

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPRĒMĒ CŌŪRT

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 7 OF 22

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1 Q. Because they have a laboratory there
2 where they can do DNA and other type of
3 testing; correct?

4 A. Correct.

5 Q. So you don't know what the results of
6 that is going to be and that's why you take
7 these careful and professional measures to
8 collect all the available evidence. Is that
9 fair to say?

10 A. Yes, sir.

11 Q. And we see by these charts, particularly
12 State's Exhibit Number 298, that you collected
13 a number of swabs of blood in different areas
14 in both Apartment E-3 and E-4. Is that fair
15 to say?

16 A. (No verbal response):

17 Q. You took a number of swabs from E-3 and
18 E-4, I guess is what I am asking.

19 A. Not personally of all of them. The crime
20 scene unit as a whole unit.

21 Q. Yes, sir. And thank you for correcting
22 me. The crime scene unit as a whole took a
23 number of swabs of blood that they found in
24 different areas of Apartment E-3 and E-4.

25 A. Yes, sir.

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1 Q. As well as from the trashcan shown in
2 State's Exhibit 300?

3 A. Yes, sir.

4 Q. But you don't know whose blood or what
5 material you're going to find. You collect it
6 and take it to SLED and await to hear their
7 analyses. Is that fair to say?

8 A. Correct.

9 Q. I want to find some photographs here. Do
10 you have photographs with you up there, sir,
11 of the State's Exhibits?

12 A. I have 13 through 122.

13 MR. BLOOM: Do you have them,
14 Solicitor?

15 BRUCE DURANT: (Indicating
16 witness stand).

17 MR. BLOOM: Thank you. May I
18 approach the witness, Your Honor, to retrieve
19 some photos?

20 THE COURT: You may.

21 CROSS EXAMINATION CONTINUED

22 BY MR. BLOOM:

23 Q. There are several items I want to discuss
24 with you next, Sergeant Hood. In particular,
25 one of the items you collected is reflected in

1 State's Exhibit Number 86, a photograph, which
2 is a bleach bottle; is that correct?

3 A. Yes, sir.

4 Q. And one of the reasons that you collected
5 it was because it was in this green trashcan
6 with other potential evidence; correct?

7 A. Yes.

8 Q. And the bleach bottle also had what
9 appeared to be blood on it; correct?

10 A. It did, around the handle.

11 Q. Around the handle. And when you say
12 that, you mean the handle of the bleach bottle
13 where you pick it up to pour?

14 A. Right.

15 Q. And did you do a -- what is that
16 preliminary test that you do?

17 A. Presumptive blood test.

18 Q. Presumptive blood test, (affirmative
19 nod). Thank you. And did you do that on that
20 handle or that area where you saw the blood?

21 A. I do that on any stain that I think would
22 reflect -- if it did not test positive, I
23 would not collect it.

24 Q. And in fact on that bleach bottle handle
25 it tested positive; is that fair to say?

1 A. Yes, sir.

2 Q. So the blood collected from that handle
3 on that bleach bottle depicted in State's 86
4 was important to you in collecting evidence.

5 A. Yes, sir, it was.

6 Q. Let me go next to -- on State's Exhibit
7 Number 81, you noticed what appeared to be a
8 blood droplet; correct?

9 A. Yes, sir.

10 Q. And I think to be fair to you, one of the
11 other crime scene agents, Agent Miller
12 collected that swab?

13 A. I believe ---

14 Q. To be fair to you.

15 A. Another crime -- I think the record is it
16 was not Miller.

17 Q. Another crime scene collected that. But
18 this is in the kitchen area of E-4 that is the
19 vacant apartment where the deceased was found;
20 correct, sir?

21 A. That is correct.

22 Q. And, of course, that's significant to
23 you, a blood spot right there where the
24 deceased was found?

25 A. Opposite of where he was found.

1 Q. Right. These are one of the droplets, I
2 believe Solicitor Durant asked you what you
3 thought was significant about this particular
4 droplet, and I believe your answer was it
5 appears to be a direct 90-degree-angle drop
6 from whoever was standing there.

7 A. Yes, it's consistent with a 90-degree
8 drop because it's circular.

9 Q. It's circular.

10 A. (Affirmative nod).

11 Q. So wherever it came from on the person,
12 it dropped straight down?

13 A. Right, whoever the contributor was it was
14 a straight-down angle.

15 Q. And I think further you told Solicitor
16 Durant that someone who was standing still,
17 because otherwise it would be a sweep. I
18 think your testimony is it was indicative of
19 someone ---

20 A. It's indicative because of the pattern
21 being so almost perfect. The person had to be
22 standing still at that particular time,
23 immobile, when the droplet left or whatever.

24 Q. Likewise with State's Exhibit Number 82,
25 you made a similar observation. That was also

1 of a perfectly circular blood drop; is that
2 fair to say?

3 A. Yes, sir.

4 Q. And, again, I think your testimony to
5 Solicitor Durant was that was again indicative
6 of someone standing still or standing in one
7 place?

8 A. Correct, for that brief moment for that
9 droplet to have hit the ground.

10 Q. For as long as it took for that blood to
11 leave that person, wherever it left until it
12 hit the floor?

13 A. Correct.

14 Q. And is it fair to say that right next to
15 that white part appears to be the refrigerator
16 or some type of cabinet, at that corner, as
17 depicted in State's 298; is that fair to say?
18 That's a refrigerator or appliance or some
19 kitchen appliance depicted in State's 81?

20 A. It's some kind of kitchen appliance,
21 maybe a dishwasher.

22 Q. And so is it also fair to say that the
23 two blood drops you testified to already for
24 the Solicitor that the person was standing in
25 one place or was standing still, as depicted

1 in your number 5A and 6A, is it fair to say,
2 sir, that whoever that blood belonged to, they
3 are standing looking in the direction of the
4 deceased?

5 A. I cannot say in which direction he was
6 looking.

7 Q. Well, if I may add to that -- if you
8 don't know, that's fine. I'm not trying to
9 trick you.

10 A. I don't know.

11 Q. But if that blood drop was so far against
12 the wall, if the person's facing the wall,
13 their nose would be in the cabinet or the wall
14 or whatever that object is there?

15 A. Well, in that scenario, yes, if they were
16 facing the cabinet.

17 Q. So it's more than likely that the person
18 doesn't have their face pushed up against the
19 cabinet and that they're facing in the
20 direction of the deceased?

21 A. Whatever portion of the body was bleeding
22 was in close proximity to that cabinet.

23 Q. To be fair to you, you don't want to say
24 one way or another where the person was
25 facing?

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1 A. I can't tell the direction.

2 Q. But you can tell that the person is
3 standing still.

4 A. Yes, sir.

5 Q. And that, again, on State's 298, on this
6 side of the kitchen area up against where the
7 cabinetry is and other kitchen appliances; is
8 that fair?

9 A. Yes, sir.

10 Q. Similarly, on State's Exhibit 83, item
11 number seven that you collected is over by the
12 stove area?

13 A. Close to the stove. Again, I was not the
14 one actually collecting these.

15 Q. And, again, that's an almost circular
16 drop, straight-down drop?

17 A. It's a little elongated, but it's pretty
18 indicative of no motion going on.

19 Q. No motion. All right, sir. And, lastly,
20 sir, let me ask you next in that regard -- I
21 apologize, but I'm looking for one more photo
22 exhibit to ask you about, if I may.

23 While I'm looking for the photo, sir, let
24 me ask you a few simple questions. I've been
25 referring to just numbers, such as four or

1 five, but you have "A" on the ones that are
2 associated with Apartment E-4, the vacant
3 apartment; correct?

4 A. Yes, sir. "A" as far as that one and "B"
5 being the other one, the identifiers.

6 Q. That was the first scene you came upon
7 and investigated.

8 A. (Affirmative nod), where the body was
9 found.

10 Q. Right. And then the other blood stains
11 you found around the air conditioner outside
12 Apartment E-4 are also labeled in the "A"
13 category?

14 A. Yes, sir. They were labeled with "A"
15 because they were behind that apartment.

16 Q. Right.

17 A. Just to keep things kind of simple.

18 Q. Right. And the trashcan that was
19 associated with E-4 that the items were taken
20 out of is also an indicated category, number
21 AK?

22 A. That is AK, associated with that first
23 scene.

24 Q. And then Apartment E-3 is listed items
25 designated with the letter "B"; is that fair

1 to say?

2 A. Yes, sir.

3 Q. I show you State's Exhibit 75. I believe
4 you described that for us as the initial
5 entryway into Apartment E-4, the vacant
6 apartment; is that correct?

7 A. Yes, sir; that is the side laundry room
8 door to the vacant apartment.

9 Q. And from that angle you can't even see
10 the decedent's body or anything else around
11 the corner; correct?

12 A. Not from there.

13 Q. So to be fair, the decedent, if I may,
14 sir, it would be off the screen and around the
15 corner of the doorway over here; is that fair
16 to say?

17 A. Yes, sir.

18 Q. And the next angle, depicted in State's
19 76, is a little farther into that doorway,
20 where the refrigerator is. And you still
21 can't see from that angle the decedent's body;
22 is that fair to say?

23 A. You still cannot.

24 Q. And, in fact, so -- you can see the
25 refrigerator from that point and the stove;

1 correct?

2 A. I can see the refrigerator and stove;
3 that's correct.

4 Q. Then in State's Exhibit Number 77, is it
5 fair to say that shot is made just coming
6 through the doorway -- well, let me stop
7 there. That shot is where you're just coming
8 through the doorway into the kitchen, correct?

9 A. I'm standing almost at the threshold.

10 Q. Almost at the threshold?

11 A. (Affirmative nod), before entering into
12 the kitchen from the laundry room.

13 Q. And you can see in that a corner of the
14 blanket that the decedent was wrapped in, but
15 you still can't see the decedent; is that fair
16 to say?

17 A. If you look right up in here you can see
18 part of his foot against the wall.

19 Q. And that's standing in the doorway?

20 A. That's standing in the doorway, yes.

21 Q. And the last one, State's Exhibit 79, is
22 where you collected several of the droplets
23 you described to the Solicitor that went
24 straight down from someone standing still; is
25 that fair to say?

- 1 A. Uh ---
- 2 Q. And I may not have asked that well. But
- 3 if you understand the question, go ahead and
- 4 answer.
- 5 A. Again, I didn't actually collect any of
- 6 those stains.
- 7 Q. Right, but you were part of the crime
- 8 scene unit.
- 9 A. I was part of the crime scene unit, yes.
- 10 Q. And you were in Apartment E-4 the day of
- 11 the scene, at some point?
- 12 A. I was, yes.
- 13 Q. And the things that you talked to the
- 14 Solicitor about, I believe they're labeled --
- 15 and I'll try to go in numerical order. Number
- 16 5 appears to be the bottom of the refrigerator
- 17 and perhaps the dishwasher or other kitchen
- 18 appliances; is that correct?
- 19 A. Yes, sir.
- 20 Q. Right there (indicating) - that's number
- 21 5.
- 22 A. Right. That's the opposite side of the
- 23 room from where the decedent was found.
- 24 Q. That's, I guess, what I was going to ask
- 25 you next. So if my question was confusing, I

1 apologize. So from the photograph in State's
2 Exhibit 298, that's the opposite side of the
3 room from where the decedent's body was found;
4 is that fair to say?

5 A. Number 5, 6, 4 and 9.

6 Q. 5, 6, 4 and 9 were all on the opposite
7 side?

8 A. Yes.

9 Q. And then number 7, again one of the
10 droplets as you described to the Solicitor is
11 in front of the stove area, both in the
12 photograph as well as our diagram; is that
13 fair to say?

14 A. Yes, it shows just the front of the
15 stove.

16 Q. I'll collect those from you, sir. We
17 want to try to keep all those groups together.

18 A. (Tenders).

19 Q. Next you also collected a series of blood
20 droplets and samples from the air conditioner
21 unit of the outside of Apartment E-4; correct,
22 as depicted on State's 298?

23 A. Yes.

24 Q. At some point in time you and other crime
25 scene techs then collected a series of blood

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1 smears or stains or droplets labeled 3B, 4B,
2 5B and 6B, all around the rear door of
3 Apartment E-3; is that fair to say?

4 A. Yes, sir.

5 Q. And that portion of the apartment, is it
6 fair to say that's the washroom? That's where
7 the washing machine is contained?

8 A. That's a laundry room area. Yes, sir.

9 Q. That circular item is the hot water
10 heater?

11 A. Yes, it's the hot water heater in
12 Apartment E-3.

13 Q. And this square here in the back portion
14 of B4, that's the washing machine?

15 A. Washing machine, (affirmative nod).

16 Q. And then when you got into Apartment E-3,
17 you testified that there were a number of
18 blood droplets, spatters and other blood
19 evidence in the main part of Apartment E-3, in
20 the kitchen and living room area; correct?

21 A. Yes, sir.

22 Q. And that starts with your labeling 7B and
23 kind of goes up from there; is that fair to
24 say?

25 A. From 7B forward as we move into the

1 apartment; yes, sir.

2 Q. From your experience as a crime scene
3 technician it appeared to you that the
4 kitchen, living room and dining room was the
5 main area where the decedent was killed; is
6 that fair to say?

7 A. (No verbal response).

8 Q. If I didn't ask that well, I can rephrase
9 it -- or if you can, answer it.

10 A. It appears that most of the action took
11 place in that portion of the apartment.

12 Q. That's where a large amount of the blood
13 and the DNA evidence you found was collected,
14 from those two areas of the apartment, the
15 kitchen/dining room area; is that a fair
16 statement?

17 A. Yes, sir.

18 Q. And lastly, in that regard, if we can
19 move upstairs with State's Exhibit 299, and if
20 we can walk through this because it wasn't
21 totally clear to me. You collected some items
22 from up here as well; is that correct?

23 A. Some items were collected from the
24 upstairs portion of the apartment; yes, sir.

25 Q. And 18B I believe you said was blood

1 stains that appeared on a coffee table?

2 A. That was the coffee table you saw
3 earlier, standing on end?

4 Q. All right.

5 A. Yes, sir.

6 Q. And 31B-1 is that a blood stain at the
7 top of the stairs? Where was that located?

8 A. I cannot tell you exactly the location of
9 where that stain was because I was not the
10 collector of that stain.

11 Q. Fair enough. But whatever area, it's at
12 the general area of the top of the stairs of
13 Apartment E-3, the occupied apartment; is that
14 correct?

15 A. Somewhere at the top of the stairs.

16 Q. In that general area?

17 A. In that area, yes.

18 Q. Were there also some samples that are not
19 depicted on State's Exhibit 299 that were
20 collected from the upstairs, whether they were
21 collected by you or another crime scene
22 technician? Were there other samples,
23 apparent blood samples or potential DNA
24 samples that were collected from the upstairs
25 area? And for a minute, if you will just

1 ignore the bathroom area. I'm going to get to
2 that.

3 A. Sure.

4 Q. If I can give you some help, I'm
5 specifically asking you about your evidence
6 item numbers 32B, 33B, 34B and 48B; those four
7 items that apparently aren't on State's
8 Exhibit 299.

9 A. 32, 33 and 34?

10 Q. 32, 33 and 34 and 48. Can you tell me
11 what those were and why they were collected?

12 A. Number 48B, as in "boy"?

13 Q. Yes, sir.

14 A. Those were the two mini-blinds control
15 rods that were seen laying in the master
16 bedroom floor.

17 Q. So they would have been down in this
18 area, down here in State's 299?

19 A. I can't see that.

20 Q. I'm sorry, sir.

21 A. Approximately.

22 Q. That was 48. If you could tell me about
23 32, 33 and 34.

24 A. 32 was a sheet that was in the bedroom
25 where the coffee table was found.

1 Q. That would be depicted in State's 299 by
2 that odd shaped triangle?

3 A. Yes.

4 Q. Is that fair to say?

5 A. Yes, sir.

6 Q. How about 33?

7 A. 33 are magazines. They were from the
8 master bedroom.

9 Q. Okay.

10 A. And they were collected to show that they
11 were the same magazine types that I had found
12 outside.

13 Q. So the magazines collected were of a
14 similar nature to the ones -- the two
15 magazines you had found in the green trashcan?

16 A. That's correct.

17 Q. And then 34, I believe, was an item
18 collected from the chair?

19 A. 34 was a piece of denim. Since there was
20 denim found in the trashcan when we went
21 through it, I collected that just to try to
22 cover all the bases.

23 Q. Again, you want to be thorough, and
24 that's what you all were trying to do, was to
25 collect as much evidence, because it would

1 later be analyzed; is that a fair statement?

2 A. That's what we were attempting to do.

3 Q. Sure. In that regard, you mentioned
4 magazines, I think earlier you were talking an
5 *Elle* magazine, correct, that had an apparently
6 shoeprint on it?

7 A. That's the one we looked at earlier?

8 Q. Correct. That was an *Elle* magazine. And
9 then you were also talking about a *Shape*
10 magazine that had the tip of a broom handle in
11 it that was covered with some fecal material.

12 A. Yes.

13 Q. And that broomstick handle was found in
14 the *Shape* magazine; is that correct?

15 A. The *Shape* magazine; correct.

16 Q. So it was your testimony earlier -- I
17 know the Solicitor was kind of asking you
18 about mostly the *Elle* magazine and the *Shape*
19 magazine at the same time. But if you had
20 testified that the broomstick handle was in
21 the *Elle* magazine, I just want to make sure
22 you corrected that. The broomstick handle was
23 actually in the *Shape* magazine; is that fair
24 to say?

25 A. Let me check, (reviewing notes). I want

1 to be thorough about that.

2 Q. I understand. You take your time. I
3 want you to be thorough, as well, Sergeant.

4 A. Can I examine those magazines? Can I
5 look at them?

6 Q. Can you look at them?

7 A. Yes, sir.

8 Q. Yes, sir, absolutely. Let me hand you
9 what's marked as State's Exhibit 217, the *Elle*
10 magazine and State's 222, the *Shape* magazine.

11 A. That piece of plastic (State's Exhibit
12 223), the 8A-10-B.2, that would be the *Shape*
13 magazine.

14 Q. Correct. That's correct. I wanted to
15 make sure that we're talking about the right
16 magazine. I just want to make sure that we
17 get the record correct. I appreciate you
18 being thorough.

19 Now after you collected the material --
20 lastly, let me ask you there was also some
21 shoeprint evidence. In fact, the *Elle Girl*
22 magazine, was there now some shoeprint
23 evidence collected from the kitchen floor of
24 the empty apartment, E-4, I believe your item
25 number is 3A.

1 A. There was some powder impression on the
2 floor which Mike Sherman actually put some
3 dust on it to make it visible.

4 Q. Yes, sir.

5 A. And lifted it with a large lifter.

6 Q. So those shoeprint patterns were lifted
7 from the floor, in your item number 3A. And
8 the location of that, is it fair to say, this
9 State's 298, is in the area of item 10A?

10 A. We're talking about item 3A being lifted.

11 Q. On your diagram it says two items. And
12 298 is 3A, the shoeprint lifted from the
13 kitchen floor, right above 10A.

14 A. It would be right in this area --
15 (indicating). Did you say 10A?

16 Q. Yes, sir.

17 A. Right up in that area, right around that
18 area there (indicating).

19 Q. And those shoeprints were submitted to
20 SLED; correct?

21 A. They were transported to SLED.

22 Q. Let me just back up a minute in that
23 regard. Those shoeprints would have been
24 submitted -- when we're talking about the
25 shoeprints above 10A in the kitchen -- would

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1 have been submitted to SLED on October 10th of
2 2006; correct?

3 A. No, sir, that would be on 11/9/07.

4 Q. I believe that would have been on
5 11/9/07?

6 A. (Affirmative nod).

7 Q. Okay. Thank you for correcting me on
8 that. Your item 3A which is on the chart
9 which you've identified was just above 10A was
10 submitted to SLED on 11/9/07?

11 A. That was the additional evidence I took
12 up on that date.

13 Q. The shoeprint from the *Elle* magazine was
14 also sent to SLED on October 2006 or November
15 2007?

16 A. I personally took it. That was
17 additional evidence on 11/9/07.

18 Q. Okay, so in November '07. And all these
19 blood swabs that you and your other crime
20 scene tech agents took from both apartments,
21 from outside and on the trashcan went up to
22 SLED in October 2006; is that fair to say?

23 A. On the first submission, with Mike
24 Sherman?

25 Q. Yes, sir.

1 A. He took these exhibits.

2 Q. And that was for the purpose of DNA?

3 A. It was for DNA analyses.

4 Q. Because you had presumptive blood tests
5 on those items?

6 A. Right, that is why those stains were
7 collected.

8 Q. Right. Now, let's just go back a minute
9 and get to the one item I left out. Going
10 back to State's Exhibit 299, the occupied
11 apartment, E-3, if we could go back to the
12 items found in the bathroom, which were some
13 sneakers and clothing. Do you recall that?

14 A. Yes, I do.

15 Q. Let me show you State's Exhibit 60. Is
16 that a photo of what you or your crime scene
17 techs collected?

18 A. Yes, sir.

19 Q. And is State's Exhibit 62 a little bit
20 closer photograph?

21 A. That's a closer photograph.

22 Q. Okay.

23 A. You can see that the pants there, where
24 Placard 35 is.

25 Q. Yes, sir.

1 A. We had moved them further up so you can
2 see that there were a second shoe there.

3 Q. Let me show you what is marked as State's
4 Exhibit 262. Are these the black Nike
5 sneakers that are depicted in that photograph?

6 A. Yes, sir, they are.

7 Q. What size are those shoes, please, sir?

8 A. By U.S. standards, it says nine.

9 Q. Do those appear to be ladies sneakers or
10 women's sneakers by their size?

11 A. I couldn't say.

12 Q. Thank you, sir. The work clothes that
13 those shoes were found with, is it fair to say
14 those were McDonald's work clothes?

15 A. At least the shirt was. It had the
16 McDonald's logo on the chest.

17 Q. There was a McDonald's logo on the chest
18 of that work shirt?

19 A. Yes, sir.

20 Q. So they seemed to be a uniform and
21 possibly uniform pants as well?

22 A. Correct.

23 Q. To be fair to you, sir, at the time this
24 evidence was collected you didn't know
25 anything about Selena Rouse or where she

1 worked, or Armon Dickerson, her boyfriend, or
2 nothing like that?

3 A. I had no knowledge of that.

4 Q. You were just there to collect the
5 evidence and process it and preserve it.

6 A. To do that at the crime scene at that
7 time, yes.

8 Q. You were aware at the time or the
9 Charleston Police Department was aware that
10 the apartment you'all were searching, E-3, had
11 been rented to a Selena Rouse. Were you aware
12 of that?

13 A. I believe the detective stated when he
14 brought the search warrant that is who was on
15 the Lease. Correct.

16 Q. And you were aware or did you know that
17 Selena Rouse's boyfriend that lived there with
18 her was Armon Dickerson?

19 A. Only later on did I find out his name.

20 Q. Let me go back and ask you -- the
21 Solicitor asked you some questions about some
22 fingerprints. And is it fair to say, first
23 off, all the blood evidence and potential DNA
24 evidence was submitted to the SLED lab in
25 Columbia because SLED does DNA testing; is

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1 that fair to say?

2 A. They do the DNA lab.

3 Q. The Charleston Police Department doesn't
4 do DNA testing?

5 A. No.

6 Q. And the shoeprint information from both
7 the magazine and the shoeprint taken from the
8 empty kitchen on the floor of Apartment E-4
9 were also sent to SLED for shoeprint
10 comparison; correct?

11 A. Correct.

12 Q. I think your questions and responses to
13 Mr. Durant was something about a foot
14 comparison. But what we're talking about in
15 that regard are shoeprint comparisons?

16 A. Shoe impressions.

17 Q. Right. Not bare feet?

18 A. Not bare feet. No.

19 Q. I wanted to clear that up. Next,
20 Charleston Police Department itself has done
21 the fingerprint comparison; is that fair to
22 say?

23 A. We have an AFIS office that that's all it
24 does; actually does fingerprint comparison.

25 Q. And when you say AFIS, that's a computer

1 system whereby law enforcement can submit a
2 fingerprint and see if they get a hit back on
3 it belonging to somebody in their system.

4 A. I know a little bit about it, it is
5 called AFIS, Automatic Fingerprint
6 Identification System. They kind of narrow
7 down the field.

8 Q. Sure. That's a good law enforcement
9 technique.

10 A. Excuse me?

11 Q. To help you identify potential suspects;
12 correct?

13 A. (Affirmative nod), a lot of times.

14 Q. And in this case you got a hit back from
15 the mini-blinds that you found belonging to
16 Armon Dickerson.

17 A. I was made aware that positive matches
18 were made on the mini-blinds.

19 Q. And you don't -- well, I shouldn't say
20 "you", so let me rephrase. Law enforcement
21 doesn't just then rely on AFIS. You have
22 agents at the Charleston Police Department who
23 then go and manually examine those
24 fingerprints to see if they do match with a
25 particular person.

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1 A. Just from my understanding from talking
2 with agents that are part of the forensic
3 unit, that's just a tool. They actually do
4 the examination one-on-one with the prints,
5 latents that are recovered.

6 Q. Right. And are you aware, or if you
7 know, did Armon Dickerson's fingerprints were
8 found by your agents from the Charleston
9 Police Department on a number of places other
10 places than the mini-blinds?

11 A. I was aware they were found on all four
12 mini-blinds.

13 Q. In fact, there was a potential print in
14 blood but that was not able to be identified;
15 is that fair to say?

16 A. Could you be specific where that print
17 was?

18 Q. Thank you, sir, because I wasn't. I
19 appreciate you being careful with me. There's
20 also in addition to the Armon Dickerson
21 fingerprint found on the mini-blinds, a
22 potential fingerprint in blood on the mini-
23 blinds but that was not sufficient for
24 identification; is that fair to say?

25 A. I could not answer that question.

1 Q. If you can't, that's fine. A fingerprint
2 belonging to Armon Dickerson was also found on
3 the Shape magazine, the same one where the
4 broomstick was found; is that fair to say, by
5 your department?

6 A. Yes.

7 Q. And lastly, the evidence that's been
8 introduced -- and I do not have the exhibit
9 number right now -- was a broken glass that
10 was found in the trash can. Do you remember
11 that, sir?

12 A. Broken glass.

13 Q. In your report it should be Item 8A-
14 9.A.1, a drinking glass, a broken drinking
15 glass.

16 A. 8A9A, a broken glass?

17 Q. Yes, sir.

18 A. That came from the trashcan.

19 Q. That came from the trashcan. And Armon
20 Dickerson's fingerprints were also on that as
21 found by your agency; is that correct?

22 A. That I'm not aware of.

23 Q. And those fingerprints were submitted and
24 your agency issued a report in that regard on
25 March 21st of 2006; is that fair to say?

1 A. Are you speaking from our AFIS office?

2 Q. From your fingerprint office?

3 A. I could not answer that.

4 Q. To be fair to you -- and I'm not trying
5 to trick you, you have separate offices or
6 agents with your police department that do the
7 actual fingerprint analysis; is that correct?

8 A. Yes, they are in a totally different
9 office.

10 Q. I believe those are Agents Butler and
11 Munson?

12 A. Knutson.

13 Q. Thank you for correcting me. Those two
14 agents ---

15 A. Yes.

16 Q. So you don't have firsthand knowledge of
17 that. They would be responsible for that?

18 A. Once they collect the stuff -- once they
19 do all the legwork and reporting, usually
20 they'll tell the detectives what's going on.

21 Q. And next in that regard -- and I should
22 have asked you this before -- do you still
23 have the black Nike sneakers up there?

24 A. I believe I gave them back to you.

25 Q. Those black Nike sneakers that you

1 testified about were size nine. They're the
2 ones that I believe you testified you did a
3 presumptive blood test that came back
4 presumptive for blood on the side of one of
5 these sneakers?

6 A. On the side of one and on the sole of the
7 other.

8 Q. And that was information that you
9 collected on Thursday, March the 9, or
10 Saturday, March 11th; those two?

11 A. The shoes?

12 Q. Yes, sir.

13 A. We collected them on the date when the
14 deceased was found.

15 Q. So Thursday, March 9th?

16 A. On the 9th they were collected.

17 Q. Okay.

18 A. And during that period after I took them
19 back to the office I had to process all this
20 evidence, which was, as you can see, numerous.

21

22 Q. It is.

23 A. And it took several days to dry. When I
24 got it out of the locker, whenever I collected
25 those blood samples that would be on the swab.

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1 Q. Can you tell us what date that was, or
2 would it help you if I found the envelope with
3 the actual swab collected?

4 A. If I could see that envelope that's
5 connected with that evidence, that will help
6 me out tremendously.

7 Q. That's 263 and 264. Is that correct?

8 A. Yes.

9 Q. If you'll give me a minute, sir. So let
10 me hand you 263 and 264 and ask if you -- if
11 those are the swabs of what appear to be blood
12 that you took from those black Nike sneakers
13 found in the upstairs bathroom. First let me
14 just ask you if those are the swabs identified
15 with those sneakers?

16 A. These are the swabs identified earlier by
17 me. And the date that these were collected
18 from the shoes was 3/17.

19 Q. So on March 17th of 2006, you identified a
20 presumptive blood test from two swabs on those
21 sneakers, the black Nike sneakers?

22 A. Yes, sir. While examining the shoes
23 seeing what I thought might be blood, it did
24 test positive or presumptive.

25 Q. And then those swabs and those black Nike

1 sneakers were submitted to SLED on November
2 9th of 2007.

3 A. Yes, sir.

4 Q. Along with the shoeprints from the
5 kitchen area of the empty apartment?

6 A. With those items that I designated as 3A.

7 Q. Yes, those items designated as 3A. Those
8 also went to SLED on November 9th, 2007.

9 A. November 9th, 2007, correct.

10 Q. And to be fair, the sneakers that William
11 Dickerson were wearing when he was arrested,
12 which are your items 3E and 4E were also sent
13 to SLED on November 9th of 2007.

14 A. Yes, that was the additional evidence
15 that was taken up on 11.

16 Q. And he was arrested on March 11th of 2006;
17 correct?

18 A. I could not be specific.

19 Q. All right, sir. Well, let me ask you
20 this. When he was arrested was his clothing
21 also secured, to your knowledge, in the
22 evidence room at the Charleston Police
23 Department?

24 A. I was not -- because that happened in
25 North Charleston.

1 Q. Okay.

2 A. I'm not sure what happened subsequent to
3 the arrest.

4 Q. All right. Let me ask it this way. When
5 a defendant is arrested, if it's determined by
6 the arresting officer, investigator or other
7 law enforcement agents that the clothes the
8 defendant is wearing may have evidentiary
9 value, those clothes are usually seized right
10 at the time of the arrest. Is that fair to
11 say?

12 A. Yes, sir.

13 Q. And the normal routine is once those
14 clothes are seized, they're placed with an
15 evidence custodian at the Charleston Police
16 Department evidence room. Is that the routine
17 procedure?

18 A. Provided no direct processing needs to be
19 done to any of it.

20 Q. And that's because the clothes the
21 defendant is wearing may have some evidentiary
22 value; is that fair to say?

23 A. (Affirmative nod), it's possible.

24 Q. But you didn't collect any of that
25 evidence or take it to the evidence facility.

1 That would be a different agent with law
2 enforcement who did that, to your knowledge.

3 A. To my knowledge, there would be an
4 evidence tag for each item.

5 Q. And when all these items go to SLED for
6 examination, whether it is shoe prints for
7 examination or DNA, all those items go
8 directly from the Charleston Police Department
9 and are hand-delivered to SLED; correct?

10 A. They're hand-delivered by somebody from
11 the crime scene section. Usually, it's
12 Sherman from the first division and me in the
13 second.

14 Q. And then what's also taken to SLED in
15 that process, whether it was on October '07 or
16 November '07 are DNA samples from the possible
17 suspects in the case; is that correct? Well,
18 wait a minute. I asked two questions.

19 THE COURT: Hold on a second.
20 Let's take a break at this point, Mr. Bloom.

21 MR. BLOOM: I am getting ready to
22 wrap up.

23 THE COURT: I thought you were, but
24 I don't want to hurry you. But let's go ahead
25 and let the jury take a break.

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1 I'll let you go to your jury room.

2 Do not begin your deliberations. We'll be
3 with you in about ten minutes.

4 I'm sorry, Mr. Bloom for
5 interrupting you

6 MR. BLOOM: Not at all.

7 (JURY OUT @ 4:08 P.M.)

8 THE COURT: Anything from the State
9 before we recess, Solicitor?

10 SOLICITOR WILSON: No, sir.

11 THE COURT: Anything from the
12 defendant?

13 MR. BLOOM: No, sir.

14 THE COURT: Thank you very much.

15 Mr. Hood, while we have this break I'll ask
16 that you not have any conversation with any of
17 the lawyers. Thank you. We'll be at ease.

18 (BRIEF RECESS 4:08 - 4:25 P.M.)

19 THE COURT: Is the State ready to
20 continue, Solicitor?

21 SOLICITOR WILSON: Yes, sir.

22 THE COURT: Let the record reflect
23 that Mr. Dickerson is present. Let's bring in
24 our jury panel, please.

25 (JURY IN @ 4:26 P.M.)

1 THE COURT: Thank you very much,
2 ladies and gentlemen. Please be seated.
3 We're ready to continue.

4 Thank you, Mr. Bloom. You may continue your
5 examination.

6 MR. BLOOM: Thank you, Your Honor.

7 CROSS EXAMINATION CONTINUED

8 BY MR. BLOOM:

9 Q. Sergeant, I don't have too much more to
10 ask you. Just so that we're clear, the
11 majority of these slides and other blood and
12 DNA evidence which was taken to SLED in
13 October 2006; is that fair to say?

14 A. The first submission?

15 Q. Yes, sir, first submission.

16 A. Yes, sir.

17 Q. And then I believe January of '07 a swab
18 or some more swabs had also been submitted; is
19 that fair to say?

20 A. Are you talking to SLED, sir?

21 Q. Yes, sir.

22 A. I could not answer that question, because
23 I was not the one who actually transferred it.

24 Q. Okay. Then in November of 2007 some
25 additional items were taken, including the

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- 1 footwear impressions which were in the empty
2 kitchen where the decedent was found, E-4;
3 correct?
4 A. Yes, sir. 11/9/07.
5 Q. And that was on 11/9/07?
6 A. (Affirmative nod).
7 Q. And also on that same date of 11/9/07 was
8 the black Nike shoes you've identified that
9 had blood on them; right?
10 A. Right.
11 Q. Would it also be fair that Mr.
12 Dickerson's shoes were submitted at that time?
13 A. The right and left shoe of Mr. Dickerson;
14 yes.
15 Q. Of course, if they had been taken from
16 him, that information you don't know --
17 whether that was done by another agent or not;
18 would that be fair to say?
19 A. Uh, -- (pause).
20 Q. William Dickerson's shoes?
21 A. Correct, at that time of arrest.
22 Q. Also taken in November of 2007 was the
23 *Elle* magazine that had a shoeprint impression
24 on it; right?
25 A. The *Elle* magazine; yes, sir.

1 Q. And in March of this year Mr. Dickerson's
2 shoes were resubmitted to SLED for more
3 testing; is that correct?

4 A. March.

5 Q. Right. Of this year, correct?

6 A. Of '09, (affirmative nod). Yes, sir.

7 Q. And, of course, then in January of 2008,
8 if you know, is when SLED issued its first DNA
9 report or transmitted some information in that
10 regard back to your agency; is that fair to
11 say? Do you know?

12 A. I'm not aware of any of the SLED results.

13 Q. And you're not aware of the dates that
14 their reports came back?

15 A. No, sir, I am not.

16 Q. Fair enough. But along with these
17 submissions, at some point in time, a DNA
18 sample was submitted from Mr. Dickerson, Mr.
19 William Dickerson, to SLED; correct?

20 A. As a standard?

21 Q. Yes, sir.

22 A. You're talking about the buccal swab?

23 Q. Right.

24 A. Correct.

25 Q. When we say a "standard", when SLED gets

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1 all these items to compare for DNA they need
2 something to compare it to; correct?

3 A. They need a known standard to compare it
4 to; correct.

5 Q. So at some point in time a known DNA
6 standard from William Dickerson to be
7 submitted to SLED for comparison with these
8 items?

9 A. Right.

10 Q. And subsequently, in that vein, so were
11 known standards from Armon Dickerson; correct?

12 A. Correct.

13 Q. And his girlfriend, now wife, Selene
14 Rouse?

15 A. Selene Rouse, correct.

16 Q. And also Rashid Malik, correct?

17 A. Yes.

18 Q. As well as that of the decedent, Gerard
19 Roper; correct?

20 A. That's correct.

21 Q. And the results of all that, of course
22 you don't have that information. That will
23 come from the SLED agent who did the DNA and
24 other testing; correct?

25 A. It goes from the SLED agent to the

1 detective in charge of the case.

2 Q. Right. Lastly, going back to the
3 fingerprint evidence -- I forgot to ask you
4 one question. Of all the items that you and
5 your agents collected fingerprint evidence, no
6 fingerprints came back and matched William
7 Dickerson's in this case whatsoever; isn't
8 that correct?

9 A. To my knowledge, I have not heard that.

10 Q. Thank you, Sergeant. I take that as a
11 "no".

12 A. (No verbal response).

13 Q. Nothing matched Mr. William Dickerson's
14 fingerprints; correct?

15 A. I can't emphatically say "yes" or "no"
16 because I haven't seen all the agency reports.

17 Q. To your knowledge, none of the
18 fingerprints ---

19 A. To my knowledge, none of them did.

20 Q. Thank you, sir.

21 THE COURT: Redirect.

22 BRUCE DURANT: Just a couple on
23 redirect.

24 REDIRECT EXAMINATION

25 BY BRUCE DURANT:

1 Q. I just want to be clear. You said
2 "emphatically" -- and I just want to be clear
3 what you mean by that, what you collected as
4 opposed to being collected by other people.
5 Can you step down for a second?

6 A. (Complies).

7 Q. And I believe you previously testified
8 that you collected a swab under the body; is
9 that correct?

10 A. Yes, I did.

11 Q. And these are off the air-conditioner
12 that you took?

13 A. Yes, sir.

14 THE COURT: Please keep your voice
15 up, Sergeant Hood. I can't hear you.

16 THE WITNESS: Okay.

17 REDIRECT EXAMINATION CONTINUED

18 BY BRUCE DURANT:

19 Q. The things from the garbage can?

20 A. Those are the things from the garbage
21 can.

22 Q. And several things were processed, taken
23 to SLED; is that correct?

24 A. Correct.

25 Q. Anything else downstairs that you recall?

1 A. In which apartment?

2 Q. In either apartment.

3 A. As far as I collected?

4 Q. Yes.

5 A. Blood-wise evidence or DNA evidence?

6 Q. Yes, right.

7 A. No, sir.

8 Q. That was State's 298 and moving on to

9 State's 299. You took the soap and a swab

10 from the soap; is that correct?

11 A. The soap and a swab from the soap;

12 correct.

13 Q. Where was that located?

14 A. That was located at the head of the steps

15 in E-3.

16 Q. Right in that area?

17 A. That bag was hanging on that doorknob to

18 that linen closet.

19 Q. How about these items here, 50, 51B and

20 52?

21 A. That was collected on the 11th. I didn't

22 collect that.

23 Q. Those are the actual items you collected?

24 A. Correct, on the window sill and the

25 window.

1 Q. You can resume your seat. Thank you,
2 sir.

3 A. (Resumes witness stand).

4 Q. With regard to the -- what time did you
5 get to the scene, Sergeant Hood?

6 A. Approximately 8:10 in the morning.

7 Q. And do you know how many law enforcement
8 officers from the Charleston County Sheriff's
9 Office had been in the kitchen of Apartment E-
10 4?

11 A. At that time I did not know that a County
12 officer had responded before I got there.

13 Q. But you are aware of that?

14 A. I am aware that one did, yes.

15 Q. Are you aware of how many Charleston
16 Police Department officers had been in the
17 kitchen to Apartment E-4 before you'all
18 arrived to process the scene?

19 A. I'm not quite sure about our Charleston
20 officers, how many.

21 Q. Are you aware of how many tenants might
22 have come to look at that apartment prior to
23 the footprints being left in Apartment E-4?

24 A. To my knowledge there was one tenant who
25 had looked at that apartment initially.

1 Q. But if a footprint's on the floor, how
2 long can it stay on the floor?

3 A. It varies depending on conditions. It
4 could be there a short period of time or it
5 could be there a long period of time.

6 Q. A couple of questions on these black Nike
7 shoes. Remove those (from the bag) if you
8 would and show the jury where you collected
9 the blood stains on those shoes?

10 A. The blood swabs that I actually
11 collected?

12 Q. Yes. Exhibit 293 and 294.

13 A. On this shoe here, this is going to be
14 the Nike Elite left shoe.

15 Q. Right.

16 A. I do know for sure, because I had marked
17 with some white out around that area where I
18 collected that, so I could be sure exactly
19 where that spot of blood came from on that
20 shoe.

21 Q. So it came from the bottom of that shoe?
22 How about the other shoe?

23 MR. BLOOM: 263 and ---

24 BRUCE DURANT: Mr. Bloom, can you
25 remember where you laid them down when you had

1 them? I'm buried in my own evidence up here.

2 THE WITNESS: I've got them up
3 here. I'm sorry. The other one came from the
4 right inside sole -- inside of the left shoe,
5 which would be this one here. And it was
6 someplace in here, right in here (indicating).

7 REDIRECT EXAMINATION CONTINUED

8 BY BRUCE DURANT:

9 Q. Was it in an area where it could have
10 been deposited by walking on the floor?

11 A. On this shoe here?

12 Q. Yes.

13 A. No.

14 Q. Pardon?

15 A. On the left shoe?

16 Q. Yes.

17 A. I would say no.

18 Q. How about the right one?

19 A. The one on the sole of the shoe I would
20 say possibly. The one that came off the side,
21 I could not specifically say.

22 Q. As Mr. Bloom said, you'all try to be
23 accurate and thorough; is that correct?

24 A. Yes, sir.

25 Q. But you'all are human and you miss

1 things?

2 A. Yes, sir.

3 Q. And what did you miss in this case?

4 A. As far as DNA evidence?

5 Q. As far as what was found in the attic
6 three years later?

7 A. There were two pistols.

8 Q. The ones you've previously identified?

9 A. Yes, sir.

10 Q. Found in the attic three years after the
11 fact.

12 A. That's correct.

13 Q. You previously mentioned when the crime
14 scene video was played that you'all never
15 looked in the those black bags that were in
16 the closet; is that correct?

17 A. That is correct.

18 BRUCE DURANT: Thank you, sir.

19 I have nothing further.

20 THE COURT: Recross?

21 MR. BLOOM: No further questions,
22 Your Honor.

23 MR. COURT: Thank you, Mr. Hood.
24 You may come down.

25 THE WITNESS: Your Honor, may I

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1 leave?

2 THE COURT: You may step down. Do
3 you wish the witness to be excused?

4 BRUCE DURANT: I would ask that he
5 be excused, Your Honor.

6 THE COURT: Any objection?

7 MR. BLOOM: No, sir.

8 THE COURT: Sergeant Hood, you are
9 free to leave also. Thank you, sir.

10 (WITNESS EXCUSED)

11 BRUCE DURANT: The State would call
12 Jeff Miller.

13 (WITNESS TAKES STAND)

14 JEFFREY MILLER, being duly sworn to
15 tell the truth, the whole truth and nothing
16 but the truth, testified, as follows:

17 DIRECT EXAMINATION

18 BY MR. DURANT:

19 Q. Good afternoon, Mr. Miller. Would you
20 tell us where you are employed?

21 A. Charleston City Police Department.

22 Q. And how long have you been with the City?

23 A. Twenty-three years and four months.

24 Q. You're a crime scene tech with them; is
25 that correct?

1 A. Correct.

2 Q. How long have you been doing that?

3 A. I started with crime scene in September
4 of 1994.

5 Q. As a crime scene investigator with the
6 City did you have the occasion to respond to
7 3 Road, Apartment E-3 on ---

8 A. Yes, I did.

9 Q. --- on March 9th of 2006?

10 A. Yes.

11 Q. And what did you do at Apartment E-3?

12 A. I was called to help with the collection
13 of some blood evidence that was inside the
14 apartment.

15 Q. And was that the apartment where the body
16 of Gerard Roper was located or the other one?

17 A. It was the one next to it.

18 Q. And how did you go about collecting the
19 blood evidence in Apartment E-3?

20 A. We started at the back door on the
21 outside, the storm door. We visibly could see
22 blood. We did presumptive tests just to see
23 if it was positive or not.

24 Q. Then worked your way inside from there?

25 A. Correct.

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1 Q. With regard to the swabs, the blood swabs
2 you collected that day, what did you do with
3 them after you collected them?

4 A. After each sample was taken, at the time
5 a swab was done it was placed in a box and
6 sealed.

7 Q. And turned over to Sergeant Hood?

8 A. Yes.

9 Q. Mr. Miller, I'm going to ask you to
10 identify some items, if you would, please,
11 sir.

12 Mr. Miller, I'm going to ask you to come
13 on down here. Here's a (laser) pointer.

14 And if you need your notes, you're
15 welcome to get them. That'll work right where
16 you are.

17 Let's start with State's Exhibit Number
18 243, if you would. Could you tell me what
19 that item is, and if you would refer to the
20 diagrams previously marked as State's Exhibits
21 299 and 298 and just show us where you
22 collected that sample from.

23 A. This would be a blood swab that came from
24 right here on the outside of the apartment on
25 the storm door.

1 Q. And this is State's Exhibit 17? What
2 does that depict?

3 A. That's the outside of the storm door.

4 Q. And moving to State's Exhibit Number 18.

5 A. That's just a closeup showing the blood
6 spots.

7 Q. Could you back it back up to 18 again.
8 How many blood spots were on that door?

9 A. I saw two.

10 Q. Could you point them out to the jury with
11 your laser pointer, please?

12 A. (Indicating), that's one and then there's
13 another one down below.

14 Q. Moving on to State's Exhibit Number 19.

15 A. This is a photograph of a number
16 corresponding to the swab of blood spots.

17 Q. And did you use the same process that Mr.
18 Hood testified to earlier, about using a
19 sterile swab and a box and all that; correct?

20 A. Correct.

21 MR. DURANT: Your Honor, at this
22 time we would offer State's 243 into evidence.

23 THE COURT: Any objection?

24 MR. BLOOM: No, sir.

25 THE COURT: State's 243 is admitted

1 without objection.

2 (SO ENTERED AS STATE'S EXHIBIT 243)

3 DIRECT EXAMINATION CONTINUED

4 BY MR. DURANT:

5 Q. Next, I hand you State's 4B and, if you
6 would, show us once again on this board where
7 you collected it.

8 A. 4B was also on the outside of the storm
9 door, from right here.

10 Q. That would be the lower blood stain we
11 saw?

12 A. (Affirmative nod), below the door handle.

13 MR. DURANT: We would offer State's
14 244 into evidence, Your Honor.

15 MR. BLOOM: No objection.

16 THE COURT: Without objection,
17 State's 244 is admitted.

18 (SO ENTERED AS STATE'S EXHIBIT 244)

19 DIRECT EXAMINATION CONTINUED

20 BY MR. DURANT:

21 Q. What is the exhibit number on that one,
22 Mr. Miller?

23 A. 24

24 Q. Would you tell us what that is and where
25 it came from?

1 A. This is marked as 5B. This is from here
2 (indicating), which is the laundry room door.

3 Q. Do we have a photo of 5A? Can you back
4 it up one? Can you observe the blood stain?

5 A. Yes, you can.

6 Q. It is right there on that tile?

7 A. Yes.

8 Q. And that's in what part of the -- that's
9 in the laundry area, going outside?

10 A. That's going in this direction into the
11 laundry room.

12 Q. But it's actually inside the laundry
13 room; is that correct?

14 A. Yes.

15 MR. DURANT: Your Honor, we would
16 offer State's 245 into evidence.

17 MR. BLOOM: No objection.

18 THE COURT: Without objection, 245
19 is admitted.

20 (SO ENTERED AS STATE'S EXHIBIT 245)

21 DIRECT EXAMINATION CONTINUED

22 BY MR. DURANT:

23 Q. 6B?

24 A. 6B was from inside the laundry room on
25 the door.

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1 Q. Do we have a photograph? If you could
2 point it out.

3 A. Right above the dead bolt, this area
4 right here.

5 Q. And the next photo, please.

6 MR. DURANT: Your Honor, we would
7 offer State's 246 into evidence.

8 THE COURT: Any objection?

9 MR. BLOOM: No objection, Your
10 Honor.

11 THE COURT: 246 is admitted.

12 (SO ENTERED AS STATE'S EXHIBIT 246)

13 DIRECT EXAMINATION CONTINUED

14 BY MR. DURANT:

15 Q. State's 7B.

16 A. 7B was taken right off the laundry room
17 door. The laundry room door is here and 7B
18 was taken off of that. The photo is showing
19 the blood spots.

20 Q. Next photograph, please.

21 MR. DURANT: We'd offer State's 247,
22 Your Honor.

23 MR. BLOOM: No objection.

24 THE COURT: Without objection, 247
25 is admitted.

1 (SO ENTERED AS STATE'S EXHIBIT 247)

2 DIRECT EXAMINATION CONTINUED

3 BY MR. DURANT:

4 Q. 8B?

5 A. 8B was taken off the kitchen counter near
6 the microwave oven. It would have been inside
7 this area right here.

8 Q. Is it depicted up there?

9 A. It would be the stain right there,
10 between the microwave and the stove.

11 Q. Could we have the next photo, please?

12 MR. DURANT: Your Honor, we would
13 offer State's 248 into evidence.

14 MR. BLOOM: No objection.

15 THE COURT: Without objection, 248
16 is admitted.

17 (SO ENTERED AS STATE'S EXHIBIT 248)

18 DIRECT EXAMINATION CONTINUED

19 BY MR. DURANT:

20 Q. 9B?

21 A. 9B was taken from the ceiling which is
22 this area here (indicating), between the
23 kitchen table and the back window.

24 Q. This is the ceiling area there?

25 A. Yes, this is the ceiling.

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1 Q. And you can see the ceiling, then the
2 wall?

