

# VOLUME FOUR OF SIX

STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY

Edward W. Miller, Circuit Court Judge

**RECEIVED**

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**S.C. SUPREME COURT**

THE STATE,

RESPONDENT,

V.

FREDRICK ANTONIO EVINS,

APPELLANT

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1           So we went up there and showed Carlos Garrett, the  
2           guy sitting in the truck, to see if he thought the same  
3           thing. And he did, too. Then we decided to go up to  
4           Theo's Restaurant about three or four miles up the road  
5           and called the law.

6           Q     Okay. Did you eventually turn over State's Exhibit  
7           Nos. 17 and 18 to a law enforcement officer at the  
8           restaurant?

9           A     Yes, sir.

10          MR. GOWDY: Thank you, Mr. Bruce.

11          Please answer any questions the Defense attorney has  
12          for you.

13          MR. BOGGS: I have no questions of this witness.  
14          Thank you, Mr. Bruce.

15          THE COURT: All right. Sir, you can stand down.  
16          Thank you.

17          MR. GOWDY: Your Honor, we'd ask that he be excused  
18          as well.

19          MR. BOGGS: No objection.

20          THE COURT: You're released from your subpoena.  
21          Thank you, sir.

22          MR. GOWDY: Your Honor, the State would call  
23          Mr. Edward Cooley.

24          THE CLERK: Place your left hand on the Bible and  
25          raise your right.

1 WHEREUPON,

2 ANSILL EDWARD COOLEY,

3 after first having been duly sworn, testified as follows:

4 THE BAILIFF: Have a seat right here, please, sir.

5 DIRECT EXAMINATION

6 BY MR. GOWDY:

7 Q Good afternoon, sir.

8 A Good afternoon.

9 Q I want you to introduce yourself to the jury. I can  
10 tell by your uniform that you're with some agency. Tell  
11 them what agency you work with and how long you've been  
12 there.

13 A Yes, sir. My name is Ansill Edward Cooley. I've  
14 been employed by the Reidville Fire Department for a  
15 little over eight and a half years.

16 Q In your capacity with the Reidville Fire Department,  
17 are you both firefighter and EMS?

18 A Yes, sir.

19 Q And you've been there eight and a half years, you  
20 said?

21 A Just a little past eight and a half years, yes, sir.

22 Q Officer Cooley, I'm going to ask you to go back to  
23 February of 2003, did you respond to a 911 call off of  
24 Gano Road?

25 A Yes, sir, I did.

1 Q Can you tell the ladies and gentlemen what you found  
2 when you responded?

3 A We were initially dispatched for a subject found not  
4 breathing at the -- I left the station and responded to  
5 the call. They advised us that a subject on an ATV had  
6 found a body in the apple orchard. And I was supposed to  
7 meet him at 117 Gano Drive, and he would take me to the  
8 location of the body.

9 Q And did you do that?

10 A Yes, sir.

11 Q And did he do that?

12 A Yes, sir.

13 Q Do you recall whether the young man's last name was  
14 Williams?

15 A Yes, sir, Daniel Williams.

16 Q Let me show you what's been introduced as State's  
17 Exhibit No. 12, Officer, and ask you whether or not you  
18 can recognize that?

19 A Yes, sir. It's Gano Drive and the apple orchard.

20 Q Within that picture, can you tell whether or not you  
21 could identify the spot where you found the body? Is it  
22 in that frame or is it off of it?

23 A Sir, I believe it would be close to the very edge of  
24 the photo, if not slightly beyond it. It was very close  
25 to that little point.

1 Q I'm going to ask you, if you would, Officer, to step  
2 down and -- if you would, and show the jury what you just  
3 showed me in terms of where you found the body. Just use  
4 that red little button right there.

5 A It was on this side of this little wooded draw here,  
6 and it was probably near that location there. It looks  
7 like it's starting to turn out. There was a little turn  
8 out right there. It was either right close to there or  
9 just slightly to the left of that.

10 Q Okay. Can you -- I'm going to get you to take your  
11 seat again.

12 Can you tell the jury how you found the body?

13 A Once I arrived there, I found a nude female face down  
14 on the ground. She was -- I think her arms were in  
15 somewhat like this position right here.

16 Q Did you check for signs of life, Officer Cooley, or  
17 was it readily apparent to you that she was deceased?

18 A It was readily apparent once I got to the body that  
19 she was deceased.

20 Q What did you do after you made the determination that  
21 Ms. Ward was dead?

22 A I radioed back to some of our other members that were  
23 standing by on the highway, told them to seal off the area  
24 and not to allow no one else down inside the orchard.  
25 After I determined she was deceased, I started to leave

1 the area myself. Someone called me either on the radio or  
2 the Nextel I carry, and I stopped to talk to them for a  
3 second.

4 And then I proceeded on out of the orchard. And I  
5 got about halfway out and I met two detectives from  
6 Spartanburg County Sheriff's Office, one male and one  
7 female. And they asked me where was she at. And I said,  
8 come on, I'll show you. She's back on around here a  
9 little farther.

10 So I walked back out with them for a minute. I think  
11 they asked me if I had touched anything or disturbed  
12 anything. And I answered, no. And then they -- I asked  
13 if they needed anything else from me and I said, no --  
14 they said, no. And I left the orchard and returned to the  
15 road.

16 Q Officer Cooley, it's difficult from that aerial photo  
17 to have a sense of distance, can you give the jury a sense  
18 using field -- or a football field or whatever you want as  
19 to how far from the road you found Rhonda Ward's body?

20 A A rough guess, I would say between one to 200 yards.  
21 I'm not exactly sure myself. But that would probably be a  
22 rough distance of what I had to walk, because it was not a  
23 straight line. We had to work our way around the wooded  
24 area.

25 MR. GOWDY: Thank you, Officer Cooley.

1           If you would, please, answer any questions the  
2       Defense attorney may have of you.

3           MR. BOGGS: We have no questions.

4           Thank you, Officer.

5           THE COURT: All right.

6           MR. GOWDY: Your Honor, could we approach for just  
7       one brief second?

8           THE COURT: Sure.

9           MR. GOWDY: I would ask that he be released.

10          MR. BOGGS: No objection.

11          (WHEREUPON, a bench conference was held with the  
12       attorneys.)

13          THE COURT: All right. Ladies and gentlemen, I  
14       understand that we don't have any short witnesses that we  
15       can handle. Lunch has still not arrived, but I think we  
16       need to go ahead and take a break anyway. Hopefully, it  
17       will get here before too much longer. We'll try to start  
18       back at 2:30. But if it doesn't come for a little while,  
19       we'll certainly adjust the time. Y'all go ahead and  
20       retire. Do not discuss the case.

21          Thank you.

22          (WHEREUPON, the jury was excused from open court at  
23       approximately 1:15 p.m.)

24          THE COURT: Anything else we need to discuss before  
25       we break?



1 MR. GOWDY: Not from the State, Your Honor.

2 MR. BOGGS: Nothing from the Defense.

3 THE COURT: All right. We'll start back at 2:30,  
4 unless the lunch doesn't show up for a while.

5 (WHEREUPON, a lunch break was taken.)

6 THE COURT: Any matters to take up before we bring  
7 the jury back?

8 MR. BOGGS: Yesterday, before closing, we had  
9 informed the Court that we were moving to suppress a knife  
10 handle that was recovered at this trash dump that  
11 Ms. Holley talked about, where she said that all kind of  
12 items had been dumped there.

13 It's our position that that knife handle is not  
14 relevant because there's no connection between that and  
15 the case we're trying. There's no fingerprints, no blood  
16 sampling taken from it. Plus, it's just a knife handle.  
17 It's not the knife itself. As far as I know, there were  
18 no forensic tests run. That coupled with the -- there's a  
19 picture already in. I think the Court has seen it. That,  
20 coupled with the type of trash dump it was on State's  
21 Exhibit No. 15, there's no way that that knife handle can  
22 be tied into this particular case. And to let it in could  
23 create undue prejudice to the Defendant.

24 A case was sent back to Spartanburg County, a 1995  
25 case was sent back, it was just disposed of within the

1 last month where that one issue was the sole reason that  
2 it was sent back. In that case, there was a gun that was  
3 admitted into evidence that could not be connected to the  
4 crime at all. And the Court said that just the  
5 introduction of that into the case --

6 THE COURT: Violated 403.

7 What do you say to that?

8 MR. GOWDY: Your Honor, here's what I have to say  
9 about that. With all due respect to Mr. Boggs, that's not  
10 why that case was sent back. That case was sent back  
11 because there was a gun introduced into evidence that both  
12 sides agreed was not the murder weapon. So it is,  
13 clearly, irrelevant. That is not the case here.

14 The Defendant, himself, admits in his statement that  
15 he used a knife with a black handle. This knife handle  
16 was found a few feet away from her purse, her medicine  
17 bottle, and other evidence that's about to come in that is  
18 connected to Rhonda Ward.

19 We've got to keep in mind, Judge, the murder scene  
20 was miles away from where the black handle was found.  
21 We've already had testimony that a lady saw somebody --  
22 saw a white Nissan and an African American male waved to  
23 her. We've just now heard from the hunters that there was  
24 a wallet belonging to Rhonda Ward and a book belonging to  
25 Rhonda Ward found in this briar patch. And the black

1 knife handle was found feet away from those other things.  
2 I don't understand how there could be prejudice when the  
3 Defendant admits that he stabbed her to death. There's no  
4 question how she died.

5 THE COURT: Let me ask you this, Mr. Boggs, how is  
6 the knife any different than the women's underwear that  
7 was found?

8 MR. BOGGS: Well, I'm getting to that. I don't know  
9 if they can tie that in either.

10 But as far as the knife goes -- and that's all well  
11 and good what Mr. Gowdy said, but show me where it has any  
12 connection to it. They can't do that.

13 THE COURT: Well, does that not go to the weight of  
14 the evidence, as opposed to the admissibility?

15 MR. BOGGS: No, sir.

16 I think the State should be required to show a  
17 connection between an item introduced into evidence and  
18 not leave it to speculation on the part of the jury. And,  
19 again, it's very interesting that Mr. Gowdy is talking  
20 about a knife. This ain't a knife. This is a knife  
21 handle. This is not a knife.

22 THE COURT: Okay. Well --

23 MR. BOGGS: In other words -- excuse me.

24 THE COURT: Go ahead.

25 MR. BOGGS: Like I said, it's speculation from my

1 eyes. And the overflow -- they can't connect -- if they  
2 can connect it, fine, but they can't do it.

3 MR. GOWDY: Your Honor, it is connecting it. It's  
4 found --

5 THE COURT: It's connecting it through circumstantial  
6 evidence is what he's saying.

7 MR. GOWDY: Exactly.

8 MR. BOGGS: Well, Judge, if this was all in the  
9 middle of this room, you know, just a clean, unadulterated  
10 area, they might have an argument. But not only do the  
11 pictures show that this is a trash dump, the owner of that  
12 property has already testified that people dump trash,  
13 they dump household -- you can find anything out of the  
14 household there. She testified to that and they're the  
15 ones that put her up.

16 MR. GOWDY: Your Honor, it wasn't found where the  
17 dump is. It was found in a briar patch right beside  
18 what's going to be a medicine bottle with her name on it,  
19 her wallet, and her employee handbook. Here's a knife  
20 handle. The Defendant has already admitted he stabbed her  
21 to death with a knife with a black handle.

22 THE COURT: Well, at this point, I'm going to find --  
23 I'll see what the testimony is, but I think that goes more  
24 to the weight, as opposed to the admissibility. And if  
25 you can show through circumstances that it's connected --

1 I mean, it might be very good material for an argument.

2 MR. BOGGS: The problem with it being brought up at  
3 this point, though, is that he's getting ready to put up  
4 the police officer that took the pictures. And if they  
5 can't make the connection later in the trial and those  
6 pictures have gotten admitted, that's --

7 THE COURT: Well, you can admit them for ID purposes  
8 if he hasn't laid the foundation. That's a whole separate  
9 matter.

10 MR. BOGGS: Yes.

11 And that would also deal with a ring and a necklace  
12 that was already discussed that they probably can get in  
13 later through another witness, if it's marked for ID at  
14 this time. But if they can't make the connection to this  
15 particular crime, then we still want to stand on our  
16 objection.

17 THE COURT: Okay. Absolutely.

18 So mark it for ID if you can't -- unless you can get  
19 it in. I mean, I'll have to hear it because y'all are  
20 much more familiar with the facts in the case than I am.

21 MR. GOWDY: Well, Your Honor, the only thing that  
22 would be forthcoming after Detective -- well, there will  
23 be two things. It will be David Wren testifying she died  
24 because she was stabbed 11 times. And there will be the  
25 Defendant's statement that he stabbed her with a black

1 knife handle. Mr. Boggs' analysis is going to require us  
2 to put in DNA connecting the black knife handle to Rhonda  
3 Ward. We don't have that. The knife handle was out in  
4 the woods for two or three weeks. That's not the  
5 standard. The standard is relevance, and it is relevant.

6 THE COURT: Okay. I think based -- I'll just have to  
7 listen to it at the time. But I'll just tell you right  
8 now, it sounds to me that it goes more to the weight than  
9 to the admissibility.

10 MR. GOWDY: Thank you, Your Honor.

11 MR. BARNETTE: Your Honor, there's one other matter.  
12 We're going to be using a map that Mr. Boggs and all of  
13 them has seen. It's a huge map. We just need to move  
14 that. I can move it to the side here. It's cumbersome to  
15 move. That's the only problem.

16 THE COURT: When are you going to move it -- or need  
17 to use it?

18 MR. BARNETTE: We can use it at the last part of his  
19 testimony moving in and out, if you want to, but it won't  
20 take a minute or two to move.

21 THE COURT: All right. That's fine.

22 MR. BARNETTE: Okay. I just wanted to make the Court  
23 aware of that.

24 THE COURT: Thank you.

25 MR. BARNETTE: And there's a couple of our exhibits I

1 need to make sure are marked.

2 (WHEREUPON, State's Exhibit Nos. 46, 47, 48, 49, 50,  
3 51, and 52 were marked for identification only.)

4 THE COURT: Bring the jury in.

5 (WHEREUPON, the jury came into open court at  
6 approximately 3:04 p.m.)

7 THE COURT: Ladies and gentlemen, welcome back.

8 I'll turn it over to the State.

9 MR. BARNETTE: Thank you, Your Honor.

10 I'd like to call Randy Bogan to the stand.

11 THE CLERK: Place your left hand on the Bible and  
12 raise your right.

13 WHEREUPON,

14 RANDY EUGENE BOGAN,

15 after first having been duly sworn, testified as follows:

16 THE CLERK: Step up to the witness chair, please.

17 DIRECT EXAMINATION

18 BY MR. BARNETTE:

19 Q If you would, sir, please state your full name for  
20 the record.

21 A Randy Eugene Bogan.

22 Q And where do you work at, sir?

23 A Spartanburg County Sheriff's Office.

24 Q And how long have you been there, sir?

25 A Over 20 years now.

1 Q And what's your position with the Sheriff's  
2 Department now?

3 A I work in the forensic division. I have been in the  
4 forensic division for approximately five years now.

5 Q And what's part of your duties with that department?

6 A I process crime scenes and go out and take  
7 photographs and do any measurements I need to, collect  
8 blood samples, other items that need to be collected. And  
9 I take them and put them into evidence.

10 Q Let me take you back to February 15th of last year.  
11 Were you called to a crime scene at Gano Road -- or Gano  
12 Drive?

13 A Yes, sir, I was.

14 Q Okay. And when you arrived there, can you tell the  
15 jury what you found -- or how you started to process the  
16 scene?

17 A All right, sir. I received a call. And whenever I  
18 arrived at Gano Drive, I was told where a female body was.  
19 I then got my camcorder out and started videotaping  
20 walking down into the area where the female was laying.  
21 Whenever I got up on the female, she was laying face down.  
22 Her right arm was extended up, both legs were straight,  
23 her head was to the left, if I recall correctly, and her  
24 left arm was out to the left side of her. She was -- she  
25 had several stab wounds and cuts on the inner part of her



1 arm, also, some cuts on her fingers.

2 There was a necklace that was -- looked like it had  
3 been torn off of her laying beside her on the ground. And  
4 she had a watch, I believe, on her left arm, if I'm not  
5 mistaken. She was -- she had leaves and stuff on the  
6 stomach part of her whenever we turned her over where she  
7 had been laying for a little while. And she had also  
8 defecated on herself.

9 Q Did she have any clothes on?

10 A No clothes on.

11 Q So she was naked?

12 A Yes, sir.

13 Q And you was talking about the star. Let me show you  
14 what's been marked as State's Exhibit No. 52. Is that the  
15 item you found near her body?

16 A Yes, sir. This is the star I collected beside her  
17 body.

18 Q And did you put that into evidence, sir?

19 A Yes, I did.

20 MR. BARNETTE: Your Honor, I'd like to enter this  
21 into evidence at this time.

22 MR. BOGGS: No objection.

23 THE COURT: Okay. Without objection.

24 (WHEREUPON, State's Exhibit No. 52 was admitted into  
25 evidence.)

1 BY MR. BARNETTE:

2 Q And that was the item that you found; is that right?

3 A That's correct.

4 Q Okay. And that was found in relationship to where  
5 her body was found?

6 A It was close to the neck part of her body, but it was  
7 laying on the ground right beside and around the neck  
8 area. And I believe that's called the Star of David, if  
9 I'm not mistaken.

10 Q And also, later on, did you go and take aerial  
11 photographs of the scene?

12 A I did.

13 Q Let me show you what's been marked as State's Exhibit  
14 Nos. 13 and 14, I believe. If you would, were these  
15 pictures you took, sir?

16 A Yes, sir, they are.

17 Q Okay. Do these pictures fairly represent what you  
18 saw -- was these taken the next day?

19 A Yes, sir, they were.

20 MR. BARNETTE: Your Honor, I'd like to move this into  
21 evidence at this time.

22 MR. BOGGS: We have no objection.

23 THE COURT: All right. Without objection.  
24 What numbers are they?

25 MR. BARNETTE: State's Exhibit Nos. 13 and 14.

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

3 BY MR. BARNETTE:

4 Q If you would, step down, sir.

5 A (The witness complied.)

6 Q And you had these blown up; is that right?

7 A Yes, sir.

8 Q Okay. Can you show where the body was located?

9 If you would, step back for a second, sir.

10 A Yes, sir. The body was located right here. If you  
11 can see these, these are flags that I placed at the hands,  
12 legs, and head of the body. And this is the location  
13 where that is.

14 Q And the reason why you had those pictures blown up  
15 was so you could see those flags?

16 A Yes, sir. With the small picture, you can't see any  
17 detail of the flags. But you can, at least, see the  
18 yellow and you can tell they somewhat look like flags.

19 Q Let me show you State's Exhibit No. 13. Is this the  
20 picture of the other direction?

21 A Yes, sir, it is. This is the photograph from the  
22 road, which is Gano Road, back the opposite direction  
23 toward the wooded area. The other one you saw was back  
24 toward the road.

25 Q Where would the body be located in this picture?

1 A Right here where the yellow specks are.

2 Q Thank you, sir.

3 You can have a seat.

4 Let me show you what's been marked as State's Exhibit  
5 No. 12, and it's already in evidence. Is that a picture  
6 you took, sir?

7 A Yes, sir, it is.

8 Q I'll just show the jury, they're already familiar  
9 with the picture. This is the picture you also took from  
10 the air; is that right?

11 A That's correct.

12 Q And was the body found over in this area?

13 A Yes, sir. It was on the right side of what appears  
14 to be an island right there. It's on the right side of  
15 that.

16 Q In processing that scene, did you try to secure  
17 everything you could?

18 A Yes, sir, I did.

19 Q And what did Ms. Ward appear to die from?

20 A A stab wound, definitely from a stab wound. I didn't  
21 see any other wounds that appeared to be bullet wounds or  
22 anything like that --

23 MR. BOGGS: Your Honor, I don't know that he can give  
24 a definite opinion about that. He can say what he  
25 observed.

1 THE COURT: He can say what he saw and observed out  
2 there. He doesn't know the cause of death.

3 MR. BARNETTE: Yes, sir.

4 BY MR. BARNETTE:

5 Q I was just asking what you observed about that. Did  
6 you ever find any clothes or anything out there?

7 A No, sir. Not at that scene, no, sir.

8 Q From looking at the scene and everything, was there  
9 anything else you noticed at the scene that you could  
10 process?

11 A There was shell casings, which were of 12 gauge, I  
12 believe they were. But, like I say, whenever I got down  
13 to the scene and saw the wounds, in my opinion, they  
14 didn't appear to be bullet wounds. Therefore, we  
15 collected them anyway. But as far as being relevant to  
16 this, I didn't think they were.

17 Q Later on, a couple weeks later, February 25th, was  
18 you notified about a scene at Walker Road?

19 A Yes, sir.

20 Q And before you went to Walker Road, did you go to  
21 Theo's Restaurant?

22 A Yes, I did. I was, actually, called to go to Theo's  
23 restaurant. And when I arrived, Detective Greg Evans was  
24 there with two hunters. And I spoke with Greg Evans and  
25 he stated that the two hunters had found some items

1 belonging to Ms. Ward. He had found -- they had found a  
2 pocketbook and also another piece of paper that belonged  
3 to a store. And, as I stated, Detective Evans was sitting  
4 there across from the two hunters. And I collected that  
5 purse and also placed it into evidence.

6 Q Let me show you what's marked as State's Exhibit Nos.  
7 17 and 18. Are these the items that you collected from  
8 there?

9 A Yes, sir. This is the booklet that I was saying I  
10 collected. And, yes, sir, this is the purse as well.

11 Q Did they take you to the area where they found these  
12 items at?

13 A Yes, sir. We left the restaurant and went to Walker  
14 Road. We went down 101 -- Theo's Restaurant is located on  
15 101 close to I-85. So we left there, drove down to 417,  
16 took a right on 417, then made a left onto Walker Road.  
17 And there's another road -- once you turn left off of 417  
18 and are going down Walker Road, there's another road to  
19 the right. I can't recall the name of it. But the  
20 location that they took us to was about center ways of  
21 Walker Road and that other road, in between 417 and the  
22 other road on Walker Road.

23 Q When you arrived there, did y'all secure the scene  
24 once they showed you where it was?

25 A Yes, sir, we did. We secured it. I, of course,

1 walked in and looked to see if there was anything else  
2 there that had -- that was located there. And I found  
3 several other items.

4 Q Let me show you these pictures. I think State's  
5 Exhibit Nos. 15 and 16 are already in evidence. Did you  
6 take those pictures, sir?

7 A Yes, sir. I took photos of these, I believe, the  
8 next day after we worked the scene. And this is the area  
9 on Walker Road and the location where we found the other  
10 items that I collected.

11 Q I'm just going to show the jury. I know they've seen  
12 these pictures, but to make sure.

13 State's Exhibit No. 16, is that a picture you took  
14 from the air, sir?

15 A Yes, sir, it is.

16 Q And if you would, just step down for a second, if you  
17 would.

18 If you can, show with this laser pointer right here  
19 show approximately the area you gathered the evidence from  
20 the crime scene.

21 A This is the area where we, actually, parked and  
22 walked in. And there was some evidence here. And there  
23 was also evidence over in this area that had looked like  
24 it had been thrown. It was in various places over in this  
25 area.

1 Q And let me show you State's Exhibit No. 15. Is this  
2 another picture you took of the area?

3 A Yes, sir. And as I stated earlier, this is the area  
4 in which some of the items were found. But some of them  
5 were also found around in this area over hidden kind of  
6 right in this area.

7 Q And did you take pictures of the items that you  
8 found?

9 A Yes, sir, I did.

10 Q If you would, stand right here. Let me let you look  
11 at State's Exhibit Nos. 19, 20, 22, 27, 28, 29, 31, 32,  
12 33, 34, 36, 38, 39 and 40, and see if you took those  
13 pictures, sir, as well as State's Exhibit Nos. 24 and 25?

14 A Yes, sir. I took all of these pictures.

15 Q Okay. Do these pictures fairly represent what you  
16 saw?

17 A Yes, sir.

18 Q Okay. And let me also show you State's Exhibit No.  
19 46. Did you also take that picture, sir?

20 A Yes, sir.

21 Q Does that fairly represent what you saw out that day?

22 A Yes, sir, it does.

23 MR. BARNETTE: Your Honor, at this time, I'd like to  
24 move in State's Exhibit No. 46 --

25 MR. BOGGS: Can I see them before he does?



1 MR. BARNETTE: Yes, sir.

2 State's Exhibit No. 19, State's Exhibit Nos. 20, 27,  
3 28-A, 29, 31, 32, 33, 34, 36, 38, and 39.

4 MR. BOGGS: Those he read out, we have no objection  
5 to.

6 THE COURT: All right.

7 (WHEREUPON, State's Exhibit Nos. 19, 20, 27, 28-A,  
8 29, 31, 32, 33, 34, 36, 38, 39, and 46 were admitted  
9 into evidence.)

10 MR. BARNETTE: Your Honor, I'd like to publish these  
11 to the jury at this time.

12 THE COURT: Yes, sir.

13 BY MR. BARNETTE:

14 Q Officer Bogan, this is State's Exhibit No. 46. Can  
15 you describe this scene to us just a little bit, just in  
16 general?

17 A Yes, sir. That's -- in that larger area that looked  
18 like a dump pile in the previous photograph, the aerial  
19 photograph that I showed you, this is item number 1, 2 and  
20 3 that were marked. And over here, I believe it's item  
21 number 11 that I marked. I can be more specific later.  
22 This is the area in which some of the items were found.

23 Q And you went through and you took pictures before you  
24 collected some of these items?

25 A Yes, sir, I did.

1 Q Let me show you State's Exhibit No. 1 -- I mean,  
2 State's Exhibit No. 20, which is number 1. Could you tell  
3 the jury what that is and where it was found?

4 A Actually, this is going to be a ring right here, if  
5 you can see it, that was found on the ground. It was a  
6 gold-colored ring. It looked like a lady's ring.

7 Q Let me show you State's Exhibit No. 27. You have  
8 number 4 placard there. Can you describe what those are,  
9 sir?

10 A Yes, sir. This is the prescription pill bottle, and  
11 also an ink pen, and another ink pen, and the top to that  
12 same bottle.

13 Q Let me show you what's been marked as State's Exhibit  
14 No. 28-A. Was that the bottle that was found?

15 A Yes, sir. This is a close-up of the bottle that was  
16 in that same picture before with the name Rhonda Ward on  
17 it.

18 Q Let me show you what's been marked State's Exhibit  
19 No. 34, I believe that's placard number 9. What was that,  
20 sir?

21 A This is a checkbook that was also found in that same  
22 area.

23 Q And you collected that checkbook?

24 A Yes, sir. I collected that.

25 Q Was that checkbook later found to be Rhonda Ward's?

1 A Yes, sir, it was.

2 Q Let me show you what is marked as State's Exhibit  
3 No. 5 [sic]. What is this, sir?

4 A It was, actually, a piece of paper or --

5 THE COURT: What number is the exhibit, Mr. Barnette?

6 MR. BARNETTE: It's State's Exhibit No. 29, Your  
7 Honor.

8 THE COURT: Okay.

9 THE WITNESS: That's several keys that were found  
10 right there. It's rather hard to see them, but it was a  
11 key chain with some keys on it right here.

12 BY MR. BARNETTE:

13 Q What's been marked as State's Exhibit No. 31?

14 A This is just a small piece of paper that we found in  
15 the briars and leaves and everything that also looked as  
16 if it belonged there as well, or belonged with the other  
17 items that were collected.

18 Q State's Exhibit No. 7 -- I mean, State's Exhibit No.  
19 32, which is placard number 7?

20 A This is also another piece of paper that was also  
21 collected.

22 Q What about State's Exhibit No. 33, can you tell us  
23 what's in that picture, sir?

24 A There's a piece of paper. It's really hard to tell  
25 in this picture, but it is right here, that I also

1 collected.

2 Q And State's Exhibit No. 36?

3 A That's going to be paper as well. It's located right  
4 here.

5 Q And on that piece of paper, did it have a name and  
6 number on it?

7 A Yes, it did.

8 Q And whose name and phone number -- name was on it?

9 A Rhonda Ward.

10 Q What's been marked as State's Exhibit No. 38?

11 A This is a CD face I took, just to get the pictures I  
12 could, but it was in the trash can. It's facing the CD  
13 that's right here.

14 Q And State's Exhibit No. 39?

15 A That's just a Pepsi can that we also found.

16 Q Going back to State's Exhibit No. 46, where was the  
17 CD case found on the face holder?

18 A That one right here was in this trash can.

19 Q If you would, sir, please have a seat.

20 Let me show you what's been marked as State's Exhibit  
21 Nos. 24 and 25. Did you also take these pictures, sir?

22 A Yes, sir, I did. These are photographs of a chain  
23 that was found. And the reason I blew these up so big was  
24 because of the leaves and the little small chain, you  
25 can't see it good, so I blew it up where you'd be able to

1 see it better.

2 Q Do these pictures fairly represent what you found and  
3 saw that day?

4 A Yes.

5 MR. BARNETTE: Your Honor, I'd like to move State's  
6 Exhibit Nos. 24 and 25 into evidence at this time.

7 THE COURT: Any objection?

8 MR. BOGGS: No, sir.

9 THE COURT: Okay. Without objection.

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

12 BY MR. BARNETTE:

13 Q Let me show you State's Exhibit No. 24 --

14 MR. BARNETTE: I'd like to publish it to the jury at  
15 this time, Your Honor.

16 THE COURT: All right.

17 BY MR. BARNETTE:

18 Q And this is the number 3 placard. I know this is  
19 State's Exhibit No. 24. Let me show you State's Exhibit  
20 No. 25 and see why we did this. Can you show the jury  
21 where the chain was located?

22 A Yes, sir. Where the two arrows are located, that's  
23 just close to one end of it and close to the other end. I  
24 just put an arrow showing where it was located.

25 Q And using the laser pointer, if you would, show the

1 jury where it's located at.

2 A Yes, sir. It's right here, comes down and, of  
3 course, it comes down to this area. So, I mean, you can  
4 see it right in here.

5 Q And State's Exhibit No. 24 is just the untouched  
6 version of it?

7 A Yes, sir. That's correct. I just darkened it where  
8 you could tell the lighter area right here is where the  
9 chain was.

10 Q And just for ID purposes only, did you find any kind  
11 of women's underwear or anything out there?

12 MR. BOGGS: Your Honor, if he would just identify the  
13 picture -- I think he can identify that he took the  
14 pictures and not testify until they're in evidence.

15 THE COURT: Okay.

16 BY MR. BARNETTE:

17 Q Let me show you these two exhibits, State's Exhibit  
18 Nos. 22 and 40, just for ID purposes. Did you take those  
19 pictures?

20 A Yes, sir, I did.

21 THE COURT: For ID what?

22 MR. BARNETTE: State's Exhibit Nos. 40 and 22, Your  
23 Honor.

24 BY MR. BARNETTE:

25 Q If I could show you State's Exhibit No. 28, can you

1 tell us what those items are?

2 A Yes, sir. These are the -- what you saw in the  
3 photograph before, the prescription bottle and the two ink  
4 pens. I placed the top back on the prescription bottle  
5 that I collected, but that's what's contained in this  
6 envelope.

7 Q And you collected and put those into evidence?

8 A I did, and I also processed them.

9 MR. BARNETTE: Your Honor, I'd like to move State's  
10 Exhibit No. 28 into evidence at this time.

11 MR. BOGGS: No objection, Your Honor.

12 THE COURT: All right. Without objection.

13 (WHEREUPON, State's Exhibit No. 28 was admitted into  
14 evidence.)

15 BY MR. BARNETTE:

16 Q If you would, please describe this to the jury and  
17 tell them what you meant by "processed them."

18 A All right, sir. Both the ink pens, I used a liquid  
19 on, which whenever they -- the liquid will turn the pen a  
20 florescent color if there's any prints on it, and I'll be  
21 able to see any prints that are on there. We also use a  
22 florescent powder and then we look under black light to  
23 check and see if there were any prints on here. And  
24 that's why both of these ink pens are a pinkish color.  
25 And this bottle is also a pinkish color because I

1 processed it with the same process and then looked at it  
2 under an ultraviolet light to see if there were any  
3 prints.

4 Q And were there any prints?

5 A No, sir, there were not.

6 Q Okay. And a print, just because you test them --  
7 of course, they are out in the weather, could that effect  
8 it?

9 A Yes, sir. If it stays in the rain and the cold, it  
10 all depends -- a lot of time when a person touches  
11 something and it's cold, they won't leave a print, or if  
12 there's dirt on it the first time they touch it, that also  
13 won't leave a print until they touch it again.

14 So it's a lot harder than a lot of people imagine to  
15 get a print. And, also, of course, if you're wearing  
16 gloves, you're not going to be able to get prints off of  
17 it.

18 Q And this was some items you found at the scene at  
19 Walker Road?

20 A Yes, sir.

21 Q If you would, just tell me -- this is State's Exhibit  
22 No. 23, did you collect that item?

23 A Yes, sir, I did.

24 MR. BARNETTE: Your Honor, I'd just like it for ID  
25 purposes at this time.



1 THE COURT: Okay.

2 BY MR. BARNETTE:

3 Q Okay. State's Exhibit No. 21, did you collect that  
4 item, sir?

5 A Yes, sir.

6 Q And what was it, sir?

7 A This was the ring that was shown to you earlier in  
8 the photograph. It was the gold-colored lady's ring that  
9 I found.

10 MR. BARNETTE: Your Honor, I'd like to move State's  
11 Exhibit No. 21 into evidence.

12 MR. BOGGS: No objection.

13 THE COURT: All right. Without objection.

14 (WHEREUPON, State's Exhibit No. 21 was admitted into  
15 evidence.)

16 BY MR. BARNETTE:

17 Q If you could just take it out. Was this the ring you  
18 found there at the scene?

19 A Yes, sir, at Walker Road.

20 Q And which placard -- was it number 1 placard where it  
21 was located?

22 A Yes, sir.

23 Q Let me show you State's Exhibit No. 26, did you  
24 collect that item, sir?

25 A Yes, sir, I did.

1 Q And what was it, sir?

2 A This is the gold necklace I showed you that I did the  
3 blow up of that was also located on Walker Road.

4 Q And did you secure that into evidence?

5 A Yes, sir, I did.

6 MR. BARNETTE: Your Honor, I'd like to move State's  
7 Exhibit No. 26 into evidence at this time.

8 MR. BOGGS: No objection.

9 THE COURT: Without objection.

10 (WHEREUPON, State's Exhibit No. 26 was admitted into  
11 evidence.)

12 BY MR. BARNETTE:

13 Q And that's the necklace; is that right?

14 A That's correct.

15 Q Let me show you what's been marked as State's Exhibit  
16 No. 30, what is that, sir?

17 A This is the set of keys that was found on Walker Road  
18 as well. This set of keys was found in the grassy part of  
19 the area on Walker Road.

20 MR. BARNETTE: Your Honor, I'd like to move these  
21 into evidence at this time.

22 MR. BOGGS: No objection.

23 THE COURT: Without objection.

24 (WHEREUPON, State's Exhibit No. 30 was admitted into  
25 evidence.)

1 BY MR. BARNETTE:

2 Q Let me show you what's been marked as State's Exhibit  
3 No. 35, what is this, sir?

4 A This is the checkbook, the cover that I was -- that I  
5 told you I had recovered from Walker Road. It's blue in  
6 color. It also has florescent powder on it. That's why  
7 it's got that pinkish to it because I processed it for  
8 prints as well. I didn't get any prints. However, the  
9 name and the phone number of Rhonda Ward is inside the  
10 checkbook cover.

11 MR. BARNETTE: Your Honor, I'd like to move State's  
12 Exhibit No. 35 into evidence at this time.

13 MR. BOGGS: No objection.

14 THE COURT: Without objection.

15 (WHEREUPON, State's Exhibit No. 35 was admitted into  
16 evidence.)

17 BY MR. BARNETTE:

18 Q Just to show the jury the inside of it. Where was  
19 her name located at, sir?

20 A Top left corner.

21 Q And right here would be her address and phone number?

22 A Yes, sir.

23 Q Let me show you what's been marked as State's Exhibit  
24 No. 38-A. If you would, just tell us what that is, sir.

25 A This is the CD case. And it's also florescent

1 colored because I used the florescent powder on it. But  
2 it's what contained the face of the CD that was found in  
3 the dumpster in that barrel. I believe it was marked as  
4 number 11 on the picture that you saw.

5 MR. BARNETTE: Your Honor, I'd like to admit State's  
6 Exhibit No. 38-A into evidence at this time.

7 MR. BOGGS: No objection.

8 THE COURT: Without objection.

9 (WHEREUPON, State's Exhibit No. 38-A was admitted  
10 into evidence.)

11 BY MR. BARNETTE:

12 Q Let me show you what's been marked as State's Exhibit  
13 No. 37. If you would, tell us what that is, sir.

14 A This is a white piece of paper that was found in the  
15 same area as all the rest of the items that you saw. And  
16 it has a phone number and also the name "Rhonda" on it.

17 MR. BARNETTE: I'd like to move State's Exhibit No.  
18 37 into evidence, Your Honor.

19 MR. BOGGS: No objection.

20 THE COURT: Without objection.

21 (WHEREUPON, State's Exhibit No. 37 was admitted into  
22 evidence.)

23 BY MR. BARNETTE:

24 Q Let me show you State's Exhibit No. 37, is that --  
25 what was on the piece of paper you found, sir?

1 A That phone number and the name "Rhonda," 577-0887,  
2 Rhonda.

3 Q That was on one of the pieces of the paper you found?

4 A Yes, sir.

5 Q You found other pieces of paper, but they didn't have  
6 anything on them?

7 A That's correct. They didn't have anything on them.

8 Q Let me let you look at State's Exhibit Nos. 48, 47,  
9 49, 51, and 50. Do you recognize those pictures, sir?

10 A Yes, sir, I do.

11 Q Did you later on process the car that was found later  
12 in Greer, Rhonda Ward's car?

13 A Yes, sir, I did.

14 Q And do those pictures fairly represent the way the  
15 car looked when it came to the Sheriff's Department?

16 A Whenever it was at the maintenance shop, yes, sir.

17 Q And you processed that car; is that right?

18 A That's correct.

19 THE COURT: What are those numbers again, please,  
20 Solicitor?

21 MR. BARNETTE: Yes, sir. They are State's Exhibit  
22 Nos. 47 through 51, Your Honor.

23 THE COURT: All right. Thank you.

24 BY MR. BARNETTE:

25 Q I'm showing you State's Exhibit No. 47, that's the

1 license plate on the car?

2 A Yes, sir.

3 Q Who did that license plate come back to, sir?

4 A It come back to Rhonda Ward.

5 THE COURT: Is there any objection?

6 MR. BOGGS: I recognized he was going to have them  
7 identified before he moved to have them admitted, yes,  
8 sir.

9 MR. BARNETTE: Yes, sir. I'd move them in at this  
10 time, Your Honor.

11 MR. BOGGS: We have no objection.

12 THE COURT: All right. Without objection.

13 (WHEREUPON, State's Exhibit Nos. 47, 48, 49, 50, and  
14 51 were admitted into evidence.)

15 BY MR. BARNETTE:

16 Q If you would, come on down here, sir.

17 I'm showing you State's Exhibit No. 47, was that the  
18 license plate on the car?

19 A Yes, sir. That was the license on the back of the  
20 vehicle.

21 Q And who was it licensed to, sir?

22 A Rhonda Ward.

23 Q What condition was this car in?

24 A It was burned.

25 Q Let me show you State's Exhibit No. 48, is that the

1 picture of the outside of the car?

2 A That's correct. The passenger side of the car and  
3 the driver's side of the car, pretty much all of the  
4 inside of the car was totally burnt.

5 Q I'm showing you State's Exhibit No. 49, what is that,  
6 sir?

7 A That's just another photograph only -- the last  
8 photograph you saw, you saw the front portion of the car.  
9 This is the rear portion of the car.

10 Q I'm showing you what's been marked as State's Exhibit  
11 No. 50, what's this, sir?

12 A This is through the driver's side window of the  
13 vehicle. Of course, this is the driver's side seat,  
14 passenger seat, and the steering wheel. There's the  
15 shifter. And as you can tell, all of it is burnt.

16 Q I'm showing you State's Exhibit No. 51, is this  
17 another angle of the inside of it?

18 A Yes, sir. That's more through the backside of it,  
19 just showing toward the front trying to get a better view  
20 of the dash area.

21 Q In processing this car, did you find a CD player in  
22 it?

23 A No, sir, I did not.

24 Q It did not have a CD player?

25 A No, sir, it did not.

1 Q And was there anything to process after it had been  
2 burnt?

3 A Well, I dusted the outside of the vehicle as much as  
4 I could. But it being burnt and, of course, when the fire  
5 department gets a lot of water on it, it's going to  
6 dissipate any prints that could be on it. However, I  
7 dusted it anyway, used fingerprint dust and dusted it for  
8 any prints, and we didn't find any prints on it.

9 Q On State's Exhibit No. 51, down there, is that water  
10 that's inside of it?

11 A Yes, sir. It was full of water. And we even used a  
12 vacuum cleaner to get more water than that out, so there  
13 was more water than that.

14 Q Thank you, sir.

15 If I could, sir, show you what's been marked as  
16 State's Exhibit Nos. 8 and 7. State's Exhibit No. 8, is  
17 that a weather -- the National Weather Service information  
18 concerning February 13th, 2003?

19 A Yes, sir, it is.

20 Q Okay. And does that information tell you the  
21 temperature on the morning of February 13th, 2003?

22 A It gives you Celsius temperature throughout the day.

23 Q And is this a conversion chart from Celsius to  
24 Farenheit, State's Exhibit No. 7?

25 A Yes, sir, it is.



1 MR. BARNETTE: Your Honor, I believe these have been  
2 moved into evidence. I'd like to publish them to the jury  
3 at this time.

4 MR. BOGGS: I think the Court will take judicial  
5 notice of those and under that, we have no objection to  
6 putting them into evidence.

7 THE COURT: All right. Thank you, Mr. Boggs.

8 MR. BARNETTE: State's Exhibit Nos. 7 and 8, I'd like  
9 to publish them to the jury, please.

10 BY MR. BARNETTE:

11 Q If you would, sir, please come down.

12 And on this, Officer Bogan, these are the times over  
13 here; is that right?

14 A That's correct.

15 Q And right here is the temperature in Celsius; is that  
16 right?

17 A That's correct.

18 Q In the morning --

19 MR. BOGGS: Judge, I don't want to be difficult, but  
20 if he can just ask Officer Bogan the question and let him  
21 proceed with it.

22 THE COURT: All right.

23 MR. BARNETTE: Excuse me one second, Your Honor.

24 BY MR. BARNETTE:

25 Q Can you identify the date on this for us, if you

1 would, sir?

2 A Yes, sir. It's the 13th day, second month, which  
3 would be February, 2003.

4 Q And the weather service, are they located -- where  
5 are they located at?

6 A Greer, South Carolina. That's going to be the Greer  
7 station.

8 Q And at 7:53 a.m. --

9 A That's right here, 7:53 and 8:53.

10 Q What was the temperature at that -- what was the  
11 temperature at that time?

12 A At 7:53, it would be minus three.

13 Q Yes, sir.

14 A It would be zero two -- at 8:53, it would be zero  
15 two.

16 Q And using the chart, which was State's Exhibit No. 7,  
17 if it was minus three Celsius, what would the Fahrenheit  
18 be?

19 A Minus three right here, so it would be 26.6.

20 Q And that's in Fahrenheit; is that right?

21 A That's correct.

22 Q And then at 8:53, if it was two degrees, what would  
23 the temperature have been?

24 A It would have been 35.6 degrees Fahrenheit.

25 Q Thank you, sir.

1           And one other thing, have you seen a map of  
2   Spartanburg County?

3   A    Yes, sir.

4   Q    A large map?

5   A    Yes, sir.

6   Q    If I can ask you to step down for a second.

7   A    Yes, sir.

8           MR. BARNETTE: And, Your Honor, this has been marked  
9   as State's Exhibit No. 42 for ID purposes. I believe  
10  Mr. Boggs has seen it and has no objection to it.

11          MR. BOGGS: That's correct. We've seen it.

12          THE COURT: Are you moving it into evidence or is  
13  this for demonstrative purposes only?

14          MR. BARNETTE: Demonstrative.

15  BY MR. BARNETTE:

16   Q    If you can, mark a green dot where Drayton Road is on  
17  the map and the Cigarette's 4 Less store.

18   A    Right in this area right here.

19   Q    Okay. Now, can you show us where the -- on Gano Road  
20  with a red dot where that would be located at?

21   A    Roughly in this area here, that's in that area.

22   Q    Okay. If you can, show us on the map with the blue  
23  dot where Walker Road is.

24   A    In that area.

25   Q    Okay. If I could get you to step out here so the

1 jury can see.

2 So the green dot represents what?

3 A The green dot is where the Cigarette's 4 Less store  
4 was. The blue -- or the -- I can't even see it now. The  
5 red is where the body was found. And then the blue is  
6 where the other items were found that we showed you on the  
7 screen, the checkbook, pocketbook, things of that nature.

8 Q And is this a map, basically, of Spartanburg County?

9 A Yes, sir, it is.

10 Q If you would, please have a seat.

11 And all three of these places are in Spartanburg  
12 County; is that right?

13 A Yes, they are.

14 MR. BARNETTE: One moment, Your Honor.

15 THE COURT: All right.

16 MR. BARNETTE: Your Honor, I'd like to reserve the  
17 right to recall Officer Bogan because of some other issues  
18 that may come up later.

19 THE COURT: All right, sir.

20 MR. BARNETTE: Thank you, sir.

21 THE COURT: All right.

22 Cross-examination.

23 CROSS-EXAMINATION

24 BY MR. BOGGS:

25 Q Just a couple of questions, Officer Bogan. You are,

1 I guess, and have been for a while, somewhat of a forensic  
2 expert as far as your association with the police  
3 department; correct?

4 A Yes, sir, I am.

5 Q You've had a lot of training in that. And I think  
6 before that, you had some exposure through your work with  
7 the narcotics; correct?

8 A That's correct.

9 Q And all these items that had this pink stuff on it,  
10 you were trying to put out -- figure out whether there  
11 were fingerprints?

12 A Yes, sir.

13 Q That is to determine whether or not, I assume, a  
14 particular individual had had that item in his possession?

15 A That's to check for any fingerprints, yes, sir.

16 Q Okay. Well, if my fingerprints are on it, I probably  
17 had it in my hand at some point, wouldn't you think?

18 A Yes, sir.

19 Q And did you do that with the Pepsi? Did you do a  
20 fingerprint thing with the Pepsi can?

21 A Yes, sir, I believe I did. I did the same analysis  
22 on it.

23 Q And did you find anything on it?

24 A No, sir.

25 Q It doesn't look too pink, that's why I was wondering

1 if you had done that.

2 A Yes, sir, I did.

3 Q So you tried to take fingerprints on every physical  
4 piece of property that you found; right?

5 A I'm not sure about every -- not every piece.

6 Q Maybe not some of the papers, but things that  
7 could --

8 A Things that I think that I could have gotten  
9 fingerprints off of, I processed.

10 Q And how long had that Pepsi can been out in that  
11 trash dump?

12 A I don't have any idea, but it didn't look like it had  
13 been there too awfully long.

14 Q It could have been five minutes, it could have been  
15 there a couple weeks as far as you know; is that correct?

16 A It could have.

17 Q And what about the ring, how long had it been there?  
18 Do you know?

19 A I don't know.

20 Q The necklace?

21 A I do not know.

22 Q And you didn't have any fingerprints and you don't  
23 know how long they were there, so is there any connection  
24 with this Pepsi can to Mr. Evins?

25 A I don't know whether there is or not.

1 Q Okay. And the keys you found -- I guess part of your  
2 job as a forensic officer is to determine, as best you  
3 can, whether or not there's any kind of connection between  
4 an item and the particular case you're working on; is that  
5 correct?

6 A Yes, sir.

7 Q All right. Did you take those keys over to the  
8 Cigarette's 4 Less to see if any of them fit in?

9 A No, sir, I didn't.

10 Q Did you take them over to Rhonda Ward's apartment  
11 over at Camp Croft Apartments to see if they worked there?

12 A No, sir, I didn't.

13 Q Did you attempt to use them on -- or see if they fit  
14 in the car doors of the Nissan?

15 A No, sir, because it was burnt too badly to be able  
16 to.

17 Q Okay. Well, did you run the serial number off of the  
18 Nissan to see if the key could match up?

19 A I didn't see a serial number on the Nissan because it  
20 was burnt badly.

21 Q So you looked every place you could possibly look for  
22 a serial number?

23 A Usually, on the door, there's a paper serial number  
24 and a metal serial number on the -- up at the window.

25 Q And inside the engine compartment?

1 A I didn't look at the engine compartment, no, sir.

2 Q So the answer to that is, no, you didn't try to use  
3 the key on that particular car?

4 A No, sir.

5 Q Whose phone number was 577-0887?

6 A I'm not sure. Normally, whenever we collect  
7 something, the detective takes care of any calls that need  
8 to be made or any investigation that needs to be done with  
9 any phone numbers or records or anything like that.

10 Q So, to your knowledge, did anybody ever call that  
11 number?

12 A I don't know.

13 Q Okay. But it probably would have been a pretty good  
14 idea if somebody had, wouldn't you think?

15 A I don't know. It had "Rhonda" at the bottom of it,  
16 so evidently I would assume it would be Rhonda's. And,  
17 no, sir, it wouldn't be any good to call.

18 Q Wouldn't it be fine to -- see, that really wasn't her  
19 number as it turns out, but I'm just curious. Shouldn't  
20 it have been --

21 A It could have been called, but I don't know if it was  
22 called.

23 Q Okay. You just didn't do it?

24 A No, sir.

25 MR. BOGGS: Okay. Well, Officer Bogan, I don't think



1 I have any further questions.

2 Thank you, sir.

3 THE WITNESS: Thank you.

4 MR. BARNETTE: Nothing else from the witness.

5 THE COURT: All right. Subject to recall.

6 Thank you, Officer Bogan.

7 MR. ANTHONY: May we approach, Your Honor?

8 THE COURT: All right.

9 (WHEREUPON, a bench conference was held with the  
10 attorneys.)

11 MR. ANTHONY: The next witness is going to be Teresa  
12 Johnson or Teresa Smith, who is the one that Mr. Brough  
13 had represented, and I wanted to tell you that. I didn't  
14 know if you thought we needed to put anything else on the  
15 record about that.

16 THE COURT: Have you spoken with her about that?

17 MR. ANTHONY: No, sir, I haven't. I haven't talked  
18 to her about her representation.

19 THE COURT: Yes. We better talk to her if she's got  
20 pending charges.

21 MR. BOGGS: She was arrested in August on -- what was  
22 it?

23 MR. ANTHONY: On an ABHAN charge.

24 THE COURT: We better talk to her and explain it to  
25 her.

1 MR. BOGGS: Yes. Explain it to her and find out and  
2 confirm that she had no conversation with Mr. Brough.

3 (WHEREUPON, the bench conference was concluded.)

4 THE COURT: Okay. Madam Forelady, and, ladies and  
5 gentlemen of the jury, this is another one of those times  
6 that we've got to do a little bit of work outside of your  
7 presence. It's not a bad time to take a break.

8 So y'all head on back there and we'll get back with  
9 you just as soon as we can.

10 Don't talk about the case.

11 Thank you.

12 (WHEREUPON, the jury was excused from open court at  
13 approximately 3:56 p.m.)

14 THE COURT: Before we break, I understand that --  
15 well, I'll turn it over to you, Mr. Anthony.

16 MR. ANTHONY: Your Honor, the State's next witness  
17 would be Teresa Johnson or Teresa Smith, as she goes by  
18 now, who is the witness who was also a defendant that we  
19 realize was represented by Mr. Brough. And I wanted to  
20 bring that to the Court's attention before I call her to  
21 testify.

22 THE COURT: I would like her brought in. I want to  
23 talk to her a little bit.

24 (Pause.)

25 THE COURT: Swear her in.

1 THE CLERK: Place your left hand on the Bible and  
2 raise your right.

3 WHEREUPON,

4 TERESA JOHNSON SMITH,  
5 after first having been duly sworn, testified as follows:

6 THE CLERK: Have a seat there, please.

7 THE COURT: All right. Ma'am, would you state your  
8 full name for the record, please?

9 THE WITNESS: Teresa Johnson Smith.

10 EXAMINATION

11 BY THE COURT:

12 Q All right. I recognize you're wearing an orange  
13 jumpsuit. Are you currently incarcerated?

14 A Yes, sir.

15 Q And are you represented? What's your understanding  
16 of what your attorney situation is? Do you have a lawyer?

17 A I haven't talked to him yet, no.

18 Q Okay. Who do you understand your lawyer is?

19 A Christopher Bartosh.

20 Q Christopher Bartosh?

21 A Uh-huh.

22 Q Well, ma'am, because -- I just wanted to tell you  
23 that because the same law firm that represents Mr. Evins  
24 had been appointed to represent you, I have relieved them.  
25 So you no longer have an attorney at this moment. Now,

1 the county will be responsible for appointing another  
2 attorney for you, but you do not have a lawyer at this  
3 time.

4 Do you understand that?

5 A Yes, sir.

6 Q Okay. You had never spoken with anyone -- with any  
7 attorney from the Public Defender's Office?

8 A No.

9 Q So you've never disclosed any information to them  
10 about yourself or anything like that?

11 A Yeah. I called to find out who was my public  
12 defender.

13 Q Okay. You called, but, I mean, you haven't talked  
14 about your case or anything like that?

15 A No, sir.

16 Q All right. Do you understand that you're  
17 unrepresented at this time?

18 A Yes, sir.

19 Q Okay. And I don't know what you're charged with --

20 THE COURT: I presume that's not going to be a topic  
21 of discussion -- well, it may be a topic of discussion.

22 MR. ANTHONY: I was going to ask her what she's  
23 charged with and ask her if she received any consideration  
24 for testifying.

25 THE COURT: All right.

1 MR. ANTHONY: Other than that, I was not going into  
2 it.

3 BY THE COURT:

4 Q All right. I understand that you were -- your name  
5 is Smith now?

6 A Yes, sir. It's Teresa Johnson Smith.

7 Q But you had been listed as a Teresa Johnson?

8 A Yes, sir.

9 Q Okay. Are you recently married or something?

10 A No. That is my married name.

11 Q Johnson or Smith?

12 A Smith.

13 Q Okay. Have you recently married?

14 A No. I just kept my married name.

15 THE COURT: Okay. Let me talk to the lawyers up here  
16 for a second.

17 (WHEREUPON, a bench conference was held with the  
18 attorneys.)

19 THE COURT: One of you, whoever, is going to ask her  
20 if she wants a lawyer. She's got a right to a lawyer.  
21 You guys are not --

22 What are you going to ask her?

23 MR. GOWDY: We're, actually, not going to ask her  
24 what she's charged with. We're going to ask her whether  
25 she's got pending charges and whether she's going to get

1 consideration. Because, frankly, what she's charged with  
2 is not relevant. She's not been convicted of it and she  
3 can't be impeached with it, so we're not going to ask her.

4 THE COURT: It's only relevant with respect to bias  
5 or prejudice.

6 MR. GOWDY: But the nature of the events is not -- it  
7 is immaterial. It would be immaterial as to what sentence  
8 she was facing.

9 THE COURT: Well, the only thing I'm concerned about  
10 is she's got Fifth Amendment rights that need to be  
11 protected.

12 MR. GOWDY: What she's charged with is totally  
13 unconnected with this case.

14 THE COURT: I understand that. But they've got a  
15 right to fully explore the nature of her bias or  
16 prejudice. And I'm not going to limit that, but I'm  
17 concerned that it might come up. She needs to understand  
18 her rights to claim the Fifth Amendment with respect to  
19 her pending charges.

20 MS. QUIMBY: Your Honor, the Clerk's Office probably  
21 would have already assigned it to another attorney. We  
22 can find out.

23 THE COURT: Well, you can run and find out, but, you  
24 know, that lawyer is not here.

25 MR. GOWDY: Can I ask -- and this is probably because

1 I just don't get it. But from a clarification standpoint,  
2 this incident happened in February of 2003. Her testimony  
3 will be limited to that. These new charges were months  
4 and months and months after that and are unrelated to this  
5 case. So I understand them being able to ask, are you  
6 sitting in jail and do you expect the Solicitor to help  
7 you? But the nature of what she's charged with now, I  
8 can't imagine a scenario in which that would be relevant  
9 cross-examination material.

10 MR. BOGGS: I'm going to be able to ask, are you  
11 sitting in jail? But the nature she's being charged with,  
12 I can't --

13 THE COURT REPORTER: I can't hear.

14 THE COURT: Step up because she's got to record all  
15 of this.

16 MR. BOGGS: What she was charged with is ABHAN.

17 MR. GOWDY: Yes. She is facing up to ten years.

18 THE COURT: I just don't want you to get into the  
19 substance of, are you guilty? I'll cut you off if you get  
20 there.

21 MR. GOWDY: I don't think -- the crime she is charged  
22 with -- the crime she is charged with is not relevant  
23 because she's innocent, as you three make a living telling  
24 them she's innocent until proven guilty. It's irrelevant  
25 for bias.

1 THE COURT: It's just there's a lot of potential here  
2 for there to be a violation. We just want -- I just  
3 wanted to talk to y'all about that, so be sensitive about  
4 it. She's unrepresented at this time. I will have to --  
5 I'll explain that to her. And then I don't think --

6 Can you think of any reason you would need to talk  
7 about that?

8 MR. BOGGS: Not really. I do think I get to ask her  
9 what she's charged with, I would hope. But as far as the  
10 actual facts of her case, I don't see -- I can't imagine  
11 I'd ask her questions where I would say, are you guilty or  
12 not guilty?

13 THE COURT: Okay.

14 MR. BOGGS: I think it just goes strictly to she  
15 either has a deal or is hoping to get one as a result of  
16 this testimony.

17 THE COURT: Right, sort of a tacit inquiry into  
18 guilt.

19 Do you see what I'm saying?

20 MR. GOWDY: Yes, sir.

21 Does the Court agree that the nature of the charge  
22 she is facing is irrelevant? The time she's exposed to is  
23 relevant, but whether it's forgery or ABHAN -- I mean,  
24 ABHAN is prejudicial to us and forgery is less. So the  
25 nature of what she's charged with is irrelevant. What



1 she's facing is --

2 MR. BOGGS: Are you still worried about third party?

3 MR. GOWDY: Well, when you figure out the Defense,  
4 let me know.

5 MR. BOGGS: You'll be the second to know.

6 THE COURT: All right. I'm just going to talk to her  
7 about it.

8 Thank you very much.

9 (WHEREUPON, the bench conference was concluded.)

10 BY THE COURT:

11 Q All right. Ms. Smith, thank you for your patience.

12 A Yes, sir.

13 Q You are going to be subject to cross-examination up  
14 here. Now -- and I understand that you do have a pending  
15 charge. Okay.

16 A Okay.

17 Q I have discussed it with the attorneys and I don't  
18 anticipate that they will ask you anything about the sum  
19 and substance of that pending charge. But I want you to  
20 understand that if that arises, you have a right under the  
21 Constitution of the United States to remain silent with  
22 respect to an accusation against you.

23 Do you understand that?

24 A Yes, sir.

25 Q If they come in and ask you, well, did you do it, you

1 can say, I claim the Fifth Amendment.

2 Do you understand that?

3 A Yes.

4 Q I don't think they're going to ask that question, but  
5 I just want to make sure that you're aware of that. Okay.

6 A Yes, sir.

7 Q Do you have any questions you want to ask me about  
8 it?

9 A No, sir.

10 THE COURT: All right. Well, I think we can -- we'll  
11 take about a ten-minute break and let everybody stretch  
12 their legs and then --

13 Where do you want Ms. Smith to be?

14 THE OFFICER: She can go back to the holding cell.

15 THE COURT: All right.

16 (WHEREUPON, a break was taken.)

17 THE COURT: Is everybody ready?

18 MR. BOGGS: Yes, sir.

19 MR. ANTHONY: Yes, sir.

20 THE COURT: Ms. Brown, let me talk to you up here for  
21 a second.

22 Are you enjoying this?

23 JUROR #32, KRISTINE BROWN: Yes, I guess.

24 THE COURT: All right. Well, it's real important. I  
25 hope you understand just how important is. There's a

1 man's life here at stake. Anyway, I'm glad you're here.

2 Hey, how are you doing?

3 I can't remember your name.

4 JUROR #37, ASHLEY BRUTON: Ashley.

5 THE COURT: I hope you're finding this informative  
6 and interesting. It's extremely important stuff. And  
7 that's why we take it so serious.

8 But y'all can go at 5:00, unless you want to stay  
9 here.

10 How many more witnesses?

11 MR. GOWDY: Today, Your Honor, or total?

12 THE COURT: Yes, both.

13 MR. GOWDY: I can't count high enough to give you  
14 total. Today, Ms. Johnson should take a while. I think  
15 we may have Dennis Meredith after that. We have  
16 Christopher Switzer, who should not be that long. Dennis  
17 Meredith, who should be of some length, Your Honor. Tura  
18 Miller, who should not be terribly long. And Eugene  
19 Edwards, who should be long. I don't know that we'll get  
20 to Eugene Edwards today. In terms of total, I would say  
21 15 or 20 more.

22 THE COURT: All right. Bring the jury in.

23 (WHEREUPON, the jury came into open court at  
24 approximately 4:19 p.m.)

25 THE COURT: Mr. Gowdy -- or Mr. Anthony.

1 MR. ANTHONY: Your Honor, the State would call Teresa  
2 Johnson as its next witness.

3 THE CLERK: Place your left hand on the Bible and  
4 raise your right hand.

5 WHEREUPON,

6 TERESA JOHNSON SMITH,  
7 after first having been duly sworn, testified as follows:

8 THE BAILIFF: Have a seat.

9 MR. ANTHONY: Your Honor, I'm sorry. May we approach  
10 for just one moment?

11 THE COURT: Yes.

12 (WHEREUPON, a bench conference was held with the  
13 attorneys.)

14 MR. ANTHONY: I apologize. I should have covered  
15 this before. I gave Mr. Boggs a copy of her criminal  
16 record. She's got a petit larceny and accessory to third  
17 degree burglary from 1998. And I believe that's all she  
18 can be impeached with.

19 THE COURT: Do you agree with that?

20 MR. BOGGS: Yes. We've looked at it and the rest are  
21 things like possession of drug paraphernalia.

22 MR. ANTHONY: Thank you, Your Honor.

23 THE COURT: Yes, sir.

24 Thank you.

25 (WHEREUPON, the bench conference was concluded.)

DIRECT EXAMINATION

BY MR. ANTHONY:

Q Would you state your name, please?

A Teresa Johnson Smith.

Q Where are you from?

A Woodruff, South Carolina.

Q And, Ms. Smith, I want to take you back to February 13th of last year. Where were you that morning?

A Cashville.

Q Where is Cashville exactly?

A Off of 101, out off of Woodruff.

Q Where were you in Cashville?

A At Belton's house, Belton Gray.

Q Okay. And how do you know Belton Gray?

A I've been knowing him for years. Me and his niece is friends.

Q How did you come to be over at his house on the morning of February the 13th?

A I stayed all night.

MR. BOGGS: I'm sorry. I didn't hear that.

THE COURT: She said she stayed all night.

MR. BOGGS: Thank you, Your Honor.

THE COURT: Okay.

BY MR. ANTHONY:

Q What were you doing over there?

1 A I clean and cook for him, answer the door.

2 Q And when you were over at Mr. Gray's house that  
3 morning, did anybody come to Mr. Gray's residence?

4 A Yes.

5 Q Okay. Who came?

6 A Snow.

7 Q And does -- do you know him by a last name?

8 A Waddell.

9 Q Okay. And what time did Snow come to Belton Gray's  
10 house?

11 A Anywhere from 9:30, 9:45, 10:30.

12 Q Somewhere in between that time?

13 A Somewhere in between there.

14 Q Okay. Now, how do you know Snow?

15 A I met him a couple of years ago.

16 Q And do you know him by any other name?

17 A No.

18 Q And how many times had you seen Snow?

19 A Prior to that time?

20 Q Yes, prior to that morning.

21 A Once or twice.

22 Q When he came, how did he get there to Mr. Gray's  
23 house?

24 A He was driving.

25 Q Okay. What kind of vehicle was he in?

- 1 A A small white car.
- 2 Q Was there anybody with him?
- 3 A No.
- 4 Q Now, once he got to Mr. Gray's residence, what did he
- 5 do?
- 6 A He knocked on the door.
- 7 Q Okay. And what happened then?
- 8 A He came in.
- 9 Q And did Snow say anything to you or Mr. Gray?
- 10 A He said something to me.
- 11 Q What did he say to you?
- 12 A Hey, and could I get him something.
- 13 Q Okay. When he said could you get him something, what
- 14 did you take that to mean?
- 15 A Some drugs.
- 16 Q Okay. Any drug in particular?
- 17 A Crack.
- 18 Q And how did you respond when he asked if you could
- 19 get him something?
- 20 A I told him, yeah.
- 21 Q And then what did you do?
- 22 A We got in the car and left.
- 23 Q Okay. And how long would you say he was at Belton
- 24 Gray's?
- 25 A Maybe five minutes.

