse the
22 juror.

23 THE COURT: Number thirteen will be
24 excused. What says the State as to juror
25 number fourteen?

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1828

1 SOLICITOR WILSON: Please present
2 juror number fourteen.

3 THE COURT: What says Mr.
4 Dickerson?

5 MR. BLOOM: Please seat number
6 fourteen.

7 THE COURT: Number fourteen is
8 seated. What says the State as to juror
9 number fifteen?

10 SOLICITOR WILSON: Please present
11 juror number fifteen.

12 THE COURT: What says Mr.
13 Dickerson?

14 MR. BLOOM: Please excuse the
15 juror.

16 THE COURT: Number fifteen is
17 excused. What says the State as to juror
18 number sixteen?

19 SOLICITOR WILSON: Please excuse
20 juror sixteen.

21 THE COURT: The State has one
22 strike remaining. What says the State as to
23 number seventeen?

24 SOLICITOR WILSON: Please present
25 seventeen.

1 THE COURT: What says the
2 Defendant?

3 MR. BLOOM: Please seat the juror.

4 THE COURT: What says the State as
5 to number eighteen?

6 SOLICITOR WILSON: Please present
7 juror eighteen.

8 THE COURT: What says Mr.
9 Dickerson?

10 MR. BLOOM: Please excuse the
11 juror.

12 THE COURT: Number eighteen is
13 excused. What says the State as to number
14 nineteen?

15 SOLICITOR WILSON: Please present
16 juror number nineteen.

17 THE COURT: What says Mr.
18 Dickerson?

19 MR. BLOOM: Please seat the juror.

20 THE COURT: Number nineteen is
21 seated. What says the State as to number
22 twenty?

23 SOLICITOR WILSON: Please present
24 number twenty.

25 THE COURT: What says Mr.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1830

1 Dickerson?

2 MR. BLOOM: Please seat the juror.

3 THE COURT: Twenty is seated. That
4 is nine. What says the State as to number
5 twenty-one?

6 SOLICITOR WILSON: Please present
7 twenty-one.

8 THE COURT: What says Mr.
9 Dickerson?

10 MR. BLOOM: Please excuse the
11 juror.

12 THE COURT: Number twenty-one will
13 be excused. What says the State as to number
14 twenty-two?

15 SOLICITOR WILSON: Please present
16 twenty-two.

17 THE COURT: What says Mr.
18 Dickerson?

19 MR. BLOOM: Please excuse the
20 juror.

21 THE COURT: Number twenty-two is
22 excused. What says the State as to number
23 twenty-three?

24 SOLICITOR WILSON: Please present
25 number twenty-three.

1 THE COURT: What says Mr.

2 Dickerson?

3 MR. BLOOM: Please excuse the
4 juror.

5 THE COURT: Twenty-three is
6 excused. What says the State as to number
7 twenty-four?

8 SOLICITOR WILSON: Please present
9 twenty-four.

10 THE COURT: What says Mr.
11 Dickerson?

12 MR. BLOOM: Please excuse the
13 juror.

14 THE COURT: Mr. Dickerson has one
15 strike remaining. What says the State as to
16 number twenty-five?

17 SOLICITOR WILSON: Please present
18 juror number twenty-five.

19 THE COURT: What says Mr.
20 Dickerson?

21 MR. BLOOM: Please excuse the
22 juror.

23 THE COURT: Juror is excused. Mr.
24 Dickerson has exhausted his strikes.

25 What says the State as to number

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1832

1 twenty-six?

2 SOLICITOR WILSON: Please present

3 number twenty-six.

4 THE COURT: Any ---

5 MR. BLOOM: Please seat the juror.

6 THE COURT: --- challenge for

7 cause?

8 MR. BLOOM: No, sir. Please seat

9 the juror.

10 THE COURT: Number twenty-six is

11 seated. What says the State as to number

12 twenty-seven?

13 SOLICITOR WILSON: Please present

14 number twenty-seven.

15 THE COURT: Any challenge for

16 cause?

17 MR. BLOOM: No, sir, please seat

18 the juror.

19 THE COURT: Number twenty-seven is

20 seated. What says the State as to number

21 twenty-eight?

22 SOLICITOR WILSON: Please present

23 juror twenty-eight.

24 THE COURT: Any challenge?

25 MR. BLOOM: No, sir, please seat

1 the juror.

2 THE COURT: Number twenty-eight is
3 seated. I have that as being our twelfth
4 juror. Okay? Now we will proceed to select
5 the alternates. Strikes are one and two.

6 What says the State as to juror
7 number twenty-nine?

8 SOLICITOR WILSON: Please excuse
9 juror twenty-nine.

10 THE COURT: Twenty-nine is excused.
11 Any challenge to number thirty, from the
12 State?

13 SOLICITOR WILSON: No, sir.

14 THE COURT: What says the
15 Defendant?

16 MR. BLOOM: Please seat the juror.

17 THE COURT: Number thirty is seated
18 as Alternate Number One.

19 We will proceed to select the next
20 alternate. Again, one and two. What says the
21 State as to thirty-one?

22 SOLICITOR WILSON: Please present
23 juror numbered thirty-one.

24 THE COURT: What says Mr.
25 Dickerson?

1 MR. BLOOM: Please seat the juror.

2 THE COURT: Alternate Two will be
3 juror number thirty-one.

4 What says the State as to thirty-
5 two?

6 SOLICITOR WILSON: Please present
7 juror thirty-two.

8 THE COURT: What says Mr.
9 Dickerson?

10 MR. BLOOM: Please seat the juror.

11 THE COURT: Alternate Three will be
12 juror number thirty-two.

13 What says the State as to juror
14 number thirty-three?

15 SOLICITOR WILSON: Please present
16 juror number thirty-three.

17 THE COURT: What says Mr.
18 Dickerson?

19 MR. BLOOM: Please seat the juror.

20 THE COURT: Juror numbered thirty-
21 three will be Alternate Four.

22 I believe that to be our panel.
23 Will you verify the numbers serving, please,
24 Mr. Callahan?

25 CLERK, MIKE CALLAHAN: Yes, sir, I

1 have -- using the numbers on the form, I have:
2 one, two, five, six, twelve, fourteen,
3 seventeen, nineteen, twenty, twenty-six,
4 twenty-seven, twenty-eight.

5 Alternates, I have as numbers
6 thirty, thirty-one, thirty-two and thirty-
7 three.

8 THE COURT: Is that correct, from
9 the States's perspective?

10 SOLICITOR WILSON: Yes, sir.

11 THE COURT: Is that correct from
12 the Defendant's perspective?

13 MR. BLOOM: Yes, sir.

14 THE COURT: Are there any Motions
15 regarding the selection other than those
16 already on the record, from the State?

17 SOLICITOR WILSON: No, sir.

18 THE COURT: Are there any Motions
19 from Mr. Dickerson as to the selection other
20 than those previously placed on the record in
21 this proceeding? Take your time.

22 MR. BLOOM: Thank you, Your Honor.
23 (Sidebar with Mr. Carroll and Defendant), --
24 yes, sir, we would.

25 THE COURT: If you would approach

1 -- I will come down and we will do that with
2 the court reporter. Solicitor, would you
3 approach, as well?

4 SOLICITOR WILSON: Yes, sir.

5 BENCH CONFERENCE:

6 THE COURT: Let's take them
7 one at a time. Which one first?

8 MR. BLOOM: Your Honor, we
9 would have a *Batson* Motion. My particulars --
10 well, first I would note for the record that
11 the State used four strikes for the first
12 panel of twelve jurors. Three of those were
13 black females and they would be juror ten in
14 the order, Juror 101, and ---

15 THE COURT: Let's just refer
16 to the list that you have. Number ten?

17 MR. BLOOM: Yes, sir.

18 THE COURT: No challenge as to
19 -- for three?

20 MR. BLOOM: No, sir.

21 THE COURT: Solicitor, give me
22 your race-neutral or gender-neutral reason for
23 striking juror number ten.

24 SOLICITOR WILSON: Your Honor,
25 juror ten was a CNA, as I recall, who worked

1 from 11:00 to 7:00 and I recall that she had
2 an issue if it would conflict with her
3 employment. I had that concern. Also she is
4 a single mother with two children and she
5 would be missing work throughout the week. I
6 believe at one point she said that she would
7 consider the death penalty but at another
8 point she couldn't vote for it

9 THE COURT: Okay. I find
10 those reasons to be race-neutral and gender-
11 neutral. Is there any other juror who was
12 selected who was a single mother or who worked
13 as an CNA, who ---

14 MR. BLOOM: No, sir.

15 THE COURT: Okay. I find that
16 to be a race-neutral, gender-neutral reason.
17 I further find that the court is not aware of
18 any pretextual situation, so there is no pre-
19 textual and that Motion is denied.

20 MR. BLOOM: Your Honor, I
21 would just note for the record that Juror 101
22 is an African American female?

23 THE COURT: (Affirmative nod),
24 she is. Next?

25 MR. BLOOM: Also number

1 eleven.

2 SOLICITOR WILSON: She has a
3 number of charges for prostitution, a charge
4 for shoplifting, a concealed weapon, ---

5 THE COURT: Do we have
6 knowledge of anyone else on the jury who has a
7 prior arrest?

8 MR. BLOOM: I don't know of
9 any.

10 SOLICITOR WILSON: She had
11 qualified convictions.

12 THE COURT: All right. I find
13 that to be a race-neutral, gender-neutral
14 reason. Are you aware of any juror that has
15 any record, that is sitting?

16 SOLICITOR WILSON: Not that many
17 or not for those things.

18 THE COURT: Very well, that's
19 fine. Prostitution, shoplifting.

20 SOLICITOR WILSON: And for a
21 concealed weapon.

22 THE COURT: And concealed
23 weapon. I find that is not pretext.

24 The next juror for which the
25 State exercised a strike was an African

1 American female, can you tell me your race-
2 neutral or gender-neutral reason for striking
3 that juror?

4 SOLICITOR WILSON: Your Honor,
5 again she was a juror who said, when I was
6 examining her or asking her questions, she
7 first said that she could never give the death
8 penalty, then she said that she could, she
9 didn't answer the question on her
10 questionnaire and she seemed to struggle with
11 ---

12 THE COURT: That's fine. I
13 recall that she was inconsistent and I find
14 that to be a race-neutral and gender-neutral
15 reason. Your Motion is denied.

16 MR. BLOOM: Thank you, and I
17 have nothing further.

18 THE COURT: Thank you.

19 (BENCH CONFERENCE CONCLUDED)

20 THE COURT: Are there any other
21 matters from the state or from Mr. Dickerson
22 before we ask the jury to come forward?

23 SOLICITOR WILSON: None from the
24 State, Your Honor.

25 THE COURT: Anything else, Mr.

1 Bloom?

2 MR. BLOOM: Nothing further, Your
3 Honor.

4 THE COURT: Thank you very much.
5 Ladies and Gentlemen, if you will give your
6 attention now to Mr. Callahan and follow his
7 instructions.

8 CLERK, MIKE CALLAHAN: Ladies and
9 Gentlemen, when I call your name, please
10 gather your belongings, come up and have a
11 seat in the jury box. The bailiffs will
12 direct you on how to get up here:

13 Juror Number 370, Nathan Hood
14 Juror Number 386, Joshua Partee
15 Juror Number 227, Laura Newkirkpaggi
16 Juror Number 134, Charles High
17 Juror Number 256, Lisa Robinson
18 Juror Number 363, Debra Grant
19 Juror Number 306, Rebekah Zivak
20 Juror Number 330, Garrett Waterman
21 Juror Number 209, Donna Melville
22 Juror Number 381, Deborah Meteraud
23 Juror Number 247, Elaine Prioleau
24 Juror Number 221, Susan Mullen
25 Alternates:

1 Juror Number 234, Michael Page
2 Juror Number 7, Christina Areheart
3 Juror Number 4, Teresa Ancrum
4 Juror Number 71, Regina Dobson
5 (JURY SEATED @ 10:25 A.M.)

6 THE COURT: Thank you very much,
7 Ladies and Gentlemen. I am going to excuse
8 you to go to your jury room.

9 I want to talk to you about a couple
10 of things. Mr. Page, Ms. Areheart, Ms.
11 Ancrum, Ms. Dobson, you are the alternate
12 jurors. Of course that really means nothing
13 other, at this moment, than that is your
14 designation. It gives you a row of seats.
15 Those seats belong to you and I would ask all
16 other jurors not to use the back row.

17 The first twelve on the panel need
18 to occupy the first two rows when you come in.

19 The only other designated seat is
20 being occupied by this juror on the first row
21 on the end. All of the first twelve of you
22 are eligible to serve in this capacity. The
23 statute allows me to select that person or
24 allows you to select -- your -- what we call,
25 what some people calls a foreperson, a

1 foreman, a forelady. I call them "presiding
2 jurors". That's what it is.

3 Someone has to be responsible for
4 signing a verdict form, that is one
5 responsibility of a presiding juror. There
6 will be exhibits that will be introduced. It
7 will be the responsibility of the presiding
8 juror to receive those and when the jury has
9 completed its deliberation to return those
10 exhibits to the court.

11 From time to time there may be
12 communications necessary with the jury (sic)
13 and it is your responsibility on behalf of the
14 jury to actually write that and sign it as the
15 presiding juror. That is an additional
16 function that you'd have.

17 Other than that, that's it. You're
18 given a seat. I used to say when I first
19 started that one of the benefits was that
20 you'd get a designated seat but that's no
21 benefit because there are plenty of seats.

22 In thinking about it over the years,
23 what do you tell somebody about a presiding
24 juror that will be helpful in selecting that
25 person. In the last few years, I would say

1 that after you've had a chance -- and you
2 don't have to do this right away, just at some
3 point I would ask that you do this and once
4 you've done it I would simply ask that that
5 person who you've designated as the presiding
6 juror then occupy that seat.

7 Other than that, really a presiding
8 juror -- I like this -- I don't know about
9 you'all, but there are a lot of meetings that
10 we go to, a lot of classes, and people don't
11 call themselves teachers anymore, they call
12 themselves "facilitators". That is precisely
13 what a presiding juror does. I think of them
14 as a facilitator. Some of you may have some
15 experience in that, maybe that is your
16 personality. So you all talk among yourselves
17 and you select your presiding juror at some
18 point. Until then, please feel free to occupy
19 any seat on the first two rows that you wish
20 as you come into the courtroom from time to
21 time.

22 The only ones that are not eligible
23 are our four alternates, because the presiding
24 juror has to come from the first twelve.

25 At this point I am going to let you

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1844

1 go to your jury room, a place that you're
2 going to get to know a little bit.

3 We will be with you very shortly.
4 There are some matters that I need to take up
5 now out of your presence. When we come back,
6 we will start the process. When we return,
7 the first part of this process will be the
8 opening remarks by the court and then opening
9 remarks from the State and if Mr. Dickerson
10 chooses to do so at this time then he will
11 have an opportunity to do that -- he is not
12 required to but if he wants to, he may have
13 that opportunity also.

14 Please now retire to your jury room.
15 Do not discuss this case, do not -- and you're
16 going to get tired of hearing this. Don't
17 talk among yourselves and don't speculate
18 about it. We will be with you very shortly.
19 Thank you so very much.

20 (JURY OUT @ 10:30 A.M.)

21 THE COURT: Any exceptions or
22 additions from the State to the court's
23 remarks thus far?

24 SOLICITOR WILSON: No, sir.

25 THE COURT: Any exceptions or

1 additions from the Defendant?

2 MR. BLOOM: No, sir.

3 THE COURT: What I am going to do
4 for opening statements is just simply ask when
5 I complete my opening statement if there are
6 any matters -- any matters of law from the
7 State or -- I will be referencing that rather
8 than focusing on that and then we will, then
9 if there are you can approach.

10 MR. BLOOM: All right, sir.

11 THE COURT: Thank you very much.
12 Ladies and Gentlemen, thank you very, very
13 much. You know, you start bonding when you
14 have these experiences. You all have endured
15 something and I feel a kinship with you. I
16 don't know you very well -- I know you a
17 little bit. I have to say that what I have
18 come to know about you, I'm proud to live in
19 this -- I don't live here but I'm proud to
20 work in this community and I'm in and out,
21 just because of folks like you. That's what
22 gives me a good feeling about this jury
23 process, because you people have made a
24 tremendous sacrifice to make it work. It's
25 not something that any of you wanted to do,

1 but you did it. I thank you for that. I
2 thank you for that sort of commitment to the
3 process, I thank you for that sort of
4 commitment to the community and to the state.
5 It's an honor to serve with you.

6 I am pleased to inform you now that
7 you have completed your service. I know that
8 some of you will probably shed some tears on
9 the way out but -- (laughter) -- if you can't
10 hold them back, we will be happy to give you
11 tissue as you leave.

12 But thank you so much. You've
13 earned your exemption for the next three years
14 if you wish to claim that card. If you happen
15 to be picked again and I happened to be a
16 judge and you said, 'Your Honor, do you
17 remember me, remember that April? No, sir, I
18 want to claim my exemption.' Then I would be
19 pleased to excuse you. But if you chose to
20 stay, then I would truly look forward to
21 working with you. Good luck to each of you.

22 (JURY PANEL DISMISSED)

23 THE COURT: At this point, as I
24 understand, Mr. Michele is here to discuss
25 with the jury the parking situation. I

1 discussed that briefly with you. He is going
2 to give them a sheet, a yellow sheet that they
3 are going to be able to have in their car to
4 facilitate their getting into the parking
5 area. As I understand, there are no
6 objections to him speaking to the jury -- from
7 the State?

8 SOLICITOR WILSON: No, sir.

9 THE COURT: And no objections from
10 the Defendant?

11 MR. BLOOM: No, sir.

12 THE COURT: Thank you so much, I
13 appreciate it. Let's take a few minutes and
14 collect our thoughts -- are there any matters
15 of law that we need to place on the record
16 before we start with our opening statements?

17 SOLICITOR WILSON: No, sir.

18 THE COURT: Defense?

19 MR. BLOOM: No, sir.

20 THE COURT: Thank you so much. We
21 will be at-ease for about five or ten minutes.

22 (BRIEF RECESS 10:35 - 10:47 A.M.)

23 (DEFENDANT PRESENT)

24 THE COURT: I don't see any need to
25 swear the deputies or the bailiffs, but we can

1 if you like. Or, I can.

2 Jeff, since we are not going to have
3 anyone other than security taking them to
4 their cars, do you want those persons
5 specifically sworn? They will not be staying
6 with them. I would do that if they were
7 keeping them.

8 MR. BLOOM: It would probably be
9 best. Don't you give them an oath not to
10 permit anyone to ---

11 THE COURT: Not to permit anyone to
12 talk to them, ---

13 MR. BLOOM: (Affirmative nod), I
14 think out of an abundance of caution.

15 THE COURT: I will ask you (clerk)
16 to do that. It will simply be security that
17 will be taking them to their cars. You don't
18 want the bailiffs sworn, do you, that will be
19 taking them in and out of the courtroom here?
20 They will be changing -- that is their normal
21 function anyway.

22 MR. BLOOM: No, sir.

23 THE COURT: So all persons who will
24 be dealing with the jury outside of the
25 courtroom need to come forward -- (deputies

1 stand before Clerk, Mike Callahan).

2 CLERK, MIKE CALLAHAN: Do each of
3 you swear or affirm that you will follow the
4 courts instructions while this jury is in your
5 care, that you will not allow them to speak to
6 anyone, nor anyone to speak to them, nor will
7 you speak to them yourself except in
8 accordance with your duties, so help you, God?

9 (AFFIRMATIVE RESPONSE BY EACH DEPUTY)

10 THE COURT: Thank you all. Please
11 remember that you are -- you'all are aware,
12 you deal in this every day but each one of you
13 please use extra caution to make sure that
14 nobody talks to these jurors or approaches
15 them at any time while you have them, please.
16 Thank you.

17 I am pleased to inform you that
18 Juror Number 386, Mr. Joshua Partee, has been
19 selected as the presiding juror.

20 MR. BLOOM: Is that the foreman,
21 Your Honor?

22 THE COURT: I call them the
23 presiding juror. You can call them foreman or
24 you can call them whatever you are comfortable
25 with. It's -- however you want to address

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1850

1 them, I don't care.

2 MR. BLOOM: I get it.

3 THE COURT: When I send them some-
4 thing it will have "Presiding Juror" and I --
5 I don't know why -- that's something that I
6 obtained from Costa Pleconis. It's the only
7 time I'd ever heard it and I thought, you
8 know, 'I like that.' So I have kind of
9 adopted it. You call them whatever you feel
10 comfortable with, no problem.

11 Is the State ready to proceed?

12 SOLICITOR WILSON: Yes, sir.

13 THE COURT: Is the Defendant ready
14 to proceed?

15 MR. BLOOM: Yes, sir.

16 THE COURT: Do you intend to make
17 your opening statement at this time or do you
18 want to reserve it until you start your case?

19 MR. CARROLL: Your Honor, we will
20 make an opening at this time.

21 THE COURT: Very well, thank you.
22 Let's invite our jury to return, please.
23 Solicitor, you will be giving the opening
24 statement?

25 SOLICITOR WILSON: Yes, sir.

1 THE COURT: Mr. Carroll, will you
2 be giving the opening statement?

3 MR. CARROLL: I will, Your Honor.

4 THE COURT: Thank you, sir.

5 (JURY IN @ 10:50 A.M.)

6 THE COURT: You may notice as you
7 came in that -- and sometimes we do it,
8 sometimes we don't -- the attorneys were
9 standing, because that's what they do when I
10 come in, too -- most of the time, 'though I
11 try to -- sometimes I tell them not to. But
12 they do that for a reason -- remember in our
13 discussions, remember when I talked to you on
14 Friday, you will be a judge very shortly in
15 this case and that's the proper protocol for
16 proceeding when you are an officer of this
17 court. That's what officers of this court,
18 that we know we are supposed to do that.

19 Please feel free when you come in --
20 they are standing in honor of you as a judge,
21 that's why they are standing. Please feel
22 free to sit.

23 Thank you very much, Ladies and
24 Gentlemen. I think that they've talked with
25 you about some of the logistics situations and

1 hopefully you will find that accommodating. I
2 think that it's -- the alternative of that
3 versus sequestration, I think this is a better
4 approach. Hopefully you will find that more
5 user-friendly than we've had with
6 sequestration.

7 But if there are problems that arise
8 during any of this proceeding, while we're
9 together, please make that known to the court.
10 The bailiffs will be there for you. As I
11 stated when I identified them, they are your
12 liaison, if you will, with the court. They
13 are a wonderful group of people. Please do
14 not hesitate to bring anything that is a
15 concern to their attention.

16 Mr. Partee, as I understand, you
17 have been selected as the presiding juror, the
18 foreperson, the foreman.

19 JUROR NUMBER 386: (Affirmative nod).

20 THE COURT: Thank you very much,
21 Ladies and Gentlemen. That will be your seat
22 now for the remainder of this trial. Your
23 juror number is 386, is that correct?

