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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

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 6 OF 22

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1 Q. Took him to the back. And what happened
2 when you'all got there?

3 A. We honked the horn and Bubba came outside
4 and they got out and went inside.

5 Q. Did Bubba know you were coming?

6 A. No. He looked out the window and he saw
7 the truck, so he came outside. Gerard had got
8 out, Will had got out and was then him and
9 Gerard went inside the house.

10 Q. So how were they sitting in the back
11 seat? Who was in the middle?

12 A. Gerard.

13 Q. And where was the dog?

14 A. The dog was on the floor under Will's
15 feet.

16 Q. And Will was on the ---

17 A. Will was on the end.

18 Q. There was wheelchair, Gerard, Will?

19 A. Yes.

20 Q. And you said Will got out first?

21 A. Yeah.

22 Q. Did you see the gun at that point?

23 A. No. When he pulled into Will's (sic)
24 house he kind of like grabbed Gerard and was
25 like, 'Come on.' And Gerard was, like, 'You

- 1 don't got to grab me, I know how to walk.'
- 2 Q. Where did they go?
- 3 A. They go inside the house.
- 4 Q. What happened to the dog?
- 5 A. Bubba came and got the dog.
- 6 Q. Bubba got the dog?
- 7 A. Yes.
- 8 Q. Did you see anybody else there?
- 9 A. No, I didn't.
- 10 Q. What did you do after that?
- 11 A. We drove -- we went back home.
- 12 Q. Who?
- 13 A. Me and Devon.
- 14 Q. How did that conversation go on the way
- 15 home?
- 16 A. Devon said, "I ain't gonna do no more
- 17 fucking favors for you no more."
- 18 Q. Did you understand that?
- 19 A. Yes, I understood it perfectly well.
- 20 Q. So he took you home?
- 21 A. Yeah.
- 22 Q. And did Devon go to work?
- 23 A. Yes.
- 24 Q. And you'all hung out then?
- 25 A. Huh?

1 Q. You hung out the rest of the day?

2 A. Yes.

3 Q. Did you smoke you some boonk after that?

4 A. Yes.

5 Q. Did you see Will anymore that day?

6 A. No.

7 Q. Did you see Bubba anymore that day?

8 A. Yes.

9 Q. Where did you see Bubba?

10 A. Bubba came to my house.

11 Q. Why did he come to your house?

12 A. To get the car.

13 Q. Explain to the jury what's happened in

14 the meantime as far as the car goes. Whose

15 car?

16 A. Willie D's car.

17 Q. His car was at your house?

18 A. Yes.

19 Q. How did that happen?

20 A. When we were leaving for Bubba's house my

21 father called me and told me that the boy had

22 dropped the car off and the keys was over the

23 stove.

24 Q. So you got Will, taking him over to

25 Bubba's, and your dad calls and tells you

- 1 Will's car has been dropped off?
- 2 A. Yes.
- 3 Q. At your house?
- 4 A. Uh-huh, (affirmative nod).
- 5 Q. So you've now dropped Will off at
- 6 Bubba's, and you get home and his car is at
- 7 your house?
- 8 A. Yes.
- 9 Q. And later on that afternoon who comes to
- 10 get it?
- 11 A. Bubba and called me and asked me if I had
- 12 some weed. I said, 'Yeah, I'll get you some
- 13 weed.' And when he came down, he got Willie
- 14 D's car and he got the coke that Will had
- 15 left.
- 16 Q. And what else?
- 17 A. The coke and the weed.
- 18 Q. Did you sell him the weed?
- 19 A. Huh?
- 20 Q. Did you sell him the weed?
- 21 A. Yeah.
- 22 Q. But the coke wasn't yours to sell.
- 23 A. No, it was Will's coke, so Bubba came for
- 24 that.
- 25 Q. What else did Bubba take?

- 1 A. The car.
- 2 Q. They left? He left? Was he by himself?
- 3 A. Yeah, he was by himself.
- 4 Q. Did you see how he got there?
- 5 A. He came by cab.
- 6 Q. Did you see the cab?
- 7 A. (Negative gesture), I was in the house.
- 8 Q. All right. After that, did you see Bubba
- 9 again?
- 10 A. No.
- 11 Q. Did you see Will again?
- 12 A. No.
- 13 Q. Did you talk to Will any more?
- 14 A. Yeah.
- 15 Q. When was the next time you talked to him?
- 16 A. The next morning.
- 17 Q. Tell me about that.
- 18 A. He called me and told me that he wanted
- 19 some weed and he's send his cousin after it.
- 20 Q. Who was his cousin?
- 21 A. Soap.
- 22 Q. Do you know what his real name was?
- 23 A. Damien.
- 24 Q. Damien?
- 25 A. Yeah.

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1 Q. Will wanted you to call Damien?

2 A. No. Damien called me.

3 Q. Okay. So that you could tell Damien
4 what?

5 A. Who he felt was after him.

6 Q. Did you know who was after him?

7 A. No.

8 Q. Did you think anybody was after him?

9 A. No.

10 Q. So what were you going to tell him?

11 A. He just wanted me to tell Damien the
12 people who he thought -- he had already told
13 names to me and he wanted me to tell the same
14 thing.

15 Q. What names were those?

16 A. He said Sugar Bear, Puta, Baby Dean, --
17 but I didn't say five more names, so he got
18 mad at you.

19 Q. Will got mad at you because you didn't
20 name somebody?

21 A. Yeah.

22 Q. Why didn't you name that person?

23 A. Because I didn't really know -- I didn't
24 remember him saying that person's name.

25 Q. Did you know whether or not these people

1 were after Will?

2 A. No, because they were his friends.

3 Q. What?

4 A. They were his friends.

5 Q. All those people that he wanted you to

6 name were his friends?

7 A. Yes.

8 Q. Did he name Gerard?

9 A. No.

10 Q. Did you ask him what happened with him

11 and Gerard since you had dropped him off the

12 night before?

13 A. No. I asked Bubba and Bubba said

14 everything was all right.

15 Q. This is when Bubba came to get the car?

16 A. Yes.

17 Q. You said, "What's up with Gerard?"

18 A. Yes. He said, "Everything's good.

19 Everything's good."

20 Q. So the next morning when you talked to

21 Will on the phone, did you ask him about

22 Gerard?

23 A. No.

24 Q. Why not?

25 A. Because he didn't -- he didn't give me a

1 chance. He cussed me out and told me that he
2 wasn't going to fuck me anymore. That was
3 that.

4 Q. Did that make sense to you?

5 A. Didn't make any sense to me.

6 Q. All right. Do you know a guy named
7 Steven Archie?

8 A. Yes.

9 Q. Rock.

10 A. Yes.

11 Q. Rock?

12 A. (Affirmative nod).

13 Q. Does he go by "Rock?"

14 A. Yes.

15 Q. Did you also hear from Rock that day, on
16 the 8th?

17 A. Yes.

18 Q. Did he come by your house?

19 A. Yes.

20 Q. What was he looking for?

21 A. Will.

22 Q. Who else?

23 A. I didn't see who else, they stayed
24 outside.

25 Q. They were looking for Will?

- 1 A. Yes.
- 2 Q. And were they looking for Gerard?
- 3 A. Yes.
- 4 Q. Did they look happy?
- 5 A. No.
- 6 Q. Did you think that had anything to do
- 7 with what you had seen the day before?
- 8 A. Yes.
- 9 Q. Why?
- 10 A. Because Rock said 'Will called on the
- 11 phone...' ---
- 12 MR. CARROLL: Objection, Your Honor.
- 13 THE COURT: Sustained.
- 14 DIRECT EXAMINATION CONTINUED
- 15 BY SOLICITOR WILSON:
- 16 Q. This is when Rock is at your house?
- 17 A. Yes.
- 18 Q. Do you hear anymore from Will the rest of
- 19 the day, on that Wednesday, the 8th?
- 20 A. Yes.
- 21 Q. What did he want the next time?
- 22 A. He called and wanted to come downtown.
- 23 Q. Was that on Wednesday or Thursday?
- 24 A. Thursday.
- 25 Q. The next day, Thursday, he wanted to come

- 1 downtown?
- 2 A. Yeah.
- 3 Q. Why did he need to call you about that?
- 4 A. I don't know.
- 5 Q. Did he want to come to your house?
- 6 A. Yeah.
- 7 Q. Did you want him to come to your house?
- 8 A. Hell, no.
- 9 Q. Why not?
- 10 A. Huh?
- 11 Q. Why not?
- 12 A. Because I saw the News.
- 13 Q. What?
- 14 A. I saw the News.
- 15 Q. The News?
- 16 A. Yes.
- 17 Q. What was on the News?
- 18 A. Hummm, -- some gruesome things.
- 19 Q. About Gerard?
- 20 A. Yes.
- 21 Q. Were you afraid of Will at that point?
- 22 A. Yes.
- 23 Q. What did you do?
- 24 A. Oh, I got my other gun.
- 25 Q. You had another one?

- 1 A. Yeah.
- 2 Q. And?
- 3 A. And I was going to use it, I was going to
4 protect myself.
- 5 Q. How did Will react when you told him not
6 to come to your house on that Thursday?
- 7 A. He tried to apologize for how he was
8 flipping out the other day.
- 9 Q. When he fussed at you?
- 10 A. Yes.
- 11 Q. Did you ask him what happened with
12 Gerard?
- 13 A. No.
- 14 Q. All right. You see Will. You know that
15 he shot at Gerard. He's hit him in the head.
16 You see on the news that Gerard's been killed,
17 and you don't even ask Will what happened?
- 18 A. No.
- 19 Q. Why not?
- 20 A. I didn't want to talk to him.
- 21 Q. And when was it that you called the
22 police?
- 23 A. Never.
- 24 Q. You never called the police?
- 25 A. No.

- 1 Q. Why not?
- 2 A. Because I was scared.
- 3 Q. Scared of what?
- 4 A. Because I gave these guys, gave them a
- 5 ride. Scared of being involved and didn't
- 6 want to go to jail.
- 7 Q. Were you scared of Will?
- 8 A. Oh, yes.
- 9 Q. Were you scared of the cops and scared of
- 10 Will?
- 11 A. Uh-huh, (affirmative nod).
- 12 Q. When was it that you finally talked to
- 13 law enforcement?
- 14 A. When they knocked on my door.
- 15 Q. When my investigators came to see you?
- 16 A. Yes.
- 17 Q. And did you tell them about you'd given
- 18 him a ride and all that?
- 19 A. Yes.
- 20 Q. Did you tell them about dropping Gerard
- 21 and Will off at Bubba's?
- 22 A. Yes.
- 23 Q. You told them about giving him the gun?
- 24 A. Not at first.
- 25 Q. Why not?

1 A. Because I didn't want to be caught up in
2 the middle of it.

3 Q. Eventually did you admit it?

4 A. Oh, yeah.

5 Q. You admitted giving him the gun?

6 A. Yes.

7 SOLICITOR WILSON: Beg the Court's
8 indulgence.

9 THE COURT: Certainly

10 DIRECT EXAMINATION CONTINUED.

11 BY SOLICITOR WILSON:

12 Q. Antonio, I want to go over some pictures
13 with you. First of all, I show you State's
14 Exhibit 297. Do you recognize that?

15 A. Yes, that's my house.

16 Q. And is that a fair and accurate
17 photograph depicting the front and side of
18 your house?

19 A. That's the side.

20 Q. Is this the front part?

21 A. Yes.

22 SOLICITOR WILSON: Your Honor, at
23 this time we offer State's 297.

24 THE COURT: Any objection?

25 MR. CARROLL: No objection, Your

1 Honor.

2 THE COURT: 297 is admitted without
3 objection.

4 (SO ENTERED AS STATE'S EXHIBIT 297)

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR WILSON:

7 Q. And then State's 1, 2 and 3, you
8 recognize those?

9 A. Yes, that's my vehicle.

10 Q. Are those fair and accurate photographs
11 of your vehicle from the side, the back and
12 the front quarter panel?

13 A. Yes.

14 SOLICITOR WILSON: Your Honor, we
15 offer State's Exhibits 1, 2 and 3. I believe,
16 without objection.

17 MR. CARROLL: No objection.

18 THE COURT: Without objection, they
19 are admitted, 1, 2 and 3, each being a
20 photograph.

21 (SO ENTERED AS STATE'S EXHIBIT 1)

22 (SO ENTERED AS STATE'S EXHIBIT 2)

23 (SO ENTERED AS STATE'S EXHIBIT 3)

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR WILSON:

- 1 Q. If we could show State's 297? What is
2 that, State's 297, Antonio?
3 A. A house.
4 Q. Whose house?
5 A. That's my home, my parents' home.
6 Q. That's on which Street?
7 A. 110 Fishburne Street.
8 Q. Antonio, you have a nickname too; right?
9 A. Yes.
10 Q. What's that?
11 A. "Tneal".
12 Q. Or Tony? Do you go by Tony, too?
13 A. Tony, (affirmative nod).
14 Q. Tneal or Tony?
15 A. (Affirmative nod).
16 Q. Is there a wheelchair ramp on your house?
17 A. Yes.
18 Q. Where is that?
19 A. On the side.
20 Q. Grab that laser thing. Show where the
21 wheelchair ramp is.
22 A. (Indicating with laser pointer).
23 Q. Back over there?
24 A. Uh-huh, (affirmative nod).
25 Q. And when Will first came that morning,

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1 did he come to that area and knock on the
2 door?

3 A. No, around to that side.

4 Q. Around to that side?

5 A. Yes.

6 Q. And State's Exhibit 1, what is that?

7 A. That's the Suburban.

8 Q. Yours?

9 A. Yes.

10 Q. And that Suburban is green. Is that
11 right?

12 A. Yes.

13 Q. State's Exhibit 2, what is that?

14 A. The back of the car?

15 Q. And is that the car that you'all went
16 over to Flint

17 Street and then to Bubba's house in?

18 A. Yes.

19 Q. I want to show you also State's Exhibit

20 4. Do you recognize that?

21 A. Yes.

22 Q. What is that?

23 A. That is Gerard's house.

24 Q. Whose house?

25 A. Gerard's.

1 Q. That's where Gerard was?

2 A. Yes.

3 Q. I show you State's Exhibit 5. If you
4 could show the jury with the laser pointer
5 where you and Devon and Will first pulled in
6 when you got to the house on Flint Street.

7 A. (Indicating).

8 Q. Pulled over there?

9 A. Yes.

10 Q. And the front of the car was pointed
11 towards where?

12 A. Where the laser pointer is at.

13 Q. Towards the woods?

14 A. Yes.

15 Q. The back?

16 A. (Affirmative nod).

17 Q. Did the car stay there?

18 A. No.

19 Q. What did you'all do?

20 A. Turned it around.

21 Q. Where did you'all pull?

22 A. To the front, right in right here,
23 (indicating).

24 Q. And when you heard this noise that you
25 didn't know was a gunshot, where were you?

- 1 A. Still waiting.
- 2 Q. You'all were still right there?
- 3 A. Uh-huh, (affirmative nod). We were
- 4 turning then.
- 5 (Moving around in wheelchair).
- 6 Q. Are you all right?
- 7 A. (Affirmative nod).
- 8 Q. You sure?
- 9 A. Yeah, my foot.
- 10 Q. I show you State's Exhibits 304. Do you
- 11 recognize that?
- 12 A. Yes, I recognize it.
- 13 Q. What is that?
- 14 A. That's the gun.
- 15 Q. What gun?
- 16 A. The gun I gave Will.
- 17 Q. Do you see all the stuff on the gun?
- 18 A. (Affirmative nod).
- 19 Q. Was it on there when you gave it to him?
- 20 A. No. The gun was brand new.
- 21 Q. Where did you get it from?
- 22 A. From a friend.
- 23 Q. Did you know the gun was stolen?
- 24 A. No, not at that time, he hadn't told me.
- 25 Q. Stolen from somewhere on your street?

1 You didn't know that?

2 A. Not until you told me.

3 Q. I'm going to show you what's also been
4 marked as State's Exhibit 303. Do you
5 recognize this CD?

6 A. Yes.

7 Q. How do you recognize it?

8 A. My name is right there.

9 Q. Who put your name there?

10 A. Me.

11 Q. You signed it?

12 A. Yes.

13 Q. Did you listen to this CD?

14 A. Yes.

15 Q. And did you recognize the voices on it?

16 A. Yes.

17 Q. Whose voices did you recognize?

18 A. Three voices.

19 Q. Who?

20 A. Three voices.

21 Q. Whose voice did you recognize?

22 A. It was Will, Popcorn and -- (coughing in
23 courtroom).

24 THE COURT: I didn't hear him. You
25 need to repeat that.

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1 COURT REPORTER: Who was the third
2 one?

3 THE WITNESS: Popcorn.

4 COURT REPORTER: Will, Popcorn and?

5 THE WITNESS: Bubba.

6 COURT REPORTER: Thank you.

7 THE WITNESS: Popcorn.

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR WILSON:

10 Q. And you recognized those voices on
11 State's 303?

12 A. Uh-huh, (affirmative nod).

13 Q. And you signed off on it?

14 A. Yes.

15 THE COURT: Let me make sure, when
16 you said you recognized the voice, I heard
17 "uh-huh", was that a "yes", that you
18 recognized the voices?

19 THE WITNESS: Yes.

20 THE COURT: If you will say "yes,"
21 it will help us.

22 THE WITNESS: Okay.

23 THE COURT: Thank you.

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR WILSON:

1 Q. Antonio, at the time all this was going
2 on, can you tell us what your home telephone
3 number was?

4 A. Which one?

5 Q. You had two phones at home?

6 A. Yes.

7 Q. Land lines?

8 A. Yes.

9 Q. Why was that?

10 A. One was a line for the house, my
11 mother's, and one was for my line.

12 Q. What was your mama and daddy's line?

13 A. That was 722-2407.

14 Q. What was your line?

15 A. 853-3315.

16 Q. Then did you have a cell phone back then?

17 A. Yes.

18 Q. What was that?

19 A. 819-4739.

20 Q. Did you use those numbers to talk to
21 Will?

22 A. Just 853-3315, just that one.

23 SOLICITOR WILSON: That's all I have,
24 Your Honor.

25 THE COURT: You still all

1 right, or do you going to need a break, Mr.

2 Nelson?

3 THE WITNESS: No, I'm okay.

4 THE COURT: You may cross-examine.

5 MR. CARROLL: Thank you, Your
6 Honor, may it please the court.

7 THE COURT: Yes, sir.

8 CROSS EXAMINATION

9 BY MR. CARROLL:

10 Q. Mr. Nelson, you knew Gerard Roper since
11 you were eleven years old?

12 A. I didn't hear you. Since?

13 Q. Since you were eleven years old?

14 A. Teenage years.

15 Q. Teenage years?

16 A. (Affirmative nod).

17 Q. Do you remember talking to the
18 Solicitor's investigator, Investigator
19 Osborne?

20 A. Yes.

21 Q. Do you remember telling him that you'd
22 known him for eleven years, or since you were
23 eleven rather?

24 A. Yes, approximately.

25 Q. And you had known Armon Dickerson for a

1 long time?

2 A. Yes.

3 Q. On March 9th of 2006, you learned on the
4 evening news that Gerard Roper's body had been
5 found on James Island?

6 A. Yes.

7 Q. Based on what you're telling us today,
8 the day before you had been in the vehicle
9 that took him to Fleming Road on James Island?

10 A. Yes.

11 Q. And when you found out that he had been
12 killed, having known him these many years, you
13 didn't pick up the telephone and call the
14 police?

15 A. No.

16 Q. Did Gerard ever harm you in any way?

17 A. No, sir.

18 Q. You mentioned earlier that you were
19 fearful of William Dickerson?

20 A. Yes.

21 Q. You also remember seeing on the evening
22 news on March the 11th, 2006, that he'd been
23 arrested?

24 A. Yes.

25 Q. So you knew William Dickerson was locked

1 up ever since about 6:00 o'clock in the
2 afternoon on March the 11th of 2006?

3 A. Yeah.

4 Q. And so on March the 12th, you didn't feel
5 it necessary to call and tell the police what
6 had happened?

7 A. No.

8 Q. That's March the 12th of 2006. How about
9 March the 12th of 2007? Did you feel it
10 necessary then?

11 A. No.

12 Q. How about March the 12th, 2008?

13 A. No.

14 Q. Didn't call then?

15 A. No.

16 Q. You didn't open your mouth to one person
17 involved in the investigation of this case
18 until somebody showed up on your doorstep?

19 A. Yes, sir.

20 Q. You told us that on March the 7th of 2006,
21 you were smoking boonk?

22 A. Yes, sir.

23 Q. Do you smoke a lot of boonks?

24 A. Back then?

25 Q. Anytime?

1 A. I don't do it anymore.

2 Q. You don't do it anymore?

3 A. (Negative gesture).

4 Q. Back then ---

5 THE COURT: Hold it. Was that a
6 "no?"

7 THE WITNESS: "No."

8 CROSS EXAMINATION CONTINUED

9 BY MR. CARROLL:

10 Q. Were you smoking it then?

11 A. Yes.

12 Q. So your normal day would be sleep in
13 late, get up and have a boonk and watch TV.

14 A. Yes.

15 Q. Go ride around and smoke boonk?

16 A. No, don't ride around. We just did it
17 that day.

18 Q. That's it. That's the only time?

19 A. Uh-huh, (affirmative nod).

20 Q. I'm sorry?

21 A. We just did it that day, usually we be
22 sitting in the yard.

23 Q. You had never, before this, ridden around
24 smoking marijuana and cocaine?

25 A. Yes.

- 1 Q. So you had done it?
- 2 A. Yes.
- 3 Q. And you've done it since March the 7th,
- 4 2006?
- 5 A. Right. No, I don't do it anymore.
- 6 Q. You never did it again after March the
- 7 7th, 2006?
- 8 A. Yes.
- 9 Q. You did do it again?
- 10 A. Yeah.
- 11 Q. About how long did you do it?
- 12 A. I stopped smoking like in November 2006.
- 13 Q. It's kind of hard to remember exactly
- 14 when; isn't it?
- 15 A. Yes.
- 16 Q. When Detective Osborne came by that day,
- 17 it was quite clear to you you'd been out of
- 18 the loop and that was over with?
- 19 A. Yes.
- 20 Q. Your name had come up.
- 21 A. Um-humm, (affirmative nod).
- 22 Q. How long had you had that green Suburban?
- 23 A. About five or six.
- 24 Q. Five or six years?
- 25 A. Yes.

1 Q. That's back in 2006?

2 A. I had it before 2006.

3 Q. How long had you had it at that point?

4 A. Before 2006?

5 Q. Yes.

6 A. Two or three years.

7 Q. Two or three years. Is the vehicle

8 registered in your name?

9 A. No.

10 Q. Whose name is it registered in?

11 A. My father's.

12 Q. The trip over to James Island and up to

13 the house on Flint Street, that was in broad

14 daylight; right?

15 A. Yes.

16 Q. So from 2006 -- from March the 7th, 2006,

17 until somebody knocked on your door you had no

18 concern that your vehicle was going to be

19 identified in this?

20 A. No.

21 Q. No?

22 A. (No verbal response).

23 Q. Now, when Detective Osborne came in to

24 talk to you, he wanted to nail down a time

25 line. Do you recall that?

1 A. Yes.

2 Q. He wanted to know when all this happened.
3 And do you recall giving him information that
4 you ultimately signed that said "on Tuesday,
5 3/7/06, around 8:00 a.m., Willie D came to my
6 house"?

7 A. Yes.

8 Q. And you said he came real early, before
9 you normally get up. 8:00 a.m. That's what
10 you recall. And Willie D, when he came in
11 talking to you, you and him had been friends
12 for awhile; correct?

13 A. Yes.

14 Q. And he felt comfortable confiding in you
15 what was on his mind. Did you feel that way
16 then?

17 A. Uh-huh, (affirmative nod).

18 Q. You did?

19 A. Yes.

20 Q. And he made it real clear that he was
21 worried -- you okay?

22 A. Yes.

23 Q. He made it real clear to you that he was
24 worried. Isn't that right?

25 A. Yes.

1 Q. You'd been around him before -- before
2 that date. Is that true?

3 A. Yes.

4 Q. And is it also true that you'd probably
5 seen him worried before?

6 A. No.

7 Q. You'd never seen him worried anytime
8 before this?

9 A. No.

10 Q. So this was serious? And he was telling
11 you 'them boys are out to get me.'

12 A. Yes.

13 Q. Did he tell you about the boys that he
14 saw at Motel 6 with the hoodies on?

15 A. Yes.

16 Q. Did he tell you about the boys that had
17 taken shots at him?

18 A. No.

19 Q. But he told you those boys were out to
20 get him?

21 A. Yes.

22 Q. And you knew that he was moving around,
23 wasn't stay in the same place all the time.
24 Stayed in the Motel 6 one day -- did you know
25 about him staying at the Motel 6?

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- 1 A. I don't know he was moving.
- 2 Q. You didn't know he was moving around?
- 3 A. No.
- 4 Q. Did you know he stayed at the Motel 6?
- 5 A. No.
- 6 Q. Didn't know that?
- 7 A. (Negative gesture).
- 8 Q. So when he shows up at 8:00 o'clock, he's
- 9 talking to you about he's scared and 'these
- 10 boys are out to get me.' Is that correct?
- 11 A. Yes.
- 12 Q. He talked about Shelley having sex with
- 13 somebody else that he had on the video. He
- 14 said that was Puta; right?
- 15 A. Yes.
- 16 Q. By any chance, do you know who Puta is?
- 17 A. I don't know his real name, but I know
- 18 him.
- 19 Q. You know who he is, but you don't know
- 20 his real name?
- 21 A. (Negative gesture).
- 22 Q. No ifs, ands or buts about it. Puta is
- 23 the guy messing around with Shelley.
- 24 A. Yes.
- 25 Q. And he told you about the guys that he

1 thought were out to get him; didn't he?

2 A. Yes.

3 Q. And you talked about that -- guys were
4 out to get him; Baby Dean, Sugar Bear, these
5 guys?

6 A. Um-humm.

7 THE COURT: Was that a "yes"?

8 THE WITNESS: "Yes."

9 CROSS EXAMINATION CONTINUED

10 BY MR. CARROLL:

11 Q. He didn't change any of those names
12 whenever he talked to you about it; did he?

13 A. No.

14 Q. Same guys?

15 A. Yes.

16 Q. That day that he was there at your house
17 talking to you, talking to Shelley on the
18 telephone, she was messing with him; wasn't
19 she?

20 A. Yes.

21 Q. And he let you know about Shelley being
22 out to get him; didn't he?

23 A. No, no.

24 Q. Didn't he tell you about her being tied
25 up with these guys were out to get him?

- 1 A. No, he didn't say that.
- 2 Q. Shelley was aggravating him.
- 3 A. Yeah, she was aggravating him.
- 4 Q. Now, you testified that Will had a car;
- 5 right?
- 6 A. Yes.
- 7 Q. But he needed you to give him a ride.
- 8 Now, based on what you said earlier, you were
- 9 waiting for Devon Keeling to come over and
- 10 drive your car for you?
- 11 A. Yeah.
- 12 Q. It's your car?
- 13 A. Yeah.
- 14 Q. Not your father's?
- 15 A. Yeah.
- 16 Q. And you'all were asking Willie D to tell
- 17 you where to go?
- 18 A. Yes.
- 19 Q. He was guiding you'all around?
- 20 A. Yes.
- 21 Q. And you'all crossed over off the
- 22 peninsula, where at?
- 23 A. At James Island.
- 24 Q. How did you get to James Island?
- 25 A. Huh?

1 Q. How did you get there?

2 A. We drove.

3 Q. Okay. While you were driving -- did you
4 take the James Island Connector or did you
5 take the old bridge at the round Holiday Inn?

6 A. I believe so.

7 Q. You believe you took the James Island
8 Connector and the old bridge at the round
9 Holiday Inn?

10 A. Took the old Holiday Inn, I believe.

11 Q. You believe that's what happened?

12 A. Yes.

13 Q. You were in that car; right?

14 A. Yes.

15 Q. Willie D was guiding you -- you'd been to
16 James Island before, hadn't you?

17 A. Yes, sir.

18 Q. Devon Keeling's driving. You're headed
19 to James Island and he guides you off to this
20 place on Flint Street?

21 A. Yes.

22 Q. You'all got here and Devon gets out.
23 There's no question in your mind that Devon
24 Keeling got out and went to the door first?

25 A. Yeah.

1 Q. No question?

2 A. Yeah.

3 Q. Willie D gets out, goes in and you hear
4 some kind of noise.

5 A. Yes.

6 Q. It never crosses your mind that the
7 person on the inside of the house might have a
8 gun?

9 A. No.

10 Q. You just concluded -- you gave Will a gun
11 that caused his pants to sag, his pants was
12 not sagging, no gun.

13 A. (No verbal response).

14 Q. Heard a pop?

15 A. Yeah.

16 Q. Might be a gun. Might be a firecracker.
17 Might be nothing. Is that right?

18 A. Yeah.

19 Q. But you never even thought about that
20 somebody somewhere else may have a gun?

21 A. No.

22 Q. And you've known Armon Dickerson for a
23 long time; right?

24 A. Yes.

25 Q. About how long?

1 A. About the same time I've known them both.
2 Q. Since you were about eleven years old?
3 A. Yeah.
4 Q. You knew where Armon Dickerson lived; did
5 you not?
6 A. Yes.
7 Q. You'd been there before?
8 A. Yes.
9 Q. So when you heard where his body was
10 found you knew that was Armon's house?
11 A. Yes.
12 Q. Do you know Selena?
13 A. Who?
14 Q. Selene Rouse?
15 A. No, I don't know her.
16 Q. You don't know her. Never heard of her?
17 A. No, not until recently.
18 Q. Have you ever heard of Selena Rouse
19 Dickerson?
20 A. Now I do.
21 Q. Now you know her?
22 A. Yes. I know her as Bubba's girlfriend.
23 That's how I know her.
24 Q. Okay. So her identity to you was
25 "Bubba's girlfriend"?

- 1 A. Yes.
- 2 Q. When the police sat down or the
- 3 investigators from the Solicitor's Office sat
- 4 down with you, they told you that this was a
- 5 very serious case; did they not?
- 6 A. Yes.
- 7 Q. They wanted the truth out of you?
- 8 A. Yes.
- 9 Q. So you sat down with them. Any talk
- 10 about you being charged with a crime?
- 11 A. No.
- 12 Q. It never even came up?
- 13 A. No.
- 14 Q. No worries about you knowing about a
- 15 crime and not reporting it?
- 16 A. No.
- 17 Q. They just came in and said, 'Mr. Nelson,
- 18 we'd like to talk to you for a few minutes, if
- 19 you don't mind.'
- 20 A. They came to my door.
- 21 Q. Yeah. No discussion about you
- 22 participa ing in a kidnaping?
- 23 A. No.
- 24 Q. Never came up?
- 25 A. No.

1 Q. You didn't have any fears of being
2 charged with anything?
3 A. Yeah.
4 Q. Tell us, what were you afraid of being
5 charged with?
6 A. Kidnaping.
7 Q. Why is that?
8 A. Kidnaping.
9 Q. Why is that?
10 A. Why?
11 Q. (Affirmative nod).
12 A. Because I gave them a ride.
13 Q. Okay. Now, when they told you -- they
14 didn't mention charging you with any kind of
15 criminal offense, but they told you what they
16 were doing, the investigation they were
17 conducting and they asked you to be truthful
18 with them; did they not?
19 A. Yes.
20 Q. And you told them the story that we've
21 heard here
22 today, correct?
23 A. Yes.
24 Q. Except you didn't say anything about a
25 gun. Isn't that true?

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1 A. Not at first.

2 Q. Not at first?

3 A. No.

4 Q. In fact, you didn't say anything about a
5 gun until Investigator Osborne asked would
6 your fingerprints be on a gun? Isn't that
7 true?

8 A. Yes.

9 Q. Until that light went off that 'my
10 fingerprints might be on a gun that's
11 connected to this case', 'well, let me tell
12 y'all the truth.' I think that's what you
13 said. Now I finally told them the truth.

14 A. No.

15 Q. It's not?

16 A. Yeah, he told me my fingerprints wasn't
17 on the gun.

18 Q. Was not?

19 A. Yes. So after he said that I said, yes,
20 that the gun was mine.

21 Q. You'all had a conversation about finger-
22 prints on guns?

23 A. Huh?

24 Q. You'all had a conversation about finger-
25 prints on the gun?

1 A. Yes.

2 Q. And he asked you, would your fingerprints
3 be on a gun that Willie D had?

4 A. Yeah.

5 Q. And then he just volunteered whether
6 there were or not, just so that you wouldn't
7 lose any sleep over it?

8 A. Yeah.

9 Q. And he wanted you to tell him, to write
10 it down, what time you got in the car and you
11 went to James Island. Do you remember that?

12 A. Yes.

13 Q. And you said it was "approximately 1:00
14 p.m. we all in my bluish-green GMC Suburban.
15 Dutch was driving. I was in the front
16 passenger seat. Willie D was in the back
17 driver's seat." Do you remember telling him
18 that?

19 A. Yeah.

20 Q. So it was 1:00 o'clock.

21 A. Approximately. It was afternoon.

22 Q. Afternoon. So the first time you met
23 with Detective Osborne the story you told him
24 wasn't exactly the truth; was it?

25 A. First time?

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1 Q. The first time. The first time you met
2 with Investigator Osborne you told a story
3 that wasn't the truth.

4 A. (Affirmative nod). No.

5 Q. Do you remember meeting with him again on
6 March the 13th
7 of 2009 at 11:30 in the morning?

8 A. Yes. That's the next time I saw him.

9 Q. Pardon?

10 A. That's the next time I saw him.

11 Q. Correct. And do you remember making the
12 statement, "I finally just told the truth."

13 A. Yes.

14 Q. So that would cause somebody like me to
15 maybe believe you weren't being truthful
16 before.

17 A. No, it wasn't like that.

18 Q. It wasn't like that?

19 A. No.

20 Q. You were being truthful both times?

21 A. I was being truthful.

22 Q. So after knowing Gerard Roper for all
23 those years and never having been harmed by
24 him, nothing in you caused you to want to do
25 anything about resolving this; did it?

1 A. I did.

2 Q. You did?

3 A. That's why I came forward, because I
4 wanted to get it over. That's why I told them
5 everything.

6 Q. Maybe you and I have a different
7 understanding of "coming forward." You went
8 to them or they came to you?

9 A. They came to me.

10 Q. Okay. So until they knocked on your
11 door, it wasn't your problem.

12 A. No.

13 Q. You had from March the 9th or March the
14 11th of 2006 until February of 2009 and you
15 came forward and you told the truth?

16 A. Yes.

17 MR. CARROLL: One moment, Your
18 Honor.

19 THE COURT: Certainly. Take your
20 time.

21 MR. CARROLL: Nothing further from
22 this witness.

23 THE COURT: Redirect, Solicitor?

24 SOLICITOR WILSON: Beg the Court's
25 indulgence.

1 THE COURT: Certainly. Take your
2 time.

3 REDIRECT EXAMINATION

4 BY SOLICITOR WILSON:

5 Q. Just a little bit more. Are you all
6 right?

7 A. Yes.

8 Q. Mr. Carroll asked you about a guy named
9 Sugar Bear.

10 A. Yes.

11 Q. What's Sugar Bear's full name?

12 A. Antonio Jenkins.

13 Q. Antonio Jenkins?

14 A. (Affirmative nod).

15 Q. And the second time that Will came to
16 your house --he came the first time, he left,
17 you went in the house and then he came back
18 the second time, and he was there for several
19 hours; right?

20 A. Yeah.

21 Q. Who was he waiting on to come pick him
22 up?

23 A. Sugar Bear.

24 Q. So the person that Mr. Carroll was asking
25 you about as far as being, quote, "after

1 Willie D," that's who Willie D was waiting on
2 to come pick him up?

3 A. Yeah.

4 Q. So all this stuff about people being
5 after Willie D, did it make sense to you?

6 A. No.

7 Q. And when Willie D left your house that
8 first time and went to his motel, or wherever
9 he went, then he came back and told you about
10 the boys in the hoodies?

11 A. Yes.

12 Q. Did you believe him?

13 A. No.

14 Q. Why not?

15 A. Because he had that gun that I gave him.
16 If they were after him, they must have left
17 him.

18 Q. So you didn't think anything had really
19 happened?

20 A. No.

21 Q. Mr. Carroll also asked you about Shelley
22 aggravating Will that morning.

23 A. Yes.

24 Q. Was she?

25 A. Yes.

- 1 Q. Had she been, quote, "aggravating" him
2 for a few weeks?
3 A. Yes.
4 Q. What had she done?
5 A. Huh?
6 Q. What had she done?
7 A. I don't know.
8 Q. What did Will say she'd done?
9 A. Cheated on him.
10 Q. Would you say that you were closer to --
11 before all this happened - Will or Bubba?
12 A. Bubba.
13 Q. Is Bubba a good bit younger than you?
14 A. Yes.
15 Q. You didn't know Bubba's girlfriend or
16 wife's name?
17 A. No.
18 Q. How about Gerard? Who were you closer
19 to, Gerard or Will?
20 A. Will.
21 Q. How did you even know Gerard?
22 A. Through Will.
23 Q. One other thing, Antonio. What does it
24 mean where you live to be a snitch?
25 A. It ain't a good thing.

1 MR. BLOOM: Objection, Your Honor.

2 I think that's totally irrelevant.

3 THE COURT: I'll allow it. Thank
4 you.

5 SOLICITOR WILSON: Thank you.

6 THE COURT: Recross.

7 MR. CARROLL: Nothing further, Your
8 Honor.

9 THE COURT: Please assist Mr.
10 Nelson and have him step down. Thank you, Mr.
11 Nelson.

12 (WITNESS EXCUSED)

13 THE COURT: Solicitor, you may call
14 your next witness.

15 MR. DURANT: We call Devon Keeling.

16 (WITNESS TAKES STAND)

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

20 DIRECT EXAMINATION

21 BY BRUCE DURANT:

22 Q. Good afternoon, Mr. Keeling. If you
23 would, I'm going to ask you to slide up and
24 talk into that microphone so everybody on the
25 jury can hear what you have to say; okay?

- 1 A. (Affirmative nod).
- 2 Q. Would you tell the jury what's your
3 nickname?
- 4 A. Dutch.
- 5 Q. And where does the name "Dutch" come
6 from?
- 7 A. A dog that I had.
- 8 Q. Pardon?
- 9 A. A dog that I had.
- 10 Q. How old are you?
- 11 A. Twenty-five.
- 12 Q. And how far did you go in school?
- 13 A. Twelfth grade.
- 14 Q. Are you currently working?
- 15 A. I am.
- 16 Q. What kind of work do you do?
- 17 A. Chef.
- 18 Q. You're from where?
- 19 A. New York.
- 20 Q. How long have you lived in Charleston?
- 21 A. Since '94.
- 22 Q. Do you know a fellow named Antonio
23 Nelson?
- 24 A. I do.
- 25 Q. How do you know Antonio Nelson?

1 A. From his brother, and from around the
2 neighborhood.

3 Q. Pardon?

4 A. I know his brother also, and from the
5 neighborhood.

6 Q. You and Tony live in the same
7 neighborhood?

8 A. (Affirmative nod).

9 THE COURT: You need to answer
10 "yes," please for the lady (court reporter).

11 THE WITNESS: "Yes."

12 THE COURT: Let me just ask you if
13 you would just pull up -- you have to do what
14 you're doing now so if you'll get close to it.
15 Pull the mic down so you can speak into it
16 when you answer the questions. Thank you,
17 sir. Excuse me, Solicitor.

18 BRUCE DURANT: Thank you, Your
19 Honor.

20 DIRECT EXAMINATION CONTINUED

21 BY BRUCE DURANT:

22 Q. You're going to have to do that because
23 you're kind of soft spoken, Mr. Keeling, and
24 the jury needs to hear what you have to say.

25 A. All right.

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- 1 Q. How long have you been friends with Tony?
- 2 A. Since about '94 or '95.
- 3 Q. Do you know this fellow over here with
- 4 the beard?
- 5 A. Yeah, I met him through Tony.
- 6 Q. How many times have you met him?
- 7 A. A couple of times.
- 8 Q. And what name do you know him by?
- 9 A. "Willie D".
- 10 Q. Is he a friend of yours?
- 11 A. More like a friend of Tony's.
- 12 Q. But you just know him through Tony? Are
- 13 he and Tony pretty good friends?
- 14 A. (Affirmative nod).
- 15 Q. You have to say "yes" or "no" so ---
- 16 A. Yeah.
- 17 Q. Where have you met him?
- 18 A. Tony's house.
- 19 Q. Do you know his brother, Bubba?
- 20 A. Yeah, I know him.
- 21 Q. How did you know Bubba?
- 22 A. We used to work together.
- 23 Q. You knew Bubba from work?
- 24 A. And from school, I believe.
- 25 Q. Do you know Bubba's real name?

- 1 A. Armon.
- 2 Q. And where did you and Bubba used to work
3 together?
- 4 A. Bistro Five.
- 5 Q. Where is Bistro Five?
- 6 A. Over on James Island.
- 7 Q. It's no longer in business?
- 8 A. That's right.
- 9 Q. Had you ever been to Bubba's apartment
10 before?
- 11 A. After work a couple of times.
- 12 Q. Do you remember where he lived?
- 13 A. Off of Fleming Road.
- 14 Q. Is it an apartment complex?
- 15 A. Yes.
- 16 Q. Had you ever met the victim in this case,
17 Gerard Roper?
- 18 A. No.
- 19 Q. Mr. Keeling, I want to direct your
20 attention back to March 7, 2006. Do you
21 remember hearing from your friend Tony that
22 day?
- 23 A. Yes.
- 24 Q. What did Tony want?
- 25 A. He asked me to do him a favor.

- 1 Q. What was the favor?
- 2 A. To give his friend a ride.
- 3 Q. Who was the friend? Did you know? Did
- 4 he tell you on the phone?
- 5 A. Not on the phone, when I got around
- 6 there.
- 7 Q. Did you see him when you got around
- 8 there?
- 9 A. Only when he come out on the porch.
- 10 Q. And where did he want you to drive him
- 11 to?
- 12 A. His brother's house.
- 13 Q. Did you agree?
- 14 A. Yes.
- 15 Q. Do you recall what time of day this was?
- 16 A. Early afternoon.
- 17 Q. Do you recall what Mr. Dickerson's --
- 18 what Willie D's state of mind was at the time?
- 19 A. He was standing up on the porch when I
- 20 arrived, was outside.
- 21 Q. Was he doing anything?
- 22 A. He was just standing there and was sort
- 23 of like pacing.
- 24 Q. Did he have a pet with him?
- 25 A. He had a little puppy, yeah.

1 Q. Whose car were you'all using to go to
2 James Island?
3 A. Tony's truck.
4 Q. What kind of truck did Tony have?
5 A. A Suburban.
6 Q. What color?
7 A. Green.
8 Q. I show you what's previously been marked
9 as State's Exhibits 1 and 2. Do you recognize
10 that vehicle?
11 A. That's it.
12 Q. That's Tony's vehicle. Is that correct?
13 A. Yes.
14 Q. Who drove?
15 A. I did.
16 Q. Who was in the front seat with you?
17 A. Tony.
18 Q. Remember, you've got to speak up.
19 A. Tony.
20 Q. And where was Willie D?
21 A. Sitting behind me.
22 Q. And where was the dog?
23 A. Backseat with him, I guess.
24 Q. What did you'all do after you left
25 downtown?

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- 1 A. What 'cha mean?
- 2 Q. What did you do on the way over to
- 3 Bubba's house?
- 4 A. Got high.
- 5 Q. Who got high?
- 6 A. Tony and I.
- 7 Q. What were you'all smoking?
- 8 A. Weed and cocaine.
- 9 Q. That's called a boonk?
- 10 A. Uh-huh.
- 11 Q. Was Mr. Dickerson smoking with you?
- 12 A. No.
- 13 Q. What was Mr. Dickerson doing?
- 14 A. He was on the telephone.
- 15 Q. Do you know who he was on the telephone
- 16 with?
- 17 A. No, I don't.
- 18 Q. Where did you'all go?
- 19 A. We was supposed to go to his brother's
- 20 house, but he said he had to make another
- 21 stop.
- 22 Q. And where did he want to stop at?
- 23 A. Pick up some money from somebody.
- 24 Q. And where did you'all go to do this?
- 25 A. I don't know where it was exactly. It

1 was on James Island.

2 Q. How did you know how to get there?

3 A. He gave us directions.

4 Q. Who did?

5 A. Willie D.

6 Q. Where did you'all go? Can you describe

7 this place you went to?

8 A. It was over on James Island like on a

9 dirt road or something. It looked like a

10 country area almost.

11 Q. What happened when you'all got to this

12 area? What did you'all do?

13 A. Got out and knocked on the door.

14 Q. Where did you park?

15 A. On the side of the house.

16 Q. Why did he ask you to knock on the door?

17 A. I don't know.

18 Q. Did you ask him why he wanted you to go

19 to the door?

20 A. No, I was just ready to go so I went and

21 knocked on the door.

22 Q. Who were you supposed to be asking for?

23 A. Some guy named Rod.

24 Q. Had you met 'Rard?

25 A. No, I hadn't.

1 Q. So tell me about that. What happened?

2 A. I knocked on the door and they said he
3 wasn't there. Then I went back to the car and
4 said they said he wasn't there.

5 Q. And what did Willie D do when you told
6 him he wasn't there?

7 A. He said he was going to check for
8 himself.

9 Q. What did he do?

10 A. Got out of the car and went and checked
11 for himself.

12 Q. Picture number four, please. Do you
13 recognize that house?

14 A. Do you have a view of the house?

15 Q. How about the picture, Exhibit 5? Do you
16 remember that house?

17 A. (No verbal response).

18 COURT REPORTER: Was that a "yes"
19 or a "no?"

20 THE WITNESS: "No."

21 DIRECT EXAMINATION CONTINUED

22 BY BRUCE DURANT:

23 Q. How about State's Exhibit 6?

24 A. Yes.

25 Q. What is State's Exhibit 6?

1 A. It looking at the back door, I believe.

2 Q. And let me show you State's Exhibit 9.

3 Is that the door that you knocked?

4 A. (Affirmative nod).

5 COURT REPORTER: Was that a "yes"?

6 THE COURT: Was that a "yes"?

7 THE WITNESS: Yes, sir.

8 DIRECT EXAMINATION CONTINUED

9 BY BRUCE DURANT:

10 Q. Back up a little bit. What happened
11 after you told Willie D -- said the guy wasn't
12 there?

13 A. He got out to go check for himself.

14 Q. And what happened when he got out of the
15 car?

16 A. I started to, began to turn the car
17 around.

18 Q. And what happened when that was done?

19 A. I heard like a pop like a gunshot, I
20 guess. I asked Tony, 'What's going on?' You
21 know, like, 'You heard that? What's
22 happening?'

23 Q. And when you heard that did you know what
24 it was?

25 A. I mean -- yeah.

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- 1 Q. You'all knew it was a gun?
- 2 A. Yeah.
- 3 Q. And then what happened after you heard
- 4 the gunshot?
- 5 A. I turned the car around.
- 6 Q. And?
- 7 A. Then they came out of the house.
- 8 Q. Who is "they?"
- 9 A. Willie and Rod.
- 10 Q. Okay. Is that the first time you'd ever
- 11 seen Rod?
- 12 A. Yes.
- 13 Q. Tell me how they came out of the house.
- 14 A. Willie was behind Rod, they came up to
- 15 the rear of the vehicle.
- 16 Q. How did they get in the car?
- 17 A. Rod got in and Willie got in.
- 18 Q. And was there anything unusual about how
- 19 Rard looked?
- 20 A. Yeah. Tony said, "What's up?" He said
- 21 he got hit in
- 22 the head with a pistol.
- 23 Q. Were there any indications that he'd been
- 24 hit in the head?
- 25 A. Yeah, he was like bleeding -- right here

1 (indicating forehead area) .

2 Q. What were you thinking at the time?

3 A. What in the hell was going on.

4 Q. Were you angry?

5 A. Angry, scared. Angry because I had to go
6 to work and scared because I didn't know what
7 the hell was going on.

8 Q. What happened after they get in the car?
9 Who got in the car first?

10 A. Rod.

11 Q. Where was he sitting in the car?

12 A. In the middle.

13 Q. And Willie D got in behind him?

14 A. Yeah.

15 Q. Did you see the gun at that time?

16 A. No, I didn't.

17 Q. Did he have a gun?

18 A. I guess, if he said he hit him with the
19 butt of it.

20 Q. Where did you'all go?

21 A. To his brother's house, Bubba's house.

22 Q. That's over on Fleming?

23 A. Yes.

24 Q. Is that pretty close to where you'all
25 were?

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1 A. (Affirmative nod), it was about a mile.

2 Q. What happened when you'all got to Bubba's
3 house?

4 A. I pulled up and blew the horn and he came
5 outside and then they the got out of the car.

6 Q. Who's they?

7 A. Rod and Willie.

8 Q. How did Rod and Willie get out of the
9 car?

10 A. Rod got out and Willie got out behind.
11 And he had him by the arm and Rod said, "Let
12 me go, I can walk by myself."

