Volume I of III

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas
Brian M. Gibbons, Presiding Judge

Appellate Case No. 2018-000779
Lower Case No. 2013-CP-29-00951

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S.C. SUPREME COURT

VERNARD JEROME MATHIS, #297034 Petitioner,

v.

THE STATE OF SOUTH CAROLINA,

Respondent.

APPENDIX

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STATE OF SOUTH CAROLINA, PLAINTIFF, V. VERNARD JEROME MATHIS, DEFENDANT.	)	DOCKET NO. 00-GS-29-1418 01-GS-29-0250 03-GS-29-0524 03-GS-29-0525 03-GS-29-0526 TRANSCRIPT OF RECORD (JURY TRIAL) VOLUME I

JUNE 2 - 6, 2003
LANCASTER, SOUTH CAROLINA

BEFORE:

HONORABLE PAUL E. SHORT, JR.

APPEARANCES:

FOR THE PLAINTIFF:	JOHN R. JUSTICE, SOLICITOR DOUGLAS A. BARFIELD, SENIOR ASSISTANT SOLICITOR THOMAS J. HOLLAND, ASSISTANT SOLICITOR
FOR THE DEFENDANT:	JOHN D. CLARK, ESQUIRE

NANCY M. MONTEITH, CERTIFIED VERBATIM REPORTER
RESIDENT COURT REPORTER, SIXTH JUDICIAL CIRCUIT

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THE COURT: I BELIEVE WE HAD 18 JURORS RESPOND TO THE QUESTION THAT THEY MAY HAVE READ, WATCHED OR LISTENED TO NEWS COVERAGE CONCERNING THIS ALLEGED INCIDENT, ALLEGED CRIMINAL OFFENSE IN THIS CASE, THEREFORE, GENTLEMEN, WE ARE RECONVENED IN THE JURY ROOM HERE IN THE LANCASTER COUNTY COURTHOUSE, WITH THE DEFENDANT MR. MATHIS BEING PRESENT ALONG WITH HIS ATTORNEY, MR. CLARK. THE STATE IS REPRESENTED BY SOLICITOR JUSTICE.

THE CLERK OF COURT IS PRESENT ALONG WITH MY REPORTER. SEVERAL OTHER CIVILIANS AND COURT OFFICIALS ARE PRESENT. IT'S AN OPEN HEARING. THE REASON WE'RE IN HERE, MR. CLARK, IS SO -- WE DON'T KNOW WHAT ANY JUROR MIGHT RESPOND WHEN I ASK THEM WHAT I'VE READ OR HEARD OR SEEN, AND I DON'T WANT TO PREJUDICE THE OTHER MEMBERS OF THE PANEL. AND, OF COURSE, BASED ON WHAT THEIR RESPONSES ARE WILL DETERMINE WHETHER OR NOT THEY'RE QUALIFIED JURORS IN THE CASE.

SO WE WANT EVERYONE TO KNOW THIS IS AN OPEN PROCEEDING, BUT WE DON'T HAVE VERY MODERN FACILITIES HERE IN LANCASTER COUNTY. THIS IS ALL WE CAN WORK WITH.

MR. CLARK: I UNDERSTAND.

THE COURT: ALL RIGHT, MR. CLERK, JUST BRING A JUROR IN. WE NEED FOR YOU TO TELL ME THE JUROR'S

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NUMBER WHEN YOU BRING HER IN, OR HIM, AND THEIR NAME, PLEASE.

THE CLERK: YOUR HONOR THIS IS JUROR #58, [redacted]

THE COURT: [redacted]?

[redacted]: UH-HUH.

THE COURT: [redacted], I APOLOGIZE TO YOU FOR HAVING TO BRING YOU BACK HERE. WE'RE GOING TO DO THIS TO EACH OF THE JURORS THAT ANSWERED THE QUESTION THAT THEY MAY HAVE READ, HEARD OR SEEN NEWS ACCOUNTS OF THIS ALLEGED INCIDENT, BUT WE NEED TO DO THAT SO -- I DON'T KNOW WHAT YOUR RESPONSE OR ANY OTHER JUROR'S RESPONSE WILL BE UNTIL I ASK YOU AND INQUIRE, BUT WE DIDN'T WANT TO DO THAT OUT THERE IN FRONT OF ALL THE OTHER MEMBERS OF THE PANEL WHO INDICATED THEY HAD NOT READ, HEARD OR SEEN ANY COVERAGE OF THESE PROCEEDINGS.

THAT'S THE ONLY REASON WE'RE IN HERE. THIS IS A PUBLIC HEARING, AND I JUST NEED TO ASK YOU -- YOU HAD INDICATED THAT YOU HAD READ, HEARD OR WATCHED A NEWS ACCOUNT OF THESE PROCEEDINGS. IS THAT CORRECT?

[redacted]: WELL, I'VE SEEN IT ON THE T.V. AND IN THE NEWSPAPER SOME. I HAVEN'T FOLLOWED THAT CLOSE.

THE COURT: COULD YOU BRIEFLY TELL ME WHAT YOU'VE SEEN OR HEARD?

[redacted]: I HEARD ON T.V. AND PROBABLY READ

SOMETHING IN THE NEWSPAPER WHERE MR. STEELE WAS MURDERED AND THAT IT WAS SUPPOSEDLY A KIDNAPING, AND I REALLY DON'T KNOW ALL THE DETAILS TO IT, TO BE HONEST WITH YOU. I JUST HEARD ABOUT IT ON THE T.V.

THE COURT: OKAY.

[redacted]: AND THEN, OF COURSE, THIS MORNING IT WAS THE FIRST THING THAT WAS ON THE NEWS, AND I THOUGHT, "OH, NO, I HAVE JURY DUTY."

THE COURT: ALL RIGHT. HAVE YOU FORMED ANY OPINIONS AS A RESULT OF LISTENING OR VIEWING ANY OF THOSE NEWS ACCOUNTS OR READING ANY OF THOSE NEWS ACCOUNTS?

[redacted]: NO, SIR.

THE COURT: YOU HAVEN'T FORMED ANY OPINIONS AS TO THE GUILT OR INNOCENCE OF ANY POTENTIAL DEFENDANT?

[redacted]: NO, SIR.

THE COURT: ALL RIGHT, THANK YOU. DO YOU BELIEVE YOU COULD SERVE AS A FAIR AND IMPARTIAL JUROR IN THE TRIAL OF THIS CASE?

[redacted]: I DO.

THE COURT: ALL RIGHT, THANK YOU.

(TO CLERK) ONCE AGAIN, I NEED TO KEEP THESE FOLKS SEGREGATED, SO ONCE AGAIN I'LL LEAVE THAT UP TO YOU, MR. CLERK.

THE CLERK: YES, SIR.

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THE COURT: TAKE MS. HAIR OUT AND BRING IN THE NEXT JUROR. THANK YOU.

THE CLERK: YOUR HONOR, THIS IS JUROR #1, [redacted]

THE COURT: [redacted]? PLEASE HAVE A SEAT, [redacted]. [redacted], THERE'S NOTHING SPECIAL ABOUT US BEING IN HERE. OBVIOUSLY YOU, ALONG WITH SOME OTHER JURORS, INDICATED YOU MAY HAVE READ OR HEARD OR SEEN SOME MEDIA COVERAGE OF THE SUBJECT MATTER OF THIS CASE. I JUST NEED TO BRIEFLY INQUIRE WITH YOU JUST A MOMENT, OUTSIDE THE PRESENCE OF THE OTHER LADIES AND GENTLEMEN OF THE PETIT JURY PANEL, BECAUSE OBVIOUSLY I DON'T KNOW WHAT YOUR RESPONSES WILL BE, AND I NEED TO DO THIS IN HERE OUTSIDE OF THEIR PRESENCE.

I BELIEVE YOU INDICATED YOU MAY HAVE READ OR SEEN OR LISTENED TO NEWS COVERAGE OF THE SUBJECT MATTER OF THESE PROCEEDINGS. COULD YOU BRIEFLY TELL ME WHAT YOU'VE READ -

[redacted]: WELL --

THE COURT: -- AND WHERE YOU READ IT?

[redacted]: I READ IT IN THE LANCASTER NEWS, AND I KEPT UP WITH IT BACK IN 2000 WHEN IT HAPPENED, AND HE WENT IN AND HE TOOK MR. AND MRS. STEELE OUT OF THE HOUSE -- IF THAT'S WHAT YOU WANT ME TO TELL -- THEY

TOOK THEM OUT OF THE HOUSE AND PUT THEM IN THEIR VAN AND DUCT-TAPED THEIR EYES AND TOOK THEM TO GET A CODE NUMBER TO GET INTO THE MACHINES. AND HE PUT IN THE WRONG CODE NUMBER AND HE WAS SHOT, HE SHOT MR. STEELE.

THE COURT: AND THAT'S WHAT YOU RECALL?

[redacted]: AND I RECALL READING THAT, AND I KEPT UP WITH IT.

THE COURT: AND YOU READ THAT IN THE NEWSPAPER?

[redacted]: I DID.

THE COURT: BASED ON YOUR FOLLOWING THE NEWS COVERAGE AND THE PAPER OR ANY OTHER MEDIA ACCOUNTS, HAVE YOU FORMED AN OPINION AS TO THE GUILT OR INNOCENCE OF ANY DEFENDANT IN THIS?

[redacted]: I HAVE FORMED AN OPINION.

THE COURT: AND WHAT IS YOUR OPINION?

[redacted]: I THINK HE'S GUILTY.

THE COURT: ALL RIGHT, THANK YOU.

(TO CLERK) PLEASE TAKE THIS JUROR OUT AND KEEP HER IN ANOTHER GROUP. OKAY, THANK YOU.

(TO [redacted]) OH, EXCUSE ME, ONE FURTHER QUESTION, MA'AM.

[redacted]: UH-HUH?

THE COURT: HAVE YOU COMMUNICATED YOUR OPINION TO ANY OTHER MEMBERS OF THE PETIT JURY PANEL TODAY OR AT ANYTIME?

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[redacted]: NO, NO.

THE COURT: THANK YOU.

(TO CLERK) PLEASE TAKE THAT JUROR OUT AND KEEP HER IN A SEPARATE GROUP.

BRING THE NEXT ONE IN, PLEASE.

(TO [redacted]) HI, HOW DO YOU DO, MA'AM? PLEASE HAVE A SEAT.

THE CLERK: JUROR #99, [redacted].

THE COURT: [redacted], YOU HAD RESPONDED THAT YOU MAY HAVE READ, HEARD OR SEEN SOME NEWS COVERAGE OF THESE EVENTS, AND OBVIOUSLY I NEEDED TO FIND OUT YOUR RESPONSES TO THAT. THE REASON WE'RE DOING IT IN THIS MANNER IS BECAUSE SOME OF THE OTHER LADIES AND GENTLEMEN INDICATED THEY HAD NOT READ, SEEN OR HEARD ANY COVERAGE OF THESE EVENTS, SO I DIDN'T WANT THEM TO HEAR YOUR RESPONSES, ALTHOUGH I HAVE NO IDEA WHAT YOUR RESPONSES MAY BE, AND THAT'S WHY WE'RE DOING IT ONE JUROR AT A TIME, IN THIS MANNER.

YOU INDICATED YOU HAD SEEN, READ OR HEARD NEWS COVERAGE OF THESE EVENTS?

[redacted]: READ IT IN THE PAPER, YES, SIR, LANCASTER NEWS.

THE COURT: WOULD YOU TELL ME BRIEFLY WHAT YOU READ AND WHERE YOU READ IT?

[redacted]: I READ IT IN THE LANCASTER NEWS.

THE COURT: YES, MA'AM, WHAT DID YOU READ?

[redacted]: AND I JUST GLANCED OVER IT, ABOUT HOW HE WAS MURDERED, HOW HE WAS LEFT FOR DEAD.

THE COURT: FROM READING OR SEEING ANY COVERAGE OF THESE EVENTS, DID YOU FORM ANY OPINIONS IN THE MATTER?

[redacted]: WELL, NOT REALLY.

THE COURT: DID YOU FORM ANY OPINION AS TO THE GUILT OF ANYONE FROM READING THOSE --

[redacted]: WELL, NO, NOT REALLY. I MEAN, I HAVEN'T HEARD --

THE COURT: DO YOU BELIEVE YOU COULD SERVE AS A FAIR AND IMPARTIAL JUROR IN THIS CASE?

[redacted]: I CAN TRY, YES.

THE COURT: WELL, DO YOU BELIEVE THAT ANYTHING YOU MAY HAVE READ OR HEARD WOULD INFLUENCE YOUR OPINION AS TO THE GUILT OR INNOCENCE OF ANYONE CHARGED WITH ANY OF THESE EVENTS?

[redacted]: YES, IT COULD BE.

THE COURT: ALL RIGHT, THANK YOU. PLEASE STEP OUT.

(TO CLERK) PUT HER IN THE GROUP WITH [redacted], PLEASE.

THE NEXT ONE?

THE COURT: (TO [redacted] [redacted]) PLEASE HAVE A SEAT.

(TO CLERK) WAS THAT ONE OF OUR 18?

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THE CLERK: YES, SIR.

THE COURT: SO THERE'S 17?

THE CLERK: YES, SIR.

THE COURT: OKAY, THANK YOU.

(TO [redacted]) COME ON IN.

THE CLERK: JUROR #47, [redacted].

THE COURT: [redacted], PLEASE HAVE A SEAT.

[redacted]: THANK YOU.

THE COURT: [redacted], YOU'D INDICATED YOU MAY HAVE READ, HEARD OR SEEN SOME NEWS ACCOUNTS OF THE SUBJECT MATTER OF THIS CASE. IS THAT CORRECT?

[redacted]: I'VE READ THE LOCAL, LANCASTER NEWS COVERAGE. I DON'T PLACE A LOT OF STOCK IN THE LANCASTER NEWS. I READ IT FOR ENTERTAINMENT VALUE. I RECALL VERY LITTLE OF WHAT WAS IN THE ARTICLE.

THE COURT: WELL, SIR, CERTAINLY, I UNDERSTAND. ALL I NEED TO KNOW IS AS A RESULT OF YOUR READING OR HEARING ANY NEWS ACCOUNTS OF THESE PROCEEDINGS, HAVE YOU FORMED ANY OPINIONS AS TO THE GUILT OR INNOCENCE OF ANYONE ALLEGEDLY INVOLVED IN THIS MATTER?

[redacted]: NONE WHATSOEVER.

THE COURT: HAVE YOU FORMED ANY OPINIONS WHATSOEVER?

[redacted]: NONE WHATSOEVER.

THE COURT: DO YOU THINK YOU COULD SERVE AS A

FAIR AND IMPARTIAL JUROR?

[redacted]: WITHOUT A DOUBT.

THE COURT: THANK YOU.

(TO CLERK) PLEASE PLACE [redacted] WITH [redacted], THANK YOU.

THE CLERK: THIS IS JUROR #96, [redacted].

THE COURT: [redacted]

THE CLERK: [redacted]

THE COURT: [redacted], YOU HAD INDICATED THAT YOU MAY HAVE READ, SEEN OR HEARD NEWS ACCOUNTS OF THE SUBJECT MATTER OF THIS CASE. IS THAT CORRECT?

[redacted]: YES.

THE COURT: BRIEFLY, WOULD YOU TELL ME WHERE YOU'VE READ WHATEVER YOU'VE READ AND WHAT YOU READ AND WHAT YOU RECALL?

[redacted]: WELL, BASICALLY, JUST WHEN THE INCIDENT HAPPENED BACK IN 2000 UP TO ABOUT YESTERDAY, I READ IN THE NEWSPAPER -- I THINK IT WAS MONDAY OR SUNDAY'S PAPER, I READ JUST THAT THE TRIAL WAS GOING TO HAPPEN.

THE COURT: BASED ON THAT, DID YOU FORM ANY OPINION ABOUT THIS CASE, PARTICULARLY IN REGARD TO THE GUILT OR INNOCENCE OF ANYONE?

[redacted]: NO, NO.

THE COURT: DID YOU FORM ANY OPINIONS WHATSOEVER?

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[redacted]: NO, SIR.

THE COURT: DO YOU BELIEVE YOU COULD SERVE AS A FAIR AND IMPARTIAL JUROR IN THIS CASE?

[redacted]: YES, SIR.

THE COURT: DO YOU BELIEVE YOU COULD SET ASIDE ANYTHING YOU MAY HAVE READ IN THE NEWSPAPER IF THE EVIDENCE WAS CONTRARY?

[redacted]: ACTUALLY, I DIDN'T READ THE WHOLE ARTICLE. I JUST SEEN IT, THAT WAS IT.

THE COURT: THANK YOU. THANK YOU, [redacted].

(TO CLERK) PLEASE PUT HIM IN [redacted] GROUP, THANK YOU.

THE COURT: (TO [redacted]) YES, MA'AM, PLEASE COME ON IN AND HAVE A SEAT.

THE CLERK: THIS IS JUROR #66, [redacted].

THE COURT: SPELL THE LAST NAME, PLEASE.

THE CLERK: [redacted].

THE COURT: [redacted]?

THE CLERK: YES, SIR.

THE COURT: [redacted], YOU HAD INDICATED YOU MAY HAVE READ, HEARD OR SEEN SOME NEWS ACCOUNTS IN THE PAPER OR ON T.V. OR THE RADIO OF THE SUBJECT MATTER OF THIS CASE. IS THAT RIGHT?

[redacted]: YES, SIR.

THE COURT: BRIEFLY, WHAT I NEED TO KNOW, [redacted]

[redacted], WHAT HAVE YOU READ CONCERNING THE CASE AND WHERE DID YOU READ IT OR SEE IT?

[redacted]: I READ IT IN THE LANCASTER NEWS, BUT I DO HAVE A PROBLEM BECAUSE -- I'M NOT REALLY RELATED, BUT MY FIANCE'S SISTER IS MARRIED TO HIS UNCLE.

THE COURT: WAIT A MINUTE. I DON'T UNDERSTAND WHO "HE" IS.

[redacted]: MATHIS.

THE COURT: ALL RIGHT.

[redacted]: AND THE OTHER GUY THAT'S IN ON IT, THAT'S MY FIANCE'S NEPHEW. SO I FEEL LIKE I'VE JUST BEEN AROUND THEM FOR A LONG TIME, SO I FEEL JUST LIKE I'M RELATED TO THEM.

THE COURT: ALL RIGHT. YOU DO NOT BELIEVE YOU COULD SERVE AS A FAIR AND IMPARTIAL JUROR IN MR. MATHIS'S CASE --

[redacted]: I DON'T THINK SO, NO, SIR.

THE COURT: -- BECAUSE OF THE RELATIONSHIP OF YOUR FIANCE'S?

[redacted]: WELL, I KNOW HIM, TOO, BUT NOT KNOW, KNOW, JUST LIKE I DO THE OTHERS, BUT I'M SAYING IT'S JUST LIKE A FAMILY THING.

THE COURT: YOU DON'T BELIEVE YOU COULD PUT ASIDE ANY --

[redacted]: I COULD MAKE A DECISION, BUT IT MIGHT

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NOT BE THE RIGHT ONE. YOU KNOW WHAT I'M SAYING?

THE COURT: I UNDERSTAND THAT, BUT WHAT WE'RE LOOKING FOR IS FAIRNESS. DO YOU BELIEVE THAT YOU COULD SERVE AS A FAIR AND IMPARTIAL JUROR IN THE CASE?

[redacted]: NO, SIR.

THE COURT: ALL RIGHT, THAT'S ALL I WANT TO KNOW. THANK YOU.

I'M GOING TO EXCUSE [redacted] -

[redacted]: I'LL BE GLAD TO SERVE IN AUGUST.

THE COURT: -- NOT BECAUSE OF PRETRIAL PUBLICITY, BUT -- PUT HER IN [redacted] GROUP FOR THE TIME BEING.

(TO [redacted]) WE'VE GOT MORE CASES. THIS IS NOT THE ONLY CASE WE MAY TRY THIS WEEK.

THE CLERK: THIS IS JUROR #143, [redacted].

THE COURT: [redacted], YOU HAD INDICATED THAT YOU MAY HAVE READ, HEARD OR SEEN NEWS ACCOUNTS OF THE SUBJECT MATTER OF THIS CASE. IS THAT CORRECT?

[redacted]: THAT'S RIGHT.

THE COURT: BRIEFLY COULD YOU TELL ME WHAT YOU'VE READ OR WATCHED OR LISTENED TO, WHAT MEDIA YOU'VE READ IT IN AND WHAT YOU RECALL?

[redacted]: I READ IT IN THE LANCASTER NEWS, THAT THE ROBBERY OCCURRED, AND WHILE IN THE CAR MR. STEELE

WAS SHOT IN THE LEG AND DIED LATER FROM LOSS OF BLOOD.

THE COURT: THANK YOU. AND THAT WAS IN THE LOCAL, LANCASTER PAPER?

[redacted]: RIGHT.

THE COURT: AND THAT'S THE ONLY SOURCE OF YOUR INFORMATION?

[redacted]: I THINK SO, YES.

THE COURT: DESPITE THAT, DID YOU FORM ANY OPINION AFTER READING THAT?

[redacted]: WELL, IT APPEARS FROM THE NEWSPAPER THAT THEY KNOW ALREADY WHO DID IT, BUT ACTUALLY, I MEAN, THEY CERTAINLY DON'T HAVE ALL THE FACTS. SO YOU REALLY HAVE TO LOOK AT ALL THE FACTS.

THE COURT: DID YOU FORM ANY OPINION AS TO THE GUILT OR INNOCENCE OF ANYONE CHARGED IN THIS CASE?

[redacted]: WELL, I WOULD GIVE THE SAME ANSWER. I MEAN, SOMEONE HAS BEEN CHARGED, BUT UNTIL YOU HEAR ALL OF THE EVIDENCE -- I THINK THERE WERE SEVERAL PEOPLE INVOLVED. YOU WOULD HAVE TO KNOW ALL OF THAT.

THE COURT: HAVE YOU FORMED OR EXPRESSED AN OPINION IN REGARD TO THE GUILT OR INNOCENCE OF MR. MATHIS?

[redacted]: I WOULD GIVE THE SAME ANSWER. HE WAS ONE OF SEVERAL INVOLVED, AND UNTIL WE HEAR ALL THE EVIDENCE, I DON'T THINK I WOULD.

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THE COURT: DO YOU THINK YOU COULD SET ASIDE ANYTHING YOU MAY HAVE READ, HEARD OR SEEN ABOUT THIS CASE AND ARRIVE AT A VERDICT BASED ON THE EVIDENCE AS PRESENTED IN COURT?

[redacted]: YES, I DO.

THE COURT: SO YOU BELIEVE THAT ANY VERDICT THAT YOU WOULD RETURN IN THIS CASE WOULD BE BASED ON THE EVIDENCE PRESENTED DURING THE TRIAL OF THE PROCEEDINGS AND NOT BASED ON ANYTHING YOU MAY HAVE READ, HEARD OR SEEN IN ANY NEWSPAPER OR T.V. ACCOUNTS?

[redacted]: RIGHT.

THE COURT: THANK YOU, THANK YOU.

(TO CLERK) PLEASE PLACE HER WITH THE [redacted] CROWD.

THE CLERK: THIS IS JUROR #92, [redacted].

THE COURT: [redacted], YOU HAD INDICATED THAT YOU MAY HAVE READ, HEARD OR SEEN SOME OF THE COVERAGE OF THESE PROCEEDINGS -- OF THE SUBJECT MATTER OF THESE PROCEEDINGS. IS THAT CORRECT?

[redacted]: YES.

THE COURT: BRIEFLY, COULD YOU JUST TELL ME WHAT YOU READ AND WHERE YOU READ IT OR WHAT YOU'VE SEEN AND WHETHER YOU SAW IT OR HEARD IT ON T.V. OR RADIO?

[redacted]: WELL, YOU KNOW, THIS OCCURRED TWO YEARS AGO, WHATEVER WAS IN THE PAPER THEN, WHATEVER --

LIKE, I DIDN'T EVEN RECOGNIZE THIS GENTLEMAN'S NAME WHENEVER --

THE COURT: YOU POINTED TO THE DEFENDANT, MR. MATHIS?

[redacted]: YES -- WHENEVER YOU SAID IT IN COURT, SO --

THE COURT: HAVE YOU FORMED ANY OPINION BASED ON ANYTHING YOU'VE READ AS TO THE GUILT OR INNOCENCE OF ANYONE ALLEGEDLY INVOLVED IN THIS CASE?

[redacted]: I HOPE NOT.

THE COURT: DO YOU BELIEVE THAT YOU COULD SERVE AS A JUROR IN THIS CASE AND RENDER A VERDICT BASED ON THE EVIDENCE PRESENTED IN THIS COURT AND NOT ON ANYTHING YOU MAY HAVE READ OR HEARD ABOUT THIS CASE ON ANY NEWS COVERAGE?

[redacted]: I COULD DO THAT, YES.

THE COURT: YOU BELIEVE YOU COULD SERVE AS A FAIR AND IMPARTIAL JUROR IN THE CASE?

[redacted]: I'LL TRY.

THE COURT: THANK YOU, THANK YOU.

(TO CLERK) PLACE HER WITH [redacted].

THE CLERK: JUROR #32, [redacted].

THE COURT: [redacted], PLEASE HAVE A SEAT. YOU HAD INDICATED THAT YOU MAY HAVE READ, HEARD, WATCHED, LISTENED TO SOME NEWS ACCOUNTS OF THE SUBJECT MATTER

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OF THIS CASE. IS THAT CORRECT?

[redacted]: YES, SIR.

THE COURT: COULD YOU BRIEFLY TELL ME WHERE YOU MAY HAVE READ THAT OR SEEN THAT COVERAGE?

[redacted]: ON THE NEWS AND IN THE LANCASTER NEWS, THE CHARLOTTE OBSERVER.

THE COURT: WHEN YOU SAY "ON THE NEWS", I ASSUME YOU MEAN --

[redacted]: RIGHT, THE TELEVISION STATION, CHARLOTTE.

THE COURT: OKAY. AND WHEN WAS THAT, APPROXIMATELY?

[redacted]: JUST YESTERDAY IN THE LANCASTER NEWS AND DURING ALL OF THE HAPPENINGS IN JUNE OF 2000 ALSO.

THE COURT: COULD YOU TELL ME WHAT YOU RECALL FROM READING THAT OR DO YOU HAVE ANY KNOWLEDGE -

[redacted]: I FEEL LIKE I NEED TO TELL YOU THIS, TOO, THAT I SHOULD HAVE TOLD YOU OUT THERE AND DIDN'T REALIZE, BUT HE WAS MY SON'S SOCCER COACH FOR FOUR YEARS, AND I HAVE A CONNECTION, NOT THROUGH ME, BUT I HAVE A COUSIN WHO WORKED AT MCDONALD AMUSEMENTS FOR QUITE A WHILE, ALSO.

THE COURT: ALL RIGHT. MR. STEELE WAS YOUR SON'S SOCCER COACH?

[redacted]: SOCCER COACH FOR ABOUT FOUR YEARS.

THE COURT: WAS THAT AT THE TIME OF HIS DEATH OR WAS IT BEFORE THAT?

[redacted]: OH, NO, NO. IT WAS PROBABLY -- IF MY SON WAS LIVING, WHICH HE'S NOT, HE WOULD BE 28 AND HE WAS PROBABLY ABOUT 10 THROUGH 14.

THE COURT: SO A NUMBER OF YEARS AGO?

[redacted]: UH-HUH.

THE COURT: DESPITE THAT FACT, DO YOU BELIEVE YOU COULD SERVE AS A FAIR AND IMPARTIAL JUROR IN THE TRIAL OF THIS CASE?

[redacted]: I DON'T THINK SO.

THE COURT: ALL RIGHT, THANK YOU.

(TO CLERK) PLEASE PLACE [redacted] WITH [redacted] GROUP.

I'M GOING TO DISQUALIFY JUROR #32 FOR OTHER REASONS, OBVIOUSLY.

THE CLERK: YOUR HONOR, THIS IS JUROR #88, [redacted]

THE COURT: [redacted]?

[redacted]: YES.

THE COURT: YOU INDICATE YOU MAY HAVE READ, SEEN OR HEARD NEWS COVERAGE OF THE SUBJECT MATTER IN THIS CASE. IS THAT RIGHT?

[redacted]: YES, SIR.

THE COURT: COULD YOU BRIEFLY TELL ME WHAT YOU MAY

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HAVE READ OR SEEN OR WATCHED?

[redacted]: I WAS READING IN THE LANCASTER PAPER THE ACCOUNT OF THE THING WHEN IT FIRST HAPPENED, AND THAT WAS BASICALLY WHAT I HAD. AND THEN, OF COURSE, THEY HAD SOMETHING IN THE PAPER THIS PAST SUNDAY, I THINK, AND THEN, YOU KNOW, AFTER I HAD THIS NOTICE THAT SAID I WASN'T SUPPOSED TO BE READING UP ON THIS GOOD STUFF, SO I GOT DOWN TO THE PART WHERE I FOUND OUT WHAT WAS GOING ON. AND I SAW IT WAS A CASE I'D PROBABLY BE ON OR POSSIBLY BE ON, AND I FIGURED, WELL, I'D BETTER QUIT READING UP ON IT.

AND THEN THEY HAD IT ON THE NEWS ON T.V., SO --

THE COURT: DESPITE WHAT YOU MAY HAVE READ OR SEEN IN NEWS COVERAGE OF THE SUBJECT MATTER OF THIS CASE, DO YOU BELIEVE YOU COULD BASE YOUR VERDICT ON THE EVIDENCE AS IT WAS PRESENTED IN COURT?

[redacted]: I FEEL LIKE I COULD.

THE COURT: YOU FEEL LIKE YOU COULD SET ASIDE ANYTHING YOU MAY HAVE READ OR HEARD?

[redacted]: WELL, ANY OF THIS NEWS COVERAGE. I FIGURE ABOUT 20 PERCENT OF IT AIN'T RIGHT ANYWAY.

THE COURT: HAVE YOU FORMED ANY OPINION AS TO THE GUILT OF ANYONE CHARGED IN THIS CASE?

[redacted]: NO, SIR.

THE COURT: DO YOU FEEL YOU COULD SERVE AS A FAIR

AND IMPARTIAL JUROR IN THE CASE?

[redacted]: I FEEL I COULD.

THE COURT: THANK YOU. THANK YOU, [redacted]. THANK YOU VERY MUCH.

(TO CLERK) PUT HIM WITH [redacted] GROUP.

THE CLERK: YOUR HONOR, THIS IS JUROR #42, [redacted]

THE COURT: [redacted], YOU INDICATED YOU MAY HAVE READ, HEARD OR WATCHED SOME NEWS COVERAGE OF THE SUBJECT MATTER OF THIS CASE. IS THAT CORRECT?

[redacted]: YES.

THE COURT: [redacted], DO YOU BELIEVE YOU COULD SET ASIDE ANYTHING YOU MAY HAVE READ OR WATCHED ABOUT THIS CASE AND RETURN A VERDICT BASED JUST ON THE EVIDENCE PRESENTED DURING THE TRIAL OF THIS CASE?

[redacted]: YES, I COULD.

THE COURT: ALL RIGHT. DO YOU BELIEVE THAT YOU COULD SERVE AS A FAIR AND IMPARTIAL JUROR IN THE CASE?

[redacted]: YES, I DO.

THE COURT: HAVE YOU FORMED AN OPINION AS TO THE GUILT OR INNOCENCE OF ANYONE CHARGED IN THIS CASE THAT YOU KNOW OF?

[redacted]: NO, I HAVE NOT.

THE COURT: ALL RIGHT. SPECIFICALLY, DO YOU

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BELIEVE THAT YOU COULD SERVE AS A FAIR AND IMPARTIAL JUROR IN REGARD TO THE TRIAL OF THE DEFENDANT, MR. MATHIS, IN THIS CASE?

[redacted]: YES, I COULD.

THE COURT: THANK YOU, THANK YOU, [redacted], SIR.

(TO CLERK) HAVE [redacted] SIT WITH [redacted] GROUP.

THE CLERK: YOUR HONOR, THIS IS JUROR #6, [redacted]

THE COURT: [redacted], YOU HAD INDICATED THAT YOU MAY HAVE READ OR HEARD OR WATCHED SOME NEWS COVERAGE OF THE SUBJECT MATTER IN THIS CASE. IS THAT RIGHT?

[redacted]: YES, SIR.

THE COURT: DESPITE THAT FACT, [redacted], DO YOU BELIEVE THAT YOU COULD LISTEN TO THE EVIDENCE IN THIS CASE AND TO THE INSTRUCTIONS FROM THE COURT ON THE LAW IN THIS CASE AND RETURN A VERDICT IN THE CASE BASED SOLELY ON THE EVIDENCE PRESENTED DURING THE TRIAL OF THIS CASE?

[redacted]: YES, SIR.

THE COURT: WHAT HAVE YOU READ OR HEARD, [redacted]?

[redacted]: JUST WHAT'S IN THE PAPERS.

THE COURT: WHEN YOU SAY "THE PAPERS", DO YOU KNOW WHICH PAPER?

[redacted]: LANCASTER NEWS.

THE COURT: DO YOU RECALL WHEN?

[redacted]: WHEN IT FIRST HAPPENED. AND MY FATHER WORKS FOR CRICKET HARPER ON GREAT FALLS HIGHWAY RIGHT BESIDE MCDONALD AMUSEMENTS.

THE COURT: YOUR FATHER WORKS FOR --

[redacted]: CRICKET HARPER.

THE COURT: CRICKET HARPER? IS THAT A BUSINESS?

[redacted]: IT'S THE CITY BODY SHOP, RIGHT BESIDE MCDONALD'S.

THE COURT: C.D. BODY SHOP?

[redacted]: CITY.

THE COURT: CITY BODY SHOP, ALL RIGHT. WELL, DO YOU THINK ANYTHING YOU MAY HAVE READ OR HEARD WOULD -- BECAUSE OF ANYTHING YOU'VE READ, ANY NEWS ACCOUNTS YOU'VE HEARD OR READ OF THESE PROCEEDINGS, HAVE YOU FORMED ANY OPINION AS TO THE GUILT OR INNOCENCE OF ANYONE?

[redacted]: NO, SIR.

THE COURT: DO YOU BELIEVE YOU COULD SERVE AS A FAIR AND IMPARTIAL JUROR IN THE TRIAL OF THE CASE?

[redacted]: YES, SIR.

THE COURT: (TO CLERK) PLACE HER WITH [redacted] GROUP.

THE CLERK: YOUR HONOR, JUROR 38, [redacted].

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THE COURT: [redacted], YOU INDICATED YOU MAY HAVE READ, HEARD OR WATCHED SOME NEWS ACCOUNTS ON THE SUBJECT MATTER IN THIS CASE. IS THAT RIGHT, SIR?

[redacted]: YES, SIR.

THE COURT: CAN YOU BRIEFLY TELL ME WHAT YOU MAY HAVE READ OR SEEN AND WHERE YOU SAW OR READ IT?

[redacted]: WELL, IN THE LANCASTER NEWS THEY HAD ACCOUNTS OF THE INCIDENT AND --

THE COURT: DO YOU RECALL WHEN YOU READ THAT OR DO YOU RECALL?

[redacted]: I THINK WHEN IT FIRST OCCURRED, THAT PARTICULAR INCIDENT AND THE ARREST, THE ARREST OF THE SUSPECTS.

THE COURT: [redacted], DO YOU BELIEVE THAT YOU COULD SERVE AS A FAIR AND IMPARTIAL JUROR IN THIS CASE?

[redacted]: YES, SIR.

THE COURT: DO YOU BELIEVE YOU COULD SET ASIDE ANYTHING YOU MAY HAVE READ, ANY NEWS ACCOUNTS YOU MAY HAVE READ OR HEARD ABOUT THE CASE AND BASE YOUR VERDICT ON THE EVIDENCE AND THE LAW IN THIS CASE THAT YOU SAW PRESENTED IN THE CASE?

[redacted]: YES, SIR.

THE COURT: AND HAVE YOU FORMED ANY OPINION AS TO THE GUILT OR INNOCENCE OF ANYONE CHARGED IN THE CASE,

SPECIFICALLY MR. MATHIS?

[redacted]: NO.

THE COURT: AND YOU BELIEVE YOU COULD BE A FAIR AND IMPARTIAL JUROR IN THE CASE?

[redacted]: YES, SIR.

THE COURT: THANK YOU, SIR. THANK YOU. PLEASE RETURN TO MS. HAIR'S GROUP.

THE CLERK: THIS IS JUROR 77, [redacted].

THE COURT: [redacted], YOU INDICATED THAT YOU MAY HAVE READ OR SEEN OR LISTENED TO NEWS COVERAGE OF THIS CASE. IS THAT CORRECT?

[redacted]: YES, SIR.

THE COURT: CAN YOU BRIEFLY TELL ME WHAT YOU MAY HAVE READ OR HEARD OR SEEN AND WHAT MEDIA IT WAS IN?

[redacted]: WELL, I WATCH CHANNEL 6 OR CHANNEL 36 AND THAT WAS THE FIRST THING I HEARD THIS MORNING, AND WHAT THEY HAD ON THERE WAS THAT THE COUPLE WAS KIDNAPED FROM THEIR HOME, AND MR. STEELE WAS SHOT AND BLED TO DEATH, AND THEY HAD THE NAME OF THE DEFENDANT.

THE COURT: DO YOU BELIEVE THAT YOU COULD SERVE AS A JUROR IN THIS CASE AND BASE YOUR VERDICT ON THE EVIDENCE THAT WAS PRESENTED DURING THE TRIAL OF THIS CASE AND DISREGARD ANY INFORMATION THAT YOU MAY HAVE WATCHED OR READ IN THE NEWSPAPER OR T.V.?

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[redacted]: YES, SIR.

THE COURT: HAVE YOU FORMED OR EXPRESSED ANY OPINION AS TO THE GUILT OR THE INNOCENCE OF THE DEFENDANT, MR. MATHIS, IN THE CASE?

[redacted]: NO, SIR. I WASN'T THERE, SO I DON'T KNOW WHAT HAPPENED.

THE COURT: SO YOU BELIEVE YOU COULD BASE YOUR OPINION ON THE EVIDENCE AND LAW AS GIVEN TO YOU BY THE COURT?

[redacted]: YES, SIR.

THE COURT: AND DO YOU BELIEVE YOU COULD BE FAIR AND IMPARTIAL IN THE CASE?

[redacted]: YES, SIR.

THE COURT: THANK YOU.

(TO CLERK) PLEASE PLACE [redacted] WITH [redacted] GROUP.

THE CLERK: THIS IS JUROR #10, [redacted].

THE COURT: [redacted], YOU INDICATED YOU MAY HAVE READ OR HEARD OR WATCHED SOME NEWS COVERAGE OF THESE PROCEEDINGS. IS THAT CORRECT?

[redacted]: YES.

THE COURT: COULD YOU BRIEFLY TELL ME IN WHICH MEDIA YOU MAY HAVE READ OR SEEN THOSE ACCOUNTS AND WHAT YOU RECALL?

[redacted]: OF COURSE, I'VE READ IT IN THE

LANCASTER NEWS, ON THE NEWS -- I CAN'T REMEMBER WHAT NEWS CHANNEL RIGHT NOW, I RECKON BECAUSE ALL OF YOU ALL ARE STANDING AROUND HERE, THAT I'VE SEEN IT ON. I'VE SEEN IT ON THE NEWS AND I'VE READ EVERY ARTICLE THAT'S BEEN IN THE NEWSPAPER AND EVERYTHING.

THE COURT: CAN YOU BRIEFLY RECALL WHAT YOU'VE SEEN OR HEARD, OR DO YOU RECALL THAT?

[redacted]: LET'S SEE WHAT I RECALL, THE EVENTS OF WHAT HAPPENED WHEN THEY WERE TAKEN FROM THEIR HOME, THE NAME OF THE PERSON THAT WAS IN THE NEWSPAPER. I READ YESTERDAY'S PAPER ABOUT THAT THEY WERE GOING TO HAVE JURY SELECTION TODAY, JUST --

THE COURT: DO YOU RECALL THE NAME OF ANY PERSONS YOU READ?

[redacted]: NO, SIR, I CAN'T RECALL RIGHT NOW. I APOLOGIZE.

THE COURT: NO, THAT'S OKAY. I UNDERSTAND. WHAT I NEED TO KNOW -- DO YOU BELIEVE YOU COULD PUT ASIDE ANY INFORMATION YOU MAY HAVE GLEANED FROM READING OR WATCHING ANY NEWS ACCOUNTS OF THESE PROCEEDINGS AND BASE YOUR VERDICT AS A JUROR ON THE EVIDENCE PRESENTED DURING THE TRIAL OF THE CASE?

[redacted]: I'M ASHAMED, BUT, NO, SIR, I DON'T THINK I COULD.

THE COURT: YOU DON'T BELIEVE YOU COULD SERVE AS

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A FAIR AND IMPARTIAL JUROR BASED ON --

[redacted]: NO, I DON'T.

THE COURT: OKAY, THANK YOU.

(TO CLERK) PLACE [redacted] WITH [redacted]. THANK YOU.

THE CLERK: YOUR HONOR, JUROR 14, [redacted].

THE COURT: [redacted]?

THE CLERK: [redacted].

THE COURT: WHAT NUMBER?

THE CLERK: JUROR 14.

THE COURT: YES, MA'AM. YOU INDICATED YOU MAY HAVE READ, HEARD OR SEEN NEWS COVERAGE OF THESE EVENTS?

[redacted]: NOT RECENTLY.

THE COURT: BRIEFLY, DO YOU RECALL WHERE YOU READ OR SAW WHATEVER YOU READ OR SAW? WHAT MEDIA?

[redacted]: THE NEWS, IT WAS ON T.V.

THE COURT: CAN YOU BRIEFLY RECALL WHAT YOU SAW OR DO YOU REMEMBER ANYTHING SPECIFICALLY?

[redacted]: NO, NOT REALLY, JUST REAL VAGUE. I JUST REMEMBER -- WHEN YOU SAID "THE INCIDENT", I REMEMBER HEARING ABOUT IT ON THE NEWS.

THE COURT: DO YOU BELIEVE THAT YOU COULD PUT ASIDE ANYTHING YOU MAY HAVE WATCHED ON THE NEWS OR READ IN THE PAPER, IF YOU READ ANYTHING, AND RENDER

A VERDICT BASED ON THE EVIDENCE PRESENTED DURING THE TRIAL OF THIS CASE?

[redacted]: I DO.

THE COURT: HAVE YOU FORMED ANY OPINION AS TO THE GUILT OR INNOCENCE OF ANYONE INVOLVED IN THIS CASE?

[redacted]: NO.

THE COURT: THANK YOU.

(TO CLERK) PLEASE PLACE [redacted], JUROR #14, WITH [redacted] GROUP.

THE CLERK: THIS IS JUROR 116, [redacted].

THE COURT: [redacted], YOU INDICATED YOU MAY HAVE READ, SEEN OR HEARD SOME NEWS COVERAGE OF THESE PROCEEDINGS?

[redacted]: I READ ONE ARTICLE IN THE NEWSPAPER YESTERDAY, THAT'S IT.

THE COURT: [redacted], DO YOU THINK YOU COULD PUT ASIDE ANYTHING YOU MAY HAVE READ IN THE NEWSPAPER ABOUT THE SUBJECT MATTER OF THIS CASE AND BASE ANY VERDICT THAT YOU MAY COME TO BASED SOLELY ON THE EVIDENCE PRESENTED DURING THE TRIAL OF THIS CASE?

[redacted]: YES, I COULD.

THE COURT: HAVE YOU FORMED ANY OPINION AS TO THE GUILT OR INNOCENCE OF ANYONE IN REGARD TO THIS CASE?

[redacted]: NO, I HAVE NOT.

THE COURT: AND DO YOU BELIEVE YOU COULD SERVE AS

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A FAIR AND IMPARTIAL JUROR?

[redacted]: YES, I COULD.

THE COURT: THANK YOU, [redacted].

(TO CLERK) PLACE HIM WITH [redacted] GROUP.

BRING THE CLERK IN.

THE CLERK: THAT'S IT.

THE COURT: ALL RIGHT. WE HAVE THOSE GROUPS SEGREGATED, IS THAT RIGHT?

THE CLERK: YES, SIR.

THE COURT: BASED ON THAT, THE COURT'S VOIR DIRE OF THE POTENTIAL JURORS, I'M GOING TO EXCLUDE JUROR #1, JUROR #99, JUROR #66 ON OTHER REASONS, OTHER THAN PRETRIAL PUBLICITY, JUROR #32 ON OTHER REASONS, AND JUROR #10 I'M GOING TO EXCLUDE AFTER VOIR DIRING HER ABOUT PRETRIAL PUBLICITY.

THE COURT AT THIS TIME FINDS JURORS 58, 47, 96, 143, 92, 88, 42, 6, 38, 77, 14 AND 116 QUALIFIED, BASED ON THEIR RESPONSES TO THE NEWS ACCOUNTS QUESTIONS.

(TO CLERK) NOW, BEFORE WE GO BACK IN THERE, YOU HAVE THOSE JURORS SEGREGATED, RIGHT?

THE CLERK: YES, SIR.

THE COURT: I NEED TO GET ALL THE QUALIFIED JURORS -- THAT WOULD BE THE [redacted] GROUP -- IN HERE A MOMENT. I NEED TO TELL THEM SOMETHING.

(QUALIFIED JURORS ENTERING JURY ROOM).

THE COURT: LADIES AND GENTLEMEN, ALL OF YOU HAD INDICATED THAT YOU MAY HAVE READ OR LISTENED TO OR HEARD SOME NEWS ACCOUNTS OF THE SUBJECT MATTER OF THIS CASE. I FOUND ALL OF YOU TO BE QUALIFIED SINCE YOU'VE ALL INDICATED THAT YOU COULD PUT ASIDE ANYTHING YOU MAY HAVE READ OR HEARD OR SEEN, ANY COVERAGE YOU MAY HAVE READ, HEARD OR SEEN ABOUT THE SUBJECT MATTER IN THIS CASE, AND BASE YOUR VERDICT ON THE EVIDENCE PRESENTED DURING THE TRIAL OF THIS CASE. I FIND YOU QUALIFIED.

THE REASON I'VE ASKED YOU TO STEP IN -- I'M GOING TO ASK YOU TO STEP BACK WITH THE REST OF THE PETIT JURY PANEL, BACK IN THE COURTROOM. PLEASE DO NOT DISCUSS ANYTHING YOU MAY HAVE READ, SEEN, HEARD OR LISTENED TO IN REGARD TO THE SUBJECT MATTER OF THIS CASE. I JUST WANTED TO GIVE YOU THAT INSTRUCTION, THANK YOU.

(TO CLERK) PLEASE LET THESE LADIES AND GENTLEMEN HAVE A SEAT WITH THE OTHER LADIES AND GENTLEMEN OF THE PETIT JURY PANEL.

(OFF-THE-RECORD DISCUSSION)

THE COURT: BEFORE WE GO BACK OUT THERE, I STILL HAVE A FEW QUESTIONS BEFORE I CAN CONCLUDE MY VOIR DIRE, MR. CLARK. BUT SINCE WE'RE IN HERE AND

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CERTAINLY SO WE WOULDN'T PREJUDICE THE DEFENDANT IN ANY MANNER, WHAT I WANT TO PUT ON THE RECORD -- ALTHOUGH THERE MAY HAVE BEEN SOME MEDIA COVERAGE, AND THERE HAS BEEN SOME EXTENSIVE MEDIA COVERAGE OF THE PROCEEDINGS, THE JURORS THAT I HAVE NOT EXCLUDED AND HAVE FOUND QUALIFIED HAVE INDICATED THAT THEY HAD NOT FORMED OR EXPRESSED AN OPINION AS TO THE DEFENDANT'S GUILT AND THAT THEIR OBJECTIVITY HAD NOT BEEN POLLUTED BY ANY OUTSIDE INFLUENCES SUCH AS NEWS COVERAGE OR ANYTHING, AND, THEREFORE, THAT'S WHY I FOUND THEM QUALIFIED.

SO IF YOU HAVE ANYTHING YOU WANT TO PUT ON THE RECORD IN REGARD TO THAT, I WILL HEAR YOU NOW.

MR. CLARK: JUDGE, I WOULD, JUST WITH A FEW OF THE JURORS. NUMBER 143, [redacted], SHE SAID SHE COULD BE FAIR, BUT IN HER COMMENTS IT APPEARED THAT SHE HAS FORMED AN OPINION. SHE SAID, "WELL, IT APPEARS THEY KNOW WHO DID IT", AND THEN SHE SAID IT APPEARED THEY KNEW WHO WAS INVOLVED, "THERE WERE SEVERAL OF THEM INVOLVED."

I JUST BELIEVE THAT THAT COMMENT -- I WOULD MOVE TO EXCLUDE HER. I THINK SHE'S ADOPTED THE OPINION THAT LAW ENFORCEMENT KNOWS WHO DID IT AND IT MUST BE MR. MATHIS, AND I'D MOVE TO EXCLUDE HER, JUDGE.

AND, JUDGE, [redacted], 116 --

THE COURT: [redacted] I THINK THAT'S HOW HE PRONOUNCES HIS NAME.

MR. CLARK: YES, SIR. I'D MOVE TO EXCLUDE HIM AS WELL, JUDGE, WITH MR. STEELE'S BROTHER BEING HIS SUNDAY SCHOOL TEACHER. I KNOW MR. STEELE, MARVIN STEELE, IS NOT GOING TO BE A WITNESS, ACCORDING TO MR. JUSTICE. I JUST THINK THAT'S IN FAIRNESS TO MR. MATHIS, THAT [redacted] SHOULD BE EXCLUDED AS WELL, JUDGE.

NUMBER 6, JUDGE, [redacted], SHE INDICATED HER FATHER WORKS NEXT DOOR TO WHERE MR. STEELE WAS EMPLOYED, MCDONALD AMUSEMENTS. THAT'S ALL I HAVE, JUDGE.

THE COURT: SOLICITOR?

MR. JUSTICE: YOUR HONOR, I TOTALLY DISAGREE WITH #116 AND ALSO WITH THE YOUNG LADY.

THE COURT: #6?

MR. JUSTICE: #6, [redacted]. THAT'S WHY THE STATE OF SOUTH CAROLINA GIVES THE DEFENSE 10 PEREMPTORY CHALLENGES.

I WOULD CONCEDE THAT 143, [redacted], THAT HER ANSWER WAS A BIT IFFY BECAUSE SHE STARTED WITH, SORT OF LIKE, "THEY WOULDN'T HAVE CHARGED HIM IF HE HADN'T DONE IT", AND EVEN THOUGH SHE SAID SHE COULD SET THAT ASIDE, I WOULD CONCEDE THAT THAT WAS LESS THAN 100

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PERCENT CLEAR.

BUT ON THE OTHER TWO, THEY WERE UNEQUIVOCAL THAT THEY COULD GIVE BOTH SIDES A FAIR AND IMPARTIAL TRIAL.

THE COURT: ALL RIGHT. WELL, BASED ON THAT, I WILL EXCLUDE [redacted].

MR. CLARK, JUST BECAUSE SOMEONE IS EMPLOYED NEXT DOOR, I MEAN, SOMEONE'S RELATIVE, HER PARENT IS EMPLOYED NEXT DOOR TO WHERE THE DECEASED WORKED, I DON'T BELIEVE THAT, IN AND OF ITSELF, WOULD BE DISQUALIFYING. SHE HAD INDICATED SEVERAL TIMES, JUROR 6, THAT SHE COULD BE FAIR AND IMPARTIAL.

AND JUROR #116 ALSO, JUST BECAUSE HIS SUNDAY SCHOOL TEACHER WAS THE VICTIM'S BROTHER -- HE WAS ADAMANT THAT HE COULD PUT ALL OF THAT ASIDE AND BE FAIR AND IMPARTIAL. I'M GOING TO FIND HIM QUALIFIED. THANK YOU.

(TO CLERK) GO ASK [redacted] TO COME IN HERE. SHE'S JUROR #143. DO YOU REMEMBER WHAT SHE LOOKS LIKE, MR. CLERK?

THE CLERK: YES, SIR.

THE COURT: ASK HER TO COME IN HERE. I DON'T WANT TO EMBARRASS HER.

MR. CLARK, SIR, ANYTHING I NEED TO TAKE UP IN HERE BEFORE I GO OUT THERE?

MR. CLARK: NO, SIR, JUDGE.

THE COURT: I HAVE JUST ONE OR TWO STANDARD QUESTIONS FROM HERE ON.

MR. CLARK: NOTHING, YOUR HONOR.

THE COURT: "ANY REASON YOU KNOW OF YOU CAN'T SERVE AS A FAIR AND IMPARTIAL JUROR AND BE FAIR TO MR. MATHIS AND TO THE STATE?", AND THEN I'M READY TO PROCEED.

MR. CLARK: YES, SIR.

THE COURT: I WANT TO ACCOMMODATE YOU, BUT, AS YOU CAN TELL, WE'VE GOT LIMITED FACILITIES.

MR. CLARK: I UNDERSTAND, JUDGE. I DON'T HAVE ANYTHING FURTHER.

MR. JUSTICE: YOUR HONOR, THE ONLY THING I WOULD HAVE IS AN OFFICIAL RULING FROM THE COURT, BASED ON THE INDIVIDUAL VOIR DIRE OF THESE 17 JURORS, THAT THE CHANGE OF VENUE MOTION, WHICH WAS BASED SOLELY ON PRETRIAL PUBLICITY, BE DENIED INASMUCH AS ONLY THREE -- AT MOST THREE PEOPLE WERE DISQUALIFIED FOR THAT PURPOSE.

THE COURT: I'M SORRY, GENTLEMEN, MAYBE I SHOULD HAVE STATED THAT, BUT I AM GOING TO, BASED ON MY FINDINGS ON VOIR DIRE I KNOW WE'VE CONDUCTED IN THE APPROPRIATE MANNER -- THAT'S WHY THIS IS THE BEST PRACTICE, TO WAIT TO RULE ON THE MOTION UNTIL THE COURT CAN HAVE THE BENEFIT OF VOIR DIRING THE

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JURORS BASED ON THE COVERAGE THAT THEY'VE READ OR HEARD.

[redacted]? [redacted] IS PRESENT.

[redacted]: YES.

THE COURT: [redacted], I AM GOING TO, OUT OF AN ABUNDANCE OF CAUTION, EXCUSE YOU AS A JUROR IN THIS CASE. WE'VE GOT LOTS OF OTHER CASES, SO STICK AROUND.

(TO CLERK) SHE NEEDS TO GO WITH [redacted] CROWD BECAUSE WE MAY USE THEM ON THE NEXT CASE. THANK YOU.

ALL RIGHT, AFTER WE DRAW A JURY AND GET THE JURY SEATED, DO WE THINK WE COULD TAKE A LITTLE BREAK AND DO OUR LITTLE OPENING STATEMENTS THIS EVENING SO WE COULD BEGIN THE TRIAL IN THE MORNING? I KNOW YOURS ISN'T EVER TOO LONG, SOLICITOR.

MR. CLARK: JUDGE, I HAD A FEW PRETRIAL MOTIONS.

MR. JUSTICE: THERE ARE SOME MOTIONS THAT I WAS GIVEN DURING JURY SELECTION.

THE COURT: I'LL TAKE THOSE UP BUT WANTED TO GIVE YOU ALL AN OPPORTUNITY -- I HAVEN'T TRIED A CASE, OR IF I HAVE, IT'S BEEN AWHILE, WITH YOU, MR. CLARK.

MR. CLARK: IT'S BEEN A LITTLE WHILE.

THE COURT: I'M SO OLD I CAN'T REMEMBER, BUT I DON'T THINK THE SOLICITOR WILL BE UNDULY LONG, AND I

DOUBT YOU WILL IN YOUR OPENING, AND WE CAN GET STARTED FRESH IN THE MORNING.

MR. JUSTICE: ON THE OTHER MOTIONS, SOME OF THEM WE CAN ADDRESS IN A PRELIMINARY FASHION THIS AFTERNOON.

MR. CLARK: SOME CAN WAIT.

MR. JUSTICE: ON SOME OF THEM, MY WITNESSES AREN'T HERE THAT MAY BE NEEDED TO COVER THOSE.

MR. CLARK: RIGHT.

MR. JUSTICE: BUT AT LEAST WE'LL PUT THEM ON THE RECORD.

THE COURT: PUT THEM ON THE RECORD AND TAKE THEM UP BEFORE WE GO INTO THAT AREA.

MR. CLARK: DO YOU STILL WANT TO DO OPENINGS THIS AFTERNOON?

THE COURT: I'D LIKE TO, BUT I'LL GIVE YOU AN OPPORTUNITY TO REFRESH YOURSELF. BUT AS QUICKLY AS WE CAN REASSEMBLE -- IF THE DEFENDANT NEEDS A SHORT BREAK, WE CAN ACCOMMODATE HIM.

(BRIEF RECESS)

THE COURT: LADIES AND GENTLEMEN OF THE PETIT JURY PANEL, PLEASE GIVE ME YOUR ATTENTION. CAN EACH AND EVERY MEMBER OF THE PETIT JURY PANEL GIVE BOTH THE STATE OF SOUTH CAROLINA AND THE DEFENDANT, MR. VERNARD JEROME MATHIS, A FAIR AND IMPARTIAL TRIAL IN

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THIS CASE? IF NOT, PLEASE STAND.

(NO RESPONSE).

THE COURT: ANYTHING FURTHER FROM THE STATE?

MR. JUSTICE: NOTHING FROM THE STATE, YOUR HONOR.

THE COURT: FROM THE DEFENDANT?

MR. CLARK: NO, SIR, YOUR HONOR.

THE COURT: THANK YOU.

(TO CLERK) GIVE US THE JURY.

LADIES AND GENTLEMEN, AS YOUR NAME IS CALLED, PLEASE STAND IMMEDIATELY, COME FORWARD THROUGH THE RAIL TO THE BAR, WHERE THE CLERK OF COURT IS SEATED, AND TURN AND FACE THE AUDIENCE. PLEASE BRING WITH YOU ANY PERSONAL BELONGINGS YOU MAY HAVE, SUCH AS YOUR POCKETBOOK, YOUR CAP, YOUR UMBRELLA, OR ANYTHING OF LIKE NATURE.

(TO CLERK) GIVE US THE JURY, PLEASE.

THE CLERK: JUROR 131, [redacted].

([redacted], A WHITE MALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE SWEAR [redacted].

THE CLERK: (TO JUROR) PLEASE HAVE A SEAT IN THE JURY BOX.

JUROR 102, [redacted].

([redacted], A WHITE MALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE SWEAR [redacted].

THE CLERK: (TO JUROR) PLEASE TAKE A SEAT IN THE JURY BOX.

JUROR #142, [redacted].

([redacted], A BLACK FEMALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE SWEAR [redacted].

THE CLERK: (TO JUROR) PLEASE HAVE A SEAT IN THE JURY BOX.

JUROR #119, [redacted].

([redacted], A WHITE FEMALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE EXCUSE [redacted] FROM THIS TRIAL.

THE CLERK: YOU'RE EXCUSED, [redacted].

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JUROR 105, [redacted].

([redacted], A WHITE MALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE SWEAR [redacted].

THE CLERK: PLEASE HAVE A SEAT IN THE JURY BOX.

JUROR #88, [redacted].

(GARY MCCAIN, A WHITE MALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE EXCUSE [redacted] FROM THIS TRIAL.

THE CLERK: (TO JUROR) YOU'RE EXCUSED.

JUROR 94, [redacted].

([redacted], A BLACK FEMALE, NOW COMES FORWARD).

MR. JUSTICE: WHAT NUMBER WAS IT?

THE CLERK: 94. WHAT SAY THE STATE?

MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE SWEAR [redacted].

THE CLERK: (TO JUROR) PLEASE HAVE A SEAT IN THE

JURY BOX.

JUROR #84, [redacted].

([redacted], A WHITE FEMALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. BARFIELD: WHAT'S THAT NUMBER AGAIN, MR. CLERK?

THE CLERK: #84.

MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE SWEAR [redacted].

THE CLERK: (TO JUROR) PLEASE HAVE A SEAT IN THE JURY BOX.

JUROR #14, [redacted]

([redacted] A WHITE FEMALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE EXCUSE [redacted] FROM THIS TRIAL.

THE CLERK: (TO JUROR) YOU'RE EXCUSED.

JUROR #42, [redacted]

([redacted], A BLACK MALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

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MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE SWEAR [redacted].

THE CLERK: (TO JUROR) PLEASE HAVE A SEAT IN THE JURY BOX.

JUROR #111, [redacted].

([redacted], A WHITE MALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE SWEAR [redacted].

THE CLERK: (TO JUROR) HAVE A SEAT IN THE JURY BOX.

JUROR #16, [redacted].

([redacted], A BLACK MALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: EXCUSE [redacted] ON THIS CASE.

THE CLERK: YOU'RE EXCUSED, [redacted].

JUROR #26, [redacted].

([redacted], A BLACK FEMALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE SWEAR [redacted].

THE CLERK: (TO JUROR) PLEASE HAVE A SEAT IN THE JURY BOX.

JUROR #46, [redacted].

([redacted], A BLACK FEMALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: EXCUSE [redacted] ON THIS CASE.

THE CLERK: (TO JUROR) YOU'RE EXCUSED.

JUROR #98, [redacted].

([redacted], A BLACK MALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: EXCUSE [redacted] ON THIS CASE.

THE CLERK: (TO JUROR) YOU'RE EXCUSED.

JUROR #76, [redacted].

([redacted], A WHITE MALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE SWEAR [redacted].

THE CLERK: (TO JUROR) PLEASE HAVE A SEAT IN THE JURY BOX.

JUROR #24, [redacted].

([redacted], A WHITE FEMALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: PRESENT [redacted].

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THE CLERK: DEFENDANT?

MR. CLARK: PRESENT [redacted].

THE CLERK: (TO JUROR) PLEASE HAVE A SEAT IN THE JURY BOX.

JUROR #80, [redacted].

([redacted], A WHITE MALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE SWEAR [redacted].

THE CLERK: (TO JUROR) PLEASE HAVE A SEAT IN THE JURY BOX.

THE COURT: ALL RIGHT, MR. CLERK, I WANT TO HAVE THREE ALTERNATES. THE STRIKES SHALL BE ONE FOR THE STATE, TWO FOR THE DEFENDANT IN REGARD TO EACH ALTERNATE JUROR.

THE CLERK: JUROR #20, [redacted].

([redacted], A WHITE FEMALE, NOW COMES FORWARD).

THE COURT: NUMBER WHAT, MR. CLERK?

THE CLERK: #20.

WHAT SAY THE STATE?

MR. JUSTICE: EXCUSE [redacted] FROM THIS CASE, PLEASE.

THE CLERK: (TO JUROR) YOU'RE EXCUSED.

JUROR #120, [redacted].

([redacted], A BLACK MALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: THE COURT'S INDULGENCE, YOUR HONOR.

(TO CLERK) MAY WE APPROACH THE BENCH, YOUR HONOR, WITH COUNSEL FOR THE DEFENSE?

THE COURT: ALL RIGHT.

(BENCH CONFERENCE WITH COUNSEL OUTSIDE HEARING OF JURY PANEL AND COURT REPORTER).

THE COURT: MR. CLERK, BRING THE JUROR FORWARD.

(BENCH CONFERENCE WITH COUNSEL AND JUROR OUTSIDE HEARING OF JURY PANEL AND COURT REPORTER).

THE COURT: AFTER CONFERRING WITH JUROR #120, THE COURT FINDS HIM TO BE STATUTORILY DISQUALIFIED BECAUSE OF A PREVIOUS RECORD. THANK YOU.

THE CLERK: JUROR #60, [redacted].

([redacted], A WHITE MALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE SWEAR [redacted].

THE CLERK: (TO JUROR) PLEASE HAVE A SEAT IN THE JURY BOX.

JUROR #34, [redacted].

([redacted], A WHITE MALE, NOW COMES FORWARD).

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THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE SWEAR [redacted].

THE CLERK: (TO JUROR) PLEASE HAVE A SEAT IN THE JURY BOX.

JUROR #75, [redacted].

([redacted], A WHITE MALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: WHAT NUMBER, PLEASE?

THE CLERK: #75.

MR. JUSTICE: PLEASE EXCUSE THE JUROR.

THE CLERK: (TO JUROR) YOU'RE EXCUSED.

JUROR #6, [redacted].

([redacted], A WHITE FEMALE, NOW COMES FORWARD).

THE CLERK: WHAT SAY THE STATE?

MR. JUSTICE: PRESENT [redacted].

THE CLERK: DEFENDANT?

MR. CLARK: PLEASE SWEAR [redacted].

THE CLERK: (TO JUROR) PLEASE HAVE A SEAT IN THE JURY BOX.

THE COURT: LADIES AND GENTLEMEN OF THE TRIAL JURY, PLEASE GIVE ME YOUR ATTENTION. AT THIS TIME I HAVE SOME MATTERS OF LAW I MUST TAKE UP WITH THE

LAWYERS. UNDER OUR TRIAL PROCEDURE, I'M REQUIRED TO DO THIS OUTSIDE OF YOUR PRESENCE. PLEASE STEP INTO YOUR JURY ROOM AND DO NOT DISCUSS THE CASE. IF YOU WOULD LIKE ANY LIGHT REFRESHMENTS, I BELIEVE WE HAVE COCA-COLA, PEPSI, COFFEE, ANYTHING WITHIN REASON THAT LANCASTER COUNTY CAN AFFORD TO PROVIDE FOR YOU.

PLEASE STEP INTO YOUR JURY ROOM. I'LL SEND FOR YOU IN A MOMENT.

(JURY EXITS COURTROOM AT 5:24 P.M.).

THE COURT: ALL RIGHT, ANYTHING FROM THE STATE OR THE DEFENDANT IN REGARD TO THE SELECTION OF THE TRIAL JURY? FROM THE STATE?

MR. JUSTICE: NOTHING FROM THE STATE, YOUR HONOR.

THE COURT: FROM THE DEFENDANT?

MR. CLARK: NOTHING FROM THE DEFENSE, YOUR HONOR.

THE COURT: ALL RIGHT, THANK YOU.

(TO CLERK) HAVE THE JUROR, [redacted], COME AROUND.

MR. SOLICITOR AND MR. CLARK, IN REGARD TO JUROR #120, [redacted], STANDING BEFORE THE BAR AT THE SIDE-BAR, HE HAD ADVISED THE COURT THAT HE HAD BEEN CONVICTED OF AN OFFENSE IN NORTH CAROLINA IN REGARD TO SOMETHING ABOUT TAKING A TAPE RECORDER OR SOMETHING IN NORTH CAROLINA.

[redacted], IS THAT RIGHT?

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[redacted]: YES, SIR.

THE COURT: AND YOU WERE SENTENCED TO A PROBATIONARY SENTENCE BUT COULD HAVE RECEIVED MORE THAN ONE YEAR, IS THAT CORRECT?

[redacted]: YES, SIR.

THE COURT: AND YOU ARE ON PROBATION FOR THAT OFFENSE?

[redacted]: YES, SIR.

THE COURT: AND BASED ON THAT, THE COURT EXCLUDED THE JUROR FROM SERVICE IN THIS CASE.

ANY EXCEPTION, SOLICITOR?

MR. JUSTICE: NONE FROM THE STATE, YOUR HONOR.

THE COURT: MR. CLARK?

MR. CLARK: NO, SIR, YOUR HONOR.

THE COURT: THANK YOU, [redacted]. YOU MAY HAVE A SEAT.

(OFF-THE-RECORD DISCUSSION)

THE COURT: LADIES AND GENTLEMEN OF THE PETIT JURY PANEL, PLEASE GIVE ME YOUR ATTENTION. SINCE YOU WERE NOT FORTUNATE ENOUGH TO HAVE BEEN SELECTED TO SERVE ON THIS PARTICULAR TRIAL JURY AND IT APPEARING THAT WE HAVE ENOUGH WORK TO TAKE UP AT LEAST THE REMAINDER OF THIS DAY, PERHAPS TOMORROW AND PERHAPS EVEN THE REMAINDER OF THE WEEK, I REALLY DON'T KNOW -- I'M GOING TO EXCUSE YOU.

NOW, LADIES AND GENTLEMEN, NOT TOO LONG AGO WE USED TO HAVE TO BRING THE JURORS IN EVERY MORNING AND EVERY AFTERNOON FOR EACH SESSION OF COURT BECAUSE WE NEVER KNEW WHEN ONE CASE WAS GOING TO END AND ONE CASE WAS GOING TO BEGIN. AFTER OVER 30 YEARS, WE STILL DON'T KNOW WHEN ONE CASE IS GOING TO END AND ONE CASE IS GOING TO BEGIN. HOWEVER, FORTUNATELY, WE NOW HAVE A SYSTEM WHEREIN THE JURORS CAN CALL IN AND RECEIVE INSTRUCTIONS ON WHEN YOU ARE TO REPORT OR CALL AGAIN.

I BELIEVE ALL OF YOU HAVE THE LITTLE JUROR INFORMATION CARD WITH YOU. IF YOU DO NOT HAVE YOURS, IF YOU'VE LOST IT OR MISPLACED IT, WHEN I EXCUSE YOU IN JUST A MOMENT, THE BAILIFFS ON THE BACK DOOR WILL BE GLAD TO GIVE YOU ANOTHER ONE. THERE'S A TELEPHONE NUMBER ON THERE.

AN 800 NUMBER, MR. CLERK?

THE CLERK: YES, SIR.

THE COURT: THERE'S A 1-800 NUMBER ON THERE. I NEED FOR ALL OF YOU ALL, ALL THE MEMBERS OF THE PETIT JURY PANEL, TO CALL THAT NUMBER TOMORROW AT 1:30, AND YOU WILL BE GIVEN INSTRUCTIONS ON WHEN YOU ARE TO REPORT OR CALL AGAIN.

NOW, LADIES AND GENTLEMEN, THE MESSAGE MAY SIMPLY BE, "CALL AGAIN ON WEDNESDAY OR THURSDAY". I OBVIOUSLY DON'T KNOW WHAT THE MESSAGE WILL BE. YOU

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NEED TO BE ABLE TO REPORT TO THIS COURTHOUSE WITHIN ONE HOUR AFTER YOU RECEIVE A MESSAGE ON THIS MACHINE. THEREFORE, IF YOU CAN GO TO WORK TOMORROW AND CALL AT WORK AND BE HERE AT 2:30, YOU CAN GO TO WORK, OR YOU CAN GO FISHING OR YOU CAN DO ANYTHING YOU WANT TO DO AS LONG AS YOU CAN CALL AND BE HERE WITHIN ONE HOUR.

NOW, LADIES AND GENTLEMEN, PLEASE DO NOT CALL THE NUMBER UNTIL 1:30 TOMORROW, 1:30 P.M. THERE WILL PROBABLY BE NO MESSAGE FOR YOU TO RECEIVE UNTIL 1:29-½ P.M. TOMORROW. YOU'LL JUST BE WASTING YOUR VALUABLE TIME IF YOU TRY TO CALL EARLY. THE SYSTEM IS DESIGNED SO ALL OF YOU CAN CALL AT 1:30 P.M. PRECISELY, AND NONE OF YOU SHOULD RECEIVE A BUSY SIGNAL IF YOU DIAL THE NUMBER CORRECTLY.

OF COURSE, YOU'RE WELCOME TO STAY WITH US THE REMAINDER OF THE DAY AND TOMORROW AND OBSERVE THE PROCEEDINGS OF THE COURT, BUT YOU'RE NOT REQUIRED TO DO SO. IF I DON'T SEE YOU AGAIN, IF THIS CASE SHOULD CARRY ON THROUGH THE WEEK, I'D LIKE TO THANK YOU FOR YOUR JURY SERVICE. YOU'RE NOT REQUIRED TO STAY WITH US. PLEASE CALL THE NUMBER TOMORROW AT 1:30 P.M. AND YOU'LL RECEIVE INSTRUCTIONS ON WHEN YOU ARE TO REPORT OR CALL AGAIN. THANK YOU VERY MUCH. YOU MAY RETIRE.

MR. CLARK, SIR, I BELIEVE YOU HAD SOME MOTIONS YOU NEEDED THE COURT TO TAKE UP.

MR. CLARK: YES, YOUR HONOR.

THE COURT: OBVIOUSLY YOU'VE ALREADY MADE THE MOTION FOR CHANGE OF VENUE AND THE COURT HAS ALREADY RULED ON THAT. I DENIED YOUR MOTION FOR THE REASONS I STATED IN THE RECORD --

MR. CLARK: YES, SIR.

THE COURT: -- WHEN WE WERE EXAMINING JURORS, IS THAT CORRECT?

MR. CLARK: THAT'S CORRECT, YOUR HONOR.

THE COURT: ALL RIGHT.

MR. CLARK: YOUR HONOR, WE HAVE BEEN ADVISED THAT ONE OF THE CO-DEFENDANTS, MR. ELTON WIGGINS, HAS BEEN ADDED TO THE STATE'S WITNESS LIST. WE WOULD RENEW OUR MOTION THAT WE FILED UNDER SOUTH CAROLINA CRIMINAL RULE 5, AS WELL AS OUR MOTION UNDER BRADY AND WOULD MOVE TO RECEIVE THE DEAL OR ARRANGEMENT THAT THE STATE HAS ENTERED WITH MR. WIGGINS. WE BELIEVE WE'RE ENTITLED TO THAT, YOUR HONOR. THAT WOULD BE THE FIRST MOTION THAT WE WOULD MAKE -- IF THERE IS ONE, JUDGE.

THE COURT: ALL RIGHT, SOLICITOR.

MR. JUSTICE: THE ONLY DEAL WITH MR. WIGGINS IS THAT UPON THE TRUTHFUL TESTIMONY IN THIS AND ANY OTHER PROCEEDINGS IN WHICH HE IS CALLED UPON, THE STATE WOULD ALLOW HIM TO PLEAD GUILTY TO A CRIME OTHER THAN THE CRIME OF MURDER, WHICH INCLUDES THE POSSIBILITY OF

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ARMED ROBBERY, FIRST DEGREE BURGLARY, AND/OR KIDNAPING. THAT'S THE ONLY DEAL THAT'S BEEN MADE IN REGARDS TO MR. WIGGINS.

THE COURT: ALL RIGHT.

SO YOU HAVE THAT, MR. CLARK.

MR. CLARK: YES, SIR, YOUR HONOR. THANK YOU, YOUR HONOR.

YOUR HONOR, THE NEXT MOTION -- IN TALKING WITH MR. JUSTICE AND LISTENING TO HIS RESPONSE, HIS STATEMENT TO THE COURT EARLIER -- THERE'S A MOTION TO SUPPRESS EVIDENCE SEIZED DURING THE SEARCH OF A VEHICLE THAT MR. MATHIS MAY HAVE BEEN DRIVING. HOWEVER, I DON'T BELIEVE THAT CAN BE ADDRESSED BECAUSE THE WITNESSES AREN'T HERE, SO I'D SIMPLY MOVE THAT THERE BE NO REFERENCE TO ANY ARTICLES SEIZED DURING THAT VEHICLE SEARCH UNTIL THAT MOTION CAN BE HEARD OR THE COURT RULES ON THAT MOTION.

THE COURT: ALL RIGHT.

MR. JUSTICE: I WOULD AGREE WITH THAT, YOUR HONOR. THE STATE'S POSITION IS IT WAS A LEGAL SEARCH PURSUANT TO A STATE OF MARYLAND SEARCH WARRANT, DULY ISSUED BY A JUDGE IN THE STATE OF MARYLAND. THE SEARCH WAS CONDUCTED BY AGENTS OF THE F.B.I. WHO WILL BE ARRIVING IN LANCASTER LATE TOMORROW AND PROBABLY WILL NOT BE CALLED UPON BEFORE WEDNESDAY.

THE COURT: ALL RIGHT, WELL, LET'S JUST -- I'M NOT GOING TO ALLOW YOU TO MAKE ANY REFERENCE TO THAT -

MR. JUSTICE: I KNOW OF NO REASON --

THE COURT: -- OR INDEED THAT THERE WAS A SEARCH.

MR. JUSTICE: YES, AND I HAVE NO REASON TO BELIEVE THAT WOULD HAPPEN.

THE COURT: ALL RIGHT, THANK YOU. YOU NEED TO NOTE WHEN WE CAN TAKE UP THAT MOTION, SOLICITOR.

MR. JUSTICE: YES, YOUR HONOR.

THE COURT: ANY PROBLEM WITH THAT, MR. CLARK?

MR. CLARK: NO, SIR, YOUR HONOR. THANK YOU, YOUR HONOR.

YOUR HONOR, WE ALSO MOVE IN LIMINE TO EXCLUDE ANY REFERENCE TO MR. MATHIS' PAROLE STATUS. I BELIEVE THE FACTS ARE THAT HE WAS ON PAROLE IN THE STATE OF MARYLAND AT THE TIME THAT THIS INCIDENT OCCURRED. WE BELIEVE ANY REFERENCE TO THAT WOULD NOT BE OF ANY PROBATIVE VALUE BUT WOULD BE HIGHLY PREJUDICIAL. WE'D MOVE TO EXCLUDE ANY REFERENCE TO HIM BEING ON PAROLE.

MR. JUSTICE: YOUR HONOR, I HAVE NO INTENTION OF MAKING REFERENCE -- IN AN OBLIQUE SORT OF FASHION POSSIBLY, INASMUCH AS LANCASTER COUNTY OFFICERS, UPON IDENTIFYING MR. MATHIS AS THE PRINCIPAL SUSPECT IN GOING TO THE STATE OF MARYLAND AND THE D.C. AREA TO ARREST HIM, DID MEET WITH HIS PAROLE OFFICER AND THE

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PAROLE OFFICER, I THINK, POINTED HIM OUT OR TOOK THE OFFICERS TO WHERE HE WAS LOCATED, BUT WE CAN GET AROUND THAT WITHOUT MENTIONING PAROLE, JUST THAT THEY MADE CONTACT WITH MR. WHATEVER-HIS-NAME-WAS IN MARYLAND, WITHOUT MENTIONING WHAT HIS CAPACITY IS.

THE COURT: ALL RIGHT, SO YOU'RE GOING TO INSTRUCT YOUR WITNESSES NOT TO MENTION THAT?

MR. JUSTICE: YES, YOUR HONOR. I THINK THAT WILL PROBABLY BE MR. BLACKMON, WHO'S SITTING RIGHT HERE LISTENING TO US.

THE COURT: WELL, SOLICITOR, YOU MIGHT BETTER INSTRUCT YOUR OTHER WITNESSES, TOO.

OF COURSE, NOW, MR. CLARK, THAT DOOR COULD BE OPENED IF YOU OPEN THAT DOOR ON CROSS-EXAMINATION, BUT I'M GOING TO DIRECT HIM NOT TO REFER TO THE PAROLE STATUS OF THE DEFENDANT AT THIS TIME.

MR. CLARK: YES, SIR.

MR. JUSTICE: OF COURSE, IF THE DEFENDANT WERE TO TESTIFY IN HIS OWN BEHALF, THE STATE RESERVES THE RIGHT TO USE ANY AND ALL IMPEACHMENT EVIDENCE, INCLUDING ANY AND ALL PRIOR CONVICTIONS.

THE COURT: WELL, THAT WASN'T THE MOTION. ALL RIGHT, THANK YOU.

MR. CLARK: YOUR HONOR, WE HAVE ALSO FILED A MOTION TO EXCLUDE CERTAIN CRIME SCENE PHOTOGRAPHS,

AND THE BASIS FOR THAT MOTION IS THAT THOSE PHOTOGRAPHS WOULD BE OF VERY LITTLE RELEVANCE, NO PROBATIVE VALUE, BUT WOULD ONLY INFLAME THE JURY. I DON'T THINK MR. JUSTICE INTENDED TO USE THOSE IN HIS OPENING, BUT --

THE COURT: HOW MANY OF THEM ARE THERE?

MR. JUSTICE: YOUR HONOR, THERE'S QUITE A FEW PHOTOGRAPHS ALTOGETHER. AS THE COURT, I'M SURE, IS AWARE, IT IS NOT MY PRACTICE TO SHOW INFLAMMATORY PICTURES OF A DEAD BODY TO A JURY. IF THERE IS ANY PICTURE THAT WOULD CONTAIN THE BODY OF THE LATE MELVIN STEELE, IT WOULD BE IN SUCH A FASHION AS NOT TO BE INFLAMMATORY.

WE DON'T HAVE THOSE PICTURES WITH US THIS AFTERNOON INASMUCH AS WE DIDN'T EXPECT TO GO FORWARD WITH EVIDENCE, BUT WE'LL, OF COURSE, SHOW WHATEVER WE INTEND TO INTRODUCE TO THE COURT WELL AHEAD OF ACTUALLY INTRODUCING IT. BUT ANY CLOSE-UP, BLOODY PICTURE THAT WOULD INFLAME PASSION -- I JUST DON'T DO THAT, YOUR HONOR, AND I WILL NOT DO THAT.

THE COURT: WELL, IF YOU HAVE ANY SUCH PHOTOGRAPHS, YOU NEED TO BRING THEM TO THE COURT'S ATTENTION BEFORE YOU PRESENT THEM TO A WITNESS --

MR. JUSTICE: OH, YES, CERTAINLY.

THE COURT: -- AND I'LL RULE ON YOUR MOTION AT

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THAT TIME, MR. CLARK. THANK YOU.

MR. CLARK: YOUR HONOR, WE HAVE ALSO FILED A MOTION TO SUPPRESS THE RESULTS OF THE PHOTOGRAPHIC LINEUP, AS WELL AS TO SUPPRESS IN-COURT IDENTIFICATION, BUT I'M NOT SURE THAT CAN BE ADDRESSED AT THIS TIME, YOUR HONOR. I BELIEVE IT COULD BE ADDRESSED WHEN THE WITNESSES TESTIFY AND THAT WILL BE FINE WITH US, BUT WE HAVE FILED THAT MOTION.

MR. JUSTICE: YOUR HONOR, WE DON'T INTEND TO GO INTO THE BUSINESS OF THE PHOTOGRAPH LINEUP. WE DO INTEND TO ASK MOST OF THE PEOPLE ON MR. CLARK'S LIST WHETHER OR NOT THE PERSON THEY'RE REFERRING TO IS PRESENT IN THE COURTROOM, AND WE EXPECT THEM TO POINT OUT THIS DEFENDANT.

NOW, MOST OF THEM HAVE, AT ONE TIME OR ANOTHER, SEEN A PHOTOGRAPHIC LINEUP BUT NOT ONE THAT WOULD BE SO OVERLY SUGGESTIVE AS TO TAINT THEIR ABILITY TO MAKE AN IN-COURT IDENTIFICATION.

MR. CLARK: YOUR HONOR, I WOULD ASK YOU TO TAKE THAT UP ON AN INDIVIDUAL WITNESS BASIS.

THE COURT: WELL, WERE ALL OF THEM SHOWN THE SAME LINEUP?

MR. JUSTICE: YES, YOUR HONOR.

THE COURT: WELL, IF I CONDUCTED THE HEARING ON

THE LINEUP, WOULD THAT NOT COVER EVERY WITNESS, MR. CLARK, IF EVERY WITNESS SAW THE SAME LINEUP?

MR. CLARK: I THINK, IF THAT'S THE CASE, YOUR HONOR. I WASN'T SURE IF EVERYONE SAW THE SAME LINEUP, BUT IF THEY DID --

THE COURT: WELL, THE SOLICITOR HAS INDICATED THEY DID.

MR. CLARK: -- THEN I THINK THE COURT COULD TAKE IT UP.

THE COURT: ALL RIGHT. I'LL HAVE A HEARING, AN IN CAMERA HEARING, ON THAT TO DETERMINE WHETHER OR NOT -- I SUPPOSE TO DETERMINE IF IT WAS UNDULY SUGGESTIVE. I SUPPOSE THAT'S WHAT YOU'RE ASKING.

MR. CLARK: YES, YOUR HONOR.

THE COURT: ANY PRIOR LINEUP THEY MAY HAVE SEEN BEFORE THEY IDENTIFIED THE DEFENDANT?

MR. JUSTICE: I DON'T UNDERSTAND THE QUESTION, YOUR HONOR.

THE COURT: I DON'T HAVE A QUESTION, MR. CLARK DOES.

MR. JUSTICE: OH, EXCUSE ME, YES, SIR.

THE COURT: HE CONTENDS THAT ALL THE WITNESSES' TESTIMONY THAT ARE GOING TO IDENTIFY THE DEFENDANT IN COURT WAS TAINTED BECAUSE ALL OF THEM WERE SHOWN AN UNDULY SUGGESTIVE LINEUP BEFORE THEIR IDENTIFICATION.

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MR. JUSTICE: WE WILL PRESENT THAT LINEUP TO THE COURT TO RULE ON BEFORE ASKING ANYBODY TO MAKE AN IDENTIFICATION.

THE COURT: WELL, I UNDERSTAND WE'RE GOING TO HAVE TO HAVE SOME TESTIMONY AS TO HOW THEY FORMULATED THE LINEUP --

MR. JUSTICE: YES, YOUR HONOR.

THE COURT: -- BEFORE I COULD MAKE A RULING, BUT WE JUST NEED TO DO THAT BEFORE YOU PUT ANY WITNESSES ON THE STAND THAT MAY IDENTIFY THE DEFENDANT.

MR. JUSTICE: DO YOU WANT TO DO THAT NOW, YOUR HONOR?

THE COURT: WELL, WE CAN, BUT I DIDN'T KNOW IF YOU HAD YOUR WITNESSES.

MR. JUSTICE: I DON'T HAVE THE INDIVIDUAL WITNESSES. I HAVE THE OFFICERS WHO SHOWED THE LINEUP AND I BELIEVE WE HAVE PICTURES. WE HAVE THE LINEUP ITSELF IN OUR POSSESSION AT THE MOMENT.

MR. CLARK: YOUR HONOR, I BELIEVE THE COURT COULD RULE ON IT FROM THE LINEUP.

THE COURT: WELL, I'LL DO THAT, BUT, I MEAN, DO YOU ALL WANT TO DO THAT NOW OR DO YOU WANT TO --

MR. JUSTICE: I WOULD JUST AS SOON WAIT UNTIL IN THE MORNING. I WANT TO MAKE SURE I'VE GOT -- I'M NOT SURE MR. BLACKMON WAS PRESENT AT ALL THE SHOWINGS OF

THE LINEUP, BUT WE COULD DO, CERTAINLY, MOST OF THEM THROUGH HIM IN FAIRLY SHORT ORDER OUTSIDE THE PRESENCE OF THE JURY TOMORROW.

THE COURT: WE'LL TAKE THAT UP IN THE MORNING AT 10:00.

MR. CLARK: THAT WILL BE FINE, YOUR HONOR.

THE COURT: CAN WE GIVE OUR OPENING STATEMENTS WITHOUT THAT OR DO YOU HAVE TO MAKE REFERENCE TO LINEUPS OR IDENTIFICATIONS?

MR. JUSTICE: THERE'S NO REFERENCE TO LINEUPS. I MAY MENTION THE STATE WILL OFFER BOTH CIRCUMSTANTIAL AND DIRECT EVIDENCE OF THE GUILT OF THE DEFENDANT.

THE COURT: I UNDERSTAND.

MR. CLARK: YOUR HONOR, ONE FURTHER MOTION. WE WOULD MOVE TO SUPPRESS PHONE RECORDS THAT WERE SUBPOENAED BY THE LAW ENFORCEMENT INVOLVED IN THIS CASE. THE BASIS FOR THAT MOTION IS THAT WE BELIEVE THOSE RECORDS WERE OBTAINED WITHOUT A SEARCH WARRANT, WITHOUT PROPER CAUSE AND WITH AN INVALID SUBPOENA. BUT AGAIN, I THINK THE COURT CAN TAKE THAT UP WHEN THEY'RE BEING INTRODUCED.

THE COURT: DO YOU WANT TO DO THAT IN THE MORNING, ALSO?

MR. JUSTICE: WE COULD DO THAT AT SOME POINT TOMORROW. THERE'S A WITNESS ON THAT SUBJECT, IF WE

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HAVE TO GET INTO IT, THAT I WASN'T GOING TO CALL UNLESS I HAVE TO, BUT I COULD GET HIM HERE AT SOME POINT TOMORROW. THE PHONE RECORDS WOULDN'T BE INTRODUCED BY THE STATE UNTIL LATE IN THE TRIAL, AT LEAST THE SECOND DAY.

THE COURT: ALL RIGHT. WELL, JUST BEFORE WE GO INTO THAT, I'M GOING TO HEAR MR. CLARK'S MOTION IN FULL BEFORE I RULE ON IT, OBVIOUSLY.

MR. CLARK: THAT'S ALL I HAVE, YOUR HONOR.

THE COURT: ALL RIGHT.

DO YOU ALL NEED A MOMENT BEFORE WE PROCEED?

MR. JUSTICE: IF WE COULD HAVE JUST A MOMENT BEFORE GIVING OPENING STATEMENTS --

THE COURT: WE'LL STAND AT EASE JUST A MOMENT BEFORE OPENING STATEMENTS.

BRIEF RECESS

THE COURT: (TO BAILIFF) PLEASE BRING THE JURY IN AND HAVE [redacted] TAKE THE FOREMAN'S SEAT.

(OFF-THE-RECORD DISCUSSION)

(JURY ENTERS COURTROOM AT 5:50 P.M.).

THE COURT: LET OUR RECORD REFLECT THAT ALL OUR JURORS PLUS THE ALTERNATES ARE PRESENT.

[redacted], THE COURT HEREBY APPOINTS YOU FOREMAN OF THE TRIAL JURY. YOU WILL ALWAYS OCCUPY THE FOREMAN'S SEAT. OUR THREE ALTERNATE JURORS WILL

ALWAYS OCCUPY THE ALTERNATE CHAIRS, AND THE OTHER LADIES AND GENTLEMEN OF THE JURY MAY SIT ANYWHERE YOU LIKE WHEN WE RETURN FROM A BREAK OR RECESS.

MR. CLERK, PLEASE ADMINISTER THE OATH TO THE JURY.

(THE CLERK SWEARING JURY EN MASSE).

THE COURT: MR. FOREMAN, LADIES AND GENTLEMEN, WHAT I WILL NOW SAY TO YOU IS INTENDED TO SERVE AS AN INTRODUCTION TO THE TRIAL OF THIS CASE. IT IS NOT A SUBSTITUTE FOR THE DETAILED INSTRUCTIONS ON THE LAW WHICH I WILL GIVE TO YOU AT THE CONCLUSION OF THE CASE AND BEFORE YOU RETIRE TO DELIBERATE YOUR VERDICT.

LADIES AND GENTLEMEN, THIS IS A CRIMINAL CASE COMMENCED BY THE STATE OF SOUTH CAROLINA, WHICH I SOMETIMES MAY REFER TO AS THE PROSECUTION, AND THIS CASE IS BASED UPON FIVE INDICTMENTS WHICH THE SOLICITOR WILL READ OR EXPLAIN TO YOU IN JUST A MOMENT, AFTER WHICH ATTORNEY CLARK, AS THE ATTORNEY FOR THE DEFENDANT, WILL ALSO BE GIVEN AN OPPORTUNITY TO MAKE A SHORT OPENING STATEMENT TO YOU IF HE SO DESIRES.

LADIES AND GENTLEMEN, YOU SHOULD UNDERSTAND THAT THESE INDICTMENTS ARE SIMPLY CHARGES AGAINST THE DEFENDANT AND THEY ARE NOT, IN ANY SENSE OF THE WORD, EVIDENCE OF THE ALLEGATIONS WHICH THEY CONTAIN. THE

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DEFENDANT, MR. MATHIS, PLED NOT GUILTY TO EACH OF THE INDICTMENTS, THEREFORE, THE STATE OF SOUTH CAROLINA HAS THE BURDEN OF PROVING EACH OF THE ESSENTIAL ELEMENTS OF THE INDICTMENT BEYOND A REASONABLE DOUBT.

THE PURPOSE OF THIS TRIAL, LADIES AND GENTLEMEN, IS TO DETERMINE WHETHER OR NOT THE STATE OF SOUTH CAROLINA HAS MET THIS BURDEN. YOUR PURPOSE AS JURORS IS TO FIND AND TO DETERMINE THE FACTS IN THIS CASE. UNDER OUR SYSTEM OF CRIMINAL PROCEEDINGS, YOU, THE LADIES AND GENTLEMEN OF THE TRIAL JURY, ARE THE SOLE AND EXCLUSIVE JUDGES OF THE FACTS IN THIS CASE. IF AT ANYTIME I SHOULD MAKE ANY COMMENTS ON THE FACTS IN THIS CASE, YOU ARE AT LIBERTY TO DISREGARD THEM.

LADIES AND GENTLEMEN, IT IS VERY, VERY IMPORTANT THAT YOU PERFORM YOUR DUTY OF FINDING AND DETERMINING THE FACTS IN THIS CASE BOTH DILIGENTLY AND CONSCIENTIOUSLY, FOR ORDINARILY, LADIES AND GENTLEMEN, THERE IS NO MEANS OF CORRECTING AN ERRONEOUS DETERMINATION OF FACT BY A TRIAL JURY.

ON THE OTHER HAND AND WITH EQUAL EMPHASIS, I CHARGE YOU THAT THE LAW, AS GIVEN TO YOU BY THIS COURT, CONSTITUTES THE ONLY LAW FOR YOUR GUIDANCE AND FOR YOUR CONSIDERATION, AND IT IS YOUR DUTY TO ACCEPT AND APPLY THE LAW AS THE COURT WILL STATE IT FOR YOU.

LADIES AND GENTLEMEN, YOU ARE TO FIND AND TO

DETERMINE THE FACTS IN THIS CASE FROM THE TESTIMONY WHICH YOU WILL HEAR FROM THIS WITNESS STAND, ALONG WITH ANY OTHER EVIDENCE WHICH IS PROPERLY ADMITTED IN THE TRIAL OF THE CASE. IT IS UP TO YOU AND YOU ALONE TO DETERMINE THE INFERENCES WHICH YOU FEEL MAY PROPERLY BE DRAWN FROM THE EVIDENCE.

YOU MUST NOT CONSIDER ANYTHING YOU MAY HAVE READ OR HEARD ABOUT THIS CASE OUTSIDE OF THIS COURTROOM, WHETHER BEFORE OR DURING THE TRIAL OF THIS CASE, AND UNTIL THIS CASE IS SUBMITTED TO YOU, LADIES AND GENTLEMEN, YOU MUST NOT DISCUSS IT WITH ANYONE, NOT EVEN WITH YOUR FELLOW JURORS. AFTER THE CASE IS SUBMITTED TO YOU, YOU MUST DISCUSS IT ONLY IN YOUR JURY ROOM WITH ALL OF YOUR FELLOW JURORS BEING PRESENT.

LADIES AND GENTLEMEN, IT IS VERY IMPORTANT THAT YOU KEEP AN OPEN MIND IN THE CASE AND THAT YOU NOT DECIDE ANY ISSUE IN THIS CASE UNTIL THE ENTIRE CASE HAS BEEN SUBMITTED TO YOU UNDER THE INSTRUCTIONS FROM THIS COURT.

IT IS YOUR ADDED DUTY, MR. FOREMAN, TO PRESIDE IN THE JURY ROOM AND TO SERVE AS THE SPOKESPERSON FOR THE TRIAL JURY.

SOLICITOR, YOU MAY OPEN.

MR. CLERK, DO YOU WANT TO PASS THE INDICTMENTS TO

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HIM?

MR. JUSTICE: MAY IT PLEASE THE COURT.

MR. FOREMAN, LADIES AND GENTLEMEN OF THE JURY, THE JUDGE VERY KINDLY INTRODUCED ME EARLIER. I'LL DO IT AGAIN. I'M JOHN JUSTICE. I AM YOUR SOLICITOR. I'M THE SOLICITOR FOR WHAT WE CALL THE SIXTH JUDICIAL CIRCUIT, WHICH IS CHESTER COUNTY, LANCASTER COUNTY AND FAIRFIELD COUNTY, AND I LIVE OVER IN CHESTER COUNTY. I AM GOING TO BE THE PRIMARY PROSECUTING ATTORNEY FOR THE STATE OF SOUTH CAROLINA. ASSISTING ME WILL BE THE CHIEF ASSISTANT SOLICITOR, DOUG BARFIELD, IN THE OFFICE HERE IN LANCASTER, AND ALSO FROM TIME TO TIME MR. TOM HOLLAND AND MR. CHRIS TAYLOR, WHO ARE BOTH SEATED ACROSS THE ROOM, WILL ALSO BE ASSISTING.