24 JUROR NUMBER 386: Yes, sir.

25 THE COURT: Thank you, Ladies and

1 Gentlemen, for taking care of that. Of
2 course, the rest of you may sit in any seat
3 that you want. The four alternates may sit in
4 any of the seats that they want.

5 The reason -- Mr. Neal was kind
6 enough to tell you to sit here and you're
7 welcome to sit at that end. The witnesses
8 will be testifying up here but if your view is
9 better and as long as you can hear, please
10 feel free to sit wherever.

11 In that connection, you can hear
12 something humming. There are a lot of things
13 about this building that are absolutely
14 marvelous but just as any of you who have ever
15 been involved in a building project, sometimes
16 things happen that maybe you just didn't think
17 about -- that's one of them (indicating
18 projector over jury box). It drops down, it
19 hums. It is annoying.

20 I am somewhat reluctant to even
21 mention it because, I don't know about you but
22 if water is dripping and you haven't heard it,
23 it's probably been dripping awhile. The
24 minute I heard water dripping, that's all that
25 I hear anymore. It drives you crazy. So does

1 that (projector). I apologize for it. If at
2 any point because of that you can't hear, if
3 you will just raise your hand I will be happy
4 to -- or let your presiding juror know and
5 we'll try to do the best that we can to
6 certainly increase the sound.

7 As all of you know, we try to make
8 sure that the witness speaks into the mic and
9 you saw for yourself that you really have to
10 get to where you can speak into the mic. We
11 will try to do that. If at any point during
12 this proceeding you can't hear something, you
13 just make it known and I will -- we will try.

14 Also, generally I try to go about an
15 hour and a half before we take a break. We
16 usually take -- my breaks, I try to make them
17 about ten or fifteen minutes. I understand
18 that sometimes you may need longer, sometimes
19 we may need longer because we take care of
20 matters outside of your presence, that have to
21 be done outside, sometimes during those
22 breaks. That's generally what we try to do.

23 If for any reason you need a break
24 sooner, please just make it known and we will
25 stop. We will be happy to do that at any

1 time. All you have to do is just raise your
2 hand and I will be happy to respond to that.
3 Okay? Unless I see someone, I will assume you
4 are okay with that schedule. But, please, if
5 anyone needs a break sooner, just please make
6 that known to me.

7 I mentioned and we talked about this
8 a great deal since Friday. You are about to
9 become a judge. I mentioned that you would be
10 making a commitment to the State, to Mr.
11 Dickerson, to the attorneys and to the court.
12 That is now about to occur. Please give your
13 attention to Mr. Callahan.

14 CLERK, MIKE CALLAHAN: Please have
15 the Defendant stand.

16 DEFENDANT: (Stands)

17 CLERK, MIKE CALLAHAN: Ladies and
18 Gentlemen of the jury, please stand and raise
19 your right hand. After this oath that I give
20 you, please reply back to me verbally if you
21 accept that oath.

22 Do you swear or affirm that you
23 shall well and truly try and a true
24 deliverance make between the State of South
25 Carolina and the Defendant at the bar, whom

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1856

1 you shall have in charge, and a true verdict
2 render according to the evidence and the law,
3 so help you God?

4 (ALL JURORS RESPOND AFFIRMATIVELY)

5 THE COURT: Thank you very much,
6 Ladies and Gentlemen. Now you've become a
7 judge in this case with me and now we will
8 work together to resolve this dispute.

9 You and I, as you will recall, have
10 very distinct roles. Mine is to be the judge
11 of the law and yours is to be the judge of the
12 facts. No one in this room now has that
13 responsibility but you. I am confident that
14 each one of you -- we have talked about that
15 at great length and I am confident that each
16 one of you understand that. I appreciate
17 that. I am confident that each one of you
18 will honor that commitment that you just made.

19 I have some opening remarks before
20 the attorneys speak to you. If I could have
21 your attention, I want to revisit some things
22 and -- you've heard a great deal of these
23 things but I think that they bear repeating
24 sometimes.

25 Let me state something, too. Mr.

1 Callahan asked me, and this is for your
2 benefit, Mr. Partee, and all jurors but I will
3 address it to you. I don't think that you're
4 going to need that for my remarks nor for the
5 opening statements but there are a lot of
6 thoughts about note-taking. Some judges are
7 opposed to note-taking, and I understand why.
8 I respect their opinions. I am not one of
9 those judges that is opposed to note-taking.
10 In other words, I don't prevent jurors from
11 doing so, I just caution the jury in this
12 respect: some are better note takers than
13 others.

14 We are going to talk about --
15 obviously -- your role and what you have to
16 do. One major thing is to determine the
17 credibility or the believability of the
18 witness(es). We all know that it is not only
19 what someone says that is important but body
20 language is important also.

21 My note-taking, I do for a totally
22 different reason, because I don't have
23 anything to do with the facts. I am taking
24 notes that are necessary for legal issues that
25 I have to address, so that's why I take notes.

1 I will be probably typing mine, most of the
2 time.

3 If you want to take notes, that's
4 fine. But please remember that while you are
5 writing -- well, maybe some can write perfect
6 shorthand. I don't know what you each are.
7 But if you're having to look down, my concern
8 is that you may miss that little human trait
9 that may be important to you.

10 The other reason I state is this,
11 the notes are for the juror's benefit -- your
12 benefit. They do not become the record.
13 Certainly it's nice to have things that you
14 may find important when you begin your
15 deliberations to remind you of what a witness
16 said or didn't say. Again, that may be
17 important to you. That's up to you. But
18 insofar as getting down what someone said you
19 will have your collective recollection of
20 that, which is wonderful.

21 We also have a person, as you know,
22 who has the responsibility, the sole
23 responsibility, of keeping the verbatim record
24 of this proceeding. If at any point when you
25 begin your deliberation you need to hear what

1 a witness said or you have a disagreement as
2 to what the witness said or didn't say, we
3 have the ability to repeat that testimony for
4 you. We can revisit that should that become
5 necessary.

6 With that in mind, you give some
7 thought to it. If you would just -- you'all
8 discuss it and, Mr. Partee, if you would just
9 let us know then we will have the writing
10 material available for you when we start.
11 That will be after lunch, so we don't have to
12 worry about it right now. My remarks right
13 now, I don't think it's necessary for you to
14 take notes, nor for the attorney's opening
15 statements I don't think it'd be necessary
16 either. Thank you very much.

17 As you know, this case is a case in
18 which the State is seeking -- has chosen to
19 seek as a possible penalty the death penalty.
20 You are all aware of that.

21 Let's talk again and remind you that
22 there are two distinct parts, as you know we
23 discussed that at length during our individual
24 examinations. We are about to start the first
25 phase of that proceeding where you will hear

1 evidence concerning the charges that have been
2 brought against Mr. Dickerson.

3 You know at this point Mr. Dickerson
4 has entered a plea of not guilty and we will
5 talk about that more in just a second. That
6 means that we will hear the evidence
7 concerning the charges, and as you will recall
8 the second phase will not be addressed until
9 you have completed the first phase; because we
10 will not have a second phase unless you return
11 a verdict of guilty as to the charge of
12 murder.

13 Now, by stating that, please
14 remember that nothing that I say during this
15 entire proceeding and certainly not in my
16 opening statement is to be considered by you
17 as a suggestion of how you are to resolve any
18 factual issue or what the outcome will be. I
19 just want to talk to you about, again, what we
20 are about.

21 If that should be the case, then we
22 would move into that second proceeding, and we
23 have all talked about that at great length.
24 That's where you will hear additional
25 evidence, where extenuating, aggravating and

1 mitigating circumstances may be introduced
2 into evidence to be considered by you --
3 should that proceeding become necessary.

4 Please remember that we are talking
5 about the first phase of this proceeding,
6 which is basically framed by the three
7 documents that I mentioned to you and shared
8 with you on Friday when you were generally
9 qualified:

10 One is an indictment accusing
11 him, Mr. Dickerson, of committing the offense
12 of criminal sexual conduct in the first
13 degree.

14 Another is an indictment which
15 accuses Mr. Dickerson of committing the
16 offense of murder.

17 Another is an indictment which
18 accuses Mr. Dickerson of committing the
19 offense of kidnaping.

20 That is what we will be about. To
21 those indictments, which are what they appear
22 to be to you -- they are sheets of paper
23 containing words, they are not evidence, they
24 are allegations, they are assertions and you
25 may not consider that to be evidence.

1 As you know, he has rendered a plea
2 of Not Guilty and as each of you has
3 acknowledged, that means that until and unless
4 the State proves his guilt beyond a reasonable
5 doubt that he is to be presumed innocent.
6 That is an active presumption, as you
7 understand.

8 The State is the only party that has
9 any burden of proof. The State has to prove
10 each of the elements required of each offense.

11 At the end of this proceeding, I
12 will define for you the elements that are
13 necessary to be established beyond a
14 reasonable doubt for you to return a verdict
15 as to the offense of criminal sexual conduct
16 in the first degree.

17 I will define for you all of the
18 elements necessary for the State to prove
19 beyond a reasonable doubt for you to return a
20 verdict of guilty as to murder.

21 I will define for you all of the
22 elements necessary for the State to prove
23 beyond a reasonable doubt for you to return a
24 verdict of guilty as to kidnaping.

25 As you recall, you know that if the

1 State fails on any one element on any of those
2 charges, you will be instructed during the
3 charge portion of this proceeding to return a
4 verdict of not guilty. Please remember that.

5 Now, in just a moment the State will
6 be making its opening statement. The opening
7 statement is the first opportunity that the
8 attorneys have to speak to you.

9 After they make their opening
10 statement, the Defendant, Mr. Dickerson,
11 through his attorneys will be making their
12 opening statement.

13 The parties, through their counsel,
14 have a right to speak to you before you hear
15 the evidence and after you hear the evidence.
16 You should give them your attention, you
17 should at all times listen intently to
18 everything that takes place in this
19 proceeding. Please remember something, just
20 as my remarks are not to be considered
21 evidence, their remarks likewise should never
22 be considered evidence.

23 Their remarks are designed to help
24 you. In the opening statement they will give
25 you an overview of the dispute, they will tell

1 you some of the -- they may discuss some of
2 the issues, they may even discuss some of the
3 legal principles with you. Again, very
4 helpful to you.

5 But as to the evidence, that's what
6 you will hear through witness testimony.

7 As to the legal elements, that's
8 what I will give you in the last portion or
9 the last phase or each proceeding, if a second
10 phase is necessary. Certainly as to the first
11 phase, you will have a charge on the law and
12 that's the last thing that you will hear
13 before you begin your deliberations.

14 Please remember something that we talked
15 about, and I think we talked about it with
16 each of you, but if I failed to do so then I
17 need to restate something. We talked about
18 the characteristics of a juror, we talked
19 about your common sense, your sense of logic
20 and reasoning. We talked about an open mind.
21 Each of you have stated by your oath that you
22 have that open mind. Each of you have
23 confirmed, reaffirmed that you intend and will
24 use your common sense, your sense of logic and
25 reason fairly and impartially when you begin

1 your deliberations in this case. Please
2 remember that you have to maintain that open
3 mind throughout this first phase, each aspect
4 of it. Do not change that position until you
5 have been instructed to do so. That would be
6 the last instruction that I give you during
7 the charge portion of this proceeding. So
8 please remember that.

9 It's important, again, Ladies and
10 Gentlemen for a number of reasons. First,
11 you need to hear all the evidence. The
12 evidence, as you know, consists of the
13 testimony of the witnesses and you know that
14 the State will speak to you first in opening
15 statement and the State will present evidence
16 thereafter. Why? Because the State has the
17 burden of proof. That's why they speak to you
18 before the Defendant has a chance to speak to
19 you.

20 Please let me mention something now,
21 and I will probably say it again in my charge,
22 but the word "defendant" doesn't mean anything
23 other than a way to identify Mr. Dickerson.
24 It's just simply a term that we use to
25 designate the party against whom a claim is

1 made. That's the sole significance of that.
2 It doesn't imply anything else. So if you
3 hear that word, "defendant", we are talking
4 about Mr. Dickerson. It's just a way to -- it
5 is just a word that is synonymous with Mr.
6 Dickerson for the purposes of this proceeding.

7 The evidence which you will
8 ultimately analyze of course is the testimony
9 of witnesses. "Testimony", as you know, is
10 somebody talking to you, just like you've done
11 many times in your life. That, again, is why
12 part of listening to what they say, making
13 those mental notes that will be helpful to you
14 -- because, you know, it's -- it is not only
15 what someone says but it is how they say it
16 but also there is -- when you hear something,
17 you need to apply that common sense that says,
18 'is that logical?' 'Does that make sense?'

19 It is that common sense aspect that
20 you bring to this process. Those are things
21 that will be helpful to you, not during the
22 evidentiary portion, not necessarily during
23 the charge portion, not during the arguments
24 or opening statements but when you begin your
25 deliberations.

1 I say that for this reason, no one
2 should reach any conclusion about a witness'
3 testimony, as to whether you believe it or
4 not, but until you begin your deliberations --
5 that's when you would make those judgments.
6 That is when you make that complete and final
7 analysis. All I am saying is that you may
8 want to note those things, such as did you see
9 the person -- did the person appear to be --
10 to be speaking to you about that. That may be
11 important, it may not be. Did the person
12 contradict themselves? Is that important?
13 Those are things that you will be instructed
14 about in evaluating credibility and
15 believability of witnesses, because that is
16 what your function is.

17 Please remember again that nothing I
18 do during this proceeding should be considered
19 by you as any suggestion of how you are to
20 resolve anything, or as a statement of fact
21 because that will be what you will accomplish
22 -- and you will evaluate the evidence at the
23 appropriate time.

24 As I mentioned to some, when you
25 begin your deliberations, we won't be

1 involved. You'll be in your jury room. It
2 will just be you.

3 That is generally what happens with
4 matters of law that come up from time to time.
5 Sometimes we hear them before we bring them
6 in. Sometimes you may be sitting -- for
7 instance we say that we'll start at 9:30 and
8 you suddenly come in about 10:15. Please know
9 that we haven't been sitting around here
10 reading the newspaper and drinking coffee.
11 We've been working.

12 We have been -- I do my best to try
13 to get those done so that you don't have to
14 sit around. We plan the best that we can but
15 I want each side to have a full opportunity to
16 present fully their respective arguments on
17 any legal issue. Sometimes these legal
18 issues become very complicated, as you can
19 imagine. That's just life. That's just the
20 way that it works. That's when we would do
21 that, we would do that out of your hearing.

22 There's one occasion when you may
23 hear a ruling. I bring this up because it's
24 -- for two reasons. Number one, to let you
know that it may happen. Some of you may have

1 served on a jury before. You certainly -- and
2 certainly we are inundated with programs for
3 trials and whatnot, see that from time to
4 time. Some of them aren't reality, though,
5 that's for sure. One thing that it is, is
6 that attorneys may say from time to time,
7 'Your Honor, we object' or 'Your Honor,
8 there's a matter of law that we need to take
9 up.' That has to be done out of your hearing,
10 for the most part.

11 Now, sometimes you may hear me say,
12 'I sustain the objection' or 'I overrule the
13 objection.' That's a ruling that I have made,
14 that's my responsibility. Most of the time it
15 deals with -- we have rules of evidence that
16 apply to the testimony of witnesses. Most of
17 the time that's what they deal with. They are
18 not matters for your concern.

19 You shouldn't consider the fact that
20 the attorneys made the objection, you
21 shouldn't consider my ruling in any way --
22 quite frankly, it's occurred to me over the
23 years that one of the rulings that could be
24 made probably best describes how we work
25 together and we combine our efforts, if you

1 will, to try and resolve this dispute.

2 An attorney may make an objection, and as I
3 stated it's generally an evidentiary matter, a
4 witness is about to testify or to stop a
5 witness at a certain point. I overrule the
6 objection but you hear the question, and the
7 answer, or maybe just the answer.

8 What's happened? Well, I've said as
9 a matter of law that I am going to permit that
10 question. Some -- I want to be sure that you
11 do something. Don't think that just because I
12 said you can hear it that now you have to
13 necessarily find that to be credible and
14 believable. You can, but you don't have to.

15 The reason that I say that is that
16 all I've said is that as a matter of law that
17 question is going to be permitted. Now it
18 shifts to you. Now you become the judge of
19 whether you believe it or not. That's how we
20 combine our -- that's really an example of how
21 we combine our effort. I've allowed the
22 question under the rules of evidence but you
23 have to decide if you find it to be credible
24 and believable and, if you do, how much weight
25 do you wish to place on it? Please remember

1 that.

2 And sometimes they may say, 'Your
3 Honor, we need to -- we need to discuss this
4 matter, and we need to discuss it out of the
5 presence of' -- or, 'there is a matter that we
6 need to take up out of the presence of the
7 jury or some similar language. If that
8 occurs, we will be excusing you. Please
9 understand something. That is important. It
10 has to be done. Sometimes there may be
11 occasions where we have a bench conference but
12 it's important that both sides have an
13 opportunity to fully state their position on
14 the record. In order to facilitate that, we
15 need to excuse you.

16 Is it something magic or private?
17 Not at all. But it's -- we're human and if it
18 is something that you don't need to hear, then
19 it's a whole lot easier to just let you go to
20 your jury room rather than to let you hear it
21 and then say, 'Now, Ladies and Gentlemen,
22 disregard what you just heard.' It just deals
23 with human nature. Please understand that.

24 If it occurs, I don't -- I don't
25 anticipate that this is going to happen but if

1 it should, I've seen and when I was practicing
2 law unfortunately I did have this happen a
3 complete of times: Question, Objection, 'I've
4 got to take up a matter', we came back, then
5 two questions later -- question, objection,
6 gotta take up a matter. The jury had to go
7 back again. That doesn't happen very
8 frequently, but if it does please understand
9 that that is just the nature of this process
10 and don't hold that against anyone, don't let
11 it upset you, don't let it detract you in any
12 way.

13 Now, I am confident as I sit here
14 that you will listen throughout, that you will
15 pay close attention, that you will honor in
16 every respect the commitment that you have
17 made and I -- I can't tell you -- I know I
18 speak for all the parties in thanking you for
19 what you've done thus far, the sacrifice that
20 you've made. I look forward to trying this
21 case with you. I ask you now to give your
22 attention to the attorneys as they give their
23 opening statements on behalf of their clients.

24 Before making -- any matters of law
25 from the State, Solicitor?

1 SOLICITOR WILSON: No, sir.

2 THE COURT: Any matters of law, Mr.
3 Carroll or Mr. Bloom on behalf of Mr.
4 Dickerson?

5 MR. CARROLL: None, Your Honor.

6 THE COURT: Thank you very much.
7 Solicitor, you may proceed.

8 SOLICITOR WILSON: He didn't just
9 die. He suffered. He suffered hour after
10 hour after brutal hour.

11 He was not just a victim. It was
12 not just a body. He was Gerard Roper, who
13 was twenty-nine years old. He was savagely,
14 brutally beaten and killed.

15 He suffered hour after hour knowing,
16 not knowing, wondering, hoping that beating
17 would stop.

18 There are Shareen and Aven Roper
19 (indicating). Gerard was their first born.
20 Over the next several days you will hear how
21 this defendant tracked him down and tortured
22 him until he died. Over the next several days
23 you will hear from a host of witnesses, some
24 thirty or forty witnesses, as we prove to you
25 what happened to Gerard Roper.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1874

1 Before I go any further, I want to
2 thank you for being here and for, as the Judge
3 has said, making that commitment, making that
4 sacrifice.

5 I want to tell you that we bring in
6 these witnesses one by one, if you see us
7 looking at our watches, if you see us looking
8 at our notes, we don't have a lunch date. We
9 don't have anywhere else to be. We're trying
10 to keep this thing on track so that we don't
11 waste your time and so that people who have to
12 report here to testify, who have jobs, who
13 come here to testify, can leave and go about
14 their lives.

15 Sometimes there may be delays. We
16 hope not, but just keep in mind that we are
17 working to keep this trial moving. You will
18 see investigators from my office, paralegals
19 with my office, in and out of the courtroom,
20 letting us know what is going on, who is next,
21 who has a problem, who is in traffic. We will
22 try not to distract you but the goal here is
23 to see that you get to see and hear all the
24 evidence, over and over.

25 Now, I saw that it is a host of

1 witnesses but what you'll realize, pretty
2 quickly, is that it is more like a cast of
3 characters. You are going to see and hear
4 from people that you've never dreamed of, that
5 you don't know their everyday life. You are
6 going to see people that live life on the
7 streets.

8 Two of our witnesses will tell about
9 what happened to Gerard Roper, Gerard Roper
10 having been gunned down. They are paralyzed,
11 one is a quadriplegic and one is a paraplegic
12 as a result of that night.

13 You will hear testimony that all of
14 these people who were there, who know that
15 Gerard Roper had one friend, one friend, one
16 man that he had known since childhood, William
17 Dickerson. William Dickerson was his friend.
18 Of all of these people that you will hear
19 testimony from, who saw what was going on, who
20 saw it happening, nobody did anything to stop
21 it. Nobody.

22 When we go into what these witnesses
23 will testify about, generally, -- you've got a
24 lot of testimony to hear. You don't need to
25 hear it anymore than you have to because it is

1 not a pretty story but, as the Judge told you,
2 over and over throughout this week you are the
3 judges; you are the judge of the facts, and
4 you are also the judge of the credibility of
5 witnesses. You get to decide how much to
6 believe, whether to believe it at all. What
7 corroborates it, what makes sense, what
8 doesn't make sense.

9 It doesn't take special training, it
10 doesn't take special education. All it takes
11 is good old-fashioned common sense. All it
12 takes is for you to use the same thing that
13 you use in dealing with your friends, your
14 coworkers, your children, to know whether or
15 not someone is telling you the truth. You can
16 do that. You can do it whether or not there
17 is a telephone record backing them up or
18 whether or not there's DNA evidence backing
19 them up. You judge the credibility of the
20 witnesses with your gut and with your brain.

21 The benefit of being in a trial like
22 the one you're being in, and I know that it is
23 a long process, is that each of you got to sit
24 on the witness stand. You got to see how it
25 feels to be up there. It's stressful. That's

1 one of the things that I submit that you
2 should take into account when you are judging
3 these witness, many of whom have never seen
4 the inside of a courtroom, many of them who
5 have never testified, who have never been
6 cross-examined by one of us. Keep that in
7 mind.

8 Other things that you might consider
9 as far as credibility, how educated is this
10 person? Was the person high on cocaine when
11 they observed this?

12 And if there are inconsistencies,
13 when there are, does it mean that somebody is
14 lying? Does it matter? It's been three
15 years. Were the pants navy blue or were they
16 black? Does it matter. Was it 2:00 o'clock
17 or was it 2:45, or was it 2:30? Does it
18 matter?

