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THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

S.C. SUPREME COURT

Hon. George C. James, Circuit Court Judge

Appellate Case No. 2017-001749

Lamar Dontray Williams, ... Petitioner.

v.

State of South Carolina, ... Respondent.

APPENDIX

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VOL. II

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1 Q Let me show you what's been pre-marked as State's
2 Exhibit Nos. 12 and 13 respectively. And can you identify
3 those pictures? What is State's Exhibit No. 13, first?

4 A State's Exhibit No. 13 is a photograph of the
5 victim -- or excuse me, of the master bedroom.

6 Q All right. And there's an object on the bed in that
7 picture. Can you tell the jury what that is, the black
8 object on the bed?

9 A Yes, sir. That appears to be the suitcase or -- that
10 I was referring to.

11 Q All right. And what about State's Exhibit No. 12,
12 what does that depict?

13 A This is a photograph of the child's room or what
14 we -- what appears to be a child's bedroom.

15 Q And in the middle of the picture on the floor, is
16 there an item that caught your -- that you found
17 significant?

18 A Yes, sir.

19 Q What is that?

20 A Another piece of cord. I'm not sure if it was a
21 connector cord, a USB cord, or some type of power cord.

22 Q Now, the bedroom picture that's depicted in State's
23 Exhibit No. 12, was that the bedroom that Noah Cruell said
24 he was held in?

25 A Yes, sir.

1 Q All right. And was the cord that you see on the
2 floor there, did you have an opportunity to look at that
3 cord and closely examine it?

4 A Yes, sir.

5 Q Was it similar to the cord that was found on the
6 path?

7 A Yes, sir, it was.

8 MR. WESTON: Your Honor, the State would offer
9 State's Exhibit Nos. 12 and 13 into evidence.

10 THE COURT: Any objection?

11 MR. GODFREY: No objection.

12 MR. COOKE: None.

13 THE COURT: Without objection.

14 (WHEREUPON, State's Exhibit Nos. 12 and 13 were
15 admitted into evidence.)

16 MR. WESTON: Permission to publish, Your Honor?

17 THE COURT: Yes, sir.

18 BY MR. WESTON:

19 Q Finally, Investigator Hammett, let me ask you, did
20 you go to the rear of the home?

21 A Yes, sir.

22 Q And what did you find of significance with regard to
23 the rear door?

24 A The rear door to the residence appeared to have been
25 forced open, most likely by kicking or ramming it with

1 your foot. The door frame itself -- or the door jam
2 appeared to have been splintered off. And there was,
3 actually, pieces of it there in the kitchen.

4 Q Let me show you what's been pre-marked for
5 identification as State's Exhibit Nos. 18 and 19, and ask
6 you if you recognize these?

7 A Yes, sir.

8 Q What is State's Exhibit No. 18?

9 A State's Exhibit No. 18 is a photograph of the
10 interior side of the rear door of the residence depicting
11 the damage to it from where it was forced open.

12 Q And what about State's Exhibit No. 19?

13 A State's Exhibit No. 19 would be a photograph from the
14 outside of the door that was forced open.

15 Q Do those two pictures accurately depict the way the
16 door looked the morning you were there and looked at it?

17 A Yes, they do.

18 Q And were they taken by the forensics officer as well?

19 A Yes, they were.

20 MR. WESTON: Your Honor, the State would offer
21 State's Exhibit Nos. 18 and 19 into evidence.

22 MR. GODFREY: No objection.

23 MR. COOKE: No objection.

24 (WHEREUPON, State's Exhibit Nos. 18 and 19 were
25 admitted into evidence.)

1 MR. WESTON: Permission to publish, Your Honor?

2 THE COURT: You may, sir.

3 BY MR. WESTON:

4 Q Now, what are the duties of the forensics officers
5 that you said went in with you as part of the initial walk
6 through?

7 A The forensics technicians are tasked with, basically,
8 processing the location by photographs, videotaping.
9 They'll, also, do a diagram of the scene to include the
10 measurements from particular items at the scene, so as
11 they can -- if we have to recreate where a specific object
12 was at some point, we can do that by measurements so we
13 know it's not a guesstimation. They handle all that, as
14 well as the actual physical collection of the evidence
15 with the exception of narcotics and money.

16 Q All right, sir. And what is the coroner's duties?

17 A The coroner's duty is, basically, to conduct the
18 examination of the body. In other words, their main focus
19 of being present at the scene is the condition of the
20 body, and to possibly be able to obtain some information
21 as to what the manner of death was -- correction, the
22 cause of death --

23 Q And I apologize for interrupting you. In conjunction
24 with the coroner, were you able to determine if there were
25 any wounds to the body?

1 A Yes, sir. After forensics had completed their
2 photographs and videotaping, once all that's done, prior
3 to the body being transported from the scene, we do a very
4 cursory inspection of the body, because we don't remove
5 any clothing. As Dr. Ward said, that needs to be left on
6 the body as part of the autopsy protocol. However, we do
7 inspect it, typically. And we did find -- inspecting the
8 body, we found what appeared to be a bullet hole in the
9 chest area.

10 Q And does the coroner do any more thorough examination
11 of the body at the scene?

12 A No, sir.

13 Q Why is that, sir?

14 A That is to preserve any evidence as far as trace
15 evidence that might be found on the victim's clothing or
16 person. Generally, you try to disturb it as little as
17 possible until it gets to the autopsy point where Dr. Ward
18 or the other pathologist will conduct a very thorough
19 autopsy.

20 Q And who are the forensics officers involved in this
21 particular case?

22 A At this particular incident, it was Sergeant Lendway,
23 as well as Forensic Technician Bucholz.

24 Q And who was the deputy coroner involved in this case?

25 A The deputy coroner who was present for this was Karie

1 Cain.

2 Q After forensics finishes their interview -- I mean,
3 their examination of the home, and walk through, and
4 measures whatever, do they meet with you and discuss with
5 you their findings?

6 A Yes, at some point.

7 Q All right. Did you have an occasion to do that in
8 this case?

9 A Yes, we did.

10 Q Did you have an occasion to walk the entire home with
11 regard to just seeing where everything was from front to
12 back, and around the house at some point during the day?

13 A Yes.

14 Q Let me show you what has not been marked as a State's
15 Exhibit yet.

16 (WHEREUPON, State's Exhibit No. 22 was marked for
17 identification only.)

18 BY MR. WESTON:

19 Q Let me show you what's been pre-marked as State's
20 Exhibit No. 22 for identification purposes, and ask you if
21 you recognize that?

22 A Yes, sir.

23 Q And tell the jury what that is.

24 A It appears to be a diagram of the incident location,
25 which depicts the particulars of the interior of the

1 residence, along with the location of where the body was
2 found.

3 Q And who would have prepared that document?

4 A This would have been prepared by the forensics
5 division.

6 Q Now, you can't vouch for the numbers, as far as 15
7 feet, the numbers in terms of measurements; is that
8 correct?

9 A Yes, sir. That's correct. I have no idea about the
10 measurements.

11 Q As far as the layout of the house and the location of
12 the body, is that an accurate depiction of the victim's
13 home that morning when y'all walked through it?

14 A Yes, sir, it is.

15 MR. WESTON: Your Honor, the State would offer
16 State's Exhibit No. 22 into evidence.

17 THE COURT: Any objection?

18 MR. GODFREY: Judge, on this one, he did not prepare
19 the form. It was prepared by forensics. I will agree
20 that he -- I will accept Investigator Hammett saying that
21 that's the way the interior of the house looked. There
22 are measurements noted on there. If we redact those
23 measurements, I have no trouble with that coming into
24 evidence.

25 MR. WESTON: Your Honor, we will hold up on

1 introducing this until after lunch, and take care of that.
2 And it's already been pre-marked. But I will take
3 possession of it, and we will take care of that.

4 THE COURT: Okay.

5 BY MR. WESTON:

6 Q Investigator Hammett, once you, the deputy coroner,
7 and the forensics officer have concluded your -- once you,
8 and the deputy coroner, and forensics officer have
9 completed your preliminary walk through, what happens then
10 with you and the deputy coroner?

11 A At that point, myself and the corner's representative
12 will step outside of the residence or the location to
13 allow the forensics to process the scene by photographing
14 and videotaping.

15 Q And was that done in this case?

16 A Yes, sir, it was.

17 Q And going back to when you first walked through and
18 saw the body, and just kind of looked around the interior
19 and exterior of the place, did you see any obvious signs
20 that would lead you to any conclusions regarding any
21 particular perpetrators at that point?

22 A No, sir, not at that point.

23 Q All right. Now, once forensics completes their
24 investigation -- or their examination, and videotaping,
25 and pictures, and what have you, what happens next to the

1 body?

2 A Once forensics has conducted everything they need to
3 do, the body is then placed into a clean -- a natural body
4 bag that is placed -- the body is placed in it, and it is
5 sealed with a zip-type seal that is numbered.

6 Q And what happens to it then once it is sealed?

7 A Once it's sealed, it is taken out of the location and
8 it is transported to the Greenville Memorial Hospital
9 morgue area to await the autopsy.

10 Q Once the forensics has concluded their analysis and
11 investigation, and once the body has been removed, then
12 what happens as far as the interior of the home?

13 A Well, the body, obviously, is, typically, the most
14 critical part of evidence that you have at the location --
15 or the crime scene. Once it is taken out and secured,
16 then you conduct a more thorough search of the actual
17 location itself.

18 Q And did y'all do that in this case?

19 A Yes, sir, we did.

20 Q All right. Was there an extensive search of the
21 residence done?

22 A Yes, sir, there was.

23 Q Let me ask you this. Stepping back to forensics,
24 once they've completed their investigation and assessment,
25 do they debrief you on any findings of significance they

1 may -- anything of significance they may have found?

2 A Yes, they will. We will confer several times before
3 the actual scene investigation is concluded.

4 Q Did you receive any information from them with regard
5 to any fingerprints that were found in the home that they
6 were able to see?

7 A No, sir, I did not.

8 Q All right, sir. Did you -- aside from the blood that
9 was found around the victim's -- where the victim was
10 laying, did they indicate they found any blood anywhere
11 else in the residence?

12 A No, sir, none. To my knowledge, the only blood I'm
13 aware of was right there where the victim was located.

14 Q And were there any kind -- and you had an opportunity
15 to see this yourself. Were there any kind of footprints
16 or anything in the blood that was found, fingerprints, or
17 footprints that would have provided you some clues?

18 A No, sir.

19 Q Well, had the blood been disturbed, basically?

20 A No, sir.

21 Q Did you find any shell casings?

22 A No, sir.

23 Q And, during your search, did you receive a call --
24 while you were searching the residence, did you receive a
25 call from the coroner with regards to the condition of the

1 body?

2 A Yes, sir, I did while we were still on the scene.

3 Q And what did the coroner tell you?

4 A At that time, Deputy Coroner Cain advised me that
5 what we had, initially, thought might be the actual
6 entrance wound in the chest area had been briefly examined
7 and determined to be an exit wound.

8 Q Now, at this point, the body is back at the morgue;
9 correct?

10 A That is correct, yes, sir.

11 Q Well, what do they do with the body at the morgue at
12 that point, based on what he told you?

13 A I'm sorry. I didn't understand your question.

14 Q You said he told you that what y'all thought,
15 initially, was an entrance wound was, in fact, an exit
16 wound?

17 A Yes, sir.

18 Q Did he indicate there were any other wounds that were
19 found?

20 A That is correct, yes. There was another wound found
21 in the right shoulder area of the victim's back. And, at
22 that point, there's, also, an X-ray procedure where an
23 X-ray is conducted on the victim to try to determine if
24 the projectile is still either inside the victim, or in
25 the victim's clothing, or anything associated with the

1 victim's body.

2 Q Did the corner indicate they found a projectile?

3 A No, sir, they did not. There appeared to be no
4 projectile.

5 Q So what did that tell you as an investigator back at
6 the scene?

7 A At the scene, that tells me that the projectile
8 exited the body and should be somewhere present at the
9 location, or possibly present at the location.

10 Q So once you received that information, what did y'all
11 do then?

12 A At that point, we, again, based on the position that
13 the body was found in, tried to formulate where the exit
14 point would have been, where the bullet would possibly
15 have come to rest after it exited the victim's body. At
16 which point, we started searching the area of the back
17 wall of the kitchen, pretty much from the area of the --
18 what would be the back left of where the victim was found,
19 all the way down the exterior of the rear wall, and
20 towards the back door where entry was made.

21 Q Let's deal, first, with the possibility that the
22 bullet left the residence. Did you check all the possible
23 places that the bullet could have gone through the wall,
24 or window, or ceiling, or whatever, or the floor?

25 A Yes, we did. Basically, of course, you're looking

1 for some type of evidence where the projectile would have
2 exited, either breaking the glass, or going through
3 panelling, or the outside areas of the house. In the
4 floor areas, there -- actually, the kitchen cabinet doors
5 in the interior of the doors -- there was, actually, a
6 ledge above the cabinets, a gap between those and the wall
7 that was searched. There were items taken out of there.
8 We conducted that whole scene. We searched that whole
9 wall for any type of exit point that we could find.

10 Q So let's -- so were you able to rule out that the
11 bullet left through the building, either windows, wall,
12 ceiling, or floor?

13 A Yes, sir, we were.

14 Q So what did you do as far as searching inside the
15 residence for the bullet?

16 A At that point, then we began, basically, going
17 through all of the items that were in the kitchen area, as
18 well as the area adjacent to it, which was clothing.
19 There was dishes, obviously, in the cabinets. All that
20 was meticulously gone through by myself. I believe
21 Investigator Bailey assisted with that. Sergeant Lendway
22 was, also, present with the forensics division as we were
23 all together in the same area doing that.

24 Q How would you characterize what y'all did to that
25 room -- or those rooms?

1 A Basically, we pretty much ransacked it. We did
2 everything -- did an exhaustive of a search as we could do
3 without, actually, tearing the walls off the place.

4 Q Did you check every piece of clothing?

5 A Yes, sir. I mean, we were -- the clothing that was
6 folded or laid up was all picked up, pulled apart, gone
7 through, even the clothes in the baskets and stuff were
8 all gone through.

9 Q Did you find the bullet inside there?

10 A No, sir, we did not.

11 Q All right, sir. Now, did you have an opportunity to
12 talk to Noah Cruell later that morning yourself?

13 A Yes, sir.

14 Q At this point, had he returned from the law
15 enforcement center where he had given a statement to
16 Investigator Bailey?

17 A Yes, sir. After he spoke with Investigator Bailey,
18 he was transported back to [REDACTED] Valley Road where myself and
19 Investigator Bailey were able to locate him. And, at that
20 point, we brought him back to the actual incident location
21 in an effort to try to reconstruct where everyone was
22 positioned as best we could when the shot was fired.
23 Again, it was to, hopefully, be able to come up with some
24 type of area as to where the projectile might have come to
25 rest.

1 Q Was that -- did that produce any results as far as
2 finding a bullet?

3 A No, sir, it did not.

4 Q All right. Now -- and, by the way, did Noah Cruell
5 tell you that he recognized any of the suspects?

6 A No, sir, he did not. Initially, he stated they had
7 masks on, or something covering their facial area.

8 Q And, at this point, had you started to form any
9 preliminary conclusions as to what the motive for this
10 crime was?

11 A Yes, sir. Based on what we observed at the scene, it
12 appeared to be some type of a robbery.

13 Q All right. Did you know -- or did you get any sense
14 from your investigation and from your conversations with
15 Noah Cruell -- well, let me ask you this. Were there any
16 drugs found in the house?

17 A Inside the residence?

18 Q Yes, sir.

19 A There were some what you would call marijuana
20 roaches, or what appeared to be marijuana roaches, just
21 the residue from marijuana cigarettes in some ashtrays --
22 or in an ashtray.

23 Q Were those in the master bedroom?

24 A Yes, sir, they were.

25 Q And did that appear to be a part of any of the

1 struggle between the victim and these perpetrators?

2 A No, sir.

3 Q All right. And did you question Noah Cruell with
4 regard to possible drug use, or sales at the residence?

5 A Yes, sir, I did.

6 Q And was he forthcoming?

7 A Yes, sir, he was.

8 Q And what did he tell you about that with regard to
9 either him and/or the victim?

10 A Noah Cruell, basically, stated that there was
11 narcotics being sold at the house. And the way he
12 formulated his response, he stated that -- and I asked
13 him, at that point, where any of the narcotics might be.
14 And, basically, that was to see if the suspects that had
15 perpetrated this knew the location of where the stuff
16 would be hidden, which would tell me they had been there
17 prior to this incident occurring, and was the main focus
18 of that.

19 At that time, Mr. Cruell said he doesn't -- I believe
20 he said they're not in the house, or he doesn't keep them
21 in the house, which kind of reading between the lines sort
22 of lead me to believe that somewhere on that property
23 there was -- would be where he, normally, would keep it
24 without keeping narcotics inside the residence.

25 Q All right, sir. So, as a result of that, what did

1 you do with regard to Mr. Cruell? What was your next
2 step?

3 A Basically, I spoke with Mr. Cruell further. And I
4 asked that he show us some of these locations that he
5 would be referring to outside of the residence. At which
6 point, Mr. Cruell agreed to accompany us and walk the
7 property with us. I believe he took us to, I believe,
8 three different locations in the woods, initially. And,
9 at each place, there was nothing found. And he, finally,
10 led us to a location behind the residence adjacent to a
11 dog pin area in the woods.

12 MR. WESTON: Your Honor, before we go any further,
13 could we approach for one moment?

14 THE COURT: Absolutely.

15 (WHEREUPON, a bench conference was held.)

16 THE COURT: Ladies and gentlemen of the jury, we're
17 going to take a very brief recess. I'm going to send you
18 back to the jury room. Again, do not discuss this case.
19 It would not be appropriate to do so. Refresh yourself.

20 I can tell you, I anticipate running till maybe close
21 to 1:00, or a little after that, and then we will break
22 for lunch. But we need to take a quick break right now.
23 And, again, I'm going to excuse you back to your jury
24 room, and we'll bring you right back.

25 Thank you.

1 (WHEREUPON, a break was taken.)

2 (WHEREUPON, State's Exhibit Nos. 23, 24, and 25 were
3 marked for identification only.)

4 THE COURT: Are you ready?

5 MR. WESTON: Yes, Your Honor.

6 THE COURT: All right. Let's bring the jury in.

7 Gentlemen, what I intend to do is we're going to try
8 to get through the direct of the Investigator, and then
9 break for lunch.

10 (WHEREUPON, the jury came into open court at
11 approximately 12:51 p.m.)

12 THE COURT: Welcome back, ladies and gentlemen.

13 Let's go ahead and continue with Investigator
14 Hammett.

15 MR. WESTON: Thank you, Your Honor.

16 BY MR. WESTON:

17 Q Investigator Hammett, you were talking about
18 discussing with Noah Cruell the possibility of drug use,
19 or sales at the residence. And I think I asked you, if
20 not the last question, one of the last questions before we
21 broke, did you find any drugs at the location. And you
22 said you found two small marijuana roaches, or something;
23 right?

24 A Yes, sir, inside the residence. That's correct.

25 Q And they were found in the master bedroom, I think?

1 A Yes, sir.

2 Q All right. Did you -- what did Noah Cruell tell you
3 about the possibility of drug use or sales? Generally,
4 what did he say?

5 A He, generally, admitted that it was happening at the
6 location.

7 Q As a result of that, did your investigation take any
8 turns in terms of what y'all did next?

9 A Yes, sir, it did.

10 Q What did y'all do?

11 A We -- well, we, initially, got Mr. Cruell to walk
12 with us outside the residence to point out these locations
13 that were known to him as hiding spots for narcotics
14 outside of the residence.

15 Q Did he say that they were his drugs, Noah Cruell?

16 A I don't recall him saying that, no, sir, not at all.

17 Q Did he, specifically, say whose drugs they were
18 that -- or who was selling drugs there?

19 A Wallace Cruell, Jr.

20 Q The victim?

21 A Yes, sir.

22 Q All right. And so once you went outside of the
23 residence, did y'all -- did Noah Cruell cooperate and
24 assist you with the search?

25 A Yes, sir, he did.

1 Q Did he appear to be trying to hide anything from you?

2 A No, sir.

3 Q All right. Obviously, he was -- I assume he was
4 uncomfortable with the topic of discussion --

5 MR. COOKE: I object.

6 MR. WESTON: I'll rephrase, Your Honor.

7 THE COURT: Don't lead him.

8 BY MR. WESTON:

9 Q Did he appear to be uncomfortable with talking about
10 drug sales at the house that he lived in?

11 A Yes, sir.

12 Q All right. But did he admit -- did he make those
13 admissions you just testified to?

14 A Yes, sir.

15 Q And did y'all find any drugs, or anything drug
16 related -- anything else drug related there?

17 A Yes, sir. Outside the residence, we did.

18 Q What did you find, and where did you find it?

19 A Initially, Mr. Cruell, Noah, led us to -- I believe
20 it was three locations at various spots in the wooded area
21 behind and adjacent to the residence. And the last
22 location he directed us to was, basically, behind the
23 residence, sort of adjacent to a dog pen that was in the
24 backyard. He directed us to, basically, a rotten tree
25 stump-type area and motioned for -- that that might be a

1 location where something would be...

2 Q Did y'all look there?

3 A Yes, sir, I did.

4 Q And what did you find?

5 A I, myself, sort of dug down into the dirt area there
6 where Mr. Cruell referred me to. And I found there was an
7 Ingles plastic grocery bag that contained a large clear
8 plastic bag with a compressed white substance in it, as
9 well as a significant amount of cash was located at the
10 same spot.

11 Q All right. And just to sort of cut through to it,
12 did y'all later -- did you later have the substance
13 examined and determine what it was?

14 A Yes, I did.

15 Q What was it?

16 A It was determined to be cocaine..

17 Q All right. Let me show you what's been pre-marked as
18 State's Exhibit Nos. 23 and 24 for identification, and ask
19 you if you recognize those pictures?

20 A Yes, I do.

21 Q What are those? What do those pictures depict?

22 A These are photographs of the cocaine -- what was
23 determined to be cocaine as it was located.

24 Q All right. Was it just laid on the ground and
25 pictures taken --

1 A Yes, sir.

2 Q -- right near the tree stump?

3 A Yes, sir. As a matter of fact, in the photo, you can

4 see where it was hidden up under that.

5 Q And which picture are you referring to?

6 A This right here.

7 Q Which number is that?

8 A State's Exhibit No. 23. Actually, it's, also,

9 visible in State's Exhibit No. 24.

10 Q Is that the fresh dirt you're talking about in the

11 middle of the picture?

12 A Yes, sir.

13 MR. WESTON: The State would offer State's Exhibit

14 Nos. 23 and 24 into evidence, Your Honor.

15 THE COURT: Any objection?

16 MR. COOKE: No objection.

17 (WHEREUPON, State's Exhibit Nos. 23 and 24 were

18 admitted into evidence.)

19 MR. WESTON: Permission to publish, Your Honor?

20 THE COURT: You may.

21 BY MR. WESTON:

22 Q You said you found a large amount of cash money; is

23 that correct?

24 A That is correct.

25 Q Let me show you what's marked as State's Exhibit

1 No. 25 -- well, before I show you that, tell the jury how
2 the money was packaged.

3 A It was packaged in small plastic bags --

4 Q Could you hold your hands up?

5 A Small plastic bags rolled into tight bundles, I guess
6 would be a good term for it. And it was packaged
7 separately into some plastic bags.

8 Q Let me show you what's been marked as State's Exhibit
9 No. 25. Do you recognize that picture?

10 A I do.

11 Q And tell the jury what it depicts, sir, please.

12 A This depicts the money that was found at the same
13 location that the cocaine was found at.

14 Q And was it, also -- was the picture, also, taken by
15 the forensic officer right there where it was located?

16 A Yes, it was.

17 MR. WESTON: Your Honor, the State would offer
18 State's Exhibit No. 25 into evidence.

19 THE COURT: Any objection?

20 MR. GODFREY: No objection.

21 MR. COOKE: None, Judge.

22 THE COURT: All right. It is in evidence.

23 (WHEREUPON, State's Exhibit No. 25 was admitted into
24 evidence.)

25 MR. WESTON: Permission to publish, Your Honor?

1 THE COURT: Yes, sir.

2 BY MR. WESTON:

3 Q You testified that you determined the white powder to
4 be cocaine. How much -- did you have it, at some point,
5 weighed?

6 A Yes, sir, we did.

7 Q And how much did it weigh?

8 A I don't remember the exact weight, but it was just
9 short of what is referred to as a kilo.

10 Q And is a kilo of cocaine 2.2 pounds?

11 A Honestly, I don't know. I'm sorry. I don't know the
12 exact --

13 Q Did it appear to weigh just a little over a couple of
14 pounds?

15 A Yes, sir.

16 Q So it was a couple of pounds of cocaine?

17 A Yes, sir.

18 Q Did you count the money that was found there?

19 A Personally, I did not. It was counted by
20 Investigator Whaley, as well as a narcotics investigator
21 that responded to the scene to assist us.

22 Q I'm going to come back to the narcotics investigator
23 again in a moment. But, just briefly, in any
24 investigation, whether it's burglary, murder, homicide,
25 whatever, if a Sheriff's Department official finds a lot

1 of money, what do y'all do?

2 A Basically, we count it. Although, it's not,
3 typically, counted by one person. We like to have, at
4 least, more than one to verify that it is the actual
5 amount, and none of it was taken. So it's kind of a
6 system of checks and balances. Once the money is
7 counted -- actually, in this particular case, we
8 videotaped it, because we had forensics still on the scene
9 with us.

10 Q You videotaped the counting?

11 A Yes, sir, we did.

12 Q Okay. Go ahead.

13 A And then it's placed in property and evidence where
14 it's kept.

15 Q Was the dual personnel protocol followed in this case
16 as far as the counting of this money?

17 A Yes, it was.

18 Q And were you able to determine approximately how much
19 money was found?

20 A It was a little over \$14,000.

21 Q All right. And I'm going to show you what has been
22 pre-marked as State's Exhibit No. 17, and ask you if you
23 recognize this?

24 A Yes, I do.

25 Q Before you tell the jury what that is, did you find

1 any other money in the backyard?

2 A Yes, we did.

3 Q What did you find, and where did you find it?

4 A Behind the residence, there was a -- I guess for
5 description purposes, an old broken-type outdoor grill.
6 And upon looking in the grill, we found a significant
7 amount of antique coin sets and change inside. It was,
8 actually, inside the grill.

9 Q All right. And would you tell the jury what is
10 depicted in the exhibit I just handed you?

11 A Yes, sir. This is a photo of those items as they
12 were found.

13 Q Now, the photo has little blue and red booklets -- or
14 what look like booklets from the outside. What are those?

15 A Those are coin collection mint containers that hold
16 coins.

17 Q So, inside, they have the little round circle places
18 to put the money in?

19 A Yes, sir.

20 Q So they're not passbooks, or savings books, or bank
21 certificates?

22 A No, sir. Those are all coin holders.

23 MR. WESTON: Your Honor, the State would offer this
24 as State's Exhibit No. 17.

25 MR. GODFREY: No objection.

1 MR. COOKE: No objection.

2 THE COURT: Without objection. And you may publish
3 it.

4 (WHEREUPON, State's Exhibit No. 17 was admitted into
5 evidence.)

6 BY MR. WESTON:

7 Q You didn't count the coin collection; is that
8 correct?

9 A No, sir.

10 Q You listed the item, but you didn't, actually, figure
11 out the value of each of these coins, or whatever?

12 A Yes, sir. That's correct. Because we don't -- you
13 know, we didn't know the values of the antique coins, so
14 we didn't want to count it.

15 Q Were they found in the proximity of the drugs and the
16 other money?

17 A Yes, sir.

18 Q All right. Now, you mentioned narcotics. Once y'all
19 found the drugs, what did you do next as far as the
20 narcotics were concerned?

21 A Once we found that significant amount of what we
22 believed to be, at the time, cocaine, as well as the
23 money, we contacted the sheriff's office vice and
24 narcotics unit to respond to brief them on what we had
25 located.

1 Q And did they respond?

2 A Yes, sir, they did. A sergeant over that unit, as
3 well as an investigator.

4 Q And did they bring a drug dog out, a narcotics dog?

5 A They didn't bring a drug dog per se. We, actually,
6 called -- and that's a different officer that responded
7 with that.

8 Q And did the drug dog walk the entire parsonage around
9 the house?

10 A Yes, sir. We let the dog walk the whole entire
11 property. And, as it was relayed to me, there were no
12 other items found -- or no other hits to indicate there
13 was anything we missed.

14 Q Let's talk about the crime scene wrap up. How long
15 were you out there that day?

16 A The entire day was 12 hours.

17 Q All right. And, during that period of time,
18 approximately how many officers, or emergency personnel,
19 or forensics, coroner's people, basically, law enforcement
20 investigative people -- how many people were on the scene
21 total?

22 A I would say probably around 20.

23 Q All right. And did you follow the -- what you
24 believed to be the protocol for this type of
25 investigation?

1 A Yes, sir, I did.

2 Q At the conclusion of the investigation at the scene,
3 were you -- did you have any leads with regard to
4 suspects?

5 A No, sir, we did not.

6 Q Did you have any specific forensics -- were you
7 able -- was forensics able to develop any specific
8 evidence, such as DNA, fingerprints identifiable that you
9 could match, footprints, and things of that nature?

10 A No, sir, they did not.

11 Q Okay. Is that uncommon?

12 A No, sir, it's not. It's, actually, more common to
13 find fingerprints or DNA matches at crime scenes.

14 Q It is more common or uncommon?

15 A It is more uncommon.

16 Q Okay. And, now, so at the conclusion of that day,
17 did you have any suspects at all?

18 A As far as at the scene or --

19 Q Any leads for suspects away from the scene? I'm
20 sorry.

21 A Yes, sir, we did.

22 Q Tell the jury about that.

23 A Actually, as we were concluding and wrapping up the
24 scene investigation, I received a call from Wes Nix, who
25 is an employee of the Slater-Marietta Fire Department.

1 Mr. Nix advised ~~me~~ that he had --

2 MR. GODFREY: Objection, hearsay.

3 THE COURT: Thank you.

4 BY MR. WESTON:

5 Q { As a result of the conversation with Mr. Nix, were,
6 you able to develop any possible -- did you form any
7 conclusion as to any possible suspects?

8 A Three black males.

9 Q Was that consistent with what Noah Cruell had said?

10 A Yes, sir, it was.

11 Q And did you have any -- were you able to develop any
12 initial assessments as to any vehicles that might be
13 involved?

14 A A white -- I believe it was a Toyota.

15 Q As a result of getting that -- of developing that
16 information, what did you do next?

17 A I requested a unit to respond to -- I believe it was
18 Lake Loop Circle in -- well, I believe that would be
19 Marietta, in close proximity to the actual incident
20 location.

21 Q And did you supervise the investigation into that
22 lead?

23 A I did, yes, sir.

24 Q And were you able to determine whether the three
25 black males in the white vehicle had anything to do with

1 this crime?

2 A Not immediately. Subsequently, after further
3 investigation, yes, sir, we were.

4 Q And did you rule them out as suspects?

5 A Yes, sir.

6 Q And you were the lead investigator?

7 A Yes, sir.

8 Q Was that -- did you rule them out conclusively?

9 A Yes, sir.

10 Q All right. And was that based on your personal
11 investigation?

12 A That is correct.

13 Q Or, at least, personal investigation and directives
14 that you gave to others underneath you?

15 A Yes, sir. That's correct.

16 Q But did you follow-up on that lead?

17 A Oh, yes, sir.

18 Q Did you attend the autopsy with Dr. Ward on October
19 the 19th?

20 A I did.

21 Q All right. And did you meet with the victim's
22 family, subsequently, to see if you could develop some
23 leads that way?

24 A Yes, sir, I did.

25 Q Were you able to develop any leads?

1 A No, sir.

2 Q Did the victim's family indicate to you that they had
3 any idea who may have committed this crime, anybody in the
4 family?

5 A No, sir.

6 Q All right. Now, let's -- were you able to get a
7 search warrant with regard to the phone of the victim?

8 A Yes, sir, we did.

9 Q Was that search warrant executed?

10 A It was.

11 Q Now, with regard to the victim's phone and the calls
12 he may have made or received, or text messages that he may
13 have sent or received, or pictures on the phone, were you
14 able to develop any leads through that?

15 A No, sir, we were not.

16 Q All right. Now, on October 21st, 2010, did you
17 receive a call from someone by the name of Scott?

18 A Yes, sir, I did -- well, actually, I received a
19 message on my voice mail.

20 Q Did you return the call?

21 A Yes, sir, I did.

22 Q Did you speak to someone named Scott?

23 A Yes, sir, I did.

24 Q Did he provide information with regard to this --
25 possible information with regard to this particular crime?

1 A Yes, sir, he did.

2 Q As a result of your conversation with him, did you
3 develop the name of any suspect?

4 A Yes, sir.

5 Q Who was the suspect -- what was the name of the
6 suspect you developed with regard to -- after your
7 conversation with Scott?

8 A I believe the way it was, initially, it was Jeff or
9 Jeffrey Dornberg.

10 Q All right. And did you develop any other suspects as
11 a result of that conversation?

12 A Yes.

13 Q What were the names of the other two suspects? Did
14 you have another like surname, a real name?

15 A Yes.

16 Q What was the other name?

17 A Scottie Butler.

18 Q Did you develop the name of another suspect with a
19 name to it at that point?

20 A A surname?

21 Q Yes, sir.

22 A No.

23 Q Did you develop a third suspect's nickname?

24 A Yes, I did.

25 Q And what was that nickname?

1 A Face.

2 Q So, at this point, you're looking for -- to talk to
3 Jeff Dornberg, Scottie Butler, and someone named Face?

4 A Yes, sir.

5 Q Was Scottie Butler and Jeff Dornberg -- was it your
6 assessment or initial determination that they were black
7 or white, Scottie Butler and Jeff Dornberg?

8 A White males.

9 Q What about Face?

10 A Black male.

11 Q Did you have a race and sex for that person?

12 A Black male.

13 Q And, at that point, is that all you knew?

14 A There were two other unknown black males.

15 Q Now, did you subsequently have an occasion to meet
16 with a Jennifer Burnette in Greenwood?

17 A Yes, sir, I did.

18 Q Without telling the jury what anybody said, how did
19 you come to meet with Jennifer Burnette?

20 A Through information received through the Greenwood
21 County Sheriff's Office, as well as Crime Stoppers.

22 Q All right. And, as a result of the information
23 received through the Greenwood Sheriff's Office and Crime
24 Stoppers, did you set up a meeting with Jennifer Burnette?

25 A Yes, sir, I did.

1 Q And who all attended that meeting?

2 A Myself, Investigator Antonio Bailey, as well as Major
3 Bill Kinney with the Greenwood County Sheriff's Office.

4 Q And where did the meeting take place?

5 A At the Greenwood County Sheriff's Office.

6 Q Did Jennifer Burnette provide you with a statement?

7 MR. COOKE: Judge, I'm going to object to this as
8 being hearsay. It he's trying to get in her statement
9 through this investigating officer --

10 MR. WESTON: I just think it's premature, Your Honor.
11 I haven't asked him --

12 MR. COOKE: Well, I don't know --

13 THE COURT: It is premature, but go ahead.

14 BY MR. WESTON:

15 Q Did Jennifer Burnette provide you with a statement?

16 A Yes, sir, she did.

17 Q A typed statement -- a written statement?

18 A Yes, sir.

19 Q Did she provide information that went into that
20 statement?

21 A Yes, sir, she did.

22 Q Did she sign that statement?

23 A Yes, sir, she did.

24 Q As a result of the conversation you had with Jennifer
25 Burnette and her statement, did you develop more serious

1 suspects?

2 A Yes, sir.

3 Q And who were they?

4 A Scottie Butler, Jeffrey Dornberg, and, again, Face.

5 Q Did you get any information concerning where Face
6 lived?

7 A In Laurens.

8 Q All right. Now, at this point, did you know who Face
9 was?

10 A No, sir.

11 Q Did you have a name for him?

12 A No, sir.

13 Q What did you do next as far as Laurens County is
14 concerned?

15 A While we were speaking with Ms. Burnette and
16 obtaining her statement, I contacted another investigator
17 with the Greenville County Sheriff's Office, Investigator
18 Laura Jones. And I requested that she contact the Laurens
19 County Sheriff's Office to speak with someone there to see
20 if they were familiar with anyone from Laurens who went by
21 the name of Face.

