

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

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

Appellate Case No. 2018-001499

WILLIAM O. DICKERSON PETITIONER,

v.

STATE OF SOUTH CAROLINA.....RESPONDENT.

APPENDIX
VOLUME 8 OF 22

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1 See if that refreshes your recollection about
2 the letter you wrote.

3 A. (Upon review) -- this is it.

4 Q. It went to Mr. Tim Culp? Remember that?

5 A. (No verbal response).

6 Q. (Reading): "My name's Armon Dickerson.
7 I'm writing to tell you that the information I
8 gave against your client was false. My
9 statements were false because the police said
10 if I gave them certain information against
11 your client they would help me get out of this
12 situation. They made me and my wife say
13 things that wasn't true, because they were
14 going to help us. But they didn't."

15 THE COURT: Hold on a second.

16 BRUCE DURANT: Your Honor, if he
17 wants to introduce it, he should.

18 THE COURT: Let's do that. But you
19 can't publish -- you presented it to him to
20 refresh his recollection, and now you're
21 publishing, Mr. Carroll.

22 It's the same objection. If you
23 want him to read it, that'd be fine. If you
24 want to introduce it, you may proceed.

25 CROSS EXAMINATION CONTINUED

1 BY MR. CARROLL:

2 Q. Mr. Dickerson, you wrote a letter to Mr.
3 Malik's lawyer telling him that you had lied
4 about Mr. Malik's involvement; correct?

5 A. Yes, sir.

6 Q. You said that's because the police
7 promised to help you, right?

8 A. Yes, sir.

9 Q. Yesterday you described that you were
10 threatened ---

11 A. Yes, sir.

12 Q. --- by Mr. Malik.

13 A. Yes, sir.

14 Q. That was in jail?

15 A. Yes, sir.

16 Q. And you're charged with murder, right?

17 A. Yes, sir.

18 Q. Murdering Gerard Roper?

19 A. Yes, sir.

20 Q. And Malik's charged with murder?

21 A. Yes, sir.

22 Q. They didn't let you'all have contact; did
23 they?

24 A. No, they wouldn't let him see me. But
25 they've got flaps in the hallway and he looked

1 inside and saw me there.

2 Q. He looked in the flap?

3 A. Yes, sir.

4 Q. They relaxed the policy that day for you?

5 A. I was out in the hallway. And he opened

6 the flap when I would go by his room to see if

7 I was out there. I'm not saying they relaxed

8 the policy, but it may be something that

9 decided to do on their own.

10 Q. And that was written in your hand?

11 A. Sir?

12 Q. That's written in your hand?

13 A. Yes, sir.

14 Q. Is it true or is it a lie?

15 A. That's a lie. I was just scared.

16 Q. Scared?

17 A. (Affirmative nod).

18 Q. What was between you and him?

19 A. What do you mean by that?

20 Q. What physically was between you and him?

21 A. (No verbal response).

22 Q. He couldn't reach out and touch you.

23 A. No, but he could get somebody to do

24 something to me. Lots can happen -- lots can

25 be done in the jail.

1 Q. You were scared?

2 A. I was scared that he would have somebody
3 do something to me.

4 Q. You told the jury during this that you
5 had a loaded gun?

6 A. Yes, sir.

7 Q. A loaded gun, right?

8 A. Yes, sir.

9 Q. Not only were you in and out of that
10 murder scene, but your wife, Selena, was in
11 and out of that murder scene; wasn't she?

12 A. Yes, sir.

13 Q. And you and her had a conversation about
14 needing to get rid of Gerard because he knew
15 where you'all lived; right?

16 A. I don't remember that conversation
17 taking (sic) place.

18 Q. Do you remember William leaving the house
19 that day?

20 A. Yes, sir.

21 Q. Leaving his phone there?

22 A. No, he took his phone. He didn't leave
23 his phone.

24 Q. His telephone was the only telephone
25 working in that apartment; right?

- 1 A. That's right.
- 2 Q. So anybody who needed to make a call used
- 3 that phone; right?
- 4 A. Yes, sir, while they was there.
- 5 Q. Anybody who was being called -- like if
- 6 Selena was calling you, she'd use that phone;
- 7 right?
- 8 A. No, she didn't call back to the house.
- 9 She took my cell phone and put minutes on it.
- 10 Q. Put minutes on it?
- 11 A. That's right.
- 12 Q. While you'all were there in that house on
- 13 the 7th and the 8th, that was the phone
- 14 everybody was using; right?
- 15 A. Yes, sir.
- 16 Q. And when you talked to law enforcement
- 17 you told them 'I don't know what in the world
- 18 they did with the guns'; right?
- 19 A. Yes, sir.
- 20 Q. That was a lie, wasn't it?
- 21 A. It was a lie the first time.
- 22 Q. In the first place you didn't say
- 23 anything about them. You said you went on a
- 24 walkabout to Columbia or somewhere.
- 25 A. Yes, sir.

- 1 Q. The guns came in the recorded statement;
2 right?
3 A. Yes, sir.
4 Q. That was a lie?
5 A. It wasn't really a lie. I just forgot to
6 tell them about it.
7 Q. You told them you didn't know what he did
8 with them.
9 A. Yes, sir.
10 Q. And you're the one that took your gray
11 tee-shirt and wiped those guns down. Isn't
12 that true?
13 A. Yes, that is true.
14 Q. And you're the one that climbed up in the
15 attic and hid them there. Isn't that true?
16 A. That is true.
17 Q. And you're the one that didn't tell
18 anybody about that until Selena did; correct?
19 A. That is true.
20 Q. The morning of the 10th, you and Selena
21 and little Jaylin were headed right back to
22 that apartment like any other day; right?
23 A. Yes, sir.
24 Q. That's all.
25 A. Yes, sir.

1 Q. You'all cleaned it up and were headed
2 back; right?

3 A. We didn't clean it up all the way, but we
4 tried to.

5 Q. You saw the police there.

6 A. Yes, sir.

7 Q. And got panicked?

8 A. Yes, sir.

9 Q. And decided 'let me create myself an
10 alibi'; right?

11 A. Not then. I was just scared. I can't
12 say what was going through my mind but that I
13 was scared.

14 Q. Did you come up with the notion of
15 getting your cousin, Jerome Fludd, to drive
16 you to Columbia?

17 A. No, sir. Jerome Fludd's my father. My
18 cousin's name was Kenneth Fludd.

19 Q. Sorry for that, Kenneth Fludd. Kenneth
20 Fludd, you got him to drive you to Columbia?

21 A. Yes, sir.

22 Q. You were doing that so you could tell the
23 police, 'I wasn't even here. I was in
24 Columbia.' Right?

25 A. Yes, sir. That's why I said my first

1 statement was not true when I put that in my
2 first statement.

3 Q. No, you put that in the second statement.
4 Isn't that correct?

5 A. I don't remember writing it. Well, the
6 first statement about the confession part was
7 the truth. The first statement I wrote when I
8 came back was not true.

9 Q. Did you give instructions with that
10 statement so people would know what they were
11 reading and how to tell what's true and what
12 wasn't?

13 A. I don't remember.

14 BRUCE DURANT: Argumentative.

15 THE COURT: I sustain the
16 objection.

17 CROSS EXAMINATION CONTINUED

18 BY MR. CARROLL:

19 Q. Your cousin, Kenneth Fludd, took you to
20 Columbia in a green SUV; right?

21 A. Yes, sir.

22 Q. Yesterday the Solicitor asked you about a
23 couple of phone numbers I think you said
24 that telephone was just like yours and
25 Selena's; right?

1 A. Yes, sir.

2 Q. Do you recognize the name Boss Hog?

3 A. Yes, sir. That's my cousin, Kenneth

4 Fludd.

5 Q. That's Kenneth Fludd right there?

6 A. Yes, sir.

7 Q. You told the Solicitor I think that

8 "Willie D" is William Dickerson; right?

9 A. Yes, sir.

10 Q. Little J, actually Li'l J.

11 A. Yes.

12 Q. Who's that?

13 A. That's a guy I knew up on Fleming Road.

14 Q. A guy you knew on Fleming Road?

15 A. Yes, sir.

16 Q. Freak?

17 A. That's my cousin, Darren Flinn.

18 Q. Dutch?

19 A. That's Devon.

20 Q. Silk?

21 A. That's my cousin, Damien Watson.

22 Q. There's a second Willie D.

23 A. That's referring to my brother.

24 Q. Does he have multiple phones?

25 A. No, sir.

- 1 Q. Mama Duck.
- 2 A. That's Selena's cousin.
- 3 Q. Selena's cousin.
- 4 A. Yes, sir.
- 5 Q. T.T.?
- 6 A. That's her sister.
- 7 Q. We all know William's your brother;
- 8 right?
- 9 A. Yes, sir.
- 10 Q. And as we discussed today, he's a lot
- 11 bigger than you are?
- 12 A. Yes, sir.
- 13 Q. And like a lot of older brothers, he's
- 14 been taking the fall for you for a lot of
- 15 things over time; hasn't he?
- 16 A. No, sir.
- 17 Q. Never?
- 18 A. No, sir.
- 19 Q. You want him to take the fall now; don't
- 20 you?
- 21 A. No, sir. I'm just telling the truth,
- 22 that's all I'm doing. I don't want him to
- 23 take the fall.
- 24 Q. You're telling the truth?
- 25 A. That's all I'm doing.

1 Q. That's all you're doing.

2 A. I know there are consequences for what I
3 did.

4 MR. CARROLL: Beg the Court's
5 indulgence.

6 THE COURT: Certainly, Mr. Carroll.
7 Take your time.

8 CROSS EXAMINATION CONTINUED

9 BY MR. CARROLL:

10 Q. When this happened back in 2006 you and
11 Selena weren't married; right?

12 A. No, sir.

13 Q. You'all got married when the police said
14 you needed to come back because they were
15 going forward with this case; right?

16 A. No, sir, the marriage date was already
17 planned before that.

18 Q. Invitations sent out and everything?

19 A. Sir?

20 Q. Invitations all sent out?

21 A. No, we were planning to go get married
22 that Friday before that conversation took
23 place.

24 Q. Anybody ever tell you that if you're
25 married you can't testify against one another?

1 A. No, sir.

2 Q. The recorded statement that you swore you
3 were telling the truth in, once that was done,
4 Selena had given one herself; hadn't she?

5 A. Yes, sir.

6 Q. They got the two of you together in the
7 same room then; right?

8 A. Yes, sir.

9 Q. And wanted to go over some discrepancies
10 between you two; right?

11 A. That's right.

12 Q. So you talked those things out.

13 A. For almost all of them, we did.

14 Q. The Solicitor talked to you this morning
15 -- when you went down to Florida, you had
16 pending drug charges and a gun charge and all
17 that; right?

18 A. Yes, sir.

19 Q. So you do know a little something about
20 guns?

21 A. Not necessarily, but I did back at that
22 time.

23 Q. You knew then, but you've forgotten
24 since.

25 A. Sir?

1 Q. You knew then, but you've forgotten
2 since?

3 A. No, sir.

4 MR. CARROLL: I don't have any
5 further questions, Your Honor.

6 THE COURT: Redirect, Mr. Durant.

7 BRUCE DURANT: Just a few, Your
8 Honor.

9 THE COURT: Okay.

10 REDIRECT EXAMINATION

11 BY BRUCE DURANT:

12 Q. You, of course, lived at 311 Fleming
13 Road, Apartment E-3; is that correct?

14 A. Yes, sir.

15 Q. Given that fact would it surprise you if
16 someone had told you that your fingerprints
17 had been found there?

18 A. No, sir.

19 Q. Going back to when you came back in
20 February of 2008.

21 A. Yes, sir.

22 Q. You said you came back on a -- when, what
23 day of the week?

24 A. I came back to Charleston to talk with
25 them on a Sunday afternoon.

1 Q. And when did you come down and talk to
2 them?

3 A. Monday morning.

4 Q. And that was the same day that you gave
5 this statement?

6 A. Yes, sir.

7 Q. That has been marked as Defendant's
8 Exhibit Number 12; is that correct?

9 A. Yes, sir.

10 Q. Did they record that statement?

11 A. Yes, sir.

12 Q. And you went to jail that day, did you
13 not?

14 A. Yes, sir.

15 Q. And you have been in jail since that
16 time?

17 A. Yes, sir.

18 Q. And you were originally booked into jail
19 on what charges?

20 A. Obstruction of justice.

21 Q. And how many days later were you served
22 with the murder warrant?

23 A. I think it was two days, two or three
24 days.

25 Q. And in between those two, were there any

1 other conversations between you and anybody
2 else at my office?

3 A. No, sir.

4 Q. So you basically did talk to them one
5 time?

6 A. Yes, sir.

7 Q. And you've been in jail since then?

8 A. Yes, sir.

9 Q. You just had a warrant for murder served
10 on you at a different time than the
11 obstruction; is that correct?

12 A. Yes, sir.

13 Q. The proffer agreement that was made ---

14 BRUCE DURANT: Let me mark this for
15 identification, please, ma'am.

16 COURT REPORTER: State's Exhibit
17 323 for identification.

18 REDIRECT EXAMINATION CONTINUED

19 BY BRUCE DURANT:

20 Q. I hand you what's been marked as State's
21 Exhibit Number 323 for identification and ask
22 if you recognize that?

23 A. (Upon review) -- yes, sir.

24 Q. What is that?

25 A. The proffer agreement.

1 Q. And what is the date you signed that
2 proffer agreement?

3 A. March 12.

4 Q. Of what year?

5 A. '09.

6 Q. So that would have been about thirteen
7 months later, is that correct, from when you
8 gave your recorded statement?

9 A. Yes, sir.

10 BRUCE DURANT: Could I have the
11 recorded statement, please? Could I have this
12 (Defendant's Exhibit 12) remarked as a State's
13 Exhibit, please, ma'am?

14 COURT REPORTER: State's Exhibit
15 324 for identification.

16 BRUCE DURANT: Your Honor, at
17 this time we would offer State's Exhibit
18 Number 324 into evidence.

19 THE COURT: Any objection.

20 MR. CARROLL: Your Honor, may we
21 approach?

22 THE COURT: Why don't we excuse the
23 jury?

24 Ladies and gentlemen, there's a
25 matter I need to take up out of your presence.

1 specific in giving the dates. They, by their
2 cross examination, have indicated that he had
3 changed his story by virtue of the proffer
4 agreement he signed with the State in March of
5 this year. He gave that statement to
6 investigators in our office in February of
7 last year. Their argument is specifically
8 that he has changed his testimony from this
9 particular statement to curry favor with the
10 State so that he could get out of this murder
11 rap, that that's why he has changed this
12 statement. They've brought out the
13 inconsistencies from this statement and I
14 think that under the circumstances, in all
15 fairness, that the jury should consider the
16 consistent portions of his statement that he
17 gave us under both 801(B)(1)(b) and Rule 106.

18 THE COURT: I haven't read the
19 entire statement. The portions that were
20 published for challenge, are there additional
21 portions which would go to clarify the
22 challenged portions or further explain those
23 portions, which would deal with the
24 completeness of the 106 issue? If there are,
25 I think you need to point those out. Because

1 Do not begin your deliberations. Don't
2 discuss this case.

3 (JURY OUT @ 10:48 A.M.)

4 THE COURT: All right, sir. I'll
5 be happy to hear from you. I assume you
6 object to its admission.

7 MR. BLOOM: Yes, sir, Your Honor,
8 under 801 as well as *Saltz* and *Foster*. This
9 is much different than the prior witness.
10 Indeed, a fourth element of 801(d) here the
11 statement was made before the alleged
12 fabrication or before the alleged improper
13 introduction. Here, he was charged at that
14 time. I think clearly, under *Saltz*, he's a
15 major party in the case, which I think Your
16 Honor's in your prior ruling made a
17 distinction that if a witness is not a major
18 party then the statement includes the proffer.
19 The cite is, for the benefit of the court
20 reporter is, *Saltz*, 551 F.2d, 240. It's a
21 Supreme Court case. The second one is *State v*
22 *Foster*, 582 S.E.2d 426.

23 THE COURT: Okay, Solicitor?

24 BRUCE DURANT: Your Honor, our
25 concern in this case and that's why I was very

1 that doesn't necessarily allow the entire
2 statement. It just allows those portions that
3 clarify the challenged portion.

4 BRUCE DURANT: Right.

5 THE COURT: Are there any specific
6 portions or you just want the entire statement
7 because it's consistent with the other parts
8 of his testimony?

9 BRUCE DURANT: I just want -- I'm
10 arguing primarily under 801 to rebut the
11 charge of recent fabrication, Your Honor.

12 There are some inconsistencies in
13 the statement, and that was certainly brought
14 out by the defense.

15 THE COURT: But my question is are
16 the inconsistencies in the statement -- are
17 they inconsistent with his testimony today, or
18 are they inconsistent with his testimony of
19 the prior statement?

20 BRUCE DURANT: No, they're
21 inconsistent with his testimony that he gave
22 in this Court.

23 THE COURT: Okay. Is that not
24 correct?

25 MR. BLOOM: I'm not sure what the

1 harm is here.

2 THE COURT: Because the problem is
3 compounded here -- or this is the problem, as
4 I see it, if the only inconsistency is the
5 statement that was previously given, and you
6 are challenging him concerning that, then I
7 would classify it as not inconsistent.
8 Therefore I would agree with you. 801(B)(1)
9 doesn't come into play.

10 But if you're challenging testimony
11 that he gave on direct which was inconsistent
12 with his statement, the recorded statement,
13 which is -- what's the exhibit number? 323?

14 COURT REPORTER: State's Exhibit
15 324.

16 THE COURT: 323 is the proffer.

17 BRUCE DURANT: 324 is the
18 statement.

19 THE COURT: State's 324. If his
20 testimony and the challenges made on cross-
21 examination address the -- were
22 inconsistencies with the statement given in
23 323, when will it come in? Because
24 it's clearly -- the challenges were that
25 you've been offered a deal. And therefore

1 you're wanting to testify, which clearly, I
2 think, would come under that second part of
3 that, in that he's trying -- as you say -- to
4 curry favor. Therefore giving a stronger
5 statement which would be more beneficial and
6 consistent with the proffer. That's where the
7 fabrication would come in.

8 MR. CARROLL: But our assertion is
9 that the fabrication arose long prior to that.

10 THE COURT: I understand that, and
11 that's the problem. This one is not -- and I
12 didn't make note, you all know. But there was
13 some challenges made to the earlier statement,
14 no question about that. And I'll agree with
15 you.

16 But there were challenges made to
17 this testimony given on direct examination,
18 which were not consistent with that statement,
19 as I recall. I don't remember how many, but
20 there were some challenges; were there not?

21 BRUCE DURANT: Specifically, Your
22 Honor, the charge has challenged him on hiding
23 the gun, the time that it occurred, the tying
24 up of the victim. Those are just the ones
25 that I remember off the top of my head.

1 MR. CARROLL: And the tying up
2 of the victim, I was actually challenging him
3 based on another statement he gave to
4 Solicitor Durant where he indicated that he
5 had now changed to say Mr. Malik did the hog-
6 tying.

7 THE COURT: This again would be a
8 statement following the statement which is
9 324. But was this prior to the statement that
10 has not been identified?

11 BRUCE DURANT: Which specific one
12 are you talking about now?

13 THE COURT: Was that after the
14 proffer?

15 BRUCE DURANT: I just want to
16 make sure we're talking about the same
17 statement.

18 SOLICITOR WILSON: Yes, it was.

19 THE COURT: It was after the
20 proffer?

21 BRUCE DURANT: That was after the
22 proffer; agreed. We're talking about that
23 specific one.

24 SOLICITOR WILSON: The initial
25 interview. Nothing happened. Proffer given.

1 Second statement. Several meetings with our
2 office. And the initial statement was given
3 before charges were filed.

4 THE COURT: Anything else?

5 MR. CARROLL: I just think under
6 *Saltz* and *Foster* that it is clear that this
7 statement doesn't come in. Clearly under
8 801(b), what the Solicitor wants to introduce
9 is a typed transcript of a two-hour interview
10 from a February 25, 2008 -- it's at that time
11 where we assert this witness -- that would
12 clearly fall, the February 25th that the
13 Solicitor wants to introduce, that statement
14 clearly is prohibited under 801. At that
15 point this witness had an improper influence
16 or motive ---

17 THE COURT: What is the improper
18 influence or motive at that point, other than
19 he's been told that -- there -- he comes back
20 because he's been instructed that he's going
21 to have charges filed against him? At the
22 point that he came back he had pending charges
23 against him, old things.

24 MR. CARROLL: Unrelated.

25 THE COURT: Unrelated. I

1 understand, unrelated. But he comes back. I
2 recall the testimony, he comes back to ---

3 SOLICITOR WILSON: Because of the
4 trial.

5 THE COURT: --- because of the
6 trial, to talk with the Solicitor's Office.

7 MR. BLOOM: Yes, sir. And he was
8 charged at that time with obstruction of
9 justice.

10 THE COURT: I understand that.

11 BRUCE DURANT: He was not charged
12 with obstruction of justice until after he
13 gave his statement.

14 THE COURT: He gave his statement,
15 then he's taken to jail.

16 BRUCE DURANT: Yes, sir.

17 THE COURT: The statement, I
18 assume, led to the obstruction of justice
19 charge.

20 SOLICITOR WILSON: (Affirmative
21 nod), and the murder charge.

22 MR. BLOOM: (Affirmative nod), and
23 the murder charge.

24 THE COURT: So, clearly, there
25 couldn't have been any motivation at that

1 point for him. In fact, it probably goes to
2 show he doesn't know anything other than he's
3 going to be called to testify and they're
4 talking with him about it. So what's the
5 improper motivation at that point?

6 MR. BLOOM: He knows he's a part of
7 this case and he's trying to extricate
8 himself.

9 THE COURT: At this point this
10 person -- maybe he's that sophisticated. I
11 don't know. But there's clearly nothing to
12 suggest at that point he knew he was going to
13 be charged with anything else. As you cross-
14 examined him, Mr. Carroll, I thought very
15 effective, he knew what his involvement was
16 but thought he was skating; he was getting
17 through all of this and going to make it,
18 until things started unraveling. But clearly
19 -- again, if that's all we're talking about,
20 that's fine. But you challenged his testimony
21 concerning -- in cross-examination concerning
22 the aspect of that statement after the
23 proffer. That's what gives rise, that's what
24 creates the problem. That's what creates the
25 issue that 801(d)(1) deals with, in my

1 opinion. You certainly are at liberty to
2 cross-examine him further about that and bring
3 out all these other things that you've alluded
4 to. But that's precisely what -- I think
5 801(d) -- he's here. It's not as though we're
6 using this statement in an abstract form.
7 He's here and you're in a postured position to
8 respond to his admissions to further bring out
9 anything else you want, as Mr. Carroll was
10 very effectively in cross-examination doing
11 what we all are trained to do until somebody
12 says, 'I object to publishing the statement.'
13 And he was doing that. So now he'll have it
14 published.

15 But the concern that I have at this
16 juncture -- I understand about these cases. I
17 don't think either one of those cases -- and I
18 read them over the weekend, reread them again.
19 But it's nothing to challenge that statement.
20 This case, we have a specific challenge.
21 There's no question about it. And in fairness
22 -- in reading 801(d)(2) in conjunction with
23 106, which is -- my understanding of the 100
24 Rules, all these other Rules, they don't
25 exclude the 106 Rule. They are used to expand

1 on that. I mean, each Rule has significance,
2 as I understand it. And 106 deals with a
3 fairness situation. And in a fairness
4 situation where his statement has been
5 challenged, as we have here, then, in fairness
6 the State's entitled to it. That's my
7 rationale for it. I think 801(d)(1) precisely
8 is put in there for that reason. Otherwise,
9 there'd be no way in the world for that to
10 ever come in. So under 106 and 801(d)(1), I
11 will allow it.

12 Now, as we did with the other one, if
13 there's anything in this statement that is
14 something that needs to be redacted, we need
15 to address that too. I'm not allowing
16 everything that there may be -- there may be
17 another objection to it. But as we did with
18 the other statement, anything that's part of
19 his statement that he's given at that one
20 setting, then fine. But when he's giving a
21 statement. That's the part that I'm allowing
22 to come in.

23 I haven't seen it. Let me look at it.

24 MR. BLOOM: Let me note for the
25 record the warrant for obstruction of justice

1 precedes his arrival, this statement.

2 THE COURT: Again, I appreciate all
3 of those things. But the concern that I have
4 again it deals with -- it doesn't deal with --
5 it deals with the motivation for giving
6 testimony in this trial. That's what we're
7 talking about. And that's what -- and the
8 challenge was you're trying to get a benefit
9 out of testifying, which -- and you've now
10 given testimony which is inconsistent with the
11 statement that you gave on February 25th,
12 2008. And therefore, that's specifically a
13 challenge to that statement. So those cases
14 are not applicable, in my opinion.

15 MR. BLOOM: If I may, the warrant
16 for obstruction of justice was issued February
17 15th of 2008.

18 THE COURT: And it was served after
19 he gave the statement, as I understand it. So
20 the time that he was there -- now you can
21 certainly bring that out insofar as the
22 statement is concerned, for motivation. But,
23 clearly, from the standpoint of the statement
24 itself, it comes in under 801(d)(1) and 106.
25 I'll allow it.

1 BRUCE DURANT: Thank you, Your
2 Honor.

3 MR. BLOOM: Note our objection.

4 THE COURT: Again, I won't do what
5 -- he's now deceased. But I made that comment
6 before Judge Weatherford years ago in
7 Georgetown in the presence of a jury, and I
8 was berated for doing that because the Rule
9 says you're not required to do that. But you
10 can do it with me. I did it. Not because you
11 learned it -- I just did it because I heard it
12 on Perry Mason, I think. Let's take about a
13 five-minute break.

14 BRUCE DURANT: Thank you, Your
15 Honor.

16 (BRIEF RECESS)

17 (DEFENDANT PRESENT)

18 THE COURT: Let me inquire also,
19 because I assume you're not going to do this -
20 - let the record reflect Mr. Dickerson is
21 present. I'm going to continue, Mr. Bloom, to
22 read these cases. I assume you're not going
23 to publish -- you're not going to present this
24 to the jury at this point?

25 BRUCE DURANT: No, sir. I wanted

1 to bring it to the Court's attention.

2 Apparently I misspoke earlier. I thought that
3 the warrant for obstruction was taken at that
4 time, but apparently it was not.

5 THE COURT: The question, as I
6 understand it ---

7 BRUCE DURANT: We'll have to ask
8 that.

9 THE COURT: Well, the question he's
10 going to be asked, so -- but, again, I
11 appreciate that. That's one thing -- and
12 you're right, Mr. Bloom, assuming that to be
13 the case. But as I indicated in my ruling, I
14 don't think the obstruction of justice is what
15 I'm really relying on. That's not the charge.
16 The charge at the point he came back, I don't
17 think he perceived himself to be possibly
18 being charged with murder, giving his total
19 testimony.

20 He even responded again to Mr.
21 Carroll's statement about whether he killed
22 somebody. He doesn't see himself even doing
23 that now. He doesn't understand the law.

24 Clearly, the murder charge came
25 after the fact. That's what I think where the

1 motivation would be, to me, for my purposes in
2 my ruling is that would give somebody rise to
3 change statements, to give stronger statements
4 that would be more advantageous to the State
5 at this proceeding. Therefore, I think it's
6 important for the jury in assessing that
7 aspect, which you've challenged.

8 And I don't quarrel with you for
9 doing that. I think that's very appropriate
10 to do that, for the motive. And that's what
11 I'm going to tell them.

12 But that's where, to me, the
13 balancing act comes in, because the State's
14 entitled to see what were the parts where they
15 were consistent, insofar as evaluating
16 credibility for this particular witness.

17 SOLICITOR WILSON: Also, the
18 proffer ---

19 THE COURT: There's no question
20 that all of that, the proffer, got to do all
21 these -- but we know -- we can talk all day
22 long in the nice legalese. But we know what
23 defendants think about: What can I do to help
24 myself? And that's what the bottom line is;
25 that's what this is challenging, and that's

1 what you're suggesting. And I don't fault you
2 for doing that. That's very germane and very
3 relevant. But, clearly, that's why I think
4 the statement comes in.

5 But I will welcome you to
6 supplement. Because at least at this
7 juncture, admission of it -- depending on
8 whether you publish it -- I assume you are not
9 -- as I understand, you don't intend to
10 publish the statement.

11 BRUCE DURANT: I don't intend to
12 publish it all, Your Honor.

13 THE COURT: I don't know what
14 portions you do. But if you do that, I don't
15 know that it still would rule out my excluding
16 it, if I changed my mind, and therefore there
17 would be no prejudice.

18 MR. BLOOM: Yes, sir. And if I
19 may, so that the record is complete and so
20 that it's clear, the Solicitor says the
21 obstruction of justice warrant was issued
22 prior to his arrival on February 15th of '08.
23 In fact, there was also a phone call between a
24 staff member or a member of law enforcement to
25 him and/or his wife, Selena Rouse, telling

1 them, it's my understanding, that they had a
2 pending charge and if they didn't come back to
3 South Carolina law enforcement would come and
4 get them. So at that time this witness has to
5 be saying, 'okay, I'm now a suspect'; because
6 the State had informed them, 'if you don't
7 return, we're going to come after you.' And I
8 think that gives context to it.

9 THE COURT: And I agree with you
10 totally insofar as the statement. And you've
11 challenged the statement specifically on that
12 as being the motivation for his giving that
13 statement. I agree with you. If that's where
14 it stops, I agree and I would sustain your
15 objection. I wouldn't allow it. He wouldn't
16 have it. The problem comes in that it goes
17 beyond that. And that is that you challenged
18 portions of the statement which are - the
19 statement is inconsistent with his testimony
20 given on direct examination. That was
21 challenged. That's why the statement comes
22 in. So, thank you.

23 So that everybody's on the same
24 page. I don't quarrel with all that. If it
25 stopped at that point, that's -- I'd sustain

1 the objection and it's not admitted. But it
2 didn't stop at that point. So, thank you.

3 Let's bring in the jury.

4 And for you'all's benefit, I think
5 we're not going to get to the jury today. It
6 does not appear.

7 BRUCE DURANT: We've kind of
8 arrived at that conclusion.

9 THE COURT: I kind of figured you
10 made that deduction. I assume the next ones
11 are going to be similar insofar as length?

12 BRUCE DURANT: They could be
13 difficult.

14 THE COURT: I understand. In some
15 ways I'm kind of like being in the jury's
16 position. I don't know anything until it
17 happens. So it's kind of nice.

18 (JURY IN @ 11:05 A.M.)

19 BAILIFF: All present, Your
20 Honor.

21 THE COURT: Thank you. Please be
22 seated. Thank you very much, Ladies and
23 Gentlemen. I figured you promised surmised we
24 went ahead after we did the legal argument and
25 took our break as well. So I hope that you

1 all took advantage of this opportunity, and
2 thank you for your patience with the Court.
3 We're ready to continue.

4 When we stopped I think you have
5 moved in State's Exhibit 324. Is that
6 correct?

7 (SO ENTERED AS STATE'S EXHIBIT 324)

8 BRUCE DURANT: That's correct, Your
9 Honor.

10 THE COURT: And we have had now
11 argument and have a full discussion and
12 positions placed on the record. Subject to
13 all the objections that have been submitted,
14 State's Exhibit 324 is admitted. You may
15 continue your examination.

16 REDIRECT EXAMINATION CONTINUED

17 BY BRUCE DURANT:

18 Q. We were discussing the confession that
19 you gave and what you told the detective, as
20 you have testified to in front of this jury?

21 A. Yes, sir.

22 Q. And he asked you also about a vicious
23 beating by Popcorn, and what was your response
24 to that?

25 A. It wasn't vicious, not the way he was

1 beaten.

2 Q. Was it vicious in relation to what you
3 saw your brother do to the victim?

4 A. On which occasion?

5 Q. On any of the occasions?

6 A. No, sir.

7 Q. And afterwards you said you went to
8 Columbia, is that correct?

9 A. (Affirmative nod).

10 Q. Did you ever go to Georgia?

11 A. No, sir.

12 BRUCE DURANT: I have nothing
13 further. Please answer any questions Mr.
14 Carroll may have that follow.

15 THE COURT: Recross.

16 MR. CARROLL: Just briefly, Your
17 Honor.

18 RECROSS EXAMINATION

19 BY MR. CARROLL:

20 Q. It wasn't vicious in relation to the
21 beating you put on Gerard Roper either; was
22 it?

23 A. No, sir.

24 Q. You beat him.

25 A. No, sir. I cut him a few times, but I

1 didn't beat him.

2 Q. Kicked him?

3 A. Yes, sir.

4 Q. Hit him in the head with furniture?

5 A. I didn't hit him in the head, I hit him

6 in the chest area.

7 Q. Not a beating?

8 A. No, not how I consider a beating.

9 Q. The Solicitor asked you if it would

10 surprise you if somebody found your

11 fingerprint in your house. That wouldn't

12 surprise you, would it?

13 A. No, sir.

14 Q. It also wouldn't surprise you if they

15 told you they'd found your fingerprints in

16 blood from Gerard Roper; would it?

17 A. No, sir.

18 Q. And on the evidence that was collected

19 from your apartment?

20 A. No, sir.

21 Q. Evidence you tried to get rid of?

22 A. No, sir.

23 Q. You didn't put it in your trash can, did

24 you?

25 A. I don't remember which trash can I put it

1 in.

2 Q. But you put it in a trash can?

3 A. Yes, sir.

4 Q. And you put it out on pickup day. Right?

5 A. I don't remember exactly what day was
6 pickup day. I know I put it down at the road.

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

9 THE COURT: Thank you very much,
10 Mr. Dickerson. You may come down.

11 (WITNESS STEPS DOWN)

12 THE COURT: You may call your next
13 witness, Solicitor.

14 SOLICITOR WILSON: Selena Rouse.

15 (WITNESS TAKES STAND)

16 SELENA KERISE ROUSE, being duly
17 sworn to tell the truth, the whole truth and
18 nothing but the truth, testified, as follows:

19 DIRECT EXAMINATION

20 BY SOLICITOR WILSON:

21 Q. Selena, how old are you?

22 A. Twenty-nine (29).

23 Q. Do you go by any nicknames?

24 A. No, ma'am.

25 Q. They just call you "Selena"?

- 1 A. Well, my mom has a nickname for me.
- 2 Q What is your mom's nickname for you?
- 3 A. "Noochie".
- 4 Q. Noochie?
- 5 A. Yeah.
- 6 Q. How far did you go in school?
- 7 A. The eighth grade.
- 8 Q. Did you eventually get your GED?
- 9 A. Yes, ma'am.
- 10 Q. What kind of work have you done in the
- 11 past?
- 12 A. Housekeeping, fast food.
- 13 Q. Why was it that you didn't finish high
- 14 school?
- 15 A. My son was sick.
- 16 Q. You have children?
- 17 A. Yes, ma'am.
- 18 Q. How many children do you have?
- 19 A. I have one living.
- 20 Q. The other child died when you were in
- 21 high school?
- 22 A. Yes, ma'am.
- 23 Q. Eighth grade?
- 24 A. Eighth -- he died in '99.
- 25 Q. All right. Are you married?

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

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- 1 A. Yes, ma'am.
- 2 Q. Who is your husband?
- 3 A. Armon Dickerson.
- 4 Q. When did you marry Armon?
- 5 A. February 23rd, 2008.
- 6 Q. Just before you came back to Charleston?
- 7 A. Yes, ma'am.
- 8 Q. Do you have a nickname for Armon or does
- 9 he go by a nickname?
- 10 A. "Bubba".
- 11 Q. You said that you got married in February
- 12 of 2008. How long had you'all been together
- 13 before that?
- 14 A. About six years.
- 15 Q Do the two of you have any children
- 16 together?
- 17 A. No, ma'am.
- 18 Q. Is he close with your children?
- 19 A. Yes, ma'am.
- 20 Q. Let's go back to March of 2006, Selena.
- 21 In March 2006, where were you living?
- 22 A. 311 Fleming Road, Apartment E-3.
- 23 Q. How long had you lived in that apartment
- 24 at that time?
- 25 A. About four years.

- 1 Q. In that same apartment?
- 2 A. Yes, ma'am.
- 3 Q. Is that how you met Bubba?
- 4 A. Yes, ma'am.
- 5 Q. Explain to the jury how that played into
- 6 your meeting Bubba.
- 7 A. His dad lived two doors down from me, so
- 8 I met him through his -- in the neighborhood.
- 9 Q. What is his daddy's name?
- 10 A. Jerome Fludd.
- 11 Q. When was it that Bubba moved into
- 12 Apartment E-3 with you?
- 13 A. (No verbal response) ..
- 14 Q. When was it in relation to all this that
- 15 happened on March the 7th and 8th, how long
- 16 had he been living there before all of this
- 17 happened?
- 18 A. Three or four -- he'd been living there
- 19 about three years.
- 20 Q. So he moved in shortly after you got the
- 21 apartment?
- 22 A. Yes, ma'am.
- 23 Q. Do you know the defendant, William
- 24 Dickerson.
- 25 A. I know him as his brother.

- 1 Q. Bubba's brother?
- 2 A. Yes.
- 3 Q. During that time you and Bubba were
- 4 living together, William Dickerson was living
- 5 out of town; is that right?
- 6 A. Yes, ma'am.
- 7 Q. When he moved back to Charleston did you
- 8 have an occasion to meet him?
- 9 A. Yes, ma'am.
- 10 Q. What that just a few months before all
- 11 this happened?
- 12 A. Yes, ma'am.
- 13 Q. How many times would you say you'd seen
- 14 William Dickerson before March 7th of 2006?
- 15 A. Maybe four times, four times.
- 16 Q. Did you know his girlfriend, Shelley?
- 17 A. No -- no.
- 18 Q. Had you ever met her?
- 19 A. I met her one time.
- 20 Q. You were not friends?
- 21 A. No.
- 22 Q. Selena, before we get into what happened
- 23 : March 7th and 8th, 2006, let's kind of skip
- 24 ahead a minute. You've been interviewed by
- 25 detectives of the Charleston Police

1 Department; is that right?
2 A. Yes, ma'am.
3 Q. Back when this happened?
4 A. Yes, ma'am.
5 Q. Did you tell them everything that you
6 knew?
7 A. No.
8 Q. At some point you decided to leave
9 Charleston after this happened on March 7th,
10 2006?
11 A. Yes.
12 Q. You decided to leave?
13 A. Yes.
14 Q. When was it that you decided to leave
15 Charleston?
16 A. About a year later.
17 Q. Why was it that you decided to leave?
18 A. (No verbal response).
19 Q. Why did you leave Charleston?
20 A. (No verbal response).
21 Q. Where did you go?
22 A. I went to Florida, to my dad's.
23 Q. Did you leave any family here in
24 Charleston?
25 A. My mom and my sister.

1 Q. What was it that made you decide you
2 wanted to move to Florida?

3 A. To get away from Charleston.

4 Q. Charleston is a great place. Why did you
5 want to get away from Charleston?

6 A. Because Bubba said we was going to start
7 over, brand new.

8 Q. Did that suit you?

9 A. Yes, ma'am.

10 Q. What sounded good about starting brand
11 new to you?

12 A. 'Cause I -- I just wanted to get away
13 from here, get away from what had happened.

14 Q. What had happened?

15 A. (No verbal response).

16 Q. What ---

17 A. They had killed somebody in my apartment.

18 Q. In your apartment?

19 A. (Affirmative nod).

20 Q. And for all that time, March 7th, 2006 up
21 until you came back to meet with those two
22 investigators, you hadn't told anybody what
you knew?

24 A. No, ma'am.

25 Q. In fact, you continued to lie about what

1 you knew, did you not?

2 A. Yes, ma'am.

3 Q. Tell this jury what it was that you

4 didn't want anybody to know.

5 A. That I had seen the body and that I knew

6 about it, that I was aware of it. I didn't

7 want anybody to know that I knew.

8 Q. Is that the case of what you told law

9 enforcement?

10 A. I don't understand.

11 Q. Did you alter or change the truth to law

12 enforcement because you didn't want to tell

13 them that you had seen the body?

14 A. Yes, and I was trying to cover for Bubba.

15 Q. Are you still trying to cover for Bubba?

16 A. No, ma'am.

17 Q. All right, let's go back to March of

18 2006. Okay. Did you know Gerard Roper?

19 A. Not personally, I knew of him. I'd met

20 him one time.

21 Q. Who did you meet him through?

22 A. Bubba.

23 Q. You didn't hang out with him, his family,

24 his girlfriend?

25 A. No, ma'am.

1 Q. Did you know whether or not he was
2 friends with the defendant?

3 A. Yes, ma'am.

4 Q. On March 7th, 06, Selena, did you and
5 Armon have a cell phone?

6 A. Yes, ma'am.

7 Q. Was it working?

8 A. It was going by minutes and there was no
9 minutes on the phone.

10 Q. Explain to the jury how that works.

11 A. Like we prepaid a card and put on the
12 phone, so we -- we didn't have any minutes on
13 it at the time.

14 Q. That was on March the 7th, the day all
15 this started?

16 A. Yes, ma'am.

17 Q. On that day, that Tuesday, did you go to
18 work?

19 A. Yes, ma'am.

20 Q. Where did you work?

21 A. McDonald's.

22 Q. What was your work schedule supposed to
23 be on that Tuesday?

24 A. I was supposed to work from 7:00 to 4:00.

25 Q. Was that your normal schedule?

- 1 A. It alternated, yeah.
- 2 Q. Now, you had -- your son, Jaelen, was
- 3 living with you at that point; right?
- 4 A. Yes, ma'am.
- 5 Q. That was the only child you had then?
- 6 A. Yes, ma'am.
- 7 Q. That morning, did Jaelen go to school?
- 8 A. Yes, ma'am.
- 9 Q. Who got him up and ready to go to school?
- 10 A. I did.
- 11 Q. I think you said that you were supposed
- 12 to get off that afternoon at 4:00.
- 13 A. (Affirmative nod).
- 14 Q. Did you make it to 4:00 o'clock?
- 15 A. No, ma'am.
- 16 Q. One thing before we go too much further.
- 17 This lady right here (court reporter) is
- 18 writing down everything that you say, so when
- 19 you nod your head she doesn't know what to
- 20 write. Just make sure that you answer me
- 21 'yes' or 'no'. Okay?
- 22 A. Oh -- yes, ma'am.
- 23 Q. So you didn't make it to 4:00 o'clock?
- 24 A. No, ma'am.
- 25 Q. Tell the jury why you didn't make it at

1 work until 4:00 o'clock.

2 A. Because Bubba came and picked me up from
3 work saying that something was going on at the
4 house and he needed me to get off right away.
5 So that's why I got off early.

6 Q. Had that ever happened before?

7 A. No.

8 Q. Tell this jury how Bubba was acting when
9 he showed up at your job.

10 A. He was jumpy, nervous, paranoid, real
11 scared like.

12 Q. Did he tell you what was going on at the
13 apartment?

14 A. Not at that time, no. He just said
15 something bad was going on and he needed me to
16 get home right now.

17 Q. What did you do after he told you that?

18 A. I left my job.

19 Q. Did you talk to your manager about it?

20 A. Yes.

21 Q. What did you tell the manager?

22 A. I told her that I needed to get off right
23 away.

24 Q. And?

25 A. (No verbal response).

1 Q. Did they let you off?
2 A. No. She fired me.
3 Q. So you walked off the job?
4 A. Yes, ma'am.
5 Q. What was Bubba driving when he arrived at
6 McDonald's?
7 A. His brother's car, a Malibu.
8 Q. When you got in the car did you ask him
9 what was going on?
10 A. Yes, ma'am.
11 Q. Did he tell me?
12 A. He told me that his brother was at the
13 house and that -- that his brother was at the
14 house and he had got into something with
15 somebody and that they'd -- that he was at the
16 house and he kidnaped this boy and brought him
17 to our house.
18 Q. At that point were you ready to get home,
19 to walk into a kidnaping?
20 A. I was just following Bubba.
21 Q. Where did you and Bubba go from
22 McDonald's?
23 A. It was time for Jaelen to get almost out
24 of school. So we went and we picked him up
25 from school and we took him down the street to

1 my friend's house.

2 Q. Who was your friend?

3 A. Vanessa.

4 Q. After that did you go to the apartment?

5 A. Yes, ma'am.

6 Q. Tell the jury what you saw when you
7 walked in.

8 A. We went to the apartment but we didn't --
9 we had to go back to the store first.

10 Q. Why did you have to go back to the store?

11 A. He said he had to get some cleaning
12 supplies.

13 Q. For what?

14 A. I don't know. He just said, 'I forgot
15 something, I gotta get some cleaning
16 supplies.'

17 Q. Was Bubba particularly good about keeping
18 your place clean?

19 A. Yeah.

20 Q. Oh, he was?

21 A. (Affirmative nod).

22 Q. So you just thought that was nothing?

23 A. No, I knew something was going on because
24 of his attitude and his manner.

25 Q. What about his manner? We weren't there.

1 A. He was real like just jumpy and scared-
2 like. I'd never seen him like that before.

3 Q. All right. So he said that you'all
4 needed cleaning supplies and you go along with
5 him for cleaning supplies?

6 A. We go to the Dollar General around the
7 corner. He goes in and gets some cleaning
8 supplies.

9 Q. Do you remember what he bought?

10 A. He came out of the store with a mop and a
11 bag and some bleach.

12 Q. Where did you go after he put the stuff
13 in the car?

14 A. We went back to the apartment.

15 Q. At that point did you go in the
16 apartment?

17 A. Yes, ma'am.

18 Q. Which door did you go in?

19 A. We went in the front door.

20 Q. That would be the door that opens right
21 in front of the stairs to go to the second
22 floor?

23 A. Yes, ma'am.

24 Q. What did you see when you walked in the
25 door?

- 1 A. The first thing I saw was his brother.
2 Q. Where was his brother?
3 A. Well, when he -- he opened door and so
4 after he opened door then he was sitting on
5 the couch. Then I saw like some stains on the
6 floor like in the hallway.
7 Q. Which hallway?
8 A. Leading to the kitchen.
9 Q. Did you come all the way into the
10 apartment?
11 A. No, ma'am. I stood by the staircase and
12 -- by the door, by the front door.
13 Q. What did you do next?
14 A. Bubba said he needed to talk to me and we
15 went upstairs.
16 Q. What happened upstairs? What did you do?
17 A. I asked Bubba what was going on. He said
18 me something had happened -- something about
19 his brother had came to the house around
20 afternoon time, I don't remember the exact
21 time, he came and brought Gerard Roper to our
22 house, he had gotten dropped off.
23 Q. You said that you didn't remember what
24 time Bubba said. What time are you having
25 this conversation with Bubba?

- 1 A. About at least 3:00, a little after 3:00.
- 2 Q. Sometime after 3:00?
- 3 A. (Affirmative nod).
- 4 Q. You don't know what time?
- 5 A. (Negative gesture). Yes, ma'am.
- 6 Q. But you would have left work before 4:00?
- 7 A. Yes, ma'am.
- 8 Q. After Bubba told you that upstairs, what
- 9 did you do?
- 10 A. I went in the bathroom, took my work
- 11 clothes off and as I was taking my work
- 12 clothes off, Bubba was like I had to leave.
- 13 He said, 'You gotta go.' I went, you know, --
- 14 you know, Jaelen can't come back here and I
- 15 don't want you to come back here. Just go.
- 16 So he started packing a bag for Jaelen.
- 17 Q. Okay. Now, you took your clothes off for
- 18 what?
- 19 A. I was going to take a bath.
- 20 Q. Did you start drawing the bath?
- 21 A. Yes.
- 22 Q. Did you ever get in the tub?
- 23 A. No, ma'am.
- 24 Q. So Bubba comes up and says you gotta go?
- 25 A. Yes, ma'am.

1 Q. How did he seem at that point?

2 A. Like scarey, like he was whispering and
3 moving around the room like real quiet. Just
4 telling me, you know, 'you gotta go, you can't
5 stay here.'

6 Q. Could you hear anything going on
7 downstairs?

8 A. No, ma'am.

9 Q. What happened after that?

10 A. I put on my clothes and I got the bag of
11 Jaelen's stuff and I went -- went to go on
12 walk back downstairs.

13 Q What happened when you got downstairs?

14 A. I was supposed to go to my sister's house
15 that day.

16 Q. For what?

17 A. I was supposed to babysit for my nephew.

18 Q. Were you going to babysit the nephew at
19 her house or at your house?

20 A. I was supposed to babysit at my house but
21 since that was going on ---

22 Q. Since what was going on?

23 A. Willie D in my house.

24 Q. Doing what?

25 A. I don't know. I didn't know that he had

1 Gerard in my house.

2 Q. You also had seen something on the floor,

3 you said. Right?

4 A. Yes.

5 Q. What?

6 A. I thought it was blood.

7 Q. What you thought was blood, was it there

8 when you left to go to work that morning?

9 A. No, ma'am.

10 Q. But you now know you don't need to be

11 babysitting at your house?

12 A. Yes, ma'am.

13 Q. What happened next? You had come

14 downstairs and -- how did you get to leave?

15 A. We were going to call a cab to come pick

16 me up but Willie D said that I could use his

17 car. He said I could take the car. He said,

18 'Go ahead and take the car. I don't need the

19 car.'

20 Q. How was Willie D acting?

21 A. Calm, like -- like, he kept going in the

22 kitchen and looking out the window, coming

23 back, -- kind of paranoid but still calm-like.

24 Q. Was he nice to you?

25 A. Yes.

- 1 Q. So he offered you his car?
- 2 A. (Affirmative nod).
- 3 Q. Did you take him up on that?
- 4 A. Yes, ma'am.
- 5 Q. All right. Where did you go?
- 6 A. I go back down the street to get my son.
- 7 Q. Okay. Where did you go after that?
- 8 A. To my sister's house.
- 9 Q. Which is where?
- 10 A. In North Charleston.
- 11 Q. How long did you stay there?
- 12 A. I stayed there overnight.
- 13 Q. Had that been your plan before this
- 14 happened with Gerard, to spend the night at
- 15 your sister's?
- 16 A. What do you mean?
- 17 Q. Before you knew what was happening in
- 18 your apartment, had you planned to stay at
- 19 your sister's house?
- 20 A. No, I planned to stay at my house. He
- 21 always comes -- the baby comes to my house.
- 22 Q. Is that because your sister works at
- 23 night?
- 24 A. Yes.
- 25 Q. So you decide to go to North Charleston -

1 --

2 A. --- and stay at her house. I'd told her
3 a lie, told her that Bubba and his brother was
4 hanging out at the house and instead of the
5 baby being there we were just going to come to
6 her house.

7 Q. Did you know when Bubba or the defendant
8 were going to be leaving the house? Did
9 anybody tell you when?

10 A. Bubba said they would be gone that night.
11 He said I could come back in the morning.

12 Q. Okay, let me ask you this, when you were
13 in the house the first time did you notice any
14 odor or smell?

15 A. Yes. When I first walked in the door it
16 was just -- it was just a real stink. I don't
17 know, just stink like -- I can't really
18 describe the smell. It was awful. Like I
19 know the smell of drugs.