19 Those are things that you are going
20 to have to be looking at, that you are going
21 to have to judge, and what you will see is
22 that witness after witness, visit after visit,
23 it all fits together and it all points to that
24 man (indicating Defendant) right there.

25 Let's go back, because it has been

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1878

1 three yeas. Mr. Dickerson has been waiting
2 for almost three years for this day. Shareen
3 and Aven had dreaded for three years this day,
4 this day when they start to hear it.

5 It was March 7th, 2006. In the days
6 and weeks before March the 7th, there was a
7 video. I am not showing a video because we
8 don't have the video but you will hear
9 testimony about a video on William Dickerson's
10 cell phone. He was mad, he was angry, he was
11 out for blood because this video, he said, he
12 said, showed his girlfriend, Shelley, having
13 sex with another man.

14 You will hear testimony that some
15 people didn't see that. He showed it to --
16 they could see part of that but they couldn't
17 make out who it was.

18 William Dickerson was convinced that
19 not only had Shelley had sex with someone else
20 but that they recorded part of it and put it
21 on his cell phone. He accused friend after
22 friend. The last man that he accused was
23 Gerard Roper.

24 You will hear testimony over the
25 days and weeks that William Dickerson dealt

1 drugs, you will hear testimony that Gerard
2 Roper dabbled in drugs. But make no mistake,
3 this is not about a drug deal gone bad, this
4 is not about marijuana and cocaine, this is
5 about vengeance. It is about vengeance over
6 money, it is about vengeance over jealousy.
7 It is not some drug deal to throw Gerard Roper
8 away.

9 We build up to March 7th when --
10 this is a map of the peninsula of Charleston,
11 you can see, (indicating):

12 the peninsula here,
13 the James Island Connector,
14 (Highway) 71,
15 Up that way, (Highway) 61,
16 This area, Fishburne street.

17 There was a guy who lives on
18 Fishburne, named Antonio Nelson. Antonio is
19 one of the witnesses I was telling you about
20 who is paralyzed. He was shot in the back
21 when he was about nineteen years old. He
22 should have been unable to move from the chest
23 down but he rehabilitated very well and he can
24 now operate his wheelchair. He has a car,
25 this green -- you can't really see the color

1 here but it's a green Suburban. He can't
2 drive because of spasms and things like that
3 but he does have a car and he will get other
4 people to drive for him.

5 On the morning of March 7th, William
6 Dickerson shows up -- early, early by
7 Antonio's standards, which is midmorning
8 probably to a lot of us. Antonio says that he
9 is agitated, he wants a ride. William
10 Dickerson has a car, Antonio doesn't know how
11 he got there but he wants a ride. Antonio is
12 not up and ready and he doesn't have a driver,
13 so if he was going to take William Dickerson
14 somewhere he doesn't have a way back.
15 Dickerson leaves.

16 A short time later, he shows back
17 up, still agitated, still wanting a ride,
18 still talking about this video and who is
19 sleeping with his girlfriend.

20 He is looking for Gerard Roper.
21 They sit there for hours and finally a guy
22 named Devon Keeling, they call him "Dutch", --
23 Dutch often drove Antonio around. He comes
24 over and he tells Antonio, not William
25 Dickerson, because he is not friends with

1 William Dickerson. He tells Antonio that he
2 will give him a ride, he will take them
3 because William Dickerson now wants to go to
4 his brother's house. His brother's house is
5 this address here, 3 _____ over on
6 James Island.

7 So they agree that they are going to
8 take this (indicating Suburban) car, they are
9 going to go over to his brother's house.
10 Dutch is driving, Antonio is in the front
11 seat, his wheelchair is in the back seat,
12 William Dickerson is on the other side, behind
13 the driver, in the back seat.

14 They head out going to Fleming Road
15 when, all of a sudden, as he is talking on the
16 telephone to Shelley, his girlfriend, as he is
17 trying to call Gerard Roper, getting
18 frustrated because Gerard Roper will not
19 answer his calls, he decides that he wants to
20 go to Flint Street. He wants to go to where
21 Gerard Roper is. I told you that this is not
22 about drugs, this is not about money, this is
23 about jealousy.

24 He was wronged, he was wronged.
25 You'll hear testimony that Gerard was not

1 disrespecting him by not calling him back,
2 he'd left his phone at home that morning.
3 He didn't have his phone with him. You will
4 hear testimony from Shelley that she'd never
5 slept with Gerard.

6 You'll hear evidence about what
7 happened when they get to Flint Street -- to
8 this house, (indicating). There are people
9 there with Gerard Roper: there's Ben Drayton,
10 there's Stevo Rivers and there is is Gerard.

11 They pull up in the car and they
12 circle around back -- (indicating), here.
13 Eventually William Dickerson goes in looking
14 for Gerard. Tony and Dutch turn the car
15 around, they are ready to go, they're just
16 waiting. They don't know exactly what is
17 going on but, all of a sudden, they heard a
18 crash, a crack. Oh, no, a gunshot. They sit
19 there, they don't really know what to do.
20 They wait a little longer and out comes Gerard
21 and behind him is William Dickerson, with his
22 gun just behind Gerard.

23 Gerard gets in the car, he's calm
24 and collected. He knows these guys, they are
25 not his friends but he knows these guys. He

1 said to Antonio, 'Look at what this guy did to
2 me.' He's got a gash in his forehead, he is
3 bleeding, and he is saying 'Man, can you
4 believe he just did this?'

5 They continue on and they go to
6 Fleming Road, to the brother's house. William
7 Dickerson's little brother -- not that he is
8 little, he's a man, but he is much smaller in
9 size. You will hear testimony that he was
10 always the tag-along, you know like how big
11 brothers treat little brothers.

12 They arrive there and Bubba, the
13 brother, comes out. He lives at this address
14 (indicating), on Fleming Road. This was his
15 apartment right there, (indicating). That's
16 where Bubba and his wife, Selena, lived.

17 Bubba (sic) out of the car around
18 back William gets Gerard out of the car. He
19 is pulling him by the arm. He still has the
20 gun. Gerard says, 'Man, I can walk.' He
21 walks. He walks inside. What he doesn't know
22 -- when you hear the testimony, you'll hear
23 that he thought it was going to be okay. He
24 didn't know that he was walking into eighteen
25 hours of hell. It took eighteen hours to kill

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1884

1 him -- over two hundred lacerations:

2 The sickening thing, one of the
3 sickening things, is that these people --
4 Bubba and a guy named "Popcorn" and Selena
5 Rouse, they were in and out of that apartment
6 for eighteen hours.

7 Selena Rouse, she's a mother. She
8 had a son. She did nothing. Nothing, despite
9 seeing blood all over the place.

10 Popcorn, he's called over by William
11 Dickerson. William is mad at him, accusing
12 him of being the one on the video, accusing
13 him of flipping on him. He calls him over.
14 He walks in, sees Gerard on the floor, no
15 pants on, naked from the waist down, bleeding
16 but conscious. Every witness you will hear
17 from talks about Gerard being conscious.
18 Eighteen hours.

19 Popcorn leaves at one point because
20 William Dickerson asked him to go get
21 something from the store. He leaves, he comes
22 back. Then William is trying to pit Popcorn
23 against Gerard, 'Which one of you is it, is it
24 you or is it you? Show me you're with me.
25 Hit him! Do something!' And he does.

1 You will hear from Popcorn, you will
2 hear from him. You will hear about how he was
3 threatened, that his girlfriend, who was
4 pregnant and home and who was burning his
5 phone up, and he was trying to get out there,
6 not trying to help Gerard Roper. Finally he
7 -- and you may have a question here; did he
8 leave? Was it William Dickerson? Look at the
9 DNA, look at the phone records, and there will
10 be other witnesses that corroborate Popcorn.

11 These people, these three, over two
12 years said nothing, did nothing to help.

13 Are they going to be here this week,
14 next week because they want to help or because
15 they are worried about themselves? Are they
16 here because they have a conscience? You'll
17 be the judge of that. You will be the judge
18 of that. You will be the judge of whether two
19 years of thinking about what they saw finally
20 wore on them. You will be the judge of
21 whether you can trust their testimony based on
22 other things that corroborate it. You'll be
23 judge of whether or not their stories fit and
24 when they don't fit why don't they fit? Was
25 it because they couldn't see, they couldn't

1 hear, or is it because it has been three
2 years?

3 What you will see throughout the
4 testimony is that that man (indicating
5 Defendant) was on a mission.

6 It wasn't just a killing, it was the
7 torture. I am not going to go over gory
8 detail because there is plenty of time for
9 that, and it is going to be rough.

10 I want to talk to you briefly about
11 the elements of the charges against Mr.
12 Dickerson. The Judge, when we have concluded
13 our evidence, will give you very detailed
14 instructions, he will spend thirty minutes or
15 more talking about just the crimes. I am just
16 going to spend thirty seconds and ask you to
17 think about:

18 Kidnaping -- an unlawful seizure,
19 being confined, not being able to go, not
20 being able to leave. There is no ransom
21 required, nothing like that. Kidnaping
22 restricts your movement unlawfully.

23 Criminal sexual conduct -- our
24 Legislature doesn't want to use the word
25 "rape", but that's what it is. Rape.

1 Criminal sexual conduct in the first degree
2 means rape with aggravated force.

3 Finally, murder. You have heard us
4 ask you about this all week. It has to be the
5 malicious killing of someone. I submit to you
6 that based on the evidence that you will hear
7 that you will hear all sort of maliciousness.

8 There will be a number of exhibits,
9 there will be lots of testimony. One of the
10 key things that you will see is this
11 (indicating gun barrel via slide on overhead
12 projector). It's the barrel of a gun. That
13 barrel shows kidnaping, it shows criminal
14 sexual conduct, it shows murder.

15 You will hear testimony that that
16 was the gun that Gerard Roper was held with at
17 gunpoint, while he was hog-tied, his scrotum
18 was burned.

19 You will hear testimony that that was the gun
20 that was used to rape Gerard Roper so
21 viciously that his prostate was lacerated.
22 That was the gun that was recovered, full of
23 feces, covered in blood.

24 Ladies and Gentlemen, as you sit
25 here today, this (exhibit) table is empty,

1 there is nothing there. By the time this
2 trial is over and this table is full, when the
3 microphones are off and Ms. Garrison's (court
4 reporter's) computer is quiet, you'll know to
5 your core that William Dickerson is guilty.
6 He is guilty of kidnaping, he is guilty of
7 rape, he is guilty of murder. You will know
8 that we have proven it to you.

9 THE COURT: Thank you, Solicitor.
10 Mr. Carroll?

11 MR. BLOOM: May it please the
12 court?

13 THE COURT: Yes, sir.

14 MR. CARROLL: A scapegoat is somebody
15 who is offered up as a sacrifice to pay for
16 the wrongdoing of somebody else.

17 You can't tell the story of this
18 country without talking about heros that are
19 honorable, that are upright, that stand up for
20 what we all believe in. And unfortunately you
21 can't tell the story of American without
22 telling the story of those despicable human
23 beings that will watch somebody have the life
24 beat out of them, that will watch somebody
25 victimized in the street, that will watch

1 somebody homeless and starving, somebody that
2 will take the opportunity to do harm to
3 others. You can't tell the story of America
4 without the story of the scapegoat, one thrown
5 up to explain it all away, the one that we are
6 going to put it all on.

7 Our religious texts talk about it,
8 our history books talk about it, and today you
9 heard the opening chapter in this courtroom of
10 a scapegoat that was offered up by the many
11 people, names that came up on that chart. Why
12 should they not speak up? Why should they not
13 do something, after they claim to know the
14 things that you are going to hear them say
15 that they know, and do nothing? Because they
16 have bloody hands. They offered somebody to
17 pay the price for that. That somebody is
18 William Dickerson.

19 Now, William Dickerson was not
20 developed as a suspect in this case by some
21 neutral witness sitting down with a police
22 sketch artist and drawing a picture of a six-
23 foot, two hundred-pound black male that was
24 seen doing anything to anybody?

25 No fingerprint was collected and put

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1890

1 through a computer system that came back and
2 said, 'William Dickerson.' There was no
3 science, no neutral evidence whatsoever. You
4 will hear none.

5 What you are going to hear is that
6 you're going to hear the story of people who
7 had an agenda, who had a reason not to be
8 guilty, and who were powerless and had to find
9 somebody to hide behind.

10 This crime was horrible. What
11 happened to Gerard Roper was despicable and
12 the people responsible should be punished, not
13 a scapegoat, not a scapegoat, not somebody
14 that they brought to the table.

15 William Dickerson, you will find
16 that without the witness, without the sketch,
17 without a photo lineup -- what this started
18 with was an estranged girlfriend with an
19 agenda.

20 That girlfriend, you will find,
21 claims to have a recording. You will hear a
22 recording -- not a recording necessarily, but
23 a recording of a recording or maybe a
24 recording of a recording of a recording, but
25 you will hear something.

1 When you listen to that, your
2 function, as the Solicitor mentioned, as Judge
3 Dennis mentioned, is to use your own common
4 sense and to evaluate that piece of evidence
5 and to decide, 'Does this ring true? Does
6 this sound like what it purports to be? Is it
7 possible it is not there?' That is your
8 function in this case.

9 When you listen to that, I think
10 that you will be the best judges of what that
11 audio should sound like. You are going to
12 hear, over the life of this case, from this
13 witness stand different witnesses who will say
14 that it was recorded on Tuesday, it was
15 recorded on Wednesday, it was recorded at 3:00
16 o'clock, it was recorded at 4:00 o'clock, it
17 was recorded at 4:30.

18 We all know that actions speak
19 louder than words. It would be inhumane for
20 someone to have heard, I think you'll find,
21 somebody saying "I am beating this guy", the
22 victim saying, "I am being beaten", and do
23 nothing. Not to pick up the phone and call
24 the police, but go to the person who has got
25 some control over William Dickerson because of

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1892

1 a prior situation that you'll learn about, go
2 to that person and say, 'William', not pick up
3 the phone and call anybody and say 'Gerard',
4 to help Gerard, do anything for Gerard.
5 Gerard was collateral to this, the target here
6 was William. She was upset, very upset with
7 him. You'll get to meet her and assess her
8 for yourself.

9 You are going to hear from somebody
10 else who claims to have had a telephone
11 conversation. He is going to say that he had
12 a phone call and in that conversation he
13 learned that William Dickerson and Gerard
14 Roper were together and that William Dickerson
15 was beating Gerard Roper. You might be
16 curious as to whether he picked up the phone
17 and called the police. He never did. He
18 never called the police.

19 Everything that the police had at their
20 fingertips, when an arrest warrant was issued
21 for William Dickerson, came from the mouths of
22 those people. That's where it came from --
23 from those people: Steve Archie, Shelley
24 Nelson.

25 They developed some statements after

1 the fact and the inconsistencies that you were
2 warned about, there are some significant
3 inconsistencies. One sort of magic thread
4 through this whole process is that the truth
5 never changes. It doesn't matter who is
6 telling it, how many times they are telling it
7 or to whom they are telling it to, it doesn't
8 change. So some might want to describe what
9 you hear as inconsistencies, others might call
10 them lies. You be the judge when you hear the
11 testimony from the witness stand. You decide
12 who has got an agenda and who has got a
13 message to deliver and who has got something
14 to hide from.

15 You will find that after Gerard's
16 body is found and after the police have
17 effectively ended their investigation, after
18 William Dickerson has been literally handed to
19 them, you will find that -- witnesses will
20 tell you that William Dickerson left the area.
21 Those same witnesses that are going to be
22 talking about the girlfriend and a video are
23 going to tell you the story of a man who said.
24 'They are out to get me. They are out to kill
25 me. These people are trying to set me up.'

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1894

1 Each of those people that say, 'ah, it was
2 something about a girlfriend', but he says
3 that people were out to kill him. He had been
4 shot at, he was being stalked, he was staying
5 in motels under other people's names. He was
6 moving -- here, there.

7 You will find that he moved all the
8 way to Atlanta, Georgia. I understand that
9 the population of Atlanta, Georgia, is about
10 four million people, about the population of
11 South Carolina I think. If you've got to get
12 lost, Atlanta is a good place to start.

13 William Dickerson talked to some
14 folks, you'll hear, who were back here in
15 Charleston saying, 'William, your picture is
16 on the News. They're saying that you were
17 involved in a killing on James Island.'

18 William Dickerson didn't jump on a
19 Greyhound bus and go to Miami. William
20 Dickerson didn't get on a Greyhound bus and go
21 to New York City. William Dickerson didn't
22 walk into the underground of Atlanta, Georgia
23 with its four million people to get lost in.
24 William Dickerson got on a Greyhound bus and
25 came to Charleston, South Carolina.

1 Now, you'll find -- you'll hear the
2 story that Selena Rouse has got to tell you.
3 She came in, she met with the police, they
4 developed the actual crime scene was her
5 apartment. This is a duplex. The body is
6 found in an apartment and an officer noticed a
7 trail of blood and the trail of blood leads to
8 the adjoining apartment. They get a search
9 warrant, go in there and they discover that
10 this was clearly a crime scene. It was the
11 home of Selena Rouse, the home of Armon
12 Dickerson.

13 You will learn from this witness
14 stand that DNA evidence was collected there.
15 That DNA evidence, you are going to hear, puts
16 William Dickerson at that house. It puts
17 William Dickerson in that apartment. But I
18 want you to pay particular attention to where
19 it is, what it looks like, and you decide what
20 it shows. You decide if those people who were
21 cleaning that scene and covering things up, if
22 they were sort of trying to erase where they
23 were, but those folks were developed as
24 suspects. They were invited in by the police,
25 'come talk to us, we need to know what you

1 know about what happened here.'

2 Selena Rouse came in, they said, 'we
3 need you to tell us the truth.' She is going
4 to take that witness stand and she is going to
5 tell you, she is going to tell you the truth.
6 You need to be forewarned that she has gone
7 through six times already and every time that
8 she has "told the truth" again it's changed:

9 The first version, she saw
10 William Dickerson and Armon there but she had
11 nothing to do with it, she was gone.

12 Second version, she saw William
13 there, Armon wasn't there, she left. He went
14 on a walkabout.

15 This was days after that this was
16 all being formulated. William Dickerson had
17 already been handed to them. They had their
18 suspect, identification was over, they'd
19 talked with some people, were writing some
20 things down and there was something blatantly
21 wrong, inaccurate, inconsistent. It wouldn't
22 take much thought to figure that out.

23 Selena Rouse, you'll learn, walked
24 out of that police department after giving
25 that second statement, ended up in Florida.

1 Armon Dickerson, a few days later,
2 gives a statement, 'The wife was upset with me
3 because the house was messy, I left. I had
4 done that before and I did it this time. I am
5 telling you the truth.'

6 They talked to Popcorn. He 'didn't
7 have anything to do with it.'

8 They had their man. The people
9 involved were people who needed to slip away
10 in the night, were able to slip away in the
11 night. The arm of the law apparently reaches
12 all the way to Minnesota, as Popcorn found
13 out; because, like Armon and like Selena, he
14 just 'wasn't comfortable' in Charleston.
15 Unlike William, who came back when his name
16 was brought up in the case.

17 So that's the story you are going to
18 hear, the story of a scapegoat. There are
19 going to be other witnesses who are going to
20 weave tales and they're going to give you a
21 time line. Things are going to be made to
22 fit. But none of those folks have ever
23 experienced anything like this before and I
24 would assume that somebody who'd never
25 experienced anything like this before would

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1898

1 have an imprint left on their very soul. If
2 you don't remember who you took to the prom,
3 you will remember what was going on when this
4 was happening. Yet none of these people -- in
5 and out, in and out, in and out -- did
6 anything to help Gerard Roper.

7 You are going to get some evidence
8 that shows that William Dickerson was at that
9 house at one point that afternoon. You are
10 going to have some evidence to show that he
11 was at that house later on in this process.
12 But the only people who are going to tell you
13 that he did any beating and he did any killing
14 are there folks -- this cast of characters
15 that you are going to meet.

16 As I mentioned earlier, actions
17 speak louder than words. If they were parties
18 and knowledgeable of the things that they want
19 you to believe, that all point towards William
20 Dickerson, they surely would have done
21 something -- because this was all while he was
22 still alive. They didn't want the police
23 going to the scene, they didn't want the
24 police walking in there because whose hands
25 were going to be bloodied?

1 It is my privilege to stand up here
2 as the voice of William Dickerson, to tell you
3 that he is not guilty of murder, of torturing
4 Gerard Roper, kidnaping him. When you've
5 heard the evidence, I think you're going to be
6 firmly convinced that the State has not proven
7 to you beyond a reasonable doubt anything
8 other than you've been given a scapegoat to
9 hold accountable for the sins of these others.

10 Thank you.

11 THE COURT: Thank you, Mr. Carroll.
12 Thank you, Ladies and Gentlemen. At this
13 point, it is noon, a good time for us to take
14 our break. You've talked with Mr. Michele and
15 have the parking situation and you'll have an
16 opportunity now to go move your cars to a
17 closer location. Will two hours be enough
18 time for you'all to effectively get something
19 to eat and park?

20 PRESIDING JUROR: (Affirmative nod).

21 THE COURT: Let's plan then that we
22 will take our recess and we will resume at
23 2:00 o'clock. If you will, be back in your
24 jury room at 2:00 o'clock and we will bring
25 you in, hopefully, at that time.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1900

1 Please remember something and you
2 will certainly get tired of hearing this, but
3 it is probably one of the most critical things
4 that we say, because -- as we've talked about.
5 You've started now, you are a judge. Before
6 you were a prospective judge but now you are a
7 judge. It is absolutely critical that you do
8 not talk with anyone about this case at any
9 time until you're dismissed from this case.

10 You are going to hear me say that
11 over and over and over again, but I cannot
12 stress how critical that is. It is something
13 that I am trusting you -- we've talked about
14 whether or not we were going to sequester this
15 jury. There were some strong feelings about
16 that, and I respect that. I will tell you
17 that I've tried a number, I've tried several
18 and I've sequestered them each time.

19 It is just -- I've just decided that
20 people -- I've watched other trials and I
21 think we're at a point in life where people
22 are intelligent enough to understand how
23 critical it is. I trust you to do that. That
24 way you get to go home and sleep in your bed
25 and do some things that need to be done. I

1 think that is important. I think that's good
2 for rest, I think it is good for rejuvenation.
3 I think that it is nice to interact with
4 people that you have an opportunity to
5 interact with every day.

6 But while you're doing that, please,
7 please, please remember that you can't talk
8 about it, even with those loved ones, even
9 with the people that you share that trust. No
10 way. If you do, you've just destroyed this
11 whole process. The situation that critical.