LADIES AND GENTLEMEN, THE OFFENSES CHARGED IN THESE INDICTMENTS ARE THAT OF MURDER, BURGLARY IN THE FIRST DEGREE, TWO COUNTS OF KIDNAPING, ONE COUNT OF ARMED ROBBERY, ALL OCCURRING IN LANCASTER COUNTY ON THE NIGHT OF JUNE 20, 2000. THE TRIAL OF A CRIMINAL CASE IS AN ATTEMPT TO RECREATE THE COMMISSION OF A CRIME AND TO RECREATE THE INVESTIGATION THAT FOLLOWED THROUGH THE USE OF WITNESSES AND THE INTRODUCTION OF EVIDENCE.

OUR SYSTEM OF JUSTICE QUITE CORRECTLY DOES NOT ALLOW ME TO SIMPLY TELL YOU WHAT HAPPENED. THE

SMALLER OF THOSE BLACK BOOKS IS A SUMMARY OF THE INVESTIGATION, AND IT WOULD TAKE ME LESS THAN AN HOUR TO SIT HERE AND READ IT ALL TO YOU. THE SYSTEM DOESN'T WORK THAT WAY. THAT WOULDN'T BE FAIR. WE MUST RECREATE THIS CRIME AND RECREATE THIS INVESTIGATION BY CALLING WITNESSES.

AND IF YOU WERE IN THE COURTROOM, AS I'M SURE YOU ALL WERE, WHEN I READ OUT THE POTENTIAL WITNESSES, THERE ARE QUITE A FEW OF THEM. SOME OF THEM WILL HAVE TESTIMONY THAT WILL LAST NO MORE THAN A FEW MINUTES. SOME OF THEM, SOME OF THEIR TESTIMONY MAY LAST QUITE A WHILE. SOME, IN ORDER TO GIVE YOU A DEGREE OF CONTINUITY, MAY TESTIFY SEVERAL DIFFERENT TIMES. THAT DOESN'T MEAN I'VE FORGOTTEN WHAT TO ASK THEM. IT'S THAT THEY HAD EVIDENCE OF SOMETHING THAT HAD HAPPENED AT THIS POINT IN TIME AND MAYBE OTHER EVIDENCE ALONG THE WAY, IN ORDER TO GIVE YOU SENSE OF THE FLOW OF HOW THIS INVESTIGATION DEVELOPED PARTICULARLY.

FOR INSTANCE, MR. BLACKMON, WHO IS THE CHIEF INVESTIGATING OFFICER, WILL PROBABLY BE ON THE STAND TWO OR THREE OR MORE TIMES DURING THE COURSE OF THE NEXT COUPLE OF DAYS. MY INTENTION IS TO BEGIN THE INVESTIGATION NOT WITH THE EVENTS, NECESSARILY, AS THEY HAPPENED, BUT AS THEY BECAME KNOWN TO THE POLICE ON THE NIGHT OF JUNE 20, BEGINNING WITH THE

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FIRST THING THE POLICE KNEW ABOUT THE CRIME HAPPENING THAT NIGHT. AND THEN IT WILL GO ON, AFTER THE FIRST GROUP OF WITNESSES, TO THINGS THAT BECAME EVIDENT TO THE POLICE THROUGH THEIR INVESTIGATION, SOME OF IT FLASHING BACK TO DAYS AND WEEKS PRIOR TO THE NIGHT OF JUNE 20.

NOW, THE JUDGE WILL TELL YOU AT THE END, WHEN HE GIVES HIS COMPLETE CHARGE, THAT THERE'S BASICALLY TWO KINDS OF EVIDENCE IN CRIMINAL COURT. ONE IS DIRECT EVIDENCE, MEANING THAT SOMEONE SAYS, "THIS IS WHAT I SAW, THIS IS WHAT I DID, THIS IS WHAT I HEARD", DIRECT EVIDENCE THAT PROVES THAT THE DEFENDANT IS GUILTY. AND THEN THE OTHER IS WHAT IS KNOWN AS CIRCUMSTANTIAL OR INDIRECT EVIDENCE, AND THAT IS TESTIMONY AND EVIDENCE THAT PROVES ONE THING THAT, IN AND OF ITSELF, TENDS TO PROVE ANOTHER. AND YOU PILE CIRCUMSTANTIAL EVIDENCE ONE UPON THE OTHER UNTIL ALSO YOU CAN PROVE THE TRUTH OF THE ALLEGATIONS OF THE GUILT OF THE DEFENDANT.

IN THIS PARTICULAR CASE, THE STATE WILL RELY ON BOTH AND WILL SATISFY YOU BEYOND A REASONABLE DOUBT, BOTH THROUGH DIRECT EVIDENCE AND THROUGH CIRCUMSTANTIAL EVIDENCE, THAT THE DEFENDANT, VERNARD JEROME MATHIS, IS GUILTY OF EVERY CRIME FOR WHICH HE STANDS INDICTED, SPECIFICALLY THAT HE, ALONG WITH

OTHERS, WENT TO THE HOME OF THE VICTIMS, MR. AND MRS. STEELE, COMMITTED THE ACT OF BURGLARY BY BREAKING INTO THAT HOME BY FORCE, THE OFFENSE OF ARMED ROBBERY BY STEALING WHILE IN THAT HOUSE, TWO OFFENSES OF KIDNAPING BY TAKING BOTH MELVIN AND RITA STEELE, AGAINST THEIR WILL, AWAY FROM THEIR HOME, AND FINALLY THE OFFENSE OF MURDER BY SHOOTING AND KILLING MELVIN STEELE.

NOW, LADIES AND GENTLEMEN, IN ORDER TO PROVE THIS DEFENDANT GUILTY OF THOSE ACTS, IT'S NOT NECESSARY THAT THE STATE PROVE THAT HE DID ALL OF THOSE THINGS HIMSELF. THERE WILL BE REFERENCE TO OTHERS. DO NOT CONCERN YOURSELF WITH THOSE OTHERS AT THIS TIME. ONLY MR. MATHIS IS ON TRIAL AND ONLY HIS GUILT ARE YOU TO WEIGH. ANY GUILT OR INNOCENCE OF OTHER PEOPLE WILL COME AT ANOTHER DAY AND ANOTHER TIME AND BY ANOTHER JURY.

AND ALSO, EVEN THOUGH THE STATE WILL CONTEND AND WILL OFFER SUFFICIENT EVIDENCE TO PROVE THAT MR. MATHIS NOT ONLY WAS THE LEADER OF THIS ESCAPADE, THE ORGANIZER OF THIS CRIME, BUT HE ALSO WAS THE TRIGGER MAN OR THE SHOOTER WHO FIRED THE BULLET THAT CAUSED MELVIN STEELE TO DIE, BUT EVEN IF WE DO NOT CONVINCE YOU OF THAT LATTER FACT, IF WE DO CONVINCE YOU THAT HE WAS A PART OF THIS ACT, PRESENT, AIDING AND

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ABETTING THROUGHOUT, HE, JUST LIKE ALL THE OTHERS, WILL BE EQUALLY GUILTY AND YOUR VERDICT OF GUILTY WOULD BE SUPPORTED BY THE EVIDENCE AND FULLY JUSTIFIED.

LADIES AND GENTLEMEN, BEGINNING IN THE MORNING WHEN YOU START HEARING WITNESSES, WE WILL BE TAKING YOU INTO A WORLD THAT MOST OF YOU HAVE ONLY HEARD ABOUT, THE WORLD OF CRIME, THE WORLD OF VIOLENCE AND A WORLD OF TERROR, OF CREATING TERROR THAT NIGHT. THAT'S WHAT MR. MATHIS AND HIS COHORTS DID, AND YOU WILL HEAR FROM ONE OF THE VICTIMS OF THAT TERROR, THE ONE THAT LIVED, MS. RITA STEELE. AND WHEN YOU HAVE HEARD FROM ALL THE STATE'S WITNESSES OVER THE NEXT COUPLE OR THREE DAYS, YOU WILL BE CONVINCED BEYOND ANY DOUBT THAT THIS DEFENDANT IS, IN FACT, GUILTY AS CHARGED. THANK YOU VERY MUCH.

THE COURT: THANK YOU, SOLICITOR.

MR. CLARK, ON BEHALF OF THE DEFENDANT?

MR. CLARK: THANK YOU, YOUR HONOR. MAY IT PLEASE THE COURT.

THE COURT: YES, SIR.

MR. CLARK: MR. FOREMAN, LADIES AND GENTLEMEN OF THE JURY, GOOD AFTERNOON. MY NAME IS JOHN CLARK. MY OFFICE IS IN SUMTER. I DO NOT LIVE HERE IN LANCASTER, BUT I'M HERE VISITING YOUR FINE COUNTY THIS WEEK AND

HAVE BEEN ASKED TO REPRESENT MR. VERNARD MATHIS.

LADIES AND GENTLEMEN, THERE'S NO QUESTION THAT WHAT HAPPENED TO MR. STEELE WAS A BAD THING, AND I THINK ONCE YOU HEAR THE EVIDENCE, ALL OF US WILL REGRET WHAT HAPPENED TO HIM, BUT I WOULD SIMPLY ASK YOU, IN CONSIDERING THE EVIDENCE IN THIS CASE, NOT TO GET CAUGHT UP IN THE EMOTION ABOUT WHAT HAPPENED TO MR. STEELE, BUT REMAIN FOCUSED ON THE CENTRAL ISSUE, AND THAT ISSUE IS WHETHER OR NOT THE STATE PROVED, BY PROOF BEYOND A REASONABLE DOUBT, TO THE SATISFACTION OF ALL 12 JURORS, THAT MR. MATHIS IS, IN FACT, GUILTY.

I SUBMIT TO YOU THAT WHEN YOU HEAR THIS EVIDENCE, THERE WILL BE SUBSTANTIAL AND SERIOUS QUESTIONS ABOUT WHETHER OR NOT MR. MATHIS IS, IN FACT, GUILTY. TO THIS CHARGE, AS THE SOLICITOR HAS TOLD YOU, MR. MATHIS HAS ENTERED A PLEA OF NOT GUILTY. UNDER OUR LAW, HE IS PRESUMED INNOCENT UNTIL PROVEN GUILTY. THE ONLY WAY BY WHICH HE CAN EVER BE CONSIDERED GUILTY IS IF THE STATE PROVES TO YOUR SATISFACTION, BY PROOF BEYOND A REASONABLE DOUBT, THAT HE IS GUILTY.

SO I'D ASK YOU TO LISTEN TO THE EVIDENCE CLOSELY. DON'T GET CAUGHT UP IN THE EMOTION ABOUT WHAT HAPPENED TO MR. STEELE BECAUSE WE ALL WILL AGREE THAT

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IT WAS A BAD, A TERRIBLE THING THAT SHOULD NEVER HAPPEN TO ANYONE, BUT STAY FOCUSED ON THE CENTRAL ISSUE, THAT IS, THE GUILT OR INNOCENCE OF MR. MATHIS.

I'D ALSO ASK YOU, LADIES AND GENTLEMEN, TO LISTEN TO ALL OF THE TESTIMONY. UNDER OUR PROCEDURE, MR. JUSTICE GETS TO QUESTION THE WITNESSES FIRST. I'D ASK YOU NOT TO MAKE UP YOUR MIND ABOUT THAT WITNESS UNTIL WE HAVE HAD AMPLE OPPORTUNITY TO QUESTION THAT WITNESS, TO BRING OUT THE OTHER SIDE.

YOU CAME INTO THIS COURTROOM, LADIES AND GENTLEMEN, YOU WENT THROUGH A SERIES OF QUESTIONS BY JUDGE SHORT, AND YOU ALL SAY THAT YOU COULD BE FAIR TO THE STATE OF SOUTH CAROLINA AND MR. MATHIS, AND THAT'S ALL THAT WE ASK THAT YOU DO, BE FAIR. LISTEN TO THE EVIDENCE, FOLLOW THE JUDGE'S INSTRUCTIONS, LOOK AT EACH WITNESS, LOOK AT WHETHER THAT WITNESS HAD THE OPPORTUNITY TO VIEW WHAT HE SAID HE VIEWED, WHETHER THAT WITNESS HAS ANY PREJUDICE OR ANY REASON TO TELL YOU SOMETHING THAT MAY NOT BE, IN FACT, TRUE.

WHEN WE ASKED YOU, WHEN YOU WERE SEATED OUT IN THE COURTROOM, WHETHER YOU COULD BE FAIR, YOU SAID YOU WOULD. I BELIEVE YOU WILL, AND I'D ASK YOU JUST TO BE FAIR AND LISTEN TO ALL THE EVIDENCE. THANK YOU VERY MUCH.

THE COURT: THANK YOU, MR. CLARK. SOLICITOR AND

MR. CLARK, LET ME SEE YOU JUST A MOMENT ABOUT SCHEDULING.

(BENCH CONFERENCE WITH COUNSEL OUTSIDE HEARING OF JURY AND COURT REPORTER).

THE COURT: ALL RIGHT, MR. FOREMAN, LADIES AND GENTLEMEN, AT THIS TIME WE'RE GOING TO RECESS FOR THE EVENING. WHILE YOU'RE AWAY, PLEASE DO NOT DISCUSS THIS CASE WITH ANYONE OR ALLOW ANYONE TO DISCUSS THE CASE WITH YOU, NOT EVEN WITH YOUR HUSBAND OR YOUR WIFE.

NOW, LADIES AND GENTLEMEN, ALSO PLEASE DO NOT READ ANY NEWSPAPER ACCOUNTS OF THESE PROCEEDINGS OR WATCH ANY T.V. COVERAGE OR LISTEN TO ANY RADIO COVERAGE OF THESE PROCEEDINGS, IF ANY THERE SHOULD BE, NOT TONIGHT, TOMORROW, OR UNTIL THIS CASE IS COMPLETED AND YOU HAVE RETURNED YOUR VERDICT. I OFTEN TELL MY JURORS ALL OF US COULD GO A FEW DAYS WITHOUT READING THE NEWSPAPER OR WATCHING THE NEWS ON T.V., AND I DON'T THINK IT WOULD HURT ANY OF US VERY BADLY. I DON'T THINK ANYTHING WOULD OCCUR TO US THAT WE COULDN'T GET OVER. PLEASE REFRAIN FROM READING ANY NEWSPAPER COVERAGE OF THE EVENTS OR WATCHING ANY T.V. ACCOUNTS OR LISTENING TO ANY RADIO NEWS CONCERNING THIS CASE.

NOW, IF ANYONE SHOULD APPROACH YOU WHILE YOU'RE

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AWAY AND ATTEMPT TO DISCUSS THIS CASE WITH YOU, PLEASE ADVISE THAT PERSON THAT YOU'RE SERVING ON THE JURY AND YOU CANNOT AND WILL NOT DISCUSS THE CASE WITH THEM. IF THAT PERSON SHOULD PERSIST IN THEIR EFFORTS TO CONTINUE ATTEMPTING TO DISCUSS THE CASE WITH YOU, PLEASE TAKE THEIR NAME AND WRITE IT DOWN, AND WHEN YOU RETURN IN THE MORNING, PLEASE REPORT THAT TO THE BAILIFF, WHO WILL BE STATIONED OUTSIDE YOUR JURY ROOM, AND I ASSURE YOU WE WILL TAKE CARE OF THAT MATTER RIGHT AWAY.

NOW, LADIES AND GENTLEMEN, PLEASE REPORT IN THE MORNING TO YOUR JURY ROOM, AND WHEN YOU COME IN, PLEASE GO DIRECTLY TO YOUR JURY ROOM. PLEASE BE HERE AT TEN O'CLOCK. NOW, LADIES AND GENTLEMEN, PLEASE TRY TO BE ON TIME. REMEMBER WE CANNOT START WITHOUT ALL 15 OF YOU. YOU NOT ONLY INCONVENIENCE THE COURT IF YOU'RE LATE, YOU INCONVENIENCE EVERY ONE OF YOUR FELLOW JURORS. PLEASE TRY TO BE AS CONSIDERATE OF ALL OF THEM AS YOU CERTAINLY WANT ALL OF THEM TO BE OF YOU. PLEASE TRY TO BE THERE AT 10:00 SHARP SO THAT WE CAN BEGIN THE TRIAL OF THE CASE.

THANK YOU VERY MUCH. YOU MAY RETIRE. I'LL SEE YOU IN THE MORNING.

ONLY THE JURORS MAY EXIT THE COURTROOM AT THIS TIME. THANK YOU.

(JURY EXITS COURTROOM AT 6:14 P.M.).

THE COURT: ALL RIGHT, WE SHALL BE IN RECESS UNTIL 10:00 IN THE MORNING. THANK YOU.

(WHEREUPON, THE TRIAL WAS RECESSED AT 6:15, TO RECOMMENCE JUNE 3, 2003 AT 10:00 A.M.).

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STATE OF SOUTH CAROLINA COUNTY OF LANCASTER	)	IN THE COURT OF GENERAL SESSIONS
STATE OF SOUTH CAROLINA, PLAINTIFF, V. VERNARD JEROME MATHIS, DEFENDANT.	)	DOCKET NO. 00-GS-29-1418 01-GS-29-0250 03-GS-29-0524 03-GS-29-0525 03-GS-29-0526 TRANSCRIPT OF RECORD (JURY TRIAL) VOLUME II

JUNE 2 - 6, 2003
LANCASTER, SOUTH CAROLINA

BEFORE:

HONORABLE PAUL E. SHORT, JR.

APPEARANCES:

FOR THE PLAINTIFF:	JOHN R. JUSTICE, SOLICITOR DOUGLAS A. BARFIELD, SENIOR ASSISTANT SOLICITOR THOMAS J. HOLLAND, ASSISTANT SOLICITOR
FOR THE DEFENDANT:	JOHN D. CLARK, ESQUIRE

NANCY M. MONTEITH, CERTIFIED VERBATIM REPORTER
RESIDENT COURT REPORTER, SIXTH JUDICIAL CIRCUIT

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THE COURT: IS THE STATE READY? IS THE DEFENDANT READY?

MR. CLARK: YES, YOUR HONOR.

THE COURT: DO YOU HAVE THE PRELIMINARY MATTERS THAT WE WERE DISCUSSING YESTERDAY? ARE YOU READY TO GO FORWARD ON THEM OR DO YOU WANT BRING THE JURY IN?

MR. JUSTICE: YES, YOUR HONOR, ONE THING IN REGARD TO THE DEFENSE'S MOTION IN REGARD TO THE CRIME SCENE PHOTOGRAPHS. I THINK WE TALKED ABOUT THE PHOTOGRAPHS AT THE TOOL & DIE WHERE THE BODY OF MR. STEELE WAS LOCATED. I ASSURED THE COURT YESTERDAY I DID NOT INTEND TO SUBMIT ANY INFLAMMATORY PICTURES. AT THIS TIME I WILL SHOW FIVE PHOTOGRAPHS IN AND AROUND THAT SCENE THAT I DO INTEND TO INTRODUCE INTO EVIDENCE. I'LL SHOW THEM FIRST TO COUNSEL FOR THE DEFENSE.

I DO HAVE PHOTOGRAPHS THAT WOULD MEET THE DESCRIPTION OF THE DEFENSE MOTION, BUT I CONTEND THAT NONE OF THE ONES THAT I, IN FACT, INTEND TO OFFER WOULD BE INFLAMMATORY. THREE OF THEM, AS HE LOOKS AT THEM, ARE VIEWS OF THE BUILDING JUST AS A POINT OF REFERENCE. ONE PHOTOGRAPH SHOWS BLANKETS THAT ARE OF EVIDENTIARY VALUE THAT WERE FOUND NEXT TO THE BODY AND THAT DO SHOW WHAT APPEARS TO BE BLOOD ON THEM. THE BODY IS NOT IN THAT PICTURE.

THERE IS ONE PHOTOGRAPH THAT IS A LONG-RANGE

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PHOTOGRAPH, THAT, IF YOU KNOW WHAT YOU'RE LOOKING FOR, IN THE DISTANCE, IN THE BACKGROUND IS THE BODY AND THE BLANKET, AND IT'S OFFERED TO SHOW THE PROXIMITY OF ONE TO THE OTHER.

I'VE SHOWN THEM TO COUNSEL FOR THE DEFENSE AND AT THIS TIME I'LL PASS THEM UP TO THE COURT.

THE COURT: (TO MR. CLARK) ASSUMING THOSE ARE PROPERLY IDENTIFIED AND AUTHENTICATED, DO YOU HAVE ANY OBJECTIONS TO THOSE COMING IN?

MR. CLARK: NO, SIR, I DO NOT OBJECT TO THOSE FIVE PHOTOGRAPHS.

THE COURT: ALL RIGHT, THANK YOU.

MR. JUSTICE: I'D MOVE TO GO AHEAD AND MARK THESE AS STATE'S EXHIBITS #1 THROUGH #5 FOR IDENTIFICATION AT THIS TIME SO THERE WOULD BE NO QUESTION THAT THESE ARE THE FIVE I'VE PRESENTED.

THE COURT: (TO MR. CLARK) ANY OBJECTION?

MR. CLARK: NO, SIR.

THE COURT: THANK YOU.

(TO COURT REPORTER) MARK THOSE STATE'S EXHIBITS #1 THROUGH #5 FOR I.D. ONLY AT THIS TIME.

(STATE'S EXHIBIT #1, MARKED FOR IDENTIFICATION, PHOTOGRAPH).

(STATE'S EXHIBIT #2, MARKED FOR IDENTIFICATION, PHOTOGRAPH).

(STATE'S EXHIBIT #3, MARKED FOR IDENTIFICATION, PHOTOGRAPH).

(STATE'S EXHIBIT #4, MARKED FOR IDENTIFICATION, PHOTOGRAPH).

(STATE'S EXHIBIT #5, MARKED FOR IDENTIFICATION, PHOTOGRAPH).

MR. CLARK: YOUR HONOR, THERE IS ONE SMALL MATTER AND THAT IS A MOTION FOR SEQUESTRATION.

THE COURT: MR. CLARK, THAT IS NOT A SMALL MATTER IN THE LANCASTER COUNTY COURTHOUSE.

MR. CLARK: I UNDERSTAND, YOUR HONOR.

THE COURT: ALL RIGHT, WHAT GROUNDS?

MR. CLARK: WELL, YOUR HONOR, THIS CASE INVOLVES A LOT OF CIRCUMSTANTIAL EVIDENCE. I EXPECT THE WITNESSES TO TESTIFY ABOUT FACTUAL DETAILS, AND IT'S JUST A LONG LIST OF WITNESSES. I BELIEVE THEY'RE ALL OVER ON THIS SIDE OF THE COURTROOM, YOUR HONOR, AND I THINK IT WOULD BE PREJUDICIAL TO HAVE THE WITNESSES LISTEN TO THE TESTIMONY OF OTHER WITNESSES.

THE COURT: ALL RIGHT, WHAT'S THE STATE'S POSITION?

MR. JUSTICE: YOUR HONOR, THE STATE IS OPPOSED TO THE SEQUESTRATION OF WITNESSES AS A GENERAL RULE. AS THE COURT IS AWARE AND I'M SURE MR. CLARK IS BECOMING RAPIDLY AWARE, THE FACILITIES HERE IN LANCASTER ARE

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VERY LIMITED. SEQUESTRATION IS A DISCRETIONARY CALL WITH THE COURT. IN THIS PARTICULAR CASE, IF WE WERE TO SEQUESTER ALL THE WITNESSES OF THE STATE, SOME 20 POLICE OFFICERS AND PROBABLY SOME 30 OR MORE CIVILIANS, AS WELL AS OUT-OF-STATE INVESTIGATORS, WE WOULD HAVE TO PUT THEM IN, PROBABLY, THE COUNTY BUILDING ACROSS THE STREET.

THE STATE ASKS THAT THE COURT NOT RESTRICT ME IN THE ORDER IN WHICH TO CALL WITNESSES, WHICH WOULD MEAN, BY AND LARGE, I WOULD HAVE TO CALL THEM ONE AT A TIME, REQUIRING A DELAY THAT'S SIMPLY NOT NECESSARY.

THE COURT: YOU'RE GOING TO CALL THEM ALL ONE AT A TIME ANYWAY, AREN'T YOU?

MR. JUSTICE: NO, BUT AS FAR AS SAYING WHO MY NEXT ONE IS GOING TO BE SO THEY CAN BE IN THE ANTEROOM. WE WENT DOWN THAT ROAD ONE TIME, AND IT BECAME VERY DIFFICULT FOR THE STATE TO PROJECT AHEAD BECAUSE QUITE OFTEN UNTIL A WITNESS HAS TESTIFIED, YOU'RE NOT SURE WHO THE NEXT ONE IS GOING TO BE.

THE ONLY THREE WITNESSES WHO BASICALLY CORROBORATE EACH OTHER -- AND THAT'S THE PURPOSE OF SEQUESTRATION, AS I'VE ALWAYS UNDERSTOOD IT -- IS ONE WITNESS, PARTICULARLY AN EYE WITNESS, HEARING ANOTHER EYE WITNESS WHO SAW THE SAME THING TESTIFY THE SAME

WAY THE FIRST ONE DID. THERE'S THREE WITNESSES -- I'M NOT EVEN SURE IF THEY'RE HERE YET OR NOT -- THE TWO MR. BRADYS AND MR. STOWE. THEY'RE ALL EMPLOYEES OF B & E AUTO IN ROCK HILL AND ALL WILL, THE STATE BELIEVES, IDENTIFY MR. MATHIS AS BEING THE PERSON WHO PURCHASED AUTOMOBILES ON JUNE 1 OR 2 IN THE NAME OF PATTERSON, JOE PATTERSON -- NOT JOE PATTERSON, MR. PATTERSON. AND THEIR TESTIMONY WOULD BE CORROBORATIVE OF EACH OTHER.

ALSO MR. AND MRS. MCWATERS, WHO RUN A U-HAUL RENTAL BUSINESS, THEIR TESTIMONY IS SOMEWHAT CORROBORATIVE OF EACH OTHER IN REGARDS TO EYE WITNESS TESTIMONY. THE STATE WOULD ANTICIPATE EACH OF THEM POINTING TO MR. MATHIS AS THE MAN WHO RENTED THE U-HAUL TRUCK ON THE DAY OF THE CRIME, WHICH WAS LATER RECOVERED NEAR THE SCENE OF THE CRIME, AND DID SO IN THE NAME OF JOE PATTERSON. THAT WOULD BE CORROBORATIVE OF EACH OTHER.

OTHER THAN THOSE FIVE, YOUR HONOR, THE REST OF THE TESTIMONY PRETTY WELL STANDS ON ITS OWN AND IS NOT DEPENDENT UPON --

THE COURT: WHAT ABOUT ANY CO-DEFENDANTS?

MR. JUSTICE: EXCUSE ME?

THE COURT: WHAT ABOUT ANY CO-DEFENDANTS?

MR. JUSTICE: THE ONLY CO-DEFENDANT THAT THE

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STATE AT THIS TIME INTENDS TO CALL IS NOT IN THE COURTROOM. HE'S IN JAIL IN CHESTER, WHERE HE WILL BE UNTIL SUCH TIME AS WE NEED TO BRING HIM TO COURT.

THE COURT: MR. CLARK?

MR. CLARK: YOUR HONOR, I BELIEVE MS. TALFORD IS LISTED AS A WITNESS AND I BELIEVE SHE'S ON BOND. SHE'S A CO-DEFENDANT. YOUR HONOR, IF THE COURTROOM SITUATION MAKES IT DIFFICULT TO SEQUESTER ALL OF THE WITNESSES, I'D ASK THAT JUST THE LIMITED NUMBER THAT HE MENTIONED BE SEQUESTERED.

THE COURT: YOU WOULD ACQUIESCE THAT THE WITNESSES THAT ARE CORROBORATIVE IN NATURE BE SEQUESTERED, AND THOSE ONLY?

MR. CLARK: YES, SIR.

THE COURT: OKAY.

MR. JUSTICE: I WOULD AGREE WITH MS. TALFORD. SHE'S A CO-DEFENDANT THAT WE HAVE NOT DECIDED YET WHETHER OR NOT TO CALL AS A WITNESS.

THE COURT: I'M GOING TO ORDER ALL CO-DEFENDANTS BE SEQUESTERED IF THEY'RE GOING TO BE USED AS WITNESSES IN THIS CASE, ALL CO-DEFENDANTS.

MR. JUSTICE: SHE'S THE ONLY ONE THAT MIGHT BE IMPORTANT TO US.

THE COURT: I HAVE JUST A LIMITED KNOWLEDGE OF THIS MATTER FROM THE BOND HEARING THAT I'VE ATTENDED,

MR. CLARK --

MR. CLARK: YES, SIR.

THE COURT: -- BUT IT'S MY RECOLLECTION THAT THERE ARE SEVERAL CO-DEFENDANTS CHARGED WITH THE DEFENDANT IN THIS PARTICULAR OFFENSE.

MR. JUSTICE: THERE ARE SEVERAL OTHERS, BUT NONE OF THEM ARE HERE.

THE COURT: WELL, I KNOW WHO'S ON THE LIST.

MR. JUSTICE: THEY'RE ALREADY SEQUESTERED.

THE COURT: NOW, ARE THOSE PERSONS PRESENT?

MR. BARFIELD: LET ME CALL ONE NAME, SYLVIA TALFORD.

(NO RESPONSE)

MR. BARFIELD: MS. TALFORD APPARENTLY IS NOT HERE.

THE COURT: ALL RIGHT. AND MR. AND MRS. MCWATERS ARE NOT HERE?

MR. BARFIELD: THEY ARE PRESENT, THE BRADYS ARE PRESENT, MR. STOWE IS PRESENT.

THE COURT: ALL RIGHT. I ANTICIPATE, GENTLEMEN, THAT WE MAY HAVE TO USE THE JURY ROOM DOWNSTAIRS SOMETIME TODAY, BUT ONCE WE START THE -- TAKE UP THE MATTERS OF THE IDENTIFICATION LINEUP, USE OF THE LINEUP FOR IDENTIFICATION, WE MAY HAVE TO PUT THE JURY DOWN THERE WHILE WE TAKE THAT UP.

I BELIEVE THERE'S ANOTHER MOTION TODAY OR

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WOULD COME UP, PLEASE. TOMMY STOWE AND ELAINE AND JIMMY MCWATERS, IF YOU ALL WILL COME UP, PLEASE.

THE COURT: ALL RIGHT, THOSE WITNESSES PLEASE GO WITH THE BAILIFF, DO NOT DISCUSS THIS CASE, AND WE'LL SEND FOR YOU TODAY OR TOMORROW WHEN WE GET TO YOUR TESTIMONY.

WHO'S TAKING CHARGE OF THOSE? MR. CATOE, OUR BAILIFF, THANK YOU.

NOW, IF THE OTHER WITNESS, MS. TALFORD, COMES IN, MR. SOLICITOR, THEN IT'S THE STATE'S RESPONSIBILITY TO HEAD THAT WITNESS OFF. WHO'S THE WITNESS THAT'S MISSING?

MR. BARFIELD: MS. TALFORD.

MR. JUSTICE: MS. TALFORD IS NOT PRESENT. THE OTHER CO-DEFENDANTS ARE ALL ALREADY SEQUESTERED, YOUR HONOR, IN VARIOUS FACILITIES.

THE COURT: NOW, MR. CLARK, USUALLY THAT MOTION APPLIES BOTH WAYS.

MR. CLARK: YES, SIR.

THE COURT: IF WE SEQUESTER THE STATE'S WITNESSES, THEN WE SEQUESTER ANY DEFENSE WITNESSES.

NOW, SOLICITOR, DO YOU WANT TO JOIN IN THAT?

MR. JUSTICE: IF THERE ARE ANY WHO ARE CORROBORATIVE OF EACH OTHER'S TESTIMONY, BY WAY OF VERIFYING WHAT THE OTHER ONE SAID. I WOULD MOVE TO

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SOMETIME TO SUPPRESS PHONE RECORDS, OR QUASH --

MR. JUSTICE: WE PROBABLY WON'T GET TO THAT UNTIL TOMORROW, BUT THE JURY COULD BE IN THE JURY ROOM WHILE WE DO THE I.D.

THE COURT: WELL, I UNDERSTAND, BUT, I MEAN, IF IT COMES, LIKE, AT LUNCHTIME, LIKE YOU AND MR. CLARK WERE TALKING AT THE SIDE-BAR, I DON'T WANT THE JURORS TRAIPSING IN AND OUT --

MR. JUSTICE: OH, CERTAINLY.

THE COURT: -- WHILE WE'RE TRYING TO PROCEED.

MR. JUSTICE: OTHERWISE, I WAS GOING TO PROPOSE THE CLERK'S OFFICE DOWNSTAIRS, WHICH IS THE OLD GRAND JURY ROOM, TO PUT THESE FIVE OR SIX PEOPLE IN.

THE COURT: WELL, I THINK WE CAN START THEM OUT THERE.

DO YOU HAVE ANY PROBLEMS WITH THAT, MR. CLARK?

MR. CLARK: NO, SIR, YOUR HONOR.

THE COURT: MR. CLERK, DO YOU HAVE A BAILIFF THAT COULD TAKE CHARGE OF THOSE FOLKS AND TAKE THEM IN AND OUT?

THE CLERK: YES, SIR.

THE COURT: ANNOUNCE THE NAMES.

MR. JUSTICE: YES, CALL THE NAMES, WOULD YOU, PLEASE, MR. BARFIELD?

MR. BARFIELD: JIM AND SCOTT LEE BRADY, IF YOU ALL

EXTEND -- I THINK THERE ARE ONLY TWO NAMES.

MR. CLARK: YES, SIR. YOUR HONOR, OF THE TWO THAT WE LISTED, NEITHER ONE OF THEM ARE HERE AND THEY DON'T CORROBORATE EACH OTHER, BUT WE'LL AGREE TO SEQUESTER THEM. WE'LL MAKE SURE THAT THEY DON'T ENTER.

THE COURT: WELL, ONLY IF THEY'RE CORROBORATIVE OF EACH OTHER.

I THINK NOW, GENTLEMEN, WE'RE READY.

MR. CLARK: YES, SIR, YOUR HONOR.

THE COURT: BRING THE JURY IN, PLEASE, MR. BAILIFF.

SOLICITOR, I'M GOING TO SUGGEST THAT AFER OUR FIRST BREAK THIS MORNING, WHEN WE RETURN, THE FIRST ROW BEHIND YOU, I'M GOING TO DIRECT THAT ROW TO BE USED FOR THE STATE'S WITNESSES SO WE DON'T HAVE PEOPLE TRIPPING ALL OVER THE COURTROOM, HERE, AND SO, HOPEFULLY, THEY COULD COME DOWN IN AN ORDERLY MANNER. THANK YOU.

(JURY ENTERS COURTROOM AT 10:18 A.M.).

THE COURT: SOLICITOR, YOU MAY PROCEED.

(TO JURY) GOOD MORNING, LADIES AND GENTLEMEN.

MR. JUSTICE: THE STATE CALLS MR. RONALD DONAHUE.

(WHEREUPON, RONALD DONAHUE, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, MR. DONAHUE.

A MY NAME IS RONALD DALE DONAHUE, SR.

Q AND, MR. DONAHUE, WHERE ARE YOU EMPLOYED?

A AT THE GRACE COMPLEX IN LANCASTER.

Q IN WHAT CAPACITY? WHAT'S YOUR JOB?

A I'M A SECURITY GUARD.

Q AND HOW LONG HAVE YOU BEEN A SECURITY GUARD AT GRACE COMPLEX?

A THIRTEEN YEARS.

Q FIFTEEN YEARS?

A THIRTEEN.

Q TELL THE JURY, IN CASE SOME OF THEM DON'T KNOW, WHERE THE GRACE COMPLEX IS.

A IT'S ON 294 GRACE AVENUE, OFF OF HIGHWAY 9 BYPASS.

Q I WANT YOU TO THINK BACK TO THE NIGHT OF JUNE 20, THREE YEARS AGO, THE YEAR 2000. WERE YOU WORKING AS A SECURITY GUARD AT GRACE COMPLEX ON THAT EVENING?

A I WAS.

Q AND DID ANYTHING OUT OF THE ORDINARY HAPPEN THAT EVENING NEAR DARK-TIME?

MR. CLARK: YOUR HONOR, I HAVE AN OBJECTION. I'D LIKE TO TAKE IT UP AT THE SIDE-BAR.

THE COURT: ALL RIGHT.

(BENCH CONFERENCE WITH COUNSEL OUTSIDE HEARING OF

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JURY AND COURT REPORTER).

THE COURT: ALL RIGHT, OVERRULED.

Q MR. DONAHUE, LET ME GO BACK AND ASK YOU AGAIN, DID ANYTHING OUT OF THE ORDINARY HAPPEN THAT EVENING NEAR DARK?

A YES, IT DID.

Q WOULD YOU, PLEASE, JUST IN YOUR OWN WORDS, EXPLAIN TO THE JURY WHAT OCCURRED AROUND A QUARTER OF NINE, NINE O'CLOCK THAT NIGHT?

A WELL, WE RECEIVED A CALL FROM THE SHERIFF'S DEPARTMENT THAT WE HAD A -- THEY HAD A CALL THAT THERE WAS FIVE BOMBS PLANTED AT THE GRACE COMPLEX.

Q AND WHAT ACTIONS WERE TAKEN AS A RESULT OF THAT INFORMATION?

A WELL, WE HAD TO CALL THE MANAGEMENT, HUMAN RESOURCE DIRECTORS AND SAFETY PERSONNEL, AND HAD TO INFORM ALL OF THOSE BEFORE ANY ACTION COULD BE TAKEN ON MY PART BECAUSE I DIDN'T HAVE THE AUTHORITY TO EVACUATE THE PLANT, WHERE RIGHT AT 800 PEOPLE WAS WORKING AT THE TIME.

Q THIS WOULD BE THE SECOND SHIFT?

A IT WOULD BE THE SECOND SHIFT. WE WORK FROM 4:00 TO 12:00 P.M.

Q OKAY. AFTER YOU GOT THE PROPER AUTHORIZATION, WAS THE PLANT IN FACT EVACUATED THAT EVENING?

A YES, IT WAS, AND A SEARCH WAS CONDUCTED AND I PERSONALLY FOUND A LITTLE SAFE, PROBABLY THE KIND YOU BUY AT WAL-MART

FOR ABOUT $29 or $39, I'D SAY, ABOUT THAT BIG, ABOUT THAT WIDE (INDICATING), THAT YOU CARRY YOUR PERSONAL PAPERS IN, AND IT WAS MADE OUT OF METAL.

AND THE INFORMATION WE HAD GOTTEN FROM THE SHERIFF'S DEPARTMENT THAT ONE BOMB WAS PLANTED BESIDE A DRAINAGE DITCH, AND SO WE STARTED -- THE DEPUTIES CAME OVER AND WE STARTED LOOKING, AND I PERSONALLY FOUND THE LITTLE SAFE. AT THAT TIME I INFORMED THE DEPUTIES, AND THEY SAID THEY HAD A LOT GOING ON THAT NIGHT, YOU KNOW. I DON'T REMEMBER WHAT ELSE WAS GOING ON IN LANCASTER COUNTY, BUT, YOU KNOW, THEY CALLED THE BOMB SQUAD IN FROM COLUMBIA, WHICH TOOK PROBABLY OVER AN HOUR FOR THEM TO ARRIVE WITH THEIR BOMB EQUIPMENT TO CHECK THE BOX OUT.

AND WHEN THEY GOT THERE, THEY PUT IT IN A CANNISTER, X-RAYED IT AND STUFF LIKE THAT, YOU KNOW. SO AT THAT TIME THEY STARTED EVACUATING THE PLANT.

Q SO THE PLANT WAS EVACUATED AS A RESULT OF THIS BOMB THREAT?

A YES, IT WAS.

Q WERE THERE A NUMBER OF POLICE OFFICERS RESPONDING TO THAT CALL?

A AS I RECALL, THERE WAS AT LEAST TWO OR THREE OFFICERS CAME OVER, AND THEIR RADIO WAS REALLY CRACKLING WITH STUFF GOING ON IN LANCASTER COUNTY.

Q AND DID THE POLICE ULTIMATELY SEIZE THIS BOX, THIS LITTLE SAFE THAT YOU FOUND?

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A WELL, THEY LEFT IT THERE UNTIL THE BOMB SQUAD CAME UP FROM COLUMBIA.

Q BUT AFTER THE BOMB SQUAD HAD DONE THEIR THING, WAS IT SEIZED, TO THE BEST OF YOUR KNOWLEDGE?

A WHAT HAPPENED TO IT I DON'T RECALL. ALL I KNOW, THEY BACKED US AWAY FROM IT AND SHOT IT WITH A HIGH-POWERED RIFLED, AND THEY PUT IT IN THIS HERE BOX, AND THEY BLOWED (SIC) IT UP AND COME TO FIND OUT THERE WASN'T NOTHING IN IT.

Q MR. DONAHUE, I'M GOING TO SHOW YOU THIS ITEM. OTHER THAN A MISSING HANDLE, DOES THIS APPEAR TO BE THE ITEM THAT YOU FOUND AT THE BLEACHERY THAT NIGHT?

A WELL, I DIDN'T TOUCH IT, I JUST LOOKED AT IT AND I GOT AWAY FROM IT AS QUICK AS I COULD.

Q DOES IT APPEAR TO BE THE SAME THING?

A IT APPEARS TO BE THE SAME THING.

Q THANK YOU, SIR.

MR. JUSTICE: I MOVE THIS BE INTRODUCED AS STATE'S EXHIBIT #6 FOR IDENTIFICATION AT THIS TIME, YOUR HONOR.

THE COURT: (TO MR. CLARK) ANY OBJECTION TO MARKING STATE'S EXHIBIT #6?

MR. CLARK: JUST THE SAME OBJECTION, YOUR HONOR.

THE COURT: NOTED.

(TO COURT REPORTER) MARK IT STATE'S EXHIBIT #6

FOR I.D. ONLY.

(STATE'S EXHIBIT #6, MARKED FOR IDENTIFICATION, SAFE).

Q MR. DONAHUE, PLEASE ANSWER ANY QUESTIONS COUNSEL FOR THE DEFENSE MAY HAVE.

THE COURT: CROSS, MR. CLARK?

MR. CLARK: THANK YOU, YOUR HONOR.

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. DONAHUE, YOU DIDN'T ACTUALLY TAKE THE PHONE CALL, DID YOU?

A NO, I DIDN'T.

Q AND SO YOU DON'T HAVE ANY KNOWLEDGE ABOUT WHO MIGHT HAVE MADE THAT PHONE CALL OR ANYTHING LIKE THAT, DO YOU?

A NO.

Q AND ISN'T IT TRUE THAT YOU SAID YOU HAD 800 EMPLOYEES WORKING THERE THAT NIGHT?

A APPROXIMATELY.

Q HAD YOU EVER HAD ANY BOMB THREATS BEFORE?

A YES, WE HAVE.

Q YOU HAVE? SO THIS IS NOT SOMETHING THAT'S NEVER OCCURRED BEFORE AT, I THINK YOU SAID, GRACE BLEACHERY?

A IT'S CALLED THE GRACE COMPLEX.

Q THE GRACE COMPLEX?

A IT USED TO BE THE BLEACHERY.

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Q SO THIS HAS HAPPENED BEFORE?
A YES.
Q AND ON PRIOR OCCASIONS, DO YOU KNOW, DID YOU EVER FIND OUT WHO MADE THOSE BOMB THREATS?
A YES, WE DID. WE FOUND SEVERAL YOUNG PEOPLE MADE THREATENING CALLS THAT THEY WAS ANGRY AT MANAGEMENT OR SOMETHING OR OTHER. OTHER THAN THAT, I DON'T KNOW.
Q AND YOU DON'T KNOW THAT THAT WASN'T THE CASE WITH THIS BOX, DO YOU?
A I AIN'T GOT NO IDEA WHY THEY PLANTED THAT BOX, BUT THEY -- THE PHONE CALL INDICATED THEY WAS LOCATED CLOSE TO A STORM DRAIN WHICH WAS APPROXIMATELY WITHIN 25 FEET OF THE PLANT.
Q YOU DON'T HAVE ANY INFORMATION THAT MR. MATHIS CALLED IN THAT THREAT, DO YOU, SIR?
A NO, I DON'T.
Q AS FAR AS YOU KNOW, IT COULD HAVE BEEN SOME YOUNG PEOPLE JUST CALLING TO CAUSE PROBLEMS AGAIN, ISN'T THAT RIGHT?
A RIGHT.
Q THANK YOU, SIR.

MR. CLARK: THAT'S ALL I HAVE.

THE COURT: (TO WITNESS) THANK YOU.

MR. JUSTICE: (TO WITNESS) THANK YOU, SIR.

WE'D ASK THAT MR. DONAHUE BE RELEASED FROM HIS SUBPOENA, YOUR HONOR.

THE COURT: ANY OBJECTION TO THE WITNESS BEING

EXCUSED?

MR. CLARK: NO, SIR.

THE COURT: THANK YOU.

(TO WITNESS) WATCH YOUR STEP. YOU'RE EXCUSED, YOU MAY STAND DOWN.

NEXT WITNESS?

MR. JUSTICE: I CALL OFFICER C. T. KIRKLEY.

THE COURT: (TO WITNESS) PLEASE COME FORWARD.

(WHEREUPON, C. T. KIRKLEY, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A CHARLES THOMAS KIRKLEY.

Q AND, MR. KIRKLEY, WHERE ARE YOU EMPLOYED?

A LANCASTER COUNTY SHERIFF'S OFFICE.

Q HOW LONG HAVE YOU BEEN A SHERIFF'S DEPUTY?

A APPROXIMATELY SEVEN YEARS.

Q SO WERE YOU A DEPUTY SHERIFF ON THE NIGHT OF JUNE 20 OF THE YEAR 2000, ALMOST THREE YEARS AGO?

A YES, SIR, I WAS.

Q AND WERE YOU WORKING ON THE SECOND SHIFT OR THE EVENING SHIFT THAT NIGHT?

A YES, SIR, I WAS.

Q DID YOU HAVE AN OCCASION TO RESPOND TO THE BOMB THREAT

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CALLED AT THE GRACE COMPLEX ON GRACE AVENUE?

A YES, SIR, I DID.

Q DO YOU KNOW ABOUT WHAT TIME YOU RECEIVED THAT CALL?

A IF I REMEMBER CORRECTLY FROM MY REPORT, IT WAS ABOUT 10 MINUTES TO 9:00.

Q ABOUT 10 MINUTES TO 9:00. AND WERE YOU THE FIRST RESPONDING OFFICER?

A YES, SIR.

Q WHAT WAS THE SITUATION AS YOU FOUND IT AND WHAT ACTIONS, IF ANY, DID YOU TAKE?

A WE HAD RECEIVED, I BELIEVE IT WAS, A 911 CALL.

MR. CLARK: YOUR HONOR, I'D OBJECT TO THE HEARSAY TESTIMONY IF HE DIDN'T RECEIVE THE PHONE CALL.

THE COURT: ALL RIGHT, WELL, I'LL SUSTAIN THE OBJECTION IF HE'S GETTING READY TO TESTIFY AS TO WHAT SOMEONE ELSE TOLD HIM.

MR. JUSTICE: I THINK HE'S GOING TO TELL WHAT HE DID AS A RESULT OF THE 911 CALL.

THE COURT: I DON'T THINK THERE'S AN OBJECTION TO THAT, IS THERE?

MR. CLARK: THAT'S CORRECT, IT WAS NOT.

THE COURT: HE SAYS HE'S JUST GOING TO TELL US WHAT SOMEONE ELSE CAUSED HIM TO DO.

A I WAS DISPATCHED TO THE GRACE COMPLEX IN REFERENCE TO A BOMB THREAT. UPON ARRIVAL, I MADE CONTACT WITH THE

SECURITY GUARD, WHICH WAS MR. DONAHUE, AND ADVISED HIM THAT I HAD BEEN DISPATCHED TO A BOMB THREAT THERE, THAT ONE OF THEM WAS SUPPOSED TO BE IN A DRAINAGE DITCH AND FOUR MORE INSIDE THE BUILDING. HE CALLED HIS -- WHO HE HAD TO CALL, I CONTACTED MIKE HAMPTON, AND WE STARTED MAKING A SEARCH OF THE PERIMETER, CORDONED EVERYTHING OFF. HE CALLED HIS SUPERVISOR, WHOEVER, TO EVACUATE THE BUILDING.

AS A SEARCH WAS CONDUCTED, MR. DONAHUE FOUND A BOX IN A DRAINAGE DITCH. THE BUILDING WAS EVACUATED. SLED WAS CALLED. MIKE HAMPTON, AND ALL, ARRIVED AT THE SCENE. SLED ARRIVED AT THE SCENE, TOOK POSSESSION OF THE BOX, DONE WHATEVER THEY DONE WITH IT AND FOUND THERE WASN'T ANYTHING IN IT. IT WAS TURNED OVER TO DETECTIVES.

Q WHO WAS YOUR CAPTAIN? YOU MENTIONED A COUPLE OF TIMES YOUR CAPTAIN CAME AND TOOK CHARGE.

A KENNY SNIPES.

Q CAPTAIN SNIPES?

A (WITNESS NODDING HEAD).

Q ALTOGETHER, HOW MANY SHERIFF'S DEPUTIES DO YOU THINK RESPONDED TO THAT CALL?

A IT WAS A GOOD MANY OF THEM. IT WAS SEVERAL FROM MY SHIFT. DEPUTY TRIMNAL WAS ONE, CAPTAIN FAILE, CAPTAIN BAILEY, I THINK MAJOR BROWN, AT THE TIME. THERE WAS A LOT IN AND OUT.

Q AND PLUS A BOMB SQUAD FROM SLED CAME UP?

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A YES, SIR.
Q AND DID YOU REMAIN AT THE SCENE UNTIL THE BOMB SQUAD TOOK OVER THEIR WORK?
A YES, SIR, I STAYED THERE THE WHOLE TIME.
Q OKAY, PLEASE ANSWER ANY QUESTIONS COUNSEL FOR THE DEFENSE MAY HAVE.

THE COURT: (TO MR. CLARK) CROSS-EXAMINATION?

MR. CLARK: THANK YOU, YOUR HONOR.

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. KIRKLEY, YOU DIDN'T ACTUALLY RECEIVE ANY CALL ABOUT THIS, DID YOU, YOU PERSONALLY?
A JUST FROM THE DISPATCHER WHO SENT ME.
Q AND YOU ACTUALLY TOOK POSSESSION OF THIS BOX, DIDN'T YOU?
A NO, SIR.
Q MR. KIRKLEY, ARE YOU SURE ABOUT THAT?
A YES, SIR.
Q YOU ARE C. T. KIRKLEY?
A UH-HUH.
Q AFTER YOU DID THIS INVESTIGATION, YOU FILLED OUT AN INCIDENT REPORT, DIDN'T YOU?
A YES, SIR.

MR. CLARK: MAY I APPROACH THE WITNESS, YOUR HONOR?

THE COURT: YES.

Q (HANDING DOCUMENT TO WITNESS). I'M GOING TO ASK YOU TO TAKE A LOOK AT THIS REPORT, MR. KIRKLEY, AND TELL ME IF THAT'S THE REPORT THAT YOU FILLED OUT AFTER YOU DID YOUR INVESTIGATION AND ARRIVED ON THE SCENE OF THE BOMB THREAT.

A YES, SIR.

Q AND THAT CONSISTS OF TWO PAGES?

A YES, SIR.

Q CAN YOU TAKE A LOOK AT THE SECOND PAGE?

A (WITNESS COMPLYING).

Q HAVE YOU GOT THE SECOND PAGE?

A I'VE GOT THE SECOND PAGE.

Q IS THAT YOUR SIGNATURE AT THE BOTTOM, SIR?

A YES, SIR.

Q "C. T. KIRKLEY"?

A YES.

Q DOESN'T THAT REPORT SAY THAT C. T. KIRKLEY TOOK POSSESSION OF THIS BOX?

A YES, BUT WHAT THAT MEANS IS I STOOD BY WITH IT. I NEVER TOOK THE BOX.

Q WELL, YOUR REPORT ACTUALLY SAYS YOU TOOK POSSESSION OF IT AND THEN YOU GAVE IT TO CAPTAIN FAILE, RIGHT?

A YES, SIR.

Q SO YOU DID ACTUALLY TAKE POSSESSION AND GAVE POSSESSION TO CAPTAIN FAILE?

A WELL, I STOOD BY WITH THE BOX.

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Q NOW, I NOTICE THERE IS SOME -- WHAT APPEARS TO BE FINGERPRINT DUST ON THE BOX?
A YES, SIR.
Q DID YOU ACTUALLY DO THE DUSTING FOR THE FINGERPRINTS?
A NO, SIR.
Q ALL RIGHT. THANK YOU, SIR.

MR. CLARK: THAT'S ALL I HAVE, YOUR HONOR.

MR. JUSTICE: THANK YOU, MR. KIRKLEY.

THE COURT: (TO WITNESS) THANK YOU, YOU MAY STEP DOWN. THANK YOU VERY MUCH.

MR. JUSTICE: THE STATE CALLS LIEUTENANT JEFF HILTON.

(WHEREUPON, L. JEFFREY HILTON, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.
A MY NAME IS LEONARD JEFFREY HILTON.
Q AND, MR. HILTON, WHERE ARE YOU EMPLOYED?
A LANCASTER COUNTY SHERIFF'S OFFICE.
Q AND HOW LONG HAVE YOU BEEN A DEPUTY SHERIFF?
A APPROXIMATELY 13 YEARS.
Q WHAT IS YOUR JOB WITH THE SHERIFF'S DEPARTMENT?
A CURRENTLY I'M EVIDENCE CUSTODIAN AND ALSO TRAINING OFFICER.
Q HAVE YOU ALSO SERVED AS AN INVESTIGATOR?

A YES, SIR, I DID.
Q IN JUNE OF THE YEAR 2000, WHAT WAS YOUR JOB?
A I WAS AN INVESTIGATOR WITH THE SHERIFF'S OFFICE.
Q WERE YOU EITHER ON DUTY OR CALLED OUT TO AN ALLEGED BOMB THREAT HOAX AT THE GRACE BLEACHERY SOMETIME EARLY THAT EVENING?
A YES, SIR, I WAS. I WAS ON DUTY.
Q YOU WERE ON DUTY?
A (WITNESS NODDING HEAD).
Q APPROXIMATELY HOW MANY DEPUTY SHERIFFS WERE ACTUALLY CALLED TO THAT LOCATION?
A IT'S HARD TO SAY. IT WAS NUMEROUS AMOUNTS.
Q LET ME ASK YOU SOMETHING, MR. HILTON. AS A LIEUTENANT, THAT PUTS YOU IN THE SUPERVISORY RANGE, DOES IT NOT?
A IT DID.
Q ON A GIVEN WEEK NIGHT DURING WHAT MOST OF US WOULD CALL THE SECOND SHIFT, HOW MANY DEPUTY SHERIFFS WOULD NORMALLY BE ON DUTY, PATROLLING LANCASTER COUNTY?
A NORMALLY IT WOULD BE APPROXIMATELY SEVEN.
Q APPROXIMATELY SEVEN?
A YES, SIR.
Q AND OF THE SEVEN YOU WOULD NORMALLY HAVE OUT, APPROXIMATELY HOW MANY WERE AT THE GRACE BLEACHERY?
A I'M NOT SURE ANY WERE ACTUALLY AT THE BLEACHERY. I NEVER MADE IT THAT FAR.

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Q YOU NEVER WENT OVER THERE TO THE BLEACHERY?
A CORRECT.
Q DID YOU TAKE POSSESSION OF WHAT HAS BEEN MARKED AS STATE'S EXHIBIT #1 FOR IDENTIFICATION?
A NO, SIR.
Q AS EVIDENCE OFFICER?
A OH, YES, SIR. YES, SIR, EVENTUALLY I DID BUT NOT THAT NIGHT.
Q OKAY. DO YOU REMEMBER WHO YOU GOT IT FROM EVENTUALLY?
A SLED.
Q FROM SLED?
A YES, SIR.
Q THAT WAS AFTER THEY HAD DUSTED IT AND EVERYTHING?
A CORRECT.
Q AND IS WHAT IS MARKED STATE'S EXHIBIT #1 FOR IDENTIFICATION -- IS THAT IN FACT THE SAFE THAT YOU RETRIEVED BACK FROM SLED?
A THAT'S CORRECT.
Q THANK YOU.

MR. JUSTICE: WE'D MOVE THAT #1 BE INTRODUCED INTO EVIDENCE -- EXCUSE ME, #6, I THINK IT IS, AS EVIDENCE.

THE COURT: ANY OBJECTION?

MR. CLARK: THE SAME OBJECT AS AT THE SIDE-BAR.

THE COURT: ALL RIGHT, STATE'S EXHIBIT #6 IS

ADMITTED INTO EVIDENCE OVER OBJECTION.

(STATE'S EXHIBIT #6, PREVIOUSLY MARKED FOR IDENTIFICATION, IS ENTERED INTO EVIDENCE. SAFE).

WOULD YOU LIKE TO CROSS-EXAMINE THE WITNESS, MR. CLARK?

MR. CLARK: YES, JUST BRIEFLY, YOUR HONOR.

THE COURT: YOU MAY CROSS-EXAMINE THE WITNESS.

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. HILTON, WERE YOU THE EVIDENCE CUSTODIAN THAT NIGHT?

A NO, SIR, I WAS NOT.

Q YOU WERE A LIEUTENANT AT THAT TIME?

A CORRECT.

Q AND WERE YOU IN A SUPERVISORY ROLE THAT NIGHT?

A YES, SIR.

Q AND DID YOU DO ANY INVESTIGATION, AFTER THIS BOX WAS FOUND, ABOUT THE BOX BEING PUT THERE?

A ABOUT THE BOX BEING PUT THERE, NO, SIR.

Q WERE YOU IN CHARGE?

A UP UNTIL THE CAPTAINS RESPONDED.

Q AND WHEN WAS THAT, SIR?

A SHORTLY. I'D SAY IT WAS ROUGHLY 15, 20 MINUTES AFTER I STARTED RESPONDING TO THE CALL.

Q SO IT WASN'T YOUR ROLE TO INVESTIGATE THE BOX AND THE BOMB THREAT?

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A YES, SIR. IN FACT, I WAS EN ROUTE TO DO THAT, AND WE RECEIVED INFORMATION FROM THE LOCATION THAT THE BOMB THREAT HAD ORIGINATED FROM, BY THE DESCRIPTION OF A VEHICLE, AND EN ROUTE TO THE BLEACHERY I PASSED WHAT I THOUGHT WAS A VEHICLE THAT MATCHED THE DESCRIPTION OR LOOKED LIKE THE DESCRIPTION OF THE VEHICLE THAT WAS GIVEN, AND I TURNED AROUND ON THE VEHICLE TO MAKE A TRAFFIC STOP.

Q NOW, WERE YOU AWARE THAT SOME BOMB THREATS HAD BEEN MADE ON PREVIOUS OCCASIONS TO THIS LOCATION?

A PERSONALLY, NO, BUT I KNOW THREATS HAD BEEN MADE TO THE GRACE BLEACHERY.

Q AND WERE YOU AWARE THAT THE PERSONS WHO HAD MADE THEM IN THE PAST WERE FOUND OUT AND APPARENTLY DEALT WITH?

A IF IT WASN'T MY CASE, I DIDN'T -- THERE WERE OTHER PEOPLE TO KEEP UP WITH THAT.

Q DID YOU MAKE ANY ATTEMPT TO INVESTIGATE THE PERSONS WHO HAD DONE IT BEFORE?

A NO, SIR, NOT PERSONALLY.

Q THANK YOU.

MR. CLARK: THAT'S ALL I HAVE.

THE COURT: REDIRECT?

MR. JUSTICE: THANK YOU, NO FURTHER QUESTIONS.

THE COURT: THANK YOU, MR. HILTON. STAND DOWN.

MR. JUSTICE: I CALL MS. KAY OWENS.

THE COURT: (TO WITNESS) PLEASE COME FORWARD.

(WHEREUPON, KAY OWENS, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q MS. OWENS, I'M GOING TO ASK YOU TO SPEAK UP LOUDLY ENOUGH SO THAT EVERYBODY ON THE JURY CAN HEAR YOU.

A I'LL TRY.

Q YOU'RE DOING REAL GOOD SO FAR. STATE YOUR NAME, PLEASE, MA'AM.

A MY NAME IS KAY OWENS.

Q AND, MS. OWENS, WHERE DO YOU LIVE?

A I LIVE AT [redacted].

Q WHERE IS [redacted], GENERALLY? IF I WERE TRYING TO GO TO YOUR HOUSE FROM HERE, HOW WOULD YOU TELL ME TO GET THERE?

A WELL, IT'S OFF OF 903, APPROXIMATELY FIVE MILES FROM TOWN.

Q SO I'D GO OUT 903, GOING TOWARD MYRTLE BEACH?

A YES.

Q ABOUT FIVE MILES?

A UH-HUH.

Q AND IT'S OFF 903?

A IT'S IN A SUBDIVISION OUT THERE, [redacted].

Q IS IT A THROUGH ROAD WHERE YOU WOULD GO THROUGH AND MEET OTHER TRAFFIC?

A NO. I LIVE AT THE LAST HOUSE ON A DEAD-END ROAD.

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Q SO IT'S A DEAD END. YOU WOULD GO DOWN, SWING AROUND AND COME BACK OUT?
A RIGHT.
Q AND YOU'RE AT THE LAST HOUSE? IT'S #[redacted]
A THAT'S RIGHT.
Q WERE YOU LIVING AT THAT ADDRESS ON THE EVENING OF JUNE 20 OF THIS YEAR?
A YES, I WAS.
Q DID YOU KNOW MELVIN STEELE AND DO YOU KNOW HIS WIFE RITA?
A YES.
Q WHERE DO THEY LIVE IN PROXIMITY TO YOU?
A THEY LIVE DIRECTLY ACROSS THE STREET.
Q DIRECTLY ACROSS THE STREET?
A UH-HUH.
Q OKAY, I WANT YOU TO THINK BACK NOW TO THE NIGHT OF THE TWENTIETH OF JUNE. WERE YOU AT HOME THAT EVENING?
A YES, I WAS.
Q DID YOU NOTICE ANY ACTIVITY IN OR AROUND YOUR NEIGHBOR'S HOME, MR. AND MRS. STEELE?
A YES.
Q PLEASE, IN YOUR OWN WORDS, TELL THE JURY WHAT YOU NOTICED AND APPROXIMATELY WHEN YOU NOTICED IT.
A IT WAS SOMEWHERE AROUND 8:30, I THINK. THE SUN WAS JUST ABOUT DOWN OR HAD SET, AND I WALKED IN MY LIVING ROOM WHERE I HAVE A PICTURE WINDOW, AND I LOOKED ACROSS THE STREET AND

THERE WAS A VAN SITTING IN THE DRIVEWAY. AND BOTH OF THEIR VEHICLES, A TRUCK AND A PICKUP, WERE THERE IN THE DRIVE, TOO.

Q BOTH OF THEIRS? YOU MEAN RITA AND MELVIN?

A YES, THEIR VEHICLES WERE THERE. AND THIS VAN HAD COME, IT WAS A DARK BROWNISH-GRAY VAN, AND I THOUGHT TO MYSELF, "WELL, THEY'VE GOT COMPANY TONIGHT."

SO I WENT DIRECTLY TO MY BEDROOM TO MAKE A PHONE CALL, AND JUST A FEW MINUTES -- I WAS ON THE PHONE A GOOD WHILE, BUT MAYBE, I DON'T KNOW, FIVE MINUTES, AS I WAS ON THE PHONE, I WAS FACING THE WALL, AND I TURNED AROUND AND LOOKED OUT MY WINDOW, WHICH FACED THEIR HOUSE, TOO, MY BEDROOM WINDOW. AND I SAW SOMEBODY GETTING IN THE VAN, BUT MY VIEW WAS OBSTRUCTED BY A BIG CEDAR TREE.

Q A BIG WHAT?

A A BIG CEDAR TREE.

Q A CEDAR TREE?

A UH-HUH.

Q YES, MA'AM?

A YES, THE BOTTOM OF A CEDAR TREE, AND I COULD SEE WHO I FEEL SURE WAS MRS. STEELE GETTING IN THE VAN, BUT SHE WAS HAVING HELP. THERE WAS A MAN BEHIND HER. SHE HAD ON SHORTS, AND I KNEW IT WAS HER BECAUSE SHE HAS LITTLE, SHORT LEGS. AND IT WAS A MAN ASSISTING HER IN THE BACK, INTO THE BACK SEAT.

Q HE WAS ASSISTING HER INTO THE VAN?

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A YES. AND I COULD SEE -- I DIDN'T SEE ANY OTHER PEOPLE, BUT I SAW THOSE TWO SETS OF LEGS. AND AT FIRST SHE PUT UP HER FOOT AND CAME DOWN BACK ON THE CONCRETE, AND THEN SHE PUT UP HER FOOT AND GOT IN, BUT I DIDN'T THINK ANYTHING BY THAT BECAUSE IT WAS KIND OF HIGH AND SHE HAS SHORT LEGS, SO I THOUGHT, "WELL, SHE JUST MISSED IT THE FIRST TIME."

AND AS -- I GUESS, BEFORE THEY BACKED OUT, I TURNED THE OTHER WAY, LOOKING AT THE WALL, AND I DIDN'T SEE -- THAT'S ALL I SAW. I DIDN'T SEE THE VAN BACK OUT OR DRIVE OFF.

Q OKAY. SO YOU SAW THEM BASICALLY FROM THE WAIST DOWN?

A WELL, NOT THAT HIGH.

Q JUST THE LEGS?

A UH-HUH, THE LEGS AND THE BOTTOM OF HER SHORTS, AND I THINK IT WAS A MAN'S PANTS AND SHOES. I'M SURE IT WAS A MAN'S PANTS AND SHOES.

Q WAS IT DARK BY THIS TIME?

A NO, IT WASN'T QUITE DARK. I COULD SEE QUITE WELL ACROSS THERE.

Q AND HOW CLOSE IS THEIR HOUSE FROM YOURS OR THEIR DRIVEWAY FROM YOUR VANTAGE POINT?

A FIFTY YARDS, 70 YARDS, NOT VERY FAR.

Q AND IS YOUR NEIGHBOR, MRS. STEELE, IN THE COURTROOM TODAY?

A YES.

Q WOULD YOU POINT HER OUT TO THE JURY?

A RIGHT OVER THERE (INDICATING).
Q ON THE END OF THE FRONT ROW?
A YES, SIR, RIGHT.
Q THANK YOU, MA'AM. PLEASE ANSWER ANY QUESTIONS COUNSEL FOR THE DEFENSE MAY HAVE.

CROSS-EXAMINATION

BY MR. CLARK:

Q MS. OWENS, JUST ONE QUICK QUESTION. YOU'RE NOT HERE TO TESTIFY THAT YOU SAW MR. MATHIS AT THAT RESIDENCE THAT NIGHT, ARE YOU, MA'AM?
A NO, I'M NOT.
Q THANK YOU, MA'AM. THAT'S ALL I HAVE.

THE COURT: (TO WITNESS) THANK YOU, MA'AM. YOU MAY STAND DOWN.

ANY OBJECTIONS TO THE WITNESS BEING EXCUSED?

MR. JUSTICE: WE WOULD SO MOVE, IF SHE SO DESIRES.

THE COURT: THANK YOU.

(TO WITNESS) YOU'RE EXCUSED. WATCH YOUR STEP. THANK YOU VERY MUCH.

NEXT WITNESS?

MR. JUSTICE: WE'D CALL DEPUTY MARSHALL.

THE COURT: (TO WITNESS) PLEASE COME FORWARD, SIR.

(WHEREUPON, STEVEN T. MARSHALL, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

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MR. JUSTICE: ONE MOMENT, PLEASE.

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A STEVEN THOMAS MARSHALL.

Q AND, MR. MARSHALL, WHERE ARE YOU EMPLOYED?

A LANCASTER COUNTY SHERIFF'S OFFICE.

Q AND WHAT IS YOUR JOB OR YOUR CAPACITY WITH THE SHERIFF'S OFFICE NOW?

A I'M AN INVESTIGATOR.

Q AN INVESTIGATOR. HOW LONG HAVE YOU BEEN A DEPUTY SHERIFF?

A FIVE YEARS.

Q SO WERE YOU A DEPUTY SHERIFF AND WORKING ON THE NIGHT OF THE TWENTIETH OF JUNE 2000, THREE YEARS AGO?

A YES, SIR.

Q DO YOU RECALL WHAT SHIFT YOU STARTED OUT ON THAT NIGHT?

A I WAS ACTUALLY A RESIDENT DEPUTY AT THAT TIME.

Q A RESIDENT DEPUTY?

A YES, SIR.

Q EXPLAIN THAT TO THE JURY.

A WELL, WE ARE -- AT THE TIME I WAS AN OFFICER THAT GOT OUT IN THE COMMUNITY AND CONDUCTED CRIME WATCHES, TALKED WITH PEOPLE ABOUT CRIMES THAT HAD BEEN COMMITTED IN THEIR AREA, USUALLY WORKED EITHER FIRST OR SECOND SHIFT.

Q OKAY. ON THAT EVENING DID YOU RECEIVE A DISPATCH TO

PROCEED TO A LOCATION ON SOUTH 200?

A YES, SIR, I DID.

Q DO YOU KNOW ABOUT WHAT TIME YOU RECEIVED THAT CALL?

A I DON'T HAVE THE REPORT IN FRONT OF ME, NO, SIR.

Q JUST ONE MOMENT. LET ME SHOW YOU A COPY OF THE INCIDENT REPORT BEARING YOUR NAME. IF YOU WILL, USE THAT TO REFRESH YOUR MEMORY.

A YES, SIR, IT WAS ABOUT ELEVEN O'CLOCK WHEN I RECEIVED THE CALL.

Q WAS IT ABOUT OR NEAR 11:00?

A THE DISPATCH TIME WAS 2301, WHICH IS ONE MINUTE AFTER 11:00.

Q OKAY. WAS THAT THE FIRST TIME YOU HAD BEEN THERE OR HAD YOU BEEN THERE EARLIER?

A I WENT TO THE LOCATION TWICE. THE FIRST TIME I WENT WAS AN ALARM CALL.

Q RIGHT.

A I PULLED INTO THE DRIVE, CHECKED THE DOORS OF THE LOCATION, DROVE AROUND THE BUILDING, CHECKED THE WALLS TO MAKE SURE NOBODY WENT THROUGH THE WALLS, AND I CLEARED. NOBODY WAS AT THE SCENE AND I CLEARED.

Q SO THAT WAS AN ALARM CALL. JUST TELL US EXACTLY HOW THAT WORKS.

A BASICALLY I WAS DISPATCHED TO A 1085, WHICH IS AN ALARM, AT THE LOCATION.

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Q DOES THAT MEAN AN ALARM WENT OFF AT THE BUSINESS THAT WAS MONITORED BACK AT THE SHERIFF'S DEPARTMENT, AND YOU WERE DISPATCHED FROM THAT?

A I THINK IT'S MONITORED BY AN ALARM COMPANY WHO, IN TURN, CONTACTS THE SHERIFF'S OFFICE WHEN THE ALARM GOES OFF.

Q OKAY. SO THAT'S HOW YOU WENT THERE THE FIRST TIME?

A YES, SIR.

Q OKAY. AND YOU CHECKED STRICTLY THE EXTERIOR OF THE BUILDING?

A YES, SIR.

Q AND COULD YOU FIND ANY SIGNS OF BREAK-IN OR WRONGDOING IN CHECKING THE EXTERIOR?

A NO, SIR.

Q AND YOU WENT AROUND THE BUILDING, I BELIEVE YOU SAID?

A YES, SIR.

Q LET ME SHOW YOU A PHOTOGRAPH JUST FOR REFERENCE PURPOSES, AND TELL ME WHETHER OR NOT THIS IS THE BUILDING THAT WE'RE TALKING ABOUT, WHETHER OR NOT YOU RECOGNIZE IT.

A YES, SIR, THIS IS THE BUILDING.

Q OKAY.

MR. JUSTICE: YOUR HONOR, I'D MOVE THIS BE INTRODUCED AS STATE'S EXHIBIT #7.

THE COURT: STATE'S EXHIBIT #7, ANY OBJECTION TO ADMITTING IT INTO EVIDENCE?

MR. CLARK: NO, SIR, YOUR HONOR.

THE COURT: STATE'S EXHIBIT #7 ADMITTED INTO EVIDENCE, A PHOTOGRAPH).

(STATE'S EXHIBIT #7, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

Q OKAY, AND WHAT IS THIS BUSINESS, OFFICER MARSHALL?

A IT WAS AN AMUSEMENT BUSINESS WHERE THEY HELD ALL TYPES OF AMUSEMENT MACHINES, AS FAR AS I KNOW.

Q AND AFTER YOU CLEARED, I THINK IS THE EXPRESSION, AND FOUND NO WRONGDOING, DID YOU HAVE AN OCCASION TO RETURN TO THAT BUSINESS A FEW MINUTES LATER, 15 OR 20 MINUTES LATER?

A YES, SIR, I WAS DISPATCHED AGAIN TO THE LOCATION, THAT THERE HAD BEEN A BREAK-IN.

Q WHEN YOU WENT BACK THE SECOND TIME, WAS THERE AN EMPLOYEE AT THAT LOCATION PRESENT?

A YES, SIR.

Q AND DID YOU ENTER THE BUILDING AT THAT TIME WITH THAT EMPLOYEE?

A YES, SIR.

Q PLEASE TELL US WHAT YOUR OBSERVATIONS WERE WHEN YOU WENT IN.

A I OBSERVED A ROOM DOOR THAT HAD BEEN KICKED IN AND I ALSO OBSERVED A SAFE THAT LOOKED LIKE IT HAD BEEN KICKED. YOU COULD TELL THERE WAS A SHOE MARK ON THE SAFE.

Q AND DID YOU ALERT YOUR SUPERIORS AND SUPERVISORS AS TO WHAT YOU HAD FOUND?

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A NOT AT THAT TIME. I WENT AHEAD AND PROCESSED THE SCENE, AND LATER, UPON LEAVING, I ADVISED --

Q BY "PROCESSED THE SCENE", TELL THE JURY WHAT YOU MEAN.

A DUSTED FOR FINGERPRINTS. I DUSTED THE DOOR WHERE THE SHOE PRINT WAS, BROUGHT OUT THE PRINT, AND I DUSTED THE SAFE AS WELL.

MR. JUSTICE: THAT'S ALL I HAVE OF THIS WITNESS AT THIS TIME, BUT WE'LL BE RECALLING HIM A LITTLE LATER THIS MORNING IN REGARDS TO A COUPLE OF OTHER PIECES OF EVIDENCE.

THE COURT: (TO MR. CLARK) WOULD YOU LIKE TO CROSS-EXAMINE HIM AT THIS TIME?

MR. CLARK: YES, YOUR HONOR.

THE COURT: YOU MAY.

CROSS-EXAMINATION

BY MR. CLARK:

Q DEPUTY MARSHALL, WHEN YOU WENT TO THE LOCATION YOU JUST TESTIFIED ABOUT, YOU DIDN'T SEE ANY VANS OR ANYTHING LIKE THAT THERE, DID YOU?

A NO, SIR.

Q YOU DIDN'T SEE ANY U-HAUL TRUCKS OR ANYTHING, DID YOU?

A NO, SIR.

Q AND YOU DIDN'T SEE MR. MATHIS IN THAT AREA, DID YOU?

A NO, SIR.

Q AND, IN FACT, I BELIEVE YOU SAID THERE WAS NO SIGN OF

FORCED ENTRY TO THE BUILDING. IS THAT CORRECT, SIR?

A NO, SIR. THERE WERE NO SIGNS OF FORCED ENTRY.

Q BUT ON THE INSIDE OF THE BUILDING, THERE WAS SOME DAMAGE TO A DOOR?

A YES, SIR.

Q BUT THERE WAS NO EVIDENCE THAT SOMEONE KICKED THEIR WAY INTO THE BUILDING, IS THAT CORRECT, SIR?

A NO, SIR.

Q AND YOU SAID YOU DUSTED FOR PRINTS --

A YES, SIR.

Q -- AT THE LOCATION?

A YES, SIR.

Q DO YOU KNOW THE RESULTS? WERE YOU ABLE TO LIFT ANY PRINTS, FIRST?

A AS FAR AS FINGERPRINTS, NO, SIR. LIKE I SAY, I DID BRING OUT A SHOE PRINT, AND I DON'T HAVE THE REPORT IN FRONT OF ME. I DON'T KNOW IF IT WAS LIFTED. THERE WAS A SHOE PRINT THAT WAS DUSTED.

Q SO AS FAR AS YOU KNOW, ON THE NIGHT THAT THIS OCCURRED, THERE'S NOTHING FROM YOUR INVESTIGATION THAT CONNECTS MR. MATHIS TO THAT LOCATION, IS THERE, SIR?

A NO, SIR, NOT AT THAT TIME.

Q THANK YOU, SIR.

MR. CLARK: THAT'S ALL I HAVE.

THE COURT: ALL RIGHT.

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(TO WITNESS) YOU MAY STEP DOWN, THANK YOU.

MR. JUSTICE: THE STATE CALLS MR. RICHARD SIMS.

(WHEREUPON, RICHARD SIMS, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A RICHARD SIMS.

Q AND, MR. SIMS, WHERE ARE YOU EMPLOYED?

A MCDONALD AMUSEMENT.

Q MCDONALD AMUSEMENTS?

A YES, SIR.

Q AND WHERE IS THAT COMPANY LOCATED?

A SOUTH 200.

Q HOW LONG HAVE YOU BEEN AN EMPLOYEE OF MCDONALD AMUSEMENTS?

A ABOUT EIGHT YEARS.

Q AND WHAT IS YOUR JOB?

A SERVICE TECHNICIAN ON VIDEO GAMES.

Q BACK PRIOR TO JULY 1, 2000, WHAT WAS THE PRINCIPAL BUSINESS OF MCDONALD AMUSEMENTS?

A POKER MACHINES.

Q POKER MACHINES?

A (WITNESS NODDING HEAD).

Q AND WAS IT A SMALL OPERATION, A LOCAL OPERATION, OR WAS IT A LARGE OPERATION?

A IT WAS LARGE.
Q AT THE SOUTH 200 LOCATION, WHAT WAS ITS PART IN THE BUSINESS? WAS IT THE HEADQUARTERS OR JUST AN OUTLET OR WHAT?
A JUST AN OUTLET.
Q AND WERE YOU EMPLOYED TO WORK OUT OF THAT LOCATION ON SOUTH 200?
A YES, SIR.
Q AS SUCH, WERE YOU ON THE BURGLAR ALARM CALL LIST?
A YES, SIR.
Q THINKING BACK TO JUNE 20, DID YOU HAVE AN OCCASION TO RECEIVE A CALL THAT THERE WAS POSSIBLE PROBLEMS AT THE LOCATION ON SOUTH 200?
A YES, SIR.
Q SHORTLY BEFORE ELEVEN O'CLOCK?
A YES, SIR.
Q AND DID YOU GO TO THAT LOCATION?
A YES, SIR.
Q PLEASE, IF YOU WILL, TELL THE JURY, BEGINNING ON THE OUTSIDE, WHAT YOU DID AND WHAT YOU NOTICED AS YOU WENT.
A I LOOKED AROUND OUTSIDE THE BUILDING, DIDN'T SEE NOTHING WRONG THERE, NO DOORS OPEN OR NOTHING. THEN I WENT INSIDE AND THE ROOM THAT THE SAFE WAS IN WAS KICKED OPEN.
Q LET ME ASK YOU THIS. IN ORDER TO GET INSIDE -- WELL, FIRST OF ALL, LET ME SHOW YOU STATE'S EXHIBIT #7. IS THIS THE

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BUILDING WE'RE TALKING ABOUT?
A YES, SIR.
Q THAT IS IT?
A YES, SIR.
Q AND THAT WAS THE AREA OR THE HEADQUARTERS FOR MCDONALD AMUSEMENTS?
A YES, SIR.
Q IN ORDER TO GET IN THE BUILDING, DID YOU USE THOSE DOUBLE DOORS?
A WE HAVE AN ELECTRONIC LOCK. WE'VE GOT TO PUNCH A CODE INTO IT TO OPEN THE FRONT DOOR.
Q SO YOU HAD TO PUNCH IN A CODE?
A YES, SIR.
Q TO OPEN THE DOOR?
A UH-HUH.
Q NOW, IF YOU WENT IN WITHOUT PUNCHING THAT CODE, WHAT WOULD YOU DO?
A YOU WOULDN'T GET IN WITHOUT PUNCHING THAT CODE.
Q WHAT IF YOU HAD A KEY?
A IF YOU TURN THE KEY, YOU'VE STILL GOT TO PUNCH A CODE TO GET IN.
Q AND ONCE YOU GOT INSIDE, WHAT DID YOU NOTICE?
A ONCE I GOT INSIDE?
Q WELL, WHAT DID YOU DO?
A WELL, ONCE YOU GET INSIDE, YOU HAVE TO TURN THE BURGLAR

ALARM ITSELF OFF.
Q WHERE IS THAT LOCATED?
A RIGHT INSIDE THE DOOR.
Q SO YOU'VE GOT TO PUNCH IN A CODE, GET INSIDE, BUT THEN YOU HAVE TO TURN THE BURGLAR ALARM, OTHERWISE IT WILL SOUND THE ALARM?
A YES, SIR.
Q AND DID YOU DO ALL THAT?
A YES, SIR.
Q OKAY. ONCE YOU HAD DONE THAT, WHAT DID YOU NOTICE INSIDE?
A WELL, FIRST I DIDN'T NOTICE ANYTHING. THEN I WALKED BACK TO THE ROOM THAT THE SAFE WAS IN, AND SOMEBODY HAD KICKED THE DOOR OPEN, BUSTED IT DOWN. THERE WAS A BIG FOOTPRINT ON IT. AND THEN ONCE YOU GO INSIDE AND LOOK AT THE SAFE, IT'S LIKE THEY GOT MAD BECAUSE THEY COULDN'T GET IN AND THEY KICKED THE SAFE AGAIN.
Q THE SAFE HAD BEEN KICKED AS WELL?
A YES, SIR.
Q AND IS THAT THE SAFE WHERE YOU USUALLY STORED MONEY?
A YES, SIR.
Q COLLECTED FROM THE VARIOUS OUTLETS AROUND THE AREA?
A YES, SIR.
Q DID YOU CALL THE POLICE AT THAT POINT?
A YES, SIR.
Q I ASSUME THE DEPUTY SHERIFF HAD ALREADY LEFT WHEN YOU GOT

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THERE TO START WITH?

A YES, SIR. HE WAS LEAVING WHEN I FIRST GOT THERE.

Q AND THEN AFTER YOU CALLED, DID HE RETURN?

A YES.

Q DID OTHER OFFICERS EVENTUALLY SHOW UP AS WELL?

A YES, SIR.

Q THANK YOU. PLEASE ANSWER ANY QUESTIONS COUNSEL FOR DEFENSE MAY HAVE.

MR. CLARK: NO QUESTIONS OF THIS WITNESS.

THE COURT: THANK YOU.

(TO WITNESS) YOU MAY STAND DOWN.

MR. JUSTICE: I'D ASK THAT MR. SIMS BE EXCUSED, IF HE SEES FIT.

THE COURT: (TO MR. CLARK) OBJECTION?

MR. CLARK: NO OBJECTION, YOUR HONOR.

THE COURT: THE WITNESS IS EXCUSED. THANK YOU FOR COMING.

MR. JUSTICE: THE STATE CALLS MS. MONICA MACKEY.

THE COURT: (TO WITNESS) PLEASE COME FORWARD.

(WHEREUPON, MONICA MACKEY, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, MA'AM.

A MONICA MACKEY.

Q AND, MS. MACKEY, WHERE DO YOU LIVE?
A I LIVE ON [redacted].
Q [redacted]?
A UH-HUH.
Q AND IS THAT NEAR THE CITY OF LANCASTER?
A YES, IT'S RIGHT BEHIND THE CHRISTIAN ACADEMY.
Q RIGHT BEHIND THE CHRISTIAN ACADEMY?
A UH-HUH, THE LITTLE, NARROW ROAD.
Q WHAT ROAD PARALLELS [redacted]?
A WELL, I'M NOT SURE, THE NAME OF THE ROAD. IT'S WHERE THE COUNTY WATER AND SEWER COMPANY IS.
Q ARE YOU FAMILIAR WITH A BUILDING OFTEN REFERRED TO AS THE OLD SOUTHERN TOOL & DIE COMPANY?
A YES. YOU COULD PRETTY MUCH SAY IT'S PARALLEL TO MY BACKYARD.
Q SO IT PARALLELS THE ROAD YOUR HOUSE IS ON?
A RIGHT.
Q AND GOING THROUGH THE WOODS FROM SOUTHERN TOOL & DIE TO YOUR HOUSE WOULD BE ABOUT HOW FAR?
A EXCUSE ME, COULD YOU REPEAT THAT?
Q I SAY, IF SOMEBODY WERE TO GO FROM SOUTHERN TOOL & DIE, THE MOST DIRECT WAY THROUGH THE WOODS, TO YOUR HOUSE.
A THE MOST DIRECT WAY?
Q HOW FAR WOULD THAT BE?
A JUST A FEW FEET. IT'S NOT FAR AT ALL.

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Q A SHORT DISTANCE?
A UH-HUH. IT'S A PATH THAT LEADS RIGHT THERE TO MY BACKYARD FROM BEHIND THE BUILDING.
Q NOW, WHERE ARE YOU EMPLOYED, MS. MACKEY?
A I WORK AT GRACE COMPLEX.
Q GRACE COMPLEX?
A YES.
Q HOW LONG HAVE YOU WORKED AT GRACE?
A I'VE BEEN THERE SEVEN YEARS.
Q SO WERE YOU AN EMPLOYEE AT GRACE IN JUNE OF 2000?
A YES, SIR, I WAS.
Q I WANT YOU TO THINK BACK TO THE NIGHT OF JUNE 20 OF 2000. WHAT SHIFT DID YOU WORK AT THAT TIME?
A I WAS ON SECOND SHIFT.
Q AND SECOND SHIFT WOULD NORMALLY RUN FROM WHEN TO WHEN?
A FROM 4:00 TO 12:00.
Q 4:00 TO 12:00?
A 4:00 P.M. TO 12:00 P.M.
Q SO NORMALLY YOU WOULD HAVE GOTTEN OFF AT MIDNIGHT THAT NIGHT?
A RIGHT.
Q DID YOU HAVE AN OCCASION TO GET OFF EARLY?
A YES, SIR, WE DID.
Q PLEASE TELL THE JURY WHAT OCCASION ALLOWED YOU TO GET OFF EARLY THAT NIGHT.

A WELL, MY SUPERVISOR HAD CAME AND TOLD EVERYONE TO GET ALL THEIR BELONGINGS AND JUST LEAVE, AND NEXT SHE SAID -- YOU KNOW, SHE CAME BACK AROUND, SHE TOLD US ALL THERE WAS A BOMB THREAT, AND SO THIS WAS ABOUT 11:15 BECAUSE -- I'M PRETTY SURE IT WAS ABOUT 11:15 BECAUSE IT ONLY TAKES ME ABOUT 15 MINUTES TO GET HOME, SO I GOT HOME AT 11:30 THAT NIGHT.

Q SO YOU WENT STRAIGHT HOME AFTER THE BUILDING WAS EVACUATED?

A YES, SIR.

Q GOT HOME ABOUT 11:30?

A UH-HUH.

Q AFTER YOU GOT HOME, OR SHORTLY AFTER YOU GOT HOME, DID ANYTHING OUT OF THE ORDINARY OCCUR?

A WELL, I WAS -- WELL, EVERYTHING WAS IN SUCH CHAOS AT WORK, I WAS STILL REAL NERVOUS AND STUFF, YOU KNOW, THINKING ABOUT WHY WOULD SOMEBODY WANT TO DO SOMETHING LIKE THAT. SO MY HEAD WAS SPINNING AND STUFF, AND I HEARD A NOISE IN THE WOODS, AND YOU KNOW HOW YOU JUST THINK YOU'RE HEARING THINGS WHEN YOU'RE SO TIRED AND YOU'RE NOT REALLY THINKING STRAIGHT.

SO I WENT ON IN THE HOUSE, AND I WENT AND GOT C[redacted], THAT'S MY OLDEST DAUGHTER --

Q HOW OLD IS C[redacted]?

A AT THE TIME SHE WAS 13.

Q THIRTEEN THEN, OKAY.

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A AND SHE ASKED ME WHAT WAS WRONG BECAUSE SHE SAW THE SCARED LOOK IN MY EYES. I SAID, "[redacted] COME HERE", I SAID, "LET'S STAND RIGHT HERE." IT WAS PART WAYS FROM MY PORCH ON THE SIDE OF THE HOUSE. I SAID, "DO YOU HEAR SOMETHING OUT THERE?", BECAUSE WE HEARD A VOICE CALLING "HELP".

SHE SAID, "OH, MY GOSH", SHE SAID, "MAMA", YOU KNOW, THERE'S SOMEBODY OUT THERE." I SAID, "YOU HEAR IT, DON'T YOU?" SHE SAID, "YES." I SAID, "WELL, YOU GO BACK IN THE HOUSE AND CALL 911." SHE SAID, "OKAY", AND BY THAT TIME I HAD GOT IN MY VAN AND WENT DOWN THE STREET, AND I HAD GOT MY NEIGHBOR BECAUSE, YOU KNOW, I WANTED SOMEBODY ELSE THERE WITH ME, BECAUSE THIS WAS --

Q ABOUT HOW FAR WOULD THAT BE?

A NOT EVEN A HALF MILE.

Q TO THE NEXT FRIEND OVER?

A YES, IT WAS STRAIGHT DOWN [redacted].

Q OKAY.

A AND SO SHE CAME UP THERE AND, YOU KNOW, I GOT HER TO LISTEN ALSO, AND I ASKED [redacted] DID SHE CALL 911. SO BY THAT TIME, MY NEIGHBOR WAS IN THE HOUSE WITH MY KIDS, BECAUSE NO ONE WAS THERE BUT MYSELF AND THE CHILDREN. AND I WENT -- I WAS STILL OUTSIDE TRYING TO HELP THIS PERSON, WHOEVER IT WAS, AND SHE KEPT SAYING, "DON'T LEAVE, DON'T LEAVE, PLEASE DON'T LEAVE." I SAID, "MA'AM, I'M NOT GOING ANYWHERE."

Q DID YOU ACTUALLY SEE THE PERSON YET?

A NO, I COULDN'T SEE ANYTHING.
Q SO YOU WERE JUST TALKING TO A VOICE?
A RIGHT. SO I PULLED MY -- I DIDN'T HAVE A FLASHLIGHT, YOU KNOW, ONE OF THE BIG TYPES, SO I PULLED MY VAN CLOSER TO THAT AREA ON THE SIDE OF MY HOUSE, WHICH WAS THE WOODS, AND I TURNED MY HEADLIGHTS ON BRIGHT AND I STILL COULDN'T SEE HER, BUT I GUESS SHE COULD FEEL THE LIGHT, YOU KNOW, BECAUSE HER EYES WAS TAPED UP WHENEVER SHE CAME OUT, BUT I GUESS SHE COULD FEEL THE LIGHT AND SHE NOTED THAT I WAS THERE. AND I TOLD HER I WASN'T GOING ANYWHERE, I WAS GOING TO TRY TO HELP HER.

I WAS GOING TO GO IN. I DIDN'T SEE NO WAY OF GOING IN RIGHT THERE. I REALLY STILL DON'T UNDERSTAND HOW SHE CAME OUT. I JUST SAY IT WAS JUST THE GRACE OF GOD THAT JUST LED HER THROUGH BECAUSE IF YOU ALL COULD JUST SEE WHERE SHE CAME OUT AT, IT WAS JUST UNREAL.

Q WHEN SHE CAME OUT OF THE DARKNESS?
A YES. SHE CAME OUT OF THE DARKNESS, AND IT WAS A WHOLE BUNCH OF TREES AND SHRUBBERY. SHE WAS ALL SCRATCHED UP AND EVERYTHING.
Q PLEASE DESCRIBE TO THE JURY THE APPEARANCE OF THE WOMAN WHEN YOU FIRST GOT TO WHERE YOU COULD SEE HER GOOD.
A WELL, HER LEGS WAS REALLY SCRATCHED AND SHE HAD DUCT TAPE AROUND HER MOUTH. I GUESS IT HAD WORKED ITS WAY DOWN - THAT'S HOW SHE WAS TALKING -- FROM THE SALIVA ON HER LIPS,

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AND SHE HAD DUCT TAPE AROUND HER EYES, AND SHE WAS HANDCUFFED AND SHE WAS REALLY DIRTY.

Q AND WHAT WAS HER OUTWARD DEMEANOR AT THE TIME?

A TO HELP HER HUSBAND.

Q HELP HER HUSBAND?

A "PLEASE HELP MY HUSBAND. THEY SHOT HIM, THEY SHOT HIM." I SAID, "THEY WHO? WHO IS THEY?". SHE JUST KEPT ON. SHE SAID, "THEY SHOT HIM. HE'S GOING TO DIE, HE'S GOING TO DIE. THEY SHOT HIM. PLEASE HELP MY HUSBAND." I SAID, "MISS, WELL, WE CAN'T GO BACK UP THERE." I SAID, "ALL WE CAN DO IS JUST WAIT HERE FOR THE POLICE", BECAUSE BY THAT TIME, YOU KNOW, I HAD TOOK HER IN THE HOUSE AND CUT THE TAPE OFF HER EYES, AND SHE JUST LOOKED REALLY HYSTERICAL.

AND I WAS TRYING TO STAY CALM FOR HER BECAUSE I WAS NOT GOING TO BE ANY GOOD FOR HER IF I WAS GOING CRAZY ALSO.

Q SO YOU TOOK HER INSIDE YOUR HOUSE AND CUT THE TAPE OFF HER EYES?

A UH-HUH.

Q AND ASSURED HER THAT THE POLICE WERE COMING?

A YES. AND I DIALED THE NUMBER FOR HER, I GUESS ONE OF HER RELATIVES. I'M THINKING IT WAS HER BROTHER, MAYBE.

Q A NUMBER TO CALL FOR HELP?

A UH-HUH. SHE GAVE ME THE NUMBER BECAUSE SHE COULDN'T DIAL IT BECAUSE HER HANDS WAS CUFFED, AND I HAD TO DIAL IT FOR HER AND I PUT THE PHONE UP TO HER EAR SO SHE COULD TALK.

Q DID YOU STAY WITH THIS LADY UNTIL THE POLICE COULD ARRIVE?
A YES, SIR, I STAYED THERE AWHILE.
Q NOW, LET ME ASK YOU, DID YOU KNOW THE LADY WHO CAME OUT OF THE WOODS BOUND AND GAGGED AND BLINDFOLDED?
A NO, SIR, I DIDN'T.
Q I ASK YOU WHETHER OR NOT YOU RECOGNIZE ANYBODY IN THE COURTROOM AS BEING THAT WOMAN?
A YES, SIR.
Q PLEASE TELL US WHO SHE IS.
A IT'S MISS RITA.
Q THE LADY AT THE END OF THE FRONT BENCH?
A YES, SIR.

MR. JUSTICE: LET THE RECORD REFLECT THE WITNESS HAS IDENTIFIED MS. RITA STEELE.

Q PLEASE ANSWER ANY QUESTIONS COUNSEL FOR THE DEFENSE MAY HAVE.

THE COURT: (TO MR. CLARK) WOULD YOU LIKE TO CROSS-EXAMINE?

MR. CLARK: THANK YOU, YOUR HONOR.

CROSS-EXAMINATION

BY MR. CLARK:

Q MS. MACKEY, YOU INDICATED THAT MS. STEELE TOLD YOU THAT "THEY SHOT HIM"?
A UH-HUH.
Q AND THEN YOU ASKED HER, "WHO ARE YOU TALKING ABOUT?"

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A YES, SIR.
Q AND ISN'T IT TRUE SHE WASN'T ABLE TO GIVE YOU A DESCRIPTION OF WHO HAD DONE THAT AT THAT TIME, ISN'T THAT TRUE?
A NO, SIR, BECAUSE HER EYES WAS BOUND.
Q BUT SHE WASN'T ABLE TO TELL YOU WHO IT WAS?
A NO, IT WAS JUST "THEY".
Q SHE WASN'T ABLE TO GIVE YOU A DESCRIPTION EITHER, WAS SHE?
A NO, SIR.
Q THANK YOU, MA'AM.

