

VOLUME I OF II

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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MAY 24 2017

APPEAL FROM LEXINGTON COUNTY
The Honorable Gary E. Clary, Trial Judge
The Honorable Brian M. Gibbons, Post-Conviction Relief Judge

S.C. SUPREME COURT

Appellate Case No: 2016-000885

WILLIE J. RICHARDSON,

RESPONDENT,

v.

STATE OF SOUTH CAROLINA,

PETITIONER.

APPENDIX

C. RAUCH WISE
305 Main Street
Greenwood, SC 29646

(864) 229-5010

ATTORNEY FOR RESPONDENT

ALAN WILSON
Attorney General

JUSTIN J. HUNTER
Assistant Attorney General

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803)734-3727

ATTORNEYS FOR PETITIONER

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STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

COURT OF GENERAL SESSIONS
98-GS-32-1242

THE STATE OF SOUTH
CAROLINA,)

PLAINTIFF,)

- VS-)

WILLIE JAMES
RICHARDSON,)

DEFENDANT.)

TRANSCRIPT OF RECORD

Part 1 of 3

LEXINGTON, SOUTH CAROLINA
APRIL 10-12, 2000

B E F O R E:

THE HONORABLE GARY E. CLARY, JUDGE, AND A JURY.

A P P E A R A N C E S:

SAMUEL R. HUBBARD, III, ESQUIRE
A. TAV SWARAT, ESQUIRE
ATTORNEYS FOR THE PLAINTIFF

HERVERY B. O. YOUNG, ESQUIRE
ATTORNEY FOR THE DEFENDANT

LISA H. HICKLIN, RPR
CERTIFIED COURT REPORTER
POST OFFICE BOX 165
AIKEN, SC 29802

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 CERTIFIED COURT REPORTER
 POST OFFICE BOX 165
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1 (WHEREUPON, ON APRIL 10, 2000 THE FOLLOWING
2 PROCEEDINGS WERE HELD:)

3 THE COURT: READY TO PROCEED?

4 MR. HUBBARD: THE STATE IS READY, YOUR HONOR.

5 THE COURT: WHAT KIND OF MATTER DO WE HAVE TO COME BEFORE
6 THE COURT?

7 MR. YOUNG: YOUR HONOR, ON BEHALF OF THE DEFENDANT WILLIE
8 RICHARDSON I WOULD MOVE AT THIS TIME FOR THE COURT TO REQUIRE
9 THE STATE TO DISCLOSE ANY PRIOR BAD ACTS OR PRIOR MISCONDUCTS
10 THEY PLAN TO USE IN THEIR CASE IN CHIEF OR ANY ACTS THAT THEY
11 PLAN TO USE, PERIOD, RELATING TO MR. RICHARDSON.

12 THE COURT: SOLICITOR?

13 MR. HUBBARD: YOUR HONOR, THERE IS A STATEMENT BY A
14 TESTIFYING INMATE WHO WILL STATE THAT WHEN HE AND MR.
15 RICHARDSON WERE INCARCERATED TOGETHER IN THE STATE OF
16 VIRGINIA MR. RICHARDSON MADE STATEMENTS ABOUT NOT ONLY THEIR
17 CASE HE WAS FACING UP THERE BUT A CASE DOWN HERE IN SOUTH
18 CAROLINA AND THAT DURING THE PROCESS OF THAT HE WAS TALKING
19 ABOUT AN ALIBI AND THE FACT HE WAS GOING TO BEAT THE CHARGE
20 BECAUSE HE HAD BEATEN A CHARGE BACK IN '92 DOWN HERE IN SOUTH
21 CAROLINA. SEEKING TO CORROBORATE THAT STATEMENT THE F.B.I.
22 CHECKED INTO IT -- CHECKED WITH RICHLAND COUNTY AND
23 DETERMINED HE HAD, IN FACT, HAD A DRUG CHARGE THAT WAS
24 DISMISSED. IT WAS A TRAFFICKING CHARGE -- I THINK ABOUT A
25 KILO AND A HALF OF POWDER COCAINE.

LISA H. HICKLIN, RPR
CERTIFIED COURT REPORTER
POST OFFICE BOX 165
AIKEN, SC 29802

1 YOUR HONOR, WHAT WE WOULD ATTEMPT TO PRESENT WHEN WE HAVE
2 MR. LUCAS UP -- TESTIMONY FROM LAW ENFORCEMENT TO SAY, YES,
3 IN FACT, MR. RICHARDSON HAD A CHARGE DISMISSED FROM '92
4 WITHOUT GOING INTO WHAT THE CHARGE WAS, WITHOUT GOING INTO
5 USING THE PHRASEOLOGY OF BEAT A CHARGE OR ANYTHING LIKE THAT,
6 BUT THAT THIS WAS EVIDENCE TO CORROBORATE MR. LUCAS'
7 STATEMENT TO LAW ENFORCEMENT THAT ASSURED THEM THAT HE, IN
8 FACT, HAD A CONVERSATION WITH MR. RICHARDSON AND THAT PART OF
9 THAT CONVERSATION DEALT WITH THE MURDER IN CHAPIN WE ARE HERE
10 ON TODAY.

11 THERE IS A ANOTHER -- I DON'T KNOW IF MR. YOUNG WANTS TO
12 ADDRESS THIS OR MOVE ON TO SOMETHING. THERE IS ONE OTHER
13 THING. TWO VEHICLES THAT WERE SEIZED -- THE DEFENDANT'S
14 LANDCRUISER AND ALSO ANOTHER LANDCRUISER. BOTH OF THESE
15 LANDCRUISERS WERE SEEN AT THE SCENE OF THE CRIME. MR.
16 RICHARDSON WAS SEEN GETTING OUT OF IT AND GOING INTO THE
17 NIGHTCLUB. WE HAVE A NUMBER OF WITNESSES THAT SAW HIM DRIVE
18 UP IN THIS LANDCRUISER. THAT LANDCRUISER WAS SUBSEQUENTLY
19 SEIZED BY RICHLAND COUNTY BY THE SHERIFF'S DEPARTMENT.

20 JUST LETTING THE COURT KNOW WHAT HAPPENED TO THOSE VEHICLES
21 AND WHAT WE WANT TO DO IS TO ACTUALLY TAKE THE TAG FROM THE
22 VEHICLE MR. RICHARDSON OWNED AND DROVE TO AND FROM THAT SCENE
23 AND WAS FOUND THE NEXT DAY -- WE WANT TO ACTUALLY PUT THAT
24 TAG IN BECAUSE THAT IS HOW WE ACTUALLY GOT TO HIM, YOUR
25 HONOR. WE ARE GOING TO HAVE WITNESSES THAT IDENTIFY THE TAG,

1 AND WE TRACED THAT TAG, FOUND THIS VEHICLE, AND THERE WAS A
2 SEIZURE WARRANT ON IT. SO, WHEN WE PUT UP A RICHLAND COUNTY
3 SHERIFF'S OFFICER TO GET THAT TAG IN, WE WANT TO BE ABLE TO
4 EXPLAIN THAT'S WHY RICHLAND IS INVOLVED. THEY HAD THAT
5 VEHICLE. THEY HAD THE OTHER VEHICLE -- NOT GOING INTO WHY,
6 NOT GOING INTO THE FACT IT WAS A FORFEITURE, NOT GOING INTO
7 THE FACT IT WAS A DRUG CASE, BUT THAT THEY ARE IN POSSESSION
8 OF AND HAVE CUSTODY OF THOSE VEHICLES.

9 THE COURT: WHY ARE THOSE THINGS NOT ADMISSIBLE, MR.
10 YOUNG?

11 MR. YOUNG: YOUR HONOR, WITH REGARDS TO THE FIRST INCIDENT,
12 I WOULD TAKE THE FIRST POSITION THAT THE EVIDENCE THAT IS
13 BEING OFFERED REGARDING THE RICHLAND COUNTY CHARGES ARE GOING
14 TOWARDS CHARACTER. WHILE THE STATE IS PRETEXTING IT ON
15 TRYING TO CORROBORATE THE STATEMENT OF THE INFORMANT, IT
16 CLEARLY WILL PUT IN CHARACTER EVIDENCE REGARDING MR.
17 RICHARDSON. LIKEWISE, YOUR HONOR, THE ISSUE REGARDING THE
18 RELIABILITY OR THE CREDIBILITY OF THIS INFORMANT AND HIS
19 STATEMENT IS AN ISSUE THAT THE JURY WOULD HAVE TO MAKE A
20 DETERMINATION ON. I DON'T BELIEVE THE STATE IS REQUIRED TO,
21 IN ESSENCE, CORROBORATE HIS STATEMENT.

22 IT IS OUR POSITION, YOUR HONOR, THAT THE EVIDENCE OR THE
23 VERIFICATION THAT HE HAD A CHARGE IN RICHLAND COUNTY AT SOME
24 POINT IN TIME AND NOT GOING INTO THE DISPOSITION OF IT WILL
25 MISLEAD THE JURY AND ALLOW THE JURY TO START FORMING OPINIONS

1 AS TO WHAT BECAME OF THOSE CHARGES. BASED ON THAT, YOUR
2 HONOR, WE WOULD ASK THE COURT TO NOT ALLOW ANY TESTIMONY
3 REGARDING THERE BEING A RICHLAND COUNTY CHARGE THAT HE WAS
4 EITHER -- I BELIEVE HE SAID IT WAS DISMISSED. THE CHARGES
5 WERE ULTIMATELY DISMISSED WHICH ARE NOT A CONVICTION.

6 WITH REGARDS TO THE TWO AUTOMOBILES THAT WERE SEIZED AND
7 THE INTRODUCTION OF THE TAG FROM ONE OF THOSE AUTOMOBILES, IT
8 WILL NOT BE OUR POSITION TO CHALLENGE WHY THAT EVIDENCE IS
9 COMING IN THROUGH A RICHLAND COUNTY OFFICER BECAUSE CLEARLY
10 IF WE WERE TO CHALLENGE THAT IT WOULD OPEN THE DOOR TO THE
11 ISSUE OF RICHLAND COUNTY'S INVOLVEMENT. SO, BASED ON THAT
12 YOUR HONOR, I DO NOT BELIEVE IT'S REQUIRED OR THE STATE
13 SHOULD BE REQUIRED TO OR ALLOWED TO GO INTO WHY RICHLAND
14 COUNTY IS INVOLVED BECAUSE IT'S MY OPINION IT WILL OPEN THAT
15 DOOR AND ALLOW THE JURORS TO START WONDERING WHAT ALL
16 INVOLVEMENT RICHLAND COUNTY HAD WITH MR. RICHARDSON AND,
17 THEREFORE, WONDER ABOUT CHARGES OVER THERE THAT WE ARE NOT
18 GOING TO TELL THEM ANYTHING ABOUT.

19 THE COURT: YOU WANT TO GIVE ME SOME CASES ON THESE POINTS?

20 MR. YOUNG: YOUR HONOR, I AM RELYING ON RULE 404, 402
21 REGARDING THE RELEVANCE OF THE EVIDENCE AND THE FACT THAT THE
22 PREJUDICIAL EFFECT OF IT CLEARLY OUTWEIGHS ANY PROBATIVE
23 VALUE.

24 THE COURT: ALL RIGHT. SOLICITOR, LET ME HEAR FROM YOU.

25 MR. HUBBARD: YOUR HONOR, AGAIN, THIS IS NOT GOING TO HIS

1 CHARACTER. WE ARE DOING EVERYTHING WE CAN TO SANITIZE WHAT
2 WE ARE DOING SO IT SIMPLY SHOWS WE ARE CORROBORATING OR
3 EFFORTS WERE MADE BY LAW ENFORCEMENT, AND I THINK THE JURY IS
4 GOING TO BE ABLE TO LOOK AT THIS AS WHAT STEPS DID LAW
5 ENFORCEMENT TAKE TO REASONABLY ENSURE THIS WAS A STATEMENT,
6 IN FACT, MADE BY THE DEFENDANT, AND THIS WAS CRITICAL BECAUSE
7 THIS IS ONE THING THAT APART AND SEPARATE FROM THE CASE MR.
8 RICHARDSON WAS FACING DOWN HERE. THIS IS ONE THING THIS
9 INMATE COULD NOT POSSIBLY HAVE KNOWN ANYTHING ABOUT;
10 PARTICULARLY, IT BEING FROM '92, AS I RECALL.

11 AND, YOUR HONOR, BY SIMPLY PRESENTING IT -- HE HAD A CASE
12 THAT WAS DISMISSED -- NO SPECIFICS AS TO THE FACTS OR
13 ANYTHING ELSE, I THINK HIS RIGHTS AREN'T INFRINGED AT ALL.
14 WE'RE ARE NOT SAYING HE IS A CRIMINAL. IN FACT, WE ARE
15 SAYING HE HAD SOMETHING DISMISSED.

16 AS TO THE VEHICLES, I WAS TALKING TO CO-COUNSEL. THERE IS
17 ALSO ANOTHER ISSUE WITH THIS RICHLAND COUNTY OFFICER THAT WE
18 WERE GOING TO TRY TO PUT THE TAG IN. YOUR HONOR, IN PROVING A
19 CASE, I JUST WANT TO MAKE SURE WE ANSWER QUESTIONS FOR JURY.
20 THERE'S ALWAYS SOME -- WHY DOES THIS OFFICER HAVE SOMETHING
21 OR WHY ARE THEY PUTTING UP A RICHLAND COUNTY OFFICER? WELL,
22 IT'S BECAUSE HE HAD THE VEHICLE. I DON'T WANT THEM TO WORRY
23 ABOUT ANYTHING ELSE. THAT'S HOW WE GOT THE TAG IN.

24 WE ARE ALSO, AS I WAS REMINDED, THAT OFFICER IS GOING TO
25 SAY THAT HE KNOWS THE NICKNAME THAT THIS INDIVIDUAL GOES BY.

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CERTIFIED COURT REPORTER
POST OFFICE BOX 165
AIKEN, SC 29802

1 MR. RICHARDSON GOES BY THE NAME OF RAHEEM. THAT WILL COME UP
2 IN THIS TRIAL, TOO. PART OF THAT, TOO, YOUR HONOR, IS WHEN
3 MR. RICHARDSON FLED ALL LAW ENFORCEMENT IN THE MIDLANDS AND
4 THERE WAS A GENERAL B.O.L.O. THAT WAS SENT OUT WITH MR.
5 WILLIE RICHARDSON'S DESCRIPTION. HIS NAME AND I BELIEVE EVEN
6 HIS ALIAS RAHEEM -- THAT WAS SENT OUT. WE JUST WANT TO BE
7 ABLE TO BRING THAT IN WITHOUT A QUESTION OF TRYING TO GET IN
8 SOME OTHER CASE OR SOME OTHER INCIDENT, BUT WE ARE GOING TO
9 HAVE LAW ENFORCEMENT FROM OUTSIDE THIS COUNTY AND OUTSIDE
10 THIS JURISDICTION TESTIFYING, AND WE DIDN'T WANT THAT TO BE
11 CONSTRUED AS A DEPENDING ON A PRIOR BAD ACT BY MR.
12 RICHARDSON. WE, OUT OF AN ABUNDANCE OF CAUTION, WERE
13 BRINGING IT UP.

14 THE COURT: SO, WHAT YOU ARE TELLING ME IS THAT YOU HAVE A
15 WITNESS COMING FROM THE STATE OF VIRGINIA WHO IS GOING TO
16 TESTIFY AS TO WHAT HE TOLD HIM WHILE THEY WERE INCARCERATED
17 CONCERNING ANOTHER CHARGE THAT WAS SUBSEQUENTLY DISMISSED.

18 MR. HUBBARD: YES, SIR. AND ALSO, YOUR HONOR, WHAT WE ARE
19 GOING TO DO IS THAT INMATE IS ACTUALLY NOW COMING FROM NEW
20 JERSEY. HE IS SENTENCED, AND THAT'S WHERE HE IS SERVING HIS
21 TIME. WHAT WE ARE GOING TO -- EVEN WHILE THEY WERE IN JAIL
22 IN VIRGINIA, WE ARE GOING -- TO SANITIZE THAT ISSUE EVEN,
23 YOUR HONOR, WE ARE GOING TO SAY -- BECAUSE WHAT REALLY
24 HAPPENED IS THIS. HE ABSCONDED THIS STATE AFTER THIS
25 INCIDENT. IT TOOK TWO YEARS TO LOCATE HIM. HE WAS LOCATED

1 IN THE STATE OF NEW YORK. WE WENT THROUGH THE EXTRADITION
2 PROCESS, BROUGHT HIM BACK TO SOUTH CAROLINA, THEN IMMEDIATELY
3 UPON HIM COMING DOWN HERE THE STATE OF VIRGINIA -- THE
4 FEDERAL SYSTEM -- GOT AN ORDER AND SENT HIM BACK UP TO
5 VIRGINIA TO BE TRIED. WE WERE JUST GOING TO PRESENT IT AS
6 HE'S FOUND AND LOCATED IN NEW YORK; THAT IN THE PROCESS
7 BEFORE WE COULD DO ANYTHING WITH HIM HE WAS HELD IN VIRGINIA;
8 AND FINALLY WE GOT HIM. WHILE HE WAS HELD IN VIRGINIA A CELL
9 MATE OF HIS HEARD THIS STATEMENT.

10 THAT'S BASICALLY -- WE'RE NOT EVEN GOING INTO THE CHARGES
11 HE'S FACING UP IN VIRGINIA. WE ARE TRYING TO STAY AWAY FROM
12 ALL OF THAT, BUT HAVING AN INMATE WE CAN'T REALLY PRESENT THE
13 EVIDENCE -- THEY WEREN'T SITTING A BAR. YOU KNOW, THIS WAS
14 SOMETHING WHERE HE WAS ACTUALLY AN INMATE. LAW ENFORCEMENT
15 WAS INVOLVED BECAUSE THEY HAD TO TRY TO CORROBORATE THIS
16 INMATE'S TESTIMONY OF AN ACTIVITY THAT HAPPENED ALL THE WAY
17 DOWN HERE IN SOUTH CAROLINA..

18 YOUR HONOR, THE STATEMENTS HE MADE ABOUT THE CASE HERE IN
19 SOUTH CAROLINA INVOLVED -- IT WAS A CONFESSION AS TO THE
20 MURDER IN THIS CASE. HE CONFESSED TO THIS INMATE THAT HE HAD
21 ACTUALLY KILLED THIS FELLOW DOWN HERE IN SOUTH CAROLINA. TO
22 LET YOU KNOW, WHEN HE FIRST MET THE INMATE HE TALKED ABOUT
23 THE FACT THAT HE HAD AN ALIBI. HE HAD AN ALIBI -- WITHOUT
24 EVER GOING TO THE SUBJECT OF DID YOU KILL THIS GUY OR NOT IN
25 SOUTH CAROLINA. HE JUST SIMPLY HAD AN ALIBI. FINALLY, AFTER

1 EXPLAINING HIS ALIBI, HE SAID HE, IN FACT, HAD KILLED THIS
2 MAN IN A NIGHTCLUB DOWN HERE IN SOUTH CAROLINA.

3 NOW, THIS INMATE WILL SAY HE SAID THAT SEVERAL TIMES --
4 MADE IT CLEAR THAT HE, IN FACT, DONE IT, AND HE NEEDED AN
5 ALIBI TO GET OFF THIS CHARGE AND THAT HE HAD SUCCEEDED IN THE
6 PAST ON GETTING OUT OF A CHARGE BACK IN '92 WHEN HE HAD
7 CHARGES DISMISSED.

8 THE COURT: SO THAT'S THE SUBSTANCE OF THE STATEMENT?

9 MR. HUBBARD: YES, SIR. HE WILL EXPLAIN EXACTLY WHAT WAS
10 SAID BUT, YES, SIR, THAT'S THE SUBSTANCE -- THAT MR.
11 RICHARDSON INITIALLY -- I'LL TELL WHAT HIS ALIBI WAS IF YOU
12 WANT TO GO INTO IT, YOUR HONOR. HE INITIALLY WAS WITH THIS
13 CELLMATE AND SAID, "HOW DOES THIS SOUND? I'VE GOT A CHARGE IN
14 SOUTH CAROLINA. HOW DOES THIS SOUND? I AM GOING TO SAY I
15 WAS IN NEW YORK AT THE TIME AT A FUNERAL." AND, YOUR HONOR,
16 WE BELIEVE THERE PROBABLY WAS A FAMILY FUNERAL AT THAT TIME,
17 BUT HE LEFT THE DAY BEFORE THE FUNERAL, AND HE SAID HE WAS
18 GOING TO HAVE A FAMILY MEMBER SIGN THE REGISTRY AND THAT
19 THERE WAS PHOTOGRAPHS OF HIM BEING UP THERE. HE SAYS, "DO
20 YOU THINK THAT WILL FLY," AND THE GUY WAS SAYING, "WELL, IF
21 YOU WERE UP THERE, THAT SOUNDS LIKE A REASONABLE EXPLANATION
22 TO ME. THEY CAN'T CONVICT YOU IF YOU WEREN'T THERE." AND AS
23 THEY CONTINUE TO ROOM TOGETHER AND TALK THAT ALIBI, MR.
24 RICHARDSON, I GUESS FEELING HE COULD TRUST THIS GUY, TOLD HIM
25 THAT HE, IN FACT, HAD BEEN IN SOUTH CAROLINA AND HAD, IN

1 FACT, KILLED A MAN IN A NIGHTCLUB IN SOUTH CAROLINA WHICH IS,
2 IN FACT, WHAT THIS WAS. THIS WAS A NIGHTCLUB KILLING IN
3 CHAPIN.

4 SO WHAT LAW ENFORCEMENT DID -- HE HAD MADE STATEMENTS
5 CONCERNING HIS CASE IN VIRGINIA AS WELL. LAW ENFORCEMENT,
6 JUST TO CORROBORATE EVERYTHING THIS WITNESS WAS SAYING, THEY
7 CHECKED INTO HIS SOUTH CAROLINA HISTORY AS WELL, AND THEY
8 CHECKED DOWN HERE AND LOOKED THROUGH HIS RICHLAND COUNTY
9 RECORDS AND SAW AND ALSO THE CHARGE HE HAD HERE -- SAW THAT
10 HE, IN FACT, DID HAVE A CHARGE ARISING OUT OF A NIGHTCLUB
11 KILLING AND ALSO HAD CHARGES DISMISSED BACK IN '92.

12 THE COURT: BUT THE KILLING THAT WE'RE TALKING ABOUT THAT
13 WE ARE TRYING FOR HIM OCCURRED WHERE?

14 MR. HUBBARD: IN CHAPIN, SOUTH CAROLINA.

15 THE COURT: AND THIS IS WHAT HE TOLD THE CELLMATE?

16 MR. HUBBARD: YES, SIR, IN THE STATE OF VIRGINIA WHILE THEY
17 WERE IN THE FEDERAL SYSTEM, YES, SIR.

18 THE COURT: WHY IS THAT NOT ADMISSIBLE?

19 MR. YOUNG: YOUR HONOR, I AM NOT SAYING THAT THE STATEMENTS
20 THAT ARE PURPORTEDLY MADE REGARDING THIS INCIDENT --- IT'S MY
21 POSITION THAT ANY STATEMENTS REGARDING RICHLAND COUNTY
22 CHARGES THAT HAVE SUBSEQUENTLY BEEN DISMISSED---

23 THE COURT: OKAY. ALL RIGHT. LEAD ME BACK THROUGH THE
24 RICHLAND COUNTY CHARGES YOU ARE TALKING ABOUT NOW.

25 MR. HUBBARD: YES, SIR. PART OF THE STATEMENTS MADE BY THE

1 DEFENDANT TO THIS CELLMATE WAS THAT HE, IN FACT, HAD
2 COMMITTED MURDER. HE WAS GOING TO USE THIS ALIBI. HE WAS
3 GOING TO BEAT THE CHARGE BECAUSE HE HAD DONE THAT BEFORE.
4 THIS HAPPENED IN '95. HE HAD BEATEN A CHARGE IN '92. WHAT
5 WE ARE GOING TO DO IS INSTRUCT THIS INMATE -- THE WAY WE ARE
6 GOING TO PHRASE OUR QUESTIONS, WE ARE NOT GOING TO PRESENT IT
7 AS BEATING A CHARGE AND THAT HE HAD IT DISMISSED BECAUSE
8 THAT'S THE WAY LAW ENFORCEMENT PRESENTED IT WHEN THEY WERE
9 REVIEWING HOW TO HANDLE THAT ISSUE. THEY LOOKED BACK TO SEE.
10 IN FACT, YOUR HONOR, HAD HE GONE TO TRIAL LIKE THAT I COULD
11 UNDERSTAND BEATING A CHARGE -- THE TERMINOLOGY. BUT, IN
12 FACT, WHAT HE HAD WAS -- I DON'T KNOW EXACTLY WHAT THE
13 ARRANGEMENTS WERE, BUT HIS CHARGES -- THOSE TRAFFICKING
14 CHARGES WERE DISMISSED.

15 THE COURT: WELL, HOW IS HE NOT GOING TO BE PREJUDICED BY
16 THAT? THE FACT HE MAKES A STATEMENT TO A CELLMATE AND
17 DETAILS WHAT HE IS DOING, CERTAINLY, THAT IS ADMISSIBLE, BUT
18 WHEN YOU TAKE IT A STEP FURTHER -- I MEAN, I UNDERSTAND WHAT
19 YOU ARE TRYING TO DO -- SHOW THAT HE HAS DONE THIS BEFORE.
20 BUT, ONCE AGAIN, WHAT YOU ARE DOING IS PUTTING A SEED IN THE
21 MIND OF THE JURY, WELL, HE MUST BE GUILTY OF THIS BECAUSE
22 HE'S BEEN CHARGED SOMEWHERE ELSE BEFORE. YOU KNOW, THAT IS
23 SOMETHING THAT -- YOU KNOW, GIVE ME SOME HELP HERE. HAVE
24 YOU GOT ANY CASES?

25 MR. HUBBARD: YOUR HONOR, I DON'T HAVE A CASE RIGHT OFFHAND

1 ON THIS ISSUE. IT'S SO FACT SPECIFIC, I REALLY DON'T, YOUR
2 HONOR.

3 THE COURT: YOU GOT ANY CASES THAT AREN'T FACT SPECIFIC?

4 MR. HUBBARD: JUST GENERAL LAW, YOUR HONOR? NO, SIR.

5 THE COURT: I AM LOOKING AT SOME NOW AS TO WHAT YOU --
6 SOME THINGS THAT CAN BE DONE.

7 MR. HUBBARD: AGAIN, I GUESS WHAT I WOULD SAY, YOUR HONOR,
8 IS THE PURPOSE FOR THIS IS NOT TO GO TO CHARACTER. I THINK
9 NO MATTER WHAT, SURE, IT IS GOING TO TOUCH ON HIS -- THEY
10 WILL SAY HE WAS ARRESTED BEFORE. THEY'LL ALSO SEE HE WAS
11 CHARGED AND THE CHARGE WAS DISMISSED. I THINK IT IS
12 MINUSCULE VIEWED IN THE LIGHT OF THE WHOLE STATEMENT WHICH IS
13 HE COMMITTED A MURDER. I THINK THAT IS THE THING THAT'S GOING
14 TO HAVE THE MOST IMPACT WITH THE JURY. HE, IN FACT, COMMITTED
15 A MURDER DOWN HERE IN SOUTH CAROLINA. IT WAS IN A
16 NIGHTCLUB. HE TOLD THIS INMATE WHO HAD NOTHING DO WITH IT
17 AND WHO SHOULD HAVE HAD NO KNOWLEDGE OF WHAT WAS GOING ON
18 DOWN HERE. THIS INMATE FROM OUT OF STATE HAD KNOWLEDGE OF
19 THIS KILLING. BUT WHAT WAS CRITICAL TO LAW ENFORCEMENT WAS
20 TO SAY, ALL RIGHT, HOW CAN WE CORROBORATE IT? WELL, THEY
21 KNEW THERE WAS A NIGHTCLUB KILLING, BUT THEN ALSO CHECKED
22 INTO THE RECORDS IN '92 AND SAY HOW WOULD YOU KNOW HOW TO
23 PICK SOMETHING OUT. THAT'S WHAT WAS KEY FOR US. I
24 UNDERSTAND YOUR HONOR'S CONCERN, AND, OBVIOUSLY, THAT IS WHY
25 WE ARE PRESENTING IT TO YOUR HONOR, TOO.

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CERTIFIED COURT REPORTER
POST OFFICE BOX 165
AIKEN, SC 29802

1 THE COURT: WELL, YOU UNDERSTAND THAT WHEN YOU TRY THESE
2 CASES AND, YOU KNOW, EVERYTHING LOOKS REAL GOOD AND YOU WANT
3 TO TRY TO GUILD IT IN GOLD, TWO OR THREE YEARS DOWN THE LINE
4 IF IT GETS THAT FAR, THAT GOLD GUILDING KIND OF WEARS OFF,
5 AND THAT'S THE REASON YOU REDO THEM SOMETIMES.

6 MR. HUBBARD: YES, SIR.

7 THE COURT: SO, WHILE I UNDERSTAND ALL THE MECHANICS THAT
8 YOU HAVE GONE THROUGH IN DOING ALL THIS, I AM NOT GOING TO
9 ALLOW THAT PART TO COME IN---

10 MR. HUBBARD: YES, SIR.

11 THE COURT: ---YOU KNOW, ABOUT HOW THEY DID THIS IN
12 RICHLAND COUNTY AND HE BEAT A CHARGE AND THIS KIND OF THING.

13 MR. HUBBARD: YES, SIR.

14 THE COURT: IF YOU CAN'T WIN THIS CASE THROUGH -- I MEAN,
15 IF WE CAN'T UNDERSTAND IT HERE AND IF YOU CAN'T WIN THIS --
16 AND WHEN I SAY IF WE CAN'T UNDERSTAND IT HERE WHEN WE ARE
17 TALKING ABOUT IT IN THIS STERILE NATURE IN THE COURTROOM
18 WITHOUT TO JURY BEING HERE --- BY PRESENTING THE EVIDENCE
19 SOLELY AS TO WHAT HE WAS TOLD IN REGARDS TO THIS PARTICULAR
20 CASE, I AM NOT GOING TO ALLOW THAT INFORMATION TO BE PLANTED
21 WITH THE JURY OR PRESENTED TO THE JURY THAT IS GOING TO MAYBE
22 BLOW UP A TOTALLY DIFFERENT AREA. SO, THAT PART IS NOT GOING
23 TO COME IN.

24 MR. HUBBARD: YES, SIR.

25 MR. YOUNG: YOUR HONOR, IF I CAN RESPOND TO SOMETHING THAT

1 MR. HUBBARD SAID REGARDING THE POLICE OFFICER TESTIFYING. HE
2 INITIALLY HAD SAID OR ARGUED THAT THE ONLY THING HE WANTED TO
3 GET TO JUSTIFY IT IS THAT THE REASON A RICHLAND COUNTY
4 OFFICER WAS TESTIFYING IS TO GET THE TAG INTO EVIDENCE WAS TO
5 ESTABLISH THAT RICHLAND COUNTY HAD POSSESSION OF THE
6 AUTOMOBILE. SECONDLY, AFTER I SAT DOWN AND CAME BACK, AND HE
7 SAID HE ALSO WANTED TO GET THIS OFFICER TO TESTIFY TO---

8 THE COURT: I HAVEN'T GOTTEN TO THAT ISSUE YET. I'M
9 TALKING ABOUT THIS INMATE. I AM GOING TO GET TO THAT TAG IN
10 JUST A MINUTE.

11 MR. YOUNG: YES, SIR. I THOUGHT YOUR HONOR HAD ALREADY
12 RULED ON THAT, AND I WANTED TO BE HEARD.

13 THE COURT: NO. NO. I AM TALKING ABOUT THE STATEMENT TO
14 THE INMATE, NUMBER ONE.

15 MR. YOUNG: YES, SIR.

16 THE COURT: NOW, INsofar AS THIS TAG IS CONCERNED, WE CAN
17 GET TO THAT NOW, BUT PLEASE DON'T LET THAT GET CLOUDED UP
18 WITH WHAT THE INMATE IS GOING TO TESTIFY TO.

19 MR. YOUNG: YES, SIR.

20 THE COURT: BECAUSE I'M GOING TO DEAL WITH THAT. IT WAS
21 REALLY PRESENTED TO ME AS A TWO-PRONGED THING. SO, LET ME
22 ASK YOU THIS, MR. HUBBARD. HOW DO YOU INTEND TO PRESENT THAT
23 TAG EVIDENCE WITHOUT IT RAISING SOME KIND OF AN ISSUE?

24 MR. HUBBARD: YOUR HONOR, WELL, ON THE ONE HAND I WILL NOTE
25 THERE IS GOING TO BE TESTIMONY THAT A B.O.L.O. WAS PUT OUT,

1 OBVIOUSLY, FOR ALL LAW ENFORCEMENT TO BE ON THE LOOKOUT FOR
2 WILLIE RICHARDSON IN THIS VEHICLE WITH THIS TAG. IT WAS A
3 UNIVERSITY TAG. SO, IT WAS EVEN A DISTINCTIVE TAG.

4 THERE IS ONE THING -- AND I DON'T WANT TO STRAY, BUT THIS
5 SAME OFFICER FROM RICHLAND COUNTY HAS KNOWN ABOUT MR.
6 RICHARDSON BEING ASSOCIATED WITH THAT VEHICLE AND HAD KNOWN
7 THAT WAS HIS VEHICLE PRIOR TO THIS INCIDENT. IF I'M NOT
8 MISTAKEN, YOUR HONOR, I THINK THAT IS HOW THIS WORKS. AND
9 JUST THE FACTS THAT WE WON'T GO INTO IN THE TRIAL -- WHEN
10 THEY SEIZED THAT, THAT'S HOW THEY GOT -- I DIDN'T WANT TO
11 HAVE THE JURY QUESTION HOW IN THE WORLD DID RICHLAND COUNTY
12 GET INVOLVED AND WHY DOES A RICHLAND COUNTY OFFICER HAVE HIS
13 TAG?

14 WELL, I THINK WHEN WE PRESENT IT ALL WITH THE B.O.L.O.,
15 WHERE WE FOUND THE VEHICLE, AND WE SIMPLY SAY WE TURNED IT
16 OVER TO RICHLAND COUNTY, AND THEN WE HAVE THIS OFFICER GET UP
17 AND SAY THAT HE KNOWS IT WAS WILLIE RICHARDSON TO HAVE DRIVEN
18 THIS VEHICLE AND WE HAVE HIS TAG.

19 THE COURT: HE KNEW WHAT?

20 MR. HUBBARD: HE KNEW HIM TO DRIVE THAT VEHICLE AS WELL
21 THROUGH -- FOR OTHER REASONS. THAT COULD BE HE MIGHT HAVE
22 KNOWN HIM IN THE NEIGHBORHOOD. WE HAVE DONE THAT BEFORE,
23 YOUR HONOR, THAT WE KNOW SO-AND-SO DRIVES A BLACK TRUCK, AND
24 I'VE SEEN HIM MANY TIMES. AND I WILL SAY THIS. MR.
25 RICHARDSON HAS FAMILY IN THE COLUMBIA AREA. SO, HE HAS A

1 CONNECTION OVER THERE -- A REASON WHY THIS OFFICER WOULD
2 KNOW SOMETHING OVER THERE.

3 THE COURT: YES, SIR.

4 MR. HUBBARD: THERE IS ALSO A WEST COLUMBIA ADDRESS, TOO,
5 JUST TO LET YOUR HONOR KNOW. THAT WAS PART OF THE HUNT FOR
6 THIS MAN. WE WERE LOOKING IN RICHLAND COUNTY AS WELL. THIS
7 OFFICER WAS THE ONE THAT SAID, "I KNOW WILLIE RICHARDSON. I
8 KNOW HIM BY RAHEEM." THAT'S GOING TO COME UP. "I KNOW THE
9 VEHICLE, AND I KNOW THE TAG." THEY'VE GOT THE TAG, AND THAT'S
10 WHY HE IS GOING TO GET UP THERE.

11 THE COURT: MR. YOUNG?

12 MR. YOUNG: YOUR HONOR, AGAIN, I WOULD TAKE THE POSITION
13 THAT THE OFFICER GOING INTO HIM KNOWING MR. RICHARDSON IS,
14 AGAIN, GOING TO PLANT THAT SEED.

15 THE COURT: THAT'S TESTIFIED TO IN MANY CASES, MR. YOUNG.
16 I MEAN, I'VE HAD IT IN A NUMBER OF CASES WHERE THEY PROBABLY
17 KNOW HIM THROUGH THINGS THAT HAVE HAPPENED IN RICHLAND
18 COUNTY, BUT THERE IS NO MENTION OF THAT THAT THEY KNOW HIM
19 THROUGH OTHER CASES -- THAT TYPE OF THING -- JUST THAT THEY
20 KNOW HIM; THAT THEY KNEW HIM TO DRIVE THIS VEHICLE; THAT TYPE
21 OF THING. I MEAN, I THINK IF IT IS CUT DOWN TO THAT CONCEPT,
22 I AM GOING TO ALLOW IT TO COME IN.

23 NOW, IF THEY SAY, WELL, YOU KNOW, I KNOW HIM BECAUSE I HAD
24 HIM UNDER INVESTIGATION, THAT IS NOT GOING TO COME IN.
25 THAT'S NOT PART OF IT. BUT THE FACT THAT HE KNEW HIM, IF HE

1 KNEW HIM -- HOWEVER HE KNEW HIM AS RAHEEM OR WHATEVER -- AND
2 YOU ARE VERY LIMITED IN WHAT YOU GET INTO NOW. YOU KNOW,
3 CROSS EXAMINATION, ONCE AGAIN, COULD OPEN THE DOOR TO ANY
4 NUMBER OF THINGS. SO, WHILE I AM LIMITING THEM, IF YOU ASK
5 QUESTIONS THAT BRING OUT CERTAIN THINGS AND I AM GOING TO
6 INSTRUCT THE WITNESS THAT, YOU KNOW, THAT THEY ARE TO BE
7 CAREFUL IN THE MANNER IN WHICH THEY REPLY TO QUESTIONS. BUT
8 IF YOU ASK THE WRONG QUESTION, MR. YOUNG, CERTAINLY, THAT MAY
9 OPEN THE DOOR. SO, PLEASE KEEP THAT IN MIND.

10 MR. YOUNG: YES, SIR.

11 THE COURT: WHAT I WANT TO DO WITH THESE WITNESSES IS
12 BEFORE THEY TESTIFY BEFORE THE JURY IS TO PROFFER THAT
13 TESTIMONY SO WE WILL MAKE SURE IT DOES NOT HAVE ANYTHING THAT
14 VIOLATES MY RULING.

15 MR. HUBBARD: YES, SIR. YOUR HONOR, GOING BACK TO THE
16 FIRST ONE, TOO, I WAS REMINDED AS TO ANOTHER STATEMENT THAT
17 INMATE MADE. IT WAS NOT IN A WRITTEN STATEMENT. HE HAS
18 INDICATED TO US HE RECEIVED THREATS FROM THE DEFENDANT, THE
19 DEFENDANT'S FAMILY OR FRIENDS -- THAT HIS FAMILY HAD
20 RECEIVED THREATS AND THAT HE RECEIVED DIRECT THREATS FROM THE
21 DEFENDANT HIMSELF AND WAS IMMEDIATELY AFTER MR. RICHARDSON
22 FOUND OUT THIS INMATE WAS GOING TO TESTIFY AGAINST HIM IN
23 VIRGINIA, HE GOT DEATH THREATS THERE. HE JUST INDICATED HE
24 IS VERY SCARED. WE DID WANT TO GET INTO HE HAS BEEN
25 THREATENED BY THIS MAN BECAUSE HE HAD MADE THESE STATEMENTS.

1 THAT WAS SOMETHING ELSE I FORGET TO BRING UP, YOUR HONOR,
2 AS TO A STATEMENT BY THIS INMATE FROM VIRGINIA.

3 MR. YOUNG: YOUR HONOR, I WOULD OBJECT TO THAT IN THAT
4 THERE'S NO RELEVANCE TO IT. THAT DOES NOT GO TO WHETHER OR
5 NOT THE STATEMENTS REGARDING THIS CASE WERE MADE OR NOT. I
6 THINK THAT IS SOMETHING THAT IS GOING TO BE OFFERED ONLY TO
7 INFLAME THE JURY AND MAKE THEM BELIEVE THE CHARGES THAT HE
8 HAS BEEN CHARGED WITH.

9 THE COURT: ANYTHING ELSE?

10 MR. HUBBARD: YOUR HONOR, I THINK IT CONFIRMS THE FACT THIS
11 INMATE DOESN'T WANT TO BE HERE. HE IS SCARED TO BE HERE.
12 YOU KNOW, HE IS NOT GETTING SOMETHING OF IT. I THINK THAT IS
13 A CORROBORATING ASPECT FOR US, BUT ALSO I THINK ANY TIME A
14 DEFENDANT MAKES A THREAT THAT IF YOU SAY SOMETHING ABOUT WHAT
15 I DID OR SOMETHING THAT I AM BEING TRIED FOR, THAT'S
16 SOMETHING THAT CAN CLEARLY COME OUT. HE IS TRYING TO SAY,
17 YOU KNOW, I WILL KILL YOU FOR TRYING TO TESTIFY AGAINST ME
18 AND TRYING TO GET ME PUT IN JAIL. THAT'S CLEARLY RELEVANT. I
19 THINK IT IS SOMETHING FOR THE JURY TO CONSIDER, YOUR HONOR.

20 THE COURT: WELL, I AM GOING TO -- MY INCLINATION IS TO
21 LET THAT IN, BUT, ONCE AGAIN, WE'RE GOING TO PROFFER THIS
22 TESTIMONY. I AM GOING TO SEE THE CONTEXT THAT HE DELIVERS IT
23 IN -- THAT TYPE OF THING -- AND THEN I WILL MAKE A FINAL
24 DETERMINATION ON THAT PART. THAT'S THE ONLY PART THAT I'VE
25 GOT HANGING.

1 MR. HUBBARD: YES, SIR.

2 THE COURT: YOU KNOW, MY INITIAL REACTION IS THAT IT LOOKS
3 TO ME THAT IT SHOULD COME IN, BUT IF HE SAYS IT IN A WAY THAT
4 I DON'T THINK IT IS RELEVANT, THEN I AM SUBJECT TO CHANGING
5 MY MIND. THAT'S THE REASON I WANT TO PROFFER THAT TESTIMONY
6 OF HIM AS WELL AS THE OFFICER.

7 MR. HUBBARD: YES, SIR.

8 THE COURT: WHAT ELSE DO YOU HAVE, MR. YOUNG?

9 MR. YOUNG: YOUR HONOR, MY NEXT MOTION IS IT IS MY
10 UNDERSTANDING THERE ARE APPROXIMATELY MAYBE FIVE OR SIX LAY
11 WITNESSES. THESE ARE WITNESSES WHO ARE NOT POLICE OFFICERS
12 BUT PERSONS WHO WERE PRESENT AT THE CLUB. I WOULD ASK THE
13 COURT TO ORDER THE STATE TO DIVULGE ANY CRIMINAL RECORDS OR
14 TO PROVIDE ME WITH A RAP SHEET.

15 MR. HUBBARD: I WILL HAVE THOSE, YOUR HONOR. I'LL TRY TO
16 GETS THOSE TO HIM BY THIS EVENING IF IT'S NOT TOO LATE. I
17 TRY TO RUN UPDATES ON EVERYTHING FOR MR. YOUNG TO SEE JUST IN
18 CASE SOMEBODY HAS GOTTEN IN TROUBLE SINCE THE LAST TIME
19 AROUND.

20 THE COURT: LET'S DO THIS. YOU GET THEM TO HIM. IF HE'S
21 LEFT HIS OFFICE, THAT'S UP TO HIM. YOU CALL HIM AND LET HIM
22 KNOW AND GIVE HIM AN IDEA WHEN YOU ARE GOING TO HAVE THEM
23 READY.

24 MR. HUBBARD: I CAN FAX THEM OVER TO HIS OFFICE---

25 THE COURT: OKAY.

1 MR. HUBBARD: ---AND THEN PROVIDE A HARD COPY TOMORROW.

2 MR. YOUNG: YOU CAN CALL ME BECAUSE OUR FAX MACHINE IS AN
3 INKJET, AND THE WAY THOSE RAP SHEETS PRINT OUT THEY DO NOT
4 PRINT OUT ON THE BACK.

5 THE COURT: OKAY. WELL, YOU CAN JUST WORK LATE TONIGHT.

6 MR. YOUNG: YES, SIR.

7 THE COURT: BUT, I MEAN, I WANT YOU TO GET THEM TO HIM AS
8 SOON AS YOU POSSIBLY CAN.

9 MR. HUBBARD: YES, SIR, YOUR HONOR.

10 MR. YOUNG: THE NEXT MOTION WHICH TIES INTO THAT, YOUR
11 HONOR, IS A MOTION TO REQUIRE THE STATE TO DIVULGE ANY TYPE
12 OF DEALS OR RECOMMENDATIONS THEY HAVE MADE WITH ANY OF THE
13 LAY WITNESSES INCLUDING THE INFORMANT FROM VIRGINIA --
14 WHETHER OR NOT THE STATE HAS AGREED TO CONTACT PROSECUTING
15 OFFICIALS FROM OTHER JURISDICTIONS TO ASSIST ANY OF THESE
16 PERSONS WHO WILL BE TESTIFYING.

17 MR. HUBBARD: YOUR HONOR, WE HAVE MADE NO DEALS WITH
18 ANYONE. THE ONLY REPRESENTATION WE HAVE MADE IS WITH MR.
19 LUCAS WHO INFORMS US AND WE HAVEN'T EVEN CHECKED TO SEE IF
20 THIS TRUE THAT HE WILL BE UP FOR PAROLE IN FOUR MONTHS. HE
21 HAS TAKEN SOME COLLEGE CREDIT COURSES THROUGH THE PRISON
22 SYSTEM. HE IS AFRAID THAT BY BEING DOWN HERE HE IS GOING TO
23 MISS TOO MANY DAYS TO GRADUATE THAT COURSE. I SAID, "I CAN'T
24 CHANGE THAT, BUT WHAT I CAN DO IS SEND A LETTER ALONG WITH
25 YOU WHEN YOU GO BACK SAYING THIS IS WHY YOU'VE BEEN DOWN

1 HERE. WE BROUGHT YOU DOWN HERE AGAINST YOUR WILL. YOU
2 TESTIFIED IN THIS CASE," AND I SAID THAT THEY CAN CONSIDER
3 THAT -- THE FACT THAT YOU COOPERATED WITH THE STATE DOWN
4 HERE IN A CASE IN SOUTH CAROLINA. BUT I SAID THAT THERE IS
5 NO REPRESENTATION AS TO WHAT THAT CAN DO. I HAVE NO IDEA HOW
6 THAT WILL AFFECT HIS---

7 THE COURT: WELL, I GUESS WHAT MR. YOUNG IS INQUIRING ABOUT
8 AND MY QUESTION TO YOU IS HAS THE STATE DONE ANYTHING, MADE
9 ANY TYPE OF CONTACT WITH THE FEDERAL AUTHORITIES SHORT OF
10 WHAT YOU ARE TELLING ME THAT YOU ARE GOING TO SEND BACK UP
11 THERE IN AN EFFORT TO LESSEN HIS SENTENCE, MITIGATE HIS
12 SENTENCE, INCREASE HIS CHANCE FOR PAROLE -- THAT TYPE OF
13 THING.

14 MR. HUBBARD: NO CONTACT WHATSOEVER AS TO ANY OF THOSE
15 MATTERS, YOUR HONOR, WITH ANY AGENCY WHETHER IT'S LOCAL FOR
16 PEOPLE DOWN HERE OR MR. LUCAS WITH THE FEDERAL SYSTEM. WE
17 HAVE NOT MADE ANY CONTACT OR DISCUSSED ANYTHING ABOUT HOW WE
18 MIGHT HELP THEM OR ANY RECOMMENDATIONS WE MAKE OR ANYTHING OF
19 THE SORT.

20 THE COURT: HOW ABOUT ANY OTHER WITNESSES THAT WILL BE
21 TESTIFYING?

22 MR. HUBBARD: NO, SIR, YOUR HONOR.

23 THE COURT: ANY WITNESSES HAVE ANY CHARGES PENDING HERE OR
24 RICHLAND COUNTY, ANYTHING LIKE THAT?

25 MR. HUBBARD: WE HAVE GOT ONE WITNESS WITH PENDING CHARGES

1 IN RICHLAND COUNTY. WE HAVE NOT TALKED TO THE SOLICITOR OVER
2 THERE AS TO WHAT IS GOING ON WITH THAT. WE HAVE NOT MADE ANY
3 REPRESENTATIONS TO THE INMATE, HIS ATTORNEY -- I FOUND OUT
4 TODAY WHO HIS ATTORNEY WAS -- OR TO RICHLAND COUNTY. WE'VE
5 MADE NO REPRESENTATIONS WHATSOEVER.

6 THE COURT: ALL RIGHT.

7 MR. YOUNG: YOUR HONOR, HAVING DEALT WITH THE SOLICITOR'S
8 OFFICE ON A NUMBER OF OCCASIONS WHERE I HAVE HAD A CLIENT TO
9 OFFER TESTIMONY I WOULD LIKE TO ASK MR. HUBBARD ON THE RECORD
10 WHETHER OR NOT THERE HAS BEEN ANY INDICATIONS TO EITHER MR.
11 -- ANY OF THE WITNESSES -- AS TO BASED ON HIS TESTIMONY
12 THEY WOULD AT THAT TIME CONSIDER---

13 MR. HUBBARD: NO, SIR.

14 MR. YOUNG: ---ANY TYPE OF RECOMMENDATION?

15 MR. HUBBARD: WE HAVE NOT EVEN GONE THERE, YOUR HONOR. WE
16 HAVEN'T SAID -- AS TO MR. LUCAS, HE'S ALREADY GOTTEN HIS
17 SENTENCE. WE COULDN'T CHANGE IT IF WE WANTED, AND HE KNOWS
18 THAT, AND AS TO THE FELLOW WITH RICHLAND COUNTY CHARGES, WE
19 HAVEN'T EVEN DISCUSSED WHAT, IF ANYTHING, WE COULD PROBABLY
20 SAY. WE HAVEN'T EVEN GONE THERE WITH HIM, WITH HIS ATTORNEY,
21 WITH LAW ENFORCEMENT OVER THERE, WITH PROSECUTORS. WE JUST
22 BROUGHT HIM OVER TO TALK TO HIM ON THIS CASE, AND WE HAVEN'T
23 EVEN DISCUSSED OR MADE ANY HINTS OF WHAT MIGHT HAPPEN.

24 THE COURT: THE ONLY THING I WOULD ASK REGARDING THIS
25 ISSUE, YOUR HONOR, IS GIVEN THAT MR. LUCAS WHO IS THE

1 VIRGINIA INFORMANT HAS ALREADY BEEN SENTENCED IN FEDERAL
2 SYSTEM, HE GAVE STATEMENTS AND THINGS OF THAT NATURE PRIOR TO
3 HIS CASE BEING DISPOSED OF IN THE FEDERAL SYSTEM. I WOULD
4 ASK WHETHER OR NOT THE STATE OF SOUTH CAROLINA PARTICIPATED
5 IN ANY OF THOSE NEGOTIATIONS IN LIEU OF HIM TESTIFYING IF
6 NEEDED.

7 MR. HUBBARD: NO, SIR, YOUR HONOR. WE WERE NOT INVOLVED AT
8 ALL. THAT WAS TOTALLY THE FEDERAL SYSTEM. I DON'T EVEN KNOW
9 WHAT REPRESENTATIONS, IF ANY, WERE MADE WITH MR. LUCAS AT
10 THAT TIME. WE WERE NEVER INVOLVED IN THAT PROCESS.

11 THE COURT: AND, OF COURSE, ONCE AGAIN, THAT IS THE REASON
12 I AM GOING TO PROFFER HIS TESTIMONY BECAUSE, YOU KNOW, THOSE
13 ARE QUESTIONS THAT WOULD BE RELEVANT AT THAT TIME ALSO. WHAT
14 ELSE HAVE YOU GOT?

15 MR. YOUNG: YOUR HONOR, THE OTHER MOTION THAT I WOULD HAVE
16 IS THAT IN REVIEWING -- I RECEIVED THIS CASE IN, I BELIEVE
17 IT WAS, EITHER NOVEMBER OR LATE OCTOBER IS WHEN I WAS
18 APPOINTED ON THIS CASE. MR. RICHARDSON WAS INITIALLY
19 REPRESENTED BY SOMEONE. THEN HE BECAME PRO SE, AND THEN I
20 WAS APPOINTED TO REPRESENT HIM.

21 UPON REVIEWING THE INFORMATION THAT MR. HUBBARD PROVIDED
22 ME, WITHIN THE STATEMENT OR THE REPORT REGARDING MR. LUCAS
23 GIVING A STATEMENT, HIS INITIAL CONTACT WITH ANYONE WAS BY
24 WAY OF A LETTER THAT WAS WRITTEN TO, I BELIEVE, HIS
25 PROSECUTING U.S. ATTORNEY IN THE VIRGINIA CASE.

1 YOUR HONOR, IT WOULD BE OUR POSITION THAT BECAUSE THE
2 RELIABILITY AND CREDIBILITY OF MR. LUCAS WILL BE AN ISSUE
3 THAT THE JURY WILL HAVE TO MAKE A DECISION ON WHETHER HE IS
4 CREDIBLE OR NOT, IT IS OUR POSITION WITHOUT KNOWING EXACTLY
5 WHAT IS THE CONTENTS OF THAT LETTER THAT THERE MAY SOMETHING
6 IN THAT LETTER THAT IS INCONSISTENT WITH THE SUBSEQUENT
7 STATEMENTS THAT HE PROVIDED WHICH WE BELIEVE WOULD BE
8 INFORMATION WE COULD IMPEACH HIM WITH.

9 SO, WE WOULD ASK THE COURT TO REQUIRE THE STATE TO OBTAIN A
10 COPY OF THAT LETTER. I INITIALLY TRIED TO OBTAIN THAT ON MY
11 OWN. I WAS TOLD BY THE U.S. ATTORNEY'S OFFICE THAT THEY
12 WOULD NOT DISCUSS ANY OF THAT WITH ME. I REQUESTED THAT FROM
13 MR. HUBBARD. I BELIEVE AS LATE AS LAST WEEK I DISCUSSED IT
14 WITH MR. HUBBARD. HE INFORMED THAT HE HAD TALKED WITH THEM
15 AND WOULD TRY TO CALL THEM BACK. WE WOULD ASK THAT AS FAR AS
16 THE STATUS OF THAT, YOUR HONOR.

17 MR. HUBBARD: YOUR HONOR, I HAVE NOT CALLED. THE LAST --
18 I THINK MR. YOUNG CALLED ME FRIDAY SOMETIME AFTER FOUR, AND I
19 HAD SOME MORE PEOPLE COMING IN AT THAT TIME. I DID NOT MAKE
20 THE CALL AT THAT TIME. I TOLD HIM THAT I WOULD GO AHEAD AND
21 CALL AND SEE IF THEY COULD FAX IT DOWN. I DON'T BELIEVE IT'S
22 DISCOVERABLE, BUT I DON'T MIND COOPERATING. I HAVEN'T SEEN
23 THE LETTER EITHER.

24 THE COURT: WELL, HAVE THEY FAXED IT DOWN YET?

25 MR. HUBBARD: NO, SIR. I TALKED TO THEM PROBABLY A YEAR

1 AGO, YOUR HONOR, AND MY CONVERSATIONS WITH THEM WAS IF THEY
2 HAD IT -- I DON'T HAVE CONTROL OVER IT. I DON'T HAVE
3 CONTROL OVER WHAT THEY DO, BUT IF THEY WANTED TO FAX IT DOWN,
4 I WOULDN'T MIND SEEING IT. THEY NEVER DID. I DIDN'T FOLLOW
5 UP BECAUSE IT WASN'T IMPORTANT TO ME. BUT, OBVIOUSLY, I
6 DON'T HAVE A PROBLEM WITH CALLING THEM BACK UP. I MIGHT HAVE
7 TO GET WITH MR. YOUNG ON THE NUMBER.

8 THE COURT: I WANT YOU TO CALL THEM AND TELL THEM THAT I
9 WANT IT DOWN HERE.

10 MR. HUBBARD: YES, SIR. I WILL DO THAT.

11 THE COURT: BEYOND THAT, MR. YOUNG, I DON'T MUCH ELSE I CAN
12 DO.

13 MR. YOUNG: YES, SIR, YOUR HONOR.

14 THE COURT: FOR SOME REASON THE FEDERAL COURTS DON'T LISTEN
15 TO ME TOO MUCH. THE THING ABOUT IT IS IT IS PROBABLY GOING
16 TO BE IN THE MORNING BEFORE YOU GET A HOLD OF THEM.

17 MR. YOUNG: I UNDERSTAND. AND MR. SWARAT ASKED ME ABOUT
18 WHETHER OR NOT THE ATTORNEY FOR THE FEDERAL SYSTEM WOULD HAVE
19 THAT. IT WAS MY UNDERSTANDING IN MY CONVERSATION WITH THE
20 U.S. ATTORNEY'S OFFICE, BECAUSE THAT STATEMENT DEALT WITH
21 SOUTH CAROLINA CHARGES, THEY DID NOT TURN THAT OVER TO HIS
22 ATTORNEY IN THE FEDERAL MATTER.

23 YOUR HONOR, THE OTHER MOTION THAT I HAVE IS A MOTION THAT
24 WAS ACTUALLY FILED BY MR. RICHARDSON DURING THE TIME THAT HE
25 WAS PRO SE THAT HE HAS ASKED ME TO PRESENT TO THE COURT AS

1 WELL. THAT IS A MOTION TO DISMISS THE INDICTMENT IN THE
2 CASE. MR. RICHARDSON WAS ARRESTED IN JULY OF 1997. SHORTLY
3 AFTER HIS ARREST HE WAS TRANSFERRED INTO THE FEDERAL SYSTEM.
4 IT IS MY UNDERSTANDING FROM TALKING WITH HIM THAT THE STATE
5 OF SOUTH CAROLINA, IN ESSENCE, I GUESS CONSENTED TO RELEASE
6 HIM TO THE FEDERAL SYSTEM TO ALLOW THEM TO HANDLE THOSE
7 CHARGES.

8 I DO NOT KNOW THE VALIDITY OF THAT OR NOT. HE TELLS ME THAT
9 WAS IN SEPTEMBER OF '97. DURING THAT POINT IN TIME HE WAS
10 INITIALLY -- HE INITIALLY RETAINED DEBBIE CHAPMAN TO
11 REPRESENT HIM FOR A BOND MATTER. SHORTLY AFTER THAT HE
12 RETAINED THE SERVICES OF MR. JOHNNY WATSON WHO WAS HIS
13 ATTORNEY. DURING THAT POINT IN TIME MR. WATSON CONTINUOUSLY
14 REQUESTED AND MADE REQUESTS FOR DISCOVERY INFORMATION FROM
15 THE STATE, MADE REQUESTS FOR COPIES OF THE INDICTMENT, AND
16 THINGS OF THAT NATURE. HIS CASE WAS NOT INDICTED UNTIL MARCH
17 OF 1998.

18 SO, YOUR HONOR, BASED ON RULE 3 OF THE CRIMINAL RULES OF
19 PROCEDURE OF SOUTH CAROLINA -- I BELIEVE IT 3-C AND 3-D
20 WHERE, BASICALLY, THE WARRANT WAS NOT ACTED ON WITHIN THE 90
21 DAYS AND LIKEWISE THE STATE DID NOT FILE ANY REQUESTS FOR ANY
22 EXTENSIONS OF TIME FOR WHICH TO ACT ON THE ARREST WARRANT.
23 SO, BASED ON THAT WE WOULD MOVE THAT THE INDICTMENT BE
24 QUASHED AT THIS POINT IN TIME.

25 THE COURT: ALL RIGHT. SOLICITOR?

LISA H. HICKLIN, RPR
CERTIFIED COURT REPORTER
POST OFFICE BOX 165
AIKEN, SC 29802

1 MR. HUBBARD: YOUR HONOR, FIRST I WILL JUST SAY THE REMEDY,
2 OF COURSE, IS NOT FOR DISMISSAL OF AN INDICTMENT. I WILL
3 EXPLAIN WHAT HAPPENED. ALTHOUGH HE WAS ARRESTED IN JULY, I
4 DIDN'T GET INTO THIS CASE UNTIL SOMETIME IN SEPTEMBER. I
5 THINK THE SAME WEEK I GOT IT HE WAS TAKEN TO VIRGINIA. SO,
6 MR. RICHARDSON WAS THEN TAKEN OUT OF STATE TAKEN UP TO
7 VIRGINIA TO ADDRESS THE CHARGES HE HAD UP THERE.

8 AS TO DISCOVERY I HAD THREE ATTORNEYS OF RECORD. I HAD ONE
9 WHO WAS LISTED AS THE PUBLIC DEFENDER. I HAD ANOTHER, DEBBIE
10 CHAPMAN, WHO INITIALLY JUST SAID SHE WAS REPRESENTING MR.
11 RICHARDSON. IT DID NOT BECOME CLEAR THAT SHE WAS GOING TO
12 REPRESENT HIM FOR A BOND HEARING EVEN THOUGH HE HAD A PUBLIC
13 DEFENDER, AND THEN HE HAD MR. JOHNNY WATSON WHO SENT A LETTER
14 SAYING, I REPRESENT HIM SOLELY TO GET DISCOVERY. I NEVER HAD
15 THAT BEFORE.

16 I ENDED UP ADDRESSING THIS ISSUE WITH JUDGE WESTBROOK AND
17 SAID, "JUDGE, WHAT DO I DO?" HE ENDED UP APPOINTING MR.
18 WATSON. THAT WAS SOMETIME, I BELIEVE IT WAS, IN MARCH WHEN I
19 INDICTED HIM, AND AT THAT TIME I KNEW WHO TO GIVE THE
20 DISCOVERY TO. I SAID, "JUDGE WESTBROOK, I DON'T KNOW WHO TO
21 GIVE IT TO, AND I DON'T WANT TO JUST GIVE OUT INFORMATION ON
22 A MURDER CASE TO SOMEBODY WHO SAYS HE REPRESENTS SOMEBODY FOR
23 THE LIMITED PURPOSE OF GETTING INFORMATION."

24 AS TO -- ALSO, BY MARCH I HAD ALL THE DISCOVERY I NEEDED.
25 THERE ARE SOME THINGS I DIDN'T KNOW INITIALLY LIKE THE

1 CLINICAL MANNER OF DEATH OR CAUSE OF DEATH THAT IS NEEDED FOR
2 ACTUALLY INDICTING A HOMICIDE CASE. THEY ALWAYS PUT -- IN
3 THIS INSTANCE, YOUR HONOR, THAT HIS DEATH RESULTED
4 EXSANGUINATION AND/OR MASSIVE AND FATAL INTRABDOMINAL
5 HEMORRHAGE DUE TO A FATAL GUNSHOT WOUND TO THE LOWER BACK
6 WHICH RUPTURED THE AORTA AND LIVER. THOSE WERE THE CLINICAL
7 TERMS. TERMS THAT -- YOU KNOW, I HAD TO WAIT FOR THE
8 AUTOPSY REPORT, THINGS LIKE THAT. SO, I DID PUT THIS ONE ON
9 THE SHELF UNTIL I COULD GET THAT INFORMATION AND INDICT IT
10 PROPERLY. I DIDN'T WANT TO HAVE TO REDO IT.

11 THE COURT: ANYTHING ELSE, MR. YOUNG?

12 MR. YOUNG: YOUR HONOR, THE ONLY THING I WOULD LIKE TO NOTE
13 FOR THE RECORD IS THAT THE AUTOPSY IN THIS CASE WAS PERFORMED
14 ON OR ABOUT OCTOBER 3, 1995, AND THE CASE WAS NOT EVEN
15 PRESENTED UNTIL MARCH OF '98 IS WHEN IT WAS PRESENTED.

16 THE COURT: OCTOBER 3 OF '95?

17 MR. YOUNG: YES, SIR, YOUR HONOR.

18 MR. HUBBARD: YOUR HONOR, HE WAS ARRESTED IN '97, BUT I
19 STILL DIDN'T HAVE THE REPORT. I MEAN THE BOTTOM LINE WAS I
20 DIDN'T HAVE ALL THE INFORMATION. I WAS GETTING WITH LAW
21 ENFORCEMENT GETTING THIS INFORMATION. PART OF PROBLEM I
22 THINK FOR LAW ENFORCEMENT IS THAT SOME OF STUFF THEY WERE
23 TRACKING DOWN WAS ALREADY TWO YEARS OLD.

24 THE COURT: WHEN DID YOU GET THE ARREST WARRANT? WHEN WAS
25 THE ARREST WARRANT ISSUED?

1 MR. HUBBARD: JULY OF '97, YOUR HONOR.

2 THE COURT: HE WAS TAKEN TO VIRGINIA IN SEPTEMBER OF '97?

3 MR. HUBBARD: YES, SIR, YOUR HONOR.

4 THE COURT: THEN INDICTED IN MARCH OF '97.

5 MR. HUBBARD: MARCH OF '98.

6 THE COURT: I MEAN MARCH OF '98. EXCUSE ME.

7 MR. HUBBARD: YES, SIR, YOUR HONOR. YOUR HONOR, IT WAS
8 APPROXIMATELY THAT TIME -- THERE WAS SOME PERIOD OF TIME
9 WHEN I DIDN'T KNOW WHO THE LAWYER WAS OR ANYTHING EITHER, AND
10 I WAS ALSO TRACKING DOWN INFORMATION. YOUR HONOR, I DO HAVE,
11 YOU KNOW, LETTERS WHERE I SENT TO LAW ENFORCEMENT WHERE I
12 MADE EFFORTS TO GET THE INFORMATION I NEEDED FOR DISCOVERY
13 PURPOSES AND ALSO FOR DOING THIS INDICTMENT.

14 YOUR HONOR, THIS WAS ONE OF ONLY A HANDFUL OF MURDER CASES
15 I'VE HAD. I WANTED TO MAKE SURE I WAS DOING IT RIGHT, AND I
16 DIDN'T LIKE THE IDEA OF DOING AN INDICTMENT AND THEN HAVING
17 TO NOLLE PROS IT AND REINDICT IT TO CORRECTLY PRESENT IT TO
18 JURY. I WANTED TO DO IT ALL AT ONE TIME.

19 THE COURT: ANYTHING ELSE, MR. YOUNG?

20 MR. YOUNG: NO, SIR, YOUR HONOR.

21 THE COURT: WELL, OF COURSE, THE READING OF RULE 3, THERE
22 ARE CERTAIN CONDITIONS THAT ARE TO BE MET, BUT I DON'T SEE
23 WHERE THERE HAS BEEN ANY PREJUDICES AS TO THE DEFENDANT IN
24 THIS CASE, AND AS SUCH THE MOTION IS DENIED.

25 WHAT ELSE, MR. YOUNG?

1 MR. YOUNG: YOUR HONOR, THE NEXT MOTION I HAVE IS THAT ON
2 THURSDAY OF LAST WEEK I RECEIVED A CALL FROM MY CLIENT
3 REGARDING A SEARCH OF HIS BODY. YOUR HONOR, AT THIS TIME I
4 WOULD MOVE TO SUPPRESS ANY TESTIMONY REGARDING THE FINDINGS
5 OF ANYTHING THAT WAS FOUND ON HIS BODY BASED ON THE FACT
6 THAT, ONE, IT WAS VIOLATIVE OF HIS RIGHT TO COUNSEL. IT WAS
7 MY UNDERSTANDING THAT MR. RICHARDSON ASKED THAT HIS ATTORNEY
8 BE PRESENT, AND HE WAS INFORMED THAT THERE WAS A SUBPOENA OR
9 A COURT ORDER REQUIRING THE OFFICERS TO CONDUCT THIS SEARCH.
10 IT'S MY UNDERSTANDING FROM TALKING WITH MR. RICHARDSON THAT
11 AT LEAST FOUR OFFICERS WERE INVOLVED IN THE ACTUAL SEARCH OF
12 HIS BODY; THAT HE, IN ESSENCE, HAD TO PUT UP A PHYSICAL FIGHT
13 WITH THE OFFICERS BECAUSE HE WANTED TO HAVE HIS ATTORNEY
14 PRESENT. MY UNDERSTANDING IS THAT THERE WAS RAID GEAR USED.

15 THE COURT: WHAT?

16 MR. YOUNG: RAID GEAR -- THAT BEING THE GLASS SHIELDS TO
17 FIGHT HIM OFF AS WELL AS A TASER WHICH IS A STUN-GUN TYPE
18 MECHANISM. LIKEWISE, MY CLIENT HAS INFORMED ME THAT DURING
19 THE TIME THAT HE WAS STRIPPED THAT AT LEAST TWO OFFICERS OR
20 TWO C.O.'S WHO WERE FEMALE WERE PRESENT AT THIS TIME.

21 YOUR HONOR, IT WOULD OUR POSITION THAT -- I WAS NEVER
22 NOTIFIED OF THIS SEARCH. THERE WAS NEVER ANY WARRANTS -- I
23 MEAN, SUBPOENAS OR ORDERS THAT WERE SERVED ON ME TO NOTIFY ME
24 THAT THIS SEARCH WAS GOING TO BE CONDUCTED. BASED ON THAT I
25 BELIEVE ANYTHING THAT IS A RESULT OF THAT SEARCH SHOULD BE

1 SUPPRESSED.

2 THE COURT: ALL RIGHT, SOLICITOR?

3 MR. HUBBARD: YES, SIR, YOUR HONOR. YOUR HONOR, FIRST OF
4 ALL, I'LL SAY AS TO ANYTHING THAT OCCURRED DURING THAT
5 INCIDENT ON THURSDAY, THE STATE IS NOT PLANNING TO GO INTO
6 THAT -- THAT INCIDENT. THE PURPOSE FOR LAW ENFORCEMENT TO
7 LOOK AT MR. RICHARDSON WAS TO DETERMINE WHETHER HE HAD A
8 TATTOO -- SPECIFICALLY, WHETHER HE HAD ONE -- A TATTOO
9 THAT SAID RAHEEM, HIS NICKNAME. WE WERE JUST LOOKING FOR A
10 TATTOO. THAT WAS MADE AT OUR REQUEST. WE JUST ASKED -- WE
11 DIDN'T ASK THEM HOW TO DO IT. BY THE TIME THE CAPTAIN OF THE
12 JAIL GOT THAT INFORMATION, HE THOUGHT THEY HAD A SUBPOENA. I
13 THINK WHAT HAPPENED WAS THE PERSON IN OUR OFFICE THAT RELAYED
14 THAT REQUEST SAID WE COULD GET ONE.

15 THERE WAS CONFUSION THERE, BUT TO GET AROUND ALL THIS, YOUR
16 HONOR, WHAT WE WOULD LIKE TO DO IS NOT EVEN GO TO THAT
17 INCIDENT, NOT HAVE ANYBODY TESTIFY FROM THAT INCIDENT. THE
18 WAY WE GET RAHEEM -- THE WAY WE GET THAT TATTOO COMES FROM
19 OTHER WITNESSES. ONE WILL BE A WITNESS AT THE SCENE WHO
20 SIMPLY SEES A TATTOO -- CAN'T REMEMBER WHAT OR WHERE, BUT IT
21 IS ON THE BODY OF THIS INDIVIDUAL. THE OTHER WILL BE MR.
22 LUCAS,, AGAIN WHO WAS HOUSED WITH HIM, AND, FINALLY, THERE
23 WILL BE AN OFFICER WHO WILL TESTIFY THAT AS EARLY AS
24 SEPTEMBER OR WHENEVER HE WAS BROUGHT DOWN FROM NEW YORK HE
25 REMEMBERS SEEING THIS INMATE -- HIS ARM LIKE THIS IN THE

1 JAIL CELL LEANING OUT BECAUSE THAT INMATE HAD HEARD, "OH,
2 YOU'RE THE OFFICER THAT MADE MY CASE." SO THAT DREW THIS
3 OFFICER'S ATTENTION TO HIM. HE SEES RAHEEM TATTOOED ON HIS
4 ARM.

5 THAT'S HOW WE ARE GOING TO GET THE INFORMATION TO HAVE
6 ABOUT THE TATTOO, YOUR HONOR -- NOT FROM THIS INCIDENT.
7 ALTHOUGH, IF WE GO INTO THAT INCIDENT, I WOULD SAY I DON'T
8 BELIEVE IT'S A CONSTITUTIONALLY-PROTECTED RIGHT. I DON'T
9 BELIEVE THERE WAS A VIOLATION. IT PROBABLY COULD HAVE BEEN
10 DONE BETTER, BUT I DON'T BELIEVE THERE'S A CONSTITUTIONAL
11 VIOLATION.

12 THE FINAL THING WE WOULD LIKE TO DO, YOUR HONOR, AT SOME
13 POINT, IN TALKING ABOUT THIS TATTOO, WE WOULD LIKE MR.
14 RICHARDSON TO STAND BEFORE THE JURY AND EXHIBIT THAT TATTOO,
15 AND WE'VE GOT CASE LAW ON THAT AS WELL, YOUR HONOR, GOING TO
16 IDENTITY. ALL THE CASE LAW WE HAVE DEALS WITH---

17 THE COURT: WELL, YOU CAN PRESENT THAT CASE LAW TO ME.

18 MR. HUBBARD: YES, SIR, YOUR HONOR. I WILL BE HAPPY TO. IF
19 YOUR HONOR WILL, I WOULD SIMPLY ASK THAT AS TO THAT ISSUE, IF
20 I CAN -- WHEN I HAVE THAT CASE LAW TO PRESENT THAT ISSUE IF
21 YOUR HONOR WOULD SIMPLY HOLD IT UNDER ADVISEMENT UNTIL I
22 PRESENT THAT CASE LAW.

23 THE COURT: WELL, YOU GO AHEAD AND GET THAT CASE LAW TO ME.
24 YOU SAID YOU HAD IT. SO YOU CAN HAND IT UP TO ME, AND I HOPE
25 THERE IS A SOUTH CAROLINA CASE ON THAT---

1 MR. SWARAT: I CAN GIVE YOU THE CITE RIGHT NOW.

2 THE COURT: ---RATHER THAN ONE OF THESE FEDERAL CASES.

3 MR. SWARAT: YOUR HONOR, I CAN GIVE THE CITES ON THAT RIGHT
4 NOW.

5 THE COURT: NO, I WANT YOU TO GIVE ME COPIES.

6 MR. HUBBARD: I BELIEVE WE'VE GOT SOME OTHERS IN ADDITION
7 TO THIS. WE CAN CHECK ON THAT.

8 THE COURT: BECAUSE INSOFAR AS THIS INCIDENT IS CONCERNED,
9 YOU MIGHT NOT THINK THERE IS ANYTHING CONSTITUTIONALLY WRONG
10 WITH IT, AND THE WAY THAT IT WAS HANDLED YOU AGREE THAT IT
11 WAS PROBABLY IMPROPER. I THINK THERE ARE SOME SERIOUS
12 CONCERNS THAT ARE RAISED WITH ME ABOUT IT. THAT EPISODE IS
13 NOT GOING TO COME INTO THIS CASE.