12 No one can talk with you. If they
13 try to, if someone tries to and you say,
14 'Sorry' -- "I walked away" I think was the --
15 I don't know whether it was one of you, but --
16 that's precisely it, 'Don't talk to me.' If
17 somebody persists, that needs to be reported
18 immediately upon your return. It is that
19 critical.

20 Furthermore, you're not to -- you
21 cannot watch any programs -- not to say that
22 you can't watch television but if a news
23 program comes on and somebody says something
24 'well, let me show you', you need to leave the
25 room or turn the television off.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1902

1 Obviously newspapers, you can keep
2 those and read those later but you can't read
3 them now. You can read them as far as other
4 articles, obviously. No problem with that.

5 Let me say something, though, about
6 that. As you're reading a newspaper, you --
7 obviously if you're sequestered, they screen
8 what you read. You're intelligent people. If
9 there is an article about a trial, my
10 suggestion is that you make sure that you
11 don't read it because that could become an
12 issue. You have to be able to make a
13 commitment, folks. The commitment that we
14 made before we started, you'll make every
15 morning because I will be administering that
16 oath every single morning that says that all
17 times you've honored, in every respect, the
18 instructions given to you by the court. I
19 know that you'll do that. I know that you
20 will honor it truthfully and sincerely, and I
21 thank you for that. I look forward to working
22 with you.

23 One of the things that we will do, I
24 mentioned to you and you -- I want you to set
25 the time. I am going to set a time. I think

1 we need to work at least until 6:00 o'clock.

2 Okay? If you want to work longer than that,
3 you talk among yourselves and let me know and
4 we'll accommodate you.

5 Let me say this to you. If one says
6 'uh-uh, that's the max' -- and the reason --
7 you may want to stop -- some of you may never
8 have sat on a trial before. You -- you get
9 tired. I think 6:00 is a reasonable time. I
10 know that it is 5:00 but, folks, I don't know
11 about you -- maybe some of you have fought the
12 traffic. 5:00 to 6:00, you're not going
13 anywhere fast anyway. 6:00 o'clock, it starts
14 to break up and it makes it easier to travel.
15 To me, that's using that time effectively. So
16 that's why I picked the 6:00 o'clock hour.
17 But I am willing to stay longer if you want
18 to. I would suggest that we do a couple of
19 days before. If you want to increase the
20 number, the length of time, Mr. Partee, just
21 make that known to the court.

22 But I do want you'all to think about
23 whether you want to work on the weekend. I am
24 not requiring it, I am just simply offering
25 it. If you want to work on Saturdays, I will

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1904

1 do that.

2 I would prefer not to work on
3 Sundays, for you and for everyone else but if
4 that's what the jury wants to do -- I've done
5 it in the past when the jury has been
6 sequestered, because they are working. They
7 may not be in court but if they're
8 sequestered, there are away from family, they
9 are not doing anything. You are not. So I
10 think Sunday ought to be a day of rest,
11 myself, but I am open to whatever you want to
12 do.

13 Saturday is available, if you want
14 to. Again, it is not required.

15 Having said that, thank you. You
16 are excused now. Be back in your jury room by
17 2:00 o'clock. Everyone else remain seated
18 while the jury departs.

19 (JURY OUT @ 12:04 P.M.)

20 THE COURT: Any exceptions or
21 additions from the State to the court's
22 remarks to the jury panel?

23 SOLICITOR WILSON: No, sir. I just
24 ask at some point that you talk about the
25 internet?

1 THE COURT: Thank you, I will do
2 that. Thank you, that's a good point and I
3 meant to do that, as well. Internet and
4 investigations. Anything else, Solicitor, in
5 that regard?

6 SOLICITOR WILSON: No, sir.

7 THE COURT: Anything, any
8 exceptions or additions from the Defendant?

9 MR. BLOOM: No, sir.

10 THE COURT: One thing, in looking
11 through trying to get names and faces, as I
12 try to do, it occurred to me that on your
13 Motion for Batson we dealt with the twelve.
14 There was a strike of a juror -- I think that
15 juror, we'd pretty much ---

16 MR. BLOOM: I understand what the
17 court was saying.

18 THE COURT: We didn't address Ms.
19 Grant's strike as an alternate but I assume
20 that you are not raising any objection to Ms.
21 Grant?

22 MR. BLOOM: No, sir. I know the
23 Solicitor's reason for ---

24 THE COURT: Yeah, that was on the
25 record already, I think. That was clear, so

1 that's why I didn't bring that up. I just
2 wanted to revisit that just to be sure, for
3 record purposes. Thank you so much. We will
4 be at-ease. We get to have a lunch break
5 today. Thank you very much. Enjoy.

6 (LUNCH RECESS 12:10 - 2:00 P.M.)

7 (DEFENDANT PRESENT)

8 (OFF RECORD DISCUSSION RE:

9 SEATING ARRANGEMENT OF INVESTIGATORS

10 AND TIMING OF WITNESSES).

11 BENCH CONFERENCE:

12 BRUCE DURANT: And you'all
13 said that you wanted to sequester, right?

14 MR. BLOOM: Yeah.

15 BRUCE DURANT: Experts too?
16 Or just the ---

17 MR. BLOOM: Not the SLED
18 experts or the ---

19 THE COURT: You are talking
20 about fact witnesses?

21 MR. BLOOM: Yes, sir, fact
22 witnesses. I am not worried about ---

23 THE COURT: As long as we do
24 it on both sides. If you'all have any fact
25 witnesses, they need to be out.

1 BRUCE DURANT: And you
2 needed to bring up about one of the people on
3 the jury knowing somebody?

4 MR. CARROLL: That's correct.

5 MR. BLOOM: One of our
6 investigators, Vickie Childs, once the jury
7 was seated recognized Juror Meteraud from her
8 church. She doesn't know her well. They will
9 chat when they are at church, 'How are you
10 doing? How is your granddaughter?' She
11 wasn't here during that part of the jury
12 selection and didn't know her last name, and
13 wasn't in here when you were addressing the
14 whole jury, so she didn't realize -- they
15 handed me up a note while you were in your
16 preliminary instructions. She just knows her
17 casually from church is all.

18 BRUCE DURANT: Was she
19 planning on testifying?

20 MR. BLOOM: No, no, she is not
21 a witness.

22 THE COURT: But she is sitting
23 inside the rail?

24 MR. BLOOM: Yes, sir. Ms.
25 Childs in the blazer and the white blouse.

1 THE COURT: What is her name?

2 MR. BLOOM: Vickie Childs,

3 Childs with an "s".

4 THE COURT: Would that have

5 affected you in any way?

6 SOLICITOR WILSON: No, sir.

7 THE COURT: Do you want me to

8 inquire of Ms. Meteraud?

9 SOLICITOR WILSON: No, sir.

10 THE COURT: Nope, no inquiry?

11 SOLICITOR WILSON: (Negative

12 gesture).

13 MR. BLOOM: I just wanted to

14 make them aware of it.

15 THE COURT: That's fine. If

16 Ms. Meteraud makes some inquiry, then I will

17 follow up but otherwise I will not do that.

18 MR. BLOOM: Very good.

19 SOLICITOR WILSON: On the charge

20 of sequestration, I have both my victim's

21 parents and ---

22 MR. BLOOM: That's fine.

23 THE COURT: Yeah, the victim's

24 -- I am not going to require them, they are

25 entitled to be here.

1 MR. BLOOM: I am not -- no,
2 sir.

3 THE COURT: We will allow the
4 victim's parents.

5 (BENCH CONFERENCE CONCLUDED)

6 THE COURT: All right. We have our
7 jury. Are you ready to begin, Solicitor?

8 SOLICITOR WILSON: Yes, sir.

9 THE COURT: Is the Defendant ready?

10 MR. CARROLL: We are, Your Honor.

11 THE COURT: Let the record reflect
12 that Mr. Dickerson is present. Good
13 afternoon, Mr. Dickerson.

14 SOLICITOR WILSON: Are we going to be
15 at the podium ---

16 THE COURT: Wherever you want to
17 that doesn't block the view of counsel tables.
18 Invite the jury to return, please.

19 (JURY IN @ 2:18 P.M.)

20 THE COURT: Thank you, Ladies and
21 Gentlemen. I hope you had a good lunch. No
22 problems with the parking, I hope? (No
23 response). Everything worked okay with that?
24 (Affirmative response from various jurors).
25 Good.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1910

1 One thing before we start, we were
2 talking about some things about not letting
3 anybody talk to you. I failed to mention
4 something else that is equally important and
5 imperative. It is a wonderful world where we
6 have at our fingertips that we can get access
7 to just about anything that we want. We can
8 Google it and there it is, we can pick and
9 choose what we want to read. Pretty nice.
10 It's kind of sad for the library because we
11 don't even have to go there, can get all of
12 this stuff right here.

13 But in this day and time with jurors
14 sitting and -- understanding having access to
15 computers, we have another problem, because
16 you have access to information. Remember
17 something, resist the urge to conduct your own
18 investigation. I sometimes hate to bring that
19 up, not that you -- don't take offense at
20 this. When I was practicing law, I used to
21 tell people this, especially in domestic
22 cases, adults are nothing but sophisticated
23 children, we just do things a little
24 differently. We know what happens when we
25 tell a child something not to do, that's

1 generally the first thing that they want to
2 do. Sometimes I am somewhat reluctant to do
3 that, but I am dealing with persons that
4 appreciate what we are doing.

5 It would destroy the process if it
6 happened. I had one recently -- thank the
7 Lord we settled it and I went in to thank the
8 jury for their participation and to excuse
9 them and one said, 'I have a question. How
10 were they going to get around this particular
11 issue because last night I went online and I
12 read about it and it was perplexing to me.'
13 I thought, 'oh, Lord.' You can't do that, you
14 just can't do it.

15 Please know that in addition to not
16 talking to someone, you can't conduct an
17 independent investigation in any fashion.
18 Please remember that. You're going to make a
19 commitment to decide it based on what you hear
20 in this courtroom. That is very, very
21 important. That's your focus. Thank you very
22 much. I am sorry for the delay.

23 Solicitor, thank you for indulging
24 the court a little bit longer. I know you're
25 anxious to get started. You may call your

State of South Carolina v. William O. Dickerson
Case No: 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1912

1 first witness.

2 SOLICITOR WILSON: Thank you, Judge.

3 The State calls Kanesha Singleton.

4 (WITNESS TAKES STAND)

5 KANESHIA SINGLETON, being duly sworn
6 to tell the truth, the whole truth and nothing
7 but the truth, testified, as follows:

8 DIRECT EXAMINATION

9 BY SOLICITOR WILSON:

10 Q. Good afternoon, Kanesha. We have this
11 projector that's buzzing right over us, and I
12 know you're soft-spoken. So try to talk into
13 that microphone, and I'll try to do the same;
14 okay?

15 A. Okay.

16 Q. Your name is Kanesha Singleton. Is that
17 right?

18 A. Yes.

19 Q. How old are you, Kanesha?

20 A. Thirty.

21 Q. And how far did you go in school?

22 A. Three years in college.

23 Q. Where did you go to college?

24 A. South Carolina State University.

25 Q. And are you working now?

- 1 A. Yes, ma'am.
- 2 Q. Where do you work?
- 3 A. Kiawah Island.
- 4 Q. Now, do you have any children, Kanesha?
- 5 A. Yes, ma'am, I do.
- 6 Q. What are their names?
- 7 A. Corey and Allie.
- 8 Q. How old are they?
- 9 A. Five and seven.
- 10 Q. And while you were at S.C. State did you
- 11 meet Gerard Roper?
- 12 A. Yes, ma'am.
- 13 Q. And did the two of you have a
- 14 relationship?
- 15 A. Yes, ma'am.
- 16 Q. Is he the father of your two children?
- 17 A. Yes, ma'am.
- 18 Q. Now, Kanesha, I want to take you back to
- 19 March 7th of 2006, okay?
- 20 A. Uh-huh.
- 21 Q. Do you remember that day?
- 22 A. Yes.
- 23 Q. At that time were you and Gerard living
- 24 together?
- 25 A. Yes, ma'am.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1914

1 Q. Where did you'all live?

2 A. West Ashley. Ash ~~was the apartment off~~

3 of Ash ~~the apartment off~~

4 Q. Is that off 61 or 17?

5 A. 17. I'm sorry.

6 Q. That's okay. That's why we are doing all
7 these preliminary things, is to get you used
8 to it and me used to it. You'all were living
9 together?

10 A. Yes, ma'am.

11 Q. How long had you'all been living
12 together?

13 A. About a year.

14 Q. And you'all had been involved for some
15 time before that?

16 A. Yes, ma'am.

17 Q. At that time, in March, did Gerard have
18 any issues with his feet or ankles?

19 A. Yes, ma'am.

20 Q. What had happened?

21 A. When he was playing baseball, I think he
22 broke his ankle or sprained the ankle to where
23 he had a limp.

24 Q. But that was some time before March?

25 A. Yes.

1 Q. Kanesha, do you remember the last time
2 you saw Gerard?

3 A. Yes, ma'am.

4 Q. Tell the jury when the last time you saw
5 him was.

6 A. It was the morning of -- Tuesday morning,
7 right before all of this happened.

8 Q. Tuesday, the 7th?

9 A. Yes, ma'am.

10 Q. 2006?

11 A. Yes, ma'am. We woke up that morning and
12 I had to get the kids ready for school, and I
13 had to go to work. After I got the kids ready
14 for school, he told me he was going to take
15 his car back to his mother's house, and that
16 was the last time I saw him.

17 Q. His mother, where did she live at that
18 time?

19 A. I am not sure of the apartments but it
20 was in West Ashley.

21 Q. Was it very far from where you and Gerard
22 lived?

23 A. No, ma'am.

24 Q. I don't want you to have to tell all your
25 business, but had you and Gerard been in a

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1916

- 1 little tiff?
- 2 A. Yeah.
- 3 Q. When had that happened?
- 4 A. It was the night previous to that one.
- 5 Q. What happened?
- 6 A. We just had a little argument. Just
- 7 about in house stuff, cleaning up.
- 8 Q. He wasn't cleaning up like you wanted him
- 9 to?
- 10 A. Yes, that's what it was.
- 11 Q. So when you left for work and he left to
- 12 take his mom's car back, did you think
- 13 everything was okay?
- 14 A. Yes, ma'am.
- 15 Q. And so you went on to work?
- 16 A. Uh-huh.
- 17 Q. Did you see what Gerard was wearing at
- 18 the time he left?
- 19 A. Yes, ma'am.
- 20 Q. What did he have on?
- 21 A. He had on a black pair of pants and white
- 22 socks, some white Nike flip-flops, slide-in's,
- 23 and a black top.
- 24 Q. When you got home from work that
- 25 afternoon or that evening, was Gerard there?

- 1 A. No, ma'am.
- 2 Q. Did he return home that night?
- 3 A. No, ma'am.
- 4 Q. The next morning?
- 5 A. No, not after he had been - no, ma'am.
- 6 Q. Did you try to call him?
- 7 A. I couldn't. His phone was left at the
- 8 house.
- 9 Q. So his telephone was at your house?
- 10 A. Yes, ma'am.
- 11 Q. So there was no use to try to call him.
- 12 A. Right.
- 13 Q. Was that number [REDACTED] at that time?
- 14 A. Yes, ma'am.
- 15 Q. So you had his telephone?
- 16 A. Uh-huh (affirmative).
- 17 Q. And he doesn't come home that night?
- 18 A. Right.
- 19 Q. What did you do? Did you try to find him
- 20 or figure out where he was?
- 21 A. I didn't do anything.
- 22 Q. Did you ever look at his phone?
- 23 A. It rang throughout the night, but I
- 24 didn't answer it.
- 25 Q. Did you notice anything about his phone

1 when you did look at it?

2 A. That night?

3 Q. Or in the morning?

4 A. The next morning there were a lot of
5 missed calls on it about 12:00 o'clock. There
6 were a lot of missed calls on it.

7 Q. Did you try to make any calls to anyone
8 else after looking at his telephone?

9 A. Not after I had heard about what was
10 going on.

11 Q. How did you hear something?

12 A. I left my house, I had the day off that
13 following Wednesday and I went to my mother's
14 house and she told me that Gerard's mother had
15 gotten a call that someone had Gerard and he
16 was torturing Gerard.

17 Q. Let's back up a minute. You had the day
18 off.

19 A. (Affirmative nod).

20 Q. Did you go to your Mama's house?

21 A. Yes.

22 Q. Where did your Mama work at that time?

23 A. She worked at J. C. Penney's.

24 Q. Who else worked at J. C. Penney's?

25 A. Ms. Roper, Gerard's mother.

1 Q. You're getting information coming from
2 your mom about Gerard.

3 A. She called. And she said ---

4 MR. BLOOM: Objection to hearsay.

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR WILSON:

7 Q. Let's not get into what your mama told
8 you. But you were having conversations with
9 your mama that next day?

10 A. Yes.

11 Q. And as a result of those conversations
12 that you had with her, did you do anything?

13 A. I went back to get the phone.

14 Q. To get Gerard's phone?

15 A. Yes.

16 Q. Did you get his phone?

17 A. I got his phone and I went through the
18 list of the calls. And the number that called
19 the most is the number that I called back.

20 Q. Did you know that person?

21 A. When I was calling the number back, I
22 didn't know who was going to pick up. When I
23 called a female picked up the phone and I was
24 like, 'Well, my name is Kanisha. I have
25 Gerard's phone and you have been calling this

1 phone a lot, and we've heard that somebody has
2 him. Have you seen him?' And she said, well,
3 her brother told her that this guy ---

4 MR. BLOOM: Objection. Hearsay.

5 THE COURT: Sustained.

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR WILSON:

8 Q. Let's not go into that. We've got to be
9 careful about hearsay and who said what. You
10 were making calls to people who had called
11 Gerard's phone; right?

12 A. Yes.

13 Q. And as a result of calling that number
14 that had called the most, did you become
15 concerned?

16 A. Yes, ma'am.

17 Q. And as a result of that, what did you do?

18 A. After that I went and I met Ms. Roper at
19 her house. And then me and Ms. Roper and her
20 friend went -- well, I had dropped Gerard off
21 at that house -- at this house where they said
22 that this guy had Gerard.

23 MR. BLOOM: Objection. Hearsay.

24 THE COURT: Sustained

25 SOLICITOR WILSON: Judge, it's not offered

1 for the truth.

2 THE COURT: I appreciate it. Thank
3 you. You can ask her what she did as a
4 result, but thank you.

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR WILSON:

7 Q. Where did you go as a result?

8 A. We went to the house where the guy lived..

9 Q. What guy?

10 A. Dickerson.

11 Q. William Dickerson.

12 A. Uh-huh, (affirmative nod).

13 Q. Did you know William Dickerson?

14 A. I had dropped Gerard over to his house
15 before, and he told me that was just
16 Dickerson.

17 Q. So as a result of these conversations,
18 you go to where you had dropped Gerard off
19 sometime in the past, at William Dickerson's
20 house?

21 A. Right.

22 Q. What part of town was that in?

23 A. It's in North Charleston, off of Ashley
24 Phosphate.

25 Q. Did you see Gerard or William Dickerson

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1922

1 there?

2 A. No, ma'am.

3 Q. Did you see anybody?

4 A. As we were pulling up to the area, there
5 was some police cars. We went over to the
6 police and we told them what we were coming to
7 do and they said that they would go around to
8 the house, because they were also looking for
9 him at the time.

10 Q. And so between this time and the time
11 that you got the call, had you contacted the
12 police at all? Or you just went to William
13 Dickerson's house without contacting them?

14 A. Ms. Roper's friend that we were with, he
15 was a police officer.

16 Q. Okay. So when you got with Ms. Roper and
17 her friend to go to William Dickerson's, that
18 man was actually a police officer?

19 A. Yes, ma'am.

20 Q. You get over there and there are officers
21 already nearby?

22 A. Yes, ma'am.

23 Q. Other than that time in the past when you
24 had brought Gerard over at William Dickerson's
25 house, had you ever spent any time with him?

1 A. No, ma'am.

2 Q. Did you know his girlfriend at all?

3 A. No, ma'am.

4 Q. So this is all on Wednesday; is that
5 right?

6 A. Yes, ma'am.

7 Q. Did you find out officially what had
8 happened to Gerard anytime that Wednesday?

9 A. No, ma'am.

10 Q. When did you learn what had happened to
11 him?

12 A. Thursday, noon.

13 Q. Where were you?

14 A. I had just left from work and went right
15 over to Ms. Roper's house. And she was
16 outside walking in her little front yard. And
17 as we were walking back to the house, that's
18 when the cop and the coroner come up and was
19 telling us.

20 Q. So that was not until Thursday?

21 A. Yes, ma'am.

22 SOLICITOR WILSON: Kanesha, that's
23 all the questions I have. If you would answer
24 any questions Mr. Bloom has.

25 THE COURT: You may cross examine,

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1924

1 Mr. Bloom.

2 CROSS EXAMINATION

3 BY MR. BLOOM:

4 Q. Good afternoon. I only have a few
5 questions for you. You said there was only
6 one phone number that you noticed on Gerard's
7 cell phone that a lot of missed calls had come
8 from that number. You looked on that to get
9 the cell phone number. Is that right?

10 A. Yes.

11 Q. Was that number -- when we're talking
12 about numbers, everything is area code 8-4-3?

13 A. Right..

14 Q. Was that number -- do you recall 530-
15 5085?

16 A. I don't remember.

17 Q. You don't remember. But whatever number
18 you called back from the large number of
19 calls, it was a female who answered?

20 A. (Affirmative nod).

21 Q. No doubt about that; is that correct?

22 A. Yes.

23 Q. Thank you.

24 THE COURT: Redirect, Solicitor?

25 REDIRECT EXAMINATION

1 BY SOLICITOR WILSON:

2 Q. Do you know who the female was?

3 A. After talking to her, I did. I knew her
4 from elementary school - after talking to her.

5 Q. Who was it?

6 A. Her name was Ervetta Robinson.

7 Q. Was she a friend of yours and Gerard's?

8 A. I don't even remember her from elementary
9 school.

10 Q. You don't know what her relationship was
11 with Gerard?

12 A. No.

13 Q. Thank you.

14 THE COURT: Recross?

15 MR. BLOOM: Nothing further, Your
16 Honor.

17 THE COURT: Thank you, you may step
18 down. Call your next witness.

19 SOLICITOR WILSON: Shareen Roper.

20 (WITNESS TAKES STAND)

21 SHAREEN ROPER, being duly sworn to tell
22 the truth, the whole truth and nothing but the
23 truth, testified, as follows:

24 DIRECT EXAMINATION

25 BY SOLICITOR WILSON:

- 1 Q. Good afternoon, Ms. Roper.
- 2 A. Good afternoon.
- 3 Q. Are you all right?
- 4 A. Yes.
- 5 Q. I'm just going to ask you a few ques-
- 6 tions. First of all, I hate to do this but
- 7 how old are you?
- 8 A. Fifty-two.
- 9 Q. And how far did you go in school?
- 10 A. Twelfth, finished high school.
- 11 Q. Where did you go to high school?
- 12 A. Burke High.
- 13 Q. Are you working now, ma'am?
- 14 A. Yes.
- 15 Q. Where do you work?
- 16 A. Goodwill on the Naval Base.
- 17 Q. Where did you work before there?
- 18 A. I worked at B.C.C. in Mount Pleasant and
- 19 then before that at J. C. Penney's.
- 20 Q. What did you do at J. C. Penney's?
- 21 A. I worked in fine jewelry, in sales.
- 22 Q. Do you know Aven Roper?
- 23 A. Yes.
- 24 Q. How do you know Aven?
- 25 A. I was married to him.