13 Q. Where did they go?

14 A. Inside the house.

15 Q. Where was Bubba?

16 A. Outside. He came outside. We asked what
17 was going on and he was, like, 'I don't know.'

18 Q. He didn't appear to be expecting them?

19 A. I don't know.

20 MR. CARROLL: Objection, Your Honor.
21 Calls for speculation.

22 THE COURT: I sustain the objection
23 under 602.

24 DIRECT EXAMINATION CONTINUED

25 BY BRUCE DURANT:

1 Q. Did you'all talk to Bubba?
2 A. Briefly.
3 Q. What did you tell him?
4 A. He just asked me if I know what's
5 happening, and I told him I don't know, 'you
6 gotta ask your brother there.' Then I told
7 him to get the puppy and we left.
8 Q. So Bubba got the puppy?
9 A. Yes.
10 Q. Where did you and Tony go?
11 A. He went home and I went to work.
12 Q. Were you angry with Tony?
13 A. Yeah.
14 Q. Why?
15 A. Because it seemed like I had got put in a
16 messed-up situation, and I was late for work
17 on top of that. I thought I was giving
18 someone a ride and then -- then all that.
19 Q. When did you find out Gerard Roper was
20 dead?
21 A. When it came on the news.
22 Q. Can you tell these people why you never
23 told anybody anything?
24 A. Basically because I was scared and I
25 thought I could get accused of something I

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1 didn't do knowingly.

2 Q. Do you remember being questioned by
3 Investigators Osborne and Casey in my office
4 in February of this year?

5 A. Yes, sir.

6 Q. That is when you told what happened?

7 A. Yes.

8 BRUCE DURANT: The Court's
9 indulgence for just a moment?

10 THE COURT: Yes, sir. Take your
11 time.

12 DIRECT EXAMINATION CONTINUED

13 BY BRUCE DURANT:

14 Q. Do you know Shelley?

15 A. Who?

16 Q. Shelley.

17 A. No.

18 Q. Or somebody named Tomiesha Nelson? Do
19 you know anybody by that name?

20 A. No.

21 Q. Thank you. Would you please answer any
22 questions that defense counsel has for you?

23 THE COURT: Cross examine, Mr.
24 Carroll?

25 MR. CARROLL: Thank you, Your Honor.

1 May it please the Court?

2 THE COURT: Yes, sir.

3 CROSS EXAMINATION

4 BY MR. CARROLL:

5 Q. When you met with the investigators from
6 the Solicitor's Office they explained to you
7 that you could have been charged with a crime
8 in the situation; didn't they?

9 A. Yes.

10 Q. They did? They told you you could have
11 been charged with the offense of kidnaping;
12 correct?

13 A. Yes.

14 Q. Misprison of a felony, correct?

15 A. Yes.

16 Q. But you have not been charged with
17 anything; have you?

18 A. No.

19 Q. You've known Armon Dickerson quite
20 awhile; haven't you?

21 A. Yes.

22 Q. When you heard the tragic report of
23 Gerard Roper's killing, you knew that was
24 Armon's house.

25 A. I knew that's where I dropped them off

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1 at.

2 Q. Did you hear the report about where they
3 found the body?

4 A. Yes.

5 Q. You knew that was right next door, at 311
6 Fleming Road; correct?

7 A. I don't know the address, but I know it's
8 on Fleming Road.

9 Q. And you'd been there before with Armon?

10 A. Yes, I have.

11 Q. Hung out there before?

12 A. Uh-huh.

13 COURT REPORTER: Is that a "yes"?

14 THE WITNESS: Yes, ma'am.

15 CROSS EXAMINATION CONTINUED

16 BY MR. CARROLL:

17 Q. When you got to Tony Nelson's house, did
18 you'all smoke any cocaine and marijuana there
19 at the house before you left?

20 A. No.

21 Q. Just while you were driving?

22 A. Yes.

23 Q. You saw William Dickerson there, sitting
24 on the porch.

25 A. Uh-huh, (affirmative nod).

1 Q. He seemed like he was upset about
2 something.

3 A. Possibly.

4 Q. Not anything between him and Tony -- you
5 didn't think that, did you?

6 A. No.

7 Q. Just something outside of anything you
8 knew about?

9 A. Yes.

10 Q. Did you know anything about believing
11 people were chasing him?

12 A. No.

13 Q. Then you'all started heading over to
14 James Island. You were basically getting the
15 driving directions from Mr. Dickerson. Is
16 that right?

17 A. First I was supposed to be taking him to
18 his brother's house. When we got on the
19 island he asked to go somewhere else and
20 that's when I got the directions.

21 Q. Where along the way were you when that
22 happened?

23 A. I'm not too sure.

24 Q. Not too sure?

25 A. No, it was a long time ago.

1 Q. It sure was. When you'all came over to
2 James Island did you'all come over the James
3 Island Connector?

4 A. I really don't remember.

5 Q. Don't know quite how you got there, but
6 you were driving and nobody was giving you
7 directions; right?

8 A. Yes.

9 Q. Ultimately you ended up, as you said, at
10 this house on Flint Street.

11 A. I don't remember the name of the street.

12 Q. You don't even remember the name of the
13 street?

14 A. (Negative gesture).

15 Q. You remember it was close by Fleming
16 Road, though?

17 A. Uh-huh, (affirmative nod).

18 Q. It really is close by Fleming Road.

19 A. (Affirmative nod).

20 THE COURT: Sir, you can answer
21 with words.

22 THE WITNESS: "Yes."

23 CROSS EXAMINATION CONTINUED

24 BY MR. CARROLL:

25 Q. It's a block or two away; right?

1 A. I wouldn't say a block or two. It didn't
2 seemed like a block or two.

3 Q. But we are talking about Flint Street on
4 James Island?

5 A. I guess, if that's what you say the name
6 of the street is.

7 Q. And Fleming Road on James Island?

8 A. Uh-huh.

9 COURT REPORTER: Is that a "yes"?

10 THE WITNESS: Yeah.

11 CROSS EXAMINATION CONTINUED

12 BY MR. CARROLL:

13 Q. You pulled up to the end of that street
14 and went down that bumpy dirt road and got up
15 to that house, there is no
16 question in the world you got out of the
17 vehicle and went
18 up to the door?

19 A. No.

20 Q. You knocked on the door?

21 A. Uh-huh, (affirmative nod).

22 Q. Somebody opened it?

23 A. Yes.

24 Q. What did that fellow look like?

25 A. He was kind of skinny and he had a bald

1 head.
2 Q. White? Black?
3 A. Black guy.
4 Q. And you asked him if Gerard was there?
5 A. Correct.
6 Q. He said 'no'?
7 A. Correct.
8 Q. You turned around and went back and got
9 in your vehicle?
10 A. Correct.
11 Q. He didn't ask you who you were?
12 A. No.
13 Q. Didn't care?
14 A. I guess not.
15 Q. Didn't seem concerned about that, of who
16 you were, knocking on the door in the middle
17 of the day?
18 A. I guess not. He didn't ask who I was.
19 Q. And you never saw a gun?
20 A. No.
21 Q. Never saw one?
22 A. I didn't see it.
23 Q. You heard on the news that William
24 Dickerson had been arrested on March the 11th.
25 Is that right?

1 A. I don't know the exact date.

2 Q. Whenever it ran the report, you remember
3 hearing that William Dickerson was arrested.

4 A. Yes.

5 Q. On March the 12th, you didn't call anybody
6 to tell them that you witnessed the two of
7 them together?

8 A. No, I didn't.

9 Q. In fact, at no point, ever, have you
10 taken one step towards a law enforcement
11 officer to tell them what you knew about this;
12 did you?

13 A. No.

14 Q. And William Dickerson is not somebody
15 that you would consider one of your friends;
16 is he?

17 A. I mean, I've met him a couple of times.
18 But that's about as far as it goes. Only when
19 he comes around Tony's house -- I wouldn't
20 call that a friend.

21 Q. Probably not.

22 A. More of an acquaintance.

23 Q. And Armon Dickerson, he's more along the
24 friend line; correct?

25 A. Uh-huh, (affirmative nod).

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1 Q. No question about that.

2 A. Uh-huh.

3 THE COURT: Is that a "yes?"

4 THE WITNESS: Yes.

5 THE COURT: It's not a problem
6 except that the lady (court reporter) seated
7 next to you has to take down everything and it
8 keeps us from making a mistake.

9 THE WITNESS: Excuse me.

10 THE COURT: That's not a problem.

11 Excuse me, Mr. Carroll.

12 MR. CARROLL: Yes, sir.

13 CROSS EXAMINATION CONTINUED

14 BY MR. CARROLL:

15 Q. You knew Selena Rouse also; correct?

16 A. Armon's girlfriend, yes.

17 Q. When you'all were riding over to James
18 Island do you recall telling Investigator
19 Osborne that you all were smoking a boonk?

20 A. No, I said Tony.

21 Q. I show you the statement and ask you if
22 you recognize it.

23 MR. CARROLL: I'll get it marked as a
24 Defendant's Exhibit first.

25 COURT REPORTER: Defendant's

1 Exhibit 3 for identification.

2 CROSS EXAMINATION CONTINUED

3 BY MR. CARROLL:

4 Q. I'm interested in having you review --
5 first of all, do you recognize that?

6 A. Yes.

7 Q. What do you recognize it to be?

8 A. A statement.

9 Q. The statement you gave you to
10 Investigator Osborne with the Solicitor's
11 Office?

12 A. Yes, sir.

13 Q. I note that there's a signature at the
14 bottom of the page.

15 A. Uh-huh, (affirmative nod).

16 Q. Whose signature is that?

17 A. Mine.

18 Q. I note that it is attributed as a
19 statement that you gave to him. Is that
20 correct?

21 A. Correct.

22 Q. I'd like for you to read the first
23 sentence of the second paragraph.

24 THE COURT: Do you want him to read
25 it to himself?

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1 MR. CARROLL: Yes, sir.

2 CROSS EXAMINATION CONTINUED

3 BY MR. CARROLL:

4 Q. Read it to yourself.

5 A. (Upon review), I've read it.

6 Q. What does it say?

7 A. "We was all smoking boonk."

8 Q. When you were sitting there with
9 Investigator Osborne and maybe Investigator
10 Casey and maybe Detective Burckhardt, I don't
11 know, but at least Investigator Osborne, you
12 were fearful about the trouble you could be
13 in; were you not? Is that fair?

14 A. A little bit.

15 Q. A little bit? I mean, kidnaping ain't
16 that big a deal?

17 A. No, I ain't saying that. It is a big
18 deal.

19 Q. Oh, yeah. You were a little bit afraid.
20 And you were trying to get it just right with
21 them, were you not?

22 A. I was trying to tell them what happened.

23 Q. Exactly what happened?

24 A. Yeah.

25 Q. Did you and Tony Nelson have any

1 conversation about your different experiences
2 with those investigators?

3 A. Not really.

4 Q. Not really? You'all have never had a
5 conversation about talking with Investigator
6 Osborne?

7 A. I asked him 'what did they ask you.' But
8 it ain't never been like, 'oh, you need to say
9 that.' It wasn't nothing like that.

10 Q. But it was "what did you say and what did
11 you say?"

12 A. As a matter of fact, I read his statement
13 and he read mine.

14 Q. And that was it? You'all just gave each
15 other your statements back and walked on your
16 happy way?

17 A. Pretty much.

18 Q. When you told him you were all sitting
19 there smoking blunts made from cocaine;
20 correct?

21 A. Actually me and Tony was smoking. I
22 never said he was smoking with us.

23 Q. "Me and Tony" looks like that means "me
24 and Tony." It would be easy to pick out,
25 wouldn't you think? When what he wrote down

1 there is "we all."

2 A. Okay. Yes, sir.

3 Q. And that's what you told him?

4 A. I said me and Tony was smoking. Tony and
5 I were smoking.

6 Q. But in your statement it says "we were
7 all."

8 THE COURT: You've covered that,
9 please, Mr. Carroll. Let's move on.

10 CROSS EXAMINATION CONTINUED

11 BY MR. CARROLL:

12 Q. Was there any discussion when you met
13 with Investigator Osborne of you being wanted
14 for a bench warrant?

15 A. I had a bench warrant. Correct.

16 Q. Was that served that day?

17 A. (No verbal response).

18 Q. Did they serve it on you and take you
19 into custody that day?

20 A. Yes, they detained me.

21 Q. They took you to the Detention Center?

22 A. No, they detained me until I obtained a
23 lawyer.

24 Q. Are you waiting on a court date?

25 A. Yes. I'm waiting for something in the

1 mail about my court date.

2 Q. What is the charge you are charged with?

3 A. Criminal domestic violence of a high and
4 aggravated nature.

5 Q. Did you'all have any discussions about
6 that charge that day?

7 A. No, we didn't.

8 MR. CARROLL: No further questions.

9 THE COURT: Redirect?

10 REDIRECT EXAMINATION

11 BY BRUCE DURANT:

12 Q. You have the statement up there. Tell
13 the jury what you told the investigator.

14 A. Do what?

15 Q. You have your statement up there. Read
16 it. Tell them what you told the investigator.

17 THE COURT: You want him to publish
18 it? You want him to read it?

19 BRUCE DURANT: He's indicated that
20 he's changed his story.

21 THE COURT: I appreciate that. But
22 before we do that do you want to introduce the
23 statement?

24 BRUCE DURANT: I can introduce the
25 statement.

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1 THE COURT: If you want him to read
2 it, you're going to have to do that,
3 Solicitor. That's all. You can ask him
4 questions about it. But if you want him to
5 read it, you've got to have it introduced.

6 BRUCE DURANT: In that case, Your
7 Honor, I would introduce it.

8 THE COURT: All right. Any
9 objection?

10 MR. CARROLL: Your Honor, our
11 position would be that he can do as you
12 indicated -- read the statement into the
13 record.

14 THE COURT: I appreciate that. If
15 he wants to introduce -- you've identified the
16 statement and you've asked him questions and
17 challenged some of it. So the entire
18 statement becomes very germane.

19 MR. CARROLL: Thank you, Your Honor.

20 BRUCE DURANT: Do you want me to
21 admit the statement, or do you want him to
22 read it?

23 THE COURT: The statement's
24 submitted. It will have to be changed.

25 BRUCE DURANT: I'll have to move

1 to have this marked as a State's exhibit.

2 THE COURT: It's identified as a defense
3 exhibit, three, for ID only. But it will be
4 admitted as State's Exhibit
5 305.

6 COURT REPORTER: 305.

7 (SO ENTERED AS STATE'S EXHIBIT 305)

8 REDIRECT EXAMINATION CONTINUED

9 BY BRUCE DURANT:

10 Q. If you would, just tell the jury what you
11 said.

12 A. (Reading): "On the date this was all
13 happening, March 7th, 2006, I was called by
14 Tony to come and do him a favor. Tony asked
15 me to help him drive Willie D over to his
16 brother's, Bubba's, house on James Island. I
17 walked on down to Tony's house. Tony and
18 Willie D were on the porch. It appeared that
19 Willie D had something on his mind because he
20 was pacing and seemed upset. Willie D also
21 had a puppy with him. I told him we had to
22 hurry because I didn't want to be late for
23 work. I knew this was after noon, probably
24 between noon and 3:00. I'm not sure. We all
25 got into Tony's green Suburban. I helped Tony

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1 get in the front passenger side from his
2 wheelchair and I think I put his chair behind
3 him in the back seat. Willie D got in the
4 back driver's side and I drove. On the way to
5 Bubba's house we were all smoking Blunts laced
6 with cocaine. Willie D was on the phone some
7 of the time while we were driving."

8 MR. CARROLL: Your Honor, could we
9 take up a matter of law?

10 THE COURT: Ladies and gentlemen,
11 we'll let you go out, please. Do not begin
12 your deliberations.
13 Don't discuss the case. We'll be with you
14 momentarily.

15 (JURY OUT @ 5:48 P.M.)

16 MR. BLOOM: Your Honor, if we may -
17 - I hate to interrupt the witness.

18 THE COURT: That's all right.
19 Don't apologize.

20 MR. BLOOM: But under Rule 106, the
21 opposing party is allowed to introduce those
22 portions which clarify relevant material. I'm
23 just reading from the annotation.

24 THE COURT: Let me just say -- 106,
25 I'm very familiar with 106. How about reading

1 801(d)(1), because that's where we're coming
2 from. 801(d)(1) talks about a prior
3 consistent statement. And you've challenged
4 him, indicating he fabricated something.
5 Therefore, no question it's a statement this
6 witness made. He's there. You can cross-
7 examine him. You challenged it as to whether
8 or not he made it up, fabricated it for some
9 reason. It goes to support those stories. So
10 I appreciate it.

11 MR. BLOOM: The portion which he
12 has challenged on was the limited portion as
13 to ---

14 THE COURT: And that's real nice
15 except when you run the risk of putting it in
16 the statement that he made it up for the
17 purposes of protecting himself. It goes to
18 support his version that he gave when he first
19 testified. So that's the reason I believe it
20 comes in. That's the rationale for it.

21 MR. BLOOM: Thank you.

22 THE COURT: But I'm familiar with
23 106. There's no question about it. You're
24 absolutely correct in what it says, only that
25 part that's necessary for clarity -- and I'm

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1 paraphrasing but that's what I understand that
2 to be.

3 MR. BLOOM: If Your Honor will note
4 our exception.

5 THE COURT: You don't have to
6 except it. Your objection is protected.
7 Thank you, sir. Anything else? You're
8 welcome to argue -- I didn't mean to cut you
9 off ---

10 BRUCE DURANT: No, sir, Your Honor.
11 You took the argument right out of my mouth.

12 THE COURT: I may not be on the
13 right page, but that's my rationale for it..
14 Let's bring them in, please.

15 BRUCE DURANT: Your Honor, could we
16 approach just before we do that?

17 THE COURT: Yes. Hold on just a
18 second.

19 BENCH CONFERENCE:

20 BRUCE DURANT: The next
21 witness is going to be rather lengthy. I
22 didn't know what time you might want to stop
23 for ---

24 THE COURT: Yeah, I'm already
25 on that page. We're going to stop after this

1 one. Thank you.

2 (BENCH CONFERENCE CONCLUDED)

3 (JURY IN @ 5:51 P.M.0

4 THE COURT: Thank you, ladies and
5 gentlemen. That's the way that process works.
6 Thank you for permitting that. You may
7 continue.

8 BRUCE DURANT: Thank you, Your Honor.

9 REDIRECT EXAMINATION CONTINUED

10 BY BRUCE DURANT:

11 Q. If you remember where you were, Mr.
12 Keeling, please
13 continue with your statement.

14 COURT REPORTER: "Willie D was on
15 the phone some of the time while we were
16 driving."

17 THE WITNESS: (Reading): Willie D
18 said 'take me to this house so I can pick up
19 some money, this dude owes me some money.' He
20 directed me where to go. I know it was a
21 bumpy road, kind of looked like country, and
22 this house was in the back. We weren't too
23 far from Fleming Road. We drove up to the
24 house and I parked with my side closest to the
25 house. Willie D had been trying to call this

1 guy about the money but never got an answer.
2 He asked me to go to the door and knock to see
3 if they would answer the door for me. I went
4 to the back door, which was under a porch-like
5 thing. I knocked and this dude come to the
6 door, I never saw this guy before. I asked if
7 Rod was there and he said 'no.' So I come
8 back to the car and told Willie D that he
9 wasn't in there. Willie D said, 'I know he's
10 in here.' I guess Willie D had talked to Rod
11 earlier and knew he was in there. Willie D
12 got out of the car and walked up to the back
13 door. As he did that, I started turning the
14 car around. While I was getting the car
15 turned around I heard a gunshot. Tony and I
16 just looked at each other and said, 'What was
17 that?' I knew that it was a gunshot. I got
18 the car turned around and ended up closer to
19 the front of the house, still on the side.
20 Willie D and Rod approach the vehicle from
21 behind, Rod was first and then Willie D. They
22 got into the back seat behind me. Tony turned
23 around and said, 'What's up?' Rod said, 'He
24 hit me with the pistol.' I turned around and
25 saw the blood trickling down Rod's forehead.

1 Willie D said, "Shut up." I was getting
2 pissed off and I knew that he had a gun. I
3 was pissed and scared. He said, "drive the
4 fucking car." I remember driving down Folly
5 Road and we saw some firemen. He told us to
6 not said a word and shut up. We went down
7 Folly road to Maybank and then to Fleming and
8 then to Bubba's house, which is really a
9 townhouse. We parked right behind Bubba's
10 back door. I think I blew the horn and Bubba
11 came out. Willie D and rod got out of the
12 car. Willie D was holding Rod by the arm and
13 Rod said, "Let me go, I can walk." There was
14 still blood coming from his forehead. Willie
15 D and Rod go into Bubba's house. Bubba stayed
16 out and said, "What's going on, what's
17 happening?" I said, "I don't know what's
18 going on, he's your brother, you deal with
19 it." I told Bubba to come get the dog 'cause
20 I gotta go, I'm late for work. Bubba gets the
21 dog and goes in the house. Tony and I drove
22 off, went back to Tony's house. I told Tony
23 that "I'm through doing favors for your
24 friends. I'm cool with you but I'm not
25 fucking around with your friends anymore." I

1 got Tony out of the car and back into his
2 wheelchair and then I left to go to work. It
3 was a couple of days later, I guess, that I
4 heard on the news that Rod had been killed. I
5 put two and two together and thought that
6 Willie D may have been involved. Then I heard
7 stuff from the street that Willie D was
8 involved. I later read in the newspaper about
9 Willie D being the suspect. I was thinking
10 that Bubba and I just worked together at
11 Bistro Five on James Island less than a year
12 before this incident. I would give him rides
13 home from work, we would hang out a little. I
14 really never went over to his house on days
15 off, just after work about a dozen times.
16 That's how I knew where he lived at. "

17 BRUCE DURANT: Okay.

18 THE WITNESS: Can I say something
19 now?

20 BRUCE DURANT: No, not unless somebody
21 asks you a question. Court's indulgence.

22 THE COURT: Certainly.

23 REDIRECT EXAMINATION CONTINUED

24 BY BRUCE DURANT:

25 Q. Is there anything that you want to add to

1 your statement or your testimony?

2 THE COURT: Hold on a second. No,
3 sir. I'm not going to allow that. I'm not
4 going to permit that question -- I am not
5 going to permit him to just make a statement.

6 BRUCE DURANT: Okay. That's
7 fine. Could you please answer questions that
8 Mr. Carroll may have?

9 THE COURT: Recross?

10 MR. CARROLL: Nothing further for
11 this witness, Your Honor.

12 THE COURT: Thank you so much. You
13 may step down, sir.

14 (WITNESS STEPS DOWN)

15 THE COURT: All right, ladies and
16 gentlemen. It's 5:58, and the next witness I
17 don't think we can finish in two minutes, so
18 there's no need to start. So thank you for a
19 good first day. I hope you have a good
20 evening. Please remember that you're not at
21 liberty to discuss this case among yourselves.
22 You're not at liberty to talk with anyone
23 outside or permit anyone to talk with you. No
24 television programs about it, no reviews or
25 articles. Please in every respect honor the

1 oath that you took. Have a great evening, and
2 please be in your jury room by 9:30 in the
3 morning. Thank you so much. Please hand your
4 notes to the bailiffs and they will get it
5 back to you in the morning. Thank you.

6 (JURY OUT @ 6:00 P.M.)

7 THE COURT: Anything from the State
8 before we recess?

9 BRUCE DURANT: I don't believe so,
10 Your Honor.

11 THE COURT: Anything from the
12 defendant before we recess?

13 MR. BLOOM: There are portions of
14 the statement that came in, I think, that need
15 to be redacted. There is hearsay and
16 speculation in it, and we want that part
17 blacked out -- and I can get it to the
18 solicitor tomorrow -- before it goes to the
19 jury.

20 THE COURT: That's fine. The part
21 that he read, that stays. Once you stopped
22 him, I would think that really, in fairness,
23 the balance of that statement should be
24 redacted.

25 BRUCE DURANT: That's fine. I

1 don't even remember what the rest of it says,
2 to tell you the truth.

3 THE COURT: The part where he
4 stopped, he read that portion -- that part
5 seemed to be pretty much consistent with my
6 ruling that it was germane to what was
7 happening with confirming his prior testimony.
8 And I read 106 and I think it really talks
9 about doing that.

10 SOLICITOR WILSON: I need to see
11 what's in the rest of it but I'm concerned
12 that because we stopped that the jury will
13 think that was all he said.

14 THE COURT: That doesn't matter.
15 We can tell the jury, and I'll be happy to do
16 that. I've done it before in a death penalty
17 case, oddly enough, and we redacted it. And
18 that's just ruling that I've made, and
19 they don't know what we talked about outside.
20 So, thank you. I'm not worried about the jury
21 worrying about it.

22 SOLICITOR WILSON: Well, I'm worried
23 about an exhibit being introduced and then
24 being altered after it's introduced.

25 THE COURT: It's not being altered.

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1 If the jury had seen it, Solicitor, I would
2 agree with you one hundred and ten percent.
3 The jury only heard him read that portion. We
4 had -- we excused the jury before he continued
5 reading it. They don't know what we did, and
6 they haven't seen it. So I don't think
7 there's a problem. The State's not
8 prejudiced. But thank you. I'm not concerned
9 about. If you want me to address it, I'll be
10 happy to do it when it's ultimately submitted
11 to them. I'll be delighted to tell them that
12 the statement was redacted as a matter of law.
13 But you'all talk about what portions you want.

14 COURT REPORTER: Judge, we have
15 another note. Do you want me to mark the note
16 about the smoke break?

17 THE COURT: No.

18 COURT REPORTER: Thank you.

19 THE COURT: We have a juror that
20 needs -- can we give them a form that says
21 that they were in attendance today. They're
22 going to need an attendance form.

23 CLERK: We can do that.

24 THE COURT: Tell them we'll get it
25 for them. It's Juror Number 256.

1 You'all don't need to beat
2 yourselves up about that. If it's something I
3 need to rule on, I'll be happy to do that.
4 But you'all resolve it.

5 BRUCE DURANT: The part he was
6 objecting to has already been read into the
7 record.

8 THE COURT: I'm not agreeing with
9 you.

10 BRUCE DURANT: So he just needs to
11 read the question and answer saying that.

12 THE COURT: Thank you. Let me say
13 this. I don't want to interrupt your normal
14 protocol. I don't require you to stand when
15 the jury comes in. I think it's nice to do,
16 I've already explained it. But if you'all
17 want to do it when they first come in and then
18 during the rest of the day -- that's up to
19 you, I'll leave it to you but you don't have
20 to do that for me.

21 BRUCE DURANT: Very good. Thank you,
22 Your Honor.

23 THE COURT: Maybe when they start
24 and then the afternoon session.

25 BRUCE DURANT: Okay.

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1 THE COURT: And I'll be happy to
2 tell them why.

3 BRUCE DURANT: Thank you, Your Honor.

4 THE COURT: Save your energy.

5 (COURT IN RECESS)

6 (TRANSCRIPT CONTINUED NEXT PAGE)

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1 escort the jury. It's that simple. If it
2 takes one person thirty minutes to accomplish
3 it, then they'll have to accomplish it. But
4 they understand that no security person who
5 has not been sworn can escort a juror.

6 So what we're doing now is we're
7 going to swear another group of people who
8 probably will have contact with them.

9 Any objection from you'all to that?
10 Any objection from the State?

11 SOLICITOR WILSON: No, sir.

12 THE COURT: If you would -- good
13 morning, Gentlemen. Thank you very much. I
14 think that hopefully it is clear that until
15 you have been sworn in by this Court, while
16 you can have contact around in the courthouse
17 itself, but leaving the courthouse with a
18 juror, going outside in the public, you need
19 to have been sworn first. So this will
20 accomplish that. Mike, if you would.

21 THE CLERK: Raise your right hand.
22 Do each of you swear or affirm that you will
23 follow the Court's instructions while the jury
24 is in your care; that you will not allow them
25 to speak to anyone, nor anyone speak to them;

1 nor will you speak to them yourself except in
2 the course of your duties, so help you God?

3 (UNANIMOUS AFFIRMATIVE RESPONSE)

4 THE COURT: Ladies and Gentlemen,
5 thank you very much. This is something that's
6 not foreign to you. You do it anyway and all
7 you're doing is your normal duties.

8 It's sort of a tense situation and
9 because of the nature of this case no one
10 should be permitted to come near these
11 persons, these jurors, when they are in your
12 charge. Thank you very much. I appreciate
13 it.

14 And thank you all. I'm sorry to
15 interrupt your morning. Any problem with that
16 being accomplished without Mr. Dickerson being
17 present?

18 MR. BLOOM: No, sir.

19 THE COURT: I see that more as
20 being administerial than anything. But let
21 the record reflect that the swearing was
22 accomplished without Mr. Dickerson present,
23 that being waived.

24 (DEFENDANT ENTERS COURTROOM)

25 THE COURT: Good morning, Mr.

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1 Dickerson. Your attorneys will discuss with
2 you that we've accomplished one act before you
3 arrived. There were some additional deputies
4 that will have contact with the jurors, that
5 will be escorting them to their cars, that we
6 had not administered an oath. So we
7 administered that same oath that you observed
8 yesterday, when the first group was
9 administered. But that's all that we've done.
10 If you have any questions about any of that,
11 just let your attorneys know and we'll try to
12 address that. Thank you.

13 Thank you, Mr. Bloom. You've
14 provided the Court with some cases concerning
15 the issue about the statement. I'll be
16 delighted to revisit that, sir. I'm happy to
17 hear from you.

18 MR. BLOOM: Thank you, Your Honor.
19 If we could revisit the issue yesterday
20 evening regarding the last witness, Devon
21 Keeling, and the admission of his written
22 statement.

23 We would relay on *State vs. Foster*
24 and *State v. Saltz*. It is our position, Your
25 Honor, that the statement does not qualify

1 under 801(d). It's very clear and plain. Our
2 argument with Mr. Carroll's cross examination
3 is it did not infer in any way that the
4 witness made a statement that expressed a
5 charge against a fabrication. The proper
6 examination would be to test his memory and
7 the specific cross examination would be from
8 his memory regarding who specifically was in
9 the car, that were smoking marijuana and
10 cocaine. So we submit that the entire
11 statement, as we objected yesterday, was
12 inadmissible under either Rule 106 or 801(d)
13 or any other rules of evidence. That objection
14 is under *Foster* and *Saltz*.

15 THE COURT: Thank you very much.
16 I've just glanced over the *Saltz* case. I've
17 read specifically the *Foster* case because it
18 seems to deal specifically with some issues
19 that you've just articulated; that is, was it
20 challenged? As I read that case, that's what
21 the Court really based its decision on.

22 No question that it was a prior
23 statement, no question certain elements of
24 801(d)(1) were present. What the court, as I
25 read, said was that there was no indication,

1 no evidence of recent fabrication nor was
2 there any improper motive challenged for
3 giving the statement.

4 The distinction -- and it really is
5 what controlled my decision yesterday, to some
6 extent. 106 is very broad, and I'm going to
7 re-read *State v. Patterson* and you mentioned
8 it in the notes, 625 S.E.2d 239. It's a Court
9 of Appeals case from 2006, but cert was denied
10 in 2007. It talks about the allowance of the
11 entire statement, as I read that case and
12 understand that case, for purposes of clarity.

13 I want to read it. Because what
14 concerned me yesterday, I'm sure that part of
15 your objection, incorporated inherently in
16 that, is the bolstering of a witness. That's
17 something that I understand we really have to
18 be careful about. Because if all these rules
19 that permit that, you really have to -- I
20 think you have to be very careful and be very
21 selective. I intend to do that.

22 But let me tell you specifically
23 what I relied on. It wasn't that he recently
24 fabricated it because it was not -- it was
25 really an inconsistency more than it was any

1 kind of fabrication; a challenge -- well, you
2 didn't mention something. What, to me, was
3 important is to why -- and it gives credence
4 to the entire statement to me, and why the
5 other parts became important to show that it
6 was consistent was the challenge and the
7 motive that you were trying to avoid
8 prosecution. That was what -- he was asked
9 questions about that. Had he not been asked
10 questions about that, you probably are right.
11 I think that gave an improper motive for
12 trying to say whatever -- frankly, I agree
13 with you, I didn't think it was that -- I
14 mean, the fact that he said "all of us", that
15 could have been -- it could have just in his
16 mind been thinking "us" being -- because he
17 didn't really even know Mr. Dickerson that
18 well. So there's a very human reason for
19 saying that in that fashion, but -- I
20 understand that I was treading in an area just
21 as I've just stated.

22 And I wanted to say that, because
23 you mentioned to me "this may be coming up."
24 And I'm glad to have this opportunity, because
25 I don't want you to think, nor do I want the

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1 State to think that this is just going to be
2 carte blanche every time it happens. That's
3 not going to be the case. Because bolstering,
4 it is very, very important that we not allow
5 that. And I understand that, as well as the
6 basic hearsay. I think it's meant that the
7 801(b)(1), for the reasons that I've stated.

8 Solicitor, if you wish to argue or
9 supplement anything. But I believe it falls
10 into that for that reason.

11 BRUCE DURANT: That was our point,
12 too, the point that he's raising, the CDVHAN
13 charge against the witness; for that reason it
14 certainly raised the spectrum of recent
15 fabrication.

16 THE COURT: Okay, thank you.
17 That's the basis, and therefore I think -- I
18 don't think Proctor controls. Now, whether
19 the Court said that was sufficient to create
20 that situation, I'm taking a chance on that.
21 But that's my basis for it.

22 MR. BLOOM: Thank you, Your Honor.
23 And just so that the record is clear, two
24 point: Of course our objection includes
25 improper bolstering. I think that's obvious

1 from the *Foster* and *Saltz* cases.

2 THE COURT: Correct.

3 MR. BLOOM: We would additionally,
4 just to again ensure that our objection is
5 timely, urge the Court to reconsider and to
6 simply instruct the jury as part of our Motion
7 that the statement be stricken and that they
8 are to disregard that testimony.

9 I respect Your Honor's ruling but I
10 think I have to add that.

11 THE COURT: I don't have any
12 problem with that.

13 MR. BLOOM: So that the record is
14 clear as to what relief we're asking for at
15 this juncture.

16 THE COURT: Precisely. I
17 understand that. Your Motion is noted, it is
18 protected. The Court after reading the cases
19 provided, for the reasons given, declines to
20 change its position on permitting the
21 statement; and for that reason, therefore,
22 would deny the Motion to instruct the jury to
23 disregard the statement.

24 Now, we did -- we closed -- there
25 was a question about some parts of it that

1 could be irrelevant. I have not read the
2 statement. What was read to the jury was --
3 if there's anything in the statement that is
4 merely supportive of what was read and a
5 continuation of that, then my ruling applies
6 to that. But if it's something that's totally
7 unrelated to that particular -- and the
8 particular is, a I understood the part we were
9 talking about, is when they were together,
10 they were riding back together. That's what
11 the statement tells us, it dealt with what
12 activity took place when they were in that car
13 going and coming.

14 If there's something else in there,
15 then I would be happy to hear you insofar as
16 redacting that.

17 Because that was really the part
18 that -- for purposes of my ruling, it was
19 dealing specifically with that incident. And
20 the reason being, furthermore, that's the
21 incident that would give rise to the possible
22 threat of prosecution as well as, of course,
23 general inherent -- the possible prosecution
24 for CDVHAN which applies beyond that. But,
25 clearly, that's the significant portion to me.

1 So I haven't seen it. If you want me to read
2 it, I'll be delighted to do so and *sui sponte*
3 make a decision.

4 BRUCE DURANT: That's fine, Your
5 Honor. Basically, what it is, it was a
6 statement and a signature and under that there
7 was a question-and-answer period that went on
8 for about a page and a half.

9 THE COURT: I would really ----

10 BRUCE DURANT: There's really not much
11 on that, to tell you the truth, and there may
12 not even be anything objectionable. I don't
13 know if Mr. Bloom has had a chance to read it
14 or not.

15 THE COURT: The question-and-
16 answer, we're going into another area. Mine
17 dealt with his statements that he gave more
18 than his response to any additional questions.

19 BRUCE DURANT: May I approach the
20 court reporter. I'll try to find the exhibit.

21 THE COURT: Sure. Let me just look
22 at it real quickly.

23 BRUCE DURANT: Here's the statement.
24 I'll leave it to Your Honor's discretion.
25 Actually, he read to the point of his

1 signature there.

2 COURT REPORTER: We are talking
3 about State's Exhibit 305.

4 THE COURT: The Court has been
5 provided with what was admitted as State's
6 Exhibit 305 and also identified for the
7 purposes of identification as Defendant's
8 Exhibit 3.

9 One thing I would like to do, right
10 off the bat is we need to get a clean copy.
11 The highlighted part, that needs to be taken
12 out. It just needs to be a clean copy of the
13 statement.

14 BRUCE DURANT: I probably have one,
15 Judge.

16 THE COURT: All right. Let me go
17 ahead and do something. I'm only talking
18 about the part of this statement above his
19 signature. The rest of this is bolstering.
20 I'm sorry. So however you want to prepare
21 that -- if you just want to copy and white it
22 out and just make that an exhibit.

23 BRUCE DURANT: To tell you the truth,
24 I think it would just probably be easiest just
25 to cut it.

1 THE COURT: Well, that's fine. I
2 don't have any problem. That certainly takes
3 it out so the jury's not looking at some
4 blacked-out record.

5 BRUCE DURANT: Would you just check
6 and make sure that's a copy of the same part?

7 THE COURT: It appears to be. Why
8 don't we do this?

9 BRUCE DURANT: That has got probably
10 an extra page on the back.

11 THE COURT: Whatever you --- I
12 suggest copying page three and four and you
13 can ---

14 BRUCE DURANT: What I could do is just
15 probably ---

16 THE COURT: White out "one of
17 four".

18 BRUCE DURANT: What I could do
19 rather than just cut it off, if you will give
20 me to lunchtime to do it, or something like
21 that, ---

22 THE COURT: Well, we are not
23 handing it to the jury.

24 BRUCE DURANT: Right.

25 THE COURT: I also ask that you

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1 white out and then also cut off references
2 "page one of" whatever, so that's what is in
3 is just simply the pages that have his
4 statement with this signature on it.

5 BRUCE DURANT: Okay.

6 THE COURT: Okay. And we can do
7 that at any time.

8 BRUCE DURANT: May I have just a
9 moment to consult with my paralegal?

10 THE COURT: Sure.

11 BRUCE DURANT: Your Honor, we do
12 have one other thing before we start.

13 THE COURT: Sure. Then I'll have
14 some.

15 BRUCE DURANT: Okay. The first
16 witness up this morning, there was an incident
17 of domestic abuse between her and the
18 defendant on March the 3rd of 2006, which was
19 approximately four days prior to the
20 abduction. We had planned to stay away from
21 that. But we've been advised by defense and
22 also by virtue of their opening statement that
23 they are going to make an issue of this,
24 apparently to show motive on the part of this
25 witness to make the defendant a scapegoat or

1 something like that.

2 In that regard, I told him I would
3 plan just to go through it with her on direct.
4 But I wanted to make sure that was their
5 position and have that position on the record
6 before I did so. Because, as I understand it,
7 they want it in as a matter of strategy.

8 MR. BLOOM: That would be correct,
9 Your Honor.

10 THE COURT: So you will not be
11 objecting to that line of testimony?

12 MR. BLOOM: We will not be
13 objecting to that line of testimony.

14 THE COURT: That's fine. I think
15 they have the right from a strategy point to
16 prevent it, if that's going to be an issue.
17 And certainly from the opening statement, I
18 really would almost, even without that, based
19 on what your statements were, it's very
20 logical to me from your perspective. I can
21 understand that.

22 MR. BLOOM: I would object to any
23 additional witnesses coming in, bolstering.

24 THE COURT: At this point I don't
25 know -- and, again, it would obviously depend

1 on how it's challenged as to bolstering.

2 MR. BLOOM: Yes, sir.

3 THE COURT: If it's challenged that
4 it never happened, you know, that isn't
5 bolstering. That's going to establish the
6 credibility of that witness.

7 So I don't know that that's -- in a
8 sense I guess one could hope that all of our
9 witnesses bolster our case. That's just an
10 inherent aspect of how we present it, I think.
11 But, anyway, I know what you're talking about.
12 To me, bolstering is somebody that's going to
13 repeat the same thing that that witness said
14 verbatim, much as the statement does.

15 MR. BLOOM: And I think, so the
16 record's clear, normally as the Solicitor just
17 represented, we would potentially have an
18 objection to an alleged criminal domestic
19 violence charge as a prior bad acts.

20 THE COURT: Precisely.

21 MR. BLOOM: The potential being
22 inadmissible. But as stated for the record,
23 we intend to go into the intimate details of
24 several matters and we know that they will on
25 direct, so there will be no objection at that

1 point.

2 THE COURT: Understood. There's no
3 question it would be that. But be that as it
4 may, it's not going to be objectionable.

5 SOLICITOR WILSON: Since the next
6 witness, after Ms. Nelson is the neighbor who
7 Ms. Nelson ran to get to get a cell phone so
8 that she could call 911.

9 In addition, to that the defendant
10 comes over and shows the video to that witness
11 on the telephone.

12 THE COURT: I am not going to -- my
13 ruling right now is to sort of take it one
14 step at a time.

15 SOLICITOR WILSON: I'm not clear on
16 y'all's idea of bolstering.

17 THE COURT: I think we both are on
18 the same page based on that. I assume there's
19 going to be some -- if, for instance, they
20 say, 'Yeah, that happened.' No ifs, ands or
21 buts, no question, 'just as you said it was.'
22 Then maybe the testimony about him coming over
23 with the video would be, but it's not
24 necessary for her to talk about her being
25 upset or anything of that nature, because

1 somebody's challenged it. That, to me, would
2 be something that could be bolstering a prior
3 bad act.

4 But I'm anticipating, since they're
5 going to -- they want that, and they have a
6 way to keep it out otherwise, that they're
7 probably going to say it didn't happen. So
8 given that, that probably opens the door.

9 But, Solicitor, if you want to
10 revisit it after that witness, I'll be
11 delighted to do so before you call them.

12 SOLICITOR WILSON: I think their
13 position is that it did happen and that's what
14 made her so mad to do all of this.

15 THE COURT: Well, then, that being
16 the case, then why did we need to do that?
17 But there may be other issues that this person
18 testifies to.

19 Let me say something. I understand
20 and I tried to do the same thing. You don't
21 want the jury to see you not do -- you don't
22 want the jury to hear or see a lawyer not be
23 able to present in direct examination. I know
24 that, I know there's a theory behind that. I
25 try my best but I can't possibly foresee

1 everything. But I'll let you know after I've
2 heard the testimony. Okay?

3 Anything else? Another one? This
4 guy's -- they need to -- you need to take his
5 (foreman's) paper away. Are you'all finished,
6 because it's coming fast. We need to get him
7 in here so he can't write any more. I've got
8 letters from my foreperson. Here we go.

9 COURT REPORTER: Court's Exhibit
10 Number 11.

11 (SO ENTERED AS COURT'S EXHIBIT 10)

12 (SO ENTERED AS COURT'S EXHIBIT 11)

13 THE COURT: He didn't have a book from
14 Grisham, did he, about a runaway jury; did he?
15 Number 10 was a note; right?

16 COURT REPORTER: Yes, sir.

17 THE COURT: Number 11 is a two-part
18 note from Mr. Partee that deals with Juror
19 256, the juror that wanted a specific excuse
20 for yesterday.

21 It reads, as follows: "Your Honor,
22 Juror number 256 is currently employed. As
23 you know, she is attending jury duty Monday
24 through Friday. Her work has required that
25 she works the weekend because she's not

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1 present during the normal work week. We were
2 wondering if any type of document can be
3 issued so that her attendance at work is
4 excused."

5 I assume she's talking about for the
6 weekend.

7 (Reading continued): "Your utmost
8 consideration would be highly appreciated."

9 I know of no reason the Court could
10 have to tell her employer that she's protected
11 from jury service on the weekend unless she
12 works on the weekend.

13 What's the State's position? It
14 baffles me why that would be done.

15 SOLICITOR WILSON: I mean, I think
16 the only possible thing to do would be to let
17 the employer know that she needs to be
18 available on weekends because we may be
19 working on weekends?

20 THE COURT: What's the defense say?

21 MR. BLOOM: We leave it to your
22 discretion.

23 THE COURT: The reason I'm
24 reluctant is twofold. Number one, I don't
25 know how far we can go to deal with it. I

1 think the law protects her. I don't know what
2 they're going to do. They can require -- we
3 can't stop them from that. But I read it -- I
4 don't think any law that I've seen has been
5 passed to change it. I don't remember the
6 case, I just remember it was a plant in
7 Summerville where the person was fired because
8 they attended jury service. They were sued
9 and the Court recognized -- and for that
10 instance, that was a violation of public
11 policy and therefore she was entitled to
12 recover in Court for her damages.

13 But I don't know that I have any
14 right to control or tell an employer how
15 they're to deal with it. I don't mind having
16 the Clerk call this employer to find out if
17 they would be willing to work with us and this
18 person. But it would be more to just try to
19 accommodate it, rather than to control it.

20 My concern is this, and I want this
21 clear, I don't think it rises to this level
22 but I've thought about it as a judge, not as a
23 lawyer, because I would happen to be a judge
24 when that happened. But I remember listening
25 to Darden speak about the O.J. trial as a

1 trial lawyer. Some of you may have heard it.
2 And there was a situation in that when he was
3 losing jurors and he was down -- this is Judge
4 Ito -- was down to just a few alternates
5 remaining.

6 It was the USC/UCLA ball game, and this
7 juror had planned to go and was not going to
8 be able to go; in fact, had apparently given
9 up his tickets and was very upset about that.
10 And as I recall -- I don't remember all, but
11 they were having some discussion, and they
12 called him in. And he asked Johnny Cochran if
13 he had tickets to the UCLA game. He said he
14 did, that they were on about the 50-yard line.
15 Then he called the juror in. He asked Mr.
16 Cochran, he said, 'I'm going to let this juror
17 go. Would you give him your tickets?' And he
18 said yes.

19 I'll be happy to do that. I just
20 don't want to create a situation where
21 somebody says the Court has done something.
22 It's not going to be through you. I do my
23 best to try to not show one side or the other
24 to the jury. I don't want to ever have that
25 come back as being something that the Court

1 was currying favor and that ultimately
2 indirectly benefitted one side or the other in
3 this decision.

4 That's my concern about taking a
5 position. It may be over the top, but I just
6 share that with you and share that for the
7 record.

8 I think we can simply say we will
9 inquire, but we'll say that we can't promise
10 that she's going to not have to work on at
11 least Saturday. I can't say Sunday. I don't
12 think we're going to be there. Although I
13 guess, in theory, they could be deliberating,
14 that's a possibility. Maybe that's a
15 legitimate basis to do that, that they could
16 be deliberating for several days and it could
17 go into the weekend.

18 SOLICITOR WILSON: Could this be
19 analogous to -- the only similar situation
20 I've had before is when on a federal jury an
21 employer wanted the employee/juror to come in
22 and work the night shift. That was
23 interfering with us in the daytime because
24 they were worn out, obviously. The judge then
25 told the employer, 'Look, they can't work,

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1 even though they're not in the courtroom at
2 night. It's interfering with their jury
3 duty.'

4 THE COURT: I would love to put
5 myself in the position of a federal judge, but
6 I'm not. We all know that they -- and I don't
7 mean this in a derogatory way, but they're
8 almost a king and they have the right to do
9 that. And I have the right to do that but I
10 think, for a weekend, that I really don't have
11 any basis to do that. That's my concern.

12 I will tell you, I appreciate what
13 you're saying. And certainly this person was
14 unusual because I'd never had it happen but I
15 tried a case in '95 that went eight days. And
16 the jury elected not to work on the weekend,
17 or this one did. But I said, 'Starting next
18 week, if you all would like to come to work at
19 8:00 o'clock and work later in the evening,
20 then I'll be delighted to do that, too, just
21 so that we can accomplish more.' One juror
22 raised his hand and said, "How early?"
23 I didn't say at 8:00, I said before 9:00.

24 He said, "How early?"

25 I said, "well, what do you mean?"

1 He said, "Well, I don't get off work
2 until 7:30. And it would take me -- I need
3 about thirty minutes, so it couldn't be really
4 before 8:15."

5 I said, "Sir, you mean you've been
6 working every single night?"

7 He had. I happened to have two
8 alternates who were on the jury and they'd
9 slept for a good portion of the trial. I
10 didn't excuse them to the end, purposely
11 because I wanted them to be there every day.
12 But then I excused them, but I won't ever
13 forget that because that man was one of the
14 most attentive jurors that I had. Yet he'd
15 work all night every single night, and sat in
16 the courtroom for twelve hours a day and did
17 his work. Well, ten-and-a-half hours because
18 we worked to 7:00 or 7:30 in the night.

19 So it can be done. I hear you. But
20 -- it really is not practical, so we will do
21 that. I will mention that to her and we will
22 see where we can go.

23 The other (jury requests) we can
24 accomplish. The (water) pitcher needs to be
25 moved over on this side, the water pitcher.

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1 Apparently it's interrupting the view.

2 The second part is, (reading):

3 "Also could the water pitcher on the witness
4 stand be moved to the right-hand corner?"

5 Yes.

6 This one is administerial. The next
7 one, which will be Court's Exhibit Number 12
8 is another note.

9 (SO ENTERED AS COURT'S EXHIBIT 12)

10 THE COURT: Do you normally say the
11 juror, when they did their service, that they
12 served on the jury from this date through this
13 date? Obviously, you do it one time at the
14 end.

15 CLERK, MIKE CALLAHAN: Yes.

16 THE COURT: (Reading): "There are
17 multiple jurors that require attendance
18 records to prove their attendance during this
19 trial. Please advise on how we should
20 approach this."

21 Okay, so I will advise them of that
22 situation. Any objection from the State?

23 SOLICITOR WILSON: No, sir.

24 THE COURT: Any objection from
25 defendant?

1 MR. BLOOM: No, sir.

2 THE COURT: Excuse me, there's
3 another, a third note on Court's Exhibit 11.
4 (Upon review), that's one I didn't think
5 about. The podium, if we're going to use it,
6 is going to have to be put in the cross
7 examination position, over here, because --
8 number three, (reading): " The podium is
9 interfering with the jury's view of the
10 defendant. If this could be moved, that would
11 be great."