20 Q. Did you smell that?

21 A. I smelled that but I also -- there was
22 another smell also.

23 Q. The next morning when you leave North
24 Charleston, your sister's house, where do you
25 go?

- 1 A. I take my son to school and I go back to
2 my apartment.
- 3 Q. How did you get in the apartment?
- 4 A. I didn't get in the apartment at first.
- 5 Q. What happened?
- 6 A. At first, I couldn't get in. I went to
7 the apartment, I had my nephew in the back
8 seat. I knocked on the door ---
- 9 Q. We are talking a baby baby?
- 10 A. Yes, like six weeks.
- 11 Q. Did you leave the nephew in the back
12 seat?
- 13 A. Yes, ma'am.
- 14 Q. And you go where?
- 15 A. I drove up to my back door and knocked on
16 the door, but I don't get an answer.
- 17 Q. What did you do then?
- 18 A. I sit in the car 'cause my sister was
19 coming to my house. When she got there ---
- 20 Q. Why was she coming?
- 21 A. I thought they were going to be gone, so
22 I had no problem with her -- she was going to
23 come to my house and just hang out.
- 24 Q. What happened?
- 25 A. When she got there, I told her that Bubba

1 and his brother must have went someplace and I
2 didn't have a key and so I couldn't get in. I
3 told her that I couldn't get in touch with
4 him, so we left and went back to her house.
5 Q. How long did you stay at her house?
6 A. Maybe about thirty minutes.
7 Q. Did you come back over to James Island?
8 A. Yes, ma'am.
9 Q. And all this time you're still driving
10 Willie D's car; is that right?
11 A. Yes, ma'am.
12 Q. All right. What happened when you came
13 back to James Island this time? Where did you
14 go?
15 A. I went back to the apartment.
16 Q. Did you get in this time?
17 A. Yes, ma'am.
18 Q. How did you get in?
19 A. I went and knocked on the front door and
20 Bubba opened the door.
21 Q. What did you see when you came in?
22 A. His brother and him.
23 Q. What was the state of the apartment this
24 time?
25 A. The music was blasting. I saw -- you

- 1 could see through to the kitchen, if you just
2 stand right there, and I saw a hole in the
3 wall under the table. The table was pushed
4 against the wall, the blinds was gone, there
5 was a sheet hanging up to the window.
- 6 Q. Which window had sheets on it?
- 7 A. The kitchen window.
- 8 Q. Okay. What else could you see?
- 9 A. (No verbal response).
- 10 Q. Did you see Gerard at that point?
- 11 A. No.
- 12 Q. Did you see any blood at that point?
- 13 A. There was stains on the door and stuff
14 like scuff marks and ---
- 15 Q. Did you see any blood on the walls or the
16 ceiling?
- 17 A. I -- no, ma'am.
- 18 Q. Did you ask him where Gerard was?
- 19 A. Yes, ma'am.
- 20 Q. Who did you ask?
- 21 A. Bubba.
- 22 Q. Where was Willie D when you asked Bubba?
- 23 A. Downstairs.
- 24 Q. So you had gone upstairs?
- 25 A. Yes, ma'am.

1 Q. When you came in that time did you go all
2 the way back to the kitchen?
3 A. No, ma'am.
4 Q. At some point you went upstairs?
5 A. Yes, ma'am.
6 Q. Bubba comes up there?
7 A. Yes, ma'am.
8 Q. And you ask him about Gerard?
9 A. (Affirmative nod).
10 Q. What does he tell you?
11 A. He said "he's in the closet."
12 Q. How did you react to that, Selena?
13 A. My first thought was 'I thought he was
14 supposed to be gone.'
15 Q. How about, 'why is he in the closet?'
16 A. I already knew that they had kidnaped
17 him. You know, that he didn't -- that he
18 wasn't there on his freewill.
19 Q. All right.
20 A. So my first thought was, 'why aren't
21 you'all gone?'
22 Q. Okay.
23 A. And he said that Popcorn didn't come back
24 and get him.
25 Q. Did you know who Popcorn was?

1 A. I didn't know him. I know of him, like,
2 but I don't know him. No, ma'am.

3 Q. So when he said Popcorn, you knew who he
4 was talking about?

5 A. Yes, ma'am.

6 Q. And he said Popcorn never came back?

7 A. Yes, ma'am.

8 Q. Did you and Bubba argue or have any other
9 conversation?

10 A. I asked him what was he going to do, what
11 were they going to do and when were they
12 leaving. He said he didn't know.

13 Q. So what did you go?

14 A. I was just waiting for Bubba to tell me
15 something.

16 Q. What is his state of mind and demeanor at
17 this point?

18 A. At this point he's calmed down more than
19 he was the day before. He was still like
20 jumpy. You know, every time you'd hear
21 something like -- you know, every time I would
22 hear he'd make some noise like he was moving
23 around down stairs and he'd jump.

24 Q. Did you talk with Willie D on that trip?

25 A. Yes, I did.

1 Q. Tell the jury about your conversation
2 with him then.

3 A. He had called me to the head of the steps
4 and he was like, 'Everything going to be
5 alright, sis. I gonna take care of you. Just
6 -- I am going to get you a new apartment and
7 everything.' And he pulled out some money,
8 gave me some money.

9 Q. How much money did he give you?

10 A. It was over \$500.

11 Q. What did he give you \$500 for?

12 A. He said it was to get a new apartment.

13 Q. When were you supposed to go get a new
14 apartment?

15 A. I don't know.

16 Q. Why were you supposed to get a new
17 apartment?

18 A. (No verbal response).

19 Q. Why did you think you were supposed to
20 get a new apartment, Selena?

21 A. Because he had did something to my
22 apartment that he -- that wasn't supposed to -
23 - that wasn't supposed to happen.

24 Q. All right. So he gives you several
25 hundred dollars?

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- 1 A. Yes, ma'am.
- 2 Q. What did you do with it? Where did you
- 3 go?
- 4 A. I took the money and I went, uh, to
- 5 McCarthy's Gravestones.
- 6 Q. What did you do there?
- 7 A. Buy a gravestone for my son.
- 8 Q. For the one that had died a while back?
- 9 A. Yes, ma'am.
- 10 Q. Where did you go next?
- 11 A. Just riding around. Went to stores,
- 12 shopping.
- 13 Q. Just happy as a clam?
- 14 A. I wasn't happy. I was just staying away
- 15 from the house.
- 16 Q. How long did you stay gone that time?
- 17 A. I -- (pause).
- 18 Q. If you know?
- 19 A. For a few hours.
- 20 Q. At some point did you go back to the
- 21 apartment?
- 22 A. Yes, ma'am.
- 23 Q. What happened when you went back this
- 24 time to the apartment?
- 25 A. This time when I went back, I came

1 through the front door like I had been doing.
2 I went upstairs. Bubba came -- well, Bubba
3 hadn't come upstairs yet to talk to me. They
4 were downstairs, he was talking to his
5 brother. I don't know what they were saying
6 but I could hear them talking. I called him
7 up, to come upstairs. He came upstairs and ---
8 Q. Who is in the apartment at this point?
9 A. It's me, Bubba, Willie D and, from what I
10 knew, Gerard.
11 Q. You hadn't see Gerard at that point?
12 A. Not yet.
13 Q. All right. So you're upstairs?
14 A. (Affirmative nod).
15 Q. What happens next?
16 A. Then me and Bubba are talking and I'm
17 just
18 -- I can't remember the exact words that we
19 were saying but I was asking him questions
20 like 'What are you'all going to do? When are
21 you going to do it?' You know, (pause).
22 Q. When are they going to do what?
23 A. When -- where, where are they going to
24 go, when are they leaving?
25 Q. Did he have an answer for you?

- 1 A. No.
- 2 Q. What happened next?
- 3 A. Willie D called me downstairs. I went --
- 4 I got to the top of the steps about -- well,
- 5 Bubba went downstairs first. He called Bubba,
- 6 so Bubba was downstairs. Then he called me.
- 7 When I got downstairs, Gerard was in the
- 8 living room on the floor.
- 9 Q. What condition was Gerard in?
- 10 A. They said that he was dead.
- 11 Q. Who said he was dead?
- 12 A. I don't know if it was Bubba or Willie D
- 13 but one of them said he was dead.
- 14 Q. Could you see his whole body?
- 15 A. No, he ---
- 16 Q. What did you see?
- 17 A. His face.
- 18 Q. Why couldn't you see the rest of his
- 19 body?
- 20 A. He was wrapped in a blanket.
- 21 Q. What happened then?
- 22 A. ((No verbal response)).
- 23 Q. Is this the part that you've been
- 24 refusing to tell for three years?
- 25 A. No. I missed a part.

1 Q. Okay. Tell me.

2 A. The part that I have been not wanting to

3 say because I knew it was going to, you know,

4 it was going to look really bad that you know

5 he had asked me what I ---

6 Q. Who asked you?

7 A. Willie D -- he had asked me if he should

8 let him live or die.

9 Q. And you said what?

10 A. I said "he knows who you are and he knows

11 where you brought him."

12 Q. What did you mean by that, Selena?

13 A. That he knew -- (emotional) -- he knew

14 whose house he brought him to.

15 Q. Your house?

16 A. Yes, ma'am.

17 Q. How did Willie D react when you said

18 that?

19 A. He didn't say anything after that.

20 Q. Was that while Gerard was on the floor or

21 did that happen before ---

22 A. No, that happened before.

23 Q. On one of the prior visits?

24 A. No, that was the same visit, it was just

25 ---

1 Q. When you first got there?

2 A. Like when I first got into the house and
3 Bubba wasn't upstairs yet when he asked me
4 that.

5 Q. What did you have against Gerard Roper?

6 A. Nothing, I didn't have nothing against
7 him.

8 Q. You saw him -- you knew that he was being
9 kidnaped and held in your apartment. You left
10 there several times. You never told anybody,
11 you never called the police. Why not?

12 A. I was scared.

13 Q. Of what? What had you done?

14 A. He was in my apartment and it was my
15 boyfriend. I was trying to cover for him.

16 Q. Well, what did you think your boyfriend
17 had done that you needed to cover him for?

18 A. He wasn't saying let's go to the police,
19 so -- (pause).

20 Q. Did you ever ask Bubba to leave with you
21 on any of these trips when you got to go to
22 your sister's house, go to the gravestone
23 place, go shopping? Did you ever ask him to
24 go with you?

25 A. Yes.

1 Q. What happened when you did?
2 A. His brother got mad.
3 Q. Willie D?
4 A. Yes, ma'am.
5 Q. What kind of mad?
6 A. He started waving his gun around, saying
7 'my brother ain't going nowhere, we got
8 unfinished business.' He was like, 'You
9 staying here with me. Right, Bubba? You
10 staying here with me.' Bubba said, 'Yes, I'm
11 staying here with you' and he stayed at the
12 house with him.
13 Q. So Willie D asked if Gerard should live
14 or die?
15 A. (Affirmative nod).
16 COURT REPORTER: Was that a "yes"?
17 DEFENDANT: Yes, ma'am.
18 DIRECT EXAMINATION CONTINUED
19 BY SOLICITOR WILSON:
20 Q. And you told him, 'he knows who you are,
21 he knows where you brought him'?
22 A. Yes, ma'am.
23 Q. So you told him to kill him?
24 A. (No verbal response).
25 Q. Did you or didn't you?

1 A. I didn't mean it like that.

2 Q. Well, how did you mean it? Why would you
3 say that?

4 A. I just wanted him to get out of my house,
5 I just wanted him to get away -- away. I just
6 wanted -- I didn't want none of that to be
7 going -- I would have never -- I didn't even
8 know him. I didn't know what -- I just wanted
9 him to leave.

10 Q. When you came back this last trip and you
11 had been upstairs and came downstairs and you
12 saw Gerard on the floor wrapped in a blanket,
13 did you'all have any discussion about what to
14 do with him?

15 A. Yes, ma'am.

16 Q. Tell the jury how those discussions went
17 down.

18 A. They were trying to figure out where they
19 were going to put the body. So they -- they
20 were saying something about they would put him
21 in the bushes in the back of the apartment
22 complex.

23 Q. Whose idea was the bushes -- were the
24 bushes?

25 A. I had said the bushes.

1 Q. Okay. Did they take him?
2 A. I don't know.
3 Q. Why don't you know?
4 A. Because I left the apartment.
5 Q. Where did you go this time?
6 A. Down the street to Vanessa's house?
7 Q. Who is Vanessa?
8 A. The same person I took my kid to -- my
9 child to the day ---
10 Q. Did you tell Vanessa about everything
11 that happened?
12 A. No, I didn't even get out of the car.
13 Q. What did you do there?
14 A. I just sat in the car crying.
15 Q. What happened next?
16 A. Bubba had told me to come back in a
17 little while to pick him up. So I just stayed
18 down there for a little while and then I went
19 back to the house to pick Bubba up. When I
20 got there, Gerard's body was gone and Willie D
21 was gone.
22 Q. Did you ask where Gerard was?
23 A. I understand (sic) that they'd put him in
24 the bushes, so I didn't ask him where he was.
25 Q. What happened then?

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1 A. (No verbal response).

2 Q. You and Bubba are at the apartment. What
3 do you'all do?

4 A. Bubba was cleaning. At first I was just
5 standing there.

6 Q. At any point did you go in the kitchen?

7 A. Yes, ma'am.

8 Q. Did you see anything?

9 A. I saw like the hole -- like I said, the
10 hole in the wall. A big pot was -- one of my
11 big pots was inside the sink with bleach and
12 water in it and -- (pause) -- and I saw, uh,
13 the dim marks on the floor.

14 Q. What kind of marks?

15 A. Like I saw -- the blood marks.

16 Q. And at this point are there sheets on the
17 window?

18 A. Yes, there was those sheets on the
19 window.

20 Q. At some point did that change?

21 A. No. We -- I don't know if there -- I
22 think that there were blinds up to the window
23 then. The blinds were taken from upstairs and
24 put downstairs.

25 Q. Why?

1 A. I don't know.

2 Q. You never saw the blinds that had been up
3 in the kitchen?

4 A. No. I saw Bubba taking a bunch of stuff
5 inside the big green garage can that he'd
6 brought in the house, and he was just throwing
7 stuff in there and then he took it out to the
8 head of the road.

9 Q. What kind of big green garbage can are
10 you talking about?

11 A. Like the one that the City of Charleston
12 gives to you.

13 Q. That was where?

14 A. It's usually behind the house on the
15 patio but he had brought it into the house.
16 He had two of them, the one from next door and
17 mine.

18 Q. He brought both of them in the house?

19 A. (Affirmative nod), and he was just
20 dumping stuff into them. Then he had big
21 black garbage bags and he was bagging up a lot
22 of stuff and putting it inside -- inside the
23 bags. Some of the stuff he took to the street
24 and some he put in the closet.

25 Q. What did you do?

1 A. I took one of the -- I had some bleach in
2 a cup and I took the bleach in the cup and one
3 of the rags and I was trying to help him.

4 Q. How?

5 A. I started scrubbing the wall next to the
6 closet.

7 Q. What were you scrubbing?

8 A. Blood.

9 Q. Selena, what were you thinking at that
10 point?

11 A. At first -- at first I was just thinking
12 about helping Bubba in doing what he said. He
13 said 'wipe that', he said 'wipe that door.'
14 So I did what he said. I started washing the
15 wall but it wasn't coming up and it was -- and
16 all the stuff on the floor, he was trying to
17 mop and I saw that it wasn't coming up and I
18 told him that 'it's not coming up.'

19 Q. When you say that it wasn't coming up,
20 was it everywhere?

21 A. I could see it on the walls and then on
22 the floor.

23 Q. Did you ever look up to the ceiling?

24 A. No, ma'am.

25 Q. How long did you and Bubba try to clean?

- 1 A. He had been cleaning when I got there.
2 But when I -- when I got there, I'd say about
3 five or six minutes at the most and I said,
4 'This ain't coming up.'
5 Q. 'This isn't working.'
6 A. (Affirmative nod), so we just got in the
7 car and left.
8 Q. What did you do after you left?
9 A. I went and picked my son up from school.
10 Q. Okay. Where did he go to school?
11 A. At Murray-Lasaine Elementary.
12 Q. Where is that?
13 A. It is off Riverland Terrace.
14 Q. Is that ---
15 A. Right around the corner.
16 Q. Where did you'all go with your son?
17 A. We went to a hotel -- well, we went to a
18 gas station and we put minutes on the phone.
19 Bubba was trying to call his brother but he
20 wouldn't answer the phone.
21 Q. So you put minutes on the phone -- that
22 would have been on the 8th, Wednesday the 8th?
23 A. Yes, ma'am.
24 Q. After you'all left the apartment?
25 A. Yes, ma'am.

1 Q. I forgot to ask you one thing about the
2 apartment. Before you left, where was the
3 coffee table?

4 A. The coffee table when we left the house
5 was upstairs in my son's bedroom.

6 Q. How did it get upstairs?

7 A. I don't know.

8 Q. Was it already upstairs when you got
9 back?

10 A. Yes, ma'am.

11 Q. All right. So he tried to call Willie D;
12 right?

13 A. Yes, ma'am.

14 Q. Then where did you'all go?

15 A. To a hotel on Johns Island, the Lands
16 Inn.

17 Q. You mentioned earlier that Willie D had a
18 gun and was waying it around when he didn't
19 want Bubba to leave with you. Did you'all
20 take the gun or guns with you?

21 A. No, when Bubba was cleaning, I saw him
22 putting the -- I didn't know it was exactly
23 guns but I saw him putting ---

24 Q. You thought it was guns?

25 A. Yes.

1 Q. Okay.

2 A. And I saw him putting it in the attic,
3 using this board that I had for Jaelen's room
4 that I was going to put up -- I saw him
5 pulling the attic back up.

6 Q. Explain what you mean. How is that attic
7 ceiling?

8 A. Like right at the top of the stairs, like
9 -- just a little slide board over it. All
10 you've got to do is knock it and it'll move.

11 Q. And you saw ---

12 A. I saw Bubba standing on top of the
13 bannister -- there is a little bannister right
14 there. He was standing on the bannister and
15 he was reaching in, putting it in there and
16 then he got down and he was using the board to
17 close it back up.

18 Q. And that was before you'all left this
19 last time?

20 A. Yes.

21 Q. All right. So you'all go to the Lands
22 Inn hotel?

23 A. Yes, ma'am.

24 Q. Where is that?

25 A. On Johns Island.

1 Q. Did you'all spend the night there?

2 A. Yes, ma'am.

3 Q. Why did you'all go there? Why not your
4 sister's or somewhere else?

5 A. I didn't want to take it to my sister's
6 house, and I knew that I probably would have
7 told her what was going on because I was real
8 upset and -- (pause) -- this -- just by what
9 was in my apartment and all these stuff, I
10 just knew that he was going to get locked up.

11 Q. Who?

12 A. Bubba.

13 Q. How long did you'all stay at the Land's
14 End?

15 A. A night.

16 Q. So until that Thursday?

17 A. Yes.

18 Q. What happened on Thursday. Did you'all
19 go back over to the apartment?

20 THE WITNESS: (Whispers to court
21 reporter), I need to go to the bathroom.

22 COURT REPORTER: (Speaking to
23 judge), Your Honor, the witness needs a break.

24 THE COURT: Okay. Ladies and
25 Gentlemen, we will take a break at this

1 moment. Do not begin your deliberations,
2 don't discuss the case. We'll be with you in
3 about five minutes or so.

4 (JURY OUT @ 12:11 P.M.)

5 THE COURT: You may come down,
6 ma'am. We'll be at-ease.

7 (BRIEF RECESS)

8 (DEFENDANT PRESENT)

9 THE COURT: Please let the record
10 reflect that the defendant is present.

11 (JURY IN @ 12:20 P.M.)

12 THE COURT: Thank you, Ladies and
13 Gentlemen. Solicitor, you may resume your
14 examination.

15 DIRECT EXAMINATION RESUMED

16 BY SOLICITOR WILSON:

17 Q. Are you ready?

18 A. Yes, ma'am.

19 Q. The guns, again, -- I'm sorry to keep
20 getting things out of order as far as
21 chronology, but those guns, when you talked
22 with the Charleston Police Department the
23 weekend after all this happened, did you tell
24 them to go get the guns?

25 A. No, ma'am.

- 1 Q. You told them that you didn't know
2 anything about anything, basically; right?
3 A. Yes.
4 Q. When was it that you finally told us
5 where these guns were?
6 A. A couple of weeks ago.
7 Q. Just a few weeks ago?
8 A. Yes, ma'am.
9 Q. You told us that they were where?
10 A. In the attic in the apartment, at the top
11 of the stairs.
12 Q. And you haven't been living there all
13 this time?
14 A. No, I haven't.
15 Q. Did you know if they were still there?
16 A. No, I hadn't -- I -- I mean, you know, if
17 you'all didn't have them I figured that they
18 were still there.
19 Q. Let's jump ahead again. You and Bubba
20 had left, you had gone to Lands End and spent
21 one night there.
22 A. Yes, ma'am.
23 Q. Then the next day what happened, where
24 did you'all go?
25 A. To my sister's house.

- 1 Q. What happened with Jaelen?
- 2 A. He went with me to my sister's house.
- 3 Q. What time of day was this?
- 4 A. Checkout time at the hotel, maybe about
- 5 11:00. We left maybe around 12:00.
- 6 Q. We're on Thursday, right?
- 7 A. No, this is Friday.
- 8 Q. Okay. You said on Wednesday ---
- 9 A. Yes, yes, Thursday.
- 10 Q. That Thursday, did you'all go back to the
- 11 apartment?
- 12 A. No, ma'am.
- 13 Q. When do you find out that the police know
- 14 something about what happened in your
- 15 apartment?
- 16 A. When I took Jaelen to school that
- 17 morning.
- 18 Q. On Thursday?
- 19 A. Yes, ma'am.
- 20 Q. So did Jaelen go with you to your
- 21 sister's or not?
- 22 A. No, ma'am.
- 23 Q. You took Jaelen to school?
- 24 A. Yes, ma'am.
- 25 Q. All right. Before you took him to school

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Before The Honorable R. Markley Dennis, Jr.

3000

- 1 did you go by your house?
- 2 A. We rode down that road.
- 3 Q. To your house?
- 4 A. Yes, ma'am.
- 5 Q. Why?
- 6 A. Because I didn't have a license and I
- 7 don't like riding on Riverland Terrace because
- 8 there's a police department over there.
- 9 Q. What happened when you got close to the
- 10 apartment, what did you see?
- 11 A. I saw a bunch of police cars outside, a
- 12 bunch of stuff going on down in the apartment
- 13 complex.
- 14 Q. What did you think that was all about?
- 15 A. I knew that they had found Gerard's body.
- 16 In my mind, I knew that they had found it.
- 17 Q. Did you'all continue on to the apartment?
- 18 A. No, we went and took Jaelen to school.
- 19 Q. Then where did you go?
- 20 A. To my sister's house.
- 21 Q. Did you stay there all day?
- 22 A. I did.
- 23 Q. What about Bubba, what happened with him?
- 24 A. He called his cousin to come pick him up
- 25 and he went to Columbia.

1 Q. Who was his cousin?
2 A. Kenny.
3 Q. Kenny who?
4 A. (No verbal response).
5 Q. Was that "Boss Hog"?
6 A. I don't know his nickname.
7 Q. You don't know him very well?
8 A. I know him as Kenny, Cousin Kenny.
9 Q. All right. What was in Columbia, why go
10 to Columbia?
11 A. Because his other cousin was there and he
12 was going up there.
13 Q. Did you tell him ---
14 A. He was running.
15 Q. What?
16 A. I think he was running.
17 Q. Did you'all talk about how long he was
18 going to stay there or anything like that?
19 A. He said he was going to stay a couple of
20 days. He said, 'I'm going to stay up there
21 for a few days and I'll call you.'
22 Q. What happened? Did he come back?
23 A. He stayed for a day, a day and a half,
24 and then when the detectives were trying to
25 get in touch with me and they had called my

1 mom and then she got -- she called me and I
2 called back and they told me that they wanted,
3 you know, me to come in down at the station.

4 Q. What are you thinking now? They want to
5 talk to you.

6 A. (No verbal response).

7 Q. What was the plan?

8 A. I didn't have one.

9 Q. When you and Bubba marched down to the
10 police department, you'all didn't have a
11 story?

12 A. We didn't march down there together.

13 Q. Okay.

14 A. I went with my mom.

15 Q. All right. You came up with what?

16 A. I said a lie that I don't even remember.

17 Q. Okay. You have no idea now what you told
18 them?

19 A. No, ma'am.

20 Q. It wasn't anything like you've told this
21 jury?

22 A. No, ma'am.

23 Q. Why was that, why did you lie to them?

24 A. I was trying to cover for Bubba and for
25 myself.

1 Q. Because you hadn't done anything to stop
2 this.

3 A. Exactly, I didn't come forward.

4 Q. You helped clean up.

5 A. (No verbal response).

6 Q. Right?

7 A. Yes, ma'am.

8 Q. You were worried about myself?

9 A. I was worried about myself.

10 Q. And worried about Bubba?

11 A. Worried about Bubba, (affirmative nod).
12 I wasn't thinking.

13 Q. How about Jaelen?

14 A. I just wasn't thinking at all what I
15 should have been thinking.

16 Q. It took you three years to think what you
17 should have been thinking, didn't it?

18 A. Yes, ma'am.

19 Q. So you talked to the police. When did
20 Bubba get home, when did he come back?

21 A. I called him and told him that they had
22 called me and wanted to speak with me. I told
23 him that he needed to come home because I
24 didn't know what to say or do and I was
25 scared.

- 1 Q. Did he come home?
- 2 A. Yes.
- 3 Q. Do you know if he went to the police?
- 4 A. Yes, he did.
- 5 Q. Did you go with him?
- 6 A. Yes.
- 7 Q. Were you in there when they interviewed
- 8 him?
- 9 A. No.
- 10 Q. So you don't know exactly what he told
- 11 them?
- 12 A. No.
- 13 Q. But he didn't get arrested?
- 14 A. He got arrested for something else.
- 15 Q. Unrelated to this?
- 16 A. Yes, ma'am.
- 17 Q. Some drug charges or gun charges or
- 18 something like that?
- 19 A. Stolen stuff.
- 20 Q. Nothing related to this?
- 21 A. No, ma'am.
- 22 Q. So you and he were in the clear as far as
- 23 you were concerned?
- 24 A. Yes, ma'am.
- 25 Q. What about Willie D, did you see him

1 again after this?

2 A. No, ma'am.

3 Q. At any point from March the 7th until the
4 police are involved, do you ever see Popcorn?

5 A. No, ma'am.

6 Q. Never saw him in connection with Gerard
7 Roper?

8 A. No, ma'am.

9 Q. All right.

10 A. I just know what Bubba told me.

11 Q. Which is that he didn't come back?

12 A. He didn't come back.

13 Q. And that is why they were still hanging
14 out at your apartment?

15 A. Yes, ma'am.

16 SOLICITOR WILSON: Beg the court's
17 indulgence, I lost my train of thought here.

18 THE COURT: Take your time.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR WILSON:

21 Q. Willie D, did you ever see him after you
22 left the apartment that last time and when you
23 returned and he wasn't there anymore, did you
24 see him again?

25 A. No, ma'am.

- 1 Q. Did you talk with him again?
- 2 A. No, ma'am.
- 3 Q. At some point did you learn that he had
- 4 been arrested?
- 5 A. Yes, ma'am.
- 6 Q. When you went and talked to the police
- 7 and gave them your statement that you can't
- 8 even remember, it was such a lie, Willie D had
- 9 already been arrested at that point?
- 10 A. I'm not sure. I think so.
- 11 Q. Right around that time?
- 12 A. Yes, ma'am.
- 13 Q. After that, life goes on.
- 14 A. (No verbal response).
- 15 Q. Right?
- 16 A. (No verbal response).
- 17 Q. Did you go back to work?
- 18 A. Not right away. No, ma'am.
- 19 Q. Did you eventually get another job here
- 20 in Charleston?
- 21 A. Yes, ma'am.
- 22 Q. Where did you start working?
- 23 A. At the Sunoco on Dorchester Road.
- 24 Q. How about Bubba, did he continue to work
- 25 or not work, what did he do?

1 A. Well, when he came back ---
2 Q. No, no. I'm talking about in March,
3 April, May, June after this happened?
4 A. He was confined.
5 Q. On those other charges?
6 A. Yes, ma'am.
7 Q. At some point he got out?
8 A. Yes, ma'am.
9 Q. And after he got out did he get a job?
10 A. Yes, ma'am.
11 Q. Where was he working?
12 A. Somewhere downtown. He was living with
13 his mom.
14 Q. He wasn't living with you anymore?
15 A. No, ma'am.
16 Q. Where were you living?
17 A. With my sister.
18 Q. How is it that you'all are living apart,
19 he's got a job, you've got a job, and somehow
20 you end up in Florida? I still don't know
21 what happened there.
22 A. He had came and talked to me, what we had
23 talked on the phone, and ---
24 Q. Were you'all still involved in a
25 relationship?

1 A. We had broke up.

2 Q. Because of what?

3 A. Everything that was going on and him not
4 telling the truth and -- (pause).

5 Q. So you'all get reunited at some point?

6 A. Yes, ma'am.

7 Q. Do you remember about when that was?

8 A. 2007. Maybe right before 2007 or maybe a
9 little bit after.

10 Q. And when was it that you'all moved to
11 Florida?

12 A. Right after that.

13 Q. Right after you'all got back together?

14 A. Yes, ma'am.

15 Q. Now, down in Florida, did you notice
16 anything different about Bubba?

17 A. Yes, ma'am.

18 Q. Or any trouble that he was having?

19 A. Before he left he had been doing drugs a
20 lot, he was real skinny, ---

21 MR. CARROLL: Objection, Your Honor.
22 Relevance.

23 THE COURT: I am going to allow a
24 little bit of questioning in that regard. You
25 may continue.

1 DIRECT EXAMINATION CONTINUED

2 BY SOLICITOR WILSON:

3 Q. How about his sleeping?

4 A. He had been having nightmares, shaking
5 throughout the night.

6 Q. Did you ever ask him what it was about?

7 A. Yes, ma'am.

8 Q. Would he tell you?

9 A. No.

10 MR. CARROLL: Objection, Your Honor.

11 THE COURT: Sustained.

12 SOLICITOR WILSON: She said no.

13 THE COURT: You asked her what he
14 told her.

15 SOLICITOR WILSON: 'Did he ever tell
16 you', and she said "no."

17 THE COURT: Okay.

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR WILSON:

20 Q. So you don't know what that was about?

21 A. I --

22 THE COURT: I am not going to allow
23 that because it would be speculation.

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR WILSON:

1 Q. He never told you what it was about?

2 A. No, ma'am.

3 Q. But the nightmares continued while you
4 were in Florida?

5 A. Yes, ma'am.

6 Q. And I -- I'm going to ask you to -- I
7 think you might be able to stay right there
8 (witness stand). Selena, take a look at what
9 has been introduced as State's Exhibit 60, it
10 is going to show up on that screen over there.

11

12 SOLICITOR WILSON: If you could dim
13 those lights over there.

14 CLERK: (Complies).

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR WILSON:

17 Q. Do you recognize State's Exhibit 60?

18 A. Yes, ma'am.

19 Q. Speak up.

20 A. Yes, ma'am.

21 Q. What is that right there?

22 A. My work clothes.

23 Q. When did you last have on those work
24 clothes?

25 A. March 6th?

- 1 Q. The day ---
- 2 A. The day I got home from work.
- 3 Q. The day that Bubba came ---
- 4 A. --- and picked me up from work.
- 5 Q. Showing State's Exhibit 63, what is all
- 6 that on your pants?
- 7 A. Bleach stains.
- 8 Q. When did you get bleach stains on your
- 9 pants?
- 10 A. I don't know, that had been on my pants.
- 11 Q. You aren't denying that you worked with
- 12 bleach and helped clean up the floors.
- 13 A. (Negative gesture) -- yes.
- 14 Q. To cover up Gerard's death?
- 15 A. Yes, I don't deny I washed the walls.
- 16 Q. Did you have those clothes on when you
- 17 did that?
- 18 A. No, ma'am.
- 19 Q. Those bleach stains are just a
- 20 coincidence?
- 21 A. Yes, that's old bleach stains, why I used
- 22 those pants to go to work.
- 23 Q. What do you mean that's why you used
- 24 those pants to go to work?
- 25 A. Because we have to wear dark pants and

1 they were the only dark pants that I had.

2 Q. Do you know how you got bleach stains on
3 them?

4 A. No.

5 Q. Do you use bleach at work?

6 A. No, we're not supposed to. You might use
7 it once in a while in the bathroom or for --
8 something, you know, like urine or something,
9 but we're not supposed to use it.

10 Q. Then State's Exhibit 61, the water in the
11 tub there?

12 A. Yes, ma'am.

13 Q. Is that the bath you were drawing for
14 yourself when you got home?

15 A. Yes, ma'am.

16 Q. State's Exhibit 88? When you talked
17 about Bubba with the trash can, is that the
18 kind of trash can that you're talking about?

19 A. Yes, ma'am.

20 Q. Where in your house?

21 A. He had brought it into the kitchen.

22 Q. Just one or two?

23 A. One at a time but he had two of them.

24 Q. He filled one up and he filled up another
25 one?

1 A. Yes, ma'am.

2 Q. You also mentioned that there were some
3 big black trash bags. What did he do with
4 those trash bags?

5 A. Bagged them up and put them inside the
6 closet.

7 Q. Do you know what was in those?

8 A. Videotapes, everything from off the
9 entertainment center. Anything that was on
10 the entertainment center was inside the bags.

11 Q. Why?

12 A. Because there were blood stains on them.

13 Q. When you talked about Willie D waving a
14 gun when you asked Bubba to go with you on one
15 of these trips when you got to leave, do you
16 remember what kind of gun that it was?

17 A. I am not sure but I thought it was a --
18 it had like a little circle thing on it.

19 Q. Like a cowboy gun?

20 A. Yes, ma'am.

21 SOLICITOR WILSON: Beg the court's
22 indulgence.

23 THE COURT: Yes.

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR WILSON:

1 Q. In the picture we saw earlier of your
2 bathtub and the clothes beside it, we talked
3 about the bleach stains. You also had a pair
4 of shoes that were right there with those
5 clothes; is that right?

6 A. Yes, ma'am.

7 Q. How is it, Selena, that those shoes that
8 you had ended up having Gerard Roper's blood
9 on them?

10 These shoes, (displaying). These are yours,
11 right?

12 A. Yes, ma'am.

13 Q. These are a size, what? What size do you
14 wear?

15 A. Those are actually Bubba's shoes and
16 they're like an eight and a half or a nine.

17 Q. Bubba's shoes that you wore?

18 A. Yeah, we shared shoes.

19 Q. Okay.

20 A. And these are the shoes that we saw in
21 that picture by your clothes with the bleach
22 spots on them, right?

23 A. Yes, ma'am.

24 Q. How do these have Gerard's blood on them?

25 A. I don't know.

1 Q. How do you think?

2 A. (No verbal response).

3 Q. Did you go into that kitchen?

4 A. No, ma'am.

5 Q. How far into the living room did you get

6 when you came home before you changed clothes?

7 A. By the entertainment center.

8 Q. I show you State's Exhibit 298. Looking

9 at State's Exhibit 298, if this is the front

10 door here and these are the stairs to the

11 second story, the entertainment center, show

12 the jury how far in you came that first time.

13 A. About right here, (indicating).

14 Q. Just standing by the entertainment

15 center?

16 A. Yes, ma'am.

17 Q. You mentioned that you could see into the

18 kitchen, is that right?

19 A. Yes, ma'am. You could just see to the

20 side, straight into the kitchen, like the

21 dining room table.

22 Q. So standing like where you were, could

23 you see that credenza thing over there?

24 A. No, ma'am.

25 Q. Could you see the refrigerator, or

- 1 whatever it is, over here?
- 2 A. No, ma'am.
- 3 Q. When you saw those -- what you said that
- 4 you thought were blood marks in the hallway,
- 5 where did you see them? You can stand up.
- 6 A. (Indicating), like right in here.
- 7 Q. In that area, was that carpet or tile?
- 8 A. Tile.
- 9 Q. Which trip was it on the 8th that you
- 10 noticed the coffee table was no longer in the
- 11 den, the downstairs? When you first came that
- 12 morning was the coffee table there?
- 13 A. Yes, ma'am.
- 14 Q. Then you left to go to the gravestone
- 15 placA. Yes, ma'am.
- 16 Q. You came back?
- 17 A. Yes, ma'am.
- 18 Q. Was the coffee table there when you came
- 19 back? Do you remember?
- 20 A. I am not sure.
- 21 Q. At some point did you see them move the
- 22 coffee table?
- 23 A. I didn't see them move the table but --
- 24 th_ time that I came in the apartment, it
- 25 was upstairs.

1 Q. Take a look at State's Exhibit 114. What
2 does that show, Selena?

3 A. The entertainment stand and the hallway.

4 Q. Okay. The bags that you talked about
5 that Armon or Bubba packed with videotapes and
6 stuff, they came from that entertainment
7 center?

8 A. Right. Right underneath, yes.

9 Q. Using this laser pointer, show the jury
10 where you stood when you came in that first
11 time.

12 A. (Indicates with laser pointer).

13 Q. Right in front of there?

14 A. Yes, ma'am.

15 Q. Then using the laser pointer, show them
16 where you saw what you thought was blood.

17 A. (Indicating, between door into bath and
18 closet under stairs).

19 Q. Right in there?

20 A. Yes, ma'am.

21 SOLICITOR WILSON: That's all that I
22 have, Your Honor.

23 THE COURT: Do you anticipate a
24 lengthy cross-examination?

25 MR. BLOOM: Yes, sir.

1 THE COURT: At this point, Ladies
2 and Gentlemen, we need for you to go -- we
3 will take our recess for lunch, let you go to
4 lunch. Do not begin your deliberations. Of
5 course, don't permit anyone to talk with you
6 or talk about this case in your presence.
7 Let's be back by 2:00 and we will resume the
8 trial at that time.

9 (JURY OUT @ 12:43 P.M.)

10 THE COURT: Anything from the State
11 before we recess?

12 SOLICITOR WILSON: No, sir.

13 THE COURT: Anything from the
14 defendant before recessing?

15 MR. CARROLL: No, sir.

16 THE COURT: Thank you. We will be
17 at-ease until 2:00 o'clock, please. Ms.
18 Rouse, you're not at liberty and may not talk
19 to any of the attorneys about your testimony.
20 You may come down for lunch. Be back by 2:00
21 o'clock, please.

22 MR. DURANT: You may want to
23 instruct her not to talk to anyone.

24 THE COURT: You're not at liberty
25 to talk to these attorneys. I think her

1 counsel is here and she certainly can talk
2 with -- you're permitted to talk with your
3 lawyer but you're not permitted to talk with
4 any of the lawyers here. Okay?

5 THE WITNESS, MS. ROUSE: Yes, sir.

6 (LUNCH RECESS)

7 (DEFENDANT PRESENT)

8 THE COURT: Anything from the State
9 before we bring in the jury?

10 SOLICITOR WILSON: No, sir.

11 THE COURT: Anything from the
12 defendant before we bring in the jury, Mr.
13 Bloom?

14 MR. BLOOM: No, sir.

15 THE COURT: I've done some more
16 reading and will continue to do that. Is
17 there anything on this witness that you intend
18 to talk about, any prior statements of this
19 witness?

20 MR. CARROLL: There is an initial
21 statement that I think we will talk about with
22 her.

23 THE COURT: I have reread the
24 Foster case, that in conjunction with some of
25 the other decisions, and I think I have a

1 better grasp -- I do want to make a statement
2 that I really do need to correct because I was
3 in error. The *Foster* case talks about this,
4 because -- I talked about the fairness aspect
5 and the *Foster* case says that is no longer the
6 issue. As I read *Foster* -- it is under
7 801(d)(1), so it comes in under that or it
8 doesn't come in. I do correct that part, that
9 I am not -- I still -- part of my reasoning
10 and rationale was 801(b)(1) and I'll talk more
11 specifically about that. I am making copies
12 of some excerpts from the *Foster* case that I
13 think are germane to that. I will revisit it,
14 I will deal with that if it comes up, Mr.
15 Carroll. Please feel free to go forward. I
16 know you will.

17 MR. CARROLL: Yes, sir.

18 SOLICITOR WILSON: Are you
19 anticipating reversing your other ruling?

20 THE COURT: Not at this point,
21 Solicitor. But at this juncture the jury has
22 not seen it -- we have not referred to
23 anything. I still -- to be perfectly candid
24 with you, no. It probably reinforces the
25 feeling because it deals specifically with

1 something that I think *Foster* really supports.

2

3 Let me just put this much on it,
4 because I'm still reading it but -- as I read
5 these cases, and I think this is some of the
6 essence of Mr. Bloom's argument, and I am not
7 trying to be presumptuous to say that I know
8 everything that he is trying to allude to or
9 suggest, but when -- it seems the *Foster* case
10 and the *Salts* case seem to say that where
11 you're challenging merely the credibility
12 issue, that is an inconsistent statement, it
13 doesn't come in. That is not the question, of
14 whether -- because then it goes to merely
15 bolstering.

16 I hope -- I hope this case isn't one
17 where they tried to draw the fine line between
18 what is bolstering and what is corroboration.

19

20 I don't know. I am not going to be so
21 presumptuous as to think I know what it is. I
22 know that we have -- that the court has thrown
23 out things for bolstering and they've allowed
24 corroboration. They both -- corroboration is
25 bolstering, so -- obviously by its very

1 nature.

2 BRUCE DURANT: Crystal ball.

3 THE COURT: That's right. Clearly
4 in this particular case, the issue concerns --
5 not so much the recent fabrication. We are
6 not talking so much about that as we are the
7 motive behind it, that's the second part of
8 that. They keep talking about that motive
9 part, or improper motive that's been the
10 primary basis on which I've overruled the
11 objective -- in the first situation and in
12 this situation. But I am going to continue to
13 read that, Mr. Bloom, and will address those
14 issues first.

15 BRUCE DURANT: Thank you.

16 THE COURT: Let's bring in our
17 jury, please.

18 (JURY IN @ 2:13 P.M.)

19 THE COURT: Thank you very much,
20 Ladies and Gentlemen. I hope you had a good
21 lunch. When we took our recess, I believe the
22 State had completed its direct examination.
23 Mr. Carroll, you may begin your cross
24 examination.

25 MR. CARROLL: Thank you, Your Honor,

1 may it please the court.

2 THE COURT: Yes, sir.

3 CROSS EXAMINATION

4 BY MR. CARROLL:

5 Q. Is it Miss Rouse or Mrs. Dickerson?

6 A. I go by Ms. Rouse.

7 Q. Ms. Rouse?

8 A. (Affirmative nod).

9 Q. Ms. Rouse, you gave the order to kill
10 Gerard Roper?

11 A. No, sir.

12 Q. You were engaged in a conversation while
13 Gerard was still alive about what to do with
14 him?

15 A. I was asked if he should let him live or
16 if he should kill him.

17 Q. That was there at your house, Apartment
18 E-3; Fleming Road?

19 A. Yes.

20 Q. And your then-boyfriend, now husband,
21 Armon Dickerson, was there?

22 A. Yes, sir.

23 Q. Just you, Armon, and your six-year-old
24 son at the time, Jaelen, that lived there;
25 correct?

- 1 A. Yes, sir.
- 2 Q. William Dickerson did not live in that
3 apartment?
- 4 A. No, sir.
- 5 Q. The concern that you had was Gerard Roper
6 knew where he was at, correct?
- 7 A. Yes, sir.
- 8 Q. Gerard Roper had been at that apartment
9 before?
- 10 A. Yes, sir.
- 11 Q. He had been there to visit with Armon?
- 12 A. Yes, sir.
- 13 Q. You were worried that if Gerard Roper
14 survived that he would be able to bring the
15 police right back to that apartment; right?
- 16 A. Yes, sir.
- 17 Q. Had he been able to bring the police back
18 there, then you would have been in trouble?
- 19 A. Yes, sir.
- 20 Q. And your now husband, Armon Dickerson,
21 would have been in trouble?
- 22 A. Yes, sir.
- 23 Q. That kind of trouble might have been
24 kidnaping?
- 25 A. (No verbal response).

- 1 Q. That's what entered your mind?
- 2 A. Yes, sir.
- 3 Q. Assault and battery?
- 4 A. (No verbal response).
- 5 Q. Beating him up?
- 6 A. I just knew we were going to be in
- 7 trouble.
- 8 Q. Somehow as you processed that in your
- 9 head you thought it would be better for him
- 10 just to be dead?
- 11 A. I didn't say kill him.
- 12 Q. The question was should he live or should
- 13 he die. 'He knows where we are, he knows
- 14 where we live.' Is that what you said?
- 15 A. Yes, sir.
- 16 Q. Does that sound like 'let him go'?
- 17 A. No, sir.
- 18 Q. Does that sound like 'let him live'?
- 19 A. No, sir.
- 20 Q. Sounds like "kill him"; correct?
- 21 A. Yes, sir.
- 22 Q. How long had you lived in Apartment E-3
- 23 A. About four or five -- four years.
- 24 Q. Four years?
- 25 A. (No verbal response).

- 1 Q. Armon's father lived where?
- 2 A. Two doors down from me.
- 3 Q. Two doors down?
- 4 A. (Affirmative nod).
- 5 Q. Gerard's body was dumped where?
- 6 A. Next-door to my apartment.
- 7 Q. Your apartment was a duplex, two
- 8 apartments joined together, one unit?
- 9 A. It's four apartments in one big building.
- 10 Next door.
- 11 Q. The one that was immediately next to you
- 12 was E-4?
- 13 A. Yes, on one side of me and on the other
- 14 side of me was E-2.
- 15 Q. Did somebody lived in E-2?
- 16 A. Yes, sir.
- 17 Q. Nobody lived in E-4?
- 18 A. No, sir.
- 19 Q. Nobody had lived there for a while,
- 20 right?
- 21 A. No, somebody had just moved out a few
- 22 months ago.
- 23 Q. A few months?
- 24 A. Yes, sir.
- 25 Q. Three months or more?

1 A. Probably.

2 Q. You knew that apartment was empty, didn't

3 you?

4 A. Yes, sir. (Affirmative nod), next-door

5 to me.

6 Q. Armon knew that apartment was empty?

7 A. Yes, sir.

8 Q. That's where Gerard's body was dumped?

9 A. Yes, sir.

10 Q. You and Armon have a lot in common,

11 indeed you'all are married now; right?

12 A. Yes, sir.

13 Q. You'all got married back --when?

14 A. February 23, 2008.

15 Q. February 23, 2008. When was it you came

16 back to Charleston to meet with Investigator

17 Osborne, Investigator Casey and Detective

18 Burckhardt about this case?

19 A. February 25th, 2008.

20 Q. Anybody ever suggest to you that if you

21 married that they can't make you testify

22 against your spouse?

23 A. No, sir.

24 Q. Another thing that you'all have in common

25 or at least a thing that you have in common is

1 that you wear about the same size shoes?

2 A. Yes, sir.

3 Q. The clothing that the Solicitor showed
4 here, McDonald's work uniform, those pants
5 were not uniform pants?

6 A. No, sir.

7 Q. You were just required to wear dark pants
8 and a McDonald's uniform shirt?

9 A. Yes, sir.

10 Q. Then you had on those size nine black
11 tennis shoes?

12 A. Yes, sir.

13 Q. You were the only one that wore those?

14 A. No -- (affirmative nod), that day.

15 Q. That day?

16 A. That I know of; yes, sir.

17 Q. They say that those shoes were collected
18 by crime scene technicians where you left
19 them, right?

20 A. Yes, sir.

21 Q. Now, you got word through your mother
22 that Detective Burckhardt with the Charleston
23 Police Department needed to talk with you,
24 right?

25 A. Yes, sir.

- 1 Q. You knew immediately knew what that was
2 about, didn't you?
- 3 A. Yes, sir.
- 4 Q. Did not have to wonder at all?
- 5 A. No, sir.
- 6 Q. By that time you knew, having seen with
7 your own eyes, that the police had discovered
8 Gerard Roper's body?
- 9 A. Yes, sir.
- 10 Q. You learned that because you, Armon and
11 Jaelen was heading back towards your
12 apartment?
- 13 A. I was taking my son to school.
- 14 Q. Did you need to stop off and get a book
15 bag or anything like that on the way?
- 16 A. No, sir.
- 17 Q. Was he in the first grade?
- 18 A. (Affirmative nod), at that time.
- 19 Q. Murray-Lasaine Elementary School on James
20 Island?
- 21 A. Yes, sir.
- 22 Q. I believe Murray-Lasagna is out on
23 Riverland Drive?
- 24 A. Yes, sir.
- 25 Q. Not very far from Murray-Lasaine

1 Elementary School is a Charleston County
2 Sheriff's Department substation; is that true?

3 A. Yes, sir.

4 Q. Not uncommon for deputy sheriffs to be at
5 that location, correct?

6 A. Yes, sir.

7 Q. I believe you testified that you were
8 working on Tuesday the 7th, minding your own
9 business at work when Armon showed up;
10 correct? A. Yes, sir.

11 Q. When Armon came there, he wanted you to
12 get off before your shift ended?

13 A. Yes, sir.

14 Q. Armon wasn't there to say, 'Look here,
15 Selena, something crazy is going on. You need
16 to go to North Charleston to your mama.' He
17 didn't tell you that, did he?

18 A. Not right then; no, sir.

19 Q. He didn't say, 'Selena, look, I'm scared.
20 I don't know what to do. Go to the police,
21 send them to our house.'

22 A. No, sir.

23 Q. He said 'come with me back home'.

24 A. Yes, sir.

25 Q. Your work shift was scheduled to end at

1 about 4:00 o'clock?

2 A. Yes, sir. I believe so.

3 Q. So he was there before you were supposed

4 to get off?

5 A. Yes, sir.

6 Q. I believe that you testified that it was

7 somewhere around 3:30, is what you informed

8 law enforcement officers, or thereabout when

9 he came by and picked you up?