22 Q Now, without saying what anybody said, did you talk
23 to Laura Jones again that day, or the next day?

24 A Yes, sir, I did.

25 Q As a result of your conversation with her, were you

able to determine a name for the alias Face in Laurens County?

A Yes, sir, I was.

Q Would you tell the jury that name?

A Lamar Dontray Williams.

Q And let me jump way ahead. Is the Lamar Dontray Williams that you determined to be going by the name of Face the same Defendant seated in the courtroom today?

A Yes, sir, it is.

Q All right. Did you talk to Jennifer Burnette about the -- about where -- did you ask Jennifer Burnette -- and don't tell the jury what she said. Did you ask Jennifer Burnette about Scottie Butler's whereabouts around that time, or how you could find him?

A Yes, sir, I did.

Q As a result of your questioning her about that, where did y'all go next?

A To the -- I believe it's called the America's Best Inn in Laurens.

Q And what did you find when you got there?

A When we arrived there, we located a lady named Christina Childs.

Q Did you have a conversation with Ms. Childs?

A Yes, sir, I did.

Q Did you determine who Ms. Childs was visa vie Scottie

1 Butler?

2 A Yes, sir, I did.

3 Q Who was she -- or who was she described as being?

4 A His fiancée.

5 Q All right. And did you bring Ms. Childs to the law
6 enforcement center either in Greenville or in Laurens?

7 A Yes, sir. She went to the law enforcement center --
8 or the complex in Laurens.

9 Q Did you question her about this Scottie Butler and
10 this incident that brings us here today?

11 A Yes, sir, I did.

12 Q Did she provide you -- was she cooperative?

13 A Yes, sir, very.

14 Q Did she provide you a statement?

15 A Yes, sir, she did.

16 Q Was that statement typed?

17 A Yes, sir, it was.

18 Q Did she sign that statement?

19 A Yes, sir, she did.

20 Q As a result of taking -- so, at that point, after you
21 took her statement, what did you do with her?

22 A Once we were finished with the statement, we
23 transported her back to the motel.

24 Q When you arrived at the motel and were sort of
25 getting her situated, did anybody show up?

1 A Afterwards, yes, sir.

2 Q Who did?

3 A Scottie Butler.

4 Q And did you have an opportunity to -- did you tell
5 Mr. Butler who y'all were?

6 A Yes, sir.

7 Q Did you tell him why y'all were there?

8 A Yes, sir.

9 Q Did you talk about the fact that you were
10 investigating a murder that had taken place in Travelers
11 Rest?

12 A I don't believe that was, specifically, mentioned at
13 the motel.

14 Q Okay. Did you ask Scottie Butler if you could
15 question him?

16 A Yes, sir, I did.

17 Q Did he agree?

18 A Yes, sir, he did.

19 Q Was he questioned there?

20 A No, sir. He was, actually, subsequently, taken back
21 to the Laurens Police Department, also.

22 Q And who was present when you questioned Scottie
23 Butler?

24 A Actually, at the Laurens Police Department?

25 Q Yes, sir.

1 A Myself and Investigator Antonio Bailey.

2 Q Now, at this point, had you developed Scottie Butler
3 as a possible suspect in the murder of Wallace Cruell,
4 Jr.?

5 A Yes, sir.

6 Q All right. Once you got him to the law enforcement
7 center, did you explain that to him?

8 A Yes, sir.

9 Q And did you read him his rights?

10 A Yes, sir, I did.

11 Q Did you go over all the rights with him?

12 A I did, yes, sir.

13 Q Did you give him an opportunity -- did you tell him
14 he didn't have to tell you anything?

15 A Yes, sir. I explained to him that he could stop the
16 interview at any time.

17 Q Did you tell him -- and this is very important --
18 that he had anything to gain by telling you anything?

19 A No, sir, I did not.

20 Q Did you promise him anything?

21 A No, sir, I did not.

22 Q Did you -- do you have the authority to promise
23 somebody something with regards to charges against them?

24 A No, sir. I do not have that authority.

25 Q So you didn't tell him he had anything to gain by

1 talking to y'all?

2 A No, sir, I did not.

3 Q What was his demeanor?

4 A Mr. Butler --

5 Q Now, don't say what he said.

6 A -- appeared to be very apologetic and remorseful,

7 depressed.

8 Q And did he appear to be on drugs, or drunk, or

9 something like that?

10 A No, sir, he did not.

11 Q Is there any doubt in your mind that he was coherent,

12 and knew what he was doing?

13 A No, sir, there's not.

14 Q All right. Did you take a statement from Scottie

15 Butler that day?

16 A Yes, sir, I did.

17 Q Did that statement include details surrounding the

18 events of October 18th, 2010, up in Travelers Rest?

19 A Yes, sir, it did.

20 Q Did it include the names -- did Scottie Butler admit

21 his involvement in this?

22 A Yes, sir, he did.

23 Q Readily?

24 A Very readily, yes, sir.

25 Q What did he tell you he did --

1 MR. GODFREY: Objection.

2 MR. COOKE: Judge, again, I object.

3 THE COURT: Okay.

4 MR. WESTON: This is a statement by a co-defendant,
5 Your Honor, who is -- number one, it's a statement
6 against -- a statement by a co-defendant against his
7 interest.

8 Secondly, Your Honor, this Defendant has already pled
9 guilty. And he will testify and will be subject to
10 cross-examination. And they have a copy of his
11 statement --

12 MR. COOKE: Judge, excuse me, I object to that. He
13 is testifying now. Let him produce --

14 THE COURT: Okay. He has given a statement and he
15 was -- he gave a statement to this investigator. He can
16 testify to it, and he can answer it.

17 MR. WESTON: All right.

18 BY MR. WESTON:

19 Q Don't say anything Mr. Butler told you. After
20 Mr. Butler gave you his statement, what did you do as far
21 as Mr. Butler and charges?

22 A Once the statement was complete, Mr. Butler
23 accompanied us to Greenville County where he was,
24 subsequently, charged with this incident, and placed into
25 the Greenville County Detention Center to await his bond.

1 Q As a result -- after your -- not as a result of, but
2 after your conversation with Scottie Butler and after he
3 confessed, did you do -- did sign any other warrants
4 against anybody else?

5 A Yes, sir, I did.

6 Q Who did you sign the warrants against?

7 A At that particular time, we signed warrants for
8 Charles Jeffrey Dornberg. I believe it's Charles Jeffrey
9 Dornberg, II, actually.

10 Q Anybody else?

11 A Eventually, yes, sir.

12 Q But just at that time, that's the only other person
13 you signed warrants for?

14 A That is correct, yes, sir.

15 Q Now, at the time you were taking Scottie Butler's
16 statement, was your office contacted by any representative
17 on behalf of Mr. Dornberg?

18 A Actually, we were, but it was after Mr. Butler's
19 statement was complete and we had already arrived back in
20 Greenville.

21 Q But it was the same day?

22 A Yes, sir.

23 Q And who did you hear from?

24 A Charles Jeffrey Dornberg's mother.

25 Q All right. And, as a result of the conversation that

1 was had with her, what action did you or any -- what
2 action did you direct another law enforcement agent to
3 take?

4 A We directed uniform patrol officers to respond to --
5 I believe it was to the Wal-Mart, I believe, in
6 Simpsonville.

7 Q And what happened?

8 A To meet with Ms. Dornberg.

9 Q And was Charles Dornberg with her?

10 A Yes, sir, he was.

11 Q And what was the purpose of that meeting?

12 A To take him into custody. He was wanting to turn
13 himself in.

14 Q And from the time you met with Scottie Butler and
15 began that interview, did he have an opportunity -- until
16 the time he was put into a cell, did he have the
17 opportunity to call Mr. Dornberg, or make any calls?

18 A Mr. Butler?

19 Q Yes, sir.

20 A No, sir.

21 Q All right. So, now, you've got -- so was
22 Mr. Dornberg arrested at that point?

23 A Yes, sir, he was.

24 Q All right. After your meeting -- or after your
25 interviews -- or excuse me. Up to this point, you've

1 got -- I think you've developed leads on Scottie Butler,
2 Charles Dornberg, and a black male named Face that you
3 later determined whose name was Lamar Williams, I think
4 that's what you testified to?

5 A Yes, sir. That's correct.

6 Q Did you develop a nickname for another suspect after
7 your talk -- after your meeting with Scottie Butler?

8 A Yes, sir.

9 Q What was the name -- nickname that you developed?

10 A There were, actually, two.

11 Q What were their names?

12 A Esco and Solo.

13 Q All right. Did you develop any leads as to where
14 Solo -- what county Solo might be in after your
15 conversation with Scottie Butler?

16 A Yes, sir, I did.

17 Q What county?

18 A Greenwood County.

19 Q Did you contact the Greenwood Police Department -- or
20 the Sheriff's Department? I'm sorry.

21 A Yes, sir. I spoke with the Greenwood County
22 Sheriff's Office. .

23 Q Did you pass that information on to them?

24 A Yes, sir, I did.

25 Q Were you able -- as a result of your conversation

1 with the Greenwood Sheriff's Office, were you able to
2 determine -- develop a name for the nickname Solo?

3 A Yes, sir, I was.

4 Q And what was that name?

5 A Richey Boyd.

6 Q Were you able to later determine whether or not
7 Richey Boyd is the same person seated in the courtroom
8 today?

9 A Yes, sir, I was.

10 Q All right. Let's talk about Esco. After your
11 conversation with Scottie Butler, did you develop -- or
12 were you able to, subsequently, find out the name of a
13 person -- or the real name for someone named Esco here in
14 Greenville County?

15 A Yes, sir, I was.

16 Q And what was the name that you developed as a
17 possible lead for Esco?

18 A Willie Taylor.

19 Q All right. Now, just to be -- so we're clear. Now,
20 right after Scottie Butler was arrested, he had an
21 attorney; right?

22 A Yes, sir.

23 Q He got an attorney?

24 A Yes, sir, he did.

25 Q And you could talk with his attorney, and y'all set

1 up a photo lineup; is that correct?

2 A Yes, sir.

3 Q And did the lineup include Mr. Boyd?

4 A Yes, sir, it did.

5 Q At that time, was Mr. Butler able to pick Mr. Boyd
6 out of the lineup?

7 A No, sir, he was unable to.

8 Q All right. Did you set up a photo lineup with Willie
9 Taylor?

10 A With Mr. Butler?

11 Q With Mr. Butler, yes, sir.

12 A Yes, sir, I did.

13 Q Was he able to pick Mr. Taylor out of the lineup?

14 A Yes, sir, he was.

15 Q Now, let's go back a few days to October 24th. Now,
16 this is October 24th, it's about six days after the
17 robbery, y'all have already gotten to where you are right
18 now; is that correct? After the murder and robbery?

19 A Yes, sir.

20 Q Now, did you have occasion to talk to someone from
21 the Lexington Police Department on October 24th?

22 A Yes, sir, I did.

23 Q Was it an Investigator Stowe?

24 A I believe -- it's Sergeant Stowe, I believe is his
25 rank.

1 Q Now, as a result of your conversation with him, what
2 did you do?

3 A I advised him that I had active warrants for Lamar
4 Williams in this incident.

5 Q And what -- as a result of your advising him of that,
6 what action did the Lexington Police Department take?

7 A They responded to a residence where Mr. Williams was
8 supposedly located at.

9 Q Were they able to effectuate his arrest?

10 A Yes, sir, they were.

11 Q Did you have an occasion to go down to Lexington?

12 A Yes, sir, after that, I did.

13 Q And we'll come back to that in a minute, your trip to
14 Lexington. On October 28th, did y'all go down to
15 Lexington to collect any evidence that was recovered,
16 along with the arrest of Lamar Williams and to bring him
17 back?

18 A Actually, it was for the evidence. I believe he had
19 already been transported -- or was transported by the
20 fugitive team. I had nothing to do with his return to
21 Greenville County.

22 Q And did you have an occasion to meet with a
23 gentleman by the name of Neil Haltiwanger when you went
24 down there?

25 A Yes, sir, I did.

1 Q Had you been directed to meet with Mr. Haltiwanger as
2 a result of the information you received from the
3 Lexington Police Department?

4 A Yes, sir, I was.

5 Q Where did you meet with Mr. Haltiwanger?

6 A We met at the -- I guess it's the Lexington County
7 Probation Department.

8 Q Was Mr. Haltiwanger a suspect in this case?

9 A No, sir, he was not.

10 Q All right. Did you find him to be cooperative?

11 A Yes, sir. He was very cooperative.

12 Q Did you threaten or promise him anything?

13 A No, sir, I did not.

14 Q Because he wasn't a suspect?

15 A Correct, he was not.

16 Q Did you take a statement from Mr. Haltiwanger?

17 A Yes, sir, I did.

18 Q Was it a typed statement?

19 A Yes, sir, it was.

20 Q Did he sign it?

21 A Yes, sir, he did.

22 Q All right. Now, just as an aside, and we can just
23 address this pretty quickly. At some point in your
24 investigation, you had an occasion to try to get video
25 footage from a Spinx gas station in Greenville; is that

1 correct?

2 A That is correct, yes, sir.

3 Q And just going to the end of it, were you able to get
4 any video footage showing any parties involved in this
5 case at the Spinx station at any time?

6 A No, sir, we were not.

7 Q But you tried?

8 A We did try, yes, sir.

9 Q All right. Now, on November 12 of 2012 [sic], did
10 you have cause to issue arrest warrants for Willie Taylor?

11 A Yes, sir, I did.

12 Q On November 16 -- and I said 2012, I meant 2010. I'm
13 sorry. On November 16 of 2010, was Willie Taylor
14 arrested?

15 A Yes, sir, he was.

16 Q Where was he arrested at?

17 A 214 High Valley Boulevard in Greenville County.

18 Q And where was -- was Mr. Taylor there? Was anybody
19 there, other than Mr. Taylor?

20 A Yes, sir, there was.

21 Q Who was there?

22 A Felicia Roundtree.

23 Q Were any weapons recovered at the time Mr. Taylor was
24 arrested?

25 A Yes, sir, there were.

1 (WHEREUPON, State's Exhibit No. 26 was marked for
2 identification only.)

3 BY MR. WESTON:

4 Q I'm going to show you what's been marked as State's
5 Exhibit No. 26; for identification, and ask you if you
6 recognize it. And take a look at the serial number, most
7 importantly?

8 A Yes, sir.

9 Q When Willie Taylor was arrested, was a gun found with
10 him?

11 A Yes, sir, it was.

12 Q And did you secure the gun?

13 A Yes, sir, I did.

14 Q Did you place the gun into property and evidence?

15 A Honestly, I can't remember if I was the one that
16 placed it in, or if Deputy Osborne was the one.

17 Q Did you record the serial number?

18 A Yes, I did.

19 Q And have you looked at the serial number on the gun
20 that you have in front of you there?

21 A Yes, sir.

22 Q Is that the serial number of the gun you recovered
23 the morning Willie Taylor was arrested?

24 A Yes, sir, it is.

25 MR. WESTON: Your Honor, the State would offer

1 State's Exhibit No. 26 into evidence. It's a gun, but it
2 has been rendered inoperable by the security and deputy
3 sheriff at the Greenville courthouse.

4 THE COURT: You may.

5 MR. WESTON: I don't necessarily want to publish it
6 to the jury in the sense of showing it around.

7 Can I just hold it up?

8 (WHEREUPON, State's Exhibit No. 26 was admitted into
9 evidence.)

10 BY MR. WESTON:

11 Q What type of gun is this?

12 A It's a Smith & Wesson.

13 Q Is it a revolver or automatic?

14 A It's a revolver.

15 Q So when a shell is expended -- when a bullet is
16 expended, is there a shell ejected from it?

17 A No, sir, not from a revolver.

18 Q All right. Now, once Willie Taylor was arrested on
19 November 17th, did you take him into custody?

20 A Yes, sir.

21 Q Did you yourself interview him?

22 A I did.

23 Q Now, when Willie Taylor was arrested, did he, in
24 fact, engage an attorney?

25 A Yes, sir, he did.

1 Q And was it Mr. Steve Geoly?

2 A Yes, sir.

3 Q And just -- is that Mr. Geoly seated on the front row
4 in the gray suit?

5 A Yes, sir, it is.

6 Q Was Mr. Geoly present when you interviewed Willie
7 Taylor?

8 A For the statement portion, yes, sir, he was.

9 Q And did you make any promises to Willie Taylor?

10 A No, sir, I did not.

11 Q Did you threaten Willie Taylor in any way -- let me
12 back up. Did you tell him what he was being charged with?

13 A Yes, sir, I did.

14 Q Did you give him an understanding of what events
15 we're talking about, for instance, the killing up on
16 Valley Road in Travelers Rest?

17 A Yes, sir, I did.

18 Q Did he appear to understand what you were talking
19 about?

20 A Yes, sir, he did.

21 Q Now, this is within a few hours of his arrest; is
22 that correct?

23 A Yes, sir -- well, the actual portion where we
24 interviewed him with his attorney was, actually, the next
25 day.

1 Q All right. And once -- did you promise him anything?

2 A No, sir, I did not.

3 Q Specifically, and I want you to be very clear, did
4 you tell him he had anything to gain by giving you a
5 statement?

6 A No, sir, I did not.

7 Q Did you threaten him in any way?

8 A No, sir, I did not.

9 Q Now, I'm not going to ask you much about Miranda,
10 because you said his lawyer was sitting right there?

11 A Yes, sir, he was.

12 Q Was Willie Taylor cooperative?

13 A Yes, sir. He was very cooperative.

14 Q What was his demeanor?

15 A He was, also, very remorseful. And he appeared to be
16 almost like he had a real heavy burden on him. And he
17 was very --

18 MR. COOKE: Judge, you know, I really object to that.

19 THE COURT: It calls for speculation. Your objection
20 is sustained.

21 Ladies and gentlemen, strike that last answer. It's
22 not appropriate.

23 It calls for speculation, Solicitor.

24 BY MR. WESTON:

25 Q Did Willie take --

1 THE COURT: I apologize. I hate to be interrupting
2 you.

3 MR. WESTON: I understand.

4 THE COURT: We're getting late, at about 1:30. And I
5 want to know where we are as far as finishing up,
6 possibly, or when would be a good time --

7 MR. WESTON: Your Honor, I've got, at least, another
8 30 minutes. I'm sorry. If you want to break here, that's
9 fine.

10 THE COURT: No worries.

11 Is that all right if we go ahead?

12 I know it's late. And I think everyone is looking
13 tired.

14 Ladies and gentlemen, we are going to go ahead and
15 break for lunch right now, give everyone a nice break.
16 And we'll continue back with the Investigator when we come
17 back from lunch.

18 Of course, you are free to go about your business
19 over the lunch hour. Grab something to eat, come on back.
20 It is a little after 1:30. I am going to ask, ladies and
21 gentlemen, that you are back in the courtroom at 2:45.
22 That gives you a little over an hour for lunch.

23 Again, I need to tell you that you are not to discuss
24 this case with each other, or anyone you may come into
25 contact with. Additionally, ladies and gentlemen, you're

1 not to read or see anything in regards to this case.
2 Don't do any independent research. Go get a good bite to
3 eat.

4 I assume right now -- it's looking like we're going
5 to go to about just before 5:00 today, just based on what
6 I know to be the witnesses. So you can schedule
7 accordingly. But, again, you all go have a nice lunch.
8 And we look forward to seeing you back in the jury room at
9 2:45.

10 Thank you.

11 (WHEREUPON, the jury was excused from open court at
12 approximately 1:32 p.m.)

13 THE COURT: All right. Investigator Hammett, you may
14 step down. Again, sir, I'm going to remind you, over
15 lunch, don't discuss your testimony, but we'll see you
16 back at 2:45 as well, sir.

17 Thank you.

18 For the rest of you, is there anything we need to put
19 on the record before you all take a lunch break?

20 MR. WESTON: No, ma'am, Your Honor.

21 THE COURT: Have a nice lunch break. I'll see you
22 afterwards.

23 (WHEREUPON, a lunch break was taken.)

24 THE COURT: Is the State and the Defense ready?

25 MR. WESTON: Yes, ma'am, Your Honor.

1 THE COURT: All right. Bring them on in.
2 Investigator, come on back on the stand. And I am
3 just going to remind you that you are still under oath.
4 (WHEREUPON, the jury came into open court at
5 approximately 2:50 p.m.)

6 THE COURT: Welcome back, ladies and gentlemen. I
7 hope y'all had a nice lunch.

8 At this time, we're going to go ahead and continue
9 the questioning of Investigator Hammett.

10 Mr. Weston.

11 MR. WESTON: Thank you, Your Honor.

12 May it please the Court.

13 THE COURT: Yes, sir.

14 CONTINUED DIRECT EXAMINATION

15 BY MR. WESTON:

16 Q Investigator Hammett, just to refresh your
17 recollection of where we were. We had just finished
18 talking about the gun. Just to refresh the jury's
19 recollection, where was this gun -- when this gun was
20 found, it was in conjunction with what event?

21 A The arrest of Willie Taylor.

22 Q All right. And it was found at the residence in
23 which he resided?

24 A Yes, it was.

25 Q Where was it found?

1 A In the attic area.

2 Q All right. Now, after you arrested -- and I may have
3 asked you this before we broke, but just forgive me for
4 not marking my place at the beginning. I don't want to
5 ask you too many questions about -- I believe we talked
6 about Mr. Geoly, who is his lawyer. So you did take the
7 statement from Willie Taylor; is that correct?

8 A Yes, sir, we did.

9 Q Was that statement reduced to writing?

10 A Yes, it was.

11 Q And did he sign the statement?

12 A Yes, he did.

13 Q Now, on January 19th of 2010 -- or excuse me, I said
14 January 19th, I meant November 19th, did you have an
15 occasion to interview a Ms. Wendy Bridges as part of this
16 investigation?

17 A Yes, I did.

18 Q How did you get to interviewing Wendy Bridges,
19 without saying what anybody said?

20 A We received information from the Greenwood Police
21 Department that contained her name.

22 Q All right. And, as a result of getting that
23 information, what did you do with regard to putting
24 yourself in touch with her?

25 A We went to her residence to make contact with her.

1 Q And were you able to locate her?

2 A Yes, sir, we were.

3 Q At the time you met with her, was she a suspect in
4 the investigation?

5 A No, sir, she was not.

6 Q All right. And you said you did meet with her; is
7 that correct?

8 A Yes, sir.

9 Q Did you take a statement from her?

10 A Yes, I did.

11 Q Was that statement reduced to writing?

12 A Yes, it was.

13 Q Now, you said she was not a suspect. After your --
14 before or -- after your interview with her -- was she
15 cooperative, by the way?

16 A Yes, she was.

17 Q Were you able to determine what her relationship with
18 any of the people involved in this proceeding was?

19 A Yes, sir.

20 Q What was that?

21 A She was the girlfriend of the Defendant, Lamar
22 Williams.

23 Q All right. Did she readily admit that?

24 A Yes, sir, she did.

25 Q Did you have an occasion to talk to a Ms. -- at any

1 point during your investigation with a Ms. Kristine
2 Sterling?
3 A Yes, sir, I did.
4 Q All right. And did you discuss this case with her in
5 terms of what you were doing and your investigation,
6 basically, what you were talking to her about, I mean?
7 A Yes, sir, I did.
8 Q All right. Did she provide you with any information
9 or assistance in this case?
10 A No, sir, she did not.
11 Q She knew who you were?
12 A Yes, sir.
13 Q I mean, you identified yourself to her?
14 A Yes, sir. That's correct.
15 Q All right. Now, on January 16th of this year, did
16 you have an occasion to meet with Jeff Dornberg, and his
17 attorney, and myself?
18 A Yes, sir, I did.
19 Q Where did that meeting take place?
20 A That meeting took place at the Greenville County
21 Detention Center.
22 Q And, as I indicated, was his attorney present?
23 A Yes, sir, he was.
24 Q Did Mr. Dornberg give you a statement?
25 A Yes, he did.

1 Q All right. And was that statement reduced to
2 writing?

3 A Yes, sir, it was.

4 Q And did he sign the statement?

5 A Yes, sir, he did.

6 Q All right. At the time this incident happened, was
7 there a good bit of media coverage about this case?

8 A No, sir, not at that time.

9 Q All right. Was any information released to the press
10 with regards to the details or circumstances surrounding
11 Mr. Cruell's death with the exception of his name, where
12 it took place, and who was arrested later on, anything
13 with regard to, for instance, the statement of witnesses,
14 and things like that?

15 A No, sir. Nothing like that would be released, just a
16 general release of the incident, but no specific details.

17 Q All right. Things like how many times he was shot,
18 or where he was shot, those things would not normally be
19 released?

20 A No, sir.

21 Q All right. And, as a result of your investigation,
22 just recap for the jury, who were the parties that were
23 charged with this -- that you charged and sought arrest
24 warrants for this crime?

25 A There were five total Defendants that were arrested

1 and charged in connection with this incident, Scottie
2 Butler, Charles Jeffrey Dornberg, Lamar Williams, Willie
3 Taylor, and Richey Boyd.

4 Q All right. And I think I neglected to ask you about
5 one thing. I apologize. When you met with Wendy
6 Bridges -- after you met with her -- and I think you
7 described her -- she characterized herself as Mr. Williams
8 girlfriend?

9 A Yes, sir. That's correct.

10 Q And you said you took a statement from her?

11 A Yes, sir, I did.

12 Q After you met with her, did you have an occasion to
13 speak with a Mr. Glenn Shannon?

14 A No, sir, I did not.

15 Q All right. And were you -- did you attempt to find
16 Mr. Glenn Shannon?

17 A Yes, sir. We did attempt to locate him.

18 Q Has he ever been located?

19 A No, sir.

20 Q Would you describe Mr. Shannon -- were you able to
21 get a description of Mr. Shannon?

22 A Yes, sir.

23 Q Would you tell the jury his description?

24 A Mr. Shannon was described to me as an elderly black
25 male with one leg.

1 Q And did that description just come from Wendy
2 Bridges, or some other folks as well?

3 A Some other individuals, as well as Ms. Bridges.

4 Q And --

5 MR. WESTON: Excuse me, Your Honor, may I have a
6 moment?

7 THE COURT: Yes, sir.

8 (Pause.)

9 MR. WESTON: Your Honor, I think that's all I have.

10 Thank you, sir.

11 THE COURT: Yes, sir.

12 MR. GODFREY: May it please the Court.

13 THE COURT: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. GODFREY:

16 Q Investigator Hammett, I just have a few questions.

17 A Yes, sir.

18 Q The first thing I want to talk about is the crime
19 scene itself. As the chief investigating officer, you
20 direct the investigation; is that correct?

21 A Yes, sir. That's correct.

22 Q And that, also, means calling in the forensics
23 technicians, and anybody else that you may need?

24 A Yes, sir. That's correct.

25 Q Just like you called in the sergeant for narcotics

1 when the kilo of cocaine and the about \$14,000 was found?

2 A Yes, sir. That's correct.

3 Q Now, was the house dusted for prints?

4 A Yes, sir.

5 Q And no prints were found?

6 A No, sir. That's correct.

7 Q Was there an attempt to find footprint impressions in
8 the ground?

9 A Yes, sir, there was.

10 Q And that didn't pan out?

11 A No, sir. We located what appeared to be some shoe
12 prints. But because of the weather where it had not
13 rained, the ground was so hard, and we were unable to lift
14 anything as far as, actually, lifting it. They were
15 photographed, but we couldn't lift or cast them.

16 Q Well, the back door to Mr. Cruell's house, was it
17 kicked open?

18 A I don't know that -- it was forced open.

19 Q But there was no shoe print on it?

20 A I can't remember off the top of my head without
21 looking at a photo.

22 Q Was there any hair, or fiber, or blood found in the
23 residence? I'm not talking about Mr. Cruell's blood. But
24 any hair, blood, or fiber found in that residence that was
25 of forensic value?

1 A No, sir, there was not.

2 Q Did you call in the SLED crime scene analyst expert
3 to look at the scene to see if he could determine
4 anything, or help you with what happened?

5 A No, sir, I did not.

6 Q Did you call in a blood spatter expert to take a look
7 and see if there was anything that he could help you with?

8 A No, sir, I did not. Sergeant Lendway took care of
9 that. He's versed in blood spatter analysis.

10 Q So was he present on the scene?

11 A Yes, sir, he was.

12 Q Now, the USB cord that was placed into evidence that
13 we have over here, that was found on the pathway?

14 A Yes, sir.

15 Q That, I believe, is what you all think was used to
16 tie up Mr. Noah Cruell?

17 A Yes, sir. That would be correct.

18 Q Did the forensic analysis -- forensic technician take
19 a look at that cord?

20 A Yes, sir. It was collected by the forensics
21 division.

22 Q Was it tested for DNA?

23 A Honestly, I'd have to -- I don't know off the top of
24 my head if it was tested for DNA or not.

25 Q Well, if it was tested for DNA, I would assume the

1 results would be negative, if you didn't know about it?

2 A That would be correct. Yes, sir.

3 Q Now, let me ask you. There is nothing at the crime
4 scene which directly connects my client to the crime
5 scene; is that correct?

6 A Yes, sir. That's correct.

7 Q Now, you, also, had an occasion or the opportunity to
8 search a car, didn't you? Didn't you all search a car?

9 A Yes, sir. In Laurens County, if that's what you're
10 referring to, yes, sir.

11 Q Is that the Dodge Intrepid?

12 A I believe so, yes, sir.

13 Q And I believe the tag on that car was FBH 124. Who
14 was --

15 A I -- honestly, I couldn't tell you for sure without
16 looking at my case file.

17 Q Do you remember who the tag was registered to?

18 A I believe it would have been Christina Renee Childs,
19 I believe.

20 Q Was the Dodge Intrepid processed for fingerprints?

21 A No, sir, it was not.

22 Q Was it processed for DNA?

23 A No, sir, it was not.

24 Q Was it processed for hair?

25 A No, sir, it was not.

1 Q And the vehicle was searched in Laurens County?

2 A Yes, sir. That is correct.

3 Q Was it taken in to search, or was it searched at the
4 place it was found?

5 A At the place it was found.

6 Q When we say "searched," does that mean that
7 investigators looked at it, or did the forensic people
8 come out and look at it?

9 A Investigators looked at it.

10 Q No forensic people were called?

11 A No, sir, they were not.

12 Q So there's nothing in that car -- you found nothing
13 that ties my client to that car, Mr. Richey Boyd; is that
14 right?

15 A Yes, sir. That's correct.

16 Q Now, I believe, based on your testimony, there were a
17 couple of laptop computers taken into custody; is that
18 correct?

19 A I believe there was -- I believe it was one I know
20 of, and there was another computer tower. I'm not sure if
21 it was a laptop or not. I know we had a computer, a
22 laptop -- a desktop, and a laptop.

23 Q Now, you had those computers analyzed; right?

24 A The laptop was, yes, sir.

25 Q The laptop was analyzed. Where did the tower come

1 from? I forget.

2 A From the victim's residence.

3 Q Now, the laptop was analyzed?

4 A Yes, sir. That's correct.

5 Q So it was taken over here on Church Street to that
6 office?

7 A Yes, sir, to county square by the forensic data
8 recovery unit.

9 Q Was any of the data extracted from the laptop
10 computer under the name of Richey Boyd?

11 A No, sir, it was not.

12 Q And when you request an analysis from the forensic
13 computer people that you all work with, you -- as the
14 investigator, don't you provide them with key words to
15 look for?

16 A Yes, sir, to some degree. As far as like a name or
17 something like that, yes, sir, we would.

18 Q Okay. And Richey Boyd's name was nowhere on that
19 computer?

20 A No, sir, it was not.

21 Q Now, I believe Willie Jermaine Taylor, he was
22 arrested at 214 High Valley Road?

23 A High Valley Boulevard, yes, sir.

24 Q Okay. And you recovered a cell phone?

25 A Yes, sir. There was a cell phone recovered.

1 Q Were the cell phone records obtained?
2 A Yes, sir, they were.
3 Q Did any of the telephone numbers come back to Richey
4 Boyd?
5 A No, sir, they did not.
6 Q Now, did you find a man's wallet?
7 A At that same location?
8 Q Yes.
9 A Yes, sir.
10 Q Whose wallet was it?
11 A There was an identification card in there for the
12 Defendant, Willie Taylor.
13 Q Willie Taylor?
14 A Yes, sir.
15 Q And that was recovered where, from the attic?
16 A Yes, sir, it was.
17 Q Where the gun and the marijuana were?
18 A Yes, sir.
19 Q Were you there when the gun was retrieved from the
20 attic?
21 A No, sir. I was not there when it was, actually,
22 brought out.
23 Q When the gun was inspected, was it loaded?
24 A I believe it was, yes, sir. I'm not 100 percent
25 sure.

1 Q Well, that gun is a Smith & Wesson. How many bullets
2 fit in the chamber?

3 A That particular one would be five, I believe.

4 Q Did it have four in with one blank under the hammer,
5 or did it have all five?

6 A To be honest with you, sir, I honestly don't
7 remember.

8 Q Was one of the cartridges a spent cartridge?

9 A Honestly, I cannot remember without looking. I don't
10 know.

11 Q Who did the gun belong to?

12 A The -- we were, actually, able to determine when we
13 ran it through -- the serial number through NCIC, it came
14 back, actually, as a stolen weapon. But the actual name
15 of the owner, I can't remember.

16 Q Okay. Was the gun processed for fingerprints?

17 A Yes, sir, it was.

18 Q Negative results?

19 A That's correct. Yes, sir.

20 Q Was the gun processed for DNA?

21 A Yes, sir.

22 Q And, again, negative results?

23 A That is correct. Yes, sir.

24 Q Was there any blood or human tissue found in the
25 barrel of that gun?

1 A No, sir.

2 Q And Willie Jermaine Taylor, that came out of where he
3 was staying, and he told you he put it in the attic?

4 A Yes, sir. That's correct.

5 Q Now, the bullet -- going back to Mr. Cruell's house.

6 A Yes, sir.

7 Q You all were looking for the bullet, but could not
8 find it?

9 A The projectile itself, yes, sir.

10 Q Yes, sir. And you could not find it?

11 A Yes. That's correct. We could not.

12 Q And you did a rather exhaustive search?

13 A Yes, sir. That's correct.

14 Q But the place was somewhat cluttered, wasn't it?

15 A Yes, sir. That's correct, also.

16 Q The size of a projectile is not that great. It's
17 sort of a small thing, isn't it?

18 A Yes, sir. That would be correct.

19 Q In fact, it's been known from time to time to happen
20 that sometimes emergency operators, either police or EMS
21 with the type of shoes they wear, if they were to step on
22 it, it could walk out on the bottom of somebody's shoe,
23 couldn't it?

24 A Yes, sir. That would be possible.

25 Q And isn't it true that just because you can't find a

1 projectile doesn't mean that it's not still there, it
2 could possibly still be there?

3 A Yes, sir. That would be correct.

4 Q Now, based on my discovery, it appears that you all
5 got telephone records of a lot of numbers; is that right?

6 A Yes, sir. That would be correct.

7 Q And the telephone numbers that you all researched and
8 obtained the records for, those for -- they were for call
9 records, weren't they?

10 A As far as to the phones, or from the phones?

11 Q Yes, sir.

12 A Yes, sir. That's correct.

13 Q There was nowhere in those records that Richey Boyd's
14 number came up, did it?

15 A Yes, sir. That would be correct. I don't know an
16 actual number for Mr. Boyd, so.

17 Q Now, I know you contacted the Greenwood County
18 Sheriff's Office. You told us about that. And you, also,
19 asked for help from the Greenwood County Sheriff's Office
20 in looking for somebody named Solo; is that right?

21 A Yes, sir. That would be correct.

22 Q How many people in Greenwood County go by Solo?

23 A To my knowledge, the only name I was provided was
24 one.

25 Q You don't know about a tattoo artist in Greenwood

1 that goes by Solo?