MR. CLARK: THAT'S ALL I HAVE.

THE COURT: (TO WITNESS) THANK YOU, MA'AM. YOU MAY STAND DOWN. THANK YOU VERY, VERY MUCH.

NEXT WITNESS, PLEASE?

MR. JUSTICE: WE'D ASK THAT SHE BE EXCUSED, AS WELL, IF SHE SO DESIRES.

THE COURT: ANY OBJECTION?

MR. CLARK: NO OBJECTION.

THE COURT: (TO WITNESS) THANK YOU FOR COMING. THANK YOU VERY, VERY MUCH.

MR. JUSTICE: SERGEANT STEEN?

(WHEREUPON, RICHARD W. STEEN, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A RICHARD WILLIAM STEEN.
Q AND, MR. STEEN, WHERE ARE YOU CURRENTLY EMPLOYED?
A I'M A CRIMINAL INVESTIGATOR FOR THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS.
Q AND WHERE ARE YOU LOCATED?
A KERSHAW, SOUTH CAROLINA, KERSHAW PRISON.
Q KERSHAW CORRECTIONAL INSTITUTE DOWN IN KERSHAW?
A CORRECT.
Q AND HOW LONG HAVE YOU BEEN WITH THE DEPARTMENT OF CORRECTIONS?
A ROUGHLY THREE YEARS.
Q THINK BACK, IF YOU WILL, PLEASE, THREE YEARS AGO, SPECIFICALLY THE NIGHT OF THE TWENTIETH OF JUNE OF THE YEAR 2000. WHERE WERE YOU EMPLOYED THAT EVENING?
A I WAS A DEPUTY SHERIFF FOR LANCASTER COUNTY SHERIFF'S OFFICE.
Q WERE YOU WORKING ON THAT EVENING, THE TWENTIETH OF JUNE?
A YES, SIR.
Q DID YOU HAVE AN OCCASION TO BE CALLED TO A LOCATION THAT YOU NOW KNOW TO BE THE HOME OF MS. MONICA MACKEY?
A YES, SIR.
Q PLEASE DESCRIBE, IF YOU WILL, WHAT THE SITUATION WAS WHEN YOU ARRIVED. FIRST OF ALL, WHERE IS MS. MACKEY'S HOME?
A REPEAT THAT QUESTION.
Q WHERE IS HER HOME? WHAT ROAD IS THAT?

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A OLD CAMDEN HIGHWAY.
Q AND WHAT IS THE PARALLEL ROAD TO THAT?
A I BELIEVE IT IS 521.
Q 521?
A CORRECT.
Q ARE YOU FAMILIAR WITH SOUTHERN TOOL & DIE?
A YES, SIR, I AM.
Q WHERE WOULD IT BE IN REFERENCE TO MS. MACKEY'S HOME?
A I BELIEVE JUST A SMALL PATCH OF WOODS SEPARATES THE TWO.
Q ON THE TWO DIFFERENT ROADS?
A CORRECT.
Q PLEASE, IF YOU WILL, DESCRIBE TO THE JURY THE SITUATION THAT YOU FOUND UPON ARRIVING AT MS. MACKEY'S HOME AFTER 11:00 P.M. ON THAT EVENING.
A I WAS DISPATCHED TO THE RESIDENCE. UPON ARRIVAL, I PULLED UP IN THE YARD. THE DISPATCHER CALLED ME BACK ON THE RADIO AND TOLD ME THAT THEY HAD LOCATED A FEMALE WHICH WAS INSIDE THE RESIDENCE, THAT I NEEDED TO GET THERE AS SOON AS I COULD, AND I BELIEVE THEY SAID SHE WAS BOUND WITH TAPE.

UPON WALKING UP TO THE DOOR, I LOOKED IN THE -- I BELIEVE IT WAS A SCREEN DOOR. I SEEN A FEMALE ON HER KNEES. I OPENED THE DOOR, AND THE FEMALE WAS -- THE BEST WORDS I CAN DESCRIBE IS TRAUMATIC -- TRAUMATIZED, RATHER. IT STILL BOTHERS ME TO TODAY.

I ASKED HER COULD SHE TELL ME WHAT WAS GOING ON, WHAT

HAD HAPPENED. AT THE TIME I BELIEVE MS. MACKEY HAD A KNIFE, TRYING TO CUT THE TAPE FROM BEHIND HER BACK, AND THE FEMALE WAS TELLING ME, SHE WAS SCREAMING THAT HER HUSBAND HAD BEEN SHOT, "THEY SHOT HIM. HE'S IN THE WOODS. GO FIND HIM, HELP HIM." AND AT THE TIME THEY WERE STILL CUTTING THE TAPE OFF, I HAD COME BACK OUTSIDE THE RESIDENCE, AND I BELIEVE I CALLED CAPTAIN KEN SNIPES, WHO WAS SUPERVISING THAT NIGHT ON THE SHIFT, AND TOLD HIM WHAT I HAD AT THE CALL.

Q CAPTAIN SNIPES, DID HE ARRIVE AT THE SCENE AND TAKE CHARGE?

A LATER ON.

Q WHAT ABOUT THE HANDCUFFS? DID YOU NOTICE HANDCUFFS ON MS. STEELE?

A YES, SIR. SHE WAS HANDCUFFED AND DUCT-TAPED. I BELIEVE TAPE WAS STILL IN HER HAIR AND AROUND HER FACE AND NECK, AND I BELIEVE HER HANDS BEHIND HER BACK WERE ALSO DUCT-TAPED SOMEWHAT.

Q WERE YOU ABLE TO REMOVE THE CUFFS OR DID SOMEONE ELSE HAVE TO DO THAT?

A YES, SIR, I REMOVED THE HANDCUFFS AT THAT TIME.

Q YOUR HANDCUFF KEY WAS ABLE TO OPEN THEM UP?

A YES, SIR.

Q AND CAPTAIN SNIPES AT THAT TIME CAME IN AND TOOK OVER FOR THE TIME BEING?

A YES, SIR, HE ARRIVED SHORTLY AFTER I NOTIFIED HIM OF WHAT I

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HAD AT THE SCENE.

Q WERE YOU THE FIRST OFFICER THERE?

A YES, SIR, I WAS.

Q THANK YOU. PLEASE ANSWER ANYTHING COUNSEL FOR THE DEFENSE MAY HAVE.

THE COURT: (TO MR. CLARK) CROSS?

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. STEEN, ISN'T IT TRUE MS. STEELE NEVER DESCRIBED WHO MAY HAVE DONE THIS TO HER THAT NIGHT TO YOU?

A CORRECT.

Q AND YOU WERE THE FIRST OFFICER ON THE SCENE?

A CORRECT.

Q AND YOU TALKED TO HER ABOUT WHAT HAPPENED WHEN YOU FIRST GOT THERE, DIDN'T YOU, SIR?

A YES, SIR.

Q THANK YOU, SIR.

MR. CLARK: THAT'S ALL I HAVE.

THE COURT: (TO WITNESS) THANK YOU, YOU MAY STAND DOWN. THANK YOU VERY MUCH.

ALL RIGHT, SOLICITOR, I BELIEVE WE'LL TAKE OUR MORNING RECESS, AND MR. CLARK, AT THIS TIME.

MR. CLARK: THANK YOU, YOUR HONOR.

THE COURT: MR. FOREMAN, LADIES AND GENTLEMEN, PLEASE STEP INTO YOUR JURY ROOM. DO NOT DISCUSS THE

CASE. ORDER ANY LIGHT REFRESHMENTS YOU MAY DESIRE. I'LL SEND FOR YOU AS SOON AS WE'VE HAD A CHANCE TO TAKE A SHORT BREAK. THANK YOU VERY MUCH. PLEASE RETIRE.

(JURY EXITS COURTROOM AT 11:12 A.M.).

THE COURT: ALL RIGHT, WHEN WE RETURN I'D LIKE FOR ALL OF THE STATE'S WITNESSES TO SIT ON THE ROW RIGHT BEHIND THE SOLICITOR'S TABLE, OR THE COUNSEL TABLE.

THANK YOU. WE'LL BE IN RECESS FOR A FEW MOMENTS.

(BRIEF RECESS)

THE COURT: ALL RIGHT, SOLICITOR, I BELIEVE YOU HAD ADVISED, ALONG WITH MR. CLARK, YOU ALL HAD A MATTER IN REGARD TO A PHOTOGRAPH LINEUP?

MR. JUSTICE: YES. ONE OF THE DEFENSE MOTIONS YESTERDAY WAS TO SUPPRESS ALL EVIDENCE IN REGARDS TO PHOTOGRAPHIC LINEUPS AND ALL IN-COURT IDENTIFICATION, AS I UNDERSTOOD IT, ON THE GROUNDS THAT THE PHOTOGRAPHIC LINEUP WAS TAINTED AND SUGGESTIVE AND THEREFORE WOULD TAINT THE LATER IDENTIFICATION.

WE'RE PREPARED TO ADDRESS THAT ISSUE AT THIS POINT.

THE COURT: MR. CLARK, ARE YOU READY? ARE YOU PREPARED TO MOVE FORWARD ON THAT NOW?

MR. CLARK: YES, SIR.

THE COURT: ALL RIGHT.

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NOW, MR. DEPUTY, PLEASE HAVE THE WITNESSES, WHOEVER IS COMING IN THE COURTROOM, ENTER SILENTLY AS IF GOING INTO CHURCH.

GO AHEAD, SOLICITOR.

MR. JUSTICE: I CALL MR. LEE BLACKMON.

THE COURT: PLEASE COME FORWARD.

(WHEREUPON, M. LEE BLACKMON, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

THE COURT: FOR THE RECORD, LET THE RECORD REFLECT THIS IS AN IN CAMERA HEARING HELD OUTSIDE THE PRESENCE OF THE JURY.

ARE ALL THE SMOKERS IN, MR. BAILIFF?

BAILIFF: YES, SIR.

THE COURT: SOLICITOR, YOU CAN PROCEED.

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A IT'S MONTY LEE BLACKMON, JR.

Q MR. BLACKMON, YOU ARE A DETECTIVE LIEUTENANT WITH THE SHERIFF'S DEPARTMENT, I BELIEVE, IN LANCASTER COUNTY?

A THAT'S CORRECT.

Q AND WERE YOU A DETECTIVE IN JUNE OF THE YEAR 2000?

A YES, SIR, I WAS.

Q AND DID YOU HAVE AN OCCASION TO BECOME INVOLVED, ON THE NIGHT OF JUNE 20, WITH THE INVESTIGATION OF THE DEATH OF

MELVIN STEELE AND ALL OF THE SURROUNDING CRIMES?

A YES, SIR, I DID.

Q AND DID YOU ASSUME THE ROLE AS LEAD INVESTIGATOR IN THIS CASE?

A I DID AFTER A CERTAIN PERIOD OF TIME, YES, SIR.

Q THE FOLLOWING DAY, THE TWENTY-FIRST OF JUNE, WAS THE DEFENDANT DEVELOPED AS A SUSPECT IN THE CASE?

A YES, SIR, HE WAS.

Q AS SUCH, DID YOU OBTAIN A PHOTOGRAPH OF THE DEFENDANT FOR THE PURPOSES OF PUTTING TOGETHER A PICTURE LINEUP THAT WOULD INCLUDE THAT PHOTOGRAPH?

A YES, SIR, I DID.

Q DO YOU REMEMBER THE SOURCE OF THE ORIGINAL PHOTOGRAPH?

A IT CAME FROM THE MARYLAND DEPARTMENT OF MOTOR VEHICLES, OR MARYLAND MOTOR VEHICLE ADMINISTRATION I BELIEVE IS THE CORRECT TITLE.

Q WHAT INDIVIDUAL OR WHAT AGENCY PHYSICALLY PUT TOGETHER THE PICTURE LINEUP?

A THE SOUTH CAROLINA STATE LAW ENFORCEMENT DIVISION AGENT RITA SHULER PUT THE LINEUP TOGETHER.

Q SLED?

A YES, SIR.

Q AND SHE DID SO BASED ON A PHOTOGRAPH YOU SUPPLIED HER, AND THEN SHE TOOK OVER FROM THERE?

A THAT'S CORRECT.

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Q NOW, I BELIEVE THE PURPOSE OF A PICTURE LINEUP IS TO PUT TOGETHER PEOPLE OF A SIMILAR NATURE SO AS NOT TO BE SUGGESTIVE?

A THAT'S CORRECT.

Q AND WAS THIS PHOTOGRAPH SHOWN -- OR, EXCUSE ME, THIS PHOTOGRAPHIC LINEUP ARRAY SHOWN TO THE VARIOUS POTENTIAL EYEWITNESSES EITHER BY YOU OR OTHER OFFICERS HELPING YOU INVESTIGATE THIS CASE.

A YES, IT WAS.

Q LET ME SHOW YOU THIS PHOTOGRAPH AND ASK -- ACTUALLY CONTAINING SIX PHOTOGRAPHS, AND TELL ME WHETHER OR NOT THIS IS THE RESULT OF MS. SHULER PUTTING TOGETHER A PHOTO LINEUP?

A YES, SIR, THIS IS THE LINEUP SHE SUPPLIED.

Q THAT IS THE ONE?

A YES, SIR.

MR. JUSTICE: YOUR HONOR, I'D MOVE THAT THIS BE INTRODUCED AS THE NEXT NUMBER FOR IDENTIFICATION ONLY AT THIS POINT.

THE COURT: WOULD THAT BE #8?

MR. JUSTICE: #8, I BELIEVE.

THE COURT: STATE'S EXHIBIT #8 MARKED FOR I.D. ONLY AT THIS TIME.

(STATE'S EXHIBIT #8, MARKED FOR IDENTIFICATION, PHOTO LINEUP).

MR. JUSTICE: I WOULD STATE THAT I'VE SUPPLIED MR. CLARK WITH A GLOSSY COPY. HE HAD SEEN A PHOTOSTAT BEFORE.

Q AND REFERRING TO STATE'S EXHIBIT #8 FOR IDENTIFICATION, WHICH OF THE NUMBERED PHOTOGRAPHS, IN FACT, WAS MR. MATHIS?

A MR. MATHIS WAS #3.

Q HE WAS #3. AND WAS THIS PHOTOGRAPH LINEUP SHOWN AT SOME POINT IN TIME TO MS. STEELE?

A YES, SIR, IT WAS.

Q AND WAS IT SHOWN AT SOME POINT IN TIME TO MR. JIM BRADY?

A YES, SIR, IT WAS.

Q WAS IT SHOWN TO SCOTT LEE BRADY?

A YES, SIR.

Q WAS IT SHOWN TO TOMMY STOWE?

A YES, SIR.

Q WAS IT SHOWN TO JIMMY AND ELAINE MCWATERS?

A YES, SIR, IT WAS.

Q WAS IT SHOWN TO TIM CATLEDGE?

A I DON'T RECALL.

Q WAS IT SHOWN TO JIMMY BOSWELL?

A YES, SIR, IT WAS.

Q AND WERE YOU PRESENT WHEN IT WAS SHOWN TO THESE VARIOUS WITNESSES I HAVE NAMED?

A I WAS PRESENT ON SOME OF THE IDENTIFICATIONS BUT NOT ALL OF THEM.

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Q AND WERE ANY OTHER PICTURE ARRAYS INVOLVING MR. MATHIS SHOWN TO THESE WITNESSES?

A NO, SIR, THAT WAS THE ONLY ONE.

Q SO THIS WHOLE EXHIBIT IS THE ONE USED IN EACH AND EVERY PHOTOGRAPHIC IDENTIFICATION?

A YES. THERE WERE THREE COPIES OF THE SAME LINEUP.

Q AND YOU SHOWED SOME OF THEM AND OTHER DETECTIVES SHOWED OTHERS?

A THAT'S CORRECT.

Q AND WHEN SHOWING THE PICTURE ARRAY DID YOU MAKE ANY SUGGESTIONS AS TO WHO A PERSON SHOULD BE IDENTIFYING?

A NO, SIR.

Q AND DID YOU GET IDENTIFICATIONS, FROM THE VARIOUS WITNESSES YOU SHOWED, OF MR. MATHIS, PHOTO #3, IN REGARDS TO STATE EXHIBIT #8?

A YES, WE DID.

MR. JUSTICE: YOUR HONOR, THAT'S THE STATE'S SHOWING. I WOULD HAND UP THE EXHIBIT TO THE COURT. SUBJECT, OF COURSE, TO CROSS-EXAMINATION, WE SUBMIT THAT THERE'S CERTAINLY NOTHING SUGGESTIVE OR INFLUENTIAL ABOUT THAT PHOTOGRAPH THAT WOULD SHOW A MISIDENTIFICATION EITHER FROM THE PHOTO LINEUP OR FROM THE SUBSEQUENT IDENTIFICATION THAT WE ANTICIPATE IN COURT.

THE COURT: WOULD YOU LIKE TO CROSS-EXAMINE THE

WITNESS, MR. CLARK?

MR. CLARK: YES, SIR, YOUR HONOR.

THE COURT: ALL RIGHT.

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. BLACKMON, DO YOU KNOW WHEN THIS PHOTOGRAPH LABELED AS #3 WAS TAKEN?

A I DON'T HAVE THE CORRECT DATE THERE, NO, IN FRONT OF ME NOW, TO TELL YOU THE EXACT TIME.

Q AND THIS PHOTOGRAPH DIDN'T COME FROM YOUR DEPARTMENT, DID IT?

A NO, SIR, IT COME FROM THE MARYLAND DEPARTMENT OF MOTOR VEHICLES OR THE MARYLAND MOTOR VEHICLE ADMINISTRATION.

Q AND DO YOU KNOW FOR A FACT THAT THIS IS ACTUALLY MR. MATHIS, #3?

A WE INQUIRED AS TO THE -- WE SUPPLIED THEM WITH THE INFORMATION OF HIS NAME AND DATE OF BIRTH THAT WE HAD, AND THAT'S THE PHOTOGRAPH THAT THEY SENT TO US.

Q NOW, DO YOU HAVE ANY DOCUMENTATION THAT THIS IS ACTUALLY MR. MATHIS, #3?

A YES, SIR. THEY SENT US A COPY, A CERTIFIED COPY, OF THAT SAME PHOTOGRAPH ALONG WITH HIS PERSONAL INFORMATION.

Q DO YOU HAVE THAT TODAY?

A I HAVE IT IN COURT, YES, SIR.

Q MAY I TAKE A LOOK AT IT, PLEASE?

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A IF I MAY STEP DOWN?

THE COURT: YES, SIR.

A (WITNESS RETRIEVING DOCUMENT AND HANDING TO COUNSEL).

Q SO THIS DOCUMENT THAT YOU HANDED ME THAT SAYS "M.V.A." ON THE TOP, THIS IS THE DOCUMENT THAT YOU TOOK THE PHOTOGRAPH FROM?

A NO, SIR.

Q WHERE DID YOU TAKE THE PHOTOGRAPH FROM?

A THE PHOTOGRAPH WAS SENT DIRECTLY TO RITA SHULER AT SLED BY THE M.V.A.

Q AND YOU DON'T HAVE ANY PERSONAL KNOWLEDGE OF THAT, DO YOU? I MEAN, YOU WEREN'T THERE WHEN IT WAS SENT TO HER?

A I WASN'T THERE. TO MY RECOLLECTION, IT WAS SENT BY E-MAIL, BY INTERNET.

Q BUT YOU DON'T HAVE ANY PERSONAL -- YOU DIDN'T ACTUALLY RECEIVE THE PHOTO THAT WAS SENT TO RITA SHULER, I BELIEVE YOU SAID?

A THE PHOTOGRAPH WAS SENT DIRECTLY TO RITA SHULER FROM M.V.A. WE HAD PERSONAL CONTACT WITH THEM AND INSTRUCTED THEM AS TO WHO WOULD BE MAKING THE LINEUP, AND THEY SENT THE PICTURE, THE PHOTOGRAPH, STRAIGHT TO HER.

Q BUT YOU DIDN'T ACTUALLY SEE THE PHOTO FROM MARYLAND, DID YOU, YOURSELF?

A NOT THAT PARTICULAR PHOTOGRAPH THAT WAS IN THE LINEUP.

Q AND IF THERE WAS SOME MIXUP WITH THAT PHOTO THAT WAS SENT

FROM MARYLAND TO THE SLED AGENT, YOU WOULDN'T KNOW ANY WAY TO CORRECT THAT OR HAVE ANY KNOWLEDGE ABOUT ANY MIXUP WITH THE PHOTO, WOULD YOU?

A TO MY KNOWLEDGE, THERE WAS NO MIXUP IN SENDING THE PHOTOGRAPH.

Q IN FACT YOU DON'T EVEN KNOW WHETHER THERE WAS OR NOT BECAUSE YOU WEREN'T THERE, ISN'T THAT CORRECT, SIR?

A I WAS NOT THERE WHEN THE PHOTOGRAPH WAS RECEIVED, NO, SIR.

Q NOW, MR. BLACKMON, MRS. STEELE GAVE -- WELL, ISN'T IT TRUE THAT #3 IN THIS PHOTOGRAPH, IN THIS LINEUP, IS THE ONLY ONE THAT HAS A GOLD CHAIN, JEWELRY AROUND HIS NECK?

A IT'S POSSIBLE THAT #1 HAS SOMETHING SHOWING THERE AROUND HIS NECK. I'M NOT --

Q BUT IT APPEARS THAT #3 IS THE ONLY ONE THAT HAS ON A PIECE OF JEWELRY, ISN'T THAT CORRECT?

A THAT IS CORRECT. HE DOES APPEAR TO HAVE A NECKLACE OF SOME SORT AROUND HIS NECK.

Q AND #3 IS THE ONLY ONE THAT HAS THAT DISTINCTION, ISN'T IT, SIR?

A THERE AGAIN, IT COULD BE THAT #1 MAY HAVE SOME SORT OF NECKLACE OR SOMETHING INSIDE OF HIS SHIRT.

Q AND LET ME TAKE A LOOK AT THAT AGAIN, PLEASE.

A (WITNESS HANDING DOCUMENT TO COUNSEL).

Q NOW, MRS. STEELE TOLD YOU THAT THE PERSON WHO CAME TO HER DOOR WAS A VERY DARK-SKINNED BLACK MAN. IS THAT CORRECT,

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SIR?
A I DON'T RECALL THE EXACT STATEMENT AS FAR AS HER DESCRIPTION. I WAS NOT A PART OF THAT INTERVIEW.
Q DID YOU PUT THESE PHOTOGRAPHS TOGETHER? DID YOU MAKE THIS LIST?
A NO, SIR, RITA SHULER AT SLED MADE IT.
Q RITA SHULER MADE THE LIST?
A (WITNESS NODDING HEAD).
Q YOU NEVER INTERVIEWED MRS. STEELE?
A SIR?
Q YOU NEVER INTERVIEWED MRS. STEELE?
A I HAVE HAD CONVERSATIONS WITH MRS. STEELE, BUT IN THE PARTICULAR, INITIAL STATEMENT, I WAS NOT A PART OF THAT.
Q WELL, IN YOUR CONVERSATION WITH HER, DID SHE EVER TELL YOU IT WAS A VERY DARK BLACK MAN WITH SMOOTH SKIN?
A I DON'T RECALL THE PARTICULAR "DARK SKIN, BLACK MALE" DESCRIPTION.
Q WHAT DESCRIPTION DO YOU RECALL?
A I RECALL THE PHYSICAL CHARACTERISTICS OF NOT BEING A VERY LARGE PERSON, SOFT-SPOKEN.
Q HAVE YOU LOOKED AT MRS. STEELE'S STATEMENT THAT SHE GAVE DESCRIBING THIS PERSON?
A YES, SIR, I'VE SEEN HER STATEMENT.
Q CAN YOU TELL THE COURT WHAT SHE SAYS THAT PERSON LOOKED LIKE?

MR. JUSTICE: OBJECTION, YOUR HONOR. I THINK WE'RE GETTING OFF THE POINT HERE. THAT WOULD BE SUBJECT TO CROSS-EXAMINATION OF MRS. STEELE, WHO, OF COURSE, WILL TESTIFY LATER IN THE TRIAL.

THE COURT: HOW DOES THAT RELATE TO THE ADMISSIBILITY OF THE LINEUP, MR. CLARK, SIR?

MR. CLARK: WELL, YOUR HONOR, I'M JUST TRYING TO DISTINGUISH THE PICTURES, AND I CAN MOVE ON FROM THAT, JUDGE. I THINK I CAN TIE IT TOGETHER.

THE COURT: ALL RIGHT.

Q NOW, MR. BLACKMON, ISN'T IT CORRECT THAT #6, HE'S NOT A DARK-SKINNED PERSON, IS HE?

A HE'S A BLACK MALE.

Q HIS COMPLEXION IS A LITTLE LIGHTER THAN #3, THOUGH, ISN'T IT?

A THEIR COMPLEXIONS, TO ME, SEEM VERY SIMILAR.

Q BUT YOU DON'T THINK #6 IS A LITTLE LIGHTER?

A NOT NOTICEABLY.

MR. JUSTICE: ONCE AGAIN, YOUR HONOR, THE PHOTOGRAPHS SPEAK FOR THEMSELVES. THEY'RE IN FRONT OF THE COURT AT THIS TIME.

THE COURT: WELL, I UNDERSTAND THAT, BUT HE CAN ASK THE WITNESS, AND IF THE WITNESS KNOWS THE ANSWER, HE CAN ANSWER. IF NOT, HE CAN SAY SO.

Q AND WHAT ABOUT #2? ISN'T HIS COMPLEXION A LITTLE LIGHTER

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THAN #3?

A I WOULD HAVE TO SAY THEY WERE THE SAME COMPLEXION.

Q JUST ONE FINAL QUESTION, MR. BLACKMON. ISN'T IT TRUE THAT THOSE PHOTOGRAPHS, THE PHOTOGRAPHS OF THE INDIVIDUALS ON THAT SHEET, THEY AREN'T ALL THE SAME COMPLEXION, ARE THEY?

A THEY APPEAR TO ME TO BE THE SAME COMPLEXION.

Q THANK YOU.

MR. CLARK: YOUR HONOR, THAT'S ALL I HAVE.

THE COURT: (TO WITNESS) THANK YOU. YOU MAY STEP DOWN.

MR. JUSTICE: JUST A COUPLE OF FOLLOW-UP QUESTIONS, YOUR HONOR.

THE COURT: ALL RIGHT, REDIRECT.

REDIRECT EXAMINATION

BY MR. JUSTICE:

Q THIS DOCUMENT WHICH I'LL ASK THE COURT REPORTER TO MARK AS THE NEXT ITEM FOR IDENTIFICATION, #9 --

STATE'S EXHIBIT #9, MARKED FOR IDENTIFICATION, PHOTOGRAPH.

Q THIS DOCUMENT FROM THE STATE OF MARYLAND, WHERE DID YOU ACTUALLY RECEIVE THIS DOCUMENT?

A WE RECEIVED THIS AT THE LANCASTER COUNTY SHERIFF'S OFFICE.

Q AND IT HAS THE SEAL AS BEING CERTIFIED BY THE MARYLAND DEPARTMENT OF MOTOR VEHICLES?

A THAT'S CORRECT.

Q AND IT HAS IDENTIFYING INFORMATION THAT CORRESPONDS WITH IDENTIFYING INFORMATION OF MR. MATHIS?

A YES, SIR, IT HAS HIS NAME, INCLUDING HIS ADDRESS AND A DATE OF BIRTH.

Q DOES IT LOOK LIKE MR. MATHIS TO YOU?

A YES, THIS IS A PHOTOGRAPH OF MR. MATHIS.

MR. JUSTICE: THANK YOU, YOUR HONOR. THAT'S THE STATE'S PRESENTATION IN REGARDS TO THAT MOTION.

THE COURT: THAT'S #9 FOR I.D. ONLY?

MR. JUSTICE: AT THIS TIME, YOUR HONOR, YES.

THE COURT: ANYTHING FURTHER, MR. CLARK, AT THIS TIME?

MR. CLARK: IT WOULD JUST BE OUR POSITION THAT THEY HAVEN'T ESTABLISHED THAT THAT PHOTOGRAPH IS ACTUALLY MR. MATHIS, THAT THEY HAVE ON THERE, AND IT'S ALSO OUR POSITION THAT THE OTHER PHOTOGRAPHS, THE INDIVIDUALS -- THEIR SKIN COMPLEXION IS SO MUCH DIFFERENT FROM HIS THAT THE LINEUP COULD BE SUGGESTIVE. THAT'S ALL, THANK YOU.

THE COURT: WELL, IN REGARD TO STATE'S EXHIBIT #8, THE LINEUP, AFTER REVIEWING CASE LAW IN THIS MATTER AND OBSERVING STATE'S EXHIBIT #8, IN CONSIDERING THE TOTALITY OF THE CIRCUMSTANCES, THE COURT FINDS THAT ALL THESE INDIVIDUALS ARE OF SIMILAR OR LIKE COMPLEXION, AND THAT CERTAINLY IS NOT UNDULY

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SUGGESTIVE. THEREFORE, I'M GOING TO ADMIT IT AS STATE'S EXHIBIT #8 AND ALLOW IT TO BE USED IN THE TRIAL OF THE CASE.

(STATE'S EXHIBIT #8, PREVIOUSLY MARKED FOR IDENTIFICATION, IS ENTERED INTO EVIDENCE. PHOTO LINEUP).

WITH REGARD TO WHETHER OR NOT STATE'S EXHIBIT #9, WHICH HAS BEEN OFFERED FOR I.D. ONLY, YOU QUESTIONED WHETHER OR NOT THAT'S A PHOTOGRAPH OF THE DEFENDANT, MR. CLARK?

MR. CLARK: YOUR HONOR --

THE COURT: WOULDN'T THAT SPEAK FOR ITSELF?

MR. CLARK: WELL, IT MIGHT BE SOMEBODY THAT LOOKS LIKE HIM, JUDGE.

THE COURT: WELL, I THINK YOU COULD ARGUE THAT TO THE JURY, BUT I BELIEVE, BASED ON THE TESTIMONY, IT'S ONLY OFFERED FOR I.D. AT THIS TIME. IT'S REALLY NOT OFFERED INTO EVIDENCE AT THIS TIME, THEREFORE, I DON'T HAVE TO RULE ON IT, BUT I DID WANT TO COVER THAT WITH YOU OUTSIDE THE PRESENCE OF THE JURY.

MR. CLARK: YOUR HONOR, IT WOULD JUST BE OUR POSITION THAT IN ORDER TO ESTABLISH THAT THE WITNESSES PICKED MR. MATHIS, IT WOULD HAVE TO BE ESTABLISHED BY SOME STANDARD THAT THAT'S ACTUALLY HIM. AND THE WITNESS TESTIFIED THAT IT CAME FROM MARYLAND AND WENT

TO SOMEONE ELSE --

THE COURT: WELL, EXCUSE ME, MY UNDERSTANDING OF THE WITNESS'S TESTIMONY IS THAT THEY DEVELOPED THE DEFENDANT, MR. MATHIS, AS A SUSPECT IN THE CASE. BASED ON THAT, THEY RECEIVED A PHOTOGRAPH FROM THE DEPARTMENT OF MOTOR VEHICLES, OR THE SAME COUNTERPART FOR SOUTH CAROLINA, FROM THE STATE OF MARYLAND, WITH THE SAME BIRTH DATE AND OTHER IDENTIFYING INFORMATION. BASED ON THAT, THAT WAS PLACED IN THE LINEUP FROM WHICH HE WAS CHOSEN.

NOW, IF YOU WANT TO CONTEND THAT PHOTOGRAPH #3, OR #3 IN STATE'S EXHIBIT #8, IS NOT THE DEFENDANT, I'M CERTAINLY GOING TO ALLOW YOU TO DO THAT.

MR. CLARK: YOUR HONOR --

THE COURT: I DON'T FIND IT'S UNDULY SUGGESTIVE.

MR. CLARK: AND I UNDERSTAND THAT, YOUR HONOR. I WOULD JUST SUBMIT THAT I BELIEVE BEFORE THE LINEUP WITH THE PHOTOGRAPH IN IT CAN BE ADMITTED, THEY'D HAVE TO ESTABLISH THAT THAT PHOTOGRAPH IS ACTUALLY MR. MATHIS.

THE COURT: WELL, THIS WITNESS HAS TESTIFIED THAT THAT IS MR. MATHIS IN THE VIEWING OF THE PHOTOGRAPH. DID HE NOT TESTIFY TO THAT?

MR. CLARK: HE DID, YOUR HONOR.

THE COURT: THE WEIGHT OF HIS TESTIMONY WOULD BE

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UP TO THE JURY.

MR. CLARK: THANK YOU, YOUR HONOR.

THE COURT: THANK YOU. OVERRULED.

(TO WITNESS) YOU MAY STAND DOWN.

MR. JUSTICE: NOW, I UNDERSTAND YOU'VE ADMITTED #8 INTO EVIDENCE. WE HAVE NOT SUBMITTED #9.

THE COURT: YOU HAVEN'T OFFERED #9, ONLY FOR PURPOSES OF IDENTIFICATION.

MR. JUSTICE: THANK YOU, YOUR HONOR.

THE COURT: BUT LET THE RECORD REFLECT THAT #9 IS INCLUDED IN #8 BECAUSE IT'S #3.

MR. JUSTICE: YES, SIR.

THE COURT: (TO BAILIFF) ALL RIGHT, BRING THE JURY IN, PLEASE.

(TO COUNSEL) EXCUSE ME, I SHOULD SAY HIS HEAD IS #3.

(JURY ENTERS COURTROOM AT 11:47 A.M.).

THE COURT: ALL RIGHT, SOLICITOR, YOU MAY PROCEED. ALL OUR JURORS ARE PRESENT.

MR. JUSTICE: I CALL CAPTAIN BAILEY.

THE COURT: (TO WITNESS) PLEASE COME FORWARD.

(WHEREUPON, THOMAS C. BAILEY, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.
A THOMAS CRAIG BAILEY.
Q AND WHERE ARE YOU EMPLOYED, MR. BAILEY?
A LANCASTER COUNTY SHERIFF'S OFFICE.
Q AND WHAT'S YOUR JOB WITH THE LANCASTER COUNTY SHERIFF'S DEPARTMENT?
A I'M AN INVESTIGATOR.
Q AND HOW LONG HAVE YOU BEEN A DEPUTY SHERIFF?
A RIGHT AT 13 YEARS.
Q AND WHAT IS YOUR CURRENT CAPACITY?
A I'M SERVING AS CAPTAIN.
Q AND YOU'VE BEEN AN INVESTIGATOR HOW MUCH OF THAT 13 YEARS?
A TEN YEARS.
Q THE PAST TEN?
A YES, SIR.
Q AND WERE YOU A DETECTIVE ON THE NIGHT OF THE TWENTIETH OF JUNE OF 2000?

THE COURT: EXCUSE ME JUST A MOMENT, SOLICITOR. MY BAILIFF NEEDS A MOMENT TO GET THE WITNESSES IN PLACE. I THOUGHT WE WERE DOING THIS ON THE BREAK.

GO AHEAD, MR. BAILIFF, MR. DEPUTY.

Q GOING BACK TO MY QUESTION, WERE YOU A DETECTIVE ON THE NIGHT OF JUNE 20 OF 2000?
A I WAS, SIR.
Q AND WERE YOU CAPTAIN THEN OR LIEUTENANT?

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A NO, SIR, I WAS A LIEUTENANT.
Q YOU WERE A LIEUTENANT. WHO WAS THE CAPTAIN OVER INVESTIGATORS?
A RICK JENNINGS.
Q MR. RICK JENNINGS. I THINK HE'S RETIRED NOW, IS HE NOT?
A HE FINALLY RETIRED.
Q THERE'S BEEN TESTIMONY PRIOR TO THE BREAK THAT SOMETIME AROUND 11:30, THE POLICE RECEIVED A CALL AND BEGAN RESPONDING TO THE HOME OF MS. MONICA MACKEY, WHERE MS. RITA STEELE WAS AT THAT TIME LOCATED. IS THAT CORRECT?
A YES, SIR.
Q DID YOU RESPOND TO THAT LOCATION?
A I DID.
Q PLEASE, IF YOU WILL, TELL THE JURY APPROXIMATELY WHEN YOU GOT THERE AND WHAT THE SITUATION WAS UPON YOUR ARRIVAL.
A I HAD AT FIRST RESPONDED TO GRACE BLEACHERY.
Q YOU HAD BEEN OVER AT THE BOMB THREAT?
A I HAD BEEN OVER AT THE BOMB THREAT AT GRACE BLEACHERY. I HAD NO SOONER GOT THERE, JUST A FEW MINUTES, AND WE STARTED HEARING TRAFFIC ON THE RADIO AS FAR AS THE [redacted]. I WON'T GET INTO ALL THAT, BUT THERE WAS TRAFFIC ON THE RADIO AS TO WHAT WAS GOING ON ON [redacted].

I THINK ME AND CAPTAIN SNIPES, AT THE TIME, FOLLOWED EACH OTHER OVER TO THAT LOCATION.

Q YOU AND MR. SNIPES WENT TO MS. MACKEY'S LOCATION ON [redacted]

[redacted]?

A YES, SIR.

Q OKAY, TELL US, IF YOU WILL, WHAT HIGHWAY PARALLELS [redacted]

[redacted].

A I THINK IT'S CALLED, ACTUALLY, WATER WORKS ROAD AND 521.

Q 521?

A UH-HUH.

Q WHEN YOU GOT TO MS. MACKEY'S HOUSE, WHAT WAS THE SITUATION YOU FOUND?

A WHEN I ARRIVED, E.M.S. IS ALREADY ON THE SCENE AND THEY WERE ATTENDING TO MRS. STEELE. I SPOKE BRIEFLY WITH DEPUTY STEEN AT THE TIME. HE HAD TOLD ME SOME BROKEN INFORMATION THAT HE WAS ABLE TO RELAY FROM HER, THAT SHE HAD COME THROUGH THE WOODS AND HER HUSBAND WAS SUPPOSEDLY IN THE WOODS SOMEWHERE.

WE COULDN'T DETERMINE THE LOCATION EXACTLY WHERE SHE HAD COME OUT OF THE WOODS AT, SO WE HAD FORMED -- THREE OR FOUR OF US, I THINK, TRIMNAL, CAPTAIN SNIPES AND MYSELF, ALL SPREAD OUT 30 OR 40 YARDS APART AND JUST STARTED WALKING THE WOODS, TRYING TO SEE WHAT WE COULD LOCATE.

Q WOULD YOU BE WALKING BACK TOWARD THE OTHER HIGHWAY?

A EXACTLY, STRAIGHT THROUGH THE WOODS BEHIND HER HOUSE, SOUTHERN TOOL & DIE.

Q AND DID YOU HEAD IN THAT DIRECTION?

A WE HEADED IN THAT DIRECTION.

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Q AND IT WAS YOURSELF, CAPTAIN SNIPES AND WHO ELSE?
A I'M PRETTY SURE DEPUTY STEEN WENT WITH US. THERE MAY HAVE BEEN SOME OTHERS THAT HAD SPREAD OUT BECAUSE WE HAD ALREADY STARTED INTO THE WOODS WHEN THE OTHER CARS WERE PULLING IN.
Q WHEN YOU GOT THROUGH THE WOODS, WHAT WAS THE FIRST THING YOU NOTICED ON THE OTHER SIDE?
A AS SOON AS YOU BREAK THROUGH THE WOOD LINE, YOU'RE LOOKING AT THE VERY BACK OF SOUTHERN TOOL & DIE. THEY HAVE PARKING THAT COMES THROUGH THE SIDE, THEN THERE'S A BIG, OPEN FIELD AND IT KIND OF PUTS YOU IN THE MIND OF A BALLFIELD BECAUSE A LOT OF BALLFIELDS ARE BEHIND INDUSTRIES AND STUFF LIKE THAT. THAT'S WHAT I THOUGHT I WAS WALKING INTO AT FIRST.

IT WAS SEMI-LIT FROM THE LIGHTS FROM SOUTHERN TOOL & DIE, BUT IT WAS AN OPEN FIELD. THERE WAS A LOT OF TRACKS IN THE AREA WHERE PEOPLE HAD BEEN DOING DOUGHNUTS WITH CARS, FOUR-WHEELERS. KIDS HAD BEEN PLAYING OUT THERE. AS SOON AS I BROKE THROUGH THE EDGE OF THE WOODS LINE, ABOUT 30 OR 40 YARDS INTO THIS FIELD I COULD SEE SOME BLUE, WHAT TURNED OUT TO BE BLANKETS, AND I COULD A BODY LAYING IN THE FIELD.

Q LET ME STOP YOU THERE FOR A MOMENT. WHAT IS SOUTHERN TOOL & DIE?
A IT'S A MACHINE SHOP, WHEN IT WAS IN EXISTENCE. I DON'T THINK IT'S BEEN IN OPERATION FOR SEVERAL YEARS.
Q IS THE BEST YOU KNOW IT'S NO LONGER OPERATIONAL?

A NO, SIR.
Q I'M GOING TO HAND YOU THREE PHOTOGRAPHS ALREADY MARKED FOR IDENTIFICATION AS STATE'S EXHIBITS #3, #4 AND #5, AND TELL ME WHETHER OR NOT YOU RECOGNIZE THE SCENES DEPICTED IN THESE THREE PHOTOGRAPHS.
A (WITNESS REVIEWING PHOTOGRAPHS). I DO.
Q AND WHAT ARE THEY? WHAT ARE SHOWN ON THESE AREAS OF DEPICTION?
A ONE MARKED EXHIBIT #5 IS THE FRONT OF SOUTHERN TOOL & DIE, STANDING IN THE HIGHWAY.
Q THAT WOULD BE FROM THE HIGHWAY, LOOKING STRAIGHT AT THE FRONT?
A YES, SIR. THIS IS ACTUALLY WATER WORKS ROAD, IF YOU'RE STANDING ON THIS ROAD, LOOKING STRAIGHT ONTO SOUTHERN TOOL & DIE.
Q OKAY.
A EXHIBIT #4 IS FROM THE BACKSIDE OF THE BUILDING, AND AS BEST AS I COULD TELL FROM THIS PICTURE, THEY'RE STANDING AT PROBABLY THE FOUR O'CLOCK POSITION, LOOKING BACK INTO THE BUILDING, IF THE ROAD IS AT TWELVE O'CLOCK AND YOU'RE COMING ON AROUND ABOUT FOUR O'CLOCK, LOOKING AT AN ANGLE TOWARD THE BACK OF THE BUILDING.
Q OKAY.
A AND EXHIBIT #3 -- EXHIBIT #3 IS THE FRONT OF THE BUILDING, ALSO.

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Q AND DO THEY ACCURATELY DEPICT THE VARIOUS ANGLES OF THAT BUILDING AS THEY APPEARED BACK ON JUNE 20 OF THE YEAR 2000?

A THEY DO.

MR. JUSTICE: YOU'RE HONOR, I THINK THEY'RE ONLY MARKED FOR IDENTIFICATION. AT THIS TIME WE'D MOVE THEY BE INTRODUCED AS EVIDENCE.

MR. CLARK: NO OBJECTION.

THE COURT: ADMITTING THEM INTO EVIDENCE WITHOUT OBJECTION.

(STATE'S EXHIBIT #3, PREVIOUSLY MARKED FOR IDENTIFICATION, IS ENTERED INTO EVIDENCE. PHOTOGRAPH).

(STATE'S EXHIBIT #4, PREVIOUSLY MARKED FOR IDENTIFICATION, IS ENTERED INTO EVIDENCE. PHOTOGRAPH).

(STATE'S EXHIBIT #5, PREVIOUSLY MARKED FOR IDENTIFICATION, IS ENTERED INTO EVIDENCE. PHOTOGRAPH).

Q CAPTAIN BAILEY, LOOKING AT STATE'S EXHIBIT #4, I BELIEVE THIS IS THE ONE YOU SAID WOULD BE COMING UP FROM BEHIND SOUTHERN TOOL & DIE?

A YES, SIR.

Q AND WOULD THAT BE GENERALLY THE DIRECTION IN WHICH YOU APPROACHED IT?

A YES. IF THIS IS AT FOUR O'CLOCK -- I'M SORRY, IF THIS

BUILDING IS AT FOUR O'CLOCK, WE ACTUALLY COME IN FROM MORE OVER AROUND THE SIX O'CLOCK OR SEVEN O'CLOCK POSITION, MORE DIRECTLY BEHIND THE BUILDING. THIS IS ACTUALLY FROM AN ANGLE LOOKING INTO THE BUILDING.

Q YOU MENTIONED WHAT APPEARED TO BE BLUE BLANKETS AND A BODY LYING OUT BEHIND THE BUILDING?

A I DID.

Q WHERE WOULD THEY BE IN RELATION TO THAT PHOTOGRAPH?

A MORE OVER IN THIS AREA (INDICATING), IN BEHIND THE BUILDING.

Q AS YOU LOOK AT IT STRAIGHT ON, IT WOULD BE MORE TO THE LEFT OF THAT PHOTOGRAPH?

A MORE TO THE RIGHT.

Q TO YOUR RIGHT, BUT LOOKING AT IT FROM HERE, TO THE LEFT?

A RIGHT. SORRY ABOUT THAT.

Q OKAY, I THINK WE'RE TOGETHER. I THINK WE'RE TOGETHER. PLEASE, IF YOU WILL, AS YOU NEARED THESE THINGS YOU SAW LYING ON THE GROUND, AS YOU WERE ABLE TO GET CLOSER, PLEASE DESCRIBE WHAT THAT WAS THAT YOU HAD NOTED.

A LAYING IN THE FIELD?

Q YES, SIR.

A OKAY. AS I CAME THROUGH THE WOOD LINE AND GOT CLOSER, I COULD -- I KNEW EXACTLY WHAT --

Q DID YOU HAVE FLASHLIGHTS?

A YES, I HAD A FLASHLIGHT. AS I GOT CLOSER, THERE WAS A PILE

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OF BLANKETS. I COULD SEE THE VICTIM, MELVIN STEELE, LAYING IN THE FIELD. HE WAS HANDCUFFED BEHIND HIS BACK. HE HAD ON THE GRAY ELECTRICAL TAPE, LIKE MOST PEOPLE DO DUCT WORK, PUT INSULATION UP UNDER THE HOUSE AND STUFF WITH, THE USE-ALL TAPE. IT WAS BOUND AROUND HIS HEAD JUST SO TIGHT, IT WAS CUTTING INTO THE SKIN, AND IT WAS EVIDENT THAT HE WAS NO LONGER WITH US.

Q YOU REACHED THE CONCLUSION THAT HE WAS APPARENTLY DEAD?

A YES, SIR. WHEN I GOT THERE, I GOT AS CLOSE AS I COULD WITHOUT STEPPING IN -- HE WAS LAYING IN SOME -- THE GRASS WAS VERY BROKEN AND DISPERSED RIGHT THERE, AND THERE'S A LOT OF RED DIRT. I TIPTOED AND STEPPED ON LITTLE GRASS MOUNDS EVERYWHERE I COULD, NOT TO DISTURB ANY EVIDENCE, BECAUSE THERE WAS TIRE TRACKS AND IT LOOKED LIKE THERE WERE TRACK MARKS AND STUFF ON THE GROUND. AND I GOT AS CLOSE AS I COULD, JUST TO CHECK AND MAKE SURE, AND I KNEW THEN HE WAS NO LONGER WITH US.

Q THE DUCT TAPE, WHERE WAS THAT ON THIS PERSON?

A IT WAS ALL AROUND HIS HEAD. IT STARTED -- IT WAS ALMOST LIKE THEY TRIED TO MUMMY WRAP. IT WAS CUTTING ALMOST AT AN ANGLE LIKE THIS (INDICATING). HIS HAIR WAS ALL PULLED UP.

Q COVERING HIS EYES?

A YES, SIR, IT COVERED HIS EYES, ALL OF HIS MOUTH, PROBABLY MOST OF HIS NOSE. I REMEMBER IT CUTTING REAL SHARP ACROSS HERE (INDICATING), AND IT WAS DRAWN SO TIGHT HIS FACE WAS

DISTORTED.

Q DID YOU GET CLOSE ENOUGH TO NOTICE HIS HANDS?

A YES, SIR, THEY WERE HANDCUFFED BEHIND HIS BACK.

Q HANDCUFFED BEHIND HIS BACK?

A UH-HUH.

Q I'M GOING TO SHOW YOU STATE'S EXHIBIT #2, WHICH IS A DISTANT PHOTOGRAPH. PLEASE TELL US WHAT IS IN THE BACKGROUND OF THAT PHOTOGRAPH.

A THAT IS GOING TO BE THE TREE LINE, AND THAT WILL BE MR. STEELE'S BODY AND THE BLANKETS LAYING -- THE BLUE THAT YOU SEE IN THIS PHOTOGRAPH WILL BE THE BLANKETS THAT WERE LAYING BESIDE HIM.

Q AND THEY WERE LAYING THERE WITH THE BODY?

A YES, SIR.

Q AND FINALLY I SHOW YOU STATE'S EXHIBIT #1. CAN YOU IDENTIFY THAT?

A YES, SIR. THIS IS THE BLUE BLANKETS THAT WERE LAYING BESIDE MR. STEELE'S BODY.

Q IS THAT AFTER THE BLANKET HAD BEEN REMOVED?

A I BELIEVE SO, YES.

Q AND DO STATE'S EXHIBITS #1 AND #2 ALSO ACCURATELY DEPICT THIS SCENE AS IT APPEARED ON THE NIGHT OF THE TWENTIETH OF JUNE?

A EXACTLY.

MR. JUSTICE: YOUR HONOR, I MOVE THAT #1 AND #2

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BE INTRODUCED INTO EVIDENCE.

MR. CLARK: NO OBJECTION, YOUR HONOR.

THE COURT: WITHOUT OBJECTION.

(STATE'S EXHIBIT #1, PREVIOUSLY MARKED FOR IDENTIFICATION, IS ENTERED INTO EVIDENCE. PHOTOGRAPH).

(STATE'S EXHIBIT #2, PREVIOUSLY MARKED FOR IDENTIFICATION, IS ENTERED INTO EVIDENCE. PHOTOGRAPH).

MR. JUSTICE: AND I WOULD LIKE TO TAKE JUST A MOMENT TO PUBLISH #1, #2, #3, #4 AND #5 TO THE JURY BY HANDING THEM OVER AND LETTING THEM PASS THEM AROUND. (COUNSEL PUBLISHING PHOTOGRAPHS TO JURY).

Q CAPTAIN BAILEY, WAS THE BODY OF MR. STEELE ULTIMATELY TURNED OVER TO THE COUNTY CORONER?

A IT WAS.

Q PLEASE ANSWER ANY QUESTIONS COUNSEL FOR THE DEFENSE MAY HAVE -- OH, AND THE BLUE BLANKETS, WERE THEY SEIZED AND TAKEN INTO EVIDENCE?

A ACTUALLY, SLED SEIZED THEM.

Q ACTUALLY SLED PEOPLE?

A THE FORENSIC TEAM.

Q I ASSUME YOU NOTIFIED SLED THAT YOU NEEDED ASSISTANCE IN LANCASTER COUNTY?

A WE DID.

Q AND DID CRIME SCENE SPECIALISTS OR CRIMINOLOGISTS COME UP FROM SLED TO ACTUALLY DO THE PROCESSING OF THE CRIME SCENE?

A THEY SURE DID.

Q DO YOU REMEMBER OFFHAND WHO THEY WERE?

A NOT OFFHAND, BY NAME.

Q IF NOT, I'LL ASK MR. BLACKMON?

A NOT OFFHAND, BY NAME.

Q AND DID THEY TAKE OVER THAT SCENE?

A THEY DID.

Q DID YOU EVER GO OVER TO MCDONALD AMUSEMENTS THAT NIGHT?

A I THINK I WAS THERE LATER ON, ON OVER IN THE MORNING TIME. IT HAD STARTED BREAKING DAYLIGHT BY THE TIME I WAS THERE.

Q OKAY, THANK YOU. PLEASE ANSWER ANY QUESTIONS COUNSEL FOR DEFENSE MAY HAVE.

MR. CLARK: NO QUESTIONS FOR THIS WITNESS, YOUR HONOR.

THE COURT: NO CROSS, THANK YOU.

(TO WITNESS) THANK YOU, YOU MAY STAND DOWN. THANK YOU VERY MUCH.

THE NEXT WITNESS FOR THE STATE?

MR. JUSTICE: I'D CALL OFFICER KEVIN WAITERS.

(WHEREUPON, KEVIN L. WAITERS, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

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Q STATE YOUR NAME, PLEASE, SIR.
A KEVIN LAFAYETTE WAITERS.
Q AND WHERE ARE YOU EMPLOYED, MR. WAITERS?
A WITH THE LANCASTER COUNTY SHERIFF'S DEPARTMENT, SIR.
Q IN WHAT CAPACITY?
A RIGHT NOW I'M A SERGEANT ON SHIFT.
Q SERGEANT ON SHIFT?
A YES, SIR.
Q AND HOW LONG HAVE YOU BEEN A DEPUTY SHERIFF?
A ABOUT SEVEN YEARS, SIR.
Q WERE YOU A DEPUTY SHERIFF ON THE TWENTIETH AND TWENTY-FIRST OF JUNE OF THE YEAR 2000?
A YES, SIR, I WAS AN INVESTIGATOR.
Q YOU WERE AN INVESTIGATOR THEN?
A YES, SIR.
Q AND DID YOU HAVE THE OCCASION TO BE CALLED OUT LATE ON THE NIGHT OF THE TWENTIETH OR EARLY MORNING OF THE TWENTY-FIRST TO INVESTIGATE THE MURDER OF MELVIN STEELE AND OTHER RELATED CRIMES?
A YES, SIR, I WAS.
Q DO YOU REMEMBER ABOUT WHAT TIME YOU GOT INVOLVED?
A YES, SIR, BASICALLY WHEN THE CALL CAME OUT, THERE WAS -- IT WAS ROUGHLY AROUND ELEVEN O'CLOCK I ARRIVED ON THE SCENE.
Q AND WHICH SCENE DID YOU GO TO FIRST?
A I WENT TO THE SCENE AT THE TOOL & DIE THAT WAS OFF OF

KERSHAW CAMDEN HIGHWAY, WHICH IS WATER WORKS ROAD.

Q AND THAT'S WHERE THE BODY HAD BEEN FOUND?

A YES, SIR.

Q I'M GOING TO ASK YOU, IF YOU WILL, TO FAST-FORWARD YOURSELF A FEW HOURS TO THE EARLY MORNING HOURS OF THE TWENTY-FIRST. DID YOU HAVE AN OCCASION TO GO TO A LOCATION ON SOUTH 200 AT THE VICINITY OF CHANDLER'S GARAGE AND BODY SHOP?

A YES, SIR, I DID.

Q AND PLEASE TELL US WHAT THE OCCASION WAS OF GOING TO THAT LOCATION.

A I WAS PATROLLING THE AREA ONCE I HAD LEFT THE TOOL & DIE AND RECEIVED A CALL THERE WAS A POSSIBLE U-HAUL THAT WAS LOCATED OFF OF SOUTH 200 ACROSS FROM BOB WILLIAMS CLEANERS, AND I WENT TO THAT LOCATION AND, SURE ENOUGH, THERE WAS A U-HAUL THERE THAT HAD BEEN PARKED. AND I WENT THERE TO BASICALLY PROCESS THE SCENE THERE.

Q DID YOU MAINTAIN THE SCENE UNTIL THE OTHER INVESTIGATORS AND SUCH COULD ARRIVE AND COLLECT THE EVIDENCE?

A YES, SIR, I DID.

Q NOW, THIS LOCATION YOU MENTIONED ACROSS FROM BOB WILLIAMS CLEANERS, AND I HAD MENTIONED CHANDLER'S BODY SHOP, WOULD YOU, TO THE BEST YOU CAN, DESCRIBE WHERE THIS U-HAUL TRUCK WAS?

A WELL, BASICALLY CHANDLER'S BODY SHOP AND BOB WILLIAMS CLEANERS IS ON SOUTH 200. THERE'S LIKE A POND THAT'S NEXT

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TO CHANDLER'S BODY SHOP, AND IT'S A ROAD THAT KIND OF WRAPS AROUND THAT POND. IT'S KIND OF LIKE A ONE-WAY THING, AND IT'S A RESIDENCE THAT LIVES IN THE BACK OF THERE. THEY WAS THE ONES THAT ACTUALLY DISCOVERED THE U-HAUL BECAUSE IT WAS PROHIBITING THEM FROM BEING ABLE TO LEAVE FROM THAT ROAD THAT RUNS AROUND THAT POND.

Q OKAY. SO THE ROAD ACROSS THE POND WAS LIKE A ONE-LANE?

A YES, SIR.

Q AND HAD THEY MOVED THE TRUCK, TO THE BEST OF YOUR KNOWLEDGE?

A ONE OF THE GENTLEMEN STATED THAT IT WAS BLOCKING HIS WAY, AND HE POSSIBLY -- HE WANTED TO MOVE IT. HE SAID THE KEYS WERE IN IT AND HE MOVED IT SO THAT HE COULD GET THROUGH BECAUSE HE DIDN'T KNOW -- ALL HE KNEW WAS THAT IT WAS A U-HAUL AND HE JUST ASSUMED THAT SOMEONE HAD JUST PARKED IT THERE, AND HE REALLY DIDN'T KNOW WHAT IT WAS ALL ENTAILED TO AND WHAT IT WAS INVOLVED IN.

Q ONCE AGAIN FAST-FORWARDING TO LATER IN THE DAY, DID YOU HAVE AN OCCASION TO ACCOMPANY THE BODY OF MR. STEELE TO THE MEDICAL UNIVERSITY OF SOUTH CAROLINA FOR THE PURPOSE OF AN AUTOPSY?

A YES, I DID.

Q THANK YOU. PLEASE ANSWER ANY QUESTIONS COUNSEL FOR THE DEFENSE MAY HAVE.

THE COURT: ANY CROSS?

MR. CLARK: YES, SIR.

CROSS-EXAMINATION

BY MR. CLARK:

Q SERGEANT WAITERS, DO YOU KNOW WHO THE GENTLEMAN WAS THAT MOVED THE U-HAUL?

A NO, SIR. HE LIVED IN THE RESIDENCE THERE. I CAN'T RECALL HIS NAME RIGHT OFF THE TOP OF MY HEAD.

Q THANK YOU.

MR. CLARK: THAT'S ALL I HAVE.

THE COURT: THANK YOU.

(TO WITNESS) YOU MAY STEP DOWN. THANK YOU VERY MUCH.

MR. JUSTICE: MR. PHILLIP MULLIS?

(WHEREUPON, PHILLIP MULLIS, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE.

A PHILLIP MULLIS, SR.

Q AND WHERE DO YOU LIVE, MR. MULLIS?

A ON [redacted].

Q AND PLEASE TELL US APPROXIMATELY HOW ONE WOULD GET THERE FROM HERE.

A GO OUT [redacted], TAKE A LEFT, GO ONE BLOCK AND COME BACK TOWARD TOWN ON [redacted].

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Q AND WHERE WOULD THAT --

A [redacted] WRAPS AROUND ONCE BEFORE IT COMES OUT ON SOUTH 200.

Q SO IT'S BASICALLY A HORSESHOE ON AND OFF SOUTH 200?

A YES, SIR.

Q TWO DIFFERENT ENTRANCES?

A YES, SIR.

Q IS THAT A FOUR-LANE OR A TWO-LANE DRIVE?

A IT'S A TWO-LANE RESIDENCE STREET.

Q WHERE IS CHANDLER'S GARAGE IN REGARDS TO WHERE YOU LIVE?

A CHANDLER'S --

Q BODY SHOP.

A -- BODY SHOP BORDERS MY PROPERTY, AND THE PROPERTY AT THE POND, THE ROAD, THE POND ROAD THAT HE TALKED ABOUT EARLIER, IS A ONE-LANE ROAD, AND IT'S BEEN CLOSED FOR SEVERAL YEARS, BUT IT'S PART OF OUR PROPERTY AND WE STILL USE THE ROAD. AND IT WAS -- WE HAD A CABLE UP THERE AT THE TIME TO KEEP TRAFFIC FROM GOING BACK AND FORTH, AND IT WAS POSTED.

Q SO YOU USE THAT POND ROAD, THAT ONE-LANE, SORT OF DAM ROAD?

A YES, SIR.

Q AS ACCESS TO AND FROM YOUR PROPERTY?

A YES, SIR.

Q WHO IS JONATHAN MULLIS?

A HE'S MY SON.

Q DOES HE LIVE THERE WITH YOU OR WORK THERE?

A HE LIVES IN A HOUSE TRAILER THERE ON OUR PROPERTY, YES, SIR.
Q SO YOU BOTH LIVE DOWN THAT SAME ROAD?
A YES, SIR.
Q WHAT KIND OF BUSINESS ARE YOU OR YOUR SON IN?
A RIGHT NOW I'M EMPLOYED BY H. W. SHEPARD & SONS OUT OF RICHBURG, SOUTH CAROLINA AS OPERATIONS MANAGER.
Q THAT'S BASICALLY A PULPWOOD OUTFIT?
A YES, SIR.
Q AND WAS YOUR SON WORKING IN THAT SAME BUSINESS BACK IN THE YEAR 2000?
A YES, SIR.
Q ON THE EARLY MORNING OF THE TWENTY-FIRST OF JUNE, WHAT, IF ANYTHING, OCCURRED IN REGARDS TO THAT ONE-LANE DAM ROAD AND YOUR SON'S GOING OUT THAT MORNING?
A BASICALLY, HE LEFT EARLY, WAS ONE OF THE FIRST OF THE CREW TO GO TO WORK BECAUSE HE STARTED EQUIPMENT, AND IT WAS BEFORE DAYLIGHT WHEN HE ACTUALLY CRANKED THE TRUCK UP AND WENT OUT. AND WHEN HE WENT DOWN -- THERE'S A STEEP HILL THERE. WHEN HE WENT DOWN THE HILL TOWARDS 200 TO GO TO WORK, HE DIDN'T NOTICE THE ROAD WAS OBSTRUCTED TILL HE GOT DOWN --

MR. CLARK: OBJECT TO HIS TESTIFYING ABOUT WHAT HIS SON --

THE COURT: ALL RIGHT, SUSTAINED.

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Q GO AHEAD. WHAT HAPPENED? WHEN DID YOU GET INVOLVED?
A HE CALLED ME AND TOLD ME THERE WAS THE --
MR. CLARK: OBJECTION, YOUR HONOR.
THE COURT: (TO WITNESS) JUST STATE WHAT YOU KNOW OF YOUR OWN KNOWLEDGE, NOT WHAT SOMEONE TOLD YOU, MR. WITNESS.
(TO COUNSEL) SUSTAINED.
A HE CALLED ME.
Q AFTER HE CALLED YOU, DID YOU GO DOWN TO THE DAM?
A YES, SIR. I TOLD HIM TO STAY WITH HIS TRUCK, THAT I WOULD BE THERE IN JUST A FEW MINUTES.
Q AND WHAT ACTIONS DID YOU ALL TAKE ONCE YOU GOT DOWN THERE?
A SIR?
Q WHAT DID YOU DO ONCE YOU GOT DOWN TO THE DAM?
A WE WALKED ACROSS -- WE LEFT HIS TRUCK WHERE IT WAS AT, AND WE WALKED ACROSS THE DAM TOWARD THE VEHICLE THAT WAS IN THE WAY AND VIEWED THAT IT WAS -- WE COULDN'T GO AROUND IT. IT WAS PARKED DIRECTLY IN FRONT OF OUR GATE. THE GATE WAS UP, OR THE CABLE WAS UP, AND WE LOOKED AT THE VEHICLE REAL CLOSE. THE KEYS WERE IN THE IGNITION, AND WE ASKED FOR -- CALLED OUT AND THERE WAS NO ANSWER, SO THERE WAS NOBODY AROUND THE VEHICLE.
Q OKAY, WHAT DID YOU DO?
A WE LET THE CABLE DOWN, THE OBSTRUCTION OF THE CABLE DOWN, AND I TOLD HIM THAT I WOULD MOVE THE VEHICLE AND HE COULD

GO ON TO WORK.

Q DID YOU IN FACT MOVE THE VEHICLE?

A YES, SIR.

Q WHERE DID YOU MOVE IT TO?

A I MOVED IT IN FRONT OF OUR SHOP OR WAREHOUSE BUILDING TO THE LEFT.

Q HOLD ON JUST A MINUTE, MR. MULLIS. MR. MULLIS, LET ME SHOW YOU A COUPLE OF PHOTOGRAPHS. CAN YOU IDENTIFY THE ROAD SHOWN IN THIS PARTICULAR PHOTOGRAPH?

A YES, SIR. THAT'S THE POND, DAM, AND THE HILL COMING DOWN, VIEWING IT FROM SOUTH 200.

Q THAT WOULD BE FROM 200, LOOKING BACK TOWARD YOUR PLACE?

A YES, SIR.

Q AND IS THAT PICTURE ACCURATE AS TO HOW IT APPEARED BACK IN JUNE OF 2000?

A BASICALLY, YES, SIR.

MR. JUSTICE: YOUR HONOR, I'D MOVE THE INTRODUCTION OF THAT PHOTOGRAPH AS THE NEXT STATE'S EXHIBIT, #10.

THE COURT: ALL RIGHT, ANY OBJECTION TO STATE'S EXHIBIT #10?

MR. CLARK: NO, SIR, YOUR HONOR.

THE COURT: ADMITTED WITHOUT OBJECTION.

(STATE'S EXHIBIT #10, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

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Q LOOKING AT STATE'S EXHIBIT #10, IS THAT THE ROAD WHERE THE U-HAUL WAS WHEN YOU FIRST SAW IT THAT MORNING?
A YES, SIR.
Q AND WAS IT PARKED ON THE DAM?
A NO, SIR. IT WAS PARKED -- YOU'LL SEE A FLAG THAT WAS IN THE MIDDLE OF THE CABLE. IT WAS PARKED DIRECTLY IN FRONT OF THAT FLAG, POINTED TOWARDS SOUTH 200.
Q SO IT WAS POINTED OUT TOWARD THE HIGHWAY?
A YES, SIR, IT WAS POINTED OUT TOWARD THE HIGHWAY.
Q AND THAT'S AS FAR AS YOU COULD GO THAT WAY WITHOUT THE BARRIER BEING LET DOWN?
A YES, SIR.
Q I SHOW YOU A SECOND PHOTOGRAPH, AND TELL ME WHETHER OR NOT YOU CAN IDENTIFY THAT PHOTOGRAPH.
A YES, SIR, THAT'S THE VAN THAT WAS PARKED THAT I MOVED, AND IT'S DIRECTLY IN FRONT OF OUR SHOP OR OUR WAREHOUSE BUILDING.
Q SO YOU PULLED IT ON UP, UP CLOSER TO THE HIGHWAY AND OUT OF THE WAY?
A I TURNED TO THE LEFT, YES, SIR.

MR. JUSTICE: JUDGE, I'D MOVE THAT THAT ALSO BE ADMITTED AS STATE'S EXHIBIT #11.

MR. CLARK: NO OBJECTION.

THE COURT: SO ADMITTED WITHOUT OBJECTION, PHOTO.

(STATE'S EXHIBIT #11, MARKED FOR IDENTIFICATION

AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

MR. JUSTICE: I'LL PUBLISH THOSE TO THE JURY, YOUR HONOR.

Q NOW, MR. MULLIS, I'LL PROCEED WITH EXAMINATION WHILE THE JURY IS LOOKING AT THOSE PHOTOGRAPHS. OTHER THAN MOVE THE TRUCK, DID YOU DO ANY INVESTIGATION OF YOUR OWN IN REGARDS TO TRYING TO ASCERTAIN WHAT THIS WAS ALL ABOUT?

A WHEN WE CAME DOWN, LEFT HIS TRUCK AND STARTED TOWARD THE TRUCK, WE FOUND A GYM BAG OR DUFFLE BAG. YOU KNOW WHAT I'M TALKING ABOUT?

Q YES.

A A DUFFLE BAG TYPE, GYM BAG THING, ON THE SIDE OF THE ROAD, AND WE LEFT IT THERE. AS WE CAME BACK UP TO GET IN HIS TRUCK, I PICKED THE BAG UP AND PUT IT IN THE BACK OF MY PICKUP, AND WE CALLED -- HE LEFT, AND WHEN I GOT BACK UP TO THE HOUSE, I CALLED THE SHERIFF'S DEPARTMENT TO LET THEM KNOW THAT THE VAN WAS THERE AND IT JUST DIDN'T LOOK RIGHT.

Q SO YOU PICKED UP THIS DUFFLE BAG, YOU PUT IT IN YOUR TRUCK TO GET IT OUT OF THE WAY?

A YES, SIR.

Q DID YOU LOOK IN IT?

A NO, SIR.

Q DID YOU LOOK IN THE CARGO COMPARTMENT OF THE TRUCK?

A YES, SIR.

Q AND WHAT DID YOU NOTICE -- WELL, FIRST OF ALL, WAS IT

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UNLOCKED?

A IT WAS UNLOCKED, AND I LOOKED THERE PRIOR TO MOVING THE TRUCK. I DIDN'T KNOW IF SOMEBODY HAD DROVE THE TRUCK DOWN AND DIDN'T KNOW WHETHER THEY COULD BACK UP, AND THEY WERE OBSTRUCTED AND HAD JUST STOPPED THERE, WAITING. YOU KNOW, I DIDN'T KNOW, SO I DIDN'T WANT TO GET IN THE TRUCK AND MOVE IT WITHOUT KNOWING IF THERE WAS SOMEBODY IN IT OR JUST PULLED UP THERE AND WENT TO SLEEP. I DIDN'T KNOW ANYTHING WAS OCCURRING AT THAT TIME.

Q WHEN YOU OPENED THE BACK, DID YOU NOTICE ANYTHING TO CATCH YOUR ATTENTION THERE?

A NO, SIR, IT WAS EMPTY. THERE WAS NOTHING INSIDE THE TRUCK THAT I COULD SEE.

Q THE GYM BAG YOU PICKED UP AND PUT IN YOUR TRUCK, AND THEN YOU WENT UP TO YOUR HOUSE AND CALLED THE POLICE?

A YES, SIR.

Q DID YOU GO BACK DOWN TO THAT LOCATION TO MEET THEM?

A YES, SIR, I WENT BACK DOWN THERE. I WAS THERE WHEN THE OFFICERS ARRIVED.

Q DID YOU TURN THE GYM BAG OVER TO THE OFFICERS?

A YES, SIR.

Q PLEASE ANSWER ANY QUESTIONS COUNSEL FOR THE DEFENSE MAY HAVE.

THE COURT: ANY CROSS, MR. CLARK, SIR?

MR. CLARK: NO QUESTIONS FOR THIS WITNESS, YOUR

HONOR.

THE COURT: THANK YOU.

(TO WITNESS) YOU MAY STAND DOWN, SIR. THANK YOU VERY MUCH.

MR. JUSTICE: I WOULD ASK THAT MR. MULLIS BE EXCUSED IF HE WISHES TO BE SO.

MR. CLARK: NO OBJECTION.

THE COURT: THANK YOU.

YOU'RE EXCUSED, MR. WITNESS, THANK YOU, SIR.

MR. JUSTICE: I CALL MR. JONATHAN MULLIS.

THE COURT: (TO WITNESS) PLEASE COME FORWARD.

(WHEREUPON, JONATHAN MULLIS, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A JONATHAN GREGG MULLIS.

Q MR. MULLIS, WHERE DO YOU LIVE?

A [redacted]

Q WOULD THAT BE A TRAILER NEXT TO YOUR FATHER'S HOUSE?

A YES, SIR.

Q IS THAT YOUR FATHER THAT JUST TESTIFIED?

A YES, SIR. IT'S A PERSONAL DRIVE. IT'S RIGHT OFF OF [redacted]

Q I WANT YOU TO THINK BACK TO THE EARLY MORNING HOURS OF THE

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TWENTY-FIRST OF JUNE OF 2000. WERE YOU LIVING THERE THEN?
A YES, SIR.
Q AND WERE YOU WORKING FOR SHEPARD COMPANY?
A YES, SIR.
Q WHAT WAS YOUR JOB?
A I WAS A TRUCK DRIVER. I DROVE A LOG TRUCK.
Q WHAT WE GENERALLY CALL A PULPWOOD TRUCK?
A RIGHT, AN 18-WHEELER.
Q AND YOU'D CARRY IT HOME AT NIGHT AND TAKE IT BACK OUT IN THE MORNING?
A YES, SIR.
Q AND DID YOU PROCEED TO GO OUT THAT MORNING, THE TWENTY-FIRST OF JUNE?
A YES, SIR.
Q PLEASE TELL US IN YOUR OWN WORDS APPROXIMATELY WHEN YOU WENT OUT AND WHAT YOU ENCOUNTERED UPON GOING OUT.
A WELL, I LEFT OUT KIND OF EARLY THAT MORNING, AND IT WAS NOT QUITE DAYLIGHT AT THE TIME. AND AS I STARTED DOWN THE HILL, GOING DOWN TOWARD THE POND DAM, MY HEADLIGHTS CAUGHT THE BACK OF A VAN SITTING OUT THERE. SO I PICKED UP THE PHONE AND CALLED MY DAD, PHILLIP, AND TOLD HIM THAT IT WAS A VAN OUT HERE, AND HE TOLD ME JUST TO SIT THERE AND WAIT UNTIL HE GOT THERE.
Q AND DID HE ARRIVE SHORTLY THEREAFTER?
Q AND WHAT ACTIONS DID THE TWO OF YOU TAKE AT THAT POINT IN

TIME?

A WE JUST KIND OF WALKED DOWN AND, YOU KNOW, WALKED AROUND IT, JUST TO CHECK IT OUT AND SEE IF SOMEBODY WAS AROUND OR IF SOMEBODY HAD WENT DOWN THE HILL AND, YOU KNOW, WAS LOST AND JUST COULDN'T BACK BACK UP, AND THE GATE WAS UP.

Q SO WHAT ACTION DID YOU TAKE IN ORDER TO GET YOUR PULPWOOD TRUCK OUT?

A WELL, HE TOLD ME JUST TO WAIT RIGHT THERE, AND WE CHECKED IT OUT AND WE SEEN THE KEYS WERE IN IT AND NOBODY WAS AROUND, AND HE JUST CRUNK (SIC) IT UP AND PULLED IT OUT OF THE WAY. WE SET THE GATE DOWN, AND HE JUST EASED IT UP OUT OF THE WAY.

Q YOU PULLED IT UP SO YOU COULD PULL IT ON OUT?

A YES, SIR.

Q DID YOU, IN FACT, THEN LEAVE AND GO ON TO WORK?

A YES, SIR.

Q WERE YOU AROUND WHEN THE DUFFEL BAG OR THE GYM BAG WAS NOTICED?

A YES, SIR, WE NOTICED IT AS WE WALKED TOWARD THE TRUCK, THE VAN, THE U-HAUL VAN, AND WE DIDN'T -- YOU KNOW, WE JUST LEFT IT ALONE UNTIL WE GOT DOWN THERE AND FOUND OUT WHAT WAS --

Q WHERE WAS THE BAG IN RELATION TO THE TRUCK?

A ABOUT HALFWAY DOWN THE POND DAM.

Q I'VE ALREADY GOT INTO EVIDENCE STATE'S EXHIBIT #10, WHICH

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IS THE PHOTOGRAPH OF THE ROAD. YOU MENTIONED THE HILL. WOULD YOU POINT OUT FOR US WHERE THE HILL IS IN THAT PICTURE?

A YES, SIR, IT'S RIGHT HERE. (INDICATING).

Q SO IT WOULD BE IN THE BACKGROUND OF THE PICTURE?

A RIGHT.

Q AND THE TRUCK WAS MORE IN THE FOREGROUND?

A NO, IT WAS RIGHT HERE AT THE BASE.

Q SO AT THE BOTTOM OF THE HILL?

A RIGHT. IT'S A GRAVEL HILL. IT'S NOT CAPABLE OF BACKING BACK UP -- THE TRUCK IS NOT CAPABLE OF BACKING BACK UP THE HILL.

Q OKAY, WELL, THANK YOU VERY MUCH, AND PLEASE ANSWER ANY QUESTIONS COUNSEL FOR THE DEFENSE MAY HAVE.

MR. CLARK: NO QUESTIONS, YOUR HONOR.

THE COURT: (TO WITNESS) YOU MAY STAND DOWN, THANK YOU.

MR. JUSTICE: I WOULD ASK THAT BOTH MULLISES BE EXCUSED IF THEY WISH.

MR. CLARK: NO OBJECTION.

THE COURT: THANK YOU.

(TO WITNESS) YOU'RE EXCUSED. THANK YOU FOR COMING.

MR. JUSTICE: DEPUTY J. T. BOWERS? IS DEPUTY BOWERS HERE, JEFF BOWERS?

(WHEREUPON, J. T. BOWERS, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE.

A JEFF BOWERS.

Q AND YOU'RE EMPLOYED BY THE SHERIFF'S DEPARTMENT OF LANCASTER COUNTY?

A YES, SIR.

Q AND WHAT IS YOUR PRIMARY ASSIGNMENT?

A NARCOTICS.

Q AND WERE YOU A DEPUTY SHERIFF BACK IN JUNE OF THE YEAR 2000?

A YES, SIR, I WAS.

Q DO YOU RECALL WORKING THAT EVENING, EARLY EVENING?

A DURING THE TIME OF THE -- IN THE EARLY EVENING HOURS OF JUNE 20?

Q YES, IN THE EARLY EVENING BEFORE ALL THE THINGS WE'VE BEEN TALKING ABOUT CAME TO LIGHT.

A YES, SIR.

Q DID YOU HAVE AN OCCASION TO BE ON SPRINGDALE EXTENSION ON THAT EARLY EVENING?

A YES, SIR, I DID.

Q PLEASE TELL US WHERE SPRINGDALE EXTENSION IS IN RELATION TO SOUTH 200.

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A SPRINGDALE EXTENSION RUNS BETWEEN MEMORIAL PARK ROAD AND SOUTH 200, ON THE SOUTHERN END TOWARD HIGH POINT CHURCH.

Q DID YOU NOTICE ANYTHING PECULIAR OR OUT OF THE ORDINARY THAT EVENING, JUST PRIOR TO DARK, WHILE ON THAT ROAD?

A YES, SIR. WE WERE OUT INVESTIGATING NARCOTICS AREAS IN KNOWN SECTIONS OF THE COUNTY. WHEN I DROVE THROUGH SPRINGDALE ROAD EXTENSION, I NOTICED A VAN ON THE SIDE OF THE ROAD.

Q OKAY. WAS IT JUST SITTING THERE ON THE SIDE OF THE ROAD?

A YES, SIR, IT WAS JUST SITTING THERE.

Q AND DID YOU NOTICE WHAT KIND OF VAN IT WAS, COLOR OR MAKE OR ANYTHING?

A IT WAS A DARK CHARCOAL COLOR WITH A TWO-TONE FINISH, SILVER IN THE MIDDLE.

Q AND IT WAS JUST SITTING THERE UNATTENDED?

A YES, SIR.

Q AND THAT WAS APPROXIMATELY WHEN?

A THAT WAS AROUND EIGHT O'CLOCK IN THE EVENING.

Q OKAY, THANK YOU. PLEASE ANSWER ANY QUESTIONS COUNSEL FOR THE DEFENSE MAY HAVE.

MR. CLARK: NO QUESTIONS, YOUR HONOR.

THE COURT: (TO WITNESS) YOU MAY STAND DOWN.

(TO MR. JUSTICE) NEXT WITNESS.

MR. JUSTICE: I CALL OFFICER C. T. HINSON.

THE COURT: PLEASE COME FORWARD.

MR. JUSTICE: HE'S NOT HERE. OKAY, JUST ONE MOMENT, YOUR HONOR. I CALL DEPUTY MARSHALL.

THE COURT: OKAY, PLEASE COME FORWARD.

MR. JUSTICE: IS DEPUTY MARSHALL PRESENT?

THE COURT: MR. MARSHALL, PLEASE COME FORWARD.

MR. JUSTICE: I BELIEVE HE'S ALREADY UNDER OATH, YOUR HONOR.

THE COURT: HE IS, THANK YOU.

(WHEREUPON, STEVEN T. MARSHALL, HAVING PREVIOUSLY BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

REDIRECT EXAMINATION

BY MR. JUSTICE:

Q OFFICER MARSHALL, YOU'VE ALREADY IDENTIFIED YOURSELF IN THIS CASE AS A SHERIFF'S DEPUTY AND WERE SO IN JUNE OF 2000. I ASK YOU, ON THE MORNING OF THE TWENTY-FIRST OR ANYTIME AFTER MIDNIGHT AND BEFORE MID-DAY, DID YOU HAVE AN OCCASION TO FIND OR DISCOVER AN ABANDONED VEHICLE IN LANCASTER COUNTY?

A YES, SIR, I DID.

Q PLEASE TELL US WHEN, WHERE AND WHAT IT WAS.

A IT WAS THE MORNING, I'M GUESSING SOMEWHERE AROUND EIGHT O'CLOCK, I WAS COMING BACK IN TO WORK AFTER A BRIEF TIME OF GOING HOME. AND AS I RECALL, THE CAR WAS ON THE OFF RAMP FROM THE BYPASS TO HIGHWAY 903. IT WAS SITTING THERE ON THE OFF RAMP.

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Q SO THIS WOULD BE THE OFF RAMP WHERE YOU GET OFF THE LANCASTER BYPASS ONTO HIGHWAY 903?

A YES, SIR.

Q THAT WOULD BE THE WAY YOU WOULD GO IF YOU WERE GOING TOWARD SAMBO'S GRILL?

A YES, SIR.

Q AND MYRTLE BEACH?

A YES, SIR.

Q WHAT DO YOU REMEMBER ABOUT THAT VEHICLE?

A AS I RECALL, WITHOUT MY PAPER WORK IN FRONT OF ME, IT HAD A PAPER TAG ON THE VEHICLE.

Q DO YOU REMEMBER WHAT KIND OF VEHICLE IT WAS?

A AS I RECALL, IT WAS A LITTLE GRAY CAR.

Q A GRAY AUTOMOBILE?

A YES, SIR.

Q I'M GOING TO SHOW YOU A PHOTOGRAPH. TELL ME WHETHER OR NOT YOU CAN IDENTIFY THIS PHOTOGRAPH.

A YES, SIR, THIS IS THE VEHICLE THERE.

Q THAT'S THE VEHICLE?

A YES, SIR.

Q AND OTHER THAN BEING IN A DIFFERENT LOCATION, IS IT THE SAME IN THAT PHOTOGRAPH AS YOU RECALL FROM THAT MORNING?

A YES, SIR.

MR. JUSTICE: I INTRODUCE STATE'S EXHIBIT #12.

THE COURT: ALL RIGHT, STATE'S EXHIBIT #12, ANY

OBJECTION?

MR. CLARK: NO OBJECTION.

THE COURT: ADMITTED INTO EVIDENCE WITHOUT OBJECTION.

(STATE'S EXHIBIT #12, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

Q AND WERE YOU ABLE TO REMEMBER THE DEALER TAG, WHAT DEALERSHIP IT WAS FROM?

A IT SEEMS LIKE THE DEALER TAG WAS FROM ROCK HILL, AS FAR AS I CAN REMEMBER. THE REASON IT STUCK OUT IN MY MIND IS I HAD SEEN A TAG LIKE IT BEFORE.

Q YOU'D SEEN A SIMILAR TAG?

A YES, SIR.

Q ON THAT VEHICLE OR ANOTHER VEHICLE?

A ANOTHER VEHICLE.

Q I DON'T BELIEVE YOU CAN READ IT FROM THIS PHOTOGRAPH.

A IT SEEMS LIKE IT WAS B & B, OR SOMETHING, AUTO SALES.

Q B & B? WAS IT FROM OUT OF TOWN?

A B & E AUTO SALES.

Q B & E AUTO SALES?

A YES, SIR.

Q YOU SAY YOU'D SEEN ANOTHER VEHICLE WITH A SIMILAR DEALER TAG AT ANOTHER LOCATION AT AN EARLIER TIME?

A YES, SIR.

Q PLEASE, IF YOU WILL, SHARE THAT INFORMATION WITH THE JURY.

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A THIS WAS SEVERAL DAYS BEFORE THIS WHOLE INCIDENT. I WAS TRAVELING ON WATER WORKS ROAD, WHICH IS HIGHWAY 521, AND I SAW A WHITE -- I'D DESCRIBE IT AS A LUXURY VEHICLE, BEHIND THE SOUTHERN TOOL & DIE. I WAS GOING TO A LOCATION ON CANE MILL ROAD AT THE TIME WHEN I SAW THE CAR, SAW THE WHITE CAR. I SAW A BLACK MALE AROUND THE CAR.

I GOT UP TO THE STOP SIGN THERE AT CANE MILL ROAD, AND I'D BEEN THINKING ABOUT WHAT I SAW AND I WAS LIKE, "YOU KNOW, THE BUSINESS IS CLOSED." SOMETHING JUST DIDN'T LOOK RIGHT. SO I TURNED AROUND TO GO INVESTIGATE WHAT I HAD SAW. UPON RETURNING BACK TO THE SOUTHERN TOOL & DIE, A VAN WAS SITTING OUT OF THE ROADWAY, IN THE DRIVEWAY, BUT AT WATER WORKS ROAD, HAD THE HOOD LIFTED. SO --

Q HAD THE HOOD LIFTED?

A YES, SIR, THE HOOD WAS LIFTED ON THE VAN. I WENT AROUND BEHIND THE BUSINESS. NOTHING WAS BACK THERE. I COME UP BEHIND THE VEHICLE AND SAW THAT IT WAS A B & E AUTO SALES TAG WAS ON THE CAR. I'M THINKING THAT THE CAR MAY BE STOLEN. SO THERE WAS A LOT OF RADIO TRAFFIC, SO I DIDN'T CALL THE V.I.N. NUMBER IN, BUT I ACTUALLY WROTE THE V.I.N. NUMBER DOWN ON MY PAD THAT I HAD IN MY POCKET AND KEPT IT TO RUN IT AT A LATER TIME.

Q SO YOU WROTE IT DOWN BUT DIDN'T MAKE A REPORT AT THAT TIME?

A NO, SIR.

Q AND WHAT DO YOU RECALL ABOUT THAT PARTICULAR VAN AND ITS

APPEARANCE?

A I BELIEVE IT WAS A TWO-TONE GRAY VAN, AS FAR AS I CAN REMEMBER.

Q MR. MARSHALL, LET ME SHOW YOU THIS PHOTOGRAPH AND ASK WHETHER OR NOT YOU RECOGNIZE THAT VEHICLE.

A YES, SIR, THAT'S THE VAN THAT I SAW PARKED AT SOUTHERN TOOL & DIE.

Q AND, OF COURSE, IN THAT PHOTOGRAPH IT'S NOT AT SOUTHERN TOOL. IT'S OBVIOUSLY IN A BUILDING SOMEWHERE?

A HAPPILY, THAT'S AT OUR TASK FORCE OFFICE.

Q OTHER THAN THAT, DOES IT ACCURATELY DEPICT THE VAN THAT YOU SAW SOME DAYS PRIOR TO THE TWENTIETH OF JUNE?

A YES, SIR.

MR. JUSTICE: I'D MOVE THIS BE INTRODUCED AS STATE'S EXHIBIT #13.

THE COURT: (TO MR. CLARK) ANY OBJECTION?

MR. CLARK: NO OBJECTION.

THE COURT: STATE'S EXHIBIT #13 ADMITTED WITHOUT OBJECTION.

(STATE'S EXHIBIT #13, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

Q AND THE WHITE LUXURY CAR, WAS IT STILL THERE WHEN YOU CAME BACK THE SECOND TIME?

A NO, SIR.

Q IT WAS GONE?

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A (WITNESS NODDING HEAD).

MR. JUSTICE: STATE'S EXHIBITS #1 THROUGH #5, ARE THEY STILL WITH THE JURY?

MR. BARFIELD: (HANDING PHOTOGRAPHS TO COUNSEL).

Q I'M GOING TO SHOW YOU STATE'S EXHIBIT #5, WHICH HAS ALREADY BEEN IDENTIFIED, ADMITTED INTO EVIDENCE AS BEING A FRONTAL VIEW OF THE SOUTHERN TOOL & DIE PLANT, VIEWING IT FROM THE HIGHWAY. AND OTHER THAN THE FACT THAT THAT'S AT NIGHT, IS THAT THE SAME BUSINESS AS YOU WERE DESCRIBING WHERE YOU SAW THE B & E AUTO TAG AND THE WHITE LUXURY CAR?

A YES, SIR, ON THE VAN, THE B & E AUTO TAG ON THE VAN.

Q THE VAN, WHERE WOULD IT HAVE BEEN IN RELATION TO THAT PHOTOGRAPH?

A LOOKING STRAIGHT AT THE BUILDING, IT WOULD HAVE BEEN TO THE RIGHT OF THE BUILDING IN THE DRIVEWAY.

Q AND DOWN NEAR THE ROAD, I BELIEVE YOU SAID?

A YES, SIR.

Q AND WHEN YOU SAW THE WHITE LUXURY CAR, WHERE WAS IT?

A IT WAS ACTUALLY BEHIND THE BUILDING.

Q OVER BEHIND THE BUILDING?

A YES, SIR.

Q THANK YOU. PLEASE ANSWER ANY QUESTIONS COUNSEL FOR THE DEFENSE MAY HAVE.

THE COURT: ANY CROSS?

CROSS-EXAMINATION

BY MR. CLARK:

Q DEPUTY MARSHALL, WHAT YOU'VE JUST TESTIFIED TO DIDN'T OCCUR ON JUNE 20, DID IT?

A (WITNESS PAUSING).

Q I BELIEVE IT OCCURRED SEVERAL WEEKS BEFORE THAT, CORRECT?

A I WOULDN'T SAY WEEKS, I'D PROBABLY SAY SEVERAL DAYS AT THE MOST.

Q WELL, DO YOU REMEMBER WRITING A REPORT ABOUT WHAT YOU SAW?

A NO, SIR.

MR. CLARK: MAY I APPROACH THE WITNESS, YOUR HONOR?

A TO MY KNOWLEDGE, I DIDN'T WRITE A REPORT.

THE COURT: YES, SIR, YOU MAY APPROACH.

Q ARE YOU S. T. MARSHALL?

A YES, SIR.

Q HOW ABOUT TAKE A LOOK AT THAT, SIR? IS THAT YOUR REPORT?

A THIS IS NOT ACTUALLY A REPORT THAT I WOULD CALL AND HAVE A CARD PUNCHED ON. BASICALLY IT'S TELLING WHAT I SAW THAT DAY AT A LATER DATE.

Q A STATEMENT OF WHAT YOU SAID YOU SAW?

A YES, SIR.

Q AND IF YOU'LL LOOK AT IT, YOU SAID YOU SAW THESE THINGS ON JUNE 7, IS THAT CORRECT, SIR?

A (WITNESS REVIEWING DOCUMENT).

Q RIGHT IN THE FIRST PARAGRAPH, THERE.

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A YES, SIR.
Q SO IT WOULD HAVE BEEN ABOUT TWO WEEKS BEFORE THE TWENTIETH, IS THAT CORRECT?
A YES, SIR.
Q SO WHAT YOU'RE TESTIFYING TO DIDN'T OCCUR AROUND THE TWENTIETH, NINETEENTH, ANYWHERE CLOSE IN PROXIMITY TO THE TWENTIETH, DID IT?
A CAN I SEE ONE MORE TIME?
Q SURE, SURE. (HANDING DOCUMENT TO WITNESS).
A MY STATEMENT IN THIS HERE IS, "ON OR ABOUT THE SEVENTH".
Q AND YOU DIDN'T SAY "ON OR ABOUT" THE NINETEENTH OR THE EIGHTEENTH OR SEVENTEENTH?
A NO, SIR.
Q YOU SAID ABOUT THE SEVENTH?
A IT WAS SEVEN DAYS BEFORE.
Q SO IT WAS SOMEWHERE AROUND THE SEVENTH?
A YES.
Q SO IT WAS AT LEAST A WEEK BEFORE THIS HAPPENED?
A YES, SIR, IT COULD HAVE BEEN A WEEK.
Q AND YOU KNEW THAT THE BUSINESS ESTABLISHMENT THAT YOU TALKED ABOUT SEEING THESE VEHICLES AROUND HAD BEEN CLOSED DOWN FOR SOME TIME?
A YES, SIR.
Q NO BUSINESS ACTIVITY GOING ON THERE?
A NO, SIR.

Q AND, MR. MARSHALL, ISN'T IT TRUE THAT YOU ACTUALLY MADE THIS REPORT AFTER THIS INCIDENT WITH MELVIN STEELE HAD OCCURRED? DIDN'T YOU?

A YES, SIR.

Q PRIOR TO THIS INCIDENT, YOU HAD NEVER WRITTEN A STATEMENT OR REPORT OR ANYTHING ABOUT SEEING THESE VEHICLES THAT YOU CLAIM YOU SAW?

A NO, SIR.

Q ISN'T THAT CORRECT?

A YES, SIR.

Q AND YOU SAID THAT YOU SAW A LUXURY CAR BEHIND THE OLD SOUTHERN TOOL & DIE MACHINE SHOP?

A YES, SIR.

Q AND THEN YOU TURNED AROUND AND YOU WENT BACK TO THAT SOUTHERN TOOL & DIE MACHINE SHOP, RIGHT?

A YES, SIR.

Q AND YOU WENT BACK BECAUSE YOU THOUGHT THAT WHITE VEHICLE WAS SUSPICIOUS, DIDN'T YOU?

A YES, SIR.

Q BECAUSE THE BUSINESS WAS CLOSED DOWN, NO BUSINESS ACTIVITY GOING ON THERE, NO REAL REASON FOR A WHITE CAR TO BE BACK THERE?

A YES, SIR.

Q AND THAT'S WHY YOU TURNED AROUND AND WENT BACK?

A YES, SIR.

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Q ACCORDING TO YOUR TESTIMONY?
A YES, SIR.
Q AND IS IT TRUE THAT EVEN THOUGH YOU THOUGHT THIS WAS SUSPICIOUS ACTIVITY, EVEN THOUGH SOUTHERN TOOL & DIE WAS CLOSED DOWN AND NO BUSINESS WAS GOING ON, YOU NEVER INITIATED A STOP ON THAT WHITE CAR, DID YOU?
A NO, SIR, I NEVER SAW THE WHITE CAR AGAIN.
Q ARE YOU SURE ABOUT THAT, SIR?
A IF I SAW THE WHITE CAR, IT WAS ON THE ROADWAY AND IT WAS AFTER I SAW THE VAN.
Q BUT YOU STILL COULD HAVE STOPPED THE WHITE CAR BECAUSE YOU SAW IT LEAVING THE TOOL & DIE SHOP?
A YES, SIR.
Q BUT YOU NEVER DID THAT?
A NO, SIR.
Q EVEN THOUGH AT THAT TIME, AS YOU TESTIFY NOW, YOU THOUGHT IT WAS SUSPICIOUS AND YOU SAW THE VEHICLE THERE?
A YES, SIR, THE WHITE CAR.
Q LET ME ASK YOU TO LOOK AT YOUR STATEMENT, SIR. ISN'T IT TRUE THAT IN YOUR STATEMENT THAT YOU WROTE AFTER THIS INCIDENT, YOU SAID THAT ON THE SEVENTH, ON OR ABOUT THE SEVENTH, YOU SAW THAT WHITE VEHICLE LEAVING, DIDN'T YOU?
A IF I SAW THE CAR LEAVING, IT WAS ON THE ROADWAY.
Q WELL, HOW ABOUT READ WHAT YOU SAID IN YOUR STATEMENT THAT YOU SAW.

A DO YOU WANT ME TO READ THE WHOLE --
Q CAN YOU READ THE PART ABOUT SEEING THE WHITE VEHICLE LEAVING? DO YOU SEE THAT IN THERE, SIR?
A "UPON RETURNING TO THE LOCATION, THE DEPUTY DID VIEW A WHITE LUXURY VEHICLE LEAVING THE LOCATION WITH A BLACK MALE DRIVING."
Q AND EVEN THOUGH YOU SAW THAT AND YOU THOUGHT IT WAS SUSPICIOUS FOR BEING BACK THERE, YOU NEVER DID STOP THAT PERSON, DID YOU?
A NOT THAT WHITE CAR, NO, SIR.
Q AND YOU NEVER, EVER IDENTIFIED MR. MATHIS AS BEING IN THAT CAR, HAVE YOU, SIR?
A NO, SIR.
Q AND AT THE TIME WHEN YOU SAW THIS VEHICLE ON THE SEVENTH, YOU DIDN'T DO A STATEMENT OR A REPORT, RIGHT?
A NO, SIR.
Q WHEN YOU SAW THE VAN THAT YOU CLAIM YOU SAW, YOU DIDN'T DO A STATEMENT OR A REPORT?
A NO, SIR. I HAD NO REASON TO BELIEVE THAT ANY CRIMINAL ACTIVITY HAD TAKEN PLACE TO DO A REPORT.
Q IN FACT, YOU DIDN'T DO A STATEMENT UNTIL AFTER YOU HAD TALKED WITH OTHER OFFICERS ABOUT THIS INCIDENT. ISN'T THAT CORRECT?
A YES, SIR. I SAW HOW EVERYTHING TIED IN AT THE TIME.
Q AND THEN THAT WAS AFTER THIS HAD OCCURRED?