3 A. Correct.

4 Q. Where is that in relation to the dining
5 area?

6 A. The way we're facing now, if you just
7 went straight down that would be it.

8 MR. DURANT: Your Honor, we would
9 offer 249.

10 MR. BLOOM: Without objection.

11 THE COURT: 249 without objection
12 is admitted.

13 (SO ENTERED AS STATE'S EXHIBIT 249)

14 DIRECT EXAMINATION CONTINUED

15 BY MR. DURANT:

16 Q. 10B?

17 A. 10B was taken from the chair that was
18 inside the kitchen. 10B was also one of the
19 chairs which was close to the kitchen table.
20 You can see right in this area right here
21 there were several blood spots on the chairs.

22 Q. Could we have the next photograph,
23 please?

24 MR. DURANT: We would offer State's
25 250, Your Honor.

1 MR. BLOOM: No objection.

2 THE COURT: Without objection, 250
3 is admitted.

4 (SO ENTERED AS STATE'S EXHIBIT 250)

5 DIRECT EXAMINATION CONTINUED

6 BY MR. DURANT:

7 Q. 11B.

8 A. 11B is from -- on the diagram it shows it
9 on this corner of the room, but it was
10 actually this corner right here. And on this
11 photograph here, it would be the spot right
12 there.

13 MR. DURANT: The State would offer
14 251.

15 MR. BLOOM: No objection.

16 THE COURT: Without objection 251
17 is admitted.

18 (SO ENTERED AS STATE'S EXHIBIT 251)

19 DIRECT EXAMINATION CONTINUED

20 BY MR. DURANT:

21 Q. 12B.

22 A. 12B was taken from the bathroom wall,
23 downstairs bath. 12B was right here, right on
24 the corner of the wall. On this photograph
25 it's right in there.

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1 MR. DURANT: State would offer 252,
2 Your Honor.

3 MR. BLOOM: No objection.

4 THE COURT: Without objection, 252
5 is admitted.

6 (SO ENTERED AS STATE'S EXHIBIT 252)

7 DIRECT EXAMINATION CONTINUED

8 BY MR. DURANT:

9 Q. 14B

10 A. 14B, this is the hallway that leads from
11 the living room back toward the kitchen. 14B
12 was taken off this wall right here.

13 Q. It's depicted on the screen?

14 A. That's correct.

15 MR. DURANT: We would offer 253,
16 Your Honor.

17 MR. BLOOM: No objection.

18 THE COURT: Without objection, 253
19 is admitted.

20 (SO ENTERED AS STATE'S EXHIBIT 253)

21 DIRECT EXAMINATION CONTINUED

22 BY MR. DURANT:

23 Q. 15B,

24 A. 15B was taken off the air-conditioning
25 thermostat which is right here on this wall

1 between the door to the bathroom and this area
2 where the furnace was. It was from right
3 here.

4 MR. DURANT: State would offer 254.

5 MR. BLOOM: No objection.

6 THE COURT: Without objection, 254
7 is admitted.

8 (SO ENTERED AS STATE'S EXHIBIT 254)

9 DIRECT EXAMINATION CONTINUED

10 BY MR. DURANT:

11 Q. 16B, and State's Exhibit Number 255.

12 A. 16B was taken off the wall in the living
13 room, which would be right back here -- on
14 this side of the living room. You can see in
15 the photo, it was taken from this area right
16 in here.

17 Q. Could we have the next photograph,
18 please? There's also blood on the ceiling in
19 that area; is that correct?

20 A. That's correct.

21 Q. And you didn't attempt to swab every drop
22 of blood in the place; did you?

23 A. No.

24 MR. DURANT: This would be State's
25 Exhibit 255 we would offer at this time, Your

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1 Honor.

2 MR. BLOOM: No objection.

3 THE COURT: Without objection, 255
4 is admitted.

5 (SO ENTERED AS STATE'S EXHIBIT 255)

6 DIRECT EXAMINATION CONTINUED

7 BY MR. DURANT:

8 Q. 17B.

9 A. 17B was taken from the stairwell to go up
10 the stairs to the second floor to your right
11 on the wall there was a stain that you can see
12 in that picture. It was taken from this area
13 right here.

14 MR. DURANT: We would offer 256,
15 Your Honor.

16 MR. BLOOM: No objection.

17 THE COURT: Without objection, 256
18 is admitted.

19 (SO ENTERED AS STATE'S EXHIBIT 256)

20 DIRECT EXAMINATION CONTINUED

21 BY MR. DURANT:

22 Q. Finally, 18B.

23 A. 18B was taken off the coffee table that
24 was in -- it was on the second floor inside
25 the back bedroom. The coffee table was right

1 inside the door. You can see the coffee table
2 here.

3 Q. This is State's 47. Is that the area
4 that you swabbed?

5 A. Yes, it was underneath the bottom area of
6 the coffee table.

7 Q. Could we have State's 48?

8 A. Mr. Hood did the top part of the table.

9 Q. 49?

10 A. That's more blood on the table.

11 Q. And 50? What does 50 depict, if you
12 recall?

13 A. That is downstairs in the pantry area.

14 MR. DURANT: We would offer 257,
15 Your Honor.

16 MR. BLOOM: No objection.

17 THE COURT: That's already been
18 admitted.

19 BRUCE DURANT: It's already in?

20 THE COURT: Yes, sir.

21 MR. DURANT: Sorry, I'm getting
22 confused with all the numbers.

23 THE COURT: Certainly.

24 BRUCE DURANT: Thank you, sir,
25 you can resume your seat.

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1 THE COURT: Do you (court reporter)
2 have it as in?

3 COURT REPORTER: It is not.

4 THE COURT: I'm sorry. I checked
5 it prematurely. My bad, my fault.

6 (SO ENTERED AS STATE'S EXHIBIT 257)

7 DIRECT EXAMINATION CONTINUED

8 BY MR. DURANT:

9 Q. Could I have State's Exhibit Number 52 on
10 the screen, please? Do you recall what that
11 is, sir?

12 A. That's the mop that was in the laundry
13 room.

14 Q. How about State's 53? Is that the same
15 thing?

16 A. Yes.

17 Q. 54? Do you know what that is?

18 A. A picture of the dishwasher.

19 Q. 55? Do you recognize that photograph?

20 A. It shows a tooth that was laying on the
21 floor.

22 Q. 56? Was that tooth collected, as well?

23 A. Yes, it was.

24 Q. Mr. Miller, I hand you what's been marked
25 as State's Exhibit Number 295 and ask if you

1 recognize that item?

2 A. Yes, sir. This is a tee-shirt designated
3 as 2B. It was a tee-shirt that I collected
4 from Detective Burkhardt and Sergeant ---

5 Q. And that shirt came from where?

6 A. From Detective Burkhardt.

7 Q. Is that the shirt that the defendant was
8 wearing when he was arrested on March the 11th
9 of 2006?

10 A. Yes, I believe so.

11 Q. And State's Exhibit Number 280?

12 A. The bag is marked 3-E with one shoe but
13 both shoes are currently in it.

14 Q. What two shoes are those?

15 A. These are shoes I collected from
16 Detective Burkhardt who collected them from
17 the Defendant when he was arrested.

18 Q. William Dickerson?

19 A. Yes.

20 Q. And when did you collect them from
21 Detective Burkhardt?

22 A. I got them from him on 3/12/06.

23 Q. How about the shirt previously identified
24 as 275? When did you receive that from
25 Detective Burkhardt?

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1 A. On 3/12/06.

2 Q. Both of those items came from the
3 Defendant, William Dickerson?

4 A. To my knowledge, they did.

5 MR. DURANT: Your Honor, we would
6 offer 295 and 280 at this time?

7 THE COURT: Any objection?

8 MR. BLOOM: No objection.

9 THE COURT: 295? 295?

10 MR. DURANT: Excuse me. 275.

11 THE COURT: 275 and what?

12 MR. DURANT: I have the shirt as
13 being 275.

14 THE COURT: All right.

15 MR. DURANT: And the shoes being
16 280.

17 THE COURT: Because I have 295 as
18 already admitted. 275 is the shirt?

19 MR. DURANT: 275 is the shirt.

20 THE COURT: Okay.

21 MR. DURANT: And 280 is the shoes.

22 THE COURT: 275, a bag containing a
23 shirt, is admitted without objection.

24 (SO ENTERED AS STATE'S EXHIBIT 275)

25 THE COURT: 280, a bag containing

1 shoes, is admitted without objection.

2 (SO ENTERED AS STATE'S EXHIBIT 280)

3 DIRECT EXAMINATION CONTINUED

4 BY MR. DURANT:

5 Q. I believe you obtained those from
6 Detective Burkhardt on March the 12th of 2006;
7 is that correct, those two items?

8 A. That's correct.

9 Q. And you stored them at the crime scene
10 office; is that correct?

11 A. That's correct.

12 Q. Did you alter or tamper with those items
13 in any manner while they were in your custody?

14 A. No, I did not.

15 Q. And were they under lock and key at the
16 crime scene office?

17 A. Yes.

18 Q. Moving on to November 28th of 2006, did
19 you have an occasion to come into possession
20 of some blue Dickies that have been previously
21 designated as State's Exhibit 214; a burgundy
22 sweatshirt, College of Charleston sweatshirt,
23 State's Exhibit 229; a pair of white socks
24 designated as State's Exhibit 240; and a pair
25 of Reebok tennis shoes that came from the

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1 trash can, which were designated as State's
2 Exhibit 244?

3 A. I did.

4 Q. Where did you obtain possession of those
5 items from?

6 A. From the crime scene office.

7 Q. And where did you take them to?

8 A. I signed them over to myself on the 28th
9 -- November 28th -- and I carried them to
10 Forensics/Evidence on 11/29.

11 Q. Did you alter or tamper with those items
12 in any manner while they were in your custody?

13 A. No.

14 Q. May I have State's Exhibit 282, please?
15 Your records reflect that you have custody of
16 a swab obtained from a phone charger
17 designated as CPD Item 2F on September 18th,
18 2006.

19 A. Yes.

20 Q. And where did you acquire possession of
21 that item?

22 A. I received that item from evidence
23 storage at the station.

24 Q. And where did you take that item?

25 A. I carried it back to the crime scene

1 office.

2 Q. Was it in a sealed envelope at the time
3 that you did that?

4 A. Yes, it was.

5 Q. Did you alter or tamper with it in any
6 manner while it was in your custody?

7 A. No.

8 Q. Mr. Miller, I want to move ahead about
9 three years. Did you have occasion to return
10 to Apartment E-3 at 311 Fleming Road on
11 February 17th of this year?

12 A. Yes.

13 Q. For what purpose?

14 A. To assist in a search warrant of the
15 apartment.

16 Q. And what part of the apartment was
17 searched?

18 A. The attic.

19 Q. And why did you'all go back and search
20 the attic three years after this happened?

21 A. There was information that there were
22 some handguns in the attic.

23 Q. And what did you locate in the attic?

24 A. Two handguns.

25 MR. DURANT: Court's indulgence.

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1 THE COURT: Yes, sir.

2 DIRECT EXAMINATION CONTINUED

3 BY MR. DURANT:

4 Q. Mr. Miller, I hand you what's previously
5 been marked as State's Exhibits 123, 123, 125,
6 126, 127 and 128 and ask you if you recognize
7 those items?

8 A. (Upon review) -- yes, I do.

9 Q. What are those photographs of?

10 A. These show the two guns as they were
11 laying in the attic and also some photographs
12 showing them after they were pulled from the
13 attic.

14 MR. BLOOM: No objection, Your
15 Honor.

16 THE COURT: Okay.

17 MR. DURANT: Your Honor, we would
18 offer State's 123 through 128.

19 THE COURT: Very well. State's 123
20 through 128 inclusive are admitted into
21 evidence without objection, each being a
22 photograph.

23 (SO ENTERED AS STATE'S EXHIBIT 123)

24 (SO ENTERED AS STATE'S EXHIBIT 124)

25 (SO ENTERED AS STATE'S EXHIBIT 125)

1 (SO ENTERED AS STATE'S EXHIBIT 126)

2 (SO ENTERED AS STATE'S EXHIBIT 127)

3 (SO ENTERED AS STATE'S EXHIBIT 128)

4 DIRECT EXAMINATION CONTINUED

5 BY MR. DURANT:

6 Q. Starting with State's 123, what does that
7 depict?

8 A. That's a photograph showing how the guns
9 were laying in the attic; just as you'd open
10 the attic, in the insulation.

11 Q. That to the right there is a ladder?

12 A. Yes, it's the ladder we used to get up in
13 the attic.

14 Q. Did it have one of those pull-down ladder
15 things?

16 A. No.

17 Q. You had to take your own?

18 A. (Affirmative nod), take our own ladder.

19 Q. State's 124?

20 A. This is a different view with the shirt
21 removed, showing both guns.

22 Q. 125?

23 A. It's a closer photo.

24 Q. 126?

25 A. Those are photos taken of the two guns

1 and the shirt that was right there inside the
2 attic. This photo was taken back at the crime
3 scene office.

4 Q. Those are item numbers 1Z, 2Z, 3Z,
5 alphanumeric number assigned by the City
6 Police Department; is that correct?

7 A. That's correct.

8 Q. And State's 127?

9 A. That's just a photo, 2Z, showing that
10 gun.

11 Q. And 128?

12 A. It's the same of 1Z.

13 Q. What did you do with those guns at the
14 time that you -- were you the one who actually
15 went up in the attic and got them?

16 A. Yes, I was up in the attic and located
17 the guns. Photographs were taken and then
18 they were handed down to Sergeant Sherman.

19 Q. Referring you to State's Exhibit Number
20 304, does this appear to be a weapon you
21 recovered from the attic that day?

22 A. Yes, sir.

23 Q. Referring to State's Exhibit Number 312,
24 does that appear to be the other weapon that
25 you recovered from the attic that day?

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1 A. Yes, sir.

2 Q. And finally 3Z, also known as State's
3 Exhibit Number 290, that would be the tee-
4 shirt?

5 A. (Affirmative nod), the tee-shirt.

6 MR. DURANT: We would offer 302 and
7 312 into evidence, Your Honor.

8 MR. BLOOM: No objection.

9 THE COURT: Without objection,
10 State's 304 and 312 are admitted.

11 (SO ENTERED AS STATE'S EXHIBIT 304)

12 (SO ENTERED AS STATE'S EXHIBIT 312)

13 MR. DURANT: And also State's
14 Exhibit 290.

15 THE COURT: Any objection?

16 MR. BLOOM: I'm sorry?

17 BRUCE DURANT: State's Exhibit
18 290, which is the tee-shirt.

19 MR. BLOOM: Thank you. No
20 objection.

21 THE COURT: State's Exhibit Number
22 290 is admitted without objection.

23 (SO ENTERED AS STATE'S EXHIBIT 290)

24 MR. DURANT: Would you please answer
25 any questions that Mr. Bloom may have for you?

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1 THE COURT: You may cross examine.

2 MR. BLOOM: May it please the

3 Court?

4 CROSS EXAMINATION

5 BY MR. BLOOM:

6 Q. Is it Corporal Miller?

7 A. It's Mr. Miller. I retired as a police
8 officer April 1st.

9 Q. I wanted to make sure I got the title
10 right. Let me start by asking you, you
11 collected in Apartment E-3, as reflected in
12 State's Exhibit 298 -- you collected a large
13 number of samples inside the kitchen area, is
14 that correct -- kitchen and dining room?

15 A. Several.

16 Q. As well as from the hallway of E-3?

17 A. Yes.

18 Q. And upstairs, on the stairway?

19 A. Yes.

20 Q. I want to get a few photographs here, Mr.
21 Miller.

22 MR. BLOOM: May I approach the
23 witness, Your Honor?

24 THE COURT: Yes, you may.

25 CROSS EXAMINATION CONTINUED

1 BY MR. BLOOM:

2 Q. Let me show you State's Exhibit 17. I
3 just want to call your attention -- this is
4 the outside storm door of Apartment E-3;
5 correct?

6 A. That's correct.

7 Q. It should be E-3 in this photograph
8 through the storm door glass?

9 A. Yes.

10 Q. A close of that is number 18, which is
11 where you told us you collected two particular
12 samples by the door handle; correct?

13 A. That's correct.

14 Q. So to be accurate, that's the door that
15 leads into the laundry room area of E-3;
16 correct?

17 A. That's right.

18 Q. You found a couple of smears on the
19 outside the storm door leading into the
20 laundry room of E-3; right?

21 A. Right.

22 Q. And you also found a smear on the inside
23 on State's Exhibit 23, on the inside door
24 where you also collected a swab from a blood
25 smear; is that correct?

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1 A. Yes.

2 Q. And, lastly, the next sample found in
3 that laundry room area is in State's Exhibit
4 21; correct?

5 A. That's correct.

6 Q. If you would use the pointer here.

7 A. Okay.

8 Q. Again, I want to be real clear. You
9 found a -- is it fair to say that the stain
10 here is blood droplets?

11 A. Yes.

12 Q. And we've heard testimony already from
13 Sergeant Hood about blood droplets, so I'm not
14 going to go into all that with you. But would
15 you use that pointer -- I just want to make
16 sure we're all talking about the same areas.
17 Show the jury exactly where you found that
18 blood droplet.

19 A. Right there -- (indicating).

20 Q. Is State's 22 a close-up of that blood
21 droplet?

22 A. Yes, it is.

23 Q. In fact, is there -- are there two
24 droplets there or is that one? Does there
25 appear to be two?

1 A. There's two, a big one and a small one.

2 Q. Again, going back to the other
3 photograph, I believe 21 was the larger
4 photograph. That's directly in front of the
5 washing machine area of E-3, right in here;
6 correct?

7 A. That's right.

8 Q. That's the photograph we're seeing that
9 matches 5B of Apartment E-3 in this laundry
10 room.

11 A. Yes.

12 MR. BLOOM: The Court's indulgence
13 one minute.

14 THE COURT: Yes, sir.

15 MR. BLOOM: Thank you very much,
16 Mr. Miller. I have nothing further.

17 THE COURT: Redirect?

18 MR. DURANT: No, sir, Your Honor.

19 THE COURT: Thank you, Mr. Miller.
20 You may step down. Do you wish him to be
21 excused, Solicitor?

22 MR. DURANT: Yes, Your Honor.

23 THE COURT: Any objection?

24 MR. BLOOM: No objection.

25 THE COURT: You're also free to

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1 leave. Thank you.

2 (WITNESS EXCUSED)

3 THE COURT: Call your next witness,
4 please.

5 MR. DURANT: We call Judith Gordon.

6 (WITNESS TAKES STAND)

7 JUDITH GORDON, being duly sworn to
8 tell the truth, the whole truth and nothing
9 but the truth, testified, as follows:

10 DIRECT EXAMINATION

11 BY BRUCE DURANT:

12 Q. Good afternoon, Ms. Gordon.

13 A. Good afternoon.

14 Q. Could you tell the jury where you're
15 employed?

16 A. Yes, sir. I'm the Director of the
17 Forensic Services Division of the Charleston
18 Police Department.

19 Q. And how long have you been with the City
20 Police Department?

21 A. For twenty-four years.

22 Q. And how long have you been with the
23 Forensic Services Division?

24 A. Thirteen of the last twenty-four years.

25 Q. And in that capacity did you also respond

1 to 311 Fleming Road, Apartment E-3 on March
2 the 7th -- March 9th of 2006?

3 A. Yes, sir, I did.

4 Q. Do you recall when you arrived on the
5 scene?

6 A. I arrived approximately at 8:30 in the
7 morning.

8 Q. Was the victim's body still present when
9 you arrived on the scene?

10 A. Yes, it was.

11 Q. Let's begin with the scene where the body
12 was located, Apartment E-4. Did you arrive
13 and assist with collecting any evidence at
14 that location?

15 A. Yes, I did. I collected some blood at E-
16 4.

17 Q. In general terms would you describe the
18 condition of Apartment E-4?

19 A. Apartment E-4 was vacant and had not been
20 rented. So it was pristine. It was clean.
21 It was completely empty and from a crime scene
22 standpoint it was perfectly preserved.

23 Q. What did you do at Apartment E-4?

24 A. There was some blood on the kitchen
25 floor. Normally my role is more supervisory

1 in sort of coordinating efforts between those
2 who do the evidence collection. But that day
3 I assisted in the collection because the
4 evidence was on the floor in the same room
5 that the body was in and it's important to
6 collect that kind of evidence as quickly as
7 possible so that it doesn't in any way get
8 contaminated.

9 Q. Was there anything unusual about the
10 blood evidence that you'all located on the
11 floor in E-4?

12 A. Well, it was interesting. Looking at the
13 drops of blood oftentimes you can tell quite a
14 bit about what happened or how it was placed,
15 there, kind of somewhat of a reconstruction
16 based on the blood evidence. And some of the
17 drops, particularly those that were numbered
18 five and six were perfectly round symmetrical
19 drops. When you see things like that it
20 usually means that the blood came or was
21 dropped from a 90-degree angle, straight down,
22 rather than drops that had some directionality
23 to it; in that case it's shaped more
24 elongated, and you see that when it comes from
25 a moving object or when it comes as castoff

1 from injury.

2 Q. What conclusion did you reach from that?

3 A. Well, based on the circumstances
4 surrounding the decedent we were pretty
5 confident that he did not enter Apartment E-4
6 upright. So we felt as though the blood drops
7 that were symmetrical and perfectly round were
8 probably from somebody else, most likely the
9 person that ---

10 MR. BLOOM: Objection to "most
11 likely the person, that calls for speculation.

12 THE COURT: If you can lay the
13 foundation ---

14 DIRECT EXAMINATION CONTINUED

15 BY BRUCE DURANT:

16 Q. You'all thought that the drops came from
17 someone else; is that correct?

18 A. We did.

19 Q. Let me hand you what's previously been
20 marked as State's Exhibit Number 185 and ask
21 you to examine the contents and tell me which
22 of those swabs was collected by you.

23 A. I collected the swabs that are marked 4A,
24 5A, 6A, 7A and 9A.

25 Q. And, if you would, could you turn that

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1 over and identify the State's exhibit numbers
2 on there? Starting with 4A.

3 A. 4A is State's Exhibit 186.

4 Swab 5A is State's Exhibit 187.

5 Swab 6A is State's Exhibit 188.

6 Swab 7A is State's Exhibit 189.

7 And swab 9A is State's Exhibit 190.

8 Q. There's one other swab in that box
9 designated as State's Exhibit Number 191?

10 A. Yes, sir. That's swab 10A and that was
11 collected by someone else.

12 Q. I'd like to show you some pictures. If
13 you would, I need for you to come down and --
14 this is State's Exhibit 76. For each of these
15 items you collected -- when we get a little
16 further in I'm going to ask you to show us
17 where you collected them. Okay?

18 A. Yes, sir.

19 Q. Can we have State's Exhibit 77?

20 And then State's Exhibit 79.

21 Could you please orient the jury to that
22 photograph as to State's Exhibit Number 298.

23 A. The doorway in the upper right-hand
24 corner, this doorway right here is depicted in
25 the diagram here (indicating). It's the entry

1 in from the laundry room.

2 And then the evidence that I collected
3 was in this area over here, in what would be
4 the kitchen area. Off the screen and to the
5 right of number ten is where the dining area
6 would be and where the victim's body was
7 found.

8 Q. Starting with State's Exhibit Number --
9 A4, may we have that photograph again,
10 please?

11 A. A4 was a blood smear. It was found in
12 the kitchen area.

13 Q. This would be right here?

14 A. It's depicted on this diagram right here.

15 Q. A5?

16 A. A5 was a round blood droplet that's
17 depicted in this diagram right here.

18 COURT REPORTER: Mr. Durant,
19 State's Exhibit?

20 BRUCE DURANT: A4 would be
21 State's Exhibit 186. A5 is 187, and A6 is
22 State's Exhibit 188.

23 COURT REPORTER Thank you.

24 DIRECT EXAMINATION CONTINUED

25 BY BRUCE DURANT:

1 Q. A6?

2 A. A6, another round droplet right here.

3 It's depicted on this diagram right there.

4 Q. And A7 is Number 189.

5 A. Droplet 7A was collected from this spot
6 right here which is sort of elongated on the
7 kitchen floor. It's depicted on this diagram
8 over here in front of the stove.

9 Q. And you say that was somewhat elongated.
10 What does that indicate to you?

11 A. This one to me looks like there was some
12 motion of the object it was deposited from.

13 Q. And State's Exhibit 190, A9?

14 A. A9 was a drop of blood that was on the
15 dishwasher.

16 Q. It's at 105, I believe.

17 A. It's right here, (indicating). You can
18 tell from the shape it came from above,
19 deposited on the dishwasher and again depicted
20 on this diagram right here.

21 BRUCE DURANT: Your Honor, we would
22 offer State's 186 through 190 into evidence at
23 this time.

24 MR. BLOOM: No objection.

25 THE COURT: Without objection,

1 State's Exhibits 186, 187, 188, 189, and 190
2 are admitted without objection.

3 (SO ENTERED AS STATE'S EXHIBIT 186)

4 (SO ENTERED AS STATE'S EXHIBIT 187)

5 (SO ENTERED AS STATE'S EXHIBIT 188)

6 (SO ENTERED AS STATE'S EXHIBIT 189)

7 (SO ENTERED AS STATE'S EXHIBIT 190)

8 BRUCE DURANT: Your Honor, I'm going
9 to return them to State's Exhibit 185 for
10 identification.

11 THE COURT: I'm sorry?

12 BRUCE DURANT: They were originally
13 in an envelope marked as State's Exhibit 185.

14 THE COURT: All right. Is that
15 being admitted as well?

16 BRUCE DURANT: I'll admit that as
17 well, Your Honor, 185.

18 THE COURT: So 185 is the envelope
19 containing the exhibits that we just
20 enumerated?

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

23 MR. BLOOM: No objection.

24 THE COURT: Without objection, the
25 envelope which is State's Exhibit 185 is also

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1 admitted, containing the previously-admitted
2 exhibits.

3 (SO ENTERED AS STATE'S EXHIBIT 185)

4 BRUCE DURANT: Thank you, sir.

5 DIRECT EXAMINATION CONTINUED

6 BY BRUCE DURANT:

7 Q. Finally, one other item I want you to
8 take a look at. State's Exhibit Number 265.
9 Do you recognize that item?

10 A. I do. This is Item Number A2 which is a
11 cigarette butt that I gathered from the
12 kitchen floor of the Apartment E-3.

13 Q. Do you recall where that was in E-3?

14 A. It was on the kitchen floor. It's
15 depicted in this diagram right there.

16 Q. And all the swabs you collected as well
17 as the cigarette butt, what did you do with
18 those items after collecting them?

19 A. I sealed them in their evidence
20 containers and gave them to the crime scene
21 officer.

22 Q. Thank you very much. You can resume your
23 seat.

24 BRUCE DURANT: I would offer as
25 State's Exhibit Number 265 into evidence, Your

1 Honor.

2 THE COURT: Any objection, Mr.

3 Bloom?

4 MR. BLOOM: No objection, Your

5 Honor.

6 THE COURT: 265 is admitted without
7 objection.

8 (SO ENTERED AS STATE'S EXHIBIT 265)

9 BRUCE DURANT: If you would please
10 answer any questions defense counsel may have
11 for you.

12 THE WITNESS: Yes, sir.

13 MR. BLOOM: The Court's indulgence.

14 THE COURT: Yes, sir, take your
15 time.

16 MR. BLOOM: All the questions I
17 would have asked you, I have already asked
18 Sergeant Hood. Thank you very much.

19 THE WITNESS: Thank you.

20 THE COURT: You may step down.

21 Thank you very much, Ms. Gordon.

22 THE WITNESS: Thank you, sir.

23 THE COURT: Do you wish the witness
24 to be excused, Solicitor?

25 BRUCE DURANT: I would, Your Honor.

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1 THE COURT: Any objection, Mr.

2 Bloom?

3 MR. BLOOM: No objection.

4 THE COURT: You are also free to
5 leave. Thank you.

6 THE WITNESS: Thank you, Your Honor.

7 (WITNESS EXCUSED)

8 THE COURT: Do we have another
9 witness we can do between now and 6:00?

10 BRUCE DURANT: We do, Your Honor.

11 THE COURT: You may proceed.

12 BRUCE DURANT: The State calls Mike
13 Sherman.

14 (WITNESS TAKES STAND)

15 MICHAEL R. SHERMAN, being duly sworn
16 to tell the truth, the whole truth and nothing
17 but the truth, testified, as follows:

18 DIRECT EXAMINATION

19 BY RUTLEDGE DURANT:

20 Q. Good afternoon, Mr. Sherman.

21 A. How are you, sir?

22 Q. Good. Where are you employed?

23 A. City of Charleston Police Department
24 Crime Scene Unit.

25 Q. How long have you been employed there?

1 A. I've been with the City of Charleston for
2 thirty-two years. I've been with the crime
3 scene unit for thirteen years.

4 Q. What is your current position?

5 A. I'm the Supervisor of the Crime Scene
6 Unit.

7 Q. Was that your position in March of 2006?

8 A. Yes, sir, it was.

9 Q. In your capacity as the supervisor of the
10 Crime Scene Unit with the Charleston Police
11 Department did you have the occasion to
12 respond to [REDACTED] on March 9th,
13 2006?

14 A. Yes, sir, I did.

15 Q. In reference to what?

16 A. I was called in reference to a possible
17 homicide. A dead body had been discovered in
18 an empty apartment at that location, and one
19 of my crime scene units had already got there
20 and asked that I respond and meet them.

21 Q. Do you recall the apartment number you
22 responded to?

23 A. Yes, sir, I went to Apartment E-4. And
24 that was on Fleming Road.

25 Q. What were your initial observations at

1 the scene?

2 A. I observed the body of a black male
3 laying on the floor of the kitchen, some blood
4 and what-not around in different locations. I
5 remember that there was nothing else in the
6 apartment. There was no furniture. It was
7 totally empty other than the fact that he was
8 there.

9 Q. Was there another apartment that was
10 involved in the crime scene?

11 A. Later we had information that led us to
12 the apartment next door. The first apartment
13 was E-4, and we called that Scene A. Then we
14 were led next door, which was Apartment E-3,
15 and we called that Scene B.

16 Q. Who was in charge of the crime scene?

17 A. I was.

18 Q. Being the person in charge of the crime
19 scene what did you do?

20 A. Well, I assigned a person to take the
21 lead investigation on this case, which was
22 Steve Hood, Sergeant Steve Hood. Then I
23 started calling other people to the scene and
24 assigned them to do different things.

25 Q. The primary function of the Crime Scene

1 Unit was to secure the scene and collect
2 evidence?

3 A. The primary function was to secure the
4 scene as best we can and, of course, document
5 what's there through photographs, videography,
6 measurements, and then process the scene and
7 actually recover the evidence.

8 Q. Did you collect any evidence personally?

9 A. Yes, sir, I did.

10 Q. What did you collect?

11 A. I collected a blood swab from the Scene A
12 which is Apartment E-4, in the kitchen area.

13 Q. I show you what the State has labeled
14 State's Exhibit 191 for identification and ask
15 you to take a look at it.

16 A. Yes, sir.

17 Q. Do you recognize it?

18 A. I recognize it, it has my name on it and
19 it has the evidence number on it.

20 Q. Where did it come from?

21 A. That would have been the floor area --
22 roughly the middle of the kitchen in Apartment
23 E-4, Scene A, where the body was. It was
24 within a few feet of where the body was lying.

25 Q. How did you collect it?

1 A. Standard procedure, which is I put on a
2 pair of gloves. I have a little kit that has
3 some distilled water in it and I put distilled
4 water on a sterile swab. Then I take the
5 swab, I rub it on the blood stain and recover
6 it. Then I place it in what's called a swab
7 box. And then in this particular case I
8 remember handing it to Steve Hood and he would
9 put it in other packaging.

10 Q. I'm going to ask you to come down off the
11 stand and stand right over here. There's your
12 pointer, (tendering). Are you familiar with
13 the crime scene diagram?

14 A. Yes, sir.

15 Q. What is State's Exhibit 106?

16 A. That would be a photograph of the item.

17 Q. Where is State's Exhibit 106 depicted on
18 the crime scene diagram?

19 A. This would be right here. This item,
20 which is the evidence number that I assigned
21 to it.

22 Q. And that's where you collected the blood
23 swab?

24 A. Yes, sir.

25 Q. While it was in your possession did you

1 tamper with it or alter it in any way?

2 A. No, sir.

3 Q. And you gave it to Steve Hood?

4 A. Yes, sir.

5 RUTLEDGE DURANT: Your Honor, at
6 this time the State would move for the
7 admission of State's Exhibit 191.

8 MR. BLOOM: No objection.

9 THE COURT: Without objection,
10 State's 191 is admitted.

11 (SO ENTERED AS STATE'S EXHIBIT 191)

12 RUTLEDGE DURANT: (Tenders items to
13 court reporter to be marked as exhibits).

14 COURT REPORTER: State's Exhibits
15 313 and 314, for identification.

16 RUTLEDGE DURANT: (Tenders to Mr.
17 Bloom for review).

18 MR. BLOOM: I have no objection,
19 Your Honor.

20 THE COURT: Thank you.

21 RUTLEDGE DURANT: I believe at this
22 time the State moves for Exhibits 313 and 314,
23 without objection.

24 THE COURT: Without objection,
25 State's 313 and State's 314 are admitted.

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1 (SO ENTERED AS STATE'S EXHIBIT 313)

2 (SO ENTERED AS STATE'S EXHIBIT 314)

3 DIRECT EXAMINATION CONTINUED

4 BY RUTLEDGE DURANT:

5 Q. Mr. Sherman, could you take a look at
6 those and tell me what 313 and 314 are?

7 A. These are copies of the diagrams that I
8 prepared at the crime scene. It shows Scene A
9 which was apartment E-4, and it shows Scene B
10 which is Apartment E-3. This one shows the
11 downstairs of both. This one shows the
12 upstairs of both.

13 THE COURT: Would you reference the
14 number, please?

15 THE WITNESS: Yes, sir. State's
16 Exhibit 313 shows the downstairs of both
17 apartments. And State's Exhibit 314 shows the
18 upstairs of both apartments.

19 THE COURT: Thank you.

20 DIRECT EXAMINATION CONTINUED

21 BY RUTLEDGE DURANT:

22 Q. And when were these made?

23 A. These would have been made within three
24 or four days of the incident.

25 Q. And do you know how they were made?

1 A. Yes, sir. I used the actual diagram that
2 I got from the rental company that had a
3 layout of the actual floorplan that they used.
4 It was to scale. And then what I did was,
5 using our drawing set, was able to come up
6 with an approximate scale to put everything in
7 place.

8 Q. Of all the evidence that was collected by
9 the crime scene unit?

10 A. Correct.

11 Q. And what we're seeing here today on
12 State's 298, 299 and 300 are an enhanced copy
13 of your copy?

14 A. That's a computerized version of the same
15 diagram; yes, sir.

16 Q. And moving along to October 10th, 2006,
17 did you have another opportunity to handle
18 evidence in this case?

19 A. Yes, sir. I made a SLED run. I took
20 seventy-two different items from the case to
21 SLED, which means I would have gathered it up
22 from the crime scene office, from various
23 lockers, and actually transported them up to
24 the State lab. I turned them in to Amy
25 Stevens, who is one of the intake people.

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1 Q. And these seventy-two items, they were
2 all under lock and key at the crime scene
3 office when you obtained them to take them to
4 SLED?

5 A. Yes, sir, they would be in different
6 lockers at the crime scene office.

7 RUTLEDGE DURANT: The Court's
8 indulgence for a moment.

9 THE COURT: Yes, sir.

10 MR. BLOOM: May we approach just
11 briefly, Your Honor?

12 THE COURT: Sure.

13 (OFF RECORD BENCH CONFERENCE)

14 MR. BLOOM: Thank you very much.

15 THE COURT: Yes, sir.

16 DIRECT EXAMINATION CONTINUED

17 BY RUTLEDGE DURANT:

18 Q. Mr. Sherman, you said that you took
19 seventy-two items up to SLED on October 10th,
20 2006.

21 A. That's correct.

22 Q. I'm going to read you a list of items
23 that you brought up to SLED. If your records
24 do not reflect that you took that, please let
25 me know.

1 A. Okay.

2 Q. Starting with State's 186 also known as
3 CPD 4A, being a blood swab from the kitchen
4 floor.

5 State's 187 also known as CPD 5A, being a
6 blood swab from the kitchen floor.

7 State's 188 also known as CPD 6A, being a
8 blood swab from the kitchen floor.

9 State's 189 also known as CPD 7A, also a
10 blood swab. State's 190 also known as
11 9A, a blood swab.

12 State's 191 also known as CPD 10A, a
13 blood swab.

14 State's 192 also known as CPD 12A, a
15 blood swab.

16 State's 193 also known as 13A, being a
17 blood swab.

18 State's 194 also known as CPD 14A, being
19 a blood swab. State's 195 known as CPD
20 15A, being a blood swab. State's 196
21 known as CPD 16A, being a blood swab.

22 State's 198 known as CPD 8A1.1 ---

23 THE COURT: Hold on a second. Are
24 we doing seventy-five (sic) items here? Is
25 that what we're doing?

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1 RUTLEDGE DURANT: Yes.

2 THE COURT: Why don't you just put
3 the list up and put that list into evidence?
4 Because what you're talking about is what he
5 transported, I think.

6 BRUCE DURANT: We'd love to, Your
7 Honor.

8 THE COURT: I understand that.
9 That's all I'm saying. If that's what that
10 list is -- if that's what you're asking him,
11 what he took to SLED, as I understand the
12 question.

13 RUTLEDGE DURANT: That's correct,
14 Your Honor.

15 THE COURT: If you have that, that
16 would be a simple way of doing it.

17 MR. BLOOM: We have no objection to
18 that.

19 THE COURT: That's fine. Why don't
20 we just mark that and say that's the list of
21 items that you took and that takes care of
22 that.

23 RUTLEDGE DURANT: Thank you, Your
24 Honor.

25 COURT REPORTER: State's Exhibit

1 315 for identification.

2 DIRECT EXAMINATION CONTINUED

3 BY RUTLEDGE DURANT:

4 Q. State's Exhibit 315, please look at that.
5 If you would let the jury know if that
6 accurately reflects the items of evidence that
7 you took to SLED on October 10th of 2006.

8 A. (Upon review) - yes, sir, it does.

9 RUTLEDGE DURANT: Thank you. Your
10 Honor, the State moves for the admission of
11 State's 315.

12 MR. BLOOM: No objection.

13 THE COURT: Without objection, 315
14 is admitted.

15 RUTLEDGE DURANT: Thank you, Your
16 Honor.

17 THE COURT: Thank you.

18 (SO ENTERED AS STATE'S EXHIBIT 315)

19 DIRECT EXAMINATION CONTINUED

20 BY RUTLEDGE DURANT:

21 Q. Now I want to ask you about latent prints
22 from shoes. Did you collect any or obtain any
23 latent prints from any shoes at the crime
24 scene?

25 A. Yes, sir, I remember recovering some shoe

1 prints.

2 Q. How did you do that?

3 A. A latent shoe print is similar to a
4 latent fingerprint. There's an image that you
5 can see with an oblique light that you really
6 can't recover and you can't photograph because
7 it's not visible. So what you do is you use a
8 powder technique similar to what we do with
9 latent fingerprints. And we apply powder so
10 that we can see the detail and we can
11 photograph it and actually lift it.

12 Q. With that shoe impression, can you tell
13 how long a shoe impression has been there or
14 been left?

15 A. No, sir, you can't.

16 Q. No way of knowing?

17 A. If you have information that the floors
18 were cleaned on a certain date, then you could
19 say that it was left after that date, such as
20 when an apartment turns over or something like
21 that. If you get in on a situation like that,
22 you can use that type of dating versus any
23 look at the actual print itself to determine
24 when it was laid down.

25 Q. But there isn't an actual wear-off date

1 for this?

2 A. No, there would be too many variables.

3 RUTLEDGE DURANT: Thank you, sir.

4 Please answer any questions defense may have.

5 THE COURT: Cross examine.

6 MR. BLOOM: May it please the

7 Court?

8 THE COURT: Sure.

9 MR. BLOOM: Your Honor, I will be
10 brief.

11 THE COURT: Fine.

12 MR. BLOOM: I just have a little
13 followup.

14 THE COURT: Sure. Fine.

15 CROSS EXAMINATION

16 BY MR. BLOOM:

17 Q. Mr. Sherman, in that regard to the shoe
18 print, was there not some shoe prints
19 collected in the area of E-4 where the
20 deceased's body was found?

21 A. I'd have to look at the actual print. I
22 do not remember exactly where they came from.

23 Q. Let me specifically refer to Item 3A that
24 we have in the collection. Was that -- were
25 some shoe prints collected and listed as Item

1 3A by your team from the kitchen area of the
2 empty apartment, E-4?

3 A. I know we recovered prints, yes, sir. I
4 believe that's correct.

5 Q. And those shoe prints were subsequently
6 taken to SLED for examination as well,
7 correct?

8 A. That's correct.

9 Q. This was a vacant apartment that had not
10 been rented and had no furniture in it; is
11 that correct?

12 A. That's correct.

13 Q. I think the Director for Forensic
14 Services testified, Ms. Gordon, that E-4 was
15 in pristine condition and had been cleaned?

16 A. It appeared to have been very clean when
17 I was in there, with the exception of the
18 blood and the body.

19 Q. Certainly. And was the shoe print that
20 was found as Item 3A in the kitchen area of
21 Apartment E-4, is that one of the items that
22 you transported -- October of 2006, or was
23 that later? -- that on that list, or was that
24 taken at another time?

25 A. I'm sorry. What was that number again,

1 sir?

2 Q. It would be your number 3A.

3 A. (Upon review) -- no, sir, it's not on the
4 list for that date. It must be another time.

5 Q. And that was the first submission to
6 SLED, was in October 2006, these seventy-two
7 items you took; correct, sir?

8 A. I believe that's correct.

9 Q. So the shoe prints from the kitchen area
10 of the vacant apartment, E-4, were transported
11 not during your trip, but at a later time?

12 A. I believe that's correct; yes, sir.

13 Q. There's testimony in the record from
14 Sergeant Hood that says that those shoe prints
15 were taken to SLED in November of 2007. Does
16 that sound accurate?

17 A. I'd have to look at the documents to be
18 sure.

19 MR. BLOOM: Thank you very much,
20 sir.

21 THE COURT: Redirect?

22 RUTLEDGE DURANT: Thank you, Your
23 Honor.

24 REDIRECT EXAMINATION

25 BY RUTLEDGE DURANT:

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1 Q. Mr. Sherman, are you aware that other
2 people had been in Apartment E-4 ---

3 MR. BLOOM: Objection. Leading.

4 THE COURT: Rephrase the question.

5 REDIRECT EXAMINATION CONTINUED

6 BY RUTLEDGE DURANT:

7 Q. Had other people been in Apartment E-4
8 before CPD Crime Scene Investigators?

9 A. Yes, sir. I was aware of the fact that
10 someone was showing the apartment was how the
11 body was found. And then there were the first
12 responders. We don't go into a crime scene
13 until the first responders have cleared the
14 scene. Part of my people are not police
15 officers, they don't carry guns.

16 Q. Was the City of Charleston Police
17 Department the first agency to respond to the
18 scene?

19 A. I think they also had fire and EMS. But
20 I'm not sure what time they would have went
21 out. I wasn't one of the first responders. I
22 came at a later time.

23 Q. Are you aware of whether they had come to
24 the scene before you were there?

25 A. I know they'd been in before I arrived,

1 yes, sir.

2 Q. Thank you, sir.

3 THE COURT: Recross?

4 MR. BLOOM: Nothing further, Your
5 Honor.

6 THE COURT: Thank you very much,
7 Mr. Sherman. You may step down. Do you wish
8 this witness to be excused, Mr. Durant?

9 RUTLEDGE DURANT: Yes, Your Honor.

10 THE COURT: Any objection, Mr.
11 Bloom?

12 MR. BLOOM: No, Your Honor.

13 THE COURT: You are also free to
14 leave, sir. Thank you very much.

15 (WITNESS EXCUSED)

16 THE COURT: At this point, ladies
17 and gentlemen, thank you very much. We'll
18 take our recess for the evening. Please
19 remember that you are not permitted to begin
20 your deliberations and, of course, not to
21 discuss this case among yourselves or watch
22 any TV programs. Don't read any news
23 articles. Have a good evening, and I'll see
24 you at 9:30 in the morning. Thank you.

25 (JURY OUT @ 5:56 P.M.)

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1 THE COURT: Is there anything from
2 the State before we recess?

3 SOLICITOR WILSON: No, sir.

4 THE COURT: Anything from the
5 Defendant?

6 MR. BLOOM: No, sir.

7 THE COURT: Thank you very much.
8 See you in the morning.

9 (COURT IN RECESS)

10 (TRANSCRIPT CONTINUED NEXT PAGE)

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1 happy to explore it with him.

2 SOLICITOR WILSON: I mean, I
3 just don't know how much further it went.

4 THE COURT: That's fine. Thank
5 you.

6 SOLICITOR WILSON: I agree with
7 what you've said, but it would pique my
8 curiosity about a lot of things.

9 THE COURT: Do you want me to bring
10 him in and talk with him about that?

11 SOLICITOR WILSON: Yes, sir.

12 MR. BLOOM: We agree with the
13 Court, Your Honor.

14 THE COURT: Let's ask Mr. Page to
15 come in and we'll have our morning chat.

16 I guess I need to find out if Mr.
17 Page is related -- my aunt was married to a
18 Page, and my first cousin is a Page. So I
19 guess I need to find out if he's my cousin.

20 (JUROR 234 ENTERS COURTROOM)

21 JUROR NUMBER 234: I apologize.

22 THE COURT: No apology. That's not
23 a problem, assuming it's not a problem for
24 you.

25 JUROR NUMBER 234: No, sir.

1 THE COURT: The concern that we
2 have is are you talking with people about
3 this?

4 JUROR NUMBER 234: No, sir. I
5 told my wife that I had told you about Ned
6 Dennis and he was in the lawsuit with me.

7 THE COURT: I understand. All I am
8 saying is that you had to give my name out for
9 her to have that information.

10 JUROR NUMBER 234: (No verbal
11 response).

12 THE COURT: Or did she read it in
13 the paper?

14 JUROR NUMBER 234: No, sir. We
15 didn't talk about anything that's been in the
16 paper.

17 THE COURT: My concern is you can't
18 be talking about this case at all.

19 JUROR NUMBER 234: I haven't read
20 anything about the case, I scream at anyone
21 that says anything, I haven't watched the
22 news. I haven't looked at a paper.

23 THE COURT: I appreciate that.

24 JUROR NUMBER 234: I don't want
25 to mess it up.

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1 THE COURT: Mr. Page, you said you
2 like to talk and I understand. Let me know
3 when you're finished.

4 JUROR NUMBER 234: I'm sorry.
5 I'm nervous.

6 THE COURT: I understand that and I
7 don't mean that to be rude. The lady sitting
8 there (court reporter), you and I can't talk
9 simultaneously. It's something that we do
10 everyday and I am the world's worse. These
11 people know me, I'm prone to interrupt. It's
12 a nightmare for the court reporter. It
13 doesn't offend me at all. Thank you.

14 I believe what you're telling me but
15 I just want to caution you to make sure that
16 you do not -- I mean, you can talk about that
17 you're involved in a court proceeding but
18 that's really about as far as you can go.

19 I appreciate this and let me ask you
20 a question. I don't even know who Don is
21 married to?

22 JUROR NUMBER 234: Alice ---

23 THE COURT: Okay.

24 JUROR NUMBER 234: That is my CPA,
25 Don's wife.

1 THE COURT: No problem. And Don is
2 my fourth cousin. That would not affect
3 anything?

4 JUROR NUMBER 234: No, sir.

5 THE COURT: All right, sir. And
6 let me just ask you, are you related to any
7 of the Pages from Dillon; are you?

8 JUROR NUMBER 234: No, sir.

9 THE COURT: Okay, those were my
10 cousins and I wanted to explore that with you.

11 JUROR NUMBER 234: No, sir. No,
12 sir.

13 THE COURT: Thank you very much,
14 sir. You do not need to apologize, I just
15 wanted to make sure that you weren't. You
16 said you weren't but I just wanted to make
17 sure.

18 JUROR NUMBER 234: No, I have
19 not. I have not talked, listened, read,
20 looked, nothing.

21 THE COURT: Okay, my friend, we are
22 ready to go.

23 JUROR NUMBER 234: I apologize.

24 THE COURT: No, please, no apology.
25 You are doing exactly what you should be

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1 doing. Hope you had a good day ---

2 JUROR NUMBER 234: Everything's
3 great.

4 THE COURT: Solicitor, having the
5 conversation, I'm convinced he's not talking
6 with anyone.

7 SOLICITOR WILSON: Yes, sir.

8 THE COURT: If anybody has any
9 different feeling, I'll be happy to take
10 exceptions or additions to the comments.

11 MR. BLOOM: Nothing on behalf of
12 the defendant.

13 THE COURT: Thank you very much.
14 Good morning, Mr. Dickerson. Let the record
15 reflect that Mr. Dickerson is present. Thank
16 you.

17 What is this? Court's Exhibit 15?

18 COURT REPORTER: Court's Exhibit
19 15.

20 (SO ENTERED AS COURT'S EXHIBIT 15)

21 THE COURT: Sorry I'm late. When I
22 hit the interstate, the wreck had happened
23 apparently. It took me twenty-five minutes to
24 go a mile and a half.

25 My son who is visiting from

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1 California, talks about the 405. I've got
2 news for him, we've got our 405.

3 BRUCE DURANT: We sure do.

4 THE COURT: Is the State ready to
5 continue; ready to proceed?

6 SOLICITOR WILSON: Yes, sir.

7 THE COURT: Defendant ready to
8 proceed?

9 MR. BLOOM: Yes, sir.

10 THE COURT: Do we have all our
11 jurors?

12 BAILIFF: Yes, sir.

13 THE COURT: Let's invite them to
14 return, please.

15 (JURY IN @ 9:45 A.M.)

16 THE BAILIFF: Jury all present, Your
17 Honor.

18 THE COURT: Thank you very much.
19 Thank you, ladies and gentlemen. Please be
20 seated. Good morning to you. I hope you had
21 a good evening. We're ready now to resume
22 this matter. Before starting again, as we are
23 doing every day, I need to ask and inquire, do
24 each of you solemnly swear or affirm that at
25 all times since we were together yesterday you

1 have continued to observe the Court's
2 instruction in that specifically you have not
3 talked with anyone, permitted anyone to talk
4 with you about this case? You've not talked
5 among yourselves, nor have you watched any
6 news programs or read any newspaper accounts.
7 If you can make that commitment, say "I do."