14 MR. HUBBARD: YES, SIR.

15 THE COURT: I BELIEVE YOU PROBABLY OUGHT TO SPEAK WITH THE
16 PEOPLE THAT ARE IN CONTROL AT THE DETENTION CENTER TO ENSURE
17 THAT WHENEVER A REQUEST IS MADE THAT IT IS PROPERLY HANDLED.

18 MR. HUBBARD: YES, SIR. YOUR HONOR, I HAVE SPOKEN WITH THE
19 PERSON IN OUR OFFICE AS WELL TO AVOID FUTURE CONFUSION. I
20 HAVE SPOKEN WITH CAPTAIN WILLIAMS WHO WAS VERY UPSET. HE
21 CAME IN HERE TODAY THINKING THERE WAS A SUBPOENA, AND HE IS
22 VERY UPSET. SO WE TALKED ABOUT HOW WE'RE GOING TO MAKE SURE
23 THAT DOESN'T HAPPEN AGAIN.

24 THE COURT: WELL, IF THERE IS A SUBPOENA EVEN, IF THIS MAN
25 HAS COUNSEL, I THINK THAT IT JUST GOES WITHOUT SAYING THAT

1 HIS LAWYER SHOULD BE NOTIFIED, NUMBER ONE----

2 MR. HUBBARD: YES, SIR.

3 THE COURT: ---BECAUSE IF THERE ARE ANY CONSTITUTIONAL
4 ISSUES TO BE RAISED, THEY COULD BE RAISED AT THAT TIME BEFORE
5 THIS TYPE OF SITUATION COMES UP.

6 MR. HUBBARD: YES, SIR.

7 THE COURT: I KNOW WE HAD A CASE LIKE THIS, I BELIEVE, OR A
8 SITUATION LIKE THIS IN THE GARY DUBOSE TERRY CASE WHERE
9 FINGERPRINTS WERE TAKEN OF HIM AFTER HE WAS INCARCERATED. I
10 DON'T KNOW IF HE HAD A LAWYER. I DON'T THINK HE HAD LAWYER
11 AT THAT TIME. THAT WAS AN ISSUE IN THAT CASE AT THAT TIME.
12 I ALLOWED THAT TO COME IN. THAT WAS NOT AN ISSUE ON APPEAL,
13 AND AS SUCH THOSE TYPES OF THINGS CAN BE HANDLED, BUT I THINK
14 ONCE A LAWYER IS IN THE MIX, THERE ARE CERTAIN STEPS THAT
15 SHOULD BE TAKEN BECAUSE THOSE ISSUES COULD BE RAISED BEFORE A
16 JUDGE PRIOR TO THOSE THINGS HAPPENING.

17 MR. HUBBARD: YES, SIR, YOUR HONOR.

18 THE COURT: AND PROBABLY CAN BE CLEARED UP VERY EASILY.

19 MR. YOUNG: YOUR HONOR, ALSO, RELATING TO THIS ISSUE, I
20 HAVE CONCERN BECAUSE THE SOLICITOR STATED THEY WERE GOING TO
21 HAVE A WITNESS FROM THE CLUB THAT NIGHT TO TESTIFY ABOUT
22 TATTOOS AND LOCATIONS OF TATTOOS. I CAUTION WHAT I SAY
23 TODAY, YOUR HONOR, BECAUSE IT IS MY BELIEF THAT THAT WITNESS
24 IS SITTING IN THIS COURTROOM RIGHT NOW. MY CONCERN, YOUR
25 HONOR, IS THAT THE STATEMENT THAT THAT WITNESS GAVE DOES NOT

1 DISCLOSE ANY DETAILS REGARDING TATTOOS. THE CONCERNS THAT I
2 HAVE IS THAT WHILE THE RESULTS OR ANY DISCUSSION REGARDING
3 WHAT OCCURRED ON LAST THURSDAY WILL NOT BE SPECIFICALLY
4 TESTIFIED ABOUT, THAT THAT INFORMATION HAS BEEN RELAYED TO
5 THE WITNESS AND THAT THAT WITNESS WILL TESTIFY BASED ON THAT
6 INFORMATION AS OPPOSED TO HIS OWN RECOLLECTION FROM THAT
7 NIGHT. THAT'S THE CONCERN THAT I HAVE, AND THAT'S THE REASON
8 I ASK THAT ANY RELATIONSHIP REGARDING THE TATTOOS BE
9 EXCLUDED.

10 THE COURT: WELL, SIR, MR. YOUNG, I DON'T KNOW THAT I AM
11 GOING TO EXCLUDE IT. YOU MADE THE ISSUE OF THAT SEARCH AT
12 THE JAIL.

13 MR. YOUNG: YES, SIR.

14 THE COURT: NOW, THESE OTHERS, THIS IS THE FIRST THAT I
15 HAVE HEARD ABOUT THAT. NOW, IF YOU'VE GOT A WITNESS FROM UP
16 IN VIRGINIA OR NEW YORK OR WHEREVER IT WAS COMING DOWN, IF
17 YOU'VE GOT ANOTHER WITNESS -- A POLICE OFFICER WHO HAS
18 OBSERVED HIM, I MEAN, THOSE ARE THINGS THAT THEY CAN EITHER
19 TESTIFY TO OR THEY CAN'T, YOU KNOW, FROM THEIR OWN KNOWLEDGE.
20 IF THEY HAVEN'T SEEN IT, THEN THEY'LL SAY SO, BUT IF THEY
21 HAVE, I ASSUME THAT THE SOLICITOR IS -- I DON'T SUPPOSE --
22 HE KNOWS WHAT HE IS TALKING ABOUT WITH HIS CASE, BUT THOSE
23 ARE ISSUES THAT IF IT IS AN ISSUE INsofar AS THAT PARTICULAR
24 WITNESS' TESTIMONY IS CONCERNED, THEN MAYBE WE NEED TO DO A
25 PROFFER IN THAT REGARD.

1 MR. HUBBARD: YOUR HONOR, FOR THE RECORD ON THE STATEMENT
2 GIVEN BY THIS WITNESS WHICH WE HAVE PEOPLE HERE READY -- I
3 WASN'T SURE WHAT MOTIONS WERE GOING TO BE MADE. SO, I'VE GOT
4 PEOPLE HERE READY TO TESTIFY IF THAT WAS NEEDED, SIR.

5 THE COURT: I HAVEN'T BEEN SURE OF ANY MOTION BECAUSE I'M
6 LISTENING TO WHAT HE'S GIVING ME. I HAVEN'T RECEIVED ANY
7 MOTIONS.

8 MR. HUBBARD: YES, SIR. AS TO THAT STATEMENT THAT IT DID
9 INCLUDE TATTOOS AS I STATED EARLIER, THIS INDIVIDUAL WAS NOT
10 SPECIFIC.

11 MR. SWARAT: YOUR HONOR, MAY I APPROACH?

12 (HANDS TO COURT.)

13 THE COURT: MR. HUBBARD, I READ THE MOORE CASE. IS THAT
14 WHERE YOU ARE TRYING TO GET ME TO ALLOW HIM TO GO PRESENT
15 HIMSELF TO THE JURY?

16 MR. HUBBARD: YES, SIR. I BELIEVE IT IS A QUESTION OF
17 IDENTITY AT THIS POINT.

18 THE COURT: WAIT A SECOND. THERE IS A BIG DIFFERENCE
19 BETWEEN SOMEBODY SITTING ON THE STAND AND PICKING HIM OUT AND
20 THEN I PARADE HIM UP THERE TO SHOW THEM A TATTOO. I DON'T
21 THINK THERE IS ANY QUESTION THAT THERE IS A ISSUE OF
22 IDENTITY, BUT WHEN HE IS SITTING HERE AS A DEFENDANT IT'S ONE
23 THING, BUT TO MAKE HIM EXPOSE PARTS OF HIS BODY TO THE
24 JURY---

25 MR. HUBBARD: YES, SIR.

1 THE COURT: I DON'T KNOW THAT IT GOES QUITE THAT FAR.

2 MR. HUBBARD: OKAY.

3 THE COURT: YOU KNOW, THIS IS -- THAT'S A REAL STRETCH NOW
4 WHEN YOU TRY TO DO THAT, AND, ONCE AGAIN, GENTLEMEN, THINK
5 ABOUT IT.

6 MR. HUBBARD: YOUR HONOR---

7 THE COURT: YOU ARE TELLING ME THAT YOU'VE GOT OTHER
8 WITNESSES THAT CAN CORROBORATE.

9 MR. SWARAT: JUDGE, IF I CAN GIVE AN EXAMPLE, THE TIMES I
10 HAVE DONE IT MYSELF I HAVE DONE IT WITH TATTOOS, BUT ALSO
11 I'VE DONE IT WITH GOLD TEETH, HEIGHT, AND WEIGHT. IT IS
12 FAIRLY OFTEN, ACTUALLY, YOUR HONOR.

13 THE COURT: WELL, SIR, YOU HAVEN'T DONE IT BEFORE ME, MR.
14 SWARAT.

15 MR. SWARAT: I UNDERSTAND, YOUR HONOR.

16 THE COURT: SO, PLEASE DON'T GIVE ME THAT ROUTINE. IF YOU
17 WANT TO GIVE ME A CASE WHERE IT HAS BEEN DONE THAT'S GONE TO
18 THE SUPREME COURT HERE OR EVEN THE COURT OF APPEALS I WOULD
19 BE GLAD TO HEAR IT.

20 MR. SWARAT: YES, SIR.

21 THE COURT: BUT THE FACT THAT YOU JUST DONE IT DOESN'T
22 CARRY A LOT OF WEIGHT WITH ME. JUST BECAUSE SOMEBODY ELSE
23 HAS LET IT IN, THAT CASE MIGHT BE ON APPEAL RIGHT NOW.

24 MR. SWARAT: YES, SIR.

25 MR. HUBBARD: YOUR HONOR, I'M NOT SURE WHAT OTHER MOTIONS

1 WE HAVE. I DO HAVE ONE THING. THERE WAS A EVALUATION THAT
2 WAS MADE OF THE DEFENDANT AT THE REQUEST OF HIS ATTORNEY AT
3 THE TIME. I HAVE THAT DOCTOR HERE. IF MR. YOUNG DOESN'T
4 MIND, IF WE COULD JUST TAKE UP THAT ISSUE. IF HE'LL EITHER
5 STIPULATE TO THE FINDING IN WHICH HE WAS MENTALLY COMPETENT,
6 HAD NO MENTAL DEFECTS, KNEW RIGHT FROM WRONG, ABLE TO CONTROL
7 AND CONFORM HIS CONDUCT TO THE REQUIREMENTS OF THE LAW -- IF
8 HE'S WILLING TO STIPULATE TO THOSE FINDINGS, I CAN RELEASE
9 HER. I WOULD LIKE TO. OTHERWISE---

10 THE COURT: LET'S DO THIS. I UNDERSTAND AND APPRECIATE
11 THAT THE DOCTOR IS HERE, BUT WE ARE ALL HERE, TOO, AND I AM
12 TRYING TO GET THROUGH THIS THING IN AN ORDERLY FASHION.

13 MR. HUBBARD: YES, SIR. I APOLOGIZE.

14 THE COURT: SO CAN I LET HIM FINISH HIS -- HOW MANY MORE
15 MOTIONS DO YOU HAVE?

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

17 MR. HUBBARD: I APOLOGIZE, YOUR HONOR.

18 THE COURT: IT'S KIND OF LIKE WATCHING A TENNIS MATCH HERE,
19 YOU KNOW -- HERE, HERE, HERE, TO HERE. I WOULD LIKE TO
20 WHILE HE IS HOLDING SERVE TO LET HIM FINISH.

21 MR. YOUNG, YOU SAY YOU ARE FINISHED WITH YOUR MOTIONS?

22 MR. YOUNG: YES, SIR, YOUR HONOR.

23 THE COURT: ALL RIGHT, THEN, MR. HUBBARD -- THEN INsofar
24 AS THE COMPETENCY ISSUE, DO YOU WANT A PRESENTATION ON THAT?

25 MR. YOUNG: NO, SIR, YOUR HONOR. THAT WAS AN EVALUATION

1 DONE WHEN MR. WATSON WAS REPRESENTING HIM. I HAVE SEEN A
2 COPY OF THE FINDINGS THERE. BASED ON MY INTERVIEWS AND MY
3 DISCUSSIONS WITH MR. RICHARDSON, I WILL NOT REQUIRE ANY
4 TESTIMONY REGARDING THAT REPORT.

5 THE COURT: SO YOU ACCEPT THAT REPORT AS IT IS SUBMITTED?

6 MR. YOUNG: YES, SIR, YOUR HONOR.

7 MR. HUBBARD: ALL RIGHT. WOULD YOUR HONOR LIKE TO MAKE IT A
8 COURT'S EXHIBIT OR---

9 THE COURT: THAT WILL BE COURT'S EXHIBIT 1, MADAME
10 REPORTER.

11 THE COURT REPORTER: DO YOU NEED IT, JUDGE?

12 THE COURT: NO.

13 (COURT'S EXHIBIT NO. 1 IS MARKED FOR PURPOSES OF THE
14 RECORD.)

15 MR. HUBBARD: YOUR HONOR, AT THIS TIME I AM GOING TO EXCUSE
16 THAT WITNESS UNLESS MR. YOUNG HAS ANYTHING FURTHER FOR HER.

17 MR. YOUNG: NO OBJECTIONS.

18 THE COURT: THANK YOU VERY MUCH FOR COMING -- APPRECIATE
19 IT. ALL RIGHT. ANYTHING ELSE FROM THE STATE?

20 MR. HUBBARD: YOUR HONOR, WE WOULD MAKE A REQUEST THAT THE
21 DEFENSE REVEAL JURIES FOR THE PURPOSE OF -- I MEAN REVEAL
22 WITNESSES FOR THE PURPOSE OF VOIR DIRE TO SEE IF ANY JURORS
23 KNOW THEM SO THERE IS NO PREJUDICE AGAINST THE STATE.

24 THE COURT: ARE YOU GOING TO PREPARE ME A WITNESS LIST TO
25 PRESENT THOSE NAMES TO THE JURY?

1 MR. YOUNG: YES, SIR, YOUR HONOR, IF I CAN HAND THAT UP TO
2 YOUR HONOR FIRST THING TOMORROW MORNING.

3 THE COURT: ALL RIGHT. THAT WILL BE FINE. I HAVE TRIED TO
4 DO A LITTLE QUICK RESEARCH HERE REGARDING THE RIGHT OF
5 CONFRONTATION AS TO A DEFENDANT EXHIBITING TATTOOS, BIRTH
6 MARKS, TEETH, THAT TYPE OF THING AND REALLY HAVE NOT FOUND
7 ANYTHING CONTAINED WITHIN OUR SOUTH CAROLINA LAW ALONG THOSE
8 LINES, AND, OF COURSE, THE MOORE CASE WAS ONE THAT SAID THE
9 CONSTITUTIONAL SAFEGUARDS ARE INVADED ONLY WHEN THE DEFENDANT
10 IS REQUIRED TO GIVE TESTIMONIAL EVIDENCE AGAINST HIMSELF.
11 THEY DO NOT EXTEND TO THE REFUSAL BY THE DEFENDANT TO REVEAL
12 THOSE PHYSICAL TRAITS THAT MAY BE MADE BY ORDINARY
13 OBSERVATION.

14 I STILL THINK THAT, YOU KNOW, IF HE IS SITTING THERE
15 CAPABLE OF BEING OBSERVED, THAT IS ONE THING. IF HE HAD ON A
16 SLEEVELESS SHIRT, THAT WOULD BE ONE THING. BUT I THINK THAT
17 WITH THE OTHER TESTIMONY THAT YOU SAY YOU ARE GOING TO
18 PRESENT THAT I AM NOT GOING TO EXPAND MOORE ANY FARTHER THAN
19 THE CLOSE READING THAT IT HAS THERE. SO, THAT'S WHERE I STAND
20 NOW.

21 ALL RIGHT. INsofar AS THE ISSUE THAT IS STILL REMAINING AND
22 IT WILL COME IN THE FORM OF THE PROFFER OF THE WITNESSES --
23 IS IT STEELE?

24 MR. HUBBARD: LUCAS, YOUR HONOR.

25 THE COURT: LUCAS. THE ISSUE THAT I STILL HAVE OPEN IN MY

1 MIND AS TO WHETHER ANY THREATS THAT HAVE BEEN MADE TO HIM IS
2 GOING TO BE ADMISSIBLE AND ANYTHING TO HIS FAMILY OR ANYTHING
3 LIKE THAT, THAT'S -- I JUST WANT TO MAKE SURE THAT THAT IS
4 NOT PART OF IT AT ALL AND THAT INSOFAR AS THE THREATS TO HIM
5 I WANT TO SEE WHAT CONTEXT IT IS CONTAINED WITHIN HIS
6 TESTIMONY, AND THEN I WILL RULE ON THAT.

7 MR. HUBBARD: YES, SIR, YOUR HONOR. THANK YOU, YOUR HONOR.

8 THE COURT: ALL RIGHT. I GUESS THE JURY IS COMING IN AT
9 WHAT TIME TOMORROW, MADAME CLERK?

10 THE CLERK: TEN.

11 THE COURT: OKAY. IF YOU HAVE ANYTHING WE NEED TO DISCUSS
12 IN THE MORNING I WILL BE HERE, AND WE WILL GET A JURY, AND
13 THEN WE'LL DO WHATEVER PROFFERS WE NEED TO MAKE AND GET THIS
14 CASE MOVING.

15 MR. HUBBARD: THANK YOU, YOUR HONOR.

16 THE COURT: ALL RIGHT. ANYTHING ELSE FROM THE DEFENDANT?

17 MR. YOUNG: NO, SIR, YOUR HONOR.

18 THE COURT: THE STATE?

19 MR. HUBBARD: NO, SIR.

20 THE COURT: ALL RIGHT. THANK YOU. SEE YOU IN THE MORNING.

21 (WHEREUPON, THE PROCEEDINGS WERE CONCLUDED FOR APRIL
22 10, 2000 AND THEN RECONVENED ON APRIL 11, 2000.)

23 THE COURT: SOLICITOR, CALL YOUR CASE, PLEASE.

24 MR. HUBBARD: MAY IT PLEASE THE COURT, THE STATE CALLS FOR
25 TRIAL INDICTMENT 98-GS-32-1242, THE STATE VERSUS WILLIE JAMES

1 RICHARDSON, INDICTED FOR POSSESSION OF A FIREARM OR KNIFE
2 DURING COMMISSION OF A VIOLENT CRIME AND INDICTMENT
3 98-GS-32-1242, THE STATE VERSUS WILLIE JAMES RICHARDSON,
4 INDICTMENT OF MURDER.

5 YOUR HONOR, THE STATE IS PREPARED TO GO TO TRIAL. I HAVE A
6 WITNESS LIST WITH THE INDICTMENTS.

7 (HANDS TO COURT.)

8 THE COURT: LADIES AND GENTLEMEN OF THE JURY PANEL, WE ARE
9 ABOUT TO BEGIN THE TRIAL OF A CASE OF THE STATE OF THE SOUTH
10 CAROLINA AGAINST WILLIE JAMES RICHARDSON. MR. RICHARDSON HAS
11 BEEN CHARGED IN INDICTMENT 98-GS-32-1242, COUNT ONE, THAT HE
12 DID IN LEXINGTON COUNTY ON OR ABOUT AUGUST 13, 1995
13 WILLFULLY, FELONIOUSLY, AND WITH MALICE AFORETHOUGHT KILL ONE
14 ALFRED F. JONES BY MEANS OF MULTIPLE GUNSHOT WOUNDS WITH A
15 PISTOL AND THAT ALFRED F. JONES DIED IN LEXINGTON COUNTY ON
16 OR ABOUT AUGUST 13, 1995 AS A RESULT OF EXSANGUINATION AND/OR
17 MASSIVE AND FATAL INTRABDOMENAL HEMORRHAGE DUE TO A FATAL
18 GUNSHOT WOUND TO THE LOWER BACK WHICH RUPTURED THE AORTA AND
19 THE LIVER. THAT IS COUNT ONE.

20 COUNT TWO CHARGES THAT THE DEFENDANT WILLIE JAMES
21 RICHARDSON DID IN LEXINGTON COUNTY ON OR ABOUT AUGUST 13,
22 1995 POSSESS A FIREARM OR VISIBLY DISPLAY WHAT APPEARED TO BE
23 A FIREARM DURING THE COMMISSION OR ATTEMPTED COMMISSION OF A
24 VIOLENT CRIME; TO WIT, MURDER. THAT IS POSSESSION OF A
25 FIREARM DURING THE COMMISSION OF A VIOLENT CRIME.

LLISA H. HICKLIN, RPR
CERTIFIED COURT REPORTER
POST OFFICE BOX 165
AIKEN, SC 29802

1 NOW, LADIES AND GENTLEMEN OF THE JURY, THE INDICTMENT FROM
2 WHICH I HAVE READ I WOULD TELL YOU THAT THESE ARE MERELY THE
3 ALLEGATIONS BY WHICH A CASE IS BROUGHT INTO COURT. IT IS THE
4 BURDEN OF THE STATE OF SOUTH CAROLINA TO PROVE EACH AND EVERY
5 ELEMENT OF THE CRIMES WITH WHICH THE DEFENDANT IS CHARGED
6 BEYOND A REASONABLE DOUBT, AND A DEFENDANT HAS ABSOLUTELY NO
7 BURDEN, NO RESPONSIBILITY TO PROVE HIMSELF INNOCENT.

8 I WOULD FURTHER INSTRUCT YOU THAT IT IS THE RESPONSIBILITY
9 OF THE JURY TO RETURN A VERDICT IN THIS CASE BASED SOLELY
10 UPON THE TESTIMONY AND EVIDENCE WHICH WILL BE PRESENTED HERE
11 IN THIS COURTROOM AND UPON THE LAW AS I WOULD INSTRUCT YOU
12 DURING AND AT THE CONCLUSION OF THE CASE. IF THERE IS ANYONE
13 WHO WOULD BE ABLE TO -- BE UNABLE TO RENDER A VERDICT BASED
14 UPON THE LAW AS I WOULD INSTRUCT YOU AND THE TESTIMONY AS IT
15 IS PRESENTED IN THIS CASE, WOULD YOU PLEASE STAND NOW?

16 (JUROR STANDS.)

17 THE COURT: YES, MA'AM? YOUR NAME, PLEASE.

18 THE JUROR: DONNA PIERCE.

19 THE COURT: COME ON UP, PLEASE, MA'AM.

20 (THE FOLLOWING BENCH CONFERENCE WAS REPORTED.)

21 THE COURT: THE LAWYERS MAY APPROACH.

22 THE JUROR: MY UNCLE WAS JIMBO JACKSON WAS KILLED---

23 THE COURT: 153; MRS. PIERCE.

24 THE JUROR: I STILL GET QUITE UPSET.

25 THE COURT: YOU STARTED TELLING ME...

1 THE JUROR: MY UNCLE WAS...

2 THE COURT: TAKE YOUR TIME.

3 THE JUROR: JIMBO JACKSON.

4 THE COURT: AND HE WAS...

5 THE JUROR: HE WAS MURDERED IN A ROBBERY ON HIGHWAY 321 IN
6 LEXINGTON, JIMBO'S GROCERY.

7 THE COURT: HOW LONG WAS THAT?

8 THE JUROR: A YEAR.

9 THE COURT: SO THAT CASE IS STILL PENDING?

10 THE JUROR: UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

11 THE COURT: I WILL EXCUSE YOU FOR CONSIDERATION OF THIS
12 CASE. HAVE A SEAT BACK IN THE JURY ROOM. PLEASE DO NOT
13 DISCUSS THAT WITH ANYONE.

14 (THE BENCH CONFERENCE WAS CONCLUDED.)

15 THE COURT: NOW, WOULD THE DEFENDANT WILLIE JAMES
16 RICHARDSON PLEASE STAND AND FACE THE JURY, MR. RICHARDSON?

17 (THE DEFENDANT STANDS.)

18 THE COURT: THANK YOU VERY MUCH, SIR. YOU MAY BE SEATED.
19 IS THERE ANY MEMBER OF THE PANEL WHO IS RELATED BY BLOOD OR
20 MARRIAGE, OR DO YOU HAVE ANY CLOSE PERSONAL, SOCIAL, BUSINESS
21 RELATIONSHIP WITH THE DEFENDANT WILLIE JAMES RICHARDSON? IF
22 SO, PLEASE STAND.

23 (THERE WAS NO RESPONSE.)

24 THE COURT: IS THERE ANY MEMBER OF THE PANEL WHO IS RELATED
25 BY BLOOD OR MARRIAGE OR DID YOU HAVE ANY CLOSE PERSONAL,

1 | SOCIAL, OR BUSINESS RELATIONSHIP WITH THE DECEASED VICTIM
2 | ALFRED F. JONES? IF SO, PLEASE STAND.

3 | (THERE WAS NO RESPONSE.)

4 | THE COURT: THE FOLLOWING INDIVIDUALS HAVE BEEN LISTED AS
5 | POTENTIAL WITNESSES IN THIS CASE. AS I CALL THEIR NAMES I
6 | WANT YOU TO LISTEN TO THEM VERY CAREFULLY. IF ANY OF THESE
7 | INDIVIDUALS ARE PRESENT IN THE COURTROOM I WOULD LIKE FOR
8 | THEM TO PLEASE STAND AND TURN AND FACE THE JURY AND REMAIN
9 | STANDING UNTIL I INSTRUCT YOU TO BE SEATED.

10 | ONCE AGAIN, LADIES AND GENTLEMEN, LISTEN VERY CAREFULLY TO
11 | THE NAMES AS THEY ARE CALLED AS THESE ARE POTENTIAL WITNESSES
12 | IN THIS CASE. DETECTIVE SCOTTIE FRIER, LEXINGTON COUNTY
13 | SHERIFF'S DEPARTMENT. THANK YOU, SIR. YOU MAY BE SEATED.
14 | MASTER DEPUTY WESLEY SWINSON, LEXINGTON COUNTY SHERIFF'S
15 | DEPARTMENT. THANK YOU, SIR. CAPTAIN JAMES HARRIS OF THE
16 | LEXINGTON COUNTY SHERIFF'S DEPARTMENT. CAPTAIN GLENN HOYER,
17 | LEXINGTON COUNTY SHERIFF'S DEPARTMENT. CAPTAIN BUDDY
18 | WILLIAMS, LEXINGTON COUNTY SHERIFF'S DEPARTMENT. LIEUTENANT
19 | IRA JEFFCOAT, STATE LAW ENFORCEMENT DIVISION COMMONLY KNOWN
20 | AND REFERRED TO AS S.L.E.D. DR. DAVID EAGERTON, S.L.E.D.
21 | SCOTTIE SMITH, CHAPIN FIRE AND RESCUE. DAVID CONNELLY, CHAPIN
22 | FIRE AND RESCUE. KAREN HUGHES, LEXINGTON E.M.S.. CYNTHIA
23 | PLANT, LEXINGTON E.M.S.. INVESTIGATOR ALLEN STONE, RICHLAND
24 | COUNTY SHERIFF'S DEPARTMENT. SENIOR SPECIAL AGENT SAM
25 | BRYANT, JR. WITH THE FEDERAL BUREAU OF INVESTIGATION.

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1 REGINALD LEON LUCAS. DARREN AMICK. DR. JOHN B. CARTER,
2 LEXINGTON MEDICAL CENTER. HATTIE PATTERSON, CUSTODIAN OF
3 RECORDS STATE HIGHWAY DEPARTMENT. JOHN LESTER BOOKMAN.
4 CATHERINE SHEPPARD. THOMAS COUNTS, JR. KIRBY BLOCKER.
5 RONALD BOYD. NORMAN MOON. JEFF MAYERS. ANN MAYERS. WENDY
6 JOYNER. DAWANA WASHINGTON. GARY PRICKETT. CASSANDRA
7 PICKETT. ANGELA COLE. SYDELLIA P. GREENIDGE. FREDDIE
8 HUDSON. BARRY GREELEY. SALLY RICHARDSON. JOHNNY GREELEY.
9 MICHELLE RICHARDSON.

10 IS THERE ANY MEMBER OF THE PANEL WHO IS RELATED BY BLOOD OR
11 MARRIAGE OR DO YOU HAVE ANY CLOSE PERSONAL, SOCIAL, OR
12 BUSINESS RELATIONSHIP WITH ANY OF THESE POTENTIAL WITNESSES
13 WHOSE NAME I HAVE CALLED? IF SO, PLEASE STAND.

14 (JUROR STANDS.)

15 THE COURT: YOUR NAME OR NUMBER PLEASE, SIR?

16 THE JUROR: 157

17 THE COURT: YOU ARE REGINALD L. HALL; CORRECT?

18 THE JUROR: YES, SIR.

19 THE COURT: COULD YOU TELL ME WHOM YOU HAVE A CONNECTION
20 WITH, MR. HALL?

21 THE JUROR: CYNTHIA PLANT IS MY SUPERVISOR.

22 THE COURT: ALL RIGHT. THE FACT THAT YOU HAVE A CONNECTION
23 WITH MS. PLANT, WOULD THAT IN ANY WAY INTERFERE WITH YOUR
24 ABILITY TO RENDER A FAIR AND IMPARTIAL VERDICT FOR EITHER THE
25 STATE OR THE DEFENDANT BASED SOLELY UPON THE TESTIMONY AND

1 EVIDENCE THAT YOU WOULD HEAR PRODUCED IN THIS COURTROOM?

2 THE JUROR: NO.

3 THE COURT: ARE YOU IN ANY WAY BIASED OR PREJUDICED AS A
4 RESULT OF YOUR ASSOCIATION WITH HER?

5 THE JUROR: NO.

6 THE COURT: THANK YOU, SIR. YOU MAY BE SEATED. YES, SIR?

7 THE JUROR: JAMES BURKE.

8 THE COURT: JUST ONE MOMENT, PLEASE, SIR.

9 THE CLERK: 162.

10 THE COURT: ALL RIGHT, SIR.

11 THE JUROR: PERSONAL FRIEND OF DR. DAVID EAGERTON.

12 THE COURT: THE FACT THAT YOU ARE A FRIEND OF DR. EAGERTON,
13 WOULD THAT IN ANY INTERFERE WITH YOUR ABILITY TO RENDER A
14 FAIR AND IMPARTIAL VERDICT FOR EITHER THE STATE OR THE
15 DEFENDANT BASED SOLELY UPON THE TESTIMONY AND EVIDENCE THAT
16 YOU WOULD HEAR IN THIS COURTROOM?

17 THE JUROR: NO, SIR.

18 THE COURT: ARE YOU IN ANY WAY BIASED OR PREJUDICED AS A
19 RESULT OF YOUR ASSOCIATION WITH DR. EAGERTON?

20 THE JUROR: NO, SIR.

21 THE COURT: THANK YOU, SIR. YOU MAY BE SEATED.

22 LADIES AND GENTLEMEN OF THE JURY, THE STATE OF SOUTH
23 CAROLINA IS REPRESENTED IN THIS MATTER BY THE 11TH JUDICIAL
24 CIRCUIT SOLICITOR'S OFFICE -- IN PARTICULAR, ASSISTANT
25 SOLICITOR MR. RICK HUBBARD.

1 MR. HUBBARD, IF YOU WOULD, PLEASE STAND. THANK YOU, SIR.
2 AND ASSISTANT SOLICITOR TAV SWARAT. THANK YOU, SIR. ANY
3 MEMBER OF THE PANEL WHO IS RELATED BY BLOOD OR MARRIAGE, OR
4 DO YOU HAVE ANY CLOSE PERSONAL, SOCIAL, OR BUSINESS
5 RELATIONSHIP WITH EITHER MR. HUBBARD OR MR. SWARAT, OR DO YOU
6 HAVE ANY CONNECTION WITH ANY MEMBER OF THE ELEVENTH JUDICIAL
7 CIRCUIT SOLICITOR'S OFFICE OR ANY CLOSE POLITICAL CONNECTION
8 WITH THAT OFFICE; IN PARTICULAR, WITH SOLICITOR DONNIE MYERS?
9 IF SO, PLEASE STAND.

10 (THERE WAS NO RESPONSE.)

11 THE COURT: NOW, THE DEFENDANT MR. RICHARDSON IS
12 REPRESENTED IN THIS MATTER BY ATTORNEY HERVERY O. YOUNG. MR.
13 YOUNG? THANK YOU, SIR. ANY MEMBER OF THE PANEL WHO IS
14 RELATED BY BLOOD OR MARRIAGE, OR DO YOU HAVE ANY CLOSE
15 PERSONAL, SOCIAL, OR BUSINESS RELATIONSHIP WITH MR. YOUNG, OR
16 ARE YOU CURRENTLY REPRESENTED OR HAVE YOU BEEN REPRESENTED IN
17 THE PAST BY ATTORNEY HERVERY YOUNG? IF SO, PLEASE STAND.

18 (THERE WAS NO RESPONSE.)

19 THE COURT: HAS ANY MEMBER OF THE JURY PANEL READ, SEEN, OR
20 HEARD ANY NEWS ACCOUNTS OR ANY OTHER CONVERSATIONS OR
21 ACCOUNTS CONCERNING THIS CASE EITHER PRIOR TO COMING TO COURT
22 TODAY OR BEFORE TODAY? IF SO, PLEASE STAND.

23 (THERE WAS NO RESPONSE.)

24 THE COURT: ANY MEMBER OF THE JURY PANEL DISCUSSED THIS
25 CASE IN ANY WAY OR HEARD ANYONE ELSE DISCUSS THIS CASE OR A

1 SIMILAR CASE EITHER TODAY OR BEFORE TODAY? IF SO, PLEASE
2 STAND.

3 (THERE WAS NO RESPONSE.)

4 THE COURT: IS THERE ANY MEMBER OF THIS PANEL WHO HAS
5 FORMED OR EXPRESSED AN OPINION ABOUT ANY ISSUE OR MATTER
6 INVOLVED IN THIS CASE? IF SO, PLEASE STAND.

7 (THERE WAS NO RESPONSE.)

8 THE COURT: IS THERE ANY MEMBER OF THIS PANEL WHO IS AWARE
9 OF ANY BIAS OR PREJUDICE TOWARD EITHER THE STATE OR THE
10 DEFENDANT THIS CASE? IF SO, PLEASE STAND.

11 (THERE WAS NO RESPONSE.)

12 THE COURT: IS THERE ANY MEMBER OF THIS JURY PANEL WHO IS A
13 MEMBER OF THE GRAND JURY FOR LEXINGTON COUNTY FOR THE YEAR
14 1998 WHICH FOUND THE TRUE BILL INDICTMENT IN THIS MATTER? IF
15 SO, PLEASE STAND.

16 (THERE WAS NO RESPONSE.)

17 THE COURT: MR. OWENS, I BEEN INFORMED BY THE CLERK OF
18 COURT THAT THEY HAVE CHECKED BACK WITH THE GRAND JURY FOR
19 LEXINGTON COUNTY, THE JURIES THAT WERE IMPANELED BACK
20 THROUGH 1990 AND THAT YOU WERE NOT INCLUDED IN THAT LIST
21 DURING THE YEARS 1990 THROUGH 1999. ALL RIGHT.

22 THE JUROR: (NODS HEAD.)

23 THE COURT: NOW, IS THERE ANY MEMBER OF THE JURY PANEL OR
24 ANY MEMBER OF YOUR IMMEDIATE FAMILY WHO IS CURRENTLY OR WAS
25 FORMERLY A MEMBER OF ANY FEDERAL, STATE, COUNTY, OR CITY

1 POLICE OR LAW ENFORCEMENT DEPARTMENT OR ANY MILITARY POLICE
2 ORGANIZATION? IF SO, PLEASE STAND.

3 (JUROR STANDS.)

4 THE COURT: YES, MA'AM. THE LADY IN RED, GIVE ME YOUR NAME
5 OR NUMBER, PLEASE.

6 THE JUROR: KAREN LEE, NUMBER 151. I HAD A BROTHER THAT
7 WAS A SERGEANT FOR THE CAYCE POLICE.

8 THE COURT: IS HE STILL THERE?

9 THE JUROR: NO, SIR.

10 THE COURT: HOW LONG AGO HAS THAT BEEN?

11 THE JUROR: MAYBE FIVE YEARS.

12 THE COURT: THANK YOU, MA'AM. YES, MA'AM?

13 THE JUROR: JUROR 149, REBA WILSON.

14 THE COURT: MS. WILSON, YES, MA'AM.

15 THE JUROR: I CURRENTLY HAVE TWO BROTHERS EMPLOYED BY THE
16 LEXINGTON COUNTY SHERIFF'S DEPARTMENT.

17 THE COURT: LEXINGTON COUNTY?

18 THE JUROR: YES, SIR.

19 THE COURT: THANK YOU, MA'AM. YES, SIR? WHAT IS YOUR NAME
20 OR NUMBER, PLEASE?

21 THE JUROR: BILLY OWEN.

22 THE COURT: MR. OWEN? HE IS NUMBER 154. YES, SIR?

23 THE JUROR: MY MOM WORKED AT THE LEXINGTON COUNTY SHERIFF'S
24 DEPARTMENT AS DISPATCHER.

25 THE COURT: WHEN WAS THAT?

1 THE JUROR: TWO AND A HALF YEARS AGO.

2 THE COURT: THANK YOU, SIR. YES, SIR?

3 THE JUROR: DAVID JONES, NUMBER 67. I HAVE A

4 BROTHER-IN-LAW THAT IS AN OFFICER WITH THE GREENVILLE COUNTY
5 POLICE FORCE.

6 THE COURT: THANK YOU, SIR. YES, SIR?

7 THE JUROR: JUROR 155.

8 THE COURT: YOU ARE MR. SENN?

9 THE JUROR: YES, SIR.

10 THE COURT: THANK YOU, SIR.

11 THE JUROR: I HAVE A COUSIN WHO IS AN INVESTIGATOR IN
12 RICHLAND COUNTY -- ROCKY SENN.

13 THE COURT: THANK YOU, SIR. HAS ANY MEMBER OF THE JURY
14 PANEL EVER BEEN A WITNESS IN A CRIMINAL TRIAL? IF SO, PLEASE
15 STAND.

16 (THERE WAS NO RESPONSE.)

17 THE COURT: HAS ANY MEMBER OF THE JURY PANEL HAD A FAMILY
18 MEMBER OR A CLOSE PERSONAL FRIEND TO BE A VICTIM OF A CRIME
19 THAT RESULTED IN A DEATH OR SIMILAR OFFENSE? IF SO, PLEASE
20 STAND AND COME FORWARD.

21 (JURORS STAND.)

22 THE COURT: COME ON UP, PLEASE, MA'AM. IF THE LAWYERS WOULD
23 APPROACH. MA'AM, YOU'VE ALREADY BEEN EXCUSED. YOU MAY RESUME
24 YOUR SEAT.

25 THE BAILIFF: SIXTY-EIGHT.

1 THE JUROR: JUMPER.

2 THE COURT: YOU ARE MRS. JUMPER?

3 THE JUROR: YES, SIR.

4 THE COURT: ALL RIGHT, MS. JUMPER, TELL ME ABOUT YOUR
5 SITUATION THAT YOU COME FORWARD ABOUT.

6 THE JUROR: I HAD A BROTHER THAT WAS MURDERED IN AIKEN
7 COUNTY APPROXIMATELY 25 YEARS AGO.

8 THE COURT: THE FACT THAT YOU HAD A BROTHER THAT WAS
9 MURDERED IN AIKEN COUNTY ABOUT 25 YEARS AGO, WOULD THAT FACT
10 IN ANY WAY INTERFERE WITH YOUR ABILITY TO RENDER A FAIR AND
11 IMPARTIAL VERDICT FOR EITHER THE STATE OR THE DEFENDANT BASED
12 SOLELY UPON THE TESTIMONY AND EVIDENCE THAT YOU WOULD HEAR
13 PRODUCED IN THIS COURTROOM?

14 THE JUROR: NO, IT WOULD NOT.

15 THE COURT: ARE YOU IN ANY WAY BIASED OR PREJUDICED AS A
16 RESULT OF THAT?

17 THE JUROR: NO.

18 THE COURT: OKAY. RESUME YOUR SEAT.

19 THE BAILIFF: NINETY-SEVEN.

20 (THE FOLLOWING BENCH CONFERENCE WITH THE NEXT JUROR WAS
21 REPORTED AS FOLLOWS.)

22 THE COURT: MR. MOORE.

23 THE JUROR: YES, SIR.

24 THE COURT: TELL ME ABOUT YOUR SITUATION, MR. MOORE.

25 THE JUROR:: WE HAD A MEMBER OF OUR CHURCH WHO WAS ALSO A

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1 | TEACHER FOR OUR CHILDREN WAS KILLED BY HER HUSBAND.

2 | THE COURT: WHEN WAS THIS?

3 | THE JUROR: ABOUT THREE YEARS AGO.

4 | THE COURT: HERE IN LEXINGTON?

5 | THE JUROR: WELL, THEY LIVE OVER IN GASTON.

6 | THE COURT: WHAT IS THAT PERSON'S NAME? DO YOU REMEMBER
7 | THAT PART?

8 | THE JUROR: I KNOW HER NAME WAS RENEE. I AM TRYING TO
9 | THINK.

10 | THE COURT: THE FACT YOU HAVE HAD A FRIEND INVOLVED IN SUCH
11 | A SITUATION WOULD THAT IN ANY WAY INTERFERE WITH YOUR ABILITY
12 | TO RENDER A FAIR AND IMPARTIAL VERDICT FOR EITHER THE STATE
13 | OR THE DEFENDANT BASED SOLELY UPON THE EVIDENCE AND TESTIMONY
14 | YOU WOULD HEAR INTRODUCED IN THIS COURTROOM?

15 | THE JUROR: NO.

16 | THE COURT: ARE YOU IN ANY WAY BIASED OR PREJUDICED AS A
17 | RESULT OF THAT?

18 | THE JUROR: NO.

19 | THE COURT: THANK YOU, SIR.

20 | THE BAILIFF: 156.

21 | THE COURT: MS. PELOSI?

22 | THE JUROR: UH-HUH. I DON'T KNOW THE EXACTLY THE
23 | DATE. I HAD A NIECE KILLED BY A DRUNKEN DRIVER ABOUT EIGHT
24 | YEARS AGO.

25 | THE COURT: WHEN WAS THAT?

1 THE JUROR: HERE IN LEXINGTON.

2 THE COURT: THE FACT YOU A HAD A NIECE INVOLVED IN SUCH A
3 SITUATION WOULD THAT IN ANY WAY INTERFERE WITH YOUR ABILITY
4 TO RENDER A FAIR AND IMPARTIAL VERDICT FOR EITHER THE STATE
5 OR THE DEFENDANT BASED SOLELY UPON THE TESTIMONY AND EVIDENCE
6 THAT YOU WOULD HEAR INTRODUCED IN THIS COURTROOM?

7 THE JUROR: NO, SIR.

8 THE COURT: ARE YOU IN WAY BIASED OR PREJUDICED AS A RESULT
9 OF THAT?

10 THE JUROR: NO, SIR.

11 THE COURT: THANK YOU, MA'AM.

12 THE BAILIFF: NINETY-NINE.

13 THE COURT: MRS. MORTENSON?

14 THE JUROR: WE WERE INVOLVED IN A MOTORCYCLE ACCIDENT IN
15 '98. IT DIDN'T RESULT IN DEATH, BUT IT IS STILL DIFFICULT
16 SOMETIMES. MY HUSBAND ALMOST DID DIE.

17 THE COURT: THE FACT THAT YOUR HUSBAND WAS INVOLVED IN SUCH
18 AN ACCIDENT, WOULD THAT IN ANY WAY INTERFERE WITH YOUR
19 ABILITY TO RENDER A FAIR AND IMPARTIAL VERDICT FOR EITHER THE
20 STATE OR THE DEFENDANT BASED SOLELY UPON THE TESTIMONY AND
21 EVIDENCE THAT YOU WOULD HEAR INTRODUCED IN THIS COURTROOM?

22 THE JUROR: NO, SIR.

23 THE COURT: ARE YOU IN ANY WAY BIASED OR PREJUDICE AS A
24 RESULT OF THAT?

25 THE JUROR: NO, SIR.

1 THE COURT: THANK YOU, MA'AM. RESUME YOUR SEAT.

2 (THE BENCH CONFERENCE WAS CONCLUDED.)

3 THE COURT: I WILL GO AHEAD AND MAKE THIS ANNOUNCEMENT.

4 THE CLERK HAS TOLD ME -- I DON'T KNOW HOW MANY JURORS
5 REALIZED THAT WE HAD A PROBLEM WITH THE WATER INITIALLY HERE
6 AT THE COURTHOUSE THIS MORNING. THERE HAD BEEN A BREAK IN THE
7 WATER MAIN, APPARENTLY, DOWNTOWN. THAT PROBLEM HAS BEEN
8 CORRECTED. HOWEVER, YOU ARE INSTRUCTED NOT TO DRINK ANY
9 WATER FROM THE FOUNTAINS WHILE YOU ARE HERE. IF YOU ARE ON A
10 JURY, OF COURSE, WE WILL SEE THAT BOTTLED WATER IS PROVIDED
11 FOR YOU, SOFT DRINKS, THAT TYPE OF THING. WE WILL NOT BE
12 MAKING ANY COFFEE. I WILL SAY THAT MUCH, AND I AM GOING TO
13 QUIT DRINKING MINE RIGHT NOW. BUT PLEASE KEEP THAT IN MIND
14 THAT YOU SHOULD NOT USE THE WATER FOUNTAINS UNTIL FURTHER
15 INSTRUCTION. HOWEVER, OTHER USES OF THE WATER WILL BE
16 PERMITTED, APPARENTLY.

17 IS THERE ANY MEMBER OF THIS JURY PANEL WHO HOLDS SUCH
18 STRONG FEELINGS FOR OR AGAINST THE POSSESSION OR USE OF GUNS
19 THAT SUCH FEELINGS WOULD PROHIBIT YOU FROM GIVING BOTH THE
20 STATE AND THE DEFENDANT A FAIR AND IMPARTIAL TRIAL IN THIS
21 MATTER? IF SO, PLEASE STAND.

22 (THERE WAS NO RESPONSE.)

23 THE COURT: HAS ANY MEMBER OF THE JURY PANEL EVER WITNESSED
24 A CRIME? IF SO, PLEASE STAND.

25 (THERE WAS NO RESPONSE.)

1 THE COURT: IS THERE ANY MEMBER OF THIS PANEL WHO IS A
2 MEMBER OF OR CONTRIBUTOR TO ANY GROUP WHICH HAS AS ITS
3 PRIMARY CONCERN THE PROMOTION OF LAW ENFORCEMENT OR VICTIM'S
4 RIGHTS? THESE GROUPS WOULD INCLUDE BUT CERTAINLY NOT BE
5 LIMITED TO THE FOLLOWING: M.A.D.D., S.A.D.D., C.A.V.E., OR
6 C.A.D.R.E. IF SO, PLEASE STAND.

7 (THERE WAS NO RESPONSE.)

8 THE COURT: DOES ANY MEMBER OF THE PANEL KNOW ANY REASON
9 WHATSOEVER WHY YOU SHOULD NOT SERVE AS A JUROR IN THIS CASE
10 WITH PARTICULAR EMPHASIS BEING PLACED UPON YOUR ABILITY TO BE
11 FAIR AND IMPARTIAL OR EITHER THE STATE OR THE DEFENDANT? IF
12 YOU CANNOT, I WANT YOU TO PLEASE STAND.

13 (THERE WAS NO RESPONSE.)

14 THE COURT: ADDITIONAL QUESTIONS FROM THE STATE?

15 MR. HUBBARD: NONE FROM THE STATE, YOUR HONOR.

16 THE COURT: FROM THE DEFENDANT?

17 MR. YOUNG: NONE FROM THE DEFENDANT, YOUR HONOR.

18 THE COURT: LADIES AND GENTLEMEN OF THE JURY, THE MANNER IN
19 WHICH WE SELECT A JURY IN GENERAL SESSIONS COURT IS AS
20 FOLLOWS. THE NAMES OF ALL ELIGIBLE JURORS ARE PLACED IN THE
21 JURY CYLINDER, AND THEY WILL BE DRAWN ONE AT A TIME. AS YOUR
22 NAME IS CALLED YOU ARE TO COME FORWARD TO THE COURTROOM
23 STANDING IN THE WELL OF THE COURTROOM AND IN FRONT OF THE
24 CLERK HERE AT THE BENCH. TURN AND FACE THE ATTORNEYS. THEY
25 WILL MAKE THEIR DECISION AS TO WHETHER OR NOT YOU WILL

1 PARTICIPATE IN THIS CASE. ANY OBJECTION FROM THE STATE OR
2 THE DEFENDANT AS TO THE CLERK DRAWING THE JURY?

3 MR. HUBBARD: NONE FROM THE STATE, YOUR HONOR.

4 MR. YOUNG: I BELIEVE SHE MEETS THE QUALIFICATIONS, YOUR
5 HONOR.

6 THE COURT: THANK YOU, SIR. FIVE AND TEN ON THE STRIKES,
7 PLEASE.

8 THE CLERK: AS I CALL YOUR NAME AND YOU COME FORWARD PLEASE
9 BRING ANY ITEMS THAT YOU BROUGHT WITH YOU JUST IN CASE YOU
10 ARE QUALIFIED AND SEATED IN THE JURY BOX.

11 NUMBER 68, BONNIE JUMPER. WHAT SAYETH FOR THE STATE?

12 MR. HUBBARD: PLEASE PRESENT THE JUROR.

13 THE CLERK: WHAT SAYETH FOR THE DEFENSE?

14 MR. YOUNG: PLEASE EXCUSE MS. JUMPER FROM THE TRIAL OF THIS
15 CASE.

16 THE CLERK: RETURN TO YOUR SEAT, PLEASE. 160, PATRICIA
17 ROGERS. WHAT SAYETH FOR THE STATE?

18 MR. HUBBARD: PLEASE PRESENT THE JUROR.

19 THE CLERK: WHAT SAYETH FOR THE DEFENSE?

20 MR. YOUNG: PLEASE SWEAR MS. ROGERS.

21 THE CLERK: HAVE A SEAT IN THE JURY BOX, MA'AM. NUMBER 84,
22 ROSEZINNIA LYKES. WHAT SAYETH FOR THE STATE?

23 MR. HUBBARD: PLEASE PRESENT THE JUROR.

24 THE CLERK: WHAT SAYETH FOR THE DEFENSE?

25 MR. YOUNG: PLEASE SWEAR MS. LYKES.

1 THE CLERK: HAVE A SEAT IN THE JURY BOX, MA'AM. NUMBER 147,
2 JAMES WHITE. WHAT SAYETH FOR THE STATE?
3 MR. HUBBARD: PLEASE PRESENT THE JUROR.
4 THE CLERK: WHAT SAYETH FOR THE DEFENSE?
5 MR. YOUNG: PLEASE EXCUSE MR. WHITE FROM THE TRIAL OF THIS
6 CASE.
7 THE CLERK: RETURN TO YOUR SEAT, SIR. NUMBER 157, REGINALD
8 HALL. WHAT SAYETH FOR THE STATE?
9 MR. HUBBARD: PLEASE PRESENT MR. HALL.
10 THE CLERK: WHAT SAYETH FOR THE DEFENSE?
11 MR. YOUNG: PLEASE SWEAR MR. HALL.
12 THE CLERK: HAVE A SEAT IN THE JURY BOX, SIR. NUMBER 97,
13 GARY MOORE. WHAT SAYETH FOR THE STATE?
14 MR. HUBBARD: PLEASE PRESENT MR. MOORE.
15 THE CLERK: WHAT SAYETH FOR THE DEFENSE?
16 MR. YOUNG: PLEASE EXCUSE MR. HALL FROM THE TRIAL OF THIS
17 CASE.
18 THE CLERK: RETURN TO YOUR SEAT, PLEASE, SIR. NUMBER 137,
19 ANTHONY STROMAN. WHAT SAYETH FOR THE STATE?
20 MR. HUBBARD: PLEASE PRESENT MR. STROMAN.
21 THE CLERK: WHAT SAYETH FOR THE DEFENSE?
22 MR. YOUNG: PLEASE SWEAR MR. STROMAN.
23 THE CLERK: HAVE A SEAT IN THE JURY BOX, SIR. NUMBER 146,
24 JASON WEST. WHAT SAYETH FOR THE STATE?
25 MR. HUBBARD: PLEASE EXCUSE THE JUROR.

1 THE CLERK: RETURN TO YOUR SEAT, SIR. NUMBER 88, MARY
2 MCILWAIN. WHAT SAYETH FOR THE STATE?

3 MR. HUBBARD: PLEASE PRESENT THE JUROR.

4 THE CLERK: WHAT SAYETH FOR THE DEFENSE?

5 MR. YOUNG: PLEASE SWEAR MS. MCILWAIN.

6 THE CLERK: HAVE A SEAT IN THE JURY BOX, MA'AM. NUMBER 158,
7 LLOYD ROSS. WHAT SAYETH FOR THE STATE?

8 MR. HUBBARD: PLEASE PRESENT MR. ROSS.

9 THE CLERK: WHAT SAYETH FOR THE DEFENSE?

10 MR. YOUNG: PLEASE SWEAR MR. ROSS.

11 THE CLERK: HAVE A SEAT IN THE JURY BOX, SIR. NUMBER 151,
12 KAREN LEE. WHAT SAYETH FOR THE STATE?

13 MR. HUBBARD: PLEASE PRESENT MS. LEE.

14 THE CLERK: WHAT SAYETH FOR THE DEFENSE?

15 MR. YOUNG: PLEASE EXCUSE MS. LEE FROM THE TRIAL OF THIS
16 CASE.

17 THE CLERK: RETURN TO YOUR SEAT, PLEASE, MA'AM. NUMBER 107,
18 THOMAS OXLEY. WHAT SAYETH FOR THE STATE?

19 MR. HUBBARD: PLEASE PRESENT MR. OXLEY.

20 THE CLERK: WHAT SAYETH FOR THE DEFENSE?

21 MR. YOUNG: PLEASE EXCUSE MR. OXLEY FROM THE TRIAL OF THIS
22 CASE.

23 THE CLERK: RETURN TO YOUR SEAT, SIR. NUMBER 154, BILLY
24 OWEN. WHAT SAYETH FOR THE STATE?

25 MR. HUBBARD: PLEASE PRESENT MR. OWEN.

1 THE CLERK: WHAT SAYETH FOR THE DEFENSE?
2 MR. YOUNG: PLEASE SWEAR MR. OWEN.
3 THE CLERK: HAVE A SEAT IN THE JURYBOX, SIR. NUMBER 1,
4 CRYSTAL ALLISON. WHAT SAYETH FOR THE STATE?
5 MR. HUBBARD: PLEASE PRESENT MS. ALLISON.
6 THE CLERK: WHAT SAYETH FOR THE DEFENSE?
7 MR. YOUNG: PLEASE SWEAR THE JUROR.
8 THE CLERK: HAVE A SEAT IN THE JURYBOX, MA'AM. NUMBER 92,
9 MICHELLE MILLER. WHAT SAYETH FOR THE STATE?
10 MR. HUBBARD: PLEASE PRESENT MS. MILLER.
11 THE CLERK: WHAT SAYETH FOR THE DEFENSE?
12 MR. YOUNG: PLEASE EXCUSE MS. MILLER FROM THE TRIAL OF THIS
13 CASE.
14 THE CLERK: RETURN TO YOUR SEAT, MA'AM. NUMBER 163, JAMES
15 OWENS. WHAT SAYETH FOR THE STATE?
16 MR. HUBBARD: PLEASE EXCUSE THE JUROR.
17 THE CLERK: NUMBER 159, LARRY PEAY. WHAT SAYETH FOR THE
18 STATE?
19 MR. HUBBARD: PLEASE PRESENT MR. PEAY.
20 THE CLERK: WHAT SAYETH FOR THE DEFENSE?
21 MR. YOUNG: PLEASE EXCUSE MR. PEAY FROM THE TRIAL OF THIS
22 CASE.
23 THE CLERK: RETURN TO YOUR SEAT, SIR. NUMBER 104, ARTHUR
24 NEWTON. WHAT SAYETH FOR THE STATE?
25 MR. HUBBARD: PLEASE PRESENT MR. NEWTON.

1 THE CLERK: WHAT SAYETH FOR THE DEFENSE?

2 MR. YOUNG: PLEASE SWEAR MR. NEWTON.

3 THE CLERK: HAVE A SEAT IN THE JURYBOX, SIR. NUMBER 149,

4 REBA WILSON. WHAT SAYETH FOR THE STATE?

5 MR. HUBBARD: PLEASE PRESENT MS. WILSON.

6 THE CLERK: WHAT SAYETH FOR THE DEFENSE?

7 MR. YOUNG: PLEASE EXCUSE MS. WILSON FROM THE TRIAL OF THIS
8 CASE.

9 THE CLERK: RETURN TO YOUR SEAT, MA'AM. NUMBER 124, ANNE,
10 SHINN. WHAT SAYETH FOR THE STATE?

11 MR. HUBBARD: PLEASE PRESENT MS. SHINN.

12 THE CLERK: WHAT SAYETH FOR THE DEFENSE?

13 MR. YOUNG: PLEASE SWEAR MS. SHINN.

14 THE CLERK: HAVE A SEAT IN THE JURYBOX, MS. SHINN. NUMBER
15 91, GARY MERRITT. WHAT SAYETH FOR THE STATE?

16 MR. HUBBARD: PLEASE PRESENT MR. MERRITT.

17 THE CLERK: WHAT SAYETH FOR THE DEFENSE?

18 MR. YOUNG: PLEASE SWEAR MR. MERRITT.

19 THE CLERK: HAVE A SEAT IN THE JURYBOX, SIR. NUMBER 162,

20 JAMES BURKE. WHAT SAYETH FOR THE STATE?

21 MR. HUBBARD: PLEASE PRESENT MR. BURKE.

22 THE CLERK: WHAT SAYETH FOR THE DEFENSE?

23 MR. YOUNG: PLEASE EXCUSE MR. BURKE FROM THE TRIAL OF THIS
24 CASE.

25 THE CLERK: RETURN TO YOUR SEAT, SIR. NUMBER 67, DAVID

1 JONES. WHAT SAYETH FOR THE STATE?
2 MR. HUBBARD: PLEASE PRESENT MR. JONES.
3 THE CLERK: WHAT SAYETH FOR THE DEFENSE?
4 MR. YOUNG: PLEASE EXCUSE MR. JONES FROM THE TRIAL OF THIS
5 CASE.
6 THE CLERK: RETURN TO YOUR SEAT, SIR. NUMBER 99, NANCY
7 MORTENSON. WHAT SAYETH FOR THE STATE?
8 MR. HUBBARD: PLEASE PRESENT MS. MORTENSON.
9 THE CLERK: WHAT SAYETH FOR THE DEFENSE?
10 MR. YOUNG: PLEASE SWEAR MS. MORTENSON.
11 THE CLERK: HAVE A SEAT IN THE JURYBOX, MA'AM.
12 THE COURT: LET'S GET AN ALTERNATE, ONE AND TWO.
13 THE CLERK: NUMBER 117, MARY ROBINSON. WHAT SAYETH FOR THE
14 STATE?
15 MR. HUBBARD: PLEASE PRESENT MS. ROBINSON.
16 THE CLERK: WHAT SAYETH FOR THE DEFENSE?
17 MR. YOUNG: PLEASE EXCUSE MS. ROBINSON FROM THE TRIAL OF
18 THIS CASE.
19 THE CLERK: RETURN TO YOUR SEAT, MA'AM. NUMBER 29, CAROL
20 COLLINS. WHAT SAYETH FOR THE STATE?
21 MR. HUBBARD: PLEASE PRESENT MS. COLLINS.
22 THE CLERK: WHAT SAYETH FOR THE DEFENSE?
23 MR. YOUNG: PLEASE SWEAR MS. COLLINS.
24 THE CLERK: HAVE A SEAT IN THE JURY BOX, MA'AM.
25 (THE JURY IS IMPANELED AT 11:30 A.M.)

1 THE COURT: LET ME SEE THE LAWYERS FOR JUST ONE MOMENT,
2 PLEASE.

3 (WHEREUPON THERE WAS A BENCH CONFERENCE OFF THE RECORD IN
4 THE PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

5 THE COURT: ANYTHING FROM THE STATE BEFORE I SWEAR THE
6 JURY?

7 MR. HUBBARD: NO, SIR, YOUR HONOR.

8 THE COURT: FROM THE DEFENDANT?

9 MR. YOUNG: NONE FROM THE DEFENSE, YOUR HONOR.

10 THE COURT: MS. MCILWAIN, I WILL ASK YOU TAKE THIS FIRST
11 CHAIR RIGHT HERE. SWAP SEATS WITH THIS LADY HERE AND SERVE
12 AS OUR FOREMAN OF OUR JURY, PLEASE.

13 THE JURY FOREPERSON: YES, SIR.

14 THE COURT: ACTUALLY YOU WILL BE THE FOREPERSON. MADAM
15 FOREPERSON, IF YOU AND MADAM ALTERNATE WOULD CONTINUE TO
16 OCCUPY THE TWO CHAIRS THAT YOU PRESENTLY SIT IN THROUGHOUT
17 THE COURSE OF THE TRIAL. THE REMAINDER OF THE JURY MAY SIT IN
18 WHATEVER SEATS ARE AVAILABLE AS YOU GO AND FROM THE JURY
19 ROOM. OF COURSE, THE BAILIFFS ARE GOING TO GIVE YOU SOME
20 INSTRUCTIONS ABOUT HOW YOU ARE TO EXIT THE JURY BOX IN JUST A
21 MOMENT. PLEASE PAY VERY CLOSE ATTENTION TO THEM. ALL RIGHT,
22 MADAME CLERK, PLEASE SWEAR THE JURY.

23 MR. HUBBARD: YOUR HONOR, MAY APPROACH REAL QUICK? I
24 APOLOGIZE.

25 THE COURT: ALL RIGHT. BEFORE YOU SWEAR -- Y'ALL MAY

1 RESUME YOUR SEAT.

2 (WHEREUPON THERE WAS A BENCH CONFERENCE OFF THE RECORD IN
3 THE PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

4 THE COURT: LADIES AND GENTLEMEN, WE WILL DEFER SWEARING
5 YOU. I HAVE COUPLE OF MATTERS THAT I NEED TO DEAL WITH PRIOR
6 TO DOING THAT. SO I AM GOING TO SEND YOU TO THE JURY ROOM
7 WITH THE INSTRUCTION THAT EVEN THOUGH YOU KNOW VERY LITTLE
8 ABOUT THE CASE, WHAT YOU DO KNOW YOU ARE NOT TO DISCUSS IN
9 ANY MANNER OR FASHION WHATSOEVER. THE JURY MAY RETIRE.
10 EVERYONE ELSE REMAIN SEATED WHILE THE JURY IS EXCUSED.

11 (THE JURY RETIRES TO THE JURY ROOM.)

12 THE COURT: I ASSUME THE JURY IS IN THE JURY ROOM. I DON'T
13 SEE A BAILIFF OVER THERE. TO THE REMAINING MEMBERS OF THE
14 JURY PANEL I WANT TO THANK YOU VERY MUCH FOR YOUR COOPERATION
15 THIS MORNING.

16 MADAM CLERK, I THINK YOU HAVE SOME FURTHER INSTRUCTIONS FOR
17 THEM.

18 THE CLERK: YES, SIR, YOUR HONOR. THE TOWN HALL --
19 LEXINGTON TOWN HALL IS LOCATED BACK BEHIND THE COURTHOUSE
20 HERE. IT HAS A CLOCK IN THE FRONT OF IT UP ON THE TOWER
21 PART. YOU NEED TO REPORT THERE AT 2 O'CLOCK THIS AFTERNOON
22 FOR A JURY STRIKE OVER THERE. THAT'S EVERYBODY NEEDS TO BE
23 THERE BY 2 O'CLOCK. THERE WILL BE A CLERK THERE, AND SHE'LL
24 GIVE YOU FURTHER INSTRUCTION ABOUT YOUR SERVICE IN THE JURY
25 SELECTION TODAY.

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1 THE COURT: ALL RIGHT. PLEASE UNDERSTAND THAT YOU NEED TO BE
2 AT THE LEXINGTON TOWN HALL. IT IS A VERY ATTRACTIVE BUILDING
3 REALLY OUT IN BACK OF THE COURTHOUSE THAT HAS THE CLOCK
4 THERE. BE THERE NO LATER THAN 2 O'CLOCK THIS AFTERNOON AND A
5 JURY WILL BE STRUCK OVER THERE AT THAT TIME. I WANT TO THANK
6 YOU VERY MUCH FOR YOUR COOPERATION HERE THIS MORNING, AND YOU
7 WILL RECEIVE FURTHER INSTRUCTIONS THIS AFTERNOON AT 2
8 O'CLOCK. SO, PLEASE REPORT THERE AT 2 O'CLOCK. THE JURY IS
9 EXCUSED. EVERYONE ELSE REMAIN SEATED, PLEASE.

10 THE COURT: ALL RIGHT. I THINK YOU HAD A MATTER TO BRING TO
11 THE COURT'S ATTENTION?

12 MR. HUBBARD: YES, SIR, YOUR HONOR. I APOLOGIZE. LAST
13 NIGHT AFTER WE BROKE ONE OF OUR INVESTIGATORS AT MY REQUEST
14 RUN SOME D.L.'S ON SOME POTENTIAL WITNESSES THAT WE WERE
15 THINKING THE DEFENSE MIGHT HAVE. ONE OF THOSE BY THE WAY WAS
16 WILLIE RICHARDSON THE DEFENDANT. THE PHOTOGRAPH ON THAT
17 LICENSE INFORMATION IS NOT THE PHOTOGRAPH OF THE DEFENDANT.
18 I WAS GOING TO MAKE COPIES OF THESE. I DO NOT HAVE COPIES OF
19 THEM YET TO GIVE THEM TO MR. YOUNG. ALSO, BECAUSE OF THIS WE
20 HAVE THE LIST THAT MR. RICHARDSON FILLED OUT OVER AT THE JAIL
21 OF POTENTIAL PEOPLE THAT MIGHT BE VISITING HIM. BECAUSE OF
22 THE ADDRESS ON THE DRIVER'S LICENSE THAT THE SOUTH CAROLINA
23 HIGHWAY DEPARTMENT HAD, AND THE ADDRESSES OF SOME OF HIS
24 RELATIVES ON THIS VISITATION LIST WE WANTED MR. YOUNG TO GET
25 A COPY OF THAT AS WELL. MR. YOUNG HAS NOT SEEN THESE.

1 THE COURT: ALL RIGHT. I WILL LET YOU PRESENT THAT
2 TO MR. YOUNG. WE WILL TAKE A SHORT BREAK AND COME BACK AND
3 ADDRESS WHATEVER OTHER ISSUES WE NEED TO AT THAT TIME.

4 MR. HUBBARD: YES, SIR, YOUR HONOR.

5 THE COURT: WE WILL STAND AT EASE FOR A FEW MINUTES.

6 (WHEREUPON THERE WAS A RECESS.)

7 THE COURT: LET ME SEE THE LAWYERS AT THE COURT REPORTER'S
8 TABLE.

9 (THE FOLLOWING BENCH CONFERENCE WAS REPORTED.)

10 THE COURT: THE CLERK TELLS ME THAT MR. HALL OF LEXINGTON
11 COUNTY E.M.S. GUY HAS ALL SORTS OF PROBLEMS NOW. I WILL
12 BRING HIM OUT AND FIND OUT WHAT IS GOING ON. LET'S BRING
13 JUROR NUMBER 157, MR. HALL, OUT HERE, PLEASE.

14 THE BAILIFF: YES, SIR.

15 (THE JUROR ENTERS THE COURTROOM.)

16 THE COURT: MR. HALL, WHAT KIND OF PROBLEMS DO YOU SAY YOU
17 HAVE?

18 THE JUROR: I AM ALSO AN INSTRUCTOR FOR THE AMERICAN RED
19 CROSS, AND I HAVE ALREADY HAD MY CLASSES SET UP FOR THIS
20 COMING WEDNESDAY, AND I DIDN'T KNOW IF THIS WAS GOING TO GO
21 INTO WEDNESDAY.

22 THE COURT: YES, SIR. IT WILL GO INTO WEDNESDAY.

23 THE JUROR: I NEED TO CALL THEM.

24 THE COURT: CAN YOU CALL THEM AT LUNCH?

25 THE JUROR: YEAH.

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1 THE COURT: OKAY. THANK YOU VERY MUCH. WHAT KIND OF
2 PRETRIAL MATTERS DO WE HAVE, OR DO WE HAVE SOMETHING THAT
3 MAYBE WE COULD DO OPENINGS AND THEN COME BACK AND LET THE
4 JURY GO TO LUNCH AND THEN DO ANY MATTERS PRIOR TO THAT
5 RETURNING?

6 MR. HUBBARD: YOUR HONOR, AS FAR AS THE STATE, THE ONLY
7 THING WE HAVE IS JUST THE REQUEST OF THE DEFENSE -- WE
8 SERVED THEM WITH A REQUEST FOR RECIPROCAL DISCOVERY INCLUDING
9 NOTICE OF ALIBI. BACK WHEN MR. RICHARDSON WAS REPRESENTING
10 HIMSELF HE DID GIVE US NOTICE HE WAS GOING TO BE USING AN
11 ALIBI, BUT WE HAVE NOT HEARD FROM MR. YOUNG. I DIDN'T KNOW
12 IF THEY ARE STILL SEEKING THAT OR IF THEIR PLANS HAVE CHANGED
13 OR IF THEY ARE GOING TO ASSERT SOME OTHER TYPE OF DEFENSE.

14 MR. YOUNG: YOUR HONOR, AS A RESULT OF ALL THE DISCOVERY
15 QUESTIONS THAT WERE MADE IN THIS CASE, I DON'T RECALL IF I
16 EVER FILED A REQUEST. I RELIED SOLELY ON MR. RICHARDSON'S
17 REQUESTS. HE RESPONDED TO THE NOTICE OF ALIBI, AND THAT IS
18 WHAT I AM STILL RELYING ON.

19 THE COURT: SO, IS IT MY -- GENTLEMEN, I HAVEN'T GONE
20 THROUGH THIS. SO, YOU ARE ALLEGING AN ALIBI DEFENSE?

21 MR. YOUNG: YES, SIR, AND MR. RICHARDSON, I BELIEVE, FILED
22 A COPY WITH THE CLERK OF COURT'S OFFICE DISCLOSING WHO THE
23 WITNESSES ARE IN HIS -- AS FAR AS ALIBI.

24 THE COURT: ALL RIGHT.

25 MR. HUBBARD: YOUR HONOR, I DO SEE THREE WITNESSES' NAMES:

1 SALLY RICHARDSON, AN ALETHA AND ANGELA COLE.

2 THE COURT: HOW ABOUT ALETHA'S LAST NAME?

3 MR. YOUNG: GAYMON IS HER LAST NAME.

4 THE COURT: G-A-M-A-N OR G-A-M-M-O-N?

5 MR. YOUNG: G-A-Y-M-O-N. YOUR HONOR, WE DID NOT INCLUDE

6 THEM ON OUR WITNESS LIST. IT'S NOT OUR INTENTIONS TO CALL

7 THOSE TWO. WE WILL CALL FROM THE WITNESS LIST.

8 THE COURT: ANGELA COLE WAS NOT THERE, WAS SHE?

9 MR. YOUNG: THAT'S CORRECT AND GAYMON IS NOT ON THERE.

10 THE COURT: ALL RIGHT.

11 MR. HUBBARD: THANK YOU, YOUR HONOR. YOUR HONOR?

12 THE COURT: YES, SIR?

13 MR. HUBBARD: JUST LOOKING OVER THIS, I SEE THE NAMES BUT I

14 DON'T SEE WHERE HE IS ALLEGED TO HAVE BEEN OR WHERE HE

15 ALLEGES HE WAS AT THE TIME. I WOULD ASK FOR THAT BEFORE WE

16 GET GOING AS WELL, YOUR HONOR.

17 THE COURT: ALL RIGHT, SIR.

18 MR. YOUNG: YOUR HONOR, THOSE WITNESSES WILL ESTABLISH THAT

19 MR. RICHARDSON WAS IN BROOKLYN, NEW YORK AT THE TIME OF THE

20 -- ON AUGUST 13, 1995.

21 THE COURT: THAT WITNESS WILL -- MRS. RICHARDSON. IF THE

22 OTHER TWO ARE NOT GOING TO BE USED, MRS. RICHARDSON WILL.

23 MR. YOUNG: THAT'S CORRECT.

24 THE COURT: ALL RIGHT. ANYTHING ELSE BEFORE WE BRING THE

25 JURY BACK IN?

1 MR. HUBBARD: NOTHING FROM THE STATE, YOUR HONOR.

2 MR. YOUNG: NOTHING FROM THE DEFENSE, YOUR HONOR.

3 THE COURT: LET'S BRING OUR JURY BACK. DO WE HAVE A WITNESS
4 THAT WE CAN FINISH BEFORE LUNCH? WE'LL DO OPENINGS, AND THEN
5 WE'RE GOING TO BREAK FOR LUNCH.

6 (THE JURY RETURNS TO THE COURTROOM.)

7 THE COURT: MADAME CLERK, SWEAR THE JURY, PLEASE. ANYTHING
8 FROM THE STATE BEFORE THE JURY IS SWORN?

9 MR. HUBBARD: NO, SIR.

10 THE COURT: FROM THE DEFENDANT?

11 MR. YOUNG: NO, SIR, YOUR HONOR.

12 (THE JURY IS DULY SWORN AT 11:58 A.M.)

13 THE COURT: MADAME FOREPERSON AND LADIES AND GENTLEMEN OF
14 THE JURY, THE CASE THAT WE ARE ABOUT TO TRY IS THAT OF THE
15 STATE OF SOUTH CAROLINA AGAINST WILLIE JAMES RICHARDSON, THE
16 DEFENDANT, WHO HAS BEEN CHARGED BY AN INDICTMENT FILED IN
17 THIS COURT WITH THE CRIMES OF MURDER AND THE POSSESSION OF A
18 FIREARM DURING THE COMMISSION OF A VIOLENT CRIME, THE
19 ELEMENTS OF WHICH WILL BE EXPLAINED TO YOU SHORTLY. NOW, YOU
20 SHOULD UNDERSTAND THAT THE INDICTMENT IS SIMPLY THE CHARGE BY
21 WHICH THE CASE IS BROUGHT INTO COURT AND THAT IS NOT IN ANY
22 SENSE EVIDENCE OF ANY OF THE ALLEGATIONS THAT IT CONTAINS.
23 THE DEFENDANT HAS PLED NOT GUILTY TO THESE CHARGES. THE
24 STATE THEREFORE HAS THE BURDEN OF PROVING EACH OF THE
25 ESSENTIAL ELEMENTS OF THE INDICTMENT BEYOND A REASONABLE

1 DOUBT.

2 IT WILL BE YOUR DUTY, LADIES AND GENTLEMEN, TO DECIDE
3 WHETHER THE STATE HAS MET THAT BURDEN. IT IS YOUR SOLEMN
4 RESPONSIBILITY TO DETERMINE THE GUILT OR INNOCENCE OF THE
5 DEFENDANT. YOUR VERDICT MUST BE BASED SOLELY ON THE EVIDENCE
6 AS IT IS PRESENTED TO YOU IN THIS TRIAL AND ON THE LAW AS I
7 INSTRUCT YOU DURING AND AT THE CONCLUSION OF THIS CASE.