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A YES, SIR.
Q NOW, YOU MENTIONED IN YOUR STATEMENT THAT YOU DID, ABOUT 14 DAYS AFTER YOU CLAIM YOU SAW THIS, THAT YOU WROTE DOWN THE V.I.N. NUMBER IN A NOTE PAD?
A YES, SIR.
Q DO YOU HAVE THAT TODAY?
A THAT PIECE OF PAPER WAS TURNED OVER TO LIEUTENANT BLACKMON.
Q DO YOU KNOW WHERE IT IS?
A NO, SIR, I DON'T HAVE IT.
Q YOU GAVE IT TO LIEUTENANT BLACKMON?
A YES, SIR.
Q ALL RIGHT. THANK YOU, MR. MARSHALL.

MR. JUSTICE: THANK YOU, MR. MARSHALL.

(TO THE COURT) I DON'T BELIEVE I'LL NEED TO CALL THIS WITNESS AGAIN.

THE COURT: ANY OBJECTION TO HIS BEING EXCUSED?

MR. CLARK: NO, SIR, YOUR HONOR.

THE COURT: THANK YOU, DEPUTY. YOU'RE EXCUSED. THANK YOU VERY MUCH.

MR. JUSTICE: I CALL MS. CYNTHIA COOK.

(WHEREUPON, CYNTHIA C. COOK, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, MA'AM.

A CYNTHIA C. COOK.
Q AND WHERE DO YOU LIVE, MS. COOK?
A WE LIVE IN HEATH SPRINGS, KICK TURN ROAD.
Q AND WHAT SORT OF BUSINESS OR WORK ARE YOU INVOLVED IN?
A WE RUN COOK'S TRANSMISSION SERVICE.
Q COOK'S TRANSMISSION SERVICE. AND IS IT YOUR BUSINESS OR YOUR HUSBAND'S BUSINESS OR A FAMILY BUSINESS?
A YES, SIR. YES, SIR.
Q HOW LONG HAVE YOU BEEN IN BUSINESS IN LANCASTER?
A ABOUT 30 YEARS.
Q WHERE IS THAT BUSINESS LOCATED?
A IT'S ON THE CORNER OF TWILIGHT ROAD AND -- I CALL IT 521 BUSINESS, BUT IT'S REALLY WHAT THEY'RE REFERRING TO, EVERYBODY'S REFERRING TO, AS OLD WATER WORKS ROAD.
Q AND SO IT'S SORT OF LIKE AN INTERSECTION WHERE 521 BUSINESS OR OLD WATER WORKS ROAD GOES ONE WAY --
A TWILIGHT ROAD ACTUALLY CUTS THROUGH THERE AT THE LANCASTER COUNTY WATER PLANT. IT RUNS FROM 521 BYPASS TO 521 BUSINESS. THERE'S A LITTLE CUT THERE AND WE'RE RIGHT ON THE CORNER, RIGHT NEXT TO THE TRAIN TRESTLE.
Q ARE YOU FAMILIAR WITH A FORMER BUSINESS CALLED SOUTHERN TOOL & DIE?
A YES, SIR.
Q AND WHERE IS IT IN RELATION TO YOUR BUSINESS?
A IT'S LESS THAN A MILE UP THE ROAD. IF YOU'RE ON OLD WATER

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WORKS ROAD, WE'RE ON THE LEFT, AND IF YOU GO PAST LANCASTER COUNTY WATER PLANT, THE TOOL & DIE, SOUTHERN TOOL & DIE, IS A BUILDING ON A LITTLE KNOLL UP THERE ON THE RIGHT.

Q IF I WERE GOING FROM OLD SOUTHERN TOOL & DIE INTO TOWN OR INTO SOUTH 200, WOULD I COME BY YOUR PLACE?

A YES, SIR.

Q RIGHT BY IT?

A UH-HUH.

Q I WANT YOU TO THINK BACK, IF YOU WILL, TO THE MORNING OF THE TWENTY-FIRST OF JUNE OF THE YEAR 2000, THREE YEARS AGO. WHO OPENS UP YOUR BUSINESS IN THE MORNINGS?

A MY HUSBAND USUALLY OPENS UP. WE TRY TO ALL GET THERE AT 8:30, BUT SOMETIMES I'M A LITTLE LATE.

Q DID YOU GET THERE BETWEEN 8:30 AND 9:00 THAT MORNING?

A YES, SIR.

Q DID YOU NOTICE ANYTHING THAT LATER AROUSED YOUR SUSPICION?

A YES, SIR. THERE WAS A VAN SITTING ON 521 BUSINESS. OUR PROPERTY BORDERS 521 BUSINESS, AND THERE WAS A VAN PARKED RIGHT THERE. AND AS I PULLED IN, I SAID, "WELL, SOMEBODY HAS DROPPED OFF ANOTHER VEHICLE", YOU KNOW, OVERNIGHT.

Q BY "DROPPED OFF ANOTHER VEHICLE" -- WOULD THAT BE A NORMAL PRACTICE?

A USUALLY CAR LOTS AND OTHER PLACES OF BUSINESS THAT WANT US TO REPAIR A TRANSMISSION, SOMETIMES THEY'LL DROP ONE OFF WHENEVER THEY CAN GET A DRIVER THERE TO DROP IT.

Q TO DROP IT MAYBE AFTER BUSINESS HOURS AND CALL YOU THE NEXT DAY AND TELL YOU --

A YES, SIR.

Q -- THIS IS WHO IT BELONGS TO?

A (WITNESS NODDING HEAD).

Q SO YOU SAW IT. YOU JUST ASSUMED THAT'S WHAT IT WAS?

A YES, SIR.

Q THROUGHOUT THE DAY, DID ANYONE CONTACT YOU IN REGARDS TO THIS VAN?

A NO, SIR.

Q DID THAT AROUSE YOUR SUSPICIONS AS THE DAY WENT ON?

A YES, SIR.

Q PLEASE TELL US WHAT ACTIONS, IF ANY, YOU TOOK LATER IN THE DAY.

A WELL, I USUALLY TRY TO PULL THE VEHICLES IN BECAUSE I'M KIND OF PICKY. I LIKE TO BACK THEM IN THE FENCE BECAUSE IF YOU HAVE A DEAD BATTERY, IT'S EASIER TO CHARGE IT, AND SO I TRY TO GET THE VEHICLES IN THE FENCE BEFORE CLOSING TIME, AND SO I GET THEM ALL IN THERE.

BUT THAT ONE -- I WALK OUT THERE AND I NOTICE ALL THE WINDOWS ARE DOWN, BUT I'M LOOKING FOR A KEY, SO -- AND LOTS OF TIMES PEOPLE WILL LEAVE KEYS UNDER THE FLOOR MAT, UNDER THE SEAT, OR EVEN OVER A TIRE OR BEHIND A TIRE ON THE GROUND. SO I OPENED THE DOOR AND I CHECKED AND MADE SURE THE KEY WASN'T UNDER THE FLOOR MAT. I LOOKED AND IT WASN'T

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UNDER THE SEAT. I GO AROUND TO THE PASSENGER SIDE AND OPEN THAT DOOR. IT WASN'T UNDER THE SEAT. IT WASN'T UNDER THAT MAT. I EVEN LOOKED IN THE GLOVE COMPARTMENT BECAUSE SOMETIMES THEY LEAVE THEM IN THE GLOVE COMPARTMENT, I MEAN, ALL THE TYPICAL PLACES.

IF YOU DON'T WANT SOMEBODY TO FIND YOUR KEYS, DON'T PUT THEM IN THESE PLACES.

Q LOOKED ON TOP OF THE TIRE?

A LOOKED ON TOP OF THE TIRE, LOOKED OVER THE SUN VISORS, GOT DOWN ON ALL FOURS AND LOOKED, MADE SURE THERE WASN'T ONE ON THE GROUND THERE. AND I LOOKED -- I PUT MY HANDS ON THE BACK WINDOW THERE, THE SLIDING DOOR OF THE VAN, AND LOOKED IN THERE AND DIDN'T FIND A KEY.

Q SO YOU DIDN'T FIND A KEY. WHAT DID YOU NOTICE WHEN YOU LOOKED INSIDE THE BACK OF THE VAN?

A WELL, I NOTICED IT HAD A FUNNY ODOR. THEN I LOOKED AND I THOUGHT IT WAS STRANGE BECAUSE THE SEATS WERE NOT ON THE TRACKS. IN A VAN THE SEATS CAN COME OUT, AND THESE SEATS WERE REMOVED AND I NOTICED WHAT LOOKED LIKE JELLO IN THE RUNNING TRACKS OF THE -- WHERE THE SEAT HAD BEEN REMOVED.

AND SO THEN I GO BACK INSIDE AND I ASK MY HUSBAND AND MY WORKERS, "HAS ANYBODY REPORTED THAT VAN?", AND THEY SAID NO, AND I SAID, "WELL, I CAN'T FIND A KEY TO IT". AND I SAID, "THERE'S A FUNNY ODOR TO IT AND IT LOOKS LIKE SOME JELLO OR SOMETHING IN THE BACK", AND I SAID, "I'M JUST KIND

OF SUSPICIOUS." SO ONE OF MY SONS GOES OUT WITH ME, AND THAT'S WHEN I NOTICED SOME -- IT LOOKED LIKE A SPLATTERING OF BLOOD ON THE OUTSIDE OF THE VEHICLE, AND I SAID, "WHAT IS THAT?", AND THEN WE LOOKED IN AND MY SON, HE SAID, "THAT'S NOT JELLO. THAT LOOKS LIKE, YOU KNOW, BLOOD THAT'S BEEN HERE A WHILE."

Q WHO'S YOUR SON?

A THAT'S LES. LES WENT OUT WITH ME.

Q OKAY.

A AND SO WE GO BACK IN, WE TELL MY HUSBAND, AND THEY THINK I'M REAL SUSPICIOUS ANYWAY, AND HE SAYS, "WELL, GET ON THE PHONE. CALL THE SHERIFF'S DEPARTMENT IF YOU'RE SO WORRIED ABOUT IT." AND SO I SAID, "WELL" -- JUST TO BE ON THE SAFE SIDE, SO I WON'T BE LIKE A FANATIC, I CALLED.

I HAD A CARD FROM OFFICER DONNIE WASHINGTON, AND I KNEW I COULD CALL THAT NUMBER IF I NEEDED TO GET IN TOUCH WITH HIM BECAUSE HE HAD GIVEN ME HIS CARD. SOME LADIES IN MY PRAYER GROUP, THEY HAD A COUPLE OF CHILDREN THAT MIGHT -- I THOUGHT HE MIGHT DO GOOD TO TALK TO THEM AND TRY TO HELP THEM OUT. AND SO I CALLED HIM AND I SAID, "I DON'T WANT TO GET ANYBODY ROUSED OR ANYTHING, BUT I THINK THIS VAN NEEDS TO BE CHECKED OUT."

AND THEN IT WAS LIKE TOTAL CHAOS.

Q IT WAS LIKE WHAT?

A TOTAL CHAOS. THE ROAD WAS BLOCKED IN FRONT OF THE SHOP.

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Q OTHER POLICE CARS?
A YES.
Q A BUNCH OF POLICE CARS?
A UH-HUH.
Q WAS OFFICER WASHINGTON ONE OF THEM?
A YES, SIR, HE CAME. HE CAME AND NOTICED THE VEHICLE FIRST, AND THEN HE STARTED CALLING AND TOLD THEM THEY NEEDED TO GET OUT THERE.
Q LET ME SHOW YOU A PHOTOGRAPH ALREADY IN EVIDENCE, STATE'S EXHIBIT #13, AND TELL ME WHETHER OR NOT YOU CAN IDENTIFY THIS AS BEING THE VAN YOU WERE DESCRIBING TO US.
A YES, SIR, THAT APPEARS TO BE IT.
Q THANK YOU, MA'AM.
A THANK YOU.
Q HOW DID THE VAN GET FROM YOUR PLACE OVER TO THE SHERIFF'S OFFICE LATER THAT DAY?
A WELL, I DON'T BELIEVE THEY TOOK IT TO THE SHERIFF'S OFFICE. I THINK THEY TOOK IT TO THE SPRINGDALE ROAD DETENTION -- WELL, NOT DETENTION, DRUG TASK FORCE ON SPRINGDALE.
Q BUT HOW DID IT GET THERE?
A AT THE TIME -- WELL, WE'VE STILL GOT IT, BUT IT'S NOT RUNNING -- WE HAD A WRECKER, AND SO MY HUSBAND SAID, "WELL, WE'LL JUST TOW THE VEHICLE OVER THERE FOR YOU", AND THAT'S WHAT WE DID. WE TOWED IT OVER THERE.
Q SO YOUR FAMILY TOWED IT OVER THERE?

A YES, SIR.
Q YOUR HUSBAND?
A MY HUSBAND AND THAT SON, THAT SON THAT I WAS SPEAKING OF, LES, WENT WITH HIM.
Q AND YOUR HUSBAND'S NAME IS WHAT?
A RICK.
Q AND THEY DID THAT AT POLICE DIRECTION?
A OH, YES, SIR.
Q PLEASE ANSWER ANY OF DEFENSE COUNSEL'S QUESTIONS.

MR. CLARK: NO QUESTIONS FOR THIS WITNESS.

THE COURT: THANK YOU.

(TO WITNESS) THANK YOU, MA'AM. YOU MAY STAND DOWN, THANK YOU.

MR. JUSTICE: WE WOULD ASK THAT MS. COOK BE EXCUSED AS WELL, YOUR HONOR.

THE COURT: (TO MR. CLARK) ANY OBJECTION?

MR. CLARK: NO OBJECTION.

THE COURT: THANK YOU, MADAM WITNESS. YOU'RE EXCUSED.

SOLICITOR, DO WE HAVE A SHORT WITNESS?

MR. JUSTICE: I'M LOOKING FOR ONE. I THINK IT MIGHT BE TIME TO TAKE A LUNCH BREAK. IT MAY BE A FEW MINUTES EARLY.

THE COURT: LADIES AND GENTLEMEN, WHILE YOU'RE AT LUNCH, PLEASE DO NOT DISCUSS THIS CASE OR ALLOW ANYONE

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TO DISCUSS THE CASE WITH YOU, NOT EVEN IF YOU SHOULD ELECT TO HAVE LUNCH WITH ONE OF YOUR FELLOW JURORS. YOU WILL HAVE PLENTY OF OPPORTUNITY AT THE APPROPRIATE TIME TO DISCUSS THE CASE AS MUCH AS YOU MAY NEED.

IF ANYONE SHOULD APPROACH YOU AND ATTEMPT TO DISCUSS THIS CASE, PLEASE ADVISE THAT PERSON YOU'RE SERVING ON THE JURY AND YOU CANNOT AND WILL NOT DISCUSS THE CASE WITH THEM. IF THEY SHOULD PERSIST IN THEIR EFFORTS TO CONTINUE ATTEMPTING TO DISCUSS THE CASE WITH YOU, PLEASE TAKE THEIR NAME, WRITE IT DOWN, AND DISCONTINUE YOUR CONVERSATION WITH THEM, AND WHEN YOU RETURN AFTER LUNCH, PLEASE REPORT THAT TO THE BAILIFF STATIONED OUTSIDE YOUR JURY ROOM AND WE WILL TAKE CARE OF THAT RIGHT AWAY.

NOW, LADIES AND GENTLEMEN, PLEASE BE BACK IN YOUR JURY ROOM AT TWO O'CLOCK IN ORDER THAT WE CAN CONTINUE THE TRIAL OF THIS CASE. HAVE A NICE LUNCH.

ONLY THE LADIES AND GENTLEMEN OF THE JURY MAY EXIT THE COURTROOM AT THIS TIME. THANK YOU.

(JURY EXITS COURTROOM AT 12:49 P.M.).

(LUNCH RECESS)

THE COURT: ALL RIGHT, IS THE STATE READY?

MR. JUSTICE: THE STATE IS READY.

THE COURT: IS THE DEFENDANT READY?

MR. CLARK: YES, SIR, YOUR HONOR.

THE COURT: (TO BAILIFF) BRING THE JURY IN.

(JURY ENTERS COURTROOM AT 2:15 P.M.).

THE COURT: LET OUR RECORD REFLECT THE JURORS ARE ALL PRESENT.

YOU MAY NOW CALL YOUR NEXT WITNESS, SOLICITOR.

THE COURT: THE STATE WILL CALL DEPUTY C. T. HINSON.

THE COURT: (TO WITNESS) PLEASE COME FORWARD, SIR.

(WHEREUPON, C. T. HINSON, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A CHRIS HINSON.

Q AND, MR. HINSON, YOU'RE A DEPUTY SHERIFF FOR LANCASTER COUNTY?

A YES, SIR.

Q HOW LONG HAVE YOU BEEN A DEPUTY?

A APPROXIMATELY, AT LEAST SIX YEARS.

Q SIX YEARS?

A YES, SIR.

Q WERE YOU A DEPUTY ON THE TWENTIETH AND TWENTY-FIRST OF JUNE OF 2000?

A YES, SIR.

Q WERE YOU WORKING ON THOSE DAYS?

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A I WAS OFF, BUT I WAS CALLED IN THAT NIGHT.
Q YOU WERE CALLED IN THAT NIGHT?
A YES, SIR.
Q DID YOU HAVE AN OCCASION TO PATROL THE AREA IN THE GENERAL VICINITY OF MCDONALD'S AMUSEMENTS?
A YES, SIR.
Q DID YOU NOTICE ANY APPARENTLY ABANDONED VEHICLES IN THAT AREA?
A YES, SIR. I CAME UPON A VEHICLE ON SPRINGDALE EXTENSION.
Q IF YOU WOULD, PLEASE, JUST IN YOUR OWN WORDS, EXPLAIN TO THE JURY WHAT KIND OF VEHICLE YOU SAW, WHERE YOU SAW IT AND WHAT THE SITUATION WAS.
A I WAS CHECKING THE AREA, I WAS ON SPRINGDALE EXTENSION, AND I COME ON A BLUE FORD MINIVAN, AND I PASSED BY IT AND I NOTICED IT WAS ABANDONED. I COME BACK AND CHECKED IT, AND I GOT OUT OF THE CAR AND NOTICED IT WAS RUNNING.
Q IT WAS RUNNING?
A YES, SIR.
Q OKAY.
A AND THEN I CHECKED THE VEHICLE, AND IT WAS PARKED ON THE SIDE OF THE ROAD AND IT WAS PARKED AT A CUT-THROUGH. YOU COULD SEE MCDONALD AMUSEMENT FROM WHERE THE VAN WAS PARKED.
Q SPRINGDALE EXTENSION AT THAT POINT PARALLELS 200?
A YES, SIR, IT PARALLELS 200.
Q YOU SAY YOU COULD SEE THROUGH A CLEARING INTO MCDONALD'S

AMUSEMENTS FROM THERE?

A YES, SIR.

Q LET ME SHOW YOU A PHOTOGRAPH NOT PREVIOUSLY ADMITTED AND TELL ME WHETHER OR NOT YOU CAN RECOGNIZE THE VEHICLE SHOWN IN THAT PHOTOGRAPH.

A YES, SIR, THAT WAS THE VEHICLE THAT NIGHT.

Q THAT'S THE VEHICLE --

A YES, SIR.

Q -- YOU FOUND?

A YES, SIR.

MR. JUSTICE: YOUR HONOR, I'D MOVE THIS PHOTOGRAPH BE INTRODUCED INTO EVIDENCE.

MR. CLARK: NO OBJECTION.

THE COURT: STATE'S EXHIBIT #14, A PHOTOGRAPH, ADMITTED INTO EVIDENCE WITHOUT OBJECTION.

(STATE'S EXHIBIT #14, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

Q AND, MR. HINSON, DID YOU NOTICE THE LICENSE TAG OR LACK THEREOF?

A YES, SIR. IT HAD A PAPER SALES TAG ON IT.

Q AND WHAT WAS THE DEALERSHIP REFLECTED ON THAT TAG?

A I BELIEVE IT WAS B & E AUTO SALES.

Q IN ROCK HILL?

A YES, SIR.

Q AND DID YOU CAUSE THAT VEHICLE TO BE IMPOUNDED BY OTHER

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MEMBERS OF THE SHERIFF'S DEPARTMENT?

A YES, SIR.

Q THANK YOU. PLEASE ANSWER ANY QUESTIONS COUNSEL FOR THE DEFENDANT MAY HAVE.

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. HINSON, MR. MATHIS WASN'T ANYWHERE NEAR THAT VAN WHEN YOU FOUND IT, WAS HE?

A NO, SIR.

Q NO FINGERPRINTS OR ANYTHING FOUND IN THAT VAN MATCHING MR. MATHIS, WERE THERE?

A I DON'T HAVE ANY KNOWLEDGE OF THAT.

Q DO YOU KNOW IF FINGERPRINTS WERE TAKEN FROM THE VAN?

A I REALLY DON'T. I RELEASED THE VEHICLE TO OTHER DEPUTIES AND I CLEARED UP.

Q NOW, WHILE YOU HAD IT, DID YOU SAFEGUARD IT SO THE VAN WOULD NOT BE CONTAMINATED, SO THAT SOMEONE COULD COME BACK AND LOOK AT IT AND SEE IF FINGERPRINTS WERE IN THAT VAN?

A YES, SIR, WHILE I WAS THERE, YES, SIR.

Q SO AS FAR AS YOU KNOW, IT'S YOUR TESTIMONY YOU'D NEVER SEEN MR. MATHIS IN THAT VAN, HAD YOU?

A YES, SIR -- NO, SIR, I HAVEN'T.

Q HE WASN'T ANYWHERE AROUND WHEN YOU SAW THE VAN RUNNING?

A NO, SIR.

Q THANK YOU, SIR.

THE COURT: THANK YOU.

(TO WITNESS) YOU MAY STEP DOWN. THANK YOU VERY MUCH.

MR. JUSTICE: CAPTAIN FAILE, IS HE PRESENT?

MR. BARFIELD: NOT YET.

MR. JUSTICE: WE'D CALL DEPUTY R. MCLEMORE.

(WHEREUPON, RYAN MCLEMORE, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A RYAN MCLEMORE.

Q MR. MCLEMORE, WHERE ARE YOU EMPLOYED?

A WITH THE LANCASTER COUNTY SHERIFF'S OFFICE.

Q IN WHAT CAPACITY?

A RIGHT NOW I'M AN INVESTIGATOR.

Q HOW LONG HAVE YOU BEEN A DEPUTY SHERIFF?

A APPROXIMATELY EIGHT YEARS.

Q SO WERE YOU AN OFFICER FOR THE SHERIFF'S DEPARTMENT DURING THE MONTH OF JUNE IN THE YEAR 2000?

A YES, SIR, I WAS.

Q DID YOU HAVE AN OCCASION ON OR ABOUT THE NINTH OF JUNE TO BE RIDING AND WORKING WITH CAPTAIN TERRY FAILE?

A YES, SIR, I WAS.

Q NOW, DID ANYTHING OCCUR ON THAT DATE THAT BROUGHT YOUR

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ATTENTION TO A VAN AND A WHITE LUXURY CAR?

A YES, SIR.

Q WILL YOU PLEASE TELL THE JURY ABOUT THAT OCCURRENCE AND WHAT ACTIONS YOU AND MR. FAILE TOOK ON THAT PARTICULAR DATE, ON THE NINTH OF JUNE?

A ON THAT PARTICULAR DATE, MYSELF AND CAPTAIN FAILE WERE AT THE SHERIFF'S OFFICE, AND HE RECEIVED A CALL, I THINK FROM A CHURCH MEMBER THERE, FROM WHITE BLUFF CHURCH ON GRACE AVENUE IN REFERENCE TO A VAN THAT HAD BEEN PARKED IN THE PARKING LOT FOR SEVERAL DAYS. HE WAS GOING CHECK THAT VAN AND HE ASKED ME TO RIDE ALONG WITH HIM. I RODE ALONG WITH HIM.

ONCE WE ARRIVED THERE, WE DID LOCATE, I THINK IT WAS, A BLUE ASTRO VAN THAT WAS PARKED IN THE PARKING LOT. HE AND MYSELF GOT OUT. WE CHECKED THE VAN. IT WAS SECURED, LOCKED UP, NO TAG. TO THE BEST OF MY KNOWLEDGE, IT WAS A PAPER TAG ON THE VAN. WE CHECKED THE VEHICLE'S VEHICLE IDENTIFICATION NUMBER TO CHECK AND SEE IF IT CAME BACK STOLEN. IT CAME IN CLEAR. IT DID NOT COME BACK STOLEN.

WHILE WE WERE WAITING ON THAT INFORMATION TO COME BACK FROM OUR DISPATCH, WE GOT BACK INTO CAPTAIN FAILE'S TRUCK, WHICH AT THAT TIME WAS AN UNMARKED, BLACK CHEVROLET C-71 PICKUP TRUCK. AT THAT TIME CAPTAIN FAILE WAS IN UNIFORM; HE WAS A UNIFORMED OFFICER. I MYSELF WAS NOT IN UNIFORM. WE WERE SITTING INSIDE THE TRUCK IN THE PARKING

LOT.

AS WE WERE SITTING THERE, WE NOTICED A WHITE, NEWER MODEL, WHITE LINCOLN PULL INTO THE PARKING LOT AND KIND OF PULLED UP BESIDE US, LOOKED AT BOTH OF US, AND STARTED TO PULL OFF A BIT AND THEN STOPPED AGAIN.

Q SO YOU ALL WERE SITTING THERE WITH THIS BLUE AEROSTAR VAN?

A YES, SIR. WE WERE SITTING IN THE PARKING LOT.

Q OKAY. AND THIS WAS GRACE AVENUE. LET ME GO BACK JUST A LITTLE BIT. EXACTLY WHERE IS THIS CHURCH ON GRACE AVENUE? WHAT PART OF LANCASTER IS THAT LOCATED IN?

A THE CHURCH IS PROBABLY -- GRACE AVENUE RUNS OFF OF -- LET'S SAY FROM MEMORIAL PARK OR THE AIRPORT ROAD AREA, IT RUNS BACK OUT TOWARD THE #9 BYPASS. WHITE BLUFF CHURCH IS PROBABLY SOMEWHERE, I WOULD SAY -- PROBABLY FAIR TO SAY IT'S SOMEWHERE IN THE MIDDLE OF GRACE AVENUE.

Q OKAY. WHEN THIS WHITE LINCOLN PULLED UP, WHAT HAPPENED NEXT?

A TO THE BEST OF MY KNOWLEDGE, I THINK HE PULLED OFF AND THEN STOPPED, ROLLED HIS WINDOW DOWN, AND THEN CAPTAIN FAILE ROLLED HIS WINDOW DOWN AT THAT TIME. AND I THINK THE GUY JUST SAID, "I WAS JUST LOOKING AT YOUR TRUCK", AND DROVE OFF. AS HE LEFT THE PARKING LOT, HE SPED UP, WAS DRIVING EXTREMELY FAST BY THE TIME HE WAS PULLING OUT OF THE PARKING LOT. WE FOUND THAT TO BE ODD, ESPECIALLY WITH THE ERRATIC DRIVING.

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WE PULLED OUT BEHIND HIM, ATTEMPTED TO CATCH UP WITH HIM. HE MADE SEVERAL TURNS OFF OF GRACE AVENUE. I DON'T RECALL THE EXACT ROADS THAT HE TURNED OFF ONTO. AFTER SEVERAL TURNS, WE WERE ABLE TO CATCH BACK UP WITH THE VEHICLE.

Q DID YOU HAVE A BLUE LIGHT IN THAT UNMARKED VEHICLE?

A YES, SIR.

Q DID YOU ACTIVATE IT?

A NOT AT THIS TIME, WE DIDN'T.

Q GO AHEAD.

A ONCE WE CAUGHT UP WITH THE VEHICLE AND GOT BEHIND HIM, WE DID ACTIVATE A BLUE LIGHT AND SIREN. THE VEHICLE IMMEDIATELY STOPPED AND PULLED OVER, AND WE APPROACHED THE VEHICLE. CAPTAIN FAILE APPROACHED TO THE DRIVER'S SIDE AND SPOKE WITH THE DRIVER OF THE VEHICLE.

Q WHAT INFORMATION, IF ANY, DID THE DRIVER RELATE TO YOU?

A AT THAT POINT, CAPTAIN FAILE WAS SPEAKING TO HIM. I WAS KIND OF STANDING BACK TOWARD THE REAR OF THE VEHICLE. I THINK HE HAD ASKED FOR A DRIVER'S LICENSE AND SO FORTH AND IDENTIFICATION.

Q AND DID YOU EVER SEE IDENTIFICATION YOURSELF?

A YES, SIR, I DID.

Q AND WHO DID THE IDENTIFICATION INDICATE WAS DRIVING THE CAR?

A VERNARD MATHIS.

Q AND DO YOU RECOGNIZE THE MAN THAT YOU MET ON THAT PARTICULAR OCCASION AS VERNARD MATHIS AS BEING IN THIS COURTROOM TODAY?
A YES, SIR, I DO.
Q AND PLEASE POINT OUT TO THE JURY WHERE HE IS.
A RIGHT THERE (INDICATING).
Q IN THE WHITE SHIRT?
A YES, SIR.
MR. JUSTICE: LET THE RECORD REFLECT THE DEFENDANT HAS BEEN IDENTIFIED BY THIS WITNESS.
Q AND WAS THIS INFORMATION OR THIS INCIDENT WRITTEN UP --
A YES, IT WAS.
Q -- BY YOURSELF AND MR. FAILE?
A YES.
Q AND DID THAT INCLUDE THINGS SUCH AS IDENTIFICATION INFORMATION ON THE VEHICLE?
A YES, SIR, IT WAS.
Q DID EITHER YOU OR CAPTAIN FAILE RELATE THIS INFORMATION TO THE INVESTIGATORS ON OR ABOUT THE TWENTY-FIRST OF JUNE WHEN THE INVESTIGATION OF THE DEATH OF MELVIN STEELE ENSUED?
A YES, SIR, WE DID.
Q JUST ONE OTHER THING. I'M GOING TO SHOW YOU TWO EXHIBITS, STATE'S EXHIBIT #14 AND STATE'S EXHIBIT #13, BOTH BEING FORD AEROSTAR VANS. TELL ME IF EITHER OF THESE TWO VEHICLES APPEARS TO BE THE ONE THAT ORIGINALLY HAD

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ATTRACTED YOUR ATTENTION.

A IF RECOLLECTION SERVES ME CORRECTLY, I THINK IT'S THE BLUE HERE.

Q SOLID BLUE?

A YES, SIR.

Q AND WHAT KIND OF LICENSE TAG DID IT HAVE?

A I DO NOT REMEMBER RIGHT OFF. I DO REMEMBER IT WAS A PAPER TAG.

Q PLEASE ANSWER ANY QUESTIONS DEFENSE COUNSEL MAY HAVE.

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. MCLEMORE, YOU SAID THAT THE PERSON WHO DROVE UP THAT DAY WAS ACTING SUSPICIOUS?

A YES, SIR.

Q WELL, DIDN'T THEY STOP TO TALK TO YOU AND THE OFFICER?

A WE WERE IN AN UNMARKED VEHICLE AND I DON'T THINK HE KNEW THAT WE WERE OFFICERS.

Q YOU WEREN'T IN UNIFORM?

A NO, SIR. CAPTAIN FAILE WAS IN A UNIFORM, I WAS NOT. WE WERE IN A LARGE TRUCK. ONCE HE PULLED UP, I THINK HE SEEN THE UNIFORM.

Q HE PULLED UP BESIDE YOU?

A RIGHT.

Q HE COULD CLEARLY SEE THAT CAPTAIN FAILE WAS IN A UNIFORM THEN, COULDN'T HE?

A YES.
Q AND HE STOPPED AND ROLLED DOWN HIS WINDOW?
A YES, SIR.
Q ENGAGED YOU IN CONVERSATION?
A YES, SIR.
Q AND TOLD YOU HE WAS LOOKING AT THE TRUCK THAT YOU ALL WERE SITTING IN?
A YES, SIR.
Q CAN YOU DESCRIBE THAT TRUCK?
A IT WAS A BLACK -- I THINK IT WAS A '97 EXTENDED CAB PICKUP TRUCK, CHEVROLET, FULL-SIZE.
Q BIG TRUCK?
A YES, SIR.
Q NICE TRUCK?
A YES, SIR.
Q YOU SAID MR. MATHIS TOLD YOU HE WAS LOOKING AT YOUR VEHICLE?
A YES, SIR.
Q AND AT THAT TIME, HE PULLED OFF?
A YES, SIR.
Q RIGHT?
A (WITNESS NODDING HEAD).
Q AND YOU ALL DIDN'T DECIDE TO STOP HIM RIGHT THEN, DID YOU?
A NO, SIR.
Q AND YOU SAY THAT HE PULLED OFF, DRIVING RECKLESSLY?

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A HE PULLED OUT OF THE PARKING LOT EXTREMELY FAST AND WENT DOWN GRACE AVENUE.
Q HOW MANY TICKETS DID YOU WRITE THEN?
A NONE.
Q SO EVEN THOUGH YOU'RE TESTIFYING TODAY THAT HE WAS DRIVING EXTREMELY FAST, IT'S YOUR TESTIMONY THAT YOU DIDN'T THINK IT WAS FAST ENOUGH TO GIVE HIM A TICKET?
A NO, SIR, WE DIDN'T WRITE HIM A TICKET.
Q AND THIS HAPPENED -- WHEN DID THIS HAPPEN, SIR?
A IF MY MEMORY IS CORRECT, IT WAS JUNE 9.
Q CAN YOU SHOW ME ANY REPORTS THAT YOU WROTE ON JUNE 9 ABOUT THAT INCIDENT?
A YES, SIR.
Q CAN I SEE IT, PLEASE?
A I THINK THEY HAVE IT (INDICATING PLAINTIFF'S COUNSEL).
Q (COUNSEL PROCURING DOCUMENT FROM COUNSEL TABLE).

MR. CLARK: MAY I APPROACH THE WITNESS, YOUR HONOR?

THE COURT: SURE.

Q (COUNSEL HANDING DOCUMENT TO WITNESS). THIS IS THE REPORT YOU WROTE ON JUNE 9?
A YES, SIR.
Q AND THAT'S THE ONLY ONE YOU WROTE ON JUNE 9?
A YES, SIR.
Q THE ONLY REPORT YOU WROTE BEFORE THIS INCIDENT WITH MR.

STEELE?
A YES, SIR.
Q AND ISN'T IT TRUE THAT THAT REPORT THAT YOU WROTE MENTIONS NOTHING ABOUT A VAN?
A NO, IT DOESN'T.
Q THANK YOU, SIR.

MR. CLARK: THAT'S ALL I HAVE.

THE COURT: THANK YOU.

MR. JUSTICE: JUST A COUPLE MORE QUESTIONS, IF I COULD.

REDIRECT EXAMINATION

BY MR. JUSTICE:

Q YOU VERIFIED THAT THE TWO SHEETS OF PAPER IN YOUR HAND ARE A REPORT YOU WROTE ON OR ABOUT THE SHIFT DATE OF THE NINTH OF JUNE?
A YES, SIR.

MR. JUSTICE: YOUR HONOR, WE'D MOVE THAT THIS BE MOVED INTO EVIDENCE SINCE IT'S BEEN REFERRED TO BY COUNSEL.

THE COURT: ANY OBJECTION?

MR. CLARK: NO OBJECTION, YOUR HONOR.

THE COURT: MARK IT AS THE NEXT STATE'S EXHIBIT, WITHOUT OBJECTION.

(STATE'S EXHIBIT #15, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, INCIDENT REPORT).

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Q THE PURPOSE OF AN INCIDENT REPORT IS WHAT EXACTLY?
A TO DOCUMENT ANYTHING THAT WE DID THAT DAY, TO DOCUMENT ANY KIND OF INFORMATION AND SO FORTH.
Q AND ON THE NINTH OF JUNE, THE THING YOU WERE DOCUMENTING IN THIS REPORT WAS THE STOPPING OF THIS LINCOLN AUTOMOBILE?
A YES, SIR, THE TRAFFIC STOP ITSELF.
Q DID YOU, ON THE TWENTY-FIRST, AFTER ADVISING POLICE OFFICERS OR THE DETECTIVES OF WHAT YOU HAD SEEN BACK ON THE NINTH, DID YOU WRITE A SUPPLEMENTAL REPORT?
A YES, SIR, I DID.
Q I'LL HAND YOU ANOTHER PIECE OF PAPER, AND TELL ME WHETHER OR NOT THAT IS YOUR SUPPLEMENTAL REPORT OR A COPY THEREOF IN YOUR HANDWRITING.
A YES, SIR, IT IS.
Q AND WHAT'S THE DATE ON THAT REPORT?
A JUNE 21.

MR. JUSTICE: YOUR HONOR, I MOVE THAT THIS BE INTRODUCED AS STATE'S EXHIBIT #16.

THE COURT: MR. CLARK?

MR. CLARK: NO OBJECTION, YOUR HONOR.

THE COURT: ALL RIGHT, STATE'S EXHIBIT #16 ADMITTED WITHOUT OBJECTION.

(STATE'S EXHIBIT #16, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, SUPPLEMENTAL REPORT).

Q AND TELL ME, IN STATE'S EXHIBIT #16, WHICH YOU WROTE UP ON

THE TWENTY-FIRST, DID YOU ELABORATE ON HOW YOU CAME TO SEE THE LINCOLN ON THE NINTH, INCLUDING THE REFERENCES TO THE VAN?

A YES, SIR, I DID.

Q AND IS THAT INCLUDED WITHIN THAT REPORT, THAT SUPPLEMENTAL REPORT?

A YES, SIR, IT IS.

MR. JUSTICE: ONE MOMENT, PLEASE, YOUR HONOR.

(COUNSEL REVIEWING FILE).

Q OKAY, THANK YOU. PLEASE ANSWER ANY OTHER QUESTIONS COUNSEL MAY HAVE.

THE COURT: ANY CROSS, MR. CLARK?

MR. CLARK: BRIEFLY.

CROSS-EXAMINATION

BY MR. CLARK:

Q SO, MR. MCLEMORE, THE BOTTOM LINE IS THAT PRIOR TO YOU TALKING TO THESE OFFICERS ABOUT THE INCIDENT WITH MR. STEELE, YOU REPORTED NOTHING ABOUT A BLUE VAN THAT YOU SAW ON JUNE 9, ISN'T THAT TRUE?

A THAT INCIDENT REPORT REFLECTS ONLY THE TRAFFIC STOP.

Q RIGHT, AND YOU DON'T HAVE ANY DOCUMENTS THAT PREDATE JUNE 20 WHICH INDICATE THAT YOU SAW THIS MAN IN ANY WAY CONNECTED WITH A BLUE VAN, DO YOU?

A ANY DOCUMENT?

Q YES, SIR.

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A NO, SIR.
Q AND ISN'T IT TRUE THAT ONCE THIS INCIDENT HAPPENED WITH MR. STEELE, YOU TALKED WITH INVESTIGATOR BLACKMON AND THE OTHER OFFICERS ABOUT THIS INCIDENT WITH MR. STEELE, DIDN'T YOU?
A CORRECT.
Q AND THE SUBJECT CAME UP ABOUT A BLUE VAN THEN, DIDN'T IT?
A I DO THINK SO.
Q AND THAT'S THE ONLY THING THAT PROMPTED YOU TO GO BACK AND WRITE THIS REPORT SAYING THAT YOU SAW ONE ON JUNE 9, RIGHT?
A IT MAY HAVE BEEN.
Q WHEN YOU WROTE ONE ON JUNE 9, IT DIDN'T EVEN MENTION THE BLUE VAN, RIGHT?
A THAT WAS MERELY THE TRAFFIC STOP REPORT.
Q DID YOU TAKE ANY NOTES ABOUT THAT BLUE VAN ON JUNE 9?
A NO, SIR, I DIDN'T.
Q ANY AT ALL?
A NO, SIR.
Q SO WHAT YOU'RE TELLING THIS JURY IS JUST AFTER YOU TALKED WITH THESE INVESTIGATORS, WITHOUT ANY NOTES AT ALL, YOU CAME UP WITH THIS REPORT SAYING YOU SAW THIS ABOUT TWO WEEKS AGO?
A YES, SIR, THAT'S WHAT I SAW.
Q AND ISN'T IT A FACT, SIR, THAT YOU'RE NOT SURE IF THIS IS THE VAN YOU SAW THAT DAY, ARE YOU?
A THAT'S THE VAN I SEEN THAT DAY.

Q HOW CAN YOU BE SURE THAT THIS IS THE VAN THAT YOU SAW THAT DAY, MR. MCLEMORE? HOW CAN YOU BE SURE THIS IS THE VAN YOU SAW?
A THAT LOOKS JUST LIKE THE VAN THAT WE CHECKED THAT DAY.
Q SO IT LOOKS LIKE THE VAN YOU SAW THAT DAY, RIGHT?
A RIGHT.
Q YOU DIDN'T TAKE A V.I.N. NUMBER OF THE VAN YOU SAW, DID YOU?
A THAT DAY?
Q YES, SIR.
A YES, SIR, IT WAS RAN THROUGH OUR DISPATCH.
Q OKAY. WHERE DID YOU WRITE THAT DOWN?
A IS IT IN THE SUPPLEMENT? I'LL HAVE TO LOOK AT IT.
Q WELL, I'M TALKING ABOUT JUNE 9.
A JUNE 9, THE ONLY REPORT AND THINGS THAT WERE DOCUMENTED WAS THE TRAFFIC STOP ITSELF.
Q AND, SIR, THE PURPOSE FOR YOU GOING TO THAT LOCATION WAS THE BLUE VAN, WASN'T IT?
A CORRECT.
Q AND YOU DIDN'T WRITE ANYTHING DOWN ABOUT IT THAT DAY?
A NO, SIR, I DIDN'T.
Q SO YOUR TESTIMONY ABOUT THIS BEING THE VAN YOU SAW IS JUST BASED ON YOUR BELIEF THAT IT LOOKS LIKE THE VAN YOU SAW?
A RIGHT.
Q YOU DON'T HAVE ANYTHING DOCUMENTARY TO POINT THAT THIS WAS

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THE VAN YOU SAW ON JUNE 9?

A UNLESS IT'S IN THAT SUPPLEMENT. I'LL HAVE TO LOOK AT IT. I DON'T KNOW. I CANNOT REMEMBER.

Q PRIOR TO THE SUPPLEMENT?

A PRIOR, NO, SIR.

Q AND DID MR. MATHIS -- WAS HE INVOLVED WITH THAT BLUE VAN THAT YOU CLAIM YOU SAW ON JUNE 9, IN ANY WAY?

A WHAT DO YOU MEAN BY "INVOLVED"?

Q WELL, YOU SAY YOU SAW HIM IN THE PARKING LOT, RIGHT?

A CORRECT.

Q HE DROVE INTO THE PARKING LOT?

A UH-HUH.

Q TOLD YOU HE LIKED THE TRUCK?

A RIGHT.

Q AND LEFT?

A RIGHT.

Q DID HE EVER ENTER THIS VAN?

A NO, SIR.

Q AND YOU SAY YOU ALL WEREN'T EVEN IN A POLICE CAR, WERE YOU?

A IT'S A POLICE CAR. IT'S JUST NOT A MARKED CAR.

Q IT'S AN UNMARKED TRUCK?

A RIGHT.

Q AND I BELIEVE YOU TESTIFIED EARLIER YOU DIDN'T BELIEVE THAT HE KNEW YOU ALL WERE POLICE OFFICERS AT FIRST?

A NO, SIR.

Q AND IT'S YOUR OPINION THAT HE DIDN'T KNOW THAT UNTIL HE ROLLED UP AND SAW THE UNIFORM?

A CORRECT.

Q AND PRIOR TO ROLLING UP AND LOOKING AT THAT UNIFORM, DID HE ATTEMPT TO ENTER THAT VEHICLE?

A NO, SIR.

Q DID HE ATTEMPT TO DO ANYTHING WITH THAT VEHICLE?

A NO, SIR.

Q THANK YOU, MR. MCLEMORE.

THE COURT: THANK YOU.

MR. JUSTICE: YOUR HONOR, IN ORDER TO AVOID HAVING TO RECALL MR. MCLEMORE ON ANOTHER ASPECT OF HIS KNOWLEDGE, IF I COULD GO INTO THAT AND, IN EFFECT, REDIRECT?

THE COURT: I DON'T KNOW. YOU CAN RECALL HIM, BUT --

MR. CLARK: YOUR HONOR, I DON'T OBJECT TO HIM GOING INTO ANOTHER MATTER. I WOULD OBJECT TO GOING BACK TO THINGS HE'S ALREADY BEEN ASKED AND CROSS-EXAMINING.

MR. JUSTICE: IT'S RELATED, BUT IT'S ANOTHER MATTER.

THE COURT: ALL RIGHT.

(TO MR. CLARK) IF YOU OBJECT, STATE YOUR OBJECTION AFTER THE QUESTION.

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MR. CLARK: ALL RIGHT, SIR.

REDIRECT EXAMINATION

BY MR. JUSTICE:

Q OFFICER MCLEMORE, YOU'VE IDENTIFIED MR. MATHIS AS DRIVING THIS WHITE LINCOLN THAT YOU ALL STOPPED AND THAT YOU WROTE UP?

A YES, SIR.

Q DID YOU EVER SEE HIM DRIVING THAT WHITE LINCOLN ON ANOTHER OCCASION?

A YES, SIR, I DID.

Q PLEASE TELL US WHEN THAT WAS, AS BEST YOU CAN RECALL.

A AS BEST I CAN RECALL, I CANNOT REMEMBER THE DATE. IT WAS AFTER THE TWENTY-FIRST, AND I THINK IT WAS ON LOCUSTWOOD AVENUE AS I WAS TRAVELING DOWN IT, BELOW -- I'M SORRY, I CAN'T REMEMBER THE SCHOOL RIGHT THERE. I JUST WENT BLANK FOR A MOMENT -- RIGHT PAST THERE, I DID PASS THE SAME WHITE LINCOLN THAT WE STOPPED THAT DAY, AND IT APPEARED TO BE MR. MATHIS DRIVING AS I PASSED BY HIM.

Q THIS WAS AT SOME POINT IN TIME AFTER THE EVENTS OF THE TWENTIETH?

A YES, SIR.

Q THANK YOU.

THE COURT: CROSS?

MR. JUSTICE: JUST ONE MOMENT. THAT'S ALL.

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. MCLEMORE, WHEN WAS IT THAT YOU SAW HIM DRIVING THAT WHITE LINCOLN?

A SIR, I CAN'T REMEMBER THE EXACT DATE.

Q WAS IT IN JUNE, JULY, AUGUST?

A I'M PRETTY SURE IT WAS IN JUNE.

Q DID YOU DO ANY DOCUMENTATION --

A NO, SIR.

Q -- EVIDENCING THAT?

A NO SIR.

Q NOW, YOU MADE THIS SUPPLEMENTARY REPORT ON THE TWENTY-FIRST THAT HAS BEEN INTRODUCED INTO EVIDENCE AND DIDN'T MENTION THE FACT THAT YOU SAW HIM AGAIN, DID YOU?

A NO, SIR.

Q AND RIGHT NOW YOU CAN'T EVEN TELL THE JURY WHEN IT WAS THAT YOU SAW HIM?

A NO, SIR, I DON'T RECALL THE DATE, EXACT DATE.

Q AND I BELIEVE YOUR TESTIMONY WAS THAT IT APPEARED TO BE MR. MATHIS?

A YES, SIR.

Q YOU CAN'T SAY FOR CERTAIN THAT IT WAS HIM, CAN YOU, SIR?

A NO, SIR, I CAN'T SAY FOR CERTAIN.

Q AND HOW WAS IT THAT YOU SAW HIM? DID YOU PASS HIM?

A YES, WE PASSED BY.

Q AND HOW IS IT THAT YOU KNOW IT WAS THE SAME -- SINCE YOU

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DON'T KNOW WHETHER IT WAS MR. MATHIS OR NOT, HOW DO YOU KNOW THAT IT WAS THE SAME VEHICLE, SIR?

A I HAD BEEN ON A TRAFFIC STOP WITH THAT VEHICLE PRIOR.

Q SO WHEN YOU WERE DRIVING DOWN THE ROAD, HE WAS MEETING YOU?

A RIGHT.

Q THIS VEHICLE WAS MEETING YOU?

A UH-HUH.

Q WAS THERE SOMETHING DISTINCTIVE ABOUT THAT LINCOLN THAT YOU SAY YOU SAW HIM IN THAT MADE IT DIFFERENT FROM EVERY OTHER LINCOLN THAT WAS MADE?

A NO, SIR.

Q YOU JUST ASSUMED IT WAS HIM?

A YES, SIR.

Q AND YOU'RE NOT POSITIVE ABOUT THAT, ARE YOU?

A I'M NOT GOING TO SAY I'M 100 PERCENT POSITIVE, NO.

Q OKAY. THANK YOU, SIR.

THE COURT: (WITNESS) THANK YOU. YOU MAY STEP DOWN.

REDIRECT EXAMINATION

BY MR. JUSTICE:

Q ONE OTHER THING --

THE COURT: WAIT A MINUTE. IS THIS REDIRECT?

MR. JUSTICE: YES, YOUR HONOR.

THE COURT: OKAY.

Q DID YOU WRITE UP A SUPPLEMENT IN REGARDS TO THIS SIGHTING?

A I CAN'T RECALL, I REALLY CAN'T.
Q LET ME SHOW YOU ANOTHER PIECE OF PAPER AND TELL ME WHETHER OR NOT THIS WAS A DOCUMENT THAT YOU WROTE UP THE TWENTY-FIRST.
A YES, THAT IS MINE.
Q THAT IS YOUR SUPPLEMENTAL REPORT?
A YES, SIR, IT IS.
Q DATED ON THE TWENTY-FIRST OF JUNE?
A YES, SIR.
Q AND ACCORDING TO THAT REPORT, IS THAT THE DATE THAT YOU SAW THE LINCOLN?
A YES, SIR.
Q THANK YOU.

MR. JUSTICE: I'LL BE GLAD TO PUT THIS INTO EVIDENCE, YOUR HONOR, SINCE IT'S BEEN USED.

MR. CLARK: I JUST WANT TO TAKE A LOOK AT IT.

MR. JUSTICE: YES. (HANDING DOCUMENT TO COUNSEL).

(OFF-THE-RECORD DISCUSSION)

THE COURT: ANY OBJECTION?

MR. CLARK: I OBJECT TO THIS DOCUMENT.

THE COURT: ON WHAT GROUNDS?

MR. CLARK: WELL, IT JUST BOLSTERS HIS TESTIMONY. I HADN'T ASKED HIM ABOUT THIS ONE.

THE COURT: WELL, I BELIEVE YOU HAD ASKED HIM ON CROSS HAD HE MENTIONED IT IN ANY SUPPLEMENTAL REPORTS,

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DID YOU NOT?

MR. CLARK: YES, SIR.

THE COURT: I OVERRULE THE OBJECTION.

MARK IT AS STATE'S EXHIBIT #17 ADMITTED INTO EVIDENCE.

(STATE'S EXHIBIT #17, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, REPORT).

MR. JUSTICE: THAT'S ALL THE QUESTIONS I HAVE OF THIS WITNESS.

THE COURT: ANY CROSS?

MR. CLARK: YES, SIR, YOUR HONOR.

CROSS-EXAMINATION

BY MR. CLARK:

Q SO, MR. MCLEMORE, EXPLAIN -- READ TO THE JURY THE ORIGINAL DATE OF THAT REPORT.

A THE TWENTY-FIRST OF 2000, JUNE 21.

Q WHAT DOES IT SAY ABOUT THE ORIGINAL DATE ON THERE?

A THE ORIGINAL, THE TWENTIETH, 6/20.

Q SO YOUR REPORT INDICATES THAT YOU SAW THIS ON THE TWENTIETH, RIGHT?

A ACCORDING TO MY SUPPLEMENT HERE, IT SAYS THE TWENTY-FIRST.

Q WELL, DOESN'T IT ALSO SAY AN ORIGINAL DATE OF THE TWENTIETH?

A BUT IT ALSO SAYS, "DATE OF INVESTIGATIVE ACTIVITY, 6/21".

Q SO IT SAYS, "DATE OF INVESTIGATIVE ACTIVITY, 6/21"?

A RIGHT.
Q AND DATE OF ORIGINAL REPORT, JUNE 20? IS THAT WHAT IT SAYS, SIR?
A YES, SIR. AND PROBABLY THE ORIGINAL REPORT IS THE ORIGINAL -- THE INCIDENT THAT THIS ALL STARTED WITH.
Q DO YOU KNOW OF AN ORIGINAL REPORT TO THAT DATED JUNE 20 THAT YOU MADE?
A THAT I MADE?
Q YES, SIR.
A NO, SIR.
Q AND THAT SUPPLEMENT THAT YOU DID ON THE TWENTIETH, IT DOESN'T HAVE A LICENSE TAG NUMBER ON THERE, DOES IT?
A IT WAS A SUPPLEMENT I DID ON THE TWENTY-FIRST, AND, NO, SIR, IT DOESN'T.
Q THANK YOU, SIR.

MR. CLARK: THAT'S ALL I HAVE.

THE COURT: THANK YOU.

(TO WITNESS) YOU MAY STEP DOWN, THANK YOU.

MR. JUSTICE: YOUR HONOR, I'M GOING TO CALL DETECTIVE LEE BLACKMON AT THIS POINT, THE FIRST OF MORE THAN ONE TIME.

THE COURT: (TO WITNESS) PLEASE COME FORWARD.

MR. JUSTICE: YOUR HONOR, COULD WE HAVE JUST ABOUT A FIVE-MINUTE BREAK TO GET ORGANIZED FOR THIS NEXT WITNESS? WE'RE GOING TO BE USING A MAP AND

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SOME --

THE COURT: ALL RIGHT.

MR. FOREMAN, LADIES AND GENTLEMEN, STEP INTO YOUR JURY ROOM. DO NOT DISCUSS THE CASE. I'LL SEND FOR YOU IN JUST A FEW MINUTES.

(JURY EXITS COURTROOM AT 2:45 P.M.).

(BRIEF RECESS)

THE COURT: IS THE STATE READY? DEFENDANT READY?

MR. JUSTICE: JUST ONE MOMENT, YOUR HONOR. WE'RE PULLING OUT SOME MORE DOCUMENTS WE'RE GOING TO USE -- WELL, I'VE GOT A WITNESS I CAN PUT UP BEFORE I PUT UP MR. BLACKMON.

THE COURT: (TO BAILIFF) BRING THE JURY IN, PLEASE.

(JURY ENTERS COURTROOM AT 2:55 P.M.).

MR. JUSTICE: WOULD CAPTAIN FAILE COME ON IN? OH, THERE HE IS.

THE COURT: ALL RIGHT, ALL OUR JURORS ARE PRESENT. SOLICITOR, YOU MAY PROCEED.

MR. JUSTICE: I CALL CAPTAIN FAILE.

THE COURT: (TO WITNESS) PLEASE COME FORWARD.

(WHEREUPON, BARRY FAILE, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.
A BARRY FAILE.
Q AND YOU ARE A CAPTAIN WITH THE SHERIFF'S DEPARTMENT OF LANCASTER COUNTY, ARE YOU NOT?
A YES, SIR.
Q AND YOU'VE BEEN A DEPUTY SHERIFF FOR HOW LONG?
A APPROXIMATELY ABOUT 14 YEARS.
Q AND WERE YOU SUCH A DEPUTY BACK IN JUNE OF 2000?
A YES, SIR.
Q DID YOU HAVE AN OCCASION TO RESPOND ON JUNE 9 TO A CHURCH ON GRACE AVENUE INVOLVING A BLUE VEHICLE?
A YES, SIR.
Q PLEASE TELL THE JURY IN YOUR OWN WORDS YOUR RECOLLECTION OF THAT RESPONSE.
A I WAS CALLED BY A MEMBER OF THE CHURCH TO COME BY AND CHECK A VEHICLE THAT HAD BEEN PARKED IN THE PARKING LOT FOR A FEW DAYS. ME AND OFFICER MCLEMORE WENT BY THERE AND CHECKED IT, AND IT HAD A PAPER TAG ON IT. I BELIEVE IT WAS B & E AUTO SALES.
Q B & E OUT OF ROCK HILL?
A YES, SIR.
Q OKAY.
A AND WE RAN THE V.I.N. ON THE VAN AND IT CAME BACK CLEAR. DURING THE TIME WE WERE CHECKING IT, A BLACK MALE PULLED UP IN A VEHICLE AND ACTED VERY SUSPICIOUS. AND WHEN HE PULLED

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OUT OF THE LOT, WE RAN IN BEHIND HIM AND STOPPED HIM.

Q DO YOU KNOW WHAT KIND OF VEHICLE HE WAS DRIVING?

A IT WAS A LINCOLN.

Q WHY DID YOU STOP HIM?

A ACTING SUSPICIOUS THERE AT THE CHURCH.

Q AND WHERE DID YOU STOP HIM?

A IT WAS AROUND THE SCHOOL HOUSE. I'M NOT SURE IF IT WAS LOCUSTWOOD, BUT IT WAS AROUND IRWIN SCHOOL, OVER THERE.

Q DID HE PRODUCE IDENTIFICATION?

A YES, SIR.

Q AND WHAT HAPPENED AFTER YOU STOPPED HIM?

A WE ASKED FOR CONSENT TO SEARCH THE VEHICLE.

Q AND DID YOU SEARCH THE VEHICLE?

A YES, SIR.

Q DID YOU SEIZE ANYTHING OF EVIDENTIARY VALUE?

A NO, SIR.

Q WHAT KIND OF VEHICLE EXACTLY WAS IT?

A A WHITE LINCOLN.

Q AND DID YOU TAKE THE INFORMATION DOWN IN REGARD TO THE LINCOLN?

A I THINK OFFICER MCLEMORE DID.

Q AND DID YOU WRITE ALL THIS UP AS A TRAFFIC STOP?

A YES, SIR.

Q I WILL SHOW YOU STATE'S EXHIBIT #15, ACTUALLY AUTHORED BY MR. MCLEMORE, AND TELL ME WHETHER OR NOT THIS IS

DOCUMENTATION OF THE TRAFFIC STOP YOU JUST TOLD US ABOUT.

MR. CLARK: YOUR HONOR, I OBJECT. HE DIDN'T OFFER THAT DOCUMENT, MR. MCLEMORE DID. I DON'T THINK HE CAN USE IT TO REFRESH HIS RECOLLECTION. IT ISN'T HIS DOCUMENT. HE DIDN'T SIGN IT.

THE COURT: SOLICITOR?

MR. JUSTICE: HE WAS PRESENT DURING THE TRANSACTION. HE RELATED THAT HE GOT THE INFORMATION FROM THE DRIVER.

MR. CLARK: I THINK HE CAN TESTIFY ABOUT WHAT HE GOT THAT DAY, BUT IT'S NOT HIS DOCUMENT.

THE COURT: WELL, I THINK IF HE LAID A FOUNDATION HE CONTRIBUTED TO THE SUBSTANCE OF IT, IT COULD BE USED TO REFRESH HIS MEMORY, I THINK HE COULD USE IT, BUT I'M GOING TO SUSTAIN THE OBJECTION AT THIS TIME.

Q WHO WAS THE DRIVER, AS SHOWN TO YOU THROUGH THE IDENTIFICATION ON THE DRIVER'S LICENSE?

A THAT MAN RIGHT THERE (INDICATING).

Q YOU'RE POINTING TO VERNARD MATHIS?

A VERNARD MATHIS.

Q THE DEFENDANT?

A THAT'S HIM.

Q AND DO YOU KNOW WHAT KIND OF DRIVER'S LICENSE HE WAS CARRYING?

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A I BELIEVE IT WAS AN OUT-OF-STATE DRIVER'S LICENSE.
Q WAS THAT INFORMATION ALL TAKEN DOWN AND RECORDED?
A YES, SIR.
Q WERE YOU WORKING ON THE MORNING OF THE TWENTY-FIRST OF JUNE AFTER THE DISCOVERY OF THE DEATH OF MELVIN STEELE?
A YES, SIR.
Q AND UPON HEARING EVERYTHING THAT HAD BEEN COLLECTED AT THAT POINT, DID YOU RELATE, ALONG WITH MR. MCLEMORE, THIS INFORMATION TO THE INVESTIGATORS?
A YES, SIR, I DID.
Q THANK YOU. PLEASE ANSWER ANY QUESTIONS COUNSEL FOR THE DEFENSE MAY HAVE.

CROSS-EXAMINATION

BY MR. CLARK

Q MR. FAILE, YOU SAID YOU WERE CALLED OUT BY SOMEONE FROM THE CHURCH?
A YES, SIR.
Q TO CHECK THE VEHICLE?
A YES, SIR.
Q AND YOU CHECKED IT OUT AND IT CAME BACK CLEAR, I THINK YOU SAID, SIR?
A YES, SIR.
Q DID YOU TALK TO ANYONE ELSE AT THE CHURCH AFTER THIS INCIDENT TO SEE THAT THE MATTER WAS CLEARED UP, WHETHER THEY KNOW WHO CAME BACK TO GET THE VEHICLE?

A WELL, THAT WAS A CHURCH MEMBER THAT HAD ASKED ME ABOUT IT, AND THAT'S WHERE I GO TO CHURCH, AND, I MEAN, THEY ASKED ME ABOUT IT LATER ON, BUT ALL THIS OTHER STUFF HAD COME OUT.

Q SO YOU DON'T KNOW WHETHER SOMEBODY CAME BACK AND TOLD THAT MEMBER OF THE CHURCH THAT, "THIS IS MY VAN AND I'M GOING TO MOVE IT"?

A NO, SIR.

Q AND YOU SAID THE PERSON DRIVING THE WHITE LINCOLN WAS ACTING SUSPICIOUSLY. DO YOU THINK IT'S SUSPICIOUS JUST TO DRIVE INTO THE PARKING LOT? WHAT ABOUT HIS ACTIVITY WAS SUSPICIOUS TO YOU?

A WELL, HE'S LOOKING AT ME IN A SUSPICIOUS MANNER AND LOOKING AROUND, LOOKING LIKE WHAT WERE WE DOING THERE, WHAT WAS I DOING THERE.

Q THAT'S NOT AGAINST THE LAW, IS IT?

A NO, SIR, IT'S NOT AGAINST THE LAW.

Q AND YOU THINK WHEN PEOPLE LOOK AT YOU AND LOOK AROUND, THAT'S SUSPICIOUS ACTIVITY?

A WELL, WHEN I'M THERE CHECKING A VEHICLE THAT'S BEEN REPORTED AS BEING THERE FOR A FEW DAYS AND SOMEONE PULLS UP ACTING IN THE MANNER HE DID, THEN, YES, SIR, THAT'S SUSPICIOUS.

Q WELL, HE STOPPED. HE DIDN'T TRY TO RUN WHEN HE SAW YOU IN THE TRUCK, DID HE?

A NO, SIR.

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Q HE STOPPED AND TOLD YOU HE LIKED THE TRUCK YOU WERE IN?
A YES, SIR.
Q THEN YOU HAD ON YOUR UNIFORM THAT DAY, RIGHT?
A YES, SIR.
Q AND YOU DIDN'T DO ANY REPORT ON THE NINTH THAT SAYS HE WAS LOOKING AT THAT VAN, DID YOU?
A NO, SIR.
Q AND FOR ALL YOU KNOW, HE MIGHT HAVE JUST BEEN IN THE AREA, RIGHT?
A YES, SIR.
Q AND YOU DIDN'T RECORD ANYTHING FROM THAT VAN THAT DAY, DID YOU?
A RECORD ANYTHING?
Q V.I.N.?
A WE RAN THE V.I.N.
Q WELL, DID YOU RECORD IT?
A IT WOULD BE RECORDED AT THE SHERIFF'S OFFICE.
Q DO YOU HAVE IT?
A NO, SIR.
Q AND YOU CAN'T SAY FOR CERTAIN THAT THIS WAS EVEN THE VAN, CAN YOU? (INDICATING EXHIBIT).
A JUST LIKE THIS ONE, YES, SIR.
Q WELL, IT WAS ONE LIKE IT, RIGHT?
A (WITNESS PAUSING).
Q YOU CAN'T SAY FOR CERTAIN THIS WAS THE VAN, CAN YOU?

A YES, SIR, THAT'S THE VAN.
Q AND WHAT MAKES YOU THINK THIS WAS THE VAN?
A BECAUSE IT'S THE SAME ONE WE SEEN THAT DAY, AND IT WAS TOWED TO THE SHOP AT THE SHERIFF'S OFFICE.
Q WELL, IT WASN'T TOWED -- WAS IT TOWED THAT DAY?
A NO, SIR.
Q IT WAS TOWED SOMETIME LATER, RIGHT?
A RIGHT.
Q WERE YOU INVOLVED IN THAT?
A NOT DIRECTLY, NO, SIR.
Q AND YOU DIDN'T RECORD ANY DISTINGUISHING FACTORS ABOUT THAT VAN ON JUNE 9, DID YOU?
A NO, SIR, OTHER THAN THE TAG.
Q YOU RECORDED THAT?
A NO, SIR, JUST REMEMBER IT WAS A B & E.
Q YOU REMEMBER IT?
A IT WAS A PAPER TAG WITH B & E.
Q BUT YOU SAY YOU DIDN'T RECORD IT?
A NO, SIR.
Q YOU JUST REMEMBER IT?
A YES, SIR.
Q AND YOU NEVER WROTE MR. MATHIS A TICKET FOR SPEEDING THAT DAY, DID YOU?
A NO, SIR.
Q AND IN FACT YOU CHECKED HIS VEHICLE?

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A YES, SIR.
Q DIDN'T FIND ANY WEAPONS?
A NO, SIR.
Q NO DRUGS?
A NO, SIR.
Q NOTHING ILLEGAL?
A NO, SIR.
Q YOU SENT HIM ON HIS WAY?
A YES, SIR.
Q THANK YOU, SIR.

MR. JUSTICE: THANK YOU, CAPTAIN FAILE.

THE COURT: (TO WITNESS) THANK YOU. YOU MAY STEP DOWN.

MR. JUSTICE: I CALL LIEUTENANT BLACKMON AT THIS TIME, YOUR HONOR.

THE COURT: (TO WITNESS) PLEASE COME FORWARD. I BELIEVE HE'S ALREADY BEEN SWORN, IS THAT CORRECT?

THE CLERK: YES, SIR.

MR. JUSTICE: I BELIEVE HE WAS SWORN OUTSIDE THE PRESENCE OF THE JURY.

THE COURT: (TO CLERK) GO AHEAD AND SWEAR HIM AGAIN, THEN.

(WHEREUPON, LEE BLACKMON, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

REDIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A MONTY LEE BLACKMON, JR.

Q NOW, MR. BLACKMON, YOU'RE EMPLOYED BY LANCASTER COUNTY SHERIFF'S DEPARTMENT?

A THAT'S CORRECT.

Q AND WHAT IS YOUR JOB THERE?

A I'M A LIEUTENANT IN CRIMINAL INVESTIGATIONS.

Q AND HOW LONG HAVE YOU BEEN A DEPUTY?

A I'VE BEEN IN LAW ENFORCEMENT FOR 10 YEARS. I WORKED FOR THE CITY APPROXIMATELY FOUR YEARS AND I'VE BEEN WITH THE SHERIFF'S OFFICE ABOUT SIX YEARS NOW.

Q IN JUNE OF THE YEAR 2000, WHAT WAS YOUR JOB THEN?

A I WAS AN INVESTIGATOR.

Q DID YOU HAVE AN OCCASION TO BE CALLED OUT UPON THE OPENING OF THE INVESTIGATION INVOLVING THE DEATH OF MR. STEELE?

A YES, SIR, I WAS.

Q PLEASE TELL US WHEN YOU FIRST -- YOUR FIRST INVOLVEMENT IN THE CASE.

A I RESPONDED TO SOUTHERN TOOL & DIE AND MET WITH CAPTAIN GREG BAILEY, WHO WAS MY SUPERVISOR AT THE TIME, AND MET WITH HIM CONCERNING WHAT WAS GOING ON.

Q WERE YOU BRIEFED ON WHAT HAD BEEN DONE UP TO THAT POINT?

A YES, SIR, I WAS.

Q AND DID YOU BASICALLY WORK THIS CASE FOR THE REMAINDER OF

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THE NIGHT AND INTO THE NEXT DAY?

A YES, SIR, I DID.

Q DID YOU HAVE AN OCCASION TO VISIT VARIOUS CRIME SCENES THAT HAVE BEEN DESCRIBED TODAY IN THIS COURTROOM?

A YES, SIR, I DID.

Q DID YOU VISIT THE LOCATION ON [redacted] WHERE MR. AND MRS. STEELE LIVED AND WERE ALLEGEDLY KIDNAPED?

A YES, SIR. I DROVE TO THE RESIDENCE, DID NOT GO IN OR ANYTHING, BUT I DROVE TO THE RESIDENCE.

Q DID YOU VISIT THE LOCATIONS THAT HAD BEEN DESCRIBED TO YOU WHERE TWO VANS AND A STATION WAGON WERE RECOVERED DURING THE COURSE OF THE NIGHT OF THE TWENTIETH AND THE DAY OF THE TWENTY-FIRST?

A YES, SIR. I WAS AT ALL THREE LOCATIONS.

Q AND DID YOU GO TO THE LOCATION WHERE THE HERTZ RENTAL TRUCK WAS RECOVERED ON THE EARLY MORNING OF THE TWENTY-FIRST?

A YES, SIR, I DID.

Q LET ME HAND YOU A RATHER LARGE EXHIBIT AND TELL ME WHETHER OR NOT YOU CAN IDENTIFY THIS AS BEING A ROAD AND STREET MAP OF THE CITY OF LANCASTER AND THE SURROUNDING AREA.

A YES, SIR. THIS IS A MAP OF THE CITY PART OF LANCASTER IN LANCASTER COUNTY.

Q I'LL ASK YOU, IF YOU WILL --

MR. JUSTICE: FIRST OF ALL, LET'S MARK THIS FOR IDENTIFICATION FIRST.

EXHIBIT #18 FOR IDENTIFICATION, YOUR HONOR.

THE COURT: MARK IT FOR I.D. ONLY.

(STATE'S EXHIBIT #18, MARKED FOR IDENTIFICATION, MAP).

Q AND, LIEUTENANT BLACKMON, IF YOU WILL, COME DOWN FROM THE WITNESS STAND. LET'S HOPE IT STAYS MOUNTED. I'VE KNOCKED IT OVER A COUPLE OF TIMES ALREADY.

A (WITNESS STEPPING DOWN FROM STAND).

Q I'M GOING TO GIVE YOU A WHOLE BOX OF PUSH PINS. IF YOU WILL, AS I ASK YOU, PUT A PIN -- WE'LL POINT TO IT FIRST, AND THEN PUT A PIN AT THESE VARIOUS LOCATIONS. LET'S START WITH THE LOCATION ON [redacted] OUTSIDE THE CITY OF LANCASTER.

A THAT WOULD BE RIGHT THERE (INDICATING).

Q OKAY. THAT MAIN ROAD THAT RUNS CLOSE TO [redacted], WHAT IS THAT MAIN ROAD?

A THIS IS [redacted] OR [redacted]

Q [redacted]

A YES.

Q THE LOCATION WHERE MR. STEELE'S BODY WAS FOUND AT THE OLD SOUTHERN TOOL & DIE, WOULD YOU PUT A PIN IN THAT LOCATION?

A (WITNESS COMPLYING).

Q AND WHAT IS THAT ROAD CALLED?

A THAT'S KERSHAW-CAMDEN HIGHWAY.

Q KERSHAW-CAMDEN HIGHWAY OR --

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A HIGHWAY 521 BUSINESS.
Q -- 521 BUSINESS, OKAY. ARE YOU FAMILIAR WITH THE LOCATION OF COOK'S TRANSMISSION WHERE THE GRAY AND SILVER VAN WAS RECOVERED?
A YES, SIR. IT'S LOCATED A SHORT WAYS FROM SOUTHERN TOOL & DIE AT THAT INTERSECTION THERE (INDICATING).
Q DID YOU HAVE AN OCCASION TO GO TO OR LOCATE THE HOME OF MONICA MACKEY?
A YES, SIR.
Q WHERE RITA STEELE WAS RESCUED?
A YES, SIR. I ALSO WENT BY THAT RESIDENCE ON THE EVENING.
Q WOULD YOU PUT A PIN IN THAT LOCATION?
A APPROXIMATELY IN THIS AREA THERE (INDICATING).
Q AND WHAT WOULD BE THAT ROAD?
A THAT'S [redacted].
Q [redacted]. AND DID YOU HAVE AN OCCASION TO GO TO THE BEST LOCATION OF MCDONALD AMUSEMENTS HEADQUARTERS?
A YES, SIR, I DID.
Q ON SOUTH 200?
A YES, SIR.
Q WOULD YOU PLACE A PIN IN THAT LOCATION?
A (WITNESS COMPLYING).
Q AND, OF COURSE, YOU UNDERSTAND ALL OF THESE ARE APPROXIMATES. THERE'S BEEN TESTIMONY ABOUT THE RECOVERY OF A BLUE AEROSTAR VAN ON A PARALLEL ROAD TO MCDONALD

AMUSEMENT WITHIN LINE OF SIGHT. WOULD YOU PLACE A PIN APPROXIMATELY WHERE THAT WOULD BE?

A (WITNESS COMPLYING).

Q WE ALSO HAVE TESTIMONY ABOUT THE RECOVERY OF THE STATION WAGON SHOWN IN ONE OF THE STATE'S EXHIBITS, A DARK BLUE STATION WAGON FOUND ON AN OFF-RAMP OF 903, ON THE BYPASS. WOULD YOU PLEASE PLACE A PIN WHERE THAT WAS FOUND?

A (WITNESS COMPLYING).

Q NOW, THESE THREE VEHICLES I MENTIONED, THE TWO AEROSTAR VANS AND THE STATION WAGON, WHAT WAS THE COMMON FEATURE OF ALL THREE OF THOSE VEHICLES?

A THEY ALL CONTAINED A B & E AUTO SALES PAPER TAG.

Q B & E AUTO SALES. AND DID YOU DETERMINE WHERE B & E AUTO SALES WAS LOCATED?

A IT WAS ON NORTH ANDERSON ROAD IN ROCK HILL, WHICH IS IN YORK COUNTY.

Q ROCK HILL. ALTHOUGH THERE'S BEEN NO TESTIMONY IN REGARDS TO IT AS OF YET, DID YOU BECOME FAMILIAR WITH THE HOME OF A WOMAN NAMED SYLVIA TALFORD?

A YES, SIR, I DID.

Q WOULD YOU PLEASE PLACE A PIN AT THE APPROXIMATE LOCATION OF THAT HOME?

A (WITNESS COMPLYING).

Q AND ALSO THERE'S BEEN TESTIMONY ABOUT THE RECOVERY OF A U-HAUL VAN NEAR CHANDLER'S BODY SHOP ON SOUTH 200. WOULD YOU

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PLACE A PIN APPROXIMATELY WHERE THAT WOULD BE?

A (WITNESS COMPLYING).

Q AND YOU HAD, PERSONALLY, AN OPPORTUNITY TO VISIT ALL THOSE LOCATIONS DURING THE COURSE OF YOUR INVESTIGATION?

A YES, SIR, I DID.

Q OKAY, THANK YOU.

MR. JUSTICE: YOUR HONOR, WE MOVE THE INTRODUCTION INTO EVIDENCE NOW OF STATE'S EXHIBIT #18 ALONG WITH THE PUSH PINS FOR IDENTIFICATION PURPOSES.

MR. CLARK: NO OBJECTION, YOUR HONOR.

THE COURT: ALL RIGHT, ADMITTED INTO EVIDENCE WITHOUT OBJECTION.

(STATE'S EXHIBIT #18, PREVIOUSLY MARKED FOR IDENTIFICATION, IS ENTERED INTO EVIDENCE).

Q OFFICER BLACKMON, AS THE INVESTIGATING OFFICER, DID YOU BECOME AWARE OF REPORTS OF CAPTAIN FAILE AND OFFICER MCLEMORE WHICH INVOLVED THEIR SIGHTINGS OF A BLUE VAN IDENTICAL TO THE ONE FOUND ABANDONED AND THE LINCOLN AUTOMOBILE THAT HAD BEEN SIGHTED BY THEM SOME 10 OR 11 DAYS EARLIER?

A YES, SIR.

Q WERE YOU ABLE TO RUN THE I.D. NUMBER OF THAT LINCOLN AUTOMOBILE?

A YES, SIR, WE RAN IT.

Q AND WHERE DID IT COME BACK TO?
A IT COME BACK REGISTERED TO HERTZ OUT OF CHARLOTTE.
Q HERTZ RENTAL VEHICLES?
A HERTZ RENTAL COMPANY.
Q DID YOU CONTACT THE HERTZ CORPORATION AS TO WHO HAD RENTED THAT VEHICLE DURING THE PERIOD OF TIME INVOLVED?
A YES, SIR.

MR. CLARK: YOUR HONOR, I WITHDRAW IT AT THIS POINT.

THE COURT: ALL RIGHT.

A WE HAD CORRESPONDENCE WITH THEM TO DETERMINE WHO WAS THE PERSON WHO HAD RENTED THE LINCOLN.
Q AND WHAT DID YOU LEARN IN REGARDS TO THE RENTAL --

MR. CLARK: OBJECTION, YOUR HONOR.

THE COURT: ALL RIGHT, SUSTAINED.

MR. JUSTICE: WE'LL COME BACK TO THAT AT A LATER TIME.

Q AS A RESULT OF LEARNING OF THREE VEHICLES WITH B & E AUTO, DID YOU HAVE AN OCCASION TO GO TO THAT LOCATION IN ROCK HILL?
A YES, SIR, I DID.
Q DID YOU INTERVIEW PEOPLE THERE?
A YES, SIR, I DID.
Q DO YOU RECALL WHO YOU INTERVIEWED?
A I INTERVIEWED JIM BRADY AND TOMMY STOWE.

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Q JIM BRADY AND TOMMY STOWE, THE FIRST TIME YOU WENT?
A THE FIRST TRIP I MADE WAS ON THE MORNING OF JUNE 21. I SPOKE WITH JIM BRADY.
Q JIM BRADY?
A YES, SIR.
Q AND MR. BRADY HAD WHAT CAPACITY, AS BEST YOU COULD TELL?
A IT'S MY UNDERSTANDING HE WAS THE OWNER OF B & E AUTO SALES.
Q WERE YOU ABLE TO GET ANY INFORMATION? DON'T GO INTO WHAT YOU GOT FROM HIM. I'LL CALL MR. BRADY IN DUE TIME, BUT DID YOU GET INFORMATION FROM MR. BRADY?
A YES, I RECOVERED BILLS OF SALE.
Q BILLS OF SALE FOR THE THREE VEHICLES INVOLVED?
A YES. I RECOVERED THE BILLS OF SALE CONCERNING THE THREE PARTICULAR VEHICLES.
Q MR. BLACKMON, I'LL SHOW YOU THREE DOCUMENTS, OR COPIES OF DOCUMENTS, AND TELL ME WHETHER OR NOT YOU CAN IDENTIFY THESE AS BEING DOCUMENTS TURNED OVER TO YOU BY B & E AUTO, MR. JIM BRADY?
A YES, SIR, THESE ARE THE BILLS OF SALE THAT WERE TURNED OVER TO ME.

MR. JUSTICE: YOUR HONOR, I MOVE AT THIS TIME THAT THEY BE INTRODUCED AS, I THINK, #19, #20 AND #21.

MR. CLARK: OBJECTION, YOUR HONOR.

THE COURT: ON WHAT GROUNDS?

MR. CLARK: HEARSAY WITHIN THOSE DOCUMENTS. THEY

WEREN'T CREATED BY THIS GENTLEMAN. I THINK HE CAN TESTIFY HE GOT THEM, BUT TO ADMIT THEM WOULD BE HEARSAY.

MR. JUSTICE: MARK THEM FOR IDENTIFICATION AT THIS TIME.

THE COURT: ALL RIGHT, I.D. ONLY.

(STATE'S EXHIBIT #19, MARKED FOR IDENTIFICATION, BILL OF SALE).

(STATE'S EXHIBIT #20, MARKED FOR IDENTIFICATION, BILL OF SALE).

(STATE'S EXHIBIT #21, MARKED FOR IDENTIFICATION, BILL OF SALE).

Q MR. BLACKMON, YOU SAY YOU ALSO TALKED TO MR. TOMMY STOWE?

A YES, SIR.

Q WHAT, AS BEST YOU COULD TELL, WAS HIS CAPACITY WITH B & E AUTO?

A HE WAS KIND OF AN ODDS-AND-ENDS GUY AT B & E AUTO SALES. HE WOULD DETAIL CARS OR DRIVE THEM AROUND IF THEY NEEDED TO BE DRIVEN AROUND.

Q DID YOU TALK WITH ANYONE ELSE THERE?

A NO, SIR.

Q DID YOU RETURN TO THAT LOCATION AT A LATER TIME?

A YES, SIR, I DID.

Q APPROXIMATELY WHEN DID YOU RETURN?

A I'M NOT SURE OF THE EXACT DATE, ON OR ABOUT THE TWENTY-

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THIRD. I THINK JUNE 23 WAS THE DATE THAT I ACTUALLY RETURNED AFTER THE TWENTY-FIRST.

Q ON THIS OCCASION, DID YOU HAVE AN ARRAY OF -- WHAT WE REFER TO AS A PHOTO LINEUP, WHICH SHOWS THE VARIOUS WITNESSES? (SIC).

A YES, SIR, I DID.

Q I SHOW YOU WHAT'S ALREADY IN EVIDENCE AS STATE'S EXHIBIT #8. IS THIS THE PHOTO ARRAY THAT YOU SHOWED TO THE PEOPLE AT BRADY'S?

A YES, SIR, IT IS.

Q OR B & E?

A YES, SIR, IT IS.

Q AND BY THIS TIME, DID THAT INCLUDE A PICTURE OF VERNARD MATHIS?

A YES, SIR, IT DID.

Q AND IN ADDITION TO MR. JIM BRADY AND MR. STOWE, DID YOU SHOW THE ARRAY TO ANYONE ELSE AT B & E AUTO?

A NO, SIR, I DID NOT.

Q GOING BACK TO THE SCENE WHERE THE U-HAUL TRUCK HAD BEEN FOUND --

A YES, SIR.

Q -- DID YOU COME INTO POSSESSION OF ANY PAPER WORK OR DOCUMENTATION IN REGARDS TO THAT U-HAUL TRUCK?

A YES, SIR. WE OBSERVED A U-HAUL -- WHAT APPEARED TO BE A U-HAUL RECEIPT FORM LYING ON THE GROUND NEAR WHERE THE U-HAUL

WAS DESCRIBED TO HAVE BEEN INITIALLY PARKED ON EDGEPOINT DRIVE.

Q AND DID YOU ULTIMATELY TAKE POSSESSION OF THAT?

A YES, SIR. WE TOOK -- SLED RECOVERED THOSE ITEMS FROM THE ROAD.

Q LET ME SHOW YOU THIS AND ASK YOU WHETHER OR NOT THIS IS EITHER THE ONE RECOVERED ON THE ROAD OR A DUPLICATE OF THE ONE RECOVERED ON THE ROAD.

A THIS IS THE ORIGINAL CONTRACT RECOVERED FROM THE U-HAUL PEOPLE WHO RENTED THE U-HAUL IN THIS PARTICULAR CASE. THE ITEMS THAT WERE FOUND ON EDGEPOINT DRIVE WERE PROCESSED BY SLED.

Q BUT DID YOU GET THE INFORMATION OFF OF THOSE IN ORDER TO GO TO THIS U-HAUL PLACE?

A YES, SIR, WE PHOTOGRAPHED IT.

Q AND DID YOU RECEIVE FROM THE U-HAUL PLACE THE RECEIPT THAT YOU'RE HOLDING IN YOUR HAND TODAY?

A YES, SIR, THIS IS THE TOP COPY. IT WAS DONE IN TRIPLICATE WITH COPIES BELOW IT. THE COPIES BELOW IT WERE -- ONE COPY BELOW IT WAS THE ONE WE FOUND ON [redacted]. THIS WOULD HAVE BEEN THE TOP COPY THAT WAS FILLED OUT.

Q THE ACTUAL ORIGINAL.

MR. JUSTICE: I'D MOVE THIS BE ENTERED AS THE NEXT EXHIBIT FOR IDENTIFICATION AT THIS POINT, UNTIL IDENTIFIED BY THE ORIGINATORS.

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THE COURT: STATE'S EXHIBIT #22 FOR I.D. ONLY.

(STATE'S EXHIBIT #22, MARKED FOR IDENTIFICATION, RENTAL CONTRACT).

Q GOING BACK TO EXHIBITS 19, 20 AND 21, BEING THE COPIES OF THE B & E AUTO SALES -- WHAT WAS THE NAME OF THE PERSON PURCHASING THOSE AUTOMOBILES?

MR. CLARK: YOUR HONOR, THAT'S MY OBJECTION, THE SUBSTANCE OF THOSE DOCUMENTS.

THE COURT: WHAT ABOUT THAT, SOLICITOR?

SUSTAINED.

MR. JUSTICE: I WITHDRAW IT AT THIS POINT IN TIME.

Q WHEN YOU WENT TO THE U-HAUL PLACE, WHERE WAS IT?

A IT WAS LOCATED ON SOUTH 200, LESS THAN A TENTH OF A MILE FROM MCDONALD AMUSEMENTS.

Q WOULD THAT BE BEYOND MCDONALD AMUSEMENTS, LEAVING TOWN?

A MY RECOLLECTION IS IT'S BEYOND MCDONALD AMUSEMENTS.

Q AND DID YOU HAVE OCCASION TO GO TO THAT LOCATION AND INTERVIEW THE PEOPLE THERE?

A YES, SIR, I DID.

Q AND EITHER THEN OR ON A SUBSEQUENT VISIT, DID YOU SHOW THEM STATE'S EXHIBIT #8?

A YES, SIR, I DID.

Q DO YOU REMEMBER WHO THOSE PEOPLE WERE?

A I REMEMBER AN ELAINE MCWATERS AND I DO NOT RECALL, OFF THE

TOP OF MY HEAD RIGHT NOW, THE HUSBAND, BUT HE WAS ALSO A MCWATERS.

Q MR. MCWATERS?

A YES.

MR. JUSTICE: YOUR HONOR, MR. BLACKMON I INTEND TO RECALL ONE MORE TIME, MAYBE SEVERAL, IN ORDER TO GET ADDITIONAL INFORMATION, HOWEVER, ON THESE POINTS THAT'S ALL I HAVE.

Q PLEASE ANSWER ANY QUESTIONS COUNSEL MAY HAVE.

THE COURT: MR. CLARK?

MR. CLARK: THANK YOU, YOUR HONOR.

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. BLACKMON, YOU WERE THE LEAD INVESTIGATOR ON THIS CASE?

A YES, SIR.

Q SO YOU ARE FAMILIAR WITH EVERY PIECE OF EVIDENCE THAT HAS BEEN TAKEN, IS THAT CORRECT?

A YES, SIR.

Q AND ISN'T IT TRUE, MR. BLACKMON, THAT BASED ON THE PHYSICAL EVIDENCE THAT YOU'VE RECOVERED, IT DOESN'T APPEAR THAT MR. MATHIS WAS ANYWHERE NEAR MRS. STEELE'S RESIDENCE OR THESE VEHICLES OR ANY OF THIS EVIDENCE ON JUNE 20, 2000, DOES IT?

MR. JUSTICE: YOUR HONOR, THAT CALLS FOR A CONCLUSION THAT ONLY THIS JURY CAN DRAW.

THE COURT: ALL RIGHT.

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MR. JUSTICE: I'LL BE HAPPY TO HEAR HIS OPINION, BUT I DON'T THINK COUNSEL WANTS IT.

MR. COURT: SUSTAINED.

MR. CLARK: I'LL ASK SPECIFIC QUESTIONS, YOUR HONOR.

Q MR. BLACKMON, THIS IS THE BOX -- YOU'RE FAMILIAR WITH THIS BOX, AREN'T YOU?

A YES, SIR.

Q AND THIS IS THE ONE THAT WAS FOUND AT THE BLEACHERY, RIGHT?

A THAT'S CORRECT.

Q TELL THE LADIES AND GENTLEMEN OF THE JURY HOW MANY OF MR. MATHIS' FINGERPRINTS ARE ON THIS BOX.

A THERE WERE NO FINGERPRINTS THAT WERE RECOVERED FROM THE BOX.

Q NONE FROM MR. MATHIS?

A NO, SIR.

Q AND ISN'T IT TRUE THAT YOU RECOVERED WHAT I WOULD CALL A CARDBOARD BOX FROM MRS. STEELE'S RESIDENCE?

A THAT'S CORRECT.

Q AND ISN'T IT TRUE THAT NONE OF MR. MATHIS' FINGERPRINTS ARE ON THAT BOX EITHER?

A I DON'T RECALL THAT ANY FINGERPRINTS WERE RECOVERED FROM THAT BOX.

Q AND TELL THE LADIES AND GENTLEMEN OF THE JURY HOW MANY OF MR. MATHIS' FINGERPRINTS WERE ON THAT RECEIPT THAT MR.

JUSTICE JUST ASKED YOU ABOUT.

A THERE WERE NO FINGERPRINTS RECOVERED FROM THE RECEIPT.

Q AND TELL THE LADIES AND GENTLEMEN OF THE JURY HOW MANY OF MR. MATHIS' FINGERPRINTS WERE ON THAT BLUE VAN.

A IT WAS PROCESSED AND NO FINGERPRINTS WERE RECOVERED. THERE WAS FINGERPRINTS RECOVERED FROM IT, BUT MR. MATHIS' FINGERPRINTS WERE NOT RECOVERED.

Q AND WERE YOU ABLE TO MATCH THOSE FINGERPRINTS TO ANYONE?

A YES. ON THE SILVER VAN, YES, WE DID.

Q BUT NOT MR. MATHIS'?

A NOT MR. MATHIS'.

Q AND WHAT ABOUT THE BLUE VAN?

A I DON'T RECALL THAT ANY FINGERPRINTS WERE TAKEN FROM THE BLUE VAN.

Q DID YOU PROCESS IT FOR PRINTS?

A IT WAS PROCESSED BY THE STATE LAW ENFORCEMENT DIVISION.

Q NO PRINTS MATCHING HIS?

A NO, SIR.

MR. JUSTICE: YOUR HONOR, I'M GOING TO OBJECT. IF WE'RE GOING TO PLAY HEARSAY, I'M GOING TO PUT UP THE PEOPLE WHO DID THE PROCESSING AND WHO DID THE COMPARISONS, AND THEY WOULD BE THE WITNESSES TO TESTIFY TO THIS.

THE COURT: SUSTAINED.

Q THANK YOU.

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MR. CLARK: THAT'S ALL I HAVE.

THE COURT: NEXT?

MR. JUSTICE: I CALL MR. JIM BRADY. I THINK HE'S ONE OF THE WITNESSES DOWNSTAIRS.

THE COURT: DO YOU NEED ANYBODY ELSE BESIDES HIM?

MR. JUSTICE: MR. BRADY, MR. STOWE AND MR. SCOTT BRADY WILL BE THE NEXT THREE IN A ROW.

THE COURT: BRING ALL THOSE WITNESSES UP, DEPUTY, AND HAVE TWO OF THEM IN THE BACK.

MR. SOLICITOR: YOUR HONOR, I'D ASK THAT OFFICER FAILE AND OFFICER MCLEMORE AT THIS TIME BE EXCUSED. I DON'T ANTICIPATE -- AND OFFICER BOWERS BE EXCUSED. THEY WILL BE AVAILABLE IF ANYBODY NEEDS TO RECALL THEM. THEY'LL BE AROUND LANCASTER WORKING.

MR. CLARK: NO OBJECTION.

THE COURT: SO ORDERED WITHOUT OBJECTION.

(WHEREUPON, JAMES BRADY, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A JAMES BRADY.

Q AND, MR. BRADY, WHERE DO YOU LIVE?

A IN ROCK HILL.

Q IN ROCK HILL?

A (WITNESS NODDING HEAD).
Q AND WHAT LINE OF WORK ARE YOU IN?
A I'M A GENERAL MANAGER FOR AN AUTO DEALERSHIP.
Q AND THAT WOULD BE B & E AUTO SALES?
A IT USED TO BE.
Q DID IT CHANGE ITS NAME?
A IT HAS.
Q WHAT IS IT NOW?
A IT'S VALUE AUTO SALES.
Q VALUE?
A UH-HUH.
Q IS IT STILL LOCATED AT 520 NORTH ANDERSON ROAD?
A YES.
Q AND WHAT IS YOUR JOB THERE? YOU'RE THE MANAGER?
A I'M ONE OF THE OWNERS NOW.
Q ONE OF THE OWNERS, OKAY. NOW, I WANT YOU TO THINK BACK TO THREE YEARS AGO, EARLY JUNE, THE FIRST OR SECOND OF JUNE, THE YEAR 2000. DID YOU HAVE AN OCCASION TO ENTER INTO A TRANSACTION WITH AN INDIVIDUAL WHO IDENTIFIED HIMSELF AS PATTERSON WISHING TO BUY THREE USED AUTOMOBILES OR VANS?
A THAT'S CORRECT.
Q DO YOU RECALL THOSE TRANSACTIONS?
A UH-HUH.
Q PLEASE, IF YOU WILL, IN YOUR OWN WORDS JUST TELL THE JURY WHAT YOU DO REMEMBER ABOUT THOSE TRANSACTIONS ON THE FIRST

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OR SECOND OF JUNE.

A WELL, HE CAME IN AND HE SPOKE WITH ONE OF MY SALESMEN AT THAT POINT. HE ENDED UP IN MY OFFICE, AND I DONE ALL OF THE PAPER WORK FOR THE VEHICLES.

Q WHO WAS THE SALESMAN, DO YOU REMEMBER?

A MY BROTHER, WHICH IS -- I GUESS HE'S COMING OUT.

Q THAT WOULD BE SCOTT LEE BRADY?

A CORRECT.

Q OKAY.

A AND ONE OF MY DETAILERS AT THAT TIME WAS HELPING HIM IN GETTING THE CARS OUT TO TEST DRIVE THEM.

Q AND THAT WOULD BE MR. STOWE, TOMMY STOWE?

A CORRECT.

Q SO YOU WENT AROUND THE LOT AND PICKED OUT THREE VEHICLES?

A CORRECT.

Q AND YOU DID ALL THE PAPER WORK WITH HIM?

A THAT IS CORRECT.

Q DO YOU RECALL WHICH VEHICLES OR WHAT KIND OF VEHICLES HE WAS INTERESTED IN?

A YES. HE PURCHASED THREE VEHICLES FROM US FROM THE BEGINNING. TWO WERE VANS; ONE WAS A MERCURY SABLE. THAT CAR HAD BROKEN DOWN -- WHICH WAS THE FOLLOWING DAY OR THE SAME AFTERNOON, I'M NOT REALLY SURE -- AND WE PICKED THAT CAR BACK UP AND PUT HIM IN A DIFFERENT ONE, AND THAT'S ABOUT IT.