1 Q And when you left, what were you leaving to go do?

2 A Get some crack.

3 Q So where did you go to?

4 A Caldwell Circle.

5 Q And who -- you say Caldwell Circle?

6 A Yes.

7 Q How far away is that from Mr. Gray's house? How long  
8 does it take to get over there?

9 A About three or four minutes.

10 Q And whose home did you go to?

11 A Robert's.

12 Q What's Robert's last name?

13 A Holley.

14 Q When you got to Mr. Holley's house, what happened  
15 then?

16 A I talked with him and told him to go back out to  
17 Belton's.

18 Q You talked with Mr. Holley?

19 A Yes.

20 Q And after talking with Mr. Holley, where did you and  
21 Snow go to?

22 A Back out at Belton's.

23 Q And once you got back out to Belton's, what happened  
24 then?

25 A Robert came.



1 Q Okay. And what happened when Robert came back out  
2 there?

3 A I got the crack.

4 Q And how -- who paid -- who bought the crack?

5 A Snow.

6 Q Who, actually, paid Robert?

7 A Snow. He had the money.

8 Q Okay. How much did you buy?

9 A \$15.

10 Q Okay. And once you bought the crack from Mr. Holley,  
11 what did you do then?

12 A Smoked it.

13 Q Okay. And after you smoked the \$15 worth of crack,  
14 what happened next?

15 A Went to the car and looked around in it and looked in  
16 the trunk.

17 Q Now, who's doing this?

18 A Snow.

19 Q And what -- did he tell you what he was doing looking  
20 around in the trunk?

21 A Yeah.

22 Q What did he tell you he was doing?

23 A Looking for something to sell.

24 Q And did he find anything that he said he wanted to  
25 sell?

1 A A pair of jumper cables.

2 Q So after he found the jumper cables, what happened  
3 then?

4 A We went to try to sell them.

5 Q Okay. And where did you go to?

6 A To Denny Boy's.

7 Q And who is Denny Boy? What's his real name?

8 A Dennis Meredith.

9 Q And when you got to Denny Boy's or Dennis Meredith's  
10 house, who was there?

11 A Tony, Dennis and Tony's girlfriend.

12 Q Okay. And who is Tony?

13 A I would say Dennis is like his brother-in-law because  
14 Dennis went with his sister.

15 Q Okay. And was Dennis there?

16 A Yes.

17 Q Okay. And what went on as far as trying to sell the  
18 jumper cables or anything else?

19 A Didn't want to buy them.

20 Q Who didn't want to buy them?

21 A Nobody.

22 Q Nobody wanted to buy the jumper cables?

23 A No.

24 Q Okay. So what was the next thing you talked about?

25 A CD player.

1 Q And who did the talking about the CD player, you or  
2 Snow?

3 A I mentioned it to him and then Tony came to the car  
4 and we both talked.

5 Q And so Tony went out to the car?

6 A Yes.

7 Q And what kind of agreement was reached with Tony  
8 about the CD player?

9 A \$25 to \$30.

10 Q And so what happened with the CD player?

11 A Snow took it out and Tony bought it.

12 Q How did Snow get it out?

13 A With his hands.

14 Q Okay. Where was the CD player located in the car?

15 A In its proper place, where a stereo be's.

16 Q In the dashboard?

17 A Yeah.

18 Q And what did Snow have to do to get it out?

19 A I think he might have had a screwdriver that day, but  
20 he had to unscrew some wires.

21 Q Okay. So after you sold the CD player to Tony, what  
22 happened then?

23 A We went to the store.

24 Q Which store did you go to?

25 A Citgo.

1 Q And who went to the store? Who's going to the store?

2 A Snow and me.

3 Q Okay. Now, what happens when you get to the store?

4 A I go in and get some beer and cigarettes and use the  
5 telephone.

6 Q Okay. And who did you call?

7 A Tura.

8 Q And what's Tura's last name?

9 A I call it Edwards.

10 Q Okay. And did you call Tura?

11 A To see if he had any crack.

12 Q I'm sorry?

13 A To see did he have any crack.

14 Q And after you talked to him, where did you go next?

15 A To Workman Road.

16 Q Now, did you meet up with Tura?

17 A Yeah.

18 Q Okay. Where did you meet him?

19 A We went to his house and got him.

20 Q And then after you picked up Tura, where did you go?

21 A Workman Road.

22 Q And once you got to Workman Road, what happened?

23 A We went to this house.

24 Q And what happened when you got to the house?

25 A Tura got out and went inside.

1 Q And what happened after that?

2 A We waited and then he came back out and got back in  
3 the car.

4 Q Did he have anything with him when he got back in the  
5 car?

6 A Yeah.

7 Q What did he have?

8 A Some crack.

9 Q And how did the crack -- how was the crack paid for?

10 A With the money we got from the CD player.

11 Q Okay. And who paid Tura?

12 A Snow.

13 Q Okay. And then after you bought the crack with the  
14 money from the CD player, where did you go to then?

15 A Back out at Pop's.

16 Q What happened with Tura before you got to Pop's?

17 A We dropped him off at home.

18 Q And then when you got back to -- and when you say  
19 "Pop," who is Pop?

20 A Belton Gray.

21 Q Belton and Pop are all the same person?

22 A All the same.

23 Q So when you get back to Belton's house, what did you  
24 do then?

25 A Smoked.

1 Q Okay. After you smoked the crack at Belton's house,  
2 what happens next?

3 A We sat there a few minutes, and then he said he knew  
4 where a necklace and bracelet was.

5 Q All right. And so what happened after he said that?

6 A We left to go get it.

7 Q And did you say anything -- during this time that  
8 you're out with him, did you say anything to him about the  
9 car that he had sold the CD player out of?

10 A Yeah.

11 Q Okay. What?

12 A I asked him, I said, Whose car is this? And he said  
13 it was his girlfriend's.

14 Q And so after you leave to go find this necklace, what  
15 happens then? Where do you go to?

16 A Off of Walker Road on the side of the road.

17 Q Okay. And why did he tell you that he was going to  
18 Walker Road -- or did he tell you where he had gotten this  
19 stuff he was going to pick up?

20 A Yeah.

21 Q Where did he tell you he got it?

22 A Stole it from a woman in Fountain Inn, a pocketbook.

23 Q Where he stopped on Walker Road, how far was that  
24 from Dennis Meredith's house?

25 A About a five-minute walk.

1 Q And when he stopped there at the woods on Walker  
2 Road, what did he do?

3 A He got out and went in the woods.

4 Q And how long was he gone?

5 A About five or seven minutes.

6 Q Okay. And then where was he when you saw him again?

7 A Coming out of the woods.

8 Q Okay. And then what happened when you -- after you  
9 saw him coming out of the woods?

10 A I didn't see him any more, he disappeared.

11 Q And when -- how much time passed before you saw him  
12 again?

13 A About another seven minutes.

14 Q And once you saw him again, where did you see him?

15 A In the road.

16 Q Okay. And what did he do when you -- as you saw him  
17 in the road?

18 A He had money in his hand.

19 Q And once you saw the money, what did you do?

20 A I asked him what was he doing with the money, trying  
21 to sell -- what was he trying to sell stuff out of the car  
22 if he had that money. He said he didn't know it was in  
23 the pocketbook.

24 Q And did you ask him how much money he had?

25 A Yeah.

1 Q How much money did he tell you he had?

2 A \$800 or \$900.

3 Q And from what you saw, how much money would you  
4 estimate you saw?

5 A About that much.

6 Q Now, after he got back to the car and he had the  
7 money, what happened next?

8 A We went and smoked some more crack.

9 Q And where did you go to do that?

10 A We went  
11 back to Tura's.

12 Q And what was the plan as far as getting some more  
13 crack when you went back to Tura's? What were you going  
14 to do or what did you do?

15 A Tura came to the car. And then he left and went back  
16 and got his jacket and got in the car with us and told him  
17 to take him to Reidville.

18 Q When Tura came out to the car, who spoke to him?

19 A I did.

20 Q And what did you tell him?

21 A We wanted some more crack.

22 Q And then when he goes in the house and comes back to  
23 the car, when he gets back in the car, where did y'all go?

24 A To Reidville.

25 Q And who is driving at this time?



1 A Snow.

2 Q Okay. And what car are you in?

3 A The small white car.

4 Q You are still in the same car he showed up in that  
5 morning?

6 A Yes.

7 Q Okay. And when you get to Reidville, what happens  
8 when you get there?

9 A We met some guys on the side of the road.

10 Q And what happens when you see the guys on the road?

11 A Tura gets out and gets in the car with them.

12 Q And what happened then?

13 A We bought some more crack and we give him another  
14 hundred dollars to get some beer, cigarettes, and lighter.

15 Q Who did you give the hundred dollars to?

16 A Tura.

17 Q And how much crack did Tura buy?

18 A \$200.

19 Q And after you gave Tura this money, what did you or  
20 Snow tell him to do?

21 A Meet us back out at Belton's with the beer and stuff.

22 Q Who told him to do that?

23 A I did.

24 Q And then what did you and Snow do after you gave Tura  
25 the hundred dollars and told him to meet y'all back at

1 Belton's?

2 A We went back to Belton's.

3 Q And what did you do when you got there?

4 A We smoked some crack and gave some beer away and  
5 waited on Tura.

6 Q Did Tura come back to Belton's as well?

7 A Yeah.

8 Q And after Tura had gotten back to Belton's, where  
9 did -- what was the next thing you did or the next thing  
10 Snow did?

11 A We sat there a little bit and then we left and went  
12 out to Denny Boy's.

13 Q And when you got to Dennis' house, what did you want  
14 to do at Dennis' house?

15 A Go in his little building.

16 Q All right. And who did you talk to about that?

17 A Dennis.

18 Q Okay. And who talked to Dennis?

19 A I did.

20 Q Okay. And what did you ask Dennis if you could do?

21 A Could we sit out in the building a little while and  
22 we would pay him.

23 Q And so did Dennis say you could do that?

24 A Yes.

25 Q All right. And so who paid Dennis to get to use his

1 little building?

2 A I did.

3 Q All right. How much did it cost?

4 A \$30.

5 Q Okay. And the money you used to pay Dennis, where  
6 did it come from?

7 A From Snow.

8 Q So where did you and Snow go after you paid Dennis?

9 A In the little building.

10 Q And what did you do down there?

11 A Smoked.

12 Q And how long were you down there smoking?

13 A I'd say 30 minutes to an hour.

14 Q And while you were down there smoking, what happened?

15 A He was walking around. And then I got up and started  
16 walking around and he told me if I didn't sit down, he was  
17 going to show me who he really was.

18 Q After that, what did you do?

19 A I asked him did he want some more crack.

20 Q And what did he say?

21 A Yeah.

22 Q So what did you do after he told you that?

23 A Left out and went up to Denny Boy's.

24 Q And what did you ask about when you got to Dennis'?

25 A I asked him could I stay up there with him, could we

1       come up there, because I was scared to stay down there by  
2       myself.

3       Q     And what did you wind up working out with Dennis once  
4       you asked him that?

5       A     I handed him some more money and gave him some more  
6       money to get some more drugs.

7       Q     And then what did you do?

8       A     He let us come up there.

9       Q     So what did you do when Dennis told you that you  
10      could come to his house?

11      A     Sit down.

12      Q     What did you do about letting Snow know that?

13      A     I went back down there and got him. I told him he  
14      said that it was okay.

15      Q     So the two of you went up to Dennis' house?

16      A     Yes.

17      Q     Now, when you get to Dennis' house, what happens  
18      then?

19      A     We sit down and smoke.

20      Q     And did anybody else come to Dennis' house while you  
21      were there?

22      A     Yeah.

23      Q     Who came?

24      A     Eugene.

25      Q     And when Eugene got there, did y'all let him in

1 immediately?

2 A I didn't, no.

3 Q Why was that?

4 A Because he was going to be bugging us for some drugs.

5 Q And then after a while, what did you do?

6 A I told him to let him in.

7 Q Okay. And while you were up at Dennis' house after  
8 Eugene shows up, do -- did Fred ask for anything?

9 A He wanted to use the telephone.

10 Q Okay. Did -- what happened?

11 A Dennis had said couldn't nobody use the phone.

12 Q Let me ask you something. Before he asked to use the  
13 phone, did he ask for anything regarding his clothes?

14 A Yeah.

15 Q What did he ask for?

16 A He asked did I think Dennis would give him a pair of  
17 pants.

18 Q And what -- did you notice anything about Snow's  
19 pants that day?

20 A Yeah.

21 Q What did you notice about them?

22 A They were dirty.

23 Q And did Dennis do anything in regards to giving Snow  
24 some clothes?

25 A Yeah. He got him a pair of pants.

1 Q Okay. And did you change clothes up there?

2 A Yeah.

3 Q Okay. And why did you change clothes?

4 A Because I was dirty and had been working that day  
5 before. I was filthy.

6 Q Okay. And did you clean up in any way besides just  
7 changing clothes while you were at Dennis'?

8 A Clean up?

9 Q Uh-huh.

10 A Yeah.

11 Q And what did you do?

12 A Took a shower like I normally do.

13 Q Okay. And then who gave you the clothes you put on?

14 A Tina.

15 Q And who's Tina?

16 A Denny Boy's girlfriend.

17 Q Now, after Dennis gave Snow the new pair of pants --  
18 or the clean pair of pants, what happened to the old  
19 clothes?

20 A I don't know. They were laying in the floor. I told  
21 him to pick them things up, and he put them in a bag.

22 Q Who put them in a bag?

23 A Snow.

24 Q And after you had been there a while and you changed  
25 clothes, what did Dennis do?

1 A He left and went to the store.

2 Q Okay. And while Dennis was gone, what did Snow want  
3 to do -- or what did Snow say while Dennis -- after Dennis  
4 left to go to the store?

5 A When I was taking a bath, I heard him say he ought to  
6 blow his brains out.

7 Q Well, what did he want to do in regards to talking to  
8 somebody?

9 A He wanted to use the telephone.

10 Q And what did you tell him?

11 A No, because Dennis said nobody couldn't use the  
12 phone.

13 Q And so what did Snow do after you told him that?

14 A Him and Eugene left after a period of time going to  
15 the store to use the phone.

16 Q Okay. And how did they -- how were they leaving?  
17 What did they leave in?

18 A In the little white car.

19 Q And approximately -- and I know you may have -- may  
20 not be exact on this, but approximately what time did they  
21 leave?

22 A 3:00, 4:00, 5:00.

23 Q Okay. Now, did you ever see Snow again, either that  
24 day or the next day?

25 A Yes.

1 Q And when was that? When was the next -- or where  
2 were you the next time you saw him?

3 A Out at Belton's.

4 Q And when was that approximately?

5 A Sometime that night around maybe 12:00.

6 Q Okay. And when you saw him, who was he with?

7 A Eugene.

8 Q And what were they -- how did they get there, if you  
9 know?

10 A In the same car.

11 Q And what did Snow do while he was there at Belton's  
12 house that night or early the next morning while you were  
13 there?

14 A Smoked.

15 Q And then who did -- who left first, you or Snow? Who  
16 left Belton's house first?

17 A Snow.

18 Q And who did he leave with?

19 A Eugene.

20 Q All right. Now, did you -- after he left that time  
21 with Eugene, did you ever see him again?

22 A Yeah.

23 Q Okay. And where was that?

24 A Out at Belton's.

25 Q Back at Belton's house?



1 A Yeah.

2 Q And when was that?

3 A It was getting kind of daylight, so it would have  
4 been the next morning.

5 Q And when he got there that morning, what did the two  
6 of you do?

7 A We went up to Denny Boy's.

8 Q You went back to Dennis' house?

9 A Yeah.

10 Q And when you got to Dennis' house, what did Snow tell  
11 the people there?

12 A He told me about the necklace and the bracelet. And  
13 I asked Denny Boy about it, did he want it.

14 Q What did you ask Dennis?

15 A I said, Snow got a necklace and bracelet, did you  
16 want to buy it.

17 Q And what did he do in regards to finding the necklace  
18 and bracelet?

19 A He left to go get it. Well, when he come back, he  
20 didn't have it.

21 Q And did he say --

22 A He couldn't find it.

23 Q And who left -- after he came back to Dennis' house,  
24 who left Dennis' house first after that, when he came back  
25 and said he couldn't find it?

1 A He did.

2 Q And did anybody leave with him that time when he left  
3 Dennis' house?

4 A No.

5 Q Okay. And did you ever see him again after that  
6 day -- after that morning when he left Dennis' house?

7 A I don't -- I don't think so, no.

8 Q All right. Ms. Smith, I have just a few more  
9 questions for you. You are -- you're currently charged  
10 with an offense; is that correct?

11 A Yes.

12 Q Okay. And have you been promised anything on that  
13 charge for testifying here today?

14 A No, sir.

15 Q And in 1998, you were convicted of petit larceny and  
16 accessory to third degree burglary; is that correct?

17 A Yes, sir.

18 Q Now, after this happened, did you talk to the police  
19 about this?

20 A Yes, sir.

21 (WHEREUPON, State's Exhibit No. 53 was marked for  
22 identification only.)

23 BY MR. ANTHONY:

24 Q Ms. Johnson, I'm showing you what's been marked for  
25 identification as State's Exhibit No. 53. And I'm going

1 to show you the second page of that exhibit and I'll ask  
2 you if you've ever seen this set of pictures before?

3 A Yes.

4 Q When did you see those pictures -- or when was the  
5 first time you saw those pictures?

6 A When I first came in. I think it was on the 14th or  
7 15th.

8 Q And you talked to the police?

9 A I talked to the police, yeah.

10 Q And when they showed you those pictures, what did  
11 they ask you to do?

12 A Could I identify the man I was with.

13 Q And were you able to look at those pictures and  
14 identify the man you were with the days of the 13th and  
15 14th of February?

16 A Yes.

17 Q And which picture was it?

18 A The third one on the top.

19 MR. BOGGS: Hold it down.

20 BY MR. ANTHONY:

21 Q It was the one on the top right-hand corner?

22 A Uh-huh.

23 Q And do those pictures look the same as they did on  
24 the day you looked at them?

25 A Yeah.

1 MR. ANTHONY: If I could have one moment.

2 THE COURT: All right.

3 (Pause.)

4 BY MR. ANTHONY:

5 Q Ms. Smith, the person that you called Snow when you  
6 testified here today, is he here in the courtroom?

7 A Yes.

8 Q All right. Could you point him out, please?

9 A With the gray suit on sitting beside the lady.

10 MR. ANTHONY: All right. Thank you.

11 Your Honor, I'd ask the record to reflect that she's  
12 identified the Defendant, Mr. Evins.

13 THE COURT: All right.

14 MR. ANTHONY: Thank you.

15 That's all my questions.

16 THE COURT: All right. Cross-examination.

17 CROSS-EXAMINATION

18 BY MR. BOGGS:

19 Q Is it Ms. Smith or Ms. Johnson?

20 A Either/or will be all right.

21 Q All right. As you were testifying, I was trying to  
22 keep up with the number of times that you smoked crack  
23 that day. And it seems like it was about five different  
24 times; is that correct? Does that sound about right? At  
25 least, that's what you testified to.

1 A Close to it.

2 Q Okay. I've always heard -- and correct me -- well,  
3 first of all, were you addicted to crack back then?

4 A I would say so.

5 Q Okay. Are you still smoking crack at all?

6 A No.

7 Q Okay. You gave it up?

8 A I gave it up.

9 Q So your active crack smoking days are over?

10 A Over.

11 Q Because I had always heard -- and correct me if I'm  
12 wrong -- smoking crack -- or crack is a pretty powerful  
13 drug?

14 A True.

15 Q It's very addictive, isn't it?

16 A To some.

17 Q Was it to you?

18 A It had its moments, yeah.

19 Q Okay. And tell me what happens when you smoke crack.  
20 What kind of mental state do you get in, or do you kind of  
21 get detached from reality? I don't know. I'm just  
22 asking.

23 A It does people different.

24 MR. ANTHONY: Objection, Your Honor. I don't -- I  
25 think he can, obviously, ask questions about her

1 perceptions that day, but I'd object.

2 MR. BOGGS: To me saying I don't smoke crack?

3 MR. ANTHONY: Just a general question about --

4 THE COURT: I'm going to let him ask that. It's  
5 cross-examination.

6 BY MR. BOGGS:

7 Q Describe to me what happens when you smoke crack.

8 A It does people differently.

9 Q Okay. And what did it do to you?

10 A It just made me high.

11 Q All right. And when you're high, what happens? I  
12 mean --

13 A I don't want to hear noise. Quiet.

14 Q Okay. Do you ever get, again, detached a little bit  
15 from reality? Isn't that what getting high is all about?

16 A Not with me. I be on focus. I be listening. That's  
17 when I want quietness.

18 Q So you become more intense?

19 A Yes, listen, awareness.

20 Q Have you ever -- any of -- these people you smoked  
21 crack with, do they get kind of in a --

22 A Yeah, paranoid.

23 Q Yeah, a euphoric state?

24 A Yeah.

25 Q Paranoid. So different people act different ways;

1 right?

2 A Yes,

3 Q Now, back during your active crack addiction, did you  
4 ever have what's been called a craving? Do you know what  
5 I'm talking about what a craving is?

6 A Yeah.

7 Q Did you ever have any of those?

8 A Yeah.

9 Q And a craving, I guess, is when you've just got to  
10 have it; right?

11 A Yeah.

12 Q All right. And once you smoke one rock, isn't it  
13 generally true that an addict has to get another one  
14 almost right then? I mean, once you start your high --

15 A Yeah.

16 Q -- you go on a binge for a while, don't you, whether  
17 it's a one-day binge or a two-week or a month?

18 A Yeah.

19 Q Isn't that right?

20 A Yes.

21 Q Because crack kind of takes over once you smoke it;  
22 right?

23 A Yeah, for some.

24 Q Then you can kind of stay away from it for a while,  
25 but then you start having that craving again, don't you,

1 and you need to get back?

2 A Yeah. It varies with different people.

3 Q Now, have you ever smoked crack just to try to get  
4 away either from a particular problem or just to get away  
5 from life in general?

6 A No.

7 Q Okay. What would you smoke it for?

8 A Because I got addicted to it.

9 Q Okay. So you didn't enjoy it or anything like that?

10 A No.

11 Q When you first -- and that generally happens with  
12 crack addicts, they get to the point that they smoke so  
13 much that it's not fun anymore; right?

14 A Right.

15 Q Some can kick it, some can't?

16 A True.

17 Q But in those early stages when you start smoking  
18 crack, people smoke it just to escape, don't they, to have  
19 fun, get high, get away from reality?

20 A I have no idea the reason they be smoking.

21 Q Okay. Well, why did you smoke?

22 A I got hooked on it, addicted to it. And when I seen  
23 it, I wanted to smoke it.

24 Q But you weren't hooked the second time you smoked it.  
25 The first you smoked it was because somebody introduced it



1 to you; right?

2 A Right.

3 Q The second time you smoked it was because you wanted  
4 to?

5 A Yeah.

6 Q You weren't addicted then, were you?

7 A No.

8 Q So why did you chose to smoke it the second time?

9 A I got addicted to it.

10 Q Well, you weren't addicted to it then, were you?

11 A I mean, they kept on bringing it around me and I kept  
12 smoking it. So, eventually, I guess you would call it an  
13 addiction.

14 Q Let me rephrase my question. Do you remember the  
15 very first time you smoked crack?

16 A Yeah.

17 Q Then there had to be a second time; right?

18 A Yes.

19 Q Between the first and second time, okay, what made  
20 you go back to smoking it the second time is what I'm  
21 trying to --

22 A It was offered to me. I just smoked it. I didn't  
23 have a reason.

24 Q So you didn't really care, you didn't want to get  
25 high?

1 A No. I just smoked it. I was new at it and didn't  
2 know what it was all about.

3 Q Okay. So you didn't smoke crack for any reason other  
4 than people gave it to you?

5 A Right.

6 Q And then, I guess, people just quit giving it to you  
7 and that's why you don't smoke now; is that right?

8 A No. After I got addicted to it, I was where I would  
9 buy my own. That was after the addiction had set in.

10 Q You would pay your own, is that -- I'm sorry?

11 A Yes. That's what I said.

12 Q So at some time, you decided you didn't want it  
13 anymore, cold turkey; right?

14 A That wasn't my first time quitting, yes.

15 Q I'm sorry?

16 A Yes.

17 Q Okay. Did you say that wasn't your first time  
18 quitting?

19 A Right.

20 Q So you had tried to fight this addiction before;  
21 right?

22 A Right.

23 Q How long ago did you say you started smoking crack?  
24 How old were you when you started smoking?

25 A I have no idea how old I was.

1 Q Ten years ago?

2 A Perhaps, something like that.

3 Q And, again, just explain to me because I can't -- I  
4 just need to let the jury know about this. But when you  
5 tried to get off of it, could you go for a period of time  
6 and stay away from it?

7 A Yeah.

8 Q How would you get back on it? Would the craving be  
9 so much that you --

10 A Somebody would be around and offer it to me and keep  
11 on at me, smoke some, smoke some, come on, come on.

12 Q And you didn't like it, but your addiction made you  
13 smoke it; right?

14 A Yeah. They kept nagging at me and I smoked it.

15 Q Now, I believe you testified that -- well, first of  
16 all, can I call him Pop? I think you called him three  
17 different things. It's easier for me to call him Pop.  
18 Okay.

19 A Okay.

20 Q How old is Pop, roughly?

21 A About 67, 68.

22 Q And there are a lot of drugs that are either sold out  
23 at Pop's house or smoked up there; right?

24 A Yes.

25 Q In fact, in Cashville, it was known that that's where

1       you could go to get high; right?

2       A     Right.

3       Q     And you were kind of Pop's caretaker or something  
4       like that?

5       A     Basically, yes.

6       Q     Okay. And would he pay you in crack? Is that how he  
7       compensated you?

8       A     Sometimes.

9       Q     And other times, he would give you money; right?

10      A     Yes.

11      Q     Did you ever sell any for Pop?

12      A     I answered the door. He did his own.

13      Q     So you were kind of like --

14      A     I answered the door.

15      Q     But there was a lot of traffic coming in and out of  
16      Pop's; is that right?

17      A     Yes.

18      Q     And then you mentioned somebody named Robert Holley?

19      A     Yes.

20      Q     He lives -- does he live in a trailer?

21      A     Yes.

22      Q     He's the one that lives in a trailer not too far  
23      away; right?

24      A     Right.

25      Q     And were drugs sold out of Robert's or is that where

1 people went to smoke? Did people ever go up there to  
2 smoke?

3 A Huh-uh, not that I know of.

4 Q So you just go up there to buy drugs?

5 A Right.

6 Q Now, is Robert's place over on Walker Road?

7 A Caldwell Circle.

8 Q Where is Caldwell Circle? I'm not sure where that  
9 is.

10 A It's off of 101.

11 Q Okay.

12 A The next street over from Pop's.

13 Q Okay. Is -- well, is Robert Holley any kin to Janice  
14 Holley? Do you know?

15 A That's his wife.

16 Q That's his wife?

17 A Yes.

18 Q Okay. Have you ever smoked any crack over on the  
19 Holley's property, over where that -- kind of all that --  
20 those beer bottles are and all that stuff on Walker Road?

21 A No.

22 Q You never partied over there?

23 A No.

24 Q But Janice Holley is Robert Holley's wife?

25 A Yes.

1 Q So where does Dennis Meredith live in relation to  
2 this? Is he out in that same area?

3 A It's not far from there. He lives on Walker Road.

4 Q So Dennis Meredith lives there, not Robert Holley.  
5 Okay. Does Dennis live in a trailer also?

6 A Yes.

7 Q Does he live on the Holley's property or do you know?

8 A I have --

9 Q You may not know. That's fine if you don't know.

10 A No.

11 Q That trailer is near where the Holley's own property,  
12 isn't it?

13 A Well, I don't know nothing about no property  
14 ownerization [sic].

15 Q From what I understand of your testimony is that  
16 sometime around 9:30 to 9:45 on the 13th, this fellow  
17 shows up at Pop's house in a white car; correct?

18 A Yes.

19 Q And you say you recognized him as somebody that you  
20 knew as Snow; correct?

21 A Yes.

22 Q All right. And that you had not seen him but one or  
23 two times before?

24 A Right.

25 Q Okay. Do you remember when you had ever seen him

1 before?

2 A Maybe -- well, I guess probably two and a half or  
3 three years ago.

4 Q Okay. Would you have seen -- would he have been at  
5 Pop's at that time, do you think?

6 A That's where I seen him at.

7 Q Well, that's what I'm asking.

8 A Yeah.

9 Q So two or three years before this, you had seen him  
10 at Pop's?

11 A Yes.

12 Q Are you at Pop's on a regular basis?

13 A I was then, yes.

14 Q Okay. And then he shows up, comes in at 9:30 to  
15 9:45, somewhere around there, and the first thing he wants  
16 is some crack; is that correct?

17 A Yeah.

18 Q All right. And you told him you knew where you could  
19 get some; right?

20 A Yeah.

21 Q And so you went and got some and you and he smoked  
22 it; correct?

23 A Yes.

24 Q I'm not going to go through the various places, but,  
25 basically, the scenario, the rest of the day was you go

1 get crack and smoke it; right?

2 A Yes.

3 Q All right. And if you didn't have money, you'd sell  
4 the CD player and try to sell the jumper cables; correct?

5 A Yes.

6 Q You got money off of that and then you went and  
7 bought more crack and smoked it; right?

8 A Yeah.

9 Q And then you got some money and you went and bought  
10 some more and smoked it. So the whole rest of the day up  
11 until about 4:00 or 5:00 that afternoon was spent going to  
12 find crack, smoking it, going to find crack, smoking it,  
13 going to find crack, smoking it; right?

14 A He didn't have to go that many times.

15 Q I'm sorry?

16 A He didn't have to go that many times, because he was  
17 buying a quantity of it at one time.

18 Q Buying it in quantities?

19 A Yes.

20 Q Okay. And by 5:00 that afternoon, had you,  
21 basically, smoked up all the crack you had bought all  
22 during the day?

23 A No.

24 Q How much was left, do you reckon?

25 A I know he still had \$300 in there because I seen it.



1 And I don't know how many more rocks because I didn't want  
2 no more.

3 Q Okay. You had had about enough for that one day?

4 A Yeah.

5 Q Okay. But, again -- and understand, I don't know  
6 what it's like to smoke crack. But you've been smoking  
7 crack all day long and yet your memory is sharp as you  
8 testified to today; right?

9 A Exactly.

10 Q Okay. So it doesn't effect your mental faculties  
11 like cocaine or alcohol or heroin or pills or anything  
12 like that? You can say real focused when you smoke crack;  
13 is that right?

14 A I do. I can only speak for myself.

15 Q All right. But have you ever noticed -- when you're  
16 smoking with your buddies, have you ever noticed anybody  
17 that didn't stay focused?

18 A Yes.

19 Q Just one or two more questions, please. You are one  
20 of the people that have the ability that when you smoke,  
21 it effects you as staying real sharp; correct? I mean,  
22 you get more focused; right?

23 A Basically.

24 Q So what you told the Solicitor today, you're pretty  
25 sure of because you were focused and the more you smoke,

1 the more focused you got; is that correct?

2 A What I told the Solicitor today was, basically, what  
3 happened.

4 Q I know. That's what I'm saying.

5 A Yeah.

6 Q But the drugs didn't impair you?

7 A No.

8 Q Everything you've said -- everything that you said  
9 that Snow told you --

10 A Yeah.

11 Q -- was the truth; right?

12 A Right.

13 Q And you were focused enough to remember that?

14 A Exactly.

15 Q And you don't want to change any of that right now,  
16 and you're sticking by what you told the Solicitor; right?

17 A Right.

18 MR. BOGGS: That's all the questions I have of her,  
19 Your Honor.

20 THE COURT: All right.

21 MR. ANTHONY: No redirect.

22 THE COURT: All right. Thank you, Ms. Smith.

23 You can stand down.

24 MR. BARNETTE: The State calls Christopher Switzer,  
25 Your Honor.

1 THE COURT: All right.

2 THE CLERK: Place your left hand on the Bible and  
3 raise your right.

4 WHEREUPON,

5 CHRISTOPHER SWITZER,  
6 after first having been duly sworn, testified as follows:

7 THE CLERK: Please have a seat.

8 DIRECT EXAMINATION

9 BY MR. BARNETTE:

10 Q Mr. Switzer, if you would, give us your full name,  
11 please.

12 A Christopher Switzer.

13 Q And where do you live at, sir?

14 A I live 110 Horizontal Drive.

15 Q Back on February 13th of 2003, where were you living?

16 A I was living in a mobile home around Caldwell Circle.

17 Q And the mobile home, who was right next door, right  
18 beside your mobile home?

19 A Mr. Belton Gray.

20 Q And that's who you was living beside at the time?

21 A Yes, sir.

22 Q Back on February 13th of last year, did you hear --  
23 was you in your trailer that morning?

24 A Yes, sir.

25 Q And that morning, what time was it when you heard

1 something outside of the trailer, somebody pull up?

2 A Around 8:30.

3 Q Was it sometime early that morning?

4 A Yes.

5 Q And when you heard somebody pull up, what did you see  
6 outside when you looked outside?

7 A I seen a little white car with a sunroof, and I seen  
8 a man getting out of it.

9 Q And can you describe the man?

10 A Light-skinned, tall, moustache, curly hair, sort of  
11 box-like.

12 Q Was he African American?

13 A Yes.

14 Q But when you say light-skinned, you mean light skin,  
15 the pigment of his skin?

16 A Yeah, light on the skin complexion.

17 Q And what kind of car was he driving?

18 A I, actually, don't know. I know it was square,  
19 white, had a sunroof, and had a black line around the  
20 bottom of it.

21 Q Did you see anybody else with him?

22 A No, sir.

23 Q So nobody else was in the car with him?

24 A No, sir.

25 Q What did he do once he got out of the car?

1 A He knocked on the door, went in -- Mr. Belton opened  
2 the door and he went in the house, in Mr. Belton's house.

3 Q And what happened then?

4 A Then about, I'd say, ten minutes later, he come back  
5 out, him and Teresa and --

6 Q When you say "Teresa," who do you mean by Teresa?

7 A A friend with -- this lady I know that normally be  
8 around. She normally helps Belton out.

9 Q Would that be Teresa Johnson?

10 A Yes, sir.

11 Q And what did they do after they came back out?

12 A I believe they went to the store, got in the car and  
13 went to the store. And about five minutes later, they  
14 pulled back up and she got out of the car. She had a  
15 beer -- well, a bottle in a bag and she had like some  
16 cigarettes and stuff like that.

17 Q Who came back with her -- or who was with her?

18 A Just her and the guy she left with, the one who took  
19 her to the store.

20 Q Where did they go once they came back?

21 A They went into the trailer, into Belton's trailer.

22 Q Did you see them anymore that day?

23 A Later on, later on that evening.

24 Q And what did you see later on?

25 A I seen him and her get out. It was about noontime,

1 it was about getting ready to get dark, about like sunset.  
2 They was getting ready to go in Belton Gray's house. At  
3 the time, they didn't want nobody else to come over there.

4 Q They didn't want anybody else to come over to the  
5 house?

6 A Actually, I guess they wanted privacy.

7 Q So you tried to go over and they wouldn't let you go  
8 over?

9 A Yeah.

10 Q And when he pulled up in the car the first time that  
11 morning, which door did he get out of the car?

12 A The driver's side.

13 MR. BARNETTE: Thank you, sir.

14 Please answer any questions Mr. Boggs may have.

15 CROSS-EXAMINATION

16 BY MR. BOGGS:

17 Q Mr. Switzer, tell me again, I didn't hear. Where  
18 were you living at the time?

19 A At the time, I was living at Caldwell Circle in a  
20 mobile home.

21 Q And how far is that from Belton's trailer? Did you  
22 ever call him Pop, by the way?

23 A Yeah. I called him Pop.

24 Q I will refer to him as Pop. Okay. And you'll know  
25 who I'm talking about; right?

1 A About from here to that desk. If this was straight,  
2 about from here to the desk was the distance from the  
3 trailer. It's barely a little pass you can walk through.

4 Q You're saying that's Pop's place there --

5 A No. I'm saying right here, this is Pop's trailer.  
6 The driveway where everybody park was in the front. My  
7 trailer is like behind his, but it's up a little bit where  
8 I can look straight out the driveway.

9 Q So you, basically, lived next door?

10 A Yeah, next door.

11 Q And that's what I'm trying to get at, you lived right  
12 there by him?

13 A Yes, sir.

14 Q And it's not very far? I mean, you can see  
15 everything that's going on?

16 A Yes, on the outside.

17 Q I'm sorry?

18 A On the outside, yes.

19 Q Okay. You can't see on the inside, can you?

20 A (Witness shook head.)

21 Q So you see all this traffic going in and the young  
22 kids hanging out in his yard all the time; right?

23 A Yes, sir.

24 Q And you know what they're doing, they're going over  
25 there buying crack; right?

1 A Well --

2 Q I mean, you know that's what they're doing?

3 A I don't know. Pop has a lot of company, so.

4 Q I'm sorry?

5 A Pop is up in age and he have a lot of company, so  
6 people do come and visit. I ain't going to just say  
7 it's --

8 Q Well, it's not normal for 18, 19, 20-year-old young  
9 fellows to be going over all the time to see him?

10 A It don't necessarily be youngsters like that sitting  
11 around, it be older folks. I'm about one of the youngest  
12 ones that sit out there.

13 Q And did you ever buy drugs from Pop?

14 A No, sir.

15 Q Okay. You never smoked over there?

16 A Yes, I have.

17 Q All right. Who did you buy it from?

18 A I, actually, didn't, actually, buy it from nobody.  
19 But at the time, I bummed. I asked people for it because  
20 I didn't, actually, work.

21 Q Okay. Did you ever develop an addiction to it?

22 A Some would say -- I would say, no.

23 Q You would say no?

24 A No.

25 Q How many years did you smoke crack?



1 A Four.

2 Q Four?

3 A Four years.

4 Q Okay. And when did you get off of it?

5 A About a year ago when I went to jail, a year and 15  
6 days in Greenville County.

7 Q You did what now?

8 A A year and 15 days in Greenville County.

9 Q You served a year and 15 days, is that what you're  
10 telling me?

11 MR. BARNETTE: Objection, Your Honor. At this point,  
12 irrelevant.

13 May we approach?

14 THE COURT: Yes.

15 (WHEREUPON, a bench conference was held with the  
16 attorneys.)

17 MR. GOWDY: He was in jail with a high bond on a  
18 charge that was dismissed in Greenville, so.

19 THE COURT: Well, he volunteered it.

20 MR. GOWDY: Well, that's because he's asking him.

21 MR. BOGGS: No, sir. I didn't say a word.

22 THE COURT: No, he didn't. He asked when he quit and  
23 he volunteered it. He said, a year and 15 days ago.

24 MR. GOWDY: Well --

25 THE COURT: The door is open.

1 MR. GOWDY: Well, Judge, he can't ask him what his  
2 charge was. It was dismissed.

3 MR. BOGGS: I'm not going anywhere.

4 THE COURT: Okay.

5 (WHEREUPON, the bench conference was concluded.)

6 BY MR. BOGGS:

7 Q Okay. Now, prior to you getting off the crack, you  
8 said you had been smoking for about a four-year period;  
9 right?

10 A Yeah.

11 Q How did smoking crack effect you physically and  
12 mentally? I assume, you smoked because you wanted to get  
13 high?

14 A Yes, sir.

15 Q You're going to have to speak up so each of these  
16 jurors can hear you.

17 A Yes, sir.

18 Q And how did it effect you physically and mentally  
19 when you would smoke crack?

20 A It would keep you broke.

21 Q What?

22 A It would keep me broke.

23 Q All right. That's the physical part. Let's talk  
24 about the mental part. When you were on a high, did it  
25 kind of --

1       A     I don't know. It scared me. I felt like something  
2       was on me. I ain't never liked it.

3       Q     So you would get paranoid?

4       A     Not paranoid. But I, actually, felt like something  
5       was on me.

6       Q     And you didn't like that?

7       A     I didn't like it.

8       Q     If you didn't like it, why did you keep smoking it  
9       for four years? Was it because you were addicted?

10      A     No. It was, actually, the habitation that I was  
11      living in. I was, actually, living on the street from  
12      time to time, so I was doing for myself. And I was just  
13      there. I mean, it was given to me. I didn't have to pay  
14      for it or nothing.

15      Q     And I can understand that's not a situation that  
16      anybody wants to be in, living on the street, kind of  
17      day-to-day, hand-to-mouth type thing. Did you ever smoke  
18      crack just because you wanted to escape reality?

19      A     No, sir.

20      Q     You didn't?

21      A     No.

22      Q     And if you didn't have any money to eat and you lived  
23      on the street, why did you smoke crack? Why didn't you  
24      take that money and spend it other places?

25      A     What money?

1 Q The money -- well, you had to get crack from  
2 somebody?

3 A Give.

4 Q What?

5 A It was just there.

6 Q It was just there?

7 A It was just there.

8 Q Just like a candy jar, just go by and pick out as  
9 much as you want?

10 A If you ask, people share.

11 Q I'm kind of deaf.

12 A You ask and people share.

13 Q Now, you were interviewed by the police back on  
14 February 27; is that correct?

15 A No, sir.

16 Q You weren't -- you never gave a statement to the  
17 police?

18 A Yes, sir, I did.

19 Q Okay. Well, that's what we call an interview. That  
20 was on February 27th. Do you remember that?

21 A I don't remember the date, but I know --

22 Q Okay. But you do remember giving them a statement?

23 A Yes, sir, I do.

24 Q And in that statement, you say that, initially, you  
25 saw the man drive up to Pop's in a white small car?

1 A Uh-huh.

2 Q He went up to Belton's trailer and came out a little  
3 while later; right?

4 A Yes, up on the hill beside the tree.

5 Q Then he and Teresa left; correct?

6 A Yes.

7 Q And you think they went to the store, and then they  
8 came back with cigarettes and beer; right?

9 A Yes, sir.

10 Q Okay. And then he left at some point, this guy;  
11 right?

12 A No. They left at some point.

13 Q All right. You said you saw the guy later that day  
14 at Belton's?

15 A Yes.

16 Q And at that time, he was driving a beige Toyota?

17 A Yes.

18 Q Is that correct? That's what you said?

19 A Toyota, yeah, I know what you mean.

20 Q A beige, square Toyota; right?

21 A Yes.

22 Q And then the next day, you saw the same guy in the  
23 same Toyota; is that right?

24 A Yes, sir.

25 Q Okay. Now, is it -- and you may not know this, but

1       you seem to have had a lot of association with people that  
2       deal either in drugs or smoke drugs; right?  It's not  
3       uncommon for people that are hooked on crack, smoke a lot  
4       of crack, it's not uncommon for them to steal stuff, is  
5       it?

6       A     Yeah, it is.

7       Q     Oh, it is.  Crack addicts generally don't steal  
8       stuff?

9       A     No, they do.

10      Q     Well, that's what I asked you.

11      A     Well, I didn't understand the way you said it.

12      Q     Okay.  Maybe I made it backwards.  Let me put it this  
13      way.  It's pretty common for somebody that is hooked on  
14      crack, particularly, if they don't have a lot of money,  
15      they steal stuff and sell it, get enough to get a rock and  
16      then they go back and steal something else; right?

17      A     Yeah.

18      Q     So even if there's a bicycle sitting out on the side  
19      of a house, they may steal that and go sell that; right?

20      A     If they think it's worth it.

21      Q     If they want that crack, about anything is worth it,  
22      isn't it?

23      A     (There was no response.)

24      Q     Isn't it?

25      A     I suppose.

1 Q Okay. You said there's a lot of traffic over at  
2 Pop's, people there, in and out, hanging out in the yard  
3 on a fairly regular basis, isn't it?

4 A Yeah, he had company. It ain't just like traffic,  
5 but he have friends that used to come over, mostly  
6 females.

7 Q Mostly females?

8 A Mostly females.

9 Q But there are a lot of young kids that hang out  
10 around there in that area, maybe not right at Pop's. But  
11 there are a bunch of young kids riding their bikes around  
12 up and down the road?

13 A Huh-uh.

14 Q Are you sure?

15 A No, sir.

16 Q How long has it been since you've been over there?

17 A Well, my brother, actually, still lives back behind  
18 there, so it was just yesterday.

19 Q You don't live in that area anymore?

20 A No, sir.

21 Q But your brother still does?

22 A Yes, sir.

23 MR. BOGGS: All right. Well, Mr. Switzer, I  
24 appreciate your testimony.

25 That's all the questions I have of this witness.

1 MR. BARNETTE: No further questions.

2 THE COURT: You can stand down, sir.

3 MR. BARNETTE: Your Honor, can he be excused?

4 THE COURT: Any objection?

5 MR. BOGGS: No objection.

6 THE COURT: You're released from your subpoena. Let  
7 me see the lawyers up here for a second. I don't have to  
8 have them all, just one representative from each side.

9 (WHEREUPON, a bench conference was held with the  
10 attorneys.)

11 MR. GOWDY: The next witness is Dennis Meredith, and  
12 he's probably going to be a lot like Teresa Johnson.

13 THE COURT: Long?

14 MR. GOWDY: Well, I mean, if he can -- if we go  
15 through a history pharmacology with him, but, yes, it's  
16 going to be long.

17 MR. BOGGS: You started it.

18 THE COURT: Well, do you have anything shorter? How  
19 long did she take?

20 MR. GOWDY: I'm happy to call Dennis. It's probably  
21 going to be 30, 45 minutes, maybe not that long. I don't  
22 know.

23 THE COURT: Well, let's do him.

24 MR. GOWDY: Sure.

25 THE COURT: Do you want to do that?



1 MR. GOWDY: Yes, sir.

2 THE COURT: Okay.

3 (WHEREUPON, the bench conference was concluded.)

4 (WHEREUPON, State's Exhibit Nos. 54, 55, and 56 were  
5 marked for identification only.)

6 MR. GOWDY: Your Honor, the State would call Dennis  
7 Meredith.

8 THE COURT: Before we bring him in, ladies and  
9 gentlemen, we anticipate that this witness is going to be  
10 30 to 45 minutes.

11 Are y'all okay? Is everybody okay?

12 (All jurors said yes.)

13 THE COURT: Okay.

14 THE CLERK: Place your left hand on the Bible and  
15 raise your right.

16 WHEREUPON,

17 DENNIS O'NEAL MEREDITH,  
18 after first having been duly sworn, testified as follows:

19 THE CLERK: Thank you.

20 THE BAILIFF: Have a seat right here, please, sir.

21 DIRECT EXAMINATION

22 BY MR. GOWDY:

23 Q Good afternoon, Mr. Meredith. I'm going to get you  
24 to turn around this way. I'm going to stand over here.  
25 Okay.

1 A Yes, sir.

2 Q I want you to speak up in a good, loud, clear, strong  
3 voice so the last lady and gentleman can hear you. Okay.

4 A Yes, sir.

5 Q Tell them your name, Mr. Meredith, where you live,  
6 and how old you are.

7 A My name is Dennis O'Neal Meredith. I'm 39 years old.  
8 I live at 109 Walker Road, Woodruff, South Carolina,  
9 29288.

10 Q I hear slowly, so I'm going to have to get you to  
11 speak slowly. Okay.

12 A Yes, sir.

13 Q Tell me a little bit about your work history and  
14 educational background.

15 A I graduated from Woodruff High School in 1984. I  
16 went to Greenville Tech for one year. And I went on  
17 disability in 1986. I was in a car wreck.

18 Q You've been on disability since then?

19 A Yeah. I've been disabled since '86, yes, sir.

20 Q Do you do odd jobs as you find them for a living?

21 A Yes, sir.

22 Q I want to show you, Mr. Meredith, what's been marked  
23 as State's Exhibit Nos. 54 and 55, and ask you whether you  
24 recognize what's depicted in those exhibits?

25 A This is my house.

1 Q Let me just ask you first if you recognize it. Okay.

2 A Yeah, I recognize this.

3 Q How about this picture?

4 A That's my back -- yes, sir, I recognize it.

5 MR. GOWDY: Your Honor, we would move State's Exhibit  
6 Nos. 54 and 55 into evidence.

7 MR. BOGGS: No objection.

8 THE COURT: Without objection.

9 (WHEREUPON, State's Exhibit Nos. 54 and 55 were  
10 admitted into evidence.)

11 MR. GOWDY: Permission to publish it to the jury?

12 THE COURT: Why don't you tell them what they are  
13 first, so they'll know what they're looking at.

14 MR. GOWDY: I'm sorry, Your Honor.

15 BY MR. GOWDY:

16 Q What is State's Exhibit No. 55? Now, I can ask you,  
17 what is that?

18 A That's my trailer, and that's the little building  
19 that I have down -- this is my trailer and the little  
20 building I've got down beside my house.

21 Q Is that little building on your property?

22 A Yes, sir, it is.

23 Q What's depicted in State's Exhibit No. 54?

24 A This is my backyard, trash can, and stuff.

25 Q Okay. Do you know a lady named Janice Holley?

1 A Yes, sir, I do. It's my sister.

2 Q That's your sister?

3 A Yes, sir.

4 Q Tell the jury what they're looking at, Mr. Meredith.

5 A That's my trailer.

6 Q What road is that trailer on?

7 A 109 Walker Road.

8 Q Let me show you State's Exhibit No. 16, and ask you  
9 whether or not -- do you recognize that?

10 A Not really, no, sir.

11 Q How about that? That's an aerial, so it may be --

12 A This -- yes, sir. This is down below my house.

13 That's a little driveway right there and this is on our  
14 property, too. And the woods are right there.

15 Q Okay. And that's State's Exhibit No. 15?

16 A Yes, sir.

17 Q I'll put those both up there at the same time. And I  
18 want you to do this for me, Mr. Meredith, using this red  
19 dot, right there, step down here and show the jury where  
20 the top exhibit is in relation to the bottom exhibit.

21 Step down here.

22 A Say it again one more time.

23 Q All right. The bottom exhibit you've testified is  
24 your home and a building to the right of your home?

25 A Yeah. That's the building to the right of my home.

1 Q The little turn around up on the top exhibit, tell  
2 the jury where that is in relation to your house.

3 A That is right out down the road.

4 Q To the right or the left?

5 A My house is on the left, that right there is on the  
6 left.

7 Q Okay. If I were standing in your front yard, like  
8 this, staring at your trailer, where is that turn around?

9 A If you are standing in my front yard right now and  
10 like in front of that car right there --

11 Q Let's say we're standing on Walker Road staring at  
12 your house right now.

13 A We are in my yard right now and you want me to show  
14 you where that is, but I can't do it because I've got to  
15 look this way because it's down the road.

16 Q Okay. It's down -- on further down Walker Road?

17 A Yeah, right around the curve.

18 Q How far in terms of feet, yards, miles?

19 A Probably about as far as from the part of the  
20 courthouse to the other end over here, just right down the  
21 road. You can see it, basically.

22 Q I'm going to ask you to take your seat again. Okay.

23 A Yes, sir.

24 Q I want you to go back with me to February the 13th of  
25 2003. Do you know a lady named Teresa Smith or Teresa

1 Johnson?

2 A Yes, sir.

3 Q Did she come to your home on the morning of February  
4 the 13th? And, if so, at what time?

5 A She did, but it was early that morning. It was, I'm  
6 going to say, between 8:00 and 9:00. It was just early  
7 that morning. My ex-girlfriend was cooking breakfast.

8 Q What's your ex-girlfriend's name?

9 A Tina Hill.

10 Q Was there anybody else at the house?

11 A No, sir.

12 Q Do you know somebody named Tony?

13 A That's her brother. He come there, him and his  
14 girlfriend.

15 Q And you testified that Ms. Johnson got there at --  
16 I'm not going to put words in your mouth. What's your  
17 best recollection of when she got there?

18 A From 8:00 to 9:00.

19 Q And who was she with, Mr. Meredith?

20 A I don't know the guy's name, but -- I don't know his  
21 name.

22 Q Describe him.

23 A A male about a little thicker than I am, maybe a  
24 little taller than me, a brown-skinned guy, smooth-cut  
25 haircut, and driving a little white car. And that's who

1 she was with.

2 Q Did you ever get a name, ever identify a name, a  
3 nickname?

4 A Teresa just always said he's cool. I mean, she never  
5 said his name.

6 Q What kind of car were they in?

7 A It was a little white car, either a little Honda or a  
8 Nissan with a sunroof roof on it, four-door car. I didn't  
9 pay a whole lot of attention that morning.

10 Q Who was driving? Do you know, Mr. Meredith?

11 A The guy was driving.

12 Q Did he come to your house?

13 A Yes, sir, he did.

14 Q How long did he stay?

15 A They stayed -- Teresa was telling me he had a radio  
16 he wanted to sell, asked me did I want to buy the radio.  
17 And I told him, no -- well, actually, he heard me. I  
18 wasn't talking to him, I was talking to Teresa, but I know  
19 he heard me. I told her, I said, no, I don't want it.  
20 And Tony and them had pulled up and they wanted it.

21 So I guess he stayed long enough for him and Tony to  
22 take the radio out. They took it out right there in the  
23 yard.

24 Q Well, Mr. Meredith, do you guess he stayed long  
25 enough or did you watch him and Tony take the radio out?

1 A I watched him take the radio out.

2 Q And what happened to the radio?

3 A Tony told me that he give --

4 MR. BOGGS: Objection, hearsay.

5 THE COURT: Sustained.

6 BY MR. GOWDY:

7 Q Without saying what Tony said, did you see where the  
8 radio went?

9 A Yes, sir.

10 Q Where did it go?

11 A It left with Tony.

12 Q Did you see what car it came out of?

13 A Yes, sir, I did. The white --

14 Q What car did it come out of?

15 A The little white car that Teresa and him come up to  
16 the house in.

17 Q Okay. How long did Teresa and the man that was with  
18 her in the white car stay at your house?

19 A Like I said, they stayed there until they took the  
20 radio out. And then they left and -- they said they was  
21 going to the store, and Tina left with them. They said  
22 they was going down to Tina and Tony's momma's house.

23 Q Did they come back at some point?

24 A Yes, sir, they did that afternoon.

25 Q Can you tell the jury about what time?



1 A It was around about 12:00, 1:00.

2 Q Did Teresa come back again?

3 A Yes, sir, she did.

4 Q Did she have anybody with her?

5 A Yes, sir, she did.

6 Q Who?

7 A The same guy.

8 Q What did they do this time when they came to your  
9 house?

10 A They asked me could they use that little building.  
11 Teresa -- well, he didn't -- I mean, the guy didn't.  
12 Teresa asked me, she said --

13 MR. BOGGS: Objection.

14 THE COURT: Sustained.

15 BY MR. GOWDY:

16 Q Did you have any conversations with the guy?

17 A He was --

18 Q Up to this point, we're up to noon on the 13th of  
19 February, had you had any conversations with him?

20 A I, basically, didn't talk to him, no, sir.

21 Q You talked to Teresa?

22 A Yes, sir.

23 Q And where was he when you were talking to Teresa?

24 A Standing right beside her.

25 Q I want you to stop me when I get as far away from you

1 as he was from Teresa while you were talking.

2 A He was closer than that.

3 Q Closer than this?

4 A Yes, sir.

5 Q How about this way?

6 A They was like standing right there.

7 Q Right beside each other?

8 A Yes, sir.

9 Q You mentioned a little building on your piece of  
10 property. Do you see the little building you referenced  
11 in that picture?

12 A Yes, sir.

13 Q Where is it?

14 A Right there with the little white -- it has a little  
15 white porch on it.

16 Q Did they go down to that building?

17 A Yes, sir, they did.

18 Q How long did they stay, Mr. Meredith?

19 A I don't really know. They just went down there. And  
20 I wasn't really paying no attention because Teresa said it  
21 ain't the first time she did stuff like that.

22 MR. BOGGS: Objection.

23 THE COURT: What's the grounds?

24 MR. BOGGS: Hearsay when he says, "Teresa said."

25 MR. GOWDY: I don't think he said that.

1 THE COURT: I don't think he said that.

2 THE WITNESS: I didn't say Teresa said, I said --

3 MR. BOGGS: Okay. I apologize. I thought that's  
4 what he said.

5 BY MR. GOWDY:

6 Q You can finish your answer, Mr. Meredith, just don't  
7 tell us what Teresa said.

8 A I don't know exactly how long they stayed down there.  
9 But that ain't the first time that Teresa done brought  
10 somebody to the house to go down there and so-called these  
11 little tricks or whatever you want to call it.

12 Q All right.

13 A I didn't stand in the door watching them.

14 Q The first time that Teresa and the male that you  
15 described in the little white car came to your house, they  
16 were selling a CD player out of the car; is that right?

17 A Yes, sir.

18 Q The second time they came to your house, did you  
19 notice any money, Mr. Meredith?

20 A Yes, sir, I did.

21 Q Tell the jury how much money you noticed and where it  
22 was.

23 A I can't tell the exact money figure, but I didn't see  
24 nothing but like hundred dollar bills and he had it. He  
25 had it.

1 Q He had it?

2 A Yes, sir. It was in his hands.

3 Q When you say nothing but hundred dollar bills, you're  
4 talking about one hundred bill or a stack of them --

5 A One hundred dollar bills.

6 Q I'm talking about a single one hundred dollar bill or  
7 a stack of one hundred dollar bills?

8 A A stack of hundred dollar bills.

9 Q Did you ever have a conversation with the man that  
10 was with Teresa?

11 A (Witness shook head.)

12 Q Did he ask you about clothes or --

13 A Yes.

14 MR. BOGGS: Objection, Your Honor. He's leading. He  
15 suggests a form of question and suggests an answer.

16 THE COURT: Rephrase your question.

17 BY MR. GOWDY:

18 Q Did the man that was with Teresa Johnson ever come  
19 inside your trailer?

20 A Yes, he did.

21 Q For what purpose, Mr. Meredith, did he come inside  
22 your trailer?

23 A When he come inside the trailer, he and Teresa were  
24 together. And he come in there and said he would give me  
25 \$40 for me to give him a pair of pants. And I wouldn't

1 take the \$40. And I said, I'll give you a pair of pants,  
2 because they were Tina's pants. And then I went in the  
3 room and got him a pair of pants, a pair of blue jeans. I  
4 give them to him. And then Teresa asked for a pair and I  
5 give her a pair.

6 Q Do you know a man named Eugene Edwards?

7 A Yes, sir, I do.

8 Q How well do you know him?

9 A I've been knowing him all my life.

10 Q Do you see him on a regular basis?

11 A Yes, sir, basically, on an everyday basis.

12 Q Y'all are friends; right?

13 A Yes, sir.

14 Q Do you know if Eugene Edwards ever came to your house  
15 on February the 13th?

16 A Yes, sir, he did.

17 Q Do you know the first time you saw him on February  
18 the 13th?

19 A Yeah, he -- yeah, he come there.

20 Q What time?

21 A It had to be around about 3:00 or 4:00, something  
22 like that.

23 Q 3:00 or 4:00 p.m.?

24 A Yes, sir, in the afternoon.

25 Q The first time Teresa showed up with the man in the

1 small white car, was anybody else in the car with them?

2 A No, sir, there wasn't.

3 Q Who was driving?

4 A The man was driving.

5 Q At some point, did the man leave your house again?

6 Now, according to your chronology, they came, they left,  
7 came back with money, went down to the house on your

8 property, stayed down there for a period of time that you

9 can't recall, came back to your trailer, got some pants

10 from you. At some point, did they leave a second time?

11 A Yes, sir. They had to leave. Yeah, they left.

12 Q Okay. And do you recall who was driving that time  
13 when they left?

14 A At that time, I didn't see. I didn't look out the  
15 door. I don't know who was driving when they left.

16 Q All right. That's February 13th. Did you see Teresa  
17 or the man she was with again on February the 13th?

18 A I don't -- no. Because Eugene told me he left with  
19 them --

20 MR. BOGGS: Objection.

21 THE COURT: Sustained.

22 BY MR. GOWDY:

23 Q You can't say what Eugene said, just what you know,  
24 Mr. Meredith.

25 A No, sir. I don't know. They came back and went down

1       there. I don't know.

2       Q     Based on what you know, you didn't see them leave?

3       A     No, sir.

4       Q     And you didn't see them come back on the 13th?

5       A     No, sir.

6       Q     Did you see Teresa or the man she was with on the  
7       14th of February?

8       A     Yes, sir, I did.

9       Q     Tell the jury about that.

10      A     The next morning, Teresa and him come back earlier  
11      that morning. And that's when she said --

12           MR. BOGGS: Objection.

13      BY MR. GOWDY:

14      Q     Don't tell me what she said. I want to know what he  
15      said.

16      A     He didn't -- him and her both were saying it at that  
17      time. When they come back, he said they had some jewelry.  
18      They had a ring and a necklace. And they asked me did I  
19      want to buy it. It was like Valentine's Day. And I was  
20      like, let me see. And they was like -- him and Teresa --  
21      I was in the doorway and they was both pointing, like  
22      that. They was like, it's just out here, right out there.  
23      And I said, well, go get it, let me see it. But we sat  
24      there and waited, but they never did come back with it.

25           So I left, me and Tina, we left. And Tina left with

1 me that day. And I never seen -- I didn't see the guy no  
2 more after that.

3 Q Did the man that was with Teresa on the 13th and 14th  
4 of February, was it the same man with her both days?

5 A Yes, sir.

6 Q Did the man that was with her both days ask you if  
7 you wanted to buy some jewelry?

8 A He didn't ask me the first day, he asked me the  
9 second day.

10 Q That's what I'm talking about, February the 14th,  
11 Valentine's Day?

12 A Yes, sir.

13 Q Did he ask you if you wanted to buy some jewelry?

14 A Yes, sir.

15 Q And did he say, let me go get it?

16 A Yes, sir.

17 Q And where did he walk towards to go get it?

18 A They pointed down the road. They was standing on my  
19 porch. They just pointed. They said, it's just right  
20 down the curve. That's what they said. They said, it's  
21 right down there. And Teresa said, Meredith, it's right  
22 down there. And when they left out of the driveway --  
23 left out of the yard in the car, they went down the road,  
24 but they never -- I sat there and waited, but they didn't  
25 never come back.



1 Q What car did they leave in?

2 A The white car.

3 Q The same one?

4 A The same car.

5 Q At some point, Mr. Meredith -- and, again, I know  
6 it's difficult, but don't say what anybody else said to  
7 you. At some point, did law enforcement contact you about  
8 any knowledge that you may have about criminal activities?

9 A Yes, sir.

10 Q Did they show you a series of photographs and ask you  
11 who may have been at your house on the 13th and 14th of  
12 February?

13 A Yes, sir.

14 Q And were you able to make an identification of who  
15 that man was that was with Teresa Johnson on the 13th and  
16 14th of February?

17 A Yes, sir.

18 Q Let me show you what's been marked for identification  
19 purposes as State's Exhibit No. 56, and ask you, is that  
20 your signature on the front page?

21 A Yes, sir.

22 Q And is that your signature on the second page?

23 A Yes, sir.

24 MR. GOWDY: Your Honor, we move State's Exhibit No.  
25 56 into evidence.

1 THE COURT: Any objection from the Defense?

2 MR. BOGGS: No, we don't object. That's fine with  
3 us.

4 (WHEREUPON, State's Exhibit No. 56 was admitted into  
5 evidence.)

6 BY MR. GOWDY:

7 Q Again, I ask you, on the second page of that, is that  
8 the photo lineup shown to you by law enforcement?

9 A Yes, sir, it is.

10 MR. GOWDY: Your Honor, permission to publish it to  
11 the jury?

12 THE COURT: All right.

13 BY MR. GOWDY:

14 Q How did you denote the person that you marked as the  
15 person being with Teresa Johnson?

16 A Because that was the guy that come there. That's who  
17 it was.

18 Q No. I asked a bad question. How did you make your  
19 mark on this piece of paper as to which one it was?

20 A When they laid it down, they asked me was he on here.

21 Q Right --

22 A They asked me was the guy on there. And I told them,  
23 I said, right here.

24 Q And you're pointing to number 3. Did you sign your  
25 name or mark it in any way as to who you picked?

1 A No. When I showed them that's who it was, that's  
2 when he wrote up there, and that's when he told me to sign  
3 it.

4 Q And that's your -- what I'm getting at is, that's  
5 your signature?

6 A Yes, sir, it is.

7 Q And you signed above the picture of the person that  
8 was with Teresa?

9 A Yes, sir.

10 Q Is that what the police showed you, Mr. Meredith?

11 A Yes, sir.

12 Q And who did you pick?

13 Stand down here with me. Use that and show the jury  
14 who you picked.

15 A Right there.

16 Q Thank you.

17 Mr. Meredith, let me ask you one more question. I  
18 believe you may have referred to State's Exhibit No. 15 as  
19 a turn around. Is that your word or am I putting words in  
20 your mouth?

21 A I probably -- it's really just a driveway, but the  
22 little trees grewed up, so I would say it's just a turn  
23 around. It's trash right there in the little driveway.  
24 You can't drive straight forward. You've just got to pull  
25 in and just back out.