10 A. A little bit earlier than 3:30.

11 Q. A little earlier than 3:30?

12 A. Yes.

13 Q. So between 3:00 and 3:30?

14 A. (No verbal response).

15 Q. When was it?

16 A. About 2:30, between 2:30 and 3:00.

17 Q. And he was driving his brother's, William

18 Dickerson's, car?

19 A. Yes.

20 Q. Was Jaelen in the car with him?

21 A. No.

22 Q. Where was Jaelen?

23 A. He was still at school.

24 Q. Jaelen hadn't been at home that day with

25 Armon?

- 1 A. No, sir.
- 2 Q. No question in your mind?
- 3 A. Yes -- no, sir, he was not there.
- 4 Q. After Armon got you from McDonald's did
- 5 you then go pick Jaelen up?
- 6 A. Yes.
- 7 Q. And I believe that you testified that you
- 8 took him to a friend's house?
- 9 A. Yes, sir.
- 10 Q. Armon said 'he can't come back'?
- 11 A. Yes, sir.
- 12 Q. He's through.
- 13 A. Yes, sir.
- 14 Q. You went back to E-3 and Armon said
- 15 'we've got to go get some cleaning stuff' from
- 16 the Dollar General; right?
- 17 A. (No verbal response).
- 18 Q. It was the Dollar General that you'all
- 19 went to; correct?
- 20 A. Yes, sir.
- 21 Q. Then you went back to your apartment?
- 22 A. Yes, sir.
- 23 Q. Where did you park the car?
- 24 A. On the side of the building next to his
- 25 daddy's house.

1 Q. You'all had to walk right past his
2 daddy's house to go back down to your
3 apartment?

4 A. Yes, sir.

5 Q. Went on in -- and Gerard Roper was there,
6 correct?

7 A. Yes, sir. That is what I was told, yes,
8 sir.

9 Q. Of your own personal knowledge you don't
10 know how Gerard got there, do you?

11 A. No, I was told.

12 Q. Told by Armon?

13 A. Yes, sir.

14 Q. Armon has had a little bit of trouble
15 telling the truth in this case, hasn't he?

16 A. (No verbal response).

17 SOLICITOR WILSON: Objection, Your
18 Honor.

19 THE COURT: Sustained.

20 CROSS EXAMINATION CONTINUED

21 BY MR. CARROLL:

22 Q. Did you and Armon break up for awhile
23 while this was going on?

24 A. After he got out of jail. Yes, sir.

25 Q. After he got out of jail?

- 1 A. Yes, sir.
- 2 Q. I believe you testified the reason was
3 because he wasn't telling the truth?
- 4 A. Yes, sir.
- 5 Q. You didn't see anybody bring Gerard Roper
6 there, did you?
- 7 A. No, sir.
- 8 Q. Do you know anybody with a green SUV --
9 back in 2006?
- 10 A. Yes, sir.
- 11 Q. Who was that?
- 12 A. Kenny has a green truck.
- 13 Q. Who is Kenny?
- 14 A. Bubba's cousin.
- 15 Q. Bubba's cousin, Kenneth Fludd?
- 16 A. Yes, sir.
- 17 Q. Is that who he went to Columbia with?
- 18 A. Yes, sir.
- 19 Q. In that green SUV?
- 20 A. Yes, sir.
- 21 Q. You didn't have a phone in that place, in
22 that house, E-3 -- a land line, a telephone
23 mounte on the wall that you paid Bell South
24 for?
- 25 A. No, sir.

1 Q. None?

2 A. (Negative gesture).

3 Q. You had a cell phone, you and Armon?

4 A. Yes, sir.

5 Q. You'all basically shared that phone?

6 A. Yes, sir.

7 Q. But there no minutes on it on the 7th, is

8 that correct?

9 A. Yes, sir.

10 Q. You didn't have any minutes on it until

11 you cleaned the crime scene of the evidence

12 and left that apartment, that's when you'all

13 put minutes on it?

14 A. On the 9th. Yes, sir.

15 Q. On the 9th?

16 A. Yes, sir.

17 Q. So it would have been a whole day later

18 after that that you'all went and put minutes

19 on the phone.

20 A. No -- the 8th. I'm sorry.

21 Q. The 8th?

22 A. The evening of the 8th.

23 Q. So William Dickerson's phone was there at

24 that apartment, right?

25 A. Yes, sir.

1 Q. And I believe after you left you called
2 back trying to talk to Armon at some point?

3 A. I called, yes, sir.

4 Q. And when you were trying to get ahold of
5 Armon, you had William's phone number; right?

6 A. Yes, sir.

7 Q. And if Armon was going to call you, or
8 anybody else, he would have to use William's
9 phone; right?

10 A. Yes, sir.

11 Q. That was the only phone there; correct?

12 A. That I know of, yes, sir.

13 Q. That you know of?

14 A. Yes, sir.

15 Q. Like most people, you'all had an address
16 book with some phone numbers in it; right?

17 A. Yes, sir.

18 Q. There is a listing in your address book
19 for "Mama", do you remember who that was?

20 A. Who?

21 Q. Mama.

22 A. My mama?

23 Q. It just says "Mama", was that your
24 mother?

25 A. (No verbal response).

1 Q. What was that number back then?

2 A. (No verbal response).

3 Q. You don't remember?

4 A. A 762 number.

5 Q. Do you remember would it have been an
6 813-4017?

7 A. (Negative gesture).

8 MR. CARROLL: I want to have this
9 marked as a defense exhibit.

10 COURT REPORTER: Defendant's
11 Exhibit 14 for identification.

12 MR. CARROLL: Thank you.

13 CROSS EXAMINATION CONTINUED

14 BY MR. CARROLL:

15 Q. Selena, I am going to give you
16 Defendant's Exhibit 14 that has been marked
17 for identification and I would like for you to
18 look at that.

19 A. (Complies).

20 Q. That cell phone that we're talking about,
21 you voluntarily turned that over to Charleston
22 Police Department; correct?

23 A. Yes, sir.

24 Q. They downloaded some data from your
25 phone, is that right?

- 1 A. Yes, sir.
- 2 Q. And one of the things that they
3 downloaded was this address book right here,
4 correct?
- 5 A. Yes, sir.
- 6 Q. All right. "Mama", that number there,
7 who is that?
- 8 A. I don't know.
- 9 Q. 813-4017, is it possible that was Bubba's
10 mama?
- 11 A. Possibly.
- 12 Q. How about Boss Hog?
- 13 A. I don't know?
- 14 Q. There is a number listed for "Boss Hog",
15 822-0604, do you know if that is Kenneth
16 Fludd's phone number?
- 17 A. It could have been, but I don't know him
18 by Boss Hog.
- 19 Q. You never knew him by that?
- 20 A. No. I called him Kenny.
- 21 Q. Willie D, see that there?
- 22 A. (Affirmative nod).
- 23 Q. 530-5085, whose phone number is that?
- 24 A. Willie D is his brother. I don't know --
25 I didn't know his number.

1 Q. It was in your book, so if you wanted to
2 call him you could just dial it up? I mean,
3 you were calling that number, right?

4 SOLICITOR WILSON: Your Honor, I
5 would object. She says she doesn't know the
6 number. If he could refresh her recollection
7 ---

8 THE COURT: I understand. I will
9 allow the question.

10 CROSS EXAMINATION CONTINUED

11 BY MR. CARROLL:

12 Q. You dialed this number to get ahold of
13 Armon; right?

14 A. No, I don't recall dialing that number.
15 I don't know the number.

16 Q. Do you know who "Little J" is?

17 A. Yes.

18 Q. 343-8086. Who is Little J?

19 A. A boy from down the street.

20 Q. Lives in the neighborhood?

21 A. Yes.

22 Q. "Freak"?

23 A. That's Bubba's cousin.

24 Q. 442-1373 is the number you have for
25 Freak; is that correct?

1 A. That's the number I see.

2 Q. "Dutch", do you know who Dutch is?

3 A. Yes, -- someone Bubba worked with.

4 Q. Someone that Bubba worked with?

5 A. (Affirmative nod).

6 Q. His number was 514-3933?

7 A. That is what the paper says.

8 THE COURT: Hold on, Mr. Carroll.

9 You are using this for refreshing her
10 recollection. She doesn't know. All you're
11 doing is publishing a list. So I thought -- I
12 thought that you had something but -- so let's
13 move on, sir.

14 MR. CARROLL: Yes, sir.

15 CROSS EXAMINATION CONTINUED

16 BY MR. CARROLL:

17 Q. "Mama Duck"?

18 A. Yeah.

19 Q. Who is that?

20 A. My friend.

21 Q. Your friend?

22 A. (Affirmative nod).

23 COURT REPORTER: Was that a "yes"?

24 THE WITNESS: Yes, ma'am.

25 CROSS EXAMINATION CONTINUED

1 BY MR. CARROLL:
2 Q. And is the number that you have for Mama
3 Duck 568-4681?
4 A. Yes.
5 Q. T.T., who is that?
6 A. I don't know.
7 Q. Is that your sister?
8 A. We call her T.T. but I don't recall that
9 number.
10 Q. Her number is not the number published
11 there?
12 A. No.
13 Q. Rod?
14 A. I don't know.
15 Q. You don't know the number for Rod?
16 A. No.
17 Q. You were in and out of Apartment E-3
18 several times while Gerard Roper was alive,
19 correct?
20 A. Yes, sir.
21 Q. And on those occasions that you left, you
22 didn't do anything to intervene with what you
23 saw?
24 A. No, sir.
25 Q. And your husband was there, involved;

1 correct?

2 A. Yes, sir.

3 Q. Now, on the 9th when your mother told you
4 the police had been in contact you called back
5 and made contact with Detective Burckhardt?

6 A. My mom called first, I believe, and then
7 yes, I called.

8 Q. And you arranged to go to Police
9 Department and talk to Detective Burckhardt?

10 A. Yes, sir.

11 Q. And Detective Burckhardt explained to you
12 that he was beginning a very serious
13 investigation into the death of Gerard Roper;
14 correct?

15 A. Yes, sir.

16 Q. He had information that caused him to
17 believe that your apartment was the crime
18 scene; right?

19 A. Yes, sir.

20 Q. He wanted to know what information that
21 you might have about what had taken place
22 there?

23 A. Yes, sir.

24 Q. He was very serious about what he was
25 doing?

- 1 A. Yes, sir.
- 2 Q. He was being very thorough in talking to
3 you, talking to Armon, -- correct?
- 4 A. Yes, I saw him first.
- 5 Q. You saw him first?
- 6 A. (Affirmative nod).
- 7 Q. In fact you saw him on the 9th, that night
8 at 8:00 o'clock; right?
- 9 A. Yes, sir.
- 10 Q. And he said 'I need to know' -- 'I'm not
11 accusing you of anything but I just need to
12 know what you know.' Right?
- 13 A. Yes, sir.
- 14 Q. You talked about it and then ultimately
15 wrote out a statement, right?
- 16 A. Yes, sir.
- 17 Q. Do you remember writing that statement?
- 18 A. Yes, sir.
- 19 Q. Do you remember asking if you were
20 telling him the truth in that statement?
- 21 A. Yes, sir.
- 22 Q. On that statement do you remember telling
23 him all of this started on a Monday, right?
- 24 A. (No verbal response).
- 25 Q. Is that what you told him on that first

1 statement?

2 A. Yes, sir, I think so.

3 Q. You said that basically you left and
4 Armon and William were there on Monday, is
5 that correct?

6 A. I believe so.

7 Q. You told him that you had gone shopping
8 down at Simply Fashion?

9 A. Yes, sir, that was on the 8th.

10 Q. On the 8th is when you actually did that?

11 A. Yes, sir.

12 Q. Did you tell him that you did it on
13 Monday the 6th?

14 A. But it was the 8th.

15 Q. Okay. You told him after you picked
16 Jaelen up from school that you went over to
17 the Dollar General to buy him a prize for
18 being good in school?

19 A. (Affirmative nod), but I didn't. That
20 was a lie.

21 Q. That was a lie?

22 A. (Affirmative nod).

23 Q. Were you concerned that somebody might
24 say, 'I saw Selena in the Dollar General'?

25 A. No, sir.

1 Q. You just made up the story about the
2 Dollar General to have words to put down?

3 A. Yes, sir.

4 Q. That is basically how you left it, 'I
5 don't know anything after that.' Armon was
6 there, William was there. That's it. I know
7 nothing else. Right?

8 A. Yes, sir.

9 Q. That wasn't true?

10 A. No, sir.

11 Q. After you talked with Detective
12 Burckhardt, when Armon had gone to Columbia to
13 create his alibi, ---

14 A. Yes, sir. I guess so.

15 Q. I believe you testified that you called
16 him and told him the police wanted to talk to
17 him, right?

18 A. Yes, sir.

19 Q. They wanted to know who lived there with
20 you and you told them, right?

21 A. Yes, sir.

22 Q. That part was true, about Armon living
23 there?

24 A. Yes, sir.

25 Q. Then you know that Armon went and gave a

1 statement?

2 A. Yes, sir.

3 Q. And you know what Armon said was also a
4 lie?

5 A. Yes, sir.

6 Q. And that concerned you that you now had
7 conflicting statement in a police officer's
8 hands, didn't it?

9 A. Yes, sir.

10 Q. So you called up the police department
11 and said, 'I need to correct my statement.'
12 Right?

13 A. No, uh, they had -- I don't remember, I
14 didn't never call back to Police Department
15 about that. I think -- somehow we ended up
16 talking, it was about the car or something,
17 and they were saying that I had messed up the
18 dates or the times and I was going to come
19 back in and rewrite the statement.

20 Q. When you say "we were talking", you mean
21 you and Detective Burckhardt?

22 A. Yes.

23 Q. You said, 'I just made some mistakes on
24 my dates and times', right?

25 A. Yes, sir.

1 Q. He took another statement from you, and
2 that was on the 15th?

3 A. I believe so.

4 Q. You start off and you admit, 'I made a
5 mistake on the dates and times.' Right?

6 A. Yes, sir.

7 Q. Except when you rewrote your statement,
8 this time you took Armon out of the house,
9 right?

10 A. Yes, sir, I think so.

11 Q. Do you remember writing that you and
12 Armon got in an argument and he just walked
13 out?

14 A. Yeah, one of the statements was saying
15 that.

16 Q. That is basically what Armon had said,
17 right? That he had just walked away, that you
18 and him got in an argument?

19 A. I guess.

20 Q. Okay. If you don't know, that's fine.
21 You and Armon did have a chance to talk about
22 the statement that you had already given the
23 police, though, before he gave his; correct?

24 A. No, sir. We didn't talk until he had
25 gave his statement.

1 Q. You went down to the Police Department
2 with him?

3 A. Yes, sir.

4 Q. And that part about getting in an
5 argument, that wasn't true, was it?

6 A. No, sir.

7 Q. In fact that statement just wasn't true,
8 was it?

9 A. No, sir.

10 Q. You and Armon moved off to Florida?

11 A. Yes, sir.

12 Q. Then you get a call about coming back to
13 tell the police what you knew about this case.
14 Right?

15 A. Yes, sir.

16 Q. Did they talk to you about, 'you know, we
17 could charge you with obstruction of justice,
18 destroying evidence' and things like that?

19 A. Yes, sir.

20 Q. I guess for that time span between '06
21 and you coming back in early '08 you'all
22 pretty much you thought that you had gotten
23 away with this, right?

24 A. No, I had talked to one of the
25 investigators over the phone a year before we

1 came back in. I can't remember the exact
2 month.

3 Q. So while you were living in Florida you
4 talked to an investigator here?

5 A. Yes, sir.

6 Q. As a result of that conversation, you
7 thought what?

8 A. It was going to come out somehow, sooner
9 or later.

10 Q. That's what the investigator said or you
11 just thought, 'since they keep asking me
12 questions, it's going to come out'?

13 A. No, I have -- I had told Bubba about the
14 conversation that I had with the Solicitor and
15 I had told some of the truth when I talked --
16 not with the Solicitor but one of the
17 investigators and I had told some of the truth
18 of what really had happened, over the phone,
19 so ---

20 Q. Some of the truth?

21 A. Huh?

22 Q. Some of the truth?

23 A. (Affirmative nod), some of the truth.

24 Q. Not all of the truth?

25 A. He asked me a question, and I can't

1 remember exactly what it was, but he'd asked
2 me a question and I had started crying over
3 the phone and I told him some of it, so I knew
4 sooner or later we were coming back.

5 Q. Told him some of the truth but not all of
6 the truth?

7 A. No.

8 Q. It's been real difficult for you to tell
9 the truth to the police in this case, hasn't
10 it?

11 A. Yes, sir.

12 Q. Because you know that you were involved
13 in the killing of Gerard Roper, don't you?

14 A. Because I knew what was going on and I
15 didn't come forward, yes.

16 Q. Your crime was just 'not coming forward'?

17 A. Not coming forward, not speaking up when
18 I needed to.

19 Q. How about when you were there at the
20 house when he was alive? The things that you
21 were involved in there. Don't you think that
22 was wrong?

23 A. Yes, I should have came -- I should have
24 left, I should have got help.

25 MR. CARROLL: Beg the court's

1 indulgence

2 THE COURT: Certainly, Mr. Carroll.

3 Take your time, sir.

4 MR. CARROLL: (Sidebar with Mr.
5 Bloom), no further questions.

6 THE COURT: Redirect?

7 SOLICITOR WILSON: Just a few, Your
8 Honor.

9 REDIRECT EXAMINATION

10 BY SOLICITOR WILSON:

11 Q. After you moved to Florida and a couple
12 of years had gone by, you received some phone
13 calls from Investigator Osborne and
14 Investigator Casey with my office; correct?

15 A. Yes, ma'am.

16 Q. At that point you started figuring out or
17 learning that DNA evidence was coming in,
18 didn't you?

19 A. I don't know. I don't know.

20 Q. At some point you learned that DNA
21 evidence was coming in, right?

22 A. Yeah, I had taken -- Detective Burckhardt
23 had taken my DNA before we left to go to
24 Florida.

25 Q. I'm not talking about your DNA, I am

- 1 talking about Gerard Roper's DNA.
- 2 A. (No verbal response).
- 3 Q. You learned that his DNA was on your
- 4 shoes?
- 5 A. No, I didn't learn that until recently.
- 6 Q. You just recently found that out?
- 7 A. Yes.
- 8 Q. So that had nothing to do with why you
- 9 were telling the truth?
- 10 A. No.
- 11 Q. You just basically broke?
- 12 A. Yes, ma'am.
- 13 Q. And the first time was over the phone
- 14 when talking with Investigator Osborne, you
- 15 said that you started crying?
- 16 A. Yes, ma'am.
- 17 Q. Because you had told part of the truth?
- 18 A. I had told part of the truth, was still
- 19 trying to lie and he had caught me in it over
- 20 the phone and he said 'just tell the truth,
- 21 talk to me.' You know, I started talking to
- 22 him and the truth kind of spilled out, so I
- 23 knew sooner or later ---
- 24 Q. That the rest of it was coming?
- 25 A. (Affirmative nod).

1 COURT REPORTER: Was that a "yes"?

2 THE WITNESS: Yes, ma'am.

3 REDIRECT EXAMINATION CONTINUED

4 BY SOLICITOR WILSON:

5 Q. When you finally came back to South
6 Carolina you started telling more of the
7 story, is that right?

8 A. Yeah, bits and pieces.

9 Q. As you told your story, things got worse
10 for who?

11 A. Me.

12 Q. Every time you've told your story and
13 have told more, it has gotten worse for you?

14 A. Yes, ma'am.

15 Q. Selena, did you hit Gerard Roper?

16 A. No, ma'am.

17 Q. Did you see anybody hit him?

18 A. No, ma'am.

19 Q. When Willie D asked you 'what should we
20 do, should we let him live or die', do you
21 know whether or not Gerard Roper was alive at
22 that point?

23 A. No, ma'am.

24 Q. Where was he, according to them?

25 A. When I asked Bubba he said that he was in

1 the closet.

2 Q. You didn't see him?

3 A. No, ma'am.

4 Q. At this point did Bubba have any injuries
5 on him?

6 A. No, ma'am.

7 Q. Did Willie D have any injuries on him?

8 A. Not that I know. No, ma'am.

9 Q. Did you ever see Willie D with any
10 injuries?

11 A. When I first came home the first day
12 after work, I didn't see an injury but he was
13 favoring his arm and he had something wrapped
14 around his arm, looked like.

15 Q. But the conversation about whether Gerard
16 would live or die was the next day; right?

17 A. Yes, ma'am.

18 Q. Not the first day, after McDonald's?

19 A. No, ma'am.

20 Q. And when you tell the jury that things
21 have gotten worse for you as you've told more
22 and more, why is that?

23 A. Because it puts me there and I didn't
24 tell the truth before and now that I am
25 telling the truth it is putting me ---

1 Q. More in it?

2 A. (Affirmative nod), more into it.

3 Q. You haven't changed your story to make it
4 worse for William Dickerson, have you?

5 A. No, ma'am.

6 Q. You haven't changed your story to make it
7 worse for Bubba?

8 A. No, ma'am.

9 Q. It's just gotten worse for you?

10 A. Yes, ma'am.

11 Q. And you've been charged in this case?

12 A. Yes, ma'am.

13 Q. You're currently out on bond?

14 A. Yes, ma'am.

15 Q. No agreement with us, you just got out on
16 bond?

17 A. Yes, ma'am.

18 Q. You understand that you will be
19 prosecuted?

20 A. Yes, ma'am.

21 SOLICITOR WILSON: That's all

22 THE COURT: Recross?

23 MR. CARROLL: Just briefly, Your

24 Honor.

25 RECROSS EXAMINATION

1 BY MR. CARROLL:

2 Q. Ms. Rouse, you've told the truth after
3 you got caught in a lie?

4 A. Which one are you talking about?

5 Q. There was a lot of lies?

6 A. Yes, there was.

7 Q. I am talking about the lie to the
8 investigator on the phone.

9 A. Yes. After he talked to me, he -- I just
10 kind of broke down on the phone, was crying
11 and stuff and it just -- (pause).

12 Q. It sounded like he believed that you were
13 involved when he was talking to you, is that
14 what you are saying?

15 A. No, when he talked to me he didn't sound
16 like I was involved, he didn't insinuate that
17 I had anything to do with it. He just wanted
18 some answers, he wanted to speak to Bubba. He
19 was asking to speak to Bubba.

20 Q. You lied to him and he caught you?

21 A. No, he called me and wanted to speak to
22 Bubba. And I -- we was talking about the case
23 and I don't remember exactly what was said
24 because that was a while ago. He said
25 something and it just triggered it and it just

1 -- I told him some things about what was going
2 on and he said we probably needed to come on
3 down there and talk with him.

4 Q. You are now charged with accessory to a
5 murder?

6 A. Accessory-after-the-fact and obstruction
7 of justice.

8 Q. Scarey, isn't it?

9 A. Yes, it is.

10 MR. CARROLL: Nothing further.

11 THE COURT: You may step down.

12 (WITNESS STEPS DOWN)

13 THE COURT: Call your next witness.

14 SOLICITOR WILSON: Your Honor, we
15 have a short matter we need to address before
16 we begin the next witness.

17 THE COURT: Okay, Ladies and
18 Gentlemen, go to your jury room. Do not begin
19 your deliberations. Do not discuss the case.
20 We will be with you shortly.

21 (JURY OUT @ 2:52 P.M.)

22 SOLICITOR WILSON: We just got a note
23 that was given to us by the attorney for
24 Rashid Malik, Popcorn, that is purported to a
25 letter from the defendant to him, what is

1 commonly called a "kite" in jail. We just got
2 it, literally. I wanted to give that to the
3 other side to look at -- (tendering) -- and
4 also a minute for us to look at it. There
5 appears to be some code if we could have just
6 a few moments, because Popcorn is our next
7 witness.

8 THE COURT: Certainly.

9 SOLICITOR WILSON: (Upon review),
10 Judge, I think this might take five more
11 minutes or so.

12 THE COURT: Take as long as you
13 need. That's fine. We will be at-ease.

14 (SO ENTERED AS COURT'S EXHIBIT 16)

15 (SO ENTERED AS COURT'S EXHIBIT 17)

16 (BRIEF RECESS)

17 (DEFENDANT PRESENT)

18 THE COURT: At some point I assume
19 the court is going to be a part of this, have
20 this part of the record.

21 SOLICITOR WILSON: We are trying to
22 get copies of the translation.

23 THE COURT: That's fine.

24 SOLICITOR WILSON: I can hand up
25 to you what we have.

1 THE COURT: I just want it to be a
2 court's exhibit so we know -- so that the
3 record can reflect what we have.

4 SOLICITOR WILSON: I think it's a
5 State's exhibit.

6 THE COURT: It might be but it's a
7 court's exhibit at this point.

8 COURT REPORTER: Court's Exhibit
9 15.

10 THE COURT: A two-page document?

11 SOLICITOR WILSON: And ---

12 THE COURT: And ---

13 COURT REPORTER: Court's Exhibit
14 16.

15 THE COURT: Okay. Thank you,
16 Solicitor. I have marked the note as Court's
17 Exhibit 16 and the alleged translation as
18 Court's Exhibit 17. Who translated it?

19 SOLICITOR WILSON: The lawyer for
20 Popcorn, and he will be here.

21 THE COURT: Okay. Solicitor, are
22 we ready to proceed?

23 SOLICITOR WILSON: State is ready.

24 MR. BLOOM: Are we taking this
25 matter up before the jury comes out. It is my

1 understanding that the State has a letter they
2 want to introduce through their next witness,
3 Rashid Malik, which was allegedly, purportedly
4 written by Mr. Dickerson with some code and we
5 would like to address that before the jury
6 comes in.

7 THE COURT: I will be glad to hear
8 from you.

9 SOLICITOR WILSON: We have some
10 arguments that we are ---

11 THE COURT: All I had -- and the
12 reason I did was because -- this is why we
13 interrupted the proceeding. If the Solicitor
14 intended to introduce it -- this is not the
15 exhibit, obviously. This is for purposes of
16 our discussion at this moment. I will be
17 happy to hear you. I don't know what the
18 plans are, all I know is that this is what
19 stopped the proceedings.

20 MR. BLOOM: Yes, sir, if the
21 Solicitor could have it marked as an exhibit,
22 her document.

23 THE COURT: I don't know, she may
24 not -- she may not -- it may not become an
25 exhibit. It is merely a court record because

1 this came up, so it's part of the proceedings.

2 MR. BLOOM: Right.

3 THE COURT: Insofar as the jury
4 hearing it, the jury is obviously not going to
5 get the court's exhibit.

6 MR. BLOOM: Yes, sir. Our
7 objection would be any testimony in regard to
8 this purported letter in addition to the
9 letter being an exhibit. I am not sure what
10 the State intends at this point, so I'm not
11 sure how much further I need to go.

12 THE COURT: Well, I ---

13 SOLICITOR WILSON: However you want
14 to take it up. If in the interest of time you
15 want to take it up now, we can.

16 THE COURT: I don't know how you
17 plan to use it.

18 SOLICITOR WILSON: I plan to use this
19 in my questioning of Rashid Malik, who is also
20 known as "Popcorn". This was provided to me
21 shortly before we resumed Selena's testimony
22 from Malik's lawyer. I have not talked with
23 Malik since we got it. It is my understanding
24 from his lawyer that he got this, that he
25 knows it to be from the defendant, that there

1 is a code wherein once redundant words start
2 to be used and it makes not sense, out of
3 context, -- you take the first letter from
4 those words and ---

5 THE COURT: Yeah, that's clear.
6 It's easy to see, that was not difficult to
7 see, after you begin to see -- you look -- the
8 first one is a give-away, if that's the code,
9 because they are in capitals.

10 SOLICITOR WILSON: Right. It is my
11 understand what Mr. Culp, Mr. Malik's attorney
12 is telling me, is that the translation is
13 highly relevant to Mr. Malik's testimony and
14 also to the defendant's guilt.

15 THE COURT: At this point I don't
16 know that I share the second part. I think
17 much depends on what happens to the witness'
18 testimony. If the witness testifies -- if the
19 witness changes his testimony, which is what a
20 translation of this purports to be, not just
21 to
22 -- not just to say you are -- to say you're
23 going to do but then when you come in here you
24 change your position, then I think it becomes
25 very germane and relevant. But at this point

1 -- or it may, I shouldn't say that it does. I
2 don't know. I haven't heard it.

3 SOLICITOR WILSON: I also would state
4 that it is our position that this letter is a
5 statement by the defendant which indicates the
6 consciousness of guilt by his -- the whole
7 context of the letter.

8 THE COURT: Well, ---

9 MR. BLOOM: I would dispute that.

10 THE COURT: You don't have to. I
11 think -- I appreciate that. I think that
12 there is something called the presumption of
13 innocence that disputes that. Basically he
14 says 'they don't have anything' and 'they're
15 just trying to get me. That's what they say
16 and they're going to drop all of the charges
17 against all of you.'

18 There is no question that this
19 letter

20 -- my first thought was that this letter may
21 have some bearing here and if we go into the
22 second phase that it may have significant
23 bearing there. It begins to show the character
24 of the person, which is precisely what is at-
25 issue in the second phase. So it -- it may

1 become germane in the first one. I don't
2 know.

3 I don't read this as an admission
4 that would allow you to introduce it. I don't
5 see it as that. I think that it -- I think
6 taking it in the light most favorable to the
7 state, obviously it's certainly an attempt by
8 a party to influence the testimony of a
9 witness which is pretty significant.

10 Again, I don't know what this
11 witness is going to do, so really we're
12 getting the cart before the horse, so to
13 speak.

14 SOLICITOR WILSON: That's ---

15 THE COURT: If the witness goes
16 south in the sense that it totally changes
17 everything, maybe it does become something but
18 the question that I have -- the concern that I
19 have obviously that is not going to happen.
20 In order to translate in order to pin, to make
21 -- because there is nothing about this that
22 says this is Mr. Dickerson. I mean, other
23 than something that was tied to some things
24 and allegations that are taking place but --
25 it could have been written by anybody, for

1 that matter.

2 So this witness is obviously going
3 to have to be saying some things that would be
4 helpful or backs that -- that already begins
5 to imply that he is not going to be testifying
6 contrary to what he has previously indicated.
7 So -- I'm in a lot of independent
8 rationalizations here, so I don't know. I
9 guess the best thing to do is let's fly along
10 and if we have to excuse the jury we will see
11 where we go.

12 MR. BLOOM: So that the record is
13 clear what we are talking about, can we have
14 one copy of the letter marked as a court's
15 exhibit, Your Honor.

16 THE COURT: Mr. Bloom, I think I
17 said when we started -- and I apologize if I
18 didn't make it clear. The part that is not
19 translated is Court's Exhibit 16, two pages.

20 SOLICITOR WILSON: Yes, sir.

21 MR. BLOOM: Thank you.

22 THE COURT: Court's Exhibit 17 is
23 the purported translation.

24 MR. BLOOM: Thank you, sir. I
25 missed that, I apologize.

1 THE COURT: That's all right. I
2 said that they are court's exhibits, that the
3 jury is not going to see them. Obviously the
4 State is not going to be able to retrieve a
5 court's exhibit and show it. The State would
6 have to mark one and have it become a State's
7 exhibit.
8 For purposes of our discussions right now,
9 Court's Exhibits 16 and 17 are the reason that
10 we stopped the proceeding and we've had some
11 discussion on the record and some thinking out
12 loud among ourselves and we will see where we
13 go from there.

14 MR. BLOOM: Yes, Your Honor.

15 SOLICITOR WILSON: Ready?

16 THE COURT: Yes. Is the Defendant
17 ready?

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

19 THE COURT: Very well, bring the
20 jury in.

21 (JURY IN @ 3:29 P.M.)

22 THE COURT: Thank you very much. I
23 understand that some of you got an opportunity
24 to step outside, hope that it was okay.
25 Solicitor, call your next witness.

1 SOLICITOR WILSON: We call Rashid
2 Malik.

3 (WITNESS TAKES STAND)

4 RASHID ABDUL MALIK, being duly sworn
5 to tell the truth, the whole truth and nothing
6 but the truth, testified, as follows:

7 DIRECT EXAMINATION

8 BY SOLICITOR WILSON:

9 Q. Mr. Malik, how long have you gone by that
10 name?

11 A. For about sixteen years.

12 Q. What was your name before that?

13 A. Derek Jenkins.

14 Q. That was the name your mama gave you?

15 A. Yes, ma'am.

16 Q. Do you also have a nickname?

17 A. Yes, ma'am.

18 Q. What is that?

19 A. Popcorn.

20 Q. How long have you had that nickname?

21 A. For as long as I can remember.

22 Q. How old are you?

23 A. I'm 33.

24 Q. How far did you go in school?

25 A. I got my GED.

1 Q. Where did you go to school when you were
2 in school?

3 A. The last school I attended was North
4 Charleston High School.

5 Q. Mr. Malik, what kind of work did you do
6 before you were incarcerated?

7 A. I'm an artistic decorator in fireplace
8 products. In layman's terms, I'm a customized
9 brick mason.

10 Q. How long have you been a brick mason?

11 A. For about twelve years.

12 Q. How did you learn how to do that?

13 A. Hands-on experience.

14 Q. Did you learn that while you were in
15 prison before?

16 A. No, ma'am.

17 Q. Just out in the community?

18 A. Yes.

19 Q. Did you do an apprenticeship or anything?

20 A. Yes, with my uncle.

21 Q. Mr. Malik, how long have you known the
22 defendant, William Dickerson?

23 A. Practically all my life.

24 Q. Did he go by or does he go by some other
25 names as well, nicknames?

- 1 A. Yes, ma'am.
- 2 Q. What are his nicknames?
- 3 A. "Little Man" and "Willie D".
- 4 Q. You said that you'd known him most of
- 5 your life or all your life. Where did you'all
- 6 grow up together?
- 7 A. Around the park area.
- 8 Q. And what area is that? What street?
- 9 A. Beaugard Street and Spring Street area.
- 10 Q. Do you know William's family?
- 11 A. Yes, ma'am.
- 12 Q. Do you call him William? Will?
- 13 A. Will.
- 14 Q. You call him Will?
- 15 A. (Affirmative nod).
- 16 Q. Do you know if he had any brothers and
- 17 sisters?
- 18 A. Yes.
- 19 Q. What?
- 20 A. A brother.
- 21 Q. What's his brother's name?
- 22 A. Armon. Armon Dickerson.
- 23 Q. Does Armon have a nickname?
- 24 A. Yes, "Bubba".
- 25 Q. Is that what you called him?

- 1 A. Yes, ma'am.
- 2 Q. How about Gerard Roper? Did you know
3 him?
- 4 A. Yes.
- 5 Q. How did you know Gerard Roper?
- 6 A. We all grew up in the same neighborhood.
- 7 Q. Were you close friends with him?
- 8 A. Not too close, no.
- 9 Q. How did you know him? What was your
10 connection to him, I guess?
- 11 A. Just from the neighborhood.
- 12 Q. Do you know if he had a relationship with
13 Will?
- 14 A. Yes, ma'am.
- 15 Q. And what was that relationship?
- 16 A. They were good friends.
- 17 Q. Better friends than you and Gerard?
- 18 A. Yes, ma'am.
- 19 Q. And do you know if they had any business
20 dealings together? I use the term "business"
21 very loosely.
- 22 A. Yes, ma'am.
- 23 Q. What sort of dealings was that?
- 24 A. I'm not too sure, but I think they had
25 some drug dealings.

1 Q. Drugs?

2 A. Yes, ma'am.

3 Q. What kind of drugs?

4 A. Cocaine.

5 Q. Do you need some water? Are you okay?

6 A. No.

7 Q. How about a woman named Shelley Nelson?

8 Did you know her?

9 A. I know her through Will.

10 Q. Who is she?

11 A. Will's girlfriend.

12 Q. Did you ever meet Shelley?

13 A. Yes.

14 Q. How many times have you met Shelley?

15 A. About three or four times.

16 Q. Good friends with her, were you?

17 A. No.

18 Q. Now, do you know the state of the

19 relationship between Will and Shelley in

20 February and March of 2006, shortly before

21 Gerard Roper got killed?

22 A. Yes, I believe that they broke up.

23 Q. Why do you believe that? Who told you

24 that?

25 A. Well, I knew that they broke up.

1 Q. Tell the jury how.

2 A. Will had a video picture of Shelley
3 having sex with someone.

4 Q. How do you know that?

5 A. I saw it.

6 Q. How did you see it?

7 A. Will showed it to me.

8 Q. On the video that you saw, could you
9 identify Shelley's face?

10 A. No.

11 Q. Could you identify the man in the video?

12 A. No.

13 Q. Tell the jury about how Will came to show
14 it to you. Why was he showing it to you?

15 A. Will and Shelley had had a fight, and he
16 was over at the Park and he called me to come
17 get him and take him over to West Ashley.

18 When I arrived, Will jumped in my car and he
19 kept showing me the video on his phone. The
20 video was all of about thirty seconds tops,
21 and he was just angry about the video.

22 Q. In the video could you hear the woman say
23 anything?

24 A. Yes, I did.

25 Q. What did you hear the woman say?

- 1 A. "Give me one more."
- 2 Q. After this argument -- we're talking
3 about just a few days or weeks before March
4 the 7th, 2008 (sic)?
- 5 A. Maybe a couple of weeks, tops.
- 6 Q. After that argument between Willie and
7 Shelley, do you know where he was staying?
- 8 A. Will?
- 9 Q. Uh-huh, (affirmative).
- 10 A. No.
- 11 Q. You never went and saw him anywhere?
- 12 A. I saw him at a motel once.
- 13 Q. What motel?
- 14 A. Motel 6, the one in West Ashley.
- 15 Q. That was after this disagreement that he
16 and Shelley had had?
- 17 A. Yes.
- 18 Q. And it was a Motel 6 where?
- 19 A. West Ashley off of 526.
- 20 Q. Why was it that you visited Willie there?
- 21 A. He wanted me to bring some weed and some
22 dog food for his dog.
- 23 Q. He's a grown man. Why did you have to
24 take him weed and dog food?
- 25 A. Because he told me that he just wanted me

1 to stop and get the dog food on the way to
2 him.

3 Q. You were going to sell him the weed, and
4 you were just being nice by getting the dog
5 food for him?

6 A. Right.

7 Q. What kind of dog did he have?

8 A. A Pit Bull.

9 Q. A puppy?

10 A. Yes.

11 Q. Let's go to March the 7th of 2006. Did
12 you have a cell phone at that time?

13 A. Yes, ma'am.

14 Q. Whose name was that cell phone in?

15 A. Carolyn Jenkins.

16 Q. Who's Carolyn Jenkins?

17 A. My mom.

18 Q. And she got the cell phone and allowed
19 you to use it?

20 A. Yes.

21 Q. I'm going to show you State's Exhibit 309
22 which has already been introduced. On the
23 page marked as Page 121, at the top does it
24 show the cell phone number?

25 A. Yes.

- 1 Q. What number was that?
- 2 A. 345-4731.
- 3 Q. And that was the number that you had at
- 4 that time?
- 5 A. Yes.
- 6 Q. So on Tuesday, March 7th, 2006, did you go
- 7 to work that day?
- 8 A. Yes.
- 9 Q. What kind of work were you doing?
- 10 A. I was working on the corner of Montague
- 11 and Jackson Street doing masonry work.
- 12 Q. Not selling weed?
- 13 A. No.
- 14 Q. You were doing your real job?
- 15 A. Right.
- 16 Q. What kind of hours did you have that day?
- 17 A. Eight hours, 7:00 to 3:30.
- 18 Q. Did you come in contact with Will that
- 19 day?
- 20 A. He called me.
- 21 Q. What did he want?
- 22 A. He wanted to meet me.
- 23 Q. For what?
- 24 A. I didn't know at the time.
- 25 Q. What was his demeanor like?

1 A. (No verbal response).

2 Q. How did he act on the phone?

3 A. He called me around lunchtime and he had
4 a conspiracy theory that guys were out wanting
5 to kill him.

6 And he told me, he said, "Guess who
7 flipped on me?"

8 And I said, "Who?"

9 And he said, "Gerard."

10 Q. Had flipped on him?

11 A. Yes.

12 Q. Did he tell you about how he flipped on
13 him?

14 A. No.

15 Q. Why did he need you?

16 A. I don't know.

17 Q. Did you talk with him a number of times
18 that afternoon?

19 A. Yeah. He called me a couple more times,
20 but I didn't answer the phone because, like I
21 said, I was at work.

22 Q. What happened when you got off work?

23 A. Will called me a couple of times. I
24 finally answered the phone and -- he wanted to
25 see me, you know. I was making up excuses,

1 telling him this and that, you know.

2 Q. Why were you making up excuses?

3 A. Because I really didn't want to -- you

4 know, I really didn't want to believe him.

5 Q. Why not?

6 A. Because like I said he had a conspiracy

7 theory that people were out to kill him, and

8 he was just acting really strange. You know?

9 Q. When he told you that 'Rard had flipped

10 on him, what did he say he was doing about it?

11 A. When he told me that 'Rard flipped on

12 him, I said, "Hmmm."

13 Q. Did that seem weird to you?

14 A. Yeah.

15 Q. Why?

16 A. Because him and 'Rard were just buddies a

17 couple of days ago. When he told me that he

18 flipped on him, he said, "Guess what."

19 And I said, "What?"

20 He said, "I'm sitting on his chest right

21 now."

22 Q. "Sitting on his chest." Is that a slang

23 term?

24 A. Yeah.

25 Q. What does that mean?

1 A. That's like he's got the goods on
2 somebody, you know.

3 Q. So it doesn't necessarily mean literally
4 sitting on top of someone's chest?

5 A. No, not necessarily.

6 Q. It could?

7 A. It could, (affirmative nod).

8 Q. But -- it could but it could also mean
9 you've got the best of somebody?

10 A. Right.

11 Q. So you've heard that expression used in
12 other ---

13 A. Right.

14 Q. So he was wanting to see you and you're
15 trying to avoid seeing him?

16 A. Right.

17 Q. What happened?

18 A. He called me a couple more times and I
19 finally answered the phone. He's like, you
20 know, "I want to meet you." I gave him a
21 couple of excuses. And he was adamant about
22 it, you know. I said, "Okay, well, I'll meet
23 you at the end of the week." The rest that I
24 said that was that he started calling me
25 names, saying he was going to do 'this' to me,

1 do 'that' to me. You know?

2 Q. Stop right there. Tell the jury what he

3 said he was going to do to you.

4 A. He said he was going to F' me, he was

5 going to fuck me. I didn't think he was

6 talking about literally at the time, you know.

7 He was just talking. He was going to do

8 things to me. He was going to kill me. You

9 know, if I didn't meet him.

10 Q. Did he say anything about your family?

11 A. Not at that point.

12 Q. Okay. Well, tell me why you would

13 consider going to meet someone who's telling

14 you basically they're going to hurt you.

15 A. Uh, ---

16 Q. Why would you go meet them?

17 A. When he started talking like that, I

18 agreed to meet him. But in the back of my

19 mind I was thinking I would go get his mom's,

20 get his mom and go meet him with his mom.

21 Q. How old is Will?

22 A. He's my age, so he's 33.

23 Q. So at this time he was 29 or 30 years

24 old?

25 A. Yes.

- 1 Q. You're 29 or 30 years old?
- 2 A. Right.
- 3 Q. And he's acting irate and you're going to
- 4 get his mother?
- 5 A. Yeah.
- 6 Q. How old is his mom?
- 7 A. She's at least fifty.
- 8 Q. How big is his mama?
- 9 A. She's not a big lady.
- 10 Q. Is she as big as he is?
- 11 A. No, she was about your size, but I knew
- 12 that she was the one who could calm him down.
- 13 Q. So when he's talking to you, had he
- 14 turned on you?
- 15 A. Yeah, because he was telling me he's
- 16 going to kill me. He was going to fuck me.
- 17 Excuse me.
- 18 Q. Did he say why? What had you done?
- 19 A. He didn't say. He was just talking --
- 20 talking crazy.
- 21 Q. So you have it in your mind, "I'll run to
- 22 Mama."
- 23 A. Right.
- 24 Q. So what did you do?
- 25 A. I went to his mom's house. She was

1 working at the time, but his stepdad was home.

2 I told his stepdad that I needed to talk to
3 his mom. So he called Will's mom at her job.

4 Q. Did you talk to Will's mom at her job?

5 A. Yes. She agreed to get off her job and
6 meet with me. So at the time I went over to
7 the hospital.

8 Q. Do you know what time she was supposed to
9 get off work?

10 A. No, ma'am.

11 Q. Okay. You were going to get her at some
12 point before she got off?

13 A. Right.

14 Q. Okay. Where did you go? You said you
15 went to her job.

16 A. She worked at the Medical University.

17 Q. I mean, that's pretty big. Where did you
18 go to pick her up?

19 A. I parked by the ramp right by the
20 emergency room.

21 Q. Okay.

22 A. And as I'm sitting out there waiting on
23 her I get another phone call from Will.

24 He's like, "What's up?"

25 So I told him that I'm picking up his mom

1 so that we can come talk to him. At that
2 point that's when he goes ballistic. I mean,
3 you know, "Don't bring my f'ing mom," and this
4 and that and this and that. "If you pick my
5 mom up I'm going to kill your mom."

6 At the time my girlfriend was pregnant.
7 He told me that he was going to cut her
8 stomach open and take my baby out.

9 You know, just going on, telling me to
10 just leave his mom along. So, you know, I
11 left.

12 Q. You didn't just leave. Where did you go?

13 A. I agreed to meet him, you know.

14 Q. Again, he's now cursed his mama, told you
15 that he would get your mama, and you go to
16 him. What were you thinking then?

17 A. He -- because he started threatening my
18 family. I was like if something's going to go
19 down, I'm going to meet with him. Because I
20 didn't want him to go to my mama's house or my
21 girlfriend's house.

22 Q. Tell the jury who your girlfriend is.

23 A. Mollina Pinckney.

24 Q. And she was the woman who later her car
25 gets stolen.

- 1 A. Right.
- 2 Q. And she was pregnant at the time?
- 3 A. Yes.
- 4 Q. So Willie told you if you get his mom
5 involved 'I'm cutting her stomach open.'
- 6 A. Right.
- 7 Q. And you decided to go to him?
- 8 A. Right.
- 9 Q. Did he know where you lived?
- 10 A. Yes.
- 11 Q. Did he know where she lived?
- 12 A. Yes.
- 13 Q. You'all lived together?
- 14 A. Right.
- 15 Q. Do you'all have children together?
- 16 A. Yes.
- 17 Q. Besides the one she was pregnant with?
- 18 A. Yes.
- 19 Q. What ages are those kids?
- 20 A. At the time they were about eight and
21 maybe four.
- 22 Q. So you have an eight-year-old, a four-
23 year-old and a pregnant girlfriend. Where did
24 Will tell you he was?
- 25 A. At his brother's house.

1 Q. Is that where you went?

2 A. Yeah.

3 Q. Did you have anything with you?

4 A. Yeah, I had my gun with me.

5 Q. What happened when you got to the
6 apartment?

7 A. When I get to the apartment, I walk in.

8 Q. What door did you walk in?

9 A. I can't remember whether it was the front
10 or back door. I walked in the apartment and I
11 see Roper laying out on the floor bloody.

12 Q. Did you see blood anywhere else besides
13 on him?

14 A. Blood was everywhere, (affirmative nod).

15 Q. Was he conscious?

16 A. Yeah, he was blinking. Yeah, he was
17 conscious.

18 Q. Was he saying anything?

19 A. (Negative gesture), no.

20 Q. How did you react to that?

21 A. Phew, I was like, "Get me out of here,"
22 and "what's going on in here? Why did I even
23 come over here?"

24 Q. Who all was there besides Gerard on the
25 floor?

1 A. Bubba and Will.
2 Q. Bubba being Will's brother?
3 A. Yes.
4 Q. Tell the jury what Bubba was doing?
5 A. Bubba was, at the time, he was cleaning
6 up blood.
7 Q. How was he doing that?
8 A. I think he was mop -- mopping up blood.
9 Q. How was he acting?
10 A. Like he was high. Bubba was high.
11 Q. What does that mean?
12 A. High on drugs.
13 Q. Yeah, but I mean he could be high on
14 drugs and do all sorts of things.
15 A. He was high on cocaine.
16 Q. What made you think that?
17 A. Just his demeanor. Just the glassiness
18 in his eyes. Just the way his eyes looked.
19 Q. Did he seem like he was in a good mood?
20 A. He seemed like he was a robot.
21 Q. A robot?
22 A. Yes. I couldn't tell what mood he was
23 in.
24 Q. How about Will? What kind of mood was he
25 in?

1 A. Will was high. He had a look in his
2 eyes. He just looked -- he was high, just a
3 wild look in his eyes.

4 Q. Did you stay there at the apartment?

5 A. I was there about a half hour tops. And
6 when I first got there, like I said, Bubba was
7 cleaning up. Will is just oblivious of
8 Gerard's presence. He asked me about some
9 weed. I gave him some weed. He didn't have
10 no cigars, so he wanted me to go to the store.

11 Q. Why do you need weed and cigars?

12 A. You need cigars to roll the weed with,
13 you know, like you use tobacco papers.

14 Q. So he needed some cigars?

15 A. (Affirmative nod).

16 Q. What did you do?

17 A. I went to the store. When I left out of
18 the house, I went to the store. I went in the
19 store, Will called me and said that he --
20 telling me how to bring some juice also. So I
21 got some juice and cigars. I don't know why I
22 went back there.

23 Q. You didn't call the police?

24 A. No.

25 Q. Didn't go home?

- 1 A. No.
- 2 Q. You went back.
- 3 A. Right. So I went back there.
- 4 Q. Let me ask you this. When you got there
- 5 the first time and you saw Gerard Roper on the
- 6 floor, what clothes did he have on?
- 7 A. He had on a tee-shirt. That's it.
- 8 Q. He was naked from the waist down.
- 9 A. Yeah.
- 10 Q. Did you ask anybody about that?
- 11 A. No.
- 12 Q. Was that unusual?
- 13 A. NO. When I first walked in and saw him,
- 14 my first impression was "is he alive", you
- 15 know. I said, "yeah, he is alive," you know.
- 16 He was just laying there bleeding, you know,
- 17 pouring blood.
- 18 Q. And you strolled off to the store to get
- 19 some cigars and juice; right?
- 20 A. Yeah.
- 21 Q. No big deal?
- 22 A. Yeah, it was a big deal. .
- 23 Q. What happened when you got back from the
- 24 store?
- 25 A. Will asked did I have my gun on me, he

1 wanted my gun.

2 Q. Do you know if there was a gun there at
3 the apartment?

4 A. Yeah, he had a gun. Yeah, he had a gun.

5 Q. Why did you give him a gun?

6 A. He wanted my gun. He asked for my gun.

7 Q. But he had a gun?

8 A. Right. That was part of the reason why I
9 gave him my gun, you know, without hesitation.

10 Q. Why didn't you just shoot him?

11 A. I don't know. I couldn't.

12 Q. I show you State's 312. Is that the gun
13 you gave him?

14 A. Yeah, that's my gun.

15 Q. What kind of gun is that?

16 A. It's a police-issued gun, I think it's a
17 .38.

18 Q. When you say policeman-issue, is that the
19 brand?

20 A. Yeah.

21 Q. You think it's a .38, you said?

22 A. Yeah.

23 Q. So he wants your gun. You're seeing him
24 standing there with a gun, and you just give
25 it to him?

1 A. Yeah, I give him my gun.

2 Q. And this is the same guy who's just told
3 you he's going to cut your baby out of your
4 girlfriend's stomach, and you just give him a
5 gun?