2 A No, sir, I do not.

3 Q Now, you testified that you all attempted to get the
4 Spinx video?

5 A Yes, sir. That's correct.

6 Q And you wanted to get that because allegedly people
7 stopped there before they went to Mr. Cruell's house; is
8 that right?

9 A Yes, sir. That's correct.

10 Q And it looks like you tried three times to get the
11 video?

12 A Yes, sir. That would be correct, also.

13 Q But all your efforts were unsuccessful?

14 A Yes, sir. That's correct.

15 Q Did you obtain the cash register sales tape
16 information to try to verify whether or not a stop there
17 was, actually, made there about that time, based on what
18 you knew?

19 A No, sir, I did not.

20 Q So the bottom line, there is no forensic evidence
21 anywhere that leads you to look at my client, Richey Boyd?

22 A Yes, sir. That's correct.

23 Q And, based upon the call records, telephone records,
24 there's nothing there that would indicate Richey Boyd,
25 that's correct, isn't it?

1 A Yes, sir. That's correct, also.

2 Q The computer that was analyzed, there is nothing in
3 it that points a finger electronically to Richey Boyd, is
4 there?

5 A Yes, sir. That's correct, also.

6 MR. GODFREY: That's all I have.

7 Thank you, Your Honor.

8 THE COURT: Mr. Cooke, cross-examination.

9 MR. COOKE: May it please the Court.

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. COOKE:

13 Q I'm going to try to remember everything. Honest to
14 goodness, it's been a long day and you've been up there a
15 long time. I'm going to kind of scatter shot you a little
16 bit, because I just jotted down notes that I'm going to
17 try to hit on the best I did -- as I can do.

18 All right. So forensics was called in, and they
19 processed the scene?

20 A Yes, sir. That's correct.

21 Q And I assume that all the clothing and all the lab
22 work was sent to SLED. Did y'all do any of that? I mean,
23 who processed the crime scene?

24 A Our forensic unit processed all of it.

25 Q So they check -- did they check the clothes for any

1 powder burns, or anything like that?

2 A No, sir, they did not.

3 Q Okay. Did they do any follow-up on the condition of
4 the clothing at all?

5 A No, sir. Other than the initial exam at autopsy and
6 the photographs they took.

7 Q Well, obviously, they had to turn the person over to
8 see that he was shot in the chest like they thought, is
9 that what it was?

10 A Yes, sir. That's correct.

11 Q So somebody had to turn him over. They had to touch
12 him?

13 A At what point are you referring?

14 Q Well, I'm saying y'all assumed, or you knew, or you
15 thought you knew from hearing some testimony earlier that
16 you thought the man had been shot in the chest?

17 A Initially, yes, sir. That's correct.

18 Q So somebody had to turn him over?

19 A Yes, sir. That's correct.

20 Q So somebody touched and turned him over?

21 A Yes, sir.

22 Q Who would that have been?

23 A That would have been the Coroner's Office, myself,
24 and the company that responds to transport the body.

25 Q Okay. So there are no footprints -- there's really

1 nothing there at the scene, fingerprints, footprints, DNA,
2 nothing; is that correct?

3 A Yes, sir. That is correct.

4 Q Okay. And you say you couldn't tell whether the door
5 was kicked open or pried open?

6 A That is correct.

7 Q Okay. And you -- I think my client -- didn't you
8 take his shoes? Somebody took his shoes.

9 A Yes, sir.

10 Q Were you able to match them up with anything there at
11 the scene?

12 A No, sir.

13 Q You mentioned that -- you searched the location -- I
14 believe it was after you let all the forensic people in,
15 you searched the location; correct?

16 A The residence, yes, sir.

17 Q Around the residence, in the residence, the whole
18 nine yards?

19 A Yes, sir. That's correct.

20 Q And Mr. Cruell told you there had been drugs --
21 finally, he told you that drugs had been sold out of the
22 house, I believe?

23 A Yes, sir. That's correct.

24 Q He didn't admit he sold any, did he?

25 A No, sir.

- 1 Q He didn't get charged with any drugs, did he?
- 2 A No, sir, he did not.
- 3 Q Although inside the house was marijuana?
- 4 A Residue.
- 5 Q Well, there was marijuana in there, wasn't there?
- 6 A That is correct.
- 7 Q He lived there, didn't he?
- 8 A Yes, sir, he did.
- 9 Q All right. So, anyhow, Mr. Cruell was very kind and
- 10 took y'all outside, and hit maybe three spots, and didn't
- 11 find anything. And then, finally, there was a hit on
- 12 number four, a rabbit hole under a stump, I guess, and you
- 13 found a pound of cocaine?
- 14 A Yes, sir. That is correct.
- 15 Q Now, I heard you say that you didn't know a lot about
- 16 drugs. But I remember us talking earlier yesterday about
- 17 what the street value of that was, and that was a lot of
- 18 money, wasn't it?
- 19 A Yes, sir. That's correct.
- 20 Q Like that wasn't a small time dealer over there, was
- 21 it?
- 22 A No, sir, not based on that.
- 23 Q We're talking \$80,000? \$90,000 --
- 24 MR. WESTON: Objection, Your Honor. He started a
- 25 question by saying the officer told him he doesn't know

1 anything about drugs. He's not prepared -- he's not
2 qualified to value the street value, Your Honor.

3 THE COURT: Okay. He can answer the question if he
4 can. If he doesn't know the answer, Investigator Hammett
5 will say he doesn't understand it or doesn't know.

6 BY MR. COOKE:

7 Q Do you remember our conversation?

8 A Yes, sir. That is correct.

9 Q And do you remember what you said you thought the
10 street value would be?

11 A Yes, sir.

12 Q What was it?

13 A It was \$80,000 to \$90,000.

14 Q Okay. So we've got a big time drug dealer, he and
15 his daddy [sic], two little children, and a girlfriend
16 living in that trailer, and they're dealing drugs?

17 A It's, actually, his uncle.

18 Q Uncle, whatever he is.

19 A Yes, sir. That is correct.

20 Q Both of them had served time, the deceased --

21 A Yes, sir.

22 Q The deceased had just gotten out of prison for
23 selling drugs, hadn't he?

24 A Yes, sir. That's correct.

25 Q He has a record, a history of drugs?

1 A Yes, sir. That's correct.

2 Q And he got out and he didn't learn his lesson, he
3 kept on selling drugs --

4 MR. WESTON: Objection, Your Honor, characterization.

5 THE COURT: Okay. Again, it calls for speculation.
6 It's not an appropriate question for him to answer.

7 Ask the next one.

8 MR. COOKE: Okay. I'm sorry.

9 BY MR. COOKE:

10 Q Also, Mr. Noah Cruell had a record of selling drugs,
11 didn't he?

12 A Yes, sir.

13 Q Crack cocaine?

14 A Yes, sir. That's correct, also.

15 Q He served time?

16 A Yes, sir.

17 Q You heard him admit on the stand that he continued to
18 sell drugs?

19 A Yes, sir. That's correct.

20 Q So that was kind of news to you. You just heard that
21 for the first time today?

22 A Oh, yes, sir.

23 Q Okay. That's the only place you found drugs was in
24 that rabbit hole in the hole under the stump?

25 A Yes, sir. That's correct.

1 Q And that was 2.2 'pounds?

2 A Yes, sir. I believe that would be correct.

3 Q And no DNA, no footprints, no -- really no nothing,
4 except a white Toyota -- at some point in time, somebody
5 said somebody was there in a white Toyota?

6 MR. WESTON: Objection, Your Honor --

7 BY MR. COOKE:

8 Q And you later found out --

9 THE COURT: All right. Hold on a second.

10 MR. WESTON: My objection is the characterization.
11 Nobody said there was a white Toyota at the scene. He's
12 mischaracterizing the evidence, Your Honor.

13 MR. COOKE: I don't know why I had written down white
14 Toyota, Judge. I apologize, but, I mean, I wrote it down.

15 THE COURT: Why don't you --

16 BY MR. COOKE:

17 Q Anyway, Mr. Nix from the fire department called you
18 with that information, didn't he?

19 A Yes, sir. That's correct.

20 Q And he told you something about three black males in
21 a white Toyota?

22 A That is correct. Yes, sir.

23 Q So I'm correct. Okay.

24 A It was not at the residence.

25 Q Okay. Where was it, I mean?

1 A It was -- I mean, it was never claimed to have
2 been --

3 Q So it never checked out?

4 A No, sir.

5 Q Now, did this fellow, Scottie Butler -- not Scottie
6 Butler, but Willie Taylor, did his name ever come up in
7 any other conversations with police departments or -- for
8 instance, Travelers Rest Police Department, do you know
9 anything about a report that hit on Willie Taylor and a
10 girl named Roundtree that was mentioned earlier?

11 A Yes, sir, I do.

12 Q And what was that report all about? How did y'all
13 get on to that?

14 A We -- Investigator Bailey researched the address
15 through -- well, the tag number from the vehicle and
16 obtained the registered owner's name. And upon doing
17 that, he ran it through our system at the Sheriff's Office
18 and was able to locate Mr. Taylor's name in conjunction
19 with the registered owner of that vehicle's name.

20 Q And they found an incident report by Travelers Rest?

21 A That is correct. Yes, sir.

22 Q And what was that all about?

23 MR. WESTON: Objection to relevancy, Your Honor.

24 THE COURT: Well, I don't know yet either.

25 MR. COOKE: Well, I'm asking him how they located

1 kidnapping, burglary first degree, conspiracy, and the
2 murder charge, I believe, if I haven't missed something.

3 Q So out of the goodness of his heart and with his
4 attorney, who was going to try to help him in this case,
5 he said, I've got to tell it all four days after the
6 incident; is that correct?

7 MR. WESTON: Objection, Your Honor. That --

8 THE COURT: Basis?

9 MR. WESTON: He's making a speech, Your Honor, as
10 opposed to asking a question.

11 THE COURT: He can ask a question. This is
12 cross-examination. He's fine. He can go ahead.

13 BY MR. COOKE:

14 Q So he just laid his soul out there and he said --
15 four days later, he said -- he gave you a statement
16 confessing his guilt in this crime; is that correct?

17 A As far as four days after what? I'm not --

18 Q Well, I mean, he admitted his part in a crime?

19 A Yes, sir. That is correct.

20 Q And he did it out of the goodness of his heart, in
21 your opinion?

22 MR. WESTON: Objection, Your Honor.

23 BY MR. COOKE:

24 Q Well, I'll ask you --

25 MR. WESTON: If I could state my objection first,

1 please, Your Honor.

2 THE COURT: What's your objection?

3 MR. WESTON: He knows there's absolutely no way this
4 man can say why he did it, whether it was out of the
5 goodness of his heart, or whether he was afraid, or
6 whatever. But that calls purely for speculation from this
7 witness. He can't say why the man did it, out of the
8 goodness of his heart or whatever, what's in this guy's
9 heart or mind.

10 MR. COOKE: Judge, this is cross-examination. I've
11 never been interrupted so many times on cross-examination
12 in my life.

13 THE COURT: And I have given you a lot of leeway.
14 Let's just get the questioning over.

15 MR. COOKE: Okay.

16 BY MR. COOKE:

17 Q I'm not trying to step on any toes here. I'm just
18 trying to try this case.

19 A Yes, sir. I understand.

20 Q Okay. Thank you.

21 All right. Now, you are telling us here today -- I
22 heard you testify that all these people that you say are
23 going to testify in this case and signed statements --

24 MR. WESTON: Objection, Your Honor, to
25 characterization. This man has not said anybody is going

1 to testify in this case.

2 THE COURT: He can testify to what he knows. Let's
3 just move on.

4 BY MR. COOKE:

5 Q The statements you took in this case. Okay.

6 A Yes, sir.

7 Q All of these people voluntarily gave these statements
8 to you, and you made no promises to them?

9 A Yes, sir. That's correct.

10 Q So they implicated themselves in murder to you;
11 correct?

12 A Yes, sir. That's correct.

13 Q And kidnapping?

14 A Yes, sir.

15 Q And armed robbery?

16 A Yes, sir.

17 Q And all these things, and there was no evidence?

18 A That's correct.

19 Q Just they offered that to you?

20 A Yes, sir. That's correct.

21 Q And not one shred of evidence -- physical evidence to
22 even implicate them in this case?

23 A That's correct. Yes.

24 Q Okay. Now -- so there's nothing down there in
25 forensics, no prints, no DNA, no testing of the clothes,

1 no nothing?

2 A No, sir. That's correct.

3 Q What did they do with the clothes? Throw them away?

4 A No, sir. They're in evidence.

5 Q Oh, so they are. So they haven't even been checked
6 to this day?

7 A That's correct. They're in evidence.

8 MR. COOKE: Excuse me just a minute.

9 (Pause.)

10 MR. COOKE: I have no further questions.

11 Thank you very much.

12 THE WITNESS: Thank you, sir.

13 MR. WESTON: Just a few on redirect, Your Honor.

14 I'll be brief.

15 THE COURT: Thank you.

16 REDIRECT EXAMINATION

17 BY MR. WESTON:

18 Q Investigator Hammett, with regard to Mr. Godfrey's
19 questions first. He mentioned blood spatter. With the
20 exception of the pool of blood found, which y'all found
21 underneath the head or near the head of the victim, was
22 there any other blood found, or blood spatter found
23 anywhere in the home?

24 A No, sir, there was not.

25 Q Would there be any reason to look for -- to have some

1 blood spatter person examine no blood found?

2 A No, sir.

3 Q All right. The stolen weapon that Mr. Godfrey
4 referred to that was found with the -- in Willie Taylor's
5 home, you said that weapon was -- [had been reported
6 stolen] Did your review of the records regarding it being
7 reported stolen have anything to do with the victim in
8 this case, like it had been stolen from that residence or
9 somewhere around the victim's residence?

10 A No, sir, it did not.

11 Q All right. Now, with regard to the questions
12 Mr. Cooke asked you. He asked you about powder burns on
13 the clothing of the victim. During the autopsy -- and I
14 think Dr. Ward has already testified to this, but I want
15 to be sure, because you were there. Did y'all examine the
16 clothing for powder burns?

17 A Yes, sir.

18 Q If you had seen something that looked like a powder
19 burn, would you have submitted it for further examination?

20 A Yes, sir, I would have.

21 Q Did you see anything that would warrant you
22 submitting this clothing for powder burns?

23 A No, sir, I did not.

24 Q Thank you, sir.

25 Now, he asked you if you took the Defendant's shoes.

1 When was the Defendant arrested? How long after the
2 incident?

3 A At least -- I believe it was four days, or a week, or
4 something.

5 Q And where was he arrested?

6 A In Lexington.

7 MR. WESTON: I think that's all I have.

8 Thank you, sir.

9 MR. COOKE: Just one.

10 RECROSS-EXAMINATION

11 BY MR. COOKE:

12 Q What is the best way to check for powder residue or
13 powder burn, you or the medical examiner?

14 A Myself or the medical examiner?

15 Q How about SLED, or technical support, forensics,
16 wouldn't they be the most qualified to do that?

17 A Yes, sir.

18 MR. COOKE: Thank you.

19 MR. WESTON: No redirect, Your Honor.

20 THE COURT: All right. You may step down, sir.

21 Thank you.

22 MR. WESTON: Your Honor, the State would call
23 Ms. Wendy Bridges.

24 THE CLERK: Ms. Bridges, please, come forward to be
25 sworn in.

1 Please place your left hand on the Bible and raise
2 your right hand.

3 WHEREUPON,

4 WENDY ANN BRIDGES,
5 after first having been duly sworn, testified as follows:

6 THE CLERK: Thank you.

7 You may be seated.

8 THE COURT: Ma'am, remove your gum.

9 Thank you.

10 THE CLERK: Please state your full name for the
11 record.

12 THE WITNESS: Wendy Ann Bridges.

13 THE CLERK: Thank you.

14 DIRECT EXAMINATION

15 BY MR. WESTON:

16 Q Ms. Bridges, how old are you?

17 A 27.

18 Q Where do you live?

19 A In Greenwood.

20 Q Do you know the Defendant, Lamar Williams? *left*

21 A Yes.

22 Q Do you see him in the courtroom?

23 A Yes.

24 Q Would you describe what he's wearing to the jury, and
25 where he's sitting?

- 1 A A blue shirt and khaki pants.
- 2 Q And where is he seated?
- 3 A Front row, right beside a man and a woman.
- 4 Q All right. And how do you know Mr. Williams?
- 5 A We're friends.
- 6 Q All right. And did you know -- how long have you
- 7 known him, just generally?
- 8 A I guess two years now.
- 9 Q All right. Did you know him back in October of 2010?
- 10 A Yes.
- 11 Q All right. And how long had you known him at that
- 12 point?
- 13 A Maybe five or six months.
- 14 Q Were y'all romantic?
- 15 A I guess you could say so.
- 16 Q And I don't mean to get in your personal life, but I
- 17 just want the jury to get some sort of characterization of
- 18 the nature of your relationship. That's all.
- 19 Back in October of 2010, do you remember around
- 20 October 23rd speaking with Mr. Williams?
- 21 A Yes.
- 22 Q How do you remember that date?
- 23 A My birthday was October 20th, so.
- 24 Q And what happened on -- how did you hear from
- 25 Mr. Williams on October 23rd?

- 1 A He called me earlier that morning and asked if I
2 would come pick him up.
- 3 Q And did you?
- 4 A Yeah.
- 5 Q Where did you take him?
- 6 A I took him back to my house.
- 7 Q When you were at your house, where was his -- where
8 did you pick him up from?
- 9 A Cadillac Apartments in Laurens.
- 10 Q Was that where he was living in Laurens at the time,
11 at the Cadillac Apartments?
- 12 A I think so.
- 13 Q That's where you knew him to live?
- 14 A Uh-huh.
- 15 Q And where did y'all go -- you took him back to your
16 apartment?
- 17 A Yeah, to my house.
- 18 Q All right. Do you know Jeff Dornberg?
- 19 A Yes.
- 20 Q How do you know Mr. Dornberg?
- 21 A He was dating a friend of mine.
- 22 Q Okay. Do you know Scottie Butler?
- 23 A Yeah.
- 24 Q How do you know Mr. Butler?
- 25 A He just came to the house with Lamar and Jeff.

1 Q I'm sorry?

2 A He came to my house with Lamar and Jeff.

3 Q You said "with Lamar and Jeff," do you mean Lamar
4 Williams?

5 A Uh-huh.

6 Q So, from your personal knowledge, does Lamar Williams
7 know Scottie Butler and Jeff Dornberg?

8 A Yes.

9 Q Did he know them back in October of 2010?

10 A Yes.

11 Q Did they sort of run together, and came to your house
12 together?

13 A Yes.

14 Q All right. Do you remember having a conversation
15 with Mr. Butler on October 23rd about Scottie and Jeff
16 getting arrested?

17 A Mr. Who?

18 Q Scottie Butler and Jeff Dornberg getting arrested, do
19 you remember having a conversation with Mr. Williams about
20 that?

21 A Yeah.

22 Q Did you tell -- did you know about it, or did he tell
23 you about it?

24 A He told me about it.

25 Q What did he tell you?

1 A He just told me that they had got locked up for
2 murder.

3 Q And what was his reaction?

4 A He was just, you know, real upset.

5 Q Why did he get upset? Do you know?

6 A He was just upset.

7 Q Okay. Do you remember taking Mr. Williams to the
8 Wal-Mart that day?

9 A Yes.

10 Q Was it the same day, or another day?

11 A It was the same day.

12 Q All right. And it was -- was it after he had
13 received information about these two gentlemen getting
14 arrested?

15 A Yes.

16 Q And tell the jury what happened. How did you come to
17 go to Wal-Mart? Did he just call you and say, hey, take
18 me to Wal-Mart? How did that come about?

19 A No. We were at my house and he received a phone
20 call. I think it was from Jeff's sister. And she told
21 him that --

22 MR. COOKE: I object to anything that Jeff's sister
23 told him.

24 THE COURT: Ma'am, you cannot say something someone
25 else told you. You can only say what you know.

1 BY MR. WESTON:

2 Q So you think he had gotten a call from his sister?

3 A Yeah.

4 Q After that call, what happened then?

5 A He asked me to take him by some guy's house. And
6 then later after that, we went to Wal-Mart. I dropped him
7 off at Wal-Mart.

8 Q When you dropped him off at Wal-Mart, what happened?
9 And you need to speak clearly into the microphone, ma'am.

10 A He didn't drop -- he didn't get out at the front of
11 Wal-Mart. He got out like at the side road, like on the
12 top parking lot.

13 Q Did he direct you there?

14 A Uh-huh.

15 Q So you were going to park in a regular parking space?

16 A Well, I was just going to drop him off at the front.
17 And he told me to stop right there and he'll get out.

18 Q Did he tell you why?

19 A No.

20 Q All right. So did he get out?

21 A He got out.

22 Q Before he got out, did he give you anything?

23 A He told me to take his gun to Laurens, because he
24 couldn't take it in Wal-Mart.

25 Q All right. And did he give you a gun?

1 A Yeah.

2 Q And so did you wait for him to come back out of
3 Wal-Mart?

4 A No. He told me to go to Laurens.

5 Q And do what?

6 A And take the gun to -- back to his house, I guess.

7 Q All right. Where did you take the gun?

8 A To Cadillac Apartments.

9 Q Did you take it to his apartment?

10 A Yeah.

11 Q Did you see -- did he tell you to see a man there?

12 A Uh-huh.

13 Q Let's go back to -- how was the gun that he gave you?
14 Did he just hand you a gun?

15 A No. He put it in a bag. It was like a McDonald's
16 bag.

17 Q And did you look inside the bag and see the gun?

18 A No. I didn't look inside it.

19 Q You never looked at the gun?

20 A No. I mean, I seen him put the gun in the bag. But
21 after he got out, I didn't look in the bag.

22 Q How would you describe the gun? And I'm going to
23 just give you some terms. And if you don't understand
24 them, that's fine. I'll try to explain them. Was it a
25 revolver, or was it an automatic?

- 1 A It was the kind that you push out with the bullets.
- 2 I guess it was a revolver.
- 3 Q Okay. Like a revolver?
- 4 A (Witness nodded.)
- 5 Q And what did he tell you to do with the gun?
- 6 A He just told me to take it back to his house.
- 7 Q And give it to who?
- 8 A Glenn.
- 9 Q And did you do that?
- 10 A Yeah.
- 11 Q Did you see Glenn?
- 12 A Uh-huh.
- 13 Q Would you describe Glenn to the jury?
- 14 A He was a black guy with one leg.
- 15 Q Did -- so the reason he told you to take the gun to
- 16 Glenn was because he couldn't take it into the Wal-Mart?
- 17 A Right.
- 18 Q All right. Did you have an occasion -- when was the
- 19 next time you saw him after you dropped him off at the
- 20 Wal-Mart?
- 21 A He called me later on that night. And he asked if I
- 22 would take him to his mom's house in Lexington.
- 23 Q Where does his mom live?
- 24 A In Lexington.
- 25 Q Did he take a suitcase?

1 A Yeah.

2 Q And did you ask him -- or did he tell you why he was
3 moving to Lexington all of a sudden?

4 A He just -- he said, you know, with Jeff and Scottie
5 being his friends that everybody would think he had
6 something to do with it, but he didn't. And I guess he
7 was just scared.

8 Q When you say "but he didn't," you're saying that's
9 what he told you?

10 A Yeah. That's what he told me.

11 Q Did he give you any reason as to why he would think
12 he would somehow be implicated in this?

13 A He just said -- I guess because of his charges that
14 he had previous --

15 Q Okay --

16 MR. COOKE: Judge, I object. And I have a matter to
17 discuss with the Court --

18 THE COURT: All right.

19 MR. COOKE: -- outside the presence of the jury.

20 THE COURT: Ladies and gentlemen, I'm going to send
21 you back to your jury room for a brief moment. Again, do
22 not discuss this case. It would not be appropriate to
23 discuss this case. And we'll be right back with you.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 3:31 p.m.)

1 THE COURT: Mr. Cooke.

2 MR. COOKE: At this time, I'd respectfully move for a
3 mistrial on the grounds that the State's own witness out
4 of her mouth while being questioned by the Prosecutor
5 mentioned because of his previous charges, which would
6 indicate that my client has previous charges, has charges
7 pending against him that's not even related to this case.
8 It puts us in a terrible position, Judge, of having to
9 answer to that, having to take the stand, if necessary, to
10 explain it away when we may not even want to take the
11 stand.

12 So I'm asking for a mistrial, because I think it's a
13 highly prejudicial statement. And, certainly, she should
14 have known not to mention anything about his prior
15 criminal history. And the Prosecutor should have warned
16 her about that. And, honest to goodness, we've been
17 through a lot in this trial, and I hate to ask to start it
18 all over again because I'm court appointed and, certainly,
19 I'm not getting rich on this. But in order to carry out
20 justice and do right by my client, I think that Your Honor
21 should grant a mistrial in this case.

22 MR. WESTON: Your Honor, this is not the typical
23 reference. The witness, in response to my question as
24 to -- I asked her why would he think he needed to move to
25 Lexington. She testified -- and I'm sort of paraphrasing,

1 but this is pretty much what she said, that because his
2 friends had gotten arrested and charged with this heinous
3 crime, he was afraid that he would somehow be implicated
4 because he had charges pending.

5 So she's testified as to what he said to her, and as
6 to a reason why he was leaving town. This is not an
7 inadvertent slip or bringing up a criminal record by a
8 police officer or something like that, a booking report.
9 She testified as to exactly what he told her. And he was
10 giving her a reason why he was moving to Lexington. So,
11 basically, the words coming out of her mouth are his
12 words. She's saying what he told her, and you can't moot
13 that. Those are his admissions.

14 MR. COOKE: I can -- if I knew that she was going to
15 get on the stand -- and I think I would have told her that
16 you can't mention anything about any of his prior criminal
17 history, just like you tell police officers, just like you
18 tell them don't talk about any prior records, don't talk
19 about arrests, don't talk about anything.

20 THE COURT: Okay. Mr. Cooke, I've heard you. And --

21 MR. WESTON: And, Your Honor, if I may just say one
22 more thing. I apologize, Your Honor. But just to be
23 clear, this is not a conviction. She just said charges
24 pending.

25 THE COURT: She said previous charges is what she

1 said. I heard previous charges.

2 MR. WESTON: Yes, ma'am, not previous conviction.

3 THE COURT: That doesn't mean it was a conviction --

4 MR. WESTON: Thank you, Your Honor.

5 I apologize for interrupting you, Your Honor.

6 THE COURT: It's okay.

7 ✓ Okay. I'm going to deny your motion for a mistrial.
8 I think it's a harmless error. I can, certainly, tell the
9 jury to strike her last answer. It wasn't responsive to
10 the question, and it wasn't appropriate for their
11 consideration.

12 You understand, ma'am, now you, obviously, can't
13 reference any prior charges --

14 THE WITNESS: Right.

15 THE COURT: -- or anything having to do with any
16 record. You understand that; is that correct?

17 THE WITNESS: Yes, ma'am.

18 THE COURT: Okay. Bring the jury back in.

19 (WHEREUPON, the jury came into open court at
20 approximately 3:42 p.m.)

21 THE COURT: Welcome back, ladies and gentlemen.

22 Ladies and gentlemen, the last question and answer,
23 I'm asking you to strike it. It is being stricken from
24 the record. It wasn't an appropriate question. It wasn't
25 relevant in any way, and you are to disregard it

1 completely.

2 MR. WESTON: Thank you, Your Honor.

3 CONTINUED DIRECT EXAMINATION

4 BY MR. WESTON:

5 Q Ms. Bridges, did Mr. Williams ever ask you to take
6 him to Greenwood around that time?

7 A To Greenwood?

8 Q Yes, ma'am. Around the 23rd. If not that day,
9 around that time?

10 A Oh, that's where I lived at, Greenwood.

11 Q Did he ever ask you to take him to anybody's house in
12 Greenwood?

13 A Yeah. It was some guy's house. I'm not sure of his
14 name, or anything else.

15 Q Do you remember what street it was?

16 A No. It was like two or three minutes from where I
17 lived, which I lived on Reynolds Street. So I can't
18 remember which street it was.

19 Q Are you familiar with Blake Street in Greenwood?

20 A Not --

21 Q If you're not, that's fine.

22 A Not really.

23 Q Yes, ma'am.

24 Now, on your way down to Lexington with Mr. Williams,
25 did y'all talk about either you leaving the State of South

1 Carolina, or him leaving the State of South Carolina?

2 A Well, he asked me like, you know, if somebody was
3 after -- you know, I guess, after me or something where
4 would I go, or something like that.

5 Q Did he indicate to you where he might go if somebody
6 were after him?

7 A I think he said Charleston, or San Antonio, or
8 something like that.

9 MR. WESTON: All right. Thank you, ma'am.

10 That's all I have.

11 MR. GODFREY: Nothing, Your Honor.

12 THE COURT: Anything further, Mr. Cooke?

13 MR. COOKE: A couple of questions.

14 CROSS-EXAMINATION

15 BY MR. COOKE:

16 Q So you say you picked him up from his apartment. Do
17 you remember what time that was?

18 A It was probably around 10:00 that morning.

19 Q 10:00 a.m. Okay. And then you took him to Wal-Mart.
20 Do you remember about what time that was?

21 A It was probably after 4:00.

22 Q After 4:00. Okay.

23 A Something like that.

24 Q Okay. And he said, Let me out, I can't take this gun
25 in Wal-Mart. And he gave you his gun?

1 A Right.

2 Q And he stuck it in a bag that was already in the car?

3 A Right.

4 Q All right. And you took it and gave it to the person
5 he lived with?

6 A Right.

7 Q Okay. And then the next time you saw him -- after
8 you dropped him off at 4:00 in the afternoon, the next
9 time you saw him was about what time that day?

10 A It was about 10:00 or so at night.

11 Q 10:00 p.m.?

12 A Right.

13 Q Okay. And I think -- did you know anything about his
14 girlfriend working at Wal-Mart?

15 A No.

16 Q You didn't know her?

17 A No.

18 Q Were y'all just friends, or girlfriend --

19 A Just like, I guess, friends.

20 Q Did you used to be girlfriend and boyfriend?

21 A No. We never was, you know.

22 Q All right. And you've known him a couple of years.
23 Now, did he mention his grandmother was going to be down
24 in Lexington?

25 A Yeah.

- 1 Q And she lived in like Virginia, I believe?
- 2 A I have no idea.
- 3 Q But she was from out of town, do you remember that?
- 4 A I can't remember.
- 5 Q Okay. And, now, you can -- you, actually, were going
- 6 to Columbia anyhow, weren't you?
- 7 A I was going, I think, the next night. But, you know,
- 8 I was planning on going that night, but I changed my mind.
- 9 But I went ahead and went anyway.
- 10 Q But you had already planned to go to Columbia that
- 11 night?
- 12 A Right.
- 13 Q And Lexington is just right down the road?
- 14 A Right.
- 15 Q Were you working in Columbia?
- 16 A Yeah. I didn't work that night, though.
- 17 Q But what were you doing in Columbia?
- 18 A Working.
- 19 Q Where did you work?
- 20 A Heartbreakers.
- 21 Q What is that?
- 22 A Heartbreakers?
- 23 Q What is Heartbreakers? Is that a bar?
- 24 A It's a club.
- 25 Q A club?

1 A Uh-huh.

2 Q And how often did you work there?

3 A Maybe three or four times a week.

4 Q Okay. Do you work there now?

5 A No.

6 Q All right. And he went on to tell you that he --
7 when he found out that Scottie had been arrested, that
8 because they were friends that he's afraid the police
9 would think he was involved in whatever they had arrested
10 Scottie for?

11 A Right.

12 Q And they'd throw him in jail? He mentioned that to
13 you in --

14 A Well, he didn't -- I guess he was just scared.

15 Q Okay. Do you happen to remember what kind of
16 suitcase he had?

17 A No.

18 MR. COOKE: Okay. Just a moment, please.

19 (Pause.)

20 MR. COOKE: Thank you very much, Wendy.

21 I appreciate it.

22 THE COURT: Anything further?

23 MR. WESTON: Nothing further from the State, Your
24 Honor.

25 THE COURT: Ms. Bridges, you may step down.

1 MR. WESTON: Your Honor, we would ask that
2 Ms. Bridges be allowed to be excused.

3 THE COURT: Any objection?

4 MR. COOKE: No objection from me.

5 THE COURT: You're excused, ma'am.

6 MR. WESTON: Your Honor, if I may have just one
7 moment.

8 THE COURT: Yes.

9 (Pause.)

10 MR. WESTON: Your Honor, the State would call
11 Mr. Willie Jermaine Taylor.

12 THE CLERK: Mr. Taylor, please, come forward to the
13 stand, please.

14 Please place your left hand on the Bible and raise
15 your right.

16 THE COURT: Go ahead and face over here, sir. Raise
17 your right hand.

18 Thank you, sir.

19 WHEREUPON,

20 WILLIE JERMAINE TAYLOR,
21 after first having been duly sworn, testified as follows:

22 THE CLERK: Thank you.

23 You may be seated.

24 Please state your name for the record.

25 THE WITNESS: Willie Jermaine Taylor.

1 THE CLERK: Thank you.

2 MR. WESTON: Your Honor, may we approach?

3 THE COURT: You may.

4 (WHEREUPON, a bench conference was held.)

5 THE COURT: Ladies and gentlemen, I need to have just
6 a very brief conference with the attorneys. I'm going to
7 send you back to the jury room for a quick moment.

8 Again, refresh yourselves. Get a cup of coffee,
9 whatever you need. We'll be back with you shortly.

10 (WHEREUPON, the jury was excused from open court at
11 approximately 3:50 p.m.)

12 THE COURT: Gentlemen, come on back with me.

13 (WHEREUPON, a break was taken.)

14 THE COURT: All right. Let's bring the jury in.

15 (WHEREUPON, the jury came into open court at
16 approximately 4:00 p.m.)

17 THE COURT: Welcome back, ladies and gentlemen.
18 Let's go ahead and begin with Mr. Taylor.

19 MR. WESTON: Thank you, Your Honor.

20 May it please the Court.

21 THE COURT: Yes.

22 DIRECT EXAMINATION

23 BY MR. WESTON:

24 Q Mr. Taylor, you are Willie Jermaine Taylor; is that
25 correct?

1 A Yes, sir.

2 Q And, Mr. Taylor, how old are you?

3 A 35.

4 Q All right. And do you live here in Greenville
5 County, Mr. Taylor?

6 A Yes, sir.

7 Q All right. And did you -- were you living on High
8 Valley Boulevard here in Greenville?

9 A Yes, sir.

10 Q Now, you were arrested back around early November, or
11 mid-November of 2010; is that correct?

12 A Yes, sir.

13 Q And you have been in the Greenville County Detention
14 Center since that time?

15 A Yes, sir.

16 Q And you were -- were you arrested as a result of the
17 incident that took place up in Travelers Rest involving
18 the death of Wallace Cruell?

19 A Yes, sir.

20 Q And you were charged with a number of offenses
21 resulting from that?

22 A Yes, sir.

23 Q All right. Now, at this point, have you entered a
24 guilty plea to the charges surrounding that incident?

25 A Yes, sir.

- 1 Q Do you remember what you pled guilty to?
- 2 A Voluntary manslaughter.
- 3 Q All right. And was that part of a plea agreement?
- 4 A Yes, sir.
- 5 Q And were all the other charges against you dismissed?
- 6 A Yes, sir.
- 7 Q That would be burglary?
- 8 A Yes, sir.
- 9 Q Conspiracy?
- 10 A Yes, sir.
- 11 Q (Attempted) armed robbery?
- 12 A Yes, sir.
- 13 Q And kidnapping?
- 14 A Yes, sir.
- 15 Q And, as a part of the agreement, were all those
- 16 charges dismissed?
- 17 A Yes, sir.
- 18 Q And were you, originally, charged with murder?
- 19 A Yes, sir.
- 20 Q And was the murder charge reduced to voluntary
- 21 manslaughter?
- 22 A Yes, sir.
- 23 Q And have you been sentenced yet?
- 24 A No, sir.
- 25 Q Is your sentencing deferred until after the

1 conclusion of this trial?