12 I agree they have a right to
13 observe all persons in the courtroom. That's
14 legitimate.

15 MR. BLOOM: Quite frankly, I had
16 noticed that yesterday evening because I can't
17 see them.

18 THE COURT: You can't see the jury.

19 MR. BLOOM: When the jury foreman
20 is speaking to you I can't see him.

21 THE COURT: It's just the facility
22 design.

23 MR. BLOOM: One thing I noticed
24 last night during the break is that when we
25 moved it up a little bit -- I don't know if

1 that ---

2 THE COURT: Closer?

3 MR. BLOOM: Closer, (affirmative
4 nod). I don't want to put it on top of the
5 witness but I did -- if we might could move it
6 forward some.

7 (OFF RECORD ADJUSTMENT OF PODIUM)

8 THE COURT: Let's do this. You'all
9 talk amongst yourselves. That's fine. I'll
10 tell you what, from this vantage point
11 (sitting in jury box) I can see Mr. Dickerson.
12 You should be able to see me. So you've got a
13 line that really sort of runs from about -- I
14 can see fine. Does that work for you?

15 MR. BLOOM: It works for us, Judge.

16 THE COURT: Solicitor, does that
17 work for you? You could move it away if you
18 want, put you more to where you have a side
19 view of the jury.

20 BRUCE DURANT: If I can move it back?

21 THE COURT: Now you're more to the
22 side of me than back. Really, it needs to go
23 back some more.

24 BRUCE DURANT: Okay.

25 THE COURT: It's still okay?

1 BRUCE DURANT: Okay.

2 THE COURT: That's getting close.
3 Right there. Make sure that the mic doesn't
4 block the screen, put the mic down to where
5 you would have it. Can you pull it down a
6 little bit?

7 BRUCE DURANT: The mic or ---

8 THE COURT: If you could drop the
9 level of the mic down so that the mic itself
10 -- there you go, now you're talking. That
11 works.

12 BRUCE DURANT: Does that work?

13 THE COURT: That works. You ready?

14 BRUCE DURANT: Just for the
15 record, Your Honor, I have the clean copy of
16 what's previously been introduced as State's
17 Exhibit 305. I showed it to defendant's
18 counsel. I think they're okay with it.

19 THE COURT: Reserving your
20 objection, of course, to the document itself,
21 do you have any objection to supplementing
22 this document which is three pages that has no
23 reference to page numbers and it stops after
24 his signature?

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

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1 preserving our prior objection to the
2 redaction pursuant to the court's requirement.

3 THE COURT: Thank you very much.
4 So we will supplement that for Defendant's
5 Exhibit 3 and State's Exhibit 305.

6 (SO ENTERED AS DEFENDANT'S EXHIBIT 3,
7 AS SUPPLEMENTED)

8 COURT REPORTER: Your Honor, I am
9 marking the redacted copy as State's Exhibit
10 306.

11 THE COURT: Are you going to keep
12 that in?

13 COURT REPORTER: Yes, sir, State's
14 Exhibit 305 now is for ID Only.

15 THE COURT: That would be fine. We
16 will retain this for ID Only, so it remains
17 in. The document is State's Exhibit 306.

18 (SO ENTERED AS STATE'S EXHIBIT 306)

19 BRUCE DURANT: The redacted copy
20 is 306?

21 THE COURT: 305 now is -- what it
22 is, it's been referenced in the record, but
23 it's for ID Only. The jury will not see it.

24 Do we need to take a break now? Are
25 we ready for the jury -- or do we need to wait

1 for the Solicitor to return? There she is.

2 Another very important person in
3 this, in addition to the court reporter, is
4 the chief prosecuting officer for the State.

5 SOLICITOR WILSON: I'm sorry.

6 THE COURT: No, you don't have to
7 apologize. I just thought, you know what, I
8 don't think in this case I'm going to start
9 unless she's here too, or somebody tells me
10 to. Just as Mr. Dickerson's a very important
11 person in this case, too. We don't start
12 without him either.

13 I think we're ready. Let's try.
14 Maybe we'll beat another (jury) note, so let's
15 go.

16 (JURY IN @ 10:20 A.M.)

17 THE COURT: Thank you, ladies and
18 gentlemen. Good morning to you. I am sorry
19 that it has taken a while, we were taking up
20 some matters.

21 Some of the matters that we've been
22 talking about, Mr. Pardee, concerned what is
23 now Court's Exhibits 11 and 12. And, thank
24 you, sir. We tried to address those.

25 Ms. Robinson, at the break, we will

1 find out some information from you, and we
2 will try to contact your employer. At this
3 point, we don't know about Saturday. But
4 there is a possibility and that would be this,
5 because we don't know when we're going to
6 finish the first phase, but if the jury is
7 deliberating, then there's a possibility. We
8 understand that's your only days off, too.
9 We'll find out whether they can work with us,
10 but we don't have any authority to really
11 force them to do that. And I'm just sorry.
12 But just keep us apprised of it, and after
13 it's all over if there's something -- I'm not
14 advocating anything -- but I would just tell
15 you the law is they have to respect what
16 you're doing.

17 That doesn't mean they can't make
18 you work, I'm not saying that. But there's
19 some law that you may want to explore if
20 there's any type of action taken against you
21 for serving on this jury. Again, I'm not
22 advising you because -- fifteen years ago I
23 would, but I'm precluded from doing it now
24 because that's a part of the oath that I took,
25 that I would follow the canon that says I

1 can't practice law. And if I gave you advice,
2 I'd be practicing law. So I can't do that.
3 But I will just tell you there may be some law
4 that might be of some help to you. And you
5 may want to talk to somebody.

6 But hopefully none of that will
7 happen or have to happen. And maybe the
8 employer, after someone from the Clerk's
9 Office will just discuss it with them and see
10 what they can do. If you will give them the
11 person they need to talk to. And we'll do
12 that at the first break. And thank you for
13 bringing that to our attention. We appreciate
14 it.

15 The pitcher has been moved. That's
16 been done. The podium has been moved. I
17 assume that the podium now -- I sat in the
18 (jury) seats and from my vantage point it gave
19 you views of all the pertinent persons.

20 One of the reasons it's back -- and
21 this is out of respect to you and just human
22 nature, none of us like to have our backs to
23 the people to whom we are including. And
24 that's the rationale for that. So please
25 understand they weren't trying to be -- we

1 have to balance those sorts of things. But
2 this arrangement -- and I looked -- that mic
3 doesn't interfere with your view -- yours, Mr.
4 Partee, didn't have any problem with the
5 screen, I didn't think. But the two here, Ms.
6 Grant and Ms. Robinson, you can see the screen
7 okay with that, without any problem?

8 JUROR: Yes, sir.

9 THE COURT: I think the rest of you
10 can see it without any problem. Thank you
11 very much, ladies and gentlemen. But please
12 continue -- I appreciate that, that's exactly
13 what we want to do. Thank you, Mr. Partee. I
14 appreciate that.

15 Before we start -- oh, let me tell
16 you some good news today -- maybe not good
17 news for you. But I have a commitment that
18 I've made this evening, that I have to be in
19 Moncks Corner for a function that takes place
20 annually in Moncks Corner. It's a very
21 wonderful thing, the *Relay for Life*. We have
22 a team from my church, and I've already
23 committed to that. So we're going to have to
24 stop at 4:00 today. So I'm sorry for the two
25 hours that you're going to lose. But maybe

1 you'all can work through that. I appreciate
2 that. We'll be planning accordingly with that
3 and I appreciate everybody's willingness to do
4 that, too.

5 Before we start resuming taking our
6 testimony, let me now -- and you don't have to
7 stand. I'll just ask you, does each juror
8 solemnly swear or affirm that at all times
9 since you recessed yesterday that you have
10 followed the Court's instruction in every
11 respect, and specifically you have not talked
12 with anyone, permitted anyone to talk with
13 you, read anything about it, watched any news
14 programs, nor have you conducted any
15 independent investigation by going anywhere
16 physically or by going on the internet and
17 doing any independent research. If you have
18 done this, please say "I do."

19 (UNANIMOUS AFFIRMATIVE RESPONSE)

20 THE COURT: Any juror that could
21 not make that commitment, please stand. (No
22 response).

23 Thank you very much, and we're ready
24 to continue. Solicitor, thank you for your
25 patience, and we're ready to continue.

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1 BRUCE DURANT: Thank you, Your Honor.

2 The State would call Shelley Nelson.

3 (WITNESS TAKES STAND)

4 TOMISHA "SHELLEY" NELSON, being duly
5 sworn to tell the truth, the whole truth and
6 nothing but the truth, testified, as follows:

7 DIRECT EXAMINATION

8 BY BRUCE DURANT:

9 Q. Good morning, Ms. Nelson.

10 A. Good morning.

11 Q. Could you tell the jury what your
12 nickname is, what people call you by?

13 A. Shelley.

14 Q. Okay. If you would, you need to move up
15 so that you can be able to speak into that
16 microphone, so that the Ladies and Gentlemen
17 of the jury and the Judge can hear what you
18 have to say. Okay?

19 A. (Affirmative nod).

20 Q. How old are you?

21 A. Thirty.

22 Q. How far did you go in school?

23 A. High school?

24 Q. Are you currently working?

25 A. No.

- 1 Q. But you are not working at the present
2 time?
- 3 A. No.
- 4 Q. Do you have any children?
- 5 A. Three.
- 6 Q. How old are your children?
- 7 A. Nine, six and five.
- 8 Q. I believe that you had prior bad checks
9 in 1999; is that correct?
- 10 A. Yes.
- 11 Q. And I believe you were convicted of
12 shoplifting and filing a false police report
13 in 2006; is that correct?
- 14 A. Yes, sir.
- 15 Q. Now, do you know this gentleman in the
16 blue shirt?
- 17 A. Yes, sir.
- 18 Q. Who is that?
- 19 A. William Dickerson, my exboyfriend.
- 20 Q. And what do you call him by?
- 21 A. Willie D.
- 22 Q. How long have you known Willie D?
- 23 A. After ten years.
- 24 Q. When did you first meet him?
- 25 A. High school.

- 1 Q. Did he go by any other names besides
2 "Willie D"?
3 A. "Little Man".
4 Q. You said that you knew him since high
5 school?
6 A. (Affirmative nod).
7 Q. Did you have a relationship with him back
8 in high school?
9 A. Yes, sir.
10 Q. I believe that he was out of town until
11 September of 2005. Did you have occasion to
12 become reacquainted with him at the end of
13 2005?
14 A. Yes, sir.
15 Q. How did you get back in -- how did you --
16 --
17 A. We reacclimated our friendship.
18 Q. So you'all starting dating each other
19 again?
20 A. Um-humm, (affirmative nod). Yes, sir.
21 Q. And in fact you'all ended up moving in
22 together, is that correct?
23 A. Yes, sir.
24 Q. Where did you'all move in? Where did
25 you'all move to?

1 A. Cedar Road, in Dorchester county.

2 Q. Can you recall when it was, roughly, that
3 you moved into that house or apartment?

4 A. March -- January, March of 2006.

5 Q. Okay. From your relationship with Mr.
6 Dickerson, did you ever have the occasion to
7 meet someone named Gerard Roper?

8 A. Yes, sir.

9 Q. What name did you know Gerard by?

10 A. Gerard Roper, Gerard.

11 Q. Okay. How did you know Gerard, how did
12 you come to know him?

13 A. Through Willie D.

14 Q. What was the relationship between Willie
15 D and Gerard?

16 A. That was his best friend, he said.

17 Q. What was your impression of Gerard Roper?

18 A. He was a quiet, respectable guy, never
19 seemed like a fool.

20 Q. Now, you said that you and Mr. Dickerson
21 lived together on Cedar Road. How long did
22 you'all live together?

23 A. Three months. Three or four months.

24 Q. I believe you'all ended up separated
25 around the first of March, is that correct?

1 A. Yes, sir.

2 Q. Why did you'all separate?

3 A. We had an altercation, he attacked me.

4 Q. Okay. Had you'all actually separated
5 before that day? I mean, stopped living
6 together before that day?

7 A. No, sir.

8 Q. Tell me about that. I believe that
9 happened on March the 3rd, is that correct?

10 A. Yes, sir. He came home, we had an
11 argument, he slapped me, I asked him to leave,
12 he left, he didn't come back until early
13 morning.

14 When he came back in the early morning,
15 he was speaking about us, not arguing, wanted
16 to get back together.

17 I just didn't want to talk, I asked him
18 to leave. He did.

19 He came back again, he was still speaking
20 about us getting together. Then he came back
21 with the phone, mad, saying it was me and
22 Gerard in the phone. There was no picture
23 that I could really see, I just heard like
24 kids talking.

25 I asked him to leave. He left. A few

1 minutes later, a friend of mine knocked on the
2 door and when I opened ---

3 Q. Slow down just a little -- now, we're
4 talking about March the 3rd now?

5 A. (Affirmative nod).

6 THE COURT: Was that a "yes",
7 ma'am?

8 THE WITNESS: Yes, sir.

9 DIRECT EXAMINATION CONTINUED

10 BY BRUCE DURANT:

11 Q. Okay. Now tell us what happened on March
12 3rd. You were where?

13 A. In my room where we live.

14 Q. That would be on Cedar ---

15 A. Cedar Road, (affirmative nod).

16 Q. And was he -- you hadn't spent the night
17 with him the previous night; is that correct?

18 A. Before?

19 Q. The day that he came over on March the
20 3rd?

21 A. He slept home that night and left early
22 that morning.

23 Q. Okay, then he came back?

24 A. He came up behind the apartments, yes.

25 Q. Well, tell me what happened about the

1 argument on March 3rd?

2 A. We argued, he slapped me, we had an
3 altercation, he left.

4 He came back home later that day, you
5 know, and we argued again. He left.

6 He came back early that morning. I
7 wouldn't let him in. A friend of mine knocked
8 on the door. I thought she was alone but she
9 wasn't. I opened the door and he came from
10 the side of the door, grabbed me, choked me,
11 was round back of me, told her to sit down,
12 don't move, lock the door. She did it. He
13 was attacking me and ---

14 Q. Was what?

15 A. Was attacking me until I fought him off
16 of me and ran out the door.

17 Q. Now, did he have anything in his hands
18 when he came in the apartment?

19 A. Earlier when he did, he did. He had a
20 cell phone.

21 Q. What was the significance of that?

22 A. He had a cell phone with a picture saying
23 that it was Gerard -- trying to get me to say
24 that it was Gerard, but I couldn't see a
25 picture of it. There shouldn't be a picture

1 of it because I never was with Gerard, I never
2 would take a picture of me with Gerard. Why
3 -- I wasn't really hearing him, I was just
4 telling him that I didn't want to hear it.
5 Q. Well, what was he claiming was on the
6 video?
7 A. It was supposedly a picture of me and
8 Gerard.
9 Q. You and Gerard doing what?
10 A. The thing, in the car, in our car, in the
11 backseat.
12 Q. Just sitting?
13 A. Yeah, looking like naked. There was a
14 man naked in the back, showed him in the back
15 seat.
16 Q. Did you see the video yourself?
17 A. Yes. He showed it to me.
18 Q. What did you see on the video?
19 A. A guy in the backseat of our car, sitting
20 naked.
21 Q. Do you know where that video came from?
22 A. No, sir.
23 Q. Who did he think was the person in the
24 video?
25 A. He was saying that it was Gerard.

- 1 Q. And who did he think the girl was?
- 2 A. I didn't see a girl but he was trying to
- 3 say me.
- 4 Q. Okay. So was he accusing you of having
- 5 some sort of affair with Gerard?
- 6 A. Yes. Then he left.
- 7 Q. Then you say that he came back later?
- 8 A. He came back again.
- 9 Q. What was his state of mind when all that
- 10 was going on?
- 11 A. He was very, very, very upset.
- 12 Q. And then he came back, you said?
- 13 A. Um-humm, (affirmative nod).
- 14 Q. Forced his way in?
- 15 A. Yes, sir, tore out the screen and busted
- 16 the window.
- 17 Q. And you say that he attacked you?
- 18 A. (Affirmative nod).
- 19 Q. How did he attack you?
- 20 A. He choked me around my neck, throwed me
- 21 on the ground, sat on top of me, was beating
- 22 me in the face for a minute, he kicked me --
- 23 just numerous things.
- 24 Q. You mentioned something about a girl.
- 25 A. (Affirmative nod).

1 Q. Who was that?

2 A. One of my friends. She was coming to
3 visit me, that's what I opened the door for;
4 but when I opened it, it was him hiding behind
5 the door and he came in, closed the door and
6 told her to sit down, lock it and don't move.
7 She did that.

8 Q. Okay. Now, how did you get away?

9 A. I threw him off of me and ran to the
10 door, was able to get outside -- luckily.

11 Q. What did you do when you got outside?

12 A. Started running to the neighbors -- I saw
13 a neighbor but before I could get to speak to
14 her he was coming behind me, and he got to
15 speak to her. He was trying to show her the
16 phone and explain why he had both of my eyes
17 closed and me bloody.

18 Q. What do you mean by both of your eyes
19 closed?

20 A. Both of my eyes were closed because of me
21 running outside naked, with my shirt gone. I
22 finally got to her, asked her to use her cell
23 phone. She give it to me but she was still
24 talking to him, so I ran through her door and
25 out the back door, across two street, and down

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1 the neighboring side street and called for
2 help.

3 Q. Called the police?

4 A. (Affirmative nod), and my friend. Yes.

5 Q. Did you end up having to receive medical
6 treatment?

7 A. Yes, I had to be checked in, numerous
8 times, and ---

9 Q. Were you hospitalized?

10 A. Stitches in my face here, in my lip.

11 Q. Did you have to be hospitalized?

12 A. Just for hours, they kept me there just
13 to watch me.

14 Q. Now, did you continue to hear from the
15 defendant after that time?

16 A. Yes, sir.

17 Q. How?

18 A. He was calling me.

19 Q. Okay. What was he doing when he was
20 calling you?

21 A. Just speaking, telling me that he loved
22 me. Telling me that we didn't have to go
23 through it with the police. He even took me
24 back to the hospital for a recheck of both of
25 my eyes and waited with me, dropped me back

1 off home, went on about his business. Started
2 back calling me.

3 Q. Was there ever a time when he called
4 where the tone was something less than
5 friendly?

6 A. Yes, sir.

7 Q. And did you end up contacting someone in
8 law enforcement named Jackie Flint?

9 A. Yes, sir.

10 Q. What were you advised to do?

11 A. To record when he started talking, when
12 he called.

13 Q. Now, let's move on to March the 7th of
14 2006. Did you have any contact with the
15 defendant that day?

16 A. Yes, sir.

17 Q. And how was that? Was that in person or
18 by phone?

19 A. By phone.

20 Q. What was your phone number?

21 A. 843-554-5464.

22 Q. What was Mr. Dickerson's phone number?

23 A. 843-530-5085.

24 Q. That was his cell phone?

25 A. Yes, sir.

1 Q. Now, when he called you on the afternoon
2 of March 7th, tell us about that.

3 A. He started calling me early morning. He
4 was saying that somebody was following him and
5 -- I guess, uh, -- I was trying to understand
6 him speaking. I'm saying, 'What's wrong?'
7 I was just trying to understand him, to get
8 him to calm down because he was very, very
9 upset. Throughout the conversation, he wasn't
10 trying to hear me or anything. I just didn't
11 know why he was out of control, I just didn't
12 know what was wrong. Then he hung up that
13 time.

14 Then he called back. Then one time that
15 he called back he told me that he had Gerard
16 with him.

17 Q. That was in the afternoon?

18 A. Yes, sir.

19 Q. Now, tell us about that. He said that he
20 had who with him?

21 A. Gerard.

22 Q. And did he say where he had Gerard?

23 A. No, sir.

24 Q. And did he tell you why he and Gerard
= together?

1 A. No, sir.

2 Q. At the time he was just angry and they
3 were together. You know, I was trying to
4 figure out what was wrong. Then he hung up,
5 you know.

6 Then he called back and that time he made
7 it clear that he was angry at Gerard.

8 Q. What did he say that he was doing with
9 Gerard?

10 A. He said that he had Gerard with him and
11 Gerard made him mad, that Gerard wouldn't
12 answer his phone calls, was ignoring him,
13 avoiding him, this was his best friend, had
14 made him mad. Gerard doesn't do things like
15 that and I guess he didn't know why Gerard was
16 doing that.

17 I asked him where was Gerard and he told
18 me that Gerard was right there. I asked him
19 to let me speak to Gerard. He gave Gerard the
20 phone. Gerard got on the phone and asked
21 Gerard what was going on, if he was okay.
22 Gerard stated that he wasn't, that he'd put a
23 gun on him and was knocking out his teeth.

24 He told me ---

25 Q. What did William Dickerson specifically

1 say to you that he had done to Gerard?

2 A. (Pause) -- you know, he was -- that he'd
3 put the gun in him, stuck the gun up him.

4 Q. Up what?

5 A. I am not sure, I just remember that he'd
6 done the same thing with the end of the broom.
7 Stick it up him, I believe. That his bunky
8 was bigger than mine.

9 Q. Okay. You say that during one of these
10 conversations that he actually let you talk to
11 Gerard?

12 A. Yes, sir.

13 Q. How do you know it was Gerard?

14 A. Because I'd heard Gerard's voice around
15 my exboyfriend and -- it was Gerard. He said,
16 'Gerard, get on the phone.' It was Gerard, I
17 heard him and he told me.

18 And I told him to leave Gerard alone,
19 that he was making it worser, and why was he
20 doing it. He just was angry-like, he was
21 saying that Gerard was avoiding him and that's
22 what made him mad.

23 Q. Now, at one point during one of these
24 conversations, did you cause a recording to be
25 made?

- 1 A. Yes, sir.
- 2 Q. Of one of the conversations?
- 3 A. Yes, sir.
- 4 Q. And -- first of all, how did you do that?
- 5 A. He repeatedly called me. He had voice
- 6 mail on his house telephone, like I could call
- 7 my voice mail, my number, and my voice
- 8 recorder picked up, so as it was recording --
- 9 as we had our conversation, it recorded it.
- 10 Q. Let me get this clear. You were talking
- 11 to him on the phone?
- 12 A. (Affirmative nod).
- 13 Q. And while you were talking to him on the
- 14 phone, what did you do?
- 15 A. Well, he was rambling in the background
- 16 or whatever, I flipped over ---
- 17 Q. What do you mean flipped over? Do you
- 18 mean three-way?
- 19 A. With my house, three-way, like my old
- 20 number, my voice mail.
- 21 Q. So you three-way'ed your own phone and
- 22 when your voice mail picked up, what did you
- 23 do then, click back over to the other call?
- 24 A. Um-humm, (affirmative nod).
- 25 THE COURT: Was that a "yes"?

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1 THE WITNESS: Yes, sir.

2 DIRECT EXAMINATION CONTINUED

3 BY BRUCE DURANT:

4 Q. Subsequently did you contact someone in
5 law enforcement with regard to this recording?

6 A. Yes.

7 Q. Ms. Flint?

8 A. Yes. She got back to me previously
9 dealing with the altercation, of the attack
10 with me and him.

11 Q. Okay.

12 A. She advised me to record each.

13 Q. Did you play this over the phone for her?

14 A. Yes.

15 Q. Was it your understanding that was being
16 recorded?

17 A. Yes.

18 Q. Ms. Nelson, I hand you what has
19 previously been marked as State's Exhibit 296
20 for identification purposes, and ask if you
21 recognize that?

22 A. (Upon review), yes. Yes, sir.

23 Q. That is what?

24 A. The recording of our conversation.

25 Q. How do you know?

1 A. Because it's got my initials.

2 Q. Could you tell the jury -- there appears
3 to be something written on it, what is that?

4 A. (Reviewing).

5 Q. Right here, (indicating).

6 A. (Upon review) -- 4/1/09 Tomisha Nelson.

7 Q. Okay. Is that the date that you listened
8 to that?

9 A. Yes, sir.

10 Q. And you listened to that CD in its
11 entirety on that day?

12 A. Yes, sir.

13 Q. And it is -- is it an exact copy of the
14 portion of the conversation between you and
15 Mr. Dickerson that was recorded on March the
16 7th, 2006?

17 A. Yes, sir.

18 Q. You've listened to that and you know
19 that; is that correct?

20 A. Yes, sir.

21 Q. Now, who'all's voices appear on that tape
22 or on that CD?

23 A. My voice, William's voice and Gerard's
24 voice.

25 Q. How do you know whose voices they are?

1 Obviously you know your own?

2 A. (Affirmative nod). Because I'd spoke to
3 them on the telephone and I knew my ex-
4 boyfriend's voice and I knew Gerard's.

5 Q. Okay.

6 BRUCE DURANT: Your Honor, at
7 this time we would move State's Exhibit 296
8 into evidence.

9 THE COURT: Any objection?

10 MR. BLOOM: No, sir, Your Honor.

11 THE COURT: Without objection, it
12 is admitted.

13 (SO ENTERED AS STATE'S EXHIBIT 296)

14 THE COURT: Thank you.

15 DIRECT EXAMINATION CONTINUED

16 BY BRUCE DURANT:

17 Q. Now, you have been to the Solicitor's
18 office concerning this matter, have you not?

19 A. Yes, sir.

20 Q. And you know Investigator Osborne, is
21 that correct?

22 A. Yes, sir.

23 Q. Do you recall meeting with Investigator
24 Osborne on February 8th of 2008 to go through
25 that tape?

1 A. Yes, sir.

2 Q. Do you remember telling Detective Osborne
3 what was being said?

4 A. Yes, sir.

5 Q. And while you were telling Detective
6 Osborne that, what was he doing?

7 A. Making out a transcript.

8 Q. Okay. Was a transcript made of the
9 entire recording?

10 A. Yes, sir.

11 Q. Have you reviewed that transcript?

12 A. Yes, sir.

13 BRUCE DURANT: (Tenders document
14 to be marked as an exhibit).

15 COURT REPORTER: State's Exhibit
16 307.

17 DIRECT EXAMINATION CONTINUED

18 BY BRUCE DURANT:

19 Q. I hand you what has previously been
20 marked as State's Exhibit 307 and I will ask
21 you to read that. Read it to yourself for
22 right now. I just want to make sure that you
23 read the entire thing and -- do you recognize
24 that?

25 A. Yes.

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1 Q. Is that the transcript that you prepared
2 in conjunction with Mr. Osborne in February?

3 A. Yes.

4 Q. And to the best of your knowledge is that
5 an accurate transcript of the conversation
6 that you previously had recorded, that is
7 reflected in number ---

8 COURT REPORTER: State's Exhibit
9 296.

10 DIRECT EXAMINATION CONTINUED

11 BY BRUCE DURANT:

12 Q. --- in State's Exhibit 296?

13 A. Yes, sir.

14 BRUCE DURANT: Beg the court's
15 indulgence?

16 THE COURT: Certainly.

17 MR. BLOOM: Your Honor, we would
18 have a brief matter of law to take up.

19 THE COURT: Certainly. Ladies and
20 Gentlemen, I need for you to go to your jury
21 room. Do not begin your deliberations, don't
22 discuss the case. We will be with you in just
23 a few moments.

24 (JURY OUT @ 10:42 A.M.)

25 THE COURT: Mr. Bloom?

1 MR. BLOOM: Your Honor, my under-
2 standing is that the Solicitor intends to use
3 the purported transcript, the last exhibit, to
4 allow the jurors to have copies to read from
5 while the recording is being played.

6 THE COURT: Correct.

7 MR. BLOOM: It is my further
8 understanding that the transcript that they
9 read from will be an exhibit admitted later so
10 that ---

11 THE COURT: Does not?

12 MR. BLOOM: We would object to
13 that. It places this witness' testimony -- I
14 think it takes away the jury's function for
15 them to listen and weigh and judge the
16 evidence, then give it the credibility that
17 they determine rather than this witness'
18 purported assertions as to what the tape says
19 in transcript form. They have to judge her
20 credibility, her assessment, her memory and it
21 substitutes those judgment calls by the jury.

22 I think that it transcend the
23 permissible boundary that we -- absolutely,
24 this witness, they are free to ask her what
25 she says the tape says. To put it in a black

1 and white transcript form, I think goes one
2 step further and gets into the area that we
3 were discussing before about improper
4 bolstering.

5 The jury is free to hear her
6 testimony, is free to listen to the tapes but
7 to go that one step further is, I think,
8 unfairly prejudicial.

9 THE COURT: Respond?

10 BRUCE DURANT: Your Honor, I
11 think -- according to case law it's in your
12 discretion to allow a transcript like that.
13 As you can see when you hear it, it's not like
14 we're having someone foreign to the situation.
15 We actually prepared the transcript, we
16 actually have a participant in the
17 conversation that said -- that compare the
18 transcript with the recording, in conjunction
19 with our office.

20 The courts routinely allow things
21 like that with an instruction to the jury that
22 'the tape is the evidence, the transcript is
23 merely an aid to you, and if you don't believe
24 that it accurately reflects the conversation
25 you are to totally disregard it.' I think

1 that would be sufficient to protect any right
2 of the defendant in this case and I believe
3 that it would be an aid to this jury.

4 Besides that, they have had this
5 transcript and this recording for months. If
6 they'd wanted to contest anything that is said
7 in it, they certainly could do so. They have
8 a witness up there on the stand to cross-
9 examine.

10 THE COURT: Anything else, Mr.
11 Bloom, in response?

12 MR. BLOOM: Nothing further, Your
13 Honor.

14 THE COURT: I was delighted to hear
15 that it is not being offered into evidence but
16 merely to be assistance, as I understand, as
17 you listen to this videotape?

18 BRUCE DURANT: And what I was
19 going to do, Your Honor, I have one that I've
20 marked for identification, I have a copy for
21 each of the jurors, I have a copy for the
22 court, but I was not going to admit it into
23 evidence. I was going to allow them to review
24 it while the tape was being played?

25 THE COURT: I understand that and

1 that's no problem, I don't have any problem
2 with that. My main concern was that it would
3 be admitted into evidence, because it deals
4 with the problem over which -- once it leaves
5 this room, then I don't have any control --
6 well, I don't have any control now.

7 I understand your concerns. My
8 intention is to tell them the transcript will
9 be given them. 'That transcript that you have
10 just heard is what this witness says that tape
11 says.' That is merely her, she is the person
12 that has produced this transcript. 'It's for
13 you to determine what is said on this tape and
14 you, at the appropriate time, will pass on the
15 credibility of this witness and the tape
16 itself.' That's the instruction that I
17 intend to give them.

18 Any additional things that you wish
19 to say or for the court to instruct concerning
20 the tape itself?

21 MR. BLOOM: Court's indulgence one
22 moment.

23 THE COURT: Yes. I am referring to
24 the transcript, that it will not be evidence.
25 It will not accompany them to the jury room.

1 MR. BLOOM: Nothing further, Your
2 Honor.

3 THE COURT: Very well, thank you.

4 BRUCE DURANT: And you will
5 instruct the jury on that?

6 THE COURT: I will.

7 BRUCE DURANT: Just while they
8 are out, can I go ahead and get this ---

9 THE COURT: Yes, why don't we take
10 about five minutes and we can be back and do
11 that?

12 (BRIEF RECESS)

13 (DEFENDANT NOT PRESENT)

14 THE COURT: Okay, Ms. Meteraud has
15 recognized Ms. Childs.

16 MR. BLOOM: Yes, sir, and I don't
17 believe that she was in here when we did the
18 last ---

19 THE COURT: I understand, it was
20 nothing intentional. What did I do with the
21 court's exhibits?

22 COURT REPORTER: Court's Exhibit
23 13.

24 (SO ENTERED AS COURT'S EXHIBIT 13)

25 THE COURT: You'all approach,

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1 please. Bring Ms. Meteraud in, please.

2 (JUROR NUMBER 381 ENTERS COURTROOM)

3 BENCH CONFERENCE:

4 THE COURT: Ms. Meteraud,
5 thank you so much. I appreciate you calling
6 to our attention what is now Court's Exhibit
7 13, that you recognize someone -- I believe
8 her name is Vickie Childs -- as being a person
9 in your church.

10 JUROR NUMBER 381: Yes, sir.

11 THE COURT: She was not
12 present -- she is working with the attorneys
13 in this case. Would that influence or affect
14 you in any way in your decision?

15 JUROR NUMBER 381: No, sir.

16 THE COURT: And you would not
17 have changed any responses had you known that
18 she was involved in this, that you've
19 previously given both to the State and to the
20 Defendant?

21 JUROR NUMBER 381: No, sir, just
22 that I knew her if her name was brought up.

23 THE COURT: Again, when you're
24 instructed to begin your deliberations, you
25 will then be able to apply your common sense,

1 your sense of logic and reason and your life's
2 experiences fairly and impartially without any
3 influence by the fact that Ms. Childs will be
4 sitting there?

5 JUROR NUMBER 381: Yes,
6 absolutely.

7 THE COURT: And your decision
8 would be fair to both sides?

9 JUROR NUMBER 381: Yes, sir.

10 THE COURT: Any additional
11 questions of Ms. Meteraud from the State?

12 SOLICITOR WILSON: None, Your
13 Honor.

14 THE COURT: Thank you, Ms.
15 Meteraud. Thank you for calling it to our
16 attention. You may return to your jury room.

17 (BENCH CONFERENCE CONCLUDED)

18 (JUROR NUMBER 381 EXITS COURTROOM)

19 THE COURT: Any objection from the
20 State as to Ms. Meteraud continuing to serve?

21 BRUCE DURANT: No, sir.

22 THE COURT: Any objection from the
23 Defendant?

24 MR. BLOOM: No, sir, we note
25 briefly that the Defendant had not yet been

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1 brought into the courtroom but his counsel, I
2 would note, -- I don't see any prejudice from
3 that.

4 THE COURT: You will discuss it
5 with him?

6 MR. BLOOM: We will discuss it with
7 him but I just wanted to note that for the
8 record.

9 THE COURT: If there is any matter
10 that needs to be addressed, we will be happy
11 to return her to the courtroom and we will
12 revisit that.

13 MR. BLOOM: Thank you, Your Honor.

14 (DEFENDANT ENTERS COURTROOM)

15 THE COURT: I think -- when Mr.
16 Callahan went in to talk with the juror, Ms.
17 Robinson, concerning her employer, Ms.
18 Robinson volunteered that she saw someone --
19 he stopped her. I would like to bring Ms.
20 Robinson in now to find out who that person
21 is. I don't know anything about it other than
22 the fact that -- Mr. Callahan said, 'You need
23 to write that down.' So I would prefer to go
24 ahead and bring Ms. Robinson in now. Any
25 objection from either side to doing that?

1 SOLICITOR WILSON: No, sir.

2 MR. BLOOM: No, Your Honor.

3 THE COURT: Ms. Robinson is Juror
4 Number 256.

5 (JUROR NUMBER 256 ENTERS COURTROOM)

6 BENCH CONFERENCE:

7 THE COURT: Ms. Robinson, Mr.

8 Callahan came in and said that when he went
9 back there to talk to you about your employer,
10 to get some information from you, that you had
11 mentioned something that you needed to share.
12 So I am going to let you share that with us
13 now.

14 JUROR NUMBER 256: I recognized
15 one of the women who testified, the first
16 witness. I don't know her personally but I --
17 (pause), I think she works at the same company
18 that I do.

19 THE COURT: The fact that she
20 happens to be employed with the same company
21 that you're employed with, would that affect
22 or influence you in any way?

23 JUROR NUMBER 256: No, no, no.

24 THE COURT: You would stand by
25 your answers that you have previously given in

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1 every respect?

2 JUROR NUMBER 256: Yes, sir.

3 THE COURT: And you would base
4 your decision on the evidence and the law at
5 the appropriate time, applying your common
6 sense, your sense of logic and reasoning fair
7 in analyzing the evidence and ---

8 JUROR NUMBER 256: Yes.

9 THE COURT: And you would
10 again take the law as I gave it to you,
11 setting aside your personal opinions and
12 feelings and apply it fairly and impartially
13 so that your decision would be fair to both
14 parties?

15 JUROR NUMBER 256: Yes.

16 MR. BLOOM: If I might ask one
17 question?

18 THE COURT: Certainly.

19 MR. BLOOM: The person that
20 you are talking about was Mr. Dickerson's
21 girlfriend ---

22 JUROR NUMBER 256: Right, the
23 first witness, Shelley. I never seen her
24 before but I just known that Shelley is
25 employed by T-Mobile.

1 MR. BLOOM: Would you have a
2 chance to talk with her, would you have any
3 contact with her over the evenings or over the
4 weekends?

5 JUROR NUMBER 256: No, no.

6 MR. BLOOM: Okay.

7 THE COURT: The person that
8 you were talking about is this witness, that's
9 on the stand?

10 JUROR NUMBER 256: Yes, sir.

11 MR. BLOOM: The ---

12 BRUCE DURANT: The first
13 witness.

14 THE COURT: I see.

15 JUROR NUMBER 256: I've never
16 seen her.

17 THE COURT: So that would not
18 affect your ---

19 JUROR NUMBER 256: It would not.

20 THE COURT: Thank you very
21 much, Ms. Robinson. You may retire to your
22 jury room.

23 (JUROR NUMBER 256 EXITS COURTROOM)

24 (BENCH CONFERENCE CONCLUDED)

25 THE COURT: Mr. Bloom, let me just

1 make sure ---

2 BENCH CONFERENCE:

3 SOLICITOR WILSON: Just for the
4 record, we inquired if she recognized that
5 witness during voir dire, asked her the name,
6 and she said that she didn't know the name.

7 THE COURT: Correct. Any
8 objection to Ms. Robinson continuing to serve,
9 from the State?

10 SOLICITOR WILSON: No.

11 THE COURT: Any objection from
12 the defense?

13 MR. BLOOM: None, Your Honor.

14 THE COURT: Thank you very
15 much.

16 (BENCH CONFERENCE CONCLUDED)

17 THE COURT: Thank you very much.
18 Mr. Dickerson has been present during this
19 time.

20 All right. I failed to address one
21 thing with the jurors concerning their work.
22 I am going to do that now before we resume and
23 then I will give the instruction -- when you
24 offer that specifically, then I will give that
25 specific instruction.

1 BRUCE DURANT: Okay. And,
2 again, like I said, I am not offering it into
3 evidence but I ---

4 THE COURT: No, I understand but --
5 but you are going to use it for demonstrative
6 purposes?

7 BRUCE DURANT: Right.

8 THE COURT: Whenever we get to that
9 point and you're prepared to hand them out, I
10 will give the instruction at that time
11 pertinent to that at that time.

12 BRUCE DURANT: Thank you.

13 THE COURT: Bring them in.

14 (JURY IN @ 11:12 A.M.)

15 THE COURT: Thank you very much,
16 Ladies and Gentlemen. Mr. Pardee, thank you
17 for that additional information. You didn't
18 know you were going to get to practice your
19 writing.

20 FOREMAN: That's all right.

21 THE COURT: I failed to add one
22 thing on one of them, a general question along
23 the line of what Ms. Robinson mentioned but --
24 there was some concern about whether you would
25 get something from the Clerk that will

1 indicate the days of your involvement for your
2 employer. That will be done but that is done
3 customarily at the conclusion of your service.
4 It is at that time that a certificate will be
5 issued that says 'this individual served as a
6 juror from this date through whatever date the
7 trial concludes.'

8 If that is not sufficient for your
9 employer, just let us know and we will try to
10 address that. That's typically what you do to
11 handle that situation.

12 Thank you very much. Thank you very
13 much, Solicitor. You may continue.

14 BRUCE DURANT: Thank you, Your
15 Honor.

16 DIRECT EXAMINATION CONTINUED

17 BY BRUCE DURANT:

18 Q. Ms. Nelson, referring back to State's
19 Exhibit 307 for identification, the transcript
20 that you helped prepare, you said that you
21 identified some voices on that recording; is
22 that correct?

23 A. Yes, sir.

24 Q. And on that there are the initials "TN",
25 what does the "TN" stand for?

1 A. Tomisha Nelson.

2 Q. That would be you?

3 A. Yes, sir.

4 Q. And where "TN" appears in that transcript
5 that would be the voice that you have
6 identified as belonging to yourself, is that
7 correct?

8 A. Yes, sir.

9 Q. And how about the initials "WD"?

10 A. William Dickerson.

11 Q. And where those initials appear on the
12 transcript that reflects the voice you have
13 identified as being William Dickerson. Is
14 that correct?

15 A. Yes, sir.

16 Q. And finally there are the initial "GR",
17 who does that stand for?

18 A. Gerard Roper.

19 Q. And, once again, when those initials
20 appear on the transcript, that indicates the
21 voice you have identified as belonging to
22 Gerard Roper; is that correct?

23 A. Yes, sir.

24 BRUCE DURANT: Your Honor, at
25 this time we would offer State's Exhibit 307

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1 as a demonstrative aid to the jury.

2 THE COURT: All right, sir. You
3 intend to publish 296?

4 BRUCE DURANT: That's correct,
5 Your Honor. I have a copy for the court,
6 (tendering), and with the court's permission I
7 have copies for the jury, as well.

8 THE COURT: All right. Just one
9 second before you distribute those. Ladies
10 and Gentlemen, State's Exhibit 307 for
11 Identification, -- when you hear "for
12 identification", it is for record purposes.
13 It means that as long as it is just for
14 identification, you will hear testimony
15 concerning that particular document.

16 Unless it is admitted, it will not
17 accompany you to your jury room. Once it is
18 admitted, then that evidence -- in addition to
19 the testimony, that evidence itself will be
20 reviewed by you. You will evaluate that
21 evidence at the appropriate time and decide
22 what you find to be credible and believable.

23 Again, all of those things we will
24 talk about in more detail in the charge.
25 That's just a limited instruction about that.

1 Obviously as we talked earlier when
2 I started, you certainly are at liberty to
3 make those mental notes about something that
4 will assist you in evaluating that particular
5 document but the document itself will not
6 accompany you.

7 What has been admitted here is the
8 CD itself and you're going to hear that. What
9 is going to be handed to you for demonstrative
10 purposes only, that is so that you can follow
11 only with the CD is a transcript of what this
12 witness claims is on that CD. That's this
13 witness' interpretation of what is there.

14 The ultimate decision of whether
15 that CD is actually what is contained in this
16 transcript is your decision. You decide. You
17 make those calls and you make that ultimate
18 decision. Again, the exhibit that will
19 accompany you to the jury room when you begin
20 your deliberation will be the CD but not the
21 transcript itself. Okay? Thank you very
22 much.

23 Any exceptions or additions from the
24 State concerning the court's instruction?

25 BRUCE DURANT: No, sir, Your

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1 Honor.

2 THE COURT: Any exceptions or
3 additions from the Defendant?

4 MR. BLOOM: No, sir.

5 THE COURT: Thank you very much.

6 BRUCE DURANT: With the court's
7 permission, I will hand them out.

8 THE COURT: You may.

9 BRUCE DURANT: (Distributes State's
10 Exhibit Number 307, a transcript, to jury).
11 Your Honor, at this time the State would
12 request permission to publish State's Exhibit
13 296 to the jury.

14 THE COURT: You may proceed, sir.

15 BRUCE DURANT: Thank you, Your
16 Honor -- (audio recording identified as
17 State's Exhibit 296 played before jury).

18 THE COURT: Solicitor, if you would
19 now collect the transcripts, please.

20 BRUCE DURANT: Yes, Your Honor.

21 JURORS: (Return transcript copies
22 to Bruce Durant).

23 THE COURT: Thank you so much, sir.

24 DIRECT EXAMINATION CONTINUED

25 BY BRUCE DURANT:

1 Q. Just a couple of more questions, Ms.

2 Nelson, and we will be through. Could you
3 explain to the jury what a bunky is?

4 A. Your rear end.

5 Q. Pardon?

6 A. Your back -- your rear end.

7 Q. And there was a mention on there of
8 Sandra. Who is Sandra?

9 A. William's mother.

10 Q. And finally there was a couple of
11 references during the tape of "Word is born."
12 What does "Word was born" mean?

13 A. The truth.

14 Q. Pardon?

15 A. The truth.

16 Q. How did you find out that Gerard had not
17 survived?

18 A. When the authorities knocked on my door,
19 told me.

20 COURT REPORTER: You need to speak
21 into the microphone, please.

22 THE WITNESS: When the authorities
23 knocked on my door, told me that they found
24 Gerard over -- (pause).

25 DIRECT EXAMINATION CONTINUED

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1 BY BRUCE DURANT:

2 Q. But you had provided you had provided law
3 enforcement officers with that recording prior
4 to the time he was found; is that correct?

5 A. Yes, sir.

6 BRUCE DURANT: Beg the court's
7 indulgence.

8 THE COURT: Yes, sir.

9 Direct EXAMINATION CONTINUED

10 BY BRUCE DURANT:

11 Q. Just a couple of questions and I'll be
12 done. This one conversation that we have a
13 recording of, was that the only conversation
14 that you had with Mr. Dickerson that day while
15 he had Gerard Roper?

16 A. Well, while I knew that he had Gerard;
17 yeah.

18 Q. Okay. And didn't you say that in one
19 other call you'd actually spoke to Gerard
20 yourself?

21 A. The call that's recorded.

22 Q. So was that earlier in the call, before
23 you started recording?

24 A. (Affirmative nod).

25 Q. I see.

1 COURT REPORTER: Was that a "yes"?

2 THE WITNESS: Yes, ma'am.

3 BRUCE DURANT: Thank you. Please
4 answer any questions that defense counsel may
5 have for you.

6 THE COURT: You may cross-examine,
7 Mr. Bloom.

8 MR. BLOOM: May it please the
9 court?

10 THE COURT: Yes, sir.

11 CROSS EXAMINATION

12 BY MR. BLOOM:

13 Q. Ms. Nelson, let me start by asking you --
14 nowhere on that tape does the voice you say is
15 Gerard's ask you for help. Is that correct?

16 A. (Negative gesture), no.

17 Q. Nowhere on that tape does that voice you
18 say is Gerard's say, 'I am at Armon's.'

19 A. No.

20 Q. Nowhere on that tape does the voice that
21 you say is Gerard's say, 'call the police,
22 call 911', 'help me, Shelley', nothing like
23 that?

24 A. Okay.

25 Q. In fact, the voice that you say is Gerard

1 is fairly calm and flat?

2 A. No, scared.

3 Q. Is that what you detected?

4 A. (Affirmative nod).

5 Q. It wasn't a monotone?

6 A. It wasn't for me to hear his voice, it's
7 what he told me.

8 Q. All right, ma'am. And you told law
9 enforcement that you made that recording on
10 March 7th, is that correct?

11 A. (No verbal response).

12 Q. That Tuesday? That is when you made that
13 recording?

14 A. Yes, that day.

15 Q. Okay. In fact, you told Ladies and
16 Gentlemen that you made it between 4:00 and
17 4:30 in the afternoon, correct?

18 A. I am not sure about the time. I just
19 know that it was that day.

20 Q. Did you give a statement to law
21 enforcement? Do you remember giving a
22 written statement?

23 A. Yes.

24 Q. If that time was in that Statement, would
25 that help to refresh your recollection of the

1 time?

2 A. Yes.

3 MR. BLOOM: Your Honor, if I may
4 approach the court reporter and get it marked
5 for identification only.

6 THE COURT: Certainly.

7 COURT REPORTER: Defendant's
8 Exhibit 4 for identification.

9 CROSS EXAMINATION CONTINUED

10 BY MR. BLOOM:

11 Q. Let me show you what is marked as
12 Defendant's Exhibit 4 for identification. Do
13 you recognize that statement?

14 A. (Affirmative nod).

15 THE COURT: Was that a "yes"?

16 THE WITNESS: Yes.

17 THE COURT: Thank you.

18 CROSS EXAMINATION CONTINUED

19 BY MR. BLOOM:

20 Q. Is that your name at the top?

21 A. Yes, sir.

22 Q. Your signature at the bottom?

23 A. Yes, sir.

24 Q. And you gave that statement to Detective
25 Goldstein, I believe, with the Charleston

1 Police Department?

2 A. Yes, sir.

3 Q. On March 9th, 2006?

4 A. Yes, sir.

5 Q. You gave the statement?

6 A. Yes, sir.

7 Q. So within two days of the phone call you
8 gave a statement about it, correct?

9 A. Yes, sir.

10 Q. Is there a time that you put on the very
11 first line that you tell Detective Goldstein
12 as to when you made the recording?

13 A. On Tuesday at 4:00 -- between 4:00 and
14 4:30 p.m.

15 Q. Okay, so sometime between 4:00 and 4:30
16 p.m.; correct?

17 A. Yes, sir.

18 Q. On Tuesday, March 7th; right?

19 A. Yes, sir.

20 Q. All right. And, ma'am, you had known
21 William Dickerson for more than ten years, I
22 believe that you told us?

23 A. Yes, sir.

24 Q. And about two months before this you and
25 he decided to move in together, correct?

1 A. Yes, sir.

2 Q. Is that what I understood your testimony
3 to be?

4 A. A month or two.

5 Q. About a month or two before?

6 A. (Affirmative nod).

7 Q. And he was helping to pay the bills for
8 you and your children, correct?

9 A. Yes, sir.

10 Q. He was working, right?

11 A. Yes, sir.

12 Q. There were times when you'all would have
13 arguments, correct?

14 A. Yes. No, not all the time, just that
15 time.

16 Q. Just that time?

17 A. Yes.

18 Q. Okay. Now, on that date he came over and
19 he was pretty upset with you on that date;
20 correct?

21 A. Yes, sir.

22 Q. All right. When he -- I guess -- you
23 told the jury that he came and left several
24 times during that day, that Friday, March the
25 3rd. Is that correct?