Q SO BASICALLY IT WAS TWO VANS, HE BOUGHT THE MERCURY, BUT IT WAS BROUGHT BACK?
A CORRECT.
Q AND REPLACED IT WITH ANOTHER VEHICLE?
A RIGHT.
Q LET ME SHOW YOU THREE VEHICLES, THE PICTURES OF THREE VEHICLES, ALL BEING IDENTIFIED AS HAVING B & E AUTO TAGS, STATE'S EXHIBIT #13, #14 AND #12, AND TELL ME WHETHER OR NOT THESE APPEAR TO BE THE VEHICLES THAT YOU SOLD TO THIS GENTLEMAN.
A YES, THAT'S ALL THREE OF THEM.
Q THOSE ARE THE VEHICLES?
A UH-HUH.
Q ON OR ABOUT THE TWENTY-FIRST OF JUNE, SOME, ROUGHLY, THREE WEEKS LATER -- WELL, LET ME ASK YOU THIS FIRST. BETWEEN THE FIRST OF JUNE AND THE TWENTY-FIRST, DID YOU HAVE AN OCCASION TO TOW BACK ANOTHER ONE OF THESE VEHICLES, BACK TO YOUR LOT?
A YES. AN OFFICER CALLED US -- IT WAS A COUPLE OF WEEKS LATER -- ABOUT, I BELIEVE IT WAS, THE CRESSIDA, TO COME AND PICK IT UP. IT HAD BEEN LEFT SOMEWHERE, AND THEY HAD TRACED THE V.I.N. NUMBER BACK TO MY DEALERSHIP, SO WE DID RETRIEVE THAT CAR BACK, AND THE GENTLEMAN CAME THE FOLLOWING DAY AND PICKED IT UP AND PAID FOR THE TOW BILL.
Q THE CRESSIDA, WOULD THAT BE THE BLUE ONE OR THE SILVER

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GRAY?

A IT WOULD BE NEITHER OF THOSE. IT WOULD BE THE CAR.

Q THE STATION WAGON?

A CORRECT.

Q SO IT WAS TOWED BACK TO YOUR DEALERSHIP BECAUSE THE POLICE CALLED YOU, AND THIS SAME GENTLEMAN WHO HAD BOUGHT THEM CAME BACK AND RETRIEVED IT BY PAYING THE TOW BILL?

A YES.

Q AND, OF COURSE, YOU SAY YOU DID ALL THE PAPER WORK. DID YOU ACTUALLY WRITE UP THE CONTRACTS?

A YES, I HAVE THEM WITH ME.

Q LET ME SHOW YOU THESE SINCE THEY'RE ALREADY MARKED FOR EVIDENCE. YOU CAN COMPARE THEM, IF YOU LIKE, TO THE ORIGINALS THAT YOU HAVE THERE MARKED AS STATE'S EXHIBITS #19, #20 AND #21, AND TELL ME WHETHER OR NOT THESE ARE COPIES OF YOUR ORIGINAL DOCUMENTS DOCUMENTING THE SALE.

A YES, THEY ARE.

Q AND DID YOU SUPPLY THOSE COPIES TO MR. BLACKMON OF THE SHERIFF'S DEPARTMENT OF LANCASTER COUNTY?

A YES, SIR, I DID.

MR. JUSTICE: YOUR HONOR, I MOVE AT THIS TIME FOR THE INTRODUCTION OF #19, #20 AND #21 INTO EVIDENCE.

THE COURT: ANY OBJECTION?

MR. CLARK: YOUR HONOR, I OBJECT TO #20 AND #21. I DON'T BELIEVE THEY WERE EXECUTED BY MR. JIM BRADY.

A THEY WEREN'T. THEY WERE BY A TOW TRUCK COMPANY.

THE COURT: BUT HE TESTIFIED THAT THOSE WERE THE BILLS OF SALE FOR THESE TRANSACTIONS, DID HE NOT?

MR. CLARK: I BELIEVE HE DID, YOUR HONOR.

MR. JUSTICE: HE ALSO TESTIFIED THAT HE IS THE MANAGER OF THE BUSINESS. LET ME ASK ONE OTHER QUESTION WHICH WILL CLEAR IT UP.

THE COURT: ALL RIGHT.

Q AS MANAGER ARE YOU THE CUSTODIAN OF THE RECORDS OF SALES AT THAT AUTOMOBILE DEALERSHIP AT THE TIME?

A YES, SIR.

MR. COURT: ALL RIGHT, I'M GOING TO ADMIT STATE'S EXHIBITS #19, #20 AND #21 OVER OBJECTION.

(STATE'S EXHIBIT #19, PREVIOUSLY MARKED FOR IDENTIFICATION, IS ENTERED INTO EVIDENCE. BILL OF SALE).

(STATE'S EXHIBIT #20, PREVIOUSLY MARKED FOR IDENTIFICATION, IS ENTERED INTO EVIDENCE. BILL OF SALE).

(STATE'S EXHIBIT #21, PREVIOUSLY MARKED FOR IDENTIFICATION, IS ENTERED INTO EVIDENCE. BILL OF SALE).

Q MR. BRADY, THERE'S JUST ONE THING I NOTICED, AND THIS IS WHY I WAS A LITTLE IN DOUBT A MOMENT AGO. STATE'S EXHIBIT #19, WHICH HAD TO DO WITH ONE OF THE FORD AEROSTARS, IS

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DATED THE FIRST OF JUNE AND THE OTHER TWO ARE DATED THE SECOND OF JUNE.

A RIGHT.

Q DO YOU RECALL WHY?

A ACTUALLY I THINK IT WAS TWO DIFFERENT DAYS THAT THIS ALL WENT DOWN.

Q OVER A TWO-DAY PERIOD?

A CORRECT.

Q AND DOING THE PAPER WORK AND DEALING WITH THIS INDIVIDUAL OVER THAT TWO-DAY PERIOD, THEN AGAIN WHEN THE STATION WAGON WAS TOWED BACK IN, DID YOU SPEND TIME WITH THIS INDIVIDUAL?

A YES.

Q AND WERE YOU LATER ASKED TO IDENTIFY, FROM A PHOTO ARRAY, THE MAN WHO HAD SIGNED HIS NAME AS MARK PATTERSON ON THESE THREE VEHICLES?

A YES, SIR.

Q AND IS THAT MAN PRESENT IN THIS COURTROOM?

A I DON'T KNOW WHERE HE IS.

Q WOULD YOU LOOK AROUND THE ROOM AND SEE?

A YES, HE IS.

Q AND PLEASE TELL US WHERE HE IS.

A HE'S SITTING NEXT TO THAT GENTLEMAN OVER THERE (INDICATING).

Q THE MAN IN THE WHITE SHIRT?

A IN THE SUIT.

Q HE'S SITTING BESIDE THE MAN IN THE SUIT
A IN THE WHITE SHIRT, I'M SORRY, YES.
Q AND THAT IS THE MAN YOU HAD THESE TRANSACTIONS WITH?
A THAT'S CORRECT.
Q AND DID YOU PICK HIS PICTURE OUT FROM A PHOTO ARRAY? I BELIEVE I ASKED YOU THAT.
A YOU DID AND, YES, I DID.
Q YOU DID.

MR. JUSTICE: LET THE RECORD REFLECT THAT THE WITNESS HAS POINTED TO THE DEFENDANT, VERNARD MATHIS.

Q AND WHAT NAME IS ON THOSE CONTRACTS? WHAT NAME WAS GIVEN TO YOU AT THE TIME BY THIS INDIVIDUAL?
A MARK PATTERSON. THE WAY HE SIGNED FOR THEM?
Q YES.
A MARK PATTERSON.
Q AND DID HE GIVE AN I.D., A DRIVER'S LICENSE OR WHATEVER?
A HE GAVE A SOUTH CAROLINA DRIVER'S LICENSE, BUT WHEN WE DO CASH TRANSACTIONS WE DON'T MAKE COPIES OF IT BECAUSE WE DON'T HAVE TO USE IT FOR THE RECORD.
Q AND THIS ALL WAS A CASH TRANSACTION?
A THAT'S CORRECT.
Q AND HOW MUCH WAS PAID FOR THESE THREE VEHICLES?
A THAT I COULD NOT LOCATE.
Q OH, IT'S NOT SHOWN?

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A NO, IT'S NOT SHOWN ON THESE BILLS OF SALE.
Q YOU'RE RIGHT, IT IS NOT SHOWN ON HERE. PLEASE ANSWER ANY QUESTIONS COUNSEL FOR THE DEFENSE MAY HAVE.

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. BRADY, YOU SAY YOU CAN'T EVEN FIND ALL YOUR RECORDS FROM THESE TRANSACTIONS?
A I'M SORRY?
Q YOU SAY YOU CANNOT EVEN FIND ALL OF YOUR RECORDS FROM THESE TRANSACTIONS?
A I HAVE THE RECORDS THAT YOU ALL HAVE HERE. AS FAR AS A RECEIPT, NO, I COULDN'T SHOW YOU A RECEIPT.
Q AND YOU DON'T EVEN REMEMBER HOW MUCH THESE TRANSACTIONS WERE FOR, DO YOU?
A NOT FROM THREE YEARS AGO, NO, SIR.
Q BUT YOU REMEMBER EVERY OTHER DETAIL, BUT YOU CAN'T REMEMBER THAT DETAIL?
A THAT IS CORRECT.
Q THAT IS CORRECT. AND ISN'T IT TRUE THAT THE PERSON WHO SIGNED FOR THESE VEHICLES SHOWED YOU A SOUTH CAROLINA DRIVER'S LICENSE WITH THE NAME MARK PATTERSON ON IT?
A FROM WHAT I CAN RECALL, YES. I DO NOT HAVE A COPY OF IT, THOUGH.
Q AND YOU LOOKED AT THAT DRIVER'S LICENSE, RIGHT?
A YES.

Q AND THAT DRIVER'S LICENSE HAD A PHOTO ON IT, DIDN'T IT?
A MOST OF THEM DO.
Q DID THE ONE THAT YOU SAW?
A YES, SIR.
Q IT HAD A PHOTO ON IT, RIGHT?
A ABSOLUTELY.
Q AND YOU DIDN'T THINK ANYTHING WAS SUSPICIOUS ABOUT THAT LICENSE, DID YOU?
A NO, NOT AT ALL.
Q IT APPEARED TO BE A DRIVER'S LICENSE ISSUED BY THE STATE OF SOUTH CAROLINA?
A IT APPEARED TO BE.
Q AND IT DIDN'T HAVE VERNARD MATHIS' NAME ON THAT LICENSE, DID IT, SIR?
A NOT THAT I CAN REMEMBER, NO.
Q IT HAD "MARK PATTERSON"?
A FROM WHAT I CAN REMEMBER, YES.
Q AND IT HAD A SOUTH CAROLINA ADDRESS ON THERE, TOO, DIDN'T IT?
A IF IT'S A SOUTH CAROLINA ISSUED DRIVER'S LICENSE, IT HAS TO. THAT'S CORRECT.
Q AND IT DIDN'T HAVE ANYTHING ABOUT VERNARD MATHIS ON THERE.
A NO.
Q AND YOU DEAL WITH A LOT OF PEOPLE, DON'T YOU?
A A BUNCH.

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Q AND YOU HAVE PEOPLE COME AND GO, RIGHT?
A EVERY DAY.
Q AND YOU DON'T REMEMBER WHAT EVERY PERSON THAT COMES IN THERE LOOKS LIKE, DO YOU, SIR?
A NO, I DON'T.
Q IN FACT, YOU TESTIFIED YOU DON'T EVEN REMEMBER --

MR. CLARK: I BEG THE COURT'S INDULGENCE, YOUR HONOR.

THE COURT: ALL RIGHT.

Q MR. BRADY, YOU DIDN'T EVEN REMEMBER ANYTHING ABOUT THE VEHICLE THAT THAT PERSON, MARK PATTERSON, WAS DRIVING, BUT YET YOU'RE TESTIFYING TO IT TODAY, AREN'T YOU?
A I DON'T UNDERSTAND YOUR QUESTION.
Q DO YOU REMEMBER ANYTHING DISTINCTIVE ABOUT THE VEHICLE THE PERSON WHO IDENTIFIED HIMSELF AS MARK PATTERSON WAS DRIVING WHEN HE CAME TO YOUR DEALERSHIP THAT DAY?
A YES, I DO REMEMBER.
Q YOU DO REMEMBER NOW?
A YOU DIDN'T ASK ME THAT QUESTION.
Q YOU DO REMEMBER?
A I DO REMEMBER THE CAR HE WAS DRIVING, YES.
Q HOW MANY TIMES HAVE YOU TALKED TO DETECTIVE BLACKMON ABOUT THIS CASE?
A I THINK TWICE.
Q TWICE?

A (WITNESS NODDING HEAD).
Q DO YOU REMEMBER GIVING HIM A RECORDED STATEMENT?
A YES.
MR. CLARK: MAY I APPROACH THE WITNESS, YOUR HONOR?
THE COURT: YES, SIR.
Q (HANDING DOCUMENT TO WITNESS). DO YOU REMEMBER HIM ASKING YOU ABOUT THE VEHICLE?
A WHAT HE WAS DRIVING?
Q YES.
A YES, SIR, I DO. THIS IS THE SAME PAPER WORK I HAD EARLIER.
Q SO YOU'VE HAD A CHANCE TO LOOK AT IT?
A YES, SIR.
Q HOW ABOUT LOOK AT IT AGAIN FOR ME, THIS PAGE RIGHT HERE. YOU REMEMBER THE QUESTIONS BEING ASKED TO YOU, RIGHT?
A YES.
Q CAN YOU READ THE FIRST QUESTION ON THAT PAGE THAT WAS ASKED TO YOU ABOUT THE WHITE LINCOLN?
A IT ASKS IF I REMEMBER ANYTHING ABOUT A WHITE LINCOLN AS FAR AS A TAG IS CONCERNED. NO, I DIDN'T LOOK AT HIS TAG.
Q YOU DIDN'T LOOK AT HIS TAG?
A NO, SIR, I DIDN'T.
Q AND YOU DIDN'T WRITE DOWN THE LICENSE NUMBER EITHER?
A SIR, WOULD YOU LOOK AT IT?
Q WELL, SIR, I'M ASKING YOU THE QUESTION.

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THE COURT: YES, MR. WITNESS, JUST ANSWER THE QUESTION AS BEST YOU --

A NO, SIR, I DIDN'T WRITE HIS TAG NUMBER DOWN BECAUSE THAT WASN'T MY JOB, TO WRITE THE TAG NUMBER DOWN.

Q I'M TALKING ABOUT LICENSE NUMBER NOW, MR. BRADY.

A I THOUGHT YOU MEANT TAG.

Q LICENSE.

A OKAY.

Q DID YOU WRITE THAT DOWN?

A NO, I DIDN'T MAKE A COPY OF HIS LICENSE.

Q AND I'M GOING TO SHOW YOU STATE'S EXHIBIT #19 AND I'LL TAKE THAT ONE BACK, PLEASE. THAT'S YOUR BILL OF SALE FORM, RIGHT?

A THAT'S CORRECT.

Q AND DOESN'T IT HAVE A PRE-DRAWN SPACE FOR LICENSE NUMBER?

A YES, IT DOES.

Q THAT YOU'RE SUPPOSED TO FILL IN?

A YES, IT LOOKS AS IF I DID.

Q YOU WROTE THAT IN?

A (WITNESS NODDING HEAD).

Q "LICENSE NUMBER", YOU WROTE THAT IN?

A YES.

Q CAN YOU SHOW IT TO ME ON THERE?

A YES, RIGHT THERE (INDICATING).

Q SO THAT'S THE DRIVER'S LICENSE NUMBER?

A THAT IS THE DRIVER'S LICENSE NUMBER.
Q AND YOU RECORDED THAT OFF THAT?
A FROM HIS DRIVER'S LICENSE.
Q AND DID YOU TELL LIEUTENANT BLACKMON ABOUT THAT?
A NO.
Q YOU DIDN'T?
A EVIDENTLY NOT.
Q THANK YOU, SIR.

MR. CLARK: THAT'S ALL I HAVE.

MR. JUSTICE: A COUPLE ON REDIRECT.

REDIRECT EXAMINATION

BY MR. JUSTICE:

Q YOU SAY YOU DIDN'T TELL LIEUTENANT BLACKMON, BUT YOU GAVE HIM COPIES OF THAT CONTRACT?
A CORRECT.
Q AND THE VEHICLE YOU REMEMBER HIM, MR. MATHIS, COMING UP IN WAS WHAT KIND OF VEHICLE, NOW?
A IT WAS A LINCOLN, WHITE LINCOLN. IT WAS LIKE AN OFF-WHITE, PEARL LINCOLN.
Q AND COUNSEL WAS ASKING ABOUT YOU DO A LOT OF TRANSACTIONS. HOW FREQUENTLY DOES SOMEBODY DRIVE UP AND BUY THREE CARS OFF OF THE LOT AT ONE TIME?

MR. CLARK: I OBJECT TO THAT QUESTION, NOW.

A A LOT.

THE COURT: WELL, YOU HAD ASKED HIM HOW HE COULD

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RECALL -- OVERRULED.

(TO MR. JUSTICE) GO AHEAD.

Q DO THOSE TYPES OF TRANSACTIONS STAND OUT MORE SO THAN A SINGLE TRANSACTION?

A NOT NECESSARILY. IT HAPPENS EVERY DAY WITH US.

Q OKAY, THANK YOU VERY MUCH.

THE COURT: (TO WITNESS) YOU MAY STEP DOWN.

MR. JUSTICE: I'D ASK THAT MR. BRADY BE EXCUSED.

MR. CLARK: NO OBJECTION, YOUR HONOR.

THE COURT: (TO WITNESS) THANK YOU VERY MUCH. YOU'RE EXCUSED.

NEXT WITNESS?

MR. JUSTICE: I CALL MR. SCOTT LEE BRADY.

(WHEREUPON, SCOTT L. BRADY, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, MR. BRADY.

A SCOTT BRADY.

Q AND, MR. BRADY, WHERE ARE YOU EMPLOYED?

A AT THE TIME OF THIS INCIDENT?

Q AT THIS TIME, FIRST OF ALL.

A VALUE AUTO SALES.

Q AND PREVIOUSLY THAT WAS B & E AUTO?

A YES, SIR.

Q LOCATED AT 520 NORTH ANDERSON ROAD IN ROCK HILL?
A CORRECT.
Q WERE YOU EMPLOYED THERE IN JUNE OF THE YEAR 2000?
A WELL, YES, SIR.
Q AND DO YOU RECALL AN INCIDENT THE VERY FIRST OF JUNE, FIRST OR SECOND OF JUNE, WHERE YOU, ALONG WITH YOUR BROTHER -- JIM BRADY IS YOUR BROTHER?
A YES, SIR.
Q -- WHERE YOU AND JIM SOLD THREE AUTOMOBILES, TWO VANS AND A STATION WAGON, TO ONE INDIVIDUAL WHO DROVE UP?
A IT WAS THREE INDIVIDUALS.
Q EXCUSE ME?
A THREE INDIVIDUALS.
Q THREE INDIVIDUALS, BUT HOW MANY PEOPLE DID YOU ACTUALLY DO BUSINESS WITH?
A THREE.
Q THREE, OKAY. AND WHAT WAS YOUR ROLE IN THIS TRANSACTION?
A I WAS THE SALESMAN.
Q YOU WERE THE SALESMAN?
A (WITNESS NODDING HEAD).
Q YOU TOOK THEM AROUND THE LOT AND SHOWED THEM?
A WELL, I DEALT WITH ONE PERSON, AND HE SAID HE HAD TWO OTHER CUSTOMERS THAT WANTED CARS, FRIENDS, WHATEVER, AND THEY WANTED A PACKAGE DEAL AND I MADE THEM A PACKAGE DEAL.
Q OKAY, SO YOU DID ALL YOUR DEALINGS, THOUGH, WITH ONE

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PERSON?
A BASICALLY.
Q PRETTY MUCH. AND SOME THREE WEEKS LATER -- WELL, TELL ME, WHAT DO YOU REMEMBER ABOUT THE SALES. WHO BOUGHT WHAT?
A THE ONE INDIVIDUAL I DEALT WITH, HE WANTED A PACKAGE DEAL. SO IT WAS A COUPLE OF VANS AND -- OF COURSE, WE ARE GOING BACK THREE YEARS, I CAN'T GIVE YOU COLORS AND ALL THAT -- AND IT WAS A SMALL WAGON.
Q DID YOU NOTICE WHAT KIND OF VEHICLE THESE PEOPLE ARRIVED IN ON YOUR LOT THAT DAY?
A NO, SIR, I DID NOT.
Q DID YOU HAVE AN OCCASION, SOME THREE WEEKS LATER, TO BE QUESTIONED BY DETECTIVES FROM THE LANCASTER COUNTY SHERIFF'S DEPARTMENT?
A I WAS CALLED TO SHOW, AND I WASN'T AVAILABLE TO BE THERE AT THAT TIME.
Q BUT DID YOU, AT A LATER TIME, LOOK AT SOME PHOTOGRAPHS?
A YES, SIR.
Q I'LL SHOW YOU WHAT HAS BEEN ADMITTED AS STATE'S EXHIBIT #8, AND TELL ME WHETHER OR NOT THIS IS THE ARRAY OF PHOTOGRAPHS THAT YOU WERE SHOWN.
A YES.
Q AND DID YOU MAKE AN IDENTIFICATION AT THAT TIME --
A YES, SIR.
Q -- OF THE MAN YOU HAD DEALT WITH?

A YES, SIR.
Q AND IS THAT MAN PRESENT IN THE COURTROOM TODAY?
A YES, SIR.
Q AND PLEASE TELL US WHERE HE IS.
A HE'S TO MY RIGHT.
Q AT COUNSEL TABLE?
A YES, SIR.
Q THAT WOULD BE THE DEFENDANT?
A (WITNESS NODDING HEAD).

MR. JUSTICE: LET THE RECORD REFLECT THE WITNESS HAS IDENTIFIED THE DEFENDANT.

Q THAT WOULD BE THE MAN IN THE WHITE SHIRT OR THE MAN IN THE SUIT?
A THE MAN IN THE WHITE SHIRT.
Q OKAY, THANK YOU. PLEASE ANSWER ANY QUESTIONS COUNSEL MAY HAVE.

THE COURT: (TO MR. CLARK) CROSS?

CROSS-EXAMINATION

BY MR. CLARK:

Q SO, MR. BRADY, YOU SAID THREE PEOPLE CAME IN THAT DAY?
A RIGHT.
Q AND TWO OTHER PEOPLE WANTED VEHICLES AS WELL, SO YOU DID A PACKAGE DEAL?
A CORRECT.
Q AND DID YOU KNOW WHO ENDED UP GETTING WHAT VEHICLE OF THE

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THREE AFTER HE LEFT?

A NO, SIR.

Q THANK YOU, SIR.

MR. CLARK: THAT'S ALL I HAVE.

MR. JUSTICE: (TO WITNESS) THANK YOU, SIR.

(TO THE COURT) WE'D ASK THAT THE WITNESS BE EXCUSED, YOUR HONOR.

THE COURT: ANY OBJECTION?

MR. CLARK: (NO RESPONSE).

THE COURT: HEARING NONE, THE WITNESS IS EXCUSED.

MR. CLARK: NO OBJECTION, YOUR HONOR.

THE COURT: (TO WITNESS) THANK YOU, SIR.

MR. JUSTICE: THE STATE WOULD CALL MR. TOMMY STOWE.

(WHEREUPON, TOMMY STOWE, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, MR. STOWE.

A TOMMY LEE STOWE, JR.

Q AND, MR. STOWE, WHERE ARE YOU CURRENTLY LIVING AND WORKING?

A I LIVE IN AYNOR -- WELL, I LIVE IN CONWAY, SOUTH CAROLINA, BUT I'M WORKING IN AYNOR.

Q NOW, THAT'S A TOWN IN HORRY COUNTY, NEAR MYRTLE BEACH?

A YES, SIR.

Q AND YOU DROVE UP TODAY PURSUANT TO THE SUBPOENA TO BE HERE?
A YES, SIR.
Q MR. STOWE, I WANT YOU TO THINK BACK TO JUNE OF THE YEAR 2000, ALMOST THREE YEARS AGO, RIGHT AT THREE YEARS AGO. WHERE WERE YOU LIVING THEN?
A I WAS LIVING IN ROCK HILL.
Q AND WHERE DID YOU WORK BACK THEN?
A B & E AUTO SALES.
Q WHAT WAS YOUR JOB AT B & E?
A I DID VARIOUS JOBS. I DETAILED CARS, WORKED ON THEM, AND I KIND OF DID A LITTLE BIT OF EVERYTHING.
Q DETAILING, THAT WOULD BE CLEANING THEM UP REAL GOOD AFTER THEY'D BEEN TRADED IN SO YOU COULD RESELL THEM?
A YES, SIR. EVERY ONCE IN A WHILE THE OWNERS WERE GONE AND I'D TAKE CARE OF CUSTOMERS AND SO FORTH.
Q DID YOU EVER DRIVE THE TOW TRUCK?
A NO, SIR.
Q TOW VEHICLES?
A (WITNESS SHAKING HEAD).
Q MR. STOWE, I WANT YOU TO THINK BACK TO THE FIRST OF JUNE OF THE YEAR 2000. DO YOU RECALL A MULTIPLE TRANSACTION WHERE SEVERAL INDIVIDUALS CAME TO THE DEALERSHIP IN A VEHICLE AND BOUGHT THREE OTHER VEHICLES?
A YES, SIR.
Q DO YOU RECALL DEALING WITH ANY OF THOSE THREE INDIVIDUALS

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OR ANY OF THOSE INDIVIDUALS?

A YES, SIR.

Q PLEASE TELL US WHAT YOU RECALL ABOUT THAT PARTICULAR INCIDENT.

A THERE WAS THREE YOUNG GENTLEMEN THAT COME UP THERE TO GET -- THEY JUST ASKED FOR THREE CHEAP VEHICLES, I ASSUME. I DIDN'T KNOW WHAT THEY WANTED THEM FOR, BUT I DIDN'T REALLY THINK NOTHING OF IT. WE SELL VEHICLES ALL THE TIME. I JUST FIGURED MAYBE THEY WAS TRYING TO MAKE A LITTLE MONEY, JUST START OUT BUYING CARS OR SOMETHING.

SO WE SOLD THEM THREE VEHICLES FOR $500 APIECE, AND ONE OR TWO OF THEM HAD BROKEN DOWN AND I HAD TO RIDE OUT WITH THEM ONE DAY AND -- OR FOLLOW THEM OUT IN THEIR VEHICLE. AND WE DIDN'T HAVE THE KEYS, ONCE THEY GOT OUT THERE, AND THEY HAD FORGOT THE KEYS OR SOMETHING, AND SO I RODE BACK. AND THAT'S REALLY THE ONLY TIME I HAD A LOT TO DO WITH THEM.

Q THE ONE THAT BROKE DOWN, WAS THAT SOMEWHERE THAT SAME DAY YOU ALL HAD SOLD THEM?

A IT SEEMS LIKE THEY WAS GOING TO SWAP SOMETHING OUT.

Q OR THE NEXT DAY?

A IT HAD BROKE DOWN AND THEY WERE SWAPPING IT OUT FOR ANOTHER VEHICLE. I WASN'T SURE.

Q DO YOU REMEMBER WHAT THEY ARRIVED IN WHEN THEY CAME TO DEAL AND PURCHASE VEHICLES?

A YES, SIR. IT WAS A NEWER MODEL FORD LINCOLN, LIKE A TOWN CAR.

Q A LINCOLN TOWN CAR?

A YES, SIR.

Q AND DID YOU, AT A LATER TIME, TALK WITH -- ABOUT THREE WEEKS LATER -- TALK WITH INVESTIGATOR LEE BLACKMON FROM THE LANCASTER COUNTY SHERIFF'S DEPARTMENT?

A YES, SIR.

Q AND WERE YOU SHOWN AN ARRAY OF PHOTOGRAPHS?

A YES, SIR, I WAS.

Q I SHOW YOU STATE'S EXHIBIT #8. DOES THIS APPEAR TO BE THE ARRAY OF PHOTOGRAPHS YOU WERE SHOWN BY MR. BLACKMON?

A YES, SIR, IT WAS.

Q AND DID YOU MAKE AN IDENTIFICATION OF THE PERSON THAT YOU HAD DEALT WITH INVOLVING THE PURCHASE OF THESE THREE VEHICLES?

A YES, SIR.

Q AND DO YOU REMEMBER WHICH ONE IT WAS?

A YES, SIR.

Q PLEASE TELL US.

A NUMBER THREE.

Q NUMBER THREE?

A (WITNESS NODDING HEAD).

Q AND IS THAT INDIVIDUAL THAT YOU DEALT WITH ON THAT DAY OR THOSE DAYS PRESENT IN THIS COURTROOM TODAY?

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A YES, SIR.
Q WOULD YOU PLEASE POINT HIM OUT TO US?
A HE'S SITTING OVER THERE (INDICATING).
Q IN THE WHITE SHIRT OR THE SUIT?
A IN THE WHITE SHIRT.

MR. JUSTICE: LET THE RECORD REFLECT THE WITNESS HAS POINTED TO THE DEFENDANT.

Q MR. STOWE, I APPRECIATE YOU COMING UP TODAY. PLEASE ANSWER ANY QUESTIONS MR. CLARK MAY HAVE.

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. STOWE, YOU SAID THERE WERE THREE INDIVIDUALS?
A YES, SIR.
Q AND AFTER THOSE VEHICLES WERE SOLD, DO YOU KNOW WHO GOT WHAT OF THE THREE VEHICLES THAT WERE SOLD?
A I TOOK IT AS ALL THREE OF THEM WERE BUYING THEM FOR THEIR SELVES TOGETHER.
Q ALL THREE OF THEM WERE GOING TO OWN ALL THREE OF THEM TOGETHER?
A YES, SIR.
Q AND DO YOU KNOW WHETHER THEY SPLIT THEM UP AFTER THEY LEFT OR NOT?
A NO, SIR, I DON'T.
Q OKAY, THANK YOU, SIR.

MR. CLARK: THAT'S ALL I HAVE.

MR. JUSTICE: I'D ASK THAT MR. STOWE BE EXCUSED.

MR. CLARK: NO OBJECTION.

THE COURT: (TO WITNESS) YOU MAY BE EXCUSED. THANK YOU FOR COMING.

THE WITNESS IS EXCUSED.

MR. JUSTICE: MR. BARFIELD WILL CALL THE NEXT WITNESS, YOUR HONOR.

MR. BARFIELD: I CALL DR. EASON.

THE COURT: (TO WITNESS) PLEASE COME FORWARD.

(WHEREUPON, ERIC A. EASON, M.D., HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

MR. BARFIELD: IF YOU'D GIVE US JUST A COUPLE OF MINUTES, I DON'T NEED THE JURY TO GO OUT.

THE COURT: ALL RIGHT.

(COUNSEL CONFERRING).

THE COURT: SOLICITOR BARFIELD, ARE YOU READY?

MR. BARFIELD: YES, SIR.

DIRECT EXAMINATION

BY MR. BARFIELD:

Q STATE YOUR FULL NAME, PLEASE.

A IT'S ERIC, MIDDLE NAME AUGUST AND LAST NAME EASON.

Q AND, DR. EASON, YOU'RE A MEDICAL DOCTOR, IS THAT CORRECT?

A CORRECT.

Q WHERE ARE YOU CURRENTLY EMPLOYED?

A MEDICAL UNIVERSITY OF SOUTH CAROLINA IN CHARLESTON.

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Q HOW LONG HAVE YOU BEEN EMPLOYED AT THE MEDICAL UNIVERSITY?
A SINCE JULY 1, 1999.
Q AND WHAT IS YOUR JOB AT THE MEDICAL UNIVERSITY OF SOUTH CAROLINA?
A I'M A RESIDENT IN PATHOLOGY.
Q WHERE DID YOU GET YOUR BACHELOR'S DEGREE?
A CLEMSON UNIVERSITY.
Q AND WHAT YEAR AND IN WHAT?
A 1994 IN BIOLOGICAL SCIENCES.
Q WHERE DID YOU GET YOUR MEDICAL DEGREE?
A M.U.S.C., 1998.
Q DID YOU DO AN INTERNSHIP OR RESIDENCY OR MORE THAN ONE?
A CORRECT. I DID AN INTERNSHIP IN FAMILY PRACTICE IN COLUMBIA FROM JULY 1, 1998 UNTIL JUNE 30, 1999, AND THEN I TRANSFERRED INTO PATHOLOGY, MOVED BACK TO CHARLESTON AND STARTED JULY 1, 1999.
Q AND HAVE YOU COMPLETED THAT INTERNSHIP IN PATHOLOGY AT THE MEDICAL UNIVERSITY?
A I HAVE ABOUT 20 SOMETHING DAYS TO GO.
Q ALL RIGHT, SIR. ARE YOU A LICENSED MEDICAL DOCTOR?
A SINCE 1999, CORRECT, FULL TIME.
Q AND WHAT STATES ARE YOU LICENSED IN?
A SOUTH CAROLINA AND GEORGIA.
Q ARE YOU WORKING -- DO YOU HAVE A SPECIALTY IN MEDICINE THAT YOU'RE FOCUSING ON?

A CORRECT, FORENSIC PATHOLOGY.
Q ARE YOU AT THIS TIME BOARD CERTIFIED IN FORENSIC PATHOLOGY?
A NOT YET.
Q ARE YOU BOARD ELIGIBLE?
A CORRECT.
Q WHAT DOES THAT MEAN?
A IT MEANS THAT I HAVE NOT COMPLETED THE FULL TRAINING TO TAKE THE TEST YET. I HAVE TO FINISH FIRST MY RESIDENCY IN PATHOLOGY, AND THEN I MOVE TO GEORGIA IN JULY TO THE OFFICIAL FORENSIC FELLOWSHIP, AND THEN I CAN TAKE THAT TEST. BUT AT M.U.S.C. FORENSIC PATHOLOGY IS VERY HEAVILY EMPHASIZED, AND SO WE DO AUTOPSIES THERE AND LEARN HOW TO BECOME FORENSIC PATHOLOGISTS DURING THE TRAINING, AND THEY'RE ALL UNDER SUPERVISION.
Q HAVE YOU PERFORMED AUTOPSIES YOURSELF BEFORE?
A CORRECT.
Q ABOUT HOW MANY AUTOPSIES HAVE YOU PERFORMED?
A 200, SUPERVISED.
Q SUPERVISED BY A BOARD CERTIFIED FORENSIC PATHOLOGIST?
A CORRECT.
Q AND ARE THERE BOARD CERTIFIED FORENSIC PATHOLOGISTS ON STAFF AT THE MEDICAL UNIVERSITY OF SOUTH CAROLINA WHERE YOU'RE EMPLOYED?
A THREE FULL TIME.
Q AND HAVE ALL THE AUTOPSIES YOU'VE DONE BEEN STAFFED AND

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SUPERVISED BY ONE OF THOSE FORENSIC PATHOLOGISTS?

A THEY'RE IN THE ROOM THE FULL TIME, CORRECT.

Q HAVE YOU TESTIFIED IN THE COURTS OF THE STATE OF SOUTH CAROLINA -- LET ME BACK UP -- WELL, HAVE YOU TESTIFIED IN THE COURTS OF THE STATE OF SOUTH CAROLINA PRIOR TO TODAY?

A CORRECT, FOUR TIMES.

Q AND DURING THE COURSE OF THOSE FOUR TESTIMONIES, HAVE YOU BEEN QUALIFIED AS AN EXPERT IN THE FIELD OF FORENSIC PATHOLOGY TO BE ABLE TO TESTIFY?

A EACH TIME, YES.

Q AND WERE ALL OF THOSE CASES IN GENERAL SESSIONS COURT IN ONE COUNTY OR ANOTHER IN THIS STATE?

A CORRECT.

MR. BARFIELD: YOUR HONOR, AT THIS TIME I'D OFFER DR. EASON AS AN EXPERT WITNESS IN FORENSIC PATHOLOGY.

THE COURT: (TO MR. CLARK) WOULD YOU LIKE TO CROSS-EXAMINE HIM IN REGARD TO HIS QUALIFICATIONS?

MR. CLARK: NO, SIR, YOUR HONOR, WE STIPULATE.

THE COURT: THANK YOU.

ALL RIGHT, THE COURT FINDS THE WITNESS TO BE AN EXPERT IN THE FIELD OF FORENSIC PATHOLOGY.

Q DR. EASON, PLEASE EXPLAIN TO THE JURY WHAT THE SCIENCE OF FORENSIC PATHOLOGY IS, PLEASE, SIR.

A WE TAKE KNOWLEDGE OF MEDICINE AND TRY AND MATCH IT UP WITH LAW, AND BASICALLY WHAT WE DO IS, A LOT OF THE BODIES THAT

WILL COME TO US ARE USUALLY DUE TO A DEATH THAT SHOULD NOT HAVE OCCURRED NATURALLY, AND IT'S UP TO US TO TRY AND USE ALL THE INFORMATION THAT WE HAVE TO FIGURE OUT THE MECHANISM OF DEATH, THE CAUSE OF DEATH AND THE MANNER OF DEATH.

Q SOMETIME ON OR ABOUT THE MORNING OF JUNE 21 OF 2000, DID YOU AND OTHER MEMBERS OF YOUR STAFF RECEIVE THE BODY OF MELVIN STEELE FOR THE PURPOSE OF A FORENSIC AUTOPSY?

A CORRECT.

Q AND WAS THE BODY ACCOMPANIED BY SOME LAW ENFORCEMENT OFFICIAL FROM LANCASTER COUNTY?

A IT WAS, A PERSON BY THE NAME OF KEVIN WHALERS, LANCASTER COUNTY SHERIFF'S OFFICE.

Q AND WAS THE BODY IDENTIFIED TO YOU IN SOME FASHION SO YOU WOULD KNOW WHO THE PERSON WAS?

A CORRECT. THERE WAS AN I.D. TAG ON THE RIGHT ANKLE, AND IT WAS IDENTIFIED VIA BEING BROUGHT DOWN BY SOMEONE FROM THE SHERIFF'S DEPARTMENT.

Q ALL RIGHT, SIR. DESCRIBE THE CLOTHING THAT WAS WITH THE BODY OR ON THE BODY AT THE TIME YOU FIRST HAD CONTACT WITH MR. STEELE'S BODY.

A THE CLOTHING THAT WE SAW WAS THE CLOTHING THAT WAS ON THE BODY. SOMETIMES WE GET THE BODIES AND THE CLOTHING IS IN A SEPARATE BAG, BUT WHAT WAS LEFT ON THE BODY WAS A PAIR OF GREEN SHORTS AND A PAIR OF WHITE UNDERWEAR AND A YELLOW

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METAL RING, WEDDING RING, AND THAT'S ALL WE HAD.

Q NOW, DO YOU DO AN EXTERNAL EXAMINATION OF THE BODY BEFORE YOU DO THE FORENSIC AUTOPSY?

A RIGHT. WE'LL DO THE BASIC INFORMATION, HEIGHT, WEIGHT, EYE COLOR, HAIR LENGTH, HAIR COLOR, ANY OLD SCARS, TATTOOS, ETCETERA, AND THEN THAT'S WHEN WE'LL ACTUALLY DO THE AUTOPSY, AFTER THAT.

Q NOW, FOR THE EXTERNAL EXAMINATION I WANT YOU TO DESCRIBE ANYTHING SIGNIFICANT, AND I'LL ASK YOU ABOUT SPECIFIC AREAS, BUT LET'S START WITH THE HEAD. ANYTHING SIGNIFICANT ON THE EXTERNAL EXAMINATION?

A THERE WAS DUCT TAPE AROUND THE HEAD COVERING THE EYES. IT WENT ACROSS THE BRIDGE OF THE NOSE, IT DIDN'T ACTUALLY COVER WHAT WE CALL THE NARES, WHICH IS THE ACTUAL BREATHING HOLES, AND IT WAS AROUND THE MOUTH, TOO.

Q WERE THERE ANY INJURIES TO THE HEAD?

A THERE WERE ABRASIONS, WHICH ARE SCRAPES, AND THEN WE FOUND A CONTUSION THAT WAS ON THE RIGHT FOREHEAD. A CONTUSION IS JUST A BRUISE. HE HAD SOME SCRATCHES AND LIGHT BRUISING ON HIS FOREHEAD.

Q THE CHEST -- DID AN EXTERNAL EXAMINATION OF THE CHEST REVEAL ANYTHING OF ANY SIGNIFICANCE?

A I FOUND SOME ABRASIONS ON THE RIGHT CHEST, OTHER SCRATCHES WE FOUND.

Q ARE YOU ABLE, BASED ON WHAT YOU KNOW, TO DETERMINE WHAT

THOSE ABRASIONS ON THE CHEST OR THE HEAD WERE CAUSED BY?

A NOT WITH ABSOLUTE CERTAINTY. THE STORY THAT WE GOT WAS THAT HE WAS TAKEN INTO THE WOODS, AND ANYTHING COULD HAVE LED TO THAT. IT COULD HAVE BEEN GRASS, STICKS, IT COULD HAVE BEEN ANT BITES, ETCETERA.

Q DID YOU HAVE A GENERAL HISTORY OF THE WAY THIS BODY WAS FOUND AND THE EVENTS THAT TRANSPIRED LEADING UP TO THE DISCOVERY OF THE BODY?

A CORRECT. THE CORONER --

Q AND I'M NOT ASKING YOU WHAT IT WAS, BUT DID YOU HAVE THAT INFORMATION?

A CORRECT, WE DID.

Q IN THE COURSE OF GETTING THAT INFORMATION, DID YOU RECEIVE INFORMATION ABOUT ANY RESTRAINTS ON THE BODY OTHER THAN THE DUCT TAPE THAT YOU'VE DESCRIBED?

A CORRECT. WE WERE TOLD THAT THEY WERE HANDCUFFED AS WELL.

Q DID YOU EVER SEE THE HANDCUFFS THAT MELVIN STEELE HAD BEEN BOUND WITH?

A NO, NEVER SAW THEM.

Q DID YOU EXAMINE THE ARMS, HANDS AND WRISTS DURING THE COURSE OF YOUR EXTERNAL EXAMINATION?

A WE DID. WE FOUND ABRASIONS AND CONTUSIONS ON THE RIGHT AND LEFT WRISTS, AND WE BASED THAT ON WHAT THE CORONER TOLD US. THE CORONER TOLD US THAT HE WAS HANDCUFFED, AND SO WHEN WE FOUND THE CONTUSIONS AND THE ABRASIONS, WE PUT THE TWO

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TOGETHER AND SAID THAT'S MOST LIKELY DUE TO THE HANDCUFFS. THAT'S HOW WE GOT THAT.

Q WAS THAT CONSISTENT WITH THE BODY BEING HANDCUFFED?

A CONSISTENT WITH IT, CORRECT.

Q NOW, DID YOU EXAMINE THE LEGS OF MELVIN STEELE?

A WE DID.

Q WERE THERE ANY FINDINGS OF SIGNIFICANCE ON THE LEGS OF MELVIN STEELE?

A CORRECT. WE FOUND FOUR WOUNDS THAT WE EXAMINED, AND BASED ON FORENSIC RESEARCH, TEXTBOOKS, ETCETERA, WE CALLED THEM ALL FOUR GUNSHOT WOUNDS. THAT'S WHAT WE DID.

Q NOW, LET ME JUST JUMP AHEAD. ULTIMATELY DID YOU DETERMINE HOW MANY BULLETS WERE FIRED INTO THE BODY OF MELVIN STEELE?

A BASED ON THE HISTORY AND BASED ON WHAT THE CORONER TOLD US. A BULLET WAS NOT GIVEN TO US, AND WE DID NOT FIND A BULLET WHEN WE ACTUALLY LOOKED AT THE LEGS. WE DO X-RAYS, TOO, AND WE FOUND WHAT WE WOULD CALL AN ENTRANCE WOUND ON THE LEFT LEG, BECAUSE THERE WERE FEATURES SUGGESTIVE OF AN ENTRANCE WOUND, AND WE FOUND WHAT WAS SUGGESTIVE OF AN EXIT WOUND ON THE RIGHT LEG.

AND SO THEN WE FOUND TWO OTHER WOUNDS ON THE INNER THIGHS, AND ONE OF THEM LOOKED LIKE WHAT WE CALL A RE-ENTRY WOUND, WHERE A BULLET WENT IN, WENT OUT AND THEN WENT BACK IN. AND THEN WHEN IT DID, IT WENT BACK OUT AGAIN. SO WHAT WE DID IS WE JUST PUT THE PIECES TOGETHER AND CONCLUDED

THAT HE WAS SHOT ONE TIME, AND IT WENT IN THE LEFT LEG, OUT THE LEFT LEG, BACK IN THE RIGHT LEG AND BACK OUT THE RIGHT LEG.

Q NOW, DID YOU LABEL THOSE FOUR WOUNDS WITH LETTERS OF THE ALPHABET?

A CORRECT, WE DO THAT. "A", "B", "C" AND "D", IS WHAT WE DID. AND WE USUALLY WILL START WITH WHAT WE THINK IS THE ENTRANCE WOUND AND CALL THAT "A", SO WE SAID "A" WAS RIGHT HERE (INDICATING). "B" WAS THE EXIT WOUND FROM THE LEFT THIGH. WE CALLED "C" THE RE-ENTRY WOUND, WHERE THE BULLET WENT BACK IN, AND WE CALLED "D" THE EXIT WOUND ON THE RIGHT THIGH.

Q DESCRIBE "A" FOR THE JURY.

A ALL RIGHT. "A" -- WE DO MEASUREMENTS. IT WAS 0.3 X 0.17 INCHES. IT WAS TO THE LATERAL LEFT THIGH, WHICH MEANS ON THE LEFT SIDE OF THE LEG. WE MEASURE HOW FAR IT IS FROM THE TOP OF THE HEAD. WE GOT 39 INCHES. AND THEN WE DESCRIBE WHAT'S CALLED AN ABRASION BORDER. AND YOU HAVE TO THINK ABOUT A FOOTBALL, AND SO WHEN A BULLET IS SPINNING THROUGH THE AIR, IT SPINS LIKE A FOOTBALL. AND WHEN IT ENTERS THE SKIN, SOME OF THE SKIN CAN BE KIND OF RIPPED OR SCRAPED OFF OF IT, SO WE FOUND AN ABRASION BORDER AND DESIGNATED THAT.

AND THEN WE FOUND WHAT WE CALL STIPPLING.

Q WHAT IS "STIPPLING"? TELL THE JURY WHAT "STIPPLING" IS.

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A STIPPLING IS AN INDICATION THAT THE WOUND IS AT CLOSE RANGE, THE GUNSHOT WOUND. AND WHAT HAPPENS IS WHEN THE GUNPOWDER LEAVES THE GUN, SOME OF IT WILL ACTUALLY BURN THE SKIN AND FORM A TATTOO. WE FOUND THAT ON GUNSHOT WOUND "A".

Q ALL RIGHT, SIR.

A AND SO BASED ON THE ABRASION BORDER AND THE STIPPLING, WE CONCLUDED THAT GUNSHOT WOUND "A" WAS AN ENTRANCE WOUND, CLOSE-RANGE ENTRANCE WOUND.

Q TELL US A LITTLE BIT ABOUT "B".

A "B", LET'S SEE HERE, "B" WAS 44.5 INCHES FROM THE TOP OF THE HEAD. IT WAS 0.6 X 0.4 INCHES. WE SAW NO ABRASION BORDER, AND WHAT WE DID FIND IS THAT THERE WAS SOME BRUISING AROUND THE WOUND, AND WE FIGURED THAT WAS DUE TO THE POSSIBILITY OF THE LEGS BEING CLOSE TOGETHER WHEN HE WAS SHOT BECAUSE WHEN THE BULLET EXITED, IT WENT IN THE SKIN ON THE RIGHT LEG, AND THAT WOULD CAUSE, LIKE, A SHOCK WAVE AND CAUSE BRUISING ON BOTH OF THOSE WOUNDS.

Q AND WAS THERE SIMILAR BRUISING ON THE --

A CORRECT, IT MATCHED UP.

Q -- WOUND "C", WHICH IS THE FIRST WOUND ON THE RIGHT LEG?

A GUNSHOT WOUND "C" MATCHED UP WITH -- THERE WAS THE SAME TYPE CONTUSION, SAME TYPE OF FINDINGS THAT WE FOUND ON THE LEFT LEG, SO THOSE WOUNDS MATCHED UP PRETTY NICELY, IS WHAT WE GOT.

Q ANYTHING FURTHER YOU NEED TO TELL THE JURY ABOUT WOUND "C"?
A NO.
Q ALL RIGHT, TELL US ABOUT "D".
A WOUND "D" HAD FEATURES OF AN EXIT WOUND. SOMETIMES WHEN THE BULLET LEAVES THE BODY, THE SKIN WILL TEAR AND IT WILL FORM THESE LITTLE SKIN SPLITS, AND WE FOUND A SKIN SPLIT THAT MEASURED 0.2 INCHES. AND JUST BASED ON THAT, IF WE HAVE STIPPLING ON THIS WOUND, A SKIN SPLIT ON THE OTHER WOUND, WE CALL THIS ONE AN ENTRANCE AND THAT ONE AN EXIT, AND WE PIECED TOGETHER THE OTHER TWO.
Q NOW, IN THE COURSE OF A FORENSIC AUTOPSY, IS A BODY GENERALLY X-RAYED?
A ONLY IF THERE'S NEED. WHEN WE WERE TOLD THERE WAS A GUNSHOT WOUND TO THE LEGS, WE X-RAYED THE LEGS BECAUSE WE TRY AND FIND THE BULLET AND WE'LL RETRIEVE THAT. WE DIDN'T FIND IT.
Q NO BULLET FOUND IN THE BODY OF MELVIN STEELE?
A NO BULLET.
Q BASED ON YOUR TRAINING, TELL THE JURY -- ARE YOU ABLE TO TELL THE JURY HOW CLOSE A GUNSHOT HAS TO BE TO PRODUCE STIPPLING?
A WELL, WE'LL USE RANGES, AND THE RANGE THAT WE'RE TAUGHT IS ABOUT 8 TO 18 INCHES, SO YOU HAVE TO KIND OF GET THAT IDEA IN YOUR HEAD, BUT THE THING I'VE GOT TO WARN YOU IS THAT THE ONLY WAY TO TRULY TELL THE RANGE OF FIRE IS TO GET THE

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WEAPON IN QUESTION, THE SAME AMMUNITION, AND TEST FIRE IT. BUT BASED ON VIEWING THE GUNSHOT WOUNDS, WHEN YOU SEE STIPPLING YOU COME UP WITH A RANGE OF BETWEEN 8 TO 18 INCHES, AND THAT'S WHAT WE GOT.

Q NOW, ARE YOU ABLE TO TELL THIS JURY, TO REASONABLE DEGREE OF MEDICAL CERTAINTY, THE CAUSE OF DEATH OF MELVIN STEELE, BASED UPON YOUR AUTOPSY?

A CORRECT. WHAT WE DID IS WE NOTICED -- WHEN WE WERE EXAMINING THE WOUNDS ON THE RIGHT LEG, WE NOTICED THERE WAS A LOT OF BLOOD IN THE MUSCLE OF THE LEG, AND IT WAS EXTENSIVE -- WE CALLED IT EXTENSIVE INTRAMUSCULAR HEMORRHAGE.

Q HEMORRHAGE IS WHAT?

A BLEEDING, BLEEDING. SO THE ACTUAL CAUSE OF DEATH IS THAT HE BLED TO DEATH.

Q ALL RIGHT, SIR. FROM THE RIGHT LEG WOUND PRIMARILY?

A CORRECT.

Q AND BASED ON YOUR TRAINING, ARE YOU ABLE TO TELL THE JURY -- AND THE HISTORY THAT YOU HAVE WITH THE BODY OF MELVIN STEELE -- TO A REASONABLE DEGREE OF MEDICAL CERTAINTY, THE MANNER OF THE DEATH?

A THE MANNER IS HOMICIDE BECAUSE, FROM THE HISTORY THAT WE HAD, HE DID NOT TAKE A GUN AND DO THIS TO HIMSELF. WHAT WE GOT WAS THAT SOMEONE ELSE DID THIS, SO BY DEFINITION TO US THAT'S A HOMICIDE. THE CAUSE OF DEATH WAS A GUNSHOT WOUND,

AND THE MECHANISM, WHAT ACTUALLY HAPPENED WHEN THE BULLET ENTERED THE BODY, WOULD BE EXSANGUINATION, OR BLEEDING TO DEATH.

Q ARE YOU ABLE TO TELL THIS JURY, TO A REASONABLE DEGREE OF MEDICAL CERTAINTY, IN SOME RANGE, FROM THE GUNSHOT WOUND TO THE TIME OF DEATH, HOW LONG ELAPSED?

A WE CAME UP WITH MINUTES. AND AGAIN, THE ONLY WAY TO TRULY TELL IS TO BE THERE WITH A STOP WATCH AND FIND OUT WHEN THE BULLET WENT IN AND WHEN THERE WAS AN OFFICIAL DEATH. BUT JUST BASED ON BLOOD LOSS, THE AMOUNT OF BLOOD THAT WE SAW IN THE LEG, THAT ONE OF THE MAJOR ARTERIES WAS HIT, SO WE JUST USED -- WE SAID MINUTES, BUT WE CAN'T PROVE IT BECAUSE WE WEREN'T THERE.

Q FROM THE POINT THAT -- DESCRIBE FOR THE JURY THE EFFECT ON A PERSON FROM RECEIVING A WOUND OF THIS NATURE, BY WAY OF CONSCIOUSNESS, OF ABILITY TO SPEAK, AWARENESS, THINGS LIKE THAT.

A ADULTS HAVE ABOUT SIX LITERS OF BLOOD IN THEM, WHICH IS TWO OF THOSE BIG PEPSI CONTAINERS. IF YOU LOSE ABOUT TWO LITERS OF THAT, MOST ADULTS WILL PASS OUT, AND THAT CAN TAKE ANYWHERE FROM 30 SECONDS TO A MINUTE, AND IT JUST DEPENDS ON THE VESSEL THAT WAS HIT, WHETHER IT WAS AN ARTERY OR A VEIN. IT DEPENDS ON HOW STRONG A HEART SOMEONE HAD. IT DEPENDS ON THEIR DEHYDRATION STATUS.

BUT USUALLY PEOPLE, WHEN THEY HAVE BLOOD LOSS THAT'S

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REAL SEVERE, THEY'LL PASS OUT FIRST, AND THEN IF THE BLOOD LOSS CONTINUES, THEY WILL EVENTUALLY JUST NEVER WAKE UP. THAT'S WHAT HAPPENS.

Q IS THERE A PROBABILITY THAT THERE WAS SOME PERIOD OF CONSCIOUSNESS OF MELVIN STEELE AFTER THIS WOUND WAS RECEIVED?

A OH, CORRECT.

Q AND COULD HE HAVE COMMUNICATED FOR SOME PERIOD OF TIME AFTER HE HAD BEEN SHOT?

A HE PROBABLY COULD HAVE COMMUNICATED CONSCIOUSLY FOR A CERTAIN PERIOD OF TIME, AND THEN MAYBE WOULD HAVE BEEN UNCONSCIOUS BUT STILL MAY HAVE BEEN BREATHING AND TRYING TO FIGHT BACK, IS WHAT PEOPLE DO DURING TRAUMA.

Q ALL RIGHT.

A BUT HE WAS PROBABLY CONSCIOUS FOR AT LEAST 20 TO 30 SECONDS, IS MY GUESS, BUT AGAIN I WASN'T THERE.

Q DOES THE LOSS OF BLOOD AFFECT SOMEBODY'S ABILITY TO BREATHE? I ASK A LOT OF STUPID QUESTIONS, BUT -

MR. CLARK: YOUR HONOR, I DON'T KNOW THAT -- WE'RE GETTING IRRELEVANT AT THIS POINT.

THE COURT: SOLICITOR?

MR. BARFIELD: I BELIEVE IT IS RELEVANT. HE'S TESTIFIED CONCERNING THE MANNER AND CAUSE OF DEATH OF A BODY THAT HE AUTOPSIED.

THE COURT: I'M GOING TO OVERRULE YOUR OBJECTION.

Q WHEN YOU ARE LOSING BLOOD, ARE YOU BREATHING LIKE YOU ARE WHEN YOU DON'T HAVE A WOUND LIKE THAT?

A IT DEPENDS ON HOW MUCH IS LOST. IF IT WOULD HAVE HAPPENED IN FRONT OF AN E.R., THEY MIGHT HAVE BEEN ABLE TO FIX IT, BUT AS YOU START LOSING MORE AND MORE BLOOD, YOUR WHOLE BODY SHUTS DOWN, IS WHAT HAPPENS, SO THE BREATHING WOULD SHUT DOWN, TOO.

Q IS THERE ANY SIGNIFICANCE TO THE DUCT TAPE AND THE MANNER THAT YOU FOUND IT ON THE HEAD OF MELVIN STEELE CONCERNING HIS ULTIMATE DEATH?

A IT DIDN'T HELP. IF HIS MOUTH WAS BLOCKED AND IF, FOR INSTANCE, HE WAS CONGESTED, IT MAY HAVE MADE HIS BREATHING A BIT MORE TOUGH, BUT WE DON'T KNOW WHAT HIS -- LIKE IF HE HAD A VIRAL INFECTION OR ANYTHING LIKE THAT. BUT DUCT TAPE OVER THE MOUTH ONLY LEAVES TWO WAYS TO GET AIR IN, SO IT DIDN'T HELP BY HAVING THE DUCT TAPE THERE.

Q ALL RIGHT, SIR. THANK YOU, SIR.

MR. CLARK: NO QUESTIONS OF THIS WITNESS, YOUR HONOR.

THE COURT: THANK YOU. ANY OBJECTIONS TO THE DOCTOR BEING EXCUSED?

MR. CLARK: NO, SIR, YOUR HONOR.

THE COURT: THANK YOU, DOCTOR. THANK YOU FOR COMING. THANK YOU VERY MUCH.

MR. FOREMAN, LADIES AND GENTLEMEN, I BELIEVE

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WE'VE REACHED A CONVENIENT STOPPING PLACE FOR OUR AFTERNOON RECESS. DO NOT DISCUSS THE CASE. I'LL SEND FOR YOU IN A FEW MOMENTS, THANK YOU.

(JURY EXITS COURTROOM AT 4:07 P.M.).

THE COURT: SOLICITOR, MR. CLARK, LET ME SEE YOU AT THE SIDE BAR JUST TO DISCUSS SCHEDULING.

(BENCH CONFERENCE WITH COUNSEL OUTSIDE HEARING OF COURT REPORTER).

(BRIEF RECESS)

THE COURT: BRING THE JURY IN, MR. BAILIFF, PLEASE. THANK YOU.

(JURY ENTERS COURTROOM AT 4:24 P.M.).

THE COURT: ALL RIGHT, SOLICITOR, YOU MAY CALL YOUR WITNESS.

MR. JUSTICE: THE STATE WOULD CALL MR. JIMMY MCWATERS.

THE COURT: (TO WITNESS) PLEASE COME FORWARD.

(TO MR. JUSTICE) WAS HE SEQUESTERED?

MR. JUSTICE: YES, SIR.

(WHEREUPON, JAMES C. MCWATERS, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A JAMES C. MCWATERS.

Q WHERE DO YOU LIVE, MR. MCWATERS?

A [redacted].

Q THAT'S ALSO [redacted]?

A YES, SIR.

Q WHAT LINE OF WORK ARE YOU IN?

A WELL, I'M RETIRED, BUT I DO RENT U-HAUL TRUCKS.

Q IS YOUR TRUCK RENTAL BUSINESS THERE FROM YOUR HOME ON [redacted]?

A YES, SIR.

Q AND HOW LONG HAVE YOU BEEN DOING THAT?

A ABOUT EIGHT YEARS.

Q I WANT YOU TO THINK BACK, MR. MCWATERS. I KNOW IT'S BEEN THREE YEARS AGO. I WANT YOU TO THINK BACK TO JUNE, PARTICULARLY JUNE 20 OF THE YEAR 2000. WERE YOU IN THE U-HAUL RENTAL BUSINESS AT THAT TIME?

A YES, SIR.

Q DO YOU RECALL SOME PEOPLE COMING BY YOUR PLACE LATE IN THE AFTERNOON, AFTER NORMAL HOURS?

A YES, SIR.

Q PLEASE, IF YOU WILL, JUST TELL THE JURY IN YOUR OWN WORDS WHAT YOU REMEMBER ABOUT THAT INCIDENT.

A WELL, I KNOW I WAS WORKING IN MY GARDEN. THEY CAME UP, WANTED TO RENT A TRUCK, AND I DIDN'T WANT TO MESS WITH IT AT THE TIME, BUT HE WAS SO PERSISTENT THAT I EVENTUALLY RENTED THE TRUCK.

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Q YOU SAID "THEY". HOW MANY PEOPLE WAS IT?
A TWO.
Q WAS IT MEN, WOMEN, OR WHAT?
A A MAN AND A WOMAN.
Q A MAN AND A WOMAN?
A (WITNESS NODDING HEAD).
Q COULD YOU DESCRIBE THE MAN?
A WELL, HE WAS A BLACK MALE, HAD A BEARD. I THINK HE HAD A HAT ON AT THE TIME, KIND OF A FLAT HAT, AND OTHER THAN THAT, I SWEAR THAT'S ALL I CAN REMEMBER, BUT I WAS ABLE TO POINT HIM OUT IN THE PHOTO THE NEXT DAY.
Q YOU DID ALL YOUR DEALINGS WITH THE MAN, PRETTY MUCH?
A NINETY-NINE PERCENT, YES, SIR.
Q AND YOU SAY "THE NEXT DAY". WERE YOU QUESTIONED BY MR. BLACKMON HERE, THIS DETECTIVE, REGARDING THE TRUCK YOU HAD RENTED?
A I KNOW MAJOR GHENT WAS THE FIRST ONE OUT.
Q MAJOR GHENT?
A YES. BUT, NOW, HE CAME BY, YES.
Q AND DID YOU TURN OVER YOUR COPY OF THE RENTAL AGREEMENT TO THE OFFICERS?
A YES, SIR.
Q LET ME SHOW YOU WHAT'S BEEN MARKED STATE'S EXHIBIT #22 FOR IDENTIFICATION, AND TELL ME WHETHER OR NOT THAT'S THE ORIGINAL OF THE RENTAL AGREEMENT YOU ENTERED INTO ON THE

TWENTIETH OF JUNE.

A YES, SIR, THAT'S IT.

Q THAT'S IT?

A THAT'S MY SIGNATURE ON IT.

MR. JUSTICE: YOUR HONOR, I'D MOVE THAT THIS BE INTRODUCED INTO EVIDENCE AT THIS POINT. I THINK IT'S JUST MARKED FOR IDENTIFICATION.

THE COURT: WHAT NUMBER?

MR. JUSTICE: #22.

THE COURT: ANY OBJECTION?

MR. CLARK: NO, SIR.

THE COURT: STATE'S EXHIBIT #22 ENTERED INTO EVIDENCE WITHOUT OBJECTION.

(STATE'S EXHIBIT #22, PREVIOUSLY MARKED FOR IDENTIFICATION, IS ENTERED INTO EVIDENCE. RENTAL CONTRACT).

Q AND, MR. MCWATERS, YOU SAY IT'S YOUR SIGNATURE DOWN AT THE BOTTOM, "JIM MCWATERS"?

A YES, SIR.

Q WHAT IS THE SIGNATURE, WHAT IS THE NAME GIVEN OF THE PERSON RENTING THE TRUCK?

A WELL, THAT WOULD BE PRINTED AT THE TOP, "JOE PATTERSON, NORTH S.Y.", WHATEVER THAT IS, "WASHINGTON, D.C.", AND THAT DRIVER'S LICENSE NUMBER UP THERE.

Q THAT'S THE NAME AND ADDRESS HE GAVE, "JOE PATTERSON", AND

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HIS DRIVER'S LICENSE NUMBER?
A AND I TOOK IT OFF THE DRIVER'S LICENSE.
Q AND WASHINGTON, D.C.?
A YES, SIR.
Q YOU SAY YOU WERE SHOWN SOME PICTURES THE NEXT DAY?
A YES, SIR.
Q I SHOW YOU STATE'S EXHIBIT #8, WHICH IS AN ARRAY OF SIX INDIVIDUALS WHO ARE BLACK MALES, AND TELL ME WHETHER OR NOT YOU RECALL WHETHER THAT WAS THE ARRAY YOU WERE SHOWN AT THAT TIME.
A IF I RECALL RIGHT, IT'S #3, IS THE ONE I --
Q NUMBER THREE IS THE ONE YOU PICKED OUT?
A I THINK THAT'S IT.

MR. JUSTICE: LET THE RECORD REFLECT THAT IS THE PHOTOGRAPH PREVIOUSLY ADMITTED INTO EVIDENCE OF THE DEFENDANT VERNARD MATHIS.

Q PLEASE ANSWER ANY QUESTIONS THAT COUNSEL FOR THE DEFENSE MAY HAVE.

THE COURT: CROSS-EXAM?

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. MCWATERS, ISN'T IT TRUE THAT WHEN YOU WERE SHOWN THIS PHOTO LINEUP, YOU PICKED #5 BEFORE, SIR, OR DO YOU REMEMBER?
A I DO NOT REMEMBER.

Q DO YOU REMEMBER SIGNING -- AFTER YOU PICKED SOMEONE OUT, DO YOU REMEMBER SIGNING THE FORM?

A I BELIEVE I DID, YES.

MR. CLARK: I BEG THE COURT'S INDULGENCE, YOUR HONOR.

Q AND YOU SAW A DRIVER'S LICENSE FROM WASHINGTON, D.C.?

A YES, SIR.

Q AND I BELIEVE YOU SAID THAT WAS A DRIVER'S LICENSE SHOWN TO YOU BY JOE PATTERSON --

A YES, SIR.

Q -- FROM WASHINGTON, D.C.? AND WHEN THE SHERIFF'S DEPUTIES CAME TO TALK TO YOU THE FIRST TIME, WITHOUT SHOWING YOU THE PHOTOGRAPHS, YOU SAID THAT YOU COULDN'T REALLY GIVE A DESCRIPTION OF HIM. REMEMBER SAYING THAT?

A NOT VERY GOOD.

Q NOT VERY GOOD?

A I DIDN'T PAY THAT MUCH ATTENTION.

Q AND YOU SAID THE PERSON HAD A BEARD?

A YES, SIR.

Q WAS IT A FULL BEARD?

A YES, SIR.

Q ON BOTH SIDES OF HIS FACE? NOT JUST A GOATEE?

A A BEARD, AS I RECALL.

Q A FULL BEARD?

A YES.

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Q WAS IT A LONG BEARD?
A NO, IT WAS TRIMMED.
Q IT WAS TRIMMED, BUT IT COVERED BOTH SIDES OF HIS FACE?
A YES.
Q AND YOU DIDN'T SEE ANY VEHICLES THERE?
A NO, I DIDN'T.
Q AND YOU'RE CERTAIN THE PERSON, THE MAN THAT WAS THERE, HAD A FULL BEARD?
A YES, SIR.
Q THANK YOU, SIR.

THE COURT: (TO MR. CLARK) THANK YOU.

MR. JUSTICE: JUST ONE OR TWO OTHER QUESTIONS.

REDIRECT EXAMINATION

BY MR. JUSTICE:

Q MR. MCWATERS, COUNSEL ASKED YOU ABOUT PHOTO #5, AND YOU IDENTIFIED -- COUNSEL HANDED YOU THIS SHEET. IS THIS YOUR SIGNATURE ON THIS SHEET?
A YES, SIR, THAT'S IT.
Q THAT'S YOUR SIGNATURE?
A YES, SIR. DID I MENTION THE WRONG ONE?
Q NO. AND WHICH NUMBER IS MARKED?
A NUMBER THREE.
Q THE SAME ONE YOU STATED A FEW MOMENTS AGO?
A (WITNESS NODDING HEAD).

MR. JUSTICE: YOUR HONOR, I'D MOVE THIS BE

INTRODUCED AS THE STATE'S NEXT EXHIBIT.

THE COURT: STATE'S --

MR. JUSTICE: #23, YOUR HONOR.

THE COURT: ADMITTED WITHOUT OBJECTION.

(STATE'S EXHIBIT #23, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. STATEMENT).

MR. JUSTICE: THAT'S ALL WE HAVE, YOUR HONOR. WE'D ASK THAT THE WITNESS BE EXCUSED.

THE COURT: ANY OBJECTION?

MR. CLARK: NO, SIR.

THE COURT: NO OBJECTION, THE WITNESS IS EXCUSED.

MR. JUSTICE: AND I'D ALSO ASK AT THIS TIME THAT MS. ELAINE MCWATERS ALSO BE EXCUSED.

MR. CLARK: NO OBJECTION, YOUR HONOR.

THE COURT: THE WITNESS IS EXCUSED, THANK YOU.

(OFF-THE-RECORD DISCUSSION)

MR. JUSTICE: THE STATE CALLS MR. JEFF WAYNE SNIPES.

THE COURT: (TO WITNESS) PLEASE COME FORWARD.

(WHEREUPON, JEFF W. SNIPES, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A JEFF SNIPES.

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Q AND, MR. SNIPES, WHERE DO YOU LIVE?
A IN LANCASTER, IN ELGIN.
Q HAVE YOU LIVED THERE MOST OF YOUR LIFE?
A YES, SIR, MOST OF MY LIFE.
Q WHAT LINE OF WORK ARE YOU IN NOW?
A I AM A BODY GUY. I WORK IN A FAB SHOP AT S.T. MOTOR SPORTS, CONCORD, NORTH CAROLINA.
Q AND WHERE WERE YOU WORKING THREE YEARS AGO, JUNE OF 2000?
A FOR CHANDLER'S BODY SHOP.
Q AND THAT'S LOCATED ON 200 SOUTH IN LANCASTER?
A YES, SIR.
Q I WANT YOU TO THINK BACK, MR. SNIPES. ON THE EVENING OF THE TWENTIETH OF JUNE, DID YOU HAVE AN OCCASION TO GO DOWN TO THE BODY SHOP THAT NIGHT AFTER NORMAL HOURS OR DURING THE DARKNESS?
A YES, SIR.
Q PLEASE TELL US WHAT, IF ANYTHING, YOU NOTED WHEN VISITING THE BODY SHOP, APPROXIMATELY WHAT TIME, AND WHAT YOU SAW WHILE YOU WERE DOWN THERE.
A I WAS CALLED OUT ON A WRECKER CALL FOR A WRECK, AND I HAD TO TAKE THE CAR BACK TO THE BODY SHOP. AND WHEN I PUT THE CAR UP, I PULLED OUT OF THE BODY SHOP AND LOCKED BACK UP, AND WHEN I WAS PULLING OUT I NOTICED A WHITE LINCOLN TOWN CAR PARKED IN THE LOT RIGHT BESIDE OF OUR BODY SHOP. I NOTICED IT BECAUSE I'M IN CHARGE OF MAKING SURE EVERYTHING

IS PUT UP AT NIGHT AND ALL.

Q SO YOU TOWED IN A WRECKED VEHICLE?

A YES, SIR.

Q LOCKED IT DOWN, AND YOU NOTICED THE WHITE LINCOLN AS YOU WERE LEAVING?

A YES, SIR.

Q AND IT WAS ON THE SAME SIDE OF 200 AS THE BODY SHOP?

A YES, SIR. IT WAS PARKED RIGHT IN FRONT OF PHILLIP MULLIS' WAREHOUSE. IT WAS FACING THE BODY SHOP.

Q ARE YOU FAMILIAR WITH AN AREA CALLED EDGEPOINT DRIVE OR ROAD?

A YES, SIR.

Q I SHOW YOU STATE'S EXHIBIT #10. DO YOU RECOGNIZE THAT ROAD, THAT DIRT ROAD, AND THE DAM SHOWN IN THAT PHOTOGRAPH?

A YES, SIR.

Q WHERE IS THAT IN RELATION TO CHANDLER'S BODY SHOP?

A THAT'S RIGHT BESIDE OF OUR BODY SHOP.

Q AND WHERE WAS THIS IN RELATION TO WHERE YOU SAW THE LINCOLN?

A IF YOU WERE STANDING THE WAY THAT PICTURE IS TAKEN --

Q LOOKING DOWN THE ROAD?

A YES, SIR. IF YOU WERE LOOKING DOWN THE ROAD, THE LINCOLN WOULD HAVE BEEN PARKED TO YOUR RIGHT.

Q TO YOUR RIGHT?

A IT WAS BACKED IN THERE, FACING THE BODY SHOP, WHERE YOU

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COULDN'T SEE THE TAG OR ANYTHING.

Q THE BODY SHOP WOULD BE TO YOUR LEFT?

A YES, SIR.

Q YOUR BODY SHOP WHERE YOU WORKED?

A (WITNESS NODDING HEAD).

Q DID YOU HAVE AN OCCASION TO GO BACK -- ABOUT WHAT TIME WAS THIS?

A THIS WAS ABOUT 11:30.

Q DID YOU HAVE AN OCCASION TO GO BACK BY?

A THAT NIGHT?

Q YES, SIR.

A NO, SIR.

Q SO YOU ONLY SAW THIS VEHICLE ONE TIME?

A YES. YES, I ONLY SAW THE LINCOLN ONE TIME.

Q AND THAT WAS WHEN YOU TOWED THE VEHICLE IN, OR WHEN YOU WERE LEAVING?

A WHEN I PULLED THE CAR IN AND PUT IT IN THE SHOP AND LOCKED UP, WHEN I WAS LEAVING, THAT'S WHEN I NOTICED THE VEHICLE.

Q YOU DIDN'T GO BACK BY THERE THAT NIGHT?

A NO, SIR.

Q HAD YOU SEEN A -- HAD YOU HAD AN OCCASION EARLIER THAT DAY TO BE ON THE KERSHAW-CAMDEN HIGHWAY?

A YES, SIR.

Q DOWN NEAR -- DO YOU KNOW WHERE SOUTHERN TOOL & DIE IS?

A YES, SIR, I WENT BY THERE ON THE WAY TO WORK AND FROM WORK

EVERY DAY.

Q DO YOU RECALL GOING OUT THAT EVENING AROUND 5:30?

A YES, SIR.

Q DID YOU NOTICE ANYTHING OUT OF THE ORDINARY IN THAT AREA THAT EVENING?

A NO, SIR.

Q ON THE TWENTIETH?

A (WITNESS SHAKING HEAD).

Q OKAY, NOTHING FURTHER, THANK YOU. PLEASE ANSWER ANY QUESTIONS MR. CLARK MAY HAVE.

THE COURT: MR. CLARK?

MR. CLARK: YES, SIR, YOUR HONOR.

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. SNIPES, YOU SAID THAT -- YOU SAID TODAY THAT YOU ONLY WENT TO THE BODY SHOP ONCE THAT NIGHT?

A (WITNESS NODDING HEAD).

Q IS THAT YES?

A YES.

Q COULD YOU BE MISTAKEN ABOUT WHAT YOU ACTUALLY SAW THAT NIGHT?

A NO.

Q COULD YOU BE MISTAKEN ABOUT THE NUMBER OF TIMES YOU WENT TO THE BODY SHOP?

A I ONLY HAD ONE WRECKER HAUL THAT NIGHT, AND THAT'S THE ONLY

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REASON I WOULD HAVE TO GO DOWN THERE.
Q YOU DIDN'T GO TWICE?
A NOT THAT I REMEMBER.
Q DO YOU REMEMBER TALKING TO A DETECTIVE LEE ABOUT THIS CASE -- OR BLACKMON ABOUT THIS CASE?
A YES.
Q DO YOU REMEMBER HIM RECORDING YOUR STATEMENT?
A I REMEMBER HIM RECORDING IT, BUT I DON'T REMEMBER EXACTLY WHAT ALL I SAID.
Q SO WHAT YOU COULD BE SAYING TODAY COULD BE DIFFERENT FROM WHAT YOU TOLD HIM BEFORE, THREE YEARS AGO?
A ABOUT WHAT, NOW?
Q WELL, DO YOU REMEMBER TELLING HIM BEFORE THAT YOU WENT THERE TWICE THAT NIGHT, AND ONE TIME YOU WENT YOU DIDN'T SEE A CAR?
A I MAY HAVE WENT THERE TWICE, I MEAN, BUT I JUST REMEMBER THE LAST WRECKER CALL I WENT ON THAT NIGHT WAS AROUND -- I LEFT MY HOUSE AT ABOUT 10:30, AND WHEN I LEFT THE BODY SHOP FOR THE LAST TIME THAT NIGHT I SEEN THE WHITE LINCOLN SITTING THERE.
Q DO YOU DENY THAT YOU TOLD DETECTIVE BLACKMON THE LAST TIME YOU WENT THERE YOU DIDN'T SEE A CAR?
A (WITNESS PAUSING).
Q DO YOU DENY THAT'S WHAT YOU TOLD HIM?
A THE LAST TIME I WENT TO THE BODY SHOP THAT NIGHT AND WENT

HOME AND WENT TO SLEEP, THE LINCOLN WAS THERE, AND THAT WAS ABOUT 11:30.

MR. CLARK: I BEG THE COURT'S INDULGENCE, YOUR HONOR.

THE COURT: ALL RIGHT.

MR. CLARK: (CONFERRING WITH CLIENT).

MAY I APPROACH THE WITNESS, YOUR HONOR?

THE COURT: YES, SIR.

Q MR. SNIPES, DO YOU REMEMBER, I BELIEVE, DETECTIVE BLACKMON ASKING YOU WHAT DID YOU SEE THAT NIGHT? I'M GOING TO ASK THAT YOU READ YOUR ANSWER TO HIM, RIGHT THERE, PLEASE. (HANDING DOCUMENT TO WITNESS).

A "I CAME DOWN TO GET A CAR. I WAS SUPPOSED TO PICK UP A CAR. WHEN I PULLED INTO THE BODY SHOP LOT, I NOTICED A WHITE LINCOLN PARKED ACROSS IN THE FIELD. I DON'T KNOW THE GUY'S LAST NAME THAT WAS THE GUY THAT OWNED THE PROPERTY BESIDE US, RIGHT ACROSS FROM THE LOT, OVER THE DRIVEWAY THERE. IT WAS BACKED UP WHERE YOU COULDN'T SEE THE TAG. I NOTICED IT BECAUSE IT HAD A, YOU KNOW, LIKE, A LITTLE SECURITY LIGHT FLASHING ON THE DASH.

"I PULLED UP TO SEE IF ANYBODY WAS THERE, AND NOBODY WAS THERE, SO I JUST LEFT AND WENT HOME."

Q AND HOW ABOUT READ THE LAST LINE OF THAT STATEMENT, THAT ANSWER THAT YOU GAVE.

A "I PULLED UP TO LOOK AND SEE IF ANYONE WAS IN IT. NOBODY

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WAS IN IT. I WAS GONE ABOUT AN HOUR, AND WHEN I CAME BACK THE CAR WAS GONE."

Q SO YOU TESTIFIED TODAY THAT YOU WERE ONLY THERE ONE TIME AND YOU SAW THE CAR, AND THEN WHEN YOU TALKED TO DETECTIVE BLACKMON BACK IN 2000, YOU TOLD HIM WHEN YOU CAME BACK THE CAR WAS GONE, RIGHT?

A (WITNESS NODDING HEAD).

Q NOW, WHICH IS CORRECT, MR. SNIPES, WHAT YOU SAID BACK IN 2000 OR WHAT YOU'RE TESTIFYING TO HERE TODAY?

A PROBABLY WHAT I SAID BACK IN 2000. IT'S BEEN A LONG TIME SINCE THEN.

Q OKAY. AND YOU TESTIFIED THAT YOU NOTICED THE CAR BECAUSE IT HAD A SECURITY LIGHT ON THE DASH?

A UH-HUH.

Q CAN YOU TELL THE LADIES AND GENTLEMEN OF THE JURY WHERE THAT SECURITY LIGHT WAS IN THAT CAR THAT YOU SAW?

A NO, SIR. I MEAN, I DIDN'T GET UP -- I DIDN'T WALK UP CLOSE TO THE CAR. WHEN YOU PULL OUT OF OUR SHOP, THAT LITTLE ROAD THERE -- WHEN YOU PULL OUT INTO THE ROAD, I MEAN, IT'S JUST -- I MEAN, YOU CAN SEE THE CAR VERY PLAIN FROM THERE.

Q BUT I'M ASKING YOU ABOUT THE SECURITY LIGHT ON THE CAR.

A IT WAS JUST ON THE TOP OF THE DASH.

Q ON THE TOP OF THE DASH?

A UH-HUH.

Q ON THE TOP WHERE YOU COULD SEE THROUGH THE WINDSHIELD?

A UH-HUH.
Q HOW BIG WAS THAT SECURITY LIGHT IN THAT CAR YOU SAW?
A JUST A LITTLE, SMALL LIGHT.
Q AND IT WAS A RED LIGHT?
A UH-HUH.
Q WAS IT RAISED UP, SIR?
A IT WAS JUST RIGHT ON THE TOP OF THE DASH.
Q SO IT WAS ON TOP OF THE DASH, RIGHT BELOW THE WINDSHIELD?
A UH-HUH.
Q AND YOU COULD SEE THAT FLASHING?
A I COULD SEE IT FLASHING THROUGH THE WINDSHIELD.
Q AND YOU'RE SURE ABOUT THAT, THAT THE CAR YOU SAW HAD A RED LIGHT FLASHING ON THE DASH?
A YES, A LITTLE, SMALL, RED LIGHT, SECURITY LIGHT.
Q AND YOU DIDN'T SEE MR. MATHIS OR ANYONE NEAR THAT CAR, DID YOU?
A NO, SIR, THERE WASN'T NO ONE AROUND THE CAR.
Q AND DID YOU SEE -- YOU SAID YOU COULDN'T SEE THE TAG?
A UH-UH.
Q WHEN WAS THE FIRST TIME YOU WERE ASKED ABOUT THAT NIGHT?
A THE NEXT DAY.
Q THE NEXT DAY?
A (WITNESS NODDING HEAD).
Q AND WAS THERE ANYTHING DISTINCTIVE ABOUT THE CAR THAT MADE YOU REMEMBER IT WAS A WHITE LINCOLN?

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A I JUST REMEMBERED IT WAS WHITE BECAUSE WHEN I PULLED OUT, MY HEADLIGHTS HIT IT.
Q AND ARE YOU CERTAIN IT WAS A LINCOLN?
A UH-HUH.
Q YOU ARE?
A (WITNESS NODDING HEAD).
Q AND YOU'RE CERTAIN THAT WAS A RED LIGHT ON THAT DASH?
A (WITNESS NODDING HEAD).
Q MR. SNIPES, HAVE YOU HAD -- CAN YOU TELL THE LADIES AND GENTLEMEN OF THE JURY WHAT KIND OF -- I NOTICE YOU'RE WEARING EYEGLASSES TODAY, JUST LIKE I AM.
A UH-HUH.
Q WERE YOU WEARING YOUR GLASSES THAT NIGHT?
A I ALWAYS WEAR MY GLASSES.
Q YOU WEAR THEM ALL THE TIME. CAN YOU SEE WELL WITH YOUR GLASSES?
A YES. IT WOULDN'T BE HARD TO SEE A RED LIGHT FLASHING ON THAT DASH AT NIGHT.
Q YOU'RE ABSOLUTELY CERTAIN THERE WAS A RED LIGHT ON THAT DASH?
A (WITNESS NODDING HEAD).
Q THANK YOU, SIR.

MR. JUSTICE: (TO WITNESS) THANK YOU.

(TO COURT) WE'D ASK THAT MR. SNIPES BE EXCUSED.

MR. CLARK: NO OBJECTION.

THE COURT: (TO WITNESS) THANK YOU FOR COMING. IF YOU'D LIKE TO BE EXCUSED, YOU MAY. THANK YOU.

MR. JUSTICE: I CALL MR. JIMMY BOSWELL.

(WHEREUPON, JIMMY BOSWELL, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A JIMMY BOSWELL.

Q AND, MR. BOSWELL, WHERE DO YOU LIVE?

A [redacted].

Q RIGHT HERE IN LANCASTER?

A YES, SIR.

Q AND WHAT LINE OF WORK ARE YOU IN?

A I OWN A VINYL SIDING COMPANY HERE IN TOWN.

Q WHERE IS YOUR BUSINESS?

A ON HIGHWAY 200 SOUTH.

Q SOUTH 200?

A YES, SIR.

Q AND WERE YOU IN THAT BUSINESS BACK IN JUNE OF THE YEAR 2000?

A YES, SIR.

Q AND WERE YOU STILL LOCATED AT THAT LOCATION?

A YES, SIR.

Q ARE YOU FAMILIAR WITH THE HEADQUARTERS BUILDING OF MCDONALD

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AMUSEMENTS?

A YES, SIR, WE'RE DIAGONAL FROM EACH OTHER.

Q DIAGONALLY ACROSS FROM EACH OTHER?

A YES, SIR.

Q SO YOU ARE ON ONE SIDE OF 200 AND HE'S ON THE OTHER SIDE?

A YES, SIR.

Q I BELIEVE IF YOU WERE GOING TOWARD GREAT FALLS OUT OF LANCASTER, YOU WOULD BE ON THE RIGHT AND HE'S ON THE LEFT?

A YES, SIR.

Q DURING THE TIME OF LATE JUNE, AROUND JUNE 20 AND SHORTLY THEREAFTER, OF THE YEAR 2000, DID YOU COME FORWARD TO POLICE OFFICERS WITH INFORMATION THAT YOU HAD THAT MAY OR MAY NOT BE RELEVANT TO THE CASE?

A YES, SIR, I DID.

Q PLEASE TELL US WHAT OBSERVATIONS YOU HAD MADE EARLIER IN THE MONTH THAT YOU RELATED TO THE POLICE.

A WELL, I WENT TO WORK ONE MORNING AROUND 6:30 OR 6:45, AND THERE WAS A WHITE LINCOLN TOWN CAR WITH NORTH CAROLINA PLATES SITTING IN MY LOT. I DIDN'T THINK A WHOLE LOT OF IT THAT MORNING, BUT THE NEXT MORNING I GOT BACK AROUND THE SAME TIME, AND THE SAME CAR WAS SITTING THERE WITH A BLACK GUY IN IT.

I WENT ON IN THE SHOP AND I WAS IN THERE MAYBE 15 OR 20 MINUTES, AND I LOOKED BACK OUT AND I NOTICED THE CAR WAS STILL SITTING THERE, SO I WENT DOWN AND TALKED TO HIM TO

FIND OUT WHAT HE WAS DOING SITTING THERE. NOT A WHOLE LOT OF PEOPLE PULL IN MY PARKING LOT AND JUST SIT THERE.

Q YES, SIR.

A AND I WATCHED HIM A FEW MINUTES BEFOREHAND, BEFORE I WENT DOWN THERE, LOOKING OUT THE WINDOW OF MY OFFICE. JUST THOUGHT IT WAS A LITTLE STRANGE, A LINCOLN TOWN CAR SITTING THERE, WITH NORTH CAROLINA PLATES, TWO MORNINGS IN A ROW.

Q AND DID YOU ACTUALLY GO DOWN AND TALK TO THE INDIVIDUAL?

A I SURE DID.

Q AND WHAT, IF ANYTHING, TOOK PLACE DURING THAT EXCHANGE?

A WELL, I ASKED HIM WHAT WAS HE DOING PARKED THERE, AND HE SAID, "WELL, AM I HURTING ANYTHING?". AND I SAID, "NO, YOU'RE NOT HURTING NOTHING, BUT YOU WAS PARKED HERE YESTERDAY", AND HE SAID, "WELL, MY CAR IS RUNNING HOT." I SAID, "WELL, IF YOUR CAR IS RUNNING HOT, BACK IT UP HERE AND WE'LL PUT SOME WATER IN IT." HE SAID, "LOOK, IF I'M HURTING ANYTHING, I CAN JUST LEAVE", AND I SAID, "WELL, I FEEL LIKE THE BEST THING FOR YOU TO DO IS LEAVE."

Q AND DID HE, IN FACT, LEAVE?

A YES, SIR, HE DID. HE WENT DOWN THE ROAD JUST A LITTLE PIECE, TURNED AROUND AND COME BACK UP, AND I GOT THE TAG NUMBER OFF OF THE CAR AND GIVE IT TO THE GUY THAT OWNED THE STORE ACROSS THE ROAD FROM ME, AND I JUST FELT LIKE THE CAR WAS SUSPICIOUS, YOU KNOW.

Q BUT HE WAS SITTING IN YOUR LOT, LOOKING TOWARD MCDONALD

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AMUSEMENT'S BUILDING?

A FACING MCDONALD AMUSEMENTS.

Q AND YOU TALKED TO THIS MAN?

A SURE DID.

Q HAVE YOU EVER BEEN ASKED WHETHER OR NOT YOU COULD MAKE AN IDENTIFICATION OF THAT INDIVIDUAL?

A YES, SIR, I HAVE.

Q AND WERE YOU SHOWN PICTURES?

A YES, SIR.

Q WERE YOU ABLE TO MAKE AN IDENTIFICATION?

A WELL, I WASN'T 100 PERCENT SURE AT THE TIME. I TOLD HIM IT WAS A COUPLE OF DIFFERENT PEOPLE IN THERE THAT LOOKED REAL FAMILIAR TO ME.

Q OKAY, LOOKING AROUND THE COURTROOM TODAY -- AND YOU'VE BEEN HERE ALL DAY, I BELIEVE?

A YES, SIR.

Q HAVE YOU SEEN ANYBODY WHO APPEARS TO BE THAT MAN?

A YES, SIR, I SURE DO.

MR. CLARK: YOUR HONOR, I OBJECT.

A HE'S SITTING RIGHT THERE (INDICATING).

THE COURT: (TO MR. CLARK) STATE YOUR GROUNDS.

MR. CLARK: YOUR HONOR, THIS IS AN IN-COURT IDENTIFICATION THAT FOLLOWS THIS WITNESS' INABILITY TO IDENTIFY MR. MATHIS OUTSIDE OF COURT. I THINK -- OF COURSE, THE CASE LAW SAYS IF THERE'S PRIOR

OPPORTUNITY TO OBSERVE, THERE'S PRIOR OPPORTUNITY -- SINCE IT WAS NOT ACCURATE, IT'S IMPROPER FOR HIM TO COME IN HERE AND SEE HIM SITTING AT THE TABLE AND THEN IDENTIFY HIM.

THE COURT: WOULD THAT NOT GO TO WEIGHT, MR. CLARK?

MR. CLARK: I BELIEVE IT GOES TO ADMISSIBILITY, YOUR HONOR.

THE COURT: SOLICITOR?

MR. JUSTICE: I BELIEVE IT GOES TO WEIGHT.

MR. CLARK: YOUR HONOR, I THINK I HAVE A CASE THAT --

THE COURT: MR. FOREMAN, LADIES AND GENTLEMEN, PLEASE STEP INTO THE JURY ROOM. I'LL SEND FOR YOU IN JUST A MOMENT.

(JURY EXITS COURTROOM AT 4:50 P.M.).

THE COURT: ALL RIGHT, SIR.

MR. CLARK: YOUR HONOR, I WOULD RELY ON STATE V. MANSFIELD, 343 S.C. 66, 538 -

THE COURT: EXCUSE ME, 343 WHAT?

MR. CLARK: SOUTH CAROLINA 66, 538 S.E.2d 257.

THE COURT: STATE V. MANSFIELD?

MR. CLARK: YES, SIR. I'LL BE HAPPY TO PASS UP THE COPY THAT I HAVE.

THE COURT: SOLICITOR, DO YOU WISH TO CITE ANY

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CASES?

MR. JUSTICE: NO, SIR. I'D LIKE TO SEE THAT ONE WHEN I GET THE OPPORTUNITY.

THE COURT: WE HAVE A COPY. WE'LL TAKE ABOUT A FIVE-MINUTE RECESS, THANK YOU. THE WITNESS MAY STAND DOWN.

(BRIEF RECESS)

THE COURT: ALL RIGHT, MR. CLARK, I'LL BE GLAD TO HEAR FROM YOU A LITTLE FURTHER AT THIS TIME SINCE I'VE HAD AN OPPORTUNITY TO PREPARE.

MR. JUSTICE: MR. WITNESS, YOU CAN TAKE A SEAT ON ONE OF THOSE ALTERNATE CHAIRS FOR THE TIME BEING.

MR. CLARK: I CONCEDE THAT MANSFIELD ISN'T EXACTLY ON POINT.

THE COURT: IT'S A "SHOW-UP" CASE, ISN'T IT?

MR. CLARK: THAT'S CORRECT.

THE COURT: AND THAT'S NOT WHAT I'VE HEARD SO FAR FROM THIS WITNESS.

MR. CLARK: RIGHT, BUT WHAT I THINK IT DIRECTS THE COURT TO, YOUR HONOR, IS THAT THE LAW IN THIS STATE IS THAT IF A WITNESS IS UNABLE TO IDENTIFY A PERSON SHORTLY AFTER THE ALLEGED CRIME, CANNOT GIVE A DESCRIPTION, IT IS UNFAIR AND PREJUDICIAL TO ALLOW HIM TO COME INTO COURT AND SEE THE DEFENDANT SITTING AT THE TABLE AND SAY THAT'S HIM AFTER NOT HAVING BEEN

ABLE TO IDENTIFY, ADMITTEDLY BY THIS WITNESS, THAT HE WASN'T ABLE TO IDENTIFY HIS PICTURE BEFORE.

IT'S ALMOST ANALOGOUS TO SEEING A DEFENDANT AT A PRELIMINARY HEARING IN A JUMPSUIT AND SAYING, "THAT'S HIM." THE LAW DOESN'T PERMIT THAT, AND THAT'S ALL I HAVE, YOUR HONOR.

THE COURT: SOLICITOR?

MR. JUSTICE: YOUR HONOR, FIRST OF ALL I'D SAY MANSFIELD HAS NO BEARING HERE BECAUSE THAT IS A SHOW-UP SITUATION, A ONE MAN SHOW-UP, AND IN FACT IN MANSFIELD THE IDENTIFICATION WAS IN FACT ALLOWED AND SUSTAINED BY THE SUPREME COURT.

BASED ON ARGUMENTS EARLIER MADE BY COUNSEL FOR THE DEFENSE, AND WHAT IS OBVIOUS, QUITE OFTEN LOOKING AT PHOTOGRAPHS IS ONE THING, SEEING THE REAL GUY IS ANOTHER. AND YOU CAN FAIL TO MAKE A POSITIVE I.D. FROM A GROUP OF PHOTOGRAPHS, BUT IF YOU'RE LOOKING AT BASICALLY A HEAD SHOT OF AN INDIVIDUAL, A PHOTOGRAPH TAKEN AT SOME PRIOR PERIOD OF TIME, WHEREAS AN INDIVIDUAL MAKING AN IN-COURT IDENTIFICATION IS BASED UPON WATCHING HIS SIZE, HIS MOVEMENTS, AND EVERYTHING ABOUT HIM.

I AGREE IT GOES TO THE WEIGHT. IF HIS COUNSEL WANTED TO ARGUE THAT MR. BOSWELL'S IDENTIFICATION SHOULD NOT BE BELIEVED BECAUSE HE IS THE ONLY

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DEFENDANT SITTING INSIDE THE RAIL, THAT CERTAINLY WOULD BE A QUESTION OF FACT FOR THE JURY TO CONSIDER. BUT AS FAR AS WHETHER OR NOT IT'S ADMISSIBLE FOR THE JURY TO HEAR, I THINK THE LAW IS CLEAR THAT IF THE WITNESS SAYS THAT'S THE MAN, HE SHOULD BE ABLE TO SAY SO IN COURT, WHETHER OR NOT HE WAS ABLE TO PICK HIM OUT OF A GROUP ARRAY EARLIER.

THE COURT: HOW ABOUT LET'S PROFFER THE WITNESS A LITTLE BIT OUTSIDE THE PRESENCE OF THE JURY SO I CAN SEE WHAT YOU'RE ASKING THE WITNESS TO TESTIFY ABOUT?

MR. JUSTICE: YES, SIR.

THE COURT: COME ON UP, MR. WITNESS. YOU'RE STILL UNDER OATH.

CONTINUED DIRECT EXAMINATION

BY MR. JUSTICE:

Q MR. BOSWELL, JUST RECAPPING, WHEN YOU LOOKED AT THE PHOTOGRAPHS, A COUPLE OF THEM LOOKED SIMILAR OR FAMILIAR, BUT YOU WERE NOT ABLE TO MAKE A POSITIVE I.D. IS THAT CORRECT?

A THAT'S CORRECT.

Q AND THE ONLY THING YOU SAW AS FAR AS THE PHOTOS -- I DON'T KNOW IF I SHOWED YOU THIS OR NOT -- WAS STATE'S EXHIBIT #8, WHICH IS A PICTURE SHOWING EIGHT BLACK MALES BASICALLY FROM THE SHOULDERS UP?

A CORRECT.

Q IN COURT, IN THE COURTROOM A FEW MOMENTS AGO, YOU POINTED TO THE DEFENDANT, MR. MATHIS, AND SAID THAT -- IDENTIFIED HIM AS BEING THE MAN THAT YOU TALKED TO IN THE LINCOLN CONTINENTAL IN FRONT OF YOUR BUSINESS ON THIS OCCASION IN JUNE?