6 A. Yeah, I give him the gun.

7 Q. What were you smoking?

8 A. I wasn't smoking anything. I just didn't
9 want to upset him, you know. Looking at
10 Gerard, I just didn't want to upset him. I
11 didn't want to upset the guy.

12 Q. When you got back from the store, Mr.
13 Malik, did you notice any odor about the
14 apartment?

15 A. Yeah.

16 Q. What was it?

17 A. Feces. The apartment had an odor, it
18 just really stank, you know, like feces.

19 Q. All right. So you gave him the gun?

20 A. Yeah.

21 Q. And did you hang around there?

22 A. Will started showing me this -- well, he
23 started saying that Gerard, he ought to butt
24 in his head. And he started saying -- he
25 started telling me something about Gerard,

1 about how he was acting funny towards me
2 because Gerard was telling him stuff about me.
3 For instance, back in the days when ---
4 Q. Let's not get into back in the days.
5 A. Okay. He started telling me -- he was
6 putting me up to be against Gerard, you know.
7 Q. So Gerard's on the floor. You're
8 standing there. Where's Bubba?
9 A. Bubba's just there, you know. He was
10 there.
11 Q. Was he in shock?
12 A. I don't know what he was. I don't know
13 what he was.
14 Q. You said he was like a robot?
15 A. Yeah.
16 Q. You said that Will started back with the
17 video or showing you the video?
18 A. Yeah.
19 Q. What was on the video?
20 A. The same thing.
21 Q. What did that have to do with anything?
22 A. Will wanted to know who was on the video.
23 He wanted to know did I know who was on the
24 video. Was it me on the video? He was just
25 adamant about that video, you know. He just

1 kept playing it over and over and over and
2 kept telling me to look at the video. At that
3 time ---

4 Q. Did he say anything about Gerard in the
5 video?

6 A. He was saying it was either me or Gerard,
7 you know. I kept telling him "that isn't me",
8 you know what I'm saying? I work and go home,
9 you know. 'You know me, Will. I mean, I
10 don't have time to be messing around with your
11 girl.'

12 Q. You said that Will was pitting you and
13 Gerard.

14 A. Yeah.

15 Q. Tell us more about that.

16 A. He was kind of like -- like comparing us,
17 me to Gerard. Like I said, he kept telling me
18 stuff that Gerard was saying about me, you
19 know.

20 Q. Did you believe him?

21 A. I mean, I really didn't care, you know.
22 I never really gave it a thought. I never
23 really gave it a thought.

24 Q. Well, you did something before you left;
25 didn't you?

1 A. Yeah. Will wanted me to go to this guy
2 named Silk.

3 Q. Do you know Silk's real name?

4 A. No. And my phone rang and I -- I don't
5 have Silk's number and I don't know if Will
6 gave me his number but he's trying to call
7 Silk, I'm trying to call Silk, and somehow or
8 another Silk gets on the phone. He wants me
9 to go get Silk? So I am ---

10 Q. Who wants you to go get some?

11 A. Will. Will wants me to go get Silk. I
12 don't know why. I agreed to go get Silk.

13 Q. You're skipping something, aren't you?

14 A. Yeah.

15 Q. You laid your hands on Gerard, didn't
16 you?

17 A. Yeah.

18 Q. Why?

19 A. Like I said, Will was putting me up
20 against Gerard. So I -- (pause) -- I punched
21 Gerard.

22 Q. Why? He was on the floor dying.

23 A. Yeah I punched Gerard because --
24 (pause) -- I punched him because, like I say,
25 Will was putting pressure on me, you know,

1 putting me up against Gerard. And, uh, I
2 punched him, you know. And, uh, ---
3 Q. What happened when you punched him?
4 A. I really didn't want to punch him, so I
5 kind of hit the floor at the same time and my
6 hand got swollen.
7 Q. You hurt your hand?
8 A. Yeah.
9 Q. So after that you'all start talking about
10 Silk, or Willie starts talking about Silk?
11 A. Yeah.
12 Q. Do you know why he wanted him to come
13 there?
14 A. I have no idea. And ---
15 Q. Did you want to hang around there?
16 A. No. I kept telling Will that my
17 girlfriend was calling me and I really had to
18 go, you know. And my phone kept ringing, and
19 my phone kept ringing. I kept telling him
20 that I had to go. We agreed -- I agreed to go
21 get Silk, Silk agreed for me to come get him.
22 Q. Where did Silk live? What area?
23 A. After I hung up with Silk, Will was going
24 to come with me. Then he said, "No, that's
25 not such a good idea." So before I leave --

1 I'm about to leave and Will, he went, "Before
2 you leave, you know, you need to show me that
3 you're with me." I just wanted him to know,
4 you know, that I'm with him. So he wanted me
5 to hit Gerard again, you know. I told him, I
6 said, "Look, my hand's swollen." He kept on
7 about it. So I went over and I punched Gerard
8 maybe a couple of times and I kicked him and I
9 left.

10 Q. Where did you go? Did you go get Silk?

11 A. No. I told Silk -- I called Silk and I
12 told him a lie, "Man, I ain't coming to get
13 you and I'm not going back over there. I'm
14 going home." I went home.

15 Q. And when you got home did you tell your
16 girlfriend about all this?

17 A. She was wondering where I was. I just
18 told her that me and Will had an altercation
19 and that's how my hand got swollen up.

20 Q. And this was Marlina, right?

21 A. Yes.

22 Q. Does she have a nickname or a short name?

23 A. Yeah. Lena.

24 Q. Lena?

25 A. Yeah.

1 Q. Did you'all stay at the house that
2 you'all had together that night?

3 A. Yeah, we did.

4 Q. Did you hear from Will any more?

5 A. I think the next day he might have
6 called. Yeah, he called me the next day. He
7 wanted to know why, you know, I didn't go get
8 Silk and things of that nature, you know.

9 Q. Why didn't you get Silk?

10 A. Yeah.

11 Q. So you never went back?

12 A. No, and he was pretty upset because I
13 didn't come back, you know.

14 Q. Let me ask you this. At any of the time
15 you were there did you see Selena Rouse?

16 A. Everything was happening so fast, I can't
17 recall. Selena, maybe she was coming in as I
18 was leaving, but I'm not sure. I'm not sure.

19 Q. The thing there in the apartment before
20 you left, when Will's trying to get Silk.
21 Gerard's on the floor. Bubba's around. I
22 mean, was it calm like we're talking here?
23 What was it like?

24 A. No. It was pretty rowdy because Will's
25 phone kept ringing, Bubba's phone was ringing,

1 my phone was ringing -- Will's mom was
2 calling me, you know.

3 Q. Did you let her know you weren't going to
4 pick her up?

5 A. No, I just left. After Will said that
6 about my mom and my girlfriend, I just left,
7 you know. And I can't recall if I spoke to
8 her again. But I was telling Will, you know,
9 "You need to call your mom." I told him she
10 was pretty upset, you know, because she was
11 taking off her job. She was losing hours.
12 The whole -- I mean, the atmosphere was -- the
13 atmosphere was pretty heated, you know. Will
14 kept playing that video. It was pretty
15 heated.

16 Q. You said that you had your cell phone
17 there?

18 A. Yes.

19 Q. And you had been trying to call Silk for
20 Will and Will was trying to call Silk?

21 A. Yes.

22 Q. Let me show you what's been marked as
23 State's Exhibit 303. Do you recognize that?

24 A. Yes.

25 Q. What is it?

1 A. It's a video of telephone calls, a
2 report.
3 Q. What kind of report?
4 A. About that house.
5 Q. Did you know this was being made?
6 A. No.
7 Q. Have you had a chance to listen to it?
8 A. Yes.
9 Q. How do you know it was what was going on
10 in the house?
11 A. I heard it.
12 Q. And you had been in the house, right?
13 A. Right.
14 Q. Whose voices do you hear on this CD?
15 A. My voice, Will's voice and I think it's
16 Bubba's voice. I mean, I can't make it out.
17 I'm not sure.
18 Q. And the parts that you're able to hear in
19 State's Exhibit 303, are they a fair and
20 accurate recording of what was happening that
21 night?
22 A. Yes.
23 SOLICITOR WILSON: Your Honor,
24 at this time we'd offer State's Exhibit 303.
25 THE COURT: Any objection?

1 MR. CARROLL: No objection, Your
2 Honor.

3 THE COURT: Without objection,
4 State's 303, a CD, is admitted into evidence.

5 (SO ENTERED AS STATE'S EXHIBIT 303)

6 SOLICITOR WILSON: Your Honor,
7 if I could just have a second to get set up to
8 play that.

9 THE COURT: Certainly, you may
10 publish it.

11 SOLICITOR WILSON: Is it all
12 right if I bring the witness down?

13 THE COURT: Yes.

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR WILSON:

16 Q. Mr. Malik, I'm going to ask you to step
17 down so you can be closer to the speaker.

18 A. (Complies).

19 Q. You said that State's Exhibit 303, you
20 didn't know that this recording was being
21 done, but you've listened to it before in our
22 office with your attorney?

23 A. Yes.

24 THE COURT: You need to raise your
25 voice, please, Mr. Malik.

1 SOLICITOR WILSON: Your Honor,

2 first I'll play State's Exhibit 303, and then

3 I'm going to ask questions.

4 THE COURT: That's fine.

5 (AUDIO RECORDING, STATE'S EXHIBIT 303, PLAYED)

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR WILSON:

8 Q. Mr. Malik, you said that you recognized
9 some of the voices on that CD?

10 A. Yes, ma'am.

11 Q. I'm going to play back separate snippets
12 and ask you if you recognize which person is
13 doing that talking; okay?

14 A. All right.

15 Q. (Recording playing) -- let me ask you
16 this first, did you realize you were being
17 recorded?

18 A. No.

19 Q. That number that was just read, that the
20 lady just said, that's your number?

21 A. Yes.

22 Q. Do you know if you had a pocket dial or
23 something?

24 A. I guess that's what my phone did. I
25 don't know.

- 1 Q. (Recording playing) -- whose voice is
2 that, if you know? If you don't know, ---
3 A. Can you play it one more time?
4 Q. (Recording playing).
5 A. Will's.
6 Q. What does he say?
7 A. Said 'somebody can come get you.'
8 Q. Who was he talking to?
9 A. I guess he was talking to Silk.
10 Q. He wasn't talking to you?
11 A. No.
12 Q. (Recording playing) -- Who was that
13 talking?
14 A. That's me and him.
15 Q. What were you saying?
16 A. I guess I'm talking to Silk. I don't
17 know. No, I'm not talking to Silk. I'm
18 asking Will where is Silk at because Lena's on
19 my back.
20 Q. Why was Lena on your back?
21 A. Because I'd left the house hours ago, and
22 I'd told her I would be right back.
23 Q. You didn't come right back?
24 A. Right.
25 Q. You went over there?

1 A. Right.

2 Q. And you're telling that to who?

3 A. To Will.

4 Q. (Recording playing) -- who just said

5 "Will"?

6 A. Me.

7 Q. (Recording playing) -- who was that?

8 A. Will.

9 Q. (Recording playing) -- who said, "I'm on

10 James Island."

11 A. I guess Will. Can you play it back

12 again?

13 Q. If you don't know, that's fine. But if

14 you do know -- (recording playing).

15 A. I don't know.

16 Q. (Recording playing) -- who said "Bubba?"

17 A. Me.

18 Q. What were you talking to Bubba about?

19 A. I asked Will about Bubba.

20 Q. You weren't talking to Armon?

21 A. No.

22 Q. You were using somebody else's phone?

23 A. Yeah.

24 Q. Your phone is in your pocket?

25 A. Well, Will was talking and then he gives

- 1 , me the phone.
- 2 Q. And you said, "What's up, Bubba?"
- 3 A. Yeah.
- 4 Q. (Recording playing) -- who said, "I'm
- 5 coming to get you. Where are you at?"
- 6 A. Me.
- 7 Q. To who?
- 8 A. Silk.
- 9 Q. Was there a speakerphone on on Will's
- 10 phone?
- 11 A. I don't know. I can't recall.
- 12 Q. Was that Silk's voice in the background?
- 13 A. Yes, that was Silk's voice.
- 14 Q. But he wasn't there?
- 15 A. No.
- 16 Q. (Recording playing) -- Who's that?
- 17 A. That's me. I'm telling Will I'm fixing
- 18 to leave.
- 19 Q. (Recording playing) -- who's talking
- 20 about Chuckie Cheese?
- 21 A. Me.
- 22 Q. Why are you talking about Chuckie Cheese?
- 23 A. Because Silk worked behind Chuckie
- 24 Cheese. That's why I'm talking about Chuckie
- 25 Cheese.

1 Q. Had you ever been there before?
2 A. No.
3 Q. (Recording playing) ---
4 A. I'm saying that his mom's upset with me
5 and Lena's on my back.
6 Q. (Recording playing) ---
7 A. I'm telling him that his mom was saying
8 that he could at least pick up the phone and
9 call her and let her know that she (sic) is
10 all right because I had alarmed her ---
11 Q. Wait. Let her know that she's all right
12 or that he's all right?
13 A. That's he's all right.
14 Q. So you're saying what? (Recording
15 playing) -- who are you telling they need to
16 handle something.
17 A. Will's mama. I told her that if she'd
18 get off that I'd pay her for like the four
19 hours that she's lose the money.
20 Q. What did Will say?
21 A. So I was telling Will that he needed to
22 have -- like pay her the money, you know,
23 because she didn't want to mess around with
24 it. I was telling him like, you know, 'you
25 need to handle that with your mom.'

- 1 Q. This is Will's mom?
- 2 A. Yes.
- 3 Q. (Recording playing) ---
- 4 A. I'm telling him again my girlfriend's on
- 5 my back.
- 6 Q. Why were you telling him that?
- 7 A. Trying to just leave.
- 8 Q. (Recording playing) -- what are you
- 9 talking about your hand?
- 10 A. My hand was swollen where I partially hit
- 11 Gerard and hit the floor.
- 12 Q. (Recording playing) -- is this when
- 13 you're in the car?
- 14 A. No.
- 15 Q. You didn't even know there was a car?
- 16 A. Right.
- 17 Q. You can have a seat back up there now.
- 18 A. (Returns to witness stand).
- 19 Q. Now, I take it that recording -- was that
- 20 the whole conversation between all of you and
- 21 Silk?
- 22 A. I believe so.
- 23 Q. And eventually you'all made a decision as
- 24 to who would go get Silk, right?
- 25 A. Right.

1 Q. Was there ever any discussion about Bubba
2 going to get Silk?
3 A. I can't remember.
4 Q. And all the voices that you named were
5 you and Will and then Damien Watson in the
6 background.
7 A. Yes.
8 Q. We don't hear Gerard's voice, do we?
9 A. No.
10 Q. Why not?
11 A. He wasn't saying anything.
12 Q. He wasn't saying anything?
13 A. No. He was -- (pause).
14 Q. Where was he?
15 A. Still on the floor.
16 Q. Were you'all still in the kitchen, or
17 where?
18 A. I can't recall. I think we were still in
19 the kitchen. I'm not sure.
20 Q. At some point after that phone call you
21 leave?
22 A. Right.
23 Q. And you don't go get Silk, right?
24 A. No.
25 Q. You go back to Marlina's. I think you

1 told us that.

2 A. (Affirmative nod).

3 Q. You spent the night there?

4 A. Right.

5 Q. Did you talk with Will the next day?

6 A. I think so.

7 Q. Well, did you or didn't you?

8 A. Yeah.

9 Q. What kind of conversation did you have
10 the next day?

11 A. He was upset. He was upset because I
12 didn't follow through by going to get Silk.

13 Q. And did you'all have any harsh words
14 about that?

15 A. Yeah, he said he was going to get me.

16 Q. Did you take that seriously?

17 A. Yeah, I did.

18 Q. Where did you and Marlina and the
19 children stay the next night?

20 A. In a hotel.

21 Q. Why?

22 A. Because Will threatened me, and I got
23 word off the street that, you know, Will was
24 going to ---

25 MR. BLOOM: Objection.

1 THE COURT: Sustained.

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR WILSON:

4 Q. Had you talked to Will yourself?

5 A. Yes.

6 Q. Did he make it clear he was coming for
7 you?

8 A. Yes.

9 Q. So where was the hotel that you'all
10 stayed in, you and Marlina?

11 A. Mount Pleasant.

12 Q. And how many nights did you'all stay
13 there?

14 A. The whole weekend.

15 Q. At any point did you see Will again?

16 A. Yes, I saw Will Saturday afternoon. I
17 got off work a little early. I took my boys
18 to the barber shop. I was going home to get
19 more clothes.

20 Q. Wait. To get more clothes?

21 A. Yes, for the motel.

22 Q. Was anybody with you?

23 A. Yeah, my whole family, the boys, Marlina
24 -- my girlfriend. We get out of the car and
25 walking down to the stairs up to my house. He

1 comes at me -- I take one look at him and I
2 take off running towards the car, you know. I
3 get in the car. I cranked the car up.

4 Q. Where was Marlina?

5 A. The whole family's still in the yard. So
6 I jumped out. I'm going towards them. Will's
7 going towards the car. Marlina, she's coming
8 toward the car. Will jumps in the driver's
9 side. Marlina goes to the passenger's side.
10 She's going to try to grab the keys out. I
11 told her, you know, to just stay back.

12 Q. Just to let Will have it?

13 A. Right. Exactly. I told her to just let
14 him have the car, and he took the car.

15 Q. Did you see the car again?

16 A. Yeah.

17 Q. Where was it? Let me ask you this first.
18 After that happened did you do anything?

19 A. Yes.

20 Q. Did you call the police?

21 A. Yes.

22 Q. What did you tell the police?

23 A. I told the police that William Dickerson
24 came to my house and stole my car. He was
25 wanted for murder and he had just left my

- 1 house.
- 2 Q. How long was it after that when you saw
- 3 your car, or Marlina's car?
- 4 A. About fifteen or twenty minutes.
- 5 Q. Where did you see it?
- 6 A. It was close down the street, around the
- 7 corner, totaled. Totaled.
- 8 Q. Did you see Will out there?
- 9 A. No.
- 10 Q. But you know he got arrested sometime
- 11 that evening?
- 12 A. Right.
- 13 Q. So you were willing to call the police
- 14 about your car getting stolen but not about
- 15 Gerard being tortured to death?
- 16 A. I didn't know that Gerard was tortured.
- 17 I know ---
- 18 Q. Whoa! You didn't know he was tortured?
- 19 A. No, I didn't know that.
- 20 Q. Okay. When you walked in that apartment
- 21 what did you see?
- 22 A. I saw Gerard bloody, you know.
- 23 Q. Did you see him with pants on?
- 24 A. No.
- 25 Q. Do you think he liked to walk around half

1 naked?

2 A. No.

3 Q. Bleeding?

4 A. No.

5 Q. Was your car more important than Gerard?

6 A. No. Uh, -- I didn't call the police
7 because I was there and I knew that I would
8 get in trouble for being there.

9 Q. You've been in trouble before?

10 A. Right.

11 Q. You've been in prison before?

12 A. Right.

13 Q. You didn't want to go back, did you?

14 A. Exactly. Exactly.

15 Q. So when you called the police you told
16 them that William Dickerson was the one with
17 the car?

18 A. Right.

19 Q. That he was wanted for murder?

20 A. Right.

21 Q. Did you talk with the police that
22 afternoon?

23 A. Marlina did most of the talking.

24 Q. But you were around them?

25 A. Right.

- 1 Q. You didn't run from them at that point?
- 2 A. No.
- 3 Q. Because you were in the clear, as far as
- 4 Gerard goes; right?
- 5 A. Right.
- 6 Q. And it was just you and Gerard and Will
- 7 and Bubba in that apartment.
- 8 A. Right.
- 9 Q. Days went by. Weeks went by. You didn't
- 10 talk to the police?
- 11 A. No.
- 12 Q. When was it that you realized that the
- 13 police or law enforcement finally knew about
- 14 you?
- 15 A. Two years. Two years had passed and my
- 16 mom, she came to my house and told me that the
- 17 police ---
- 18 Q. Two years had passed and you had been
- 19 doing what?
- 20 A. Just working, you know.
- 21 Q. Were you still with Marlina?
- 22 A. Yes. My baby had been born. I had a
- 23 newborn, you know. Just going on about
- 24 everyday life.
- 25 Q. Until your mom called you one day?

- 1 A. Yeah, she said the police were around her
2 house and they wanted me for murder.
- 3 Q. Did you know what they were talking
4 about?
- 5 A. Sort of.
- 6 Q. What did you do?
- 7 A. Did you go turn yourself in?
- 8 A. No, that afternoon I went to my lawyer's
9 office.
- 10 Q. Who's your lawyer?
- 11 A. Tim Culp.
- 12 Q. Is that him right there in the glasses on
13 the front row?
- 14 A. Yes, ma'am.
- 15 Q. You went to go try to find him?
- 16 A. Right.
- 17 Q. Did you have any luck finding him?
- 18 A. No. He wasn't in the office. I couldn't
19 get him on the phone. Finally, I got on I-95
20 and I just -- I went to Minnesota.
- 21 Q. How did you pick Minnesota?
- 22 A. I was headed for Seattle, I have family
23 in Seattle.
- 24 Q. How did you get there? Did you drive all
25 the way to Minnesota?

1 A. No. I left my truck in North Carolina
2 and jumped on a bus.

3 Q. Did you have anybody go pick up your
4 truck?

5 A. Not until I was arrested. I didn't want
6 to get my family involved, so I didn't tell
7 them where my truck was or where I was at. I
8 didn't call them.

9 Q. So you get off the bus in Minnesota and
10 what happens?

11 A. The authorities were waiting for me to
12 get off the bus.

13 Q. How did they know you were in Minnesota?

14 A. I don't know.

15 Q. Had you made any phone calls?

16 A. Yeah.

17 Q. And after that -- that was in 2007?

18 A. Yes, -- 2008.

19 Q. 2008?

20 A. (Affirmative nod).

21 Q. And after that you realized you had been
22 charged with murder, is that right?

23 A. Right. The whole while I was headed
24 there I was trying to get in contact with my
25 lawyer. I finally got in contact with him.

1 He told me the best thing to do was to just
2 come on back home but before I could make it
3 to my destination, I was arrested.

4 Q. Your destination being Seattle, or your
5 destination being back home?

6 A. My destination was back home.

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

9 THE COURT: Certainly.

10 SOLICITOR WILSON: That's all I
11 have, Your Honor.

12 THE COURT: Cross examine.

13 CROSS EXAMINATION

14 BY MR. CARROLL:

15 Q. You went over to Fleming Road to beat
16 Gerard Roper; didn't you?

17 A. No.

18 Q. When you got there you beat him.

19 A. No.

20 Q. Didn't beat him?

21 A. No.

22 Q. Kicked him?

23 A. (Affirmative nod), once.

24 Q. Did I understand you earlier to say you
25 partially hit him?

- 1 A. Yes.
- 2 Q. Describe that.
- 3 A. You know like when you throw a punch but
- 4 you don't connect and you miss.
- 5 Q. That sounds like a miss.
- 6 A. That's like I partially hit him. I hit
- 7 the floor also.
- 8 Q. You beat him so badly that your hand
- 9 swoll up. Isn't that true?
- 10 A. No.
- 11 Q. Didn't we just hear you saying my hand
- 12 hurts?
- 13 A. Yes, because I hit the floor.
- 14 Q. You didn't partially hit the floor?
- 15 A. Yes, I partially hit the floor and
- 16 Gerard.
- 17 Q. So hard that your hand was swollen up.
- 18 A. Because of the floor, not Gerard.
- 19 Q. Then you kicked him.
- 20 A. Yes.
- 21 Q. Gerard hadn't done anything to you, had
- 22 he?
- 23 A. No.
- 24 Q. And the whole reason you were over there
- 25 is because you talked to somebody on the

1 telephone and they threatened you.

2 A. Right. He didn't just threaten me, he
3 threatened my family also.

4 Q. When you were on the telephone where were
5 you located?

6 A. Which call are you talking about?

7 Q. The first threat you talked about here
8 today.

9 A. I was at home.

10 Q. North Charleston?

11 A. Yes.

12 Q. The person on the other end of the
13 telephone wasn't there with you, were they?

14 A. No.

15 Q. And they threatened to do, sounds like,
16 some pretty bad things to you; right?

17 A. Right.

18 Q. Threatened to do some things to your
19 girlfriend?

20 A. Not at that time.

21 Q. Later, did he threaten to do some things
22 to your girlfriend?

23 A. Right.

24 Q. Your unborn child?

25 A. Right.

1 Q. And so because of those threats you go
2 over there?

3 A. Yes, because I didn't want him to come to
4 my house.

5 Q. You had a loaded gun on your person?

6 A. Yes.

7 Q. When you walked in the door of Apartment
8 E-3 you had a gun?

9 A. Right.

10 Q. And the person who threatened you was
11 there?

12 A. Yeah.

13 Q. The person who threatened your girlfriend
14 was there?

15 A. Yeah.

16 Q. Your unborn child?

17 A. Yeah.

18 Q. Did you walk in and pull that gun out and
19 say, 'Let's deal with this right now?'

20 A. No.

21 Q. You walked in and just beat on Gerard
22 Roper.

23 A. No.

24 Q. Gerard Roper didn't place that phone
25 call, did he?

- 1 A. No.
- 2 Q. Pardon me?
- 3 A. No.
- 4 Q. You went over to beat Roper and you beat
5 him.
- 6 A. No.
- 7 Q. You beat him to the extent that you're
8 charged with murdering him. Isn't that true?
- 9 A. No, I did not beat him to the extent that
10 I'm charged with murder.
- 11 Q. You're not charged with murder?
- 12 A. Yes, I am charged with murder. I didn't
13 beat him to the extent -- no, I didn't beat
14 him at all.
- 15 Q. You beat him and when you were done you
16 just left.
- 17 A. I didn't beat him.
- 18 Q. You got word that the police wanted to
19 talk to you and that scared you, didn't it?
- 20 A. No, I got word that I had a warrant out
21 for murder, not that the police wanted to talk
22 to me.
- 23 Q. ... better. You got word that you were
24 wanted for murder. You knew that Armon
25 Dickerson had been charged with murder, didn't

1 you?

2 A. Yeah.

3 Q. You knew that Selena Rouse had been
4 charged with accessory after the fact of
5 murder?

6 A. I didn't know that at the time, no.

7 Q. You figured I was there beating him,
8 Armon was there beating him, 'my name' -- 'I'm
9 probably in trouble'; right?

10 A. No, I did not beat him. And I wanted to
11 contact my lawyer before I turned myself in.

12 Q. So you went looking for your lawyer. Is
13 that right?

14 A. Yes.

15 Q. Mr. Culp?

16 A. Yes.

17 Q. His law office is here in Charleston?

18 A. Yes.

19 Q. Where did you go?

20 A. To his office on Longview Avenue.

21 Q. North Charleston?

22 A. Yes.

23 Q. Yet somehow you ended up on I-95?

24 A. Yes.

25 Q. I-95 doesn't run anywhere near North

- 1 Charleston, does it?
- 2 A. It's thirty minutes away from 526.
- 3 Q. And 526 connects to I-26?
- 4 A. Yes.
- 5 Q. And I-26 connects to I-95?
- 6 A. Yes.
- 7 Q. And I-95 runs the eastern seaboard;
- 8 right?
- 9 A. Right.
- 10 Q. You got on I-95 -- looking for Mr. Culp?
- 11 A. (No verbal response).
- 12 Q. You got to North Carolina and you dumped
- 13 your truck. Is that right?
- 14 A. Yes.
- 15 Q. Were you headed to Canada?
- 16 A. No.
- 17 Q. Did somebody tell you if you could get to
- 18 Canada they won't extradite you?
- 19 A. No.
- 20 Q. You were just headed toward the great
- 21 northwest?
- 22 A. Headed to Seattle.
- 23 Q. Seattle, about as far as you can get and
- 24 stay in the United States of America; is that
- 25 right?

1 A. (No verbal response).

2 Q. Is that right?

3 A. I don't know the map. I don't know.

4 Q. You just picked Seattle?

5 A. No, I had family staying in Seattle.

6 Q. Did you call them up and say, 'Look, I'm

7 running from a murder charge and am on the

8 way.'

9 A. No, I told my family I was in trouble and

10 I needed a place to stay until I could see

11 what was going on. They said, 'Okay, come

12 on.'

13 Q. You knew what was going on, didn't you?

14 A. No, because I didn't murder anybody. So

15 I wanted to talk to my lawyer before I turned

16 myself in for anything.

17 Q. You didn't think that was going to do

18 anything about that warrant for murder, did

19 you?

20 A. (No verbal response).

21 Q. It sounds like you were running, doesn't

22 it?

23 A. I was afraid. I already did time before

24 and I was afraid of incarceration. I had my

25 life intact at the time, and I just didn't

1 want to do more time.

2 Q. Wouldn't it have made more sense to go
3 down there and say, 'Hey, here I am. Let me
4 tell you what I know.'

5 A. Fear causes you to do a lot of crazy
6 things like punching an innocent man.

7 Q. Fear caused that?

8 A. Yeah, I was afraid of William Dickerson.
9 Fear caused me to go over there, you know.

10 Q. Did fear make you give him your loaded
11 gun?

12 A. Yeah, because he had a loaded gun.

13 Q. He didn't point it at you, did he?

14 A. He had it in his hand. He asked me for
15 my gun. I couldn't whip my gun out at the
16 time.

17 Q. You had to whip it out to give it to him,
18 didn't you?

19 A. I didn't whip it out. I gave it to him.
20 There's a big difference.

21 Q. What does "whipping it out" mean?

22 A. (No verbal response).

23 Q. Didn't you have time to do that?

24 A. No.

25 Q. How do you give it to somebody?

1 A. (No verbal response).

2 Q. You had time to do that.

3 A. Right.

4 Q. Sounds like whipping it out is faster to

5 me..

6 Now, you got to Minnesota and you found

7 out you couldn't run, isn't that right?

8 A. Right.

9 Q. You were taken into custody?

10 A. Right.

11 Q. But that didn't have anything to do with

12 that; right?

13 A. Do with what?

14 Q. Gerard Roper's killing?

15 A. Yeah.

16 Q. That was a lie, wasn't it?

17 A. What?

18 Q. It was a lie, wasn't it?

19 A. What's a lie?

20 Q. When you said "I didn't have anything to

21 do with it."

22 A. I didn't have anything to do with the

23 killing of Gerard Roper. I had something to

24 do with being at the crime scene.

25 Q. You were at the crime scene with a loaded

1 gun, and you left the crime scene with a
2 loaded gun. Right?
3 A. No, I gave your client, William
4 Dickerson, my loaded gun.
5 Q. Didn't you go to the store to get some
6 juice and some cigars?
7 A. Yeah.
8 Q. And you had a loaded gun with you; right?
9 A. Right.
10 Q. So you left with a loaded gun?
11 A. Right.
12 Q. And a cell phone?
13 A. Right.
14 Q. Car?
15 A. (No verbal response).
16 Q. You were driving a car, right? Or truck?
17 A. Car at the time.
18 Q. And you came back?
19 A. Right.
20 Q. You went by yourself, didn't you?
21 A. Right.
22 Q. After you were taken into custody here in
23 Charleston and the warrant was served on you
24 for murdering Gerard Roper, you denied
25 involvement then, too; didn't you?

1 A. No one interviewed me.

2 Q. Nobody wanted to talk to you?

3 A. Nope.

4 Q. Did you get Armon Dickerson to write you

5 a letter to your lawyer to say you didn't have

6 anything to do with this?

7 A. No, I didn't get Armon to write me a

8 letter. Armon knew I didn't have anything to

9 do with it and he wrote my lawyer the letter.

10 Q. Are you and Armon good friends?

11 A. No, he's William's brother.

12 Q. He's just a good guy?

13 A. I guess so.

14 Q. Wanted to help you out and set the record

15 straight?

16 A. Right.

17 Q. He said, "Everything I said about Rashid

18 Malik is a lie."

19 SOLICITOR WILSON: Objection.

20 THE COURT: Sustained.

21 CROSS EXAMINATION CONTINUED

22 BY MR. CARROLL:

23 Q. Did you threaten Armon to get him to

24 write that letter?

25 A. No. Armon, at the time he was locked up

1 in protective custody. I can't see him, talk
2 to him or anything.

3 Q. So the letter came as a shock to you when
4 you found out about it?

5 A. He sent me a letter telling me that he
6 was going to write it, you know. And a couple
7 of days later the letter came to me.

8 Q. You've known William Dickerson for a long
9 time.

10 A. Yes.

11 Q. He was convinced there were people out to
12 kill him back in March of 2006, wasn't he?

13 A. Yeah.

14 Q. Do you know anything about Shelley having
15 a thing going on with a fellow named Puta?

16 A. No, only what Will told me.

17 Q. You did hear from him about Puta?

18 A. Yes, sir.

19 Q. Did you know about Will leaving town?

20 A. No.

21 Q. Didn't?

22 A. No.

23 Q. He showed up at your house on that
24 Saturday, right?

25 A. Right.

1 Q. When's the last time you'all had talked
2 prior to that?
3 A. I can't recall. A couple of days.
4 Q. Would you say you'all talked a lot during
5 the course of a day?
6 A. No.
7 Q. You'all rarely talked?
8 A. Rarely.
9 Q. Rarely?
10 A. (Affirmative nod).
11 Q. That's correct?
12 A. Yes.
13 Q. He showed up that day at your house. He
14 didn't threaten you then, did he?
15 A. At the time I didn't give him time to
16 threaten me. As soon as I saw him, I took
17 off.
18 Q. What did he do?
19 A. What?
20 Q. Wasn't he there to get you to go with him
21 to his mother's to turn himself in?
22 A. No. No, we didn't even talk.
23 Q. He didn't make any gestures to harm you
24 in any way?
25 A. Like I said, as soon as I saw him I ran.

1 Because he had threatened to kill me, you
2 know.

3 Q. Did you dial 9-1-1?

4 A. Yeah.

5 Q. You said 'William Dickerson's wanted for
6 murder and he just took my car'?

7 A. Yes.

8 Q. You didn't say, 'I was involved in the
9 killing that he's wanted for?'

10 A. No, I wasn't involved in the killing.

11 Q. You didn't have anything to do with
12 anything?

13 A. Yes, I had something to do with it. But
14 a killing, no.

15 MR. CARROLL: Beg the Court's
16 indulgence.

17 THE COURT: Certainly.

18 MR. CARROLL: No further questions.

19 THE COURT: Redirect, Solicitor.

20 REDIRECT EXAMINATION

21 BY SOLICITOR WILSON:

22 Q. Was Gerard Roper alive when you left that
23 Tuesday night?

24 A. Yes, ma'am.

25 SOLICITOR WILSON: That's all I

1 have, Your Honor.

2 THE COURT: Recross, Mr. Carroll?

3 MR. CARROLL: Nothing, Your
4 Honor.

5 THE COURT: Thank you. You may
6 come down, sir.

7 (WITNESS STEPS DOWN)

8 THE COURT: Solicitor? Next
9 witness.

10 SOLICITOR WILSON: Sandra Fokes.

11 THE COURT: I tell you what. Why
12 don't we do this before we take her. Ladies
13 and gentlemen, let's go to the jury room and
14 take a break for about ten minutes. Don't
15 begin your deliberations. Don't discuss the
16 case.

17 (JURY OUT @ 4:49 P.M.)

18 THE COURT: Anything from the State
19 before we recess, Solicitor?

20 BRUCE DURANT: No, sir, Your Honor.

21 THE COURT: Anything from the
22 defendant?

23 MR. CARROLL: No, sir.

24 THE COURT: We'll be at-ease. How
25 many more witnesses do you anticipate calling?

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Before The Honorable R. Markley Dennis, Jr.

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1 SOLICITOR WILSON: Three.

2 THE COURT: Long ones?

3 MR. DURANT: No, two short and one
4 more.

5 THE COURT: Let's see what we can
6 do.

7 (BRIEF RECESS 4:49 - 5:05 P.M.)

8 THE COURT: Let the record reflect
9 Mr. Dickerson is present. Let's bring in our
10 jury, please. Thank you.

11 (JURY IN @ 5:05 P.M.)

12 BAILIFF: All seated, Your Honor.

13 THE COURT: Thank you, ladies and
14 gentlemen, we're ready to continue.

15 Solicitor, you may call your
16 witness.

17 SOLICITOR WILSON: Sandra Fokes.

18 (WITNESS TAKES STAND)

19 SANDRA FOKES, being duly sworn to
20 tell the truth, the whole truth and nothing
21 but the truth, testified, as follows:

22 DIRECT EXAMINATION

23 BY SOLICITOR WILSON:

24 Q. Ms. Fokes, this projector here makes a
25 good bit of noise. That's why we need you to

1 sort of lean over into the microphone, okay?

2 A. Okay.

3 Q. I have that issue myself. Ms. Fokes, how

4 old are you?

5 A. Beg your pardon?

6 Q. I'm sorry. How old are you?

7 A. Fifty-six.

8 Q. Do you live here in Charleston?

9 A. Yeah.

10 Q. Have you lived here all your life?

11 A. Yeah.

12 Q. Are you married?

13 A. Yeah.

14 Q. What's your husband's name?

15 A. William Fokes.

16 Q. And how long have you'all been together?

17 A. We've been married for ten years.

18 Q. Ms. Fokes, do you have children?

19 A. Yes.

20 Q. What are their names?

21 A. William and Armon Dickerson.

22 Q. William and Armon Dickerson?

23 A. Yes.

24 Q. What part of town did your son William

25 grow up in? What area did you'all live in

1 when he was young?

2 A. I used to live on Orleans Court. Then I
3 moved from Orleans Court to Spring Street.
4 And I've lived on Spring Street for thirteen
5 years.

6 Q. When William was younger and even again
7 in his twenties did you get to know some of
8 his friends?

9 A. Yeah.

10 Q. Did you know Gerard Roper?

11 A. Yeah.

12 Q. Did you have a good relationship with
13 Gerard?

14 A. Yes, ma'am.

15 Q. How about a guy who went by the name of
16 Popcorn?

17 A. Yeah.

18 Q. Now, Ms. Fokes, I'm sorry that you have
19 to be here today, but I'm just going to ask
20 you a few questions.

21 A. (No verbal response).

22 Q. Okay?

23 A. Yes.

24 Q. First of all, you mentioned that you knew
25 Popcorn. Is that right?

1 A. Yes.

2 Q. Do you recall on Tuesday afternoon of
3 March 7 in 2006 having a chance to talk with
4 Popcorn that day?

5 A. Yeah.

6 Q. Where were you?

7 A. I was at work. My husband called me, he
8 was at the house and my husband put him on the
9 phone.

10 Q. You work at MUSC?

11 A. Yes.

12 Q. Did you recognize Popcorn's voice on the
13 phone?

14 A. Yeah.

15 Q. What was his demeanor like?

16 A. He was saying, "Mom, I'm coming to get
17 you. You need to talk to Willie D" --
18 (emotional).

19 Q. Take your time. I know this is hard for
20 you, and I'm sorry. Did Popcorn sometimes
21 call you mom?

22 A. Yes.

23 Q. And he said, "I'm coming to get you."

24 A. (Affirmative nod), "I'm coming to get
25 you."

1 Q. From where?

2 A. He was coming to get me from work.

3 Q. So that you could do what?

4 A. So I could -- he was coming to get me so
5 I could go -- he was going to take me wherever
6 William was at for me to talk to him. But I
7 waited on Popcorn and ---

8 Q. Was it time for you to be off work?

9 A. No. But I went to the charge nurse and I
10 told the charge nurse that I had a family
11 emergency and I had to leave.

12 Q. What time were you supposed to get off
13 work. Do you remember?

14 A. I get off at 11:30.

15 Q. So this was sometime before 11:30?

16 A. Yeah.

17 Q. You told your charge nurse family
18 emergency.

19 A. Yes.

20 Q. Did you go outside and meet Popcorn?

21 A. Yes, after I left. I had to go swipe out
22 at the time clock. Then I went outside and I
23 sat on the bricks and I waited and I waited,
24 and he never came. So I called my husband and
25 my husband came and picked me up from work.

1 Q. You never saw Popcorn again that day?

2 A. No.

3 Q. Never saw William again that day?

4 A. No.

5 Q. In fact, you didn't see William again?

6 A. No.

7 Q. Again, I know this is hard for you, but I
8 just need to go over a couple more things.

9 After William got arrested and everybody knew
10 that Gerard was dead, did you have occasion to
11 meet with the Charleston Police Department?

12 A. Yes.

13 Q. And did you cooperate with them?

14 A. Yes, I did.

15 Q. And did they play you a recording?

16 A. Yes, they did.

17 Q. And did you recognize any voices on it?

18 A. Yes, I did.

19 SOLICITOR WILSON: Your Honor,
20 at this time we would like to play State's
21 Exhibit 296.

22 THE COURT: You may proceed.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR WILSON:

25 Q. Ms. Fokes, I'd ask you to listen to this

1 recording.

2 (WHEREUPON STATE'S EXHIBIT 296, AN

3 AUDIO TAPE PLAYED)

4 Direct EXAMINATION CONTINUED

5 BY SOLICITOR WILSON:

6 Q. Ms. Fokes, can you answer a few more
7 questions for me?

8 A. Yes.

9 Q. Was that the same tape that the
10 detectives played for you?

11 A. (Emotional) -- yeah.

12 Q. Did you recognize the female voice on
13 that tape?

14 A. (Emotional) -- yeah.

15 Q. Whose was it?

16 A. Shelley.

17 Q. How about the male voice?

18 A. (Emotional) -- yeah.

19 Q. Just one other thing. Ms. Fokes, what
20 does "Word is born" mean?

21 A. It means that you will stand on your
22 word. It's means the truth, like I'm telling
23 the truth.

24 Q. The male voice that you heard on that
25 tape, who was that?

1 A. (Emotional) -- William.
2 Q. Your son?
3 A. (Emotional) -- yes.
4 SOLICITOR WILSON: That's all I
5 have.
6 THE COURT: Cross examine.
7 MR. BLOOM: May it please the
8 Court.
9 CROSS EXAMINATION
10 BY MR. BLOOM:
11 Q. Ms. Fokes, do you need a few minutes ---
12 A. No.
13 Q. --- or would you like a glass of water?
14 A. No.
15 Q. Let me ask you, ma'am, when the police
16 first came and talked to you it upset you
17 quite a bit when the police came to talk to
18 you. Is that correct?
19 A. Yeah.
20 Q. You initially asked them if they would
21 not come to your work place; is that correct?
22 A. Yes, but I cooperated. They came on my
23 job.
24 Q. Yes, ma'am. And when they first played
25 the tape for you, is it correct that you told

1 them you didn't know whose voice it was?

2 A. Yes.

3 Q. And you weren't sure if it was Armon on
4 there?

5 A. No, I didn't -- no.

6 Q. Did you tell them you weren't sure who it
7 was, but they kept pushing you and asking you
8 to identify him?

9 A. No. I recognized the voice, the two
10 voices, the male and the female voice. But I
11 couldn't recognize the person who -- the other
12 voice. But I recognized the male and the
13 female voice.

14 Q. Did you tell them initially you knew it
15 was Shelley's voice, the female voice?

16 A. Yes.

17 Q. But you weren't sure who the other voice
18 was. Is that correct?

19 A. No, I didn't.

20 Q. And then didn't you tell them, after they
21 were pushing you, they were saying, "You don't
22 remember this. You're sure?" Treating you
23 in ewhat of an aggressive manner?

24 A. No. They showed me a picture and I told
25 them that it was William.

1 Q. So when they first asked you, you denied
2 it and told them you weren't sure who the
3 voice was?

4 A. No, I didn't. I told them. And they
5 came back again and I told them the same
6 thing.

7 Q. Ma'am, do you remember being interviewed
8 by a Dale Davis who works for me?

9 A. Yes.

10 MR. BLOOM: Would you mind standing
11 up, Ms. Davis.

12 MS. DAVIS: (Complies).

13 CROSS EXAMINATION CONTINUED

14 BY MR. BLOOM:

15 Q. Do you remember being interviewed by her
16 as to this?

17 A. Yes.

18 Q. Do you remember telling her that when the
19 police first played the tape for you, you
20 weren't sure who the other person was?

21 A. I said I didn't recognize the third
22 person. I recognized the lady and the man --
23 (emotional). Yes, I did.

24 Q. Do you remember telling Ms. Davis that
25 the police kept pushing you for an answer?

1 A. No. They left and they came back. And I
2 asked them, "Why are you'all coming back on my
3 job again?"

4 Q. Yes, ma'am. And it was that time that
5 you finally told them it was William's voice,
6 because you felt you were being pressured?

7 A. No, I did not feel pressured. I just
8 tell them the truth -- (emotional), that's all
9 I do.

10 Q. You don't remember telling Ms. Davis that
11 you felt pressured by the police to identify
12 someone?

13 A. (Emotional, crying)..

14 THE COURT: Mr. Bloom, you've asked
15 that question several times and she's answered
16 it. Move on to something else.

17 CROSS EXAMINATION CONTINUED

18 BY MR. BLOOM:

19 Q. Ma'am, do you remember getting a call
20 from William on Wednesday of that week?

21 A. (Emotional) -- I can't remember.

22 SOLICITOR WILSON: Your Honor, I
23 object. It's beyond the scope of direct.

24 THE COURT: It's all right. It's
25 cross examination. Overruled.

1 CROSS EXAMINATION CONTINUED

2 BY MR. BLOOM:

3 Q. You don't remember that phone call,
4 ma'am?

5 THE COURT: Ms. Fokes, do you need
6 a break?

7 THE WITNESS: I just want to get this
8 over with.

9 THE COURT: Yes, ma'am. I
10 understand. But do you need a break?

11 THE WITNESS: (Negative gesture).

12 THE COURT: Would you answer the
13 question? Do you remember the phone call?

14 THE WITNESS: I remember,
15 (affirmative nod).

16 CROSS EXAMINATION CONTINUED

17 BY MR. BLOOM:

18 Q. You love your sons, Armon and William;
19 right?

20 A. Yes, I do. Both of my children.

21 MR. BLOOM: Thank you.

22 THE COURT: Redirect, Solicitor?

23 REDIRECT EXAMINATION

24 BY SOLICITOR WILSON:

25 Q. Ms. Fokes, Mr. Bloom asked you about

1 pressure from the police back then, and you
2 said there was none.

3 A. No, when they came back the second time I
4 just asked them to come back on my job but I
5 was cooperating.

6 Q. You didn't want your employment to get
7 mixed up in it?

8 A. No, but it did.

9 Q. You haven't been pressured to be here
10 today?

11 A. No.

12 Q. Did you come voluntarily?

13 A. Yes, ma'am.

14 Q. I know it's hard.

15 A. (Emotional) -- I just want closure for my
16 family and for Shareen and her family, for us
17 to go on and have a good life -- best we can.

18 SOLICITOR WILSON: That's all I
19 have, Your Honor.

20 THE COURT: Recross?

21 MR. BLOOM: We have nothing
22 further, Your Honor.

23 THE COURT: Ms. Fokes, you may step
24 down.

25 THE WITNESS: Thank you.

1 THE COURT: Do you wish this
2 witness to be excused?

3 SOLICITOR WILSON: Yes, sir.

4 THE COURT: Any objection?

5 MR. BLOOM: No, sir.

6 THE COURT: Ms. Fokes, you're free
7 to leave.

8 THE WITNESS: Thank you.

9 THE COURT: Yes, ma'am.

10 (WITNESS EXCUSED)

11 THE COURT: Call your next witness,
12 please.

13 SOLICITOR WILSON: Beg the
14 Court's indulgence.

15 THE COURT: Certainly.

16 SOLICITOR WILSON: The State
17 calls Aven Roper.

18 (WITNESS TAKES STAND)

19 AVEN ROPER, being duly sworn to tell
20 the truth, the whole truth and nothing but the
21 truth, testified, as follows:

22 DIRECT EXAMINATION

23 BY SOLICITOR WILSON:

24 Q. Mr. Roper, have you been here all week?

25 A. I've been here all week.

1 Q. If you could tell the jury how old you
2 are, first of all.

3 A. I am 52 years old.

4 Q. And how far did you go in school?

5 A. Junior at the University of South
6 Carolina.

7 Q. Do you work?

8 A. Yes.

9 Q. What is your occupation?

10 A. I am an ILA.

11 Q. What does that mean?

12 A. International Longshoreman, mechanic.

13 Q. How long have you been doing that?

14 A. Almost twenty years.

15 Q. Did you grow up here?

16 A. Yes.

17 Q. Tell the jury how you knew Gerard Roper.

18 A. Gerard was my son. He was my oldest son.

19 Q. So you have another son as well?

20 A. Yes, I do.

21 Q. And Shareen was your wife?

22 A. Yes.

23 Q. How long were you all together?

24 A. Sixteen years.

25 Q. Mr. Roper, I'm not going to ask you a lot

1 of questions. I know it's been a long week.
2 But you had occasion to hear the recording
3 (State's Exhibit 296) that was just played.
4 A. Yes.
5 Q. And you've heard that before, even before
6 in my office?
7 A. Yes, I did.
8 Q. There's a portion on the recording where
9 someone says, "Gerard, tell how big your booky
10 is." And then a voice responds. Did you
11 recognize that voice?
12 A. That was my son.
13 Q. Gerard?
14 A. That was Gerard. He was just depressed -
15 --
16 Q. Did he sound like himself?
17 A. It sounded -- it was Gerard. He was just
18 depressed. It's just unfortunate.
19 SOLICITOR WILSON: That's all I
20 have.
21 MR. BLOOM: We have no questions of
22 Mr. Roper.
23 THE COURT: Thank you, Mr. Roper.
24 You may step down, sir.
25 (WITNESS EXCUSED)

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1 SOLICITOR WILSON: The State
2 calls Reggie Fuller.

3 (WITNESS TAKES STAND)

4 RANDY FULLER, being duly sworn to
5 tell the truth, the whole truth and nothing
6 but the truth, testified, as follows:

7 DIRECT EXAMINATION

8 BY SOLICITOR WILSON:

9 Q. Mr. Fuller, are you in the National
10 Guard?

11 A. Yes, I am.

12 Q. How long have you been in the National
13 Guard?

14 A. I've been in the National Guard for
15 twenty years.

16 Q. How old are you?

17 A. I'm 41.

18 Q. What kind of work do you do for the
19 Guard?

20 A. I'm on active duty on the Governor's Task
21 Force as a part of the National Guard, and I'm
22 an intelligence analyst.