8 (JURORS RESPOND AFFIRMATIVELY)

9 THE COURT: Any member of the panel
10 that could not confirm that commitment, for
11 any reason? (No response.)

12 Thank you very much, ladies and
13 gentlemen. Give your attention, please, to
14 the next witness.

15 Solicitor, you may call your next
16 witness.

17 RUTLEDGE DURANT: Thank you, Your
18 Honor. We call Jennifer Wooley.

19 (WITNESS TAKES STAND)

20 JENNIFER WOOLEY, being duly sworn to
21 tell the truth, the whole truth and nothing
22 but the truth, testified, as follows:

23 DIRECT EXAMINATION

24 BY RUTLEDGE DURANT:

25 Q. Good morning, Ms. Wooley.

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- 1 A. Good morning.
- 2 Q. Where are you employed?
- 3 A. Charleston Police Department.
- 4 Q. How long have you been employed with the
- 5 Charleston Police Department?
- 6 A. Approximately six and a half years.
- 7 Q. And what is your current position?
- 8 A. I work in the crime scene office as a
- 9 latent recovery specialist.
- 10 Q. Was that your position in March of 2006?
- 11 A. In March of 2006, I was a crime scene
- 12 technician.
- 13 Q. In your capacity as a crime scene officer
- 14 with the Charleston Police Department, did you
- 15 have the occasion to respond to
- 16 ~~RECALL~~ on March 5th, 2006?
- 17 A. Yes.
- 18 Q. Why did you respond?
- 19 A. A call on the radio of a body found in
- 20 the apartment.
- 21 Q. Do you recall the apartment number?
- 22 A. I believe it was E-4.
- 23 Q. What were your initial observations on
- 24 the scene?
- 25 A. The apartment was a vacant apartment.

1 The rear door of the apartment had been kicked
2 in and damaged the door frame, and a body was
3 located in the kitchen. Other than that, the
4 apartment was completely vacant.

5 Q. What did you notice about the body?

6 A. Partially clothed, laying in the floor
7 with a blanket that had been partially
8 removed. There was trauma to the head and he
9 was dead.

10 Q. What did you do after your initial
11 inspection of the crime scene?

12 A. At that point I went outside the crime
13 scene and notified the crime scene supervisor
14 who had already arrived.

15 Q. Who was the crime scene supervisor?

16 A. Mike Sherman.

17 Q. Who was in charge of this particular
18 crime scene?

19 A. The primary crime scene tech was Sergeant
20 Steve Hood.

21 Q. What was your responsibility at the crime
22 scene?

23 A. To assist them in any manner needed.

24 Q. Was the crime scene confined to Apartment
25 E-4?

1 A. It was not. It later moved to Apartment
2 E-3.

3 Q. Did you collect any items of evidence
4 from the crime scene?

5 A. Yes.

6 Q. I'm showing you what's already entered as
7 State's 262. First, you might want to use
8 some gloves.

9 A. (Puts on rubber gloves).

10 Q. If you would, I ask you to get that box
11 open, or that bag, could you pull the item
12 out?

13 A. (Complies).

14 Q. Do you recognize that?

15 A. Yes, sir. These are shoes that were
16 found in the upstairs bathroom of Apartment E-
17 3.

18 Q. Did you collect those shoes?

19 A. Yes, sir.

20 Q. I'm showing you what the State has
21 labeled 316 and 317. If you would, would you
22 please take a look at those items?

23 A. (Upon review) -- these are a pair of
24 pants that were also found in the bathroom, of
25 the upstairs bathroom of Apartment E-3, that

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1 had obvious bleach stains or what appeared to
2 be bleach stains on the bottom of them.

3 Q. And I believe that's State's 317?

4 A. 316.

5 Q. And did you collect those pants?

6 A. I did. 317 is a McDonald's red shirt
7 which was also found in the bathroom with the
8 shoes.

9 Q. And did you collect State's 317?

10 A. Yes.

11 RUTLEDGE DURANT: Your Honor, at
12 this time the State moves for admission of
13 State's 316 and 317.

14 MR. BLOOM: No objection.

15 THE COURT: Without objection,
16 State's 316, a bag containing pants, is
17 admitted.

18 (SO ENTERED AS STATE'S EXHIBIT 316)

19 THE COURT: Without objection,
20 State's 317, a bag containing a McDonald's
21 shirt, is admitted.

22 (SO ENTERED AS STATE'S EXHIBIT 317)

23 DIRECT EXAMINATION CONTINUED

24 BY RUTLEDGE DURANT:

25 Q. Do you recognize this photo which is

1 State's 60?

2 A. Yes, sir. that is the upstairs bathroom
3 of Apartment E-3.

4 Q. Was that the apartment where you
5 collected those three items?

6 A. Yes, sir. And that is actually right
7 here, piled on the floor.

8 Q. And on State's Exhibit 61, what are we
9 looking at here?

10 A. The bathtub was partially filled with
11 water at the time.

12 Q. That's as you found it?

13 A. Yes, sir.

14 Q. And State's 62?

15 A. This is a close-up of the pile of clothes
16 with evidence markers indicating our crime
17 scene numbers, the shoes, the pants and the
18 red McDonald's tee-shirt, shirt.

19 Q. And State's 63?

20 A. Again, that is a closer photo of the same
21 pile of clothes.

22 Q. What did you do with these items after
23 you collected them?

24 A. I placed them in a paper bag and turned
25 them over to Steve Hood.

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1 Q. Thank you. Answer any questions the
2 defense may have.

3 THE COURT: Cross examine.

4 MR. BLOOM: May it please the
5 Court?

6 THE COURT: Yes, sir.

7 CROSS EXAMINATION

8 BY MR. BLOOM:

9 Q. Officer Wooley, how are you today, ma'am?

10 A. I'm very good.

11 Q. I just have a few questions for you.

12 First off, if you could look at State's
13 Exhibit 262 that you have up there, and pull
14 those out of the bag? Those are the black
15 Nike tennis shoes; is that correct?

16 A. Yes.

17 Q. And what size are those?

18 A. Size nine.

19 Q. Size nine. Okay. Do those appear to be
20 female sneakers, if you can tell?

21 A. I cannot tell either way.

22 Q. They aren't a large shoe?

23 A. Size nine.

24 Q. Fair enough. You also say the item
25 numbered 315 is a pair of pants?

1 A. Yes.

2 Q. And that's what we saw in the last two
3 photos, State's Exhibit 62 and 63?

4 A. Yes.

5 Q. Would you take those pants out of the
6 bag, please?

7 A. (Complies).

8 Q. And I believe your remark in your
9 testimony about obvious bleach stains around
10 the legs of the pants?

11 A. Yes, sir, that's what it appears to be.

12 Q. Do you mind standing up and just showing
13 the jury for me what you're talking about on
14 the bottom of those pant legs?

15 A. (Complies).

16 Q. Those are the bleach stains you are
17 referring to in your testimony?

18 A. Yes, sir.

19 Q. And those are the same pants that were
20 found on top of the black Nike sneakers you
21 found?

22 A. Correct.

23 Q. Thank you, ma'am. And lastly, I believe
24 you said the item numbered 317 is a work
25 uniform shirt. Would you take that out?

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1 A. (Complies).

2 Q. Could I get you, please, ma'am, to show
3 that to the jury?

4 A. (Complies).

5 Q. That's the one with the McDonald's logo
6 on the top left pocket?

7 A. Yes, sir.

8 Q. Thank you very much, Officer Wooley. I
9 have no further questions. Thank you, ma'am.

10 THE COURT: Redirect?

11 RUTLEDGE DURANT: No further
12 questions, Your Honor.

13 THE COURT: Thank you. Do you wish
14 Officer Wooley to be excused?

15 RUTLEDGE DURANT: Yes, Your Honor.

16 THE COURT: Any objection?

17 MR. BLOOM: No, sir.

18 THE COURT: Officer Wooley, thank
19 you. You may step down and you are free to
20 leave.

21 (WITNESS EXCUSED)

22 THE COURT: Call your next witness.

23 RUTLEDGE DURANT: The State calls
24 Anita Maestas.

25 (WITNESS TAKES STAND)

1 ANITA MAESTAS, being duly sworn to
2 tell the truth, the whole truth and nothing
3 but the truth, testified, as follows:

4 DIRECT EXAMINATION

5 BY RUTLEDGE DURANT:

6 Q. Good morning, Ms. Maestas.

7 A. Good morning.

8 Q. Where are you employed?

9 A. Charleston City Police Department.

10 Q. How long have you been employed with the
11 Charleston City Police Department?

12 A. A little over eight years.

13 Q. What is your current position?

14 A. I'm a crime scene investigator.

15 Q. Was that your position in March 2006?

16 A. Yes, sir, it was.

17 Q. In your capacity as a crime scene officer
18 with the Charleston Police Department did you
19 have an occasion to respond to 311 Fleming
20 Road on March the 9th, 2006?

21 A. Yes, sir, I did.

22 Q. And what was this in reference to?

23 A. I was called out to assist the duty crime
24 scene officers in reference to a crime that
25 had occurred at that location.

1 Q. Who was there when you arrived?

2 A. Present was the lead crime scene
3 investigator and also duty coordinator, Mike
4 Sherman, and several investigators.

5 Q. Did you collect any items of evidence at
6 the scene that day?

7 A. Yes, I did.

8 Q. What did you collect?

9 A. I collected a cable cord that was in the
10 kitchen pantry.

11 Q. I show you what the State has labeled
12 State's Exhibit 258 for identification.

13 A. I have it.

14 Q. Do you recognize that item?

15 A. Yes, I do.

16 Q. And what is that item?

17 A. That is the cable cord that I cut from
18 the kitchen pantry of the downstairs.

19 Q. Is it in essentially the same condition
20 as when you cut it from the pantry?

21 A. Yes.

22 Q. I believe also attached to that cable
23 cord is State's 259. Are you aware that SLED
24 did their own swab from that cable cord?

25 A. Yes, they did.

1 Q. Is that what 259 is?

2 A. Yes, sir.

3 Q. While the items were in your possession
4 did you do anything to tamper with them in any
5 way?

6 A. No, sir. Collected it and placed them in
7 the bag immediately.

8 RUTLEDGE DURANT: At this time I
9 would move for admission of State's Exhibits
10 258 and 259.

11 MR. BLOOM: No objection.

12 THE COURT: Without objection,
13 State's 258 and 259 are admitted..

14 (SO ENTERED AS STATE'S EXHIBIT 258)

15 (SO ENTERED AS STATE'S EXHIBIT 259)

16 DIRECT EXAMINATION CONTINUED

17 BY RUTLEDGE DURANT:

18 Q. Ms. Maestas, may I direct your attention
19 to State's 51. Do you recognize this picture?

20 A. Yes, sir, I do.

21 Q. What is it?

22 A. That's the cable cord where it's coming
23 out of the pantry closet, out of the kitchen.

24 Q. Is that the cable cord that you cut?

25 A. Yes, sir.

1 Q. If you would, would you please step down?

2 A. (Complies).

3 Q. Are you familiar with the crime scene
4 diagram in this case?

5 A. Yes, sir.

6 Q. Would you show the jury on the crime
7 scene diagram where you collected State's 19B?

8 A. This is the scene of the downstairs
9 apartment, E-3. This is the pantry right
10 here.

11 You've got the back door and the kitchen.

12 That's the pantry right there.

13 That's where it came out of the closet,
14 right there.

15 Q. Thank you. You may take your seat.

16 A. (Returns to witness stand).

17 Q. After you left the crime scene on March
18 the 9th, did you have the occasion to return?

19 A. Yes, sir, I did.

20 Q. When did you return?

21 A. On March 13th.

22 Q. Why did you return?

23 I was at the request of Detective
24 Burkhardt to collect another piece of
25 evidence.

1 Q. Did you collect another piece of evidence
2 at that time?

3 A. I did. There was a phone charger on the
4 kitchen counter, and it was requested that we
5 collect it and turn it in to evidence.

6 Q. I show you what the State has labeled
7 State's Exhibit 281 and State's Exhibit 282
8 for identification. I ask you to take a look
9 at those.

10 A. (Complies).

11 Q. Do you recognize those items?

12 A. Yes, sir, I do.

13 Q. And how do you recognize them?

14 A. They have the case number and the name
15 identification on it.

16 Q. What are they?

17 A. This is the retractable phone charger
18 that we collected that was on the counter.

19 And this is a swab that I took from the
20 phone charger when I got back to the office,
21 after processing the phone charger.

22 Q. If you would, would you take the phone
23 charger out of the bag to show the jury?

24 A. (Complies) -- this is what was plugged
25 into the counter.

1 Q. I direct your attention to State's 64.

2 Do you recognize this photo?

3 A. I believe I did see that. I didn't take
4 the photo, but it was taken the date of the
5 incident, yes.

6 Q. Does it depict where you found the
7 charger when you found it?

8 A. Yes, it does.

9 Q. And State's 65?

10 A. Yes, that's it.

11 Q. And if you would, come around again and
12 step down and point out on the crime scene
13 diagram where you found these items or this
14 item.

15 A. Again, the kitchen area, and this is the
16 counter where the phone charger was sitting
17 when I collected it.

18 Q. Thank you. Take your seat.

19 A. (Returns to witness stand).

20 Q. When you collected this phone charger
21 what did you do with it?

22 A. When I went back to the office, I
23 examined the phone charger and processed it
24 for any potential latent evidence, and then I
25 collected a blood swab from it as well.

1 Q. How did you collect a blood swab from it?

2 A. We take a sterile swab and we wet it with
3 a little bit of distilled water, and then we
4 swab the area that might contain blood
5 samples. And we put it into a box to let it
6 dry to be packaged.

7 Q. And is that blood sample, blood swab
8 depicted on State's ---

9 A. --- 73.

10 Q. State's 73?

11 A. Yes, it is.

12 RUTLEDGE DURANT: Your Honor, at
13 this time the State moves for admission of
14 State's 281 and 282.

15 THE COURT: Any objection?

16 MR. BLOOM: No objection.

17 THE COURT: Without objection,
18 State's 281 and 282 are admitted.

19 (SO ENTERED AS STATE'S EXHIBIT 281)

20 (SO ENTERED AS STATE'S EXHIBIT 282)

21 DIRECT EXAMINATION CONTINUED

22 BY RUTLEDGE DURANT:

23 Q. And what did you do with State's 281 and
24 State's 281 after it was in your possession?

25 A. Once I collected the items we often bag

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1 them, seal them and place them in a locked
2 locker that's secured until it is turned over
3 to our evidence technician for storage.

4 Q. At all the time when these were in your
5 possession did you do anything to alter them,
6 damage them in any way?

7 A. No, I did not.

8 Q. Thank you, ma'am. Please answer any
9 questions that the defense has.

10 THE COURT: You may cross-examine?

11 CROSS EXAMINATION

12 BY MR. BLOOM:

13 Q. Ma'am, can you tell me exactly where you
14 made the swab on that, on that phone charger;
15 from what part of it?

16 A. No, I cannot. I don't recall off the top
17 of my head exactly where the swab was. I
18 can't recall if I -- if it was off here or off
19 the cord itself.

20 Q. Thank you very much.

21 A. Uh-huh, (affirmative).

22 Q. One other question. I take it, it was
23 such a small sample, the swabbing, that there
24 was no visible remnants left on that phone
25 charger where that was taken from? No visible

1 remnant of potential blood?`

2 A. I could check it again. It is black and
3 it is hard to see. But I don't recall exactly
4 how much blood I saw on it. I just remember
5 that I did see some blood and we did make a
6 swab for it.

7 Q. Thank you very much.

8 A. Thank you.

9 MR. BLOOM: I have nothing further,
10 Your Honor.

11 THE COURT: Redirect.

12 RUTLEDGE DURANT: No further
13 questions, Your Honor. We ask that she be
14 excused.

15 THE COURT: Any objection?

16 MR. BLOOM: No, sir.

17 THE COURT: Thank you. You may
18 come down and you are also free to leave.
19 Thank you.

20 (WITNESS EXCUSED)

21 THE COURT: Call your next witness,
22 please.

23 RUTLEDGE DURANT: State would call
24 Renee Charles.

25 (WITNESS TAKES STAND)

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1 RENEE CHARLES, being duly sworn to
2 tell the truth, the whole truth and nothing
3 but the truth, testified, as follows:

4 DIRECT EXAMINATION

5 BY BRUCE DURANT:

6 Q. Where are you employed, Mr. Charles?

7 A. Charleston Police Department.

8 Q. How long have you been with the
9 Charleston Police Department?

10 A. Eleven years.

11 Q. What do you do for them?

12 A. I'm a crime scene technician.

13 Q. Were you doing the same thing in March
14 2006?

15 A. Yes, sir.

16 Q. In that capacity did you have the
17 occasion to attend the autopsy of the victim,
18 Gerard Roper, on March the 9th, 2006?

19 A. Yes, sir, I did.

20 Q. And where was the autopsy, sir?

21 A. It was at MUSC.

22 Q. And who was the medical examiner
23 performing the autopsy?

24 A. It was Dr. Cynthia Schandl.

25 Q. And what did you do at the autopsy, sir?

1 A. At the autopsy I took photographs of the
2 victim and I also collected evidence.

3 Q. Did you collect any biological samples
4 from Dr. Schandl?

5 A. Yes, sir, I did.

6 Q. I hand you what's previously been marked
7 as State's Exhibit Number 271 for
8 identification and ask you is that the
9 container you collected from the autopsy?

10 A. Yes, it is.

11 Q. Does that contain biological samples for
12 this case turned over to you by Dr. Schandl?
13 Is that correct?

14 A. That is right.

15 Q. And among those samples you collected
16 from Dr. Schandl were -- there's C2, C1, and
17 C8?

18 A. Yes, sir.

19 Q. And those have now been marked as State's
20 Exhibits 272, 273, 274; is that correct?

21 A. Yes, sir.

22 Q. What is State's Exhibit 272?

23 A. That is the fingernail clippings.

24 Q. From which hand?

25 A. From the right hand of the victim.

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1 Q. State's Exhibit 273?

2 A. That's the fingernail clippings.

3 Q. From which hand?

4 A. From the left hand of the victim.

5 Q. And State's Exhibit 274, what was that
6 originally?

7 A. That's the blood sample, also from the
8 victim.

9 Q. These items were taken to where after you
10 collected them?

11 A. I went back to the crime scene office and
12 I placed them inside the area of the locker.

13 BRUCE DURANT: Your Honor, at
14 this time we would offer 271, 272, 273 and 274
15 into evidence.

16 THE COURT: Any objection.

17 MR. BLOOM: No objection.

18 THE COURT: Without objection,
19 State's Exhibits 271 through 274 inclusive are
20 admitted.

21 (SO ENTERED AS STATE'S EXHIBIT 271)

22 (SO ENTERED AS STATE'S EXHIBIT 272)

23 (SO ENTERED AS STATE'S EXHIBIT 273)

24 (SO ENTERED AS STATE'S EXHIBIT 274)

25 BRUCE DURANT: Please answer any

1 questions that the defense counsel may have
2 for you, please.

3 MR. BLOOM: I don't have any
4 questions for Officer Charles.

5 THE COURT: Thank you. You may
6 step down, sir.

7 THE WITNESS: Thank you, sir.

8 (WITNESS STEPS DOWN)

9 THE COURT: Call your next witness.

10 BRUCE DURANT: The State calls Randy
11 Unterbrink.

12 (WITNESS TAKES STAND)

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

16 DIRECT EXAMINATION

17 BY RUTLEDGE DURANT:

18 Q. Good morning, Mr. Unterbrink.

19 A. Good morning.

20 Q. Would you please tell the jury where
21 you're employed?

22 A. Charleston Police Department.

23 Q. And how long have you been employed
24 there?

25 A. Almost nineteen years.

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1 Q. What is your current position?

2 A. I work in the crime scene unit.

3 Q. Was that your current position in January
4 of 2007?

5 A. Yes.

6 Q. In your capacity as a crime scene officer
7 with the Charleston Police Department did you
8 have the occasion to handle evidence in CPD
9 Case Number 0604751, State versus William
10 Dickerson?

11 A. Yes.

12 Q. Do your records reflect that you brought
13 what was labeled CPD 2F, being a swab from CPD
14 1F, the phone charger, to SLED on January the
15 10th, 2007 for testing?

16 A. Yes.

17 Q. Did you obtain this item from the crime
18 scene office?

19 A. (Affirmative nod), from the crime scene
20 office.

21 Q. Where it was under lock and key?

22 A. That's right.

23 Q. And you checked it in with Amy Stevens at
24 SLED?

25 A. Yes, sir.

1 Q. While it was in your custody did you do
2 anything to alter or damage it in any way?

3 A. No.

4 Q. Thank you. No further questions.

5 THE COURT: Any questions?

6 MR. BLOOM: I have nothing for
7 Officer Unterbrink. Thank you, Your Honor.

8 THE COURT: You may come down, sir,
9 and you are free to leave. Any objection to
10 his being excused?

11 MR. BLOOM: None, Your Honor.

12 (WITNESS STEPS DOWN)

13 RUTLEDGE DURANT: The State would
14 call Kinney Kinsey.

15 (WITNESS TAKES STAND)

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

19 DIRECT EXAMINATION

20 BY BRUCE DURANT:

21 Q. Good morning, Mr. Kinsey.

22 A. Good morning.

23 Q. Could you tell us where you're employed,
24 sir?

25 A. I'm employed by the South Carolina Law

1 Enforcement Division, commonly known by the
2 acronym SLED.

3 Q. How long have you been with the State Law
4 Enforcement Division?

5 A. I've been at SLED for -- I'm in my fifth
6 year now.

7 Q. Do you have previous law enforcement
8 experience?

9 A. Yes, sir, I do. I have a total of
10 approximately nineteen years in various
11 capacities.

12 Q. What agency were you with prior to going
13 to SLED?

14 A. Prior to SLED I was with the Orangeburg
15 County Sheriff's Office.

16 Q. What are your primary duties with SLED at
17 the present time?

18 A. I'm a crime scene examiner which
19 encompasses processing crime scenes. We also
20 assist other agencies in processing evidence.
21 We compare and examine latent fingerprints,
22 palm prints, footwear, blood spatter
23 recognition and analysis and crime scene
24 reconstruction.

25 Q. And as a crime scene examiner for SLED do

1 you have any special training or expertise in
2 the area of latent print examination and
3 examination of footwear?

4 A. Yes, I do. I am internationally
5 certified through the international
6 association for identification as a crime
7 scene technician, which as I mentioned,
8 encompasses all the areas I mentioned. I have
9 approximately one thousand hours of courses,
10 classes and seminars in as such.

11 Q. What is involved in the field of latent
12 print examination as it is related to finger-
13 prints or footprints?

14 A. What you do with a fingerprint, we
15 basically compare a known to an unknown, and
16 we try to match up the ridge detail which we
17 all have on our hands. It's unique to us. It
18 never changes without some type of traumatic
19 incident or accident, and they remain constant
20 throughout life.

21 And very much so with the footwear
22 comparison, we're also looking at tread
23 patterns or unique random characteristics.
24 None of us walk the same. None of our feet
25 are the same size. And we wear our shoes

1 different. And what we look for are those
2 random characteristics in the natural
3 progression of wearing out the sole of a pair
4 of shoes.

5 Q. Could you relate to the jury how many
6 latent print examinations you have conducted
7 while during your tenure at SLED?

8 A. It would be impossible for me to tell you
9 how many cases. But I have examined, I think
10 it would be safe to say thousands of
11 individual latent fingerprints and probably at
12 least one thousand footwear. On my own
13 behalf, I have also verified -- we have a 100
14 percent verification, which means another
15 qualified examiner checks your work to verify
16 that it is correct. In that case, I have
17 probably verified two times that many.

18 Q. Are you a member of any professional
19 organizations related to that field?

20 A. I am. As I mentioned, I'm a member of
21 the International Association for
22 Identification, the parent body, and also the
23 South Carolina chapter.

24 Q. Do you have any continuing educational
25 requirements with SLED for that field?

1 A. You do; yes, sir. We have yearly
2 proficiency where we have to meet the
3 proficiency of an outside company that grades
4 us. And we actually work a test case yearly
5 in each of the different things that I
6 mentioned.

7 Q. And are you certified by SLED to perform
8 latent print analysis?

9 A. Yes, sir. I have met proficiency and I
10 do work on my own.

11 Q. Have you previously testified as an
12 expert in the area of latent print
13 examination?

14 A. I have, sir.

15 Q. How many times?

16 A. Approximately, I have been qualified
17 approximately twenty-five times in General
18 Sessions and District courts.

19 BRUCE DURANT: Your Honor, at
20 this time we would offer Mr. Kinsey as an
21 expert in the field of crime scene
22 examination, specifically latent print
23 examination.

24 MR. BLOOM: No objection.

25 THE COURT: Very well. He will be

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1 permitted to render opinions in those areas.

2 DIRECT EXAMINATION CONTINUED

3 BY BRUCE DURANT:

4 Q. Regarding this case, and SLED lab number
5 L0614169, did you receive some items from the
6 Charleston Police Department for latent print
7 analysis on November 15th of 2007?

8 A. Yes, sir, I did.

9 Q. Did those contain some latent footwear
10 impressions collected by the Charleston Police
11 Department from the kitchen floor in Apartment
12 E-4 on Fleming Road?

13 A. That is correct, they did.

14 Q. Did that also include what's been
15 designated as SLED Item 75, a pair of Nike
16 Elite shoes?

17 A. Yes, sir, it did.

18 Q. I hand you what's previously been marked
19 as State's Exhibit Number 262 and ask you if
20 those were the shoes?

21 A. May I have some gloves?

22 Q. You certainly can. I apologize. I
23 thought you had some already.

24 A. (Upon review) -- yes, sir, these are the
25 shoes that I examined.

1 Q. I hand you what's previously been marked
2 as State's Exhibit Number 236 in evidence and
3 ask you if those were also shoes submitted to
4 you for examination on that date?

5 A. (Upon review) -- yes, sir, they are.

6 Q. And those were the Reeboks retrieved from
7 the garbage can; I believe?

8 A. That is correct. They bear my case
9 number, my item number and my initials.

10 Q. And now I hand you what's been marked as
11 State's 280 in evidence and ask if you
12 recognize those shoes?

13 A. (Upon review) -- yes, sir. Those are
14 also shoes I examined. They bear my lab
15 number, my item number and my initials.

16 Q. And those were the shoes collected from
17 the Defendant when he was arrested?

18 A. They were logged in as such.

19 Q. I lastly hand you what's previously been
20 marked as State's Exhibit 217 in evidence and
21 ask if you recognize that?

22 A. Yes, sir, I do.

23 Q. And what is that?

24 A. This was logged in as SLED Item 78. It
25 bears the lab number LO614169 and also my

1 initials. This is an item that was submitted
2 with the footwear request.

3 Q. What were you asked to do with the shoes,
4 that magazine and the latent prints that came
5 from the kitchen floor of E-4?

6 A. It was requested that I perform a
7 comparison examination. I examined the three
8 pairs of shoes with the unknown footwear that
9 was collected, including the impressions on
10 the back of this magazine.

11 Q. To begin with, -- well, what were your
12 conclusions? Let's start with the latent
13 print that was lifted from the kitchen floor
14 at Apartment E-4. Were you able to match any
15 of those shoes with any of the latent prints
16 from the kitchen floor in E-4?

17 A. Both items were logged in as Item 74, of
18 which I made several sub-items, which means
19 that on every large item there were several
20 different impressions.

21 My first three results on those was that
22 there was no conclusion on those items,
23 because they were just of poor quality, and I
24 could not render a good result.

25 Q. Okay. Was that true with all the prints

1 from the floor in E-4?

2 A. With 74.5, all three pair of shoes were
3 excluded as making that print.

4 Q. And, of course, you don't know as an
5 examiner when those prints were left. Is that
6 correct?

7 A. No, sir, I do not. There's no way to age
8 them.

9 Q. And you wouldn't know whether they were
10 left by EMS personnel or police personnel or
11 anything of that nature. Is that correct?

12 A. That is correct.

13 Q. Or a cleaning lady, for that matter?

14 A. Yes, sir, that's correct.

15 Q. Now, with regard to the *Elle* magazine
16 that you just observed, what did you do with
17 that particular item?

18 A. With that magazine, the first thing I did
19 was send it to our photo lab and have a direct
20 one-to-one photograph made so I'm not working
21 directly with that piece of evidence. Because
22 it maintained DNA and I don't want to cross-
23 contaminate that during my examination. So I
24 have a direct one-to-one. And I also send the
25 shoes for the same purpose of having direct

1 one-to-one photography done on the sole of the
2 shoes.

3 Q. Would you just explain to the jury in
4 general terms how you go about this process of
5 trying to match a shoe to a print such as
6 that?

7 A. Yes, sir. The first thing we do is
8 what's called a side-by-side comparison, which
9 is just as it says. You turn the shoes upside
10 down. In this case, I would use the one-to-
11 one photographs, which is directly
12 representative of the bottom of the shoe, and
13 you'll do a side-by-side comparison. At this
14 point you can eliminate a lot of footwear just
15 on the outside. Because as you all know, we
16 all have several different patterns of our
17 shoes unless we are just a fan of a certain
18 brand of shoe. And I did a side-by-side
19 comparison.

20 Then we do what's called test
21 impressions, which is where I actually put
22 these shoes on my feet and I do a test
23 comparison on clear film, which is a clear
24 film like cellophane, that you can see
25 through. And once I do that test impression I

1 will take that mylar film and I'll do an
2 overlay with the print. Basically, you lay it
3 on your unknown and you check for those
4 unique, random characteristics or those wear
5 patterns or marks or damage on the bottom of
6 that shoe that I mentioned earlier.

7 Q. Mr. Kinsey, I hand you what's previously
8 been marked as State's Exhibit Number 219 and
9 ask if you recognize that, sir?

10 A. I do, this being the one-to-one
11 photograph that I used for my examination.

12 Q. Is that the one-to-one photograph of the
13 exhibit previously marked as State's 217?

14 A. It is, sir. It is the *Elle* magazine.

15 BRUCE DURANT: Your Honor, at
16 this time we would offer State's 219 into
17 evidence if there is no objection.

18 THE COURT: Any objection?

19 MR. BLOOM: No objection.

20 THE COURT: Without objection,
21 State's Exhibit 219, a photo, is admitted.

22 (SO ENTERED AS STATE'S EXHIBIT 219)

23 DIRECT EXAMINATION CONTINUED

24 BY BRUCE DURANT:

25 Q. And you also mentioned making a mylar

1 print.

2 A. That's correct.

3 Q. I hand you what's previously been marked
4 as State's Exhibits 220 and 221 and ask if you
5 recognize those items and if so, how?

6 A. (Upon review) -- These are my mylar test
7 impressions on Item 77, which would be the
8 Nikes. They bear my lab number, my item
9 number and my initials.

10 Q. And what pair of shoes do those ---

11 A. This pair, the Jordans.

12 Q. Those would be the Air Jordans collected
13 from the Defendant, is that correct?

14 A. That is correct.

15 Q. You also did mylar impressions on the
16 other two pairs of shoes you had as well; is
17 that correct?

18 A. That is correct.

19 Q. And if you would, could you tell the jury
20 what your conclusion was with regard to your
21 analyses on those?

22 First of all, what are the numbers on
23 those mylar impressions, sir?

24 A. They would correspond with the shoe
25 itself, Item 77. And it's State's Exhibit 220

1 and 221.

2 BRUCE DURANT: Your Honor, we
3 would offer State's Exhibits 220 and 221 at
4 this time, if there is no objection.

5 MR. BLOOM: No objection.

6 THE COURT: Without objection,
7 State's Exhibits 220 and 221 are admitted.

8 (SO ENTERED AS STATE'S EXHIBIT 220)

9 (SO ENTERED AS STATE'S EXHIBIT 221)

10 DIRECT EXAMINATION CONTINUED

11 BY BRUCE DURANT:

12 Q. If you would, and you can either stand up
13 and tell the jury this, or come down and show
14 them or whatever you want to do -- how you
15 went about doing your analysis in this case.
16 If you need an easel or need me to hold
17 anything, just let me know.

18 A. If you'll just give me one minute to get
19 things back together here.

20 Q. Okay.

21 BRUCE DURANT: May I help him,
22 Your Honor?

23 THE COURT: You certainly may.

24 DIRECT EXAMINATION CONTINUED

25 BY BRUCE DURANT:

1 Q. Would it help if I would clip the photos
2 to the back of one of these posters?

3 A. Yes, sir, that would be fine.

4 Q. Okay.

5 A. Basically, as I mentioned, once we get to
6 this point we will take it and we will -- as
7 you see on 78.1 we will work it until it
8 matches up just right. We'll check it.

9 What we're looking for is shape, size and
10 outer sole design. Everything has to match
11 up. Or if it can't match up, you have to know
12 a good reason why it doesn't match up. And
13 in this case, there and ---

14 THE COURT: Hold on. Mr. Kinsey,
15 would it help if it goes up on top of the
16 podium? Can you sit it on top of the podium?

17 BRUCE DURANT: Let me put it up
18 here, so you won't have to stoop over.

19 THE COURT: And he can stand at the
20 side so the jury can see.

21 DIRECT EXAMINATION CONTINUED

22 BY BRUCE DURANT:

23 Q. Go ahead.

24 A. That was 78.1 (indicating).

25 Right here is 78.2. We do it the same

1 way.

2 Then we come up here to 78.3.

3 You can look and you can see the chevron
4 patterns on the bottom. They all match up,
5 shape, size and outsole design.

6 78.4, I believe, is another one.

7 Q. You didn't have sufficient product to
8 print off 78.4?

9 A. No, sir. If you look at 78.4, there's
10 several footwear impressions that all
11 intersect right there, and I just could not
12 get a good enough result.

13 Q. And what were your conclusions with
14 regard to the three prints that you were able
15 to do?

16 A. They were what we call our class
17 characteristics which is shape, size and
18 outsole design. And what that means is these
19 shoes could have made that impression, or
20 another pair of shoes just like them could
21 have made that impression.

22 Q. It would had to have been either the
23 defendant's shoes or the same make, model and
24 size as defendant's shoes?

25 A. Yes, sir, that is correct.

1 Q. And what shoe is that, the left or the
2 right shoe?

3 A. This is the right shoe.

4 Q. You can resume your seat, if you like,
5 sir.

6 A. (Returns to witness stand).

7 Q. Can you ever -- with shoe impressions can
8 you ever make a positive identification like
9 you can on fingerprints?

10 A. Yes, sir, you can. But you've got to
11 have damage to the shoe; a nail hole or a rock
12 stuck in the tread pattern or bubblegum or
13 some kind of damage to the bottom.

14 Q. Something that makes a unique pattern on
15 the bottom of the shoe?

16 A. Yes, sir, it would have to be unique and
17 it would have to be random.

18 Q. Okay.

19 BRUCE DURANT: The Court's
20 indulgence just a moment?

21 THE COURT: Yes, sir.

22 DIRECT EXAMINATION CONTINUED

23 BY BRUCE DURANT:

24 Q. Let's move on to February the 18th, 2009.
25 Did you receive some additional items of

1 evidence relative to this case?

2 A. Yes, sir, I did.

3 Q. And what would that be, sir?

4 A. On February the 18th I received two
5 handguns.

6 Q. I hand you a box previously marked as
7 State's Exhibit 287 containing a weapon
8 designated as State's Exhibit 304 and ask if
9 you recognize those items?

10 A. (Upon review) -- yes, sir. They bear the
11 lab number and my initials.

12 Q. And what is that item, sir?

13 A. That is Charleston Police Department Item
14 2Z, "Z" as in "zebra."

15 Q. That's what type of weapon, sir?

16 A. That is a Smith & Wesson .357.

17 Q. Magnum revolver, is that correct?

18 A. Yes, sir, it is.

19 Q. Is that weapon pretty much in the same
20 condition as it was when you received it?

21 A. Yes, sir, it is with one exception. When
22 I received it, it was loaded and it was
23 completely seized up. I had to dismantle the
24 weapon to render it safe.

25 Q. And why was it seized up, sir?

1 A. I can't really tell you exactly. I'm not
2 a firearms examiner, *per se*. But it would not
3 function at the time I received it.

4 BRUCE DURANT: Madam Court
5 Reporter is 287 and 304 in evidence?

6 COURT REPORTER: 304 is, 287 is
7 not.

8 BRUCE DURANT: Let's go ahead and
9 put 287 into evidence, if there's no
10 objection.

11 THE COURT: Any objection to 287?
12 It's the box, as I understand it.

13 MR. BLOOM: No objection.

14 THE COURT: The box containing
15 Exhibit 304 is admitted without objection.

16

17 COURT REPORTER: State's Exhibit
18 287.

19 (SO ENTERED AS STATES EXHIBIT 287)

20 DIRECT EXAMINATION CONTINUED

21 BY BRUCE DURANT:

22 Q. And now I hand you what's previously a
23 box marked as 284 for identification
24 containing a weapon designated as 312 and ask
25 you to examine those items and let me know if

1 that was another weapon you received on
2 February 18th?

3 A. (Upon review) -- yes. That is a Ruger
4 .357 Magnum that I received that day in a box
5 containing four unfired cartridges that were
6 also contained in it.

7 BRUCE DURANT: Your Honor,
8 likewise, if we have not done it, we would
9 admit State's Exhibits 284 and 312, if there's
10 no objection.

11 MR. BLOOM: No objection.

12 THE COURT: 312, I have as being
13 already admitted, which is a handgun.

14 COURT REPORTER: It is.

15 THE COURT: State's Exhibit 284 is
16 the box containing State's Exhibit 312, and it
17 is admitted without objection.

18 (SO ENTERED AS STATE'S EXHIBIT 284)

19 BRUCE DURANT: Thank you, Your
20 Honor.

21 DIRECT EXAMINATION CONTINUED

22 BY BRUCE DURANT:

23 Q. Who did you receive those weapons from,
24 sir?

25 A. I received these items directly from

1 Sergeant Steve Hood.

2 Q. And, of course, at the time that you
3 received them, they were sealed in those
4 boxes; is that correct?

5 A. They were.

6 Q. What were you asked to do with regard to
7 those weapons, sir?

8 A. I was asked to process them for
9 fingerprints and also any DNA that may be
10 contained on the weapons.

11 Q. And did you attempt to process the
12 weapons for latent prints?

13 A. I did.

14 Q. What were the results?

15 A. With Item 2Z, I actually had what we call
16 an insufficient ridge detail, and that's the
17 Smith & Wesson .357; which means there is some
18 ridges there, but it's not enough to effect an
19 identification.

20 And the Ruger .357 which is CPD Item 1Z
21 is what we call no ridge detail developed.

22 Both of them are of no value as far
23 identification is concerned. But the Ruger
24 had absolutely no ridges on it whereas the
25 other one had some ridges but not enough.

1 Q. Were you also asked to test for the
2 presence of fecal material?

3 A. I was.

4 Q. And were you able to do so?

5 A. No, sir, I wasn't.

6 Q. Was SLED able to do so?

7 A. No, sir, they were not.

8 Q. Was your nose able to do so?

9 A. Yes, sir.

10 Q. And what did your nose tell you with
11 regard to the Smith & Wesson?

12 A. It was impacted with fecal matter and it
13 contained fecal matter on the outside.

14 Q. Let's begin with the Smith & Wesson,
15 which is State's Exhibit Number 287.

16 COURT REPORTER: State's Exhibit
17 287.

18 DIRECT EXAMINATION CONTINUED

19 BY BRUCE DURANT:

20 Q. That is the Smith & Wesson; correct?

21 A. Yes, sir.

22 Q. And what was its condition when you
23 received it?

24 A. Completely seized up. As I mentioned,
25 the barrel was completely obstructed, it was

1 not in working order and it was loaded.

2 Q. Mr. Kinsey, let me hand you some
3 photographs that the State has previously
4 marked for identification, State's Exhibits
5 129, 130, 131, 132, 133, 134, 135, 136, 137,
6 138 and 139 and ask if you recognize those
7 photographs?

8 A. (Upon review) -- yes, sir, I do.

9 Q. What are those photographs of, sir?

10 A. These are the photographs that I took as
11 the examination progressed. I captured it all
12 on film.

13 Q. And do they fairly and accurately depict
14 your processing of these weapons in February
15 of this year?

16 A. They do, sir.

17 MR. BLOOM: No objection, Your
18 Honor.

19 THE COURT: Very well. State's
20 Exhibits 129 through 139 -- I believe those
21 are all the numbers; is that correct?

22 BRUCE DURANT: It's 129 -- did
23 you start with 129?

24 THE COURT: 129 is what I have.

25 BRUCE DURANT: 129 through 139.

1 THE COURT: They are admitted
2 without objection, those numbers inclusive.

3 (SO ENTERED AS STATE'S EXHIBIT 129)
4 (SO ENTERED AS STATE'S EXHIBIT 130)
5 (SO ENTERED AS STATE'S EXHIBIT 131)
6 (SO ENTERED AS STATE'S EXHIBIT 132)
7 (SO ENTERED AS STATE'S EXHIBIT 133)
8 (SO ENTERED AS STATE'S EXHIBIT 134)
9 (SO ENTERED AS STATE'S EXHIBIT 135)
10 (SO ENTERED AS STATE'S EXHIBIT 136)
11 (SO ENTERED AS STATE'S EXHIBIT 137)
12 (SO ENTERED AS STATE'S EXHIBIT 138)
13 (SO ENTERED AS STATE'S EXHIBIT 139)

14 BRUCE DURANT: Thank you, sir.

15 THE COURT: Each being a
16 photograph.

17 DIRECT EXAMINATION CONTINUED

18 BY BRUCE DURANT:

19 Q. Getting back -- before going to the
20 pictures, getting back to the latent prints or
21 checking the guns for latent prints, what kind
22 of things affect your ability to be able to
23 collect a latent print from weapons such as
24 this?

25 A. In this case, the first thing I was

1 interested in is rendering it safe. Because
2 you don't want to be handling a loaded weapon,
3 especially a .357, if there is such a thing.
4 So the first thing you do is render it safe.

5 The next thing is I'm trying not to
6 contaminate any DNA, because it's really hard
7 to not get your own DNA in the mix once you
8 start working on something in close quarters
9 of this nature.

10 You have to locate the ridge detail and
11 you have to capture it. Sometimes that's a
12 hard thing to do, especially because of all
13 the ridges and curves on a firearm. It's
14 hard. You can't just put a piece of tape on
15 it and lift a fingerprint. You have to use
16 chemicals and photography a lot of times to be
17 able to capture that ridge detail.

18 Q. Would wiping those weapons down with a
19 tee-shirt, for example, affect your ability to
20 collect fingerprints from them?

21 A. Yes, sir, it would.

22 Q. Let's move back to where we were with the
23 guns. What was the condition of the Smith &
24 Wesson at the time that you received it?

25 A. As I mentioned, it was seized up

1 completely. It was loaded, totally
2 nonfunctional at that time. And it had brown
3 -- what I believed to be fecal matter on the
4 outside. The barrel was completely obstructed
5 with this matter.

6 Q. And it was loaded how?

7 A. There were four unfired cartridges, one
8 cartridge case, which we call shell casings
9 and one empty chamber.

10 Q. So it appeared at least one round had
11 been fired from the weapon; is that correct?

12 A. At some point, yes, sir.

13 Q. And how did you go about processing this
14 weapon for DNA?

15 A. The first thing I did is remove the
16 grips, the wooden grips off of it so I did not
17 contaminate them. And they were swabbed for
18 DNA.

19 The remainder of the weapon, I did blind
20 swabs of the brown substance and tested those
21 with a chemical called phenolsaline, which is
22 our presumptive test. And I got a positive on
23 that. And at that point I collected the swabs
24 off of the weapon and also the touch DNA swabs
25 and placed them in separate coin envelopes for

1 submission to the lab.

2 Q. I hand you what's previously been marked
3 as State's Exhibits 288 and 289 and ask if you
4 recognize those items?

5 A. (Upon review) -- yes, sir, I do. These
6 are my swabs from the Smith & Wesson .357,
7 three swabs from the muzzle end. They were
8 all phenol positive, as I mentioned. And the
9 other envelope containing two swabs from the
10 wooden grips.

11 Q. Which, sir, are ---

12 A. The one from the wooden grips, the touch
13 DNA, is the bottom one.

14 Q. And what's the number?

15 A. State's Exhibit 289.

16 Q. Okay.

17 A. And the one from the muzzle end is
18 State's Exhibit 288.

19 Q. What did you do with these swabs after
20 obtaining them from the weapon?

21 A. They were submitted to the forensics
22 laboratory at SLED for DNA.

23 Q. And later examined by Ms. Lilly Gallman;
24 is that correct?

25 A. Yes, sir, that is correct.

1 BRUCE DURANT: Your Honor, at
2 this time we would offer State's 288 and 289
3 into evidence.

4 THE COURT: Any objection?

5 MR. BLOOM: No objection.

6 THE COURT: Without objection,
7 State's Exhibits 288 and 289 are admitted,
8 envelopes, each containing swabs.

9 (SO ENTERED AS STATE'S EXHIBIT 288)

10 (SO ENTERED AS STATE'S EXHIBIT 289)

11 DIRECT EXAMINATION CONTINUED

12 BY BRUCE DURANT:

13 Q. Let's just go through a few photographs
14 with regard to the Smith & Wesson, starting
15 with State's Exhibit Number 129. What does
16 that photograph show?

17 A. That is the packaging in the box, just
18 like I received the evidence.

19 Q. State's Exhibit 130?

20 A. That's the weapon after it was removed
21 from the box prior to being rendered safe.

22 BRUCE DURANT: Could we dim those
23 lights a little bit more, please?

24 CLERK, MIKE CALLAHAN: (Complies).

25 DIRECT EXAMINATION CONTINUED

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1 BY BRUCE DURANT:

2 Q. State's Exhibit 131?

3 A. The brown substance that I mentioned on
4 the end of the barrel.

5 Q. State's Exhibit 132?

6 A. The obstructed barrel and some small
7 hairs that were located on the muzzle end of
8 the weapon.

9 Q. And what was -- not to be redundant, but
10 what was the odor emanating from that
11 substance?

12 A. It was fecal matter.

13 Q. 133?

14 A. That is the chamber once I got it opened
15 in the correct orientation, with the empty
16 part of the cylinder being up at 12:00
17 o'clock.

18 Q. And right at 5:00 o'clock, that would be
19 the empty shell casing?

20 A. Yes. Well, 12:00 o'clock would be the
21 empty if you're looking at the top of it.
22 Yes, sir.

23 Q. I'm talking about the spent shell casing.

24 A. Yes, sir, that is correct. The fired
25 cartridge is at the bottom.

1 Q. And State's Exhibit 134?

2 A. That's the weapon once I had rendered it
3 safe and dismantled it.

4 Q. And what is all that debris on there?

5 A. Just debris that fell out of the weapon.
6 It could be dried blood. I did find a lot of
7 dried blood on it, or that fecal matter.

8 Q. Okay, and moving on to the Ruger, which
9 is the -- could you give me the number on that
10 again, sir?

11 A. (State's Exhibit) 284.

12 Q. Tell us about that.

13 A. The Ruger was received in that shape. It
14 was in a sealed brown box; however it was
15 unloaded and it was fully functional.

16 Q. And what did you do with regard to the
17 Ruger?

18 A. With regard to the Ruger, pretty much the
19 same process with the exception I didn't have
20 to take it apart to render it safe. I removed
21 the grips. I processed the grips for touch
22 DNA and I also processed the remainder of the
23 weapon for blood or for other DNA evidence.

24 Q. Okay, I hand you what's previously been
25 marked as State's Exhibits 285 and 286 and ask

1 you if you recognize those items?

2 A. (Upon review) -- yes. These are my swabs
3 from the Ruger with State's Exhibit 286 being
4 the two swabs for touch DNA and State's
5 Exhibit 285 being the three swabs from the
6 muzzle end for DNA analysis.

7 Q. And once again, were these items
8 submitted to Lilly Gallman for DNA analysis?

9 A. They were submitted to SLED's forensic
10 laboratory and then sent to Lilly Gallman.

11 BRUCE DURANT: Your Honor, at this
12 time we would offer State's 285 and 286.

13 THE COURT: Any objection?

14 MR. BLOOM: No objection.

15 THE COURT: Without objection,
16 State's Exhibits 285 and 286, each being an
17 envelope containing swabs, are admitted.

18 (SO ENTERED AS STATE'S EXHIBIT 285)

19 (SO ENTERED AS STATE'S EXHIBIT 286)

20 DIRECT EXAMINATION CONTINUED

21 BY BRUCE DURANT:

22 Q. And I'll go through the rest of these
23 photos with you. If I could, starting with
24 State's Exhibit 135. What does that depict?

25 A. That's the packaging containing the Ruger

1 .357 sealed and as in the condition when I
2 received it.

3 Q. 136?

4 A. The weapon, once again, once it was
5 removed from the packaging.

6 Q. And 137?

7 A. A close up of the brown substance on the
8 exterior barrel portion of that weapon.

9 Q. Is this (indicating) the substance you're
10 talking about?

11 A. Yes, sir, it is.

12 Q. 138?

13 A. The same on the other side of the barrel.

14 Q. And 139?

15 A. That's a -- I was attempting to get a
16 shot into the barrel.

17 Q. That barrel obviously was not obstructed
18 like the other one?

19 A. No, sir, it was not.

20 BRUCE DURANT: The Court's
21 indulgence.

22 THE COURT: Certainly.

23 BRUCE DURANT: Could you please
24 answer any questions defense counsel may have
25 for you?

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1 THE COURT: You may cross examine.

2 MR. BLOOM: May it please the

3 Court?

4 CROSS EXAMINATION

5 BY MR. BLOOM:

6 Q. Mr. Kinsey, how are you today, sir?

7 A. Just fine.

8 Q. Let me start by asking you, sir, a few
9 questions about the firearms. It's my
10 understanding you attempted to do fingerprint
11 testing on the Ruger.

12 A. Yes, sir.

13 Q. And it was negative for any fingerprints?

14 A. That's correct.

15 Q. You also attempted to do fingerprint
16 testing on the Smith & Wesson?

17 A. Yes, sir.

18 Q. And that was also negative for any
19 prints?

20 A. Yes, sir.

21 Q. And then subsequent to that you swabbed
22 the grips of both the Ruger and the Smith &
23 Wesson because you said that was for touch DNA
24 test.