8 NOW IN JUST A MOMENT THE SOLICITOR WILL MAKE WHAT IS CALLED
9 HIS OPENING STATEMENT IN WHICH HE WILL EXPLAIN TO YOU THE
10 ISSUES IN THIS CASE OR, AT LEAST, WHAT HE CONTENDS TO BE THE
11 ISSUES IN THIS MATTER, AND IF THE ATTORNEY FOR THE DEFENDANT
12 WISHES TO DO SO, HE MAY ALSO MAKE AN OPENING STATEMENT,
13 THOUGH HE IS NOT REQUIRED TO DO SO.

14 NOW, I WANT TO TELL YOU THAT WHAT THE ATTORNEYS WILL SAY AT
15 THIS TIME IS NOT EVIDENCE IN THIS CASE. IT IS ONLY THEIR
16 CONTENTION AS TO WHAT THE ISSUES ARE. THE EVIDENCE IN THIS
17 CASE WILL BE PRESENTED BY THE TESTIMONY OF SWORN WITNESSES
18 FROM THE WITNESS STAND OR BY SUCH EXHIBITS INTRODUCED INTO
19 EVIDENCE. NOW, IN THE CONSIDERATION OF THIS EVIDENCE, YOU
20 SHOULD REMEMBER THAT UNDER THE CONSTITUTION OF THE STATE OF
21 SOUTH CAROLINA, YOU TWELVE JURORS ALONE ARE THE SOLE JUDGES
22 OF THE FACTS IN THIS CASE, AND THE SAME LAW THAT MAKES YOU
23 THE JUDGES OF THE FACTS ALSO MAKES ME THE JUDGE OF LAW. I
24 CANNOT INVADE YOUR PROVINCE AND TELL YOU WHAT THE FACTS ARE,
25 AND YOU SHOULD NOT INVADE MY PROVINCE AND DIFFER WITH ME

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1 ABOUT WHAT THE LAW IS.

2 YOUR JOB IS TO TAKE THE LAW AS I WILL GIVE IT TO YOU AND
3 APPLY IT TO THE FACTS AS YOU FIND THEM FROM THE WITNESSES WHO
4 WILL TESTIFY FROM THE WITNESS STAND TOGETHER WITH ANY
5 EXHIBITS THAT MAY BE INTRODUCED INTO EVIDENCE. AFTER DOING
6 THAT YOU WILL RENDER YOUR VERDICT -- A TRUE AND JUST VERDICT
7 UNDER THE SOLEMN OATH THAT YOU TOOK JUST A FEW MOMENTS AGO AS
8 JURORS.

9 NOW, FROM TIME TO TIME DURING THE TRIAL OF THIS CASE YOU
10 MAY HEAR ONE OF THE LAWYERS SAY SOMETHING LIKE, I BELIEVE WE
11 HAVE A MATTER OF LAW OR A QUESTION OF LAW TO DISCUSS WITH YOU
12 OR MAY WE APPROACH THE BENCH OR SOMETIMES I MIGHT FIND IT
13 NECESSARY THAT YOU BE EXCUSED FROM THE COURTROOM FOR A SHORT
14 WHILE AS THE ATTORNEYS AND I ACTUALLY DISCUSS A MATTER OF
15 LAW.

16 NOW, THE REASON FOR THIS IS BECAUSE, ONCE AGAIN, YOU ARE
17 THE JUDGES OF THE FACTS IN THIS CASE. SOMETIMES WHEN I AM
18 DISCUSSING MATTERS OF LAW WITH THE ATTORNEYS, IT MAY BE
19 NECESSARY FOR ME TO MAKE SOME COMMENT AS TO THE FACTS IN
20 CONNECTION WITH RULING WHETHER OR NOT A PARTICULAR LAW IS
21 APPLICABLE. NOW, I AM NOT SUPPOSED TO TELL YOU WHAT I THINK
22 THE FACTS ARE. SO, MY PRACTICE IS TO EXCUSE YOU FROM THE
23 COURTROOM WHILE THESE DISCUSSIONS MAY TAKE PLACE SO THAT IN
24 NO WAY WILL YOU BE INFLUENCED BY ANYTHING THAT I MIGHT SAY OR
25 DO IN CONNECTION WITH THE FACTS.

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1 AND IN REGARD LET ME REMIND AND TELL YOU, ONCE AGAIN, THAT
2 YOU AND YOU ALONE ARE THE SOLE JUDGES OF THE FACTS IN THIS
3 CASE. NOW IN DETERMINING WHAT THE TRUE FACTS ARE IN THIS
4 CASE YOU, OF NECESSITY, MUST PASS ON THE CREDIBILITY OR THE
5 BELIEVABILITY OF THE WITNESSES WHO WILL TAKE THE WITNESS
6 STAND. IT WILL BE MY RESPONSIBILITY TO RULE AS A MATTER OF
7 LAW AS TO WHETHER CERTAIN TESTIMONY IS ADMISSIBLE AT ALL OR
8 NOT. BUT ONCE I HAVE ALLOWED THAT TESTIMONY TO BE ADMITTED,
9 WHETHER YOU BELIEVE IT IS SOLELY FOR YOU TO DETERMINE. IN
10 PASSING UPON THE CREDIBILITY OR BELIEVEABILITY OF THE
11 WITNESSES, YOU HAVE THE RIGHT AS A JURY TO TAKE INTO
12 CONSIDERATION THE INTEREST OF ANY WITNESS, THE BIAS OF ANY
13 WITNESS, THE PREJUDICE OF ANY WITNESS, THE OPPORTUNITY FOR
14 THAT WITNESS TO HAVE OBSERVED THE MATTERS AND THINGS ABOUT
15 WHICH HE OR SHE MAY TESTIFY AS WELL THE DEMEANOR OF THE
16 WITNESS ON THE WITNESS STAND.

17 ANYTHING THAT IS IN THE RECORD THAT WILL AID AND ASSIST YOU
18 IN EVALUATING THE TESTIMONY OF THE SEVERAL WITNESSES WHO WILL
19 TESTIFY IN THIS CASE YOU HAVE A RIGHT TO CONSIDER. THAT
20 MEANS, MADAME FOREPERSON AND LADIES AND GENTLEMEN, THAT IT IS
21 YOUR DUTY UNDER YOUR SWORN OBLIGATION AS JURORS TO PAY CLOSE
22 ATTENTION TO THE WITNESSES, TO OBSERVE THEM AND TO LISTEN TO
23 THEM, AND TO PAY CLOSE ATTENTION TO THE ATTORNEYS AS WELL AS
24 TO THE COURT. DO NOT LET YOUR THOUGHTS WANDER, BUT GIVE
25 STRICT ATTENTION TO THE TESTIMONY IN THIS CASE SO AT THE

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1 CONCLUSION OF ALL THE TESTIMONY AFTER THE ARGUMENTS OF THE
2 LAWYERS AND THEN THE CHARGE OR INSTRUCTION ON THE LAW BY THE
3 COURT YOU WILL THEN BE IN A POSITION TO DETERMINE WHAT THE
4 TRUE FACTS ARE AND TO APPLY THE LAW TO THOSE FACTS AND THUS
5 RENDER A TRUE AND JUST VERDICT.

6 NOW, I AM GOING TO INSTRUCT YOU ARE NOT TO TAKE ANY NOTES
7 DURING THE COURSE OF THIS TRIAL. UNTIL THIS CASE IS
8 SUBMITTED TO YOU, YOU MUST NOT DISCUSS IT WITH ANYONE -- NOT
9 EVEN YOUR FELLOW JURORS OR WITH MEMBERS OF YOUR OWN FAMILY.
10 AFTER THIS CASE IS SUBMITTED TO YOU MUST DISCUSS IT ONLY IN
11 THE JURY ROOM AMONG YOURSELVES. IT IS EXTREMELY IMPORTANT
12 FOR EACH OF YOU TO KEEP AN OPEN MIND AND NOT DECIDE THE CASE
13 UNTIL THE ENTIRE MATTER HAS BEEN SUBMITTED TO YOU UNDER MY
14 INSTRUCTIONS.

15 MADAME FOREPERSON, IT WILL BE YOUR ADDED DUTY TO PRESIDE IN
16 JURY ROOM AND BE THE JURY SPOKESPERSON HERE IN COURT, AND IT
17 WILL ALSO BE YOUR DUTY TO WRITE THE VERDICT IN THIS CASE. I
18 WILL GIVE YOU FURTHER INSTRUCTIONS ABOUT THAT AT THE
19 CONCLUSION OF THIS TRIAL. NOW, I DO NOT INTEND THAT YOU OR
20 ANYONE ELSE SHOULD CONSTRUE THESE REMARKS I JUST MADE AS A
21 CHARGE ON THE LAW IN THIS CASE BECAUSE IT'S NOT THAT. I WILL
22 CHARGE YOU THE LAW THAT APPLIES TO THIS CASE AT THE
23 CONCLUSION OF THE TRIAL. THIS HAS MERELY BEEN AN ATTEMPT ON
24 MY PART TO BRIEFLY EXPLAIN TO YOU SOME OF PROCEDURES THAT WE
25 WILL FOLLOW DURING THE TRIAL SO YOU WILL HAVE A BETTER

1 UNDERSTANDING AS TO WHAT MAY BE HAPPENING FROM TIME TO TIME.

2 WE WILL NOW BEGIN THE TRIAL. OPENING STATEMENT, PLEASE,
3 SOLICITOR.

4 MR. HUBBARD: MAY IT PLEASE THE COURT?

5 THE COURT: YES, SIR.

6 MR. HUBBARD: MADAME FORELADY AND LADIES AND GENTLEMEN OF
7 THE JURY, THE CRIME OF MURDER IS COMMONLY THE CRIME OF
8 ISOLATION. THE ONLY PEOPLE THAT ARE PRESENT ARE THE VICTIM
9 AND THE KILLER. YOU WILL FIND, LADIES AND GENTLEMEN, THAT
10 THIS CASE IS DRAMATICALLY DIFFERENT. INSTEAD OF THE POLICE
11 WORKING FROM THE BODY COLLECTING EVIDENCE TRYING TO PIECE THE
12 PIECES OF THE PUZZLE TOGETHER TO FIND THE KILLER, THIS CASE,
13 THIS KILLING, THIS MURDER WAS OPEN. IT WAS PUBLIC, AND IT
14 WAS BRUTAL.

15 ON THE NIGHT OF AUGUST 12, 1995, THE EARLY MORNING HOURS OF
16 AUGUST 13TH OF '95, ALFRED JONES, THE VICTIM IN THIS CASE,
17 THE MAN THAT WAS MURDERED, AND HIS GOOD FRIEND KIRBY BLOCKER
18 WERE GOING TO THE C&L SOCIAL CLUB. IT IS A SMALL LITTLE BAR
19 OUTSIDE OF CHAPIN. IT'S ON MEADOWLARK ROAD -- HALF PAVED
20 ROAD, HALF DIRTROAD -- KIND OF OFF THE BEATEN PATH.

21 KIRBY BLOCKER WORKED THERE. HE WAS THE DOORMAN. HE SHARED
22 THE RESPONSIBILITIES OF CHECKING I.D.'S, CHECKING PEOPLE FOR
23 WEAPONS, AND RUN A METAL DETECTOR, AND ALSO COLLECTING MONEY
24 FROM THE PEOPLE THAT WOULD COME INSIDE THAT CLUB.

25 ALFRED JONES WAS A MEMBER OF THAT CLUB. HE WAS GOING THERE

1 TO SOCIALIZE THAT NIGHT. NEITHER ONE OF THEM CAUSED ANY
2 TROUBLE OR WERE LOOKING FOR ANY TROUBLE, BUT, LADIES AND
3 GENTLEMEN, SOMETIMES TROUBLE JUST SHOWS UP. TROUBLE JUST
4 ROLLS IN, AND THAT'S WHAT HAPPENED THAT NIGHT.

5 WHEN WILLIE RICHARDSON, THAT MAN RIGHT THERE, A MAN ALSO
6 KNOWN BY THE NAME OF RAHEEM OR RAH, PULLED INTO TOWN THAT
7 NIGHT, PULLED INTO THE C&L SOCIAL CLUB WITH A GROUP OF HIS
8 FRIENDS, THEY CAME IN, MADE A SCENE, KIND OF. THEY STOOD
9 OUT. A WHITE TOYOTA LANDCRUISER, A REAL EXPENSIVE VEHICLE,
10 PULLED IN -- AT THE SAME TIME ANOTHER LANDCRUISER, DARKER
11 COLOR, AND A BURGUNDY VOLVO. SOME WITNESSES SAY THREE CARS.
12 SOME WITNESSES SAY FOUR, BUT THEY ARE KIND OF FLASHY CARS FOR
13 THIS TYPE OF BAR -- THIS TYPE OF ESTABLISHMENT.

14 THEY PULLED IN. MR. RICHARDSON GOT OUT, AND MEMBERS OF HIS
15 GROUP GOT OUT -- MALES AND FEMALES -- WALKED UP TO THE
16 FRONT DOOR. KIRBY BLOCKER WAS WORKING THAT FRONT DOOR, AND
17 HE RECOGNIZED THIS MAN. HE HAS SEEN THAT FACE BEFORE --
18 WILLIE RICHARDSON.

19 MR. RICHARDSON PAID FOR THE ENTIRE GROUP OUT OF A LARGE WAD
20 OF MONEY, GIVE HIM THE MONEY, AND THEY WENT INSIDE. THEY
21 STOOD OUT -- GOT UP TO BAR, MR. RICHARDSON BOUGHT A ROUND
22 OF DRINKS FOR THE ENTIRE GROUP OF PEOPLE STANDING UP AT THE
23 BAR. IT'S A LITTLE DIFFERENT FOR THAT TYPE CLUB. THEY STOOD
24 OUT. AFTER A LITTLE BIT OF TIME -- NOT VERY LONG, A FIGHT
25 BROKE OUT. A FIGHT BROKE OUT BETWEEN ALFRED JONES AND MANY

1 OF THE MEMBERS OF HIS GROUP -- THE MALES IN HIS GROUP. THEY
2 WERE BEATING MR. JONES -- BEATING HIM WITH BARSTOOLS, FISTS,
3 KICKING HIM, ANYTHING THEY COULD GET THEIR HANDS ON. THEY
4 WERE FIGHTING MR. JONES, AND THEY BEAT HIM DOWN.

5 AFTER THEY HAD BEATEN HIM DOWN, THE PEOPLE IN THE CLUB, THE
6 BOUNCERS, THE DOORMEN, TRIED TO HELP OUT AND TRIED TO
7 SEPARATE THIS GROUP, TRIED TO GET THE PEOPLE OFF MR. JONES.
8 WHEN THEY DID THAT, WILLIE RICHARDSON, RAHEEM, WALKED OUT OF
9 THAT CLUB. HE WALKED TO THAT WHITE TOYOTA LANDCRUISER, AND
10 HE GOT A NINE MILLIMETER HANDGUN. HE WALKED BACK IN --
11 TRIED TO WALK BACK IN. THEY SLAMMED THE DOOR CLOSING IT SHUT
12 TRYING TO KEEP HIM OUT WITH THAT GUN. HE BANGED ON THE DOOR
13 WITH PEOPLE OUTSIDE WATCHING HIM AS CLOSE AS FROM ME TO YOU.
14 WELL-LIT -- YOU COULD SEE THEM, OBSERVE THEM.

15 FINALLY, ONE OF THE FEMALES IN HIS GROUP OPENED THE DOOR
16 AND LET HIM IN, SAID, "IT AIN'T WORTH IT, WILLIE." SHE WAS
17 HYSTERICAL. SHE WAS EXCITED. "IT AIN'T WORTH IT, WILLIE." HE
18 GOES BACK INSIDE. GUNSHOTS ARE THE NEXT THING YOU HEAR. THE
19 FIRST SHOT, ALFRED JONES WAS LAYING ON THE GROUND, BEATEN
20 DOWN, BEATEN WITH BARSTOOLS, BEING KICKED, BEING HIT -- NO
21 WAY HE COULD HARM ANYONE. HE SHOT HIM ON THE GROUND IN THE
22 STOMACH, FIRST SHOT. THAT KNOCKED MR. JONES UNCONSCIOUS FOR
23 A SECOND. HE JUMPED UP, TRIED TO RUN. HE TRIED TO RUN INTO
24 THE BAR AREA OF THIS BUSINESS. HE SHOT HIM AGAIN. THE
25 SECOND SHOT BROKE HIS LEG, KNOCKED HIM FACE DOWN INTO THE

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1 KITCHEN AND BAR AREA OF THAT BUSINESS. YOU WILL SEE
2 PICTURES. YOU WILL SEE DIAGRAMS. I KNOW THESE FACTS --
3 THEY DON'T FIT WITH YOU RIGHT NOW, BUT THEY WILL ONCE YOU
4 HEAR THE TESTIMONY AND SEE THE EXHIBITS.

5 AS HE WAS LAYING THERE BLEEDING, TWICE SHOT, LAYING ON THAT
6 FLOOR, HE CAME UP BEHIND HIM, AND HE SHOT HIM IN THE BACK
7 SITTING FACE DOWN ON THAT FLOOR -- A DEFENSELESS, BLEEDING
8 HUMAN BEING, AND HE KILLED HIM. HE FLED THAT BAR, THAT
9 RESTAURANT, LEFT OUT OF THERE IN THAT WHITE TOYOTA
10 LANDCRUISER WITH ALL HIS FRIENDS. THEY ALL TOOK OFF OUT IN
11 PARKING LOT AT THE SAME TIME.

12 PEOPLE AT THE SCENE HAD HEARD HIM CALLED WILLIE. THEY ALSO
13 HEARD HIM CALLED RAH. RAHEEM IS HIS NICKNAME. THEY GOT THE
14 LICENSE TAG OF THAT TOYOTA LANDCRUISER AND OTHER
15 LANDCRUISER. THEY RAN THE PLATES. THE POLICE RAN THE PLATES
16 WHEN THEY GOT THERE. IT COME BACK TO WILLIE JAMES
17 RICHARDSON, 2700 PARK STREET, AND THE ADDRESS IS THE FAMILY
18 ADDRESS FOR HIM -- HIS GRANDMOTHER'S ADDRESS, HIS FATHER'S
19 ADDRESS.

20 THEY WENT SEARCHING FOR HIM, PUT OUT AN ALL POINTS BULLETIN
21 -- WHAT'S CALLED A B.O.L.O -- BE ON THE LOOKOUT FOR THAT
22 VEHICLE, THAT PERSON, THAT NAME, HEIGHT AND WEIGHT
23 DESCRIPTION -- COULDN'T FIND HIM, FOUND THE VEHICLE THE NEXT
24 DAY AND RECOVERED IT.

25 SOME TWO YEARS LATER, LADIES AND GENTLEMEN, HE HAS BEEN RUN

1 IN THE MIDLANDS MOST WANTED. PEOPLE ARE LOOKING FOR HIM --
2 LAW ENFORCEMENT. HE TURNS UP IN NEW YORK -- BROOKLYN, NEW
3 YORK, AND THEY ARREST HIM THE SUMMER OF '97. AFTER HE IS
4 ARRESTED HE IS TRANSPORTED FROM NEW YORK TO VIRGINIA AND HELD
5 THERE FOR A SHORT PERIOD OF TIME. DURING THE TIME THAT HE IS
6 IN VIRGINIA HE HAS A CELLMATE BY THE NAME OF REGINALD LUCAS.
7 YOU WILL HEAR FROM MR. LUCAS BECAUSE THEY TALKED. THEY
8 TALKED ABOUT THEMSELVES. THEY TALKED ABOUT THEIR CHARGES.
9 THEY TALKED ABOUT THINGS.

10 ONE THING THAT RAHEEM WILLIE RICHARDSON TALKED TO MR. LUCAS
11 ABOUT IS, I AM GOING TO TRY TO MAKE UP AN ALIBI. I AM GOING
12 TO TRY TO SAY I WAS IN NEW YORK AT A FUNERAL. I WILL GET
13 THESE PEOPLE TO TESTIFY FOR ME -- MY FAMILY. HOW DO YOU
14 THINK THAT IS GOING TO SOUND? DO YOU THINK THAT'S
15 BELIEVABLE? THE FELLOW LISTENED TO ALL OF THIS. HE ALSO
16 LISTENED TO HIM SAY, I WAS AT THE CLUB. I DID KILL A MAN IN
17 A CLUB IN SOUTH CAROLINA, BUT I WILL USE THIS ALIBI TO GET ME
18 OUT OF THIS CHARGE. I WILL USE THIS MADE-UP LIE TO TRY TO GET
19 AWAY FROM MY RESPONSIBILITY FOR KILLING THIS MAN.

20 YOU ARE GOING TO HEAR FROM MR. LUCAS. YOU WILL GET TO
21 ASSESS HIS CREDIBILITY, HIS BELIEVABILITY. HE IS GOING TO
22 TELL YOU HE WAS AT A FUNERAL. WE SAY HE WAS CAUSING A
23 FUNERAL HERE IN LEXINGTON COUNTY.

24 NOW, LADIES AND GENTLEMEN, THE DEFENSE ATTORNEY IS GOING TO
25 TELL WE HAVE TO PROVE HIM GUILTY BEYOND A REASONABLE DOUBT.

1 WE DO. WE WELCOME THAT BURDEN IN THIS CASE. BUT LADIES AND
2 GENTLEMEN, REASONABLE DOUBT DOESN'T MEAN BEYOND ALL DOUBT.
3 IT DOESN'T MEAN BEYOND A SHADOW OF A DOUBT. IT'S WHAT IS
4 REASONABLE -- WHAT YOU TAKE IN FROM THE EVIDENCE AND THE USE
5 OF THAT GOOD COMMON SENSE THAT YOU BRING INTO THE JURY BOX
6 WITH YOU THAT YOU DON'T LEAVE AT HOME -- THAT YOU BRING WITH
7 YOU; YOUR EXPERIENCES IN LIFE, YOUR FAMILY HISTORIES, YOUR
8 WORK HISTORIES, THE THINGS THAT MAKE YOU UNIQUE, AND THAT
9 GOOD COMMON SENSE.

10 I WILL ASK YOU TO FOCUS THOSE THINGS ON THE EVIDENCE AND
11 COME BACK WITH A VERDICT THAT SPEAKS THE TRUTH THAT GIVES
12 THIS FAMILY JUSTICE. THEY HAVE BEEN WAITING ALMOST FIVE
13 YEARS FOR IT, LADIES AND GENTLEMEN, AND YOU ARE THE ONLY ONES
14 THAT CAN GIVE IT TO THEM. WE THANK YOU FOR THE SERVICE YOU
15 GIVE TO US. WE THANK YOU FOR SERVING THIS DAY.

16 THE COURT: MR. YOUNG?

17 MR. YOUNG: MAY IT PLEASE THE COURT?

18 THE COURT: YES, SIR.

19 MR. YOUNG: SQUARE PEGS IN ROUND HOLES. THAT'S WHAT THIS
20 CASE IS ALL ABOUT -- TRYING TO PUT A SQUARE PEG INTO A ROUND
21 HOLE. WE'VE ALL SEEN CHILDREN PLAYING IN THEIR LITTLE PLAY
22 YARDS OR PLAYING IN THE PLAY ROOM, AND THEY HAVE THE LITTLE
23 TOYS WHERE THEY TRY TO FORCE AN OBJECT INTO A SHAPE OR A HOLE
24 THAT IT JUST WON'T FIT. THAT'S WHAT THE SOLICITORS ARE
25 TRYING TO DO TODAY. THEY ARE TRYING TO FORCE A SQUARE PEG

1 INTO A ROUND HOLE.

2 WE DO NOT DISAGREE THAT ON THE MORNING OF AUGUST 13, 1995
3 AT THE C&L CLUB IN CHAPIN, SOUTH CAROLINA, THAT A TRAGEDY
4 OCCURRED. THE LIFE OF A MAN WAS TAKEN. WE DO NOT DISPUTE
5 THAT. BUT YOU SEE, THE SOLICITOR'S OFFICE, THE STATE, ARE
6 TRYING TO SAY THAT WILLIE RICHARDSON IS THE CAUSE OF THAT.

7 LADIES AND GENTLEMEN, YOU WILL HEAR THE EVIDENCE IN THIS
8 CASE. YOU WILL HAVE THE OPPORTUNITY TO HEAR EVERY WITNESS,
9 TO JUDGE THEIR CREDIBILITY, TO DETERMINE WHETHER OR NOT THEY
10 ARE RELIABLE; WHETHER OR NOT THEY ARE BELIEVABLE. WHEN YOU
11 HEAR THAT EVIDENCE, WHEN YOU HEAR THEIR TESTIMONY, WHEN YOU
12 HEAR FROM THESE PEOPLE WHO WERE THERE THAT NIGHT, YOU WILL
13 REALIZE THAT THE STATE IS TRYING TO FORCE A SQUARE PEG INTO A
14 ROUND HOLE.

15 LADIES AND GENTLEMEN, MR. RICHARDSON DOES NOT HAVE ANY
16 BURDENS WHATSOEVER IN THIS CASE. HE CAN SIT OVER AT THE
17 TABLE NEXT TO ME AND NOT SAY A WORD. WE DO NOT HAVE TO OFFER
18 ANY EVIDENCE WHATSOEVER, YOU SEE, BECAUSE THE BURDEN LIES ON
19 THE STATE OF SOUTH CAROLINA TO PROVE BEYOND A REASONABLE
20 DOUBT THAT HE COMMITTED THIS CRIME. AS I STATED EARLIER THE
21 EVIDENCE WILL SHOW FROM THE WITNESSES OF THAT NIGHT WHAT
22 ACTUALLY OCCURRED. LISTEN TO THEIR TESTIMONY. LISTEN TO WHAT
23 THEY SAID IN '95, WITH WHAT THEY SAY TODAY IN THE YEAR 2000.
24 JUDGE WHETHER OR NOT THINGS WERE FRESH THEN OR FRESH NOW.
25 YOU BE THE JUDGE AS TO WHETHER OR NOT THEY ARE BELIEVABLE OR

1 WHETHER OR NOT THEY ARE CREDIBLE.

2 WHEN ALL IS SAID AND DONE, I AM CERTAIN YOU ARE GOING TO
3 COME BACK AND YOU ARE GOING TO TELL THE STATE OF SOUTH
4 CAROLINA THAT WHILE THERE WAS A TRAGEDY ON AUGUST 13, 1995,
5 WHILE SOME STRANGE INCIDENT OCCURRED THAT YOU JUST CANNOT --
6 NO MATTER WHAT YOU DO, NO MATTER WHO YOU PUT UP, YOU JUST
7 CANNOT FORCE A SQUARE PEG INTO A ROUND HOLE.

8 WHEN ALL IS SAID AND DONE AS FAR AS THE EVIDENCE IS
9 CONCERNED THE JUDGE IS GOING TO INSTRUCT YOU ON THE LAW. IT
10 WILL BE YOUR JOB TO APPLY THAT LAW TO THE FACTS THAT YOU
11 HEAR. YOU SEE, THE REASON WE WENT THROUGH THE PROCESS THIS
12 MORNING OF SELECTING EACH OF YOU IS BECAUSE WE WANTED TO
13 SELECT PERSONS THAT COULD BE FAIR AND IMPARTIAL, PERSONS WHO
14 CAN PUT ALL ELSE ASIDE AND ONLY CONSIDER WHAT IS PRESENTED
15 FROM THIS STAND. ONLY CONSIDER THE LAW AS THE JUDGE PROVIDES.
16 PUT IT ALL TOGETHER AND DETERMINE WHAT ACTUALLY HAPPENED.
17 DETERMINE WHETHER OR NOT THE STATE OF SOUTH CAROLINA MEETS
18 ITS BURDEN, THE BURDEN BEYOND A REASONABLE DOUBT.

19 IT IS STATED THAT A REASONABLE DOUBT IS NOT ALL DOUBT. A
20 REASONABLE DOUBT IS A DOUBT FOR WHICH YOU CAN STATE A REASON
21 FOR IT. USE YOUR COMMON SENSE, LADIES AND GENTLEMEN,
22 THROUGHOUT THIS TRIAL. LISTEN TO THE EVIDENCE. IF SOMETHING
23 SOUNDS STRANGE TO YOU -- MY GRANDFATHER HAS ALWAYS SAID, "IF
24 IT SMELLS LIKE FISH, IT'S PROBABLY FISH." IF IT'S VILE, IT'S
25 PROBABLY SOMETHING BAD. LISTEN TO THE EVIDENCE. USE YOUR

1 COMMON SENSE. TELL THE STATE THAT YOU CAN'T PUT A SQUARE PEG
2 IN A ROUND HOLE. THANK YOU.

3 THE COURT: LADIES AND GENTLEMEN OF THE JURY, OUR FIRST
4 WITNESS WOULD TAKE US BEYOND THE 1 O'CLOCK HOUR THAT WE
5 TRADITIONALLY TRY TO OBSERVE FOR A LUNCH BREAK. WE WILL TAKE
6 OUR LUNCH BREAK A LITTLE BIT EARLY FOR TODAY. BEFORE I SEND
7 YOU AWAY FOR LUNCH LET ME GIVE YOU SOME INSTRUCTIONS.

8 FIRST OF ALL, YOU ARE NOT TO DISCUSS THE CASE AMONG
9 YOURSELVES AS YOU EXIT THE COURTHOUSE IF YOU
10 HAPPEN TO GO TO LUNCH TOGETHER OR WHEN YOU RECONVENE IN THE
11 JURY ROOM THE END OF LUNCH HOUR. ALSO, YOU ARE NOT TO
12 DISCUSS THIS CASE WITH YOUR FAMILY, FRIENDS, OR ANYONE ELSE.
13 SHOULD ANYONE ATTEMPT TO CONTACT YOU CONCERNING THIS CASE, I
14 WANT YOU TO GATHER AS MUCH INFORMATION ABOUT THAT PERSON OR
15 PERSONS AS YOU POSSIBLY CAN AND REPORT THAT TO ME IMMEDIATELY
16 UPON YOUR RETURN TO THE COURTHOUSE BECAUSE THAT'S A VERY
17 SERIOUS MATTER, AND I WILL DEAL WITH THE PERSON WHO ATTEMPTED
18 TO CONTACT YOU ACCORDINGLY.

19 ALSO, I AM GOING TO INSTRUCT YOU THAT YOU ARE NOT TO READ,
20 WATCH, OR LISTEN TO ANY NEWS ACCOUNTS CONCERNING THIS CASE.
21 VERY SIMPLY PUT, ALL I WANT YOU TO CONSIDER IN THIS MATTER IS
22 WHAT YOU SEE AND HEAR IN THIS COURTROOM -- NOTHING MORE,
23 NOTHING LESS. SO, PLEASE, I DO NOT KNOW THAT THERE WOULD BE
24 ANYTHING IN THE NEWS MEDIA ABOUT THIS CASE, BUT, ONCE AGAIN,
25 OUT OF AN ABUNDANCE OF CAUTION, I, ONCE AGAIN, INSTRUCT YOU

LISA H. HICKLIN, RPR
CERTIFIED COURT REPORTER
POST OFFICE BOX 165
AIKEN, SC 29802

1 THAT YOU ARE NOT TO READ, WATCH, OR LISTEN TO ANY NEWS
2 ACCOUNTS CONCERNING THIS CASE OR TO HAVE ANY CONVERSATIONS
3 WITH ANYONE CONCERNING THIS CASE. I AM GOING TO ASK THAT YOU
4 BE BACK IN YOUR JURY ROOM AND READY TO GO AT 1:45. THAT WILL
5 BE 15 MINUTES UNTIL 2. WE WILL GET STARTED PROMPTLY AT THAT
6 TIME. WHEN YOU COME BACK TO THE COURTHOUSE, PLEASE COME
7 DIRECTLY TO THE JURY ROOM. DO NOT COME TO COURTROOM. DO NOT
8 LINGER IN THE HALLS. DO NOT LINGER OUTSIDE THE COURTHOUSE.
9 COME DIRECTLY TO YOUR JURY ROOM. THERE WILL BE A BAILIFF
10 THERE TO RECEIVE YOU. I HOPE YOU HAVE NICE LUNCH BREAK, AND
11 I WILL LOOK FORWARD TO SEEING YOU BACK HERE AT 1:45. THE
12 JURY IS EXCUSED. EVERYONE ELSE REMAIN SEATED, PLEASE.

13 (THE JURY IS EXCUSED FOR LUNCH AT 12:20 P.M.)

14 THE COURT: GENTLEMEN, INsofar AS ANY PRETRIAL MATTERS THAT
15 WE HAVE DISCUSSED I KNOW WE HAVE GOT SOME PROFFERS THAT WE
16 ARE TO MAKE AT SOME POINT IN TIME. WHEN ARE WE GOING TO DO
17 THOSE?

18 MR. HUBBARD: YOUR HONOR, WE CAN DO THEM ANYTIME. I HAVE
19 -- ONE OF THOSE WITNESSES WAS SCHEDULED TO GET IN ABOUT
20 RIGHT NOW FROM OUT OF STATE. THEY ARE DOWN TOWARD THE END OF
21 OUR WITNESS LIST. I DON'T KNOW IF YOU WANT---

22 THE COURT: WE'LL DO THAT AT THE END OF DAY, IF NECESSARY,
23 BUT THE THING THAT I WANT TO DO IS IF WE CAN DO SOMETHING
24 WHILE THE JURY IS NOT AT THE COURTHOUSE, OF COURSE, RATHER
25 THAN SENDING THEM OUT TO THE JURY ROOM AND THAT TYPE OF

1 | THING. SO, JUST KEEP THAT IN MIND. IF WE DON'T HAVE
2 | ANYTHING WE NEED TO DO PRIOR TO STARTING BACK AT 1:45, I WILL
3 | SEE YOU BACK HERE THEN.

4 | MR. HUBBARD: YES, SIR.

5 | THE COURT: ANYTHING ELSE FROM THE DEFENSE?

6 | MR. YOUNG: NO, SIR, YOUR HONOR.

7 | THE COURT: THANK YOU, GENTLEMEN. WE WILL STAND AT EASE
8 | UNTIL 1:45.

9 | (WHEREUPON THERE WAS A LUNCHEON RECESS.)

10 | (PLAINTIFF'S EXHIBIT NOS. 1-10, 12-20, 22-29 ENTERED INTO
11 | EVIDENCE.)

12 | (PLAINTIFF'S EXHIBIT NOS. 11 & 21 MARKED FOR
13 | IDENTIFICATION.)

14 | THE COURT: IS THE STATE READY TO PROCEED?

15 | MR. HUBBARD: WE ARE, YOUR HONOR.

16 | THE COURT: THE DEFENSE READY?

17 | MR. YOUNG: WE ARE, YOUR HONOR.

18 | THE COURT: ARE THESE WITHOUT OBJECTION?

19 | MR. HUBBARD: TWO OF THEM ARE MARKED FOR I.D. WE CAN TAKE
20 | THAT UP NOW OR WE CAN WAIT UNTIL I OFFER IT OR HOWEVER YOUR
21 | HONOR WISHES.

22 | THE COURT: WELL, IF IT IS SOMETHING THAT WE NEED TO SEND
23 | THE JURY OUT, WHY DON'T WE GO ON AND DO THAT? BUT IF IT'S
24 | NOT, I MEAN, I DON'T MIND DOING IT.

25 | MR. HUBBARD: THERE ARE TWO SEPARATE ONES. IT MIGHT BE

1 EASIER TO DO THEM UP HERE. THE FIRST ONE, STATE'S 11 FOR
2 I.D. IS AN INSIDE SHOT OF THE BAR SCENE LOOKING BACK INTO THE
3 KITCHEN AREA WHERE THE VICTIM FELL. THIS FALLS ON THE HEELS
4 OF SEVERAL OTHER SHOTS, STATE'S EXHIBIT 9 AND 10, WHICH ARE
5 ALSO INTERIOR SHOTS SHOWING THE LAYOUT. ONE SHOT SHOWS THE
6 KITCHEN AREA WHERE HE WENT INTO. OBVIOUSLY, ONE, IT'S
7 DARKENED WHERE HE FELL. I DON'T THINK IT'S VERY GRAPHIC. IT
8 DOES SHOW THE BODY.

9 MR. YOUNG: MY OBJECTION ON THAT ONE, YOUR HONOR, IS THAT
10 IT DOES SHOW THE BODY, AND IT DOES APPEAR TO SHOW WHAT
11 APPEARS ON A STREAM OF BLOOD COMING FROM I BELIEVE HIS FEET
12 AREA THERE, AND MY POSITION WOULD BE THAT IT IS HIGHLY
13 PREJUDICIAL, AND THE PREJUDICIAL EFFECT WOULD OUTWEIGH ANY
14 PROBATIVE VALUE OF IT.

15 MR. HUBBARD: I HAVE ANOTHER ONE AS WELL, YOUR HONOR, WHICH
16 IS ACTUALLY A SHOT OF THE BODY. I WILL SHOW YOU THAT --
17 STATE'S EXHIBIT I.D. 21. AND I HAVE GOT THE ORIGINAL THAT I
18 CROPPED FROM, YOUR HONOR, AND I WILL SHOW YOU THAT. LET ME
19 GRAB THAT REAL QUICK.

20 THE COURT: YOU ARE GOING TO HAVE SOMEBODY TESTIFY ABOUT
21 THIS, AREN'T YOU?

22 MR. HUBBARD: YES, SIR. I WILL EXPLAIN WHAT WE DID. THE
23 TESTIMONY WE ARE GOING TO TRY TO ELICIT IS THAT AS THE VICTIM
24 WAS SHOT HE FELL IN THAT AREA. I AM ALSO GOING TO USE THE
25 BOARD. PEOPLE THAT TRIED TO HELP HIM SAY HE WAS STILL ALIVE

1 AT THE TIME. THEY PULLED HIS SHIRT UP. HE WAS SAYING, YOU
2 KNOW, "WHERE AM I HIT," OR THEY WANTED TO SEE WHERE HE WAS
3 HIT. IT SHOWS CLOTHING PEOPLE PUT UNDER HIS HEAD. HE WAS
4 STILL TALKING INITIALLY. IT ALSO GOES INTO SEVERAL OTHER
5 THINGS.

6 ONE, IT'S GOING TO SHOW MALICE, AND, FINALLY, YOUR HONOR,
7 BECAUSE THIS WAS A SHOT IN THE BACK THE LAST WITNESS WE HAVE
8 IS DR. CARTER. HE IS GOING TO SAY THIS SMALL RED DOT ON THE
9 BACK OF THE DEFENDANT IS THE FATAL SHOT. THIS IS JUST A
10 GOUGE MARK, BUT IT'S ALSO CONSISTENT WITH HIS FINDINGS OF A
11 PERSON WHO WAS BEATEN PRETTY BADLY WHO SUFFERED A FATAL WOUND
12 THE BACK.

13 WHAT I DID IS CROP THE ORIGINAL, YOUR HONOR. THAT'S THE
14 ORIGINAL WHICH WAS MUCH MORE BLOODY. I CROPPED THE BLOOD OUT
15 WITHOUT TRYING TO DISTORT WHAT THE PICTURE SHOWED.

16 THE COURT: ALL RIGHT. MR. YOUNG?

17 MR. YOUNG: YOUR HONOR, AGAIN, MY POSITION WOULD BE THE
18 PREJUDICIAL EFFECT WOULD GREATLY OUTWEIGH ANY PROBATIVE VALUE
19 THAT IT WOULD HAVE BEING OFFERED INTO EVIDENCE. I WOULD SAY,
20 YOUR HONOR, IT IS MY UNDERSTANDING, ALSO---

21 THE COURT: OKAY. LET ME JUST KEEP THESE UP HERE. ARE WE
22 GETTING THIS? I MEAN, I WANT TO MAKE SURE WE ARE GETTING
23 THIS.

24 THE COURT REPORTER: I GOT IT. I'D BE SCREAMING.

25 THE COURT: YOU CAN SPEAK UP BECAUSE I AM HAVING TROUBLE

1 HEARING YOU. I KNOW IF I AM, SHE IS.

2 MR. YOUNG: IT IS MY UNDERSTANDING, YOUR HONOR, THAT AFTER
3 THE SHOOTING TOOK PLACE THAT THERE WERE PEOPLE THAT WERE
4 MILLING AROUND STILL AT THIS LOCATION, AND I DON'T KNOW IF
5 THAT IS WHERE THE BODY ENDED UP AT OR WHAT, AND BASED ON THAT
6 UNTIL THEY ESTABLISH A FOUNDATION THAT---

7 THE COURT: TALKING ABOUT THIS PICTURE?

8 MR. YOUNG: YES, SIR, BOTH OF THEM. EXACTLY. I DON'T KNOW
9 IF THE BODY WAS MOVED TO THAT LOCATION OR WHAT.

10 MR. HUBBARD: OUR INITIAL WITNESS IS AN OFFICER WHO IS
11 GOING TO SAY WHERE HE FOUND HIM. THE SECOND WITNESS WILL TALK
12 ABOUT WHERE THE BODY INITIALLY FELL, AND WHEN HE WENT TO IT
13 HE WAS THE ONE THAT WENT AND SOUGHT TO GIVE AID.

14 MR. YOUNG: YOUR HONOR, MR. RICHARDSON HAS INFORMED ME HE
15 NEEDS TO USE THE RESTROOM.

16 THE COURT: OKAY.

17 MR. YOUNG: RIGHT BEFORE YOUR HONOR CAME OUT I STOPPED HIM.

18 THE COURT: OKAY. GO AHEAD AND ALLOW HIM TO BE TAKEN TO THE
19 RESTROOM.

20 (PAUSE.)

21 THE COURT: WHAT YOU'RE TELLING ME, MR. HUBBARD, ABOUT THE
22 TESTIMONY IS GOING TO BE ABOUT THE PHOTOGRAPH BY THE
23 PATHOLOGIST?

24 MR. HUBBARD: YES, SIR. IT WILL BE FOLLOWED UP BY THE
25 PATHOLOGIST. THE SMALL WOUND AT THE BOTTOM---

1 THE COURT: I MEAN, IS THIS GOING TO BE USED BY THE
2 PATHOLOGIST?

3 MR. HUBBARD: YES, SIR.

4 THE COURT: IS THAT THE ONLY WAY IT'S GOING TO BE USED?

5 MR. HUBBARD: YES, SIR. I WAS GOING TO TRY TO GET IT IN OR
6 INITIALLY SAY THAT'S WHAT THE OFFICER FOUND.

7 THE COURT: THIS CROPPED PHOTOGRAPH?

8 MR. HUBBARD: WHICH ONE IS THAT?

9 THE COURT: (INDICATING)

10 MR. HUBBARD: YES, SIR, YOUR HONOR. AND THEN A SECOND
11 WITNESS WAS GOING TO SAY---

12 THE COURT: NO, SIR. NOW, IF YOU WANT SOME MEDICAL
13 PERSONNEL TO TESTIFY ABOUT THIS, THAT MIGHT BE ONE THING.
14 YOU KNOW, Y'ALL READ THESE CASES. I ASSUME YOU HAVE.

15 MR. HUBBARD: YES, SIR. I HAVE.

16 THE COURT: BECAUSE THEY ARE VERY CLEAR. I MEAN, YOU KNOW,
17 THIS IS NOT -- WE ARE NOT IN THE SENTENCING PHASE OF A DEATH
18 PENALTY CASE.

19 MR. HUBBARD: YES, SIR. WE WILL TRY TO OFFER IT THROUGH
20 DR. CARTER.

21 THE COURT: WELL, THAT'S THE ONLY WAY THAT THIS ONE WILL
22 COME IN, AND I AM RELYING ON STATE VERSUS TODD, 349 S.E.2D
23 339, 290 SOUTH CAROLINA 212, WHERE THERE IS NO ABUSE OF
24 DISCRETION IF THE OFFERED PHOTOGRAPH SERVES TO CORROBORATE
25 TESTIMONY. THE PHOTOGRAPH AT ISSUE IN THE TODD CASE

1 CORROBORATED THE PATHOLOGIST'S TESTIMONY REGARDING THE
2 LOCATION OF A BULLET WOUND. SO, YOU KNOW, THAT KIND OF THING,
3 THAT IS ONE THING, BUT JUST TO LET SOME POLICE OFFICER OR
4 SOMEBODY---

5 MR. HUBBARD: YES, SIR.

6 THE COURT: NO, SIR. THAT IS NOT GOING TO HAPPEN. THEY CAN'T
7 TESTIFY TO THAT BECAUSE THIS LENDS ABSOLUTELY NOTHING TO
8 THEIR TESTIMONY.

9 MR. HUBBARD: ACTUALLY, THE ONE -- AND I'M NOT GOING TO
10 ARGUE WITH YOUR HONOR, BUT JUST TO LET YOUR YOUR HONOR KNOW
11 MY INTENTION WAS NOT TO SIMPLY INFLAME THE JURY, BUT THERE
12 WILL BE TESTIMONY THAT THIS INDIVIDUAL -- THE VICTIM WAS
13 STILL ALIVE, AND THE WAY THE BODY WAS FOUND WITH THE SHIRT
14 PULLED UP AS IT IS AND WITH THE CLOTHING UNDER THE HEAD, THAT
15 WAS DONE BY THESE INDIVIDUALS, BUT I WILL STILL HOLD FOR THAT
16 DR. CARTER, YOUR HONOR, AND LET THAT WITNESS TESTIFY WITHOUT
17 GETTING THAT PHOTOGRAPH IN.

18 THE COURT: YES, SIR. THIS PHOTOGRAPH IS NOT GOING TO COME
19 IN THROUGH ANYONE OTHER THAN THE DOCTOR.

20 MR. HUBBARD: YES, SIR.

21 THE COURT: THAT IS MY RULING ON THAT. THEN, ALSO, THE
22 PHOTOGRAPH, STATE'S EXHIBIT NUMBER 11, WHILE I UNDERSTAND AND
23 NOTE YOUR OBJECTION, MR. YOUNG -- LET ME SEE THOSE OTHER
24 PHOTOGRAPHS.

25 (HANDS TO COURT.)

1 MR. HUBBARD: I THINK THEY ARE RIGHT HERE, YOUR HONOR, THE
2 ONES OF THE INSIDE.

3 THE COURT: I WILL ALLOW IT TO BE ADMITTED OVER OBJECTION.
4 (PLAINTIFF'S EXHIBIT NO. 11 ENTERED INTO EVIDENCE.)

5 THE COURT: ARE WE READY TO GO?

6 MR. HUBBARD: THE STATE IS READY TO PROCEED, YOUR HONOR,

7 MR. YOUNG: THE DEFENSE IS READY, YOUR HONOR.

8 THE COURT: BRING IN THE JURY, PLEASE.

9 (THE JURY RETURNS TO THE COURTROOM AT 2:13 P.M.)

10 THE COURT: POLLING OF JURY BY THE STATE?

11 MR. HUBBARD: THE STATE WAIVES IT.

12 THE COURT: BY THE DEFENSE?

13 MR. YOUNG: THE DEFENSE WAIVES, YOUR HONOR.

14 THE COURT: MADAME FOREPERSON AND LADIES AND GENTLEMEN, I
15 HOPE THAT YOU HAD A NICE LUNCH BREAK. I APOLOGIZE FOR
16 KEEPING YOU IN THE JURY ROOM FOR THE LAST PROBABLY HALF AN
17 HOUR OR SO. I HAD SOME OTHER MATTERS THAT I NEEDED TO DEAL
18 WITH THAT CAME UP THE LAST MINUTE. I APOLOGIZE FOR THAT. IF
19 YOU BLAME ANYONE, YOU CAN BLAME ME AND NO ONE ELSE. ALL
20 RIGHT. CALL YOUR FIRST WITNESS, PLEASE.

21 MR. HUBBARD: THE STATE CALLS WESLEY SWINSON.

22 DONALD WESLEY SWINSON, BEING FIRST DULY
23 SWORN, TESTIFIED AS FOLLOWS:

24 THE CLERK: STATE YOUR FULL NAME FOR THE RECORD.

25 THE WITNESS: MY NAME IS DONALD WESLEY SWINSON.

1 DIRECT EXAMINATION BY MR. HUBBARD:

2 Q DEPUTY SWINSON, WHERE DO YOU WORK?

3 A I WORK FOR THE LEXINGTON COUNTY SHERIFF'S DEPARTMENT.

4 Q HOW LONG HAVE BEEN IN LAW ENFORCEMENT?

5 A I AM GOING INTO MY EIGHTH YEAR WITH THE SHERIFF'S
6 DEPARTMENT. I WORKED FOR THE DEPARTMENT OF CORRECTIONS FOR
7 FOUR YEARS PRIOR TO THAT.

8 Q SO A TOTAL OF 12 YEARS?

9 A YES, SIR.

10 Q WHAT IS YOUR RANK WITH THE SHERIFF'S DEPARTMENT.

11 A I HOLD THE RANK OF MASTER DEPUTY.

12 Q AND AS A MASTER DEPUTY WHAT ARE YOUR DUTIES?

13 A AS A MASTER DEPUTY I'M ASSISTANT SHIFT
14 SUPERVISOR IN THE NORTH REGION. I SUPERVISE THE OPERATIONS
15 ON A DAILY BASIS OF THE OTHER OFFICERS IN THE THE AREA.

16 THE COURT: IS THIS MICROPHONE -- DOES IT NORMALLY NOT SIT
17 ON THAT LEDGE?

18 MR. HUBBARD: NORMALLY---

19 THE COURT: IT DOES NOT? FOR SOME REASON, I CAN'T---

20 MR. HUBBARD: IT DOESN'T SOUND LIKE IT'S ON.

21 THE COURT: I'M HAVING A HARD TIME HEARING. ALL RIGHT, SIR,
22 IF YOU COULD, I AM GOING TO GET YOU TO SPEAK UP.

23 THE WITNESS: YES, SIR.

24 Q SO WHAT ARE YOUR DUTIES AS MASTER DEPUTY?

25 A AN ASSISTANT SHIFT SUPERVISOR IN THE NORTH REGION. I

1 | HELP SUPERVISE THE SHIFT OF OFFICERS AND DAILY ROUTINE.

2 | Q BACK IN 1995 WERE YOU A MASTER DEPUTY AT THAT TIME?

3 | A NO. I WAS A SHIFT OFFICER AT THAT TIME.

4 | Q DID YOU STILL WORK IN THE NORTH REGION?

5 | A YES, SIR. AT THAT TIME IT WAS SIMPLY IRMO AND CHAPIN.

6 | Q THE CHAPIN AREA AS WELL?

7 | A YES, SIR.

8 | Q WERE YOU WORKING THE EARLY MORNING HOURS OF AUGUST 13,
9 | 1995?

10 | A YES, SIR. I WAS ON NIGHT SHIFT THAT NIGHT.

11 | Q DO YOU RECALL AT ANY POINT DURING THOSE EARLY MORNING
12 | HOURS GOING OUT TO THE C&L SOCIAL CLUB?

13 | A YES, SIR. I WAS DISPATCHED OUT THERE.

14 | Q SO YOU WENT IN RESPONSE TO A CALL?

15 | A YES, SIR.

16 | Q WHAT IS THE C&L SOCIAL CLUB?

17 | A IT'S A SMALL BAR, DANCE CLUB IN A RURAL AREA IN CHAPIN.

18 | Q IS IT STILL IN EXISTENCE TODAY?

19 | A THE BUILDING IS SILL THERE. IT'S NO LONGER THE C&L
20 | SOCIAL CLUB.

21 | Q IS THIS CLUB IN LEXINGTON COUNTY?

22 | A YES, SIR.

23 | Q I WANT TO SHOW YOU A MAP THAT HAS BEEN MARKED STATE'S
24 | EXHIBIT NUMBER 22. DO YOU SEE -- IS THIS -- DOES THIS MAP
25 | SHOW WHERE THE C&L SOCIAL CLUB USED TO BE?

1 A YES, SIR.

2 Q AND DO YOU SEE THREE PHOTOGRAPHS?

3 A YES, SIR.

4 Q DO THOSE PHOTOGRAPHS SHOW WHERE THE BUILDING ONCE KNOWN
5 AS THE C&L SOCIAL CLUB SITS?

6 A YES, SIR.

7 Q IF YOU WOULD, WOULD YOU PLEASE TELL THE JURY IF YOU
8 WOULD STEP DOWN RIGHT HERE -- PLEASE SPEAK UP BECAUSE YOU
9 ARE GOING TO BE AWAY FROM THE COURT REPORTER. PLEASE TELL
10 THE JURY WHAT THIS MAP SHOWS. JUST ORIENT THEM TO WHAT PART
11 OF COUNTY WE ARE TALKING ABOUT.

12 A THERE IS THE CHAPIN CITY LIMITS -- THIS AREA HERE.
13 THIS WOULD BE THE NEWBERRY COUNTY LINE (INDICATING.) THIS IS
14 HIGHWAY 76 ALSO KNOWN AS CHAPIN ROAD IN THIS AREA
15 (INDICATING.)

16 Q DO YOU SEE THE AREA ON THE MAP WHERE THE C&L SOCIAL CLUB
17 USED TO BE?

18 A YES, SIR. IT SITS OFF OF MEADOW LARK ROAD RIGHT IN THIS
19 AREA (INDICATING.)

20 Q I HAVE A LITTLE RED STAR. WILL YOU PLEASE MARK THAT?
21 PEEL IT OFF AND PUT IT WHERE THE CLUB IS.

22 A (WITNESS COMPLIES.)

23 Q THESE PHOTOGRAPHS, THIS FIRST AERIAL SHOT, WHAT
24 BUILDING IS THIS BUILDING THAT WE SEE IN THE THE PHOTOGRAPH?

25 A THIS WOULD BE THE BUILDING THAT WAS THE C&L SOCIAL

1 CLUB.

2 Q IT IS STILL IN USE TODAY FOR SOME OTHER PURPOSE?

3 A YES, SIR. SHORTLY AFTER THIS INCIDENT THE CLUB CLOSED.

4 IT HAS SINCE HAS BEEN PURCHASED BY THE CHURCH---

5 THE COURT REPORTER: "HAS BEEN PURCHASED BY..."

6 THE WITNESS: THE CHURCH, WHICH IS ACROSS THE STREET AND NOW
7 BEEN TURNED INTO A COMMUNITY CENTER AND ALSO HOUSES THE
8 SHERIFF'S DEPARTMENT SUBSTATION.

9 Q THIS AREA WHERE THE CLUB IS LOCATED DO YOU SEE IT IN THE
10 SECOND PHOTOGRAPH, THE MIDDLE PHOTOGRAPH?

11 A YES, SIR. IT WOULD BE RIGHT HERE (INDICATING.)

12 Q AND, FINALLY, IN THE THIRD PHOTOGRAPH FURTHEST FROM YOU,
13 CAN YOU POINT OUT WHERE THE BUILDING IS?

14 A IT WOULD BE RIGHT HERE (INDICATING.)

15 Q THAT AREA -- WOULD YOU SAY THAT IS A DEVELOPED AREA, A
16 RURAL AREA, OR HOW YOU DESCRIBE IT?

17 A IT'S A VERY RURAL AREA.

18 Q THESE ROADS LEADING TO AND FROM THIS CLUB, WHAT ROAD IS
19 THIS?

20 A THAT'S MEADOWLARK

21 Q THIS IS MEADOWLARK?

22 A YES, SIR.

23 Q IS MEADOWLARK PAVED RIGHT IN FRONT OF THE CLUB?

24 A IT'S PAVED RIGHT IN FRONT OF CLUB AND JUST PAST THE
25 CHURCH AND THEN IT TURNS A DIRT ROAD AS IT ENTERS NEWBERRY

1 COUNTY.

2 Q AND ON THE MAP, IS THIS MEADOWLARK RIGHT HERE?

3 A YES, SIR.

4 Q NOW, THIS ROAD RIGHT HERE -- MIDDLEFIELD---

5 A YES, SIR.

6 Q DOES THAT ROAD LEAD TO MEADOWLARK?

7 A YES, IT DOES.

8 Q IS THAT ROAD PAVED OR IS IT DIRT, GRAVEL?

9 A IT'S A COMBINATION OF BOTH. THERE ARE SOME PAVED

10 SECTIONS AND DIRT SECTIONS, ALSO.

11 Q THEN, FINALLY, RIGHT ON UP FROM THE CLUB, IS THAT ROAD

12 LADY BROOK? IS THAT PAVED OR GRAVEL OR DIRT?

13 A LADY BROOK IS PAVED. LADY BROOK CIRCLE IS A DIRT ROAD.

14 Q OKAY. YOU CAN GO AHEAD AND HAVE A SEAT.

15 A (WITNESS RESUMES THE WITNESS STAND.)

16 Q AGAIN, ALL OF THAT IS WITHIN THE COUNTY LIMITS?

17 A YES, SIR.

18 Q BUT IT IS IN A RURAL AREA?

19 A YES, SIR.

20 Q NOW, GOING BACK TO THE NIGHT OR EARLY MORNING HOURS OF

21 AUGUST 13, 1995, YOU SAY YOU GOT A CALL TO GO TO THAT CLUB?

22 A YES, SIR. I WAS DISPATCHED. I WAS GOING TO ASSIST SOME

23 OTHER OFFICERS WHO WERE RESPONDING TO A FIGHT CALL AT A BAR

24 IN IRMO, AND I WAS CALLED AWAY BY THE DISPATCHERS DUE TO THE

25 REPORTED FIGHT AT THE C&L SOCIAL CLUB.

1 Q WHAT TIME DID YOU GET THERE APPROXIMATELY?

2 A IT WAS 3:11 IN THE MORNING..

3 Q WERE THERE ANY OTHER OFFICERS ON THE SCENE?

4 A NO, SIR. I WAS THE FIRST ONE THERE.

5 Q WITH THERE ANY E.M.S. OR OTHER TYPES PERSONNEL THERE TO
6 ASSIST YOU?

7 A NO, SIR. THEY WERE STANDING BY BACK AT HIGHWAY 76.

8 Q WHEN YOU GOT TO THAT SCENE THAT NIGHT CAN YOU PLEASE
9 DESCRIBE WHAT YOU SAW?

10 A AS I WAS COMING TO THE SCENE THERE WERE A FAIR NUMBER OF
11 VEHICLES PASSING ME GOING IN THE OPPOSITE DIRECTION. AS I
12 PULLED INTO THE PARKING AREA THERE WERE PEOPLE GETTING INTO
13 THEIR VEHICLES TO LEAVE. THERE WAS ALSO A NUMBER OF PEOPLE
14 STANDING IN THE PARKING LOT.

15 Q DID YOU GO INSIDE THE BUILDING?

16 A YES, SIR. AS I WENT TOWARD THE FRONT DOORS, ONE OF
17 PEOPLE OUTSIDE SAID THEY WERE LOCKED AND POINTED TOWARD THE
18 SIDE. I WENT AROUND THE SIDE BUILDING AND THROUGH AN
19 ENTRANCE ON THE SIDE WHICH IS BEHIND THE BAR.

20 Q WHEN YOU GOT INSIDE COULD YOU TELL IF THERE HAD BEEN ANY
21 TYPE OF RUCKUS OR FIGHT?

22 MR. YOUNG: OBJECTION, YOUR HONOR, LEADING.

23 THE COURT: OVERRULED. JUST LET HIM -- IF YOU WOULD,
24 PLEASE---

25 MR. HUBBARD: I WILL REPHRASE IT, YOUR HONOR.

1 Q WHAT DID YOU OBSERVE WHEN YOU GOT INSIDE?

2 A AS I STEPPED JUST INSIDE THE BUILDING, THERE WAS A
3 PERSON LAYING FACE DOWN ON THE FLOOR JUST INSIDE THE DOOR.
4 THERE ALSO SEEMED TO BE CHAIRS AND TABLES MOVED OUT THE WAY
5 AND THERE WAS SOME DEBRIS ON THE FLOOR.

6 Q I WANT TO SHOW YOU WHAT HAS BEEN MARKED AS STATE'S
7 EXHIBIT NUMBER 23. HAVE YOU SEEN THIS EXHIBIT BEFORE?

8 A YES, SIR.

9 Q DOES IT FAIRLY AND ACCURATELY DEPICT WHAT YOU SAW THAT
10 NIGHT?

11 A YES, SIR.

12 Q THE LAYOUT OF THE CLUB?

13 A YES. THE LAYOUT OF THE C&L SOCIAL CLUB.

14 Q AND THE POSITION OF WHERE THE BODY WAS?

15 A YES, SIR.

16 Q IF YOU WOULD, WOULD YOU PLEASE STEP DOWN AND, AGAIN,
17 PLEASE SPEAK UP.

18 A (WITNESS LEAVES THE WITNESS STAND.)

19 Q PLEASE LET THE JURY -- ORIENT THE JURY TO THE FRONT,
20 THE BACK OF THE BUILDING, AND HOW YOU TYPICALLY GET IN THAT
21 BUILDING -- WHAT ENTRANCES AND EXITS, IF YOU WOULD, PLEASE.

22 A THIS WOULD BE THE FRONT OF THE BUILDING (INDICATING.)
23 THIS IS TO THE REAR (INDICATING.) THE FRONT DOORS ARE HERE
24 (INDICATING.) THERE IS A SMALL COVERED PORCH AREA RIGHT AT
25 THE VERY FRONT DOORS (INDICATING.) THIS IS THE SIDE DOOR

1 WHICH I ENTERED WHICH IS BEHIND THE BAR AREA AND THE SMALL
2 KITCHEN, A DANCE FLOOR, AND AREA OF TABLES AND CHAIRS. THERE
3 IS ALSO DOUBLE DOORS ON THIS SIDE OF THE BUILDING WHICH WERE
4 NORMALLY KEPT LOCKED.

5 Q OKAY, OFFICER, WHEN YOU FIRST ARRIVED OUT HERE IN THE
6 FRONT, IS THE PARKING AREA OUT HERE IN THE FRONT OF THAT
7 BUILDING OR OFF TO THE SIDE, IN THE BACK? WHERE IS THE
8 PARKING AREA?

9 A THERE IS A PARKING AREA OUT IN FRONT OF THE BUILDING.
10 THERE WAS A GRAVEL AREA OUT TO ONE SIDE WHERE MOST OF THE
11 PARKING WAS TO THE FRONT.

12 Q LET ME REFER YOU BACK TO THE PRIOR CHART -- STATE'S
13 EXHIBIT 22. CAN YOU SEE THE GRAVEL AREAS IN THIS LARGEST
14 PHOTOGRAPH?

15 A YES, SIR. THIS WOULD BE THE FRONT HERE.. THERE'S A
16 GRAVEL AREA IN THIS EXTREMITY, BUT
17 MOST OF THE PARKING TAKES PLACE DOWN ON HERE ALONG THE GRAVEL
18 AREA AND INTO THE GRASSY AREA (INDICATING.)

19 Q OKAY. THAT FRONT DOOR AREA, WERE THE LIGHTS ON OR OFF
20 WHEN YOU GOT THERE?

21 A THERE WAS EXTERIOR LIGHTS ON THE CORNERS OF THE BUILDING
22 THAT WERE ON. SO IT WAS ILLUMINATED.

23 Q OKAY. COULD YOU SEE CLEARLY THE FRONT DOOR AREA?

24 A YES, SIR.

25 Q OKAY. NOW, INSIDE THE CLUB WHERE DID YOU FIND THE BODY?

1 A THE BODY JUST INSIDE THE DOORWAY AS I CAME IN PARTIALLY
2 INSIDE THE KITCHEN.

3 Q OKAY. AND WHAT AREA DID YOU FIND, I BELIEVE YOU SAID,
4 SOME TYPE OF FURNITURE OR SOMETHING -- PIECES?

5 A THERE WAS BROKEN PIECES OF BAR STOOLS AND OTHER DEBRIS
6 KIND OUT IN THE AREA JUST OUTSIDE THE DOORWAY TO THE BAR AND
7 AROUND THE WOMEN'S RESTROOM -- OR, EXCUSE ME, MEN'S
8 RESTROOM.

9 Q OKAY. ONE MORE QUESTION JUST ABOUT THE EXTERIOR. ARE
10 THERE ANY NO PARKING SIGNS IN THE FRONT?

11 A WHERE THE COVERED PORCH AREA IS HERE EACH
12 SUPPORT OF THE PORCH AREA HAS A NO PARKING SIGN ON IT.

13 Q YOU CAN GO AHEAD AND HAVE A SEAT AGAIN.

14 A (WITNESS RESUMES THE WITNESS STAND.)

15 Q DEPUTY SWINSON, WHEN YOU GOT THERE DID YOU CHECK ON THE
16 VICTIM?

17 A YES, SIR. I STEPPED OVER THE VICTIM AND CHECKED HIS
18 PULSE ON HIS NECK. HE DID NOT HAVE A PULSE THAT I COULD
19 FIND, AND HE WASN'T BREATHING. AT THAT TIME I STEPPED BACK
20 OUTSIDE THE EXTERIOR OF THE BAR WHERE I COULD STILL SEE THE
21 BODY TO USE MY RADIO. IT WOULDN'T WORK INSIDE THE BUILDING.

22 Q AND WHO DID YOU CALL?

23 A I CALLED FOR THE E.M.S. TO COME INTO THE SCENE. I ALSO
24 CALLED FOR MY SUPERVISOR, DETECTIVES, AND FOR AN I.D.
25 OFFICER.

1 Q CAN YOU EXPLAIN WHAT I.D. IS?

2 A THAT'S A CRIME SCENE OFFICER WHO COMES OUT TO COLLECT
3 EVIDENCE AND TO DOCUMENT WHAT EVIDENCE IS THERE.

4 Q NOW, AGAIN, WHEN YOU FOUND THE BODY WAS ANY OTHER
5 OFFICER INSIDE THAT BUILDING?

6 A NO, SIR.

7 Q WHAT, IF ANYTHING, DID YOU TO DO TO SECURE THAT CRIME
8 SCENE UNTIL OTHER OFFICERS ARRIVED?

9 A ONCE I HAD RADIOED I STEPPED BACK INSIDE. I CLEARED THE
10 PEOPLE OUT FROM BEHIND THE BAR AREA AND OUT THE KITCHEN AND
11 HAD THEM MOVE AWAY FROM THE AREA WHERE THE BODY AND THE
12 EVIDENCE THAT I COULD SEE WAS LOCATED.

13 Q DID YOU MAKE ANY ATTEMPT AT THAT TIME TO TALK TO
14 WITNESSES?

15 A AT THAT TIME I BASICALLY ASKED THE PEOPLE WHO WERE STILL
16 INSIDE THE BAR AS TO WHAT HAD OCCURRED.

17 Q AND IN INVESTIGATING THAT SCENE DID YOU ISSUE ANY
18 B.O.L.O. OR MAKE ANY CALL TO OTHER AUTHORITIES?

19 A WHILE I WAS IN THERE I ASKED THEM ABOUT---

20 Q I TELL YOU WHAT. DON'T GO INTO WHAT PEOPLE SAID. BASED
21 ON YOUR INVESTIGATING THAT SCENE AND WHAT TOOK PLACE WHAT DO
22 DO YOU IN RESPONSE TO THAT?

23 A I ISSUED A B.O.L.O. FOR THE OFFICERS IN THE AREA AND THE
24 OFFICERS THAT WERE RESPONDING.

25 Q OKAY. AND WHAT IS A B.O.L.O.? WHAT DO WE MEAN BY THAT?

1 A B.O.L.O. BASICALLY STANDS FOR BE ON THE LOOK OUT. WE
2 USUALLY USE IT IF WE ARE GIVING OUT A DESCRIPTION OF PERSON
3 OR A VEHICLE THAT IS USED IN A CRIME.

4 Q ALL RIGHT. IN THE B.O.L.O. THAT YOU ISSUED, WHAT DID YOU
5 ISSUE? WHAT INFORMATION DID YOU INCLUDE IN THE B.O.L.O. FOR
6 OTHER OFFICERS TO BE ON LOOK OUT FOR?

7 A WHAT I ISSUED WAS THE VEHICLE DESCRIPTION WHICH WAS A
8 1993 WHITE TOYOTA LANDCRUISER WITH SOUTH CAROLINA
9 REGISTRATION U6803 WHICH IS A U.S.C. TAG WHICH WAS REGISTERED
10 TO WILLIE J. RICHARDSON OF 2700 PARK STREET IN COLUMBIA AND
11 IS POSSIBLY EITHER OCCUPIED OR DRIVEN BY A BLACK MALE, FIVE
12 FOOT TEN, 200 POUNDS, WEARING A WHITE T-SHIRT OR WHITE SHIRT
13 AND WHITE SHORTS, AND HE HAD LIGHT-COLORED SKIN.

14 Q SO, HE IS A LIGHT-SKINNED BLACK MALE?

15 A YES, SIR.

16 Q FIVE-TEN, 200 POUNDS?

17 A YES, SIR.

18 Q NOW, GOING BACK TO THOSE WITNESSES, HOW DID YOU GO ABOUT
19 GETTING WITNESSES OR COLLECTING WITNESSES OR DETERMINING IF
20 THERE WERE ANY WITNESSES?

21 A WHEN I FIRST ASKED WHAT HAD OCCURRED, THE PEOPLE HAD
22 TOLD ME THERE WAS A FIGHT. ANYONE WHO RESPONDED, I ASKED
23 THEM FURTHER QUESTIONS. ANYONE WHO MADE ANY COMMENTS ABOUT
24 WHAT ANYONE ELSE WAS SAYING, I ALSO ASKED THEM QUESTIONS.

25 Q DID ANYBODY JUST STEP FORWARD TO VOLUNTEER WHAT HAD

1 | HAPPENED?

2 | A NO, SIR. MOST OF THEM WERE VERY HESITANT ABOUT SAYING
3 | ANYTHING.

4 | Q WERE THERE A LARGE NUMBER OF PEOPLE THERE THAT NIGHT?

5 | A YES, SIR. IT ALWAYS FAIRLY CROWDED THERE.

6 | Q AND THE INDIVIDUALS THAT YOU WERE ABLE TO GET
7 | INFORMATION FROM, WHAT, IF ANYTHING, DID YOU DO WITH THOSE
8 | INDIVIDUALS?

9 | A ONCE THE PEOPLE WHO I WAS TALKING TO -- ONCE THEY
10 | AGREED TO GIVE ANY KIND OF INFORMATION, I SEPARATED THEM TO
11 | THE FRONT PORTION OF THE BAR AND HAD THEM SIT DOWN AND NOT TO
12 | SPEAK TO EACH OTHER AND WAIT ON THE DETECTIVES TO GET THERE.

13 | Q CAN YOU SHOW ON THE CHART WHERE YOU TOLD THEM TO SIT?

14 | A (WITNESS LEAVES THE WITNESS STAND.) ONCE THIS AREA HAD
15 | BEEN CLEARED I PUT ANY POTENTIAL WITNESSES UP IN THIS AREA IN
16 | THESE SEATS TO WAIT ON THE DETECTIVES. (WITNESS RESUMES THE
17 | WITNESS STAND.)

18 | Q NOW BEFORE THE DETECTIVES ARRIVED DID E.M.S. EVER COME
19 | IN?

20 | A YES, SIR. THE E.M.S. AND CHAPIN FIRE RESCUE ARRIVED
21 | ABOUT THE SAME TIME.

22 | Q ALL RIGHT. AND WHAT DETECTIVES SHOWED UP ON THE SCENE
23 | THAT EVENING?

24 | A DETECTIVE SCOTTIE FRIER, DETECTIVE DARREN AMICK, AND
25 | JIM KYZER.

1 Q AND DETECTIVE SCOTTIE FRIER -- WHAT WAS HIS ROLE THAT
2 EVENING?

3 A HE HAD CRIME SCENE ROTATION AT THAT TIME.

4 Q AND, AGAIN, WHAT DO WE MEAN BY CRIME SCENE ROTATION?

5 A HE WAS THERE TO PROCESS THE SCENE TO COLLECT EVIDENCE,
6 TO TAKE PHOTOGRAPHS, BASICALLY TO MAKE SURE THAT THE SCENE
7 -- THAT EVERYTHING WAS COLLECTED THAT COULD HAVE BEEN OF
8 VALUE.

9 Q AS THE FIRST OFFICER ON THE SCENE, WHAT, IF ANYTHING,
10 DID YOU DO WITH DETECTIVE FRIER?

11 A WHEN HE ARRIVED I POINTED OUT THE EVIDENCE THAT I HAD
12 NOTICED AND INDICATED WHERE THE BODY HAD BEEN FOUND AND
13 ANYTHING THAT HAD CHANGED SINCE I HAD GOTTEN THERE, AND I
14 ASSISTED HIM IN COMPLETING THE CRIME SCENE.

15 Q YOU DID ASSIST HIM IN LOCATING AND LABELING EVIDENCE?

16 A YES, SIR.

17 Q DID THAT INCLUDE BARSTOOLS, SHELL CASINGS, THINGS OF
18 THAT NATURE?

19 A IT INCLUDED HELPING HIM MARK THE SHELL CASINGS WHERE
20 THEY LAY ON THE FLOOR AND POINTING OUT AND PHOTOGRAPHING THE
21 BARSTOOL PIECES.

22 Q IF YOU WOULD DETECTIVE -- DEPUTY, EXCUSE ME -- I AM
23 CHANGING YOUR DUTY. IF YOU WOULD STEP DOWN.

24 A (WITNESS LEAVES THE WITNESS STAND.)

25 Q I WILL ASK WITH THE COURT'S PERMISSION TO GO THROUGH

1 THESE PHOTOGRAPHS. YOU YOU SEE STATE'S EXHIBIT NUMBER 1.

2 WHAT IS THIS A PHOTOGRAPH OF?

3 A THAT'S THE PHOTOGRAPH OF THE FRONT OF THE C&L SOCIAL
4 CLUB AS IT APPEARED ON THAT NIGHT.

5 Q THE LIGHT WE SEE, CAN YOU POINT THAT OUT IN THIS
6 PHOTOGRAPH?

7 A A LIGHT HERE AND ALSO ONE UNDERNEATH THE AWNING.

8 Q OKAY. WAS IT AS VISIBLE AS IT IS AT THE FRONT DOOR AS IT
9 IS IN STATE'S EXHIBIT 1?

10 A YES, SIR.

11 Q AND EXHIBIT 2, STATE'S EXHIBIT 2, WHAT IS THIS A PICTURE
12 OF?

13 A THIS ALSO A PICTURE OF THE FRONT OF THE C&L SOCIAL CLUB
14 SHOWING THE DOORS. THESE ARE THE TWO NO PARKING SIGNS AND A
15 FRONT AWNING

16 Q CAN YOU POINT THEM ON THE CHART, PLEASE?

17 A THE AWNING WOULD BE HERE (INDICATING.) THE FRONT DOOR
18 AND NO PARKING SIGNS WOULD BE ON THIS CORNER HERE
19 (INDICATING.)