23 Q. What agency are you currently assigned
24 to?

25 A. Currently assigned to the FBI Task Force.

- 1 Q. And what city is that in?
- 2 A. In Columbia.
- 3 Q. Can you explain to the jury what it means
- 4 to be an analyst or intelligence analyst?
- 5 A. I primarily deal with cell phone and land
- 6 line phone records. In drug cases it creates
- 7 links between other people and organizations,
- 8 so we can kind of get a structure of who all
- 9 is involved.
- 10 Q. As far as this case goes, you didn't
- 11 analyze information because of your position
- 12 on the Task Force, necessarily; correct?
- 13 A. That's correct.
- 14 Q. When you say that you used the
- 15 information to connect different people, is
- 16 that when the federal agencies are doing
- 17 undercover investigations or wiretaps; things
- 18 of that nature, to help analyze the
- 19 information you gather?
- 20 A. That's correct.
- 21 Q. Do cellular telephone companies often
- 22 provide you and other law enforcement agencies
- 23 with cell tower information?
- 24 A. Yes, ma'am, they do.
- 25 Q. And what do you'all use that for?

1 A. Use it for a few things. If we're active
2 on a pin register, which we're actually
3 collecting real-time data.

4 Q. What's a pin register?

5 A. A pin register -- every time that phone
6 goes off hook or they hit "Send" we get that
7 information.

8 Q. If you're live?

9 A. If we're live on it. I'll use the cell
10 site information if I'm getting it live and I
11 can actually put surveillance in the field on
12 the subject that's using the phone, if
13 surveillance is having a hard time finding the
14 person. I've used it that way.

15 I've used it in previous murder trials to
16 actually corroborate information putting the
17 subject at a particular location or finding
18 the general vicinity of a location.

19 Q. You mentioned that the cell phone
20 companies often provide that information. And
21 in your duties as an analyst have you created
22 your own database of cellular towers based on
23 the collection from different cell phone
24 companies?

25 A. Yes, ma'am. Using a software program

1 called Pin-Link which is a big fancy access
2 database. It has a cell tower database as
3 part of it. I'll periodically get all the
4 cell sites from the phone companies. They
5 send it to me in an Excel spreadsheet that has
6 an autoloading feature where it loads it right in
7 so I go into the database and search it for
8 areas of cell phone.

9 Q. You used the term "Pin-Link." Are there
10 other software programs that you use in your
11 job as an analyst?

12 A. I use Pin-Link, all of Microsoft Office
13 products, to include Excel and I also use
14 Analyst Notebook.

15 Q. Let me ask you this. You talked about
16 using cell phone tower information when you're
17 "live". When you're getting historical
18 information, how long do phone companies tend
19 to keep records of cell phone towers?

20 A. As far as the call detail records go, it
21 varies between phone companies. Some will
22 keep it for thirty days before they dump it
23 out of their call detail records database.
24 Others may keep it up to six months. It just
25 varies by phone company.

1 Q. So if I found out, you know, today that a
2 particular cell phone was relevant back in
3 2006, could I go and get that cell phone
4 information?

5 A. You can get the call detail records, but
6 you cannot get the cell site information.

7 Q. Because that gets dumped.

8 A. It does.

9 Q. I'm going to show you what has previously
10 been introduced as State's Exhibit 308 and ask
11 you to take a look at that. And do you
12 recognize that?

13 A. (Upon review) -- yes, ma'am, I do.

14 Q. Were you provided with those same records
15 which are the -- what do you call it, the call
16 detail?

17 A. The call detail, right.

18 Q. For the number 843-530-5085?

19 A. Yes, ma'am.

20 Q. You've been working with these entries
21 and these records. Is that right?

22 A. That's right.

23 Q. Using Pin-Link and Excel and those other
24 software items?

25 A. Yes, ma'am.

1 Q. Now, in those phone records were you able
2 to ascertain the location of the cellular
3 towers that are noted on those phone records?

4 A. Yes, ma'am, all but the last three calls
5 on March 9th, from 0433 in the morning until
6 0529 in the morning.

7 Q. So you were able to determine exactly
8 where those cell towers were located?

9 A. Yes, ma'am.

10 Q. And how does the cell tower relate to the
11 call; to each call?

12 A. How does it relate to the call?

13 Q. Yeah. How is it connected to the call?

14 A. When this particular phone, 843-530-5085,
15 makes a phone call it's routed through a tower
16 physically near to that person using the cell
17 phone. So that's how it ties.

18 Q. The record that we gave you regarding
19 that telephone phone number, were you able to
20 use your software and sort that into a more
21 manageable chronological order?

22 A. Yes, ma'am.

23 Q. And at my request did you make a printout
24 of the calls made from the cellular phone
25 beginning on March 7th?

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1 A. Yes, ma'am.

2 Q. What order are they sorted in; the calls?

3 A. They're sorted chronologically by date
4 and then time.

5 Q. So the oldest call would appear first?

6 A. Yes, ma'am.

7 Q. And the later call would appear last?

8 A. That's correct.

9 Q. Were you also given certain names to go
10 with certain numbers?

11 A. Yes, ma'am, I was.

12 Q. And did you color code and associate
13 those names with the corresponding numbers?

14 A. That's correct.

15 Q. And do you have that document with you?
16 Your original.

17 A. Yes, ma'am.

18 SOLICITOR WILSON: (Tenders to
19 reporter to be marked as an exhibit)

20 COURT REPORTER: State's Exhibit
21 325 for identification.

22 MR. BLOOM: If I might look at that
23 for a moment, Your Honor?

24 THE COURT: Certainly.

25 MR. BLOOM: (Sidebar with Solicitor

1 Wilson) -- thank you, Your Honor, we had just
2 a couple of minor corrections.

3 THE COURT: That's fine.

4 DIRECT EXAMINATION CONTINUED

5 BY SOLICITOR WILSON:

6 Q. State's 325 is a document that you
7 created that, again, has color codes for each
8 name that goes to a corresponding number.

9 A. Yes, ma'am.

10 Q. And then sorted chronologically from the
11 oldest calls to newest calls?

12 A. That's correct.

13 Q. Did you sort every single call that was
14 in the SunCom records?

15 A. No, ma'am.

16 Q. When did you start your sorting?

17 A. It began 3/7, March 7th of 2006 at eight
18 minutes and forty-seven seconds after
19 midnight, all the way to March 9th, 2006 at
20 0529:17.

21 Q. So was the March 9th entry in your sorting
22 the last call in the SunCom records?

23 A. Yes, ma'am.

24 Q. So you just started later in the records?

25 A. That's correct.

- 1 Q. Instead of going back to March 6th?
2 A. That's correct.
3 Q. Did you also confirm two numbers of two
4 cab companies for us?
5 A. Yes, ma'am, I did.
6 Q. And was that the numbers for Safety Cab
7 and Express Cab?
8 A. That's correct.
9 Q. And what were those numbers?
10 A. 843-722-4066 is Safety Cab Company at
11 1430 Meeting Street in North Charleston, South
12 Carolina.
13 Q. How about Express Cab?
14 A. 843-577-8816 is the Express Cab Company
15 located at 1836 Meeting Street Road in
16 Charleston, South Carolina.
17 Q. You also color-coded the numbers for
18 Express Cab and Safety Cab ---
19 A. Yes, ma'am.
20 Q. --- on these records as well?
21 A. Yes, ma'am.
22 Q. As far as the cell phone towers, did you
23 have a diagram created to plot and show the
24 jury where each cell phone tower is that was
25 noted on your records of State's Exhibit 325?

1 A. Yes, ma'am.

2 Q. Did you also do a chronological listing
3 on the sides of the diagrams so that you could
4 look at where the tower was and follow along
5 where the cell phone went according to the
6 towers?

7 A. The person I had comparing the maps put
8 that on the sides.

9 Q. And have you looked at those things and
10 examined them?

11 A. Yes, ma'am.

12 Q. Also did you, at my request, look to see
13 where 111 Fishburne Street was?

14 A. Yes, ma'am, I did.

15 Q. I'll show you what's been marked State's
16 Exhibit 301. Do you recognize this?

17 A. Yes, ma'am, I do.

18 Q. Is this a map containing the plotted cell
19 phone locations and then the listings from the
20 SunCom records?

21 A. Yes.

22 Q. If you could step down.

23 A. (Complies).

24 Q. Please stand right where you are. Would
25 it be better for you to stand on this side or

1 the far side? Maybe you should stand on this
2 side and I'll go on the other side.

3 A. (Complies).

4 Q. So looking at State's 301 -- I know it's
5 hard for you to see -- but what is this map an
6 area of?

7 A. It's from North Charleston south to the
8 peninsula Charleston and over to West Ashley
9 and James Island.

10 Q. North Charleston down to the peninsula of
11 Charleston?

12 A. (Affirmative nod), over into West Ashley
13 and James Island.

14 Q. These little red indications here; what
15 are those?

16 A. Those are icons representing cell towers.

17 Q. Do you know what radius each tower
18 projects?

19 A. Typically we plot a three-mile radius.
20 But due to the morphology of the towers, based
21 on whether they're in an urban environment or
22 a residential environment, residential towers
23 are typically higher and can go a lot further.
24 Urban environments, they're a little bit
25 shorter, plus you have tall buildings kind of

1 blocking the radio signals. So three miles is
2 an industry standard.

3 Q. Looking at the records that you took from
4 SunCom and had put on the side of the map, can
5 you -- I am not asking can you do it now, but
6 is it possible to go through and look at each
7 call, the time of the call and then look at
8 which tower the phone was pinging on?

9 A. That's correct.

10 Q. We aren't going to go through the whole
11 hundred fifty calls ---

12 THE COURT: Good.

13 DIRECT EXAMINATION CONTINUED

14 BY SOLICITOR WILSON:

15 Q. --- all these calls, but I just want to
16 ask you a few questions. Let's go to March
17 the 7th of 2006.

18 A. All of that.

19 Q. All of this column, all the way over
20 somewhere over here; right?

21 A. Yes, ma'am.

22 Q. In the morning hours, you said you
23 started at 914 a.m. Is that correct?

24 A. That's correct.

25 Q. And from 9:14 to 9:56 what area of town

1 was that cell phone pinging off of?

2 A. The West Ashley area.

3 Q. And then at 10:05 to about 10:12 it says
4 tower 6127.

5 A. That's on the peninsula.

6 Q. Is that near the address on Fishburne
7 Street that I asked you to research?

8 A. Yes, ma'am, 111 Fishburne is right here.

9 Q. And the phone was pinging off that tower
10 from 10:05 until about 10:12; is that right?

11 A. That's correct.

12 Q. And then after that, from 10:15 to about
13 12:40, again was the phone pinging off West
14 Ashley cell sites?

15 A. Yes, ma'am.

16 Q. And after that, at 12:40 it began pinging
17 on that 6127 again; is that correct?

18 A. That's correct.

19 Q. And stays on that tower for awhile.

20 A. Right.

21 Q. Then went to 6065?

22 A. That's correct.

23 Q. Then ---

24 A. 6070.

25 Q. Do you know what area that would be?

1 Would that be where (Highway) 17 comes over?
2 A. This is the bridge.
3 Q. Where the round Holiday Inn is?
4 A. Right.
5 Q. So 6070?
6 A. Right.
7 Q. Then it starts pinging at 1456, which is
8 what time of day?
9 A. That's 2:56 in the afternoon.
10 Q. About 2:56 in the afternoon it begins
11 pinging on cell site 6039; is that correct?
12 A. That's correct.
13 Q. And from then on -- if you'll step to the
14 other side -- from 2:56 in the afternoon until
15 March the 8th at what time?
16 A. 1:18.
17 Q. It hits on that same cell tower, right
18 here, until 1:18 the next day?
19 A. That's correct.
20 Q. Is that right?
21 A. That's right.
22 Q. And this map also notes 311 Fleming Road?
23 A. That's correct.
24 Q. You were given that address as a pertinent
25 address?

- 1 A. Right.
- 2 Q. After leaving 6039, that cell site, it
- 3 goes to 6070?
- 4 A. Right.
- 5 Q. And then where?
- 6 A. Then it pings on 6011, right there, stays
- 7 on 6011 until it goes to 6147, then 6064.
- 8 Q. Where is 6064?
- 9 A. It's getting up in the North Charleston
- 10 area. Then it hits 6014, 6042, 6026.
- 11 Q. Is that an eight or a six?
- 12 A. (Reviewing).
- 13 Q. 6026 is not on there. 6144?
- 14 A. 6144, 6117.
- 15 Q. Is that right here?
- 16 A. Yes. 6044, kind of bouncing a little bit
- 17 right here.
- 18 Q. Okay.
- 19 A. Back to 6114 and then back to 6044, then
- 20 to 6117.
- 21 Q. That's all in the North Charleston area?
- 22 A. North Charleston area?
- 23 Q. Uh-huh, (affirmative nod).
- 24 A. Then 6134, right here in North Charleston.
- 25

1 Then 6032.

2 The last one I have spotted right here is
3 6117.

4 Q. Back down here?

5 A. Right.

6 Q. Please have a seat.

7 A. (Returns to witness stand).

8 Q. You mentioned that the SunCom records
9 continued on with cell towers that were not
10 located in this area. Is that correct?

11 A. That's correct.

12 Q. The last towers that were indicated were
13 in what state?

14 A. The last three towers indicated were in
15 Georgia.

16 Q. And that was on March the 9th at 5:00
17 a.m.?

18 A. Right.

19 Q. From 4:30 to 5:00 a.m.?

20 A. That's correct.

21 SOLICITOR WILSON: Beg the Court's
22 indulgence.

23 THE COURT: Certainly.

24 SOLICITOR WILSON: If we could
25 approach?

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1 BENCH CONFERENCE:

2 SOLICITOR WILSON: I want to
3 move to introduce the exhibit. There are two
4 errors that (Mr. Bloom) he caught, that he
5 wants fixed. I don't have a problem doing
6 that but I just didn't want to move -- we can
7 do it overnight, I just wanted to let the
8 court know why I wasn't moving it now.

9 THE COURT: That's fine.

10 MR. BLOOM: No objection.

11 (BENCH CONFERENCE CONCLUDED)

12 MR. BLOOM: I don't intend to be
13 long, Your Honor.

14 THE COURT: Go ahead.

15 CROSS EXAMINATION

16 BY MR. BLOOM:

17 Q. Mr. Fuller, how are you today, sir?

18 A. I'm fine, sir.

19 Q. Thank you for your service, sir. My son
20 is in the Guard and I appreciate that.

21 A. Yes, sir.

22 Q. Mr. Fuller, I only have a few questions
23 -- you in follow-up to what the Solicitor has
24 asked you. If you could start with -- I've
25 handed you the State's exhibits which are the

1 official SunCom records; is that right?

2 A. That's correct, sir.

3 Q. And starting on March 7th of that page I
4 directed you to, can you just tell me what is
5 on the bottom?

6 A. 7:20:44.

7 Q. And that is 7:20 a.m., correct?

8 A. That's correct.

9 Q. For the record for this particular cell
10 phone on Tuesday, March 7th, beginning about
11 7:20 a.m., up through about 9:30, this
12 telephone is pinging off what tower?

13 A. Number 6012.

14 Q. That is referenced here on the chart,
15 which is over in West Ashley?

16 A. Yes, sir.

17 Q. And then from that point, let's say, up
18 until roughly -- just so we're on the same
19 page, all the way up until 10:59, almost 11:00
20 a.m., can you tell us the tower numbers that
21 the cell phone is pinging off of?

22 A. 6011.

23 Q. 6011?

24 A. 6119.

25 Q. 6119?

1 A. When it goes back to a tower do you want
2 me to call it back out, or just new towers?

3 Q. Just new towers in the general vicinity.

4 A. 6127.

5 Q. 6127? Let me find that, over here.

6 A. 6070.

7 Q. 6070?

8 A. And I'll already called off the other
9 ones, 6011 and 6012.

10 Q. So all the calls are between West Ashley
11 and the peninsula?

12 A. Yes.

13 Q. Up until 11:00 a.m.?

14 A. Yes.

15 Q. Would you go to the next page and go --
16 let me ask you this to short cut, rather than
17 taking you through each and every one of those
18 towers. The towers down there again for
19 Tuesday, March 7th, from about 11:00 a.m. on
20 that page up until about 2:32 in the
21 afternoon, are all those towers also between
22 West Ashley and the peninsula?

23 A. I believe so. I'd have to check those.

24 Q. Yes, sir.

25 A. (Upon review) -- yes, sir.

1 Q. And, in fact, none of the towers up until
2 about 6:30 are towers 6039 which are towers
3 closest to the crime scene; correct?

4 A. 6039, the first hit on that one was at
5 2:56:09 p.m.

6 Q. Almost 3:00 p.m.?

7 A. Yes, sir.

8 Q. All right. So if there's testimony in the
9 record that the alleged kidnaping occurred
10 between 12:00 and 1:00, the towers Mr.
11 Dickerson's cell phone was pinging off of were
12 not the ones down by Apartment E-3 or ---

13 SOLICITOR WILSON: Object. Assumes
14 facts that are not in evidence.

15 THE COURT: You'll have to rephrase
16 your question. It's an improper question, the
17 format.

18 CROSS EXAMINATION CONTINUED

19 BY MR. BLOOM:

20 Q. Between the hours of noon and 1:00 o'clock
21 the cell towers that Mr. Dickerson's phone was
22 pinging off of were from West Ashley, on the
23 peninsula and were in downtown Charleston; is
24 that correct?

25 A. That is correct.

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1 Q. Thank you very much.

2 MR. BLOOM: I have no further
3 questions of Mr. Fuller.

4 THE COURT: Redirect.

5 SOLICITOR WILSON: Your Honor, I
6 don't have anything further, subject to our
7 conference at the bench.

8 THE COURT: Thank you. You may
9 step down. Do you wish the witness to be
10 excused?

11 SOLICITOR WILSON: Yes, sir.

12 THE COURT: Any objection?

13 MR. BLOOM: No objection.

14 THE COURT: Thank you, sir. You
15 are also free to leave.

16 (WITNESS STEPS DOWN)

17 THE COURT: Can you all approach,
18 please?

19 (BENCH CONFERENCE)

20 THE COURT: Ladies and Gentlemen,
21 at this point I'm going to let you go ahead
22 for the evening. I'm advised that they have a
23 few matters, there won't be that many, but I
24 wanted to go ahead and finish with the witness
25 today, and thank you for agreeing to work --

1 you didn't agree, but thank you for allowing
2 us to do that. I appreciate your patience in
3 that respect. Have a good evening.

4 I look forward to seeing you at 9:30.
5 Please remember not to discuss the case.
6 Don't begin your deliberations. Don't talk
7 among yourselves or permit anyone to talk with
8 you. And I'll see you at 9:30. Thank you.

9 (JURY OUT @ 6:10 P.M.)

10 THE COURT: As I understand from
11 our conference there are a couple of things we
12 need to do. We're going to check and make
13 sure everything is admitted that needs to be
14 admitted. The State will -- we will publish
15 the stipulation and the State will be resting.
16 Is that correct?

17 SOLICITOR WILSON: Yes, sir.

18 THE COURT: When we talked
19 informally yesterday you had indicated that
20 you did not anticipate presenting any
21 witnesses at this point; is that correct, Mr.
22 Bloom?

23 MR. BLOOM: That's correct, Your
24 Honor. We would like to be able to confer
25 with Mr. Dickerson over the evening.

1 THE COURT: That's what I want to
2 do. But I want to address a couple of things
3 now with Mr. Dickerson so that we can have
4 some response to that in the morning as well.

5 The first thing, have you had the
6 opportunity to talk with Mr. Dickerson
7 concerning his right to testify and not to
8 testify?

9 MR. BLOOM: Yes, we have, Your
10 Honor.

11 THE COURT: And at this point has
12 he indicated to you his decision?

13 MR. BLOOM: Yes, sir.

14 THE COURT: And what is that
15 decision?

16 MR. BLOOM: He chooses not to
17 testify.

18 THE COURT: Very well. And you've
19 explained to him the rights that he has fully
20 in that regard?

21 MR. BLOOM: Absolutely, Your Honor.

22 THE COURT: Have you also discussed
23 with him, because of the nature of this
24 proceeding, his right -- of course, discuss
25 with him the defendant will have the right to

1 make a closing argument when we get to that
2 point. But have you discussed with him his
3 right to address the jury?

4 MR. BLOOM: Yes, sir.

5 THE COURT: And has he made a
6 decision in that record?

7 MR. BLOOM: He may intend to
8 address the jury.

9 THE COURT: That's fine and I will
10 talk with him and we will revisit that
11 tomorrow.

12 Mr. Dickerson, good afternoon, sir.
13 You have had the opportunity, sir, to discuss
14 with your lawyers your right to testify or not
15 to testify in this matter. Is that correct,
16 sir?

17 DEFENDANT: Yes, sir.

18 THE COURT: They've answered all of
19 your questions or concerns that you may have
20 concerning that issue?

21 DEFENDANT: Yes, sir.

22 THE COURT: And you've had a chance
23 to discuss with them many things, trial
24 strategy and all sorts of things. I'm
25 certainly not asking you to share any of that.

1 But you've had a chance to reflect on your
2 decision?

3 DEFENDANT: May I ask you a
4 question?

5 THE COURT: Yes.

6 DEFENDANT: They've been with me
7 all the way and they helped understand
8 everything, you know. I can't ask for no
9 better.

10 THE COURT: I appreciate that. And
11 I've observed your involvement and they've
12 incorporated you with everything, which is
13 precisely what lawyers should do.

14 DEFENDANT: Yes, sir.

15 THE COURT: When they were selected
16 I appreciated their willingness to accept the
17 assignment, because I have had the pleasure of
18 seeing them both and working with them before.
19 And to be candid with you, that does not
20 surprise me at all that that's your
21 relationship with them. I'm glad to hear
22 that, though. That's nice to hear.

23 But with specificity, really, I'm
24 just confining this one to the decision that
25 is a very important decision that you have,

1 and that is your right to take the stand and
2 testify should you desire to do so or not to
3 testify. And you've already heard me tell
4 those jurors during the individual *voir dire*
5 and in the opening remarks, and you will hear
6 it again, because if you choose not to, I will
7 remind them of that. But that you have
8 absolutely nothing to prove. You didn't have
9 to testify. You don't have to present
10 anything. And that's the law. They explained
11 that to you, and that's your understanding,
12 sir?

13 DEFENDANT: Yes, sir.

14 THE COURT: And have you had
15 sufficient time to reflect on your decision?

16 DEFENDANT: Yes, sir.

17 THE COURT: And it is your decision
18 tonight not to testify. Is that correct?

19 DEFENDANT: Yes, sir.

20 THE COURT: Do you feel that you
21 are under the influence -- well, let me ask
22 you this way. And this may sound silly. I
23 know where you've been housed for awhile.
24 This comes from what they tell us to do when I
25 first started. But I found out in 1996, in

1 Columbia -- I don't know whether Mr. Bloom was
2 there then or not but we were doing a *Jackson*
3 *v. Denno* hearing concerning a statement. And
4 one of the allegations was the person was
5 under the influence of marijuana. And they
6 asked him, said, "Were you under the influence
7 of marijuana?" And he said, "No more so than
8 I am right now." And he looked at him and he
9 said, "What do you mean? You're
10 incarcerated." He said, "Well, I had some
11 last night." So from that day on, I remember
12 that. And I ask this question seriously, and
13 I'm not trying to imply anything that you may
14 be getting - smuggling in anything. But you
15 haven't had any drugs in the last twenty-four
16 hours; have you?

17 DEFENDANT: Just sweets.

18 THE COURT: That's all right.
19 Sugar doesn't cause you any problem with your
20 thinking, though; does it?

21 DEFENDANT: No.

22 THE COURT: And you're not under
23 the influence of any medication today; are
24 you?

25 DEFENDANT: No, sir.

1 THE COURT: At this moment your
2 decision is not to testify, and you understand
3 I will instruct the jury they can't use that
4 against you.

5 DEFENDANT: Yes, sir.

6 THE COURT: Do you also understand,
7 however, that it is your right to testify, if
8 you wanted to? You understand that?

9 DEFENDANT: What again?

10 THE COURT: If you wanted to take
11 the stand you could tell whatever you wanted
12 to say. You don't have to, but you have the
13 right. Of course, the State would have the
14 right to cross examine you.

15 DEFENDANT: Cross-examine,
16 (affirmative nod).

17 THE COURT: And you understand
18 that?

19 DEFENDANT: I do.

20 THE COURT: We're going to leave
21 that topic. We will revisit it tomorrow. And
22 I will reiterate this. If at any point
23 between our discussion and when I turn to your
24 lawyers and ask if the defense wishes to
25 present any witnesses -- because that's the

1 way I couch that now. They will say, "None.
2 The defense rests" or however they choose to
3 respond. At that moment the die is cast and
4 the decision has been made, and it will be
5 final. But if at any point before that occurs
6 you have a feeling of 'I'm not sure', if you
7 will just tell your lawyers that. They can
8 stop me. I will excuse the jury and we will
9 revisit this matter. But unless I hear from
10 you otherwise, I'm going to assume that you
11 stand by your decision that you've expressed
12 here this afternoon.

13 DEFENDANT: Yes, sir.

14 THE COURT: And as you've just
15 stated, and I appreciate that, you're totally
16 satisfied with the manner in which your
17 attorneys have advised you.

18 DEFENDANT: Yes, sir.

19 THE COURT: Your lawyers have also
20 instructed you that in this type of case, the
21 defendant, the person accused, has the right
22 to address the jury, a closing argument.

23 DEFENDANT: Yes, sir.

24 THE COURT: And you understand
25 that.

1 DEFENDANT: Yes, sir.

2 THE COURT: And you're going to
3 talk with them more about that tonight?

4 DEFENDANT: Definitely.

5 THE COURT: Tomorrow we'll talk
6 about it, but just as we just did about your
7 right to testify, I will need some decision
8 tomorrow. And again, the same will apply. If
9 you choose to, then fine. We'll talk about
10 some of the parameters of that. I'm sure
11 they've explained that to you. Your
12 restrictions are very much the same as theirs.
13 You can talk about evidence. You can talk
14 about reasonable inferences. But you can't
15 introduce new evidence. I'm sure they will
16 discuss that with you. But it's very clear,
17 the parameters, and I'm sure they will explain
18 those to you as well. But I will need to
19 address that in the morning because that's a
20 very valuable right that you have, and you
21 appreciate that, I'm sure.

22 DEFENDANT: Yes, sir.

23 THE COURT: Thank you. Mr. Bloom,
24 thank you very much. We'll discuss that first
25 thing in the morning.

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1 DEFENDANT: Yes, sir.

2 THE COURT: Let the record reflect
3 that I have had a conversation with Mr.
4 Dickerson. He has demonstrated by his
5 responses that he fully appreciates, fully
6 understands the right to testify as well as
7 the right to make a closing argument. And he
8 has indicated and I believe demonstrated his
9 decision is one that he makes freely,
10 voluntarily, knowingly and intelligently.

11 He's satisfied with his lawyers. He
12 has been -- the Court has observed that there
13 has been really constant involvement, which is
14 precisely what it should be, involving
15 attorney and client. Throughout this trial
16 he's been involved with most of the decisions
17 that are made. While the lawyers have to make
18 the final call, it's very refreshing and very
19 good to see that he has been included. And I
20 find that therefore, this decision is one that
21 he makes. That's why I find it to be knowing
22 and intelligent. And we will address
23 finally the issue concerning his right to
24 address the jury.

25 Anything else from the defendant at

1 this point?

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

4 THE COURT: Thank you very much.
5 We'll see you -- let's come about 9:15 in the
6 morning so if something needs to be placed on
7 the record, we can go, so we can move forward.
8 And, obviously, at 9:15 you'll know whether or
9 not we'll rest. Well, we're going to have to
10 excuse the jury anyway to give you a chance.
11 But we won't stay out very long. I want to be
12 prepared to move into closing arguments after
13 we do the final things that I have to do on
14 the record. Okay. Thank you very much.

15 MR. BLOOM: Judge, we are still
16 considering the accessory after the fact
17 statute. I would just offer this cite to the
18 record, *Jackson v. Alabama*. That's a United
19 States Supreme Court case that's cited at 447
20 U.S. 625 and it generally cites that the
21 proposition of a defendant is entitled to any
22 potentially lesser-included charge.

23 THE COURT: I don't quarrel with
24 that. The question is, is it a lesser-
25 included offense? And I have found -- I did

1 research over lunch. I didn't go to lunch. I
2 did like I'm sure you'all did, they brought it
3 in. But I read during lunch. And I found
4 nothing -- in fact, the case that you cited is
5 quite interesting. Because it was Judge
6 Cooper's case. And it was out of
7 Williamsburg, apparently. The
8 interesting aspect, it was -- kind of similar
9 to what we're talking about here, although we
10 don't know what the codefendant was charged
11 with. But the person was charged with armed
12 robbery. And the person was killed that they
13 robbed. But he gave two different versions.
14 He said he didn't know -- he knew they were
15 going to rob him, but he didn't know that
16 anybody was going to shoot anybody.

17 That case, the Solicitor -- it wasn't
18 presented on a murder charge. I think that if
19 it's a lesser-included offense, they didn't
20 need to indict him for accessory. They could
21 have indicted him for murder, and that would
22 have been one. But, clearly, I don't think
23 the elements included murder. And that's, as
24 I understand it, has to be a part of the
25 greater charge without anything else. And

1 that's where I think it's -- but I will assure
2 you that I will continue to enjoy reading
3 tonight.

4 MR. BLOOM: Thank you, Your Honor.

5 THE COURT: And I will pursue that.
6 Thank you.

7 MR. CARROLL: Your Honor, any
8 chance we could get a copy of your accomplice
9 charge?

10 THE COURT: I might can get it to
11 you. You're talking about the hand of one?

12 MR. CARROLL: Yes.

13 THE COURT: Let me get that. I can
14 try -- I'll go hook up and try to print it
15 right now.

16 MR. CARROLL: Thank you, sir.

17 MR. DURANT: Your Honor, we found a
18 case basically saying ---

19 THE COURT: What's the cite on
20 that.

21 MR. CARROLL: I've got a copy of
22 it.

23 MR. DURANT: 353 S.C. 448.

24 THE COURT: It cites the *Collins*
25 case.

1 MR. DURANT: Yes, sir.

2 THE COURT: Just reading that says
3 it's never been. But that doesn't mean it
4 isn't. One of the things that Morris Rosen
5 told me one time when I was trying to
6 interpret a statute, he said, "Did you find
7 any cases on that nice version you have of
8 your spin on it?"

9 He didn't use the word "spin." I
10 said, "No, sir." He said, "It's probably a
11 good indication it doesn't work that way."

12 (COURT IN RECESS)

13 (TRANSCRIPT CONTINUED NEXT PAGE)

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1 APRIL 30, 2009

9:00 A.M.

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(DEFENDANT PRESENT)

4

THE COURT: The first item I want

5

to address concerns the requested charge of

6

accessory after the fact. I certainly have

7

read the *Collins* case. I've read the *Hooks*

8

case, which addresses the *Collins* case, quite

9

honestly. And certainly in the *Hooks* case it

10

clearly states that -- and that was a case

11

where that they were dealing with whether or

12

not it was a lesser-included offense for the

13

purposes of a plea and they found the Court

14

didn't have jurisdiction because the Court

15

said it's not.

16

But there's a case that I find in

17

reading it concludes that it's really even

18

more on point than the *Hooks* or the *Collins*

19

case. And it's *State v. Fuller*, 552, S.E. 2d

20

282. It's a 2001 case that the Court

21

apparently was confronted with the same thing.

22

And the Court in that case noted clearly that

23

-- they went through the specific elements of

24

the offense of the accessory-after-the-fact.

25

And the Court, on page 284 of that case,

1 noted as follows: "Appellant was not entitled
2 to a charge on accessory after the fact.
3 First, he was not entitled to the charge
4 because he was not indicted as an accessory,
5 and an accessory after the fact is not a
6 lesser-included offense to murder." End of
7 sentence.

8 I don't think it could be any clearer
9 from the standpoint of those cases, and
10 therefore I reject and will make your
11 requested charge a part of the record. It is
12 noted. And, Mr. Bloom, at the point after my
13 charge I certainly will revisit and certainly
14 look forward to hearing from you again in that
15 request. But the Court declines to include
16 that as a lesser-included for murder.

17 I will charge murder.

18 I will charge on criminal sexual
19 conduct in the first degree. I have
20 eliminated language of "sexual intercourse."
21 That language is not germane to this
22 proceeding. I've used only "anal intrusion."
23 That's the only element, I think, that's a
24 part of it that's pertinent. I see no reason
25 to get the other language that applies to

1 other acts, because they're not present in the
2 record. Certainly, I'm going to charge
3 on kidnaping. It's a very generic charge on
4 kidnaping. You've probably heard it a million
5 times, so that's nothing new.

6 I'll charge -- you have a hand of one
7 is the hand of all charge. I think that it
8 goes through the principle, accomplice and
9 that sort of thing. I believe it covers it
10 fairly adequately.

11 Also noted in Mr. Durant's statement,
12 I understand that mere presence at the scene
13 of a crime does not make a person culpable or
14 responsible for that. It has to be more than
15 just being present.

16 I think that addresses some of the
17 issues that I believe are present after
18 listening to your opening statements. So I
19 believe that adequately addresses that.

20 Concerning the rulings made, I also
21 indicated, Mr. Bloom, that I will continue to
22 review the introduction of the statements of
23 those persons. I've read them further and I
24 respect your position. I just believe, as
25 I've stated, that it really is -- I think it

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1 meets the test of 801(b)(1) in that, not so
2 much -- not even the prior inconsistent
3 statement. Really it's not that at all. It
4 deals with the improper motive or improper
5 reason for giving testimony. So therefore
6 that would be the basis I allowed it and
7 admitted it. And I think that's clearly
8 stated in the record. So I again -- and your
9 objection is made and noted and certainly
10 protected in that respect.

11 Okay, any other matters now from the
12 State before we begin?

13 SOLICITOR WILSON: No, sir. We
14 would introduce the two exhibits and the
15 stipulation and then we'll rest.

16 THE COURT: Do you intend to
17 publish the stipulation before it becomes an
18 exhibit?

19 SOLICITOR WILSON: Yes.

20 THE COURT: That's fine. And I
21 will tell them what a stipulation is. It's
22 just simply testimony that they can consider
23 now. It doesn't require a witness for their
24 consideration.

25 Now, Defense, let me revisit the

1 matter -- good morning, Mr. Dickerson.

2 DEFENDANT: Good morning.

3 THE COURT: We talked yesterday
4 afternoon before we recessed about your right
5 to testify or not to testify first. Does that
6 still remain your decision not to testify this
7 morning?

8 DEFENDANT: Yes, sir.

9 THE COURT: Mr. Bloom, I think you.
10 But you all can be more comfortable. He can
11 remain seated. But I appreciate that. It's
12 the proper protocol and thank you very much
13 and thank you, Mr. Dickerson. But we can have
14 this conversation without you standing.

15 Have you also had an opportunity now
16 to discuss with your attorneys and reflect on
17 your right to address the jury in closing
18 argument?

19 DEFENDANT: Yes, sir.

20 THE COURT: And have you made a
21 decision in that regard?

22 DEFENDANT: Yes, sir.

23 THE COURT: And what is that
24 decision?

25 DEFENDANT: I want to address the

1 jury.

2 THE COURT: You want to speak to
3 the jury? Very well. And your attorneys have
4 explained to you that process, just as they
5 are restricted to discussing evidence and
6 reasonable inferences to be drawn from that
7 evidence. That's what our Rules permit. It
8 does not permit you, of course, to add
9 anything. And you understand that?

10 DEFENDANT: Yes, sir.

11 THE COURT: Very well. Thank you
12 very much. How we'll order it, will he speak
13 after you at this point?

14 MR. BLOOM: It is our plan for Mr.
15 Dickerson to speak first. I can go up to the
16 podium with him and identify him in that
17 process. It will be short. I've reviewed
18 that with him and, of course, I've instructed
19 him on the Rules after that.

20 THE COURT: That's fine.

21 MR. BLOOM: And after Mr. Dickerson
22 speaks, we'll speak.

23 THE COURT: That'll be fine. Not a
24 problem. Thank you very much.

25 Okay. I will assume, Mr. Dickerson,

1 as I stated, unless I hear otherwise, those
2 are your decisions and you're comfortable with
3 those decisions?

4 DEFENDANT: Yes, sir.

5 THE COURT: You know of nothing
6 that's affecting your ability to make that
7 decision.

8 DEFENDANT: Nothing.

9 THE COURT: Thank you very much. I
10 find and I basically reaffirm the finding
11 concerning the decision to testify or not to
12 testify. I find again he's reflected -- Mr.
13 Dickerson has indicated that he has decided
14 not to testify. I again find that to be a
15 decision he makes freely, voluntarily,
16 knowingly and intelligently. He's had an
17 opportunity to further discuss this with his
18 attorneys. Also he's indicated he's had
19 the opportunity to discuss with his attorneys
20 his right to address the jury in the closing
21 arguments and has elected to do so. I find
22 that decision to be one that he likewise makes
23 freely, voluntarily, knowingly and
24 intelligently. The record contains the
25 assertion that that will be the decision

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1 unless he indicates to his attorneys
2 otherwise.

3 Thank you, Mr. Dickerson.

4 DEFENDANT: Yes, sir.

5 THE COURT: And thank you, Mr.
6 Bloom and Mr. Carroll as well. We're ready
7 for our jury then. Let's bring in the jury,
8 please.

9 (JURY IN @ 9:40 A.M.)

10 BAILIFF: All present, Your
11 Honor.

12 THE COURT: Please be seated,
13 Ladies and Gentlemen. Thank you very much.
14 I hope you had a good evening. We're ready
15 now to continue the matter.

16 As we've done each morning, I need to
17 ask each of you if you solemnly swear or
18 affirm that at all times since we were
19 together yesterday afternoon you have observed
20 the Court's instruction and specifically have
21 not discussed this case among yourselves,
22 talked with anyone else or permitted anyone to
23 talk with you about it or talk about it in
24 your presence. Likewise, you have not
25 reviewed any articles, newspaper or otherwise,

1 and have not watched any television programs
2 nor have you conducted any investigation or
3 independent research. If you can make that
4 commitment, say, "I do."

5 (AFFIRMATIVE RESPONSE BY ALL JURORS)

6 THE COURT: Any member of the panel
7 that cannot make that commitment for any
8 reason? (No response).
9 Thank you very much.

10 All right, Solicitor, thank you very
11 much. You may call your next witness.

12 SOLICITOR WILSON: Thank you, Your
13 Honor. First, we'd offer from yesterday
14 State's Exhibit 301 and State's Exhibit 325.

15 THE COURT: Those are diagrams?

16 SOLICITOR WILSON: 301 is a diagram
17 and 325 is color-coded phone records.

18 THE COURT: Any objection?

19 MR. CARROLL: No, sir.

20 THE COURT: Without objection 301
21 and 325 are admitted into evidence.

22 (SO ENTERED AS STATE'S EXHIBIT 301)

23 (SO ENTERED AS STATE'S EXHIBIT 325)

24 SOLICITOR WILSON: Your Honor, we
25 also would offer a stipulation at this time.

1 THE COURT: All right, Ladies and
2 Gentlemen, a stipulation is another way of
3 presenting evidence for your consideration.
4 It's not uncommon. The parties agree to
5 accomplish what a witness would say. I don't
6 know the subject matter of this stipulation.
7 We'll find out in just a moment. But a
8 stipulation is the same as a witness coming
9 and testifying to you and for you. You would
10 consider that stipulation the same as you do
11 all other evidence, in that you must evaluate
12 it and decide what you find to be credible and
13 believable. Okay?

14 This stipulation will be published
15 and it's my understanding will then become an
16 exhibit. Is that correct?

17 SOLICITOR WILSON: Yes.

18 THE COURT: So you will have it in
19 your jury room, and you will have an
20 opportunity to further review it, if
21 necessary. Okay? Mr. Durant, do you intend
22 to publish it, sir?

23 RUTLEDGE DURANT: Yes, sir, Your
24 Honor.

25 THE COURT: You may proceed.

1 RUTLEDGE DURANT: This is State's
2 Exhibit 326, stipulation of the parties. The
3 parties stipulate and agree that if Shamel
4 Williams was called as a witness in this case
5 he would testify as follows:

6 (1) He is currently employed as an
7 agent with the Department of Homeland
8 Security.

9 (2) In March of 2006, he was
10 employed in South Carolina as a law
11 enforcement officer.

12 (3) That on Wednesday, March the
13 8th, 2006, at 4:34 p.m., he received a call
14 from the mother of Tomesha Shelley Nelson, Ms.
15 Gardenia Nelson.

16 (4) That Ms. Gardenia Nelson
17 reported that she has a voicemail recording
18 that Shelley claimed to have recorded between
19 Shelley and William Dickerson.

20 (5) That Ms. Gardenia Nelson played
21 the recording over the telephone and that
22 using his speakerphone, he listened to and
23 recorded the conversation played by Ms.
24 Gardenia Nelson onto a microcassette.

25 (6) Subsequently, he delivered the

1 microcassette to detectives with the
2 Charleston Police Department.

3 (7) That State's Exhibit 298 is an
4 exact copy of the recording that he made from
5 the recording played for him by Ms. Gardenia
6 Nelson on March the 8th, 2006 at 4:34 p.m.

7 THE COURT: And that's State's ---

8 RUTLEDGE DURANT: State's 326.

9 THE COURT: State's 326 is admitted
10 without objection. Is that correct, Mr. Bloom
11 and Mr. Carroll?

12 MR. CARROLL: It is, Your Honor.

13 THE COURT: Thank you.

14 (SO ENTERED AS STATE'S EXHIBIT 326)

15 SOLICITOR WILSON: Your Honor, the
16 State rests.

17 THE COURT: Ladies and gentlemen,
18 at this point there are matters of law that I
19 need to address now out of your presence.

20 Please do not begin your delibera-
21 tions. Do not discuss this case. We'll be
22 with you very shortly. Thank you.

23 (JURY OUT @ 9:45 A.M.)

THE COURT: Before I address the
2 issues of law being raised at this point, the

1 transcript of State's Exhibit 286, which is
2 the CD allegedly between Shelley and Mr.
3 Dickerson and others that was handed to the
4 jury, I witnessed and you all were present all
5 of those transcripts, the copies were returned
6 to Mr. Durant. Mr. Durant, in turn, presented
7 those to Ms. Garrison. We're going to mark
8 one of those exhibits for the record as
9 Court's Exhibit 18, to be retained. It will
10 of course not go to the jury. All the other
11 copies of the transcript will be destroyed.
12 Does anyone have any observations that they
13 wish to make regarding that? I observed and
14 believe that all were returned and the jury
15 did not retain any. Is that your
16 understanding from the State's position?

17 BRUCE DURANT: That's correct.

18 THE COURT: Mr. Bloom, do you
19 concur?

20 MR. BLOOM: Yes, sir.

21 (SO ENTERED AS COURT'S EXHIBIT 18)

22 THE COURT: Very well. Thank you.
23 All right, any matters of law from the State,
24 Mr. Durant?

25 BRUCE DURANT: No, sir.

1 THE COURT: Mr. Bloom and Mr.
2 Carroll?

3 MR. BLOOM: Other than our previous
4 note of objections, Your Honor. We would
5 renew those, of course. We would make a
6 Motion for directed verdict as to all counts
7 even with the evidence being seen in a light
8 most favorable to the State it is not
9 sufficient to meet the elements of the
10 indictments as charged.

11 THE COURT: Thank you very much,
12 sir. Given the evidence, in the light most
13 favorable to the State, it is very clear that
14 the elements of the charge were met.

15 In fact, I was thinking about it this
16 morning, not to say that Mr. Dickerson,
17 necessarily, is guilty of any of these, but if
18 this was a civil trial the issues of murder,
19 criminal sexual conduct in the first degree
20 and kidnaping are met, in the Court's opinion,
21 based on the evidence. The question becomes
22 whether or not Mr. Dickerson is the person who
23 is guilty of these offenses.

24 But under our law we don't go that
25 far. So I most respectfully simply deny your

1 Motion. But I think it's clearly established
2 in the record.

3 Other rulings made during the trial
4 and the Motions made are preserved and the
5 rulings stand as previously indicated.

6 As I understand, when the jury
7 returns, Mr. Bloom, it will be your intention
8 to state that the Defense rests as well. Is
9 that correct?

10 MR. BLOOM: Yes, sir. I'll simply
11 state that the defense will call no witnesses.

12 THE COURT: And my question will be
13 does Mr. Dickerson wish to present any
14 witnesses.

15 MR. BLOOM: Yes, sir.

16 THE COURT: And then we would
17 normally have to send the jury out again. To
18 avoid that inconvenience to the jury, assuming
19 that is the case, I would assume we would then
20 revisit these Motions. The State would again
21 have no Motions, as I understand it.

22 BRUCE DURANT: That would be
23 correct, Your Honor.

24 THE COURT: And you, again, would
25 reiterate and renew the motions that you just

1 made, sir?

2 MR. BLOOM: Yes, sir. There's no
3 need to send the jury back out. We would just
4 note for the record that we will do that at a
5 later time. We would renew our Motions and
6 objections for the record.

7 THE COURT: Very well. The Motions
8 are noted as made and the reasons for them as
9 previously stated. And the rulings of the
10 Court would be the same. They are protected.
11 It will not be required that you go through
12 the formality of sending out the jury and
13 bringing them back in. But we'll move into
14 closing arguments. That having been said, do
15 you need a few moments to gather some things
16 together?

17 MR. BLOOM: We do. I would also
18 note, Your Honor -- I don't know if I did it
19 at the time but we would make all our prior
20 Motions and objections also and incorporate
21 the Fifth, Sixth, Eighth and Fourteenth
22 Amendments of the United States Constitution.
23 We particularly do that and ask the Court to
24 reconsider it under due process and
25 fundamental fairness grounds of those

1 Amendments as well as the Eighth and
2 Fourteenth Amendments, for the Court to
3 respectfully reconsider its ruling under
4 801(d)(2) using those Constitutional grounds.

5 We would ask the Court to reconsider
6 the proffer we made regarding Dr. Schandl
7 about the testimony concerning the urine drug
8 screen and again incorporate those under the
9 due process and fundamental fairness grounds.

10 As well as a request to charge both
11 accessory both before and after the fact.
12 Those two would also be based on the Eighth
13 and Fourteenth Amendments of due process and
14 fundamental fairness.

15 THE COURT: Thank you, sir.

16 MR. BLOOM: Thank you. We would
17 need a few minutes, I think, with some
18 photographs that we want to use as exhibits
19 prior to closing, if we could attend to that.

20 THE COURT: I'll be happy to. It's
21 interesting, because I removed from my
22 reasoning and rationale the fairness aspect
23 that -- it really is set forth -- and I find
24 it interesting that we start with a rule --
25 and I remember when I was coaching mock

1 trials, we would go through these Rules. And
2 we talked about the significance of these
3 Rules. And sometimes we just sort of slough
4 over them. But I find it interesting that
5 Rule 102 -- all of this seems to incorporate
6 much of what you just said. It says, "These
7 Rules shall be construed to secure fairness in
8 administration and elimination of
9 unjustifiable expense and delay and promotion
10 of growth and development of the law of
11 evidence to the end that the truth may be
12 ascertained and proceedings justly
13 determined."

14 Now, how in the world -- when I'm
15 ruling on an evidentiary matter -- and I'm
16 supposed to not consider fairness, when that's
17 an underlying and overriding function of these
18 Rules? I don't know. And I hope they don't
19 get upset with me for that. Obviously,
20 there's a difference in a Constitutional issue
21 and a Rule and I understand that. But I,
22 nevertheless, notwithstanding my feeling of
23 what the Rules say, I apply that in my
24 decision.

25 And that is not part of the rationale

1 for my admitting the two statements, and that
2 is in the face of and considering the
3 assertions and claims by the defendant of the
4 Constitutional issues that are certainly
5 involved in that ruling; certainly I
6 acknowledge that. And thank you very much for
7 raising that.

8 Okay. We'll be at ease. How long do
9 you'all need? Ten minutes? How about let's
10 be back at 10:00 o'clock.

11 COURT REPORTER: Shall I mark the
12 request to charge as Court's Exhibit 19.

13 THE COURT: Yes.

14 (SO ENTERED AS COURT'S EXHIBIT 19)

15 (BRIEF RECESS)

16 (DEFENDANT PRESENT)

17 MR. BLOOM: There is one item of
18 evidence -- and we can do it after your
19 charge. As we discussed earlier, there is a
20 portion of Armon Dickerson's statement,
21 written statement, you allowed in. There are
22 some portions redacted from that interview
23 that I believe that need to be redacted.

24 THE COURT: Well, we need to deal
25 with that. That's something I thought we

1 would do before we ever got to this stage, to
2 be honest with you, Mr. Bloom.

3 What are we talking about, because we
4 need to have that? I don't want that to be
5 delaying the jury getting the evidence.

6 The firearms, do they have the straps
7 in them? I'm not going to send the cartridges
8 back. I'll just tell the jury that.

9 BRUCE DURANT: Your Honor, I think
10 basically the only paragraph he's objecting to
11 is right there. My position on that is it's
12 certainly not prejudicial to the Defendant.
13 There's no reason to redact it.

14 MR. BLOOM: I think it's an open-
15 ended question. I think it's gratuitous, not
16 relevant, improper bolstering.

17 THE COURT: The objection to the
18 question and the response:

19 "Is there anything you want to
20 say or add to your verbal statement here or
21 anything like that today?"

22 And then the response is:

23 "I just want to say I'm sorry
24 that this took place. I'm just sorry. I wish
25 it never happened. I had a few times to leave

1 the house, but I didn't because I was scared.
2 I know there is no excuse, but I was scared.
3 I had more than a few times to leave. I was
4 just scared, but just want to say to his
5 family that I apologize. I should have helped
6 more than I did, but I just apologize."

7 Quite frankly, this wasn't testified
8 to. I think the question, quite frankly,
9 would be beneficial to both sides. The answer
10 may not be what it was. So I don't find the
11 question in a police interrogation or police
12 questioning that it's unduly prejudicial..
13 There's certainly nothing in that that is new
14 matter, so to speak, from what he testified to
15 and was subject to cross-examination.

16 So I don't find any -- really, what's
17 the basis of the objection?

18 MR. BLOOM: Your Honor, I think
19 it's gratuitous. I don't think it's relevant.
20 It certainly would not be a question of 'is
21 there anything else you want to say' that the
22 Solicitor could have posed while he was on the
23 witness stand. So I don't think the
24 independent statement ought to make that
25 portion admissible. I think the prejudice may

1 be, particularly in light of the fact that the
2 witness is the defendant's brother, that the
3 witness is expressing remorse. There's
4 obviously firm case law that a defendant is
5 never expected or required to express remorse.
6 I think given the relationship ---

7 THE COURT: Yeah, but he's not a
8 defendant.

9 MR. BLOOM: Yes, sir, I understand
10 that. But I think the prejudice may be the
11 jury hears the brother of the defendant
12 express that, but may or may not ever hear the
13 defendant express that. I think that's where
14 the prejudice comes in, not just in this phase
15 but particularly the sentencing.