1 Q All right. Let me ask you this, when the person you  
2 identified as subject number 3 and Teresa Johnson pointed  
3 in the direction of the jewelry, where -- was there a  
4 point in relation to the turn around? Was it in the same  
5 direction or was it a different direction?

6 A Same direction. They was on the porch and they  
7 pointed and said, right there at the curve. They said the  
8 stuff was right there.

9 Q And right there was in the direction of the turn  
10 around?

11 A Yes, sir.

12 MR. GOWDY: Thank you, Mr. Meredith.

13 Please answer any questions that the Defense attorney  
14 may have for you.

15 THE WITNESS: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. BOGGS:

18 Q Do you know Pop? Do you know who I'm talking about  
19 when I talk about Pop?

20 A Yes, sir.

21 Q Do you know Eugene Edwards?

22 A Sir?

23 Q Do you know Eugene Edwards?

24 A Yes, sir.

25 Q And you know who Robert Holley is?

1 A Yes, sir.

2 Q So that's all part of the crowd you hang with, isn't  
3 it?

4 A No. I don't -- I hang -- me and Eugene is friends.

5 Q Yeah.

6 A So I hang with Eugene.

7 Q You don't hang out with your brother-in-law at all?

8 A No, I don't.

9 Q But all of you live out there in the same area; right?

10 A Yes, sir.

11 MR. BOGGS: I don't have anything else from him.

12 MR. GOWDY: No redirect, Your Honor.

13 THE COURT: You can stand down.

14 MR. GOWDY: I ask that Mr. Meredith be excused and  
15 allowed to go home.

16 THE COURT: Any objection to that?

17 MR. BOGGS: No.

18 THE COURT: All right. We'll release him.

19 Let me talk to you again, the lawyers.

20 (WHEREUPON, a bench conference was held with the  
21 attorneys.)

22 THE COURT: That was a little shorter.

23 MR. GOWDY: Yeah. We can do Bogan. I think now the  
24 relevance has been established for the jury. Actually,  
25 the jury has already --

1 THE COURT: Who's Bogan?

2 Come over here.

3 All I'm looking for is a short witness.

4 MR. GOWDY: Is Tommy Jones here?

5 MR. ANTHONY: No. As far as I know, he's not.

6 THE COURT: Well, how long is Bogan?

7 MR. GOWDY: We're not going to call him now. I mean,  
8 we can't get --

9 MR. BARNETTE: Well --

10 MR. GOWDY: I think the knife is -- the fact that in  
11 his statement that he used a black knife to kill the  
12 woman, so let's wait on that.

13 THE COURT: Have you got anything else?

14 MR. GOWDY: When you say it like that, I've got 27  
15 witnesses.

16 THE COURT: We don't have anything else we can do  
17 tonight?

18 MR. GOWDY: We may have --

19 MR. BOGGS: I can get my -- talk to my client and get  
20 ready for tomorrow.

21 THE COURT: Do you have anything else you want to do  
22 right now?

23 It's Friday night, most of these people want to get  
24 out of here.

25 MR. GOWDY: Yes.

1 MR. BOGGS: It's moving fast.

2 THE COURT: I'll have them come in at 9:30.

3 MR. GOWDY: Yes, sir.

4 (WHEREUPON, the bench conference was concluded.)

5 THE COURT: All right. Madam Forelady, ladies and  
6 gentlemen of the jury, thank you for your patience.

7 We were just talking about how we can administer the  
8 trial and what we could do. And we really don't have  
9 anything that we could move forward with at this time, so  
10 we're going to adjourn for the evening. We'll start back  
11 at -- by 9:30 in the morning. So y'all are excused for  
12 the night.

13 Please don't discuss the case, although, it may get  
14 more and more tempting as the days go along. And if you  
15 would, leave your notes in your seats. They'll be there  
16 when you come back. They will not be disturbed and no one  
17 will look at them, I promise you.

18 (WHEREUPON, the jury was excused from open court at  
19 approximately 5:51 p.m.)

20 THE COURT: Anything else?

21 MR. BOGGS: Nothing further, Your Honor.

22 THE COURT: All right. We'll see you all at 9:30.

23 (WHEREUPON, the proceedings were concluded at  
24 approximately 5:51 p.m., to be reconvened on  
25 Saturday, November 13, 2004.)

SATURDAY, NOVEMBER 13, 2004

THE COURT: Is everybody ready?

MR. GOWDY: Yes, sir, Your Honor.

MR. ANTHONY: Your Honor, before they bring them in, the first witness for the State is going to be Mr. Jones, Tony Jones. As far as his record goes, he has an ABHAN conviction from 2002, which I'm handing this NCIC to defense counsel now. But it would be the State's position that that's the only impeachable offense he has.

THE COURT: Do we have a consensus on that?

MR. BOGGS: Yes, sir. I was just looking for the date. This looks like this was pulled up November 13th. I agree with Mr. Anthony.

THE COURT: All right. Are you ready for the jury now?

MR. ANTHONY: We're ready, yes, sir.

Thank you.

MR. BOGGS: Oh, I --

THE COURT: What, before he gets them?

MR. BOGGS: I would like to have a copy of the B Tape that's been referred to, if the Solicitor has that. It should be made available. It dawned on me yesterday, he kept saying he couldn't see anything because of the headlights. Well, there weren't any lights on. The



1 headlights were turned off. So if they've got it, I'd  
2 like to have access to it and look at it. And that's  
3 fine, we -- I mean, we can deal with that later. I don't  
4 have to have it right this minute.

5 MR. GOWDY: He can have whatever we have. I looked  
6 at it and I couldn't see a thing. But the --

7 MR. BOGGS: That's fine. This is not anything major.  
8 I just think we ought to see it.

9 MR. GOWDY: Sure.

10 MR. BOGGS: They said the thing was glared because of  
11 the headlights. And it dawned on me that the headlights  
12 were turned off. And that's fine.

13 THE COURT: Well, I'll give you an opportunity to  
14 review that.

15 MR. BOGGS: Yes, sir. We can do that.

16 THE COURT: Bring the jury in.

17 (WHEREUPON, State's Exhibit No. 57 was marked for  
18 identification only.)

19 (WHEREUPON, the jury came into open court at  
20 approximately 9:42 a.m.)

21 THE COURT: All right. Ladies and gentlemen, welcome  
22 back.

23 I trust your notes are as you left them and y'all had  
24 a pleasant night. And we're ready to start the trial  
25 again this morning.

1 Mr. Solicitor.

2 MR. ANTHONY: Thank you, Your Honor.

3 The State would call Mr. Jones.

4 THE CLERK: Place your left hand on the Bible and  
5 raise your right.

6 WHEREUPON,

7 TONY JONES,

8 after first having been duly sworn, testified as follows:

9 THE CLERK: Have a seat, please.

10 DIRECT EXAMINATION

11 BY MR. ANTHONY:

12 Q Would you state your name, please?

13 A Tony Jones.

14 Q And, Mr. Jones, where do you live?

15 A Woodruff.

16 Q And I want to take you back now to the morning of  
17 February 13th of last year. Where did you go that  
18 morning?

19 A I went up to Dennis'.

20 Q And when you say Dennis, what's Dennis' last name?

21 A Dennis Meredith.

22 Q And who did you go there with?

23 A My girlfriend, Darla.

24 Q And how do you know Dennis?

25 A He go with my sister.

1 Q What's your sister's name?

2 A Tina Jones.

3 Q And was she living with Dennis at the time?

4 A Yes, sir.

5 Q Now, after you went to Dennis' house, where did you  
6 go then?

7 A Wal-Mart.

8 Q And why did you go to Wal-Mart?

9 A To go pick up a check.

10 Q And after you picked up the check at Wal-Mart, where  
11 did you go?

12 A Back to Dennis'.

13 Q And who was with you at this time?

14 A Just me and Darla.

15 Q When you got to Dennis' house, what did you do?

16 A We sat down and ate breakfast.

17 Q And, at any point, while you were eating or after you  
18 were eating, did you see Teresa Johnson?

19 A She come over right when we got through eating.

20 Q Okay. And was anybody with her?

21 A Yeah, some dude.

22 Q Okay. What did you just say?

23 A A dude was.

24 Q A dude was?

25 A Yeah.

1 Q And what time did Teresa and this man get to Dennis'  
2 house?

3 A About 12:00.

4 Q And how is it that you know Teresa?

5 A She's been in the neighborhood for a while.

6 Q Now, the man that was with Teresa, did you know him?

7 A No.

8 Q All right. Had you ever seen him before?

9 A No.

10 Q And how did they get to Dennis' house?

11 A In a car.

12 Q Okay. What do you remember about the car and how it  
13 looked?

14 A It was a little small car. I can't remember if it  
15 was gray or white. It was one or other of them colors.

16 Q I'm sorry?

17 A It was one or other of them colors, gray or white.

18 Q And when you -- when Teresa and the man got to  
19 Dennis' house, who came to the door?

20 A Teresa.

21 Q Okay. And without saying what she told you, what  
22 were y'all speaking about?

23 A A CD player.

24 Q Okay. And did you tell -- did you say anything to  
25 Teresa about what you'd liked to do about the CD player?

1       A     I told her I'd give her \$40 for the CD player.

2       Q     And when you told her that, what did Teresa do?

3       A     She went back out the door.

4       Q     And where did she go?

5       A     To the car.

6       Q     Okay. And what did she do after she went back out to

7       the car?

8       A     I don't know. She -- then she come back to the door.

9       Q     And when Teresa came back to the door, what did you

10      do?

11      A     I gave her \$40.

12      Q     Okay. And after you paid her the \$40, where did

13      Teresa go then?

14      A     They got in the car and they went up the road.

15      Q     Well, what did she do -- right after you paid her the

16      \$40, what happened then?

17      A     She went and got in the car.

18      Q     Okay. And then what did you do?

19      A     Me? I sat around for a little while. Me and Dennis

20      was messing with the lawn mower.

21      Q     Did you ever go out to the car?

22      A     Yes, sir.

23      Q     Why did you go out to the car?

24      A     I went to see what was taking so long with the CD

25      player.

1 Q And when you went out to the car, what was happening?  
2 What did you see?

3 A They was taking the CD player out of the car.

4 Q When you say they were taking, who do you mean?

5 A Teresa and the dude.

6 Q And were they -- what were they having to do to get  
7 the CD player out?

8 A Prying on it or something with a screwdriver or knife  
9 or something. I can't remember.

10 Q Okay. Was the CD player in the dashboard of the car?

11 A Yeah.

12 Q Okay. And then once you got the -- or once they got  
13 the CD player out, what did they do?

14 A Teresa got back in the car and they went up the road.

15 Q Okay. And what became -- did you get the CD player?

16 A Yeah. I got the CD player.

17 Q Now, the man who was with Teresa, did he ever get out  
18 of the car?

19 A Nope.

20 Q All right. Did you -- did he ever say anything?

21 A No.

22 Q All right. After you got the CD player, what did you  
23 do then?

24 A I went and was hooking it up in the truck.

25 Q I'm sorry?

1 A Hooking it up in the truck.

2 Q Well, what did you do -- like, after you got the CD  
3 player and they left, while you were still at Dennis'  
4 house, what did you do then?

5 A We cut grass. Then when we got through cutting  
6 grass, I went and tried to hook the CD player up.

7 Q How long did you stay there?

8 A I might have stayed maybe an hour and a half.

9 Q All right. And after -- well, did you ever see  
10 Teresa and the man again that day?

11 A After they left, no.

12 Q Okay. So they left and they didn't come back while  
13 you were there?

14 A Huh-uh.

15 Q Okay. And did the police ever talk to you about  
16 this?

17 A Yeah. They talked to me about it.

18 Q And did you give them a statement about what  
19 happened?

20 A Yeah.

21 Q Okay. Did they ever ask you to look at anything?

22 A They showed me some pictures.

23 Q I'm showing you what's been marked as State's Exhibit  
24 No. 57 for identification, Mr. Jones. I'd ask you to look  
25 at the second page of the exhibit and just tell me --

1       without saying anything else, just tell me if you've seen  
2       those pictures before?

3       A     Yes, sir.

4       Q     Okay. When did you see those pictures?

5       A     The police showed it to me.

6       Q     Make sure you speak in that microphone, sir, so I can  
7       hear you.

8       A     The police showed me.

9       Q     And when they showed them to you, did they ask you if  
10      you knew anybody in the pictures?

11      A     Yeah.

12      Q     Okay. And who did you point out as knowing?

13      A     I told them the dude right there.

14      Q     The man in the top right-hand corner?

15      A     Yeah.

16      Q     And when had you seen that man before?

17      A     At Dennis'.

18      Q     At Dennis' house?

19      A     Up at Dennis'.

20      Q     Okay. And did you do anything when you looked at  
21      that and picked the man out? Did you make any markings to  
22      indicate who it was you picked?

23      A     Yeah. I signed it.

24      Q     You signed it. And is that your signature on the  
25      exhibit?



1 A Yes, sir.

2 Q Okay. And then did you -- I'm showing you now the  
3 first page of State's Exhibit No. 57, do you remember  
4 seeing that statement?

5 A Yeah.

6 Q Okay. And what did you -- when did you sign this  
7 statement?

8 A It was a couple days after, when they come to my  
9 house and got the CD player out of the truck.

10 Q So you signed that the same time you looked at the  
11 pictures?

12 A Yeah.

13 Q And is this top statement and this set of pictures,  
14 do they still look the same as when the police showed them  
15 to you?

16 A Yes, sir.

17 MR. ANTHONY: Your Honor, we'd move State's Exhibit  
18 No. 57 into evidence.

19 THE COURT: All right. Any objection?

20 MR. BOGGS: No objection.

21 (WHEREUPON, State's Exhibit No. 57 was admitted into  
22 evidence.)

23 BY MR. ANTHONY:

24 Q Now, when the police came to your house, did they ask  
25 you to show them anything or did you give them anything --

1 well, what happened to the CD player?

2 A They got it out of the truck.

3 Q The police did?

4 A The police did, yeah.

5 Q Now, whose truck was it in?

6 A Darla's.

7 Q And that's your girlfriend?

8 A Yeah.

9 Q So you put the CD player in your girlfriend's truck?

10 A Yes, sir.

11 Q And when the police came, they took it?

12 A Yeah, they took it out.

13 Q I'm showing you now what's been marked for  
14 identification as State's Exhibit No. 41. And I'd ask you  
15 if you've ever seen this item before and if you know what  
16 it is?

17 A Yes, sir.

18 Q What is that?

19 A The CD player.

20 Q And that's the CD player you turned over to the  
21 police?

22 A Yes, sir.

23 MR. ANTHONY: Your Honor, we'd move State's Exhibit  
24 No. 41 into evidence.

25 THE COURT: Any objection?

1 MR. BOGGS: I don't really have any objection, no.

2 THE COURT: Okay. Without objection.

3 (WHEREUPON, State's Exhibit No. 41 was admitted into  
4 evidence.)

5 BY MR. ANTHONY:

6 Q And, Mr. Jones, you were convicted back in 2002 of  
7 assault and battery of a high and aggravated nature; is  
8 that correct?

9 A Yes, sir.

10 MR. ANTHONY: If I could have one moment.

11 THE COURT: Yes, sir.

12 (Pause.)

13 MR. ANTHONY: If I could just have one moment, Your  
14 Honor, I would like to publish the lineup to the jury.

15 THE COURT: Okay.

16 BY MR. ANTHONY:

17 Q Mr. Jones, could you step down here just a second,  
18 please?

19 A (Witness complied.)

20 MR. ANTHONY: I'd ask that the record reflect that  
21 I'm showing the jury State's Exhibit No. 57.

22 BY MR. ANTHONY:

23 Q Mr. Jones, if you would, just point out the picture  
24 that you picked out that day.

25 A (Witness complied.)

1 MR. ANTHONY: Thank you very much.

2 You can take your seat back.

3 That's everything from the State on the record.

4 THE COURT: All right.

5 Cross?

6 MR. BOGGS: I have no questions for this witness.

7 THE COURT: All right. You can step down.

8 Thank you.

9 Release him?

10 MR. ANTHONY: Yes. We'd ask that he be excused.

11 THE COURT: All right. You're released from your  
12 subpoena.

13 MR. GOWDY: May it please the Court, Your Honor?

14 The State would call Mr. Eugene Edwards.

15 THE CLERK: Place your left hand on the Bible and  
16 raise your right hand.

17 WHEREUPON,

18 EUGENE EDWARDS,

19 after first having been duly sworn, testified as follows:

20 THE CLERK: Have a seat, please.

21 DIRECT EXAMINATION

22 BY MR. GOWDY:

23 Q Good morning, Mr. Edwards.

24 A Good morning.

25 Q I'm going to get you to speak in as good and strong

1       and clear voice as you can where the last lady and  
2       gentlemen can hear you.   Okay.

3       A     Okay.

4       Q     Can you hear me okay?

5       A     Oh, yes.

6       Q     Okay.  I want you to tell the jury your name and tell  
7       them where you live.

8       A     My name is Eugene Edwards.  I'm from Woodruff, South  
9       Carolina.

10      Q     What age gentlemen are you, Mr. Edwards?

11      A     I'm 47 years old.

12      Q     Do you work, Mr. Edwards?

13      A     Yes, I do.

14      Q     Where do you work?

15      A     I work at United Furniture Moving Company.

16      Q     How long have you had that job?

17      A     Seven months.

18      Q     How long have you lived in Spartanburg County,  
19      Mr. Edwards?

20      A     All my life.

21      Q     Who do you live with?

22      A     My mother and father.

23      Q     Mr. Edwards, I don't want to pry into your personal  
24      life, but are you a recovering drug addict?

25      A     Yes, I am.

1 Q How long have you been clean, Mr. Edwards?

2 A For 17 months now.

3 Q What drug were you addicted to?

4 A Crack.

5 Q And how long were you addicted to crack?

6 A I guess 14 or 15 years.

7 Q I want to go back to February of 2003. Okay.

8 A Okay.

9 Q Were you using drugs in February of 2003?

10 A Yes, I was.

11 Q Where were you living in February of 2003?

12 A I was living at home with my parents.

13 Q Do you know a gentlemen by the name of Dennis  
14 Meredith?

15 A Oh, yes. He's a good friend of mine.

16 Q How long have you known Mr. Meredith?

17 A All my life.

18 Q Are y'all real good friends?

19 A Oh, yes.

20 Q Do you live close to him, Mr. Edwards?

21 A Yes, I do.

22 Q On February 13th, did you have an occasion to go to  
23 Mr. Meredith's house?

24 A Yes. I went to Mr. Meredith's house that afternoon.

25 Q When you say "afternoon," can you give the jury a

- 1 sense of what time that might have been?
- 2 A Between 3:00 and 4:00.
- 3 Q What had you done previously that day on the 13th?
- 4 A I rode with a friend of mine to Simpsonville.
- 5 Q What's your friend's name?
- 6 A Don Wright.
- 7 Q Did y'all go pick up a tax return?
- 8 A Yes, we did.
- 9 Q His tax return or your tax return?
- 10 A His tax return.
- 11 Q So you got to Mr. Meredith's house about 2:00 or
- 12 3:00?
- 13 A Yes.
- 14 Q What did you do when you got there?
- 15 A Well, me and my friend, Don, we sat out in the yard
- 16 and drunk beer, and then went into Mr. Meredith's house, I
- 17 did.
- 18 Q All right. Can you tell the ladies and gentlemen of
- 19 the jury who was in Mr. Meredith's house when you went in?
- 20 A Fred and Teresa.
- 21 Q Now, who's Teresa?
- 22 A Teresa Johnson.
- 23 Q How long have you known Teresa Johnson?
- 24 A Close to 20 years now.
- 25 Q And who's the other person you said was in there?

1 A Fred Evins.

2 Q Do you see Fred Evins?

3 A Yes, I do.

4 Q Where is he?

5 A Right here.

6 Q Had you ever seen him before?

7 A No.

8 Q I mean, before February 13th, had you ever seen him  
9 before?

10 A No. I hadn't seen him before February the 13th, no,  
11 I hadn't.

12 Q Okay. When you went into Dennis Meredith's house,  
13 Mr. Edwards, what were the folks in there doing? What was  
14 Ms. Johnson doing and what was Mr. Evins doing?

15 A They were smoking crack.

16 Q Did you join in?

17 A Yes. They offered me some crack.

18 Q And how long did you stay there?

19 A I stayed there -- we stayed -- well, I stayed there  
20 for about an hour, I guess, until he was -- he wanted me  
21 to -- he was ready to go to make a phone call, he said, to  
22 call his job.

23 Q All right. Mr. Edwards, before we get to that phone  
24 call, do you happen to remember what clothes Mr. Evins may  
25 have had on or remember anything about his clothes?



1       A     Yeah. He had on a pair of jeans, dirty jeans. And  
2       he changed clothes there at Dennis' house.

3       Q     He changed clothes where?

4       A     At Dennis' house, my friend, Dennis' house.

5       Q     Do you know what he did with his dirty clothes,  
6       Mr. Edwards?

7       A     He put them in a bag.

8       Q     What kind of bag?

9       A     A plastic bag.

10      Q     Now, you started to say something about a phone call  
11     and I'm afraid I might have interrupted you. What were  
12     you saying about a phone call?

13      A     He said he was going to make a phone call to his job  
14     or something to tell them that he wasn't coming to work or  
15     whatever.

16      Q     Does Mr. Meredith have a phone?

17      A     Yes, he do.

18      Q     But y'all left to make that phone call?

19      A     Uh-huh

20      Q     Where did you go?

21      A     We went to the Citgo store, the convenience store up  
22     the road.

23      Q     And who is "we"? Who was in the car?

24      A     Mr. Evins.

25      Q     Do you remember what kind of car it was, Mr. Edwards?

1 A It was a white car.

2 Q Was it a big car or a little car?

3 A It was a small car.

4 Q Did it have a good radio and CD player in it?

5 A It didn't have a CD player in it.

6 Q It didn't have one?

7 A No.

8 Q What happened when you got to the Citgo station?

9 A He decided that he wasn't going to make the call.

10 Q So what did y'all do?

11 A We went to Reidville.

12 Q What was in Reidville?

13 A He was going to contact some people and get some more  
14 crack.

15 Q Some more crack?

16 A Uh-huh.

17 Q Did you ride with him?

18 A Yes, I did.

19 Q Who drove?

20 A He did.

21 Q Did he ask you to do anything on the way to Reidville  
22 with that bag of clothes?

23 A He told me to get rid of the clothes. He told me to  
24 throw the clothes out the window.

25 Q Did you do it, Mr. Edwards?

1 A Yes, I did.

2 Q Why did you do it?

3 A Because that's what he told me to do. He told me to  
4 throw the clothes out the window.

5 Q Whose house did you go to in Reidville?

6 A We went to Curtis Baker's house.

7 Q What did y'all do at Curtis Baker's house?

8 A He bought crack and we smoked crack there.

9 Q Who is he?

10 A Mr. Evins.

11 Q Did he have any money with him?

12 A Yes, he did.

13 Q Did you see the money?

14 A Yes.

15 Q I want you to tell the ladies and gentlemen of the  
16 jury about the money he had.

17 A He had hundred dollar bills.

18 Q One \$100 bill?

19 A No, several hundred dollar bills.

20 Q How long did y'all stay at Mr. Baker's house?

21 A We stayed there for about an hour.

22 Q Where did you go after that?

23 A After that, we went to Greer. He told me to show him  
24 the back way to get to Greer.

25 Q Say that again.

- 1 A He told me to show him the back way to get to Greer.
- 2 Q The back way?
- 3 A Uh-huh.
- 4 Q Did you show him the back way to get to Greer?
- 5 A Yes, I did.
- 6 Q Where did y'all go in Greer?
- 7 A We went to a trailer court there.
- 8 Q What did y'all do at the trailer court?
- 9 A Smoked crack.
- 10 Q Did you use your money or his money, Mr. Edwards?
- 11 A We used his money.
- 12 Q How long did you stay in Greer?
- 13 A We stayed there until that morning. It was about
- 14 3:00, 4:00 that morning.
- 15 Q What did you do when you left Greer?
- 16 A We left Greer and went to see a man named Belton.
- 17 They call him Pop. We went to his house.
- 18 Q What happened when you got to Pop's house?
- 19 A We got out and went in Pop's. Teresa and -- Teresa
- 20 was there and my son was there, Tura.
- 21 Q Did you eventually go home?
- 22 A Yes, I did. He took me and my son home.
- 23 Q Who is "he"?
- 24 A Mr. Evins.
- 25 Q In that same white car?

1 A The same white car.

2 Q Did you see him again after that?

3 A No, I didn't.

4 Q Eventually, did the police come and talk to you,  
5 Mr. Edwards?

6 A Yes, they did.

7 Q Did they ask you to take them to where the clothes  
8 were thrown out?

9 A Yes.

10 Q Did you do so?

11 A Yes, I did.

12 Q Were you able to find the clothes?

13 A No. We couldn't find the clothes, no.

14 Q Did you walk up and down the roadway trying to help  
15 the police find the clothes?

16 A Yes, for two days.

17 Q Mr. Edwards, I think you testified that you were  
18 addicted to crack cocaine?

19 A Yes, I was.

20 Q For 13 or 14 years; right?

21 A Uh-huh.

22 Q Have you ever been convicted of a crime, Mr. Edwards?

23 A No, I haven't.

24 MR. GOWDY: Please answer any questions the Defense  
25 attorney may have.

1 THE WITNESS: All right.

2 CROSS-EXAMINATION

3 BY MR. BOGGS:

4 Q What I understand is the testimony that you've given  
5 today covered a period of February 13th, and a portion of  
6 February 14th of 2003?

7 A Uh-huh.

8 Q Okay. And you've got a remarkable memory. I mean,  
9 you're very detail about that, aren't you?

10 A Uh-huh.

11 Q Is that correct?

12 A Yes.

13 Q Do you remember everything that well?

14 A Yes.

15 Q You said you had been off crack for 17 months?

16 A 17 months, yes.

17 Q So that would have been right after this particular  
18 incident then almost?

19 A That was in May 2003.

20 Q All right. And once you became addicted to crack,  
21 what was the purpose for you to continue to smoke? I  
22 mean, were you trying to escape reality or --

23 A No, I wasn't.

24 Q -- were you trying to get high?

25 A I was getting high.

- 1 Q Huh?
- 2 A Getting high.
- 3 Q Just getting high?
- 4 A Yes.
- 5 Q Did you ever have cravings?
- 6 A No, I haven't.
- 7 Q You never had any cravings while you were an addict?
- 8 A Yes, yes, I had cravings when I was an addict, yes.
- 9 Q Okay. Yeah, I'm not talking about now. After 17
- 10 months, you should have gotten rid of the cravings.
- 11 A Yeah, uh-huh.
- 12 Q During the period of your active addiction, you had
- 13 cravings; correct?
- 14 A Yes.
- 15 Q And when you have cravings, it's pretty hard not to
- 16 go and get crack at any cost, isn't it?
- 17 A No, not any cost, no.
- 18 Q Okay. So when you were an addict, you were one that
- 19 could kind of control it?
- 20 A Yes. I could control my crack addiction.
- 21 Q So you got off in May of 2003; right?
- 22 A Yes.
- 23 Q Did you use crack on almost a daily basis?
- 24 A No, I didn't.
- 25 Q How often were you smoking crack?

1       A     I, basically, smoked crack once a week or when I had  
2 money to buy crack.

3       Q     Okay. When was the second time -- or when was the  
4 first time after this that you smoked crack after the 14th  
5 of February?

6       A     After the 14th of February, I continued to smoke  
7 crack, I guess, till --

8       Q     What was the first day you smoked it after the 14th  
9 of February?

10      A     I smoked it the 15th, the 16th.

11      Q     So you were smoking more than one day a week, because  
12 that's the 13th, 14th, 15th, 16th --

13      A     I said the 14th or the 15th.

14      Q     Huh?

15      A     The 15th or the 16th, yeah.

16      Q     So now you're saying -- well, now, your memory was so  
17 good on the 13th and the 14th, I want you to demonstrate  
18 that memory for us.

19      A     I smoked crack the 15th, yeah.

20      Q     And when did you start that day?

21      A     When did I start?

22      Q     Yeah.

23      A     I don't know.

24      Q     Who did you smoke with?

25      A     I don't have no idea.



1 Q Where did you go to get it?

2 A I got it from a friend.

3 Q How much?

4 A 20.

5 Q \$20?

6 A Yes.

7 Q Did you smoke on the 16th of February?

8 A I smoked on the 16th, yeah.

9 Q So that's the 15th and the 16th?

10 A Yeah, uh-huh.

11 Q Who did you get it from on the 16th?

12 A A friend.

13 Q Who was that?

14 A I don't know who the friend was, just a bunch of  
15 people I get up with sometimes.

16 Q You don't remember that?

17 A Huh-uh.

18 Q So your memory is not quite as good for the 15th and  
19 16th as it was the 13th and the 14th; is that right?

20 A Yes. I don't know who I got crack from on the 15th  
21 or the 16th.

22 Q So you just had this sudden burst of excellent memory  
23 for the 13th and 14th, but the 15th --

24 A Yes, I did, uh-huh.

25 Q But the 15th and 16th, you go back not to

1 remembering; correct?

2 A No, not to remember who I bought crack from.

3 MR. BOGGS: That's good, Mr. Edwards. I appreciate  
4 it.

5 That's all the questions I have.

6 Thank you.

7 MR. GOWDY: Nothing on redirect.

8 And I ask that Mr. Edwards be excused to go back to  
9 work, Your Honor.

10 THE COURT: You can stand down.

11 MR. BOGGS: Please.

12 THE COURT: All right. You're released from  
13 subpoena.

14 MR. ANTHONY: The next witness is Mr. Sweet.  
15 May we approach?

16 THE COURT: Yes.

17 (WHEREUPON, a bench conference was held with the  
18 attorneys.)

19 MR. ANTHONY: Have you seen his record?

20 MR. BOGGS: No. But I've heard his record is  
21 extensive. He's got about 25 impeachable convictions.

22 THE COURT: Okay.

23 MR. BOGGS: Have you marked them, every one of them?

24 MR. ANTHONY: No. I marked --

25 MR. BOGGS: I was going to let you do the work for

1 me, John.

2 MR. ANTHONY: I marked them and can't find the copy.

3 MR. BOGGS: So this is your copy?

4 MR. ANTHONY: Well, I've got a list that I think he  
5 can be impeached with.

6 MR. BOGGS: Okay.

7 MR. ANTHONY: It's over 20.

8 MR. BOGGS: I'll look at this while you go through  
9 it. If I see one that I think I can impeach on, then  
10 we'll approach back up here.

11 MR. ANTHONY: That's okay. There's so many I don't  
12 believe that one more is going to make a difference, but,  
13 you know, whatever you want to do.

14 MR. BOGGS: You can just get up and say, "Do you have  
15 20 impeachable offenses?" Yeah.

16 (WHEREUPON, the bench conference was concluded.)

17 THE CLERK: Place your left hand on the Bible and  
18 raise your right hand.

19 WHEREUPON,

20 SHAUN SWEET,

21 after first having been duly sworn, testified as follows:

22 THE CLERK: Have a seat, please, sir.

23 DIRECT EXAMINATION

24 BY MR. ANTHONY:

25 Q Would you state your name, please?

1 A Shaun Sweet.

2 Q And, Mr. Sweet, where are you currently staying?

3 A Currently, I'm at Tiger River Correctional Institute.

4 Q And do you know Fredrick Evins?

5 A Yes, I do.

6 Q And how do you know Mr. Evins?

7 A I've just been knowing him for -- since about '88,  
8 '89. I used to hang down on the street he lived at back  
9 then.

10 Q I need to make sure you speak up so everybody can  
11 hear you.

12 A Okay.

13 Q I want to take you now to February of 2003. Where  
14 were you living then?

15 A I was living in Greer then.

16 Q Okay. Where in Greer?

17 A Westfield Avenue in Greer, right off of 14.

18 Q And did you see Mr. Evins sometime in the middle of  
19 February last year?

20 A I did.

21 Q Okay. Do you know which day that was?

22 A It had to be -- I mean, I'm not really sure exactly  
23 which day, but it had to be on a Thursday or Friday of  
24 mid-February.

25 Q Okay. And where did you see Mr. Evins?

1       A     While I was walking down Sunnyside Drive, which is in  
2       Greer.

3       Q     Okay. And what -- where had you been? What had led  
4       you to be on Sunnyside Drive?

5       A     Well, that particular day, I was working at the  
6       Waffle House. So the guy I was riding home with gave me a  
7       ride close to that area. And I live close to that area  
8       and I got a ride home with him. And during the time I was  
9       walking along that street, Fred stopped me and that's when  
10      I seen him. He pulled up to me when I was walking down  
11      the road.

12      Q     And approximately what time was this?

13      A     It had to be around 2:00 -- after 2:00. It had to be  
14      after 2:00, because I got off at 2:00. So I'm not exactly  
15      sure what time, but it had to be after 2:00, 2:30,  
16      something to 3:00, something like that.

17      Q     And how was Mr. Evins getting around when you saw him  
18      that day?

19      A     He was driving a little white car.

20      Q     How would you describe the car?

21      A     It was a two-door little Nissan Sentra.

22      Q     What color was it?

23      A     It was white.

24      Q     And so what went on between you and Mr. Evins when he  
25      pulled up to you in this white car?

1       A     Well, when he pulled up, we kind of -- he just kind  
2       of asked me, What's going on, Sweet? I hadn't seen him in  
3       a while. It ain't nothing, just that kind of talk we had.  
4       So he asked -- he said he was on his way to a female's  
5       house. And he was talking about the car specifically  
6       because he said he was trying to sell the car for what  
7       reasons. And he told me the girl -- which I know the  
8       girl. So he asked me did I want to ride down there with  
9       him, which I said, I'll ride with you.

10      Q     Now, when you got in the car, did the car have a  
11      stereo system in it?

12      A     No. The car didn't have a stereo system in it.

13      Q     Did it have any kind of radio in it?

14      A     It didn't have no radio.

15      Q     Okay. Now, once you get in the car, where did you  
16      and Mr. Evins decide to go -- or where was he heading that  
17      you decided to go with him?

18      A     To a female's, her name is Shawn, to her house.  
19      Evidently, he's -- the way he had told me, he had already  
20      talked to her previously about some deal about the car.  
21      And he wanted to go check with her about if she was going  
22      to buy the car. So we rode to her house.

23      Q     And when you got to her house, what happened then?

24      A     Him -- Mr. Evins and Shawn talked and she wasn't  
25      quite ready. I don't think she had the money. She was

1        talking about a check she needed to get cashed. And I'm  
2        not sure if it was a paycheck or some type of check. She  
3        was talking about, Well, I don't have the money, you're  
4        going to have to come back later. I remember her saying  
5        to come back later

6        Q        So what did you and Mr. Evins do?

7        A        Okay. I left again with him. I got in the car with  
8        him again. And he said that he had a cousin named Jessie  
9        Lou and he asked me to ride to her house with him and --  
10       to kill the time between the time -- I think Shawn was  
11       going to meet him again later -- for him to come back  
12       later.

13       Q        And while you were on the way to Jessie Lou's house,  
14       did you have any conversation with Mr. Evins about the  
15       car?

16       A        Yeah, we did. I was kind of -- because I was there  
17       with the conversation that he had with Shawn. I remember  
18       they was discussing, well, do you have a title and he was  
19       like -- there was a problem about having a title to the  
20       car.

21                So I asked the question between that time -- I asked  
22       him where was the title to the car. I said, How you going  
23       to sell the car without a title? And he stated to me that  
24       it wouldn't be a problem because the girl was dead. But,  
25       at that time, I didn't really take it as being that he did

1       whatever or whatever happened.

2       Q     Well, when he -- did he tell you anything else about  
3       the woman other than she was dead?

4       A     Well, he said -- he stated that she lived in North  
5       Carolina. For what reason, it didn't match to me, I mean,  
6       because he had South Carolina plates on the car.

7       Q     Okay. Now, after -- as you're on the way to Jessie  
8       Lou's house and he tells you this, what happens next?

9       A     On our way, what happens?

10      Q     Yeah. Did you get to Jessie Lou's house?

11      A     Yeah. We made it to Jessie Lou's house.

12      Q     What happened?

13      A     We went in for a few minutes. I remember we drank a  
14      beer. And she asked him to take her to the store. They  
15      was going to go get some additional beer, so.

16      Q     And what did you decide to do?

17      A     Well, they agreed to go to the store. So I got in  
18      the car with them and right -- not far from her house up  
19      the street, he dropped me off at another place, another  
20      location. And they went on to the store.

21      Q     Now, where were you dropped off?

22      A     I was dropped off at a home. He's got a nickname  
23      June Bug, so -- George Wilson lives next door. I know  
24      both homes are right beside each other. And he dropped me  
25      off right there on the corner of that street.



1 Q So did you go into June Bug's house?

2 A I did.

3 Q Okay.

4 A For a few minutes, anyway.

5 Q While you were at June Bug's house, did you ever see  
6 that car again?

7 A Not while I was there. I didn't stay there long.  
8 But in the time of still -- we're still in the same  
9 vicinity of the neighborhood there. It's little compact  
10 neighborhood, so I wasn't there long.

11 Q Well, after you left June Bug's house, where did you  
12 go?

13 A I was still in the neighborhood. I remember going  
14 back to Shawn's house. But somewhere between the next  
15 hour or so, I seen that car again.

16 Q And who was driving the car when you saw it?

17 A At that time, I saw a little young guy that I know by  
18 the name of Terrell driving the car.

19 Q And after seeing Terrell driving the car, did you  
20 ever see anybody else driving the car?

21 A I did. I did. Because I stayed in the neighborhood  
22 for a while, and I seen another little guy named Dominic  
23 driving the car, so.

24 Q Now, you said that, eventually, you went back to  
25 Shawn's house?

1       A     Yeah. I was at -- when I left -- between the time he  
2       dropped me off at June Bug's until couple of hours that I  
3       didn't see him, I seen the car a couple times without him  
4       being in it and those two guys, but I made it back to  
5       Shawn's house.

6       Q     And when was that?

7       A     It had to be later in the evening, around 6:00 or  
8       something like that.

9       Q     And did you see Mr. Evins again?

10      A     I did. Then he pulled up down at Shawn's house again  
11      while I was there.

12      Q     And what was he driving?

13      A     He was driving the car again. He was by himself.

14      Q     He was back in the white car?

15      A     He was back in the car.

16      Q     And did -- well, what did he do when he got back to  
17      Shawn's house?

18      A     He was thinking that they was going to make the --  
19      they was going to go ahead and buy the car or sell the  
20      car, whatever. He thought that's what -- she told him to  
21      come back later. And I happened to be there when he did  
22      come back. And somehow, I think there was a  
23      misunderstanding about they knew he didn't have the title  
24      and it couldn't really work. So she told him, well, just  
25      forget about it because it just wasn't going to work. So

1 she decided she didn't want the car.

2 Q And what did Mr. Evins do?

3 A Mr. Evins got in the car and kind of sped off in the  
4 car.

5 Q And did you ever see him again after that, at least,  
6 in that time period in February?

7 A No, not in that time period. I didn't see him again  
8 after that.

9 Q Mr. Sweet, you have a quite lengthy record; is that  
10 correct?

11 A Oh, yeah.

12 Q And I'm going to just ask you about the offenses that  
13 you have in your past. And I'm going to take you through  
14 those offenses. And if you've been convicted of those,  
15 just let me know. Okay. Were you convicted in 2003 of  
16 possession of a stolen vehicle?

17 A Yes.

18 Q Were you convicted in 2002 of second degree and third  
19 degree burglary and grand larceny?

20 A Yes.

21 Q And were you convicted in 2001 of two counts of  
22 distribution of cocaine, possession of stolen goods, and  
23 petit larceny?

24 A Yes.

25 Q Okay. Were you convicted in 1998 of receiving stolen

1 goods, grand larceny, two counts of failure to stop for a  
2 blue light, two counts of forgery, and possession of a  
3 stolen vehicle?

4 A Yes.

5 Q In 1997, distribution of cocaine, false information,  
6 and burglary second?

7 A Yes.

8 Q 1995, receiving stolen goods, false information, and  
9 shoplifting?

10 A Yes.

11 Q And 1994, breach of trust, and forgery?

12 A Yes.

13 Q Okay. Now, when was -- when did you let anybody know  
14 what had happened or what you had seen that day in  
15 February?

16 A I was arrested again. Of course, you see where I'm  
17 at, but, yeah, I got arrested again. And I come back to  
18 the county jail.

19 Q Okay. And while you were in jail, what did you  
20 realize about Mr. Evins' situation?

21 A Yeah. It was set up as a preliminary hearing for my  
22 charges separate and hasn't got anything to do with him on  
23 the charge of the car. And I was going to the preliminary  
24 hearing on my case and I run into Mr. Evins. He was going  
25 on the same day.

1 Q And once you realized that he had been charged with  
2 this crime, what did you do?

3 A Well, when I realized that he was charged with that  
4 crime and I had come in contact with him in that same car,  
5 it kind of troubled me. So I contacted the officials to  
6 let them know my -- whatever my affiliation was with him  
7 on that day and how I came in contact with him. Because  
8 it was a conscience thing for me. Because I know my  
9 record and I know my situation and I didn't want to be  
10 tied in with any of that.

11 Q And did you get -- after you talked to -- well, let  
12 me ask you this. Do you remember when that was, when you  
13 talked to the Sheriff's Office about this?

14 A It had to be -- it was in the month of April. I'm  
15 not sure which day.

16 Q Of 2003, about two months after this happened?

17 A Yeah, a couple months.

18 Q And did you receive any special treatment because  
19 of your coming forward and talking to the police about  
20 this?

21 A No.

22 MR. ANTHONY: If I could have one moment.

23 (Pause.)

24 MR. ANTHONY: Thank you very much, Mr. Sweet.

25 That's all of my questions on direct.

CROSS-EXAMINATION

BY MR. BOGGS:

Q What was the name of the woman you say was trying to buy this car?

A Shawn Miller.

Q Shawn Miller?

A Yes.

Q Okay. She lives over in Greer?

A Yes.

Q All right. Now, you say that you came -- you got arrested on some other charges and got put in jail and that's when you decided to get a conscience; is that right?

A Yeah.

Q Okay. And so you, basically, became kind of a jailhouse snitch; is that right?

A Well, if that's what you --

Q Because you're facing about 15 years, weren't you?

A Facing 15 years?

Q Yeah. Didn't you have a burglary second?

A No.

Q You weren't convicted of that on November 4th of 2003?

A No, sir.

MR. BOGGS: Solicitor, is that not right? Isn't that

1       what you provided me?

2               MR. ANTHONY: I think that's a probation --

3               THE WITNESS: That's a probation revocation hearing.

4       BY MR. BOGGS:

5       Q       So you got your probation revoked on a prior  
6       burglary; is that correct?

7       A       That's correct.

8       Q       What were you in jail for, then, in April of 2003  
9       when you got the conscience?

10      A       Possession of a stolen vehicle.

11      Q       Okay. And that was a third property offense for you?

12      A       Oh, yeah.

13      Q       And you were facing 10 years in jail?

14      A       Of course.

15      Q       So with your extensive criminal record of over -- my  
16      math may not be real good, so this may be a plus or minus,  
17      but roughly over 40 counts?

18      A       I've never counted them.

19               MR. ANTHONY: I'd object to that. That's not the  
20      proper way to impeach a witness.

21               THE COURT: Sustained.

22               MR. BOGGS: Okay.

23      BY MR. BOGGS:

24      Q       Well, you understand and, of course, you're  
25      experienced enough to realize that the more times you go

1 back to court, the better likelihood you're going to get a  
2 lot of time; right?

3 A Do I understand that?

4 Q Yeah.

5 A I understand --

6 Q You know how the system works, don't you?

7 A I understand I've had mercy. I'm not -- because I  
8 exchanged no favors. I never did that.

9 Q But after you came up and gave this information,  
10 miraculously, that same month, instead of getting 10  
11 years, you got four years; right?

12 A It wasn't the same month. It was the month of  
13 November, actually, but, yeah.

14 Q Huh?

15 A It wasn't the same month that I was tried that I  
16 contacted them, but it was the same year. It was November  
17 that I went to court.

18 Q That's when you went on your probation violation,  
19 too, the same day?

20 A No, sir. I, actually, just went to a probation  
21 revocation hearing in Greenville, which is two different  
22 counts.

23 Q So when you went in November, that's what caused your  
24 violation, I guess? But anyway, the point being --

25 A Yeah. That was another add on to my violation.



1 Q So you were -- in April, you got a conscience after  
2 all these years of criminal activity. But you're saying  
3 you didn't expect any kind of favor out of it; correct?

4 A No. I just know my conscience tell me -- my record  
5 speaks for itself. I'm not a violent person. I've never  
6 committed those types of crimes. And I knew my forensics  
7 could have possibly been in that car, that was my  
8 conscience. I had nothing to do with whatever he was  
9 accused of doing. And I just didn't want -- yeah, my  
10 conscience did bother me about that.

11 Q But it didn't bother you breaking into people's  
12 houses and stuff like that?

13 A It bothers me, yeah, of course.

14 MR. ANTHONY: Objection. Relevance.

15 MR. BOGGS: Well, the relevance is he says that he,  
16 all of a sudden, got a conscience.

17 THE COURT: I'll overrule that.

18 Let's move on.

19 BY MR. BOGGS:

20 Q My question is when you were either selling dope or  
21 breaking into people's houses or stealing their cars, you  
22 never had a conscience?

23 A I do. I feel remorseful about everything. My record  
24 speaks for itself. I'm not proud of my record.

25 Q All right. Now, you say you're not sure when all

1       this supposedly took place, whether it was a Thursday or  
2       Friday. Could it have been on a Thursday?

3       A     It's possible.

4       Q     Okay. But you're pretty sure it either happened on a  
5       Thursday or Friday. Why are you sure about that?

6       A     Just the time frame. I knew it wasn't a weekend for  
7       sure. And I remember it was being -- it was so close to  
8       being either the day before Thanksgiving or the day of. I  
9       just remember some other --

10      Q     I'm sorry. The day of what?

11      A     The day before or the day of Thanksgiving -- I mean,  
12      I'm sorry, Valentine's Day. Let me slow down a little  
13      bit. I just remember some other things I just done around  
14      that time. And I wasn't sure if it was either/or, which  
15      day it was, Thursday or Friday. But I can't say for  
16      certain for sure which day it was, but I can narrow it  
17      down to it was either Thursday or it was either Friday  
18      that I seen him.

19      Q     Now, this happened over in Greer, though?

20      A     Yes, sir.

21      Q     Okay. Do you remember a man named Eugene Edwards  
22      that might have been with Fred then?

23      A     Eugene -- Fred was by himself when I seen him.

24      Q     So you don't remember another man with him?

25      A     No.

1 Q You didn't meet anybody named Eugene Edwards?

2 A No.

3 Q All right. Well -- and, again, the person that could  
4 really testify best about this might be Shawn Miller, as  
5 opposed to you because of your criminal past, wouldn't you  
6 think?

7 MR. ANTHONY: Objection.

8 THE COURT: Sustained.

9 BY MR. BOGGS:

10 Q So you're saying the person that, according to you,  
11 was going to buy this white car was a lady named Shawn  
12 Miller in Greer?

13 A Yeah.

14 Q Is that correct?

15 A Uh-huh.

16 MR. BOGGS: I don't have any other questions for him.

17 THE COURT: All right. Anything?

18 MR. ANTHONY: No redirect.

19 Thank you.

20 THE COURT: All right. Do you need to hold him or  
21 can we release him from subpoena?

22 MR. ANTHONY: The State asks that he be excused.

23 MR. BOGGS: That will be fine.

24 THE COURT: All right. Thank you, sir.

25 MR. GOWDY: The State calls Jason Yown.

1           THE CLERK: Place your left hand on the Bible and  
2           raise your right hand.

3           WHEREUPON,

4                                 JASON YOWN,  
5           after first having been duly sworn, testified as follows:

6           THE CLERK: Have a seat, please.

7                                 DIRECT EXAMINATION

8           BY MR. GOWDY:

9           Q     Good morning, Detective Yown -- or former Detective  
10           Yown. I apologize.

11           A     Good morning.

12           Q     I can't quite get that out of my head. Introduce  
13           yourself to the jury and tell them where you work now and  
14           where you used to work.

15           A     I'm Jason Yown, Y-O-W-N. I'm currently an  
16           investigator with the St. Paul Traveler's Insurance  
17           Company. I've been with them approximately three months.  
18           Before that, I was with the Spartanburg County Sheriff's  
19           Office. And I was with the Sheriff's Office for eight and  
20           a half years.

21           Q     And you were a detective when you were with the  
22           Sheriff's Department; right?

23           A     Yes, sir. Five years of that, I was an investigator  
24           with the Sheriff's Office.

25           Q     How many homicide investigations have you worked,

1 Detective -- former Detective?

2 A I was with the homicide division for two and a half  
3 years. Homicides, I probably worked 30 homicides.

4 Q Were you assigned in February of 2003, to work a  
5 possible abduction of a Rhonda Marie Ward?

6 A Yes, sir, I was.

7 Q When did you first become involved in that case?

8 A On February the 13th of 2003.

9 Q When did you first learn -- how did you first -- how  
10 do you assign cases in the Sheriff's Department?

11 A Basically, we were notified by investigators with the  
12 City of Spartanburg Police Department. They had began  
13 working an investigation of a possible abduction of  
14 Ms. Ward. They had determined that it was not within  
15 their jurisdiction. And they brought the case over to the  
16 Sheriff's Office and met with several investigators. The  
17 reason I was assigned as lead investigator is, at the  
18 Sheriff's Office, we did an on-call and any investigation  
19 that would come in during that week would be assigned to  
20 that investigator.

21 Q Initially, was there some discrepancy as to whether  
22 Cigarette's 4 Less may be in the City of Spartanburg, as  
23 opposed to the County of Spartanburg?

24 A Well, the city is located within the county, so there  
25 was a question of if it was located within the city. And

1       it was determined to not be located within the City of  
2       Spartanburg.

3       Q       Which is why the Sheriff's Department handled the  
4       investigation, as opposed to the city police?

5       A       Correct.

6       Q       And as the lead detective, did you do the normal  
7       things that you have done in the other however many  
8       homicide investigations you've had?

9       A       Absolutely.

10      Q       Of course, at the time, did you realize it was a  
11      homicide?

12      A       No, sir. We worked the case as an abduction.

13      Q       Is abduction another word for kidnapping?

14      A       Yes, sir.

15      Q       I want to fast-forward to February the 15th, did you  
16      have an occasion to go to Gano Road?

17      A       Yes, sir. On the 15th -- we worked the investigation  
18      the evening of the -- I believe it was the 13th. On the  
19      15th, I received a call from another investigator,  
20      Investigator Mike Hill, who was working with the  
21      Spartanburg County Sheriff's Office. And they had  
22      stated -- or he had stated that they had located a body  
23      off of Gano Road, which is in the Reidville community of  
24      Spartanburg County.

25      Q       Did you go to the crime scene?

1 A Yes, sir, I did.

2 Q And did you view the body?

3 A Yes, sir, I did.

4 Q Would you describe the body for the ladies and  
5 gentlemen of the jury as you found it?

6 A The body was laying -- it was a white female, a large  
7 white female. She was laying on her chest in the front of  
8 her legs. She was nude. The only article around the body  
9 was a gold kind of small herring bone necklace with the  
10 Star of David. It was, actually, matted up in her hair.  
11 She had several wounds on her body. That's pretty much  
12 the best description I can give.

13 Q Do you recall the weather on the 15th of February?

14 A Yes, sir. It was quite cool, if not cold, to say the  
15 least. We had experienced a couple of days of a light  
16 rain. Temperatures were probably in the upper 30's to  
17 high 40's in the evenings, and probably in the low 50's  
18 during the day.

19 Q You mentioned precipitation, had it rained either the  
20 15th or the 14th of February?

21 A Yes, sir, it had.

22 Q You don't, actually, process crime scenes, though, do  
23 you, Mr. Yown? Is that done by another department?

24 A It's done by a forensic unit, yes, sir.

25 Q So what began as a kidnapping investigation had now

1       become a homicide investigation; correct?

2       A     Yes, sir.

3       Q     And did you do the things you normally do with  
4       homicide investigations?

5       A     Yes, sir.

6       Q     Did you work it with other detectives?

7       A     Absolutely.

8       Q     How many detectives, at any given point, were working  
9       on this case?

10      A     At any given point, I'd say between 10 and 15  
11      investigators with the Spartanburg County Sheriff's  
12      Office.

13      Q     And is one of the functions of a detective or  
14      investigator to interview people that may have known  
15      Ms. Ward?

16      A     Absolutely. Normally, in an investigation, you  
17      start -- we use a circle technique. You start within a  
18      close group of people around the victim. Obviously, in 90  
19      percent of our cases, we don't even know who the victims  
20      are. We don't know their behaviors, who they associate  
21      with, families, and things like that.

22            So you want to start with this group of people that  
23      are close. And as you do these interviews, you want to  
24      move out or move to another ring. It's kind of like the  
25      rings on a tree. You would want to move out and continue



1       your investigation through those rings.

2       Q     And in the process, I would imagine that you  
3       eliminate people as being -- I mean, you use the word  
4       "suspect." You eliminate people as having any connection  
5       with the event?

6       A     Yes, sir.

7       Q     In late February of 2003, did you receive information  
8       that some hunters had found some material that was  
9       relevant to your investigation?

10      A     Yes, sir, we did.

11      Q     And based on what those hunters had found, what part  
12      of Spartanburg County did you and the other detectives go  
13      to?

14      A     It's a wooded area off of Walker Road, which is off  
15      of Highway 101. The Willow Creek Golf Club and  
16      subdivision is there at the intersection of Highway 101  
17      and 417. It's probably about three-quarters of a mile  
18      from the intersection of Highway 417 and 101. It would  
19      be, I would say, roughly, the Greer area of Spartanburg  
20      County.

21      Q     After learning of the developments on Walker Road,  
22      did you begin to interview folks such as Dennis Meredith?

23      A     Yes, sir.

24      Q     Eugene Edwards?

25      A     Again, going back to the rings. Obviously, every

1 time you have another crime scene and you -- and we  
2 considered this a crime scene because there's evidence.  
3 We recovered items that personally belonged to Ms. Ward.  
4 So there again, you would start with that area and move  
5 out. So you're correct in saying we interviewed people  
6 again away from that crime scene. And one of those  
7 individuals was Mr. Meredith.

8 Q Do you recall interviewing or meeting with a  
9 gentleman by the name of Eugene Edwards?

10 A Yes, sir.

11 Q Did Mr. Edwards attempt to help y'all find some  
12 material along a roadway?

13 A Yes, sir.

14 Q Did the name Fredrick Evins pop up, Detective Yown?

15 A Yes, sir, it did.

16 Q And did you and other investigators determine that  
17 you wanted to talk to Mr. Evins?

18 A Yes, sir. The name -- the nickname "Snow" or  
19 "Snowman" came up with the interviews of Mr. Meredith and  
20 some associates of his. We had a warrant officer that  
21 knew this gentleman, Mr. Evins, by that name and provided  
22 the name Fredrick Evins to us. And we -- it was  
23 determined that we needed to speak to him in reference to  
24 this investigation.

25 Q And did you find him?

1 A Not immediately, no, sir.

2 Q Did you eventually find him?

3 A Yes, sir, we did.

4 Q Where did you find him?

5 A We received a call from the Greer Police Department  
6 that stated that Mr. Evins was in their custody on various  
7 traffic offenses.

8 Q Did you travel to Greer to talk to Mr. Evins?

9 A Yes, sir, I did.

10 Q Who went with you?

11 A Investigator Steve Denton with the Spartanburg County  
12 Sheriff's Office.

13 Q Did you find him in Greer?

14 A Yes, sir. He was in their jail, city jail.

15 Q Did you make a decision to bring him back to  
16 Spartanburg?

17 A Yes, sir, we did.

18 Q What time of the day or night did you pick him up in  
19 Greer?

20 A I think we received a call at the Sheriff's Office --  
21 we received a call from a civilian that worked at the  
22 Greer Police Department. By the time it was relayed from  
23 our Sheriff's Office to the -- we were, actually, in the  
24 field working the investigation. And by the time we got  
25 to Greer, I would say it was between 1:00 and 1:30 p.m.

1 Q Did you interview him in Greer or did you make the  
2 determination to bring him back to Spartanburg?

3 A No, sir. We interviewed him at the Spartanburg  
4 County Sheriff's Office.

5 Q On the way back from Greer to Spartanburg, did you  
6 make any stops or did you put him in the car and bring him  
7 straight to Spartanburg?

8 A We placed him in the car. I sat in the back seat  
9 with him and we went directly to the Spartanburg County  
10 Sheriff's Office.

11 Q Can you explain to the jury what Miranda warnings  
12 are?

13 A Basically, Miranda warnings are rights given to any  
14 citizen as far as any questioning by the police in a  
15 criminal investigation. You have the right to remain  
16 silent. Anything you say can and will be used against you  
17 in a court of law. You have the right to have an attorney  
18 and have him or her present while being questioned. If  
19 you cannot afford to hire a lawyer, one will be appointed  
20 to represent you. And you have the right to stop  
21 answering questions at any point during the questions.

22 Q Do you recall, Detective, whether or not you advised  
23 Mr. Evins of his Miranda warnings on the trip from Greer  
24 to Spartanburg?

25 A Yes, sir. When we picked Mr. Evins up, he inquired

1 to what the investigation was. I informed him that we  
2 were investigating a stolen vehicle. He stated, Is that  
3 my girlfriend or wife's car? I said, Sir, I can't  
4 elaborate on that.

5 When we placed him in the car, he began asking  
6 questions and making statements as far as the vehicle he  
7 was in when he was detained or arrested by the Greer  
8 Police Department. Since there was a pending -- actually,  
9 two pending criminal investigations, that being the Greer  
10 arrest and our investigation, I decided to advise him  
11 verbally of his Miranda rights.

12 Q I want to be clear about something. The car he was  
13 asking you about wasn't the white Nissan?

14 A No, sir.

15 Q That was another car; correct?

16 A Correct, the one he was stopped in. I believe it was  
17 a four-door Buick sedan by the Greer Police Department.

18 Q And, roughly, Detective Yown, what time did you get  
19 back to the Spartanburg County Sheriff's Department?

20 A I'd say probably 1:45 to 2:00 p.m.

21 Q What did you do with Mr. Evins when you got back to  
22 the Sheriff's Department?

23 A Our Sheriff's Office is set up -- we have a large  
24 room similar to this where all our detectives work and we,  
25 basically, have desks throughout that. We have rooms off

1 to the side of this explain room, two of which are  
2 conference rooms. We have other rooms that we do  
3 interviews, which are much smaller. There is maybe just  
4 two or three chairs. But we, actually, took Mr. Evins  
5 into one of our conference rooms. This conference room  
6 would be roughly the size of the area that the jury is  
7 sitting in with a large table, multiple chairs, a couple  
8 of file cabinets, things like that, office equipment.

9 Q Were you aware that there had been semen or sperm  
10 found in Ms. Ward's vagina during the course of her  
11 autopsy?

12 A Yes, sir. I did know that.

13 Q Did you seek permission to search Mr. Evins to do  
14 what's called a suspect kit, to take blood and hair?

15 A Yes, sir. We made that request.

16 Q And let me show you State's Exhibit No. 6. Do you  
17 recognize that?

18 A Yes, sir, I do. It's a permission to search form.

19 Q And whose signature is on the bottom of that?

20 A It is signed by Mr. Fredrick Evins. And I witnessed  
21 it with my signature.

22 Q Did you, actually, see him sign it?

23 A Yes, sir, I did.

24 MR. GOWDY: Your Honor, we would move State's Exhibit  
25 No. 6 into evidence.

1 MR. BOGGS: No objection.

2 THE COURT: Without objection.

3 (WHEREUPON, State's Exhibit No. 6 was admitted into  
4 evidence.)

5 BY MR. GOWDY:

6 Q Again, Detective Yown, that is your request to do  
7 what's known as a suspect kit for hair and blood?

8 A Yes.

9 Q For what purpose eventually?

10 A To compare it to the DNA that was recovered in  
11 Ms. Ward's vagina.

12 Q You got him verbally Mirandized sitting in a  
13 conference room in the Sheriff's Department?

14 A He was Mirandized in route to the Sheriff's Office  
15 and then he was placed in a conference room at the  
16 Sheriff's Office, yes, sir.

17 Q He's executed a consent to search suspect kit?

18 A Yes, sir.

19 Q Who's in the conference room with you?

20 A Initially, he sat there probably, I would say, 10 or  
21 15 minutes by himself, and then Investigator Denton and  
22 myself went into the conference room to conduct the  
23 interview.

24 Q Was he Mirandized again?

25 A Yes, sir, he was.

1 Q Tell the jury about that.

2 A We have a form at the Sheriff's Office, and it's  
3 called a Pre-Interrogation Waiver Form. Basically, what  
4 it is is this is the Miranda rights that I've just stated  
5 to the Court in written form. The form is blank at the  
6 top, you fill in name, address, date of birth, the  
7 location where you are when you're Mirandized, then you  
8 have a paragraph with one through five, the Miranda  
9 rights. The individual is asked to sign that they  
10 understand those rights. You have a second paragraph  
11 which, basically, says you waive or give up those rights  
12 and agree to talk to the investigators that are  
13 questioning the person. The individual has to sign a  
14 second time. Both of those signatures are witnessed and  
15 it is notarized.

16 Q Let me show you State's Exhibit No. 1 for  
17 identification purposes, and ask you if you recognize  
18 that?

19 A Yes, sir. This is the Pre-Interrogation Waiver Form  
20 that was signed by Mr. Fredrick Evins. The date is  
21 February the 28th, 2003. The only addition that I did not  
22 describe is that Mr. Evins -- may I show --

23 Q I'm going to get it marked first.

24 A That's fine. But I do recognize this form as being  
25 the one that was signed on the 28th of February.



1 Q Did Mr. Evins sign it?

2 A He signed it in two places and initialed it in five  
3 other places.

4 Q Did Detective Denton sign it?

5 A Detective Denton signed that he read these rights, he  
6 witnessed these rights, and I notarized it.

7 MR. GOWDY: Your Honor, we would move State's Exhibit  
8 No. 1 into evidence.

9 MR. BOGGS: No objection.

10 THE COURT: All right. Without objection.

11 (WHEREUPON, State's Exhibit No. 1 was admitted into  
12 evidence.)

13 BY MR. GOWDY:

14 Q Could you tell the jury what process you and the  
15 detective went through in terms of reading the rights and  
16 having him indicate whether he understood the rights and  
17 agreed to waive them?

18 A Basically, like I said before, the top is open where  
19 you have to fill in the information as far as name,  
20 address, date of birth. So there's a little bit of  
21 interaction to receive this information. You read the  
22 rights.

23 Again, there's a statement or a line in there that  
24 says I have read same, I understand my rights fully, and  
25 it is signed by Mr. Evins. If someone was under the

1 influence of alcohol or it appeared that we did not feel  
2 that they understand that right, we would not ask the  
3 individual to sign that line saying that he's read same  
4 and understands his rights fully.

5 Q During the course of your time in law enforcement,  
6 have you ever dealt with anyone under the influence of  
7 drugs or alcohol?

8 A A good number of times.

9 Q Did Mr. Evins appear to be under the influence of  
10 drugs or alcohol?

11 A Absolutely not.

12 Q Did you know how long he had been at the Greer City  
13 Jail before you picked him up?

14 A Not exactly, but over 24 hours.

15 Q Did either you or Detective Denton threaten Mr. Evins  
16 in any way that if he did not provide a statement  
17 something bad would happen to him?

18 A Absolutely not. And in the second paragraph, it says  
19 that the statement is given of his own free will without  
20 fear, threat, promise of favor, or award of any kind.

21 Q Did you deny him medicine, food, or drink that he had  
22 requested?

23 A No, sir. I think I, actually, provided him a cup or,  
24 maybe, two cups of water.

25 Q Did you promise him leniency in exchange for a

1 statement?

2 A No, sir.

3 MR. GOWDY: Your Honor, permission to publish State's  
4 Exhibit No. 1 to the jury.

5 THE COURT: Yes, sir.

6 BY MR. GOWDY:

7 Q Detective Yown, looking to the left beside each one  
8 of the five Miranda warnings, what is the jury looking at?

9 A These are initials "SLD." This is one step that  
10 investigators take that the investigator, after he reads  
11 the -- that sentence, he'll initial it saying he read it.  
12 And then to the right of the sentence, you'll see the  
13 initials "FE," which are the initials of the person being  
14 interviewed, stating that he understood that Miranda  
15 right. And you'll see that you have five SLD's and you  
16 have five FE's, stating that Investigator Denton read them  
17 and Mr. Evins understood it. And then --

18 Q Is this the process that you go through every time  
19 you Mirandize any suspect in any case?

20 A It's an investigators choice to do the initials, but  
21 it is something I do.

22 Q Okay. Now, down at the bottom, was this portion  
23 filled in -- whose signature is that?

24 A That is signed Fredrick Evins.

25 Q And did he sign it himself?

1 A Yes, sir, he did.

2 Q Is that his signature right there?

3 A Yes, sir. That is Mr. Evins' signature there.

4 Q Was this portion filled in before he signed it?

5 A Yes, sir, it was.

6 Q So there was no question as to what the purpose of  
7 the interview was?

8 A No, sir.

9 Q Detective Yown, I want you to explain to the jury how  
10 you interview suspects. Do you write down the statement  
11 exactly as they're saying it like Madam Court Reporter is?  
12 Do you go through it and then come back and write it down?  
13 How do you do it?