20 Q THESE DOUBLE DOORS, WHERE ARE THESE LOCATED ON THAT
21 BUILDING ON THE CHART?

22 A THOSE ARE THE DOUBLE DOORS ON THIS SIDE OF THE
23 BUILDING. THOSE ARE THE ONES THAT ARE NORMALLY NOT USED.

24 Q THIS SINGLE DOOR, WHERE IS THIS FOUND ON THAT CHART?

25 A THAT'S THE DOOR ON THIS SIDE OF BUILDING. THAT'S THE

1 ONE THAT I ENTERED.

2 Q IS THIS THE DOOR THAT COMES INTO THE KITCHEN AREA?

3 A YES, SIR. IT COMES BEHIND THE BAR, AND THE KITCHEN IS
4 OFF TO THE SIDE.

5 Q THIS PHOTOGRAPH OF THE FRONT OF THE BUILDING, STATE'S
6 EXHIBIT NUMBER 5, WHAT DOES THIS SHOW?

7 A THAT SHOWS THE STRUCTURE OF THE C&L SOCIAL CLUB AS IT
8 APPEARS TODAY.

9 Q HOW HAS IT CHANGED TODAY?

10 A THE ONLY THING THAT HAS BEEN CHANGED IS THEY HAVE
11 PAINTED THE EXTERIOR AND THE DOORWAYS.

12 Q BUT THIS IS HOW IT LOOKS IN DAYLIGHT?

13 A YES, SIR.

14 Q THESE DOUBLE DOORS, WHERE ARE THESE DOUBLE DOORS LOCATED
15 ON THAT CHART?

16 A THESE ARE THE FRONT DOORS RIGHT HERE (INDICATING.)

17 Q WERE THEY GREEN AS THEY ARE IN STATE'S EXHIBIT NUMBER 6?

18 A NO, SIR. THEY WERE A PALE BLUE.

19 Q THEY HAVE BEEN PAINTED SINCE THEN?

20 A YES, SIR.

21 Q I WANT TO LOOK AT THESE DOORS. ON THE LEFT HAND
22 DOOR, DO YOU SEE A SMALL WINDOW?

23 A YES, SIR.

24 Q WAS THAT WINDOW THERE THAT NIGHT?

25 A YES, SIR. IT WAS.

1 Q AND THE WINDOWS NEXT TO THE DOORS, WAS THAT THERE
2 THAT NIGHT?

3 A YES, SIR.

4 Q THIS PHOTOGRAPH, CAN YOU TELL THE JURY WHAT THIS IS A
5 PHOTOGRAPH OF -- STATE'S EXHIBIT NUMBER 7?

6 A THIS IS A PHOTOGRAPH OF LOOKING FROM THE FRONT
7 PORCH OF C&L SOCIAL CLUB BACK TOWARD THE
8 ROADWAY SHOWING THE GRAVEL APPROACH. YOU HAVE EXTERIOR
9 LIGHTING STREETLIGHTS HERE. THERE'S ALSO ONE HERE FARTHER
10 DOWN HERE IN THE PARKING LOT.

11 Q WILL YOU POINT OUT FOR JURORS DOWN HERE AS WELL IN
12 STATE'S EXHIBIT NUMBER 7?

13 A THERE IS A STREETLIGHT HERE AND ONE FARTHER DOWN THE
14 PARKING LOT.

15 Q THIS PHOTOGRAPH, STATE'S EXHIBIT NUMBER 8, WHAT DO WE
16 SEE?

17 A THIS IS LOOKING FROM THE PARKING AREA BACK TOWARD THE
18 CLUB. THIS IS THE WAY IT APPEARS TODAY. THERE IS ALSO A
19 STREETLIGHT WHICH WAS PRESENT AT THAT TIME.

20 Q CAN YOU SHOW US DOWN HERE AS WELL?

21 A THE STREETLIGHTS LOCATED HERE IN THIS CORNER.

22 THE COURT: KEEP YOUR VOICE UP PLEASE, SIR.

23 Q USING THIS CHART, THE DIAGRAM, WHICH IS STATE'S EXHIBIT
24 NUMBER 23, WILL YOU SHOW WHERE STATE'S EXHIBIT NUMBER 8 IS
25 -- WHERE THE LIGHT IS, WHAT AREA?

- 1 A THE LIGHT WOULD BE OFF IN THIS CORNER (INDICATING.)
- 2 Q THE LIGHTS THAT WE SEE IN STATE'S EXHIBIT NUMBER
- 3 7---
- 4 A THOSE LIGHTS WOULD BE ONE LIGHT HERE AND ONE FARTHER
- 5 DOWN IN THE PARKING LOT.
- 6 Q OKAY. OFF OF THE CHART?
- 7 A YES, SIR.
- 8 Q STATE'S EXHIBIT NUMBER 10, WHAT IS THIS A PHOTOGRAPH OF?
- 9 A THIS IS A PHOTOGRAPH OF THE INTERIOR OF THE C&L SOCIAL
- 10 CLUB AS IT APPEARED THAT NIGHT LOOKING BACK TOWARD THE DANCE
- 11 FLOOR WITH THE VIDEO MACHINES OUT TO THE END OF THE BAR.
- 12 Q WOULD YOU PLEASE SHOW ON STATE'S EXHIBIT 23 WHAT WE ARE
- 13 LOOKING AT IN STATE'S EXHIBIT NUMBER 10?
- 14 A THAT WOULD BE LOOKING BACK IN THIS DIRECTION. THAT
- 15 WOULD BE THE VIDEO MACHINES AND THERE IS THE DANCE FLOOR.
- 16 Q STATE'S EXHIBIT NUMBER 9, WHAT DO WE SEE IN THIS SCENE?
- 17 A THIS ONE ALSO TAKEN AT THAT TIME INSIDE THE C&L SOCIAL
- 18 CLUB. YOU ARE LOOKING AT THE BAR AREA. THIS IS THE SIDE
- 19 DOOR WHICH I ENTERED THROUGH, AND THIS WOULD BE THE DOORWAY
- 20 INTO THE KITCHEN AREA.
- 21 Q WILL YOU PLEASE SHOW THAT ON STATE'S EXHIBIT 23?
- 22 A THAT WOULD BE LOOKING BACK IN THIS DIRECTION. AGAIN,
- 23 THE DOORS I ENTERED THROUGH, THE DOOR TO KITCHEN AREA, AND
- 24 THEN THE BAR (INDICATING.)
- 25 Q AND STATE'S EXHIBIT NUMBER 11?

1 A THIS IS LOOKING DOWN BEHIND THE BAR GOING INTO
2 THE KITCHEN AREA. AGAIN, THE DOOR THAT I ENTERED THROUGH
3 WOULD BE HERE; THE BAR RUNNING THIS WAY.

4 Q CAN YOU PLEASE SHOW THE JURY USING CHART 23, STATE'S
5 EXHIBIT 23?

6 A THAT WOULD BE LOOKING BACK THROUGH THIS AREA WITH THE
7 DOORWAYS AND, AGAIN, THIS BEING THE KITCHEN (INDICATING.)

8 Q STATE'S EXHIBIT NUMBER 12, WHAT IS THIS A PHOTOGRAPH OF?

9 A THAT IS A PHOTOGRAPH OF THE BAR STOOL PIECES AS THEY LAY
10 INSIDE THE CLUB THAT NIGHT.

11 Q DO YOU SEE A NUMBER IN STATE'S EXHIBIT NUMBER 12?

12 A YES, SIR. IT'S NUMBER 1.

13 Q WHO PLACED THAT THERE?

14 A DETECTIVE FRIER. I HANDED IT TO HIM FOR HIM TO PLACE
15 THERE.

16 Q WHAT IS THE PURPOSE FOR PLACING THAT NUMBER THERE IN
17 THIS PHOTOGRAPH?

18 A IT NUMBERS IT FOR COLLECTION LATER FOR COLLECTION OF THE
19 EVIDENCE TO MAKE SURE IT CAN BE PLACED BACK INTO THE SCENE.

20 Q AND THIS NUMBER ONE IS FOR THE COLLECTION OF WHAT
21 EVIDENCE IN THIS PHOTOGRAPH?

22 A THE BARSTOOL PIECES -- THE THREE PIECES: ONE BEHIND THE
23 CHAIR HERE AND ONE DIRECTLY BEHIND THE NUMBER ONE AND ONE AT
24 THE CORNER OF THE WALL.

25 Q IF YOU WOULD -- I HAVE A MARKER -- WILL YOU PLEASE

1 MARK NUMBER 1 WHERE IT IS LOCATED ON CHART NUMBER 23?

2 A (WITNESS COMPLIES.) IT WOULD BE IN THIS AREA.

3 Q OVER ON THE SIDE WILL YOU PLEASE MARK NUMBER ONE AND

4 WHAT THAT IS MARKING -- WHAT EVIDENCE IT IS SUPPOSED TO

5 MARK.

6 A (WITNESS COMPLIES.)

7 Q STATE'S EXHIBIT NUMBER 13, WHAT DOES THIS SHOW?

8 A THIS IS A CLOSER VIEW OF THE EDGE OF THE BAR AREA. THIS

9 IS A HALF-SWINGING DOOR THAT LEADS BEHIND THE BAR AND ALSO TO

10 THE KITCHEN.

11 Q WHAT AREA WE ARE LOOKING AT ON THE CHART?

12 A THAT WOULD BE THIS AREA RIGHT HERE (INDICATING.)

13 Q THESE NUMBERS THAT WE SEE IN STATE'S EXHIBIT NUMBER 13,

14 AGAIN, WHAT ARE THESE NUMBERS? WHAT DO THEY INDICATE?

15 A THEY INDICATE THE LOCATION OF THE EVIDENCE THAT WAS

16 COLLECTED LATER.

17 Q WHAT DO WE SEE IN STATE'S EXHIBIT NUMBER 14?

18 A THIS IS ALSO A SMALLER PIECE OF A BROKEN BARSTOOL.

19 Q WHERE IS THIS LOCATED?

20 A IT WOULD BE LOCATED RIGHT AT THE BOTTOM OF THIS BARSTOOL

21 HERE (INDICATING.)

22 Q USING STATE'S EXHIBIT NUMBER 13, CAN YOU POINT OUT WHERE

23 THIS BARSTOOL PIECE IS?

24 A IT WOULD BE INDICATED BY THE NUMBER 7 RIGHT HERE

25 (INDICATING.)

1 Q IF YOU WOULD, WOULD YOU MARK NUMBER 7? COUNT THEM
2 DOWN IF YOU HAVE TO AND WRITE WHAT THAT INDICATES.

3 A (WITNESS COMPLIES.)

4 Q STATE'S EXHIBIT NUMBER 15, WHAT DO WE SEE IN THIS
5 EXHIBIT?

6 A HERE YOU HAVE A CASING FROM THE NINE MILLIMETER ROUND.

7 Q WHAT IS A CASING?

8 A IT'S THE PORTION OF THE BULLET THAT'S LEFT OVER AFTER IT
9 IS FIRED AND ONCE IT'S EJECTED FROM THE WEAPON.

10 Q THIS IS MARKED WITH WHAT NUMBER?

11 A NUMBER 2.

12 Q AGAIN, USING STATE'S EXHIBIT NUMBER 13, CAN YOU SHOW US
13 ON THE CHART -- CHART NUMBER 23 -- WHERE EXHIBIT NUMBER 2
14 IS -- WHERE THIS PIECE OF EVIDENCE NUMBER 2 IS?

15 A IT WOULD BE IN THIS AREA IN THE PHOTOGRAPH AND THIS AREA
16 ON THE CHART (INDICATING.)

17 Q IF YOU WOULD MARK NUMBER 2 ON THE CHART FOR ME, PLEASE.

18 A (WITNESS COMPLIES.)

19 Q AND, ALSO, I FAILED TO GET YOU TO MARK NUMBER 7 ON THE
20 CHART AS WELL -- IF YOU WOULD USE STATE'S EXHIBIT NUMBER 13
21 IF YOU NEED TO.

22 A (WITNESS COMPLIES.)

23 Q AND STATE'S EXHIBIT NUMBER 16, WHAT DO WE SEE?

24 A THIS IS ALSO A SHELL CASING FROM A NINE MILLIMETER.

25 Q OKAY. AND WHERE IS IT LOCATED? AGAIN, IF YOU NEED TO

1 USE STATE'S EXHIBIT NUMBER 13 AS A REFERENCE -- I'LL TELL
2 YOU WHAT I AM GOING TO DO. STATE'S EXHIBIT NUMBER 16 SHOWS
3 WHAT PIECE OF EVIDENCE?

4 A IT'S A SHELL CASING FROM A NINE MILLIMETER.

5 Q WILL YOU PLEASE MARK IT ON CHART 23?

6 A (WITNESS COMPLIES.)

7 Q YES, PLEASE WRITE IT UP THERE NUMBER 2 AS WELL.

8 A (WITNESS COMPLIES.)

9 Q AND STATE'S EXHIBIT NUMBER 17, WHAT ARE WE LOOKING AT
10 HERE?

11 A THIS IS ALSO A SHELL CASING FROM A NINE MILLIMETER.

12 Q WOULD YOU PLEASE MARK THIS ONE ON THE CHART AS WELL?

13 A (WITNESS COMPLIES.)

14 Q FINALLY, STATE'S EXHIBIT NUMBER 18, WHAT ARE WE LOOKING
15 AT IN THIS PHOTOGRAPH?

16 A THIS IS ANOTHER SHELL CASING FROM A NINE MILLIMETER.

17 Q CAN YOU POINT OUT ON THE CHART, CHART 23, WHERE THIS
18 SHELL CASING IS LOCATED?

19 A THAT IS LOCATED RIGHT AT THE BEGINNING OF THE LINOLEUM
20 FLOOR---

21 THE COURT REPORTER: I'M SORRY. I DIDN'T HEAR YOU.

22 MR. HUBBARD: PLEASE SPEAK UP.

23 THE WITNESS: THIS IS LOCATED RIGHT AT THE BEGINNING OF THE
24 LINOLEUM FLOOR OFF OF THE CARPET AREA GOING BEHIND THE BAR.

25 Q WOULD YOU PLEASE MARK THAT ON THE CHART?

1 A (WITNESS COMPLIES.)

2 Q AGAIN, DEPUTY SWINSON, WHEN WE ARE TALKING ABOUT SHELL
3 CASINGS, WHAT ARE SHELL CASINGS?

4 A IT'S THE REMAINDER OF A BULLET ONCE IT'S BEEN FIRED AND
5 AS IT HAS BEEN EJECTED FROM A WEAPON.

6 Q ON STATE'S EXHIBIT NUMBER 19, WHAT ARE WE LOOKING AT IN
7 THIS PHOTOGRAPH?

8 A THIS IS THE DOORWAY OF THE KITCHEN AREA, AND THERE IS A
9 SPENT ROUND OR THE LEAD AND COPPER PART OF A BULLET LAYING ON
10 THE GROUND.

11 Q IS THAT WHAT WE ALSO REFER TO AS A SLUG?

12 A YES, SIR.

13 Q WOULD YOU PLEASE SHOW ON CHART 23 WHERE THIS IS LOCATED?

14 A THAT WOULD BE IN THIS AREA RIGHT HERE.

15 Q PLEASE SPEAK UP AND PLEASE MARK IT FOR US.

16 A IT WOULD BE IN THIS AREA RIGHT HERE AS YOU ARE GOING OUT
17 THIS SIDE DOOR.

18 Q OKAY.

19 A (WITNESS COMPLIES.)

20 Q AGAIN, USING THAT PHOTOGRAPH AS A REFERENCE WILL YOU
21 PLEASE TELL US WHAT WE ARE LOOKING AT IN STATE'S EXHIBIT
22 NUMBER 20?

23 A AGAIN, THE SAME SPENT ROUND WITH THE WALL OF KITCHEN
24 AREA RIGHT HERE (INDICATING.)

25 Q YOU CAN HAVE A SEAT.

1 A (WITNESS RESUMES THE WITNESS STAND.)

2 Q I SHOW YOU SOME ITEMS THAT HAVE BEEN MARKED AS STATE'S
3 EXHIBIT NUMBER 24. HAVE YOU SEEN THESE ITEMS?

4 A YES, SIR.

5 Q IF YOU WOULD, STEP DOWN SO I DON'T DROP THIS STUFF.

6 A (WITNESS LEAVES THE WITNESS STAND.)

7 Q USING STATE'S EXHIBIT NUMBER 12 -- THIS PHOTOGRAPH OF
8 THE BARSTOOL PIECES -- CAN YOU IDENTIFY PIECES THAT WE SEE
9 IN THIS BOX MARKED STATE'S EXHIBIT NUMBER 24?

10 A YES, SIR. THIS WOULD BE THE PIECE OF BARSTOOL LAYING
11 RIGHT BESIDE NUMBER 1 HERE.

12 Q PLEASE SHOW THE JURORS DOWN HERE IF YOU WILL.

13 A THIS IS THE BARSTOOL PIECE AS INDICATED BY NUMBER 1 HERE
14 LAYING ON THE FLOOR.

15 Q DO YOU SEE THAT HERE AS WELL IN THIS SAME PHOTOGRAPH?

16 A YES, SIR. THE LARGER PIECE IS LAYING BEHIND THIS CHAIR,
17 AND THE PIECE IN YOUR LEFT HAND IS LAYING ALONG THE WALL HERE
18 (INDICATING.)

19 Q WHY DON'T WE WALK DOWN HERE, AND IF YOU WOULD, PLEASE,
20 JUST SHOW THIS PIECE TO JURY AS WELL.

21 A THE LARGER PIECE IS LAYING BEHIND THE CHAIR. THE PIECE
22 IN THE LEFT HAND IS LAYING ALONG THE WALL.

23 THE COURT: KEEP YOUR VOICE UP, PLEASE.

24 Q THE PIECE IN YOUR HAND, IS THAT THE PIECE THAT WE SEE IN
25 THE MIDDLE?

1 A YES, SIR. IT'S THE PIECE INDICATED BEHIND THE NUMBER
2 1.

3 Q AND THIS FINAL PIECE, IF YOU WOULD, JUST HOLD THAT. IS
4 THAT THE PIECE WE SEE IN STATE'S EXHIBIT NUMBER 14?

5 A YES, SIR. IT'S THE PIECE HERE ALSO INDICATED IN THIS
6 NUMBER 7.

7 Q AGAIN, WILL YOU POINT OUT THAT AGAIN WHERE THAT PIECE
8 WAS LOCATED AT THE SCENE?

9 A IT WAS LOCATED HERE JUST THE FOOT REST OF THE BAR AND
10 THE FOOT OF THAT CHAIR.

11 Q I WANT TO SHOW YOU WHAT HAS BEEN MARKED AS STATE'S
12 EXHIBIT NUMBER 25. WHAT IS THIS?

13 A THAT IS A SHELL CASING FROM A NINE MILLIMETER.

14 Q HOW DO YOU KNOW IT'S FROM A NINE MILLIMETER?

15 A IT'S INDICATED ON THE BASE OF THE CASING. IT INDICATES
16 THE TYPE OF ROUND THAT IT IS.

17 Q THE VERY END OF IT?

18 A YES, SIR.

19 Q IT'S MARKED AS NUMBER 2. WHERE WAS NUMBER 2 FOUND?

20 A NUMBER 2 WAS FOUND IN THIS AREA (INDICATING.).

21 Q AND STATE'S EXHIBIT NUMBER 26, WHAT DO WE SEE?

22 A IT'S ALSO A SHELL CASING FROM A NINE MILLIMETER.

23 Q WHERE WAS THIS PIECE OF EVIDENCE LOCATED, NUMBER 3?

24 A NUMBER 3 WAS FOUND ON THE FOOT REST OF THE BAR.

25 Q AND STATE'S EXHIBIT NUMBER 27, WHAT IS THIS?

- 1 A AGAIN, THIS IS A SHELL CASING FROM A NINE MILLIMETER.
- 2 Q AGAIN, YOU SAY IT'S MARKED. YOU SEE A NUMBER?
- 3 A NUMBER 4.
- 4 Q CAN YOU PLEASE POINT ON CHART STATE'S EXHIBIT NUMBER 23
- 5 WHERE THIS ONE WAS LOCATED?
- 6 A THE SHELL CASING WAS FOUND IN THE BASE OF THIS BARSTOOL.
- 7 Q STATE'S EXHIBIT NUMBER 28, WHAT ARE WE LOOKING AT HERE?
- 8 A ANOTHER SHELL CASING FROM A NINE MILLIMETER.
- 9 Q AND THERE WERE FOUR SHELL CASINGS THAT WERE RECOVERED
- 10 THAT NIGHT?
- 11 A YES, SIR.
- 12 Q WHERE WAS THIS ONE LOCATED, NUMBER 5?
- 13 A THAT ONE WAS LOCATED ON THE PORTION OF THE LINOLEUM
- 14 FLOOR RIGHT AT THE EDGE OF THE BODY.
- 15 Q CLOSE TO THE BODY?
- 16 A YES, SIR.
- 17 Q AND, FINALLY, STATE'S EXHIBIT NUMBER 29, WHICH IS ITEM
- 18 NUMBER 6, WHAT IS THIS?
- 19 A THAT'S THE SPENT ROUND OR THE SLUG.
- 20 Q BASICALLY, THE BULLET?
- 21 A YES, SIR.
- 22 Q WHEN WE SAY SPENT ROUND, IS THAT A FIRED BULLET?
- 23 A YES, SIR. THAT IS ONE THAT HAS BEEN FIRED FROM THE
- 24 WEAPON.
- 25 Q WOULD YOU PLEASE POINT OUT NUMBER 6 ON CHART 23?

1 A NUMBER 6 WAS RIGHT HERE ON THE WALL (INDICATING.)

2 Q AND ALSO IN THIS PHOTOGRAPH, NUMBER 6.

3 A IT WOULD BE RIGHT HERE.

4 Q OKAY. AND USING THE SAME PHOTOGRAPH WHICH IS STATE'S
5 EXHIBIT NUMBER 19 DO YOU SEE ANY PORTION OF THE VICTIM IN
6 THIS PHOTOGRAPH?

7 A THE VICTIM'S LEG WOULD BE RIGHT HERE IN THIS PHOTO
8 (INDICATING.)

9 Q AGAIN, THE SLUG WOULD BE WHERE?

10 A THE SLUG IS RIGHT HERE (INDICATING.)

11 Q WOULD YOU COME ON DOWN HERE?

12 A THE VICTIM'S LEG HERE AND THE SLUG IS LOCATED HERE
13 (INDICATING.)

14 Q WHAT IS THIS ITEM RIGHT HERE?

15 A THE CHICKEN BONE.

16 Q THIS KITCHEN -- WHAT WERE THEY COOKING THAT NIGHT?

17 A THEY WERE STILL COOKING CHICKEN.

18 Q YOU CAN HAVE A SEAT.

19 A (WITNESS RESUMES THE WITNESS STAND.)

20 Q AGAIN, YOU HELPED DETECTIVE FRIER CHECK ALL THIS
21 EVIDENCE?

22 A I HELPED HIM MARK IT, AND I OBSERVED WHILE HE COLLECTED
23 IT.

24 Q DID THIS BASICALLY END YOUR INVOLVEMENT IN THE CASE ONCE
25 YOU FINISHED ASSISTING SCOTTIE FRIER IN COLLECTION OF THIS

1 EVIDENCE?

2 A NO, SIR.

3 Q WHAT ELSE DID YOU DO?

4 A I ASSISTED DETECTIVE FRIER AND ANOTHER OFFICER IN MOVING
5 THE BODY FROM ITS LOCATION OUT INTO THE BAR WHERE IT COULD BE
6 BETTER OBSERVED.

7 Q AND APPROXIMATELY WHAT TIME DID YOU LEAVE THE SCENE THAT
8 MORNING?

9 A BETWEEN 8:30 AND 9:00 O'CLOCK.

10 MR. HUBBARD: I BEG THE COURT'S INDULGENCE. YOUR HONOR, I
11 HAVE NO FURTHER QUESTIONS.

12 DEPUTY SWINSON, PLEASE ANSWER ANY QUESTIONS THAT THE
13 DEFENSE MIGHT HAVE FOR YOU.

14 THE COURT: CROSS EXAMINATION, MR. YOUNG.
15 CROSS EXAMINATION BY MR. YOUNG:

16 Q DEPUTY SWINSON, NO ONE AT THIS SCENE WHO YOU INTERVIEWED
17 GAVE YOU THE NAME OF WILLIE RICHARDSON, DID THEY?

18 A NO, SIR.

19 Q IN FACT, YOU PREPARED A REPORT OF YOUR INVOLVEMENT IN
20 THIS CASE; CORRECT?

21 A YES, SIR.

22 Q AND IN THAT REPORT YOU INDICATED THAT IT WAS DISCLOSED
23 TO YOU THAT BLACK MALES WERE UNIDENTIFIED; CORRECT?

24 A YES, SIR.

25 Q AND YOU REFERRED TO THE DESCRIPTION THAT WAS GIVEN TO

- 1 YOU WAS A BLACK MALE, APPROXIMATELY FIVE-TEN?
- 2 A YES, SIR.
- 3 Q TWO HUNDRED-POUNDS?
- 4 A YES, SIR.
- 5 Q BROWN HAIR?
- 6 A YES, SIR.
- 7 Q BROWN EYES?
- 8 A YES, SIR.
- 9 Q WEARING A WHITE T-SHIRT?
- 10 A YES, SIR.
- 11 Q WHITE SHORTS?
- 12 A YES, SIR.
- 13 Q AND THAT WAS IT?
- 14 A AND THAT HE WAS LIGHT SKINNED.
- 15 Q AND LIGHT SKINNED?
- 16 A YES, SIR.
- 17 Q NO OTHER SPECIFIC FEATURES OF HIM?
- 18 A NO, SIR.
- 19 Q NOTHING MENTIONED ABOUT ANY DEFORMITIES OR ANYTHING?
- 20 A NO, SIR.
- 21 Q NOTHING MENTIONED REGARDING FACIAL HAIR?
- 22 A NO, SIR.
- 23 Q AND THROUGH YOUR INVESTIGATION YOU LEARNED THAT THE
- 24 SUSPECT OR THE PERSON WHO DID THE SHOOTING WAS UNIDENTIFIED;
- 25 CORRECT?

1 A YES, SIR.

2 Q YOU SPOKE WITH APPROXIMATELY FIVE OR SIX PERSONS;
3 CORRECT?

4 A FOUR OR FIVE; YES, SIR.

5 Q FOUR OF FIVE PERSONS; CORRECT? WHEN YOU CLEARED THIS
6 BAR AREA TO PRESERVE THE CRIME SCENE YOU DID NOT ASK THESE
7 PERSONS TO LEAVE THE BUILDING, DID THEY?

8 A NO, SIR.

9 Q IN FACT, SOME OF THEM STAYED IN THE BUILDING?

10 A YES, SIR.

11 Q THE INFORMATION THAT YOU PUT OUT ON THE B.O.L.O., THAT
12 WAS BASED ON WHAT YOU LEARNED THROUGH RUNNING THIS TAG
13 NUMBER?

14 A YES, SIR.

15 Q AND WERE YOU GIVEN A SECOND TAG NUMBER AS WELL?

16 A NO, SIR.

17 Q YOU WERE JUST GIVEN ONE TAG NUMBER?

18 A YES, SIR.

19 Q THAT FIRST TAG NUMBER THAT YOU WERE -- OR THAT ONE TAG
20 NUMBER THAT YOU WERE GIVEN IT DID NOT INCLUDE -- IT WAS A
21 FULL TAG NUMBER; CORRECT?

22 A YES, SIR.

23 MR. YOUNG: THANK YOU. THAT'S ALL THE QUESTIONS I HAVE.

24 THE COURT: REDIRECT?

25 MR. HUBBARD: JUST A FEW QUESTIONS.

1 REDIRECT EXAMINATION BY MR. HUBBARD:

2 Q DEPUTY SWINSON, AGAIN, WHEN YOU GOT WITNESSES OR SOUGHT
3 TO GET WITNESSES, WERE YOU GETTING WRITTEN STATEMENTS FROM
4 THESE WITNESSES AT THAT TIME?

5 A NO, SIR. ANYONE WHO SAID THEY WERE WILLING TO MAKE ANY
6 STATEMENT I STOPPED THEM AT THAT POINT AND HAD THEM WAIT FOR
7 A DETECTIVE SO THEY COULD TAKE A BETTER STATEMENT FROM THEM.
8 I WAS MORE CONCERNED IN MAKING SURE THAT NOTHING GOT MOVED
9 INSIDE THE BAR.

10 Q DID OTHER DETECTIVES SHOW UP AT THAT CRIME SCENE TO TAKE
11 STATEMENTS FROM THOSE WITNESSES?

12 A YES, SIR.

13 Q THE PURPOSE -- YOUR PURPOSE IN FINDING THESE WITNESSES
14 AND TALKING TO THEM, WHAT WAS THAT FOR?

15 A BASICALLY, TO IDENTIFY ANYBODY WHO COULD GIVE ANY OTHER
16 INFORMATION AND MAKE SURE THEY DID NOT LEAVE AND THEY DID NOT
17 SPEAK TO EACH OTHER SO THE INFORMATION THEY GAVE WOULD BE
18 WHAT THEY THEMSELVES SAW.

19 Q IN THE B.O.L.O. THAT YOU ISSUED -- THE VEHICLE --
20 WHOSE NAME WAS THAT VEHICLE REGISTERED IN?

21 A TO WILLIE J. RICHARDSON.

22 Q AND THE VEHICLE -- THE WAY YOU GOT THE REGISTRATION OF
23 THAT VEHICLE, DID SOMEONE GIVE YOU THAT REGISTRATION NUMBER
24 OR A TAG NUMBER OR HOW DID YOU GET THAT INFORMATION FOR THE
25 VEHICLE?

1 A THE TAG NUMBER AND THE DESCRIPTION OF THE VEHICLE WAS
2 ACTUALLY GIVEN OVER THE POLICE RADIO WHILE I WAS STILL EN
3 ROUTE TO THE BAR.

4 Q WAS THAT CONFIRMED BY THE WITNESSES AT THE SCENE?

5 A YES, SIR.

6 Q SO WHEN YOU ISSUED YOUR B.O.L.O. DID YOU INCLUDE THAT
7 INFORMATION?

8 A I INCLUDED THAT INFORMATION.

9 MR. HUBBARD: NO FURTHER QUESTIONS, YOUR HONOR.

10 THE COURT: RECROSS?

11 MR. YOUNG: NO QUESTIONS, YOUR HONOR.

12 THE COURT: THANK YOU, SIR. YOU CAN STEP DOWN. NEXT
13 WITNESS.

14 MR. SWARAT: THE STATE CALLS KIRBY BLOCKER.

15 KIRBY G. BLOCKER, BEING FIRST DULY
16 SWORN, TESTIFIED AS FOLLOWS:

17 THE COURT: STATE YOUR NAME FOR THE RECORD AND SPELL YOUR
18 LAST NAME, SIR.

19 THE WITNESS: KIRBY GLENWOOD BLOCKER; B-L-O-C-K-E-R.

20 THE COURT: THANK YOU VERY MUCH.

21 DIRECT EXAMINATION BY MR. SWARAT:

22 Q GOOD AFTERNOON, MR. BLOCKER.

23 A HOW ARE YOU DOING?

24 Q MR. BLOCKER, WHERE YOU FROM ORIGINALLY?

25 A PINEY GROVE, COLUMBIA, SOUTH CAROLINA.

1 THE COURT REPORTER: I'M SORRY?

2 THE WITNESS: PINEY GROVE, COLUMBIA, SOUTH CAROLINA.

3 THE COURT: IF YOU CAN, I'M GOING TO GET YOU TO SPEAK UP A
4 LITTLE BIT SO THAT EVERYONE CAN HEAR YOU.

5 THE WITNESS: ALL RIGHT.

6 Q MR. BLOCKER, WHERE DID YOU GO TO HIGH SCHOOL?

7 A COLUMBIA HIGH.

8 Q DID YOU PLAY SPORTS AT COLUMBIA HIGH?

9 A YES, SIR.

10 Q WHAT DID YOU PLAY?

11 A I PLAYED ALL OF THEM.

12 Q DID YOU GO ON TO COLLEGE?

13 A YES, SIR.

14 Q WHERE DID YOU ATTEND COLLEGE?

15 A TENNESSEE STATE, SIR.

16 Q DID YOU PLAY A SPORT FOR TENNESSEE?

17 A I PLAYED BASEBALL.

18 Q AFTER YOU FINISHED TENNESSEE STATE DID YOU GO ON TO

19 CONTINUE PLAYING BASEBALL?

20 A I NEVER FINISHED TENNESSEE STATE, BUT I WENT ON TO PLAY
21 BASEBALL.

22 Q DID YOU PLAY PROFESSIONAL?

23 A I PLAYED A LITTLE MINOR LEAGUE BALL FOR THREE YEARS.

24 Q WHAT ORGANIZATION DID YOU PLAY WITH?

25 A THE CARDINALS ORGANIZATION.

1 Q WHAT MAIN NATIONAL TEAM IS THAT UNDER?

2 A ST. LOUIS.

3 Q ST. LOUIS CARDINALS?

4 A YES, SIR.

5 Q MR. BLOCKER, BACK IN 1995 WHERE WERE YOU EMPLOYED?

6 A NINETY-FIVE? I WAS EMPLOYED WITH DERRICK ASBESTOS AND
7 THE C&L CLUB.

8 Q WERE YOU WORKING AT THE C&L CLUB THE NIGHT ALFRED WAS
9 KILLED?

10 A YES, SIR. I WAS.

11 Q HOW DID YOU GET THERE THAT NIGHT?

12 A ALFRED TOOK ME.

13 Q HOW DO YOU KNOW ALFRED JONES?

14 A WE BEEN CLOSE FRIENDS FOR A LONG TIME.

15 Q MORE THAN TEN YEARS?

16 A ALL OUR LIFE.

17 Q THE NIGHT THAT ALFRED TOOK YOU TO THE C&L CLUB YOU WERE
18 WORKING THAT NIGHT?

19 A YES, I WAS.

20 Q WHAT WAS YOUR EMPLOYMENT AT THE C&L CLUB?

21 A I RAN THE DOOR. I STAMPED. I RAN THE METAL DETECTOR.

22 I TOOK MONEY. IT DEPENDED ON HOW THE JOBS WENT. WE SWITCHED
23 UP, YOU KNOW. IT DEPENDED ON HOW THEY WENT.

24 Q WERE YOU ALSO RESPONSIBLE FOR SECURITY AT THAT BUSINESS?

25 A YES, WE WERE.

1 Q DURING YOUR TIME AS DOORMAN THAT NIGHT, DID YOU HAVE A
2 LARGE GROUP OF PEOPLE COME IN AT ONE TIME?

3 A YES, WE DID.

4 Q CAN YOU DESCRIBE THE WAY THEY CAME TO THE C&L CLUB --
5 CAME INTO THE PARKING LOT OF THAT BUSINESS?

6 A WELL, THEY PULLED UP. THEY PULLED UP IN TWO TO THREE
7 CARS. THEY PULLED UP IN TWO JEEPS AND A CAR. THEY PULLED UP
8 IN THE IN FRONT OF THE DOOR WHICH WE HAVE A NO PARKING SIGN
9 ON THE FRONT DOOR WHERE YOU CAN'T PARK THERE. THEY CAME IN,
10 AND IT WAS LIKE TEN OR FIFTEEN OF THEM. THE GUY ASKED ME HOW
11 MUCH IT COST TO GET IN. I TOLD HIM WHAT THE COST WAS, AND HE
12 SAID HE WAS PAYING FOR EVERYTHING. SO HE PAID FOR EVERYBODY
13 TO COME IN. THEY WENT TO BAR. HE BOUGHT THEM DRINKS, YOU
14 KNOW.

15 Q MR. BLOCKER, LET ME SLOW YOU DOWN A LITTLE BIT. YOU SAY
16 WHEN THEY PARKED, THEY PARKED BY THE NO PARKING SIGN?

17 A YES, SIR.

18 Q I AM SHOWING YOU WHAT HAS BEEN MARKED AS STATE'S EXHIBIT
19 NUMBER 1 AND NUMBER 2 IN EVIDENCE. DO YOU SEE ON THESE
20 PICTURES WHERE THOSE VEHICLES WERE PARKED?

21 A ONE PARKED HERE AND HERE (INDICATING.)

22 Q ROUGHLY IN THIS AREA (INDICATING?)

23 A YES, SIR.

24 Q SO, RIGHT IN THE FRONT DOOR OF THE BUSINESS; IS THAT
25 CORRECT, MR. BLOCKER?

1 A YES, SIR.

2 Q NOW, WHEN YOU ARE THERE AS A DOORMAN ARE YOU THERE AT
3 THIS DOOR THAT'S SHOWN IN THE PHOTOGRAPH?

4 A YES, I AM.

5 Q SO THAT VEHICLE WAS PARKED VERY CLOSE TO WHERE YOU WERE?

6 A YES, IT WAS.

7 Q YOU SAY IT WAS MORE THAN ONE VEHICLE?

8 A YES, IT WAS.

9 Q HOW MANY, ROUGHLY?

10 A IT WAS TWO JEEPS AND A CAR.

11 Q NOW, WHAT COLOR WAS THE VEHICLE THAT HE WAS DRIVING --
12 THIS INDIVIDUAL THAT PAID FOR EVERYONE?

13 MR. YOUNG: OBJECTION, YOUR HONOR. HE IS -- MR. BLOCKER
14 HAS NOT IDENTIFIED ANYONE.

15 MR. HUBBARD: YOUR HONOR, I BELIEVE HE TESTIFIED SOMEBODY
16 PAID FOR THE ENTIRE GROUP.

17 THE COURT: WELL, SIR, I AM GOING TO SUSTAIN THE OBJECTION,
18 IF YOU WANT TO LAY A LITTLE MORE FOUNDATION.

19 MR. HUBBARD: THANK YOU, YOUR HONOR.

20 Q MR. BLOCKER, YOU TESTIFIED PREVIOUSLY THAT AN INDIVIDUAL
21 CAME UP TO DOOR AND PAID FOR THIS ENTIRE GROUP; IS THAT TRUE?

22 A YES, HE DID.

23 Q NOW, THAT INDIVIDUAL, WHICH VEHICLE DID HE GET OUT OF?

24 A I HONESTLY CAN'T SAY BECAUSE I DIDN'T SEE HIM ACTUALLY
25 GET OUT OF THE VEHICLE. WHEN ALL OF THEM GOT OUT I CAN'T SAY

1 WHICH VEHICLE HE GOT OUT OF. I CAN'T TELL YOU THAT BECAUSE I
2 WOULDN'T BE TELLING THE TRUTH. I DIDN'T SEE THAT.

3 Q CAN YOU DESCRIBE THESE VEHICLES TO THE JURY -- THESE
4 ALL TERRAIN VEHICLES YOU'RE TALKING ABOUT?

5 A WELL, THEY WERE VERY NOTICEABLE. THEY WERE TOYOTA
6 LANDCRUISERS-- BRAND NEW ONES -- I MEAN SHARP, YOU KNOW.

7 Q WHAT COLOR WERE THE VEHICLES?

8 A ONE WAS WHITE AND ONE WAS BLACK IN COLOR TO ME. IT
9 LOOKED DARK BLACK. IT LOOKED BLACK OR EITHER BLUISH, YOU
10 KNOW, REAL DARK.

11 Q WAS THERE ANYTHING ABOUT THE LICENSE TAG THAT STOOD OUT
12 ON THE WHITE LANDCRUISER?

13 A HE HAD CAROLINA TAG -- U.S.C. CAROLINA TAG ON IT.

14 Q MR. BLOCKER, WITHOUT SHOWING THESE TO THE JURY I AM
15 SHOWING YOU THREE PHOTOGRAPHS -- A SERIES OF PHOTOGRAPHS.
16 DO YOU RECOGNIZE WHAT IS IN THOSE PICTURES?

17 A YES, SIR. THAT'S IT. THAT THE JEEP. THAT'S THE TAGS
18 ON IT.

19 Q THAT'S THE VEHICLE HE WAS DRIVING THAT NIGHT OR HE WAS
20 IN HIS GROUP THAT NIGHT?

21 A YEAH. THAT WAS ONE OF THEM RIGHT THERE.

22 MR. HUBBARD: YOUR HONOR, I'D MOVE THIS INTO EVIDENCE.

23 THE COURT: ANY OBJECTION?

24 MR. YOUNG: NO OBJECTIONS, YOUR HONOR.

25 THE COURT: ALL RIGHT, WITHOUT OBJECTION. WHAT WERE THE

1 NUMBERS AGAIN?

2 THE COURT REPORTER: IT WOULD BE 30 THROUGH 32 JUDGE.

3 THE COURT: TO BE ADMITTED.

4 (PLAINTIFF'S EXHIBIT NOS. 30-33 ENTERED INTO EVIDENCE.)

5 THE COURT REPORTER: I'M SORRY, JUDGE. THAT WAS 33.

6 Q MR. BLOCKER, I AM SHOWING YOU WHAT IS MARKED AS STATE'S
7 EXHIBIT NUMBER 31 IN EVIDENCE. THAT'S ONE OF VEHICLES THAT
8 WAS IN HIS GROUP THAT NIGHT?

9 A YES, IT WAS.

10 Q YOU SAY IT WAS A WHITE TOYOTA LANDCRUISER?

11 A YES, SIR.

12 Q THAT'S THE VEHICLE THAT WAS PARKED NEXT TO THE FRONT
13 DOOR?

14 A YES, IT WAS.

15 Q WITH UNIVERSITY TAGS?

16 A YES, IT WAS.

17 Q NOW, IN THIS GROUP OF PEOPLE WERE THERE MALES AS WELL AS
18 FEMALES?

19 A YES, THERE WAS.

20 Q ROUGHLY HOW MANY MALE INDIVIDUALS IN THIS GROUP?

21 A I CAN'T REALLY SAY, BUT THERE WAS ROUGHLY AROUND
22 ABOUT TEN MALES AND ABOUT THREE OR FOUR GIRLS.

23 Q SO, MORE MALES THAN FEMALES?

24 A YES, SIR. IT WAS.

25 Q AND YOU SAID ONE INDIVIDUAL CAME UP AND PAID FOR THE

1 ENTIRE GROUP?

2 A YES, HE DID.

3 Q WHAT WAS THE COVER CHARGE THAT Y'ALL WERE CHARGING THAT
4 NIGHT, MR. BLOCKER?

5 A FIVE DOLLARS A NIGHT.

6 Q SO, IT'S A FAIR AMOUNT OF MONEY TO GET IN THE CLUB FOR
7 THAT MANY PEOPLE?

8 A YEAH. THAT WAS A NICE FIGURE FOR ONE PERSON TO PAY.

9 Q THE PERSON THAT PAID FOR THE ENTIRE GROUP, HAD YOU EVER
10 SEEN HIS FACE BEFORE?

11 A NO. I DIDN'T KNOW HIM. NO, I DIDN'T KNOW HIM. I'VE
12 SEEN HIM AT A NIGHTCLUB ONCE BEFORE DOWN IN COLUMBIA, BUT I
13 DIDN'T KNOW HIM PERSONALLY.

14 Q YOU DON'T KNOW HIM PERSONALLY AS A FRIEND?

15 A NO, I DON'T KNOW HIM.

16 Q BUT YOU'VE SEEN HIM BEFORE AT A NIGHTCLUB?

17 A YEAH.

18 Q DID YOU RECOGNIZE ANY OF THE OTHER PEOPLE IN HIS GROUP?

19 A JUST ONE GUY, BUT I CAN'T REMEMBER HIM. YOU KNOW, HE
20 SPOKE TO ME. IT'S A PERSON I BEEN KNOWING FACE-WISE FOR A
21 WHILE, BUT I REALLY COULDN'T REMEMBER WHO HE WAS.

22 Q SO, YOU DIDN'T KNOW THE NAMES OF ANY OF THESE
23 INDIVIDUALS?

24 A NO, I DIDN'T.

25 Q AFTER THEY PAID THE COVER CHARGE DID THEY GO INSIDE THE

1 CLUB?

2 A YES, THEY DID.

3 Q AND DID THEY CONTINUE ON TO THE BAR?

4 A YES.

5 Q THIS INDIVIDUAL THAT HAD PAID FOR EVERYONE, DID HE DO
6 ANYTHING AT THE BAR THAT CAUGHT YOUR ATTENTION?

7 A HE SPENT MONEY. HE BOUGHT DRINKS.

8 Q DID HE BUY A LOT OF DRINKS, OR DID HE JUST BY ONE DRINK?

9 A HE BOUGHT FOR THE PEOPLE WHO WAS WITH HIM.

10 Q FOR THE ENTIRE GROUP?

11 A YEAH. I DIDN'T SEE NOBODY ELSE PULLING OUT MONEY.

12 Q WAS THAT UNUSUAL FOR THE C&L CLUB FOR SOMEBODY TO COME
13 IN SPENDING A LOT OF MONEY?

14 A WELL, I MEAN, IT'S NOT UNUSUAL FOR SOMEONE TO COME IN
15 AND BUY PEOPLE DRINKS, BUT, YOU KNOW, YOU GOT A STRANGE-FACED
16 MAN CAME IN, YOU KNOW. IT'S KIND OF UNUSUAL TO SEE HIM LIKE
17 THAT, YOU KNOW -- DIDN'T KNOW HIM, YOU KNOW, AND HE COME IN
18 SPENDING MONEY, YOU KNOW. A PERSON LIKE THAT YOU SEE. YOU
19 SEE. YOU JUST SEE, YOU KNOW. YOU SAY, WELL, WHAT KIND OF
20 FELLOW THIS IS, YOU KNOW?

21 Q SO, HE STOOD OUT?

22 A YEAH. HE STOOD OUT A LITTLE BIT.

23 Q DID HE APPEAR TO BE THE LEADER OF THAT GROUP?

24 MR. YOUNG: OBJECTION, YOUR HONOR.

25 THE WITNESS: WELL, I WOULDN'T KNOW WHAT YOU CALL A LEADER.

1 THE COURT: JUST A MINUTE. STATE YOUR GROUND.

2 MR. YOUNG: OBJECTION. THAT REQUIRES THE WITNESS TO
3 SPECULATE.

4 THE COURT: IF HE CAN ANSWER TO HIS OWN KNOWLEDGE I WILL
5 ALLOW HIM TO DO IT. OVERRULED.

6 MR. HUBBARD: THANK YOU, YOUR HONOR.

7 Q MR. BLOCKER, DID HE APPEAR TO BE THE LEADER OF THIS
8 GROUP?

9 A WELL, I WOULDN'T KNOW WHAT YOU CALL A LEADER, BUT HE
10 SEEMED TO BE LIKE, YOU KNOW, BE THE HEAD OF WHAT WAS GOING
11 ON. I MEAN, THE MAN WAS PAYING FOR EVERYTHING. SO, I MEAN,
12 HE KIND OF STOOD OUT IN FRONT OF EVERYONE, YOU KNOW.

13 Q AS HE WAS WALKING INTO THE CLUB WHEN YOU TOOK THE MONEY
14 DID YOU NOTICE ANY DISTINGUISHING FEATURES OR MARKS ON HIS
15 BODY?

16 A YEAH. I NOTICED HE HAD A TATTOO, BUT WHAT KIND I
17 DIDN'T KNOW, YOU KNOW. I JUST NOTICED BECAUSE HE WORE -- HE
18 HAD SHORT PANTS ON, SHORT SLEEVES ON, YOU KNOW, BUT I DIDN'T
19 KNOW WHAT KIND IT WAS.

20 Q YOU RECALL HIM HAVING A TATTOO?

21 A YEAH.

22 Q MR. BLOCKER, WAS THIS INDIVIDUAL A LIGHT-SKINNED
23 INDIVIDUAL OR A DARK-SKINNED INDIVIDUAL?

24 A HE WAS LIGHT SKINNED. HE WAS A LIGHT-SKINNED FELLOW FOR
25 A BLACK MAN, YOU KNOW.

1 Q AFTER YOU WERE AT THE BAR AROUND THE BAR AREA DID YOU GO
2 BACK TO YOUR DUTY AS THE DOORMAN?

3 A YEAH, I DID.

4 Q SHORTLY THEREAFTER DID ANYTHING START INSIDE THE CLUB?

5 A WHEN IT DID -- WHEN I WENT BACK TO THE DOOR OR I WENT
6 OUTSIDE, TOO, BECAUSE SOMEONE HAD CALLED ME OUTSIDE TO TALK
7 TO HIM. SO I WENT OUTSIDE AND TALKED TO HIM, AND AS I WAS
8 OUTSIDE TALKING TO HIM A FEMALE CAME OUT AND SHE ASKED ME WAS
9 I RIDING WITH ALFRED. I SAID, "YES, I AM." SHE SAID, "WELL,
10 IT'S A BUNCH OF GUYS IN THERE BEATING UP ON HIM." SO, I WENT
11 BACK TO THE DOOR TO GET IN, AND WHEN I WENT IN CLUB, YOU
12 KNOW, THE MUSIC WAS STILL ON, AND SO WHEN I WALKED IN I RAN
13 INTO A FRIEND AND I ASKED HIM, I SAID, "MAN, WHO WAS THAT OUT
14 THERE FIGHTING?" HE SAID, "MAN, I'M NOT SURE." I SAID, "MAN,
15 THE GIRL JUST TOLD ME IT WAS ALFRED FIGHTING."

16 MR. YOUNG: OBJECTION; HEARSAY.

17 THE COURT: SUSTAIN THE OBJECTION.

18 Q MR. BLOCKER, NOT GOING INTO WHAT SOMEBODY ELSE SAID---

19 A YES, SIR.

20 Q ---WHAT DID YOU SEE YOURSELF?

21 A WHEN I CAME IN IT WAS A BUNCH OF GUYS BEATING THE MAN
22 WITH BOTTLES, CHAIRS, EVERYTHING BUT THE KITCHEN SINK IF YOU
23 WANT TO SAY IT, YOU KNOW.

24 Q NOW, WHEN YOU SAY "THE MAN," WHAT MAN WAS THAT?

25 A I DON'T KNOW WHO THE FELLOWS WAS. YOU KNOW, THEY WAS

1 BEATING ALFRED, BUT I DON'T KNOW WHO THE FELLOWS WAS. I
2 DON'T KNOW THEM.

3 Q WERE THEY IN THAT GROUP WITH THE LANDCRUISER GROUP?

4 A YES, THEY WAS.

5 Q AND THEY WERE BEATING ON ALFRED?

6 A YES, THEY WAS.

7 Q HOW MUCH PEOPLE WOULD YOU SAY WERE ON ALFRED?

8 A THE GUYS THAT WERE WITH HIM.

9 Q HOW MANY PEOPLE TOTAL WOULD YOU SAY, MR. BLOCKER?

10 A LIKE I SAID, IT WAS ABOUT TEN GUYS AND THREE OR FOUR
11 GIRLS.

12 Q WERE THE GIRLS ENGAGED IN THE FIGHT?

13 A NO, THEY WASN'T.

14 Q JUST THE MALE INDIVIDUALS?

15 A YEAH.

16 Q MR. BLOCKER, I AM SHOWING YOU WHAT HAS BEEN MARKED AS
17 STATE'S EXHIBIT NUMBER 23 IN EVIDENCE. IT'S A DIAGRAM OF THE
18 C&L CLUB. HAVE YOU SEEN THIS BEFORE IN OUR OFFICE?

19 A YES, I HAVE.

20 Q CAN YOU SEE ON THAT DIAGRAM WHERE THE FIGHT WAS AT THE
21 TIME YOU FIRST SAW IT?

22 A WHEN I FIRST SAW -- I WALKED IN. YOU COME IN THROUGH
23 THE DOOR HERE. THE FIGHT WAS RIGHT IN HERE. IT WAS RIGHT IN
24 HERE (INDICATING.)

25 Q OKAY. BY THE CIGARETTE MACHINE?

1 A RIGHT ALL UP IN HERE, YEAH.

2 Q AND THEY WERE ALL ON ALFRED?

3 A YEAH, THEY WERE.

4 Q YOU SAY THEY WERE HITTING HIM WITH BARSTOOLS?

5 A CHAIRS AND EVERYTHING ELSE -- BOTTLES AND EVERYTHING.

6 Q AFTER YOU SAW THIS HAPPENING TO ALFRED WHAT DID YOU DO,

7 MR. BLOCKER?

8 A I JUMPED IN TO STOP IT, YOU KNOW. WASN'T NOBODY TRYING

9 TO STOP IT. SO, YOU KNOW, I TRIED TO STOP IT, AND AS I WAS

10 TRYING TO STOP IT, THREE OR FOUR THEM CAME OFF ON HIM, AND I

11 PROCEEDED TO FIGHTING THEM, AND ONCE I STARTED FIGHTING THE

12 GUYS THAT RUN THE DOOR THEY COME UP TO HELP ME. THAT'S PART

13 OF OUR JOB, YOU KNOW. WE HAVE TO STOP THE FIGHTS.

14 Q MR. BLOCKER, WHO WERE YOU WORKING WITH THAT NIGHT? WHO

15 HELPED YOU OUT?

16 A A GUY NAMED THOMAS AND A GUY NAMED NORMAN.

17 Q THOMAS AND NORMAN GOT INTO IT, ALSO?

18 A WELL, NORMAN DID. THOMAS WAS LEFT TO GUARD THE DOOR.

19 Q NORMAN WAS SUPPOSED TO GUARD THE DOOR?

20 A NO. THOMAS WAS LEFT TO GUARD THE DOOR. NORMAN CAME

21 IN. HE STARTED HELPING ME.

22 Q AFTER NORMAN CAME IN AND STARTED HELPING YOU DID YOU SEE

23 THE LIGHT-SKINNED INDIVIDUAL THAT PAID FOR EVERYBODY? DID

24 YOU SEE HIM AGAIN?

25 A YEAH, I DID.

- 1 Q WHAT DID YOU SEE HIM DO DURING THE FIGHT?
- 2 A HE HEADED OUT THE DOOR QUICKLY.
- 3 Q BACK IN THE DIRECTION OF THE FRONT DOOR WHERE HE HAD
- 4 COME IN?
- 5 A YES, SIR.
- 6 Q AND YOU SAY HE WAS MOVING QUICKLY?
- 7 A YES, SIR.
- 8 Q WAS HE GOING BACK TOWARD THE DIRECTION OF THE VEHICLES
- 9 THAT THEY HAD PARKED?
- 10 A YES, HE WAS.
- 11 Q AFTER HE LEFT THE BUILDING COULD YOU SEE HIM FROM WHERE
- 12 YOU WERE?
- 13 A I DIDN'T SEE HIM UNTIL I GOT BACK TOWARD THE DOOR
- 14 BECAUSE WHEN I WAS PROCEEDING TRYING TO STOP PEOPLE FROM
- 15 FIGHTING AND TRYING TO DEFEND MYSELF ON TOP OF IT I WAS RIGHT
- 16 BACK IN FRONT OF DOOR WHERE WE HAD, YOU KNOW, TAKEN STAMPS
- 17 AND MONEY, AND WE HAD THE DOORS OPEN, AND HE WAS BANGING ON
- 18 THE DOOR TRYING TO GET BACK IN, BUT WE HAD THE DOOR LOCKED.
- 19 THAT'S A POLICY WE CARRY. IF A FIGHT BREAKS OUT, DON'T LET
- 20 NOBODY RUN OUT THE CLUB AND COME BACK IN WITH WEAPONS.
- 21 Q WHO WOULD HAVE BEEN RESPONSIBLE FOR LOCKING THAT DOOR,
- 22 CLOSING THAT DOOR THAT NIGHT?
- 23 A ALL OF US.
- 24 Q ALL OF YOU -- THE DOOR MEN?
- 25 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

- 1 Q SO, NORMAN, THOMAS, AND YOURSELF?
- 2 A (WITNESS NODS INDICATING AN AFFIRMATIVE RESPONSE.)
- 3 Q AFTER YOU HEARD HIM BEAT ON THE DOOR DID YOU SEE HIM
- 4 COME BACK IN THE CLUB?
- 5 A YEAH, HE CAME BACK IN.
- 6 Q WHAT, IF ANYTHING, WAS HE CARRYING WHEN HE CAME BACK IN
- 7 CLUB?
- 8 A HE WAS CARRYING A PISTOL. IT LOOKED LIKE A NINE
- 9 MILLIMETER.
- 10 Q WAS THE FIGHT STILL GOING ON WITH ALFRED?
- 11 A YES, IT WAS.
- 12 Q PEOPLE STILL HITTING HIM?
- 13 A YES, THEY WAS.
- 14 Q DID ANY OF THE PEOPLE IN HIS GROUP CALL OUT TO THE MAN
- 15 WITH THE GUN?
- 16 A YEAH, A FELLOW HOLLERED. HE SAID---
- 17 MR. YOUNG: OBJECTION, YOUR HONOR.
- 18 THE COURT: SUSTAIN THE OBJECTION.
- 19 MR. HUBBARD: YOUR HONOR, MAY I APPROACH? EXCEPTION.
- 20 THE COURT: IF YOU WANT TO ARGUE IT YOU MAY.
- 21 MR. HUBBARD: YOUR HONOR, I SUBMIT IT'S AN EXCITED
- 22 UTTERANCE. YOU GOT THIS INDIVIDUAL ENGAGED IN A FIGHT AND
- 23 CALLS OUT TO A MAN WITH A GUN.
- 24 THE COURT: OVERRULED.
- 25 MR. HUBBARD: THANK YOU, YOUR HONOR.

1 Q WHAT DID THE MAN SAY THAT CALLED OUT TO THE MAN WITH THE
2 PISTOL?

3 MR. YOUNG: OBJECTION, YOUR HONOR. HEARSAY.

4 MR. HUBBARD: THAT'S THE EXCEPTION, YOUR HONOR.

5 THE COURT: YES, SIR, BUT DIDN'T I JUST SUSTAIN THE
6 OBJECTION?

7 MR. HUBBARD: I THOUGHT YOU OVERRULED IT. I APOLOGIZE,
8 YOUR HONOR.

9 MR. YOUNG: YOU SAID OVERRULED, YOUR HONOR.

10 THE COURT: I'M SORRY. OKAY. SO YOU'RE STATING THE SAME
11 OBJECTION; IS THAT CORRECT.

12 MR. YOUNG: YES, SIR, YOUR HONOR.

13 THE COURT: OVERRULED.

14 MR. HUBBARD: THANK YOU, YOUR HONOR.

15 Q WHAT DID THE MAN SAY, IF ANYTHING, TO THE MAN WITH THE
16 GUN?

17 A HE WAS HOLLERING. HE TOLD HIM -- HE SAID, "RAH, RAH,
18 COME OVER HERE. THE NIGGER IS OVER HERE. HE OVER HERE." HE
19 WALKED PAST ME AND NORMAN. HE HAD THE GUN IN HIS HAND, AND
20 WHEN HE WALKED OVER THERE WHERE THE GUY WAS HOLLERING TO HIM
21 AND WE WOULDN'T FOLLOW HIM NO MORE THAN ABOUT FROM HERE TO
22 FIVE FEET APART. HE POINTED DOWN AND SHOT HIM.

23 Q THE MAN WHO WAS CALLING OUT, "RAH, RAH," WHO WAS HE
24 ADDRESSING, MR. BLOCKER? WHO WAS HE CALLING TO?

25 A THE FELLOW THAT PAID FOR EVERYBODY TO COME IN.

1 Q YOU SAY HE WALKED OVER AND SHOT ALFRED?

2 A YES, HE DID.

3 Q WHEN HE SHOT ALFRED WAS ALFRED STANDING UP, OR WAS HE ON
4 THE GROUND?

5 A HE WAS ON THE FLOOR.

6 Q COULD YOU SEE FROM WHERE YOU WERE WHERE HE WAS HIT THE
7 FIRST TIME?

8 A HE WAS HIT IN THE STOMACH.

9 Q AFTER ALFRED WAS SHOT IN THE STOMACH WHAT DID HE DO?

10 A HE TRIED TO GET UP AND RUN.

11 Q WHICH DIRECTION DID HE RUN, MR. BLOCKER?

12 A HE RAN TOWARD THE BAR AND THE KITCHEN.

13 Q I AM SHOWING YOU AGAIN STATE'S EXHIBIT NUMBER 23 WITHOUT
14 GETTING YOU OFF THE STAND, MR. BLOCKER. CAN YOU SHOW THE
15 JURY WHERE ALFRED WAS WHEN HE WAS SHOT THE FIRST TIME?

16 A HE WAS RIGHT PAST HERE ALONG THE LADY'S ROOM -- I MEAN
17 THE MEN'S ROOM. HE WAS IN THIS AREA. AFTER WE HAD BROKE
18 INTO THE FIGHT AND PROCEEDED TO FIGHT, THE FIGHT WAS ALL
19 SCATTERED AND EVERYWHERE AND ALFRED WAS STILL FIGHTING OVER
20 IN HERE BACK TOWARDS THE MEN'S BATHROOM, AND WE WERE
21 SOMEWHERE UP IN HERE FIGHTING, YOU KNOW, ALL THROUGH HERE
22 BECAUSE THERE WAS SO MANY OF US AND HE RAN RIGHT IN HERE, AND
23 ALFRED WAS LAYING BACK LIKE THAT BECAUSE THEY WERE STILL
24 HITTING HIM (INDICATING,) AND HE SHOT HIM.

25 Q WHEN HE WAS SHOT THE FIRST TIME CAN YOU SHOW ON THE

1 | DIAGRAM THE DIRECTION HE RAN -- ALFRED RAN?

2 | A WHEN HE GOT UP HE TRIED TO GET UP AND RUN, AND HE TRIED
3 | TO RUN TOWARD THE KITCHEN THIS WAY.

4 | Q AS HE WAS RUNNING TOWARD THE KITCHEN DID THE MAN WHO
5 | WENT BY RAH, DID HE SHOOT AGAIN?

6 | A YES, HE DID.

7 | Q WHERE DID HE APPEAR TO HIT ALFRED THE SECOND TIME?

8 | A I'M NOT SURE. WHEN HE SHOT, ALFRED FELL OVER, AND I
9 | DON'T KNOW WHERE HE HIT HIM AT, BUT ALFRED FELL.

10 | Q WHERE DID HE FALL, MR. BLOCKER? DID SEE WHERE ALFRED
11 | ENDED UP?

12 | A WE HAVE A DOOR HERE, A SWINGING DOOR FROM ON THE BAR,
13 | BUT IT STAYED OPEN. HE KEEPS IT OPEN BECAUSE WE BE BACK AND
14 | FORTH THROUGH THERE, AND WHEN HE FELL THROUGH HE FELL TOWARD
15 | THE KITCHEN. (INDICATING.)

16 | Q SIR, CAN YOU SEE THAT DOOR IN THIS PHOTOGRAPH THAT'S ON
17 | STATE'S EXHIBIT 23?

18 | A RIGHT THERE (INDICATING.)

19 | Q SO, HE WENT INSIDE THE DOOR THAT'S SHOWN ON THIS
20 | DIAGRAM?

21 | A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

22 | Q AFTER ALFRED MADE IT THROUGH THAT DOOR DID THE MAN
23 | CALLED RAH, THE MAN THAT HAD THE GUN, DID HE FOLLOW ALFRED?

24 | A YES, HE DID.

25 | Q WHAT, IF ANYTHING, DID HE DO?

1 A HE SHOT AGAIN.

2 Q WAS ALFRED STANDING OR WAS HE ON THE GROUND AGAIN WHEN
3 HE SHOT HIM THE THIRD TIME?

4 A WELL, HE HAD FELL WHEN I SEEN HIM GET SHOT THE SECOND
5 TIME. WHEN THE SECOND SHOT WENT OFF HE HAD FELL TO THE
6 FLOOR, AND WHEN THE THIRD SHOT WENT OFF HE WAS STILL DOWN.

7 Q MR. BLOCKER, WAS ALFRED FACE DOWN OR FACE UP WHEN HE WAS
8 SHOT THE THIRD TIME?

9 A HE HAD FELL ON HIS FACE.

10 Q SO, HE WAS LYING FACE DOWN WHEN HE WAS SHOT THE THIRD
11 TIME?

12 A (WITNESS NODS INDICATING AN AFFIRMATIVE RESPONSE.)

13 Q AFTER THIS INDIVIDUAL THAT WENT BY RAH SHOT HIM THE
14 THIRD TIME, WHAT, IF ANYTHING, DID THAT MAN DO?

15 A THEY PROCEEDED OUT THE CLUB. THE CLUB GOT ALL
16 DISTORTED, MAN. EVERYBODY WAS RUNNING, AND THE CROWD WAS
17 BROKEN OUT, YOU KNOW. PEOPLE WAS RUNNING OUT THE FRONT DOOR.
18 PEOPLE WAS RUNNING OUT THE KITCHEN DOOR. AND, ACTUALLY, I
19 CAN'T SAY WHICH DOOR HE RAN OUT OF BECAUSE WHEN YOU GOT THAT
20 KIND OF CROWD MIXING IN AND EVERYBODY JIGGLING AND JUGGLING,
21 YOU CAN'T REALLY SAY. I CAN'T SAY WHICH WAY HE RAN OUT --
22 WHICH ONE BECAUSE YOU KNOW AT THAT POINT AND PERIOD IN TIME
23 EVERYBODY IS TRYING TO GET OUT THE WAY OF A BULLET, YOU KNOW.

24 Q YES, SIR. MR. BLOCKER, I AM SHOWING YOU A SERIES OF
25 PHOTOGRAPHS. DO THESE PHOTOGRAPHS DEPICT THE AREA WHERE THE

1 FIGHT OCCURRED?

2 A WHERE FIGHT OCCURRED I CAN'T HONESTLY SAY FROM THE
3 BEGINNING BECAUSE I WASN'T IN THERE FROM THE BEGINNING, BUT
4 WHEN I CAME IN THE FIGHT WAS IN HERE (INDICATING.) WHEN I
5 CAME IN IT WAS RIGHT IN HERE (INDICATING.)

6 Q DO THOSE DEPICT THE SECTION OF THE BAR WHERE ALFRED RAN?

7 A UH-HUH. YES, SIR.

8 MR. HUBBARD: YOUR HONOR, I MOVE THESE INTO EVIDENCE AT
9 THIS TIME.

10 THE COURT: ANY OBJECTION? SHOW THEM TO DEFENSE COUNSEL.

11 MR. YOUNG: YOUR HONOR, I WOULD OBJECT. I HAVE AN
12 OBJECTION THE THESE PICTURES BEING ENTERED.

13 THE COURT: CAN I SEE THEM?

14 MR. YOUNG: YES, SIR. (HANDS TO COURT.)

15 THE COURT: LADIES AND GENTLEMEN OF THE JURY, I HAVE A
16 MATTER THAT I NEED TO TAKE UP WITH THE LAWYERS OUTSIDE YOUR
17 PRESENCE WHILE YOU ARE IN THE JURY ROOM. PLEASE DO NOT
18 DISCUSS THIS CASE AMONG YOURSELVES. I WILL GET YOU BACK IN
19 JUST A FEW MINUTES.

20 (THE JURY RETIRES TO THE JURY ROOM.)

21 THE COURT: I THOUGHT THAT WE'D PREMARKED ALL THE EXHIBITS.

22 MR. HUBBARD: YOUR HONOR, WE DID WITH MY WITNESS.

23 THE COURT: WELL, LET'S GET ALL OF THEM MARKED.

24 MR. HUBBARD: YES, YOUR HONOR. I'M SORRY. I HAD PULLED
25 SOME OUT, AND, APPARENTLY, I HAD NOT SHOWN MY CO-COUNSEL. I

1 DID NOT KNOW HE WANTED THOSE. SO I BROUGHT THOSE AND HAD---

2 THE COURT: WHY DON'T YOU TWO TALK AND SEE WHAT YOU ARE
3 GOING TO USE IN THIS CASE, AND LET'S GET THEM ALL MARKED NOW
4 BECAUSE THAT WAS MY WHOLE IDEA LEAVING THE JURY BACK THERE
5 FOR 30 MINUTES A WHILE AGO.

6 MR. HUBBARD: YES, SIR. THAT WAS MY FAULT, YOUR HONOR. I
7 APOLOGIZE. IT WON'T HAPPEN AGAIN.

8 THE COURT: WHAT IS YOUR OBJECTION?

9 MR. YOUNG: YOUR HONOR, MY OBJECTION IS FROM MY VIEW OF
10 THOSE PICTURES THEY LOOKED DUPLICATIVE OF THE PICTURES THAT
11 WERE ADMITTED EARLIER. ONE OF THE PICTURES THAT I OBJECTED
12 TO EARLIER WHICH THE SOLICITOR SAID SHOWED A VIEW OF THE BAR
13 AREA I OBJECTED TO THAT PICTURE BASED ON THE DECEDENT BEING
14 IN THAT PICTURE, THERE IS A PICTURE THEY ARE TRYING TO
15 INTRODUCE NOW THAT IS SHOT FROM THE SAME ANGLE THAT IS A
16 LITTLE FURTHER BACK FROM THAT OTHER PICTURE.

17 THE COURT: NO, SIR. IT'S A DIFFERENT ANGLE. IT'S NOT THE
18 SAME ANGLE, I DON'T THINK. THERE WAS ONE THAT WAS SHOT FROM
19 BEHIND THE BAR IF YOU'RE TALKING ABOUT THIS ONE.

20 MR. YOUNG: NO, SIR, YOUR HONOR.

21 THE COURT: WELL, COME UP HERE AND YOU SHOW ME---

22 MR. HUBBARD: YOUR HONOR, I SEE WHAT HE'S TALKING ABOUT.

23 THE COURT: WELL, SHOW ME WHAT IS DUPLICATIVE BECAUSE I
24 DON'T SEE ANYTHING SHOWING THE VICTIM IN HERE EXCEPT IN ONE
25 OF THE THEM. LET'S LET THE COURT REPORTER MARK THEM SO WE

1 KNOW WHAT WE'RE TALKING ABOUT.

2 THE COURT REPORTER: YOU WANT ME TO MARK THEM FOR I.D.,
3 JUDGE?

4 THE COURT: YOU CAN MARK THEM FOR I.D. RIGHT NOW.

5 THE COURT REPORTER: YES, SIR.

6 MR. HUBBARD: YOUR HONOR, THERE'S ONE THAT'S ON STATE'S
7 EXHIBIT NO. 23 THAT'S SIMILAR.

8 THE COURT: WELL, WHY DON'T YOU TAKE IT OFF AND LET ME LOOK
9 AT IT?

10 MR. HUBBARD: IF THAT'S THE OBJECTION, WE'LL PULL THAT ONE
11 OUT.

12 THE COURT: WELL, LET'S SEE. SHE CAN'T DO BUT ONE THING AT
13 THE TIME.

14 (PLAINTIFF'S EXHIBIT NOS. 34 - 37 MARKED FOR
15 IDENTIFICATION.)

16 THE COURT REPORTER: 34 THROUGH 37 FOR I.D.

17 THE COURT: ALL RIGHT. LET ME HAVE THOSE BACK. NOW I SEE
18 WHAT YOU ARE TALKING ABOUT -- THOSE TWO.

19 MR. YOUNG: YES, SIR. AND ALSO THIS PORTRAIT.

20 THE COURT: BUT ON THIS ONE YOU DIDN'T HAVE AN OBJECTION TO
21 IT; CORRECT -- 13?

22 MR. YOUNG: NO, SIR, BECAUSE THE LEGS WERE NOT AS VISIBLE
23 AS ON THE OTHER ONE.

24 THE COURT: SHOW ME THE ONES---

25 MR. YOUNG: THE OTHER PICTURE THAT I SEE IS A CLOSER UP AND

1 FURTHER BACK MORE DISTANT SHOT IS THIS ONE GOING TOWARDS THE
2 BAR AREA.

3 THE COURT: ALL RIGHT. THAT'S THE ONE I ADMITTED OVER
4 OBJECTION.

5 MR. YOUNG: YES, SIR.

6 THE COURT: THAT'S NO. 11.

7 MR. YOUNG: YES, SIR, AND THE OTHER SHOT IS SHOWING PRETTY
8 MUCH THE SAME ANGLE, JUST FURTHER BACK, AND DOES NOT INCLUDE
9 THIS ONE IN THE MIDDLE.

10 THE COURT: SHOWING THE SAME ANGLE?

11 MR. YOUNG: IT IS SHOWING THE SAME TOWARD THE KITCHEN
12 DOOR. IT'S JUST A FURTHER BACK AND WIDER RANGE.

13 MR. HUBBARD: YOUR HONOR, HE REFERRED TO THAT CIGARETTE
14 MACHINE IN HIS TESTIMONY AS TO WHERE HE WAS SHOT THE FIRST
15 TIME. THAT'S WHY I WANTED THAT ONE IN AND WHY I WANTED TO GO
16 OVER THAT WITH HIM.

17 THE COURT: ALL RIGHT. NO. 13 IS IN AND NO. 34 I WILL
18 SUSTAIN THE OBJECTION AS TO THAT AND THEN THE OBJECTION AS TO
19 NO. 36 IS OVERRULED AND AS TO 35 AND 37, DO YOU HAVE ANY
20 OBJECTION TO THOSE?

21 MR. YOUNG: JUST I BELIEVE THE GENERAL DEPICTION IN THE
22 PICTURE IS PROBABLY DUPLICATIVE OF SOME OF THE OTHER PICTURES
23 THAT SHOW THE INSIDE.

24 THE COURT: THAT CERTAINLY LOOKS LIKE ONE THAT I HAVE SEEN
25 BEFORE.

1 MR. SWARAT: I DON'T KNOW IF I HAVE ONE OF THAT ANGLE,
2 JUDGE. I WAS LOOKING FOR THAT. THAT'S ACTUALLY WHAT I HAVE
3 BEEN WALKING AROUND HERE LOOKING FOR THE WHOLE TIME. I DON'T
4 BELIEVE I HAVE ONE OF THAT ANGLE. WHAT I WANT TO SHOW IN
5 THIS IS THE PROGRESSION OF THE FIGHT.

6 THE COURT: WELL, I THINK THAT---

7 MR. HUBBARD: IT'S A LITTLE BIT FURTHER BACK.

8 THE COURT: WELL, HOW MANY PICTURES DO YOU NEED, MR.
9 SWARAT?

10 MR. SWARAT: JUDGE, I DON'T BELIEVE THAT CIGARETTE MACHINE
11 IS IN THERE. THAT'S WHAT I AM TRYING TO REFER TO IN THAT
12 ONE.

13 THE COURT: THE CIGARETTE MACHINE IS IN NO. 36. I LET IT
14 IN ONE. I LET THAT ONE IN OVER OBJECTION.

15 MR. SWARAT: I COULDN'T SEE WHICH ONE YOU WERE HOLDING. I
16 APOLOGIZE.

17 THE COURT: WELL, DO WE HAVE ANYMORE PICTURES BACK THERE
18 THAT Y'ALL WERE GOING TO TRY TO GET IN?

19 MR. SWARAT: I DON'T THINK SO. EVERYTHING ELSE YOU'VE
20 LOOKED AT. DO WE HAVE OTHER PICTURES THAT WE ARE GOING TO TRY
21 TO PUT IN OTHER THE ONE OF THE BODY?