1 A. Yes.

2 Q. Then at one point you and he had a fairly
3 serious physical altercation. Correct?

4 A. Yes, sir.

5 Q. And you called the police, correct?

6 A. (No verbal response).

7 Q. After that altercation?

8 A. (Affirmative nod).

9 Q. Okay. He left, is that correct?

10 A. The police got called after the attack
11 but when the police came he was long gone.

12 Q. He has left before they arrived, correct?

13 A. (Affirmative nod).

14 Q. But he had -- and the altercation was
15 over his belief that somehow a video was on
16 his cell phone of you having sex with someone
17 else in the back seat of the car?

18 A. No, sir.

19 Q. - Isn't that what you testified to on
20 direct?

21 A. The altercation that he brought about was
22 about the cell phone part but we'd had a
23 previous altercation that had nothing to do
24 with the cell phone.

25 Q. It was because you had broke up with him?

1 A. I'd told him to leave.

2 Q. He had been accusing you of having sex
3 with someone else, is that correct?

4 A. Yes.

5 Q. But in any event, you'all continued to
6 talk to each other over the phone, back and
7 forth, from March 3rd, that day on; correct?

8 A. March 5th.

9 Q. And sometimes he would call you on your
10 phone, right?

11 A. Yes.

12 Q. Sometimes you would call him, right?

13 A. Yes.

14 Q. In fact, I think you told the jury that
15 even after the altercation, at one point
16 either that day or shortly thereafter, he took
17 you back to the hospital to be rechecked.
18 Correct?

19 A. Yes.

20 Q. Now, beginning Monday, March the 6th, you
21 and he continued to talk on the phone,
22 correct?

23 A. Yes.

24 Q. He would call you, right?

25 A. (Affirmative nod) -- yes, sir.

1 Q. I don't mean to be rude, but you've got
2 to say 'yes' or 'no', or whatever your answer
3 is, because this fine lady has got to take it
4 down.

5 A. (Affirmative nod).

6 Q. Sometimes you would call him?

7 A. Yes, sir.

8 Q. And you said that at some point on March
9 6th or March 7th that he sounded upset and
10 angry; correct?

11 A. Yes, sir.

12 Q. And what he was angry about was that he
13 thought that someone was out to get him.
14 Correct?

15 A. Yes, sir.

16 Q. All right. What William thought, in
17 fact, was that you had gotten some people out
18 to get him. Correct?

19 A. No, not to my knowledge.

20 Q. Didn't he accuse you of getting some of
21 the network of friends that you'all had to
22 retaliate and hurt him and ---

23 A. Yeah, because of the argument he probably
24 did. Yeah. But it was his friends, my
25 friends, just anybody.

1 Q. Okay. You'all had a network of friends,
2 including Gerard Roper, correct? And Armon?

3 A. "You'all had a network of friends", --
4 (negative gesture). Those were my ex-
5 boyfriend's friends, I never saw these friends
6 if I didn't see my ex-boyfriend.

7 Among is my ex-boyfriend's brother.
8 Since I was seventeen, he's been around.
9 Yeah, I may see him but not Gerard or his
10 friends. I don't be around my boyfriend's
11 friends.

12 Q. But some of those people you knew could
13 be dangerous, as well; correct?

14 A. Yes.

15 Q. Because there was a network of young men
16 and sometimes women who were involved in drugs
17 and other illegal activities. Correct?

18 A. No. I am not sure -- I mean, anything
19 -- yeah.

20 Q. There was a network, do you remember
21 telling Ms. Flint or someone with her agency
22 or someone with law enforcement that there was
23 a network of people who were involved in
24 illegal activities. Correct?

25 A. Yes, sir.

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- 1 Q. Drug selling. Right?
- 2 A. (Affirmative nod).
- 3 Q. Drug using?
- 4 A. (Affirmative nod) -- yes.
- 5 Q. All right. You were personally aware of
- 6 that because you had been involved in some of
- 7 that, to be fair. Correct?
- 8 A. Yes.
- 9 Q. Cocaine had been used in your household,
- 10 right?
- 11 A. No, sir.
- 12 Q. Not -- no cocaine? (Telephone ringing in
- 13 courtroom).
- 14 A. Cocaine, you may use it or smoke it but
- 15 -- no.
- 16 Q. You never did?
- 17 A. I did?
- 18 Q. (Affirmative nod).
- 19 A. (Negative gesture). I've smoked
- 20 marijuana and cocaine, yes.
- 21 Q. Some of that network involved in that
- 22 illegal activity included his brother, Armon;
- 23 correct?
- 24 A. Yes.
- 25 Q. And often included Mr. Roper, Gerard

1 Roper; correct?

2 A. Yes.

3 Q. In fact, you had reported that to law
4 enforcement during this time, hadn't you?

5 A. Armon.

6 Q. You particularly told them about Mr.
7 Gerard Roper's involvement in that network of
8 people; correct?

9 A. No. Gerard wasn't involved with no
10 network of people, Gerard very seldom was
11 around. He had several friends but Gerard
12 wasn't around with. I saw Gerard when I was
13 home.

14 Q. Was there a little group of those men who
15 called themselves "Money Under Pressure"?
16 Correct?

17 A. Yes.

18 Q. Because they were trying to make money,
19 correct?

20 A. Yes.

21 Q. Off the street, correct?

22 A. Yes.

23 Q. And you told law enforcement that Gerard
24 Roper was a part of that group, correct?

25 A. Maybe. Yes.

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1 Q. Okay. And Armon was part of that group,
2 correct?

3 A. I am not sure. Maybe, yes.

4 Q. During this time frame that the Solicitor
5 asked you about that you reported these calls
6 to Ms. Flint with law enforcement, you had
7 also been calling Ms. Flint or someone with
8 her agency to say that you were scared of
9 William. Correct?

10 A. Yes.

11 Q. Do you recall that?

12 A. Yes.

13 Q. And you were afraid of him. Correct?

14 A. Yes.

15 Q. And you were worried, is that right?

16 A. Yes.

17 Q. And yet all that time from March 6th,
18 March 7th, March 8th, you were still calling
19 William, too; correct, ma'am?

20 A. No, this was before. After March 7th --
21 before that, there was no more -- after the
22 phone recording and all that, there was no
23 more conversation between me and William.

24 Q. Okay. So you're -- I just want to make
25 sure that I've got your testimony right.

1 You are telling us that beginning March 7th,
2 between 4:00 and 4:30 p.m., when you recorded
3 that, made that recording, you didn't have any
4 further phone conversations with William
5 Dickerson?

6 A. Not other than polite conversations. You
7 know, just brief conversations. I just cut it
8 short. He may call, I may happen to answer
9 but it was brief -- nothing I can recollect so
10 to speak. No.

11 Q. That's what I want to make sure of. Even
12 after that supposed recording, you continue to
13 have phone contact with William Dickerson?

14 A. When authorities knocked on my residence
15 and told me that they'd found Gerard, I was in
16 protective custody until they found William
17 Dickerson.

18 Q. And that ---

19 A. So I couldn't speak with him.

20 Q. --- was later on the day of March 8th,
21 Thursday. Correct?

22 A. It may have been. March the 7th, the
23 8th, -- yeah.

24 Q. March 9th, that Thursday.

25 A. Yeah.

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1 Q. But on March 7th through March 8th, you
2 continued to have phone contact with William
3 Dickerson?

4 A. (Affirmative nod), yeah.

5 Q. So you weren't that afraid of him? You
6 continued to ---

7 A. I never was afraid of him verbally, not
8 to speak to him. But for someone taking my
9 life, yes. I'm a mother.

10 Q. In fact, you would call him; correct?

11 A. Yes, I may have.

12 Q. You made numerous calls to him beginning
13 on March 6th, that Monday or Tuesday the 7th
14 and through Wednesday, March 8th?

15 A. March 6th, I called him.

16 March 7th, I didn't do much calling him.
17 He was pretty much calling me.

18 Q. Okay. And how was he sounding when he
19 was calling you?

20 A. He was upset but pretty much, you know, I
21 could speak to him. He was upset, period.

22 Q. He was very upset, right?

23 A. (Affirmative nod).

24 Q. Because he thought some of you were out
25 to hurt him, correct?

1 A. Yes.

2 Q. He was saying someone was out to kill
3 him, right?

4 A. He was upset about that we were going
5 through whatever we were going through.

6 Q. Well, ---

7 A. They were going to -- whatever they were
8 going to do and he was upset, that somebody
9 was about to get him out. He's not a very
10 intimidated person, you know.

11 Q. Okay. In some of those conversations,
12 was he not accusing you that you had gotten
13 some of that network of friends to come after
14 him?

15 A. No.

16 Q. Because you were mad at him over these
17 altercations that had happened on Friday?

18 A. No.

19 Q. Let me ask you, ma'am. I believe that
20 you told the Solicitor that William's cell
21 phone number was, of course Area Code 843,
22 530-5085. Correct?

23 A. Yes, sir.

24 Q. And your mother's land line was 554-5464?

25 A. Yes, sir.

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1 Q. And your cell phone was 532-2663?

2 A. I never had a cell phone, that was ---

3 Q. Which you sometimes used?

4 A. (Affirmative nod).

5 COURT REPORTER: Is that a "yes"?

6 THE WITNESS: "Yes."

7 CROSS EXAMINATION CONTINUED

8 BY MR. BLOOM:

9 Q. Ma'am, let me show you -- let me first
10 have it marked.

11 MR. BLOOM: Beg the court's
12 indulgence.

13 THE COURT: Certainly.

14 MR. BLOOM: If I may get an exhibit
15 marked and approach the witness, Your Honor?

16 THE COURT: Certainly.

17 MR. BLOOM: (Tenders to court
18 reporter).

19 COURT REPORTER: Defendant's
20 Exhibit 5 for identification.

21 CROSS EXAMINATION CONTINUED

22 BY MR. BLOOM:

23 Q. Ms. Nelson, let me hand you Defendant's
24 Exhibit 5 for identification and ask you to
25 look at the third column there. Do you see

1 where I am pointing, those highlighted
2 numbers?

3 A. Um-humm, (affirmative nod).

4 Q. Is that your mother's land line phone
5 number?

6 A. Um-humm, (affirmative nod).

7 THE COURT: Hold on a second. Ms.
8 Nelson, I am going to ask you to do me a
9 favor. We are going to try to address this
10 in the future, as well. I know it is
11 customary and we all do it, everybody, but I
12 want you to be very conscious and intentional
13 to stop using um-humm and uh-uh and the like.
14 We have to keep a record and that's why we
15 have to say "yes" and "no." Please use 'yes'
16 or 'no' and stop saying 'um-humm', 'uh-uh',
17 'huh-uh'. Okay?

18 THE WITNESS: Yes, sir.

19 THE COURT: Thank you.

20 CROSS EXAMINATION CONTINUED

21 BY MR. BLOOM:

22 Q. Is that your number highlighted on that
23 first page, third column; correct, ma'am?

24 A. Yes, sir.

25 Q. All right. If you go over to the -- do

1 you see the column where it is -- the March
2 6th, 2006, column?

3 A. Yes, sir.

4 Q. All right. On the bottom it starts at
5 the number three, and that's in twenty-four
6 hour. Do you know how to read -- and I'm not
7 trying to embarrass you, ma'am, I have to ask
8 a question to clarify. Do you know how to
9 read a twenty-four clock?

10 A. Um-humm.

11 Q. It starts out at zero for midnight;
12 correct?

13 A. Yes, sir.

14 Q. So that 0003 would be three minutes after
15 midnight on March the 7th, correct?

16 A. Yes, sir.

17 Q. How many times did you attempt to call
18 William Dickerson on that page, can you count
19 the highlighted calls there?

20 A. (Upon review), ten.

21 Q. Ten?

22 A. (Affirmative nod).

23 Q. All right. And if you'll turn to the
24 next page. Same thing. How many times on
25 March the 6th, did you either call or attempt

1 to call William Dickerson on his cell phone?

2 A. (Upon review), nine.

3 Q. And if you go to the next page, two? We
4 are still on March the 6th?

5 A. (Upon review), nine on the next page.

6 Q. So on Monday, March the 6th, you either
7 called William Dickerson or attempted to reach
8 him twenty-three times, is that fair to say?

9 A. Yes, sir.

10 Q. That began at 1203, on the first page;
11 right?

12 A. (Upon review) -- yes, sir.

13 Q. Right up through the afternoon, 12:30 in
14 the afternoon; correct? On March the 6th?

15 A. Yes, sir.

16 Q. So the fact that you had only talked to
17 William only once or twice isn't exactly
18 correct. You were continuing to call him, as
19 well; right?

20 A. Yes, sir.

21 Q. Because you were upset and mad about what
22 had happened on Friday, isn't that right?

23 A. Our altercation?

24 Q. Yes, ma'am.

25 A. Yes, sir.

- 1 Q. Okay. On Tuesday, March the 7th, you
2 continue to call him; correct?
- 3 A. (No verbal response).
- 4 Q. If you will, turn to the next page?
- 5 A. (Upon review) -- yes, sir.
- 6 Q. And you recognize your phone on that next
7 page of cell phone records; correct, ma'am?
- 8 A. Yes, sir.
- 9 Q. On Tuesday, March the 7th, at the bottom
10 of that page where it starts, March the 7th,
11 the first time that you tried to reach him on
12 Tuesday March 7th was 7:47 a.m.; correct?
- 13 A. (Upon review) -- yes, sir.
- 14 Q. And you continued to call him through
15 that Tuesday. How many times did you call him
16 on that next page, for Tuesday March 7th?
- 17 A. (Upon review) -- eleven.
- 18 Q. Please turn to the next page, which is
19 still Tuesday March the 7th. How many times
20 did you try to call him then, beginning at
21 7:47 a.m.?
- 22 A. (Upon review) -- eleven.
- 23 Q. And if you will turn to the next page,
24 how many times did you try to call him on
25 March the 7th on that day?

1 A. (Upon review) -- four, five.

2 Q. Is it fair to say, ma'am, that on March
3 the 7th that you attempted to call William
4 Dickerson or in fact call him almost twenty-
5 nine times; is that a fair assessment?

6 A. On March the 7th?

7 Q. Yes, ma'am, that Tuesday?

8 A. (Upon review) -- yes. Yes, sir.

9 Q. That is because you were pretty upset
10 with him, correct?

11 A. No, that was because he was telling me
12 that he had Gerard. I was concerned about the
13 both of them, what was going on, what was the
14 situation. So I was calling him.

15 Q. Then on March the 8th you continued to
16 call, right? Well, let me go back. I'm
17 sorry. On March the 7th, Tuesday, the last
18 time you called William is 5:24 p.m.; is that
19 fair to say? Do you see that on there?

20 A. March 7th?

21 Q. Correct?

22 A. Yes, sir.

23 Q. And then March 8th, you're continuing to
24 call him. Is that fair to say? If you will,
25 turn to the next page.

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- 1 A. (Upon review) -- yes, sir, four times.
- 2 Q. And that starts at 9:00 a.m.; is that
- 3 right?
- 4 A. Yes, sir.
- 5 Q. Then the next page you called him how
- 6 many more times?
- 7 A. (Upon review) -- four times.
- 8 Q. Then the next page, how many times did
- 9 you call him?
- 10 A. (Upon review) -- three.
- 11 Q. How about the next page?
- 12 A. Zero.
- 13 Q. Are you at the end?
- 14 A. (Affirmative nod).
- 15 Q. All right. Is it fair to say that you
- 16 called him about twelve times or so, eleven or
- 17 twelve times, on March 8th? Is that about
- 18 right?
- 19 A. Yes, sir.
- 20 Q. And the last time that you called him on
- 21 March the 8th was at 3:30 in the afternoon,
- 22 that Wednesday; correct?
- 23 A. (Upon review) -- yes, sir.
- 24 Q. Would you do this for me, ma'am, would
- 25 you write on the top of that page "Shelley" --

1 print it, if you would, please, on the top of
2 that defendant's exhibit, "Shelley calling
3 William", on the top of that page.

4 A. (Complies).

5 Q. Thank you, ma'am. Let me show you
6 another exhibit, ma'am, and -- (pause).

7 MR. BLOOM: Beg the court's
8 indulgence.

9 THE COURT: Certainly.

10 MR. BLOOM: May I hand the court
11 reporter an exhibit?

12 THE COURT: You may.

13 COURT REPORTER: Defendant's
14 Exhibit 6 for identification.

15 CROSS EXAMINATION CONTINUED

16 BY MR. BLOOM:

17 Q. Ms. Nelson, let me show you Defendant's
18 Exhibit 6, marked for identification. Again,
19 that is the same document but now you
20 recognize the number that is highlighted?

21 A. The same number, my number.

22 Q. Let me show you the column that I am
23 referring to, whose number is calling you now?

24 A. William's.

25 Q. So these are William's phone calls to

1 you, correct?

2 A. Yes, sir.

3 Q. On that first page, on Monday March 6th,
4 and you have to start from the bottom because
5 they go upwards in terms of time. What is the
6 first time that William called you on Monday,
7 March 6th? Is it 1:14 a.m.?

8 A. (Upon review) -- on Monday, March the
9 6th?

10 Q. Yes, ma'am, that very first page.

11 A. Yeah. Yes, sir.

12 Q. All right. I'm sorry. I said 1:14 but
13 that is 12:14, is that correct?

14 A. The last one? The bottom one?

15 Q. Yes, ma'am.

16 A. Yes, sir.

17 Q. All right. How many times did William
18 call you on that page of cell phone records on
19 Monday, March the 6th?

20 A. (Upon review) -- seven.

21 Q. And if we turn to the next page, we're
22 still on the cell phone records of William
23 calling you and that is still March the 6th;
24 right?

25 A. (Upon review) -- William is calling me at

1 the telephone ---

2 Q. Correct. If you look just to the left of

3 that, that is William's number; right?

4 A. (No verbal response).

5 Q. The 5085 number is William's?

6 A. Okay. Do you want me to figure it out?

7 Q. What I am asking you is that William is

8 now calling you on that second page, at 2:04

9 a.m.; right? On Monday, March the 7th, is

10 that right?

11 A. (Upon review) -- yes, sir.

12 Q. How many times does William call you on

13 that date? We're still on Monday, March the

14 6th. On that date?

15 A. (Upon review) -- seventeen.

16 Q. Seventeen. Okay. And on the next page

17 how many times does William call you?

18 A. (No verbal response).

19 Q. Still on Monday, March the 6th.

20 A. (Upon review) -- two.

21 Q. And on the next page, how many times does

22 William call you on Monday, March 6th?

23 A. (Upon review) -- it looks like -- it's

24 not highlighted, so I don't know.

25 Q. Let me make sure that we are on the same

1 page -- (reviewing) -- all right. Then the
2 next page, how many times?

3 A. (Upon review) -- one.

4 Q. And -- we're up to twenty-seven times for
5 Monday, March the 6th. Would that be right?
6 About?

7 A. (No verbal response).

8 Q. In fact, if you'll go back to that prior
9 page, the last time that William called you
10 was 5:20 p.m. on Monday; is that right?

11 A. (Upon review) -- yes, sir.

12 Q. All right. Now, if you will turn to the
13 next page and go to March the 7th, Tuesday,
14 the first time that William called you is 7:49
15 a.m.; correct?

16 A. Yes, sir.

17 Q. How many times has he called you on that
18 page of cell phone records for Tuesday, March
19 the 7th?

20 A. (Upon review) -- seventeen.

21 Q. Then the next page, Tuesday, March the
22 7th, how many times did he call you?

23 A. (Upon review) -- none. I'm not sure.

24 None

25 Q. About nine?

1 A. (No verbal response).

2 Q. I'm sorry, what did you say? Did you say

3 nine or one?

4 A. On the next page there are no numbers.

5 Q. You're correct. Then the next page?

6 A. (Upon review) -- three.

7 Q. The next page, Tuesday, March -- so

8 that's about twenty times he called you on

9 Tuesday, March the 7th. Right?

10 A. Yes, sir.

11 Q. The last time he called you was at 5:23

12 p.m. on Tuesday, March the 7th; right?

13 A. (Upon review) -- yes, sir.

14 Q. On March the 8th, he called you again --

15 just like you were calling him. On March the

16 8th, the first time that he called you was a

17 little after midnight -- excuse me, a little

18 12:00 Noon, 12:12 p.m.; is that right?

19 A. (Upon review) -- okay.

20 Q. If you count that page and the next page,

21 he called you a total of about eleven times.

22 A. Okay. (Upon review) -- yes, sir.

23 Q. All right. Then the last time he called

24 on Wednesday, March the 8th, was 3:01 p.m.;

25 right?

1 A. Yes, sir.

2 Q. All right. Now, if you'll bear with me,
3 I want to ask you if you will write on the top
4 of that "William calls Shelley". Would you do
5 that, please?

6 A. Okay.

7 Q. On top of that exhibit write, "William
8 calls Shelley".

9 A. (Complies).

10 Q. Thank you, ma'am.

11 A. Um-humm.

12 Q. Now, ma'am, what I want to do next, bear
13 with me, is that during those three days,
14 Monday through Wednesday, you're burning up
15 the phone calling William; is that correct?
16 Is that fair to say?

17 A. Yes, sir.

18 Q. Some of those calls are for a minute, two
19 minutes, correct?

20 A. Yes, sir.

21 Q. You'all were talking. Some of those
22 calls are for longer, some are over ten
23 minutes; correct?

24 A. Yes, sir.

25 Q. He is burning up the phone calling you

1 back, correct?

2 A. Yes, sir.

3 Q. Because you'd had this altercation and he
4 was -- you were upset by that, right?

5 A. Yes, sir.

6 Q. And he was upset because he thought you
7 had someone coming after him or somebody had
8 somebody coming after him. Correct?

9 A. Yes, sir.

10 Q. And if you will, Shelley, if you will
11 look at Defendant's Exhibit 5 for
12 identification, that's the one that says
13 "Shelley calling William" -- is that right?

14 A. Yes, sir.

15 Q. If you will follow along with me, on
16 Tuesday, March the 7th, you're calling him,
17 I want to go through -- and I'm going to go
18 through rather quickly the times that you
19 called him, the twenty-nine times or so. If
20 you need me to stop at any point, I'll stop.

21 You started calling him at 7:47 a.m.

22 Right?

23 A. (Upon review) -- yes, sir.

24 Q. You called him again at 8:12 a.m., right?

25 A. (Upon review) -- yes, sir.

- 1 Q. 9:31 a.m., right?
- 2 A. Yes, sir.
- 3 Q. 9:35 a.m., right?
- 4 A. Yes, sir.
- 5 Q. 9:46 a.m., right?
- 6 A. Yes, sir.
- 7 Q. 9:56 a.m., right?
- 8 A. Yes, sir.
- 9 Q. 10:05 a.m., right?
- 10 A. Yes, sir.
- 11 Q. 10:43 a.m., right?
- 12 A. Yes, sir.
- 13 Q. 10:53 a.m., right?
- 14 A. Yes, sir.
- 15 Q. 10:54 a.m.?
- 16 A. Yes, sir.
- 17 Q. 10:59 a.m.?
- 18 A. Yes, sir.
- 19 Q. 10:59 again?
- 20 A. (Upon review) -- yes, sir.
- 21 Q. 11:13 a.m.?
- 22 A. (Upon review) -- yes, sir.
- 23 Q. 11:14 a.m.?
- 24 A. Yes, sir.
- 25 Q. 11:47?

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2415

1 A. Yes, sir.
2 Q. 12:04 p.m., noon?
3 A. Yes, sir.
4 Q. 12:16 p.m.?
5 A. Yes, sir.
6 Q. 12:17?
7 A. Yes, sir.
8 Q. 12:18?
9 A. Yes, sir.
10 Q. 12:19?
11 A. Yes, sir.
12 Q. 12:21?
13 A. Yes, sir.
14 Q. 12:22?
15 A. Yes, sir.
16 Q. 12:30?
17 A. Yes, sir.
18 Q. 12:40?
19 A. Yes, sir.
20 Q. Then again at 2:52 p.m.?
21 A. (Upon review) -- yes, sir.
22 Q. 2:56 p.m.?
23 A. Yes, sir.
24 Q. 5:17 p.m.?
25 A. Yes, sir.

- 1 Q. 5:22 p.m.?
- 2 A. Yes, sir.
- 3 Q. 5:24 p.m.?
- 4 A. Yes, sir.
- 5 Q. Then you go to the other exhibit -- and
- 6 most of those didn't go through, is that fair
- 7 to say?
- 8 A. Yes, sir.
- 9 Q. There are a couple that are maybe a
- 10 minute, two minutes, long; is that fair to
- 11 say?
- 12 A. Yes, sir.
- 13 Q. Now look at Defendant's Exhibit 6 for
- 14 identification, "William calling Shelley".
- 15 A. Okay.
- 16 Q. Do you have that page?
- 17 A. (Affirmative nod).
- 18 Q. Go to Tuesday, March the 7th, he begins
- 19 calling you at 7:49 a.m. on Tuesday, March the
- 20 7th; correct?
- 21 A. Yes, sir.
- 22 Q. I am going to go through the same thing
- 23 and you tell me if I go too fast. He called
- 24 you again at 7:54 a.m.
- 25 A. (Upon review) -- yes, sir.

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2417

1 Q. 7:58?
2 A. Yes, sir.
3 Q. 7:59?
4 A. Yes, sir.
5 Q. 8:02?
6 A. Yes, sir.
7 Q. 8:03 a.m.?
8 A. Yes, sir.
9 Q. 8:06?
10 A. Yes, sir.
11 Q. 8:07?
12 A. Yes, sir.
13 Q. 8:07 again?
14 A. Yes, sir.
15 Q. 8:08?
16 A. Yes, sir.
17 Q. 8:09 p.m. (sic)?
18 A. Yes, sir.
19 Q. 8:18?
20 A. Yes, sir.
21 Q. 8:20?
22 A. Yes, sir.
23 Q. 8:20?
24 A. Yes, sir.
25 Q. Again at 8:20 a.m.?

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- 1 A. Yes, sir.
- 2 Q. 8:30 a.m.?
- 3 A. Yes, sir.
- 4 Q. 9:54 a.m.?
- 5 A. Yes, sir.
- 6 Q. 10:17 a.m.?
- 7 A. Yes, sir.
- 8 Q. Then it jumps to 5:15 p.m.; correct?
- 9 A. Yes, sir.
- 10 Q. 5:20 p.m.?
- 11 A. 5:15, yes, sir.
- 12 Q. Then 5:20 p.m.?
- 13 A. Yes, sir.
- 14 Q. Then 5:23 p.m.?
- 15 A. Yes, sir.
- 16 Q. Shelley, nowhere is there a phone call
- 17 from you to William or William to you on
- 18 Tuesday, March the 7th, between 4:00 and 4:30;
- 19 isn't that correct?
- 20 A. No, sir.
- 21 Q. Not a one?
- 22 A. (No verbal response).
- 23 Q. Did you concoct this recording with
- 24 friends of yours to get William?
- 25 A. What is it?

1 Q. The recording that we listened to, did
2 you concoct that with friends of yours to get
3 to William?

4 A. Concoct it?

5 Q. Concoct it, (affirmative nod)? Create
6 it? Fabricate it? Make it up?

7 A. No, sir, why would I -- why couldn't he
8 have called me on another phone? We're
9 talking about this phone but I don't know
10 whose phone, it may have been -- I don't know.
11 He called me. I couldn't concoct it.

12 Q. There is not a single phone call from you
13 to him or from him to you between 4:00 and
14 4:30 p.m. on Tuesday, March the 7th, isn't
15 that correct?

16 A. Yes, sir.

17 Q. And, Shelley, as the solicitor asked you
18 at the beginning, you know how to work the
19 system. You're familiar with it, right?

20 A. (Pause).

21 THE COURT: Wait a minute, I am
22 going to ask you to rephrase that because I am
23 not ---

24 MR. BLOOM: Yes, sir.

25 CROSS EXAMINATION CONTINUED

1 BY MR. BLOOM:

2 Q. You've been in courtrooms before, you
3 know how evidence works, you know how things
4 are ---

5 A. I've never been in a trial, never been in
6 a court proceeding -- ever.

7 Q. You're never been in a court proceeding?
8 Ever?

9 A. This type of court proceeding, no. I've
10 been in bond court or ---

11 Q. I understand that. But you've been in
12 court before, you know what evidence is, you
13 know how things play out. Correct?

14 A. No, sir.

15 Q. The Solicitor asked you about your prior
16 record?

17 A. Yes, sir.

18 Q. So you have been in court before?

19 A. No, sir. I haven't been in court.

20 Q. You've never been in a courtroom before?

21 A. I've been in a courtroom, yes. I watch
22 TV also. Yes.

23 Q. One of those was for in fact filing a
24 false police report. Right?

25 A. Yes.

1 Q. You have pending charges, correct?

2 A. For filing a police report, never.

3 False information for police, yes.

4 Q. You have pending charges now for credit
5 card fraud; right?

6 A. Yes, sir.

7 MR. BLOOM: Beg the court's
8 indulgence.

9 THE COURT: Certainly.

10 MR. BLOOM: I have no further
11 questions, Your Honor. Thank you.

12 THE COURT: Redirect, Solicitor?

13 BRUCE DURANT: Thank you, Your
14 Honor, I just have a couple.

15 REDIRECT EXAMINATION

16 BY BRUCE DURANT:

17 Q. Referring to those exhibits that he gave
18 you, like you said there were a lot of calls
19 from him to you and you to him. Correct?

20 A. Yes, sir.

21 Q. And isn't it fair to say that ---

22 MR. BLOOM: Objection, leading.

23 REDIRECT EXAMINATION CONTINUED

24 BY BRUCE DURANT:

25 Q. How many of those are actually connected

1 calls?
2 A. How many are what? Excuse me?
3 Q. How many are actual calls where you
4 talked to him?
5 A. Looking at these, none.
6 Q. Most of those are ---
7 A. Hang-up calls or dropped calls. I don't
8 know how many ---
9 Q. Look on the page, ---
10 A. He took the exhibit.
11 Q. (Tendering exhibit to witness).
12 A. (Upon review) -- I don't know.
13 Q. Would it be fair to say that most of them
14 are under five seconds?
15 A. Yes, sir.
16 Q. But I want to draw your attention to a
17 call that he made to you on March the 7th, at
18 5:15 or 1715 p.m.
19 A. Okay.
20 Q. A call from him to you.
21 A. Okay -- (reviewing), on March the 7th?
22 Q. On March the 7th at 1715.
23 A. Yes, sir.
24 Q. How long did that phone conversation
25 last?

1 A. A minute and three seconds.

2 Q. And just right after that, it looks like

3 you called him back at 1717; right?

4 A. (Upon review) -- right.

5 Q. 5:17, correct?

6 A. Yes, sir.

7 Q. How long was that call?

8 A. (Upon review) -- March 7th at 1715 (sic),

9 is the time; right?

10 Q. Right.

11 A. Two minutes ---

12 Q. --- and eight seconds?

13 A. --- and eight seconds.

14 Q. Okay. And you called him back again at

15 1722, 5:22?

16 A. (Upon review) -- yes, sir.

17 Q. How long did that conversation last?

18 A. One minute, twenty-one seconds.

19 Q. So you did have conversations with him

20 then, correct?

21 A. Yes, sir.

22 Q. Now, Mr. Bloom asked you if you know

23 something about on the tape that you didn't

24 hear Mr. Roper asking for help; is that

25 correct?

1 A. Yes, sir.

2 Q. Did you ever hear Mr. Roper asking for
3 help that day on the telephone?

4 A. No, sir.

5 Q. If you would, look at March the 8th,
6 2006, would that refresh your recollection as
7 to whether or not you ever told the police
8 that?

9 MR. BLOOM: Objection, she's asked
10 and answered.

11 THE COURT: I appreciate that. She
12 is going to review the sheet -- overruled.

13 REDIRECT EXAMINATION CONTINUED

14 BY BRUCE DURANT:

15 Q. At the bottom of that page?

16 A. (Upon review) -- do you want me to read
17 it?

18 THE COURT: No.

19 BRUCE DURANT: No.

20 THE COURT: Read it to yourself.

21 REDIRECT EXAMINATION CONTINUED

22 BY BRUCE DURANT:

23 Q. I just want you to read it to yourself
24 and see if that refreshes your recollection of
25 what you told the police?

1 A. Yes, sir.

2 Q. After having that refresh your recollec-
3 tion, did you tell the police that?

4 A. Yes, sir.

5 Q. What did you tell the police?

6 A. I heard Gerard in the back, asking for
7 help.

8 Q. Now, since the date that Mr. Dickerson
9 beat you up on, March the 3rd, you said that
10 you saw him one other time since then; is that
11 correct?

12 A. (No verbal response).

13 Q. When Mr. Bloom was asking you something
14 about ---

15 A. Yes, sir. One time, when he took me to
16 the hospital, the emergency room to check on
17 my eye.

18 Q. And that's the only time that you have
19 ever ---

20 A. Ever saw him. Yes, sir.

21 Q. Were you at all concerned at that time?

22 A. Yes, sir, that's probably why I was
23 calling him.

24 Q. I mean, were you concerned to be with
25 him?

1 A. No, really. I was afraid, scared.

2 Q. Well, why were you with him if you were
3 afraid is what I'm trying to get to.

4 A. With him when?

5 Q. On the 6th when -- were you taken to the
6 hospital or from the hospital?

7 A. He took me to the hospital to check on my
8 eye.

9 Q. Okay. Why did you allow him to take you
10 to the hospital if you were afraid of him?

11 A. Uh, -- because I couldn't get a ride and
12 he was calling and my eye was, like, swollen.
13 He offered me a ride and he promised that he
14 won't touch me, that he didn't mean to touch
15 me, and he didn't. He did that and then he
16 dropped me back off.

17 Q. Okay. Since that trip to the hospital,
18 did you ever see him in person?

19 A. Ever again?

20 Q. (Affirmative nod).

21 A. No, sir.

22 BRUCE DURANT: Court's
23 indulgence.

24 THE COURT: Yes, sir.

25 REDIRECT EXAMINATION CONTINUED

1 BY BRUCE DURANT:

2 Q. When did the -- were all the phone calls
3 between you and Mr. Dickerson friendly or not?

4 A. Not. Some were friendly throughout the
5 introduction of it but they turned out to be
6 not friendly.

7 Q. And when did that occur?

8 A. After the -- when a friend of his came
9 for a visit, a friend of his walked in, came
10 for a visit at night, and I assume that he
11 thought that friend had walked in for a
12 friendly visit -- after that, he just ---

13 Q. A visit where?

14 A. At the emergency room.

15 Q. Somebody came to see you at the emergency
16 room?

17 A. A guy friend that William knew came to
18 the hospital when I was being treated and when
19 he saw that guy friend, for some reason he
20 thought that that guy friend was trying to
21 hurt him.

22 Q. Who was this guy friend?

23 A. A guy named Puta.

24 Q. And after that is when the conversations
25 changed from friendly to something else?

1 A. Yes, sir.

2 Q. What was he accusing you of?

3 A. I guess like calling him to the hospital,
4 that he knew I was beat up from him. The guy
5 appeared at the hospital, so for some reason
6 he thought that we were setting him up or
7 whatever. He just had an attitude. I was
8 there for the emergency room and he was there
9 for his reasons, whatever. We left, he
10 stayed. I never saw him no more, that was it.

11 Q. You're talking about Puta?

12 A. Exactly.

13 Q. At the hospital?

14 A. Right.

15 Q. So you never talked to Puta at the
16 hospital?

17 A. (Affirmative nod), he saw me and asked
18 where Will was and Will came in. We both --
19 we left.

20 BRUCE DURANT: Thank you, ma'am.

21 MR. BLOOM: Recross, Mr. Bloom?

22 MR. BLOOM: Court's indulgence.

23 THE COURT: Yes, sir, take your
24 time.

25 RECROSS EXAMINATION

1 BY MR. BLOOM:

2 Q. Ma'am, just to clarify a few things that
3 the Solicitor asked you at the end there.

4 What day did William take you to the hospital?

5 If the altercation happened on Friday, ---

6 A. I am not exactly sure of the exact date.

7 Q. It could have been later that day or the
8 next day or over the weekend or -- a month
9 after?

10 A. It was the second day, two days later.

11 Q. So sometime over the weekend?

12 A. Yes. Sunday, I believe.

13 Q. That is your best guess?

14 A. Yes, Sunday.

15 Q. And when William -- of course, I think
16 you said that he promised that if he took you
17 to the hospital that he wouldn't touch you,
18 that he didn't mean to do it, wouldn't do it
19 again. Right?

20 A. Yes, sir.

21 Q. And you'all were on good terms, because
22 he took you to the hospital and it was then
23 this Puta fellow at the hospital that he saw
24 and I think your words were that William just
25 "flipped". Is that correct?

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1 A. Yes, sir.

2 Q. That upset him?

3 A. Yes.

4 Q. He thought that person and you were out
5 to get him?

6 A. Yes.

7 Q. He accused you of that, too?

8 A. Yes.

9 Q. Then he left the hospital, correct?

10 A. We left the hospital.

11 Q. He took you home?

12 A. Yes.

13 MR. BLOOM: Thank you.

14 THE COURT: Thank you, ma'am. You
15 may come down.

16 (WITNESS STEPS DOWN)

17 THE COURT: Ladies and Gentlemen,
18 at this point we will take our recess for
19 lunch.

20 I ask you not to begin your deliber-
21 ations. Of course, do not discuss the case
22 among yourselves while you're out. Please do
23 not permit anyone to talk with you about this
24 case or to talk about it in your presence.

25 Have a good lunch. I would ask you

1 to return to your jury room by 1:45 and we
2 will resume the trial at that time. Have a
3 nice lunch.

4 Everyone else in the audience remain
5 seated until the jury departs, please.

6 (JURY OUT @ 12:15 P.M.)

7 THE COURT: Before I ask you --
8 those persons in the audience, a cell phone
9 went out. I don't know what the policy of
10 this courthouse is concerning cell phones by
11 security persons. I am going to let you
12 policy control this time.

13 Folks, there is a Warning. It's a
14 Warning. It says don't bring them in this
15 building, that's what it says. They have no
16 place here. That's the Chief Justice's Order.

17 I understand people have need of
18 them from time to time for various and sundry
19 reasons. But this is your warning. If
20 another cell phone goes off in this
21 proceeding, from the audience, I am going to
22 have a second hearing when the jury retires
23 because that is contempt of court.

24 Unless you want to pay a fine or
25 possibly spend some time in jail, I would

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1 suggest that you may want to leave your cell
2 phones out. If you bring them, I certainly
3 would suggest -- probably the better idea is
4 to take the battery out. We are not going to
5 tolerate that. You saw what happened and
6 that's precisely why they are not here. A
7 juror turned and looked. That's not going to
8 take place in this courtroom. Okay? Thank
9 you.

10 Is there anything from the State
11 before we recess?

12 SOLICITOR WILSON: No, sir.

13 THE COURT: Anything from the
14 Defendant?

15 MR. BLOOM: No, sir.

16 THE COURT: I would ask you all,
17 and I know you do this anyway, but please
18 stress to your jurors (sic) -- I don't
19 normally worry about this but this case, it is
20 just so -- I know that it is picayune but I
21 don't want something coming back because they
22 don't know it was an "uh-uh" or a "huh-uh" or
23 a "um-humm." If somebody claims that it was
24 one or the other, I -- we can eliminate that
25 but just telling them. I intend to instruct

1 them -- I don't know that I am going to do
2 that with persons who have testified before
3 this proceeding but -- please reinforce that
4 with your witnesses who are not customarily in
5 these proceedings. It would certainly be
6 appreciated by the court. Thank you.

7 BRUCE DURANT: Thank you, Your
8 Honor.

9 (LUNCH RECESS 12:30 - 1:45 P.M.)

10 (DEFENDANT PRESENT)

11 THE COURT: Is the State ready to
12 proceed?

13 SOLICITOR WILSON: Yes, sir.

14 THE COURT: Let the record reflect
15 that Mr. Dickerson is present. Is the defense
16 ready to proceed?

17 MR. BLOOM: Yes, sir.

18 THE COURT: Let's bring in our
19 jury, please.

20 (JURY IN @ 1:47 P.M.)

21 THE COURT: Thank you, Ladies and
22 Gentlemen. Solicitor, you may call your next
23 witness.

24 SOLICITOR WILSON: The State calls
25 Darren Proietti.

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1 (WITNESS TAKES STAND)

2 DARREN JOSEPH PROIETTI, being duly
3 sworn to tell the truth, the whole truth and
4 nothing but the truth, testified, as follows:

5 DIRECT EXAMINATION

6 BY SOLICITOR WILSON:

7 Q. Mr. Proietti, where are you from?

8 A. Philadelphia.

9 Q. Did you come down from that area today?

10 A. Yes, I did.

11 Q. Where are you working now?

12 A. I work for Wachovia Securities.

13 Q. Before that, where did you work?

14 A. SunCom.

15 Q. And what is SunCom? What was SunCom?

16 A. SunCom was a cell phone company in the
17 south.

18 Q. What did you do for SunCom?

19 A. I was a fraud investigator. We did
20 subpoenas for clients and I also did identity
21 theft.

22 Q. How long were you in that area at SunCom?

23 A. Eight years.

24 Q. Have you been in the telecommunications
25 area or field for quite some time?

1 A. Eighteen years.

2 Q. And you decided to go into banking?

3 A. Yes.

4 Q. SunCom got bought out by someone else?

5 A. Cingular.

6 SOLICITOR WILSON: Your Honor, at
7 this time, I believe without objection, I'd
8 offer State's Exhibit 308 and 309.

9 MR. BLOOM: No objection.

10 THE COURT: Very well. They are
11 admitted as State's Exhibits 308 and 309,
12 without objection.

13 (SO ENTERED AS STATE'S EXHIBIT 308)

14 (SO ENTERED AS STATE'S EXHIBIT 309)

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR WILSON:

17 Q. Mr. Proietti, with regards to State's
18 Exhibit 309 first, were you asked to provide,
19 pursuant to a search warrant to law
20 enforcement, some records for a telephone
21 number (843) 345-4731?

22 A. Yes.

23 Q. And pursuant to that search warrant, did
24 you provide the subscriber information and
25 customer information for that number 345-4731?

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1 A. I personally didn't, but it was.

2 Q. Whose name was that telephone number
3 registered to?

4 A. Carolyn Jenkins.

5 Q. For that telephone number, was there an
6 authorized user also provided?

7 A. According to these records, there was an
8 authorized user. At the time when we
9 fulfilled the subpoena or search warrant, it
10 was Rashid Malik, spelled M-A-L-I-K.

11 Q. With regard to State's Exhibit 308, which
12 is the other set of records, did you also
13 personally provide the information in State's
14 Exhibit 308 to law enforcement here in
15 Charleston?

16 A. I did.

17 Q. And that was for records for number (843)
18 530-5085 which we've heard testimony was a
19 phone used by William Dickerson. Is that
20 right?

21 A. Yes, I did fulfill that subpoena.

22 Q. Whose name was that telephone number in?

23 A. When it was fulfilled it was Johnette
24 Jenkins.

25 Q. The number for that customer, Johnette

1 Watkins, that 530-5085, when was that number
2 discontinued by the customer?

3 A. It was discontinued on 3/9/06.

4 Q. And did you note that in handwriting on
5 those records for us?

6 A. Yes, I did.

7 Q. For law enforcement?

8 A. Yes.

9 Q. Looking at the individual records
10 themselves, and I am going to put this on the
11 ELMO, if you could just look at State's
12 Exhibit 308. I want to ask you some questions
13 about the columns in the records that you
14 provided.

15 A. Okay.

16 Q. The first column ---

17 SOLICITOR WILSON: Is it all
18 right if I stand here, Judge?

19 THE COURT: Sure, absolutely.

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR WILSON:

22 Q. The first column at the top where it says
23 "Serving Switch ID," what is that?

24 A. It's basically where all the records are
25 completed from and we filled out this copy.

1 Q. I note on that exhibit that for pages and
2 pages, for the Serving Switch ID it says

3 "CHRG2." What does that stand for?

4 A. That stands for the switch in Charleston.

5 Q. When you talk about the switch, again
6 explain to the jury what a switch is.

7 A. Essentially when the person makes a cell
8 phone call such as the tower to a switch, the
9 company receives information, bills the proper
10 customer and sends the call out to the end
11 phone.

12 Q. And from the beginning of these records
13 on March 6th, 2006, up until March 8th at
14 about 21:00 hours it was on the same switch.
15 That phone number was operating from the same
16 switch. Is that right?

17 A. It was. Well, usually it's going to be
18 on the same switch because of the exchange.
19 You mean the same cell tower?

20 Q. No, I'm talking about the switch.

21 A. Yeah, it was all on the same switch.

22 Q. And then up after that, on March 9, under
23 "Serving Switch ID" it says "GRVGS." What is
24 that?

25 A. That's Greenville.

1 Q. And then a little higher up, a little
2 later on March the 9th, it says, "DEC02."

3 A. Yeah, that's for Decatur, Georgia.

4 Q. Now, the next column, the second column,
5 where it says "INIT cell ID," what does that
6 mean?

7 A. That's the actual cell tower
8 identification number of where the call was
9 made.

10 Q. If you could tell the jury what you mean
11 by cell tower and how that works.

12 A. Basically when you make a call, the cell
13 tower will pick up your call and route it
14 properly. Basically, if you're close to a
15 tower, it will pick up that tower, route the
16 call through a switch and then it routes it to
17 the final destination.

18 Q. If I'm in an area where, like a
19 metropolitan area, where there may be several
20 towers, which tower am I going to pick up on
21 or is my call going to go through?

22 A. Ninety-nine point nine percent (99.9%) of
23 the time it's going to be the closest tower.

24 Q. Do each of those towers have individual
25 numbers assigned to it?

- 1 A. Correct, yes.
- 2 Q. Instead of a name, you would give it a
3 number.
- 4 A. Correct.
- 5 Q. So that second column is the cell tower
6 number; correct?
- 7 A. Correct.
- 8 Q. In your experience with SunCom, did
9 you'all provide the cell tower information to
10 law enforcement generally; not just in this
11 case?
- 12 A. The majority of the time, yes.
- 13 Q. For what sort of purposes did you do
14 that?
- 15 A. Basically it would identify the location.
16 Wherever the tower is at, you could locate it.
- 17 Q. And therefore the area of the cell phone?
- 18 A. For that call, correct.
- 19 Q. Were you aware or do you know if the U.S.
20 Marshals have that cell tower information?
- 21 A. The majority of the Marshal services, the
22 FBI, DEA all have our cell tower IDs.
- 23 Q. Is the cell tower information sometimes
24 used to help track fugitives, for example?
- 25 A. The majority of the time, yes.

1 Q. So if a phone is on or making calls,
2 it'll hit off of the closest tower and that
3 will give law enforcement a radius?

4 A. Correct.

5 Q. And about what is the general rule for
6 the radius that a cell tower can pick up?

7 A. We generally told everyone it was a
8 three- to five-mile radius.

9 Q. Then the next column where it says
10 "Originating Number?"

11 A. Correct.

12 Q. What number is that going to be? I
13 notice in State's Exhibit, the number that
14 these records are for, 530-5408, is not always
15 the number under "originating number." Right?

16 A. Correct. The originating number is the
17 phone number actually doing the dialing. So
18 if the originating number is different from
19 the calls that were subpoenaed, that means
20 that he received or she received an incoming
21 call. So the incoming call would be the
22 originating number.

23 Q. So if the cell phone, this 530-5085
24 dialed a number it would be in the
25 "originating number" column?

1 A. Correct.

2 Q. But if that cell phone received a call
3 from a land line or from wherever else, the
4 land line number would be in the originating
5 number column?

6 A. Yes, the number that dialed first.

7 Q. And the next column, "dialed digits," the
8 same is true for that? The number that, the
9 cell phone for 530-5085, if it dialed these
10 digits they would show up in that column.

11 A. Correct.

12 Q. And if it was an incoming call, it would
13 be blank?

14 A. Correct, because the person received the
15 call obviously would be the person dialed.

16 Q. Now, call start time and call end time,
17 that's pretty straightforward. How about the
18 duration? How does the duration or the
19 billing time -- how did it get calculated for
20 SunCom?

21 A. The billing started thirty seconds after
22 you touch the Send button.

23 Q. So if you picked up the call and pressed
24 "send" and you were a SunCom customer and
25 somebody picked up within fifteen seconds, it

1 would start recording time?

2 A. Correct.

3 Q. How about if it just started ringing and
4 ringing and ringing? When would it start?

5 A. It would bill when it would start thirty
6 seconds.

7 Q. So if there is a call on here that says
8 duration one
9 second, that may have been someone on the
10 phone for actually thirty-one seconds, and
11 there was no answer?