A YES, SIR.

Q WHY OR WHAT IS IT THAT MAKES YOU BE ABLE TO IDENTIFY HIM THEN WHEN YOU COULD NOT IDENTIFY HIM FROM THE PHOTO ARRAY?

A OKAY, WHEN I LOOKED AT THE PHOTOS, I WASN'T 100 PERCENT SURE.

Q YES, SIR.

A I TALKED TO THIS FELLOW HERE FOR MAYBE FIVE MINUTES OR SO. I WASN'T 100 PERCENT SURE ON THE PHOTOS. BUT WHEN YOU SEE SOMEBODY IN PERSON -- WHEN I WALKED THROUGH THESE DOORS THIS MORNING, I HAD COLD CHILLS RUN DOWN MY BACK BECAUSE I KNEW I JUST SAW HIM.

Q AND THERE'S BEEN NO DOUBT IN YOUR MIND SINCE YOU FIRST WALKED IN HERE THIS MORNING?

A THERE'S NO DOUBT IN MY MIND WHATSOEVER.

Q THANK YOU. PLEASE ANSWER ANY QUESTIONS --

THE COURT: DO YOU WANT TO CROSS-EXAMINE HIM, MR. CLARK?

MR. CLARK: NO, SIR.

THE COURT: ALL RIGHT, AFTER DULY CONSIDERING THE MATTER, I BELIEVE THAT THE CASE YOU CITE, MR. CLARK,

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MANSFIELD, THE IDENTIFICATION WAS CONCERNED WITH THE SUGGESTIVE NATURE OF THE IDENTIFICATION PROCEDURE EMPLOYED BY THE POLICE IN THAT PARTICULAR CASE.

THERE'S BEEN NO ARGUMENT THAT ANYTHING HAS BEEN DONE TO SUGGEST ANY IDENTIFICATION PROCEDURE IN THIS CASE OR THAT ANYTHING HAS BEEN DONE TO SUGGEST THE IDENTIFICATION OF THE DEFENDANT, THEREFORE, I THINK IT GOES TO THE WEIGHT. I DON'T THINK THAT CASE IS APPLICABLE. I'M GOING TO OVERRULE AND NOTE YOUR EXCEPTION. OBVIOUSLY YOU CAN CROSS-EXAMINE THE WITNESS IN THAT REGARD.

(TO BAILIFF) BRING THE JURY IN.

MR. WITNESS, IF THERE'S AN OBJECTION, PLEASE DO NOT ANSWER UNLESS I INSTRUCT YOU.

A YES, SIR.

(TO BAILIFF) BRING THE JURY IN.

(JURY ENTERS COURTROOM AT 5:10 P.M.).

THE COURT: (TO MR. JUSTICE) YOU MAY CONTINUE, SIR.

CONTINUED DIRECT EXAMINATION

BY MR. JUSTICE:

Q MR. BOSWELL, I BELIEVE BEFORE THE JURY LEFT YOU HAD IDENTIFIED THE DEFENDANT IN THE COURTROOM AS BEING THE INDIVIDUAL YOU HAD TALKED TO AT YOUR PLACE OF BUSINESS BACK IN JUNE THREE YEARS AGO?

A YES, SIR.
Q YOU HAD ALSO TESTIFIED THAT YOU WERE NOT ABLE TO IDENTIFY HIM FROM JUST LOOKING AT THOSE PHOTOS, STATE'S EXHIBIT #8, WHICH YOU LOOKED AT --
A YES, SIR.
Q -- WAY BACK THEN?
A YES, SIR.
Q WHAT IS THE DIFFERENCE BETWEEN SEEING HIM IN COURT AND LOOKING AT PHOTOS?
A WELL, YOU KNOW, I WAS -- AS FAR AS LOOKING AT THE PHOTOS, IT'S DIFFERENT THAN LOOKING AT THE HUMAN BEING, EYE TO EYE. I WASN'T SURE ON THE PHOTOS, BUT WHEN I WALKED IN THAT DOOR THIS MORNING AND I SEEN HIM SITTING THERE, THERE COULD HAVE BEEN A ROOM FULL OF PEOPLE, BUT I KNEW EXACTLY WHO I SEEN WHEN I WALKED THROUGH THAT DOOR.
Q AND YOU'RE POSITIVE OF YOUR IDENTIFICATION OF MR. MATHIS AS THE ONE DRIVING THE WHITE LINCOLN CONTINENTAL PARKED ACROSS FROM MCDONALD AMUSEMENTS?
A YES, SIR.
Q THANK YOU, AND PLEASE ANSWER ANY QUESTIONS MR. CLARK MAY HAVE.

THE COURT: CROSS-EXAMINE, MR. CLARK?

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. BOSWELL, DO YOU KNOW THE STEELE FAMILY?

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A VAGUELY.
Q WHAT WAS THAT? I DIDN'T UNDERSTAND THAT ANSWER.
A JUST -- I'VE MET THEM MAYBE ONCE OR TWICE.
Q YOU KNOW THEM, THOUGH, DON'T YOU, SIR?
A NO, SIR, I DON'T ACTUALLY KNOW THEM.
Q YOU DON'T KNOW THEM? TELL US HOW YOU MET THEM ONCE OR TWICE, THEN.
A WELL, MR. STEELE USED TO WORK FOR THE TELEPHONE COMPANY. THAT'S HOW I MET HIM.
Q SO YOU HAD MET -- YOU DID MEET MR. STEELE?
A YES, SIR, YOU KNOW, "GOOD MORNING."
Q RIGHT. YOU KNEW WHO HE WAS, DIDN'T YOU?
A SURE.
Q AND HE KNEW WHO YOU WERE?
A SURE.
Q DO YOU KNOW MRS. STEELE?
A NEVER MET HER.
Q NEVER MET HER?
A NEVER MET MRS. STEELE.
Q WHAT ABOUT ANY OF THESE OTHER PEOPLE SITTING OVER HERE? DO YOU KNOW ANY OF THEM?
A I KNOW MOST ALL OF THEM.
Q AND, IN FACT, YOU WANT TO HELP THEM WITH THIS CASE, DON'T YOU?
A WELL, I JUST WANT TO TELL WHAT I SEEN.

Q AND WHEN YOU -- A LITTLE WHILE AGO, YOU LOOKED OVER THERE AT THEM AND SMILED AND WINKED, DIDN'T YOU, STANDING RIGHT HERE, DIDN'T YOU?
A WELL --
Q DID YOU DO THAT, SIR?
A I MAY HAVE SMILED AT THEM.
Q AND YOU WINKED YOUR EYE, DIDN'T YOU?
A I DON'T RECALL THAT.
Q YOU ADMIT YOU SMILED, THOUGH, RIGHT?
A (WITNESS PAUSING).
Q DO YOU ADMIT THAT, SIR?
A I DON'T KNOW. IF YOU SMILED AT ME, I'D SMILE BACK AT YOU.
Q NOW, YOU SAID THAT YOU GOT THIS TAG NUMBER DOWN OFF THIS VEHICLE, RIGHT?
A YES, SIR.
Q WHERE IS IT, SIR?
A I GIVE IT TO THE PERSON THAT OWNS THE STORE DIRECTLY ACROSS, IN FRONT OF ME.
Q AND WHO IS THAT?
A THAT WAS CHARLIE AND LINDA HINSON HAD THE STORE AT THAT TIME.
Q ARE THEY STILL HERE IN LANCASTER?
A YES, SIR, THEY ARE.
Q AND DID YOU COME HERE TODAY BY SUBPOENA OR DID THE PROSECUTOR ASK YOU TO COME?

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A SUBPOENA.
Q WHEN DID YOU GET THAT SUBPOENA?
A THURSDAY.
Q THURSDAY, LAST WEEK?
A YES, SIR.
Q AND BETWEEN NOW AND LAST THURSDAY, YOU DIDN'T ATTEMPT TO GET THAT NUMBER THAT YOU CLAIM YOU WROTE DOWN, DID YOU?
A NO, SIR. I GIVE THEM THE NUMBER. I DIDN'T KEEP THE NUMBER.
Q I UNDERSTAND, BUT YOU DIDN'T MAKE ANY EFFORT TO TRY TO GET IT BACK FROM THEM, DID YOU?
A I DIDN'T -- WELL, ACTUALLY, NO, THEY DON'T HAVE THE NUMBER, IF YOU WANT TO KNOW THE TRUTH.
Q THEY DON'T HAVE THE NUMBER?
A NO, SIR. WHEN I TALKED TO -- I VOLUNTEERED MY INFORMATION, SAID IT MIGHT NOT HAVE NOTHING TO DO WITH NOTHING.
Q I UNDERSTAND.
A I SEEN MICHAEL GREEN ACROSS THE ROAD FROM MY SHOP.
Q NOW, WHO IS MICHAEL GREEN?
A I BELIEVE MICHAEL IS WITH SLED NOW.
Q SLED, OKAY.
A AND I TOLD MICHAEL, I SAID, "THIS MAY OR MAY NOT MEAN NOTHING."
Q ALL RIGHT, SIR.
A "LAST WEEK THERE WAS A LINCOLN TOWN CAR SITTING IN MY

PARKING LOT." HE SAID, "DON'T SAY ANYTHING ELSE." HE GOT SOMEBODY ELSE OVER THERE. IT MIGHT HAVE BEEN HIS SUPERIOR. I DON'T KNOW WHO IT WAS.

Q DID YOU EVER GIVE A WRITTEN STATEMENT? DID YOU EVER PUT IT IN WRITING AND SIGN SOMETHING, SIR?

A NO, SIR.

Q BUT YOU WERE SHOWN THIS PHOTO LINEUP, WEREN'T YOU?

A YES, SIR, I SURE WAS.

Q AND I BELIEVE YOU TESTIFIED EARLIER, IN RESPONSE TO MR. JUSTICE'S QUESTIONS, THAT YOU SAW TWO OR THREE PEOPLE ON THERE WHO MIGHT HAVE LOOKED LIKE THE PERSON YOU SAW?

A WELL, I SAID I SEEN A COUPLE OF DIFFERENT PEOPLE ON THERE, AND I JUST WASN'T --

Q SURE?

A -- SURE.

Q RIGHT. AND THAT WAS RIGHT AFTER THIS HAPPENED, RIGHT?

A NO, SIR, THIS WAS A COUPLE OF WEEKS AFTER THIS HAPPENED.

Q WELL, WITHIN A MONTH OF WHEN IT HAPPENED?

A I DON'T REALLY KNOW, BUT I WOULD SAY WITHIN A MONTH.

Q SO WHAT YOU'RE TELLING THE JURY IS YOU COULDN'T IDENTIFY THE PHOTO WITHIN A MONTH OF IT HAPPENING, BUT THREE YEARS LATER YOU CAN POSITIVELY IDENTIFY THIS MAN?

A WHAT I AM SAYING IS WHEN YOU SEE SOMEBODY IN A PICTURE AND YOU SEE SOMEBODY IN PERSON, THEY DON'T NECESSARILY LOOK THE SAME.

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Q ALL RIGHT. AND, SIR, HOW CLOSE HAVE YOU BEEN TO MR. MATHIS TODAY?
A WHEN I WALKED THROUGH THOSE DOORS OVER THERE (INDICATING).
Q SO WHEN YOU WALKED THROUGH THE DOORS, THAT'S THE CLOSEST YOU'VE BEEN TO HIM?
A YES, SIR.
Q AND YOU WERE THAT CLOSE TO THE PERSON IN THE CAR BECAUSE YOU WENT UP TO THE CAR, DIDN'T YOU?
A I WAS STANDING RIGHT THERE AT HIS DOOR.
Q RIGHT AT HIS DOOR?
A RIGHT AT HIS DOOR.
Q EVEN CLOSER THEN, RIGHT?
A EVEN CLOSER THEN.
Q BUT THEN WITHIN A MONTH, AFTER BEING SHOWN THE PHOTOGRAPH, YOU COULDN'T IDENTIFY HIM?
A LIKE I SAID, A PHOTOGRAPH AND A HUMAN BEING IN PERSON DON'T NECESSARILY LOOK TO BE EXACTLY THE SAME.
Q AND HAVE YOU THOUGHT ABOUT THIS OVER THE THREE YEARS?
A YES, SIR, I SURE HAVE.
Q YOU HAVE?
A YES, SIR.
Q AND YOU HAVEN'T BEEN ABLE TO IDENTIFY HIM AT ANY OTHER POINT? YOU DIDN'T HAVE AN OPPORTUNITY DURING THE THREE YEARS, DID YOU?
A WELL, THERE WAS NO REASON.

Q WERE YOU EVER SHOWN ANOTHER LINEUP BY THE SHERIFF'S DEPARTMENT?
A NO, SIR.
Q ALL RIGHT. AND YOU'RE ABSOLUTELY CERTAIN THAT'S HIM TODAY?
A YES, SIR, THERE'S NOT A DOUBT IN MY MIND.
Q AND WHO DID YOU SAY YOU GAVE THAT TAG NUMBER TO, AGAIN?
A CHARLIE AND LINDA HINSON.
Q AND DO YOU KNOW WHERE THEY ARE NOW?
A THEY MOVED OUT TO BEAUFORT SOMEWHERE, OUT AROUND THE BEAUFORT COMMUNITY SOMEWHERE.
Q THEY DON'T LIVE HERE IN TOWN ANYMORE?
A WELL, THEY LIVE ABOUT EIGHT MILES OUT OF TOWN.
Q I'M NOT UNDERSTANDING. DO THEY LIVE IN BEAUFORT OR DO THEY LIVE EIGHT MILES OUT OF TOWN?
A BEAUFORT IS PART OF LANCASTER.
Q OH, THERE'S A BEAUFORT IN LANCASTER? OH, I'M SORRY, OKAY, I'M SORRY. SO THEY LIVE EIGHT MILES OUT OF -- IS IT IN LANCASTER COUNTY? OUTSIDE OF THE CITY IS WHAT YOU'RE SAYING?
A YES.
Q OKAY. DID YOU EVER GIVE THAT TAG TO ANY LAW ENFORCEMENT OFFICER?
A WELL, I HAD NO REASON TO GIVE IT TO THEM.
Q YOU HAD NO REASON? DIDN'T YOU TALK TO THEM ABOUT THIS INCIDENT?

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A AFTER I HAD GIVEN THE TAG NUMBER TO CHARLIE.
Q AND DID YOU TELL THEM AT THAT TIME THAT YOU HAD GIVEN THE TAG NUMBER TO CHARLIE?
A I SURE DID.
Q AND WHO DID YOU TELL THAT TO?
A IT MIGHT HAVE BEEN MICHAEL. IT COULD HAVE BEEN BILL MURPHY, I DON'T KNOW. I DO REMEMBER TELLING THEM THAT I HAD GIVEN THE TAG NUMBER.
Q AND WHEN THEY SHOWED YOU THIS PHOTOGRAPHIC LINEUP, DID YOU MARK ANY NUMBER ON THERE?
A NO, SIR, I DID NOT.
Q YOU DIDN'T MARK ANY NUMBER?
A NO, SIR.
Q YOU JUST SAID YOU CAN'T IDENTIFY THEM FROM HERE?
A I SAID I WASN'T REAL SURE.

MR. CLARK: I BEG THE COURT'S INDULGENCE, YOUR HONOR. (COUNSEL CONFERRING WITH CLIENT).

Q AND YOU DIDN'T SIGN ANY WRITTEN STATEMENTS ABOUT THIS CASE, DID YOU, SIR?
A NO, SIR.
Q ALL RIGHT.

MR. CLARK: THANK YOU, YOUR HONOR. THAT'S ALL I HAVE.

Q THANK YOU, SIR.

MR. JUSTICE: THANK YOU, MR. BOSWELL.

THE COURT: (TO WITNESS) YOU MAY COME DOWN.

WE'D ASK MR. BOSWELL BE EXCUSED, IF HE WISHES TO BE SO.

MR. CLARK: NO OBJECTION.

THE COURT: THANK YOU.

NEXT WITNESS?

MR. JUSTICE: I CALL MS. PEGGY WHITE.

(WHEREUPON, PEGGY M. WHITE, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, MA'AM.

A PEGGY M. WHITE.

Q AND, MS. WHITE, WHERE DO YOU LIVE?

A I LIVE AT [redacted], LANCASTER.

Q AND WHERE DO YOU WORK?

A I WORK FOR ATTORNEY FRANCIS BELL, WILL TINDAL AND ROBERT FREELAND.

Q NOW, [redacted], WHERE IS THAT?

A OKAY, WHEN YOU LEAVE THIS COURTHOUSE AND YOU TRAVEL SOUTH TOWARDS EAST SPRINGS, YOU GET INTO A COMMUNITY CALLED ELGIN, AND YOU TURN ON BAILEY ROAD AND GET ON MONTICELLO TO SOUTH POTTER.

Q OKAY, LEAVING TOWN, DO YOU GO OUT ANYWHERE IN THE VICINITY OF WHAT WAS KNOWN AS SOUTHERN TOOL & DIE COMPANY?

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A YES, SIR, I PASS THAT WAY ON MY WAY TO WORK.
Q THAT'S YOUR REGULAR ROUTE TO AND FROM WORK?
A NO, SIR. SOME MORNINGS I TAKE ANOTHER ROUTE. I MAY GO THE BYPASS OTHER MORNINGS, BUT I USUALLY COME HOME IN THE AFTERNOON BY SOUTHERN TOOL & DIE.
Q SOMETIME AFTER HEARING ABOUT THE MURDER OF MELVIN STEELE, DID YOU RELAY INFORMATION TO INVESTIGATORS WITH THE LANCASTER SHERIFF'S DEPARTMENT?
A I DID.
Q AND HAD YOU MADE AN OBSERVATION ON THE LATE AFTERNOON OF THE TWENTIETH OF JUNE THAT YOU RELATED TO THE POLICE?
A I DID.
Q PLEASE TELL THE JURY WHAT IT WAS YOU OBSERVED AT 8:00 OR 8:15 THAT EVENING ON THE WAY HOME.
A I WAS COMING UP ON SOUTHERN TOOL & DIE AND I NOTICED THAT THERE WAS A U-HAUL TRUCK PARKED ACROSS THE ROAD FROM SOUTHERN TOOL & DIE. SO SOUTHERN TOOL & DIE IS ON THE RIGHT-HAND SIDE, THE U-HAUL WAS PARKED ON THE LEFT-HAND SIDE, AND IT WAS PARKED ACROSS FROM THE BUILDING, NOT REAL CLOSE TO THE DRIVEWAY, AND THERE WAS NO ONE IN IT AND IT WAS 8:15.
Q WAS IT POINTED TOWARD LANCASTER, BACK TOWARD TOWN?
A IT WAS.
Q THANK YOU. PLEASE ANSWER ANY QUESTIONS MR. CLARK MAY HAVE.

THE COURT: (TO MR. CLARK) ANY CROSS?

MR. CLARK: NO QUESTIONS FOR MS. WHITE, YOUR HONOR.

THE COURT: THANK YOU.

(TO WITNESS) THANK YOU, MA'AM.

(TO COUNSEL) ANY OBJECTIONS TO THE WITNESS' BEING EXCUSED?

MR. JUSTICE: WE WOULD ASK THAT SHE BE EXCUSED.

MR. CLARK: NO OBJECTION.

THE COURT: MS. WHITE, YOU MAY BE EXCUSED IF YOU'D LIKE.

MS. JUSTICE: I CALL MS. SHEILA M. HUDSON.

THE COURT: (TO WITNESS) PLEASE COME FORWARD, MA'AM.

(WHEREUPON, SHEILA M. HUDSON, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, MA'AM.

A SHEILA M. HUDSON.

Q MS. HUDSON, WHERE DO YOU LIVE?

A CURRENTLY, NOW?

Q YES, NOW.

A [redacted].

Q AND WHAT KIND OF WORK DO YOU DO, OR ARE YOU EMPLOYED?

A I AM. I WORK WITH MY FATHER AT HIS MACHINE SHOP, H & A

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MACHINE.

Q WHEN YOU WERE ASKED WHERE DO YOU LIVE AND YOU SAID "NOW?", HAVE YOU MOVED IN THE LAST TWO OR THREE YEARS?

A YES, SIR.

Q WHERE WERE YOU LIVING BACK IN JUNE OF THE YEAR 2000?

A [redacted].

Q AND WHERE IS [redacted]?

A [redacted] RUNS PARALLEL WITH [redacted] BUT ADJOINS [redacted].

Q SO [redacted] TURNS INTO [redacted] AT SOME POINT?

A NO, IT DOESN'T TURN INTO [redacted]. THE ROAD --

Q IT CROSSES --

A IT COMES INTO --

Q OKAY, AN INTERSECTION?

A [redacted] IS LIKE THIS (INDICATING). THEN YOU TURN OFF OF [redacted] ONTO [redacted].

Q BACK IN JUNE OF THE YEAR 2000, AFTER THE MURDER OF MELVIN STEELE, DID YOU RELAY INFORMATION TO THE LANCASTER COUNTY SHERIFF'S DEPARTMENT ON SOME THINGS YOU HAD SEEN?

A YES, SIR, I DID.

Q AND DID YOU SPECIFICALLY RELATE THINGS YOU HAD SEEN ON THE NINETEENTH AND TWENTIETH OF JUNE?

A YES, SIR, I DID.

Q IF YOU WILL, PLEASE THINK BACK FIRST TO MONDAY, THE

NINETEENTH OF JUNE, AND TELL US WHAT, IF ANYTHING, YOU RELATED TO THE POLICE THAT MAY HAVE HAD A BEARING ON THIS CASE.

A OKAY. OF COURSE, IT'S BEEN THREE YEARS, SO MY MEMORY MAY BE A LITTLE BIT OFF. I'M NOT SURE IF SEEING THE CAR PARKED ACROSS THE STREET FROM MY HOUSE WAS THE FIRST OR EITHER SEEING A VAN PARKED ON SPRINGDALE EXTENSION WAS THE FIRST, BUT IN THE EVENT, PROBABLY I'M THINKING THAT THERE WAS THE WHITE CAR THAT WAS PARKED ACROSS THE STREET.

Q ACROSS THE STREET FROM YOUR HOUSE?

A ACROSS THE STREET FROM MY HOUSE, WHICH WAS NOT EXACTLY -- YOU KNOW, IT WASN'T IN FRONT OF A RESIDENCE, IT WAS IN FRONT OF A WOODED AREA, AND IT WAS JUST PARKED THERE ON THE SIDE OF THE ROAD, HEADED TOWARD [redacted].

Q WHAT KIND OF CAR DID IT APPEAR TO BE?

A IT WAS A WHITE LINCOLN.

Q DID YOU SEE ANYBODY AROUND THE LINCOLN?

A THERE WAS A BLACK MAN SITTING BEHIND THE STEERING WHEEL.

Q HOW CLOSE WOULD THAT BE TO THE INTERSECTION WITH [redacted]

[redacted]

A [redacted] ITSELF -- AND I'M GUESSING, I'M NOT SURE, WITH DISTANCE, BUT [redacted] I'M GUESSING IS PROBABLY NO MORE THAN NOT EVEN A QUARTER OF A MILE LONG ITSELF, AND WE WERE -- WE WERE THE LAST RESIDENCE ON [redacted], SO WITHIN A QUARTER OF A MILE.

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Q WHAT WAS THE LINCOLN TOWN CAR DOING, JUST SITTING THERE?
A JUST SITTING THERE.
Q OFF THE SIDE OF THE ROAD?
A PULLED OVER OFF THE SIDE OF THE ROAD.
Q WERE THERE ANY OTHER VEHICLES ASSOCIATED WITH THAT VEHICLE?
A NO, SIR.
Q ON THE NEXT DAY, TUESDAY, THE TWENTIETH, WHAT DID YOU OBSERVE?
A THE SAME THING. THE SAME WHITE LINCOLN CAR HAD PARKED THERE AGAIN OR ON NUMEROUS OCCASIONS IT HAD RIDDEN UP AND DOWN THE ROAD, MAYBE GO UP THE ROAD AND COME BACK DOWN THE ROAD, BUT BASICALLY, YOU KNOW, THE SAME.
Q AND YOU MENTIONED SOMETHING ABOUT A VAN?
A THE VAN -- I ALWAYS USED SPRINGDALE EXTENSION WHEN I LEFT TO GO ANYWHERE, TO THE GROCERY STORE OR TO THE STORE OR WHATEVER. I'D GO OUT TO SPRINGDALE EXTENSION. AND THE VAN WAS SITTING ACROSS SPRINGDALE EXTENSION, OFF THE SIDE OF THE ROAD, HEADED TOWARD SPRINGDALE, TOWARD THE HOSPITAL DIRECTION. IT WAS JUST SITTING THERE. I SEEN NO ONE AROUND IT, BUT IT HAD BEEN THERE FOR, LIKE, A DAY OR SO. IT WAS THERE WHEN I LEFT SEVERAL TIMES AND COME BACK, TOO.
Q SO SEVERAL TIMES DURING THAT TUESDAY, THE TWENTIETH, YOU SAW THAT BLUE VAN THERE?
A CORRECT.
Q AND DID YOU EVER SEE THE LINCOLN AND THE BLUE VAN AT THE

SAME TIME?

A NO, SIR.

Q AND WHO IS JOHN HUDSON?

A JOHN HUDSON IS MY EX-HUSBAND.

Q YOUR EX-HUSBAND, THANK YOU, MA'AM. PLEASE ANSWER ANY QUESTIONS MR. CLARK MAY HAVE.

CROSS-EXAMINATION

BY MR. CLARK:

Q MS. HUDSON, I'VE JUST GOT A FEW QUESTIONS FOR YOU. DO YOU REMEMBER GIVING A STATEMENT TO POLICE IN THIS CASE BACK IN 2000, DON'T YOU?

A YES, SIR.

Q AND ISN'T YOUR TESTIMONY TODAY COMPLETELY CONTRADICTORY TO WHAT YOU SAID IN 2000, MS. HUDSON?

A YOU KNOW, IT MAY BE A LITTLE BIT OFF, BUT I DON'T REMEMBER. I REMEMBER THE DETAILS. I REMEMBER THE CAR AND THE VAN, AND I REMEMBER WONDERING, BUT AS FAR AS -- I'VE NOT READ MY STATEMENT IN THREE YEARS. I'VE TALKED TO NO DETECTIVES, NO POLICE OFFICER IN THREE YEARS, SO, YES, SIR, IT MAY BE A LITTLE BIT FUZZY.

Q WELL, TODAY YOU SAID THAT THE WHITE LINCOLN WAS PARKED IN FRONT OF YOUR HOUSE WITH A BLACK MALE BEHIND THE WHEEL. ISN'T THAT WHAT YOU SAID EARLIER, MS. HUDSON?

A YES.

MR. CLARK: MAY I APPROACH THE WITNESS, YOUR

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HONOR?

THE COURT: YES.

Q DO YOU REMEMBER GIVING THIS WRITTEN STATEMENT TO POLICE BACK IN 2000, MS. HUDSON?

A (WITNESS REVIEWING DOCUMENT).

Q LET ME ASK YOU, IS THAT YOUR SIGNATURE AT THE BOTTOM OF THE PAGE?

A YES, SIR, IT IS.

Q AND IS THAT YOUR HANDWRITING THAT THAT STATEMENT IS WRITTEN IN?

A (WITNESS NODDING HEAD).

Q IS THAT CORRECT?

A UH-HUH.

Q AND YOU HAVE SAT IN COURT TODAY, HAVEN'T YOU?

MR. JUSTICE: YOUR HONOR, OBJECTION. LET'S GIVE THE WITNESS A CHANCE TO READ THE STATEMENT.

THE COURT: YES, SIR, I'M GOING TO ALLOW HER TO READ THE STATEMENT IF YOU'RE GOING TO USE IT TO IMPEACH HER.

MR. CLARK: I'M SORRY, YES, SIR.

A (WITNESS REVIEWING DOCUMENT). OKAY, I'VE READ IT.

Q NOW, BEFORE I ASK YOU ABOUT THE STATEMENT, YOU'VE SAT IN COURT TODAY, HAVEN'T YOU?

A CORRECT.

Q HAVE YOU BEEN HERE ALL DAY?

A YES, SIR.
Q AND YOU LISTENED TO ALL THESE OTHER WITNESSES TESTIFY, RIGHT?
A YES, SIR.
Q AND HAS HAD THAT HAD SOME EFFECT ON YOUR TESTIMONY?
A NO, SIR.
Q WELL, HAVE YOU TESTIFIED TODAY THAT THE WHITE LINCOLN WAS PARKED IN FRONT OF YOUR HOUSE WITH A BLACK MALE BEHIND THE WHEEL, RIGHT?
A CORRECT.
Q AND YOUR STATEMENT NEVER SAYS THE WHITE LINCOLN WAS PARKED IN FRONT OF YOUR HOUSE, DOES IT, MS. HUDSON?
A SIR, THIS STATEMENT DOESN'T SAY A WHOLE LOT, BUT FOR TWO DAYS -- AND IT DOESN'T SAY THAT FOR TWO DAYS THAT CAR RAN UP AND DOWN THE ROAD.
Q SO YOUR STATEMENT THREE YEARS AGO, RIGHT AFTER THIS HAPPENED, IS TOTALLY INCONSISTENT WITH WHAT YOU'RE TESTIFYING TODAY. WOULDN'T YOU AGREE WITH ME ON THAT?
A INCONSISTENT, I'M NOT SURE. I MEAN --
Q OKAY, WELL, IF YOU'RE NOT SURE, LET ME ASK YOU A FEW SPECIFIC QUESTIONS. DOES YOUR STATEMENT MENTION ANYTHING ABOUT SEEING A BLACK MALE?
A NO, SIR, IT DOESN'T.
Q WELL, ISN'T THAT INCONSISTENT WITH WHAT YOU SAID TODAY ABOUT SEEING A BLACK MALE BEHIND THE WHEEL?

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A COMPARED TO WHAT IS WRITTEN IN THIS STATEMENT AND COMPARED TO THE QUESTIONS I WAS ASKED, YOU KNOW, MAYBE I WASN'T -- DIDN'T HAVE THE GUIDANCE TO WRITE THIS. I MEAN, I DIDN'T KNOW HOW DETAILED THEY WANTED IT. I SURE DIDN'T THINK, REALLY, ANYTHING WAS TO COME. I MEAN, MAYBE NOT, YOU KNOW --

Q I UNDERSTAND.

A -- TO GO INTO DETAIL, DETAIL.

Q BUT YOU WENT INTO DETAIL ABOUT SEEING THE CAR GO UP AND DOWN THE ROAD, RIGHT, IN THE STATEMENT THAT YOU GAVE, RIGHT?

A WELL, NOT REALLY DETAIL, BUT, YES, I MEAN, THAT IT TRAVELED UP AND DOWN THE ROAD, YES, SIR.

Q BUT YOU DIDN'T SAY ANYTHING ABOUT IT BEING PARKED IN FRONT OF YOUR HOUSE, DID YOU?

A NOT ON THE STATEMENT, NO.

Q AND YOU NEVER SAID ANYTHING ABOUT A BLACK MAN IN THE CAR THREE YEARS AGO, DID YOU?

A NOT ON THE STATEMENT, NO.

Q AND IT'S YOUR TESTIMONY TODAY THAT THAT VAN -- THAT NO OTHER VEHICLE, IN RESPONSE TO MR. JUSTICE'S QUESTION, WAS ASSOCIATED WITH THE VAN?

A AS IN --

Q WELL, HE ASKED YOU EARLIER WERE THERE ANY OTHER VEHICLES ASSOCIATED WITH THE VAN, AND YOU SAID NO, AND THAT'S YOUR

TESTIMONY TODAY, RIGHT?

A THAT'S WHAT I SAID EARLIER, YES.

Q OKAY, THANK YOU, MA'AM.

MR. CLARK: THAT'S ALL I HAVE.

THE COURT: THANK YOU.

MR. JUSTICE: WE'D ASK THAT MS. HUDSON BE EXCUSED.

MR. CLARK: NO OBJECTION.

THE COURT: (TO WITNESS) THANK YOU, YOU'RE EXCUSED.

MR. JUSTICE: THE STATE CALLS MR. JOHN HUDSON.

(WHEREUPON, JOHN HUDSON, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A JOHN HUDSON.

Q MR. HUDSON, WHERE DO YOU LIVE?

A [redacted].

Q AND THAT'S NEAR [redacted]?

A YES.

Q AND WERE YOU LIVING THERE BACK IN JUNE OF 2000?

A YES.

Q AND DID YOU HEAR, SOMETIME ON OR AFTER THE TWENTY-FIRST OR TWENTIETH OF JUNE, ABOUT THE MURDER OF MELVIN STEELE?

A YES, SIR.

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Q AND DID YOU RELATE TO THE POLICE THINGS YOU HAD OBSERVED ALONG THOSE DATES THAT MAY OR MAY NOT HAVE BEEN RELEVANT TO THAT CASE?

A YES, SIR.

Q FIRST OF ALL, FROM JUNE OF 2000 TO NOW, HAVE YOU TALKED WITH ANYBODY ELSE ABOUT THIS CASE, WITH THE POLICE?

A NO.

Q OR THE SOLICITOR'S OFFICE?

A NO, SIR.

Q WILL YOU JUST, FROM YOUR MEMORY, TESTIFY TO THE JURY WHAT YOU REMEMBER SEEING ON THE NINETEENTH OR THE TWENTIETH OF JUNE, WHICH WAS MONDAY AND TUESDAY?

A WELL, I REMEMBER NOTICING THIS WHITE CAR THAT WE'VE BEEN TALKING ABOUT ALL DAY RIDING UP AND DOWN THE ROAD NUMEROUS TIMES, AND IT PARKED AT THE BOTTOM OF THE ROAD ONE DAY, AT THE BOTTOM OF THE HILL BELOW MY HOUSE. AND I KIND OF KEPT MY EYE ON IT BECAUSE I HAD MY SON GET OUT THERE AND RIDE UP AND DOWN THE ROAD, RIDE HIS BICYCLE AND STUFF. SO I KIND OF WATCHED IT, AND IT SAT DOWN THERE AT THE BOTTOM OF THE HILL, AND THEN I HEARD SOME HORNS BLOWING, AND I LOOKED DOWN THERE AND THERE WAS A VAN AND A U-HAUL VAN, ALL THREE VEHICLES SITTING AT THE BOTTOM OF THE HILL.

AND WHEN I LOOKED DOWN THERE, THEY ALL STARTED UP AND DROVE OFF, BUT THEY DIDN'T COME BACK UP BY MY HOUSE. THEY DROVE OFF IN ANOTHER DIRECTION.

Q SO THE WHITE VEHICLE, WHAT KIND OF VEHICLE WAS IT?
A A LINCOLN CONTINENTAL.
Q DID YOU NOTICE THE TAGS?
A I WANT TO SAY IT WAS AN OUT-OF-STATE TAG, BUT I DON'T KNOW WHAT STATE IT WAS. IT WAS AN UNUSUAL TAG, THOUGH.
Q AND WHEN YOU HEARD THIS HORN BLOW, YOU LOOKED OUT AND YOU SAW A VAN. DO YOU REMEMBER WHAT COLOR THE VAN WAS?
A BLUE.
Q A BLUE VAN AND, YOU SAY, A U-HAUL VEHICLE?
A RIGHT.
Q PLEASE ANSWER ANY QUESTIONS ATTORNEY CLARK HAS FOR YOU.

THE COURT: CROSS-EXAM?

MR. CLARK: THANK YOU, YOUR HONOR.

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. HUDSON, YOU CAN'T TELL US WHO MAY HAVE BEEN DRIVING THIS VEHICLE, CAN YOU?
A NO, SIR.
Q THANK YOU, SIR.

MR. CLARK: THAT'S ALL I HAVE.

THE COURT: (TO WITNESS) THANK YOU. YOU MAY STAND DOWN.

MR. JUSTICE: (TO WITNESS) THANK YOU VERY MUCH. (TO THE COURT) I'D ASK THAT HE BE EXCUSED.

MR. CLARK: NO OBJECTION.

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MR. JUSTICE: I'D CALL DEPUTY KEVIN WEBSTER.

THE COURT: (TO WITNESS) PLEASE COME FORWARD.

(WHEREUPON, KEVIN WEBSTER, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A WILLIAM KEVIN WEBSTER.

Q AND YOU ARE A DEPUTY SHERIFF FOR LANCASTER COUNTY?

A YES, SIR.

Q HOW LONG HAVE YOU BEEN A DEPUTY?

A FIVE YEARS.

Q FIVE YEARS?

A UH-HUH.

Q WERE YOU WORKING AS A DEPUTY IN JUNE OF THE YEAR 2000?

A I WAS.

Q AND DID YOU HAVE AN OCCASION TO ANSWER A CALL TO A BUSINESS KNOWN AS LINWOOD EXPRESS BACK ON JUNE 8 OF THAT YEAR?

A I DID.

Q WHERE IS LINWOOD EXPRESS?

A IT'S ON LINWOOD DRIVE IN THE AREA OF BOWERS AUTOMOTIVE, THAT AREA RIGHT THERE, THE SUMTER DAIRY PLACE THERE.

Q WHERE IS LINWOOD DRIVE IN RELATION TO LINWOOD EXTENSION?

A OKAY, I'M NOT AWARE OF LINWOOD EXTENSION.

Q OKAY, YOU'RE NOT AWARE OF THAT, OKAY.

A ARE YOU TALKING ABOUT SPRINGDALE EXTENSION?
Q I MEAN, SPRINGDALE EXTENSION.
A YOU WOULD HAVE TO GET ON HIGHWAY 200, GREAT FALLS HIGHWAY, AND GO TOWARDS GREAT FALLS TO GET BACK OVER TOWARDS SPRINGDALE EXTENSION.
Q WHAT WAS THE SUBJECT MATTER OF YOUR CALL TO THE LINWOOD EXPRESS? I ASSUME THAT'S A CONVENIENCE STORE.
A RIGHT, RIGHT.
Q WHAT WAS THE SUBJECT MATTER OF YOUR CALL THERE?
A A SUSPICIOUS VEHICLE. IT WAS A VAN THAT HAD BEEN SITTING THERE FOR SEVERAL DAYS. THE CLERK IN THE STORE THOUGHT MAYBE THE VAN WAS STOLEN SINCE IT WAS PARKED THERE AND NOBODY HAD BEEN BACK AROUND IT. THAT'S WHAT THE CALL WAS IN REFERENCE TO.
Q DID YOU INVESTIGATE THE VAN, LOOK IT OVER?
A I DID.
Q DID YOU, AS WE SAY, CALL IT IN?
A I TOOK THE V.I.N. NUMBER AND CALLED IT IN TO DISPATCH. THEY RAN IT THROUGH N.C.I.C. TO SEE IF IT WAS STOLEN.
Q NOW, THE V.I.N. NUMBER, THAT'S THE PERMANENT NUMBER THAT'S ATTACHED IN SEVERAL PLACES TO ANY MANUFACTURED AUTOMOBILE?
A EXACTLY.
Q NOT THE LICENSE NUMBER?
A NO, SIR.
Q AND DID YOU GET -- WAS IT CLEAR ON THE V.I.N. NUMBER?

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A IT CAME BACK CLEAR.
Q WHAT ABOUT THE TAGS? WHAT DID YOU NOTICE THERE?
A IT WAS A B & E PAPER TAG.
Q B & E AUTO?
A YES, A B & E AUTO PAPER TAG.
Q AND WHAT DID THE VAN LOOK LIKE ON THE OUTSIDE, COLOR-WISE?
A IT WAS GRAY.
Q I SHOW YOU STATE'S EXHIBIT #13. IS THIS THE VAN THAT YOU CHECKED OUT AT LINWOOD EXPRESS?
A YES, SIR.
Q DID YOU HAVE AN OCCASION TO LOOK INTO THE VAN?
A YES, SIR.
Q DID YOU LOOK THROUGH THE WINDOWS OR DID YOU OPEN THE SLIDING DOOR?
A THE FIRST TIME I SAW THE VAN, I LOOKED THROUGH THE WINDOWS.
Q THAT WAS AT LINWOOD EXPRESS?
A YES, SIR.
Q AND WHAT DID YOU NOTICE WHEN LOOKING IN?
A I NOTICED THAT IT HAD MOVING BLANKETS IN THE BACK, COVERING THE FLOOR. THERE WAS NO MIDDLE SEAT IN IT. IT WAS JUST THOSE BLANKETS IN THERE.
Q THE MIDDLE SEAT WAS GONE AND IT WAS THE KIND OF BLANKETS USED IN A MOVING VAN?
A YES, SIR.
Q YOU SAY THE FIRST TIME YOU LOOKED IN IT. DID YOU LOOK IN

IT ON ANOTHER OCCASION?

A YES, SIR. I WAS CALLED TO OLD HICKORY APARTMENTS, WHICH IS ON WEST MEETING STREET, FOR ANOTHER SUSPICIOUS VEHICLE CALL. THAT WAS A FEW DAYS LATER. WHEN I GOT THERE, I NOTICED THAT IT WAS THE SAME VEHICLE THAT I HAD SAW AT LINWOOD EXPRESS.

Q THE SAME VEHICLE AT OLD HICKORY APARTMENTS?

A YES, SIR.

Q AND DID YOU LOOK AT IT ON THAT OCCASION?

A YES, SIR. IT CAUGHT ME AS ODD, IT BEING PARKED AND LEFT IN TWO DIFFERENT PLACES LIKE THAT. THE VEHICLE WAS UNLOCKED, SO I OPENED IT UP TO SEE IF I COULD FIND ANY PAPER WORK IN IT, DRIVER'S LICENSE, REGISTRATION, ANYTHING THAT WOULD HELP ME FIND OUT WHO MIGHT BE LEAVING IT THERE.

Q AND WERE YOU ABLE TO FIND ANYTHING?

A NO, SIR. THE ONLY THING I SAW IN THERE WAS, JUST LIKE I SAID, THE BLANKETS. I LOOKED TO SEE IF SOMETHING MIGHT HAVE BEEN COVERED UP OR HIDDEN UNDER THE BLANKETS.

Q SO THE SAME MOVING BLANKETS WERE IN THE VEHICLE THE SECOND OCCASION?

A YES, SIR.

Q DO YOU REMEMBER THE COLOR OF THOSE BLANKETS?

A NOT RIGHT OFF, SIR.

Q THANK YOU. PLEASE ANSWER ANY QUESTIONS MR. CLARK MAY HAVE.

MR. CLARK: NO QUESTIONS, YOUR HONOR.

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THE COURT: THANK YOU.

DEPUTY, YOU MAY STAND DOWN.

MR. JUSTICE: YOUR HONOR, I BELIEVE WE'VE REACHED A PRETTY GOOD STOPPING POINT AT THIS TIME, FOR THE DAY. ANY NEW WITNESS I COULD CALL AT THIS TIME WOULD BE A RATHER LENGTHY WITNESS, AND WE WOULD ALSO NEED SOME TIME TO PREPARE FOR THIS WITNESS.

THE COURT: ALL RIGHT.

MR. FOREMAN, LADIES AND GENTLEMEN, AT THIS TIME WE WILL RECESS FOR THE EVENING. ONCE AGAIN, WHILE YOU'RE AWAY, PLEASE DO NOT DISCUSS THE CASE OR ALLOW ANYONE TO DISCUSS THE CASE WITH YOU. ONCE AGAIN, PLEASE DO NOT READ ANY NEWS ACCOUNTS OR WATCH ANY NEWS ACCOUNTS OR LISTEN TO ANY NEWS ACCOUNTS OF THESE PROCEEDINGS, IF ANY THERE BE. PLEASE REFRAIN FROM THAT DURING THE TRIAL.

PLEASE BE IN YOUR JURY ROOM IN THE MORNING AT 10:00 IN ORDER THAT WE MAY CONTINUE THE TRIAL OF THIS CASE. I HOPE YOU HAVE A NICE EVENING. YOU MAY EXIT THE COURTROOM AT THIS TIME. ONLY JURORS MAY LEAVE THE COURTROOM AT THIS TIME. THANK YOU.

(JURY EXITS COURTROOM AT 5:40 P.M.).

THE COURT: ALL RIGHT, FOR SCHEDULING PURPOSES, SOLICITOR, MR. CLARK, WHERE DO YOU ALL ESTIMATE WE ARE WITH REGARD TO OUR WITNESS LIST. APPROXIMATELY HOW

MANY MORE WITNESSES?

MR. JUSTICE: MY BEST ESTIMATION IS IT'S GOING TO TAKE ME MOST OF TOMORROW, PROBABLY ALL OF TOMORROW, TO COMPLETE. I HAVE A SERIES OF WITNESSES HAVING TO DO WITH TWO DIFFERENT SEARCHES, ONE OF A VEHICLE AND ONE OF A HOME, AND THE EVIDENCE SEIZED FROM THOSE SEARCHES.

I HAVE THE SLED AGENT WHO PROCESSED THE VARIOUS VEHICLES, ALTHOUGH THAT WILL NOT BE AS LONG AS SOMETIMES IT IS BECAUSE MOST OF THE RESULTS WERE NEGATIVE. I HAVE THE VICTIM, MS. STEELE, I HAVE A CO-DEFENDANT. I FEEL SURE IT'S GOING TO TAKE ME ALL DAY TOMORROW, MAY EVEN RUN INTO THURSDAY, BUT I BELIEVE WITH A LITTLE BIT OF LUCK WE CAN CONCLUDE THE STATE'S CASE BY THE END OF THE DAY TOMORROW.

THE COURT: WHAT ABOUT OUR SUPPRESSION HEARING? DIDN'T MR. CLARK REQUEST A SUPPRESSION HEARING?

MR. CLARK: YES, SIR.

THE COURT: WHERE ARE WE IN REGARD TO THAT STAGE?

MR. JUSTICE: EVERYTHING THAT WAS -- LIKE I SAID, THERE'S TWO SEARCHES, BOTH PURSUANT TO SEARCH WARRANTS. I'M NOT QUITE SURE WHAT THE PURPOSE OF A SUPPRESSION HEARING IS OTHER THAN THE STATE WOULD OPEN UP, BY SUBMITTING THE SEARCH WARRANTS TO THE COURT, TO DETERMINE WHETHER OR NOT THEY'RE PROPER ON THEIR FACE.

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IF SO, THEN THERE'S NO CAUSE FOR ADDITIONAL TESTIMONY IN THAT REGARD.

THE COURT: WELL, I DON'T KNOW. I HAVEN'T SEEN THE WARRANTS. I DON'T KNOW ANYTHING ABOUT IT, SOLICITOR. DO WE NEED TO TAKE THAT UP IN THE MORNING BEFORE WE BEGIN? I'M JUST TRYING TO FIND OUT WHAT STAGE WE ARE AND WHERE WE NEED TO DO THAT.

MR. CLARK: I THINK WE PROBABLY SHOULD TAKE THAT UP IN THE MORNING BEFORE WE BEGIN, YOUR HONOR.

THE COURT: HOW ABOUT THAT, SOLICITOR? ARE WE GOING TO HAVE ALL THE WITNESSES AT THAT POINT?

MR. JUSTICE: I BELIEVE I'LL HAVE EVERYBODY IN THE MORNING WITH REGARD TO THE TWO SEARCH WARRANTS. WE'LL ALSO HAVE SOME SUBPOENAED DOCUMENTS IN REGARDS TO PHONE RECORDS THAT I CERTAINLY DON'T THINK IT'S NECESSARY TO HAVE A LOT OF TIME ON, BUT WE WILL BE PREPARED TO GO ON --

THE COURT: DO WE HAVE THOSE WITNESSES IN THE MORNING, ALSO?

MR. JUSTICE: YES, SIR.

THE COURT: ALL RIGHT. WELL, WE MAY NEED TO ASSEMBLE THE JURORS, THEN PERHAPS SEND THEM DOWN TO A LARGER AREA, TO THE JURY ROOM OR SOMETHING, TO TAKE UP THOSE TWO HEARINGS BEFORE WE BEGIN.

ALL RIGHT, GOOD, THANK YOU. WE'LL BE IN RECESS

UNTIL 10:00 IN THE MORNING, THANK YOU.

(WHEREUPON, THE TRIAL WAS RECESSED AT 5:44 P.M., TO RECOMMENCE AT 10:00 A.M., JUNE 4, 2003).

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STATE OF SOUTH CAROLINA COUNTY OF LANCASTER	)	IN THE COURT OF GENERAL SESSIONS
STATE OF SOUTH CAROLINA, PLAINTIFF, V. VERNARD JEROME MATHIS, DEFENDANT.	)	DOCKET NO. 00-GS-29-1418 01-GS-29-0250 03-GS-29-0524 03-GS-29-0525 03-GS-29-0526 TRANSCRIPT OF RECORD (JURY TRIAL) VOLUME III

JUNE 2 - 6, 2003
LANCASTER, SOUTH CAROLINA

BEFORE:

HONORABLE PAUL E. SHORT, JR.

APPEARANCES:

FOR THE PLAINTIFF:	JOHN R. JUSTICE, SOLICITOR DOUGLAS A. BARFIELD, SENIOR ASSISTANT SOLICITOR THOMAS J. HOLLAND, ASSISTANT SOLICITOR
FOR THE DEFENDANT:	JOHN D. CLARK, ESQUIRE

NANCY M. MONTEITH, CERTIFIED VERBATIM REPORTER
RESIDENT COURT REPORTER, SIXTH JUDICIAL CIRCUIT

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THE COURT: IS THE STATE READY?

MR. JUSTICE: THE STATE IS READY, YOUR HONOR.

THE COURT: IS THE DEFENDANT READY?

MR. CLARK: YES, SIR, YOUR HONOR.

THE COURT: CAN WE BRING THE JURY IN OR DO YOU HAVE A MATTER WE NEED TO TAKE UP?

MR. JUSTICE: WELL, THERE'S ONE PENDING WRITTEN MOTION IN LIMINE THAT WE PASSED OVER ON MONDAY, AND THAT IS TO SUPPRESS THE SEARCH OF THE DEFENDANT'S 1995 CADILLAC, WHICH I INTEND TO GET TO THIS MORNING. YOUR HONOR, THE STATE RELIES ON THE SEARCH WARRANT ISSUED BY THE CIRCUIT COURT FOR PRINCE GEORGES COUNTY IN THE STATE OF MARYLAND, WHICH I WILL PASS UP TO THE COURT AND ASK YOU TO MAKE COURT'S EXHIBIT #1, AS BEING REGULAR ON ITS FACE, COMPLETE AND SUPPORTED BY AFFIDAVIT, AND THE FURTHER TESTIMONY FROM THE STATE IN SUPPORT OF THE SERVICE IS NOT NECESSARY UNLESS THERE'S SOME PROBLEM WITH THE WARRANT, WHICH I DID NOT SEE.

THE COURT: MR. CLARK?

MR. CLARK: THANK YOU, YOUR HONOR. MAY IT PLEASE THE COURT. YOUR HONOR, WE MOVE TO SUPPRESS THE SEARCH OF THE 1995 CADILLAC ON THE BASIS THAT THE AFFIDAVIT ATTACHED TO THE APPLICATION FOR SEARCH WARRANT DOES NOT ESTABLISH PROBABLE CAUSE FOR A SEARCH WARRANT TO

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BE ISSUED AND, MOREOVER, YOUR HONOR, THE DETECTIVE OMAR DAZA, WHO EXECUTED THE AFFIDAVIT, DID NOT HAVE PERSONAL KNOWLEDGE OF THE ALLEGATIONS SET FORTH IN THE AFFIDAVIT.

ON THAT BASIS, YOUR HONOR, UNDER § 17-13-140 WE CONTEND THAT THE SEARCH WARRANT ISSUED IS INVALID AND THE FRUITS OF THE SEARCH OF THE '95 CADILLAC SHOULD BE SUPPRESSED.

THE COURT: ALL RIGHT. WHAT ABOUT THE STATE'S ARGUMENT THAT -- I THINK I HEARD THE SOLICITOR'S ARGUMENT THAT IT COMPLIED WITH THE LAW IN THE STATE OF MARYLAND WHERE IT WAS ISSUED, THEREFORE, IT WOULD BE ADMISSIBLE.

MR. CLARK: WELL, YOUR HONOR, THAT WAS THEIR CONTENTION, BUT THEY HAVEN'T ESTABLISHED THAT IT, IN FACT, COMPLIES WITH THE LAWS OF THE STATE OF MARYLAND, AND I BELIEVE THAT ONCE WE MAKE THE MOTION, THE BURDEN SHIFTS TO THEM TO SHOW TO THE COURT THAT THE AFFIDAVIT IS, IN FACT, VALID UNDER WHATEVER APPLICABLE LAW THEY DEEM THAT IT IS.

THE COURT: ALL RIGHT.

WHAT ABOUT HIS ARGUMENT THAT THE AFFIDAVIT IS NOT SUFFICIENT UNDER 17-13-140, SOLICITOR, WHICH I BELIEVE IS OUR CODE SECTION PROVIDING FOR SEARCH WARRANTS?

MR. JUSTICE: YOUR HONOR, THE SEARCH WARRANT --

FIRST OF ALL, THERE'S NO REQUIREMENT THAT THE AFFIANT IN THE SEARCH WARRANT HAVE FIRST-HAND KNOWLEDGE, ONLY THAT HE HAS KNOWLEDGE, AND MY UNDERSTANDING OF THE LAW IS THAT THE BURDEN OF PROOF IS ON THE DEFENDANT WHEN YOU HAVE A SEARCH WARRANT THAT'S REGULAR ON ITS FACE. IF IT'S REGULAR ON ITS FACE, YOU DON'T GO OUTSIDE THE FOUR CORNERS. IF THERE'S DEFICIENCY ON THE FACE, THEN YOU DO GO OUTSIDE THE FOUR CORNERS.

BUT AS I STATED BEFORE, THIS IS A SEARCH WARRANT ISSUED UPON AFFIDAVIT, BASED ON ALL THE EVIDENCE THAT WAS KNOWN AT THAT TIME, PRESENTED TO A CIRCUIT COURT JUDGE IN THE STATE OF MARYLAND AND SUFFICIENT TO THAT JUDGE TO HAVE ISSUED THE PROBABLE CAUSE WARRANT AND THAT THIS COURT SHOULD NOT -- I DON'T SAY IT CANNOT, BUT IT CERTAINLY SHOULD NOT GO BEYOND THE DISCRETION OR SECOND GUESS THE DISCRETION OF THE COUNTERPART JUDGE IN THE STATE OF MARYLAND WHO ISSUED THE WARRANT.

THE COURT: THANK YOU. IS THERE ANYTHING FURTHER I NEED TO CONSIDER ON THIS, GENTLEMEN?

MR. CLARK: WELL, JUDGE, UNDER MR. JUSTICE'S ANALYSIS, THAT WOULD MEAN THAT YOU COULD NEVER CHALLENGE THE SUFFICIENCY OF A WARRANT ISSUED IN THE STATE OF MARYLAND. THAT'S ALL I HAVE, YOUR HONOR.

THE COURT: ALL RIGHT. ARE YOU GOING TO PRESENT ANY TESTIMONY OR EVIDENCE IN THIS REGARD?

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MR. CLARK: YES, SIR, I WOULD LIKE TO.

THE COURT: ALL RIGHT, I'LL BE GLAD TO HEAR FROM YOU.

MR. CLARK: YOUR HONOR, I WOULD CALL DETECTIVE OMAR DAZA.

THE COURT: (TO WITNESS) PLEASE COME FORWARD.

MR. JUSTICE: YOUR HONOR, MR. DAZA IS NOT PRESENT. HE'S A NEW YORK CITY IMMIGRATION AND NATURALIZATION OFFICER NOW. HE WAS A MARYLAND STATE DETECTIVE AT THE TIME. HE'S NOT HERE IN COURT.

MR. CLARK: WELL, YOUR HONOR, OUR POSITION IS THAT THE STATE HAS TO PROVE THAT THE SEARCH WARRANT AND AFFIDAVIT IS VALID, AND IF MR. DAZA IS NOT HERE TO GIVE TESTIMONY THAT HE IN FACT --

THE COURT: WELL, IT'S VALID ON ITS FACE. DOESN'T THE BURDEN SHIFT TO YOU?

MR. CLARK: THAT'S NOT MY UNDERSTANDING OF IT, YOUR HONOR.

THE COURT: WOULD YOU LIKE TO CITE ANY CASES FOR ME?

MR. CLARK: YOUR HONOR, I'D SIMPLY RELY ON 17-13-140.

THE COURT: ALL RIGHT, THANK YOU.

ARE THERE ANY OTHER MATTERS I'M GOING TO NEED TO READ OR CONSIDER, BECAUSE I DON'T WANT TO -- I'M

GOING TO TAKE ABOUT FIVE OR TEN MINUTES AND REVIEW THE MATTER AND COME BACK, BUT I WANT TO HAVE IT ALL. IF I HAD KNOWN THAT, I'D HAVE READ IT LAST NIGHT.

MR. CLARK: NOTHING FROM US, YOUR HONOR.

THE COURT: ANY OTHER MATTERS WE'RE GOING TO NEED TO TAKE UP TODAY?

MR. JUSTICE: YOUR HONOR, THERE'S A VERBAL MOTION TO SUPPRESS PHONE RECORDS, BUT WE AREN'T TO THAT POINT YET AND WILL NOT BE UNTIL LATER, AND I'M ADVISED BY MR. CLARK THAT HE MAY OR MAY NOT INSIST ON THAT SUPPRESSION, SO THAT WOULD COME AT A LATER POINT.

MR. CLARK: THAT'S CORRECT, YOUR HONOR.

THE COURT: WELL, ALL RIGHT, WE'LL BE OUT OF HERE FOR ABOUT FIVE MINUTES, HOWEVER LONG IT TAKES ME TO REVIEW THE MATTER. THANK YOU.

(BRIEF RECESS)

THE COURT: ALL RIGHT, GENTLEMEN, LET THE RECORD REFLECT THAT SOLICITOR JUSTICE AND ATTORNEY CLARK CAME INTO MY CHAMBERS WHILE I WAS REVIEWING THE SEARCH WARRANT AND ADVISED THAT THEY HAD SOME OTHER MATTERS THEY WANTED TO PRESENT ON THAT AND PERHAPS THEY WANTED TO MOVE ON AT THIS TIME.

IS THAT CORRECT, MR. CLARK?

MR. CLARK: THAT'S CORRECT, YOUR HONOR.

THE COURT: IS THAT CORRECT, MR. JUSTICE?

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MR. JUSTICE: THAT'S CORRECT, YOUR HONOR.

THE COURT: ALL RIGHT.

(TO BAILIFF) BRING THE JURY IN.

(JURY ENTERS COURTROOM AT 10:32 A.M.).

THE COURT: GOOD MORNING, MR. FOREMAN, AND LADIES AND GENTLEMEN OF THE JURY. I APOLOGIZE TO YOU FOR DELAYING AGAIN, BUT I ASSURE YOU WE'VE BEEN WORKING ON A MATTER OUTSIDE OF YOUR PRESENCE.

ALL RIGHT, SOLICITOR, YOU MAY CALL YOUR NEXT WITNESS.

MR. JUSTICE: THE STATE WOULD CALL MR. TIM CATLEDGE.

THE COURT: (TO WITNESS) PLEASE COME FORWARD.

(WHEREUPON, TIMOTHY C. CATLEDGE, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

MR. JUSTICE: YOUR HONOR, WHILE THE COURT WAS OFF THE BENCH, I REALIZED I WOULD NOT BE NEEDING A WITNESS SUBPOENAED BY THE STATE NAMED JOYCE ROBERTS. I'D ASK THE COURT TO RELEASE HER FROM HER SUBPOENA.

THE COURT: ANY OBJECTION, MR. CLARK?

MR. CLARK: NO, SIR.

THE COURT: THANK YOU, MS. ROBERTS. YOU'RE EXCUSED.

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.
A TIMOTHY C. CATLEDGE.
Q AND, MR. CATLEDGE, WHERE DO YOU LIVE?
A I LIVE AT [redacted], OUT IN ELGIN.
Q THAT'S HERE IN LANCASTER COUNTY?
A YES, SIR.
Q WHAT LINE OF WORK ARE YOU IN?
A I'M IN THE CAR BUSINESS.
Q THE AUTOMOBILE BUSINESS?
A YES, SIR.
Q AND WHERE IS YOUR BUSINESS LOCATED?
A JUST RIGHT UP 200, HERE. I WORK FOR LANCASTER MOTOR COMPANY.
Q IS THAT 200 NORTH OF TOWN?
A WELL, IT WOULD BE 521 BECAUSE 200 SPLITS OFF. IT WOULD BE 521.
Q AND HOW LONG HAVE YOU BEEN A RESIDENT AND BUSINESSMAN IN LANCASTER?
A I'VE BEEN IN LANCASTER ALL MY LIFE. IT WILL BE 36 YEARS NEXT MONTH.
Q SO IN JUNE OF THE YEAR 2000, YOU WERE LIVING AND WORKING IN LANCASTER?
A YES, SIR, BUT I'VE CHANGED ADDRESSES SINCE THEN.
Q WHAT WAS YOUR ADDRESS BACK THEN?
A IT WAS [redacted] [redacted]. IT'S RIGHT OFF 200.

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Q 200 SOUTH OR 200 NORTH?
A IT WOULD BE SOUTH.
Q ARE YOU FAMILIAR WITH THE LOCATION OF A BUSINESS THAT WAS THE HEADQUARTERS OF MCDONALD AMUSEMENT COMPANY?
A YES, SIR. I PASSED IT EVERY DAY GOING TO WORK AND FROM WORK.
Q SO BACK WHEN YOU LIVED OFF SOUTH 200, YOU WOULD GO BY THAT BUSINESS?
A YES, SIR.
Q COMING TO AND GOING HOME?
A (WITNESS NODDING HEAD).
Q I WANT YOU TO THINK BACK TO THE NIGHT OF JUNE 20. DO YOU RECALL BEING ON SOUTH 200, GOING TO OR COMING FROM YOUR HOME THAT EVENING?
A YES, IT WAS LATE AT NIGHT. I HAD RUN OUT OF CIGARETTES, AND I WENT UP TO THE BEVERAGE WAREHOUSE TO GET SOME CIGARETTES, AND AS I PASSED MCDONALD AMUSEMENTS, I NOTICED A U-HAUL TRUCK PARKED THERE, A COUPLE OF BLACK MALES AROUND IT, AND WHEN I CAME BACK THROUGH, IT WAS GONE.
Q SO THE U-HAUL TRUCK WAS THERE IN FRONT OF MCDONALD AMUSEMENTS WHEN YOU WENT BY, COMING INTO TOWN?
A WHEN I WAS COMING BY IT FROM J. B. DENTON ROAD HERE, WHEN YOU COME OUT ON 200, MCDONALD AMUSEMENTS' OFFICE IS HERE, AND AS I WENT BY, THEY WERE PARKED RIGHT IN FRONT OF IT, ALMOST AT THE FRONT DOOR.

Q THE TWO BLACK MALES, WERE YOU ABLE TO SEE WHAT THEY WERE DOING?

A NO, SIR. I CAN'T RECOGNIZE THEM OR ANYTHING BECAUSE I WAS COMING DOWN THE ROAD 40, 50 MILE AN HOUR, YOU KNOW.

Q WERE THEY JUST STANDING OR WALKING?

A THE TWO MEN?

Q YES, SIR.

A THEY WERE MOVING AROUND. I DON'T KNOW IF THEY WERE -- THEY MIGHT HAVE BEEN COMING FROM THE DOOR. IT'S BEEN THREE YEARS, YOU KNOW, SO I CAN'T TELL YOU EXACTLY, RECALL EXACTLY WHAT THEY WERE DOING. I JUST KNOW THE U-HAUL WAS PARKED RIGHT IN FRONT OF THE BUSINESS.

Q LET ME SHOW YOU STATE'S EXHIBIT #11 WHICH, AMONG OTHER THINGS, CONTAINS THE BACK END OF A U-HAUL TRUCK. TELL ME WHETHER OR NOT THIS APPEARS TO BE THE TYPE OF TRUCK YOU SAW THAT EVENING.

A IT WAS A SMALL TRUCK. I MEAN, I CAN'T TELL FROM THIS PICTURE IF THAT'S EXACTLY THE ONE, BUT THE TRUCK I SEEN WAS A SMALL U-HAUL TRUCK. IT WASN'T A LARGE TRUCK.

Q SIMILAR TO THAT?

A YES.

Q THANK YOU, SIR. PLEASE ANSWER ANY QUESTIONS COUNSEL MAY HAVE.

THE COURT: CROSS-EXAM?

MR. CLARK: THANK YOU, YOUR HONOR.

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CROSS-EXAMINATION

BY MR. CLARK:

Q MR. CATLEDGE, WHEN YOU SAW YOU SAW THIS U-HAUL TRUCK, YOU WERE ON YOUR WAY TO THE BEVERAGE WAREHOUSE?

A YES, SIR.

Q AND I BELIEVE YOU WERE GOING THERE TO BUY SOME CIGARETTES?

A THAT'S RIGHT.

Q DO YOU GO THERE OFTEN?

A AT THAT TIME, LIVING IN THAT AREA, I STOPPED THERE PROBABLY MOST EVERY DAY.

Q AND WHEN WAS THE FIRST TIME THAT YOU SPOKE TO LAW ENFORCEMENT ABOUT THIS CASE, ABOUT SEEING WHAT YOU SAW?

A IT WAS A FEW DAYS AFTER THAT, BECAUSE I HAD HEARD ABOUT IT, YOU KNOW, HEARD ABOUT AND SAID, "WELL, YOU KNOW, I SEE SOME" -- I THOUGHT IT WAS SUSPICIOUS, TO ME, SO I CALLED THEM. YOU KNOW, AS A CITIZEN, I THOUGHT I SHOULD LET THEM KNOW WHAT I SAW.

Q I UNDERSTAND. NOW, DID YOU HEAR ABOUT A U-HAUL VAN BEFORE YOU CALLED?

A NO, SIR.

Q YOU DID NOT?

A (WITNESS SHAKING HEAD).

Q AND YOU SAID THAT IT WAS A COUPLE OF DAYS AFTER THIS INCIDENT OCCURRED THAT YOU FIRST TALKED WITH LAW ENFORCEMENT?

A IT WAS A COUPLE OF DAYS OR SO.
Q NOW, HOW DO YOU REMEMBER EXACTLY WHAT DAY THAT YOU SAW THIS U-HAUL? HOW DO YOU REMEMBER EXACTLY WHAT DAY IT WAS?
A WELL, I DON'T REMEMBER EXACTLY WHAT DAY IT IS, BUT I KNOW THAT NIGHT WHEN I CAME BY THERE, THERE WAS A U-HAUL TRUCK SITTING THERE. THAT'S WHAT IT WAS.
Q SO YOU REMEMBER FOR CERTAIN THAT YOU SAW A U-HAUL IN FRONT OF MCDONALD AMUSEMENTS ONE NIGHT?
A I'M POSITIVE I SAW A U-HAUL TRUCK. I MEAN, YOU CAN'T MISTAKE IT. U-HAUL IS UNIQUE.
Q I UNDERSTAND, BUT MY QUESTION IS, YOU CAN'T BE CERTAIN IT WAS ACTUALLY THE NIGHT OF JUNE 20?
A JUNE 20.
Q CAN YOU?
A YES, SIR, I CAN.
Q YOU CAN?
A UH-HUH.
Q WELL, YOU TALKED TO LAW ENFORCEMENT ON JUNE 23?
A UH-HUH.
Q AND YOU WERE ABLE TO SAY FOR CERTAIN IT WAS JUNE 20 THAT YOU SAW THIS U-HAUL VAN?
A I'M CERTAIN. AT THAT TIME, I'M CERTAIN.
Q WELL, TELL US WHAT DAY OF THE WEEK JUNE 20 WAS.
A WAS IT A WEDNESDAY?
Q YOU THINK IT WAS A WEDNESDAY?

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A I'M SAYING IT COULD BE. I DON'T KNOW. WAS IT WEDNESDAY?
Q OKAY, YOU DON'T KNOW. YOU CAN'T DESCRIBE PEOPLE THAT YOU SAW AROUND THAT U-HAUL TRUCK, CAN YOU?
A TWO BLACK MALES.
Q BUT YOU CAN'T GIVE ANY MORE SPECIFIC DESCRIPTION OF THE PEOPLE?
A NO, SIR.
Q AND THAT'S THE ONLY VEHICLE YOU SAW THERE?
A THAT'S THE ONLY VEHICLE I SEEN THERE THAT NIGHT.
Q THANK YOU, MR. CATLEDGE.

MR. JUSTICE: THANK YOU, MR. CATLEDGE.

WE'D ASK THAT MR. CATLEDGE BE EXCUSED, YOUR HONOR.

THE COURT: NO OBJECTION?

(TO WITNESS) YOU MAY STAND DOWN. YOU'RE EXCUSED, IF YOU WISH TO BE.

NEXT WITNESS?

MR. JUSTICE: MS. D'ANDREA WHITMAN.

WHEREUPON, D'ANDREA WHITMAN, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, MA'AM.
A MY NAME IS D'ANDREA WHITMAN.
Q AND, MS. WHITMAN, WHERE DO YOU LIVE?

A IN CHARLOTTE, NORTH CAROLINA.
Q AND WHERE DO YOU WORK?
A IT WAS BELL SOUTH MOBILITY. NOW IT'S CINGULAR WIRELESS.
Q IT'S THE SAME COMPANY, JUST CHANGED OWNERSHIP OR CHANGED NAMES?
A CORRECT.
Q AND HOW LONG HAVE YOU BEEN WITH BELL SOUTH OR CINGULAR?
A FOUR AND A HALF YEARS.

MR. CLARK: YOUR HONOR, THERE'S A MATTER WE NEED TO TAKE UP WITH THE COURT BRIEFLY AT A SIDE BAR.

THE COURT: ALL RIGHT.

(BENCH CONFERENCE WITH COUNSEL OUTSIDE HEARING OF JURY AND COURT REPORTER).

THE COURT: THAT MATTER IS WITHDRAWN, MR. CLARK?

MR. CLARK: YES, SIR.

Q MS. WHITMAN, I BELIEVE THE LAST QUESTION ANSWERED WAS HOW LONG HAVE YOU BEEN WITH THE TELEPHONE COMPANY.
A FOUR AND A HALF YEARS.
Q FOUR AND A HALF YEARS?
A UH-HUH.
Q OKAY. I WANT YOU TO THINK BACK TO JUNE -- WELL, THINK BACK TO 1999, THE FALL OF 1999 OR THE EARLY PART OF THE YEAR 2000. WHERE WERE YOU ACTUALLY WORKING DURING THAT PERIOD OF TIME FOR BELL SOUTH?
A AT THAT TIME, AT THE ALBEMARLE ROAD STORE.

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Q IS THAT A REGULAR BELL SOUTH STORE OR IS IT PART OF A MALL OR WHAT?
A IT'S A RETAIL STORE IN A STRIP MALL. IT NO LONGER EXISTS. I DON'T KNOW IF THAT MATTERS, BUT THEY CLOSED THAT PARTICULAR LOCATION.
Q BUT THAT'S WHERE YOU WERE THEN?
A YES, SIR.
Q HAVE YOU HAD AN OPPORTUNITY TO OBSERVE THE DEFENDANT SEATED IN THE COURTROOM?
A YES.
Q DID YOU EVER HAVE OCCASION TO MEET HIM WHILE YOU WERE WORKING AT THAT LOCATION?
A I ACTUALLY MET HIM WHEN I WAS SUBBING FOR SOMEONE AT THE PINEVILLE STORE, BUT, YES, THAT'S WHERE I MET HIM.
Q THE PINEVILLE, NORTH CAROLINA STORE?
A YES, SIR.
Q YOU WERE SUBBING THERE?
A FILLING IN FOR A PERSON.
Q DO YOU KNOW APPROXIMATELY WHEN YOU FIRST MADE THE ACQUAINTANCE OF THAT GENTLEMAN?
A I CAN'T REMEMBER NOW, NO.
Q WOULD IT HAVE BEEN LATE '99 OR EARLY 2000?
A IT WAS EARLY THE SAME YEAR THAT I GOT THE PHONE. IT WAS EARLIER THAT SAME YEAR.
Q SO THE EARLY PART OF THE YEAR 2000?

A YES.
Q AND THE FIRST TRANSACTION YOU HAD WITH HIM INVOLVED WHAT?
A HE PURCHASED A PREPAID PHONE CARD.
Q A PREPAID PHONE CARD THAT YOU ALL SELL FOR BELL SOUTH?
A YES.
Q DID HE DO THAT ONE TIME OR MORE THAN ONCE?
A I WAS ONLY AT THAT LOCATION FOR ONE DAY, SO THAT DAY HE PURCHASED ONE. SUBSEQUENTLY, I CAN'T REMEMBER IF HE CAME TO THE STORE WHERE I WORKED TO PURCHASE ANY. I DON'T RECALL.
Q THE OTHER STORE, THE ONE YOU NORMALLY WORKED AT?
A CORRECT, YES.
Q DID YOU KNOW HIM BY THE NAME VERNARD MATHIS?
A NO.
Q WHAT NAME DID YOU KNOW HIM AS?
A JEROME.
Q JEROME WHAT?
A JOHNSON.
Q JOHNSON?
A UH-HUH.
Q DID YOU SEE MR. MATHIS, OR MR. JOHNSON, AGAIN SOCIALLY BETWEEN THE FIRST PART OF 2000 AND APRIL OR MAY OF 2000 FOR LUNCH OR ANYTHING OF THAT NATURE?
A I KNOW THAT AFTER I MET HIM AT WORK, WE MET ONE TIME AND HAD DINNER AT THE PINEVILLE OLIVE GARDEN. THAT'S THE ONLY

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TIME I CAN RECALL, LIKE, BEING WITH HIM OUTSIDE OF WORK.

Q AT THAT TIME DID YOU NOTICE WHAT KIND OF AUTOMOBILE HE WAS DRIVING?

A IT WAS A NAVY BLUE CADILLAC OF SOME SORT.

Q A NAVY BLUE CADILLAC?

A UH-HUH.

Q AND SOMETIME IN THE SPRING OF 2000, DID THE MAN YOU KNEW AS MR. JOHNSON ASK YOU TO DO A PARTICULAR BUSINESS DEAL WITH HIM IN REGARDS TO A BELL SOUTH PHONE?

A YES.

Q PLEASE TELL THE JURY WHAT HE REQUESTED OF YOU.

A HE WAS SPENDING AN EXCESSIVE AMOUNT OF MONEY ON PREPAID CARDS BECAUSE THAT SERVICE IS EXPENSIVE, AND HE HAD MENTIONED THAT, FOR WHATEVER REASON, I THINK MAYBE TO GET REGULAR SERVICE HIS DEPOSIT WAS RATHER HIGH, AND, YOU KNOW, HE WANTED TO KNOW IF I WOULD BE WILLING TO GET A PHONE FOR HIM BECAUSE I HAVE GOOD CREDIT.

Q TO GET A PHONE FOR HIM IN YOUR NAME, FOR HIM?

A YES, SO NO DEPOSIT WOULD HAVE TO BE PAID.

Q AND DID HE AGREE TO PAY ALL THE COSTS OF THAT, INCLUDING THE MONTHLY BILLS?

A YES, HE DID, UH-HUH.

Q AND DID YOU COMPLY WITH HIS REQUEST AND GET A PHONE IN YOUR NAME FOR HIM?

A I DID.

Q AND DID YOU DELIVER THAT PHONE TO HIM?
A ACTUALLY HE CAME INTO THE STORE ON ALBEMARLE ROAD, WHERE I WORKED, TO GET IT HIMSELF. I DIDN'T HAVE TO DELIVER IT TO HIM.
Q SO HE CAME BY AND PICKED UP THE PHONE FROM YOU?
A YES.
Q AND THE PHONE WAS REGISTERED TO YOU, BUT OTHER THAN THE TIME YOU TURNED IT OVER TO HIM, DID YOU EVER HAVE CONTROL OF THAT PHONE?
A NO, AND HE WAS ADDED TO THE ACCOUNT AS THE AUTHORIZED USER, SO, I MEAN, HE HAD ACCESS TO THE ACCOUNT HIMSELF ALSO.
Q SO HE WAS ON THE PAPER WORK AS BEING AN AUTHORIZED USER OF THE PHONE?
A NOT THE PAPER WORK. WHEN YOU ADD AN AUTHORIZED USER, YOU JUST ADD IT ON THE SEPARATE SCREEN, BUT YOU DON'T GO ANYWHERE ON ANY TYPE OF PAPER WORK SPECIFICALLY.
Q I UNDERSTAND. DID YOU THEN OR DO YOU NOW KNOW THE NUMBER OF THAT TELEPHONE?
A IT WAS A SOUTH CAROLINA NUMBER, BUT I DON'T RECALL THE NUMBER. LIKE, I KNEW IT AT THE TIME, BUT AT THE TIME I HAVE NO IDEA WHAT IT WAS.

MR. JUSTICE: JUST ONE MOMENT.

A IT WAS, LIKE, AN 803-287 SOMETHING, I DON'T KNOW.
Q MS. WHITMAN, I'M GOING TO HAND YOU -- THIS IS NOT A STATEMENT FROM YOU, BUT RATHER THE SUMMARY WRITTEN BY

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LIEUTENANT BLACKMON WHO INTERVIEWED YOU.

MR. CLARK: YOUR HONOR, I OBJECT. I OBJECT TO THIS WITNESS READING THE TESTIMONY, BASICALLY, OF ANOTHER PERSON.

THE COURT: WHAT ABOUT THAT, SOLICITOR?

SUSTAINED.

Q YOU SAID IT WAS AN 803 NUMBER?

A YES, SIR, IT WAS A SOUTH CAROLINA NUMBER.

Q WHEN QUESTIONED BY MR. BLACKMON, DID YOU TELL HIM ALL THE DETAILS YOU'VE TOLD US HERE TODAY, MR. BLACKMON BEING THIS GENTLEMAN RIGHT HERE (INDICATING)?

A YES. I DON'T KNOW IF HE ASKED SPECIFICALLY, YOU KNOW, SOME THINGS THAT YOU'VE ASKED, BUT, YES, I TOLD HIM EVERYTHING.

Q DID YOU TURN OVER THE PHONE RECORDS YOU HAD, BILLS AND SUCH, TO HIM?

A I DID. I DON'T THINK THAT WHAT I HAD AVAILABLE WAS EVERYTHING HE NEEDED, BUT I THINK I GAVE HIM PERMISSION TO HAVE EVERYTHING ELSE THAT HE MIGHT NEED.

Q SO YOU GAVE HIM PERMISSION TO GET WHATEVER HE NEEDED IN REGARDS TO THAT TELEPHONE?

A YES, THAT'S CORRECT.

Q AND YOU ACTUALLY GAVE HIM SOME THINGS?

A YES. THERE WERE A FEW THINGS I WAS ABLE TO PRINT OFF, BUT I HAVE LIMITED ACCESS TO ACCOUNT INFORMATION, SO, YES.

Q AND DID MR. MATHIS, OR MR. JOHNSON, AS YOU KNEW HIM, FROM

TIME TO TIME REIMBURSE YOU FOR THE MONTHLY BILLINGS?

A TYPICALLY HE WOULD PAY IT AT SOME OTHER LOCATION. LIKE, I RARELY SAW HIM COME INTO MY STORE TO PAY. I MEAN, THAT'S QUITE A DRIVE, BUT, LIKE, OCCASIONALLY I WOULD JUST LOOK UP THE ACCOUNT TO MAKE SURE IT WAS BEING PAID BECAUSE I DIDN'T WANT IT TO MESS UP MY CREDIT. AND IF IT WAS IN ARREARS, I WOULD CALL HIM AND ASK HIM TO GO PAY THE BILL, WHICH HE DID.

Q WOULD THE BILLS ACTUALLY COME TO YOU OR COME TO HIM?

A I DON'T REMEMBER. THEY WENT TO WHEREVER HE TOLD ME HE WANTED THEM TO GO. I DON'T REMEMBER.

Q BUT HE DID PAY THEM, AS FAR AS YOU KNOW?

A WELL, YES, EXCEPT FOR THE LAST ONE THAT I GOT STUCK WITH FOR A FEW THOUSAND DOLLARS, BUT I KNOW THAT SITUATION WAS OUT OF THE ORDINARY. BUT, YES, TYPICALLY HE PAID HIS BILLS.

Q ONCE YOU LEASED THIS PHONE FOR HIM OR CONTRACTED OR WHATEVER IT'S CALLED, DID YOU SEE HIM AGAIN AFTER THAT?

A ONCE OR TWICE HE DID ACTUALLY COME TO THE STORE WHERE I WORKED, LIKE, TO PAY A BILL OR WHATEVER, BUT, LIKE, I DIDN'T SEE HIM REGULARLY, NO. IT WAS MOSTLY BY PHONE THAT I HAD ANY CONTACT WITH HIM WHATSOEVER.

Q I UNDERSTAND. THANK YOU SO MUCH FOR COMING DOWN HERE AND BEING WITH US. PLEASE ANSWER --

MR. JUSTICE: OH, ONE MOMENT, PLEASE.

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Q MS. WHITMAN, I'VE JUST BEEN HANDED A VOLUME OF WHAT APPEARS TO BE PHONE RECORDS IN YOUR NAME. LOOK AT THEM. DO YOU REMEMBER TURNING THAT OVER TO MR. BLACKMON?

A YES, I THINK SO, WHEN HE CAME TO MY JOB. I DID PRINT OFF QUITE A LARGE BILL FOR HIM. THIS IS PROBABLY IT.

Q AND THAT'S THE RECORDS IN REGARDS TO THE TELEPHONE WE'VE BEEN TALKING ABOUT?

A LET ME SEE THE NUMBER. YES, FOR THE 803 NUMBER, THAT IS, YES.

MR. JUSTICE: YOUR HONOR, I'D MOVE THAT THIS BE INTRODUCED AS THE NEXT STATE'S EXHIBIT.

MR. CLARK: YOUR HONOR, I'D HAVE AN OBJECTION ON THAT. I'D LIKE TO BE HEARD ON IT.

THE COURT: ALL RIGHT.

MR. CLARK: YOUR HONOR, SHE HAS NOT TESTIFIED THAT SHE IS THE RECORDS CUSTODIAN FOR THAT COMPANY. SHE TESTIFIED THAT SHE GAVE LAW ENFORCEMENT A NUMBER, BUT UNLESS SHE IS THE RECORDS CUSTODIAN, I DON'T THINKS HE CAN PROPERLY AUTHENTICATE THAT THOSE ARE ACTUALLY THE PHONE RECORDS FROM THE CELL PHONE COMPANY.

THE COURT: I THOUGHT SHE TESTIFIED THAT THESE WERE HER RECORDS THAT SHE HAD RECEIVED AS THE SUBSCRIBER.

MR. CLARK: YOUR HONOR, MY UNDERSTANDING OF THE

TESTIMONY WAS THAT SHE PRINTED THAT OFF. I THINK THAT WAS HER --

THE COURT: OFF OF HER BILLS.

MR. CLARK: NO, I BELIEVE SHE MEANT OFF OF THE COMPANY'S COMPUTER SYSTEM. MY OBJECTION IS THAT IF SHE IS NOT THE RECORDS CUSTODIAN, SHE CAN'T AUTHENTICATE THESE RECORDS AS BEING THE ACTUAL, TRUTHFUL AND CORRECT RECORDS OF THE CELL PHONE COMPANY.

THE COURT: SOLICITOR?

MR. JUSTICE: YOUR HONOR, SHE IS THE SUBSCRIBER TO THE TELEPHONE. IT'S IN HER NAME. PAGE ONE OF THE EXHIBIT HAS HER NAME ON IT. AS THE SUBSCRIBER, SHE CERTAINLY HAS A RIGHT TO GET THEM AND TURN THEM OVER TO YOU.

THE COURT: I WOULD AGREE WITH YOU, IT WAS NOT HER ACCOUNT, MR. CLARK, BUT THIS IS HER BILL, HER PERSONAL BILL. LET ME SEE THE EXHIBIT, PLEASE.

MR. JUSTICE: (HANDING DOCUMENT TO THE COURT).

THE COURT: MADAM WITNESS, ARE THESE YOUR ACTUAL RECORDS WITH THE PHONE COMPANY, YOUR PERSONAL BILL?

A NO, THAT IS WHAT I PRINTED OFF OF MY COMPUTER. LIKE, IF A CUSTOMER COMES IN AND NEEDS A REPRINT OF A BILL FOR ANY REASON, BECAUSE THEY LOST THE ORIGINAL BILL, I HAVE A BILL VIEW THAT I GO INTO. THAT IS A COPY OF THE

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ACTUAL BILL. I JUST PRESS "PRINT".

THE COURT: BUT IT WAS YOUR PERSONAL ACCOUNT?

A YES.

THE COURT: I'M GOING TO ADMIT IT OVER OBJECTION.

MR. JUSTICE: #24, YOUR HONOR.

(STATE'S EXHIBIT #24, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. CELL PHONE BILLING RECORDS).

Q THANK YOU VERY MUCH, MS. WHITMAN. PLEASE ANSWER ANY QUESTIONS MR. CLARK MAY HAVE.

CROSS-EXAMINATION

BY MR. CLARK:

Q MS. WHITMAN, I JUST HAVE A FEW QUESTIONS FOR YOU. YOU SAID WHEN YOU SAW MR. MATHIS HE WAS DRIVING A BLUE CAR?

A YES, DARK BLUE.

Q AND NOT A WHITE CAR?

A NO. I'VE ONLY SEEN THAT ONE CAR.

Q BUT WHAT ABOUT ANY VANS? HAVE YOU EVER SEEN HIM DRIVE A VAN?

A THE ONLY VEHICLE I'VE EVER SEEN HIM IN WAS A DARK BLUE CADILLAC.

Q AND WHEN DID YOU ACTUALLY GET THIS PHONE FOR HIM?

A I CAN'T GIVE YOU AN EXACT DATE. I'M SURE THAT INFORMATION COULD BE OBTAINED.

Q AND --

A IT WAS IN DECEMBER OF WHATEVER YEAR. I REMEMBER IT WAS RIGHT BEFORE HOLIDAY TIME. THAT'S ALL I CAN RECALL NOW. I GUESS THAT WOULD BE --

Q THAT WOULD BE 1999?

A OKAY.

Q AND ISN'T IT CORRECT THAT ONCE YOU GOT THE PHONE, YOU DIDN'T REALLY HAVE ANYTHING ELSE TO DO WITH THE PHONE AFTER THAT?

A NO, JUST TO MAKE SURE IT WAS PAID.

Q AND YOU DON'T REALLY KNOW WHAT HAPPENED TO THE PHONE, WHO USED IT?

A NO.

Q AFTER YOU GAVE IT TO HIM?

A NO. I MEAN, I WOULD HAVE NO WAY OF KNOWING FOR CERTAIN, BUT ON THE OCCASIONS THAT I WOULD CALL AND SOMEONE WOULD ANSWER, HE WOULD ANSWER, SO I'M ASSUMING HE HAD THE PHONE.

Q NOW, MS. WHITMAN, ISN'T IT TRUE THAT AT SOME POINT, SOMEONE ELSE CALLED YOU ABOUT THAT PHONE?

A LIKE, AFTER ALL OF THIS STUFF HAPPENED?

Q RIGHT.

A YES, SOMEBODY DID, REQUESTING THE PHONE RECORDS. IS THAT THE CALL YOU'RE REFERRING TO?

Q WELL, NOT LAW ENFORCEMENT, NOW.

A NO, NO, LIKE, SOME PERSON I DON'T KNOW CALLED ME ASKING IF I WOULD MAIL A BILL TO SOME ADDRESS, I THINK IN MARYLAND,

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AND I DID, AND I TRIED MENTIONING THE BIG BILL THAT HAD BEEN RAN UP, AND I DON'T THINK THAT PERSON CARED. BUT, ANYWAY, YES, SOMEONE CALLED.

Q THANK YOU, MA'AM.

MR. CLARK: THAT'S ALL I HAVE.

MR. JUSTICE: JUST A COUPLE OF FOLLOW-UP QUESTIONS.

REDIRECT EXAMINATION

BY MR. JUSTICE:

Q YOU DID CALL THAT NUMBER FROM TIME TO TIME AND MR. MATHIS WOULD ANSWER?

A YES, SIR.

Q AND ON THAT LAST BILL, SOMEBODY FROM OUT OF STATE CALLED YOU ABOUT SENDING THEM THE BILL?

A YES, SIR. I LET OFFICER BLACKMON KNOW SOMEONE DID CALL ME ASKING ME IF I WOULD MAIL A COPY OF THE LAST BILL TO THEM, AND I DID.

Q DID YOU SEE MR. MATHIS AT ALL DURING THE MONTH OF JUNE OF 2000, THE MONTH HE GOT ARRESTED?

A I DON'T THINK SO. I DIDN'T SEE HIM VERY OFTEN AT ALL.

Q THANK YOU, MA'AM.

A UH-HUH.

THE COURT: (TO WITNESS) THANK YOU. YOU MAY STEP DOWN.

MR. JUSTICE: I'D ASK THAT THIS WITNESS BE

EXCUSED, YOUR HONOR.

THE COURT: ANY OBJECTION?

MR. CLARK: NO, SIR.

THE COURT: THANK YOU, MA'AM, YOU'RE EXCUSED. THANK YOU FOR COMING TODAY.

MR. JUSTICE: THE STATE CALLS SLED AGENT PAUL LAROSA.

THE COURT: (TO WITNESS) PLEASE COME FORWARD).

(WHEREUPON, PAUL C. LAROSA, III, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A MY NAME IS PAUL CHARLES LAROSA, III. THE LAST NAME IS SPELLED L-A-R-O-S-A.

Q AND, MR. LAROSA, WHERE ARE YOU EMPLOYED?

A I'M EMPLOYED WITH THE STATE LAW ENFORCEMENT DIVISION, BETTER KNOWN AS SLED.

Q AND HOW LONG HAVE YOU BEEN A SLED AGENT?

A I'VE BEEN A SLED AGENT FOR NINE YEARS.

Q BEAR WITH ME JUST A MOMENT. MR. LAROSA, WHAT IS YOUR CURRENT JOB OR FIELD OF SPECIALTY WITH SLED?

A CURRENTLY I'M EMPLOYED WITH THE BLOODHOUND TRACKING TEAM AND SWAT TEAM.

Q AND HOW LONG HAVE YOU BEEN WITH THE BLOODHOUND AND SWAT

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TEAM?

A FOR THREE YEARS.

Q WHAT WERE YOU PRIOR TO THAT, PARTICULARLY IN JUNE OF 2000?

A I WAS EMPLOYED AT THE LATENT PRINT/CRIME SCENE.

Q THE LATENT PRINT AND CRIME SCENE?

A YES.

Q IF YOU WOULD, BRIEFLY DESCRIBE WHAT THE DUTIES WOULD BE IN THOSE TWO AREAS.

A THE LATENT PRINT/CRIME SCENE UNIT IS A TWOFOLD TYPE OF UNIT. WE RECEIVE EVIDENCE FROM LOCAL LAW ENFORCEMENT AGENCIES THAT ARE SUBMITTED FOR PROCESSING, LATENT FINGERPRINTS, FOOTWEAR, TIRE TREADS, OR BLOOD SPATTER. THE OTHER PART OF OUR JOB IS WE RESPOND STATEWIDE PER REQUEST OF A LOCAL POLICE AGENCY TO COME ASSIST THEM IN ANY TYPE OF CRIME SCENE, RANGING FROM A BURGLARY ALL THE WAY UP TO A HOMICIDE.

Q AND HOW LONG DID YOU DO THAT KIND OF WORK?

A I DID THAT WORK AS AN AGENT FOR SIX YEARS, AND TWO YEARS BEFORE THAT I DID SOME INTERNSHIP WORK IN BETWEEN SUMMERS WHEN I WAS AT THE CITADEL.

Q SO YOU RESPOND ON THE REQUEST OF A LOCAL AGENCY TO COME INTO THEIR COUNTY FOR SERIOUS CRIMES TO DO THIS CRIME SCENE PROCESSING?

A YES, SIR, TO ASSIST THEM. MOST AGENCIES IN SOUTH CAROLINA DO NOT HAVE THE TECHNICAL OR THE FINANCIAL BACKING TO DO A

SERIOUS CRIME SCENE INVESTIGATION, SO THE STATE AFFORDS THEM THAT THROUGH OUR UNIT.

Q AND ON THE NIGHT OF THE TWENTIETH OF JUNE OF THE YEAR 2000 AND/OR THE EARLY MORNING OF THE TWENTY-FIRST, WERE YOU CALLED OUT TO LANCASTER COUNTY TO ASSIST IN WHAT WE HAVE REFERRED TO AS THE MURDER OF MELVIN STEELE AND OTHER RELATED CRIMES?

A YES, SIR. I RECEIVED A CALL AT MY RESIDENCE OR MY HEADQUARTERS STATING THAT THE LANCASTER SHERIFF'S OFFICE WAS REQUESTING OUR ASSISTANCE IN A DEATH INVESTIGATION.

Q AND DID YOU COME ON UP TO LANCASTER DURING THE NIGHTTIME?

A YES, SIR. WE RESPONDED AS SOON AS THE PHONE CALL CAME IN. WE GOT READY AND WENT ON.

Q DO YOU RECALL WHERE YOU MET UP WITH LANCASTER DEPUTIES?

A NO, SIR. I KNOW THAT THEY -- WE HAD MULTIPLE SCENES THEY HAD TOLD ME ABOUT OVER THE PHONE, AND WHILE WE WERE TRAVELING UP THERE WE HAD AT LEAST FOUR SCENES THAT WE KNEW ABOUT, AND SO WE TOLD THEM TO GO AHEAD AND TAKE US TO THE LOCATION WHERE THE BODY WAS.

Q SO YOU STARTED AT THAT LOCATION?

A YES, SIR.

Q PLEASE TELL US WHAT YOUR OBSERVATIONS WERE IN PROCESSING THE LOCATION OF THE BODY OF MR. STEELE.

A WE ARRIVED AT THAT FIRST SCENE AT 1:40 A.M., AND THE LOCATION WAS OFF OF THE KERSHAW-CAMDEN HIGHWAY, SOUTHERN

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TOOL & DIE WAREHOUSE BUILDING. UPON ARRIVAL WE WERE BRIEFED AGAIN BY THE SHERIFF'S OFFICE, AND WE HAD SOME SLED FIELD AGENTS WHO WERE ON THE WAY. AND WE TALKED WITH EVERYBODY TO FIGURE OUT EXACTLY WHAT WE HAD AND WHAT WE NEEDED TO DO.

AND THE FIRST THING THAT WE DO UPON ARRIVING AT A CRIME SCENE IS WE DO A BRIEF WALK-THROUGH, AND THE PURPOSE OF THAT WALK-THROUGH IS TO MAKE SURE, GET A GENERAL IDEA OF HOW LARGE AN AREA THE CRIME SCENE AREA IS. DO WE NEED TO EXPAND THE PERIMETER OR DO WE NEED TO MOVE IT ON IN, AND WHAT TYPE OF EVIDENCE WE'RE GOING TO BE LOOKING AT, AND MAKE SURE THAT WE SECURE ANY EVIDENCE THAT COULD BECOME DAMAGED BY US WALKING AROUND, AND TAKING PHOTOGRAPHS AND DRAWING A SKETCH.

Q AND DID YOU DO THOSE THINGS AT THAT PARTICULAR CRIME SCENE?

A YES, SIR, WE DID THEM. WE HAVE A POLICY THAT WE FOLLOW ON EVERY CRIME SCENE, AND IT WAS FOLLOWED ON THIS ONE.

Q SINCE THE BODY OF MR. STEELE WAS FOUND BASICALLY IN AN OPEN FIELD BEHIND AN ABANDONED BUILDING, DID YOU MAKE ANY SIGNIFICANT SEIZURES AT THAT PARTICULAR SCENE?

A YES, SIR. THIS WAS PROBABLY ONE OF THE BIGGER SCENES. ANY TIME YOU HAVE THE VICTIM LYING THERE, HE IS OR SHE IS THE PRIMARY PIECE OF EVIDENCE, AND IN THIS CASE MR. STEELE WAS THE PRIMARY PIECE OF EVIDENCE, SO WE CONCENTRATED ON HIM, BUT ALSO EVIDENCE AROUND HIM. AND IN THIS CASE IT WAS

BEHIND AN AREA AND THERE WAS MISCELLANEOUS ITEMS LAYING ABOUT THAT COULD HAVE BEEN PREVIOUSLY THERE, BEFORE MR. STEELE WAS DUMPED AT THAT LOCATION. SO WE COLLECTED EVERYTHING THAT WE THOUGHT COULD HAVE BEEN PROBATIVE.