14 A I start with an interview. I, basically, go talk to  
15 the person, find out what type of person -- I may ask  
16 personal questions as far as family, friends, children,  
17 things like that, just to get a sense of who this person  
18 is and also just to build a rapport with this individual.  
19 I had never met Mr. Evins. In many of my interviews, I've  
20 never met the individual I'm talking to, so I just build  
21 some type of rapport, which I did with Mr. Evins.

22 Then you begin the questions. You do not take the  
23 statement. Basically, you may ask a question which may  
24 lead you to another question, then you may have to back  
25 up. So it's a back-and-forth-type of process. Once you

1       come to where you feel like you have enough of the story  
2       to take a statement, then you take a written statement.

3       Q     Detective Yown, do you give suspects -- indeed, did  
4       you give this Defendant the option of writing out his own  
5       statement?

6       A     Yes, sir, I do. Basically, it's their words. I give  
7       them an opportunity. That's the first thing I say is,  
8       would you please write your statement. It's very likely  
9       and very common for an individual to prefer not to write  
10      the statement. They would prefer someone else to write  
11      it. And that's what Mr. Evins asked.

12      Q     I want to show you State's Exhibit No. 2, which is a  
13      six-page statement, and ask you whether or not you  
14      recognize that?

15      A     Yes, sir, I do.

16      Q     What is that?

17      A     That is a voluntary statement that was completed. I  
18      wrote the statement at the request of Mr. Evins.

19      Q     Is it your handwriting?

20      A     It is my handwriting.

21      Q     Did he have the opportunity to read each of those six  
22      pages before signing his name to the bottom of each one of  
23      them?

24      A     Not only did he have an opportunity to read it, these  
25      are his words. My writing, his words. Once the statement

1 is completed, I then take the statement and sit beside the  
2 individual, just as I did with Mr. Evins. I usually take  
3 a pen and I read the statement out loud and follow along  
4 with my pen, and the individual follows along with the  
5 reading. You'll notice in this statement that corrections  
6 are made, I believe, on every page. When we come across a  
7 correction, either misspelling, not the correct word, I  
8 scratch the correction out, I initial it, and Mr. Evins  
9 initialed it that the corrections were made in his  
10 presence.

11 Q And did he, indeed, sign the bottom of each of these  
12 six pages?

13 A Yes. On the bottom of each statement, it says that  
14 they have read this statement and that they swear the  
15 facts in the statement are true. And then there's a  
16 signature for the person that gives the statement on each  
17 page. And Mr. Evins signed all six pages. It is  
18 witnessed by myself and it is also witnessed by  
19 Investigator Denton.

20 MR. GOWDY: We move State's Exhibit No. 2 into  
21 evidence.

22 MR. BOGGS: May we approach?

23 THE COURT: Yes.

24 (WHEREUPON, a bench conference was held with the  
25 attorneys.)

1 MR. BOGGS: I think I opposed it, but I can't really  
2 remember, subject to our Jackson v. Denno hearing. I know  
3 it is coming in, but I don't know if I need to put that on  
4 the record. I mean, I know we're doing it right here.

5 THE COURT: Are you objecting?

6 MR. BOGGS: No, no. I don't want to stand up and  
7 say, Judge, we agree to this, we object to that.

8 THE COURT: I understand.

9 MR. BOGGS: So if you can say that this is coming in  
10 subject -- do we still have our objection from the Jackson  
11 v. Denno?

12 THE COURT: I've got the transcript.

13 MR. BOGGS: I've got it, too.

14 THE COURT: All right. Well, it will be subject to  
15 his previous objection.

16 (WHEREUPON, the bench conference was concluded.)

17 MR. GOWDY: Your Honor, we would move State's Exhibit  
18 No. 2 into evidence.

19 THE COURT: Subject to our bench conference up here.

20 MR. GOWDY: Yes, sir.

21 (WHEREUPON, State's Exhibit No. 2 was admitted into  
22 evidence.)

23 MR. GOWDY: Your Honor, would the Court allow me to  
24 have Detective Yown read the statement and use a copy on  
25 the overhead so the jury can follow along as he reads it?

1 THE COURT: Yes. That will be fine.

2 Is there any objection to that from the Defense other  
3 than -- to the manner in which he intends to publish, is  
4 there any objection?

5 MR. BOGGS: No, sir. Not for that, no, sir.

6 THE COURT: Okay.

7 BY MR. GOWDY:

8 Q Detective Yown, let me take this over here. Let me  
9 ask you this first before we go to the statement, you  
10 testified that you initially interview them and then  
11 that's sort of the end product. You go through an  
12 interview process with them?

13 A Yes, sir.

14 Q I want to focus on that for a second.

15 A Yes, sir.

16 Q Initially, before that statement was taken, did this  
17 Defendant deny even knowing Rhonda Ward?

18 A He denied knowing Ms. Ward.

19 Q Did he deny any knowledge about any white Nissan?

20 A He said he had never been in a white Nissan. He did  
21 not know who owned a white Nissan.

22 Q Was it only when he was confronted with the  
23 surveillance tape from Cigarette's 4 Less --

24 MR. BOGGS: Objection, Your Honor. He's leading.

25 THE COURT: Hang on.



1 I'll sustain as to the leading nature of the  
2 question.

3 MR. GOWDY: Yes, sir, Your Honor.

4 BY MR. GOWDY:

5 Q When did his story change, Detective Yown?

6 A Basically, we questioned Mr. Evins on possessing the  
7 vehicle, that was where we began the lines of questions.  
8 When we stated that we had a surveillance tape of him  
9 inside this vehicle is when he changed his story and  
10 started acknowledging knowing Ms. Ward, acknowledging  
11 being in the vehicle.

12 Q I'm going to ask you to publish that as I present it  
13 on the overhead.

14 A "I have been knowing Rhonda for about two years. I  
15 met Rhonda through her sister in North Carolina, April or  
16 Angel. I saw her, Rhonda's sister, first about seven to  
17 eight months. And I started messing around with Rhonda.  
18 Rhonda was living with her three kids in the same  
19 apartment as my mother. She would ride through the  
20 apartments and pick me up. We would go do our thing,  
21 smoke and have sex. I've had sex with Rhonda eight to  
22 nine times before this happened. The last time I had sex  
23 with Rhonda was two weeks before this happened.

24 "In the middle of February one night, I called Rhonda  
25 at home from Applebee's and told her I would meet her at

1 her work, Cigarette's 4 Less, the next morning. She told  
2 me that her boss was coming in -- coming to the store  
3 about 10:00 a.m. The next morning, I had gone to my job  
4 and they sent me back. I walked from Applebee's to  
5 Cigarette's 4 Less. It was about 7:15 to 7:20 in the  
6 morning. When I got to her work, Rhonda was sitting in  
7 her car in the parking lot. She gets out as I walked up.  
8 There was some small talking. We wanted to get some  
9 smoke, crack.

10 "We leave in her car. We rode to Cashville. We went  
11 to Pop's house. Pop lives in a trailer off of a bumpy,  
12 dirt road. The trip took us about 40 to 45 minutes.  
13 Rhonda stayed in the car and I got out and went in the  
14 trailer. We stayed there about five minutes. Me, Rhonda  
15 and another black male left Pop's and went down to some  
16 bushes. The black male knew where to go. Me and the  
17 black dude had hit some smoke, maybe a 20. Rhonda was  
18 scared to light up in the car. The dude kept nudging me  
19 in the back. He was saying, we need to do this, do this  
20 now. The dude was in the back seat. Rhonda was driving  
21 and I was in the passenger seat. The dude told her to  
22 pull over right here. He gets out, steps over a small --  
23 a little wire and walks into the woods. He was gone for a  
24 couple of minutes and came back to the car. He said, I  
25 know this place, this is a good place.

1            "He goes back in the woods. Me and Rhonda get out  
2 and start walking in the woods. Rhonda was thinking that  
3 we were going down there to hit something. I kept seeing  
4 some cars go by. We walked on grass between some trees.  
5 We walked about two football fields. We smoked one 20  
6 between the three of us. I saw a knife with a black  
7 handle in the dude's back pocket. The dude tells me, kill  
8 that bitch, kill that bitch. I tell him, no, man, that's  
9 my girl, man. I mess around with that girl. We can't do  
10 this shit.

11           "He hands me the knife with the black handle. The  
12 dude is choking her from behind. Rhonda is swinging at me  
13 all kind of ways. She hits me like twice. The dude had a  
14 -- some type of gun in the back of his pants. He never  
15 used the gun. I'm holding the knife in my right hand in  
16 front of me. I stuck her in the chest. Rhonda said  
17 something like, why did you stab me? Why did you hurt me?  
18 She is still fighting. She falls to the ground, I walk  
19 off and then come back. The dude is taking her shoes off.  
20 I stood there while the dude took off her clothes. He put  
21 them in a black, greenish plastic bag. The dude got some  
22 money from Rhonda's pockets. We both had blood on our  
23 clothes.

24           "Me and the dude ran out of the car [sic]. I saw a  
25 black truck or Bronco when we got out of the woods. We

1        get in her car and he drives off. We went to another dope  
2        house and the dude gets out. I remember that this house  
3        was yellow and brown and brick. The dude takes the bag of  
4        clothes out of the trunk and takes them with him. I goes  
5        on to Pop's. On my way, I stop at some woods and took a  
6        wallet and some papers that belonged to Rhonda and threw  
7        them in the woods.

8                "I go to Pop's house. Three or four black guys use  
9        Rhonda's car for \$40 of crack. The next time I get the  
10       car, me and Teresa are going to get some crack. I stopped  
11       at the woods where I threw the wallet and I got out. I  
12       found the wallet and took the money out of it. It was  
13       \$900. Teresa took \$100 for Pop, \$200 for herself, and we  
14       spent another about \$200 on crack.

15               "We went to some trailer on the same road. We  
16       stopped and got the money. Some dude bought the CD player  
17       out of the car. The dude had to get change from the store  
18       to buy the player. The dude took it out of the car. We  
19       bought the \$200 of crack at the trailer we sold the player  
20       at. Me and Teresa smoked in a building at this trailer  
21       and in this trailer. The dude that bought the player left  
22       and then came back. I asked the dude if I could have some  
23       pants, and he gave me some old work pants. I told him  
24       that I had got my pants dirty at work. I told him that I  
25       worked in a meat market. I washed up at that trailer.

1       Teresa gave me a blue bag and I put my clothes in the bag.

2               "I left with Eugene in Rhonda's car and we went to  
3       some white girl's house in Reidville. I put my clothes in  
4       a dumpster. Me and Eugene rode around for a long time.  
5       We stopped at about two houses around Reidville and  
6       smoked. One of the houses was Stick Lane's house. I took  
7       Eugene back to his house. I drive Rhonda's car back to  
8       Greer. I leave the car on the side of the road somewhere  
9       off Highway 101 around GSP. I think the road is Dobson  
10      Road. I called Sally from a store off Highway 101 close  
11      to the Hot Spot. She comes and picks me up and we go back  
12      to our apartment in Taylors, Oakview Apartments, number  
13      150.

14             "I am sorry that things happened like this because of  
15      drugs. But I am truly sorry for the things I have done.  
16      I pray and I ask that you forgive me. I am not this type  
17      of person that would commit this type of crime. Other  
18      people with me were pressuring those type of thoughts. I  
19      am not a flight risk or dangerous person to society. I am  
20      very, very sorry. I've never encountered something like  
21      this." End of statement.

22             "This statement was written in my words as I  
23      requested by Investigator Yown to write. And all five  
24      pages are signed and this statement was completed at 4:07  
25      p.m. on the 28th of February of 2003."

1 (WHEREUPON, State's Exhibit No. 58 was marked for  
2 identification only.)

3 BY MR. GOWDY:

4 Q Detective Yown, I didn't hear anything about sex with  
5 Rhonda Ward on February the 13th in that statement.

6 A It's not in that statement.

7 Q Did he deny having sex with Rhonda Ward on the 13th  
8 of February?

9 A Initially, he denied it and he did not state anything  
10 about it in his statement.

11 Q At what point, if any, did he ever admit to it?

12 A Once we completed the interview, we completed the  
13 statement, we took Mr. Evins to the Spartanburg Regional  
14 Medical ER to complete the suspect kit that he had signed  
15 permission for us to do. While we -- there's -- or  
16 there's two rooms that we, actually, take individuals that  
17 are either being detained or brought in by the Sheriff's  
18 Office to the emergency room and we request medical staff  
19 to assist us in the collection of that evidence. While  
20 waiting for a staff member of Spartanburg Regional Medical  
21 Center, we were sitting in the room. Mr. Evins made the  
22 comment, he said, Well, I don't understand why we have to  
23 do this because I had sex with her on the day that she was  
24 killed.

25 Q But up until sitting on that examining table, had he

1       ever admitted it before?

2       A     He had not admitted it and he had denied it.

3       Q     Detective, I'm trying to find the right word to make  
4       sure I get the name right.  Some of the time his name is  
5       "dude" and some of the time his name is "black dude."  Did  
6       you ever make any effort to find dude or black dude, as  
7       Mr. Evins called him?

8       A     No, sir, we did not.

9       Q     Why not?

10      A     This was a fabrication on Mr. Evins part.  He had  
11      lied to us in the -- initially in the interview.  He had  
12      lied to us throughout the interview.  And he had lied to  
13      us in this statement.

14      Q     So at no point, did you, as the lead investigator,  
15      ever believe that somebody else was involved?

16      A     Not until he refers to the individual as "Eugene."  
17      And then Eugene was -- we attempted to identify Eugene.  
18      The dude we never did.

19      Q     Okay.  So he moves from dude to, finally, providing a  
20      name to you?

21      A     Yes, sir.

22      Q     Tell the ladies and gentlemen of the jury what name  
23      he provided to you.

24      A     In his statement, Eugene.

25      Q     Did he ever further identify what Eugene he was

1 talking about?

2 A Yes, sir, he did.

3 Q Tell the ladies and gentlemen of the jury who he  
4 claims was with him on February the 13th in the morning.

5 A Mr. Eugene Edwards.

6 Q Eugene Edwards?

7 A Yes, sir, is who he claims.

8 Q Is that the same Eugene Edwards that was walking up  
9 the roadway with you trying to help you find clothes?

10 A That cooperated fully with our investigation. He was  
11 absolutely eliminated as a suspect in this homicide.

12 Q Did you go to the crime scene where Rhonda Ward's car  
13 was found in Greer?

14 A I did.

15 Q Describe the car to the jury as you found it.

16 A For clarification, I did not -- I did go, but the car  
17 had already been towed from that --

18 Q Okay. So you did not see the car?

19 A On the night it was recovered, no, sir, I did not.

20 MR. GOWDY: One moment, Your Honor.

21 THE COURT: Okay.

22 BY MR. GOWDY:

23 Q Finally, Detective Yown, I want to show you State's  
24 Exhibit 53.

25 MR. BOGGS: Your Honor, we have a matter of law on



1       this matter he's showing him.

2           THE COURT: All right.

3           Madam Forelady, and, ladies and gentlemen of the  
4 jury, we've been going on two hours. We do have to  
5 talk -- this is actually kind of fortuitous. It would be a  
6 good opportunity for y'all to take a break this morning  
7 and allow us to dispose of this legal matter. So, please,  
8 retire to the jury room and do not discuss the case.

9           Thank you very much.

10          MR. BOGGS: Before that, move -- get that off the  
11 table.

12          THE BAILIFF: Yes, sir.

13          (WHEREUPON, the jury was excused from open court at  
14 approximately 11:13 a.m.)

15          MR. BOGGS: It was a good time for a break anyway,  
16 but I saw a lineup going up. In the flow of the  
17 questions, it appeared it would be the lineup that  
18 included Steve Denton's statement.

19          THE COURT: All right. That's not what we're talking  
20 about?

21          MR. BOGGS: No. This apparently is a different  
22 lineup.

23          MR. GOWDY: It's Teresa Johnson's. I had told the  
24 Court previously, I am not going to put in that lineup  
25 unless things change. And that is Teresa Johnson's lineup

1       that she didn't mark on the page. So I'm going to have to  
2       get the detective to say what number she picked.

3           THE COURT: So it's not the questionable --

4           MR. GOWDY: I wouldn't do it.

5           THE COURT: All right. Well, then we'll take about a  
6       15-minute break.

7           Officer, you can stand down, but don't discuss your  
8       testimony with anybody.

9           (WHEREUPON, a break was taken.)

10          (WHEREUPON, Court's Exhibit No. 10 was marked for  
11       identification and admitted into evidence.)

12          (WHEREUPON, State's Exhibit Nos. 59, 60, 61, 62, and  
13       63 were marked for identification only.)

14          THE COURT: Bring the jury in.

15          (WHEREUPON, the jury came into open court at  
16       approximately 11:40 a.m.)

17          THE COURT: All right. Ladies and gentlemen, welcome  
18       back.

19          MR. GOWDY: May it please the Court, Your Honor?

20          THE COURT: Yes, sir.

21                           CONTINUED DIRECT EXAMINATION

22       BY MR. GOWDY:

23       Q     Detective Yown, just before we broke, I had shown you  
24       what has been previously been identified and marked as  
25       State's Exhibit No. 53, and I ask you whether or not you

1 recognize that?

2 A I do, sir.

3 Q What is that?

4 A The first page is an affidavit of photograph  
5 identification. This is signed by Ms. Teresa Johnson. It  
6 was -- this affidavit was presented to Ms. Johnson in  
7 relation to the lineup on Page 2.

8 Q Did you show the lineup to Ms. Johnson yourself?

9 A I did.

10 MR. GOWDY: Your Honor, we would move State's Exhibit  
11 No. 53 into evidence.

12 MR. BOGGS: No objection.

13 THE COURT: All right. Without objection.

14 (WHEREUPON, State's Exhibit No. 53 was admitted into  
15 evidence.)

16 BY MR. GOWDY:

17 Q Can you tell the ladies and gentlemen of the jury,  
18 Detective, how you go about presenting a lineup to a  
19 potential witness to see if they can make an identification?

20 A Basically, a lineup is created at Spartanburg County  
21 Sheriff's Office. It's six pictures on a piece of paper.  
22 Depending on whether I'm sitting or standing -- and I do  
23 not recall which one, but I just simply hand it to the  
24 witness and ask them if they recognize anyone in the  
25 lineup. If they do, they may pick picture one, picture

1       six, or they may recognize all six pictures. I ask them  
2       how they recognize that individual. And from time to  
3       time, you have people that you're -- identify other people  
4       that you're -- that you placed in a lineup or you're  
5       inquiring through the lineup. So you just ask them how  
6       they know these individuals. They tell you. Once you've  
7       identified all the persons, you complete the affidavit.

8               MR. GOWDY: Permission to publish State's Exhibit No.  
9       53 to the jury, Your Honor.

10              THE COURT: Yes, sir.

11       BY MR. GOWDY:

12       Q       Is that the lineup that you showed Ms. Johnson?

13       A       Yes, sir, it is.

14       Q       Did you indicate on the front who she identified --  
15       or what question did you ask her? What were you asking  
16       her to identify?

17       A       Do you recognize anyone in those six pictures?

18       Q       Did she recognize anyone?

19       A       She did.

20       Q       Who did she pick?

21       A       She picked -- it's the 107 --

22       Q       107 -- upper right?

23       A       Yes, sir.

24       Q       1074866?

25       A       I believe so, yes, sir.

1 Q And did you, in fact, make note of that?

2 A Yes, sir. Basically, it says, "I, Teresa Johnson,  
3 have viewed a group of six photographs on the 27th day of  
4 February, 2003, from which I have positively identified  
5 picture number, again, 1074866 displayed by Investigator  
6 Yown of the Spartanburg County Sheriff's Office as the  
7 person who I know as Snow Waddell and was with me all day  
8 Thursday before Valentine's in Cashville. See my  
9 statement." It's on the 13th of February 2003. It is  
10 signed by Teresa Johnson. That is my writing, the printed  
11 writing below that, Teresa Johnson's address is 530 Irby  
12 Street, Woodruff, and the phone number.

13 Q And this lineup would have been shown to her on the  
14 27th of February?

15 A It's dated the 27th. It was shown to her on the 27th.

16 Q Again, 1074866?

17 A It corresponds with the top right picture.

18 MR. GOWDY: Thank you, Detective Yown.

19 Please answer any questions the Defense attorney may  
20 have for you.

21 THE WITNESS: Yes, sir.

22 CROSS-EXAMINATION

23 BY MR. BOGGS:

24 Q Detective Yown, down at the Sheriff's Department,  
25 it's not unusual to make audiotapes of the statements

1 taken from either witnesses or potential defendants, is  
2 it?

3 A It's not unusual? Was that -- could you just restate  
4 your question? I apologize.

5 Q It's not unusual to tape them?

6 A It is unusual.

7 Q Oh, you don't ever audiotape?

8 A Not always, but it is unusual.

9 Q What about videotape?

10 A It is more unusual to videotape.

11 Q But you have the capacity to do it?

12 A Capacity as in?

13 Q You've got a tape recorder?

14 A Do I? No, sir.

15 Q All right.

16 A In the Sheriff's Office, no, sir, I do not. Our  
17 interviews are not wired. Our interview rooms --

18 Q Do you mean there's not a tape recorder in the whole  
19 Sheriff's Department?

20 A No, sir. You asked if I had a tape recorder. I do  
21 not have a taper recorder. There is tape recorders --

22 Q In your capacity as a sheriff's officer, did you have  
23 access anywhere in the County of Spartanburg to a tape  
24 recorder?

25 A Yes, sir.

1 Q You had plenty of time to get one?

2 A Yes, sir.

3 Q Did you have, in the entire County of Spartanburg,  
4 access says to a video?

5 A Yes, sir.

6 Q Did you have time to set one up?

7 A Yes, sir.

8 Q And you chose not to?

9 A Yes, sir.

10 Q Thank you very much.

11 You were the case officer in this case?

12 A Yes, sir.

13 Q What does that mean?

14 A Basically, it's assigned to me. It means I manage  
15 the case, as in collect the documents and put together a  
16 case file. But there are many more, just as I testified  
17 earlier, investigators working on the case.

18 Q But those investigators would supply you with the  
19 information that they had recovered?

20 A Exactly.

21 Q Okay. So as the case officer, you, basically, are  
22 the central location where all information is provided;  
23 right?

24 A In an ideal world, yes, sir.

25 Q Okay. Do you think there's some police officer that

1 hid stuff from you?

2 A No, sir.

3 Q So in this case, every piece of evidence or  
4 investigative reports or interviews or anything like that  
5 was provided to you as far as you know?

6 A As far as I know, yes, sir.

7 Q Unless a police officer hid something from you?

8 A Right, which I do not believe happened in this case.

9 Q So you've got access to every piece of information  
10 involved in the Cigarette's 4 Less situation and the Gano  
11 Road situation?

12 A Yes, sir.

13 Q Okay. And you, actually, conducted some interviews  
14 yourself, did you not?

15 A Yes, sir.

16 Q All right. And you conducted interviews with people,  
17 initially, I guess, that -- relative to the Cigarette's 4  
18 Less situation?

19 A Yes.

20 Q You were exploring that initially; correct?

21 A Yes, sir.

22 Q And, at some point, you began interviewing witnesses  
23 that might have any information about the Gano Road  
24 situation; correct?

25 A Yes, sir.



1 Q And did you interview a lady by the name of Kathy  
2 Phillips?

3 A I believe so, yes, sir.

4 Q And is this a copy of the statement that she gave to  
5 you?

6 A That she gave to myself and Investigator Gardner,  
7 yes, sir.

8 Q So you were present when that statement was given;  
9 right?

10 A Yes, sir.

11 Q You notarized it?

12 A Yes, sir. I notarized it.

13 Q And when was that statement given?

14 A On February the 18th of 2003.

15 MR. BOGGS: Your Honor, I'd like to have this  
16 statement marked as Defendant's Exhibit No. 1 for  
17 identification purposes.

18 MR. ANTHONY: No objection to it being marked, Your  
19 Honor.

20 THE COURT: Without objection.

21 (WHEREUPON, Defendant's Exhibit No. 1 was marked for  
22 identification only.)

23 BY MR. BOGGS:

24 Q Now, as a case officer -- let's talk about just the  
25 Gano Road investigation, or that part of the investigation.

1 A Okay.

2 Q That included talking to numerous people that had  
3 even seen -- well, several people who had seen a white car  
4 out on the road; correct?

5 A Yes, sir.

6 Q And through your investigation, did you come to gain  
7 knowledge that someone had, actually, seen Rhonda Ward and  
8 a black male in the orchard?

9 A Yes, sir.

10 Q And that was this Kathy Phillips; correct?

11 A Yes, sir.

12 Q You also gained information from Mr. Bridwell, who's  
13 already testified?

14 A Yes, sir.

15 Q And the Williams, father and son?

16 A Yes, sir.

17 Q Anybody else that you can think of or are those the  
18 explain ones?

19 A Those were the explain ones, yes, sir.

20 Q Did you ever interview -- did you, personally, or  
21 anybody on your investigative team ever interview a fellow  
22 named Terry Cochran? Does that name ring a bell?

23 A Not that I recall, sir.

24 Q Are you aware that Terry Cochran has given a  
25 statement to somebody, either the Solicitor's Office or a

1 police officer?

2 A Today, I cannot recall, no, sir.

3 Q All right. But if he had given a statement to a  
4 police officer back then, you would have had it?

5 A Yes, sir.

6 Q Is it possible that if he gave a statement to some --  
7 like to a solicitor's investigator, it may not be in your  
8 file, it may be just in their file?

9 A Correct.

10 Q So a witness that might have come forward later on  
11 may not necessarily have been in your file?

12 A Correct.

13 Q Plus, you've been away from the Sheriff's Department  
14 for a while, too?

15 A Yes, sir, I have.

16 Q When you did your investigation and you were going --  
17 before you went to Greer to pick Mr. Evins up, you already  
18 had warrants signed, did you not?

19 A On Mr. Evins?

20 Q Yes.

21 A Yes, sir.

22 Q All right. So you had already determined you were  
23 going to make an arrest at that time; correct?

24 A At the time we went to Greer?

25 Q Yeah.

1 A Yes, sir.

2 Q You already had the warrants?

3 A Yes, sir.

4 Q You didn't have the warrants just for nothing, those  
5 were arrest warrants?

6 A Yes, sir.

7 Q But you didn't tell him that when you picked him up,  
8 did you?

9 A No, sir.

10 Q And you didn't tell him that you had warrants until  
11 after you came back from the hospital; correct?

12 A When we left the hospital, we did not go back to the  
13 Sheriff's Office. We went to the county jail, and that  
14 was because we served the warrants on Mr. Evins.

15 Q So the answer to my question is "yes"?

16 A Yes. But just for clarification, you used the word  
17 "came back," and we did not come back to the Sheriff's  
18 Office.

19 Q Okay. Would it make you feel better if I said, when  
20 you left the hospital, that is when you served him with  
21 the warrants at some point?

22 A Yes, sir.

23 Q Okay. Now --

24 A Or the warrants were served. I did not actually --

25 Q You didn't personally serve the warrants?

1 A No, sir. The warrants were served, yes, sir.

2 Q But you or another police officer already had them in  
3 possession?

4 A Correct.

5 Q But you didn't tell Mr. Evins anything about that  
6 until after the statement was given, et cetera; right?

7 A That we had arrest warrants, correct.

8 Q So during the whole process of driving back from  
9 Greer, taking him to the Sheriff's Office, and all that,  
10 going through the signing of all of these documents and  
11 getting the statement and taking him to the hospital, he  
12 didn't even know he was, technically, under arrest at that  
13 point?

14 A No, sir -- excuse me. Not under arrest by  
15 Spartanburg County?

16 Q Right.

17 A He was still under -- he still had pending charges  
18 from Greer.

19 Q The driving charges for that green car or whatever?

20 A Yes, sir.

21 Q DUS charge or something like that?

22 A Yes, sir.

23 Q But as far as your case was concerned, he was,  
24 technically, under arrest once you took custody of him,  
25 and you weren't going to let him go?

1 A Correct.

2 Q So the minute you picked him up in Greer, he was  
3 under, at least, custodial arrest?

4 A At least, custodial arrest.

5 Q And he was formally arrested at some point later on  
6 that day?

7 A Yes, sir.

8 Q During that block, he didn't know that he was really  
9 even a suspect initially, did he?

10 A I don't know what he knew, Mr. Boggs.

11 Q Well, now, you were telling the Solicitor -- you were  
12 pretty explicit -- but that doesn't matter. So you say  
13 you picked him up maybe around 1:30?

14 A At the latest, yes, sir.

15 Q You all got back to Spartanburg then, roughly, at --

16 A It would have been about a 20 to 25-minute drive.

17 Q So that puts you up close to 2:00?

18 A Yes, sir.

19 Q You park the car and walk inside the Sheriff's  
20 Office. Okay. You put him in an interrogation room?

21 A No, sir, a conference room.

22 Q You didn't interrogate him in there?

23 A Excuse me?

24 Q You didn't interrogate him in there?

25 A In where? In the conference room?

1 Q Yeah.

2 A I interviewed him in a conference room.

3 Q So it was an interrogation room?

4 A Okay.

5 Q I'm just asking. I thought that's what you told the  
6 jury, that you put him in a room about the size of the  
7 jury box --

8 A And I referred to it --

9 Q -- and interrogated him?

10 A No, sir. I referred to it as a conference room and  
11 an interview.

12 Q So you had a conference with Mr. Evins. Okay. Now,  
13 I believe you said that your normal method of talking to  
14 somebody is to talk about just general things to build a  
15 rapport with them; right?

16 A Yes, sir.

17 Q And the purpose for doing that is to make them feel  
18 comfortable; correct?

19 A Correct.

20 Q And to gain a little rapport, being, well, you know,  
21 Detective Yown is a pretty nice guy, that type of thing?

22 A Exactly.

23 Q Okay. And, of course, you wouldn't do that by  
24 hollering at him and threatening him and all that?

25 A No, sir.

1 Q The best way to do that is just say, look, it's time  
2 to go ahead and just let's talk about this, et cetera. So  
3 you spent a period of time building up this rapport with  
4 him, gaining his confidence; right?

5 A Yes, sir.

6 Q And at the time you initially started talking to  
7 him -- or after you build this rapport, did you get the  
8 feeling that Mr. Evins felt pretty comfortable with you?

9 A Yes, sir.

10 Q Okay. And then, I think, you say your next step is  
11 to -- you started asking questions; is that right?

12 A I continue to ask him questions, but I draw the  
13 questions more specific to what information I need from  
14 the interview.

15 Q Okay. What you need from the interview; right?

16 A Yes, sir.

17 Q What you testified to; right?

18 A Yes, sir.

19 Q Because in this case, you already knew you were going  
20 to make an arrest, so you needed certain information;  
21 right?

22 A Yes, sir.

23 Q Okay. So you've already channeled your whole  
24 interrogation to that; correct, that need for information?

25 A I wouldn't say I channeled it.



1 Q You start asking questions and, I guess, during the  
2 interview process, you -- if Mr. Evins says something, you  
3 say, wait a minute, Fredrick, we know it didn't really  
4 happen that way?

5 A Quite possibly.

6 Q Okay. And, I believe, then you said the third step,  
7 if you will, once you have enough, is what you said, you  
8 take a statement?

9 A Yes, sir.

10 Q Okay. And did you go through this process with  
11 Mr. Evins?

12 A Did I go through this process?

13 Q Is that the process you followed?

14 A Yes, sir.

15 Q Now, the Miranda rights had already been signed, I  
16 guess; is that correct?

17 A I think they were signed at 2:28. Yes, sir, they  
18 were signed before the interview began.

19 Q Okay. And, Mr. Evins, you took a lot of -- you  
20 explained to Mr. Gowdy that you took a lot of patience  
21 with him, or you took a lot of time to make sure he knew  
22 what these rights meant; right?

23 A I personally did not, no, sir. I am not the reader  
24 of these rights.

25 Q Were you present when it was done?

1 A Yes, sir.

2 Q So you heard what was done?

3 A Yes, sir.

4 Q Was a lot of attention to detail taken by Detective  
5 Denton when these rights were read?

6 A Detail was taken, yes, sir, but not a lot of time. I  
7 mean, basically, you fill the top of the information, you  
8 read a line, he initials the thing, then he has to sign.  
9 I mean, it was all done in probably five to ten minutes.

10 Q All right. His first right is, I have the right to  
11 remain silent?

12 A Yes, sir.

13 Q And it was initialed, as you pointed out?

14 A Yes, sir.

15 Q A lot of police officers don't do that. You took  
16 time to do that, you and Detective Denton; right?

17 A Yes, sir.

18 Q Well, he gave up that right, didn't he?

19 A He gave up all of those rights, yes, sir.

20 Q Did he give up the first right?

21 A (There was no response.)

22 Q Answer my question.

23 MR. GOWDY: Your Honor, I object to his tone. He did  
24 answer.

25 MR. BOGGS: Well, I've asked him about --

1 BY MR. BOGGS:

2 Q Well, did he give up his first right?

3 A Yes, sir.

4 Q Then anything I say can be used against me in a court  
5 of law. Did you explain what that meant or were you  
6 present when it was explained?

7 A I was -- when it was read, yes, sir, I was present.

8 Q All right. And he understood that, in your opinion?

9 A Yes, sir.

10 Q All right. He gave that right up, didn't he?

11 A Yes, sir.

12 Q All right. He has a right to speak to an attorney;  
13 correct?

14 A Yes, sir.

15 Q Did he ever ask for a lawyer?

16 A No, sir.

17 Q Okay. He understood that he had a right to have one  
18 and if he couldn't afford one, one would be appointed?

19 A Yes, sir.

20 Q And he never even asked for a lawyer; right?

21 A No, sir.

22 Q You've got a right to stop answering questions at any  
23 point; right?

24 A Yes, sir.

25 Q Number five; right? And the only time he stopped

1       answering questions, basically, is when you quit asking,  
2       wasn't it?

3       A     Basically.

4       Q     So Mr. Evins cooperated pretty -- I mean, he gave a  
5       statement, he didn't want a lawyer, he was willing to talk  
6       to you. He cooperated with all that, didn't he?

7       A     Yes, sir.

8       Q     He also signed a permission slip for you to take a  
9       blood sample, saliva sample, and hair sample, wherever it  
10      is, didn't he?

11      A     Yes, sir, he did.

12      Q     He didn't make you go get a search warrant for that,  
13      did he?

14      A     No, sir, he did not.

15      Q     He cooperated along those lines; right?

16      A     Yes.

17      Q     And before it was ever even taken, he told you he had  
18      had sex with Rhonda Ward, didn't he?

19      A     Before the suspect kit was done?

20      Q     Yeah.

21      A     Yes.

22      Q     So he's given up his rights and cooperated that way?

23      A     Yes, sir.

24      Q     He didn't invoke his right to an attorney?

25      A     No, sir, he did not invoke.

1 Q He wanted to talk with you since you had built this  
2 rapport up; correct?

3 A Yes, sir.

4 Q He voluntarily said he would go give a hair, saliva,  
5 or blood sample?

6 A Yes, sir.

7 Q He told you that he had had sex with Rhonda Ward;  
8 correct?

9 A After denying it, yes, sir, he did. He eventually  
10 said it.

11 Q Okay. And he gave you a statement?

12 A Yes, sir.

13 Q And in that statement, there are some things that are  
14 not necessarily true; correct?

15 A Yes, sir.

16 Q All right. But you put a lot of credence in a  
17 portion of the statement; right?

18 A Yes, sir.

19 Q Okay. So what you're saying is you want to believe  
20 part of the statement, but not all of the statement?

21 A Yes, sir.

22 Q So Mr. Evins is credible some of the time, but he's  
23 not credible the other time? See, I'm confused about  
24 that. Is that what you're telling the jury?

25 A Could you ask your question one more time. I

1 apologize.

2 Q Well, what it sounds like to me is you're telling the  
3 jury, well, believe part of his statement that suits your  
4 purposes, but don't believe part of it; is that right?

5 A Yes, sir.

6 Q Okay. And the -- what you feel is credible is what  
7 you want to believe and what you feel is not credible is  
8 what you don't want to believe, basically; right?

9 A What I want to believe is what the facts of the case  
10 show.

11 Q Okay. Now, even with all that, Mr. Evins admitted  
12 knowing Ms. Ward in his statement; right?

13 A He -- I'm sorry. You were turned away. Did admit?

14 Q Yeah.

15 A Yes.

16 Q Okay. He admitted that they had gone out to the  
17 country?

18 A Yes, sir.

19 Q I don't know if he said, specifically, Gano Road?

20 A Yes, sir.

21 Q He admitted that there was an altercation, didn't he?

22 A Yes, sir.

23 Q And he admitted that he had, actually, stabbed her;  
24 right?

25 A Yes, sir.

1 Q And all this stuff about the other dude and all that,  
2 you don't think is relevant at all; right?

3 A I don't think --

4 Q Based upon your investigation?

5 A I don't believe -- I believe it's fabricated, yes,  
6 sir.

7 Q Okay. That's fine. And this is the first time, to  
8 your knowledge, that he had talked to a police officer  
9 about this whole situation, wasn't it?

10 A To my knowledge, yes, sir.

11 Q Well, you didn't have any knowledge from any of your  
12 other 15 or so --

13 A No, sir.

14 Q So this was the very first time, to your knowledge,  
15 that he had had the opportunity to speak to a police  
16 officer; correct?

17 A Yes, sir.

18 Q And the more he -- or the longer he was around you,  
19 the more he opened up, didn't he?

20 A Yes, sir.

21 Q Okay. Because, initially, you -- and this is not --  
22 this is not atypical, this is pretty typical. When you  
23 first get somebody, a lot of times they'll say, wait, I  
24 don't know anything about it. That's a typical thing,  
25 isn't it?

1 A It's common.

2 Q And then once you build up this rapport and they  
3 start feeling comfortable, then they want to talk to you.  
4 And in this case, obviously, he did because he --

5 A Correct, in this case.

6 Q Because he said he wanted to?

7 A Correct.

8 Q He signed away all his rights to talk to you;  
9 correct?

10 A Yes.

11 Q Now, have you ever had a case when you've taken a  
12 statement from somebody and then your investigation may  
13 continue a little bit and you find out some more  
14 information and you need to go back and take a second  
15 statement?

16 A Yes, sir.

17 Q And that second statement, oftentimes, will contain  
18 not only new information, but also clarify some of the  
19 information in the first statement?

20 A Yes, sir.

21 Q And, I guess, it's possible as you progress down the  
22 investigation trail, you could take two to three just to  
23 help clear up things; correct?

24 A Absolutely, yes, sir.

25 Q And oftentimes, because the Defendant has already



1 developed a rapport with you and he's given you one  
2 statement, when you go back to see him, he already feels  
3 comfortable with you, so he even will give you more  
4 information, is that possible? Have you ever had that  
5 situation?

6 A It is possible, it is, but it's not likely.

7 Q Well, I thought you just said there have been  
8 times --

9 A There have been times.

10 Q -- when you get a second statement?

11 A Yes, sir --

12 Q And you --

13 A And there's been numerous times --

14 THE COURT: Wait, wait. Let me interrupt.

15 Speak one at a time. She's got to take everything  
16 down.

17 MR. GOWDY: Your Honor, could I ask that he finish  
18 his answer?

19 BY MR. BOGGS:

20 Q Were you finished with your answer?

21 A No, sir. There have been times that you go back for  
22 a second interview and the individual will not speak to  
23 you.

24 Q And there are a lot of reasons for that, aren't  
25 there?

1 A Yes, sir.

2 Q Sometimes that reason is when you go back, that  
3 person has already gotten an attorney and the attorney  
4 won't let him speak to you, isn't that one?

5 A That's one, yes, sir.

6 Q And sometimes they just clam up?

7 A Yes, sir.

8 Q But it's -- in this situation, from the time you left  
9 Greer until the time that Mr. Evins was arrested, he got  
10 more and more open through that period?

11 A Yes, sir.

12 Q Okay. Up to the point that you went to the hospital  
13 and he says, I don't even know why we're going through  
14 this, I had sex with Rhonda Ward; correct?

15 A He did say that, yes, sir.

16 Q But, of course, you had to go ahead and get the  
17 samples anyway?

18 A Yes, sir.

19 Q Just to confirm what he had just told you?

20 A Absolutely.

21 Q Okay. Back in the -- your initial involvement,  
22 again -- and I want to jump back to the Cigarette's 4 Less  
23 where you came into play; is that right?

24 A Yes, sir.

25 Q And you went and investigated using these -- did you

1 say like tree rings going out?

2 A Yes, sir, or circles.

3 Q Okay. Circles going out. And, I assume, the first  
4 circle is you start with people that were closest to her?

5 A Absolutely.

6 Q And then you work out to acquaintances all the way  
7 out?

8 A Yes, sir.

9 Q Absolutely; right?

10 A Yes, sir.

11 Q Now, during that first or, maybe, second circle,  
12 would you talk to people that she dated or something  
13 like -- or gone with or whatnot?

14 A Association with, yes, sir. Dated, yes, sir.

15 Q Did you ever interview a fellow named Phillip  
16 Wallace?

17 A Yes, sir.

18 Q All right. Did you ever interview a fellow that goes  
19 by the name of "Miami," Joseph Parks?

20 A Yes, sir.

21 Q And what about Chester McDowell?

22 A Yes, sir.

23 Q Okay. And you determined that these were boyfriends  
24 of hers; is that correct?

25 A Yes, sir.

1 Q Okay. Now, did you talk to -- maybe, either in that  
2 circle or the next circle, did you talk to coworkers?

3 A Yes, sir.

4 Q And then what would be the next circle that you would  
5 go out to?

6 A That would be --

7 Q Well, excuse me -- go ahead and tell me. And then  
8 I'll ask what I --

9 A At that point, we had created fliers and information,  
10 so I would use in that circle people of the public, people  
11 that might have had a personal relationship, a friendship  
12 that we didn't know about, that type of situation.

13 Q Well, that's what I was going to ask. At that point,  
14 maybe, get call-in information?

15 A Call-in information, exactly.

16 Q Detective Yown, give me a second, if you would.

17 A Yes, sir.

18 MR. BOGGS: Detective Yown, I think that's all the  
19 questions I've got.

20 MR. GOWDY: Your Honor, I do have brief redirect, but  
21 we need to approach the bench before I begin it.

22 THE COURT: All right.

23 (WHEREUPON, a bench conference was held with the  
24 attorneys.)

25 MR. GOWDY: Mr. Boggs was extraordinary clear in his

1       questioning that the longer Mr. Evins went on, the more  
2       truthful he was. So I think that's exactly what happened.  
3       And I think it's fair game for me to ask him whether or  
4       not he took any steps to corroborate the end of Mr. Evins'  
5       statement. That is exactly where he's going with it.

6               MR. BOGGS: No, I'm not.

7               MR. GOWDY: Did you not get through asking him the  
8       further he went along, the more open and honest he got?  
9       Is that not what you just asked him? And the truth of the  
10      matter is you used the words "open" and "honest." And the  
11      truth is --

12              MR. BOGGS: He's trying to --

13              MR. GOWDY: No, I am not. What I'm trying to do is,  
14      the end of that statement is, I've never done anything  
15      like this before. I'm not a flight risk. I'm not a  
16      danger to society. That's what he did in Greenville, and  
17      that's what he's doing today. That the longer he went on,  
18      the more truthful and honest he was. And I'm going to ask  
19      him -- I'm going to ask him --

20              MR. BOGGS: We need to get rid of the jury if he's  
21      going to stand up here ranting and raving.

22              MR. GOWDY: -- did you find any corroboration at the  
23      end of his statement.

24              THE COURT: Is it specifically --

25              MR. GOWDY: Well, the last page of his statement is

1 nothing but self-serving comments about how out of  
2 character this is. I never would have done it unless  
3 other people were pressuring me. I've never done anything  
4 like this before. And all of that is a lie. And his  
5 lawyer just got through asking him the further he went on,  
6 the more honest he was with you.

7 MR. BOGGS: That's the case.

8 MR. GOWDY: Well, that's what I'm talking about, this  
9 case.

10 THE COURT: How far do you think you want to go with  
11 that, Solicitor?

12 MR. GOWDY: Here's what I want to ask him, do you  
13 agree with me that corroboration is an important thing to  
14 consider when you're evaluating someone's statement? Were  
15 you able to corroborate that Rhonda Ward was dead? Were  
16 you able to corroborate that he stabbed her one time,  
17 which he said? Were you able to corroborate the things  
18 that he told you towards the end of the statement?

19 THE COURT: Where are you going with it?

20 MR. GOWDY: Nowhere. That's all I'm going. Because  
21 what's been left in the jury's mind is that this  
22 reluctant, poor soul was initially scared of the police.  
23 But the longer he talked, he just --

24 THE COURT: Those are the kind of questions --

25 MR. BOGGS: What is he specifically asking?

1 THE COURT: He's not going to ask him about his prior  
2 record. He's not to bring his character into issue other  
3 than just lack of corroborating evidence.

4 MR. GOWDY: He used the word "cooperation." I wrote  
5 that six different times. He said his client cooperated.  
6 Well, there's an element of truth --

7 MR. BOGGS: He's said that --

8 THE COURT: He's going to ask three questions.

9 MR. BOGGS: Three questions?

10 THE COURT: Yes.

11 MR. GOWDY: I'll go over the statement, but not into  
12 his character or record.

13 MR. BOGGS: Judge --

14 MR. GOWDY: Tam, that's what you just --

15 MR. BOGGS: You -- now, you're saying you're just  
16 going to ask three questions.

17 MR. GOWDY: Why am I limited to three?

18 MR. BOGGS: Because of what you just told him. You  
19 said you were going to ask three questions.

20 THE COURT: I'm not going to let him ask just three  
21 questions, but there is an end. There's a stopping point.

22 MR. BOGGS: If he brings his character in, I'm going  
23 to move for a mistrial.

24 MR. GOWDY: I'm not going to go into it. When you  
25 asked him about how cooperating somebody is, that's

1 character. But I'm not going to go into any of his  
2 statement.

3 THE COURT: Okay.

4 (WHEREUPON, the bench conference was concluded.)

5 REDIRECT EXAMINATION

6 BY MR. GOWDY:

7 Q Very briefly, Detective Yown. When you hear the word  
8 "corroboration," what does that mean? Do you know what I  
9 mean when I say something is corroborated?

10 A Basically, it means something is said. And then  
11 there are facts outside of just that statement that  
12 support what has been said.

13 Q When you evaluate -- Mr. Boggs used the word open,  
14 honest, truthful, and cooperative in referring to his  
15 client giving a statement to you. Do you consider whether  
16 or not something a defendant tells you can be corroborated  
17 as part of the word cooperation?

18 A Yes, sir.

19 Q Were you able to corroborate Mr. Evins' statement  
20 that he stabbed Rhonda Ward only one time?

21 A Was I able to corroborate that?

22 Q Yes. Was that a truthful statement?

23 A No, sir. He stabbed her multiple times.

24 Q Okay. Were you able to corroborate that a dude or a  
25 black dude went with him when he killed Rhonda Ward?



1 A I was not able to corroborate that.

2 Q Mr. Boggs asked you whether or not his client was  
3 cooperative. Do you view truthfulness as being a subset  
4 or component of cooperativeness?

5 A Yes, sir, I do.

6 Q If somebody is talking to you, but lying to you, is  
7 that cooperative?

8 A No, sir, it's not.

9 Q It's talkative; right --

10 A Yes.

11 Q -- but not cooperative?

12 A Exactly.

13 Q So I ask you, did you view Mr. Evins as being fully  
14 cooperative?

15 A Fully?

16 Q Yes.

17 A No, sir.

18 Q Were you able to corroborate whether or not Mr. Evins  
19 worked at Applebee's the night before Rhonda Ward was  
20 abducted?

21 A No, sir, we were not.

22 Q Were you able to corroborate whether any phone call  
23 had been made from Applebee's to Rhonda Ward the night  
24 before she was abducted and murdered?

25 A No, sir, we were not.

1 Q Were you able to corroborate whether there was any  
2 preset meeting between this Defendant and Rhonda Ward on  
3 the morning of February the 13th?

4 A No, sir, we were not.

5 Q Were you able to corroborate whether or not Rhonda  
6 Ward smoked crack the morning she was killed?

7 A We were able to corroborate her toxicology.

8 Q Which was what, Detective?

9 A Negative as far as any type of narcotics, to include  
10 crack, in her system.

11 Q Well, if Mr. Evins said that Rhonda and a mysterious  
12 dude and he all smoked crack cocaine and her toxicology is  
13 negative, would you consider Mr. Evins' statement to be  
14 cooperative?

15 A It was cooperative, but not fully cooperative.

16 Q Well, it wasn't the truth?

17 A It was not the truth, no, sir.

18 Q Were you able to corroborate whether or not anybody  
19 held Rhonda Ward while Mr. Evins stabbed her?

20 A We were not able to corroborate that.

21 Q But you were able to corroborate that Rhonda Ward was  
22 killed, weren't you?

23 A Yes, sir.

24 Q You were able to corroborate that Mr. Evins went and  
25 picked up Teresa Johnson after he did it, weren't you?

1 A Yes, sir.

2 Q And you were able to corroborate that he went to  
3 Dennis Meredith's house --

4 MR. BOGGS: Your Honor, he had the opportunity to do  
5 all of this on direct.

6 MR. GOWDY: Your Honor, this is in direct response to  
7 his cross.

8 THE COURT: I'm going to allow him to go forward. I  
9 note your objection for the record.

10 BY MR. GOWDY:

11 Q You were able to corroborate that he went by Dennis  
12 Meredith's house on the morning of February the 13th,  
13 weren't you?

14 A Yes, sir.

15 Q Were you able to corroborate that he rode around with  
16 Eugene Edwards on the afternoon of February the 13th?

17 A Yes, sir.

18 Q I want to stay with the theme of cooperation for a  
19 while. Did he, initially, deny even knowing Rhonda Ward  
20 when you questioned him?

21 A Yes, sir.

22 Q Did he, initially, deny knowing anything about her  
23 white Nissan when you questioned him?

24 A Yes, sir.

25 Q Did he, initially, deny having any knowledge about

1 her kidnapping or murder?

2 A Yes, sir.

3 Q Did he, initially, deny having --

4 MR. BOGGS: Objection, again, Your Honor. This has  
5 all been asked and answered.

6 MR. GOWDY: Your Honor, it is in direct response to --

7 THE COURT: I'm going to allow it. And I'll note  
8 your objection.

9 MR. BOGGS: He asked the same questions on direct and  
10 got the same answers then.

11 THE COURT: Okay. Well, I'm going to allow him to go  
12 forward. Let's don't be too repetitive.

13 MR. GOWDY: Yes, sir, Your Honor.

14 BY MR. GOWDY:

15 Q One more question, Detective Yown. Did he,  
16 initially, deny, up until a point of sitting in a hospital  
17 about to have a needle stuck in his arm, that he had sex  
18 with Rhonda Ward on February the 13th?

19 A He did deny that until that time.

20 MR. GOWDY: Thank you, Detective Yown.

21 RE CROSS-EXAMINATION

22 BY MR. BOGGS:

23 Q The Solicitor said that Fred -- that Fredrick said he  
24 stabbed Rhonda more than one time. But that's not what  
25 his statement says, he says he stuck her in the chest. It

1 doesn't say one time, does it?

2 A It does not.

3 Q See, right there?

4 A Yes.

5 Q So that's misquoting what the statement, actually,  
6 says, wasn't it? I mean, for somebody to say he said I  
7 struck her one time, that's not true? That's not what his  
8 statement says?

9 A That's not what his statement says.

10 Q All right. Mr. Gowdy asked you about did you  
11 corroborate whether he worked at Applebee's the night  
12 before. Do you remember who you talked to about that?

13 A I believe we had his work schedule.

14 Q Where did you get it from?

15 A Applebee's.

16 Q Who?

17 A Who, the person? I did not get the statement -- I  
18 mean, the schedule.

19 Q But the way you answered that question made it sound  
20 like you personally knew, but you don't personally know?

21 A If you view his work schedule, he did not work that  
22 night. He was not --

23 Q That's what I'm asking you. You know, specifically,  
24 you looked at it and got that information?

25 A Yes, sir.

1 Q And then Mr. Gowdy asked you about a -- did you  
2 corroborate a preset meeting between Rhonda and the  
3 Defendant?

4 A We did not.

5 Q Have you seen the videotape?

6 A Which videotape?

7 Q Over at Cigarette's 4 Less?

8 A Yes, sir.

9 MR. BOGGS: Okay. That's all the questions I have.

10 MR. GOWDY: Nothing, Your Honor.

11 THE COURT: All right. Thank you, sir.

12 You may step down.

13 MR. BARNETTE: The State would call Kris Harrington  
14 to the stand, Your Honor.

15 THE COURT: All right.

16 THE CLERK: Raise your right hand and place your left  
17 hand on the Bible.

18 WHEREUPON,

19 KRISTOPHER BRIAN HARRINGTON,

20 after first having been duly sworn, testified as follows:

21 THE CLERK: Thank you.

22 Have a seat.

23 DIRECT EXAMINATION

24 BY MR. BARNETTE:

25 Q If you would, state your full name for the jury.

1       A     Kristopher Brian Harrington.

2       Q     And where do you live at, sir?

3       A     1869 East Blackstock Road, Roebuck.

4       Q     What kind of work do you do, sir?

5       A     Now, I work in a community health center named Ross

6       Family Health Services.

7       Q     And what kind of work do you do, sir?

8       A     I'm now a medical office assistance.

9       Q     Back in February of 2003, where were you working,

10      sir?

11      A     Spartanburg Regional Medical Center.

12      Q     And what were you doing there, sir?

13      A     I was an emergency service technician in the

14      emergency department.

15      Q     And in the ER there, did you work and sometimes do

16      suspect kits?

17      A     Yes, sir, I did.

18      Q     And back -- let me show you what's been marked as

19      State's Exhibit No. 59. If you would, take a look at

20      those, sir. Were you asked to do a suspect kit on

21      Fredrick Evins?

22      A     Yes, sir.

23      Q     And are those two items part of the suspect kit you

24      did on him?

25      A     Yes, sir, they are.

1 MR. BARNETTE: Your Honor, I'd like to move these  
2 into evidence at this time.

3 (WHEREUPON, the attorneys conferred off the record.)

4 MR. BARNETTE: Your Honor, at this time, we're just  
5 going to mark them for ID purposes.

6 THE COURT: All right.

7 BY MR. BARNETTE:

8 Q If you would, just go ahead and take a look at it.

9 A Okay.

10 Q If you would, tell the jury what you do to collect  
11 the evidence on a suspect kit.

12 A The suspect kit has five procedures that you take  
13 samples from a person. And I can list those, if you like.

14 Q If you would, go ahead, sir.

15 A It requires hair sample, saliva sample, a blood  
16 sample, and pubic hair sample.

17 Q And did you collect those items from Fredrick Evins?

18 A Yes, I did.

19 Q In those items, did you secure these items and these  
20 forms?

21 A Yes, I did.

22 Q And this one right here, this part, what is that  
23 suspect part? And you can go ahead and open it, if you  
24 need to look at it.

25 A The suspect kit -- let's see.



1 Q And in there, would that be given to Steve Denton?

2 A Yes, sir.

3 Q And that would be sent to SLED; is that right?

4 A Correct.

5 Q And is this the blood and saliva samples?

6 A This is step one and two, yes, sir.

7 Q And you collected those, too?

8 A Yes, sir.

9 Q And did you secure those and give them to Mr. Denton?

10 A I did, sir.

11 Q And was he present when you secured those?

12 A Yes, he was.

13 Q And you would have sealed them in his presence and  
14 gave them to him?

15 A Yes, sir.

16 Q And they were sealed once you gave them to him?

17 A Yes, sir.

18 Q And after that, you don't have anything else to do  
19 with it?

20 A No, sir.

21 MR. BARNETTE: One moment, Your Honor, please.

22 THE COURT: All right.

23 (Pause.)

24 MR. BARNETTE: I have no further questions.

25 MR. BOGGS: No questions, Your Honor.

1 THE COURT: Thank you, sir.

2 You may stand down.

3 Can we release this witness?

4 MR. BOGGS: Yes, sir.

5 MR. BARNETTE: Yes, sir, Your Honor.

6 We'd ask that he be excused.

7 THE COURT: All right. Thank you, sir.

8 You're released.

9 MR. GOWDY: Your Honor, the State would call  
10 Detective Steve Denton.

11 THE CLERK: Raise your right hand and place your left  
12 on the Bible.

13 WHEREUPON,

14 STEVEN L. DENTON,

15 after first having been duly sworn, testified as follows:

16 THE CLERK: Thank you

17 Have a seat.

18 DIRECT EXAMINATION

19 BY MR. GOWDY:

20 Q Good afternoon, Detective Denton.

21 A Good afternoon, Solicitor.

22 Q Would you introduce yourself to the jury? Tell them  
23 where you work and how long you've been in law  
24 enforcement.

25 A I'm Steven L. Denton. I'm currently employed at the

1 Greer Police Department. I'm assigned one specific case  
2 there at the time. I worked previously at the Spartanburg  
3 County Sheriff's Office for a little over 19 years, all of  
4 that in investigations.

5 Q How many homicide investigations have you  
6 participated in, Detective Denton?

7 A As far as being -- as Detective Yown testified to,  
8 being a chief agent or a case agent on a particular case,  
9 I probably have been on 60, 70, to 80. I haven't really  
10 kept that close of a count, but it, actually, could be  
11 over that. But in my entire time at the Sheriff's Office  
12 working homicides, I've probably been involved in over 250  
13 investigations. The death investigations, alone, you  
14 would have to put in the thousands because of suicides and  
15 natural death matters and accidentals and those type  
16 deaths.

17 Q In addition to working homicides, have you worked  
18 such cases as robbery, kidnapping, criminal sexual  
19 conducts?

20 A Absolutely.

21 Q Detective, State's Exhibit Nos. 1 and 2 are already  
22 in evidence. I want to show these to you. The SLD to the  
23 side --

24 A That's my initials. That's how -- I've always read  
25 Miranda off of, actually, a written form such as this. I

1       always initial out to the left side of the number and have  
2       the Defendant or suspect initial out to the right of the  
3       period.

4       Q     So you were present with Detective Yown during the  
5       full interview of this Defendant?

6       A     Yes.

7       Q     Backing up closer to the time of the abduction and  
8       murder, were you also involved in the investigation?

9       A     I was.

10      Q     Did you have an occasion to go to Cigarette's 4 Less  
11      and work that end, that crime scene?

12      A     Absolutely, I did.

13      Q     Let me show you what's been previously identified as  
14      State's Exhibit No. 9, and ask you whether or not you  
15      recognize that?

16      A     I do. State's Exhibit No. 9 is simply a schedule  
17      made up of several employees. But, specifically, this is  
18      Rhonda's schedule and has listed Sunday through Saturday,  
19      her days off, days worked and the times.

20      Q     Where did you get State's Exhibit No. 9 from?

21      A     That came from the office at Cigarette's 4 Less,  
22      which would be located in the center of the store as you  
23      walk in. It's the area they use to conduct business.

24           MR. GOWDY: Your Honor, we would offer State's  
25      Exhibit No. 9 at this time.

1 MR. BOGGS: No objection.

2 THE COURT: All right. Without objection.

3 (WHEREUPON, State's Exhibit No. 9 was admitted into  
4 evidence.)

5 MR. GOWDY: Permission to publish it to the jury,  
6 Your Honor.

7 THE COURT: Yes, sir.

8 BY MR. GOWDY:

9 Q The previous testimony from Mr. Southerland was that  
10 that was Rhonda's handwriting. Is that what you took from  
11 Cigarette's 4 Less?

12 A Yes, it is.

13 Q And if we're looking at Thursday, the 13th of  
14 February, her hours would have been what?

15 A Her hours would have been there on Thursday and  
16 Friday, the 13th and 14th, from 7:00 -- it appears from  
17 7:00 a.m. to 4:00 p.m., 7:00 a.m. to 3:00 p.m. on Friday.

18 Q Detective Denton, did you have occasion to look at  
19 any surveillance tapes from Cigarette's 4 Less from the  
20 parking lot?

21 A I did.

22 Q Who did you look at them with?

23 A I looked at the tapes with -- obviously, to begin  
24 with, the Spartanburg City police detectives because of  
25 their interest, in our opinion at the Sheriff's Office.

1 But specifically, viewing videotapes with Coley Peak, the  
2 manager, Mr. Southerland, who's employed at Cigarette's 4  
3 Less. I viewed those tapes several times.

4 Q Did you look at the tape from February the 13th  
5 exclusively or did you look at other tapes?

6 A We looked at other tapes also.

7 Q How many total tapes can you tell the ladies and  
8 gentlemen of the jury did you watch from Cigarette's 4  
9 Less?

10 A I looked at, at least, four. I believe I looked at  
11 more than four, but, at least, four tapes from previous  
12 days of Ms. Ward showing up at work.

13 Q Tell the jury what you saw.

14 A The specific tapes I looked at simply depicted her as  
15 fairly routine.

16 MR. BOGGS: Well, Your Honor, may we approach the  
17 bench on that?

18 THE COURT: Yes.

19 (WHEREUPON, a bench conference was held with the  
20 attorneys.)

21 MR. BOGGS: If that was filed in discovery, why  
22 haven't we gotten it?

23 MR. GOWDY: He said she got to work at the same time.

24 MR. BOGGS: I've not been made aware of the police  
25 tapes or had any access to them. His testimony is very

1 critical. It sounds like they're trying to set a pattern  
2 that even though --

3 MR. GOWDY: Bill Southerland testified, the very  
4 first witness, that he looked at four tapes of what time  
5 she got to work. He asked Southerland, did you give the  
6 tapes to the Solicitor's Office? Southerland said, no.  
7 So Denton looked at them. They weren't part of the case,  
8 but it does set her habit. If you're going to be alleging  
9 that she was going to leave to smoke crack with your  
10 client, I think it's coming in.

11 MR. BOGGS: He's already got it in.

12 MR. GOWDY: Well, I appreciate the advice on how many  
13 witnesses I need to prove something, but Detective Denton  
14 looked at it with Coley Peak and Bill Southerland. I  
15 think it's fair for him to say she followed this  
16 pattern --

17 MR. BOGGS: It's circumstantial evidence that we  
18 didn't get.

19 MR. GOWDY: It's not evidence.

20 MR. BOGGS: It's going to be when he testifies about  
21 it.

22 MR. GOWDY: It's her habits.

23 MR. BOGGS: I just want it on the record that we  
24 filed and didn't get it.

25 MR. GOWDY: I didn't have it, that's why you didn't

1 get it. I don't have tapes from the 11th, 9th, and 10th  
2 of February. That's not part of this crime.

3 MR. BOGGS: What he -- why is he testifying?

4 MR. GOWDY: Because it shows he has been --

5 THE COURT: I'm going to let it -- let him do it  
6 subject to your objection. I'll let you, at the break,  
7 put whatever you want on the record.

8 MR. BOGGS: Thank you, Your Honor.

9 MR. GOWDY: Thank you, Your Honor.

10 (WHEREUPON, the bench conference was concluded.)

11 BY MR. GOWDY:

12 Q Detective Denton, I believe I was asking you whether  
13 or not you had occasion to view other tapes from  
14 Cigarette's 4 Less. And I think you testified you did  
15 with Coley Peak and Bill Southerland?

16 A I did.

17 Q Can you tell the jury what habits or customs of  
18 Rhonda Ward you noticed in viewing those tapes?

19 A To see the vehicle pull up and then her -- she would  
20 be -- exactly as it happened on the tape that we viewed,  
21 she would get out of the vehicle, but instead of talking  
22 to someone, went in the store. And that's pretty much it.  
23 She didn't leave.

24 Q Did you ever see a tape when she left again after  
25 going to the store?



1 A Not the tapes I viewed, no, sir.

2 Q You mentioned the tape from the 13th. How many times  
3 have you viewed the tape from the 13th?

4 A Since then, hundreds of times. I mean, that day,  
5 that specific day, I mean, I would rewind it and watch  
6 it. I mean, it would have to be in the hundreds of  
7 times.

8 Q And you were part of the investigation team that made  
9 the decision to seek a warrant for kidnapping; correct?

10 A Yes. That would be accurate.

11 Q Was that tape part of the basis of your decision to  
12 seek the kidnapping warrant?

13 A Absolutely.

14 Q What on that tape led you to do so?

15 A Well, in viewing the tape and in having the --

16 MR. BOGGS: Your Honor, I'm going to object if he's  
17 invading the province of the jury. That's what the jury  
18 is here for. They can see the tape.

19 MR. GOWDY: I didn't ask him if he's guilty of  
20 kidnapping, Your Honor. I asked him why he sought --

21 Can we --

22 THE COURT: Come on up here.

23 (WHEREUPON, a bench conference was held with the  
24 attorneys.)