2 A Yes, sir.

3 Q Do you expect to be sentenced for the offense of
4 voluntary manslaughter?

5 A Yes, sir.

6 Q For the events surrounding the death of Wallace
7 Cruell?

8 A Yes, sir.

9 Q In exchange for that agreement, what do you have to
10 do?

11 A Tell the truth, give my statement.

12 Q All right. Now, let's go back, and just let you tell
13 the jury, basically, what happened. Let's start with the
14 basics. Do you know Lamar Williams?

15 A Yes, sir.

16 Q How do you know Lamar Williams?

17 A Through a mutual friend.

18 Q How long have you known him, just generally?

19 A About a month, month and a half.

20 Q You've only known him a month and a half since today?

21 A No. From today, I guess 17 months.

22 Q Did you know him in October of 2010?

23 A Yes, sir.

24 Q How long had you known him at that time, just
25 generally?

1 A About a month and a half.

2 Q And you met him, you said, through a mutual friend?

3 A Yes, sir.

4 Q Do you see him in the courtroom today?

5 A Yes, sir.

6 Q Would you tell the jury where he's seated, and what
7 he's wearing?

8 A On the right side with the blue shirt.

9 Q And where is he seated?

10 A Right there.

11 Q All right. Now, at the time back in October of 2010,
12 did he look like he looks today?

13 A Yes, sir.

14 Q Was his hair like that?

15 A I can't really remember.

16 Q All right. Do you know Mr. Richey Boyd?

17 A Yes, sir.

18 Q How do you know Mr. Boyd?

19 A Through a mutual friend.

20 Q Back in October of 2010, did you know Mr. Boyd?

21 A Yes, sir.

22 Q How long had you known him in October of 2010?

23 A Eight or nine months, maybe a year.

24 Q Do you know where Mr. Boyd lived, what county he
25 lived in?

- 1 A No, sir.
- 2 Q All right. Had you ever been to his home?
- 3 A No, sir.
- 4 Q All right. Do you see Richey Boyd in the courtroom
- 5 today?
- 6 A Yes, sir.
- 7 Q Would you tell the jury where he's seated, and what
- 8 he is wearing?
- 9 A A blue sweater, sitting over there.
- 10 Q All right. Any doubt in your mind about who he is?
- 11 A No, sir.
- 12 Q Any doubt in your mind about who Lamar Williams is?
- 13 A No, sir.
- 14 Q Are these the two people that you know and knew back
- 15 in 2010?
- 16 A Yes, sir.
- 17 Q Did Lamar Williams have a nickname?
- 18 A Yes, sir.
- 19 Q Did Richey Boyd have a nickname?
- 20 A Yes, sir.
- 21 Q What was Richey Boyd's nickname?
- 22 A Solo.
- 23 Q And is that how you knew him?
- 24 A Yes, sir.
- 25 Q Did you call him that?

1 A Yes, sir.

2 Q Did you have a nickname?

3 A Yes, sir.

4 Q What was your nickname?

5 A Esco.

6 Q All right. Let's start with, you were present --

7 were you present on October the 18th, 2010, at about 7:30

8 in the morning, 8:00, when Wallace Cruell was killed?

9 A Yes, sir.

10 Q And where were you at -- where were you -- or y'all

11 when he was killed?

12 A I was in the kitchen like at the back door.

13 Q Were y'all in his home?

14 A Yes, sir.

15 Q All right. Let's go back a little bit. How did you

16 come -- and I want to ask you about how you came to be in

17 the home of Wallace Cruell that morning. What was -- who

18 all went to Wallace Cruell's home that morning?

19 A Me myself, Face, Solo, a guy named J.D., and a guy

20 named Scott.

21 Q Now, when you say "Face," who are you talking about?

22 A Lamar. I don't know his last name.

23 Q Would you point to him?

24 A Right there with the blue shirt.

25 Q No doubt?

1 A No doubt.

2 Q All right. Now, how did the five of y'all come to go
3 to his home that morning? Was this the first time y'all
4 had ever been to Mr. Cruell's home?

5 A No, sir.

6 Q How -- did you know Mr. Cruell?

7 A I had known him from a while back.

8 Q Did you know where he lived?

9 A Yes, sir.

10 Q Had you visited at his home before?

11 A Yes, sir.

12 Q And had you visited there with either of these two
13 men?

14 A Yes, sir.

15 Q Mr. Cruell -- I mean, Face and Solo?

16 A Yes, sir.

17 Q When did you go there with them before the morning he
18 was killed, about how long before that?

19 A Maybe a week before.

20 Q And what was the reason for going there then?

21 A Just to check it out.

22 Q Who all went with you when you went there to check it
23 out?

24 A Me, Face, Solo, and a guy named Guatto.

25 Q And who else?

1 A A guy named Scott.

2 Q When you say Face and Solo, once again, are you
3 talking about Lamar Williams and Richey Boyd?

4 A Yes, sir.

5 Q And when you say y'all went to "check it out", about
6 what time of the morning, or afternoon, or evening did
7 y'all go the first time?

8 A I think it was in the afternoon, late evening.

9 Q All right. Did y'all go to the house and knock on
10 the door and talk to him?

11 A No, sir.

12 Q What did y'all do?

13 A Just sat there and looked at it.

14 Q All right. Who drove the car?

15 A I think a guy named Scott.

16 Q All right. And was -- the guy you referred to as
17 J.D., was he with y'all the first time?

18 A No, sir.

19 Q Now, Guatto, do you know his real name?

20 A No, sir.

21 Q Was he with y'all the second time you went to the
22 home, the morning Mr. Cruell was killed?

23 A No, sir.

24 Q So let's talk about the morning Mr. Cruell -- well,
25 the first time y'all went, what kind of car was this guy,

1 Scott, driving?

2 A I can't quite remember.

3 Q Do you remember what color it was?

4 A I think it was green. I can't remember.

5 Q Okay. And let's go to the morning that Mr. Cruell
6 was killed. How did you know -- how did you come to get
7 with them that morning to go?

8 A Because they had called me.

9 Q When you say "they," who called you, specifically?

10 A Face.

11 Q And, once again, by Face, you mean Lamar Williams?

12 A Yes, sir.

13 Q And what did he tell you?

14 A He told me they was on their way to come up there so
15 we could go over there.

16 Q And do what?

17 A Rob him. {v. '...}

18 Q Had y'all talked about it the first time y'all went
19 there?

20 A Yes, sir.

21 Q And why were y'all going to rob Wallace Cruell, as
22 opposed to John Smith, or Bill Jones, or any other person?
23 Why Wallace Cruell?

24 A Because he had some money.

25 Q Y'all thought he had money?

- 1 A Yes, sir.
- 2 Q And so about what time did they call you -- did Face
- 3 call you?
- 4 A About 11:00 to 2:00 in the morning.
- 5 Q 11:00 at night to 2:00 in the morning?
- 6 A Yes, sir.
- 7 Q Did he say when they were coming to get you?
- 8 A They just told me that they was on the way.
- 9 Q And when they got there, tell the jury who was
- 10 driving.
- 11 A Scott was driving.
- 12 Q The same guy from the first time?
- 13 A Yes, sir.
- 14 Q And was he driving the same car?
- 15 A Yes, sir.
- 16 Q Who was with him?
- 17 A Solo, and a guy named J.D.
- 18 Q And who else?
- 19 A Face.
- 20 Q Okay. So it was the five of y'all?
- 21 A Yes, sir.
- 22 Q All right. Now, when you got in the car, was
- 23 everybody else -- were the other four already in the car?
- 24 A Yes, sir.
- 25 Q So you would have been the last one that was picked

1 up?

2 A Yes, sir.

3 Q Are you sure about that?

4 A Yes, sir.

5 Q Okay. When you got in the car, did y'all go straight
6 to Travelers Rest, or did you stop somewhere first?

7 A We stopped at a convenience store.

8 Q Here in Greenville?

9 A Yes, sir.

10 Q And y'all just stopped to buy a few items?

11 A Yes, sir.

12 Q Once you bought some items at the convenience store
13 and got back in the car, tell the jury what happened next.

14 A We drove to Wallace Cruell's house.

15 Q Where did you park -- let me show you this picture
16 here. This has been identified already as Mr. Cruell's --

17 MR. WESTON: Your Honor, do you mind if this witness
18 steps down?

19 THE COURT: You may step down, sir.

20 MR. WESTON: Thank you.

21 BY MR. WESTON:

22 Q If you would, step down here, sir. And just stand
23 over on the other side here.

24 A (Witness complied.)

25 Q Sir, this has been previously identified as Wallace

1 Cruell's house, and his mother and father's house, and
2 this is the path between the two, and these are the roads
3 here. Do you remember where y'all pulled up, where you
4 drove up at? If you can, just point to it.

5 A I guess about right in here.

6 Q And when you got right in here, what happened?

7 A We got out of the car.

8 Q How many people got out of the car?

9 A Four.

10 Q Did the driver, Scott, come in, too?

11 A No, sir.

12 Q He stayed in the car?

13 A Yes, sir.

14 Q So where did y'all go? And just, generally, point to
15 where y'all went, and how y'all reached the house, just
16 generally.

17 A We walked through here up to this side right here.

18 Q All right. You can go back and take your seat.

19 A (Witness complied.)

20 Q Is it daylight yet when this happened? Was it
21 daytime? Was it morning yet, or still night outside?

22 A It was still dark a little bit.

23 Q All right. And what was the plan --

24 A That we was just --

25 Q -- as to when you were going to go in, or how were

- 1 y'all going to accomplish this?
- 2 A We were going to wait until he leaves and then go in.
- 3 Q And who had -- did anybody have guns?
- 4 A Yes, sir.
- 5 Q Who had guns?
- 6 A Face, Solo, and me.
- 7 Q By Face and Solo, once again, you mean Richey Boyd
- 8 and Lamar Williams?
- 9 A Yes, sir.
- 10 Q The gentlemen seated at this table right here?
- 11 A Yes, sir.
- 12 Q Are you sure?
- 13 A Yes, sir.
- 14 Q Did -- the other guy, J.D., he got out of the car,
- 15 too?
- 16 A Yes, sir.
- 17 Q And did he go -- did he have a gun?
- 18 A No, sir.
- 19 Q All right. Now, was anybody wearing gloves?
- 20 A Yes, sir.
- 21 Q Who all was wearing gloves?
- 22 A I think just Face and Solo.
- 23 Q All right. Was anybody -- did anybody have their
- 24 face covered?
- 25 A Yes, sir.

1 Q Who did?

2 A We all did.

3 Q All right. So y'all wait up in the woods. How did
4 y'all communicate -- were y'all able to communicate with
5 this guy, Scott, back in the car while y'all were up in
6 the woods?

7 A Yeah. We could have, but I don't think we did.

8 Q All right. Who was in charge of this -- of the five
9 of y'all?

10 A I guess --

11 Q I'm sorry?

12 A Nobody. I guess Face, but really nobody.

13 Q But Face was the one that called you and said they
14 were coming to get you?

15 A Yes, sir.

16 Q But you're not saying he's any more responsible than
17 anybody else?

18 A Yes, sir.

19 Q For leading this?

20 A Yes, sir.

21 Q Is that true?

22 A Yes, sir.

23 Q That's your belief?

24 A (Witness nodded.)

25 Q So once y'all get up in the woods, tell the jury what

1 happened when Mr. Cruell -- about what time did Mr. Cruell
2 leave? Had the sun come up?

3 A Yes, sir.

4 Q When Mr. Cruell left, tell this jury in your own
5 words -- and I'm going to try to interrupt you as little
6 as possible -- what happened over the next five or 10
7 minutes.

8 A When Mr. Cruell left, everybody went towards the back
9 of his house. And then we went up in his house.

10 Q How did y'all get in?

11 A I guess they kicked the door in.

12 Q You didn't kick the door in?

13 A No, sir.

14 Q Do you remember who the first person in was?

15 A I didn't even get to see the first person in.
16 Everybody was in by the time I came to the back.

17 Q Did you hear the door getting kicked open, a loud
18 bang, or something like that?

19 A I didn't even hear it.

20 Q But when you got there, the door was open?

21 A The door was open.

22 Q All right. Tell the jury what happened, and what you
23 saw when you got inside.

24 A When I got inside, I seen an old dude tied up on the
25 couch. And I seen Face standing in the living room. And

1 Solo was in the bedroom.

2 Q What were they doing?

3 A Solo was rambling.

4 Q When you say "rambling," what do you mean?

5 A Searching through things.

6 Q Okay. Now, what happened to the -- you said the old
7 dude in the living room on the couch that was tied up,
8 what happened to him?

9 A They took him into the bedroom.

10 Q And who went in the bedroom with him?

11 A Face had told me to help him pick him up. And then
12 when I picked him up, the white dude named J.D. grabbed
13 him. And they put him in the bedroom.

14 Q And did the white dude named J.D. stay in there with
15 him?

16 A Yes, sir.

17 Q So what happened once the old dude was put in the
18 bedroom? You said he was tied up; is that correct?

19 A Yes, sir.

20 Q Do you remember what y'all used to tie him up?

21 A When I came in the house, he was already tied up.

22 Q So what were y'all doing while the old dude was in
23 the bedroom?

24 A I went back in the room, and I looked at Solo. And
25 he was steady searching the house. And I stood there with

1 him for a second, and then I came back where Face was at.

2 Q And what was Face doing?

3 A Like looking, just watching.

4 Q All right. Then what happened?

5 A Then we heard a car pulling up.

6 Q And then who -- did you find out who was in the car?

7 A Wallace Cruell.

8 Q And what happened when he got out of the car?

9 A When I heard him getting out of the car, I went back

10 out towards the back door.

11 Q Why did you do that?

12 A I guess I got scared, and I was leaving.

13 Q Now, you knew Mr. Cruell; is that correct?

14 A Yes, sir.

15 Q Did you want anything to happen to him?

16 A No, sir.

17 Q All right. So what happened when Mr. Cruell came in

18 the house?

19 A Well, I was going out the back door. And when I

20 heard a commotion, I heard him say, Get on the ground.

21 Then I came back inside the house --

22 Q Excuse me, sir. Who said, Get on the ground?

23 A Face.

24 Q Lamar Williams?

25 A Yes, sir.

1 Q All right. And then what -- once -- they were
2 wrestling him to the ground?

3 A Yeah. Then they put him on the ground.

4 Q When you say "they," in addition to Lamar Williams,
5 who else?

6 A Solo.

7 Q Richey Boyd?

8 A Yes, sir.

9 Q All right. And so they got him on the ground. Then
10 what happened?

11 A Then they was trying to tie him up.

12 Q And then what happened?

13 A They couldn't. They asked J.D. to come and help
14 them, but he didn't know what to do.

15 Q J.D. was the white guy in the other room with the old
16 guy?

17 A Yes, sir.

18 Q When you say that he didn't know what to do, did he
19 come and help?

20 A No. He just froze. He didn't know what to do.

21 Q So then what happened?

22 A Then I guess Wallace Cruell tried to get off the
23 ground. And that's when. I guess, he was shot.

24 Q How many times was he shot?

25 A Once.

- 1 Q Once that one shot was fired, what did y'all do then?
- 2 A Ran out the back door.
- 3 Q Did everybody run?
- 4 A Yes, sir.
- 5 Q And what did y'all do once you got outside?
- 6 A They called Scott. And Scott came and picked us up.
- 7 Q And did he pick y'all up down near the bottom of the
- 8 path, or whatever, or the gravel driveway?
- 9 A The driveway.
- 10 Q And y'all jumped back in the car?
- 11 A Yes, sir.
- 12 Q Did Face -- did you know at that point who, actually,
- 13 had fired the shot?
- 14 A Not exactly, because I was at the back door.
- 15 Q Once you got in the car, did you find out who had
- 16 fired the shot?
- 17 A Yes, sir.
- 18 Q Who fired the shot?
- 19 A Face said he had shot him.
- 20 Q Lamar Williams?
- 21 A Yes, sir.
- 22 Q And did he say why he shot him?
- 23 A Because he was trying to get up
- 24 Q And so y'all left the scene?
- 25 A Yes, sir.

- 1 Q All right. And where did y'all go from there in
2 terms of who was taken where first?
- 3 A They dropped me back off on High Valley.
- 4 Q And then they left to take -- the other four left in
5 the car?
- 6 A Yes, sir.
- 7 Q And you don't know where they went exactly after
8 that; is that correct?
- 9 A No, sir.
- 10 Q All right. Now, you had a revolver; is that correct?
- 11 A Yes, sir.
- 12 Q Did you see the guns that Lamar Williams and Richey
13 Boyd had?
- 14 A I think it was the same kind.
- 15 Q All right. And you said the white guy, J.D., didn't
16 have a gun as far as you can remember; is that correct?
- 17 A No, sir.
- 18 Q You keep referring to him as "J.D.," and I just want
19 to make sure we're all clear. Before that day, had you
20 ever seen him before?
- 21 A I don't think so.
- 22 Q In your whole life?
- 23 A Hub-uh.
- 24 Q Since that date when you were dropped off and they
25 drove away, have you seen him since?

1 A No, sir.

2 Q Would you consider him a friend?

3 A Not really, because I don't know him.

4 Q Did you discuss what happened with him -- and you
5 said you hadn't seen him, did you talk to him at any time
6 after that to discuss what had happened?

7 A No, sir.

8 Q Okay. The white guy that was driving the car, Scott,
9 did you know him before the first time y'all went up
10 there?

11 A No, sir.

12 Q Was that the first time you had ever seen him?

13 A Yes, sir.

14 Q After the second time you went and this incident took
15 place, and this man was killed, and he dropped you off and
16 you got out of his car, have you seen him since that day?

17 A No, sir.

18 Q Did you talk to him afterwards to talk about what
19 happened?

20 A No, sir.

21 Q You're sure?

22 A Yes, sir.

23 Q The guy, J.D., do you know his real name?

24 A Not really. I think --

25 Q The guy -- I'm sorry. Go ahead.

- 1 A I think it's Butler. I don't really know.
- 2 Q All right. So you don't even know their real names?
- 3 A No, sir.
- 4 Q All right. Did you in any way conspire or get
5 together with them to come up with some story?
- 6 A No, sir.
- 7 Q Okay. Now, you were arrested on October 22nd of
8 2010 -- I'm sorry, you were arrested in the middle of
9 November, about a month later; is that correct?
- 10 A Yes, sir.
- 11 Q And you were arrested at a home here in Greenville;
12 is that correct? Your home here in Greenville; is that
13 correct?
- 14 A Yes, sir.
- 15 Q At the time you were arrested -- well, let's just go
16 back. What did you do with the gun once you got back
17 home?
- 18 A I put it in the attic.
- 19 Q And once you were arrested, was the gun found?
- 20 A Yes, sir.
- 21 Q And the gun that was found in the attic on the day
22 you were arrested, was that the gun you used that day?
- 23 A It was the gun I had
- 24 Q Did you ever fire that gun?
- 25 A No, sir.

- 1 Q Did anybody, other than Lamar Williams, fire a gun?
- 2 A No, sir.
- 3 Q And he only fired one shot?
- 4 A Yes, sir.
- 5 Q You're sure of that?
- 6 A Yes, sir.
- 7 Q All right. Now, when y'all got back in the car, was
- 8 there any discussion about a bullet in a shoe?
- 9 A I can't recall.
- 10 Q But everybody was pretty excited?
- 11 A No. They wasn't excited. They was, I guess, in
- 12 shock a little bit.
- 13 Q Okay. When you were arrested, you had your -- you
- 14 hired Mr. Geoly; is that correct?
- 15 A Yes, sir.
- 16 Q And he went with you -- or he was with you when you
- 17 gave a statement to police; is that correct?
- 18 A Yes, sir.
- 19 Q And they typed up your statement?
- 20 A Yes, sir.
- 21 Q And you signed that statement?
- 22 A Yes, sir.
- 23 Q All right. And, just to reiterate, you've been in
- 24 the detention center since the day you were arrested; is
- 25 that correct?

1 A Yes, sir.

2 Q And are you getting anything for testifying against
3 these two men. or was your agreement just to plead guilty
4 and tell the truth?

5 A ~~Plead~~ guilty and tell the truth.

6 Q Is that what you're doing, sir?

7 A Yes, sir.

8 Q Just a couple more questions. Any reason you'd be
9 mad at either one of these men? For instance, do you owe
10 either one of them money?

11 A No, sir.

12 Q Do they owe you money?

13 A No, sir.

14 Q Did they take a girlfriend from you, or vice versa?

15 A No, sir.

16 Q They were your friends?

17 A Kind of.

18 Q But you've admitted what you did in the crime; is
19 that correct?

20 A Yes, sir.

21 Q With regard to what you told us today about what they
22 did, is that the truth?

23 A Yes, sir.

24 MR. WESTON: Thank you, sir.

25 MR. GODFREY: May it please the Court.

CROSS-EXAMINATION

BY MR. GODFREY:

Q I don't have that many questions, but there's a couple of things that I'm confused about. Now, before you were arrested on these charges, did you live here in Greenville?

A Yes, sir.

Q Have you lived here in Greenville your whole life?

A Not my whole life.

Q How long have you lived here in Greenville?

A Since about 2005.

Q Since about 2005. Before that, where did you live?

A I was staying in Arizona for a little bit.

Q In Arizona. How long were you in Arizona?

A A year.

Q Were you born here in South Carolina?

A Yes, sir.

Q When you were a little fellow growing up, what city were you in?

A Greenwood.

Q Greenwood. Okay. Now, I believe your testimony was that you knew Lamar Williams for about a month and a half?

A Yes, sir.

Q How long had you known Jeffrey Charles Dornberg?

A I don't know who that is.

1 Q How long had you known Scottie Butler?

2 A Never.

3 Q How long had you known Richey Boyd?

4 A I think about a year, eleven months, a year or so,
5 two years, a year and a half, somewhere in there.

6 Q So you're saying you knew him longer than you knew
7 anybody else?

8 A Yes, sir.

9 Q How is it that you know him?

10 A Through a friend.

11 Q Who's the friend?

12 A 50 Grand, he's a rapper. I know him because they rap
13 together.

14 Q Okay. So you like rap music; right?

15 A I just know one of my friends rapped, and I know that
16 he rapped with him.

17 Q And Richey is a rapper; right?

18 A Yeah.

19 Q And he's pretty well known in Greenwood, isn't he?

20 A Yes, sir.

21 Q So that's how you know him?

22 A Through a friend.

23 Q Through rapping?

24 A I known him through a friend, because they rapped
25 together.

1 Q Okay. So does that mean that you went to see him
2 rap, or did -- or have you all done things together?

3 A No. I seen him over by my home boys house before.

4 Q Your friend who's a rapper?

5 A Yeah.

6 Q Okay. Now, your friend the home boy, who is that?

7 A They call him 50 Grand.

8 Q Okay. Now, in your statement and in your testimony,
9 the first time that there was a trip to Mr. Cruell's
10 house, a fellow by the name of Guatto went; is that right?

11 A Yes, sir.

12 Q And based upon what you have in this statement -- or
13 your statement, you've known Guatto for a long time?

14 A Yes, sir.

15 Q Did you know him when you were growing up in
16 Greenwood?

17 A Yes. He had moved to Greenwood when he was little.

18 Q Now, in your statement, you say he moved away and
19 came back. When did Guatto move away?

20 A When we were little.

21 Q When did he move back?

22 A After we got grown.

23 Q Well, was that, what, in 2008, 2009, 2010?

24 A About 2000 and -- I guess 2005, 2006.

25 Q Okay. So you knew he was back in Greenwood?

1 A Yeah.

2 Q Do you still have family in Greenwood?

3 A Yes, sir.

4 Q And you ran across Guatto, and you started up your
5 friendship again?

6 A Yes, sir.

7 Q And, according to your statement, Guatto called you
8 and asked you to come down and visit with him?

9 A Yes, sir.

10 Q And when you got down there, according to your
11 statement, there was another fellow there by the name of
12 Face?

13 A Yes, sir.

14 Q And Guatto and Face wanted to know if you knew
15 anybody that could be robbed?

16 A Yes, sir.

17 Q Is that right?

18 A Yes.

19 Q And you said, Well, not really?

20 A Yes, sir.

21 Q And then Guatto and Face started calling you again;
22 right?

23 A Yes, sir.

24 Q And then you said, Well, I may know somebody?

25 A Yes, sir.

- 1 Q You were talking about Mr. Cruell?
- 2 A Yes, sir.
- 3 Q You live in Greenville?
- 4 A Yes, sir.
- 5 Q Mr. Cruell lived in Travelers Rest?
- 6 A Yes, sir.
- 7 Q Were you dealing with Mr. Cruell?
- 8 A I had dealt with him in the past.
- 9 Q So you knew, basically, what he had been up to?
- 10 A Yes, sir.
- 11 Q And when you said you hadn't dealt with him in a
- 12 minute, basically, you were just saying that it had been a
- 13 while since you had dealt with him?
- 14 A Yes, sir.
- 15 Q And I guess if I understand what's in the statement
- 16 here, he might be a good person to rob?
- 17 A I don't know if I said that part.
- 18 Q I know you didn't say that part. But you pointed
- 19 everybody in his direction, because you thought --
- 20 A Yes, sir.
- 21 Q -- that might be what they were interested in?
- 22 A Yes, sir.
- 23 Q Is that a fair assessment?
- 24 A Yes, sir.
- 25 Q Then everybody gets together. Whose idea was it --

1 actually, who came to you first and said, Give me somebody
2 to rob? Was it Guatto?

3 A -- Yes, sir.

4 Q And the first time you ever saw Face was about a
5 month and a half before that?

6 A Probably so.

7 Q Where was Guatto on the second trip?

8 A He didn't come.

9 Q Do you know why?

10 A I guess they didn't want him there. We didn't want
11 him there.

12 Q Now, you pled before this trial to voluntary
13 manslaughter?

14 A Yes, sir.

15 Q And that is based upon a plea agreement where the
16 murder for which you were charged was reduced to voluntary
17 manslaughter?

18 A Yes, sir.

19 Q And part of that deal was that burglary in the first
20 degree would be dismissed?

21 A Yes, sir.

22 Q And attempted armed robbery would be dismissed?

23 A Yes, sir.

24 Q And kidnapping would be dismissed?

25 A Yes, sir.

1 Q That possession of a weapon during the commission of
2 a violent crime would be dismissed?

3 A Yes, sir.

4 Q And that criminal conspiracy would be dismissed?

5 A Yes, sir.

6 Q Now, when you pled guilty, you weren't sentenced,
7 were you?

8 A No, sir.

9 Q They said you'd be sentenced after this trial
10 sometime?

11 A Yes, sir.

12 Q You said in your direct testimony that you didn't
13 want anything to happen to Mr. Cruell?

14 A No, sir.

15 Q But you're the one that, actually, said where to go
16 to do the robbery?

17 A Yes, sir.

18 Q You don't think that's hurting him?

19 A (There was no response.)

20 MR. GODFREY: Nothing further.

21 THE COURT: Mr. Cooke.

22 MR. COOKE: Thank you.

23 CROSS-EXAMINATION

24 BY MR. COOKE:

25 Q So what you're telling us today is that you didn't

1 really see anybody get shot; is that right? You just
2 heard the shot?

3 A Yes. I heard the shot.

4 Q Okay. You didn't see anything?

5 A I didn't see the actual shooting go on.

6 Q You took off out the back door?

7 A Yes, sir.

8 Q Okay. And you said you knew Lamar about a month,
9 month and a half before this all happened?

10 A Yes, sir.

11 Q And that your buddy, Guatto, introduced y'all; is
12 that correct?

13 A Yes, sir.

14 Q And that -- do you have any idea where Guatto is
15 today?

16 A No, sir.

17 Q Did you give the police officers information about
18 him, where he lived, what he had to do with this case?

19 A Kind of.

20 Q I beg your pardon?

21 A Kind of. I just told them that he came the first
22 time, and he might be in Greenwood somewhere.

23 Q Wasn't he part of this original conspiracy that you
24 allege happened?

25 A Yes, sir.

1 Q So, as far as you know, they didn't arrest him or
2 pick him up?

3 A No, sir.

4 Q And you had known Mr. Boyd for eight or nine months
5 before this all happened; correct?

6 A Yeah.

7 Q And, basically, you're the one that gave everybody
8 the information about the Cruell house; is that correct?

9 A Yeah, because they asked me.

10 Q I mean, you wouldn't just stumble up on a driveway
11 and a house way back up here. You know where I'm talking
12 about, don't you?

13 A Yes, sir.

14 Q How many times have you been up there?

15 A A couple of times.

16 Q How many is a couple?

17 A Four or five.

18 Q Well, who did you deal with when you got up there?

19 A Mr. Cruell.

20 Q Only Mr. Cruell?

21 A Yes, sir.

22 Q Okay. Do you know of his uncle? Do you know his
23 uncle, Noah?

24 A Not really.

25 Q You don't know him. Did you ever buy any drugs from

1 an older guy there?

2 A No, sir.

3 Q Were any children there when you bought drugs?

4 A No, sir.

5 Q So just you and Mr. Cruell?

6 A Yes, sir.

7 Q And tell me, basically, what you purchased from him?

8 A I never bought nothing from him.

9 Q You never bought any drugs from him?

10 A No, sir.

11 Q Why did you go up there?

12 A I sold him drugs.

13 Q You sold him drugs?

14 A Yes, sir.

15 Q So you're a dealer?

16 A I guess, if that's what you want to call it.

17 Q Okay. Would you have any idea how he got hold of 2.2

18 pounds of cocaine?

19 A No, sir.

20 Q That's a lot of cocaine, isn't it?

21 A I guess it is.

22 Q What would you estimate the street value, you being a

23 drug dealer?

24 A I don't sell it.

25 Q You don't sell it?

1 A I don't sell cocaine.

2 Q What do you sell?

3 A Marijuana. That's what I sold him.

4 Q Okay. You don't sell crack, you never have?

5 A When I was young.

6 Q When you were young. Okay. So how much would you

7 sell him at a time?

8 A 20, 30, 40 pounds.

9 Q 20, 30, 40 pounds. How much is that worth?

10 A 20, 30 grand.

11 Q 20 or 30 grand. Where would you get 20 or 30 grand?

12 A From a mutual friend.

13 Q A mutual friend?

14 A (Witness nodded.)

15 Q So even after you grew older and you were no longer

16 younger, you continued to sell drugs and deal with drugs?

17 A Yes, sir.

18 Q Okay. So how many transactions would you say now --

19 let me -- I know you answered that, you said five or six

20 times, and it was always 20 or 30 pounds?

21 A Yes, sir.

22 Q And you say when y'all went in that everybody had

23 their faces covered?

24 A Yes, sir.

25 Q They had gloves on?

- 1 A Only two people had on gloves.
- 2 Q Who is that?
- 3 A Face and Solo.
- 4 Q Face and Solo, gloves. Okay. And you had never seen
- 5 J.D. or Scott before?
- 6 A No, sir.
- 7 Q Okay. Let me ask you about this. Do you know
- 8 anything about counterfeiting?
- 9 A Not really.
- 10 Q Have you ever tried to pass any counterfeit money?
- 11 A Maybe once or twice, because somebody had gave it to
- 12 me.
- 13 Q Who gave it to you?
- 14 A Face.
- 15 Q So -- well, you knew him then?
- 16 A During that month and a half.
- 17 Q So during a month and a half, Face gave you some
- 18 counterfeit money to pass for him?
- 19 A No. He just printed up some, and he gave it to me.
- 20 Q So you were dealing counterfeit money for Face?
- 21 A No. He just gave it to me.
- 22 Q He gave it to you?
- 23 A Yeah.
- 24 Q What were you going to do with it?
- 25 A I guess I was going to cash it, because I didn't have

- 1 no money.
- 2 Q So you were going to try to pass it?
- 3 A Yeah.
- 4 Q Were you using drugs at that time?
- 5 A No.
- 6 Q You weren't? No kind of drugs?
- 7 A I smoke marijuana.
- 8 Q Did you smoke a lot of it?
- 9 A I smoke it on occasion.
- 10 Q Give me an idea how much money you made a year
- 11 selling marijuana. I mean, dealing in those quantities,
- 12 give me an idea. It had to be a lot.
- 13 A No. I can't remember.
- 14 Q I beg your pardon.
- 15 A I can't recall.
- 16 Q Well, you filed a tax return, I'm sure.
- 17 A No.
- 18 Q You didn't. Okay. Oh, Lordy. You lived in
- 19 Greenville a while, and you moved out to Arizona. What
- 20 did you do out in Arizona?
- 21 A I stayed out there with a family member.
- 22 Q I'm sorry?
- 23 A I stayed out there with a family member.
- 24 Q Okay. Did you work out there?
- 25 A No, sir.

1 Q You didn't work. How old were you?

2 A 33, 32.

3 Q So who was supporting you at that time?

4 A I was supporting myself.

5 Q How were you doing that?

6 A By selling reefer.

7 Q Selling reefer in Arizona. You've got some

8 widespread connections. Where did you go after Arizona?

9 I mean, did you continue to deal in marijuana?

10 A I came back to Greenville.

11 Q Okay. Did you bring any with you?

12 A No, sir.

13 Q Okay. So let's get down to brass tacks here. You

14 got charged with murder, kidnapping, armed robbery, a

15 weapon during the commission of a crime, et cetera, et

16 cetera. Did anybody ever tell you what would happen if

17 you got convicted of murder, what the possibilities were?

18 A No, sir.

19 Q They didn't tell you that you could go to jail for

20 life?

21 A I kind of knowed [sic] it.

22 Q I beg your pardon?

23 A I kind of knowed [sic] it, but didn't nobody tell me.

24 Q You kind of knowed [sic] it?

25 A Yes, sir.

1 Q So you knew you could go to jail for the rest of your
2 life?

3 A Yes, sir.

4 Q And, out of the goodness of your heart, you admitted
5 everything?

6 A Yes, sir.

7 Q Okay. You just wanted to get it off your chest?

8 A Yes, sir.

9 Q Or did you just want to make a deal?

10 A I wanted to get it off my chest.

11 Q And you're telling me that you never had any contact
12 with Scottie or J.D. You never knew them before. Y'all
13 never got together and made up this story?

14 A I never knew them before.

15 Q Okay. Well, you know, I was a little bit taken aback
16 when you said you didn't want Mr. Cruell to get hurt. I
17 mean, it touched me. It really did. But I want to ask
18 you one question. If it touched you so much, if it
19 touched you so much and you wanted to help out, why didn't
20 you immediately come to the police and say, My good
21 friend, Mr. Cruell, was shot by some friends of mine? Why
22 didn't you do that?

23 A Because I was kind of scared.

24 Q You were scared. Do you recall back in 1993 --

25 A Yes, sir.

1 Q -- that you pled guilty to possession with intent to
 2 distribute crack cocaine?
 3 A Yes, sir.
 4 Q And you got 12 years in prison?
 5 A Yes, sir.
 6 Q Okay. You do you, also, remember at the same time in
 7 1994, you pled guilty to assault and battery with intent
 8 to kill -- that was nolle prossed, excuse me. Did you
 9 make a deal on that?
 10 A No. That wasn't --
 11 MR. WESTON: Objection, Your Honor.
 12 THE COURT: Okay. It's not relevant in this case.
 13 MR. COOKE: Okay.
 14 THE COURT: Just move on.
 15 MR. COOKE: Okay.
 16 BY MR. COOKE:
 17 Q In 1995, how about involuntary manslaughter?
 18 A Well, that charge was from 1993. I got charged in
 19 1995. And I was accidentally playing with a pistol, and
 20 the gun went off and accidentally shot my best friend.
 21 Q And then you got out on parole, didn't you?
 22 A Yes, sir.
 23 Q And you couldn't live up to parole. Why did they
 24 send you back to prison?
 25 A I did live up to parole.

1 Q Well, it says here they revoked your parole or your
2 probation. It says, Parole revocation here?

3 A Yes, sir.

4 Q So why did they do that?

5 A I --

6 MR. WESTON: Objection, Your Honor. I think, under
7 the rules, he can only ask him about convictions and
8 revocations. And once he answers, that's the extent of
9 it. He can't go into why.

10 THE COURT: You can ask it. It's fine.

11 MR. COOKE: Okay.

12 BY MR. COOKE:

13 Q Why?

14 A I stayed out two years. And I didn't have the money
15 to pay on my fines.

16 Q So you picked up some more drug cases?

17 A No. I didn't get no charges. I just --

18 Q You just couldn't pay your fines?

19 A I couldn't pay my fines.

20 MR. COOKE: Excuse me just a minute.

21 (Pause.)