- 1 Q. And how long were you and Aven together?
- 2 A. Eighteen years.
- 3 Q. Did you'all have children together?
- 4 A. Yes.
- 5 Q. Who are your children?
- 6 A. Gerard Roper and Nile Roper.
- 7 Q. When was Gerard born?
- 8 A. Gerard was born January 31st, 1977.
- 9 Q. How about Nile?
- 10 A. Nile was born April 13, 1987.
- 11 Q. He was your baby?
- 12 A. Yes.
- 13 Q. Gerard is the victim in this case. Is
- 14 that right?
- 15 A. Yes.
- 16 Q. How old was he at the time he was killed?
- 17 A. Twenty-nine.
- 18 Q. Did he go to high school here in
- 19 Charleston, too?
- 20 A. Yes, on James Island.
- 21 Q. How about college? Did he do any
- 22 college?
- 23 A. South Carolina State.
- 24 Q. How long?
- 25 A. Three years.

- 1 Q. He didn't finish?
- 2 A. No.
- 3 Q. What did he do after leaving school?
- 4 A. He came home and he worked a little
- 5 while, and then he went in the Navy.
- 6 Q. How long was he in the Navy? Do you
- 7 remember?
- 8 A. For about a year and a half.
- 9 Q. Do you know why he got out?
- 10 A. Medical reasons. He was born with this
- 11 callus thing on his hands and feet.
- 12 Q. Causing him a problem to walk?
- 13 A. Yes.
- 14 Q. Now, did Gerard have children, your
- 15 grandchildren?
- 16 A. Yes.
- 17 Q. How many?
- 18 A. Three.
- 19 Q. Two by Kanisha?
- 20 A. Yes.
- 21 Q. And one by another woman. Is that right?
- 22 A. Yes.
- 23 Q. Let's go back to the time before Gerard
- 24 was killed -- a few months before that. Do
- 25 you know if he was working then?

1 A. No, I don't think he was.

2 Q. What was going on with him physically at
3 that point?

4 A. Gerard's little girl was born in October
5 and the very ---

6 Q. His little girl?

7 A. Yes. The little girl was just born, born
8 on October 22nd and the 23rd, he went to play
9 softball. He asked me to use my car, and when
10 I went to the hospital to sit in his place.
11 So he went and played softball. And then we
12 got a phone call that he had an accident in
13 the park. When we went to the hospital he had
14 cracked all the bones in one foot.

15 Q. Now, back in March of 2006, where you
16 were living, Ms. Roper?

17 A. 18 [REDACTED]

18 Q. Where is that?

19 A. That is in West Ashley, in Moss Creek
20 Apartments.

21 Q. Was that very far from where Gerard had
22 moved in with Kanasha?

23 A. No, it's not.

24 Q. You mentioned that when Gerard's little
25 girl was born and he got hurt, he had borrowed

1 your car. Was that something that he did very
2 often, borrowed your car?

3 A. He didn't borrow it often, but when he
4 asked me to use my car and, you know, for
5 whatever reason I didn't mind letting him use
6 it.

7 Q. Let's go to March 7, 2006. Do you
8 remember that morning?

9 A. Yes.

10 Q. Tell the jury what happened that morning
11 regarding Gerard?

12 A. Gerard came in that morning to bring my
13 car back. While he was talking he was telling
14 me, you know, we was just having conversation
15 and I asked him where he was going. I don't
16 exactly remember where -- I think he said he
17 was going to James Island. I said, 'How are
18 you going to get there?' He said someone was
19 going to pick him up, you know.

20 As he was walking out my door and I
21 was sitting on the sofa and the door opened
22 and I'm looking at him and at the time he had
23 the biggest and the prettiest smile on his
24 face. As he was walking out, I ran to go
25 behind him because I was, like, 'wow, Gerard,

1 he looks really happy.' When I ran out there,
2 he was gone. He just vanished. And that was
3 the last time I was going to see him.

4 Q. That was that Tuesday morning?

5 A. (Affirmative nod), that was that Tuesday
6 morning.

7 Q. Do you remember about what time it was
8 that he dropped your car off?

9 A. It was probably somewhere 7:30 or 8:00,
10 somewhere around in there.

11 Q. And after that, did you go to work that
12 day?

13 A. I didn't go to work that day. I went to
14 work the next day.

15 Q. So you rocked along on the 7th. Do you
16 know anything about where Gerard is or his
17 business?

18 A. No.

19 Q. The next day did you go to work?

20 A. Yes.

21 Q. And, again, where were you working on
22 that day?

23 A. J. C. Penney's.

24 Q. Which one?

25 A. Northwoods Mall.

- 1 Q. Where?
- 2 A. Northwoods Mall.
- 3 Q. Did you have any concern at that point?
- 4 A. No, not at all.
- 5 Q. When was it that you became concerned?
- 6 A. A phone call came through at Penney's
- 7 while I was working. One of the girls
- 8 answered the phone and they told me, 'Shareen,
- 9 the phone is for you.' I went to the phone
- 10 and a friend of mine was talking on the phone
- 11 and she ---
- 12 Q. Who was the friend?
- 13 A. Her name is Cheryl Archie.
- 14 Q. Let's back up a minute. Cheryl Archie
- 15 was the person who called you at work?
- 16 A. Yes, uh-huh.
- 17 Q. Does Cheryl Archie have any children?
- 18 A. Yes.
- 19 Q. Who are her children?
- 20 A. Stevo.
- 21 Q. Did Stevo and Gerard have any kind of
- 22 relationship?
- 23 A. They were friends.
- 24 Q. Grow up together?
- 25 A. Yes.

1 Q. And you and his mama, Cheryl, you'all
2 were friends too?

3 A. Yes.

4 Q. Cheryl called you at work?

5 A. Yes.

6 Q. Let's not get into what she tells you.

7 A. Right.

8 Q. But as a result of what she tells you,
9 are you concerned?

10 A. Yes.

11 Q. And what did you start to do?

12 A. I ran upstairs and went to the locker
13 room to get my locker, my belongings. I was
14 frantic, crying and screaming. And I saw --
15 Kanasha's mom stopped me and she said, "Calm
16 down. Calm down." And I told her what the
17 phone call was about. And then I tried to
18 calm down and got my stuff and she said,
19 "Shareen, you can't drive. I'll drive you
20 home." And so I went into the hallway and I
21 stopped because one of the girls at work came
22 and gave me a phone number and they said,
23 "Shareen, call this number." I called the
24 number and when I called the number a young
25 man answered the phone.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1934

1 Q. Did you ---

2 A. Well, they told me - they said his name
3 was Willie D.

4 BY MR. BLOOM: Objection.

5 THE COURT: Sustained.

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR WILSON:

8 Q. As a result of what they told you, did
9 you ask for anybody when you made the phone
10 call?

11 A. Yes.

12 Q. Who did you ask for?

13 A. I asked for Willie D.

14 Q. And what did the person on the end of the
15 line say?

16 A. I said, "Is this Willie D?"

17 He said "yes."

18 I said, "This is Gerard's mother."

19 I said, "This is Shareen Roper."

20 I said, "Have you seen Gerard?"

21 I didn't ask him if Gerard was there at
22 the house. I said, "Have you seen Gerard?"

23 And he said, "No, ma'am."

24 And that's when, at that result, when I
5 was trying to question him he starting making

1 a sound on the phone, he was like screaming
2 and -- you know, it was like "AAAAAHHHHH" and
3 then he would never come back to the phone.
4 So I hung the phone up and I tried to call
5 again. I couldn't get through after that,
6 that was it.

7 Q. What did you do after that?

8 A. After that, I went -- me and Kanesha's
9 mama, she took me home and they was, you know,
10 telling me to call the police. I called a
11 friend of mine that I know. He met me at my
12 house and I told him what was going on.

13 Q. Is this friend in law enforcement or
14 something?

15 A. Yes, he is. Yes, he is. I told him what
16 was going on. And before we did anything
17 Kanesha said, 'Well, I ---

18 MR. BLOOM: Objection to what
19 someone else said, Your Honor.

20 THE WITNESS: Well, we went up
21 to ---

22 THE COURT: Sustained.

23 THE WITNESS: --- we went up to
24 Ashley Phosphate Road.

25 DIRECT EXAMINATION CONTINUED

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1936

1 BY SOLICITOR WILSON:

2 Q. Who were you looking for on Ashley
3 Phosphate Road?

4 A. We were looking for Gerard and we were
5 looking for Willie D, who was William
6 Dickerson.

7 Q. Okay.

8 A. As she stated, we got up there and there
9 were a couple of cops on the outside. My
10 friend went and talked to them and then he
11 came back and he told me -- he took me back to
12 -- we rode back to my house and for me to call
13 the city police. And I called the city
14 police. They came to my home, interviewed me
15 and the next day it was on television and they
16 noted it as a kidnaping.

17 Q. So you go to Dorchester Road to find
18 Willie D and hopefully Gerard.

19 A. Uh-huh, (affirmative).

20 COURT REPORTER: Was that a "yes"?

21 THE COURT: Was that a "yes"?

22 THE WITNESS: Yes, I'm sorry. Yes.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR WILSON:

25 Q. After you talked to your friend who is

1 law enforcement -- was he with North
2 Charleston also?

3 A. Yes, he was.

4 Q. And that area around Dorchester was in
5 North Charleston?

6 A. Right. Well, where we went at it wasn't
7 his jurisdiction.

8 Q. Okay.

9 A. So that's when we met with the other
10 cops, other policemen.

11 Q. The ones from the City of Charleston?

12 A. Yes.

13 Q. Okay.

14 A. Well, there were -- Dorchester County
15 were out there, police officers.

16 Q. But eventually you'all get back home and
17 talk to the City?

18 A. Right. Yes, ma'am.

19 Q. You tell them all of this?

20 A. Yes, ma'am.

21 Q. And that was again on Wednesday?

22 A. Yes.

23 Q. Did you find out anything about where
24 Gerard was the rest of Wednesday?

25 A. No, not at all.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1938

1 Q. When was it that you found out?

2 A. Thursday.

3 Q. Do you remember about what time of day it
4 was?

5 A. It was probably around 4:00 or 5:00 --
6 somewhere up in there - 3:30 - somewhere up in
7 there.

8 Q. Thursday afternoon?

9 A. Yes.

10 Q. Did you work Thursday?

11 A. No. I took off from work because I told
12 the store manager that it was because of the
13 result of what we had found out. That I
14 couldn't come to work because the police
15 wanted to interview me some more.

16 Q. Now, Shareen, when you called this number
17 and asked for Willie D, you used your cell
18 phone?

19 A. Yes.

20 Q. The number [REDACTED] is that your number
21 at the time?

22 A. Yes, it is -- yes, it was.

23 SOLICITOR WILSON: That's all I have,
24 Your Honor. If you would, please answer any
25 questions the defense may have.

1 MR. BLOOM: We have no questions at
2 this time. Thank you.

3 THE COURT: You may step down, Ms.
4 Roper. Thank you.

5 THE WITNESS: Thank you.

6 BRUCE DURANT: The State would call
7 Stevo Rivers.

8 (WITNESS TAKES STAND)

9 STEVEN ANTHONY RIVERS, being duly
10 sworn to tell the truth, the whole truth and
11 nothing but the truth, testified, as follows:

12 DIRECT EXAMINATION

13 BY BRUCE DURANT:

14 Q. Good afternoon, Mr. Rivers. Could you
15 tell the jury how old you are?

16 A. I'm forty-five.

17 Q. And how far did you go in school?

18 A. High school.

19 Q. Where did you go to high school at?

20 A. I went to high school in New York City.

21 Q. And how long have you been living in
22 South Carolina?

23 A. On and off about twenty-five years.

24 Q. Are you married?

25 A. No, sir.

- 1 Q. Do you have children?
- 2 A. Yes, sir.
- 3 Q. And where are you employed, sir?
- 4 A. James Island PSC.
- 5 Q. And what do you do for James Island PSC.
- 6 A. Heavy equipment operator.
- 7 Q. And I believe you've had a couple of bad
- 8 checks in the past. Is that correct?
- 9 A. Yes.
- 10 Q. No other problems with the law besides
- 11 that?
- 12 A. Child support, that's about it.
- 13 Q. Did you know a fellow named Gerard Roper?
- 14 A. Yes, I did.
- 15 Q. What name did you know Gerard by?
- 16 A. 'Rard.
- 17 Q. 'Rard was his nickname?
- 18 A. That's what I always called him, Rod
- 19 ('Rard).
- 20 Q. Is that what most people you knew called
- 21 him?
- 22 A. Yes.
- 23 Q. And how long had you known Mr. Roper at
- 24 the time he was murdered?
- 25 A. Before the murder, or how long had I

1 known him?

2 Q. At the time that he was murdered how long
3 had you known him?

4 A. I guess I'd known Rod for about three
5 years, I guess.

6 Q. And how did you come to know him?

7 A. I can't remember how I came to know him.
8 It'd been about three years on and off. He
9 was sometimes here and sometimes not. I just
10 knew him on and off. It was on James Island
11 that I met him. I don't remember how I met
12 him, it's been awhile.

13 Q. But you used to see him over on James
14 Island?

15 A. Yes, sir.

16 Q. And where would you see him on James
17 Island?

18 A. At Ben Drayton's house.

19 Q. And where did Ben Drayton live?

20 A. Flint Road, off Flint Road, in the Flint
21 Road area.

22 Q. And who is Ben Drayton?

23 A. Good friend of mine. We've been friends
24 for years.

25 Q. And what was going on at Ben Drayton's

1 house at the time?

2 A. Ben's place was a place where we'd go to
3 have a good time, drink.

4 Q. Now, do you remember running into Gerard
5 on the morning of Tuesday, March 7?

6 A. Yes, that morning at the gas station. I
7 was at the gas station and I ran into him
8 there.

9 Q. What did he want you to do?

10 A. He asked me if I could do him a favor, if
11 I could just follow him because he needed to
12 take his mother's car back, if I could follow
13 him home and bring him back on James Island.
14 I told him I will.

15 Q. Okay. Where did you'all go after you
16 picked up Gerard from his mom's house?

17 A. I didn't pick him up. I followed him and
18 then we came back to James Island and I took
19 him back to Ben's house.

20 Q. Okay. So you picked him up and took him
21 back to Ben's house on James Island?

22 A. Uh-huh, (affirmative nod).

23 Q. And I believe you said that Ben lived on
24 Flint Street?

25 A. Flint Street, yeah.

1 Q. What did you'all do when you got back to
2 Ben's house?

3 A. He got out and we went inside. I think
4 he was in the back, he's got a PlayStation
5 game. I sat for a while, talked to Ben,
6 that's about it.

7 Q. Who else was there at the time? Was Ben
8 Drayton there?

9 A. Ben Drayton was there.

10 Q. Do you know where Ben was?

11 A. In his bedroom.

12 Q. And did you speak to Ben?

13 A. I yelled at him when I was getting ready
14 to leave -- once we got back anyway.

15 Q. Okay. At some point you decided you were
16 going to leave, is that correct?

17 A. Yes, sir.

18 Q. Tell me what happened prior to you being
19 able to leave?

20 A. Once I was heading to the front door on
21 the way out and before I got to the door
22 someone knocked on the door.

23 Q. Which door did they knock on?

24 A. The back door, the kitchen door at the
25 rear of the house.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1944

1 Q. Was that unusual, for someone to knock on
2 the back door?

3 A. Naw, that's where everybody came through,
4 the back door.

5 Q. And what did you do when the person
6 knocked on the door?

7 A. I asked who it was and all I heard was
8 the man say "Willie".

9 Q. The person said what?

10 A. "Willie. It's Will." And I yelled back
11 at 'Rard and said, "Rod, Willie's here." He
12 said, "Let him in."

13 Q. Did he seemed concerned about letting
14 Willie in?

15 A. No.

16 Q. So what happened after Gerard said to let
17 him in?

18 A. Well, I opened the door and -- I can't
19 say exactly what he said but he came in and he
20 was brandishing a gun.

21 Q. What kind of gun?

22 A. I don't know anything about guns. It was
23 a revolver.

24 Q. It was a revolver?

25 A. Yes, sir.

1 Q. Did it look like a .22 or something like
2 that?

3 A. Not from the sound of it.

4 Q. Tell me about that. What happened?

5 A. Well, when I opened up the door he's got
6 a gun in his hand and, as I opened the door,
7 Rod was coming up the hall, coming toward the
8 kitchen. I'd yelled that he was coming in the
9 house, so he knew he was coming it. It all
10 happened so quick. As he was coming into the
11 kitchen the gentleman raised the gun and he
12 fired it.

13 Q. Fired it at who?

14 A. Rod.

15 Q. And what happened after he fired his gun?

16 A. I don't know. Once he pulled the gun and
17 fired, I ran out of the house. All I heard
18 was the shot and after that then I ran to the
19 back of the house.

20 Q. And where did you run after you ran out
21 of the back of the house?

22 A. Towards the woods. As you come out of
23 the house, left towards the woods.

24 Q. What did you do? Were you hiding in the
25 woods?

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1946

- 1 A. Yeah, I was hiding.
- 2 Q. Could you see what happened after that?
- 3 A. I couldn't see what happened in the
- 4 house. All I know is what I heard.
- 5 Q. And what did you hear?
- 6 A. Well, I mean after the gun went off I
- 7 could hear yelling and screaming and someone
- 8 saying "Will, calm down" and this and that and
- 9 "you'll
- 10 be all right." That's about all I heard from
- 11 outside.
- 12 Q. Okay. Hear anybody say anything about
- 13 money?
- 14 A. No. If they did, I didn't hear anything.
- 15 Q. Okay. Now, did you -- what else did you
- 16 hear?
- 17 A. I heard Gerard and them coming back
- 18 towards the front of the house, you know, like
- 19 that. The woods were on the opposite end of
- 20 the house so -- all I could hear I heard from
- 21 when I was running. I didn't come back out
- 22 until -- you know, I came out of the woods
- 23 after I heard car doors slamming.
- 24 Q. You heard car doors slam?
- 25 A. Yes.

1 Q. And what did you hear after you heard the
2 car doors slam?

3 A. That's all. Then the cars drove off.

4 Q. Could you see the car that drove off?

5 A. (Affirmative nod), it was a big Suburban.
6 Like a green-in-color, two-tone color.

7 Q. I'll hand you what's previously been
8 marked as ---

9 BRUCE DURANT: May I approach the
10 witness, Your Honor?

11 THE COURT: You may.

12 DIRECT EXAMINATION CONTINUED

13 BY MR. DURANT:

14 Q. I hand you what's previously been marked
15 as State's Exhibit Number 1 for
16 identification.

17 A. That's it.

18 Q. Does that look like the vehicle you saw
19 that day?

20 A. It was that brand vehicle, that color,
21 shape and all.

22 Q. What did you do after that vehicle drove
23 off?

24 A. I came out of the woods, came out in
25 front of the house. And I went back, you

1 know, and checked on Ben. He was all right.

2 Q. Did you check on anybody else?

3 A. The daughter, Melissa, she was just
4 pulling up.

5 Q. Who's daughter?

6 A. Ben's baby daughter.

7 Q. And where does Ben's daughter live in
8 relation to ---

9 A. Her house is in front of his house.

10 Q. Did you talk to her?

11 A. Just to let her know, you know, what
12 happened and what was going on. We went in
13 the house to find out, to make sure Ben was
14 all right.

15 Q. Did you go in and check on Ben?

16 A. Yes, sir.

17 Q. And did you notice anything -- let me
18 show you some photos.

19 MR. DURANT: May I approach the
20 witness?

21 THE COURT: Okay.

22 DIRECT EXAMINATION CONTINUED

23 BY MR. DURANT:

24 Q. I hand you what's previously been marked
25 as State's Exhibits Number 4 through 13 for

1 identification and ask you to look through
2 those to see if you recognize what they
3 depict.

4 A. It's the house.

5 Q. Whose house?

6 A. Ben Drayton's house.

7 Q. Okay.

8 A. This is the back door where they come
9 through, by the kitchen and then you go to the
10 living room. It looks like a bullet hole in
11 the door.

12 Q. Okay. Do those fairly and accurately
13 depict Ben Drayton's house as it existed on
14 that morning?

15 A. Yes, sir.

16 MR. DURANT: Your Honor, at this
17 time, the State would offer Exhibits 4 through
18 13 into evidence, I believe without objection.

19 THE COURT: Is that correct?

20 MR. BLOOM: That's correct, Your
21 Honor.

22 THE COURT: Without objection,
23 State's 4 through 13 are admitted, each being
24 a photograph.

25 (SO ENTERED AS STATE'S EXHIBIT 4)

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1950

1 (SO ENTERED AS STATE'S EXHIBIT 5)
2 (SO ENTERED AS STATE'S EXHIBIT 6)
3 (SO ENTERED AS STATE'S EXHIBIT 7)
4 (SO ENTERED AS STATE'S EXHIBIT 8)
5 (SO ENTERED AS STATE'S EXHIBIT 9)
6 (SO ENTERED AS STATE'S EXHIBIT 10)
7 (SO ENTERED AS STATE'S EXHIBIT 11)
8 (SO ENTERED AS STATE'S EXHIBIT 12)
9 (SO ENTERED AS STATE'S EXHIBIT 13)
10 DIRECT EXAMINATION CONTINUED
11 BY MR. DURANT:
12 Q. If you will start with State's Exhibit 4,
13 Mr. Rivers, I'm going to ask you specific
14 questions, starting with State's Exhibit
15 Number 4. This is State's Exhibit Number 4.
16 What is that?
17 A. That's Ben Drayton's house.
18 Q. That's from the front?
19 A. Front.
20 Q. State's Exhibit Number 5?
21 A. Side of the house.
22 Q. That's the side the driveway is on?
23 A. Yes, sir.
24 Q. State's Exhibit Number 6? What does that
25 depict?