25 MR. GOWDY: He's been a detective for 18 years. I'm

1 asking him what on that tape led him to seek a kidnapping  
2 warrant.

3 MR. BOGGS: The tape is specific. He's the one --

4 THE COURT: But I understand it goes to his state of  
5 mind, so I'm going to allow him --

6 MR. BOGGS: It doesn't go to his state of mind.

7 THE COURT: I absolutely understand. We'll keep --

8 MR. BOGGS: He's going to -- close to getting into  
9 the province of the jury. And if he -- I mean, he's  
10 saying this is absolutely a kidnapping, there's no  
11 question about it. He goes on and on, so. But I think  
12 he's --

13 THE COURT: Well, just watch it.

14 MR. GOWDY: I'm watching it.

15 (WHEREUPON, the bench conference was concluded.)

16 BY MR. GOWDY:

17 Q You said you watched the tapes hundreds of times,  
18 Detective?

19 A I did.

20 Q And what led to your decision to seek a warrant for  
21 kidnapping with specific reference to the tape?

22 A When I was viewing the tape, what I viewed was an  
23 employee pulling up to a business, stepping out of the  
24 vehicle after several seconds of whatever she was doing in  
25 the car, and being met. She had her attention turned to

1 the store. And then her attention very quickly went  
2 behind her and she turned fairly quickly to talk with the  
3 person who walked up behind her --

4 MR. BOGGS: Your Honor, I'm going to object again.

5 He's interpreting the tape, which is up to the jury.  
6 He's invading the entire jury's province.

7 THE COURT: Well, thank you, sir.

8 The jury will be able to view the tape and make its  
9 own determination with respect to any qualifying remarks  
10 that any witness makes.

11 So I'll allow you to go ahead.

12 THE WITNESS: Thank you, Your Honor.

13 And, at that point, some seconds are there where it  
14 looks like there's some sort of conversation. At that  
15 point, the door opens back up and the deceased, she gets  
16 back in the vehicle. But the Defendant reaches over into  
17 the car while the deceased is getting in the car. Then he  
18 comes back out of the car, walks around, gets in the  
19 passenger side door, and then they drive off. To me,  
20 viewing it two or three times led me to believe that that  
21 was, obviously, an abduction.

22 BY MR. GOWDY:

23 Q Detective Denton, you participated in the interview  
24 of Fredrick Evins?

25 A I did.

1 Q In his statement -- and I want to get it exactly  
2 correct -- I stuck her in the chest?

3 A Yes.

4 Q During the portion of the interview before it is  
5 reduced to writing, did this Defendant indicate to you or  
6 Detective Yown how many times he stabbed her?

7 A He did.

8 Q Tell the jury about that.

9 A I was interested to know how many times he may have  
10 stabbed her. So I asked him to show me, specifically, on  
11 my body, since he mentioned that he had stabbed her --  
12 stuck her in the chest, I believe, is how he worded it,  
13 how many times he did it. So he plunged -- I gave him a  
14 pencil that, of course, wasn't sharpened and he plunged  
15 that pencil towards my chest four times.

16 Q Were his actions consistent with what he was telling  
17 you? Had he told you he stabbed her four times or had he  
18 given any number up until the point he demonstrated?

19 A No. That was the first time.

20 Q You and Detective Yown took Mr. Evins to Spartanburg  
21 Regional?

22 A We did.

23 Q Let me show you State's Exhibit No. 59, and ask you  
24 whether or not you are familiar with that and whether or  
25 not you received custody of that?

1 A Solicitor, I am familiar with it.

2 Q Were you given that by an employee of Spartanburg  
3 Regional?

4 A Yes. Mr. Harrington, he handed it over to me. I  
5 signed for it, the date and the time, at 5:26 p.m. on the  
6 28th of February, 2003.

7 Q And what did you do with it, Detective Denton, after  
8 you received it from Mr. Harrington?

9 A I gave it to the evidence custodian to be sent to  
10 SLED for analysis.

11 Q An evidence custodian within the Spartanburg County  
12 Sheriff's Department?

13 A Yes.

14 Q Do you recall who you would have given it to or would  
15 you have put it into a lockbox?

16 A It could have gone into a lockbox. I don't remember  
17 specifically, but it's signed by somebody.

18 Q Would it refresh your recollection to look at the  
19 property and evidence sheet?

20 A It would.

21 Q I'll let you see that and give it back to me before  
22 you resume your testimony.

23 A Okay.

24 Q Who did you give State's Exhibit No. 59 to, Detective  
25 Denton?

1       A     I signed it over to investigator -- or the evidence  
2       custodian, Officer Robert Rosenberg.

3       Q     Robert Rosenberg. Finally, Detective Denton, during  
4       the course of your and Detective Yown's interview of  
5       Mr. Evins, did you ask him to describe the weapon that he  
6       used to kill Rhonda Ward?

7           MR. BOGGS: Objection, Your Honor.

8           THE COURT: Yes, sir.

9           MR. BOGGS: That's up to the jury. He's invading --  
10       I object to that question.

11          THE COURT: All right. Y'all come up for one second.

12          (WHEREUPON, a bench conference was held with the  
13          attorneys.)

14          MR. BOGGS: He said "kill" --

15          MR. GOWDY: What would you prefer? What would you  
16          like?

17          MR. BOGGS: Before, he said "murder" and  
18          "abduction" --

19          MR. GOWDY: I did not use the word "murder," so  
20          you're wrong about that.

21          THE COURT: He's asking him to describe the physical  
22          actions of the Defendant.

23          MR. BOGGS: You're right. I'm sorry.

24          THE COURT: We'll just resume.

25          (WHEREUPON, the bench conference was concluded.)

1 BY MR. GOWDY:

2 Q Detective Denton, did the Defendant describe a weapon  
3 that was used on February the 13th in connection with the  
4 death of Rhonda Ward?

5 A He did.

6 Q Tell the jury about his description of the weapon.

7 A He described it as a black steak knife.

8 Q Did he give any dimensions? Did you have him use  
9 anything to denote how long the knife may have been?

10 A Yes, I did.

11 Q Show the jury how far -- or would anything refresh  
12 your recollection of that?

13 A Yes, it would.

14 Q I show you for identification purposes State's  
15 Exhibit No. 5. And I'll ask you to hand that back to me  
16 prior to you resuming your testimony.

17 A Okay.

18 Q Does that refresh your recollection?

19 A It does.

20 Q Can you tell the jury whether any description or  
21 length of the knife was provided by this Defendant?

22 A Again, it was described as a black-handled kitchen  
23 steak-type knife about that long, approximately.

24 MR. GOWDY: Thank you, Detective Denton.

25 Please answer any questions that the Defense attorney

1 may have for you.

2 THE WITNESS: Yes, sir.

3 MR. BOGGS: No questions.

4 Thank you.

5 THE COURT: All right. Thank you, sir.

6 You may step down.

7 MR. ANTHONY: The State would call Mr. Jeremy  
8 Courtney.

9 (WHEREUPON, State's Exhibit Nos. 64 and 65 were  
10 marked for identification only.)

11 THE CLERK: Raise your right hand and place your left  
12 on the Bible.

13 WHEREUPON,

14 JEREMY COURTNEY,

15 after first having been duly sworn, testified as follows:

16 THE CLERK: Please be seated.

17 DIRECT EXAMINATION

18 BY MR. ANTHONY:

19 Q Would you state your name, please?

20 A Jeremy Courtney.

21 Q And, Mr. Courtney, how are you employed?

22 A I'm on the district management team. I'm assistant  
23 district manager for H&R Block for Greenville-Spartanburg.

24 Q And how long have you worked for H&R Block?

25 A This is my fifth year.



1 Q And the district that you work in encompasses  
2 Spartanburg?

3 A Yes, it does.

4 Q I want to ask you just a few questions about your  
5 procedure at H&R Block. How does H&R Block deal with  
6 people who want to get an advance on a tax refund that  
7 they're going to get?

8 A If a client chooses to get a refund loan, first, they  
9 would -- first, they apply for it. There's an application  
10 process. They would fill out an application and sign for  
11 it. Then it's run through a small credit check through  
12 Household Bank. And once they're accepted, within one to  
13 three days, they will receive a check that we print in the  
14 office.

15 Q And this procedure is made available to people whose  
16 taxes are prepared by y'all; is that correct?

17 A Yes, sir.

18 Q And who does the client deal with in trying to secure  
19 this loan against his or her tax return?

20 A That would be the tax professional that they are  
21 assisted with.

22 Q Okay. And what's -- you said that you checked the  
23 application through your bank; is that correct, through a  
24 credit check on a person?

25 A Well, actually, Household Bank does the credit check.

1 Q And then once the bank does the credit check, what  
2 does H&R do, assuming the credit check goes through and  
3 you can do the refund loan?

4 A Once Household approves the loan, we are notified.  
5 And we have the check stocked in our office and we print  
6 the checks in our office and notify the clients to come  
7 pick them up.

8 Q Now, once the client comes in and picks -- when the  
9 client comes in to pick the check up, what does the client  
10 have to do to get it?

11 A On the application, there is a section where the  
12 client needs to fill out what form of identification they  
13 are going to use, it's usually a driver's license, and  
14 they have to show the driver's license or identification  
15 they stated. And we note that on the bottom of the  
16 application. And they have to sign and date for the check  
17 to pick it up.

18 Q And back in February of 2003, when you printed out  
19 the check to give to the client, what bank was the check  
20 drawn on?

21 A Household Bank.

22 Q And where were the checks kept?

23 A They're kept in a locked filing cabinet in the back  
24 of the office.

25 Q And then, how were they printed?

1       A     Once -- we have a program that we have in the back of  
2       our office called the Rapid Refund Program and through an  
3       Internet notification, Household Bank notifies us that a  
4       check can be printed. We then insert it in the printer  
5       and the checks are there for print with the client  
6       information on it.

7       Q     Okay. Mr. Courtney, I'm showing you what's been  
8       marked for identification as State's Exhibit No. 64 and  
9       State's Exhibit No. 65. I'll show you first State's  
10      Exhibit No. 64. Can you tell me what that is, please?

11      A     That is -- the client marked the use of the driver's  
12      license number 004 --

13      Q     Well, before you go into that, just, what is that  
14      document?

15      A     Okay. This is our application that a client would  
16      fill out if they are interested in getting -- receiving a  
17      refund anticipation loan.

18      Q     Okay. And what information does the client provide  
19      at the top part of that application?

20      A     The top portion of the application is their name,  
21      social security number, date of birth, home phone, work  
22      phone, residence, and whether or not they have a checking  
23      or savings account, and if there's a joint applicant, and  
24      if they have a spouse.

25      Q     And whose application is that?

1 A Rhonda M. Ward.

2 Q And is it -- whose information is recorded at the  
3 top?

4 A This would be our client. This is her information.

5 Q Ms. Ward?

6 A Yes.

7 Q And then who has signed at the bottom of the  
8 application as well?

9 A Ms. Ward also signed at the bottom of the  
10 application.

11 MR. ANTHONY: We would move State's Exhibit No. 64  
12 into evidence at this time.

13 MR. BOGGS: No objection.

14 THE COURT: Without objection.

15 (WHEREUPON, State's Exhibit No. 64 was admitted into  
16 evidence.)

17 BY MR. ANTHONY:

18 Q And I'm showing you now State's Exhibit No. 65.  
19 Could you tell me what that is, please?

20 A This is a copy of one of our H&R Block cashier's  
21 checks with Household Bank.

22 Q Who is that check made out to?

23 A Rhonda M. Ward.

24 Q And is that the kind of check that you talked about  
25 that your business would print out from Household Bank to

1 issue to clients that you were loaning the funds to?

2 A Yes, it is. And it has our name on it.

3 Q Okay. And the number on the check, does that  
4 correlate with the number on this application?

5 A Yes. It has the South Carolina driver's license that  
6 she used as her identification on the application.

7 Q And does the check number itself correlate with  
8 anything on the application?

9 A The check number matches the check number that the  
10 client signed that she received on 2-3-03.

11 MR. ANTHONY: Your Honor, we'd move State's Exhibit  
12 No. 65 into evidence.

13 MR. BOGGS: No objection.

14 THE COURT: All right. Without objection.

15 (WHEREUPON, State's Exhibit No. 65 was admitted into  
16 evidence.)

17 MR. ANTHONY: And I'd ask to publish them to the jury  
18 at this time.

19 THE COURT: Yes, sir.

20 BY MR. ANTHONY:

21 Q If you'd step down, please, Mr. Courtney. If you  
22 would, just come over here.

23 I'm showing you what's been marked and admitted into  
24 evidence as State's Exhibit No. 64, which is the  
25 application that Ms. Ward filled out. I'm going to ask

1       you if you could just identify the information, first of  
2       all, on the top part of the application. What does the  
3       client report up there at the top?

4       A       This is where the client's name, social security  
5       number, date of birth, home and work phone numbers, type  
6       of residency, and any banking information are.

7       Q       And then what has been recorded here at the part of  
8       the application I'm pointing to?

9       A       This is the picture identification the client marked  
10      to enable her to pick up the check. And she has marked  
11      her driver's license.

12      Q       And then down here at the bottom, what is indicated,  
13      this language here at the bottom?

14      A       The signature on the left is agreeing to the loan  
15      application. The signature on the bottom with the check  
16      number and the date is the date that the client came and  
17      picked up the check.

18      Q       Okay. And then does the number on the application  
19      right here correlate with the number on State's Exhibit  
20      No. 65, which I'm just putting up on the overhead?

21      A       Yes. Check number 17142666 was picked up on 2/3.

22      Q       Okay. And what was the amount of the check that  
23      Ms. Ward received?

24      A       \$2,233.05.

25      Q       Okay. If you could take your seat back, please. I

1 just have one more question.

2 Just one last thing, Mr. Courtney, if you go to H&R  
3 Block and you get one of these checks for a refund from a  
4 refund loan, where can you take it to cash it?

5 A We have national agreements with Sears and Ace Check  
6 Cashing.

7 MR. ANTHONY: Okay. Thank you.

8 That's everything on direct. Please answer any  
9 questions that the Defense might have for you.

10 CROSS-EXAMINATION

11 BY MR. BOGGS:

12 Q My understanding is this check got picked up on  
13 February 3rd, 2003; right?

14 A Yes, sir. That's the date indicated.

15 Q Well, did it or didn't it?

16 A Yes, it did.

17 Q Okay. So it's more than an indication, that's when  
18 it was picked up; right?

19 A Yes, sir.

20 MR. BOGGS: That's all the questions I have.

21 THE COURT: All right. You can stand down.

22 Ladies and gentlemen, it's just about 1:00 and we're  
23 going to break for lunch at this time. Again, I instruct  
24 you not to discuss this matter, but please retire to your  
25 jury room. And we'll try and start back up and give you

1       about -- about 2:15, an hour and 15 minutes.

2       Will that be enough time for y'all?

3       (All jurors said yes.)

4       THE COURT: Very good.

5       Thank you.

6       (WHEREUPON, the jury was excused from open court at  
7       approximately 12:57 p.m.)

8       THE COURT: All right. We'll be in recess until 2:15

9       (WHEREUPON, a lunch break was taken.)

10       (WHEREUPON, State's Exhibit Nos. 66 and 67 were  
11       marked for identification only.)

12       THE COURT: Anything we need to put on the record  
13       before we bring them back?

14       MR. BOGGS: Nothing from the Defense.

15       MR. GOWDY: Not from the State, Your Honor.

16       (WHEREUPON, the jury came into open court at  
17       approximately 2:21 p.m.)

18       THE COURT: There's just nothing like the Beacon, is  
19       there? It was good.

20       All right. We're going to turn it back over to the  
21       State.

22       MR. ANTHONY: Thank you, Your Honor.

23       The State would call Ms. Henderson.

24       THE CLERK: Put your left hand on the Bible and raise  
25       your right.



1 WHEREUPON,

2 JANICE HENDERSON,  
3 after first having been duly sworn, testified as follows:

4 THE CLERK: Thank you.

5 Have a seat, please.

6 DIRECT EXAMINATION

7 BY MR. ANTHONY:

8 Q Would you state your name, please?

9 A Janice Henderson.

10 Q And, Ms. Henderson, where are you employed?

11 A Sears at Westgate Mall.

12 Q What's your position there?

13 A I'm the loss prevention manager.

14 Q How long have you worked for Sears?

15 A 27 years.

16 Q What do you do as the loss prevention manager there?

17 A Everything to do with any aspect of loss in the store  
18 as far as the money, overs and shorts, theft, shoplifters,  
19 internal theft.

20 Q And can you tell us what the relationship is between  
21 Sears and H&R Block?

22 A H&R Block has had a concession in our building, as  
23 long as I can remember. They conduct their business from  
24 January through April 15th doing refunds -- tax refunds.  
25 And for a fee, of course, we cash the checks for the

1 customers.

2 Q Where do you cash the checks?

3 A We have a hub area near the back of our shipping  
4 department.

5 Q And when someone gets a refund advance check from H&R  
6 Block, would your store at Sears cash it?

7 A Yes. It has to be from H&R Block.

8 Q And how does that work when someone gets a refund  
9 from H&R Block? What kind of process do they go through  
10 with Sears to get some money from y'all?

11 A The person that the check is made out to has to  
12 present it. They have to have their ID. They have to  
13 sign the check in front of us.

14 Q And then do y'all charge people for this?

15 A We do. There is a fee.

16 Q Then once they've done those things, what services do  
17 y'all provide for them?

18 A We give them cash for their check, minus the fee  
19 amount.

20 Q And when somebody comes to your store, to that  
21 location in your store, with a check, what kind of record  
22 is made that it's been cashed?

23 A We have a log that has to have the date that the  
24 check was issued, the date it's being cashed, the ID that  
25 the customer used, the ID that's on the check or the check

1       number, the amount of the check, and the amount of the  
2       fee.

3       Q     Who keeps that log?

4       A     We do. We keep the log there in the store.

5       Q     And as the loss prevention manager at the store, do  
6       you have access to those records?

7       A     Yes, I do.

8       Q     I'm handing you what's been marked for identification  
9       as State's Exhibit No. 66. Can you tell me what that is,  
10      please?

11      A     This is our check cashing log. This starts with the  
12      date of 2-12 through 2-5 [sic], all taken during that time  
13      period.

14           MR. ANTHONY: At this time, I'd move the check  
15      cashing log into evidence, it's State's Exhibit No. 66.

16           MR. BOGGS: No objection.

17           THE COURT: Without objection.

18           (WHEREUPON, State's Exhibit No. 66 was admitted into  
19      evidence.)

20           MR. ANTHONY: I'd ask to publish this to the jury at  
21      this time?

22           THE COURT: Okay.

23      BY MR. ANTHONY:

24      Q     If you could, just step down for a moment, please.

25           I want to -- well, I'll just start off by starting at

1 the top of the log. Can you just tell the jury what the  
2 information is that's recorded for each check that comes  
3 through?

4 A The transaction date, and then the actual date that's  
5 on the check, the check number in the right-hand corner of  
6 the check, the amount of the check, and what type of  
7 identification, we have to have a picture ID, the last  
8 name of the person working in the hub that day that issued  
9 the money out, and the fee that was charged.

10 Q Okay. And I want to call your attention now to line  
11 number 20 on the log. And what can we tell from looking  
12 at line number 20?

13 A Well, it's blank where -- the same information, it  
14 was cashed on the 3rd, it was issued on the 2nd of  
15 February, the check number, the amount is blank, the South  
16 Carolina driver's license, used, and Ms. Lyle is the  
17 associate, and a \$33 fee.

18 Q And I'm going to show you now what's already been  
19 admitted as State's Exhibit No. 65. And I'd ask you how  
20 does the number on this check, 1714266, correlate with the  
21 number on Exhibit No. 20 [sic]?

22 A The third column is the number.

23 Q And is that the same number?

24 A It is.

25 Q And as far as the driver's license number that's

1 written on the check, 00437733, how does that correlate  
2 with the driver's license number on it?

3 A It's the correct one.

4 Q Okay. And is there any reason why -- you know, in  
5 your experience of dealing with this log why the amount  
6 would be left blank on this record here?

7 A Other than she just forgot to do it. A lot of times  
8 they have to go around out of the area where we have cash  
9 wrapped and go into the actual safe and get more money  
10 out, because we don't always keep enough money in there  
11 for that. And she may have just forgotten to do it, just  
12 forgot it. I don't know.

13 Q Do you ever cash checks for less than the full amount?

14 A No. They get the amount, minus the fee.

15 Q Okay. So whatever the amount of the check that's  
16 brought to Sears, you would give cash to the customer,  
17 minus the fee you're charging for cashing it?

18 A Yes.

19 MR. ANTHONY: You can have a seat back up there.

20 Thank you.

21 That's everything on direct.

22 MR. BOGGS: I have no questions.

23 THE COURT: All right. You can step down, ma'am.

24 Thank you.

25 Can we excuse this witness?

1 MR. ANTHONY: Yes, sir, please.

2 THE COURT: All right. You're excused, ma'am.

3 MR. BARNETTE: Your Honor, I'd like to call Rex  
4 Harris to the stand, please.

5 THE CLERK: Place your left hand on the Bible and  
6 raise your right.

7 WHEREUPON,

8 WILLIAM REX HARRIS,

9 after first having been duly sworn, testified as follows:

10 THE CLERK: Take the stand, please, sir.

11 MR. BOGGS: May we approach on one issue?

12 THE COURT: Yes.

13 (WHEREUPON, a bench conference was held with the  
14 attorneys.)

15 MR. BOGGS: We do not have a statement from this man.  
16 We've got a summary of it. He knows, I guess, about the  
17 trailer on Drayton where Fred lived. In his interview, he  
18 said -- he says that he saw Fred painting a name on the  
19 trailer.

20 MR. BARNETTE: I've talked to him about not saying  
21 anything about it.

22 MR. BOGGS: Because he went over and asked him, why  
23 are you painting the name? And he says, I have to. I  
24 am --

25 MR. BARNETTE: I've instructed him not to get into

1       that. I'm just going to say, what did you see?

2               MR. BOGGS: Thank you.

3               (WHEREUPON, the bench conference was concluded.)

4                               DIRECT EXAMINATION

5       BY MR. BARNETTE:

6       Q     If you would, sir, give us your full name, please.

7       A     William Rex Harris.

8       Q     And where do you live at, Mr. Harris?

9       A     Right now, I live on Jasmine May Drive.

10      Q     What kind of work do you do, sir?

11      A     I'm a construction worker.

12      Q     Back in February of 2003, where was you living at,  
13      sir?

14      A     I was living at number 11, Anna Drive.

15      Q     Where was that located at, sir?

16      A     Right next door to where I'm living now. It's just a  
17      different trailer park.

18      Q     Is that located in Drayton?

19      A     Yes, sir.

20      Q     At that time, when you were living there, was there  
21      somebody living in the trailer in front of you in the  
22      trailer park?

23      A     There was several people.

24      Q     And let me show you what's been marked as State's  
25      Exhibit Nos. 43, 44, and 45. Do you recognize those

1 pictures, sir?

2 A Yes, sir. That is the trailer I lived in. That's  
3 the same thing.

4 Q All three of these?

5 A Yes.

6 Q Do these fairly represent the way the trailer park  
7 looks?

8 A Yes, sir.

9 Q And you lived in the trailer behind the trailers in  
10 the picture?

11 A Yes, sir, the dark brown one.

12 MR. BARNETTE: Your Honor, I'd like to enter these in  
13 evidence at this time.

14 MR. BOGGS: No objection, Your Honor.

15 THE COURT: Okay.

16 (WHEREUPON, State's Exhibit Nos. 43, 44, and 45 were  
17 admitted into evidence.)

18 BY MR. BARNETTE:

19 Q When you were living there, Mr. Harris, was there a  
20 gentleman living in front of you?

21 A Yes, sir.

22 Q Do you see that gentleman in the courtroom today?

23 A Yes, right there.

24 Q Can you identify him for us?

25 A Sitting at the table.



1 Q Can you describe what he's wearing?

2 A A sports jacket and shirt.

3 MR. BARNETTE: Your Honor, for the record, he's  
4 identified the Defendant, if the record will reflect that,  
5 please.

6 THE COURT: All right.

7 BY MR. BARNETTE:

8 Q If you would, step down, sir.

9 A (The witness complied.)

10 Q Mr. Harris, how far is this trailer park from  
11 Cigarette's 4 Less on Drayton Road?

12 A Approximately half a mile.

13 Q About a half mile away from the trailer park where  
14 you was living at?

15 A Yes, sir.

16 Q Let me show you what's been marked as State's Exhibit  
17 No. 43. Was this the trailer you was living in at the  
18 time?

19 A Yes, sir.

20 Q And who was living in this trailer?

21 A Mr. Evins, at the time.

22 Q Okay. And did he also paint something on the tongue  
23 of his trailer?

24 A He put his name on the tongue of it.

25 Q Let me show you what's been marked and entered into

1 evidence as State's Exhibit No. 44. Is this what he  
2 painted on the tongue of it?

3 A Yes, sir.

4 Q Let me show you State's Exhibit No. 45. Is that a  
5 close-up of the sign he painted?

6 A Yes, sir.

7 Q Thank you, sir. Please have a seat.

8 No, right here, sir.

9 A Oh, I'm sorry.

10 Q Mr. Evins lived in that trailer in front; is that  
11 right?

12 A Yes, sir.

13 Q And was that in February of 2003?

14 A Yes, sir.

15 Q Later on -- how long did he live there,  
16 approximately?

17 A About a month, maybe two. I'm not real sure because  
18 he never came down, and I never went up there.

19 Q But did you speak to him a couple of times?

20 A A couple of times, you know, just casually.

21 Q And did he ever ask you for anything?

22 A No, he never asked me, no. I think he came over one  
23 night to use the phone, but that was, basically, it.

24 Q Later on --

25 A We talked a little while, yes, sir.

1 Q Later on, did you hear about a case involving  
2 Cigarette's 4 Less?

3 A Yes, a little bit later on.

4 Q And did you see his picture in the paper?

5 A Yes.

6 Q But he was living in the trailer before that  
7 happened?

8 A Yes, sir.

9 Q And how far away is this from Cigarette's 4 Less, do  
10 you think?

11 A About a half a mile.

12 MR. BARNETTE: Thank you, sir.

13 Please answer any questions Mr. Boggs would have for  
14 you.

15 CROSS-EXAMINATION

16 BY MR. BOGGS:

17 Q Just orient me a little, Mr. Harris, this trailer  
18 park is between Cigarette's 4 Less and Drayton Mill;  
19 correct?

20 A I don't really know where -- oh, okay. The old  
21 Drayton Mill?

22 Q Yeah. You go down there across the bridge and the  
23 mill is up there on the left?

24 A Yes, sir. It's right before you get to the red light  
25 on the left after you leave the trailer park.

1 Q What is?

2 A Cigarette's 4 Less, or it used to be.

3 Q But if you're heading toward Drayton Mill, you hit  
4 Cigarette's 4 Less on the right first?

5 A Yes, sir.

6 Q Then you go on down the hill a little bit, around the  
7 corner and the trailer park is on your right?

8 A Yes, sir, Anna Drive.

9 Q I'm sorry?

10 A It's Anna Drive.

11 Q And you said it was about a half mile away. Couldn't  
12 it be a little bit closer than that?

13 A No. I figured it was about a half a mile. I've  
14 walked it a couple of times.

15 Q Well, that's that I was getting to. It's not too  
16 difficult to walk up there, is it?

17 A No, sir.

18 Q But it's before you get -- there's a little club down  
19 there below it, isn't there, and then a post office?

20 A There's a post office and there's a little bar down  
21 there.

22 Q The closer you get down to the creek and the bridge?

23 A Yeah. But the trailer park is before you get to the  
24 post office.

25 Q Right. Okay. So you think it's a half mile, but

1       could it be less than that?

2       A     It could be. I've never measured it.

3       Q     Well, I understand. But it's not a difficult walk up  
4       there, is it?

5       A     No, sir.

6           MR. BOGGS: That's all the question I have of him.

7           MR. BARNETTE: Nothing on redirect.

8           We'd ask that this witness be excused.

9           MR. BOGGS: No objection.

10          MR. ANTHONY: We call Mr. Shrum.

11          THE CLERK: Place your left hand on the Bible and  
12       raise your right.

13       WHEREUPON,

14                               BRIAN SHRUM,

15       after first having been duly sworn, testified as follows:

16          THE CLERK: Thank you

17          Please have a seat.

18                               DIRECT EXAMINATION

19       BY MR. ANTHONY:

20       Q     Would you state your name, please?

21       A     Brian Shrum.

22       Q     And, Mr. Shrum, how are you currently employed?

23       A     With Applebee's.

24       Q     And what do you do for Applebee's?

25       A     I'm a manager.

1 Q Of which restaurant?

2 A At the Simpsonville restaurant right now.

3 Q Back in February of 2003, how were you employed?

4 A With Applebee's.

5 Q And what did you do at that time?

6 A I was the general manager at the Hillcrest  
7 Spartanburg store.

8 Q And did you -- during that time, did you come to  
9 manage Mr. Evins?

10 A Yes.

11 Q Okay. And what did Mr. Evins do at the Applebee's at  
12 Hillcrest?

13 A He was one of our back of the house employees.

14 Q What does that mean to be a back of the house  
15 employee?

16 A He could either work as a cook, dishwasher, or prep  
17 cook.

18 Q Okay. And when did you first meet Mr. Evins?

19 A I believe it was November or December of 2002.

20 Q Okay. And when you first met him, what did he tell  
21 you about his ability to get to work?

22 A Usually, in an interview, I'll ask if somebody has  
23 adequate transportation. And he had let me know he lived  
24 within walking distance of the store and that he wouldn't  
25 need a vehicle to drive to work.

1 Q And did he tell you where he lived or the area where  
2 he lived?

3 A Yeah. I had asked him how close he lived and he had  
4 pointed out directions, the mobile home park that is close  
5 to the Drayton Post Office.

6 Q All right. And if you're a back of the house  
7 employee, what time would you normally -- or what would be  
8 the earliest you'd normally come to work?

9 A Most of them come in at 9:00 or 8:00, unless it's a  
10 truck day, and then you come in at 7:00.

11 Q All right. And, at that time, when was the truck  
12 day?

13 A At that time, the truck days were on Tuesday and  
14 Saturday.

15 Q When you say the "truck day," what does that mean?  
16 What's a truck day?

17 A U.S. Foods or PYA Monarch, the people that supply all  
18 of our food products, that's when they deliver the goods.

19 Q And so a back-of-the-house employee could come in  
20 early on a Tuesday at 7:00 to unload?

21 A Right. We need extra time to unload the truck.

22 Q But that wouldn't happen any other day of the week?

23 A No.

24 Q And did Mr. Evins ever come back to the Applebee's  
25 after he worked on the 12th of February of 2003?

1 A Not to my knowledge.

2 MR. ANTHONY: Thank you.

3 That's all my questions.

4 MR. BOGGS: I don't have any questions.

5 THE COURT: All right. Thank you, sir.

6 You may step down.

7 MR. ANTHONY: My next witness would be Mr. Olsen.

8 THE CLERK: Please raise your right hand and place  
9 your left hand on the Bible.

10 WHEREUPON,

11 CHRIS OLSEN,

12 after first having been duly sworn, testified as follows:

13 THE CLERK: Thank you

14 Have a seat, please, sir.

15 DIRECT EXAMINATION

16 BY MR. ANTHONY:

17 Q Would you state your name, please?

18 A Chris Olsen.

19 Q And, Mr. Olsen, how are you employed?

20 A I am an area director for Apple J. It's the  
21 franchise that owns Applebee's restaurants.

22 Q And Apply J -- how many Applebee's restaurants does  
23 Apple J own?

24 A 30.

25 Q And what is your position with them?



1       A     I'm an area director. I overlook the operations of  
2       six Applebee's restaurants.

3       Q     And does your supervisory authority extend to the one  
4       on East explain Street in Spartanburg?

5       A     Yes, it does.

6       Q     Can you explain how Applebee's -- or how the  
7       Applebee's that are owned by Apply J, anyway, keep track  
8       of employee time and payroll?

9       A     Sure. An employee comes into work and they'll clock  
10      themselves in using their own code on one of the  
11      computers. And then that information is compiled at the  
12      end of the week and sent through the Internet to a website  
13      where it's compiled through our payroll department and  
14      they pay from that information.

15      Q     And as a director of the company -- or as an area  
16      director of the company, do you have access to those  
17      records?

18      A     Yes, I do.

19      Q     I'm showing you what's been marked for identification  
20      as State's Exhibit No. 67. Can you identify that  
21      document, please?

22      A     Yes.

23      Q     What is that?

24      A     This is a -- it looks to be -- I'm not sure what the  
25      dates are, but payroll records for several employees.

1 Q And is that an Applebee's pay record?

2 A Yes.

3 Q And does it include the work hours for Mr. Evins  
4 during the period from the 25th of January through the  
5 12th of February?

6 A Yes, it does.

7 MR. ANTHONY: We'd move State's Exhibit No. 67 into  
8 evidence.

9 MR. BOGGS: No objection.

10 THE COURT: Okay.

11 (WHEREUPON, State's Exhibit No. 67 was admitted into  
12 evidence.)

13 BY MR. ANTHONY:

14 Q If you would, please, step down. We're showing  
15 you -- I've got State's Exhibit No. 67 on the overhead.  
16 If you would, just take a minute and explain to the jury  
17 the significance of the numbers beside the names. And you  
18 can use the pointer, if you'd like to, just press the red  
19 button.

20 A Any specific day or --

21 Q Why don't you take Mr. Evins' hours from the 25th of  
22 January and just go through those and explain to the jury  
23 what each line means?

24 A Well, here is the first entry for Fred Evins. And on  
25 the 25th of January, 2003, he clocked himself in at 4:30

1 or 16:30, military time, and had worked until 1:15 a.m.  
2 for a total -- that should be 8.75 hours. It's hard to  
3 make out. And then this is his pay rate, his overtime pay  
4 rate, and extended on forward, total dollars earned, and  
5 just numbers that the home office uses to pay employees.

6 Q And, if you would, could you go down and find his  
7 hours worked for the 12th of February? And I'll try and  
8 zoom in a little closer.

9 A Okay. Here is the date of February 12th that  
10 Mr. Evins worked. He clocked in at 9:14 and clocked out  
11 at 16:02, or 4:02, for a total of 6.8 hours -- no, that's  
12 not correct.

13 Q You can look at it on here, if that's any easier.

14 A That would be the total hours there.

15 Q Okay.

16 A 6.8 hours is correct for that date. Once again, his  
17 pay rate, overtime pay rate, extended across with total  
18 dollars earned for that day.

19 Q Are there any more hours recorded for Mr. Evins after  
20 the 12th of February?

21 A No, there are not.

22 Q And looking down the list of times he worked, is  
23 there any time where he clocked in before 8:00?

24 A No. Every day that he worked -- it was 16:37, 2:25.  
25 The earliest one would be this one here, which appears to

1 be 8:05

2 Q On 2-10?

3 A On 2-10, that's correct.

4 MR. ANTHONY: You can take your seat back.

5 Thank you.

6 That's everything on direct.

7 MR. BOGGS: No questions.

8 THE COURT: Thank you, sir.

9 You may step down.

10 MR. GOWDY: Your Honor, the State would call Dr. David  
11 Wren.

12 THE CLERK: Place your left hand on the Bible and  
13 raise your right.

14 WHEREUPON,

15 JOHN DAVID WREN, M.D.,

16 after first having been duly sworn, testified as follows:

17 THE CLERK: Thank you.

18 Please have a seat.

19 DIRECT EXAMINATION

20 BY MR. GOWDY:

21 Q Good afternoon, Dr. Wren.

22 A Hello.

23 Q Can you introduce yourself to the jury and tell them  
24 where you work and what profession you're a member of?

25 A My name is John David Wren. I'm a pathologist in

1 Spartanburg. I'm president of our group and laboratory  
2 medical director of Spartanburg Regional Medical Center.  
3 I'm a pathologist.

4 Q Can you tell the jury about the different forms of  
5 pathology, where your practice is, and what your  
6 educational background is?

7 A Okay. I have a Bachelor's Degree, a Master's Degree,  
8 and Doctor of Philosophy Degree in chemical engineering  
9 from Clemson University. I have a medical doctor's degree  
10 from the Medical University of South Carolina.

11 I did a combined anatomic and clinical pathology  
12 residency in Charleston at the Medical University. While  
13 I was there, I did forensic autopsies and was assistant  
14 medical examiner for Charleston County for about three  
15 years. I'm board certified in anatomic and clinical  
16 pathology. I've never taken the boards in forensic  
17 pathology, but I have been qualified to take those boards  
18 in the past, although I've never taken them. I've been  
19 certified as an expert witness in forensic pathology in  
20 probably, at least, 50 to 100 court cases in South  
21 Carolina in multiple counties.

22 Pathology is my specialty. It's divided in --  
23 pathology is that branch of medicine that's involved with  
24 the study of disease processes. It's divided into two  
25 general classes. One is clinical pathology, which is that

1 part of pathology that is mainly involved with laboratory  
2 clinical tests that are run in the laboratory on mostly  
3 body fluids removed from a person. Some of the general  
4 ones are urinalysis, cultures for infection, various blood  
5 tests. A pathologist that is boarded in clinical  
6 pathology usually is head of that laboratory. And I am  
7 the head of the laboratory at Spartanburg Regional Medical  
8 Center.

9 The other branch of pathology is anatomic pathology,  
10 which is more involved with tissue diagnoses. It's  
11 divided into several broad categories, one being surgical  
12 pathology, which is that branch of anatomic pathology that  
13 is involved with examination of mainly tissues removed at  
14 surgery, whether it be doctor's office, in an outpatient  
15 surgery clinic, or in the hospital to determine whether  
16 the tissue is benign or malignant, and to give a diagnosis  
17 that will aid the physician in treating that patient.

18 Another branch of anatomic pathology is autopsy  
19 pathology, which is just performing autopsies. Now, most  
20 autopsies in autopsy pathology done by anatomic  
21 pathologist are done on hospital deaths where the purpose  
22 of that autopsy is not so often to determine the cause of  
23 death, although there are sudden deaths that are  
24 investigated in the hospital, but it's more to confirm or  
25 disprove various diagnoses and to determine effects of

1 treatment of various diseases or malignancies and to judge  
2 adequacy of therapeutic decisions.

3 A subbranch of anatomic pathology is forensic  
4 pathology, which is what we'll be talking about today.  
5 And that part of pathology is medical legal autopsies  
6 where the purpose is to perform an autopsy or to give a  
7 legal pathologic or justice or basis to the questions that  
8 arise in either a death or other crimes that may happen in  
9 which there are pathologic changes that pathologists can  
10 judge what they are.

11 MR. GOWDY: Your Honor, at this point, I would move  
12 Dr. Wren in as an expert and, more particularly, in the  
13 field of forensic pathology.

14 MR. BOGGS: We object to him.

15 He testified he's not board certified in forensic  
16 pathology. We'll accept him as a general pathologist.

17 MR. GOWDY: Your Honor --

18 THE COURT: Well -- yes, sir.

19 MR. GOWDY: There's no requirement that you be board  
20 certified to be an expert in something.

21 THE COURT: Would you like to voir dire him on it?

22 MR. BOGGS: No. I was just going on his testimony  
23 that he's not board certified.

24 THE COURT: Well, I'm going to find that he is to be  
25 considered an expert witness in those subjects.

1 MR. GOWDY: Thank you, Your Honor.

2 BY MR. GOWDY:

3 Q Dr. Wren, how many autopsies have you performed over  
4 the course of your career?

5 A I stopped keeping a record in 1995, when I had almost  
6 1,500. And I do 160 to 180 a year, so it's close to 2,500  
7 by now.

8 Q Did you do an autopsy on a Rhonda Marie Ward in  
9 February of 2003?

10 A Yes. I did a complete autopsy on Rhonda Marie Ward  
11 identified by the Coroner's Office and the Sheriff's  
12 Department in the Spartanburg Regional Medical Center  
13 autopsy room on February 17th, 2003. And I had began that  
14 autopsy at 10:15 a.m.

15 Q Can you tell the ladies and gentlemen of the jury  
16 what you found during the course of your autopsy in terms  
17 of a cause of death?

18 A I found that she died as a result of bleeding  
19 internally from a stab wound to the chest.

20 Q Doctor, did you chart or make a note of how many stab  
21 wounds you identified?

22 A Yes. I have a stab wound chart that I prepared. And  
23 she had 12 either stab or incised wounds that I found on  
24 the body. The difference between an incised wound and a  
25 stab wound is a stab wound is, actually, a penetration



1       that is more like -- is narrower and not very wide,  
2       whereas an incised wound is cut with the end of a blade.

3       Q       Were you able to -- are you able to make any  
4       determinations with respect to the length or width of the  
5       instrument used in a stabbing case?

6       A       The best -- this body had started to decompose a  
7       little bit. But the best estimate that I could get of the  
8       weapon used was from what I call stab wound number 4. It  
9       was in the left chest region. It -- the depth of that  
10      wound was, at least, 3.95 inches, so the length of the  
11      blade was, at least, four inches. It went into the chest.  
12      And once it enters tissue that is filled with air and  
13      things like that, one cannot tell exactly how much longer  
14      it was, but it had to have been four inches to penetrate  
15      the chest wall and go into the lung as far as it did.

16             The wound measured .64, almost two-thirds of an inch,  
17      in length itself. And it measured two 100's of an inch in  
18      width, meaning that the thickness of the blade, the narrow  
19      dimension of the blade, was very thin. It was  
20      single-edged, had one blunt edge, and one narrow edge.  
21      And the actual length of the blade, not the long length,  
22      but the length from the blunt edge to the narrow edge was,  
23      at least, about two-thirds of an inch.

24             Those measurements are subject to some variation in  
25      individuals because if, let's say we had a blade that was

1 an inch long -- I'm sorry, an inch wide, then the skin can  
2 stretch. If the skin is stretched tight once the blade  
3 enters into there and goes -- makes an incision or a stab  
4 that long, then when the skin relaxes, it will be shorter.  
5 Whereas, if the skin is not pulled tight and the blade  
6 goes in there, once you straighten it out, it can,  
7 actually, appear longer.

8 So the general rule of thumb is that the variation in  
9 a measurement can be about 25 percent. So if a blade is  
10 one inch long or wide, whichever you want to call that,  
11 instead of -- thick is the smaller dimension. But the  
12 width of it, if it's one inch, then it can measure 1.25  
13 inches or it can measure 0.75 inches, which is 25 percent  
14 of that width that you measure.

15 Q Dr. Wren, using whatever you feel more comfortable  
16 yourself with or doing however you want to, however you  
17 feel more comfortable, can you show the jury where wound  
18 number 1 as you identified it was found?

19 A Number one or four?

20 Q Well, start with number 1.

21 A Number one was in the left upper chest. It was 12  
22 and a quarter inches from the top of her head, which is  
23 just a standard measurement. By the way, this individual  
24 measured 67 inches in length, meaning she was 5'7", about  
25 5'7". And to the left of her midline, it was three and

1 three-quarters of an inch, so it was over in this general  
2 areas.

3 Now, I must add that only two of these wounds,  
4 actually, penetrated through the chest wall. These others  
5 were into the soft tissues and did not go through the --  
6 into the internal organs of the body.

7 Q How many wounds in the upper left chest were you able  
8 to identify, Dr. Wren?

9 A I found four in the upper left chest, one in the  
10 mid-chest region, two in the left arm, three in the right  
11 forearm region around the wrists, one in the right index  
12 finger, and one on the dorsal right index finger.

13 Q Dr. Wren, are you familiar with the phrase or the  
14 term "defensive wounds"?

15 A Yes.

16 Q What does that term mean?

17 A If a person is trying to fend off an attack, they  
18 will throw their hands or arms up to try to ward off a  
19 blow, whether it be from a blunt object or a knife or any  
20 other type of attack weapon, and you will get wounds on  
21 the hands. Oftentimes, if a person is being stabbed or  
22 slashed at, they will grab at the weapon and they will get  
23 wounds on the hands, on the backs of the hands, or on the  
24 forearm regions.

25 Q In your opinion, are any of the wounds or injuries

1       suffered by Ms. Ward classified as defensive wounds?

2       A     Yes. Those on her -- I considered those on her right  
3       wrist and right hand as defense wounds. There were five  
4       of those.

5       Q     Of the wounds she suffered, which did you classify as  
6       being fatal, potentially fatal, or immediately fatal?

7       A     The wound that I just described -- well, wound number  
8       4 that I mentioned, it occurred -- I'm sorry. Yes, wound  
9       number 4, it was in the left chest region. It was a  
10      little bit further down than the one I described as number  
11      1. It was 16 and three-quarters inches from the top of  
12      the head, but it was four and a half inches to the left of  
13      midline.

14           And that one, actually, penetrated an intercostal  
15      artery, which is an artery that runs along the base of  
16      each rib bleeding arteriol blood and, actually, penetrated  
17      into the lungs. And she, actually, bled to death from  
18      that wound. And she had another wound that penetrated her  
19      medias sternum. There are soft tissues between the two  
20      lines in the area of the heart, protected somewhat from  
21      the heart. She had a wound there that was potentially  
22      fatal. But the fatal wound was that one in the left chest  
23      that I described as wound number 4. That was the only one  
24      that would have lead to her rapid demise.

25      Q     Dr. Wren, during the course of the autopsy or the

1 course of procedures that you performed, do you do what is  
2 referred to as a rape kit or sexual assault kit?

3 A Yes. If it's suspected that there's been sexual  
4 contact, SLED provides what's called a rape kit, which  
5 is -- it can be done on live individuals or on deceased,  
6 where they have packaged instructions and sampling devices  
7 for each of the pertinent things.

8 For instance, if someone is alive, they take their  
9 clothes and they take their panties. And if there's a  
10 suspect, then they have containers for -- or envelopes for  
11 taking hair from them, saliva, and things like that.

12 Q Did you perform or conduct a sexual assault kit on  
13 Ms. Ward?

14 A Yes, I did.

15 Q Can you tell the jury what you did to complete that  
16 kit?

17 A Well, this individual was nude, so I had no clothes  
18 to collect. I did oral, vaginal, and rectal swabs, taking  
19 a swab and swabbing those areas and, actually, placing  
20 them on a microscopic slide, fixing that slide, and then  
21 taking those swabs and drying them, eventually, putting  
22 them in an envelope, and sealing it for SLED to examine.  
23 I took blood in various vials for their use. I took head  
24 and pubic hair from her -- head hair from front, back,  
25 both sides and the top, I believe, and pubic hair. And we

1 packaged all that up.

2 And we also examined them under a Woods lamp, which  
3 is an ultraviolet lamp. Because semen, actually,  
4 fluorescences when light -- an ultraviolet light is  
5 shown -- shined on it. And if there's any that we think  
6 is semen, then we will take a moistened swab and swab that  
7 area and also send it to SLED. I did not find anything  
8 like that.

9 We package all that up and then we seal it. I,  
10 actually, initial the time -- I might not write the time  
11 down, but I, actually, initial and seal all of those. I  
12 may have somebody else write where I got it from. But I  
13 put it all in a package and either give it to SLED or the  
14 police department here.

15 Q Let me show you what's been marked as State's Exhibit  
16 No. 60, and ask you whether or not you recognize what is  
17 contained in that exhibit?

18 A The first is a serology section evidence distribution  
19 envelope. Wherein that envelope, which is sealed, and at  
20 the time it's done, we put saliva, blood, a suspected  
21 semen envelope I was telling you about, and the swabs. If  
22 we have bite marks, we do swabs of that area. We have  
23 vaginal, oral, and rectal slides, and the swabs that I was  
24 telling you about. And we also do fingernail scrapings on  
25 each hand. And I put all of those in individual envelopes

1       that you see here and seal those and send them all to  
2       SLED.

3               And these are -- there were no bite marks, so this  
4       envelope is empty. There was no known saliva from a  
5       suspect. And the others are the swabs that I was telling  
6       you about, as well as the fingernail scrapings and the  
7       vaginal swabs. And I label with the patient's name, the  
8       time they were collected, and the date.

9       Q       And is what's contained in State's Exhibit No. 60 the  
10      sexual assault kit you conducted on Rhonda Marie Ward?

11     A       That's, at least, part of it, yes.

12     Q       When you complete your examination, do you then seal  
13      it and turn it over to law enforcement?

14     A       Yes, I do.

15     Q       And did you do so in this case?

16     A       Yes.

17     Q       Do you also draw blood?

18     A       Yes. I draw blood for both the kit -- if it's a rape  
19      kit done, and I also draw blood for the coroner. The  
20      reason being, the coroner is, actually, in charge of  
21      running any toxicology on the deceased, whereas the SLED  
22      kit is used for typing blood and comparing it to a suspect  
23      or blood that may be at the scene, if there is a scene.

24     Q       Do you, typically, draw a minimum number of tubes of  
25      blood? Is it one, two, three, does it depend?

1       A     Well, we usually get two. In some cases, you can't  
2       get hardly any blood. I just did an autopsy yesterday,  
3       several days ago, where I could only get one tube of blood  
4       from this individual who bled considerably. But we try to  
5       get two. And then if it's a potential donor, we'll get  
6       six tubes, if we can, for the Red Cross. But we try to  
7       get a minimum of two and then any more that are asked for.  
8       And then in the case of the rape kit, I think we have to  
9       get two more -- two or three more.

10      Q     Would you have given State's Exhibit No. 60 -- do you  
11      know Sergeant Doug Bishop?

12      A     Yes.

13      Q     Do you work with him on occasion?

14      A     Yes. He's one of the evidence photographers for the  
15      Spartanburg County Police Department. And I don't record  
16      everybody that's at the autopsy, but he usually comes to  
17      the majority of those that are done during -- autopsies  
18      during the time when he's on duty.

19      Q     And with respect to the tubes of blood that you draw,  
20      do you, typically, give those to law enforcement or give  
21      them to representatives from the coroner's office?

22      A     I give -- the general two for the toxicology, we  
23      label them and lock them in a refrigerator in the morgue,  
24      which only the coronary and the two pathologists that do  
25      autopsies have keys to. And when they are ready to take



1       those, usually more than one case, and ship those for  
2       toxicology, they will come and check them out of the  
3       refrigerator themselves. The others are given to law  
4       enforcement at the time the autopsy is done. And they,  
5       actually, sign for those when they get them.

6       Q     Dr. Wren, do you seal the sexual assault kit, as well  
7       as the tubes of blood when you perform a kit and take the  
8       blood?

9       A     I seal them and I usually put them together. And,  
10      occasionally, I fill out this long six or eight sheets of  
11      questions that SLED has, although I'm not sure I did it on  
12      this occasion, because there's a lot of superfluous stuff  
13      that's usually in the autopsy report. And I give all of  
14      those to either SLED, if they -- whoever is at the autopsy  
15      usually decides who will take the kit.

16     Q     Yes, sir. Dr. Wren, I want to ask you a question  
17     about how long the semen or sperm can survive in a living  
18     woman. If you assume -- well, let me ask you, how long --  
19     assuming the woman is alive, how long do you, typically,  
20     expect to find evidence of sexual activity either by way  
21     of semen or sperm?

22     A     Well, there's some variation. But in a large study  
23     where they took -- where volunteers were taken and they  
24     did not -- they recorded the time of sexual intercourse,  
25     and then they did some samples at various times where they

1        hadn't taken a shower or done anything else, well over 90  
2        percent had no evidence of sperm or spermatozoa after 17  
3        hours. The majority were gone in 12. There were some  
4        that lasted up to 17 hours. So generally speaking, one  
5        can say there's no evidence of sperm or spermatozoa,  
6        actually, that can be identified -- probably, 24 hours is  
7        the max.

8                Now, you can tell that a person has had sexual  
9        intercourse by some tests. If they've only had one  
10       episode of sexual intercourse and they've received semen  
11       in the vagina, it can be found the rest of their life by  
12       tests, but not the sperm. There's a chemical that's in  
13       semen that can be measured. And very small amounts can be  
14       present, but that doesn't -- that has nothing to do with  
15       the sperm and semen we're talking about.

16       Q        Let me ask you the converse question, if -- are there  
17       studies or literature that you're aware of where tests  
18       have been done on the presence of semen or sperm in women  
19       that have died?

20       A        Well, there are tests. But the longest that I know  
21       of that sperm have, actually, been able to be identified  
22       that I know of personally is a case in Charleston where a  
23       female was killed after -- during the sexual intercourse,  
24       and she was buried out at the beach at Charleston. And  
25       six weeks later, you could still find evidence of the

1 heads of sperm on a prepared slide.

2 Q That's in a woman that is deceased?

3 A She was dead. She was killed right during the sexual  
4 intercourse. And six weeks later, after being buried for  
5 six weeks, she -- when an autopsy was performed, they were  
6 able to find sperm there.

7 Q But in a woman that is alive, the longest, according  
8 to the studies you cited, would be 24 hours at the  
9 outside?

10 A At the outside, 24 hours.

11 MR. GOWDY: Thank you, Dr. Wren.

12 Please answer any questions the Defense attorney may  
13 have for you.

14 CROSS-EXAMINATION

15 BY MR. BOGGS:

16 Q Dr. Wren, once you perform an autopsy, you prepare a  
17 report; is that correct?

18 A Yes. Well, actually, I do the report in several  
19 parts. If we're going to talk about this report, I do the  
20 history, the description of clothing, if there is any, I  
21 do an external description, what I see on the external  
22 part of the body, I do the -- I mean, yeah, I do the  
23 autopsy then. As soon as the autopsy is finished and I  
24 have a few minutes, I do the internal description, what I  
25 see internally and describe all the organs.

1           Once that is finished, I wait until I get the  
2 toxicology back at the insistence of the coroner, and I  
3 wait until I get any microscopic slides that have been  
4 taken from the tissues that I examined at autopsy. And I  
5 look at all that and then I do what's called the final  
6 summary.

7       Q     Look at that and see if that is the autopsy report  
8 that you did in this case?

9       A     That is the report, yes.

10           MR. BOGGS: Your Honor, we'd ask that this be marked  
11 as Defendant's Exhibit No. 2 for identification purposes  
12 only.

13           (WHEREUPON, Defendant's Exhibit No. 2 was marked for  
14 identification only.)

15       BY MR. BOGGS:

16       Q     Dr. Wren, you mentioned that Doug Bishop was present  
17 during this autopsy?

18       A     I think he was, yeah. I don't -- like I said, I  
19 don't list who all is there. When I sign the rape kit  
20 over, I usually sign it over to someone and my signature  
21 is whoever I've given it to. That is recorded by the  
22 Sheriff's Department.

23       Q     I thought you told the Solicitor that Doug Bishop --

24       A     I said he usually comes to most of them if he's on  
25 call.

1 Q And he takes pictures at the autopsy; is that  
2 correct?

3 A Yes, he and the coroner, also.

4 Q He takes pictures of the wounds, et cetera?

5 A Yes.

6 Q Now, you said there were either 12 stab or incised  
7 wounds; is that correct?

8 A That's correct.

9 Q Five of which you identified as defense wounds?

10 A Yes, sir.

11 Q All right. Which are like cuts more or less; is that  
12 correct?

13 A Yes. Those -- well, let's see. Well, without  
14 looking at the pictures, I would say wound number 9, which  
15 is on the radial wrist, I said it was gaping width and is  
16 .63 in length, so that may have been an incised wound.  
17 And number 11 on the index finger, I say gaping to .15  
18 inches with a length of .65. And down at the bottom under  
19 "Remarks," I said wavy, depth .66. It could be an incised  
20 and stab where it was, actually, pulled through the skin.

21 Q I'm sorry. I missed that number, that last one?

22 A Nine and 11.

23 Q Okay.

24 A Nine was the first one I talked about, 11 was the  
25 second one.

1 Q All right. So there were primarily four stab wounds;  
2 is that correct?

3 A There were four stabs in the left upper chest. There  
4 was one over in the mid chest, which was right in the  
5 midline, right in the breastplate. Then there was one in  
6 the back of -- well, there was one on the left arm and one  
7 on the posterior left arm.

8 Q As to the chest wounds, did you make a chart on the  
9 angle of entry, or is it on your chart?

10 A I've got a stab wound chart where it's listed where  
11 it is, the inches from the top of the head and in relation  
12 to the midline, the wound size in inches, the width,  
13 length, and diameter, if there is a diameter, and the  
14 directions, whether they're backwards, forward, upward,  
15 downward, medially, or externally. Then I have some  
16 remarks, which are usually depth or whether it's in and  
17 out or whether it's one or two edges and things like that.  
18 Now, we can cover every one of them, if you want to.

19 Q The direction of the wound, is that what would be the  
20 angle of entry?

21 A Yeah. It's really hard to -- particularly, on a  
22 woman where her breast may be -- it's not stationary.  
23 When you get a wound, it's the way it looks when she's  
24 lying there. It's not the way it looks when it went in  
25 her.

1 Q You take vital -- or you did weight and measurement?

2 A Huh?

3 Q You do a weight and measurement during your  
4 examination?

5 A Yes.

6 Q Okay.

7 A Well, I estimate -- at that time, we were estimating  
8 a weight. We weren't in our new morgue. We now have a  
9 scale that's built into the floor. But at that time, we  
10 estimated her weight and measured the length, which may  
11 vary one or two inches after a person's dead. It just  
12 depends on how you stand up.

13 Q What did you estimate the weight?

14 A I said she weighed, at least, 290, I thought.

15 Q And the length?

16 A 67, 5'7".

17 Q And that's an actual measurement?

18 A Yes, her deceased length.

19 Q When you take the swab samples, you mentioned  
20 something about putting them on a slide. But you also  
21 include the swab itself when you send it to SLED?

22 A That's correct.

23 Q So it's the slide and swab that you took the sample  
24 from; right?

25 A Yes, sir. What we do is I take two Q-tips and I take

1       those two Q-tips and, for instance, if I do a swab of the  
2       mouth, I put it in the mouth and run it along the back of  
3       the mouth in the oropharynx and get saliva on it and  
4       whatever else may be in there. And then I take two  
5       microscopic slides, which everybody is familiar with, and  
6       I take it and I rub it along the slide. And we have a  
7       fixative that's an alcohol-based fixative. Just like a  
8       Pap smear is done for anybody that -- the females that  
9       have had a pap smear, they spray it on there to fix the  
10      cells and make sure they're preserved well. I take those  
11      and label those slides -- and they dry after 15 or 20  
12      minutes because it is liquid based. And I take the swabs  
13      and I let those dry. And I put the swabs in an envelope  
14      after they've dried and seal them up. I take the  
15      microscopic slides after they've dried, put them in a  
16      carrier case, and those are sent to SLED.

17       MR. BOGGS: Thank you.

18       That's all the questions I have.

19       MR. GOWDY: Nothing on redirect, Your Honor.

20       We would ask that Dr. Wren be excused.

21       THE COURT: Any objection?

22       MR. BOGGS: No, sir.

23       THE COURT: Thank you, Dr. Wren.

24       You're released from your subpoena.

25       MR. GOWDY: Your Honor, the next witness -- there was



1 a matter that I think the Court wanted to address prior to  
2 the next witness.

3 THE COURT: All right. Ladies and gentlemen, we will  
4 take a brief recess.

5 Thank you.

6 Please don't discuss the case.

7 (WHEREUPON, the jury was excused from open court at  
8 approximately 3:26 p.m.)

9 THE COURT: All right. Solicitor, what's --

10 MR. GOWDY: Your Honor, if it please the Court, we're  
11 going to call Randy Bogan. There had been an objection  
12 lodged by the Defense attorney as to the introduction of  
13 the knife handle.

14 Our position now, of course, is the proximity of the  
15 handle in connection with the other material that belonged  
16 to Rhonda Ward. The Defendant's statement, himself, as to  
17 the admission, not only to stabbing her, but stabbing her  
18 with a knife with a black handle. Dr. Wren's testimony --  
19 and, quite frankly, also, the testimony of Tony Jones,  
20 who, this morning, said that either a knife or a  
21 screwdriver was used to remove the CD player may shed some  
22 light on why the blade is gone. So we think it is  
23 relevant. What weight the jury attaches to it is a  
24 different analysis, but we think it's relevant, clearly.

25 THE COURT: Anything you want to tell me, Mr. Boggs?

1           MR. BOGGS: Well, it's ironic because when Tony Jones  
2 initially was interviewed, he said it was taken out with a  
3 screwdriver. That's what he told the police a year and a  
4 half ago. Today, the knife pops in.

5           But, yes, my position is still the same. There still  
6 has to be a connection. It's like this Pepsi can and all  
7 these other things, there's really no connection at all.  
8 The knife could have been put there by anyone according to  
9 the property owner, Ms. Holley. She owns the land and  
10 described what it was like. And unless there's a  
11 connection to this particular case through blood samples,  
12 through testimony, or through fingerprints or something  
13 like that, the area in which it was found, where that  
14 knife could have been dumped by anybody, admitting it  
15 without any connection, the prejudicial effect would far  
16 outweigh -- well, it's just not relevant either. But even  
17 if it were relevant, I don't think they can --

18          THE COURT: How is it not relevant?

19          MR. BOGGS: Because it can't be connected.

20          THE COURT: Well, the circumstances --

21          MR. BOGGS: It's our position that stretching --  
22 yeah, the circumstance is pretty well stretching.

23          THE COURT: Where was it found? I haven't heard  
24 where it was found.

25          MR. GOWDY: Your Honor, the hunters found --

1 Do you have that picture?

2 MR. BARNETTE: I do.

3 MR. GOWDY: As the Court remembers, the hunters found  
4 the wallet, the checkbook, and the R.L. Jordan book. The  
5 knife was found in a --

6 MR. BARNETTE: The ring is there and the necklace.

7 MR. GOWDY: Which one?

8 MR. BOGGS: And get a bigger picture of that whole  
9 area.

10 MR. GOWDY: What's three, Barry, the ring?

11 MR. BARNETTE: Three is the necklace.

12 MR. GOWDY: The necklace and knife.

13 THE COURT: Where was her body found?

14 MR. GOWDY: Her body was found on Gano Road.

15 THE COURT: Oh, yes, that's right.

16 MR. GOWDY: This is the Walker Road incident.

17 THE COURT: Right, okay.

18 MR. BARNETTE: There's another bigger picture.

19 MR. GOWDY: There's a panoramic view.

20 MR. BOGGS: He's talking about here, right in here,  
21 where all the trash is.

22 MR. GOWDY: Your Honor, that analysis could apply to  
23 everything that was found. It was a trash dump.

24 THE COURT: Well, I understand. The same thing could  
25 be said for some of these other items.

1           MR. GOWDY: One notable distinction between the Pepsi  
2 can and the knife handle is that there's been no  
3 allegation that she was stabbed to death with a Pepsi can,  
4 so I would concede that that's not relevant. But she was  
5 stabbed with a knife by his client's own admission that  
6 had a black handle.

7           MR. BOGGS: But not that knife.

8           MR. GOWDY: Well, if he testifies, I'll ask him. But  
9 I can't be expected to tie up -- I mean, that's why you  
10 have cross-examination.

11          MR. BOGGS: Well, if he identifies that knife, then  
12 that may change the story. Right now, there's no  
13 connection.

14          THE COURT: Well, I'm going to overrule your  
15 objection.

16          I think that there is a circumstantial connection. I  
17 mean, it's found in that same area. It goes to the weight  
18 and not to admissibility. And it's something you can  
19 certainly argue to the jury. I don't know how it's -- of  
20 course, it would allegedly be the murder weapon.

21          MR. BOGGS: What about this, what if they had found  
22 three knives, are all of them admissible with no further  
23 connection?

24          THE COURT: Well, I'm not going to talk about  
25 hypotheticals, but they might be.

1 MR. BOGGS: No --

2 THE COURT: But you'd have to take -- it's great  
3 fodder for an argument on your part, but it's found in  
4 that vicinity and his statement says a black-handled knife  
5 was used. There's enough there to hook it and get it in.  
6 And so I'm going to overrule your objection.

7 MR. GOWDY: Thank you, Your Honor.

8 THE COURT: Do y'all want to take a couple minutes?

9 MR. BOGGS: Yes, sir.

10 THE COURT: Let's take about ten minutes.

11 (WHEREUPON, a break was taken.)

12 THE COURT: Are we ready?

13 MR. BARNETTE: The State is ready, Your Honor.

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

15 (WHEREUPON, the jury came into open court at  
16 approximately 3:43 p.m.)

17 THE COURT: All right. Mr. Barnette.

18 MR. BARNETTE: I'd like to recall Randy Bogan.

19 THE COURT: All right. Come on around.

20 You're still under oath.

21 FURTHER DIRECT EXAMINATION

22 BY MR. BARNETTE:

23 Q Officer Bogan, I'd like to show you State's Exhibit  
24 Nos. 22 and 23. State's Exhibit No. 23, does that  
25 accurately reflect what you have in this picture?

1 A Yes, sir, it does.

2 Q And where was this taken at?

3 A It was taken on Walker Road.

4 Q What is it a picture of, sir?

5 A It's a picture of without 2 placard, which I put  
6 down, and also the handle -- black handle of the knife.

7 Q And is this the handle that you found that's marked  
8 as State's Exhibit No. 23?

9 A Yes, sir, it is.

10 MR. BARNETTE: Your Honor, I'd like to move these  
11 exhibits into evidence at this time.

12 THE COURT: All right. Subject to the previous  
13 objections.

14 (WHEREUPON, State's Exhibit Nos. 22 and 23 were  
15 admitted into evidence.)