25 A. Yes, sir, that's correct.

1 Q. Let's go next, Agent, to some shoe
2 impression evidence that was submitted to you,
3 that I think you testified was compared
4 initially and you did not find any comparison
5 to the defendant's shoes. If I may direct
6 your attention to State's diagram number 298,
7 there is testimony in the record that some
8 shoe print evidence was collected near Item
9 10A on the kitchen floor in the vacant
10 apartment near the deceased's body. Did you
11 receive that shoe print evidence or shoe
12 impression evidence?

13 A. I had some footwear that was submitted.
14 It does not tell me where it was collected.

15 Q. I understand that. You weren't at the
16 scene?

17 A. Right.

18 Q. I just want to direct your attention
19 first to what we're talking about. You
20 examined some shoe print evidence and it
21 excluded William Dickerson's shoes. Is that
22 correct?

23 A. I had some items that were 'no
24 conclusion', and I had some that were -- yes,
25 sir, you're correct, they excluded William

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1 Dickerson's shoes.

2 Q. And just so we're clear ---

3 MR. BLOOM: May I approach the
4 witness, Your Honor?

5 THE COURT: Yes, you may.

6 CROSS EXAMINATION CONTINUED

7 BY MR. BLOOM:

8 Q. You were submitted two pairs of shoes by
9 the State; correct?

10 A. Three total.

11 Q. Three. You had the black Nikes. Would
12 you tell us what size those are, State's 258.

13 A. (Upon review) -- the U.S. size is a nine.

14 Q. And then you had a pair of black Air
15 Jordans?

16 A. Yes, sir.

17 Q. And those are size what?

18 A. Those are U.S. Size 11.

19 Q. And that's reflected both from your chain
20 of custody as well as the testimony in this
21 case that they took those shoes -- the Size 11
22 black Air Jordans were obtained from William
23 Dickerson upon his arrest.

24 A. They are. It is logged in as being from
25 William Dickerson, yes, sir.

1 Q. We'll call them the Air Jordan shoes.

2 A. Okay.

3 Q. And the size seven black Nikes, the
4 record evidence is they were retrieved from
5 the upstairs bathroom. We'll just call those
6 the 'black Nikes' for now because they haven't
7 been identified.

8 The third pair of shoes, just so we're
9 clear, are the white Reeboks; correct?

10 A. Yes, sir.

11 Q. All right.

12 A. I do not know where they were recovered,
13 but I'm taking your word for it.

14 Q. Okay. The record evidence reflects, just
15 so that you are oriented, that the white
16 Reeboks were from the green trash can.

17 A. Yes, sir.

18 Q. Now, one thing I want to make clear, when
19 you're examining shoe print evidence,
20 generally you can't tell what size shoe made
21 that impression. Is that fair to say?

22 A. No, sir, you cannot. You can get a
23 general idea, but several manufacturers will
24 use the same outsole for two or three
25 different sizes of shoes.

1 Q. And when you're talking about the
2 outsole, you're talking about this bottom part
3 of the shoe; correct?

4 A. That is correct.

5 Q. So a size may go up or down by a couple
6 of levels and use the same outsole?

7 A. That is correct, usually in half-size
8 increments.

9 Q. Now, next in that regard, if I can go
10 back and talk about the shoe impressions that
11 were submitted to you, that the record
12 evidence reflects were from the kitchen floor
13 of Apartment E-4, were you able to identify
14 somewhere between four and five different
15 patterns in the shoeprint evidence submitted
16 to you?

17 A. In which item? I'm sorry. I don't know
18 which impression you're ---

19 Q. Let me look at your SLED report. (Upon
20 review), I believe it's SLED Item 74, which is
21 the shoe impression from the record evidence
22 in this case that the State collected from
23 about Item 10A in the empty kitchen area.

24 A. Yes, sir.

25 Q. And so SLED Item 74 you were able to

1 identify four or five different shoe
2 impressions in that?

3 A. Yes, sir, I was. They're all different
4 sub-items which would be a separate
5 impression.

6 Q. And, in fact, they were separate in the
7 State impression; correct?

8 A. Yes, sir, they were.

9 Q. There wasn't four or five of the same
10 outsole?

11 A. It could have been. But there were four
12 or five totally separate steps, if you will.
13 They were not the same that had been smudged.
14 They were different touches.

15 Q. All right. And some of them, just for
16 the jury's benefit, were -- for lack of better
17 terms, one might have been a cross-hatched
18 pattern, little square pattern. Is that fair
19 to say?

20 A. It may have been. I could not tell you
21 exactly without looking at it. My results
22 were just 'no conclusion' due to the quality.

23 Q. If I can show you ---

24 MR. BLOOM: May I approach the
25 court reporter?

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1 THE COURT: Certainly, you may.

2 COURT REPORTER: Individually or
3 collectively?

4 MR. BLOOM: I am going to mark them
5 all as one, staple them together.

6 COURT REPORTER: Defendant's
7 Exhibit 9 for identification.

8 MR. BLOOM: And these, (tendering).

9 COURT REPORTER: Defendant's
10 Exhibit 10 for identification.

11 CROSS EXAMINATION CONTINUED

12 BY MR. BLOOM:

13 Q. Agent Kinsey, let me show you Defendant's
14 Exhibit Number 9 for identification, which is
15 some photographs of the kitchen floor we were
16 talking about, as well as Defendant's Exhibit
17 10 for identification which, I believe, is
18 your mylar overlays other impressions from the
19 kitchen floor.

20 I'll let you just take a few minutes and
21 review those to help refresh your recollection
22 of your examination of the shoe impression
23 found on the kitchen floor in E-4.

24 A. (Upon review) -- it does, very much so.

25 Q. First off, again, now that you've had an

1 opportunity to have those exhibits, you were
2 able to compare William Dickerson's shoes, the
3 Air Jordans, to those shoe impressions in the
4 empty apartment kitchen.

5 A. Yes, sir, I was.

6 Q. And you completely excluded William
7 Dickerson's shoes from that kitchen floor
8 area?

9 A. Well, actually the results were no
10 conclusion on 74.1, 74.2, and 74.3.

11 When you get to 74.4.1, which is a little
12 confusion, but that sub-item, I was able to
13 exclude William Dickerson's shoes along with
14 the other two.

15 Also 74.4.2, I was also able to exclude
16 them on that one, and 74.5 also.

17 Q. Thank you, sir.

18 A. Yes, sir.

19 Q. And next in that regard, is it apparent
20 from your examination of those shoe prints
21 that there's at least four or five different
22 patterns of shoes in that area?

23 A. Yes, sir. That would be safe to say,
24 yes, sir.

25 Q. The Solicitor asked you if other

1 Sheriff's deputies had been in there or a
2 couple of EMS personnel, you can -- local
3 agents can collect shoes of any deputy and
4 submit them to you for comparison, as well;
5 correct?

6 A. Yes, sir, they can.

7 Q. That wasn't done for you in this case?
8 Nobody submitted to you any deputies' shoes?

9 A. The only shoes I had were these three
10 pairs.

11 Q. All right. Likewise with EMS personnel
12 that had been at the scene, those shoes, a
13 local print could be made and submitted to you
14 as well for comparison?

15 A. Yes, sir; they could.

16 Q. That has been done for you on occasion to
17 eliminate whether or not a deputy or EMS
18 personnel or other responder made a particular
19 impression. Is that not correct?

20 A. On occasion, (affirmative nod).

21 Q. All right. Now, in that regard, no agent
22 from local law enforcement submitted to you
23 any shoe evidence belonging to Armon
24 Dickerson. Is that correct?

25 A. The only one I believe specifically was

1 described was right and left shoe of William
2 Dickerson. Now, the incident report may have
3 reflected that. But the log-in form that I
4 got was Nike Elite and Reebok tennis shoes.

5 Q. So no local law enforcement agent from
6 this area submitted to you any shoes as being
7 attributable to Armon Dickerson for
8 comparison?

9 A. I can't say they didn't, but I didn't
10 receive them for my examination.

11 Q. All you had was these three shoes?

12 A. Yes, sir, that's correct.

13 Q. And no one submitted to you any -- no one
14 from law enforcement submitted to you any
15 shoes attributable to Rashid Malik. Is that
16 correct?

17 A. No, sir. As I mentioned, just these
18 three pairs.

19 Q. And the next question I have, just tell
20 me if you know. The black Nikes, does your
21 SLED chain of custody reflect that those
22 actually have been attributed to Selena Rouse?
23 Is there a name associated with those?

24 A. They're not logged in as such.

25 Q. Agent Kinsey, moving on, let me next ask

1 you in regard to the mylar impressions that
2 you did on the *Elle* magazine which the
3 Solicitor handed you -- the *Elle* magazine
4 which you testified to, you compared William
5 Dickerson's Air Jordans to that; correct?

6 A. Yes, sir, I did.

7 Q. And that is the demonstration you showed
8 us here with the mylar overlay that sometimes
9 show some characteristics that line up. Is
10 that fair to say?

11 A. That is correct.

12 Q. And in that regard, I think you used the
13 words in front of the jury, what you try to do
14 is match things up. Is that correct?

15 A. That is correct.

16 Q. But I want to be careful and correct,
17 because the word "match" in your line of work
18 has a particular professional connotation; is
19 that correct?

20 A. When we use the word "identification." A
21 lot of people will take the word "match" as
22 being an "identification." But when I
23 mentioned that, what I'm referring to is
24 border for border and chevron for chevron or
25 reference point -- for boundaries of that

1 impression.

2 Q. And that's what I wanted to clarify as
3 far as using the same terms. You're not
4 telling this jury that you were able to match
5 William Dickerson's shoes to that impression.

6 A. This is what we refer to as a class
7 characteristic, which it is the same shape,
8 size and outsole design. It could have been
9 left by that shoe or any other shoe just like
10 that one that was produced.

11 Q. And, again, the Solicitor asked you in
12 that regard the same size. Not necessarily
13 the same size, as you told us, because sneaker
14 sizes can go up or down.

15 A. When I refer to size in this aspect,
16 we're talking about the size of the outsole.
17 The upper could be of variable size; that's
18 correct.

19 Q. So the size of the outsole doesn't
20 necessarily correspond to the size of the
21 shoe.

22 A. That is correct.

23 Q. In fact, the shoes can go up a few or
24 down a few depending upon the cut?

25 A. That is correct, depending upon the

1 manufacturer.

2 Q. And, again, just -- and I'm not trying to
3 belabor the point, but I want to make sure
4 we're talking about the same thing. So when
5 you used the professional term "class
6 characteristic", you are not telling this jury
7 William Dickerson's shoe matches that, as
8 people commonly understand the word "match."

9 A. All I'm saying is that there is a
10 possibility that his shoe or another like it
11 left that impression.

12 Q. You can't say William Dickerson's shoe, a
13 hundred percent, made that impression.

14 A. No, sir. I cannot.

15 Q. And, in fact, you used the words "class
16 characteristic." And it's my understanding
17 from your testimony, you examined in this
18 particular case on this print on the *Elle*
19 magazine, approximately seventy-eight
20 characteristics, or there are seventy-eight
21 characteristics? I may not be asking the
22 question right. You were able to find three
23 of approximately seventy-eight class
24 characteristics evident?

25 A. No, sir. Item 78.

1 Q. Three characteristics of Item 78?

2 A. I found probably -- the one that's there
3 was no conclusion, there's several different
4 impressions there. I can't even begin to
5 count. They're just all on top of each other.
6 The other three are just that they are in the
7 pattern of Item 77.

8 Q. Now, this particular footwear impression
9 that you compared on the Elle magazine, that
10 print was determined to be in blood or there
11 was some blood on that; correct?

12 A. I did not test it.

13 Q. You did not test it?

14 A. No, sir.

15 Q. All right, sir.

16 A. It did appear to be blood.

17 Q. And I guess I just need to ask that. Did
18 it appear to be blood on that impression?

19 A. That's correct.

20 Q. And it's your understanding that that was
21 then later submitted to serology at the DNA
22 lab?

23 A. It was marked by an officer.

24 Q. And in that regard, that happens from
25 your professional experience where a person

1 steps -- in one of two ways. The blood can
2 already be on the surface that the person
3 steps on; correct?

4 A. Yes, sir, that is correct.

5 Q. Or the person can step in blood and then
6 step on the surface of the magazine or
7 wherever the surface is that the print is
8 made. Is that correct?

9 A. That is correct. That's a transfer.

10 Q. And when we talk about "transfer", just
11 explain to the jury what "transfer" is,
12 please, sir.

13 A. "Transfer" is just when you step in a
14 substance or you put your hand in a substance
15 and you transfer it to another area.

16 Q. And that can happen, in some instances,
17 where blood is dry but then liquified through
18 the introduction of water?

19 A. It can. Yes, sir.

20 Q. So if a person is, for example, mopping
21 up or water is introduced to dried blood, the
22 blood can reliquify?

23 A. To a certain aspect.

24 Q. And that can also contribute to a
25 transfer?

1 A. Yes, sir, it could.

2 Q. Did there appear on the *Elle* magazine to
3 be some -- and if I don't use the right terms,
4 please correct me -- to be some splatter or
5 smearing of blood on or near the shoe print?

6 A. I really don't see any spatter on the
7 magazine. What I see more is ---

8 Q. Let's stop there. Spatter is where there
9 are drops of blood or ---

10 A. --- that had been projected. Yes, sir.

11 Q. Projected on there. Go ahead. I didn't
12 mean to interrupt you.

13 A. What I probably see is an abundance -- an
14 over-abundance of the liquid on both ends of
15 the magazine.

16 Q. And would you mind holding that up and,
17 if you have to, stand and point to the jury
18 where you just described that type of
19 situation.

20 A. Well, on this end and on the opposite
21 corner (indicating).

22 Q. Again, -- I might have used the term
23 "smearing." Is there a better term for it?

24 A. I can't really tell you, because I don't
25 know what the liquid is.

1 Q. Sure.

2 A. To be honest.

3 Q. And what is the term you use to describe
4 that?

5 A. Just an over-abundance of some type of
6 liquid, some type of pooling or transfer in
7 abundance. It's more than a little bit.

8 Q. All right. And, of course, that can
9 happen with the introduction of water as well;
10 correct?

11 A. (Affirmative nod), probably any liquid.

12 Q. Any liquid?

13 A. Yes, sir.

14 Q. So if someone is cleaning up or mopping,
15 that could contribute to that if water from
16 the mopping or cleaning is introduced with the
17 blood as well.

18 A. I imagine if it was wet enough, just
19 about anything could do it, if there was
20 enough water or liquid introduced.

21 Q. All right, sir. To your knowledge, no
22 shoe prints were submitted to you from
23 anywhere in the main part of Apartment E-3,
24 the kitchen/dining room area or living room,
25 to your knowledge?

1 A. I have none marked as such.

2 Q. Okay. The only two shoe prints you
3 received for examination is the one you just
4 told us about on the *Elle* magazine; correct?

5 A. That was one.

6 Q. That was one.

7 A. Yes, sir.

8 Q. And the other shoe print evidence was a
9 lift from the kitchen floor tile in the vacant
10 apartment E-4?

11 A. It's actually several lifts but, yes.

12 MR. BLOOM: The Court's indulgence
13 for one moment.

14 THE COURT: Certainly.

15 MR. BLOOM: The Court's indulgence
16 for one moment, Your Honor. I know Agent
17 Kinsey has to return to Orangeburg, so I don't
18 want to hold him up.

19 THE COURT: Take your time.

20 MR. BLOOM: Thank you, sir. Just
21 one moment. Thank you very much, Your Honor.
22 I have no further questions of Agent Kinsey.

23 THE COURT: Redirect.

24 BRUCE DURANT: No, sir, Your
25 Honor.

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1 THE COURT: Thank you. Mr. Kinsey,
2 you may step down.

3 BRUCE DURANT: I ask that he be
4 excused if there's no objection.

5 THE COURT: Any objection?

6 MR. BLOOM: No objection.

7 THE COURT: And you are free to
8 leave.

9 (WITNESS STEPS DOWN)

10 THE COURT: At this point, Ladies
11 and Gentlemen, I'll let you go to your jury
12 room. Do not begin your deliberations. Don't
13 discuss the case. We'll be with you in about
14 ten or fifteen minutes.

15 (JURY OUT @ 11:20 A.M.)

16 THE COURT: Anything from the State
17 before we recess?

18 SOLICITOR WILSON: No, sir.

19 THE COURT: Anything from
20 defendant?

21 MR. BLOOM: No, sir.

22 THE COURT: Thank you. We'll be
23 at the recess for about 15 minutes.

24 (BRIEF RECESS 11:20 - 11:37)

25 (DEFENDANT PRESENT)

1 THE COURT: Let the record reflect
2 that Mr. Dickerson is present and defendant is
3 ready to continue. Mr. Carroll, are you'all
4 ready?

5 MR. CARROLL: We are, Your
6 Honor.

7 THE COURT: The State's ready to
8 resume?

9 BRUCE DURANT: Yes, sir, Your
10 Honor.

11 THE COURT: Let's bring in our
12 jury, please.

13 (JURY IN @ 11:39 A.M.)

14 BAILIFF: Jury is all present.

15 THE COURT: Thank you, Mr.
16 Robinson. Thank you very much, Ladies and
17 Gentlemen. Please be seated.

18 Solicitor, you may call your next
19 witness, please.

20 BRUCE DURANT: The State would
21 call Lilly Gallman.

22 (WITNESS TAKES STAND)

23 LILLY SMALL GALLMAN, being duly
24 sworn to tell the truth, the whole truth and
25 nothing but the truth, testified, as follows:

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1 DIRECT EXAMINATION

2 BY BRUCE DURANT:

3 Q. Good morning, Ms. Gallman.

4 A. Good morning.

5 Q. Could you tell the jury where you're
6 employed?

7 A. I'm employed with the South Carolina Law
8 Enforcement Division as a forensic DNA
9 analyst.

10 Q. How long have you been with SLED?

11 A. I began working there in January of 1990,
12 so nineteen years.

13 Q. Okay, have you been an DNA analyst the
14 entire time you've been with SLED?

15 A. Yes, I have.

16 Q. What is your educational background?

17 A. I have a degree in biology from the
18 University of South Carolina.

19 Once I received my degree, I continued
20 working in the area of molecular genetics
21 where I did cloning and sequencing of DNA.

22 As I stated, I started working at the
23 South Carolina Law Enforcement Division in
24 January of 1990 as a forensic DNA analyst.

25 Since that time I have attended the FBI

1 DNA-typing school, both the beginning and the
2 advanced; where we learn to handle evidence in
3 a forensic setting.

4 I've also taken advanced genetic courses
5 and forensic courses since I've been employed
6 at SLED.

7 I've also been trained in the area of
8 serology, which is the identification of blood
9 bodies.

10 I have to attend each year a meeting for
11 continuing education.

12 Q. Are you certified by SLED to perform DNA
13 analyses?

14 A. Yes, I am.

15 Q. And have you had any teaching or
16 instructional duties with SLED in the past in
17 terms of DNA analyses?

18 A. Yes, I have. When new analysts are hired
19 on, one of the senior analysts will train them
20 in the area of forensic DNA analyses.

21 Q. And have you been qualified as an expert
22 in the area of DNA analyses in the past?

23 A. Yes, I have.

24 Q. On how many occasions, ma'am, and in what
25 courts?

1 A. Approximately sixteen, in General
2 Sessions.

3 BRUCE DURANT: Your Honor, at this
4 time we would offer Ms. Gallman as an expert
5 in the field of DNA analysis.

6 MR. BLOOM: No objection.

7 THE COURT: Very well. She will be
8 permitted to render opinions in that area.

9 DIRECT EXAMINATION CONTINUED

10 BY BRUCE DURANT:

11 Q. In general terms, could you explain to
12 the jury what the field of forensic DNA
13 analysis entails?

14 A. It is a working area of forensic DNA
15 analysis, we receive evidence from a crime
16 scene, be it a CSC or a home site, whatever
17 the case may be. And that evidence is then
18 compared to a standard. It could be blood or
19 a buccal swab, which is a swabbing from inside
20 a person's mouth, to see if we can tell if we
21 have a match or if we do not have a match. In
22 the course of doing that some DNA is extracted
23 from each sample, that would be the evidence
24 and the standards that are submitted to us.
25 And then a DNA profile is developed from each

1 one of those items and compared and that way
2 you can tell if you have a match or if you do
3 not have a match between the samples.

4 Q. Why is DNA forensics significant?

5 A. DNA has been used in academic settings
6 since -- as I said, I went to the University
7 of South Carolina -- often with DNA work and
8 also in the area of determining evidence in
9 people of genetic diseases.

10 In the area of forensic DNA analysis, we
11 do not look at a person, but we do look at a
12 person's particular DNA profile.

13 Since DNA has been pushed over into the
14 forensic area, as I say we're able to develop
15 a DNA profile from the evidence and compare it
16 to a standard.

17 Q. Do DNA profiles vary from individual to
18 individual?

19 A. Yes. The only two people that would have
20 the same DNA profile would be identical twins
21 because, you know, they're coming from the
22 same egg. Everyone else's DNA is different.

23 Q. And this would be true with, for
24 examples, brothers that aren't identical
25 twins. Is that correct?

1 A. Brothers would have similar DNA; portions
2 of that are coming from the same parent and
3 they would have similar DNA, but they would be
4 different also.

5 Q. Okay. With regard to this case, your lab
6 number L0614169, would it be safe to say that
7 over a period of three years you've received a
8 number of different items to be analyzed in
9 this case?

10 A. Yes, I have.

11 Q. I hand you what's previously been marked
12 as State's Exhibit Number 318 for
13 identification and ask you to take a look at
14 that document.

15 A. Yes, sir.

16 Q. Does that document accurately reflect
17 items that were submitted to you for DNA
18 testing in this case and the times that they
19 actually came into your possession?

20 A. On several occasions I received evidence
21 to be analyzed and it started back in January
22 of 2007. It was during that period, and
23 leading up to 2009, I've received evidence on
24 different occasions from submitting agencies
25 and from analysts in their forensic

1 departments.

2 Q. With regard to Exhibit Number 318, you
3 originally received some items for testing on
4 January 11, 2007. Is that correct?

5 A. Yes, sir.

6 Q. And those items are listed on Exhibit
7 318?

8 A. Yes, they are.

9 Q. I believe that exhibit cross-references
10 SLED numbers and CPD numbers and State's
11 exhibit numbers. Is that correct?

12 A. That's correct.

13 Q. Does -- as a general rule, a submitting
14 law enforcement agency uses their own
15 numbering system. Is that correct?

16 A. That's correct.

17 Q. And when something gets to SLED for
18 testing, SLED then renumbers everything. Is
19 that correct?

20 A. Using our numbering system, yes.

21 Q. Then, of course, when it gets to the
22 courtroom it gets a third number. Is that
23 correct?

24 A. That's correct.

25 Q. And that's why we have all those numbers

1 on there?

2 A. (Affirmative nod).

3 Q. With regard to those items delivered to
4 you on January 11th, 2007, I believe some
5 seventy-three items were actually submitted to
6 you on that first occasion. Did you test all
7 of them?

8 A. No, I did not.

9 Q. And why did you not test all of them?

10 A. Several items came from, for example were
11 a number of swabs from the trash can. From
12 that number of items, I picked the sample that
13 had more swabs. You look at the swabs, the
14 boxes, and you use the best results, just more
15 evidence on that swab. That's what I tested.
16 I went through the swabs and I picked the ones
17 from that same testing area to do DNA evidence
18 testing on.

19 Q. And with regard to that first submission,
20 I believe, and according to State's Exhibit
21 318, you developed DNA profiles on SLED Items
22 9, 17, 18, 22, 29, 35, 41, 45, 50 and 73. Is
23 that correct?

24 A. That's correct.

25 Q. Then later on, in November, did you get

1 most of those same items back?

2 A. Yes, I did.

3 Q. And why was that?

4 A. I was requested by the Solicitor's Office
5 to do more testing.

6 Q. And the Solicitor's Office wanted all the
7 evidence tested in this case. Is that
8 correct?

9 A. That's correct.

10 Q. And you graciously agreed to that, did
11 you not?

12 A. Well, I agreed to do it.

13 Q. Good answer. And on that occasion, I
14 believe, moving on to page two of State's
15 Exhibit 318, we have a list of a bunch of
16 other items that came into your possession on
17 November the 14th of 2007. Is that correct?

18 A. Yes, it is.

19 Q. And were you able to develop a DNA
20 profile on all those items?

21 A. Yes, I was.

22 Q. Did that consist of a two-page list --
23 two pages of the list going from SLED Item 8
24 through SLED Item 82. Is that correct?

25 A. That's correct.

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1 Q. Then moving on to November 15th of 2007,
2 you received a number of items from Ms. Janice
3 Bryson. Is that correct?

4 A. Yes, sir.

5 Q. Who is Janice Bryson?

6 A. She's an evidence technician. She works
7 in the processing area. When we receive
8 evidence that is considered bulk evidence, be
9 it a pair of blue jeans or a tee shirt, items
10 like that, she has an area where she's able to
11 lay those items out and check them for the
12 presence of blood or semen and label them for
13 identification. She is able to take a swab
14 from those items. And while she does that she
15 makes a cutting, packs them up and transfers
16 them to whatever analyst is on that particular
17 case in the DNA department.

18 Q. Referring to State's Exhibit 318 and the
19 items you received on November 15th of 2007,
20 among those items did you receive some cutting
21 from a tee-shirt designated as Item CPD 2E
22 belonging to the Defendant, and numbered 51.1,
23 51.2, 51.3 and 51.4?

24 A. Yes, I did.

25 Q. I hand you what's previously been marked

1 as State's Exhibits 276, 277, 278, and 279 and
2 ask if you recognize those items as being the
3 items that were submitted to you on that date?

4 A. (Upon review) -- yes, these are the
5 cuttings that were made by Janice Bryson in
6 the evidence department.

7 Q. And these are the items that you tested
8 on that occasion?

9 A. Yes.

10 BRUCE DURANT: Your Honor, we
11 would offer 276, 277, 278 and 279 into
12 evidence.

13 MR. BLOOM: No objection.

14 THE COURT: Without objection, 276
15 through 279 are admitted. They are envelopes
16 containing cuttings and they are admitted
17 without objection.

18 (SO ENTERED AS STATE'S EXHIBIT 276)

19 (SO ENTERED AS STATE'S EXHIBIT 277)

20 (SO ENTERED AS STATE'S EXHIBIT 278)

21 (SO ENTERED AS STATE'S EXHIBIT 279)

22 DIRECT EXAMINATION CONTINUED

23 BY BRUCE DURANT:

24 Q. That wasn't the only thing that you got
25 on November the 15th, but that was among the

1 things you got from Ms. Bryson on November
2 15th; is that correct?

3 A. That's correct.

4 Q. Moving on -- in State's 318, we see SLED
5 Item 89 designated as a buccal swab of William
6 Dickerson, State's Exhibit Number 283.

7 A. That's correct.

8 Q. What did you use that for? Was that used
9 as the standard for the Defendant?

10 A. Yes, I did use it as the standard.

11 Q. And what other standards did you have in
12 this case to perform your analyses?

13 A. I also had a standard from Gerard Roper.

14 Q. Who was the victim, and that came from a
15 blood sample at the autopsy. Is that correct?

16 A. That's correct. I also had a blood
17 standard from Selena Rouse, a blood standard
18 from Armon Dickerson, and later I received a
19 blood standard from Rashid Malik.

20 Q. Moving on to February 19th of this year,
21 you received some additional items in this
22 case, some from Janice Bryson and some from
23 Mr. Kinney Kinsey that testified previously.
24 Is that correct?

25 A. That's correct.

1 Q. And among those items that you received
2 from Ms. Janice Bryson, did they include a
3 swab designated as SLED Item 91.1 and three
4 cuttings designated as SLED Items 91.2, 91.3,
5 91.4 coming from a tee-shirt designated as CPD
6 Item 3Z found in an attic?

7 A. That's correct.

8 Q. Ms. Gallman, I hand you what's previously
9 been marked as State's Exhibits 291, 292, 293
10 and 294 and ask if those appear to be the
11 items submitted to you by Ms. Bryson on that
12 date?

13 A. (Upon review) -- yes, they are.

14 BRUCE DURANT: Your Honor, we
15 would offer 291 through 294 if there's no
16 objection.

17 MR. BLOOM: No objection.

18 THE COURT: State's 291 through 294
19 inclusive are admitted without objection.

20 BRUCE DURANT: Thank you, Your
21 Honor.

22 THE COURT: Yes, sir.

23 (SO ENTERED AS STATE'S EXHIBIT 291)

24 (SO ENTERED AS STATE'S EXHIBIT 292)

25 (SO ENTERED AS STATE'S EXHIBIT 293)

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1 (SO ENTERED AS STATE'S EXHIBIT 294)

2 DIRECT EXAMINATION CONTINUED

3 BY BRUCE DURANT:

4 Q. And finally the last evidence submitted
5 to you, I believe was on March 10th and 11th of
6 this year. Is that correct?

7 A. That's correct.

8 Q. And that consisted of some swabs and
9 cuttings coming from a sweatshirt and a pair
10 of blue jeans and socks from a garbage can.
11 Is that correct?

12 A. That's correct.

13 Q. At all times when this was going on with
14 all these items were they all properly
15 labeled?

16 A. Yes, they were.

17 Q. Properly sealed?

18 A. Yes.

19 Q. Any evidence that any of the items had
20 been tampered with at the time they came into
21 your possession?

22 A. No, they were not.

23 Q. Had there been any such evidence, what
24 would you have done?

25 A. If there's a problem that evidence is not

1 sealed properly, we would go back to the
2 person who last handled it and find out
3 exactly what would have been the problem; if
4 they were the one that left the crime scene
5 with the evidence, or was it in someone else's
6 hands before it got to me. But in this case,
7 that did not happen.

8 Q. And with regard, once again, to the items
9 submitted on State's Exhibit 318, were you
10 able to develop DNA profiles on most of these
11 items?

12 A. Yes, I was.

13 Q. There are items in this list that you
14 didn't develop profiles on. Is that correct?

15 A. That's correct.

16 Q. There are also other items that were
17 submitted to you that are not contained in
18 this list which you were unable to develop
19 profiles on.

20 A. That's correct.

21 BRUCE DURANT: The Court's
22 indulgence just a moment.

23 THE COURT: Certainly.

24 BRUCE DURANT: Madam Court
25 Reporter, has 318 been admitted into evidence?

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1 COURT REPORTER: No, sir, not yet.

2 BRUCE DURANT: We would move 318
3 into evidence, if there is no objection.

4 THE COURT: Any objection?

5 MR. BLOOM: No objection.

6 THE COURT: Without objection,
7 State's Exhibit 318, an inventory, is
8 admitted.

9 (SO ENTERED AS STATE'S EXHIBIT 318)

10 DIRECT EXAMINATION CONTINUED

11 BY BRUCE DURANT:

12 Q. Ms. Gallman, as far as your analysis in
13 this case, you prepared DNA profiles of
14 William Dickerson, Gerard Roper and Armon
15 Dickerson and Rashid Malik and Selena Rouse?

16 A. Yes, sir.

17 Q. And I want to go through the evidence and
18 as I do so, I would like you to tell us what
19 the results were.

20 We are going to start with SLED Item 6.1.
21 That would be State's Exhibit 209 which is a
22 swab from the cable cord coming from the trash
23 can.

24 A. That particular item matched Gerard
25 Roper.

1 Q. That particular item matched Gerard

2 Roper?

3 A. That's correct.

4 Q. And that would be the 6.1 cable cord down
5 here; is that correct?

6 A. Yes.

7 Q. We're going to make Mr. Roper blue --
8 (marking on chart on display). And the 6.1
9 cable cord came out to Gerard Roper. Is that
10 correct?

11 A. That's correct.

12 Q. 7.1, a SLED swab from the cable cord
13 designated as 19B by CPD that came from the
14 pantry in the kitchen and it's State's Exhibit
15 259. Were you able to obtain results on that
16 particular item?

17 A. Yes, I was. It also matched Gerard
18 Roper.

19 Q. That is the 19B cable cord. Is that
20 correct?

21 A. Yes.

22 Q. SLED Item Number 8, State's Exhibit 186,
23 being a blood swab from the kitchen floor,
24 designated as CPD Item 4A.

25 A. That also matched Gerard Roper.

1 Q. SLED Item 9, State's Exhibit 187,
2 designated CPD Item 5A, being a blood swab
3 from the kitchen floor.

4 A. That item matched William Dickerson.

5 Q. We'll make Mr. William Dickerson red --
6 (marking on chart displayed). That would be
7 Item 5A; is that correct? CPD Item 5A?

8 A. Yes.

9 Q. SLED Item Number 10, CPD Item 6A, being a
10 blood swab from the kitchen floor, State's
11 Exhibit Number 188. SLED Item Number 10.

12 A. That item matched William Dickerson.

13 Q. That's CPD Item 6A; is that correct?

14 A. That's correct.

15 Q. SLED Item Number 11, CPD Item Number 7A,
16 State's Exhibit 189, a blood swab from the
17 kitchen floor.

18 A. That also matched William Dickerson.

19 Q. SLED Item Number 12, CPD Item Number 9A,
20 State's Exhibit 190, a blood swab from the
21 dishwasher.

22 A. William Dickerson matched that.

23 Q. SLED Item Number 13, CPD Item 10A,
24 State's Exhibit Number 191 being a blood swab
25 from the kitchen floor.

1 A. That item also matched Gerard Roper.
2 Q. So that would be a blue; is that correct?
3 A. Yes.
4 Q. Was that a complete match or a partial
5 match?
6 A. That was a partial, but it also matched
7 Gerard Roper.
8 Q. SLED Number 14, State's Exhibit 192, CPD
9 Item 12A, being a blood swab from the top of
10 the AC unit.
11 A. That item matched William Dickerson.
12 Q. SLED Item 15, CPD Item 13A, State's
13 Exhibit Number 193, blood swab from the base
14 of the AC unit.
15 A. That item also matched William Dickerson.
16 Q. SLED Item 16, CPD Item 14A, State's
17 Exhibit 194, a blood swab from the top of the
18 AC unit.
19 A. That item was mixed and came from our
20 report The mix contributed to our Item 16,
21 and it matches William Dickerson.
22 Q. Were you able to draw any conclusions
23 concerning the minor contributor?
24 A. I was able to exclude Selena Rouse, Armon
25 Dickerson and Gerard Roper as the minor

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1 contributor.

2 Q. SLED Item Number 17, CPD Item 15A, a
3 blood swab from the side of the AC unit,
4 State's Exhibit 195?

5 A. It matches William Dickerson.

6 Q. SLED Item Number 18, CPD Item 16A,
7 State's Exhibit 196, being a blood swab from
8 the kitchen floor where the victim was.

9 A. It matched Gerard Roper.

10 Q. Moving on to items from the garbage can,
11 SLED Item Number 19, a blood swab from the
12 mailing tube in the garbage can, State's
13 Exhibit Number 198, CPD Item 8A1.1.

14 A. It matched Gerard Roper.

15 Q. SLED Item 20, CPD Item 8A1.2, also from
16 the mailing tube, State's Exhibit 199.

17 A. Matched Gerard Roper.

18 Q. SLED Item 21, blood swab from the window
19 blinds found in the trash can, State's Exhibit
20 203.

21 A. Matched Gerard Roper.

22 Q. 22, SLED Item 22, State's Exhibit 206,
23 swab from window blinds in the trash can.

24 A. Matched Gerard Roper.

25 Q. SLED 23, CPD 8A6.1, State's Exhibit 210,

1 blood swab from the cable cord from the trash
2 can.
3 A. Matched Gerard Roper.
4 Q. SLED 24, CPD 8A9A.1, blood swab from a
5 drinking glass found in the trash can, State's
6 Exhibit Number 213.
7 A. Also matched Gerard Roper.
8 Q. SLED Item 25, State's Exhibit 228, blood
9 swab from the nunchucks.
10 A. Item number 25 gave me a partial DNA
11 profile, but it also matched Gerard Roper.
12 Q. 26, SLED Item 26, State's Exhibit 227,
13 blood swab nunchucks, designated as 8A11B.1.
14 A. Matched Gerard Roper.
15 Q. SLED Item Number 27, a blood swab from
16 the rear screen door designated as CPD Item
17 3B, State's Exhibit Number 243.
18 A. That item matched William Dickerson.
19 Q. SLED Item Number 28, CPD Item 4B, State's
20 Exhibit 244, blood swab from the rear door?
21 A. That item gave me a partial DNA profile,
22 but it also matched William Dickerson.
23 Q. SLED Item 29, CPD Item 5B, blood drops on
24 laundry room floor in front of the washing
25 machine, CPD Item 5B.

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- 1 A. That item also matched William Dickerson.
- 2 Q. SLED Item 30, State's Exhibit 246, CPD
- 3 Item 6B, blood swab from blood smear inside
- 4 back door of the laundry room.
- 5 A. Matched William Dickerson.
- 6 Q. Okay, Number 31, blood swab -- State's
- 7 Exhibit 247, 7B, blood swab, laundry room
- 8 door, kitchen side.
- 9 A. Matched Gerard Roper.
- 10 Q. SLED 32, State's 248, CPD Item 8A, blood
- 11 swab from the kitchen counter?
- 12 A. That particular item was a mixture and
- 13 that mixture matched the DNA profile of Gerard
- 14 Roper. Partial DNA profile might contribute,
- 15 although it was insufficient for reliable
- 16 interpretation.
- 17 Q. Your Item 33, CPD 9B, State's 249, a
- 18 blood swab from blood castoff in the kitchen,
- 19 above the double window.
- 20 A. That item matched Gerard Roper.
- 21 Q. Your 24, CPD 10B, State's Exhibit 250,
- 22 blood swab from kitchen chair?
- 23 A. Matched Gerard Roper.
- 24 Q. Your 35, CPD 11B, State's 251, blood swab
- 25 fronting region in downstairs bathroom?

- 1 A. That item matched Gerard Roper.
- 2 Q. Your 36, 12B, State's Exhibit 252?
- 3 A. That item also matched Gerard Roper.
- 4 Q. Your 38, CPD 14B, State's 253?
- 5 A. Matched Gerard Roper.
- 6 Q. Your 39, 15B, State's 254, blood smear
- 7 from the AC switch.
- 8 A. That particular item was a mixture of at
- 9 least two individuals, but Gerard Roper is the
- 10 main contributor to that mixture. The minor
- 11 contributor was insufficient for reliable
- 12 interpretation.
- 13 Q. Your 40, Item CPD 16B, State's 265,
- 14 castoff from living room wall east side?
- 15 A. Matched Gerard Roper.
- 16 Q. 41, your 41, CPD 17B, State's 256, blood
- 17 swab east wall top of stairs?
- 18 A. That item also was a mixture, and Gerard
- 19 Roper is the main contributor to that mixture.
- 20 Q. Could you draw any conclusions from the
- 21 minor contributor?
- 22 A. No, sir, it was insufficient for reliable
- 23 interpretation.
- 24 Q. Your 42, CPD 18B, State's 257, blood swab
- 25 from the bottom of the coffee table?

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1 A. That also matched Gerard Roper.

2 Q. Your 45, 31B.1, State's Exhibit 261?

3 A. That item also was a mixture. The main
4 contributor was Gerard Roper and the minor
5 contributor was insufficient for reliable
6 interpretation.

7 Q. Your Number 46, CPD 37B.1, State's 263, a
8 swab from the sole of the black Nikes?

9 A. That also matched Gerard Roper.

10 Q. That was 45?

11 A. 46.

12 Q. SLED 48, designed CPD 50B, State's
13 Exhibit 268, blood swab from the dining room
14 window?

15 A. That also matched Gerard Roper.

16 Q. Your 49, 51B, State's 269, blood swab
17 from the dining room window?

18 A. Matched Gerard Roper.

19 Q. Your Item 50, CPD 52B from the dining
20 room window, State's Exhibit 270?

21 A. Also matched Gerard Roper.

22 Q. You also tested items from Defendant's
23 tee-shirt that he was arrested in; is that
24 correct?

25 A. That's correct.

1 Q. And those were items 51.1, 51.2, 51.3 and
2 51.4; is that correct?

3 A. That's correct.

4 Q. State's Exhibits 276 through 279. Who
5 did that come back to?

6 A. William Dickerson.

7 Q. Okay, and from the autopsy you examined
8 SLED Item 52, State's Exhibit 272, being the
9 right fingernail clippings from the victim.

10 SLED 53, State's 273, being the left
11 fingernail clippings from the autopsy. Those
12 both came back to who?

13 A. They came back to Gerard Roper.

14 Q. Getting back to some items from the trash
15 can, SLED Item Number 65, State's Exhibit 218,
16 8A10B1.1, being a blood swab from the Elle
17 magazine.

18 A. It matched Gerard Roper.

19 Q. SLED Item 66, State's Exhibit 211, CPD
20 8A6.2, a piece of tape with stain coming from
21 the trash can.

22 A. That matched Gerard Roper.

23 Q. 68.1, State's Exhibit 225, swab taken
24 from the nunchucks.

25 A. That matched Gerard Roper.

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1 Q. 68.2, State's 226, also from the
2 nunchucks.

3 A. A positive for multiple contributors and
4 it also matched Gerard Roper.

5 Q. Blood swab, Item 8A2, empty bleach
6 bottle, your number 69, CPD's Item is 8A2.1.
7 The State's Exhibit Number is 280.

8 A. That particular item gave me a mixture
9 for DNA profile. And the DNA profile
10 developed under the major contributor matched
11 William Dickerson; and the minor contributor
12 was insufficient for reliable interpretation.

13 Q. Your Item 70, State's 204, blood swab
14 from the window blinds in the trash can.

15 A. Item number 70 matched Gerard Roper.

16 Q. Your 72, State's 264, CPD 37B.2, swab
17 from the 37B black Nikes.

18 A. Matched Gerard Roper.

19 Q. SLED 73, CPD 2F, State's 282, blood swab
20 from the phone charger.

21 A. Matched Gerard Roper.

22 Q. SLED 76.1, State's 237, cutting from Item
23 76, CPD 8A12B, Reebok tennis shoes from the
24 garbage can.

25 A. Matched Gerard Roper.

1 Q. 76.2, State's 238, also a cutting from
2 the Reebok tennis shoes.

3 A. That also matched Gerard Roper.

4 Q. 76.3, State's 239, swab from the tennis
5 shoes.

6 A. That item was a mixture. The main
7 contributor to that mixture matched Gerard
8 Roper, and the minor contributor was
9 insufficient for reliable interpretation.

10 Q. SLED 82, CPD 42.B, State's Exhibit 265,
11 cigarette butt from the kitchen floor.

12 A. That also matched Gerard Roper.

13 Q. You then had the buccal swab of William
14 Dickerson that would be SLED's 89, State's
15 Exhibit 283. It obviously came back to
16 William Dickerson, right? That's what you
17 used as a standard?

18 A. That's correct.

19 Q. Moving on, SLED Item 91.9, a swab from
20 the tee-shirt from State's Exhibit 291.

21 A. What is Item Number 91?

22 Q. It's 91.1.

23 A. SLED Number 91.1 is a mixture of at least
24 two individuals. And again, I read from my
25 report. Armon Dickerson cannot be excluded as

1 a possible contributor to this mixture. No
2 conclusive statement can be made as to the
3 inclusion or exclusion of Gerard Roper,
4 William Dickerson and Selena Rouse to this
5 mixture.

6 Q. So the swab from the tee-shirt 3B, 91.1
7 was a mixture and Armon could not be excluded.

8 Is that correct?

9 A. That's correct.

10 Q. Did you have a full profile on that?

11 A. No, I did not.

12 Q. What makes Armon greater?

13 A. (No verbal response).

14 Q. You didn't have enough of a profile to
15 actually say it's his profile, but what you
16 had matched his; is that correct?

17 A. Yes, I didn't have enough information.

18 Q. 91.3, a cutting from the 3B tee-shirt,
19 State's Exhibit 293.

20 A. 91.3 was also a mixture. No conclusive
21 statement could be drawn from the inclusion or
22 exclusion of Gerard Roper, William Dickerson,
23 Selena Rouse, Armon Dickerson and Rashid
24 Malik.

25 Q. And how about 91.4?

1 A. It was the same results for 91.4 as for
2 91.3.

3 Q. So basically that also came from the tee-
4 shirt in the attic, the 3B tee shirt found in
5 the attic?

6 A. Yes.

7 Q. Moving on to 92, which is State's Exhibit
8 288, swab from 2Z, the Smith & Wesson muzzle.

9 A. Item Number 92 also matches Gerard Roper.
10 It was a partial profile but it also matched
11 Gerard Roper.

12 Q. 93, swabs from the 2Z gun.

13 A. The DNA profile developed from Item 93 is
14 a mixture. Gerard Roper cannot be excluded as
15 a possible contributor to this mixture.

16 Armon Dickerson, William Dickerson,
17 Rashid Malik and Selena Rouse were excluded as
18 possible contributors to this mixture.

19 Q. Moving on to 94, swab from the 1Z Ruger
20 muzzle end, State's Exhibit Number 285?

21 A. Item Number 94 matched the DNA profile of
22 Gerard Roper.

23 Q. And 95, State's Exhibit 286, also a swab
24 from the grips of the Ruger designated as 1Z.

25 A. Item number 95 is also a mixture. The

1 DNA profile developed attributed to this
2 mixture also matched the DNA profile of Gerard
3 Roper.

4 Positive identification of the minor
5 contributor is insufficient for reliable
6 interpretation.

7 Q. Ms. Gallman, assuming if these guns had
8 been wiped down by a tee-shirt, would that
9 affect your ability to obtain a DNA sample, in
10 terms of touch DNA?

11 A. Yes, it could.

12 Q. And how could that be?

13 A. When you wipe down an item you are
14 removing certain evidence from that item. And
15 then when someone takes the item to do a swab,
16 the information would be lost.

17 Q. So basically what you're dealing with
18 mostly in that case is skin cells or sweat or
19 what?

20 A. It's skin cells.

21 Q. Skin cells can be wiped off?

22 A. That's correct.

23 Q. Assuming these guns had been stored in an
24 attic in an apartment in James Island for some
25 three years prior to recovery, would that have

1 any affect upon your ability to develop an
2 adequate DNA profile on these items?

3 A. It all depends upon what was there when
4 they were placed in the area. If this was
5 only a small size sample here there is always
6 a chance of degradation, meaning the DNA could
7 be broken down by the elements.

8 Q. A few more and we're almost through.
9 Okay?

10 A. (No verbal response).

11 Q. Moving on to SLED 96.1, State's Exhibit
12 230, a swab from the sweatshirt taken from the
13 garbage can.

14 A. That also matched Gerard Roper.

15 Q. 96.2, State's 231, also a cutting from
16 the sweatshirt.

17 A. Matched Gerard Roper.

18 Q. 96.4, State's 232, a cutting from the
19 sweatshirt, left arm?

20 A. Also matched Gerard Roper.

21 Q. 96.5, State's 233, a cutting from the
22 sweatshirt, left arm.

23 A. Also matched Gerard Roper.

24 Q. SLED 97.1, State's Exhibit 215, swab from
25 the blue Dickies from the trash can.

1 A. Item Number 97.1 generated a partial
2 profile, but it also matched Gerard Roper.

3 Q. 97.2, cutting from the blue Dickies,
4 State's 216.

5 A. That also matched Gerard Roper.

6 Q. 98.2, cutting from the socks from the
7 garbage can, State's Exhibit 241.

8 A. Matched Gerard Roper.

9 Q. And 98.3, a cutting from the same socks
10 from the garbage can, State's Exhibit 242.

11 A. Matched Gerard Roper.

12 Q. Now, these are not the only items you
13 tested in this case; correct?

14 A. That's correct.

15 Q. Some items you tested you got no reliable
16 results from the DNA analysis; is that
17 correct?

18 A. That's correct.

19 Q. Other items were not tested; is that
20 correct?

21 A. That's correct.

22 Q. Such as the teeth. Why weren't the teeth
23 tested?

24 A. It was just one item that would not
25 sample. It was told it came from the victim

1 and I already had the standard for the victim.

2 Q. Weren't two teeth submitted, though?

3 During the course of the case did you try to
4 obtain DNA samples from those?

5 A. (Upon review) -- I believe one tooth was
6 taken from the kitchen floor and there was no
7 analyses done on that.

8 Q. I believe another one was recovered from
9 the trash can; is that correct?

10 A. That's correct. And no analysis was done
11 on that either.

12 Q. That's fine. I just wondered why no
13 analysis was done. Are teeth hard to do?

14 A. Yes, they are.

15 Q. Why is that?

16 A. Teeth weren't designed to be broken open,
17 and they're very resistant to being broken
18 open, so it takes quite a bit of work to get
19 DNA from them.

20 Q. As part of your examination in this case
21 did you perform a statistical analysis?

22 A. Yes, I did. As part of our protocol,
23 once you determine that there's a match
24 between an item of evidence and a standard, a
25 physical value can be given to that DNA

1 profile.

2 Q. With regard to SLED Items 9, 10, 11, 12,
3 14, 15, 17, 27, 29, 30, 51.1, 51.2, 51.3 and
4 51.4, all of which came back to the defendant
5 William Dickerson, did you calculate the
6 probability range of an unrelated individual
7 having the same DNA profile?

8 A. Yes, I did. All those items came back to
9 William Dickerson and the statistical value
10 applied to that particular DNA profile is one
11 in 9.7 quintillion.

12 Q. How much is a quintillion?

13 A. That's one and, I believe, eighteen
14 zeros.

15 Q. More than there are people in this world;
16 that's correct, is it not?

17 A. That's correct.

18 BRUCE DURANT: Your Honor, at
19 this time we would offer State's 298, 299 and
20 State's Exhibit 300 into evidence if there's
21 no objection.

22 MR. BLOOM: No objection.

23 THE COURT: Any objection? State's
24 298 and 299 are admitted, being photographs on
25 a board with markings thereon, admitted

1 without objection..

2 (SO ENTERED AS STATE'S EXHIBIT 298)

3 (SO ENTERED AS STATE'S EXHIBIT 299)

4 DIRECT EXAMINATION CONTINUED

5 BY BRUCE DURANT:

6 Q. Could I ask you one more question? I
7 appear to have missed 7.1, which is a blood
8 swab from the cable cord in the pantry. I
9 missed it or I didn't put it on my diagram.
10 SLED Item 7.1, what does that come back to?