12 A. Correct, or the call disconnected. You
13 really couldn't tell what happened with that
14 call.

15 Q. So, in short, you can't tell whether or
16 not a contact was made just based on the
17 duration?

18 A. No, you cannot.

19 Q. After thirty seconds, if someone let the
20 phone ring for three hours it might show three
21 hours?

22 A. Right. Or if you pick up an answering
23 machine and spoke on an answering machine for
24 three hours.

25 SOLICITOR WILSON: Beg the

1 Court's indulgence.

2 THE COURT: Certainly.

3 (OFF RECORD SIDEBAR BETWEEN COUNSEL)

4 SOLICITOR WILSON: Judge, we
5 need to add two pages to that exhibit, Exhibit
6 308, I believe without objection.

7 THE COURT: Very well. State's
8 Exhibit 308 is supplemented two pages without
9 objection. Is that correct, Mr. Bloom?

10 MR. CARROLL: That's correct, Your
11 Honor.

12 THE COURT: Thank you, Mr. Carroll.

13 SOLICITOR WILSON: That is all
14 the questions that I have.

15 THE COURT: You may cross examine.

16 CROSS EXAMINATION

17 BY MR. BLOOM:

18 Q. Mr. Proietti, as to the -- my name is
19 Jeff Bloom. I have questions regarding the
20 cell phone tower.

21 A. Okay.

22 Q. Those are four-digit numbers; correct?

23 A. Correct.

24 Q. For example, one tower number is 6011.

25 A. Okay.

1 Q. Another tower is 6012; correct?

2 A. (Affirmative nod).

3 THE COURT: Is that a "yes?"

4 WITNESS: I'm sorry -- "yes."

5 THE COURT: This nice lady (court
6 reporter) has to take down "yes" or "no"
7 answers.

8 WITNESS: I'm sorry. "Yes."

9 CROSS EXAMINATION CONTINUED

10 BY MR. BLOOM:

11 Q. Do you have the addresses for those
12 towers, or if I read those addresses would
13 that information you have?

14 A. I do not have those addresses, no.

15 Q. That information, I take it, is what some
16 Federal law enforcement agencies may have,
17 such as the FBI and the U.S. Marshal?

18 A. They definitely have it.

19 MR. BLOOM: The Court's indulgence
20 for one moment, Your Honor?

21 THE COURT: Certainly.

22 MR. BLOOM: May I approach the
23 court reporter to get an exhibit marked?

24 THE COURT: You certainly may.

25 MR. BLOOM: (Tenders document to be

1 marked as exhibit), then I will share it with
2 the Solicitor.

3 COURT REPORTER: Defendant's
4 Exhibit 7 for identification.

5 THE COURT: All right.

6 CROSS EXAMINATION CONTINUED

7 BY MR. BLOOM:

8 Q. Mr. Proietti, -- and, I apologize, could
9 you pronounce your name for me.

10 A. Proietti.

11 Q. Thank you. Let me show you Defendant's
12 Exhibit Number 7, for identification. Can you
13 identify that, sir, as the subpoena we sent
14 you while you were at SunCom for the addresses
15 of those cell towers?

16 A. Yeah, I probably got it.

17 Q. And is that the information you sent us
18 back with those addresses?

19 A. If these sheets go with this cover sheet,
20 then, yes.

21 Q. Let me ask you about a few of those
22 addresses. I'm going to go through some very
23 quickly, and then I'll get a map and see if I
24 can orient you in that regard. Can you give
25 us the address for Tower 6011?

- 1 A. 1525 Ashley River Road, Charleston.
- 2 Q. And Tower 6012?
- 3 A. 698 Citadel Haven Drive, Charleston.
- 4 Q. Tower 6017?
- 5 A. 61 Braswell Street, Charleston.
- 6 Q. Tower 6065?
- 7 A. 316 Balcony Street, Charleston.
- 8 Q. 6070?
- 9 A. 301 Savannah Highway, Charleston.
- 10 Q. 6119?
- 11 A. 831 St. Andrews Boulevard, Charleston.
- 12 Q. And 6127?
- 13 A. 52 Line Street, Charleston.
- 14 Q. And now the tower numbers I gave you, if
- 15 you'll go back to State's Exhibit -- which I
- 16 believe is ---
- 17 A. I have a copy of it.
- 18 Q. You have a copy?
- 19 A. Yes, with the dates and times.
- 20 Q. And first of all, so we're clear, the
- 21 cell phone records and I think you testified
- 22 to this on direct -- these belong to the cell
- 23 phone that was signed out in your records to a
- 24 Jonette Watkins? Is that correct?
- 25 Q. Which number?

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- 1 Q. The area code 843 on all these -- (843)
2 530-5085?
3 A. Correct.
4 Q. And previous testimony in the record of
5 this case, I believe, reflects that the phone
6 was actually used by William Dickerson. So we
7 can call it Mr. Dickerson's phone for our
8 purposes.
9 A. Okay.
10 Q. Beginning on March 7th of your records,
11 2006, is the first phone call on Mr.
12 Dickerson's phone approximately 12:10 a.m.?
13 Have I got that right?
14 A. No.
15 Q. Excuse me, I'm sorry, 12:08 a.m.?
16 A. Correct.
17 Q. So a little after midnight on March 7th?
18 A. Eight minutes after midnight.
19 Q. Eight minutes after midnight. That phone
20 call starts are Tower 6012?
21 A. Yes.
22 Q. And if you will look at the towers
23 beginning at the time of that call, going
24 forward up until 14:52, which would be 2:52
25 p.m. on March 7th -- if you'll hold those two

1 different pages -- the beginning call and that
2 end call I just gave you.

3 A. 14:52?

4 Q. Right. That would be 2:52 p.m., almost
5 3:00 p.m. on March 7th.

6 A. Okay.

7 Q. The towers that shows Mr. Dickerson's
8 phone was used, from that beginning call up
9 until almost 3:00 p.m., are all those towers I
10 just had you identify? Is that fair to say?
11 And if you need me to read the numbers, I can.
12 Or if you need a pen to write it down.

13 A. I mean, I can go through each one to
14 verify it's on the sheet, but -- (affirmative
15 nod):

16 Q. The towers we're referring to in that
17 time frame, from a little after midnight on
18 March 7th up to that one phone call at almost
19 3:00 p.m. on March 7th, are towers 6011, 6012,
20 6017, 6065, 6070, 6119 and 6127. Is that a
21 fair statement?

22 A. 6070?

23 Q. Correct.

24 A. Right.

25 Q. Now, bear with me, if you will, for a

1 moment. I'm not picking on you but you're not
2 from Charleston, is that correct?

3 A. That is correct.

4 Q. So let me hand you ---

5 MR. BLOOM: May I approach the
6 court reporter, again, sir?

7 THE COURT: Yes, sir, you surely
8 may.

9 Court REPORTER: Defendant's
10 Exhibit 8 for identification.

11 MR. BLOOM: Court's indulgence for
12 just a moment?

13 THE COURT: Certainly.

14 (OFF RECORD SIDEBAR BETWEEN COUNSEL)

15 CROSS EXAMINATION CONTINUED

16 BY MR. BLOOM:

17 Q. I conferred with the Solicitor, and I was
18 correct. I just had too many questions. To
19 be fair to you, you're not from Charleston?

20 A. Correct.

21 Q. Even though you've identified those cell
22 phone towers for me and the street addresses
23 from information you had at the time from
24 SunCom, you don't know of your own personal
25 knowledge where those streets are on this

1 particular map?

2 A. I do not.

3 Q. That's personal knowledge.

4 A. I do not.

5 Q. You don't have that professional
6 knowledge either of where those streets are?

7 A. No.

8 MR. BLOOM: The Court's indulgence
9 just one moment. I may be through.

10 THE COURT: Certainly.

11 CROSS EXAMINATION CONTINUED

12 BY MR. BLOOM:

13 Q. I just want to clear up a few other
14 things to make sure I understand. The
15 Solicitor had asked you a question before that
16 billing starts after thirty seconds whether
17 you connect or not.

18 A. Correct.

19 Q. If someone answers before thirty seconds
20 elapse, does it start right then?

21 A. Correct.

22 Q. So there's a thirty-second delay if
23 there's no answer.

24 A. Right. I mean, you could ring on two
25 rings and hang up and it will not start.

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1 Q. But if someone picked up fairly quickly
2 or right away, in under thirty seconds, then
3 the 30-second delay is ---

4 A. Correct.

5 Q. And I believe you told the Solicitor that
6 the tower numbers -- and I appreciate you
7 naming those for me -- if a cell phone
8 connects, ninety-nine point nine percent
9 (99.9%) of the time to the closest tower?

10 A. Yes.

11 Q. And to be clear, that originating number
12 column in the cell phone record, for these
13 records, if it's 5085, the last four digits --
14 that would be the cell phone used by Mr.
15 Dickerson for calling out?

16 A. That's the number making the call.

17 Q. And then that second column is who that
18 cell phone called?

19 A. Yes.

20 Q. If the number was different from the
21 originating number -- for example, say, 5464,
22 which there's prior testimony in the record of
23 this case reflects as the number for Tomesha
24 Nelson, that would be Ms. Nelson or whoever's
25 number that was calling into Mr. Dickerson's

1 phone?

2 A. Right.

3 MR. BLOOM: Thank you so much.

4 Thank you for coming here and have a safe trip
5 back.

6 THE COURT: Redirect?

7 REDIRECT EXAMINATION

8 BY SOLICITOR WILSON:

9 Q. I just have one other question --
10 hopefully, only one other question. You said
11 most of the time, ninety-nine percent (99%)
12 of the time, a cell phone's going to hit or be
13 connected through the tower closest to it.
14 When does it not?

15 A. I don't want to say everything's a
16 hundred percent so that's why I say ninety-
17 nine point nine percent of the time. I mean,
18 with GSM, it's almost a hundred percent.

19 Q. But when it doesn't, what is it due to?

20 A. Traffic. Not car traffic, but phone
21 traffic.

22 Q. Phone traffic. So if a tower is "busy"
23 it bounces to the next one?

24 A. Correct.

25 SOLICITOR WILSON: That's all I

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1 have.

2 THE COURT: Recross?

3 RECROSS EXAMINATION

4 BY MR. BLOOM:

5 Q. Bounces to the next closest tower?

6 A. Right.

7 MR. BLOOM: Thank you, sir.

8 THE COURT: Do you wish this
9 witness to be excused?

10 SOLICITOR WILSON: Please.

11 THE COURT: Any objection?

12 MR. BLOOM: No objection.

13 THE COURT: Thank you, Mr.

14 Prioetti. You may

15 step down and you are free to leave.

16 (WITNESS STEPS DOWN)

17 THE COURT: Call your next witness,
18 please.

19 SOLICITOR WILSON: Kimberly
20 Gregg.

21 (WITNESS TAKES STAND)

22 KIMBERLY RENEE GREGG, being duly
23 sworn to tell the truth, the whole truth and
24 nothing but the truth, testified, as follows:

25 DIRECT EXAMINATION

1 BY SOLICITOR WILSON:
2 Q. Ms. Gregg, first of all, I apologize.
3 Have you been waiting outside for some time?
4 A. Yes, since 9:00 o'clock.
5 Q. How about yesterday?
6 A. Same thing.
7 Q. I'm sorry. We really thought we could
8 get to you before then. If you'll just tell
9 the jury how old you are?
10 A. Thirty-two.
11 Q. And where are you working? What kind of
12 work do you do?
13 A. I work at the Sears store.
14 Q. Is that here in Charleston?
15 A. Yes.
16 Q. Did you grow up in Charleston?
17 A. Yes.
18 Q. How far did you go in school here?
19 A. Ninth grade.
20 Q. You didn't graduate?
21 A. I went to Job Corps and graduated there.
22 Q. And do you have children?
23 A. Three.
24 Q. Where do you live, Ms. Gregg?
25 A. I live on Ashley Phosphate.

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1 Q. Did you live at that same address back on
2 March the 3rd of 2006?

3 A. Yes.

4 Q. Let me ask you this. Back then, on March
5 the 3rd, did you know Tomisha Nelson or
6 "Shelley"? Did you know her?

7 A. No.

8 Q. Did you know the defendant, William
9 Dickerson, at that time?

10 A. No.

11 Q. Did you have occasion to come in contact
12 with them that day?

13 A. Yes.

14 Q. If you'll tell the jury where you were
15 when you came into contact with them.

16 A. I was standing right -- I just had got
17 off from work.

18 Q. What time of day was it?

19 A. Right after 2:00.

20 Q. You were standing out in your yard?

21 A. Yeah, with my neighbor.

22 Q. Is it a parking lot, or ---

23 A. My driveway.

24 Q. Your driveway. You're standing out in
25 the driveway with your neighbor?

1 A. Uh-huh, (affirmative).

2 THE COURT: Wait a second. Ma'am,
3 make sure you do something. It's perfectly
4 normal in conversation -- but the lady (court
5 reporter) seated to your right is taking down
6 everything that we're saying. And we don't
7 want to misinterpret something that you say.
8 So we need you -- if it's "yes," don't say
9 "uh-huh", say "yes." If it's "no," don't say
10 "uh-uh." It's "no." So use words, please;
11 not uh-huh and uh-uh. Okay?

12 THE WITNESS: Okay.

13 THE COURT: Thank you. And thank
14 you, Solicitor.

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR WILSON:

17 Q. You were standing out there talking to
18 your neighbor, right?

19 A. Yes.

20 Q. That was good. Did you see who you later
21 came to know as Shelley Nelson?

22 A. Yes.

23 Q. And tell the jury how you met her.

24 A. Shelley came by out of her house and said
25 that the defendant was following her.

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- 1 Q. She said who was following her?
- 2 A. William.
- 3 Q. That's the defendant seated here?
- 4 A. Yes.
- 5 Q. And what was he doing?
- 6 A. Chasing her. She kind of ran towards me
- 7 and asked me if she could use my phone.
- 8 Q. Your cell phone?
- 9 A. Yes.
- 10 Q. And what did you tell her?
- 11 A. I told her yeah, to call the police
- 12 herself.
- 13 Q. She wanted you to call the police?
- 14 A. Yes.
- 15 Q. And what did you say?
- 16 A. I told her I would give her my phone, but
- 17 she had to call the police herself because I
- 18 didn't know what was going on.
- 19 Q. Did she stay standing right there with
- 20 you?
- 21 A. After I gave her my phone, I told her she
- 22 could go inside my house and use the phone.
- 23 Q. Did you notice anything about her
- 24 appearance?
- 25 A. Yes.

1 MR. BLOOM: Judge, I'm going to
2 object at this time under 401 and 403 and 404.

3 THE COURT: Well, under those, it's
4 basically you've challenged certain instances.
5 So I overrule your objection.

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR WILSON:

8 Q. What was her condition?

9 A. She had two bloodshot eyes, bloody eyes,
10 bloodshot eyes, red eyes, a gash under her eye
11 and a busted lip.

12 Q. A busted lip?

13 A. Yes.

14 Q. You said you also saw the defendant?

15 A. Yes.

16 Q. What was he doing?

17 A. Standing there.

18 Q. What did you notice about his condition?

19 A. He was upset. He was real mad.

20 Q. How do you know?

21 A. By looking at him. I mean, he was mad,
22 angry. He was just angry.

23 Q. Had you ever seen him before in your
24 life?

25 A. No.

1 Q. And so you're basically seeing a
2 stranger, and you know that he's angry?

3 A. Yes.

4 Q. Did he do anything or say anything to
5 you?

6 A. After Shelley went in my house, he was
7 standing outside -- well, he was talking to
8 these fellows. And was telling them, well I
9 can't remember the words but that he'd took
10 her in his house and though her kids wasn't
11 his that he was taking care of them and all he
12 wanted her to do was basically to be a
13 housewife. After that he was like he didn't
14 want to tell his ---

15 Q. He said what? You'll have to speak up
16 just a little bit.

17 A. He said, like, he didn't want me to be in
18 his business but he told me to -- he told me
19 to look on his phone.

20 Q. On whose phone?

21 A. On his phone. And he showed me a
22 recording on his phone. It was like a
23 recording, but you couldn't hear the --
24 anything on the phone.

25 Q. So are you saying the quality wasn't that

1 good?

2 A. Yeah.

3 Q. But he wanted you to see it?

4 A. Yes.

5 Q. Why did he want you to see it?

6 A. He was mad. He was mad, angry.

7 Q. Were you afraid?

8 A. Was I afraid?

9 Q. Uh-huh, (affirmative nod).

10 A. No.

11 Q. So he showed you this thing on the phone
12 he was holding, right?

13 A. Yes.

14 Q. Tell the jury what you saw and what you
15 heard on the phone.

16 A. What I heard was a female moaning and
17 groaning on the phone, saying "unmmmm, unmmmm,
18 ohhhh."

19 Q. You don't have to do all that.

20 A. I'm sorry.

21 Q. That's all right. I asked the question.
22 I'm sorry. Could you make out anybody's face?

23 A. It wasn't nobody on it, it was just the
24 inside of a car.

25 Q. Did you say anything to William about,

1 'why are you showing me this' or anything like
2 that?

3 A. No.

4 Q. Did he tell you who he thought it was on
5 the phone?

6 A. No.

7 Q. He related this to 'I can't believe she
8 did this to me'?

9 A. Yes.

10 Q. Now, you said while he's showing you this
11 phone, Shelley's gone?

12 A. She was in my house.

13 Q. Did the police ever come?

14 A. Yes.

15 Q. Was William still there when the police
16 came?

17 A. No.

18 Q. How long did it take the police to get
19 there?

20 A. Five minutes. Ten minutes.

21 Q. And when the police got there was Shelley
22 still there?

23 A. No.

24 Q. Where had Shelley gone?

25 A. I have no idea, but when I went in my

1 house she was gone. She'd done went through

2 my back door to the next street.

3 Q. So she went on through the house somehow?

4 A. Yes.

5 Q. Now, without getting into the moaning and

6 groaning part, could you hear the female on

7 the recording saying things or asking things?

8 A. It was like -- no.

9 SOLICITOR WILSON: Beg the

10 Court's indulgence.

11 THE COURT: All right.

12 SOLICITOR WILSON: Those are all

13 the questions I have, Your Honor.

14 THE COURT: Cross examine.

15 MR. BLOOM: The Court's indulgence.

16 THE COURT: Certainly.

17 MR. BLOOM: We have no questions of

18 this witness, Your Honor.

19 THE COURT: Very well. Thank you.

20 You may step down.

21 SOLICITOR WILSON: Your Honor,

22 may she be released?

23 THE COURT: Any objection?

24 MR. BLOOM: No, sir.

25 THE COURT: Ms. Gregg, you are also

1 free to leave. Thank you very much.

2 (WITNESS EXCUSED)

3 THE COURT: Call your next witness,
4 Solicitor.

5 MR. DURANT: The State would call
6 Steven Archer.

7 (WITNESS TAKES STAND)

8 STEVEN ARCHIE, being duly sworn to
9 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. Archie.

14 A. How are you doing?

15 A. I'm doing fine, thank you. If you would,
16 I want to ask you to speak up. These ladies
17 and gentlemen have to hear what you have to
18 say. Okay?

19 A. Yes.

20 Q. What's your nickname?

21 A. "Rock".

22 Q. And how old are you, Mr. Archie?

23 A. Thirty-two.

24 Q. How far did you go in school?

25 A. Twelfth.

- 1 Q. Where did you go to high school?
- 2 A. Burns.
- 3 Q. When did you graduate?
- 4 A. '95.
- 5 Q. Are you married?
- 6 A. Yes, sir.
- 7 Q. Do you have any children?
- 8 A. Yes, sir.
- 9 Q. How many children do you have?
- 10 A. Seven.
- 11 Q. You have one that's pretty new, right.
- 12 A. Yes, two (sic) months old.
- 13 Q. Three (sic) months old?
- 14 A. (Affirmative nod).
- 15 Q. You're obviously suffering from
- 16 paralysis; correct?
- 17 A. Something like that.
- 18 Q. Could you tell the jury how you got that
- 19 way?
- 20 A. I got shot in my back, right below the
- 21 neck.
- 22 Q. And when was that?
- 23 A. September 20th.
- 24 Q. Of what year?
- 25 A. '08.

- 1 Q. And where did that happen?
- 2 A. Romney Street.
- 3 Q. You were shot in the back?
- 4 A. (Affirmative nod).
- 5 Q. How many times were you shot?
- 6 A. Three times.
- 7 Q. Before you were shot were you employed?
- 8 A. Yes, sir.
- 9 Q. What kind of work did you do?
- 10 A. Concrete finishing.
- 11 Q. And who were you working with at the
- 12 time?
- 13 A. Ron's Concrete.
- 14 Q. And you've had some pretty good
- 15 difficulties with the law; is that correct?
- 16 A. Yes, sir.
- 17 Q. I believe you were convicted of
- 18 possession of drugs with intent to distribute?
- 19 A. Yes, sir.
- 20 Q. In '95, correct?
- 21 A. Yes, sir.
- 22 Q. And in '97, correct?
- 23 A. What?
- 24 Q. In '97?
- 25 A. Yes, sir.

1 Q. And then again in 2006?

2 A. Yes, sir.

3 Q. Is it fair to say that you were in the
4 drug business back then?

5 A. Yes, sir.

6 Q. Are you still in the drug business?

7 A. No, sir.

8 Q. Do you know a fellow named Gerard Roper?

9 A. Yes, sir.

10 Q. What name did you know him by?

11 A. Gerard.

12 Q. Did he also sometimes go by 'Rard or Rod?

13 A. Yes, sir.

14 Q. But you called him Gerard, right?

15 A. Uh-huh.

16 THE COURT: Is that a "yes"? You
17 need to say "yes" or "no", please.

18 WITNESS: Yes, sir.

19 THE COURT: Thank you.

20 DIRECT EXAMINATION CONTINUED

21 BY MR. DURANT:

22 Q. And could you tell the jury -- could you
23 describe your relationship with Gerard?

24 A. Rod and I was real close, first friend I
25 knew when I was young. We was real tight.

- 1 Q. Did you'all grow up together?
- 2 A. Yes, sir.
- 3 Q. Where did you'all grow up together at?
- 4 A. Bayside, Burns Street and James Island.
- 5 Q. So you continued to keep up with Gerard
- 6 after he moved off the peninsula over to James
- 7 Island?
- 8 A. Yes.
- 9 Q. Are your families close?
- 10 A. Yes, sir.
- 11 Q. Who is your mother?
- 12 A. Cheryl Archie.
- 13 Q. What is her relationship to Gerard's mom,
- 14 Shareen Roper?
- 15 A. They were like sisters.
- 16 Q. Did Gerard go to college?
- 17 A. Yes, he went to South Carolina State.
- 18 Q. Was he also in the Navy?
- 19 A. Yes, sir.
- 20 Q. Did you continue to keep up with him
- 21 after he got out of the Navy?
- 22 A. Yes, sir.
- 23 Q. If you would, tell the jury when was the
- 24 last time you saw him prior to his death in
- 25 March of 2006?

1 A. That Sunday, and he got killed on a
2 Wednesday or something like that.

3 Q. And where did you see him on that Sunday?

4 A. He came over to my mama's house.

5 Q. Where did your mom live?

6 A. On President Street.

7 Q. Was it unusual for him to come visit you
8 or your mom over on President Street?

9 A. No, sir.

10 Q. And why did he come by the house on that
11 Sunday?

12 A. He hadn't come by in a while. He just
13 happened to come by. He looked like he had
14 something on his mind. I had a ball game on.
15 He was just chilling out a lot, so he hadn't
16 been by in a while.

17 Q. Did he say anything to you?

18 A. No, but he looked like he had stuff on
19 his mind, you know. He said he wanted to talk
20 to me.

21 Q. Did you get a chance to talk to him that
22 day?

23 A. No.

24 Q. Was that the last time you talked?

25 A. Yes, sir.

1 Q. Now, do you see a fellow named William
2 Dickerson in the courtroom?

3 A. Uh-huh.

4 Q. And if you would describe to the jury
5 what he's wearing.

6 A. Khakis and a blue shirt.

7 Q. Does he have a beard?

8 A. Yes, sir.

9 Q. Bald head?

10 A. Uh-huh.

11 Q. Seated at this table?

12 A. Uh-huh.

13 THE COURT: Is that a "yes?"

14 WITNESS: Yes, sir.

15 THE COURT: You need to say "yes"
16 and "no", please.

17 WITNESS: All right.

18 MR. DURANT: Let the record reflect
19 he identified Mr. William Dickerson.

20 THE COURT: It so reflects.

21 DIRECT EXAMINATION CONTINUED

22 BY MR. DURANT:

23 Q. How do you know him?

24 A. From the neighborhood, from the street
25 area.

- 1 Q. And how long have you known him?
- 2 A. About ten years.
- 3 Q. And what was your relationship with Mr.
- 4 Dickerson?
- 5 A. We was friends.
- 6 Q. What name did you know him by?
- 7 A. "Willie D."
- 8 Q. Did you consider him a close friend, or
- 9 just more of an associate?
- 10 A. Associate.
- 11 Q. Was your relationship with him friendly?
- 12 A. Yes.
- 13 Q. Had there ever been any bad blood between
- 14 you and Mr. Dickerson?
- 15 A. No, sir.
- 16 Q. Ever have an argument with him?
- 17 A. No, sir.
- 18 Q. Do you know what the relationship was
- 19 between William Dickerson and Gerard Roper?
- 20 A. Yes, they were cool. They were good
- 21 friends.
- 22 Q. And when did they become friends?
- 23 A. I guess when Gerard was on Spring Street.
- 24 Q. Mr. Archie, I'd like to direct your
- 25 attention back to Wednesday, March the 8th of

1 2006, which is the day before Gerard's body
2 was found. Could you tell the jury whether or
3 not you had any contact with the defendant,
4 William Dickerson?

5 A. Had I had any contact with him?

6 Q. Yes.

7 A. No.

8 Q. I'm not talking about in person. Did you
9 have any contact with him on the phone or in
10 person?

11 A. Yes.

12 Q. On the phone or in person?

13 A. On the phone.

14 Q. Tell me about that? How did you get in
15 touch with him?

16 A. He called about 10:30 in the morning.

17 Q. And where were you when he called?

18 A. I was at my kids' mama's house.

19 Q. Were you already up?

20 A. No, I was sleeping.

21 Q. And how do you know it was him on the
22 phone?

23 A. I had his name programmed on the phone,
24 and I recognized his voice.

25 Q. Do you remember your cell phone number at

1 the time?

2 A. Probably like -- 303-5758 or something
3 like that.

4 Q. Do you recall giving a statement to the
5 police on March the 9th, 2006?

6 A. What date was that?

7 Q. That would be the day that Gerard was
8 found.

9 A. Yes.

10 Q. Do you think if you looked at it right
11 now it would refresh your recollection as to
12 what your cell phone number was?

13 A. Uh-huh.

14 BRUCE DURANT: Mark this for
15 identification.

16 COURT REPORTER: State's Exhibit
17 310 for identification.

18 DIRECT EXAMINATION CONTINUED

19 BY MR. DURANT:

20 Q. Mr. Archie, I hand you or show you what's
21 previously been marked as State's Number 310
22 for identification. Is that the statement you
23 provided to the police on March the 9th?

24 A. Yes, sir.

25 Q. What was your cell phone number at the

1 time?

2 A. 330-5758.

3 Q. Now, what did he -- tell us about that
4 conversation.

5 A. He called me --- (pause).

6 Q. You need some water or something?

7 A. No, I'm all right. He called me and I
8 was kind of glad to hear from him. It was
9 like a friendly call, you know. I'd saw him
10 like two times since he was home and he was
11 like he was just calling to say, 'what's up?'

12 I was like, 'What's up, man? What's
13 going on?' You know?

14 He was like, 'Man, when you last see
15 Gerard?'

16 I say, 'I saw Gerard on Sunday.'

17 He was like, yeah, he say, 'What'd y'all
18 talk about?'

19 And I was like, 'He didn't get nothing
20 from me.'

21 He was like, 'Well, I got Gerard right
22 here.' You know? 'I just stuck a four-five
23 up his ass.'

24 Q. He stuck a what up his ass?

25 A. A .45 up his ass.

1 Q. A .45 meaning what?

2 A. A pistol.

3 Q. What did you say when he told you that?

4 A. I didn't know if he was kind of like
5 wolfing me, you know. At first I didn't know,
6 like what was going on. Then he put Gerard on
7 the phone and Gerard was like, 'Yeah', you
8 know, 'he just did that.'

9 I told him to put Will back on and he was
10 like, 'I just burned his balls', you know. I
11 was like, 'What?'

12 He said, 'Gerard will tell you.' So he
13 put Gerard on the phone and he was, like,
14 'Yeah.'

15 Then he was like, 'I fucking Gerard' and
16 I was like, 'Man, what the hell y'all got
17 going on up out there?' You know? So he
18 jumped back on the phone and I was, like,
19 'Man, what the hell y'all got going on? What
20 you doing to that man?'

21 He was, like, 'You next.'

22 So I'm, like, going 'Where you at?
23 Because, you know, 'You ain't got to come to
24 me, I'm coming to you.' You know?

25 Q. What was your state of mind by this time?

1 A. My state of mind was I felt he was like
2 wolfing, you know.

3 Q. Kind of what?

4 A. Just kind of, just wolfing, probably
5 intimidating Gerard, talking trash. I was
6 like, 'Where you at?'

7 He was like, 'You next.'

8 I was, like, 'Where you at?'

9 He was like, 'well', -- you know, 'you
10 supposed to be a gangster, gangsters don't
11 come out in the light.' You know, 'Gangsters
12 come out at night. I see you tonight.' You
13 know?

14 I was, like, 'Man, you talking like this,
15 I'm coming to you now. Where you at?'

16 So I got out and got a couple of my
17 partners and we went out looking for him.

18 Q. What were you looking for him for?

19 A. Huh?

20 Q. What were you looking for him for?

21 A. To see what he had up. To see what he
22 was doing stuff to Rod, or what, if he was
23 just intimidating him or what, you know.

24 Q. Did he tell you where he was?

25 A. No, he didn't tell me where he was.

1 Q. Where did you end up going?

2 A. I went on Spring Street, Bogart Street
3 and Fishburne Street.

4 Q. Do you remember going by Antonio Nelson's
5 house?

6 A. Yeah, went by his house.

7 Q. Were you able to find him?

8 A. No. He said he didn't know where Will
9 was at. He said that Will was tripping out,
10 so he didn't know where he was at.

11 Q. Where did you go after you couldn't find
12 Will downtown?

13 A. I went back to my mother's house.

14 Q. That was on President Street?

15 A. Yes.

16 Q. Did you talk to your mom?

17 A. Yeah, I talked to my mom. She had said,
18 'What's going on?' She told me, because I
19 didn't really believe that he was doing any of
20 that, that he was probably. You know, I told
21 my mom I wasn't going to call the police
22 because he was probably just intimidating Rod
23 or whatever. My mom, she started crying and,
24 you know, she made a couple of calls and she
25 thought it was serious and told me to call the

1 police. Q. And did you talk to Dickerson
2 again while you were at your mom's house?
3 A. Yes.
4 Q. Tell us about that.
5 A. He called and asked me about Shelley or
6 something, I didn't know what he was talking
7 about.
8 Q. He was asking about who?
9 A. Shelley.
10 Q. Who is Shelley?
11 A. The girl he was dealing with at the time.
12 Q. Do you know Shelley?
13 A. Yeah.
14 Q. Had you ever met her or just you just
15 know who she was?
16 A. Yeah, I'd met her.
17 Q. What did he want to know about Shelley?
18 A. I've forgot what he asked me about her
19 but I told him 'I don't want to hear that.' I
20 was just asking him where Gerard was at. You
21 know what I mean?
22 Q. Right. What did he say when you asked
23 him where Gerard was at?
24 A. He was like Gerard was gone, like Gerard
25 was gone, 'Rod's gone.' I'm, like, 'Where's

1 Rod gone at?' I said, you know, 'Where's Rod
2 got at?' And he was like, 'Yeah, I know your
3 mama, too.'

4 Q. What, now?

5 A. He was like, 'I know your mother', you
6 know, and he said 'fuck your mom', this and
7 that, you know. I'm say, 'Man, where you at?
8 You don't have to come to me, I'm coming to
9 you.' You know what I mean? He wouldn't tell
10 me where he was at, you know.

11 Q. Did your mom talk to Gerard's mom?

12 A. Yeah, I think she did call her or either
13 called the police first.

14 Q. She might have contacted both?

15 A. Huh?

16 Q. Your mom contacted Ms. Roper and the
17 police?

18 A. Yes.

19 MR. CARROLL: Object to him
20 commenting on what somebody else did.

21 THE COURT: I'll allow that
22 question. I will consider the next one.

23 DIRECT EXAMINATION CONTINUED

24 BY MR. DURANT:

25 Q. Did you go into the police department the

1 next day?

2 A. Yes, sir.

3 Q. Did you talk to a detective at that time?

4 A. Yes, sir.

5 Q. Did you tell him what happened?

6 A. Yes, sir.

7 MR. DURANT: Beg the court's
8 indulgence.

9 THE COURT: Certainly.

10 DIRECT EXAMINATION CONTINUED

11 BY MR. DURANT:

12 Q. Just one clarification. You said you'd
13 meet Shelley before, is that correct?

14 A. Uh-huh.

15 Q. Are you friends with her?

16 A. No, we cool.

17 Q. Have you ever hung out with her or
18 anything like that?

19 A. No, we just know each other but we don't
20 hang out or stuff like that.

21 Q. So she's not somebody you hang around
22 with a lot or stuff like that?

23 A. No.

24 Q. Could you please answer any questions
25 defense counsel may have for you?

1 THE COURT: You may cross examine.

2 MR. CARROLL: May it please the

3 Court?

4 CROSS EXAMINATION

5 BY MR. CARROLL:

6 Q. Mr. Archie, based on what you've told us
7 here today, when you talked with Gerard on the
8 phone he was still alive; correct?

9 A. Yes, sir.

10 Q. And the things that you were being told,
11 sounds like they were pretty egregious;
12 wouldn't you say?

13 A. Uh-huh.

14 COURT REPORTER: Was that a "yes"?

15 THE COURT: Was that a "yes"?

16 WITNESS: Yes, sir.

17 CROSS EXAMINATION CONTINUED

18 BY MR. CARROLL:

19 Q. And it's your recollection that -- your
20 phone indicated a call from what number? Do
21 you remember that number?

22 A. (No verbal response).

23 Q. It was a long time ago?

24 A. It was a while ago, I don't remember the
25 number.

1 Q. How did you have the entry made in your
2 address book?

3 A. Under "Willie D".

4 Q. Willie D?

5 A. "Will D."

6 Q. So a call came into your phone from Will

7 D?

8 A. Uh-huh.

9 THE COURT: Was that a "yes"?

10 WITNESS: Yes, sir.

11 CROSS EXAMINATION CONTINUED

12 BY MR. CARROLL:

13 Q. Do you recall on March the 9th, after a
14 phone conversation back and forth, going over
15 to Ms. Roper's residence?

16 A. Going over to Ms. Roper's residence?

17 Q. Yes.

18 A. Who was calling Ms. Roper's residence?

19 Q. I'm not talking about a telephone call.
20 I'm talking about you being there physically.
21 Did you and your mother go over to Ms. Roper's
22 residence that day or night? It would have
23 been the day that Gerard's body was found.

24 A. Yeah, we was over there.

25 Q. Do you remember while you were there

1 speaking with a Charleston police officer?

2 A. Uh-huh.

3 Q. Do you remember telling that police
4 officer about receiving the call from Will D?

5 A. Uh-huh.

6 THE COURT: Hold on a second. Mr.
7 Archie, the lady seated to your right is
8 taking down everything that you're saying. We
9 need you to say "yes" and "no" so the record
10 will be clear. "Uh-huh" and "uh-uh" can be
11 misunderstood. So say "yes" and "no", please,
12 sir.

13 WITNESS: All right.

14 CROSS EXAMINATION CONTINUED

15 BY MR. CARROLL:

16 Q. Do you remember speaking with a
17 Charleston police officer while you were at
18 Ms. Roper's residence?

19 A. Yes, sir.

20 Q. Do you remember telling that police
21 officer that Will D had called you earlier in
22 the day, on the 8th?

23 A. Yes, sir.

24 Q. Do you recall telling her that at
25 approximately 7:00 o'clock on March the 8th of

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Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

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- 1 2006 you received that call?
- 2 A. At 7:00 o'clock?
- 3 Q. 7:00 o'clock a.m.
- 4 A. Probably, at the time it felt like it.
- 5 It was early in the morning.
- 6 Q. So if somebody noted that time, that
- 7 would be incorrect?
- 8 A. Noted what time?
- 9 Q. 7:00 a.m.?
- 10 A. I don't know if it was that early. I
- 11 don't think it was that early.
- 12 Q. Okay. That's what I am trying to find
- 13 out. If the police officer made a notation
- 14 that you told them that you received a call at
- 15 7:00 a.m., that would be incorrect?
- 16 A. Um-humm.
- 17 Q. Do you recall telling the officer that it
- 18 was that telephone call that Will D said he
- 19 had a .45 up Gerard's anus?
- 20 A. Yeah, the first call.
- 21 Q. This conversation took place at Ms.
- 22 Roper's residence, at about 1:00 o'clock on
- 23 the 9th?
- 24 A. No, it took place at my kids' mother's
- 25 house.

1 Q. Okay. Do you remember talking at your
2 kids' mother's house -- the police officer
3 came there to talk to you?

4 A. No.

5 Q. Do you remember being at Ms. Roper's
6 house on the day that Gerard's body was found?

7 A. The day that Gerard's body was found I
8 was at the police station.

9 Q. We're going to get to that conversation.
10 But right now we're talking about the
11 conversation that took place about 1:00
12 o'clock with Officer Niblock.

13 A. A lady, a female?

14 Q. That's correct.

15 A. Yes, sir.

16 Q. And in that conversation you told her
17 about the things that you described here to
18 the jury.

19 A. Uh-huh.

20 COURT REPORTER: Is that a "yes",
21 Mr. Archie?

22 WITNESS: Yes, ma'am.

23 CROSS EXAMINATION CONTINUED

24 BY MR. CARROLL:

25 Q. Again, please, "yes" or "no."

1 A. Okay.

2 Q. Later, you were asked to come down -- in
3 fact, during that conversation she asked would
4 you come down to the police department and
5 talk to her. Is that correct?

6 A. Yes, sir.

7 Q. And you went down and met with her there
8 and she wanted you to put in writing your
9 recollection of this phone call you were
10 talking about. Is that true?

11 A. Yes, sir.

12 Q. And during that conversation do you
13 remember telling her that you got the call
14 between 9:30 and 10:00 o'clock?

15 A. I probably did.

16 Q. Again you described the things that you
17 described for the jury, as part of that
18 conversation. Do you remember telling her
19 those things then?

20 A. Yes, sir.

21 Q. The second time?

22 A. (No verbal response).

23 Q. And she asked you, I think, about the
24 demeanor of Will D when he was on the phone
25 with you. Do you remember that?

- 1 A. Yes, sir.
- 2 Q. Do you remember telling her that he was
3 very agitated?
- 4 A. Yes, sir.
- 5 Q. Do you remember telling her that you
6 thought he was on Ecstasy?
- 7 A. No.
- 8 Q. You don't remember telling her that?
- 9 A. I probably did.
- 10 Q. You probably did?
- 11 A. (No verbal response).
- 12 Q. You listed your phone number, and that
13 would have been the phone you would have been
14 using that day; correct?
- 15 A. Yes, sir.
- 16 Q. The phone calls that you were
17 participating in, incoming and outgoing, would
18 have been to that number; right?
- 19 A. Yes, sir.
- 20 Q. As Mr. Durant covered with you, you've
21 had some experience with law enforcement in
22 the past which resulted not just in arrests,
23 but convictions. Is that correct?
- 24 A. Yes, sir.
- 25 Q. And those convictions have all been

- 1 pretty much involving drug dealing.
- 2 A. Yes, sir.
- 3 Q. You've also been convicted of basically
- 4 running from the police, haven't you?
- 5 A. Yes, sir.
- 6 Q. And are you presently awaiting
- 7 disposition of some drug trafficking charges?
- 8 A. Yes, sir.
- 9 Q. So you know some police officers?
- 10 A. I may know some.
- 11 Q. You do know police officers, do you not?
- 12 A. No, sir.
- 13 Q. You don't know any?
- 14 A. No, sir.
- 15 Q. In all these many arrests that you've
- 16 had, you've never made any friends with police
- 17 officers?
- 18 A. No, sir.
- 19 Q. They've never asked you, 'Mr. Archie, in
- 20 case you want to work a charge off, here's my
- 21 card with my number on it. Give me a call and
- 22 I'll work with you on this'?
- 23 A. No, sir.
- 24 Q. Nothing like that. You know about 9-1-1?
- 25 A. Yes, sir.

1 Q. And hearing the description of what you
2 were told, what you heard, you didn't think it
3 necessary to call 9-1-1?

4 A. No, sir.

5 Q. This was your long-time friend; correct?

6 A. Yes, sir.

7 Q. You considered him family?

8 A. Yes, sir.

9 Q. He really wasn't your family, but you
10 felt that strongly about your relationship;
11 correct?

12 A. Yes, sir.

13 Q. But you didn't want to get the police
14 involved in trying to find him?

15 A. I didn't think that was really going on.
16 It was just one of those things.

17 Q. You called some of your boys and got them
18 together to go out looking for him; didn't
19 you?

20 A. Yes, sir.

21 Q. Your boys, they're serious people; aren't
22 they?

23 A. Yes, sir.

24 Q. But you didn't believe anything was going
25 on?

1 A. Not to that extent.

2 Q. It was a .45 that you heard he was using?

3 A. Yes, sir.

4 Q. You're familiar with guns?

5 A. Yes, sir.

6 Q. Do you remember meeting with my
7 investigator and talking with her about
8 Shelley?

9 A. (No verbal response).

10 Q. Told her that "Shelley's trouble"?

11 A. I can't recall.

12 Q. You can't recall that?

13 A. (No verbal response).

14 MR. CARROLL: Beg the Court's
15 indulgence.

16 THE COURT: Certainly.

17 CROSS EXAMINATION CONTINUED

18 BY MR. CARROLL:

19 Q. You told the Solicitor earlier that,
20 among other things, you knew was that Gerard
21 had been in the Navy? Is that right?

22 A. Yes, sir.

23 Q. You're familiar with that?

24 A. (No verbal response).

25 Q. You're aware of the fact that he had been

1 discharged for bad conduct?

2 A. Yes, sir.

3 Q. You knew that?

4 A. (No verbal response).

5 Q. Bad conduct alleged as criminal activity?

6 A. I don't think so.

7 Q. You don't. But you knew about it?

8 A. Yes, sir.

9 MR. CARROLL: No further questions.

10 THE COURT: Redirect.

11 REDIRECT EXAMINATION

12 BY MR. DURANT:

13 Q. The fact of the matter is you took it
14 seriously; didn't you?

15 A. Excuse me?

16 Q. You took it seriously when you talked to
17 Mr. Dickerson; didn't you?

18 A. Yeah, I did took him serious. But I
19 didn't think it was to that extent.

20 Q. You didn't think he was going to kill
21 your friend?

22 A. No, because they were cool.

23 Q. But you weren't going to look for Mr.
24 Dickerson to talk to him at that point; were
25 you?

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Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

2300

1 A. I wanted to see what he had going on, you
2 know, or if he wanted -- you know, if he
3 wanted to get down.

4 Q. Were you angry?

5 A. Yes, sir.

6 Q. So you weren't calling the police because
7 you didn't want to be a witness yourself?

8 MR. CARROLL: I'm going to
9 object to the leading.

10 THE COURT: Sustained. Rephrase
11 your question.

12 REDIRECT EXAMINATION CONTINUED

13 BY MR. DURANT:

14 Q. Were you going to be a witness?

15 A. I was going to see what was going on.

16 Q. In fact, you did -- who called the
17 police?

18 A. My mother.

19 Q. That was later on that same day?

20 A. Yes, sir.

21 Q. What is a "four-five"? Not a .45, but a
22 four-five?

23 A. .45 pistol.

24 Q. Is that slang for any kind of pistol?

25 A. No, a certain type of pistol.

1 MR. DURANT: The court's indulgence
2 for just a second?

3 THE COURT: Yes, sir.

4 REDIRECT EXAMINATION CONTINUED

5 BY MR. DURANT:

6 Q. When did you find out that Gerard was
7 dead?

8 A. When they called me to the police station
9 to question me.

10 Q. That would be on March the 9th?

11 A. Yes.

12 Q. That's when you found out what had
13 happened to Gerard?

14 A. Yes, when they called me they told me
15 that when they had found him.

16 Q. That was after you gave your statement,
17 correct?

18 A. Yes, sir.

19 Q. And before you were arrested or had any
20 pending charges?

21 A. Say that again?

22 Q. He asked you about charges you had
23 pending. That was before you had any pending
24 charges; right?

25 A. I think so.

1 THE COURT: 401, 402 and 403 all
2 deal with relevancy.

3 MR. BLOOM: 404, I believe I said
4 at the beginning. We approached the Bench.

5 THE COURT: Correct.

6 MR. BLOOM: I think the
7 objectionable part of the testimony is when I
8 went into the details about Tonisha Nelson
9 appeared to her, with a black eye and a busted
10 lip.

11 THE COURT: Yes.

12 MR. BLOOM: He did not challenge
13 Ms. Gregg with cross examination as to the
14 details.

15 THE COURT: You challenged her
16 about her fear, and you challenged her about
17 her relationship with the defendant. All of
18 that is very relevant as to her state of mind
19 at that particular time. That's why I
20 permitted the question. If there had been no
21 questions about it, it may have been right. I
22 don't know. Certainly, she's entitled to
23 verify that there was -- but the testimony --
24 and I assume your objection to her testimony
25 was solely to that portion. You're not

1 objecting to other matters she testified, as
2 to relevancy; are you, under 404?

3 MR. BLOOM: Your Honor, we
4 acknowledge the incident was going to come
5 out. But when she went into details of the
6 incident, we did not challenge Ms. Nelson on
7 the details of it.

8 THE COURT: Again, the question was
9 whether or not this person -- there was a
10 tremendous amount of questions about her
11 wanting -- the inference could be drawn from
12 constantly calling him, all the conversations
13 would suggest that everything was forgiven.
14 This goes to support that this person was hurt
15 and pretty upset. I think that's pretty
16 important. The jury should have that to
17 balance and weigh that testimony, which was
18 very pertinent insofar as her continuing to
19 try to contact Mr. Dickerson. No question
20 about that. But I don't think it became
21 bolstering. If this was a classic example of
22 -- sure, we're all going to -- that's proper
23 bolstering. That's just confirming ---

24 SOLICITOR WILSON:
25 Corroboration.

1 THE COURT: Corroboration.

2 Bolstering is corroboration. All witnesses --
3 not all, but certainly there have been a lot
4 of people that have confirmed and corroborated
5 other testimony. So I don't find that to be
6 bolstering. But I understand your objection.
7 Thank you, sir. I just wanted to give you an
8 opportunity to elaborate if need be on that.
9 Thank you, Mr. Bloom, for helping me with
10 that.

11 Also, under a 403 analysis, I think
12 the probative value clearly, for the reasons
13 I've just stated, outweighed any -- assuming
14 it's not relevant, although I think it's
15 relevant in the first case. And I think the
16 probative value outweighs the prejudice.
17 Because the prejudice has already -- the
18 prejudice of 404 has already been presented,
19 it's already there. It's no greater prejudice
20 to talk about, because she'd already testified
21 to it. So it didn't enhance the incident or
22 make it a more grievance offense than what was
23 already testified to. For that reason, I
24 don't think the prejudice outweighed the
25 probative value. Thank you.

1 BRUCE DURANT: Thank you, Your
2 Honor.

3 THE COURT: How many witnesses?

4 MR. DURANT: We've got two short ---

5 THE COURT: Two longs and two
6 shorts?

7 MR. DURANT: We have four, actually,
8 fairly short witnesses. But I don't think we
9 can do all four today.

10 THE COURT: Let's get the two
11 shorts.

12 MR. BLOOM: I appreciate it.

13 THE COURT: Glad to do it.

14 MR. DURANT: Can we go ahead and let
15 our other two go?

16 THE COURT: Yeah, you can let your
17 two longs go. We can take one long and a
18 short, or two shorts.

19 (BRIEF RECESS)

20 (DEFENDANT PRESENT)

21 THE COURT: Let the record reflect
22 Mr. Dickerson is present. Let's bring our
23 jury in, please.

24 (JURY IN @ 3:33 P.M.)

25 THE COURT: Thank you very much,

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1 Ladies and Gentlemen. Solicitor, you may call
2 your next witness.

3 SOLICITOR WILSON: Your Honor,
4 we call Tyre Johnson.

5 (WITNESS TAKES STAND)

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

9 DIRECT EXAMINATION

10 BY SOLICITOR WILSON:

11 Q. Ms. Johnson, please make sure you speak
12 into the microphone just like you're doing and
13 answer "yes" and "no," okay?

14 A. Yes.

15 Q. Ms. Johnson, how old are you?

16 A. Twenty-six.

17 Q. And how far did you go in school?

18 A. All the way.

19 Q. You finished high school?

20 A. Yes, ma'am.

21 Q. And do you work?

22 A. Yes, ma'am.

23 Q. Where do you work?

24 A. Wal-Mart.

25 Q. Ms. Johnson, I want to take you back to

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STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
R. Markley Dennis, Jr., Circuit Court Judge

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RESPONDENT,

V.

WILLIAM O. DICKERSON,

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1 Tuesday -- well, actually Thursday, March the
2 8th, March the 9th. Do you remember that day
3 in 2006, March 9th?

4 A. Yes.

5 Q. Had you been planning to move to an
6 apartment?

7 A. Yes.

8 Q. Tell the jury where that apartment was.

9 A. James Island, on Fleming Road.

10 Q. And did you already have a key to the
11 apartment?

12 A. Yes.

13 Q. Was anybody living there at the time?

14 A. No.

15 Q. So it was vacant?

16 A. Yes.

17 Q. On that morning of Thursday, March the
18 9th, did you decide to go check out the
19 apartment?

20 A. Yes.

21 Q. And tell the jury what happened?

22 A. When I walked and stuck my key to the
23 door, the door opened, it was open. I went
24 in, got to the next entrance and saw someone
25 covered up and I walked back out and called

1 the police.