22 MR. HUBBARD: NO.

23 THE COURT: WITH DR. CARTER?

24 MR. HUBBARD: NO.

25 THE COURT: I KNOW ABOUT THAT. I AM TALKING ABOUT THE ONES

1 THAT NEVER HAVE BEEN MARKED.

2 MR. SWARAT: I AM JUST TALKING ABOUT TOTAL, YOUR HONOR. I
3 AM TRYING TRYING TO COVER EVERYTHING.

4 THE COURT: ALL RIGHT. 35 AND 37, THE OBJECTION IS
5 SUSTAINED, ALSO. 36 IS IN OVER OBJECTION.

6 THE COURT REPORTER: LET ME MARK IT.

7 THE COURT: YOU'LL NEED TO LEAVE THOSE HERE. THEY ARE JUST
8 NOT IN.

9 THE COURT REPORTER: ALL RIGHT.

10 THE COURT: ALL RIGHT. WHILE THE JURY IS OUT WE'RE GOING TO
11 TAKE A VERY SHORT BREAK. I WOULD INSTRUCT YOU, MR. BLOCKER,
12 THAT, SIR, YOU ARE STILL SUBJECT TO FURTHER EXAMINATION. YOU
13 MAY STEP DOWN FROM THE WITNESS STAND. IF YOU NEED TO GO TO
14 THE RESTROOM OR SOMETHING LIKE THAT, YOU MAY DO SO. YOU ARE
15 NOT TO DISCUSS YOUR TESTIMONY WITH ANYONE DURING THE BREAK.
16 WE WILL TAKE A VERY SHORT BREAK AND COME BACK.

17 (WHEREUPON THERE WAS A RECESS.)

18 THE COURT: ALL RIGHT. MR. BLOCKER -- WHERE IS HE? COME ON
19 BACK AROUND AND RESUME THE STAND, PLEASE, MR. BLOCKER.

20 KIRBY BLOCKER, BEING PREVIOUSLY DULY SWORN,
21 RESUMED THE WITNESS STAND AND TESTIFIED AS FOLLOWS:

22 THE COURT: ALL RIGHT. IS THE STATE READY?

23 MR. SWARAT: THE STATE IS READY.

24 THE COURT: DEFENSE READY?

25 MR. YOUNG: YES, SIR.

1 THE COURT: BRING OUR JURY BACK, PLEASE.

2 (THE JURY RETURNS TO THE COURTROOM.)

3 THE COURT: THANK YOU VERY MUCH, LADIES AND GENTLEMEN. YOU
4 MAY CONTINUE, SOLICITOR.

5 DIRECT EXAMINATION CONTINUED BY MR. SWARAT:

6 Q MR. BLOCKER, AFTER ALFRED WAS SHOT THE THIRD TIME IN THE
7 KITCHEN, THE MAN THAT HAD THE GUN CALLED RAH, DID HE SHOOT
8 THE GUN AGAIN?

9 A YEAH, AS THEY WAS GETTING IN THEIR CARS AND PROCEEDING
10 BACK OUT THE CLUB LEAVING BACK OUT, HE FIRED THE GUN OFF
11 AGAIN, YOU KNOW, SHOOTING AS THEY WERE GOING OUT.

12 Q DID YOU SEE WHICH VEHICLE HE GOT INTO WHEN HE LEFT THE
13 CLUB?

14 A NO, I DIDN'T. NO, SIR, I DIDN'T.

15 Q DID YOU SEE WHO WAS DRIVING EITHER ONE OF THESE
16 VEHICLES?

17 A NO, I DIDN'T.

18 Q MR. BLOCKER, AFTER ALFRED WAS SHOT DID YOU GO TO HIM AND
19 TRY TO HELP HIM?

20 A YES, I DID.

21 Q WHAT DID YOU TRY TO DO FOR HIM?

22 A HE TOLD ME THAT HE COULDN'T HARDLY BREATHE. HE TOLD ME
23 TO TURN HIM ON HIS SIDE. WHEN I TURNED HIM ON HIS SIDE---

24 MR. YOUNG: OBJECTION AT THAT TO ANYTHING THAT HE WOULD
25 HAVE SAID, YOUR HONOR.

1 Q DID YOU HAVE A CONVERSATION WITH HIM?

2 A YES, I DID.

3 Q AND DID HE LATER EXPIRE?

4 A YES, HE DID.

5 Q DID YOU TRY TO RENDER ANY AID OR COMFORT TO HIM AS HE
6 WAS LYING THERE?

7 A HE TOLD ME HE COULDN'T HARDLY BREATHE AND TOLD ME---

8 MR. YOUNG: OBJECTION, YOUR HONOR.

9 THE COURT: SUSTAIN THE OBJECTION.

10 MR. SWARAT: YES, SIR, YOUR HONOR. WITHOUT GOING INTO---

11 THE COURT: I ASK THE JURY TO DISREGARD ANY STATEMENTS THAT
12 HAVE BEEN -- THAT THE WITNESS HAS TESTIFIED TO THAT WERE
13 MADE BY THE DECEASED AND THAT THEY BE STRICKEN FROM THE
14 RECORD.

15 MR. YOUNG: THANK YOU, YOUR HONOR.

16 Q MR. BLOCKER, I AM SHOWING WHAT HAS BEEN MARKED AS
17 STATE'S EXHIBIT NO. 11. IS THIS AREA OF THE BAR WHERE YOU
18 WENT TO HELP ALFRED?

19 A YES, IT IS.

20 Q DO YOU SEE ALFRED IN THAT PHOTOGRAPH?

21 A NO, I DON'T.

22 Q DO YOU SEE THE KITCHEN AREA OF THAT PHOTOGRAPH?

23 A YES, I DO.

24 Q IS THAT WHERE ALFRED WAS LYING?

25 A YES, IT WAS.

1 Q IS THE KITCHEN AREA BACK OVER HERE TOWARD THIS KEG?

2 A YES, IT IS.

3 Q MR. BLOCKER, WHAT DID YOU DO TRY TO HELP YOUR FRIEND
4 ALFRED?

5 A I TURNED HIM ON HIS SIDE. HE WAS HAVING TROUBLE
6 BREATHING. WHEN I TURNED HIM ON HIS SIDE, I PULLED UP HIS
7 SHIRT. I SEEN THE BLOOD RUNNING FROM THE FRONT OF HIS
8 SHIRT. AND WHEN I TURNED HIM ON HIS SIDE THAT'S WHEN I
9 NOTICED THE HOLE IN HIS BACK. SO, I JUST DROPPED MY HEAD,
10 YOU KNOW. HE WAS SPITTING OUT BLOOD OUT OF HIS MOUTH.

11 Q AFTER YOU TRIED TO HELP ALFRED WHERE DID YOU GO FROM
12 THERE?

13 A I WALKED OUT THE DOOR. I WALKED AROUND A LITTLE BIT. I
14 CAME BACK IN. I JUST STOOD THERE AND LOOKED AT HIM FOR A
15 MINUTE, YOU KNOW, WONDERING WHY NOBODY HELPED THE MAN. I
16 MEAN, THE MAN TOOK A BEATING. I WONDERED WHY NOBODY ACTUALLY
17 TRIED TO STOP IT, YOU KNOW. I WAS REALLY PUZZLED BY THAT, YOU
18 KNOW.

19 Q MR. BLOCKER, WERE YOU THERE WHEN THE POLICE ARRIVED ON
20 SCENE?

21 A NO, I LEFT. I LEFT.

22 Q AT SOME POINT LATER DID THE POLICE COME AND SPEAK TO
23 YOU?

24 A THEY CAME AND SPOKE TO ME THE NEXT DAY.

25 Q DO YOU RECALL DETECTIVE FRIER SPEAKING TO YOU?

1 A YES. HE CAUGHT ME AT MY MOTHER'S HOUSE.

2 Q DID HE TALK TO YOU ABOUT WHAT HAPPENED THAT NIGHT?

3 A YES, HE DID.

4 Q DID YOU AGREE TO SPEAK WITH HIM?

5 A YES, I SPOKE WITH HIM.

6 Q DID YOU ALSO GIVE HIM A BRIEF STATEMENT ABOUT WHAT HAD
7 HAPPENED THAT NIGHT?

8 A YES, I DID.

9 Q NOW, MR. BLOCKER, I WANT TO DIRECT YOUR ATTENTION TO THE
10 MAN THAT SHOT ALFRED. WHEN YOU WERE TAKING HIS MONEY AT THE
11 DOOR DID YOU GET A GOOD CHANCE TO SEE HIS FACE?

12 A YES, I DID.

13 Q AND YOU HAD SEEN HIS FACE BEFORE I BELIEVE YOU
14 TESTIFIED?

15 A YES, I DID.

16 Q DURING THE TIME WHEN HE CAME BACK IN WITH THE GUN, DID
17 YOU GET A GOOD CHANCE TO OBSERVE HIM?

18 A YEAH, HE WALKED PAST ME.

19 Q AS HE WAS SHOOTING ALFRED DID YOU GET A CHANCE TO
20 OBSERVE HIM AND HIS ACTIONS?

21 A YEAH, I SEEN HIM SHOOT ALFRED.

22 Q MR. BLOCKER, HOW CLOSE WERE YOU TO HIM -- CLOSE AS YOU
23 WERE DURING THE TIME OF THAT NIGHT? STOP ME WHEN I GET CLOSE
24 ENOUGH.

25 A ABOUT THAT FAR. HE WAS ABOUT ANYWHERE FROM FIVE TO TEN

1 FEET FROM ME WHEN HE SHOT ALFRED. I WAS RIGHT BY IN FRONT OF
2 THE CIGARETTE MACHINE.

3 Q I AM SHOWING WHAT HAS BEEN MARKED AS STATE'S EXHIBIT NO.
4 36 IN EVIDENCE. CAN YOU POINT OUT THE CIGARETTE MACHINE IN
5 THAT PHOTOGRAPH?

6 A THAT'S THE CIGARETTE MACHINE.

7 Q THAT'S WHERE ALFRED WAS LYING WHEN HE WAS SHOT THE FIRST
8 TIME?

9 A YEAH, RIGHT CLOSE TO IT.

10 Q YOU WERE CLOSE BY WHEN HE PULLED THE TRIGGER?

11 A YES, I WAS.

12 Q DURING THE TIME THAT YOU TOOK HIS MONEY WHEN HE PAID FOR
13 HIS ENTIRE GROUP, HOW CLOSE WERE YOU TO HIM WHEN YOU LOOKED
14 AT HIS FACE?

15 A I STAMPED HIS HAND. I STAMPED EVERYBODY'S HAND.

16 Q SO YOU ACTUALLY TOUCHED HIM?

17 A YEAH.

18 Q DID DETECTIVE FRIER ASK YOU TO LOOK AT A SERIES OF
19 PICTURES?

20 A YES, SIR, HE DID.

21 Q IN THOSE PICTURES WERE THEY ALL MEMBERS OF THE SAME
22 RACE?

23 A YES. THEY WERE ALL BLACK.

24 Q ALL MALE?

25 A YES, THEY WAS.

1 Q ROUGHLY THE SAME AGE?

2 A I IMAGINE.

3 Q BASIC PHYSICAL CHARACTERISTICS THE SAME?

4 A YEAH.

5 Q DID HE SUGGEST TO YOU WHO YOU SHOULD PICK OUT?

6 A NO, HE DIDN'T. HE ASKED ME DID I KNOW ANYBODY ON THE
7 PICTURE, AND I JUST POINTED TO HIM. I SAID, "THAT'S THE MAN
8 WHO SHOT ALFRED RIGHT THERE."

9 Q MR. BLOCKER, I AM SHOWING YOU A SERIES OF PHOTOGRAPHS.
10 DO YOU RECOGNIZE THAT SERIES OF PHOTOGRAPHS?

11 A YEAH, I DO.

12 Q IS THAT THE SERIES OF PHOTOGRAPHS THAT DETECTIVE FRIER
13 SHOWED TO YOU THE DAY AFTER THE HOMICIDE?

14 A YES, IT WAS.

15 Q DID YOU PICK OUT AN INDIVIDUAL?

16 A YES, I DID.

17 Q WHICH NUMBER DID YOU PICK OUT?

18 A THE ONE IN THE MIDDLE, NUMBER TWO.

19 Q IS THAT THE MAN THAT KILLED ALFRED JONES?

20 A YES, IT IS.

21 MR. SWARAT: YOUR HONOR, I MOVE THAT INTO EVIDENCE.

22 THE COURT: ANY OBJECTION?

23 MR. YOUNG: YOUR HONOR, I WOULD OBJECT AS THAT DOCUMENT IS
24 PRESENTED NOW. IT IS MY UNDERSTANDING THAT IT IS GOING TO BE
25 REDACTED.

1 MR. HUBBARD: MAY WE APPROACH, YOUR HONOR?

2 THE COURT: YES, SIR.

3 (WHEREUPON THERE WAS A BENCH CONFERENCE OFF THE RECORD IN
4 THE PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

5 THE COURT: SUBJECT TO REDACTION, IT WILL BE ADMITTED. WHAT
6 IS THAT NUMBER, MADAM REPORTER?

7 THE COURT REPORTER: 38, YOUR HONOR.

8 (PLAINTIFF'S EXHIBIT NO. 38 IS RECEIVED INTO EVIDENCE.)

9 THE COURT: STATE'S NO. 38.

10 Q MR. BLOCKER, DO YOU HAVE ANY DOUBT AT ALL THAT THAT'S
11 THE MAN THAT KILLED YOUR FRIEND ALFRED JONES?

12 A NOT A DOUBT.

13 Q MR. BLOCKER, IS THAT SAME INDIVIDUAL IN THE COURTROOM
14 TODAY?

15 A YES, IT IS.

16 Q COULD YOU PLEASE POINT HIM OUT TO THE JURY?

17 A (INDICATING) THE MAN IN THE WHITE WITH THE GLASSES ON.
18 THE HAIR JUST GROWED LONG. THAT'S ALL.

19 Q WHAT ABOUT HIM HAS CHANGED, MR. BLOCKER?

20 A WELL, HE SEEMS LIKE HE PICKED UP A LITTLE WEIGHT. HIS
21 FACE LOOKS A LITTLE PUFFIER AND HE HAS MORE HAIR ON HIS HEAD,
22 YOU KNOW.

23 Q IS THAT SAME FACE?

24 A SAME MAN.

25 Q AND YOU PICKED HIS PICTURE OUT THE DAY AFTER ALFRED WAS

1 KILLED?

2 A YEAH.

3 MR. SWARAT: YOUR HONOR, THAT'S ALL I HAVE AT THIS TIME.

4 THE COURT: CROSS EXAMINATION.

5 MR. SWARAT: MR. BLOCKER, PLEASE ANSWER ANY QUESTIONS THE
6 DEFENSE MAY HAVE.

7 THE COURT: CROSS EXAMINATION, MR. YOUNG.

8 CROSS EXAMINATION BY MR. YOUNG:

9 Q MR. BLOCKER, IT'S YOUR TESTIMONY THAT ALFRED JONES WAS A
10 FRIEND OF YOURS; CORRECT?

11 A YES, HE WAS.

12 Q FRIEND FOR A LONG TIME?

13 A YES, HE WAS.

14 Q A FRIEND FOR MOST OF YOUR LIFE, YOU SAID?

15 A ALL MY LIFE.

16 Q ALL OF YOUR LIFE?

17 A YES.

18 Q DID HE GO TO COLUMBIA HIGH SCHOOL?

19 A HE WENT TO IRMO.

20 Q WENT TO IRMO HIGH SCHOOL?

21 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

22 Q IS IT YOUR TESTIMONY THAT YOU STOOD APPROXIMATELY FIVE
23 FEET -- ABOUT THIS CLOSE---

24 A YEAH.

25 Q ---FROM THE GUY?

1 A I SAID FIVE TO TEN FEET.

2 Q FROM THE GUY AS HE WAS SHOOTING YOUR FRIEND?

3 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

4 Q YOU WANTED TO HELP ALFRED, DON'T YOU?

5 A YEAH, I WAS TRYING TO HELP ALFRED BUT I WAS BEING
6 DETAINED MYSELF.

7 Q IN FACT, YOU WENT INTO THE CLUB TO HELP ALFRED THAT
8 NIGHT; CORRECT?

9 A THAT'S MY JOB.

10 Q BECAUSE HE WAS YOUR FRIEND?

11 A NO. THAT'S MY JOB. MY JOB IS TO STOP ANY FIGHT NO
12 MATTER WHO IT IS. THAT'S MY JOB. THAT'S WHAT I GET
13 PAID FOR. THAT'S WHAT I DO.

14 Q THE SOLICITOR MENTIONED EARLIER ABOUT A STATEMENT THAT
15 YOU GAVE ON AUGUST 14?

16 A YES, SIR.

17 Q YOU GAVE THAT STATEMENT TO DETECTIVE FRIER, DIDN'T YOU?

18 A YES, I DID.

19 Q IN THAT STATEMENT YOU SAID, "ALFRED JONES WAS MY
20 FRIEND---"

21 A HE IS.

22 Q "SO I WENT TO HELP HIM."

23 A YES, I DID.

24 Q THAT'S WHAT YOU SAID. YOU DIDN'T SAY, I WENT TO HELP
25 HIM BECAUSE IT WAS MY JOB.

1 A NO, I DIDN'T. I WENT TO HELP HIM BECAUSE HE WAS MY
2 FRIEND AND I STILL MEAN THAT TODAY.

3 Q NOW, YOU TESTIFIED YOU WENT TO THAT CLUB WITH ALFRED
4 JONES; CORRECT?

5 A YES, I DID.

6 Q WHO DROVE?

7 A ALFRED DROVE.

8 Q ALFRED DROVE?

9 A YES, SIR.

10 Q YET, WHEN THIS INCIDENT TOOK PLACE YOU LEFT, DIDN'T YOU?

11 A I LEFT?

12 Q YOU LEFT?

13 A YES, I DID.

14 Q YOU WENT WALKING AWAY?

15 A I WALKED AWAY, I BUT I GOT IN A CAR. I WAS TOLD TO
16 LEAVE.

17 Q WHO TOLD YOU TO LEAVE?

18 A MY BOSS.

19 Q YOUR BOSS TOLD YOU TO LEAVE?

20 A YES, SIR, HE DID BECAUSE I WAS SHOOKEN UP. I WAS MAD.

21 I WAS MAD AT THE PEOPLE IN CLUB BECAUSE I WAS SITTING THERE
22 CURSING THEM AND ASKING THEM WHY ALL THESE PEOPLE STANDING IN
23 HERE AND NO ONE CARED TO HELP THE MAN EVEN THOUGH EVERYBODY
24 KNEW THIS MAN. DIDN'T NO ONE WANT TO HELP THIS MAN, YOU
25 KNOW. THAT'S WHY I WAS MAD.

1 Q BUT YOU WANTED TO HELP ALFRED, DIDN'T YOU?

2 A YES, I DID.

3 Q DIDN'T STAY AROUND TO TELL THE POLICE OFFICERS WHAT YOU
4 OBSERVED?

5 A NO, I DIDN'T.

6 Q IN FACT, THE POLICE OFFICERS HAD TO COME AND LOCATE
7 YOU?

8 A YES, THEY DID.

9 Q YOU NEVER DID CALL THE POLICE OFFICERS AND SAY, I GOT
10 SOME INFORMATION TO HELP MY FRIEND?

11 A NO, I DID NOT. I SURE DID NOT.

12 Q DID YOU?

13 A NO, I DIDN'T.

14 Q YOU TESTIFIED FOR QUITE SOME TIME THIS MORNING ABOUT
15 WHAT ALL TRANSPIRED THIS EVENING. YOU GAVE A STATEMENT TO
16 DETECTIVE FRIER?

17 A YES, I DID.

18 Q AND YOU HAVE THE INTENTIONS OF HELPING ALFRED; CORRECT?

19 A YES, I DID.

20 Q BECAUSE YOU WANT THE STATE TO CATCH THE GUY WHO HAD DONE
21 THIS; CORRECT?

22 A VERY TRUE.

23 Q SO YOU TRIED TO GIVE THE STATE AS MUCH INFORMATION AS
24 POSSIBLE TO HELP THEM ALONG?

25 A I GAVE THEM THE TRUTH. THEY ASKED ME. I TOLD THEM THE

1 TRUTH.

2 Q YOU GAVE THEM THE TRUTH?

3 A I DON'T KNOW THAT MAN. I DON'T HAVE ANYTHING AGAINST
4 THAT MAN. I JUST KNOW WHAT I SEEN, AND THAT'S WHAT I SEEN.

5 Q ON THE DAY THAT YOU GAVE YOUR STATEMENT TO THE POLICE
6 THE ONLY INFORMATION YOU GAVE THEM WAS THAT IT WAS A BLACK
7 MALE WEIGHING ABOUT 210 POUNDS; IS THAT RIGHT?

8 A THAT'S WHAT I SAID.

9 Q YOU NEVER MENTIONED ANYTHING ABOUT RAH, DID YOU?

10 A NO, I DIDN'T.

11 Q DIDN'T MENTION ANYTHING ABOUT SOME OF THESE PEOPLE
12 TALKING YOU TO AS YOU WERE COMING IN AND YOU KNEW THEM FROM
13 HIGH SCHOOL, DID YOU?

14 A WELL, HE NEVER ASKED ME THAT.

15 Q SO, IF HE DIDN'T ASK YOU DIDN'T TELL?

16 A THAT'S RIGHT. I DIDN'T VOLUNTEER ANY INFORMATION.

17 Q YOU DIDN'T VOLUNTEER ANYTHING?

18 A I SURE DIDN'T.

19 Q BECAUSE YOU WANTED TO HELP YOUR FRIEND?

20 A IF I WANTED TO HELP I WOULD HAVE VOLUNTEERED.

21 Q SO NOW YOU DON'T WANT TO HELP ALFRED JONES?

22 A I AM HERE BECAUSE THE MAN WAS SHOT BY THIS MAN. I SEEN
23 IT HAPPEN, AND THAT'S ALL I KNOW. I CAN'T TELL YOU I DIDN'T
24 SEE IT BECAUSE I DID.

25 Q WHAT WAS THIS MAN WEARING?

- 1 A THIS MAN WAS WEARING A SHORT OUTFIT.
- 2 Q A SHORT OUTFIT?
- 3 A YES.
- 4 Q TANK TOP?
- 5 A NO, IT WAS LIKE SLEEVE OUTFIT. I AM NOT INTO DETAILS ON
- 6 A MAN, YOU KNOW. THIS IS LIKE ALMOST FIVE YEARS AGO. YOU
- 7 KNOW, IT'S THINGS I CAN VAGUPLY REMEMBER, BUT I CAN REMEMBER
- 8 HE HAD A LIGHT-COLORED SHORT OUTFIT ON LIKE A BEIGE OR
- 9 WHITISH LOOKING OUTFIT.
- 10 Q YOU SAY YOU ARE NOT INTO DETAIL?
- 11 A I AM NOT INTO NO SPECIFIC DETAILS. HE IS A MAN. IF HE
- 12 WOULD HAVE BEEN A FEMALE I PROBABLY WOULD HAVE NOTICED HIM A
- 13 LOT MORE.
- 14 Q SO YOU NOTICED WHAT YOU WANTED TO NOTICE; ISN'T THAT
- 15 RIGHT?
- 16 A THAT'S TRUE.
- 17 Q YOU SAY THIS WAS A SLEEVE OUTFIT. WAS IT A SHORT SLEEVE
- 18 OR LONG SLEEVE?
- 19 A IT WAS SHORT SLEEVE.
- 20 Q SHORT SLEEVED?
- 21 A YES, SIR. IT WAS SUMMERTIME. IT WAS HOT.
- 22 Q WHAT COLOR WAS IT?
- 23 A IT WAS KIND OF BEIGEISH WHITE LOOKING. YOU KNOW, I
- 24 CAN'T SAY SOLID WHITE, SOLID BEIGE. IT WAS IN A LIGHT COLOR
- 25 ALMOST SOMETHING WHAT I AM WEARING.

- 1 Q HOW FAR DID THE SLEEVE COME DOWN HIS ARM?
- 2 A I CAN'T---
- 3 Q ALMOST STOPPED AT HIS SHOULDER?
- 4 A I CAN'T TELL YOU ALL THAT. I CAN'T GIVE YOU THAT
- 5 DETAIL.
- 6 Q JUST A REGULAR SHORT SLEEVE OUTFIT?
- 7 A THAT'S IT.
- 8 Q YOU STAMPED HIS HAND?
- 9 A I STAMPED HIS HAND.
- 10 Q WHICH HAND DID YOU STAMP?
- 11 A I ALWAYS STAMP EVERYBODY'S LEFT HAND.
- 12 Q YOU ALWAYS STAMP THE LEFT HAND?
- 13 A THAT'S RIGHT.
- 14 Q DID YOU FRISK HIM?
- 15 A THAT WAS SOME OTHER FRIEND'S JOB.
- 16 Q IT WAS YOUR TESTIMONY THAT NIGHT YOU WERE RUNNING THE
- 17 METAL DETECTOR.
- 18 A MY TESTIMONY WAS WE WERE SWITCHING BACK AND FORTH. I
- 19 WOULD RUN IT SOMETIME. I WOULD STAMP HANDS. AT THE TIME
- 20 THEY CAME IN I WAS STAMPING HANDS.
- 21 Q IT'S YOUR TESTIMONY THAT YOU OBSERVED TATTOOS ON THIS
- 22 PERSON, DIDN'T YOU?
- 23 A NO. I SAID I SEEN SOMETHING THAT LOOKED LIKE A TATTOO
- 24 WHICH IS TRUE. WHEN THE MAN REACHED OUT HIS MONEY TO MY
- 25 FRIEND NORMAN HE HAD A TATTOO ON HIS ARM.

1 Q LET'S GO BACK TO THAT STATEMENT THAT YOU -- NOW, DID HE
2 GIVE THE MONEY TO YOU, OR DID HE GIVE THE MONEY TO NORMAN?

3 A HE GAVE THE MONEY TO NORMAN.

4 Q HE GAVE THE MONEY TO NORMAN?

5 A YES, HE DID.

6 Q LET'S GO THAT STATEMENT THAT YOU GAVE DETECTIVE FRIER.

7 A YES, SIR. GO AHEAD.

8 Q IN THAT STATEMENT YOU SAID YOU SAW SOMETHING THAT YOU
9 THOUGHT WAS TATTOOS ON HIM?

10 A YES. THAT'S WHAT I SAID.

11 Q I SHOW YOU A DOCUMENT. TELL ME IF YOU CAN IDENTIFY
12 THAT.

13 A YES, I CAN. I SIGNED IT.

14 Q IS THAT A COPY OF THE STATEMENT?

15 A YEAH.

16 Q THAT YOU GAVE TO DETECTIVE FRIER?

17 A YES, IT IS.

18 Q ON AUGUST 14?

19 A YES, IT IS.

20 Q THERE IS A PART OF THAT THERE IN PARENTHESES. READ THAT
21 STATEMENT TO THE JURY.

22 A WHICH ONE ARE YOU TALKING ABOUT HERE? RIGHT HERE?
23 RIGHT HERE? (INDICATING)

24 Q START RIGHT HERE WITH THE PARENTHESES. YES, SIR.

25 A WHAT IS THIS WORD? I T OR TATTOO T? THAT'S WHAT THAT

- 1 SAYS.
- 2 Q DOES IT SAY YOU TALKED TO HIM AT THE DOOR?
- 3 A I SPOKE TO HIM AT THE DOOR.
- 4 Q IT SAYS, "I SPOKE TO HIM AT THE DOOR?"
- 5 A I TOLD YOU WHAT I SAID. I SPOKE TO HIM AT THE DOOR. I
- 6 SPEAK TO EVERYONE WHO COMES IN THE DOOR.
- 7 Q THE NEXT SENTENCE SAYS, "HE HAD TATTOOS, I BELIEVE."
- 8 ISN'T THAT RIGHT?
- 9 A THAT'S WHAT I SAID.
- 10 Q DIDN'T SAY I SAW WHAT APPEARED TO BE TATTOOS, DID IT?
- 11 A THAT'S WHAT I SAID.
- 12 Q DID IT SAY THAT?
- 13 A THAT'S WHAT I SAID.
- 14 Q YOU NEVER PROVIDED DETECTIVE FRIER WITH ANY INFORMATION
- 15 REGARDING WHAT ALL TRANSPIRED IN THE CLUB, DID YOU?
- 16 A NO, I DIDN'T.
- 17 Q BECAUSE YOU DIDN'T VOLUNTEER ANY INFORMATION?
- 18 A BECAUSE I DIDN'T KNOW.
- 19 Q YOU DIDN'T KNOW WHAT HAPPENED IN THE CLUB?
- 20 A I DIDN'T KNOW WHAT EXPIRED, HOW IT TRANSPIRED, HOW IT
- 21 WENT ON, HOW IT STARTED. I DIDN'T KNOW. YOU KNOW, I DIDN'T
- 22 KNOW. ALL I CAME IN WAS TO STOP A FIGHT. THAT'S WHAT I CAME
- 23 IN TO DO. THAT'S MY JOB.
- 24 Q DID YOU TELL DETECTIVE FRIER ABOUT ALL THE SHOOTING AND
- 25 WHERE PEOPLE WAS AND EVERYTHING?

1 A DID DETECTIVE FRIER ASK ME?

2 Q DID HE ASK YOU?

3 A DID HE?

4 THE COURT: NO, SIR. HE ASKING THE QUESTIONS. YOU ANSWER
5 THEM.

6 THE WITNESS: I DON'T THINK HE ASKED ME TOO MUCH OF
7 ANYTHING THAT DAY PERTAINING TO, YOU KNOW, ACTUALLY DETAIL
8 FOR DETAIL, YOU KNOW, BECAUSE IF WE WOULD HAVE SIT THERE AND
9 TALKED WE WOULD HAVE TALKED TWO TO THREE HOURS. HE ASKED ME
10 SOME SPECIFIC THINGS, AND I ANSWERED THEM.

11 Q HOW LONG DID YOU MEET WITH DETECTIVE FRIER?

12 A WE TALKED ANYWHERE FROM 30 MINUTES TO AN HOUR.

13 Q HOW MANY TIMES DID YOU MEET WITH DETECTIVE FRIER?

14 A I JUST SEEN HIM THAT ONCE.

15 Q JUST THAT ONCE?

16 A THAT'S IT.

17 Q AT WHAT POINT IN TIME DID YOU REMEMBER ALL OF THIS
18 INFORMATION THAT YOU ARE SHARING WITH THIS JURY TODAY?

19 A IT WAS NEVER ASKED OF ME. ALL OF IT WASN'T ASKED OF ME.

20 Q SO, IF IT WASN'T ASKED YOU WEREN'T TELLING?

21 A THAT'S RIGHT.

22 Q RATHER IT WAS HELPFUL OR NOT?

23 A THAT'S RIGHT. HONESTLY, I DIDN'T EVEN WANT TO BE HERE.

24 Q YOU NEVER TOLD DETECTIVE FRIER THAT YOU HAD SEEN THIS
25 MAN BEFORE?

- 1 A NO, I DIDN'T.
- 2 Q DID YOU?
- 3 A I SURE DIDN'T.
- 4 Q SINCE THAT DAY HAVE YOU SEEN THIS MAN AGAIN?
- 5 A SINCE THIS DAY?
- 6 Q SINCE AUGUST 13, 1995?
- 7 A NO, I HAVEN'T.
- 8 Q AND YET YOU ARE 100 PERCENT SURE THAT THE MAN
- 9 SITTING AT THAT TABLE IS THE MAN WHO DID THIS, AREN'T YOU?
- 10 A ONE HUNDRED AND ONE.
- 11 Q ONE HUNDRED AND ONE?
- 12 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)
- 13 Q YOU TESTIFIED THAT WHEN THE FIRST SHOT WAS MADE -- WAS
- 14 FIRED THAT EVERYBODY WAS RUNNING, DIDN'T YOU?
- 15 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)
- 16 Q YET YOU STOOD ABOUT FIVE OR TEN FEET AWAY WATCHING HIM
- 17 DO THIS, DIDN'T YOU?
- 18 A I SURE DID WHILE I WAS TRYING TO KEEP PEOPLE OFF MY BACK
- 19 ON TOP OF IT.
- 20 Q YOU TESTIFIED THAT YOU DON'T EVEN KNOW WHICH WAY THIS
- 21 PERSON LEFT TO GET OUT OF CLUB?
- 22 A NO, I DIDN'T.
- 23 Q LET'S GO BACK TO THAT STATEMENT YOU GAVE TO DETECTIVE
- 24 FRIER.
- 25 A GO AHEAD.

1 Q YOU TESTIFIED -- I MEAN, YOU GAVE IN THAT STATEMENT
2 THAT AS YOU WERE HEADING TO DOOR THE GUY SHOT AT YOU, DIDN'T
3 YOU?

4 A NO. I DIDN'T SAY THAT.

5 Q YOU DIDN'T SAY THAT?

6 A NO, I DIDN'T. I DIDN'T SAY HE SHOT AT ME. I SAID HE
7 SHOT. HE SHOT AS THEY WERE LEAVING OUT WHICH HE DID.

8 Q I SHOW YOU YOUR STATEMENT AGAIN.

9 A GO AHEAD.

10 Q STARTING AT THIS POINT HERE, COULD YOU READ THAT
11 SENTENCE FOR ME?

12 A "WHEN I WENT TO AND FROM THE DOOR HE SHOT AT ME AFTER HE
13 HAD SHOT AT ALFRED." YES.

14 Q YOU JUST---

15 A THAT'S A STATEMENT THAT HE PUT DOWN. THEN I SAID HE
16 SHOT. BUT IF I SAID HE SHOT ME, THEN I LIED BECAUSE HE
17 DIDN'T SHOOT AT ME NOT ONE TIME. IF HE WANTED TO SHOOT ME,
18 HE COULD HAVE KILLED ME.

19 Q SO YOU LIED THEN?

20 A YEAH, IF I WROTE THAT DOWN AND SAID THAT, THEN I LIED
21 BECAUSE HE DID NOT SHOOT AT ME. HE DIDN'T TRY TO ATTEMPT TO
22 SHOOT ME BECAUSE IF HE WANTED TO SHOOT ME HE COULD HAVE.

23 Q DID YOU PROVIDE ANY DESCRIPTION TO THE POLICE OFFICERS
24 AT ANY POINT IN TIME REGARDING ANY OF THESE PERSONS THAT WERE
25 IN THIS GROUP?

1 A THE ONLY PERSON THAT I TALKED TO CONCERNING POLICE
2 OFFICERS WAS DETECTIVE FRIER.

3 Q IF HE DIDN'T ASK YOU, YOU DIDN'T TELL HIM ANYTHING?

4 A I SURE DIDN'T.

5 Q RIGHT BEFORE THIS SHOOTING TOOK PLACE---

6 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

7 Q ---YOU TESTIFIED THERE WAS A FIGHT?

8 A YES.

9 Q AND SOMEBODY CAME AND GOT YOU?

10 A YES.

11 Q AND YOU RESPONDED TO COME HELP ALFRED; CORRECT?

12 A YES.

13 Q THEN YOU TESTIFIED THAT YOU GOT INTO A
14 FIGHT?

15 A YEAH. IF YOU WANT TO CALL IT FIGHT, THAT'S WHAT IT
16 WAS. I WAS GETTING KIND OF MUGGED MYSELF, YOU KNOW. IT WAS
17 QUITE A FEW OF THEM. WHEN I PROCEEDED TO STOP THE FIGHT
18 ABOUT THREE OR FOUR CAME OFF ON HIM AND CAME ON ME.

19 Q AND CAME ON YOU?

20 A YES. THEY CAME ON ME. THEN MY FRIEND CAME TO ASSIST
21 AND TO HELPING ME. THAT'S WHAT HAPPENED.

22 Q DURING THIS TIME THAT YOU WERE TRYING TO FIGHT OFF THE
23 THREE OR FOUR PEOPLE---

24 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

25 Q ---YOU JUST HAPPENED TO NOTICE SOMEBODY RUNNING TOWARD

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

COURT OF GENERAL SESSIONS
98-GS-32-1242

THE STATE OF SOUTH
CAROLINA,)

PLAINTIFF,)

- VS-)

WILLIE JAMES
RICHARDSON,)

DEFENDANT.)

TRANSCRIPT OF RECORD

Part 2 of 3

LEXINGTON, SOUTH CAROLINA
APRIL 10-12, 2000

B E F O R E:

THE HONORABLE GARY E. CLARY, JUDGE, AND A JURY.

A P P E A R A N C E S:

SAMUEL R. HUBBARD, III, ESQUIRE
A. TAV SWARAT, ESQUIRE
ATTORNEYS FOR THE PLAINTIFF

HERVERY B. O. YOUNG, ESQUIRE
ATTORNEY FOR THE DEFENDANT

LISA H. HICKLIN, RPR
CERTIFIED COURT REPORTER
POST OFFICE BOX 165
AIKEN, SC 29802

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<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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LISA H. HICKLIN, RPR
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 POST OFFICE BOX 165
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	DIRECT	CROSS	REDIRECT	RECROSS
REGINALD LUCAS,				
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SCOTTIE FRIER,				
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FELIX WILLIAMS,				
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SAMUEL BRYANT, JR.,				
BY HUBBARD	374		383	
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EDNA H. JUMPER,				
BY SWARAT	387		391	
BY YOUNG		390		
DR. JOHN CARTER,				
BY HUBBARD	400			

LISA H. HICKLIN, RPR
 CERTIFIED COURT REPORTER
 POST OFFICE BOX 165
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DIRECT CROSS REDIRECT RECROSS

DAVE MACDOUGALL,

BY YOUNG 425 428

BY HUBBARD 427

WILLIE JAMES RICHARDSON,

BY YOUNG 429

BY SWARAT 438

SALLY RICHARDSON,

BY YOUNG 467

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- 1 THE DOOR---
- 2 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)
- 3 Q ---GOING OUT THE DOOR, DIDN'T YOU?
- 4 A YES, BECAUSE HE RAN PAST ME.
- 5 Q YOU NEVER DID TELL DETECTIVE FRIER ABOUT THAT, DID YOU?
- 6 A DETECTIVE FRIER NEVER ASKED ME.
- 7 Q MR. BLOCKER, I WANT TO SET ONE THING STRAIGHT.
- 8 A YES SIR.
- 9 Q YOU'RE NO STRANGER TO THE COURT SYSTEM, ARE YOU?
- 10 A NO, I'M NOT.
- 11 Q IN FACT, YOU BEEN CONVICTED OF A FEW CRIMES
- 12 YOURSELF?
- 13 A YES, I HAVE.
- 14 Q IN FACT, YOU ARE A CURRENTLY INCARCERATED, AREN'T YOU?
- 15 A GOING THROUGH IT RIGHT NOW AS WE SPEAK.
- 16 Q YOU BEEN CONVICTED OF BURGLARY?
- 17 A YES, I WAS.
- 18 Q YOU BEEN CONVICTED OF DRUG OFFENSES, HAVEN'T YOU?
- 19 A YES, I WAS.
- 20 Q YOU HAVE ONLY TALKED WITH DETECTIVE FRIER ONE TIME?
- 21 A YES, I DID.
- 22 Q SINCE 1995?
- 23 A SINCE THAT DAY.
- 24 Q AND YOU GAVE HIM ALL OF ABOUT A PAGE WORTH OF
- 25 INFORMATION?

- 1 A YES, I DID.
- 2 Q YOU HAVE NEVER CALLED HIM TO SAY I GOT SOME ADDITIONAL
- 3 INFORMATION, HAVE YOU?
- 4 A NO, I DIDN'T.
- 5 Q BUT YET YOU WANT TO HELP YOUR FRIEND?
- 6 A YES, I DO.
- 7 Q AT ANY COSTS?
- 8 A NOT AT ANY COST -- AT THE TRUTH.
- 9 Q AT THE TRUTH?
- 10 A THAT'S RIGHT.
- 11 Q THE TRUTH YOU DON'T WANT TO TELL UNLESS SOMEBODY ASKS
- 12 YOU ABOUT IT, ISN'T THAT RIGHT?
- 13 A YES, SIR.
- 14 MR. YOUNG: I HAVE NO FURTHER QUESTIONS.
- 15 THE COURT: REDIRECT.
- 16 REDIRECT EXAMINATION BY MR. SWARAT:
- 17 Q MR. BLOCKER, MR. YOUNG ASKED YOU IN DETAIL ABOUT YOUR
- 18 STATEMENT?
- 19 A YES, SIR.
- 20 Q I AM SHOWING YOU A DOCUMENT. DO YOU RECOGNIZE THAT?
- 21 A YES, I DO.
- 22 Q IS THAT THE STATEMENT YOU WENT OVER WITH DETECTIVE FRIER
- 23 THE MORNING AFTER ALFRED WAS KILLED?
- 24 A YES.
- 25 Q IS THAT IN YOUR HANDWRITING?

1 A NO, IT ISN'T.

2 Q WHOSE HANDWRITING IS THAT IN?

3 A I IMAGINE IT IS DETECTIVE FRIER.

4 Q SO HE WAS TAKING DOWN INFORMATION AS YOU WERE
5 RELAYING IT TO HIM?

6 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

7 Q IN SUBSTANCE IS THAT ACCURATE? IS YOUR STATEMENT
8 ACCURATE?

9 A YES. IT'S PRETTY ACCURATE, BUT AT THAT POINT IN TIME I
10 TOLD DETECTIVE FRIER, I SAID ALL THE THINGS THAT HAPPENED
11 THAT NIGHT I CAN'T BE, YOU KNOW, EXACTLY POSITIVE ON BECAUSE
12 THINGS HAPPENED SO QUICKLY, YOU KNOW. I AM A MAN. I AM
13 HUMAN. I MAKE MISTAKES, YOU KNOW.

14 Q ARE YOU MAKING ANY MISTAKES ABOUT THE PERSON THAT KILLED
15 ALFRED JONES?

16 A NO, I'M NOT.

17 Q NOW HAVE YOU MET WITH MY OFFICE IN PREPARATION FOR THIS
18 TRIAL?

19 A YES, I HAVE BEEN IN YOUR COURT -- IN YOUR ROOM.

20 Q HAVE I ASKED YOU IN GREATER DETAIL ABOUT THE EVENTS OF
21 THAT NIGHT?

22 A YES, YOU DID.

23 Q HAVE YOU TOLD ME THE TRUTH?

24 A YES, I HAVE.

25 Q HAVE YOU TOLD THIS JURY THE TRUTH?

1 A YES, I HAVE.

2 MR. SWARAT: YOUR HONOR, I MOVE HIS STATEMENT INTO EVIDENCE
3 UNDER RULE 106.

4 MR. YOUNG: NO OBJECTION, YOUR HONOR,

5 THE COURT: IT WILL BE ADMITTED. STATE'S EXHIBIT NO. 39.

6 THE COURT REPORTER: YES, SIR.

7 (PLAINTIFF'S EXHIBIT NO. 39 ENTERED INTO EVIDENCE.)

8 MR. SWARAT: MAY I PUBLISH THIS TO THE JURY, YOUR HONOR?

9 THE COURT: YES, SIR.

10 Q THE INDIVIDUAL THAT WAS CALLED RAH THAT NIGHT THAT CAME
11 BACK IN WITH THE GUN, DO YOU HAVE ANY DOUBT THAT'S THE MAN
12 SEATED OVER THERE AT DEFENSE TABLE?

13 A THAT'S THE MAN THAT KILLED ALFRED JONES.

14 Q ANY DOUBT ABOUT IT?

15 A WITHOUT A DOUBT.

16 Q DO YOU HAVE ANYTHING AGAINST THAT MAN?

17 A I DON'T KNOW THAT MAN.

18 Q NEVER KNEW HIM AS A FRIEND?

19 A NEVER KNEW HIM.

20 Q NEVER KNEW HIM AS AN ENEMY?

21 A NEVER KNEW HIM.

22 MR. SWARAT: THANK YOU. THAT'S ALL I HAVE.

23 THE COURT: RECROSS.

24 RECROSS EXAMINATION BY MR. YOUNG:

25 Q YOUR TESTIMONY IS THAT YOU'VE NEVER KNOWN THAT MAN?

1 A NEVER KNOWED HIM.

2 Q DON'T KNOW HIM?

3 A DON'T KNOW HIM.

4 Q DETECTIVE FRIER IS NOT THE ONLY PERSON YOU HAVE TALKED
5 TO ABOUT THIS CASE, IS IT?

6 A I TALK TO THEM.

7 Q YOU TALKED TO AN INVESTIGATOR FROM MY OFFICE, DIDN'T
8 YOU?

9 A WHAT WAS HIS NAME?

10 Q DAVE MACDOUGALL.

11 A I DON'T RECALL DAVE MACDOUGALL.

12 Q DO YOU RECALL ON SEPTEMBER 20, 1999 AN INVESTIGATOR
13 COMING TO SPEAK TO YOU AT THE LEXINGTON COUNTY DETENTION
14 CENTER?

15 A LEXINGTON COUNTY DETENTION CENTER?

16 Q YES, SIR.

17 A I HAD QUITE A FEW PEOPLE COME TALK TO ME AT THE
18 LEXINGTON DETENTION CENTER.

19 Q ABOUT THIS CASE?

20 A ABOUT THIS CASE.

21 Q DO YOU REMEMBER TELLING DAVE MACDOUGALL THAT YOU KNEW
22 THIS GUY NAMED RAH?

23 A NO.

24 Q YOU SAID YOU KNOW HIM FROM THE STREETS?

25 A NO.

- 1 Q YOU SAID YOU WERE GOOD FRIENDS WITH HIM, DIDN'T YOU?
- 2 A NO. NO.
- 3 Q YOU JUST TOLD THE SOLICITOR THAT YOU TOLD DETECTIVE
- 4 FRIER THAT EVERYTHING WAS KIND OF CLOUDY AND MUFFLED ON THAT
- 5 DAY AFTER THAT INCIDENT; RIGHT?
- 6 A THINGS HAPPENED QUICKLY.
- 7 Q EVERYTHING HAPPENED QUICKLY. DID YOU EVER ASK HIM TO
- 8 COME BACK ANOTHER DAY WHEN YOUR HEAD CAN GET STRAIGHT?
- 9 A NO, I DIDN'T.
- 10 Q YOU NEVER ASKED HIM TO COME BACK, DID YOU?
- 11 A I SURE DIDN'T.
- 12 Q YOU TOLD HIM YOU CAN'T BE ABSOLUTELY EXACTLY POSITIVE OF
- 13 ANYTHING THAT HAPPENED THAT NIGHT?
- 14 A I'M POSITIVE THAT THAT'S THE MAN THAT SHOT ALFRED JONES.
- 15 Q BUT YOU ARE POSITIVE FIVE YEARS LATER, AREN'T YOU?
- 16 A I AM POSITIVE THAT'S THE MAN THAT SHOT ALFRED JONES.
- 17 Q THE SOLICITOR MENTIONED ABOUT YOU COMING TO HELP PREPARE
- 18 FOR THIS TRIAL, DIDN'T HE?
- 19 A PREPARE?
- 20 Q HE ASKED IF YOU MET WITH HIM TO PREPARE FOR THE TRIAL,
- 21 DIDN'T HE?
- 22 A HE ASKED ME DID HE RAISE ANY QUESTIONS TO ME TO VAGUELY
- 23 SHARPEN MY MEMORY ON THIS NIGHT. I TOLD YOU YEAH.
- 24 Q TO SHARPEN YOUR MEMORY?
- 25 A YEAH. HE ASKED ME MORE IN DETAIL THAN DETECTIVE FRIER

1 DID. YOU KNOW, WHAT HE ASKED ME I ANSWERED TO THE BEST OF MY
2 ABILITY. ALL THE THINGS THAT HE ASKED ME I COULDN'T ANSWER
3 BECAUSE I DIDN'T REMEMBER THEM ALL.

4 Q YOU HAD AN OPPORTUNITY TO VIEW THE MAN AT THAT TABLE ON
5 YESTERDAY, DIDN'T YOU?

6 A I HAD AN OPPORTUNITY?

7 Q TO SEE HIM ON YESTERDAY?

8 A YEAH, I SEEN HIM YESTERDAY.

9 Q IN ORDER TO SHARPEN YOUR MEMORY OF WHAT HAPPENED FIVE
10 YEARS AGO?

11 A HE DIDN'T HAVE TO SHARPEN MY MEMORY BECAUSE WHEN
12 DETECTIVE FRIER ACTUALLY BROUGHT ME THE PHOTO AND BEFORE
13 DETECTIVE FRIER EVEN ASKED ME WHO WAS THE MAN I POINTED HIM
14 OUT BEFORE HE EVEN ASKED ME.

15 Q YOU TESTIFIED THAT HE LOOKED DIFFERENTLY?

16 A YEAH. HIS HAIR IS DIFFERENT. HIS FACE IS LITTLE MORE
17 SQUARE THAN IT USED TO BE. I MEAN, BUT THAT'S FIVE YEARS
18 FROM NOW. YOU LOOKED DIFFERENT FIVE YEARS FROM NOW THAN YOU
19 DID NOW. I LOOK DIFFERENT.

20 Q BECAUSE IT IS FRESH IN YOUR MIND?

21 A BECAUSE WE ARE AGING, BROTHER.

22 Q IT'S FRESH IN YOUR MIND JUST LIKE IT WAS ON AUGUST 14,
23 1995?

24 A THAT'S RIGHT.

25 Q WHEN YOU TOLD HIM TO DETECTIVE FRIER---

1 A THAT'S RIGHT. FIVE YEARS FROM NOW I CAN LOOK IN YOUR
2 FACE AND I SAY I REMEMBER YOU TALKING TO ME IN COURT.

3 MR. YOUNG: I HAVE NO FURTHER QUESTIONS OF THIS WITNESS.

4 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN. NEXT
5 WITNESS.

6 MR. HUBBARD: THOMAS COUNTS.

7 MR. SWARAT: YOUR HONOR, I'D ASK THAT MR. BLOCKER BE
8 EXCUSED.

9 THE COURT: ANY OBJECTION?

10 MR. YOUNG: NO OBJECTION.

11 THE COURT: WITHOUT OBJECTION, MR. BLOCKER IS EXCUSED.

12 THOMAS C. COUNTS, JR., BEING FIRST DULY
13 SWORN, TESTIFIED AS FOLLOWS:

14 THE CLERK: STATE YOUR NAME FOR THE RECORD, PLEASE.

15 THE WITNESS: THOMAS C. COUNTS, JR.

16 DIRECT EXAMINATION BY MR. HUBBARD:

17 Q MR. COUNTS, WHERE DO YOU LIVE?

18 A NEWBERRY COUNTY.

19 Q HOW LONG HAVE YOU BEEN LIVING UP IN NEWBERRY COUNTY?

20 A BESIDE MY PRIOR MILITARY SERVICE APPROXIMATELY ABOUT 26
21 YEARS.

22 Q DO YOU WORK?

23 A YES, I DO.

24 Q WHERE DO YOU WORK?

25 A PACKAGE INCORPORATION OF AMERICA.

- 1 Q IS THAT IN NEWBERRY?
- 2 A YES SIR.
- 3 Q DO YOU HAVE A SECOND JOB?
- 4 A YES. I AM A MEMBER OF THE NATIONAL GUARD.
- 5 Q HOW LONG HAVE YOU BEEN WITH THE NATIONAL GUARD?
- 6 A EIGHTEEN YEARS, FIVE MONTHS.
- 7 Q PRETTY CLOSE TO RETIREMENT?
- 8 A YES, SIR.
- 9 Q YOU EVER HEARD OF A PLACE CALLED THE C&L SOCIAL CLUB?
- 10 A YES, SIR. I'M A FORMER EMPLOYEE OF THE C&L SOCIAL
- 11 CLUB.
- 12 Q YOU USED TO WORK THERE?
- 13 A YES, SIR.
- 14 Q DO YOU REMEMBER WHERE THAT WAS LOCATED?
- 15 A IN CHAPIN, SOUTH CAROLINA.
- 16 Q TECHNICALLY WAS IT JUST OUTSIDE THE CITY LIMITS?
- 17 A GIVE OR TAKE, SIR.
- 18 Q IS THAT PLACE STILL OPEN?
- 19 A AS FAR AS I KNOW IT'S BEEN CLOSED FOR QUITE A WHILE NOW.
- 20 Q NOW YOU SAY YOU WORKED THERE. WHAT DID YOU DO WHEN YOU
- 21 USED TO WORK THERE?
- 22 A I WORKED AT THE DOOR ALONG WITH TWO OTHER GUYS. IT WAS,
- 23 BASICALLY, WE ALTERNATED BETWEEN RUNNING THE METAL DETECTOR
- 24 AND STAMPING HANDS AND COLLECTING THE MONEY.
- 25 Q SO, BASICALLY, THERE WERE THREE DIFFERENT POSITIONS FOR

1 THE DOOR MEN?

2 A YES, SIR.

3 Q Y'ALL WOULD ALL BE AT THE FRONT DOOR?

4 A YES, SIR.

5 Q I WANT YOU TO TAKE A LOOK AT THIS CHART, STATE'S EXHIBIT

6 NO. 23. DOES THAT ACCURATELY DEPICT THE LAYOUT OF THE C&L

7 SOCIAL CLUB?

8 A YES, SIR.

9 Q IF YOU WOULD, PLEASE, STEP DOWN AND SHOW THE FRONT
10 DOOR AREA. JUST REMEMBER -- I AM GOING TO ASK YOU TO STAY
11 DOWN FOR JUST A MINUTE. WHEN YOU ANSWER, PLEASE SPEAK UP.

12 A (WITNESS LEAVES THE WITNESS STAND.)

13 Q WHERE IS THE FRONT DOOR OF THE C&L SOCIAL CLUB?

14 A THE FRONT DOOR IS RIGHT HERE (INDICATING.)

15 Q OKAY. NOW, SPEAKING UP, IF YOU WOULD, WOULD YOU TELL ME
16 WHERE THE THREE DOORMEN WOULD BE WHEN PEOPLE WOULD BE COMING
17 INTO THE CLUB?

18 A THE GUY RUNNING THE METAL DETECTOR WOULD BE RIGHT INSIDE
19 THE FRONT ENTRANCE -- THE DOUBLE DOORS TO THE CLUB. THE GUY
20 COLLECTING MONEY USED TO BE BEHIND THIS LITTLE BAR RIGHT HERE
21 (INDICATING) AND THEN THE GUY STAMPING THE HANDS WOULD BE TWO
22 MORE DOUBLE DOORS SITTING ON A STOOL.

23 Q IS THAT KIND OF LIKE A FOYER OR A LOBBY?

24 A YES, SIR.

25 Q RIGHT BEFORE YOU GET INTO THE MAIN PART OF THE CLUB?

1 A YES, SIR.

2 Q SO THERE IS -- YOU HAVE DOUBLE DOORS IN THE FRONT AND
3 THEN DOORS RIGHT BEFORE YOU GO IN?

4 A RIGHT.

5 Q OKAY. YOU CAN TAKE A SEAT AGAIN.

6 A (WITNESS RESUMES THE WITNESS STAND.)

7 Q WERE YOU WORKING THERE LATE NIGHT OF AUGUST 12, EARLY
8 MORNING HOURS OF AUGUST 13, 1995?

9 A YES, SIR, I WAS.

10 Q WHO ELSE WAS WORKING THAT NIGHT?

11 A KIRBY BLOCKER AND NORMAN MOON.

12 Q NORMAN MOON. WHAT WERE YOUR DUTIES THAT NIGHT?

13 A KIRBY AND I WERE AT ALTERNATING ON THE METAL DETECTOR
14 AND STAMPING HANDS.

15 Q OKAY. WHEN WE TALK ABOUT METAL DETECTORS, IS THIS THE
16 TYPE OF METAL DETECTORS THAT WE HAVE IN THE COURTHOUSE THAT
17 YOU WALK THROUGH?

18 A NO, SIR. IT'S THE WAND -- THE METAL DETECTOR YOU USE
19 LIKE A WAND---

20 Q A WAND?

21 A ---TO SCAN THE PERSON UP AND DOWN.

22 Q OKAY. BEFORE A PERSON CAN COME INTO THAT CLUB, DID YOU
23 GO OVER THAT PERSON WITH METAL DETECTOR?

24 A YES. I HAD THE METAL DETECTOR USUALLY IN MY RIGHT HAND
25 GOING OVER HIS BODY, AND WITH MY LEFT HAND I WAS PATTING HIM

- 1 DOWN.
- 2 Q AND THAT'S WHAT YOU WERE DOING THERE THAT NIGHT?
- 3 A YES, SIR.
- 4 Q IN THOSE EARLY MORNING HOURS?
- 5 A YES, SIR.
- 6 Q AND NORMAN -- WHAT HE WAS DOING?
- 7 A COLLECTING THE MONEY.
- 8 Q OKAY. WHAT WAS KIRBY DOING?
- 9 A STAMPING THE HANDS.
- 10 Q NOW, WE HAVE HEARD TALKING ABOUT BREAKING UP
- 11 FIGHTS AND THINGS. WERE ANY OF YOU INDIVIDUALS
- 12 -- EITHER YOU, TO YOUR KNOWLEDGE, KIRBY, OR NORMAN MOON --
- 13 WERE ANY OF Y'ALL ARMED?
- 14 A NO, SIR.
- 15 Q WHAT WAS THE POLICY OF THE CLUB ABOUT FIREARMS?
- 16 A NO FIREARMS.
- 17 Q NONE OF Y'ALL WERE LIKE CERTIFIED GUARDS OR ANYTHING
- 18 LIKE THAT?
- 19 A NO, SIR.
- 20 Q Y'ALL WERE JUST GUYS THAT KNEW PEOPLE AT THE CLUB AND
- 21 WORKED AT THE CLUB?
- 22 A YES, SIR.
- 23 Q DO YOU REMEMBER AT SOME POINT DURING THAT NIGHT OR THE
- 24 EARLY MORNING HOURS A WHITE LANDCRUISER PULLING UP?
- 25 A NOT NECESSARILY PULLING UP.

1 Q OKAY. DID YOU SEE IT IN THE PARKING LOT?

2 A YES, SIR.

3 Q OKAY. DID YOU SEE IT -- DID IT APPEAR IT HAD JUST
4 ARRIVED?

5 A YES, SIR.

6 Q OKAY. CAN YOU -- AGAIN, I WILL ASK YOU TO STEP DOWN AND
7 POINT ON THE CHART WHERE THAT LANDCRUISER PARKED.

8 A (WITNESS LEAVES THE WITNESS STAND.) IT WAS PARKED HERE.

9 Q SPEAK UP, PLEASE.

10 A IT WAS PARKED HERE BESIDE THE ENTRANCE OFF TO THE LEFT
11 FACING THE BUILDING OFF TO THE LEFT OF THE ENTRANCE.

12 Q ALL RIGHT. SO ITS HEADLIGHTS WERE SHINING ON THE
13 BUILDING? A YES, SIR.

14 Q OKAY. THANK YOU.

15 A (WITNESS RESUMES THE WITNESS STAND.)

16 Q ABOUT WHAT TIME DID YOU NOTICE THAT WHITE LANDCRUISER?

17 A ABOUT 1:35 -- 1:45; SOMEWHERE IN THERE-- 2 O'CLOCK.

18 Q DID YOU NOTICE PEOPLE GETTING OUT OF IT OR PEOPLE COMING
19 FROM THAT LANDCRUISER TO THE DOOR?

20 A COMING TO THE DOOR.

21 Q OKAY.

22 A NOT NECESSARILY GETTING OUT, LIKE I SAID.

23 Q WERE THESE PEOPLE YOU HAD SEEN BEFORE OR HAD YOU EVER
24 SEEN THESE PEOPLE?

25 A NO, SIR. I HAD NEVER SEEN THEM.

1 Q AND THIS LANDCRUISER, WERE THERE OTHER VEHICLES WITH
2 THAT LANDCRUISER, OR DID IT APPEAR TO BY ITSELF, OR COULD YOU
3 TELL AT THAT TIME?

4 A WELL, LIKE I SAY, I DIDN'T NECESSARILY -- I DIDN'T SEE
5 IT PULL UP.

6 Q RIGHT.

7 A BUT PEOPLE AT THE DOOR EVERY NOW AND THEN I CAN JUST
8 ABOUT TELL THE VEHICLES THEY WERE WITH WITH THE CROWD THAT
9 CAME.

10 Q DO YOU REMEMBER ANY OTHER VEHICLES THAT YOU HAD NOT SEEN
11 BEFORE THAT NIGHT BEING WITH THAT WHITE LANDCRUISER?

12 A YES, SIR.

13 Q WHAT DO YOU RECALL SEEING? WHAT OTHER VEHICLES? CAN
14 YOU DESCRIBE THEM, OR DO YOU KNOW WHAT MAKE THEY WERE?

15 A THEY WERE TWO UTILITY VEHICLES, AND I THINK IT WAS A
16 VOLVO. I WOULD SAY IT WAS VOLVO.

17 Q WHEN WE TALK ABOUT A UTILITY VEHICLE OR A LANDCRUISER,
18 BEING A GUY DO YOU KNOW SOMETHING ABOUT DIFFERENT TYPES OF
19 CARS?

20 A SOMEWHAT.

21 Q IS A LANDCRUISER A NICE RIDE, OR IS IT SOMETHING THAT
22 YOU DON'T WANT TO HAVE -- DON'T WANT TO BUY?

23 A IT'S SOMETHING I CAN'T AFFORD TO BUY.

24 Q HOW ABOUT A VOLVO?

25 A A NICE VEHICLE.

- 1 Q WERE ALL OF THESE VEHICLES PRETTY NICE VEHICLES?
- 2 A YES, THEY WERE.
- 3 Q NOW, THESE PEOPLE THAT CAME OUT OF THESE VEHICLES COMING
- 4 THROUGH THE DOOR, WERE THERE GUYS?
- 5 A YES, THERE WAS.
- 6 Q WERE THERE SOME WOMEN, TOO?
- 7 A YES, SIR.
- 8 Q HAD YOU SEEN ANY OF THESE PEOPLE BEFORE?
- 9 A NO, SIR.
- 10 Q BEFORE ANY OF THOSE INDIVIDUALS CAME THROUGH THAT DOOR
- 11 DID YOU RUN THE METAL DETECTOR OVER THEM?
- 12 A ALL OF THEM.
- 13 Q CAN YOU TELL US TODAY WHETHER ANYBODY WHO WALKED INTO
- 14 THAT CLUB CAME IN ARMED?
- 15 A NO, SIR.
- 16 Q TO BEST OF YOUR KNOWLEDGE NO ONE WAS ARMED?
- 17 A TO THE BEST OF MY KNOWLEDGE.
- 18 Q NOW, THESE PEOPLE WEREN'T MEMBERS OF THE CLUB; RIGHT?
- 19 A RIGHT.
- 20 Q IF YOU ARE NOT A MEMBER OF THE CLUB BACK THEN WHAT WAS
- 21 THE COVER CHARGE?
- 22 A FIVE DOLLARS A HEAD.
- 23 Q DID THESE PEOPLE ALL WHIP OUT FIVE DOLLARS AND PAY TO
- 24 GET IN?
- 25 A NO, SIR.

- 1 Q WHO WAS PAYING?
- 2 A I WOULD SAY THE SPOKESPERSON -- THE FIRST GUY THAT
- 3 CAME IN, HE DID MOST OF THE TALKING.
- 4 Q OKAY. OF ALL THIS GROUP OF GUYS AND GIRLS, THERE WAS ONE
- 5 GUY THAT DID ALL OF THE TALKING?
- 6 A RIGHT, BASICALLY.
- 7 Q NOW, DID YOU SPEAK TO HIM BEFORE HE CAME INTO THE CLUB?
- 8 A YES. I TOLD HIM -- I THINK THREE OF THEM WERE DRINKING
- 9 BEER. I TOLD THEM THEY COULDN'T BRING BEER INSIDE THE CLUB.
- 10 Q WHAT KIND OF BEER WERE THEY DRINKING?
- 11 A HEINEKEN.
- 12 Q HEINEKEN?
- 13 A YES, SIR.
- 14 Q DID THEY COMPLY?
- 15 A YES, SIR.
- 16 Q DID THEY FINISH OFF THEIR BEER OR THROW IT AWAY?
- 17 A TWO OF THE GUYS FINISHED THEIR BEER AND I TOOK
- 18 THE BEER BOTTLES AND SET THEM TO THE SIDE. THE FEMALE DIDN'T
- 19 FINISH HERS. SHE GAVE ME HER BOTTLE AND I SET TO THE SIDE.
- 20 Q NOW, WHEN ALL THESE PEOPLE WERE WALKING BY THE METAL
- 21 DETECTORS COULD YOU SEE WHO WAS PAYING FOR THEM?
- 22 A YES, SIR.
- 23 Q YOU MENTIONED A SPOKESMAN -- THE PERSON YOU TALKED TO
- 24 EARLIER?
- 25 A YES, SIR.

- 1 Q WAS THAT THE PERSON WHO WAS PAYING OR SOMEBODY ELSE?
2 A THE SPOKESMAN.
3 Q THIS PERSON WE ARE TALKING ABOUT, CAN YOU TELL US WHAT
4 HE WAS WEARING -- WHAT TYPE OF SHIRT OR PANTS, LONG SLEEVES
5 OR SHORT SLEEVES?
6 A I KNOW HE HAD ON SHORTS SLEEVES. THEY WERE LIGHT
7 COLORS. AT THAT PARTICULAR TIME, WELL, YOU KNOW, I REALLY
8 WASN'T GOING INTO DETAIL, YOU KNOW, HOW EACH PERSON LOOKED
9 THAT COME INTO THE CLUB.
10 Q THOMAS, ARE YOU SINGLE? YOU DON'T MIND IF I CALL YOU
11 THOMAS, DO YOU?
12 A NO PROBLEM.
13 Q HAVE WE TALKED BEFORE?
14 A YES, WE HAVE.
15 Q MANY TIMES?
16 A YES, WE HAVE.
17 Q YOU ARE A SINGLE MAN?
18 A YES, I AM.
19 Q WERE YOU LOOKING AT GUYS OR GIRLS THAT NIGHT?
20 A I WAS LOOKING AT THE GIRLS -- ESPECIALLY GIRLS IN THAT
21 PARTY.
22 Q THEY WERE ESPECIALLY NOTICEABLE?
23 A YES, THEY WERE.
24 Q JUST LIKE THOSE CARS?
25 A EXACTLY.

1 Q THE SPOKESMAN -- WHEN HE PAID, WHERE DID HE GET THAT
2 MONEY? DID YOU SEE -- DID HE JUST PULL IT OUT OF HIS---

3 A NO, SIR. HE WENT BACK TO THE WHITE UTILITY VEHICLE TO
4 GET THE MONEY.

5 Q WENT BACK TO THAT SAME LANDCRUISER?

6 A RIGHT.

7 Q CAME BACK IN AND PAID?

8 A RIGHT.

9 Q NOW, SOMETIME AFTER THAT ALL THESE PEOPLE WERE
10 IN THE CLUB---

11 A YES, SIR.

12 Q ---DID SOMETHING HAPPEN IN THAT CLUB?

13 A A FIGHT BROKE OUT.

14 Q OKAY. WHEN THAT FIGHT BROKE OUT WHAT, IF ANYTHING,
15 HAPPENED AT THAT TIME? WHAT DID YOU, KIRBY BLOCKER, AND
16 NORMAN MOON DO?

17 A KIRBY WENT ON THE INSIDE. KIRBY BLOCKER WENT ON THE
18 INSIDE. THEN NORMAN WENT INSIDE. HE CALLED ME TOP CAT. "TOP
19 CAT, STAY AT THE DOOR."

20 MR. YOUNG: OBJECTION, YOUR HONOR. HEARSAY.

21 THE COURT: I SUSTAIN THE OBJECTION.

22 MR. HUBBARD: I'LL MOVE ON.

23 Q DO YOU HAVE A NICKNAME?

24 A YES, SIR.

25 Q WHAT IS YOUR NICKNAME?

- 1 A TOP CAT.
- 2 Q TOM CAT?
- 3 A TOP CAT.
- 4 Q YOU ARE SURE IT'S NOT TOM CAT?
- 5 A (NO RESPONSE.)
- 6 Q ALL RIGHT. SO YOU STAYED AT THE DOOR?
- 7 A RIGHT.
- 8 Q KIRBY WENT IN FIRST?
- 9 A RIGHT.
- 10 Q DID YOU SEE WHAT WAS GOING ON WHEN KIRBY WENT IN?
- 11 A I DIDN'T SEE. WHEN KIRBY WENT IN, I DIDN'T SEE KIRBY,
- 12 NO.
- 13 Q WAS IT UNUSUAL FOR KIRBY TO GO IN WHEN THERE IS A FIGHT
- 14 TO BREAK THINGS UP?
- 15 A NO, IT WASN'T.
- 16 Q WAS THAT PART OF KIRBY'S DUTIES?
- 17 A I MEAN---
- 18 Q DID THEY RELY ON KIRBY TO BREAK---
- 19 A YEAH, THEY LOOKED FOR KIRBY.
- 20 Q AND THOMAS MOON---
- 21 A NORMAN.
- 22 Q EXCUSE ME; NORMAN MOON. AT SOME POINT HE WENT IN AFTER
- 23 KIRBY?
- 24 A RIGHT.
- 25 Q AT SOME POINT DID YOU PEEK IN TO SEE WHAT WAS GOING ON?

- 1 A YES, I DID.
- 2 Q NOW, YOU DIDN'T GO ON IN AND JOIN THE FRAY, DID YOU?
- 3 A NO, SIR.
- 4 Q WHAT WAS YOUR JOB?
- 5 A TO STAY AT THE DOOR.
- 6 Q MAKE SURE NO ONE ELSE CAME IN?
- 7 A RIGHT.
- 8 Q WHILE THEY WERE TAKING CARE OF THE FIGHT?
- 9 A RIGHT.
- 10 Q NOW WHILE YOU ARE IN THAT DOORWAY IN THAT LITTLE FOYER
- 11 AREA, DID YOU EVER LOOK IN THERE AND SEE WHAT WAS GOING ON
- 12 WITH THE FIGHT?
- 13 A YES, SIR.
- 14 Q WHAT DID YOU SEE?
- 15 A I SAW ALFRED GETTING BEAT WITH BARSTOOLS, PUNCHES
- 16 THROWN, BOTTLES, AND EVERYTHING ELSE.
- 17 Q WHO IS ALFRED?
- 18 A THE DECEASED.
- 19 Q ALFRED JONES?
- 20 A ALFRED JONES.
- 21 Q DID YOU KNOW ALFRED JONES?
- 22 A YES, I DID.
- 23 Q YOU MET HIM MANY A TIME AT THIS CLUB?
- 24 A YES, SIR.
- 25 Q WAS IT UNUSUAL TO SEE ALFRED IN A FIGHT?

1 A YES, IT WAS.

2 Q BASED ON YOUR RELATIONSHIP WITH ALFRED AND KNOWING WHO
3 HE WAS, WAS HE THE KIND OF GUY THAT WOULD PICK A FIGHT?

4 A NOT TO ME; NO, SIR.

5 Q WOULD HE BREAK FIGHTS UP?

6 A IF HE KNEW YOU OR I'VE SEEN HIM TRY TO TALK TO PEOPLE,
7 YOU KNOW.

8 Q IS ALFRED A SMALL MAN OR A BIG MAN?

9 A I WOULD SAY A FAIRLY BIG MAN.

10 Q ABOUT HOW TALL ARE YOU?

11 A SIX-TWO AND A HALF.

12 Q I WON'T ASK HOW MUCH YOU WEIGH, BUT IS ALFRED BIGGER
13 THAN YOU?

14 A YES, HE WAS AS FAR AS WEIGHT-WISE.

15 Q WOULD YOU CONSIDER HIM A STRONG MAN, OR WOULD YOU
16 CONSIDER HIM A BARNEY FIFE LOOKING TYPE OF MAN?

17 A A STRONG MAN.

18 Q A STRONG MAN. BUT YOUR TIME KNOWING HIM, DID YOU EVER
19 KNOW HIM TO PICK A FIGHT?

20 A NO, SIR.

21 Q DID YOU EVER KNOW HIM TO BREAK UP FIGHTS?

22 A YES, SIR.

23 Q FIGHTS THAT HE WAS NOT INVOLVED IN?

24 A YES, SIR, AS FAR AS TALKING TO A PERSON AND TRYING TO
25 SEPARATE THEM.

1 Q YOU CONSIDER HIM A NICE GUY OR SOMEBODY WHO WAS
2 MOODY?

3 A A NICE GUY.

4 Q OKAY. THIS FIGHT THAT BROKE OUT, ABOUT WHAT TIME WAS
5 IT?

6 A OH, ABOUT 2:35, 2:45 -- 2:30 TO 2:45; SOMEWHERE IN
7 ALONG IN THERE.

8 Q GOING BACK, WHEN YOU LOOKED IN WHEN YOU SAW PEOPLE
9 BEATING ON ALFRED?

10 A RIGHT.

11 Q IS THAT WHAT YOU SAID?

12 A RIGHT.

13 Q THE PEOPLE YOU SAW BEATING UP ON ALFRED, WERE THEY
14 PEOPLE THAT YOU HAD SEEN BEFORE AT THE CLUB?

15 A NO, SIR.

16 Q WHO WERE THESE PEOPLE?

17 A I COULDN'T SAY ALL OF THEM.

18 Q YOU DIDN'T KNOW?

19 A PEOPLE I DIDN'T KNOW.

20 Q WERE THESE PEOPLE ASSOCIATED WITH THE LANDCRUISER OR
21 WERE THESE PEOPLE THAT, YOU KNOW, YOU NEVER SEEN BEFORE THAT
22 MAY HAVE COME IN AT ANY OTHER TIME?

23 A NO. THEY WERE PEOPLE -- SEVERAL OF THEM I NOTICED WERE
24 PEOPLE THAT CAME WITH THE LANDCRUISER. I COULDN'T GO INTO
25 DETAIL AND SEE WHO EVERYBODY WAS THAT WAS IN THE FIGHT.

1 Q WAS IT MORE THAN ONE GUY FIGHTING ALFRED?

2 A YES, IT WAS.

3 Q MORE THAN TWO?

4 A YES, IT WAS.

5 Q MORE THAN THREE?

6 A YES, IT WAS.

7 Q FOUR?

8 A I CAN'T GO INTO DETAIL NO FURTHER THAN THAT.

9 Q THERE WERE A NUMBER OF GUYS?

10 A IT WAS A NUMBER OF GUYS. I DIDN'T SIT THERE AND COUNT
11 THEM.

12 Q WAS ALFRED FIGHTING BY HIMSELF?

13 A YES.

14 Q OR WERE PEOPLE RIGHT THERE FIGHTING WITH HIM?

15 A AS FAR AS I COULD SEE I ONLY SAW ALFRED AND THE CROWD ON
16 ALFRED.

17 Q WAS ALFRED STANDING OR WAS HE ON THE FLOOR?

18 A HE WAS STANDING WHEN I LOOKED THROUGH THE DOOR.

19 Q AT ANY POINT DID YOU SEE HIM GO TO THE FLOOR?

20 A NO, SIR.

21 Q OKAY. AT THAT POINT WHEN YOU SAW ALFRED IN THE FIGHT HE
22 WAS STILL STANDING?

23 A YES, SIR.

24 Q OKAY. AFTER YOU PEEKED IN, WHAT DID YOU DO?

25 A I SAW ONE OF THE PARTY LEAVE THE CLUB AND WALK PAST ME

1 AND GO OUTSIDE TO THE LANDCRUISER.

2 Q OKAY. LET ME ASK YOU THIS. LOOKING AT THE CHART -- YOU
3 DON'T HAVE TO GET UP. WHEN THIS INDIVIDUAL WALKED PAST YOU,
4 WERE YOU INSIDE THE CLUB HERE OR WERE YOU IN THE FOYER AREA?