22 MR. COOKE: I have no further questions.

23 Thank you, Judge.

24 MR. WESTON: No redirect, Your Honor.

25 THE COURT: All right. You may step down, sir.

1 Let me see the attorneys up here.

2 (WHEREUPON, a bench conference was held.)

3 THE COURT: Ladies and gentlemen, we do have,
4 obviously, more witnesses in this case. And, based on the
5 time and based on it being Valentine's Day, I think we're
6 going to go ahead and break for the evening just so
7 everyone can have peace and harmony at home tonight. I
8 will note that my husband is back in Hilton Head where we
9 live.

10 Ladies and gentlemen, I have a conference call
11 tomorrow morning first thing that's going to take me about
12 an hour. So I'm going to ask that you all be back in the
13 jury room at 10:15. And if you are here at 10:15, we will
14 begin the trial of this case. I'm hoping my call will end
15 at 10:00. We can immediately come in, and we will
16 continue.

17 I need to tell you and caution you, again, ladies and
18 gentlemen, to not discuss this case. It wouldn't be
19 appropriate to do so. Don't do independent research.
20 Ladies and gentlemen, I do believe there was something in
21 the newspaper this morning. I did not query you this
22 morning, because I truly believed that you all followed my
23 instructions and would never read anything. And, of
24 course, it would be inappropriate. The same thing as far
25 as the news is concerned. Again, it would be

1 inappropriate.

2 I will, also, tell you that you will not be on the
3 news, because they're not allowed to put your picture on
4 the news. Other than sometimes you may get it
5 inadvertently, you may get it when they're taking another
6 picture elsewhere; but, typically, it's not there, so
7 don't be concerned.

8 Again, ladies and gentlemen, I appreciate y'all's
9 patience. I appreciate your attention today. Y'all have
10 been wonderful. And I look forward to seeing you tomorrow
11 morning at 10:15.

12 Thank you.

13 (WHEREUPON, the jury was excused from open court at
14 approximately 4:46 p.m.)

15 THE COURT: All right. Y'all, is there anything we
16 need to put on the record before we break?

17 MR. WESTON: Nothing from the State, Your Honor.

18 THE COURT: All right. You all go home and be good
19 to your spouses. And I'll see you at 10:15.

20 (WHEREUPON, the proceedings were concluded at
21 approximately 4:47 p.m., to be reconvened on
22 Wednesday, February 15, 2012.)
23
24
25

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

COURT OF GENERAL SESSIONS

2011-GS-23-02010

2011-GS-23-02011

2011-GS-23-02012

2011-GS-23-02013

2011-GS-23-02014

STATE OF SOUTH CAROLINA,

vs.

TRANSCRIPT OF RECORD

VOLUME II

LAMAR DONTRAY WILLIAMS,
DEFENDANT.

ORIGINAL

February 13, 14, 15, and 16, 2012
Greenville, South Carolina

B E F O R E:

THE HONORABLE CARMEN T. MULLEN, JUDGE; and a jury.

A P P E A R A N C E S:

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HOLLIE M. JENKINS
Circuit Court Reporter

I N D E X

(SW) - Denotes State's Witness
(DW) - Denotes Defense Witness
(IC) - Denotes In Camera

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Greenville County.

1 WEDNESDAY, FEBRUARY 15, 2012

2 THE COURT: Gentlemen, is there anything we need to
3 put on the record before we start this morning?

4 MR. WESTON: The State is ready to proceed, Your
5 Honor.

6 THE COURT: Is the Defense ready?

7 MR. GODFREY: The Defense is ready, Your Honor.

8 MR. COOKE: Yes, ma'am, we're ready.

9 THE COURT: Let's bring the jury on in.

10 And do we have the State's next witness ready?

11 MR. WESTON: Yes, Your Honor.

12 The next witness is Scottie Butler.

13 THE COURT: Okay. I just wanted to make sure he was
14 close by.

15 Thank you.

16 (WHEREUPON, the jury came into open court at
17 approximately 10:30 a.m.)

18 THE COURT: Good morning, ladies and gentlemen.

19 Well, we're going to go ahead and begin the trial of
20 this case.

21 If the State would like to call their first witness
22 this morning.

23 MR. WESTON: Yes, Your Honor.

24 The State would call Mr. Scottie Butler.

25 THE CLERK: Mr. Butler, if you'll come forward to be

1 sworn in.

2 Please place your left hand on the Bible and raise
3 your right hand.

4 WHEREUPON,

5 SCOTTIE D. BUTLER,

6 after first having been duly sworn, testified as follows:

7 THE CLERK: Thank you.

8 You can be seated.

9 Please state your full name for the record.

10 THE WITNESS: Scottie D. Butler.

11 THE CLERK: Thank you.

12 DIRECT EXAMINATION

13 BY MR. WESTON:

14 Q Mr. Butler, can you hear me all right?

15 A Yes, sir.

16 Q And I need you to speak loudly enough so that the
17 jurors down on this end can hear you.

18 A Yes, sir.

19 Q All right. How old are you, Mr. Butler?

20 A I'm 25.

21 Q And you have been in the detention center since
22 around October of 2010; is that correct?

23 A Yes, sir, October 22nd.

24 Q Okay. Prior to that time, where were you living?

25 A In Laurens County.

- 1 Q I'm sorry?
- 2 A Laurens County.
- 3 Q Where were you living in Laurens County?
- 4 A I was staying at the America's Best Hotel.
- 5 Q And who were you staying there with?
- 6 A My -- the mother of my kids, my fiancée, Christina
- 7 Childs.
- 8 Q Were you working at that time, sir?
- 9 A No, sir.
- 10 Q All right. Now, let's sort of cut through to it
- 11 here. Were you involved in the burglary, robbery, and the
- 12 incident that resulted in the death of Mr. Wallace Cruell,
- 13 Jr., on October 18th of 2010?
- 14 A Yes, sir.
- 15 Q And you need to speak loudly.
- 16 A Yes, sir.
- 17 Q And did that occur up on Valley Road up in Travelers
- 18 Rest?
- 19 A Yes, sir.
- 20 Q And I'm going to ask you to describe what happened in
- 21 a moment. But what was your role in the incident?
- 22 A I was the driver.
- 23 Q All right. And I think you said you've been in the
- 24 detention center since October 22nd?
- 25 A Yes, sir.

- 1 Q That would be four days after the incident?
- 2 A Yes, sir.
- 3 Q And you were arrested at that time?
- 4 A Yes, sir.
- 5 Q And were you charged with burglary first degree?
- 6 A Yes, sir.
- 7 Q Were you charged with attempted armed robbery?
- 8 A Yes, sir.
- 9 Q Were you charged with conspiracy?
- 10 A Yes, sir.
- 11 Q Were you charged with kidnapping?
- 12 A Yes, sir.
- 13 Q Were you charged with murder?
- 14 A Yes, sir.
- 15 Q Since that time, have you entered into an agreement
- 16 that resulted in your entering a guilty plea?
- 17 A Yes, sir.
- 18 Q What did you plead guilty to, sir?
- 19 A Accessory after the fact.
- 20 Q And was the agreement -- part of the agreement that
- 21 all the charges that I previously mentioned going to be
- 22 dismissed?
- 23 A Yes, sir.
- 24 Q And you are now awaiting sentencing?
- 25 A Yes, sir.

1 Q And in exchange for your pleading guilty to accessory
2 after the fact and the other charges being dismissed, what
3 were you required to do?

4 A Testify.

5 Q Were you told what to say?

6 A No, sir.

7 Q When you were arrested, did you provide a confession
8 to Investigator Chris Hammett?

9 A Yes, sir.

10 Q Was that done on the day of or the day after you were
11 arrested?

12 A The day of.

13 Q And, subsequently, you gave a second statement a few
14 days later?

15 A Yes, sir.

16 Q In your second statement, did you significantly
17 change what you were telling Investigator Hammett as to
18 what happened?

19 A Yes, sir.

20 Q Did you change what happened or --

21 A No, sir.

22 Q -- were you adding things?

23 A I didn't change what happened. My first line of the
24 statement --

25 Q Don't say what it said at this point. What type of

1 changes were you doing -- or were you adding things in the
2 second confession?

3 A Yes, sir.

4 Q Which one?

5 A The adding.

6 Q Have you maintained since the day you were arrested
7 the same story about what happened?

8 A Yes, sir.

9 Q Are you prepared to tell us today what happened?

10 A Yes, sir.

11 Q Let's begin with the obvious and the most critical
12 question here today. Would you name for this jury the
13 other four people -- or the other people who were involved
14 in this with you?

15 A Yes, sir.

16 Q Go ahead, sir.

17 A Lamar Williams, also, known as Scar Face; Richey
18 Boyd, also, known as Solo; Willie Taylor, known as Esco;
19 Jeff Dornberg; and myself, Scottie Butler.

20 Q All right. Let's begin with how you knew these
21 people. Let's start with Jeff Dornberg, how did you know
22 him?

23 A He is my baby mother's brother.

24 Q So you've known him for some time?

25 A Yes, sir. I've been with her for eight years.

1 Q Lamar Williams, do you see him in the courtroom?

2 A Yes, sir.

3 Q How long had you known Lamar Williams before this
4 incident?

5 A Maybe a year.

6 Q All right. Richey Boyd, I think you said he was
7 known as Solo. Did you know him before this incident?

8 A No, sir.

9 Q How many times had you seen him before the morning of
10 October 18th?

11 A Twice.

12 Q And what were the occasions that you saw him? And
13 we'll talk about the dates. But what was going on when
14 you saw him those other two times?

15 A We was going to Valley Road.

16 Q Going to the site of the incident on October 18th?

17 A Yes, sir.

18 Q Was this before October 18th?

19 A Yes, sir.

20 Q And why were y'all going there on two previous
21 occasions?

22 A To look at everything. They was going to scope it
23 out, you might as well say.

24 Q Scope it out for what purpose?

25 A To rob.

1 Q Willie Taylor, how long had you known him before this
2 incident?

3 A I don't.

4 Q I'm sorry?

5 A I don't.

6 Q Had you seen him before the morning of -- before the
7 morning of October 18th, had you ever seen him before?

8 A Before October 18th, I had seen him twice.

9 Q For the same reasons as Richey Boyd?

10 A Yes, sir.

11 Q Since October 18th, when you were arrested, have you
12 seen Willie Taylor?

13 A Yes, sir.

14 Q I'm sorry?

15 A Before --

16 Q You need to speak a little more loudly, and a little
17 more clear.

18 A Before October 18th, I seen him twice. But, as far
19 as that, I don't know him.

20 Q Since October 18th, and including today, have you
21 seen Willie Taylor?

22 A Yes, sir.

23 Q Where have you seen him?

24 A I saw him on -- I've seen him in jail.

25 Q Have you had any conversations with him?

- 1 A No, sir.
- 2 Q Y'all have been separated, basically?
- 3 A Yes, sir, kept separate.
- 4 Q All right. Between October 18th and October 24th,
5 when you gave your statement to law enforcement, did you
6 talk to Willie Taylor?
- 7 A Yes, sir.
- 8 Q When?
- 9 A The night the incident happened.
- 10 Q After the incident happened --
- 11 A No, sir.
- 12 Q -- and y'all left each other --
- 13 A No, sir.
- 14 Q -- until the time you gave your statement to law
15 enforcement, did you talk to Willie Taylor?
- 16 A No, sir.
- 17 Q Not at all?
- 18 A Not at all.
- 19 Q Between October 18th, when this incident happened,
20 and October 24th, when you gave your statement to law
21 enforcement, did you talk to anybody else as an
22 intermediary for Willie Taylor that spoke on his behalf to
23 you or for him?
- 24 A No, sir.
- 25 Q Did you attempt to make contact with him during those

1 days?

2 A No, sir.

3 Q As far as you know, did he attempt to make contact
4 with you?

5 A No, sir.

6 Q Was the statement you gave on October the 24th to law
7 enforcement independent of any conversations you had with
8 Willie Taylor?

9 A No, sir.

10 Q Was it independent and totally separate from any
11 conversations?

12 A Yes, sir.

13 Q Was it in any way in conjunction with or contrived
14 with Willie Taylor?

15 A No, sir.

16 Q All right, sir. Let's talk about what happened. And
17 I'm just going to kind of let you tell it. Begin with
18 y'all had gone up to this place, you said, a couple of
19 times before this incident?

20 A Yes, sir.

21 Q How did you come to be involved in this at all?

22 A I was asked by Lamar Williams to drive them up there.

23 Q All right. And this was the first time?

24 A Yes, sir.

25 Q Who was with y'all the first time?

1 A The first time, it was me, Lamar Williams, Solo,
2 which is Richey Boyd, Esco, which is Willie Taylor, and a
3 guy named Guatto. I don't know his real name.

4 Q Was that the first time you had seen this guy,
5 Guatto?

6 A Yes, sir.

7 Q And have you seen Guatto since that first time?

8 A No, sir.

9 Q You had never seen him before then, and you haven't
10 seen him since then?

11 A No, sir.

12 Q Now, let me ask you this. I want to be very clear,
13 and I want to make sure you understand my question.

14 A Yes, sir.

15 Q The first time you said y'all went, Guatto, and
16 Richey Boyd, known as Solo, were with y'all?

17 A Yes, sir.

18 Q Is there any way you're confusing and getting Guatto
19 and Richey Boyd confused, that they were the same person?

20 A No, sir.

21 Q They are two separate people?

22 A Yes, sir.

23 Q You're sure of that?

24 A I'm positive.

25 Q Okay. So the first time y'all went up there, about

1 how long before the 18th was that, a day before, a week
2 before?

3 A The 15th.

4 Q All right. And what did y'all -- about what time of
5 day or night was it?

6 A It was in the morning.

7 Q And what did y'all do?

8 A We just went up there. I pulled over on the side of
9 the road, and acted like my car was messed up. They got
10 out of the car. They went in the woods, from my
11 understanding, to scope it out.

12 Q And how long did they stay, just ballpark?

13 A Maybe an hour and a half.

14 Q And then they came back?

15 A Yes, sir.

16 Q What did y'all do then?

17 A We left.

18 Q And you were -- what kind of car were you driving?

19 A I was driving a blue Toyota Camry.

20 Q I'm sorry?

21 A A blue Toyota Camry.

22 Q And whose car was that?

23 A Jeff Dornberg's.

24 Q So on the 18th of October -- how did y'all end up
25 going up there on the 18th of October? How did you first

1 hear about this was going to happen, or happened?

2 A I was called by Lamar Williams. And he asked me was

3 I ready to go back up there.

4 Q When did you get this call?

5 A About 6:00 or 6:30.

6 Q On the 17th, the evening before?

7 A Yes, sir.

8 Q And where were you when you got the call?

9 A At America's Best Hotel.

10 Q And you agreed to go back?

11 A Yes, sir.

12 Q So what was the plan the next morning?

13 A To go up there, and nobody was supposed to be home.

14 They was going to go in -- there was supposed to be money

15 there. They was going to go in and get the money. And

16 there was supposed to be drugs. And they was going to get

17 that, and come out, and go home.

18 Q And we'll get to what, actually, happened in just a

19 moment. So you're at the America's Best Hotel, you said?

20 A Yes, sir.

21 Q Did you leave there by yourself?

22 A Yes, sir.

23 Q And where did you go first?

24 A Cadillac Apartments.

25 Q And is that in Laurens?

1 A Yes, sir.

2 Q Why did you go there?

3 A To pick up Lamar Williams and Jeff Dornberg.

4 Q And were Mr. Williams and Mr. Dornberg at the

5 Cadillac Apartments?

6 A Yes, sir.

7 Q Did you pick them up?

8 A Yes, sir.

9 Q Where did you go after that?

10 A After that, I let Lamar Williams drive. Jeff sat in

11 the passenger seat. And I sat in the back. We went from

12 there to Greenwood to Blake Road to pick up Solo, which is

13 Richey Boyd. And from there, we went to Greenville to

14 pick up Esco, which is Willie Taylor.

15 Q Let me go back to Greenwood and picking up Solo.

16 Where did you pick him up?

17 A On Blake Road.

18 Q Was it a house, or apartment, or what?

19 A It's like apartments.

20 Q And what was the name of the road?

21 A Blake Road.

22 Q And how did you know to go there?

23 A Lamar Williams gave me the directions.

24 Q All right. And when you went to Blake Road and

25 picked up this guy named Solo, was it the same guy that

1 was with you the first time y'all went and scouted it out?

2 A Yes, sir.

3 Q All right. And then you came back to Greenville, I
4 think you said, and picked up Esco?

5 A Yes, sir.

6 Q And where did you pick him up from, generally? Do
7 you know what road he lived on?

8 A No, sir.

9 Q How did you know how -- where to go to get him?

10 A Because I had been there before to get him.

11 Q When did you go get him before?

12 A The first time we went.

13 Q And how did you know how to go get him the first time
14 you went?

15 A Lamar Williams gave me the directions.

16 Q All right. Did Lamar Williams indicate, or did --
17 from your observation, was it clear that Lamar Williams
18 knew Esco?

19 A Yes, sir.

20 Q And they knew each other real well?

21 A Yes, sir.

22 Q And Lamar Williams knew how to get to his house?

23 A Yes, sir.

24 Q And he told you --

25 MR. COOKE: I really have to object to leading.

1 THE COURT: Sustained.

2 MR. COOKE: I want him to move on with it.

3 THE COURT: Don't lead, Mr. Weston.

4 BY MR. WESTON:

5 Q Just to make sure I'm clear and the jury is clear,

6 how did you know to get to Esco's house the first time?

7 A Lamar Williams.

8 Q Now, were you armed?

9 A No, sir.

10 Q Was anybody armed on the 18th?

11 A Yes, sir.

12 Q Who was armed?

13 A Lamar Williams.

14 Q Who else?

15 A Solo, Richey Boyd.

16 Q Who else?

17 A Esco, Willie Taylor.

18 Q Did you see their guns?

19 A Yes, sir.

20 Q What type of guns were they? Were they automatics or

21 revolvers?

22 A Revolvers.

23 Q Do you call Mr. Dornberg Charles Dornberg, or Jeff?

24 What do you call him?

25 A Jeff.

1 Q All right. Have you ever heard him referred to as
2 J.D.?

3 A Yes, sir.

4 Q Okay. So if I use the term "Jeff" or "J.D.," I'm
5 talking about Mr. Dornberg.

6 A Yes, sir.

7 Q Now, what kind of -- you were driving again; is that
8 correct?

9 A Yes, sir.

10 Q What were you driving this day?

11 A A 1999 Dodge Intrepid, maroon.

12 Q And whose car was that?

13 A My fiancée's.

14 Q So on the morning of the 18th, about what time did
15 you end up getting the last of the five of you -- the last
16 of the other four? About what time are we talking about
17 in the morning? Are we talking daylight yet?

18 A When we got there, it was daylight.

19 Q And what happened?

20 A They just -- pretty much the same thing. They went
21 there and nothing happened, because there was people at
22 home. They went in the woods. The people was home, so
23 nothing happened. They waited, you know, to see if they
24 would leave. Nobody left. So they all come back to the
25 car --

1 Q And --

2 A And they all -- it was Willie Taylor, Lamar Williams,
3 Richey Boyd, and Jeff Dornberg.

4 Q So they came back to the car. Why did they come back
5 to the car?

6 A Because nobody left.

7 Q And what did y'all do when they got back in the car?

8 A Left.

9 Q And where did you go?

10 A I took Esco home, which is Willie Taylor. I took
11 Richey Boyd home, which is Solo. I took Lamar home. And
12 I took Jeff home.

13 Q Now, is this the morning of the 18th, or is it before
14 the 18th?

15 A Before the 18th.

16 Q Now, I want to talk about the morning of the 18th.

17 A Okay.

18 Q Let's start with that morning. Because you were
19 talking about the -- I had asked you about the evening of
20 the 17th, and you said you got a phone call about going
21 the next morning?

22 A Yes, sir.

23 Q So, now, we're on the morning of the 18th.

24 A Okay.

25 Q Without going back through your testimony -- well, in

1 fact, let's go back through it. Who did you pick up
2 first?

3 A Lamar Williams and Jeff Dornberg.

4 Q Where at?

5 A Cadillac Apartments.

6 Q In what city?

7 A Laurens County.

8 Q Where did you go next?

9 A From there, I went to Greenwood on Blake Road to pick
10 up Richey Boyd.

11 Q And where did you go next?

12 A From there, I went to Greenville to pick up Willie
13 Taylor.

14 Q And do you remember the name of the street that
15 Willie Taylor lived on?

16 A No, sir. I didn't know the street, but I showed
17 them -- showed the police.

18 Q So once you picked the four of them up, was it still
19 dark outside on the 18th?

20 A Yes, sir.

21 Q All right. And about what time are we talking
22 about?

23 A It was -- this was on the 17th, and we stayed there
24 all night. I left at 6:00 to 6:30 p.m. on the 17th,
25 picked Lamar Williams up and Jeff Dornberg.

1 Q Okay.

2 A From there, I went to Blake Road to pick up Richey
3 Boyd. From there, we went to Greenville to pick up Willie
4 Taylor. And this was about 10:30 or 11:00.

5 Q All right.

6 A At night.

7 Q Where did y'all go from there?

8 A From there, we went to Travelers Rest to Valley Road.

9 Q Before you went to Travelers Rest, did y'all make any
10 stops for gas, or anything like that?

11 A Yes, sir.

12 Q Where did you stop?

13 A We stopped at a Spinx.

14 Q Was that here in Greenville?

15 A Yes, sir -- well, in between Greenville and Travelers
16 Rest.

17 Q And, after you stopped there -- about how long did
18 you stay there, just to go in and buy some things, or
19 what?

20 A Yes, sir, maybe about 10 minutes.

21 Q After you left the Spinx, then where did you go?

22 A We went to Valley Road.

23 MR. WESTON: Your Honor, if I may, I would like for
24 the witness to step down to the placard.

25 THE COURT: You may.

1 BY MR. WESTON:

2 Q I need you to step down right here. And when you
3 step down, Mr. Butler, I'm going to be asking you some
4 questions, I'm going to ask that you speak loudly, because
5 you don't have the microphone.

6 A (Witness complied.)

7 Q I need you to look at this placard here.

8 A Yes, sir.

9 Q Do you recognize that, what has been identified as
10 Mr. Cruell's house and his parents house? Do you
11 recognize these streets?

12 A Yes, sir.

13 Q All right, sir. Tell the jury where you pulled your
14 car in.

15 A There's a bridge that's right in here. And there's a
16 road that's like a hill, like a gravel road right here.
17 And I backed my car up right here. And they got out and
18 went up in the woods here. And from there, they went to
19 the trailer. Where they was at up there, I don't know.

20 Q That's fine, sir. Just resume your seat, please.

21 A (Witness complied.)

22 Q So once they went into the -- who all went into the
23 woods?

24 A Lamar Williams, Richey Boyd, Willie Taylor, and Jeff
25 Dornberg.

1 Q All right. And did they -- did the three of them
2 that you described as having guns take their guns with
3 them?

4 A Yes, sir.

5 Q And how long were they in the woods before you had
6 any contact with them?

7 A Since about 2:30, maybe 3:00. And they called me on
8 the -- Lamar Williams called me on the walkie-talkie and
9 told me they was cold. So they came back to the car.

10 Q So, now, you mentioned walkie-talkies. So y'all were
11 not using cell phones?

12 A No, sir.

13 Q Why not?

14 A Because we was scared it would make a noise and
15 somebody would hear it.

16 Q All right. So who called you on the cell phone?

17 A Lamar Williams called me on the cell phone.

18 Q And what did he want? What did he say?

19 A This was at the end of it. He called me on the cell
20 phone after.

21 Q Now, let's go back. You said he called you on the
22 walkie-talkie at about 2:30 in the morning?

23 A Yes, sir.

24 Q What did he want?

25 A He wanted to come back to the car, because they was

1 cold.

2 Q So did that happen?

3 A Yes, sir.

4 Q Tell the jury what happened next.

5 A After that, they sat in the car for maybe 30 minutes.

6 They got back out and went back to where they was posted

7 at. And I got nervous. I was sitting there. I was

8 scared about people riding up and down the road, so I

9 left. I went to a church.

10 There's a church up there that's off the road.

11 There's a church up there. I sat there for maybe 20

12 minutes. And I left there, and I went to the Ingles

13 parking lot. And, from there, I sat in the Ingles parking

14 lot until about 7:00 or 7:30.

15 Q What was the next thing you heard?

16 A I left there because it was daylight and people

17 driving by. So I left there because you can't get no

18 reach on the walkie-talkies. So I left there and drove up

19 and down the road a couple of times. And I didn't hear

20 nobody. I went back to the church. And when I got there,

21 I wasn't there maybe five minutes and Lamar Williams come

22 back over the walkie-talkie.

23 Q What did he say?

24 A He was out of breath. He told me to hurry up, hurry

25 up, come on, come on.

1 Q So what did you do?

2 A I left there. I sped up there and I left. And when
3 I got there, he got in the car -- Lamar Williams got in
4 the car. He was out of breath. He was shaking. He told
5 me, I shot him. He told me, I shot a man. And he said he
6 killed him. He said he knew he died, because he heard him
7 choke on his blood.

8 Q And Lamar Williams told you that?

9 A Yes, sir.

10 Q Who all got in the car?

11 A Lamar Williams got in the car first. And it was
12 Jeff, Willie Taylor, and Richey Boyd.

13 Q All right. So what did y'all do after they got back
14 in the car?

15 A When they got back in the car, I took them home. I
16 took Willie Taylor home first.

17 Q Take your time. Let's make sure we're clear. Where
18 did you go first to drop somebody off?

19 A First, I went to drop Willie Taylor off. He didn't
20 want me to drop him off at his house, so I dropped him off
21 a couple of houses down in the road. And from there, he
22 walked to his house.

23 Then I dropped Solo off, which is Richey Boyd, on
24 Blake Road. And then I dropped Lamar Williams off at
25 his -- he told me it was his wife's house, or his

1 fiancée's house. And, as we was going there, I'd say
2 maybe five miles from there, he rolled down the window,
3 took the bullets out of the gun one by one and started
4 throwing them out.

5 Q Who is "he"?
6 A Sir?
7 Q Who is "he" that did that?
8 A Lamar Williams.
9 Q All right. Let's go back to where you dropped him
10 off. Where did you drop Lamar Williams off at?
11 A At his fiance's -- wife's house.
12 Q Do you know what her name is?
13 A No, sir.
14 Q All right. And about what time is this when you
15 dropped him off there?
16 A Maybe 10:00, maybe 9:30, 10:00 in the morning.
17 Q All right. And he had been with you all night?
18 A Yes, sir.
19 Q After you dropped them off, what did you do?
20 A After I dropped Lamar Williams off there, I took J.D.
21 back -- Jeff back to Cadillac Apartments where his car
22 was. And then from there, I went back to America's Best
23 Inn.
24 Q When was the next time you talked to any of these
25 people?

- 1 A About 6:30 that night later on that evening.
- 2 Q Who did you talk to?
- 3 A Lamar Williams.
- 4 Q Did you call him, or did he call you?
- 5 A He called me.
- 6 Q And what did he want?
- 7 A He wanted to meet up and talk about what happened.
- 8 Q All right. Did you meet up with him?
- 9 A Yes, sir.
- 10 Q Was anybody else present?
- 11 A Yes, sir.
- 12 Q Who was that?
- 13 A Jeff Dornberg.
- 14 Q Was Richey Boyd there?
- 15 A No, sir.
- 16 Q Was Willie Taylor there?
- 17 A No, sir.
- 18 Q And so where did y'all meet up at?
- 19 A At the America's Best Motel.
- 20 Q All right. And did y'all talk about what happened?
- 21 A Yes, sir.
- 22 Q Was there any discussion about the bullet?
- 23 A Yes, sir.
- 24 Q What was the discussion?
- 25 A The discussion was that when he shot him, the bullet

1 went straight through him -- straight through the victim,
2 and it somehow ended up in Richey Boyd's boots.

3 Q Who said that?

4 A Lamar Williams.

5 Q All right. Now, when they went in to -- when they
6 got out of your car, was anybody wearing gloves?

7 A Yes, sir.

8 Q Who was wearing gloves that you can remember?

9 A Lamar Williams, Richey Boyd, and Willie Taylor.

10 Q Did anybody have anything over their face?

11 A Yes, sir.

12 Q Who was wearing what, and what were they wearing?

13 A Lamar Williams was wearing like a scream mask. And
14 Richey Boyd, he had a beanie on. And I'm not sure what he
15 had over his face. Willie Taylor had like a shirt or
16 something over his face.

17 Q All right. Now, would you describe Richey Boyd to
18 the jury?

19 A Yes, sir. He's about 6'3". He's dark skinned. When
20 I seen him, he had dreads. He had small dreads. He was
21 wearing a -- wearing -- what do you call it -- a wave cap
22 and a beanie. He had on a black jacket, black shirt,
23 black pants, and black shoes.

24 Q All right. Is there anything about his mouth that
25 sticks out in your mind?

- 1 A Yes. He had a gold tooth.
- 2 Q Top or bottom?
- 3 A Top.
- 4 Q All right. Have you talked -- did you talk to -- you
- 5 met with Jeff Dornberg and Lamar Williams, you said, after
- 6 the incident that evening?
- 7 A Yes, sir.
- 8 Q Have you talked to Jeff Dornberg since then about
- 9 this incident?
- 10 A No, sir.
- 11 Q All right. Now, you were -- when you were arrested,
- 12 you gave a statement to the police?
- 13 A Yes, sir.
- 14 Q Was your lawyer present?
- 15 A No, sir.
- 16 Q All right. And you were told about the charges that
- 17 were lodged against you; is that correct?
- 18 A Yes, sir.
- 19 Q And the statement was typed up?
- 20 A Yes, sir.
- 21 Q Did you read over it before you signed it?
- 22 A Yes, sir.
- 23 Q And did you, in fact, sign this statement?
- 24 A Yes, sir.
- 25 Q Now, you were, also, shown a photo lineup of Richey

1 Boyd -- that was supposed to have contained Richey Boyd;
2 is that correct?

3 A Yes, sir.

4 Q You were not able to pick him out of that lineup,
5 were you?

6 A No, sir.

7 MR. WESTON: Thank you, sir.

8 Answer any questions Counsel may have for you.

9 MR. GODFREY: May it please the Court.

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. GODFREY:

13 Q Good morning, Mr. Butler.

14 A Good morning.

15 Q I want to start off, I want to go over this again to
16 make sure that I understand it. Now, you have known Jeff
17 Dornberg for about eight years?

18 A Yes, sir.

19 Q And you know him because you all date sisters?

20 A Yes, sir.

21 Q And the sister that you dated, is that your fiancée?

22 A Yes, sir.

23 Q That's the girl you have your children with?

24 A Yes, sir.

25 Q Is Jeff Dornberg married to the other girl?

1 A No, sir.

2 Q Have they been together for a long time?

3 A Yes, sir.

4 Q So you have seen Jeff Dornberg, and have known him
5 very well for eight years?

6 A Yes, sir.

7 Q Okay. Now, Lamar Williams, you say you've known him
8 for about a year?

9 A Yes, sir, about a year, give or take.

10 Q How did you meet him?

11 A I met him -- this is how I met him. My mom, she's a
12 dope head. Okay. And that's how I met him, because she
13 used to go buy dope from him.

14 MR. COOKE: Your Honor, could I interrupt and just
15 get him to speak into the microphone a little more?

16 THE WITNESS: Okay.

17 THE COURT: Thank you, sir.

18 THE WITNESS: My mom, she uses crack cocaine, and I
19 took her to go get some from him. And that's how I met
20 him.

21 BY MR. GODFREY:

22 Q And how often -- it was about a year -- you knew him
23 for about a year. So you saw him how many times over the
24 course of that year?

25 A Maybe five. He's -- I don't hang out with him.

1 Q Okay. Now, Willie Taylor, how did you meet him?

2 A I met him through Lamar Williams.

3 Q You don't hang out with Lamar, but you met Willie
4 Taylor through Lamar?

5 A Yes, sir. This was in October. This was -- Lamar
6 and Jeff hang out a lot. Okay. I didn't hang out -- I
7 don't hang with him. I hang out with Jeff.

8 When he and Jeff come got me, we got some beers and
9 we went to these girls house in Greenwood. And Face -- we
10 went and picked Face up. And that's how I started getting
11 back in contact with Face.

12 Q Okay. So there was a period of time over the year
13 that you didn't see him probably for weeks at a time?

14 A Yes, sir. And I didn't hang out with him, or didn't
15 talk to him.

16 Q So when this renewal -- or when y'all got together
17 for beer over at this girl's house, how close in time was
18 that to the October incident?

19 A Maybe the 14th, or the 13th.

20 Q Okay. Now, Richey Boyd, how do you know Richey Boyd?

21 A Through Lamar Williams.

22 Q And when did you meet Richey Boyd through Lamar
23 Williams?

24 A Whenever -- the same way I met Willie Taylor, when I
25 went and picked them up.

- 1 Q So that would have been October the --
- 2 A The first time was October the 15th.
- 3 Q October the 15th. And that's the night that you say
- 4 you went up to Travelers Rest?
- 5 A It was the morning.
- 6 Q Well, it was on the 15th?
- 7 A Yes, sir.
- 8 Q That you went up to Travelers Rest?
- 9 A Yes, sir.
- 10 Q That was supposed to be some kind of dry run?
- 11 A Yes, sir.
- 12 Q Who was running the show?
- 13 A Lamar Williams.
- 14 Q What was Willie Taylor doing?
- 15 A He was right there with him, you know.
- 16 Q When you say "right there with him" --
- 17 A Like, you know, he agreed with him, you know. He
- 18 knew the guy -- Willie Taylor knew the guy, you know. But
- 19 Lamar Williams knew Willie Taylor and Richey Boyd, you
- 20 know. So that's how it all got set up.
- 21 Q All right. So it appeared to you that Richey Boyd --
- 22 excuse me. It appeared to you that Lamar Williams and
- 23 Willie Taylor were, basically, the ones in control, or
- 24 telling people what do?
- 25 A Yes, sir.

1 Q All right. I see. Now, you just testified that on
2 the -- the first time y'all went to Travelers Rest on
3 October the 15th that Lamar Williams, Esco, Solo, and Jeff
4 Dornberg, and you went up there?

5 A No, sir.

6 Q That's not what you said?

7 A No, sir. It wasn't Jeff Dornberg. It was Guatto.

8 Q You wrote a statement and you signed a statement?

9 A Yes, sir.

10 Q On October the 22nd, 2010?

11 A Yes, sir.

12 Q And that's the statement the Solicitor has been
13 asking you about?

14 A Yes, sir.

15 MR. GODFREY: Your Honor, may I approach the witness?

16 THE COURT: You may.

17 BY MR. GODFREY:

18 Q Is this the statement that you wrote on October the
19 22nd?

20 A Yes, sir.

21 Q Is that your signature?

22 A Yes, sir.

23 Q Is this your statement?

24 A Yes, sir.

25 Q Is that your initials by the first line?

1 A Yes, sir. That was the line I told -- it was a
2 lie -- that line right there was a lie. I was scared.
3 But then I corrected on the 24th.

4 Q Okay. So you're saying this line was a lie?

5 A Yes, sir.

6 Q So does that mean that Guatto was with you on the
7 15th?

8 A Yes, sir.

9 Q When did you first provide the information that
10 Guatto was with you on the 15th?

11 A I went and picked him up.

12 Q No. To law enforcement or the Government, when did
13 you tell them that Guatto was there?

14 A I didn't.

15 Q You didn't?

16 A No, sir.

17 Q So when did you decide to correct this first
18 statement that Guatto was there?

19 A I didn't. I was approached by -- asking who was
20 Guatto.

21 Q When was that?

22 A When Officer Hammett come and asked me.

23 Q I'm sorry?

24 A When Investigator Hammett come asked me did I know
25 Guatto. And then I told him that was one of the guys that

1 went with us the first time, but he didn't go with us no
2 more.

3 Q So did you sign another statement indicating that?

4 A No, sir. He never brought it back to me. We was
5 supposed to fix it, but it never happened.

6 Q Okay. So this first sentence was wrong?

7 A Yes, sir. That we went up there to buy two ounces of
8 marijuana, yes, sir, it was wrong. We went up there, but
9 it wasn't to buy no drugs.