11 A. That came back to Gerard Roper.

12 BRUCE DURANT: Now I need to
13 admit State's Exhibit 298 again.

14 THE COURT: It's admitted. Any
15 objection to placing an additional mark on it?

16 MR. BLOOM: No objection, Your
17 Honor.

18 THE COURT: Very well. Without
19 objection, the marking is added to the exhibit
20 which has been admitted into evidence.

21 BRUCE DURANT: The Court's
22 indulgence.

23 THE COURT: Yes, sir.

24 DIRECT EXAMINATION CONTINUED

25 BY BRUCE DURANT:

1 Q. I think we've already done a partial DNA
2 profile and explained what one is. Could you
3 just explain to the jury in general terms what
4 partial DNA profile is?

5 A. We look at look at sixteen different
6 areas on a DNA profile and when there's a
7 small amount of DNA or not enough to generate
8 a full profile, you're having only an area on
9 that to look at. Say, that would generate a
10 profile that would show you only ten of those
11 areas on a chromosome. At those times we will
12 issue a report that we have seen a partial DNA
13 profile, to let you know that we did not get
14 any information from all the areas on the
15 chromosome that we look at.

16 Q. And you spoke several times of mixtures,
17 and you have a mixture (sic) and a major
18 contributor. What is that?

19 A. It means that when I get a DNA profile
20 there was information there that lets me know
21 that more than one person's DNA was in that
22 particular sample.

23 When there's more of a particular
24 person's DNA in a sample, we are to tell that
25 person is the major contributor. There are

1 times when you can't tell when they're pretty
2 much in equal value in the sample. And at
3 that time the only thing that you can say is
4 that you cannot prove a person from that
5 mixture, once you look at that particular DNA
6 profile.

7 If you can't tell whether that person
8 could be included or excluded, you would say
9 that no conclusive statement could be drawn
10 from that particular item.

11 Q. And when you're dealing with mixtures
12 like that, you're not sure how many people; is
13 that correct?

14 A. Basically the information you have, you
15 know that at least two individuals. But
16 sometimes there's information there that would
17 lead you to think that there would be three
18 individuals there or even four. You have
19 times when you have that. So you would -- say
20 when you have that, you issues a report that
21 you have a mixture of at least two
22 individuals, stating that we don't know how
23 many people are exactly there but we know that
24 it is a mixture.

25 Q. Is it true that you really don't know

1 when a DNA profile is positive; is that
2 correct?

3 A. That's correct.

4 Q. And for example, if someone should just
5 swab a blood sample and that blood sample had
6 epithelials deposited by someone; could that
7 result in a mixture?

8 A. Yes, it could.

9 Q. And of course epithelial will shed off
10 people all the time. I'm sitting here
11 shedding epithelials as we speak, am I not?

12 A. Yes.

13 Q. Could you please answer any questions
14 defense counsel might have for you?

15 THE COURT: How long do you
16 anticipate your examination will be? I'm not
17 going to hold you to that.

18 MR. BLOOM: I'll go until after
19 1:00.

20 THE COURT: I hate to delay -- is
21 your schedule such that you want us to push
22 on?

23 WITNESS: No, sir, I'm fine.

24 THE COURT: You're okay?

25 THE WITNESS: Yes, sir.

1 THE COURT: Ladies and Gentlemen,
2 at this point, with the witness' agreement,
3 we'll go ahead and recess for lunch.

4 Please do not begin your
5 deliberations. Do not discuss this case among
6 yourselves. I would ask you to please return
7 by 2:00 o'clock today rather than 2:15. We're
8 going to shorten it a little bit today. Thank
9 you.

10 (JURY OUT @ 12:45 P.M.)

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

13 SOLICITOR WILSON: No, sir.

14 THE COURT: Anything from defendant
15 before we recess?

16 MR. BLOOM: No, sir.

17 THE COURT: Ms. Gallman, during
18 this break I would ask that you please not
19 have any conversation with any of the
20 attorneys in this matter concerning your
21 testimony. Thank you and I'm sorry to detain
22 you, but I appreciate your patience. Thank
23 you very much. I hope you have a good lunch.

24 THE WITNESS: Thank you.

25 (LUNCH RECESS 12:45 - 2:05 P.M.)

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1 (DEFENDANT PRESENT)

2 THE COURT: Ms. Gallman, you can go
3 ahead and come on up, if you want to. That
4 would be fine. Thank you, ma'am.

5 (WITNESS RESUMES STAND)

6 THE COURT: Ladies and gentlemen, I
7 hope you had a good lunch. We're ready to
8 continue.

9 Ms. Gallman, I want to thank you
10 very much too, and I remind that you are still
11 under oath.

12 Thank you, Mr. Bloom, you may begin
13 your examination.

14 MR. BLOOM: May it please the
15 Court, Your Honor.

16 CROSS EXAMINATION

17 BY MR. BLOOM:

18 Q. Ms. Gallman, let me start by asking you
19 -- I believe you told us you started at the
20 DNA lab at SLED about 1990?

21 A. January of 1990.

22 Q. And, of course, since that time DNA
23 analysis has progressed substantially. Is
24 that a fair statement?

25 A. Yes, it has advanced.

1 Q. And through science and technology, we
2 are able to be more precise now than even in
3 1990, when you first started. Is that fair to
4 say?

5 A. Well, we're able to develop a DNA profile
6 from less DNA. The science is still the same.

7 Q. Thank you for clarifying that. In that
8 regard, as you said the technology has been
9 refined. Would you explain what touch DNA is?
10 I think you referred to that in your
11 testimony.

12 A. Touch DNA usually refers to as -- let's
13 say a person handles an item and they leave
14 some of their skin cells. We don't know how
15 much is left. It depends on who the person is
16 as to how much is left.

17 Q. And so you're able to -- as the Solicitor
18 asked -- you sometimes do DNA typing from skin
19 cells, not just blood.

20 A. That's correct.

21 Q. So, for example, if someone had been
22 wearing a particular shirt or garment, you can
23 sometimes examine or do touch DNA and from
24 possible skin cells around the collar or other
25 parts of the shirt that might accumulate that

1 DNA.

2 A. Yes, that's right.

3 Q. I want to go through -- you talked about

4 mixtures with Solicitor Durant. And it's my

5 understanding that when you had a DNA sample

6 or blood sample that contained possibly two or

7 more people, you can sometimes identify the

8 second contributor. Is that right?

9 A. That's correct. If the profile -- where

10 it has the major contributor gives a much

11 greater donation than the minor contributor's

12 then there are cases where you can. It's all

13 based on the profile of an individual.

14 Q. Thank you, ma'am. Next I want to ask you

15 the dates of your reports. Your first DNA

16 report indicates January 23, 2008. Is that

17 correct?

18 A. No, my first report is July 17, 2007.

19 Q. July 17th, 2007?

20 A. (Affirmative nod).

21 Q. Thank you for correcting me. Let me just

22 ask you what are the dates of your other

23 reports as you continued to examine evidence in

24 this case?

25 A. They are dated as -- let me be sure:

1 January 2008, November 2008 and April of 2009.

2 Q. And the January 23rd, 2008 report, that's
3 when you were able to identify Mr. Dickerson's
4 DNA?

5 A. (Affirmative nod).

6 Q. We'll get to it in a minute -- but the
7 Solicitor put in red on State's Exhibit 298.
8 Is that fair to say? Do you need the SLED
9 numbers for that?

10 A. Well, I started identifying them with
11 that the first ones in '07. Then I did
12 additional samples and they are reflected on
13 the January 2008 report.

14 Q. Thank you, ma'am. If I can talk, I want
15 to talk to you about some of those. If I can
16 start with State's Exhibit 298 where the
17 Solicitor has marked William Dickerson's DNA
18 you testified to in red and Mr. Roper's in
19 blue.

20 Let me first ask you to look at SLED
21 numbers 9, 10, 11 and 12 on your report. Do
22 you have those?

23 A. Yes.

24 Q. All right. Those are the samples that
25 you've identified as Mr. Dickerson's blood and

1 DNA on this exhibit marked 5A, 6A, 7A and 9A;
2 correct?

3 A. That's correct. Those were given to me
4 as items that were taken from the crime scene
5 and I identified them as matching or coming
6 from William Dickerson.

7 Q. And those are swabs you examined those
8 from the SLED numbers I just gave you. Is
9 that fair to say?

10 A. Yes, I did.

11 Q. If there's some previous testimony in the
12 record that those were circular drops from
13 someone standing still in front of the
14 refrigerator, dishwasher and stove, you
15 wouldn't -- you don't have any information on
16 that because you didn't visit the scene?

17 A. No, I do not. I only analyzed the swabs
18 that were submitted to me.

19 Q. So if there's been previous testimony
20 that those droplets were described as
21 submitted to you, you have nothing reflected
22 on that in your report on SLED evidence 9, 10,
23 11 and 12; correct?

24 A. Correct.

25 Q. You did not -- you also identified swabs

1 from the kitchen floor that were collected and
2 sent to you and identified as 4A on that
3 exhibit. And that you've identified as Gerard
4 Roper, is that correct?

5 A. What's the SLED number?

6 Q. You need the SLED number for that item,
7 ma'am?

8 A. Yes, it's in my report. I don't have the
9 SLED number.

10 Q. If that's SLED number 8, would that
11 direct your attention to that?

12 A. (Upon review) -- yes, that's correct.

13 Q. That was not a mixture whatsoever;
14 correct? That's just Gerard Roper.

15 A. No, it came back to be Gerard Roper.

16 Q. Similarly, SLED number 13, which the
17 record in this case reflects is sample 10A
18 from the middle of the kitchen floor, near the
19 decedent's body, also came back to Mr. Roper;
20 correct?

21 A. Yes.

22 Q. No mixture in that with William
23 Dickerson's sample?

24 A. No.

25 Q. And lastly, you took a sample from --

1 well, excuse me, you analyzed a sample that is
2 your SLED number 18. And in the record
3 reflects it's been identified as item 16A on
4 the State's exhibit. And that came back to
5 Mr. Roper; correct?

6 A. That's correct.

7 Q. No mixture of William Dickerson's DNA on
8 that item?

9 A. No.

10 Q. Similarly, ma'am, you then analyzed --
11 and I'll keep trying to give you the SLED
12 numbers -- because I take it that's how you
13 identify them in your report; correct?

14 A. That's correct.

15 Q. With the SLED numbers?

16 A. (Affirmative nod).

17 Q. I know we have a lot of numbers, but let
18 me ask you to look at SLED items 14 through
19 17. And in the record of this case they're
20 identified on State's Exhibit 298 as 12A, 13A,
21 14A and 15A. You examined those samples and
22 they were all of William Dickerson; correct?

23 A. Items 14, 15 and 17 were Mr. Dickerson.

24 Item 16 was a mixture and he was the
25 major contributor to that mixture.

1 Q. And what did you find for these other
2 minor contributors, if anything, in that
3 regard?

4 A. I stated that they were excluded as a
5 minor contributor.

6 Q. So Mr. Roper was excluded as a minor
7 contributor in that?

8 A. That's correct.

9 Q. So what you're telling us is the swabs
10 you analyzed from the air-conditioner all came
11 back to William Dickerson to start with;
12 correct?

13 A. (No verbal response).

14 Q. I am going to take it a step at a time.

15 A. Yes.

16 Q. If you need to explain, go ahead.

17 A. Well, when you state "that" I don't know
18 what numbers you're talking about.

19 Q. I'm talking about the same SLED numbers I
20 just gave you, 14 through 17.

21 A. Well, -- yes.

22 Q. The testimony they were taken from around
23 the air-conditioner. All those four samples
24 first came back as William Dickerson; correct?

25 A. Yes, they did.

1 Q. And there was one sample in there that
2 had a mixture of someone else's DNA, but that
3 was not Mr. Roper's.

4 A. He was excluded.

5 Q. He was excluded. When you say
6 "excluded," that means for DNA you can say
7 that person didn't have any part in ---

8 A. That he was not in that mixture.

9 Q. All right. Next, you examined SLED items
10 27 through 30, which in the record of this
11 case reflects swab samples taken from outside
12 of the storm door, inside and in front of the
13 washing machine. All those came back as
14 William Dickerson; correct?

15 A. Items 27, 29 and 30 came back as single
16 source to William Dickerson.

17 Item number 28 was a partial DNA profile,
18 but also matched Mr. Dickerson.

19 Q. All four of those samples you just
20 testified about, which the record reflects
21 were around the laundry room door and in front
22 of the washing machine, were William
23 Dickerson's; correct?

24 A. Yes.

25 Q. No partial -- or, excuse me, no other

1 mixed contributors; no Gerard Roper?

2 A. Not in those.

3 Q. The next thing I want to ask you about --
4 and we'll come back to that scene in a minute.
5 Well, let's finish up while we're on that
6 diagram.

7 I call your attention next to --
8 beginning with SLED item 31. And let me just
9 do this, Agent Gallman. I will ask you to
10 look at Items 31, 32, 33 and 34. The
11 testimony in this case reflects that those
12 were samples taken from the kitchen area. All
13 of those samples -- all of those also were of
14 Mr. Gerard Roper; correct?

15 A. (Upon review) -- yes.

16 Q. No DNA or blood from William Dickerson in
17 any of those?

18 A. Item number 32 was a mixture.

19 Q. Right.

20 A. And Gerard Roper was the major
21 contributor. Based on the information I had
22 for the minor contributor, it was insufficient
23 for reliable interpretation. I can't state
24 who.

25 Q. So my question is, none of those samples

1 had any DNA or blood from Mr. Dickerson
2 according to your report?

3 A. That's correct.

4 Q. You next looked at a sample, SLED numbers
5 35 and 36, which came from the bathroom area
6 of the downstairs, off the kitchen. Those
7 also were Mr. Roper's, is that correct?

8 A. That's correct.

9 Q. Nothing in that sample from William
10 Dickerson?

11 A. No.

12 Q. You next looked at swabs -- your SLED
13 number 38, 59 and 40, which the record in this
14 case reflects were taken from the hallway area
15 and the air-conditioner monitor on the wall.
16 Those all came back as Mr. Roper, too; is that
17 correct?

18 A. Repeat those numbers again.

19 Q. Surely, ma'am. I'll be glad to. 38, 59
20 and 40.

21 A. (No verbal response).

22 Q. These all came back to Mr. Roper?

23 A. (No verbal response).

24 Q. Did I misstate a numbers? If I did, I
25 apologize.

1 A. I don't have a ---

2 BRUCE DURANT: You said "59."

3 CROSS EXAMINATION CONTINUED

4 BY MR. BLOOM:

5 Q. I said 59. Excuse me. 38, 39 and 40.

6 MR. BLOOM: Thank you, Solicitor.

7 CROSS EXAMINATION CONTINUED

8 BY MR. BLOOM:

9 Q. Those all came back as Mr. Roper,
10 correct?

11 A. Yes, and our number 39 was a mixture.

12 Q. Okay.

13 Q. And, again, the minor contributor was
14 insufficient.

15 Q. But none of those you were able to
16 conclude included William Dickerson.

17 A. None of those items. But like I say,
18 there was a minor contributor.

19 Q. And I understand. I'm not trying to use
20 tricks or anything. But is it correct that
21 William Dickerson was not identified in any of
22 those samples? Maybe that is how I need to
23 ask the question.

24 A. No, he was not.

25 Q. You next looked at SLED samples 41, 42

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1 and 45, which the record reflects are samples
2 taken from the stairway in Apartment E-3 and
3 going upstairs. And all those samples were
4 Gerard Roper, correct?

5 A. 41, 42 and 45?

6 Q. 41, 42 and 45. All of those identified
7 the main contributor again as Gerard Roper?

8 A. Yes, sir. Again, 41 and 45 were mixtures
9 but he was the main contributor.

10 Q. Right. But there was no DNA evidence
11 that identified Mr. Dickerson in any of those
12 samples?

13 A. That's correct.

14 Q. So what we have just from your DNA
15 evidence and from prior testimony in this
16 case, you found Mr. Dickerson's DNA in the
17 kitchen area of E-4 over by the refrigerator,
18 washing machine and stove; correct?

19 A. If those are my numbers that we spoke of
20 earlier, yes.

21 Q. The same numbers I read off to you
22 before. You found Mr. Dickerson's DNA around
23 the air conditioner; correct?

24 A. If those are the numbers, yes.

25 Q. You found Mr. Dickerson's DNA around that

1 storm door in front of the washing machine;

2 correct?

3 A. (No verbal response).

4 Q. If they're the same numbers.

5 A. Yes.

6 Q. Again, I'm not trying to trick you. I
7 just want to make sure we're on the same page.

8 Lastly, you did not identify any samples
9 beginning at the kitchen doorway, through the
10 kitchen, dining room, bathroom, hallway,
11 living room, stairs and upstairs -- no samples
12 were identified as coming from William
13 Dickerson, correct? Assuming the same numbers
14 I asked you before are true; is that right?

15 A. Yes.

16 Q. Next, ma'am, let's move to the green
17 trash bin and ask you about the mailing tube
18 which is shown on that photo on State's
19 Exhibit 299, and you have identified as, I
20 believe, SLED number 19 through 20, that was
21 Mr. Roper's DNA; correct?

22 A. Items 19 and 20?

23 Q. I believe that's right.

24 A. Yes, it came back to Gerard Roper.

25 Q. And you did not identify any of Mr.

1 Dickerson's DNA, William Dickerson's DNA on
2 that mailing tube; correct?
3 A. Not from the swabs that were given to me.
4 Q. And next you also looked at some window
5 blinds from that trash can, SLED numbers 21
6 and 22, which are again depicted in photograph
7 by the State, Number 300. You also identified
8 Mr. Roper's DNA on that -- on those mini-
9 blinds; correct?
10 A. The swabs that were given to be the
11 blinds; that's right.
12 Q. You didn't identify any of William
13 Dickerson's DNA on those items?
14 A. Not on those two swabs; not on those two
15 items.
16 Q. Next, you examined a cable cord from that
17 green trash can, which is identified as SLED
18 Number 23. That was identified as Mr. Roper's
19 DNA; correct?
20 A. That's correct.
21 Q. Didn't identify any of William
22 Dickerson's DNA on that; correct?
23 A. No, he was not on there.
24 Q. Next, you examined a broken drinking
25 glass, also from that green trash can,

1 identified as SLED 24. That showed Mr.

2 Roper's DNA, too; correct?

3 A. Yes, the swab that was taken from it that
4 I received, William Dickerson was not on
5 there.

6 Q. William Dickerson was not on there?

7 A. That's correct.

8 Q. And, next you examined some nunchucks,
9 SLED numbers 25 and 26, which you can't see in
10 that photographs but it's in State's 101.

11 That also was Mr. Roper's DNA; correct?

12 A. That's correct, the swabs that were taken
13 from the nunchucks matched.

14 Q. You did not identify any of William
15 Dickerson's DNA on those?

16 A. Not on the swabs that were given to me.

17 Q. Next, there's a College of Charleston
18 tee-shirt in that green trash bin, SLED number
19 96, that you examined in multiple places for
20 DNA evidence; correct?

21 A. That's item number 96, sir?

22 Q. Yes, ma'am.

23 A. (Upon review) -- yes, sir.

24 Q. And again, in that regard, that was all
25 Mr. Roper's DNA on that College of Charleston

1 sweatshirt; correct?

2 A. They're sub-itemized into several items.

3 Item number 96.1 and 96.2 were just Mr.

4 Roper.

5 Item number 96.3 the DNA profile was

6 insufficient for reliable interpretation.

7 96.4 and 96.5 was just Gerard Roper.

8 96.6 and 96.7 were partial DNA profiles

9 that came back to Mr. Roper.

10 Q. None of those samples identified William

11 Dickerson; correct?

12 A. None of the swabs or the patches that

13 were given to me had anything from William

14 Dickerson.

15 Q. You also examined a swab taken from a

16 broken drinking glass, item 24. That also was

17 Mr. Roper's DNA; correct?

18 A. That's correct.

19 Q. And none of William Dickerson's DNA was

20 identified in that item; correct?

21 A. Not on that item.

22 Q. There was one item you examined, a bleach

23 bottle, which I believe is SLED Number 69 and

24 State's 200 -- swab 201. I believe it's 69 on

25 your report.

1 A. Yes, that's correct.

2 Q. And on that bottle, which the previous
3 testimony in the case indicates the swab was
4 taken from the handle, was William Dickerson;
5 correct?

6 A. That's correct. It was -- that item was
7 a mixture and he was the major contributor.

8 Q. And you weren't able to identify the
9 other contributor; correct?

10 A. The minor contributor was insufficient.

11 Q. Right. And so in this regard, all the
12 SLED numbers I've given you in reference to my
13 last series of questions concerning State's
14 Exhibit 300, for all those items except for
15 the bleach bottle came back with Mr. Roper's
16 DNA; correct?

17 A. We went over a number of items. Some of
18 them came back to Mr. William Dickerson, and
19 some to Mr. Roper.

20 Q. Yes, ma'am. And I'm not trying to trick
21 you at all. I understand you're a scientist.
22 Let me see if I can rephrase the question. I
23 may not have asked it very well. The last
24 series of questions I've asked regarding
25 State's Exhibit 300, except for the bleach

1 bottle, SLED number 69, all of those items
2 came back as Mr. Roper; correct?

3 A. Yes.

4 Q. And the one item that we've just been
5 discussing, SLED Number 69, the bleach bottle,
6 that came back as William Dickerson?

7 A. That's correct.

8 Q. Again, lastly, except for the bleach
9 bottle, those other items we've been
10 discussing referenced on State's 300, none of
11 Mr. Dickerson's DNA was identified on any of
12 those items.

13 A. Well, based on my report ---

14 Q. Yes, ma'am.

15 A. --- the items listed that were listed as
16 Mr. Roper, none of them came back to him.

17 Q. I think I might have left out a couple of
18 items in that regard. (Reviewing evidence) --
19 I apologize, I'm trying to find a SLED number
20 for you.

21 This would be SLED Number 97. That's a
22 cutting or a swab from a pair of blue Dickies
23 that were found in the green trash can. The
24 record evidence, of course, reveals that Mr.
25 Roper was found naked from the waist down and

1 we assume these were his pants. The swabbings
2 from that SLED item was also identified as Mr.
3 Roper's DNA; correct?

4 A. Item number 97 -- 97.1 and 97 were swabs.

5

6 97.2 was a patch from the pants.

7 BRUCE DURANT: I don't need to
8 interrupt but those are from the wrong pants -
9 - (sidebar with Mr. Bloom regarding evidence).

10 MR. BLOOM: Thank you.

11 CROSS EXAMINATION CONTINUED

12 BY MR. BLOOM:

13 Q. Item 97 was positive DNA for Mr. Roper.

14 A. Item number 97.2 was a full profile of
15 Mr. Roper.

16 Item 97.1 was a partial DNA profile from
17 Mr. Roper.

18 Q. None of William Dickerson's DNA was
19 identified on 97, the blue Dickies from the
20 green trash can; correct?

21 A. Not from the swab or the cuttings I was
22 given.

23 Q. Next, a pair of -- a swab from sneakers,
24 Item 77 SLED number, which has been identified
25 as William Dickerson's Air Jordans. That was

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1 positive for Mr. Dickerson; correct, William
2 Dickerson?
3 A. Item number 77?
4 Q. Yes, ma'am.
5 A. No, Item number 77 I was able to extract
6 DNA from those but a DNA profile was not
7 developed from them.
8 Q. Thank you. A white tee-shirt, SLED Item
9 51, which has been identified as Mr.
10 Dickerson's tee-shirt he was arrested in, you
11 examined that in four separate places;
12 correct?
13 A. That's correct.
14 Q. And that was Mr. Dickerson's own DNA on
15 that tee shirt; correct?
16 A. From the cuttings that were given to me
17 it came back to William Dickerson.
18 Q. None of Gerard Roper's DNA was identified
19 on that white tee shirt.
20 A. Not on the cuttings.
21 Q. Lastly, and I think I'm close to ending,
22 ma'am, there are two items I want to ask you
23 about found in the upstairs area of the
24 apartment which the record reflects was
25 Apartment E-3. One is your SLED Number 93

1 which the record reflects is a swab from the
2 grips of the Smith & Wesson revolver. You
3 actually excluded Mr. William Dickerson from
4 that; is that correct?

5 A. Item Number 93?

6 Q. Yes, ma'am.

7 A. It's a mixture, and I could not include
8 Gerard Roper, but I excluded Armon Dickerson,
9 William Dickerson, Rashid Malik and Selena
10 Rouse as possible contributors to the mixture.

11 Q. So my question is you excluded William
12 Dickerson from that item; correct?

13 A. Yes.

14 Q. And next I believe it's SLED Item 37,
15 which is a small pair of black Nike sneakers,
16 which the record has previously identified as
17 coming from the upstairs bathroom of E-3, and
18 I believe the sneakers were worn by Selena
19 Rouse. Actually, you examined the shoes;
20 correct?

21 A. Item number 37?

22 Q. Yes, ma'am.

23 A. No.

24 Q. Have I got the number right?

25 A. No DNA profile was built was 37. Is that

1 the correct item?

2 Q. SLED Number 72. I'm sorry. Item 72
3 which the record reflects are the small Nikes
4 found in the upstairs bathroom.

5 A. They came back to Gerard Roper.

6 Q. So Selena Rouse's sneakers you examined
7 twice, and those came back to Gerard Roper?

8 BRUCE DURANT: Your Honor,
9 assumes facts not in evidence.

10 THE COURT: Rephrase your question,
11 please, sir.

12 MR. BLOOM: Certainly, Your Honor.

13 CROSS EXAMINATION CONTINUED

14 BY MR. BLOOM:

15 Q. The testimony which has identified the
16 size nine black Nikes as coming from the
17 upstairs bathroom of E-3 with the McDonald's
18 uniform and the brown pants you examined in
19 two places, identified as SLED number 72.

20 A. I only received one swab.

21 Q. All right.

22 A. It came back to Gerard Roper.

23 Q. That came back to Gerard Roper?

24 A. That's correct.

25 Q. And lastly, while we are on the upstairs,

1 the gray tee-shirt which the record evidence
2 in this case reflects was used to wrap the two
3 firearms which were in the attic of Apartment
4 E-3 and is identified in your report as SLED
5 number 91, and that, 91.1, you could not
6 exclude Gerard Roper (sic). Is that correct?

7 A. That's correct. No conclusive statement
8 could be made as to the exclusion of Gerard
9 Roper, William Dickerson and Selena Rouse from
10 the mixture. There was a mixture on that item
11 number 91.1.

12 Q. You can't say as to William Dickerson on
13 that, but you can't exclude Gerard Roper --
14 excuse me, Armon Dickerson on that?

15 A. No, I could not exclude him but I could
16 draw a conclusion on the other standards as I
17 reviewed them.

18 Q. So what you have concluded, then -- and,
19 again, without going through each and every
20 SLED number, but assuming my prior questions
21 to you with the SLED numbers is -- you found
22 -- you were able to identify William
23 Dickerson's blood or DNA, as the record
24 evidence reveals, near the kitchen appliances
25 of E-4; correct?

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1 Let me show you State's Exhibit 300 which
2 Mr. Durant used with you. That would be Mr.
3 Dickerson's DNA, correct, the red markings?

4 A. Yes, he used red for Mr. Dickerson.

5 Q. And you found Mr. William Dickerson's
6 blood or DNA by the air-conditioning unit but
7 not Gerard Roper's; correct?

8 A. That's correct.

9 Q. You found Mr. Dickerson's DNA across the
10 storm door and in front of the washing
11 machine; correct?

12 A. Yes.

13 Q. But not Gerard Roper's, correct?

14 A. That's correct.

15 Q. You found Gerard Roper's DNA in the
16 kitchen area, dining room, bathroom, hallway,
17 living room and upstairs. Correct? You were
18 able to identify Gerard Roper from those
19 samples; correct?

20 A. Based on the chart here.

21 Q. You did not identify William Dickerson in
22 those samples; correct?

23 A. That's correct.

24 Q. You found Gerard Roper's DNA on items in
25 the upstairs bathroom and upstairs area;

1 correct?

2 A. That's correct.

3 Q. But William Dickerson was not identified
4 in those areas, correct?

5 A. If there's no red on any of them, no.

6 Q. Yes, ma'am, and I am not trying to trick
7 you.

8 A. I can't see.

9 Q. Yes, ma'am. If you can't see, please
10 tell me. And lastly, in the green garbage
11 can, you've identified items having Gerard
12 Roper's DNA, excluding the bleach bottle, on
13 virtually all the items in that green trash
14 can. Is that fair to say, which the Solicitor
15 has listed on 300?

16 A. Yes, all except for one item.

17 Q. Yes, and that one item you've identified
18 as Mr. William Dickerson's DNA was on the
19 bleach bottle.

20 A. That's correct.

21 MR. BLOOM: Thank you very much,
22 Agent Gallman. I appreciate you being here
23 today.

24 THE COURT: Redirect.

25 BRUCE DURANT: Just a couple,

1 Your Honor.

2 THE COURT: Sure.

3 REDIRECT EXAMINATION

4 BY BRUCE DURANT:

5 Q. Ms. Gallman, you say, for example, with
6 SLED Items 32, 39, 41 and 45 that Mr. Bloom
7 asked you about, those all you have in your
8 report as a mixture with Mr. Roper being the
9 major contributor and insufficient data for
10 you to be able to determine who the minor
11 contributors are; is that correct?

12 A. That's correct.

13 Q. So what that means basically, as I
14 understand it, you can't include or exclude
15 Mr. Dickerson?

16 A. I could not make a call as to whether he
17 was included or excluded because there was not
18 enough information.

19 Q. Because there have been other things that
20 you have testified to that had a minor
21 contributor and you could exclude him; is that
22 correct?

23 A. That's correct.

24 Q. But you couldn't exclude him as being a
25 contributor to any of those; is that correct?

1 A. That's correct.

2 Q. And that's true with everything that
3 you've identified as Mr. Roper being a major
4 contributor but there being a mixture with
5 some minor contributor; correct?

6 A. That's correct. If there's a minor
7 contributor and there's not enough information
8 there, then our reports always state that it's
9 insufficient for reliable interpretation.

10 Q. So, in essence, the meaning of that is
11 you can't include or exclude. Correct?

12 A. That's correct.

13 Q. And the same is true of SLED Item 69, the
14 swab from the bleach bottle that was in the
15 trash can. Mr. William Dickerson, the
16 Defendant, was the major contributor; is that
17 correct?

18 A. Yes.

19 Q. But you had insufficient profile on the
20 minor contributor to be able to include or
21 exclude anybody else on it.

22 A. That's correct. There was not enough
23 information to draw a conclusion.

24 BRUCE DURANT: Thank you, ma'am.

25 I have nothing further.

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1 THE COURT: Recross.

2 RECROSS EXAMINATION

3 BY MR. BLOOM:

4 Q. I need to clarify some terms, ma'am, to
5 make sure we're actually talking on the same
6 page. When you say something is insufficient
7 for reliable interpretation, that means you
8 can't give an opinion about it; correct?

9 A. That's what I'm saying. I was not able
10 to draw a conclusion as to whether anyone was
11 included or excluded. I could not say.

12 Q. You're a scientist, correct, in terms of
13 what you do and what you're telling us about?

14 A. Yes.

15 Q. And you want to be accurate in your
16 analysis; right?

17 A. That is correct.

18 Q. So if a sample is insufficient, there is
19 just no interpretation, no scientifically-
20 reliable interpretation you can give to that
21 sample?

22 A. That's what I'm stating. It's
23 insufficient for reliable interpretation.
24 There was not enough information there to
25 include or exclude anyone else.

1 Q. And, ma'am, lastly, that's because if you
2 had sufficient scientific information from any
3 of those samples I identified or I asked you
4 about that you could identify as belonging to
5 William Dickerson from your DNA standard, you
6 would have done so; correct?

7 A. As I stated, when there is not enough
8 information there to draw a conclusion there's
9 DNA sufficient for reliable interpretation, so
10 there was not enough information there to
11 include or exclude anyone as the minor
12 contributor to the sample.

13 Q. It could be anybody if there's not enough
14 information; correct?

15 A. (No verbal response).

16 Q. You don't have enough information to
17 render an opinion, I guess is all I'm asking.

18 A. Yes.

19 BRUCE DURANT: Your Honor, I
20 think that's been asked and answered.

21 THE COURT: It has been. Mr.
22 Bloom, I think we've covered that. She's
23 answered the question several ways, I think.

24 MR. BLOOM: I have nothing further.

25 THE COURT: Thank you.

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1 BRUCE DURANT: I'd ask that Ms.
2 Gallman be excused.

3 THE COURT: Any objection, Mr.
4 Bloom.

5 MR. BLOOM: No, sir.

6 THE COURT: Ms. Gallman, thank you.
7 You may step down and you are free to leave.

8 (WITNESS EXCUSED)

9 THE COURT: Call your next witness,
10 please.

11 SOLICITOR WILSON: The State
12 calls Dr. Cynthia Schandl.

13 (WITNESS TAKES STAND)

14 CYNTHIA SCHANDL, M.D., 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. Doctor Schandl, where are you employed?

20 A. I'm employed at the Medical University of
21 South Carolina here in Charleston.

22 Q. And how long have you been at the Medical
23 University?

24 A. I've been at the Medical University since
25 1991.

1 At that time I entered medical school
2 there. And then through the next eight years
3 I completed medical school and graduate school
4 and in 1999 graduated with my M.D. and Ph.D.
5 degrees.

6 I then remained at the Medical University
7 of South Carolina in training and did a
8 residency program for anatomic and clinical
9 pathology, which took the next four years.
10 Also within that time another year was spent
11 training particularly and specifically in the
12 field of Forensic Pathology, in the forensic
13 pathology fellowship program.

14 After that training, I did then have a
15 faculty position offered me at the Medical
16 University of South Carolina, which began in
17 2004.

18 And after that training you can become
19 Board-certified in various areas of pathology,
20 including anatomic pathology, clinical
21 pathology and forensic pathology. And I have
22 done that.

23 Q. And you mentioned you have your Ph.D. as
24 well as your M.D.?

25 A. Yes.

1 Q. What was your Ph.D. in?

2 A. It was in pathology as well.

3 Q. Oh, okay. You mentioned, I believe, that
4 there are different types of pathology.

5 A. Yes, there are.

6 Q. Can you explain how what you do, forensic
7 pathology, is different from the other areas
8 of pathology?

9 A. Yes. Pathology, simply stated, is the
10 study of disease. There are many different
11 fields that fall under pathology, for example
12 hematic pathology is the diseases of the
13 blood. Forensic pathology is particularly
14 devoted to the studying the cause of death and
15 the manner of death, and that was the
16 specialty of forensic pathology.

17 Q. You also mentioned that you've been
18 affiliated with MUSC for some time. In that
19 regard, are you often tasked with performing
20 autopsies?

21 A. Yes, as a forensic pathologist my main
22 role is to perform autopsies. I have many
23 other roles as well, but my main job is the
24 performance of autopsies.

25 Q. I'm sorry if you've already mentioned

1 this, are you Board-certified in the area of
2 forensic pathology?

3 A. Yes, I am.

4 Q. And are you also Board-certified in the
5 areas of anatomical and clinical pathology?

6 A. Yes, I am.

7 Q. What does it require to become Board-
8 certified?

9 A. You have to have the requisite training,
10 so a residency program for anatomical
11 pathology and clinical pathology, and in order
12 to become -- that would be anatomic and
13 clinic. And then to become Board certified in
14 forensic pathology, you have to have that
15 further one-year training in forensic
16 pathology, as well as your Board certification
17 in anatomic pathology, too, then take the
18 Boards for forensic pathology.

19 Q. At MUSC -- or really anywhere, do you do
20 any teaching with regard to pathology or
21 forensic pathology?

22 A. Yes, I teach several different levels. I
23 teach the medical students; I teach our
24 Fellows, I direct the Fellowship program now
25 for forensic pathology; and then the residents

1 that are in the anatomic and clinic pathology
2 residency program. So I teach all those
3 different levels. In addition, we have
4 interns come from various colleges, the
5 College of Charleston and other places. And
6 we work them into our daily routine and also
7 train them.

8 Q. Are you a member of any specialized
9 group(s) pertaining to forensic pathology?

10 A. Yes. There is a national organization
11 called the National Organization of Medical
12 Examiners of which I am a member.

13 Q. Have you previously been qualified as an
14 expert in forensic pathology to testify in the
15 courts of our state and nation?

16 A. Yes, I have.

17 Q. Do you know how many times?

18 A. Over fifty times.

19 Q. Do you know which courts?

20 A. Both federal and state courts.

21 SOLICITOR WILSON: Your Honor,
22 at this time we'd offer Dr. Schandl as an
23 expert in the field of forensic pathology.

24 MR. BLOOM: No objection.

25 THE COURT: Very well, she will be

1 permitted to render opinions in the area of
2 forensic pathology.

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR WILSON:

5 Q. Now, Dr. Schandl, let's move to March the
6 9th of 2006. While you were at MUSC, did you
7 have occasion to perform the autopsy on a
8 Gerard Roper at approximately 2:00 o'clock in
9 the afternoon of March 9th, 2006?

10 A. Yes, I did.

11 Q. Could you tell us what information you
12 had as far as Mr. Roper's age and his height
13 and weight?

14 A. Yes. Well, we were given -- we're
15 generally given a date of birth by the coroner
16 who refers the case to our office. That put
17 him at 29 years. And then we do our own
18 measurements for height and weight. And in
19 this case he was sixty-eight inches, which is
20 about five foot-eight, and a one hundred
21 thirty-five pounds.

22 Q. So 5'8", 135 is pretty lean?

23 A. Yes, he was thin.

24 Q. And when you received this body to
25 perform the autopsy, if you could tell the

1 jury how he was clothed.

2 A. Yes, he had a black tee-shirt on and he
3 had two socks on, ankle-length socks.

4 Q. And is the first thing that you do as
5 part of performing the autopsy a general
6 external examination?

7 A. Yes. An autopsy consists of several
8 different components. The first is to look at
9 the body basically as we receive the body, in
10 this case partially clad. We'll take pictures
11 at that point. We'll undress the body. We'll
12 look at the clothing to see if there's
13 anything on the clothing that we need to note.
14 We might diagram it. And after we're done
15 with looking at the clothing, then we'll turn
16 our attention to looking at the external --
17 the body, the external body before we go
18 inside, before we do anything, any cutting.

19 So that can be a very major component in
20 cases of trauma or it can be a very minor
21 component if you're looking at somebody who
22 died a natural death.

23 So then we do an external examination and
24 document things that might identify the
25 individual, hair color, eye color, like you've

1 mentioned, height, weight, scars, tattoos --
2 those sorts of things, and then turn our
3 attention to any injuries that might be there.

4 Q. And when you did your external
5 examination of Mr. Roper's body did you see
6 evidence of recent external trauma?

7 A. Yes, there was extensive evidence of
8 trauma and also over two hundred wounds to his
9 body.

10 Q. And did you -- as you perform autopsies
11 do you also make notes and demarcations on
12 diagrams to help you keep up with what your
13 findings are?

14 A. Yes, so in addition to the photographs
15 that we take to document any injuries or other
16 findings we do also create diagrams. So we'll
17 draw on those diagrams any of the things we
18 find, whether they be scars or evidence of
19 injury or whatever. We might make notes on
20 the diagram as well. It might be measurements
21 of the items or other things that we're
22 seeing.

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

25 THE COURT: Yes.

1 SOLICITOR WILSON: (Tenders documents
2 to court reporter to be marked as exhibits).

3 COURT REPORTER: State's Exhibits
4 319 and 320 for identification.

5 SOLICITOR WILSON: (Tenders documents
6 to court reporter to be marked as exhibits)

7 COURT REPORTER: Also State's
8 Exhibits 321 and 322 for identification.

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR WILSON:

11 Q. Dr. Schandl, I'm going to show you what's
12 been marked just now as State's Exhibit 319,
13 320, 321 and 322. Are these the diagrams that
14 you prepared while performing the autopsy of
15 Mr. Roper?

16 A. These are copies of those diagrams;
17 correct.

18 Q. And are they fair and accurate copies of
19 notations you made regarding the autopsy?

20 A. Yes, they are. These are actually
21 scanned from the original.

22 Q. Would that help you in describing to the
23 jury your findings during the autopsy?

24 A. They will assist me.

25 SOLICITOR WILSON: (Tenders to Mr.

1 Bloom for review).

2 MR. BLOOM: No objection, Your
3 Honor.

4 THE COURT: Very well.

5 SOLICITOR WILSON: Your Honor, at
6 this time we offer State's 319, 320, 321 and
7 322.

8 THE COURT: 319 through 322
9 admitted without objection, each being a
10 diagram.

11 (SO ENTERED AS STATE'S EXHIBIT 319)

12 (SO ENTERED AS STATE'S EXHIBIT 320)

13 (SO ENTERED AS STATE'S EXHIBIT 321)

14 (SO ENTERED AS STATE'S EXHIBIT 322)

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR WILSON:

17 Q. Dr. Schandl, I'm going to ask you to step
18 down. We've been having a time trying to get
19 organized.

20 A. May I bring my notes?

21 Q. Yes. I am going to ask you to join me at
22 the podium so that we both can see and have
23 something to put our notes on. First off, if
24 we can have State's Exhibit 319. Is this one
25 of the diagrams you made of the head and neck

1 area?

2 A. Yes, this is the diagram of the head and
3 neck.

4 Q. And if we could start -- which figure do
5 you want to start with?

6 A. Do you have them in order? It makes no
7 difference to me.

8 Q. Let's start with the top left face
9 figure.

10 A. Okay.

11 Q. If you could explain to the jury what you
12 found and what you noted regarding the
13 findings.

14 A. Okay, so here you see the right side of
15 the face. As you can tell there's a black
16 outline of a person and that's the diagram
17 that I'm drawing upon. The blue letters and
18 numbers are my scribble where I'm making
19 notations on that diagram.

20 So what we have on the right side of the
21 face -- we have an injury here to the ear.
22 This is a sharp injury. And before I go
23 any further, let me just -- I'm going to be
24 talking about "sharp injuries" and I'm going
25 to be talking about "lacerations",

1 "abrasions", "contusions", "hemorrhage" and I
2 want to give you a background on what I'm
3 talking about before I get rolling.

4 So a "sharp injury" is what you
5 might expect, something that might have been
6 caused by a knife or a sharp edge of something
7 that you might otherwise think was blunt, like
8 perhaps the sharp edge of piece of wood or --
9 who knows? But basically it has fairly even
10 edges, and it doesn't have any tissue
11 bridging.

12 Tissue bridging, then, on the other hand,
13 is a hallmark of blunt-force trauma.

14 So we have sharp (indicating) and then we
15 have blunt (indicating). Okay. Those are the
16 two main things we'll be talking about. So
17 sharp and then blunt.

18 So with blunt trauma, where you have what
19 we call a laceration -- so over here we have
20 sharp. We might have an incision. We might
21 have a stab. Over here we have blunt. We
22 might have a laceration, and that is something
23 that is a blunt force that breaks the skin.
24 But since it's not cutting the skin, you still
25 have what we call tissue bridge. So you have

1 tissue going from one side of the wound to the
2 other side of the wound. That's what we call
3 tissue bridging, and that's the hallmark of a
4 blunt-force trauma or a laceration.

5 Another blunt trauma would be an
6 abrasion. An abrasion is basically a scratch
7 or a scrape of the skin.

8 Then when we talk about hemorrhage, we're
9 talking about bleeding. So bleeding in
10 whatever we're talking about.

11 So that's a simple background before we
12 get started.

13 Q. Let me ask you this. I'm sorry. I
14 notice in your autopsy report that you said
15 there were about thirty-nine broken-skin or
16 blunt or sharp injuries to the head and neck
17 area. Is that right?

18 A. Yes.

19 Q. When you're counting these and talking
20 about those injuries on this diagram, are you
21 including superficial injuries?

22 A. No. There are additional superficial
23 injuries that aren't included in that number.
24 But we'll just go through and you'll see the
25 numbers as we go, if that's all right.

1 Q. Yes, that's fine with me.

2 A. So we'll go back to the diagram.

3 Again we're looking at the right side of
4 the face.

5 Here is the ear. Again, there is a sharp
6 injury that perforates, goes all the way
7 through the ear.

8 Then there is also an underlying sharp
9 injury that suggests that whatever went
10 through the ear continued and it went through
11 the skin as well and then stops.

12 So that may be one injury. That may be
13 two. You can already see how it gets
14 complicated to add these things up. Was it
15 one or was it two?

16 Q. Are you saying with the one on the ear,
17 because there was something behind it, you
18 don't know if that was one blow that cut the
19 ear and then another blow that hit behind it,
20 or whether it was just one blow and the
21 injuries occurred at the same time.

22 A. That's correct. That's correct. In
23 addition to that sharp injury, we see "LAC"
24 and that's my abbreviation for "laceration."
25 So that's a blunt injury. So we see that as

1 tissue bridging, but it's breaking the skin.

2 So we have a small laceration lateral to
3 the right eye. Also noted on this area of
4 the diagram are fractures. So now we have
5 broken bones. A fracture is a broken bone.
6 Fractures to the brow line and fractures to
7 the nasal bridge. And when we look at the
8 front we'll see how those occurred. You don't
9 see that here.

10 We see abrasions, a scrap on the tip of
11 the nose.

12 Then we see multiple additional
13 superficial abrasions, possible incisions
14 because they are linear to those lines. So I
15 don't know if it was a sharp or blunt trauma
16 because it's very superficial on the cheek.

17 Then there are additional abrasions here
18 behind the ear. Again, I don't know if that's
19 one blow with a complex tool or if it was
20 multiple blows.

21 And then here's another abrasion here on
22 the cheek.

23 Associated with this area is also
24 hemorrhage, a hemorrhage of soft tissues under
25 that area, consistent, again, with blunt

1 force.

2 Q. If we could go back to State's 319. All
3 right. If you will just blow up the top right
4 face.

5 A. Okay, so now we're just looking now at
6 the left side of the face. Okay? The same
7 things, really. It's all the same injuries,
8 just different orientations, bigger, smaller,
9 different areas.

10 So on the left side of the face we have -
11 - these are lacerations: one, two, three,
12 four, five, six, seven, eight, nine, and then
13 several abrasions.

14 An abrasion here on the cheek.

15 Abrasion here on the neck.

16 This, again, we don't know if this rather
17 large laceration -- was that a single blow, or
18 was that multiple blows, because it's a large,
19 irregular laceration. Again, if we don't know
20 if there was a complex instrument used, or if
21 it was more than one blow.

22 Q. On that one that you were discussing,
23 that large one, how large was it? That's not
24 to scale.

25 A. That's right. The sizes are up here.

1 And this is one of the larger lacerations, and
2 it's 2.1 inches. So in length from here to
3 here (indicating), 2.1 inches. The width is
4 0.3 inches. And then the third number is the
5 depth of the laceration, so how deep does it
6 go into the scalp.

7 And for your information, and I may
8 mention it several times, just so you know,
9 whenever you see this third number -- like,
10 here it is 0.3 inch. Anything over 0.2 inch
11 in this case did penetrate the scalp and go
12 all the way to the surface of the skull.

13 So this laceration, in particular, is of
14 interest on the left side of the head because
15 underlying this laceration is a fracture to
16 the skull. So a fracture to the head and to
17 the skull and underlying bone, beneath that
18 laceration.

19 Q. How about around the jaw area?

20 A. Around the jaw area we have several
21 abrasions relatively nondescript.

22 We have this somewhat circular pattern
23 here.

24 More abrasions behind the ear here.

25 Q. And then back to 319, the center photo or

1 diagram?

2 A: Okay, so here essentially we're seeing
3 that there are multiple superficial abrasions
4 here, right on the forehead. They're in a
5 linear orientation, one next to the other.

6 And a two-inch -- one measurement is 2.5 inch
7 region. That's basically the only thing that
8 is being portrayed on this picture here.

9 Q. You said - you don't have a third note on
10 it, so that one didn't break the skin?

11 A. That's correct. These are superficial
12 abrasions. That's correct.

13 Q. If we could go now to the bottom right.

14 A. Okay, so now we're looking at the back of
15 the head. Again, same story. The third
16 number is telling us how deep it's going.
17 It's a 0.2 inch or greater it's going down to
18 the skull. So these ones are lacerations that
19 are breaking the skin.

20 You can also tell that by the third
21 numbers we've got one, two, three, four, five,
22 six, seven -- I lost count. One, two, three,
23 four, five, six, seven, eight, nine, ten
24 lacerations. Then we have some abrasions
25 associated with these lacerations right here

1 at the back of the head. Here's another
2 abrasion, so again, not going through the
3 skin, like the lacerations go through the
4 skin.

5 Then we have two sharp injuries here; two
6 cuts, if you will. This one -- they're both
7 quite superficial. This one does cut into the
8 skin. This one is just on the surface of the
9 skin.

10 Q. These top ones that you just described,
11 they all have that third number, greater than
12 .2, and that means those went all the way
13 through to the bone?

14 A. That's correct, each of those went all
15 the way down to the bone of the skull.

16 Q. What is the difference between when
17 you're describing this area right here as
18 being sharp and like a cut? That's different
19 than a scrape?

20 A. Well, it is different than a scrape.
21 It's a linear cut. So you have very smooth
22 edges on both sides of the cut. So if you've
23 ever had a paper cut or something, you know
24 how smooth that is. It has very smooth edges.
25 So that's what I mean by a "sharp" injury.

1 Q. Then we go to the bottom left.

2 A. So now we're seeing obviously the front
3 of the head and face. In this area here, if
4 you count them all individually, there are
5 about twenty lacerations; so again blunt
6 trauma that is breaking the skin. It's over
7 the bridge of the nose and over the forehead
8 and brow area, to the eyes, nose.

9 This is where we have -- this is what
10 resulted in those fractures underneath. So he
11 had multiple fractures to the frontal bone,
12 which is the one that's right below the brow
13 there.

14 In addition, he had fracture of his nose.
15 His nose was also broken.

16 This was fractured such that his face was
17 somewhat misshapen, meaning that that brow
18 ridge was then quite flattened.

19 Q. So this was something that you could
20 observe without extracting the skin. You saw
21 the flatness to the brow?

22 A. That's correct. We're still on the
23 outside of the body. But if you looked at the
24 individual from the profile, you could see
25 that there was flattening here of the brow

1 because of those fractures.