5 A I WAS IN THE DOORWAY TO THE ENTRANCE OF THE CLUB
6 WITH MY BACK HOLDING THE DOOR OPEN.

7 Q OKAY. YOU SAW AN INDIVIDUAL WALKING OUT?

8 A RIGHT.

9 Q WHAT DID YOU DO?

10 A WELL, WHEN THE FIGHT WAS GOING ON I WAS AT THE ENTRANCE
11 TO THE CLUB ITSELF.

12 Q OKAY.

13 A AS HE WALKED PAST ME I WENT TO WHERE THE FRONT ENTRANCE
14 OF THE CLUB WHERE THE PORCH IS AND WATCHED HIM LEAVE THE CLUB
15 AND GO TO THE UTILITY VEHICLE.

16 Q WHICH UTILITY VEHICLE DID HE GO TO?

17 A THE WHITE LANDCRUISER.

18 Q THE PERSON THAT WALKED PAST AND YOU WENT TO THIS WHITE
19 LANDCRUISER, WAS THIS PERSON THE ONE THAT HAD PAID FOR
20 EVERYBODY OR WAS IT SOMEBODY ELSE?

21 A THE ONE THAT PAID FOR EVERYBODY ELSE.

22 Q WAS THIS THE PERSON THAT YOU TALKED TO ABOUT THE BEER,
23 OR WAS IT SOMEONE ELSE?

24 A I SPOKE GENERALLY WHEN I TOLD THEM THEY COULDN'T BRING
25 THEIR BEER IN. SO, I COULDN'T SAY I SPOKE DIRECTLY TO HIM.

1 Q WITH THIS PERSON THE PERSON -- WAS HE JUST A MEMBER OF
2 THIS GROUP OR WAS HE THE ONE THAT YOU REFERRED TO EARLIER AS
3 THE SPOKESMAN?

4 A THE ONE I REFERRED TO A SPOKESMAN.

5 Q DID HE SEEM TO BE THE LEADER OF THIS GROUP?

6 A IF YOU WANT TO CALL IT THAT. I WOULDN'T SAY THE LEADER,
7 BUT HE WAS ONE THAT---

8 Q OKAY. HE CAME OUT OF THE CLUB AND WENT TO THE
9 LANDCRUISER?

10 A RIGHT.

11 Q WHAT, IF ANYTHING, DID YOU SEE ONCE HE GOT TO THE
12 LANDCRUISER?

13 A HE OPENED THE PASSENGER DOOR AND PULLED OUT A WEAPON.

14 Q OKAY. THE WAY THAT LANDCRUISER IS PARKED, YOU SAID IT
15 WAS FACING THE CLUB?

16 A YES, SIR.

17 Q SO, THE PASSENGER SIDE IS ON YOUR SIDE?

18 A MY SIDE, RIGHT.

19 Q HE DIDN'T HAVE TO WALK AROUND THE LANDCRUISER?

20 A NO, SIR.

21 Q HE OPENED THE DOOR. WHAT, IF ANYTHING, DID HE DO WHEN
22 HE OPENED THAT DOOR?

23 A PULLED A WEAPON OUT.

24 Q COULD YOU TELL WHAT TYPE OF WEAPON? WHAT DID IT APPEAR
25 TO BE? A LONG ARM OR A PISTOL?

- 1 A A PISTOL.
- 2 Q AND YOU'RE IN THE NATIONAL GUARD; RIGHT?
- 3 A RIGHT.
- 4 Q YOU HAVE HANDLED DIFFERENT TYPES OF WEAPONS?
- 5 A YES, I HAVE.
- 6 Q THIS PISTOL, WAS IT A A REVOLVER OR WAS IT WHAT WE CALL
- 7 A SEMIAUTOMATIC?
- 8 A A SEMIAUTOMATIC.
- 9 Q THE TYPE WITH THE MAGAZINE---
- 10 A A CLIP.
- 11 Q ---OR A CLIP?
- 12 A YES, SIR
- 13 Q WHAT CALIBER DID IT APPEAR TO BE TO YOU?
- 14 A A NINE MILLIMETER.
- 15 Q A NINE MILLIMETER. ONCE HE GOT THIS PISTOL WHAT DID HE
- 16 DO OR WHAT DID YOU DO?
- 17 A I CLOSED THE DOOR -- LOCKED THE DOOR.
- 18 Q YOU LOCKED THE DOOR?
- 19 A RIGHT.
- 20 Q THEN WHAT HAPPENED?
- 21 A I STAYED IN THE GENERAL AREA -- WHAT YOU CALL THE LOBBY
- 22 AREA---
- 23 Q OKAY.
- 24 A ---AND HE COME KNOCKING ON THE DOOR.
- 25 Q OKAY. HANG ON JUST A SECOND AND LET ME SEE IF I CAN FIND

1 A PICTURE OF THIS DOOR. DO YOU RECOGNIZE THESE DOORS IN
2 STATE'S EXHIBIT NUMBER 6?

3 A YES, I DO.

4 Q ARE THESE DOORS THE SAME COLOR THEY WERE IN THE NIGHT
5 YOU WERE THERE, OR HAS IT BEEN PAINTED?

6 A I CAN'T RECALL. IT MIGHT HAVE BEEN PAINTED.

7 Q DID IT SAY THE HUB AT THAT TIME?

8 A THE HUB? I DON'T THINK SO. I BELIEVE THEY BEEN PAINTED.

9 Q OKAY. BUT THESE ARE THE DOORS WE ARE TALKING ABOUT?

10 A THOSE ARE THE DOORS.

11 Q WHICH DOOR WERE YOU KEEPING OPEN?

12 A THIS DOOR IS ALWAYS SHUT. THIS DOOR IS OPEN, AND I WAS
13 STANDING RIGHT ON THE INSIDE.

14 Q SO, THE RIGHT HAND SIDE DOOR IS ONE THAT ALWAYS STAYED
15 CLOSED?

16 A RIGHT.

17 Q THE LEFT HAND SIDE DOOR WITH THAT LITTLE SMALL WINDOW IN
18 IT IS THE ONE YOU HAD OPENED?

19 A RIGHT.

20 Q THAT'S THE ONE YOU CLOSED AND LOOKED?

21 A RIGHT.

22 Q NOW, THIS WINDOW HERE, IS THAT---

23 A IT DOESN'T SHOW. IT IS IN A LITTLE SEPARATE STORE
24 ROOM.

25 Q OKAY. SO THE ONLY WAY YOU COULD SEE OUT IS LITTLE WINDOW

1 | IN THE DOOR?

2 | A RIGHT.

3 | Q NOW WERE YOU STILL AT THAT WINDOW ON THE INSIDE OF THE

4 | DOOR?

5 | A I WASN'T EXACTLY AT THE WINDOW, BUT I WAS IN THAT

6 | GENERAL AREA.

7 | Q COULD YOU HEAR OR COULD YOU SEE WHAT THIS SPOKESMAN WAS

8 | DOING ONCE HE HAD THAT PISTOL?

9 | A COULD HEAR SOMEONE BEATING ON THE DOOR, "OPEN THE DOOR."

10 | Q COULD YOU HEAR ANYTHING HE WAS SAYING?

11 | A "OPEN THE DOOR," -- THAT HE WASN'T GOING TO DO

12 | ANYTHING. "I AIN'T GOT NOTHING."

13 | Q THAT'S WHAT HE WAS SAYING? "I AIN'T GOT NOTHING."

14 | A "I AIN'T GOT NOTHING."

15 | Q WHAT ELSE DID HE SAY?

16 | A "OPEN THE DOOR."

17 | Q OKAY. NOW, WAS HE JUST TALKING OR KNOCKING OR BEATING

18 | THE DOOR?

19 | A HE WAS KNOCKING -- WELL, BEATING.

20 | Q WHEN YOU SAW THAT PISTOL AND HEARD HIM KNOCKING AND

21 | WANTING TO GET IN, WHAT DID YOU DO?

22 | A LIKE I SAID, I STOOD THERE FOR A FEW SECONDS AND I

23 | THOUGHT ABOUT THAT LITTLE WINDOW. I WAS LIKE HE MIGHT SHOOT

24 | THROUGH THE WINDOW. SO, I WENT ON THE INSIDE TO TELL THEM HE

25 | WENT AND GOT A GUN.

1 Q NOW, WHEN YOU ARE WALKING ON THE INSIDE -- I'LL TELL
2 YOU WHAT. JUST STEP DOWN AGAIN AND USE THIS CHART. SHOW US
3 WHERE YOU ARE GOING.

4 A (WITNESS LEAVES THE WITNESS STAND.)

5 Q AND WHO ARE YOU GOING TO SEE?

6 A I WAS GOING TO TALK TO THE MANAGER. AS I ENTERED THE
7 OTHER SET OF DOUBLE DOORS TO GO INSIDE THE CLUB I HEARD,
8 "HE'S GOT A GUN." I HEARD THE FIRST SHOT. BUT WHEN HE FIRED
9 THE FIRST SHOT OR SOMEONE FIRED THE FIRST SHOT BECAUSE, LIKE
10 I SAID, THE DOOR WAS LOCKED. HE WAS ON THE OUTSIDE.

11 Q OKAY. LET'S SLOW DOWN JUST A LITTLE BIT. YOU GO
12 INSIDE. HOW FAR DO YOU GET INSIDE THAT CLUB? JUST POINT OUT
13 A GENERAL AREA WHERE YOU THINK YOU MIGHT HAVE BEEN.

14 A BEFORE I GOT TO THE FIRST TABLE.

15 Q OKAY.

16 A HERE IS THE FIRST TABLE. BEFORE I GOT TO FIRST TABLE.

17 Q YOU DIDN'T SEE HIM COME BACK IN?

18 A RIGHT.

19 Q BUT YOU HAD LOCKED THE DOOR?

20 A RIGHT. I LOCKED THE DOOR.

21 Q AFTER YOU GOT INSIDE THE CLUB AREA TO THAT FIRST
22 TABLE---

23 A YES, SIR.

24 Q ---WHAT DID YOU HEAR?

25 A A GUNSHOT.

1 Q OKAY. AT THAT TIME WHAT DO YOU DO?

2 A I STARTED AROUND INTO TO THE SIDE DOUBLE DOORS. THE
3 CROWD -- WHEN THE FIRST SHOT -- THE PATRONS WERE TRYING TO
4 GET OUT AND FOR SOME REASON THEY COULD NOT OPEN THE DOOR. I
5 RAN TO THE SIDE DOOR.

6 Q OKAY. I TELL YOU WHAT. YOU CAN HAVE A SEAT AGAIN. I AM
7 GOING TO SEE IF I CAN FIND ANOTHER PICTURE OF SOME DOORS.

8 A (WITNESS RESUMES THE WITNESS STAND.)

9 Q THIS PHOTOGRAPH IS STATE'S EXHIBIT NO. 3. ARE THOSE
10 THOSE SIDE DOORS?

11 A YES, SIR.

12 Q THE DOORS WE SEE ON THE LEFT SIDE OF THIS CHART WHICH IS
13 STATE'S EXHIBIT NO. 23?

14 A YES, SIR.

15 Q ARE THESE THE DOORS YOU WENT TO?

16 A YES, SIR.

17 Q NOW, YOU SAY PEOPLE WERE GATHERED AROUND THAT DOOR AFTER
18 THE FIRST SHOT?

19 A RIGHT.

20 Q PEOPLE TRYING TO GET OUT?

21 A YES, SIR.

22 Q DID YOU HAVE TO WALK THROUGH THE CROWD OR DID YOU HAVE A
23 PROBLEM GETTING THROUGH THAT CROWD?

24 A I DIDN'T HAVE A PROBLEM GETTING TO IT.

25 Q YOU MADE A BEELINE TO THAT DOOR?

1 A RIGHT.

2 Q TELL US HOW THAT DOOR OPERATED -- HOW YOU OPEN THAT
3 DOOR?

4 A IT'S A LIKE AN ARM YOU HAVE TO LIFT UP AND THEN SWING
5 OPEN.

6 Q LIKE ONE OF THE OLD FASHIONED DOORS WITH THE ARM---

7 A YES, SIR.

8 Q ---THAT COMES DOWN AND LOCK IT IN?

9 A YES, SIR.

10 Q YOU OPENED THAT UP?

11 A RIGHT.

12 Q WHAT HAPPENED?

13 A WHEN I OPENED IT I LEFT. I WENT OUT AND THE CROWD
14 FOLLOWED ME.

15 Q Y'ALL ALL JUST RUSHED OUT OF THERE?

16 A RIGHT. ALL RUSHED OUT.

17 Q YOU ARE HEARING GUNFIRE?

18 A YES, SIR. BEFORE I COULD GET OUT THE CLUB I HEARD THREE

19 GUNSHOTS. ON THE FIRST GUNSHOT I RAN TOWARDS THE DOOR.

20 BEFORE I GET OUT I HEARD THREE GUNSHOTS.

21 Q OKAY. NOW, YOU WEREN'T WALKING WHEN YOU WENT TO THOSE
22 DOORS, WERE YOU?

23 A NO, SIR.

24 Q WERE PEOPLE RUSHING TO THAT DOOR?

25 A YES, SIR.

- 1 Q SO, THIS GUNFIRE, DID IT GO PRETTY FAST? BOOM, BOOM,
2 BOOM? OR CAN YOU TELL IN YOUR MEMORY. I DON'T WANT YOU TO
3 SPECULATE.
- 4 A I CAN'T REALLY TELL.
- 5 Q IT DIDN'T TAKE LONG TO GET THREE SHOTS OFF?
- 6 A NO. I DIDN'T TAKE LONG.
- 7 Q YOU ONLY HEARD THREE?
- 8 A YES, SIR.
- 9 Q BUT YOU WENT OUT THAT DOOR?
- 10 A YES, SIR.
- 11 Q CAN YOU TELL WHETHER THERE WERE MORE SHOTS OR NOT TO
12 YOUR KNOWLEDGE INSIDE THAT CLUB? IF YOU DON'T KNOW, THAT'S
13 FINE.
- 14 A TO MY KNOWLEDGE I ONLY HEARD THREE SHOTS.
- 15 Q OKAY. WHEN YOU RAN OUT OF THAT CLUB---
- 16 A YES, SIR.
- 17 Q ---WHERE DID YOU GO?
- 18 A HALFWAY DOWN THE DRIVEWAY.
- 19 Q I WILL SHOW YOU THIS BIG AERIAL CHART HERE. CAN YOU SEE
20 THE DRIVEWAY?
- 21 A YES, SIR.
- 22 Q THIS LARGE PHOTOGRAPH?
- 23 A YES, SIR.
- 24 Q THE PHOTOGRAPH -- THE BIGGEST PHOTOGRAPH SHOWING THE
25 CLUB?

- 1 A YES, SIR.
- 2 Q WHAT PART OF THE DRIVEWAY WERE YOU RUNNING DOWN? YOU
- 3 CAN STEP DOWN AND POINT THAT OUT TO THE JURY.
- 4 A (WITNESS LEAVES THE WITNESS STAND.)
- 5 Q I'M SORRY. I OKAY AM EXERCISING YOU.
- 6 A THAT'S ALL RIGHT. I LEFT THE SIDE DOOR, WENT DOWN THE
- 7 DRIVEWAY ABOUT HALF WAY, AND GOT DOWN IN THE CARS PARKED ON
- 8 THE RIGHT SIDE GOING DOWN THE DRIVEWAY.
- 9 Q THERE WERE CARS PACKED ALL THE WAY DOWN THERE?
- 10 A ON BOTH SIDES.
- 11 Q AT SOME POINT DID YOU SEE THOSE VEHICLES THAT YOU
- 12 NOTICED EARLIER?
- 13 A YES, SIR.
- 14 Q THE LANDCRUISER, THE UTILITY VEHICLES, AND THE VOLVO
- 15 GOING BY?
- 16 A YES, SIR.
- 17 Q DID YOU HEAR ANY GUNFIRE WHEN THOSE CARS WERE GOING BY?
- 18 A YES, SIR. I RAISED MY HEAD TRYING TO GET THE TAG NUMBER,
- 19 AND WHEN THEY STARTED TO FIRE I DUCKED BACK DOWN.
- 20 Q OKAY. THAT DRIVE -- IS IT GRAVEL, PAVED, OR---
- 21 A GRAVEL.
- 22 Q WAS THERE DUST OR---
- 23 A DUST.
- 24 Q ---WERE THEY DRIVING SLOW ENOUGH THAT THEY WEREN'T
- 25 THROWING UP DUST?

- 1 A NO. THEY WASN'T DRIVING SLOW.
- 2 Q THEY WEREN'T DRIVING SLOW?
- 3 A NO, SIR.
- 4 Q YOU CAN HAVE A SEAT AGAIN.
- 5 A (WITNESS RESUMES THE WITNESS STAND.)
- 6 Q NOW, THIS INDIVIDUAL THAT YOU SAW WITH THE GUN -- THE
- 7 SAME INDIVIDUAL YOU SAW WITH THE MONEY; IS THAT CORRECT?
- 8 A YES, SIR.
- 9 Q IS HE THE SAME INDIVIDUAL YOU SAW GOING INTO THAT
- 10 LANDCRUISER?
- 11 A YES, SIR.
- 12 Q THE WHITE LANDCRUISER?
- 13 A YES, SIR.
- 14 Q NOW, YOU WERE NEVER SHOWN A PHOTO LINEUP?
- 15 A NO, SIR.
- 16 Q BUT THIS INDIVIDUAL, WAS HE A BLACK MALE, WHITE MALE?
- 17 A BLACK MALE.
- 18 Q BLACK MALE?
- 19 A YES, SIR.
- 20 Q WOULD YOU SAY HE WAS LIGHT SKINNED, DARK SKINNED OR
- 21 MEDIUM?
- 22 A LIGHT SKINNED.
- 23 Q LIGHT SKINNED?
- 24 A YES, SIR.
- 25 Q AGAIN, YOU SAID YOU WERE JUST OVER SIX FEET TALL --

1 SIX-TWO?

2 A YES, SIR.

3 Q WAS HE TALLER THAN YOU, SHORTER THAN YOU?

4 A SHORTER THAN I AM.

5 Q WAS HE AS TALL AS SIX FOOT OR SHORTER?

6 A SHORTER.

7 Q HOW TALL WOULD YOU SAY THIS INDIVIDUAL WAS?

8 A I WOULD SAY BETWEEN FIVE-EIGHT AND FIVE-TEN.

9 Q FIVE-EIGHT AND FIVE-TEN?

10 A SOMEWHERE ALONG IN THERE.

11 Q WAS HE A THIN GUY LIKE ME OR WAS HE A BIGGER MAN?

12 A I WOULD SAY A MUSCULAR BUILT MAN, HUSKY.

13 Q YOU DIDN'T GET A TAG NUMBER AFTER HE LEFT, DID YOU?

14 A NO, SIR.

15 Q HAD YOU EVER SEEN THIS INDIVIDUAL BEFORE?

16 A NO, SIR.

17 Q HAVE YOU EVER SEEN HIM SINCE?

18 A NO, SIR. WELL, ON A CRIMESTOPPERS.

19 Q CRIMESTOPPERS?

20 A RIGHT.

21 Q WHAT IS THAT?

22 A IT'S A LITTLE -- WHERE THE MIDLANDS HAVE LITTLE

23 THIS PICTURE OF MOST WANTED IN ALL AREAS OR THE GENERAL AREA.

24 Q LET ME ASK YOU THIS. THE INDIVIDUAL YOU SAW THAT NIGHT,

25 DID HE HAVE LONG HAIR, SHORT HAIR? HOW WAS IT CUT THAT

1 NIGHT?

2 A IT WAS SHORT.

3 Q NOW, LOOKING AT THE DEFENDANT -- THIS INDIVIDUAL YOU
4 SAW, WAS HIS HAIR LIKE THE DEFENDANT'S IS NOW?

5 A NO, SIR.

6 MR. YOUNG: OBJECTION, YOUR HONOR, LEADING.

7 THE COURT: I SUSTAIN THE OBJECTION.

8 MR. HUBBARD: YES, SIR, YOUR HONOR.

9 Q WAS HIS SKIN TONE SIMILAR TO DEFENDANT'S OR WAS IT
10 DIFFERENT?

11 A SIMILAR.

12 MR. YOUNG: OBJECTION, LEADING.

13 THE WITNESS: SIMILAR.

14 THE COURT: JUST A MOMENT. I SUSTAIN THE OBJECTION.

15 MR. HUBBARD: YES, SIR.

16 THE COURT: ASK A DIRECT QUESTION. I ASK THAT THE JURY
17 DISREGARD THE LAST ANSWER AND THAT IT BE STRICKEN FROM THE
18 RECORD.

19 Q WHAT, IF ANYTHING, CAN YOU SAY ABOUT THE MAN'S SKIN TONE
20 YOU SAW THAT NIGHT COMPARED TO THE DEFENDANT'S SKIN TONE?

21 A THE SKIN TONE IS BASICALLY THE SAME AS THE DEFENDANT.

22 Q OKAY.

23 A BUT, LIKE I SAID, THE HAIR IS SHORTER THAN THE
24 DEFENDANT'S.

25 Q OKAY. ALL RIGHT. WHAT, IF ANYTHING, CAN YOU SAY ABOUT

1 THIS INDIVIDUAL THAT YOU SAW THAT NIGHT -- HIS BUILD? YOU
2 SAY IT WAS KIND OF BROAD BUILD OR MUSCULAR BUILD?

3 A YES, SIR.

4 Q WHAT, IF ANYTHING, CAN YOU SAY ABOUT HIS BUILD VERSUS
5 THE DEFENDANT'S BUILD?

6 A IT HAS BEEN A FEW YEARS AND THE DEFENDANT -- THE GUY
7 -- THE SUSPECT DOESN'T SEEM -- NOT AS HEAVY.

8 Q LET ME ASK YOU THIS. WHAT, IF ANYTHING, CAN YOU SAY
9 ABOUT THE GUY YOU SAW THAT NIGHT AND THE DEFENDANT? DO THEY
10 APPEAR SIMILAR, OR ARE THEY DIFFERENT? WHAT WOULD YOU SAY?

11 A QUITE SIMILAR.

12 Q BUT YOU CAN'T SAY 100 PERCENT?

13 A YEAH, I CAN'T SAY 100 PERCENT.

14 Q THAT'S THE BOTTOM LINE?

15 A THE BOTTOM LINE.

16 Q BUT QUITE SIMILAR?

17 A QUITE SIMILAR.

18 Q WHAT IS IT ABOUT THE DEFENDANT TODAY -- THIS DEFENDANT
19 -- THAT STRIKES YOU AS BEING DIFFERENT BESIDE THE HAIR? IS
20 THERE ANYTHING ELSE THAT STRIKES YOU AS BEING DIFFERENT FROM
21 THE MAN YOU SAW THAT DAY?

22 A HE IS HEAVIER.

23 Q HE IS HEAVIER?

24 A HE IS HEAVIER, AND HIS FACE SEEMS MORE FULLER.

25 Q LIKE HE HAS GAINED WEIGHT?

1 A RIGHT.

2 Q YOU ARE NOT SAYING HIS HEAD IS SHAPED DIFFERENT?

3 A NO. IT'S JUST A LITTLE AGE, I GUESS.

4 Q BUT HE LOOKS QUITE SIMILAR?

5 A QUITE SIMILAR.

6 MR. HUBBARD: YOUR HONOR, I BEG THE COURT'S INDULGENCE.

7 THE COURT: YES, SIR.

8 MR. HUBBARD: YOUR HONOR, I DON'T HAVE ANYMORE QUESTIONS.

9 MR. COUNTS, PLEASE ANSWER ANY QUESTIONS MR. YOUNG MIGHT HAVE

10 FOR YOU.

11 THE WITNESS: YES, SIR.

12 THE COURT: CROSS EXAMINATION, MR. YOUNG.

13 CROSS EXAMINATION BY MR. YOUNG:

14 Q MR. COUNTS, YOU TESTIFIED THAT YOU NEVER SEEN THIS

15 PERSON BEFORE?

16 A YES, SIR.

17 Q IN FACT, YOU NEVER EVEN SEEN MR. RICHARDSON BEFORE, HAVE

18 YOU?

19 MR. HUBBARD: OBJECTION, YOUR HONOR. HE IS SPECULATING AS

20 TO WHETHER THE INDIVIDUAL HE SAW -- HE IS MAKING THE

21 ULTIMATE DECISION OR THE ULTIMATE CONCLUSION THAT THE JURY IS

22 ASKED TO MAKE.

23 THE COURT: OVERRULED.

24 MR. HUBBARD: I AM JUST ASKING THAT HE REPHRASE IT.

25 THE COURT: OVERRULED. IT'S CROSS EXAMINATION.

1 Q YOU HAVEN'T EVEN MET MR. RICHARDSON BEFORE SEEING HIM
2 TODAY, HAVE YOU?

3 A NO, SIR.

4 Q THE NIGHT OF THIS INCIDENT YOU STAYED AROUND THERE AT
5 THE SCENE?

6 A YES, SIR, I DID.

7 Q TALKED WITH THE POLICE OFFICERS?

8 A YES, I DID.

9 Q GAVE THEM AS MUCH INFORMATION AS YOU COULD REMEMBER,
10 DIDN'T YOU?

11 A YES, SIR.

12 Q IN FACT, YOU GAVE THEM TWO STATEMENTS, DIDN'T YOU?

13 A YES, SIR.

14 Q ONE OF THEM YOU WROTE ON YOUR OWN, DIDN'T YOU?

15 A I WROTE BOTH OF THEM.

16 Q YOU WROTE BOTH OF THEM?

17 A AS FAR AS I CAN REMEMBER.

18 Q THE SECOND ONE WAS WRITTEN AFTER THE POLICE OFFICERS
19 ASKED YOU A LITTLE BIT MORE QUESTIONS?

20 A NO, SIR.

21 Q IT WAS NOT?

22 A NO, SIR.

23 Q IT WAS WRITTEN BECAUSE YOU REALIZED YOU LEFT SOMETHING
24 OUT OF THE OTHER ONE?

25 A NO, SIR.

- 1 Q JUST WRITTEN BECAUSE YOU WANTED TO WRITE TWO STATEMENTS?
- 2 A NO. IT WAS WRITTEN BECAUSE THE FIRST I TRIED TO MAKE IT
- 3 SHORT AND SWEET BECAUSE AT THAT TIME WE WAS LATE AND A LOT OF
- 4 THINGS WAS GOING ON. HE TOLD ME, "I KNOW YOU KNOW MORE THAN
- 5 THIS." SO HE TOLD ME TO GO AND REWRITE MY STATEMENT.
- 6 Q HE TOLD YOU TO GO REWRITE IT?
- 7 A THAT'S RIGHT.
- 8 Q SO HE FELT THERE WAS MORE INFORMATION?
- 9 A THAT I COULD THINK OF.
- 10 Q YOU WENT AND REWROTE IT?
- 11 A YES, SIR.
- 12 Q IN YOUR OWN HANDWRITING?
- 13 A IN MY OWN HANDWRITING.
- 14 Q WITHOUT ANY PRESSURE FROM THE LAW ENFORCEMENT?
- 15 A THAT'S RIGHT. HE TOOK ME ASIDE AND TOLD ME TO -- HE
- 16 SEPARATED US -- THE ONES THAT SAID THEY KNEW SOMETHING ABOUT
- 17 WHAT HAPPENED AND MADE ALL OF US WRITE A STATEMENT.
- 18 Q GAVE YOU ALL THE TIME YOU NEEDED TO WRITE WHAT YOU
- 19 REMEMBERED?
- 20 A THAT'S RIGHT.
- 21 Q YOU GOT A COPY OF YOUR STATEMENTS UP THERE, DON'T YOU?
- 22 A YES, I DO.
- 23 Q YOU KNOW THOSE STATEMENTS?
- 24 A IN MY HANDWRITING.
- 25 Q SHOW ME WHERE IN THAT STATEMENT DOES IT INDICATE YOU SAW

- 1 A PERSON TWO HUNDRED AND SOMETHING ODD POUNDS.
- 2 A I DIDN'T GO INTO DETAIL. IT DOESN'T SAY THAT.
- 3 Q WHERE IN THAT DOES IT SAY THIS PERSON HAD ON SHORTS?
- 4 A I DIDN'T SAY. I ALSO STATED I SAW THE PERSON GO OUT AND
- 5 RETRIEVE THE WEAPON.
- 6 Q WHAT, IF ANY, DESCRIPTION DID YOU PROVIDE IN EITHER ONE
- 7 OF YOUR STATEMENTS?
- 8 A I DIDN'T.
- 9 Q YOU TESTIFIED THAT SOME OF THESE PEOPLE WHO WERE IN THIS
- 10 GROUP WERE DRINKING; CORRECT?
- 11 A THAT'S RIGHT.
- 12 Q IN FACT, ONE OF THEM GAVE YOU THEIR DRINK?
- 13 A THAT'S RIGHT.
- 14 Q TO HOLD IT FOR THEM?
- 15 A NO. THEY DIDN'T GIVE TO ME. I TOLD THEM THEY COULDN'T
- 16 TAKE IT IN -- THE DRINKS IN. SO THEY GIVE IT TO ME TO
- 17 DISPOSE OF.
- 18 Q TO DISPOSE OF?
- 19 A THAT'S RIGHT.
- 20 Q YOU TOLD THE POLICE OFFICERS ABOUT THAT, DIDN'T YOU?
- 21 A YES, SIR, I DID.
- 22 Q YOU TESTIFIED THAT AT SOME POINT IN TIME YOURSELF AND
- 23 MR. NORMAN WERE STANDING AT THE DOOR AND MR. BLOCKER WENT
- 24 INSIDE; CORRECT?
- 25 A CORRECT.

- 1 Q YOU TESTIFIED THAT AT THE TIME THAT THIS PERSON WENT OUT
2 AND GOT A GUN AND CAME BACK THAT YOU WERE STANDING HERE AT
3 THE FRONT ENTRANCE; CORRECT?
- 4 A THAT'S RIGHT.
- 5 Q BY YOURSELF?
- 6 A YES, SIR; NOT NECESSARILY BY MYSELF.
- 7 Q WHO ELSE WAS WITH YOU?
- 8 A ANOTHER WITNESS.
- 9 Q ANOTHER WITNESS?
- 10 A YES, SIR.
- 11 Q IS THAT WITNESS MALE OR FEMALE?
- 12 A MALE. AS A MATTER OF FACT, IT IS TWO OTHER WITNESSES.
- 13 Q THIS WAS IN THAT FOYER AREA?
- 14 A NO, SIR.
- 15 Q NO?
- 16 A NO, SIR.
- 17 Q IT WAS INSIDE THE SECOND SET OF DOORS?
- 18 A THE FIRST -- THE DOORS TO THE ENTRANCE TO THE CLUB TO
19 THE BUILDING.
- 20 Q TO THE BUILDING?
- 21 A YES, SIR.
- 22 Q WERE YOU ON THE INSIDE OR OUTSIDE OF THOSE DOORS?
- 23 A I WAS STANDING IN THE DOOR. AS THE DOOR SWUNG OPEN THAT
24 WAY (INDICATING) MY BACK -- I WAS IN THE DOOR STANDING THIS
25 WAY LOOKING DIRECTLY AT THE LANDCRUISER AND THE DEFENDANT.

- 1 Q SO YOU WEREN'T LOOKING OUT THE WINDOW?
- 2 A NO, I WASN'T. I NEVER SAID I WAS LOOKING OUT THE
- 3 WINDOW.
- 4 Q LOOKING OUTSIDE?
- 5 A THE DOOR WAS OPEN. THAT'S RIGHT.
- 6 Q YOU CLOSED THE DOORS?
- 7 A WHEN I SAW HIM RETRIEVE THE WEAPON I CLOSED THAT DOOR.
- 8 ONLY ONE DOOR WAS OPEN.
- 9 Q YOU CLOSED THE DOOR?
- 10 A RIGHT.
- 11 Q AT THAT POINT IN TIME NORMAN AND KIRBY HAD ALREADY WENT
- 12 INSIDE TO KIND OF TRY TO SETTLE THINGS; CORRECT?
- 13 A YES, SIR.
- 14 Q SO YOU WERE THE ONLY STAFF AT THE DOOR AT THAT TIME?
- 15 A YES, SIR.
- 16 Q BUT YOU LOCKED THE DOOR?
- 17 A YES, SIR.
- 18 Q AND WENT IN TO TELL THEM THAT HE HAD A GUN, DIDN'T YOU?
- 19 A RIGHT.
- 20 Q AT THAT POINT IN TIME YOU WENT TO THE SIDE DOOR;
- 21 CORRECT?
- 22 A AFTER I HEARD THE FIRST GUNSHOT.
- 23 Q AFTER YOU HEARD THE FIRST GUNSHOT?
- 24 A YES, SIR.
- 25 Q YOU TESTIFIED THAT YOU DIDN'T SEE ANYBODY COME

1 SPECIFICALLY OUT OF THOSE LANDCRUISERS WHEN THEY CAME TO THE
2 DOOR; CORRECT?

3 A CORRECT.

4 Q DID YOU SEE ANY PEOPLE GET INTO THE LANDCRUISERS AND
5 STUFF?

6 A NO, I DIDN'T.

7 Q THE NEXT TIME YOU SAW THEM WAS WHEN YOU WERE BEHIND THE
8 CAR AND THEY GO BY?

9 A THAT'S IT.

10 Q KIND OF DARK WHEN THEY WERE GOING DOWN THAT ROAD?

11 A IT'S FAIRLY DARK.

12 Q DUST FLYING UP?

13 A YES, SIR.

14 MR. YOUNG: THAT'S ALL THE QUESTIONS I HAVE.

15 THE COURT: REDIRECT?

16 MR. HUBBARD: NO FOLLOW UP, YOUR HONOR.

17 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN. NEXT
18 WITNESS.

19 MR. SWARAT: THE STATE CALLS CATHERINE SHEPPARD.

20 CATHERINE SHEPPARD, BEING FIRST DULY
21 SWORN, TESTIFIED AS FOLLOWS:

22 THE CLERK: STATE YOUR NAME FOR THE RECORD.

23 THE WITNESS: CATHERINE SHEPPARD.

24 THE COURT: I NEED YOU TO SPEAK UP A LITTLE BIT LOUDER THAN
25 THAT, PLEASE, MRS. SHEPPARD.

1 DIRECT EXAMINATION BY MR. SWARAT:

2 Q MRS. SHEPPARD, WHERE ARE YOU FROM?

3 A NEWBERRY COUNTY.

4 Q DO YOU HAVE FAMILY THERE IN NEWBERRY?

5 A YES, I DO.

6 Q DO YOU HAVE CHILDREN?

7 A YES, I DO.

8 Q HOW MANY CHILDREN DO YOU HAVE?

9 A THREE.

10 Q GRANDCHILDREN AS WELL?

11 A SIX.

12 Q MRS. SHEPPARD, ARE YOU EMPLOYED?

13 A YES, I AM.

14 Q WHERE DO YOU WORK?

15 A RENFROW.

16 Q WHAT DOES RENFROW DO?

17 A IT'S A DIVISION OF FRUIT OF THE LOOM -- MAKE SOCKS.

18 Q HOW LONG HAVE YOU BEEN WITH RENFROW?

19 A FIVE AND A HALF YEARS.

20 Q WHAT POSITION DO YOU HOLD WITH THEM?

21 A SEWING MACHINE OPERATOR.

22 Q MRS. SHEPPARD, ARE YOU FAMILIAR WITH THE PLACE CALLED
23 THE C&L SOCIAL CLUB?

24 A YES, I AM.

25 Q ON THE EVENING OF AUGUST 12, '95 WERE YOU AT THE C&L?

- 1 A YES, I WAS.
- 2 Q WHAT WERE YOU DOING THERE THAT NIGHT?
- 3 A I WAS A DESIGNATED DRIVER FOR MY NIECES BECAUSE THEY
- 4 WANTED TO GO OUT.
- 5 Q AND SO THAT MEANS YOU WEREN'T DRINKING THAT NIGHT?
- 6 A NO, I DON'T DRINK.
- 7 Q WHERE WERE YOU IN THE PHYSICAL LOCATION OF THE C&L? DID
- 8 YOU STAY INSIDE THE BAR OR OUTSIDE THE CLUB?
- 9 A OUTSIDE THE CLUB.
- 10 Q DURING THE TIME THAT YOU WERE OUTSIDE THE CLUB THAT
- 11 NIGHT DID YOU SEE A LARGE GROUP OF PEOPLE COME IN?
- 12 A YES, I DID.
- 13 Q CAN YOU DESCRIBE FOR THE JURY HOW THEY CAME IN INTO THE
- 14 PARKING LOT THERE?
- 15 A IT WAS TWO SPORT UTILITY VEHICLES AND A BURGUNDY CAR,
- 16 AND IT WAS A LITTLE RED CAR IN FRONT OF THE WHITE UTILITY
- 17 VEHICLE, AND WHEN THEY WAS COMING THROUGH THE RED CAR STOPPED
- 18 AND THIS PERSON IN THE WHITE ONE WAS HOLLERING OUT THE WINDOW
- 19 AT THEM.
- 20 MR. YOUNG: OBJECTION, HEARSAY.
- 21 THE COURT: SUSTAIN THE OBJECTION.
- 22 Q THE WHITE VEHICLE---
- 23 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)
- 24 Q THERE WAS A CONFRONTATION WITH THE RED VEHICLE?
- 25 A YES.

- 1 Q AFTER THE CONFRONTATION WHERE DID THE WHITE VEHICLE GO?
- 2 A THEY PARKED RIGHT IN FRONT OF THE CLUB.
- 3 Q WHEN YOU SAY IN THE FRONT OF CLUB, I AM SHOWING YOU
- 4 WHAT'S BEEN MARKED AS STATE'S EXHIBIT NO. 2 IN EVIDENCE. DO
- 5 YOU SEE WHERE THEY PARKED THEIR VEHICLES?
- 6 A RIGHT ALONG IN HERE (INDICATING.)
- 7 Q SOME WERE CLOSE TO THE FRONT DOOR OF THE CLUB?
- 8 A YES.
- 9 Q NOW, YOU SAY THERE WERE THREE VEHICLES?
- 10 A YES.
- 11 Q TWO SPORTS UTILITY VEHICLES?
- 12 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)
- 13 Q AND ONE BURGANDY CAR?
- 14 A YEAH.
- 15 Q DO YOU KNOW THE MAKE OR MODEL OF THAT BURGUNDY CAR?
- 16 A IT WAS A VOLVO.
- 17 Q WERE THESE ALL NICE VEHICLES?
- 18 A YES, THEY WAS.
- 19 Q DID THEY ALL COME INTO THE PARKING LOT AT ROUGHLY THE
- 20 SAME TIME?
- 21 A YEAH.
- 22 Q TOGETHER?
- 23 A YES, THEY DID.
- 24 Q DID THEY PARK TOGETHER?
- 25 A YES, THEY DID.

1 Q AFTER THEY PARKED DID THE PEOPLE GET OUT OF THE
2 VEHICLES?

3 A YES.

4 MR. YOUNG: OBJECTION, YOUR HONOR. COUNSEL IS LEADING.
5 THE COURT: SUSTAIN THE OBJECTION.

6 Q AFTER THEY PARKED THEIR VEHICLES WHAT THEN DID THE
7 PEOPLE IN THE VEHICLES DO?

8 A THEY ALL GOT OUT.

9 Q WERE THEY ALL MALE INDIVIDUALS?

10 A NO.

11 Q SOME MALE, SOME FEMALES?

12 A YES, SIR.

13 Q ROUGHLY HOW MANY PEOPLE WERE IN THE GROUP?

14 A ABOUT TEN TO FIFTEEN.

15 Q AND ONCE THEY GOT OUTSIDE THE VEHICLES DID THEY GO
16 TOWARD THE CLUB?

17 A AFTER THEY GOT OUT I WASN'T REALLY PAYING NO ATTENTION.

18 Q AFTER THEY GOT OF THEIR VEHICLES YOU DIDN'T REALLY PAY
19 ANY ATTENTION TO WHAT THEY WERE DOING?

20 A NO.

21 Q DID YOU STAY OUTSIDE THE CLUB?

22 A I WENT IN TWICE. THE FIRST TIME I WENT IN I WENT IN TO
23 USE THE BATHROOM, AND I WENT BACK OUTSIDE, AND ABOUT A WHILE
24 LATER I WENT BACK INTO THE BAR TO GET ME A SODA.

25 Q WHEN YOU WENT BACK INTO THE BAR TO GET YOURSELF A SODA

1 DID YOU SEE THIS GROUP OF PEOPLE AGAIN?

2 A I SAW TWO OF THEM AT THE BAR -- TWO OF THE GUYS WAS AT
3 THE BAR.

4 Q WERE THESE THE PEOPLE THAT CAME IN SPORTS UTILITY
5 VEHICLES?

6 A YES, IT WAS.

7 Q I AM SHOWING YOU WHAT HAS BEEN MARKED AS STATE'S EXHIBIT
8 NO. 36 IN EVIDENCE. DO YOU SEE WHERE YOU WERE STANDING AT
9 THE BAR?

10 A LIKE RIGHT IN BETWEEN THERE AT THE BAR (INDICATING.)

11 Q IS THAT ACCURATE?

12 A NO. RIGHT IN HERE (INDICATING) RIGHT IN THE BAR RIGHT
13 THERE.

14 THE COURT: YOU NEED TO SPEAK UP, PLEASE.

15 Q RIGHT TOWARDS THIS CORNER SECTION OF THE BAR. THE
16 PEOPLE THAT -- THE TWO MALE INDIVIDUALS THAT CAME IN THE
17 LANDCRUISER, WERE THEY STANDING CLOSER TO THE KITCHEN FROM
18 YOU?

19 A NO. THEY WERE STANDING DIRECTLY BESIDE ME BECAUSE I
20 BACKED UP AND STEPPED ON ONE OF THEM'S FOOT AND LOOKED BACK
21 AND SAID, "EXCUSE ME."

22 Q THE PERSON WHOSE FOOT YOU STEPPED ON AND SAID, "EXCUSE
23 ME," DID YOU NOTICE HOW HE WAS DRESSED?

24 A HE HAD ON ALL WHITE.

25 Q WHITE SHIRT?

- 1 A YES AND WHITE SHORTS.
- 2 Q DID YOU NOTICE HIS SHOES?
- 3 A WHITE SNEAKERS.
- 4 Q WEARING ALL WHITE?
- 5 A YEAH.
- 6 Q THIS INDIVIDUAL, WAS HE A SKINNY INDIVIDUAL OR WAS HE
- 7 HEAVY SET?
- 8 A I REALLY DIDN'T PAY TOO MUCH ATTENTION TO HIM.
- 9 Q DID YOU PAY ANY ATTENTION TO HIS FACE?
- 10 A NO, I DIDN'T.
- 11 Q AS TO THE SKIN TONE, DID YOU PAY ANY ATTENTION TO THAT?
- 12 A HE WAS KIND OF LIGHT-SKINNED.
- 13 Q LIGHT SKINNED?
- 14 A YEAH.
- 15 Q WEARING ALL WHITE?
- 16 A YES, SIR.
- 17 Q AFTER YOU WERE AT THE BAR AND STEPPED ON THIS MAN'S FOOT
- 18 AND SAID, "EXCUSE ME," WHAT DID YOU DO?
- 19 A I GOT MY SODA AND WENT BACK OUTSIDE.
- 20 Q MS. SHEPPARD, AFTER YOU WENT BACK OUTSIDE THE CLUB DID
- 21 YOU SEE THIS INDIVIDUAL WEARING ALL WHITE AGAIN?
- 22 A YES.
- 23 Q WHERE DID YOU SEE HIM NEXT?
- 24 A IT HAD BEEN A WHILE, AND I WAS STANDING OUTSIDE, AND THE
- 25 DOOR CAME OPEN, AND THIS GIRL CAME OUT AND SAID, "THEY

1 FIGHTING." AFTER A WHILE HE COME OUT AND WENT TO THE
2 PASSENGER SIDE OF THE LANDCRUISER, OPENED THE DOOR, UNLOCKED
3 THE GLOVE COMPARTMENT, AND COME OUT WITH A GUN. AND BY THE
4 TIME HE GOT TO THE DOOR, THE DOOR WAS LOCKED, AND HE WAS
5 STANDING BEATING ON THE DOOR TELLING THEM TO OPEN THE DOOR.
6 HE SAID, "I DON'T HAVE ANYTHING."

7 Q HOLD ON JUST ONE SECOND. I DON'T MEAN TO STOP YOU.
8 THIS WAS THE LANDCRUISER THAT IS PARKED UP NEAR THE FRONT
9 DOOR OF THIS BUSINESS?

10 A THE WHITE ONE.

11 Q I AM SHOWING YOU WHAT HAS BEEN MARKED AS STATE'S EXHIBIT
12 NUMBER 31 IN EVIDENCE. DOES THAT APPEAR TO BE THE
13 LANDCRUISER?

14 A YES, IT IS.

15 Q HE WENT INTO THE PASSENGER SIDE OF THAT LANDCRUISER?

16 A YES, HE DID.

17 Q AND HE GOT OUT A GUN?

18 A YES.

19 Q AFTER HE GOT THE GUN WHERE DID HE GO?

20 A BACK TO THE DOOR.

21 Q WHAT DID HE DO WHEN HE GOT TO THE DOOR?

22 A HE WAS BEATING ON IT. HE TURNED THE KNOB. IT WAS
23 LOCKED, AND HE STARTED BEATING ON THE DOOR TELLING THEM TO
24 LET HIM IN.

25 Q AFTER HE LEFT THE INSIDE OF THE CLUB AND WENT TO THE

1 | LANDCRUISER THE DOOR WAS LOCKED?
2 | A YES, SIR.
3 | Q HE SAID, LET ME IN?
4 | A YES.
5 | Q DID HE CURSE AT ALL?
6 | A YES, HE DID.
7 | Q DID ANYBODY LET HIM BACK IN?
8 | A AFTER A WHILE THE DOOR COME OPEN, AND ONE OF THE GIRLS
9 | THAT WAS WITH THEM, SHE COME OUT AND HE WENT IN.
10 | Q ONE OF GIRLS THAT WAS IN THE LANDCRUISER GROUP---
11 | A YEAH.
12 | Q ---OPENED THE DOOR AND HE WENT IN?
13 | A YES.
14 | Q THIS WAS THE MAN WEARING ALL WHITE?
15 | A YES.
16 | Q THE LIGHT SKINNED INDIVIDUAL?
17 | A YES.
18 | Q AFTER HE WENT BACK IN WITH THE GUN WHAT, IF ANYTHING,
19 | DID YOU HEAR?
20 | A I HEARD A SHOT, AND THEN IN LIKE A MINUTE I HEARD
21 | ANOTHER SHOT, AND I HEARD ANOTHER SHOT.
22 | Q THREE SHOTS TOTAL?
23 | A YES.
24 | Q DID YOU SEE THIS INDIVIDUAL WEARING ALL WHITE CARRYING
25 | THE GUN AFTER YOU HEARD THE SHOTS?

1 A NO, I DIDN'T.

2 Q WHERE DID YOU GO?

3 A I RAN. WHEN EVERYBODY ELSE COME OUT RUNNING I RAN DOWN
4 THE ROAD AND HID.

5 Q WHERE DID YOU HIDE, MS. SHEPPARD?

6 A IT'S A LITTLE WHITE BUILDING ON THE LEFT SIDE. I HID
7 BEHIND THAT DOWN THE ROAD.

8 Q DID YOU SEE THE LANDCRUISER GROUP -- THOSE THREE CARS
9 -- LEAVE THE PARKING LOT?

10 A NO, I DIDN'T.

11 Q DID YOU SEE ANYTHING ELSE AFTER YOU RAN AND HID?

12 A NO.

13 Q DID YOU STAY AROUND TO TALK WITH THE POLICE THAT NIGHT?

14 A YES, I DID.

15 Q DID YOU TELL THEM WHAT YOU SAW THAT NIGHT?

16 A YES, I DID.

17 Q DID YOU TELL THEM ABOUT THE MAN WEARING ALL WHITE?

18 A YES, I DID.

19 Q DID YOU TELL THEM ABOUT THE GUN?

20 A YES.

21 Q AND THE VEHICLES?

22 A YES.

23 MR. SWARAT: YOUR HONOR, THAT'S ALL I HAVE FOR THIS

24 WITNESS. PLEASE ANSWER ANY QUESTIONS THE DEFENSE MAY HAVE

25 FOR YOU.

- 1 THE COURT: CROSS EXAMINATION.
- 2 CROSS EXAMINATION BY MR. YOUNG:
- 3 Q MS. SHEPPARD, YOU TALKED WITH LAW ENFORCEMENT AFTER ALL
- 4 THIS WAS OVER WITH?
- 5 A YES.
- 6 Q YOU GAVE THEM AS MUCH INFORMATION AS YOU COULD?
- 7 A YES.
- 8 Q IN FACT, YOU EVEN GAVE THEM TWO WRITTEN STATEMENTS;
- 9 CORRECT?
- 10 A YES.
- 11 Q IN FACT, YOU WROTE THOSE STATEMENTS?
- 12 A YES, I DID.
- 13 Q IN THOSE STATEMENTS YOU NEVER DISCLOSED ANY TYPE OF
- 14 DESCRIPTION OF THE PERSON THAT YOU WERE TALKING ABOUT, DID
- 15 YOU?
- 16 A NO, I DIDN'T.
- 17 Q IN FACT, IN YOUR FIRST STATEMENT YOU EVEN INDICATED THAT
- 18 IT WAS A WHITE EXPLORER, DIDN'T YOU?
- 19 A YES.
- 20 Q SINCE THAT POINT IN TIME YOU HAVE NEVER CONTACTED LAW
- 21 ENFORCEMENT TO ADD ANY INFORMATION TO YOUR STATEMENT?
- 22 A NO, I HAVEN'T.
- 23 Q YOU HAVE NEVER PROVIDED ANY TYPE OF DESCRIPTION
- 24 REGARDING THIS PERSON THAT YOU SAW?
- 25 A NO, I HAVEN'T.

1 MR. YOUNG: THAT'S ALL THE QUESTIONS I HAVE.

2 THE COURT: REDIRECT?

3 MR. SWARAT: I ASK THAT MS. SHEPPARD BE EXCUSED.

4 MR. YOUNG: NO OBJECTION, YOUR HONOR.

5 THE COURT: WITHOUT OBJECTION, YOU ARE EXCUSED. NEXT
6 WITNESS.

7 MR. SWARAT: THE STATE CALLS RONALD BOYD.

8 RONALD BOYD, BEING FIRST DULY SWORN,
9 TESTIFIED AS FOLLOWS:

10 THE CLERK: STATE YOUR FULL NAME FOR THE RECORD, SIR.

11 THE WITNESS: MY NAME IS RONALD BOYD.

12 DIRECT EXAMINATION BY MR. SWARAT:

13 Q MR. BOYD, GOOD AFTERNOON.

14 A HOW ARE YOU DOING?

15 Q MR. BOYD, WHERE ARE YOU FROM, SIR?

16 A NEWBERRY.

17 Q DO YOU HAVE FAMILY THERE IN NEWBERRY?

18 A YES.

19 Q DO YOU HAVE ANY CHILDREN?

20 A YES.

21 Q ARE YOU MARRIED?

22 A NO.

23 Q MR. BOYD, WHERE YOU EMPLOYED?

24 A I AM SELF-EMPLOYED. I OWN MY OWN TRACTOR TRAILER TRUCK.

25 Q HOW LONG HAVE YOU BEEN DOING THAT?

- 1 A THREE YEARS.
- 2 Q ARE YOU ALSO EMPLOYED PART-TIME?
- 3 A YES.
- 4 Q WHAT IS THAT EMPLOYMENT?
- 5 A NATIONAL GUARD.
- 6 Q HOW LONG HAVE YOU BEEN IN THE NATIONAL GUARD?
- 7 A EIGHTEEN YEARS, FIVE MONTHS.
- 8 Q DID YOU JOIN THE NATIONAL GUARD WITH MR. COUNTS?
- 9 A WE BOTH JOINED THE REGULAR ARMY TOGETHER.
- 10 Q MR. BOYD, I WANT TO TAKE YOU BACK TO THE NIGHT OF AUGUST
- 11 12, 1995. DO YOU REMEMBER THAT NIGHT?
- 12 A YES.
- 13 Q DO YOU REMEMBER BEING AT THE C&L SOCIAL CLUB?
- 14 A YES.
- 15 Q THE NIGHT THAT ALFRED JONES WAS KILLED?
- 16 A YES.
- 17 Q WHO DID YOU GO THERE WITH THAT NIGHT?
- 18 A THOMAS COUNTS.
- 19 Q MR. BOYD, WHEN MR. COUNTS WOULD BE WORKING WOULD YOU
- 20 SPEND TIME UP THERE BY THE FRONT DOOR WITH HIM?
- 21 A I WAS UP THERE 95 PERCENT OF TIME IN AND OUT THE FOYER
- 22 AND OUTSIDE THE FRONT.
- 23 Q DURING THE TIME THAT YOU WERE THERE THAT NIGHT DID YOU
- 24 SEE A LARGE GROUP OF PEOPLE COME IN?
- 25 A YES.

- 1 Q WHAT TYPE OF VEHICLES WERE THEY IN?
- 2 A IT WAS TWO LANDCRUISERS, A VOLVO, AND IT WAS A FOURTH
- 3 VEHICLE.
- 4 Q TWO LANDCRUISERS?
- 5 A (WITNESS NODS.) (INDICATING AFFIRMATIVE RESPONSE.)
- 6 Q A VOLVO AND A FOURTH VEHICLE?
- 7 A YES.
- 8 Q DID YOU KNOW THE MAKE AND MODEL OF THAT FOURTH VEHICLE?
- 9 A I CAN'T REALLY SAY. I KNOW IT WAS A FOURTH VEHICLE.
- 10 Q THE LANDCRUISERS, WHAT COLOR WERE THEY?
- 11 A IT WAS A WHITE ONE, AND I WANT TO SAY A DARK GREEN OR A
- 12 DARK COLOR, AND I THINK THE VOLVO WAS BURGUNDY.
- 13 Q DID YOU SEE WHERE THESE VEHICLES PARKED IN RELATION TO
- 14 THE C&L SOCIAL CLUB?
- 15 A YES.
- 16 Q I AM SHOWING YOU WHAT IS MARKED AS STATE'S EXHIBIT NO. 2
- 17 IN EVIDENCE. CAN YOU POINT OUT WHERE THEY PARKED THEIR
- 18 VEHICLES?
- 19 A THEY PARKED ALL DOWN THE SIDE OF FRONT.
- 20 Q SO UP CLOSEST TO THE DOOR?
- 21 A YES, SIR.
- 22 Q WHICH VEHICLE WAS CLOSEST TO THE FRONT DOOR?
- 23 A THE WHITE ONE.
- 24 Q THE WHITE LANDCRUISER?
- 25 A YES, SIR.

- 1 Q AND DID YOU SEE THE PEOPLE GET OUT OF THOSE VEHICLES?
- 2 A YES, I SEEN THEM. YES, SIR..
- 3 Q DID THEY APPEAR TO BE ALL TOGETHER
- 4 A YES, SIR.
- 5 Q WHERE WERE YOU WHEN YOU SAW THEM COME INTO THE CLUB?
- 6 A STANDING RIGHT IN THE FOYER.
- 7 Q OVER BY MR. COUNTS?
- 8 A WELL, HE WOULD CHECK THEM WHEN THEY COME IN. I WAS IN
- 9 THE CORNER RIGHT BEFORE YOU GO IN THE DOOR.
- 10 Q THIS GROUP OF INDIVIDUALS, WERE THEY ALL MALES OR WERE
- 11 THEY MALES AND FEMALES MIXED?
- 12 A ABOUT FOUR FEMALES AND THE REST MALE.
- 13 Q ABOUT HOW MANY PEOPLE WERE IN THE GROUP?
- 14 A MAYBE TEN OR MORE.
- 15 Q DID ONE INDIVIDUAL IN PARTICULAR APPEAR TO BE IN CHARGE
- 16 OR DO THE DEALINGS FOR THE GROUP?
- 17 A WELL, HE DID THE TALKING. HE CAME IN AND SAID, "WE JUST
- 18 COME---"
- 19 MR. YOUNG: OBJECTION, YOUR HONOR. HEARSAY.
- 20 THE COURT: OVERRULED.
- 21 MR. SWARAT: THANK YOU, YOUR HONOR.
- 22 Q PLEASE CONTINUE MR. BOYD.
- 23 A WHEN THEY CAME IN THE TWO FEMALES WAS IN FRONT OF HIM,
- 24 AND HE HAD SAID THEY JUST COME FROM A GET-TOGETHER -- A
- 25 PICNIC OR WHATEVER AND THEY WERE LOOKING FOR SOMEWHERE TO

1 PARTY. AND HE ASKED HOW MUCH IT WAS, AND THEY TOLD HIM HOW
2 MUCH IT WAS GOING TO COST.

3 Q DID HE PAY FOR EVERYONE IN THE GROUP?

4 A YES.

5 Q DID YOU NOTICE HIM WITH A LOT OF MONEY?

6 A HE APPEARED HE HAD A GOOD WAD.

7 Q THESE FEMALES IN THE GROUP, DID YOU PAY ANY ATTENTION TO
8 THEM?

9 A ONE IN PARTICULAR.

10 Q WAS SHE AN ATTRACTIVE LADY?

11 A YES.

12 Q AS THEY WERE GOING INTO THE CLUB DID YOU GET A FAIRLY
13 GOOD LOOK AT THIS INDIVIDUAL -- THE ONE THAT WAS PAYING FOR
14 EVERYONE?

15 A I GOT A PRETTY GOOD LOOK AT HIM.

16 Q DID THEY PROCEED INSIDE THE CLUB?

17 A YES.

18 Q AFTER THEY DID, MR. BOYD, WHERE DID YOU GO, OR WHAT DID
19 YOU DO?

20 A I AM MOSTLY JUST IN AND OUT. EVERY NOW AND THEN I'D
21 CHECK AN I.D. OR TOM AND THEM WHEN ALBERT WILL GO BACK
22 RUNNING BACK AND FORTH INSIDE I'LL HELP OUT AND STAND OUTSIDE
23 TALKING RIGHT AT THE DOOR.

24 Q AS YOU WERE STANDING OUT THERE BY THE DOOR DID YOU EVER
25 SEE THE MAN THAT PAID FOR EVERYONE COME BACK OUT OF THE CLUB?

1 A YES.

2 Q WHERE DID HE GO AND WHAT DID HE DO?

3 A WELL, WE HEARD A FIGHT. TOMMY LOOKED INSIDE AND SAID,
4 "A FIGHT," AND THEN A COUPLE OF MINUTES LATER A GUY CAME
5 OUT. A FEMALE WAS BEHIND HIM, AND SHE SAID---

6 MR. YOUNG: OBJECTION, YOUR HONOR. HEARSAY.

7 THE COURT: SUSTAIN THE OBJECTION.

8 MR. SWARAT: I WILL LAY THE FOUNDATION, YOUR HONOR.

9 Q THE FEMALE THAT WAS FOLLOWING BEHIND, HOW WAS SHE
10 ACTING?

11 A KIND OF LIKE SHE KNOW SOMETHING WAS UP. I KNOW WHAT SHE
12 SAID.

13 Q BEFORE YOU TALK ABOUT WHAT SHE SAID, HOW WAS SHE ACTING?

14 A LIKE SHE KNEW -- SHE WAS HYSTERICAL LIKE SHE KNEW HE
15 WAS GOING TO DO SOMETHING HE HAD NO BUSINESS.

16 MR. SWARAT: YOUR HONOR, I BELIEVE THIS IS AN EXCEPTION TO
17 THIS TESTIMONY UNDER 803-2, EXCITED UTTERANCE.

18 THE COURT: STILL THE SAME OBJECTION?

19 MR. YOUNG: YES, SIR, YOUR HONOR, SAME OBJECTION.

20 THE COURT: THE OBJECTION IS OVERRULED.

21 MR. SWARAT: THANK YOU, YOUR HONOR.

22 Q WHAT DID SHE SAY, MR. BOYD?

23 A SHE SAID, "IT AIN'T WORTH IT, WILLIE."

24 Q SHE SAID, "IT AIN'T WORTH IT, WILLIE?"

25 A YES.

1 Q WHO WAS SHE DIRECTING THAT STATEMENT TO?

2 A THE MAN THAT WENT OUT TO THE LANDCRUISER THAT PAID FOR
3 THEM TO COME IN AND WENT OUT TO THE LANDCRUISER AND GOT THE
4 GUN.

5 Q AND THIS WAS ON THE WAY OUT TO THE LANDCRUISER?

6 A YEAH.

7 Q NOW, YOU SAY HE WENT TO LANDCRUISER AND GOT A GUN?

8 A YES.

9 Q WHICH SIDE OF THE LANDCRUISER DID HE GO TO?

10 A THE PASSENGER SIDE.

11 Q AND DID YOU SEE WHERE HE GOT THE GUN FROM?

12 A HE GOT THE GUN OUT AND PUT IT ON THE SEAT LIKE HE GOT IT
13 OUT OF A POUCH.

14 Q WHAT DID HE DO WITH THAT GUN?

15 A WELL, WHEN THOMAS HOLLERED "GUN," HE PROCEEDED TO LOCK
16 THE DOOR. THAT'S WHEN I HOLLERED TO LET ME ME OUT AND I RAN
17 ACROSS ON THE OTHER SIDE. HE GOT THE GUN, AND HE CAME BACK
18 TO THE DOOR, AND HE WAS BEATING ON THE DOOR.

19 Q SO WHEN THOMAS WENT TO CLOSE THE DOOR YOU WERE ON THE
20 INSIDE?

21 A YES, SIR.

22 Q AND YOU WANTED OUT?

23 A YES, SIR.

24 Q DID YOU COME OUT?

25 A YES, SIR.

- 1 Q AS YOU WERE COMING OUT HOW FAR AWAY WERE YOU FROM THE
2 MAN WITH THE GUN?
- 3 A ABOUT FROM HERE TO YOU OR A LITTLE BIT FURTHER -- ABOUT
4 TWO MORE FEET. GO ON BACK A LITTLE FURTHER RIGHT HERE.
- 5 Q ABOUT THIS DISTANCE?
- 6 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)
- 7 Q IS IT WELL LIT IN FRONT OF THAT CLUB?
- 8 A YES.
- 9 Q YOU COULD YOU SEE HIM WELL?
- 10 A YES.
- 11 Q DID YOU RECALL THE TYPE OF CLOTHING HE WAS WEARING? DID
12 YOU PAY ATTENTION TO IT?
- 13 A HE HAD ON WHITE.
- 14 Q HAD ON WHITE?
- 15 A YES.
- 16 Q DID YOU GET A GOOD LOOK AT THAT GUN?
- 17 A YES.
- 18 Q WHAT DID IT LOOK LIKE?
- 19 A A NINE MILLIMETER.
- 20 Q HAVE YOU USED GUNS IN THE MILITARY?
- 21 A YES.
- 22 Q IN YOUR TRAINING WITH THE GUARD?
- 23 A YES.
- 24 Q YOU SAY THOMAS CLOSED THE DOOR?
- 25 A YES.

1 Q AFTER THOMAS CLOSED THE DOOR, WHAT DID THIS MAN WITH THE
2 GUN DO?

3 A HE PROCEEDED BACK TOWARD THE DOOR. HE BEAT ON THE
4 DOOR. HE SAID A COUPLE OF THINGS.

5 Q WITHOUT GOING INTO HIS LANGUAGE MUCH, WHAT DID HE SAY?

6 A WELL, BEFORE WHEN HE CAME OUT THE CLUB HE SAID, I GOT
7 SOMETHING FOR BLANK-BLANK AND WHEN HE CAME BACK IN HE SAID,
8 "WHERE IS HE AT NOW?"

9 Q "WHERE IS HE AT NOW?"

10 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

11 Q YOU DIDN'T KNOW WHO HE WAS TALKING ABOUT?

12 A NO.

13 Q THIS WAS THE INDIVIDUAL SHE CALLED WILLIE?

14 A YES, SIR.

15 Q WEARING ALL WHITE THAT WENT TO THE WHITE LANDCRUISER?

16 A YES, SIR.

17 Q EVENTUALLY DID HE MAKE IT INSIDE THE CLUB?

18 A WELL, THE SAME FEMALE THAT SAID IT WASN'T WORTH IT --
19 SHE CAME OUT, AND THAT'S WHEN HE PROCEEDED IN.

20 Q SO HE EVENTUALLY GOT BACK IN THE INSIDE OF THAT CLUB
21 THROUGH THAT DOOR?

22 A YES, SIR.

23 Q AFTER HE WENT ON THE INSIDE OF THE CLUB DID YOU HEAR
24 ANYTHING? WHAT, IF ANYTHING, DID YOU HEAR?

25 A THREE SHOTS.

1 Q THREE GUNSHOTS?

2 A YES.

3 Q DID YOU SEE THIS INDIVIDUAL AGAIN AFTER YOU HEARD THE
4 GUNSHOTS?

5 A YES. HE CAME BACK OUT THE FRONT DOOR.

6 Q WHAT DID HE DO WHEN GOT BACK OUT THE FRONT DOOR WITH THE
7 GUN?

8 A HE POINTED THE GUN, AND THAT'S WHEN WE DUCKED BEHIND THE
9 CARS. THEN THEY PROCEEDED BACK INTO THE LANDCRUISER.

10 THE COURT: MR. SWARAT, THE JURY IS HAVING TROUBLE HEARING
11 THIS WITNESS. SIR, I AM GOING TO INSTRUCT YOU TO SPEAK UP
12 AND IN A VERY CLEAR VOICE. IF YOU COULD REPEAT THAT LAST
13 ANSWER, PLEASE, SIR.

14 THE WITNESS: I SAID HE POINTED THE GUN.

15 Q YOU SAY HE POINTED THE GUN?

16 A YEAH.

17 Q DID HE POINT IT AT ANYBODY IN PARTICULAR?

18 A HE JUST (INDICATING.)

19 Q AND AFTER HE POINTED THE GUN WHAT THEN DID HE DO?

20 A THEY ALL RAN OUT AND GOT IN THE VEHICLES AND CRUNK (SIC)
21 UP AND DROVE OFF AND FIRED A COUPLE MORE SHOTS.

22 Q HE FIRED THE GUN A FEW MORE TIMES?

23 A YES.

24 Q WHICH VEHICLE DID HE GET INTO -- THE MAN WITH THE GUN?

25 A THE LANDCRUISER -- WHITE ONE.

1 Q I AM SHOWING YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
2 NO. 7 IN EVIDENCE. DO YOU SEE ON THERE WHERE YOU WERE HIDING
3 BEHIND SOME CARS?

4 A IT WAS RIGHT ACROSS THE STREET RIGHT OVER THERE. THE
5 CAR IS PARKED OVER THERE (INDICATING.)

6 Q BY THIS GRASSY AREA HERE?

7 A YES.

8 Q IS THAT CONTRACT?

9 A THIS IS THE FRONT DOOR RIGHT HERE; RIGHT? I WAS RIGHT
10 ACROSS FROM THE FRONT DOOR, AND A CAR WAS RIGHT THERE IN
11 FRONT, AND I RIGHT BEHIND THAT.

12 Q WERE THE CARS PARKED IN ROWS?

13 A YES.

14 Q AND FROM THAT VANTAGE POINT FROM WHERE YOU WERE COULD
15 YOU GET A CLEAR VIEW OF THAT LANDCRUISER?

16 A YEAH.

17 Q SAW HIM GET IN IT?

18 A YES.

19 Q DID HE GET ON THE PASSENGER SIDE OR THE DRIVER'S SIDE?

20 A GOT ON THE PASSENGER SIDE.

21 Q THE PASSENGER SIDE OF LANDCRUISER?

22 A YES.

23 Q AND DID THEY LEAVE AT THAT TIME?

24 A YES.

25 Q MR. BOYD, WHAT, IF ANYTHING, DID YOU NOTICE ABOUT THE

- 1 | LICENSE TAG OF THAT LANDCRUISER -- THE WHITE ONE?
- 2 | A I WAS THE ONE THAT GOT THE LICENSE PLATE TAG NUMBER. I
- 3 | DIDN'T PAY NO ATTENTION WHETHER IT WAS SOUTH CAROLINA, BUT I
- 4 | GOT THE LICENSE PLATE NUMBER AND I ASKED JOHN TO GET THE
- 5 | OTHER NUMBER OFF THE OTHER ONE.
- 6 | Q YOU ASKED SOMEONE TO GET THE OTHER ONE -- THE OTHER
- 7 | LANDCRUISER?
- 8 | A YES.
- 9 | Q MR. BOYD, DO YOU RECALL THE NUMBERS ON THAT LICENSE TAG?
- 10 | A NOT RIGHT OFFHAND, BUT U.S.C. SOMETHING 6-0-8-3 --
- 11 | SOMETHING LIKE THAT.
- 12 | Q DID YOU GIVE A STATEMENT TO LAW ENFORCEMENT?
- 13 | A YES. I GAVE A STATEMENT. I GOT MY STATEMENT.
- 14 | Q WOULD IT HELP TO REFRESH YOUR MEMORY?
- 15 | A YES.
- 16 | Q CAN YOU FIND IN YOUR STATEMENT THE LICENSE TAG THAT YOU
- 17 | GAVE TO LAW ENFORCEMENT THAT NIGHT?
- 18 | A YEAH, I THINK IT IS U6803R.
- 19 | Q U6803?
- 20 | A YES, THAT'S MY INITIALS DOWN THERE.
- 21 | Q I AM SHOWING YOU STATE'S EXHIBIT NO. 31. DOES THAT
- 22 | APPEAR TO THAT LICENSE TAG?
- 23 | A YES.
- 24 | Q DOES THAT APPEAR TO BE THAT VEHICLE?
- 25 | A YES.

1 Q YOU DIDN'T KNOW WHO OWNED THE VEHICLE?

2 A NO.

3 Q BUT A MAN WAS CALLED WILLIE GOT IN THE PASSENGER SIDE
4 AND LEFT?

5 A YES.

6 Q THE MAN CALLED WILLIE WAS THE ONE WITH THE GUN?

7 A YES.

8 Q DID YOU SEE THAT VEHICLE AGAIN THAT NIGHT?

9 A WHEN AFTER -- WHEN? I MEAN, AFTER IT LEFT?

10 Q AFTER IT LEFT THE PARKING LOT.

11 A NO.

12 Q MR. BOYD, DID YOU STAY AROUND?

13 A YES.

14 Q DID YOU AGREE TO SPEAK WITH THE POLICE WHEN THEY ARRIVED
15 ON THE SCENE?

16 A THEY ASKED DID ANYBODY SEE ANYTHING. I SAID, "YEAH, I
17 GOT --" I TOLD HIM I GOT THE LICENSE PLATE NUMBER.

18 Q DID YOU ALSO TELL THEM ABOUT, "IT AIN'T WORTH IT,
19 WILLIE?"

20 A I TOLD HIM EVERYTHING THAT I COULD REMEMBER AT THE TIME.

21 Q IS, "IT AIN'T WORTH IT, WILLIE," CONTAINED IN YOUR
22 PREVIOUS STATEMENT?

23 A YES.

24 Q MR. BOYD, AFTER ALFRED JONES WAS KILLED DID YOU HAVE THE
25 OPPORTUNITY TO WATCH A T.V. PROGRAM?

- 1 A YES.
- 2 Q WHAT DID YOU SEE ON T.V.?
- 3 MR. YOUNG: OBJECTION, YOUR HONOR.
- 4 THE COURT: STATE YOUR GROUNDS.
- 5 MR. YOUNG: YOUR HONOR, I OBJECT TO INFORMATION THAT
- 6 SOLICITOR IS ABOUT TO MAKE REGARDING THAT TELEVISION SHOW.
- 7 THE COURT: I WILL SEE YOU ON THE SIDE BAR, PLEASE..
- 8 (WHEREUPON THERE WAS A BENCH CONFERENCE OFF THE RECORD IN
- 9 THE PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)
- 10 THE COURT: THE OBJECTION IS OVERRULED.
- 11 MR. SWARAT: THANK YOU, YOUR HONOR.
- 12 Q MR. BOYD, DO YOU RECALL SEEING A TELEVISION PROGRAM?
- 13 A YES.
- 14 Q WHAT WAS THAT PROGRAM? WHAT DID YOU SEE?
- 15 A CRIMESTOPPERS OR MOST WANTED -- WHATEVER YOU WANT TO
- 16 CALL IT.
- 17 Q DID YOU SEE AN INDIVIDUAL'S FACE ON THE CRIMESTOPPERS
- 18 SHOW?
- 19 A YES.
- 20 Q DID YOU THAT INDIVIDUAL LOOK SIMILAR TO OR DIFFERENT
- 21 FROM THE MAN WHO HAD THE GUN THAT NIGHT?
- 22 A IT LOOKED LIKE THE SAME MAN.
- 23 Q THE SAME MAN?
- 24 A YES, SIR.
- 25 Q ANY DOUBT ABOUT IT?

1 A NO.

2 Q THE MAN THAT YOU SAW ON T.V. ON THE CRIMESTOPPERS, DOES
3 THAT LOOK SIMILAR OR DIFFERENT THAN MR. RICHARDSON?

4 MR. YOUNG: OBJECTION, YOUR HONOR, LEADING.

5 THE COURT: SUSTAIN THE OBJECTION.

6 Q MR. BOYD, THE MAN THAT YOU SAW ON CRIMESTOPPERS, HOW
7 DOES HE COMPARE TO THE DEFENDANT IN THIS CASE?

8 A THEY FAVOR A LOT EXCEPT FOR THE HAIR.

9 Q THE HAIR IS DIFFERENT?

10 A YES, SIR.

11 Q DOES IT FAVOR HIM IN SKIN TONE?

12 A YES, SIR.

13 MR. YOUNG: OBJECTION, YOUR HONOR. ASKED AND ANSWERED.

14 THE COURT: OVERRULED.

15 Q THE ANSWER WAS YES? I APOLOGIZE.

16 A YES.

17 Q DOES IT FAVOR HIM IN HEIGHT AND BUILD?

18 A HE IS A LITTLE BIGGER.

19 Q A LITTLE BIGGER?

20 A GIVE OR TAKE.

21 MR. SWARAT: THANK YOU, MR. BOYD. THAT'S ALL I HAVE.

22 THE COURT: CROSS EXAMINATION.

23 CROSS EXAMINATION BY MR. YOUNG:

24 Q MR. BOYD, YOU TESTIFIED THAT YOU WERE OUTSIDE DURING
25 THIS INCIDENT; CORRECT?

- 1 A BOTH IN AND OUT.
- 2 Q BOTH IN AND OUT?
- 3 A YES, INSIDE THE FOYER AND OUTSIDE ON THE PORCH.
- 4 Q AT THE TIME THAT YOU SAW THIS PERSON COME OUT OF THE OR
- 5 GO OUTSIDE OF THIS CLUB, YOU WERE STANDING THERE WITH MR.
- 6 COUNTS?
- 7 A THOMAS WAS INSIDE THE CLUB. HE HAD HIS HEAD INSIDE THE
- 8 CLUB SEEING WHAT WAS GOING ON, AND HE CAME WALKING BY.
- 9 Q THE GUY CAME WALKING BY?
- 10 A YES.
- 11 Q WAS THE FEMALE WITH HIM THEN?
- 12 A BEHIND HIM.
- 13 Q SHE WAS BEHIND HIM?
- 14 A YES.
- 15 Q AND THEY CAME BY MR. COUNTS?
- 16 A YES.
- 17 Q THE FRONT DOOR WAS WIDE OPEN?
- 18 A YES.
- 19 Q IN YOUR STATEMENT THAT YOU GAVE TO LAW ENFORCEMENT THE
- 20 DESCRIPTION OF PERSON YOU GAVE WAS LIGHT-SKINNED, ABOUT
- 21 FIVE-TEN, 200 POUNDS; IS THAT ABOUT RIGHT?
- 22 A 190, 210.
- 23 Q 190, 210. NEVER GAVE ANY OTHER DESCRIPTIONS OF THIS
- 24 PERSON, DID YOU?
- 25 A NO.