10 Q And it was wrong in that Guatto's name was left out
11 of it?

12 A Guatto's name was left out, and Jeff Dornberg's was
13 put in.

14 Q Where was Guatto picked up?

15 A In Greenwood.

16 Q Where?

17 A I don't know. I was given directions by Lamar
18 Williams to pick him up.

19 Q Now, in your statement, you indicated that you got a
20 phone call after the incident; is that right?

21 A Yes, sir.

22 Q And who was it that called you?

23 A Lamar Williams.

24 Q And you all talked about it a little bit?

25 A Yes, sir.

- 1 Q And then you say he wanted to meet?
- 2 A Yes, sir. We met up at the America's Best Inn.
- 3 Q And when you say "we" --
- 4 A Me --
- 5 Q -- that was Jeff Dornberg, you, and Lamar Williams?
- 6 A Yes, sir.
- 7 Q What was the purpose of meeting?
- 8 A To talk about what had happened.
- 9 Q Now, law enforcement showed you a photo lineup on
- 10 October the 29th, and you couldn't pick out Richey Boyd;
- 11 right?
- 12 A No, correct.
- 13 Q You don't know Richey Boyd at all, do you?
- 14 A I don't know him personally, no.
- 15 Q I see. You just know him from --
- 16 A From the incident.
- 17 Q From picking him up in Greenwood on one date and
- 18 going to Travelers Rest, and then going back to Greenwood,
- 19 and then picking him up on the date of the incident, and
- 20 then driving to Travelers Rest and then driving back?
- 21 A Correct.
- 22 Q And, of course, you weren't driving the whole time,
- 23 Lamar picked him up; right?
- 24 A Yes, sir. I picked him up the first time. I drove
- 25 the first time. And on the night of the incident, Lamar

1 drove to pick him up. And when we got to Esco's house, me
2 and Lamar switched seats. It was me in the driver's seat,
3 Lamar was in the passenger seat, Willie Taylor, Richey
4 Boyd, and Jeff Dornberg were in the back.

5 Q I see. Now, the Solicitor has talked about
6 everything that you were charged with?

7 A Yes, sir.

8 Q Murder, and burglary first, and kidnapping, and
9 attempted armed robbery, possession of a weapon during the
10 commission of a violent crime --

11 A No possession of a weapon.

12 Q Okay.

13 A Conspiracy.

14 Q Conspiracy?

15 A Yes, sir.

16 Q And there is an agreement. You pled guilty
17 immediately before this trial, didn't you?

18 A Yes, sir.

19 Q And you pled guilty to accessory after the fact?

20 A Yes, sir, of A, B, C, or D felony.

21 Q Right. And all the other charges are dismissed?

22 A Yes, sir.

23 Q And you're not going to be sentenced until after this
24 trial is over?

25 A Yes, sir.

1 Q And that was your understanding?

2 A Yes, sir.

3 MR. GODFREY: Thank you.

4 THE WITNESS: Yes, sir.

5 MR. COOKE: May it please the Court.

6 THE COURT: Yes, sir.

7 CROSS-EXAMINATION

8 BY MR. COOKE:

9 Q How are you doing, Mr. Butler?

10 A Yes, sir.

11 Q My name is Larry Cooke. I'm the lawyer who's
12 representing Mr. Williams, who is sitting over there at
13 the table in the blue shirt.

14 A Yes, sir.

15 Q I'm just curious, you had mentioned that -- by the
16 way, you gave this statement some -- how many days after
17 the alleged incident?

18 A Four days.

19 Q Four days. Okay. And who all did you talk with
20 between then and the time you gave this statement? How
21 many people did you talk to?

22 A Just Lamar Williams and Jeff Dornberg.

23 Q Okay. Nobody else?

24 A No, sir.

25 Q Okay. And you had mentioned you were down in the

- 1 jail. And I believe the Solicitor was trying to make out
2 like you didn't have contact with any of these Defendants
3 since you've been in jail?
- 4 A Yes, sir. We are all kept separate.
- 5 Q Yeah. But there are ways to communicate down at the
6 LEC, aren't there?
- 7 A Yeah.
- 8 Q I mean, you guys, it's kind of get away with most
9 anything you want to down there as far as communicating?
- 10 A Kind of.
- 11 Q Well, you can write your girlfriend?
- 12 A Yeah.
- 13 Q Okay. And then she can write so and so. There's
14 ways to communicate?
- 15 A Yes, sir. I understand.
- 16 Q Okay. You know what I'm talking about?
- 17 A Yes, sir.
- 18 Q All right. I'm curious about this walkie-talkie.
19 You said that you received a message on the walkie-talkie;
20 is that correct?
- 21 A Yes, sir.
- 22 Q What happened to the walkie-talkies?
- 23 A They were supposed to be picked up by Officer
24 Hammett.
- 25 Q I'm sorry?

- 1 A They were supposed to be picked up by Officer
2 Hammett.
- 3 Q So you don't know anything about what happened to the
4 walkie-talkies?
- 5 A No, sir.
- 6 Q And you date -- y'all date sisters, you and Jeff?
- 7 A Yes, sir.
- 8 Q Y'all have been very close friends?
- 9 A Yes, sir.
- 10 Q Okay. And you've been able to call your girlfriend,
11 and he's been able to call his?
- 12 A No. My sister is dead.
- 13 Q I mean, your girlfriend.
- 14 A Yes, sir.
- 15 Q Do you use drugs?
- 16 A No, sir.
- 17 Q You never have?
- 18 A Yes, sir, I have.
- 19 Q Well, what have you used?
- 20 A I've used methamphetamines. I've used marijuana.
21 I've took pills, drank.
- 22 Q So what were you using the day of this incident?
- 23 A Marijuana.
- 24 Q So y'all had smoked up a bunch of marijuana?
- 25 A No, not a bunch, just one blunt.

- 1 Q One?
- 2 A Yes, sir.
- 3 Q What does that do to you?
- 4 A Just calms me down.
- 5 Q Calms you down?
- 6 A Yes, sir.
- 7 Q Okay. And you made a deal with the Solicitor. When
- 8 was that deal made?
- 9 A Maybe two weeks ago.
- 10 Q So two weeks ago. So you agreed if they kept you
- 11 from going to prison -- did you know you could get life in
- 12 prison for murder?
- 13 A Yes, sir.
- 14 Q Would you tell a lie to keep from going to prison for
- 15 the rest of your life?
- 16 A No, sir.
- 17 Q You wouldn't?
- 18 A No, sir.
- 19 Q Okay. So you're only staring at -- what's the
- 20 possibilities of you going to jail? Do you have any idea
- 21 what you're staring at?
- 22 A Yes, sir.
- 23 Q What?
- 24 A A lot of time.
- 25 Q Well, give me an idea. Do you know?

1 A No, sir, not really. I can get 15 years violent, 15
2 years non-violent.

3 Q So you can get up to 15 years on this thing?

4 A Yes, sir. When I took the guilty plea of accessory
5 after the fact, yes, sir, zero to 15.

6 Q That's right. So you made that deal to keep from
7 going to jail for the rest of your life?

8 A Yes, sir.

9 Q I want to ask you --

10 MR. COOKE: May I approach the witness, Judge?

11 THE COURT: You may.

12 BY MR. COOKE:

13 Q Do you recognize this handwriting?

14 A Yes, sir.

15 Q Is that your handwriting?

16 A Yes, sir.

17 Q And do you see the date on that?

18 A Yes, sir.

19 Q December the 1st, 2010?

20 A Yes, sir.

21 Q Could you tell me what that's all about? What does
22 that say?

23 A That says, I, Scottie Butler, am writing at my own
24 free will giving this statement that Lamar Williams did
25 not have anything to do with the crime, Scottie Butler.

1 Q And do you admit you signed that, and you wrote that?

2 A Yes, sir.

3 Q Mr. Butler, isn't it true that you, Willie Taylor,
4 and Jeff Dornberg put masks on, put gloves on, took
5 your girlfriend's car, and went into that trailer to rob
6 it?

7 A No, sir.

8 Q It's not?

9 A No, sir.

10 Q And you wouldn't tell a lie to save your life, would
11 you?

12 A No, sir. I didn't tell a lie when I wrote my
13 statement. That's before my lawyer was present. And I
14 have no reason to do so now, sir.

15 MR. COOKE: No further questions.

16 Thank you, Mr. Butler.

17 MR. WESTON: Just a couple on redirect, if I may.

18 THE COURT: Yes, sir.

19 REDIRECT EXAMINATION

20 BY MR. WESTON:

21 Q Mr. Butler, let's talk about this statement Counsel
22 just asked you about. I don't know where he put it.

23 MR. COOKE: It's right here.

24 MR. WESTON: May I have that?

25 MR. COOKE: You have one.

1 BY MR. WESTON:

2 Q Who wrote the actual statement? Not the signature at
3 the bottom, but who wrote it?

4 A Lamar Williams wrote it. I signed it. I put my name
5 right there, Scottie Butler. And I signed it Scottie
6 Butler.

7 Q And the date of it is December 1st, 2010; is that
8 correct?

9 A Yes, sir.

10 Q And where were you when this statement was written?

11 A In the Greenville County Detention Center, inside the
12 rec court.

13 Q When you signed this statement, where was Lamar
14 Williams?

15 A In the rec court with me.

16 Q How far away was he from you?

17 A Five feet, if that.

18 Q How did you get this statement?

19 A He gave it to me.

20 Q And what was he supposed to do for you in exchange
21 for giving this statement?

22 A Sign the same thing. He said he had already given it
23 to his lawyer.

24 Q With that said, you didn't have anything to do with
25 it?

1 A Yes, sir. I tried to get him to write me one. But
2 he said he already gave it to his lawyer, and there was no
3 reason for it.

4 Q This is his lawyer?

5 A Yes, sir.

6 Q Did he ever give you your statement?

7 A No, sir.

8 Q He kind of tricked you, didn't he?

9 A Yes, sir.

10 Q Now, Counsel implied that you have now -- you're
11 fabricating the story about Lamar Williams?

12 A Yes, sir.

13 Q You gave a statement on the 24th of October of 2010?

14 A Yes, sir.

15 Q To law enforcement?

16 A Yes, sir.

17 Q Without even a lawyer present?

18 A Without a lawyer present, I waived my rights and
19 answered on my own free will. I wasn't offered nothing.
20 I wasn't promised nothing. I did it because, you know, I
21 knew the fact that I could face the rest of my life in
22 prison. And I just couldn't deal with the conscience on
23 my chest, you know. I've got two kids. And, you know, I
24 guess I deserve prison time. I don't say I don't. But
25 did I kill anybody? No.

1 Q Did you tell the police in your statement on the 24th
2 pretty much the same thing you're telling this jury today?

3 A The exact same thing.

4 Q Did you name the same people?

5 A Yes, sir.

6 Q Including Lamar Williams?

7 A Including Lamar Williams.

8 Q Including Richey Boyd?

9 A Including Richey Boyd.

10 MR. WESTON: Thank you, sir.

11 THE COURT: Any questions, Mr. Godfrey?

12 MR. GODFREY: I beg the Court's indulgence for just a
13 second.

14 (Pause.)

15 MR. GODFREY: Just one question.

16 RECROSS-EXAMINATION

17 BY MR. GODFREY:

18 Q The first statement you gave, there was -- the first
19 sentence in that statement was wrong?

20 A Yes, sir.

21 Q You left out Guatto's name?

22 A Yes, sir.

23 Q And then that was corrected later?

24 A Yes, sir.

25 MR. GODFREY: Thank you.

1 MR. COOKE: I have no further questions.

2 THE COURT: Anything further, Mr. Weston?

3 MR. WESTON: No, ma'am, Your Honor.

4 THE COURT: All right. You may be excused, sir.

5 MR. COOKE: Excuse me. Could I ask him one
6 question -- no, that's okay.

7 THE COURT: That's okay.

8 MR. COOKE: No.

9 Thank you, Judge.

10 I don't need to ask him anything else.

11 THE COURT: All right. You may step down.

12 MR. WESTON: The State will call Mr. Charles Jeffrey
13 Dornberg.

14 THE CLERK: Mr. Dornberg, if you'll come around to be
15 sworn in, please.

16 Place your left hand on the Bible and raise your
17 right, please.

18 WHEREUPON,

19 CHARLES JEFFREY DORNBERG,
20 after first having been duly sworn, testified as follows:

21 THE CLERK: Thank you.

22 You may be seated.

23 THE COURTROOM OFFICER: Slide up to the microphone
24 and speak loud and clear.

25 THE CLERK: Would you, please, state your name for

1 the record.

2 THE WITNESS: Charles Jeffrey Dornberg.

3 THE CLERK: Thank you.

4 DIRECT EXAMINATION

5 BY MR. WESTON:

6 Q Mr. Dornberg, how old are you?

7 A 23.

8 Q And I'm going to ask you to speak loudly so the
9 jurors down on this end can hear you.

10 A Yes, sir.

11 Q Thank you.

12 Are you married, sir?

13 A No, sir.

14 Q Do you have any children?

15 A Yes, sir.

16 Q What are their ages and sexes?

17 A Excuse me?

18 Q What are their ages and sexes, boys, girls?

19 A All four boys.

20 Q And how old are they?

21 A Two, three, five, and six.

22 Q Okay. Now, you've been in the detention center in
23 Greenville since about October of 2010; is that correct?

24 A Yes, sir.

25 Q Prior to that time, where were you living?

- 1 A In Williamston, South Carolina.
- 2 Q And were you employed?
- 3 A No, sir.
- 4 Q All right. Now, let's just cut to the heart of this.
- 5 You have pled guilty to the crime of voluntary
- 6 manslaughter; is that correct?
- 7 A Yes, sir.
- 8 Q And you pled right before the beginning of this
- 9 trial; is that correct, sir?
- 10 A Yes, sir.
- 11 Q You were not sentenced. And your sentencing is going
- 12 to be deferred until after this trial; is that correct,
- 13 sir?
- 14 A Yes, sir.
- 15 Q And, prior to pleading guilty, you were charged with
- 16 the offenses of conspiracy?
- 17 A Yes, sir.
- 18 Q Attempted armed robbery?
- 19 A Yes, sir.
- 20 Q You were charged with kidnapping?
- 21 A Yes, sir.
- 22 Q You were charged with burglary first degree?
- 23 A Yes, sir.
- 24 Q And you were charged with murder; is that correct?
- 25 A Yes, sir.

1 Q And do these charges stem from an incident that
2 occurred on October 18th, 2010, up in Travelers Rest?

3 A Yes, sir.

4 Q Just flat out, did you participate and were you
5 guilty of all the charges I just named from the standpoint
6 of you participating -- your participation?

7 A Yes, sir.

8 Q Now, I'm not suggesting that you, actually, shot
9 somebody. But were you a part of the group that did those
10 things?

11 A Yes, sir.

12 Q And in exchange for your pleading guilty to voluntary
13 manslaughter, all of those charges were dismissed; is that
14 correct?

15 A Yes, sir.

16 Q Or will be dismissed. I'm sorry. And, in return,
17 what do you have to do to get that deal?

18 A Testify.

19 Q Were you told how to testify?

20 A No, sir.

21 Q Were you told what to say?

22 A No, sir.

23 Q What were you told about your testimony?

24 A To tell the truth.

25 Q All right, sir. And that's all you have to do to get

1 the deal?

2 A Yes, sir.

3 Q Let's now go to how you know the other parties
4 involved. Were you present on the morning of October the
5 18th, 2010, at [REDACTED] Valley Road here in Greenville -- here
6 in Travelers Rest? I'm sorry.

7 A Yes, sir.

8 Q And were you in the home when Wallace Cruell was
9 shot?

10 A Yes, sir.

11 Q How did you -- let's begin -- who all was -- who all
12 participated, in addition to yourself, in the crimes I
13 just outlined? Tell the jury their names.

14 A Myself, Scottie Butler, Lamar Williams, Esco, and
15 Solo.

16 Q Do you know Esco's real name?

17 A Yes, sir.

18 Q What is it?

19 A Willie Taylor.

20 Q Do you know Solo's real name?

21 A Yes, sir.

22 Q What is it?

23 A Richey Boyd.

24 Q And let's go down the line here with, I guess, the
25 easiest first. How do you know Scottie Butler -- or how

1 did you know him back then? And when I ask you this, I'm
2 talking about back in October of 2010, how you knew him
3 and about how long you had known him?

4 A I have four kids with his sister. I've probably
5 known Scottie maybe six or seven years.

6 Q How did you know Lamar Williams?

7 A I met him through a friend.

8 Q And, in October of 2010, how long had you known him,
9 ballpark?

10 A Maybe a year and a half.

11 Q Did y'all hang out together from time to time?

12 A Yes, sir.

13 Q All right. Did you know Richey Boyd before October
14 10th -- October 18th, 2010?

15 A No, sir.

16 Q Did you know Willie Taylor before October the 18th,
17 2010?

18 A No, sir.

19 Q Y'all didn't -- with regard to the last two names,
20 Willie Taylor and Richey Boyd, y'all didn't hang out
21 before then?

22 A No, sir.

23 Q How did you come to be in the home up in Travelers
24 Rest that morning with people you didn't even know? I
25 mean, what was your connection to these people?

1 A I knew -- Face introduced me to them.

2 Q By Face, you mean who?

3 A Lamar Williams.

4 Q All right. And let's go back to how did this all get
5 started. Did it start that day, or had y'all been up
6 there before?

7 A That was the first time that I had been there. But I
8 do know that they had been there before.

9 Q What was the reason -- do you know why they went
10 there before?

11 A I guess to kind of scope out the place.

12 Q So how did you know to go on October the 18th, 2010?
13 How did that come up? How did you first find out this was
14 going to happen?

15 A Well, I first found out about it when me and Lamar
16 was riding down the road, and he told me about a good
17 lick.

18 Q Tell the jury what a "lick" is.

19 A I guess a robbery.

20 Q And what did he tell you about this lick?

21 A He said that it was a lot of dope, and a lot of
22 money.

23 Q All right. And you agreed to participate?

24 A Yes, sir.

25 Q Nobody forced you?

- 1 A No, sir.
- 2 Q And so about how long before October 18th was that?
- 3 The day before? A couple days before, or what?
- 4 A The day before.
- 5 Q All right. And how did you get in with everybody
- 6 that morning? How did you get up with them?
- 7 A Scottie came to get me. Scottie Butler came and
- 8 picked me up, me and Lamar.
- 9 Q Where were y'all at?
- 10 A Cadillac Apartments.
- 11 Q In Laurens?
- 12 A Yes, sir.
- 13 Q And what kind of car was Scottie driving?
- 14 A A Dodge Intrepid.
- 15 Q Do you know who it belonged to?
- 16 A Christie Childs.
- 17 Q And that's your sister?
- 18 A Yes, sir.
- 19 Q And after he picked y'all up, where did y'all go
- 20 next?
- 21 A To Greenwood.
- 22 Q And who did you pick up in Greenwood?
- 23 A Richey Boyd.
- 24 Q Does Richey Boyd have a nickname?
- 25 A Solo.

1 Q And do you remember where y'all went in Greenwood to
2 pick him up?

3 A Kind of downtown Greenwood.

4 Q Did you go to a house, or apartments?

5 A A house.

6 Q And did -- how did Scottie Butler know how to get
7 there?

8 A I think Lamar showed him how a little bit of the way
9 how to get there.

10 Q Once you picked up Richey Boyd, now, it's you,
11 Scottie Butler, Richey Boyd, and Lamar Williams. Where
12 did y'all go next?

13 A Greenville.

14 Q And who did you pick up in Greenville?

15 A Esco.

16 Q And Esco is Willie Taylor, I think you said; is that
17 correct?

18 A Yes, sir.

19 Q Did you know how to get to his house?

20 A No, sir.

21 Q All right. Was that morning the first time you had
22 ever seen him?

23 A Yes, sir.

24 Q Was that morning the first time you had ever seen
25 Richey Boyd?

1 A Yes, sir.

2 Q All right. Once y'all picked up Esco, then what did
3 you do?

4 A Headed towards Travelers Rest.

5 Q Did y'all make any stops along the way before you got
6 there?

7 A At a Spinx.

8 Q And just to do some shopping, get a couple of items,
9 or something?

10 A Get gas and, from my understanding, they bought a
11 Black and Mild, and Cigarillo wrap.

12 Q Once you got to Travelers Rest, did everybody get
13 out -- just to give you an example of what I mean, did
14 Scottie Butler park the car and everybody get out, or how
15 did that work?

16 A Scottie didn't get out.

17 Q Did he let y'all out down on the main road?

18 A On a bridge.

19 Q And once he let y'all out -- it's still dark outside
20 at this point, I assume?

21 A Yes, sir.

22 MR. COOKE: I object to leading.

23 THE COURT: Sustained.

24 Don't lead him, Mr. Weston.

25 MR. WESTON: Yes, ma'am, Your Honor.

1 BY MR. WESTON:
2 Q Was it still dark outside when you got there?
3 A Yes, sir.
4 Q And about what time was this, as best you can
5 remember?
6 A Maybe anywhere from midnight to 2:00.
7 Q And I assume it was kind of cold outside?
8 A Yes, sir.
9 Q How long -- when Scottie Butler let you out, I think
10 you said, at the bridge, what did y'all do then?
11 A We went into the woods.
12 Q And what was the purpose of that?
13 A To see what was going on at the house.
14 Q Were y'all -- was the plan to enter the house with
15 people in there?
16 A No, sir.
17 Q What were y'all waiting for?
18 A For them to leave.
19 Q All right. And you -- did you know who was in the
20 house, and what the logistics were, and what the
21 circumstances of this house was?
22 A No, ma'am -- no, sir.
23 Q All right. And so how long did y'all stay up in the
24 woods?
25 A Maybe three hours.

1 Q Did y'all go on in, or did you get back with Scottie
2 Butler?
3 A We got back with Scottie Butler.
4 Q Why was that?
5 A It was cold.
6 Q And what did y'all do?
7 A We rode up to where it tees off, maybe 20 minutes,
8 came back, and went back to the woods.
9 Q All right. Who got out of the car the second time?
10 A Me, Lamar, Esco, and Solo.
11 Q And Esco is who?
12 A Esco is Willie Taylor.
13 Q And Solo is who?
14 A Richey Boyd.
15 Q And who had -- did anybody have guns?
16 A Lamar, Richey Boyd, and Willie Taylor.
17 Q And did they have revolvers or automatics?
18 A Revolvers.
19 Q You saw the guns?
20 A Yes, sir.
21 Q Did you have a gun?
22 A No, sir.
23 Q What was your job supposed to be in this crime?
24 A To kind of help with anything, if I see anything, to,
25 basically, help.

1 Q All right. So y'all went back to the woods. And how
2 long did y'all stay in the woods this time? Was it
3 daylight before y'all did anything?

4 A Yes, sir.

5 Q What did you see happen in terms of the house? Were
6 you able to see what was going on at the house?

7 A I just heard the truck leaving.

8 Q All right. Once you heard the truck leaving, what
9 happened then?

10 A We went up to the house.

11 Q And was anybody wearing gloves?

12 A Yes, sir.

13 Q Who?

14 A Lamar Williams and Richey Boyd.

15 Q Did anybody have masks on, or pulled over their face?

16 A All four of us.

17 Q So once the truck left and you went up to the
18 house -- and I'm just going to kind of let you tell the
19 story. I may ask a question or two. But tell the jury
20 what happened, or how you got in.

21 A Lamar kind of popped the door open. He did not kick
22 it. He forced it open a little bit.

23 Q Is it the front door or the back door?

24 A The back door.

25 Q All right, sir.

1 A Lamar went in. Solo went in. I went in. Willie
2 Taylor was behind me. At the time we came in, Lamar held
3 his gun at the uncle, I suppose. And he tied the uncle
4 up. The uncle, he put him on the couch.

5 And, by that time, Willie Taylor came in. Lamar had
6 Willie Taylor kind of help him off the couch. And then
7 like I was just kind of standing there. Then kind of like
8 Lamar then gave him to me kind of. But it wasn't far.
9 And then the uncle kind of laid down in the room.

10 Q Which room is this now?

11 A The kids room.

12 Q So it's like a bedroom?

13 A Yes, sir.

14 Q All right. So then what happened? Where did you --
15 once the uncle is in the bedroom, where did you go, or
16 stay?

17 A I stayed right in the doorway.

18 Q Of the bedroom?

19 A Yes, sir.

20 Q All right. Then what happened? What did you see?

21 A Then by that time, I seen Richey Boyd in the room, in
22 the master bedroom, and Willie Taylor in the master
23 bedroom. Richey Boyd was going through a lot of stuff.

24 And then a couple of seconds later, we heard the
25 truck pull up. And Lamar kind of stood right in front of

- 1 me a little bit. I don't know where the other two was.
2 And when he came in, Lamar kind of tried to wrestle him
3 down, and put him on the ground. This was kind of in the
4 master bedroom, maybe kitchen-living room area. And, as
5 he was being -- he was trying to tie him up. But the guy,
6 he wasn't going for it.
- 7 Q He was resisting?
- 8 A Yes, sir.
- 9 Q So then what happened?
- 10 A When the guy got up, he looked like he tried to run.
11 And Lamar shot him in the back.
- 12 Q Would -- I'm sorry. You said that kind of fast.
13 Would you repeat that?
- 14 A Lamar shot him in the back.
- 15 Q Did you see that?
- 16 A Yes, sir.
- 17 Q How many times did he fire?
- 18 A Once.
- 19 Q Once he was shot in the back, what happened? What
20 did Mr. Cruell do?
- 21 A He fell.
- 22 Q Were there very many more movements from him once he
23 fell?
- 24 A No, sir.
- 25 Q Once Mr. Cruell was shot and fell to the ground, then

1 incident location?

2 A To the neighborhood where we picked up Willie Taylor.

3 Q And did you drop him off?

4 A Yes, sir.

5 Q Then where did you go?

6 A Greenwood.

7 Q Where did you go -- why did you go to Greenwood?

8 A To drop Boyd off.

9 Q And then where did you go?

10 A To Waterloo where Face's -- Lamar Williams girlfriend

11 lives.

12 Q So, finally, it's just you and Scottie Butler in the

13 car?

14 A Yes, sir.

15 Q And where did he take you?

16 A To Cadillac Apartments.

17 Q Why did he take you there?

18 A My car was there.

19 Q Now, once he dropped you off, when was the next

20 time you talked to Face -- or Lamar Williams? I'm

21 sorry.

22 A Him and Scottie called me. I was at a friend's

23 house. And they came and picked me up in Lamar's

24 girlfriend's car.

25 Q Where did y'all go?

1 A We kind of just rode around in town.

2 Q And why did y'all get together?

3 A He was talking about they didn't really have nothing,
4 had no leads.

5 Q I'm sorry. Would you repeat that slowly?

6 A Y'all had no leads.

7 Q By "y'all," do you mean the police?

8 A Yes, sir.

9 Q All right. Did Mr. Williams say anything about the
10 bullet projectile, and what had happened to that?

11 A It had ended up in Richey Boyd's shoe.

12 Q Who said that?

13 A Lamar Williams.

14 Q All right. Now, you said you had never met Willie
15 Taylor before this incident; is that correct?

16 A Yes, sir.

17 Q And have you talked to Willie Taylor since then --
18 since this incident?

19 A In the jail, I asked him how he was doing, you know.
20 Because I knew that he was with us, you know. That's the
21 only time I talked to him.

22 MR. WESTON: Thank you, sir.

23 I think that's all I have.

24 MR. GODFREY: May it please the Court.

25 THE COURT: Yes, sir.

1 what did y'all do?

2 A We ran out of the house.

3 Q Everybody?

4 A Yes, sir.

5 Q And where did you go?

6 A To get in the car.

7 Q And how -- was the car waiting for y'all when you

8 came out of the woods?

9 A When we came out of the house, the car was waiting.

10 Q Do you know how Mr. Butler would have known to be

11 waiting?

12 A Lamar called him on the cell phone.

13 Q And when you got to the car, then what happened?

14 A We got in the car. And Face said that he had to do

15 it, he had to kill him.

16 Q Did he say why?

17 A Because he was bucking.

18 Q I'm sorry?

19 A He was resisting, bucking.

20 Q And when you say that Face said he had to kill him,

21 who are you talking about?

22 A Wallace Cruell.

23 Q But who is Face?

24 A Lamar Williams.

25 Q All right. So where did y'all go when you left the

CROSS-EXAMINATION

BY MR. GODFREY:

Q Good morning, Mr. Dornberg.

Now, you gave a statement in this case to law enforcement?

A Yes, sir.

Q When did you give that statement?

A About three weeks ago.

Q About two weeks ago?

A Three.

Q Three weeks ago?

A Yes, sir.

Q Okay. Was the statement written?

A Typed.

Q Did you sign your name to it?

A Yes, sir.

MR. GODFREY: Judge I would move to have a copy of Mr. Dornberg's statement. I have not been provided with that.

MR. WESTON: Your Honor, if I may, we provided both Counsel with statements within a few days of him giving a statement. We provided it. It was picked up from our office. I can give him another copy, if you'd like.

MR. GODFREY: Please.

THE COURT: Mr. Godfrey, you did have a copy of it,

1 didn't you, sir?

2 MR. GODFREY: I'm sorry, Judge?

3 THE COURT: You did have a copy of it, didn't you?

4 MR. GODFREY: Of this statement? I do now.

5 THE COURT: Yes, sir. But did you before?

6 MR. GODFREY: To my knowledge, I do not. I've talked
7 to my investigator about that, and neither one of us could
8 locate a statement. I don't know what happened. I'm not
9 saying the State was trying to hide anything, or do
10 anything wrong with the discovery. I'm not saying that at
11 all.

12 BY MR. GODFREY:

13 Q Mr. Dornberg --

14 THE COURT: Actually, before we start your
15 cross-examination, we're going to take a brief recess.
16 The jury has been going for a bit of time.

17 Ladies and gentlemen, do not discuss this case. It
18 wouldn't be appropriate to do so. And I will be back with
19 you shortly.

20 Thank you.

21 (WHEREUPON, the jury was excused from open court at
22 approximately 11:37 a.m.)

23 THE COURT: All right. I need the State to find
24 where they turned over a copy of the statement to
25 Mr. Godfrey.

1 MR. WESTON: She's going to find it right now.

2 THE COURT: Mr. Cooke, did you have a copy of the
3 statement?

4 MR. COOKE: Right before the trial, I got a copy of
5 the statement that was executed, I think, sometime in
6 January; is that correct?

7 MR. WESTON: Yes, sir.

8 Do you have the date of my letter? There should be a
9 cover letter with it where y'all signed for it.

10 There should be a cover letter, Your Honor. It was
11 given, we thought, within a few days of it being taken
12 about three weeks ago. We gave him one and -- my
13 secretary is getting the copies now.

14 MR. COOKE: I just know I just got it a couple of
15 weeks ago.

16 THE COURT: It was only given three weeks ago, so I
17 understand that. But no one better be setting this up for
18 a PCR.

19 MR. COOKE: Oh, I understand.

20 THE COURT: And that is not your intention,
21 Mr. Godfrey?

22 MR. GODFREY: No, Judge, it was not.

23 THE COURT: Okay. You just don't have a copy of it.

24 MR. GODFREY: If I was provided a copy of it, I
25 mislaid it, because I don't have it. I've talked with

1 Mr. Silvaggio as late as this morning about it. Neither
2 one of us had a copy of the statement. I gave my
3 investigator a complete copy of the file. It's possible
4 that I mislaid it. I'm not trying to set anything up.
5 I'm not trying to say anybody did anything wrong. I just
6 wanted to look at the statement.

7 THE COURT: Let me talk to the lawyers in the hall.

8 MR. WESTON: Your Honor, do you want them taken to
9 the back in the holding cell?

10 THE COURT: I don't plan on being too long.

11 How long is it going to take your person?

12 MR. WESTON: She should be back in the office right
13 now. She'll be back in just a few minutes.

14 THE COURT: Are you okay with keeping him here,
15 instead of moving him?

16 THE COURTROOM OFFICER: Yes.

17 (WHEREUPON, a break was taken.)

18 THE COURT: All right. Mr. Weston, why don't you
19 tell me what you found.

20 MR. WESTON: Your Honor, the statement was given to
21 the -- the cover letter was given to Counsel with a copy
22 of the statement on February the 9th of this year. And,
23 by that, I mean it was placed up front. What we do in
24 Greenville is we place them up front and defense lawyers
25 pick them up.

1 Obviously, Mr. Cooke picked his up. Mr. Godfrey's
2 office did not pick up Mr. Dornberg's statement, which is
3 why he does not have it. And we wouldn't have known he
4 didn't have it, because we don't check what's been picked
5 up on a daily basis. They have folders up front in the
6 front of our office.

7 THE COURT: And so I understand, this was the first
8 statement that Mr. Dornberg had made. And what I need to
9 know is, in that statement, does it differ substantially
10 from either Mr. Taylor's statement that was previously
11 given, or Mr. Butler's statement?

12 MR. WESTON: Not substantially, Your Honor. And it
13 does not differ substantially from what he testified to on
14 direct, most importantly.

15 THE COURT: Okay.

16 MR. WESTON: I don't have any objection, Your Honor,
17 to --

18 THE COURT: Breaking for lunch, maybe, letting
19 Mr. Godfrey have an opportunity to look at it with his
20 client.

21 MR. WESTON: Yes, Your Honor.

22 And just so you'll know for scheduling purposes, we
23 have one more witness after him who is going to last -- my
24 direct will last about 15 minutes, and the State will have
25 concluded their case. That's just for scheduling

1 purposes. And I have no objection to doing that, Your
2 Honor. I think that would cure any problems.

3 THE COURT: Okay.

4 MR. COOKE: I don't have any dog in this particular
5 fight, but I do want to make one comment. If this
6 statement was given on the 19th of last month, why in the
7 world would it take until February the 9th to just get us
8 a copy of it?

9 You know, we're right here at the beginning of a
10 trial, and I think that's way outside the rules. I mean,
11 that's three weeks -- it's more than three weeks. I mean,
12 to just now get that statement, that doesn't --

13 THE COURT: Well, there's nothing outside of the
14 rules. There's no specific rule. It needs to be timely
15 turned over, but there is not a timeline date.

16 Again, Mr. Cooke, that was something you should have
17 raised at the beginning of trial because you, in fact, did
18 have a copy of it before trial.

19 Mr. Godfrey.

20 MR. GODFREY: May it please the Court.

21 I have now read the statement. There is nothing
22 unusual in the statement at all. There's nothing that
23 would cause any particular problem. I do see that this
24 came from their front desk. And it's dated February the
25 10th when it was put up there. I have been there and

1 picked up. I don't know whether I left it behind, or
2 whether it wasn't handed to me.

3 But, you know, I've known Jeff Weston for more than
4 20 years. And I've been trying cases with him for a long
5 time. He doesn't hide any discovery ever. And I didn't
6 know what was going on with this one. I'm sorry about the
7 confusion. But I literally did not have it. And I know I
8 was there. I always check right before trial. I don't
9 know what happened.

10 THE COURT: And are you comfortable right now? Would
11 you like to go ahead and take a lunch break now?

12 You can have an opportunity to talk about the
13 statement with your client, or are you ready to go ahead
14 and proceed with your cross-examination of Mr. Dornberg?

15 MR. GODFREY: I don't believe there's anything
16 contained in this statement that I need to go over with my
17 client, because it is exactly, basically, what we
18 expected. And he has already heard the testimony. I'm
19 ready to go forward with cross-examination.

20 THE COURT: And it is, also, consistent with what
21 Mr. Taylor and Mr. Butler have already testified to as
22 well, in addition to the direct examination of
23 Mr. Dornberg?

24 MR. GODFREY: Yes, substantially so.

25 THE COURT: And you're comfortable going forward?

1 MR. GODFREY: Sure.

2 THE COURT: All right. Well, then let's keep going.
3 Are y'all ready?

4 And I didn't know, did the lawyers have an
5 opportunity to take a short break? Do you need a quick
6 break before I bring the jury back in?