16 MR. BARNETTE: I'd like to publish these items to the  
17 jury at this time.

18 THE COURT: All right.

19 BY MR. BARNETTE:

20 Q Sir, come on down. I'd like to publish State's  
21 Exhibit No. 46 that's already been entered into evidence.  
22 I believe this is a picture showing the scene at Walker  
23 Road with the items that were found?

24 A Yes, sir.

25 Q Can you show me where the number 2 placard is, sir?

1       A     It's right here.  It's in between the one and three.  
2       The number 2 is right here.

3       Q     And if I remember right, the number 1 was the ring?

4       A     Yes, sir.  Number 1 was the ring and, I believe,  
5       number 3 was a necklace, yes, sir.

6       Q     Yes, sir.  Let me show you State's Exhibit No. 19  
7       that's already been entered into evidence.  Is that just a  
8       closer up picture of one, two, and three area?

9       A     Yes, sir, it is.

10      Q     Let me go ahead and publish what's been marked as  
11      State's Exhibit No. 22 and entered into evidence at this  
12      time.

13           Is this the picture of the black knife handle that  
14      was found?

15      A     That's correct.  And there's the number 2 placard,  
16      here's the knife handle behind it.  And I just took a  
17      close up so you could see what number 2 was, which is the  
18      handle of the knife.

19      Q     And let me show you State's Exhibit No. 23.  And I  
20      think that is the knife handle you photographed and you  
21      took from Walker Road?

22      A     It is, yes, sir.

23      Q     And if you could, take it out for a second.  Did you  
24      also try to get fingerprints from that?

25      A     Yes, sir, I did.

1 Q Thank you.

2 If I could get you back up here for one second,  
3 please.

4 A All right, sir.

5 Q If I can show you, this has been marked as State's  
6 Exhibit No. 38-A. Is that the item found at the number 11  
7 placard?

8 A Yes, sir, it is.

9 Q Okay. And this has been marked as State's Exhibit  
10 No. 41. And this is the CD player that was turned into  
11 evidence. If you would, see how that face will fit into  
12 State's Exhibit No. 38.

13 A It fits like it belongs there.

14 Q Thank you, sir.

15 And if I can just put this one picture back up. And  
16 this is State's Exhibit No. 46. Where was the CD case  
17 found at, sir?

18 A The CD case was inside this barrel, just along the  
19 edge on the inside of it.

20 Q Thank you, sir.

21 A Yes, sir.

22 Q And one other thing before you sit down. If you  
23 would, come over to the map here. And I'll get you to  
24 keep your voice up.

25 If you could, replace the pins with these so the



1 people can, actually, see them at a distance.

2 A Yes, sir.

3 Q If you could, show them where the Cigarette's 4 Less  
4 store is on Drayton Road. And put it with this orange  
5 sticky.

6 A (The witness complied.)

7 Q And can you show us where Gano Road is, where the red  
8 pin was?

9 A Yes, sir.

10 Q And can you show us where Walker Road is with the  
11 blue pen?

12 A Yes, sir.

13 Q And can you also show us where Anna Drive is in  
14 Drayton?

15 A Anna?

16 Q Anna Drive, yes, sir. That may be hard because  
17 it's --

18 A Yes. It's going to be.

19 Q Is it right beside --

20 A It is. I'm going to turn it long ways right there.

21 Q Are you familiar with this area?

22 A Yes, sir.

23 Q How far is Anna Drive from Cigarette's 4 Less?

24 A Less than probably half a mile. It's -- whenever you  
25 leave Cigarette's 4 Less, there's a curve. You go around

1 the curve and you go, maybe, two or three blocks. And on  
2 the right-hand side, there's a trailer park. And Anna  
3 Drive is within the trailer park.

4 Q That's the trailer park right there at Anna Drive?

5 A Yes, sir.

6 MR. BARNETTE: Okay. Take your seat, please, sir.

7 Thank you, sir.

8 If you would, please answer any questions Mr. Boggs  
9 may have for you.

10 THE WITNESS: Yes, sir.

11 FURTHER CROSS-EXAMINATION

12 BY MR. BOGGS:

13 Q Officer Bogan, just to refresh the jury's memory,  
14 you're a forensic police officer from the police  
15 department; is that correct?

16 A Yes, sir. That's correct.

17 Q Just, first of all, I've never seen one, tell me what  
18 this does, this CD thing you're talking about.

19 A Yes, sir. It's just a case and, basically, what it  
20 does is the face of some CD players, actually, come off to  
21 prevent someone from, actually, stealing the CD player.  
22 Whenever the face comes off, you can put it in here to  
23 keep it from getting damaged and carry it around anywhere  
24 you like.

25 Q Somebody wouldn't steal it if it didn't have the face

1 on it?

2 A That's correct. They wouldn't steal the CD player  
3 out of the car if the face wasn't on it and, you know, you  
4 were walking around with the face of your CD player.

5 Q So that's not a particular -- that is not a special  
6 made kit, this is something like you buy at Radio Shack or  
7 something like that?

8 A I believe they, actually -- if I'm not mistaken, I  
9 believe they, actually, come with the CD player.

10 Q So if there were a million CD players sold, there  
11 could be a million of these floating around. You can't  
12 identify one to the other; right?

13 A That's correct.

14 Q And you did the fingerprint test on this; correct?

15 A Yes, sir.

16 Q Now, the knife handle that you were talking about,  
17 was it sent down to SLED to have a blood test taken?

18 A No, sir, it wasn't.

19 Q And I believe you said -- did you run the  
20 fingerprints on it, too?

21 A Yes, sir, I did.

22 Q So there were no fingerprints; correct?

23 A No, sir.

24 Q No blood samples; correct?

25 A If I might add --

1 Q Answer my question first. No blood samples; correct?

2 A No, sir.

3 Q So from a forensic standpoint, is there -- there's  
4 nothing to connect that knife handle to this case, is  
5 there? It's just a knife handle found in a dump,  
6 basically?

7 A And the other two items as I pointed out on the  
8 screen.

9 Q I understand. I'm talking about the knife handle.  
10 Isn't that correct? From a forensic --

11 A Yes, sir. It was within the other two items --

12 MR. BARNETTE: Objection, Your Honor. I'd like for  
13 him to have a chance to answer the question.

14 THE COURT: One at a time.

15 Go ahead.

16 BY MR. BOGGS:

17 Q As far as from a forensic --

18 A As far as fingerprints or DNA, no, sir.

19 MR. BOGGS: That's all I have. Thank you.

20 MR. BARNETTE: Just one question on follow-up.

21 THE COURT: All right.

22 REDIRECT EXAMINATION

23 BY MR. BARNETTE:

24 Q However, there were several items of Rhonda Ward's  
25 found in that area?

1 A Yes, sir, there was.

2 Q Okay. And was it in very close proximity of those  
3 items?

4 A Within less than a foot apart on the number 1, 2, and  
5 3 placards.

6 MR. BARNETTE: Yes, sir.

7 RECROSS-EXAMINATION

8 BY MR. BOGGS:

9 Q And within a foot, there was some other trash found,  
10 too, other items found; right? Wasn't there?

11 A It's hard to explain this trash dump. There was a  
12 lot of leaves thrown out and, I believe, some ladders. It  
13 wasn't your normal trash dump as far as household items  
14 being thrown out. It's really hard to describe. I mean,  
15 instead of inside household items, it was more outside  
16 household items.

17 MR. BOGGS: That's all.

18 Thank you.

19 THE WITNESS: Yes, sir.

20 MR. BARNETTE: We'd ask that this witness be excused.

21 MR. BOGGS: No objection.

22 MR. BARNETTE: The State calls Allen Mason to the  
23 stand, please.

24 THE CLERK: Please place your left hand on the Bible  
25 and raise your right hand.

1 WHEREUPON,

2 ALLEN MASON,

3 after first having been duly sworn, testified as follows:

4 THE CLERK: Have a seat, please.

5 DIRECT EXAMINATION

6 BY MR. BARNETTE:

7 Q If you would, sir, state your full name for the  
8 record, please.

9 A Allen Mason.

10 Q Where do you work at, sir?

11 A I'm currently employed by the City of Spartanburg.

12 Q Back on February of 2003, who were you working for,  
13 sir?

14 A Spartanburg County Coroner's Office.

15 Q And did you attend the autopsy of Rhonda Ward?

16 A Yes, I did.

17 Q And at the autopsy, did Dr. Wren secure three tubes  
18 of blood?

19 A Yes, he did.

20 Q And when those tubes are secured, are they sent to  
21 SLED toxicology -- or secured to use for toxicology?

22 A Yes, they are.

23 Q And at the autopsy, were they secured in like a  
24 refrigerator there?

25 A They're placed into a plastic bag and the bag is

1 placed into a refrigerator. And that refrigerator is then  
2 padlocked.

3 Q And who has access to that refrigerator?

4 A Only the coroner, investigators, and Dr. Wren.

5 Q So it's locked and locked except at the point where  
6 y'all open it?

7 A That's correct.

8 Q And when Dr. Wren sealed these tubes of blood, did  
9 you tamper with them in any way before they were put into  
10 the refrigerator?

11 A No.

12 Q And they were sealed by him?

13 A That's correct.

14 Q And you saw him put them in the refrigerator?

15 A Yes, I did.

16 Q And was that refrigerator locked?

17 A Yes, it was.

18 MR. BARNETTE: Thank you, sir.

19 Please answer any questions Mr. Boggs may have.

20 MR. BOGGS: No questions.

21 THE COURT: Thank you.

22 You may step down.

23 MR. BARNETTE: Your Honor, I'd like to call Wendy  
24 Alley to the stand.

25 THE COURT: All right.

1 THE CLERK: Place your left hand on the Bible and  
2 raise your right.

3 WHEREUPON,

4 WENDY M. ALLEY,  
5 after first having been duly sworn, testified as follows:

6 THE CLERK: Thank you.

7 Please have a seat.

8 DIRECT EXAMINATION

9 BY MR. BARNETTE:

10 Q If you would, ma'am, please state your full name for  
11 the record.

12 A Wendy M. Alley.

13 Q And where do you work at, ma'am?

14 A Spartanburg County Coroner's Office.

15 Q And back on February of 2003, was you working for the  
16 Coroner's Office then?

17 A Yes, I was.

18 Q And at that time -- is one of your duties to mail  
19 blood samples from autopsies to SLED?

20 A It is.

21 Q And did you secure two tubes of blood -- of Rhonda  
22 Ward's blood from her autopsy?

23 A I did.

24 Q And is there a refrigerator where this blood is kept?

25 A Yes. It's located in the morgue.



1 Q And who has access to that refrigerator?

2 A The coroners, investigators, and Dr. Wren.

3 Q And are you one of the investigators?

4 A Yes.

5 Q And did you secure two tubes of the blood and mail it  
6 to SLED?

7 A Yes, I did.

8 Q Let me show you what's been marked State's Exhibit  
9 No. 62 for ID purposes, is that the labeling that you sent  
10 to SLED?

11 A Yes, it is.

12 Q And just use that to refresh. Did you mail two tubes  
13 of blood?

14 A I did.

15 Q And when you took the tubes out of the refrigerator,  
16 did you tamper with them in any way?

17 A No.

18 Q Were they still sealed when you put them in the  
19 package to be sent to SLED?

20 A Yes.

21 Q And are they secured in that package?

22 A Yes.

23 Q Can you tell us how you package them and mail them to  
24 SLED?

25 A Whenever blood is removed from the refrigerator, it

1 is placed in plastic biohazard bags. At that time, it's  
2 transported by myself from Spartanburg Regional to our  
3 office and is taken out of that bag. The label is read by  
4 myself to make sure the right blood goes for the right  
5 person. Then it's placed into the kit that SLED provides  
6 for us and it's mailed to SLED.

7 Q And is that what you did in this case, ma'am?

8 A Yes, it is.

9 Q And was there one tube of blood still left in the  
10 refrigerator of Rhonda Ward's blood?

11 A Yes, there was. It was an extra tube.

12 MR. BARNETTE: Please answer any questions Mr. Boggs  
13 may have for you.

14 MR. BOGGS: No questions, Ms. Alley.

15 THE COURT: Thank you, ma'am.

16 You can step down.

17 MR. BARNETTE: Your Honor, I'd like to call Ed Harmon  
18 next.

19 THE CLERK: Place your left hand on Bible and raise  
20 your right.

21 WHEREUPON,

22 EDDIE ALTON HARMON,  
23 after first having been duly sworn, testified as follows:

24 THE CLERK: Thank you.

25 Please have a seat.

DIRECT EXAMINATION

BY MR. BARNETTE:

Q If you would, state your full name for the record, please.

A Certainly. My name is Eddie Alton Harmon. My last name is spelled H-A-R-M-O-N.

Q Where do you work at, sir?

A I'm employed with the South Carolina Law Enforcement Division.

Q What do you do there, sir?

A Currently, I'm employed in the Homeland Security Grants Administrative area.

Q And back on February of 2003, where did you work, sir?

A I was working for the State Law Enforcement Division as well. I was employed as a forensic technician at that time.

Q Okay. And how long had you been there, sir?

A At that time, approximately, about a year.

Q And what was your duties as a technician?

A As a forensic technician, my responsibilities were to, basically, retrieve evidence and bring it up for the toxicologist to work with. I would run some drug screens for the toxicologists on staff, as well as make sure that certain solutions that they required for their testing

1       were properly prepared.

2       Q     And toxicology, are those people that test for the  
3       alcohol or drugs in the blood or body fluids?

4       A     That's correct.

5       Q     Let me show you what's been marked as State's Exhibit  
6       No. 62. Did you receive two tubes of blood that was  
7       sealed from Wendy Alley in the Spartanburg County  
8       Coroner's Office?

9       A     That's correct.

10      Q     And when you received this, were they packaged and so  
11      forth?

12      A     Correct.

13      Q     And once you received them, what did you do with  
14      those two tubes of blood?

15      A     Okay. What I did is I received the blood from a  
16      coroner's kit, retrieved that from the mail room. I took  
17      that back to the fourth floor where the toxicologists labs  
18      are located. What I would have done is extracted the  
19      evidence from the sealed coroner's kit and placed it in an  
20      evidence bag, placed an evidence number on that bag,  
21      sealed the evidence inside the evidence bag, and then  
22      dated it, initialed it, and also noted the fact that it  
23      was received in the mail.

24      Q     And was those two tubes of blood secured all the  
25      time? Did you open the seal or anything on them?

1 A No, sir.

2 Q And did you tamper with it in any way?

3 A No, sir.

4 Q And were they secured in that plastic bag?

5 A That's correct.

6 Q And they would have been opened by the toxicologist  
7 person that would have been running the tests on the  
8 blood; is that right?

9 A That's correct.

10 Q And was that Meredith Hipp that opened it?

11 A That's correct.

12 Q And she would have been the one that opened the  
13 plastic bag and ran the tests on it?

14 A That's correct.

15 MR. BARNETTE: Your Honor, I'd like to enter State's  
16 Exhibit No. 62 into evidence at this time.

17 MR. BOGGS: No objection.

18 THE COURT: Without objection.

19 (WHEREUPON, State's Exhibit No. 62 was admitted into  
20 evidence.)

21 MR. BARNETTE: Thank you.

22 Please answer any questions Mr. Boggs may have.

23 (Pause.)

24 THE COURT: Any questions?

25 MR. BOGGS: Oh, I'm sorry. No questions.

1 THE COURT: Thank you, sir.

2 You can stand down.

3 MR. BARNETTE: We'd ask for this witness to be  
4 excused.

5 THE COURT: You're released from subpoena.

6 Thank you.

7 MR. BARNETTE: Your Honor, I'd like to call Meredith  
8 Hipp to the stand, please.

9 THE CLERK: Raise your right hand and place your left  
10 hand on the Bible, please.

11 WHEREUPON,

12 MEREDITH C. HIPPI,

13 after first having been duly sworn, testified as follows:

14 THE CLERK: Thank you

15 Please be seated.

16 DIRECT EXAMINATION

17 BY MR. BARNETTE:

18 Q Ms. Hipp, if you would, state your full name for the  
19 record, please.

20 A Meredith C. Hipp.

21 Q And where do you live, Ms. Hipp?

22 A In Saluda County, Saluda, South Carolina.

23 Q And what are you doing now, ma'am?

24 A Currently, I'm employed at Palmetto Health Baptist in  
25 Columbia as an anesthesia tech, and I'm also in nursing

1 school.

2 Q Back in February of 2003, where did you work at?

3 A I was working for the South Carolina Law Enforcement  
4 Division in the toxicology department.

5 Q And what was you doing in the toxicology department,  
6 ma'am?

7 A Say that again, please.

8 Q You was in the toxicology department?

9 A Yes, sir.

10 Q Was you working to be a toxicologist?

11 A Right. I was in training to be a forensic  
12 toxicologist.

13 Q And how many times have you been certified in the  
14 state court as a forensic toxicologist?

15 A Once.

16 Q And have you received training about doing analysis  
17 on blood or body fluids?

18 A Yes, I have.

19 Q And what kind of training did you receive?

20 A At SLED, there are several phases of the training we  
21 go through. There's an alcohol training to run blood  
22 alcohol and urine cases. There's also a drug phase, which  
23 is more in depth and a little bit longer, just because of  
24 the number of drugs and pharmacology. And we run many,  
25 many, many samples and are signed off by the chief

1 toxicologist after oral and written tests.

2 Q And who's the chief toxicologist?

3 A Dr. David Eagerton.

4 Q And was another toxicologist overseeing your work  
5 also?

6 A There was. Alex Lewis was cosigning my cases at the  
7 time.

8 Q And how many tests do you have to run before you  
9 start testing and so forth?

10 A With the alcohols, it's 1,000 blood alcohols. You  
11 have to pass a proficiency test to do the screens for the  
12 drug screens. At which time, you would also have a  
13 cosigner on your case work. And then there's an oral and  
14 written competency test for the end of the drug training.

15 Q And you had passed all of these things?

16 A I, actually, left SLED before finishing the drug  
17 training, but I am signed off on all the alcohol training.

18 Q And did Ms. Lewis follow-up on the drug tests?

19 A Yes. She was there every step of the way.

20 MR. BARNETTE: Your Honor, I'd move her in as an  
21 expert in toxicology on alcohol testing at this time, as  
22 well as the drug screening.

23 THE COURT: Any objection?

24 MR. BOGGS: No, sir.

25 THE COURT: Okay.



1 BY MR. BARNETTE:

2 Q Did you receive a blood sample labeled "Rhonda Ward,"  
3 her two blood samples?

4 A The tube itself was not labeled, but it was found in  
5 a bag labeled "Ward, Rhonda, FA03-445."

6 Q And was it in -- those tubes in that bag when you  
7 received it?

8 A I believe it was in -- I think it would have been,  
9 along with my name.

10 Q Let me show you State's Exhibit No. 62. Was that the  
11 bag where you received the two tubes?

12 A That's correct.

13 Q Okay. And did you run the test on those?

14 A I did.

15 Q And did you -- as far as the blood alcohol test, what  
16 did it show?

17 A The blood alcohol was negative.

18 Q Was there also a drug screen which Dr. Lewis also  
19 looked over for you?

20 A There was.

21 Q And what did the drug screen show?

22 A It was negative for benzodiazapine, negative for  
23 cocaine and/or cocaine metabolites, and negative for  
24 opiates.

25 Q So negative for drugs on the drug screen?

1 A For those three classes, yes.

2 Q And there was no alcohol in her blood either?

3 A That's correct.

4 MR. BARNETTE: Your Honor, I'd like to move State's  
5 Exhibit No. 62 into evidence.

6 Have I already moved that?

7 THE COURT REPORTER: Yes.

8 BY MR. BARNETTE:

9 Q And Dr. Lewis oversaw the testing?

10 A That's correct.

11 MR. BARNETTE: All right. Please answer any  
12 questions Mr. Boggs may have.

13 MR. BOGGS: I don't have any questions.

14 THE COURT: All right. Ma'am you, can stand down.  
15 You're released from subpoena.

16 THE WITNESS: Thank you.

17 MR. BARNETTE: I'd like to call Tara McAbee to the  
18 stand.

19 THE CLERK: Place your left hand on the Bible and  
20 raise your right.

21 WHEREUPON,

22 TARA SKITTLE MCABEE,  
23 after first having been duly sworn, testified as follows:

24 THE CLERK: Thank you

25 Please have a seat.

DIRECT EXAMINATION

BY MR. BARNETTE:

Q If you would, ma'am, please state your full name for the record.

A Tara Skittle McAbee.

Q And where do you work at, ma'am?

A Spartanburg County Coroner's Office.

Q And what do you do there?

A I'm a coroner's investigator.

Q Did you get a request to -- I think there was a third tube of blood that Rhonda Ward had in the refrigerator at the morgue?

A Yes.

Q Did you secure that?

A I did.

Q And when you -- and that was on October the 18th, 2004?

A That's what I remember, to my knowledge.

Q And once you secured that tube, did you take it to Robert Rosenberg at the Sheriff's Department?

A I did.

Q And when you got that tube, was that tube sealed?

A It was.

Q And had anybody tampered with it in any way?

A No.

1 Q When you gave it to Mr. Rosenberg, had it been  
2 tampered with in any way?

3 A No.

4 MR. BARNETTE: Thank you.

5 Please answer any questions Mr. Boggs may have.

6 MR. BOGGS: I don't have any questions.

7 THE COURT: All right. Ma'am, thank you.

8 You can be excused.

9 MR. BARNETTE: Your Honor, I call Robert Rosenberg to  
10 the stand.

11 THE CLERK: Place your left hand on the Bible and  
12 raise your right hand.

13 WHEREUPON,

14 ROBERT ROSENBERG,

15 after first having been duly sworn, testified as follows:

16 THE CLERK: Thank you.

17 Have a seat.

18 DIRECT EXAMINATION

19 BY MR. BARNETTE:

20 Q If you would, sir, please state your full name for  
21 the record.

22 A I'm Officer Robert Rosenberg.

23 Q And where do you work at, sir?

24 A I'm employed at the Spartanburg County Sheriff's  
25 Office.

1 Q And how long have you worked there?

2 A Approximately 21 years.

3 Q And what's your position there now, sir?

4 A I'm, currently, in the evidence office as an evidence  
5 custodian.

6 Q And what is your job, sir?

7 A Basically, what my job is is when officers bring in  
8 evidence, my job is to secure it, catalog it, put it in  
9 the computer, and make sure it stays in a secured area  
10 until court.

11 Q Let me show you what's been marked as State's Exhibit  
12 No. 63. Did you receive this from Tara McAbee of the  
13 Coroner's Office?

14 A Yes, sir, I did.

15 Q And was that a tube of blood labeled "Rhonda Ward"?

16 A Yes, sir.

17 Q And did you secure that?

18 A Yes, sir, I did.

19 Q And once you secured it, did you take it to SLED?

20 A Yes. I transported it to SLED.

21 Q And when it was taken to SLED, was it sealed? Was it  
22 tampered with in any way?

23 A No, sir.

24 Q And was it secured by SLED and given to Alex Lewis  
25 after that?

1 A It was secured by SLED. From that point, I don't  
2 know.

3 Q But when you secure it, it's put in a plastic bag  
4 there?

5 A Yes.

6 Q And you put it in a drop box?

7 A They seal it and I sign it showing the date and my  
8 initials. And I sign it down here and the date also. And  
9 I drop it into a drop box. This would have been dropped  
10 into the toxicology box.

11 Q But it was sealed and secured?

12 A It's sealed and secured in my presence.

13 Q And it wasn't tampered with in any way?

14 A No way, no, sir.

15 MR. BARNETTE: Your Honor, I'd like to enter State's  
16 Exhibit No. 63 into evidence at this time.

17 THE COURT: Any objection?

18 MR. BOGGS: No.

19 (WHEREUPON, State's Exhibit No. 63 was admitted into  
20 evidence.)

21 MR. BARNETTE: And I'd like to keep a right to recall  
22 him at a later time, Your Honor.

23 But please answer any questions by Mr. Boggs has at  
24 this time.

25 MR. BOGGS: No questions.

1 THE COURT: Subject to recall.

2 MR. GOWDY: Your Honor, the State would call Sergeant  
3 Alex Lewis with SLED.

4 THE CLERK: Place your left hand on the Bible and  
5 raise your right hand.

6 WHEREUPON,

7 ALEX G. LEWIS,  
8 after first having been duly sworn, testified as follows:

9 THE CLERK: Thank you  
10 Please be seated.

11 DIRECT EXAMINATION

12 BY MR. GOWDY:

13 Q Good afternoon, Agent Lewis. I'm going to get you to  
14 speak up in a good loud, strong voice so the last lady and  
15 gentleman can hear you. Okay.

16 A Okay.

17 Q Give them your name and tell them where you work.

18 A Okay. My name is Alex G. Lewis. And I'm, currently,  
19 employed with the State Law Enforcement Division, also  
20 known as SLED.

21 Q How long have you been there, Agent Lewis?

22 A I've been there a little over five years now.

23 Q And what department are you assigned to?

24 A I work in the toxicology department.

25 Q Can you tell us your educational and training

1 background in the field of toxicology?

2 A Sure. I received a Bachelor of Science Degree in  
3 Biology and Chemistry from Columbia College. From there,  
4 I started at SLED and was in training with the toxicology  
5 program a little over a year. That training entails kind  
6 of two parts. The first part is alcohol training, where  
7 you, basically, learn to interpret and analyze alcohol.  
8 With that, you have to run 1,000 previously run alcohol  
9 samples. They have to agree within a certain percentage.  
10 You also have to take a written test, oral test, a  
11 competency test, pass all this, and then be signed off by  
12 the chief toxicologist.

13 Then you start your second phase of your training,  
14 which includes the different or various drug classes.  
15 Again, it's interpretation and analysis of these different  
16 classes of drugs. I had to run or perform drug screens  
17 and then perform various analysis on different drugs.  
18 Again, I had to take a written -- or an oral test and also  
19 another competency test, and then be signed off by the  
20 chief toxicologist saying that I passed all of those to  
21 become certified as a forensic toxicologist.

22 Q And have you passed all of those tests you just set  
23 out for the jury and been signed off on by Dr. Eagerton?

24 A I did, yes.

25 Q Have you testified previously, Agent Lewis, as an



1 expert in either the field of alcohol or toxicology?

2 A I have, yes.

3 Q Do you recall how many times?

4 A About 10, 11 times.

5 Q How many tests would you estimate that you've run in  
6 your career on alcohol or toxicology?

7 A Wow. As far as alcohol, I'd say maybe close to --  
8 maybe in the range of 3,000, 4,000 tests. It's not 5,000.

9 Q How about toxicology?

10 A As far as the drug screening and drug analysis,  
11 hundreds, I would say.

12 MR. GOWDY: Your Honor, at this point, I would move  
13 Agent Lewis in as an expert in the field of toxicology.

14 MR. BOGGS: No objection.

15 THE COURT: All right. Without objection.

16 BY MR. GOWDY:

17 Q Agent Lewis, do you know a lady by the name of  
18 Meredith Hipp?

19 A Yes, I do.

20 Q How do you know her?

21 A She was a former coworker of mine.

22 Q At SLED?

23 A At SLED, yes.

24 Q In the toxicology department?

25 A In the toxicology department, yes.

1 Q Back sometime in 2003, were you in a position to  
2 oversee work that she had done?

3 A Yes, I was.

4 Q As an overseer, were you actively involved in  
5 whatever tests she may have run, or how active was your  
6 overseeing?

7 A What I did was, basically, go over all the data that  
8 Meredith had performed as far as the drug screening.  
9 Meredith was certified, at the time, to run blood alcohol  
10 testing. So any case that just required a blood alcohol  
11 test, I did not need to cosign.

12 However, she was still under her drug training at the  
13 time, so any case that required additional drug work, I  
14 would go over all of the data, make sure everything looked  
15 -- or was performed accurately, and then I would sign off  
16 on that data and also on that case. And then it would go  
17 to another reviewer, who would look at everything and also  
18 sign off on that as well.

19 Q Agent Lewis, let me show you what's been marked as  
20 State's Exhibit No. 63, and ask you whether or not you  
21 received that, and what was in it when you got it?

22 A Okay. I did receive this. This was some blood that  
23 was brought in -- or was sent by the Coroner's Office here  
24 in Spartanburg. And there was a tube of blood that was  
25 inside this evidence bag.

1 Q Do you recall -- or is there any note of whose blood  
2 that was?

3 A There is a label that was on the tube of blood. And  
4 by practice -- this is what I do is I take the label that  
5 was on the tube of blood, take it off when the case is  
6 complete, when I've done all my analysis to it, and then  
7 put it inside the evidence bag. And this label here had  
8 the name of Rhonda Ward.

9 Q Agent Lewis, did you perform a drug screen on the  
10 blood that was found in State's Exhibit No. 63?

11 A I did.

12 Q Can you -- before you give us the results of that  
13 screen, can you tell us the difference between the screen  
14 that would have been done by you and Agent Hipp in 2003,  
15 and the one that you did subsequent?

16 A Okay. The screen that Meredith performed is,  
17 basically, a screen. It screens for the class of drugs.  
18 And what we have in our lab, it's a -- we have a screening  
19 instrument that screens for more of the commonly abused  
20 drugs. And cocaine falls in that class that's commonly  
21 screened. The thing about the cocaine screen is that it  
22 does not screen for the cocaine itself, which we call the  
23 parent drug. It screens for its metabolite, its primary  
24 metabolite, which has benzoylecgonine. And for our  
25 purposes, we'll just call it BE. But it screens for that

1 metabolite.

2           The test that I performed, I used another instrument  
3 called a gas chromatograph mass spectrometer. Basically,  
4 it's just a more sensitive instrument than the drug  
5 screen. It -- the drug screen just screens for that class  
6 of drugs. If the cocaine was positive, we take it a step  
7 further and run it on the GCMS, that's the short name for  
8 it, where that is, actually, going to tell us that is  
9 cocaine and its metabolite or it will tell us, no, it  
10 wasn't cocaine or its metabolite. So it's a more  
11 sensitive and a more specific test than the drug screen  
12 itself.

13 Q     Let me ask you this in layman's terms.

14 A     Yes.

15 Q     The test that you and Agent Hipp did in 2003 was  
16 negative for the presence of cocaine metabolite?

17 A     That's correct.

18 Q     But at my request, you went and conducted another  
19 test, the most sensitive test that can be run on cocaine  
20 recently?

21 A     That's correct.

22 Q     And what result did you find from the most sensitive  
23 test that can be run for the presence of cocaine on Rhonda  
24 Ward's blood?

25 A     Okay. When I ran the test, my results were negative

1 for cocaine and cocaine metabolite, benzoylecgonine, by  
2 gas chromatograph mass spectrometry.

3 Q So both the tests run by you and Agent Hill,  
4 initially, and the tests you ran recently were negative  
5 for the presence of cocaine or cocaine byproduct?

6 A That's correct.

7 Q In the blood of Rhonda Ward?

8 A That's correct.

9 MR. GOWDY: Agent Lewis, thank you.

10 Please answer any questions that the defense attorney  
11 may have for you.

12 MR. BOGGS: I have no questions.

13 MR. GOWDY: Your Honor, we would ask that Agent Lewis  
14 be excused and allowed to go back to Columbia.

15 MR. BOGGS: No problem.

16 THE COURT: You're released from subpoena.

17 Thank you.

18 MR. BARNETTE: I'd like to call Sergeant Bishop to  
19 the stand, Your Honor.

20 THE CLERK: Raise your right hand and place your left  
21 hand on the Bible.

22 WHEREUPON,

23 JACK D. BISHOP,

24 after first having been duly sworn, testified as follows:

25 THE CLERK: Please be seated.

DIRECT EXAMINATION

BY MR. BARNETTE:

Q Sergeant Bishop, if you would, please state your full name for the record, please.

A Jack D. Bishop.

Q And where do you work at, sir?

A I work at the Spartanburg County Sheriff's Office.

Q And how long have you worked there, sir?

A I've been there for 27 years.

Q And what's your present position there, sir?

A I am sergeant over the forensics division.

Q And how long have you been in that department, sir?

A 27 years.

Q Okay. Did you attend the autopsy of Rhonda Ward?

A Yes, sir, I did.

Q And did Dr. Wren do a sexual assault kit?

A Yes, sir, he did.

Q And did you secure that sexual assault kit?

A Yes, sir, I did.

Q Let me show you what's been marked as State's Exhibit No. 60. Is that the kit you secured, sir?

A Yes, sir, it is.

Q And once you secured that, was it enclosed at that time and so forth?

A Yes, sir. Dr. Wren sealed it.

1 Q Okay. And did you open it in any way after that?

2 A No, sir, I did not.

3 Q Did you tamper with it in any way?

4 A No, sir, I did not.

5 Q Was it taken to the Sheriff's Department and received  
6 at that time?

7 A Yes, sir, I did it.

8 Q And was Officer Rosenberg the person that secured it?

9 A Yes, sir. He picked it up the next morning.

10 MR. BARNETTE: Your Honor, I'd like to move State's  
11 Exhibit No. 60 into evidence at this time.

12 THE COURT: What number?

13 MR. BARNETTE: State's Exhibit No. 60.

14 THE COURT: All right.

15 MR. BOGGS: No objection.

16 THE COURT: All right. Without objection.

17 (WHEREUPON, State's Exhibit No. 60 was admitted into  
18 evidence.)

19 MR. BARNETTE: If you would, sir, please answer any  
20 questions Mr. Boggs has.

21 MR. BOGGS: No questions.

22 THE COURT: Thank you.

23 You can step down, Officer.

24 MR. BARNETTE: Your Honor, I'd like to call Officer  
25 Rosenberg back to the stand, please.

1 THE COURT: All right.

2 FURTHER DIRECT EXAMINATION

3 BY MR. BARNETTE:

4 Q Officer Rosenberg, you're still under oath. Let me  
5 show you State's Exhibit Nos. 59, 61, and 60. Did you  
6 take these items down to SLED?

7 A Yes, sir, I did.

8 Q And were they sealed at the time you took them down?

9 A Yes, sir.

10 Q And when you arrived there -- on State's Exhibit No.  
11 60, the DNA kit, is it separated and given -- and put in  
12 separate bags and secured in those bags?

13 A Yes, sir.

14 Q And once it's secured, you see it sealed and so forth?

15 A Yes, sir.

16 Q None of the stuff was tampered with in any way?

17 A No, sir. It stays sealed in the envelope it comes  
18 in. It has the seal tape over it. That's how they  
19 receive it. It comes in a box and has maybe two or three  
20 envelopes in it, which is sealed. They'll unseal it and  
21 put each thing in the vacuum bag and they'll seal it.  
22 And, like I previously stated, I'll initial, sign and date  
23 it down here. And then I deposit it into the property  
24 box. This would have gone to the DNA box.

25 Q State's Exhibit No. 59, which is the suspect kit on



1 Fredrick Evins, did you receive that item and take it to  
2 SLED?

3 A Yes, sir, I did.

4 Q And was that received from Steve Denton?

5 A I would have to look at the paperwork.

6 Q Yes, sir. You can take a look at it, if you want to.

7 A Yes. Steve Denton did turn the suspect kit in on  
8 February 28th of 2003.

9 Q Okay. And you secured that and it was taken down to  
10 SLED by you?

11 A Yes, sir.

12 Q And was it tampered with in any way?

13 A No, sir.

14 Q And did you -- was it sealed there at SLED and  
15 dropped in the drop box?

16 A Yes, sir.

17 MR. BARNETTE: Your Honor, I'd like to enter State's  
18 Exhibit No. 59 into evidence at this time.

19 MR. BOGGS: No objection.

20 THE COURT: Without objection.

21 (WHEREUPON, State's Exhibit No. 59 was admitted into  
22 evidence.)

23 BY MR. BARNETTE:

24 Q State's Exhibit No. 61, is this the first blood  
25 sample that was taken down of Rhonda Ward by you?

1       A     I don't know. I'd have to look at the other one or  
2       the paperwork. I think two blood samples were taken down.  
3       I don't know if this is the first or the second one.

4       Q     This is secured -- well, you took it to SLED; is that  
5       correct?

6       A     Yes. I took it to SLED.

7             MR. BARNETTE: Your Honor, I'd like to enter State's  
8       Exhibit No. 61 into evidence at this time.

9             MR. BOGGS: No objection.

10            THE COURT: Without objection.

11            (WHEREUPON, State's Exhibit No. 61 was admitted into  
12       evidence.)

13            MR. BARNETTE: Please answer any questions Mr. Boggs  
14       has for you.

15            MR. BOGGS: No questions.

16            THE COURT: Can we release him now?

17            MR. BARNETTE: Yes, sir.

18            THE COURT: Thank you.

19            You're released from subpoena.

20            MR. BARNETTE: Your Honor, may we approach the bench  
21       for a second?

22            THE COURT: Sure.

23            (WHEREUPON, a bench conference was held with the  
24       attorneys.)

25            MR. BARNETTE: Your Honor, I've got two SLED agents

1       that just, basically, handled the stuff, just took the  
2       bags on it or whatever, and then John Barron was going to  
3       testify.

4               THE COURT:  He's the guy for tomorrow?

5               MR. BARNETTE:  Yes.  And the two bags -- I mean, I  
6       can have him testify -- but I can call them just to cover.

7               MR. BOGGS:  They're in?

8               MR. BARNETTE:  They're in.

9               MR. BOGGS:  I mean, once they're in, he doesn't need  
10      them, does he?

11              MR. BARNETTE:  Well, he said it was secure, but I can  
12      call them just to cover the record.

13              THE COURT:  You want to do that?

14              MR. BOGGS:  Okay.

15              MR. BARNETTE:  Because I told Tam I had everybody  
16      here, but I'll go ahead and call those two.

17              THE COURT:  That's it?

18              MR. BARNETTE:  Yes, sir.

19              THE COURT:  Let's do those two.

20              MR. BOGGS:  Okay.

21              (WHEREUPON, the bench conference was concluded.)

22              MR. BARNETTE:  I'd like to call Betty Butler to the  
23      stand.

24              THE CLERK:  Raise your right hand and place your left  
25      hand on the Bible.

1 WHEREUPON,

2 BETTY W. BUTLER,  
3 after first having been duly sworn, testified as follows:

4 THE CLERK: Thank you

5 Please be seated.

6 DIRECT EXAMINATION

7 BY MR. BARNETTE:

8 Q Ms. Butter, if you would, state your full name for  
9 the record, please.

10 A Betty W. Butler.

11 Q Where do you work, ma'am?

12 A State Law Enforcement Division.

13 Q And what do you do there?

14 A I'm an evidence technician in the evidence control  
15 department.

16 Q And how long have you been there, ma'am?

17 A Eight years.

18 Q And what are some of your duties there, ma'am?

19 A My duties are to take in evidence and write it to  
20 various departments.

21 Q Let me show you State's Exhibit No. 60. Did you  
22 receive a rape kit from Robert Rosenberg -- or did Robert  
23 Rosenberg bring a sexual rape kit on Rhonda Ward to SLED?

24 A Yes, he did.

25 Q When did he bring that to you, ma'am?

1 A He brought it on February the 21st.

2 Q And when he brought it there, can you tell the jury  
3 what happens once a sexual -- I mean, a kit like this is  
4 brought to SLED?

5 A With a kit like this, it, actually, comes in a box.  
6 When the box comes in, I open the box. It has a DNA  
7 envelope in it. It has a tox in it and it has hair in it.  
8 I separate each envelope, put it into a heat-sealed pouch  
9 like this, seal it up, have Robert Rosenberg initial and  
10 date across the seal. He also signed the pouch with his  
11 name and date. I give it a container number. I give it a  
12 lab number. And I also -- after I do that, once I log it  
13 in, I give it back to him and he drops it in the DNA box.  
14 It's a locked refrigerator inside the evidence control  
15 room.

16 Q And was any of these items tampered with in any way?

17 A No.

18 Q Was the seal broken on any of them, except to  
19 separate them into the different pouches?

20 A No, it wasn't.

21 Q And Officer Rosenberg was with you when it was sealed  
22 and packaged?

23 A Yes, he was.

24 Q And it was dropped down into the refrigerator box?

25 A Yes.

1 MR. BARNETTE: Thank you, ma'am.

2 Please answer any questions Mr. Boggs may have for  
3 you.

4 MR. BOGGS: I have no questions.

5 THE COURT: All right. Ma'am, you may be excused.

6 Thank you.

7 MR. BARNETTE: Your Honor, I call Emily Norris to the  
8 stand.

9 THE CLERK: Place your left hand on the Bible and  
10 raise your right.

11 WHEREUPON,

12 EMILY D. NORRIS,

13 after first having been duly sworn, testified as follows:

14 THE CLERK: Thank you

15 Please have a seat.

16 DIRECT EXAMINATION

17 BY MR. BARNETTE:

18 Q Ms. Norris, if you could, state your full name for  
19 the record, please.

20 A Emily D. Norris.

21 Q And where do you work at, ma'am?

22 A South Carolina Law Enforcement Division.

23 Q And what's your position?

24 A I'm a forensic DNA technician.

25 Q How long have you been there, ma'am?

1       A     I've been at SLED two years, going on three years in  
2       May of 2005.

3       Q     What's your duties there?

4       A     I calibrate instruments -- all the instruments in the  
5       DNA department, as well as transport and handle evidence.

6       Q     And let me show you what's been marked as State's  
7       Exhibit Nos. 60 and 59. State's Exhibit No. 60 is a  
8       sexual assault kit on Rhonda Ward. And State's Exhibit  
9       No. 59 is the suspect kit on Fredrick Evins. Did you  
10      secure these items from the refrigerator -- locked  
11      refrigerator?

12      A     Yes, sir, I did.

13      Q     In this box, were they sealed when you got those  
14      items?

15      A     Yes, they were.

16      Q     And what did you do with those items once you picked  
17      them out of the drop box?

18      A     I transferred them to DNA-R, which is a large  
19      refrigerator we have on the fourth floor, a secured  
20      refrigerator, that only the DNA employees have access to.

21      Q     Did you tamper with any of these items in any way?

22      A     No, I did not.

23      Q     Did you open the seals on them?

24      A     No, I did not.

25      Q     And when you put them in the refrigerator, were they

1 sealed at that time?

2 A Yes.

3 Q And was John Barron the person that did the analysis  
4 on these?

5 A Yes. Because the suspect kit has his name on it and  
6 he has a box up there. And that's where I placed it.

7 Q And he would have been the next person that would  
8 have handled this?

9 A Yes.

10 MR. BARNETTE: If you would, please answer any  
11 questions Mr. Boggs may have for you.

12 MR. BOGGS: No questions.

13 THE COURT: All right. Thank you, Ms. Norris.  
14 You're released from subpoena.

15 MR. GOWDY: Your Honor, with the exception of the  
16 matter we discussed yesterday --

17 THE COURT: All right.

18 Ladies and gentlemen, we're -- normally, we'd keep on  
19 working, but my understanding is that the next witness  
20 will be here tomorrow. He was unable to be here today.  
21 We are going to start court tomorrow at 1:30. So we're  
22 finished for the day.

23 Now, do you all -- any questions or concerns that we  
24 need to address for you all for the evening or tomorrow  
25 that you can think of?



1 (There was no response.)

2 THE COURT: Y'all go back to the room and if there is  
3 something, send me a note. Okay. If there's not, y'all  
4 have a very pleasant evening and we'll see you tomorrow.

5 Thank you very much.

6 Again, do not discuss the case.

7 (WHEREUPON, the jury was excused from open court at  
8 approximately 4:37 p.m.)

9 THE COURT: All right. Anything we can -- any issues  
10 we can address at this time?

11 (There was no response.)

12 THE COURT: I don't need y'all to make anything up.

13 MR. BOGGS: I guess what I'm curious about is your  
14 schedule. If we finished up at 4:00 tomorrow, 4:30, do  
15 you want to move into closings or are you going to put  
16 everything off and start fresh Monday?

17 THE COURT: Well, how do y'all feel about it?

18 MR. BOGGS: I'd rather start fresh Monday.

19 THE COURT: Okay. I don't think it's a good idea to  
20 give them closings and the law. And starting at 4:00,  
21 that means, we won't finish with it until 6:00, 6:30.

22 MR. GOWDY: John Barron will take a total of --

23 I don't think you're going to cross Barron, but --

24 THE COURT: How long will he be?

25 MR. GOWDY: It may take him longer to write the

1 number out than to, actually, testify. He'll be short.

2 MR. BOGGS: That probably would be true. By 4:00,  
3 depending on you.

4 MR. GOWDY: It may --

5 MR. BOGGS: Yeah. I think we're going, at least,  
6 until 4:00.

7 The question was, do you want us to be prepared to  
8 close tomorrow?

9 THE COURT: Well, if you're not going to put anything  
10 up, then, yes.

11 MR. BOGGS: Okay.

12 THE COURT: If we finish -- how long --

13 MR. GOWDY: I never argue more than 30 minutes. It  
14 doesn't matter what the topic or issue is. What I can't  
15 say in 30 minutes, I don't need to say. I'm short-winded,  
16 you know that Judge.

17 THE COURT: Yes.

18 Tam, I'm thinking you might have to take up to an  
19 hour or so.

20 MR. BOGGS: Yes.

21 THE COURT: Well, do you want to be ready to go?

22 MR. GOWDY: I just told Tam, I've already done my  
23 closing. I don't care. He has got more than I do.

24 MR. BOGGS: I prefer Monday morning if we get late  
25 enough. That's my preference.

1 THE COURT: Yes.

2 MR. BOGGS: You know, it's kind of -- I think we're  
3 ahead of schedule anyway. But the balance of them sitting  
4 around -- they don't really want to get the case tomorrow.

5 THE COURT: No. I don't think so.

6 MR. BOGGS: And I hate splitting arguments and  
7 charge.

8 THE COURT: No. I'm not going to do that unless we  
9 finish -- if, you know, we finished at --

10 MR. BOGGS: All right. Yeah. I'm going to put up a  
11 defense. I've got to call some witnesses. But if it were  
12 I didn't, which I'm telling you I'm not going to, I'd be  
13 ready to go. I'm going to put somebody up.

14 THE COURT: We'll be adjourned until 1:30 tomorrow.

15 (WHEREUPON, the proceedings were concluded at  
16 approximately 4:44 p.m., to be reconvened on  
17 Sunday, November 14, 2004.)

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1                                    SUNDAY, NOVEMBER 14, 2004

2

3                    (WHEREUPON, State's Exhibit No. 68 was marked for

4                    identification only.)

5                    THE COURT: Anything before we bring the jury in?

6                    MR. GOWDY: Not from the State, Your Honor.

7                    MR. BOGGS: Nothing.

8                    THE COURT: Okay. Let's go ahead and get them.

9                    (WHEREUPON, the jury came into open court at

10                   approximately 1:41 p.m.)

11                   THE COURT: Madam Forelady, ladies and gentlemen of

12                   the jury, I hope y'all had a pleasant evening and restful

13                   morning. I know you're anxious to get started, so we'll,

14                   at this time, turn it back over to the State.

15                   MR. BARNETTE: Thank you, Your Honor.

16                   May it please the Court?

17                   The State calls Charlena Tinsley to the stand.

18                   THE CLERK: Place your left hand on the Bible and

19                   raise your right hand.

20                   WHEREUPON,

21                                    CHARLENA TINSLEY,

22                   after first having been duly sworn, testified as follows:

23                                    DIRECT EXAMINATION

24                   BY MR. BARNETTE:

25                   Q        Ms. Tinsley, if you would, give us your name.

1 A My name is Charlena Tinsley.

2 Q And where do you work, ma'am?

3 A For the Spartanburg County Clerk of Court's Office.

4 Q How long have you been there?

5 A About seven and a half years.

6 Q Let me show you what's been marked as State's Exhibit  
7 No. 68 for ID purposes. Is this a tax record from the  
8 Treasurer's Office?

9 A Yes, it is.

10 Q And could you tell us who that record is on?

11 A It's on a Rhonda Ward.

12 Q And what's the tax notice about, what vehicle?

13 A It's a Nissan, a 1993.

14 Q And what was the tax value of that car, that vehicle?

15 A \$1,778.

16 MR. BARNETTE: I'd like to enter this in evidence at  
17 this time.

18 MR. BOGGS: No objection.

19 THE COURT: Without objection.

20 (WHEREUPON, State's Exhibit No. 68 was admitted into  
21 evidence.)

22 MR. BARNETTE: Thank you, ma'am.

23 Please answer any questions Mr. Boggs has.

24 (Pause.)

25 THE COURT: Any cross?

1 MR. BOGGS: Oh, I'm sorry. No, sir.

2 MR. BARNETTE: Your Honor, the State would call John  
3 Barron next.

4 THE CLERK: Place your left hand on the Bible and  
5 raise your right.

6 WHEREUPON,

7 JOHN C. BARRON,  
8 after first having been duly sworn, testified as follows:

9 THE CLERK: Thank you.

10 Have a seat right there, please.

11 DIRECT EXAMINATION

12 BY MR. BARNETTE:

13 Q Good afternoon, sir. If you would, give us your full  
14 name, please.

15 A My name is John C. Barron, B-A-R-R-O-N.

16 Q And where do you work at, sir?

17 A I'm presently employed at the Richland County  
18 Sheriff's Department.

19 Q And back in February and June of 2003, where were you  
20 working, sir?

21 A South Carolina Law Enforcement Division.

22 Q And what was your position there?

23 A I was a DNA analysis in the DNA serology laboratory.

24 Q And could you tell the jury what SLED is, or the  
25 State Law Enforcement Division?

1       A     SLED is the State Law Enforcement Division. It has  
2 many duties. But in the laboratory, the duty is to  
3 analyze evidence brought in by law enforcement agencies  
4 throughout the State of South Carolina in association with  
5 criminal cases to analyze the material brought in, to make  
6 a impartial scientific determination, and testify on the  
7 results in court.

8       Q     And how long was you a DNA analysis for SLED, sir?

9       A     I worked for SLED for about 29 years, but the DNA  
10 laboratory was not in existence all that time. I've been  
11 doing DNA analysis since 1999.

12      Q     And what did you do before that, sir?

13      A     Initially, I was a part of the serology laboratory,  
14 which did a lot of blood typing and body fluid  
15 identification. Then I became part of the trace evidence  
16 laboratory. I did hair and fiber comparisons, gunshot  
17 residue analysis, paint comparisons. And then I became  
18 part of the DNA laboratory. And that's what I did up  
19 until I left SLED.

20           And at Richland County Sheriff's Department, I am one  
21 of two people there who are establishing a DNA laboratory  
22 for Richland County.

23      Q     And what education have you received and training  
24 concerning DNA analysis?

25      A     Well, I have a Bachelor's Degree in Microbiology from

1       Clemson University. In 1999, when I went on with the DNA  
2       department, I also received graduate training from the  
3       University of South Carolina in molecular biology and  
4       statistics. I went through the initial training at SLED  
5       that all DNA analysts go through, which involves  
6       competency testing of 50 unknown samples that have to be  
7       correctly identified as far as their DNA type. I  
8       completed that and began working cases.

9       Twice a year since then, I have done proficiency  
10      testing, which is a blind test to determine whether or not  
11      you're still doing the test properly and getting the right  
12      results. And I passed all those tests at that time.  
13      Basically, I've testified in the court's in the State of  
14      South Carolina on DNA 10 times. This would be the  
15      eleventh.

16     Q     So you've been qualified ten times before in state  
17     court?

18     A     That's right.

19     Q     And have you been qualified as an expert in other  
20     fields, such as trace and serology before?

21     A     Yes, I have.

22     Q     And how many times have you been qualified as an  
23     expert in those fields?

24     A     Because of the length of time I've worked at SLED, I  
25     couldn't tell you the exact number, but I know it's



1       probably several hundred.

2               MR. BARNETTE: Your Honor, at this time, I move John  
3 Barron in as an expert in DNA analysis.

4               MR. BOGGS: No objection.

5               THE COURT: All right. Without objection.

6 BY MR. BARNETTE:

7 Q       Mr. Barron, let me take you to SLED No. L03-1933.

8 Did you do an analysis involving a sexual assault kit from  
9 Rhonda Ward, as well as blood from a suspect kit on  
10 Fredrick Evins?

11 A       Yes, I did.

12 Q       Let me show you what's been entered into evidence as  
13 State's Exhibit No. 60 and State's Exhibit No. 59.  
14 State's Exhibit No. 60, is that the rape kit you received  
15 concerning Rhonda Ward?

16 A       Yes. State's Exhibit No. 60 is a sexual assault kit  
17 from Rhonda Ward, which includes several different samples.

18 Q       And State's Exhibit No. 59, was that the suspect kit  
19 from Fredrick Evins?

20 A       Yes, it was -- yes, it is. It is what remains of the  
21 suspect kit. There was a blood sample in it. And I dried  
22 a portion of that blood sample on a piece of cloth, which  
23 remains in the envelope.

24 Q       If you would, tell the jury about DNA and how you do  
25 your analysis.

1       A     First of all, I will try to explain this in  
2     terminology you'll understand, because it's easy for me to  
3     start using scientific terms that you may not know the  
4     definition of, but I'll try to explain it in a way you  
5     will understand it.

6           DNA is deoxyribonucleic acid. It is a molecule in  
7     most of the cells of your body. It is -- it, basically,  
8     tells us or codes for who we are, not only as human  
9     beings, but individually. We can, obviously, look around  
10    the courtroom and see that we all are human beings. But  
11    we also can look around the courtroom and see there's a  
12    great deal of diversity, that each of us are individual.

13          So the DNA molecules are very unique in nature. It  
14    defines what the living organism is, as to what type of  
15    organism it is, but it also has individualizing  
16    characteristics in the molecule that enables us to  
17    individualize people. And so we know that from this that  
18    DNA is different from person to person with the exception  
19    of identical twins. Identical twins would have the same  
20    DNA.

21          So since DNA is so unique, it is used in many  
22    different areas of science. It's used in medical research  
23    to try to find causes of disease and treatment of disease  
24    that way. It also is used in forensic science and in  
25    identification, because there are certain portions of the

1 molecule that are important or that can be used for  
2 identification.

3 So what the forensic laboratories, not only in South  
4 Carolina, but throughout the world, are doing is they are  
5 targeting these unique molecules for identification. It  
6 involves 13 particular locations on the molecule and the  
7 sex gene. So we look at 13 spots on the molecule, plus  
8 the sex gene. And the goal is to remove the DNA from the  
9 biological material that is left at a crime scene. Blood,  
10 semen, saliva, tissue, bones, any of those types of  
11 materials would contain DNA.

12 My job is to extract the DNA, to purify it, and then  
13 to copy the portions of the DNA molecule that I'm  
14 interested in for human identification. And I do that in  
15 the laboratory and then I, actually, take the DNA that's  
16 extracted and put it in an instrument that separates those  
17 copy fractions into how large they are and to -- and what  
18 location they are located at. Based upon that and the  
19 pattern that is developed from that is a unique pattern  
20 for each individual.

21 So I look at the pattern and I match it to a known  
22 pattern of DNA that I develop from a known sample, a known  
23 blood or a known saliva sample or something of that  
24 nature. And I simply determine whether or not it matches  
25 or doesn't match. If it doesn't match, it's not a

1       problem. It's an exclusion without any doubt. If it does  
2       match, then the next step is to determine how often I  
3       would expect to see that pattern in the human population.  
4       That is done statistically.

5               So I make a statistical analysis of that pattern  
6       based upon how rare those different sizes that I copy  
7       occur. And that's based upon data base studies that have  
8       been done throughout the United States. And I make a  
9       statistical determination and I quote that statistic as  
10      the probability of a random occurrence of that particular  
11      DNA profile.

12      Q       In your analysis on these samples, was there a  
13      substance found in the vagina of Rhonda Ward on the swab  
14      that was taken from her?

15      A       Yes, there was. In a sexual case, of course, we want  
16      to see if there is semen present. And in this case, on  
17      the vaginal swabs of Rhonda Ward, I did identify semen.

18      Q       And did you compare that to the blood sample of  
19      Fredrick Evins with DNA pattern?

20      A       Right. Well, I developed the DNA profile from the  
21      victim and from Fredrick Evins in this case. So I knew  
22      their DNA pattern. Then I developed the DNA pattern from  
23      the vaginal swab. Of course, in the vaginal swab, I  
24      expect to find the DNA of the victim. There are plenty of  
25      vaginal cells -- vaginal skin cells that contain her DNA.

1 But I also expect to find the DNA of the semen donor.

2 So I did a particular extraction that separates the  
3 two DNA's. And I found, of course, Rhonda Ward's DNA and  
4 I found the DNA pattern of a male. And I compared that  
5 DNA pattern to Fredrick Evins' known pattern I developed  
6 in his blood and found them to be the same. Then I did a  
7 statistical analysis of that pattern and found that the  
8 probability of selecting an unrelated person just at  
9 random would be one in ten quadrillion. That's a number  
10 you're not used to hearing. But, basically, it is ten  
11 followed by 15 zeros. The population in the world is  
12 approximately six and a half billion, which is six  
13 followed by nine zeroes.

14 Q If you would, Mr. Barron, just step down for a  
15 second.

16 If you would, sir, just write down that number you  
17 just told the jury.

18 A (Witness complied.)

19 Q So the odds of somebody -- this being somebody else  
20 is that number?

21 A What I'm saying is if we were to chose -- the chances  
22 of -- choosing somebody at random, the chances of coming  
23 up with the same profile would be one in ten quadrillion.

24 Q Is this what we call a scientific match?

25 A Yes.

1 Q Is there any question in your mind?

2 A There's no question in my mind that this is unique.

3 Q And this was Fredrick Evins' semen?

4 A That's correct.

5 Q And how many people are in the world?

6 A Approximately six and a half billion.

7 Q If you could, just write that down here.

8 A Well, I'll put it right under the zero so you can see  
9 it. So that would be six.

10 Q So that's how many people we have in the whole world?

11 A Correct.

12 Q And as compared to this number, this number is how  
13 many times greater?

14 A Well, it's one, two, three, four, five -- that's six  
15 magnitudes greater, which is a million -- approximately a  
16 million.

17 Q A million times the number of people in the world?

18 A Right, a million times the number of people in the  
19 world. So, theoretically, it would take a million worlds  
20 to find somebody else with that DNA profile.

21 Q Thank you, sir.

22 If you would, just please have a seat.

23 And the analysis you did was from the kits that you  
24 received; is that right?

25 A That's correct.

1 Q And there was no question in your mind that this was  
2 Fredrick Evins' semen?

3 A Based upon the statistical analysis of the pattern I  
4 found, it is his semen.

5 MR. BARNETTE: One moment, Your Honor.

6 Please answer any questions Mr. Boggs may have for  
7 you.

8 CROSS-EXAMINATION

9 BY MR. BOGGS:

10 Q Mr. Barron, you prefaced one of your statements  
11 something to the effect that in a sexual assault case, you  
12 want to test for semen?

13 A Yes, of course.

14 Q So is it my understanding that by running this DNA,  
15 you can differentiate between sexual assault and  
16 consensual sex?

17 A No.

18 Q So that wasn't a real accurate statement. You were  
19 just testing for the presence of semen; correct?

20 A And that's exactly what I said.

21 Q No, you said in a sexual assault case. You don't  
22 know if it was a sexual assault case, because you don't  
23 know if there was consensual sex or forced sex, do you?

24 A Well, I'm speaking in the terms of how it was  
25 submitted to me --

1 Q No. I'm speaking --

2 MR. BARNETTE: Objection, Your Honor, if he could be  
3 able to answer --

4 THE COURT: Let him answer the question, then you can  
5 ask him.

6 THE WITNESS: The case -- because I work for the  
7 crime lab, the case is submitted to me as a sexual  
8 assault. So what I'm saying is, in general, sexual  
9 assault cases. I don't get consensual sex cases submitted  
10 to me in the form of a sexual assault kit.

11 BY MR. BOGGS:

12 Q You can't tell from your DNA, can you?

13 A Now, if you want to ask the question can I tell  
14 whether or not it's consensual sex or whether or not it's  
15 a sexual assault or rape, no, I cannot.

16 Q Okay. Now, when you receive these packages, do you  
17 have -- do you receive a slide, plus the swab?

18 A Yes, I do.

19 Q All right. And is part of your procedure to  
20 physically examine the slide and the swab itself?

21 A Correct.

22 Q All right. And do you do that under a microscope or  
23 is it just hold it up in front of your face or what?

24 A Well, we're looking for the actual sperm cells.  
25 They're very, very small, of course, and it takes a



1       microscope to visualize it. So what I do is I stain the  
2       slide and then search the slide under a microscope or the  
3       sperm cell itself.

4       Q     Okay. And you did that in this case?

5       A     Yes, I did.

6       Q     Okay. And while it's -- while these swabs and slides  
7       were being intensified by the microscope, you could detect  
8       other substances that could be there, such as blood; is  
9       that correct?

10      A     I can see blood cells. I would see any type of other  
11      microorganisms, like bacteria, yeast. I would also see --  
12      in the case of a vaginal sample, I would see a lot of  
13      vaginal cells. And in some cases, there are a lot of  
14      them. And they're much larger than sperm cells, so it  
15      does take some searching to find the sperm cells in some  
16      cases.

17      Q     So the answer is, yes, you could see blood cells?

18      A     Yes.

19      Q     And could you see that -- with the naked eye, looking  
20      at the swab, if there was blood present, could you  
21      determine that?

22      A     By the naked eye, I could see a red-brown substance  
23      that would appear to be blood, yes.

24      Q     And then you put that on the microscope to determine  
25      if, in fact, that was blood; is that correct?

1       A     No. In the case of a dried blood stain, we would use  
2       various chemical reactions to determine if it was blood or  
3       an indication that it was blood. Because once the cell  
4       dries, actually, the blood cells rupture and you cannot  
5       see the actual cell structure of hemoglobin cells.

6       Q     So if Mr. Evins told the police that he had had sex  
7       with Ms. Ward, you, basically, just confirmed that; right?

8       A     I did confirm the fact that his semen was present on  
9       the vaginal swab.

10      Q     Well, if he had already told them, you were just  
11      confirming what he had already told the police?

12      A     I'm not aware of what he told them.

13      Q     But if he had; correct?

14           MR. BARNETTE: Objection, Your Honor. He doesn't  
15      know.

16           MR. BOGGS: That's fine.

17           That's all the questions I have.

18           MR. BARNETTE: Nothing on redirect.

19           We'd ask that this witness be excused.

20           THE COURT: Any objection?

21           MR. BOGGS: No.

22           THE COURT: You're released from subpoena.

23           MR. GOWDY: Your Honor, the State of South Carolina  
24      rests.

25           THE COURT: All right. Thank you.

1           Madam Forelady, ladies and gentlemen of the jury, at  
2 this time, this is one of those times where we have to  
3 discuss some legal matters. So I am going to excuse you  
4 from the courtroom, at this time, and, again, instruct you  
5 not to discuss the case.

6           Thank you very much.

7           (WHEREUPON, the jury was excused from open court at  
8 approximately 2:03 p.m.)

9                           MOTIONS

10          THE COURT: All right. Any motions?

11          MR. BOGGS: Yes, sir.

12                 Your Honor, we'd move for a directed verdict on the  
13 kidnapping charge. I don't know if the Court has,  
14 actually, seen the tape. It is in evidence. It may  
15 benefit the Court to look at it.

16                 However, what the tape shows is that there was a  
17 brief statement -- I mean, a brief conversation between  
18 Mr. Evins and Ms. Ward. She voluntarily got in the car  
19 and left. There is no testimony that the State has  
20 presented that there was any force, any decoy, any  
21 inveigling, or the list of other things that they would  
22 have to show. In fact, the tape indicates just the  
23 opposite. It indicates that it was a voluntary consensual  
24 thing. There's no testimony between the time of the tape  
25 and the time that the car was seen at some later point

1       that they presented afterwards. There's no testimony of  
2       any force, decoy, inveigling, or whatever all those terms  
3       are.

4               And what the State is having to do is tell the jury,  
5       if the case goes on, is this is where this "kidnapping"  
6       started. Now, if you don't believe that's a kidnapping,  
7       then you've got to make something up the interim. And  
8       that's, basically, what they said. The Court is well  
9       aware that the jury cannot make a decision on speculation,  
10      surmise, or conjecture. After that, the car pulls out of  
11      that drive-up. There's no testimony that could not be  
12      based purely on surmise or speculation.

13             THE COURT: All right. Any others?

14             MR. BOGGS: Yes, sir. I have one on the CSC.

15             Do you want to go ahead and do that one now?

16             THE COURT: Yes.

17             MR. BOGGS: We'd also move for a directed verdict on  
18      the criminal sexual conduct. There's absolutely no  
19      testimony whatsoever that there was any force used in this  
20      case. A necessary element and a mandatory element in  
21      criminal sexual conduct, the first element they've got to  
22      prove is a sexual battery. They have proved nothing to  
23      show that it was anything other than consensual sex.

24             The only witness they put up -- or the witnesses they  
25      put up have not -- cannot testify that there was a sexual

1 battery committed, or that it was through force, or that  
2 it was through the other elements that would be shown, one  
3 of which is kidnapping. But because there's no  
4 kidnapping, that cannot be an element in this case.