MR. JUSTICE: JUST ONE MOMENT, MAY IT PLEASE THE COURT.

(OFF-THE-RECORD DISCUSSION)

Q AT THAT SCENE, DID YOU MAKE PHOTOGRAPHS OF THE VARIOUS ITEMS IN AND AROUND?

A YES, SIR, WE WANT TO MAKE SURE THAT WE DOCUMENT THE SCENE AS IT IS FOUND AND ALL THE EVIDENCE THAT IS LOCATED.

Q I HAVE IN MY HAND -- I'M GOING TO HAND TO YOU STATE'S EXHIBITS #3, #4 AND #5, BEING VARIOUS ANGLES OF THE BUILDING THAT'S BEEN IDENTIFIED AS SOUTHERN TOOL & DIE. TELL ME WHETHER OR NOT YOU CAN IDENTIFY THOSE TO BE THE PHOTOGRAPHS THAT YOU ACTUALLY MADE ACCURATELY DEPICTING THAT BUILDING AS YOU SAW IT THAT EVENING.

A YES, SIR, THESE ARE PHOTOGRAPHS THAT MYSELF AND ANOTHER -- WE ALWAYS TRAVEL WITH ANOTHER CRIME SCENE EXAMINER, AND WE TAKE PICTURES AND PHOTOGRAPHS AT THE SAME TIME, SO I'M NOT SURE WHETHER I TOOK THESE PHOTOGRAPHS OR SPECIAL AGENT PHILIP KOONFIELD TOOK THEM. BUT WE ARE PRESENT THERE TOGETHER, WORKING AROUND TOGETHER.

Q MR. KOONFIELD IS THE OTHER AGENT WHO WAS WITH YOU THAT NIGHT?

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A YES, SIR, HE IS.
Q NOW, AMONG THE THINGS SEIZED NEXT TO THE BODY, DO YOU RECALL SEEING SOME BLUE PACKING TYPE BLANKETS?
A YES, SIR, I DO.
Q I SHOW YOU STATE'S EXHIBIT #1. CAN YOU TELL ME WHETHER OR NOT YOU CAN IDENTIFY THAT PHOTOGRAPH AS BEING AN ACCURATE DEPICTION OF THE BLANKETS WITH THE BODY REMOVED PRIOR TO BEING SEIZED?
A YES, SIR, THESE ARE THE BLUE BLANKETS.
Q AND DID YOU, IN FACT, TAKE POSSESSION OF THESE BLANKETS FOR FURTHER COMPARISON?
A YES, SIR, WE BROUGHT THEM BACK TO THE LAB, BACK IN COLUMBIA.
Q AND DID YOU AT A LATER TIME TURN THEM OVER TO THE SHERIFF'S OFFICE IN LANCASTER?
A THROUGH OUR OUT-PROCESSING, ONCE I HAVE COLLECTED AND BROUGHT THEM BACK TO HEADQUARTERS, THAT PIECE OF EVIDENCE MAY GO TO A DIFFERENT DEPARTMENT AND THEN THEY WILL PROCESS IT, AND JUST THROUGH THE NORMAL CLEARINGHOUSE THAT WE HAVE AT SLED, LANCASTER COUNTY SHERIFF'S OFFICE WOULD COME BACK AND RECOLLECT THAT EVIDENCE FOR STORAGE.
Q OKAY, I'M SENDING FOR IT NOW IN ANOTHER ROOM, SO WE'LL GO ON AND I'LL COME BACK TO THAT.

ONCE YOU HAD COMPLETED PROCESSING THAT SCENE, THE SCENE BEHIND SOUTHERN TOOL & DIE, DID YOU MOVE ON TO A

SECOND CRIME SCENE?

A YES, SIR, WE DID. THERE WAS ANOTHER SCENE WHICH WAS THE LOCATION OF A FORD AEROSTAR THAT WAS LOCATED CLOSE TO A MCDONALD AMUSEMENT PARK THROUGH THE WOODS, AND IT WAS RUNNING WHEN THEY FOUND IT AND IT WAS STILL RUNNING WHEN WE ARRIVED. IT WAS IN A PARKED POSITION WITH THE ENGINE IDLING.

Q AND DID YOU PROCESS THAT SCENE OR THAT VEHICLE FOR POTENTIAL FINGERPRINTS AND ANYTHING ELSE OF EVIDENTIARY VALUE?

A YES, SIR. WHAT WE DID ON THIS PARTICULAR SCENE IS WE PHOTOGRAPHED IT AND DOCUMENTED EVIDENCE AROUND THE VEHICLE, AND THEN WE REQUESTED THAT LANCASTER SHERIFF'S OFFICE MOVE THAT VEHICLE TO A SECURE LOCATION THAT WE COULD PROCESS AT A LATER DATE -- I MEAN, A LATER TIME THAT DAY. WE HAD A BUNCH OF OTHER SCENES THAT WE NEEDED TO GET TO BEFORE -- OTHER EVIDENCE COULD HAVE BEEN TAMPERED WITH OR BEEN CONTAMINATED THROUGH NATURAL MEANS, SO I WANTED TO GET THAT EVIDENCE AND HAVE IT SECURED IN A SECURE LOCATION.

Q OKAY. AFTER SECURING THE BLUE AEROSTAR, DID YOU GO TO YET A THIRD CRIME SCENE?

A YES, SIR, I DID. AT THAT THIRD CRIME SCENE WAS THE ACTUAL MCDONALD AMUSEMENT BUILDING, WHICH WAS WHERE AN APPARENT BURGLARY HAD TAKEN PLACE.

Q LET ME SHOW YOU STATE'S EXHIBIT #7, ALREADY INTO EVIDENCE,

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BEING A FRONT VIEW OF MCDONALD AMUSEMENTS. IS THAT THE BUSINESS THAT YOU PROCESSED?

A YES, SIR, IT IS.

Q DID YOU GO INSIDE THE BUILDING AND PROCESS IT?

A YES, SIR. MOST OF THE -- ALMOST ALL OF THE EVIDENCE WAS LOCATED ON THE INSIDE OF THE MCDONALD AMUSEMENTS.

Q IF YOU WOULD, WHILE I'M GETTING THE PHOTOGRAPHS, I WANT YOU TO IDENTIFY OR TELL US, FIRST OF ALL, WHEN YOU WENT IN MCDONALD AMUSEMENT -- AND I BELIEVE YOU SAID YOU DO A WALK-THROUGH OR A WALK-AROUND?

A YES, SIR.

Q WHAT OBSERVATIONS DID YOU MAKE AT THAT POINT?

A WELL, WE NOTICED THAT THERE WAS NO FORCED ENTRY INSIDE THE BUILDING. IT APPEARED THAT SOMEONE HAD TO HAVE KNOWLEDGE OF A WAY TO ENTER THE BUILDING. THERE WAS NO BROKEN GLASS, NO DOORS KICKED IN ON THE INSIDE, LEADING FROM THE OUTSIDE TO THE INSIDE. BUT ON THE INSIDE OF THE BUILDING THERE WAS A BACK ROOM THAT HAD THE DOOR KICKED OPEN. THERE WAS SOME FOOTWEAR ON THE DOOR, AND THE HINGE WAS BROKEN OFF WHERE YOU COULD SEE THAT A LOT OF FORCE WAS TAKEN.

AND THERE WERE OTHER ROOMS INSIDE THE MCDONALD BUILDING THAT HAD NOT BEEN TOUCHED, HAD NOT BEEN RANSACKED, HAD NOT HAD THE FORCE THAT THIS ONE ROOM HAD, WHERE IT APPEARED A SAFE AND SOME OTHER VALUABLES WERE BEING KEPT.

Q SO THE DOOR TO THE ROOM WHERE THE SAFE WAS LOCATED HAD BEEN

KICKED OPEN?

A YES, SIR.

Q FIRST I'M GOING TO SHOW YOU A SERIES OF SEVEN PHOTOGRAPHS SHOWING DIFFERENT ANGLES OF BASICALLY THE SAME THING. I WANT YOU TO LOOK AT THEM AND TELL ME WHETHER OR NOT YOU CAN IDENTIFY THEM AND WHETHER OR NOT THEY ACTUALLY REFER TO THE THINGS SHOWN AND EXACTLY WHAT THEY ARE.

A (WITNESS EXAMINING PHOTOGRAPHS).

A YES, SIR, THIS WAS THE FOOTWEAR THAT WAS NOTED ON THE DOOR THAT WAS KICKED OPEN, LEADING TO THE SAFE.

Q SO IT WOULD BE VARIOUS ANGLES OF THE IMPRINT OF THE FOOTWEAR?

A YES, SIR.

Q AND THAT'S AS IT APPEARED IN THE EARLY MORNING HOURS OF THE TWENTY-FIRST WHEN YOU PHOTOGRAPHED IT?

A THAT IS CORRECT. SOME OF THESE PHOTOGRAPHS HAVE WHAT IS CALLED SCALE TAPE, AND THOSE WERE APPLIED BY US AND THAT'S FOR PHOTOGRAPHY PURPOSES, BUT THERE ARE OTHER PHOTOGRAPHS THAT DO NOT HAVE IT THAT ARE THE ACTUAL REPRESENTATION OF IT.

Q THANK YOU.

MR. JUSTICE: YOUR HONOR, I'D MOVE FOR THE INTRODUCTION OF THE SECOND SET OF PHOTOGRAPHS OF THE KICK MARKS.

MR. CLARK: NO OBJECTION, YOUR HONOR.

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THE COURT: MARK THEM AS THE NEXT APPROPRIATE STATE'S EXHIBITS AND ADMIT THEM INTO EVIDENCE WITHOUT OBJECTION.

(STATE'S EXHIBIT #25, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

(STATE'S EXHIBIT #26, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

(STATE'S EXHIBIT #27, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

(STATE'S EXHIBIT #28, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

(STATE'S EXHIBIT #29, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

(STATE'S EXHIBIT #30, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

(STATE'S EXHIBIT #31, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

Q AGENT LAROSA, DID EITHER YOU OR ANOTHER AGENT AT A LATER TIME MAKE COMPARISONS OF THESE FOOTMARKS TO SOME SUBMITTED FOOTWEAR?

A YES, SIR, I DID THAT COMPARISON.

Q OKAY, I'M NOT GOING TO ASK YOU ABOUT IT YET BECAUSE WE'VE GOT TO GET SOME OTHER EVIDENCE IN FIRST BEFORE THAT'S APPROPRIATE, BUT I JUST WANTED TO CONFIRM YOU'RE THE ONE THAT DID IT.

A YES, SIR.

Q I'M GOING TO SHOW YOU FOUR MORE PHOTOGRAPHS AND I'M GOING TO HAND THESE TO YOU IN ORDER. THIS PHOTOGRAPH SHOWING AN OPEN DOOR WITH A BLACK MARK, APPARENTLY BEFORE THE DOOR KNOB, SLIGHTLY TO THE LEFT, PLEASE TELL US WHAT THAT IS. TELL US WHETHER OR NOT IT ACCURATELY DEPICTS THE ITEM SHOWN.

A YES, SIR, THIS IS THE DOOR THAT WAS KICKED OPEN THAT HAD THE FOOTWEAR. IT'S JUST A PICTURE TAKEN FURTHER BACK. IT'S MORE OF A LOCATION SHOT.

Q THAT WAS THE DOORWAY INTO THE SAFE ROOM?

A YES, SIR.

MR. JUSTICE: I MOVE INTRODUCTION OF THE NEXT STATE'S EXHIBIT, YOUR HONOR.

THE COURT: ANY OBJECTION?

MR. CLARK: NO OBJECTION, YOUR HONOR.

THE COURT: STATE'S EXHIBIT #32 ADMITTED WITHOUT OBJECTION, PHOTOGRAPH.

(STATE'S EXHIBIT #32, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

Q OKAY, I'M GOING TO SHOW YOU THREE MORE ALSO REVOLVING AROUND THAT DOOR, AND TELL ME WHETHER OR NOT YOU CAN IDENTIFY THESE AND WHAT IS SHOWN THEREIN.

A THESE THREE PHOTOGRAPHS SHOW THE DAMAGE THAT WAS DONE TO THE DOOR JAMB AND THE FORCE THAT IT TOOK TO KICK THAT DOOR

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OPEN, THE DOOR LEADING TO THE SAFE ROOM.

Q AND I BELIEVE IN ONE OF THOSE PHOTOGRAPHS THE DOOR JAMB IS ACTUALLY KNOCKED LOOSE COMPLETELY ON THE FLOOR?

A YES, SIR. THEY ALL SHOW THE DAMAGE, AND YOU CAN SEE THE INSERT THAT THE LOCKING MECHANISM GOES INTO ON THE FLOOR.

MR. JUSTICE: I'D MOVE THE INTRODUCTION OF THE NEXT THREE STATE'S EXHIBITS.

THE COURT: ANY OBJECTIONS TO THE PHOTOGRAPHS?

MR. CLARK: NO, SIR.

THE COURT: STATE'S EXHIBITS #33, #34 AND #35, PHOTOGRAPHS, COMING INTO EVIDENCE.

(STATE'S EXHIBIT #33, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, PHOTOGRAPH).

(STATE'S EXHIBIT #34, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, PHOTOGRAPH).

(STATE'S EXHIBIT #35, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

Q AGENT LAROSA, I'M GOING TO SHOW YOU ONE ADDITIONAL PHOTOGRAPH FROM INSIDE MCDONALD AMUSEMENTS' HEADQUARTERS, AND TELL ME WHAT THAT IS AND WHERE IT IS AND WHETHER OR NOT IT ACCURATELY DEPICTS --

A THIS IS A PHOTOGRAPH OF THE SAFE THAT WAS IN THE SAFE ROOM WHERE THE DOOR -- THE FORCED ENTRY ON THE DOOR THAT LEADS INTO THE SAFE ROOM. THIS IS THE SAFE THAT WE'RE TALKING ABOUT THAT I MENTIONED.

Q ARE THERE ANY MARKS ON THE EXTERIOR OF THE SAFE?
A NO, SIR. IT APPEARED THAT THERE WASN'T REALLY ANY DAMAGE DONE TO THE SAFE WHERE SOMEONE HAD TRIED TO PRY IT, BUT WE WENT AHEAD AND DUSTED IT FOR FINGERPRINTS, OF COURSE.
Q OKAY. WHERE WAS THE --

MR. JUSTICE: I'D MOVE TO INTRODUCE THIS INTO EVIDENCE, YOUR HONOR.

THE COURT: EXHIBIT #36?

MR. CLARK: NO OBJECTION, YOUR HONOR.

THE COURT: WITHOUT OBJECTION, PHOTOGRAPH, WITHOUT OBJECTION.

(STATE'S EXHIBIT #36, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

Q AGENT LAROSA, WHERE IS THE NEXT CRIME SCENE THAT YOU WORKED ON THAT MORNING?
A AFTER WE COMPLETED THE SCENE OF THE MCDONALD'S AMUSEMENT PARK, THEN WE WENT TO THE VICTIMS' RESIDENCE, THE STEELES' RESIDENCE WHERE THE CRIME ACTUALLY STARTED.
Q PLEASE TELL US WHAT YOUR OBSERVATIONS WERE THERE INITIALLY.
A THE HOUSE WAS SECURE UPON OUR ARRIVAL. ALL THESE SCENES WERE SECURED BY THE SHERIFF'S OFFICE. THERE WAS NO SIGNS OF STRUGGLE ON THE OUTSIDE, NO SIGNS OF FORCED ENTRY INTO THIS RESIDENCE.

THE ONLY AREA ON THE INSIDE THAT WAS DISTURBED IS THE SIDE DOOR ON THE INSIDE, WHICH IS THE KITCHEN AND DINING

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ROOM. IT APPEARS THIS IS WHERE THE INDIVIDUALS GAINED ENTRY. THE FRONT DOOR WAS LOCKED. THE SCREEN DOOR WAS LOCKED. THERE WAS AN APPARENT STRUGGLE THAT OCCURRED IN THE KITCHEN. THERE WERE SOME PAPERS, BOXES ON THE FLOOR AND BROKEN GLASS, AND THIS IS -- THERE WAS NO OTHER ROOMS IN THE HOUSE THAT APPEARED TO BE RUMMAGED THROUGH. THIS APPEARED TO BE WHERE THE ONLY STRUGGLE OCCURRED.

Q AGENT LAROSA, YOU SAID FROM YOUR OBSERVATION IT APPEARED THAT THE POINT OF ENTRY WAS A SIDE DOOR?

A YES, SIR. AND BY THAT SIDE -- THERE WAS NO FORCED ENTRY INTO ANY OF THESE PLACES, BUT THIS IS FROM THE VICTIM'S STATEMENT AND -- FROM THE FEMALE VICTIM, AND SOME OTHER THINGS THAT SHE HAD SAID THAT LED US TO BELIEVE THAT THIS WAS THE ONLY OPEN DOOR. THIS IS WHERE THE STRUGGLE -- RIGHT INSIDE THE ROOM IS WHERE THE STRUGGLE OCCURRED.

Q AND WHAT KIND OF ROOM WAS THAT?

A IT WAS A KITCHEN/DINING ROOM. IT LOOKED LIKE AN EAT-IN KITCHEN.

Q AGAIN, I'M GOING TO SHOW YOU SOME PHOTOGRAPHS. THE FIRST THREE ARE VARIOUS ANGLES AND POINTS OF VIEW OF THE EXTERIOR CARPORT AREA WITH SIDE DOOR. TELL ME WHETHER OR NOT THESE ACCURATELY DEPICT AND IS THAT, IN FACT, THE DOOR THAT YOU'RE TALKING ABOUT?

A YES, SIR, IT IS. THIS IS THE SIDE DOOR WITH THE ONE-LANE GARAGE.

MR. JUSTICE: I'D MOVE TO INTRODUCE THE NEXT THREE STATE'S EXHIBITS.

MR. CLARK: (REVIEWING PHOTOGRAPHS). NO OBJECTION, YOUR HONOR.

THE COURT: I BELIEVE THOSE WOULD BE #37, #38 AND #39. PLEASE MARK THOSE APPROPRIATELY AND ENTER THEM INTO EVIDENCE WITHOUT OBJECTION.

(STATE'S EXHIBIT #37, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, PHOTOGRAPH).

(STATE'S EXHIBIT #38, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, PHOTOGRAPH).

(STATE'S EXHIBIT #39, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, PHOTOGRAPH).

Q AGENT LAROSA, I'M GOING TO SHOW YOU ONE MORE PHOTOGRAPH OF THE STEELE HOME, AND TELL ME WHETHER OR NOT YOU CAN IDENTIFY THE HOME WHERE THAT PICTURE WAS MADE AND WHETHER OR NOT IT ACCURATELY DEPICTS THAT SCENE AS IT APPEARED WHEN YOU PROCESSED IT.

A YES, SIR. THIS IS THE AREA RIGHT ON THE INSIDE OF THE DOOR, THE SIDE DOOR, THE KITCHEN/DINING ROOM/EAT-IN AREA WHERE SOME APPARENT STRUGGLE TOOK PLACE. WE HAVE BROKEN GLASS ON THE FLOOR, PAPER WORK AND SOME OTHER ITEMS.

Q AMONG THE OTHER ITEMS AND BASED ON WHAT YOU WERE TOLD BY THE POLICE, BY THE VICTIM, THE LIVING VICTIM, DID YOU SEIZE ANY OBJECT SHOWN IN THAT PHOTOGRAPH?

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A YES, SIR, WE DID COLLECT CERTAIN ITEMS TO BRING BACK TO THE LABORATORY FOR PROCESSING AND SOME OTHER ITEMS WERE PROCESSED AT THE SCENE.

Q PARTICULARLY THE VERY LARGE CARDBOARD BOX IN THE MIDDLE OF THAT PHOTOGRAPH, WAS IT, BASED ON THE INFORMATION YOU HAVE, SEIZED AND CARRIED BACK FOR PROCESSING?

A YES, SIR. THE INFORMATION THAT WE HAD WHEN WE ARRIVED AT THE SCENE WAS THAT CERTAIN BLACK MALE INDIVIDUALS SHOWED UP AT THE DOOR WITH A PACKAGE, SAYING THAT -- MRS. STEELE ANSWERS THE DOOR -- THEY HAVE A PACKAGE FOR MR. STEELE, AND THEN SOMEHOW DURING THAT TIME, THAT'S HOW THEY GAINED ENTRY AND THE STRUGGLE TOOK PLACE. SO THE BOX WAS A KEY PIECE OF EVIDENCE THAT WE NEEDED TO COLLECT.

Q THANK YOU.

MR. JUSTICE: I MOVE THIS BE ENTERED AS THE NEXT STATE'S EXHIBIT.

MR. CLARK: NO OBJECTION.

THE COURT: STATE'S EXHIBIT #40 MOVED INTO EVIDENCE WITHOUT OBJECTION.

(STATE'S EXHIBIT #40, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, PHOTOGRAPH).

Q MR. LAROSA, WHILE WE'RE TALKING ABOUT THAT BOX, LET ME HAND YOU THIS BOX FULL OF SOMETHING. THIS IS ABOUT AS FAR AS I'M GOING WITH IT. IF YOU WILL, COME DOWN AND TAKE A LOOK AT IT AND TELL ME WHETHER OR NOT THAT'S THE BOX YOU SEIZED.

A YOUR HONOR, MAY I STEP DOWN?

THE COURT: SURE.

A (WITNESS STEPPING DOWN AND EXAMINING BOX). YES, IT IS.

Q AND DID YOU SEIZE THAT AND TAKE IT BACK TO THE LAB TO TEST FOR PRINTS AND WHATNOT?

A YES, SIR, I DID.

MR. JUSTICE: YOUR HONOR, I'D MOVE THE INTRODUCTION OF STATE'S EXHIBIT #41.

MR. CLARK: NO OBJECTION.

THE COURT: STATE'S EXHIBIT #41 ENTERED INTO EVIDENCE WITHOUT OBJECTION, BOX.

(STATE'S EXHIBIT #41, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, BOX).

Q IN ADDITION TO THE BLUE VAN THAT HAD BEEN LEFT RUNNING THAT YOU TALKED ABOUT EARLIER, DID YOU PROCESS ANY OTHER MOTOR VEHICLES?

A YES, SIR, WE DID. AFTER WE DEPARTED FROM THE VICTIMS' RESIDENCE, THERE WAS A U-HAUL TRUCK THAT HAD BEEN LOCATED, AND WE WENT TO THAT SCENE WHERE IT WAS LOCATED, DID SOME DOCUMENTATION, SKETCHES AND COLLECTION OF EVIDENCE. BUT THERE WAS ALSO A TOYOTA CRESSIDA THAT WAS PROCESSED AT THE SCENE, ALSO.

Q SO YOU PROCESSED THE CRESSIDA, THE TOYOTA, THAT MORNING?

A YES, SIR, PROCESSED THREE VEHICLES THAT DAY.

Q OKAY. LET ME JUST SHOW YOU STATE'S EXHIBIT #12. IS THAT

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THE TOYOTA THAT YOU MADE MENTION OF?

A YES, SIR, IT IS.

Q YOU SAY YOU PROCESSED THREE VEHICLES. IS THAT COUNTING THE U-HAUL?

A YES, SIR, THE FORD AEROSTAR, A TOYOTA CRESSIDA AND A U-HAUL TRUCK.

Q AT THE SCENE OF THE U-HAUL, PLEASE TELL US, AS BEST YOU RECALL, WHERE THAT SCENE WAS AND WHAT ACTIVITY YOU TOOK IN AND AROUND THAT SCENE.

A THERE WAS A U-HAUL TRUCK LOCATED BY A CIVILIAN ON 200 SOUTH NEXT TO CHANDLER'S BODY SHOP. THE VEHICLE WAS BLOCKING THE ROADWAY, SO THE CIVILIAN MOVED THE VEHICLE OUT OF HIS WAY AND THEN CALLED POLICE. WE RESPONDED TO THAT SCENE AND DOCUMENTED THE SCENE WITH PHOTOGRAPHS AND SKETCHES, AND WE ALSO COLLECTED EVIDENCE AT THAT SCENE.

Q AND STATE'S EXHIBIT #11, ALREADY INTO EVIDENCE, IS THAT AN ACCURATE DEPICTION OF THE SCENE YOU'RE TALKING ABOUT?

A YES, SIR, THIS IS THE SCENE.

Q YOU SAID "COLLECTED EVIDENCE AT THAT SCENE". WHAT EVIDENCE WAS ACTUALLY, PHYSICALLY FOUND AND COLLECTED AND MAY BE OF INTEREST TO OUR JURY HERE THIS MORNING?

A ONCE WE FOUND THE VAN, AND THIS WAS A WOODED AREA, AS WE DO IN EVERY SCENE, WE DO A CANVAS OF THE AREA. ANYTIME THERE'S A WOODED LOT, COULD THERE BE EVIDENCE THROWN IN THE WOODED LOT? COULD THERE BE ANY MORE VICTIMS? COULD THE

SUBJECT BE HIDING IN THE WOODS?

DURING THAT CANVAS WE FOUND SEVERAL ITEMS THAT WERE LOCATED THAT WERE DOCUMENTED AND COLLECTED. THERE WAS A BAG WITH A VEST AND A GUN, A NINE MILLIMETER CARTRIDGE, SWEAT PANTS, AND OF COURSE THE U-HAUL VAN.

Q THE BAG WITH THE VEST AND A GUN, WHERE WAS IT LOCATED?

A IT WAS LOCATED -- LET ME CHECK MY -- IT WAS LOCATED ON A TRAILER PORTION OF AN 18-WHEELER, UNDERNEATH IT, RIGHT AROUND THE TRAILER PORTION. THIS WAS AN OVERGROWN AREA WHERE IT LOOKED LIKE THE TRAILER HAD BEEN THERE FOR SOME TIME.

Q I SHOW YOU THREE ADDITIONAL PHOTOGRAPHS, TWO OF WHICH YOU CAN PLAINLY SEE A BLUE DUFFLE BAG WITH RED AND YELLOW COLORS IN IT, AND THE THIRD ONE -- I DON'T THINK YOU CAN READILY SEE IT. JUST TELL ME WHETHER OR NOT THEY ACCURATELY DEPICT WHAT YOU SAW AND WHETHER OR NOT THE ITEMS SHOWN IN AT LEAST TWO OF THOSE PHOTOGRAPHS IS THE BLUE BAG THAT YOU'RE MAKING REFERENCE TO.

A YES, SIR. ONE OF THEM IS A GENERAL PHOTOGRAPH OF THE RUSTED OUT BACK OF THE TRAILER RIG, AND THEN THE OTHER ONES ARE PHOTOGRAPHS OF WHERE THE BAG WAS LOCATED IN RELATIONSHIP TO THE TRAILER.

MR. JUSTICE: I'D MOVE THEY BE INTRODUCED AS #42, #43 AND #44.

MR. CLARK: (REVIEWING PHOTOGRAPHS). NO

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OBJECTION.

THE COURT: ALL RIGHT, ENTER THEM WITHOUT OBJECTION, THANK YOU.

(STATE'S EXHIBIT #42, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

(STATE'S EXHIBIT #43, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

(STATE'S EXHIBIT #44, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

MR. JUSTICE: AT THIS TIME, THESE LAST THREE PHOTOGRAPHS I'D LIKE TO PUBLISH TO THE JURY AND HAVE THEM PASS THEM AROUND WITHOUT UNDUE DELAY, WHILE WE'RE GOING INTO OTHER THINGS. (HANDING PHOTOGRAPHS TO JURY).

Q THE BAG THAT YOU FOUND IN THE WOODS, THE ONE THAT'S DEPICTED IN THE PHOTOGRAPHS THAT THE JURY IS VIEWING, DID YOU SEIZE THAT BAG?

A YES, SIR, WE COLLECTED THAT BAG.

Q AT SOME POINT DID YOU OPEN THE BAG TO SEE WHAT THE CONTENTS WERE?

A YES, SIR. AFTER WE PHOTOGRAPHED IT AT THE SCENE, WE THEN OPENED UP THE BAG TO MAKE SURE THERE WASN'T ANY KIND OF EVIDENCE IN THERE THAT COULD BECOME DESTROYED OR DAMAGED DURING TRANSPORTATION BACK TO HEADQUARTERS.

Q WHAT, IF ANYTHING, DID YOU FIND IN THAT BAG?

A WE FOUND A BULLET-PROOF VEST AND A WEAPON.
Q AND A WEAPON. ALL RIGHT, I'LL SHOW YOU THIS PLASTIC BAG WITH THE SLED STICKER ON IT, AND TELL ME WHETHER OR NOT YOU CAN IDENTIFY THIS AS BEING THE BAG YOU JUST DESCRIBED TO US, ALONG WITH, I BELIEVE, THE BULLET-PROOF VEST.
A YES, SIR, IT IS. THE BAG IS BEARING OUR CASE NUMBER AND MY INITIALS, AND IT'S AN EASTON SPORT BAG AND A BULLET-PROOF VEST, AND THIS HAS MY INITIALS ON IT, ALSO, WITH MY EVIDENCE TAPE.
Q AND THAT'S THE ONE THAT WAS FOUND OVER IN THE WOODS SHOWN IN THE PHOTOGRAPH?
A YES, SIR.
Q AND THE BULLET-PROOF VEST IS THIS WHITE, HEAVY OBJECT INSIDE THE BAG?
A YES, SIR.

MR. JUSTICE: I'D INTRODUCE THIS AS ONE EXHIBIT, YOUR HONOR.

THE COURT: ALL RIGHT.

(TO MR. CLARK) ANY OBJECTION?

MR. CLARK: NO, SIR.

THE COURT: ADMITTED INTO EVIDENCE WITHOUT OBJECTION.

(STATE'S EXHIBIT #45, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. BAG).

Q DID YOU COME INTO POSSESSION -- OR, EXCUSE ME, YOU SAY

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THERE WAS A FIREARM ALSO IN THE BAG?

A YES, SIR, THERE WAS.

Q WAS THERE AMMUNITION IN THE GUN?

A YES, SIR. INSIDE THE BAG WAS ONE, SILVER WITH BROWN GRIPS, SMITH & WESSON .38 SPECIAL REVOLVER CONTAINING SIX UNFIRED CARTRIDGES, ALL BEARING THE STAMP "WINCHESTER .38 SPECIAL".

Q I'M GOING TO HAND YOU A BAG CONTAINING THE PISTOL, AS YOU JUST DESCRIBED, ALONG WITH SIX FULL CARTRIDGES THAT HAVE BEEN REMOVED FROM THE CYLINDER. AND WITHOUT REMOVING THE GUN FROM THE BAG, IF YOU COULD, TELL US WHETHER OR NOT YOU CAN IDENTIFY THIS AS BEING AN ITEM SEIZED FROM THAT PARTICULAR BAG.

A YES, IT IS. IT BEARS OUR CASE NUMBER, MY INITIALS AND THE ITEM NUMBER THAT WAS ASSIGNED TO THE WEAPON.

MR. JUSTICE: I'D MOVE INTRODUCTION, YOUR HONOR.

MR. CLARK: NO OBJECTION.

THE COURT: STATE'S EXHIBIT #46 ADMITTED INTO EVIDENCE WITHOUT OBJECTION, PISTOL.

(STATE'S EXHIBIT #46, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE WITHOUT OBJECTION, GUN).

Q IN ADDITION TO STATE'S EXHIBIT #47, INCLUDING THOSE BULLETS, WAS THERE ANY ADDITIONAL --

THE COURT: EXCUSE ME, WHAT NUMBER WAS THAT, MADAM REPORTER?

COURT REPORTER: #46, YOUR HONOR.

Q #46, EXCUSE ME.

THE COURT: ALL RIGHT.

Q IN ADDITION TO EXHIBIT #46, WAS THERE OTHER FIREARMS OR AMMUNITION FOUND IN THE AREA AT THAT TIME?

A YES, SIR, THERE WERE SOME NINE MILLIMETER CARTRIDGE CASINGS LOCATED AT THAT SCENE, ALSO.

Q AND WHERE WERE THEY?

A THEY WERE FOUND ON THE ROAD, KIND OF ON THE ROAD, RIGHT BETWEEN THE EDGE OF THE ROAD AND THE GRASSY AREA THAT WAS LEADING TO THE TRACTOR-TRAILER.

Q OKAY. I'M GOING TO SHOW YOU STATE'S EXHIBIT #10, WHICH SHOWS THE ROAD FROM WHERE IT GOES FROM PAVED TO DIRT AND ACROSS THE DAM AND UPHILL. I WANT YOU TO LOOK AT THIS AND TELL ME IF THE AREA OF THOSE BULLETS BEING RECOVERED IS SHOWN IN THAT PHOTOGRAPH, OR THE GENERAL AREA?

A THE GENERAL AREA IS. YOU CAN SEE UP IN THE MIDDLE LEFT PORTION OF THE PHOTOGRAPH THE BACK END OF THE TRACTOR-TRAILER RIG, AND IF YOU CAN ENVISION RIGHT IN FRONT OF IT, ALMOST WHERE THE ROAD AND THE GRASS MEET, THAT WAS THE LOCATION.

Q THAT WOULD BE THE LOCATION?

A YES, SIR.

Q WAS IT ACTUALLY IN THE DIRT PART OF THE ROAD?

A IT WAS CLOSE TO THE DIRT OR THE GRASS AREA. I WOULD NEED TO LOOK AT SOME MORE PHOTOGRAPHS TO MAKE SURE.

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Q LET ME SHOW YOU TWO OTHER SUCH PHOTOGRAPHS. EACH SHOWS AN INDIVIDUAL BULLET AND WHAT APPEARS TO BE A DIRT AND GRAVEL ROADWAY. TELL ME WHETHER OR NOT YOU CAN IDENTIFY THOSE.

A YES, SIR. THESE ARE TWO OF THE FOUR CARTRIDGES THAT WERE LOCATED, AND THEY WERE FOUND RIGHT THERE AT THE EDGE, ON THE, KIND OF, ON THE GRAVEL/DIRT ROAD NEXT TO EACH OTHER.

MR. JUSTICE: MOVE THE INTRODUCTION --

MR. CLARK: NO OBJECTION.

THE COURT: ADMITTED WITHOUT OBJECTION.

(STATE'S EXHIBIT #47, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, PHOTOGRAPH).

(STATE'S EXHIBIT #48, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, PHOTOGRAPH).

Q AND YOU SAY YOU SEIZED THOSE CARTRIDGES?

A YES, SIR, WE BROUGHT THOSE BACK TO HEADQUARTERS FOR PROCESSING.

Q AND YOU DESCRIBED THEM AS WHAT KIND OF GUN, WHAT KIND OF --

A THOSE ARE UNFIRED CARTRIDGES, UNFIRED BULLETS.

Q WHAT CALIBER?

A NINE MILLIMETER.

Q NINE MILLIMETER. SO WOULD THESE BULLETS BE CONSISTENT WITH THE GUN IN STATE'S EXHIBIT #46?

A I'M NOT A FIREARMS EXPERT.

Q I UNDERSTAND. WELL, LET ME HAND YOU THIS PARTICULAR ENVELOPE WITH FOUR UNFIRED BULLETS IN IT, AND TELL ME

WHETHER OR NOT THOSE ARE THE BULLETS YOU SEIZED AT THAT LOCATION.

A YES, SIR, THEY ARE. THEY BEAR MY CASE NUMBER AND MY INITIALS.

MR. JUSTICE: MOVE FOR INTRODUCTION, YOUR HONOR.

MR. CLARK: NO OBJECTION, YOUR HONOR.

THE COURT: ADMITTED WITHOUT OBJECTION, THE NEXT APPROPRIATE EXHIBIT NUMBER.

(STATE'S EXHIBIT #49, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, BULLETS).

MR. JUSTICE: JUST ONE MOMENT, YOUR HONOR.

Q WHILE WE'RE RETRIEVING EXHIBITS, WERE THERE ANY OTHER ITEMS OF INTEREST THAT WERE SEIZED BY YOU AT THE U-HAUL LOCATION?

A THERE WAS ALSO A BLUE BANDANA THAT WAS COLLECTED FROM THIS LOCATION, ALSO.

Q WHAT ABOUT ANY PAPER WORK THAT RELATED TO THE U-HAUL TRUCK?

A WELL, IF ANY PAPER WORK HAD BEEN LOCATED, IT WOULD HAVE BEEN WITH THE U-HAUL TRUCK AND IT WOULD HAVE BEEN PROCESSED LATER, BACK AT THE VEHICLE IMPOUND LOT.

Q AND DID YOU PROCESS THAT U-HAUL TRUCK THE SAME AS YOU HAD THE BLUE AEROSTAR AND THE STATION WAGON?

A YES, SIR.

Q OKAY. DID YOU EITHER THAT DAY OR THE NEXT DAY PROCESS YET ANOTHER VEHICLE IN REGARDS TO THIS CASE?

A YES, SIR. I WAS CALLED AND REQUESTED TO GO BACK TO

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LANCASTER SHERIFF'S OFFICE AND PROCESS ANOTHER VEHICLE THAT HAD BEEN LOCATED, AND I PROCESSED IT AT A SECURE LOCATION.

Q BEFORE WE GET INTO THAT, LET ME ASK YOU A COUPLE OF THINGS. THE LATENT LIFTS, EXPLAIN TO THE JURY BASICALLY WHAT YOU DO WHEN YOU'RE LOOKING FOR LATENT LIFTS IN A VEHICLE OR ANY HOME OR ANY BUSINESS.

A WELL, ON THE FRICTION AREA OF YOUR HAND, WHICH IS THIS AREA (INDICATING), THERE ARE RAISED PORTIONS OF SKIN THAT IS FRICTION RIDGE SKIN. THIS ALLOWS US TO GRASP STUFF WITHOUT IT FALLING OUT OF OUR HANDS. WELL, ON THESE RIDGES ARE TINY SWEAT GLANDS. THEY ARE CONSTANTLY EMITTING SWEAT. WHEN THAT COMES INTO CONTACT WITH AN OBJECT SUCH AS THIS (INDICATING), AN IDENTICAL PRINT IS LEFT BEHIND OF THAT PERSON. SO WHEN A FINE BLACK POWDER IS APPLIED TO IT, IT BECOMES VISIBLE.

THE TERM "LATENT" MEANS HIDDEN, UNSEEN, AND WITH THE BLACK POWDER, IT ADHERES TO IT AND MAKES IT VISIBLE. AND THEN WE COLLECT IT USING TAPE AND A WHITE BACKER, AND THAT WOULD ALLOW US, BACK IN THE LABORATORY, TO EXAMINE IT FOR KNOWN IMPRESSIONS.

Q AND YOU MADE EXAMINATIONS OF THAT TYPE OF THE BLUE AEROSTAR, THE STATION WAGON, THE U-HAUL, MCDONALD'S AMUSEMENT, AS WELL AS THE STEELE HOME?

A YES, SIR. AT EVERY LOCATION WE WENT TO, IF THERE WAS EVIDENCE TO BE FINGERPRINTED, WE FINGERPRINTED IT.

Q IN ANY OF THOSE LOCATIONS, WERE YOU ABLE TO RAISE PRINTS SUFFICIENT FOR IDENTIFICATION?

A LET ME CHECK MY NOTES. YES, SIR, THERE WERE SOME PRINTS THAT WERE LIFTED THAT WERE SUFFICIENT FOR IDENTIFICATION.

Q WERE ANY OF THOSE MATCHED TO ANY OF THE PEOPLE IN REGARDS TO THIS CASE WHOSE FINGERPRINTS WERE SUBMITTED TO YOU?

A NO, SIR, THEY WERE NOT.

Q DO YOU KNOW WHERE THOSE USABLE PRINTS WERE FOUND? DO YOU HAVE THAT IN YOUR NOTES?

A IT WILL TAKE ME A SECOND, BUT I'LL HAVE TO COMPARE BACK AND FORTH.

Q BY ALL MEANS.

A (WITNESS REVIEWING DOCUMENTS). SOME OF THE PRINTS WERE TAKEN FROM [redacted], WHICH I BELIEVE WAS THE VICTIM'S RESIDENCE.

Q MCDONALD AMUSEMENT?

A MCDONALD AMUSEMENTS, I APOLOGIZE. WE'VE GOT SOME FROM THE VICTIMS' RESIDENCE THAT WAS -- WE DID IDENTIFY ONE PRINT FROM THE VICTIM'S RESIDENCE WITH THE VICTIM.

Q SO IN ALL OF THE VICTIM'S RESIDENCE, YOU MATCHED ONE PRINT WITH MR. STEELE?

A YES, SIR, I DID.

Q AND ONLY ONE?

A AND ONLY ONE. AND SOME OF THE PRINTS WERE NEGATIVES, NEGATIVE WITH THOSE SUBMITTED ON FINGERPRINT CARDS, AND THE

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MAJORITY OF THEM CONTAINED INSUFFICIENT RIDGE DETAIL, WHICH MEANS THAT THERE WERE RIDGES PRESENT, BUT THERE WAS NOT ENOUGH SUFFICIENT QUALITY OF THE PRINT TO IDENTIFY WITH ANYONE. I CANNOT POSITIVELY IDENTIFY, NOR CAN I ELIMINATE THAT PERSON AS HAVING TOUCHED THAT PIECE OF EVIDENCE.

Q BEFORE WE MOVE ON TO THE LAST OF THE VEHICLES, YOU MENTIONED EARLIER -- YOU MENTIONED EARLIER, WHEN YOU WERE PROCESSING THE FIRST CRIME SCENE WHERE THE BODY WAS LOCATED, YOU IDENTIFIED THE PHOTOGRAPHS WITH THE BLUE PACKING OR MOVING TYPE BLANKETS THAT YOU SEE?

A YES, SIR.

Q IF YOU WILL, LOOK AT THE CONTENTS OF THIS RED BAG WHICH CAME OUT OF THAT BOX -- IF YOU NEED TO, LOOK AT THE BOX -- AND TELL ME WHETHER OR NOT YOU CAN IDENTIFY THAT.

A I WOULD RATHER SEE THE BOX.

Q YES.

MR. JUSTICE: IF YOU WILL, BRING THE BOX AROUND, MR. HOLLAND.

A YES, SIR, THIS IS THE BOX THAT THAT EVIDENCE CAME IN, AND IT'S BEARING MY INITIALS ON THE EVIDENCE TAPE AND IT'S BEARING THE CASE NUMBER.

Q SO THAT IS THE BLANKET YOU SEIZED OUT THERE?

A YES, SIR, IT IS.

MR. JUSTICE: YOUR HONOR, I'D MOVE AT THIS TIME THAT THE BLANKETS BE INTRODUCED AS EVIDENCE IN THAT

BAG. I THINK THERE MIGHT BE SOMETHING ELSE IN THE SECOND BOX, BUT JUST THE BAG INTO EVIDENCE.

MR. CLARK: NO OBJECTION, YOUR HONOR.

THE COURT: ALL RIGHT. MARK IT THE NEXT APPROPRIATE STATE'S EXHIBIT AND ADMIT IT INTO EVIDENCE WITHOUT OBJECTION.

(STATE'S EXHIBIT #50, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, BAG WITH BLANKETS).

Q YOU MENTIONED A BLUE BANDANA. DID YOU SEIZE THAT BANDANA FROM THE SCENE WHERE THE U-HAUL TRUCK WAS FOUND?

A YES, SIR. AND WHEN YOU MENTIONED THAT, I WENT BACK AND CHECKED MY NOTES. THERE WERE SOME OTHER ITEMS THAT WERE COLLECTED FROM 200 SOUTH, ALSO.

Q WHAT WERE THOSE ITEMS?

A THERE WAS, OF COURSE, THE BLUE BANDANA. THERE WAS ANOTHER BANDANA THAT WAS COLLECTED. THERE WAS A FANNY PACK, A PAIR OF BLUE COVERALLS AND TWO RECEIPTS FROM 200 SOUTH. THOSE WERE TAKEN FROM THE VEHICLE.

Q OKAY. FIRST I'LL SHOW YOU THIS PHOTOGRAPH OF A BLUE BANDANA LYING IN THE WEEDS. IS THAT THE BANDANA YOU HAVE MADE MENTION OF?

A YES, SIR.

MR. JUSTICE: I'D MOVE THIS BE INTRODUCED AS EVIDENCE.

MR. CLARK: NO OBJECTION.

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THE COURT: ADMITTED WITHOUT OBJECTION AS THE STATE'S NEXT EXHIBIT.

(STATE'S EXHIBIT #51, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, PHOTOGRAPH).

Q NOW I HAND YOU ANOTHER RED BAG THAT CONTAINS A PAIR OF BLUE OVERALLS, BANDANA AND FANNY PACK, AND TELL ME WHETHER OR NOT THESE ARE THE ITEMS YOU JUST DESCRIBED AS HAVING BEEN SEIZED FROM THAT LOCATION.

A YES, SIR, WITHOUT ACTUALLY OPENING IT UP, IT BEARS MY HANDWRITING AND SAYS, "PAIR OF BLUE OVERALLS, BANDANA AND FANNY PACK".

Q AND DID YOU COME INTO POSSESSION, WHETHER YOU FOUND IT OR IT WAS TURNED OVER TO YOU, OF ANOTHER EASON DUFFLE BAG/GYM BAG TYPE THING, OTHER THAN THE ONE THAT CONTAINED THE GUN AND THE BULLET-PROOF VEST?

A FROM THAT ORIGINAL SCENE?

Q YES, SIR.

A I WOULD NEED TO SEE THE PHOTOGRAPH OF IT, IF WE HAVE ONE. I DON'T SPECIFICALLY REMEMBER GETTING ANOTHER ONE. IT'S NOT ON MY EVIDENCE SHEET. UNLESS THE CLOTHING WAS IN THAT BAG AND THROWN OUT, I CAN'T RECALL RIGHT NOW.

Q I'M TALKING ABOUT AN EMPTY BAG.

A NO, SIR. IF IT WAS COLLECTED, I DIDN'T SEE IT NECESSARY TO TAKE IT BACK TO HEADQUARTERS, SO IT WASN'T LOGGED INTO MY EVIDENCE.

Q GETTING ON TO YOUR RETURN TO LANCASTER COUNTY, WAS IT LATER ON THE TWENTY-FIRST OR THE TWENTY-SECOND THAT YOU RETURNED TO PROCESS THE LAST VEHICLE, OR THE NEXT TO THE LAST ONE, AS IT TURNS OUT?

A I WAS CALLED AND REQUESTED TO COME BACK TO LANCASTER COUNTY ON 6/22 AT 10:00 A.M. TO COME PROCESS ANOTHER VEHICLE THOUGHT TO BE INVOLVED IN THE CRIME.

Q AND WHAT KIND OF VEHICLE WAS THAT?

A THIS WAS A FORD AEROSTAR WITHOUT A TAG, A 1989, GRAY IN COLOR, TWO-TONE MINIVAN.

Q I'LL SHOW YOU A PHOTOGRAPH ALREADY IN EVIDENCE OF A MINIVAN TOWED IN FROM COOK'S TRANSMISSION SERVICE, STATE'S EXHIBIT #13. DOES THIS APPEAR TO BE THE VAN YOU PROCESSED?

A YES, SIR, IT IS.

Q PLEASE TELL US WHAT YOU DID IN REGARDS TO THAT VAN AND WHAT SAMPLES, IF ANY, YOU COLLECTED.

A WE TREAT VEHICLES THE SAME AS WE DO ANY CRIME SCENE. WE TAKE PHOTOGRAPHS AND DOCUMENT AND SKETCH, BUT ON THE INSIDE THERE WAS BLOOD NOTED, SUSPECTED BLOOD NOTED ON THE INSIDE AND SEVERAL HEAVY POOLS. THERE WAS NO BLOOD SPATTER WHICH WOULD INDICATE WHERE THE SHOOTING OCCURRED. THERE WAS A BULLET/PROJECTILE LOCATED NEAR THE HEAVIEST POOL OF BLOOD.

THE VEHICLE IS MISSING THE MIDDLE SEAT. THE FRONT DRIVER'S WINDOW IS DOWN 75 PERCENT, NO KEYS. BOTH WINDOWS ON THE SIDE OF THE VEHICLE ARE OPEN. WINDOWS ARE TINTED.

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BLOOD WAS COLLECTED AND CUT OUT OF THE CARPET -- OR THE CARPET WAS COLLECTED, THE BULLET WAS COLLECTED, AND THE WHOLE VEHICLE WAS PROCESSED FOR FINGERPRINTS, INSIDE AND OUT.

Q THESE BLOODY STAINS, WHERE IN THE VEHICLE WERE THEY FOUND?

A I BELIEVE IT WAS TOWARDS THE BACK PORTION WHERE THE SEAT WAS MISSING.

Q THE MISSING SEAT?

A YES, SIR, BUT LET ME CHECK MY NOTES REAL QUICK. (WITNESS REVIEWING NOTES). IT WAS CUT OUT OF THE CARPET. I'D HAVE TO SEE MY COMPLETE PHOTOGRAPHS TO TELL YOU EXACTLY, BUT IT WAS TOWARDS THE REAR, THE MIDDLE-REAR OF THE VEHICLE.

Q AND YOU CUT THOSE SAMPLES OUT OF THE CARPET THEMSELVES?

A YES, SIR, I DID.

Q AND THE BULLET YOU RECOVERED, WHERE WAS IT?

A THE BULLET WAS LOCATED IN THE AREA WHERE THE HEAVIEST POOL OF BLOOD WAS LOCATED INSIDE THE VEHICLE.

Q WHEN WE TALK ABOUT BULLETS, TO THE LAYMAN, YOU KNOW, THESE THINGS SHOWN IN STATE'S EXHIBIT #49 MIGHT BE CALLED BULLETS, WHEREAS A SPECIALIST WOULD CALL IT CARTRIDGES.

A THAT IS CORRECT.

Q WHEN YOU TALK ABOUT A BULLET, WHAT ARE YOU TALKING ABOUT?

A THE WAY THAT I WAS TRAINED TO WRITE IT UP BY OUR FIREARMS EXPERT IS, A CARTRIDGE IS A COMPLETE BULLET, AN UNFIRED ROUND, AND THEN YOU HAVE A CARTRIDGE CASE WHICH IS THE

ACTUAL CASING THAT THE BULLET IS FIRED FROM. AND THEN THE CARTRIDGE CASING IS DISCARDED, AND THEN THE BULLET IS THE ACTUAL PROJECTILE THAT IS FIRED FROM THE WEAPON.

AND WE FOUND AN ACTUAL PROJECTILE, A ROUND THAT HAD BEEN FIRED, LAYING NEXT TO THE LARGEST POOL OF BLOOD.

MR. JUSTICE: JUST ONE MORE MOMENT.

THE COURT: ARE WE AT A CONVENIENT STOPPING PLACE FOR A MORNING RECESS?

MR. JUSTICE: I'M CLOSE TO CONCLUDING MY DIRECT. I COULD WAIT AND FINISH AFTER A BREAK, BUT IT IS TEN MINUTES TO TWELVE. TIME FLIES.

Q THE SAMPLES OF BLOOD REMOVED FROM THE CARPET CUTTINGS AND SUCH, WHAT DID YOU DO? DID YOU ANALYZE THAT OR TURN IT OVER TO SOMEONE ELSE?

A NO, SIR. MY AREA OF EXPERTISE IS IN THE COLLECTION OF EVIDENCE, AND SO I COLLECTED THAT EVIDENCE, SECURED IT, AND THEN BROUGHT IT BACK TO HEADQUARTERS AND THEN TRANSFERRED IT TO THE PROPER PEOPLE WITHIN OUR LABORATORY FOR ANALYSIS.

Q AND THAT WOULD BE SEROLOGY AND D.N.A., I ASSUME?

A YES, SIR.

Q SO ANY ANALYSIS DONE ON THAT WAS DONE BY SOMEONE OTHER THAN YOURSELF?

A THAT IS CORRECT.

Q DID YOU PROCESS ANY OTHER CRIME VEHICLES OR CRIME SCENES IN REGARDS TO THIS CASE OR DID THE OTHER AGENT DO THE

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REMAINING LINCOLN CONTINENTAL?

A I BELIEVE THAT THAT WAS MY INVOLVEMENT WITH THE ACTUAL CRIME SCENE PART OF THE CASE, AND I BELIEVE SPECIAL AGENT KOONFIELD WENT AND PROCESSED ANOTHER VEHICLE AT A LATER DATE.

Q IF YOU'LL HANG ON JUST A MOMENT -- OKAY, ONE OTHER THING. YOU STATED THAT YOU DID SEE IN YOUR NOTES WHERE YOU COLLECTED SOME PAPER WORK IN REGARDS TO THE RENTAL TRUCK?

A YES, SIR.

Q THE U-HAUL TRUCK?

A THAT IS CORRECT.

Q I'LL SHOW YOU ONE MORE ENVELOPE WITH PINK AND YELLOW PAPER WORK INSIDE, AND TELL ME WHETHER OR NOT YOU CAN IDENTIFY THOSE.

A YES, SIR, THESE ARE THE TWO RECEIPTS THAT I HAD MENTIONED THAT WERE LOCATED AT 200 SOUTH THAT WERE COLLECTED FOR FINGERPRINT PROCESSING.

Q IN OR NEAR THE U-HAUL TRUCK?

A YES, SIR.

THE COURT: ANY OBJECTION?

MR. CLARK: NO, SIR.

THE COURT: COMING IN WITHOUT OBJECTION.

(STATE'S EXHIBIT #52, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, U-HAUL PAPER WORK).

MR. JUSTICE: NOW, THE ONLY ADDITIONAL THING I

HAVE OF THIS WITNESS IS IDENTIFYING THE ACTUAL BULLET RECOVERED, SO IT MIGHT BE A GOOD IDEA IF WE GO AHEAD AND TAKE A BREAK, AND THEN I'LL PUT HIM BACK JUST FOR THAT PURPOSE AND TURN HIM OVER FOR CROSS-EXAMINATION.

THE COURT: MR. FOREMAN, LADIES AND GENTLEMEN, WE'RE A LITTLE LATE GETTING TO OUR RECESS, BUT WE'VE HAD SEVERAL INTERRUPTIONS ALREADY. PLEASE STEP INTO YOUR JURY ROOM, HAVE A MORNING BREAK. DO NOT DISCUSS THE CASE. I'LL SEND FOR YOU IN JUST A LITTLE WHILE. PLEASE RETIRE.

(JURY EXITS COURTROOM AT 11:52 A.M.).

THE COURT: WE'LL BE IN RECESS.

(BRIEF RECESS)

THE COURT: PLEASE BRING THE JURY IN, MR. BAILIFF.

(JURY ENTERS COURTROOM AT 12:15 P.M.).

THE COURT: ALL RIGHT, ALL THE JURORS ARE PRESENT. SOLICITOR, YOU MAY CONTINUE YOUR DIRECT EXAMINATION.

MR. JUSTICE: YES, YOUR HONOR. I AM ADVISED DURING THE RECESS THAT I FAILED TO MAKE A MOTION TO INTRODUCE THE EXHIBIT INCLUDING THE BLUE OVERALLS, THE BANDANA AND THE FANNY PACK, AND AT THIS TIME I WOULD MOVE IT BE INTRODUCED AS EVIDENCE, ALREADY BEING IDENTIFIED.

MR. CLARK: NO OBJECTION.

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THE COURT: WITHOUT OBJECTION, MARK IT THE NEXT APPROPRIATE STATE'S EXHIBIT AND ADMIT IT INTO EVIDENCE. THANK YOU.

MR. JUSTICE: I BELIEVE THAT'S #53, YOUR HONOR.

(STATE'S EXHIBIT #53, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, BAG WITH OVERALLS, BANDANA AND FANNY PACK).

Q FINALLY, MR. LAROSA, LET ME HAND YOU THIS ENVELOPE AND THE CONTENTS OF IT THAT'S BEEN OPENED THROUGH SLED FORENSIC TAPE, AND TELL ME WHETHER OR NOT YOU CAN IDENTIFY THIS AS BEING THE BULLET YOU RECOVERED FROM THE SILVER AND GRAY AEROSTAR.

A YES, SIR. IT'S THE BULLET/PROJECTILE FROM THE FLOOR IN FRONT OF THE THIRD SEAT ON THE DRIVER'S SIDE AND IT BEARS THE CASE NUMBER AND MY INITIALS.

Q AND IT WAS FOUND, I BELIEVE YOU TESTIFIED, NEAR THE LARGEST OF THE POOLS OF BLOOD?

A YES, SIR, YES, SIR.

MR. JUSTICE: YOUR HONOR, I MOVE THE INTRODUCTION. I THINK WE CAN TAKE IT OUT OF THIS BIG ENVELOPE AND JUST INTRODUCE THIS PLASTIC ENVELOPE WITH THE PAPER ENVELOPE AND BULLET, OBVIOUSLY, AS THE NEXT STATE'S EXHIBIT.

MR. CLARK: NO OBJECTION.

THE COURT: MARK IT AND ADMIT IT INTO EVIDENCE

WITHOUT OBJECTION.

MR. JUSTICE: #54, YOUR HONOR.

THE COURT: THANK YOU.

(STATE'S EXHIBIT #54, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, BULLET).

Q MR. LAROSA, PLEASE ANSWER ANY QUESTIONS -- THE BULLET -- I BELIEVE YOU STATED EARLIER YOU WERE NOT A FIREARMS EXPERT. WAS IT THEN TURNED OVER TO THE FIREARMS LAB AT SLED HEADQUARTERS?

A YES, SIR. THERE WAS ALSO D.N.A. WORK DONE ON THAT, ALSO.

Q AND WOULD THAT ALSO INCLUDE THE GUN AND BULLETS RECOVERED AT THE U-HAUL SCENE?

A YES, SIR. AFTER I PROCESSED THEM FOR LATENT FINGERPRINTS, I THEN SENT IT ON TO FIREARMS FOR THEIR FIREARMS EXAMINATION.

Q THANK YOU. PLEASE ANSWER ANY QUESTIONS COUNSEL FOR THE DEFENSE MAY HAVE.

THE COURT: (TO MR. CLARK) YOU MAY CROSS-EXAMINE.

MR. CLARK: THANK YOU, YOUR HONOR.

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. LAROSA, I JUST HAVE A FEW QUESTIONS FOR YOU. YOU INDICATED THAT THE FIRST SCENE THAT YOU WENT TO WAS THE SCENE WHERE MR. STEELE'S BODY WAS RECOVERED?

A YES, SIR, THAT IS CORRECT.

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Q AND I BELIEVE I AM CORRECT THAT WAS AT THE ABANDONED TOOL & DIE?
A I DON'T KNOW IF IT WAS ABANDONED, BUT IT WAS AT A SOUTHERN TOOL & DIE.
Q SOUTHERN TOOL & DIE?
A YES, SIR.
Q AND YOU SAID, FIRST OF ALL, YOU LOOKED AROUND, MADE SURE THAT -- TO SEE WHETHER YOU NEEDED TO EXPAND THE CRIME SCENE OR EXPAND THE PERIMETER?
A YES, SIR.
Q AND THEN I ASSUME ONCE YOU DID THAT -- AT SOME POINT DID YOU COLLECT ANY EVIDENCE FROM THAT SCENE?
A YES, SIR, COLLECTED A GOOD BIT OF EVIDENCE FROM THAT SCENE.
Q WHAT EXACTLY DID YOU COLLECT FROM THE SOUTHERN TOOL & DIE SCENE?
A WELL, WE HAD PHOTOGRAPHS THAT WE TOOK, MISCELLANEOUS BLANKETS LOCATED NEXT TO THE VICTIM, A GUNSHOT RESIDUE TEST FROM THE VICTIM, CIGARETTE BUTT ON THE GROUND, MINI-BOTTLES ON THE GROUND, 24-OUNCE COORS LIGHT BEER CANS ON THE GROUND, STRIPS OF DUCT TAPE, A SET OF KEYS, A BLACK PEN, ANOTHER SET OF KEYS, A PIECE OF PAPER AND A PAIR OF HANDCUFFS FROM THE VICTIM, AND THEN WE ALSO DID MAJOR CASE PRINTS OF THE VICTIM AT THE SCENE.
Q OKAY. NOW, ONCE YOU COLLECT THIS EVIDENCE AND YOU GET BACK TO COLUMBIA TO YOUR LAB, YOUR AREA OF EXPERTISE IS

FINGERPRINTS, IS THAT CORRECT?

A FINGERPRINTS, TIRE TREAD, FOOTWEAR, FABRIC IMPRESSION, CRIME SCENE RECONSTRUCTION, BLOOD SPATTER.

Q DID YOU COLLECT ANY FINGERPRINTS AT THE -- DID YOU ATTEMPT TO RECOVER ANY LATENT PRINTS AT THE SOUTHERN TOOL & DIE SITE?

A WELL, THE EVIDENCE THAT WE COLLECTED, INSTEAD OF PROCESSING IT AT THE SCENE, I FELT LIKE IT WOULD HAVE BEEN BETTER CHANCES OF GETTING FINGERPRINTS IF WE WOULD HAVE BROUGHT THE EVIDENCE BACK AND PROCESSED IT IN A CONTROLLED ENVIRONMENT. SO THAT EVIDENCE WAS BROUGHT BACK, BUT THERE WAS NOTHING AT THE SCENE TO FINGERPRINT. THERE WAS THE GRASS AND TREES AND THAT TYPE OF STUFF, BUT THERE WAS NOTHING OF SUBSTANTIAL IMPORTANCE TO FINGERPRINT AT THE SCENE OTHER THAN THE EVIDENCE THAT WE PRINTED BACK AT THE LAB.

Q SO YOU TOOK THE BLANKETS AND THE CUFFS, THE CIGARETTE BUTT AND THE COORS LIGHT CAN, ALL OF THAT BACK TO YOUR LAB?

A YES, SIR, AND THEY WERE PRINTED.

Q IS SOMETHING LIKE A COTTON FABRIC -- IS THAT A FABRIC OR AN ITEM YOU CAN COLLECT FINGERPRINTS FROM?

A IT DEPENDS. IF THERE'S -- THERE'S A TERM CALLED "PATENT", WHICH IS AN OPPOSITE OF A LATENT FINGERPRINT. THIS IS A VISIBLE PRINT. IF IT WAS BLOOD, IF IT WAS GREASE OR OIL, THEN IT WOULD BE CALLED A PATENT IMPRESSION, AND THAT IS

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BASICALLY THE ONLY WAY THAT YOU'RE REALLY GOING TO GET A GOOD LATENT IMPRESSION OR AN IMPRESSION OFF OF FABRIC. FABRIC DOES NOT HOLD FINGERPRINTS LIKE A PIECE OF GLASS OR AN ENVELOPE.

Q SO WERE YOU ABLE TO FIND ANY PATENT PRINTS ON THE BLANKET?

A IT WAS VISUALLY EXAMINED. NO, SIR, WE WERE NOT ABLE TO GET ANY.

Q WHAT ABOUT DID YOU EXAMINE THE BLANKET FOR ANY HAIR OR ANYTHING LIKE THAT?

A WE HAVE A UNIT AT SLED THAT EXAMINES THAT TYPE OF EVIDENCE AND IS CALLED TRACE PROCESSING, AND THAT EVIDENCE WAS SENT TO THAT DEPARTMENT.

Q DOES THAT MEAN THAT YOU DID COLLECT SOME HAIR?

A NO, SIR, I DO NOT COLLECT HAIR UNLESS IT'S AT THE CRIME SCENE. WHEN WE SECURED IT AT THE CRIME SCENE AND BROUGHT IT BACK TO HEADQUARTERS, IT WENT TO TRACE PROCESSING AND THEY WOULD HAVE BEEN THE AGENTS OR THE TECHNICIANS TO EXAMINE THAT PIECE OF EVIDENCE.

Q AND YOU SAID YOU CHECKED THE VICTIM FOR GUNSHOT RESIDUE?

A YES, SIR.

Q ON HIS HANDS?

A PARDON?

Q DID YOU CHECK HIS HANDS?

A YES, SIR, THAT'S PROTOCOL THAT WE FOLLOW. ANYTIME YOU HAVE A SHOOTING VICTIM, YOU WOULD TEST HIS HANDS TO SEE IF HE

HAD FIRED OR HANDLED A WEAPON ALSO THAT HAD BEEN FIRED.

Q AND WHAT WERE THE RESULTS OF THAT TEST?

A THAT EVIDENCE WAS SENT TO ANOTHER DEPARTMENT OF SLED FOR THEIR EXPERTS TO LOOK AT.

Q WHAT ABOUT THE CIGARETTE BUTT? DID THAT GO TO ANOTHER DEPARTMENT?

A YES, SIR. THAT WENT TO D.N.A. FOR PROCESSING.

Q AND DID YOU DUST THE MINI-BOTTLE FOR PRINTS?

A YES, SIR, THOSE WERE KEPT WITHIN MY DEPARTMENT AND THEY WERE PROCESSED.

Q AND WERE YOU ABLE TO LIFT ANY PRINTS FROM THE MINI-BOTTLE?

A RIDGE DETAIL WAS DEVELOPED, BUT IT ALL CONTAINED INSUFFICIENT RIDGE DETAIL, WHICH MEANS I CAN'T POSITIVELY IDENTIFY, NOR CAN I ELIMINATE ANYONE AS HAVING TOUCHED THAT BOTTLE.

Q WHAT ABOUT THE COORS LIGHT CAN?

A RIDGE DETAIL WAS DEVELOPED, BUT IT WAS ALSO INSUFFICIENT FOR IDENTIFICATION.

Q WHAT ABOUT THE TAPE?

A INSUFFICIENT RIDGE DETAIL ALSO.

Q WHAT ABOUT THE KEYS THAT YOU FOUND?

A INSUFFICIENT RIDGE DETAIL.

Q AND YOU SAID YOU FOUND SOME PAPER THERE, SOME MISCELLANEOUS --

A YES, SIR, JUST PAPER THAT WAS ON THE GROUND, THAT'S

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CORRECT.

Q DO YOU KNOW WHAT KIND OF PAPER IT WAS?

A NO, SIR. IT WAS JUST A PIECE OF PAPER. WE EXAMINED IT AT THE SCENE AND IT DIDN'T HAVE ANYTHING PROBATIVE TO DO WITH IT. WE JUST COLLECTED IT BECAUSE WE DIDN'T KNOW IF IT HAD COME FROM SOMEBODY'S POCKET.

Q DID YOU DUST IT FOR PRINTS?

A YES, SIR. WE ACTUALLY USED A CHEMICAL CALLED NINHYDRIN ON IT, WHICH WOULD HAVE BEEN -- BASICALLY YOU'RE DUSTING THE PIECE OF PAPER USING THIS CHEMICAL, AND IT WAS RIDGE DETAIL DEVELOPED BUT INSUFFICIENT FOR IDENTIFICATION.

Q AND WHAT ABOUT THE HANDCUFFS?

A INSUFFICIENT RIDGE DETAIL.

Q SO AT THE SOUTHERN TOOL & DIE SITE, YOU WEREN'T ABLE TO DEVELOP ANY LATENT PRINTS WITH ENOUGH RIDGE DETAIL FOR YOU TO DO AN ANALYSIS TO COMPARE WITH OTHER PRINTS?

A THAT IS CORRECT.

Q LET ME ASK YOU THIS QUESTION. WHAT PRINTS WERE YOU ASKED TO COMPARE ANY PRINTS THAT YOU MAY HAVE FOUND TO?

A YOU MEAN THE SUBJECT INDIVIDUAL?

Q RIGHT.

A WELL, WE HAD THE TWO VICTIMS, MR. AND MRS. STEELE, THAT WE WOULD HAVE TO DO A COMPARISON TO, AND THEN WE HAVE OTHER SUBJECT NAMES THAT WERE GIVEN TO US THROUGHOUT THE INVESTIGATION.

Q CAN YOU TELL ME WHO THOSE PEOPLE ARE?
A YOUR CLIENT WAS ONE OF THEM.
Q OKAY.
A WINFORD SPARKS.
Q OKAY.
A A DEREK SPARKS, A MAJOR CASE SET OF PRINTS OF A RICH SHEILOR --
Q ANYBODY ELSE?
A LET ME JUST CHECK. MELVIN STEELE -- YES, SIR, I BELIEVE THAT'S IT.
Q WERE YOU EVER GIVEN PRINTS FOR A SUBJECT BY THE NAME OF ELTON WIGGINS?
A ELTON WIGGINS?
Q YES, SIR.
A NO, SIR, NOT IN THE EVIDENCE THAT I PROCESSED AND LOOKED AT.
Q SO YOU WERE NEVER ASKED TO COMPARE ELTON WIGGINS' PRINTS TO ANY OF THESE ITEMS THAT YOU WERE GIVEN?
A I JUST WANT TO MAKE SURE. I'M LOOKING OVER EVERY PIECE OF EVIDENCE.
Q AND IS THAT A REPORT THAT YOU'RE LOOKING AT THAT YOU LOGGED IN RESULTS, I MEAN, EVIDENCE THAT YOU WERE GIVEN --
A YES, SIR.
Q -- THAT YOU TOOK?
A YES, SIR. (WITNESS REVIEWING DOCUMENTS). NO, SIR, I DO

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NOT SEE IT.

Q OKAY. NOW, THE NEXT SCENE I THINK YOU SAID YOU WENT TO WAS MCDONALD AMUSEMENT WHERE THE BLUE FORD AEROSTAR VAN WAS LOCATED. I WANTED TO ASK YOU A FEW QUESTIONS ABOUT THAT.

A YES, SIR. IT WAS WHERE THE FORD AEROSTAR WAS THAT WAS STILL RUNNING.

Q THAT WAS STILL RUNNING?

A YES, SIR.

Q IS THAT THE ONE THAT YOU ASKED THAT IT BE MOVED TO THE SHERIFF'S OFFICE?

A YES, SIR.

Q AND I'M ASSUMING, AS YOU SAID EARLIER, ONCE YOU WENT AND SECURED THE OTHER SCENES, AT SOME POINT LATER YOU WENT BACK TO THE SHERIFF'S OFFICE AND WENT THROUGH THE VAN?

A YES, SIR, THAT'S CORRECT.

Q WHAT ITEMS DID YOU COLLECT, IF ANY, FROM THE BLUE FORD AEROSTAR VAN THAT WAS FOUND RUNNING AT MCDONALD AMUSEMENTS?

A TWO LATENT FINGERPRINT LIFTS.

Q TWO LATENT LIFTS?

A YES, SIR, TWO LATENT LIFTS, WHICH IS THE FINGERPRINT CARD THAT YOU WOULD DUST AND THEN LIFT.

Q JUST SO EVERYBODY UNDERSTANDS, THAT MEANS YOU FOUND PRINTS THERE?

A I FOUND RIDGE DETAIL THAT I DUSTED. I DUSTED, FOUND RIDGE DETAIL AND COLLECTED IT TO BE BROUGHT BACK TO HEADQUARTERS.

WE CAN'T REALLY MAKE A DETERMINATION ON THE ROAD OUT ON A CRIME SCENE THE MAJORITY OF THE TIME, SO WE COLLECT IT TO BE SAFE.

Q WERE THERE ANY OTHER ITEMS THAT YOU COLLECTED FROM THAT VAN, LIKE YOU DID AT SOUTHERN TOOL & DIE?

A NO, SIR. WE PHOTOGRAPHED IT AND CHECKED IT OVER AND THEN CAME ON BACK.

Q NO PAPERS OR ANYTHING LIKE THAT?

A NO, SIR.

Q NO CANS OR ANYTHING?

A NO, SIR.

Q NOW, THESE TWO PRINTS, WHERE DID YOU COLLECT THEM FROM?

A FROM THE FORD AEROSTAR.

Q YES, SIR. AND I'M ASKING SPECIFICALLY WHERE.

A SPECIFICALLY?

Q YES.

A IT WILL TAKE ME A MINUTE. IT'S IN MY NOTES. (WITNESS REVIEWING DOCUMENTS). ONE WAS TAKEN FROM THE INSIDE PASSENGER WINDOW OF THE FORD VAN AND THE OTHER ONE WAS RECOVERED FROM THE INSIDE DRIVER DOOR OF THE FORD VAN.

Q NOW, WERE THOSE PRINTS -- DID THEY CONTAIN SUFFICIENT RIDGE DETAIL FOR A COMPARISON?

A YES, SIR. ITEM 66 DID NOT, BUT 65 DID AND IT WAS NEGATIVE WITH THE PRINTS THAT I DID MY COMPARISON WITH.

Q NOW, 65, WAS THAT TAKEN FROM THE PASSENGER SIDE OR THE

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DRIVER SIDE?

A IT WAS THE PASSENGER SIDE.

Q SO WHAT YOU'RE SAYING IS THAT THAT PRINT THAT YOU FOUND INSIDE THE PASSENGER WINDOW DID NOT MATCH THE PRINTS OF VERNARD MATHIS?

A OF THE ONES THAT I DID MY COMPARISON ON. I CAN'T -- I DID NOT DO THE EXAMINATION OF YOUR CLIENT. I WAS NO LONGER IN THE LATENT PRINT SECTION AT THAT TIME. WHEN YOUR CLIENT GOT ARRESTED, I HAD TRANSFERRED OUT OF THE LATENT PRINT DEPARTMENT, SO THERE WAS ANOTHER AGENT THAT DID THAT EXAMINATION.

Q SO YOU DIDN'T COMPARE THE PRINT THAT YOU FOUND IN THE VAN AT ALL TO MR. MATHIS' PRINT?

A IT WAS DONE AT A LATER TIME BY OTHER EXPERTS WITHIN THE LATENT PRINT SECTION.

Q NOW, IS THAT A PART OF YOUR FILE?

A THIS IS A PART OF MY FILE, YES, SIR.

Q AND IS IT CORRECT THAT THAT PRINT THAT WAS FOUND DIDN'T MATCH MR. MATHIS'?

A I'M NOT GOING TO SAY THAT BECAUSE THAT WAS NOT DONE FROM ME. WE HAVE ANOTHER AGENT HERE THAT DID THAT COMPARISON AND I'LL LET HIM TESTIFY TO THAT.

Q AND WHO IS THAT?

A THAT'S AGENT PHILLIP KOONFIELD.

Q AND IS HE HERE TODAY?

A YES, SIR, HE SURE IS.
Q OKAY. THEN I THINK THE NEXT PLACE YOU WENT WAS ACTUALLY INSIDE OF MCDONALD AMUSEMENT?
A YES, SIR, IT WAS.
Q AND WHAT DID YOU FIND THERE?
A WE FOUND THAT NO FORCED ENTRY HAD BEEN APPLIED, FORCE FROM THE OUTSIDE INSIDE, BUT ONCE INSIDE THE DOOR LEADING TO THE SAFE ROOM HAD BEEN KICKED OPEN VIOLENTLY AND THAT AREA HAD BEEN ENTERED, BUT FOR SOME REASON THE SAFE WAS NOT OPENED UP AND IT LOOKED LIKE SOMEONE HAD LEFT IN QUICK HASTE.
Q DID YOU LIFT ANY PRINTS FROM THAT LOCATION?
A YES, SIR. THERE WERE EIGHT LATENT LIFTS FROM THIS BUSINESS.
Q AND WAS THE RIDGE DETAIL SUFFICIENT FOR COMPARISON?
A THERE WERE -- YES, SIR, THERE WERE TWO THAT WERE -- THREE. ONE OF THEM WAS A FABRIC IMPRESSION.
Q A FABRIC IMPRESSION?
A A GLOVED IMPRESSION THAT WE WERE NEVER SENT ANY STANDARDS, ANY GLOVES, THAT SOMEBODY COULD HAVE BEEN WEARING. AND THERE WERE TWO OTHER ONES. ONE WAS NEGATIVE WITH THE AREAS REPRESENTED AND THE FINGERPRINT CARDS I COMPARED, AND THE OTHER WAS NEGATIVE WITH THOSE INDIVIDUALS.
Q SO THE TWO OTHER THAN THE FABRIC IMPRESSION WERE NEGATIVE WITH MR. MATHIS?
A I --

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Q YOU DID NOT DO MATHIS AT ALL?
A I DID NOT DO MATHIS AT ALL.
Q WHEN DID YOU TRANSFER?
A I TRANSFERRED IN AUGUST OF 2000.
Q AND IT'S YOUR TESTIMONY THAT UP UNTIL THAT POINT, YOU WERE NEVER PROVIDED PRINTS FOR MR. MATHIS?
A NO, SIR.
Q BUT YOU BELIEVE THAT THE OTHER AGENT AT SOME POINT DID COMPARE THE PRINTS THAT YOU FOUND TO MR. MATHIS' KNOWN PRINTS?
A FROM WHAT I UNDERSTAND, YES, SIR.
Q AND I THINK SOME OF THAT IS BASED ON WHAT'S IN YOUR FILE?
A YES, SIR, WHAT'S IN THE FILE, BUT I'M PERSONALLY NOT CONCERNED WITH THAT EVIDENCE BECAUSE THAT WAS HIS RESPONSIBILITY.
Q YOU DIDN'T ACTUALLY DO IT?
A THAT'S CORRECT.
Q I UNDERSTAND. AND AGAIN, YOU WEREN'T GIVEN ELTON WIGGINS' PRINTS AT ALL?
A I DO NOT HAVE ANY RECORD IN MY NOTES OF HAVING THAT PERSON'S FINGERPRINT CARD.
Q AND THEN THE NEXT SITE YOU WENT TO, I BELIEVE, WAS THE STEELE RESIDENCE?
A YES, SIR, IT WAS.
Q AND WHAT DID YOU COLLECT FROM THERE?

A FROM THE STEELES' RESIDENCE I COLLECTED A MONEY ORDER THAT WAS ON THE GROUND.

Q THAT WAS INSIDE OR OUTSIDE?

A THAT WAS INSIDE. ALL THIS EVIDENCE IS FROM THE INSIDE.

Q OKAY.

A A MONEY ORDER THAT WAS ON THE GROUND, A BOX OF CEILING MOUNTS, AND THE REST OF THE STUFF I BELIEVE WE DUSTED AT THE SCENE.

Q WHEN YOU SAY "THE REST OF THE STUFF", WHAT DID YOU DUST AT THE SCENE?

A I BELIEVE THERE'S A PHOTOGRAPH, THERE'S ALREADY A PHOTOGRAPH MARKED. WE DUSTED -- THERE WAS BROKEN GLASS ON THE GROUND. OF COURSE, WE DUSTED THE DOORS OF THE RESIDENCE, DUSTED THE REFRIGERATOR, DUSTED ANYTHING -- THAT DURING THE STRUGGLE THAT MR. AND MRS. STEELE HAD WITH THE SUBJECTS, WE DUSTED ANYTHING THAT LOOKED OUT OF PLACE.

Q WERE YOU ABLE TO LIFT ANY PRINTS?

A YES, SIR, THERE WAS ONE PRINT THAT WAS LIFTED FROM THE RESIDENCE.

Q AND WERE YOU ABLE TO COMPARE THAT TO ANYTHING?

A YES, SIR, I WAS.

Q AND IS THAT THE ONE THAT MATCHED MELVIN STEELE'S PRINT?

A YES, SIR, MR. STEELE, YES, SIR.

Q SO IN THE ENTIRE RESIDENCE, YOU WEREN'T ABLE TO LIFT ANY OTHER PRINTS?

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A THAT IS CORRECT.
Q WHAT ABOUT ON THIS BOX? WERE YOU ABLE TO LIFT ANY PRINTS FROM THIS BOX?
A THERE WERE TWO AREAS DEVELOPED THAT HAD RIDGE DETAIL, BUT THEY BOTH WERE INSUFFICIENT.
Q HOW MUCH OF A PRINT DO YOU NEED TO CONSIDER IT SUFFICIENT?
A YOU HAVE TO TAKE THE TOTALITY OF THE FINGERPRINT INTO CONSIDERATION. WHAT I MEAN BY THAT -- WHAT WE'RE LOOKING FOR ARE THE SPECIFIC POINTS THAT ARE IN THE FINGERPRINT, AND THAT'S WHAT MAKES US UNIQUE, MAKES YOU UNIQUE FROM YOUR BROTHER OR YOUR SISTER OR YOUR FRIEND. AND EACH FINGER IS DIFFERENT THAN THE NEXT, SO YOUR LEFT INDEX FINGER, THAT RIDGE PATTERN THAT IS ON THAT FINGER, THOSE INDIVIDUAL POINTS ARE UNIQUE TO THAT FINGER AND YOU ALONE. NO ONE ELSE IN THE HISTORY OF THE WORLD HAS EVER HAD THAT SAME RIDGE PATTERN.

BUT UNFORTUNATELY, UNLIKE TELEVISION WHERE THEY'LL GET A FINGERPRINT IN THE FIRST 10 MINUTES OF THE SHOW AND THEY'LL IDENTIFY IT BY THE NEXT 45, THAT DOESN'T HAPPEN IN REAL LIFE. A LOT OF ENVIRONMENTAL FACTORS, THE PRESSURE, THE TORQUING, THE ENVIRONMENT, THOSE THINGS COME INTO PLAY AND GREATLY HAMPER OUR ABILITY TO GET SUITABLE RIDGE DETAIL.

Q OKAY. AND THEN I THINK THE LAST VEHICLE THAT YOU EXAMINED WAS THE SILVER AND GRAY FORD AEROSTAR THAT, I BELIEVE, HAD

THE BLOOD?

A YES, SIR. THAT WAS THE LAST ONE I --

Q THAT WAS AT COOK'S TRANSMISSION, I THINK.

A I BELIEVE THAT VEHICLE HAD ALREADY BEEN SECURED PRIOR TO MY ARRIVAL, SO I'M NOT SURE, YOU KNOW --

Q WHERE IT WAS?

A -- WHO BROUGHT IT AND WHERE IT WAS LOCATED.

Q DID YOU PROCESS IT?

A YES, SIR, I DID.

Q WHAT DID YOU RECOVER?

A THAT IS THE VEHICLE THAT WE COLLECTED SAMPLES OF BLOOD, BLOODSTAINED CARPET, SUSPECTED BLOODSTAINED CARPET, WE HAD THE BULLETS, THE PROJECTILE, AND OF COURSE WE TOOK SOME PHOTOGRAPHS FROM THAT, AND I'M TRYING TO --

Q WERE YOU ABLE TO LIFT ANY PRINTS?

A YES, SIR, THERE WERE SOME LIFTS MADE. THERE WERE TWO LATENT LIFTS MADE FROM THAT VEHICLE.

Q AND WHAT WAS THE RIDGE DETAIL LIKE ON THOSE LIFTS?

A IT WAS NEGATIVE WITH THE FINGERPRINT CARDS THAT I HAD, ONE OF THEM WAS, AND THE OTHER ONE WAS A FABRIC IMPRESSION OR A GLOVED IMPRESSION THAT I NEVER RECEIVED THE STANDARDS.

Q SO YOU GOT ONE THAT WAS SUFFICIENT, THAT HAD SUFFICIENT RIDGE DETAIL?

A YES, SIR, THAT IS CORRECT.

Q NOW, YOU SAID IT WAS NEGATIVE WITH THE SAMPLES THAT YOU

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COMPARED IT TO?

A YES, SIR.

Q AND SINCE YOU SAID YOU'D NEVER HAD MR. MATHIS' PRINTS, WHAT SAMPLES DID YOU COMPARE IT TO?

A I COMPARED IT TO MR. STEELE, THE VICTIM, AND I COMPARED IT TO A SET OF MAJOR CASE PRINTS BEARING THE NAME RICK SHEILOR AND THE FINGERPRINT CARDS OF A WINFORD SPARKS AND A DEREK SPARKS.

Q AND DID THEY MATCH?

A NO, NO, SIR, IT WAS NEGATIVE.

Q NOW, ON THE MONEY ORDER THAT YOU FOUND IN THE STEELE RESIDENCE, WERE YOU ABLE TO COLLECT ANY PRINTS FROM THAT?

A (WITNESS REVIEWING DOCUMENTS). YES, THERE WAS RIDGE DETAIL DEVELOPED AND IT WAS PHOTOGRAPHED AND THE PALM PRINT WAS -- THERE WAS A PALM PRINT THAT WAS DEVELOPED, AND IT WAS NEGATIVE WITH MR. STEELE AND MR. SHEILOR, AND THERE WERE NO PALM PRINTS SENT ON THE WINFORD -- THE SPARKS BROTHERS.

Q NOW, COULD YOU TELL ME WHO THE MONEY ORDER WAS WRITTEN TO OR WHO --

A YES, SIR. THE MONEY ORDER WAS WRITTEN -- WAS BEARING THE NAME THOMAS CHRISTOPHER ROBINSON.

Q OKAY, OKAY. NOW, WHAT ABUT THE -- LET'S TALK ABOUT THE U-HAUL TRUCK FOR A MINUTE. THE NINE MILLIMETER CARTRIDGES THAT YOU FOUND, WERE YOU ABLE TO DUST THESE FOR PRINTS?

A YES, SIR, BUT THEY WERE INSUFFICIENT.

Q INSUFFICIENT. WHAT ABOUT THE RECEIPTS?
A YES, SIR. THERE WAS RIDGE DETAIL DEVELOPED, BUT IT WAS ALL INSUFFICIENT.
Q OKAY. NOW, YOU SAID THAT THERE WERE SOME BLUE OVERALLS?
A YES, SIR.
Q AND WERE THEY SENT TO ANOTHER DEPARTMENT FOR EXAMINATION?
A YES, SIR, I BELIEVE THEY WERE. THEY WERE SENT TO OUR TRACE PROCESSING DEPARTMENT.
Q AND HOW ABOUT THE BLUE BANDANA?
A YES, SIR, THAT WAS ALSO SENT TO OUR TRACE PROCESSING DEPARTMENT.
Q NOW, AGENT LAROSA, THE BLUE OVERALLS AND THE BANDANA, THOSE TWO ITEMS COULD POSSIBLY CONTAIN IDENTIFYING INFORMATION AS WELL, COULDN'T THEY?
A ANYTHING COULD POSSIBLY CONTAIN IDENTIFYING INFORMATION.
Q BUT WITH THESE TWO ITEMS, COULDN'T THEY CONTAIN, LIKE, HAIR SAMPLES AND THAT KIND OF THING?
A IT'S POSSIBLE. ANYTHING CAN CONTAIN HAIR SAMPLES OR BODY SAMPLES.
Q AND DO YOU KNOW IF THEY DID OR NOT?
A I CAN'T -- ONCE IT LEFT MY HANDS, I WENT ON AND DID MY WORK AND I'M NOT SURE WHAT THE RESULTS ARE ON THOSE PIECES OF EVIDENCE.
Q DO YOU KNOW WHO THE PERSON IS THAT --
A NO, SIR.

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Q WHAT DEPARTMENT DID THEY GO TO?
A TRACE PROCESSING.
Q SO IS IT CORRECT THAT YOU ARE NOT HERE TO TESTIFY THAT YOU FOUND ANY FINGERPRINTS OR ANY OTHER EVIDENCE THAT MATCHES THAT OF MR. MATHIS?
A I'M JUST HERE TO TESTIFY TO THE FACTS OF THE CASE THAT I WORKED.
Q AND THAT IS THAT YOU DIDN'T FIND ANYTHING THAT MATCHED HIM?
A I DIDN'T FIND ANYTHING THAT MATCHED HIM OR ELIMINATED HIM AS HAVING BEEN INVOLVED IN THE CRIME.
Q OR THAT INCLUDED HIM IN THE CRIME?
A OR EXCLUDED HIM, THAT'S RIGHT. I DON'T HAVE ANYTHING THAT CAN POSITIVELY IDENTIFY, NOR CAN I ELIMINATE HIM AS BEING INVOLVED IN THIS.
Q THANK YOU, SIR.

MR. CLARK: THAT'S ALL I HAVE.

MR. JUSTICE: NOTHING FURTHER AT THIS TIME, YOUR HONOR, BUT UNFORTUNATELY I CANNOT RELEASE THIS WITNESS BECAUSE I WILL HAVE TO RECALL HIM ON THE FOOTWEAR AT AN APPROPRIATE POINT.

THE COURT: YES, I UNDERSTAND.

(TO WITNESS) PLEASE STAND DOWN. PLEASE DO NOT LEAVE THE COURTHOUSE.

NEXT WITNESS, MR. JUSTICE?

MR. JUSTICE: YES, YOUR HONOR. I THINK I CAN

CALL MICHAEL HAIRSTON AT THIS TIME.

THE COURT: (TO WITNESS) PLEASE COME FORWARD.

(MICHAEL HAIRSTON, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q MR. HAIRSTON, PLEASE STATE YOUR NAME.

A MICHAEL HAIRSTON.

Q AND WHERE DO YOU LIVE, MR. HAIRSTON?

A [redacted], FORT WASHINGTON, MARYLAND.

Q FORT WASHINGTON, MARYLAND -- EXACTLY WHERE IS FORT WASHINGTON? IS IT NEAR WASHINGTON OR BALTIMORE?

A NEAR WASHINGTON.

Q AND HOW LONG HAVE YOU LIVED IN MARYLAND?

A SINCE '74.

Q AND ARE YOU HERE SUBJECT TO A SUBPOENA FROM THE STATE OF SOUTH CAROLINA?

A YES.

Q MR. HAIRSTON, I ASK YOU, PLEASE, ARE YOU ACQUAINTED WITH THE DEFENDANT ELTON WIGGINS?

A NO.

Q I'M SORRY, NOT RELATED TO HIM, BUT DO YOU KNOW HIM?

A NO.

Q THIS DEFENDANT IN THE COURTROOM?

A MATHIS?

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Q I MEAN, EXCUSE ME, MR. MATHIS?
A YES.
Q YOU ARE ACQUAINTED WITH MR. MATHIS?
A YES.
Q APPROXIMATELY HOW LONG HAVE YOU BEEN ACQUAINTED?
A SIXTEEN, SEVENTEEN YEARS.
Q QUITE AWHILE?
A QUITE AWHILE.
Q AND WHAT LINE OF WORK ARE YOU IN?
A I'M IN THE BARBER BUSINESS.
Q ALSO ARE YOU AFFILIATED WITH A BARBER SCHOOL?
A YES, I'M MANAGER OF THE BARBER SCHOOL, BLADES BARBER SCHOOL.
Q IN THE LATE PART OF 1999, DID YOU HAVE ANY CONVERSATION -- WOULD YOU CALL MR. MATHIS A CASUAL ACQUAINTANCE OR A CLOSE FRIEND?
A CASUAL ACQUAINTANCE.
Q IN THE LATE PART OF 1999, DID YOU HAVE AN OCCASION TO TALK WITH HIM IN REGARDS TO POSSIBLY GOING TO BARBER SCHOOL?
A YES.
Q PLEASE JUST, IF YOU WILL, RELATE WHAT THAT CONVERSATION WAS ABOUT.
A WELL, HE USED TO COME TO THE BARBER SCHOOL TO GET A HAIRCUT, AND I JUST TOLD HIM, I SAID, "WHY DON'T YOU COME TO BARBER SCHOOL SOMETIMES?" HE SAID, "OH, I MIGHT. LET

ME THINK ABOUT IT", SO IT WASN'T MUCH FROM THAT.

Q HE NEVER DID ACTUALLY ENROLL?

A NO.

Q SOMETIME AFTER THAT EVENT, DID YOU RECEIVE A PHONE CALL FROM CHARLOTTE, NORTH CAROLINA, FROM MR. WIGGINS?

A MATHIS?

Q MATHIS, EXCUSE ME.

A YES, I DID.

Q AND PLEASE, IF YOU WILL, TELL THE JURY THE SUBSTANCE OF THAT PHONE CALL.

A OKAY. HE CALLED TO SAY HE WAS LOOKING FOR A CAR AND HE HAD FOUND ONE, AND HE SAID WILL I GET IT FOR HIM. I SAID, "WELL", I SAID, "MY CREDIT IS BAD." I SAID, "WE CAN TRY IT."

Q YOU SAID YOUR CREDIT WAS BAD?

A I SAID MY CREDIT WAS BAD. I SAID, "I DON'T THINK IT WILL GO THROUGH, BUT WE'LL TRY IT." SO THE GUY FROM THE DEALERSHIP, HE FAXED ME AN APPLICATION. I SENT IT BACK TO HIM ALONG WITH MY I.D. AND EVERYTHING. SO HE CALLED ME, MAYBE THE NEXT DAY OR SO, AND SAID THAT IT WENT THROUGH. I SAID, "OH", I WAS SURPRISED. SO I SAID, "OKAY."

THEN HE SAID -- HE TOLD ME HOW MUCH IT WAS. I SAID, "HOW MUCH IS THE INTEREST RATE?", AND HE TOLD ME, HE SAID, "IT'S HIGH." I SAID, "AS LONG AS YOU MAKE THE NOTE." SO HE GOT THE CAR.

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Q DID HE TELL YOU WHY HE WANTED TO BUY THE CAR IN YOUR NAME?
A NO. HE SAID HE TRIED IT IN HIS AUNT'S NAME, OR SOMETHING, AND IT WOULDN'T GO THROUGH, SO I FIGURED MINE WOULDN'T GO THROUGH EITHER.
Q YOU FIGURED YOURS WOULDN'T GO THROUGH EITHER?
A YES. THAT'S WHY I SAID, "OKAY, GO AHEAD", BUT IT WENT THROUGH.
Q WELL, WHAT ARRANGEMENTS DID YOU ALL MAKE IN REGARD TO MAKING PAYMENTS ON THE CAR?
A WELL, HE HAD TO SEND ME THE MONEY TO MAKE THE PAYMENTS.
Q HE SAID THAT IF YOU BUY THE CAR IN YOUR NAME, HE WOULD SEND YOU THE PAYMENTS?
A RIGHT.
Q AND THEN YOU'D SEND IT IN?
A RIGHT, I WOULD SEND IT TO THE BANK.
Q AND WAS THE CERTIFICATE OF TITLE ISSUED TO YOU IN YOUR NAME?
A IT WAS IN MY NAME.
Q DID YOU PROVIDE A COPY OF THAT TO THE INVESTIGATORS AND THE F.B.I. AGENTS WHEN THEY TALKED TO YOU BACK THREE YEARS AGO?
A NO.
Q LET ME SHOW YOU THIS PIECE OF PAPER, AND TELL ME WHETHER OR NOT YOU CAN IDENTIFY THIS AS BEING THE TITLE THAT WAS ISSUED IN YOUR NAME.
A THIS IS THE TITLE.

Q THAT'S THE TITLE.

MR. JUSTICE: YOUR HONOR, I'D MOVE THIS BE INTRODUCED AS THE NEXT STATE'S EXHIBIT.

MR. CLARK: NO OBJECTION, YOUR HONOR.

THE COURT: MARK IS AS THE NEXT APPROPRIATE STATE'S EXHIBIT AND PUT IT INTO EVIDENCE WITHOUT OBJECTION.

MR. JUSTICE: THAT'S #55, YOUR HONOR.

THE COURT: THANK YOU, #55.

(STATE'S EXHIBIT #55, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, CAR TITLE).

Q MR. HAIRSTON, DID MR. MATHIS IN FACT SEND YOU THE MONEY FOR THE PAYMENTS ON A MONTHLY BASIS?

A YES, SIR.

Q WAS HE ALWAYS ON TIME?

A NO.

Q SO HE WOULD SEND YOU A PAYMENT AND YOU WOULD MAKE A PAYMENT TO THE BANK?

A RIGHT.

Q HOW MANY TIMES DID YOU EVER ACTUALLY RIDE IN THAT AUTOMOBILE?

A ONCE.

Q WHAT WAS THAT OCCASION?

A THAT'S TO GO GET THE INSPECTION AND TAGS.

Q SO YOU WENT WITH HIM FOR THAT PURPOSE ONLY?

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A YES.
Q OTHER THAN THAT, DID YOU EVER HAVE ANY CONTACT WITH THAT VEHICLE?
A NOT UNTIL I GOT IT BACK.
Q AND BACK IN JUNE OR JULY OF THE YEAR 2000, WHEN THE F.B.I. AGENTS CAME TO TALK WITH YOU, DID THEY ASK FOR YOUR PERMISSION TO SEARCH THAT VEHICLE?
A YES, SIR.
Q AND DID YOU GIVE IT TO THEM?
A I GAVE THEM PERMISSION.
Q THANK YOU. PLEASE ANSWER ANY QUESTIONS COUNSEL FOR DEFENSE MAY HAVE.

THE COURT: (TO MR. CLARK) ALL RIGHT, YOU MAY CROSS-EXAMINE.

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. HAIRSTON, YOU TESTIFIED THAT MR. MATHIS HAD ASKED YOU TO SIGN FOR THE VEHICLE, CORRECT?
A YES.
Q AND IT WAS TITLED IN YOUR NAME?
A IT WAS TITLED IN MY NAME.
Q BUT WAS IT, IN FACT, HIS VEHICLE?
A YES, HE DROVE THE CAR.
Q AND HE HAD CUSTODY AND CONTROL OF IT?
A YES, SIR.