2 Q. To the face?

3 A. (Affirmative nod), it was fractured right
4 here at the brow line.

5 Q. Is this where we talk about the
6 obliteration of the cribriform plate?

7 A. Yes. There is an area of the face, of
8 the frontal skull, where the olfactory nerves
9 -- what allows you to smell odors -- go
10 through into the brain. It's called the
11 cribriform plate. That is an area again at
12 the base of the frontal skull. And that area
13 was damaged such that I called it obliterated.

14 Q. What type of history, when you're
15 performing autopsies -- what kind of history
16 do you normally have when you have that
17 cribriform plate destroyed the way it was in
18 this case?

19 A. It does suggest a great deal of trauma.
20 In my practice you see that kind of trauma
21 with blunt injuries, perhaps in a motor
22 vehicle crash, and you might see other
23 injuries elsewhere, more fractures. But that
24 kind of extensive fracture to the base of the
25 frontal bone suggests a good deal of blunt

1 force, such as you might see in a motor
2 vehicle crash.

3 Q. You also noted periorbital hematoma? Is
4 that to the eyes?

5 A. Yes, periorbital hematoma is a collection
6 of blood around both eyes, "raccoon eyes", if
7 you will. And blood likes to collect around
8 the eyes. It's just a place where it likes to
9 pool because of how the tissues in the eyes
10 form different layers. It may suggest facial
11 or skull fractures, which in this case we know
12 he had. It could be from other facial trauma,
13 which we know he had. But he simply does have
14 the periorbital hematoma. A hematoma is a
15 collection of blood.

16 Q. What did you note about the condition of
17 his mouth and lips?

18 A. Around his mouth and in this area there
19 were an additional fifteen-or-so injuries,
20 both lacerations and abrasions as well as a
21 sharp entry, as pointed out here.

22 In addition, the inner lips, there were
23 lacerations on the inside of the lips and that
24 usually suggests that -- if someone is struck
25 in the face, your lips will hit your teeth and

1 so you can get a laceration on the inner lip.

2 Q. How about the condition of the teeth?

3 Did you note that?

4 A. Yes, we do, as a matter of course look in
5 the mouth and look at the teeth. And in this
6 case the two front center incisors, which
7 dentists call tooth eight and nine -- the two
8 front teeth -- were missing. The sockets
9 where they had been, there was blood in the
10 sockets, suggesting that they were recently
11 extracted in some way.

12 As long as we're looking at this, we
13 don't have a notation on this particular area
14 of the diagram, but he also had hemorrhage to
15 the eyes themselves and the surface of the
16 eyes had hemorrhage on them. There's two
17 different types of hemorrhage that we're
18 seeing. We're seeing hemorrhage that is
19 suggestive of the blunt trauma that we see
20 over the forehead; so that makes very good
21 sense, if you get hit and your eye is pulled
22 away you're also going to have hemorrhage of
23 the eye.

24 But then we also saw a second type of
25 hemorrhage, called a petechial hemorrhage.

1 That's more of a vascular event where the very
2 small vessels in the eye can burst and get
3 these tiny little pinpoint hemorrhages. So we
4 saw both of those types of hemorrhages in the
5 eye.

6 Q. Go back to State's 319, please. Is there
7 anything else you needed to add about the face
8 and head?

9 A. Well, I can continue to include the
10 internal examination of these areas if you
11 would like.

12 Q. Would State's 320 help with that?

13 A. (Affirmative nod), that would be good.

14 Q. This is State's 320. And which area
15 would you like to refer to first?

16 A. How about upper right?

17 Q. (Displaying).

18 Q. This is a diagram -- when we're preparing
19 to open the skull in order to view the brain,
20 the first thing that we do is what we call
21 reflect the scalp. So basically, this is an
22 incision that we make and then the scalp is
23 drawn from here over the front of the face.

24 So this, for example, this blue patch
25 right here represents hemorrhage to the scalp.

1 So here's the scalp that's been reflected
2 forward. So these hemorrhages are here, and
3 you can imagine that they came from right
4 here, okay? So this is the scalp right above
5 the ear. And there's hemorrhage there,
6 bleeding.

7 Q. Would you go to the middle left side of
8 the page?

9 A. Okay, each of these on this page are with
10 the scalp reflected forward. So now we're
11 looking at the back of the head. And this is
12 the surface of the skull and the membranes
13 that cover the surface of the skull, we call
14 periosteal membranes. So, again, these
15 little hatch marks represent areas where
16 hemorrhage is. And if you remember where some
17 of the blunt force trauma was on the previous
18 diagram, there should be hemorrhages, as if he
19 got hit with something or something. So
20 underneath those blunt traumas we do see some
21 hemorrhage here to the periosteal membrane
22 covering as well.

23 Q. Then the middle right?

24 A. Okay, so here again we have some little
25 hatch marks. These ones, these simple hatch

1 marks without other notations are again
2 hemorrhage to the scalp or periosteal
3 membrane. Here again, the scalp is reflected
4 forward. There's hemorrhages to the scalp.
5 These are hemorrhages to the periosteal
6 membrane.

7 Q. What is the periosteal membrane?

8 A. Again, the periosteal membrane is that
9 membrane that's covering the skull.

10 Q. This is not a brain injury that we're
11 seeing right here?

12 A. No, we're still looking at the surface of
13 the skull. It's just the scalp that's
14 reflected. And these holes are just where
15 those lacerations were that you saw on a
16 previous diagram. And this area here, where
17 there is also hemorrhage to the periosteal
18 hemorrhage, or hemorrhage over the skull;
19 that's where that fracture was that we called
20 a depressed fracture; "depressed" meaning that
21 the bone is essentially protruding forward to
22 the brain, broken in towards the brain.
23 Q. I think there's one more. Is there
24 anything there from your notes?
25 A. Yes, so here I note that there is

1 bilateral temporal muscle hemorrhage. So on
2 both sides of your head you have the
3 temporalis muscles that allow you to do some
4 motion with your scalp and your face and the
5 nerves. Those muscles both had hemorrhaging
6 to them, again suggestive of blunt trauma to
7 the various areas of the head. And then I
8 start to talk about the inside of the head, if
9 you'd like me to continue.

10 Q. I'll tell you what, why don't you have a
11 seat and we'll continue with you seated. And
12 I have some other exhibits.

13 A. (Returns to witness stand).

14 Q. Before we go to the next set of diagrams,
15 why don't you tell -- you've told us about the
16 head and the face and the scalp. Tell us
17 about what you discovered in the neck area.

18 A. So now we're getting into some of the
19 internal examination. You saw that there were
20 some abrasions around the upper neck area on
21 some of the diagrams of the external -- the
22 body externally.

23 After we complete the external
24 examination, and we have some more injuries to
25 talk about on the rest of the body - but you

1 did mention that you wanted me to talk about
2 the neck.

3 On internal examination, after the Y-
4 incision we examine them, we lift up that
5 piece of skin so that we can see the
6 structures of the neck. We did find
7 hemorrhaging to the strap muscles on both
8 sides of the neck.

9 In addition, there were fractures -- some
10 break of the middle -- the mid-Adam's apple,
11 or what we call thyroid cartilage was cracked
12 right in the middle. And then there's another
13 bone called the hyoid bone. It's a horseshoe-
14 shaped bone. It's quite fragile. And it sits
15 up here floating in the neck, above the
16 thyroid cartilage, above the Adam's apple.
17 And that also displayed fracture.

18 So there's fracture to the Adam's apple
19 or thyroid cartilage and to the hyoid bone.
20 And there was some what we call strap muscles,
21 because they kind of look like straps -- the
22 ones that move your head around -- strap
23 muscle hemorrhages on both sides. So that
24 indicates that there was blunt trauma to the
25 neck.

1 The question then comes up well, does
2 that mean strangulation? No, it does not mean
3 strangulation. It simply means blunt trauma
4 to the neck. We know that there were
5 fractures and there was hemorrhage. We cannot
6 exclude that there was any -- there was
7 strangulation at any point because, again,
8 there's blunt trauma to the neck. And one of
9 the ways you can get blunt trauma to the neck
10 is by strangulation. There are also many
11 other ways.

12 The petechial hemorrhages, the small
13 pinpoint hemorrhages that we saw in the eyes
14 are often associated with strangulation but
15 they can be associated with many, many, many
16 other things. So, again, I do not know if it
17 was strangulation. All I know is it was blunt
18 trauma to the neck, and I cannot speculate
19 strangulation.

20 Q. And strangulation can occur or can it not
21 occur where it doesn't lead to death. In
22 other words, someone could have their airway
23 restricted for some time but be released
24 before they actually died?

25 A. Yes, that's very true.

1 Q. And you could see some of these injuries
2 to the next area and also the petechia also if
3 ---

4 A. Yes. So these injuries, they may have
5 been fatal. It's possible that this
6 individual was strangled to death. Or they
7 may have not been fatal, and it would just be
8 another one of the injuries that this
9 individual sustained.

10 Q. Let's keep moving down to the --- what I
11 believe you have labeled as the thorax and
12 abdomen area. Would you want to use this
13 diagram, State's 321, or would you rather talk
14 about that from your notes?

15 A. That would be good.

16 Q. State's 321. And if we could start with
17 the left side. Can you see from there, or do
18 you want to step down?

19 A. Not so much.

20 Q. Okay, we can have you step down.

21 A. (Stands down from witness stand).

22 Q. And I've got State's 321 right here as
23 well.

24 A. Okay, so that is what we call the body
25 diagram. This shows what we call anterior or

1 front of the body in what we call "anatomical
2 position". That's why he looks like that.

3 When we're talking about anterior or
4 posterior, it's with the person being like
5 that. So this is the anterior or front side
6 of Mr. Roper as I saw him and diagramed him.

7 In the chest and abdomen region there
8 were several areas -- these are areas of
9 abrasions. So about six areas of abrasion.
10 There was hemorrhage upon reflection of this
11 skin. So after we did the Y-incision we did
12 see hemorrhage below this abrasion here, and
13 the abrasion here to the left side of the
14 chest.

15 Q. If you could go ahead while we have this
16 diagram up and tell us about the lower
17 extremities.

18 A. Okay. The lower extremities, there were
19 at least fifty injuries to the lower
20 extremities -- "lower extremities" meaning
21 legs, whole legs. So there were at least
22 fifty injuries to the legs. Many of these
23 were superficial, various incised, meaning
24 sharp, various abrasions, contusions.

25 Some of the ones that were more

1 remarkable included this laceration that is
2 actually to the proximal or upper part of the
3 lower leg.

4 This was actually a sharp injury and
5 there was penetration of the bone. So there
6 was a fracture of the tibia, which is that big
7 bone, your shin bone, right there in the area,
8 that looks like it was due to a sharp force,
9 something like a knife or something like that.
10 So it's a very nice little slit through the
11 cortex or the outer layer of the bone into the
12 inner layer of the bone.

13 Q. Like a stab wound?

14 A. It may have been. Now you're getting
15 into semantics. It's a sharp wound. That
16 means that it's deeper than it is wide. But
17 we would call that an incised wound, meaning
18 that it is wider than it is deep -- however,
19 yes, something to that effect.

20 And then another laceration here that
21 exposed the underlying shin bone but didn't
22 have any fractures associated with it.

23 Then just multiple abrasions of various
24 areas of the legs -- (indicating various
25 locations).

1 Q. We don't have it on the diagram here, but
2 did you note on the soles and palms of Mr.
3 Roper's feet some health issues unrelated to
4 his injuries?

5 A. I wouldn't call them health issues but he
6 had very, very thick skin on the bottom of his
7 feet. He had an area, a round area of
8 thickened skin on the sole of one of his feet.

9 Q. If we could go to the back side diagram.

10 A. Okay, if we just direct our attention to
11 the back, and then there are additional
12 similar abrasions to the shoulders. But just
13 in the back and shoulder region, not all shown
14 in this diagram, are about twenty-five
15 separate abrasions, including these two here
16 which had a semi-circular appearance. And
17 upon, again, reflexion of the skin of the
18 back, revealed underlying hemorrhaging
19 suggestive of a blunt trauma.

20 In addition, there is a laceration of an
21 area where the skin was actually split by
22 blunt force on the left buttock.

23 Q. Could you scroll down?

24 A. These are the descriptions of the hands,
25 if you'd like me to go to the upper

1 extremities.

2 Q. Go back on the chart.

3 A. Similar to the legs, in number there were
4 at least fifty injuries to the upper
5 extremities; which are the arms, the whole
6 arms, both of them. Included in these
7 injuries are multiple superficial abrasions,
8 again lacerations to the hands and there were
9 fractures of the proximal index fingers -- so
10 this part of the second finger on the right
11 hand, what we call the fifth metacarpal, which
12 is a bone in the hand here, and a fracture to
13 the left wrist. So in addition to the
14 multiple lacerations and abrasions, there were
15 also three fractures of the upper extremities.
16 Both hands and wrists were swollen with soft
17 tissue hemorrhage and edema, suggestive of
18 trauma to the various ---

19 Q. Did you see anything on the hand,
20 forearms or inner arm area that was indicative
21 of defensive wounds?

22 A. Well, she's mentioning a word called
23 "defensive wounds." That suggests that
24 someone is attempting to defend themselves
25 from any kind of attack. And, quite frankly,

1 any wounds to the hands or forearms can be
2 considered to be defensive wounds. But I
3 can't tell you which ones were as a result of
4 defensive acts or not. So -- but they
5 certainly could be consistent with defensive
6 wounds.

7 Q. Did he have any cuts in the palms of his
8 hands?

9 A. There were. There were some sharp
10 injuries to various areas of the fingers and
11 hands, again potentially defensive-type
12 wounds. Again, I cannot tell you that for
13 sure.

14 Q. Next, please. Oh, I forgot State's 322,
15 the side. Did you want to talk about the
16 shoulders and the injuries to the sides of the
17 body? I'm sorry. State's 322.

18 A. We mentioned these injuries while we were
19 talking about the back. We included the
20 abrasions of the shoulder. But they are here
21 diagramed on this lateral or side view of the
22 body. And these abrasions here we mentioned
23 included in the lower extremity injuries that
24 are now here diagramed as to their general
25 location.

1 Q. Is there anything in particular about the
2 shape of these injuries that you noted?

3 A. Well, there was nothing to point to any
4 sort of pattern -- what we call "pattern
5 injury", where you can match up something to
6 an injury. Some of them were more linear.
7 Some of them were more semi-circular. So
8 nothing that had a definitive pattern.

9 Q. And then the other side, please?

10 A. Again, now we're looking at him from the
11 right side. And these injuries are included
12 in what we described for the lower
13 extremities, multiple abrasions, superficial
14 abrasions, on the sides of the body from this
15 viewpoint.

16 Q. Thank you.

17 A. (Returns to witness stand).

18 SOLICITOR WILSON: Beg the
19 Court's indulgence.

20 THE COURT: Certainly.

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR WILSON:

23 Q. Now, let's move to, Dr. Schandl -- to the
24 internal examination. You've covered pretty
25 much everything externally?

1 A. (Affirmative nod).

2 Q. You also examined Mr. Roper's cavities
3 and his organs, did you not?

4 A. Yes, I did.

5 Q. And first of all, with regard to his
6 brain did you note brain swelling?

7 A. Yes. Again, I mentioned when you do that
8 incision and you pull the scalp forward. And
9 the next thing that you do is you cut through
10 the skull and then you can view the brain
11 itself. Upon doing that we're looking for
12 several things when we're looking at an
13 incisional cut or injury to the head. We're
14 looking for bleeding in different compartments
15 of the brain or of the brain itself. And
16 we're going to look at the surface of the
17 brain to see whether there is swelling, which
18 is what the Solicitor is referring to.

19 In this case, there was no evidence of
20 bleeding around the brain, not in the
21 different areas, such as the subdural area and
22 epidural area. So in all these areas there
23 was no bleeding.

24 Q. How was that? If he had ---

25 A. Well, one has to assume that each of

1 these individual wounds was not sufficient to
2 cause injury to the vessels. The vessel is
3 what bleeds. The brain does not bleed, but
4 the vessels within the brain are expanding
5 between the different areas, those two
6 compartments I'm talking about -- those
7 injuries were not sufficient to damage the
8 vessels. However, we do have evidence
9 that there was damage to the brain because the
10 brain itself had started to swell. And the
11 way that you see that is that the surface of
12 the brain starts to become smooth. As the
13 brain swells, again it's within a very finite
14 space. So it can't -- the swelling, the brain
15 can't get any bigger. So as the brain gets
16 larger, it will start to take on the contours
17 of its container, in this case the skull.
18 It's becomes flat. So we do have evidence
19 that there is damage to the brain, simply by
20 the fact that it was swelling.

21 Q. And could that brain swelling itself
22 cause death?

23 A. Yes, it can.

24 Q. Do you know that was the specific cause
25 of Mr. Roper's death in this case?

1 A. I do not know if that was the specific
2 cause in this case.

3 Q. How about your examination of the stomach
4 and blood that I believe you found in the
5 stomach?

6 A. Yes, there was blood -- an amount of
7 ingested blood, swallowed blood -- give me
8 just a second.

9 Q. I believe you used the term "terminal
10 aspiration and ingestion of blood."

11 A. Those are two different things. Give me
12 a moment.

13 Q. I'm sorry.

14 A. So within the stomach there were about
15 two ounces of blood.

16 Q. Is that a lot?

17 A. A cup is eight ounces, so a quarter of
18 that; it is not a whole lot, it's some. We
19 know that Mr. Roper had a broken nose and it
20 is not unusual to swallow blood when anyone
21 breaks a nose, because all the blood flows
22 back. So it's not unusual.

23 The aspiration, that's we're talking
24 about out of the lungs. Terminal aspiration
25 -- let me double check this.

1 Q. I'm pretty sure I couldn't come up with
2 that term myself.

3 A. Yes. Terminal aspiration is not
4 necessarily of blood. Generally, it's of
5 bloody contents. But, of course, if the
6 stomach contents are bloody, then a terminal
7 aspiration of blood can occur. And it's not
8 unusual -- let me explain what it means.
9 "Terminal aspiration" means as you die, you
10 lose some of the bodily functions. For
11 example, your esophageal sphincter, the tube
12 that goes from your mouth to your stomach,
13 that can loosen. So the things that are in
14 your stomach can come up. If they come up
15 into your mouth then they can go anywhere,
16 such as back into your lungs. So at the time
17 of death, it is not unusual for someone to
18 have what we call "terminal", meaning at the
19 point of death, "aspiration", meaning
20 inhalation into the lungs, of whatever --
21 usually something from the stomach. So that's
22 what "terminal aspiration" means.

23 Q. And we didn't talk about this when we
24 were looking at the diagrams, but can you tell
25 the jury about any injury you saw to the

1 anal/rectal area and the prostate area?

2 A. Yes. Also on the external examination
3 there were injuries both to the scrotum and to
4 the anus.

5 The scrotum had a region of what I call
6 "charring" or blackened skin that was
7 indicative of a burn injury. There was an
8 area of charring of the scrotum.

9 The anus had several lacerations. The --
10 -

11 Q. Before we get to the anus, I want to ask
12 you about the burn. Based on the shape and
13 size of the burn, did you have any ideas about
14 what could have been used to cause that burn?

15 A. Well, I don't really know the answer to
16 that. But the shape is round, and the size --
17 I'm looking for the size, give me a minute,
18 (reviewing notes) 1.6 x .09, so sort of a
19 roundish area about that big (indicating). I
20 don't really answer -- I don't know what
21 burned the scrotum.

22 Q. Could it have been a lighter?

23 A. That is a possibility.

24 Q. You just can't make a conclusion?

25 A. No, I do not know.

1 Q. You mentioned the anal opening. You saw
2 what?

3 A. So at the anus there were two
4 lacerations. One was two inches and one was
5 one and a half inches. Then upon internal
6 examination, looking at the structures in the
7 pelvis -- looking at the prostate, the bladder
8 the rectum -- there was a collection of blood
9 in the area around the rectum and around the
10 bladder of a hundred millimeters. A hundred
11 millimeters is about that much (indicating
12 hands together, palms cupped), I could hold it
13 in two hands -- of blood around the rectum and
14 around the bladder.

15 Then there was a small cubic centimeter
16 of a little -- about this big (indicating) --
17 of blood in the prostate itself. So one cubic
18 centimeter of hematoma, bleeding into the
19 prostate itself, which we could then verify by
20 looking at it under the microscope.

21 So there was bleeding into the internal
22 structures -- again, around the rectum, around
23 the bladder and into the prostate -- from
24 something that was placed potentially through
25 the anus into the rectum in order to get at

1 those structures. There's no other way to get
2 at those structures in the pelvis except
3 through the rectum.

4 Q. So unlike a kidney, for instance, where a
5 kidney can be damaged through striking the
6 outside of the body, the injuries you saw to
7 the prostate couldn't have come from a blow to
8 the outside of the body?

9 A. No, the prostate is quite well surrounded
10 by the pelvis, the bony structures of the
11 pelvis. So an injury to the prostate is
12 unusual from other ways.

13 Q. Did you also routinely do a toxicology
14 screening as part of your autopsies?

15 A. Yes, we do. It is routine that we do
16 send the blood that we take at the time of
17 autopsy for toxicologic examination.

18 Q. And you did that in this case?

19 A. Yes, we did.

20 Q. And what were the results of the
21 toxicology analysis?

22 A. The toxicologic analysis was negative.

23 Q. Dr. Schandl, I'm going to show you what's
24 already been entered as State's 271. Could
25 you tell me if you recognize those items and

1 what those are?

2 A. This is evidence that we acquired at the
3 time of autopsy for transfer to investigating
4 officials.

5 Q. Again, in a criminal-type case, is that
6 something you commonly do?

7 A. We do commonly transfer evidence, yes.

8 Q. And those items in State's 271, did you
9 turn them over to Mr. Renee Charles with the
10 Charleston Police Department?

11 A. Yes, that's correct. Renee Charles.

12 Q. I'm going to show you State's 272, 273
13 and 274. Do you recognize those items as
14 well?

15 A. Yes, these are additional envelopes of
16 evidence.

17 These look like simply our envelopes.

18 This is a different envelope that has our
19 identification tag on it.

20 Q. Did you obtain fingernail clippings from
21 Mr. Roper and package those and deliver those
22 to Mr. Charles?

23 A. Yes, that is correct.

24 Q. And also did you take blood from Mr.
25 Roper as well?

1 A. Yes, we did.

2 Q. And that's so that it could be used for
3 testing later?

4 A. Yes, that's correct.

5 Q. Finally, Dr. Schandl, could you just
6 summarize for the jury what your final autopsy
7 diagnosis was?

8 A. Yes, the cause of death is listed as
9 blunt head and neck trauma due to sharp and
10 blunt trauma to the body, which is
11 contributory.

12 Q. You mentioned in your testimony there
13 were approximately two hundred lacerations,
14 abrasions, contusions and those sorts of
15 things to the body?

16 A. Yes, that's correct.

17 Q. And you cannot say which one was the
18 fatal blow?

19 A. That's correct.

20 Q. Now, are there any other possible causes
21 of death as a result of the things you saw at
22 autopsy?

23 A. There are. As we noted, there are three
24 main things that could be under consideration:

25

1 One is simply the repeated trauma to
2 the head and the brain swelling that we see,
3 so the brain damage that occurred.

4 The second is the potential of
5 strangulation. The blunt trauma to the neck
6 is another potential cause of death.

7 The third is simply loss of blood.
8 So it's certainly possible that he lost enough
9 blood during the injuries that that could be
10 the cause of death as well.

11 So those are the three main
12 considerations.

13 Q. So, in your opinion, based upon a
14 reasonable degree of medical certainty, Mr.
15 Roper, regardless of which particular one it
16 was, he died as a result of all the trauma to
17 his body?

18 A. That is correct.

19 Q. Now, you talked earlier about the dying
20 process and how stomach fluids can be
21 aspirated -- or maybe I'm not using the right
22 words -- but into the lungs. Would there be a
23 description or could there be a description of
24 someone in the condition of this body that you
25 saw being able to stand and then just suddenly

1 going stiff and dropping over?

2 A. That's not an infrequent description of
3 many people who die. They go stiff and they
4 "drop dead".

5 Q. What causes that?

6 A. Again, there may be a heart stoppage or a
7 brain stoppage. Those are your basic two
8 choices. And either one can cause you to go
9 stiff, because one affects the other. So if
10 you have a brain injury, that can affect your
11 heart and cause your heart to stop. If you
12 have a brain injury, you may have something
13 that looks like a seizure coming from that
14 brain injury. If the heart stops due to lack
15 of blood or other things, it can have a
16 similar effect on the brain, so a secondary
17 effect on the brain. If you don't get any
18 blood to the brain, you can have a secondary
19 brain injury. So either one can cause a
20 similar appearance at the end of life.

21 Q. So the condition of Mr. Roper's body
22 could be consistent with that description of
23 dying?

24 A Yes.

25 Q. Now, I'm sure this is your favorite part,

1 when we get into the C.S.I. and talking about
2 the time of death. Can you tell the jury in
3 this case or any case, just based on looking
4 at the body and doing an examination, the
5 precise time that someone died?

6 A. No.

7 Q. Well, they can on TV.

8 A. (Laughs).

9 Q. Do you have an opinion as to how long --
10 to a reasonable degree of medical certainty,
11 do you have an opinion as to how long before
12 your autopsy, which was at 2:00 o'clock on
13 March the 9th, how long before that Mr. Roper
14 died?

15 A. We have very limited data to assist with
16 that determination. There are two things that
17 start to happen when you die. Your blood
18 starts to pool, so it starts to go with
19 gravity downward in the general way you're
20 facing. And your muscles start to stiffen.
21 So we call that "livor" which is the blood
22 pooling, and "rigor" which is the stiffening.
23 Those two things start to happen right away.
24 You can't see them right away, but they start
25 to happen right away. So those are the two

1 things that we can look at.

2 Unfortunately, the timeframe that causes
3 those two things to occur is affected by the
4 environment. So if you're in a very warm
5 environment or if for other reasons you're
6 decomposing more quickly, those things -- the
7 onset is much more quickly in the case of
8 rigor, which peaks and you become completely
9 stiff and then it breaks; the peak, the break
10 would occur much more quickly. So all we
11 really have is guesstimates for these things.
12 I had reports that
13 - and this is entirely hearsay.

14 MR. BLOOM: I would objection.

15 THE COURT: Sustained.

16 THE WITNESS: Well, I can say ---

17 THE COURT: She can rephrase the
18 question so that you can ---

19 DIRECT EXAMINATION. CONTINUED

20 BY SOLICITOR WILSON:

21 Q. I don't think we're talking about this
22 case. You're talking about reports in your
23 medical literature?

24 A. I'm referring to this case. Because I
25 had a report that ---

1 MR. BLOOM: Objection.

2 THE COURT: You can tell us what
3 your conclusions were based on what you
4 reviewed. But at this point you just can't
5 disclose what that was.

6 THE WITNESS: Okay. At the time
7 of the autopsy the livor, which is the pooling
8 of the blood, was fixed. So that puts us
9 sometime over twelve hours or so. At
10 the same time the rigor was starting to break.
11 So that puts us sometime between twelve and
12 twenty-four hours.

13 So that's, in general, from when I
14 did the autopsy -- I'm thinking that the time
15 of death was twelve to twenty-four hours
16 before that. But, again, these are very soft
17 figures.

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR WILSON:

20 Q. You also made some discoveries, again,
21 going back to the anal area internally
22 regarding some abscesses or an abscess; is
23 that correct?

24 A. Yes. At the time of autopsy we take
25 tissues and we process them in such a way that

1 we can look at them under the microscope. We
2 make microscopic slides and then we look at
3 those slides. So I would have looked at heart
4 and liver and all the different organs.

5 And another thing that I did look at was
6 one of the lacerations to the anal region.
7 Within that laceration there was what we call
8 an abscess. An abscess is a collection of
9 white blood cells. That indicates that there
10 is an infection process going on. It also
11 indicates that enough time had passed for that
12 abscess to form. So basically those white
13 blood cells that formed at the cusp of this
14 abscess have to come to the site through your
15 bloodstream. So they come to the site over
16 time and then they start to accumulate
17 overtime. And so, basically, what we found
18 were abscesses, so that was an accumulation of
19 white blood cells over time, in the area of
20 the anus where these lacerations were.

21 Q. And how long does it usually take for
22 that process to take place?

23 A. Well, the initial recruitment or initial
24 aggregation of the white blood cells can occur
25 five, six hours or so. But when you start to

1 see an abscess, which is a large accumulation
2 you're thinking at least eighteen hours, maybe
3 twenty-four hours. And then it can be much,
4 much longer. But likely at least eighteen
5 hours to see this type of an accumulation of
6 white blood cells.

7 Q. So based on the livor, the rigor and the
8 progression of the abscess would it be fair to
9 say that your opinion would be the victim died
10 closer to eighteen to twenty-four hours before
11 the time of your autopsy?

12 A. Well, we're talking about two very
13 different things.

14 Q. I know, but in combination.

15 A. They don't overlap.

16 Q. Okay.

17 A. The rigor and the livor are things that
18 happen after you die.

19 Q. Okay.

20 A. Whereas the abscess formation is
21 something that happens when you are alive.

22 Q. I'm sorry. I got that backwards,
23 (affirmative nod). Based on the information
24 regarding the abscesses, how long would you
25 estimate that the victim lived after receiving

1 that injury to his anus?

2 A. I would estimate about eighteen hours,
3 eighteen to twenty-four hours.

4 SOLICITOR WILSON: (Tenders documents
5 to Mr. Bloom).

6 MR. BLOOM: Your Honor, could we
7 have a break at this point?

8 THE COURT: Let's, at this point,
9 take a break, Ladies and Gentleman. There is
10 a matter of law that I need to take up. And
11 after we finish that, we'll take our break.

12 Do not begin your deliberations. Do not
13 discuss the case. We'll be with you as
14 quickly as we can.

15 (JURY OUT @ 3:57 P.M.)

16 SOLICITOR WILSON: Your Honor,
17 at this point I hand to the Defendant, to Mr.
18 Bloom, State's Exhibits 152 and 174, the only
19 two pictures that we intended to introduce
20 from the autopsy.

21 Again, I think that these are
22 important for the doctor to be able to show
23 with regard to the types of injuries.

24 I'm also going to go over with her
25 the nunchucks that were recovered and the

1 firearms that were recovered, and go over
2 consistency of injury with those things.

3 Again, based on the magnitude of
4 these injuries, I think two photographs is not
5 unreasonable. We did everything else with the
6 sketches. I'm not trying to go over the top,
7 but I think it's important to show the extent
8 of the injuries to show malice and to show
9 what the doctor was describing.

10 THE COURT: Okay.

11 MR. BLOOM: Your Honor, we would
12 object to those two photographs. The witness
13 has clearly, for over an hour, informed the
14 jury as to the extent of the injuries with the
15 use of diagrams that the State has in
16 evidence. I would note for the record, not
17 only by the testimony it was used, but during
18 her testimony, those diagrams were projected
19 via PowerPoint, which the jury clearly was
20 following. They used a pointer focusing in on
21 certain injuries from the PowerPoint
22 presentation. The doctor could take certain
23 injuries from the diagram and scan them on the
24 PowerPoint for the detail. The photographs
25 are unnecessary and we would object

1 specifically to the use of those photographs
2 under Rule 403 as an unfair expression. We
3 believe that it would be unfairly prejudicial
4 to the defendant.

5 THE COURT: Any response? Any
6 reply?

7 SOLICITOR WILSON: No, sir.

8 THE COURT: At this point I agree,
9 I think, from the standpoint -- I understand
10 about the malice, the maliciousness of it.
11 But the doctor described certain things that
12 were taking place, blunt force trauma and she
13 likened it to the same force from an
14 automobile collision, which in and of itself
15 implies the severity of the blows. I think
16 these, while they do show certain things, I
17 think that the probative value is strongly
18 outweighed by the prejudice.

19 And I'm referring both to State's
20 Exhibit 152 and 174. I think 174 is more
21 prejudicial than 152 but I think both of them
22 collectively would be too much at this point.

23 SOLICITOR WILSON: How about
24 just 152, then?

25 THE COURT: No, I don't think you

1 need it for the purposes of describing the
2 testimony. We've had the diagrams, which are
3 in evidence, to show the number of injuries.
4 Those would be consistent.

5 She can certainly, as she has done,
6 describe them pretty extensively. And she's
7 done a very good job of doing that as well.

8 I think she's -- from the standpoint
9 of the extent of the injuries, I think,
10 frankly, going through the layering -- my
11 words -- the layering process, taking from the
12 external, taking the first removal and then
13 showing the additions beneath that
14 automatically implies significant wounds. So
15 I think that's been presented clearly for the
16 purposes of the presentation of malice. No
17 question about it.

18 There may be some other -- should
19 another phase come, there may be some other
20 areas where that could come into what the
21 family had to look at. But it's certainly not
22 -- it has no -- I think very little probative
23 value at this point. And it would be -- under
24 the conditions of 403, I think it's merely
25 cumulative to what's already present, to

1 establish those elements required of the
2 State, as an additional 403 basis for it.

3 Okay, how much longer do you
4 anticipate? Because what I will probably do
5 is move directly into your examination.

6 MR. BLOOM: Mine's going to be very
7 short.

8 THE COURT: I kind of figured it
9 would be. That doesn't surprise me. Thank
10 you.

11 Doctor, we will not detain you too
12 much longer. We're going to take a break, if
13 that's okay. And during this recess you're
14 welcome to step down, but I'd ask you not to
15 have any conversation with any of the
16 attorneys. Thank you.

17 (BRIEF RECESS 4:02 - 4:15 P.M.)

18 (DEFENDANT PRESENT)

19 THE COURT: Is the State ready to
20 continue, Solicitor?

21 SOLICITOR WILSON: Yes, sir.

22 THE COURT: Is the defendant ready
23 to continue?

24 MR. BLOOM: Yes, sir.

25 THE COURT: Let the record reflect

1 Mr. Dickerson is present. Let's bring in our
2 jury, please.

3 SOLICITOR WILSON: Your Honor,
4 I'm going to have some things that I'm going
5 to introduce, have the witness authenticate.

6 THE COURT: Absolutely, I
7 understand. No problem.

8 (JURY IN @ 4:15 P.M.).

9 THE COURT: Thank you very much.
10 Thank you, Ladies and Gentlemen. Please be
11 seated. Solicitor, you may continue.

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR WILSON:

14 Q. Dr. Schandl, again, I think you corrected
15 me at the end. But you based the time of
16 death, to the extent that you could, on the
17 livor being fixed at twelve hours and the
18 rigor starting to break, which it was doing
19 about twenty-four after death. So that's how
20 you came up with that range; is that right?

21 A. That's correct.

22 Q. Then I asked you about the abscess around
23 the anal opening and I believe you testified
24 that for infection to start forming and
25 spreading throughout the body and make it back

1 to that site takes around eighteen hours. And
2 that happens while a person's living?

3 A. That's correct, while they're alive.

4 Q. Now, you also testified that you
5 photographed the complete process of the
6 autopsy?

7 A. We took multiple photographs during the
8 autopsy.

9 Q. And those were provided to law enforce-
10 ment and my office as well, and we've reviewed
11 them?

12 A. Yes.

13 Q. I'm just going to show you one photo-
14 graph, State's Exhibit 174, and ask you if you
15 recognize that photograph?

16 A. Yes, this is a photograph of Mr. Roper,
17 of his face.

18 Q. And is it a fair and accurate
19 representation of Mr. Roper's face area as it
20 was when you saw him at autopsy?

21 A. Yes, it is.

22 Q. Now, you've testified earlier about the
23 different types of injuries across Mr. Roper's
24 body. And I believe you mentioned some were
25 semi-circular.

1 A. That's correct.

2 Q. Would the injuries that you saw -- could
3 they be consistent with State's 304 and 312?

4 A. Yes, both of those instruments have a
5 circular surface aspect to them, yes.

6 Q. And then State's Exhibit 224, could these
7 have caused the semi-circular injuries,
8 especially the ones that you made note of
9 across the back area of the defendant (sic)?

10 A. Yes, there were two semi-circular areas
11 on the back and there are similar circular
12 surfaces on this instrument and so it is
13 certainly possible.

14 SOLICITOR WILSON: I believe
15 that's all I have, Your Honor.

16 THE COURT: You may cross examine,
17 Mr. Bloom.

18 MR. BLOOM: May it please the
19 Court?

20 THE COURT: Yes, sir.

21 CROSS EXAMINATION

22 BY MR. BLOOM:

23 Q. Dr. Schandl, how are you this afternoon?

24 A. Fine, thanks..

25 Q. Let me start first by asking you -- you

1 responded to the Solicitor's question about a
2 toxicology screen that it was negative.

3 A. (Affirmative nod).

4 Q. And I want to ask you first, an initial
5 urine test ---

6 SOLICITOR WILSON: Your Honor,
7 may we approach?

8 THE COURT: Yes.

9 BENCH CONFERENCE:

10 SOLICITOR WILSON: I
11 object to this line under 403. As I
12 understand it, the testimony would be -- and I
13 believe that Mr. Bloom has had some
14 conversation with the doctor, there was an
15 initial screen that shows some metabolites for
16 cocaine. But our position would be that's not
17 probative, it's not unduly suggestive of --
18 under 403, I believe that is more prejudicial
19 than probative because it implies something
20 that she would say is not suggestive.

21 THE COURT: What is the
22 purpose of ---

23 MR. BLOOM: Well, she
24 asked about a toxicology screen being
25 negative. The urine test was positive. They

1 did not do a confirmation urine test which
2 would have yielded, potentially, a different
3 result. The issue is that the blood test, as
4 I understand it, is for if there was the
5 presence of a substance at the time of death.
6 The urine screen can test for a day or two
7 before ---

8 THE COURT: I am going to
9 sustain the objection.

10 MR. BLOOM: She asked the
11 question, she asked if a toxicology ---

12 THE COURT: I understand
13 ---

14 MR. BLOOM: And now the
15 jury is left with a false impression, I think,
16 that ---

17 THE COURT: First of all,
18 to be honest with you, the only thing that it
19 would prove is that if he was under the
20 influence of some drugs someone might say
21 'thank the Lord', that his pain may have been
22 numbed. That's the only possible probative
23 value there would be. So if you showed that
24 he was positive for drugs, it really wouldn't
25 do anything other than take the jury down a

1 road that they don't need to go. It's a
2 tangential issue, it doesn't go anywhere.

3 MR. BLOOM: Okay, I want
4 to make a proffer at the appropriate time.

5 THE COURT: You may.
6 Thank you.

7 (BENCH CONFERENCE CONCLUDED)

8 THE COURT: I sustain the
9 objection. We've had a bench conference
10 concerning the objection on the issue of
11 relevance. We'll take the first opportunity
12 when the jury is out of the court room to
13 present that and we'll place it fully on the
14 record. Thank you.

15 CROSS EXAMINATION CONTINUED

16 BY MR. BLOOM:

17 Q. Dr. Schandl, let me just review with you
18 briefly, as I understand your final conclusion
19 as to the cause of death it could be three
20 possibilities; correct?

21 A. Yes, sir.

22 Q. And one is repeated trauma to the head;
23 correct?

24 A. Yes.

25 Q. Another is loss of blood; correct?

1 A. Yes, sir.

2 Q. And the third is strangulation?

3 A. Neck trauma, yes, sir.

4 Q. And it could be any of those three?

5 A. That is correct.

6 Q. Next, let me ask you briefly -- and,
7 again, I know the Solicitor asked you a couple
8 of questions about C.S.I. and that kind of
9 thing. I just want to be very plain. From
10 your examination you can't tell if a person or
11 persons who inflicted the injury to Mr. Roper
12 was male or female; right?

13 A. That is correct.

14 Q. You can't tell from your examination if
15 it was a right-handed or left-handed person?

16 A. No, sir.

17 Q. And you can't tell if they were short or
18 tall or their height or weight, whoever
19 perpetrated these injuries?

20 A. No, that's correct.

21 MR. BLOOM: Thank you, Your Honor.
22 I have no further questions.

23 THE COURT: Thank you, Mr. Bloom.
24 Any redirect, Solicitor?

25 SOLICITOR WILSON: No, sir.

1 THE COURT: Ladies and gentlemen,
2 at this point because we need to do something
3 again out of your presence that will not take
4 long, I need for you to go to your jury room
5 just a few more moments. We'll be with you
6 momentarily. This witness, though, when you
7 return, will be excused, so that she will not
8 be present.

9 (JURY OUT @ 4:25 P.M.)

10 THE COURT: Thank you. Please be
11 seated. Mr. Bloom, we had an objection. The
12 objection -- why don't you go ahead and state
13 it?

14 Solicitor, you objected under 403, I
15 believe -- excuse me, 404, dealing with the
16 character of the ---

17 SOLICITOR WILSON: Both.

18 THE COURT: 403 and 404.

19 SOLICITOR WILSON: Yes, sir.

20 THE COURT: As I understand from
21 our conference, Mr. Bloom, and I'll allow you
22 a full opportunity. But in our conference you
23 had indicated that -- the Solicitor asked a
24 question and the toxicology was negative and
25 that's not consistent with the urine test, as

1 I understand.

2 MR. BLOOM: That's correct.

3 THE COURT: Why don't you explore
4 that -- that line of questions and then I'll
5 be able to have a basis for the ruling, which
6 I believe is in evidence through our
7 conversation. But proceed.

8 PROFFER EXAMINATION

9 BY MR. BLOOM:

10 Q. Dr. Schandl, the Solicitor asked you some
11 questions about the toxicology report. Do you
12 remember that part of your testimony?

13 A. Yes, sir.

14 Q. And you responded to her that it was
15 negative; correct?

16 A. That is correct.

17 Q. Now, initially a urine screen was done;
18 correct?

19 A. It is done concomitantly. We send blood
20 and we send urine and they do screens on each.

21 Q. And the urine test came back positive for
22 cocaine; correct?

23 A. No, sir, it came back presumptively
24 positive.

25 Q. For cocaine, correct?

1 A. Yes, that's correct.

2 Cocaine/metabolites.

3 Q. And no confirmation test was done on the
4 urine screen, correct?

5 A. That is correct.

6 Q. And as I understand it the blood screen
7 was negative, correct?

8 A. Yes.

9 Q. And the blood screen tests to determine
10 if there are any substances present at or near
11 the time of death. Is that fair to say?

12 A. (Affirmative nod), any substances in the
13 blood.

14 Q. And substances such as cocaine could be
15 present for a day or two prior to death; is
16 that correct?

17 A. I would have to look at the half-life of
18 cocaine, which I cannot tell you.

19 Q. Again, just to be clear, there was no
20 follow-up confirmation drug screen on the
21 urine test; correct?

22 A. That's correct.

23 Q. Thank you very much.

24 THE COURT: Are those all the
25 questions that you would have?

1 MR. BLOOM: Yes, sir.

2 THE COURT: And that you wanted to
3 ask of this witness?

4 MR. BLOOM: Yes, sir.

5 THE COURT: And you object to those
6 questions?

7 SOLICITOR WILSON: I do, and I
8 have some follow-up.

9 THE COURT: All right. Go ahead.

10 PROFFER CROSS EXAMINATION

11 BY SOLICITOR WILSON:

12 Q. Dr. Schandl, the urine screen versus the
13 blood screen, which one is more reliable?

14 A. Neither -- no screen is reliable.

15 Q. Okay. Well, what did you'all do to the
16 blood that made it more reliable than the
17 urine screen?

18 A. After the screen was performed, then the
19 sample is sent for confirmatory testing. They
20 use other techniques to look at the blood.

21 They do mass spectrometry and other techniques
22 to look at the blood to see if there is
23 anything present. That's the reliable test.

24 It's a different process you have from the
25 screening test, which is basically a yes/no.

1 It's a screening test. You have a great
2 number of false positives in a screening test.
3 And then your confirmatory test does not have
4 those issues because it's identifying
5 particular chemicals in the blood or in the
6 urine. So a screening test is, by its very
7 nature, unreliable.

8 SOLICITOR WILSON: I have
9 nothing further.

10 MR. BLOOM: One more.

11 THE COURT: Sure. Absolutely.

12 MR. BLOOM: Again, just to be sure,
13 no confirmation test, though, was done on the
14 urine.

15 THE WITNESS: That's correct.

16 MR. BLOOM: Thank you, Doctor.

17 THE COURT: Thank you very much.

18 Based on the arguments presented concerning
19 this particular line of questioning -- I
20 believe it was argued, Mr. Bloom, and I'll
21 allow you to make any further statements --
22 that because the Solicitor asked that question
23 about the toxicology report, that opened this
24 door for this follow-up questioning, as I
25 understand it.

1 MR. BLOOM: Yes, sir. And I think
2 what it does is after the first time it
3 clearly defines the line of questioning to
4 explain it, that goes to weight. It clearly
5 opened the door. Now the jury is left with
6 the impression that there's only a negative
7 test and we think it would be improper for the
8 jury not to be left with that false
9 impression.

10 THE COURT: And what issues does
11 that specifically address insofar as this case
12 is concerned?

13 MR. BLOOM: Your Honor, of course,
14 it goes to a number of things. There has been
15 testimony in the record that Mr. Roper -- and
16 I'm not trying to malign Mr. Roper, that is
17 not the intent of my argument. The Solicitor,
18 in her own opening statement, advised the jury
19 that Mr. Roper was affiliated with some drug
20 use or conduct and I think that this type of
21 evidence corroborates that, and goes to the
22 context of some of the testimony around the
23 time of the beginning of the conditions of his
24 death.

25 Lastly, again, I think it's very

1 important that misleading evidence not be left
2 in front of the jury. The Solicitor opened
3 that door and we're entitled to explore it.
4 It is limited testimony. The doctor can
5 explain it. And, of course, the jury can give
6 it whatever weight that it desires to the
7 testimony.

8 THE COURT: Solicitor, do you wish
9 to respond specifically to that?

10 SOLICITOR WILSON: (Negative
11 gesture), not while I am ahead.

12 THE COURT: The question comes --
13 and, again, we get directly -- I think, first
14 of all, we confront the initial threshold
15 issue. Because all I heard -- and you didn't
16 say this but, inferentially the next thing is
17 'Well, he's a bad person. He's hanging
18 around. He's doing drugs.' Therefore, it's
19 specifically into character evidence and
20 certainly not permitted by 404. Because I
21 asked the question what issues do we have
22 concerning the accused in this that would
23 leave -- that would make that evidence very
24 germane, other than the one that you just
25 stated, Mr. Bloom, and that is that there was

1 testimony which challenges the accuracy of
2 that testimony, in a way, indirectly.

3 But clearly, as I believe I've
4 stated, if you had objected to the Solicitor's
5 question and -- the strategy, I understand,
6 you may not have wanted to, because you wanted
7 this additional information. I don't fault
8 you for that. I think that was very pertinent
9 and very proper to do that, to allow that
10 question.

11 I don't think it opens the door,
12 however, to start the jury on an issue that
13 really doesn't take the jury anywhere at all.
14 Yes, inferentially you could argue that you
15 are challenging the credibility of this
16 witness, based on the fact that she said it
17 was -- that it was nothing and therefore the
18 urine test showed something but I think that
19 is so remote it's of actually no prejudice to
20 this witness, because this witness is not
21 challenging -- excuse me. Mr. Dickerson, I
22 don't think, is challenging, and hasn't as
23 I've seen thus far in the cross examination,
24 what Dr. Schandl has testified to, insofar as
25 the cause of death or any of those things that

1 would be pertinent to the State's case.

2 Therefore, clearly, if it has any
3 probative value, I think the prejudice is it
4 leads the jury in an area that, frankly, takes
5 them down a road that really doesn't go
6 anywhere. No one is offering anything. It's
7 not going to connect to anything. So I think
8 it's a clear 403 -- I sustain it under 403,
9 and I think it falls directly within 403.

10 While it really may not even be relevant under
11 402, it clearly would be excluded under 403.
12 And for those reasons I will sustain the
13 objection and did sustain.

14 But the record certainly contains
15 the proffer. And thank you very much, sir.

16 All right. Thank you, Dr. Schandl.
17 You may step down and I assume you wish Dr.
18 Schandl to be excused?

19 MR. DURANT: Yes, sir.

20 THE COURT: Any objection, Mr.
21 Bloom?

22 MR. BLOOM: No, sir.

23 THE COURT: And you are free to
24 leave. Thank you very much.

25 SOLICITOR WILSON: Your Honor,

1 she will be subject to recall if there is
2 another phase.

3 THE COURT: Yes. You're still
4 under subpoena. So thank you very much. But
5 certainly you have her number, and you don't
6 have to remain in the court room, Dr. Schandl.
7 Thank you.

8 (WITNESS STEPS DOWN)

9 THE COURT: We have additional
10 witnesses, I assume. Let's bring in our jury.
11 Thank you very much.

12 (JURY IN @ 4:35 P.M.)

13 THE COURT: Please be seated.
14 Thank you very much, Ladies and Gentlemen.
15 I'm sorry to send you out twice, but remember,
16 that's the way the process has to work. I
17 thank you for your patience.

18 Solicitor, you may call your next
19 witness.

20 BRUCE DURANT: Thank you, Your
21 Honor. The State would call Armon Dickerson.

22 (WITNESS TAKES STAND)

23 ARMON RASHAD DICKERSON, being duly
24 sworn to tell the truth, the whole truth and
25 nothing but the truth, testified, as follows:

1 DIRECT EXAMINATION

2 BY BRUCE DURANT:

3 Q. How are you, Mr. Dickerson?

4 A. Twenty-eight years old

5 Q. What name do folks call you by?

6 A. "Bubba."

7 Q. How far did you go to school, Mr.
8 Dickerson?

9 A. 10th grade.

10 Q. Where did you?

11 A. I graduated from -- first I went to Burke
12 High school and then I went to James Island
13 High school.

14 Q. Did -- you did not graduate from James
15 Island?

16 A. No, sir, I got my G.E.D.

17 Q. What kind of work -- you're not currently
18 employed; is that correct?

19 A. Yes, sir.

20 Q. You are currently living in the
21 Charleston County Detention Center, is that
22 correct?

23 A. Yes, sir.

24 Q. And you've had some prior run-in's with
25 the law; is that correct?

- 1 A. Yes, sir.
- 2 Q. I believe that you were convicted of
3 receiving stolen goods in 2006, is that
4 correct?
- 5 A. Yes, sir.
- 6 Q. You also have charges pending with the
7 Office right now, the Solicitor's office of
8 the Ninth Circuit, is that right?
- 9 A. Yes.
- 10 Q. Including -- not to mention the least of
11 which is being charged with murder in this
12 case?
- 13 A. Yes, sir.
- 14 Q. You have met with prosecutors before, is
15 that correct?
- 16 A. Yes, sir.
- 17 Q. And what you have been promised in
18 exchange for your testimony in this case?
- 19 A. Nothing.
- 20 Q. You have signed a proffer agreement, is
21 that correct?
- 22 A. Yes.
- 23 Q. What is your understanding of the proffer
24 agreement?
- 25 A. I'm really not promised anything but I am

- 1 hoping that I do get a deal or anything.
- 2 Q. So you're currently charged with murder
- 3 in this case, is that correct?
- 4 A. Yes, sir.
- 5 Q. You were originally charged with
- 6 obstruction; is that correct?
- 7 A. Yes, sir.
- 8 Q. And then indicted for murder?
- 9 A. Yes, sir.
- 10 Q. Would you tell the jury who (indicating
- 11 Defendant) that is?
- 12 A. That's my brother, William Dickerson.
- 13 Q. Is your full brother or your half-
- 14 brother?
- 15 A. Full brother.
- 16 Q. You have the same father?
- 17 A. No, same mother.
- 18 Q. A different father?
- 19 A. Yes, sir.
- 20 Q. What names does he go by?>
- 21 A. Willie D or Little Man.
- 22 Q. Who is older?
- 23 A. He's older.
- 24 A. I think by four or five years.
- 25 Q. And when you'all were young, did -- were

1 you all in the same house together?