16 It just -- it is an irrelevant
17 question. It wouldn't be allowed while the
18 witness were on the stand. So just because it
19 is contained in his police statement doesn't
20 automatically make it thereby admissible.
21 That's where I think the objection is and the
22 prejudice lies, particularly in potentially
23 the next phase.

24 BRUCE DURANT: As I said, Your
25 Honor, my position is it's consistent with his

1 testimony. It's not prejudicial to the
2 defendant.

3 THE COURT: Redact that portion. I
4 agree with you, but just redact that portion.

5 BRUCE DURANT: Okay. May I have a
6 paralegal do that while we're moving on while
7 we continue on and just bring it back?

8 THE COURT: That'd be fine.

9 BRUCE DURANT: Is that okay with
10 you, Ms. Garrison?

11 COURT REPORTER: Yes, sir, that's
12 fine.

13 THE COURT: You've now been
14 entrusted with that Exhibit.

15 BRUCE DURANT: I had to ask the
16 boss, you know.

17 COURT REPORTER: Thank you, Mr.
18 Durant.

19 BRUCE DURANT: Yes, ma'am, we will
20 have that done. They will bring it back.

21 THE COURT: It's no problem. Are
22 we ready now? The State's ready? The
23 defendant's ready?

24 MR. BLOOM: Yes, sir.

25 THE COURT: Let's bring in our

1 jury, please.

2 (JURY IN @ 10:14 A.M.)

3 BAILIFF: All present, Your
4 Honor.

5 THE COURT: Please be seated,
6 Ladies and Gentlemen. Thank you very much,
7 ladies and gentlemen. We're ready to
8 continue. Mr. Carroll and Mr. Bloom, does Mr.
9 Dickerson wish to present any witnesses?

10 MR. BLOOM: We do not intend to
11 present any witnesses, Your Honor.

12 THE COURT: Thank you very much.
13 Ladies and Gentlemen, that will conclude the
14 evidentiary portion of this proceeding.

15 As you will recall when we were
16 talking about generally what stages we had,
17 there are two stages remaining, the closing
18 remarks of the attorneys, which are very
19 important. Obviously, they will be very
20 helpful to you when you begin your delibera-
21 tions, once you begin the process of changing
22 that open mind that you brought with you when
23 you started and have maintained throughout
24 this process. Please maintain that open mind
25 through the closing arguments and remarks.

1 Please remember something: nothing
2 that you will hear during the closing
3 arguments, nor during my instruction on the
4 law which will follow the closing arguments,
5 should ever be considered by you as evidence.

6 The evidence, of course, comes
7 through the testimony of the witnesses and the
8 exhibits. It's that which you must analyze
9 and make your decision on what you find to be
10 the true facts.

11 But notwithstanding that there's no
12 evidence, it's still very important. We'll
13 proceed with that. And probably, depending on
14 the length, we'll take some breaks. We may
15 take a break before we start our charge.

16 SOLICITOR WILSON: Word is born.
17 "Word is born." Truth. The truth. That's
18 what you're asked to be doing after you have
19 the evidence given to you, is to give a
20 verdict that speaks the truth. "Word is
21 born."

22 The judge told you that he'll give
23 you the law. We're going to go through all
24 the elements of the crime. People can tell
25 you those, but he's the one that has got to

1 give you what those elements are.

2 You won't hear any more questioning.

3 You've seen all the evidence. You've even
4 heard the questions of the defense attorneys
5 and their argument.

6 There is no question that Gerard
7 Roper was kidnaped; no question that he was
8 sexually assaulted and sodomized; no question
9 that he was murdered.

10 You'll hear other principles of law.
11 And one of those I want to talk to you about
12 is -- you saw some of it when you saw
13 "Popcorn"/Rashid Malik, when you saw
14 "Bubba"/Armon Dickerson, the defendant's
15 brother. And that's the concept of accomplice
16 liability -- "the hand of one is the hand of
17 all." That's a principle of law that the
18 judge is going to tell you about which
19 basically says this: *If a crime is committed*
20 *by two or more persons who are acting*
21 *together, working together, in the commission*
22 *of the offense, the act of one is the act of*
23 *all.*

24 Once folks join in a criminal enter-
25 prise and act together, it doesn't matter who

1 does what, as long as they're all onboard and
2 they've moving forward toward the same
3 criminal goal.

4 Another way of saying it, when
5 they're assisting each other the law says the
6 act of one is the act of all. The hand of one
7 is the hand of all. That is a legal
8 principle. Legal principles are different
9 than moral principles. But you're here in a
10 court of law, not a court of morals.

11 Is there a difference between the
12 person who organizes the crime, who gives
13 instructions, who has the plan, who does the
14 dirty work and the person who comes in and out
15 of the picture? Under the law, there's not.
16 Morally, there may be. But what you're here
17 to decide is where this fits under the law.

18 I'm not going to spend much time on
19 this because the evidence has been clear. But
20 just because you're going to hear this
21 instruction, I submit to you it doesn't matter
22 who struck Gerard Roper; but when you consider
23 all of this evidence, you will know who killed
24 Gerard Roper -- no doubt.

25 This is a step-by-step process. We

1 spent a lot of time over the week that you
2 were selected talking about what happens at
3 different steps, what happens at different
4 phases.

5 You heard from three codefendants:
6 Selena Rouse, Rashid Malik/Popcorn and
7 Armon/Bubba Dickerson. This is not their day
8 in court. This is William Dickerson's day in
9 court. Their day will come. There will be
10 another jury, possibly another judge. Their
11 fate is not for you to decide. You've heard
12 they've been charged. You've heard they'll be
13 prosecuted.

14 This case is about that man
15 (indicating Defendant) and what he did; not
16 about them. I ask you to follow your evidence
17 and keep focused as to what we're here about
18 this week, this day -- whose day it is before
19 you, and that's William Dickerson.

20 You've been here on jury duty, and as
21 we've talked and you'all have heard during
22 your questioning that we had and the judge
23 had, you're the judge of the facts. The judge
24 is the judge of the law. I'm sure you realize
25 that by now. I want to take this opportunity

1 -- I don't think that I have before, to thank
2 you all on behalf of the State, our community
3 and the Roper family. Thank you for being
4 here. It is duty. You have seen that. And
5 it's about time for you to do your work.

6 You saw a number of people who got
7 out of serving on the jury. Many of you
8 probably could have given legitimate reasons
9 to get out of it. You didn't. You came here.
10 You raised your hand and you made a promise.
11 Be faithful to your oath. I can't tell you
12 how valuable that is to this whole process and
13 how much we are in awe of the responsibility
14 that you have.

15 As part of your judging the facts,
16 you judge the credibility of the witnesses.
17 As I told you in my opening statement, you can
18 believe all of a witness, part of a witness,
19 none of a witness. And you base what you
20 believe on your common sense, on your life
21 experiences.

22 How do you know if somebody's telling
23 the truth? Sometimes it's just your gut,
24 sometimes in life you've just got to go on
25 your gut. Not here. You don't have to rely

1 on your gut here today because you've got
2 corroboration. You've gotten to listen to
3 what one witness said and then listen to what
4 another witness said. Where do they fit?
5 Where do they not fit? Are they trying to get
6 their stories straight? Think about that when
7 you think about these inconsistencies.

8 I'll throw one out there. Selena
9 Rouse -- you remember her? She was the
10 girlfriend, now wife, of Bubba Dickerson.
11 It was her apartment where this unspeakable
12 crime happened. She talked about how her son
13 was not ever there. Bubba talked about how he
14 was there. They're both defendants. They
15 both have all the information. They've both
16 talked to us, they've both talked to our
17 investigators. Has anybody tried to force
18 them to get their stories straight? (Negative
19 gesture).

20 Remember this. These people live in
21 a haze of cocaine. It's one thing not being
22 able to remember, or forgetting whether or not
23 you've done something on a particular day that
24 you did every other day -- like pick your
25 child up, that's one type of detail to

1 remember. This is another detail to remember,
2 seeing your brother shove a gun in a man's
3 mouth, knocking his teeth out, banging him
4 over the head and sodomizing him with the gun.
5 Those are different types of memories. Use
6 your common sense when you think about those
7 types of things.

8 And think about this: Selena and
9 Bubba and Shelley, who they don't even really
10 know, are in this 'big conspiracy'. Could
11 they not get those little facts straight? If
12 they're just trying to jam this guy, can they
13 not just get it straight? It's not very hard.

14 They sat there and they told you what
15 they remembered from their recollections.
16 Yes, it has been three years. Should it have
17 been three years? No, but it was.

18 When you consider credibility, think
19 about those things. Think about whether or
20 not the cell phone records fit with what they
21 told you. Think about whether or not the DNA
22 evidence fits with that they told you. And I
23 submit to you every bit of it fits -- it all
24 fits.

25 And I want to go through kind of

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1 where we've been. It's been a long several
2 days. Again, I know it's been tough on you
3 all -- but be thankful that you're not in
4 California, we'd probably only be on witness
5 number two if we were in California. We've
6 done a lot in the past few days.

7 So let's just start from where we
8 began, talking about in opening statement, the
9 video on that cell phone, the video that
10 William Dickerson had when he beats Shelley
11 Nelson, chases her out of the house and shows
12 it to the neighbor. The video that he shows
13 Popcorn. "Who is it? Is it you? It is
14 Gerard? Is it Puta? Who is it?"

15 His motive. You heard other
16 testimony when he arrived on Flint Street to
17 get Gerard. "Where's my money?" Gerard's
18 saying, "I've got your money. I've got your
19 money. Don't kill me."

20 Motive. That's the one thing the
21 judge won't tell you that we have to prove.
22 We may never know exactly why. We're not here
23 to ferret out why. We're here to figure out
24 who and what. Who? William Dickerson. What?
25 Murder, kidnaping, criminal sexual conduct.

1 Don't get bogged down in whys. We can't go
2 into a cocaine haze and understand the why.

3 What we can show you is, again, that
4 that morning started on Fishburne Street on
5 the peninsula. Remember Tony Nelson? He was
6 the little guy in the wheelchair. Shot in his
7 back and paralyzed. Still hanging out, giving
8 guns, giving drugs to that guy (indicating
9 Defendant). Amazing. Tony Nelson told his
10 story, told you in his testimony that he
11 didn't come forward to talk to our
12 investigators until almost two years later.
13 I'll get back to him in just a minute.

14 He talked about William arriving
15 there that morning and wanted a ride, though
16 he had a car. Nelson had a car but he
17 couldn't drive. He had a driver, who was the
18 Dutch Keeling guy. He told you how the
19 defendant had been over there in the morning
20 before he got up. Remember I asked him what
21 time was "early" and he said that he got up at
22 noon, that it was a couple of hours before
23 noon and so it was early to him.

24 Eventually they leave there. They
25 think they're taking the defendant to his

1 brother's house. But he tells them to stop
2 off somewhere. And that's Flint Street, this
3 address right here (indicating on map).

4 On Flint Street you heard from Ben
5 Drayton, Stevo Rivers and you heard that the
6 victim was there. Ben Drayton was the older
7 man. He's a double amputee. And he talked
8 about how that was his house, and -- and it
9 sounded from his testimony like it was a
10 flophouse. People came there with women.
11 They came there with drugs. They came there
12 with alcohol. They partied. But that's where
13 he was. He told you what he saw and heard.

14 Stevo Rivers told you what he saw and
15 heard. You know what was interesting about
16 that? Again, no testimony that those two guys
17 knew Dutch. Were there some inconsistencies?
18 Yes. The one inconsistency that I recall is
19 that Dutch says he went to the door and didn't
20 get an answer. And then William says, "I know
21 he's in there. I know he's always in there"
22 and he went to the door. Again, Dutch didn't
23 recount his story until years later.

24 Ben Drayton was testifying here. You
25 saw his condition. They may or may not

1 remember that, or are they lying? Why would
2 they lie? What do they have to lie about?

3 There was no evidence that Dutch
4 Keeling had anything to do with anything
5 except going to give T-nel's friend a ride.
6 But you heard the testimony from Keeling that
7 he was very aggravated after all this happened
8 and used some very rough language about how,
9 "I won't do a favor for you again. I'm not
10 one of your f'ing friends."

11 After they make this stop and Dutch
12 and Antonio are in the front seat like, 'Oh,
13 no', Gerard has gotten in the car with his
14 forehead split and bleeding. They're just
15 trying to get out of this. They don't flag
16 down the firemen. They don't leave there and
17 call the police. Think about Antonio Nelson.
18 He told you what it would be like to be a
19 snitch in his neighborhood. A snitch in a
20 wheelchair. Not a good prospect for someone.
21 But he came in here anyway and he testified.

22 They went on to Fleming Road. That's
23 where we heard from Bubba and we heard from
24 Selena and we heard from Popcorn about the
25 horrors in that apartment. Let's go through

1 what the evidence, the objective evidence,
2 shows you coupled with what these witnesses
3 told you:

4 First of all, Antonio Nelson. No
5 evidence he knew anything about the cell phone
6 towers. He told his story, and he knows
7 nothing but he tells about what happened when
8 they were picked up and he tells about what
9 happened beforehand, the coming and going.

10 And let's look at what was happening
11 outside of Fleming Road, outside of Apartment
12 E-3. There's a whole group of people, the
13 Ropers, Kaneshia Singleton who, they aren't
14 with Gerard. They aren't with Willie D. They
15 aren't with Antonio. They're finding out
16 something from the outside. They aren't
17 there. They don't know what's going on.
18 Let's look at what the evidence shows you
19 compared to what they saw.

20 First of all, Steven Archie, the man
21 sitting right there in the wheelchair
22 (indicating). He wasn't in a wheelchair back
23 then. You see, he's a big guy. And what did
24 he come in and tell you'all? He was friends
25 with Gerard, with his mama. He was good

1 friends with Shareen, they even worked
2 together.

3 And that morning; on March the 8th, he
4 tells you that he got a phone call from
5 William Dickerson. He tells you it was around
6 10:00 o'clock or so. You look at the phone
7 records and you can see it. You look at the
8 phone records and he is -- (indicating on
9 exhibit) this tells you when he got the first
10 call here when he was asleep and then later
11 they started talking. And that William
12 Dickerson is telling him what he is doing and
13 what he has done to Gerard Roper. 10:00
14 o'clock, that hour, on Wednesday morning. He
15 hadn't been in the picture at all. He gets a
16 phone call from Willie D and thinks this is
17 going to be a happy conversation and the next
18 thing you know he's telling him about what
19 he's done to Gerard. There was no evidence
20 that anything had happened to Gerard, Gerard's
21 body hadn't even been found at that time.

22 Shareen's at work with Steven's mom.
23 She starts getting information. What does she
24 do? She calls the number she was given and
25 asks for Willie D. The guy says "I am Willie

1 D." She asks if he's seen Gerard. He starts
2 screaming at her, hangs up and won't respond
3 again. Interesting that that call comes in to
4 William Dickerson's telephone at 1:13.

5 And after having been at that
6 apartment for hours upon hours upon hours,
7 within ten minutes he's gone. He's gone
8 because the outside knows. Someone perhaps
9 responsible knows. Gerard's mama has now put
10 him with Willie D. It isn't the street world
11 now. We've got the mamas involved. We aren't
12 talking about Steven. We aren't talking about
13 Dutch. We aren't talking about Antonio.
14 We're talking about Gerard's mama looking for
15 her son. Within ten minutes he's gone. He's
16 left that cell tower.

17 Then you have Steven Archie coming in
18 here and telling you that after he gets that
19 call and after he hears Gerard tell him what's
20 been done that he's going to take care of him.
21 His mama can deal with the police, he's out
22 looking for him. And when they talk about
23 guys looking for William Dickerson, you'd
24 better believe it. He admitted it to you.
25 They were after him. They were trying to find

1 Gerard. They were trying to find Willie D.
2 They were packing heat and they were ready.
3 You'd better believe it.

4 The next day the body was found. The
5 family still doesn't know. Steve Archie still
6 doesn't know. He goes in to the police and he
7 tells them about that conversation. He tells
8 them before the autopsy, before any DNA, he
9 tells that Willie D said he was sticking a
10 four-five up him, a gun up his behind. He
11 tells them that Willie D said he burned him,
12 he burned his private area. He doesn't know
13 at that point that his friend is dead. He's
14 told the police.

15 Then you heard the testimony that
16 after that he was informed of the death, and
17 then that afternoon the rest of the family and
18 the coroner arrived and everybody knew. But
19 they still don't know what happened. Steve
20 knew. Steve knew because he talked to him.
21 You can look at the phone records and see
22 where they'd talked.

23 Let's go back to Antonio Nelson. I
24 told you I was going to talk to you about him.
25 Again, Willie D comes over early in the

1 morning, sometime before noon, a couple of
2 hours before he gets up. We know that
3 according to Antonio that Willie D leaves, he
4 comes back, he's talking about people being
5 after him, he's talking about going to this
6 motel in West Ashley. They hang around for
7 awhile because -- remember Antonio can't
8 drive, he can't take him -- they've got to
9 wait on the ride. Willie D says he's having
10 some people come pick him up. They never
11 come. And then eventually Dutch agrees to
12 come.

13 When is it? What did he tell you?
14 Do you think he's sitting around wearing a
15 watch as he's smoking his weed? No. But what
16 does he know? He knows what time it is. He
17 watches *The Young and The Restless* every day.
18 Dutch watched *The Young and The Restless* every
19 day, and he tells you, "at some point after
20 that, we leave and we go to West Ashley."

21 Here's Dutch, you've got to feel
22 sorry for Dutch. He's just going to give them
23 a ride. He doesn't even know Willie D, he's
24 barely met him and he's going to be late for
25 work. Then he gets caught in the middle of a

1 kidnaping.

2 What corroborates that story? Once
3 again, go to the phone records. First of all,
4 the first part of the day, 9:00 a.m. or so,
5 the defendant is in West Ashley. You'll be
6 able to see that with the tower information,
7 tower number. He's in West Ashley.

8 Then, lo and behold, at about 10:05
9 in the morning, a couple of hours before noon,
10 he's popping up -- his phone is popping up on
11 the cell tower right by Antonio Nelson's
12 house. Remember Antonio said he wasn't
13 dressed and he told him to leave?

14 So he left and caught a ride with
15 somebody, his girlfriend or somebody, and was
16 gone. And then a little while later he pops
17 up. The cell towers show he's bouncing around
18 these cell towers in West Ashley.

19 Then when he gets back he tells
20 Antonio again, "Somebody was after me at the
21 hotel", motel. You heard later from Popcorn
22 he stayed at a Motel 6 in West Ashley.
23 So he's there at Antonio Nelson's house from
24 12:42 until 2:39. Again, there is no ride.

25 Then what happens? Remember Dutch

1 has got to go to work that afternoon but he
2 agrees to give them a ride. *The Young and The*
3 *Restless* is over.

4 At 2:56 we start getting a ping on
5 James Island, right at Fleming Road. That
6 cell phone pinged from that tower until 1:18
7 the next day. That cell pinged off tower
8 until just a few minutes after Shareen Roper
9 called and said, "Where's Gerard? Have you
10 seen Gerard?" And then it goes. And then it
11 goes.

12 Again, Antonio Nelson, years later,
13 corroborated by the phone records.

14 What else corroborates the testimony?
15 Let's talk about the DNA. You've heard
16 evidence and you saw the diagram created,
17 State's Exhibit 298. There is one person, one
18 person other than Gerard Roper that you've
19 heard anything about who was bleeding.
20 William Dickerson.

21 Do you have Armon Dickerson's DNA in
22 his own apartment? Yes, you do. Would you
23 expect to? Yes, you would. You don't hear
24 any testimony about Armon's blood.

25 You heard testimony about DNA. You

1 heard testimony about the possibility of skin
2 cells leaving DNA. There's one person
3 bleeding because there's one person who's been
4 fighting, and that's the Defendant.

5 Now, you could tell by the questions
6 that the defense is probably going to stand
7 before you and claim that this was all about
8 the clean-up.

9 Let's look. Starting inside, CPD
10 Numbers 5B and 6B, the defendant's DNA, just
11 inside the apartment, right here. Then on the
12 outside, 3B and 4B. You saw the blood.

13 What does his brother tell you? They
14 took the body next door. Actually, you'll see
15 a picture of that. But the blood that drips
16 on the AC unit, William Dickerson's. There's
17 the AC unit (displaying), there's the blood on
18 the AC; all coming back to the Defendant.

19 And then inside on the floor in this
20 area right here, the body right there, William
21 Dickerson's. Not just his DNA, his blood.
22 Did he stand still for a minute after being
23 winded from moving a dead body? Did he drop
24 perfect circle droplets as he stood there? I
25 don't know how long he was standing there. I

1 don't know what he was thinking about:

2 Do we cover him up?

3 Do we not cover him up?

4 Is there anything left to do?

5 We know that his blood was inside
6 that apartment.

7 And you know what else we know?

8 Bubba told you and the pathologist told you
9 that there were cuts -- cuts on Gerard. Bubba
10 told you they ran the dishwasher and that
11 there was a chef's knife that at one point the
12 defendant took out and was going to stab
13 Gerard Roper. The pathologist told you about
14 the place on the shin that had been hit so
15 hard and cut so deeply that the bone chipped.
16 Bubba told you that at some point the
17 defendant actually hurt his arm. Selena told
18 you that he had something on his arm. The
19 next day his friend, Dontaire Anderson, who
20 gives him a bus ticket tells you he had a
21 wound on his arm. Blood at the crime scene.
22 William Dickerson's blood at the crime scene.

23 You also heard testimony about
24 mixtures of blood. I want to talk to you a
25 little bit about this because there were lots

1 of questions and answers about that:

2 We have marked for you in red
3 the places where the defendant's blood was
4 positively identified. One-in-some-
5 quintillion or some number that is so crazy we
6 don't even know what it is.

7 You see the blue where the
8 victim's blood was. And they testified that
9 his blood was everywhere, everywhere.

10 You also heard about mixtures. And
11 I don't mean to imply that each of those
12 mixtures contained the defendant's DNA. But
13 don't be misled. What Lilly Gallman from SLED
14 told you was she couldn't say who else was in
15 the mixture. Gerard Roper was the major. She
16 couldn't say who was minor. DNA can mask, it
17 can cover up. So where there were mixtures,
18 maybe it was the defendant. Maybe it wasn't.
19 But to say that it for sure it wasn't or it
20 definitely wasn't a mixture inside the
21 apartment is just not what Lilly Gallman told
22 you. I think you all remember that, because
23 that went on for quite some time.

24 Let's go to the autopsy and think
25 about what that tells you and how that fits

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1 with each witness coming before you. I'm not
2 going to go through the diagrams and a bunch
3 of pictures. But let's start with what we
4 know. There are two things that we know. The
5 James Island cell tower starts pinging at
6 about 2:56 on that Tuesday afternoon. The
7 other end of the spectrum -- the autopsy was
8 done on March the 9th at 2:00 p.m. Remember I
9 asked the pathologist what can you tell us
10 about the time of death. Not C.S.I., but
11 approximate. She told you that it seemed as
12 though or that it looked from what she saw,
13 the livor mortis, the rigor mortis, that the
14 victim probably died about twenty-four hours
15 before the autopsy. That's day two of his
16 ordeal. Day two. About twenty-four hours,
17 guess what's happening about twenty-four hours
18 before the autopsy. William Dickerson's
19 leaving. He's gone. He's done. He is
20 leaving E-3.

21 What else did she tell you about what
22 she could tell? She told you about the burns.
23 She told you about the infection. Remember,
24 Gerard had an infection that had already
25 spread through his body from his anus, from

1 the violent sodomy. She told you that he had
2 already started to form abscess. Let's look
3 at this and look at it closely and see how it
4 fits.

5 There's Shelley. Shelley doesn't
6 know Dr. Schandl. Shelley doesn't know the
7 autopsy.

8 First of all, we've got at 10:00
9 o'clock again, the conversation with Steve
10 Archie where Steve had been told that the
11 victim had been burned. He's also been told
12 about the four-five in the behind.

13 We've got the phone call that Shelley
14 records. She told the police she thought that
15 maybe it was around 4:00 or 4:30. There are
16 no phone records that show 4:00 or 4:30.
17 There's your phone (indicating records). Once
18 again, do you see her paying attention to the
19 time as she's trying to find Gerard and trying
20 to find William? But there are calls in the
21 5:00 o'clock hour.

22 And what's interesting about those
23 calls is that they come right after several
24 calls to Safety Cab. This is Day One.
25 Several calls to Safety Cab. Do you remember

1 Bubba telling us about that? He's calling a
2 cab because he's got to get down to Antonio's
3 to pick up the car. He tells you Safety Cab
4 and Express Cab is who he calls. All right.

5 During that time he goes to
6 Antonio's. Antonio tells you about that.
7 Who's alone with Gerard Roper? William
8 Dickerson. He's alone with him. Shelley
9 tells you that that afternoon, she's not sure
10 of the time, the phone records show at 5:15,
11 5:17, 5:20, 5:22, 5:23 and 5:24.

12 Bubba tells you when he gets back
13 from Antonio's house, Gerard doesn't have on
14 pants from the waist down. The pathologist
15 tells you it would have taken about eighteen
16 hours before Gerard died for that abscess to
17 form, which fits right in this time period for
18 the 5:15 calls.

19 So, again, we can't pinpoint it, but
20 that's corroboration, that's science
21 corroborating what memory can't give you
22 precisely. Think about those things when
23 you're considering the credibility of the
24 witnesses.

25 Let's talk about Shelley's recording.

1

2 That's a rough thing, to have to ask
3 the defendant's mother to come testify. But
4 she told you she wanted closure for her family
5 and for Shareen's family. She told you she
6 had heard this tape or CD. She listened to
7 it, you saw her reaction. She told you whose
8 voice it was, she told you that it was her
9 son, William. Then you heard Aven Roper talk
10 about the last words he heard from his son.

11 The defense may say, as they have
12 said in opening statements, 'Did that sound
13 like sodomy? Did that sound like a violent
14 act going on? How did those voices sound?'
15 If Shelley Nelson was trying to orchestrate
16 this whole thing, don't you think if she were
17 going to make up a recording, it would have
18 just sounded crazy? There would have been
19 screaming. There would have been crying.
20 There would have been begging. There would
21 have been everything if she was making it up.
22 Maybe Gerard was in shock. Maybe he was
23 resigned. We don't know.

24 What we do know is that William
25 Dickerson's mother and Aven Roper told you

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1 whose voices were on that tape, just like
2 Shelley did.

3 The defense would have you believe
4 that they are in some kind of conspiracy with
5 Shelley? How does that make sense?

6 She testified to you about the
7 beating she took. And she told you that he
8 said he wasn't going to do it again. She also
9 told you, yes, she was scared of him, but not
10 while she was on the phone. Because guess
11 what? If he's on the phone with her, he can't
12 do anything. They're not together.

13 She told you she called him time
14 after time after time. You've got the
15 records. She did. But why did she call? He
16 told her he had Gerard. She wanted to find
17 him. She had been told to make a recording if
18 she could, and she did.

19 And then what did she do? Before the
20 body was found, before anybody knows in law
21 enforcement what's happened she goes to law
22 enforcement and she gives them the recording,
23 trying to find Gerard Roper.

24 Listen to this. Listen to this
25 snippet from Shelley's recording -- (plays

1 recording). "He is worser, he is worser than
2 beat up." He's being tortured. And he talks
3 about it, the sodomy. "His booky is bigger
4 than yours is now." (Plays recording).-- you
5 heard him say, "Word is born, on my daddy,
6 word is born. Gerard, tell 'em." Aven told
7 you that was Gerard, that he sounded
8 depressed.

9 Shelley doesn't know what was
10 happening. There's been no evidence about
11 Shelley. So they now say she arranged it.
12 Listen to the third snippet (recording
13 playing). He is talking about his mama, and
14 you can hear it in his voice, "you fuckup",
15 she's realizing the gravity of the situation.

16 Go to four, (recording playing).
17 How in the world could Shelley know that
18 Gerard Roper had left his phone at home, just
19 like his girlfriend said, that he didn't have
20 it with him and he wasn't able to return the
21 call? Shelley's organized all that? Nobody
22 knows that, not at that point. Nobody knows
23 to create that and put that in a tape. That
24 fits exactly what Antonio said was happening
25 in the car. He's aggravated because Gerard

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1 wouldn't call him back. He thinks Gerard
2 flipped on him. He thinks maybe Gerard has
3 fucked with his girl. He's mad about the
4 video. He's looking for him, and he finds
5 him. This isn't a conspiracy. There's no
6 conspiracy.

7 But what there is, is a common link
8 and the common link is William Dickerson every
9 time. Look at everybody.

10 Stevo Rivers and Ben Drayton -- they
11 don't have any reason to lie on William
12 Dickerson. They don't know Shelley.

13 Antonio Nelson does. They're his
14 friends and William's his friend. They know
15 Gerard, they've met him. They are friends
16 with him (indicating Defendant), they grew up
17 with him.

18 Shelley. She's in a conspiracy now
19 with Aven? She's in a conspiracy with the
20 defendant's mother? That makes no sense.
21 She's in a conspiracy with law enforcement
22 because she's made a tape and turned it over
23 to them? No.

24 There is somebody who tried to do
25 something. There is somebody. No, it wasn't

1 Armon. No, it wasn't Popcorn. No, it wasn't
2 Bubba. It was Shelley. Shelley was trying to
3 get to law enforcement as fast as she could.
4 She did her job.

5 Steven Archie, again, he's friends
6 with the victim. He knows the defendant was
7 excited to get his car. He doesn't really
8 know Shelley. He's met her. They're not
9 tight.

10 Dontaire Anderson, the defendant's
11 friend. Gets his out of town with a bus
12 ticket. He didn't know about the DNA. He
13 just knows the guy had a cut on his arm.

14 All of it fits together, it fits
15 together right through William Dickerson.
16 That brings us back to the beginning, to those
17 three -- Selena Rouse, Armon Dickerson and
18 Popcorn.

19 Think about this. If this was Armon
20 and Selena's kill, if this is their sodomy, if
21 this is their kidnaping, do you really believe
22 they would bring him to their house? That
23 they would bring him into their house and
24 create the mess that was created for the
25 police to find, for evidence to be recovered?

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1 Yeah, they tried to clean it up because that's
2 where it happened.

3 What did Popcorn tell you about
4 Armon?

5 What did you see in looking at Armon?

6 You've got testimony he was doing
7 drugs that night. You've heard testimony that
8 Selena had never seen him act like that. She
9 got fired that day because she knew something
10 was wrong when he said 'you have to come
11 home.' If he was going to bring Gerard Roper
12 home and then go get his girlfriend/wife and
13 bring her home to witness everything? Does
14 that make sense to you?

15 He was trying to get help and he goes
16 to Selena. Some help she is. She's worried
17 about herself. She's worried about whether or
18 not there's blood in her apartment. She's
19 worried about who's finding it. She's worried
20 about who's going to leave and when they're
21 going to leave. She leaves, comes back,
22 leaves, comes back -- over and over again.

23 And when she finally, finally ran for
24 it, no, she didn't call the police. She sure
25 didn't. She told you about talking on the

1 phone talking to the investigators. And you
2 know what? At least she broke. Maybe she has
3 a conscience after all. She told that on the
4 telephone she got to talking about it, and she
5 got shook up and she started crying. That she
6 knew, she knew it was going to unravel and
7 unravel it did -- over two years later, but it
8 unraveled. She told you that she didn't tell
9 the truth initially, even when she started
10 revealing more and more information.

11 But she did sit here -- did she tell
12 you that she saw William Dickerson do
13 something to Gerard? Did she tell you that
14 she saw the sodomy, that she saw any blows?
15 If she was going to beef it up to make us
16 happy or to jam him (indicating defendant),
17 she's going to tell you about seeing all that.
18 She didn't do that.

19 What she held back for a time and
20 what she avoided telling time after time until
21 just before trial is that she saw him die.
22 But it was more than that, wasn't it? You saw
23 her tell you about that. You could see how
24 hard it was to tell you about that and for her
25 to know that she will be prosecuted. How

1 would we have known those words that she
2 spoke? You would have never known. Bubba
3 told you he didn't know that. Do you think
4 he's lying or do you think that he didn't
5 remember. Why would she sit there and tell
6 all of you what she said when he asked,
7 "Should I let him live or should he die?"
8 There's no reason for her to reveal that about
9 herself unless it happened. It doesn't do her
10 any good at all. She sat there and she
11 admitted saying to him when he asked whether
12 Gerard Roper should live or die, "He knows who
13 you are, he knows where I live." She's a
14 mother, a mother who has lost a son. You
15 think about that when you talk about this.

16 You think about how she never saw
17 Popcorn. She could have told you she saw him.
18 He told you that he may have seen her coming
19 or going, but they were never together.
20 Popcorn corroborated a lot. You can look at
21 his cell phone records and see how the calls
22 to him continued after he had gone. William
23 Dickerson continued to call him. What does
24 that tell you? He wasn't there. He wasn't
25 there when Gerard died.

1 And you heard the defendant's own
2 mother tell you that Popcorn called her. He
3 was worried, he was upset and he wanted her
4 help. Just like Steven Archie went to his
5 mom, Popcorn went to Willie D's mom hoping
6 that she could do something. And then he
7 reverted right back to the street. Willie D
8 called him and Willie D said 'I'm going to
9 come after you, your family.' He said, 'I'm
10 not taking it to my mama. If we're going to
11 do this, I'm going to him.' He told you what
12 happened when he was there.

13 He played you this horrible pocket
14 call that corroborates everything he said. It
15 corroborated the conversation that Ms. Fokes
16 told you about, being picked up or planning to
17 be picked up and never arriving, discussing
18 that with her son. It may be garbled but it
19 corroborates the things that he heard. You
20 hear them talking about Damien Watson. You
21 hear about Damien Watson throughout the phone
22 call, and how the defendant wanted Damien
23 Watson to come over there and all that.

24 You heard Popcorn admit that he hit
25 Gerard Roper and that he hurt his hand because

1 when he struck him he hit the floor too. He
2 said "hit him" and he said, "man, my hand
3 hurts." And how did he finally get to leave?
4 It was about Lena, 'I got go, Lena's on my
5 back. She's on my back. I've got to go.
6 She's on my back.' She was pregnant. She was
7 home. He was supposed to leave for a little
8 while and be home.

9 That was Tuesday night. Wednesday
10 morning when we know, based on the autopsy,
11 based on Steven Archie, that Gerard Roper was
12 still alive, Popcorn was nowhere around.

13 I know that the evidence in this case
14 has been hard for you to see and hard for you
15 to listen to. But it's real, you saw a
16 glimpse of life in our community. And you saw
17 the decisions that people make, the mistakes
18 they make and the dire consequences that they
19 have.

20 And, granted, there's information
21 that Popcorn can't give you, Bubba can't give
22 you and the DNA doesn't show. But when you
23 put all that is there together you know,
24 beyond a reasonable doubt, that William
25 Dickerson killed Gerard Roper.

1 All we ask if that you give a verdict
2 that gives William Dickerson the truth. The
3 truth is that he is guilty of murder,
4 kidnaping and criminal sexual conduct. The
5 truth is what Gerard Roper said, "Word is
6 born."

7 THE COURT: Thank you, Solicitor.
8 Ladies and Gentlemen, at this point I'll let
9 you take a break and let you stretch for about
10 five or ten minutes and then we'll return.
11 Please do not begin your deliberations.

12 (JURY EXITS @ 11:15 A.M.)

13 THE COURT: You may be seated.
14 Thank you very much. We'll be at ease. I
15 don't know how long your argument will be, but
16 I didn't want to interrupt. But I thought it
17 would be better to let them take a break at
18 this point. Depending on the length of your
19 argument, I think we'll go directly into my
20 charge. It's twenty-one -- it is eleven pages
21 long, so I think I can get through that fairly
22 quickly. We'll be at ease for a few minutes.

23 (BRIEF RECESS)

24 (DEFENDANT PRESENT)

25 THE COURT: The copy of the

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1 statement has been redacted and now into
2 evidence as redacted. And that's consistent
3 with -- your primary objection still remains,
4 but your concern about that portion has been
5 removed. Have you had an opportunity to
6 review that, Mr. Bloom?

7 MR. BLOOM: Yes, sir.

8 THE COURT: Very well.

9 MR. BLOOM: And, again, I think
10 Your Honor indicated that at the first
11 opportunity we would renew our Motion for a
12 directed verdict. The Court also indicated
13 that it wanted us to renew our request ---

14 THE COURT: Thank you, Mr. Bloom.
15 I appreciate it. Let's bring in the jury,
16 please.

17 (JURY ENTERS @ 11:22 A.M.)

18 BAILIFF: All present, sir.

19 THE COURT: Thank you, please be
20 seated. Thank you, Ladies and Gentlemen. And
21 I believe during the break Mr. Callahan
22 presented you with the order for lunch and
23 everyone has completed that.

24 FOREMAN: Yes, sir.

25 THE COURT: Thank you, sir. Mr.

1 Carroll, you may proceed.

2 DEFENDANT, WILLIAM DICKERSON: Good
3 morning. I really can't fully explain who I
4 am right now but I'm sure everybody in the
5 courtroom knows my name.

6 There's are things I wanted to say
7 because my life is on the line here right now.
8 I know this has been a rough two weeks for you
9 all, your families, for the deceased's family
10 and for my family. It's rough on everybody.
11 But right here right now we just want to get
12 to the truth.

13 The truth. Let the record reflect, I
14 was incarcerated since March of 2006. I left
15 Charleston, South Carolina, I left -- I left
16 fearing for my life. So if I am guilty of
17 anything, why would I even come back?

18 I came back to a so-called friend,
19 who I thought was my friend, who sent me --
20 to my grandmother, 'man. I was wanted for
21 murder. Called the police on me, called them.
22 I got locked up. I was innocent that day.

23 I'm a man. I'll take a man's
24 responsibility. That day I only did what a
25 big brother would do, what a big sister would

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1 do for his own family. Your little brother,
2 your little sister, you would help them under
3 any and -- any circumstances.

4 And I am a man. My mother was
5 dragged into this. She's almost losing her
6 mind from force and pressure. 'We want
7 William Dickerson, we want him.' It was just
8 me.

9 People say there was a horrible
10 crime, there was a kidnaping, nobody else, I
11 am being prosecuted, it's my life, my life.

12 The truth, the truth stands.
13 Evidence reflects -- I know it looks rough but
14 the truth stands. Everything goes up and
15 down, up and down, up and down and everybody
16 is pointing the finger at one man, William
17 Dickerson. How could I do all of this by
18 myself? How could I?

19 How could I do all this? The police,
20 if they investigated thoroughly, it would be
21 me and multiple codefendants but all you'all
22 have got is me. Me, "the bad guy", William
23 Dickerson. I'm not a bad guy. I'm a man.

24 Gerard, I knew him. I knew him.
25 I know Ms. Roper, I ate at their house.

1 I am a man, I will take my responsi-
2 bility but I will tell you'all that I -- I
3 love my life dearly, not saying that I am a
4 religious fanatic or nothing but if I did
5 this, I would admit it. I wouldn't drag
6 nobody into it, and I would give my life. I
7 would give my life and make amends to my God
8 if I did this. But I did not.

9 I did not. That's all I have to say.

10 And I don't mean to say, to try to
11 sound -- but just look at the evidence, what
12 the evidence reflects. I did what anybody
13 would do. You would help your brother, you
14 would help your sister do anything. Why did I
15 come back? For what? So everybody could get
16 locked up? The truth -- I think the truth is
17 going to come out. That's what I am thinking,
18 that they're going to tell the truth. But
19 what did they did? Get together. They got
20 with the police. I think the truth will came
21 out. You've been conned, man, if you think I
22 done all this by myself.

23 I thought the truth would come out.
24 That's what I want, the truth. The truth.
25 You know, that's really all I've got to say.

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1 My life is in everybody's hands. I
2 am not a bad guy. I'm not. Aven, you know
3 I'm not no bad guy.

4 THE COURT: No, that's inappro-
5 priate.

6 DEFENDANT: Yes, sir. Yes, sir.
7 You know, that's all I wanted to tell you'all.
8 Let the evidence show, you know. I've got to
9 talk for my life. My life is on the line.
10 That's all that I ask. Please, please just
11 look me in the eye. I'm a man. I've admit to
12 my wrongs all my life, all my life I would
13 admit to it. Even facing death in the eye, I
14 would look to it firmly -- if I did it, I
15 would tell you'all. I didn't. Thank you all,
16 too. Thank you.

17 THE COURT: Mr. Carroll?

18 MR. CARROLL: Thank you, Your
19 Honor. If it please the Court?

20 THE COURT: Yes, sir.

21 MR. CARROLL: There was no police
22 investigation that resulted in an arrest in
23 this case -- the arrest of William Dickerson,
24 that is. There was some statements, some
25 Motions made, witnesses were talked to,

1 statements were written down. There really
2 wasn't an investigation. We never heard
3 from a detective that said, 'I ran an investi-
4 gation. I analyzed evidence. I interviewed
5 people. I looked to see if statements were
6 consistent', because there was no
7 investigation.

8 William Dickerson was handed to law
9 enforcement as the sole actor in a kidnaping
10 and beating and ultimately a killing. He was
11 handed to them. He was handed to them by
12 people that knew each other, that were
13 connected. Not by Boy Scouts, Girl Scouts,
14 not the pillars of the community, but people
15 who, with some air of pride tell you about
16 using drugs and driving around, selling drugs.
17 These are the people that handed William
18 Dickerson to law enforcement.

19 And they stopped right there. They
20 stopped and proceeded as if William Dickerson,
21 all by himself, abducted Gerard Roper, beat
22 him at somebody else's house, delivering such
23 a beating that he died from it.

24 Those statements that were written
25 down are absurd. No investigation was done.

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1 He was accepted when he was handed over to the
2 police.. End of story.

3 The police within a few weeks of a
4 gruesome murder case just handed the case over
5 to the prosecutor. No investigation beyond
6 what had already been done. He was indicted
7 for murder, he was indicted for kidnaping and
8 then within a few months he received notice
9 that the State was going to be asked that he
10 be executed.

11 No one else was charged and no one
12 else had any concerns. He'd been handed from
13 this crowd that you've seen and you've heard
14 from to the police and from the police to the
15 Solicitor.

16 Somewhere along the way -- it took
17 awhile -- somebody did start investigating and
18 some other people have charges. They've been
19 here. You've seen them and you've heard from
20 them. We're going to talk a little bit about
21 them in a few minutes.

22 But when I'm done and the judge
23 instructs you on the law that you have to
24 apply in this case, William Dickerson is now
25 going to be handed over to you. And you've

1 got to go back into your room, and you've got
2 to analyze the evidence and you've got to
3 determine whether the State has proven beyond
4 all reasonable doubt that William Dickerson
5 did what he's accused of doing. You've got to
6 consider the credibility of the people who
7 handed him to you from this witness stand.
8 And you've got to consider the technology and
9 the science that hands somebody to punish and
10 arrive at your decision beyond a reasonable
11 doubt.

12 And there's one thing that has been
13 proven very clearly. That is that Gerard
14 Roper died a very violent death. He did not
15 deserve nor does any human being on this
16 planet deserve the kind of treatment he
17 received. That's been proven. That's not
18 disputed.

19 But where the real dilemma comes in
20 is when the government got locked in, after
21 William Dickerson was handed over to them and
22 did nothing, has sat for two years or more.
23 Now you've got to take all that evidence, and
24 you've got to look at all the motives that
25 have been put on this witness stand. You've

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1 got to look at these inconsistencies and
2 you've got to determine for yourself whether
3 or not there's proof beyond a reasonable doubt
4 that William Dickerson is guilty of these
5 crimes. I recognize that that is an awesome
6 responsibility. You weren't there. You don't
7 know these folks. So you're going to have to
8 use some common sense, and you're going to
9 have to sort through this.

10 Now, what do we know from having
11 heard this story, actually a number of
12 different versions of this story. We know
13 that by all accounts in March of 2006, William
14 Dickerson was convinced that he was a marked
15 man; that people were out to get him. That he
16 was literally being hunted in this city.
17 That's hard to believe that in Charleston,
18 South Carolina, a tourist destination, a place
19 where we all feel comfortable, that there's
20 somebody walking around hiding, ducking,
21 dodging, checking into one hotel under
22 somebody's name, another hotel under
23 somebody's name. He was on the run.
24 Everybody that knew him and talked to him told
25 you the same story on that point. He was on

1 the run. He was wanted. What caused that?

2 Well, you know from Shelley Nelson's
3 testimony that the Friday before this occurred
4 -- that would have been around March the 3rd
5 that there was a fight and he'd beat Shelley
6 up. There is a video. In fact, there were
7 two videos.

8 Now, the government told you at the
9 beginning of this case last week that you'd
10 find that there was no video. It was all in
11 his head. It was in a lot of people's heads:

12 It was in Shelley Nelson's head.
13 She said, "I saw the video. I saw a guy on
14 there inside of our car. Couldn't see the
15 girl. It wasn't me."

16 Her neighbor, Kim Gregg said,
17 "Yes, he showed me a video. I really couldn't
18 see anything. But I heard some moaning," and
19 some sounds of that sort.

20 Dontaire Anderson said, "He
21 showed me a video. I heard and I saw, "Give
22 me one more."

23 Rashid Malik saw a video. He
24 heard. He saw. There was a video. That
25 video did two things. One, it really made him

1 angry she was having sex with somebody else in
2 his car. Of that he was convinced. And
3 you've heard this week that he didn't think
4 Gerard Roper was the guy having sex with
5 Shelley. Some fellow named Puta -- that
6 everybody seems to know, but nobody seems to
7 know what his name is. That's who these folks
8 told you that he was talking about. So that
9 video made him angry, and he took it out on
10 Shelley. And that was that. Is that right?
11 No, my Lord, no. That was wrong. But that's
12 what happened. That's the truth. Did we have
13 to tell you that? No, we didn't. But that's
14 the truth. And that's what got this crazy
15 thing stirred up, that's what got him running,
16 hiding, ducking.

17 The second video. He took that as a
18 message. You heard that another video showed
19 him sleeping. "I'm watching you. I see you.
20 I can do what I want", that's how he
21 interpreted that video, that Shelley was
22 sending him a message. Because back then you
23 heard these videos were on his cell phone, one
24 of them has him asleep; so he most definitely
25 could not have made this video. But witnesses

1 have told you that they saw it, they told you
2 that he was consumed with it. There were
3 videos.

4 Now, if we videotaped this trial and
5 I showed different people the video, I might
6 show one the jury qualification, I might show
7 one opening statements, one examination of a
8 witness, another closing arguments. Each one
9 of them would have seen a video of the trial,
10 none of them would have seen the same thing
11 but when asked 'have you seen the video of the
12 trial?' 'Yeah.' 'Tell me what you saw' and
13 it would be different. So there were videos
14 and these people saw them. They didn't make
15 that up.

16 You heard testimony that William
17 believed Shelley had called on some goons to
18 take care of him. Goons. Motel 6. People
19 laying in wait, waiting to kill him. You
20 heard that word on the street was -- this is
21 before whoever went and got Gerard Roper went
22 and got Gerard Roper. This wasn't in reaction
23 to that senseless killing. This was before.
24 This was after the fight with Shelley. Why?

25 Now, the people that have just come

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1 before you to put this story together are
2 Shelley Nelson, Steve Archie, Dontaire
3 Anderson, Tony Nelson, Devon Keeling/Dutch,
4 Ben Drayton, Stevo Rivers, Armon Dickerson,
5 Selena Dickerson and Rashid Malik.

6 Are they connected? Shelley said a
7 lot of them are sort of networked, if you
8 will, and even labeled themselves with a
9 title, "Money Under Pressure." Are they
10 connected? They all seem to use a lot of
11 cocaine, a lot of marijuana. Ecstasy was
12 mentioned. Lord knows what else. Are they
13 connected? It seems like all of them are
14 constantly using or selling drugs or both.

15 Well, nobody connected them with Ben
16 Drayton and Stevo Rivers, though. I think Ben
17 Drayton told us that there's more partying at
18 his house than there is anywhere else in
19 Charleston. I think he told us that there's a
20 whole lot going on at his house, and most of
21 it's illegal: drugs, sex, drinking, you name
22 it. That's the kind of place drug users, drug
23 dealers might know about, might attend, might
24 frequent. I think so. They can't have
25 strategies -- don't drive when you have, smoke

1 it when you drive.

2 We're not talking about vitamins and
3 herbs you buy at the herb store. We're
4 talking about the kind of drugs that people
5 are imprisoned when they're convicted for
6 selling them. We're talking about the kinds
7 of things that if you came back in front of
8 another jury one day in a drug case, you'd get
9 the impression that the worst ill in the world
10 is drug dealing. It's not something to laugh
11 at. This wasn't a comedy skit. This is
12 serious.

13 These folks want to come up here and
14 three years after the fact give you a pristine
15 recollection. They're talking about smoking
16 boonk, riding around, selling drugs. It makes
17 no sense whatsoever. None. Are they
18 connected? I think they're connected.

19 Shelley told you, said these guys are
20 -- they all know each other. She admitted
21 that on cross-examination. Yeah, Money Under
22 Pressure. Why would anybody want to kill
23 Gerard Roper? Maybe he owed somebody some
24 money. Ben Drayton said I heard whoever came
25 in that house say, "Where's my money?" Gerard

1 said, "I've got your money." Where are we?
2 In Ben Drayton's house. What is Ben Drayton's
3 house? It's a drug house. He didn't see
4 anybody, but he heard a lot.

5 We heard from Steve Rivers. First
6 you told us, did you sit down with the
7 detectives and tell the truth, the whole truth
8 and nothing but the truth and said, "I didn't
9 see anything. I don't know anything." Then
10 he got the story. And after he got the story,
11 now he's remembered the color of the vehicle,
12 he knows who came in, when they came in. He
13 missed Devon Keeling's appearance at the door.
14 Apparently, based on what we heard, the only
15 people there were Ben Drayton and Gerard Roper
16 and Steve Rivers. Devon Keeling was very
17 convincing when he said, "I got out and went
18 to the door." Steve Rivers had a different
19 version of that. Apparently, when he was
20 given the story, they left that part out. He
21 said 'once I got the story I was able to go
22 back and tell them these other details.'

23 One of the troubling things about
24 this case is all the time these people had
25 that know each other, to get together, maybe

1 sitting around smoking some boonk, talking
2 about linking one to the other. The fact is
3 that we can only speculate about the why.
4 Even though we can draw inferences from real
5 facts about the why, if we -- I guarantee you
6 if a blanket of immunity was given to every-
7 body involved that you heard from, you still
8 wouldn't hear the truth. They're incapable
9 of telling the truth, of insignificant,
10 meaningless details.