2 Q. Did you go in the front door of the
3 apartment or the back door?

4 A. Back door.

5 Q. And you were just going to check it out
6 and see where furniture would go; that sort of
7 stuff?

8 A. No.

9 Q. What were you doing?

10 A. To make sure the breaker box was off to
11 get the lights turned on.

12 Q. Oh, okay. It had to be off before you
13 could put it in your name?

14 A. Yes.

15 Q. So you walked in that back door?

16 A. Yes.

17 Q. And you realized the door wasn't locked?

18 A. Yes.

19 Q. This person or this object that you saw,
20 could you tell whether it was a person?

21 A. No.

22 Q. Did it cause you some concern?

23 A. Yes.

24 Q. Why?

25 A. It wasn't there when I first walked in --

1 when I first looked at the apartment.

2 Q. Some time ago?

3 A. Yes.

4 Q. Did you suspect that it might be a
5 person?

6 A. Yes.

7 Q. What did you do after you saw what you
8 thought was a person on the floor, was it?

9 A. Yes. Walked back out and called the
10 police.

11 Q. And did the police show up?

12 A. Yes.

13 Q. And what did they do?

14 A. Walked in and checked it out.

15 Q. When did you realize that something was
16 wrong?

17 A. When the officer came back out and told
18 me.

19 Q. Told you what?

20 A. That it had been a homicide.

21 Q. Ms. Johnson, did you ever move into that
22 apartment?

23 A. No.

24 Q. Did you ever move into that complex?

25 A. No.

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2312

1 Q. That was enough for you?

2 A. Yes, ma'am.

3 Q. I want to show you four exhibits.

4 SOLICITOR WILSON: Your Honor,
5 at this time we offer State's Exhibits 14, 15,
6 16 and 72, without objection.

7 THE COURT: Is that correct?

8 MR. CARROLL: That's correct, Your
9 Honor.

10 THE COURT: Very well, State's 14,
11 15, 16 and State's Exhibit 72 are admitted
12 without objection. They are each a
13 photograph.

14 (SO ENTERED AS STATE'S EXHIBIT 14)

15 (SO ENTERED AS STATE'S EXHIBIT 15)

16 (SO ENTERED AS STATE'S EXHIBIT 16)

17 (SO ENTERED AS STATE'S EXHIBIT 72)

18 SOLICITOR WILSON: If we could
19 show State's 14 first -- (displaying State's
20 Exhibit 14 on ELMO).

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR WILSON:

23 Q. Ms. Johnson, is that the apartment
24 complex that you were going to on Fleming
25 Road?

1 A. Yes.

2 SOLICITOR WILSON: And State's
3 Exhibit 15.

4 DIRECT EXAMINATION CONTINUED

5 BY SOLICITOR WILSON:

6 Q. Is that a closer-up view of the apartment
7 complex?

8 A. Yes.

9 SOLICITOR WILSON: And State's
10 16.

11 DIRECT EXAMINATION CONTINUED

12 BY SOLICITOR WILSON:

13 Q. The rear of the complex?

14 A. Yes.

15 Q. I believe you said you entered the back
16 door of the unit that you were going to be in.
17 Is that right?

18 A. Yes.

19 Q. And that would have been the unit on the
20 far left, do you remember?

21 A. Yes.

22 Q. State's Exhibit 72. What is State's 72,
23 Ms. Johnson?

24 A. I didn't hear you.

25 COURT REPORTER: What is State's

1 Exhibit 72?

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR WILSON:

4 Q. What is that?

5 A. The back door.

6 Q. And this area right here on the back
7 door, when you first saw the apartment several
8 weeks before this, was that door in this
9 condition?

10 A. No.

11 Q. You said when you put your key in, what
12 happened with the door?

13 A. It just opened up without turning it.

14 Q. The object that you saw, was it around
15 through that area into the kitchen?

16 A. Yes.

17 SOLICITOR WILSON: That's all
18 the questions I have, Your Honor.

19 THE COURT: Cross? Any questions?

20 MR. CARROLL: I don't have any
21 questions.

22 THE COURT: Thank you. Ms.
23 Johnson, you may step down. Do you wish the
24 witness to be excused?

25 SOLICITOR WILSON: Yes, sir.

1 THE COURT: Any objection, Mr.

2 Carroll?

3 MR. CARROLL: No, sir.

4 THE COURT: Thank you, Ms. Johnson,
5 you are also free to leave.

6 (WITNESS EXCUSED)

7 THE COURT: You may call your next
8 witness, please.

9 SOLICITOR WILSON: Officer
10 Fabisiewicz.

11 (WITNESS TAKES STAND)

12 OCTAVIO FABISIEWICZ, being duly
13 sworn to tell the truth, the whole truth and
14 nothing but the truth, testified, as follows:

15 DIRECT EXAMINATION

16 BY SOLICITOR WILSON:

17 Q. Officer Fabisiewicz, where are you
18 employed?

19 A. Charleston Police Department.

20 Q. How long have you been working at the
21 Police Department?

22 A. About, roughly three and a half years.

23 Q. Were you working there in March of 2006?

24 A. Yes, ma'am.

25 Q. What duties did you have that day?

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2316

1 A. I was a patrol officer on Team 3.

2 Q. What is the team three area?

3 A. It consists of James and Johns Island.

4 Q. On the morning of Thursday, March 9th of
5 2006, were you dispatched to 311 Fleming Road?

6 A. Yes, ma'am.

7 Q. About what time of day was it when you
8 were dispatched to that area?

9 A. Approximately 0728 hours; 7:28 a.m.

10 Q. And that area on 311 Fleming Road, is
11 that here in Charleston County?

12 A. Yes, ma'am.

13 Q. That morning was there some issue as to
14 whether or not the sheriff's office should
15 respond or the police department should
16 respond?

17 A. As far as I know, the call went in to
18 Charleston County first.

19 Q. But you ended up being dispatched to it?

20 A. Yes, ma'am.

21 Q. Did it turn out that 311 Fleming Road is
22 within the City of Charleston's jurisdiction?

23 A. Yes, ma'am.

24 Q. Tell the jury what you first saw when you
25 approached Apartment E-4 on Fleming Road.

1 A. Upon my arrival I noticed that the back
2 door was open. I noticed the frame was
3 broken, looked like someone had kicked the
4 door in. Once I entered the apartment I
5 noticed a person laying down on the kitchen
6 floor, laying on their stomach, only wearing a
7 tee shirt. I noticed that there were some
8 injuries to the head. And I noticed that the
9 blanket or the comforter basically appeared to
10 be blood stained.

11 Q. When you first walked in, was the person
12 covered in the blanket and then the blanket
13 later got removed, or had the blanket already
14 been removed?

15 A. It was already removed.

16 Q. Were you the first officer there on the
17 scene?

18 A. For the City of Charleston, yeah.

19 Q. Were there some other law enforcement
20 there?

21 A. Yeah, upon arrival I made contact with
22 two Charleston County Sheriff's officers.

23 Q. And did you also see Ms. Johnson, the
24 lady who was here a minute ago?

25 A. Yes, ma'am.

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2318

1 Q. I'm going to show you what's been marked
2 as State's Exhibit 74 and 78 and ask you if
3 you recognize these photographs?

4 A. I do.

5 Q. Are both of these photographs a fair and
6 accurate depiction of the scene there at
7 Fleming Road that morning on Thursday, March
8 9th?

9 A. Yes, ma'am.

10 Q. After you saw what you saw, did you
11 realize that the person was not alive?

12 A. I called back to EMS, but it appeared
13 that the person was not alive.

14 Q. You wanted to make sure, so you called
15 EMS?

16 A. Yes, ma'am.

17 Q. Do you recall what the person was
18 wearing? I think you said they didn't have on
19 pants. But do you remember what else they had
20 on?

21 A. Black tee-shirt.

22 Q. You said that you noticed there were some
23 injuries to the head. Is that right?

24 A. Yes, ma'am.

25 SOLICITOR WILSON; Would you

1 show State's Exhibit 74, please?

2 THE COURT: Has that one been
3 admitted yet?

4 SOLICITOR WILSON: I thought I
5 did. Did I not? Your Honor, we'd offer
6 State's 74 and 78.

7 THE COURT: Any objection?

8 MR. BLOOM: No, sir.

9 THE COURT: 74 and 78 are admitted
10 without objection, each being a photograph.
11 Thank you.

12 (SO ENTERED AS STATE'S EXHIBIT 74)

13 (SO ENTERED AS STATE'S EXHIBIT 78)

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR WILSON:

16 Q. Officer Fabisiewicz, is that the door
17 that you mentioned looked like it had been
18 kicked in?

19 A. Yes, ma'am

20 Q. State's Exhibit 78. Explain what's
21 depicted there, in State's 78.

22 A. Basically, a black male wearing a tee
23 shirt only, white socks with injuries to the
24 head.

25 Q. That blanket -- this blanket here, that

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1 had already been taken off by somebody when
2 you arrived?

3 A. Yes, ma'am.

4 Q. So that's what it looked like when you
5 arrived?

6 A. Yes, ma'am.

7 SOLICITOR WILSON: That's all I
8 have, Your Honor.

9 THE COURT: Cross examine.

10 MR. BLOOM: May it please the
11 Court, Your Honor?

12 THE COURT: Sure.

13 CROSS EXAMINATION

14 BY MR. BLOOM:

15 Q. Officer Fabisiewicz, was there a
16 Charleston County deputy on the scene prior to
17 you, or were you the first one on the scene?
18 I'm trying to understand.

19 A. The Charleston County deputy showed up
20 first. He responded first.

21 Q. As far as you know, that was the only
22 officer who had been inside the apartment?

23 A. The two officers, Officer Baer and
24 another deputy, were the first two officers on
25 the scene.

1 Q. They had gone in and removed the blanket
2 from -- I take it?

3 A. Yes.

4 Q. When you arrived the blanket had already
5 been removed from the victim?

6 A. That's correct.

7 Q. And after that, I take it, you also
8 helped secure the scene?

9 A. Yes, sir.

10 Q. When we talk about that, what's the
11 purpose of securing a scene when you come upon
12 something like these circumstances?

13 A. Basically, to keep people from coming
14 into a secure area or things being taken out,
15 coming in, going out.

16 Q. And that's so any evidence or other
17 materials at the scene aren't tampered with or
18 contaminated or tainted in any way; correct?

19 A. That's right.

20 Q. So lab technicians can arrive and collect
21 samples and so forth?

22 A. Yes, sir.

23 Q. Is that what you did?

24 A. I notified the detectives of the crime
25 scene and they will take over and I'll back

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1 off and secure the scene, yes, sir.

2 Q. Thank you very much, Officer.

3 THE COURT: Redirect, Solicitor.

4 SOLICITOR WILSON: No further
5 questions.

6 THE COURT: You may come down. Do
7 you wish the witness to be excused?

8 SOLICITOR WILSON: Yes, sir.

9 (WITNESS EXCUSED)

10 BRUCE DURANT: We underestimated
11 a little bit. We've let our last two
12 witnesses go.

13 THE COURT: Okay. Ladies and
14 gentlemen, you're going to get a little bit
15 earlier start on the weekend. Please remember
16 that now we won't be together until Monday,
17 and I don't know whether it's more difficult
18 or not, but whatever it is, please remember
19 that you have to make sure that you do not
20 talk with anyone or permit anyone to talk with
21 you. You are to not watch anything about it
22 or read anything about it. I hope you have a
23 good weekend and get some rest, and we'll see
24 you Monday morning, please, at 9:30. Thank
25 you very much. Take care of yourselves.

1 (JURY OUT @ 3:51 P.M.)

2 THE COURT: Anything from the State
3 before we recess?

4 SOLICITOR WILSON: No, sir.

5 THE COURT: Anything from the
6 defendant?

7 MR. BLOOM: No, sir.

8 THE COURT: Let me just note
9 something, and there's no way to plan for
10 these things, and I understand that. And I
11 know this is extremely traumatic for a lot of
12 people in this audience on both sides. But we
13 need to make sure, and I'm going to ask you to
14 work with your victims assistance, that they
15 are aware of certain evidence that comes up.
16 Because I want to give those folks an
17 opportunity to exit without making a rush.

18 SOLICITOR WILSON: We did that.

19 THE COURT: I know you did. I
20 understand that. And the reason that I know
21 that you did -- but that's where if you think
22 that you're going to have to react, the best
23 policy is to stay out. Because that type of
24 demonstration can't happen anymore, and I'm
25 not going to allow it to happen anymore.

1 Because it doesn't do anything but call
2 attention to things that have nothing to do
3 with the evidence in this case. It speaks for
4 itself. It doesn't need to be enhanced. And
5 I'm not going to permit that, because that
6 changes the whole picture of this whole
7 proceeding. This is a proceeding that is
8 going to be governed by principles of law.
9 We're not going to allow those types of things
10 to happen. And don't read that as being
11 insensitive. I understand how horrific all
12 this is for everybody. But you're going to
13 have to control yourself, or either -- and I
14 don't have any problem, if you have to just
15 orderly just leave before that witness. I
16 would suggest if there's a witness that's
17 going to testify to something that we know is
18 somewhat traumatic, you exit before that
19 witness ever takes the stand. You just remove
20 yourself from the situation. Because if you
21 remain and there is any outburst, I'm going to
22 deal with it. And it sounds harsh, but
23 there's nothing else to say other than the
24 fact that it's contempt of Court. And we're
25 not going to permit that. Okay? Thank you

1 very much.

2 (COURT IN RECESS)

3 (TRANSCRIPT CONTINUED NEXT PAGE)

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1 APRIL 27, 2009 9:20 A.M.

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3 (DEFENDANT PRESENT)

4 THE COURT: I had indicated to the
5 Solicitor that probably, given that we're
6 going to try to go to 6:00, I'm probably going
7 to try to work to schedule our break about
8 1:00 o'clock. That would give us three and a
9 half hours in the morning and three and a half
10 hours again in the afternoon.

11 Let the record reflect that Mr.
12 Dickerson is present.

13 THE COURT: Is the State ready to
14 proceed?

15 SOLICITOR WILSON: Yes, sir.

16 THE COURT: Defense ready to
17 proceed?

18 MR. BLOOM: Yes, sir.

19 THE COURT: We have another note.
20 I'll do it here in the courtroom, if you wish.
21 Court's Exhibit 12. Mr. Partee needs some
22 kind of note, and I am going to find out what
23 he needs, for his employer.

24 (SO ENTERED AS COURT'S EXHIBIT 14)

25 THE COURT: Then Mr. Caine, the

1 first alternate that was selected?

2 SOLICITOR WILSON: Mr. Page?

3 THE COURT: (Affirmative nod), Mr.
4 Page. He believes that he might have been sued
5 by a relative of mine. I don't know what that
6 -- but do you'all want me to talk to him in
7 private or do you want me just explore that
8 with him in open court?

9 MR. BLOOM: We leave it to your
10 discretion, Your Honor.

11 THE COURT: Your call. Why don't
12 we just bring him in and let me talk to him.
13 Get Mr. Page and have him come in here.

14 (JUROR NUMBER 234 ENTERS COURTROOM)

15 THE COURT: You think you've been sued
16 by ---

17 JUROR NUMBER 234: Ned Dennis.
18 I don't know if you're related.

19 THE COURT: He's my first cousin.

20 JUROR NUMBER 234: Well, then,
21 yes. It's been ten years ago. At Hungryneck
22 Mall, he had a booth which he rented from me.
23 He allegedly had told me he had a hundred
24 dollar deposit. I checked and he didn't have
25 a deposit, and he sued me. It was dismissed

1 with prejudice.

2 I just actually didn't catch your
3 name for the first two days. John Edwards
4 told me he thought you, while we were having
5 lunch on Friday, that you were related to
6 Rembert Dennis. Then Friday night I went,
7 'Oh, my god, I gotta tell them that.'

8 THE COURT: Does that influence
9 you?

10 JUROR NUMBER 234: I don't see
11 how it does, no.

12 THE COURT: Would it influence how
13 you accept the law from me or apply the law?

14 JUROR NUMBER 234: No, sir.

15 THE COURT: Any other questions?

16 SOLICITOR WILSON: No, sir.

17 JUROR NUMBER 234: No, sir. I
18 just wanted to bring that out.

19 THE COURT: Thank you, sir. And it
20 wouldn't influence at all how you viewed the
21 evidence?

22 JUROR NUMBER 234: No, sir.

23 THE COURT: Thank you, sir. I
24 appreciate it.

25 (JUROR NUMBER 234 EXITS COURTROOM)

1 THE COURT: Bring in the panel,
2 please.

3 COURT REPORTER: Mr. Bloom, I'm
4 still waiting on Defendant's Exhibit 7.

5 MR. BLOOM: Yes, ma'am, we have it
6 and I'll get it to you. Sorry.

7 COURT REPORTER: Not a problem,
8 sir. Thank you.

9 THE COURT: Let's bring in the
10 panel.

11 (JURY IN @ 9:48 A.M.)

12 THE COURT: Thank you very much,
13 Mr. Robinson (bailiff). Thank you very much,
14 ladies and gentlemen. Please be seated. I
15 hope you have a good weekend and got rest and
16 we are ready now to continue the matter that
17 we started last week.

18 Thank you, Mr. Partee, what I have
19 is Court's Exhibit 14. I've addressed one.
20 You mentioned that you need something. Do you
21 need something now?

22 MR. PARTEE: Every night.

23 THE COURT: Every night you need
24 something?

25 MR. PARTEE: No, pretty much

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1 something to the effect that ---

2 THE COURT: At the end you will get
3 a certificate, as each juror will.

4 MR. PARTEE: Yes, sir, I understand
5 that but payroll is biweekly and I need
6 something.

7 THE COURT: You need something now?
8 Just tell me when you do.

9 MR. PARTEE: I'd like to have it by
10 Friday if possible, or Thursday.

11 THE COURT: No problem. Just
12 whatever day and we'll provide the services
13 through that day and then they'll continue.

14 MR. PARTEE: Yes, sir. I mean, it's
15 pretty much just a letter saying that -- the
16 dates is what I need.

17 THE COURT: That'll be fine. We'll
18 accommodate that. No problem. Glad to do it.
19 Thank you, sir. Appreciate it.

20 Before we start, Ladies and
21 Gentlemen, as we have done, I need to ask if
22 each of you do solemnly swear or affirm that
23 since we were together on Friday each of you
24 has observed the Court's instructions in every
25 respect, and specifically have not talked with

1 anyone, permitted anyone to talk with you,
2 have not read any accounts or watched any news
3 accounts, have not done any independent
4 research or independent investigation. If you
5 can make that commitment, say "I do."

6 (UNANIMOUS AFFIRMATIVE RESPONSE BY JURORS)

7 THE COURT: Any juror that is
8 unable to make the commitment, please stand.

9 (NO RESPONSE)

10 THE COURT: Thank you very much.
11 Good morning, Solicitor. We're ready to
12 continue. You may call your next witness.

13 BRUCE DURANT: The State would
14 call Dontaire Anderson.

15 (WITNESS TAKES STAND)

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

19 DIRECT EXAMINATION

20 BY BRUCE DURANT:

21 Q. State your full name and spell your last
22 name.

23 A. Dontaire Providence Anderson.

24 Q. Good morning, Mr. Anderson.

25 A. Good morning.

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1 Q. Could you tell the jury how old you are?

2 A. Thirty.

3 Q. And how far did you go in school?

4 A. Twelfth grade.

5 Q. Where did you go to school?

6 A. Burke High.

7 Q. Do you recall when you graduated from
8 Burke?

9 A. Uh-uh.

10 THE COURT: Hold on a minute,
11 Solicitor. Mr. Anderson, you're going to need
12 to pull up because that microphone doesn't
13 pick up until you're sitting close to it.

14 THE WITNESS: Okay.

15 THE COURT: Thank you very much,
16 sir.

17 BRUCE DURANT: Also, if the
18 questions calls for a "yes" or "no" answer,
19 you're going to need to answer yes or no.
20 Okay?

21 THE WITNESS: Yes, sir.

22 DIRECT EXAMINATION CONTINUED

23 BY BRUCE DURANT:

24 Q. Are you working?

25 A. Yes, sir.

- 1 Q. Where do you work?
- 2 A. Regis Development.
- 3 Q. And what do you do for Regis Development?
- 4 A. I'm a contractor.
- 5 Q. Are you married?
- 6 A. No.
- 7 Q. Have any children?
- 8 A. One daughter.
- 9 Q. Now, do you know William Dickerson?
- 10 A. Yes, sir.
- 11 Q. Do you see William Dickerson in the
- 12 courtroom?
- 13 A. Yes, sir.
- 14 Q. Will you point him out to the jury?
- 15 A. (Indicating).
- 16 Q. The fellow with the beard sitting at this
- 17 table?
- 18 A. Yes, sir.
- 19 Q. How long have you known Mr. Dickerson?
- 20 A. All my life.
- 21 Q. What name do you know him by?
- 22 A. "Willie D."
- 23 Q. Did you'all grow up together in the same
- 24 neighborhood?
- 25 A. Yes.

- 1 Q. Did your family know his family?
- 2 A. Uh-uh.
- 3 Q. And have you maintained a relationship
- 4 with him over the years?
- 5 A. Yes, sir.
- 6 Q. He's a friend of yours?
- 7 A. Yes, sir.
- 8 Q. A few months before the death of Mr.
- 9 Gerard Roper did you see Mr. Dickerson very
- 10 often?
- 11 A. Not very often but some.
- 12 Q. Okay. On a weekly basis?
- 13 A. Probably.
- 14 Q. Do you know Gerard Roper?
- 15 A. Yes, sir.
- 16 Q. How do you know him?
- 17 A. We grew up together.
- 18 Q. And this was in the Spring Street area.
- 19 Is that correct?
- 20 A. Yes, sir.
- 21 Q. Did you continue to have contact with Mr.
- 22 Roper after he moved over to James Island with
- 23 his family?
- 24 A. Yes, sir.
- 25 Q. Do you know what the relationship between

1 Gerard Roper and Willie D was?
2 A. As far as I know, they was friends just
3 like.
4 Q. Do you recall going to the police
5 department on March the 9th of 2006 and
6 providing them with a statement?
7 A. Yes, sir.
8 Q. The day before that, March the 8th, had
9 you been contacted by the Defendant?
10 A. Yes, sir.
11 Q. Please tell us about that.
12 A. He called saying that he wanted me to
13 come pick him up and that something had
14 happened.
15 Q. And where were you when he called?
16 A. I was in Moncks Corner.
17 Q. Did you tell him that you were coming?
18 A. Yeah, but not right then. That I would
19 be there, but 'not right now.'
20 Q. Were you working in Moncks Corner at the
21 time?
22 A. No, I was at my girlfriend's house.
23 Q. Where you were living at the time?
24 A. In North Charleston.
25 Q. Did you end up going to North Charleston?

1 A. Yes.

2 Q. And what happened then?

3 A. Maybe five minutes after I got there he
4 pulled up in a cab.

5 Q. Who is "he?"

6 A. Willie.

7 Q. Before he showed up in the cab he had
8 contacted you on the telephone. Is that
9 correct?

10 A. Yes, sir.

11 Q. Do you recall what your cell phone number
12 was at the time?

13 A. Yes, sir.

14 Q. What was that?

15 A. 843-437-8306.

16 Q. That's the phone he called you on?

17 A. Yes.

18 Q. Tell me about what happened when he
19 showed up in a cab.

20 A. He showed up. He came in, started
21 walking back and forth. I asked him what was
22 wrong and he was like he, he was like he was
23 'I gonna to have to get one of them', that
24 they was trying to get him. You know he was
25 like paranoia, and I got a little edgy myself

1 and I -- I didn't want nothing there, so I was
2 like, 'let's go, let's leave from here.' Then
3 we left.

4 Q. Did you ask him about anything?

5 A. Yeah. Yeah.

6 Q. What did you ask him about?

7 A. I asked him where was Gerard. Because on
8 the street, on the street it was already told
9 that he'd ---

10 MR. BLOOM: Objection, Your Honor.
11 Hearsay.

12 THE COURT: Sustained.

13 DIRECT EXAMINATION CONTINUED

14 BY MR. BLOOM:

15 Q. Did he admit knowing anything about
16 Gerard?

17 A. Said he was all right.

18 Q. Was he wanting to stay at your house?

19 A. I can't really say he wanted to stay
20 there, just that he'd come there.

21 Q. Did you notice anything unusual about his
22 clothing when you were at your house?

23 A. He had a gash on his arm.

24 Q. Was it bleeding?

25 A. Yes.

- 1 Q. Did you want him to stay at your house?
- 2 A. No, sir.
- 3 Q. Why not?
- 4 A. Because I didn't know if no one was
- 5 following him there, trying to get him or --
- 6 (pause).
- 7 Q. What did you do?
- 8 A. We went -- I put him in a hotel.
- 9 Q. What hotel?
- 10 A. The Howard Johnson on Rivers Avenue.
- 11 Q. Where ---
- 12 A. The one there by the Interstate, the I,
- 13 Dorchester.
- 14 Q. On the interstate in North Charleston?
- 15 A. Yes, sir.
- 16 Q. What did you do at the hotel?
- 17 A. Nothing. When I paid, gave him the money
- 18 I left.
- 19 Q. Did you buy a room for him?
- 20 A. Yes, sir.
- 21 Q. What else did you do for him?
- 22 A. Bought him a bus ticket.
- 23 Q. Where did you buy him a bus ticket to?
- 24 A. Where to?
- 25 Q. Right.

- 1 A. To Columbia.
- 2 Q. Why did you buy him a bus ticket?
- 3 A. He felt like some of these guys on the
- 4 street were trying to hurt him and, since we
- 5 was friends, I wanted him to be out of harms
- 6 way.
- 7 Q. Did he want to get out of town?
- 8 A. Yes, sir. As far as I know, he did.
- 9 Q. When you left him where did he say he was
- 10 going?
- 11 A. To Columbia.
- 12 Q. And then to where?
- 13 A. And to Atlanta.
- 14 Q. Did he say where he was going in Atlanta?
- 15 A. No.
- 16 Q. When did you find out Gerard had been
- 17 murdered?
- 18 A. The next day, on the news -- at the 6:00
- 19 O'Clock News.
- 20 Q. And what did you do when you found out
- 21 Gerard had been murdered?
- 22 A. Immediately went -- well, I called my
- 23 mom. She came and picked me up and took me to
- 24 the police station to file a report.
- 25 Q. Why did she do that?

1 A. Because she just didn't want me to be
2 caught up in anything. She didn't want me to
3 be involved, because I had nothing to do with
4 it.

5 Q. Nothing to do with?

6 A. (Negative gesture).

7 Q. Mr. Dickerson had denied being involved
8 in it; right?

9 A. Sir?

10 Q. Mr. Dickerson had denied having any
11 involvement with it; right?

12 A. Yes, sir.

13 Q. And that's when you went in and gave your
14 statement?

15 A. Yes, sir.

16 MR. DURANT: The Court's indulgence
17 just a moment.

18 THE COURT: Certainly.

19 DIRECT EXAMINATION CONTINUED

20 BY BRUCE DURANT:

21 Q. Do you know Steven Archie?

22 A. Yes, sir.

23 Q. Did the defendant mention anything to you
24 about Steven Archie?

25 A. No, sir.

1 BRUCE DURANT: Would you please
2 answer any questions defense counsel may have
3 for you?

4 THE COURT: You may cross examine.

5 MR. CARROLL: If it please the Court.

6 THE COURT: Yes, sir.

7 CROSS EXAMINATION

8 BY MR. CARROLL:

9 Q. Mr. Anderson, you'd known William
10 Dickerson for a long time; correct?

11 A. Yes, sir.

12 Q. You'd seen him in a lot of different
13 situations before. Is that also fair to say?

14 A. Yes, sir.

15 Q. He was scared that day, wasn't he?

16 A. Yes, sir.

17 Q. More frightened than you had ever seen
18 him before?

19 A. Yes, sir.

20 Q. He was convinced, based on what he was
21 telling you and based on his actions, that
22 there were people out to get him?

23 A. Yes, sir.

24 Q. They weren't just out to get him. They
25 wanted to do things to him.

1 A. Yes, sir.

2 Q. They wanted to kill him.

3 A. Yes, sir.

4 Q. In fact, he was so convinced, that he
5 convinced you to the point that you wanted him
6 out of your house so that nobody came there;
7 right?

8 A. Right, right. Yes, sir.

9 Q. He told you about the incident on Tuesday
10 morning at Motel 6 where there were some guys
11 laying-in wait for him.

12 A. Yes, sir.

13 BRUCE DURANT: Your Honor, I object to
14 anything Mr. Dickerson may have told him.

15 THE COURT: Overruled.

16 BRUCE DURANT: It is admissible
17 for other but not for ---

18 THE COURT: At this point I will
19 overrule. I would agree with you generally
20 that it doesn't necessarily make it
21 admissible.

22 CROSS EXAMINATION CONTINUED

23 BY MR. CARROLL:

24 Q. When he was there talking to you, he
25 showed you a video; correct?

1 A. Yes, sir.

2 Q. And that video was on his own cell phone?

3 A. Yes, sir.

4 Q. And it was of him sleeping?

5 A. Right.

6 Q. And he seemed to be particularly
7 concerned that that was a message being sent
8 to him.

9 A. Right, yes, sir.

10 Q. That he was vulnerable.

11 A. Yeah. It was like a kid trying to wake
12 him up, kept trying to wake him up and he
13 wouldn't get up.

14 Q. He was telling that Shelley had goons out
15 looking for him?

16 A. Right.

17 Q. And that kid was Shelley's kid, wasn't
18 he?

19 A. Yes, sir.

20 Q. Now, he asked you to help him get out of
21 town; right?

22 A. Yes, sir.

23 Q. He wasn't trying to assemble any kind of
24 posse to go fight it out with anybody. He
25 wanted out of town.

- 1 A. Yes, sir.
- 2 Q. And it was because of this fear that
3 these people were out to get him.
- 4 A. Yes, sir.
- 5 Q. And so you were concerned enough that you
6 went to the Howard Johnson and got a room.
- 7 A. Yes, sir.
- 8 Q. Didn't put it in his name?
- 9 A. No, sir.
- 10 Q. He was too paranoid for that?
- 11 A. Yes, sir.
- 12 Q. In fact, then you went over and got the
13 bus ticket?
- 14 A. I got the bus ticket first.
- 15 Q. You got the bus ticket and then the hotel
16 room?
- 17 A. Yes, sir.
- 18 Q. He was serious about getting out of town.
- 19 A. Yes, sir.
- 20 Q. You'd even talked to your brother and
21 arranged for him to go to Charlotte to stay
22 with your brother; right?
- 23 A. Yes, sir.
- 24 Q. And you saw him get on the bus?
- 25 A. No, sir.

1 Q. Didn't see him?
2 A. (Negative gesture).
3 Q. Took him to the bus station?
4 A. Yes, sir.
5 Q. And you didn't hear any more from him or
6 see him for the next day or so?
7 A. Not until the News.
8 Q. When the News came on it was a report
9 that William Dickerson was a suspect in the
10 murder of Gerard Roper.
11 A. Yes, sir.
12 Q. And that seriously caught your attention?
13 A. Yes, sir.
14 Q. So that's when you contacted your mother
15 because you were concerned, 'I've been
16 involved in helping him, and I want to make
17 sure I'm not in trouble.' Is that correct?
18 A. Exactly.
19 Q. And then you contacted the police?
20 A. Right.
21 Q. And when you contacted the police your
22 purpose there was to tell them exactly what
23 you had done.
24 A. Right.
25 Q. Didn't hide anything?

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1 A. Not at all.

2 Q. If you'd thought William Dickerson had
3 been involved in harming someone you wouldn't
4 have helped him get out of town; would you?

5 A. No. No, no.

6 Q. Your concern was how frightened he was?

7 A. Yes, sir.

8 Q. And he was acting kind of strange, too,
9 that day; wasn't he?

10 A. Yes, sir.

11 MR. CARROLL: Beg the Court's
12 indulgence for a moment.

13 THE COURT: Certainly.

14 MR. CARROLL: I don't have anything
15 further for Mr. Anderson.

16 THE COURT: Redirect, Solicitor?

17 MR. DURANT: The Court's indulgence
18 just a minute.

19 REDIRECT EXAMINATION

20 BY MR. DURANT:

21 Q. There was another reason that you wanted
22 to get him out of your house and out of town,
23 was what was being said on the street about
24 William Dickerson?

25 A. Right, that was part of it.

1 Q. And his being involved in the death of
2 Gerard Roper.

3 A. Right. I didn't want no one following
4 him, coming to him and trying to do something
5 to him while he was there.

6 Q. Thank you. I have nothing further.

7 THE COURT: Recross?

8 MR. CARROLL: No, sir.

9 THE COURT: Thank you. You may
10 come down, sir. Call your next witness,
11 Solicitor.

12 (WITNESS EXITS)

13 MR. DURANT: State calls Marlina
14 Pinckney.

15 (WITNESS TAKES STAND)

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

19 DIRECT EXAMINATION

20 BY RUTLEDGE DURANT:

21 Q. Good morning, Ms. Pinckney.

22 A. Good morning.

23 Q. How old are you?

24 A. I'm twenty-seven.

25 Q. How far did you go in school?

1 A. I completed high school, the twelfth
2 grade for a high school diploma.

3 Q. Are you working?

4 A. Yes, sir.

5 Q. What do you do?

6 A. I work at as a nurse and I do home
7 health, taking care of elderly people.

8 Q. Do you have any children?

9 A. Yes, sir.

10 Q. How many?

11 A. Three.

12 Q. How old are they?

13 A. Nine, seven and two.

14 Q. Who's the father of your youngest child?

15 A. Rashid Malik.

16 Q. He's been charged in connection with this
17 case?

18 A. Yes, sir.

19 Q. And he's changed his name before?

20 A. (Affirmative nod).

21 Q. What was his name before he changed it to
22 Rashid Malik?

23 A. Derrick Jenkins.

24 Q. Does he have a nickname?

25 A. Popcorn.

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1 A. I saw Gerard Roper at our house, but I
2 didn't know him personally either.

3 Q. Did he come with anybody?

4 A. He came with Will.

5 Q. William Dickerson?

6 A. (Affirmative nod).

7 COURT REPORTER: Was that a "yes"?

8 THE WITNESS: Yes, ma'am. I'm
9 sorry. ,

10 RUTLEDGE DURANT: You have to say
11 words because she has to take everything down.

12 THE WITNESS: Okay. Sorry.

13 Court REPORTER: Thank you.

14 DIRECT EXAMINATION CONTINUED

15 BY RUTLEDGE DURANT:

16 Q. How did you find out that Gerard Roper
17 had been murdered?

18 A. On the News.

19 Q. Were you living on Alabama Drive at the
20 time?

21 A. Yes.

22 Q. Did you continue to stay at Alabama Drive
23 after you found out that Gerard Roper had been
24 murdered?

25 A. When I found out who did the murder,

1 that's when I left.

2 Q. Where did you go?

3 A. We went to a hotel in Mount Pleasant.

4 Q. Who went with you?

5 A. Rashid Malik.

6 Q. Why did you'all feel it was necessary to
7 go to a hotel?

8 A. Because at that time he and Will had had
9 a fight and he had hurt his hand, and I was
10 afraid, you know, that he would come and
11 bother me and my family. So I didn't feel
12 safe at home.

13 Q. Who had hurt his hand?

14 A. Rashid Malik. He said he and William had
15 had a fight.

16 Q. And because of that ---

17 A. That made us, you know, we tried to be
18 safe.

19 Q. And how did you protect yourself?

20 A. Leaving.

21 Q. Did you own a car at the time?

22 A. Yes, a 2002 Crown Vic.

23 Q. How long had you had that car back in
24 March of 2006?

25 A. Less than a year.

1 Q. Would you tell the jury what happened to
2 that car on March the 11th, 2006, around 4:00
3 p.m.?

4 A. We came to the house to get some things
5 to go back to the room.

6 Q. Who came to the house?

7 A. Me and Rashid Malik and my son. And as
8 we went to the house, you know, I had went out
9 with Rashid but he had to go back in to get
10 something else. As we left the house me and
11 my son were walking toward the car, and Rashid
12 was locking the door. And as we were walking
13 out of the yard, that's when Will came out of
14 nowhere.

15 Q. How long had you been at the house?

16 A. Not that long.

17 Q. Had you gone inside the house?

18 A. We went inside, and I'd left Rashid in
19 the house.

20 Q. You said Will came out of nowhere.

21 A. (Affirmative nod), out of nowhere.

22 Q. And what happened?

23 A. And as we were walking to the Crown Vic,
24 me and my son, we walked first, and he saw
25 Will and he said, "What's up, Will?" And he

1 got out of the car. I was going to the
2 passenger's side of the car, had opened the
3 car -- was getting ready to get the key out of
4 the ignition. William came to the driver's
5 side of the car and he opened the door and he
6 got in. And he was like, 'I gotta get this
7 case, I gotta get this car, I gonna run.' And
8 I said no, 'you can't have my Crown Vic.' I
9 was trying to get the key out of the ignition
10 and he put his hand like this (gesturing) to
11 try to -- you know, so to save myself, you
12 know, I got out.

13 Q. How did Popcorn appear when he saw Will?

14 A. He was scared. He was scared when he see
15 Will, he was scared.

16 Q. What was Will's appearance like?

17 A. He was just trying to get away.

18 Q. Did you tell Will he could use the car?

19 A. No. Why would I let somebody use my
20 Crown Vic?

21 Q. Did he use your Crown Vic?

22 A. No.

23 Q. Who used your Crown Vic?

24 A. Besides me driving it or Rashid Malik
25 driving it, we was the only two driving that

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1 car.

2 Q. What happened to the Crown Vic once Will
3 got there?

4 A. Once Will got in, he took off. He went a
5 couple of blocks down. We called the police
6 right away. And it wasn't even that long
7 before they called us where that they had
8 found the Crown Vic and that it was a total
9 loss.

10 Q. So who was driving the Crown Vic?

11 A. When it was wrecked?

12 Q. Right.

13 A. William.

14 Q. Who was driving the Crown Vic when it
15 left your house?

16 A. William.

17 Q. What did you do after William took your
18 car?

19 A. Called 9-1-1.

20 Q. You said the car was eventually wrecked?

21 A. It was a total loss, (affirmative nod).

22 Q. When did you come to find that out?

23 A. After his mama -- well, we went to the
24 place where they found the car, it was
25 wrecked. We called his mama's house and we

1 all rode back on the Wheeling and that's where
2 we saw the car was -- gone. You know,
3 wrecked.

4 Q. How far away from your house was the car
5 wrecked?

6 A. A couple of blocks. It wasn't that far.

7 Q. I'm showing you what's labeled State's
8 Exhibit 303 for identification. Do you
9 recognize that?

10 A. Yes.

11 Q. Is that a conversation that you've
12 listened to before?

13 A. Yes.

14 Q. And how do you know?

15 A. Because of the label.

16 Q. Do you recognize your initials on there?

17 A. Yes, sir.

18 Q. And whose voices do you recognize on
19 that?

20 A. I recognized Rashid Malik and William
21 having a conversation.

22 RUTLEDGE DURANT: Beg the Court's
23 indulgence.

24 DIRECT EXAMINATION CONTINUED

25 BY RUTLEDGE DURANT:

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1 Q. And you heard that conversation on that
2 CD some months ago and again here today?

3 A. Yes.

4 RUTLEDGE DURANT: Thank you. No
5 further questions.

6 THE COURT: Cross examination?

7 MR. CARROLL: Thank you, Your
8 Honor. May it please the Court.

9 CROSS EXAMINATION

10 BY MR. CARROLL:

11 Q. Ms. Pinckney, did Rashid tell you that he
12 had hurt his hand hitting Gerard Roper?

13 A. No, sir. He told me him and William had
14 a fight.

15 Q. Him and William had a fight?

16 A. Yeah, they had a fight.

17 Q. Did he tell you that he was involved in
18 beating Gerard Roper?

19 A. No, sir. He told me he didn't have
20 anything to do with that, that he was trying
21 to talk William, you know, out of it.

22 Q. When your vehicle left your residence, do
23 you recall the phone call that brought four
24 Charleston police officers there?

25 A. Yes, sir. The contact was with Rashid

1 Malik, because he was the one that called 9-1-
2 1.

3 Q. So Rashid called 9-1-1?

4 A. Yes.

5 Q. And the report wasn't exactly that
6 somebody had 'stolen our car'. It was that
7 'William Dickerson, the one you're looking
8 for, is here in North Charleston'; correct?

9 A. He was saying that, yeah, but he said
10 that William Dickerson took the car.

11 Q. But it was more an issue of Malik calling
12 the police department to say, "Here's William
13 Dickerson;" correct?

14 A. Not necessarily.

15 Q. William Dickerson's name came up in that
16 report; did it not?

17 A. Yes.

18 Q. And the crimes that they were looking for
19 him for were a lot more serious than taking a
20 vehicle; wouldn't you say?

21 A. Yes, he was on the run and he was
22 attempting to get away.

23 Q. Do you recall him, William Dickerson,
24 saying, 'I need you to take me to my mother'?

25 A. No.

1 Q. "I need to go turn myself in to the
2 police."

3 A. No, he never did say that.

4 Q. Do you recall telling the North
5 Charleston Police that Rashid had already
6 started the car and you'all were about to
7 leave?

8 A. Yeah, we were about to leave because I
9 was by the car.

10 Q. And Rashid had gone and placed the key in
11 the ignition. Do you remember telling them
12 that?

13 A. No.

14 Q. Do you remember telling them, "We came
15 here to pick up some clothes. Malik walked
16 back to the vehicle and Will walked out from
17 behind the residence."

18 A. Walked from behind the residence?

19 Q. From behind the residence.

20 A. No.

21 Q. You don't remember saying that?

22 A. No, (negative gesture).

23 Q. But you did meet with the police and talk
24 to them that day?

25 A. Yes, the police is just right down the

1 road and we met with them there when the
2 report was filed.

3 Q. And that was back in 2006, that you met
4 with the police and told them?

5 A. Yes.

6 Q. And you would agree with me that your
7 recollection of the event back in 2006 was
8 probably a little bit better than it is in
9 2009?

10 A. Yes.

11 Q. The basis for that phone call that day
12 was to have William Dickerson arrested;
13 correct?

14 A. Yes, and for taking my vehicle.

15 Q. And you don't recall saying, 'Go ahead
16 and take that vehicle' and let him go?

17 A. No.

18 Q. You don't?

19 A. No. I don't let no one drive my car.

20 Q. At no point in time has Rashid Malik told
21 you that he was involved in beating Gerard
22 Roper?

23 A. He said he didn't have anything to do
24 with that. He wasn't there.

25 Q. He was not there?

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1 A. He said he was not there. That's what he
2 told me. He was not there.

3 Q. He was not present at all?

4 A. Not present at all.

5 Q. Ever?

6 A. Ever.

7 MR. CARROLL: Nothing further, Your
8 Honor.

9 THE COURT: Redirect

10 MR. DURANT: Thank you, Your Honor.

11 REDIRECT EXAMINATION

12 BY RUTLEDGE DURANT:

13 Q. You said initially that Mr. Malik told
14 you that he didn't have anything to do with
15 Gerard Roper's murder?

16 A. Yes.

17 Q. When you came to our office and you
18 listened to this conversation did you continue
19 to believe Mr. Malik, that he had nothing to
20 do with it at that time?

21 MR. CARROLL: Objection, Your Honor.
22 It calls for her opinion.

23 THE COURT: Sustained.

24 REDIRECT EXAMINATION CONTINUED

25 BY MR. DURANT:

1 Q. When did you change your mind?

2 MR. CARROLL: Objection, Your Honor.

3 THE COURT: Sustained. That's not
4 necessary.

5 BRUCE DURANT: May we approach the
6 Bench, Your Honor?

7 THE COURT: Sure.

8 (BENCH CONFERENCE)

9 REDIRECT EXAMINATION CONTINUED

10 BY RUTLEDGE DURANT:

11 Q. Ms. Pinckney, are you still with Rashid
12 Malik?

13 A. No, sir.

14 Q. When did you'all stop being involved?

15 MR. CARROLL: Objection, Your
16 Honor. This is irrelevant.

17 THE COURT: I'll allow it.

18 THE WITNESS: I stopped being with
19 him after he ran. That was -- I didn't even
20 think twice about, you know, what was going on
21 but -- at first when I asked him about it, he
22 said he didn't have anything to do with it.
23 But then -- so my spirit started drawing away
24 from him and my last -- I was going to let him
25 know that last visit when I visited with him

1 at the jail that I wasn't going to have
2 anything to do with him no more.

3 RUTLEDGE DURANT: Thank you, ma'am.

4 THE COURT: Recross?

5 MR. CARROLL: No, sir.

6 THE COURT: You may come down, Ms.
7 Pinckney.

8 (WITNESS EXCUSED)

9 THE COURT: Call your next witness,
10 please.

11 SOLICITOR WILSON: The State
12 calls Patrick Ponteri.

13 (WITNESS TAKES STAND)

14 PATRICK PONTIERI, SR., being duly
15 sworn to tell the truth, the whole truth and
16 nothing but the truth, testified, as follows:

17 DIRECT EXAMINATION

18 BY SOLICITOR WILSON:

19 Q. Sgt. Pontieri, where are you employed?

20 A. North Charleston Police Department.

21 Q. And how long have you been working there?

22 A. I've been there for fourteen years.

23 Q. What are your current duties with the
24 Police Department?

25 A. Currently, I'm assigned to the Uniform

1 Patrol Division, North Bureau, night shift.

2 Q. Back on March the 11th, 2006, what were
3 your duties?

4 A. I was assigned to the South Bureau,
5 evening shift.

6 Q. What does that mean to be at the South
7 Bureau?

8 A. The North Charleston Police Department is
9 broken down into three different bureaus. We
10 have south and north and a west bureau which
11 covers different areas of the city. The south
12 area covers the south end of the city.

13 Q. On March the 11th, 2006, did you have
14 occasion to be dispatched to the Wheeling
15 Subdivision in North Charleston?

16 A. Yes, ma'am, I did.

17 Q. And what was your initial call for?

18 A. Initially, I was called concerning a
19 motor vehicle accident on Ranger Drive in the
20 area.

21 Q. What was the make and model of the car
22 that was in this accident?

23 A. This was a Ford Crown Victoria, year
24 2000.

25 Q. And when you arrived and saw the car, was

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1 there anybody in it?

2 A. No, ma'am.

3 Q. After you responded to this accident did
4 you learn anything about the car itself?

5 A. Yes, ma'am, I did.

6 Q. And what was that?

7 A. I was informed by another officer of mine
8 who responded from a different location in
9 Wheeling that vehicle was stolen.

10 Q. And after that did you get a description
11 of someone to look for with regards to the
12 wreck and the stolen car?

13 A. Well, I did. Actually, when I was on the
14 scene a concerned citizen came up and
15 described an individual who was driving the
16 vehicle and had left it.

17 Q. And what was the description given?

18 A. We were given a description of a black
19 male wearing blue jeans and a white tee shirt.

20 Q. After that did you begin looking for this
21 suspect?

22 A. I did. My officer who had responded to
23 the motor vehicle theft case, he came back
24 when he was done with taking that report, and
25 I had him work the accident. And I started to

1 patrol the area to see if I could locate the
2 driver of the vehicle.

3 Q. Now, at some point did you involve -- you
4 or some of your staff involve the Charleston
5 Police Department in this search?

6 A. I did. Yes, ma'am.

7 Q. Why was that?

8 A. Officer Mollett (phonetic) had told me,
9 when he came to the scene, that the individual
10 that stole the vehicle was wanted by the
11 Charleston City Police Department for a
12 homicide.

13 Q. So you'all let them know?

14 A. I did.

15 Q. Did you see anyone who fit the
16 description of the suspect anywhere in the
17 area?

18 A. I did. As I was patrolling in the area
19 looking to see if I could find the individual,
20 when I was on Poplin Drive, I saw him coming
21 out between two houses.

22 Q. And what happened when you saw him?

23 A. When he saw me he initially looked over
24 at me. And when I stopped and got out he ran
25 in the opposite direction.

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1 Q. Did he look -- did he have on the same
2 outfit that was described to you previously?

3 A. Well, he did with one exception. He was
4 wearing a purplish-plum-colored shirt over the
5 white tee shirt. But I could see the white
6 tee shirt hanging below the sleeve.

7 Q. What happened after the suspect started
8 running?

9 A. I called for additional units to set up a
10 perimeter. I was hoping to secure him in a
11 short area. I called for a canine unit to
12 assist in that as well, to track him. And I
13 also had my dispatcher contact the Charleston
14 City Police Department and have them respond
15 with a picture of the individual.

16 Q. And did they do that? Did they show up
17 with a picture?

18 A. They did. A detective from the
19 Charleston City Police Department showed up
20 and showed me the picture. And I identified
21 that it was the subject that ran.

22 Q. What happened -- you said you called the
23 canine unit. That's a dog unit?

24 A. Yes, ma'am.

25 Q. What happened after the canine unit

1 arrived?

2 A. After the canine unit arrived, I told the
3 handler where the last place was that I'd seen
4 him run. And the canine handler and his
5 canine took up tracking from that point
6 forward.

7 Q. Did they have any luck with the track?

8 A. We did. And at the time that he
9 confronted the individual, he was between a
10 large privacy fence and a garage, which was an
11 area of about this much (hand gesture) space
12 between the fence and the garage.

13 Q. When you say "he," the suspect was in
14 that area?

15 A. The suspect, Mr. Dickerson.

16 Q. So was he kind of cornered in that area,
17 or did he escape that?

18 A. Oh, he was able to escape.

19 Q. Where did he go?

20 A. He started running. He ran over another
21 short fence and ran down -- ran through a
22 yard. And he was taken into custody on
23 Saratoga.