1 A. It's the side of the house as you go back
2 to the back.

3 Q. State's Exhibit Number 7?

4 A. It's the back of the house.

5 Q. Okay. You said you ran out of the house.
6 Can you see ---

7 A. Right through that side of the house, the
8 end of the house, over there.

9 Q. Use the laser pointer, press that, and
10 just show the jury where you ran when you ran
11 out of the house.

12 A. Right here, (indicating).

13 Q. Over by that little shed or lean-to?

14 A. No, right there is where I ran.

15 Q. State's Exhibit Number 8?

16 A. That's the side of the house. There's a
17 little hallway that leads to the kitchen door
18 right there.

19 Q. This is a little better shot of that,
20 State's Exhibit Number 9?

21 A. (Affirmative nod), the back door.

22 Q. That's the door that he knocked on?

23 A. Yes, sir.

24 Q. That door leads into what part of Mr.
25 Drayton's house?

- 1 A. The kitchen.
- 2 Q. State's Exhibit Number 10?
- 3 A. That's the kitchen, inside back door.
- 4 Q. That's the same door we just saw?
- 5 A. Same door.
- 6 Q. From inside the house?
- 7 A. Yes.
- 8 Q. And is that the door that most people use
- 9 as the main entry and exit door at Mr.
- 10 Drayton's house?
- 11 A. Yes.
- 12 Q. State's Exhibit Number 11?
- 13 A. That's the living room.
- 14 Q. And that's the door going from the living
- 15 room to ---
- 16 A. From the kitchen -- you come in the
- 17 kitchen and you go through that door to get to
- 18 the living room and the rest of the house.
- 19 Q. So if you went from where this picture is
- 20 taken through that door -- you're going into
- 21 the kitchen.
- 22 A. Right, the rear of the house.
- 23 Q. And if you went through that door, which
- 24 way would the back door have been?
- 25 A. It would be on your left side.

1 Q. On the left side?

2 A. (Affirmative nod).

3 Q. And, finally, State's Exhibit Numbers 12
4 and 13? What is that?

5 A. That's the door with the bullet hole in,
6 that's the door that Mr. Roper would come
7 through.

8 Q. That's the door that he stuck his head
9 out of?

10 A. Yeah.

11 Q. And that's the same door that's depicted
12 in State's Exhibit Number 11?

13 A. Yes, same door.

14 Q. Now, going back to these photos -- and
15 let me -- going back to State's Exhibit Number
16 10, is that the door you ran out of?

17 A. Yes, sir.

18 Q. Is that the door Will came through?

19 A. Yes.

20 Q. The angle of this photograph would be
21 from where in Mr. Drayton's house?

22 A. The door opened from, I guess from right
23 to left so it would be parallel to this door
24 opening.

25 Q. So this would be kind of the view looking

1 frm the door ---
2 A. From your right.
3 Q. So this is kind of the view from the door
4 that Gerard was looking through, is that
5 correct?
6 A. Yes.
7 Q. And the door that had the bullet hole in
8 it?
9 A. Yes.
10 Q. Looking into the kitchen?
11 A. Looking into the kitchen.
12 Q. Moving ahead, you didn't go to the
13 police; did you?
14 A. No, sir.
15 Q. But the police found you?
16 A. After, yeah -- yeah.
17 Q. After awhile?
18 A. As far as I know, they knew what
19 happened; so I never went to the police.
20 Q. But, in any event, the police came and
21 talked to you on March 17. Is that correct?
22 Detective Burckhardt over here?
23 A. Yes.
24 Q. And did you give Detective Burckhardt a
25 statement?

1 A. Yes, I did.

2 Q. And did you tell Detective Burckhardt the
3 truth?

4 A. No, I did not.

5 Q. What did you not tell Detective
6 Burckhardt?

7 A. That I was there.

8 Q. Do you recall specifically what you told
9 Detective Burckhardt?

10 A. I don't. It's been a few years, I can't
11 recall exactly what I told him but I presume
12 it was the information that -- but, anyway,
13 (pause).

14 Q. Do you remember if you told him that you
15 saw the Suburban come up?

16 A. No, I don't remember that.

17 Q. Well, let me show you ---

18 MR. DURANT: I'll mark this for
19 identification.

20 MR. BLOOM: Sure.

21 COURT REPORTER: State's Exhibit
22 302 for identification.

23 DIRECT EXAMINATION CONTINUED

24 BY MR. DURANT:

25 Q. I show you what's been marked as State's

1 Exhibit 302 for identification and ask you to
2 take a look at that.

3 A. (Reviewing).

4 Q. Does that refresh your recollection about
5 what you told Detective Burckhardt?

6 A. That's what I told him the first time
7 that I met with him, that it all happened
8 before I got there. That's pretty much what I
9 said, right here.

10 Q. And basically told him that you left
11 about the time the green Suburban showed up,
12 is that correct?

13 A. Right.

14 Q. Was that true?

15 A. No, sir.

16 Q. A couple of days later Detective Gordon
17 came by to talk to you again. Is that
18 correct?

19 A. Yes, sir.

20 Q. And what did you do at that time?

21 A. After I found out what really happened,
22 then I told them what had went down.

23 Q. You didn't find out what actually
24 happened. You were there, right?

25 A. For the part of it I was there, yes.

1 Q. So in other words you originally told
2 them that you had left before this happened;
3 correct?

4 A. Right.

5 Q. When Detective Gordon came back to talk
6 to you, you told him basically what you've
7 told the jury today.

8 A. Yeah.

9 Q. Why didn't you tell them the truth to
10 start with?

11 A. I don't know. I really didn't want to
12 get involved.

13 Q. Please answer any questions defense
14 counsel has.

15 THE COURT: Cross examine.

16 MR. CARROLL: Your Honor, may it
17 please the Court.

18 CROSS EXAMINATION

19 BY MR. CARROLL:

20 Q. Mr. Rivers, you'd known Gerard Roper for
21 three years. Is that right?

22 A. On and off, yes, when he was around.

23 Q. And you would run into him from time to
24 time at Ben Drayton's house on Flint Street?

25 A. Yes, sir.

1 Q. I think you described that house as a
2 party house.

3 A. Yes.

4 Q. By party, do you mean drinking and using
5 drugs?

6 A. Yes.

7 Q. Gerard had never done anything to harm
8 you, had he?

9 A. No, sir.

10 Q. And I think in response to the
11 Solicitor's question about any problems with
12 the law, other than a few bad checks and not
13 supporting your children, you didn't have any
14 problems with the law. Is that correct?

15 A. (Affirmative nod). No, sir.

16 Q. So you didn't really have any reason not
17 to approach the police and give them the
18 information you had, did you?

19 A. The only thing was that I just didn't
20 want to get involved. I didn't want to have
21 to get involved. I was hoping that I didn't
22 have to get involved, period.

23 Q. The police found you and they came to you
24 and they said, 'We're investigating a brutal
25 murder.' Is that correct?

1 A. Yes.

2 Q. And 'we need all the information we can
3 get to solve this brutal murder.' Is that
4 correct?

5 A. Yes.

6 Q. Detective Burckhardt didn't threaten you
7 in any way when he came out to talk to you;
8 did he?

9 A. Nope.

10 Q. He was simply doing his job, trying to
11 solve a crime; correct?

12 A. I guess.

13 Q. And you claimed to have direct
14 information about the abduction of the victim
15 of the crime. Is that true?

16 A. I told what I had experienced. I was
17 there, that I was there. Like I say, I was
18 just there when it happened. I never saw him
19 nab anybody.

20 Q. So you wouldn't describe this as an
21 abduction?

22 A. Not at the time.

23 Q. Okay. So when Detective Burckhardt said,
24 'Mr. Rivers, your name has come up in this
25 investigation and I need to know what you know

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1960

1 about this,' you said, "I wasn't there." Is
2 that correct?

3 A. Yes, sir.

4 Q. Asked you about William Dickerson. You
5 said 'never saw him.'

6 A. Never saw him.

7 Q. That was on March 17, about 9:30 at
8 night; correct?

9 A. Yes.

10 Q. You'd heard about the discovery of the
11 body. Is that right?

12 A. Yes.

13 Q. You'd heard talk on the street about how
14 bad it was?

15 A. That's just street talk. But it was on
16 the news, so I heard it.

17 Q. You heard it on the news how bad it was.

18 A. I heard.

19 Q. And then I think you said you found out
20 what the story was. Is that right?

21 A. Yeah.

22 Q. And it was after you found out what the
23 story was that you contacted the police and
24 met with Detective Gordon?

25 A. Yes.

1 Q. And when you met with Detective Gordon,
2 you gave him a lot of detail. Is that fair to
3 say?

4 A. Yes.

5 Q. Among those details was hearing Gerard
6 say, "Man, I got your money."

7 A. I can't remember if I said that or not.
8 If it is in the report, then that's what I
9 said. I can't remember, I can't recall saying
10 that.

11 Q. Would it refresh your recollection if I
12 handed it to you and let you look at the
13 report?

14 A. Maybe it would.

15 MR. CARROLL: Mark this for
16 identification.

17 COURT REPORTER: Defendant's
18 Exhibit 1 for identification.

19 CROSS EXAMINATION CONTINUED

20 BY MR. CARROLL:

21 Q. I'm showing you Defendant's Exhibit 1.
22 I'm going to ask you to look that over.

23 A. Where's the date, is this the first or
24 second?

25 Q. It might be the third. But it's the

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1962

1 statement you gave to Detective Gordon after
2 you'd given Detective Burckhardt a statement
3 saying you didn't know anything.

4 A. (Reviewing).

5 Q. Now looking at that statement does it
6 refresh your recollection that you told him,
7 "I heard Gerard say I got your money, man?"

8 A. I still don't remember saying that. No,
9 I don't remember saying that. I mean, it's on
10 there, but I can't remember that. Everything
11 happened so quick. Okay? I can't say word-
12 for-word what happened. But if I put it on
13 here, that's what I said.

14 Q. So you believe Detective Gordon got it
15 right?

16 A. Yes, I guess he got it right, it's here.

17 Q. But the information Detective Burckhardt
18 took down, that was not correct? When you
19 said that? I mean, you said what he wrote
20 down also, right?

21 A. You lost me.

22 Q. The first statement, you told him 'I
23 don't know anything.'

24 A. Right.

25 Q. He wrote that down.

1 A. Okay.

2 Q. You know he wrote that down.

3 A. Yeah.

4 Q. That's not right, though.

5 A. No, it's not right because I went back
6 and I recanted it.

7 Q. That was after you found out what
8 happened. A. Yeah.

9 Q. You described the gun as a big gun.

10 A. Yeah.

11 Q. Are you familiar with gun calibers,
12 .357's?

13 A. No, I know what it is -- but I heard the
14 shot, that's all. I glimpsed the gun, it was
15 a big gun. It all happened pretty quick. It
16 was a big gun.

17 Q. Let's get that clear. You saw a glimpse
18 of a gun?

19 A. I saw the gun, yes.

20 Q. And you heard the shot?

21 A. Yes.

22 Q. And, according to you, the photograph --
23 you've indicated that was the bullet hole made
24 by that big gun?

25 A. Yes. There wasn't a hole there before?

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1964

1 Q. There wasn't a hole there before?

2 A. (Negative gesture).

3 Q. You had looked at it.

4 A. I know there wasn't one there before.

5 Q. A thin, paneled veneer door. Is that
6 correct?

7 A. Yes.

8 Q. And that was the entry point for a
9 bullet?

10 A. Yeah.

11 Q. A big gun.

12 A. It wasn't a small gun.

13 MR. CARROLL: I have no further
14 questions.

15 THE COURT: Redirect?

16 MR. DURANT: I just have a couple,
17 Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. DURANT:

20 Q. You said you first talked to Burckhardt.
21 Is that correct?

22 A. He contacted me first.

23 Q. He came and talked to you?

24 A. No, actually I went into the station.

25 Went into the station. And that was on

1 the 17th of March.

2 A. I can't remember what day it was.

3 Q. It's the date on that statement that you
4 just identified. I hand you what's been
5 marked previously as State's Exhibit 302 for
6 identification -- the statement you gave to
7 Detective Burckhardt. Does it have a date on
8 it? It will be on the front page at the top.

9 A. The date?

10 Q. Right.

11 A. 3/9/06.

12 Q. What's this date right here where it says
13 date statement was given.

14 A. Oh.

15 Q. What is this date right here?

16 A. 3/17/06.

17 Q. Okay, at what time?

18 A. 21:30.

19 Q. So this was basically a week to ten days
20 after Gerard's murder. Is that correct?

21 A. I don't remember the date he actually was
22 murdered.

23 Q. But you knew he'd been murdered at the
24 time you gave that statement, right?

25 A. Uh-huh, (affirmative nod).

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1966

1 Q. And you didn't tell the police the truth.

2 Correct?

3 A. (Affirmative nod), didn't want to get
4 involved.

5 Q. Then why did you get in touch with them
6 again?

7 A. Well, I heard the details of actually how
8 bad it was and, you know, I didn't feel right.
9 No man deserves that.

10 Q. Did you go down there or did they come
11 and ask you ---

12 A. He actually called me and said he had
13 some problems with my statement and he wanted
14 to go over it again.

15 Q. And he had some problems with your
16 previous statement. And in the meantime
17 they'd talked to Ben Drayton; right?

18 A. Right.

19 Q. And they knew from Ben Drayton that you
20 were there?

21 A. Yeah.

22 Q. And so you told Detective Gordon, on the
23 20th, basically what you've told this jury
24 today. Is that correct?

25 A. Yes, sir.

1 Q. And you told them that you needed to
2 amend your statement that you gave Detective
3 Burckhardt.

4 A. Yes, sir.

5 Q. And you told them that you were walking
6 toward the rear ---

7 MR. CARROLL: Object to leading, Your
8 Honor.

9 THE COURT: Sustained.

10 REDIRECT EXAMINATION CONTINUED

11 BY MR. DURANT:

12 Q. What did you tell them? Starting right
13 there, what did you tell Detective Gordon?

14 A. (Reading): "I need to amend the
15 statement that I previously gave to Detective
16 Burckhardt. This is what I actually told Sgt.
17 Michaels. When I was at his house on that day
18 I was walking towards the rear kitchen door
19 when someone knocked at the door. I asked who
20 it was. A voice replied, "Will." I yelled
21 back toward Gerard, "It's Will." Gerard said,
22 "Let him in." At that time Gerard was in the
23 living room. I opened the door and as I could
24 see Will, I could see he had a gun down by his
25 side. Gerard also still -- was still walking

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1968

1 towards the kitchen. When Will sees Gerard,
2 he starts to run back into the house. Will
3 fired at Gerard, just one shot. By that time
4 I was out of the house, running toward the
5 woods. I could hear Gerard yelling, "Will, I
6 got your money." About twenty or thirty
7 seconds later I heard, "Man, get in the car."
8 I then heard a door slam and the car go out of
9 the driveway, drove off. When I come out, it
10 was a green Suburban with tinted windows." I
11 can't understand all the writing.
12 Q. You were asked if you had seen that
13 Suburban before. What did you tell them?
14 A. "No."
15 Q. You were asked if you had ever seen this
16 Will before. What did you tell them?
17 A. "No."
18 Q. You were asked where the Suburban was
19 parked. What did you tell them?
20 A. On the side of the house facing the
21 house.
22 Q. On what side of the house?
23 A. On the -
24 Q. --- driveway side?
25 A. --- driveway side, yeah.

1 Q. As we saw earlier?

2 A. Yes.

3 Q. You were asked, "Could you see the
4 occupants of the Suburban." And what did you
5 say?

6 A. I said no.

7 Q. What else did you say?

8 A. "No, but I heard a voice say "Man, get in
9 the car."

10 Q. It says it was Will's voice that said
11 "man, get in the car." Is that correct? Is
12 that what you told them?

13 A. Yes.

14 Q. You were asked to describe the gun Will
15 had that day, and what did you tell them?

16 A. It was a big gun. It was large, as far
17 as I could tell.

18 Q. It was what?

19 A. Large caliber, a large gun.

20 Q. Certainly larger than what?

21 A. Certainly larger than a .32.

22 Q. And then how did you finish?

23 A. (Reading): "When I started running as
24 soon as Will raised the gun, I started running
25 into the yard."

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1970

1 MR. DURANT: Court's indulgence.

2 THE COURT: Yes, sir. You have a
3 problem?

4 FOREMAN: I have a question.

5 THE COURT: You mean about this
6 witness?

7 FOREMAN: No, sir, not about the
8 witness.

9 THE COURT: What's it deal with?

10 FOREMAN: The statement.

11 THE COURT: No, sir, can't answer
12 that.

13 FOREMAN: No?

14 THE COURT: No. Let me just tell
15 you that's being tried in some states. We're
16 not doing it. And there's a lot of reasons
17 for not doing it, because as you've already
18 seen there are evidentiary issues having to
19 deal with it. Secondly, what I would tell you
20 is hold onto your thoughts. It will amaze you
21 how it unfolds. Some things will become
22 answered later. But we can't permit
23 questions. Thank you, sir. But no problem
24 asking.

25 REDIRECT EXAMINATION CONTINUED

1 BY MR. DURANT:

2 Q. One other question. In response to a
3 question asked by Mr. Carroll, this jury needs
4 to know if what you told Detective Gordon is
5 what you saw, or what you heard?

6 A. What I saw or what I heard?

7 Q. About being there and Will coming.

8 A. It's what I saw.

9 Q. So your testimony is that what you told
10 Detective Gordon was the truth?

11 A. Yes, sir.

12 Q. And what you're telling the jury is the
13 truth?

14 A. Yes, sir.

15 Q. And what you told Detective Burckhardt
16 was not the truth.

17 A. Not the full story.

18 Q. Because you didn't want to get involved?

19 A. I didn't want to get involved.

20 Q. One last question. You say you told the
21 truth after you found out what the story was.
22 What are you talking about?

23 A. I mean, about the details of what
24 happened at the time and how it was. Like I
25 said, I didn't want to get involved. I

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1972

1 assumed they knew. I didn't know anything bad
2 was going to happen. You know, I just didn't
3 want to get involved. But after I had time to
4 thought (sic) about it, I figured it would be
5 the right thing to do. So I was going to step
6 up whether or not they called me anyway.

7 Q. And that's when you found out what had
8 happened to who?

9 A. Gerard.

10 MR. DURANT: Thank you. Please
11 answer any questions Mr. Carroll may have.

12 MR. CARROLL: Recross, Your
13 Honor?

14 THE COURT: Yes, sir, you may
15 recross.

16 RECCROSS EXAMINATION

17 BY MR. CARROLL:

18 Q. You knew what the story was before you
19 told the lie to Detective Burckhardt, correct?

20 A. Which story?

21 Q. Exactly.

22 A. Which story are you talking about?

23 Q. When you talked to Detective Burckhardt,
24 Gerard Roper's body had already been
25 discovered. Is that correct?

1 A. I can't recall. But -- I can't recall.

2 Q. You don't suggest that Detective
3 Burckhardt was psychic enough to come talk to
4 you beforehand; do you?

5 A. No, no, no. When we first talked, like I
6 said, I was scared. I was nervous. I didn't
7 want to get involved. If I could get by with
8 saying that I had nothing to do with that
9 whole mess, that's how it would have stayed.

10 Q. So absolutely nothing changed about the
11 facts between the statement that's a lie and -
12 --

13 A. Except for I had time to think about it
14 and knew it would have been the right thing to
15 do.

16 Q. Did you have time to talk to somebody
17 else, like Ben Drayton, about it?

18 A. Nope.

19 Q. You didn't talk to Ben Drayton about
20 this?

21 A. We didn't talk. After that incident I
22 never went back to the house except to check
23 on him that day, okay? We never discussed
24 what happened or -- nothing. Like I said, I
25 was nervous. I didn't want to have anything

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1974

1 to do with it. Time started going by and I
2 knew that I had to tell, that it was the right
3 thing and, so, that's what I did.

4 Q. So you didn't talk to anybody whatsoever
5 between the lie and the truth?

6 A. I didn't talk to anybody.

7 Q. Okay. And then that day did you know
8 something about the caliber of the gun that
9 you forgot to tell.

10 A. I don't know -- I'm from the streets, I
11 know a big gun from a small gun. Okay. I
12 know a big gun from a small gun. I know a
13 .32, and it was bigger than a .32.

14 MR. CARROLL: Thank you, sir.

15 THE COURT: Thank you, Mr. Rivers.
16 You may step down.

17 (WITNESS EXCUSED)

18 THE COURT: Let me add also, Mr.
19 Foreman, if any juror wants to take notes --
20 I failed to ask you when you returned.

21 FOREMAN: Yes, sir. I actually
22 asked while we were in the back and the jury
23 decided they didn't want to take notes. I
24 asked.

25 THE COURT: We'll give you a note

1 pad because -- but you have to leave your
2 notes with us at the close of the day.

3 FOREMAN: I understood ---

4 THE COURT: That's no problem.

5 It's not a problem. If you'll give the party
6 a pad. If you'll just inside sign your name
7 to it and we'll take it up at the end of the
8 day and we'll give it back to you when you
9 return.

10 FOREMAN: I also prepared a
11 document with regard to Saturday and 1800
12 leaving.

13 THE COURT: Do you have a document?

14 FOREMAN: It's right here.

15 THE COURT: If we could just have
16 that.

17 FOREMAN: Bring it to you?

18 THE COURT: No, we'll get it. One
19 of the bailiffs will pick it up from you.
20 Thank you so very much. I appreciate it.
21 Excuse me for interrupting, Solicitor. You
22 can call your next witness.

23 Court's Exhibit 9 will be the note
24 from Mr. Partee. And the note says, "At this
25 point the jury would like to work no later

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1976

1 than 6:00 o'clock and would not like to work
2 on Saturdays."

3 (SO ENTERED AS COURT'S EXHIBIT 9)

4 THE COURT: And we will certainly
5 honor that. Thank you very much, sir. And
6 thank you, ladies and gentlemen.

7 (WITNESS TAKES STAND)

8 BENJAMIN DRAYTON, being duly sworn
9 to tell the truth, the whole truth and nothing
10 but the truth, testified, as follows:

11 DIRECT EXAMINATION

12 BY MR. DURANT:

13 Q. Good afternoon, Mr. Drayton. If you
14 would, I'm going to have to ask you to lean
15 forward and talk into that mic so everybody on
16 the jury can hear you. Can you do that for
17 me?

18 A. Yes.

19 Q. Could you tell the jury how old you are?

20 A. Sixty-six.

21 Q. And how far did you go in school?

22 A. Graduated twelfth grade.

23 Q. Where did you go to school?

24 A. Maggett Elementary School.

25 Q. How long have you lived in the Charleston

1 area?

2 A. All my life.

3 Q. Are you married?

4 A. Yes. Separated now.

5 Q. Do you have any children?

6 A. Four.

7 Q. And prior to becoming disabled -- I

8 believe you have diabetes. Is that correct?

9 A. Yes, I have.

10 Q. And you're currently staying in a nursing

11 home?

12 A. Yes.

13 Q. Where did you work before you were

14 disabled?

15 A. Well, I went to construction in the

16 beginning, then I went to Covington's

17 Department Store, and then I did freight

18 delivery for the airlines.