2 A. Yes, sir.

3 Q. Who is your father?

4 A. Jerome Fludd.

5 Q. Who is William Dickerson's father?

6 A. William Dickerson.

7 Q. And I want to -- I want to ask you about

8 somebody else, do you know somebody named

9 Selena Rouse?

10 A. Yes, sir.

11 Q. How do you know Selena Rouse?

12 A. I am married to her.

13 Q. And when did you and Miss Rouse get

14 married?

15 A. February 22nd, 2008.

16 Q. How long have you known Selena Rouse?

17 A. Six years.

18 Q. How did you meet Selena Rouse?

19 A. I met her -- I was living with my father

20 on Fleming Road and I met her over there, she

21 lived three doors down from my father.

22 Q. Your father, you said, was Jerome Fludd?

23 A. (Affirmative nod).

24 Q. Where does he live?

25 A. 311 Fleming Road, Apartment E-1.

1 Q. You were living with him at the time that
2 you met Miss Rouse, is that correct?

3 A. Yes, sir.

4 Q. Selena Rouse?

5 A. (Affirmative nod).

6 Q. And did you Miss Rouse begin living
7 together?

8 A. Yes, sir.

9 Q. Where did you and Miss Rouse live
10 together?

11 A. 311 Fleming Road, Apartment E-3.

12 Q. And you'd lived with Miss Rouse at that
13 address since when?

14 A. From 2003 until 2006.

15 Q. And that would March 9, 2006?

16 A. Yes, sir, right around that time.

17 Q. Now, were you employed at the time?

18 A. Yes, sir.

19 Q. What kind of work have you done the past?
20

21 A. Line cook.

22 Q. What establishment have you worked at in
23 the past?

24 A. I worked at the Charleston Crab House,
25 Hyman's Seafood, South End Brewery and Bobo's

- 1 Bar & Deli.
- 2 Q. Do you and Selena have children together?
- 3 A. She has a son.
- 4 Q. What is the son's name?
- 5 A. Yeah, Jaylin Fraser.
- 6 Q How old is Jaylin?
- 7 A. Eight years old.
- 8 Q. Jaylin is not your son, correct?
- 9 A. No, he is not.
- 10 Q. What is your relationship with Jaylin?
- 11 A. I'm his father now, I'm been taking care
- 12 of him for the past six years. I'm not his
- 13 biological father.
- 14 Q. Do you know or did you know Gerard Roper?
- 15 A. Yes, sir.
- 16 Q. How did you know Gerard Roper?
- 17 A. From growing up on Spring Street.
- 18 Q. What your relationship with Mr. Roper?
- 19 A. We really didn't have that much of a
- 20 relationship because he was older than me, but
- 21 I know him.
- 22 Q. He was more your brother's age, is that
- 23 correct?
- 24 A. Yes, sir.
- 25 Q. What was his relationship with your

- 1 brother?
- 2 A. They were best friends.
- 3 Q. But you knew who he was, correct?
- 4 A. Yes, sir.
- 5 Q. In the last six months of so before his
- 6 death, did you ever see him?
- 7 A. Yes, sir. I saw him two or three times.
- 8 Q. Where would you see him.
- 9 A. He came to my house.
- 10 Q. Just to visit?
- 11 A. Yes, sir.
- 12 Q. Let's talk about March 7th, 2006, where
- 13 were you living at at the time?
- 14 A. March 7th, 2006?
- 15 Q. (Affirmative nod).
- 16 A. Fleming Road, Apartment E-3.
- 17 Q. Who were you living there with?
- 18 A. Selena Rouse.
- 19 Q. Who else?
- 20 A. Jaylin Frazier.
- 21 Q. And on that day, which I believe was a
- 22 Tuesday, did you have occasion to come in
- 23 contact with your brother, William Dickerson?
- 24 A. Yes, sir.
- 25 Q. Could you tell us how that happened?

VOLUME SEVEN OF TEN

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.

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1 A. He came to the house with Tony Nelson,
2 Devon and Gerard Roper.

3 Q. Was this in the morning or the afternoon?

4

5 A. In the afternoon time, around three
6 o'clock.

7 Q. Were you expecting him to come?

8 A. No.

9 Q. Had he called you beforehand?

10 A. No, sir.

11 Q. Were you expecting Gerard to come?

12 A. No, sir.

13 Q. Where were you when they showed up at
14 your house?

15 A. In the kitchen with my son, cleaning up.

16 Q. And how did they arrive?

17 A. By truck.

18 Q. Whose truck?

19 A. Tony Nelson's.

20 Q. I hand you what has previously been
21 marked as State's Exhibits 1, 2 and 3, in
22 evidence and ask if you recognize that truck.

23 A. Yes, sir.

24 Q. You can look at them, if you like.

25 A. I recognize it.

- 1 Q. And whose truck is that?
- 2 A. Tony Nelson's.
- 3 Q. And what happened after they came to your
- 4 house in Tony's suburban?
- 5 A. I heard a knock on the back door and Tony
- 6 told me to come get my brother, that something
- 7 had happened.
- 8 Q. And what was happening?
- 9 A. He had Gerard in the backseat and he was
- 10 bleeding.
- 11 Q. Pardon?
- 12 A. He had Gerard in the back seat and he was
- 13 bleeding from the nose area.
- 14 Q. Who was bleeding?
- 15 A. Gerard Roper.
- 16 Q. What did your brother do with Gerard.
- 17 A. He took him inside the house.
- 18 Q. Do you know whether or not your brother
- 19 was armed?
- 20 A. Yes, sir.
- 21 Q. With what?
- 22 A. A revolver.
- 23 Q. Did you see the revolver at the time that
- 24 he actually took it inside the house?
- 25 A. Yes, sir.

- 1 Q. And what was he doing with the revolver?
- 2 A. He was holding it on Gerard.
- 3 Q. What did you do after your brother was
- 4 taking Gerard into your apartment?
- 5 A. I stood outside and talked to Tony Nelson
- 6 and Devon for a minute.
- 7 Q. And what did you say?
- 8 A. I was asking them what was going on.
- 9 Q. And did they know what was on?
- 10 A. No, sir, not really.
- 11 Q. Did your brother have a pet with him when
- 12 he came, too?
- 13 A. Yes, sir, a dog.
- 14 Q. What kind of dog?
- 15 A. I thing it was a Pit Bull.
- 16 Q. And what happened with the dog?
- 17 A. It came inside the house, too.
- 18 Q. You brought the dog in?
- 19 A. Yes, sir.
- 20 Q. Jaylin was here during this time?
- 21 A. Yes, sir.
- 22 Q. What did you do with Jaylin when you got
- 23 back in the house?
- 24 A. I took him upstairs with the dog.
- 25 Q. And where was your brother and Gerard

1 Roper?

2 A. Inside the kitchen.

3 Q. And just to kind of refer you, this has

4 previously been marked as state's exhibit --

5 can you see this?

6 A. Yes, sir.

7 Q. 298, Apartment E-3 and E-4 (indicating).

8 This would be the kitchen area

9 (indicating) of your apartment, is that

10 correct?

11 a. Yes, sir.

12 Q. Where did he have him in the kitchen?

13 A. Right there by the kitchen table, right

14 there.

15 Q. In this area?

16 A. Yes, sir.

17 Q. What kind of gun did your brother have?

18 A. I know exactly what kind it was but it

19 was a revolver pistol.

20 Q. Did you ask your brother what was going

21 on?

22 A. Yes, sir.

23 Q. And what did he tell you?

24 A. He said that Gerard was trying to set him

25 up, to kill him.

1 Q. Why did he think that?

2 A. Because he talked about something that
3 happened previously before then.

4 Q. And what was that?

5 A. He was in a hotel room and he heard all
6 kinds of commotion outside the room door and
7 in a couple of seconds Gerard showed up, so I
8 guess he figured that was the reason why.

9 Q. He thought that those guys were with
10 Gerard or something like that?

11 A. Yes, sir.

12 Q. Do you remember him showing you anything
13 on his cell phone?

14 A. Yes, sir.

15 Q. Tell us about that?

16 A. He showed us a picture of his girlfriend
17 at the time, he was in the bed and he was
18 trying to show me something in the background
19 and I couldn't really make what it was.

20 Q. Was it a video or was it a picture?

21 A. It was a video.

22 Q. And it was taken in a house, it looked
23 like?

24 A. Yes, sir.

25 Q. Whose house?

- 1 A. His house.
- 2 Q. Could you hear anything on the video?
- 3 A. You could hear some kids' voices in the
4 background, but that was about it.
- 5 Q. Were you able to see anything on the
6 video?
- 7 A. No, sir.
- 8 Q. What was he saying was on the video?
- 9 A. "See, that's Gerard right there. See him
10 right here?" I could see anything.
- 11 Q. How was he acting at the time, what was
12 his state of mind?
- 13 A. Normal.
- 14 Q. William's state of mind?
- 15 A. He was acting normal.
- 16 Q. This was when he brought Gerard in,
17 correct?
- 18 A. Yes, sir.
- 19 Q. Why did he bring Gerard to your
20 apartment?
- 21 A. I don't know.
- 22 Q. Where was Selena at the time?
- 23 A. She was at work.
- 24 Q. Where did Selena work?
- 25 A. McDonald's.

- 1 Q. So tell me, what happened when he had
2 Gerard in the kitchen?
- 3 A. He became excited, he kept asking him why
4 he was doing this to him. I asked him what
5 was going on, and I told him that Gerard
6 wouldn't do nothing like this to him.
- 7 Q. And what was Gerard saying?
- 8 A. You said "your brother is going crazy,
9 it's not me, I'm not doing anything to him."
- 10 Q. And what did your brother do?
- 11 A. He hit him with the pistol.
- 12 Q. With what?
- 13 A. The pistol.
- 14 Q. What part of the pistol?
- 15 A. Handle part.
- 16 Q. How? How was he holding the pistol?
- 17 A. Like this right here -- (demonstrating
18 with right hand).
- 19 Q. In other words, was he holding it by the
20 barrel and beating him with the butt, or
21 holding it by the handle and beating him with
22 the butt?
- 23 A. By the handle beating him with the butt.
- 24 Q. Where was Rod?
- 25 A. In the kitchen.

- 1 Q. Standing or ---
- 2 A. Kneeling down.
- 3 Q. Kneeling down?
- 4 A. Yes, sir.
- 5 Q. He was on his knees.
- 6 A. Yes, sir.
- 7 Q. What else did you see your brother do
- 8 with the gun?
- 9 A. He started -- he took the gun and started
- 10 knocking his teeth out, with the barrel.
- 11 Q. And what else did you see him do to
- 12 Gerard?
- 13 A. That's all I saw at the time.
- 14 Q. How long did this beating go on?
- 15 A. About twenty minutes, fifteen to twenty
- 16 minutes.
- 17 Q. What was Gerard doing while this was
- 18 going on?
- 19 A. He was just kneeling.
- 20 Q. Was he saying anything?
- 21 A. He was just moaning.
- 22 Q. Was he fighting back?
- 23 A. No, sir.
- 24 Q. What the heck were you doing?
- A. Just standing there.

1 Q. Why?

2 A. Scared.

3 Q. Scared of what?

4 A. I was just scared, not knowing what

5 happened, not really knowing what was going

6 on.

7 Q. Are you scared of your brother?

8 A. Somewhat, a little bit -- now, I am.

9 Q. What was your brother saying while he was

10 beating Gerard?

11 A. He wasn't saying anything.

12 Q. And what was his state of mind at this

13 time?

14 A. He was upset, a little bit angry.

15 Q. Was Gerard fully clothed at the time?

16 A. Yes, sir.

17 Q. Did you ever try to stop your brother?

18 A. No, sir, I was trying to tell him Gerard

19 wouldn't do that, 'you got the wrong guy'.

20 Q. After he beat Gerard with his gun, what

21 did he want you to do?

22 A. You wanted me to go downtown and pick up

23 his car.

24 Q. Where was his car?

25 A. By Tony Nelson's house.

- 1 Q. And where does Tony Nelson live?
- 2 A. Fishburne Street.
- 3 Q. Now, you initially said that you went
- 4 down and picked up the car but you told us on
- 5 a previous occasion that you picked up the car
- 6 on Crackie Street?
- 7 A. Yes, sir.
- 8 Q. Why did you do that?
- 9 A. Scared.
- 10 Q. Scared of what?
- 11 A. Scared that I was going to get in
- 12 trouble.
- 13 Q. What kind of car did your brother have?
- 14 A. It was a Chevy Malibu.
- 15 Q. How did you get to Tony Nelson's house on
- 16 Fishburne Street?
- 17 A. I called a cab.
- 18 Q. How did you -- you called a cab?
- 19 A. I called it.
- 20 Q. Whose phone did you use?
- 21 A. My brother's cell phone.
- 22 Q. Now, just out of curiosity, what was
- 23 Jaylin doing while your brother was beating
- 24 Gerard?
- 25 A. He was upstairs, he didn't know what was

1 going on.

2 Q. Why not?

3 A. Because he was upstairs.

4 Q. Was he making any noise?

5 A. No, sir.

6 Q. Was Gerard making any noise?

7 A. No, sir.

8 Q. He wasn't screaming or anything like

9 that?

10 A. No, because if he was screaming the

11 neighbors would have heard him.

12 Q. So how were you able to -- who did you

13 leave the apartment with?

14 A. Me and Jaylin left the apartment.

15 Q. How were you able to get Jaylin out of

16 the apartment without him seeing what was

17 going on in the kitchen?

18 A. We went through the front door.

19 Q. And the way that your house is situated -

20 - once again, -- (tendering laser pointer),

21 hit that button right there. Okay.

22 A. (Complies).

23 Q. Can you see that all right?

24 A. Yes, sir.

25 Q. Can you show the jury where the back door

1 of your apartment was.

2 A. (Indicating with laser pointer).

3 Q. And where is the parking area for this
4 apartment complex?

5 A. On this side here.

6 Q. So the parking was in the back instead of
7 in the front, is that correct?

8 A. Yes, sir.

9 Q. And where is your front door?

10 A. (Indicating).

11 Q. As you come in your front door it leads
12 straight up the stairwell, is that correct?

13 A. Yes.

14 THE COURT: Solicitor, can you turn
15 it -- can you see, Mr. High?

16 JUROR: Yes, sir.

17 THE COURT: Thank you. Excuse me,
18 Solicitor.

19 DIRECT EXAMINATION CONTINUED

20 BY BRUCE DURANT:

21 Q. Who stayed in your apartment while you
22 and Jaylin left to go downtown?

23 A. [unclear] and my brother.

24 Q. And where did you and Jaylin go?

25 A. To Fishburne Street, to Tony Nelson's

1 house.
2 Q. And what did you do at Tony Nelson's
3 house?
4 A. We went there and got some drugs that my
5 brother had left here.
6 Q. Got what?
7 A. Some drugs. He'd left some cocaine and I
8 bought some marijuana.
9 Q. Who did you buy some marijuana from?
10 A. Tony Nelson.
11 Q. What else did you pick up at Tony's
12 house?
13 A. That's it. Oh, and the keys to the car.
14 Q. Who had the keys to the car?
15 A. Tony Nelson.
16 Q. Where did you go then?
17 A. Came back to James Island, my house.
18 Q. Did you call the police at any time ---
19 A. No.
20 Q. --- after you left that apartment?
21 A. No, sir.
22 Q. Did you try to stop and find a police?
23 A. No, sir.
24 Q. Did you do anything to help Gerard Roper?
25 A. No, sir.

- 1 Q. Why didn't you do anything?
- 2 A. I was scared, didn't know what to do.
- 3 Q. What were you picking up the car for?
- 4 A. I was hoping that he was going to leave.
- 5 Q. You were hoping who was going to leave?
- 6 A. My brother and Gerard.
- 7 Q. Now, when you got back to your apartment,
- 8 had anything changed your apartment?
- 9 A. Yes, sir.
- 10 Q. Tell me about that.
- 11 A. When I came back, there was more blood
- 12 than there was before.
- 13 Q. Blood where?
- 14 A. In the kitchen area, on the ceiling and
- 15 on the walls.
- 16 Q. Where was Gerard when you got back?
- 17 A. He was in the kitchen.
- 18 Q. What was his condition when you got back?
- 19 A. He was worse than he was when I saw him
- 20 the first time.
- 21 Q. What you mean worse than when you saw him
- 22 the first time?
- 23 A. He was bleeding from his head.
- 24 Q. Did he still have his clothes on at that
- 25 time?

1 A. I believe so, yes, sir.

2 Q. You believe so? Did he?

3 A. (Affirmative nod), I think that he had

4 his clothes on.

5 Q. Once again, when you came back, which

6 door did you come in?

7 A. The front door.

8 Q. And what was your brother doing when you

9 got back?

10 A. I think that he was sitting right there

11 on the couch.

12 Q. Was he sitting on the couch or was he

13 not?

14 A. He was sitting on the couch.

15 Q. You were there, right?

16 A. Yes, sir.

17 Q. Did Jaylin come in with you?

18 A. Yes, sir.

19 Q. And what did you do after you came from

20 picking up his stuff from downtown?

21 A. He told me to go get some cleaning

22 supplies.

23 Q. So what did you do.

24 A. I left and I went to McDonald's first, me

25 and Jaylin.

1 Q. Why did you go to McDonald's?

2 A. To go tell Selena what was going on.

3 Q. Tell us about that. What happened when
4 you got to McDonald's?

5 A. When I got to McDonald's she came outside
6 and talked to me for a little while and I told
7 her what was going on at the house and she got
8 off early.

9 Q. And where did you'all go after you picked
10 up Selena? Which McDonald's was Selena
11 working at?

12 A. On Folly Road.

13 Q. Folly Road where?

14 A. Right there on Folly at Maybank, on that
15 highway.

16 Q. Right there at the corner over the
17 bridge?

18 A. Yes, sir.

19 Q. Or where the roads branch off right over
20 the Wappoo Cut bridge?

21 A. Yes, sir.

22 Q. Where did you go when you picked up
23 Selena?

24 A. We came back home but we forgot -- we
25 didn't go get the cleaning supplies.

- 1 Q. You went back to the apartment first?
- 2 A. Yes, sir.
- 3 Q. Did you go inside?
- 4 A. No, sir.
- 5 Q. Did you park?
- 6 A. Yes, sir.
- 7 Q. Where did you park?
- 8 A. Right where I did the first time.
- 9 Q. Why didn't you go inside?
- 10 A. Because we forgot the cleaning supplies.
- 11 Q. Where did you go then?
- 12 A. The Dollar General.
- 13 Q. Where is the Dollar General?
- 14 A. It is right there by McDonald's.
- 15 Q. The same area where Selena worked?
- 16 A. Yes, sir.
- 17 Q. And what did you buy at the Dollar store?
- 18 A. Some bleach, a mop bucket, trash bags and
- 19 some ammonium.
- 20 Q. Where did you get the money to buy that
- 21 stuff?
- 22 A. My brother gave me the money.
- 23 Q. Where did you go from there?
- 24 A. We came back to the apartment.
- 25 Q. Which door did you come to?

- 1 A. The front door.
- 2 Q. How did you get in?
- 3 A. I knocked on the door and he opened it.
- 4 Q. Who opened it?
- 5 A. My bother opened it.
- 6 Q. And what happened when you came in the
- 7 apartment with Selena and Jaylin this time?
- 8 A. We came inside the apartment and all the
- 9 lights was off in the kitchen.
- 10 Q. Could you describe your brother's
- 11 appearance at this time?
- 12 A. He, uh, -- he was bloody a little bit.
- 13 Q. How about his demeanor, his state of
- 14 mind?
- 15 A. He was acting normal.
- 16 Q. Did your brother and your wife speak or
- 17 did Selena speak?
- 18 A. I believe that they spoke.
- 19 Q. Did they speak or did they not speak?
- 20 You have a bad habit of saying "I believe". I
- 21 need to know what happened, do you understand
- 22 that?
- 23 A. I can't remember if they spoke or not but
- 24 I believe that they spoke when we came in the
- 25 house.

1 Q. About what?

2 A. She asked him how he was and he said

3 'alright'.

4 Q. And where was Gerard at the time?

5 A. In the kitchen.

6 Q. Did you see him/

7 A. Yes, as you come through the front door,

8 you can see him but the lights were off.

9 Q. Where in the kitchen was he?

10 A. On the kitchen floor.

11 Q. Where did you and Selena go when you came

12 in the house, came back into the apartment;

13 you, Selena and Jaylin, I should say.

14 A. Upstairs.

15 Q. What did you and Selena do upstairs.

16 A. Just starting talking, she asked me what

17 was going on and I said that my brother thinks

18 Gerard had tried set him up.

19 Q. And what did Selena do?

20 A. She went to take a bath but she never

21 took the bath. She changed clothes and she

22 left.

23 Q. Why did she leave, was she's supposed to

24 leave that night?

25 A. She wasn't supposed to leave but --

1 (pause).

2 Q. What was she supposed to do that night?

3 A. She was supposed to babysit her nephew.

4 Q. Who is her nephew?

5 A. Her sister's son.

6 Q. Who is her sister?

7 A. Tammy Rouse.

8 Q. So, her nephew was supposed to come over
9 to your place that night?

10 A. Yes, sir.

11 Q. And why didn't that happen?

12 A. Because what was going on inside the
13 house.

14 Q. So what did you do?

15 A. She called her sister and changed plans,
16 so she went to her sister's house in North
17 Charleston.

18 Q. Where was your brother while you and
19 Selena were upstairs?

20 A. Downstairs.

21 Q. How was Selena supposed to get over to
22 her sister's house?

23 A. She drove the car.

24 Q. Whose car?

25 A. My brother's car.

- 1 Q. How did that come about?
- 2 A. He gave her the keys, told her that he
3 wasn't going to need the car anymore and for
4 her to take it.
- 5 Q. He said he was wasn't going to need the
6 car anymore?
- 7 A. Yes, sir.
- 8 Q. So who left with Selena?
- 9 A. Jaylin.
- 10 Q. And what happened after Selena and Jaylin
11 left?
- 12 A. I came downstairs.
- 13 Q. And what did you see when you came
14 downstairs?
- 15 A. Gerard's pants was all the way down to
16 his ankles.
- 17 Q. Where was he at this time?
- 18 A. He was laying on the kitchen floor.
- 19 Q. And could you describe -- where was your
20 brother?
- 21 A. He was on the couch in the living room at
22 first and then he came back into the kitchen.
- 23 Q. What happened when he came back in the
24 kitchen.
- 25 A. He started talking again, I asked him

1 what had happened when I'd left.

2 Q. What did he say?

3 A. He said he had to hurt Gerard.

4 Q. Did he continue to strike Gerard while
5 you were there?

6 A. Not right then he didn't.

7 Q. And what was Gerard's condition when you
8 came back into the kitchen this time, you've
9 already said that his pants were down to his
10 knees. Was he conscious?

11 A. Yes, sir.

12 Q. And how do you know that?

13 A. Because he was moving around.

14 Q. And did he appear to be injured?

15 A. Yes, sir.

16 Q. And could you describe his condition for
17 us, how was he -- was he on his knees, laying
18 down?

19 A. He was laying down on his stomach.

20 Q. And what else did you notice about his
21 condition at that time?

22 A. He was bleeding from his mouth and his
23 head area.

24 Q. And could you describe the condition of
25 the kitchen at that time?

- 1 A. There was blood on the walls, blood on
2 the ceiling, and blood on the floor.
- 3 Q. Had any furniture been moved?
- 4 A. Yes, sir, the kitchen table was back by
5 the washer and dryer now.
- 6 Q. This kitchen table had been moved where?
- 7 A. Right there, (indicating)
- 8 Q. So the kitchen was clear at that point?
- 9 A. That's correct.
- 10 Q. And where was Gerard in the kitchen?
- 11 A. Right here -- (indicating).
- 12 Q. Now, who came over to your apartment that
13 night?
- 14 A. Popcorn came over.
- 15 Q. Who is Popcorn?
- 16 A. One of my brother's friends.
- 17 Q. And how did Popcorn -- why did Popcorn
18 come over to your apartment?
- 19 A. I heard my brother on the phone, talking
20 to him and he said that he was supposed to
21 come and take Rod from the house.
- 22 Q. And what is Popcorn's real name?
- 23 A. I don't know his real name.
- 24 Q. You just knew him as "Popcorn"?
- 25 A. Yes, sir.

1 Q. He and your brother was close?

2 A. Yes, sir.

3 Q. So, tell me about that.

4 A. Which incident?

5 Q. When Popcorn came over, when you said
6 your brother called him and he came me over.

7 Tell us about that?

8 A. He came over and he brought -- he came
9 and I opened the door for him and he went back
10 into the kitchen.

11 Q. Do who know what he came to your house
12 in?

13 A. Yes, sir, his car.

14 Q. What kind of car was he driving?

15 A. It was a grand Marquis or a Crown
16 Victoria.

17 Q. And so what happened when he got in your
18 apartment?

19 A. He walked inside the kitchen asked what
20 was going on.

21 Q. And what was in the kitchen when he
22 walked in the kitchen

23 A. Gerard.

24 Q. And what did your brother tell him was
25 going on?

1 A. Told him that Gerard was trying to kill
2 him.
3 Q. What was Popcorn reaction?
4 A. He got angry and started hitting Gerard.
5 Q. Started hitting Gerard with what?
6 A. With his fists.
7 Q. What else did you see him do to Gerard?
8 A. He started kicking Gerard, too.
9 Q. And you were just --- ?
10 A. Just standing there.
11 Q. A fly on the wall?
12 A. Yes, sir.
13 Q. What happened to Popcorn's hand?
14 A. His hand got swollen.
15 Q. From what?
16 A. From hitting Gerard.
17 Q. Now, did Popcorn stay there?
18 A. No, sir, he left.
19 Q. How many times did you see him hit
20 Gerard?
21 A. About four or five times.
22 Q. And after that -- did you say that he
23 left?
24 A. Yes, sir.
25 Q. And you know where he went?

- 1 A. I think that he went home.
- 2 Q. And how long was he gone?
- 3 A. About thirty to forty-five minutes.
- 4 Q. And then he came back?
- 5 A. Yes, sir.
- 6 Q. What did he have when he came back to the
- 7 apartment?
- 8 A. He brought another gun with him.
- 9 Q. What did this gun look like?
- 10 A. Like the same one that my brother had.
- 11 Q. Also a revolver?
- 12 A. Yes, sir.
- 13 Q. What happened after Popcorn brings out
- 14 the second gun?
- 15 A. My brother started to hit him with the
- 16 gun. He had both guns at the time. He was
- 17 using one to hit him in the head and he was
- 18 using one to stick in his behind.
- 19 Q. So Popcorn gave the gun that he brought
- 20 to your brother?
- 21 A. Yes, sir.
- 22 Q. What did you and Popcorn do?
- 23 A. I didn't do nothing, I was just standing
- 24 there.
- 25 Q. Did you not say anything, trying to get

1 your brother to stop?

2 A. I was talking to him but it wasn't really
3 doing any good.

4 Q. Now, earlier you said when you saw
5 Popcorn hit Gerard, was your brother involved
6 in that too?

7 A. Not at the time, Popcorn was hitting him
8 at the time.

9 Q. You said that later on when Popcorn came
10 back with the second gun is when this
11 happened?

12 A. Yes, sir.

13 Q. Correct?

14 A. Yes, sir.

15 Q. What was Gerard's condition at the time?

16 A. He was in the same condition that I saw
17 him the second time that he came to the house.

18

19 Q. Was he still conscious?

20 A. Yes, sir.

21 Q. Was he fighting back at all?

22 A. He was moaning, but he was not really
23 fighting back.

24 Q. Now, what happened then?

25 A. My brother had one gun hitting him in his

1 head and the other gun shoving it up his
2 behind.

3 Q. And how long -- what did you see your
4 brother do to Gerard at this time?

5 A. That's all that I saw at that moment.
6 Then he stopped that and he started choking
7 him when Popcorn was hitting him.

8 Q. "He" meaning who?

9 A. My brother, my brother was choking
10 Gerard.

11 Q. Choking him how?

12 A. He had him in a choke-hold.

13 Q. How?

14 A. With his arm around his neck.

15 Q. From behind?

16 A. Yes, sir.

17 Q. Kind of like this -- (demonstrating).

18 A. Yes, sir.

19 Q. Now, what happened after that?

20 A. I think that it was the time that he made
21 a few phone calls.

22 Q. Now, did your brother and Popcorn talk
23 about anything that they were going to do with
24 Gerard?

25 A. Yes, sir, they were supposed to take him

1 to some wooded area and take his body there.
2 Q. While Popcorn was at your apartment, do
3 you remember having some conversation about
4 picking up somebody named Damien Watson?
5 A. Yes, sir.
6 Q. Who is Damien Watson?
7 A. My cousin.
8 Q. And what is his nickname?
9 A. "Silk."
10 Q. Were you aware that a portion of the
11 conversation ended up getting recorded on
12 somebody's voice mail?
13 A. I did not know that at the time.
14 Q. But you do now?
15 A. Yes, sir.
16 Q. How do you know that?
17 A. Because you'all played it for me.
18 Q. And I hand you what has previously been
19 marked as State's Exhibit 303 for
20 identification and ask if recognize that?
21 A. Yes, sir.
22 Q. How do you recognize that?
23 A. It is my signature?
24 Q. And you placed your signature on that at
25 the time that he was played to you, correct?

1 A. Yes.

2 Q. Is that a true and correct copy of the
3 recording of the conversation that occurred at
4 your apartment that day?

5 A. Yes, sir.

6 Q. And what part of the apartment -- where
7 did that conversation take place?

8 A. It was in the kitchen.

9 Q. Who all was there?

10 A. Me, Popcorn, my brother and Gerard.

11 Q. Who -- whose voices did you identify on
12 that CD?

13 A. I identified my voice, Popcorn's voice,
14 my brother's voice and my cousin Damien
15 Watson's voice.

16 Q. Your cousin Damien Watson was not there;
17 right?

18 A. No, sir.

19 Q. You could hear him on the speakerphone in
20 the background?

21 A. Yes, sir.

22 Q. Now, when you listened to that recording,
23 what was basically going on in that recording?

24

25 A. He was calling my cousin and tried to

1 tell him what was happening, over the phone.
2 Q. Who was "he"?
3 A. My brother.
4 Q. Your brother was calling your cousin
5 Damien?
6 A. Yes, sir.
7 Q. To tell him what?
8 A. What was happening, on the phone.
9 Q. What did your brother want Damien to do?
10 A. He wanted him to come over there.
11 Q. And who was supposed to go get him?
12 A. Popcorn, but Popcorn didn't know how to
13 get over there and he wanted me to go with him
14 but my brother wouldn't let me.
15 Q. How long was Popcorn at your house that
16 time?
17 A. Thirty, forty-five minutes, an hour.
18 Q. Why did he leave?
19 A. And the second time he left he said he
20 had to go back home to his wife.
21 Q. And when he left, did you believe that he
22 was supposed to return?
23 A. Yes, sir.
24 Q. And what happened after Popcorn -- did he
25 return?

- 1 A. Sir?
- 2 Q. Did he return?
- 3 A. No, sir.
- 4 Q. What happened after Popcorn left your
5 apartment?
- 6 A. Before he left, they tied Rod up with a
7 telephone cord. Q. Who did?
- 8 A. My brother and Popcorn.
- 9 Q. Where did that come from?
- 10 A. The telephone cord came out of the
11 kitchen pantry room. Q. And then what
12 happened with Gerard after Popcorn left?
- 13 A. He tied him up and put him in the closet.
- 14 Q. What closet?
- 15 A. The downstairs closet under the
16 stairwell.
- 17 Q. Once again referring to State's Exhibit
18 298, could you show the jury where the closet
19 is located?
- 20 A. Right there -- (indicating).
- 21 Q. That is right across from the bathroom
22 area?
- 23 A. Yes, sir.
- 24 Q. And what is your brother doing after he
25 puts Gerard in the closet?

1 A. He made me smoke a couple of Blunts with
2 him.
3 Q. He twisted your arm?
4 A. No, he made me smoke a couple of Blunts
5 with him.
6 Q. He twisted your arm to make you smoke a
7 Blunt?
8 A. No, sir, he -- I didn't say that.
9 Q. Why is that?
10 A. Sir.
11 Q. Not that you mind smoking Blunts, do you?
12 A. No, I don't mind. He had his laced with
13 cocaine.
14 Q. That is that called?
15 A. It's called boonk.
16 Q. What happened after you'all smoked the
17 boonk?
18 A. He went into the living room, said he was
19 going to take a nap and told me to watch
20 Gerard.
21 Q. And what did he want you to do while he
22 takes a nap?
23 A. Watch Gerard.
24 Q. What did he do with the guns?
25 A. He took one, gave me one.

- 1 Q. Where did your brother lie down?
- 2 A. On the couch right there by the front
- 3 door.
- 4 Q. Once again, which couch?
- 5 A. Right there -- (indicating couch on front
- 6 wall of apartment).
- 7 Q. At that time, Gerard was where?
- 8 A. In the closet right there and I was
- 9 sitting right there (indicating area leading
- 10 into kitchen from living room).
- 11 Q. Was the closet door open?
- 12 A. Yes, sir.
- 13 Q. Where you sitting on anything?
- 14 A. I was sitting on a kitchen chair.
- 15 Q. You pulled the chair up to the area?
- 16 A. Yes, sir.
- 17 Q. And later on when your brother was
- 18 asleep, did you talk to Gerard?
- 19 A. Yes, sir.
- 20 Q. What did you say to Gerard?
- 21 A. I was trying to help him, not to let
- 22 anything happen to him.
- 23 Q. And what did Gerard say to you?
- 24 A. He said, 'let me die, let me die.'
- 25 Q. And what did you tell him that you were

1 going to do to help him?

2 A. I just told him that I was going to help

3 them, try to stop my brother.

4 Q. And what was his condition at this time?

5 A. He was still bleeding. He started

6 throwing up, too.

7 Q. What did you do when he started throwing

8 up?

9 A. I went in the kitchen and got a pot and

10 gave it to him. Q. What kind of pot?

11 A. Like you cook crab in, a crab pot.

12 Q. Just a big pot?

13 A. Yes, sir.

14 Q. Can you make -- in State's Exhibit 121 do

15 you see the pot that you used, in that

16 photograph?

17 A. Yes, sir.

18 Q. Where is it?

19 A. By the sink, right there -- (indicating

20 pot right-hand side of kitchen sink).

21 Q. Later out when you'all cleaned up a bit,

22 did you wash that pot out?

23 A. Yes, sir.

24 Q. What was he throwing up?

25 A. Blood.

1 Q. And did Gerard stay in the closet?

2 A. No, I took him out of the closet for
3 seconds. He had to use the bathroom.

4 Q. Did he ask you to use the bathroom?

5 A. Yes, sir.

6 Q. So what did you do?

7 A. I untied him and let him go to the
8 bathroom.

9 Q. And what did he do in the bathroom?

10 A. He threw up again on the toilet.

11 Q. And what did he do after that?

12 A. I helped him back in the closet.

13 Q. Then what happened when your brother woke
14 up?

15 A. He woke up, he grabbed the gun that I had
16 and he made me get in the closet, too, with
17 him.

18 Q. Why did he do that?

19 A. I guess he overheard the conversation
20 that me and Gerard was having.

21 Q. He thought that you were going to help
22 Gerard?

23 A. Yes, sir.

24 Q. Now, tell me about that. What happened
25 to the closet?

1 A. He put me in the closet and he closed the
2 door and I figured that Gerard and me was
3 going to die.

4 Q. And how long did you end up staying in
5 the closet?

6 A. It was a couple of minutes.

7 Q. And what happened then?

8 A. He opened the door, told me to shoot
9 Gerard. He gave me the gun and I acted like I
10 was going to shoot him and he told me no, not
11 to do it and he took the gun from me.

12 Q. And did he allow you to come out of the
13 closet at that time?

14 A. Yes, sir.

15 Q. So at this point it was sometime on
16 Wednesday morning, the 8th?

17 A. Yes, sir.

18 Q. Did Selena show back up at the apartment
19 about that time?

20 A. Yes, sir.

21 Q. You tell us about that?

22 A. She came to the front door and Gerard was
23 still in the closet. When she came in, we was
24 talking right there by the front door and my
25 brother gave her some money and told her to go

1 buy a new apartment.

2 Q. Who gave her money?

3 A. My brother gave her some money.

4 Q. Why?

5 A. To go find a new apartment, because that

6 what was messed up.

7 Q. Did you'all go upstairs on that occasion?

8 You and Selena?

9 A. I don't think that we went upstairs.

10 Selena went upstairs.

11 Q. Where was your brother?

12 A. On the couch by the front door.

13 Q. Did she ask you where Gerard was?

14 A. Yes, sir.

15 Q. What did you tell her?

16 A. He was inside the closet.

17 Q. And do you know which money that your

18 brother gave her? A. It was a couple hundred

19 dollars.

20 Q. What did Selena want you to do?

21 A. To go help her find an apartment, but he

22 told her that I couldn't leave the house.

23 Q. Do what now?

24 A. He told her that I couldn't leave the

25 house.

1 Q. What did Selena do?

2 A. She left.

3 Q. Now, tell me how Gerard ended up getting

4 out the closet?

5 A. My brother he let him -- well, he took

6 him out of the closet.

7 Q. And how did he take the closet?

8 A. He dragged him out.

9 Q. And what did he do after he dragged him

10 out of the closet?

11 A. And then he was -- he was standing by the

12 entertainment center in the living room. He

13 had a knife in his hand and he was trying to

14 stab Rod but Rod was defending himself, trying

15 to block him and he picked him up a few times

16 and body slammed him on the floor.

17 Q. Tell this jury what you did to him.

18 A. My brother told me to hit him a few

19 times, so I kicked him in the chest and I hit

20 him one time with the end table.

21 Q. Hit him where with an end table?

22 A. I think it was in the chest area.

23 Q. And you kicked him too?

24 A. Yes, sir.

25 Q. How many times did you kick him?

- 1 A. Twice.
- 2 Q. Where did you kick him?
- 3 A. Where did I hit him?
- 4 Q. Yeah.
- 5 A. On his -- the same area where the table
- 6 hit him.
- 7 Q. Pardon?
- 8 A. The same area where the table --
- 9 Q. What kind of knife was your brother
- 10 trying to stab him with?
- 11 A. A kitchen knife like you use to cut up
- 12 get vegetables or to cut meat with, like a big
- 13 chef's knife.
- 14 Q. State's 54, please. Is that the knife
- 15 that you saw your brother used, in the
- 16 dishwasher there?
- 17 A. Yes, sir, that's it right there.
- 18 Q. Then later on when you cleaned up the
- 19 apartment, did you put that knife in the
- 20 dishwasher?
- 21 A. Yes, sir.
- 22 Q. Did you run the dishwasher?
- 23 A. Yes, sir.
- 24 Q. Now, you said that he tried to stab
- 25 Gerard with the knife first?

1 A. Yes, sir.

2 Q. What was Gerard doing?

3 A. Defending himself.

4 Q. How?

5 A. Blocking with his hand.

6 Q. Was that the first time that you had seen

7 Gerard try to defend himself?

8 A. Yes, sir.

9 Q. And what did he do after he was through

10 trying to stick him with a knife?

11 A. He picked him up and body-slammed him a

12 few times.

13 Q. In the crime scene photos there was blood

14 in the living room on the roof (sic) and on

15 the walls, how did that blood get there?

16 A. In the body slams.

17 Q. What happened?

18 A. After that, he told me to hurt him a few

19 times and I hit him with the end table and I

20 kicked him a few times. My brother picked a

21 vase that we had ---

22 Q. Why did he want you to hit him?

23 A. I don't know.

24 Q. Okay. So after you hit him, what

25 happened then?

1 A. My brother picked up a vase that we had
2 and hit him on the head -- (indicating center
3 of forehead).

4 Q. Where?

5 A. In the top right here (center forehead).

6 Q. How, how did he swing the vase?

7 A. Overhead swing).

8 Q. Hit him in this (forehead) area?

9 A. Yes.

10 Q. Where was Gerard at that time?

11 A. Kneeling down.

12 Q. Was it a heavy vase?

13 A. Somewhat, it had a little weight to it.

14 Q. What happened after he hit Gerard in the
15 head with the vase?

16 A. Then he hit him in the head with a mirror
17 that we had downstairs.

18 Q. How big was the mirror?

19 A. About half the size of that podium right
20 there.

21 Q. Like a mirror that was framed or
22 something?

23 A. Yes, sir.

24 Q. And what happened when he hit Gerard in
25 the head with the mirror?

1 A. Gerard stood up and he fell back over the
2 living room table.

3 Q. And he fell where?

4 A. On the couch.

5 Q. Which couch?

6 A. (Indicating couch on wall next to
7 bathroom).

8 Q. What happened next?

9 A. I think that is when he died and my
10 brother told me to get something wrap him up
11 with.

12 Q. Is that when he was dead?

13 A. Yes, sir.

14 Q. Did you'all check him?

15 A. No, sir.

16 Q. Did you brother check him?

17 A. No, sir.

18 Q. But you didn't see him move?

19 A. No, sir, he wasn't moving.

20 Q. You didn't see him breathing?

21 A. No, sir.

22 Q. You didn't hear him say anything?

23 A. No, sir.

24 Q. But you knew that he was dead?

25 A. Yes, sir.

- 1 Q. And your brother knew he was dead?
- 2 A. Yes, sir.
- 3 Q. What happened to him after Gerard died?
- 4 A. He told me to get something to wrap him
- 5 up with.
- 6 Q. He is who?
- 7 A. My brother.
- 8 Q. Why did he want to wrap him up in
- 9 something?
- 10 A. Why?
- 11 Q. Why did he want to wrap him up in
- 12 something?
- 13 A. So that we could move him.
- 14 Q. And what did you get him to wrap him up
- 15 in?
- 16 A. A comforter that I had from upstairs on
- 17 the bed.
- 18 Q. State's Exhibit 78, is that the comforter
- 19 that you wrapped him up in?
- 20 A. Yes, sir.
- 21 Q. Where did your brother go?
- 22 A. He went outside, next-door.
- 23 Q. Next door where?
- 24 A. Apartment E-4.
- 25 Q. Why did he go to Apartment E-4?

1 A. I guess to find a place to put the body
2 at.

3 Q. What did he do when he went to the
4 apartment E-4?

5 A. He kicked the door in and then he came
6 back over to the house and said 'let's move
7 the body.'

8 Q. What did you'all do then?

9 A. He grabbed the gun and pointed it at me
10 and I grabbed the other end of the body and we
11 dragged him outside by the back door.

12 Q. Where did you'all put the body?

13 A. Next-door. We went in the back door but
14 I dropped it and he dragged him the rest of
15 the way in.

16 Q. And where did you end up leaving Gerard's
17 body?

18 A. In the kitchen area of apartment E-4.

19 Q. And that was a vacant apartment right
20 next-door?

21 A. Yes, sir.

22 Q. And what happened after you'all dumped
23 the body over there in the vacant apartment?

24 A. He came back over and grabbed a bottle of
25 bleach, and he went back over there, then he

1 came back.

2 Q. You don't know what he was doing with the
3 bottle of bleach?

4 A. No, sir.

5 Q. Now, did your brother stick around?

6 A. He stayed around for a couple of minutes.
7 He changed clothes, he put on one of my jeans
8 that I had. I told him -- I don't know what
9 kind of shirt that he had on, then he left.

10 Q. And where did he go?

11 A. I don't know, he went out the back door,
12 he didn't say where he was going at.

13 Q. How did he leave?

14 A. He just ran.

15 Q. Pardon me?

16 A. He just ran out the back door.

17 Q. Did he take his car?

18 A. No, sir.

19 Q. And he never told you where he was going?

20

21 A. No, sir.

22 Q. What did he tell you to do?

23 A. Clean up, he also told me to find
24 someplace to put the guns at.

25 Q. Now, when your brother left the

1 apartment, do you know whether he was injured
2 in any way?

3 A. He had blood on him but I couldn't tell
4 if he was injured or not, I couldn't tell
5 whether the blood was his or Gerard's.

6 Q. So you couldn't tell whether he was
7 bleeding or not?

8 A. No, sir.

9 Q. Now, at some point Selena shows back up
10 at the department; is that correct?

11 A. Yes.

12 Q. Do you remember if that was before or
13 after?

14 A. Before. Before he left.

15 Q. What did you and Selena do?

16 A. We tried to clean up the apartment.

17 Q. What'all did you do to try to clean up
18 the apartment?

19 A. We put some stuff inside trash bags, I
20 took the blinds down in the kitchen area and
21 put them in the trash can and we tried to mop
22 and clear the floor.

23 Q. Did you clean the closet where you and
24 Gerard had been? A. I cleaned it a little
25 bit.

1 Q. What did you put in that closet?

2 A. The trash bags, I put about three or four
3 trash bags in there.

4 Q. And what was in those trash bags?

5 A. Pieces of the vase, pieces of the mirror,
6 and I think Gerard's clothes and my brother's
7 clothes were in the trash bags.

8 Q. And what happened to the guns, did your
9 brother take the guns with him when he left?

10 A. No, sir.

11 Q. What did he tell you to do with them?

12 A. Do something with them.

13 Q. What did you do with them?

14 A. I grabbed a shirt and wiped it off a
15 little bit, then put it upstairs in the attic.

16 Q. Wiped what off?

17 A. The fingerprints off the gun.

18 Q. What kind of shirt did you use?

19 A. Gray shirt, tank top.

20 Q. Where were they when your brother left,
21 the guns, when you brother left the apartment?

22 A. You said, where were the guns?

23 Q. Yeah, when he left them in the apartment.

24 A. On the couch in the living room.

25 Q. State's Exhibit 123, is that your tee-

1 shirt?

2 A. Yes, sir.

3 Q. Is that where you put the guns?

4 A. Yes, sir.

5 Q. State's Exhibit 124? That is where you

6 put both of the guns; is that correct?

7 A. Yes, sir.

8 Q. How did you get them up there?

9 A. I stood on the bannister right here at

10 the top of the stairs.

11 Q. Because there is no drop down, where --

12 where is the entrance to the attic located in

13 your house?

14 A. Top of the stairs, as you come upstairs

15 right there by the bathroom.

16 Q. Stairwell as you come in the front door,

17 right up at the top of the stairs?

18 A. Yes, sir.

19 Q. State's Exhibit 126, that is your tee-

20 shirt?

21 A. Yes, sir.

22 Q. And those are the guns that you put in ,

23 the attic?

24 A. Yes, sir.

25 Q. Now, how long did you and Selena stay in

1 the apartment?

2 A. Not that long.

3 Q. Why did you leave?

4 A. We couldn't clean up any more.

5 Q. What do you mean that you couldn't clean
6 up any more?

7 A. It was too much to do and we decided to
8 leave it like that.

9 Q. And where did you go?

10 A. We went to get Jaylin out of school.

11 Q. And where did you go before that, what
12 did you do with the dog?

13 A. We took the dog down the street and give
14 it to somebody.

15 Q. And how were you'all getting around, what
16 were you'all using for transportation?

17 A. My brother's car.

18 Q. And what did you do after you picked up
19 Jaylin?

20 A. We went to a hotel on Savannah Highway.

21 Q. Do you remember the name of the hotel?

22 A. No, sir.

23 Q. Why did you go to a hotel?

24 A. We just decided to go to hotel, no real
25 reason, just wanted to go to a hotel.

1 Q. Moving on to the next morning, which
2 would be March the 9th. Did you return to
3 James Island?
4 A. Yes, sir.
5 Q. When?
6 A. It was early that morning.
7 Q. Why did you return to James Island?
8 A. Because we had left Jaylin's bookbag and
9 notebook at the house.
10 Q. So who returned to James Island?
11 A. Me, Selena and Jaylin.
12 Q. What did you see when you went by your
13 apartment?
14 A. There were a lot of police cars by my
15 back door.
16 Q. And what did you decide to do then?
17 A. Not to go in the house.
18 Q. Where did you end up going?
19 A. I think we went back to the hotel.
20 Q. Now, as some point did you'all end up at
21 her sister's house?
22 A. Yes, sir.
23 Q. Where does she live?
24 A. In North Charleston on Lexington Street.
25 Q. And what did you decide that you were

- 1 going to do?
- 2 A. Go to Columbia.
- 3 Q. Why were you going to go to Columbia?
- 4 A. I was just scared, I didn't know what to
- 5 do.
- 6 Q. How were you getting to Columbia?
- 7 A. My cousin Kenny took me up there.
- 8 Q. Kenny who?
- 9 A. Kenneth Fludd.
- 10 Q. What cousin were you staying with in
- 11 Columbia?
- 12 A. My cousin Dale Ravenel (phonetic).
- 13 Q. How long were you in Columbia?
- 14 A. I went up there on Friday and I came back
- 15 to Charleston on Sunday.
- 16 Q. And why did you come back to Charleston?
- 17 A. Because I had to talk to the detectives.
- 18 Q. And that would be Detective Burckardt?
- 19 A. Yes, sir.
- 20 Q. And did you talk to Detective Burckhardt
- 21 on the 13th of March?
- 22 A. Yes, sir.
- 23 Q. And what did you tell him?
- 24 A. I talked to him twice, matter-of-fact.
- 25 Q. You gave him a statement, is that

1 correct?