- 1 Q NO STRANGE FEATURES ABOUT HIM?
- 2 A NO.
- 3 Q YOU TESTIFIED THAT YOU SAW SOMEBODY ON A TELEVISION
- 4 PROGRAM SOMETIME LATER?
- 5 A YES, SIR.
- 6 Q HOW LONG AFTER THIS EVENT WAS THAT?
- 7 A TWO YEARS PROBABLY.
- 8 Q TWO YEARS LATER?
- 9 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)
- 10 Q YOU SAW THIS PICTURE?
- 11 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)
- 12 Q AND AT THAT POINT IN TIME DID YOU CALL LAW ENFORCEMENT?
- 13 A NOPE.
- 14 Q YOU NEVER CALLED THEM TO SAY THAT'S THE DEFINITELY THE
- 15 GUY?
- 16 A NOPE.
- 17 Q NEVER MADE ANY FURTHER INQUIRY ABOUT IT?
- 18 A WELL, THE WAS SUPPOSED TO WENT TO COURT ABOUT A YEAR OR
- 19 SO AGO, AND THEY CAME UP TO TALK TO US AGAIN AND THAT'S WHEN
- 20 I BROUGHT IT UP THAT I HAD SEEN THE PICTURE BEFORE.
- 21 Q THAT WAS THE ONLY PICTURE THAT YOU SAW; CORRECT?
- 22 A THE ONLY PICTURE I SAW.
- 23 Q NO LAW ENFORCEMENT OR ANYONE ELSE SHOWED YOU A GROUP OF
- 24 PICTURES, DID THEY?
- 25 A NOPE.

1 Q ARE YOU SAYING TODAY THAT THE MAN SITTING AT THIS TABLE
2 IS, IN FACT, THE MAN THAT WAS AT THAT CLUB?

3 A HE'S SIMILAR A WHOLE BUNCH. I'M NOT GOING TO SAY 110
4 PERCENT, BUT HE CAN PASS FOR HIM.

5 Q HE CAN PASS FOR HIM?

6 A YES, SIR.

7 Q BUT YOU CAN'T SAY 100 PERCENT THAT THIS IS THE MAN, CAN
8 YOU?

9 A FIVE YEARS FROM NOW. FIVE YEARS, PEOPLE CHANGE.

10 MR. YOUNG: I HAVE NO FURTHER QUESTIONS, YOUR HONOR.

11 THE COURT: REDIRECT?

12 MR. SWARAT: THAT'S ALL I HAVE. I ASK THAT MR. BOYD BE
13 EXCUSED.

14 MR. YOUNG: NO OBJECTION, YOUR HONOR.

15 THE COURT: WITHOUT OBJECTION, YOU ARE EXCUSED.

16 MR. HUBBARD: JOHN BOOKMAN.

17 JOHN L. BOOKMAN, BEING FIRST DULY
18 SWORN, TESTIFIED AS FOLLOWS:

19 THE CLERK: STATE YOUR FULL NAME FOR THE RECORD, PLEASE.

20 THE WITNESS: JOHN LESTER BOOKMAN.

21 DIRECT EXAMINATION BY MR. HUBBARD:

22 Q MR. BOOKMAN, WHERE DO YOU LIVE?

23 A NEWBERRY COUNTY, SIR.

24 Q DO YOU WORK?

25 A YES, SIR.

1 Q WHERE DO YOU WORK?

2 A I AM TRUCK DRIVER.

3 Q ARE YOU SELF-EMPLOYED OR DO YOU DRIVE FOR A PARTICULAR
4 COMPANY?

5 A I DRIVE FOR SALEM EXPRESS.

6 Q HOW LONG HAVE BEEN WORKING WITH THEM?

7 A I BEEN WITH THEM ABOUT TWO MONTHS NOW.

8 Q PRIOR THAT WHAT DID YOU DO?

9 A DRIVER STILL.

10 Q BEEN DRIVING A TRUCK FOR A WHILE?

11 A ABOUT FOUR AND A HALF YEARS NOW.

12 THE COURT: YOU NEED TO SPEAK UP JUST A LITTLE BIT, PLEASE,
13 SIR.

14 THE WITNESS: YES, SIR.

15 Q DO YOU HAVE ANOTHER JOB AS WELL?

16 A SOUTH CAROLINA NATIONAL GUARD, SIR.

17 Q HOW LONG HAVE YOU BEEN IN THAT?

18 A TEN AND A HALF YEARS.

19 Q I WANT TO ASK YOU ABOUT THE C & L SOCIAL CLUB. HAVE YOU
20 EVER HEARD OF THAT CLUB BEFORE?

21 A YES, SIR.

22 Q HAVE YOU EVER BEEN TO THAT CLUB?

23 A YES, SIR.

24 Q WHERE WAS WAS THAT CLUB LOCATED?

25 A CHAPIN, SOUTH CAROLINA.

- 1 Q SO YOU WOULD COME DOWN FROM NEWBERRY AND GO TO THIS
2 CLUB?
- 3 A YES, SIR.
- 4 Q WERE YOU A MEMBER OF THIS CLUB OR DID YOU JUST VISIT THE
5 CLUB?
- 6 A JUST VISIT.
- 7 Q DID YOU EVER WORK THERE?
- 8 A NO, SIR.
- 9 Q DO YOU RECALL GOING TO THE CLUB SOMETIME DURING THE
10 NIGHT OF AUGUST 12 OR EARLY MORNING HOURS OF AUGUST 13, 1995?
- 11 A YES, SIR.
- 12 Q DO YOU REMEMBER ABOUT WHAT TIME YOU GOT THERE?
- 13 A I WOULD YOU SAY AROUND 1 OR 1:15 -- SOMEWHERE
14 IN THAT AREA.
- 15 Q SO IT WAS ON THE 13TH -- AUGUST 13?
- 16 A YES, SIR.
- 17 Q PAST MIDNIGHT?
- 18 A YES, SIR.
- 19 Q WAS ANYBODY WITH YOU?
- 20 A MY FIANCEE, SIR.
- 21 Q ARE YOU MARRIED NOW?
- 22 A SOMEWHAT, SIR.
- 23 Q IS THAT TO YOUR FIANCEE?
- 24 A YES, SIR.
- 25 Q DO Y'ALL HAVE ANY KIDS?

1 A ONE AND ONE ON THE WAY.

2 Q YOU ARE NOT GOING TO GET A THIRD JOB NOW, ARE YOU?

3 A NO, SIR.

4 Q JUST STICKING TO TWO?

5 A YES, SIR.

6 Q LET ME ASK YOU, WHEN YOU GOT THERE THAT NIGHT AT THE
7 CLUB DID YOU GO INSIDE?

8 A NO, SIR, NOT EXACTLY WHEN I GOT THERE. LATER ON IN THE
9 NIGHT I DID -- NOT INSIDE. I NEVER REACHED THE INSIDE.

10 Q LET ME ASK YOU, DO YOU DRINK?

11 A NO, SIR.

12 Q YOU JUST WENT THERE TO SOCIALIZE OR SEE WHAT WAS GOING
13 ON OR WHAT?

14 A JUST SOCIALIZE.

15 Q YOUR FIANCEE, DID SHE STAY OUTSIDE WITH YOU?

16 A NO, SIR.

17 Q WHEN YOU GOT THERE WHAT DID YOU DO?

18 A I STAYED IN THE CAR PROBABLY ABOUT 15 OR 20 MINUTES
19 READING A CITIZEN'S REPORT OR SOME TYPE OF MAGAZINE.

20 Q A MAGAZINE? OKAY. WERE YOU PARKED IN THE PARKING LOT OF
21 THE CLUB?

22 A YES, SIR.

23 Q DO YOU REMEMBER AFTER YOU FINISHED READING THE MAGAZINE
24 AT SOME POINT DID YOU -- LET ME ASK YOU THIS. WHILE YOU WERE
25 READING THAT MAGAZINE OR AT SOME POINT DURING THAT NIGHT DO

1 YOU REMEMBER SEEING SOME PEOPLE YOU NEVER SEEN BEFORE COME TO
2 THAT CLUB?

3 MR. YOUNG: OBJECTION, YOUR HONOR, LEADING.

4 MR. HUBBARD: I WILL REPHRASE THAT.

5 THE COURT: ALL RIGHT.

6 Q WHAT, IF ANYTHING, HAPPENED WHILE YOU WERE READING THAT
7 MAGAZINE OR SHORTLY THEREAFTER?

8 A WHILE I AM READING THE MAGAZINE I OBSERVED FOUR VEHICLES
9 COME SPEEDING IN THE PARKING LOT WITH DUST FLYING EVERYWHERE,
10 YOU KNOW, PARKING.

11 Q LET ME ASK YOU THIS. THAT PARKING LOT -- THAT
12 DRIVEWAY, WERE THERE A LOT OF CARS PARKED ALONG THE SIDE?

13 A YES.

14 Q WHAT CAUGHT YOUR ATTENTION ABOUT THESE PARTICULAR
15 VEHICLES -- THESE FOUR VEHICLES?

16 A A WHITE LANDCRUISER AND A DARK-LOOKING ONE -- MAYBE
17 GREEN OR BLACK-LOOKING.

18 Q YOU SAY DARK-LOOKING ONE. WHAT TYPE OF VEHICLE WAS THAT
19 ONE?

20 A A LANDCRUISER AS WELL.

21 Q DO YOU REMEMBER THE MAKES OF THE OTHER TWO CARS?

22 A ONE WAS A VOLVO, AND I DON'T RECALL THE FOURTH VEHICLE.

23 Q HAD EVER SEEN THOSE VEHICLES AT THAT CLUB BEFORE?

24 A NO, SIR.

25 Q NOW HAD YOU VISITED THIS CLUB -- HAD YOU BEEN THERE A

1 LOT? HAD YOU BEEN THERE ON A FEW TIMES? HOW WOULD YOU
2 CHARACTERIZE YOUR VISITS TO THAT CLUB?

3 A FREQUENTLY.

4 Q DURING ALL YOUR VISITS -- PRIOR VISITS -- HAD YOU EVER
5 SEEN THOSE LANDCRUISERS AT THAT CLUB?

6 A NO.

7 Q DID YOU NOTICE THE PEOPLE ONCE THEY GOT OUT OF THE
8 LANDCRUISERS -- ONCE THEY GOT OUT OF THE VEHICLES?

9 A NO, SIR.

10 Q SO YOU WEREN'T UP CLOSE -- LET ME ASK YOU, WHERE DID
11 THEY PARK?

12 A WHEN I DECIDED TO GET OUT OF THE CAR I PROCEEDED TOWARD
13 THE DOOR, AND THEY WAS PARKED RIGHT THERE AT THE FRONT DOOR.

14 Q HAD THEY ALREADY PARKED BY THE TIME YOU WENT UP TO THE
15 DOOR?

16 A THEY ALREADY HAD PARKED.

17 Q NOW, WHEN YOU ARE TALKING ABOUT GOING UP TO THE DOOR,
18 ARE WE TALKING ABOUT THE FRONT DOOR OF THE CLUB?

19 A YES, SIR.

20 Q WHEN YOU SAY THEY HAD ALREADY PARKED, DO YOU RECALL
21 WHERE THEY HAD PARKED?

22 A THE WHITE HAD ONE PARKED RIGHT THERE BESIDE THE PORCH AT
23 THE FRONT DOOR.

24 Q I TELL YOU WHAT. IF YOU WOULD, HOP DOWN AND SHOW ME
25 WHERE HE PARKED ON THAT CHART -- STATE'S EXHIBIT NO. 23.

- 1 A (WITNESS LEAVES THE WITNESS STAND.) RIGHT HERE
2 (INDICATING.)
3 Q RIGHT NEXT TO THE STEPS?
4 A (WITNESS NODS.) (INDICATING AFFIRMATIVE RESPONSE.)
5 Q WAS HE FACING THE CLUB, OR DID HE BACK IN?
6 A HE WAS FACING THE CLUB. HE HAD LIKE HEADED TOWARD THE
7 CLUB.
8 Q ALL RIGHT. YOU CAN HAVE A SEAT.
9 A (WITNESS RESUMES THE WITNESS STAND.)
10 Q DO YOU SEE STATE'S EXHIBIT NO. 2? WHAT DOORS WERE
11 THOSE?
12 A THE FRONT DOOR.
13 Q THE FRONT DOORS OF THE SOCIAL CLUB?
14 A YES, SIR.
15 Q DO YOU SEE SOME NO PARKING SIGNS?
16 A YES, SIR.
17 Q DID HE PARK KIND OF NEXT TO THOSE SIGNS?
18 A ALMOST DIRECTLY IN FRONT OF THEM.
19 Q SO HE WAS RIGHT UP CLOSE TO THOSE SIGNS?
20 A YES, SIR.
21 Q WOULD YOU SAY HE HAD PARKED CLOSE TO THE DOOR OR FAR
22 AWAY FROM THE DOOR?
23 A CLOSE TO THE DOOR.
24 Q NOW, WHEN YOU GOT OUT OF YOUR CAR AND WALKED UP TO THIS
25 DOOR -- TO THESE FRONT DOORS -- WERE BY YOURSELF OR WERE

1 YOU TALKING WITH SOMEONE ELSE?

2 A WHEN I GOT TO THE FRONT DOOR THAT'S WHERE I STARTED
3 TALKING TO RONALD AND THOMAS WHICH WAS ALREADY AT THE DOOR.

4 Q WHEN YOU SAY RONALD, WHO IS RONALD?

5 A RONALD BOYD, THE WITNESS BEFORE ME.

6 Q HE'S THE FELLOW THAT JUST TESTIFIED SITTING BACK HERE?

7 A YES, SIR.

8 Q WHEN YOU SAY THOMAS WHO ARE WE TALKING ABOUT?

9 A THE GUY THAT ACTUALLY WORKS AT THE CLUB ON THE DOOR.

10 Q THOMAS COUNTS?

11 A THOMAS COUNTS.

12 Q WHO TESTIFIED EARLIER?

13 A YES, SIR.

14 Q NOW, DID YOU GO INSIDE THE CLUB AT ANY TIME THAT NIGHT?
15 DID YOU GO INSIDE?

16 A NO, SIR.

17 Q YOU NEVER WENT IN WHERE THE TABLES AND THE BAR AREA WAS?

18 A NO MORE THAN TO WRITE THE STATEMENT.

19 Q SO THAT WAS AFTER WHOLE INCIDENT HAPPENED?

20 A AFTER EVERYTHING HAD HAPPENED. THAT'S THE ONLY TIME I
21 PROCEEDED IN THE CLUB.

22 Q YOU WERE STANDING UP HERE OUT BY THE FRONT DOOR?

23 A OUT BY THE FRONT DOOR.

24 Q WHILE YOU WERE STANDING BY THAT FRONT DOOR WITH
25 RONALD BOYD AND THOMAS COUNTS WHAT, IF ANYTHING, HAPPENED?

1 A A FIGHT BROKE OUT ON THE INSIDE.

2 Q HOW DID YOU KNOW A FIGHT BROKE OUT?

3 A (NO RESPONSE.)

4 Q I WILL ASK YOU THIS. LET ME JUST ASK A MORE DIRECT
5 QUESTION. DID SOMEONE COME UP SAY, HEY, A FIGHT BROKE OUT OR
6 COULD YOU HEAR SOMETHING GOING ON IN THE CLUB AND PEOPLE
7 SCREAMING?

8 A YOU COULD HEAR THINGS GOING ON IN THE CLUB.

9 Q DO YOU REMEMBER ABOUT WHAT TIME IT WAS THAT THIS FIGHT
10 BROKE OUT?

11 A I DON'T EXACTLY RECALL THE TIME.

12 Q AFTER YOU HEARD THIS FIGHT START OUT -- THIS FIGHT
13 BREAK OUT -- WHAT, IF ANYTHING, DO YOU RECALL HAPPENING?

14 A I REMEMBER TWO -- A MALE AND A FEMALE COMING OUT THE
15 DOOR.

16 Q THIS MALE, DO YOU REMEMBER WHAT HE WAS WEARING?

17 A ALL WHITE.

18 Q WAS HE WEARING LONG SLEEVES OR LONG PANTS OR SHORT
19 SLEEVES, SHORT PANTS OR WHAT?

20 A SHORT PANTS WITH A WHITE T-SHIRT -- SHORT -- WHITE
21 SHORT PANTS AND A WHITE T-SHIRT.

22 Q THIS GUY, WHEN HE CAME OUT, WHERE WAS HE GOING? WHERE
23 DID HE GO?

24 A DIRECTLY TO THE LANDCRUISER THAT WAS PARKED -- THE
25 WHITE ONE THAT WAS PARKED DIRECTLY AT THE FRONT DOOR BESIDE

1 THE DOOR.

2 Q WHEN HE CAME OUT THIS DOOR RIGHT HERE YOU WERE STILL
3 STANDING RIGHT AT THE DOOR?

4 A DIRECTLY AT THE DOOR.

5 Q WHAT WAS THAT?

6 A DIRECTLY AT THE DOOR, STILL STANDING.

7 Q HOW CLOSE DID HE GET TO YOU? TELL ME HOW CLOSE. TELL
8 ME TO STOP WHEN I GET AS CLOSE TO YOU AS HE DID.

9 A PROBABLY RIGHT THERE.

10 Q SO HE GOT THIS CLOSE TO YOU?

11 A JUST WALKING BY.

12 Q ALL RIGHT. WHEN HE WALKED BY HE WALKED TO THE
13 LANDCRUISER?

14 A YES, SIR.

15 Q THE PASSENGER SIDE?

16 A YES, SIR.

17 Q WHAT, IF ANYTHING, DID YOU SEE WHEN HE GOT TO THAT
18 PASSENGER SIDE?

19 A HE UNLOCKED THE DOOR, AND HE PULLED OUT A GUN AND
20 PROCEEDED BACK TOWARD THE DOOR.

21 Q WHEN HE PROCEEDED BACK TO THE DOOR -- YOU MENTIONED
22 THERE WAS ANOTHER INDIVIDUAL THAT FOLLOWED OUT WITH HIM---

23 A YES, SIR.

24 Q ---AT SOME POINT. DID THAT INDIVIDUAL MAKE IT ALL THE
25 WAY OUT THE DOOR OR WHEN DID YOU SEE THAT INDIVIDUAL?

- 1 A IT WAS KIND OF LIKE IN BETWEEN, KIND OF LIKE IN BETWEEN
2 THE DOOR.
- 3 Q LET ME GO BACK AND ASK YOU THIS. WHEN THIS INDIVIDUAL
4 GOT THE GUN AND CAME BACK IN THE DOOR WHAT DID HE DO?
- 5 A AT THE TIME AFTER HE GOT THE GUN HE PROCEEDED BACK TO
6 THE DOOR WHICH WAS LOCKED AND HE PROCEEDED TO BEAT ON THE
7 DOOR WITH THE GUN YELLING, "OPEN THE DOOR. I DON'T HAVE
8 ANYTHING. I AIN'T GOING TO DO NOTHING."
- 9 Q BY THIS TIME THE DOOR WAS LOCKED?
- 10 A YES.
- 11 Q DO YOU KNOW WHO HAD SHUT OR LOCKED THAT DOOR?
- 12 A MY FRIEND THOMAS COUNTS.
- 13 Q WHEN HE SHUT THAT DOOR WERE YOU ON THE INSIDE OR
14 OUTSIDE?
- 15 A HE LOCKED ME OUT.
- 16 Q HE LOCKED YOU OUT. OKAY. WHEN YOU SAW THIS MAN AND,
17 AGAIN, CORRECT ME IF I'M WRONG, YOU ARE ABOUT RIGHT HERE
18 SOMEWHERE (INDICATING?)
- 19 A YES, SIR.
- 20 Q YOU SEE THIS GUY COMING BACK TO THE DOOR?
- 21 A YES.
- 22 Q YOU SEE HIM BEAT ON THE DOOR?
- 23 A YES.
- 24 Q DOES HE BEAT ON IT WITH HIS HAND, FISTS, WITH THE GUN,
25 OR WITH HIS FEET?

1 A WITH THE GUN.

2 Q DID YOU CONTINUE TO STAND BY THAT DOOR?

3 A NO, NO, NO, NO.

4 Q WHERE DID YOU GO?

5 A BY THE TIME HE CONTINUED TO BEAT I WAS APPROXIMATELY TEN
6 TO FIFTEEN FEET OR YARDS FROM WHERE HE WAS, BUT STILL LOOKING
7 DIRECTLY AT HIM.

8 Q YOU WERE STILL LOOKING AT HIM?

9 A STILL LOOKING AT HIM.

10 Q CAN YOU DESCRIBE THIS GUY'S APPEARANCE, ABOUT HOW TALL
11 HE WAS?

12 A AT THAT TIME IT WAS MORE ABOUT LIKE ME, MAYBE A LITTLE
13 HEAVIER COMPLEXION AS CLOSE AS POSSIBLE.

14 Q AND AT SOME POINT DID HE GET IN THAT DOOR?

15 A YES.

16 Q COULD YOU SEE WHO LET HIM IN THE BUILDING?

17 A A SHORT GIRL WITH BROWN SKIN, HAD KIND OF CURLY OR WAVY
18 HAIR.

19 Q THIS GIRL, HAD YOU EVER SEEN HER BEFORE?

20 A NO.

21 Q HAD YOU EVER SEEN THIS GUY BEFORE?

22 A NO.

23 Q AND, AGAIN, YOU HAD BEEN TO THIS CLUB MANY TIMES?

24 A MANY TIMES.

25 Q DID YOU GET A GOOD LOOK AT THIS GUY?

- 1 A LIKE I'M LOOKING AT YOU.
- 2 Q WHEN HE HAD THE GUN BEATING ON THE DOOR DID HE JUST
- 3 CONTINUE TO BEAT UNTIL SOMEONE OPENED OR WHAT HAPPENED? YOU
- 4 TELL ME.
- 5 A HE BEAT IT, AND AT A CERTAIN POINT THERE WAS LIKE A
- 6 PAUSE WHEN HE LOOKED AT THE GUN. HE LOOKED AROUND, AND
- 7 THAT'S WHEN THE DOOR POPPED OPEN, AND HE PROCEEDED IN.
- 8 Q DID HE EVER LOOK YOUR WAY?
- 9 A AT SOME POINT IN TIME I FELT LIKE HE DID.
- 10 Q WAS IT WHILE HE WAS BEATING ON THE DOOR OR DURING THE
- 11 PAUSE?
- 12 A DURING THE PAUSE.
- 13 Q THIS DOORWAY, ARE THERE LIGHTS ANYWHERE ON THIS FRONT
- 14 PORCH AREA?
- 15 A IF I'M NOT MISTAKEN THERE ARE TWO LIGHTS ON THE FRONT
- 16 PORCH.
- 17 Q WOULD YOU PLEASE POINT THEM OUT?
- 18 A ON EACH SIDE.
- 19 Q HOW WOULD YOU DESCRIBE THE LIGHTING FOR THAT PORCH AREA?
- 20 A VERY WELL.
- 21 Q THIS PHOTOGRAPH THAT I SHOWED YOU EARLIER, STATE'S
- 22 EXHIBIT NO. 2, IS THAT ABOUT HOW THE LIGHTING WAS OR WAS IT
- 23 LIGHTER, DARKER?
- 24 A THAT'S ABOUT HOW THE LIGHTING WAS.
- 25 Q HAD YOU EVER SEEN THIS GUY BEFORE?

- 1 A NEVER IN MY LIFE.
- 2 Q DID ANYONE EVER -- ANY OFFICER SHOW YOU A PHOTO LINEUP?
- 3 A NO, SIR.
- 4 Q TODAY AS YOU SIT IN THIS COURTROOM AND LOOK AT THE
- 5 DEFENDANT CAN YOU SAY ANYTHING ABOUT WHETHER THAT IS THE MAN
- 6 OR NOT?
- 7 A THERE'S NO DOUBT IN MY MIND. THAT'S THE GUY.
- 8 Q NO DOUBT WHATSOEVER?
- 9 A IT'S AN IMPRINT IN MY MEMORY.
- 10 Q HE WALKED RIGHT BY YOU?
- 11 A WALKING RIGHT BY ME JUST LIKE I AM LOOKING AT YOU.
- 12 Q NOW, HAS HE CHANGED SINCE THAT NIGHT?
- 13 A NO MORE THAN HIS HAIR AND HIS FACE A LITTLE FULLER.
- 14 Q THE FACE IS LITTLE BIT FULLER?
- 15 A RIGHT.
- 16 Q WHEN YOU SAY HIS FACE IS A LITTLE FULLER IS IT LIKE HIS
- 17 FACE IS SHAPED DIFFERENT OR HE'S GAINED WEIGHT OR WHAT WOULD
- 18 YOU SAY?
- 19 A MORE LIKE GAINED WEIGHT.
- 20 Q HIS HAIR IS DIFFERENT?
- 21 A THAT'S THE ONLY THING: HIS HAIR AND HIS FACE IS FULLER.
- 22 Q HOW WAS HIS HAIR ON THE NIGHT AND EARLY MORNING HOURS OF
- 23 AUGUST 13, 1995? WAS IT SHORT, LONG, OR HOW WOULD YOU SAY IT
- 24 WAS CUT?
- 25 A SHORT.

1 Q WAS ABOUT LIKE YOURS?
2 A I WOULD SAY A LITTLE LONGER.
3 Q AT ANY TIME DID YOU HEAR THIS MAN'S NAME? DID YOU HEAR
4 ANYONE TALK TO THIS MAN OR SAY ANYTHING TO THIS MAN?
5 A THE FEMALE THAT CAME OUT THE DOOR.
6 Q WHAT DID SHE SAY TO THIS MAN?
7 A "WILLIE---"
8 MR. YOUNG: OBJECTION, YOUR HONOR. HEARSAY.
9 MR. HUBBARD: I AM TALKING ABOUT THE DEFENDANT.
10 THE COURT: OVERRULED.
11 Q WHAT DID SHE SAY TO THE DEFENDANT WILLIE JAMES
12 RICHARDSON?
13 A "WILLIE, IT'S NOT WORTH IT."
14 MR. YOUNG: OBJECTION. HE IS ASKING FOR A COMMENT FROM A
15 THIRD PARTY THAT IS NOT THE DEFENDANT.
16 MR. HUBBARD: TO THE DEFENDANT.
17 THE COURT: WAIT A MINUTE, NOW. YOU ARE SAYING A THIRD
18 PARTY SAID THIS TO THE DEFENDANT?
19 MR. HUBBARD: YES, SIR, AND I WILL ASK---
20 THE COURT: I WILL SUSTAIN THE OBJECTION TO THAT THIRD
21 PARTY. NOW, IF YOU CAN GET IT IN UNDER SOME RULE, YOU MAY DO
22 SO, BUT NO, SIR.
23 MR. HUBBARD: YES, SIR.
24 THE COURT: I WOULD ASK THE JURY TO DISREGARD THE LAST
25 QUESTION AND ANSWER, AND IT IS TO BE STRICKEN FROM THE

1 RECORD.

2 Q WHOM WHO WAS SHE SPEAKING TO? WAS SHE SPEAKING -- I AM
3 NOT ASKING FOR A NAME, BUT YOU HAVE ALREADY SAID YOU SAW THIS
4 MAN; CORRECT?

5 A YES, SIR.

6 Q WAS SHE SPEAKING TO -- I AM NOT ASKING WHAT SHE WAS
7 SAYING YET, BE WAS SHE SPEAKING TO THIS MAN?

8 MR. YOUNG: OBJECTION, YOUR HONOR, LEADING.

9 THE COURT: OVERRULED. LET ME SEE IF I CAN GET TO THIS,
10 MR. YOUNG.

11 Q WHEN SHE SPEAKING TO HIM WHAT WAS HER CONDITION? HOW WAS
12 SHE SPEAKING?

13 A EXCITED, ANGRY.

14 Q WHEN YOU SAW THAT WAS SHE JUST STANDING THERE WITH HIM?
15 AT WHAT POINT DID YOU SEE HER WITH THIS MAN?

16 A NO MORE THAN THAT NIGHT AT THE DOOR.

17 Q IS THAT WHEN HE'S COMING OUT GOING TO THE LANDCRUISER?

18 A YES, SIR.

19 Q OR IS IT WHEN HE WAS COMING IN?

20 A WHEN HE WAS GOING OUT.

21 Q WHEN HE WAS GOING OUT THE LANDCRUISER YOU SEE THIS WOMAN
22 SPEAKING TO THIS MAN?

23 A (WITNESS NODS.) (INDICATING AFFIRMATIVE RESPONSE.)

24 Q AGAIN, HOW WAS SHE ACTING?

25 A EXCITED, MAD, ANGRY.

- 1 Q WHAT WAS SHE SAYING?
- 2 YOUR HONOR, I OFFER IT AT THIS TIME AGAIN UNDER 803,
- 3 SECTION 2, SUBSECTION 2, EXCITED UTTERANCE..
- 4 MR. YOUNG: I RENEW MY OBJECTION.
- 5 THE COURT: THE OBJECTION IS OVERRULED.
- 6 Q WHAT DID SHE SAY TO THIS MAN?
- 7 A "WILLIE, IT'S NOT WORTH IT."
- 8 Q DO YOU HAVE ANY DOUBT ABOUT THAT'S WHAT SHE SAID?
- 9 A NO.
- 10 Q DO YOU HAVE ANY DOUBT ABOUT THIS MAN BEING THAT MAN SHE
- 11 WAS SPEAKING TO?
- 12 A NO.
- 13 Q AFTER HE WENT BACK INSIDE THAT CLUB, DID YOU HEAR
- 14 ANYTHING HAPPEN INSIDE THAT CLUB? DID YOU HEAR ANYTHING
- 15 TAKING PLACE INSIDE THAT CLUB?
- 16 A I HEARD THREE SHOTS.
- 17 Q WHEN YOU HEARD SHOTS, WHERE DID YOU -- WHAT DID YOU DO?
- 18 A THE DISTANCE I MOVED TO BETWEEN THE TWO CARS I WAS
- 19 LOOKING A HIM ON THE PORCH. I ENDED UP IN MY CAR.
- 20 Q I AM GOING TO SHOW YOU STATE'S EXHIBIT NO. 22.. DO YOU
- 21 SEE THIS PHOTOGRAPH IN THE RIGHT HAND CORNER?
- 22 A YES, SIR.
- 23 Q CAN YOU SEE THE CLUB IN THAT PHOTOGRAPH?
- 24 A YES, SIR.
- 25 Q IF YOU WOULD, WOULD YOU PLEASE TELL US WHERE YOU WENT

1 WHEN THIS SHOOTING WAS OCCURRING?

2 A (WITNESS LEAVES THE WITNESS STAND.) I WAS STANDING RIGHT
3 HERE WHILE HE WAS BEATING ON THE DOOR, AND I WAS PARKED HERE
4 (INDICATING.)

5 Q CAN YOU HOLD YOUR HAND TO THE SIDE SO THE JURORS CAN
6 SEE?

7 A I WAS PARKED HERE (INDICATING) WHEN IT WAS ALL OVER..
8 THAT'S WHERE I ENDED UP AT. (WITNESS RESUMES THE WITNESS
9 STAND.)

10 Q WAS ANYBODY WITH YOU AS YOU RAN FROM THE CLUB TO THAT
11 -- TO WHERE YOU HAD PARKED?

12 A MR. RONALD BOYD.

13 Q THE SAME ONE WHO IS IN THE COURTROOM TODAY?

14 A YES, SIR.

15 Q AT ANY POINT AFTER YOU HEARD THAT SHOOTING AND AFTER YOU
16 HAD RUN TOWARDS YOUR CAR DID YOU SEE THAT LANDCRUISER OR
17 THOSE LANDCRUISERS LEAVE?

18 A NO.

19 Q WHERE WERE YOU, AGAIN?

20 A RIGHT HERE HERE (INDICATING.)

21 Q WERE VEHICLES DRIVING PAST YOU AT SOME POINT? WHAT, IF
22 ANYTHING, CAN YOU TELL US ABOUT WHETHER VEHICLES WERE COMING
23 OR GOING WHEN YOU RAN OVER TOWARDS YOUR CAR?

24 A WHEN I RAN TOWARD MY CAR AT THAT TIME ONLY THING I COULD
25 EXACTLY REMEMBER WAS REMEMBERING THE TAG NUMBER THAT I HAD

- 1 GOT FROM RONALD. THAT'S ALL I REMEMBER.
- 2 Q OKAY. SO LET ME GET THIS STRAIGHT. AS YOU ARE RUNNING
- 3 TOWARDS YOUR CAR AT SOME POINT -- AND RONALD IS WITH YOU; IS
- 4 THAT CORRECT?
- 5 A I DON'T EVEN KNOW WHAT HAPPENED TO RONALD.
- 6 Q AT SOME POINT HE IS CLOSE ENOUGH TO YOU AND SAYS
- 7 SOMETHING TO YOU?
- 8 A YES, HE WAS---
- 9 Q DON'T SAY WHAT HE SAID. WAS HE CLOSE TO YOU?
- 10 A WE WERE SIDE BY SIDE.
- 11 Q DID HE TELL YOU SOMETHING?
- 12 A YES.
- 13 Q AND, AGAIN, THE MANNER IN WHICH HE WAS SPEAKING TO YOU,
- 14 CAN YOU PLEASE TELL US THAT MANNER? HOW WAS HE ACTING WHEN
- 15 HE WAS SPEAKING TO YOU AT THAT POINT?
- 16 A AT THAT POINT IT WAS SOFT SO NO ONE ELSE HEARD WHAT HE
- 17 SAID.
- 18 Q AS A RESULT OF TALKING TO HIM WHAT DID YOU DO?
- 19 A I DID EXACTLY WHAT HE SAID.
- 20 Q WHAT DID YOU DO? NOT WHAT HE SAID; WHAT DID YOU DO?
- 21 A REMEMBERED EXACTLY WHAT HE SAID.
- 22 Q DID YOU REMEMBER A TAG NUMBER?
- 23 A YES, SIR.
- 24 Q WHAT WAS THAT TAG NUMBER THAT YOU REMEMBER?
- 25 A U.S.C.6833.

1 Q AND U.S.C. -- WAS IT A U.S.C. TAG?

2 A YES, SIR.

3 Q AGAIN, YOU CAN'T TELL US TODAY WHICH VEHICLE IT WAS?

4 A NO.

5 Q YOU JUST REMEMBERED A TAG NUMBER?

6 A THAT'S ALL.

7 Q NOW, LATER AFTER THE RUCKUS HAS DIED DOWN AT SOME POINT
8 DID LAW ENFORCEMENT SHOW UP?

9 A YES, SIR.

10 Q AT SOME POINT DID YOU GIVE A STATEMENT TO LAW
11 ENFORCEMENT?

12 A YES, SIR.

13 Q WAS THIS A WRITTEN STATEMENT?

14 A YES, SIR.

15 Q DID YOU ACTUALLY -- HOW MANY STATEMENTS DID YOU GIVE?

16 A THE FIRST ONE WAS SHORT AND SWEET, AND THE SECOND WAS
17 FROM THE TIME I GOT THERE UNTIL EVERYTHING WAS OVER.

18 Q BUT YOU GAVE THEM BOTH THAT NIGHT?

19 A BOTH THAT NIGHT.

20 Q AND DID THEY -- WHEN YOU GAVE THESE STATEMENTS YOU
21 MENTIONED EARLIER THAT YOU WERE INSIDE THE CLUB AT SOME POINT
22 AFTER ALL THIS?

23 A YES.

24 Q CAN YOU PLEASE SHOW THE JURY WHERE YOU WERE INSIDE THE
25 CLUB WHEN YOU WERE GIVING THAT STATEMENT?

- 1 A SOMEWHERE IN THIS AREA RIGHT HERE.
- 2 Q OKAY. OVER TOWARDS THE DOOR?
- 3 A YEAH, BUT AWAY FROM THE DOOR.
- 4 Q IN THAT STATEMENT DID YOU INCLUDE THAT TAG NUMBER THAT
- 5 YOU HAD REMEMBERED?
- 6 A YES, SIR.
- 7 Q SO YOU LET LAW ENFORCEMENT KNOW THAT TAG NUMBER?
- 8 A YES, SIR.
- 9 Q AND THAT TAG NUMBER -- AGAIN, WHAT WAS THAT NUMBER?
- 10 A U.S.C.6833.
- 11 Q NOW, TO YOUR KNOWLEDGE, IF YOU DON'T KNOW, TELL ME YOU
- 12 DON'T KNOW, BUT DID RONALD BOYD HAVE A TAG NUMBER?
- 13 A AT THAT TIME I DIDN'T KNOW.
- 14 Q AND ALL YOU PUT IN YOUR STATEMENT WAS WHAT YOU KNEW?
- 15 A THAT'S ALL.
- 16 Q NOW THIS INDIVIDUAL, YOU SAY IT IS THIS MAN?
- 17 A YES.
- 18 Q DO YOU HAVE ANY DOUBT IT WAS THIS MAN WHO CAME OUT OF
- 19 THAT CLUB GOING TO THE LANDCRUISER?
- 20 A NO.
- 21 Q DO YOU HAVE ANY DOUBT ABOUT THE WORDS YOU HEARD FROM
- 22 THAT GIRL, "WILLIE, IT AIN'T WORTH IT?"
- 23 A NO.
- 24 Q DO YOU HAVE ANY DOUBT WHATSOEVER, ANY, ABOUT THE MAN
- 25 BEATING ON THAT DOOR WITH THE PISTOL AS TO WHO HE WAS?

1 A NO.

2 Q DO YOU SEE THAT MAN IN THE COURTROOM TODAY?

3 A YES.

4 Q PLEASE POINT TO HIM.

5 A (INDICATING.)

6 MR. HUBBARD: YOUR HONOR, PLEASE LET THE RECORD REFLECT
7 ONCE AGAIN THE WITNESS HAS POINTED OUT THE DEFENDANT WILLIE
8 JAMES RICHARDSON.

9 THE COURT: ALL RIGHT, SIR.

10 MR. HUBBARD: MR. BOOKMAN, THAT'S ALL I HAVE FOR YOU RIGHT
11 NOW. PLEASE ANSWER ANY QUESTIONS MR. YOUNG HAS FOR YOU.

12 THE WITNESS: YES, SIR.

13 THE COURT: CROSS EXAMINATION, MR. YOUNG.

14 CROSS EXAMINATION BY MR. YOUNG:

15 Q MR. BOOKMAN, YOU GAVE TWO STATEMENTS; CORRECT?

16 A YES, SIR.

17 Q YOU HAVE A COPY OF THEM UP THERE WITH YOU?

18 A YES, SIR.

19 Q YOU DO?

20 A YES, SIR.

21 Q IF YOU COULD, PULL THEM OUT FOR ME.

22 A RIGHT HERE.

23 Q WHERE IN EITHER ONE OF THOSE STATEMENTS DO YOU GIVE A
24 DESCRIPTION OF THE PERSON YOU SAW THAT NIGHT?

25 A NOT IN THESE STATEMENTS, BUT HIS LAWYER CALLED ME, AND I

1 GAVE ANOTHER STATEMENT OVER THE PHONE.

2 Q YOU GOT A COPY OF THAT STATEMENT?

3 A NO, SIR.

4 Q IN THAT STATEMENT WHAT DESCRIPTION DID YOU GIVE?

5 MR. HUBBARD: OBJECTION. I NOT SURE, FIRST OF ALL, WHAT
6 STATEMENT IT IS. ARE WE TALKING ABOUT THE STATEMENT HE GAVE
7 TO LAW ENFORCEMENT OR THE STATEMENT TO THIS PERSON HE SPOKE
8 WITH ON THE PHONE?

9 THE COURT: IF YOU WOULD JUST CLARIFY THAT, MR. YOUNG.

10 MR. YOUNG: I AM REFERRING TO A STATEMENT -- HE SAID HE
11 GAVE A THIRD STATEMENT.

12 MR. HUBBARD: WHO WAS THIS TO? I OBJECT THEN. IT'S NOT TO
13 ANY PARTY IN THIS COURTROOM WHO CAN CORROBORATE IT.

14 THE COURT: WELL, SIR, LADIES AND GENTLEMEN OF THE JURY, I
15 HAVE A MATTER OF LAW.

16 MR. HUBBARD: I WITHDRAW IT SINCE THIS WITNESS -- I WILL
17 WITHDRAW THE OBJECTION.

18 THE COURT: WE ARE ON CROSS EXAMINATION. ALL RIGHT. ASK
19 THE QUESTION, PLEASE.

20 Q WHAT WAS THE DESCRIPTION THAT YOU GAVE?

21 A IN MY SECOND STATEMENT TO THE PERSON WHO CALLED ME OR TO
22 THIS STATEMENT?

23 Q AT ANY POINT IN TIME, WHAT DESCRIPTION?

24 A ON THE FIRST STATEMENT I DESCRIBED THE PERSON THAT HAD
25 ON WHITE PANTS AND WHITE T-SHIRT. AND MY SECOND DESCRIPTION

1 OF THE PERSON, LIGHT-SKINNED PERSON ABOUT MY WEIGHT, ABOUT MY
2 SIZE WITH WHITE PANTS AND A WHITE SHIRT.

3 Q NOW THE STATEMENT THAT YOU ARE REFERRING TO AS BEING THE
4 SECOND STATEMENT, THAT IS THE STATEMENT THAT YOU GAVE OVER A
5 TELEPHONE CALL?

6 A YES, THE PERSON---

7 Q AND THAT PERSON WHO WAS TALKING TO YOU WAS NOT ABLE TO
8 SEE YOU, WERE THEY?

9 A NO.

10 Q DID YOU EVER AT ANY POINT IN TIME CALL LAW ENFORCEMENT
11 AND GIVE THEM THIS DESCRIPTION?

12 A NO, BECAUSE IN REALITY THEY WAS CALLING ME.

13 Q AT ANY POINT IN TIME DID YOU GIVE THEM ANOTHER STATEMENT
14 STATING WHAT DESCRIPTION OF THIS PERSON?

15 A NO.

16 Q WHERE IN EITHER ONE OF THESE STATEMENTS THAT YOU GAVE TO
17 LAW ENFORCEMENT DO YOU STATE THAT YOU HEARD A FEMALE SAY
18 SOMETHING ABOUT, "WILLIE, IT AIN'T WORTH IT?"

19 A ONLY ON THE PHONE.

20 Q TO SOMEBODY WHO WASN'T LAW ENFORCEMENT?

21 A ALL THEY SAID IS THEY WAS AN INVESTIGATOR WORKING FOR
22 HIM.

23 Q BUT YOU NEVER TOLD THAT TO THE POLICE, DID YOU?

24 A IT HAD BEEN MENTIONED BUT NEVER WRITTEN.

25 Q IT WAS MENTIONED BUT NEVER WRITTEN?

1 A YES.

2 Q MR. BOOKMAN, ISN'T IT TRUE THAT IN THE STATEMENTS THAT
3 YOU GAVE TO LAW ENFORCEMENT ON AUGUST 13, 1995, YOU DO NOT
4 PROVIDE ANY TYPE OF PHYSICAL DESCRIPTION OF ANYONE?

5 A NO.

6 Q IT'S NOT CORRECT?

7 A THAT IS CORRECT.

8 Q SO DIDN'T PROVIDE IT?

9 A NO.

10 Q ISN'T IT TRUE THAT IN EITHER ONE OF THOSE STATEMENTS TO
11 LAW ENFORCEMENT YOU NEVER MENTIONED ANYTHING REGARDING A
12 FEMALE EXITING THIS BUILDING?

13 A YES.

14 Q ISN'T IT TRUE THAT YOU NEVER MENTIONED ANYTHING ABOUT A
15 FEMALE MAKING A STATEMENT THAT, "WILLIE, IT AIN'T WORTH IT?"

16 A NOT IN THIS STATEMENT.

17 Q ISN'T IT TRUE, MR. BOOKMAN, THAT YOU HAVE NEVER MET THIS
18 PERSON WHO YOU SAW THAT NIGHT?

19 A NEVER MET.

20 Q NEVER SEEN HIM BEFORE?

21 A NEVER SEEN HIM

22 Q NEVER SEEN HIM SINCE?

23 A NO, UNTIL TODAY.

24 Q IS IT YOUR TESTIMONY THAT THIS IS YOUR FIRST TIME SEEING
25 HIM IN FIVE YEARS?

1 A SECOND TIME IN FIVE YEARS.

2 Q IN FACT, YOU HAD AN OPPORTUNITY TO TO REFRESH YOUR
3 MEMORY ON YESTERDAY, DIDN'T YOU?

4 A NO.

5 Q YOU DID NOT SEE HIM ON YESTERDAY?

6 A YES, BUT TO EXACTLY LOOK AND PAY ATTENTION, NO.

7 Q YOU KNEW ALFRED JONES IN THIS CASE, DIDN'T YOU?

8 A NO.

9 Q YOU DIDN'T KNOW HIM AT ALL?

10 A NO.

11 Q NEVER TALKED TO HIM AT ALL AT THE CLUB?

12 A NO.

13 Q YOU TESTIFIED ON DIRECTION EXAMINATION THAT THE IMAGE OF
14 THIS PERSON WAS IMPRINTED ON YOUR MIND, DIDN'T YOU?

15 A YES.

16 Q DID YOU EVER OFFER TO SIT DOWN WITH ANY TYPE OF ARTISTS
17 OR ANYTHING TO DRAW OUT THIS PERSON WHO YOU SAW?

18 A IF I WAS ASKED, YES, IT WOULD HAVE HAPPENED.

19 Q MY QUESTION WAS DID YOU EVER OFFER TO SIT DOWN AND GIVE
20 THE POLICE OFFICERS A SKETCH OF THIS PERSON?

21 A NO.

22 Q THIS TAG NUMBER YOU GAVE WAS U.S.C.6833; CORRECT?

23 A YES, SIR.

24 Q WHICH CAR DID YOU GET THAT TAG OFF OF?

25 A I COULDN'T TELL YOU.

- 1 Q YOU JUST KNOW YOU GOT A TAG NUMBER?
- 2 A IT WAS MENTIONED TO ME.
- 3 Q IT WAS MENTIONED TO YOU?
- 4 A IT WAS RELAYED TO ME FROM MY FRIEND.
- 5 Q YOU WERE NOT TOLD TO GET A TAG NUMBER OFF OF ANOTHER
- 6 AUTOMOBILE?
- 7 A NO. HE TOLD ME THE TAG NUMBER.
- 8 Q SINCE YOUR STATEMENT TO LAW ENFORCEMENT ON AUGUST 13,
- 9 YOU HAVE NOT DISCUSSED YOUR CASE OR GIVEN ANOTHER STATEMENT
- 10 TO LAW ENFORCEMENT SINCE THAT TIME, HAVE YOU?
- 11 A NO.
- 12 Q HAVEN'T ADDED ANY INFORMATION TO YOUR TESTIMONY, HAVE
- 13 YOU?
- 14 A NO.
- 15 Q YOU JUST KEPT IT TO YOURSELF UNTIL YOU CAN COME TODAY
- 16 AND SAY IT?
- 17 A I LEFT TOWN. PUT IT LIKE THAT.
- 18 Q AND OVER THE FIVE YEARS YOU NEVER CALLED THEM?
- 19 A PEOPLE BEEN TRYING TO GET IN TOUCH WITH ME, BUT DRIVING
- 20 A TRUCK USUALLY WHEN THEY COME I AM ON THE ROAD.
- 21 Q DID LAW ENFORCEMENT EVER COME TO YOUR HOUSE?
- 22 A THEY CAME ONCE, BUT...
- 23 Q DID THEY ASK YOU TO GIVE THEM A CALL BACK?
- 24 A I HAVE.
- 25 Q HAVE YOU CALLED THEM BACK?

1 A I HAVE.

2 Q HAVE YOU MET WITH THEM?

3 A NO.

4 Q NEVER WAS ABLE TO SHARE ANY OF THIS INFORMATION WITH
5 THEM, HAVE YOU?

6 A (WITNESS SHAKES HEAD.) (INDICATING NEGATIVE RESPONSE.)

7 MR. YOUNG: I HAVE NO FURTHER QUESTIONS.

8 THE COURT: REDIRECT.

9 MR. HUBBARD: ONE FOLLOW-UP.

10 REDIRECT EXAMINATION BY MR. HUBBARD:

11 Q WHO WAS THE FRIEND THAT TOLD YOU TO REMEMBER THAT TAG?

12 A RONALD BOYD.

13 MR. HUBBARD: THANK YOU. NO FURTHER QUESTIONS.

14 THE COURT: RECROSS.

15 MR. YOUNG: NO FURTHER QUESTIONS, YOUR HONOR.

16 THE COURT: ALL RIGHT. THANK YOU, SIR. YOU MAY STEP DOWN.

17 MR. HUBBARD: MAY HE BE EXCUSED, YOUR HONOR?

18 THE COURT: WITHOUT OBJECTION?

19 MR. YOUNG: NO OBJECTIONS, YOUR HONOR.

20 THE COURT: HE IS EXCUSED. MADAME FOREPERSON AND LADIES

21 AND GENTLEMEN OF THE JURY, THAT CONCLUDES THE TESTIMONY THAT

22 WE WILL RECEIVE THIS DAY. I AM GOING TO START BACK UP IN THE

23 MORNING WITH THE TESTIMONY IN THIS CASE. AS I SEND YOU AWAY

24 FOR THIS EVENING LET ME REMIND YOU ONCE AGAIN THAT YOU ARE

25 NOT TO DISCUSS THIS CASE AMONGST YOURSELVES AS YOU EXIT THE

1 COURTHOUSE IF YOU HAPPEN TO SEE EACH OTHER OR SPEAK WITH EACH
2 OTHER DURING THE COURSE OF THIS EVENING OR WHEN YOU RECONVENE
3 IN JURY ROOM IN THE MORNING AT THE APPOINTED HOUR. ALSO, YOU
4 YOU ARE NOT TO DISCUSS THIS CASE WITH YOUR FAMILY, FRIENDS,
5 OR ANYONE ELSE. AND, ONCE AGAIN, IF ANYONE SHOULD ATTEMPT TO
6 CONTACT YOU CONCERNING THIS CASE I WANT YOU TO GATHER AS MUCH
7 INFORMATION ABOUT THAT PERSON AS YOU POSSIBLY CAN AND REPORT
8 THAT TO ME IMMEDIATELY UPON YOUR RETURN TO THE COURTHOUSE IN
9 THE MORNING BECAUSE THAT IS A VERY SERIOUS MATTER.

10 ALSO, I AM GOING TO FURTHER INSTRUCT YOU THAT YOU ARE NOT
11 TO READ, WATCH, OR LISTEN TO ANY NEWS ACCOUNTS CONCERNING
12 THIS CASE. VERY SIMPLY PUT ALL I WANT YOU TO CONSIDER IN THIS
13 MATTER IS WHAT YOU SEE AND HEAR IN THIS COURTROOM -- NOTHING
14 MORE AND NOTHING LESS. SO, WITH THAT INSTRUCTION I AM GOING
15 TO ASK THAT YOU BE IN YOUR JURY ROOM IN THE MORNING AT 9:15.
16 THAT'S AT 9:15. ONCE AGAIN, REPORT DIRECTLY TO THE JURY
17 ROOM. DO NOT LINGER OUTSIDE THE COURTROOM, OUTSIDE THE
18 COURTHOUSE, IN THE HALLS. DO NOT COME TO THE COURTROOM.
19 COME DIRECTLY TO YOUR JURY ROOM. THE BAILIFFS WILL SEE THAT
20 YOU ARE PROPERLY PROVIDED FOR THERE. I LOOK FORWARD TO
21 SEEING YOU IN THE MORNING AT 9:15. THE JURY IS EXCUSED.
22 EVERYONE REMAIN SEATED WHILE THEY EXIT THE COURTROOM, PLEASE.

23 (THE JURY WAS EXCUSED FOR THE DAY AT 5:53 P.M.)

24 THE COURT: ANYTHING FURTHER FROM THE STATE BEFORE WE BREAK
25 FOR THE DAY?

1 MR. HUBBARD: NO, SIR, YOUR HONOR.

2 THE COURT: FROM THE DEFENDANT?

3 MR. YOUNG: YOUR HONOR, THE ONLY THING THAT I WOULD ASK OF
4 THE COURT IS TO INQUIRE FROM THE STATE AS FAR AS THE STATUS
5 OF THE LETTER THAT WE REQUESTED FROM THE U.S. ATTORNEY'S
6 OFFICE.

7 THE COURT: YES, SIR.

8 MR. HUBBARD: YOUR HONOR, I HAVE NOT HEARD THE STATUS SINCE
9 THIS MORNING. I ASKED ONE OF OUR DEPUTY SOLICITORS TO PLEASE
10 MAKE THE CALL. INITIALLY THAT PHONE NUMBER WE WERE GIVEN WAS
11 WRONG, BUT THEY ARE STILL TRYING TO TRACK DOWN -- I KNOW WE
12 HAD ONE OF DETECTIVES TRYING TO TRACK DOWN WHOEVER IT WAS. I
13 HAVE NOT BEEN BACK TO TALK TO THE INDIVIDUALS. THEY WERE OUT
14 AT LUNCH WHEN I WENT OVER THERE, YOUR HONOR.

15 THE COURT: WELL, I WANT YOU TO MAKE SURE TONIGHT---

16 MR. HUBBARD: YES, SIR.

17 THE COURT: ---THAT THAT IS TAKEN CARE OF ONE WAY OR THE
18 OTHER. I WANT AN ANSWER ONE WAY OR THE OTHER. I MEAN, I AM
19 TIRED OF THIS.

20 MR. HUBBARD: YES, SIR.

21 THE COURT: AS MANY PEOPLE AS Y'ALL HAVE GOT OVER THERE --
22 INVESTIGATORS, ACCESS -- I WANT AN ANSWER ONE WAY OR THE
23 OTHER.

24 MR. YOUNG: YOUR HONOR, IF I COULD JUST MENTION I NOTICE ON
25 THE WITNESS LIST WHEN IT WAS READ OUT THERE WAS SPECIAL AGENT

1 BRYANT I BELIEVE ON THIS WITNESS LIST. HE IS AN F.B.I. AGENT
2 THAT WAS INVOLVED IN THAT MATTER. HE MAY BE ABLE TO PROVIDE
3 US WITH A NUMBER OR SOME ASSISTANCE.

4 MR. HUBBARD: HE MAY VERY WELL.

5 THE COURT: THAT WOULD BE A GOOD PLACE TO START. ALL
6 RIGHT. INSOFAR AS PROFFERED TESTIMONY WHERE ARE WE WITH WHAT
7 WE ARE GOING TO HAVE TO PROFFER BECAUSE IF I BRING THAT JURY
8 BACK IN THE MORNING AT 9:15 WE ARE GOING TO START, AND IF I
9 HAVE TO STOP THIS CASE THEN I MAY RECONSIDER MY RULING.

10 MR. HUBBARD: YES, SIR, YOUR HONOR.

11 MR. SWARAT: YOUR HONOR, WE HAVE AGENT STONE IN THE
12 COURTROOM. I CAN PROFFER HIS TESTIMONY NOW, YOUR HONOR.
13 ALSO, WE NEED TO REDACT THE PHOTO LINEUP.

14 THE COURT: ALL THIS STUMBLING AROUND, THAT JUST DOESN'T
15 WORK WITH ME. I WANT US TO MAKE SURE WE ARE READY TO GO.
16 WHATEVER IS GOING TO BE PROFFERED, LET'S GET IT PROFFERED
17 RIGHT NOW.

18 MR. HUBBARD: YES, SIR, YOUR HONOR.

19 MR. SWARAT: THE STATE CALLS ALLEN STONE.

20 (THE FOLLOWING WAS REPORTED IN CAMERA.)

21 ALLEN STONE, BEING FIRST DULY SWORN,
22 TESTIFIED AS FOLLOWS:

23 THE COURT: ALL RIGHT. STATE YOUR NAME FOR THE RECORD, SIR.

24 THE WITNESS: ALLEN STONE.

25 THE COURT: ALL RIGHT. YOU CAN CONTINUE.

1 DIRECT EXAMINATION BY MR. SWARAT:

2 Q AGENT STONE, HOW ARE YOU EMPLOYED?

3 A I AM WITH THE RICHLAND COUNTY SHERIFF'S DEPARTMENT.

4 Q HOW WERE YOU EMPLOYED BACK IN 1995?

5 A AT THE RICHLAND COUNTY SHERIFF'S DEPARTMENT.

6 Q AS A RESULT OF YOUR EMPLOYMENT WITH THE RICHLAND COUNTY
7 SHERIFF'S DEPARTMENT DID YOU TAKE INTO YOUR POSSESSION A
8 VEHICLE?

9 A YES, I DID.

10 Q INVOLVED IN THIS CASE?

11 A YES. THAT IS CORRECT.

12 Q AND CAN YOU DESCRIBE THAT VEHICLE FOR US?

13 A A 1993 TOYOTA LANDCRUISER U.S.C. TAG 6803.

14 Q AND WHO DID YOU TAKE POSSESSION OF THAT VEHICLE FROM?

15 A LEXINGTON COUNTY SHERIFF'S DEPARTMENT.

16 Q AND WHO WAS THE OWNER OF THAT VEHICLE PRIOR TO YOUR
17 TAKING IT INTO YOUR POSSESSION?

18 A WILLIE JAMES RICHARDSON.

19 Q DO YOU KNOW HIM TO GO BY A STREET NAME?

20 A YES.

21 Q WHAT IS THAT STREET NAME?

22 A RAHEEM AND RAH.

23 Q DO YOU STILL HAVE THAT VEHICLE IN YOUR POSSESSION?

24 A YES.

25 Q AND PURSUANT TO US CONTACTING YOUR AGENCY DID YOU BRING

1 THE TAG TO THAT VEHICLE?

2 A YES, I DID.

3 Q AND DO YOU HAVE THAT IN YOUR POSSESSION?

4 A YES, I DO.

5 MR. SWARAT: YOUR HONOR, THAT'S ALL WE PUT HIM UP FOR.

6 MR. YOUNG: YOUR HONOR, IF THE TESTIMONY GOES AS IT DID
7 JUST NOW I STILL WOULD OBJECT TO IT BECAUSE THERE IS AN
8 INFERENCE WHEN HE ASKED THE QUESTION REGARDING HIS OCCUPATION
9 -- A FOLLOW-UP QUESTION WAS IN YOUR CAPACITY AS RICHLAND
10 COUNTY SHERIFF'S DEPARTMENT DID HE HAVE ANY KNOWLEDGE OF MR.
11 RICHARDSON, AND I THINK IT DRAWS AN INFERENCE THAT THE JURY
12 WILL BE ASKING THE QUESTION IN THEIR OWN MIND AS TO TRULY
13 WHAT RICHLAND COUNTY HAS TO DO WITH THE CASE ALTOGETHER, AND
14 I THINK IT JUST TENDS TO MISLEAD A LITTLE BIT AS OPPOSED TO
15 THE OFFICER STATING THAT HE HAS POSSESSION OF THE AUTOMOBILE
16 AND WAS ASKED TO BRING THE TAG.

17 THE COURT: ALL RIGHT. MR. SWARAT, WHAT YOU GOT TO SAY
18 ABOUT THAT?

19 MR. SWARAT: YOUR HONOR, THERE ARE TWO PARTS TO THIS:
20 FIRST, TO PUT THE TAG INTO EVIDENCE AND, ALSO, TO PLACE HIM
21 IN THE OWNERSHIP AND CONTROL OF THAT VEHICLE WHICH I THINK IS
22 CRUCIAL TO THE EVIDENCE.

23 THE COURT: CAN'T YOU DO THAT THROUGH -- HADN'T THAT
24 ALREADY BEEN DONE?

25 MR. SWARAT: NO, SIR.

1 THE COURT: THAT IT WAS REGISTERED IN HIS NAME -- THE TAG?

2 MR. SWARAT: I WANT TO PUT THAT MAN SITTING IN THAT SEAT IN
3 POSSESSION AND CONTROL OF THAT VEHICLE.

4 THE COURT: WELL, I UNDERSTAND THAT.

5 MR. SWARAT: YES, SIR.

6 THE COURT: THERE ARE A LOT OF WAYS YOU CAN DO THAT, MR.
7 SWARAT. THIS USE OF THE WORD -- THE STREET NAME, THAT'S NOT
8 SOMETHING THAT WOULD COME OUT. SO, HE'S NOT GOING TO TESTIFY
9 TO THAT -- THAT PART OF IT. HE CAN TESTIFY AS TO THE TAG
10 AND THE VEHICLE, BUT THAT OTHER STUFF IS NOT COMING IF THAT
11 IS WAY IT WILL BE PRESENTED.

12 MR. SWARAT: YOUR HONOR, IF I PHRASE IT---

13 THE COURT: WELL, SIR, YOU ARE THE ONE PROFFERING IT.

14 MR. SWARAT: I AM TRYING TO GET A CLARIFICATION OF THE
15 COURT'S RULING SO I DON'T STEP OVER THOSE BOUNDS.

16 THE COURT: DIDN'T I TELL YOU HE COULD TESTIFY AS TO THE
17 VEHICLE AND THE TAG?

18 MR. SWARAT: YOUR HONOR, YES, SIR.

19 THE COURT: WE'RE NOT GOING TO GET INTO THIS
20 RAHEEM-IS-HIS-STREET-NAME BUSINESS.

21 MR. SWARAT: I UNDERSTAND, YOUR HONOR. I UNDERSTAND YOUR
22 RULING ON THAT. I WOULD LIKE HIM TO POINT HIM OUT IN
23 COURTROOM AS THE PERSON HE KNOWS TO BE THE OWNER OF OR
24 POSSESSOR OVER THAT VEHICLE PRIOR TO HIM TAKING IT IN HIS
25 POSSESSION.

1 MR. YOUNG: BASED ON THE TESTIMONY THAT HAS COME OUT IN THE
2 PROFFER I DON'T THINK A FOUNDATION HAS BEEN LAID THAT HE
3 KNOWS THAT HE IS THE OWNER OR POSSESSOR AS THE SOLICITOR
4 STATED OF THAT AUTOMOBILE.

5 THE COURT: WHAT DO YOU HAVE TO SAY ABOUT WHAT HE SAID?

6 MR. SWARAT: YOUR HONOR, I APOLOGIZE.

7 THE COURT: YES, SIR, I KNOW AND THAT'S ALWAYS VERY
8 INSULTING TO THE COURT WHEN WE ARE TRYING TO GET SOMETHING IN
9 BECAUSE YOU AND THE DETECTIVE HAVE BEEN TALKING, YOU KNOW, AT
10 TIMES WHEN YOU HAVE MISSED SOME THINGS THAT HAVE BEEN TALKED
11 ABOUT. YOU'VE GOT ALL NIGHT TO WORK THROUGH THIS.

12 NOW, IF YOU WANT TO TRY TO QUESTION HIM AS TO HOW HE KNOWS
13 THAT -- AND WE WENT THROUGH THIS YESTERDAY AS TO HOW IT WAS
14 GOING TO BE DONE. YOU KNOW, IT'S NOT MY CASE TO TRY. WHAT I
15 AM HERE FOR IS TO SEE BOTH SIDES GET A FAIR TRIAL. AND JUST
16 FOR SOME DETECTIVE FROM RICHLAND COUNTY OR OFFICER OR
17 WHATEVER HE IS FROM RICHLAND COUNTY TO COME OVER HERE AND
18 WILLY-NILLY DO THAT, I AM NOT GOING TO LET IT HAPPEN. THERE
19 IS GOING TO HAVE TO BE A PROPER WAY FOR IT TO BE DONE. SO,
20 LET'S SEE IF YOU CAN DO IT. IF YOU WANT TO TAKE ANOTHER SHOT
21 AT IT, I WILL LET YOU DO IT.

22 Q DETECTIVE STONE, IN YOUR EMPLOYMENT WITH RICHLAND COUNTY
23 SHERIFF'S DEPARTMENT DID YOU TAKE INTO YOUR POSSESSION A
24 VEHICLE THAT IS INVOLVED IN THIS CASE?

25 A YES, I DID.

1 Q WHAT IS THAT VEHICLE?

2 A A 1993 TOYOTA LANDCRUISER.

3 Q AND WHAT IS THE TAG NUMBER ON THAT VEHICLE?

4 A IT IS A UNIVERSITY OF SOUTH CAROLINA TAG 6803.

5 Q AND DO YOU ALSO HAVE POSSESSION OF THAT TAG FROM THAT
6 VEHICLE?

7 A I DO.

8 Q AGENT STONE, WHO DO YOU KNOW TO BE THE OWNER OR
9 POSSESSOR OF THAT VEHICLE PRIOR TO YOUR TAKING IT INTO YOUR
10 POSSESSION?

11 A WILLIE JAMES RICHARDSON.

12 Q IS THAT THE DEFENDANT IN THIS CASE?

13 A YES.

14 MR. SWARAT: THAT'S ALL I HAVE.

15 MR. YOUNG: BASED ON THAT I HAVE NO OBJECTION, YOUR HONOR.

16 THE COURT: ALL RIGHT. AS LONG AS THE TESTIMONY IS ALONG
17 THOSE LINES, THAT WILL BE FINE.

18 MR. SWARAT: THANK YOU, YOUR HONOR.

19 THE COURT: ANYTHING ELSE FROM THE DEFENDANT?

20 MR. SWARAT: YOUR HONOR, WE'D HAVE ONE MORE WITNESS. THAT
21 WOULD BE THE JAILHOUSE INFORMANT IF YOU WANT TO PROFFER IT
22 NOW.

23 THE COURT: YES, SIR, LET'S DO IT UNLESS YOU WANT TO COME
24 IN HERE REALLY EARLY IN THE MORNING.

25 MR. SWARAT: I'LL LEAVE THAT TO THE COURT STAFF. WE'LL DO

1 IT EITHER WAY.

2 THE COURT: NO, SIR. IF HE'S HERE, LET'S BRING HIM ON IN
3 AND LET HIM PROFFER. YOU CAN STEP DOWN, SIR.

4 (THE FOLLOWING WAS REPORTED IN CAMERA.) MR. SWARAT: YOUR
5 HONOR, THEY ARE BRINGING HIM NOW. THEY ARE HAVING TO TAKE THE
6 CHAINS OFF.

7 REGINALD LUCAS, BEING FIRST DULY SWORN,
8 TESTIFIED AS FOLLOWS:

9 THE COURT: PLEASE STATE YOUR NAME FOR THE RECORD, SIR.

10 THE WITNESS: REGINALD LUCAS.

11 DIRECT EXAMINATION BY MR. SWARAT:

12 Q MR. LUCAS, GOOD AFTERNOON. HAVE YOU AND I SPOKEN
13 BEFORE?

14 A YES, WE HAVE.

15 Q BEFORE THIS DAY? MR. LUCAS, AT SOME POINT IN 1997, I
16 BELIEVE IT WAS, YOU WERE HOUSED WITH THE DEFENDANT IN THIS
17 CASE; IS THAT CORRECT?

18 A THAT'S CORRECT.

19 Q WILLIE JAMES RICHARDSON?

20 A (WITNESS NODS.) (INDICATING AFFIRMATIVE RESPONSE.)

21 Q WHERE WERE YOU HOUSED WITH HIM?

22 A CARSON CITY JAIL IN VIRGINIA.

23 Q WERE YOU ACTUALLY HIS CELL MATE?

24 A YES, WE WAS IN THE SAME BLOCK.

25 Q AND, MR. LUCAS, WHAT DO YOU KNOW HIM TO GO BY BESIDES

1 HIS GIVEN NAME?

2 A RAHEEM.

3 Q DO YOU KNOW HIM DO BY AN ABBREVIATED VERSION OF THAT
4 NAME RAHEEM?

5 A RAH.

6 Q DO YOU KNOW HIM TO POSSESS ON HIS BODY ANY MARKINGS TO
7 THAT EFFECT?

8 A YES, HE HAS A TATTOO THAT SAYS RAHEEM.

9 Q WHERE IS THAT LOCATED ON HIS BODY?

10 A IT IS ON HIS ARM.

11 Q DURING THE TIME THAT YOU WERE HOUSED WITH HIM IN
12 PORTSMOUTH, VIRGINIA DID Y'ALL HAVE CONVERSATION?

13 A YES, WE DID.

14 Q DID HE DISCUSS WITH YOU SOME CHARGES HE HAD IN SOUTH
15 CAROLINA?

16 A YES.

17 Q IN THOSE DISCUSSIONS DID HE INDICATE TO YOU HOW HE WAS
18 GOING TO APPROACH THOSE CHARGES AS FAR AS THE DEFENSE?

19 A YES, HE DID.

20 Q WHAT DID HE TELL YOU, MR. LUCAS?

21 A WELL, HE TOLD ME HE WAS GOING TO USE AS HIS ALIBI THAT
22 HE WAS AT A RELATIVE'S FUNERAL IN NEW YORK.

23 Q DID HE INDICATE TO YOU WHETHER THIS ALIBI WAS TRUTHFUL
24 OR UNTRUTHFUL?

25 A WELL, HE SAID HE WAS IN NEW YORK, BUT HE LEFT, AND HE

- 1 WAS IN SOUTH CAROLINA.
- 2 Q HE WAS IN SOUTH CAROLINA WHEN, MR. LUCAS?
- 3 A DURING THE TIME OF THE MURDER.
- 4 Q DID HE INDICATE WHETHER OR NOT HE COMMITTED THE MURDER?
- 5 A NOT AT THAT TIME, BUT HE DID EVENTUALLY.
- 6 Q DID Y'ALL CONTINUE TO DISCUSS THESE SOUTH CAROLINA
- 7 CHARGES?
- 8 A YES.
- 9 Q AND AT ALL SOME POINT HE TOLD HE DID COMMIT THE MURDER?
- 10 A YES, HE DID.
- 11 Q DID HE TELL YOU WHAT TYPE OF PLACE IT WAS WHERE THE MAN
- 12 WAS KILLED?
- 13 A YES.
- 14 Q WHAT DID HE TELL YOU?
- 15 A IT WAS A NIGHTCLUB.
- 16 Q DID HE GO INTO ANY GREAT DETAIL ABOUT THE KILLING?
- 17 A WELL, HE DIDN'T GO INTO WHY HE KILLED HIM, BUT I DO KNOW
- 18 IT WAS A FIGHT, AND HE NEVER DID SAY WHY, BUT HE DID ADMIT TO
- 19 KILLING HIM.
- 20 Q WHAT DID HE ASK YOU ABOUT WHEN HE WAS TALKING WITH YOU
- 21 ABOUT THIS ALIBI DEFENSE? WHAT WAS HE ASKING OF YOU?
- 22 A HE WAS RUNNING IT BY ME TO SEE WOULD IT WORK.
- 23 Q WHAT DID YOU TELL HIM?
- 24 A YEAH, YOU CAN'T BE IN TWO PLACES AT ONE TIME.
- 25 Q BUT HE INDICATED HE WAS IN SOUTH CAROLINA AND DID THE

1 MURDER WHEN THE MURDER HAPPENED?

2 A THAT'S CORRECT.

3 Q DID HE TELL YOU HOW HE WAS GOING TO SET UP THIS ALIBI?

4 A YES.

5 Q WHAT DID HE TELL YOU ABOUT THAT, MR. LUCAS?

6 A SOMEBODY ELSE WAS GOING TO SIGN -- HE HAD SOME
7 PICTURES. HE HAD SOME PICTURES OF HIMSELF WITH HIS
8 RELATIVES. THEN HE WAS GOING TO HAVE ONE OF HIS RELATIVES
9 -- A COUSIN -- SIGN THE REGISTER SAYING THAT HE WAS THERE
10 AT THIS CERTAIN TIME WHEN IN ALL ACTUALITY HE WAS IN SOUTH
11 CAROLINA.

12 Q SO, THESE FAMILY MEMBERS WERE GOING TO HELP HIM SET UP
13 HIS ALIBI?

14 A THAT'S CORRECT.

15 Q BUT HE WAS ACTUALLY IN SOUTH CAROLINA DURING THE
16 KILLING?

17 A THAT IS CORRECT.

18 Q MR. LUCAS, AT SOME POINT -- WHILE WE'RE NOT IN FRONT OF
19 JURY, WE CAN'T GO INTO ANY OF THE DRUG CHARGES HE HAD AND THE
20 TESTIMONY YOU GAVE IN THAT CASE. SOMETIME AFTER YOU HAD
21 CONVERSATIONS ABOUT THE MURDER IN SOUTH CAROLINA, DID YOU
22 RELAY THIS INFORMATION TO LAW ENFORCEMENT?

23 A YES, I DID.

24 Q AS A RESULT OF RELAYING IT TO LAW ENFORCEMENT DID THEY
25 COME AND SPEAK WITH YOU?

- 1 A YES, THEY ASKED ME IF I WOULD SPEAK TO SOMEONE IN SOUTH
2 CAROLINA.
- 3 Q DID YOU AGREE TO DO THAT?
- 4 A YES.
- 5 Q WHO WAS THE PERSON THAT SET YOU UP WITH SOUTH CAROLINA?
- 6 A SAM BRYANT.
- 7 Q WHAT TYPE OF OFFICER IS HE?
- 8 A HE IS A FEDERAL BUREAU INVESTIGATOR; F.B.I.
- 9 Q F.B.I. OFFICER?
- 10 A YES, SIR.
- 11 Q HE SET YOU UP WITH SOUTH CAROLINA?
- 12 A YES.
- 13 Q DID THEY AGREE TO GIVE YOU ANYTHING OR REWARD YOU IN ANY
14 WAY TO TALK WITH SOUTH CAROLINA?
- 15 A NO. HE ASKED ME TO DO IT. HE DIDN'T TELL ME TO DO IT.
16 HE CAME AND ASKED ME TO DO IT, AND THERE WASN'T NOTHING AS
17 FAR AS ANY TYPE OF GAINS AS FAR AS ME DOING TIME OR GETTING
18 OUT EARLIER OR ANYTHING LIKE THAT.
- 19 Q DID YOU GIVE A STATEMENT TO THAT OFFICER FROM SOUTH
20 CAROLINA?
- 21 A YES.
- 22 Q DO YOU RECALL THAT BEING DETECTIVE SCOTTIE FRIER?
- 23 A YES, I DO.
- 24 Q MY OFFICE -- THE SOLICITOR'S OFFICE IN SOUTH CAROLINA
25 -- HAVE WE MADE ANY DEALS WITH YOU ABOUT YOUR TESTIMONY?

1 A NO, YOU HAVEN'T.

2 Q WE HAVE AGREED TO WRITE A LETTER ASKING THEM TO EXCUSE
3 YOU FROM THE COURSES YOU HAVE MISSED DURING THE TIME YOU HAVE
4 BEEN DOWN HERE?

5 A THAT'S CORRECT.

6 Q YOU DON'T WANT TO BE DOWN HERE?

7 A NO, I DON'T.

8 Q SOMETIME AFTER YOU TALKED TO LAW ENFORCEMENT DID YOU
9 HAVE THE OCCASION TO RIDE IN THE SAME VEHICLE TO BE
10 TRANSPORTED WITH MR. RICHARDSON -- WITH RAHEEM?