19 Q. What delivery for the airlines?

20 A. Air freight.

21 Q. Could you tell the jury where you were

22 living in March of 2006?

23 A. I was living at [REDACTED] James

24 Island, South Carolina.

25 Q. So this would be, referring to State's

- 1 Exhibit Number 4.
- 2 A. Yes, that's my house.
- 3 Q. That's your house?
- 4 A. Yes.
- 5 Q. And that's on Flint Street where?
- 6 A. James Island.
- 7 Q. And did you know a fellow named Gerard
- 8 Roper?
- 9 A. Yeah.
- 10 Q. And how did you become acquainted with
- 11 Mr. Roper?
- 12 A. He was family, but then my brother-in-
- 13 law's son's frequented my house.
- 14 Q. Who was your brother-in-law's son?
- 15 A. My brother-in-law's son's name is Ervin
- 16 Robinson. But Gerard was a friend to my
- 17 brother-in-law's son. And they'd get
- 18 together. They played video games and stuff
- 19 together.
- 20 Q. So your brother-in-law's son was Ervin
- 21 Robinson. Is that correct?
- 22 A. Yes.
- 23 Q. And he was friends with Gerard?
- 24 A. That's right.
- 25 Q. And they would come to your house to play

1 video games?

2 A. Video games, yes.

3 Q. And he and Ervin were friends?

4 A. Yes.

5 Q. From that, from him -- with Gerard coming
6 over with Ervin, did you get to know Gerard
7 yourself?

8 A. Yes, he's a good man.

9 Q. Did he used to do things for you?

10 A. Yes, he did. As a matter of fact, he was
11 one of the guys that would come over and would
12 bring me drinks, hamburgers or something to
13 eat. They used to play video games and stuff
14 like that. If things would get out of order,
15 then he would demand more respect than they
16 wanted to give. He and I had a good rapport.

17 Q. Because a lot of people used to hang out
18 over at your house?

19 A. Oh, yeah. The cops couldn't keep people
20 away. Nobody could keep people away from
21 there.

22 Q. You were living there by yourself at the
23 time?

24 A. Yes.

25 Q. And were you disabled at the time?

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1980

- 1 A. Yes.
- 2 Q. Now, going back to the morning of March
- 3 7, 2006, could you tell -- this is the date
- 4 that Gerard was abducted.
- 5 A. Okay.
- 6 Q. Who all was over at your house that day?
- 7 A. Well, that morning everyone had
- 8 disappeared so it was just Gerard and Stevo
- 9 and myself.
- 10 Q. And Stevo would be Stevo Rivers?
- 11 A. Yes.
- 12 Q. So it was just the three of you'all?
- 13 A. Yes.
- 14 Q. Could you tell the jury what happened
- 15 that morning or that afternoon?
- 16 A. Gerard has come over, in the wee morning
- 17 hours of the morning. It was like 4:00 to
- 18 6:00, I'm not too sure of the time.
- 19 Q. Sometime in the morning?
- 20 A. Yeah, that morning. And I had asked him
- 21 if he was going to be around in the middle of
- 22 the day, because I needed to go pay a bill.
- 23 But Stevo never wanted to go anywhere once he
- 24 got to the house, he'd just want to sit
- 25 around. So he never wanted to go pay a bill

1 for me. Gerard said that he would but, then,
2 he had to take his car -- take the car back to
3 his mom because his mom had to go to work.
4 And he said he would, but he didn't know what
5 time he would be able to bring the bill back
6 showing that it got paid in case something
7 happened. So I asked him if he would, and he
8 said he wanted to come back over. And I asked
9 him would he pick them up. He went to his
10 mama's to drop the car off and got a ride so I
11 could have the bill back so the electric
12 company wouldn't cut the lights off. The guy
13 comes to cut the electric off in the middle of
14 the day, so he said he had done have dropped
15 the car off and he bring the bill back to me
16 and some lunch.
17 Q. Okay. Did Stevo come back with him?
18 A. Stevo came back with him, yes.
19 Q. And what happened after they got back to
20 the house?
21 A. Well, he gave me my little lunch and I
22 set myself up in the bedroom. Gerard was in
23 the room next to the bedroom, I had it fixed
24 up with a big screen thing on the wall, his
25 was playing games. Stevo was down in the den

1 watching TV or sleeping or something. And
2 then there was a knock on the door. And I
3 could hear -- from the back porch. It's a
4 pretty good echo back in there on the end
5 because the house is in a wooded area, the
6 cul-de-sac, or whatever. It carries the
7 noise. Somebody came knocking. And I yelled
8 'somebody's knocking.'

9 Q. Who did you yell to?

10 A. I yelled at Stevo or Rod in the next
11 room. I just said that somebody was knocking.

12

13 Q. Okay.

14 A. And then I made sure -- Stevo was the one
15 who answered back. I asked him who it was,
16 and I heard him said it was Willie. So Stevo
17 said it was Willie. And Gerard said, "That's
18 my brother. Open the door."

19 Q. Okay.

20 A. And in a few seconds then I heard Gerard
21 go out and the two of them was in the hallway,
22 in the hallway towards the kitchen where the
23 knock came from and I heard yelling. Said,
24 "Where's my f-ing money?"

25 Q. Who did you hear yell that?

1 A. Whoever that was that knocked on the
2 door, the guy named Willie probably.

3 Q. Okay. It wasn't Gerard?

4 A. No, it wasn't Gerard. Then after that
5 Gerard said, "I got your money." I heard
6 footsteps like somebody was coming back toward
7 the bedroom area where he was at. So I don't
8 know which door slammed, it could have been
9 the bathroom door or the foyer door or the
10 bedroom door at that end of the house. Then I
11 heard a gun -- and whether they was coming up
12 this way or going back that way, I don't know.

13 Q. What is this about a gunshot?

14 A. He said, "I got your money, man." And
15 then he ran -- he said, 'don't shoot me', or
16 something like that and then he ran. I only
17 heard footsteps when he ran, and then I heard
18 the gunshot.

19 Q. So you heard gunshots?

20 A. Yes, one -- one shot. And after that I
21 heard a scuffle-like and I could hear them on
22 the back porch, "please don't kill me" and
23 that was all. That's all I could hear, other
24 than, you know, 'cause I was in bed.

25 Q. Okay. So that's the last you heard?

- 1 A. (Affirmative nod).
- 2 Q. And who showed up at your house next?
- 3 A. Well, people would come back in the house
4 and I would yell for them. I would say it was
5 about fifteen minutes or maybe less but Stevo
6 did come back in and I said, "What happened?"
7 And he told me that there was a couple of guys
8 out there in a sort of van-type vehicle or SUV
9 -- something like that. He said there was two
10 guys in there and one on the outside and that
11 the guy that came in the house he took him.
12 He said they took him.
- 13 Q. He said they took Gerard?
- 14 A. Yes. And they put him in the truck and
15 they left.
- 16 Q. What was Stevo's state of mind at the
17 time?
- 18 A. Well, he was kind of nervous. He was
19 kind of nervous. As a matter of fact, I
20 thought that right away he'd left. I didn't
21 know. So I asked him where he was at and he
22 said he was out there in the woods behind the
23 house because he'd ran. Said the guy came in
24 there with a gun and he said he saw the gun
25 and he ran. He ran back of the house and he

1 hid.

2 Q. Okay. And you subsequently talked to
3 Detective Gordon; is that correct?

4 A. Yes.

5 Q. And you told Detective Gordon what had
6 happened?

7 A. I tried to remember everything that was
8 said.

9 Q. And referring back to State's Exhibits
10 Number 12 and 13 ---

11 A. That's the hole in the door.

12 Q. Were there holes in your door before that
13 day?

14 A. I don't remember them being there, no.

15 Q. Okay.

16 A. As a matter of fact -- no, I just don't
17 remember them ever been there, no.

18 MR. DURANT: The Court's indulgence?

19 THE COURT: Certainly.

20 MR. DURANT: Would you please answer
21 any questions defense counsel might have for
22 you?

23 THE COURT: Cross examine.

24 MR. CARROLL: May it please the
25 Court?

1 THE COURT: Yes, sir.

2 CROSS EXAMINATION

3 BY MR. CARROLL:

4 Q. Mr. Drayton, do you know if the police
5 ever recovered a lead projectile from inside
6 your house?

7 A. A what?

8 Q. A piece of lead from the bullet that was
9 fired?

10 A. No, I don't.

11 Q. To your knowledge nothing like that has
12 ever been recovered, correct?

13 A. No bullet, no.

14 Q. Do you remember talking with Stevo about
15 what happened that day?

16 A. Afterwards, (affirmative nod) -- he told
17 me -- the only thing he told me was him being
18 in the woods hiding and the guy came to the
19 door. He said the guy come in the door and he
20 saw the gun, and the guy came up to Gerard,
21 and he ran.

22 Q. Did you and him talk about what he told
23 Detective Burckhardt?

24 A. No.

25 Q. You haven't talked to him about that?

1 A. No, as a matter of fact, Stevo said he
2 heard what happened and to Gerard and he
3 finally heard what happened and the cops had
4 come and interrogated him about what happened
5 and he told them. It had been quite a few
6 days after that and Stevo -- I mentioned it to
7 -- I told Stevo that I had told the cops about
8 it and that he should get in touch with them.
9 I gave him a card to call them. He was kind
10 of like the nervous and shaky type and he
11 didn't much want to get involved, but I gave
12 him one of the cards to call the detective and
13 let him know what happened. I told him, I
14 said, 'you the only eyewitness to whoever the
15 guy was that come in the door.'

16 Q. Okay.

17 A. You know about the shot.

18 Q. Do you know about Stevo meeting with them
19 twice?

20 A. You mean the detectives?

21 Q. Yes.

22 A. No, not twice. I know I told him to meet
23 with the detective. The detective left and
24 then he contacted Stevo, because the detective
25 -- they talked to me twice about Steve, so I

1 Imagine then that Stevo and then discussed it.

2 Q. So you have two conversations with police
3 officers about Stevo?

4 A. Well, his name came up during the time
5 they came to see me. They came and -- they
6 interrogated me first. Then I told them about
7 Stevo. And they talked to me a couple more
8 times about the same thing.

9 Q. Okay.

10 A. Then telling me anything about what Stevo
11 might have said never came up.

12 Q. And Stevo and those guys, when they came
13 over to your house they were drinking and
14 using drugs?

15 A. Stevo and who?

16 Q. Those guys that were hanging out at your
17 house?

18 A. Those guys. This day in particular Stevo
19 and Gerard -- I never saw them take anything,
20 drink anything. Maybe they did, but -- I
21 don't know. I never even seen them drink any
22 beer.

23 Q. So you never saw anybody drinking beer at
24 your house?

25 A. Oh, yeah. That's what people, they use

1 my house for that. It's -- there was people
2 coming through. If anything was happening, it
3 happened at my house.

4 Q. You were the happening spot on James
5 Island; is that right?

6 A. Yeah, it -- it's set back away from
7 everything. You'd think it was to make money
8 or something, like I got a store or something
9 back there.

10 Q. A lot of partying going on?

11 A. Yeah.

12 Q. All right. Now, when you met with
13 Detective Gordon you knew he was investigating
14 Gerard's killing; correct?

15 A. Yeah, I knew he was killed.

16 Q. And you sat down and talked to him and
17 you told him everything you knew?

18 A. Yes, everything I heard, I told him.

19 Q. Do you remember him putting all that down
20 in a statement for you?

21 A. Oh, yeah, he was writing it down as I was
22 telling him.

23 Q. Do you remember reading over that
24 statement after it was done?

25 A. Yes. The first two times I read it over

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1990

1 and then a couple of times -- about four
2 different times they handed me the statement.
3 I could only tell them what I heard from being
4 on the other side of the door.

5 Q. I got'cha. But what I'm asking you right
6 now, though, is the statement that Detective
7 Mike Gordon took from you there at your house,
8 he let you read that over after he was done;
9 right?

10 A. Yes.

11 Q. Everything you knew was on that statement
12 that day?

13 A. Yes.

14 Q. And I may have misheard, but I thought
15 you said something today testifying about
16 Gerard saying "don't kill me" or something
17 along those lines.

18 A. Uh-huh, (affirmative nod). That's what
19 he said, yeah. What one of them said, yeah.

20 Q. I'm going to hand you this statement.

21 MR. CARROLL: I want that marked as
22 Defendant's Exhibit Number 2.

23 COURT REPORTER: Defendant's
24 Exhibit 2 for
25 identification.

1 CROSS EXAMINATION CONTINUED

2 BY MR. CARROLL:

3 Q. I want you to read this statement over.

4 I'd like for you to just read that over and

5 tell me where's the part about "don't shoot

6 me" or "don't kill me?"

7 A. (Reviewing) -- this is kind of blurry. I

8 don't have my reading glasses.

9 Q. Are you not able to read that?

10 A. Not in a hurry.

11 Q. Take your time. We're in no hurry.

12 A. I can't see that good because of the

13 handwriting.

14 Q. You're just having a hard time reading

15 Detective Gordon's handwriting?

16 A. Yes. What do you -- you want me to see

17 if it's here?

18 Yeah. I didn't see it when I read it there in

19 your statement.

20 A. This is the statement that I gave when

21 Gerard said, "please don't shoot me"?

22 Q. Right.

23 A. He said that.

24 Q. I was just asking if you told them

25 everything you knew that day.

1 A. He left that out. But I think I said
2 that to him.

3 Q. You think so?

4 A. Yes, I did. More than once, every time I
5 did.

6 Q. That day were you able to read it clearly
7 or have Detective Gordon read it for you?

8 A. It was four different times that I saw
9 it. And I could pretty well -- I still don't
10 remember verbatim whether or not I said just
11 that exactly. But I did say he said 'don't
12 shoot me' or 'please don't kill me'. Because
13 I heard him once saying 'please don't shoot
14 me' in the house and then 'please don't kill
15 me' just outside at the back part of the
16 house.

17 Q. Now, you agree that the details of this
18 event were a lot fresher in your mind back on
19 March 12th of 2006 at 4:30 in the afternoon;
20 wouldn't you?

21 A. Fresher when, then or now?

22 Q. Then?

23 A. I will repeat what I said then, because I
24 would repeat
25 what I heard then.

1 Q. Okay.

2 A. Because it's not like I didn't know
3 Gerard. I knew his family -- the people in
4 his family. I know him. There was nothing
5 else going on until that disturbance. So
6 everything that happened, I pretty well
7 remember. I don't forget a whole lot, until
8 after the fire and now I forget a whole lot of
9 things that happen -- but not then.

10 Q. What fire are you talking about?

11 A. My house caught on fire.

12 Q. How long ago was that?

13 A. That was what I was trying to tell you
14 about. I told my son the other day I don't
15 remember if it was morning, noon or evening
16 because of the damage I had done to my system,
17 but I believe it was February '08. I think it
18 was '08.

19 Q. Based on what all happened to you in
20 February of '08 -- and I'm sorry to hear about
21 all that -- you've had a hard time remembering
22 a lot of the specifics?

23 A. Yeah but when this happened, not about
24 that.

25 MR. CARROLL: One moment?

1 THE COURT: Yes, sir.

2 CROSS EXAMINATION CONTINUED

3 BY MR. CARROLL:

4 Q. Now, you had some problems with law
5 enforcement back in 2003; didn't you?

6 A. Law enforcement?

7 Q. Yes, sir.

8 A. Oh, yeah. I've had numerous occasions
9 involving with
10 the law.

11 Q. Numerous occasions involving the law?

12 A. Yeah. Well, I own the property, I own
13 the house. People would bring their
14 enjoyment, whatever entertainment that they
15 had, they'd bring it to my house. And all of
16 it was against the law, the drugs, women,
17 booze, drugs, whatever -- drugs, whatever.

18 MR. DURANT: Your Honor, may we
19 approach just a minute?

20 THE COURT: Yes, sir.

21 (BENCH CONFERENCE)

22 MR. CARROLL: Thank you, Mr. Drayton.
23 I appreciate that candor.

24 THE COURT: Redirect, Solicitor?

25 MR. DURANT: I don't believe so.

1 THE COURT: Thank you very much.

2 You may come down, Mr. Drayton.

3 MR. DURANT: Thank you, Mr. Drayton.

4 (WITNESS STEPS DOWN)

5 THE COURT: Ladies and gentlemen,
6 at this point we'll take a recess. Don't
7 begin your deliberations. Don't discuss the
8 case. We'll be with you in about ten or
9 fifteen minutes. Jury, wait just a second
10 until Mr. Drayton is able to get straightened
11 out.

12 (JURY OUT @ 3:45 P.M.)

13 THE COURT: Anything from the State
14 before we recess?

15 MR. DURANT: No.

16 THE COURT: Anything from the
17 defendant?

18 MR. CARROLL: No, Your Honor.

19 THE COURT: We had a bench
20 conference concerning the questions -- it was
21 very, very brief -- concerning questions about
22 his record. As I understand, Mr. Carroll, you
23 elected not to ask him additional questions.

24 MR. CARROLL: That's correct, Your
25 Honor.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1996

1 THE COURT: Very well. And you had
2 nothing that I needed to handle after that?

3 MR. CARROLL: No, sir.

4 THE COURT: Thank you very much.
5 We'll be at- ease then. Let's be back in
6 about ten or fifteen minutes.

7 (BRIEF RECESS)

8 (DEFENDANT PRESENT)

9 THE COURT: Let's bring in our
10 jury.

11 (JURY IN @ 4:10 P.M.)

12 THE BAILIFF: All present, Your
13 Honor.

14 THE COURT: Thank you, ladies and
15 gentlemen. Let me just say, to save you some
16 writing, I appreciate the note. I've told the
17 bailiff that while I've thought about it that
18 this might be a good time to make people
19 practice not smoking. But I figured there's a
20 lot of stress and we'll go ahead. You'll not
21 have to write any more notes. We will take
22 care of that as to the smoking. Thank you
23 all. Thank you very much. We're ready to
24 continue.

25 Solicitor, you may call your next

1 witness.

2 SOLICITOR WILSON: Thank you, Your
3 Honor. The State calls Antonio Nelson.

4 (WITNESS TAKES STAND)

5 ANTONIO M. NELSON, being duly sworn
6 to tell the truth, the whole truth and nothing
7 but the truth, testified, as follows:

8 SOLICITOR WILSON: I have to warn
9 everybody that this platform (on podium) may
10 collapse at some point.

11 THE COURT: I've heard that
12 happened before.

13 DIRECT EXAMINATION

14 BY SOLICITOR WILSON:

15 Q. Antonio, how are you?

16 A. Fine.

17 Q. Okay. Before we get started talking
18 about the reason that you're here, tell the
19 jury a little bit about yourself. How old are
20 you?

21 A. Thirty-three.

22 Q. And how far did you go in school?

23 A. I graduated.

24 Q. From ---

25 A. Burke High School.

- 1 Q. I see you're in a wheelchair. What
2 happened to you?
- 3 A. I got shot in the back.
- 4 Q. I'm going to push this microphone down a
5 little bit. Can your chair slide up any more?
- 6 A. (Adjusts wheelchair).
- 7 Q. I know sometimes you have some spasms in
8 your left leg. Is that right?
- 9 A. Yes.
- 10 Q. Do you need to pull your leg up?
- 11 A. No.
- 12 Q. Would you rather sit back some and pull
13 your leg up?
- 14 A. (Adjusts wheelchair).
- 15 Q. Is that better?
- 16 A. Okay.
- 17 Q. Are you okay?
- 18 A. Yes.
- 19 Q. I can use this (portable) mic if you
20 think that would be better.
- 21 A. I'm fine.
- 22 Q. You think you're okay?
- 23 A. (Affirmative nod).
- 24 Q. You got shot where?
- 25 A. My back.

- 1 Q. What kind of damage was done to you?
- 2 A. Damage to the spine.
- 3 Q. And you're paralyzed from the chest down?
- 4 A. Yes, ma'am.
- 5 Q. You can move your arms pretty good.
- 6 How's that?
- 7 A. It's a miracle.
- 8 Q. Miracle?
- 9 A. Yes.
- 10 Q. I don't want to embarrass you, but if you
- 11 need to go to the bathroom you usually need to
- 12 leave and you need to go pretty quick; right?
- 13 A. Yes.
- 14 Q. Are you all right?
- 15 A. Yes.
- 16 Q. If you need to go, you just let us know
- 17 and we've made arrangements so you can go out
- 18 that (hallway) door, all right?
- 19 A. That's fine.
- 20 Q. You grew up in Charleston. Is that
- 21 right?
- 22 A. Yes.
- 23 Q. What part of Charleston?
- 24 A. Downtown.
- 25 Q. Where downtown?

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

2000

1 A. F. _____

2 Q. Who did you live on Fishburne Street
3 with?

4 A. My family.

5 Q. Do you know what age your parents are?

6 A. My father is 69 and my mother -- she
7 never tells you.

8 Q. Do you know the defendant, William
9 Dickerson?

10 A. Yes.

11 Q. How long have you known William?

12 A. Ten years.

13 Q. Does he have a nickname?

14 A. Willie D.

15 Q. Do you call him 'Willie D' or 'Will' or
16 what?

17 A. Willie D.

18 Q. This guy that you know as Willie D, do
19 you see him here today?

20 A. Yes.

21 Q. Where is he?

22 A. Right there, (indicating defense table).

23 Q. What's he have on?

24 A. A white shirt with black.

25 SOLICITOR WILSON: Your Honor, please

1 let the record reflect that he's identified
2 the defendant.

3 THE COURT: It will so reflect.

4 DIRECT EXAMINATION CONTINUED

5 BY SOLICITOR WILSON:

6 Q. Did you and Willie D used to play at
7 Mitchell Park?

8 A. Yes.

9 Q. Was he a friend of yours?

10 A. Yes.

11 Q. How about Gerard Roper? Did you know
12 Gerard?

13 A. Yes.

14 Q. How did you know Gerard?

15 A. Through Willie.

16 Q. Do you know what their relationship was?

17 A. Best friends.

18 Q. Was that the only way you knew Gerard?

19 A. Yes, ma'am.

20 Q. Let's go to say six months or so before
21 March of 2006, before Gerard Roper was killed;
22 okay -- that time frame, all right? Are you
23 with me?

24 A. Uh-huh, (affirmative nod).

25 Q. During that time period did you see

1 Willie D very
2 much?
3 A. Yes.
4 Q. How often did you see him?
5 A. About every day.
6 Q. And how was it that you would come to see
7 him?
8 A. Huh?
9 Q. How would you get to see him?
10 A. He would stop by after work or before.
11 Q. Do you know where he was working?
12 A. Some -- he said somewhere downtown.
13 Q. Do you know where downtown?
14 A. No, I don't.
15 Q. Where was he living?
16 A. At that time with his mother.
17 Q. So that was about six months or so before
18 all this happened?
19 A. Yes.
20 Q. He lived with his mom?
21 A. Uh-huh, (affirmative nod).
22 Q. Where did she live?
23 A. By the park, that's all that I can say.
24 Q. By Mitchell Park?
25 A. Yes.