24 Q. So the canine unit and other members of
25 the North Charleston Police Department

1 encountered the defendant on Poplin but he
2 wasn't caught until Saratoga?

3 A. That's correct.

4 Q. About how many blocks is that? Do you
5 know?

6 A. Probably about four blocks away.

7 Q. Officer, if you could step down.

8 A. (Complies).

9 Q. Stand over here. I show you first what's
10 been marked State's Exhibit 311. Have you
11 seen this exhibit before?

12 A. Yes, ma'am.

13 Q. Is it a fair and accurate overview of the
14 area of the stolen car, the place where you
15 saw the wreck and then the place where you
16 eventually arrested the defendant?

17 A. Yes, it is.

18 Q. And you recognize the street names?

19 A. Yes, sir.

20 SOLICITOR WILSON: Your Honor,
21 at this time we'd offer State's Exhibit 311, I
22 believe without objection.

23 MR. CARROLL: Without objection,
24 Your Honor.

25 THE COURT: State's 311 which is a

1 blowup overview is admitted without objection.

2 (SO ENTERED AS STATE'S EXHIBIT 311)

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR WILSON:

5 Q. Now, if you could -- I know it's hard for
6 the jury to see -- but if you could just, with
7 the laser pointer, show where the report came
8 of the stolen car.

9 A. That was right here on Alabama.

10 Q. And this highway here, is that the
11 interstate?

12 A. This is I-26. Going in this direction is
13 eastbound and, of course, westbound
14 (indicating).

15 Q. When you were dispatched to the area for
16 the car wreck, where was that?

17 A. Actually right here, just at this curb
18 where it come around, this is Martha Drive,
19 and that is Ranger right there.

20 Q. And at that point where the car accident
21 occurred, is that a real sharp hairpin turn?.

22 A. It is.

23 Q. Lots of calls for that area?

24 A. Absolutely.

25 Q. So that's where you first went?

1 A. Yes, ma'am.

2 Q. If you could show the jury on this map
3 where you first encountered the defendant.

4 A. Yes, ma'am. This is Ranger Drive, where
5 the accident was, come down and this is Poplin
6 Street, and right in this area here there was
7 a -- these were all residential houses. One
8 of these houses was vacant, and he came out
9 from the yard of the vacant house.

10 Q. Is that the area where the canine
11 responded?

12 A. Yes, ma'am. I had the canine unit in
13 this area, and we started right here along
14 this fence line. It was an actual chain-link
15 fence there. And that was the last place that
16 I saw him, and that's where they started their
17 tracking.

18 Q. Then the arrest was made where?

19 A. The arrest was made right over here
20 (indicating), on Saratoga Street.

21 Q. And at the point where the defendant was
22 arrested, were Charleston City Police officers
23 there as well?

24 A. They were.

25 Q. And did they have a picture of him with

1 them?

2 A. Yes, ma'am, he did.

3 Q. Did he say anything about that picture?

4 A. He did. He saw the picture and he said,
5 "That's me."

6 SOLICITOR WILSON: I don't have any
7 further questions. If you'll answer any
8 questions the defense has. Thank you.

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Cross examine?

11 MR. CARROLL: May it please the
12 Court?

13 THE COURT: Yes, sir.

14 CROSS EXAMINATION

15 BY MR. CARROLL:

16 Q. Just a couple of questions, Officer
17 Pontieri. As I understand it, you basically
18 were notified of a one-car wreck?

19 A. Yes, sir.

20 Q. About the time that Officer Mollett was
21 dispatched to the report of a vehicle being
22 taken from a residence on Alabama Drive.

23 A. Sir, that -- the stolen vehicle report
24 came in prior to the accident.

25 Q. But this was not like a hot pursuit

1 scenario, but independent incidents; correct?

2 A. Yes, sir.

3 Q. And the residence that Officer Mollett
4 went to, did you learn that this was the
5 residence of Rashid Malik?

6 A. Yes, sir. Afterwards I did, yes, sir.

7 Q. And that Mr. Malik was the one who had
8 called 9-1-1 to make the report?

9 A. I don't know who called and made that
10 report; no, sir.

11 Q. And did you learn that the report wasn't
12 just that 'my vehicle was stolen' but that
13 'William Dickerson has taken my vehicle and
14 he's wanted by the police.'

15 A. Yes, sir.

16 Q. Based on your observations at the scene,
17 the vehicle just sort of went straight into
18 the fence line?

19 A. The vehicle -- he was not able to
20 negotiate that curve and went -- as a matter
21 of fact, if that fence wasn't there, the chain
22 link fence, he would have been on I-26,
23 eastbound. Yes, sir.

24 MR. CARROLL: Beg the Court's
25 indulgence.

1 THE COURT: Certainly.

2 MR. CARROLL: No further
3 questions.

4 THE COURT: Redirect, Solicitor?

5 SOLICITOR WILSON: No, sir.

6 THE COURT: You may come down.

7 Thank you.

8 (WITNESS EXCUSED)

9 THE COURT: Call your next witness.

10 BRUCE DURANT: Your Honor, may we
11 approach the Bench?

12 THE COURT: Sure.

13 (BENCH CONFERENCE)

14 BENCH CONFERENCE:

15 BRUCE DURANT: The next
16 witness is going to be pretty long and we need
17 to get some stuff set up, too, so -- I was
18 just wondering if this might be a good time to
19 take a short break.

20 THE COURT: Okay.

21 (BENCH CONFERENCE CONCLUDED)

22 THE COURT: Ladies and gentlemen,
23 we need to take a break at this point. Do not
24 begin your deliberations. Don't discuss the
25 case. We'll be with you in about ten minutes.

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1 Thank you.

2 (JURY OUT @ 10:36 A.M.)

3 THE COURT: Anything from the State
4 before we recess, Solicitor?

5 SOLICITOR WILSON: No, sir.

6 THE COURT: Anything from the
7 defendant?

8 MR. CARROLL: Nothing, Your Honor.

9 THE COURT: We'll be at ease for
10 about ten minutes.

11 (BRIEF RECESS 10:36 - 10:55 A.M.)

12 THE COURT: Let the record reflect
13 that Mr. Dickerson is present.

14 The State's ready to proceed?

15 MR. DURANT: Yes, Your Honor.

16 THE COURT: Is the defense ready?

17 MR. BLOOM: Yes, sir.

18 THE COURT: Let's bring in our
19 jury, please.

20 (JURY IN @ 10:55 A.M.)

21 THE COURT: Thank you, ladies and
22 gentlemen, please be seated. We're ready to
23 continue.

24 Solicitor, call your next witness,
25 please.

1 MR. DURANT: Thank you, sir. The
2 State would call Steve Hood.

3 (WITNESS TAKES STAND)

4 STEVEN HOOD, being duly sworn to
5 tell the truth, the whole truth and nothing
6 but the truth, testified, as follows:

7 DIRECT EXAMINATION

8 BY BRUCE DURANT:

9 Q. Good morning, Mr. Hood.

10 A. Good morning.

11 Q. Can you see me all right?

12 A. I can.

13 Q. Could you tell the jury where you work?

14 A. I work for the Charleston City Police
15 Department.

16 Q. What do you do with the Charleston City
17 Police Department?

18 A. I'm an investigative crime scene
19 technician.

20 Q. How long have you been with the City
21 Police Department?

22 A. Thirty-two and a half years.

23 Q. And how much of that time have you been a
24 crime scene officer?

25 A. I've been in crime scenes for

- 1 approximately six.
- 2 Q. What is your rank, sir?
- 3 A. Sergeant.
- 4 Q. In your capacity as a sergeant with the
- 5 CPD Crime Scene Unit, did you have the
- 6 occasion to respond to 311 Fleming Road,
- 7 Apartment E-4 on the morning of March the 9th,
- 8 2006?
- 9 A. Yes, sir, I did.
- 10 Q. And what is your connection to the murder
- 11 investigation involving the death of Gerard
- 12 Roper?
- 13 A. I was the lead crime scene investigator.
- 14 Q. And what are the responsibilities of a
- 15 lead crime scene investigator?
- 16 A. To examine the scene, collect evidence,
- 17 photography in conjunction with the
- 18 individuals who work with me and then to begin
- 19 a custody log of evidence to be taken back to
- 20 my office.
- 21 Q. See that evidence is processed?
- 22 A. Correct.
- 23 Q. Do you recall what time it was when you
- 24 arrived on the scene?
- 25 A. It was approximately 0810 in the morning.

1 Q. How many scenes did you'all end up
2 processing that day?

3 A. That day, that morning we ended up with
4 two scenes.

5 Q. Two different locations, I believe, and
6 something about a garbage can, too; right?

7 A. Yes, sir, a garbage can as well.

8 Q. What scene did you'all actually respond
9 to, the first scene?

10 A. The first scene we responded to was
11 Apartment E-4. That is where an individual
12 was examining the apartment for a possible
13 rental and during that period the deceased was
14 found in the kitchen.

15 Q. So you'all processed that scene. Is that
16 correct?

17 A. We processed that scene as well as the
18 trash can and the evidence from the trash can.

19 Q. Tell us just briefly about that. What
20 are you talking about, evidence from the
21 trash?

22 A. The trash can that we located evidence
23 in, we had taken it out at the scene, item by
24 item, bag by bag, to look at it and catalogue
25 it.

1 Q. Before we get to that, where was the
2 trash can located?

3 A. The trash can was outside on the street,
4 Fleming Road. It was trash pick-up day.

5 Q. Had the officers looked in the trash can?

6

7 A. (Affirmative nod).

8 Q. What was in the trash can?

9 A. An officer had notified me, came back to
10 E-4 and said that he'd found a trash can with
11 some bloody items in it.

12 Q. Okay. And at that point you'all moved
13 the trash can back to E-4 and processed that
14 as well?

15 A. At that point I went out to the street
16 and looked, photographed and moved the trash
17 can back to the patio of E-4.

18 Q. Okay. And then later in the day you'all
19 ended up processing a third scene. Is that
20 correct?

21 A. (Affirmative nod), that would be
22 Apartment E-3.

23 Q. And where is Apartment E-3 located in
24 relation to Apartment E-4?

25 A. Apartment E-3 is right next door to E-4.

1 It has a common wall between them; right next
2 door to E-3. E-3, E-4.

3 MR. DURANT: May I approach the
4 witness, Your Honor?

5 THE COURT: Yes, you may.

6 DIRECT EXAMINATION CONTINUED

7 BY BRUCE DURANT:

8 Q. Mr. Hood, I hand you what's previously
9 been marked as State's Exhibit 17 through 71
10 and ask you to look through those and see if
11 you can identify them.

12 A. (Upon review), these pictures are all of
13 the crime scene at Apartment E-3.

14 Q. Do they fairly and accurately depict the
15 crime scene as you found it that day?

16 A. Yes, they do.

17 BRUCE DURANT: Mr. Carroll and
18 Mr. Bloom, do you want to see these again?

19 MR. BLOOM: No, sir.

20 BRUCE DURANT: Your Honor, at
21 this time we would offer State's 17 through
22 71, I believe without objection.

23 THE COURT: Is that correct?

24 MR. CARROLL: Correct, Your Honor.

25 THE COURT: State's 17 through 71,

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1 each being a photograph, are admitted without
2 objection.

3 (SO ENTERED AS STATE'S EXHIBIT 17
4 THROUGH STATE'S EXHIBIT 71)

5 DIRECT EXAMINATION CONTINUED

6 BY BRUCE DURANT:

7 Q. Next, Mr. Hood, I hand you what's
8 previously been marked as State's Exhibits 73,
9 75, 76, 77 and then 79 through 112 and ask if
10 you recognize those photographs?

11 A. Yes, sir. These are the photographs
12 taken from Apartment E-4 and the trash can.

13 Q. And do they fairly and accurately depict
14 that location and those items as they existed
15 on March the 9th of 2006?

16 A. (Upon review), they do.

17 BRUCE DURANT: Mr. Carroll? Mr.
18 Bloom? Do you care to see these?

19 MR. BLOOM: Are those the same
20 photographs, Solicitor?

21 BRUCE DURANT: Yes.

22 MR. BLOOM: No objection, Your
23 Honor.

24 BRUCE DURANT: At this time we
25 would offer State's 73, 75, 76, 77 and 79

1 through 112, I believe, without objection.

2 THE COURT: Very well. State's 73,
3 75, 76, 77 and 79 through 112, inclusive, are
4 each admitted without objection; each being a
5 photograph.

6 (SO ENTERED AS STATE'S EXHIBIT 73)

7 (SO ENTERED AS STATE'S EXHIBIT 75)

8 (SO ENTERED AS STATE'S EXHIBIT 76)

9 (SO ENTERED AS STATE'S EXHIBIT 77)

10 (SO ENTERED AS STATE'S EXHIBIT 79

11 THROUGH STATE'S EXHIBIT 112)

12 BRUCE DURANT: Thank you, Your
13 Honor.

14 DIRECT EXAMINATION CONTINUED

15 BY BRUCE DURANT:

16 Q. Finally, Mr. Hood, I hand you what's been
17 marked as State's Exhibit 113 through 122 and
18 ask if you recognize those photographs?

19 A. Yes, sir. These are photographs of the
20 Apartment E-3.

21 Q. Do they show the layout of the kitchen
22 and the living room?

23 A. That's correct.

24 Q. And do they fairly and accurately depict
25 how that apartment appeared on March the 9th,

1 2006?

2 A. Yes, they do.

3 MR. BLOOM: No objection, Your
4 Honor.

5 BRUCE DURANT: At this time we
6 would offer State's 113 through 122 I believe
7 without objection.

8 THE COURT: State's 113 through
9 122, inclusive, are admitted without
10 objection, each being a photograph.

11 (SO ENTERED AS STATE'S EXHIBIT 113

12 THROUGH STATE'S EXHIBIT 122)

13 DIRECT EXAMINATION CONTINUED

14 BY BRUCE DURANT:

15 Q. What did you observe upon arriving at the
16 scene that morning, Mr. Hood?

17 A. Upon arrival, I went to the back door of
18 Apartment E-4. E-4's back door had apparently
19 been forced or kicked open; the left jamb had
20 been shattered through force applied, which
21 led into the laundry room area.

22 I made a left into the kitchen area. I
23 walked into the kitchen area and as you cross
24 the threshold I looked -- I looked to the left
25 and the deceased and a bed comforter was lying

1 against the wall.

2 Then upon examination of the kitchen a
3 little bit further, which was in very neat,
4 immaculate condition, there were some smaller
5 -- what I call "satellite" -- blood spatters,
6 blood drops opposite the body on the kitchen
7 floor.

8 Q. How was the body clothed?

9 A. The body was clothed in a black tee shirt
10 and was naked from the waist down.

11 Q. You mentioned something about the
12 condition of the apartment as far as it being
13 immaculate. Why was that?

14 A. E-4 was getting ready to be rented out.
15 So the housing complex, they had it cleaned,
16 vacuumed, dusted, painted, there was no
17 furniture.

18 Q. Did you have an opportunity to examine
19 the body?

20 A. Yes, sir. Before the coroner got there,
21 I examined what I could see without touching
22 the body.

23 Q. Were there any apparent injuries?

24 A. Yes, sir. There were injuries from the
25 head to the feet, both sides of the body at

1 that time.

2 Q. And was there a large quantity of blood
3 where the body was found?

4 A. No, sir, there was not.

5 Q. And what conclusion did you reach from
6 that?

7 A. The conclusion that we reached from
8 looking at the body and seeing the extensive
9 injuries, the amount of blood that was not
10 found at the scene would lead us to believe
11 that apartment was used to dump the body in.

12 Q. You said earlier that you noticed that
13 there were some drips of bloods in the kitchen
14 of Apartment E-4 that were away from the body,
15 I believe is how you put it, or across the
16 room from the body?

17 A. Yes.

18 Q. Was there anything that drew your
19 attention about those particular blood
20 spots/drops?

21 A. A couple of things drew my attention to
22 the blood spots. Number one, where they were
23 in location to the body, directly across the
24 room -- it was a large area between where the
25 body was found and those blood drops. They

1 also had, the majority of them had a circular
2 pattern to them, very small. I call them
3 "droplets".

4 Q. And where were they located in reference
5 to the body and the door to the kitchen?

6 A. They were directly across from the body
7 on the opposite wall, around the dishwasher
8 and the sink counter area, and just inside, a
9 couple of feet, from the entry door of the
10 kitchen from the laundry room.

11 Q. Did they appear to be on a path that you
12 would carry the body from the outside to
13 inside the kitchen?

14 MR. BLOOM: Objection. That calls
15 for speculation.

16 BRUCE DURANT: It's certainly
17 something within his ---

18 THE COURT: State your question
19 again..

20 BRUCE DURANT: I asked him if the
21 blood drops that he observed were in a path
22 from the door ---

23 THE COURT: I'll allow the
24 question.

25 BRUCE DURANT: --- from the

1 exterior door to where the body was found.

2 THE COURT: I'll allow it.

3 THE WITNESS: Coming from the
4 outside?

5 DIRECT EXAMINATION CONTINUED

6 BY BRUCE DURANT:

7 Q. Yes.

8 A. Yes, sir. Which I didn't mention earlier
9 but on the outside was also some small
10 circular blood spatters found around the air-
11 conditioning unit, which is right directly
12 behind the entry door.

13 Q. I understand that. But I'm talking about
14 the blood found on the inside.

15 A. It would indicate that. Yes, sir..

16 Q. Even the round drops you were talking
17 about earlier?

18 A. Mr. Durant -- as far as the path?

19 Q. Yes.

20 A. Yes, sir.

21 Q. So did you think that blood came from the
22 body?

23 A. No, I did not.

24 Q. Why not?

25 A. Because of the location.

1 Q. That's what I'm asking you about. Why
2 was the location unusual?

3 A. Because since the body was wrapped in a
4 comforter, it would not -- that person would
5 not -- those drops by the sink, whoever
6 deposited them had to be standing still for a
7 brief second. From the direction of those
8 spots, they went straight down.

9 Q. I'm going to show you a few photographs,
10 Mr. Hood. If you would -- first of all, I
11 want to show you State's Exhibit Number 14.
12 We'll put that up for you in a larger size.

13 A. Okay.

14 Q. And what is that?

15 A. That is the apartment complex building.
16 That is opposite the entry point, on Fleming
17 Road.

18 Q. Let me give you the laser pointer, too,
19 in case I need to ask you some questions as
20 we're going along on this. Do you know how
21 to operate that (laser pointer)?

22 A. Yes.

23 Q. State's Exhibit 15. Could you show the
24 jury which apartment is Apartment E-4 where
25 the body was located?

1 A. E-4 is going to be this one right there
2 (indicating).

3 Q. The one that doesn't have any blinds on
4 the window?

5 A. Correct.

6 Q. You said you also processed E-3 later.
7 Where is E-3?

8 A. E-3's front door is right there.

9 Q. Okay. And, finally, State's Exhibit
10 Number 16.

11 A. (Indicating) -- that is the rear of the
12 building, with E-4 being at this location
13 here, behind our crime scene vehicle, and E-3
14 being right here.

15 Q. Where is the parking area for this
16 apartment complex?

17 A. Actually, this is the whole parking area
18 but it's right behind that area (indicating),
19 the laundry room area is here, this is the
20 back of it.

21 Q. So basically the parking lot is in the
22 back instead of in the front? Is that
23 correct?

24 A. That's correct.

25 Q. State's Exhibit Number 73.

1 A. That picture shows the back door of
2 Apartment E-4.

3 Q. And State's Exhibit Number 74.

4 A. Exhibit 74 shows the left jamb, right
5 here (indicating) it is broken. You can see
6 how the molding inside is kicked out and the
7 strike plates for the deadbolt are disengaged.

8 Q. State's Exhibit 75?

9 A. Exhibit 75 is the laundry room area. As
10 you walk in through the door here you would
11 turn left and you would walk right up into the
12 kitchen area.

13 Q. State's Exhibit 76?

14 A. This is again looking in the kitchen area
15 here, with the stove right here. Towards the
16 left, in this area here, would be where the
17 deceased was found and over here would be the
18 small blood spatters.

19 Q. So the body was found on this side; blood
20 drops were found over on that side?

21 A. Correct.

22 Q. State's Exhibit 77?

23 A. (Video playing):

24 That is the interior of the kitchen.

25

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1 This is a little closer.

2 This is from the point of entry.

3 BRUCE DURANT: The Court's
4 indulgence one moment?

5 THE COURT: Yes, sir.

6 DIRECT EXAMINATION CONTINUED

7 BY BRUCE DURANT:

8 Q. And what is that little thing right
9 there?

10 A. That is the edge of the bed comforter.

11 Q. Then moving to State's Exhibit 78.

12 A. That is how I found the deceased's body
13 when I first entered the apartment.

14 Q. State's Exhibit 79.

15 A. That is the kitchen floor of that same
16 apartment with placards numbering the
17 different evidence.

18 You will see one spot here, showing some
19 blood spatters or blood droplets in front of
20 the counter.

21 Q. And just to orient the jury once again,
22 what is that?

23 A. That is where we came in. That's the
24 area of the laundry room and where the water
25 heater is located.

- 1 Q. And the body would be on which side?
- 2 A. The body would be on this side over here.
- 3 Q. And the blood which was of interest to
- 4 you would be the droplets over here?
- 5 A. Correct.
- 6 Q. Who processed Apartment E-4 primarily?
- 7 A. The interior of the apartment was
- 8 processed by Mike Sherman and the Forensic
- 9 Director, Judith Gordon.
- 10 Q. What did you do in terms of processing
- 11 Apartment E-4?
- 12 A. I primarily stayed outside of E-4 when we
- 13 found the blood evidence that we found around
- 14 the air conditioning unit.
- 15 Q. So you collected that?
- 16 A. Yes, sir, I did.
- 17 Q. Tell us again -- and how about the
- 18 garbage can that was located?
- 19 A. The garbage can, as I stated earlier, it
- 20 was brought to the back and it was gone
- 21 through by myself with the assistance of
- 22 Forensic Director, Ms. Gordon, as well.
- 23 Q. You processed items from the garbage can?
- 24 A. I did process them at our office where
- 25 there was more available resources.

1 Q. And as part of this processing that you
2 did, both the garbage can and the air
3 conditioning unit, what do you mean when you
4 say "swabs" or swabbing?

5 A. Swabbing for blood would be the taking of
6 that evidence for future analysis. First of
7 all, we would have to determine if were
8 actually dealing with a blood sample. We do
9 that by doing presumptive tests on it.

10 The presumptive test is usually --
11 there's many chemicals but we use Coumadine.
12 What we would do is that we would take
13 whatever sample of blood, or stains that were
14 considered to be blood -- if it was a dry
15 sample we would put water on a Q-tip or the
16 swab and -- the swabs are sterile swabs, two
17 to a pack, sealed, and we have to open the
18 pack up.

19 We collected the presumptive inventory.
20 We use different test swabs to -- we would dip
21 the swab into wet blood if it was actually
22 wet. If it was not, then we would use
23 distilled water on the end of the swab, the
24 cotton end, lay it on the stain and let
25 moisture reliquify the blood and then absorb

1 through the cotton fibers. Then we use
2 Coumadine which is a chemical to test, a
3 presumptive test for blood. We would take a
4 couple of drops and put it on a Q-tip. Then
5 we would follow up with a third step, using
6 peroxide, hydrogen peroxide. If it is blood
7 you will get a reaction. It will be a blue
8 color, a very dark blue color. And once we
9 determine that blue color is there, then I'm
10 pretty sure that we are dealing with blood;
11 so, therefore, we would collect that sample.
12 Q. Tell us how you collect the sample.
13 A. How I collect samples is almost the same
14 as doing a presumptive but without the
15 chemical. Once we determine that the sample
16 is going to be collected, we determine if it
17 is dry or if it is wet. We will put on our
18 gloves. We will open a pack of swabs, take a
19 swab out without touching the cotton end it.
20 And then we would either spill water onto the
21 swab or directly take or collect blood from
22 wherever. That swab would then be put into a
23 box. It's a small -- what we call a swab
24 drying box. One swab, one per box. That box
25 is closed up and it's marked as to where it

1 was taken, the date. We set it aside, let it
2 dry, then we put it in an envelope.

3 Q. I noticed on some of those photographs
4 you had, like the numbers there (indicating).
5 Is that how you marked the boxes, with those
6 numbers?

7 A. The exterior tags has those same numbers.

8 Q. And then what do you do with the swab
9 boxes?

10 A. What we do with the swab boxes is we let
11 the swabs stay in there. Again, once it's in
12 the box then the swab is never touched.

13 Q. The swab box goes into what?

14 A. It'll go into an envelope after we are
15 sure that they are dry.

16 Q. And the swab in the envelope is also
17 marked with the same numeric numbers that you
18 assign at the crime scene?

19 A. That we assign at the crime scene, that's
20 correct.

21 Q. So that's the process?

22 A. That is the process.

23 Q. And is that the process you'all followed
24 in this case whenever I talk about a swab?

25 A. Any blood swab, that's the process we

1 followed.

2 Correct.

3 Q. Okay. So you'all got out to Apartment E-
4 4 early in the morning?

5 A. Right.

6 Q. When was Apartment E-3 processed?

7 A. It was probably going to -- it was
8 probably 2:00 or 3:00 o'clock.

9 Q. That afternoon?

10 A. (Affirmative nod), I can't be sure of the
11 exact time.

12 Q. And tell the jury how you'all came up
13 about the E-3 crime scene.

14 A. As we were finishing up our processing of
15 E-4 where the deceased was found, an officer
16 detected that right next-door on the rear
17 door, in the area of the storm door, he saw
18 something that looked like some blood spots on
19 the exterior around the handle of the door.
20 That was brought to the attention of the
21 detective, who then stated that we were going
22 to have to get a search warrant -- because it
23 didn't have anything to do with that
24 particular scene.

25 Q. And was a search warrant obtained for

1 Apartment E-3?

2 A. (Affirmative nod), a search warrant was
3 obtained for Apartment E-3.

4 Q. And entry was made that afternoon?

5 A. It was made as soon as the warrant was
6 obtained and we were in position.

7 Q. And what did you'all observe upon
8 entering Apartment E-3?

9 A. Besides the blood on the door, which did
10 test presumptive/positive, we noticed that
11 nothing really glaring when we first walked
12 in. It was a residence where apparently a
13 child or two had lived, you could tell that
14 someone was living there. It was fairly neat.

15 Then we start looking closer. We started
16 looking at the floor, at the walls, at the
17 ceiling. Then we started noticing some red
18 stains. That ---

19 Q. Did it appear as though someone had
20 attempted to clean the apartment?

21 A. It did. Yes, sir. By the fact that on
22 the floor, in some of the corners, you could
23 see where it looked like it was wiped with
24 rags or something like that.

25 Q. Upon entering Apartment E-3, was a crime

1 scene video made of the apartment?

2 A. It was.

3 Q. I hand you what's previously been marked
4 as State's Exhibit Number 295 and ask if you
5 recognize that?

6 A. Yes, sir. This is the video that we had
7 watched in pretrial, marked "E-3, March 9th".

8 Q. Okay.

9 A. And does that video fairly and accurately
10 depict the condition of Apartment E-3 as
11 you'all entered it on March the 9th of 2006?

12 A. When we went in, yes, sir.

13 BRUCE DURANT: Court's indulgence
14 for one moment.

15 THE COURT: Yes, sir.

16 MR. BLOOM: No objection, Your
17 Honor.

18 BRUCE DURANT: Your Honor, at
19 this time we would move State's Exhibit 295
20 into evidence and request permission to
21 publish it to the jury.

22 THE COURT: State's Exhibit 295, a
23 CD containing a video is admitted without
24 objection. You may publish it.

25 (SO ENTERED AS STATE'S EXHIBIT 295)

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1 DIRECT EXAMINATION CONTINUED

2 BY BRUCE DURANT:

3 Q. I may have some questions, Mr. Hood, as
4 it is being played.

5 A. Okay.

6 BRUCE DURANT: Back it up to the
7 start, please -- beg the Court's indulgence.

8 THE COURT: Fine.

9 BRUCE DURANT: I believe we have
10 it working.

11 THE COURT: Do you need the lights
12 on?

13 BRUCE DURANT: No, we're fine. I
14 think it's more of a hardware problem.

15 THE COURT: I understand.

16 DIRECT EXAMINATION CONTINUED

17 BY BRUCE DURANT:

18 Q. (Video playing) -- what is that depicting
19 right there?

20 A. This is the sequence in the photograph in
21 the area of the front portion of the
22 apartment.

23 Q. (Video playing) -- this is the front door
24 to the Apartment E-3; is that correct?

25 A. Yes, sir. That would be the living room

1 area.

2 Q. Please speak into the microphone so that
3 the jury can hear you. (Video playing) --
4 what was that item?

5 A. That?

6 Q. Yes.

7 A. That was a little piece of what we call a
8 glitter trace. It consisted of mirror glass
9 -- we weren't sure.

10 Q. (Video playing) -- what is this room?

11 A. That is the living room, to the right as
12 you go through the door.

13 Q. Okay.

14 A. (Video playing):

15 We're still in the living room.

16 This is the hallway to the kitchen.

17 Again, this is the living area.

18 The stairway leading to the upstairs
19 bedrooms.

20 Living room area. We'll see some
21 things piled up on the couch in the living
22 area, there's nothing extraordinary about
23 them.

24 Q. Just appeared to be laundry?

25 A. (Affirmative nod), that and other

1 personal items.

2 (Video playing):

3 That's just a pair of shoes in the
4 living room.

5 Just personal things piled up.

6 That is a wall there and you can see
7 -- where we were noticing some blood spatters.
8 As we pan in on it, you can see the there are
9 groups of spatter.

10 There's some on the wall.

11 The ceiling.

12 Q. Those are all on the ceiling?

13 A. (Video playing), yes, sir:

14 That's still the ceiling.

15 This was an entertainment center.

16 It had been cleaned off, everything taken off.

17 A wall.

18 More spatter there, down there.

19 More to the right of that entertain-
20 ment center, on the wall. That is the wall
21 leading to the stairwell, more blood spatters.

22 Q. (Video playing), that's the hallway
23 leading into the kitchen area?

24 A. (Video playing):

25 That's the wall of the hallway

1 leading to the kitchen area of the apartment,
2 yes, sir.

3 That is the door jamb bathroom, left
4 door jamb.

5 That's the wall to the bathroom as
6 you were headed back out into the hallway, to
7 your immediate right.

8 This is the hallway.

9 Q. Closet?

10 A. This is the closet door under the
11 stairwell.

12 Q. Where ---

13 A. The kitchen is over in this direction
14 here.

15 Q. That's underneath the stairwell?

16 A. (Video playing):

17 That's storage space underneath the
18 stairs, yes.

19 This is the interior of that closet.

20 Q. Sergeant Hood, were those bags ever
21 examined?

22 A. To my knowledge, no, sir, they were not.

23 (Video playing):

24 You go back out and into the kitchen
25 area.

1 Refrigerator.

2 This would be the laundry room.

3 Out into the back parking lot.

4 Dining room, dinette area.

5 Above the window you can see more
6 blood spatter.

7 In this corner here, this is a
8 corner of the kitchen.

9 The closer you look, we were finding
10 these little minute blood droplets throughout.

11 In this corner here, that's in the
12 kitchen, that's a tooth.

13 Bag of rubbish.

14 This would be the area of the
15 pantry.

16 Cable cord here.

17 A plastic bag.

18 Pair of tennis shoes.

19 If you look closely at the cord you can see
20 that the cord has a lot of blood on it.

21 (Video playing):

22 That's just leading up to where the
23 cable originates.

24 More photographs of the kitchen area
25 and the condition at the time we entered.

1 This is a pan with some water.

2 Storage area.

3 This is from the kitchen into the
4 pantry.

5 Cigarette butt.

6 You can see right here, to the left
7 -- to the right, behind the water heater,
8 there is a mop which -- and we will show a
9 closer image of that. Right here, the mop has
10 dirt and what appears to be red stains.

11 Q. It's wet there. Did that mop appear to
12 have been used recently?

13 A. Yes, sir. (Video playing):

14 This is the door leading outside.

15 Here's the rear patio area at the
16 parking area.

17 Q. That would be the back door, correct?

18 A. The back door, correct.

19 (Video playing):

20 This is going back into the kitchen
21 area.

22 There were two mops there. We
23 examined them, and you see the color
24 difference. This one does not indicate that
25 there's anything biological that we could see.

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More blood spatters. You can probably deduce at one time there was blood pretty much all over this apartment.

This is, (video running):

The window in the dining area.

A shot of the blood spatter above the window.

This is heading back towards the kitchen area.

We checked the dishwasher for any kind of evidence that might be applicable to the case. At that time nothing really stood out.

Q. Do you know whether that dishwasher had been run?

A. That, I couldn't tell you. The dishes appeared to be clean when we opened the door.

(Video running):

That's going back into the hallway.

That doorway there would be where the air conditioning unit would be, heating and air intake duct.

Walking back out towards the front door.

1 Where we were when we entered.

2 At the top of the steps.

3 This is just a little half wall that
4 divides the bedroom hallway from the
5 stairwell.

6 Q. What is that pink stuff that is on the
7 floor?

8 A. That pink stuff is just insulation from
9 the attic.

10 Q. Did you'all search the attic?

11 A. Not at that time. I think it used --
12 that it might have been examined before crime
13 scene went in.

14 Q. What is that?

15 A. (Video playing):

16 That is a bar of soap that was in a
17 plastic bag that was hanging on the linen door
18 into the stairway at the head of the stairway.
19 The soap appeared to have blood on it.

20 There is really nothing extraordinary
21 about any of this. It's the condition it was
22 when we examined it.

23 Q. When you process a scene like this,
24 Sergeant Hood, do you'all attempt to swab
25 every drop of blood you find?

1 A. It would be virtually impossible to swab
2 every spec of blood.

3 (Video playing):

4 This is the master bedroom. As you
5 come up the stairway it is here, on the right.
6 As you come up, you would make a right and
7 this is the master bedroom.

8 The child's bedroom would be the
9 opposite end.

10 Again, in looking at this room there was
11 nothing out of the ordinary. It was lived in,
12 maybe not kept up to the max but ---

13 Q. What was over the window of that room?

14 A. There was a sheet draped over that double
15 window.

16 Q. And were there mini-blinds up on that
17 window?

18 A. No, there were no mini-blinds on that
19 window, on all those windows.

20 Q. To your knowledge were any other rooms
21 missing mini-blinds besides that one?

22 A. (Negative gesture), just that room there.

23 (Video playing):

24 That's a shot of the condition of
25 the room when we found it. Again, nothing

1 extraordinary about this room over here.

2 Q. The drawer was like that when you found
3 it?

4 A. Yes, sir. Everything is -- nothing's
5 been touched until after the video was
6 completed.

7 (Video playing):

8 That's the sheet on the window that
9 we were talking about.

10 Those are mini control blind rods.

11 A piece of denim or bluejean.

12 Those stains there, they did not
13 test positive.

14 The sheet was held up to show -- and
15 that was the front of the apartment complex.

16 (Video playing) -- now we're just trying
17 to get an overall view of the road and the
18 area.

19 (Video playing):

20 Dirty carpet.

21 This is the upstairs bathroom.

22 A pile of clothing there.

23 The tub is partially filled with
24 water.

25 Now we're headed back out of the

1 bathroom, (video playing):

2 The back bedroom. It appears where
3 a child had been staying.

4 That is a coffee table here. That
5 was out of place for a bedroom.

6 Bed sheet.

7 We started looking closely at the
8 coffee table and we noticed blood spattering
9 on the legs of the table. It was believed
10 that coffee table was moved from downstairs
11 from the lack of a table in front of the
12 couch, for some unknown reason. There was
13 nothing extraordinary about this room other
14 than the coffee table.

15 (Video playing):

16 A sheet.

17 No window blinds on the window.

18 Going back down to the living room.

19 This is just the landing, pink
20 insulation.

21 A CD that was laying on the stair-
22 well, CD case.

23 The front door.

24 Q. Mr. Hood, let's start getting into a
25 little evidence collection. We now have

1 what's previously been marked as State's
2 Exhibit Number 298 for identification. You
3 can come down, if you would, please, sir.

4 A. (Complies).

5 Q. State's Exhibit 299, for identification.
6 And if you need to bring your notes and book
7 with you, you can do so.

8 State's Exhibit 300, for identification.

9 If you would, just tell the jury kind of
10 what these are.

11 A. These two posters here, blowups, are the
12 floorplan of the apartment; E-4, E-3, the
13 downstairs floorplan.

14 THE COURT: Which one is he talking
15 about?

16 BRUCE DURANT: Excuse me. The
17 downstairs is 298, Your Honor.

18 THE COURT: Okay. Thank you. I'm
19 sorry.

20 BRUCE DURANT: And upstairs would
21 be 299. And State's Exhibit 300 is a picture
22 of two photographs that are already introduced
23 into evidence, showing the trash can or
24 garbage can where it was located out by
25 Fleming Road and the contents of the can.

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1 THE COURT: Thank you.

2 DIRECT EXAMINATION CONTINUED

3 BY BRUCE DURANT:

4 Q. And with reference to these three
5 exhibits, Mr. Hood, if -- you need to come
6 over here so you'll have somewhere to put your
7 notebook down.

8 A. Okay, (complies). Do I need the pointer?

9 Q. You may want to get the laser pointer, as
10 well.

11 A. Okay.

12 Q. Would reference to these diagrams assist
13 you in explaining to the your processing and
14 evidence that you collected at the scene that
15 day?

16 A. Yes, sir.

17 Q. Would reference to these diagrams assist
18 you in explaining to the jury how the scene
19 was processed and where you collected
20 evidence?

21 A. Yes, it would. It would help out a lot.

22 Q. Let's start with the garbage can which is
23 depicted in State's Exhibit Number 300. What
24 does the top photo depict there?

25 A. The top photo depicts that trash can as

1 it was found on Fleming Road before it was
2 removed. It was photographed in place before
3 they moved it.

4 Q. Okay. And the bottom photo is what?

5 A. The bottom photo is the interior of the
6 trash can as you looked down into it once the
7 lid was opened up.

8 Q. With reference to State's Exhibit 300,
9 what is that item right there?

10 A. That item there is going to be a mailing
11 tube, a cardboard mailing tube.

12 Q. Steve, I need you to come around here so
13 that you are not standing in front of the
14 chart -- stand in front so that you're not
15 blocking this lady (juror) over here either,
16 if you could back up and stand right there.

17 A. (Complies.)

18 Q. Or you can back up some if you want. And
19 please use the podium if you need to put your
20 book on it.

21 A. Okay.

22 Q. I hand you what's previously been marked
23 as State's Exhibit 197 for identification and
24 ask if you recognize this item?

25 A. Yes, it is my evidence number 8A-1, the

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1 mailing tube as depicted in the bottom
2 photograph on that display board.

3 Q. Okay, just so the jury kind of under-
4 stands your numbering system, what was the
5 trash can designated? What number was the
6 trash can designated?

7 A. The trash can was designated as 8A, given
8 to the garbage can that was affiliated with --
9 (inaudible).

10 COURT REPORTER: Mr. Hood,
11 affiliated with?

12 THE COURT: We didn't hear your
13 last statement.

14 THE WITNESS: The number eight
15 was given to the garbage can. That was the
16 number for that particular item of evidence,
17 which contained all this other evidence.

18 It was 8A, the identifier, because
19 it was associated with Apartment E-4, which
20 was our "A" scene.

21 DIRECT EXAMINATION CONTINUED

22 BY BRUCE DURANT:

23 Q. That is the mailing tube?

24 A. This is the mailing tube.

25 Q. Is that mailing tube actually depicted in

1 State's Exhibit Number 300?

2 A. Yes, it is.

3 Q. Does that mailing tube appear to be in
4 substantially the same condition now as it was
5 when you took it from the trash?

6 A. After processing, yes.

7 Q. Right.

8 BRUCE DURANT: Your Honor, we
9 would offer State's 197 into evidence, if
10 there is no objection.

11 MR. BLOOM: No objection.

12 THE COURT: Without objection,
13 State's 197 is admitted, a mailing tube.

14 (SO ENTERED AS STATE'S EXHIBIT 197)

15 DIRECT EXAMINATION CONTINUED

16 BY BRUCE DURANT:

17 Q. And you said -- you spoke of processing.
18 What processing did you do with that mailing
19 tube?

20 A. We took a swab from it.

21 Q. I'm going to hand you what's previously
22 been marked as State's Exhibits 198 and 199
23 and ask if you can identify those documents.

24 A. Yes, State's Exhibit 198 is my 8A1.1
25 which is a blood swab which -- this is the box

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1 that I was referring to and the blood swab is
2 in here. This is one swab off of the mailing
3 tube.

4 Q. And what about State's Exhibit 199?

5 A. Exhibit 199 is my 8A1.2. Again it is
6 another swab from that mailing tube, being one
7 of two swabs.

8 Q. And do those items appear to be in
9 substantially the same condition now as when
10 you recovered them on -- I believe you did
11 this on March the 11th, back at the office.
12 Is that correct?

13 A. Yes, on the 11th.

14 BRUCE DURANT: Do you have any
15 objection to State's Exhibits 198 and 199?

16 MR. BLOOM: No, Your Honor.

17 THE COURT: Without objection they
18 are admitted, State's Exhibits 198 and 199.

19 (SO ENTERED AS STATE'S EXHIBIT 198)

20 (SO ENTERED AS STATE'S EXHIBIT 199)

21 DIRECT EXAMINATION CONTINUED

22 BY BRUCE DURANT:

23 Q. Moving on, what is this item right here?

24 A. That is an empty bleach bottle.

25 Q. Could you describe the condition of that

1 bleach bottle?

2 A. It is empty and it showed some red
3 staining on it which tested positive for blood
4 under presumptive testing.

5 Q. I hand you what's ---

6 BRUCE DURANT: The Court's
7 indulgence?

8 THE COURT: Certainly.

9 DIRECT EXAMINATION CONTINUED

10 BY BRUCE DURANT:

11 Q. I hand you what's previously been marked
12 as State's Exhibit 200. Do you recognize
13 that?

14 A. Yes, this is the bleach bottle from the
15 trash can. It is marked as 8A2 with my
16 initials. It was taken from the trash can.

17 Q. Okay. Was any processing done on that
18 particular item?

19 A. Yes, sir. I processed this. I took some
20 blood samples from here and then I processed
21 it with some amido black to see if I could
22 find any latent impressions there on those
23 blood smudges there.

24 Q. But you did do some blood swabbing on
25 that?

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1 A. I did, first.

2 Q. You stated you tried to get fingerprints?

3 A. I was looking for bloody fingerprints
4 actually.

5 Q. Did you find some items, some areas on
6 that which tested presumptive for blood?

7 A. Yes, I did.

8 Q. Is State's Exhibit 200 in substantially
9 the same condition now as when you recovered
10 it?

11 A. Yes.

12 BRUCE DURANT: Your Honor, we
13 would offer State's Exhibit 200 into evidence
14 if there is no objection.

15 MR. BLOOM: No objection.

16 THE COURT: Without objection,
17 State's Exhibit 200 is admitted.

18 (SO ENTERED AS STATE'S EXHIBIT 200)

19 DIRECT EXAMINATION CONTINUED

20 BY BRUCE DURANT:

21 Q. And that is State's Exhibit 201. Could
22 you tell the jury what that is?

23 A. 201 is a blood swab that I had taken from
24 the empty bleach bottle, or the bleach bottle
25 we were looking at. It was done on 3/11/06 as

1 well.

2 Q. Once again, that was done -- did it
3 regard the same procedure that you previously
4 testified as to how you swab for blood? Is
5 that correct?

6 A. Yes, all swabbing were done the same way.

7 BRUCE DURANT: Your Honor, we
8 would offer State's Exhibit 201 into evidence
9 if there is no objection.

10 MR. BLOOM: No objection.

11 THE COURT: Without objection it is
12 admitted.

13 (SO ENTERED AS STATE'S EXHIBIT 201)

14 DIRECT EXAMINATION CONTINUED

15 BY BRUCE DURANT:

16 Q. Moving along, we have -- what are these
17 items here?

18 A. Those are mini-blinds.

19 Q. How many sets of mini-blinds were in that
20 trash can?

21 A. In that trash can there were two, using
22 my numbers 8A3 and 8A4.

23 Q. Let's start with 8A3. I hand you what's
24 previously been marked as State's Exhibit
25 Number 202 and ask you to take a look at that.

1 A. Number 202 is my 8A3 which is one of the
2 mini-blinds from the trash can.

3 Q. Okay, what is that blue stuff on there?

4 A. That blue stuff is also amido black where
5 we were trying to raise a possible latent
6 fingerprint.

7 Q. Fingerprints or blood? Are you looking
8 for fingerprints?

9 A. I was looking for fingerprints. That's
10 how we would develop a latent fingerprint.

11 Q. I believe you, in fact, found some latent
12 prints on this, did you not?

13 A. I did. I found them on that bottle of
14 bleach.

15 Q. Who did those fingerprints come back to?

16 A. I sent those to AFIS and they came back
17 to an Armon Dickerson.

18 Q. Do those blinds appear to be in
19 substantially the same condition now as they
20 did when you collected them with the exception
21 of the processing that you did?

22 A. Yes.

23 BR: DURANT: Your Honor, we
24 would offer State's 202 into evidence.

25 MR. BLOOM: No objection.

1 THE COURT: Without objection

2 State's 202 is admitted.

3 (SO ENTERED AS STATE'S EXHIBIT 202)

4 DIRECT EXAMINATION CONTINUED

5 BY BRUCE DURANT:

6 Q. And now ---

7 A. This is State's Exhibit 203 that I marked

8 8A3.1 -- three swabs and one blood swab.

9 Q. And that was the blood swab you obtained
10 from those mini-blinds that we just introduced
11 into evidence. Is that correct?

12 A. That is correct.

13 Q. And with regards to State's Exhibit 204?

14 A. State's Exhibit 204 was another blood
15 swab that I obtained from that mini-blind.
16 Exhibit 204 is 8A3.2. It's the second swab
17 from that particular set of blinds.

18 BRUCE DURANT: Once again, the
19 State would offer 203 and 204 into evidence if
20 there is no objection.

21 MR. BLOOM: No objection.

22 THE COURT: Without objection

23 State's 204 is admitted.

24 (SO ENTERED AS STATE'S EXHIBIT 203)

25 (SO ENTERED AS STATE'S EXHIBIT 204)

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1 BRUCE DURANT: Did you get 203,
2 too, as one of those?

3 THE COURT: I thought I did. Both
4 of those exhibits, without objection.

5 DIRECT EXAMINATION CONTINUED

6 BY BRUCE DURANT:

7 Q. Next we have State's Exhibit 205. What
8 is that item?

9 A. 205 is a mini-blind from the trash can
10 with the identifier 8A4.

11 Q. What processing did you do to those
12 blinds?

13 A. On this particular one I did powder, so
14 there's powder on the top rail and the bottom
15 rail and on the slats.

16 Q. Are those in substantially the same
17 condition now as they were when you collected
18 them?

19 A. Yes, they are.

20 BRUCE DURANT: Your Honor, we
21 would offer State's 205 into evidence, I
22 believe without objection.

23 MR. BLOOM: Without objection.

24 THE COURT: Without objection 205
25 is admitted.

1 (SO ENTERED AS STATE'S EXHIBIT 205)

2 DIRECT EXAMINATION CONTINUED

3 BY BRUCE DURANT:

4 Q. And now State's Exhibit 206, which is ---

5 A. 206 is my 8A4.1. It is from a set of
6 those mini blinds, one swab from that blind.

7 Q. A presumptive blood swab. Is that
8 correct?

9 A. It is an actual one that I took, sent off
10 for analysis.

11 Q. With regard to all these blood swabs,
12 they've all been sent for analyses; have they
13 not?

14 A. Yes, they were all presumptive for blood.

15 BRUCE DURANT: Your Honor, we
16 would offer State's 206 into evidence if
17 there's no objection.

18 MR. BLOOM: No objection.

19 THE COURT: Without objection 206
20 is admitted.

21 (SO ENTERED AS STATE'S EXHIBIT 206)

22 THE COURT: It's a swab?

23 BRUCE DURANT: It's a swab.

24 DIRECT EXAMINATION CONTINUED

25 BY BRUCE DURANT:

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1 Q. Moving on -- State's Exhibit Number 207,
2 your 8A5. I hand you what's previously been
3 marked as State's Number 207 and ask you to
4 look at that and tell us if you can recognize
5 that?

6 A. Yes, this is the broom handle that you
7 see in that picture right there.

8 Q. Does that appear to be in substantially
9 the same condition now as when you collected
10 it?

11 A. Yes, other than the dusting compound.

12 Q. Were you able to lift any useful prints
13 off of that?

14 A. I don't think I did. No, sir.

15 Q. Or any blood evidence?

16 A. It was just -- SLED generated it.

17 BRUCE DURANT: Your Honor, we
18 offer State's 207 into evidence.

19 THE COURT: Any objection?

20 MR. BLOOM: No objection.

21 THE COURT: Without objection
22 State's Exhibit 207 is admitted, a broom
23 handle.

24 (SO ENTERED AS STATE'S EXHIBIT 207)

25 DIRECT EXAMINATION CONTINUED

1 BY BRUCE DURANT:

2 Q. Moving on to your item 8A6, State's
3 Exhibit Number 208. I believe you identified
4 that before?

5 A. This is my 8A6. It is a portion of cable
6 cord, coax cable for cable service. It has
7 blood stains depicted on it.