5 So, again, to let the CSC go on that ground would be  
6 putting surmise on top of surmise to get this case passed  
7 to that stage. The necessary element, again, is they've  
8 got to show a sexual battery, which, again, is the  
9 touching, but it also includes something more than  
10 consensual sex. And there's nothing there.

11 THE COURT: Yes, sir, Mr. Gowdy.

12 MR. GOWDY: Your Honor, may it please the Court?

13 The standard, at this stage, is taking all the facts  
14 in the light most favorable to the State, that no  
15 reasonable finder of fact could find him guilty of  
16 kidnapping or criminal sexual conduct. These facts are  
17 undisputed at this point.

18 At 6:52, she is in the parking lot of her place of  
19 employment where the testimony is she has never been late,  
20 she has never missed work, she has never left work without  
21 permission. Roughly, an hour later, this Defendant is  
22 standing beside her car alone, and not a single witness  
23 has said that she was there. He's standing beside her car  
24 alone. She's nowhere to be found, because her dead naked  
25 body is up in an apple orchard stripped of her clothes,

1 stripped of her jewelry, stripped of her money, and  
2 stripped of her life. In the course of 70 minutes, we go  
3 from the parking lot to she's dead.

4 Now, I believe any reasonable finder of fact -- I  
5 believe a finder of fact could infer from that that at  
6 some point from her parking lot to the apple orchard, she  
7 wasn't free to go. Seize, confine, inveigle.

8 If you look at the tape -- Mr. Boggs and I have two  
9 very different versions of the tape. I see a lady pull in  
10 and get out of her car. It's 20-something degrees. She's  
11 supposed to be meeting somebody, but yet, she gets out of  
12 her car. In a brief conversation -- and he's right, there  
13 is no audio. I don't know what was said. I know she was  
14 put in the car. He walks around and gets in. And the car  
15 does not start up until he gets back in. Could a jury  
16 infer from that that he had the keys and stuck them in and  
17 it cranked up only after he got in? Absolutely.

18 What we know is he had a trailer one quarter of a  
19 mile down the road to the right, but the car didn't turn  
20 right. The car turned left. And we find it on the  
21 opposite side of Spartanburg County with him standing  
22 beside it and she's dead, naked up in an apple orchard. I  
23 think that's more than enough to get to the jury on  
24 kidnapping and criminal sexual conduct.

25 THE COURT: All right.

1           MR. BOGGS: Your Honor, my only brief reply is, I  
2 believe you can't use habit to prove conduct. And even  
3 though it's very eloquent, the fact is they don't have any  
4 evidence at all. He's relying on habit. And you can't  
5 use that to prove conduct at a specific time.

6           THE COURT: All right. I have not seen the tape and  
7 I would like the opportunity to look at the tape.

8           MR. BOGGS: Here's a plug right here.

9           THE BAILIFF: Do you want me to bring it around,  
10 Judge?

11          THE COURT: Yes. That's fine.

12          MR. BOGGS: Did you want us to leave the courtroom?

13          If you'd rather take it back there, that's fine. You  
14 may rather do that and get closer to it.

15          THE COURT: No, that's fine. And I'd like to look at  
16 his statement.

17          THE BAILIFF: Is this angle good?

18          THE COURT: Yes. That's fine.

19          (Brief recess.)

20          MR. BOGGS: Do you need to run it again?

21          THE COURT: Not this second. I'm going to retire to  
22 read his statement and I'll be back out in just a few  
23 minutes. We'll be at ease for about ten minutes. I may  
24 watch it again when I come back.

25          (WHEREUPON, a break was taken.)

1           THE COURT: I've reviewed the tape and it is -- well,  
2 I'm not going to comment on that. There is evidence that  
3 there was a kidnapping and it's contained in his  
4 statement. So I'm going to deny your directed verdict  
5 motion based on that.

6           And I think while it's extremely consistent there --  
7 I'm going to as well deny the directed verdict on the CSC  
8 as well. And to be perfectly honest, it's clear in his  
9 statement that he said that the woman was held against her  
10 will. I'm going to deny those motions.

11          Anything else?

12          MR. GOWDY: Not from the State, Your Honor.

13          THE COURT: Are you all ready to go forward?

14          Can I talk to the lawyers up here for a second?

15          (WHEREUPON, a bench conference was held with the  
16 attorneys.)

17          THE COURT: One thing I've got to make plain, she's  
18 got to take all this down. So y'all have got to speak  
19 slowly and make sure she's getting it.

20          MR. GOWDY: Yes, sir.

21          THE COURT: What are you going to do?

22          MR. BOGGS: We need to ask him if he wants to  
23 testify.

24          THE COURT: Do you want to argue today?

25          MR. GOWDY: Well, it's not just the tape. At some



1 point, she was not free to go.

2 THE COURT: He's right. There is no other evidence  
3 except his statement. You can't -- I mean, you think  
4 about it. I know you get caught up.

5 MR. GOWDY: Well, there's a case, the State v.  
6 Bennett, the Defendant said, I knocked him unconscious,  
7 therefore, it can't be a kidnapping. And the Court said,  
8 yes, it can. The body was found in the woods and he had a  
9 habit of not letting anybody else drive his car. That's  
10 exactly what we have in this case. She's got defensive  
11 wounds. She's 45 minutes away from her place of work and  
12 she's got habit of never missing work. State v. Bennett  
13 is a death penalty --

14 MR. BOGGS: Well, that brings up something else. It  
15 wasn't 45 minutes away from work. I've driven it. It's  
16 15 minutes out there. And he has no evidence that  
17 that's --

18 MR. GOWDY: I'm not going to say 45, but you're not  
19 going to say 15.

20 THE COURT: There is no evidence about the distance.

21 MR. GOWDY: Well, other than that.

22 THE COURT: The map, but I've got no time reference.

23 MR. BOGGS: In 45 minutes, I can be home and back here.

24 MR. GOWDY: Well, I haven't had a chance to ask what  
25 route.

1 MR. BOGGS: We're going to.

2 MR. GOWDY: You may not get to that --

3 THE COURT REPORTER: I can't hear.

4 THE COURT: Louder.

5 MR. BOGGS: I've explained to him you're going to ask  
6 him -- tell him that he's got the right to remain silent.  
7 You'll ask him if he's receiving any pressure from me,  
8 Karen, or Chris, that he's been fully advised and ask him  
9 whether he wants to testify.

10 (WHEREUPON, the bench conference was concluded.)

11 THE COURT: Mr. Evins, could I ask you to stand for  
12 me, please, sir.

13 WHEREUPON,

14 FREDRICK ANTONIO EVINS,

15 after first having been duly sworn, testified as follows:

16 THE COURT: You can put your hand down.

17 Thank you.

18 You understand that the State has rested their case  
19 and that the case, at this point, is going forward to the  
20 jury. It is now your opportunity -- I know this has been  
21 explained to you by your attorneys, but it is your  
22 opportunity to present a defense or not present a defense.

23 And have you had ample opportunity to discuss that  
24 issue with your attorneys?

25 DEFENDANT EVINS: Yes, sir.

1           THE COURT: Okay. Now, do you understand that the  
2 Constitution of this State and of the United States does  
3 allow you to remain silent? And if you remain silent,  
4 that cannot be used against you in any fashion whatsoever.  
5 And I will so charge the jury, if you request me to. I  
6 won't charge them if you don't want me to. I'll leave  
7 that up to the Defense if they want to make a strategic  
8 decision whether or not to mention that or not.

9           But it is your absolute right and your right alone to  
10 make that decision about whether or not you want to  
11 testify or you want to remain silent.

12           Do you understand that?

13           DEFENDANT EVINS: Yes, sir.

14           THE COURT: Okay. And have you made a decision in  
15 that regard?

16           DEFENDANT EVINS: Yes, sir.

17           THE COURT: Have you had ample opportunity in making  
18 that decision to discuss that issue with your attorneys?

19           DEFENDANT EVINS: Yes, sir.

20           THE COURT: All right. And I ask you again, do you  
21 have any question that you -- that they are giving to you  
22 their undivided loyalties?

23           DEFENDANT EVINS: Yes, sir.

24           THE COURT: Do you have a question that they are?

25           DEFENDANT EVINS: No, sir.

1 THE COURT: Okay. You believe they're doing  
2 everything they can for you; is that right?

3 DEFENDANT EVINS: Yes, sir.

4 THE COURT: Now, do you -- in making this decision --  
5 and I don't know what it is, whether you're going to  
6 testify or not testify.

7 Has anybody forced you, coerced you, or promised you  
8 anything in any way to get you to make that decision?

9 DEFENDANT EVINS: No, sir.

10 THE COURT: Have you had enough time to make that  
11 decision?

12 DEFENDANT EVINS: Yes, sir.

13 THE COURT: And it's freely and voluntarily made?

14 DEFENDANT EVINS: Yes, sir.

15 THE COURT: Do you have any questions that you'd like  
16 to ask me with respect to the issue of your testimony?

17 DEFENDANT EVINS: No, sir.

18 THE COURT: And do you need any more time to discuss  
19 the matter with your attorneys?

20 DEFENDANT EVINS: No, sir.

21 THE COURT: Okay. Is there anything else?

22 MR. BOGGS: Have you had enough time to talk with us?  
23 Is that right?

24 THE COURT: Yes.

25 Have you had enough time to talk with them?

1           MR. BOGGS: Judge, I think I know what his answer is,  
2 but he's weighing it. If the Court would give me five  
3 minutes with him, if you don't mind.

4           THE COURT: Sure.

5           MR. BOGGS: Is that what you want?

6           DEFENDANT EVINS: Yes, sir.

7           THE COURT: Thank you.

8           Mr. Gowdy.

9           MR. GOWDY: The only thing I was going to ask, Your  
10 Honor, is if there are other witnesses to be called, if  
11 they would report to the Court about that so we have time  
12 to run their RAP sheets. Obviously, we don't know who  
13 their witnesses are or who's going to be called for  
14 purposes of any potential impeachment.

15          MR. BOGGS: The only one we anticipate calling is the  
16 one named Terry Cochran.

17          MR. GOWDY: I've got his.

18          THE COURT: All right. Well, there's a Defendant's  
19 potential witness list.

20          Have you not seen that?

21          MR. GOWDY: Yes, sir.

22          I just -- rather than running 20 RAP sheets, see if  
23 they would tell me who they're going to call. But he did,  
24 so thank you.

25          MR. BOGGS: And you already probably have them.

1 MR. GOWDY: I had his.

2 THE COURT: All right. You all go ahead.

3 MR. GOWDY: Five minutes, Your Honor.

4 THE COURT: Yes, sir. Five to ten minutes, whatever  
5 he needs.

6 (WHEREUPON, a break was taken.)

7 THE COURT: Mr. Evins, have you had ample opportunity  
8 to meet with your attorneys?

9 DEFENDANT EVINS: Yes, sir.

10 THE COURT: Do you need any more time at all to talk  
11 to them?

12 DEFENDANT EVINS: No, sir.

13 THE COURT: All right. Thank you.

14 You can be seated.

15 Mr. Boggs.

16 MR. BOGGS: And he's decided he is going to testify,  
17 Your Honor.

18 THE COURT: You are. Okay. Very good.

19 Are you ready to bring the jury in?

20 MR. BOGGS: We are, Your Honor.

21 (WHEREUPON, the jury came into open court at  
22 approximately 2:53 p.m.)

23 THE COURT: All right. Ladies and gentlemen, thank  
24 you for your patience.

25 We're ready to proceed.

1 MR. BOGGS: Thank you, Your Honor.

2 The Defense calls Fredrick Evins.

3 THE CLERK: Place your left hand on the Bible and  
4 raise your right hand.

5 WHEREUPON,

6 FREDRICK ANTONIO EVINS,  
7 after first having been duly sworn, testified as follows:

8 THE CLERK: Thank you

9 Have a seat, please.

10 DIRECT EXAMINATION

11 BY MR. BOGGS:

12 Q Mr. Evins, I want you just to relax. Now, if you  
13 don't understand a question of mine, I want you to tell me  
14 you don't understand it and I'll rephrase it. Okay.

15 A Yes, sir.

16 Q All right. You're going to have to speak up so this  
17 young lady can hear you. Okay. Pull the microphone to  
18 you.

19 Fred, how old are you?

20 A 36 years old.

21 Q All right. Did you know Rhonda Ward?

22 A Yes, sir.

23 Q How long did you know Ms. Ward?

24 A About a year, year and a half.

25 Q And we're talking about a year and a half from

1 February of last year, a year and a half past that, so  
2 back to 2001 or something like that?

3 A Yes, sir.

4 Q Okay. And how did you meet Rhonda Ward?

5 A Well, I used to go back and forth to a little store  
6 right in front of Georgia Street, which is down off of  
7 Collins. And sometimes when I go to the store and come  
8 back from the store, she would be standing on the porch,  
9 her and her kids. And I would occasionally stop and talk  
10 to her.

11 Q Was this in an apartment complex?

12 A Yes, sir.

13 Q And what was the name of that apartment complex?

14 A It's called Camp Croft Apartments.

15 Q And is that located in the city limits?

16 A Yes, sir.

17 Q Is that apartment complex up above Phyllis Goins  
18 Apartments?

19 A Yes, sir.

20 Q I'm not sure of the street. Is it Collins Avenue?

21 A Yes, sir. I think it is Collins.

22 Q So you would be over at the Camp Croft Apartments.  
23 Would there be any reason for you to be over there? Did  
24 you have any people that lived over there?

25 A Yes, sir. My mother stays over there, which is very



1 close to where Rhonda stayed.

2 Q Okay. Now -- so when you -- did you ever spend the  
3 night with your momma or ever live with her for any period  
4 of time?

5 A Yes, sir. Occasionally, I would stay at my mom's  
6 house.

7 Q Okay. And you mentioned walking to the store, what  
8 store? Do you know the name of the store?

9 A It's called Collins Grocery.

10 Q Is it near this Camp Croft Apartments?

11 A Yes, sir. It's about a five-mile -- I mean, a  
12 five-minute walk from my mother's apartment.

13 Q All right. And would you, generally, walk through  
14 the apartment complex to go over to the store?

15 A Yes, sir, I would.

16 Q And was it your testimony that one time you were  
17 going through and you saw Ms. Ward?

18 A Yes, sir.

19 MR. GOWDY: Your Honor, I'm going to ask him just not  
20 to lead quite as much.

21 MR. BOGGS: I'll rephrase.

22 BY MR. BOGGS:

23 Q You said you had met her at the apartment complex, I  
24 believe?

25 A Yes, sir.

1 Q Had you ever -- did you have a conversation with her  
2 after that?

3 A Yes, sir. Occasionally, sometimes, I would go down  
4 and we would stand in front of her vehicle and talk.

5 Q Did you know where Ms. Ward worked at that time?

6 A Yes, sir. She worked at the Hot Spot at that time.

7 Q And is that the Hot Spot over on Henry?

8 A Yes, sir.

9 Q Had you ever been to that Hot Spot, or did you ever  
10 go to that Hot Spot?

11 A Yes, sir. I usually -- a lot of times, I went to  
12 that store to --

13 Q Excuse me?

14 A To get cigarettes, stuff like that.

15 Q Did you ever see Ms. Ward there?

16 A Yes, sir.

17 Q Did you ever have a conversation with her there?

18 A Yes, sir.

19 Q Over a period of time, did you and she become kind of  
20 casual friends?

21 A Yes, sir, we did.

22 Q Do you know whether Ms. Ward had any children?

23 A Yes, sir.

24 Q Do you know how many she had?

25 A She had two.

1 Q Did you ever see those children?

2 A Yes, sir.

3 Q Would they be out in the yard with her when you would  
4 talk to her?

5 A Yes, sir. They would be standing at the front.

6 Q Do you know if Ms. Ward was married?

7 A Yes, sir.

8 Q And how did you know that?

9 A She told me she was.

10 Q Was her husband living with her at that time?

11 A No, sir.

12 Q All right. Do you know where he was?

13 MR. GOWDY: Objection to relevance.

14 MR. BOGGS: Your Honor, the State's position is  
15 Mr. Evins --

16 MR. GOWDY: Your Honor --

17 MR. BOGGS: We'll approach.

18 (WHEREUPON, a bench conference was held with the  
19 attorneys.)

20 MR. BOGGS: The State's position is that they didn't  
21 know each other from a load of coal --

22 MR. GOWDY: And whether or not her husband is in  
23 prison doesn't have anything --

24 MR. BOGGS: Except it's something personal that  
25 somebody would reveal.

1           MR. GOWDY: So you're going to go into a dead woman's  
2 husband's record?

3           MR. BOGGS: No. I just asked if he knew where he  
4 was.

5           THE COURT: I'll sustain the objection.

6           MR. GOWDY: Thank you, Your Honor.

7           MR. BOGGS: So I can't ask if he knew personal things  
8 about her, which is contrary to the State's theory that  
9 they didn't know each other.

10          MR. GOWDY: There's no question he can, but not that  
11 her husband was in prison, because the only reason you're  
12 doing that is to try to sully her up. If they want -- you  
13 can talk about anything else you want to talk about, but  
14 not the fact that her husband was in prison.

15          THE COURT: Just avoid that.

16          MR. BOGGS: Thank you, Your Honor.

17          MR. GOWDY: Thank you, Judge.

18          (WHEREUPON, the bench conference was concluded.)

19 BY MR. BOGGS:

20 Q I believe you testified that Ms. Ward had two  
21 children, she was married, but her husband didn't live  
22 with her; is that correct?

23 A Yes, sir.

24 Q Okay. Over the course of time, did your friendship  
25 develop into something more than just a friendship?

1 A Yes, sir, it did.

2 Q All right. And did it ever become romantic in  
3 nature?

4 A Yes, sir, it did.

5 Q All right. Now, when you say it became romantic in  
6 nature, did you become boyfriend and girlfriend --

7 MR. GOWDY: Your Honor, objection, leading.

8 THE COURT: Yes.

9 BY MR. BOGGS:

10 Q Would you describe the relationship that you and  
11 Ms. Ward developed?

12 A We -- at a certain time after talking with each other  
13 and knowing each other and me knowing her sister or being  
14 acquainted more with her sister, we became more -- we  
15 became closer.

16 Q Okay. Let me ask you about that. When you refer to  
17 her sister, who are you talking about?

18 A Tammy.

19 Q All right. And did you assume -- did you know this  
20 was her sister or did you just assume that?

21 A No. She told me she was her sister.

22 Q All right. But you don't know for sure, do you?

23 A No, sir.

24 Q I'm sorry. Go ahead. I interrupted you.

25 A She told me she was her sister, but later on -- I'm

1 still not sure she's not, but I don't think she are [sic].

2 Q And you were talking about the relationship which you  
3 had developed with Ms. Ward.

4 A Well, we used to talk and she used to tell me certain  
5 things about -- we used to talk like about her vehicles,  
6 her cars and things. She would say, well, I need work on  
7 this vehicle or that vehicle. And I would tell her, I  
8 know how to work on certain things and work on certain  
9 kinds of cars and stuff like that.

10 Q What kind of vehicle did she have at that time?

11 A Back then, she had a -- what you call a Rover, a  
12 brown Rover. It's sort of like a Jeep type. And then  
13 after that, she had like a little gray car.

14 Q Do you know what kind of car that was?

15 A I think it was like a little Chevrolet.

16 Q All right. Did you ever do any work on those  
17 vehicles?

18 A No. I never worked on them, because I always worked  
19 a lot myself. I never -- the days I would come home, most  
20 of the time, it would be late. And a lot of times, I had  
21 to walk from my job home at night.

22 Q So this relationship had developed over a period of  
23 time; is that correct?

24 A Yes, sir.

25 Q Now, in November of 2002, did you move to a new

1 location, move your residence to a new location?

2 A Yes, sir, I did. I moved from one trailer park to  
3 another trailer park.

4 Q And where was the trailer park that you moved to?

5 A It was on Drayton.

6 Q Was that trailer number 9 that the picture was shown  
7 of yesterday?

8 A Yes, sir, it was.

9 Q And I believe that was in -- the landlord said or  
10 whoever testified said it was in November of 2002?

11 A Yes, sir.

12 Q Does that sound about right?

13 A That's about right.

14 Q And during this period of time, were you still having  
15 contact with Ms. Ward?

16 A Yes, sir, I was.

17 Q Did you still see her at the Hot Spot?

18 A Yes, sir, I did. And, occasionally, we met in  
19 different places.

20 Q Okay.

21 A And we became more closer. We became active as in  
22 sex, as in sex partners.

23 Q All right. You said you met different places. Was  
24 there any specific reason for that?

25 A Yes, sir, there was. I had a girlfriend and most

1 everybody on the side of the town that I stayed on, they  
2 knew me. And she had a boyfriend that was jealous, you  
3 know. And we didn't want to get in a fight with each  
4 other and stuff like that. So she said it will be best if  
5 we go somewhere most of the time where people can't see us  
6 or don't know us. So I agreed.

7 Q Okay. Now, at some point after you moved over to  
8 Drayton in November of 2002, did Rhonda get transferred  
9 from the Hot Spot that was located on Henry Street?

10 A Yes, sir.

11 MR. GOWDY: Your Honor, I'm going to object again to  
12 leading.

13 MR. BOGGS: That's the --

14 THE COURT: Wait --

15 MR. GOWDY: He's leading, Your Honor. He's  
16 testifying.

17 MR. BOGGS: That's the only way to ask the question.

18 MR. GOWDY: No, sir. There's a way to ask --

19 THE COURT: Well, I'm going to let him ask it.

20 Try not to lead so much, but go ahead.

21 BY MR. BOGGS:

22 Q Mr. Evins, I'll break it down. After you moved into  
23 the trailer in November of 2002 --

24 A Yes, sir.

25 Q -- was Ms. Ward transferred from her job?



1 A Yes, sir.

2 Q Do you know where she was transferred to?

3 A Yes, sir.

4 Q Where was that?

5 A That was at the Cigarette's 4 Less off of Gano Road.

6 Q Off of where?

7 A Off of Gano Road -- I mean, not off of Gano, off of  
8 Drayton.

9 Q Is that -- in relationship to your trailer, where is  
10 that Cigarette's 4 Less?

11 A It's about -- I'm going to say, roughly, it's about  
12 right at a ten-minute walk.

13 Q And is it the same side of the street as your trailer  
14 park?

15 A Yes, sir.

16 Q All right. Were you aware that she had been  
17 transferred over to the Cigarette's 4 Less?

18 A Yes, sir.

19 Q Did you ever go see her there?

20 A Yes, sir.

21 Q All right. And was your relationship with Ms. Ward  
22 still continuing at that time?

23 A Yes, sir, it was.

24 Q Now, was the relationship you were having with  
25 Ms. Ward a regular thing or was it a sporadic thing?

1       A     It was a sporadic thing. We would at times -- most  
2       of the time, the lady that I was going with or that I have  
3       been with for the last three and a half years, she would  
4       be in my trailer most of the time. But at the times that  
5       she would go home and we -- Rhonda and me, we would get  
6       together. But it was like a lot of the times, we would  
7       just talk and hug and kiss, things like that.

8       Q     Okay. Let me ask you this, Fred, changing the  
9       subject a little bit. Have you ever smoked crack cocaine?

10      A     Yes, sir, I have.

11      Q     All right. Did you regularly use crack cocaine?

12      A     Yes, sir, I did.

13      Q     Did you use cocaine to such an extent that you became  
14      addicted to it?

15      A     Yes, sir, I did.

16      Q     What was the purpose for you, initially, smoking  
17      crack cocaine? I mean, why would you smoke crack cocaine?

18      A     To get things -- to ease my mind, to get things off  
19      my mind the majority of the time, just being addicted to  
20      it, not being able to have any control over it.

21      Q     All right. During the time that you knew Rhonda  
22      Ward, to your knowledge, did she ever smoke crack cocaine?

23      A     No. Rhonda didn't smoke.

24      Q     Were you ever aware of her using any illegal drugs?

25      A     No, she didn't. Not to my knowledge, she didn't.

1 Q Well, had she used drugs and you being a crack  
2 addict, it would have been pretty easy for her to use  
3 drugs; correct?

4 A That's true.

5 Q Were you aware of whether she ever used crack?

6 A No, sir, not to my knowledge.

7 Q Okay. Fredrick, this incident occurred on February  
8 13th of 2003, that was on a Thursday; correct?

9 A Yes, sir.

10 Q When was the last time before that day that you spoke  
11 to Ms. Ward?

12 A I spoke with her the night before.

13 Q All right. That would have been February 12th?

14 A Yes, sir.

15 Q All right. Did you speak to her in person or did you  
16 have a phone conversation with her or what?

17 A No. At that time, I went to her job and she --

18 Q Where was that?

19 A On Drayton Road. And she wasn't there.

20 Q About what time did you go up there, if you can  
21 remember? Well, let me ask you this, did you go there in  
22 the morning, afternoon, or night?

23 A It was at night.

24 Q Okay. And what was the purpose of going to the  
25 Cigarette's 4 Less?

- 1 A I went to see her.
- 2 Q Was she working that night?
- 3 A No, sir.
- 4 Q All right. So what did you do?
- 5 A I called. I used the phone and called.
- 6 Q All right.
- 7 A I called her at her home.
- 8 Q Why were you calling?
- 9 A To get together with her.
- 10 Q And did you make arrangements to meet her?
- 11 A Yes, sir, I did.
- 12 Q And what were those arrangements?
- 13 A She was supposed to had came to work earlier than her  
14 normal time for us to leave and go somewhere and be  
15 together.
- 16 Q And were you supposed to meet her earlier?
- 17 A Yes, sir, I did.
- 18 Q On the morning of the 13th, did you, in fact, go up  
19 to the Cigarette's 4 Less?
- 20 A Yes, sir, I did.
- 21 Q All right. And how did you get up there?
- 22 A I walked, sir.
- 23 Q All right. From where did you walk?
- 24 A From my trailer.
- 25 Q Okay. So you didn't go to Applebee's to work that

1 day, did you?

2 A No, sir.

3 Q You didn't walk all the way from Applebee's, did you?

4 A No, sir.

5 Q Your testimony is you walked from your trailer?

6 A Yes, sir.

7 Q Which, I think, you testified was ten minutes,  
8 roughly, away?

9 A Roughly, yes, sir.

10 Q All right. And tell me what happened -- or tell me,  
11 first of all, did you walk up and then turn into the  
12 parking lot?

13 A Yes, sir. As I -- my remembrance of going was I went  
14 up -- I walked up the sideway -- as I was walking up the  
15 sideway, a couple or few cars, people that I knew had  
16 spoke to me, blew at me. And as I got --

17 Q These are cars going down Drayton Avenue or whatever?

18 A Yes, sir.

19 Q Okay.

20 A And as I got to where she worked at, I like sort of  
21 turned and walked to the side and walked in the parking  
22 lot.

23 Q When you first turned into the parking lot, was  
24 Ms. Ward in her car or out of her car?

25 A She was sitting in her car.

1 Q As you started walking across the parking lot, what  
2 did Ms. Ward do?

3 A She got out of the car.

4 Q All right. And did you go up to her?

5 A Yes, sir, I did.

6 Q And did you have a conversation with her?

7 A Yes, sir, I did.

8 Q All right. And as a result of that conversation, did  
9 she get back in the car?

10 A Yes, sir, she did.

11 Q Once she got back in, did you walk around the front  
12 of the car and get in the passenger side?

13 A Yes, sir, I did.

14 Q And did the car leave the Cigarette's 4 Less at that  
15 point?

16 A Yes, sir. We --

17 Q Now, you left?

18 A We left.

19 Q All right. What was the conversation that you had  
20 with Ms. Ward in the parking lot of the Cigarette's 4  
21 Less?

22 A I asked her -- I told her, I said, you late and you  
23 ain't going to get back in time to open the store. I  
24 said, you going to be late to open the store. She started  
25 to -- at that time, she started to go on in the store.

1 But then she said, well, maybe we could go somewhere at a  
2 short distance.

3 Q All right. Excuse me, Mr. Evins. You and she pulled  
4 out of the Cigarette's 4 Less; is that correct?

5 A Yes, sir.

6 Q Do you remember the route that you drove at that  
7 point? Do you remember how you headed out?

8 A Yes, sir.

9 Q All right. Now, did you ever -- can you remember  
10 either in the parking lot or during the riding around, did  
11 you ever mention to Ms. Ward that you may want to go some  
12 place else, or did you want her to drive somewhere?

13 A Yes, sir, I did.

14 Q Now, where -- tell me the route that you started  
15 driving -- well, first of all, Ms. Ward was driving?

16 A Yes, sir.

17 Q Tell me the route that you were following.

18 A We went down Pine Street -- up Pine Street. We  
19 turned left at the red light. We turned right at  
20 Phillips. It's a little gas station to the right there,  
21 it's called Phillips. We went right there beside Vic  
22 Bailey up under the trestle and went up across Dean  
23 Street. And then when we got to Dean Street, at the red  
24 light, we went across Dean Street and made a right turn  
25 by -- what is that?

1           It's just a big church right there to the left. And  
2 we went around by where the --

3       Q     All right. Clarify this, you started from  
4 Cigarette's 4 Less and the route you described, you end up  
5 over at the Hot Spot on Henry Street?

6       A     Yes, sir, close to it.

7       Q     All right.

8       A     We went by -- we went up by the Hot Spot and we  
9 turned and went -- well, we turned and went up in front of  
10 the Hot Spot and went through town right there down across  
11 the railroad tracks, like where the beer place is at on  
12 the left-hand side. We went down and came up by -- what's  
13 that place?

14           It's called -- it's some apartments called Campbell  
15 Klecky [phonetic] Apartments. And it's a fish place on  
16 the opposite side on that same road. And it brings you  
17 right out to -- it brings you right out to Reidville Road  
18 right up above where they sell Mercedes or BMW. I think  
19 it's Mercedes -- no, I think it's -- yeah, it's Mercedes.  
20 They call it Snoddy's or something.

21       Q     So you were on Henry at one time and you dead-ended  
22 into Reidville Road; is that correct?

23       A     Yes, sir. When you come by -- when you come up by  
24 the Hot Spot, you're going through town and you pass by  
25 the big post office. You go down and you've got railroad



1 tracks right here and you got the beer place on the  
2 left-hand side. And then you go up the hill. And when  
3 you go up the hill, you've got a fish market and a little  
4 gas station. And there's a car lot right there, I think,  
5 where they sell BMW's and you are right there on Reidville  
6 Road.

7 Q And which way did you turn once you got to Reidville  
8 Road?

9 A We turned left.

10 Q All right. Heading out Reidville Road?

11 A Yes, sir. We were going up Reidville Road, like past  
12 the Beacon and going straight up.

13 Q All right. By the time you got to Reidville Road or  
14 even the parking lot or wherever it was, were you  
15 ultimately wanting to be let off that day?

16 A I wanted to get off as close as I could to Pop's  
17 house.

18 Q Pop's?

19 A Pop's, that's what we call him.

20 Q In Cashville?

21 A Yes, sir.

22 Q And why would you want to be going out to Pop's?

23 A To get high.

24 Q Had you smoked any drugs that day?

25 A No, sir.

1 Q Okay. But that was your purpose of going out there?

2 A Yes, sir.

3 Q Was Ms. Ward going to drive you out there?

4 A Yes, sir.

5 Q Okay. At some point, you end up off of Reidville  
6 Road; is that correct?

7 A Yes, sir.

8 Q Tell the jury the route you took up Reidville Road.

9 A Up Reidville Road?

10 Q Well, you're on Reidville Road, tell us where you  
11 went then.

12 A Well, we went straight up Reidville Road. And once  
13 you get -- once you go up Reidville Road so far, you'll  
14 come to what they call Moore, South Carolina. And you can  
15 make a right turn at the end of Moore -- or at the end of  
16 Moore Road, which would put you back on 290. And you can  
17 go like maybe -- I'm going to say like a mile up 290, and  
18 you can turn off and it will take you out to what you call  
19 Berry's Pond and Silver Lake.

20 Q All right. So, at some point, did you end up over on  
21 Gano Road?

22 A Yes, sir, I did.

23 Q During the time that you and Ms. Ward were driving,  
24 were you having conversations back and forth?

25 A Yes, sir, we was. We was, actually, messing with

1 each other, physically playing with each other, making  
2 each other hot.

3 Q All right. So when you got to Gano -- why did you  
4 turn onto Gano Road -- or why did she turn onto Gano Road?

5 A Well, we had been out there before. Right where you  
6 get to Berry's Pond, there's a little turn off. And right  
7 before you get to the bridge to go across Berry's Pond,  
8 there's a dirt road right there. We had been out there  
9 before and pulled off in that little dirt road before.

10 Q So Ms. Ward had to work that morning; right?

11 A Yes, sir.

12 Q And she had to be back to open up; is that correct?

13 A Yes, sir.

14 Q So your testimony was you and she had, actually, made  
15 this drive before?

16 A Yes, sir.

17 Q Out in that area?

18 A Yes, sir.

19 Q All right. So were you aware of about how long it  
20 would take to get out there and get back?

21 A Yes, sir.

22 Q Okay.

23 A Roughly, she should have been back -- we was  
24 thinking, well, she should be back in the next 25, 30  
25 minutes.

1 Q Okay. Now, at some point, you turned on Gano Road;  
2 correct?

3 A Yes, sir.

4 Q All right. Tell the jury everything that happened  
5 from the time that you turned on -- after you turned on  
6 Gano Road.

7 A Well, we turned -- first, we went to -- we come  
8 across the bridge at Berry's Pond. We came across the  
9 bridge and made a right turn. And it's like a little pull  
10 off, and it used to be up high. It's used to have weeds  
11 up high where you could pull in there and do your little  
12 thing and nobody could see you. But, at this particular  
13 time, it was getting wintertime and there was like a clear  
14 spot.

15 So she pulled in -- we pulled in like this and the  
16 car was facing this way. And you could look -- like right  
17 across the street, you've got a tackle place where they  
18 buy fishing equipment, people that fish in the lake. And  
19 if you get out of the car, you can like lean and look like  
20 that and you can see the water running off the dam down in  
21 the river.

22 So we sat there like 15 minutes and we was talking.  
23 I was telling her, we can't sit here.

24 Q All right. Let me ask you something and interrupt  
25 you. Now, are you talking about being on Gano Road at

1       that point or was this something before Gano Road?

2       A     This was another road before Gano Road.

3       Q     Was it up in the Silver Lake Road area?

4       A     Yes, sir.

5       Q     What I want you to do, Mr. Evins, is take us over to  
6       Gano Road, once you turn onto Gano Road.

7       A     Okay.

8       Q     What happened then?

9       A     Well, once we turned on Gano Road, we went down and I  
10      was talking to her about, look, we are close. So you are  
11      taking me close to Pop's, so maybe we should go on down  
12      there. And she said, no, we'll have time.

13      Q     Okay. You mentioned something earlier, too. It was  
14      pretty cold, wasn't it?

15      A     Yes, sir.

16      Q     All right. Did she have on a coat?

17      A     Yes, sir.

18      Q     All right. Did you have on any sort of coat?

19      A     Yes, sir. I had on a coat, kind of -- not a real  
20      thick jacket, but sort of like a little thicker than a  
21      Member's Only.

22      Q     It was pretty cold outside, do you remember that or  
23      not?

24      A     Yes, sir, it was.

25      Q     So you're on Gano Road. Did you see any other cars

1 on Gano Road?

2 A No, sir, we didn't.

3 Q All right. Now, at some point, did you end up  
4 parking on Gano Road?

5 A Yes, sir. We went down Gano Road and we whipped  
6 around -- she whipped around and pulled on the side of the  
7 street right there. We sat there. We sat there for  
8 like --

9 Q When you're sitting there, did you see any other  
10 vehicles go by?

11 A Yes, sir, one vehicle came down.

12 Q Okay. Was it -- do you remember what kind of vehicle  
13 it was? Was it a truck, car, or can you remember?

14 A It was a black truck. It looked like a black GMC.

15 Q All right. What happened at that point? Were you  
16 parked by the apple orchard at that point?

17 A Yes, sir, we was.

18 Q All right. What happened at that point?

19 A At that point, we was sitting in the car messing with  
20 each other. And I'm telling her at this point, look, we  
21 can't sit here on the side of this road because this is  
22 where the Sheriff's Department runs, all this area the  
23 county man be down there.

24 Q So what did y'all do?

25 A So she said, well, we'll get out -- we looked and

1       there was like a little opening, like a little field. And  
2       she said we'll get out and we'll go. We seen like a  
3       little wire laying on the ground. Usually like in them  
4       kind of places like that they have these things up that  
5       say, no trespassing. Don't come in, you know, you're not  
6       supposed to cross these lines and stuff. But at that  
7       particular time, we looked down and the line was laying on  
8       the ground. It was a cable wire that was laying on the  
9       ground.

10      Q       So it wasn't up?

11      A       No. It wasn't up.

12      Q       Did you get out of the car at that point?

13      A       Yes, sir, we did.

14      Q       What did you do? Did you walk down?

15      A       We walked down through the little path.

16      Q       Okay. Tell the jury now what happened when you got  
17       down there.

18      A       Okay. When we got down to the little path, we got  
19       like about middle ways to where we could see cars going  
20       down, but they, actually, couldn't see us standing right  
21       there in the little field. So that's when we started  
22       taking off our clothes and stuff. We laid down on the  
23       ground and we started having sex.

24      Q       All right. Again, it was cold, wasn't it?

25      A       Yes. It was cold, but I gave her -- she had her

1 coat. But I laid my coat on the ground, my coat and  
2 shirt, and she laid on my coat and shirt.

3 Q And did you have sexual intercourse at that point?

4 A Yes, sir, we did.

5 Q All right. Now, tell me what happened. Obviously,  
6 Rhonda ended up dead.

7 A Yes, sir, she did.

8 Q Right at that spot you're talking about, tell the  
9 jury what happened.

10 A She -- we was laying on the ground. We was having  
11 sex and she started -- we started fussing about me going  
12 with this girl and she going with this guy. And we  
13 started arguing. We was getting ready to get up off the  
14 ground -- and when we started arguing, we started fighting  
15 with each other on the ground.

16 Q Did you say anything to insult her or humiliate her?

17 A Yeah. I told her I wasn't going to leave my  
18 girlfriend, because I been with my girlfriend for like  
19 three years and she done a lot of stuff for me. And I  
20 told her, I said, you got to be crazy if you think I'm  
21 going to leave my girl. And she was mad. She said,  
22 you're having sex with that woman and you're coming and  
23 having sex with me and I ain't going for that. And I told  
24 her, I said, well, you're still going with Miami. And she  
25 said, I see him every now and then, but we really ain't



1       messaging around with each other. And I don't know --

2       Q       Did the argument get pretty heated?

3       A       Yeah.

4               MR. GOWDY: Your Honor, I object to leading, if he'd  
5       just ask the question.

6       BY MR. BOGGS:

7       Q       Was this a pleasant conversation or was it an  
8       argument?

9       A       No. She got rather mad. Because it was already  
10      cool. It was already cold. And we was trying to hurry up  
11      so she could get back to work. And she just -- one thing  
12      lead to another. I got madder, she got madder. And then,  
13      the next thing I know, she had a knife in her hand and we  
14      came up off the ground fighting with each other.

15             And when we came up off the ground, I had her around  
16      her back trying to hold her and we were fighting. She was  
17      hitting me in my head. She was scratching me. I was  
18      hitting her. The next thing, I know, some kind of way,  
19      she had got stabbed. I was holding her hand.

20      Q       Were you jerking her hand around?

21      A       Yeah. I was holding her. She was like pushing on my  
22      neck like that. And I was holding her forearm. And she  
23      had a knife in this hand right here. And some kind of  
24      way, she got it in this hand like this. She had the blade  
25      of the knife in her hand like this. And I was holding her

1 hand to try to keep her from stabbing me, and she got  
2 stabbed. That's how she got stabbed.

3 Q Did you jerk it toward her?

4 A Yes, sir. I was trying to hold it.

5 Q But did you jerk it toward her?

6 A Yes, sir.

7 Q All right. Do you know how many times she, actually,  
8 got stabbed?

9 A No, sir.

10 Q Could she have gotten stabbed several times?

11 A Yes, sir, she could have.

12 Q And you mentioned she had the knife blade in her hand  
13 one time?

14 A Yes, sir.

15 Q All right.

16 A I never had no knife. She had the knife. Where it  
17 came from, I don't know. She had it.

18 Q All right. But you don't deny that you pulled it --  
19 jerked it toward her?

20 A Yes, sir, I did.

21 Q And as a result of that, she got stabbed?

22 A Yes, sir.

23 Q And it's possible she got stabbed more than one time?

24 A Yes, sir.

25 Q All right. At some point, did she fall down?

1 A Yes, sir, she did.

2 Q All right. What happened then, Fredrick?

3 A She wasn't moving.

4 Q Could you tell --

5 A She didn't move.

6 Q Could you tell if she was breathing?

7 A She didn't look like it, no.

8 Q All right. What thoughts were going through your  
9 head, Fredrick?

10 A I don't know. I was scared. I was saying to myself,  
11 what are people going to think? I'm out here in the  
12 bushes with this white girl and she done got killed or got  
13 hurt. I didn't know what to do. I didn't know what to  
14 do.

15 Q Well, of course, one thing you could have done would  
16 have been to call 911. Did you do that?

17 A No.

18 Q Did you call the police?

19 A No, sir.

20 Q What did you do?

21 A I got in the car and left.

22 Q All right. Well, did you do anything before you got  
23 in the car and left?

24 A Yeah.

25 Q What did you do?

1 A I picked up her clothes and my clothes.

2 Q All right. And what did you do with them?

3 A I put them in the car.

4 Q All right. Why would you take her clothes?

5 A I don't know. I was scared. I didn't know what to  
6 do.

7 Q So at some point -- well, let me ask you this. Do  
8 you know what happened to the knife?

9 A Yeah. I throwed it.

10 Q Where did you throw it?

11 A I throwed it straight, somewhere down by where that  
12 little house or little shed was in the little -- down  
13 there.

14 Q In the wood line?

15 A Yeah.

16 Q Let me ask you a question. You say you took the --  
17 you threw the knife in the woods and you took the clothes  
18 and gathered up the clothes and took them with you?

19 A Yeah.

20 Q When you got into her car, what were you thinking?

21 A I just needed to get away and try and get my head  
22 together so I can think what to do.

23 Q All right. So you, as a crack addict, decided to do  
24 what?

25 A I went and got high.

1 Q Where did you go?

2 A I went to Pop's.

3 Q Is that where you originally were headed that  
4 morning?

5 A Yes, sir.

6 Q You drove Rhonda's car?

7 A Yes, sir.

8 Q So you took her car?

9 A Yes, sir.

10 Q And when you got to Pop's, was anybody there that you  
11 knew?

12 A Yes, sir.

13 Q Who was there?

14 A Teresa Johnson.

15 Q All right. When you went into Pop's, did you ask if  
16 anybody had any crack?

17 A Yes, sir.

18 Q And were you able to get a rock?

19 A Yes, sir, a little later on.

20 Q All right. And did you smoke it?

21 A Yes, sir.

22 Q All right. As an addict, what happens once you smoke  
23 one rock? What do you want?

24 A (There was no response.)

25 Q Can you go on, Fredrick?

1 A Yes, sir.

2 Q As an addict, once you get that first rock in you,  
3 that first hit of drugs, what are you looking for next?

4 A You be wanting some more.

5 Q Did you, in fact, sell the stereo or cassette or  
6 something out of there -- out of the car?

7 A Yes, sir.

8 Q Why did you sell it?

9 A Because I didn't have no money.

10 Q Okay. Was that to buy more drugs?

11 A Yes, sir.

12 Q Did you smoke those drugs?

13 A Yes, sir.

14 Q All right. Now, at some point, some of Ms. Ward's  
15 property ended up over in this little trash area over  
16 in -- on Walker Road. Do you know anything about that?

17 A Yes, sir.

18 Q What?

19 A Some things were taken out of her car.

20 Q All right. Were you aware that that's where her  
21 pocketbook was?

22 A Not at first, I wasn't.

23 Q All right. At some point, did you go over there and  
24 look around that area?

25 A Yeah.

1 Q Did you find her pocketbook?

2 A Yes, sir.

3 Q All right. And when you opened her pocketbook, what  
4 did you find?

5 A She had a lot of money.

6 Q All right. Did you know that prior to that time?

7 A No, sir.

8 Q And did you tell Teresa Johnson when you came out  
9 that you didn't know she had this money?

10 A Yes, sir.

11 Q All right. So what did you do with that money?

12 A I took some and bought drugs with it.

13 Q Why were you buying all these drugs and smoking all  
14 these drugs?

15 A Because I didn't want to think about what had  
16 happened. I just wanted to -- I just wanted to think in  
17 my head that it didn't really happen, but it did. And I  
18 knew it did, but I didn't want to face reality.

19 Q All right. Now, at some point, did you end up in  
20 Greer with whoever it was, Eugene Edwards or one of those  
21 crack heads out there?

22 A Yeah.

23 Q Did you buy more drugs over there?

24 A Yes, sir.

25 Q All right. Did you eventually get away from the

1 Cashville area, from Pop's and Eugene's and all that, and  
2 end up in Greer?

3 A Yes, sir, later on sometime.

4 Q All right. What did you do with the white car?

5 A I parked it.

6 Q All right. And what did you do after you parked the  
7 white car?

8 A I got with some more people.

9 Q All right. At some point, did you end up -- well,  
10 let me ask this, at some point, did you lose contact with  
11 the white car?

12 A Yeah.

13 Q Where was that?

14 A When I was at Greer Trailer Park in Greer.

15 Q Do you know anything about the car getting burned?

16 A No.

17 Q All right. Now, you've heard this Shaun Sweet or  
18 whatever his name was testify that he saw you in Greer  
19 driving that car and you picked him up; is that true?

20 A No. That ain't the same car.

21 Q Have you ever offered to sell that car to Shawn  
22 Miller?

23 A No.

24 Q Do you know Ms. Shawn Miller?

25 A I know her, but I don't know her that good.



1 Q But does she still live in Greer, to your knowledge,  
2 or in that area somewhere?

3 A I think so.

4 Q Okay. Had you ever been in a car with Shaun Sweet?

5 A Yeah, before, but it's been a while.

6 Q But the time that he was trying to testify to, you  
7 never even -- did you ever see him?

8 A No -- yeah. I seen him, but when I picked him up,  
9 that was in another different car.

10 Q Well, was that the same day?

11 A No. It was maybe two days later.

12 Q Okay. Did you even have the white car at that time?

13 A No.

14 Q Do you know what happened to the white car?

15 A No.

16 Q Fredrick, look at State's Exhibit No. 22, that's the  
17 knife handle -- is that the knife handle of the knife you  
18 were talking about?

19 A No. That ain't it.

20 Q It's been testified that that knife handle was found  
21 on Walker Road. Where is the knife Rhonda got stabbed  
22 with, to your knowledge?

23 A I throwed it in those bushes.

24 Q Is that on Gano Road?

25 A Yeah.

1 Q Fredrick, did you intentionally stab Rhonda?

2 A No, sir. I hate because she got stabbed. I didn't  
3 mean to do it. We were fighting and we were mad and  
4 angry. I didn't try to stab her on purpose.

5 Q All right. Looking back now, of course, we can't do  
6 anything about it. But do you agree that you acted pretty  
7 irresponsibly by not calling 911?

8 A Yeah.

9 Q Or the police?

10 A Yeah. I should have, I just couldn't think. I was  
11 scared. I didn't know what to do.

12 Q You did what a drug addict would do, didn't you?

13 A Yeah.

14 Q All right. Now, Fredrick, you were, eventually,  
15 picked up by some detectives from the Spartanburg County  
16 Sheriff's Office; is that correct?

17 A Yes, sir.

18 Q All right. And, I believe, you were in the Greer  
19 jail on a driving under suspension; is that correct?

20 A Yes, sir.

21 Q And when they came to pick you up, did you know -- at  
22 that point, when they first got you, did you know what  
23 they wanted to talk to you about?

24 A No, sir.

25 Q All right. And they didn't -- did they question you

1       between Greer and Spartanburg?

2       A     No, sir.

3       Q     And you got to the Spartanburg jail; correct?

4       A     Yes, sir.

5       Q     And did they put you in an interrogation room?

6       A     Yes, sir.

7       Q     And, at some point, did they tell you what they were  
8       wanting to talk to you about?

9       A     Yeah.

10      Q     And did they tell you it was about Rhonda Ward?

11      A     Yes, sir.

12      Q     All right. Now, initially, did you tell them that  
13      you just really didn't know anything about it?

14      A     Yes, sir.

15      Q     All right. Fredrick, what was your feeling once they  
16      started talking about it? How did you feel?

17      A     I was scared.

18      Q     Okay. Did you want to tell them the truth?

19      A     Yeah.

20      Q     Were you afraid to tell them the complete truth?

21      A     Yeah.

22      Q     But did you want to get it off your chest?

23      A     Yes, sir.

24      Q     Is that why you agreed to sign your Miranda rights  
25      away?

1 A No.

2 Q No? Getting it off your chest, is that why you  
3 wanted to sign this piece of paper giving up your rights?

4 A Yeah.

5 Q So you gave up your right to remain silent, you  
6 signed that away right there; is that right?

7 A Yes, sir.

8 Q All right. You understood that anything you told  
9 them was going to be used against you in a court of law;  
10 right?

11 A Yes, sir.

12 Q And it sure is, isn't it?

13 A Yes, sir.

14 MR. GOWDY: Your Honor, I'm going to object once  
15 again to his leading of the witness. If he wants to  
16 testify --

17 THE COURT: Don't lead anymore, Mr. Boggs.

18 BY MR. BOGGS:

19 Q One of the rights is, I have a right to talk to a  
20 lawyer. Did you give that right up?

21 A Yes, sir.

22 Q Did you ever ask for a lawyer any time during this  
23 questioning?

24 A No, sir.

25 Q All right. You've got a right to stop answering the

1 questions. Did you give that right up?

2 A Yes, sir.

3 Q Did you answer all their questions during that time?

4 A Yes, sir.

5 Q All right. You, initially, told them that you had  
6 not had sex with Rhonda; is that correct?

7 A Yes, sir.

8 Q But did you give up your right or did you sign a  
9 permission slip to have hair samples, saliva samples,  
10 etc., taken at the hospital?

11 A Yes, sir.

12 Q You voluntarily did that?

13 A Yes, sir.

14 Q All right. Did you voluntarily go with them to the  
15 hospital?

16 A Yes, sir.

17 Q Did you voluntarily tell them that you had had sex  
18 with Rhonda?

19 A Yes, sir.

20 Q Did you voluntarily give up a hair sample, saliva  
21 sample, and blood sample?

22 A Yes, sir.

23 Q Now, you did end up giving them a statement; is that  
24 correct?

25 A Yes, sir.

1 Q And here's a copy of it. Fredrick, do you remember  
2 that statement?

3 A Yes, sir.

4 Q All right. How much of that statement is true do you  
5 think, Fredrick?

6 A Maybe half of it.

7 Q All right. The first line, "I have been knowing  
8 Rhonda for about two years;" is that true?

9 A Yes, sir.

10 Q "I met Rhonda through her sister from North  
11 Carolina;" is that true?

12 A Yes, sir.

13 Q All right. And then in parentheses, it's "April" or  
14 "Angel;" is that true?

15 A No, sir.

16 Q All right. Next, "I saw her; Rhonda's sister,  
17 first;" is that true?

18 A Yes, sir.

19 Q "About seven to eight months ago, I started messing  
20 with Rhonda;" is that true?

21 A Yes, sir.

22 Q "Rhonda was living with her" -- and you have three  
23 kids down there; is that true? Did she have three kids?

24 A I think. I'm not sure.

25 Q Okay. It says, "In the same apartments as my

1 mother;" is that true?

2 A Yes, sir.

3 Q You said that she would ride through the apartments  
4 and pick you up; is that true?

5 A She have, but --

6 Q On a regular basis?

7 A Not on a regular basis, no.

8 Q You also say that you would do your thing (smoke and  
9 have sex.) Did she smoke crack?

10 A No, sir.

11 Q That's not true, is it?

12 A No, sir.

13 Q You've had sex with Rhonda eight or nine times before  
14 this happened; is that true?

15 A Yes, sir.

16 Q And the last time you had had sex with Rhonda was two  
17 weeks before this happened; is that true?

18 A Yes, sir.

19 Q Now, you said in the middle of February one night,  
20 you called Rhonda at home; is that correct?

21 A Yes, sir.

22 Q And your testimony today was that that was at  
23 Cigarette's 4 Less, is that where you called her?

24 A Yes, sir.

25 Q But on your statement, you said Applebee's; is that

1 true?

2 A No, sir.

3 Q And then you talk about meeting her the next morning;  
4 is that true?

5 A Yes, sir.

6 Q And then you go through once you get hooked up, you  
7 go through all this stuff about a dude and two people  
8 being down in the apple orchard. Is any of that true,  
9 Fredrick?

10 A No, sir.

11 Q Why would you be saying that?

12 A Because I was scared.

13 Q But then you get down there and tell the police you  
14 stabbed her?

15 A Yes, sir. Because I wanted to tell the truth, but I  
16 didn't want nobody to find out that I was messing with  
17 her.

18 Q Okay. So under the circumstances, the first time  
19 you've been -- was this the first time you had talked to  
20 the police station about this?

21 A Yes, sir.

22 Q And under those circumstances, were you still scared?

23 A Yes, sir.

24 Q The bottom -- the last of the statement said, "To the  
25 police, I am sorry that things happened like this because



1 of drugs, but I'm truly sorry for the things I've done;"  
2 is that correct?

3 A Yes, sir.

4 Q You say that you're very, very sorry; is that  
5 correct?

6 A Yes, sir, because of the family that's suffered for  
7 it.

8 Q Rhonda's family?

9 A Yes.

10 THE WITNESS: I'm sorry y'all. I'm sorry. I didn't  
11 mean -- I didn't intentionally try to kill her.

12 BY MR. BOGGS:

13 Q Okay, Fredrick. Fredrick, just one or two more  
14 questions. Let me take you back to the apple orchard.  
15 You described that you and Rhonda walked down, I guess,  
16 the farm road or whatever you called it, you were having  
17 sex and an argument broke out. It got pretty heated; is  
18 that correct?

19 A Yes, sir.

20 Q A knife was produced?

21 A Yes, sir.

22 Q Rhonda gets stabbed?

23 A Yes, sir.

24 Q From the time the argument got heated up until the  
25 time she got stabbed, how much time passed?

1       A     Maybe one or two minutes.

2       Q     All right.  So it was fairly quick?

3       A     Yes, sir.

4       Q     All right.  Was there a scuffle?

5       A     Yes, sir.  We scuffled a lot, yes, sir.

6           MR. BOGGS:  Fred, if you'll answer any questions that  
7     Mr. Gowdy might have.

8           THE COURT:  All right.  Mr. Foreman, and, ladies and  
9     gentlemen -- excuse me, Madam Forelady, and, ladies and  
10    gentlemen of the jury, we're going to take about a  
11    five-minute or ten-minute break.  So y'all stretch your  
12    legs and we'll get back to it in a minute.

13          Please do not discuss any of the evidence.

14          Thank you.

15          (WHEREUPON, the jury was excused from open court at  
16    approximately 3:46 p.m.)

17          THE COURT:  Mr. Evins, you may stand down, but do not  
18    discuss your testimony with anyone.  If you're  
19    comfortable, you can stay right there.

20          (WHEREUPON, a break was taken.)

21          THE COURT:  We're still waiting on the jury to come  
22    back.  They'll be ready in just a minute.

23          In the meantime, Mr. Evins, I'm going to instruct you  
24    not to direct any comments to anyone other than the person  
25    who's asking you the question.

1 Do you understand that?

2 DEFENDANT EVINS: Yes, sir.

3 MR. GOWDY: Your Honor, would you like me to put what  
4 I plan to impeach him on on the record or -- I think we  
5 kind of discussed it back in chambers.

6 THE COURT: We had a meeting in chambers. And I  
7 think the two parties agreed there is two strong armed  
8 robberies and a petit larceny; is that right? Am I  
9 correct?

10 MR. GOWDY: '96 and '97, strong armed --

11 MR. BOGGS: Yeah.

12 THE COURT: Okay.

13 (WHEREUPON, the jury came into open court at  
14 approximately 3:59 p.m.)

15 THE COURT: Welcome back, ladies and gentlemen.

16 Mr. Gowdy.

17 MR. GOWDY: May it please the Court, Your Honor?

18 CROSS-EXAMINATION

19 BY MR. GOWDY:

20 Q Fredrick, where does a totally naked woman hide a  
21 knife?

22 A Sir, I don't know, sir.

23 Q No. You're going to have to do better than, I don't  
24 know, Mr. Evins. Where does a totally naked lady hide a  
25 knife?

1       A     I don't know, sir. I don't know where the knife came  
2       from. I don't know. I don't know if it was on the  
3       ground. I don't know where it came from.

4       Q     She's totally naked. Your testimony before this jury  
5       is you're having sex in below freezing weather on the  
6       ground. You're having a discussion about your various  
7       boyfriends and girlfriends and all of a sudden, she  
8       produces a knife. Where did it come from, Mr. Evins?

9       A     I don't know, sir. I don't know.

10      Q     Mr. Evins, you're going to have to do better --

11           MR. BOGGS: Objection, Your Honor.

12           THE COURT: Sustained.

13           THE WITNESS: And that's the truth. I don't know. I  
14       do not know. I didn't have no knife. I didn't have no  
15       kind of weapons.

16       BY MR. GOWDY:

17      Q     What was she saying when you were stabbing her,  
18       Mr. Evins?

19      A     She was just --

20      Q     Was she begging for her life?

21           MR. BOGGS: Your Honor, if the Solicitor could back  
22       up just a little bit.

23           I don't think he needs to --

24           THE WITNESS: She just said, "Why did you do this?  
25       Why would you do this?"

1 BY MR. GOWDY:

2 Q Was she crying, Mr. Evins?

3 A No, sir, not at the beginning.

4 Q She wasn't crying?

5 A No, sir.

6 Q But after a while, she quit crying. After what stab  
7 did she quit crying, Mr. Evins?

8 A I don't remember but stabbing her once.

9 Q You remember stabbing her once --

10 A Okay. We was arguing. We was wrestling with each  
11 other. We was arguing. We were fussing and it happened  
12 so quick. I don't know.

13 Q 12 quick stab wounds, Mr. Evins; is that right?

14 A I don't know how many times she got stabbed.

15 Q I know how many times you got stabbed, zero.

16 A I don't know, sir.

17 Q She got stabbed 12 times, Mr. Evins. You want this  
18 jury to believe that she produced a knife and tried to  
19 stab you. She was 0 for 12 on you, Mr. Evins.

20 A Yes, sir, but it's the truth.

21 Q You were 12 for 12 on her.

22 A Sir, it's the truth. The knife was in her hand. I  
23 don't know where it came from.

24 Q "I'm holding the knife in my right hand in front of  
25 me, I stuck her in the chest. Rhonda said something like,

1       why did you stab me? Why did you hurt me?" I want to  
2       know what she was saying while you were stabbing her,  
3       Mr. Evins.

4       A       That's not true. That ain't the way it happened.

5       Q       That's what you told the police, Mr. Evins.

6       A       That's not true. The statement is not true.

7       Q       Did you take her clothes off before or after you  
8       killed her?

9       A       Sir, we went to the spot. We both took our clothes  
10      off. She left one side of her clothes on, on her pants.  
11      Okay. She pulled on -- all of her clothes on the bottom,  
12      she pulled one side off. She laid on my coat and on my  
13      shirt on the ground. Okay.

14      Q       That was awfully polite of you, Mr. Evins, to lay  
15      your clothes down for her to lay down on --

16              MR. BOGGS: Your Honor, is that a question?

17              THE WITNESS: It's the truth --

18              MR. GOWDY: The --

19              THE COURT: Hang on. Stop, stop. One person at a  
20      time.

21              MR. BOGGS: Your Honor, he is not asking questions.  
22      He's berating the witness.

23              THE COURT: I'll sustain that.

24              Ask questions, Mr. Gowdy.

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

1 BY MR. GOWDY:

2 Q It's below freeeing?

3 A Yes, sir.

4 Q I noticed, Mr. Evins, on the 13th of February, you  
5 smoked crack about a half dozen times, didn't you?

6 A Yes, sir.

7 Q Never once did you do it outdoors?

8 A No, sir.

9 Q You went inside Dennis Meredith's house, didn't you?

10 A Yes, sir.

11 Q You went inside a building on Dennis Meredith's  
12 property?

13 A Yes, sir.

14 Q You went inside a house in Reidville?

15 A Yes, sir.

16 Q I didn't hear you, Mr. Evins.

17 A Yes, sir.

18 Q You went inside a house in Greer?

19 A Yes, sir.

20 Q But you want the jury to believe that it's below  
21 freezing, between 7:00 and 8:00 in the morning, and you're  
22 going to go have sex on the ground?

23 A We normally did it in the car. But since cars kept  
24 coming up and down the road, we went and did it in the  
25 bushes.

1 Q Do you see that little sticker over there, Mr. Evins?

2 A Yes, sir.

3 Q That's your trailer. It's about a quarter of a mile  
4 from where she worked.

5 A I know, yes, sir.

6 Q If you knew that you lived there, why did you never  
7 tell the police that you lived there, Mr. Evins?

8 A What you mean I never told -- yes, I did.

9 Q That's not the address you gave when they took your  
10 interview, Mr. Evins.

11 MR. BOGGS: Your Honor --

12 MR. GOWDY: He --

13 THE COURT: Just a minute.

14 What's the objection?

15 THE WITNESS: I always give my mother's address --

16 THE COURT: Wait a minute. Wait.

17 MR. BOGGS: May we approach on this?

18 THE COURT: Yes.

19 (WHEREUPON, a bench conference was held with the  
20 attorneys.)

21 MR. BOGGS: If he's getting into that, then --

22 MR. GOWDY: Tam, if you'll let me ask my questions  
23 and not interrupt. I'm going into the statement he gave  
24 the police.

25 (WHEREUPON, the bench conference was concluded.)



1 BY MR. GOWDY:

2 Q When you were interviewed by the police, you didn't  
3 mention to them you having a trailer a quarter of a mile  
4 from where Rhonda Ward worked, did you, Mr. Evins?

5 A No, sir. Because I always used my mother's  
6 address.

7 Q But that's not where you were living. You were  
8 living a quarter of a mile from where Rhonda Ward worked.  
9 And you want this jury to believe that you're going to  
10 drive across the county to go have sex?

11 A Sir, that's not a place that I could have sex at. I  
12 had no lights and, plus, the other female that I was going  
13 with, that's where she comes to.

14 Q Who were you going with, Mr. Evins?

15 A Peggy Harris.

16 Q Where is Sally Spurr? She's in Greer; right?

17 A She stay in -- she's not my girlfriend.

18 Q How about Teresa Watkins, your old girlfriend? She's  
19 in Croft?

20 A They're not my girlfriends.

21 Q Did you rob her before or after you killed her,  
22 Mr. Evins?

23 MR. BOGGS: Objection.

24 THE COURT: Overruled.

25 THE WITNESS: I did not rob her.

1 BY MR. GOWDY:

2 Q Did you take her jewelry off her live fingers or her  
3 dead fingers?

4 A I did not, sir.

5 Q You didn't take her jewelry, Mr. Evins?

6 A No, sir.

7 Q How about her clothes, Mr. Evins?

8 A I took her clothes.

9 Q Where are her clothes?

10 A I don't know, sir.

11 Q You don't know where you took her clothes, Mr. Evins?

12 A They was in the car, sir. All her stuff was in the  
13 car.

14 Q Her panties weren't in the car. Her panties were on  
15 Walker Road.

16 A But they wasn't -- they were in the car.

17 Q Well, who broke into her car and put them on Walker  
18 Road, Mr. Evins?

19 A There's a lot of little dope boys that stayed in the  
20 neighborhood, and some of them had her car.

21 Q Well, you knew where to go when you were looking for  
22 her money, didn't you, Mr. Evins?

23 A Yes.

24 Q You went into the woods on Walker Road?

25 A Yes, sir.

1 Q Did you watch her die or did you leave her bleeding  
2 to death? Was she alive when you walked off, Mr. Evins?

3 A No, sir. She was dead.

4 Q She was dead? You made sure of that, didn't you?

5 A No, sir. I didn't make sure of that. She was dead.  
6 She wasn't moving. I didn't see her move.

7 Q It never thought -- entered your mind to call 911,  
8 did it?

9 A Yes, it did, sir.

10 Q Or the police?

11 A Yes, it did.

12 Q Did it enter your mind to tell this story that you  
13 told the jury today to the police when they interviewed  
14 you in February of 2003?

15 A No, sir.

16 Q It didn't enter in your mind then?

17 A No, sir.

18 Q You told them a story, though, didn't you?

19 A Yes, sir.

20 Q I think you told your defense attorney it was about  
21 half true and about half not true?

22 A Yes, sir.

23 Q I'm hunting for the half that's true.

24 MR. BOGGS: Objection, Your Honor. That's not a  
25 question.

1 BY MR. GOWDY:

2 Q What half of it is true?

3 A I'd have to read the statement, sir.

4 Q You haven't read it?

5 A I haven't really read the whole statement, no, sir.

6 Q Well, how about this part, "We wanted to get some  
7 smoke, some crack. We rode to Cashville to Pop's house;"  
8 is that true?