11 What kind of people would participate
12 and have knowledge of this kind of brutality?
13 What kind of people would offer up somebody as
14 a sacrifice and everybody jump on the band-
15 wagon and ride along? Or run to Florida and
16 taking the wrong turn and ending up in
17 Minnesota? The kind of people that, there's
18 no question, knew what was happening to Gerard
19 Roper while it was happening. They knew. And
20 they went on about their business. Those are
21 the kind of people that don't have any trouble
22 getting up and telling you a lie. Those are
23 the kind of people that have no problem with
24 somebody else taking the fall. People who do
25 that, there's something wrong.

1 If I gave you a sheet of paper and
2 said write out the most incredibly horrible
3 event you can come up with, it wouldn't be
4 this. This is outside the realm of dreaming
5 up. These folks maybe -- anybody get the
6 impression these folks had a message to send?
7 Maybe they had a debt to collect?

8 Now, in 2009, after never -- I'm
9 might be wrong. There was a green SUV, there
10 was one known very early on in the case.
11 Armon's first lie was put on paper, was
12 actually written down, and in that lie he said
13 'You know, my brother came over and wanted to
14 play. Me and my wife got in an argument and I
15 left. I got my cousin, Kenneth Fludd.' He
16 listed him in the phone book as "Boss Hog."
17 'I got my cousin, Kenneth Fludd, to give me a
18 ride to Columbia.' What does Kenneth Fludd
19 drive? A green SUV. There was one back in
20 2006.

21 It's kind of strange to me, but when
22 I've seen what was accepted in writing against
23 somebody -- case closed. It's over. It's
24 done. So there was a green SUV.

25 But in 2009 one of the people

1 connected with this crowd is all of a sudden
2 ready to tell the truth, the whole truth and
3 nothing but the truth. He wants to tell you
4 the tale of William Dickerson being on the
5 run. He's living at Motel 6. We all know
6 he's got a car, a Malibu, I believe. Yet he
7 goes from a motel in West Ashley, apparently
8 with the intent to kidnap Gerard Roper whom he
9 knows to be at a drug house on Flint Street on
10 James Island all by his lonesome. Motel 6 in
11 West Ashley, drives down Highway 17, continues
12 on into the city of Charleston. Doesn't take
13 a right to go down Folly Road, cross the
14 Wappoo cut and go on down and take a right on
15 Central Park and then another right on Flint
16 Street. No? I believe if I'm going to kidnap
17 somebody and torture them and beat them to
18 death, I need a witness? I need a ride? I
19 need to use somebody else's car to take me
20 there and do this? Seems like that's making a
21 mistake.

22 But he goes down to Tony Nelson's
23 house, a friend who, as we saw, lives his life
24 in a wheelchair. Goes to him for a ride. "I
25 need you to give me a ride, man." He's got a

1 car. Then, he doesn't stay anywhere long.
2 Comes back. 'I need a ride, man. I need a
3 ride.'

4 Tony said -- and on cross examination
5 he admits 'When I sat down and I told the
6 police this story, I told them that at about
7 11:00 o'clock I took him over to James Island.
8 We went over. We heard Ben Drayton. He said
9 it was about lunchtime when somebody came in
10 the house, fired off a gun and took Gerard.'

11 You heard Armon initially say it was
12 3:00 o'clock. On cross-examination, 'Didn't
13 you tell the police, when you were telling
14 them the truth that they got to your house at
15 1:30? 'Yeah.'

16 Selena seems pretty set on the time
17 line that she remembers. He came 'somewhere
18 after 3:00 and before 3:30 to pick me up from
19 work.'

20 Why does that matter? When you get
21 rid of people with an agenda and people
22 connected together and you go to the
23 technology, one of the few credible people
24 we've seen here this week is this agent that
25 prepared this exhibit for you. Take a look at

1 this exhibit, this exhibit says William
2 Dickerson's cell phone is downtown until
3 almost 3:00 o'clock. Almost 3:00 o'clock.
4 We know that there wasn't any investigation
5 that had been done, so it's not like they
6 started building a case from here. They
7 started building the case from these folks.

8 So they gave the time but the only
9 problem is that before they testified they
10 recognized that there was some issue here.

11 'You know what? I was watching *The Young and*
12 *The Restless*. I remember exactly three years
13 ago, on March the 6th, I sat down with boonk
14 and I watched *The Young and The Restless*.
15 That's what I did.

16 So he goes down there, parks his car.
17 Armon said it was on Crack Street, not on
18 Fishburne Street. What's that matter? I
19 mean, what -- he parks his car there to get a
20 ride with some folks, one of which he doesn't
21 even know, to go kidnap somebody?

22 Then they drive over to James Island.
23 They said William was giving them directions.
24 'Here's where I want to go and here's how to
25 get there.'

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1 They go down there and you'll see one
2 of the things that you'll have in evidence is
3 Devon Keeling's statement. He describes going
4 down, passing some firemen on the street
5 collecting money, continuing on, going down
6 Folly Road, turn right on Central Park, go
7 down to Flint Street. It's a bumpy road.
8 Devon gets out, or doesn't get out, goes in,
9 doesn't go in. They see a gun or don't see a
10 gun. He goes in and gets Gerard, brings him
11 out, gets in the car and 'let's go.'

12 When we get back over to the map,
13 look at the streets. Look at the area.
14 Fleming Road. Broad daylight. Flint Street,
15 right up maybe two city blocks away from
16 Fleming Road. What you'll see in that
17 statement is that it talks about they go back
18 out, go up Folly Road , go to Maybank and take
19 a left. For somebody who has just kidnaped
20 somebody, Folly Road's very busy. They
21 already knew there were firemen out there
22 collecting money. Wouldn't somebody who's
23 trying to pull off a crime go out and take a
24 right down that rural part of Central Park
25 Road, go down that rural section of Central

1 Park Road and take a right onto Park and
2 Fleming Road and be right there? Wouldn't
3 that -- if you were conducting a kidnaping,
4 wouldn't that be a way to pull it off? Don't
5 go back into the flow of traffic, go back
6 where firefighters are there and you're
7 stopped at a light and they come up wanting
8 some money?

9 Did somebody in a different green SUV
10 with some different people with him that were
11 owed some money go get Gerard Roper? Did
12 somebody bring him to Armon's? Is that
13 possible? It makes a whole lot more sense
14 than anything you've heard here. A whole lot
15 more sense.

16 "I've got your money."

17 'You're coming with me.'

18 I asked Armon Roper (sic) about some
19 listings in the phonebook, as did the
20 Solicitor. I asked Selena Rouse about some
21 listing in that phone they didn't share, had
22 no minutes on it during that time -- they
23 shared it but it had no minutes on it, you'll
24 recall, it wasn't working. They needed to put
25 some minutes on it and they did during their

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1 getting away.

2 Kenneth Fludd, also known as Boss

3 Hog, Armon says 'that's my cousin'. 822-0604.

4 That's a number we've got in our book. I know

5 him as Boss Hogg. It's Kenneth Fludd.

6 Armon's cousin. He has a green SUV. Look at

7 these phone records in evidence. See if

8 anybody called that number. I think what

9 you're going to find is that right around this

10 time line here when this abduction is supposed

11 to be taking place, somebody's on William

12 Dickerson's telephone with Kenneth Fludd. But

13 it's William Dickerson's phone.

14 Yeah, he went to James Island. He

15 had his phone. And you heard from the people

16 that said they were in that house that's the

17 phone everybody was using. I asked them.

18 Doesn't have a phone? Doesn't have a land

19 line? No telephone.

20 What were all these calls to taxicabs

21 and Kenneth Fludd? I see some other folks on

22 there, "Little Jay." Who's Little Jay? A guy

23 from the neighborhood. 343-8086. Look at

24 those phone records and see if anybody called

25 Little Jay. Armon. William didn't live

1 there. Armon lived in that neighborhood.

2 Selena lived in that neighborhood. See if
3 anybody was calling Little Jay during this
4 time.

5 See if anybody's calling Selena's
6 cousin, Mama Duck, or her sister, TT. Selena
7 wasn't there, right? That's what she said.
8 She said she wasn't there. The first time she
9 sat down with Detective Burkhardt, she's going
10 on Monday, the 6th, going to Simply Fashion. A
11 little bit worried about maybe being seen. I
12 don't know if they've got security cameras in
13 the Dollar General or not, but she went by to
14 buy a good conduct award for the child at the
15 Dollar General. Just threw that in there.
16 Dollar General comes up again when they start
17 getting closer to the truth. They went in
18 there and bought some stuff to clean up the
19 house.

20 So is it possible that somebody else
21 brought him there?

22 Is it possible that the guy who'd
23 been on the run the whole time called a cab
24 and left? Is that even remotely possible?

25 Well, Armon said -- I asked Armon,

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1 'Didn't you leave that day?' He said 'yes.'
2 But listening to their tale, the only person
3 that remained was William. But that's their
4 tale. These people will, you know, lie and
5 lie and lie.

6 And when the lights finally came on
7 and the truth was spilling out of a tearful
8 Selena Rouse, why was that? She'd got caught
9 in a lie. These investigators from the
10 Solicitor's Office, those fellows are
11 intelligent, experienced interrogators. They
12 know how to ask questions. They know how to
13 get you to tell the truth or contradict
14 yourself with a lie. They caught her in a lie
15 and they told her so. Then she gave them
16 several more versions, a little bit more truth
17 every time.

18 Who lived in that house?

19 Who had an incentive to not have
20 Gerard Roper out there able to take some
21 action? "He knows where we live." "He" who?
22 "He knows where we live." That's what she
23 s I particularly liked the way she
24 repositioned herself and looked at you with
25 such sympathy and shame but that's what she

1 said. That's what she did, I've got to give
2 her credit for that. She's on the run. It
3 sounds to me more like the accomplice
4 liability, the hand of one is the hand of all
5 -- her hands are all over it to me. I don't
6 know. "He knows where we live."

7 And who's going to ask her for some
8 guidance? Who's going to ask her for her
9 input? Who's going to say, "Selena, I need
10 you to tell me what we need to do?" Her
11 brother-in-law that she doesn't even know his
12 number?

13 Her husband? The guy she marries on
14 the way back to talk to the authorities? Does
15 it sound like maybe that's who she'd been
16 talking to? It seems to make more sense that
17 way.

18 The evidence you have that makes him
19 (indicating Defendant) the bad guy comes from
20 them.

21 Well, there's this recording. Well,
22 it's actually a recording of a recording of a
23 recording, I believe. Definitely a recording
24 of a recording. Nobody gave me an original.
25 Nobody gave me anything other than Shelley

1 telling how she made this. They brought a guy
2 from Pennsylvania here to tell you about cell
3 phone records. They didn't bring anybody here
4 from BellSouth to tell you anything about
5 Shelley's recording and recording her record-
6 ing. Yet she says this was Tuesday between
7 4:00 and 4:30. 'That's when the call came in.
8 That's when I recorded it.'

9 Those phone records again don't have
10 a dog in this fight. You're not going to find
11 any call from William Dickerson's cell phone
12 to Shelley on Tuesday between 4:00 and 4:30.
13 I know he put "5:00'ish" up there. That ain't
14 what she said. That is not what she said:

15 And she's the only one who did
16 anything? She went to the authorities. She
17 said between 4:00 and 4:30. It ain't there.
18 We had the stipulation read to you earlier
19 that Shamel Williams, Shamel Williams would
20 say, (reading): "On Wednesday, March the 8th
21 at 4:34 he got a call from Shelley's mother."
22 But I'm going to give you'all a recording that
23 Shelley made? That's what he said.

24 So they must have called up the
25 police department and got somebody from the

1 white collar crime unit to go get the cell
2 towers and preserve this critical piece of
3 evidence. Ms. Gardenia Nelson played the
4 recording over the telephone using a
5 speakerphone.

6 You're listening to a recorded
7 conversation. 2006, and surely technology is
8 more advanced than that. Because we're going
9 to put somebody's life at stake for that.
10 That's what we got. His mom said that's
11 William's voice.

12 Interestingly, we didn't hear from
13 any detective involved who talked with her.
14 Mr. Bloom tried to ask some questions about
15 information he thought she provided about the
16 way that she was questioned. She was
17 distraught, no question about that. She's got
18 another son. William, this is his day here
19 today in the courtroom. She had to get paid,
20 apparently, to go talk to her son that
21 somebody told her was having problems. 'I'll
22 go but you've got to pay me.'

23 Mr. Roper. 'I listened to it.'
24 'Does that sound like your son?' I'm fine
25 with that but I do think that there is a

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1 mechanism in people that when you are looking
2 for something and you need to hear something
3 and you want to hear something, you hear it.
4 I think there's a way to present something to
5 you and say 'here we've got a recording of
6 whatever.' When you start listening to it,
7 that's what you're listening to hear.

8 They got that phone call, not
9 documented, don't know the circumstances how
10 it came in here. There's some question from
11 law enforcement about her being on the job,
12 what she said and what she didn't and when she
13 did it. That's what they've got.

14 That phone call from William
15 Dickerson to Steve Archie. No action was
16 taken? Nothing was done? Steve Archie
17 impressed me as the kind of guy that wouldn't
18 be easily intimidated. He wouldn't be afraid.
19 I believe he's been in contact with law
20 enforcement enough that he knows how to get
21 ahold of them.

22 So that's the evidence you've got,
23 phone calls, phone records that don't match, a
24 time line absolutely -- that you can't follow
25 it.

1 Pull up page thirteen, please --
2 (displaying).

3 There was talk of a gun being fired
4 in the house over on Flint Street. A .357
5 magnum, being described by some as a big gun,
6 a "cowboy kind of gun". It's a big gun. That
7 (displaying photograph) is a panel door, we've
8 got photographs in evidence. A .357 magnum
9 and that's the bullet hole -- a .357 fired
10 into that doorway? That wouldn't be the hole.

11 Do you know what that is? That's
12 reaching a conclusion first and then going
13 back and looking for ways to explain it.
14 That's what that hole is right there.

15 Nobody went in with a .357, whoever
16 they were, and fired into that door. But
17 that's what you've got. That's the evidence
18 in this case.

19 Exhibit 124, please. These are the
20 guns. If you believe what you've been told
21 here one of them was fired into that door,
22 both of them were used for beating and
23 torturing Gerard Roper. One of them belongs
24 to Tony Nelson and one of them belongs to
25 Malik, Rashid. That's what they said. Both

1 of them were hidden there by Armon Dickerson.
2 After having admitted to having lied and lied
3 and lied. 'I don't know anything about a gun.
4 Haven't seen a gun. What gun?' He'd put the
5 guns in the attic. That's just a couple of
6 weeks ago, a couple of weeks ago from right
7 now. Armon took that shirt right there, his
8 tee-shirt, and wiped them down.

9 They were planning to come back -- in
10 fact, they were almost there -- the next day,
11 to come back home, but the police were there.
12 By some divine act Gerard's body was found. I
13 just wondered if it hadn't have been, would
14 they have gone on in, had breakfast, gone
15 about their business? He'd have had plenty of
16 time to get back to the guns.

17 That's who owned the guns. Not
18 William Dickerson, but Tony Nelson and Rashid
19 Malik.

20 Mr. Malik is a very interesting
21 fellow. He got away with this for years. He
22 denied involvement when he was caught. He'd
23 been on his way to his lawyer's office and in
24 North Charleston something strange happened.
25 He ended up on I-95 headed north. Now, why in

1 the world would a guy who had partially hit
2 somebody be so scared he would run? Why?
3 Well, he knew Selena had been arrested, Armon
4 had been arrested. He knew that the tale of
5 his involvement was not good. So he ran. He
6 couldn't admit it. He'll "tell you the truth"
7 but he just absolutely could not admit it.

8 He didn't want to tell anybody he'd
9 hit him, hit him to the point of his hand
10 swelling up. Kicked him. Stomping his head
11 on the floor. This is the guy that wants you
12 to believe that the whole reason he was even
13 there was because he got threatened on the
14 telephone. What in the world is going to
15 happen to him on his cell phone? The
16 telephone's on James Island. He's in North
17 Charleston.

18 No, what he did here is absurd. He
19 went over there as a part of this group to do
20 his part. He brought a loaded gun with him
21 and that gun was used, and I submit it was
22 used by him. He wouldn't tell you that. He
23 said 'yeah, I hit him' -- well, partially hit
24 him. What does that mean? 'I missed.' He
25 'couldn't do it'. He's still trying to

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1 downplay his involvement, 'it was not me, not
2 me.' 'I helped. He came to me. When he came
3 back from Atlanta, he came to me and I called
4 the police to tell them that William Dickerson
5 is here, he is wanted for murder.' I'll bet he
6 was concerned about that.

7 (Exhibit) 101, please. You didn't
8 hear anything about this, found in the trash
9 with Gerard Roper's blood on it. Let's see if
10 we can figure out who owns this. Under no
11 version out of anybody's mouth did anybody say
12 William Dickerson came to this place with
13 nunchucks. Maybe the guy who lived there,
14 Armon Dickerson, had the nunchucks. Maybe he
15 used them himself. He threw them away. Other
16 than that what weapon did you see? The guns.
17 Nope, no weapons. Does that sound true?

18 You heard the medical examiner
19 describe the injuries. Did Armon take those
20 and beat Gerard Roper with them? That
21 certainly could have happened. I guarantee
22 you that not a single person has put those in
23 William Dickerson's hands, there is no
24 evidence.

25 (Exhibit) 48, please. Armon says,

1 'Well, you know, I was scared and everything
2 but I needed to save myself. I had to show my
3 loyalty, so I hit him with the table, hit him
4 in the chest.'

5 This is the evidence collected. You
6 can see it for yourself. I don't believe
7 somebody was hit in the chest with that. He
8 was bleeding from the head and he was bleeding
9 other places, elsewhere, where he was beaten
10 with the nunchucks and there's the spray on
11 that.

12 Armon is the one who put the table in
13 his own hands. 'I kicked him, I hit him.'
14 Strangely, he too had a loaded gun. He
15 admitted to having the gun.

16 Why in the world do you think Armon
17 sat down and started talking to the police?
18 'You know what? He did let me hold that gun.'
19 Do you think it's possible that the police
20 said, 'Look here, Armon, we've got your
21 fingerprints, we've got DNA', do you think
22 they started going through that pile of trash
23 with him? 'Yeah, he let me hold that gun.'

24 These people are not rocket
25 scientists but they weren't born yesterday

1 either. Put the table in his hand, put the
2 gun in his hand, he'd just threw the nunchucks
3 away.

4 (Exhibit) 63, please. Was Selena
5 there? Did she just come in, go up, change,
6 go shopping? I think she said she went
7 shopping. Or did she stick around and
8 participate? She called Mama Duck, TT, Little
9 Jay throughout the night as the cell phone
10 records show?

11 The story that she told is, 'I walked
12 in, you know, things looked pretty messed up.
13 William's sitting there holding his arm, I go
14 upstairs and me and Armon have a little talk
15 and I came out again.'

16 'Any blood there in the living room?'

17

18 'Nope', not on that trip. Not on
19 that trip. 'Later on I came back and there
20 was blood everywhere, but not then.' That's
21 what she said. Yet mysteriously Gerard
22 Roper's blood was on the sole of one of those
23 shoes and on the side of another one of those
24 shoes. That's what SLED said. One-in-some-
25 quintrillion that that was Gerard Roper's

1 blood. She told you, 'I wore those to
2 McDonald's. I wore those brown pants. I know
3 they've got bleach stains on them, and I know
4 bleach was used in this crime scene but I
5 wasn't there.' 'That was already there,
6 that's what I wear to work, they don't use
7 bleach at McDonald's.' You can't take the
8 blood off. She must have been moving around.
9 She must have been a little more involved.
10 That is what the neutral science says, right
11 there.

12 (Exhibit) 75, please. Apartment E-4. It
13 was pristine by the standards of the people
14 collecting evidence. You look in there and
15 you see very little. That's the entryway.

16 (Exhibit) 76, please. Go further into the
17 kitchen and I think you can see a smear.

18 (Exhibit) 81, please. And now you see
19 here evidence that was collected. Sergeant
20 Hood made it real clear. This is interesting
21 because it's round, dropped, falling -- in his
22 opinion -- from the arm of somebody standing
23 still, no moving around.

24 Agent Gallman told you that's William
25 Dickerson's blood. I don't know that I've

1 been in a case where leaving DNA at the scene
2 is a plus but here it shows where he was, it
3 shows that he was bleeding. He'd been in a
4 fight, remember, with Shelley the night
5 before. It shows that he's not slinging, he's
6 not weaving around. He's standing there.
7 That's what the State's evidence shows.

8 (Exhibit) 82, please. Here he is,
9 William Dickerson -- standing still. Standing
10 still. Is that consistent with the raving
11 maniac that they've describe here in court?
12 No.

13 (Exhibit) 83, please. William
14 Dickerson.

15 (Exhibit) 105, please. William
16 Dickerson over there, over there away from the
17 body. What do we know? He's bleeding.

18 Did anybody ever speak a word about
19 any bleach in that apartment? Did anybody say
20 there was any bleach? Did anybody say we
21 couldn't identify the DNA on the comforter
22 because somebody spilled bleach on it? No.
23 You didn't hear a word about bleach being in
24 that apartment, not a word.

25 Is it possible that William Dickerson

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1 found out that they had his friend? Is it
2 possible that he beat up his brother?

3 I tell you one thing. I think if he
4 had been over there in that crime scene
5 beating him, body slamming him, his blood
6 would be everywhere. His blood would be all
7 over the place. You don't see his blood.

8 Who cleaned up? Armon, Selena.

9 All the evidence they collected?
10 There were trash bags in the closet and nobody
11 even looked in them. William Dickerson didn't
12 live there. He didn't have a change of
13 clothes.

14 Armon said yeah, 'I gave him a pair
15 of jeans. He left in that.'

16 'Wait a minute, Armon. You're a
17 small guy and William's a big guy. It doesn't
18 sound like that would work.'

19 'Oh, I had one pair of 38's. I just
20 kept them around for William Dickerson.'

21 Absurd. Absolutely absurd. But
22 that's Armon's story, and that's the State's
23 evidence in the murder trial of William
24 Dickerson.

25 It doesn't make sense. Science says

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1 -- but there's a whole other trash can. They
2 had two of them in there and they loaded them
3 all up.

4 'Armon. would you have been surprised
5 if the police found your fingerprints at your
6 house?'

7 'No.'

8 'Would you have been surprised if we
9 found your fingerprints in blood?'

10 'No.'

11 It would be nice if you got the truth
12 out of him, but that's not going to happen.
13 You're not going to get the truth out of Armon
14 Dickerson.

15 They were given somebody, that
16 somebody was accepted and now they are going
17 to be given to you. It's been given to you
18 with this kind of evidence.

19 If Gerard Roper's blood had been on
20 his (indicating Defendant) clothing, it would
21 be on diagrams and pictures and displays and
22 mappings. You would have seen it. You would
23 have heard it.

24 What evidence did they give you? He
25 walked through. He walked through. He left.

1 He went on the run. He came back. Actions
2 speak louder than words.

3 Malik cleared his head while riding
4 to Minnesota. Armon and Selena, living in
5 Florida, get married on the way back. Do you
6 believe for one second that they don't think
7 -- get married. 'Well, I heard somewhere
8 sometime about a marital privilege.' They
9 have a lot in common, they would cover for
10 each other. But they're not smart enough to
11 get together and talk about something as
12 simple as whether the six-year-old was
13 present. They're not smart enough to do that.
14 One says one and the other says the other and
15 they both swore to tell you the truth.

16 Folks, this case is absolutely
17 riddled with reasonable doubt. Absolutely,
18 completely riddled with reasonable doubt.

19 No question that Gerard Roper was
20 beaten to death, senselessly, and it is
21 sickening to me how this happened, how these
22 people walked in and out of that crime scene
23 and go here, there and yonder and have their
24 lives and were living happily ever after.
25 They thought they'd given them somebody. And

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1 that's been good enough so far; it was, it
2 worked for years and years. They got away
3 with it.

4 It would be an injustice -- you're
5 here to do justice. It would be an injustice
6 to convict William Dickerson of murder, of
7 kidnaping or of criminal sexual conduct.

8 You have to be convinced beyond a
9 reasonable doubt. Often in courtrooms you see
10 Lady Justice holding scales. In a civil case
11 lawyers get up and tell the jury and judges
12 tell juries in order for you to be convinced
13 one way or the other, if the plaintiff moves
14 the scale ever so slightly in favor, then
15 they've proven their case. The scales always
16 start out like this in that civil courtroom.

17 They don't start out like that in a
18 criminal courtroom, and that's where we are.
19 They start out like this. Because William
20 Dickerson walked in here almost three weeks
21 ago now, two weeks ago -- the 17th, Friday,
22 walked in the jury assembly room presumed
23 innocent. He walked into this courtroom
24 presumed innocent. He sits here right now
25 presumed innocent. In order for you to find

1 him guilty the State must convince you by
2 moving this scale beyond all reasonable doubt.
3 They don't have that evidence in this case.
4 They've got a bunch of lying, murdering, self-
5 serving -- I don't know what. That's what
6 you've got. And that's the evidence. Add in
7 the blood, the location of blood, the only
8 thing that makes sense when you follow this
9 trail is that he came there after this
10 brutality was over and he went from one place
11 to another, then he was gone.

12 Ms. Roper called the number that she
13 had been given. She said, 'Somebody gave me a
14 number, I don't know who that was. Somebody
15 gave me a number to call. He has your son.'
16 The phone was answered, "Do you have my son,
17 Gerard Roper?" "No, ma'am."

18 You know, Armon sat up here on this
19 witness stand trying to look sympathetic and
20 pathetic -- "yes, sir", "no, sir." I asked
21 him about his responses to the officers at the
22 interview: "yes, sir", "no, sir." Very
23 polite.

24 "No, ma'am." Armon Dickerson
25 answered that phone. He had that phone.

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1 These records show that all these people who
2 were called and were calling. Boss Hog,
3 Kenneth Fludd, green SUV, he was there.

4 I believe that if you participate in
5 the exercise of investigating a crime, you
6 might not trust Shelley Nelson, Armon
7 Dickerson, Rashid Malik, Devon Keeling, Tony
8 Nelson. Everybody who you have heard from
9 that was involved in the case had a reason for
10 them to be together. They had a reason. This
11 wasn't done by one person. It was done by a
12 group of people working together. It sounds
13 like a group of people wanted to send a
14 message.

15 William Dickerson is now in your
16 hands. Measure him by this objective
17 evidence. Use your common sense. Figure out
18 who has got a motive. Does someone just show
19 up at your house and you let them take the
20 house over and beat somebody up. These folks,
21 they'd like for you to think that they are
22 meek and mild and innocent. They are not.
23 They are brutal, they are ruthless, and they
24 will tell whatever lie that they need to tell
25 and offer whatever sacrifice that they need to

1 offer to save themselves. In fact, that's
2 what they've done.

3 The only fair result in this case is
4 Not Guilty. Those people will have their day
5 in court and may they be held accountable for
6 what they've done.

7 THE COURT: Thank you, Mr. Carroll.
8 Before I start, does any juror need a break
9 at this point? (No response). Probably about
10 thirty minutes long before we'll be finished.

11 We talked -- when we first started
12 this proceeding I told you some law. Then
13 when we interviewed you individually we talked
14 about certain principles of law. So a lot of
15 this law you have heard. And you responded to
16 questions from me and from the attorneys.

17 I need for you to give me your
18 attention now, because it has now moved into
19 where I'm going to discuss with you the law
20 which you, of course, have to apply fairly and
21 impartially to those facts that you will
22 determine very shortly when you begin your
23 deliberations in this case.

24 Please remember something that I said
25 to you: You may hear during this discussion

1 the use of the word "defendant." I again
2 remind you it's simply a term that we use to
3 designate a party, the party against whom a
4 claim is made. The defendant in this case, of
5 course, is Mr. Dickerson. But it's just
6 another way of identifying him. It has no
7 other meaning or significance other than that.
8 Please don't put any other meaning or signifi-
9 cance to the term.

10 It is my duty as the trial judge and
11 under the Constitution of this state to charge
12 and instruct you in the law applicable to this
13 case. And it's your duty as jurors to accept
14 and apply the law as I state it to you, and
15 your exclusive duty to determine the effect,
16 the value, the weight and the truth of the
17 evidence. Both the State and Mr. Dickerson
18 have a right to expect that you will
19 conscientiously consider and evaluate the
20 evidence and apply the law of this case
21 thereto, and to that end both parties will
22 receive and obtain a fair and impartial trial
23 in this case.

24 The Defendant has been accused, as
25 mentioned to you when we started, by what we

1 call an indictment. They are what I hold in
2 my hand, they are merely pieces of paper which
3 contain the accusations against the Defendant.
4 They're not exhibits. To these indictments
5 Mr. Dickerson has rendered a plea of Not
6 Guilty, which places upon the State the burden
7 of proving his guilt beyond a reasonable
8 doubt.

9 In this state and in this country a
10 person accused with the commission of a
11 criminal offense is never required to prove
12 himself or herself innocent. This principle
13 of law we call the "presumption of innocence".
14 Each of you is required under our law and by
15 your oath to actively presume that the
16 defendant is not guilty.

17 The presumption of innocence is
18 maintained at all times throughout the trial
19 of this case and is only removed when and if
20 the State brings in enough evidence to
21 persuade you beyond all reasonable doubt that
22 the defendant is guilty. So then, Ladies and
23 Gentlemen, obviously, the fact that a person
24 is accused of a criminal offense does not
25 testify in his or her own behalf cannot and

1 must not be considered against that person
2 under any circumstances or in any manner
3 whatsoever. The person has a Constitutional
4 right to remain silent, and the assertion of
5 such Constitutional right cannot and must not
6 be considered by the jury in their delibera-
7 tions.

8 Under your oath, then, you are to
9 reach no inference and draw no conclusion
10 whatsoever from the fact that Mr. Dickerson
11 did not testify in this case. The failure of
12 this defendant to testify should not even be
13 discussed in the jury room.

14 The burden of proof, as I stated to
15 you, is upon the State and it remains upon the
16 State to prove guilt beyond a reasonable
17 doubt. The failure of the defendant to
18 testify is not a factor to be considered in
19 determining guilt.

20 What is a reasonable doubt? A
21 reasonable doubt is a doubt which makes an
22 honest, sincere, conscientious juror,
23 searching for the truth in a case to hesitate.
24 Proof beyond a reasonable doubt is proof that
25 leaves you firmly convinced of the defendant's

1 guilt.

2 There are very few things in this
3 world that we know with absolutely certainty.
4 And in criminal cases, the law does not
5 require proof that overcomes ever possible
6 doubt.

7 If, based on your consideration of
8 the evidence, you are firmly convinced that
9 the defendant is guilty of the crime or crimes
10 charged, you must find him guilty.

11 If, on the other hand, you think that
12 there is a real possibility that he's not
13 guilty, you must give him the benefit of the
14 doubt and find him not guilty.

15 Reasonable doubt may arise from the
16 evidence in the case or from the lack or
17 absence of evidence in the case. You must
18 determine whether or not a reasonable doubt
19 exists as to the guilt of this defendant. And
20 I charge you that the defendant is entitled to
21 every reasonable doubt arising in the whole
22 case. If, upon any issue of fact essential to
23 a conviction and a verdict of guilty, you have
24 a reasonable doubt as to how that issue should
25 be resolved, it will be your duty to resolve

1 that reasonable doubt in favor of the
2 defendant.

3 The evidence you are to consider
4 consists of the testimony of the witnesses and
5 the exhibits that have been offered and
6 received during the trial. The objections and
7 rulings made are not to be considered by you
8 in any fashion.

9 If it appears to you that I have
10 commented on facts during either the trial or
11 in giving these instructions, you must
12 disregard such comment entirely. Likewise,
13 the remarks of the attorneys are not evidence.
14 Their statements and their arguments are
15 intended to help you understand the evidence
16 and to apply the law. You should disregard
17 any remark, statement or argument which is not
18 supported by the evidence or the law as I give
19 it to you.

20 Ladies and Gentlemen, there are two
21 types of evidence used in presenting a case:
22 direct evidence and circumstantial evidence.

23 Direct evidence is the testimony
24 of a person who claims to have actual
25 knowledge of a fact, such as an eyewitness.

1 It is evidence which immediately establishes
2 the main fact to be proven.

3 Circumstantial evidence is proof
4 of a chain of facts and circumstances indicat-
5 ing the existence of a fact. It is evidence
6 which immediately establishes collateral facts
7 from which the main fact may be inferred.

8 Circumstantial evidence is based on inference
9 and not on personal knowledge or observation.

10 Now, the law makes absolutely no
11 distinction between the weight or the value to
12 be given to either direct or circumstantial
13 evidence. Nor is a greater degree of
14 certainty required of circumstantial evidence
15 than of direct evidence. You should weigh all
16 of the evidence in the case.

17 I further instruct you in that regard
18 that the mere fact that circumstances brought
19 out in a case are strongly suspicious of guilt
20 or if the circumstances are such that a
21 defendant's guilt is probable, that would not
22 be enough to sustain a conviction. Because
23 the proof offered by the State has to be more
24 than sufficient. It has to be more than
25 someone probably guilty. It has to be proof

1 that satisfies you beyond a reasonable doubt.

2 The rules of evidence ordinarily do
3 not permit a witness to testify to opinions or
4 conclusions, except in very limited
5 situations. An exception to this rule exists
6 for witnesses who we call expert witnesses. A
7 witness who by education and experience has
8 become an expert in some art, science,
9 profession or calling may state an opinion as
10 to relevant and material matters in which the
11 witness claims to be an expert, and may also
12 state the reasons for the opinion.

13 You should consider any expert
14 opinion received in evidence in this case like
15 any other evidence and give it the weight you
16 think it deserves. If you decide the opinion
17 of the expert witness is not based on
18 sufficient education and experience, or if you
19 conclude that the reasons given in support of
20 the opinion are not sound or that the opinion
21 is outweighed by other evidence, you may
22 disregard the opinion entirely.

23 An expert witness's testimony is to
24 be given no greater weight than that of any
25 other witness simply because the witness is an

1 expert. Further, you're not required to
2 accept an expert's opinion, even though it's
3 not contradicted directly.

4 How do you decide the facts of this
5 case? You do it through the exercise and
6 application of your common sense, your sense
7 of logic and your experiences in life. Every
8 day you are confronted with decisions as to
9 whether people are believable, persuasive or
10 convincing, such as not dissimilar to your
11 task here as a juror. It is your duty as
12 jurors to analyze and to evaluate the evidence
13 and determine which evidence convinces you of
14 its truth.

15 You may consider whether any witness
16 has exhibited to you any interest, bias,
17 prejudice or other motive in this case.

18 You may also consider the appearance
19 and the manner of the witness while on the
20 witness stand.

21 Was he or she straightforward or
22 hesitant in answering the questions?

23 Was the testimony of a witness
24 consistent or inconsistent?

25 How did the witness come to know the

1 facts that he or she testified to, and what
2 was the ability of that witness to know these
3 facts?

4 During the trial of this case there
5 was testimony concerning prior convictions,
6 and that testimony was admitted only for the
7 purpose of evaluating the credibility or
8 believability of that person. A person who
9 has a past criminal record is competent to
10 testify during a trial. A past record does
11 not affect the ability of that witness to
12 testify. The past record may only be
13 considered by you, if at all, in determining a
14 witness's believability.

15 Remember, you are the sole judges of
16 the facts in this case and of the believ-
17 ability of any and all witnesses.

18 In determining the question of
19 credibility or believability of a witness you
20 may believe one witness against several
21 witnesses or several witnesses against one
22 witness. You may believe a part of the
23 testimony of a witness and reject the
24 remaining part of the testimony of that same
25 witness. You may believe the testimony of a

1 witness in its entirety or reject the
2 testimony of a witness in its entirety.

3 These considerations you do not
4 exercise arbitrarily. But if in your good
5 judgment there's a sound reason in the record
6 of this case for so doing, you have that
7 prerogative or that right. Your objective,
8 ladies and gentlemen, is to find the truth,
9 regardless of the source of the evidence.

10 While you're given wide latitude in
11 regards to matters of determining believ-
12 ability of witnesses and determining the
13 facts, you don't enjoy the same with the law.
14 You have to accept these legal principles as I
15 give them to you. And, obviously, you can't
16 change the law. You just take it as I give it
17 to you and find the facts as you find them to
18 be, and apply the law to those facts and
19 that's how you'll reach a verdict.

20 You recall when we were talking with
21 you that each of you promised and you
22 indicated that notwithstanding your own
23 personal opinions of what the law is or should
24 be, you promised that if any of you had those
25 or possessed those, you'd set those aside and

1 take the law as I give it to you. And I'm
2 confident that you will do just that.

3 Let's look now for a few moments at
4 the charges. First, I'd like to discuss with
5 you the charge of murder. The defendant in
6 this case is charged with murder. The State
7 must prove beyond a reasonable doubt that the
8 defendant killed another person with malice
9 aforethought. Malice is hatred, ill will or
10 hostility towards another person. It is the
11 intentional doing of a wrongful act without
12 just cause or excuse and with intent to
13 inflict an injury or under circumstances that
14 the law will infer an evil intent.

15 Malice aforethought does not require
16 that the malice exist for any particular time
17 before the act is committed. But malice must
18 exist in the mind of the defendant just before
19 and at the time the act is committed.
20 Therefore, there must be a combination of the
21 previous evil intent and the act.

22 Malice aforethought may be expressed
23 or inferred. These terms "expressed" and
24 "inferred" do not mean different kinds of
25 malice, but merely the manner in which the

1 malice may be shown to exist; that is either
2 by direct evidence or by inference from facts
3 or circumstances which are proven.

4 Express malice is shown when a person
5 speaks words which express hatred or ill will
6 for another or when a person prepares before-
7 hand to do the act which is later accomplish-
8 ed. For example, any act of preparation going
9 to show that the deed was within the person's
10 mind would be express malice.

11 Malice may be inferred from conduct
12 showing a total disregard for human life.
13 Inferred malice may also arise when the deed
14 is done with any deadly weapon.

15 A deadly weapon is any article,
16 instrument or substance which is likely to
17 cause death or great bodily harm. I charge
18 you that the use of a deadly weapon permits
19 you to infer malice, but it does not require
20 you to infer malice.

21 If facts are proved beyond a
22 reasonable doubt sufficient to raise an
23 inference of malice to your satisfaction, then
24 inference would be simply an evidentiary fact
25 and would be taken into consideration by you

1 along with other evidence in the case and you
2 may give it such weight as you find it should
3 receive. You, as jurors, are free to accept
4 or reject this permissive inference depending
5 on your view of the facts.

6 Next, I'd like to discuss with you
7 criminal sexual conduct in the first degree.
8 The defendant is also charged with criminal
9 sexual conduct in the first degree. The first
10 element which the State must prove beyond a
11 reasonable doubt is that the defendant engaged
12 in a sexual battery with the victim. A sexual
13 battery is any intrusion, however slight, of
14 any part of a person's body or of any object
15 into the anal opening of another person's body
16 except when the intrusion is accomplished for
17 medically-recognized treatment or diagnostic
18 purposes.

19 If you find that the State has not
20 shown beyond a reasonable doubt that a sexual
21 battery occurred, then you will stop your
22 deliberations and your verdict would be not
23 guilty as to this charge.

24 If, however, you find that a sexual
25 battery did occur, you must then decide

1 whether the State has proven beyond a
2 reasonable doubt one of the following:

3 That the defendant used
4 aggravated force to accomplish the sexual
5 battery. Aggravated force means the use of
6 physical force or violence or physical
7 violence of a high-and-aggravated nature to
8 overcome the victim. This includes the threat
9 of using a deadly weapon.

10 Or that the victim submitted to
11 a sexual battery while the victim was also the
12 victim of forced confinement, kidnaping or any
13 other similar thing.

14 The State has to prove the sexual
15 battery and at least one of those additional
16 elements to be entitled to a verdict of guilty
17 for criminal sexual conduct in the first
18 degree and, of course, must prove that this
19 defendant was the perpetrator.

20 Let's look now at the offense of
21 kidnaping. The defendant is also charged with
22 kidnaping, and the State must prove beyond a
23 reasonable doubt that the defendant knowingly
24 and unlawfully seized, confined, kidnaped,
25 abducted or carried away another person

1 without authority of law.

2 To do a thing "unlawfully" is to do
3 it willfully against the law.

4 "Knowingly" means the knowledge
5 consciously, not accidentally.

6 "Seized" means to take hold of
7 suddenly or forcefully.

8 "Confined" means to limit, restrict
9 or enclose within bounds, imprison or shut or
10 keep in.

11 "Kidnap" is to remove a person
12 against his will by unlawful force or by
13 fraud.

14 "Abduct" means to carry off secretly
15 or by force for an illegal purpose.

16 "Carry away" means to remove.

17 The State does not have to prove that
18 the defendant did all of these things.
19 Instead, if you find beyond a reasonable doubt
20 the defendant did any of these things, then
21 you may find the defendant guilty of
22 kidnaping.

23 Something done without authority of
24 law is something which the law does not
25 sanction, permit, allow, condone or provide

1 justification for. The kidnaping does not
2 have to be for any personal or monetary gain,
3 or for any illegal purpose, but may be for
4 any reason whatsoever. The gravamen of the
5 offense of kidnaping is some form of
6 compulsion. But the law says that the
7 requisite force of compulsion need not consist
8 of the use of actual physical force or
9 violence or of express threat.

10 The offense of kidnaping commences
11 when one is wrongfully and unlawfully deprived
12 of his freedom and continues until that
13 freedom is restored.

14 Now I'd like to discuss with you a
15 principle of law that applies in the State as
16 the "hand of one". If a crime is committed by
17 two or more people who are acting together and
18 committing a crime, the act of one is the act
19 of all. A person who joins with another to
20 accomplish an illegal purpose is criminally
21 responsible for everything done by the other
22 person which occurs as a natural consequence
23 of the acts done in carrying out the common
24 plan and purpose. If two or more people are
25 acting together, assisting each other in

1 committing the offense, the act of one is the
2 act of all. As it is sometimes said "the hand
3 of one is the hand of all."

4 Prior knowledge that a crime is going
5 to be committed, without more, is not
6 sufficient to make a person guilty of that
7 crime. Mere knowledge that another person is
8 going to commit a crime, even if the defendant
9 is present when the crime is committed, is not
10 sufficient to convict a defendant as a
11 principal.

12 Guilt as a principal is shown by
13 actual or constructive presence at the scene
14 as the result of a prior arrangement.
15 Therefore, a finding of a prior-arranged plan
16 or common scheme is necessary for a finding of
17 guilt as a principal.

18 The State must prove beyond a
19 reasonable doubt by competent evidence the
20 theory of the hand of one is the hand of all.
21 A principal in a crime is one who either
22 actually commits the crime or who is present,
23 aiding, abetting or assisting in committing
24 the crime. When a person does an act in the
25 presence of and with the assistance of

1 another, the act is done by both. Where two
2 or more are acting with a common plan or
3 intent are present at the commission of a
4 crime, it does not matter who actually commits
5 the crime. All are guilty.

6 "Present at the commission of a
7 crime" means to be sufficiently near to aid
8 and abet and assist in the commission of that
9 crime. However, merely being present at the
10 scene of a crime is not sufficient to convict
11 one as a principal.

12 On the theory of aiding and abetting,
13 intent is a necessary element. So there must
14 have been a common design or intent to commit
15 the crime, and the crime must have been
16 committed pursuant thereto with the person
17 aiding and abetting by some overt act. A
18 person, however, is not responsible for
19 criminal acts of another person unless the act
20 is a natural or probable consequence of the
21 plan agreed upon by all involved.

22 I would further charge you if two or
23 more combine together to commit an unlawful
24 act and if, in the execution of the criminal
25 act, a homicide is committed by the actors as

1 a probable or natural consequence of the acts
2 done and pursuant to the common design, all
3 present participating in the unlawful
4 undertaking are as guilty as the one who
5 committed the fatal act.

6 Criminal intent is a necessary
7 element of each of the crimes that I have
8 mentioned and that must be proved by the State
9 beyond a reasonable doubt. Criminal intent is
10 always a matter that must be determined by a
11 jury from the circumstances surrounding the
12 situation. So the law states that criminal
13 intent may be inferred from the circumstances
14 shown to have existed. This is how a jury
15 makes the determination of whether or not the
16 element requiring intent was present.

17 While the State is not required to
18 prove motive in this case, the presence or
19 absence of this evidence of motive may be
20 considered in making your determining
21 regarding criminal intent.

22 Criminal intent is a state of mind
23 that operates jointly with an act in the
24 commission of a crime. Intent includes those
25 consequences which represent the very purpose

1 for which an act is done or are known to be
2 substantially certain to result regardless of
3 one's desire.

4 Criminal intent is a mental state of
5 conscious wrongdoing. So it's up to you to
6 determine what the defendant intended to do
7 based on the circumstances shown to have
8 existed, assuming you are convinced beyond a
9 reasonable doubt that he is the person in one
10 or more of these alleged crimes.

11 I tell you that the State must prove
12 criminal intent as it must prove every other
13 element beyond a reasonable doubt.

14 Ladies and Gentlemen, you're not
15 partisans or advocates for the State of South
16 Carolina or this defendant. You don't serve
17 as jurors to reward any friends or punish any
18 enemies. You've been selected by both the
19 State and the defendant to be fair and
20 impartial jurors.

21 As such, you have become a judge with
22 me. I would suggest and submit to you that
23 being the judge that we also do other things.
24 And that is in performing our task we promise
25 the State and Mr. Dickerson that we will not

1 be motivated by any human emotion. That has
2 no place in this process. And you promised to
3 set aside your human emotions as well, and
4 analyze the evidence carefully, decide what
5 you find to be credible and believable, take
6 the law as I've given it to you and apply that
7 law fairly and impartially to those facts.
8 When you've done that, you will have honored
9 the commitment that you made when we started
10 this process.

11 To assist you, Mr. Partee, in
12 reporting your decision, I have prepared three
13 verdict forms which will be submitted to you
14 with the other evidence in this case.

15 I'd like to discuss them with you
16 now. I would also remind you that at this
17 point the order of the possible verdict forms
18 means nothing. I had to put them in some
19 order. Please don't infer anything from that.
20 There are three because there are three
21 separate charges -- one for each one. And you
22 will note from the body of it the alleged
23 crime with which you will be dealing.

24 Let's talk about them now. And as I
25 stated, there's one for each one. They are

1 identical.

2 You will note, Ladies and Gentlemen,
3 the caption. That's just to facilitate the
4 filing. It means nothing else, just helps to
5 make sure that it gets in the right file.
6 It's just to assist the Clerk.

7 The body says, this one happens to be
8 on the offense of murder, "As to indictment
9 number..." -- and that is the indictment
10 number assigned to that particular crime.

11 "...we, the jury, by unanimous consent find
12 the defendant..." -- now, what does that mean?

13 "Unanimous consent" means just as you
14 would think, your common sense applying to
15 that term. It means all of you agree. Twelve
16 to zero is what's necessary. Eleven to one is
17 insufficient. All of you agree. There's two
18 choices: first, Guilty of murder or the
19 second, Not Guilty.

20 Let's talk about them. Guilty. What
21 will you be saying if it's yes, he's guilty of
22 murder? You'll be saying that you've analyzed
23 the evidence. You're satisfied beyond a
24 reasonable doubt as to each of the elements
25 that I've discussed, that is the killing of

1 another with malice aforethought, and that you
2 find that and are firmly convinced of that,
3 based on the evidence. Therefore, that is
4 your verdict and, as you know, you must return
5 that verdict if the State establishes all the
6 elements, and that's what you must do under
7 the law.

8 Not guilty, what will you be saying?
9 Analyzing the evidence, you're not convinced
10 of one or more elements. If the State fails
11 on one, then you must return a verdict of not
12 guilty. And that includes the elements that
13 I've discussed, that is this defendant killed
14 someone with malice aforethought. If one of
15 those is missing and you're not firmly
16 convinced on that, then you must return a
17 verdict of Not Guilty.

18 Whatever your choice, Mr. Partee, you
19 will simply place a check or an "X" in the
20 line that precedes it and circle it. Then
21 sign it where it says "Presiding Juror," and
22 you will have completed that particular form
23 and go on to the next one.

24 There's one for criminal sexual
25 conduct in the first degree. Again, same

1 process. Analyze it, decide whether the
2 elements are present. If they are, guilty.
3 If one or more of them are missing you must
4 return a verdict of not guilty.

5 And then, likewise, one for
6 kidnaping. Again, whichever your choice, all
7 twelve of you must agree.

8 Let me ask you now, of the first
9 twelve selected feel is there anyone who feels
10 that they cannot continue? (No response).
11 Thank you very much.

12 Thank you very much, Mr. Page, Ms.
13 Dobson, Ms. Earheart, Ms. Ancrum. The first
14 twelve have indicated that they are going to
15 be able to proceed. I will ask that when the
16 jurors are excused, you not rejoin the jury at
17 this time. They will take you to another room
18 and they will keep you in another room and we
19 bring you in, if necessary, for any further
20 discussions but you will be detained in that
21 room while the others continue. Please, when
22 you go to your room, you are not at liberty to
23 discuss the case among yourselves. Please
24 remember that. You are not to deliberate in
25 any way, the four of you. Talk about

1 something else, but nothing about this case.

2 Ladies and gentlemen, you're almost
3 to the point where you may begin your
4 deliberations. I told you it would be the
5 last thing that I indicated to you. I need
6 to discuss my instructions, and it might be
7 necessary to give you some additional
8 instructions or to clarify something. And if
9 so, we will return all of you to the court
10 room. But if there aren't any additions, then
11 we will gather the exhibits and the verdict
12 forms and deliver them to you.

13 Also, I will be sending back my charge.
14 It's written down. There are some parts where
15 I added or I explained certain things that
16 aren't there. But the essence of the charge
17 is there.

18 If you should have a question about
19 the law that you can't discern from reading
20 the charge, just send me a note and we can
21 bring you back in and I can give you some
22 instruction.

23 Please remember that I cannot
24 instruct you any more on the facts. I can't
25 give you opinions. That's your job. You're

VOLUME EIGHT 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.

WILLIAM O. DICKERSON,

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1 the sole judges of the facts.

2 Remember something else that we
3 talked about, and we're talking about the
4 notes. And, Mr. Partee, thank you very much
5 for your notes, and those are yours. Those
6 are to assist you. If anyone else has any
7 notes, they're your notes for the purpose
8 solely of assisting you in your deliberations.
9 They're not the record of this case. Remember
10 that Ms. Garrison has that and if during the
11 deliberations you have any disagreement about
12 what a witness said or didn't say, we can
13 replay that testimony for you. Let us know if
14 that occasion should arise.

15 If there are any other questions you
16 have, if you will simply write them out. If
17 you will use a whole sheet of paper, I would
18 appreciate it. We'll make sure that you have
19 something other than just your note pad so
20 that he can continue to use his note pad.
21 We'll get you some additional writing
22 material.

23 And if that be the case, I would
24 simply ask that you write it out, sign your
25 name, as you've been doing, and date it for

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1 me. Sometimes I can respond to you by just
2 writing a response and then sending it back.
3 Sometimes we'll bring you into the courtroom.