Q DID YOU EXERCISE ANY CUSTODY AND CONTROL OF THAT VEHICLE?
A NO.
Q AT ANY POINT IN TIME?
A NO.
Q DID YOU STORE ANY ITEMS IN THE VEHICLE?
A NO.
Q DID YOU KNOW WHERE IT WAS AT ANY POINT IN TIME?
A SOMETIMES IN MARYLAND AND SOMETIMES IN SOUTH CAROLINA.
Q BUT DID YOU CONSIDER IT YOUR CAR?
A NO.
Q DID YOU MAKE ANY PAYMENTS TOWARDS IT AT ALL?
A YES, AFTER I GOT IT BACK.
Q BUT PRIOR TO THAT?
A NO.
Q SO YOU HAVE THE CAR NOW?
A NO, THEY TOOK IT.
Q OKAY. SO PRIOR TO YOU GETTING IT BACK, DID YOU CONSIDER IT TO BE HIS VEHICLE?
A HE HAD CONTROL OF IT, IT WAS IN MY NAME, SO I FIGURED IT WAS MINE. I HAD TO PAY FOR IT, BUT HE HAD THE POSSESSION OF IT.
Q DID YOU HAVE ANY KEYS TO IT?
A NO.
Q THANK YOU, MR. HAIRSTON.

MR. CLARK: THAT'S ALL I HAVE.

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MR. JUSTICE: JUST ONE OR TWO.

REDIRECT EXAMINATION

BY MR. JUSTICE:

Q DID YOU HAVE ANY CONTACT BY TELEPHONE WITH MR. MATHIS AFTER HE GOT ARRESTED?

A YES.

Q AND WHAT WAS THE NATURE OF THAT CONTACT?

A HOW HE WAS GOING TO PAY FOR THAT CAR.

Q YOU CALLED HIM OR HE CALLED YOU?

A HE CALLED ME.

Q HE CALLED YOU?

A UH-HUH.

Q AND HE WANTED TO KNOW HOW -- WHAT DID HE TELL YOU?

MR. CLARK: OBJECTION, YOUR HONOR. I DON'T KNOW THAT THAT'S IN RESPONSE TO CROSS.

THE COURT: SUSTAINED.

MR. JUSTICE: WITHDRAW THE QUESTION. I HAVE NO FURTHER QUESTIONS FOR MR. HAIRSTON. I ASK THAT HE BE RELEASED ON THE SUBPOENA AND BE ALLOWED TO RETURN TO THE GREAT STATE OF MARYLAND.

MR. CLARK: WITHOUT OBJECTION, YOUR HONOR.

THE COURT: THANK YOU, SIR.

(TO WITNESS) THANK YOU FOR COMING. YOU'RE EXCUSED. THANK YOU VERY MUCH.

THE COURT: ALL RIGHT, MR. FOREMAN, LADIES AND

GENTLEMEN, I BELIEVE WE'VE REACHED A CONVENIENT STOPPING PLACE FOR OUR LUNCH HOUR. PLEASE DO NOT DISCUSS THE CASE WHILE YOU'RE AWAY OR ALLOW ANYONE TO DISCUSS THE CASE WITH YOU, NOT EVEN WITH ONE OF YOUR FELLOW JURORS.

PLEASE REPORT BACK AT TWO O'CLOCK AND IF WE HAVE EVERYONE AT 2:00, IT WILL BE APPROPRIATE TO BEGIN. ONLY THE JURORS MAY EXIT THE COURT AT THIS TIME.

(JURORS EXIT COURTROOM AT 12:56 P.M.).

THE COURT: WE ARE IN RECESS UNTIL TWO O'CLOCK.

(LUNCH RECESS)

THE COURT: ALL RIGHT, BRING THE JURY IN, MR. BAILIFF.

(JURY ENTERS COURTROOM AT 2:05 P.M.).

THE COURT: ALL OUR JURORS ARE PRESENT.

SOLICITOR, YOU MAY CONTINUE.

MR. JUSTICE: THE STATE CALLS AGENT KOONFIELD.

(WHEREUPON, PHILLIP KOONFIELD, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A PHILLIP KOONFIELD.

Q AND, MR. KOONFIELD, WHERE ARE YOU EMPLOYED?

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A I'M EMPLOYED WITH THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, COMMONLY KNOWN AS SLED.

Q AND WHAT'S YOUR JOB AS A SLED AGENT?

A I'M ASSIGNED TO THE LATENT PRINT CRIME SCENE UNIT.

Q AND I BELIEVE THE PREVIOUS WITNESS PRETTY WELL DESCRIBED THE DUTIES OF THAT UNIT. HOW LONG HAVE YOU BEEN WITH SLED AND HOW LONG HAVE YOU BEEN IN LATENT PRINT CRIME SCENES?

A I'VE BEEN WITH SLED IN THE CRIME SCENE UNIT APPROXIMATELY FOUR YEARS.

Q SO WERE YOU WORKING IN THAT CAPACITY IN JUNE OF THE YEAR 2000?

A YES, SIR.

Q DID YOU HAVE AN OCCASION TO COME INTO LANCASTER COUNTY AND JOIN AGENT LAROSA IN THE PROCESSING OF SEVERAL CRIME SCENES IN LANCASTER IN RELATION TO THIS CASE?

A YES, SIR.

Q I'M NOT GOING TO ASK YOU TO GO BACK THROUGH ALL THE REPETITION THAT AGENT LAROSA HAS ALREADY COVERED, BUT THERE WERE SOME GAPS. I BELIEVE YOU TESTIFIED THAT YOU WERE THE ONE THAT PROCESSED A HERTZ RENTAL LINCOLN CONTINENTAL UP AT THE CHARLOTTE AIRPORT. IS THAT CORRECT?

A THAT IS CORRECT, YES, SIR.

Q AND DID YOU MAKE ANY LIFTS OF LATENT PRINTS FROM THAT VEHICLE?

A YES, SIR, I DID.

Q WHEN WAS THAT PROCESSED AND WHEN DID THAT TAKE PLACE?
A THAT WAS ON JUNE 23 OF 2000.
Q ON THE TWENTY-THIRD?
A YES, SIR.
Q THERE'S ALSO TESTIMONY ALREADY IN THE RECORD THAT MR. LAROSA, NOT TOO LONG AFTER THESE EVENTS IN JUNE OF 2000, TRANSFERRED TO ANOTHER UNIT. DID YOU THEN PICK UP AND COMPLETE THE WORK IN REGARDS TO PROCESSING THE VARIOUS PRINTS LIFTED BY HIM, AS WELL AS THOSE THAT HAD BEEN LIFTED BY YOU?
A YES, SIR, ANY ADDITIONAL SUSPECTS THAT WERE SUBMITTED TO US, AND THEN COMPARED THEM TO ANY OTHER PRINTS THAT HE HAD THAT WERE NOT IDENTIFIED AT THAT TIME.
Q ANY THAT HE HAD NOT ALREADY COMPARED?
A THAT'S CORRECT.
Q AND DO YOU HAVE IN FRONT OF YOU THE ADDITIONAL SUSPECTS WHOSE PRINTS YOU RECEIVED AND COMPARED?
A YES, SIR.
Q AND PLEASE TELL US WHO THEY WERE.
A THE ADDITIONAL SUSPECTS I RECEIVED WERE MR. ELTON WIGGINS, MR. WILLIAM WITHERSPOON, MR. VERNARD (SIC) SPARKS, JR., AND MR. VERNARD JEROME MATHIS.
Q AND DID YOU FIND ANY POSITIVE MATCHES IN MAKING THE COMPARISONS TO ANY OF THOSE PEOPLE FROM ANY OF THE PRINTS LIFTED IN ANY OF THE VEHICLES OR MCDONALD AMUSEMENT OR THE

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HOME OF THE VICTIMS OR THE VEHICLE IN CHARLOTTE?

A YES, SIR.

Q AND PLEASE TELL US WHAT MATCHES YOU WERE ABLE TO MAKE.

A FROM THE VEHICLE IN CHARLOTTE, THE WHITE LINCOLN, I WAS ABLE TO IDENTIFY TWO PRINTS FROM VERNARD JEROME MATHIS.

Q SO MR. MATHIS' PRINTS WERE IDENTIFIED IN THE LINCOLN CONTINENTAL AT THE CHARLOTTE HERTZ RENTAL PLACE?

A YES, SIR.

Q WAS EITHER MR. MATHIS OR ELTON WIGGINS MATCHED WITH ANY OF THOSE PRINTS FROM ANY OF THE LOCATIONS IN LANCASTER COUNTY?

A NO, SIR.

Q THANK YOU. PLEASE ANSWER ANY QUESTIONS DEFENSE COUNSEL MAY HAVE.

THE COURT: (TO MR. CLARK) CROSS-EXAM?

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. KOONFIELD, SO THOSE PRINTS THAT YOU SAID MATCH MR. MATHIS WERE LIMITED TO THE LINCOLN VEHICLE, THE WHITE LINCOLN?

A YES, SIR.

Q AND NONE OF THEM INCLUDED EITHER OF THE VANS, THE U-HAUL, THE RESIDENCE, OR MCDONALD AMUSEMENT?

A THAT'S CORRECT.

Q NOW, YOU, IN RESPONSE TO MR. JUSTICE'S QUESTION, YOU SAID THAT NONE OF THE PRINTS MATCHED ANY OF THE OTHER SUSPECTS

THAT YOU WERE GIVEN?

A THAT'S CORRECT.

Q WERE THERE ANY PRINTS THAT WERE LIFTED AND SUBMITTED TO YOU -- ANY OF THOSE PRINTS, WERE YOU UNABLE TO MATCH THEM TO ANYONE?

A YES, SIR.

Q HOW MANY DID YOU FIND THAT WERE OF SUFFICIENT RIDGE DETAIL THAT YOU WERE UNABLE TO MATCH TO ANYONE THAT YOU WERE GIVEN?

A ONE SECOND AND I'LL COUNT THEM FOR YOU.

Q OKAY.

A (WITNESS REVIEWING DOCUMENTS). APPROXIMATELY 15 LATENT PRINTS.

Q SO YOU HAD 15 LATENT PRINTS OF SUFFICIENT RIDGE DETAIL TO COMPARE THAT YOU WERE UNABLE TO MATCH TO MATHIS, WITHERSPOON, WIGGINS, OR SPARKS?

A APPROXIMATELY 15, YES, SIR.

Q CAN YOU TELL ME SPECIFICALLY WHERE THOSE 15 PRINTS WERE FOUND?

A THEY WERE ALL FOUND IN DIFFERENT AREAS. I CAN TELL YOU -- I HAVE TO REFER TO THE PREVIOUS REPORT --

Q THAT'S FINE.

A -- TO TELL YOU WHERE THESE -- YOU WANT TO KNOW WHERE THE PRINTS THAT WERE NOT IDENTIFIED WERE FOUND?

Q YES, SIR.

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A OKAY. THE FIRST PRINT -- THE FIRST TWO PRINTS WERE LATENT LIFTS FROM [redacted].

Q DO YOU KNOW WHAT VEHICLE THEY CAME FROM?

A NO, SIR, I DON'T.

Q IS THAT ALL THE INFORMATION YOU HAVE?

MR. JUSTICE: YOUR HONOR, LET THE RECORD REFLECT THAT'S THE ADDRESS OF MCDONALD AMUSEMENT, NOT A VEHICLE.

MR. CLARK: THANK YOU, SIR.

Q SO YOU HAD TWO FROM MCDONALD AMUSEMENT THAT YOU WERE UNABLE TO MATCH TO ANYONE?

A YES, SIR.

Q AND YOU DON'T KNOW WHO THOSE PRINTS BELONG TO?

A I DO NOT.

Q CAN YOU TELL ME ABOUT THE OTHER ONES?

A ONE PRINT WAS A PALM PRINT FROM A MONEY ORDER THAT WAS BEARING THE NAME THOMAS CHRISTOPHER ROBINSON.

Q AND THAT CAME FROM THE STEELE RESIDENCE?

A YES, SIR.

Q WEREN'T ABLE TO MATCH THAT?

A THAT'S CORRECT.

Q SO THAT'S THREE SO FAR. CAN YOU TELL BE ABOUT THE REST?

A YES, SIR. I THINK IT WAS TWO LATENT LIFTS FROM THE FORD AEROSTAR.

Q OKAY, NOW, THE FORD AEROSTAR?

A YES, SIR.
Q AND WERE THOSE PRINTS TAKEN FROM THE PASSENGER WINDOW AND THE DRIVER'S DOOR?
A I'LL HAVE TO REFER TO AGENT LAROSA'S REPORT.
Q CAN YOU DO THAT, PLEASE?
A (WITNESS REVIEWING RECORDS). THAT WAS TAKEN FROM THE, IT LOOKS LIKE, PASSENGER SIDE OF THE VEHICLE.
Q AND THAT WOULD BE THE VEHICLE FOUND AT --
A THAT WOULD BE THE FORD AEROSTAR.
Q IS THAT THE ONE FOUND AT MCDONALD AMUSEMENT OR [redacted]?
A I'M NOT SURE, SIR.
Q BUT YOU ARE SURE THAT WHAT YOU WERE TOLD IS THAT THEY CAME FROM THE BLUE AEROSTAR VAN?
A OR FROM THE FORD AEROSTAR. I'M NOT SURE OF THE COLOR.
Q SO YOU COULDN'T MATCH THOSE PRINTS TO MATHIS OR ANY OF THE OTHER PRINTS THAT YOU WERE GIVEN TO COMPARE THEM TO?
A THAT'S CORRECT.
Q ALL RIGHT. CAN YOU TELL US ABOUT THE NEXT ONES?
A THE NEXT ONE WAS LATENT LIFTS FROM THE U-HAUL TRUCK.
Q HOW MANY DID YOU FIND FROM THE U-HAUL TRUCK?
A I COMPARED ONE PRINT FROM THE U-HAUL TRUCK.
Q AND DO YOU KNOW WHERE THAT CAME FROM, WHAT PART OF THE TRUCK?
A ONE SECOND AGAIN. I HAVE TO REFER TO AGENT LAROSA'S

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REPORT.

Q THAT WOULD BE FINE.

A THAT WOULD BE ON THE PASSENGER SIDE OF THE U-HAUL TRUCK.

Q AND THAT PRINT DIDN'T MATCH MATHIS?

A NO, SIR.

Q OR ANY OTHER SUSPECTS THAT YOU WERE GIVEN PRINTS OF?

A THAT'S CORRECT.

Q ALL RIGHT. WHAT WAS THE NEXT ONE THAT YOU WERE ABLE TO ANALYZE OR COMPARE?

A OKAY, THAT WAS ALSO THREE LATENT IMPRESSIONS FROM THE FORD AEROSTAR.

Q AND DID AGENT LAROSA LIFT THESE PRINTS?

A YES, SIR.

Q AND THESE THREE LATENT PRINTS FROM THE FORD AEROSTAR DID NOT MATCH MATHIS OR ANY OF THE OTHER SUSPECTS?

A THAT'S CORRECT.

Q WHAT WERE THE NEXT ONES THAT YOU WERE ABLE TO COMPARE?

A THEY WERE LATENT LIFTS TAKEN FROM THE WHITE LINCOLN TOWN CAR.

Q SO YOU FOUND PRINTS IN THE LINCOLN THAT YOU COULDN'T MATCH TO ANYONE?

A NO, SIR, THESE WERE THE ONES THAT I DID MATCH TO VERNARD MATHIS.

Q AND YOU SAID THAT WAS HOW MANY?

A THAT WAS TWO PRINTS OUT OF THE VEHICLE THAT I IDENTIFIED.

THE REMAINDER WERE NOT IDENTIFIED TO ANYONE.

Q OKAY. AND ARE THERE ANY MORE THAT HAD SUFFICIENT RIDGE DETAIL FOR COMPARISON THAT YOU WERE ASKED TO COMPARE?

A YES, SIR. THE NEXT PRINT WOULD BE FROM A MAZDA MX-6 VEHICLE.

Q A MAZDA MX-6?

A YES, SIR.

Q YOU COULDN'T MATCH THAT ONE?

A NO, SIR.

Q WERE THERE ANY MORE?

A AND THE LAST ONE WAS FROM A PHOTO OF AN UNKNOWN BLACK FEMALE AND ONE PHOTO ENVELOPE.

Q AND WERE YOU ABLE TO -- DO YOU KNOW WHERE THAT ONE WAS FOUND?

A NO, SIR, I WAS NOT ABLE TO IDENTIFY THAT TO ANYONE.

Q WHERE WAS IT LIFTED FROM?

A THE DESCRIPTION OF THE EVIDENCE IS ONE PHOTO OF THE FEMALE THAT WAS FOUND WITH A PAPER BAG IN THE TRUNK.

Q WERE YOU ABLE TO MATCH THAT?

A NO, SIR.

Q NOW, AGENT KOONFIELD, YOU ACTUALLY EXAMINED THE WHITE LINCOLN YOURSELF?

A YES, SIR.

Q AND DID YOU TAKE PHOTOGRAPHS?

A YES, SIR.

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Q DO YOU HAVE THEM WITH YOU?
A NO, SIR, I DON'T HAVE THEM IN MY POSSESSION.
Q DO YOU KNOW WHERE THEY ARE?
MR. JUSTICE: (HANDING PHOTOGRAPHS TO COUNSEL).
Q THE PHOTOGRAPHS THAT YOU TOOK, DID YOU TURN THEM OVER TO THE LANCASTER COUNTY SHERIFF'S OFFICE?
A YES, SIR.
Q AND YOU TOOK SEVERAL PHOTOS OF THAT VEHICLE, DIDN'T YOU?
A THAT'S CORRECT.
Q HOW MANY WOULD YOU ESTIMATE YOU TOOK?
A I'M NOT SURE. SEVERAL ROLLS.
Q IS THAT ONE OF THE PHOTOS YOU TOOK OF THAT WHITE LINCOLN?
A YES, SIR.
Q AND WHAT DOES THAT SHOW?
A THAT SHOWS THE DRIVER'S SIDE DOOR AND PART OF THE INTERIOR OF THE FRONT OF THE VEHICLE.
Q DOES IT SHOW THE DASHBOARD AS WELL?
A YES, SIR.
Q WHEN YOU WERE LOOKING AT THIS VEHICLE AND WHEN YOU TOOK THAT PICTURE, DID YOU SEE A RED SECURITY LIGHT ON THE DASHBOARD?
A I DON'T RECALL.
Q DO YOU SEE IT IN THAT PHOTOGRAPH?
A NO, SIR.
Q WHAT ABOUT THIS ONE? DO YOU SEE IT IN THAT PHOTOGRAPH?

MR. JUSTICE: IS COUNSEL OFFERING THESE PHOTOGRAPHS INTO EVIDENCE?

MR. CLARK: NO, SIR.

MR. JUSTICE: IF SO, I HAVE NO OBJECTION.

THE COURT: NO, SIR, HE'S NOT.

MR. JUSTICE: IF HE'S TESTIFYING FROM THE PHOTOGRAPHS, THEY HAVE TO BE IN EVIDENCE, I BELIEVE.

THE COURT: SUSTAINED.

Q BUT YOU DID TAKE PICTURES?

A YES, SIR.

Q AND YOU TURNED THEM OVER TO LANCASTER COUNTY?

A THAT'S CORRECT.

Q THANK YOU.

MR. CLARK: THAT'S ALL I HAVE.

MR. JUSTICE: ONE OR TWO OTHER QUESTIONS.

REDIRECT EXAMINATION

BY MR. JUSTICE:

Q MR. KOONFIELD, ISN'T IT?

A YES.

Q MR. KOONFIELD, WHAT IS A.F.I.S.?

A A.F.I.S. IS OUR AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM. IT IS BASICALLY A COMPUTER THAT HOLDS A DATABASE OF, RIGHT NOW, OVER ONE MILLION FINGERPRINT CARDS. YOU CAN ACTUALLY PUT A LATENT INTO THAT SYSTEM AND IT WILL GIVE YOU A LIST OF POSSIBLE MATCHES. AT THAT POINT WE COULD PULL

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THE TOP MATCH FINGERPRINT CARD FROM OUR FINGERPRINT RECORD SECTION AND WE CAN DETERMINE WHETHER OR NOT THOSE TWO PRINTS MATCH.

Q SO THERE'S OVER A MILLION PRINTS IN THAT SYSTEM?

A YES, SIR.

Q IS THAT NATIONWIDE OR STATEWIDE?

A THIS IS A STATEWIDE SYSTEM.

Q SO OVER A MILLION SOUTH CAROLINA FINGERPRINTS ARE IN THERE?

A YES, SIR.

Q AND DID YOU UTILIZE THAT SYSTEM IN TRYING TO IDENTIFY ANY OF THESE 12 OR 15 SUFFICIENT BUT UNIDENTIFIED FINGERPRINTS?

A YES, SIR.

Q DID YOU MAKE ANY MATCHES?

A YES, SIR, WE MADE ONE MATCH.

Q AND WHAT WAS THE NAME ON THAT?

A THE NAME ON THAT MATCH WAS -- I BELIEVE THAT WAS MR. LESTER COOK.

Q AND WAS THAT FROM THE EXTERIOR OF THE SILVER AND GRAY VAN?

A FROM THE FORD AEROSTAR, YES, SIR.

Q THE SILVER AND GRAY -- I DON'T BELIEVE YOU HAVE THE COLORS ON THERE, DO YOU?

A NO.

Q OKAY. AND DID YOU LATER LEARN THAT THAT'S THE NAME OF THE TOW TRUCK DRIVER THAT TOWED IT FROM COOK'S TRANSMISSION INTO THE SHERIFF'S OFFICE?

A THAT'S CORRECT.

Q THANK YOU. AND THAT'S THE ONLY ONE OUT OF THE MILLION IN THE DATA BANK THAT MADE A HIT?

A THAT'S CORRECT.

Q THANK YOU.

THE COURT: (TO WITNESS) YOU MAY STAND DOWN, THANK YOU.

(TO MR. JUSTICE) NEXT?

MR. JUSTICE: I BELIEVE WE'D ASK THAT MR. KOONFIELD BE EXCUSED, YOUR HONOR.

MR. CLARK: NO OBJECTION.

THE COURT: (TO WITNESS) THANK YOU FOR COMING. YOU MAY BE EXCUSED.

MR. JUSTICE: I'D CALL MR. JERRY SMITH.

THE COURT: (TO WITNESS) PLEASE COME FORWARD.

(WHEREUPON, JERRY SMITH, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME PLEASE, SIR.

A JERRY SMITH.

Q AND WHERE ARE YOU EMPLOYED, MR. SMITH?

A THE HERTZ CORPORATION.

Q AND WHAT IS YOUR JOB WITH HERTZ?

A I AM THE CORPORATE SECURITY MANAGER FOR THE SOUTHEAST

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REGION OF THE HERTZ CORPORATION.

Q AND YOUR HEADQUARTERS IS OUT OF?

A ATLANTA.

Q ATLANTA. AND DO ALL THE HERTZ RENTALS IN THE SOUTHEAST REGION FALL WITHIN THE SAME CORPORATION?

A YES, SIR, AND THIS IS IN SOUTH CAROLINA, NORTH CAROLINA, GEORGIA, ALABAMA AND TENNESSEE.

Q AND WOULD THAT INCLUDE THE HERTZ RENTAL BUSINESS AT THE CHARLOTTE DOUGLAS AIRPORT?

A YES, SIR.

Q AND IN YOUR CAPACITY DO YOU HAVE ACCESS AND CONTROL OVER THE VARIOUS RECORDS OF CAR RENTALS AND SUCH?

A YES, SIR. PART OF MY JOB IS CUSTODIAN OF THE DOCUMENTS.

Q IN LATE JUNE OF THE YEAR 2000, WERE YOU CONTACTED BY LAW ENFORCEMENT OFFICERS FROM LANCASTER COUNTY IN REGARDS TO A HERTZ VEHICLE?

A YES, SIR.

Q AND DID YOU TURN OVER TO LANCASTER LAW ENFORCEMENT A COPY OF THE RENTAL AGREEMENT THAT INVOLVED A CERTAIN LINCOLN CONTINENTAL THAT HAD BEEN RENTED ON JUNE 1 AND RETURNED ON, I THINK, THE TWENTY-FIRST OR TWENTY-SECOND?

A YES, SIR.

Q LET ME SHOW YOU THIS TWO-PAGE DOCUMENT, AND TELL ME WHETHER OR NOT YOU CAN IDENTIFY THIS AS BEING A RECORD KEPT IN THE NORMAL COURSE OF BUSINESS OF HERTZ THAT YOU TURNED OVER TO

LANCASTER LAW ENFORCEMENT.

A YES, SIR, THIS IS A RENTAL AGREEMENT THAT'S COMPUTER-GENERATED FROM THE HERTZ CORPORATION.

MR. JUSTICE: YOUR HONOR, I MOVE THIS BE INTRODUCED AS THE NEXT STATE'S EXHIBIT.

THE COURT: #56 ADMITTED INTO EVIDENCE WITHOUT OBJECTION.

(STATE'S EXHIBIT #56, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE WITHOUT OBJECTION, HERTZ RENTAL AGREEMENT).

MR. JUSTICE: WITH YOUR HONOR'S PERMISSION, I'M GOING TO REMOVE THE PAPER CLIP AND SUBSTITUTE IT WITH A STAPLE SINCE IT IS A TWO-PAGE DOCUMENT.

Q MR. SMITH, IF YOU WILL, AGAIN LOOK AT STATE'S EXHIBIT #56 AND JUST TELL US IN WHOSE NAME -- FIRST OF ALL, WHEN WAS THAT VEHICLE RENTED?

A THIS VEHICLE WAS RENTED AT 1319 HOURS ON JUNE 1, 2000 FROM THE CHARLOTTE, NORTH CAROLINA LOCATION.

Q AT 1:30 IN THE AFTERNOON?

A 1:19, YES, SIR.

Q AND WHO WAS THE PERSON, THE PRINCIPAL RENTER OF THAT VEHICLE?

A SYLVIA TALFORD.

Q IS THERE AN ADDRESS ON MS. TALFORD?

A YES, SIR, [redacted], LANCASTER, SOUTH

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CAROLINA.

Q AND IS THERE A NAME ON THAT DOCUMENT OF A SECONDARY DRIVER?

A YES, SIR, AN AUTHORIZED OPERATOR IN THE NAME OF VERNARD JEROME.

Q VERNARD JEROME?

A CORRECT.

Q AND IS THERE IDENTIFYING INFORMATION IN REGARDS TO MR. JEROME?

A YES, SIR, THERE'S A MARYLAND DRIVER'S LICENSE NUMBER.

Q DID YOU ALSO DIRECT TO BE TURNED OVER TO LANCASTER LAW ENFORCEMENT -- WELL, FIRST OF ALL, WHAT KIND OF A SECURITY CAMERA SITUATION DO YOU HAVE WITH HERTZ IN BOTH THE PARKING LOT AREAS AND IN THE ACTUAL RENTAL AREAS?

A WE HAVE A VIDEO RECORDING SYSTEM WITH CLOSED CAPTIONED T.V. CAMERAS IN THE LOBBY OF THE HERTZ FACILITY IN CHARLOTTE AND ALSO ON THE LOT.

Q JUST ONE MOMENT. OKAY, AT THE REQUEST OF LANCASTER LAW ENFORCEMENT, DID YOU CAUSE TO BE TURNED OVER PHOTOGRAPHS OF THE TRANSACTION WHEREUPON THIS AUTOMOBILE WAS TURNED IN TO HERTZ?

A YES, SIR. I CONTACTED THE MANAGER IN CHARLOTTE, NORTH CAROLINA.

Q I'M GOING TO HAND YOU THREE PHOTOGRAPHS THAT ACTUALLY CONTAIN A TOTAL OF FIVE DIFFERENT SHOTS, APPARENTLY FROM DIFFERENT ANGLES WITHIN THE HERTZ RENTAL BOOTH AT THE

CHARLOTTE AIRPORT, AND TELL ME WHETHER OR NOT YOU COULD IDENTIFY THESE AS BEING THE PHOTOGRAPHS OR SOME OF THE PHOTOGRAPHS YOU TURNED OVER.

A YES, SIR. THESE ARE PHOTOGRAPHS FROM OUR SYSTEM IN CHARLOTTE, NORTH CAROLINA.

MR. JUSTICE: I MOVE THESE BE INTRODUCED AS THE NEXT THREE.

MR. CLARK: NO OBJECTION.

THE COURT: THREE PHOTOGRAPHS, MARK THEM AS THE NEXT APPROPRIATE THREE EXHIBITS, WITHOUT OBJECTION. THANK YOU.

(STATE'S EXHIBIT #57, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, PHOTOGRAPH).

(STATE'S EXHIBIT #58, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, PHOTOGRAPH).

(STATE'S EXHIBIT #59, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, PHOTOGRAPH).

Q MR. SMITH, DO YOU ALSO HAVE SECURITY CAMERAS COVERING THE HERTZ RENTAL PARKING LOTS AND THE COMING AND GOING?

A YES, SIR.

Q I SHOW YOU ONE ADDITIONAL PHOTOGRAPH, AND TELL ME WHAT'S DEPICTED IN THAT PHOTOGRAPH.

A THIS IS A PHOTOGRAPH OF A VEHICLE EXITING THE BOOTH AT OUR CHARLOTTE, NORTH CAROLINA LOCATION.

Q AND DID YOU TURN THAT PHOTOGRAPH OVER TO LAW ENFORCEMENT?

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A WHEN I CONTACTED MR. COLUMBO, I ASKED HIM TO SUPPLY ALL THE PHOTOGRAPHS NEEDED.

MR. JUSTICE: I MOVE THE INTRODUCTION INTO EVIDENCE --

THE COURT: RIGHT, THAT WOULD BE #60. STATE'S EXHIBIT #60 ADMITTED WITHOUT OBJECTION. THANK YOU.

(STATE'S EXHIBIT #60, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE. PHOTOGRAPH).

Q MR. SMITH, I APPRECIATE YOUR COMING DOWN TO BE WITH US TODAY. PLEASE ANSWER ANY QUESTIONS MR. CLARK MAY HAVE.

CROSS-EXAMINATION

BY MR. CLARK:

Q MR. SMITH, I JUST HAVE A FEW QUESTIONS FOR YOU. YOU SAID YOU'RE THE CORPORATE SECURITY MANAGER FOR THE SOUTHEAST REGION?

A YES.

Q AND WHAT'S BEEN ADMITTED AS STATE'S EXHIBIT #56, I ASK YOU TO TAKE A LOOK AT THAT, PLEASE, SIR.

A OKAY.

Q WHAT KIND OF VEHICLE DOES THAT DESCRIBE?

A A 2000 LINCOLN TOWN CAR.

Q A 2000 LINCOLN TOWN CAR. ARE YOU FAMILIAR WITH THAT VEHICLE?

A WITH --

Q THAT TYPE OF VEHICLE?

A YES, SIR.
Q HERTZ CARRIES THAT IN ITS FLEET?
A YES, SIR.
Q DOES THAT VEHICLE HAVE A RED SECURITY LIGHT ON THE DASHBOARD?
A I'M NOT SURE.
Q YOU'RE NOT SURE?
A I'M NOT SURE.
Q IS THERE ANY WAY TO FIND OUT?
A I DON'T KNOW, BEING A 2000 MODEL.
Q DO YOU THINK THAT VEHICLE IS STILL IN HERTZ'S FLEET?
A NO, SIR.
Q IT'S NOT?
A NO, SIR.
Q IS THERE A RECORD ON THE TYPE OF SECURITY DEVICE ON THAT CAR?
A I DON'T KNOW.
Q YOU DON'T KNOW?
A I DON'T KNOW.
Q WELL, WHAT IS HERTZ'S POLICY ON SECURITY AS FAR AS VEHICLES, AS FAR AS SECURITY SYSTEMS, BURGLAR ALARMS OR WHATEVER THEY CALL THEM?
A USUALLY IT COMES STRAIGHT FROM THE MANUFACTURER.
Q STRAIGHT FROM THE MANUFACTURER?
A YES, SIR.

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Q DO YOU ALL HAVE A POLICY OF ADDING SECURITY SYSTEMS WITH RED LIGHTS ON THE DASH?

A NO, SIR.

Q THANK YOU, SIR.

MR. CLARK: THAT'S ALL I HAVE.

MR. JUSTICE: THANK YOU, MR. SMITH.

(TO THE COURT) THAT'S ALL WE HAVE. I'D ASK THAT HE BE RELEASED, YOUR HONOR.

THE COURT: ANY OBJECTIONS?

MR. CLARK: NO, SIR, YOUR HONOR.

THE COURT: THANK YOU FOR COMING, SIR. THANK YOU VERY MUCH. YOU'RE EXCUSED.

MR. JUSTICE: YOUR HONOR, AT THIS TIME WE'RE PREPARED TO CONCLUDE A MATTER OF LAW THAT BEGAN THIS MORNING. IF WE COULD GO AHEAD AND DO THAT, THAT COULD LEAD ME TO SOME OTHER WITNESSES.

THE COURT: ALL RIGHT.

MR. FOREMAN, LADIES AND GENTLEMEN, PLEASE STEP IN THE JURY ROOM AND HAVE YOUR AFTERNOON RECESS KIND OF EARLY. I NEED TO TAKE UP SOME MATTERS OF LAW. UNDER OUR CRIMINAL PROCEDURE, I'M REQUIRED TO DO SOME OF THESE THINGS OUTSIDE YOUR PRESENCE.

PLEASE STEP INTO YOUR JURY ROOM, THANK YOU. PLEASE DO NOT DISCUSS THE CASE.

(JURY EXITS COURTROOM AT 2:36 P.M.).

MR. JUSTICE: YOUR HONOR, I'VE JUST BEEN HANDED, AND I'LL HAND UP TO THE COURT, COPIES JUST FAXED IN FROM THE STATE OF MARYLAND, WHICH IS THE AFFIDAVIT OF RETURN ON THE SEARCH WARRANT THAT I HANDED UP TO THE COURT EARLIER TODAY. AND ATTACHED TO THAT IS THE SAME INVENTORY I HANDED UP THIS MORNING. THE ONLY DIFFERENCE IS IT HAS THE ACTUAL RETURN SIGNED BY THE RETURNING OFFICER, AS WELL AS THE RECEIPT.

THE COURT: WHO WAS THE RETURNING OFFICER?

MR. JUSTICE: MR. DAZA, WHO'S THE SAME PERSON WHO WAS THE AFFIANT ON THE WARRANT ITSELF. I MIGHT NOTE THAT THE RETURN WAS MADE IN THE PRESENCE OF SPECIAL AGENT DAVID RODEN AND SPECIAL AGENT EDWARD RYAN, BOTH OF WHOM ARE PRESENT AND WILL BE CALLED AS WITNESSES.

THE COURT: ALL RIGHT.

I'D BE GLAD TO HEAR FROM YOU, MR. CLARK.

MR. CLARK: YOUR HONOR, I DON'T HAVE ANYTHING FURTHER. I DON'T BELIEVE I PUT ON THE RECORD THAT A PART OF OUR OBJECTION IN THE MOTION REGARDING THE SEARCH WARRANT WAS THAT WE HAD NOT BEEN PROVIDED WITH THE RETURN TO INDICATE THAT --

THE COURT: WAIT A MINUTE, EXCUSE ME. YOU HAD BEEN PROVIDED WITH THE INVENTORY, THOUGH?

MR. CLARK: YES, SIR.

THE COURT: THE INVENTORY IS THE RETURN?

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MR. CLARK: YES, SIR. WE HADN'T BEEN PROVIDED WITH THE AFFIDAVIT INDICATING THAT THE INVENTORY HAD BEEN RETURNED TO A JUDGE.

THE COURT: AND NOW YOU'VE BEEN PROVIDED WITH THAT?

MR. CLARK: YES, SIR, YOUR HONOR, BUT IT WOULD STILL BE OUR POSITION THAT THIS IS NOT A CERTIFIED COPY OF THE COURT'S RECORDS. WE JUST WANT TO PUT OUR MOTION ON THE RECORD AND WE'LL ACCEPT THE JUDGE'S RULING ON THAT.

THE COURT: WELL, I UNDERSTAND THAT.

MR. CLARK: WE DON'T HAVE ANY FURTHER ARGUMENT, YOUR HONOR.

THE COURT: SOLICITOR?

MR. JUSTICE: YOUR HONOR, I THINK WE'VE COMPLIED WITH BOTH SOUTH CAROLINA AND MARYLAND LAW. IF THERE WAS A DEFICIENCY, WHICH I DON'T BELIEVE THERE WAS, I THINK IT'S SATISFIED.

THE COURT: WELL, I'VE READ 17-13-140 VERY CAREFULLY, OF OUR CODE, AND ALSO THE CORRESPONDING COPY OF THE MARYLAND STATUTES WHICH I'VE TAKEN FROM MY COMPUTER, WHICH ARE VERY SIMILAR TO OURS. AND NOTING THE CASE OF THE STATE V. CLIFTON, A 1990 CASE, 302 S.C. 431 AND 396 S.E.2d 831, AFTER REVIEWING THE SEARCH WARRANT AND THE INVENTORY OF RETURN, IT'S THIS

COURT'S DUTY TO DETERMINE WHETHER THE ISSUING OFFICER, OR CIRCUIT JUDGE IN THIS CASE, HAD SUBSTANTIAL BASIS FOR CONCLUDING THAT PROBABLE CAUSE EXISTED.

AND AFTER REVIEWING THE SEARCH WARRANT AND AFFIDAVIT AND THE INVENTORY, I FIND THAT HE DID HAVE SUFFICIENT PROBABLE CAUSE AND THAT THE SEARCH WARRANT DOES SUBSTANTIALLY COMPLY WITH OUR LAWS UNDER § 17-14-140 AND THE CORRESPONDING MARYLAND STATUTE, WHICH IS FOUND UNDER TITLE I, DEFINITIONS OF GENERAL PROVISIONS, SUBTITLE ii, GENERAL PROVISIONS SECTION, § 1-203, SEARCH WARRANTS. I PRESUME THEY CALL IT THE MARYLAND CODE OF LAWS AND MARYLAND GENERAL STATUTES, I DON'T KNOW.

THEREFORE, I RESPECTFULLY DENY YOUR MOTION.

MR. JUSTICE: YOUR HONOR, WHILE WE HAVE THE JURY OUT, A LITTLE LATER TODAY WE GET TO THE MATTER OF THE SEARCH OF THE RESIDENCE OF MS. SYLVIA TALFORD WHO HAS BEEN IDENTIFIED AS BEING THE RENTER OF THE WHITE CONTINENTAL THE DEFENDANT WAS DRIVING. I HAVE NO MOTION IN REGARD TO THAT SEARCH, AND I ASSUME THERE WILL BE A STANDING PROBLEM, HOWEVER, WE DO AT THIS TIME HAND UP TO THE COURT THE SEARCH WARRANT, AFFIDAVIT AND RETURN ON THAT SEARCH.

THE COURT: IS THAT SOMEONE THAT -- MR. CLARK?

MR. CLARK: YOUR HONOR, I AGREE WITH MR. JUSTICE,

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STANDING WOULD BE A PROBLEM FOR US TO MOVE TO SUPPRESS, BUT I DON'T THINK THE ITEMS SEIZED ARE RELEVANT TO THIS CASE, AND I WOULD OBJECT TO THEM BEING ADMITTED ON THAT BASIS.

THE COURT: WELL, I DON'T KNOW WHAT THE ITEMS ARE YET.

MR. JUSTICE: WE'LL HAVE TO RULE ON THEM ONE BY ONE. THEY'RE THINGS SUCH AS THE BOXES THAT CERTAIN WALKIE-TALKIES WERE PURCHASED IN THAT WE BELIEVE TO BE USED IN THIS CRIME --

THE COURT: YOU NEED TO MAKE THOSE SUGGESTIONS AT THE APPROPRIATE TIME. I CAN'T RULE ON SOMETHING WHEN I DON'T KNOW IN WHAT CONTEXT IT'S BEING OFFERED.

MR. JUSTICE: IT'S ONLY THE LEGALITY OF THE SEARCH THAT I'M ASKING THE COURT --

THE COURT: HE'S NOT CONTESTING THAT.

MR. JUSTICE: I UNDERSTAND THAT. I WOULD LIKE TO MOVE THIS BE INTRODUCED AS COURT EXHIBIT #3 TO BE IN THE RECORD AND THAT THE ORIGINAL SEARCH WARRANT IN MARYLAND BE COURT EXHIBIT #1 AND THE RETURN THAT I JUST PASSED UP BE COURT EXHIBIT #2.

THE COURT: ALL RIGHT, SO ORDERED. THAT DOESN'T GO TO THE JURY. THOSE ARE COURT EXHIBITS FOR THE FILE.

MR. JUSTICE: RIGHT.

(COURT'S EXHIBIT #2, MARKED FOR IDENTIFICATION ONLY, RETURN).

(COURT'S EXHIBIT #3, MARKED FOR IDENTIFICATION ONLY, SEARCH WARRANT).

THE COURT: NOW, ARE THERE ANY OTHER MATTERS THAT WE NEED TO -- GENTLEMEN, WE WANT TO MOVE AT A GOOD SPEED. I DON'T WANT TO RUSH ANYONE, BUT IT'S KIND OF CUMBERSOME TO KEEP SENDING THE JURY BACK AND FORTH. DO WE HAVE ANY OTHER MATTERS THAT I NEED TO TAKE UP OUTSIDE THE PRESENCE OF THE JURY?

MR. CLARK, WHEN I REVIEWED YOUR FILE MONDAY, YOUR WRITTEN MOTIONS WEREN'T IN THERE AND SINCE THEN, YOU'VE ADVISED ME THIS MORNING THEY WERE, SO I'VE REVIEWED ALL THOSE. I DON'T BELIEVE WE HAVE ANY OTHER MATTERS THAT WILL REQUIRE THE EXCLUDING THE JURY, DO WE?

MR. CLARK: I DON'T BELIEVE SO, YOUR HONOR.

MR. CLARK: NONE THAT I'M AWARE OF, YOUR HONOR.

THE COURT: I'M JUST TRYING TO BE CAUTIOUS, AND IF THERE ARE, I'D LIKE TO DO THEM NOW, IF WE COULD.

MR. CLARK: I BELIEVE THAT'S IT, YOUR HONOR.

MR. JUSTICE: THAT'S WHY I BROUGHT UP THAT SEARCH WARRANT NOW, AND WE'LL GET TO THAT LATER.

THE COURT: I PROMISED MR. CLARK THAT I WOULD DO THAT.

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MR. CLARK: YES, SIR, THANK YOU, YOUR HONOR.

THE COURT: ALL RIGHT.

MR. JUSTICE: WE STILL HAVE PERHAPS SOME ISSUE ON THE PHONE RECORDS, BUT THAT'S GOING TO COME AT THE VERY TAIL END.

THE COURT: ALL RIGHT, HAVE YOU ALL RESOLVED THAT?

MR. JUSTICE: I THINK WE PRETTY WELL HAVE RESOLVED THAT THROUGH OTHER TESTIMONY.

THE COURT: ALL RIGHT. WELL, I GUESS WE DON'T NEED TO CROSS THAT BRIDGE AT THIS TIME.

MR. JUSTICE: NO, SIR.

THE COURT: ALL RIGHT.

MR. JUSTICE: WE'RE READY TO PROCEED.

THE COURT: YOU'RE READY TO PROCEED?

MR. JUSTICE: YES, SIR.

THE COURT: (TO BAILIFF) SEE IF THE JURORS ARE READY. IF THEY'RE IN THE MIDDLE OF THEIR BREAK, I WON'T -- I MEAN, THEY HAVE THE MOST DIFFICULT TASK.

(JURY ENTERS COURTROOM AT 2:45 P.M.).

THE COURT: THANK YOU, LADIES AND GENTLEMEN. WE'RE READY TO PROCEED.

MR. JUSTICE: ASSISTANT SOLICITOR TOM HOLLAND WILL EXAMINE THE NEXT TWO WITNESSES.

THE COURT: ALL RIGHT, THANK YOU.

MR. HOLLAND, YOU MAY PROCEED.

MR. HOLLAND: THANK YOU, YOUR HONOR. THE STATE CALLS AGENT RILEY.

(WHEREUPON, ADRIAN RILEY, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. HOLLAND:

Q CAN YOU STATE YOUR NAME FOR THE RECORD, PLEASE?

A ADRIAN RILEY.

Q DO YOU RESIDE IN LANCASTER COUNTY?

A NO, SIR, I LIVE IN COLUMBIA, SOUTH CAROLINA.

Q AND WHAT'S YOUR OCCUPATION?

A I AM A FORENSIC D.N.A. ANALYST WITH SOUTH CAROLINA LAW ENFORCEMENT DIVISION, COMMONLY KNOWN AS SLED.

Q AND HOW LONG HAVE YOU BEEN EMPLOYED?

A I'VE BEEN EMPLOYED WITH SLED FOR SIX YEARS AND AN ANALYST FOR FOUR.

Q AND IN JUNE OF 2000, WERE YOU EMPLOYED IN THIS CAPACITY?

A YES, I WAS.

Q AND WHAT IS YOUR EDUCATIONAL BACKGROUND?

A I HAVE A BACHELOR OF SCIENCE DEGREE IN BIOLOGY FROM THE UNIVERSITY OF SOUTH CAROLINA, COLUMBIA. I HAVE BEEN TRAINED BY A COURT-QUALIFIED ANALYST -- THAT'S ON-THE-JOB TRAINING -- AND I'VE ALSO ATTENDED NUMEROUS SYMPOSIUMS AND CONFERENCES THAT RELATE TO D.N.A. ANALYSIS, AS WELL AS OVER SEVEN YEARS OF LABORATORY EXPERIENCE, INCLUDING ONE YEAR AS

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A MEDICAL TECHNOLOGIST IN A PRIVATE CLINICAL LABORATORY.

Q AND IN THIS CASE, WHAT WERE YOUR JOB DUTIES INVOLVING THE TESTING THAT WAS DONE IN THIS CASE?

A AT THIS TIME, AT THE TIME OF THIS CASE, I WAS QUALIFIED AS A FORENSIC SEROLOGIST AND IN TRAINING AS A FORENSIC D.N.A. ANALYST.

Q CAN YOU DESCRIBE TO THE JURY A LITTLE BIT WHAT THE PROCESS IS WHEN YOU RECEIVE SAMPLES AND JUST KIND OF GENERALLY HOW SAMPLES COME TO YOU AND HOW YOU -- WHAT YOU DO WITH THEM?

A YES. WE RECEIVE SAMPLES FROM LAW ENFORCEMENT AGENCIES AROUND THE STATE. OUR BASIC JOB AT THE FORENSIC D.N.A. ANALYSIS UNIT IS TO TEST THE SAMPLES THAT WERE COLLECTED AT THE CRIME SCENE, THE BIOLOGICAL EVIDENCE, AND COMPARE THEM TO KNOWN STANDARDS.

Q AND WHEN YOU -- AT THIS TIME, WHAT PART OF THE TESTING DID YOU DO?

A THE FIRST STEP IS TO DETERMINE WHAT BIOLOGICAL FLUID WE'RE WORKING WITH, AND THAT'S KNOWN AS SEROLOGY. FORENSIC SEROLOGY IS THE SCIENTIFIC IDENTIFICATION OF BODY FLUIDS AS IT RELATES TO CRIMINAL INVESTIGATIONS. THAT IS WHAT I DID IN THIS CASE.

Q AND WHEN YOU DO THAT, WHAT TYPE OF EVIDENCE DO YOU RECEIVE AND HOW DO YOU TEST THAT?

A WE RECEIVE EVIDENCE THAT WAS COLLECTED AT THE CRIME SCENE AND PERFORM ANALYSIS ON THAT. IN THIS CASE --

Q WELL, LET ME STOP YOU HERE BEFORE WE GET INTO THIS PARTICULAR CASE. WHEN YOU RECEIVE EVIDENCE, HOW IS IT -- IS IT PACKAGED IN A CERTAIN WAY OR HOW IS IT PHYSICALLY TURNED OVER TO YOU?

A YES. WE RECEIVE EVIDENCE THAT WAS BROUGHT IN AND LOGGED IN IN OUR EVIDENCE CONTROL UNIT, AND IT GOES TO VARIOUS DEPARTMENTS FROM THERE. IN THIS CASE I RECEIVED A HEAT-SEAL POUCH THAT CONTAINED D.N.A. EVIDENCE, OR BIOLOGICAL EVIDENCE.

Q AND WAS THAT POUCH SEALED WHEN YOU RECEIVED IT?

A YES.

Q AND WOULD YOU BE ABLE TO TELL IF IT WAS TAMPERED WITH?

A YES, IF IT HAD NOT BEEN SEALED PROPERLY, AND THAT'S A HEAT SEAL WITH THE DATE AND THE PERSON'S INITIALS WHO SEALED IT. I WOULD MAKE A NOTE OF THAT.

Q AND HAVE YOU TESTIFIED IN COURT BEFORE?

A YES, I HAVE BEEN COURT-QUALIFIED IN THE STATE OF SOUTH CAROLINA IN THE FIELD OF FORENSIC D.N.A. ANALYSIS ABOUT EIGHT TIMES AND FORENSIC SEROLOGY ABOUT 12.

Q AND IS THAT GENERALLY -- WAS IT IN GENERAL SESSIONS COURT?

A GENERAL SESSIONS, THAT'S CORRECT.

Q THROUGHOUT THE COUNTIES?

A THROUGHOUT THE STATE OF SOUTH CAROLINA, YES, SIR.

MR. HOLLAND: YOUR HONOR, AT THIS TIME I'D LIKE TO OFFER THIS WITNESS AS AN EXPERT IN JUST SEROLOGY.

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THE COURT: ALL RIGHT.

(TO MR. CLARK) WOULD YOU LIKE TO CROSS-EXAMINE HER?

MR. CLARK: NO, SIR, YOUR HONOR. WE STIPULATE SHE'S QUALIFIED.

THE COURT: ALL RIGHT.

(TO JURY) WELL, THE DEFENSE STIPULATES AND THE COURT FINDS THE WITNESS TO BE AN EXPERT IN THE FIELD OF FORENSIC SEROLOGY.

Q WITH REGARD TO THIS CASE, DID YOU RECEIVE SEVERAL ITEMS TO BE TESTED IN THIS CASE?

A YES, SIR.

Q DID YOU RECEIVE SOME SWABS? CAN YOU TELL US WHAT A SWAB IS AND WHAT, GENERALLY, YOU GET ON A SWAB, HOW YOU TEST THAT?

A GENERALLY, AT THE CRIME SCENE THE FORENSIC TECHNICIAN THAT'S PROCESSING THE CRIME SCENE WILL COLLECT OTHER BLOOD EVIDENCE, SALIVA EVIDENCE, OR IN SOME CASES SEMEN EVIDENCE ON A SWAB. IT'S AIR-DRIED, PACKAGED AND SENT TO THE D.N.A. ANALYSIS UNIT FOR PROCESSING.

Q WHEN THEY'RE PACKAGED, DO THEY LABEL THEM IN ANY CERTAIN WAY?

A THEY DO. THEY WILL LABEL THEM WHERE THEY'RE COLLECTED FROM AND WHETHER THEY'RE SWABS OR CUTTINGS OR WHATEVER.

Q SO YOUR PURPOSE IS, ONCE YOU GET THESE SWABS, IN THIS PART OF IT, YOU TEST TO SEE IF THERE'S BODILY FLUIDS ON IT, AND

THEN IN THIS CASE YOU WERE LOOKING FOR BLOOD?

A YES, SIR.

Q AND YOU HAD SOME SWABS THAT CAME FROM A VEHICLE IN THIS CASE?

A YES, SIR.

Q DID YOU PERFORM ANY TESTS ON THOSE SWABS?

A YES, SIR, I DID.

Q AND WHAT DID THOSE TESTS REVEAL?

A THERE WAS SWABS TAKEN FROM A PLASTIC AREA IN THE VACANT SEAT ON THE DRIVER'S SIDE OF A VAN, AND I TESTED THAT AND THAT WAS HUMAN BLOOD IDENTIFIED ON THAT SWAB.

Q AND ANY OTHER SWABS?

A THE NEXT ITEM, 81, OUR ITEM 81, WAS A SWAB FROM AN AREA ON THE FLOOR AT THE VACANT SEAT ON THE PASSENGER SIDE OF THE SAME VAN, AND HUMAN BLOOD WAS IDENTIFIED ON THAT ONE AS WELL.

A ITEM 82, A SWAB FROM THE DOOR JAMB AREA ON A PASSENGER SIDE DOOR, HUMAN BLOOD IDENTIFIED AS WELL. AND THERE WERE SWABS FROM A BULLET FOUND IN THE FRONT OF THE THIRD SEAT ON THE DRIVER'S SIDE OF THE VAN, BUT THERE WAS NO BLOOD IDENTIFIED ON THOSE. I HAVE ONE MORE, A SWAB FROM A CUT OUT OF CARPET FROM THE FORD AEROSTAR VAN, AND THERE WAS HUMAN BLOOD IDENTIFIED AS WELL.

Q OKAY. AND YOUR CONCLUSION THAT IT WAS HUMAN BLOOD, IS THAT WITHIN THE BOUNDS OF REASONABLE SCIENTIFIC CERTAINTY?

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A THAT IS HUMAN BLOOD, YES.

MR. HOLLAND: I HAVE NOTHING FURTHER OF THIS WITNESS, YOUR HONOR.

THE COURT: CROSS?

MR. CLARK: NO QUESTIONS, YOUR HONOR.

THE COURT: THANK YOU.

(TO WITNESS) THANK YOU VERY MUCH.

ANY OBJECTION TO THE WITNESS BEING EXCUSED?

MR. CLARK: NO, SIR, YOUR HONOR.

MR. HOLLAND: I DO HAVE ONE FURTHER QUESTION I NEED TO ASK OF THIS WITNESS.

THE COURT: ALL RIGHT.

CONTINUED DIRECT EXAMINATION

BY MR. HOLLAND:

Q ONCE YOU DO YOUR TESTING, WHAT DO YOU DO WITH THE SWABS AND WITH THE EVIDENCE?

A AFTER I PERFORM SEROLOGY ANALYSIS, AT THIS POINT IN MY TRAINING I WAS QUALIFIED TO PERFORM D.N.A. EXTRACTIONS ON THE SAMPLES THAT I READ OUT BEFORE FROM THE VAN. IN THIS CASE I WOULD ADD REAGENTS TO THE SWABS TO ANALYZE THE CELLS AND RELEASE THE D.N.A. AT THAT TIME I WOULD QUANTITATE TO MAKE SURE WE HAVE ENOUGH D.N.A. TO WORK WITH AND HAND IT OVER TO DR. LAMBERT FOR FURTHER ANALYSIS, AS FAR AS THE D.N.A. ANALYSIS.

Q THANK YOU.

THE COURT: (TO WITNESS) THANK YOU, MA'AM. YOU MAY STAND DOWN, THANK YOU.

MR. HOLLAND: THE STATE CALLS DR. LAMBERT.

THE COURT: (TO WITNESS) PLEASE COME FORWARD.

MR. HOLLAND: YOUR HONOR, AT THIS TIME I'D LIKE TO ASK THE COURT TO RELEASE AGENT RILEY FROM HER SUBPOENA.

THE COURT: I'VE ALREADY DONE THAT.

(WHEREUPON, STEVE LAMBERT, Ph.D., HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. HOLLAND:

Q DR. LAMBERT, COULD YOU STATE YOUR NAME FOR THE RECORD?

A STEVE LAMBERT, L-A-M-B-E-R-T.

Q AND WHAT'S YOUR OCCUPATION?

A I'M EMPLOYED AT SLED IN THE D.N.A. ANALYSIS DEPARTMENT AS A FORENSIC SEROLOGIST AND D.N.A. ANALYST.

Q AND HOW LONG HAVE YOU BEEN EMPLOYED WITH SLED IN THAT CAPACITY?

A SINCE 1990.

Q AND WHAT'S YOUR EDUCATION AND BACKGROUND?

A I HAVE A BACHELOR OF SCIENCE IN CHEMISTRY FROM MARS HILL COLLEGE, 1983. I HAVE A Ph.D. IN BIOCHEMISTRY FROM THE UNIVERSITY OF SOUTH CAROLINA IN 1990. ONCE I BECAME EMPLOYED AT SLED, I WENT TO THE F.B.I. ACADEMY AND TOOK

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THEIR D.N.A. TYPING COURSE IN QUANTICO, VIRGINIA AND RECEIVED GRADUATE CREDIT FROM THE UNIVERSITY OF VIRGINIA FROM THAT. AND FROM THERE I WAS VISITING SCIENTIST AT THE F.B.I. ACADEMY DOING RESEARCH IN THEIR LABORATORIES.

SINCE THEN I'VE PERFORMED ANALYSIS UNDER THE SUPERVISION OF COURT-QUALIFIED EXPERTS AT SLED TO TRAIN AND HANDLE FORENSIC EVIDENCE AND HAVE ATTENDED NUMEROUS SYMPOSIUMS, SEMINARS SINCE BECOMING AN EMPLOYEE AT SLED.

Q IS YOUR ENTIRE WORK DEVOTED TO SEROLOGY AND D.N.A.?

A YES.

Q AND HAVE YOU BEEN QUALIFIED AS AN EXPERT BEFORE?

A YES.

Q IN WHAT COURTS?

A IN FEDERAL, STATE AND MILITARY COURTS, FAMILY COURT.

MR. HOLLAND: YOUR HONOR, AT THIS TIME I'D OFFER THIS WITNESS AS AN EXPERT IN SEROLOGY AND D.N.A.

MR. CLARK: WE STIPULATE TO THE WITNESS'S QUALIFICATIONS.

THE COURT: ALL RIGHT.

(TO JURY) THE DEFENSE STIPULATES AND THE COURT FINDS THE WITNESS TO BE AN EXPERT IN THE FIELD OF FORENSIC SEROLOGY AND D.N.A. ANALYSIS.

Q CAN YOU TELL THE JURY WHAT D.N.A. IS, HOW YOU ANALYZE IT, GENERALLY SPEAKING, WHAT D.N.A. IS, HOW IT'S ANALYZED AND THE SIGNIFICANCE OF ANY RESULT YOU'D GIVE WITH THAT

ANALYSIS?

A OKAY. D.N.A. STANDS FOR DEOXYRIBONUCLEIC ACID, WHICH IS WHY WE CALL IT D.N.A. FOR SHORT. IT'S A CHEMICAL THAT'S FOUND IN VIRTUALLY EVERY ONE OF THE CELLS IN YOUR BODY, AND WITH THAT CHEMICAL IS FOUND THE INFORMATION THAT'S REQUIRED TO TAKE YOU FROM A SINGLE CELL, AT THE MOMENT OF CONCEPTION, ALL THE WAY UP TO A FULLY DEVELOPED HUMAN BEING. ALL THAT INFORMATION IS ENCODED IN THAT MOLECULE, SO IT'S A VERY COMPLEX CHEMICAL.

BUT IT'S BEEN WELL STUDIED, SINCE 1953. WE UNDERSTAND QUITE A BIT ABOUT IT AND HAVE DISCOVERED THE LANGUAGE OF D.N.A. THAT'S ENCODED IN IT. WE'VE ALSO DISCOVERED SEVERAL SITES OF D.N.A. ARE VERY DIFFERENT FROM PERSON TO PERSON. THE VAST MAJORITY OF THE D.N.A. IS THE SAME FOR EVERYBODY IN THIS ROOM, BUT THERE ARE PORTIONS OF IT THAT MAKE US DIFFERENT, AND FORENSIC SCIENTISTS HAVE IDENTIFIED THOSE PORTIONS.

WE'VE LEARNED HOW TO TEST THOSE AND GET THE RESULTS OF WHAT MAKES US DIFFERENT FROM EACH OTHER AND DEVELOP WHAT'S CALLED A D.N.A. PROFILE. EVERYONE HAS A DIFFERENT D.N.A. PROFILE WITH THE EXCEPTION OF IDENTICAL TWINS, SINCE THEY STARTED FROM A SINGLE EGG THAT SHARED THE SAME D.N.A. EVERYONE ELSE, EVEN FULL SIBLINGS, ARE GOING TO HAVE A DIFFERENT D.N.A. PROFILE.

AND THAT'S WHAT WE TEST AS FORENSIC SCIENTISTS. WE'RE

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INTERESTED IN TAKING THE BIOLOGICAL MATERIAL THAT'S FOUND AT A CRIME SCENE, WHETHER IT'S BLOOD, SEMEN, SALIVA, SOMETHING THAT ORIGINATED WITH THE BODY, AND SINCE IT'S AT A CRIME SCENE, WE DON'T KNOW WHO IT CAME FROM. IT'S COLLECTED AT THE SCENE, IT'S BROUGHT BACK TO THE LAB AND THIS D.N.A. PROFILE IS DEVELOPED ON THAT ITEM.

FROM THERE WE GET STANDARDS FROM SUSPECTS OR VICTIMS, KNOWN STANDARDS, WE KNOW WHO THESE SAMPLES CAME FROM, AND DEVELOP PRINTS FROM THOSE, AND THEN WE COMPARE IT BACK TO THE EVIDENCE THAT'S FOUND AT THE CRIME SCENE AND SEE IF WE CAN DEVELOP ANY MATCHES BETWEEN THE TWO. AND BECAUSE OF THAT, IT'S TWOFOLD. WE INCLUDE PEOPLE AS BEING CONTRIBUTORS TO THAT MATERIAL AND WE ALSO EXCLUDE PEOPLE. SO THE TESTING ACCOMPLISHES TWO THINGS.

Q AND IN THIS CASE DID YOU RECEIVE SOME ITEMS TO BE TESTED?

A I RECEIVED THE D.N.A. EXTRACTS FROM AGENT RILEY, FROM THE VAN AND ALSO AN EXTRACT FROM THE BLOOD OF THE VICTIM, MELVIN STEELE.

Q AND WHAT TESTS DID YOU PERFORM ON THIS, OR DID YOU TEST THIS MATERIAL?

A YES.

Q AND WHAT TESTS DID YOU DO AND WHAT WERE THE RESULTS OF THAT TEST?

A WE PERFORMED WHAT'S CALLED AN S.T.R. TEST. S.T.R. STANDS FOR SHORT TANDEM REPEAT. THESE ARE THE PARTS OF THE D.N.A.

THAT FORENSIC SCIENCE IS USING CURRENTLY TO TELL INDIVIDUALS APART. IT'S THE SAME TEST THAT VIRTUALLY EVERY SINGLE LAB IN NORTH AMERICA USES IN CRIME LABS, SO IT'S A VERY STANDARDIZED D.N.A. TEST.

I PERFORMED THE S.T.R. TEST ON THESE SAMPLES AND DEVELOPED D.N.A. PROFILES FROM THEM.

Q AND ONCE YOU DEVELOPED THESE D.N.A. PROFILES FROM THE SAMPLES -- YOU HAD SAMPLES FROM THE VAN, YOU SAID, AND ALSO THE STANDARD FROM MELVIN STEELE?

A THAT'S CORRECT.

Q AND YOU COMPARED THOSE TWO TOGETHER ONCE YOU DEVELOPED THE PROFILE?

A THAT'S CORRECT.

Q AND WHEN YOU COMPARED THEM, COULD YOU DRAW ANY CONCLUSIONS FROM THE COMPARISON?

A YES. I RECEIVED THREE SWABBINGS FROM THE VAN, A SWAB FROM THE PLASTIC AREA, A SWAB FROM THE AREA ON THE FLOOR, A SWAB FROM THE DOOR JAMB ON THE PASSENGER SIDE DOOR. EACH ONE OF THESE HAD BEEN PREVIOUSLY IDENTIFIED AS HUMAN BLOOD. THE D.N.A. PROFILE FROM EACH ONE OF THOSE MATCHED THE D.N.A. PROFILE FROM THE VICTIM, MELVIN STEELE, AND THE PROBABILITY OF SELECTING SOMEBODY AT RANDOM FROM THE POPULATION THAT WOULD HAVE THAT D.N.A. PROFILE IS APPROXIMATELY ONE IN 29 QUADRILLION, SO IT'S AN EXTREMELY RARE D.N.A. PROFILE. IT MATCHES THE VICTIM AND IT MATCHES THE ITEMS THAT WERE FOUND

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IN THE VAN.

Q AND ARE YOUR CONCLUSIONS BASED WITHIN THE BOUNDS OF REASONABLE SCIENTIFIC CERTAINTY?

A YES.

Q LET ME SHOW YOU THIS AND JUST ASK IF YOU RECOGNIZE IT?

A THIS IS THE ORIGINAL REPORT THAT REFLECTS THE D.N.A. AND SEROLOGY FINDINGS OF THE SLED LAB. IN THIS CASE AGENT RILEY AND MYSELF SIGNED THIS REPORT.

MR. HOLLAND: YOUR HONOR, WITHOUT OBJECTION I'D MOVE TO INTRODUCE THIS AS THE NEXT STATE'S EXHIBIT.

MR. CLARK: YOUR HONOR, I THINK THAT'S CUMULATIVE TO WHAT HE'S TESTIFIED TO.

THE COURT: MR. HOLLAND, I SUSTAIN THE OBJECTION.

MR. HOLLAND: NOTHING FURTHER FROM THIS WITNESS.

THE COURT: (TO MR. CLARK) CROSS?

MR. CLARK: NO, SIR.

THE COURT: THANK YOU. ANY OBJECTION TO THE WITNESS BEING EXCUSED?

MR. CLARK: NO, SIR.

THE COURT: (TO WITNESS) THANK YOU, YOU'RE EXCUSED.

A THANK YOU, YOUR HONOR.

MR. JUSTICE: I BEG THE COURT'S INDULGENCE JUST A MOMENT TO SEE IF MY NEXT TWO WITNESSES ARE READY TO GO FORWARD.

THE COURT: ALL RIGHT.

(OFF-THE-RECORD DISCUSSION)

MR. JUSTICE: I CALL SPECIAL AGENT ED RYAN.

(WHEREUPON, EDWARD RYAN, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A IT'S EDWARD RYAN, R-Y-A-N.

Q MR. RYAN, WHERE ARE YOU EMPLOYED?

A I'M A SPECIAL AGENT WITH THE F.B.I., BALTIMORE DIVISION.

Q STATIONED AT THE BALTIMORE DIVISION?

A YES, SIR.

Q HOW LONG HAVE YOU BEEN WITH THE F.B.I.?

A SEVENTEEN YEARS, 18 IN AUGUST.

Q AND HOW LONG HAVE YOU BEEN STATIONED IN THE STATE OF MARYLAND?

A I GOT TO MARYLAND IN SEPTEMBER OF 1992.

Q SO YOU'VE BEEN THERE OVER 10 YEARS, 11 YEARS?

A YES.

Q I WANT YOU TO THINK BACK, PLEASE, TO THE SUMMER OF THE YEAR 2000. DID YOU HAVE OCCASION, FROM TIME TO TIME, TO WORK ON WHAT I THINK YOU REFERRED TO AS A FUGITIVE TASK FORCE?

A I WORKED WITH THEM. I WASN'T TECHNICALLY ASSIGNED TO IT. WE SHARED COMMON SPACE, AND BASICALLY WHEN THEY WERE EITHER

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DOWN BODIES, OR WHATEVER, SOME OF US WOULD HELP OUT.

Q WHAT IS THE PRIMARY PURPOSE OF THAT GROUP?

A BASICALLY THE FUGITIVE TASK FORCE IS, SAY, IT'S COMPOSED OF STATE TROOPERS, F.B.I. AGENTS, LOCAL POLICE OFFICERS, AND, YOU KNOW, THEY WOULD GET REQUESTS FROM OTHER OFFICES, OTHER DIVISIONS, OTHER DEPARTMENTS. WE HAD LOCAL WARRANTS AS WELL. AND BASICALLY EVERY DAY WE'D GO OUT AND LOOK FOR FOLKS.

Q GO OUT AND MAKE ARRESTS?

A CORRECT.

Q IN THE LAST PART OF JUNE OF THE YEAR 2000, DID YOU RECEIVE A REQUEST FOR ASSISTANCE FROM LANCASTER COUNTY, SOUTH CAROLINA, I THINK THROUGH AGENT MIKE DOUGHERTY IN ROCK HILL, TO ASSIST IN LOCATION AND ARRESTING ONE VERNARD MATHIS?

A YES, WE DID.

Q AND WERE THESE SOUTH CAROLINA WARRANTS FORWARDED UP TO MARYLAND FOR YOUR PURPOSES?

A YES.

Q DID YOU PARTICIPATE IN THAT PARTICULAR PHASE OF THIS FUGITIVE --

A I WASN'T INVOLVED IN THE PAPER WORK. I WAS INVOLVED THAT MORNING, BASICALLY. A GUY I WORK WITH, STEVE STOWE, WAS ACTUALLY THE CASE AGENT AND WHO RECEIVED THE REQUEST.

Q AND DID YOURSELF AND AGENT STOWE DETERMINE WHERE -- WELL,

FIRST OF ALL, WAS THIS A REQUEST TO ARREST ONE VERNARD JEROME MATHIS?

A YES, IT WAS.

Q AND DID YOU, THROUGH YOUR EFFORTS AND THE EFFORTS OF OFFICER STOWE, LEARN WHERE MR. MATHIS MIGHT BE ON A PARTICULAR TIME ON A PARTICULAR DAY?

A YES, WE DID.

Q AND WHAT DAY WAS THE ARREST EFFECTUATED?

A I BELIEVE IT WAS MIDWEEK. I'M NOT POSITIVE ON THAT. I WANT TO SAY IT WAS, LIKE, A WEDNESDAY.

Q IN LATE JUNE?

A YES.

Q AND DID YOU, IN FACT, SEE MR. MATHIS, THE DEFENDANT, ON THAT DAY?

A YES, WE DID.

Q WERE YOU INSIDE A BUILDING OR OUTSIDE OF A BUILDING?

A SOME OF US WERE INSIDE, SOME OF US WERE OUTSIDE. I WAS INSIDE.

Q AND THAT WAS WHERE? WHAT PART OF MARYLAND WERE YOU IN?

A HYATTSVILLE, MARYLAND. IT'S A SUBURB OF WASHINGTON, D.C. IN PRINCE GEORGE'S COUNTY, MARYLAND.

Q IS THAT THE COUNTY SEAT?

A THE COUNTY SEAT IS ACTUALLY UPPER MARLBORO, SO THE ANSWER IS NO.

Q WAS THIS AT A PUBLIC BUILDING IN HYATTSVILLE?

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A YES.
Q AND DID MR. MATHIS COME UP AND DRIVE UP TO THAT PUBLIC BUILDING?
A YES.
Q DID YOU NOTICE WHAT HE WAS DRIVING WHEN HE CAME BY?
A I DIDN'T NOTICE WHAT HE WAS DRIVING WHEN HE CAME BY. I KNOW THAT SUBSEQUENT TO INVESTIGATION.
Q DID HE APPEAR?
A YES.
Q AND WAS HE PLACED UNDER ARREST?
A YES, HE WAS.
Q AND DID YOU OBTAIN ANY FROM HIM IN REGARDS TO AN AUTOMOBILE?
A YES, WE DID.
Q PLEASE TELL US WHAT THAT WAS.
A WE OBTAINED HIS KEYS TO HIS CAR.
Q AND WERE YOU ABLE TO MATCH THOSE KEYS TO A CAR IN THE PARKING GARAGE?
A WE TOOK THE KEYS AND THEN WENT TO HIS CAR, AND THE KEYS WORKED ON THE CAR.
Q AND WHAT KIND OF CAR WAS IT?
A IT WAS A BLUE CADILLAC ELDORADO, 1995.
Q DARK BLUE CADILLAC ELDORADO?
A YES.
Q '95?

A (WITNESS NODDING HEAD).
Q AND DID YOU LATER PARTICIPATE, ALONG WITH OTHER AGENTS, AFTER OBTAINING A MARYLAND STATE SEARCH WARRANT, IN THE SEARCH OF THAT VEHICLE?
A YES, I DID. I WAS THERE. ANOTHER GUY WAS ACTUALLY LEADING THE SEARCH.
Q WHO WAS THE PRIMARY LEAD AGENT IN THE SEARCH OF THE VEHICLE?
A SPECIAL AGENT DAVE RODEN. HE WAS THE LEADER OF THE EVIDENCE RESPONSE TEAM THAT WE HAD WHICH HANDLES THAT TYPE OF THING.
Q THANK YOU. PLEASE ANSWER ANY QUESTIONS COUNSEL FOR THE DEFENSE MAY HAVE.
A YES, SIR.

CROSS-EXAMINATION

BY MR. CLARK:

Q AGENT RYAN, RIGHT?
A YES, SIR.
Q MR. RYAN, YOU MENTIONED THE FUGITIVE TASK FORCE THAT YOU WERE WORKING WITH?
A YES.
Q MR. MATHIS DIDN'T RUN WHEN YOU APPROACHED HIM ABOUT THIS CASE, DID HE?
A NO, HE DID NOT.
Q THANK YOU, SIR.

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MR. CLARK: THAT'S ALL I HAVE.

THE COURT: THANK YOU.

YOU MAY STAND DOWN, AGENT.

MR. JUSTICE: WE WOULD LIKE TO EXCUSE MR. RYAN, BUT WE'D LIKE TO WAIT UNTIL THE OTHER AGENT HAS TESTIFIED JUST IN CASE.

THE COURT: ANYTHING, MR. CLARK?

MR. CLARK: NO, SIR.

THE COURT: (TO WITNESS) YOU'RE EXCUSED.

A THANK YOU, YOUR HONOR.

MR. JUSTICE: I'D ASK AGENT DAVE RODEN AND MR. BLACKMON AND THE EXHIBITS TO COME BACK IN.

(WHEREUPON, DAVID RODEN, HAVING FIRST BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

DIRECT EXAMINATION

BY MR. JUSTICE:

Q STATE YOUR NAME, PLEASE, SIR.

A DAVID RODEN.

Q AND, MR. RODEN, WHERE ARE YOU EMPLOYED?

A I'M A SPECIAL AGENT WITH THE FEDERAL BUREAU OF INVESTIGATION.

Q HOW LONG HAVE YOU BEEN AN F.B.I. AGENT?

A NINETEEN YEARS.

Q NINETEEN YEARS?

A (WITNESS NODDING HEAD).

Q WHERE ARE YOU ASSIGNED?
A CURRENTLY I AM IN THE CINCINNATI DIVISION, WORKING OUT OF THE COLUMBUS AGENCY, SO COLUMBUS, OHIO.
Q THAT'S IN OHIO?
A YES, SIR.
Q HOW LONG HAVE YOU BEEN AT THAT DUTY POST?
A JUST A LITTLE OVER TWO YEARS, JANUARY OF 2001.
Q WHERE WERE YOU FOR THE SEVERAL YEARS PREVIOUS TO THAT?
A ABOUT EIGHT YEARS PRIOR TO THAT, I WAS AT THE BALTIMORE DIVISION, BALTIMORE, MARYLAND.
Q IN THE STATE OF MARYLAND?
A YES, SIR.
Q DID YOU HAVE AN OCCASION IN LATE JUNE OF THE YEAR 2000 TO PARTICIPATE IN A MATTER ASSISTING THE LANCASTER COUNTY SHERIFF'S DEPARTMENT IN INVESTIGATING A MURDER CASE?
A I BELIEVE IT WAS IN JULY OF 2000.
Q JULY?
A YES, SIR.
Q EARLY JULY. AND THERE'S BEEN TESTIMONY FROM AGENT RYAN THAT YOU WERE BASICALLY LEAD AGENT IN THE SEARCH OF AN AUTOMOBILE THAT HAD BEEN SEIZED PURSUANT TO A MARYLAND STATE SEARCH WARRANT?
A YES, SIR. I WAS A MEMBER OF THE EVIDENCE RESPONSE TEAM IN THE BALTIMORE OFFICE AND ASKED TO DO A SEARCH AND PROCESSING OF A 1995 CADILLAC ELDORADO.

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Q WOULD YOU PLEASE FIRST TELL THE JURY THE GENERAL METHODOLOGY USED IN A THOROUGH SEARCH OF AN AUTOMOBILE SUCH AS IN THIS CASE?

A GENERALLY WE TALK WITH THE INVESTIGATING AGENT TO FIND OUT WHAT IT IS THEY'RE LOOKING FOR IN A SEARCH AND THEN GET TOGETHER THE APPROPRIATE PEOPLE TO PARTICIPATE IN THE SEARCH. IN THIS CASE I ASKED FOR ANOTHER AGENT, SPECIAL AGENT MARGO BARBER, TO ASSIST, AND HAD OUR OFFICE PHOTOGRAPHER, AND GENERALLY HE WOULD DO A GENERAL DESCRIPTION OF THE VEHICLE, HE WOULD TAKE PHOTOGRAPHS OF THE VEHICLE. WE THEN WOULD TAKE ANY EVIDENCE THAT'S IN THE PASSENGER COMPARTMENT AND TAKE THAT AS EVIDENCE.

AFTERWARDS, BASED ON THE NATURE OF THE TYPE OF CASE, WE DECIDED TO TAKE VACUUM SWEEPINGS OF THE INTERIOR OF THE CAR. SO WE VACUUMED THE FRONT AND REAR PARTS OF THE PASSENGER COMPARTMENT, AND THEN WE DID A SEARCH OF THE TRUNK AREA. WE PHOTOGRAPHED AND WE REMOVED THE ITEMS. WE DID A VACUUM SEARCH OF THE TRUNK AREA BECAUSE WE THOUGHT THERE MIGHT BE DRUGS INVOLVED. WE ASKED FOR A DRUG SNIFFING DOG TO COME LOOK AT THE CAR.

AND THEY ALSO REQUESTED THE CAR BE PROCESSED FOR FINGERPRINTS, SO WE DID A PROCESS AND SEARCH OF THE CAR FOR FINGERPRINTS.

Q AGENT RODEN, DID YOU MAKE CERTAIN SEIZURES OF ITEMS WITHIN THE PASSENGER COMPARTMENT, AS WELL AS THE TRUNK COMPARTMENT

OF THIS VEHICLE?

A YES, SIR, WE DID.

MR. JUSTICE: ONE MOMENT.

Q I'M GOING TO HAND THESE TO YOU ONE AT A TIME. FIRST OF ALL, THESE ITEMS YOU SEIZED, ONCE YOU HAD SEIZED THEM ALL, WERE THEY ANALYZED IN WASHINGTON BY THE F.B.I. OR WERE THEY FORWARDED ON TO THE SHERIFF'S DEPARTMENT IN LANCASTER COUNTY?

A THEY WERE BAGGED AND TAGGED BY US IN THE BALTIMORE OFFICE AND THEN DIRECTLY SHIPPED DOWN TO THE LANCASTER SHERIFF'S OFFICE FOR PROCESSING.

Q I'M GOING TO SHOW YOU FIRST THIS ENVELOPE CONTAINING EVIDENCE TAPED WITH FEDERAL BUREAU OF INVESTIGATION TAPE AND ASK WHETHER OR NOT YOU CAN IDENTIFY THAT AS HAVING BEEN ONE OF THE ITEMS THAT YOU SEIZED FROM THIS CADILLAC ELDORADO.

A YES, SIR. THIS HAS ONE OF MY EVIDENCE TAGS. THE TAG IS IN MY HANDWRITING AND IT ALSO HAS MY INITIALS ON IT.

Q OKAY, IF YOU WILL, TELL US WHAT'S IN THAT ENVELOPE.

A THIS WOULD BE ITEM 18 OF THAT PARTICULAR SEARCH, AND WHAT'S MARKED ON THE EVIDENCE TAG IS, "YELLOW NOTE PAD, MISCELLANEOUS PAPERS", AND INSIDE THE ENVELOPE IS A YELLOW NOTE PAD AND MISCELLANEOUS PAPERS.

Q COLLECTED FROM VARIOUS PLACES INSIDE THE AUTOMOBILE?

A THESE WOULD HAVE BEEN COLLECTED FROM THE BACK POCKET OF THE

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FRONT PASSENGER SEAT.

Q THAT WOULD BE A POCKET BEHIND THE PASSENGER SEAT?

A YES, SIR.

MR. JUSTICE: I MOVE THIS BE INTRODUCED AS ONE EXHIBIT, YOUR HONOR. IT'S A NUMBER OF VARIOUS PIECES OF PAPER ALONG WITH A BLANK NOTEBOOK.

MR. CLARK: YOUR HONOR, I WOULD OBJECT TO THESE DOCUMENTS AS NOT BEING RELEVANT TO THE CASE AND --

THE COURT: RELEVANCY?

MR. CLARK: YES, SIR, AND NO PROBATIVE VALUE, BUT MAYBE PREJUDICIAL.

THE COURT: SOLICITOR?

MR. JUSTICE: YOUR HONOR, WE FIND THEM PROBATIVE. WE WILL HAVE OTHER TESTIMONY SHOWING CONSISTENCY BETWEEN THE YELLOW NOTEPAD AND NOTES FOUND DURING THE COURSE OF ANOTHER SEARCH. THERE'S IDENTIFYING INFORMATION FROM ARNOLD PALMER CADILLAC IN CHARLOTTE WHICH GOES TO FORTIFY THE TESTIMONY EARLIER TODAY FROM MR. HAIRSTON.

ADMITTEDLY SOME OF THIS IS EXTRANEOUS, BUT WE INTRODUCE IT TOGETHER SIMPLY BECAUSE IT WAS SEIZED TOGETHER, YOUR HONOR.

MR. CLARK: YOUR HONOR, I WOULD ASK THAT IT BE ADMITTED FOR I.D. UNTIL AND WHEN IT'S LINKED UP BECAUSE SOME OF IT IS JUST -- DOESN'T HAVE ANY

PROBATIVE VALUE AT ALL. I THINK ONE OF THEM IS ANOTHER RECORD THAT --

THE COURT: ALL RIGHT. WELL, WHAT'S THE NEXT APPROPRIATE EXHIBIT NUMBER, MADAM COURT REPORTER?

REPORTER: #61, YOUR HONOR.

THE COURT: ALL RIGHT, I'LL MARK THEM #61 FOR I.D. AT THIS TIME BUT NOTE HIS ADMISSION OBJECTION AND I'LL RULE ON IT AT THE CLOSE OF THE CASE.

(STATE'S EXHIBIT #61, MARKED FOR IDENTIFICATION, ENVELOPE WITH MISCELLANEOUS PAPERS).

MR. JUSTICE: WE CONCEDE SOME OF THIS PAPER WORK MAY HAVE NO EVIDENTIARY VALUE, BUT IT WAS ALL FOUND TOGETHER WITH THE NOTEBOOK AND THE ARNOLD PALMER STICKERS THAT WE CONTEND ARE, IN FACT, APPROPRIATE.

THE COURT: ALL RIGHT.

MR. JUSTICE: ALL ARE BACK IN THE ENVELOPE AT THIS TIME.

Q I SHOW YOU ANOTHER BOX WITH F.B.I. TAPE ON IT AND STICKERS AND SUCH, WHICH AT THE MOMENT IS EMPTY, AND TELL ME WHETHER OR NOT YOU CAN IDENTIFY THAT BOX AS HAVING COME FROM THE VEHICLE.

A YES, THIS IS A BOX WHICH WE RECOVERED FROM THE VEHICLE, AND IT WAS PLACED INTO A PAPER BAG FOR EVIDENTIARY PURPOSES AND THE BAG WAS MARKED AS ITEM #46.

Q AND AS FAR AS YOU KNOW, YOU DID NOT EXAMINE ANYTHING THAT

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MAY HAVE BEEN IN THE BOX AT THE TIME?

A YES, SIR, THAT'S CORRECT. WE DID NOT EXAMINE ANYTHING IN THE BOX AT THE TIME.

MR. JUSTICE: I INTRODUCE THIS AS EVIDENCE, YOUR HONOR, AND I STATE TO THE COURT WHILE THE BOX ITSELF MAY HAVE NO EVIDENTIARY VALUE, ONCE IT WAS RECEIVED BY THE LANCASTER COUNTY SHERIFF'S DEPARTMENT AND OPENED, THERE ARE ITEMS OF EVIDENTIARY VALUE THAT WERE FOUND IN THE BOX BY MR. BLACKMON, WHICH HE'LL TESTIFY TO LATER.

MR. CLARK: WE DON'T OBJECT TO THE BOX ITSELF, YOUR HONOR.

THE COURT: ALL RIGHT, STATE'S EXHIBIT #62, ONE BOX, ADMITTED INTO EVIDENCE WITHOUT OBJECTION.

(STATE'S EXHIBIT #62, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, BOX).

Q I SHOW YOU A PLASTIC BAG WITH A DOCUMENT INSIDE. TELL ME WHETHER OR NOT YOU CAN IDENTIFY THIS ONE.

A YES, SIR. THESE ARE FOUR PAGES THAT WERE PLACED IN THIS BAG. IT WAS MARKED AS ITEM #15 ON MY EVIDENCE INVENTORY, AND THE BAG WAS INITIALED BY MYSELF.

Q AND THE DOCUMENTS RELATE TO WHAT?

A THE DOCUMENTS ARE AN ARNOLD PALMER CADILLAC INVOICE -- I'M SORRY, ONE IS AN ARNOLD PALMER CADILLAC INVOICE, A SINGLE PAGE. THE OTHER THREE PAGES ARE STAPLED TOGETHER, AND

THESE ARE ALSO SOME TYPE OF ARNOLD PALMER CADILLAC INVOICE.

MR. JUSTICE: I'D MOVE TO INTRODUCE AS THE STATE'S NEXT --

THE COURT: #63.

MR. CLARK: NO OBJECTION.

(STATE'S EXHIBIT #63, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, ARNOLD PALMER CADILLAC INVOICES).

Q I'LL HAND YOU THIS PLASTIC ENVELOPE WITH AN ITEM INSIDE. YOU CAN SEE THROUGH THE ENVELOPE.

A YES, SIR.

Q CAN YOU IDENTIFY THAT AS BEING SOMETHING YOU TOOK FROM THE AUTOMOBILE?

A YES, SIR. THIS IS MARKED ITEM #66 ON THE INVENTORY, AND IT WAS A MOTOROLA PAGENET PAGER, THE SERIAL NUMBER LISTED ON THE EVIDENCE ITEM HERE, AND IT WAS FOUND IN THE VISOR ABOVE THE FRONT PASSENGER SEAT.

Q IN THE VISOR ABOVE THE PASSENGER SEAT IN THE FRONT?

A YES, SIR.

Q AND IT'S A PAGER OR A BEEPER?

A YES, SIR.

MR. JUSTICE: I'D MOVE THE INTRODUCTION, YOUR HONOR.

THE COURT: #64 MOVED INTO EVIDENCE.

(TO MR. CLARK) WITHOUT OBJECTION?

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MR. CLARK: NO, SIR.

THE COURT: MOVED INTO EVIDENCE WITHOUT OBJECTION, A PAGER.

(STATE'S EXHIBIT #64, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, PAGER).

Q I SHOW YOU YET ANOTHER PLASTIC ENVELOPE WITH WHAT APPEARS TO BE A CELL PHONE, A BELL SOUTH CELL PHONE, INSIDE, AND TELL ME WHETHER OR NOT THAT IS AN ITEM THAT YOU SEIZED FROM THE CADILLAC.

A YES, SIR, THIS PARTICULAR ITEM WAS SEIZED BY SPECIAL AGENT MARGO BARBER. IT'S MARKED ITEM #12 ON OUR INVENTORY. IT'S A NOKIA CELL PHONE AND IT WAS FOUND IN THE FRONT COMPARTMENT/CONSOLE AREA.

Q THE FRONT CONSOLE?

A YES, SIR, IN THE FRONT OF THE CAR, THE PASSENGER COMPARTMENT.

MR. JUSTICE: I'D MOVE THIS BE MADE A STATE'S EXHIBIT.

THE COURT: #65.

MR. CLARK: NO OBJECTION, YOUR HONOR.

THE COURT: ADMITTED WITHOUT OBJECTION, CELL PHONE.

(STATE'S EXHIBIT #65, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, NOKIA CELL PHONE).

Q I SHOW YOU YET ANOTHER PLASTIC BAG THAT SEEMS TO ALSO HAVE

A NOKIA CELL PHONE. TELL ME WHETHER OR NOT YOU CAN IDENTIFY THIS AS COMING FROM THE CADILLAC.

A YES, SIR. THIS WAS MARKED ITEM #28 ON THE INVENTORY. IT'S ALSO A NOKIA CELL PHONE AND IT WAS FOUND UNDER THE FRONT PASSENGER SEAT BY MYSELF.

Q THE FRONT PASSENGER SEAT?

A YES, SIR, UNDER THE PASSENGER SEAT.

Q THANK YOU.

MR. JUSTICE: I MOVE THIS BE STATE'S NEXT.

MR. CLARK: NO OBJECTION.

THE COURT: IT'S ADMITTED WITHOUT OBJECTION.

(STATE'S EXHIBIT #66, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, NOKIA CELL PHONE).

MR. JUSTICE: ONE MOMENT, YOUR HONOR. WE'VE GOT A COUPLE MORE EXHIBITS.

Q OKAY, SIR, I'M GOING TO HAND YOU TWO PLASTIC BAGS, EACH WITH SHOES INSIDE. I ALSO HAND YOU A COPY OF THE INVENTORY OF THIS SEARCH, IF IT'S NEEDED, IN ORDER TO HELP YOU IDENTIFY WHETHER OR NOT THESE SHOES CAME FROM THE VEHICLE AND, IF SO, WHERE.

A (WITNESS REVIEWING DOCUMENT). WHAT YOU HANDED ME WAS A COPY OF MY EVIDENCE INVENTORY, AND ON THE INVENTORY WE WOULD NOTE THE ITEMS THAT WE SEIZED, WE WOULD GIVE THEM CONSECUTIVE NUMBERS AND WE WOULD MARK WHERE THEY WERE FOUND AND WHO THEY WERE FOUND BY. THE OTHER TWO ITEMS YOU HANDED

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ME WERE TWO SHOES, BLUE AND WHITE NIKE AIR, AND I BELIEVE THESE WERE ITEM #37 ON MY INVENTORY WHICH WERE FOUND IN THE TRUNK OF THE CAR.

Q THE TRUNK OF THE CAR?

A YES, SIR.

MR. JUSTICE: I'D MOVE THE INTRODUCTION OF THESE. LET'S DO IT AS TWO SEPARATE EXHIBITS, YOUR HONOR, SINCE THEY'RE IN TWO BAGS.

THE COURT: ANY OBJECTION?

MR. CLARK: NO, SIR, YOUR HONOR.

THE COURT: I BELIEVE IT'S #67 AND #68.

MR. JUSTICE: I THINK THAT'S RIGHT, YOUR HONOR.

THE COURT: WITHOUT OBJECTION.

(STATE'S EXHIBIT #67, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, NIKE SHOE).

(STATE'S EXHIBIT #68, MARKED FOR IDENTIFICATION AND ENTERED INTO EVIDENCE, NIKE SHOE).

Q DURING THE COURSE OF THIS SEARCH, YOU WERE ASSISTED BY SEVERAL OTHER AGENTS. WERE PHOTOGRAPHS MADE OF EVERYTHING YOU ALL DID?

A YES, SIR.

Q AND THAT WAS TURNED OVER, ALSO, TO THE SHERIFF'S OFFICE IN LANCASTER COUNTY?

A YES, SIR. WE TOOK PHOTOS AT THE BEGINNING OF THE SEARCH AND THEN PHOTOS AT THE END OF THE SEARCH.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas
The Honorable Kenneth G. Goode, Circuit Court Judge

Case No.: 2007-CP-29-0300

VERNARD JEROME MATHIS,

PETITIONER,

V.

THE STATE,

RESPONDENT.

APPENDIX
VOLUME II OF II

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Q THANK YOU. PLEASE ANSWER ANYTHING COUNSEL FOR THE DEFENSE MAY HAVE.

MR. CLARK: NO QUESTIONS OF THIS WITNESS, YOUR HONOR.

THE COURT: THANK YOU.

(TO WITNESS) YOU MAY STAND DOWN.

ANY OBJECTION TO THE WITNESS BEING EXCUSED?

MR. JUSTICE: WE WOULD ASK THAT MR. RYAN AND MR. RODEN AT THIS TIME BE EXCUSED.

MR. CLARK: NO OBJECTION, YOUR HONOR.

THE COURT: (TO WITNESSES) THANK YOU, GENTLEMEN. YOU'RE EXCUSED.

MR. JUSTICE: BRIEFLY I WOULD CALL MR. BLACKMON BACK TO THE STAND.

THE COURT: (TO WITNESS) PLEASE COME FORWARD. YOU'RE STILL UNDER OATH.

(WHEREUPON, LEE BLACKMON, HAVING PREVIOUSLY BEEN DULY SWORN, TESTIFIES AS FOLLOWS).

REDIRECT EXAMINATION

BY MR. JUSTICE:

Q MR. BLACKMON, YOU WERE PREVIOUSLY UNDER OATH AND YOU'VE PREVIOUSLY TESTIFIED. THIS IS THE SECOND OR THIRD TRIP UP, I BELIEVE. DID YOU RECEIVE ALL OF THESE ITEMS THAT HAVE BEEN DESCRIBED BY THE F.B.I. AGENTS THAT WERE FOUND IN THE '65 (SIC) CADILLAC ELDORADO? WERE THEY SHIPPED TO YOUR

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DEPARTMENT?
A YES, SIR, THEY WERE.
Q AND WHEN YOU RECEIVED THEM, DID YOU GO THROUGH AND INVENTORY EVERYTHING?
A YES, SIR. WE RECEIVED THE SEALED BOXES, UNSEALED THEM, AND THEN INVENTORIED AND WENT THROUGH EACH BOX AND EACH ITEM THAT WE HAD.
Q AND DID YOU SEND ITEMS TO THE STATE LAW ENFORCEMENT DIVISION WHERE NECESSARY?
A YES. THERE WERE PORTIONS OF THE ITEMS THAT WERE SENT DOWN TO SLED FOR PROCESSING, AND SOME OF THE ITEMS REMAINED AT THE LANCASTER COUNTY SHERIFF'S OFFICE.
Q PARTICULARLY THE FOOTWEAR, ITEMS #66 AND #67, DID YOU SEND THOSE TO SLED?
A THOSE WERE SUBMITTED TO SLED.
Q NOW, STATE'S EXHIBIT --

THE COURT: EXCUSE ME JUST A MOMENT. WHAT EXHIBITS DID YOU JUST REFER TO?

MR. JUSTICE: #66 AND #67 -- EXCUSE ME, #67 AND #68. YOU KNOW THE EYES ARE THE THIRD THING TO GO.

THE COURT: I UNDERSTAND. THAT'S WHY I HAVE MY GLASSES.

Q STATE'S EXHIBIT #62 HAS BEEN IDENTIFIED AS A BOX THAT WAS NOT OPENED BY THE F.B.I. WAS IT, IN FACT, SENT TO YOU?
A YES, SIR.

Q AND UPON ARRIVAL IN LANCASTER, DID YOU OPEN THIS BOX AND CANVAS OR INVENTORY THE ITEMS IN THAT BOX?
A YES, SIR, I DID.
Q OKAY, I'M GOING TO HAND UP TO YOU FIRST A PAIR OF WHAT APPEARS TO BE UNIFORM TRAFFIC CITATIONS FROM THE STATE OF SOUTH CAROLINA.

MR. CLARK: OBJECTION, YOUR HONOR. MAY WE APPROACH ON THAT ONE, PLEASE?

THE COURT: ALL RIGHT, IS THIS #61?

MR. JUSTICE: THESE ARE ITEMS THAT CAME OUT OF STATE'S #62, WHICH IS THE BOX THAT THE F.B.I. DID NOT OPEN.

THE COURT: ALL RIGHT, NOW, THAT'S BEEN ADMITTED WITHOUT OBJECTION, HASN'T IT?

MR. CLARK: THAT'S CORRECT, YOUR HONOR.

THE COURT: ALL RIGHT, THANK YOU.

(TO MR. JUSTICE) GO AHEAD.

Q AND WHEN YOU OPENED THAT BOX, DID YOU FIND THESE TWO, WHAT APPEAR TO BE, UNIFORM TRAFFIC TICKETS?
A YES, SIR, WE DID.
Q AND WHOSE NAME ARE THOSE TRAFFIC TICKETS IN?
A THEY WERE ISSUED TO VERNARD JEROME MATHIS. ONE IS VERNARD J. MATHIS; THE SECOND ONE IS VERNARD JEROME MATHIS.
Q AND IN WHAT STATE WERE THEY ISSUED?
A THE STATE OF SOUTH CAROLINA.

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