2 A. Yes, sir.

3 Q. What did you tell him?

4 A. I gave him a statement that my brother

5 came to the house, I let him in the house and

6 me and him got into an argument, that I went

7 the gas station at the end of the road and my

8 cousin picked me up there and took me to

9 Columbia.

10 Q. You basically lied?

11 A. Yes, sir.

12 Q. At some point, did you and Selena ended

13 up moving to Florida?

14 A. Yes, sir.

15 Q. Did you ever live back in Apartment E-3 -

16 --

17 A. No, sir.

18 Q. --- after leaving on the 8th of March,

19 2006?

20 A. No, sir.

21 Q. And did you return one time with

22 Detective Burckhardt?

23 A. Yes, sir.

24 Q. And is that the only time that you have

25 ever been back?

1 A. Yes, sir.

2 Q. When did you have Selena Rouse move to
3 Florida?

4 A. I think that it was -- I think that it
5 was January or February of 2007.

6 Q. And when did you come back to the
7 Charleston area?

8 A. February of 2008.

9 Q. Why did you come back to the Charleston
10 area?

11 A. To turn myself in.

12 Q. It wasn't really that simple, was it?

13 A. (No verbal response).

14 Q. You were contacted by investigators and
15 asked to come back, right?

16 A. Yes, sir.

17 Q. And that would be Detective Burckardt and
18 Investigators Osborne and Casey in my office;
19 is that correct?

20 A. Yes, sir.

21 Q. After being interviewed by them, that's
22 when you started telling this story?

23 A. Yes, sir.

24 Q. And you are charged with murder?

25 A. Yes, sir. First I was charged with

1 obstruction of justice and then I was charged
2 with murder.

3 Q. And you are basically still facing murder
4 charges, you understand that?

5 A. Yes, sir. I understand.

6 Q. And do you remember writing a letter to
7 Popcorn's attorney?

8 A. Yes, sir.

9 Q. What was that about?

10 A. I was laying on my bed one day, he came
11 by and he made a threatening comment to me
12 about changing my statement.

13 Q. Who made threatening comments?

14 A. Popcorn.

15 Q. So what did you do?

16 A. I wrote a letter and I sent it to him and
17 he sent to his lawyer.

18 Q. During the time that all of this was
19 going on at your apartment Tuesday night and
20 Wednesday, was your brother on the phone?

21 A. He was on the phone like two times, I
22 think two or three times.

23 Q. Who'all do you remember him talking to?

24 A. He called his girlfriend, Shelly; he
25 called Gerard's cousin, Steve Archie; and he

1 called two other people.

2 Q. Do you remember who they were?

3 A. It was Steven (phonetic) and a guy named
4 "Sugar Bear".

5 Q. And whose phone was he using?

6 A. His phone.

7 Q. And why was he calling these people?

8 A. To let them know that he had Gerard.

9 Q. And what was he saying to them?

10 A. I can't remember the exact conversation.

11 Q. Was it a pleasant conversation?

12 A. No, sir.

13 Q. What was the gist of the conversation?

14 A. That he had Gerard and he was going to
15 come and get them next.

16 Q. At the time, did you and Selena have a
17 cell phone?

18 A. Yes, sir.

19 Q. Was it the kind that you buy minutes for?

20 A. Yes, sir.

21 Q. Did you each have one or did you share
22 one?

23 A. We shared one.

 Q. Back during the investigation of this
25 case, that phone was seized; right?

1 A. Yes, sir.

2 Q. And the address book was downloaded, is
3 that correct?

4 A. Yes, sir.

5 Q. I want to ask you about some numbers that
6 you had in our phones. There was "Mama" at
7 813-4017; who was that?

8 A. My mother.

9 Q. What is her name?

10 A. Sandra Fokes.

11 Q. You had Willie D at 530-5085; who is
12 that?

13 A. That is my brother.

14 Q. The Defendant?

15 A. (Affirmative nod).

16 Q. You had a fellow named "Silk" at 367-
17 1436, who was that?

18 A. My cousin.

19 Q. And, finally, you had a number for
20 somebody named "Rod", 330-3649, who was that?

21 A. Gerard Roper.

22 Q. The fellow that you helped to kill?

23 A. (Pause) -- you could say that.

24 BRUCE DURANT: Court's
25 indulgence.

1 THE COURT: Certainly.

2 THE COURT: Excuse me, Mr. Durant.

3 Why don't we at this point take a recess.

4 That will give you a chance to go through and

5 ---

6 BRUCE DURANT: That would be
7 fine, Your Honor.

8 THE COURT: He is going to have to
9 come back tomorrow anyway. Ladies and
10 Gentlemen, we will go ahead and take our
11 recess for the evening. Please do not begin
12 your deliberations. Of course, do not discuss
13 this case with anyone. Do not permit anyone
14 to talk with you and continue not to watch
15 anything or read anything. See you in the
16 morning at 9:30. Thank you.

17 (JURY EXITS COURTROOM)

18 THE COURT: Anything from the State
19 before we recess?

20 BRUCE DURANT: No, sir.

21 THE COURT: Anything from the
22 Defendant?

23 MR. CARROLL: No, sir, Your Honor.

24 SOLICITOR WILSON: Just some
25 scheduling?

1 THE COURT: Yes, I was going to ask
2 you about that. Do you (deputy) want to take
3 the witness off the stand now? You may step
4 down, Mr. Dickerson.

5 (WITNESS STEPS DOWN)

6 THE COURT: Okay, we are at-
7 ease and off the record.

8 (COURT IN RECESS)

9 (TRANSCRIPT CONTINUED NEXT PAGE)

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1 APRIL 29, 2009

9:20 A.M.

2

3 (DEFENDANT PRESENT)

4 (OFF RECORD DISCUSSION)

5 THE COURT: Are they lesser
6 offenses?

7 MR. BLOOM: I believe they are,
8 sir.

9 THE COURT: Based on what law?

10 MR. BLOOM: Under *State v. Collins*.

11 THE COURT: Give me the cite and
12 I'll read it while you're doing your
13 examination. We've got awhile.

14 MR. BLOOM: Yes, sir. That's why
15 I'm bringing it to your attention now.

16 THE COURT: What's the cite?

17 MR. BLOOM: *Collins* is 495 S.E.2d
18 202.

19 THE COURT: Okay.

20 MR. BLOOM: It's a 1998 Supreme
21 Court case that lists the elements of an
22 accessory/ after the fact as, one, the felony
23 had been completed.

24 THE COURT: You don't have to read
25 it.

1 MR. BLOOM: Yes, sir.

2 THE COURT: I'll let you argue it.

3 Any other decision, other than *State v.*

4 *Collins*?

5 MR. BLOOM: That's the first on the
6 accessory after the fact. I think the
7 important thing about *Collins*, Your Honor, is
8 it declares the absence is not an essential
9 element of accessory after the fact. That
10 presence during the crime is included in a
11 person for accessory after the fact.

12 THE COURT: Okay.

13 MR. BLOOM: For accessory before
14 the fact, the elements for that are listed in
15 *State v. Rita Bixby*. The cite for that is 644
16 S.E.2d 54.

17 THE COURT: Okay.

18 MR. BLOOM: And that's a 2007
19 Supreme Court Case. And we would further rely
20 on Your Honor, and as you know relative to
21 those cases, under *State v. Cottrell* any
22 potential lesser-included offense should be
23 included, particularly in a capital case.

24 THE COURT: And let's talk about
25 it, because I was there.

1 MR. BLOOM: Yes, sir.

2 THE COURT: But the issue was did
3 he have a right to resist. Because there was
4 some testimony about that. I guess my
5 question is -- and I haven't heard it all yet,
6 obviously. But I haven't heard any testimony
7 that doesn't make him a full participant thus
8 far, in the alleged crimes. That's what I'm
9 concerned about. Because if we were -- and
10 I'm assuming, as you said, that the jury has a
11 right to disbelieve that and believe as I
12 charge the jury. If that's the case, the
13 lesser-included offense would be in every
14 single crime that's ever tried in this state.

15 MR. BLOOM: Not necessarily, Your
16 Honor. I think in this case, the jury could,
17 through the DNA evidence alone that came out
18 yesterday, believe that the defendant was not
19 present in the main part of Apartment E-3, in
20 the kitchen and living room area, where the
21 homicide was committed. There's testimony in
22 the record that that's where the homicide
23 occurred. There is none of defendant's blood
24 or DNA ---

25 THE COURT: Again, you're isolating

1 on something, and it's precisely what I've
2 just said. If you take that theory, Mr.
3 Bloom, then every single case that's tried in
4 this Court, you pick the one that suits you --
5 your facts that are necessary for the charge
6 and say the jury can disbelieve everything
7 else and believe that alone, and then conclude
8 this is what happened, notwithstanding all the
9 other testimony. I just don't think that's
10 what the law says. You can't take it in a
11 vacuum. You have to take it in conjunction
12 with what was happening. You've cited
13 *Cottrell*. It was all in conjunction with what
14 was taking place at the time that this
15 allegedly occurred. It's not a question of
16 whether the jury disbelieved any of that
17 happened. The question was what motivated Mr.
18 Cottrell to take the actions that he did. And
19 that's where -- I acknowledge on the record
20 that there certainly was some testimony about
21 a fact. I just didn't think the totality of
22 the circumstances warranted, but the Court
23 felt otherwise. I understand what you're
24 saying. I certainly haven't heard all the
25 testimony yet, and we'll certainly revisit

1 this. I appreciate your position.

2 What's the State's position on this?

3 SOLICITOR WILSON: Judge, we
4 haven't had a chance to look at that. We'll
5 look at it over lunch.

6 THE COURT: Well, look at it and
7 see. Thank you very much.

8 But I certainly concur with you
9 that, obviously if there are any indication --
10 I don't disagree with your assessment and your
11 statement that if there's any possibility that
12 the jury could put together facts sufficient
13 to support with the law, that it should be
14 included in the charge, to cover any possible
15 crimes that may be present. And I don't
16 quarrel with the fact -- we haven't gone so
17 far -- and I don't know why, and I've used it
18 in some cases. But we have a charge that is
19 always requested on the civil side that arises
20 out of a civil case. But it occurs to me that
21 it probably applies. Basically it's
22 consistent with the concept of what we talk
23 about and you all talk about, that they use
24 their common sense, such as logic and reason.
25 Because *Black v. Hodge* says notwithstanding

1 the fact that testimony is not contradicted
2 directly, the jury can ignore it and they
3 basically say that's not controlling. Because
4 the jury is requested and required to apply
5 their sense of logic and reason in some
6 things. That's basically -- and I'm
7 paraphrasing -- just applying your common
8 sense - that just doesn't happen. I can't
9 think of anything offhand. But what that case
10 deals with is whether the low impact would
11 cause all these significant injuries, and the
12 jury can look at it and say that's just not
13 typical, that's not necessarily believable.

14 So I agree with you, they have the
15 right to do that. We will revisit that. So
16 thank you.

17 And thank you very much. You're
18 doing exactly what I asked you to do, and I'll
19 read those cases this morning at some point
20 during the examinations.

21 THE COURT: Is the State ready to
22 proceed.

23 SOLICITOR WILSON: Yes, sir.

24 THE COURT: Okay. Is Mr. Dickerson
25 present? Let's go ahead and bring him in and

1 get him on the stand. Do you have more
2 questions?

3 MR. DURANT: I just have a few more
4 questions.

5 THE COURT: That's no problem.

6 (ARMON DICKERSON ENTERS JURY ROOM)

7 THE COURT: Mr. Robinson, we can go
8 ahead and bring our jury in too.

9 Good morning, Mr. Dickerson. sir.
10 Take your seat and go ahead and get
11 comfortable so you can continue to talk into
12 the mic, just as you did yesterday.

13 (WITNESS RESUMES WITNESS STAND)

14 COURT REPORTER: Good morning, I
15 remind you that you are under oath from
16 yesterday. Do you agree?

17 THE WITNESS: Yes, ma'am.

18 THE COURT: Thank you.

19 (JURY IN @ 9:05 A.M.)

20 THE COURT: Thank you, Ladies and
21 Gentlemen. Before we resume the examination
22 of Mr. Dickerson, I hope you had a good
23 evening and are ready to continue.

24 As it's done throughout this trial and
25 we'll continue to do, again, I'll ask do each

1 of you solemnly swear or affirm that you have
2 at all times since we were together yesterday,
3 complied fully with the Court's instruction,
4 and specifically you have not talked with
5 anyone, talked among yourselves, permitted
6 anyone to talk to you or talk about the case
7 in your presence, you've not read any accounts
8 or watched any new accounts. If you can make
9 that commitment, say "I do."

10 (JURORS RESPOND AFFIRMATIVELY)

11 THE COURT: Any member of the panel
12 which could not make the commitment for any
13 reason? (No response).

14 Thank you very much, ladies and
15 gentlemen.

16 Mr. (Armon) Dickerson, I'll remind
17 you that you're still under oath.

18 Mr. Durant, I think when we took the
19 recess you were addressing him. Do you have
20 any additional questions?

21 MR. DURANT: A few more.

22 THE COURT: You may proceed.

23 MR. DURANT: Thank you very much.

24 DIRECT EXAMINATION RESUMED

25 BY BRUCE DURANT:

1 Q. Good morning, Mr. Dickerson.

2 A. Good morning.

3 Q. How much do you weigh?

4 A. About 150 or 155.

5 Q. Do you know how much your brother weighed
6 back in 2006?

7 A. No, sir.

8 Q. Is he bigger or smaller than you?

9 A. Bigger.

10 Q. How could he wear your clothes? You said
11 you've given him some clothes to wear?

12 A. In 2006, I was like in a size thirty-
13 eight.

14 Q. I notice that the pants you are wearing
15 here are kind of baggy, too. Did you wear
16 baggy clothes at the time?

17 A. Yes.

18 Q. Who burned Gerard Roper's scrotum?

19 A. I don't know who did it, I wasn't there.

20 Q. You testified yesterday when you went
21 downtown to pick up Tony's car that you called
22 a cab company. Do you recall what cab company
23 you called?

24 A. I think it was Safety or Express, or I
25 don't know which one came.

1 Q. I forgot to ask you, too. You said you
2 went downtown to Tony's house to pick up the
3 keys and drugs from Tony. What did you do
4 with the drugs after you picked them up?

5 A. Brought them back to the house.

6 Q. And gave them to who?

7 A. My brother.

8 Q. You indicated when you testified
9 yesterday that your brother made a couple of,
10 or two or three phone calls ---

11 A. Yes, sir.

12 Q. --- during while this was all going on.

13 A. Yes, sir.

14 Q. Have you had an opportunity to observe
15 State's Exhibit 308, the cell phone records of
16 your brother?

17 A. No, sir.

18 Q. These records indicate pretty much almost
19 three pages of calls were made from that cell
20 phone during this period of time. Did you
21 make all of those calls?

22 A. No, sir.

23 Q. Who had your brother's cell phone?

24 A. He had his cell phone. The only time I
25 had his cell phone was when I took it downtown

1 to call a cab with.

2 Q. But you didn't use the cell phone.

3 A. I used it to call a cab.

4 Q. Yeah, but you called the cab from the
5 apartment, though; right?

6 A. Uh-huh (affirmative), and they drove me
7 downtown.

8 Q. And then you brought it back?

9 A. (Affirmative nod).

10 Q. What did you do when you brought it back?

11 A. Gave it back to my brother.

12 Q. Now, when you came back to town in
13 February of 2008 and you provided your
14 statement to investigators here you didn't
15 mention anything about hiding the guns in the
16 attic.

17 A. No, sir.

18 Q. Why?

19 A. I forgot about it.

20 Q. Because you forgot about it?

21 A. Yes, sir.

22 Q. Don't you think that's a pretty big thing
23 to forget about?

24 A. Yes, sir, but I did forget about it.

25 Q. When one of those guns was found, one of

1 them was cocked. Do you know why?

2 A. My brother cocked one of them. He didn't

3 uncock it when he put it up there.

4 Q. Why didn't you uncock it?

5 A. I didn't know how to uncock it either.

6 Q. When did your brother cock it?

7 A. When he gave it to me when he was in the

8 closet and told me to shoot Gerard.

9 Q. Tell us about that.

10 A. He opened the closet door and told me to

11 shoot Gerard and he popped him on the back of

12 the head with it.

13 Q. And what did you do?

14 A. I acted like I was going to shoot him and

15 he took it from me and said not to do it

16 again.

17 Q. What would you have done if he hadn't

18 said that?

19 A. I was going to act like I was going to

20 shoot him but I wanted to get him out of the

21 closet.

22 Q. Would you have killed him?

23 A. No, sir.

24 Q. Why did you want to kill Gerard Roper?

25 A. Sir?

1 Q. Why did you want to kill Gerard Roper?

2 A. I didn't want to kill him. He just gave
3 me the gun and told me to do something, and I
4 just act like I was going to do it but I
5 didn't want to do nothing to him.

6 Q. What had Gerard Roper ever done to you?

7 A. He never done nothing to me.

8 Q. Well, why didn't you help him?

9 A. Because I was scared. I'd never was in a
10 situation like this.

11 Q. Look, look. You left that apartment
12 twice; right?

13 MR. CARROLL: Objection, Your
14 Honor, he's leading his witness.

15 THE COURT: I sustain the
16 objection. Rephrase your question.

17 BRUCE DURANT: Your Honor, I think
18 I have a right under the Rules to cross-
19 examine the witness.

20 THE COURT: Do you wish to be heard
21 on that?

22 MR. CARROLL: We do, Your Honor.

23 THE COURT: All right, ladies and
24 gentlemen, we need for you to go to your jury
25 room. Do not begin your deliberations. Do

1 not discuss the case. We'll be with you
2 momentarily.

3 (JURY OUT @ 9:52 A.M.)

4 THE COURT: Mr. Durant, you're
5 asking me to permit you to lead him under
6 611©), I believe?

7 BRUCE DURANT: Yes, Your Honor.

8 THE COURT: Very well, I'll be
9 happy to hear from you, Mr. Carroll.

10 BRUCE DURANT: Like I said, it
11 wasn't leading so much as to get an answer
12 right there, but to try to get to the place
13 where I wanted to ask him a question that was
14 a leading question as well, too.

15 THE COURT: Well, let me just hear
16 from Mr. Carroll

17 MR. CARROLL: Your Honor, the
18 witness is on direct examination. He's been
19 asked open-ended questions and provided
20 answers to those questions throughout. The
21 question was giving him the answer and asking
22 him to respond at the time.

23 BRUCE DURANT: And the line of
24 questioning, just so the Court will know, I'm
25 going to ask him -- he's testified that he had

1 left that house previously two times.

2 And he's also testified that at least on
3 one occasion during this incident that he had
4 a gun while William Dickerson was asleep.

5 Then my question was going to be why
6 didn't you help Gerard?

7 MR. CARROLL: Your Honor, he's asked
8 those questions already in the course of his
9 direct examination of this witness. We're
10 going back over testimony from yesterday.

11 THE COURT: Well, the concern the
12 Court has -- and I'd agree with you,
13 typically. But as I understand one of the
14 first questions concerning this witness, which
15 was what's his arrangement with the State.
16 And I assume -- he said he's made a proffer,
17 as I recall your question, and that is to tell
18 the truth. That is a very critical aspect of
19 that proffer.

20 There is no question that this
21 witness really comes into this court room in
22 two roles, as I see it. Number one, there's
23 a question he's testifying for the State --
24 no ifs, ands or buts.

25 But the whole purpose of cross

1 examination is that a witness has some
2 connection with the party calling him. That's
3 the reason we don't allow the leading
4 question. That's one of the reasons why --
5 and there's a specific case -- I never can
6 remember it. It's in Dreher's book, but
7 Haynes didn't probably put it in his -- that
8 goes into whether a person the State -- if you
9 call one of the State's witnesses, for
10 instance, a police officer, are they entitled
11 to cross examination; they're not, because
12 they've had that connection with the person.
13 It's not necessary. And that case stands for
14 that proposition. It's an old case. But it
15 talks about some basic philosophy, and that's
16 what we have here.

17 There's no question that this
18 witness has some aspects that are favored.
19 But there's no question that he's the brother
20 of the defendant. And that's one aspect with
21 which the State has to deal. The second is
22 the obligation, I think, that they have
23 concerning charges that are being pursued,
24 that are being pursued against him. No
25 promise is made. But they had a promise from

1 somebody to say they were going to be
2 truthful. Anything that's inconsistent, I
3 think that they have the right to explore that
4 and examine that. . . And for those
5 reasons I believe -- and I'm not -- and please
6 hear me, Mr. Carroll, because I don't disagree
7 with you. When I say he has the right to
8 cross examine, I think it had to be of some
9 specific areas. And this is an area I'm going
10 to permit it. But that's not opening
11 Pandora's Box, so to speak from this
12 standpoint, to say he can proceed to lead
13 throughout.

14 So as for the area which you are
15 exploring, certainly I'll permit you to lead.
16 But it's not a general, open-ended instruction
17 that you can lead this witness.

18 BRUCE DURANT: Thank you.

19 THE COURT: Thank you very much.
20 Let's bring in the jury. But your objection
21 is noted and preserved for the record.

22 MR. CARROLL: Thank you, Your Honor.

23 THE COURT: Thank you, sir.

24 (JURY IN @ 9:57 A.M.)

25 THE COURT: Thank you, Mr. Robinson

1 (bailiff). Thank you ladies and gentlemen.
2 We're ready to continue. I will allow the
3 questions as we stated on the record, and you
4 may proceed, Mr. Durant.

5 DIRECT EXAMINATION CONTINUED

6 BY BRUCE DURANT:

7 Q. Mr. Dickerson, you previously testified
8 that you left the house on two different
9 occasions; correct?

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

11 Q. Without William Dickerson?

12 A. Yes, sir.

13 Q. I believe you also testified yesterday,
14 did you not, that on at least one occasion you
15 were up with Gerard Roper and you had a weapon
16 and your brother was asleep.

17 A. Yes, sir.

18 Q. You testified this morning that you
19 didn't hate Gerard Roper.

20 A. No, sir.

21 Q. And you had nothing against him. Is that
22 correct?

23 A. Yes, sir.

24 Q. What this jury needs to know is why
25 didn't you help him?

1 A. I was scared.

2 Q. Scared of what?

3 A. Scared of my brother. I was scared
4 Gerard was dying. By the time Rashid got there
5 and Rashid tried to help him, it was already
6 too late. When I brought the car back, I was
7 hoping that he'd take Gerard from the house
8 but it didn't happen that way.

9 Q. When did you realize that this was
10 serious?

11 A. At the time when he put me in the closet.

12 Q. And just so I get this right, this was
13 after you'd already seen your brother beat him
14 up?

15 A. Yes, sir.

16 Q. And sodomized him with a gun?

17 A. Yes, sir.

18 Q. And you didn't think it was serious until
19 he put you in the closet?

20 A. Not to the point that I thought he was
21 going to die. I thought I could get him away
22 from the house.

23 Q. Why did you come back in February of
24 2008?

25 A. Why did I come back?

1 Q. Why did you come back here from Florida?

2 A. I got tired of just hiding, I came just
3 to tell the truth about what happened.

4 Q. Were any charges pending when you came
5 back?

6 A. Yes, sir, I have an unlawful carrying of
7 a firearm and a distribution of marijuana
8 charge.

9 Q. That was an old case?

10 A. (Affirmative nod).

11 Q. That had nothing to do with this; right?

12 A. No, sir.

13 Q. Is that why you came back?

14 A. No, sir.

15 Q. Why did you come back?

16 A. They asked me to come back to talk with
17 them, the detectives, asked me to come back
18 and confess.

19 Q. And why did you confess? Weren't you
20 pretty much in the clear?

21 A. No, sir. This stuff was bothering me for
22 two years down there and it was time to say
23 something. I'd had to live with it every day
24 because of the bad choice I made.

25 Q. And I guess that's what this jury needs

1 to know, Mr. Dickerson, is what's going on
2 with you?

3 A. I'm just scared. I've never been in a
4 situation like this. I also know I have to
5 suffer the consequences of my action also.

6 Q. What this jury wants to know is what's
7 going on under your hood?

8 A. I'm just really confused right now. I'm
9 really scared. All the time, I know I gotta
10 pay for all those bad choices I made.

11 Q. What was the bad choices you made, sir?

12 A. Not asking him if I could go that day.

13 Q. Pardon?

14 A. Not asking if I could go that day and
15 also not going to the police when I left the
16 house the two times before.

17 Q. Would you please answer any questions
18 defense counsel may have for you?

19 A. Yes, sir.

20 THE COURT: You may cross examine,
21 Mr. Carroll.

22 MR. CARROLL: May it please the
23 Court?

24 THE COURT: Yes, sir.

25 CROSS EXAMINATION

1 BY MR. CARROLL:
2 Q. Mr. Dickerson, you've got to live with
3 this; right?
4 A. Yes, sir.
5 Q. You get to live with this?
6 A. Yes, sir.
7 Q. No matter what, you get to live with
8 this?
9 A. Yes, sir.
10 Q. Gerard Roper doesn't.
11 A. No, sir.
12 Q. Your brother's on trial for his life.
13 A. Yes, sir.
14 Q. You get to live with it.
15 A. Yes, sir.
16 Q. You're charged with murdering Gerard
17 Roper, correct?
18 A. Yes, sir.
19 Q. You've told us nobody made you any
20 promises or gave you any deals; correct?
21 A. No, sir.
22 Q. You strategized that 'maybe if I come in
23 there and testify, maybe they'll look
24 favorably on that.'
25 A. No, sir, not really.

1 Q. You don't think so?

2 A. No, sir.

3 Q. I thought yesterday you told us that you
4 were hoping your cooperation would be taken
5 into consideration.

6 A. I was hoping for it, but I didn't think
7 they'd take it into consideration because I
8 took part in the murder.

9 Q. This murder happened in 2006; correct?

10 A. Yes, sir.

11 Q. It bothered you so bad that you waited
12 until 2009 or 2008, rather, to do anything
13 about it; correct?

14 A. Yes, sir.

15 Q. And it was, in fact, in 2009 that you
16 signed an agreement with the State to be
17 truthful; is that right?

18 A. Yes, sir.

19 Q. And in that agreement they said that they
20 would take your truthful cooperation into
21 consideration in making decisions about
22 prosecution; right?

23 A. Yes.

24 Q. So you and the lawyer talked about that
25 and decided that maybe you can help yourself

1 by coming in here and telling ---

2 BRUCE DURANT: Objection to what he
3 talked to his lawyer about.

4 THE COURT: I sustain. Rephrase
5 your question.

6 CROSS EXAMINATION CONTINUED

7 BY MR. CARROLL:

8 Q. You decided that by coming in here and
9 cooperating with the State, that was going to
10 help them make a decision about how to
11 prosecute you; right?

12 A. Yes, sir.

13 Q. And since you signed that agreement
14 you've made some statements that aren't true.
15 Isn't that correct?

16 A. I'm not so sure about that.

17 Q. All right. Well, we'll get to the
18 statements since the agreement in a few
19 minutes. But when you signed that agreement
20 saying that you were going to be truthful,
21 that's not the first time you told somebody
22 involved in the investigation of this case
23 that you were going to tell the truth; right?

24 A. Yes, sir.

25 Q. In fact, back in 2006, you went and met

1 with Detective Burkhardt. Is that true?

2 A. Yes, sir.

3 Q. And you knew at that time that Detective
4 Burkhardt was the lead investigator in the
5 Roper case; right?

6 A. Yes, sir.

7 Q. And you knew that Gerard Roper had been
8 killed; correct?

9 A. Yes, sir.

10 Q. Because you killed him.

11 A. I didn't kill him. I took part in it,
12 but I didn't kill him.

13 Q. You knew that his investigation was a
14 very serious matter. Is that true?

15 A. Yes, sir.

16 Q. You went in and met with him on March the
17 13th of 2006. Do you remember that?

18 A. I don't know if it was that day, but I
19 remember I met with him.

20 Q. And you knew that your then girlfriend,
21 now wife, Selena Rouse Dickerson, had already
22 met with him.

23 A. Yes, sir.

24 Q. And you knew that she'd already given a
25 statement to him about what had transpired.

1 A. Yes, sir.

2 Q. And you knew that statement wasn't true;

3 didn't you?

4 A. Yes, sir.

5 Q. And so you wanted to come in and give him

6 your version; right?

7 A. Yes, sir.

8 Q. And so you sat down with him. I think

9 you told us yesterday that you actually gave

10 him two statements; right?

11 A. I remember giving one statement. I can't

12 remember if I gave him two or not.

13 Q. I thought I understood you yesterday to

14 say two. Be that as it may. The statement

15 that you gave him, you and him talked before

16 you sat down and put that in writing; right?

17 A. Yes, sir.

18 Q. He asked you some questions.

19 A. Yes, sir.

20 Q. After talking to you he pulled out a form

21 and said 'I need you to write this statement

22 out.' Right?

23 A. I can't remember how it took place, but I

24 remember writing the statement.

25 Q. You do remember writing the statement?

- 1 A. Yes, sir.
- 2 Q. And you only wrote one statement in this
- 3 case so far; right?
- 4 A. Yes, sir, the first time.
- 5 Q. The first time. That was back in March
- 6 of 2006.
- 7 A. Yes, sir.
- 8 Q. The form that he gave you, you put your
- 9 name on it; right?
- 10 A. Yes, sir.
- 11 Q. It had your address.
- 12 A. Yes, sir.
- 13 Q. Your address at that time was 311 Fleming
- 14 Road, Apartment E-3.
- 15 A. Yes, sir.
- 16 Q. The murder scene.
- 17 A. Yes, sir.
- 18 Q. He asked for your home phone number; is
- 19 that right?
- 20 A. Yes, sir.
- 21 Q. You didn't have a home phone, did you?
- 22 A. No, sir.
- 23 Q. You were operating on a cell phone?
- 24 A. Yes, sir.
- 25 Q. That cell phone number was 813-4785,

1 correct?

2 A. I can't remember.

3 Q. Asked you where you were working;

4 correct?

5 A. Yes, sir.

6 Q. Where were you working then?

7 A. At Bobo's Bar & Deli.

8 Q. You wrote "unemployed" down here. Do you

9 know why you might have done that?

10 A. Because I just got fired.

11 Q. You got fired from Bobo's Deli?

12 A. Yes.

13 Q. You indicated here that this statement is

14 in reference to a homicide; remember that?

15 A. Yes, sir.

16 Q. Which occurred in your house, in your

17 kitchen, your living room.

18 A. Yes, sir.

19 Q. You said that happened on or about March

20 the 9th of 2006, correct?

21 A. Yes, sir.

22 Q. And the form he gave you, it had some

23 preprinted stuff on it. Do you remember that?

24 A. No, sir.

25 Q. I'm going to show you ---

1 MR. CARROLL: If you could mark
2 this. Beg the Court's indulgence.

3 THE COURT: Yes, sir.

4 COURT REPORTER: Defendant's
5 Exhibit 11 for identification.

6 CROSS EXAMINATION CONTINUED

7 BY MR. CARROLL:

8 Q. Mr. Dickerson, I'm going to hand you
9 what's been marked as Defendant's Exhibit
10 Number 11 for identification. I want you to
11 look that over. Do you recognize that?

12 A. Yes, sir. (Upon review) -- this is it
13 right here.

14 Q. That's the statement?

15 A. Yes, sir.

16 Q. Now, my question was when he handed you
17 that form, there was some preprinted
18 information on it; right?

19 A. Yes, sir.

20 Q. Do you see that?

21 A. Yes, sir.

22 Q. Pardon?

23 A. Yes, sir.

24 Q. Right before the area where you can fill
25 in whatever you want to write down, do you see

1 it says "Section 21-193?"

2 A. Yes, sir.

3 Q. That's a warning about giving false

4 information to the police. Isn't that true?

5 A. Yes, sir.

6 Q. You knew then to sit down there and give

7 them a lie was a separate crime all to itself.

8 A. No, sir, I didn't know that.

9 Q. You didn't realize lying to the police is

10 wrong?

11 A. I knew it was wrong, but I never noticed

12 the top part, I never read that.

13 Q. You didn't read that part?

14 A. No, sir.

15 Q. How about down at the bottom, after the

16 area where you filled out your statement.

17 A. Yes, sir.

18 Q. Did you read the part that says, "I have

19 read the foregoing statement or have had it

20 read to me and it is true and correct to the

21 best of my knowledge. I have given this

22 statement freely and voluntarily."

23 A. Yes, sir.

24 Q. You read that?

25 A. Yes, sir.

1 Q. That wasn't true; was it?

2 A. No, my statement wasn't true.

3 Q. That was a lie?

4 A. Yes, sir.

5 Q. That might as well have been a fairy tale
6 written down there; right?

7 A. You could say that.

8 Q. It didn't mean anything to you?

9 A. That statement was not true.

10 Q. When you walked into that police
11 department that day you knew you were involved
12 in killing Gerard Roper; right?

13 A. Yes, sir.

14 Q. When you walked out that day, you walked
15 out a lying killer; didn't you?

16 A. I didn't kill anybody. I lied to the
17 police.

18 Q. You told them you were telling the truth?

19 A. Yes, sir.

20 Q. But you weren't.

21 A. No, sir.

22 Q. And then you just sort of walked away;
23 right?

24 A. Yes, sir.

25 Q. You knew your brother had been arrested

1 already.

2 A. Yes, sir.

3 Q. Was in jail?

4 A. Yes, sir.

5 Q. Charged with murder.

6 A. Yes, sir.

7 Q. Charged with kidnaping.

8 A. Yes, sir.

9 Q. And you heard that a death notice had

10 been served on him.

11 A. Yes, sir.

12 Q. He's sitting there.

13 A. Yes, sir.

14 Q. You're going about your business..

15 A. Yes, sir.

16 Q. Don't care.

17 A. I wasn't that I didn't care. But I went

18 on about my business.

19 Q. You weren't bothered enough to pick up

20 the telephone and call Detective Burkhardt and

21 say, 'Let me tell you the truth.'

22 A. No, sir.

23 Q. 'For the sake of the Roper family, let me

24 tell you the truth.'

25 A. No, sir.

- 1 Q. In fact, you moved on down to Florida.
- 2 A. Yes, sir.
- 3 Q. Let's just clear this up, since we're
4 going to be talking about this throughout. Do
5 you understand what telling the truth means?
- 6 A. Yes, sir.
- 7 Q. You know that means telling the facts.
- 8 A. Yes, sir.
- 9 Q. As they happened.
- 10 A. Yes, sir.
- 11 Q. You had a hard time doing that every time
12 you've told a story about this case; haven't
13 you?
- 14 A. Yes, sir.
- 15 Q. And you continue to have a hard time with
16 it?
- 17 A. Not right now, I don't.
- 18 Q. Gerard's body was found just a few feet
19 away from your house.
- 20 A. Yes, sir.
- 21 Q. And you've told the story here today
22 about you couldn't do this, you couldn't do
23 that, and you couldn't do the other because
24 you were scared; right?
- 25 A. Yes, sir.

1 Q. And your version is you were scared
2 because William Dickerson was around?
3 A. Yes, sir.
4 Q. But you've just told us that you knew he
5 was in jail since March the 11th of 2006.
6 A. I was also scared of Gerard Roper's
7 family also.
8 Q. You're not scared any more?
9 A. Yes, sir, I'm scared. That's why I'm
10 under protective custody
11 Q. Now, not long after you and Selena walked
12 out of the police department, you'all decided
13 to move to Florida; right?
14 A. That happened about a month afterward.
15 Q. You'all decided to get out of town?
16 A. Yes, sir.
17 Q. Didn't want to press your luck?
18 A. No, sir.
19 Q. So far nobody had showed any real
20 interest in you as a suspect?
21 A. No, sir.
22 Q. None whatsoever?
23 A. No, sir.
24 Q. You were sort of interviewed as a
25 formality?

1 A. I don't know what that word means but I
2 was interviewed.

3 Q. Just part of the investigation.

4 A. Okay. That's right.

5 Q. Nobody really challenged you on this
6 fairy tale you wrote down on that form; did
7 they?

8 A. No, sir.

9 Q. Then sometime toward the end of 2007,
10 living happily in the sunshine of Florida, you
11 and Selena got a call from an investigator
12 with the Solicitor's Office; right?

13 A. Yes, sir.

14 Q. And they were telling you that as things
15 stood then, William's trial was coming up.
16 Right?

17 A. Yes, sir.

18 Q. And they needed to talk to you'all?

19 A. Yes, sir.

20 Q. Wanted to talk to you all to see what
21 testimony you might be able to provide in
22 prosecuting him; correct?

23 A. Yes, sir.

24 Q. So they said, 'We want you to come back
25 to Charleston.'

1 A. Yes, sir.

2 Q. I think yesterday you said you said you
3 came back and wanted to turn yourself in?

4 A. Yes, sir.

5 Q. Do you remember saying that?

6 A. Yes, sir.

7 Q. That wasn't true, was it?

8 A. Yeah, it was true.

9 Q. It was?

10 A. Yes, sir.

11 Q. You came back and the first time you said
12 Investigator Osborne you said, 'Let me tell
13 you what really happened.'

14 A. The first time I came back?

15 Q. Yes.

16 A. Yes, sir.

17 Q. You did?

18 A. Yes, sir.

19 Q. So he just said, 'Well, let's put that on
20 the back burner. We don't want to know that.
21 We want to talk to you about obstruction of
22 justice.' Is that how they handled it?

23 A. That's not exactly what was said, not
24 those the exact words.

25 Q. The subject of you killing Gerard Roper

1 didn't come up during that conversation, did
2 it?

3 A. I can't remember.

4 Q. The one where you were charged with
5 obstruction?

6 A. Yes, sir.

7 Q. I mean, so far you had denied even being
8 at the scene; right?

9 A. No, sir, in the confession, I told them
10 about that.

11 Q. We're going to get to your confession.
12 Right there we're not there yet. We're still
13 in the lies before. So when you sat down with
14 them before you were charged with obstruction
15 of justice and started talking, you hadn't
16 told them anything about your involvement in
17 killing Gerard Roper; did you?

18 A. No, but that's when I told them the first
19 time.

20 Q. But it wasn't then?

21 A. It was the time that I came back, yes,
22 sir.

23 Q. So you confessed and they decided to just
24 charge you with obstruction of justice?

25 A. No, sir. They served a warrant about two

1 or three days later for murder.-

2 Q. You really didn't put yourself at the
3 scene of the crime until those investigators
4 and Detective Burkhardt said, "Armon Rashad
5 Dickerson, we've got your fingerprints at the
6 scene of the crime." That's what caused you
7 to tell the truth, wasn't it?

8 A. No, sir, I can't remember that
9 conversation being until later.

10 Q. You don't remember them telling you,
11 "We've got your fingerprints at the scene?"

12 A. No, sir.

13 Q. You've been told that, though?

14 A. Now I have, but I can't remember at the
15 time frame of being told that.

16 Q. So they were keeping that a secret?

17 A. I don't know if they were keeping it a
18 secret, but I can't remember it.

19 Q. You told them, 'Well, I was there and I
20 helped clean up.' Right?

21 A. I can't remember the exact conversation.
22 I remember the confession.

23 Q. And you will agree with me that there was
24 a time when you talked to them that the result
25 of that conversation was a warrant for

- 1 obstruction of justice.
- 2 A. Yes, sir.
- 3 Q. Not murder.
- 4 A. No, sir.
- 5 Q. That came later.
- 6 A. Yes, sir.
- 7 Q. You'all had some conversation around the
8 time you were charged with obstruction?
- 9 A. Yes, sir.
- 10 Q. Then on February the 25th, they got you
11 back in for a conversation; right?
- 12 A. No, sir. February 25th was when I came in
13 to talk to them the first time. It was a
14 Monday. I came down on Sunday and talked to
15 them on a Monday morning.
- 16 Q. Whenever you came down, it was February
17 25th you sat down with them and started
18 talking about this case. Right?
- 19 A. That's right.
- 20 Q. And they let you know real clear like
21 they didn't believe anything you'd said up to
22 that point, didn't they?
- 23 A. They said they didn't believe me.
- 24 Q. I mean, everything you'd said up to that
25 point had been a lie. Right?

1 A. Yes, up to that point, (affirmative nod),
2 until I confessed.
3 Q. They sat you down and you'all talked for
4 a good long while; didn't you?
5 A. Yes, sir.
6 Q. You'all went over it and over it and over
7 it; right?
8 A. I can't really remember how it took
9 place. I just remember confessing, though.
10 Q. And they pulled out a tape recorder and
11 sat that down in front of you, right?
12 A. Yes, sir.
13 Q. It was all being recorded?
14 A. Yes, sir.
15 Q. And they had Selena there also?
16 A. Yes, sir.
17 Q. They were going to get a recorded
18 statement out of her, too?
19 A. Yes, sir.
20 Q. Remember Investigator Osborne saying,
21 'All right, we're sitting in your house.' And
22 we're starting from where we've discussed this
23 for a couple of hours. right?
24 A. Yes, sir.
25 Q. 'So this is not like this is a brand new

1 story. We've already gone over and weeded out
2 all the false and brought in the facts. Tell
3 us what happened. You're sitting in your
4 apartment. Give us the date and approximate
5 time.' Do you remember him starting off like
6 that?

7 A. I can't remember what the exact words
8 were but I know that he started off.

9 Q. He started off by saying we've been
10 talking about it, right there, right then.
11 Right?

12 A. I believe so.

13 Q. A couple of hours?

14 A. Yes, sir.

15 Q. During that time they were pulling weeds.
16 Weeding out all the lies you were telling;
17 right?

18 A. I guess so.

19 Q. So they made it crystal clear, "We want
20 the truth and we want it now." Right?

21 A. Yes, sir.

22 O. Didn't threaten you?

23 A. No, sir.

24 Q. Didn't coerce you?

25 A. No, sir.

1 Q. Didn't intimidate you?

2 A. No, sir.

3 Q. Just said 'we want the truth'; right?

4 A. Yes, sir.

5 Q. Talked about all the lies you'd already
6 told -- water over the dam; right?

7 A. Yes, sir.

8 Q. Do you remember telling them on March
9 2006 or March 7th, 2006 approximately around
10 1:30, "My brother pulled up in a Suburban."
11 Do you remember that?

12 A. I can't remember the exact words. I
13 remember telling them, though.

14 Q. All right.

15 MR. CARROLL: Can I have this marked,
16 please?

17 COURT REPORTER: Defendant's
18 Exhibit 12 for identification.

19 CROSS EXAMINATION CONTINUED

20 BY MR. CARROLL:

21 Q. Mr. Dickerson, I'm going to hand you
22 Defendant's Exhibit 12 for identification.
23 That's a transcript of a recording of the
24 interview with you. You remember it being
25 recorded, correct?

1 A. Yes, sir.

2 Q. I ask you to turn to the second page.

3 Your initials are "A.D." -- right?

4 A. Yes, sir.

5 Q. Do you remember that one of the people

6 you met with was Detective Osborne, Jeff

7 Osborne. It says "J.O." on that. Correct?

8 A. Yes, sir.

9 Q. I ask you to look just above the middle

10 of the page and read that to me, if that

11 refreshes your recollection about the

12 conversation you had with Investigator

13 Osborne. The "J.O." part and the "A.D." part.

14 A. (Upon review) -- yes, sir, I remember.

15 Q. Now you remember telling them it was

16 around 1:30?

17 A. Yes, sir.

18 Q. And again, you were being truthful with

19 them; right?

20 A. Yes, sir.

21 Q. You told them that you remembered Devon

22 coming over; right?

23 A. Yes, sir.

24 Q. You really don't call him "Devon", do

25 you?

1 A. No, sir.

2 Q. You call him "Dutch".

3 A. Yes, sir.

4 Q. During that time your brother, William

5 Dickerson, he wasn't living with you; was he?

6 A. No, sir.

7 Q. You knew that during that period he was

8 convinced there were some people out to kill

9 him; right?

10 A. Yes, sir.

11 Q. He was basically bouncing around from

12 here to there; correct?

13 A. Yes, sir.

14 Q. And you knew about the situation that had

15 happened with Shelley, and how that she was

16 very upset with him; right?

17 A. Yes, sir.

18 Q. You knew he was convinced that she was

19 involved with Puta.

20 A. Yes, sir.

21 Q. Based on the story you've told now a few

22 times, you left that house while Gerard Roper

23 was there and while he was alive.

24 A. Yes, sir.

25 Q. And in one version you've got yourself

1 going to downtown Charleston; right?

2 A. Yes, sir.

3 Q. And you're bringing stuff back to the

4 house; correct?

5 A. Yes, sir.

6 Q. Then you leave again. Correct?

7 A. Yes, sir.

8 Q. Your father lived where at that time?

9 A. In Apartment E-1, about two doors down.

10 Q. Two doors down from you?

11 A. Yes, sir.

12 Q. That's your father?

13 A. Yes, sir.

14 Q. Just let alone the fact that you didn't

15 call any law enforcement, you didn't go down

16 there and say, 'Here's the situation'?

17 A. No, sir.

18 Q. You told the investigators that when you

19 left you went and got the car, got some drugs,

20 -- correct?

21 A. Yes, sir.

22 Q. - and you went and picked Selena up from

23 work about 3:30?

24 A. I can't remember the exact time. I

25 picked her up from work.

1 Q. Early?

2 A. Yes, sir.

3 Q. She wasn't scheduled to be off yet?

4 A. No, sir.

5 Q. Didn't her shift end about 4:00 o'clock

6 that day?

7 A. I can't remember.

8 Q. You bought cleaning supplies?

9 A. Yes, sir.

10 Q. Because you needed to clean up the murder

11 scene in your kitchen and your living room?

12 A. It wasn't a murder scene then. This was

13 before everything took place.

14 Q. But you ended up killing him, though.

15 A. I didn't kill him.

16 Q. Those investigators asked you what kind

17 of weapons you saw; right?

18 A. Yes, sir.

19 Q. You said I saw two guns.

20 A. Yes, sir.

21 Q. One he was hitting him in the head and

22 one he was sticking it up his behind.

23 A. Yes, sir.

24 Q. Just one man doing that?

25 A. Yes, sir.

1 Q. And like right here today, every time we
2 ask you a question you say *yes, sir; no, sir;*
3 *tell them what they want.*

4 A. No, I'm telling the truth.

5 Q. Telling the truth. You say 'that's all
6 the weapons I saw.'

7 A. Yes, sir.

8 Q. And in that truthful recorded interview
9 you gave, you told them that William tied
10 Gerard up with a cord.

11 A. Yes, sir.

12 Q. That's not true, is it?

13 A. I left some things out, but it was true.

14 Q. You left some things out, but it was
15 true?

16 A. Yes, sir.

17 Q. Didn't you tell them later that Rashid
18 Malik hogtied him?

19 A. It was both of them that hogtied him.

20 Q. I know you've ultimately said that. But
21 wasn't there a version with Rashid Malik doing
22 it?

23 A. I hadn't made my confession at the time,
24 and I corrected it afterwards.

25 Q. In that version right there where you're

1 being truthful and they're recording it, you
2 describe the fight scene.

3 A. Yes, sir.

4 Q. Where Gerard was fighting for his life,
5 right?

6 A. Yes, sir.

7 Q. You talk about him getting up and
8 fighting back? Right?

9 A. I don't remember him fighting back.

10 Q. You don't?

11 A. (No verbal response).

12 Q. Okay. I don't think those pages are
13 numbered, but if you would, I'd like for you
14 to count twelve pages.

15 A. (Complies).

16 Q. At the bottom it should say "R5
17 SAW:01859."

18 A. Yes, sir.

19 Q. Read that and see if that refreshes your
20 recollection about what you told them.

21 A. (Upon review) -- yes, sir.

22 Q. You sort of describe the fight scene,
23 struggling and fighting back.

24 A. He was tied and handcuffed. He couldn't
25 fight back.

1 Q. They were a little puzzled about how
2 somebody hogtied could do that, weren't they?

3 A. Yes, sir.

4 Q. They asked you, 'Well, I thought he was
5 hogtied.'

6 A. He was hogtied. They untied him and took
7 him in the bathroom and he threw up. He
8 wasn't tied after that point.

9 Q. When you were telling the truthful
10 statement that day, that's not how you
11 described it; correct?

12 A. No, it doesn't explain that.

13 Q. Now, you also described -- you told in
14 that statement that Rashid Malik was there.

15 A. Yes, sir.

16 Q. Did you know him when he was Derek
17 Jenkins?

18 A. Then only thing I knew about him was
19 Popcorn. I didn't know his name before or
20 afterwards.

21 Q. When he changed his name to Rashad, like
22 your middle name, and you didn't know anything
23 about him?

24 A. No, sir. The only name I knew about was
25 "Popcorn".

1 Q. And he was there?
2 A. Yes, sir.
3 Q. No question in your mind?
4 A. He was there.
5 Q. He was beating Gerard?
6 A. Yes, sir.
7 Q. Beating him so bad that he hurt his own
8 hand doing it?
9 A. Yes, sir.
10 Q. Kicked him?
11 A. Yes, sir.
12 Q. Stomping him on the head?
13 A. Yes, sir.
14 Q. Brutal.
15 A. Yes, sir.
16 Q. Vicious beating.
17 A. It wasn't that vicious, but he hit him a
18 few times.
19 Q. It wasn't that vicious. That's not true,
20 is it?
21 A. Yeah, that's true. It wasn't vicious,
22 not the way it was right then.
23 Q. Not vicious enough to result in death?
24 A. No, not then. I'm saying it wasn't
25 vicious; not the way it was afterwards.

1 Q. This Rashid Malik, you didn't know him,
2 but yesterday you told this jury that you
3 wrote his lawyer a letter.

4 A. Yes, sir.

5 Q. Do you remember that?

6 A. Yes, sir.

7 Q. (Reading): "My name's Armon Dickerson.
8 I'm writing to tell you that the information
9 that I gave against your client was false."

10 A. Yes, sir.

11 Q. (Reading): "My statements were false
12 because the police said if I gave them certain
13 information against your client they would
14 help me get out of this situation." Is that
15 what you wrote?

16 A. I can't remember the exact words I wrote,
17 but I wrote that to him.

18 Q. Let me show you.

19 MR. CARROLL: (Tenders to court
20 reporter).

21 COURT REPORTER: Defendant's
22 Exhibit 13 for identification.

23 CROSS EXAMINATION CONTINUED

24 BY MR. CARROLL:

25 Q. Have a look at that. Read that over.