8 Q. That is the cable cord depicted in
9 State's Exhibit 300 right here before you?

10 A. Yes, sir, that one right there.

11 BRUCE DURANT: Your Honor, we
12 would offer State's 208 into evidence if there
13 is no objection.

14 THE COURT: 208?

15 MR. BLOOM: No objection.

16 THE COURT: 208, the coax cable, is
17 admitted without objection.

18 (SO ENTERED AS STATE'S EXHIBIT 208)

19 DIRECT EXAMINATION CONTINUED

20 BY BRUCE DURANT:

21 Q. We have your item 8A6.1. It's marked as
22 State's Exhibit Number 210. Can you tell the
23 jury what that is?

24 A. This is a blood swab that I had taken off
25 this particular cable. It's marked 8A6.1.

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1 Q. And State's Exhibit Number 211, what is
2 that?

3 A. State's Exhibit 211 is a petri dish that
4 came from my office. This is a piece of tape
5 from the cable cord.

6 Q. Depicted as State's Exhibit 95 on the
7 wall there?

8 A. Yes.

9 Q. And State's Exhibit 209 which was a blood
10 swab obtained from that same coax cable cord.
11 Is that correct?

12 A. Yes, that's SLED-generated.

13 BRUCE DURANT: Your Honor, at
14 this time we would offer State's 209, 210 and
15 211 into evidence.

16 THE COURT: Without objection?

17 MR. BLOOM: No objection.

18 THE COURT: 209, 210 and 211 are
19 admitted without objection.

20 (SO ENTERED AS STATE'S EXHIBIT 209)

21 (SO ENTERED AS STATE'S EXHIBIT 210)

22 (SO ENTERED AS STATE'S EXHIBIT 211)

23 DIRECT EXAMINATION CONTINUED

24 B. BRUCE DURANT:

25 Q. Moving on, your 8A and 9A. What are 8A

1 and 9A?

2 A. (Upon review), 8A-9A is a broken drinking
3 glass that we found in the apartment.

4 Q. Where did that come from?

5 A. That came from the trash can, out of one
6 of the small plastic bags.

7 Q. Did it appear to have something that you
8 tested presumptive for blood on it, as well?

9 A. Yes, sir, it did.

10 BRUCE DURANT: Your Honor, we
11 would offer State's 212 into evidence.

12 MR. BLOOM: No objection.

13 THE COURT: That's a bag containing
14 a broken glass?

15 BRUCE DURANT: Broken glass.

16 THE COURT: Bag containing broken
17 glass admitted without objection.

18 (SO ENTERED AS STATE'S EXHIBIT 212)

19 DIRECT EXAMINATION CONTINUED

20 BY BRUCE DURANT:

21 Q. I now refer you to State's Exhibit 213.

22 A. 8A9.1 would be my identifier, and it is a
23 swab from the glass found in the trash can.

24 Q. From the glass in State's Exhibit 212.
25 Is that correct?

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1 A. Yes.

2 BRUCE DURANT: Your Honor, we
3 would offer 213 into evidence, State's Exhibit
4 213.

5 MR. BLOOM: No objection.

6 THE COURT: Without objection, 213
7 is a swab.

8 BRUCE DURANT: Did I get twelve,
9 too?

10 THE COURT: Yes, you did.

11 (SO ENTERED AS STATE'S EXHIBIT 213)

12 DIRECT EXAMINATION CONTINUED

13 BY BRUCE DURANT:

14 Q. Finally -- well not finally but moving
15 on, 8A-9B, State's Exhibit 214. What is that
16 Exhibit 214, number 8A-9B?

17 A. 8A-9B is a pair of blue Dickie pants.
18 These were recovered from the garbage can.

19 Q. I believe they were recovered -- you
20 don't need to take them out unless you need to
21 see them.

22 A. Okay, these were recovered from the trash
23 can.

24 Q. I believe that those were processed by
25 Ms. Janice Bryson at SLED. Is that correct?

1 A. Yes.

2 Q. And you found blood on there which
3 generated two more swabs labeled State's
4 Exhibits 215 and 216? Is that correct?

5 A. (Affirmative nod), those are the swabs.

6 BRUCE DURANT: Your Honor, at
7 this time we would offer 214, 215 and 216 into
8 evidence.

9 MR. BLOOM: No objection.

10 THE COURT: Without objection, 214
11 is a bag containing some pants, admitted
12 without objection; 215 and 216 each being
13 swabs, also admitted without objection.

14 BRUCE DURANT: Actually, I think
15 one is a swab and one is a cutting.

16 THE COURT: One is a swab and one
17 is a cutting. Do you know which one is a
18 cutting?

19 BRUCE DURANT: Yes, it appears
20 that 215 is a swab and 216 is a cutting.

21 THE COURT: Very well. 215 is a
22 swab and 216 is a cutting, both admitted
23 without objection.

24 (SO ENTERED AS STATE'S EXHIBIT 214)

25 (SO ENTERED AS STATE'S EXHIBIT 215)

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1 (SO ENTERED AS STATE'S EXHIBIT 216)

2 THE COURT: I'm going to take about
3 five minutes at this point.

4 Ladies and Gentlemen, we'll let you
5 go to the jury room for just a few minutes.
6 Don't begin your deliberations and don't
7 discuss the case. Thank you.

8 (JURY OUT @ 12:31 P.M.)

9 THE COURT: Anything from the State
10 before we recess?

11 BRUCE DURANT: No, Your Honor.

12 THE COURT: Anything from the
13 defendant?

14 MR. BLOOM: Nothing, Your Honor.

15 THE COURT: Mr. Hood, while we have
16 this break, I would ask you not to have any
17 conversation with any of the lawyers, sir.

18 THE WITNESS: Yes, sir.

19 THE COURT: We'll be at-ease for
20 about five minutes.

21 (BRIEF RECESS 12:31 - 12:41 P.M.)

22 (DEFENDANT PRESENT)

23 THE COURT: We went to 122 and then
24 197?

25 COURT REPORTER: Yes.

1 THE COURT: So there was a gap?

2 COURT REPORTER: Then you have
3 three that he has not entered: 298, 299 and
4 300.

5 THE COURT: ID Only.

6 COURT REPORTER: ID Only right now.

7 THE COURT: Is the defendant ready?

8 MR. BLOOM: Yes, sir.

9 THE COURT: Let the record reflect
10 that Mr. Dickerson is present. Let's bring in
11 our jury.

12 (JURY IN @ 12:41 P.M.)

13 DIRECT EXAMINATION CONTINUED

14 BY BRUCE DURANT:

15 Q. Which regard to the blue Dickies
16 previously identified as State's Exhibit 214,
17 you don't really see those in this picture of
18 the contents of the trash can; is that
19 correct?

20 A. No, sir.

21 Q. Why is that?

22 A. Most of the individual items were
23 packaged up in those ---

24 Q. Those little plastic bags there?

25 A. Yes, sir.

1 Q. Such as depicted in State's Exhibit 96 on
2 the screen here?

3 A. Correct.

4 Q. Okay. State's Exhibit 97 is the blue
5 Dickies; is that correct?

6 A. That's correct.

7 Q. I hand you what has been previously
8 marked as State's Exhibit 217 and ask you if
9 you recognize that object?

10 A. Yes, this a magazine taken from the trash
11 can. It's called *Elle Girl*.

12 Q. Where was that recovered within the trash
13 can?

14 A. It was in one of these small plastic
15 bags, a lot of the evidence was packaged up in
16 these small plastic bags.

17 Q. Is it in substantially the same condition
18 now as when you recovered it?

19 A. Yes, sir, other than the discoloration
20 here, because I was looking for a pattern, a
21 blood pattern, and this is amido black spray.

22 Q. What does amido black do?

23 A. Amido black makes the blood more
24 pronounced, so that we can see if there is
25 something there.

1 Q. So amido black reacts to blood,
2 basically, and raises a print?

3 A. It makes it more visible, the blood or
4 the fingerprint.

5 BRUCE DURANT: Your Honor, at
6 this time we would offer State's Exhibit 217
7 into evidence.

8 MR. BLOOM: No objection.

9 THE COURT: Without objection,
10 State's Exhibit 217 is admitted.

11 (SO ENTERED AS STATE'S EXHIBIT 217)

12 DIRECT EXAMINATION CONTINUED

13 BY BRUCE DURANT:

14 Q. So those would be the bloody footprints,
15 is that correct?

16 A. (Affirmative nod), those were bloody
17 impressions of -- yes.

18 Q. How about State's Exhibit 218?

19 A. 218, my 8A-10b.1 is a blood swab that I
20 recovered from that magazine, *Elle Girl*.

21 BRUCE DURANT: Your Honor, we
22 would offer 218 into evidence, as well.

23 THE COURT: No objection?

24 MR. BLOOM: No objection.

25 THE COURT: 218 is admitted.

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1 (SO ENTERED AS STATE'S EXHIBIT 218)

2 DIRECT EXAMINATION CONTINUED

3 BY BRUCE DURANT:

4 Q. Sergeant, I hand you what's been
5 previously marked as State's Exhibit 222 and
6 ask you if you recognize that item?

7 A. Yes, it is my item 8A-B2 which is
8 magazine, *Shape*. This was also taken from one
9 of the small plastics bags found in the trash
10 can.

11 BRUCE DURANT: Your Honor, we
12 would offer State's Exhibit 222 into evidence.

13 THE COURT: Without objection?

14 MR. BLOOM: No objection.

15 THE COURT: Without objection,
16 State's Exhibit 222 is admitted, a bag
17 containing a magazine.

18 (SO ENTERED AS STATE'S EXHIBIT 222)

19 DIRECT EXAMINATION CONTINUED

20 BY BRUCE DURANT:

21 Q. Now I hand you State's Exhibit 223 and
22 ask you what that is, and what it is in
23 relationship to State's Exhibit 222, also
24 depicted in State's Exhibit 99.

25 A. Yes, sir. This here is my 8A-10B2.2.

1 It is a piece of biological matter, fecal
2 matter, that is attached to the *Elle* magazine
3 that I found while we were processing.

4 Q. Was what attached to the *Elle Girl*
5 magazine?

6 A. This item here.

7 Q. What is that item?

8 A. It's a piece of fecal matter.

9 Q. Is it what is depicted there (displaying
10 State's Exhibit 99)?

11 A. That's correct.

12 Q. And you processed this at the time, way
13 back then?

14 A. Yes, 3/11/06

15 Q. What did it smell like?

16 A. It smelled like fecal matter.

17 Q. What is the gray thing underneath that?

18 A. The gray thing is consistent with the end
19 of the broomstick that I found in the trash
20 can. (Displaying broom stick), you can see
21 the end of this is missing. There is usually
22 a hook or a round eye, an attachment just to
23 hang it up. On this there is no hook because
24 part of the piece is missing, which is
25 consistent with this piece of plastic here

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1 (State's Exhibit 223). It is the same color,
2 same material, shape.

3 Q. Okay. Was that evidence sent to SLED for
4 testing, as well?

5 A. Yes, it was.

6 Q. Did you learn that SLED does not test
7 fecal matter?

8 A. SLED told me that they do not test for
9 fecal substances.

10 BRUCE DURANT: Your Honor, at
11 this time we would offer State's Exhibit 222
12 and State's Exhibit 223 into evidence.

13 MR. BLOOM: No objection.

14 THE COURT: Without objection,
15 State's Exhibits 222 and 223 are admitted.

16 (STATE'S EXHIBIT 222 PREVIOUSLY ENTERED)

17 (SO ENTERED AS STATE'S EXHIBIT 223)

18 DIRECT EXAMINATION CONTINUED

19 BY BRUCE DURANT:

20 Q. I hand you now what has been previously
21 marked as State's Exhibit 224, and ask if you
22 would tell us what that is?

23 A. State's Exhibit 224 would be my 8A-11B,
24 and what I have refer as a pair of -- they
25 were referred to martial arts as nunchucks.

1 Q. What processing did you do with those
2 items?

3 A. Tested for blood, swabbed for blood and
4 also the discoloration at the end is amido
5 black. I was looking for some ridge detail,
6 which I did not find.

7 BRUCE DURANT: Your Honor, we
8 would offer State's Exhibit 224 into evidence.

9 MR. BLOOM: No objection.

10 THE COURT: Without objection, 224,
11 a bag containing nunchucks is admitted.

12 (SO ENTERED AS STATE'S EXHIBIT 224)

13 DIRECT EXAMINATION CONTINUED

14 BY BRUCE DURANT:

15 Q. It's kind of hard to see, but are those
16 the nunchucks right there?

17 A. Yes, sir, those are the nunchucks.

18 Q. Those are basically the nunchucks that
19 are State's Exhibit 224?

20 A. Those are the nunchucks that -- I took
21 that picture in the lab at our crime scene
22 office before processing.

23 Q. Here I have State's Exhibit 227 and 228.
24 Those are swabs that you obtained from those
25 nunchucks, is that correct?

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1 A. Yes. These are swabs from those
2 nunchucks.

3 BRUCE DURANT: Your Honor, we
4 would offer 227 and 228 into evidence.

5 MR. BLOOM: No objection.

6 (SO ENTERED AS STATE'S EXHIBIT 227)

7 (SO ENTERED AS STATE'S EXHIBIT 228)

8 DIRECT EXAMINATION CONTINUED

9 by BRUCE DURANT:

10 Q. It appears as though SLED did their own
11 swabs, too? 325 and ---

12 THE COURT: Hold on just a second.
13 State's Exhibit 227 and 228 are admitted
14 without objection.

15 BRUCE DURANT: Thank you, Your
16 Honor.

17 DIRECT EXAMINATION CONTINUED

18 BY BRUCE DURANT:

19 Q. It appears that Ms. Bryson at SLED also
20 did her own swabs, designated as State's
21 Exhibits 225 and 226?

22 A. (Affirmative nod), yes.

23 MR. BLOOM: No objection.

24 BRUCE DURANT: Thank you.

25 THE COURT: State's Exhibit 225 and

1 226, swabs, are admitted without objection.

2 (SO ENTERED AS STATE'S EXHIBIT 225)

3 (SO ENTERED AS STATE'S EXHIBIT 226)

4 DIRECT EXAMINATION CONTINUED

5 BY BRUCE DURANT:

6 Q. Moving on, this has been previously
7 marked as State's Exhibit 229. Can you tell
8 the jury what that is and where you found it?

9 A. It is a hooded sweatshirt that was found
10 in the trash can, in the bag along with the
11 munchucks.

12 Q. That is the sweatshirt depicted in
13 State's Exhibit 103?

14 A. It is.

15 Q. Was that sent to SLED for processing?

16 A. Yes, it was.

17 BRUCE DURANT: Beg the court's
18 indulgence.

19 THE COURT: Yes, sir.

20 DIRECT EXAMINATION CONTINUED

21 BY BRUCE DURANT:

22 Q. Next I have -- those were processed by
23 Ms. Bryson at SLED, is that correct?

24 A. Yes, sir.

25 Q. I have State's Exhibits 230, 231, 232,

1 233. Are those ---

2 A. These are SLED-generated ---

3 Q. --- cuttings from ---

4 A. --- the sweatshirt.

5 Q. --- the sweatshirt previously introduced
6 as 229, is that correct?

7 A. Yes, sir.

8 BRUCE DURANT: Your Honor, I
9 would offer State's Exhibit 229, 230, 231, 232
10 and 233 into evidence.

11 MR. BLOOM: No objection.

12 THE COURT: Without objection,
13 State's Exhibit 229, a bag containing a
14 sweatshirt, is admitted. State's Exhibit 230
15 through 233, inclusive, are SLED cutting, also
16 admitted without objection.

17 (SO ENTERED AS STATE'S EXHIBIT 229)

18 (SO ENTERED AS STATE'S EXHIBIT 230)

19 (SO ENTERED AS STATE'S EXHIBIT 231)

20 SO ENTERED AS STATE'S EXHIBIT 232)

21 (SO ENTERED AS STATE'S EXHIBIT 233)

22 DIRECT EXAMINATION CONTINUED

23 BY BRUCE DURANT:

24 Q. Referring to State's Exhibit 104, and we
25 don't have this but I want you to tell the

1 jury what that is?

2 A. That is a tooth, you can see the roots on
3 the bottom.

4 Q. Where was that located?

5 A. That was in the trash can, in one of the
6 small bags which is my 8A-11J.

7 Q. State's Exhibit 234?

8 A. My CPD number 8A-11I, is a pair of black
9 Dickie pants with a belt.

10 Q. Those were located where?

11 A. They were in the trash can, in the same
12 small plastic bag with the nunchucks.

13 BRUCE DURANT: Your Honor, we
14 would offer State's Exhibit 234 into evidence.

15 THE COURT: Any objection?

16 MR. BLOOM: No objection.

17 THE COURT: Without objection,
18 State's Exhibit 234, a bag containing black
19 Dickie pants is admitted.

20 (SO ENTERED AS STATE'S EXHIBIT 234)

21 BRUCE DURANT: Thank you, Your
22 Honor.

23 DIRECT EXAMINATION CONTINUED

24 BY BRUCE DURANT:

25 Q. Did you check the pockets of those pants?

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1 A. I did.

2 Q. I ask you to refer to State's Exhibit 235
3 and tell me what that is?

4 A. (Upon review), it's 235, my 8A-111.1, two
5 identification cards, one a driver's license
6 and one a Navy ID card of Gerald Lamar Roper.

7 Q. He was the victim in this case, is that
8 correct?

9 A. He was the victim. Yes, sir.

10 BRUCE DURANT: Your Honor, at
11 this time we would offer 235.

12 MR. BLOOM: No objection.

13 THE COURT: State's Exhibit 235 is
14 admitted without objection. It's an envelope
15 containing two ID's.

16 (SO ENTERED AS STATE'S EXHIBIT 235)

17 DIRECT EXAMINATION CONTINUED

18 BY BRUCE DURANT:

19 Q. Next I hand you State's Exhibit 236 and
20 ask you what that is, where you found it?

21 A. State's Exhibit 236 is 8A-12B. It's one
22 pair of Reebok tennis shoes. They were found
23 within the trash case, evidence item number
24 eight.

25 Q. Those were sent to SLED for processing,

1 is that correct?

2 A. Yes, sir.

3 Q. And I believe that some samples were
4 obtained by them by Ms. Bryson, which have
5 been designated as State's Exhibit 237, 238
6 and 239. Is that correct?

7 A. That's correct.

8 BRUCE DURANT: Your Honor, we
9 would offer State's Exhibit 236, 237, 238 and
10 239 into evidence.

11 MR. BLOOM: No objection.

12 THE COURT: Without objection,
13 State's Exhibit 236, 237, 238 and 239 are
14 admitted.

15 (SO ENTERED AS STATE'S EXHIBIT 236)

16 (SO ENTERED AS STATE'S EXHIBIT 237)

17 (SO ENTERED AS STATE'S EXHIBIT 238)

18 (SO ENTERED AS STATE'S EXHIBIT 239)

19 THE COURT: Why don't we go ahead
20 and stop at this point for lunch. Ladies and
21 Gentlemen, I am going to recess at this point
22 for lunch. Do not begin your deliberations,
23 do not discuss the case with anyone or permit
24 anyone to discuss it in front of you. I'd ask
25 that you be back in your jury room, please, by

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1 2:30. Have a good lunch.

2 (JURY OUT @ 1:45 P.M.)

3 THE COURT: Anything from the State
4 before recessing?

5 BRUCE DURANT: Nothing, Your
6 Honor.

7 THE COURT: Anything from the
8 Defendant?

9 MR. BLOOM: No, sir.

10 THE COURT: We will be at-ease
11 until 2:30.

12 BRUCE DURANT: Thank you, Your
13 Honor.

14 THE COURT: Mr. Hood, while we have
15 this break, I would ask that you not have any
16 conversation with any of the lawyers.

17 THE COURT: Yes, sir.

18 THE COURT: We will be-ease.

19 (LUNCH RECESS)

20 (DEFENDANT PRESENT)

21 THE COURT: Mr. Durant, are you
22 ready? Solicitor?

23 Give me just a second -- okay, I
24 think we've got our ducks in a row and we're
25 ready, Your Honor.

1 MR. BLOOM: Defense ready, Mr.

2 Bloom?

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

4 THE COURT: Very well, let's bring
5 in our jury.

6 (JURY IN @ 2:36 P.M.)

7 THE COURT: Thank you, Ladies and
8 Gentlemen. I hope that you had a good lunch.
9 Mr. Durant, you may resume your examination.

10 Mr. Hood, I remind you that you are
11 still under oath in this matter.

12 THE WITNESS: Yes, sir.

13 DIRECT EXAMINATION RESUMED

14 BY BRUCE DURANT:

15 Q. Sergeant Hood, moving on, I hand you
16 what's previously been marked as State's
17 Number 240 and ask you what that is?

18 A. It is one pair of white socks from the
19 trash can.

20 Q. And where did you recover those from the
21 trash can?

22 A. In a small plastic bag.

23 Q. Those were likewise sent to SLED?

24 A. Yes, they were.

25 Q. And they were processed by Ms. Janice

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1 Bryson at SLED, is that correct?

2 A. Correct.

3 Q. Resulting in two cuttings, 98.2 and 98.3;
4 correct?

5 A. Yes, sir.

6 BRUCE DURANT: Your Honor, at
7 this time we would offer State's 240, 241 and
8 242.

9 MR. BLOOM: No objection.

10 THE COURT: Without objection
11 State's Exhibits 240, 241 and 242 are
12 admitted.

13 (SO ENTERED AS STATE'S EXHIBITS 240)

14 (SO ENTERED AS STATE'S EXHIBIT 241)

15 (SO ENTERED AS STATE'S EXHIBIT 242)

16 DIRECT EXAMINATION CONTINUED

17 BY BRUCE DURANT:

18 Q. We're through with the trash can. Let's
19 move on and put State's Exhibit 107 on the
20 screen, please. Do you recognize State's
21 Exhibit 107, sir?

22 A. Yes, sir. That is the back side of
23 Apartment E-4.

24 Q. You mentioned something about processing
25 an air-conditioning unit. Is that air-

1 conditioning unit visible in that photograph?

2 A. Yes, this is the air-conditioning unit
3 here.

4 Q. What did you process about the air-
5 conditioning unit?

6 A. Well, when we were looking on the outside
7 for any potential evidence there was noted on
8 the base of this air conditioner, on the back
9 side, small red stains that were later
10 determined/tested positive for blood.

11 Q. Tested presumptively positive for blood?

12 A. Yes, they did.

13 Q. Referring to State's Exhibit 108 that's
14 just a closer-up view of that same air-
15 conditioning unit. Is that correct?

16 A. Yes.

17 Q. And how about 109?

18 A. (Affirmative nod), it's a closer shot of
19 stain number twelve.

20 Q. Regarding stain number twelve, I hand you
21 now what's previously been marked as State's
22 Exhibit 192 and ask you to tell us where that
23 came from.

24 A. This came from what I refer to as the
25 door side, the side closest to the door of the

1 vacant unit.

2 Q. That's the blood stain exhibited on
3 State's Exhibit 109; correct?

4 A. Correct.

5 Q. Did you swab that?

6 A. Yes, we did.

7 Q. This is the swab, State's Exhibit 109; is
8 that correct?

9 A. Correct.

10 Q. Moving on to your item 13A, State's
11 Exhibit 193. What is that?

12 A. 13A is a blood swab and again taken in
13 that same area of the air-conditioning unit,
14 labeled 13A.

15 THE COURT: You need to keep your
16 voice elevated, sir.

17 THE WITNESS: Yes, sir.

18 THE COURT: Thank you.

19 DIRECT EXAMINATION CONTINUED

20 BY BRUCE DURANT:

21 Q. When you talk about 13, you're talking
22 about that little item right there?

23 A. I'm talking about that item right there,
24 correct.

25 Q. State's Exhibit Number 194 -- I don't

1 believe we have a picture of that. But what
2 is that?

3 A. That is another swab, 14A, that I
4 collected from the top portion of that air-
5 conditioning unit.

6 Q. Where the louvers for the fan are?

7 A. (Affirmative nod), near where the fan is.

8 Q. And State's Exhibit 195. What is that?

9 A. That is a blood swab, 15A, from the back
10 portion of that same air-conditioning unit
11 that we saw earlier. That is close to the
12 wall of the building.

13 Q. So that's in between the wall -- on the
14 side of the air conditioning unit next to the
15 wall?

16 A. Right.

17 BRUCE DURANT: Your Honor, at this
18 time we would offer 192, 193, 194, and 195.

19 THE COURT: Any objection?

20 MR. BLOOM: No objection.

21 THE COURT: Without objection
22 State's 192, 193, 194 and 195, each being a
23 swab, are admitted into evidence.

24 (SO ENTERED AS STATE'S EXHIBIT 192)

25 (SO ENTERED AS STATE'S EXHIBIT 193)

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1 (SO ENTERED AS STATE'S EXHIBIT 194)

2 (SO ENTERED AS STATE'S EXHIBIT 195)

3 DIRECT EXAMINATION CONTINUED

4 BY BRUCE DURANT:

5 Q. Finally, I hand you what's in your
6 writing 16A, State's Exhibit Number 196, and
7 ask you what that is.

8 A. 16A is another blood swab taken by
9 myself. This was collected after the body was
10 removed. It was collected from underneath the
11 body.

12 Q. And referring to State's Exhibit Number
13 298 for identification, that would been taken
14 underneath where the body was; correct?

15 A. Correct.

16 BRUCE DURANT: Your Honor, we would
17 offer State's 196 into evidence.

18 THE COURT: Any objection?

19 MR. BLOOM: Without objection.

20 THE COURT: Without objection
21 State's Exhibit 196, another swab, is
22 admitted.

23 (SO ENTERED AS STATE'S EXHIBIT 196)

24 DIRECT EXAMINATION CONTINUED

25 BY BRUCE DURANT:

1 Q. Okay, Mr. Hood, let's move on to the
2 apartment next door, Apartment E-3. That was
3 primarily handled by the crime scene techs, is
4 that correct?

5 A. The portion of it, yes.

6 Q. Yes. You did do a couple of items there.
7 Is that correct?

8 A. That is correct.

9 Q. I hand you what's been marked as State's
10 Exhibit Number 260.

11 A. State's 260 is my 31B. It is one bar of
12 soap. It was placed in a plastic bag to be
13 tested, it was in a bag hanging on the
14 doorknob of the closet at the top of the
15 steps.

16 Q. It's depicted in State's Exhibit 58; is
17 that correct?

18 A. That's the number?

19 Q. That's the bag it came out of; is that
20 correct?

21 A. Yes.

22 Q. At the top of the stairwell?

23 A. That is correct.

24 Q. Did you do any processing with that
25 particular item?

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1 A. I took it back with me for possible
2 fingerprint impressions, which I found none,
3 and then I did a swabbing from the soap bar
4 itself.

5 Q. And that would be State's Exhibit Number
6 261; is that correct?

7 A. Correct, it's my 31B-1.

8 BRUCE DURANT: Your Honor, we would
9 offer 260 and 261.

10 MR. BLOOM: No objection.

11 THE COURT: Without objection
12 State's Exhibits 260, bag containing a bar of
13 soap, and 261, a swab, are admitted into
14 evidence.

15 (SO ENTERED AS STATE'S EXHIBIT 260)

16 (SO ENTERED AS STATE'S EXHIBIT 261)

17 DIRECT EXAMINATION CONTINUED

18 BY BRUCE DURANT:

19 Q. I show you now State's Exhibit Number
20 262.

21 A. State's Exhibit 262 is my evidence item
22 37B which is one pair of black Nike Elite
23 tennis shoes.

24 Q. Okay. Those are depicted in ---

25 A. Number 37, to the right.

1 Q. I believe there's actually one shoe there
2 and one shoe there; is that correct?

3 A. Correct.

4 Q. Those were located where in the house?

5 A. In the upper bathroom.

6 Q. Did you do any processing with those
7 items when you got back from the crime scene?

8 A. Yes, I did. I examined them to see if
9 there was any kind of other evidence. On the
10 sole and on the side of one of the shoes there
11 was what appeared to be a small piece of
12 blood. I tested it and it came back positive
13 or was presumptive.

14 Q. I hand you what's been marked as item
15 State's Exhibit 263.

16 A. 263 is my 37B-1. It is a blood swab that
17 I collected from the sole of the left shoe.

18 Q. And State's Exhibit 264?

19 A. 264 is my 37B-2. It is a blood swab that
20 I collected from the right side of the left
21 shoe -- right side of the left shoe.

22 BRUCE DURANT: Your Honor, at this
23 time we would offer State's 262, 263 and 264.

24 MR. BLOOM: No objection.

25 THE COURT: Without objection

1 State's Exhibits 262, a bag containing black
2 tennis shoes; 263 and 264, each of those being
3 a blood swab, into evidence.

4 (SO ENTERED AS STATE'S EXHIBIT 262)

5 (SO ENTERED AS EXHIBIT 263)

6 (SO ENTERED AS STATE'S EXHIBIT 264)

7 DIRECT EXAMINATION CONTINUED

8 BY BRUCE DURANT:

9 Q. Now, Sergeant Hood, I believe you went
10 back to the crime scene on March the 11th,
11 2006; is that correct?

12 A. That is correct; myself and Forensic
13 Director Elizabeth Gordon.

14 Q. For what purpose, sir?

15 A. Ms. Gordon and I were rehashing, were
16 talking about the scene and she was concerned
17 about the upper bedroom where the sheets were
18 on the window, feeling that there should have
19 been blood up there for some reason. So we
20 went back and checked that.

21 Q. Why did you think there should be blood
22 up there?

23 A. Because the blinds found in the trash can
24 were thought to have been the blinds that came
25 from that upper bedroom.

1 Q. And those blinds had blood on them that
2 you got out of the trash can?

3 A. The ones from the trash can had blood on
4 them.

5 Q. So you'all thought you'all had missed
6 something upstairs. Is that basically it?

7 A. Right. Correct.

8 Q. And when you went back did you examine
9 the upstairs bedroom?

10 A. We did. We did presumptive testing on
11 possible stains. Nothing came back
12 presumptive in the upper bedroom. And then we
13 started thinking about -- okay, and then we
14 started looking at the window without the
15 blinds. And we said, 'Okay, I believe...' --
16 those blinds had been standard window blinds
17 and we thought that they had been switched out
18 with the dining room windows.

19 Q. The ones downstairs?

20 A. (Affirmative nod), the ones downstairs.

21 Q. So you'all arrived at the theory that the
22 ones in the actual garbage can, depicted in
23 State's Exhibit 300, had actually come from
24 where in the house?

25 A. We felt that the ones from the trash can

1 actually came from the dining room.

2 Q. And you thought the ones from upstairs
3 had been moved downstairs?

4 A. (Affirmative nod), moved down to cover
5 those windows. Yes.

6 Q. And did you recover -- when you went back
7 on March 11th, did you recover the blinds from
8 the dining room window?

9 A. I did. I collected those and took them
10 back to the office.

11 Q. And did you locate any blood on those
12 blinds?

13 A. Not on the blinds that were on the
14 window, but on the framing.

15 Q. State's Exhibit 268, can you tell us
16 where that came from?

17 A. Yes, sir. This came from the dining room
18 window, from one of the panes.

19 Q. That came from the actual pane itself?

20 A. From the actual window glass pane; yes,
21 sir.

22 Q. What is it?

23 A. It's my item 50B-1.

24 Q. That's the one depicted in State's
25 Exhibit Number 69; is that correct?

1 A. That is correct.

2 Q. That was from where?

3 A. It was actually on the pane of glass.

4 Once we removed the blind that's when we saw
5 it.

6 Q. Once you removed the blinds, you didn't
7 see any blood on the blinds, but this was
8 behind it?

9 A. This was behind the blinds.

10 Q. 269?

11 A. 269 is my 51B. It is another blood swab,
12 and it came from the kitchen window frame,
13 lower right.

14 Q. Which is depicted in State's Exhibit 70?

15 A. There were several blood spatters, and it
16 tested positive.

17 Q. And State's Exhibit number 270?

18 A. State's 270 is my 52B, as in "boy." That
19 is a blood swab from off the sash side of the
20 dining room window.

21 Q. Depicted in State's Exhibit number 71?

22 A. Yes.

23 Q. And that being, once again, from the
24 downstairs dining room area; is that correct?

25 A. Downstairs dining room area, correct.

1 Q. Basically which is the same thing as the
2 kitchen; right?

3 A. The kitchen/dining room area are one and
4 the same.

5 BRUCE DURANT: Your Honor, we would
6 offer 268, 269 and 270 at this time.

7 MR. BLOOM: No objection.

8 THE COURT: State's Exhibits 268,
9 269 and 270 are admitted without objection,
10 each being a swab.

11 (SO ENTERED AS STATE'S EXHIBIT 268)

12 (SO ENTERED AS STATE'S EXHIBIT 269)

13 (SO ENTERED AS STATE'S EXHIBIT 270)

14 DIRECT EXAMINATION CONTINUED

15 BY BRUCE DURANT:

16 Q. State's Exhibits 266 and 267.

17 A. State Exhibit 266 is my 26B, as in "boy."
18 That is one set of mini-blinds. That was
19 collected on 3/11, the day that we went back.

20 Q. How about 267?

21 A. 267 is my 27B, as in "boy." And that is
22 another set of mini-blinds collected on that
23 same date 3/11.

24 BRUCE DURANT: Your Honor, we would
25 offer 266 and 267.

1 MR. BLOOM: No objection.

2 THE COURT: Without objection,
3 State's Exhibits 266 and 267 are admitted,
4 each being a bag containing blinds.

5 (SO ENTERED AS STATE'S EXHIBIT 266)

6 (SO ENTERED AS STATE'S EXHIBIT 267)

7 DIRECT EXAMINATION CONTINUED

8 BY BRUCE DURANT:

9 Q. Mr. Hood, take your seat for the time
10 being and let's talk about a couple of other
11 things.

12 A. (Resumes witness stand).

13 Q. Let's talk about latent fingerprints and
14 footprints. What are latent fingerprints and
15 footprints?

16 A. First of all, a latent fingerprint is ---

17 Q. Excuse me. Let me get this (easel) out
18 of the way so I can see you.

19 A. A latent fingerprint is the detail left
20 behind from friction ridges that are found on
21 the hand. They are left behind in either
22 amino acids, wet oils. And why they're called
23 latent prints is because -- "latent" means
24 hidden. You cannot see them readily. You
25 have to develop them. There's a myriad of

1 processes, usually dust, black dust, Amido
2 Black. It's a chemical, and ninhydrin, which
3 is a one component of that, develops the
4 fingerprint that we're looking for.

5 Q. Were these two apartments and the items
6 in the garbage can that you've previously
7 testified to, were they processed for latent
8 prints?

9 A. Yes, they were.

10 Q. Were you able to effect any
11 identification from all the latent prints you
12 did at these locations?

13 A. The positive identification that I was
14 aware of and am aware of at this point is the
15 ones from the mini-blinds. That was from
16 Armon Dickerson.

17 Q. Which mini-blind was it?

18 A. Both sets of mini-blinds, both from the
19 garbage can and also from the dining room on
20 the 11th.

21 Q. I believe you also detected Mr. Armon
22 Dickerson's fingerprints from one of the
23 magazines in the garbage.

24 A. One of the magazines, with the ninhydrin.
25 Ninhydrin being a chemical that is used on the

1 paper and it forces or develops the
2 fingerprint there. We used that chemical.
3 That process is ninhydrin, which reacted with
4 the amino acid and it will adhere to the ridge
5 detail and bring that out so we can actually
6 see that hidden print.

7 Q. Sergeant Hood, if you could, just in
8 general terms, could you explain to the jury
9 how -- we've been through a bunch of swabs and
10 things like that. How were they handled,
11 after those swabs were collected how were they
12 handled?

13 A. After swabs are collected they are -- at
14 the scene they were put into an envelope. I
15 took custody of all the evidence at the end of
16 the crime scene processing and took it back to
17 the office.

18 Q. That would be both evidence you collected
19 and evidence other crime scene investigators
20 collected?

21 A. (Affirmative nod), evidence I collected
22 and other crime scene detectives collected.

23 Q. Okay.

24 A. Then I would take it back to the office.
25 Again, each swab is one of those boxes as

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1 you've seen me pull out. And then those boxes
2 were never opened. The swabs were never
3 touched. They were just allowed to dry,
4 because on the side of each box is a little
5 hole that allows airflow. Because what we
6 want to do is let that swab dry so that we
7 don't run the risk of it becoming moldy. We
8 want to make sure that the evidence is
9 credible and it's able to stand up to testing.
10 We couldn't do it if it's broken down for some
11 reason.

12 Q. And what did you do with the swabs once
13 they were dry?

14 A. I packaged them up and I put them in the
15 evidence locker in our office.

16 Q. And all packages were labeled, I presume?

17 A. They were labeled, (affirmative nod).
18 Yes, sir.

19 Q. And that was for items you collected as
20 well as swabs collected by any other crime
21 scene detectives; is that correct?

22 A. That's correct, so we could keep track of
23 which swab came from which location and which
24 officer.

25 Q. After it was secured at the crime scene

1 office what happened to it then?

2 A. After it was secured at the crime scene
3 office then they would have then been sent up
4 to Columbia for analyses.

5 Q. Were you aware that Sergeant Sherman in
6 your office took seventy-two of these items up
7 to SLED on October 10th of 2006?

8 A. Yes, he is the one that took the initial
9 evidence up to SLED for analysis.

10 Q. And Randy Unterbrink in your office also
11 took another swab up there on January the 10th
12 of 2007; is that correct?

13 A. Correct..

14 Q. So with regard to those 73 items that
15 were taken to SLED by Sergeant Sherman and Mr.
16 Unterbrink, did you have the occasion to come
17 back into possession of those items again on
18 October the 3rd of 2007?

19 A. On October 3rd of 2007, I had picked the
20 evidence up from SLED and transported it back
21 to our permanent evidence holding until the
22 trial.

23 Q. That was after the initial testing by
24 SLED; is that correct?

25 A. Yes, sir. That was the initial testing

1 of the evidence.

2 Q. Except I believe they retained the cable
3 cord from the garbage can; is that correct?

4 A. What I did not pick up on that particular
5 day, on 10/3/07, was the cable cord, the
6 nunchucks, the cable cord from the pantry and
7 defendant's tee shirt.

8 Q. But everything else you picked up and
9 brought back to Charleston; is that correct?

10 A. Whatever SLED had ready for me, yes, sir.

11 Q. And obtained those from Ms. Selena
12 Kinard?

13 A. Selena Kinard, right.

14 Q. And what did you do with the items that
15 you picked up from SLED on October the 3rd,
16 2007?

17 A. Upon bringing them back to my office,
18 what I did was I resecured them in a locked
19 locker with the ability to be maintained.

20 Q. Okay, and moving on to November 9th of
21 2007, did you return that same evidence to
22 SLED?

23 A. November the 9th?

24 Q. Yes, sir.

25 A. I did a second submissions of the same

1 evidence that I picked up with the addition of
2 some other items. That was taken up to SLED.

3 Q. And why was that resubmitted to SLED at
4 that time?

5 A. The initial batch of evidence that was
6 taken up there, SLED had -- they saw how many
7 items were there. The DNA lab, they took the
8 best-case evidence and tested that when
9 actually all of it should have been tested.
10 At the request of the Solicitor's Office, I
11 took it back up there for all that to be
12 tested again.

13 Q. So those sixty-nine items you brought
14 back were returned; is that correct?

15 A. They were returned; yes, sir.

16 Q. On November 9th of 2007?

17 A. Right.

18 Q. And in addition some new items went up
19 there; is that correct?

20 A. Yes, sir.

21 Q. And that would have been CPD Items 3A,
22 which are some footwear impressions?

23 A. 3A, 37B, which was a pair of Nike ---

24 Q. The black Nike shoes that were in the
25 upstairs bathroom, they went back; is that

1 correct?

2 A. Correct.

3 Q. How about items 8A and 12B, being the
4 Reebok tennis shoes from the garbage can?

5 A. The Reebok tennis shoes from the garbage
6 can were sent up at that time as well.

7 Q. How about CPD Items 3E and 4E which are
8 the right and left shoe of the defendant --
9 recovered from the defendant, William
10 Dickerson, when he was arrested?

11 A. They were taken up by me as well.

12 Q. How about Items 8A and 10B-1, the *Elle*
13 magazines? Was that taken back up?

14 A. 8A and 10B-1 were taken back up by me on
15 that same day.

16 Q. And, finally, 42B, which was designated
17 as a cigarette butt from the kitchen floor
18 that we saw in the crime scene video. Was
19 that taken back up to SLED?

20 A. That was taken up by me to SLED, yes.

21 Q. With regard to all those items, were they
22 properly sealed?

23 A. They were properly sealed and kept under
24 lock and key until removed by me and
25 transported to SLED for analysis.

1 Q. Did you tamper with those items at any
2 time while they were in your possession?

3 A. I did not.

4 Q. And on November 9th they were turned over
5 to Nikki Perry at SLED; is that correct?

6 A. Nikki Perry, that is correct.

7 BRUCE DURANT: Court's indulgence?

8 THE COURT: Yes.

9 DIRECT EXAMINATION CONTINUED

10 BY BRUCE DURANT:

11 Q. Moving ahead, sir, to February 15, 2008.

12 A. Yes, sir.

13 Q. Did you have an occasion to obtain a
14 buccal swab from the defendant William
15 Dickerson?

16 A. I did.

17 Q. And what is a buccal swab?

18 A. A buccal swab -- first of all, the word
19 "buccal" -- b-u-c-c-a-l -- comes from the
20 Latin word "buccal" meaning from the inside of
21 the cheek and the gums. A buccal swab is
22 nothing more than taking a swab, again it is a
23 sterile swab -- I'm having gloves on --- and
24 swabbing the inside of the mouth and gums,
25 placing that in a box, just like I do with the

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1 other blood swabs, securing it and sending it
2 up to Columbia. What we do is we're pulling
3 off the epithelial cells from the inside of
4 the mouth to do DNA testing.

5 Q. And you obtained that sample from the
6 defendant on February 15th, 2008 personally?

7 A. I did personally, yes, sir.

8 Q. And why was it collected?

9 A. SLED said they needed another standard
10 from the defendant.

11 Q. I hand you what's previously been marked
12 as State's Exhibit Number 283 and ask if you
13 recognize that?

14 A. (Upon review), yes, sir. This is the
15 package containing two buccal swabs collected
16 by me on the 15th in a courtroom here in the
17 complex.

18 Q. Okay. I believe you explained how you
19 obtained that sample. What did you do with
20 these buccal swabs when you obtained them from
21 the defendant?

22 A. Again, letting them air-dry before I put
23 a seal on it, and they were put under lock and
24 key. They were in my custody until they were
25 put under lock and key. Then I took them from

1 the locker myself and transported them to
2 SLED.

3 Q. And that was on February 22 of 2008; is
4 that correct?

5 A. That's correct.

6 Q. And the buccal swabs were turned over to
7 Nikki Perry at SLED?

8 A. Nikki Perry, a SLED crime technician;
9 correct.

10 BRUCE DURANT: Your Honor, at this
11 time we would offer State's 283 into evidence
12 if there is no objection.

13 MR. BLOOM: Subject just to the
14 hearing we had on that, Judge.

15 THE COURT: Subject to objections
16 previously set forth in great detail on the
17 record in this proceeding, State's Exhibit 283
18 is admitted.

19 (SO ENTERED AS STATE'S EXHIBIT 283)

20 DIRECT EXAMINATION CONTINUED

21 BY BRUCE DURANT:

22 Q. Moving on to February the 18th of this
23 year, 2009, did you have the occasion to come
24 into possession of some additional items of
25 evidence relative to this case?

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1 A. Yes, sir, I did.

2 Q. I hand you what's previously been marked
3 as State's Exhibit Number 304 contained in
4 another box designed as State's Exhibit Number
5 287 for identification and ask you, sir, if
6 that was one of the items you came into
7 contact with?

8 A. This was collected by Crime Scene
9 Technician Miller and brought back to the
10 crime scene office. It was packaged up in
11 this box. The box was sealed when I came in
12 contact with it. And I took the box, closed,
13 up to SLED.

14 Q. Did you take it SLED or did you take it
15 to somebody else?

16 A. Well, I took it to SLED and then Kenny
17 Kinsey, being the agent that did a lot of work
18 on it, they had me take these back to him
19 because he was now stationed in Orangeburg.

20 Q. I have what's previously been marked as
21 State's Exhibit Number 284 for identification,
22 which is a box.

23 BRUCE DURANT: If I could, Ms.
24 Garrison, could we have this marked
25 separately?

1 COURT REPORTER: State's Exhibit

2 312 for identification.

3 DIRECT EXAMINATION CONTINUED

4 BY BRUCE DURANT:

5 Q. I hand you what's been marked as State's
6 Exhibit Number 284 for identification,
7 containing what's now been marked as State's
8 Exhibit 312 for identification, and ask if you
9 recognize that item?

10 A. I recognize the box and this handgun.
11 And I recognize the box because I had signed
12 for it on 2/18 to transfer it to SLED. It was
13 initially collected by crime scene technician
14 Jeff Miller. It had been placed in this box
15 and secured.

16 Q. Finally, I hand you what's been marked as
17 State's Exhibit Number 290 for identification
18 and ask you if that was one of the items you
19 came into possession of on February 18th of
20 this year?

21 A. I came into possession of this to take up
22 to SLED on 2/18. Again, when I collected
23 this, I collected it from the locker and it
24 was always secured and sealed by Mike Sherman,
25 according to the markings on the receipt.

1 Q. Now, with regard to those three items,
2 the two pistols and the grey tee-shirt
3 designated as State's 290 ---

4 A. Yes, sir.

5 Q. What did you do with the tee-shirt?

6 A. The tee-shirt -- all three of these items
7 went up to SLED on the 18th.

8 Q. Right.

9 A. The tee-shirt is the only thing that SLED
10 took into custody. I left the guns with Ken
11 Kinsey, the gun person.

12 Q. Okay.

13 A. So I dropped the shirt with one of the
14 crime scene techs up there and then I took the
15 guns back to Orangeburg to drop them off with
16 Kenny Kinsey.

17 Q. You delivered them personally to Mr.
18 Kinsey?

19 A. Yes, sir, I did. 2/18/09 at 1332 hours
20 in the afternoon.

21 Q. While you were delivering those items did
22 you tamper with them in any way?

23 A. No, sir.

24 Q. Moving ahead to March 10 of this year,
25 did you take some additional items to SLED?

1 A. I did. On March the 10th I had taken the
2 right and left shoe of William Dickerson, an
3 item of clothing, my 8A-11-F, which was a
4 maroon sweatshirt.

5 Q. A College of Charleston sweatshirt we saw
6 a picture of previously?

7 A. Yes, sir.

8 Q. That came from where?

9 A. That came from the trashcan.

10 Q. Okay.

11 A. A pair of Dickies pants which is 8A-9B.
12 That came from the trashcan as well.

13 Q. Okay.

14 A. And one pair of socks, my identifier 8A-
15 4B, which was originally found in the
16 trashcan.

17 Q. You previously identified all of those
18 items and they're up here on the podium; is
19 that correct?

20 A. Yes, sir.

21 Q. And why were those items taken to SLED at
22 that late date?

23 A. At that late date it was requested by the
24 Solicitor's Office to take them back and to
25 get further DNA analyses on them as far as

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1 ownership and anything else that they would be
2 able to ---

3 Q. That hadn't been taken to SLED previous-
4 ly; is that correct?

5 A. No, sir, they were not.

6 Q. You presented them to Selena Kinard on
7 March 10th, 2009; is that correct?

8 A. Selena Kinard; that's correct.

9 Q. And that was after you obtained them from
10 Brian Kemet from Charleston Evidence on March
11 6th, 2009?

12 A. Yes, sir.

13 Q. Once again, while they were in your
14 possession did you alter or tamper with them
15 in any way?

16 A. No, they were kept in the sealed
17 containers they were initially put in.

18 BRUCE DURANT: Court's indulgence.

19 THE COURT: Take your time.

20 BRUCE DURANT: If you'd please
21 answer any questions that defense counsel may
22 have for you.

23 THE COURT: Cross examine.

24 MR. BLOOM: May it please the
25 Court?

1 THE COURT: Yes, sir.

2 CROSS EXAMINATION

3 BY MR. BLOOM:

4 Q. Sergeant Hood, let me start by asking you
5 first, you take great care when you go to a
6 crime scene investigation; don't you?

7 A. Yes, sir.

8 Q. You take a lot of precautions and
9 measures to collect the evidence and make sure
10 it's preserved in the condition that you find
11 it?

12 A. Yes, sir.

13 Q. And, in fact, I saw you were wearing
14 gloves while handling the evidence.

15 A. Yes, sir.

16 Q. You wear clear plastic latex gloves while
17 you're collecting evidence?

18 A. Yes, we do.

19 Q. And I saw on the video somebody's feet
20 had booties or some type of cover on them.

21 A. Blue shoe covers.

22 Q. Blue shoe covers?

23 A. (Affirmative nod).

24 Q. You said "yes?"

25 A. Yes, sir. I'm sorry

1 Q. That's okay but this kind lady (court
2 reporter), I can't see her right now but she
3 needs to take your answers down.

4 So you and the other crime scene techs
5 that are with you take very careful and
6 measured steps to collect all the available
7 evidence; correct?

8 A. Yes, sir.

9 Q. And you take those precautions so you
10 don't contaminate the scene in any manner;
11 correct?

12 A. That's correct.

13 Q. And any evidence you collect is therefore
14 preserved in the manner you find it in; is
15 that correct and fair to say?

16 A. That is correct.

17 Q. And the purpose of that is you don't know
18 what you're going to find when you get there.
19 Is that fair to say?

20 A. That's fair to say; yes, sir.

21 Q. And a lot or most of this analysis, as
22 you told the Solicitor, has been sent to SLED,
23 the State Law Enforcement Division. Correct?

24 A. The evidence is sent to SLED for further
25 analysis; correct