4 But please remember that until you
5 receive the exhibits, then and only then, can
6 you begin your deliberations. Once the
7 deliberations start, if at any time a juror
8 leaves the table for any reason, all you must
9 stop deliberating until all twelve of you are
10 together again. Other than that, Ladies and
11 Gentlemen, you may proceed as you see fit and
12 proper.

13 Let me thank you now again for your
14 attention throughout. Thank you for your
15 attention to my remarks. Please retire to
16 your jury room and await the exhibits before
17 you commence your deliberations.

18 Our alternate jurors, they will take
19 you to your jury room now. Thank you.

20 (JURY EXITS @ 1:11 P.M.)

21 THE COURT: Exceptions or additions
22 from the State?

23 SOLICITOR WILSON: No, sir.

24 THE COURT: Exceptions or additions
25 from the defendant?

1 MR. BLOOM: Your Honor, we'd simply
2 renew our Motion for accessory before the fact
3 and accessory after the fact be charged,
4 pursuant to our prior argument, as well as
5 including the Fifth, Eighth and Fourteenth
6 Amendments and due process in connection with
7 those.

8 THE COURT: Thank you so much.
9 I've ruled previously on that. We will
10 provide you each with a copy. I've got a
11 couple of changes where I deleted some words
12 in my charge and I need to clean it up a
13 little bit.

14 SOLICITOR WILSON: I am very glad
15 you did that.

16 THE COURT: Well, hopefully that
17 will help ---

18 SOLICITOR WILSON: They do that
19 all the time in Federal courts and it is
20 wonderful.

21 THE COURT: I think it's something
22 that -- I know we talked about it before.
23 When I went to Reno in 1994 to the judges'
24 school for the first time, I didn't know the
25 practices of other states. I found that most

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1 states do it. But it followed a two-and-a-
2 half or three-hour session on types of
3 learning. And I thought, you know, if you're
4 visual and you're sitting there trying to
5 comprehend that, you're lost -- I might as
6 well be talking to the wall.

7 SOLICITOR WILSON: Thank you for
8 doing that.

9 THE COURT: But I hope it will be
10 helpful to everyone. Thank you all. It's
11 been difficult.

12 COURT REPORTER: Judge, I'll mark
13 your charge as Court's Exhibit 20.

14 THE COURT: That's good, thank you.

15 (SO ENTERED AS COURT'S EXHIBIT 20)

16 COURT REPORTER: Counsel, please
17 come forward and approve exhibits.

18 (REVIEW OF EXHIBITS)

19 COURT REPORTER: State agrees?

20 BRUCE DURANT: Yes, ma'am, I just
21 wanted to add those three.

22 COURT REPORTER: Mr. Bloom, defense
23 agrees?

24 MR. BLOOM: Yes, ma'am.

25 THE COURT: Any objections to the

1 bailiffs -- I've told them that they don't
2 have to write a note every time that they want
3 a smoke break. Any objection to that?

4 BRUCE DURANT: No.

5 MR. BLOOM: No, sir.

6 THE COURT: Thank you.

7 COURT REPORTER: Mr. Williams
8 (bailiff), please just let me know the times
9 when they go out and when they come back
10 should they take a break.

11 BAILIFF: Yes, ma'am.

12 COURT REPORTER: Thank you.

13 (EXHIBITS SUBMITTED TO JURY
14 JURY IN DELIBERATION @ 1:35 P.M.)
15 (NOTIFIED OF QUESTION @ 3:30 P.M.)
16 (SO ENTERED AS COURT'S EXHIBIT 21)

17 THE COURT: We have a note ---

18 MR. BLOOM: We don't have the
19 defendant yet, Judge.

20 THE COURT: That's fine, I'm going
21 to read it again and I'll share it when he
22 gets here.

23 (DEFENDANT PRESENT)

24 THE COURT: I'm just going to tell
25 you'all. They want to hear the closing

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1 arguments again. But I'm not going to do
2 that. They're not evidence. There's no
3 reason to do that, I don't believe. I don't
4 think I've ever had that request. Maybe
5 you'all have. I've never heard of it.

6 The other is (reading), "For the
7 State's Exhibits, do we have any way to
8 identify what we are looking at?"

9 Well, 'What you're looking at is what
10 you're looking at.' What is it that they want
11 to identify? I'm going to have to inquire. I
12 don't know what they mean "identify." If they
13 want to replay the testimony of the person
14 who's introducing that and who's describing
15 that, then fine, we can bring that in. But
16 I'm not sure what they mean, so I'm going to
17 inquire of him as to what they're talking
18 about. I want to say, 'it is what you see,
19 whatever it is.' Maybe they need somebody to
20 relate what they're looking at to some
21 testimony.

22 BRUCE DURANT: I think it's maybe
23 they just want a list.

24 THE COURT: And if they want that,
25 I'll leave that to you all. We can provide a

1 list, something that basically says what they
2 are. But I'll defer to you'all. I'm not
3 going to insist that that be done. I don't
4 know that that is necessary.

5 Why don't you show this to Mr.
6 Dickerson, Court's Exhibit 21? The other two
7 questions I addressed were the smoking and the
8 telephone, making telephone calls to loved
9 ones.

10 We need to -- I'm going to need to
11 inquire of the jury as to whether they believe
12 they're going to be able to complete their
13 deliberations today for the reason that we
14 have made arrangements for the hotel. We have
15 to let them know. They're waiting to hear
16 from us by 4:00 o'clock or we're going to have
17 to pay for it. So there's no other way other
18 than to inquire of them, to find out whether
19 they believe they will be able to complete.
20 Because I can't wait until they say at 7:00 or
21 8:00 o'clock 'we want to go to a motel, or
22 we're going to recess tonight' and then I have
23 to put them somewhere because then we won't
24 have it. And I don't want to cost the County
25 unless they indicate they may need it. Now,

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1 I'm not going to hold them to that, obviously,
2 but I've got to make it available.

3 SOLICITOR WILSON: Do they even
4 know that's an option?

5 THE COURT: No, and I don't want to
6 do that. But I'm going to tell them that
7 that's what we're going to do. My plan is
8 probably I'm going to let them go home and get
9 whatever they need for tonight and report to
10 the motel. That's the plan. I'm going to
11 trust them to do that. I'm not going to get
12 the Sheriff and make them go to their houses.
13 You can put your objections on that. But I'm
14 going to let them go back to the hotel and
15 drive their cars there, so they can drive
16 their cars here tomorrow.

17 Are they back from smoking yet, Mr.
18 Brown? Do you know?

19 BAILIFF: I'll check.

20 THE COURT: Any objection to my --
21 Don is sitting there in the hall with a DVD
22 player. We think the DVD player may play that
23 from a sound standpoint. Are they back?

24 BAILIFF: Yes, sir.

25 THE COURT: I'm going to ask them

1 to let us have one of the CD's so we can be
2 checking that. Any objection from anyone?

3 SOLICITOR WILSON: No objection.

4 MR. BLOOM: No, sir.

5 THE COURT: The DVD, it doesn't
6 play it. So the only thing we can do is play
7 it in here or ---

8 SOLICITOR WILSON: I think you can
9 take the computer back.

10 THE COURT: Is there anything on
11 the computer?

12 BRUCE DURANT: It's a brand new
13 computer, so it's got no documents on it or
14 anything.

15 THE COURT: Any objection to them
16 having the computer?

17 MR. BLOOM: Let us check it out.

18 THE COURT: Check it because we
19 need to have them be able to do that. We'll
20 give you a chance to look at it. Let's bring
21 in the jury at this point.

22 BAILIFF: Do you want the
23 alternates?

24 THE COURT: Yes, alternates too.

25 (JURY IN @ 3:45 P.M.)

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1 THE BAILIFF: Jury is all present.

2 THE COURT: Thank you very much,
3 Ladies and Gentlemen. Be seated, please. Mr.
4 Partee, I have what's now Court's Exhibit 21,
5 and a couple of the questions we've already
6 taken care of.

7 And I have an understanding -- Mr.
8 Partee, when the jury wants to take a smoke
9 break, you don't have to write me a note about
10 that. You just simply advise the bailiff that
11 the jurors need to smoke, and you may do so.

12 The first question is you'd like to
13 hear the closing statements from both parties.
14 That's a very interesting request, but we're
15 not going to do that. I would remind you that
16 the closing remarks of the attorneys as well
17 as Mr. Dickerson are not evidence. You're
18 considering evidence now, that's what you're
19 to evaluate. That was to help you analyze the
20 evidence, and that may be helpful to you. You
21 all can use your collective judgments, because
22 we're not going to redo the closing arguments.

23 The CD's -- we have -- we've been
24 trying to find -- because the CD is a Windows
25 CD and obviously it's going to take a

1 computer. That's a problem. We can play in
2 the courtroom, but we're going to try to find
3 a way to get you so that you can play it in
4 the confines of your jury room and listen to
5 it. But in the event that we can't, we'll
6 just bring you back and play the CD as many
7 times as you need to have them played. It's
8 no problem. But that's the way we will
9 accomplish that.

10 The last one is, 'The State's
11 Exhibits, do we have any way to identify what
12 we're looking at?' I need some help.
13 Obviously, what you're looking at is what it
14 is. But I'm not sure -- if you're asking, if
15 you want what somebody has testified about
16 that, then you're going to have to help us
17 giving a question of who the witness was and
18 we can replay that testimony concerning that
19 exhibit. If it's a summary of the exhibits
20 you have, that's not in evidence.

21 THE FOREMAN: Would you like me to
22 ---

23 THE COURT: Yes, sir.

24 THE FOREMAN: Really, what we're
25 requesting is typing like a picture of, for

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1 instance, a pair of jeans. We were really
2 wondering, like, whose jeans were they?

3 THE COURT: That's what I said.
4 That goes to your independent recollection.
5 If we can't, then we'll simply have to go back
6 through and find the witness who is testifying
7 about that and play that for you, if that
8 becomes significant as to whose jeans it was.

9 THE FOREMAN: All right.

10 THE COURT: I don't want you to
11 share what -- you've answered my question. If
12 it's whose item of clothing, then what we'll
13 have to do is find that witness that testified
14 about that exhibit. And in that regard, Ms.
15 Garrison, do you have a way to find that if we
16 have the exhibit number? Would you be able to
17 find that?

18 COURT REPORTER: Yes, sir.

19 THE COURT: So what you would do is
20 you would just simply take the exhibit number
21 that you have -- you can put that in and we
22 can locate that exhibit number in the record
23 and then we can replay the testimony
24 concerning that exhibit number. That would be
25 one way of addressing your concern.

1 THE FOREMAN: That'd be great.

2 THE COURT: So I need you to give
3 me more information, which specific exhibit
4 you're talking about.

5 THE FOREMAN: Not a problem.

6 THE COURT: Other than that -- I
7 think that addresses all the questions, I
8 think. So if you want to return and continue
9 your deliberations. Send us what the exhibits
10 are, the list, and we'll take care of it and
11 try to organize the record to play that for
12 you.

13 THE FOREMAN: Thank you.

14 THE COURT: Thank you, Mr. Partee.
15 Thank you, Ladies and Gentlemen. You may
16 continue and resume your deliberations.

17 (JURY OUT @ 3:55 P.M.)

18 THE COURT: Thank you. Please be
19 seated. Any exceptions or additions from the
20 State to the Court's remarks?

21 SOLICITOR WILSON: No, sir, Your
22 Honor. I guess we can take it as it comes.
23 The problem that I have is if they have a
24 question about an item of clothing or an
25 exhibit. Not every witness who referred to an

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1 item referred to an exhibit. I have some
2 concerns about that.

3 THE COURT: I can't go so far as
4 ask what it is they need to know about that.
5 I think that invades their province. I'll
6 simply start playing testimony as long as --
7 the good thing about referencing -- and we're
8 finding out in addition to appellate work,
9 it's probably a good idea to always identify
10 the document by referencing in the record when
11 you're talking about it instead of "this" or
12 "that." Fortunately, you all did that. So we
13 can find that.

14 SOLICITOR WILSON: I mean, I
15 don't know what ---

16 THE COURT: We don't know what they
17 want. They said identifying whose they were.
18 When that exhibit was introduced, somebody
19 testified to what that document was. That's
20 the first step to me, Solicitor. I appreciate
21 there may be some other concerns, but that's
22 the first step. And how it goes from there,
23 I'll leave it to them.

24 But your exception is noted in that
25 regard. I decline to inquire any further from

1 the jury, because I believe we would be going
2 too far to talk about what they're
3 deliberating and their concerns about
4 something. And we're not going to do that.

5 Any exceptions or additions from the
6 defendant?

7 MR. BLOOM: None whatsoever, Your
8 Honor.

9 THE COURT: Thank you very much
10 about the hotel. When I went back out,
11 Colonel Ruger had called, and I think we
12 bought some time for me. That's good.
13 Because I said, "Give me till 6:00." At 6:00,
14 I don't have a problem then making any inquiry
15 because they will have then been deliberating
16 about four hours or so. So that'll give me a
17 reason then to ask them about it.

18 Have you'all looked at the computer?

19 MR. BLOOM: We're about to do that.

20 THE COURT: If you'll check that
21 and just see. That would be the greatest
22 thing, if the computer can go back.

23 MR. BLOOM: Judge, if I may, while
24 we're about to do that, just note our
25 objection to sequestering the jury during

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1 deliberations. I think we may have discussed
2 that at one point during an in-chambers but we
3 object to doing that.

4 THE COURT: I appreciate that. The
5 problem or concern I have is -- if you can
6 show me the Rule that allows me to let them go
7 home, I'll be happy to do that.
8 Notwithstanding the opposition, the problem I
9 have is I don't think the Rule allows it.
10 That's my concern.

11 Okay, we have another note from the
12 jury.

13 COURT REPORTER: Court's Exhibit 22.

14 (SO ENTERED AS COURT'S EXHIBIT 22)

15 THE COURT: (Reading): "Work is
16 continuously asking when I will be returning
17 to work. It is really becoming an issue. I
18 got the Court to issue a letter for their
19 records, but they keep asking when I am coming
20 back. What is the professional way to pursue
21 this matter?"

22 BRUCE DURANT: I have a
23 suggestion.

24 THE COURT: What would be your
25 suggestion?

1 BRUCE DURANT: Let him go back to
2 work and put somebody else on.

3 THE COURT: Well, I'm beginning to
4 be concerned that this -- it seems to be his
5 focal point seems to be more towards work than
6 it does towards this case. That's my concern.
7 I need to bring him in and inquire, I believe.

8 SOLICITOR WILSON: Is the
9 alternate sitting a random draw?

10 THE COURT: Yes. What is your
11 position? What's the State's position
12 concerning this problem?

13 SOLICITOR WILSON: I'm fine with
14 the substitution. It does seem to be a
15 recurring pattern. I don't remember during
16 the qualification that it was a problem.

17 THE COURT: He never really said
18 anything. The comments really started after
19 the fact, because we started having to write
20 letters for him. You called his employer?
21 No, you called Ms. Watson's. We haven't had
22 any problem with that one. But we had to get
23 a special letter for him.

24 CLERK, MIKE CALLAHAN: Yes, sir.

25 SOLICITOR WILSON: My other

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1 concern, although we aren't there yet, is if
2 we were to make it to the next phase and he,
3 in particular, has no idea that's coming.

4 THE COURT: Well, he should have an
5 idea.

6 SOLICITOR WILSON: I don't know
7 if they know if it's going to take two hours
8 or three hours or whatever. And he really is
9 going to be ---

10 THE COURT: Yeah, but that's what
11 you have alternates for.

12 SOLICITOR WILSON: Right.

13 THE COURT: But my concern right
14 now is that this person's going to be involved
15 in deliberations right now. We've started and
16 they've been going awhile. We can restart the
17 deliberations and put the alternate on. The
18 longer we go, the more problems we have, in my
19 opinion.

20 Are you'all comfortable with the
21 alternates? Ms. Earhardt is the one that had
22 the grandfather that was ill.

23 MR. BLOOM: No, we never got to
24 her.

25 THE COURT: She wasn't the one.

1 Okay.

2 The Clerk can take it (DVD exhibit)
3 back and start it for them. If you don't have
4 any objection to that instrument being used to
5 play it.

6 MR. BLOOM: We don't, Your Honor.
7 I have to acknowledge I'm not real computer
8 proficient. It appears that all programs and
9 other files have been deleted from it. It can
10 just give a very strong instruction that the
11 computer is supposed to be clean of any other
12 materials, so the jury will know that and if
13 anything pops up that they should notify the
14 Clerk.

15 THE COURT: That'll give us a
16 chance. I want to bring Mr. Partee in and
17 chat with him concerning the extent of this
18 problem. I'm certainly not going to get in
19 the business of advising him what to do. I'm
20 sure you all don't want me to do that.

21 SOLICITOR WILSON: No, sir.

22 THE COURT: Thank you. And while
23 we're doing that maybe we can get the CD from
24 them as well. So let's ask Mr. Partee to come
25 in.

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1 (JUROR NUMBER 386, PRESIDING JUROR

2 ENTERS COURTROOM)

3 THE COURT: Approach, please.

4 BENCH CONFERENCE:

5 THE COURT: Court's Exhibit 22.

6 Mr. Partee, thank you very much. Apparently,
7 in having conversations with your work they
8 are insisting -- as we told you when we picked
9 you, it is a multiweek ---

10 JUROR NUMBER 386: Yes, sir.

11 And that's my understanding.

12 THE COURT: I understand. To
13 answer your question, you'll be finished when
14 you're finished.

15 JUROR NUMBER 386: And that
16 was on the letter.

17 THE COURT: I understand. So
18 what else do we need? The concern that I have
19 is that this is affecting your ability to be a
20 juror.

21 JUROR NUMBER 386: Uh, no. I
22 would say ---

23 THE COURT: We're not going to
24 be able to help you any more than we've helped
25 you insofar as they are concerned. You're

1 going to have to just tell them this is what
2 it is. There's recourse that you have if they
3 take actions against you. As I told a juror,
4 there's some law. I could tell you that, but
5 I can't tell you because I'm prohibited from
6 giving legal advice. But there's something
7 you can do should something happen. But I'm
8 telling you anything other than my concern is
9 this -- if this influences or affects your
10 ability to focus on this, we need to know
11 that. If it doesn't, then that's fine.

12 JUROR NUMBER 386: No, sir.

13 THE COURT: It doesn't?

14 JUROR NUMBER 386: No, sir.

15 Like I say, I tried to call them last night.
16 They didn't answer. You know, I'm trying to
17 alleviate a ---

18 THE COURT: I would just tell
19 you that you just need to tell them that
20 you'll be finished -- and not trying to be a
21 smart-aleck answer, but you'll be finished
22 when you're finished.

23 JUROR NUMBER 386: Okay.

24 THE COURT: That's what you can
25 tell them. But that's as far as we can help

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1 you. Thank you, sir.

2 JUROR NUMBER 386: Thank you.

3 (BENCH CONFERENCE CONCLUDED)

4 (JUROR NUMBER 386 EXITS COURTROOM)

5 THE COURT: Any exceptions or
6 additions to Mr. Partee from the State?

7 SOLICITOR WILSON: No, sir.

8 THE COURT: Any from the defendant?

9 MR. BLOOM: No, sir.

10 THE COURT: Thank you. Hopefully
11 that addresses his concerns. Bring in the
12 jury.

13 (JURY IN)

14 THE COURT: Thank you, Ladies and
15 Gentlemen. Please be seated. Thank you. I
16 wanted to bring you in. We're going to send a
17 computer back. Mr. Callahan will come back
18 and demonstrate that the computer will play
19 the CD for you. The reason I wanted to bring
20 you in is the computer, we believe
21 everything's been purged from the computer and
22 there's nothing else on it. But please know
23 that the only thing you can do with this
24 computer is listen to it. If anything pops up
25 on that computer screen while you're listening

1 to it, you need to stop. You need to bring it
2 to our attention so that we can make note of
3 that. That was the reason, because obviously
4 we're putting something in that has -- may
5 have something on the disc.

6 I assume none of you have any
7 computer -- you don't have the techniques
8 about opening a disc, I assume. I guess you
9 have to have some equipment to accomplish that
10 anyway. I say that totally in jest. You know
11 that you cannot consider anything other than
12 that CD that you're listening to.

13 And it's very simple. When it comes
14 up I think it says "play". You mash "play"
15 and it plays it. And you can play it as many
16 times as you like. But Mr. Callahan will be
17 in just shortly to go over that with you.

18 Thank you very much. You may retire
19 to your jury room and continue your
20 deliberations.

21 (JURY EXITS)

22 THE COURT: Any exceptions or
23 additions from the State?

24 SOLICITOR WILSON: No, sir.

25 THE COURT: Any exceptions or

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1 additions from defendant?

2 MR. BLOOM: Thank you all. We'll
3 be at ease until the next note.

4 (JURY IN DELIBERATION)

5 (NOTIFIED OF VERDICT @ 5:20 P.M.)

6 (SO ENTERED AS COURT'S EXHIBIT 30)

7 (DEFENDANT PRESENT)

8 THE COURT: Let the record reflect
9 that Mr. Dickerson is present. I'm advised
10 that the jury has reached a verdict. Is the
11 State ready to receive the verdict?

12 SOLICITOR WILSON: Yes, sir.

13 THE COURT: Is the defendant ready
14 to receive the verdict?

15 MR. CARROLL: Yes, sir.

16 THE COURT: Ladies and gentlemen,
17 those of you that are here, it's been said
18 numerous times during this proceeding -- Mr.
19 Dickerson said it this morning and I think
20 very appropriately said it -- it's been tough
21 on both sides, it really has. I understand,
22 to some extent, the emotion; certainly I
23 can't put myself in your positions because
24 I've never sat where you're sitting. I'm sure
25 you would join in that prayer that you hope

1 nobody ever sits where you're having to sit,
2 either side of this.

3 But we're here. And this process is
4 a process in which I take great pride in being
5 a part of it. It's a process that I think
6 separates in so many ways this country from
7 the rest of the world. And it's one that I'm
8 proud as -- as I shook the hands of the
9 officers of this Court and Mr. Dickerson. I
10 did that intentionally, Mr. Dickerson. You
11 certainly -- we've talked about this and you
12 have honored this procedure in every respect,
13 sir, and I thank you for that. And I thank
14 your attorneys for their professionalism and
15 the Solicitor's Office as well.

16 But we're going to continue that same
17 professionalism and decorum. When we publish
18 these verdicts I don't want any reaction --
19 none. If anybody feels that they can't honor
20 that, I respect you. I understand that. But
21 I'm going to ask you to leave now. Because if
22 there's any reaction, I will deal with that as
23 soon as the jury has been sent back to the
24 jury room.

25 So with that understanding, let's

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1 bring in our jury. Thank you.

2 And just for your information, we
3 will poll the jury automatically, so you don't
4 have to request that. I'm going to go right
5 into polling the jury, whatever the verdict
6 may be.

7 (JURY ENTERS COURTROOM)

8 THE COURT: I've informed them the
9 alternates can sit in the jury box. Any
10 objection from anybody?

11 SOLICITOR WILSON: No, sir.

12 MR. BLOOM: No, sir.

13 BAILIFF: All present, Your
14 Honor.

15 THE COURT: Thank you, Mr. Robinson
16 (bailiff). Please be seated. Thank you.

17 Ladies and gentlemen, thank you very
18 much. Mr. Partee, thank you very much. I've
19 been informed the jury has reached a verdict.
20 Is that correct, sir?

21 THE FOREMAN: Yes, sir.

22 THE COURT: If you would pass the
23 verdict forms up, please.

24 THE FOREMAN: (Complies)

25 THE COURT: The verdict forms have

1 been properly completed. I would ask the
2 defendant to please rise, sir.
3 Mr. Callahan, if you would please publish the
4 verdicts, sir.

5 CLERK, MIKE CALLAHAN: Yes, Your
6 Honor. The verdict forms in the matter of the
7 State of South Carolina versus William Oliver
8 Dickerson, Defendant, (reading):

9 "As to Indictment Number 2008-GS-10-
10 2981, we, the jury, by unanimous consent find
11 the defendant guilty of kidnaping." Signed by
12 the presiding juror on April 30th, 2009.

13 Ladies and Gentlemen of the jury, if
14 this is your verdict, please raise your right
15 hands.

16 (UNANIMOUS AFFIRMATIVE RESPONSE BY JURORS)

17
18 CLERK, MIKE CALLAHAN: Please let
19 the record reflect that all twelve jurors
20 raised their right hands.

21 As to Indictment Number 2008-GS-10-
22 8884, (reading): "We, the jury, by unanimous
23 consent find the defendant guilty of criminal
24 sexual conduct, first degree." Signed by the
25 presiding juror on April 30th, 2009.

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1 Ladies and Gentlemen of the jury, if
2 this is your verdict, please raise your right
3 hands.

4 (UNANIMOUS AFFIRMATIVE RESPONSE BY JURORS)

5 CLERK, MIKE CALLAHAN: Thank you.
6 Please let the record reflect that all twelve
7 jurors raised their right hands.

8 As to Indictment Number 2008-GS-10-
9 3142, (reading): "We, the jury, by unanimous
10 consent find the defendant guilty of murder."
11 Signed by the presiding juror on April 30th,
12 2009. Ladies and Gentlemen of the jury, if
13 this is your verdict, please raise your right
14 hands.

15 (UNANIMOUS AFFIRMATIVE RESPONSE BY
16 JURORS)

17 CLERK, MIKE CALLAHAN: Thank you.
18 Please let the record reflect that all twelve
19 jurors raised their right hands.

20 THE COURT: Ladies and Gentlemen,
21 at this point, while you've each responded to
22 Mr. Callahan's questions, and thank you very
23 much for doing so, Mr. Callahan will do what
24 we call polling the jury. He's going to call
25 your number and ask you whether that was your

1 verdict and if it is still your verdict. Just
2 follow his instructions.

3 CLERK, MIKE CALLAHAN: Juror Number
4 386, were those your verdict?

5 THE COURT: You can remain seated.

6 JUROR NUMBER 386: Yes, sir.

7 CLERK, MIKE CALLAHAN: Are they
8 still your verdicts?

9 JUROR NUMBER 386: Yes, sir.

10 CLERK, MIKE CALLAHAN: Juror Number
11 134, were those your verdicts?

12 JUROR NUMBER 134: Yes, sir.

13 CLERK, MIKE CALLAHAN: Are they
14 still your verdicts?

15 JUROR NUMBER 134: Yes, sir.

16 CLERK, MIKE CALLAHAN: Thank you.
17 Juror Number 209, were those your verdicts?

18 JUROR NUMBER 209: Yes, sir.

19 CLERK, MIKE CALLAHAN: Are they
20 still your verdicts?

21 JUROR NUMBER 209: Yes, sir.

22 CLERK, MIKE CALLAHAN: Thank you.
23 Juror Number 221, were those your verdicts?

24 JUROR NUMBER 221: Yes, sir.

25 CLERK, MIKE CALLAHAN: Are they

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1 still your verdicts?

2 JUROR NUMBER 221: Yes, sir.

3 CLERK, MIKE CALLAHAN: Thank you.

4 Juror Number 227, were those your verdicts?

5 JUROR NUMBER 227: Yes, sir.

6 CLERK, MIKE CALLAHAN: Are they

7 still your verdicts?

8 JUROR NUMBER 227: Yes, sir.

9 CLERK, MIKE CALLAHAN: Thank you.

10 Juror Number 247, were those your verdicts?

11 JUROR NUMBER 247: Yes, sir.

12 CLERK, MIKE CALLAHAN: Are they

13 still your verdicts?

14 JUROR NUMBER 247: Yes, sir.

15 CLERK, MIKE CALLAHAN: Thank you.

16 Juror Number 256, were those your verdicts?

17 JUROR NUMBER 256: Yes, sir.

18 CLERK, MIKE CALLAHAN: Are they

19 still your verdicts?

20 JUROR NUMBER 256: Yes, sir.

21 CLERK, MIKE CALLAHAN: Juror Number

22 306, were those your verdicts?

23 JUROR NUMBER 306: Yes, sir.

24 CLERK, MIKE CALLAHAN: Are they

25 still your verdicts?

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1 JUROR NUMBER 306: Yes, sir.
2 CLERK, MIKE CALLAHAN: Thank you.
3 Juror Number 330, were those your verdicts?
4 JUROR NUMBER 330: Yes, sir.
5 CLERK, MIKE CALLAHAN: Are they
6 still your verdicts?
7 JUROR NUMBER 330: Yes, sir.
8 CLERK, MIKE CALLAHAN: Juror Number
9 363, were those your verdicts?
10 JUROR NUMBER 363: Yes, sir.
11 CLERK, MIKE CALLAHAN: Are they
12 still your verdicts?
13 JUROR NUMBER 363: Yes, sir.
14 CLERK, MIKE CALLAHAN: Juror Number
15 370, were those your verdicts?
16 JUROR NUMBER 370: Yes, sir.
17 CLERK, MIKE CALLAHAN: Are they
18 still your verdicts?
19 JUROR NUMBER 370: Yes, sir.
20 CLERK, MIKE CALLAHAN: Thank you.
21 Juror Number 381, were those your verdicts?
22 JUROR NUMBER 381: Yes, sir.
23 CLERK, MIKE CALLAHAN: Are they
24 still your verdicts?
25 JUROR NUMBER 381: Yes, sir.

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1 CLERK, MIKE CALLAHAN: Thank you. Is
2 there any juror whose number I did not call?
3 If so, please raise your hand at this time.
4 (No verbal response). Thank you. Your Honor,
5 the jury has been polled and the verdict
6 stands.

7 THE COURT: Thank you very much,
8 Mr. Callahan.

9 CLERK MIKE CALLAHAN: Yes. Sir.

10 THE COURT: Ladies and gentlemen,
11 at this point I'm going to excuse you and ask
12 you to return to your jury room. There are
13 matters that I need to take up out of your
14 presence, and we'll be with you very shortly.
15 Thank you, you may retire to your jury room.

16 (JURY EXITS COURTROOM)

17 THE COURT: First, I assume no
18 Motions on the part of the State.

19 SOLICITOR WILSON: No, sir.

20 THE COURT: I'll be happy to hear
21 from you, Mr. Bloom.

22 MR. BLOOM: Your Honor, we would
23 make a Motion for a new trial, alternatively a
24 Motion for reversal of judgment and
25 alternatively a Motion to set aside the

1 verdict based on all prior objections and
2 Motions we placed on the record in the case
3 before the Court.

4 THE COURT: Thank you, Mr. Bloom.
5 I appreciate that. And as I stated in ruling
6 on the Motions for directed verdict, clearly
7 there was substantial evidence to support the
8 verdict, and therefore the Court would
9 respectfully deny the Motions. The rulings
10 previously made, the rationale for those
11 rulings, I would reiterate that and deny the
12 Motions as well on that basis.

13 The defendant now having been
14 convicted of the crime of murder will move us
15 into the second phase. As we had a discussion
16 generally and you've discussed with your
17 client his right to have a twenty-four hour
18 delay, Mr. Bloom?

19 MR. BLOOM: That's correct.

20 THE COURT: And it is your desire
21 to exercise that right, sir?

22 MR. BLOOM: It is, Your Honor.

23 THE COURT: All right. The next
24 part that talks about we need to finalize the
25 statutory mitigating circumstances.

1 At this point the mitigating
2 circumstances, I'm going to require that to be
3 disclosed before we start, before we bring the
4 jury in and begin. I'm going to give
5 everybody an opportunity to reflect on that
6 but we need to place that on the record before
7 we start, as I understand it.

8 I assume the aggravating
9 circumstances were obviously kidnaping and the
10 criminal sexual conduct and torture. Are
11 there any other aggravating circumstances at
12 this point?

13 BRUCE DURANT: I think those are
14 the ones upon which we are going to rely. I
15 think we included another in our Motion but
16 probably those are the ones we rely on.

17 THE COURT: And the mitigating
18 circumstances at this juncture, I would
19 require those to be disclosed, please.

20 MR. BLOOM: Yes, sir.

21 THE COURT: Can you disclose the
22 ones at this point, sir? The statutory ones,
23 obviously.

24 MR. BLOOM: Yes, sir, the statutory
25 ones.

1 Your Honor, in 16-3-20©), subtext
2 (b) (2), two, four, the murder was committed
3 while the defendant was under the influence of
4 a mental or emotional disturbance.

5 THE COURT: Okay.

6 MR. BLOOM: Six, the capacity of
7 the defendant to appreciate the criminality of
8 the conduct to conform his conduct to the
9 requirements of the law was substantially
10 impaired.

11 THE COURT: Okay.

12 MR. BLOOM: Seven, behavior and
13 mentality of the defendant at the time of the
14 crime.

15 THE COURT: Okay.

16 MR. BLOOM: That would be all. I
17 would reserve our right, Your Honor, both
18 under the statute as well as the Eighth and
19 Fourteenth Amendments, upon further
20 consultation with Mr. Dickerson as well as co-
21 counsel, to supplement that, if necessary.
22 And, again, once the evidence is produced.

23 THE COURT: That's fine.

24 MR. BLOOM: I think that provides
25 the State a fair disclosure.

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1 THE COURT: It does. And let me
2 assure the State that if there are any things
3 disclosed that comes as somewhat a surprise,
4 we'll cross that bridge and I'll certainly
5 hear any Motions that you want to lay so
6 giving you an opportunity, if necessary, to
7 consult and/or necessary to compel witnesses
8 to testify. But certainly you'll be afforded
9 that opportunity.

10 SOLICITOR WILSON: Thank you.

11 THE COURT: Any other matters now
12 before we discuss with the jury? Those are
13 the ones I believe we have to address at this
14 point. I'm not familiar with anything else we
15 have to address. Anything from the State?

16 SOLICITOR WILSON: No.

17 THE COURT: Anything from the
18 defendant?

19 MR. BLOOM: No, sir, not at this
20 time.

21 THE COURT: Thank you very much.
22 I'm going to advise the jury -- my intentions
23 are to discuss with them it's now 5:30 or when
24 the verdicts were read. Obviously, the
25 earliest we could start would be 5:30

1 tomorrow.

2 I don't know what they want to do --
3 whether they want to come back for thirty
4 minutes or not. I don't know whether they
5 want to start and work on Saturday. I'm going
6 to give them that option and let them make a
7 decision as to what they would like to do.
8 The next working day, if they choose not to,
9 would be Monday and we would start at 9:30 on
10 Monday. Let's bring in our jury, please.

11 BAILIFF: The alternates too?

12 THE COURT: Yes, sir, everybody.

13 (JURY ENTERS @ 5:33 P.M.)

14 BAILIFF: All present, Your
15 Honor.

16 THE COURT: Thank you, Ladies and
17 Gentlemen. I appreciate that. There were
18 some matters, of course, that I needed to take
19 up.

20 Now we want to revisit some things
21 that we talked about when we were having our
22 discussions with you about this proceeding.

23 As you know, that completes the first
24 stage of this proceeding. There now is a
25 second phase where you hear additional

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1 evidence dealing specifically with the
2 penalty. You recall that, and you recall each
3 one of you assured the State and assured Mr.
4 Dickerson and assured the Court that you would
5 have no problem having an open mind now having
6 concluded this. And, again, I must reiterate
7 to you the importance of that as you can
8 certainly appreciate now, having been through
9 the first part. It's very critical that you
10 maintain that open mind.

11 It's very important because,
12 obviously, again, we've completed parts. And
13 the temptation, being human beings, the
14 temptation will be there to discuss certain
15 things. That probably -- there is even more
16 reason now that you not talk with anyone or
17 permit anyone to talk with you about this
18 case. I'm confident each one of you has
19 honored the commitment thus far, and I urge
20 you and tell you that it would be a tragedy
21 for everybody, and you included, if anything
22 is done now to throw two weeks away and have
23 to do it all again because somebody talked
24 about something or read something about it.
25 So please remember how important it is now

1 that you not do anything. And I trust you to
2 do exactly what you promised to do. And
3 therefore, we're not going to sequester you.

4 There's a statute that requires
5 there's a twenty-four hour period before we
6 can start the second part. So if 5:30 was
7 when the verdict was published, we can come
8 tomorrow at 5:30 and take thirty minutes,
9 based on what you all have asked to observe --
10 that is 6:00 o'clock.

11 I'm going to ask you to do something.
12 I'll do whatever the jury wants to do, Mr.
13 Partee. We can start. If you don't want to
14 come, we can start and renew on Monday. That's
15 fine. If we do it'll be 9:30 on Monday that
16 we'll start, at our normal time, when we'll
17 start the second phase.

18 We are willing -- I offer again to
19 all of you Saturday. I think Sunday ought to
20 not be used. But if the jury wants to take
21 testimony and work on Saturday, we'll do that.
22 But that's up to you all. I ask you to
23 respect each other and obviously you make that
24 call as to whether you want to or not. But
25 we'll be available for whatever the jury wants

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1 to do. But, again, please remember that if
2 you elect to say we'll come back Monday,
3 that's fine.

4 You will be excused. Do not discuss
5 this case with anyone. Do not permit anyone
6 to talk with you. Do not read anything. Do
7 not watch any programs about it, and have a
8 wonderful weekend. If you elect to come back
9 tomorrow for thirty minutes then we'll
10 certainly do that, or an hour or so, we can do
11 that. Or if you want to come back Saturday,
12 just let us know whatever it is. If you elect
13 Saturday, then it will be 9:30.

14 If you'll just go into your jury room
15 now and discuss it among your jurors and just
16 let us know what you want to do, and then
17 we'll tell you what to do.

18 Please, again, remember you can't
19 talk with anyone. Thank you for your
20 attention. You may retire.

21 (JURY EXITS COURTROOM)

22 THE COURT: Any exceptions or
23 additions from the State?

24 SOLICITOR WILSON: No, sir.

25 THE COURT: Any exceptions or

1 additions from the defendant?

2 MR. BLOOM: Just to allowing the --
3 the alternates are going to participate in
4 that?

5 THE COURT: Oh, yes, absolutely.
6 Everybody -- the alternates now are back.
7 They're a part of the panel. Thank you, Mr.
8 Bloom. Absolutely.

9 We'll be at-ease for a moment.

10 If the jury wants to come back
11 Monday, there's one thing that I would like to
12 do if we can. And that is we can take care of
13 -- get ready to roll on Monday, is to hear the
14 proffer from the guards that we've heard one
15 side. But it's your call.

16 Because my feeling is if they wait
17 till Monday, you've got more than twenty-four
18 hours to gather and collect your thoughts, as
19 does the State.

20 We could do that tomorrow afternoon,
21 assuming everybody's available. But I'll
22 defer that -- I would love to do that so I can
23 hear that and then I can make some
24 determination before we get started.

25 MR. BLOOM: It would be helpful to

1 resolve that pending Motion tomorrow rather
2 than Monday.

3 THE COURT: Yes, I would much
4 prefer to do that than to have -- because what
5 I'm going to do if we're going to have to do
6 that -- I don't know when they plan to do
7 that, whether it's going to be first or later.
8 But if it's going to be later, then I would
9 think we were going to spend an evening
10 together. And I'd just as soon not make
11 everybody stay over here late. So if
12 tomorrow's a doable time, then I'm willing to
13 do it or any time you want to do it is fine
14 with me.

15 BRUCE DURANT: I assume by
16 "proffer" you just mean us to proffer what the
17 ---

18 THE COURT: Yes, so I can hear
19 because I've got to -- because I've heard one
20 side of it. But as I told you, I need to hear
21 what they're going to testify to beforehand.

22 BRUCE DURANT: We're probably only
23 going to call one witness, Your Honor. What
24 time would you care to do that?

25 THE COURT: What time would you

1 want to do it?

2 BRUCE DURANT: About 2:30 or so?

3 THE COURT: That's great with me.

4 Does that work with you?

5 MR. BLOOM: Fine, Your Honor.

6 THE COURT: You're sure. Then

7 we'll just say 2:30 tomorrow and we'll hear

8 that witness as well. We'll take care of

9 that. That's great. That's very helpful.

10 Thank you. I appreciate it.

11 BRUCE DURANT: Thank you, Your

12 Honor.

13 MR. BLOOM: In that vein, Your

14 Honor, assuming the State takes two days, we'd

15 anticipate beginning our case Tuesday

16 afternoon.

17 THE COURT: That's good. That

18 would be great. I think that would be a fair

19 assessment.

20 MR. BLOOM: If that's the case, if

21 we start on Tuesday afternoon then I would

22 anticipate completing our case by Thursday.

23 THE COURT: All day Thursday?

24 MR. BLOOM: That would be two and a

25 half days. So I would think that would be it.

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1 THE COURT: Okay. Have we heard
2 anything from the jury?

3 BAILIFF: I'll ask them.

4 THE COURT: Ask them if they've
5 made a decision.

6 MR. BLOOM: In that same vein,
7 again just to educate the Court, if it started
8 Wednesday morning that I would anticipate
9 going until Friday.

10 THE COURT: I remember seeing that.
11 We have a note.

12 COURT REPORTER: Court's Exhibit 23.

13 (SO ENTERED AS COURT'S EXHIBIT 23)

14 THE COURT: The first part is they
15 want to start on Monday. The second part is
16 "the jury would like to be excused from work
17 on 5/1 to avoid exposure to conversations at
18 work." I'm going to tell them -- we'll tell
19 him -- Mr. Callahan, let's put they are
20 excused running continually over tomorrow.
21 Okay?

22 CLERK, MIKE CALLAHAN: Yes, sir.

23 THE COURT: We'll do that. And I'm
24 going to let them have to deal with that part.
25 I'll just tell them their certificate will put

1 them being involved in this case all of this
2 week. And what they tell their employer --
3 bring them in, please.

4 MR. BLOOM: Anticipating the
5 headlines in tomorrow's paper that might be a
6 reasonable request.

7 THE COURT: True, that may be very
8 legitimate. Why don't I just instruct them
9 that I want them not to be in a situation
10 where they would be confronted by questioning.
11 That will, I think, solve the issue. That's
12 sequestration without sequestration. Self-
13 sequestration.

14 (JURY ENTERS COURTROOM)

15 THE COURT: Thank you very much,
16 Mr. Partee. The first part of the Court's
17 exhibit says the jury would prefer to start on
18 Monday at 9:30; that's fine, that's done.

19 The second part was a request to be
20 excused from work for tomorrow. While we
21 won't be working, and that's a technical
22 issue, my thought process is if you -- and
23 heretofore, not this case but in other cases
24 where a jury was involved much as you, during
25 the twenty-four hour waiting period they sat

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1 at a motel. So I think this is a very
2 legitimate request on the part of the jury,
3 and I appreciate that. I'm not even going to
4 -- yes, your excuse will cover it but I want
5 my instruction to go one step further. I
6 think you ought to have, especially tomorrow,
7 really a self-imposed sequestration. Because
8 I don't think you ought to be in a situation
9 where you have even an opportunity for someone
10 to talk with you. So I think not only -- you
11 will be working. You will be working by not
12 putting yourself in a situation where you will
13 confront anyone and have to talk or they will
14 have an opportunity to talk with you. So I'm
15 going to ask you to do that. Because,
16 obviously, as you can imagine, I'm sure there
17 will be something in the newspaper tomorrow.
18 And you're obviously not permitted to read it.
19 But please honor that as well. Over the
20 weekend you use your judgment. You're free to
21 do what you want, of course, but again, do not
22 talk to anyone. But, yes, absolutely, you are
23 working tomorrow, as far as this Court is
24 concerned.

25 So have a good weekend. Thank you

1 for your attention throughout this matter.
2 Thank you for your commitment to this process.
3 Please understand I'm not by thanking you
4 commenting on any decisions that have been
5 made thus far. That's not what I'm talking
6 about. I'm talking about the sacrifice that
7 you make and others have made, and that you
8 will make next week.

9 We'll see you Monday morning. Be in
10 the jury room by 9:30. Thank you all. You
11 are free to leave.

12 (JURY EXITS @ 6:00 P.M.)

13 THE COURT: Thank you. Be seated.
14 Every day I learn something and that's a great
15 idea from a jury of what to do in the twenty-
16 four hour waiting period if we're not going to
17 sequester them. It's pretty thoughtful on
18 their part. So exceptions from the State to
19 the comments of the Court?

20 SOLICITOR WILSON: No, sir.

21 THE COURT: Any exceptions from the
22 defendant?

23 MR. BLOOM: No, sir.

24 THE COURT: Thank you all. Then we
25 will be at ease until tomorrow at 2:30.

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1 (COURT IN RECESS)

2 (TRANSCRIPT CONTINUED NEXT PAGE)

3

4 MAY 1, 2009

2:30 P.M.

5

6 (IN CHAMBERS CONFERENCE)

7 (DEFENDANT PRESENT)

8 THE COURT: Thank you all. Let the
9 record reflect Mr. Dickerson is present. Good
10 afternoon, Mr. Dickerson.

11 We are here to hear the proffer on
12 some of the witnesses from the Leeds Avenue
13 Correctional Facility, which is a continuation
14 of the hearing that we heard witnesses, I
15 believe, on behalf of Mr. Dickerson concerning
16 alleged incidents that occurred there.

17 Before doing that, however, we have
18 had a meeting. Solicitor, I'll turn it over
19 to you to kind of sum up where we are after
20 that meeting.

21 SOLICITOR WILSON: Thank you,
22 Your Honor. We have three Exhibits that we
23 will hand up for the Court. Basically, what
24 we learned at about 11:00 o'clock today was
25 that previously subpoenaed jail telephone

1 calls of the Defendant wherein we specifically
2 asked that the jail not include phone calls to
3 their attorneys were included.

4 When we were getting ready to have a
5 meeting within my office to discuss whether or
6 not we wanted to listen to the calls
7 ourselves, it was inquired by one of my
8 investigators or the paralegal who actually
9 listened to some of the calls on the CD, he
10 asked if there were any attorney calls on the
11 CD. She informed him that there were but she
12 had not listened to them. At that point we
13 called Mr. Bloom to let him know that we were
14 in the possession of those calls and that no
15 one on our staff had listened to those calls
16 and that we wanted to inform the Court.

17 We have prepared Exhibits for the
18 Court that Mr. Durant, both Mr. Durants,
19 Rutledge or Bruce Durant, nor myself, nor my
20 investigators have -- I don't believe -- we
21 have the notes from the parties who listened
22 to the calls. We have our CD, so that we
23 won't be in possession of any CD's at all to
24 give to the Court. We just ask that you look
25 over the notes and make sure that either you

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1 believe the defense should have the notes or
2 they shouldn't have them; whatever your
3 discretion is on that. And then give our
4 copies of the CDs to the defense.

5 I had spoken with Mr. Bloom during the
6 guilt phase of the trial to let him know that
7 we had gotten the jail records -- I mean the
8 jail phone calls -- and that if we intended to
9 use any, we would make specific copies of the
10 calls so that he wouldn't have to listen to
11 them all, just what we intended to use. And
12 that's what we were going to do today.

13 Obviously, that's not going to happen
14 because we no longer have the CDs. That's
15 where we are.

16 When the exhibits get here I'll hand
17 them up to the Court so that they can be
18 turned over to the other side and make the
19 call yourself on that.

20 THE COURT: The paralegal that
21 actually made the notes -- Mr. Bloom mentioned
22 this in our conference -- that person has not,
23 is not working on this case now and will not
24 work on this case. Is that correct?

25 SOLICITOR WILSON: That's fine,

1 Your Honor. She has been.

2 THE COURT: She has been up to now,
3 but will not be from this day forward.

4 SOLICITOR WILSON: She has been
5 since we started the trial. She has not been
6 involved in witness interviews or strategy
7 sessions or anything like that. But, again, I
8 stress that she knows that she will not be
9 involved going forward.

10 THE COURT: I understand that, and
11 I don't quarrel with that and I'm not
12 challenging that. I just think out of an
13 abundance of caution that she should be
14 removed and not have any involvement with
15 this.

16 MR. BLOOM: Could we have that
17 person's name, Solicitor?

18 SOLICITOR WILSON: Jessica
19 Baldwin. There is also a secretary within my
20 office, who is in England now, who Ms. Baldwin
21 tells me listened to one of the CDs, reported
22 back that she heard nothing on it. That
23 secretary was given instructions by Ms.
24 Baldwin not to listen to any privileged calls,
25 any attorney calls whatsoever, and we don't

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1 have any information from her.

2 THE COURT: But she's not here.

3 SOLICITOR WILSON: She's not
4 here.

5 THE COURT: And will not be back
6 before this case is concluded.

7 SOLICITOR WILSON: She will be
8 back Monday, but she has not been involved in
9 the case in any fashion.

10 THE COURT: She should have no
11 contact with this case, obviously.

12 MR. BLOOM: Could we have her name?

13 SOLICITOR WILSON: Brooke Jones.

14 THE COURT: Jessica Baldwin and
15 Brooke Jones are persons in your office who
16 will now, from this time forward, not have any
17 further dealings with this case.

18 SOLICITOR WILSON: Yes, sir.

19 THE COURT: Okay. Anything else,
20 Mr. Bloom?

21 MR. BLOOM: Nothing further. We
22 think the procedure is appropriate and the
23 motions we had in writing will be handed up.

24 THE COURT: That'll be fine. Thank
25 you so much. Okay, while we're waiting on

1 those things we can go ahead and start taking
2 testimony. I'll be happy to hear from you,
3 Mr. Durant.

4 BRUCE DURANT: Thank you, Your
5 Honor. The State would call Leester Williams.

6 SOLICITOR WILSON: Your Honor,
7 while she's coming in, just for the record, I
8 handed up a case, a District Court case,
9 *United State v. Lint*.

10 THE COURT: Yes.

11 SOLICITOR WILSON: Which is 419
12 F.Supp.2d 820. It's a 2005 case which
13 specifically addresses jail recordings such as
14 these, holdings or findings that they are not
15 privileged, just in case we get to that issue.

16 THE COURT: Thank you so much.

17 COURT REPORTER: Court's Exhibit 23.

18 (SO ENTERED AS COURT'S EXHIBIT 23)

19 (WITNESS TAKES STAND)

20 LEESTER WILLIAMS, 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 BRUCE DURANT:

25 Q. Good afternoon, Ms. Williams.

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1 A. Good afternoon.

2 Q. Could you tell the judge what you do for a
3 living?

4 A. I'm on the tactical control squad at the
5 Charleston County Detention Center.

6 Q. And how long have you been on the TAC
7 Squad at the Charleston County Detention
8 Center?

9 A. About twelve years.

10 Q. You've been a TAC officer for twelve
11 years. Is that correct?

12 A. Yes.

13 Q. What is a TAC officer?

14 A. It's an officer that works with
15 disciplinary or special inmates, pretty much
16 handles disturbances within the facility.

17 Q. As a TAC officer at the Charleston County
18 Detention Center have you had occasion to come
19 into contact with the Defendant, William
20 Dickerson?

21 A. Yes, sir.

22 BRUCE DURANT: Your Honor, can you
23 hear you?

24 THE COURT: I can. Thank you.

25 DIRECT EXAMINATION CONTINUED