7 Are you all right, Mr. Cooke, Mr. Godfrey, and
8 Mr. Weston.

9 MR. WESTON: Yes, Your Honor.

10 The State is ready to proceed.

11 THE COURT: Mr. Cooke, are you ready?

12 MR. COOKE: Yes.

13 THE COURT: Let's bring the jury on in.

14 (WHEREUPON, the jury came into open court at
15 approximately 11:53 a.m.)

16 THE COURT: Welcome back, ladies and gentlemen.

17 Mr. Godfrey, you may continue, sir.

18 MR. GODFREY: May it please the Court.

19 CONTINUED CROSS-EXAMINATION

20 BY MR. GODFREY:

21 Q Now, how many times did you go to Travelers Rest to
22 Mr. Cruell's house?

23 A Once.

24 Q Once. You didn't go up there on October the 15th?

25 A No, sir.

- 1 Q But you did go on October the 17th?
- 2 A Yes, sir.
- 3 Q And then, of course, the incident happened shortly
- 4 thereafter?
- 5 A Yes, sir.
- 6 Q So, now, did you ever go to Greenwood and talk about
- 7 this -- the plans on this before this ever occurred?
- 8 A Yes, sir. We talked about it, what was there.
- 9 Q I'm sorry. Say that again.
- 10 A We talked about how much money they thought was
- 11 there. That was pretty much it.
- 12 Q Who is the "they" you're talking about that --
- 13 A Lamar Williams, myself, and your client.
- 14 Q Okay. Now, did you meet a Guatto?
- 15 A Yes, sir.
- 16 Q Was he at this meeting?
- 17 A Sir?
- 18 Q Was he present?
- 19 A Yes, sir.
- 20 Q Okay. Whose idea was it to go up to Mr. Cruell's
- 21 place?
- 22 A All of -- I guess, you know, all of us, I would say.
- 23 Q Well, who was leading the conversation? Who was
- 24 saying it's a good idea, we need to do this?
- 25 A Pretty much Lamar Williams.

1 Q Whose place were you at in Greenwood? Was it Lamar
2 Williams? Was it Guatto's?

3 A I don't know. I don't know who lives there.

4 Q Okay. About how long was that before the incident,
5 actually, occurred at Mr. Cruell's?

6 A Half a day -- I mean, a day probably.

7 Q Okay. So it was real close in time?

8 A Yes, sir.

9 Q I see. Now, it's been pointed out that you know
10 Scottie Butler real well?

11 A Yes, sir.

12 Q Now, the rest of the folks -- and I know the
13 Solicitor has asked you about this, but I want to make
14 sure I understand. When did you first meet Willie Taylor?

15 A The night all this occurred.

16 Q So you didn't meet him until October the 17th?

17 A Yes, sir.

18 Q Now, Lamar Williams, how long have you known him?

19 A A year and a half, possibly two years.

20 Q Okay. Did you all hang out a good bit?

21 A Yes, sir.

22 Q Now, Richey Boyd, when did you first meet him?

23 A At, I imagine, whoever's house that was that we went
24 to in Greenwood.

25 Q Okay. At that time, did you know him as Solo, or did

1 you know his name?

2 A Solo.

3 Q At the time of the incident, did you know him by his
4 name, or did you know him by Solo?

5 A Solo.

6 Q It was sometime after the incident that you learned
7 his real name?

8 A Yes, sir. It was pretty much when I had my motion of
9 discovery.

10 MR. GODFREY: Oh, I see. I understand.

11 Thank you, sir.

12 I appreciate it.

13 THE WITNESS: Thank you.

14 THE COURT: Mr. Cooke.

15 MR. COOKE: May it please the Court.

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. COOKE:

19 Q You gave a written statement just a few weeks ago,
20 didn't you?

21 A Yes, sir.

22 Q Why did you decide after roughly a year and a half or
23 so to do that? You just wanted to tell the truth and get
24 it off your chest?

25 A Pretty much.

1 Q Do it for your children?

2 A Yes, sir.

3 Q Okay. Who do your children live with?

4 A Dianne Stewart and Eddie Stewart.

5 Q Who?

6 A Dianne Stewart and Eddie Stewart.

7 Q How much child support do you pay?

8 A I haven't paid none. I've been locked up.

9 Q Well, prior to that, how much child support were you

10 paying?

11 A None.

12 Q Who keeps your children up?

13 A At the time, my mother and the other two parents.

14 Q So you didn't take care of your children, basically?

15 A Sir, after my --

16 Q You're a dead beat dad, aren't you --

17 MR. WESTON: Objection, Your Honor. He hasn't let

18 him answer the question.

19 THE COURT: Let him answer the question.

20 MR. COOKE: I'm sorry.

21 THE WITNESS: Sir, it's kind of hard to find a job

22 out there.

23 BY MR. COOKE:

24 Q It is?

25 A Before this happened, I did have a job.

1 Q Now, tell me, do you use drugs?

2 A No, sir.

3 Q You never have?

4 A Oh, yes, sir, I have.

5 Q What is your drug of choice?

6 A I don't have a drug of choice.

7 Q Oh, any kind?

8 A No.

9 Q Well, give me an example of some of the drugs you've

10 used?

11 A I've used cocaine before. And I've used marijuana

12 before.

13 Q How much does a hit of cocaine cost?

14 A I have no idea how much a hit of cocaine cost.

15 Q Well, how much do you buy at a time?

16 A I've bought 20's, maybe 50's. That's it.

17 Q How about marijuana?

18 A Ounces.

19 Q How many dollars a week would you spend on drugs?

20 A I didn't spend dollars a week.

21 Q Oh, you didn't?

22 A No, I didn't.

23 Q What did you spend?

24 A I didn't spend dollars a week at all. It wasn't like

25 that. It wasn't week after week after week.

- 1 Q So you didn't have a bad drug habit?
- 2 A No, sir.
- 3 Q Okay. But any of that money you were using on drugs,
- 4 you were saving for your children; is that correct?
- 5 A Saving for anything that I needed.
- 6 Q That you needed.
- 7 Thank you.
- 8 Now, y'all, you say, stopped at a Spinx?
- 9 A Yes, sir.
- 10 Q On the way up there?
- 11 A Yes, sir.
- 12 Q And what did you roll?
- 13 A I didn't roll nothing.
- 14 Q Well, you said something about a Black and Mild?
- 15 A Yeah.
- 16 Q What's that?
- 17 A That's just a cigar.
- 18 Q What's that all about? What do you do with it?
- 19 A The same thing you do with a cigarette, smoke it.
- 20 Q Did you put anything in it?
- 21 A A cigar is not a drug.
- 22 Q Did y'all smoke any marijuana?
- 23 A I did not.
- 24 Q Did anybody else?
- 25 A Yes, sir.

- 1 Q Okay. Now, you said you stayed in the woods how
2 long?
- 3 A Anywhere from 12:00 to maybe 3:00 to 4:00, three to
4 four hours.
- 5 Q Really?
- 6 A Yes, sir.
- 7 Q Did you see anybody deer hunting out there?
- 8 A No.
- 9 Q Okay. And who all had on gloves, and who all had on
10 masks?
- 11 A All of us had masks.
- 12 Q Okay. And you -- you're handcuffed there; right?
- 13 A Yes, sir.
- 14 Q Are you right or left-handed?
- 15 A Right.
- 16 Q You're right-handed?
- 17 A Yes, sir.
- 18 Q Okay. Now, you mentioned that you have seen
19 Mr. Butler, and you've seen your friend down there in the
20 jail since you've been locked up at the LEC? You've seen
21 the two people who made the deal; is that correct?
- 22 A Yes, sir. But I never talked to them.
- 23 Q You don't talk to them?
- 24 A We've got to keep separate.
- 25 Q They keep you separate?

- 1 A Yes, sir.
- 2 Q Are there ways to communicate down there?
- 3 A Yes, sir, there is.
- 4 Q So, anyhow, out of the thought of your children, you
- 5 say, and this and that and the other, you decided to give
- 6 this written statement just a few weeks ago?
- 7 A Not just for the thought of my children, for myself,
- 8 also.
- 9 Q Oh, yourself. All right. You knew you had a chance
- 10 of going to prison for the rest of your life?
- 11 A Yes, sir.
- 12 Q So that was a motivation, wasn't it?
- 13 A Yes, sir.
- 14 Q And, of course, you wouldn't tell a lie to keep from
- 15 doing that, would you?
- 16 A I have no reason to lie.
- 17 Q So you wouldn't tell a lie to keep from going to
- 18 prison for the rest of your life?
- 19 A Everything that I've said is the truth.
- 20 Q Okay. And have you ever admitted to anyone that you,
- 21 actually, shot --
- 22 A No, sir.
- 23 Q You never have?
- 24 A No, sir.
- 25 Q Well, you don't remember going over to a lady's house

1 that you used to date, an ex-girlfriend, and admitting to
2 her that you had done the shooting?

3 A I never admitted I had done nothing. I admitted I
4 was involved in the shooting.

5 Q Do you remember talking to a Ms. Burnette?

6 A Yes, sir.

7 MR. WESTON: Excuse me, Your Honor. I can't hear
8 him. He's clicking his pen. I can't hear what the
9 witness is saying.

10 MR. COOKE: I'm sorry. I'll put it down.

11 BY MR. COOKE:

12 Q So you deny that you've ever admitted to anybody you
13 shot Mr. Cruell that night?

14 A Yes, sir.

15 MR. COOKE: Excuse me just a minute, please.

16 (Pause.)

17 BY MR. COOKE:

18 Q Isn't it true that -- the three of you, the ones who
19 made the deal with the State, isn't it true that the three
20 of you put on masks, and put on gloves, and after
21 Mr. Taylor told you there was a target, the three of you
22 went up there to rob those people, and that you shot --

23 A No --

24 Q -- let me get through -- and that you shot
25 Mr. Cruell?

1 A No. That's not true.

2 Q That's not true?

3 A For one, you said all three of us that made the deal.

4 Scottie Butler sat in the car the whole time. Why would

5 he have gloves or a mask on at any time?

6 Q I don't know.

7 A He didn't --

8 Q I'm saying --

9 A No. That's not true.

10 Q I'm saying that Mr. Butler, in fact, went in?

11 A No. Mr. Butler did not go in.

12 Q He didn't?

13 A No, sir.

14 Q And you deny that you shot Mr. Cruell?

15 A Because I didn't.

16 Q And you deny you ever told anybody you did?

17 A Yes, sir.

18 MR. COOKE: No further questions.

19 MR. WESTON: Just a couple on redirect.

20 THE COURT: Yes, sir.

REDIRECT EXAMINATION

21

22 BY MR. WESTON:

23 Q Just to be clear, Mr. Dornberg. There was mention of

24 Guatto and Richey Boyd. Are they the same person?

25 A No, sir.

1 Q And you've seen both of them in the same room?

2 A Outside of the house.

3 Q Describe Guatto. What did he look like?

4 A It, sir, has been so long. He had a hat on. I can't

5 really explain.

6 Q Is he black?

7 A Black, yes, sir.

8 Q Is he -- describe Richey Boyd.

9 A Black.

10 Q Height? Weight? Just ballpark.

11 A Maybe 5'8". And he had a gold tooth.

12 Q All right. But you're sure Guatto and Richey Boyd

13 are two separate people?

14 A Yes, sir.

15 MR. WESTON: I think that's all I have, Your Honor.

16 THE COURT: Anything further, gentlemen?

17 Mr. Godfrey?

18 Mr. Cooke?

19 MR. GODFREY: Nothing, Your Honor.

20 MR. COOKE: Nothing, Judge.

21 THE COURT: All right. You may be excused, sir.

22 The State will call the next witness.

23 MR. WESTON: The State will call Mr. Neil

24 Haltiwanger.

25 THE CLERK: Mr. Haltiwanger, if you'll come forward,

1 please.

2 Please place your left hand on the Bible and raise
3 your right hand.

4 WHEREUPON,

5 NEIL HALTIWANGER,

6 after first having been duly sworn, testified as follows:

7 THE CLERK: Thank you.

8 You may be seated.

9 MR. WESTON: Your Honor, there was a matter that
10 Mr. Cooke and I talked about earlier this morning that we
11 wanted to take up. And we may need to do it outside -- I
12 think we will need to do it outside of the presence of the
13 jury. It will only take a few moments.

14 THE COURT: Ladies and gentlemen, I'm going to send
15 you back to the jury room for a few moments. Do not
16 discuss this case.

17 Thank you.

18 (WHEREUPON, the jury was excused from open court at
19 approximately 12:07 p.m.)

20 THE COURT: Yes, sir.

21 MR. WESTON: Your Honor, Mr. Haltiwanger is prepared
22 to testify. And he does have prior convictions that we
23 have provided Counsel with the NCIC report on them. As
24 you may recall, yesterday, Counsel, with regard to one of
25 the previous witnesses, took the NCIC sheet up there with

1 him, so the jury could see it. I would ask that he not be
2 allowed to do that today.

3 And what we've got -- we've got the convictions. I
4 want to make sure -- yesterday, Counsel said to a witness,
5 You've got a conviction for assault and battery with
6 intent to kill. Oh, no, that was nolle prossed. Did you
7 cut a deal on that? I want to make sure we don't have
8 that problem with Mr. Haltiwanger.

9 So what I've got -- what I'd like to do is make sure
10 we can talk about what, I think, is just one conviction
11 that is admissible. He has 1998 -- going backwards --
12 criminal domestic violence; 1997 false information; 1991,
13 burglary; 1991, malicious injury. The State's position
14 would be that none of those are admissible, because
15 they're beyond 10 years. And, of course, Counsel can
16 argue against that, if they'd like.

17 THE COURT: Okay. Do you want to use any of those,
18 gentlemen?

19 MR. COOKE: I'm sorry?

20 THE COURT: The false information to police is,
21 obviously, a crime of moral turpitude and can be used and,
22 certainly, he can be impeached on, even if it's outside of
23 10 years. So I think that one is fair game.

24 MR. COOKE: Thank you, Judge.

25 THE COURT: You're welcome.

1 I always like to make your argument for you.

2 MR. WESTON: Within the last 10 years, Your Honor,
3 he's got a 2004 criminal domestic violence; 2005, assault
4 and battery of a high and aggravated nature, and public
5 drunk.

6 My -- the State's position is that only the assault
7 and battery of a high and aggravated nature is admissible.
8 But what I really just want is a resolution before we
9 start and get the jury back in here. I would hope that we
10 don't have what happened yesterday happen again.

11 THE COURT: All right. Gentlemen, you can use the
12 2005 assault and battery of a high and aggravated nature
13 and, certainly, the 1997 false information to police.

14 MR. COOKE: I think there are two of those false
15 information. Somehow, my criminal report --

16 MR. WESTON: I'm sorry, Your Honor. And Counsel is
17 absolutely right. It is a 1997 and a 1998. And Counsel
18 is absolutely right, Your Honor. I misspoke.

19 THE COURT: Yes, you can use both of them.

20 Anything further we need to put on the record?

21 MR. WESTON: No, ma'am, not from the State.

22 THE COURT: Actually, can I speak to the attorneys up
23 here just at the bar for a minute?

24 (WHEREUPON, a bench conference was held.)

25 THE COURT: Let's bring the jury on in.

1 (WHEREUPON, the jury came into open court at
2 approximately 12:15 p.m.)

3 THE COURT: Welcome back, ladies and gentlemen.

4 Mr. Weston, you can go ahead, sir.

5 MR. WESTON: Thank you, Your Honor.

6 May it please the Court.

7 THE COURT: Yes, sir.

8 DIRECT EXAMINATION

9 BY MR. WESTON:

10 Q Mr. Haltiwanger, I'm not sure whether you said it or
11 not, but would you state your name for the record, please?

12 A Neil Haltiwanger.

13 Q All right. And, Mr. Haltiwanger, I'd like for you to
14 speak up so these back jurors down on this corner can hear
15 you, sir.

16 A Okay.

17 Q And if you don't understand my question, please, ask
18 me to repeat it.

19 A All right, sir.

20 Q Where do you live, Mr. Haltiwanger?

21 A [REDACTED] Hendrix Street, Lexington, South Carolina.

22 Q And how old are you?

23 A I am 38.

24 Q Are you married?

25 A No, sir.

1 Q Do you have any kids?

2 A Yes, sir.

3 Q How old are they?

4 A They are six and seven.

5 Q I'm sorry?

6 A Six and seven.

7 Q All right, sir. Now, let's try to cut right to this,
8 Mr. Haltiwanger. Do you know anything, personally, about
9 the incident that happened on October 18th, 2010, up in
10 Travelers Rest, South Carolina, involving the death of
11 Wallace Cruell?

12 A No, sir.

13 Q Do you know the Cruells up there in Travelers Rest?

14 A No, sir.

15 Q Do you even -- had you even heard of Travelers Rest,
16 South Carolina, before October 10th of 2010?

17 A I had never heard of it.

18 Q And that's not a strike at Travelers Rest or
19 anything, I understand. You were living in Lexington at
20 that time?

21 A Yes, sir.

22 Q All right. Do you know the Defendant, Mr. Lamar
23 Williams?

24 A Yes, sir.

25 Q Tell the jury how you knew Mr. Williams back in

1 October of 2010.

2 A I dated his mother.

3 Q And was -- in October of 2010, was his mother living
4 with you?

5 A Yes, sir.

6 Q In Lexington?

7 A Yes, sir.

8 Q Now, had you ever seen Lamar Williams before October
9 of 2010?

10 A Yeah.

11 Q About how many times?

12 A I would say probably about three or four times.

13 Q All right. Did he have an occasion to come to your
14 home on October 23rd of 2010?

15 A No, sir.

16 Q Did he come to your home that day, that evening --

17 A Yeah, yeah.

18 Q Okay. You need to listen to my question now before
19 you answer.

20 A All right.

21 Q Prior to October 23, had he ever been to your home
22 before?

23 A No.

24 Q And it wasn't because he wasn't invited. It just
25 hadn't happened --

1 A Yeah --

2 MR. COOKE: Objection --

3 MR. WESTON: I'll withdraw the statement and the
4 question, Your Honor. I was just trying to move it along.

5 THE COURT: Okay.

6 BY MR. WESTON:

7 Q Had you ever seen him before that day?

8 A Yes.

9 Q So you knew who he was?

10 A Yeah.

11 Q Now, on October 23rd, tell the Court about what time
12 and under what circumstances he came to your home.

13 A Well, he came the night before. Me and him had a
14 conversation about what happened.

15 Q Don't get that far yet. Just tell us about how he
16 arrived, when he arrived, and what happened. We'll get
17 there.

18 A When he arrived, he brought a female friend with him.
19 And he asked to look on the computer.

20 Q Now, when he got there, would you describe the
21 female?

22 A Yeah. She was a little slim, short, I'd say about
23 5'2", 5'3" brunette. That's about it.

24 Q Had you ever seen her before?

25 A No.

1 Q And do you remember her name?

2 A No.

3 Q Okay, sir. When he first got there, did he ask you
4 about anything specific?

5 A No.

6 Q Did he talk about getting on the computer?

7 A Yes.

8 Q How soon after he got there did he start talking
9 about that?

10 A It was as soon as he arrived there.

11 Q All right. Did he tell you what he was looking for
12 on the computer?

13 A About some crime that happened.

14 Q Did he say where it happened?

15 A Well, in Greenville.

16 Q Okay. And what did he say about the crime that had
17 happened in Greenville?

18 A I remember him looking on there and saying, I know
19 the two guys, and, basically, that was it.

20 Q All right. Did he show you on the computer any
21 reports of the crime, or something?

22 A No. He was, basically, looking at the -- I guess the
23 crime scene. And I guess I saw the family on there that
24 was mourning over the guy's death, or something like that.

25 Q And that's what he showed to you?

1 A Basically. It was me, his mother, and his
2 grandmother that was in there. And he was, basically,
3 just looking at it. So he really didn't go like come
4 here, look at this.

5 Q All right. So, now, the next morning, Sunday,
6 October 24th, did you have an occasion to have a
7 conversation with Mr. Williams?

8 A Yes.

9 Q Where did this take place?

10 A In my bedroom.

11 Q How did the conversation -- how did he end up in your
12 bedroom?

13 A Well, he knocked on the door and asked could he come
14 in and talk to me. So he asked me a question about what
15 went on, what could be the case of him getting time, how
16 much time he could get for doing something. But, at that
17 time, he never told me what he had done.

18 Q Did he later tell you what he had done?

19 A Yeah.

20 Q During that same conversation?

21 A Yeah.

22 Q What did he tell you he had done?

23 A Well, first, he said that he went in the guy's house
24 and said he had some money, like \$10,000, or something
25 like that. And he, I guess, was going to get something

1 for that money. And he said that the guy had like five
2 guys with him. And they all put on hoods. And he said
3 his buddies went in and they all started shooting. That
4 was his first story.

5 Q And how did that conversation end? Did he leave the
6 bedroom?

7 A Yeah, he left. I think he was distracted by a phone
8 call.

9 Q All right. Did he come back into your bedroom?

10 A Yes, sir.

11 Q About how long after the first conversation?

12 A Let's see. I can't remember really, probably about
13 10 minutes later.

14 Q When he came back in the bedroom the second time,
15 tell this jury what he told you.

16 A He wasn't detailed at all. He said he shot the guy.
17 And he said he must have been up on the guy, because the
18 bullet, or the casing, or something went in his shoe.
19 And, basically, that was it.

20 Q Okay. Was it the same story he had told you the
21 first time?

22 A No.

23 Q What did you tell him to do after you heard that?

24 A I told him to turn himself in.

25 Q And what did he say?

1 A He said that he don't want to do it because, you
2 know, how the Greenville officers are. And that he
3 wouldn't get a fair trial, and nothing like that. And he
4 just don't trust the cops in Greenville.

5 Q All right. Did he ask for your assistance in eluding
6 the police in any way?

7 A No.

8 Q Did he ask you about getting him some money?

9 A Yes.

10 Q Tell the jury what he asked you about doing that.

11 A Well, he asked me could I collect some money from a
12 friend that was going to send him some money. And I told
13 him, No, I'm not getting involved in that. You need to
14 turn yourself in.

15 Q And, once again, after you told him that the second
16 time to turn himself in, what did he say?

17 A Yeah. He said he's not going to do it. He said that
18 they've just got to catch him.

19 Q Did he talk about where he might go?

20 A He mentioned Arizona and Virginia where his sisters,
21 I guess, were located.

22 Q All right. Did you hear him talking on the phone
23 with anybody else about this matter in Greenville that
24 morning?

25 A Yeah.

1 Q What did -- and I know you didn't hear the other side
2 of the conversation. Do you know who he was talking to?

3 A No.

4 Q Tell the jury what you heard him say about a woman
5 involved in this case.

6 A I heard him say, We need to get rid of her because of
7 talking, or whatever.

8 Q That she was talking?

9 A Yeah.

10 Q And he said what now?

11 A That they need to get rid of her.

12 Q Okay. And you don't know who he was talking to?

13 A No, sir.

14 Q Now, did he tell you what happened to the gun in this
15 case?

16 A He said that he gave it to a friend so his friend
17 could melt the gun. And he, also, mentioned the clothes.
18 He gave his friend the clothes so his friend could burn
19 the clothes.

20 Q All right. Do you know Scottie Butler?

21 A No.

22 Q Does that name mean anything to you?

23 A No.

24 Q Do you know -- does the name Willie Taylor mean
25 anything to you?

1 A No.

2 Q How about Jeffrey Charles Dornberg, does that name
3 mean anything at all to you?

4 A No.

5 Q Have you -- as far as you know, have you ever even
6 met any of these gentlemen?

7 A Never.

8 MR. WESTON: Thank you.

9 That's all I have.

10 THE COURT: Mr. Godfrey.

11 MR. GODFREY: May it please the Court.

12 THE COURT: Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. GODFREY:

15 Q Does the name Richey Boyd mean anything to you?

16 A No, sir.

17 Q And just one other question. You say that
18 Mr. Williams told you that he shot a guy and he must have
19 been up on him close, because the bullet or shell fell in
20 his shoe?

21 A Yes.

22 MR. GODFREY: Thank you, sir.

23 THE COURT: Mr. Cooke.

24 MR. COOKE: May it please the Court.

25 THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. COOKE:

Q Mr. Haltiwanger, you had dated Lamar's mother. How long had you dated her?

A Probably, I would say, about two years.

Q And do y'all still date?

A No.

Q Okay. When did you break up?

A We broke up -- that was, I would say, a few months after the incident.

Q All right. And did you particularly like Lamar?

A Oh, yeah. Oh, yeah. I think he was a -- Lamar was --

Q Answer my question. I said, did you like Lamar?

A Yeah, yeah. I liked him a lot. He's a great guy, but...

Q I'm sorry.

A In my opinion, I think he's a great guy.

Q And you heard him talking to friends over the phone about the crime in Greenville and he pulled up the news on his [sic] computer; is that correct?

A Yeah.

Q Y'all were kind of all looking?

A Yeah.

Q People were talking back and forth about what had

1 happened in Greenville. And a couple of his buddies had
2 been arrested, and he was upset about that?

3 A Yeah.

4 Q And you said he came in your room and discussed with
5 you that -- I think you said the first time he didn't say
6 anything about shooting anybody?

7 A No, no.

8 Q Then the second time, he just came in there and said,
9 I shot somebody, what should I do?

10 A Yeah.

11 Q Now, let me find out a little bit about you and your
12 background. You grew up where?

13 A Well, I grew up in Batesburg-Leesville.

14 Q Okay. I know where that is. And you went to school
15 down there?

16 A Yes. I went to middle school in Batesburg as well.

17 Q And you moved on to Lexington after that. How long
18 have you been down there?

19 A Since I was 18, about 20 years.

20 Q And where do you work?

21 A I work at Super Suds Car Wash.

22 Q Super Suds Car Wash?

23 A Yes, in West Columbia.

24 Q How long have you been there?

25 A About a year and a half.

1 Q Okay. And let me ask you a question just a little
2 bit about your past history with law enforcement. Do you
3 remember on occasions when you've been either convicted or
4 pled guilty to giving false information to police
5 officers?

6 A One time.

7 Q Could it have been twice?

8 A Huh?

9 Q Could it have been twice?

10 A No, no, not that I can recall.

11 Q Okay. Now, tell me, you're on probation now for
12 something?

13 A Yes, sir.

14 Q Okay. What are you on probation for?

15 A Assault and battery of a high and aggravated nature.

16 Q Okay. And are you still on probation?

17 A Yes, sir. I'll be off in October.

18 Q So you're up to snuff on everything --

19 MR. WESTON: Objection, Your Honor. This is beyond
20 impeachment. He's answered the question.

21 THE COURT: Okay. Let's finish up.

22 BY MR. COOKE:

23 Q So you are on probation now?

24 A Yes, sir. I sure am.

25 What does that have to do with it?

1 THE COURT: Sir, you're not to ask questions. You're
2 to answer the questions that are posed to you.

3 BY MR. COOKE:

4 Q Well, to be honest with you, what it has to do with
5 it --

6 MR. WESTON: Objection, Your Honor --

7 THE COURT: Gentlemen.

8 All right. You just ask a question, Mr. Cooke.
9 Let's go.

10 MR. COOKE: Okay.

11 BY MR. COOKE:

12 Q And you're sure you've only been convicted or pled
13 guilty one time of giving false information to police?

14 MR. WESTON: Objection, Your Honor, asked and
15 answered.

16 THE WITNESS: Yes. You've already asked me that
17 question.

18 THE COURT: Overruled.

19 BY MR. COOKE:

20 Q Okay. I know I have, but I'm asking you one more
21 time.

22 A And I told you one more time.

23 MR. COOKE: Your Honor, may we approach, just the
24 Solicitor and I?

25 THE COURT: You may.

1 (WHEREUPON, a bench conference was held.)

2 THE COURT: Mr. Cooke, you may proceed.

3 MR. WESTON: Your Honor, Counsel is asking for my
4 documents that I've already provided to him first thing
5 this morning. And he said it's under his stack of papers.

6 MR. COOKE: I've got it.

7 THE COURT: Gentlemen --

8 MR. WESTON: I'm sorry, Your Honor.

9 THE COURT: Gentlemen, let's go.

10 BY MR. COOKE:

11 Q Mr. Haltiwanger, I'm looking at the NCIC report that
12 shows in 1997, you were convicted of giving false
13 information to police?

14 A Okay. That's 15 years ago.

15 Q Okay. Now, I'm showing you again, a 1998, giving
16 false information to police?

17 A That's 14 years ago.

18 Q Okay. So it's twice, not just once?

19 A I just can't remember, 14, 15 years ago.

20 Q You just don't remember?

21 A I just can't remember.

22 Q But you remember everything that happened the night
23 with Lamar Williams? You have such a great memory.

24 That's a year and a half ago, and you remember it all?

25 A I remember it all.

1 MR. COOKE: Thank you, Mr. Haltiwanger.

2 No further questions.

3 THE COURT: Anything further, Mr. Weston?

4 MR. WESTON: No redirect, Your Honor.

5 THE COURT: Any objection to him being excused?

6 MR. COOKE: None, Judge.

7 THE COURT: You're excused.

8 MR. GODFREY: None.

9 THE COURT: You're excused, sir.

10 MR. WESTON: Your Honor, the State rests.

11 I do need to give Mr. Haltiwanger one piece of advice
12 with regard to his travel up here, if I may, Your Honor.
13 It'll take just about 10 seconds.

14 But the State is going to rest at this point.

15 THE COURT: Okay. Well, I'll go ahead and address
16 the jury.

17 At this time, the State has rested their case. Based
18 on the hour, and because there are some matters of law I
19 need to take up with the attorneys, I think now is a good
20 time for you all to go for your lunch break.

21 I will tell you, ladies and gentlemen, we are
22 attempting to push on today. And what I'm going to do is
23 give you a slightly shorter lunch break. I hope that's
24 okay, and I hope you all can accommodate yourself. By the
25 clock at the back of the courtroom, it looks like it's

1 about 12:35ish, or so. I am going to ask you to be back
2 in your jury room at 1:30. That's a little less than an
3 hour. And we're going to continue the trial of this case.
4 And if anybody has a problem and finds themselves rushing
5 at all, please, don't. We can't start until all 14 of you
6 are here. But, again, we're going to try to move things
7 along, and take a slightly shorter break.

8 Again, ladies and gentlemen, do not discuss this
9 case. Do not do any independent research. Go get a
10 sandwich. And we'll look forward to seeing you back at
11 1:30 in the jury room.

12 Thank you.

13 (WHEREUPON, the jury was excused from open court at
14 approximately 12:36 p.m.)

15 THE COURT: Gentlemen, let's go ahead and make
16 motions.

17 Are you ready to go ahead and do that right now, or
18 do you want to grab some lunch first? You tell me your
19 preference.

20 Mr. Godfrey doesn't even eat lunch he told me.

21 MOTIONS

22 MR. GODFREY: Well, the motion is very short.

23 Judge, on behalf of Richey Boyd, we would move for a
24 directed motion -- for a motion of directed verdict of
25 acquittal given that the evidence presented does not

1 present a prima facie case on any of the charges
2 presented.

3 THE COURT: Mr. Cooke, do you want to join in on that
4 motion?

5 MR. COOKE: I beg your pardon?

6 THE COURT: Do you want to join in on that motion?

7 MR. COOKE: I definitely join in on that motion,
8 Judge.

9 At the same time, I feel like the State has failed to
10 prove that my client is guilty, even viewing the evidence
11 most favorable to the State. There's only been
12 conflicting statements made by co-defendants. There's
13 absolutely no physical evidence that's been presented in
14 this case to tie my client to that crime, none. There's
15 no phone records, no nothing. Just a bunch of hoods up
16 there on the stand saying that he was there that night.
17 When, in fact, one of them said, under oath, that my
18 client had nothing to do with it. He admitted signing
19 that statement.

20 THE COURT: All right. Well, respectfully,
21 Mr. Cooke, there were three of them stating -- and even
22 one, we all know, would be enough taking the light -- or
23 the evidence in the light most favorable to the State.

24 There is, certainly, adequate evidence for this case
25 to go forward as to both Defendants as to the charge of

1 murder, possession of a weapon during the commission of a
2 violent crime, kidnapping, attempted armed robbery,
3 burglary first, and conspiracy. So, respectfully, I'm
4 going to deny both of the motions as to the directed
5 verdict.

6 Gentlemen, y'all go grab some lunch. We'll come
7 back.

8 My question to Mr. Godfrey and Mr. Cooke is, would
9 you like me to go over your clients right with them now,
10 or when we come back from lunch?

11 MR. GODFREY: I would prefer that you do it now,
12 Judge.

13 MR. COOKE: That's fine with me, Judge.

14 THE COURT: Gentlemen, if you would both stand. And
15 I'm going to have Joelle swear you in just real quickly.

16 THE CLERK: Raise your right hand.

17 WHEREUPON,

18 LAMAR DONTRAY WILLIAMS,

19 RICHEY LAMONT BOYD,

20 after first having been duly sworn, testified as follows:

21 THE COURT: All right. Gentlemen, I'm going to ask
22 you a number of questions just very quickly, and explain
23 to you your Constitutional rights. When you respond, I
24 just need to hear you both verbally respond separately.
25 So I'm going to ask Mr. Williams to respond first, and

1 then Mr. Boyd.

2 All right. Gentlemen, at this time, what I'm going
3 to explain to you is certain rights that you have. If
4 there's anything I say that you do not understand, ask me
5 to, please, repeat it, or rephrase it. And I'm happy to
6 do it.

7 Gentlemen, we have reached the stage of the trial
8 where you may present your defense. You have the right to
9 claim the protections that have been provided to you under
10 the Fifth Amendment of the Constitution of the United
11 States, which states in small part that no person shall be
12 compelled in any criminal case to be a witness against
13 themselves. This means, gentlemen, that you cannot be
14 required to testify in this case.

15 And, of course, gentlemen, if you choose not to
16 testify, I'm going to instruct the jury during my jury
17 charge to them that the fact that you did not -- or if you
18 do not testify, that should not even be discussed back in
19 the jury room. It's wholly inappropriate. Of course,
20 gentlemen, you are always presumed innocent until and
21 unless the jury finds you guilty.

22 Gentlemen, also, though, you, also, need to respect
23 and understand that you do have the right to testify on
24 your own behalf, if you wish to. But I, also, want you to
25 know that you will then be subject to questioning and

1 cross-examination just like any other witnesses in this
2 case.

3 And, gentlemen, if you have convictions on your
4 record for crimes of moral turpitude, or crimes in the
5 last 10 years that carried over a year in prison and I
6 determine that they're probative value outweighs any
7 prejudice, you can be examined and cross-examined on those
8 convictions.

9 All right. Gentlemen, I want to make sure you
10 understand that if you decide to testify, that decision on
11 your part must be made freely and voluntarily, knowingly,
12 and intelligently with the knowledge of the protections
13 that are provided to you under our Constitution. And,
14 gentlemen, both of you, I want to make sure you understand
15 the consequence of your testifying.

16 Mr. Williams, do you understand what I've explained
17 to you?

18 DEFENDANT WILLIAMS: Yes, ma'am.

19 THE COURT: Mr. Boyd, do you understand what I've
20 explained to you?

21 DEFENDANT BOYD: Yes, ma'am.

22 THE COURT: Gentlemen, do you have any questions
23 about what I've explained to you?

24 Mr. Williams?

25 DEFENDANT WILLIAMS: No, ma'am.

1 THE COURT: Mr. Boyd?

2 DEFENDANT BOYD: No, ma'am.

3 THE COURT: Gentlemen, have you discussed with your
4 lawyers whether or not you wish to testify?

5 Mr. Williams?

6 DEFENDANT WILLIAMS: To a certain degree.

7 THE COURT: Okay. And Mr. Boyd?

8 DEFENDANT BOYD: Yeah, to a certain degree.

9 THE COURT: Gentlemen, what I'm going to do is this,
10 I'm going to provide you a little more time during the
11 lunch break to speak to your lawyers about that. When we
12 come back, what I'm going to ask you is if you have had a
13 further conversation with your lawyers about whether or
14 not you wish to testify. And then I'm going to ask if you
15 want to testify.

16 Do you understand that, Mr. Williams?

17 DEFENDANT WILLIAMS: Yes, ma'am.

18 THE COURT: Do you understand that, Mr. Boyd?

19 DEFENDANT BOYD: Yes, ma'am.

20 THE COURT: All right. Gentlemen, I will see you all
21 after lunch. And we'll be starting promptly at 1:30.

22 All right. Thank you.

23 (WHEREUPON, a lunch break was taken.)