9 A No, sir.

10 Q How about, "Rhonda stayed in the car and I got out  
11 and went in the trailer;" is that true?

12 A No, sir.

13 Q "We stayed there about five minutes, me, Rhonda and  
14 another black male left Pop's house;" is that true?

15 A No, sir.

16 Q You told the police that another black male with a  
17 gun made you stab Rhonda?

18 A No, sir.

19 Q No, sir, you didn't say that?

20 A Yes, sir, I did.

21 Q Or it's a lie?

22 A It's a lie.

23 Q Why did you leave her watch?

24 A Sir, I was panicking. I didn't know what to do. I  
25 just wanted to get away so I could think, which was wrong,

1       sir. And I know it was wrong.

2       Q       Where did you stab her first, Mr. Evins?

3       A       I don't know where she got stabbed. I don't know.

4       We was fighting, wrestling.

5       Q       Where did the knife come from, Mr. Evins?

6       A       I don't know where it came from. It was in her hand.

7       It was in her hand like that.

8       Q       She brought a knife out to the place where you laid  
9       your coat down for her to lay down in subfreezing degree  
10      weather and have sex?

11      A       Yes, sir, I did. I put --

12      Q       You just didn't notice the knife the whole time you  
13      were walking out there?

14      A       I didn't see no knife.

15      Q       You weren't holding hands out there, I don't guess,  
16      were you?

17      A       No, sir. I was in the front of her, actually.

18      Q       Are you the same Fredrick Evins that was convicted in  
19      1996 of common law robbery?

20      A       Yes, sir.

21      Q       Are you the same Fredrick Evins that was convicted in  
22      1997 of common law robbery?

23      A       In 1997?

24      Q       You have got two convictions for common law robbery.

25      Don't look at your lawyer, Mr. Evins. Look at me.

1 A I ain't looking at him. I'm looking at you.

2 Q How many convictions have you got for common law  
3 robbery?

4 A I don't know. I only know of one. I don't know of  
5 no two.

6 Q You told your lawyer that one to two minutes had  
7 passed from the time when y'all had an argument --

8 A Yes, sir.

9 Q -- to the time she wound up getting stabbed?

10 A Yes, sir.

11 Q Is that what you're saying?

12 A One to two minutes when we was wrestling.

13 Q You wrestled from one to two minutes?

14 A Not for one to two minutes. When we got through  
15 scuffling, I'm going to say the whole thing probably  
16 lasted maybe two minutes, but it happened so fast. It  
17 just happened so fast. I can't really put a time limit on  
18 it because it happened quick. It happened real fast,  
19 Mr. Gowdy. That's the truth.

20 Q Mr. Evins, your testimony to your lawyer was she was  
21 stabbing herself. You'd think after stabbing yourself a  
22 couple times, you'd quit, don't you?

23 A Yes, sir.

24 Q But she didn't?

25 A She didn't stab herself. She -- I had my hand on her

1       and we was wrestling. We was physically wrestling. And  
2       at one time, I was in the front of her. At one time, I  
3       was behind her.

4       Q       So that's what explains the cut she got on the back  
5       of her arm?

6       A       Maybe.

7       Q       And the five she got in her chest?

8       A       I don't know how many she got in her chest.. She --

9       Q       And on her hands and on her wrists?

10      A       I don't know. But I know we were --

11      Q       But you didn't get a single cut, Mr. Evins --

12             MR. BOGGS: Your Honor, if he could finish.

13             THE COURT: Let him answer the question.

14             THE WITNESS: Yes, sir. I got scratches and bruises  
15      and bumps on me, too.

16      BY MR. GOWDY:

17      Q       I hadn't heard about those yet, Mr. Evins. Can I  
18      find those in your statement to the police?

19      A       No.

20      Q       Why did you lie about working at Applebee's the night  
21      before, on the 12th?

22      A       I don't know, sir.

23      Q       Why did you lie about going to Applebee's on the  
24      morning of the 13th?

25      A       I don't know.

1 Q Why did you lie about Rhonda Ward smoking crack?

2 A Because I didn't want the detectives to know that I  
3 was messing with her.

4 Q You're more concerned about detectives finding out  
5 that you're having sex with a woman than you are them  
6 finding out that you killed her?

7 A No, sir.

8 Q Well, you told them you killed her, Mr. Evins?

9 A Yes, sir, I did.

10 Q So you were more concerned about them finding out  
11 that you were in a relationship with her than you were  
12 them finding out that you killed her, is that what you  
13 want -- you want them to believe that?

14 A Not just -- no, sir. No, sir.

15 Q No, sir, you don't want them to believe that?

16 A No, sir. It wasn't only that the relationship --  
17 what it was, it was other people. I didn't want other  
18 people to know.

19 Q So you don't mind if they find out that you killed  
20 her, you just didn't want them to find out you were in a  
21 relationship with her?

22 A Well, neither one of them is not fine, sir.

23 Q Well, I just noticed you had --

24 A Neither one of them is not fine.

25 Q Why did you lie about her smoking crack, Mr. Evins?



1       A     Because, at that time, I didn't -- the detectives  
2       were saying they knew this, they knew that, they knew  
3       this, they knew that.

4       Q     Why did you deny knowing her?

5       A     Because I didn't want them to know that I knew her.  
6       She's white and I'm black. Okay.

7       Q     Like that makes a difference?

8       A     It does make a difference in Spartanburg County.

9       Q     I want you to explain to me again, because I didn't  
10      get the explanation the first time, that all during the  
11      day on the 13th of February, as the temperature is going  
12      up, you're still inside smoking crack, never once do you  
13      smoke crack outside. But at 7:00 in the morning or 7:30,  
14      you're laying on a frozen ground having sex with a woman  
15      across the county from a job she's never been late at?

16      A     Yes, sir.

17      Q     That's what you want the jury to believe?

18      A     Yes, sir. That's the truth.

19      Q     Why is it the truth, Mr. Evins?

20      A     Because.

21      Q     Because you said so, is that what makes it the truth?

22      A     Yes, sir.

23      Q     Who said this, Mr. Evins?

24      A     I said that because I --

25      Q     But that's not true?

1 A That's not true.

2 Q This is true?

3 A This is true.

4 Q And how are we supposed to tell the difference?

5 MR. BOGGS: Your Honor, if he would back up just a  
6 little bit. He doesn't need to be in his face.

7 THE COURT: He's backing up.

8 BY MR. GOWDY:

9 Q How are we supposed to tell the difference, Mr.  
10 Evins? Remember at the bottom saying, I swear to the tell  
11 the truth, the whole truth and nothing but the truth so  
12 help me God?

13 A Yes, sir.

14 Q The same thing you just said; right?

15 A Yes, sir.

16 Q And we're supposed to take your word for it that  
17 today is the truth?

18 A Well, I'm telling the truth. I'm not going to lie in  
19 front of the Judge. I'm not going to do that, sir.

20 Q "I'm holding the knife in my right hand in front of  
21 me. I stuck her in the chest. Rhonda said something  
22 like, why did you stab me? Why did you hurt me?"

23 A I made that up, sir.

24 Q Did she say anything about her kids when you stabbed  
25 her?

1 A No, sir.

2 Q She didn't?

3 A No, sir.

4 Q I notice you're still not sure how many she's got,  
5 Mr. Evins?

6 A I don't because we was --

7 Q But you've given two different answers and neither  
8 one of them have been, I don't know. You said two one  
9 time, and you said three one time.

10 A Well, this was what I can remember. I can remember  
11 holding her hand like this. Okay. And I can remember  
12 holding her hand like this. And I can remember twice, at  
13 least, twice. And that's it. I don't remember nothing.

14 Q You can't remember the other ten times you stabbed  
15 her?

16 A No, sir.

17 Q Was she crying, Mr. Evins?

18 A No, sir.

19 Q She wasn't crying?

20 A No, sir.

21 Q She never begged for her life?

22 A No, sir.

23 Q She never asked you to help her?

24 A No. She just asked me why was we fighting or why was  
25 this happening.

- 1 Q She never once asked you for help?
- 2 A She may have.
- 3 Q She may have?
- 4 A Yeah, she may have.
- 5 Q Did she beg for her life, Mr. Evins?
- 6 A No.
- 7 Q Did she beg for you to quit stabbing her, Mr. Evins?
- 8 A No, sir. Because it --
- 9 Q She didn't?
- 10 A It happened so fast, she just like fell. She just
- 11 like fell on the ground and she was out.
- 12 Q And you left her?
- 13 A I didn't mean to, sir.
- 14 Q You left her after you took her jewelry?
- 15 A Yes, sir.
- 16 Q And you took her clothes?
- 17 A I didn't take her jewelry.
- 18 Q And you took her money?
- 19 A I didn't take her money.
- 20 Q You didn't take her money, Mr. Evins?
- 21 A No, sir, I didn't. All of her stuff was still in the
- 22 car. The majority of her stuff was still in the car, sir.
- 23 Q You took it at some point because you smoked it all
- 24 day. She left her money in the car. She left her tax
- 25 return in the car, but she's going to take a knife out to

1 a lover's romp with you, Mr. Evins?

2 A Sir, I don't know where the knife came from. That's  
3 the truth.

4 Q I've got an idea where it came from. It came from --

5 MR. BOGGS: Objection, Your Honor. That's --

6 THE COURT: Wait a minute.

7 Do you have a question?

8 MR. GOWDY: I was finishing my question.

9 THE WITNESS: I don't know where it came from.

10 That's the truth.

11 BY MR. GOWDY:

12 Q It came from right here. "I stuck her in the chest."

13 A That's a lie. Okay. Some of it is, some of it's  
14 not.

15 Q Right. The part that helps you is the truth, the  
16 part doesn't is a lie. Near as I can tell, is that the  
17 standard we're going with, Mr. Evins?

18 A Yes, sir.

19 Q Where did you put her clothes?

20 A They was in the car, sir.

21 Q No. I want to know where they are now, Mr. Evins.

22 A I don't know, sir.

23 Q Why did you separate her panties out?

24 A I didn't separate anything. All the stuff was in the  
25 back seat of the car.

1 Q You put it all on Walker Road?

2 A I didn't put it there.

3 Q You didn't put anything on Walker Road?

4 A No, I did not.

5 Q You didn't put the medicine bottle on Walker Road?

6 A No, I did not, sir.

7 Q Isn't it coincidental that you're at Dennis  
8 Meredith's and a couple hundred yards away is Rhonda  
9 Ward's checkbook, wallet, and medicine bottle?

10 A Yes, sir.

11 Q Is that coincidental?

12 A Yes, sir. Because somebody else had her car.

13 Q You didn't have it?

14 A Not the whole time, I didn't.

15 Q I'm talking about the morning of February the 13th,  
16 Mr. Evins.

17 A Earlier that morning, yes, sir.

18 Q You had it to go get Teresa Johnson?

19 A No, sir. She was already at the trailer.

20 Q You had it to go get Teresa Johnson and you had it to  
21 go to Dennis Meredith's house, didn't you, Mr. Evins?

22 A (There was no response.)

23 Q Didn't you, Mr. Evins?

24 A If you say so, yes, sir.

25 Q No, sir, you said so. You went to Dennis Meredith's

1 house and you sold a CD player to Tony Jones. Now, are  
2 you going to deny that?

3 A That was on the next day.

4 Q No, sir. That was February the 13th.

5 A The 14th.

6 Q So you're in the car on the 14th, but you want the  
7 jury to believe that you're not in the car on the 13th.  
8 What sense does that make, Mr. Evins?

9 A Sir, I was in the car on the 13th.

10 Q You're in the car at Dennis Meredith's house, which  
11 is a couple hundred yards from where Rhonda's wallet,  
12 checkbook, medicine bottle, R.L. Jordan book, panties, and  
13 a knife were found?

14 A Yes, sir.

15 Q And you went there in her car. So I ask you again,  
16 where are the rest of her clothes, Mr. Evins?

17 A I don't know, sir.

18 Q What did you do with them?

19 A I didn't do anything with them, sir.

20 Q You denied having sex with her when the police asked  
21 you, didn't you?

22 A Yes, sir.

23 Q You even admitted to killing her before you admitted  
24 to having sex with her?

25 A Yes, sir.

1       Q     It was only when you were sitting on a hospital table  
2     getting ready to have a needle stuck in your arm and  
3     figured out what DNA is that you admitted to having sex  
4     with her?

5       A     No, sir. It wasn't like that, sir. But at that  
6     time, that's the time that I told them, yes, sir.

7       Q     So they never got around to asking you about that  
8     before that? Two detectives never got around to asking  
9     you whether or not you had sex with her?

10      A     At the time, sir, the detectives were saying this and  
11     that and that and this. And I was still -- there was a  
12     lot of things still on my mind, you know. I'm not sure.

13      Q     But the truth wasn't one of them?

14      A     Yeah. The truth was one of them. I just wasn't  
15     ready to tell the detectives.

16      Q     Well, who were you ready to tell, Mr. Evins, if you  
17     weren't going to tell the detectives?

18      A     I wasn't going to tell them at that time, sir. I was  
19     just trying to get my mind together.

20      Q     So that's why you made up the story about Eugene  
21     Edwards?

22      A     Yes, sir.

23      Q     You said another black dude forced you to do it. Do  
24     you remember saying that?

25      A     Yes, sir.



1 Q That was a lie, wasn't it?

2 A Yes, sir.

3 Q You said the other guy took her clothes off, that was  
4 a lie, wasn't it?

5 A Yes, sir.

6 Q Because you did that?

7 A No, I didn't, sir.

8 Q You said another dude said, kill that bitch, kill  
9 that bitch. Why did you say that, Mr. Evins?

10 A That's a lie, sir.

11 Q Why did you say that?

12 A Because I wanted the police to think something  
13 different.

14 Q You wanted the police to think somebody else killed  
15 her?

16 A Yes, sir.

17 Q Just like today, you want the jury to think it wasn't  
18 murder?

19 A I don't want the jury to think.

20 Q You don't?

21 A I can't speak for the jury. I can only speak and  
22 tell you what I, actually, know that happened. And one of  
23 the things that happened is I didn't intentionally kill  
24 her. And that's the truth.

25 Q Twelve times, twelve times, Mr. Evins. Did you see

1 her defecate on herself?

2 A No, sir.

3 Q You didn't see that?

4 A No, sir.

5 Q You had gone by then?

6 A Yes, sir.

7 Q I want to know when you took her ring off,

8 Mr. Evins --

9 A Sir, I didn't --

10 Q -- was she dead or alive?

11 A I didn't take her ring off.

12 Q Did you see the picture of her kids when you went  
13 through her wallet?

14 A No, sir.

15 Q You didn't?

16 A No, sir.

17 Q You just took her money and skipped over the kids?

18 A (There was no response.)

19 Q Did you look at them, Mr. Evins?

20 A No, sir.

21 Q Did she try to run away from you?

22 A No, sir.

23 Q She didn't?

24 A No, sir.

25 Q She just stood right there?

1 A Yes, sir.

2 Q All 12 stabs?

3 A Sir, it wasn't no 12 stabs.

4 MR. BOGGS: Your Honor, I hate to interrupt him --

5 THE WITNESS: You keep saying 12 stab --

6 THE COURT: One at a time. Stop.

7 MR. BOGGS: If he'll confine his statements to what  
8 the evidence is and what his expert said, which was not 12  
9 stabs. He's wanting to misquote his own expert.

10 THE COURT: Well, that's --

11 BY MR. GOWDY:

12 Q You were there, Mr. Evins, how many times did you  
13 stab her?

14 A I don't know, sir. I don't know.

15 Q Five? At least five? We've got five in the chest.

16 A I don't know, sir. I don't know. I can't answer  
17 that. We was in the heat of a fight. I don't know.

18 Q In the heat of a fight across town from the job she  
19 had never been late for; is that right, Mr. Evins?

20 A Yes, sir.

21 Q All because she can't resist you. Is that what you  
22 want the jury to believe, Mr. Evins?

23 A No, sir.

24 Q You're just so irresistible.

25 A No, sir. It's not like that. There's been other

1 occasions that we've been other places and did other  
2 things. It's just that on that day and at that point in  
3 time, she just came late. She came later than what we had  
4 agreed to meet each other.

5 Q Well, so did you. We have got the surveillance tape,  
6 Mr. Evins, and so did you.

7 A Yeah, I know.

8 Q Did you see the tape?

9 A No, sir.

10 Q You've never seen the surveillance tape?

11 A No, sir.

12 Q You've never seen her get out -- it's 20-something  
13 degrees and she gets out of her car and closes the door.  
14 You haven't seen that, Mr. Evins?

15 A No, sir.

16 Q Did you take her keys, Mr. Evins?

17 A No, sir.

18 Q Is that why the car didn't start up until after you  
19 got in? Did you take the keys?

20 A No, sir.

21 Q Did you show her the knife in the parking lot?

22 A I didn't have no knife, sir.

23 Q Why did you leave her naked?

24 A I don't know, sir.

25 Q No. Why did you leave her naked, Mr. Evins?

1       A     I don't know. I panicked. I didn't know what to do  
2       and I just left.

3       Q     You didn't know what to do --

4       A     No, I didn't.

5       Q     -- so the first thought you had was to take her  
6       jewelry off?

7       A     Sir, I did not take her jewelry off.

8       Q     When did you take her jewelry, Mr. Evins?

9       A     I did not take her jewelry. I did not take her  
10      jewelry.

11      Q     You didn't even leave her coat for her to lay down  
12      on, did you? You took her coat, Mr. Evins. Couldn't you  
13      have just left her coat?

14      A     I'm sorry, sir. I'm sorry.

15      Q     Mr. Evins, couldn't you have just left her coat?

16      A     Yes, sir, I could have.

17      Q     It's not quite freezing yet. It's below 32. You've  
18      got a trailer a quarter of a mile from her place of  
19      employment, don't you? She lives not that far from her  
20      place of employment, too, doesn't she, Mr. Evins? And  
21      there's scores of hotels between Cigarette's 4 Less and  
22      Gano Road. And you expect this jury to believe that she  
23      went out to an apple orchard with you and walked into a  
24      field and laid down on a frozen ground to have sex with  
25      you?

1 A Yes, sir.

2 Q That's what you expect them to believe?

3 A That's the truth.

4 Q And then she stabbed herself?

5 A She didn't stab herself.

6 Q I know she didn't, you did. Did you burn her  
7 clothes?

8 A No, sir, I did not.

9 Q Did you burn her car?

10 A No, sir, I did not.

11 Q Who did you sell her car to, Mr. Evins?

12 A I didn't sell it to anybody. I left --

13 Q Who did you give her car to?

14 A I left it sitting in Greer.

15 Q With the keys in it?

16 A Yes, sir.

17 Q So now you admit that you rode around in it on the  
18 13th and 14th?

19 A Yes, sir. I rode -- I drove it some -- some of the  
20 time on the 14th. I drove another car most of the time on  
21 the 14th.

22 Q Did you try to sell her ring and necklace to Dennis  
23 Meredith on Valentine's Day?

24 A No, sir, I didn't. But someone that was with me did.

25 Q I wonder how that somebody that was with you knew it

1 was Rhonda's ring and necklace?

2 A I don't know.

3 Q You don't know, Mr. Evins?

4 A No, sir.

5 Q Let me get this right. You were the only one that  
6 took them, but somebody else knew they were hers?

7 A Sir, I'm not sure what all I picked up off that  
8 ground.

9 Q I'm not talking about off the ground, Mr. Evins. I'm  
10 talking about off her cold, dead finger. I'm talking  
11 about a ring.

12 A I don't know, sir. I don't know. I don't remember.  
13 I don't know.

14 Q Boy, you sure do remember that fight well, Mr. Evins.

15 A Yeah. I remember that.

16 Q You remember that well, but --

17 MR. BOGGS: Your Honor, is there a question?

18 BY MR. GOWDY:

19 Q But you don't remember prying a ring off her cold,  
20 dead finger?

21 A No, sir, I do not.

22 Q I've got one more question for you, Mr. Evins. Your  
23 testimony was that she took half her clothes off to have  
24 sex with you on a below freezing morning on the ground in  
25 Reidville, South Carolina.

1 A She took one side off, sir. She pulled --

2 Q Look at this jury and tell them how the other side  
3 got off, Mr. Evins. Who took the other side of her  
4 clothes off?

5 A Sir, I did.

6 Q Was she dead when you did that, Mr. Evins?

7 A Yes, sir.

8 Q You took clothes off a dead woman?

9 A Yes, sir.

10 Q You've got time enough to do that and not time enough  
11 to call 911.

12 MR. BOGGS: Is that a question?

13 BY MR. GOWDY:

14 Q Did you have time enough to do that and not time  
15 enough to call 911, Mr. Evins?

16 A Yes, sir, I did. I had time to call 911.

17 Q And you had time in February of 2003, to tell the  
18 same story you told this morning and you didn't do it?

19 A No, sir.

20 Q Because you want the jury to believe you're more  
21 concerned about them finding out that you're going with a  
22 white woman than you are that you killed a white woman.  
23 Is that what you want them to believe?

24 A No, sir.

25 MR. GOWDY: I don't have anything else, Mr. Evins.



1 THE COURT: Redirect?

2 MR. BOGGS: Nothing further.

3 You can come on down.

4 THE COURT: You can stand down, Mr. Evins.

5 MR. BOGGS: Your Honor, at this time, we'd ask that  
6 Defendant's Exhibit No. 1 be moved into evidence and  
7 Defendant's Exhibit No. 2.

8 THE COURT: Let the State have an opportunity to look  
9 at them.

10 MR. GOWDY: Obviously, we object to that.

11 THE COURT: What is it?

12 MR. GOWDY: Somebody else's statement that hasn't  
13 testified.

14 THE COURT: That's --

15 MR. GOWDY: I have no objection to this. This is  
16 David Green's report. If we're going to put the report  
17 in, I want to put the whole thing in.

18 THE COURT: Mr. Boggs, y'all come up here for a  
19 second.

20 (WHEREUPON, a bench conference was held with the  
21 attorneys.)

22 THE COURT: Is this not the full report?

23 MR. GOWDY: It doesn't have the stab chart.

24 MR. BOGGS: It was identified as his report. He had  
25 a chance to look through it. And I asked him if that was

1       it and he said, yeah, it was his.

2               MR. GOWDY: I couldn't care less, but we're not  
3       agreeing to this.

4               THE COURT: He objects to this.

5               MR. BOGGS: It was identified by Jason Yown as being  
6       what she said. He testified to what was in that  
7       statement. I said, is this her statement? And it wasn't  
8       objected to at that time.

9               MR. GOWDY: It wasn't objected to?

10              THE COURT: Can you get this?

11              THE COURT REPORTER: Yes, sir.

12              MR. GOWDY: It is rank hearsay.

13              THE COURT: Yes. This is hearsay. He doesn't object  
14       to the report and I'll allow that in.

15              How can I let this in?

16              MR. BOGGS: Because it's their witness. They're the  
17       ones that identified them.

18              THE COURT: That doesn't change -- it's not a party.  
19       Now, have you got -- I don't know if --

20              MR. BOGGS: Well, again, my position is that Jason  
21       Yown testified to the substance of that in his testimony.  
22       I asked him about it.

23              MR. GOWDY: Judge --

24              THE COURT: Yes. But that doesn't change that  
25       document. It doesn't change the character of the document

1 and the cross-examination testimony.

2 MR. BOGGS: If they want to keep it out --

3 MR. GOWDY: Tam, are we going to start doing that?

4 Are we going to start talking --

5 MR. BOGGS: No.

6 (WHEREUPON, the bench conference was concluded.)

7 (WHEREUPON, Defendant's Exhibit No. 2 was admitted  
8 into evidence.)

9 MR. BOGGS: The Defense calls Terry Cochran.

10 THE CLERK: Place your left hand on the Bible and  
11 raise your right.

12 WHEREUPON,

13 TERRY COCHRAN,

14 after first having been duly sworn, testified as follows:

15 THE CLERK: Have a seat right here, please.

16 DIRECT EXAMINATION

17 BY MR. BOGGS:

18 Q State your name, please, sir.

19 A Terry Cochran.

20 Q Are you here under a subpoena?

21 A Yes, sir, from you.

22 Q Okay. And on September 30th of this year, did you  
23 have a meeting with the Solicitor's Office about this  
24 case?

25 A Yes, sir.

1 Q All right. And let me take you back to February  
2 13th, 2003. Do you remember -- you know what we're  
3 talking about?

4 A The incident.

5 Q Did you have an occasion to be riding down Gano Road  
6 that day?

7 A Yes, sir, I did, about 8:00, 8:15 in the morning.

8 Q In which direction were you riding?

9 A Towards Silver Lake Road, up the road.

10 Q Were you heading toward Reidville Road or heading  
11 toward Silver Lake?

12 A Silver Lake.

13 Q So that would have been away from the Reidville Road  
14 area; is that right?

15 A Yes, sir.

16 Q About what time do you think this might have been,  
17 roughly, if you remember?

18 A I'm saying around 8:15. It was more than likely  
19 8:00, 8:15, 8:20.

20 Q Tell the jury what you saw -- do you know where the  
21 apple orchard is?

22 A Yes, sir.

23 Q Tell the jury what you saw as you approached the  
24 apple orchard.

25 A I saw a small vehicle sitting on the right-hand side

1 of the road, which would be the passenger side of the  
2 truck I was driving. And as we went by, I slowed down and  
3 looked over. And I saw a little short lady, because her  
4 arms was up to the window like that and she looked kind of  
5 heavy set, brown hair. And I saw a light-skinned black  
6 guy that was taller than the lady.

7 Q Okay. You said you slowed down. What was the  
8 purpose of slowing down?

9 A I thought it was somebody out there fooling around --  
10 MR. ANTHONY: Objection, relevance.

11 MR. BOGGS: I asked why he slowed down.

12 THE COURT: Overruled.

13 I'm going to let him go ahead.

14 BY MR. BOGGS:

15 Q Go ahead, Mr. Cochran. What was the purpose of you  
16 slowing down?

17 A To see if I could identify who was in the car, the  
18 lady and the man.

19 Q Okay. You said before you were interrupted that you  
20 thought somebody may be out there fooling around --

21 MR. ANTHONY: Objection.

22 THE COURT: What's the basis?

23 MR. ANTHONY: That wasn't what he -- that wasn't the  
24 answer to the question, which makes his question leading.  
25 He didn't --

1           THE COURT: All right. Well, don't lead. Ask him  
2 why he slowed down.

3           THE WITNESS: From the appearance of anybody being  
4 out in a field like that, if you're not thinking in a  
5 morbid kind of way, you would think that they was out  
6 there to fool around. But I didn't see him giving her no  
7 flowers. I didn't see them hugging or kissing or nothing  
8 like that that would indicate that.

9 BY MR. BOGGS:

10 Q And you drove on past; is that correct?

11 A Yes, sir. I slowed down and got a pretty good look  
12 at him, you know.

13 Q Did the woman look at you?

14 A Yes, sir. She had her hands on the wheel and she  
15 turned over like that and looked at me.

16 Q So it was about a 90-degree turn towards you?

17 A Like that right there. I mean, I could see her face.  
18 She had brown hair and she was a heavy woman. Like I say,  
19 her shoulder came to the window.

20 Q Did you continue on up Gano Road toward Silver Lake?

21 A Yes, sir, we did.

22 Q Where were you heading, back to work or something?

23 A I was taking a brake back. We had done some work and  
24 we was taking a metal brake back to Dixie Rental.

25 Q Did you continue on to work?

1       A     Yes, sir. We went on up to Dixie Rental. And I  
2       think we went to Dale's house, but I don't think we came  
3       back down Gano.

4       Q     And that's all you know about this particular  
5       situation; is that right? I mean, that was all that you  
6       saw as you were on Gano Road that day; right?

7       A     Yes, sir.

8           MR. BOGGS: Thank you, sir.

9           Answer any questions the Solicitor has.

10                               CROSS-EXAMINATION

11       BY MR. ANTHONY:

12       Q     Mr. Cochran, these people were just sitting in the  
13       car when you drove by?

14       A     Yes, sir.

15       Q     And you know that you saw a white woman in the  
16       driver's seat?

17       A     Yes, sir.

18       Q     And a black man in the passenger seat?

19       A     A light-skinned black man, not a dark black man.

20       Q     A light-skinned --

21       A     Now, that's what I'm positive of. She was a short  
22       lady and he was a light-skinned black man, but not white  
23       like me.

24       Q     Sitting in the passenger seat?

25       A     Yes, sir.

1 MR. ANTHONY: Thank you.

2 That's all.

3 THE COURT: All right. Any redirect?

4 MR. BOGGS: None.

5 THE COURT: All right. You can stand down.

6 Thank you, sir.

7 MR. BOGGS: The Defense rests, Your Honor.

8 THE COURT: All right. Thank you.

9 MR. GOWDY: 30 seconds, Your Honor?

10 THE COURT: All right.

11 (Pause.)

12 MR. GOWDY: 30 more seconds, Your Honor?

13 THE COURT: All right.

14 (Pause.)

15 MR. GOWDY: We have one witness in reply, Your Honor.

16 MR. BOGGS: Can they notify me who it is?

17 THE COURT: I think they're going to do that right  
18 now.

19 MR. BOGGS: Is it on their witness list?

20 MR. GOWDY: Absolutely. He's already testified,  
21 Detective Steve Denton.

22 FURTHER DIRECT EXAMINATION

23 BY MR. GOWDY:

24 Q Good afternoon, Detective Denton.

25 A Good afternoon, Solicitor.



1 Q Were you in the courtroom when the Defendant  
2 testified that he threw the knife out at the Gano Road  
3 crime scene?

4 A I was.

5 Q Can you tell the jury about what efforts, including  
6 any equipment the Sheriff's Department may have used to  
7 search for metal objects at the Gano Road crime scene?

8 A I will. As the Defendant was testifying, I noted  
9 that he said he threw the knife near a small building. He  
10 first said at a tree line. Well, at the tree line that  
11 they were discussing, there is no building. Across the  
12 street, the road, there's a pump house. Because there's  
13 a -- it's a pump house and it's enclosed.

14 I, along with a couple other detectives, wanted to  
15 search that area because it was near where you could hide  
16 something, and so we did. And there was absolutely  
17 nothing found at all. We expanded the search. We used a  
18 metal detector. We used several other items, a helicopter  
19 from the air. We absolutely found nothing around that  
20 building or anywhere else across the street.

21 MR. GOWDY: That's all I have of Detective Denton.

22 MR. BOGGS: I don't have anything of him.

23 THE COURT: All right. You can step down, sir.

24 Thank you.

25 MR. GOWDY: That's the State's case, Your Honor.

1           THE COURT: All right. Madam Forelady, and, ladies  
2 and gentlemen of the jury, I want to thank you for your  
3 kind and close attention. If you remember in my opening  
4 comments to you, I told you that you could break a trial  
5 into five parts. And, particularly, I'm talking about  
6 this first phase. And we have now completed two parts.  
7 The first part was the opening statements, the second  
8 part, as I told you, was what you could call the meat and  
9 potatoes. That is the presentation of the testimony and  
10 the evidence in the case. We've completed that second  
11 portion. And, at this time -- well, the next stage will  
12 be the closing arguments of the attorneys. The fourth  
13 stage will be my charge to you on the law. And then the  
14 fifth stage is when you begin deliberations.

15           It's now 20 till 5:00. And, generally, my practice  
16 is to do closing arguments and the charge on the law  
17 immediately before you're released to begin your  
18 deliberations. Because of the hour of the day, I am going  
19 to cease the trial at this time and we will start back  
20 tomorrow morning at 9:30. Okay.

21           Now, I know you've heard all the testimony and the  
22 evidence. Please do not make any decisions. Keep your  
23 mind open. Wait until you hear the arguments of these  
24 fine attorneys. Wait until you hear my charge on the law.  
25 And until I release you all to begin doing so, don't talk

1 about the case. Don't discuss it. Don't deliberate on  
2 it. And we will see you tomorrow morning at 9:30.

3 Thank you very much.

4 (WHEREUPON, the jury was excused from open court at  
5 approximately 4:42 p.m.)

6 THE COURT: One housekeeping matter before we start  
7 some other stuff. Mr. Boggs moved -- attempted to move  
8 into evidence Defendant's Exhibit No. 1 marked for  
9 identification on November 13th. I have denied that  
10 request, so we'll put it in the record as a proffer. And  
11 the other item was introduced into evidence without  
12 objection.

13 Now, anything before we --

14 MR. BOGGS: Yes. When do you want the requests to  
15 charge? We're requesting voluntary manslaughter.

16 THE COURT: Let's have the charge conference right  
17 now.

18 MR. BOGGS: We're requesting a voluntary manslaughter  
19 charge. Based upon the testimony, the case law says if  
20 there's any evidence from which the jury could --

21 THE COURT: Do you have any objection to that,  
22 Mr. Gowdy?

23 MR. GOWDY: I think the Defendant's testimony has --  
24 will lead to a voluntary manslaughter instruction, I do.

25 THE COURT: All right. We'll charge that.

1 MR. GOWDY: I can't tell you otherwise.

2 THE COURT: All right. Anything else?

3 MR. BOGGS: No specific charges. I think your  
4 standard charges cover what we're asking for.

5 THE COURT: Let me go through the ones I pulled out.  
6 Just the general duties of the Judge and jury; the charge,  
7 arrest, and indictment is not evidence; multiple charges  
8 that have to have distinct and separate decision on each  
9 one; credibility of the witnesses; expert witness charge;  
10 prior record of the Defendant is limited for impeachment.

11 We did have some witnesses who have prior records as  
12 well, so prior record of the witness as well. A charge on  
13 the statement of the Defendant.

14 Do you -- I mean, I don't know that that's necessary.  
15 He got up and testified that it was voluntary and he had  
16 his rights.

17 Is there any reason to give a charge on the  
18 statement?

19 MR. BOGGS: Well, I don't know that that's even an  
20 issue for the jury.

21 THE COURT: All right. And presumption of innocence;  
22 reasonable doubt; murder; kidnapping; first degree  
23 criminal sexual conduct; and lesser included of voluntary  
24 manslaughter; grand larceny; direct and circumstantial  
25 evidence. I'm not going to charge voluntary intoxication,

1       because there's no evidence that he was intoxicated at the  
2       time the crimes were committed.

3               Identification, is that an issue?

4               MR. BOGGS:  No, sir.

5               MR. GOWDY:  Only with respect to the grand larceny  
6       would voluntary intoxication apply.  And I --

7               THE COURT:  Well, the car was taken before any crack  
8       was ingested.

9               MR. GOWDY:  Right.

10              THE COURT:  So the theft, if the jury finds it,  
11       was --

12              MR. GOWDY:  Okay.

13              THE COURT:  Anything else y'all can think of?

14              MR. BOGGS:  No.

15              MR. GOWDY:  Would the Court give us a sense of what  
16       malice definition the Court uses in its jury  
17       instruction?

18              THE COURT:  Malice is hatred, ill will, or hostility  
19       towards another person.  It is the intentional doing of a  
20       wrongful act without just cause or excuse and with the  
21       intent to inflict an injury or under circumstances that  
22       the law will infer an evil intent.  Malice aforethought  
23       does not require that malice exist for any particular  
24       time --

25              Do you want me to go through that?

1 MR. GOWDY: No, sir. You told me what I wanted to  
2 know.

3 THE COURT: All right. Anything else?

4 MR. BOGGS: What reasonable doubt do you use?

5 THE COURT: Reasonable doubt is the kind of doubt  
6 with -- which would cause a reasonable person to hesitate  
7 to act. It may arise from the evidence in the case or the  
8 lack of evidence in the case. The jury must determine  
9 whether or not it exists. The State has the burden of  
10 proving each and every element beyond a reasonable doubt.  
11 Any reasonable doubt you may have in your deliberations  
12 should be resolved in favor of the Defendant. If you have  
13 a reasonable doubt as to his guilt, you must find him not  
14 guilty.

15 Okay.

16 MR. GOWDY: Yes, sir.

17 MR. BOGGS: Thank you, Your Honor.

18 THE COURT: Anything else?

19 MR. BOGGS: No, sir.

20 RENEWAL OF MOTIONS

21 THE COURT: You renew all your prior motions; is that  
22 right?

23 MR. BOGGS: Yes, sir, I do.

24 THE COURT: Well, I'm going to -- same rulings. But  
25 I just want to also in my consideration on the directed

1       verdict motion on the kidnapping, I have reviewed State v.  
2       Bennett and would rely on the language in that case with  
3       respect to the defensive wounds and the fact that the car  
4       was found in another location, and the other reasons  
5       enumerated in that decision.

6               MR. GOWDY: Thank you, Judge.

7               THE COURT: See you at 9:30.

8               (WHEREUPON, the proceedings were concluded at  
9       approximately 4:48 p.m., to be reconvened on  
10      Monday, November 15, 2004.)

1                                    MONDAY, NOVEMBER 15, 2004

2  
3                    (WHEREUPON, Defendant's Exhibit No. 2-A was marked  
4                    for identification only.)

5                    THE COURT: Are you all ready?

6                    MR. BOGGS: Judge, the Solicitor has notified me that  
7                    under Rule 106 that they want to require me to introduce  
8                    or attach to my autopsy exhibit the stab chart.

9                    THE COURT: All right.

10                   MR. BOGGS: It looks like they've got the right to do  
11                   that. So they've notified me they're going to require  
12                   that. We've had it marked as Exhibit No. 2-A.

13                   Do you want it attached or independent?

14                   MR. BARNETTE: We can have it attached.

15                   THE COURT: Okay. Where is that?

16                   MR. BOGGS: It's already been marked, Your Honor.

17                   (WHEREUPON, Defendant's Exhibit No. 2-A was admitted  
18                   into evidence.)

19                   THE COURT: I want to ask the Defense whether or not  
20                   Mr. Evins would wish to address the jury?

21                   MR. BOGGS: Your Honor, I've explained to Mr. Evins  
22                   that he has a right to independently address the jury and  
23                   it is not going to affect the Defense's right to have last  
24                   argument. I think I've thoroughly explained that to him  
25                   and he understands that. And he's indicated to me that he



1 does not wish to directly talk to the jury.

2 THE COURT: All right. Mr. Evins, if you would,  
3 please consider yourself still under oath.

4 You've heard what your attorney has told me about  
5 this, do you fully understand what he's said?

6 DEFENDANT EVINS: Yes, sir.

7 THE COURT: All right. Do you have any question you  
8 want to ask about it?

9 DEFENDANT EVINS: No, sir.

10 THE COURT: And do you want to waive or give up your  
11 right to personally address the jury at this time?

12 DEFENDANT EVINS: Yes, sir.

13 THE COURT: All right. Has anybody forced you,  
14 coerced you, or threatened you in any way to get you to  
15 not do that?

16 DEFENDANT EVINS: No, sir.

17 THE COURT: This is your free and voluntary act?

18 DEFENDANT EVINS: Yes, sir.

19 THE COURT: Okay. Thank you.

20 MR. BOGGS: Thank you, Your Honor.

21 THE COURT: Anything else before we bring the jury  
22 in?

23 MR. GOWDY: Not from the State, Your Honor.

24 MR. BOGGS: Nothing, Your Honor.

25 THE COURT: Okay. Bring the jury in.

1 (WHEREUPON, the jury came into open court at  
2 approximately 9:43 a.m.)

3 THE COURT: Ladies and gentlemen, welcome back. I  
4 hope y'all are doing well. I know this is -- we've been  
5 hard at it without too many breaks, and we all appreciate  
6 your hard work and your sacrifices. We appreciate the  
7 attention that you've paid throughout the course of this  
8 proceeding and it's been -- y'all have -- your attention  
9 has not wavered.

10 As I've told you, we've completed the first two  
11 phases of the case. And we're now ready to move into the  
12 third phase. Of course, the next couple phases will be  
13 much quicker than the second phase.

14 So I ask you to remember your oath. Keep an open  
15 mind throughout this entire proceeding until you're  
16 released to deliberate. It's often hard to do. But keep  
17 an open mind, which would require you to listen  
18 attentively to the arguments of these fine attorneys.

19 Thank you very much.

20 MR. GOWDY: May it please the Court, Your Honor?

21 THE COURT: Yes, sir.

22 CLOSING ARGUMENT

23 MR. GOWDY: Madam Forelady, ladies and gentlemen of  
24 the jury, I want to echo what the Judge just told you. I  
25 want to thank you for your service. I guess it was a week

1       ago today we met in this courtroom. It didn't look like  
2       this. The wall was removed and it was a much bigger room.  
3       But in some regards, it may have seemed like a fast week  
4       or in some regards, perhaps, it seemed like one of the  
5       slowest weeks of your life. But I want to echo what Judge  
6       Miller just told you. And I want to thank you on behalf  
7       of everybody on both sides for your service and your  
8       attention in this case.

9               Service on a jury is difficult, service in a murder  
10       case doubly so. Perhaps, for some of you, you've never  
11       been exposed to some of things that you heard over the  
12       past week. For that, we're all grateful to you. Judge  
13       Miller is the judge. He's the judge of the law. And in  
14       just a little while, he's going to give you the law that  
15       you apply in this case.

16              You are judges, too. You don't have on a black robe.  
17       This may be the only time you sit in the jury box and the  
18       only time you're in this courtroom is for this case, but  
19       you are judges. You're judges of the facts. You and you  
20       alone will determine factually what happened on February  
21       the 13th, and February the 14th, 2003. That may seem like  
22       a daunting task to separate the truth from fiction, to  
23       separate what is true from what is not true.

24              The number one character of a good juror or a good  
25       judge, I submit to you, is something you had well before

1       this trial ever started, common sense. It's the same  
2       common sense that you apply in your everyday lives in  
3       relationships, in work. If you have children or  
4       grandchildren or spouses, the same gut instinct, the same  
5       common sense, the same life experience that you bring to  
6       those important decisions will serve you well here.

7               Each of you represents a different background and  
8       have a different life experience. But yet, you've been  
9       brought together for this case for this occasion to decide  
10      what happened to Rhonda Ward. And you know what, your  
11      common sense is going to be good enough. That's good  
12      enough.

13             One of your explain functions as a judge -- or juror  
14      is to determine the credibility or believability of  
15      witnesses. And there again, you're not just left with  
16      that daunting task. There are things that can help you do  
17      that. There's a little word called corroboration, which  
18      is just a fancy word that lawyers came up with. What it  
19      means is when more than one person tells you the same  
20      thing. It's the testimony of a witness supported by  
21      exhibits. It's supported by the testimony of another  
22      witness. That's corroboration. That's something you can  
23      use as you seek the truth in this case and determine what  
24      happened to Rhonda Ward.

25             Another thing you can use is, was the witness in a

1 position to perceive what they told you? Were they a  
2 witness to it? That's something you can use.

3 Corroboration is the ability to perceive. And, thirdly,  
4 does the witness have a stake in the outcome of this case?  
5 Is there a reason to shade the testimony one way or the  
6 other, which leads me into my next comment.

7 Criminal defendants in this great country of ours  
8 have no obligation to speak to the police and have no  
9 obligation to come testify before a jury. In fact, if  
10 they do not talk to the police, if they do not testify, no  
11 mention can be made of it. You can't consider it as a  
12 jury. The Judge would specifically tell you that you  
13 cannot consider that. But -- and this is a big but -- if  
14 a Defendant takes the witness stand and testifies like  
15 Fredrick Evins did yesterday, then you are to apply the  
16 exact same standard to his testimony as you would anybody  
17 else's.

18 So I argue back to the last thing I told you, a juror  
19 assessing whether or not a witness is being truthful with  
20 you, one of the things you can consider is whether or not  
21 they have an interest in the outcome of your decision.  
22 Are they biased.

23 In one sense, ladies and gentlemen, this case began  
24 on February 13, 2003, at about 6:50 a.m. in the parking  
25 lot of a little Cigarette's 4 Less store a couple miles

1 down the road in the lower area of Spartanburg County that  
2 we call Drayton. In one sense, that's where this case  
3 began. We have a surveillance tape. It was the first  
4 exhibit, I believe, that you watched. There's no sound on  
5 that tape. You can't hear a word that's said. But  
6 because there's no sound does not mean that there's no  
7 perspective. It doesn't mean that you have to view that  
8 tape in a vacuum. Because I keep hearing the words of  
9 Bill Southerland and Coley Peak, her supervisor, and the  
10 head of security for Jordan Oil, that Rhonda Marie Ward  
11 was never late for work. She never just left work. She  
12 never failed to show up for work, and she was a  
13 conscientious employee.

14 The words of Bill Southerland when he drove by at  
15 9:30 in the morning, he knew something was wrong. Coley  
16 Peak goes back and looks at the tapes to find her getting  
17 to work at the same time. So when you view this tape,  
18 you've got to view it against the facts -- or in  
19 perspective of that woman, never late, never failed to  
20 show up, never just flat out left work. There's no audio.  
21 I want you to look at that tape, because there's some  
22 interesting things on that tape, if you look at it  
23 carefully.

24 It's 6:50 something in the morning. I couldn't help  
25 but notice this morning as I went out to crank up my

1     wife's car, there's a little frost here, winter is coming.  
2     It is not quite freezing, but it's getting close. As we  
3     go through this case, I don't want you to ever lose sight  
4     of that, the conditions on that morning. She pulls up.  
5     She sits in her car. She gets out of her car. She gets  
6     out. She's got on a coat. She gets out. She closes her  
7     door because she's going to work. This Defendant comes  
8     up, a conversation ensues. I don't know what was said and  
9     I'm not going to speculate. I can tell you this, it's  
10    pretty clear that he helps her get in the car and he walks  
11    around. And that car does not start up until he gets in.

12           Ladies and gentlemen, it was below freezing. If  
13    Fredrick Evins was coming to meet Rhonda Ward and she saw  
14    him, as he testified, why did she get out of the car? It  
15    was cold. I mean, when it's that cold, we don't get out  
16    of the car until we have to get out of the car. We don't  
17    turn the car off. We're going to leave the heater on.  
18    She got out of the car and she closed the door. She was  
19    going to work. The person that tells you they had a  
20    prearranged meeting is the same person that told you that  
21    he called her from Applebee's the night before. And we  
22    know that's not true. It's the same person that said, I  
23    went to Applebee's that morning to work and I was sent  
24    home. And we know that's not true.

25           This Defendant -- make no mistake about this, there

1 are two very diverse theories in this case. The Defendant  
2 would have you believe that a woman who's never been late  
3 for work and never failed to show up for work and never  
4 left work early is going to go across Spartanburg County  
5 and go smoke crack and have sex because she just finds him  
6 so irresistible. That's their theory, that this mother is  
7 going to jeopardize her job to go lay down on a frozen  
8 ground in Reidville, South Carolina, with Fredrick Evins.  
9 The State's theory is that this is a woman that was doing  
10 exactly what she does every other day of her life, which  
11 is go to work on time.

12 The Judge will tell you that kidnapping -- I want you  
13 to listen when he tells you kidnapping is seizing,  
14 confining, inveigling, restraining someone against their  
15 will. I'll tell you, based on the evidence in this case,  
16 at some point on February the 13th, whether it was in the  
17 parking lot of Cigarette's 4 Less, or whether it was  
18 walking into a field on Gano Road in Reidville, or whether  
19 it was being made to take off your clothes, or whether it  
20 was when he was stabbing her, she wasn't free to go. At  
21 some point -- you keep this in mind, a woman with  
22 defensive wounds on her arms and wrists and hands and  
23 violent stab wounds in her chest, at some point, she  
24 wasn't free to go. That's kidnapping.

25 And then we move to criminal sexual conduct, what we



1 more commonly refer to as rape. I want you to think back  
2 to the testimony of SLED Agent Barron, one in ten  
3 quadrillion, a number I've never heard of in my life. I  
4 think he said that's a million worlds. That's a million  
5 times what we have now. Yet, I find it interesting that  
6 Fredrick Evins never mentioned having sex with Rhonda Ward  
7 until he was about to have a needle stuck in his arm and  
8 his DNA drawn. He denied it to the police, he denied it  
9 during his statement. And they take him over to  
10 Spartanburg Regional and they're getting ready to find  
11 that one in ten quadrillion. And he said, yeah, we had  
12 sex. He never admitted it to the police. He admitted he  
13 killed her. He never admitted to having sex with her on  
14 the 13th.

15 Did you hear his explanation yesterday? Did you hear  
16 what he said yesterday? He was afraid to tell the police  
17 they were in a relationship. He didn't mind telling them  
18 that he killed her. He didn't mind lying about her crack  
19 use. He didn't mind lying about anything else, but he  
20 just didn't want to admit to that. One in ten quadrillion  
21 has a way of making you change your story.

22 Think back to the defensive wounds. Think back to  
23 what they're asking you to believe. That a woman with the  
24 work history that she had is going to leave that sticker  
25 on the far right to go to the sticker on the far left of

1 the map and lay down on a morning colder than today and  
2 have sex. He's got a trailer a quarter of a mile away.  
3 She's got an apartment on that side of town. There's  
4 hotels galore. There's a car. But yet, they're going to  
5 lay down in an old apple orchard on a frozen ground and  
6 have sex. Common sense. Does that have a ring of truth  
7 to it or is that just Fredrick Evins' latest story?

8 I find it interesting that on the 13th of February,  
9 Fredrick Evins smoked crack five or six different times  
10 and every one of them was indoors. And that was on into  
11 the day. February is a cold month. Most people want to  
12 be indoors. He even paid Dennis Meredith \$40 to go use a  
13 trailer on his property. He paid \$40 to smoke crack  
14 indoors. He went indoors in Reidville. He went indoors  
15 in Greer. But he expects you to believe that much earlier  
16 that morning when it's much colder, he's going to go lay  
17 down on the ground. Common sense.

18 One other thing that strikes me as being significant  
19 is the time. 6:52, she's on videotape on the east side of  
20 Spartanburg. 8:00 in the morning, witnesses begin to see  
21 a single black male in a white car on Gano Road. Now, one  
22 witness, Terry Cochran, says he saw two people. He says  
23 he saw a small white woman and a taller black man --  
24 light-skinned black man. He says he saw two. Do you  
25 remember what else he said? He said, I'm not necessarily

1       going to be morbid, but I also can tell you I didn't see  
2       any flowers being exchanged. He said, I didn't see  
3       bouquets of flowers being exchanged between the two.

4               Then we move to Rebecca Pearson and Daniel Williams  
5       and Dean Williams and Daniel Bridwell, they all see a  
6       white car, none of them see Rhonda. Do you know why they  
7       didn't see Rhonda? Because Rhonda was up about 200 yards  
8       laying on the ground face down, stabbed 12 times,  
9       defecated on herself with all her jewelry taken off.  
10      That's why they didn't see Rhonda. And this is about  
11      8:00, 8:15, possibly 8:30. That's the timeline.

12             Murder is the unlawful killing of another person with  
13      malice aforethought. That's what the State has to prove  
14      to you for murder. There's no question that Rhonda Ward  
15      is dead. There's no question that Fredrick Evins did it.  
16      The issue then becomes more of malice. Malice is a wicked  
17      or evil heart. The Judge will tell you -- he will define  
18      malice. Malice is an intent to injure. It is a wicked,  
19      depraved heart. It is a heart fatally bent on mischief.  
20      Malice can be inferred from the use of a deadly weapon  
21      like a knife. This case will boil down in your minds to  
22      malice.

23             Do you, as Fredrick Evins testified yesterday,  
24      believe that this was a fight gone wrong, or do you  
25      believe that this was an intentional killing by somebody

1 in the instant before the knife was plunged into her chest  
2 that had an intent to kill her? That's what it comes down  
3 to. Malice doesn't need premeditation. Malice  
4 aforethought is the instant before the knife goes in and  
5 what is in the mind of the striker.

6 I want to go back to what David Wren said. David  
7 Wren is the forensic pathologist. She had five wounds to  
8 her chest, other wounds to her arm, her hands, her  
9 fingers. He called them defensive wounds, wounds from  
10 where you are trying to stop a knife. That's what she  
11 had. Fredrick Evins didn't have a mark on him. That's  
12 not much of a fight. When one person winds up with an  
13 autopsy and the other person doesn't even have a Band-Aid,  
14 that's not a fight. When one person is off smoking crack  
15 in somebody else's car and the other one is laying face  
16 down on the ground covered with some leaves, that's not a  
17 fight.

18 Do you remember the first question I asked him  
19 yesterday? Where does a naked woman hide a knife? And he  
20 didn't have an answer to that. Fredrick Evins has told,  
21 at least, three different stories about what happened in  
22 February of 2003. You've got to keep this in mind, the  
23 story that you heard yesterday is the third version.  
24 February of 2003, the police took a six-page statement  
25 from Fredrick Evins where he said, everything I've told

1       you is true and accurate. The same thing he said  
2       yesterday, he said back to the police in February of 2003.

3             But the story was very different back then. He says,  
4       a dude -- or a black dude with a gun made me kill Rhonda  
5       Ward. This is the guy that wants you to believe that  
6       there was a fight. This is the guy that wants you to  
7       believe that during sex, they're having a conversation  
8       about the vast number of girlfriends that he has and she  
9       gets jealous and produces a knife -- about a minute or two  
10      later produces a knife. And then in some modified version  
11      of Romeo and Juliet, instead of stabbing him, she manages  
12      to stab herself 12 times.

13            Have you ever cut yourself with a piece of paper?  
14      Have you ever had a paper cut? What's your first  
15      instinct? You recoil, you draw back and you say,  
16      daggummit, I'm not going to do that again. I'm going to  
17      get a Band-Aid. That's a paper cut.

18            He wants you to believe that she plunged a knife into  
19      herself 12 times. That's what he wants you to believe.  
20      She never stopped. She stabbed herself in the lung,  
21      stabbed herself in the chest, cut her hands, cut her  
22      wrists, and cut her arms. He hasn't come up with an  
23      explanation yet for how she got a cut on the back of her  
24      arm. That's the story they want you to believe now. But  
25      this ain't the first story he's had.

1           The first one was that Eugene Edwards did it. Eugene  
2 Edwards came and testified. He's never been convicted of  
3 a crime in his life, 14-year crack addict. Maybe he was a  
4 convenient target, maybe Mr. Evins just figured the police  
5 would believe him since Eugene is a crack addict, hey, why  
6 not be a murderer, too. Eugene Edwards is a recovering  
7 crack addict, 16 months. And he came and took the witness  
8 stand and said he was in Simpsonville with a man picking  
9 up a tax return check. And, lo and behold, Fredrick  
10 Evins' story is going to have to change a little bit  
11 because the crack addict he blames has an alibi.

12           Let's move on to what else he said, Rhonda used  
13 cocaine. The same man who swore to tell the truth back in  
14 February of 2003, said a dead woman used cocaine, smoked  
15 crack cocaine. Meredith Hipp and Alex Lewis from SLED  
16 came in and told us they did one test and then they went  
17 and did the most sophisticated test SLED can do and there  
18 was absolutely no cocaine in Rhonda Ward's system.

19           So guess what, Fredrick Evins has to change his story  
20 again. The Eugene Edwards killed her story is not going  
21 to work. The Rhonda Ward smoked crack cocaine story is  
22 not going to work. He said he called her from Applebee's  
23 the night before. That's not true. He said he went to  
24 Applebee's the morning of February 13th. That's not true.  
25 He said someone else took her clothes and money. That's

1 not true. Ladies and gentlemen, the February of 2003  
2 statement that Fredrick Evins gave was disintegrating  
3 before his very eyes.

4 He told his lawyer that half of it was true and half  
5 of it wasn't. I think he was being very generous with  
6 himself when he said half of it was true. The part that  
7 was true was when he placed himself on Gano Road with her  
8 as the cause of her death. He said, I stuck her in the  
9 chest. But, you know, the problem with that, ladies and  
10 gentlemen, is that's murder. That's murder. When he told  
11 the police in February of 2003, that I stuck her in the  
12 chest, that's murder. And murder is not what he wants you  
13 to find him guilty of. He wants you to find him guilty of  
14 manslaughter.

15 So that's why we got the story we got yesterday.  
16 Because manslaughter is a killing in the sudden heat and  
17 passion upon sufficient legal provocation. So he has to  
18 have passion, sex, and a fight, and he has to have  
19 provocation, which is Rhonda producing the knife.

20 If you wonder why he came up with the story he did  
21 yesterday, now you know. He wants this to be a  
22 manslaughter case. He is the same guy that can't tell the  
23 truth about something as simple as where he worked the  
24 night before, or where he went the morning before, or  
25 whether Rhonda smoked crack cocaine, and tried to

1       implicate Eugene Edwards in a capital murder. He wants  
2       you to believe that this mother of three left work to walk  
3       across a frozen tundra and lay down on his -- he was very  
4       quick to point out that he laid his coat down. And she  
5       just got so jealous because he won't give up his  
6       girlfriends and produces a knife and starts stabbing him.  
7       But darn the luck, she never hits him. There's never so  
8       much as a nick on him and she bleeds to death. He wants  
9       you to think there was a fight. That ain't much of a  
10      fight. When one person winds up with an autopsy and one  
11      person winds up with a sack of \$100 bills, that ain't a  
12      fight. That's murder. That's what this case will come  
13      down to.

14           Malice on the one hand, an evil intention, a wicked  
15      or depraved heart, a heart fatally bent on mischief, which  
16      can be inferred from the use of a deadly weapon. That is  
17      malice. Or was this a lover's quarrel that just somehow  
18      or another turned out to leave Rhonda Ward naked, dead,  
19      and defecating on herself? But you know what, we're not  
20      just left with what Fredrick Evins had to say about it.  
21      We're not just stuck with this story and going to have to  
22      believe his story anymore than we had to believe the story  
23      before. Why don't you look at what he did after the fact.

24           He never called 911. He never called EMS. He denied  
25      knowing her. He denied knowing about the car. He denied



1       having sex with her. He takes her car and sells the CD  
2       player out of it, throws some of her stuff on Walker Road  
3       so he can go back and get it periodically, and goes and  
4       smokes crack. That's what he did afterwards. That ought  
5       to give you a pretty good glimpse of what his intention  
6       was at that time.

7               I found it interesting yesterday that I never got an  
8       answer to my question of where the clothes were. I never  
9       got a good answer to my question of where the knife came  
10      from. And then we got around to her jewelry, because I  
11      thought it was important, ladies and gentlemen, for you to  
12      know whether or not he took her jewelry off before he  
13      killed her or after he killed her. And he said he didn't  
14      do either one. And then I reminded him of Dennis  
15      Meredith's testimony that on Valentine's Day -- I want you  
16      to just depose these two images in your mind for minute.  
17      You just depose the image of this woman stripped naked,  
18      stabbed in the chest five times, freezing to death,  
19      defecating on herself with a light rain fall and covered  
20      with some leaves. That's where she spent Valentine's Day.  
21      And there's him walking down Walker Road trying to find  
22      her jewelry to sell to Dennis Meredith. And when I  
23      confronted him with that yesterday, do you remember what  
24      his explanation was? Well, that wasn't me. That was  
25      Teresa Johnson. Mr. Evins, how did Teresa Johnson know

1       where Rhonda Ward's jewelry was? I don't know. I got  
2       that a lot yesterday. I don't know. I don't remember.

3               And then he blamed it on some kids. You know, kids  
4       are an awfully convenient excuse in this case, just blame  
5       it on some kids. They were in the neighborhood. Here's  
6       what was found on Walker Road: Her wallet, her  
7       prescription bottle of her medicine, her R.L. Jordan  
8       handbook, her wallet, minus the money. She had just  
9       cashed a tax return check a week or so before. She was a  
10      conscientious employee. She was never late, never skipped  
11      work, never left early. She should have been able to  
12      enjoy the fruits of her tax return. She wasn't. They  
13      went up in a puff of crack smoke of Fredrick Evins and  
14      Teresa Johnson and others. Now, I ask you, were his  
15      actions after he killed Rhonda Ward consistent with murder  
16      or a lover's quarrel?

17             Malice is the intentional killing of another person  
18      with malice -- murder is the intentional killing of  
19      another person with malice, with evil or wicked intent, a  
20      heart fatally bent on mischief. This is murder. It's not  
21      manslaughter. Do not let him get away with what he did  
22      yesterday. Do not let him come in and change his story  
23      yet one more time and concoct some modified version of  
24      Romeo and Juliet. Except, as I recall in that story, both  
25      people died. In this case, just Rhonda Ward died, 12

1       stabs wounds, 12.

2               We started Monday morning off -- whatever morning it  
3       was, Friday morning, perhaps, by quoting a country singer  
4       named George Jones, my life has been a journey through a  
5       sea of whiskey and a mountain of cocaine in a vehicle of  
6       self-destruction. That is a sad quote. If you think  
7       about that, that is a sad quote. But it doesn't make me  
8       think of Fredrick Evins. It makes me think of Eugene  
9       Edwards, and Teresa Johnson, and Chris Switzer, and Shaun  
10      Sweet. All four of those people have wrestled with the  
11      demon of crack cocaine. Some are in jail, some are  
12      recovering addicts. But you know what the four of them  
13      have in common? They never killed a soul, never one soul.  
14      Yes, they're life truly has been one of self-destruction.  
15      Fredrick Evins didn't destroy himself. Fredrick Evins  
16      killed another human being.

17              When I was 17 years old, I worked in a tobacco  
18      warehouse with a man named Buddy Clouney and a man named  
19      Buddy Dawkins. They had a lot of favorite sayings, but  
20      one of their favorite sayings was, the trouble with a half  
21      truth is sometimes you get ahold of the wrong half. I  
22      didn't really know what they meant by that at the age of  
23      17. I wasn't familiar with the term half truth, but I am  
24      now. And I think Mr. Clouney and Dawkins quotes were kind  
25      of a modern day variation of what Alfred Lord Tennyson

1       said 400 years ago, a half truth is the darkest lie of  
2       all. That's the worst lie. It's a lie that mixes some  
3       truth with lies.

4               The truth is he killed her. He can't escape that.  
5       The evidence is overwhelming. But he had to get off of  
6       his first statement because witness after witness after  
7       witness had already proved him to be a liar. He had to  
8       come up with something else. And his effort, his latest  
9       effort, was yesterday. You heard his direct. You heard  
10      the questions he was asked on cross. You heard that he  
11      couldn't explain where a knife comes from on a naked  
12      woman. You heard him explain, perhaps, that he finished  
13      taking her clothes off after he killed her. Are those the  
14      actions consistent with a lover's quarrel? Think about  
15      how he left her. Is that consistent?

16             What we're left with, in the final analysis -- and  
17      I'm going to sit down -- is two stickers right beside each  
18      other on the east side of Spartanburg. One is his trailer  
19      and one is her place of work. And he wants you to believe  
20      that they skipped everything that's on that side of  
21      Spartanburg to drive all the way out to Reidville to an  
22      apple orchard on a morning colder than today to go lay  
23      down naked and have sex. And she ain't here to tell you  
24      otherwise. But the evidence is -- the evidence is not  
25      consistent with that story. And what he did afterwards is

1 not consistent with that story. And what he's told  
2 previously is not consistent with that story. You are to  
3 judge his testimony by the exact same standard you judge  
4 everybody else's.

5 There was an America poet by the name of Henry David  
6 Thorough, and he said that more than beauty, more than  
7 fame, more than riches, I want the truth. I want the  
8 truth about what happened to Rhonda Ward on February the  
9 13th. I want it from this box, not that box. I want the  
10 truth about what happened to a mother of three with an  
11 exemplary work record. He robbed her of her clothes. He  
12 robbed her of her jewelry. And he robbed her of her  
13 money. I'm asking you to not let him rob her of her  
14 dignity by her going to her grave under the circumstances  
15 he tried to describe. He lied about her drug use. We can  
16 prove that's a lie. I'm asking you with your verdict,  
17 which is nothing but a variation of the word veredicto, to  
18 speak the truth. I want your verdict to speak the truth  
19 about Rhonda Ward and what happened to her on February the  
20 13th.

21 Thank you.

22 MR. BOGGS: May it please the Court?

23 Madam Forelady, and, ladies and gentlemen of the  
24 jury, I, too, want to thank you for your attention the  
25 last couple of days. As Judge Miller has pointed out and

1 as the Solicitor has pointed out, you're serving and  
2 performing one of the greatest obligations and duties.  
3 And it's a privilege to be an American. And I want to  
4 thank you.

5 I, too, have noticed that each of you have paid  
6 extremely close attention, and that's what we ask. We  
7 don't -- nobody in our system wants a juror to come up and  
8 not pay attention. We want juries that will pay  
9 attention. And that's why you're up here. The Solicitor  
10 and I took great pains to make sure that you were the ones  
11 on this jury. Because we're the ones that know you  
12 collectively can deliberate to reach a verdict that speaks  
13 the truth.

14 I also want to remind you of your oath. Before the  
15 trial started, each of you stood up and raised your hand  
16 and took an oath that you would truly try the facts of  
17 this case within the confines of these walls based upon  
18 the evidence presented or the lack of evidence. That oath  
19 still holds true. Each of you swore that's what you would  
20 do to the conclusion of the trial. And that oath is still  
21 in effect.

22 Now, I would also like to point out -- and I think  
23 Judge Miller will point this out -- closing arguments are  
24 a summation of what the attorney for either side feels  
25 might be pertinent to the case. Anything I say is not