- 1 Q. And at some point before all this
2 happened did he move out of his mama's house?
3 A. Yes.
4 Q. Where did he move?
5 A. With his cousin.
6 Q. Do you know which cousin that was?
7 A. Kristie.
8 Q. A cousin named Kristie?
9 A. Yes.
10 Q. It's a girl?
11 A. Yes.
12 Q. And how about after that? Did he move in
13 with somebody else?
14 A. His girlfriend.
15 Q. Who was his girlfriend?
16 A. Shelley.
17 Q. Do you know Shelley?
18 A. Not personally.
19 Q. Had you ever met her?
20 A. Yes.
21 Q. Did you meet her through Willie?
22 A. Yes.
23 Q. Let me ask you this, growing up did you
24 know the defendant's little brother?
25 A. Yes.

- 1 Q. And what was his name, or is his name?
- 2 A. Bubba.
- 3 Q. Everybody calls him Bubba?
- 4 A. Yes.
- 5 Q. Was he a good bit younger than you and
- 6 Will?
- 7 A. Yes.
- 8 Q. How did he compare in size with Will?
- 9 A. Like a little brother.
- 10 Q. Do you have any idea about what height
- 11 and weight he is?
- 12 A. No.
- 13 Q. Smaller than Will?
- 14 A. Yes.
- 15 Q. And do you know what kind of relationship
- 16 Will had with Bubba?
- 17 A. Like a little brother. It was his
- 18 brother.
- 19 Q. When he was growing up did Will want
- 20 Bubba to hang out with you'all?
- 21 A. Oh, no.
- 22 Q. He didn't?
- 23 A. No.
- 24 Q. Because he was like a little brother?
- 25 A. Yes.

1 Q. Let's go then to March of 2006. That
2 Tuesday was March 7th, the day that you gave
3 Will a ride. Do you remember that day?

4 A. Yes.

5 Q. Tell us what happened when you woke up
6 that morning. What woke you up?

7 A. A knock at the back door. It was early
8 in the morning.

9 Q. What's early to you?

10 A. Huh?

11 Q. What is early to you?

12 A. Any time before 12 o'clock.

13 Q. Because you've got to get up for the
14 *Young and the Restless* at 12:30?

15 A. That's right.

16 Q. So sometime before noon?

17 A. (Affirmative nod).

18 Q. Do you have any idea what time it was
19 when you heard the knock at the door?

20 A. No, real early. Hours before I was
21 supposed to get up.

22 Q. Several hours?

23 A. Yes.

24 Q. Is your bedroom on the bottom floor of
25 your house?

- 1 A. Yes.
- 2 Q. How about your mom and daddy? Where is
3 their room?
- 4 A. Upstairs.
- 5 Q. Do you know if they were awake?
- 6 A. No.
- 7 Q. Who answered the door?
- 8 A. Me.
- 9 Q. Were you dressed?
- 10 A. No, I was still in my boxers.
- 11 Q. Do you go to the back door and who's
12 there?
- 13 A. Will.
- 14 Q. What's going on with Will?
- 15 A. He just -- he wanted a ride to go pick up
16 his car, he said.
- 17 Q. Do you have a car?
- 18 A. Yes.
- 19 Q. What kind of car do you have?
- 20 A. Chevy Suburban.
- 21 Q. Were you working at the time?
- 22 A. No.
- 23 Q. How did you have a Chevy Suburban if you
24 weren't working?
- 25 A. My father gave me some money from his

1 settlement.
2 Q. What kind of settlement?
3 A. He'd injured his hand at work and they
4 gave him a settlement.
5 Q. So you were able to buy a car with that?
6 A. Yes.
7 Q. Do you also get some sort of disability?
8 A. Yes.
9 Q. Are you able to drive?
10 A. No.
11 Q. Why not?
12 A. I get spasms in my foot, for safety.
13 Q. So you go to the door and Will's there
14 and he wants a ride.
15 A. Uh-huh, (affirmative nod).
16 Q. Does he have anything with him?
17 A. He had a little dog, a little puppy.
18 Q. Do you know what kind it was?
19 A. A red-nosed Pit.
20 Q. Red-nosed Pit?
21 A. Uh-huh, (affirmative nod).
22 Q. Were you able to give him a ride?
23 A. Blue-nosed Pit.
24 Q. Blue nosed?
25 A. (Affirmative nod).

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

2008

- 1 Q. Okay. Were you able to give him a ride?
- 2 A. No.
- 3 Q. Why not?
- 4 A. I didn't have a driver.
- 5 Q. Did you have somebody who normally would
- 6 take you places if you needed them to?
- 7 A. Yes.
- 8 Q. Who was that?
- 9 A. Devon.
- 10 Q. Devon? Does Devon have a nickname?
- 11 A. "Dutch."
- 12 Q. Dutch?
- 13 A. Uh-huh, (affirmative nod).
- 14 Q. Dutch wasn't over there at that point;
- 15 right?
- 16 A. No.
- 17 Q. What was your normal schedule with Dutch,
- 18 as far as if you'all going to run errands or
- 19 do something like that?
- 20 A. It had to be after 1:30.
- 21 Q. Because?
- 22 A. *The Young and the Restless*.
- 23 Q. Does Devon watch *The Young and the*
- 24 *Restless*?
- 25 A. Yeah.

1 Q. Would you'all watch it together?

2 A. No.

3 Q. How do you know he was watching it?

4 A. Because after it was over we'd talk about
5 it.

6 Q. So normally he'd come over after that?

7 A. Right.

8 Q. Did Devon need to be at work at any time?

9 A. He goes to work right after -- he comes
10 over and, you know, we get high and then he go
11 to work.

12 Q. Where did he work?

13 A. Fulton Five at the time.

14 Q. He wasn't driving a cab or anything like
15 that?

16 A. No.

17 Q. Well, that's good. On this day you said
18 Will -- that Dutch hadn't come over yet
19 because it was still early, right?

20 A. Yes.

21 Q. You weren't dressed. Did you invite Will
22 in at that point?

23 A. No, because I didn't have on my clothes.

24 Q. What did you tell him to do?

25 A. Huh?

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

2010

- 1 Q. What did you tell Will to do?
- 2 A. Wait outside while I get dressed.
- 3 Q. And did you do that?
- 4 A. Yes.
- 5 Q. Did he hang out with you the rest of the
- 6 morning?
- 7 A. No, because he still a ride to go get his
- 8 car.
- 9 Q. To pick his car up?
- 10 A. (Affirmative nod).
- 11 Q. Do you know if he left your house?
- 12 A. Yes.
- 13 Q. Do you know how he left?
- 14 A. He said Britt's girlfriend came and got
- 15 him.
- 16 Q. Did you see that happen?
- 17 A. No.
- 18 Q. So he leaves your house?
- 19 A. Yes.
- 20 Q. Did you start getting ready for your day,
- 21 take a shower and all that?
- 22 A. Yes.
- 23 Q. At some point later that morning, still
- 24 before 12:00 or so, does Will come back?
- 25 A. Yes.

1 Q. And what does he want this time?
2 A. Still wanted a ride.
3 Q. And did he want anything else from you?
4 A. A firearm.
5 Q. A what?
6 A. A firearm.
7 Q. For what?
8 A. He said -- he was paranoid, said somebody
9 was trying to get him.
10 Q. Somebody was what?
11 A. Trying to get him.
12 Q. Did he tell you who?
13 A. No.
14 Q. Did you have a gun?
15 A. Yes.
16 Q. So what did you do?
17 A. I gave it to him.
18 Q. You just gave him your gun?
19 A. Yeah.
20 Q. Did he stay hanging out with you there
21 after that?
22 A. For -- yeah.
23 Q. Where did you'all hang out?
24 A. Well, he was in the yard and I put on
25 some clothes and when I got my clothes on, I

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

2012

- 1 opened the door and let him in.
- 2 Q. Tell the jury how Will was acting when
3 you let him in at that point?
- 4 A. He was like paranoid. He was like
5 shaken up because he thought someone was
6 still trying to get him.
- 7 Q. And was he on the phone at all?
- 8 A. Yes.
- 9 Q. Do you know who he was calling?
- 10 A. At the time I didn't know who he was
11 calling, but I could tell it was Shelley, they
12 was arguing.
- 13 Q. How do you know they were arguing?
- 14 A. It started getting louder.
- 15 Q. Tell the jury about that. What was he
16 doing?
- 17 A. He was like pacing around and they was
18 fussing about something. He kicked a hole in
19 the door and I told him that he had to go
20 because my mama and daddy was still upstairs
21 and I didn't want them to come downstairs to
22 see what was going on.
- 23 Q. Did it mess up the door?
- 24 A. Yes, he put a hole in it.
- 25 Q. Did that make you happy?

1 A. No, because I had to pay for that.
2 Q. Did your daddy make you pay for that?
3 A. Yeah.
4 Q. Now, you mentioned that he -- that you
5 overheard him talking to Shelley, his
6 girlfriend?
7 A. Uh-huh, (affirmative nod).
8 Q. Do you know that if in the week before if
9 he and Shelley had been getting along?
10 A. No.
11 Q. You don't know or they weren't?
12 A. I couldn't tell you.
13 Q. Did he ever talk with you about a video?
14 A. Yes.
15 Q. Tell the jury what he showed you and what
16 he told you about it.
17 A. It was a video -- it appeared -- well, he
18 wanted me to see that there was a male's penis
19 or something on this video.
20 Q. Where was this video?
21 A. It was on his phone.
22 Q. On his cell phone?
23 A. Yes.
24 Q. And this was a few weeks before this
25 date; right?

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

2014

- 1 A. Yes.
- 2 Q. Did you look at the cell phone?
- 3 A. Yes.
- 4 Q. Did you see anything?
- 5 A. No. I just agreed with him. He kept
- 6 reiterating, saying 'Did you see it? Did you
- 7 see it? Did you see it?'
- 8 Q. How's he acting when he's showing you the
- 9 video? Demonstrate how he was acting.
- 10 A. "Look, look, look at the damn fool. You
- 11 can't see this? Look, come on. Come on,
- 12 look. You don't see this? Come on, come on.
- 13 You got to see this, man. See what's on this,
- 14 see what's they doing?" I'm like, yeah,
- 15 alright, I see it.
- 16 Q. What did he say he was talking about?
- 17 A. It was two parts to the video.
- 18 Q. Okay.
- 19 A. One part it was saying -- keep calling
- 20 his name and that part, I didn't hear nothing
- 21 but he said that the kid was trying to wake
- 22 him up to tell him that someone was in the
- 23 house.
- 24 Q. Someone was in the house to rob him, or
- 25 someone was in the house for Shelley?

1 A. For Shelley.
2 Q. That was one part of the video?
3 A. Yeah.
4 Q. Did you see anything that looked like
5 that to you?
6 A. No.
7 Q. And you said there was another part to
8 the video. What was the other part?
9 A. That was the part like he was trying to
10 say that was a penis, but ---
11 Q. Why did he want you to see some guy's
12 penis?
13 A. He said Shelley was cheating him.
14 Q. Was he trying to figure out who it was?
15 A. Yeah.
16 Q. Did he accuse anybody or tell you who he
17 thought it was?
18 A. Yeah.
19 Q. Who'all did he say he thought it was?
20 A. Puddin.
21 Q. Who?
22 A. Puddin.
23 Q. Did he tell you anybody else he thought
24 it was?
25 A. That's the main suspect.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

2016

- 1 Q. All right. And this was all a few weeks
- 2 before; right?
- 3 A. Yes.
- 4 Q. And on that morning, let's go back to
- 5 that Tuesday morning, March the 7th. Will and
- 6 Shelley, he is on the phone with her and they
- 7 were arguing. Did you hear him talk about the
- 8 video at that point?
- 9 A. No.
- 10 Q. How long did you and Will stay at your
- 11 house?
- 12 A. Stayed there so long until Devon came to
- 13 stay with me.
- 14 Q. After 1:30?
- 15 A. Yeah.
- 16 Q. Now, was Devon - this is Dutch; right?
- 17 A. Yes.
- 18 Q. Was he friends with Will?
- 19 A. No.
- 20 Q. You were friends with Will?
- 21 A. Yes.
- 22 Q. Who got Devon to give you'all a ride?
- 23 A. Me.
- 24 Q. And where were you'all headed?
- 25 A. James Island, to his brother's house.

1 Q. And at this point does Will have your
2 gun?

3 A. When he came back from the hotel, it
4 didn't appear that he had the gun on him. If
5 you have carry a .357, it's a heavy gun so
6 you've got to either have it on your belt or
7 be pulling it up a lot because it's heavy.

8 Q. So I'm a little bit confused. That
9 morning Will came to your house two times?

10 A. Yes.

11 Q. Did you give him the gun the first time
12 or the second time?

13 A. The first time.

14 Q. The first time when he left he said with
15 Britt's girlfriend.

16 A. Yes.

17 Q. That's when you gave him the gun?

18 A. Yes.

19 Q. When he came back did you notice whether
20 or not he had the gun?

21 A. No.

22 Q. You're saying you didn't think he did
23 because his pants weren't falling. Is that
24 right?

25 A. Yeah.

1 Q. Okay. So you'all decided to go give Will
2 a ride over to James Island to his brother's
3 house, to Bubba's house; right?

4 A. Uh-huh, (affirmative nod).

5 Q. Tell the jury where everybody was sitting
6 when you'all leave your house on Fishburne.

7 A. I'm in the front seat. Will is in the
8 back seat behind the driver; the dog, she was
9 right behind me; -- well, Devon was like
10 sitting in the middle.

11 Q. And Dutch was driving?

12 A. Yes.

13 Q. At this point did you'all leave anything
14 at your house that you didn't want to take
15 with you?

16 A. Yeah, coke.

17 Q. Whose coke?

18 A. Will's.

19 Q. And we aren't talking about Coca-Cola?

20 A. No.

21 Q. Powder or crack?

22 A. Powder.

23 Q. It was Will's?

24 A. Yes.

25 Q. And why couldn't you ride with the

1 cocaine?

2 A. I don't drive with drugs unless I'm
3 smoking it.

4 Q. Why not?

5 A. You can't get caught for something you're
6 smoking. You can throw that out but ---

7 Q. You might want to rethink that.

8 THE COURT: Yeah.

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR WILSON:

11 Q. So did you'all have anything you were
12 smoking?

13 A. Huh?

14 Q. Did you have anything that you were
15 smoking?

16 A. Yeah.

17 Q. What were you smoking?

18 A. Boonk.

19 Q. Tell the jury what boonk is.

20 A. That's weed and coke.

21 Q. Who was smoking boonk?

22 A. Me and Devon, me and Dutch.

23 Q. How about Will?

24 A. No, he wasn't smoking. He didn't like
25 how big the hole in the front end was. He

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

2020

- 1 said that the hole was too big for him.
- 2 Q. You'll have to explain that to the jury.
- 3 A. Me and Devon smoke it but he said the
- 4 hole was too big for him.
- 5 Q. So you'all take like a cigar and hollow
- 6 it out?
- 7 A. Yes.
- 8 Q. And you put marijuana and cocaine in
- 9 that?
- 10 A. (Affirmative nod).
- 11 Q. Is that right?
- 12 A. Yes.
- 13 Q. And that's the boonk?
- 14 A. Yes.
- 15 Q. And Will didn't like how big the hole in
- 16 the smoking end was?
- 17 A. Right.
- 18 Q. So he wasn't smoking?
- 19 A. No.
- 20 Q. What was he doing as you'all were riding
- 21 along?
- 22 A. Talking on the phone.
- 23 Q. Who was he talking to?
- 24 A. Well, I think it was Shelley.
- 25 Q. How was that conversation going?

1 A. The closer we got to James Island, it was
2 kind of pleasant.

3 Q. In what way?

4 A. He sounds like he was just having kind of
5 a calm day.

6 Q. Did he try to call anybody else?

7 A. Yeah.

8 Q. Who?

9 A. Gerard.

10 Q. Was he able to get Gerard?

11 A. No.

12 Q. Did that frustrate him?

13 A. Huh?

14 Q. Was that frustrating him?

15 A. No, he didn't show if it was frustrating
16 him.

17 Q. How many times did he try to call Gerard?

18 A. I don't know.

19 Q. Did you'all go ahead and go over to
20 Bubba's house?

21 A. No, at first when we was on our way, he
22 was on the phone trying to call and all, he
23 was like, 'I got to pick up some money.' I
24 was like -- Dutch had to go to work and 'you
25 gonna be late.'

1 Q. Who had to go to work?

2 A. Devon.

3 Q. You were worried about Devon getting to
4 Fulton Five on time?

5 A. Yes, ma'am.

6 Q. So what did you'all do?

7 A. He was like, "It's on the way. It's not
8 out of the way." So I asked Devon was he
9 going to be late and he said 'I got it', that
10 he could cover that. So we took him.

11 Q. Do you know where you went?

12 A. Huh?

13 Q. Do you know where you went?

14 A. He told him to get off at that exit.

15 Q. Had you ever been there before?

16 A. No.

17 Q. When you got there did you see anybody?

18 A. No.

19 Q. Explain to the jury what happened when
20 you got there.

21 A. When we got to the house Devon got out
22 and knocked on the door. And he came back and
23 said no one was there.

24 Q. Why did Devon get out and knock on the
25 door when he doesn't know where you're going

1 or what you're doing?

2 A. Because he had the dog.

3 Q. Who had the dog?

4 A. Will.

5 Q. So Devon gets out and goes to the door?

6 A. Yes.

7 Q. Anybody come out?

8 A. No.

9 Q. What happens next?

10 A. Devon came back and said no one was

11 there. Will said, "I know he's there. He's

12 always in that fucking house." So Will got

13 out and knocked on the door. We turned the

14 car around.

15 Q. Why did you turn the car around?

16 A. So we could -- the way we came in, you

17 can't go out that way, you've got to turn your

18 car around to come back out. So as we turned

19 the car around, we heard something.

20 Q. What did you hear?

21 A. It was a gunshot.

22 Q. Did you know it was a gunshot?

23 A. Not at that time.

24 Q. You didn't know it was a gunshot?

25 A. No, not at that time.

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

2024

- 1 Q. What did you think it was?
- 2 A. It sounded like a gun, but I couldn't be
3 sure. As I said, I didn't think he still had
4 the gun on him.
- 5 Q. When you'all heard this noise what did
6 you and Dutch do?
- 7 A. I looked at him, like, 'did you hear
8 that?'
- 9 He was like, 'Hear what?'
- 10 I was like, 'I want to be sure.
11 When they came out of the house ---
- 12 Q. Who came out of the house?
- 13 A. Gerard and Will.
- 14 Q. What did you see?
- 15 A. Gerard was walking in front and Will was
16 behind him. They came and once they got
17 inside the car that's when I knowed that it
18 been a gunshot because of what Gerard said.
- 19 Q. What did Gerard say?
- 20 A. Gerard said, 'because you had the gun.'
21 Let me backtrack.
- 22 Q. Okay.
- 23 A. When he came to the car he was, like,
24 "Damn, you didn't have to have wake me up."
25 Will was, like, "Well, why did you run?"

1 Gerard said, "Because you've got the
2 gun."

3 That's when I knowed it had to be a
4 gunshot.

5 Q. Did you see the gun at that point?

6 A. No, he never showed the gun.

7 Q. So Gerard said, 'You didn't have to wake
8 me up?'

9 A. Uh-huh.

10 Q. Then Will, said 'Why did you run?'

11 A. Uh-huh.

12 Q. And Gerard said -- what?

13 A. Because Will had a gun.

14 Q. What else did Gerard say?

15 A. As we were pulling off Gerard said,
16 "Damn, you see what he did to me?" Like he
17 had a gash in his forehead.

18 Q. Was it bleeding?

19 A. Yes.

20 Q. How did Gerard seem at that point?

21 A. He was like -- he started explaining 'you
22 wouldn't have had to hit me.'

23 Q. What was he telling him?

24 A. Like, 'You didn't have to hit me because
25 I've got your money.'

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

2026

- 1 Q. He told Will he had his money?
- 2 A. Yeah.
- 3 Q. How did Will respond to that?
- 4 A. Huh?
- 5 Q. How did Will respond to that?
- 6 A. Well, he asked him why he didn't answer
- 7 the phone when he was calling him and he was
- 8 like, 'my phone is dead.'
- 9 Q. How did Will respond to that?
- 10 A. After that, he was like 'I don't want to
- 11 hear anything that you have to say.'
- 12 Q. Where were you'all heading at this point?
- 13 A. We were on Folly Road.
- 14 Q. Now, Antonio, you're now at the point --
- 15 you're in your
- 16 car.
- 17 Q. You've given William Dickerson a gun.
- 18 A. Yes.
- 19 Q. Gerard has a gash in his head?
- 20 A. Yes.
- 21 Q. And you're still riding him around?
- 22 A. Not -- not on my own-like. We was scared
- 23 at that point because we knowed he had that
- 24 gun on him.
- 25 Q. Where did you'all go next?

1 A. We were on our way down Folly Road to
2 take him to his brother's house and that's
3 when we saw the firemen?

4 Q. What kind of firemen did you see?

5 A. The ones, you know, they was collecting
6 money.

7 Q. In a boot?

8 A. Yeah.

9 Q. What did that have to do with anything?

10 A. We were at a stoplight and they came to
11 the car and that's when he asked me, 'could
12 you take me downtown' and I was, like, 'no,
13 you're going to your brother's.'

14 Q. Will asked you while you were with the
15 fireman, 'Can you take me downtown?'

16 A. Yes.

17 Q. And you said what?

18 A. No, 'you're going to your brother's.'

19 Q. Why did you tell him that?

20 A. Huh?

21 Q. Why wouldn't you bring him back downtown?

22 A. Because I knew that he wasn't going to
23 stay downtown. He was like, 'Well, you just
24 take me to my brother's house
25 then.'

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

2028

1 Q. I still don't understand what the firemen
2 had to do with that. Is that just how you
3 remember?

4 A. Yeah. And ---

5 Q. And what?

6 A. That's when I got a little hot, I wasn't
7 scared right then because the fireman was
8 right there.

9 Q. You felt strong enough to tell him 'no,
10 I'm not taking you downtown' when the firemen
11 were right there?

12 A. Uh-huh, (affirmative nod).

13 Q. Where did you'all go then?

14 A. Took him to straight to Bubba's house.

15 Q. Had you ever been to Bubba's house
16 before?

17 A. Yeah.

18 Q. Was that house or the apartments on
19 Fleming Street?

20 A. Yes.

21 Q. Where did you'all pull in?

22 A. Pulled to the back of Bubba's house --
23 (moving around).

24 Q. Do you need a break? Are you all right?

25 A. No, I'm good.