24 THE COURT: Yes, sir.

25 MR. COOKE: Judge, unfortunately, I'm not quite ready

1 to go. I have a matter I need to bring to the Court's
2 attention.

3 THE COURT: Yes, sir.

4 MR. COOKE: A couple weeks ago -- a week and a half
5 ago, I met with a fellow by the name of Michael Williams
6 at the LEC with his lawyer, a court-appointed lawyer,
7 regarding his testimony on behalf of my client. He was to
8 testify as to certain conversations that he had had with
9 Mr. Dornberg that was previously on the stand. And the
10 testimony would have been that Mr. Dornberg had admitted
11 before him and others that he had, in fact, killed the
12 victim in this case.

13 So he was subpoenaed to come up here today to
14 testify. They brought him up. I went down to talk with
15 him. And, for some reason, there's been some intimidation
16 from somewhere. I don't know where. But he acts very
17 reluctant now. He says he's afraid to testify. And it
18 didn't really make any sense to me, but something about a
19 bond, and something about he needs to get out on bond to
20 be safe. He's scared that he won't be safe at the LEC if
21 he does testify, and that people will be out to get him.

22 So I would just like to inquire as to maybe who has
23 tried to intimidate him. Because -- and I don't accuse
24 the Solicitor of doing it at all. I would just like to
25 know why he has just changed on me like this, because he's

1 a very important witness.

2 THE COURT: Okay. Well, we can, certainly -- if you
3 want to bring him up here.

4 Is he going to be your first witness?

5 MR. COOKE: Well, he was, but I want to get him in
6 and find out --

7 THE COURT: Well, let's go ahead. We'll bring him in
8 here. You can go ahead and question him. And that's
9 fine. And I will, certainly, question him as well.

10 (Pause.)

11 THE CLERK: Mr. Williams, if you'll come around,
12 please.

13 And if you'll place your left hand on the Bible and
14 raise your right hand.

15 WHEREUPON,

16 MICHAEL ANTONIO WILLIAMS,
17 after first having been duly sworn, testified as follows:

18 THE CLERK: Have a seat, please.

19 Would you, please, state your name for the record.

20 THE WITNESS: Michael Antonio Williams.

21 THE CLERK: If you could, move forward just a little
22 bit.

23 THE COURT: Your last name, sir?

24 THE WITNESS: Williams.

25 THE COURT: Mr. Williams, we're going to go ahead and

1 I'm going to allow him to ask you a certain number of
2 questions. As you can see, there's no jury here. I want
3 you to know and understand that you have been subpoenaed
4 here today to give your testimony.

5 You have sworn him in, Joelle; is that correct?

6 THE CLERK: Yes, I just did.

7 THE COURT: You have to answer truthfully. And I'm
8 going to go ahead and allow Mr. Cooke to ask you some
9 questions at this time.

10 THE WITNESS: Yes, ma'am.

11 THE COURT: All right. And if there's any problem
12 you have or don't understand, ask me.

13 THE WITNESS: Yes, ma'am.

14 DIRECT EXAMINATION

15 BY MR. COOKE:

16 Q Mr. Williams, you remember talking to me a couple of
17 weeks ago with your lawyer present --

18 A Yes, sir.

19 Q -- Mr. Scott Robinson?

20 A Yes, sir.

21 Q And with his permission, did you voluntarily talk
22 with me about this case?

23 A Yes, sir.

24 Q And about Mr. Lamar Williams?

25 A Yes, sir.

1 Q And --

2 THE COURT: Mr. Williams, you need to speak up.

3 THE WITNESS: Yes, sir.

4 BY MR. COOKE:

5 Q And you had told me that, at some point in time, down
6 at the LEC while playing cards late one night that you had
7 a conversation with Mr. Dornberg, I believe?

8 A Yes, sir.

9 Q And, at that time, you told me that Mr. Dornberg had
10 admitted that he had, actually, been the one that shot
11 Mr. Cruell; is that correct?

12 A Yes, sir.

13 Q And did he say that in your presence?

14 A Yes, sir.

15 Q And then I just came down to talk with you during the
16 break a few minutes ago, and you had mentioned to me that
17 you don't feel safe about testifying. You feel like that
18 maybe something might happen to you down there in jail; is
19 that correct?

20 A Yes, sir.

21 Q And it had something to do with you not being able to
22 get out on bond, and you were trying to get out on bond
23 where you could be home and you could be safe and, that
24 way, you would be able to testify; is that correct?

25 A Yes, sir.

1 Q But, now, you don't feel safe, and you don't want to
2 testify; is that correct?

3 A I will testify.

4 Q You will testify?

5 A Yes, sir.

6 MR. COOKE: Okay. I have no further questions.

7 MR. WESTON: Your Honor, I don't have any -- I have
8 to ask the Court's indulgence with regard to one matter
9 before I ask any questions. Your Honor, all we have is
10 Mr. Williams name on the witness list that we received on
11 Monday morning. We don't have a social security number or
12 birth date. So we've not been able to run any RAP sheet
13 on him. And I was wondering if I could get that
14 information from him today before he testifies, and we be
15 given time to run a RAP sheet, at least, so we know what
16 to cross-examine him on.

17 THE COURT: Okay. Well, you have the power to do
18 that. So I can imagine it will only take you about 10 or
19 15 minutes to run a RAP sheet on him.

20 Sir, will you give them your date of birth, and your
21 social security number?

22 THE WITNESS: January 29, 1990, 250-81-4600.

23 MR. WESTON: I'm sorry. Say that again, sir.

24 THE WITNESS: 250-81-4600.

25 MR. WESTON: What was the date of birth, sir?

1 THE WITNESS: January 29th, 1990.

2 MR. WESTON: Your Honor, if I now may question him
3 about this intimidation matter he was talking about.

4 THE COURT: Absolutely. And you're going to go run
5 his RAP sheet right now.

6 CROSS-EXAMINATION

7 BY MR. WESTON:

8 Q Mr. Williams, you said -- and I'm not going to get
9 into much about the conversation with Mr. Dornberg itself,
10 but you, basically, said you had a conversation with him,
11 and he made some admission to you; is that correct?

12 A Yes, sir.

13 Q And was anybody else present?

14 A Everybody was like asleep. We was in the back of the
15 dorm really.

16 Q And do you know Lamar Williams?

17 A Yeah. I've seen him around the jail. But the jail
18 ain't that big where we at on our side.

19 Q Have you had any conversations with him?

20 A Not about his case.

21 Q Have you had any conversations with him?

22 A Yes.

23 Q And you said something about you're afraid now that
24 somebody might hurt you. Who might hurt you, sir?

25 A I mean, we're in jail, man.

1 Q I know you're in jail, but Mr. Dornberg and the
2 people --

3 A You get labeled --

4 Q Excuse me. Let me finish what I'm saying, sir, then
5 you can answer. I apologize, but both of us can't talk at
6 the same time.

7 A Okay.

8 Q You're in jail with the people who you're getting
9 ready to testify against?

10 A Yeah.

11 Q So you said you want to get -- who is it in jail
12 you're afraid of? Is it Mr. Dornberg?

13 A I'm not afraid of anyone. He misinterpreted what I
14 said. Like I'm not afraid to testify.

15 Q Well, tell the Court what you said, sir.

16 A It's like my lawyer said he felt like it probably
17 wasn't good for me to testify, because people probably
18 will label me as a snitch. I mean, you know, how that
19 goes, things like that.

20 Q No, sir. How does that go?

21 A Like if somebody thinks you're a snitch, they're
22 going to try to get at you. So you have to defend
23 yourself on a daily basis.

24 Q I see, sir. So you want to get a bond in exchange
25 for your testimony?

1 A Nah. I ain't worried about no bond.

2 Q So you didn't discuss getting a bond with Mr. --

3 A No. I told --

4 Q Excuse me. Let me finish my question.

5 Thank you.

6 You didn't discuss getting a bond with Mr. Cooke
7 earlier this morning? That's what he told the Court.

8 A No. Mr. Cooke said -- me and my lawyer was talking.
9 My lawyer said that, you know, you don't have a bond. So
10 you cannot really just go home and be safe. And I told
11 Mr. Cooke that, too.

12 I'm not worried. I've been in jail seven months.
13 I'm not worried about a bond. I can defend myself. But
14 if somebody told me he's the trigger man, but this man is
15 on trial for something another man told me he did, I feel
16 like that's the right thing, to tell the truth.

17 Q And when did you tell this story?

18 A About a month ago.

19 Q Okay. And when did he tell you that before that?

20 A About two months before then.

21 MR. WESTON: That's all I have, Judge.

22 MR. COOKE: I have no further questions, Judge.

23 THE COURT: How long do we need to wait for y'all to
24 run a RAP sheet? Do you have someone doing it, or are we
25 okay?

1 MR. WESTON: Your Honor, we've not been able to
2 determine if he has any prior record.

3 If I may just ask.

4 BY MR. WESTON:

5 Q Do you have a prior record?

6 A No, sir.

7 MR. WESTON: Your Honor, the information we have is
8 correct.

9 THE COURT: What are the charges you're in on right
10 now?

11 THE WITNESS: Seven attempted murders.

12 THE COURT: Seven attempted murders?

13 THE WITNESS: Yes.

14 THE COURT: Seven counts from the same incident?

15 THE WITNESS: Yes.

16 THE COURT: Was it a shooting incident?

17 THE WITNESS: Yeah, but it's nothing.

18 THE COURT: So that's the charges, seven counts of
19 attempted murder?

20 THE WITNESS: Yeah. And like six or seven
21 co-defendants.

22 THE COURT: With six or seven co-defendants?

23 THE WITNESS: Something like that.

24 THE COURT: And are you any relation to the
25 Defendant, Mr. Williams?

1 THE WITNESS: No.

2 THE COURT: You just have the same last name?

3 THE WITNESS: Yeah.

4 MR. COOKE: Judge, we can just leave him up there,
5 because he'll be my first witness.

6 THE COURT: Are you comfortable with not having to
7 run a RAP sheet on him?

8 MR. WESTON: Yes. We can see he has no prior record.
9 And there would be no impeachment on the charges he's
10 facing now, obviously.

11 THE COURT: Okay. Let's go get the jury.

12 I'm just going to ask you that when you testify, lean
13 over.

14 And the Clerk is going to re-swear you in.

15 MR. GODFREY: May it please the Court.

16 THE COURT: Yes, sir.

17 MR. GODFREY: Before the jury comes in, my client has
18 decided that he's not going to testify.

19 THE COURT: Do you want to take care of that, both of
20 y'all, right now?

21 MR. COOKE: Judge, I don't. I'd prefer to do that
22 later.

23 THE COURT: We'll take the time later. You've got
24 it.

25 Thank you, Mr. Godfrey.

1 (WHEREUPON, the jury came into open court at
2 approximately 1:58 p.m.)

3 THE CLERK: Would you, please, raise your right hand.
4 WHEREUPON,

5 MICHAEL ANTONIO WILLIAMS,
6 after first having been duly sworn, testified as follows:

7 THE CLERK: Thank you.

8 THE COURT: And, sir, would you give us your name for
9 the jury?

10 THE WITNESS: Michael Antonio Williams.

11 THE COURT: Thank you, sir.

12 Whenever you're ready, Mr. Cooke.

13 MR. COOKE: May it please the Court.

14 DIRECT EXAMINATION

15 BY MR. COOKE:

16 Q You are Michael Antonio Williams?

17 A Yes, sir.

18 Q How old are you, Michael?

19 A 22.

20 Q When did you first meet me, Michael?

21 A About two weeks ago.

22 Q Two weeks ago?

23 A Yes, sir.

24 Q And who was present at that meeting?

25 A My lawyer, Scott Robinson.

1 Q Jeffrey Dornberg, you do know him?

2 A Yeah, from the jail.

3 Q I beg your pardon?

4 A From the jail.

5 Q From the jail?

6 A Yes, sir.

7 Q And how do you know him? Are you all in the same
8 pod?

9 A Yeah. We was in the same dorm.

10 Q And how long have you been in there with him?

11 A He was in there for probably like a month, and then
12 he checked himself out.

13 Q He checked himself out?

14 A Yes, sir.

15 Q And, during that period of time, did you get to know
16 Jeff Dornberg?

17 A A little bit, you know. In jail, certain people talk
18 to each other, certain people don't.

19 Q Did you socialize with him at all?

20 A A little bit.

21 Q Play cards, or anything like that?

22 A Yeah. Yes, sir.

23 Q Okay. Did you guys get -- at night, do y'all -- are
24 y'all able to play cards together, or do you have to go
25 into cells and go to bed, or what?

1 A Yes, sir.

2 Q Do you have any idea who his home boys were?

3 A No, sir.

4 Q Do you know any of the other -- do you know anybody
5 by the name of Butler or Taylor?

6 A No, sir.

7 Q Okay. Have you ever talked with a Willie Taylor, or
8 a fellow named Scottie Butler that you recall?

9 A No, sir.

10 Q Have you -- did Lamar Williams put you up to this?

11 A No, sir.

12 Q Okay. So you're telling the Court that you had that
13 conversation --

14 MR. WESTON: Objection, Your Honor. He's leading.

15 MR. COOKE: I'm sorry.

16 BY MR. COOKE:

17 Q Was -- how was Mr. Dornberg portraying this? Was he
18 bragging to you?

19 A He sounded like very confident, and like he wanted
20 somebody to be scared of him, or something.

21 MR. COOKE: Excuse me just a second.

22 I have no further questions I don't think, but just
23 let me make sure.

24 (Pause.)

25 MR. COOKE: I have no further questions.

1 Q And who is Scott Robinson?

2 A My lawyer.

3 Q And I think we met at the LEC; is that correct, the
4 law enforcement center?

5 A No. You came to the attorney visiting room.

6 Q Well, the attorneys room at the law enforcement
7 center?

8 A Yes, sir.

9 Q And with his permission, did you talk with me?

10 A Yes, sir.

11 Q About this case?

12 A Yes, sir.

13 Q And, during that conversation, did you tell me you
14 knew Lamar Williams?

15 A Yes, sir.

16 Q Okay. Are you related to Lamar Williams in any way?

17 A No, sir.

18 Q Okay. Do you know him personally? Are you friends
19 at all, or acquaintances down at the LEC? Tell me how
20 you're connected to him.

21 A No. I met him like we was on the same hall before.
22 And people used to talk about him, but nothing more than
23 that.

24 Q All right. Do you know a Mr. Dornberg?

25 A Yeah.

1 A In the ward we was in, the block we was in, you can
2 be out all night, really.

3 Q Okay. Do you recall an occasion -- and if you can,
4 tell me approximately when. Did you have a conversation
5 with Mr. Dornberg regarding the murder of a fellow by the
6 name of Cruell?

7 A I can't remember the exact date, but it was late one
8 night, though, about two or three month months ago.

9 Q Two or three months ago?

10 A Yes, sir.

11 Q And what was that conversation about?

12 A He was just like -- we was just playing cards. And
13 he was like asking me about my case. And I was just like,
14 you know, My lawyer told me don't get into that.

15 And he was like, Yeah, I got a body.

16 And I was like, You got a body?

17 And he went on to tell me, I shot this dude, but
18 everybody is saying Face did it. So I'm going to let him
19 take the rap for it, and he wasn't even there.

20 That's exactly what he said. He told me what kind of
21 weapon he used and all. He told me that they ain't going
22 to find the bullet. It fell in my home boy's shoe.

23 That's what he said to me.

24 Q So he said that he did the shooting, and the bullet
25 fell in his home boy's shoe?

1 Thank you very much.

2 CROSS-EXAMINATION

3 BY MR. WESTON:

4 Q Mr. Williams, is it unusual for somebody to brag in
5 jail about things they've done to make people scared of
6 them, so they can kind of get a reputation and nobody
7 bother them?

8 A I mean, a lot of people don't talk about their cases
9 these days.

10 Q That's not my question, sir. Let me repeat it slowly
11 to make sure you understand, so I can make sure you answer
12 my question. Is it unusual for people in jail to brag and
13 bolster about what they've done and pump themselves up so
14 nobody in jail bothers them?

15 A Not really.

16 Q Nobody tries to seem badder than they are in jail, is
17 that what you're telling this jury?

18 A Well, they do, but --

19 Q The answer to the question is yes then?

20 A Yeah.

21 Q Thank you.

22 A Nobody is going to say they got a body in front of
23 somebody like they done killed somebody. That's something
24 you don't brag about.

25 Q Nobody would do that?

1 A Period.

2 Q Period?

3 A I've got seven attempted murders. I don't be in
4 there talking about that.

5 Q So you've been charged with attempting to kill seven
6 people?

7 A Yeah. That's what I'm trying to tell you. People,
8 they talk about stuff. If you want to try to make
9 yourself be somebody, or be bigger than what you is. But
10 some people try to confide in people like here, this is my
11 man, you're going to do this for me.

12 Q Are you finished? I want to make sure I understand
13 what you just said.

14 A Yes, sir.

15 Q So some people, if they try to make themselves
16 bigger, they'll say it? Isn't that what you just said?

17 A Yes, sir.

18 Q So the answer to my question is yes --

19 A Yes.

20 Q -- people bolster, and brag, and pump themselves up,
21 and say things that aren't true to make themselves scary
22 in jail?

23 A Exactly.

24 Q Thank you.

25 Now, you called this man here Face; is that correct?

1 A Yeah. That's what they call him.

2 Q Is that what you call him?

3 A That's what they call him. That's his name in jail.
4 His name is Lamar.

5 Q Haven't you talked to him a number of times, you said
6 on direct examination?

7 A Yeah.

8 Q You don't call him Face, though?

9 A No.

10 Q When Jeff Dornberg allegedly gave you the statement,
11 had you ever had any conversations with this man before
12 that?

13 A Yeah.

14 MR. WESTON: Thank you, sir.

15 MR. COOKE: No further questions.

16 THE COURT: Anything?

17 MR. GODFREY: (Mr. Godfrey shook his head.)

18 THE COURT: All right. You may be excused.

19 You may call your next witness.

20 MR. COOKE: Yes, ma'am. She's outside getting her.

21 THE COURT: What's his name?

22 MR. COOKE: Oh, I'm sorry. Her name is Jennifer
23 Burnette.

24 THE COURT: Thank you.

25 MR. COOKE: I apologize.

1 THE CLERK: Ms. Burnette, if you'll come around here
2 to be sworn in.

3 THE COURT: Come right here and face the Clerk. And
4 she's going to administer the oath.
5 WHEREUPON,

6 JENNIFER BURNETTE,
7 after first having been duly sworn, testified as follows:

8 THE CLERK: Okay. You may be seated.

9 Thank you.

10 Would you, please, state your name for the record.

11 THE WITNESS: Jennifer Burnette.

12 DIRECT EXAMINATION

13 BY MR. COOKE:

14 Q Ms. Burnette, other than -- I guess it was Monday --
15 didn't you come over here on Monday? I can't remember.

16 A (Witness nodded.)

17 Q We served a subpoena on you; is that correct?

18 A Uh-huh.

19 Q And you came over pursuant to our subpoena?

20 A Yes, sir.

21 Q Prior to that, had you ever met me, or talked with
22 me?

23 A No, sir.

24 Q So you're over here from Greenwood today?

25 A Yes, sir.

1 Q Okay. I would like to ask you how old you are, first
2 of all?

3 A I'm 23.

4 Q Okay. Are you married?

5 A No.

6 Q Do you have any children?

7 A Yes.

8 Q How many?

9 A One.

10 Q Okay. And where do you work?

11 A Sykes Enterprises.

12 Q And what is Sykes Enterprises?

13 A It's an AT&T call center in Greenwood.

14 Q So if I've got a problem with my phone, that's
15 where --

16 A Uh-huh.

17 Q And we can talk to you?

18 A Yes, sir.

19 Q Okay. Fair enough.

20 Now, do you know a Mr. Dornberg?

21 A Uh-huh.

22 Q How long have you known him?

23 A Since I was like 13 or 12, just back when we was --
24 we went to the skating ring and all that together.

25 Q So y'all kind of grew up in junior high together,

1 that sort of thing?

2 A Uh-huh.

3 THE COURT: Say "yes" for the record. You need to
4 say "yes" or "no."

5 THE WITNESS: I'm sorry.

6 THE COURT: That's all right.

7 BY MR. COOKE:

8 Q Have you ever been in court before?

9 A No.

10 Q All right. So I know you're a little nervous. Tell
11 me, back in 2010 -- as a matter of fact, I believe it was
12 in the fall of 2010, do you remember Mr. Dornberg coming
13 over to your grandmother's house?

14 A Yes, sir.

15 Q And did he call before he came?

16 A He -- I wasn't at home. I was, actually, at Old Navy
17 with my sister. He called my cell phone, and it was my
18 house calling. And he called from my house phone. My
19 grandmother let him in.

20 Q So you weren't there when he came?

21 A No.

22 Q Did he leave and come back, or did you go home?

23 A I told him to wait on me. I'm not sure if he left in
24 between those times, but he was there waiting on me out in
25 the car.

1 Q Okay. And so what -- when he got there, did y'all
2 talk about this case at all immediately?

3 A No.

4 Q Okay. Did -- tell me what you did.

5 A I got there and he was out there in the car waiting
6 on me. I had to get my son out of my sister's car, and
7 just stuff we had got from Old Navy for me and him. And
8 he got out of the car. And I introduced him to my sister.
9 And we went inside after that and put everything up. I
10 gave my son a bath. Then, after that, I got him ready for
11 bed, and all that.

12 And then that's when we went out and got in the car.
13 And we just talked about ordinary stuff. And then he
14 ended up telling me --

15 Q What -- tell me what he told you.

16 A He told me that he's the one that shot the guy.

17 Q He told you that he shot Mr. Cruell in this case?
18 And he voluntarily told you that? How many times did he
19 tell you that?

20 A A couple. And then after he left -- or before he
21 left, he just told me, We didn't talk about nothing, like
22 for me not to say anything.

23 Q Promise not to say anything?

24 A Yes, sir.

25 Q Then later on, did you mention this to him later on,

1 say, the next day?

2 A I talked to him, I think, the next day. And he was
3 wanting to see me that day so we could talk and stuff.
4 And I asked him, I said, Do you not remember what you told
5 me last night? And I told him what he told me.

6 He said, Oh, I was just BS'ing.

7 Q BS'ing. And this is not the first time you've told
8 this story?

9 A No.

10 Q Okay. You told it to the police officers?

11 A Yes, sir.

12 Q And how -- were y'all ever boyfriend and
13 girlfriend --

14 A Yes, sir.

15 Q Over the years off and on?

16 A Yes. But the first time was like a long time ago, we
17 were just kids.

18 Q But you didn't have any children by him?

19 A No.

20 MR. COOKE: Okay. Thank you very much.

21 Hold on one second, and let me make sure I don't have
22 any other questions.

23 (Pause.)

24 MR. COOKE: No other questions.

25 Thank you very much.

CROSS-EXAMINATION

BY MR. WESTON:

Q Ms. Burnette, you said he told you at the end that he was just kidding. I don't want to use the word he probably used, but he was just joking, or kidding?

A Yes.

Q And did you talk -- after that conversation, did you take him anywhere?

A No.

Q Did you ever take him to Laurens?

A No.

Q Do you know Lamar Williams?

A No.

Q Do you know the name Lamar Williams?

A Uh-huh.

Q How do you know that name?

A I've just heard stuff about him.

Q Well, don't tell me what you've heard about him. But how did you know the name?

A People talking.

Q Have you heard Jeff talking about him?

A Uh-huh.

Q You have to say "yes" or "no."

A Yes.

Q And do you know what Jeff called him --

1 MR. COOKE: I object, Judge. He's trying to get
2 hearsay testimony, I believe.

3 MR. WESTON: It's the same testimony he's trying
4 to elicit, the testimony of the co-defendant, Your
5 Honor.

6 THE COURT: You can go ahead and ask it.

7 MR. WESTON: Thank you.

8 BY MR. WESTON:

9 Q Do you know what Jeff called Lamar Williams?

10 A Face.

11 MR. WESTON: One moment, Your Honor.

12 (Pause.)

13 MR. WESTON: That's all I have.

14 Thank you.

15 MR. COOKE: Thank you, ma'am.

16 THE COURT: You may step down.

17 MR. COOKE: Could she be released from the subpoena?

18 THE COURT: You are excused, ma'am.

19 THE WITNESS: Thank you.

20 MR. COOKE: Thank you, ma'am.

21 Our next witness is Kristine Sterling.

22 THE CLERK: Ms. Sterling, please, come forward to be
23 sworn in.

24 Please place your left hand on the Bible and raise
25 your right.

1 WHEREUPON,
2 KRISTINE STERLING,
3 after first having been duly sworn, testified as follows:
4 THE CLERK: Thank you.
5 You may be seated.
6 Please state your full name for the record.
7 THE WITNESS: Kristine Sterling.
8 THE CLERK: Thank you.
9 MR. COOKE: May it please the Court.
10 THE COURT: Yes, sir.

11 DIRECT EXAMINATION

12 BY MR. COOKE:
13 Q You are Kristine Sterling?
14 A Correct.
15 Q Okay. Ms. Sterling, I think you met me the first
16 time on Monday -- or last week? I don't remember.
17 A Last week.
18 Q Last week. Okay. And you came over to discuss this
19 case with me?
20 A I did.
21 Q Okay. Speak into that microphone a little bit.
22 A I did.
23 Q Where do you live?
24 A In Laurens, South Carolina.
25 Q Okay. And how old are you?

1 A 25 years old.

2 Q Okay. And do you have any children?

3 A I do not.

4 Q Okay. Tell me, where did you go to high school?

5 A Laurens District 55 High School.

6 Q You speak very softly, so you've got to speak up just
7 a little bit.

8 A Okay.

9 Q All right. Now, did you get any higher education
10 than high school? Did you do any --

11 A After I went to Laurens District 55, I, actually,
12 left there in the eleventh grade, but I did go to adult
13 education in Greenville and got my high school diploma.
14 But did not further my education after that.

15 Q Tell me, where you are presently employed?

16 A I'm employed at the Wal-Mart pharmacy in Greenwood.

17 Q And how long have you been with the Wal-Mart
18 pharmacy?

19 A Since August of 2009.

20 Q Now, tell me, do you know Lamar Williams?

21 A I do.

22 Q And how do you know Lamar?

23 A I was working at a convenience store, I believe it
24 was at the end of 2005, or beginning of 2006, and we met
25 there. We lost contact for a little while. And then we

1 started dating in 2008.

2 Q 2008?

3 A That's correct.

4 Q Now, I'm going to take you back to October of 2010.

5 A Okay.

6 Q Okay. Now, were you living with Lamar at that time?

7 A He was, actually, living between my place and his --
8 an apartment in Laurens.

9 Q And when you say he was living at your place, who was
10 living there with you besides Lamar?

11 A My mother.

12 Q Okay. So your mother, yourself, and Lamar; correct?

13 A Correct.

14 Q Okay. And on or about -- let's say, in the middle of
15 October, was Lamar kind of living the same arrangements?

16 A Yes.

17 Q Okay. And, now, tell me, prior to this alleged
18 incident that Lamar was involved in, you had -- I think
19 you had told Lamar --

20 MR. WESTON: Objection, Your Honor.

21 MR. COOKE: I'll rephrase it.

22 THE COURT: Thank you.

23 BY MR. COOKE:

24 Q Prior to this incident, had you told Lamar he had to
25 move out?

1 A We had broken up on October the 11th. So we was, you
2 know, not really on good terms with each other. And I did
3 tell him that my grandmother was coming to town so he
4 couldn't be there while she was there, because I only have
5 a two-bedroom house. And my grandmother was going to
6 sleep in my bed, and my mother in her room, and I was
7 going to sleep on the couch. So I did tell him he had to
8 leave.

9 Q Do you remember about when that was?

10 A It was -- I believe it was the middle of the week
11 before she, actually, came in on her flight, my
12 grandmother.

13 Q Okay. Do you remember, I mean, what date that was in
14 October, or anything?

15 A I really don't.

16 Q Was it in October?

17 A It was.

18 Q Okay. Now, do you recall Lamar, at some point in
19 time, coming to see you at Wal-Mart while you worked? Did
20 he ever come by there to see you, that sort of thing?

21 A He does.

22 Q Did you ever work the night shift?

23 A I worked different shifts. It's swing shift. I
24 could work any time from 7:45 in the morning until
25 9:00 p.m.

1 Q Would it be unusual for him to come and hang around
2 Wal-Mart for a while before you got off, or just hang out?

3 A No.

4 Q So he would do that on occasion?

5 A He would, yes.

6 Q Okay. Now, I want to take you back to the date that
7 this incident occurred, which was October the 18th of
8 2010. Tell me, did you see Lamar on the 17th?

9 A I did.

10 Q Which is the day before. And were y'all living
11 together at that time?

12 A We was, actually, kind of still on the outs at that
13 time. We hadn't gotten back together yet. But he did
14 like to hang around. And, you know, we was trying to work
15 things out. But I did see him on the 17th.

16 Q And did he spend the night with you on the 17th?

17 A He did.

18 Q And do you recall, on the 18th, what you folks did?

19 A I do. On the 18th, that morning, we woke up. We got
20 ready to leave. I will say I woke up, and it was 8:00 or
21 shortly after. And we left the house. It was between --
22 9:15, 9:30. And I stopped at an ATM at a Hot Spot in
23 Laurens. I withdrew \$20. And then we went to the bonds
24 office in Laurens, and paid \$100 on his bond.

25 And then once I left there, we went to the social

1 security office, because he had applied for a social
2 security card. He never received it in the mail. So he
3 was going to check on that. We got to the social security
4 office. And we was there maybe, roughly, 15 or 20
5 minutes. And the gentleman at the window had made an
6 announcement that if you didn't have --

7 MR. WESTON: Objection, Your Honor. Hearsay.

8 BY MR. COOKE:

9 Q Don't say what the gentleman said. But, based on
10 what the man said, did y'all stay or leave?

11 A We left because he didn't have his identification.

12 Q He didn't have his identification?

13 A That's correct.

14 Q I want to show you -- can you identify these photos,
15 ma'am?

16 A This one is my puppies. And this one is a photo of
17 my dog laying on Lamar's back on the couch.

18 Q And tell me on what occasions these pictures were
19 taken.

20 A The one of the photo with the dog in my kitchen, that
21 one -- I just take random pictures of my animals. But the
22 one with Lamar in it was when we had left the social
23 security office. We came back to the house. And he
24 couldn't find his identification. So I wasn't -- I didn't
25 take him back out at that time. And we was watching

1 television at that time.

2 Q Okay. Is that the -- whose shirt is that? Is that
3 Lamar there with the dog?

4 A Correct.

5 MR. COOKE: I'd like to have these marked.

6 (WHEREUPON, Defendant's Exhibit Nos. 1 and 2 were
7 marked for identification only.)

8 BY MR. COOKE:

9 Q Now, to be fair, these photographs have no date on
10 them when they were taken. This is strictly your memory
11 of --

12 MR. WESTON: Objection, Your Honor leading.

13 MR. COOKE: I was. And I apologize.

14 BY MR. COOKE:

15 Q Is there any date here that would indicate that you
16 know when these were taken?

17 A Not unless it would be on the back of the photo.

18 Q And have you looked at the back of them?

19 A They do have dates on them.

20 Q And what are those dates?

21 A This one is December the 3rd of 2010.

22 Q Okay.

23 A And this one is October 18th of 2010.

24 Q Okay. So that was taken on October the 18th of 2010?

25 A Correct.

1 Q And, again, tell me who's on that sofa.

2 A That is Lamar, and my now deceased puppy.

3 MR. WESTON: Your Honor, I think I'm not going to
4 have a problem, but, at least, I should be able to look at
5 them. He has not offered them into evidence before he
6 started showing them to the jury.

7 MR. COOKE: Here you go. You can look at anything
8 you want to, you know that.

9 (Pause.)

10 MR. WESTON: Thank you, Your Honor.

11 No objection.

12 (WHEREUPON, Defendant's Exhibit Nos. 1 and 2 were
13 admitted into evidence.)

14 BY MR. COOKE:

15 Q Now, after y'all went back to your apartment, you
16 said Lamar was taking a nap, and y'all were watching TV?

17 A We went back to my house.

18 Q How long did you stay there? Now, this was on the
19 18th?

20 A Okay.

21 Q And you said that y'all had slept there on the 17th?

22 A Correct.

23 Q Was Lamar with you the whole night and morning of the
24 17th of October, 2010?

25 A Yes, he was.

1 Q Okay. Now, when you went up town that morning -- and
2 you said that you had gotten 20 bucks out of the ATM
3 machine?

4 A I did.

5 Q Do you recall that you said you had gone to a bonding
6 company?

7 A I did.

8 Q Okay. And give me the name of that bonding company,
9 please.

10 A Reliable Bonding.

11 Q And Reliable Bonding is located where?

12 A On Clinton Highway going towards Clinton in Laurens
13 County.

14 Q Okay. Do you remember about what time? Was it in
15 the morning or the afternoon that you went to Reliable
16 Bonding?

17 A It was the morning time. It had to have been between
18 9:30 and 10:00.

19 Q Now, who did you see at Reliable Bonding?

20 A Iesha.

21 Q Was Iesha the only person working there that morning?

22 A I think I recall maybe one other person, a female
23 that works there.

24 Q But you say the two were there, or you don't
25 remember?

1 A I don't remember.

2 Q But did you normally deal with Iesha?

3 A Correct.

4 MR. COOKE: Excuse me just a moment, please.

5 THE COURT: Yes.

6 (Pause.)

7 MR. COOKE: I have no further questions. Would you
8 answer any for Mr. Weston, please?

9 CROSS-EXAMINATION

10 BY MR. WESTON:

11 Q Ms. Sterling, just a few questions. The pictures
12 that were just introduced into evidence, they don't have a
13 time on them, do they?

14 A They do.

15 MR. WESTON: If I may, sir. I apologize.

16 BY MR. WESTON:

17 Q Starting with that one.

18 A I'm sorry. The time is in my --

19 Q Does the picture have a time on it?

20 A It does not.

21 Q Does this picture have a time on it, ma'am?

22 A It does not.

23 Q Thank you, ma'am.

24 You're still dating Lamar Williams, aren't you? Not
25 dating in the y'all get to go out sense, but you and he

1 are still considered boyfriend and girlfriend, aren't you?

2 A No. We are not together at this time.

3 Q I didn't ask if y'all are together. Do you still
4 consider him your boyfriend?

5 A No, I don't.

6 Q Why not?

7 A We're not together.

8 Q I understand that. When is the last time you talked
9 to him?

10 A Yesterday.

11 Q When is the last time you talked to him before that?

12 A The day before.

13 Q Yes. Because I've got -- when was the last time you
14 talked to him before the day before yesterday?

15 A I talk to him just about every day.

16 Q Thank you.

17 But you're not boyfriend and girlfriend any more,
18 that's what you're telling the jury?

19 A We're not currently together, no.

20 Q Yes, ma'am. And we're playing semantics here. And I
21 don't mean to do that. Why do you talk to him every day
22 if he's not your boyfriend?

23 A Because we are friends.

24 Q Give me the name of another friend of yours.

25 A Walter Burnside.

- 1 Q Did you talk to him yesterday?
- 2 A I did.
- 3 Q Did you talk to him the day before that?
- 4 A I did.
- 5 Q The day before that?
- 6 A I talk to him just about every day as well.
- 7 Q Do you talk to all of your friends every day?
- 8 A I do not.
- 9 Q All right. You care about him, don't you?
- 10 A I do.
- 11 Q A good bit?
- 12 A Yes.
- 13 Q And you don't want to see anything bad happen to him?
- 14 A I don't.
- 15 Q At the time -- you say y'all were together on the
- 16 morning of October 18th, and y'all had spent the night
- 17 together; is that right, ma'am?
- 18 A That's correct.
- 19 Q And y'all were dating -- y'all were -- he was your
- 20 good friend then?
- 21 A We had, actually, broken up on October the 11th, but
- 22 we still, you know...
- 23 Q How long did y'all stay broken up?
- 24 A I'd say a week or two.
- 25 Q So it could have been about two weeks?