11 A YES, I DID.

12 Q DURING THAT TRANSPORT DID HE SPEAK TO YOU?

13 A YES, HE DID.

14 Q DID HE THREATEN YOU IN ANY MANNER?

15 A THAT IS CORRECT. HE THREATENED ME.

16 Q TO YOU DIRECTLY FROM HIS MOUTH?

17 A YES.

18 Q WHAT DID HE SAY TO YOU?

19 A THAT I WAS GOING TO DIE. "YOU ARE GOING TO DIE."

20 Q WHY DID HE SAY YOU WERE GOING TO DIE?

21 A FOR TESTIFYING AGAINST HIM.

22 Q DID YOU TAKE THOSE THREATS SERIOUSLY?

23 A YES, I DID.

24 Q NOW, MR. LUCAS, I WANT TO CAUTION YOU. WE CAN'T GO INTO
25 ANY THREATS OF YOUR FAMILY.

- 1 A RIGHT.
- 2 Q JUST YOU. AND NOT ANY THREATS MADE BY HIS FAMILY TO
- 3 YOUR FAMILY.
- 4 A RIGHT.
- 5 Q JUST THREATS FROM HIM TO YOU.
- 6 A THAT'S CORRECT.
- 7 (PAUSE.)
- 8 Q ALSO, AFTER YOU GAVE A STATEMENT TO DETECTIVE FRIER AND
- 9 TALKED TO SAM BRYANT FROM THE F.B.I. DID YOU HAVE THE
- 10 OCCASION TO BE IN A CELL WITH SOME OF RAHEEM'S FRIENDS THAT
- 11 WERE ALSO HOUSED IN PORTSMOUTH?
- 12 A YES.
- 13 Q DID YOU SEE RAHEEM -- MR. RICHARDSON -- THAT DAY WHILE
- 14 YOU WERE HOUSED WITH SOME OF HIS FRIENDS?
- 15 A YES, I DID.
- 16 Q WHAT DID HE DO OR SAY TO YOU DURING THE TIME YOU WERE
- 17 HOUSED WITH HIS FRIENDS?
- 18 A HE LET THEM KNOW THAT THAT'S WHO IS TELLING ON ME -- MY
- 19 LAWYER JUST RECEIVED A LETTER THAT HE SENT TO THE PROSECUTOR,
- 20 AND I AM IN A HOLDING CELL WITH THEM, AND HE RELAYED THAT
- 21 MESSAGE TO THEM.
- 22 Q DID HE SPEAK TO YOU DIRECTLY DURING THAT CONTACT?
- 23 A YES, HE TURNED AROUND AND SPOKE TO ME.
- 24 Q WHAT DID HE SAY TO YOU?
- 25 A "I DON'T BELIEVE THIS. YOU ARE TELLING ON ME." AND IT'S

1 | LIKE HE COULDN'T BELIEVE IT. HE WAS BAFFLED, AND THAT'S WHEN
2 | HE STARTED WITH YOU ARE NOT GOING TO GET AWAY WITH THIS, MORE
3 | OR LESS. HE DIDN'T THREATEN ME AT THAT TIME. HIS
4 | CO-DEFENDANTS DID.

5 | Q THE ONLY THREAT DIRECTLY FROM HIM IS WHEN Y'ALL WERE
6 | TRANSPORTED TOGETHER?

7 | A RIGHT.

8 | MR. SWARAT: YOUR HONOR, WE DON'T INTEND TO OFFER THESE
9 | INDIRECT THREATS. I DID WANT TO BRING THEM UP TO THE COURT'S
10 | ATTENTION JUST IN CASE TO MAKE SURE THAT THEY DON'T COME OUT
11 | AND THAT THE COURT KNOWS ABOUT THEM. YOUR HONOR, THE ONLY
12 | OTHER TESTIMONY I WOULD HAVE FROM MR. LUCAS, HE DOES KNOW
13 | SOME OF THE DEFENDANT'S FAMILY HISTORY BASED ON HIS
14 | CONVERSATIONS WITH THE DEFENDANT. I WOULD LIKE TO GO INTO
15 | THAT JUST TO CORROBORATE HIS TESTIMONY -- TO CORROBORATE
16 | THAT HE KNOWS INFORMATION FROM THE DEFENDANT THAT ONLY HE
17 | COULD GET FROM THE DEFENDANT, AND, OF COURSE, WE ARE NOT
18 | GOING TO GO INTO THE 1992 CHARGES THAT HE HAD DISMISSED.

19 | THE COURT: WHAT IS THE RELEVANCE OF THAT?

20 | MR. SWARAT: THAT HE KNOWS WHERE HIS FAMILY IS FROM. HE
21 | HAS GOT FAMILY IN THE LUGOFF-CAMDEN AREA. YOUR HONOR, I
22 | THINK IT'S INFORMATION THAT CORROBORATES THE VERACITY OF HIS
23 | STATEMENT.

24 | THE COURT: WHY DON'T YOU PROFFER IT AND THEN SEE WHAT WE
25 | ARE GOING TO DO BECAUSE, YOU KNOW, JUST THIS BROAD-BRUSH

1 | APPROACH THAT YOU WANT TO TAKE WITH IT, NO, SIR. WE ARE NOT
2 | GOING TO DO THAT.

3 | Q MR. LUCAS, DURING YOUR CONVERSATIONS WITH MR. RICHARDSON
4 | DID HE SPEAK TO YOU ABOUT ANY OF HIS FAMILY MEMBERS?

5 | A YES.

6 | Q DID HE TELL YOU WHERE HE HAD FAMILY?

7 | A YES, HE DID.

8 | Q WHERE DID HE TELL YOU HE HAD FAMILY?

9 | A SOUTH CAROLINA.

10 | Q DID HE TELL YOU ABOUT ANY OTHER STATE WHERE HE HAD
11 | FAMILY?

12 | A NEW YORK.

13 | Q DID HE GO INTO THE NAMES AND SPECIFICS OR ANYTHING LIKE
14 | THAT?

15 | A YES, WELL, AS FAR AS RELATIVES, YES.

16 | Q HOW ABOUT HIS SOUTH CAROLINA RELATIVES?

17 | A HIS FATHER, COUSINS. HE HAS AN AUNT.

18 | Q DO YOU KNOW WHERE THE AUNT LIVES?

19 | A NO.

20 | Q HAVE YOU MET THESE PEOPLE?

21 | A NO.

22 | Q DO YOU KNOW WHO LIVES IN NEW YORK?

23 | A HIS MOTHER, HIS BROTHER, COUSIN, AUNT. I DO KNOW HE
24 | HAVE AN AUNT IN NEW YORK.

25 | MR. SWARAT: YOUR HONOR, I BELIEVE THAT'S ALL WE WILL HAVE.

1 THE COURT: ANYTHING YOU WANT TO ASK AT THIS TIME ON THE
2 PROFFER?

3 MR. YOUNG: YOUR HONOR, I JUST WANT TO ASK A FEW
4 QUESTIONS.

5 CROSS EXAMINATION BY MR. YOUNG:

6 Q MR. LUCAS, THE SOLICITOR MENTIONED ABOUT YOU BEING
7 TRANSPORTED AT SOME POINT IN TIME WITH MR. RICHARDSON, AND IT
8 WAS AT THAT POINT IN TIME THAT THESE THREATS WERE MADE?

9 A THAT'S CORRECT.

10 Q AND THAT WAS BASED ON TESTIMONY THAT YOU OFFERED IN A
11 FEDERAL CASE?

12 A THAT IS CORRECT.

13 MR. YOUNG: THANK YOU. THAT'S ALL THE QUESTIONS I HAVE.

14 THE COURT: IS THAT WHAT IT'S ABOUT? THE TESTIMONY THAT HE
15 MADE IN A FEDERAL CASE IS WHERE THE THREATS---

16 MR. SWARAT: YOUR HONOR, THIS THREAT CAME AFTER HE HAD
17 TESTIFIED FEDERALLY, BUT THE THREATS ARE ABOUT EVERYTHING HE
18 HAS TOLD ABOUT MR. RICHARDSON. MAYBE I CAN CLEAR THIS UP
19 WITH MR. LUCAS, YOUR HONOR.

20 THE COURT: WELL, LET'S SEE.

21 REDIRECT EXAMINATION BY MR. SWARAT:

22 Q WHEN YOU TALKED TO LAW ENFORCEMENT DID YOU TELL THEM
23 EQUALLY AND AT THE SAME TIME ABOUT THE DRUG INFORMATION YOU
24 KNEW AS WELL AS THE INFORMATION ABOUT THE MURDER IN SOUTH
25 CAROLINA?

- 1 A THAT'S CORRECT. WHEN I TALKED TO LAW ENFORCEMENT, I
2 TOLD LAW ENFORCEMENT EVERYTHING THAT HE TOLD ME, AND SO,
3 APPARENTLY, WHAT TRANSPIRED FROM THERE IS WHAT I TOLD THEM
4 THEY RELAYED TO SOUTH CAROLINA. THAT'S HOW THAT HAPPENED.
- 5 Q THEN YOU TALKED TO SOUTH CAROLINA AS WELL?
- 6 A EXACTLY.
- 7 Q AND YOU JUST HAPPENED TO TESTIFY IN FEDERAL COURT BEFORE
8 YOU GOT HERE TO STATE COURT?
- 9 A THAT'S CORRECT.
- 10 Q THE THREATS CAME AFTER YOU HAD TESTIFIED IN FEDERAL
11 COURT AND HAD TO BE TRANSPORTED IN THE SAME VAN WITH MR.
12 RICHARDSON?
- 13 A BACK TO THE CITY JAIL.
- 14 Q THAT WAS HIS ONLY OPPORTUNITY TO THREATEN YOU---
- 15 A PERSONALLY.
- 16 Q ---AFTER YOU TALKED TO LAW ENFORCEMENT?
- 17 A THAT IS CORRECT.
- 18 MR. YOUNG: IF MAY ASK A FEW FOLLOW-UP QUESTIONS?
- 19 THE COURT: YES, SIR.
- 20 RECROSS EXAMINATION BY MR. YOUNG:
- 21 Q MR. LUCAS, YOU TESTIFIED IN THAT FEDERAL CASE ABOUT
22 OCTOBER AND NOVEMBER OF '97; CORRECT?
- 23 A CORRECT.
- 24 Q IT WASN'T UNTIL DECEMBER OF '97 THAT YOU SPOKE WITH LAW
25 ENFORCEMENT FROM SOUTH CAROLINA; CORRECT?

1 A THAT IS CORRECT.

2 Q SO BY THAT TIME THIS THREAT WOULD HAVE ALREADY HAVE BEEN
3 MADE?

4 A YES, SIR. IT WAS MADE NOVEMBER THE THIRD; SOMEWHERE IN
5 THAT AREA.

6 Q THIS RIGHT AFTER YOU TESTIFIED IN THE FEDERAL CASE?

7 A CORRECT.

8 MR. YOUNG: THANK YOU, YOUR HONOR.

9 REDIRECT EXAMINATION BY MR. SWARAT:

10 Q MR. LUCAS, YOU HAD GIVEN INFORMATION ABOUT BOTH SETS OF
11 CHARGES AT THE SAME TIME?

12 A THAT IS CORRECT.

13 Q YOU JUST HADN'T TALKED TO THE SOUTH CAROLINA DETECTIVE
14 YET?

15 A THAT'S CORRECT.

16 MR. SWARAT: THAT'S ALL WE HAVE, YOUR HONOR.

17 THE COURT: ALL RIGHT. THANK YOU, SIR. YOU CAN STEP DOWN.

18 MR. SWARAT: YOUR HONOR, THAT'S ALL WE HAVE FOR PROFFERED
19 TESTIMONY.

20 THE COURT: ALL RIGHT.

21 MR. YOUNG: YOUR HONOR, WITH REGARDS TO THE TESTIMONY

22 REGARDING THESE THREATS I WOULD ARGUE THAT THAT IS NOT

23 ADMISSIBLE BECAUSE CLEARLY FROM THIS WITNESS' TESTIMONY IT

24 WAS IN RESPONSE TO TESTIMONY THAT HE HAD OFFERED BASED ON THE

25 FEDERAL CHARGES. IT WAS ALSO PRIOR TO HIM TALKING TO SOUTH

1 CAROLINA LAW ENFORCEMENT. SO, IT REALLY IS NOT A CONNECTOR
2 THERE REGARDING THAT BECAUSE EVERYTHING THAT HE TESTIFIED TO
3 ALL RELATED TO HIS TESTIMONY DEALING WITH THE FEDERAL
4 CHARGES.

5 ALSO, YOUR HONOR, WITH REGARD TO THE TESTIMONY REGARDING
6 THE FAMILY HISTORY AND STUFF, BASED ON THE TESTIMONY THAT WAS
7 PROFFERED I WOULD ARGUE THAT THAT IS NOT RELEVANT IN ANY WAY
8 AND THAT DOESN'T GO TO ANYTHING FOR THE MOST PART REGARDING
9 HIM HAVING FAMILY IN SOUTH CAROLINA AND FAMILY IN NEW YORK.

10 THE COURT: MR. SWARAT, EXPLAIN TO ME THE RELEVANCE OF THE
11 FAMILY HISTORY.

12 MR. SWARAT: YOUR HONOR, I THINK ONE OF THE MOST IMPORTANT
13 PARTS OF MR. LUCAS' TESTIMONY FOR THE JURY IS WHETHER OR NOT
14 HE IS CREDIBLE. PART OF ASSESSING HIS CREDIBILITY IS WHETHER
15 OR NOT HE COULD HAVE INFORMATION THAT HE COULD ONLY GET FROM
16 MR. RICHARDSON -- THAT HE WOULD ONLY OBTAIN FROM MR.
17 RICHARDSON AND NO OTHER SOURCE SO THAT WE CAN SHOW THE JURY
18 THAT, IN FACT, HE DID CONFIDE IN HIM. I THINK IT'S RELEVANT
19 FOR THAT PURPOSE.

20 MR. HUBBARD: YOUR HONOR, JUST TO LET YOU KNOW THE ORDER OF
21 WITNESSES, THE DETECTIVE IS GOING TO BE OUR NEXT WITNESS.
22 HE'S GOING TO BE TALKING ABOUT, FIRST OF ALL, WHERE THEY'RE
23 LOOKING IN SOUTH CAROLINA AND THEN WHERE THEY ACTUALLY FIND
24 HIM IN NEW YORK. SO, THAT'S WHAT MAKES -- IT WILL BECOME
25 RELEVANT. RIGHT NOW THERE IS NO TESTIMONY ON THE RECORD TO

1 MAKE IT RELEVANT. IT WILL BECOME BEFORE MR. LUCAS GETS UP.

2 IF THAT TESTIMONY DOES NOT COME OUT; THEN, OBVIOUSLY, I
3 THINK WE HAVE TO REASSESS WHETHER WE WANT TO TRY TO OFFER
4 THAT BECAUSE I THINK THEN WE DO HAVE A PROBLEM. I THINK IT
5 WILL BECOME RELEVANT ONCE THE INVESTIGATOR GETS UP AND SAYS,
6 WE INITIALLY LOOKED IN COLUMBIA, AND WE LOOKED OVER IN WEST
7 COLUMBIA AT CERTAIN ADDRESSES AND WHY. THEN HE IS ALSO GOING
8 TO TALK ABOUT WHERE THEY ACTUALLY FOUND HIM WHICH IS IN NEW
9 YORK AND WHAT CONNECTION HE MIGHT HAVE TO NEW YORK.

10 THE COURT: ALL RIGHT. I AM GOING TO ALLOW THAT TESTIMONY
11 TO COME IN INSOFAR AS THAT LIMITED FAMILY HISTORY. BUT
12 INSOFAR AS THESE THREATS ARE CONCERNED, WHILE I AM CONCERNED
13 ABOUT THEM I DON'T BELIEVE THAT THE LOOP HAS BEEN CLOSED ON
14 THAT AS FAR AS I'M AM CONCERNED AND WHAT HE IS HERE FOR IS TO
15 TESTIFY AS TO WHAT HE TOLD HIM IN JAIL, AND THAT OTHER IS NOT
16 COMING IN.

17 MR. SWARAT: THANK YOU, YOUR HONOR.

18 THE COURT: ALL RIGHT. IF THERE IS NOTHING ELSE, I WILL SEE
19 YOU IN THE MORNING AT 9:15.

20 (WHEREUPON, THE WERE CONCLUDED FOR APRIL 11, 2000 AND THEN
21 RECONVENED ON APRIL 12, 2000.)

22 THE COURT: THE STATE READY?

23 MR. HUBBARD: YES, SIR, YOUR HONOR.

24 THE COURT: DEFENSE READY?

25 MR. YOUNG: YES, SIR, YOUR HONOR.

- 1 THE COURT: BRING THE JURORS BACK.
- 2 (THE JURORS RETURN TO THE COURTROOM AT 9:15 A.M.)
- 3 THE COURT: POLLING OF THE JURY BY THE STATE?
- 4 MR. HUBBARD: THE STATE WAIVES.
- 5 THE COURT: BY THE DEFENDANT?
- 6 MR. YOUNG: THE DEFENDANT WAIVES, YOUR HONOR.
- 7 THE COURT: GOOD MORNING TO YOU LADIES AND GENTLEMEN OF THE
- 8 JURY. WELCOME BACK. I HOPE YOU HAD A PLEASANT NIGHT AND
- 9 EVENING. WE ARE GOING TO CONTINUE WITH OUR CASE.
- 10 MR. HUBBARD: MAY IT PLEASE THE COURT, YOUR HONOR, THE
- 11 STATE CALLS SCOTTIE FRIER.
- 12 SCOTTIE FRIER, BEING FIRST DULY SWORN,
- 13 TESTIFIED AS FOLLOWS:
- 14 MR. HUBBARD: DETECTIVE, WOULD YOU STATE YOUR NAME FOR THE
- 15 JURY WHEN YOU GET UP THERE?
- 16 THE WITNESS: I AM DETECTIVE SCOTTIE FRIER, F-R-I-E-R.
- 17 DIRECT EXAMINATION BY MR. HUBBARD:
- 18 Q THE FIRST QUESTION I GOT TO ASK YOU, HOW DID YOU HURT
- 19 YOUR FOOT?
- 20 A I ALMOST RAN OUT IN FRONT OF A TRUCK WHILE I WAS
- 21 JOGGING. IT PROBABLY WAS MY FAULT MORE THAN ANYONE ELSE.
- 22 Q WHERE YOU DO WORK?
- 23 A I AM EMPLOYED WITH THE LEXINGTON COUNTY SHERIFF'S
- 24 DEPARTMENT.
- 25 Q HOW LONG HAVE YOU BEEN WORKING THERE?

1 A I BEEN THERE A LITTLE OVER 13 YEARS NOW.

2 Q HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

3 A I'VE BEEN IN LAW ENFORCEMENT ALMOST 16 YEARS NOW.

4 Q AS A DETECTIVE HOW LONG HAVE YOU BEEN IN THAT ROLE?

5 A I HAVE BEEN IN THE INVESTIGATIVE ADDITION IN LEXINGTON
6 COUNTY SINCE 1989 AND I HAVE BEEN ON THE MAJOR CRIMES UNIT
7 SINCE IT WAS FORMED END OF 1995, '96.

8 Q MAJOR CRIMES. THAT INCLUDES HOMICIDES?

9 A RIGHT. OUR UNIT INVESTIGATES HOMICIDE, SEXUAL ASSAULTS,
10 RAPES, KIDNAPPINGS -- CRIMES OF THAT MAGNITUDE.

11 Q YOU WORKING THE EARLY MORNING HOURS OF AUGUST 13, 1995?

12 A YES, SIR, I WAS. I HAD WEEKEND DUTY, AND I HAD A DUAL
13 RESPONSIBILITY ON MY WEEKEND DUTIES AT THAT TIME. I
14 INVESTIGATED CASES I CALLED OUT ON, AND I HAD SOME CRIME
15 SCENE RESPONSIBILITIES.

16 Q THE 13TH, WAS THAT A SATURDAY THEN?

17 A YES, SIR.

18 Q WHEN WE TALK ABOUT WORKING I.D., WHAT DO WE MEAN WHEN WE
19 TALKING ABOUT THAT?

20 A SOMETIMES YOU WILL HEAR I.D. REFERRED TO CRIME SCENE.
21 BASICALLY, WHAT WE DO AS AN I.D. OFFICER OR CRIME SCENE
22 OFFICER IS WE HAVE TO GO IN AND TRY TO MEMORIALIZE THE SCENE
23 BY PHOTOGRAPHS AND COLLECT OR DETERMINE IF -- ANYTHING OF
24 ANY EVIDENTIARY VALUE, WE COLLECT IT OR DETERMINE HOW IT
25 SHOULD BE PROCESSED OR HANDLED -- WHAT TESTS SHOULD BE DONE

1 WITH IT. WE ALSO IN THE CASE OF THIS SITUATION WHERE WE HAD
2 A HOMOCIDE, WE HAD SOME PHOTOGRAPHS WE HAD TO TAKE, TO NOTE
3 INJURIES TO THE BODY AND STUFF AND MAKE ARRANGEMENT TO ALSO
4 ATTEND THE AUTOPSY.

5 Q NOW, DO YOU RECALL BEING CALLED OUT TO THE C&L SOCIAL
6 CLUB IN CHAPIN?

7 A YES, SIR, I WAS PURSUANT TO A SHOOTING INCIDENT.

8 Q WAS IN ANYBODY ELSE THERE WHEN YOU GOT THERE -- ANY LAW
9 ENFORCEMENT?

10 A YES, SIR. THERE WERE SOME OF OUR OTHER OFFICERS HAD
11 ARRIVED, AND, SPECIFICALLY, I REMEMBER GETTING BRIEFED BY --
12 HE IS NOW MASTER DEPUTY, BUT DEPUTY SWINSON.

13 Q HE WAS THE FIRST OFFICER ON THE SCENE?

14 A THAT WAS MY UNDERSTANDING, YES, SIR.

15 Q CAN YOU BRIEFLY DESCRIBE THE SCENE AS YOU SAW IT?
16 COMING INTO THE CLUB AND THEN ACTUALLY WALKING INTO CLUB WHAT
17 YOU SAW?

18 A RIGHT. AS HAS BEEN TESTIFIED, THE SOCIAL CLUB SET ON A
19 LITTLE GRAVEL ROAD THAT LEFT OFF MEADOWLARK ROAD. IT'S A
20 REAL RURAL AREA OF CHAPIN JUST INSIDE OF LEXINGTON COUNTY UP
21 TOWARDS NEWBERRY. IT'S A BLOCK BUILDING. WHEN I PULLED IN I
22 WENT THROUGH THE FRONT DOOR. IT'S JUST YOUR TYPICAL -- SOME
23 PEOPLE CALL IT A JUKE JOINT. IT HAD A DANCE FLOOR.

24 Q I'VE GOT A CHART WHICH I KNOW YOU HAVE SEEN, BUT IT
25 WILL HELP IN DESCRIBING WHAT YOU SAW. I WILL PUT IT HERE.

1 IF YOU CAN'T SEE IT, LET ME KNOW. I WILL NOT HAVE YOU GET
2 DOWN, OBVIOUSLY.

3 A I CAN MOVE AROUND. IT WILL BE ALL RIGHT.

4 Q DOES THAT LOOK LIKE THE LAYOUT OF THE C&L SOCIAL CLUB?

5 A YES, SIR. THE DRIVEWAY WOULD HAVE COME IN FROM HERE,
6 AND THOSE ARE THE FRONT DOORS I WENT INTO.

7 Q THAT FRONT DOOR AREA, WHEN YOU GOT THERE IT WAS DARK
8 OUTSIDE, I TAKE IT?

9 A YES, SIR. IT WAS EARLY MORNING OR LATE EVENING EARLY
10 MORNING HOURS.

11 Q WAS THAT FRONT DOOR AREA -- WERE THE LIGHTS ON?

12 A YES, IT WAS FAIRLY WELL LIT.

13 Q IF YOU WERE STANDING IN THAT AREA COULD YOU CLEARLY
14 SOMEONE ELSE STANDING -- ANY OTHER OFFICERS WHO MIGHT BE
15 STANDING OUT THERE?

16 A SURE. I COULD RECOGNIZE THEIR FACES. IT WAS LIT
17 CERTAINLY WELL ENOUGH FOR THAT.

18 Q NOW, WHEN YOU CAME IN DID YOU SEE ANY SIGNS OF A
19 DISTURBANCE OR A FIGHT OR ANYTHING LIKE THAT?

20 A YES, SIR. THERE WAS SOME CHAIRS AND TABLES THAT HAD BEEN
21 MOVED AROUND. VERY NOTICEABLE RIGHT UP IN THIS AREA WERE
22 SOME PIECES OF BROKEN BARSTOOL. AS I WALKED IN CLOSER I
23 NOTICED A COUPLE OF SHELL CASINGS IN THAT AREA WHERE THE
24 BROKEN STOOL WAS LOCATED.

25 Q THEN DID YOU TO SEE THE BODY OF VICTIM?

1 A YES, SIR. THE BODY OF A BLACK MALE WAS LAYING,
2 BASICALLY, HALFWAY IN AND OUT OF THE DOORWAY BETWEEN WHAT WE
3 DETERMINED TO BE A KITCHEN AREA AND THE BAR SERVING AREA.

4 Q DID YOU IDENTIFY WHO HE WAS?

5 A THROUGH WORKING WITH THE CORONERS OFFICE WE DETERMINED
6 HIM TO BE ALFRED JONES.

7 Q YOU CAN HAVE A SEAT.

8 A (WITNESS RESUMES THE WITNESS STAND.) THANK YOU.

9 Q DID ANYONE ASSIST YOU IN COLLECTING AND PROCESSING THIS
10 CRIME SCENE?

11 A YES, SIR. DEPUTY SWINSON HELPED ME. I WAS WORKING I.D.
12 BY MYSELF. SO, HE WAS HELPING ME AS WE KIND OF LOGGED THE
13 EVIDENCE AND DOCUMENTED THE PHOTOGRAPHS. HE ASSISTED ME.

14 Q IS IT UNUSUAL WHEN YOU'RE WORKING IN A RURAL AREA,
15 PARTICULARLY ON A WEEKEND, TO HAVE AN OFFICER ON THE SCENE TO
16 ASSIST YOU DO A PROCESSING?

17 A NO, SIR. WE WOULD DO THAT JUST ABOUT ANY SCENARIO.

18 Q CAN YOU TELL US HOW YOU WENT ABOUT PROCESSING THE SCENE
19 -- WHAT YOU DID FIRST AND WHAT KIND OF STEPS YOU TOOK?

20 A THE FIRST THING WE DO IS WE BASICALLY DO A WALK-THROUGH
21 OF THE SCENE, TRY TO DETERMINE RIGHT OFF THE BAT WHERE
22 EVERYTHING LAID OUT, WHAT EVIDENCE THERE MIGHT BE VERY
23 NOTICEABLE TO US. WE WOULD START TAKING A SERIES OF
24 PHOTOGRAPHS FROM DIFFERENT ANGLES THROUGHOUT THE ENTIRE ROOM
25 -- ALSO FROM THE OUTSIDE SHOWING THE DOORS, THE ENTRANCE

1 AND EXIT WAYS.

2 THEN WE WOULD START VERY SPECIFICALLY TAKING PHOTOGRAPHS OF
3 INDIVIDUAL PIECES OR INDIVIDUAL ITEMS OF EVIDENCE WE THINK
4 ARE PERTINENT TO THE INVESTIGATION. THROUGH THOSE
5 PHOTOGRAPHS WE WOULD START NUMBERING ITEMS SO THAT AS WE
6 COLLECTED THEM WE COULD GO BACK TO THE PHOTOGRAPHS AND KNOW
7 THAT WHAT WAS IN THE PICTURE UNDER NUMBER 7 IS GOING TO BE
8 THIS -- A WAY TO KEEP TRACK OF EXACTLY WHAT PIECE OF
9 EVIDENCE WE COLLECTED AND WHERE WE COLLECTED IT FROM.

10 Q I WILL SHOW YOU A PHOTOGRAPH -- STATE'S EXHIBIT NO.

11 13. DO YOU RECALL TAKING THAT PHOTOGRAPH?

12 A YES, SIR, I DID. YES, SIR.

13 Q THESE NUMBERS THAT WE SEE IN THIS PHOTOGRAPH, WHAT ARE
14 THESE NUMBERS INDICATE?

15 A THOSE NUMBERS WOULD BE PLACED CLOSE TO OR NEAR AN ITEM
16 OF EVIDENCE SO I WOULD HAVE SOME PHOTO RECORD OF EXACTLY
17 WHERE THAT EVIDENCE WAS.

18 Q THIS SECTION HERE, STATE'S EXHIBIT I BELIEVE IT IS 13---

19 A YES, SIR.

20 Q ---WHAT PORTION OF THIS BAR AREA -- AND YOU DON'T HAVE
21 TO HOP DOWN, BUT WHAT PORTION OF THE BAR AREA WERE YOU
22 LOOKING AT?

23 A THAT WOULD BE IN THE AREA WHERE YOU SEE THE NUMBERS 1,
24 2, AND 5 ALL IN THAT CORNER DOWN THERE.

25 Q DO THOSE ACCURATELY CORRESPOND WITH WHAT WE SEE IN THE

- 1 PHOTOGRAPH?
- 2 A YES, SIR. THEY DO.
- 3 Q YOU WERE THE ONE TAKING THE PHOTOGRAPHS; CORRECT?
- 4 A YES, SIR, I WAS.
- 5 Q AND DID YOU TAKE PHOTOGRAPHS OF THE OUTSIDE AS WELL?
- 6 A YES, SIR, I DID.
- 7 Q AGAIN, YOU NOTED THE LIGHTING THAT NIGHT?
- 8 A YES, SIR. IT WAS FAIRLY WELL LIT OUT FRONT.
- 9 Q I SHOW YOU STATE'S EXHIBIT NO. 1. DOES THAT EXHIBIT
- 10 ACCURATELY DEPICT THE LIGHTING THAT NIGHT?
- 11 A YES, SIR. YOU CAN SEE THE LIGHTS THAT ARE STILL
- 12 ON THERE. THERE'S ALSO -- IF MY MEMORY SERVES ME CORRECT,
- 13 THERE IS A LIGHT UNDER THAT PORCH AWNING, ALSO.
- 14 Q WHEN YOU GOT THERE THERE WERE OTHER PEOPLE THERE?
- 15 A YES, SIR. THERE WAS SOME CIVILIANS THERE AS WELL AS LAW
- 16 ENFORCEMENT.
- 17 Q AND STANDING ON THE FRONT PORCH -- IF THERE WERE OTHER
- 18 INDIVIDUALS ON THAT FRONT PORCH AREA, DID YOU HAVE ANY
- 19 DIFFICULTY MAKING OUT WHO THEY WERE?
- 20 A OH, NO. IT WAS WELL LIT ENOUGH THAT YOU COULD SEE
- 21 PEOPLE AND KNOW WHO YOU WERE TALKING WITH.
- 22 Q NOW, AFTER YOU TOOK PHOTOGRAPHS OF EACH INDIVIDUAL PIECE
- 23 OF EVIDENCE, AND, AGAIN, YOU ARE THE ONE TAKING THE
- 24 PHOTOGRAPHS; CORRECT?
- 25 A YES, SIR, I WAS.

1 Q SO WHEN WE SEE PHOTOGRAPHS -- CLOSE-UP PHOTOGRAPHS, FOR
2 INSTANCE, STATE'S EXHIBIT NO. 20?

3 A YES, SIR. I TOOK THAT PHOTOGRAPH.

4 Q YOU ARE THE ONE THAT TOOK A PICTURE OF THIS SLUG?

5 A YES, SIR.

6 Q AFTER YOU TOOK THE PHOTOGRAPHS WHAT DID YOU DO THEN?

7 A WE WOULD THEN START SPECIFICALLY COLLECTING THE ITEMS OF
8 EVIDENCE. WE ALSO -- I ALSO TOOK SOME MEASUREMENTS INSIDE
9 THE CLUB TRYING TO CORRELATE THE EXACT LOCATIONS WHERE THESE
10 ITEMS WERE, AND THEN THEY WOULD BE SPECIFICALLY TAKEN INTO
11 EVIDENCE BY WHATEVER MEANS WAS APPROPRIATE TO PRESERVE ANY
12 INTEREST WE HAVE MAY IN SEARCHING FOR FINGERPRINTS OR THE
13 LIKE. THERE ARE SOME PRECAUTIONS WE HAVE TO TAKE TO MAINTAIN
14 THE INTEGRITY OF THE EVIDENCE IF WE ARE GOING TO DO FUTURE
15 TESTING.

16 Q I WANT TO SEE IF YOU RECOGNIZE WHAT ALREADY HAS BEEN
17 MARKED AS STATE'S EXHIBIT NO. 24?

18 A YES, SIR.

19 Q DO YOU RECOGNIZE THESE ITEMS?

20 A YES, SIR. THOSE ARE THE PIECES OF THE BARSTOOL I
21 PHOTOGRAPHED AND TOOK CUSTODY OF FROM THE SOCIAL CLUB.

22 Q NOW, I WANT TO JUMP AHEAD FROM THE CRIME SCENE. DID YOU
23 AT SOME POINT GO TO THE AUTOPSY? I BELIEVE YOU MENTIONED
24 GOING TO THE AUTOPSY?

25 A YES, SIR. I DID ATTEND THE AUTOPSY OF ALFRED JONES.

1 Q NOW, IS THAT STANDARD PROCEDURE FOR AN OFFICER TO GO TO
2 THE AUTOPSY?

3 A YES, SIR. YOU WILL HAVE BOTH THE INVESTIGATING OFFICER
4 AND THE CRIME SCENE OFFICER ATTEND AN AUTOPSY. IN THIS CASE
5 I ENDED UP PLAYING BOTH ROLES, BUT, BASCIALLY, WHAT WE DO IS
6 WE ARE ABLE TO GIVE THE PATHOLOGIST INFORMATION OF WHAT WE
7 HAD FOUND AT THE SCENE AND WHAT EVIDENCE WE HAVE THERE WHICH
8 WILL CORRELATE TO THE INJURIES THAT THE DECEASED HAS
9 SUFFERED.

10 Q NOW, WHAT, IF ANYTHING, DID YOU TAKE WITH YOU TO THAT
11 AUTOPSY IN THIS INSTANCE?

12 A I TOOK THOSE PIECES OF THE BARSTOOL WITH ME. I ALSO
13 TOOK MY CAMERA, OF COURSE. WE HAVE SOME RESPONSIBILITIES OF
14 TAKING PHOTOGRAPHS AT THE AUTOPSY AS WELL, BUT I SPECIFICALLY
15 TOOK THOSE PIECES OF BARSTOOL WITH ME.

16 Q AGAIN, WHAT IS THE PURPOSE IN TAKING THE BARSTOOL PIECES
17 IN THIS CASE?

18 A AT THE SCENE PRIOR TO US REMOVING MR. JONES FROM THE
19 SCENE, I NOTICED SOME INJURIES ON HIM THAT PIECING TOGETHER
20 THIS BROKEN PIECE OF BARSTOOL THOSE INJURIES APPEARED TO HAVE
21 BEEN SOMETHING THAT WOULD BE CONSISTENT BY HIM BEEN STRUCK BY
22 THE BARSTOOL OR PIECES OF THE BARSTOOL. I WANTED THE
23 PATHOLOGIST TO SEE THE PIECES OF THE BARSTOOL SO HE COULD SEE
24 HOW THEY MIGHT CORRELATE TO SOME OF INJURIES HE HAD ON HIS
25 BODY.

1 Q DO YOU REMEMBER WHO THE PATHOLOGIST WAS IN THIS CASE?

2 A DR. JOHN CARTER.

3 Q WHERE IS HIS OFFICE?

4 A HE'S AT LEXINGTON MEDICAL CENTER.

5 Q HAVE YOU DEALT WITH HIM BEFORE ON PRIOR OCCASIONS?

6 A ONE OF MY VERY FAVORITE PEOPLE IN THE WORLD -- YES, I
7 HAVE ON A NUMBER OF OCCASIONS.

8 Q DOES HE DO A LOT OF THESE TYPE OF CASES?

9 A YES, HE DOES.

10 Q AMONG OTHER THINGS YOU HAD AT THE AUTOPSY, WAS THERE
11 ANYTHING YOU OBTAINED FROM THE AUTOPSY?

12 A YES, SIR. DURING THE PROCESS OF UNDRESSING MR. JONES AT
13 THE AUTOPSY A SLUG AS YOU REFERRED TO IT OR A FIRED ROUND
14 FELL FROM HIS PANTS ONTO THE EXAMINATION TABLE WHICH APPEARED
15 TO BE CONSISTENT WITH THE ROUND THAT WOULD HAVE BEEN
16 CONSISTENT WITH THE ROUND THAT WOULD HAVE WENT INTO THE LEG
17 WOUND.

18 Q OKAY. AND YOU WERE THERE WHEN THIS HAPPENED?

19 A YES, SIR. I WATCHED AS THE ROUND FELL ONTO THE TABLE.

20 Q DID YOU COLLECT THAT SPENT ROUND?

21 A YES, I DID.

22 Q LET ME SEE IF YOU CAN RECOGNIZE WHAT IS IN THIS
23 CONTAINER?

24 A YES, SIR. THIS IS THE ROUND THAT WE RECOVERED FROM THE
25 HOSPITAL. I WOULD HAVE GOTTEN THIS SPECIMEN CUP AND THAT

1 GAUZE FROM THE MORGUE.

2 MR. HUBBARD: YOUR HONOR, AT THIS TIME I OFFER THIS INTO
3 EVIDENCE.

4 MR. YOUNG: NO OBJECTION, YOUR HONOR.

5 THE COURT: WITHOUT OBJECTION, IT IS ADMITTED.

6 (PLAINTIFF'S EXHIBIT NO. 40 ENTERED INTO EVIDENCE.)

7 Q DETECTIVE, GOING BACK TO THE CRIME SCENE, YOU COLLECTED
8 OTHER EVIDENCE AS WELL?

9 A YES, SIR.

10 Q I WANT TO SHOW WHAT HAS ALREADY BEEN MARKED INTO
11 EVIDENCE: STATE'S EXHIBIT NO. 25, 26, 27, 28, AND 29. DO
12 YOU RECOGNIZE THESE ITEMS?

13 A YES, SIR. THAT'S MY HANDWRITING ON THE BAGS DENOTING
14 THE CASE NUMBER OF THE INCIDENT, AND THESE ARE -- ONE IS THE
15 FIRED BULLET THAT WE FOUND ON THE TILE FLOOR THERE AT THE
16 KITCHEN BAR AREA AND THESE FOUR REMAINING SHELL CASINGS ARE
17 SHELL CASINGS WE RECOVERED FROM THE SCENE.

18 Q YOU ARE THE ONE THAT COLLECTED THOSE ITEMS?

19 A YES, SIR, I DID.

20 MR. HUBBARD: I BEG THE COURT'S INDULGENCE.

21 Q DETECTIVE, I AM NOT OFFERING THIS INTO EVIDENCE. I JUST
22 WANT YOU TO TAKE A LOOK AT THIS PHOTOGRAPH.

23 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

24 Q STATE'S EXHIBIT FOR I.D. PURPOSES NO. 21?

25 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

1 Q DOES THAT ACCURATELY DEPICT HOW YOU FOUND THE VICTIM
2 ALFRED JONES IN THIS CASE?

3 A YES, IT DOES.

4 Q I WANT TO ASK YOU SOMETHING ELSE. DO YOU RECOGNIZE
5 THIS?

6 A YES, SIR, THAT'S A HEINEKEN BEER BOTTLE THAT I ALSO TOOK
7 INTO EVIDENCE THAT EVENING, AND I NOTICED THAT IT'S GOT SOME
8 EVIDENCE THAT THEY HAVE ATTEMPTED TO LIFT FINGERPRINTS OFF OF
9 IT.

10 Q WHAT IS YOUR PURPOSE IN COLLECTING THIS HEINEKEN BOTTLE?

11 A THROUGH STATEMENTS WE HAD LEARNED A NUMBER OF PEOPLE
12 ARRIVED WHO WAS LATER IDENTIFIED AS THE SHOOTING SUSPECT AND
13 THAT ONE OF THEM OR A COUPLE OF THEM HAD BEEN DRINKING
14 HEINEKEN BEER PRIOR TO GOING INTO THE CLUB AND WERE ASKED TO
15 PUT THE BOTTLES DOWN. SO, WE RETRIEVED THAT WITH THE INTENT
16 TO POSSIBLY GET FINGERPRINTS OFF OF IT.

17 MR. HUBBARD: YOUR HONOR, AT THIS TIME I WOULD OFFER THIS
18 BOTTLE INTO EVIDENCE.

19 MR. YOUNG: NO OBJECTION, YOUR HONOR.

20 THE COURT: WITHOUT OBJECTION, IT WILL BE ADMITTED.

21 (PLAINTIFF'S EXHIBIT NO. 41 ENTERED INTO EVIDENCE.)

22 Q DETECTIVE, TO YOUR KNOWLEDGE WERE YOU ABLE TO GET ANY
23 FINGERPRINTS OFF OF THIS?

24 A I HAD A REQUEST MADE THAT THEY MAKE ATTEMPTS TO LIFT
25 LATENT PRINTS. I WAS NEVER GIVEN ANY INFORMATION THAT THEY

1 WERE SUCCESSFUL IN FINDING PRINTS OFF OF THAT BOTTLE.

2 Q BUT WAS THE BOTTLE STILL SIGNIFICANT TO YOU FOR
3 COLLECTION PURPOSES?

4 A RIGHT. IT CORROBORATED WHAT SOME WITNESSES WERE TELLING
5 US ABOUT THE ACTIVITY OF THE GROUP OF PEOPLE WHO HAD COME TO
6 THE CLUB.

7 Q NOW, GOING TO THAT CRIME SCENE AGAIN, THERE ARE OTHER
8 DETECTIVES THERE QUESTIONING PEOPLE; IS THAT CORRECT?

9 A THAT'S CORRECT, SIR, WHILE I WAS DOING THE PROCESSING
10 WORK INSIDE THEY WERE INTERVIEWING SOME WITNESSES OUTSIDE.

11 Q THIS WAS YOUR CRIME SCENE, THOUGH. IS THAT A SAFE WAY
12 OF SAYING IT?

13 A YES, SIR.

14 Q IN TRYING TO GATHER WITNESSES, DID YOU OR ANY OTHER
15 DETECTIVE HAVE ANY PROBLEMS IN GATHERING WITNESSES?

16 A THE WITNESSES WERE PRETTY RELUCTANT. THEY DIDN'T REALLY
17 WANT TO TALK TO US ABOUT WHAT HAPPENED. YOU WILL NOTICE SOME
18 OF THE STATEMENTS THE WITNESSES DID, THEY WERE VAGUE AT FIRST
19 AND THEY HAD TO BE QUESTIONED AGAIN SO MORE INFORMATION COULD
20 BE OBTAINED FROM THEM. THEY WERE PRETTY RELUCTANT TO TALK
21 ABOUT IT TO LAW ENFORCEMENT.

22 Q EVEN THE ONES THAT GAVE STATEMENTS?

23 A YES. NO ONE WAS IN A RUSH TO COME FORWARD.

24 Q DID ANYONE VOLUNTEER INFORMATION THAT NIGHT?

25 A NO, SIR. WE WERE PIECING TOGETHER WHO WOULD HAVE BEEN

1 WHERE AND WHO MIGHT HAVE SEEN SOMETHING. WE WOULD HAVE TO
2 INITIATE THE CONVERSATION WITH THEM. PEOPLE WERE NOT COMING
3 FORWARD WITH THIS INFORMATION, IF THAT WHAT'S YOU'RE ASKING.

4 Q THAT NIGHT DID Y'ALL DETERMINE WHETHER THERE HAD BEEN A
5 LARGE NUMBER OF PEOPLE THERE OR JUST A FEW OR DID Y'ALL MAKE
6 A DETERMINATION?

7 A WE DETERMINED THAT---

8 MR. YOUNG: OBJECTION, YOUR HONOR. COUNSEL IS LEADING.

9 THE COURT: SUSTAIN THE OBJECTION.

10 Q WHAT, IF ANYTHING, WERE YOU ABLE TO DETERMINE ABOUT THE
11 NUMBER OF PEOPLE THAT WERE THERE THAT NIGHT?

12 A IT WAS A BUSY NIGHT AT THE CLUB. THERE WERE SEVERAL
13 PEOPLE THERE. IT WAS A PRETTY SUBSTANTIAL PARTY GOING ON AT
14 THE TIME.

15 Q THROUGH THE WITNESSES THAT YOU WERE ABLE TO TALK TO AND
16 GET INFORMATION FROM, DID YOU COME UP WITH A DESCRIPTION OF
17 THE SUSPECT?

18 A YES. WE WERE ABLE TO GET SOME SUSPECT DESCRIPTION AND
19 SOME VEHICLE DESCRIPTION.

20 Q DID YOU HAVE ANY INFORMATION AS TO THIS INDIVIDUAL'S
21 HEIGHT AND WEIGHT?

22 A THE INFORMATION WE GOT ORIGINALLY WAS THAT THE GENTLEMAN
23 WHO HAD DONE THE SHOOTING WAS ABOUT FIVE-TEN, ANYWHERE FROM
24 THE 195 TO 210 - 215 POUNDS, WAS A LIGHT-SKINNED BLACK MALE,
25 AND A COUPLE OF PEOPLE DESCRIBED HIM AS STOCKY BUILT OR BIG

1 BUILT.

2 Q DID ANYBODY MENTION ANY MARKINGS ON HIS BODY?

3 A THERE WAS ONE STATEMENT GIVEN WHERE AN INDIVIDUAL
4 REFERRED TO A TATTOO ON THE SUBJECT.

5 Q WERE ANY SPECIFICS GIVEN AS TO THAT TATTOO?

6 A I AM NOT AWARE OF ANY SPECIFICS ABOUT THE TATTOO.

7 Q DID YOU HAVE ANY NAMES FROM INDIVIDUALS WHO WERE AT THE
8 SCENE?

9 A ONE OF THE WITNESSES INDICATED THEY HAD HEARD THE NAME
10 WILLIE USED AND THAT THE -- WHEN THE SUBJECT WAS TRYING TO
11 GO BACK INTO THE CLUB AN ACQUAINTANCE OF HIS MADE THE
12 UTTERANCE OF, "WILLIE, IT AIN'T WORTH IT," AS HE WAS GOING
13 BACK INTO THE CLUB.

14 Q AND THE LANDCRUISERS?

15 A RIGHT.

16 Q DID YOU GET TAG NUMBERS FOR THE LANDCRUISERS?

17 A YES, WE DID, WHICH BECAME PERTINENT IN THAT ONE OF THE
18 LANDCRUISERS, THE REGISTRATION CAME BACK TO A WILLIE JAMES
19 RICHARDSON TO A PARK STREET ADDRESS IN COLUMBIA.

20 Q THAT INFORMATION COUPLED WITH THE NAME WILLIE, HOW DID
21 YOU TAKE THAT INFORMATION?

22 A AS I WAS SAYING, YOU CAN LOOK AT IT AS MAYBE NOT A
23 COINCIDENCE. HE WAS REFERRED TO AS WILLIE AND THE TAG COME
24 BACK TO WILLIE JAMES RICHARDSON.

25 Q DID YOU AT SOME POINT TRY TO DETERMINE A DESCRIPTION OR

1 THE CHARACTERISTICS OF WILLIE JAMES RICHARDSON?

2 A YES. WE DID. THROUGH INVESTIGATION WE TRIED TO
3 IDENTIFY WHO WILLIE JAMES RICHARDSON WAS ASSOCIATED WITH THAT
4 VEHICLE.

5 Q DID YOU HAVE ANY INFORMATION AS TO HIS HEIGHT AND
6 WEIGHT?

7 A I LEARNED THAT WILLIE JAMES RICHARDSON WHO IS ASSOCIATED
8 AND KNOWN TO DRIVE THAT VEHICLE IS ABOUT FIVE-NINE, FIVE-TEN,
9 200-210 POUNDS, LIGHT-SKINNED BLACK MALE.

10 Q WAS THAT CONSISTENT OR INCONSISTENT WITH THE DESCRIPTION
11 OF THE SUSPECT?

12 A THE INFORMATION WE WERE RECEIVING ON WILLIE JAMES
13 RICHARDSON WAS CONSISTENT WITH THE SUSPECT INFORMATION WE HAD
14 BEEN GIVEN FROM THE SCENE.

15 Q BASED ON THIS INFORMATION WHAT, IF ANYTHING, DID YOU DO?

16 A WE WERE ABLE TO MAKE CONTACT WITH A RESIDENT AT THE 2700
17 PARK STREET ADDRESS. SOME INFORMATION WAS RELAYED TO US
18 THERE WAS A POSSIBILITY THAT A WILLIE RICHARDSON RESIDED AT A
19 JENSEN STREET ADDRESS IN WEST COLUMBIA -- 1204 I BELIEVE IS
20 NUMBER OF THAT ADDRESS.

21 Q LET ME ASK YOU THIS. BEFORE WE EVEN GO THERE LET ME ASK
22 YOU AT SOME POINT DID YOU DO A PHOTO LINEUP?

23 A YES, I DID GET A PHOTO LINEUP.

24 Q LET ME ASK YOU ABOUT THAT. DO YOU RECOGNIZE WHAT HAS
25 BEEN MARKED AS STATE'S EXHIBIT NO. 38, I BELIEVE?

- 1 A YES. THIS IS THE PHOTO LINEUP I HAD MADE CONTAINING A
2 PHOTOGRAPH OF WILLIE JAMES RICHARDSON. THERE IS A SLIGHT
3 REDACTION OF IT, BUT THE TEXT OF THE---
- 4 Q LET ME ASK YOU, ARE THE PHOTOGRAPHS THE SAME?
- 5 A YES, THEY ARE.
- 6 Q THE PHOTOGRAPHS, HAVE THEY BEEN ALTERED IN ANY WAY?
- 7 A NO, SIR.
- 8 Q WHO, IF ANYONE, DID YOU SHOW THIS LINEUP TO?
- 9 A I SHOWED THAT PHOTO LINEUP TO KIRBY BLOCKER.
- 10 Q WHY DID YOU SHOW THIS LINEUP TO HIM?
- 11 A THE INVESTIGATION REVEALED TO US THAT KIRBY BLOCKER WAS
12 PROBABLY THE WITNESS WHO GOT ONE OF THE BETTER LOOKS AT THE
13 SHOOTING SUSPECT.
- 14 Q IN SHOWING THIS PHOTO LINEUP TO KIRBY BLOCKER DID YOU
15 TELL HIM HE NEEDED TO PICK SOMEONE OUT OF THIS LINEUP?
- 16 A NO, SIR, I DID NOT.
- 17 Q DID YOU TELL HIM ONE OF THESE SIX INDIVIDUALS IS THE MAN
18 THAT WAS THERE THAT NIGHT?
- 19 A NO, SIR, I DID NOT.
- 20 Q WHAT DID YOU TELL HIM TO TO DO?
- 21 A I GENERALLY TRY TO GIVE THE SAME INFORMATION TO SOMEONE
22 I AM GIVING A PHOTO LINEUP TO SO IF I HAVE TO TESTIFY I CAN
23 TELL BASICALLY WHAT I WOULD HAVE INSTRUCTED HIM. I JUST
24 INSTRUCT THEM THAT I AM GOING TO SHOW THEM A GROUP OF
25 PHOTOGRAPHS. I WILL SHOW THEM SIX PHOTOGRAPHS. I NEED THEM

1 TO REVIEW ALL SIX PHOTOGRAPHS CAREFULLY. TELL ME WHO THEY
2 RECOGNIZE -- ANYONE OUT THE PHOTOGRAPHS AND IF THEY DO
3 RECOGNIZE THEM, WHY THEY RECOGNIZE THEM OR WHAT THEY
4 ASSOCIATE THEM TO. I EXPLAIN TO THEM THAT THIS IS NOT WHERE
5 YOU HAVE TO PICK SOMEONE. IF YOU DO NOT RECOGNIZE SOMEONE IN
6 THE LINEUP OR IF THE PERSON INVOLVED IN THIS MATTER IS NOT IN
7 LINEUP, YOU TELL ME THAT. BUT IF YOU RECOGNIZE SOMEONE,
8 IDENTIFY THAT PERSON TO ME AND TELL ME WHY YOU RECOGNIZE
9 THEM.

10 Q WHEN YOU PRESENTED THIS PHOTO LINEUP, STATE'S EXHIBIT
11 NO. 38, TO KIRBY BLOCKER DID HE PICK ANYONE OUT?

12 A YES, HE SPECIFICALLY IDENTIFIED PHOTOGRAPH NUMBER TWO
13 AND SPECIFICALLY IDENTIFIED HIM AS THE PERSON WHO SHOT ALFRED
14 JONES.

15 Q DETECTIVE FRIER, YOU HAVE DONE MANY LINEUPS BEFORE;
16 CORRECT?

17 A YES, I HAVE.

18 Q DID MR. BLOCKER TAKE A LONG TIME, OR PLEASE TELL US HIS
19 REACTION WHEN HE SAW THIS PHOTO LINEUP?

20 A I WILL GENERALLY TRY TO WATCH THEIR EYES AS THEY ARE
21 LOOKING UP THE LINEUP TO MAKE SURE THAT THEY ARE SCANNING ALL
22 THE PICTURES. I NOTICED THAT HE REVIEWED OVER ALL THE
23 PHOTOGRAPHS, AND HE WAS QUITE ADAMANT. WHEN HE POINTED AT
24 PHOTOGRAPH NUMBER TWO HE SAID, "THAT'S THE GUY," AND I ASKED
25 HIM, "WHAT DO YOU MEAN THAT'S THE GUY?" HE SAID, "THAT'S THE

1 GUY THAT SHOT ALFRED JONES." HE WAS VERY ADAMANT ABOUT THAT
2 IDENTIFICATION.

3 Q THE NUMBER TWO ON THIS -- I DON'T SEE NUMBERS ON HERE.
4 WHICH IS NUMBER TWO?

5 A THE TOP ROW OF PHOTOGRAPHS, THE MIDDLE PHOTOGRAPH IS
6 WHAT I AM REFERRING TO AS NUMBER TWO, AND I CAN POINT OUT TO
7 THE JURY IF YOU'D LIKE.

8 MR. HUBBARD: YOU DON'T NEED TO GET UP. YOUR HONOR, AT
9 THIS TIME I WOULD LIKE TO PUBLISH THE PHOTO LINEUP.

10 THE COURT: YES, SIR. IT HAS BEEN ADMITTED.

11 THE WITNESS: THE TOP ROW OF PHOTOGRAPHS, THE MIDDLE
12 PHOTOGRAPH IS THE PHOTOGRAPH THAT KIRBY BLOCKER IDENTIFIED TO
13 ME AND REFERRED TO AS THE GENTLEMAN OR THE MAN WHO SHOT
14 ALFRED JONES.

15 Q DETECTIVE, NUMBER TWO IN THIS PHOTOGRAPH, IS THIS
16 INDIVIDUAL PRESENT IN THE COURTROOM?

17 A YES, SIR. HE IS SEATED AT THE DEFENSE TABLE WEARING A
18 BROWN SUIT WEARING GLASSES SEATED BESIDE MR. YOUNG.

19 Q WHAT IS HIS NAME?

20 A HIS NAME IS WILLIE JAMES RICHARDSON.

21 Q GOING BACK TO WHAT YOU HAD STARTED TO TALK ABOUT, WHAT,
22 IF ANY, EFFORTS DID YOU MAKE TO LOCATE THIS WILLIE JAMES
23 RICHARDSON?

24 A WE FOLLOWED ON THE 2700 PARK STREET ADDRESS, AND WE
25 RECEIVED SOME INFORMATION A WILLIE RICHARDSON MAY RESIDE ON A

1 JENSEN STREET ADDRESS IN WEST COLUMBIA. WE MADE ATTEMPTS TO
2 FOLLOW-UP ON THAT; HOWEVER, WE WERE NEVER ABLE TO LOCATE
3 ANYONE AT THAT JENSEN STREET ADDRESS.

4 Q THE PARK STREET ADDRESS, WHAT WAS THE ADDRESS ON THAT?

5 A 2700 PARK STREET OVER IN COLUMBIA.

6 Q DID YOU FIND ANYONE AT THAT ADDRESS?

7 A|| YES. THERE WERE SOME RELATIVES OF WILLIE JAMES
8 RICHARDSON THERE. SPECIFICALLY, I BELIEVE IT WAS HIS SISTER.

9 Q THAT'S THE DEFENDANT?

10 A YES, SIR.

11 Q AND FROM THERE YOU WENT WHERE?

12 A WE FOLLOWED UP ON THE JENSEN STREET INFORMATION BUT WE
13 WERE NOT ABLE TO LOCATE A WILLIE RICHARDSON AT THAT ADDRESS.

14 Q THE INFORMATION AS TO THE ADDRESS AT JENSEN STREET, DO
15 YOU HAVE AN ADDRESS? DO YOU HAVE THAT IN YOUR NOTES AS TO
16 WHAT THAT ADDRESSES WAS?

17 A IF I AM NOT MISTAKEN I BELIEVE IT WAS 1204. YES, I DO
18 THINK I HAVE THAT IN MY NOTES SOMEWHERE. YES, SIR. 1204
19 JENSEN STREET WITHIN WEST COLUMBIA, SOUTH CAROLINA.

20 Q WEST COLUMBIA?

21 A YES, SIR.

22 Q THE INFORMATION OR THAT ADDRESS, WHERE DID THAT COME
23 FROM?

24 A THAT CAME FROM AN OCCUPANT AT THE HOME AT 2700 PARK
25 STREET?

- 1 Q THE RICHARDSON---
- 2 A RIGHT.
- 3 Q DID YOU FIND ANYBODY AT THIS JENSEN STREET OR JENSEN
- 4 COURT ADDRESS?
- 5 A NO. WE DID NOT.
- 6 Q FOLLOWING YOUR ATTEMPTS TO LOCATE MR. RICHARDSON AT THAT
- 7 ADDRESS DID YOU CHECK ANYWHERE ELSE?
- 8 A YES. WE DEVELOPED INFORMATION THROUGH THE INVESTIGATION
- 9 THAT MR. RICHARDSON HAD PURCHASED OR WAS PURCHASING A HOME IN
- 10 NEWBERRY, SOUTH CAROLINA -- SPECIFICALLY AT 654 I BELIEVE
- 11 IT'S PLEASURE POINT ROAD.
- 12 Q IS THAT PLEASURE POINT OR LEISURE POINT?
- 13 A LEISURE POINT. I AM SORRY. LEISURE POINT IN NEWBERRY
- 14 -- 654, I BELIEVE, IS THE ADDRESS OF THAT AND WE FOLLOWED
- 15 THAT INFORMATION UP IN ATTEMPTING TO LOCATE MR. RICHARDSON.
- 16 Q IN FOLLOWING UP THAT INFORMATION WHAT, IF ANYTHING, DID
- 17 Y'ALL FIND AT THAT ADDRESS?
- 18 A WHEN WE WENT TO THAT RESIDENCE IN SEARCH OF MR.
- 19 RICHARDSON WE FOUND A WHITE TOYOTA LANDCRUISER BEARING THE
- 20 TAG THAT WAS CONSISTENT WITH TAG THAT THEY HAD GIVEN US AT
- 21 THE C&L SOCIAL CLUB THAT NIGHT.
- 22 Q WHAT WAS THAT TAG NUMBER?
- 23 A THAT TAG WAS U6803.
- 24 Q AND WHO DID THAT TAG COME BACK TO?
- 25 A THAT TAG COMES BACK TO WILLIE JAMES RICHARDSON AT 2700

1 PARK STREET.

2 Q I SHOW YOU SOME PHOTOGRAPHS THAT HAVE ALREADY BEEN
3 MARKED AS EXHIBITS -- STATE'S EXHIBIT 30, 31, AND 32. DO
4 YOU RECOGNIZE THOSE PHOTOGRAPHS?

5 A YES, SIR. THOSE ARE PHOTOGRAPHS OF THE WHITE
6 LANDCRUISER THAT WE FOUND AT THE NEWBERRY ADDRESS, AND THE
7 VEHICLE STILL HAS THE TAG U6803 ON IT.

8 Q THAT IS THE LANDCRUISER THAT YOU FOUND?

9 A YES, SIR.

10 Q DID Y'ALL SEARCH THAT VEHICLE?

11 A I MADE A REQUEST IT BE SEARCHED. MY UNDERSTANDING IS IT
12 WAS SEARCHED BY DETECTIVE CHARLIE CATOE.

13 Q DID YOU GATHER ANY EVIDENCE FROM IT?

14 A I DID NOT AND WAS NOT MADE AWARE OF ANY EVIDENCE THAT
15 WAS PERTINENT TO THE INVESTIGATION.

16 Q OTHER THAN THE VEHICLE ITSELF?

17 A THE VEHICLE ITSELF, YES, SIR.

18 Q THAT RESIDENCE IN NEWBERRY, WAS THERE ACTUALLY A HOUSE
19 OR A HOME THERE?

20 A YES, SIR. THERE WAS A HOME THERE. IT WAS ON THE LAKE.

21 Q DID Y'ALL SEARCH THAT RESIDENCE?

22 A YES, WE DID.

23 Q DID Y'ALL FIND ANYTHING IN THAT RESIDENCE?

24 A WE FOUND A BLACK FEMALE IN THE RESIDENCE WHO WE
25 IDENTIFIED AS ANGELA COLE, BUT WE DID NOT FIND WILLIE

1 RICHARDSON.

2 Q WHO IS ANGELA COLE?

3 A SHE WAS JUST A FEMALE WE FOUND AT THAT ADDRESS. SHE
4 INDICATED SHE KNEW WILLIE RICHARDSON.

5 MR. YOUNG: OBJECTION, YOUR HONOR.

6 MR. HUBBARD: LET'S NOT GET INTO ANY---

7 THE WITNESS: I UNDERSTAND.

8 THE COURT: I SUSTAIN THE OBJECTION. JUST TELL US WHAT YOU
9 KNOW, SIR, AND NOT WHAT SOMEBODY ELSE HAS TOLD YOU.

10 THE WITNESS: I APOLOGIZE, YOUR HONOR. SHE JUST INDICATED
11 TO US THAT---

12 Q LET ME JUST ASK THIS QUESTION. DID Y'ALL ARREST HER?

13 A NO. WE DID NOT.

14 Q DID YOU HAVE ANY REASON AT THAT POINT OR ANY INFORMATION
15 THAT WOULD LINK HER TO THIS CASE?

16 A NO, SIR. SHE WAS LEFT AT HOME WHEN WE LEFT.

17 Q DO YOU RECALL WHAT DAY THIS WAS THAT YOU GOT THE
18 LANDCRUISER AND YOU MET THIS WOMAN NAMED ANGELA COLE?

19 A I WANT TO SAY THIS WAS ON THE 16TH.

20 Q OF AUGUST?

21 A OF AUGUST.

22 Q THAT'S THREE DAYS?

23 A THREE DAYS.

24 Q FOLLOWING THE INCIDENT?

25 A YES, SIR.

1 Q NOW, THE TAG NUMBER OF THE WHITE LANDCRUISER, Y'ALL WERE
2 ABLE TO TRACE THAT TO THE WHITE LANDCRUISER; CORRECT?

3 A RIGHT.

4 Q DID YOU HAVE ANOTHER TAG NUMBER?

5 A THERE WAS ANOTHER TAG OF -- THE INFORMATION WE HAD
6 ORIGINALLY BEEN GIVEN WAS U6833 I BELIEVE IS WHAT WE WERE
7 GIVEN.

8 Q IF I CAN, DID YOU END UP AT SOME POINT RUNNING A CHECK
9 ON THAT TAG TO SEE WHO THAT WAS REGISTERED TO?

10 A I BELIEVE WE DID.

11 Q DID U6833 COME BACK TO ANYONE?

12 A I DON'T REMEMBER THAT IT CAME BACK TO ANYTHING
13 PERTINENT, AND IT DIDN'T COME BACK TO A LANDCRUISER VEHICLE
14 OR A TOYOTA VEHICLE.

15 Q DID YOU RUN A VARIATION TO SEE IF IT COULD COME BACK TO
16 ANY VEHICLE THAT MIGHT BE ASSOCIATED WITH THIS?

17 A YES, SIR. WE RAN UNIVERSITY TAG U5388 CHANGING THAT
18 FIRST NUMBER BY ONE DIGIT.

19 Q 5833?

20 A YES, I'M SORRY. 5 -- NO, SIR, U-5388.

21 Q WHEN YOU RAN THAT VARIATION, WHAT, IF ANYTHING, DID YOU
22 GET?

23 A THAT CAME BACK TO A 1994 TOYOTA WAGON REGISTERED TO
24 ANGELA COLE.

25 Q WHEN DID YOU RUN THIS TAG?

- 1 A THAT TAG WAS RUN ON AUGUST 24, 1995 AT 20:34 HOURS WHICH
2 IS 8:34 IN THE EVENING.
- 3 Q IF I MAY, IT WAS REGISTERED TO WHO?
- 4 A ANGELA COLE, C-O-L-E.
- 5 Q IF I CAN, THE TAG NUMBER FOR THAT WHITE LANDCRUISER,
6 WILL YOU GIVE ME THAT TAG NUMBER AGAIN?
- 7 A YES. THAT'S U6803.
- 8 Q 803?
- 9 A YES, SIR.
- 10 Q WHAT KIND OF VEHICLE WAS THAT?
- 11 A A 1993 TOYOTA LANDCRUISER. THE REGISTRATION SAYS IT IS
12 A TOYOTA WAGON.
- 13 Q AND A COLOR ON THAT COLOR DESCRIPTION?
- 14 A WHITE.
- 15 Q WHO WAS THAT VEHICLE REGISTERED TO?
- 16 A THAT VEHICLE WAS REGISTERED TO WILLIE JAMES RICHARDSON
17 AT 2700 PARK STREET.
- 18 Q WHAT CITY IS PARK STREET IN?
- 19 A THAT'S IN COLUMBIA.
- 20 Q AGAIN, WHEN YOU WENT TO THAT ADDRESS WHAT WAS THE SECOND
21 ADDRESS YOU WENT TO?
- 22 A WE WERE GIVEN 24 -- LET ME MAKE SURE. I AM GETTING ALL
23 THESE NUMBERS JUMBLED UP. I'M SORRY. 1204 JENSEN.
- 24 Q JENSEN COURT OR STREET?
- 25 A I BELIEVE IT'S COURT OR STREET. IT'S IN WEST

1 COLUMBIA.

2 Q DID YOU FIND ANYONE AT THAT ADDRESS AGAIN?

3 A DID NOT FIND ANYONE AT THAT ADDRESS.

4 Q WITH THE NEXT ADDRESS?

5 A THE NEXT ADDRESS WE GOT WAS 654 LEISURE POINT IN CHAPIN.

6 Q IN CHAPIN?

7 A I'M SORRY; IN NEWBERRY.

8 Q AT THAT ADDRESS WHAT DID YOU FIND?

9 A THAT'S WHERE WE LOCATED THIS LANDCRUISER, THE WHITE
10 LANDCRUISER WITH U6803 TAG.

11 Q WHO ELSE WAS AT THAT RESIDENCE?

12 A THAT SAME NIGHT WE FOUND ANGELA COLE AT THAT ADDRESS AT
13 654 LEISURE.

14 Q WHAT WAS THE OTHER TAG NUMBER YOU WERE GIVEN?

15 A U6388 IS WHAT WE WERE ORIGINALLY GIVEN BY WITNESSES.

16 Q ALL RIGHT. NOW, DO YOU REMEMBER WHAT WITNESS GAVE YOU
17 THIS TAG NUMBER?

18 A I DON'T REMEMBER IT OFF THE TOP OF MY HEAD. IT WOULD BE
19 IN MY NOTES. THEY WEREN'T SPECIFICALLY GIVEN TO ME. I DID
20 NOT TAKE THOSE STATEMENTS THAT NIGHT.

21 Q DID YOU RUN A TRACE ON THAT TAG?

22 A RIGHT. IT DID NOT COME BACK TO WHAT APPEARED TO BE
23 ANYTHING PERTINENT TO THE INVESTIGATION.

24 Q DID YOU RUN A VARIATION?

25 A WE RAN U5388.

1 Q U5388. WHO DID THAT COME BACK TO?

2 A THAT REGISTRATION COMES BACK TO A '94 TOYOTA WAGON TO
3 ANGELA COLE.

4 Q WHAT DAY DID YOU RUN THE TAG NUMBER ON THE SECOND
5 CRUISER -- THE SECOND VEHICLE?

6 A THAT WAS RUN ON AUGUST 24 1995 AT 20:34 HOURS WHICH IS
7 8:34 P.M.

8 Q WHAT DAY DID YOU FIND THE WHITE LANDCRUISER?

9 A WE FOUND THAT ON 16TH OF AUGUST.

10 Q DOES THAT ACCURATELY DEPICT THE BREAKDOWN OF WHAT YOU
11 WERE ABLE TO DETERMINE ABOUT THESE VEHICLES?

12 A YES, SIR, IT DOES.

13 MR. HUBBARD: YOUR HONOR, I OFFER THAT INTO EVIDENCE.

14 MR. YOUNG: I WOULD OBJECT, YOUR HONOR, TO IT BEING
15 CUMULATIVE TO TO WHAT THE OFFICER ALREADY TESTIFIED TO.

16 THE COURT: SUSTAIN THE OBJECTION.

17 MR. HUBBARD: YOUR HONOR, I WOULD -- I DON'T WANT TO
18 CHALLENGE YOUR HONOR'S RULING, BUT I WOULD JUST ARGUE THAT
19 THERE IS SOME CONFUSION AS TO OR IT CAN GET CONFUSING AS TO
20 ADDRESSES. THAT'S THE ONLY REASON I OFFER IT.

21 THE COURT: SUSTAIN THE OBJECTION.

22 MR. HUBBARD: YES, SIR, YOUR HONOR.

23 Q LET ME ASK YOU, AS TO ANGELA COLE DID YOU EVER SUCCEED
24 IN TRYING TO FIND HER?

25 A THAT ONE DAY WE FOUND HER. WE HAVE NOT FOUND HER SINCE.

1 Q THE DAY YOU FOUND HER ON THE 16TH WAS SHE A SUSPECT OR
2 WAS SHE TO YOUR KNOWLEDGE INVOLVED IN THE CASE?

3 A NO. AS A MATTER OF FACT, THE HOUSE APPEARED VERY DARK
4 THAT NIGHT. WE WERE KIND OF SURPRISED WE FOUND SOMEONE
5 THERE.

6 Q HAVE YOU BEEN ABLE TO FIND HER SINCE THAT DAY?

7 A I HAVE NOT.

8 Q GOING BACK TO WILLIE JAMES RICHARDSON, WERE YOU
9 EVENTUALLY ABLE TO LOCATE HIM?

10 A YES, SIR. HE WAS TAKEN INTO CUSTODY IN NEW YORK.

11 Q IN NEW YORK?

12 A YES, SIR.

13 Q ONCE HE WAS LOCATED IN NEW YORK WHAT, IF ANY, ATTEMPTS
14 DID Y'ALL MAKE TO BRING HIM BACK TO SOUTH CAROLINA?

15 A I MADE ATTEMPTS THROUGH THE SOLICITOR'S OFFICE TO HAVE
16 HIM EXTRADITED BACK TO SOUTH CAROLINA FOR CHARGES HERE.

17 Q NOW, GOING FROM NEW YORK TO SOUTH CAROLINA, DID HE JUST
18 COME STRAIGHT OR HERE OR WAS THERE AN INTERIM STOP?

19 A THERE WAS AN INTERIM STOP. IT TAKES SOME TIME TO GET
20 THE PAPERWORK IN EFFECT TO GET HIM BROUGHT BACK INTO THE
21 STATE.

22 Q WHERE, IF ANYWHERE, DID HE STOP PRIOR TO YOU DEALING
23 WITH HIM DOWN HERE IN SOUTH CAROLINA?

24 A IT WAS LATER LEARNED THAT HE WAS IN NORFOLK, VIRGINIA
25 FOR A WHILE IN A FEDERAL FACILITY.

1 Q LET ME ASK YOU, HAVE YOU EVER HEARD THE NAME OF REGINALD
2 LEON LUCAS?

3 A YES, I WAS.

4 Q WHO IS HERE?

5 A LEON LUCAS WAS A FEDERAL INMATE THAT I TRAVELED TO
6 NORFOLK, VIRGINIA TO INTERVIEW PURSUANT TO A CONVERSATION HE
7 HAD WITH WILLIE JAMES RICHARDSON.

8 Q WAS HE WITH WILLIE RICHARDSON?

9 A I LEARNED HE WAS A CELL MATE OF WILLIE RICHARDSON.

10 Q HAVE YOU EVER HEARD OR TALKED TO A FELLOW BY THE NAME OF
11 SAM BRYANT?

12 A YES. SAM BRYANT IS AN F.B.I. AGENT OUT OF THE NORFOLK,
13 VIRGINIA AREA.

14 Q DID YOU HAVE A CONVERSATION WITH AGENT BRYANT?

15 A YES, BEFORE I WENT AND INTERVIEWED REGINALD LUCAS AGENT
16 BRYANT CONTACTED ME AND GAVE ME SOME INFORMATION THAT
17 REGINALD LUCAS HAD BEEN A CELL MATE OF WILLIE RICHARDSON AND
18 MIGHT HAVE SOME INFORMATION PERTINENT TO THE SOUTH CAROLINA
19 CASE IS HOW HE REFERRED TO IT.

20 Q BASED ON YOUR CONVERSATION WITH AGENT BRYANT, WHAT DID
21 YOU DO?

22 A I TRAVELED TO NORFOLK, VIRGINIA.

23 Q THE PURPOSE FOR GOING TO NORFOLK, VIRGINIA WAS TO DO
24 WHAT?

25 A TO MEET WITH REGINALD LUCAS AND INTERVIEW HIM ABOUT SOME

1 STATEMENTS HE HAD MADE CONCERNING AN INCIDENT THAT HAPPENED
2 IN SOUTH CAROLINA.

3 Q IN STATEMENTS THAT -- ALL RIGHT. STATEMENTS LUCAS HAD
4 MADE OR STATEMENTS---

5 A STATEMENTS WILLIE RICHARDSON HAD MADE TO REGINALD LUCAS
6 WHILE THEY WERE CELLMATES.

7 Q THOSE STATEMENTS CONCERNED WHAT?

8 A WHAT SAM BRYANT REFERRED TO AS THE SOUTH CAROLINA CASE
9 WHICH I LATER LEARNED FROM REGINALD LUCAS INVOLVED A HOMICIDE
10 AT A NIGHTCLUB IN SOUTH CAROLINA.

11 Q NOW, DID YOU TALK TO REGINALD LUCAS?

12 A YES, I DID AT LENGTH.

13 Q AND DID YOU AT SOME POINT TAKE A STATEMENT FROM HIM?

14 A YES, I DID.

15 Q WHEN IS THE LAST TIME YOU SAW REGINALD LUCAS?

16 A I SAW MR. LUCAS YESTERDAY.

17 Q HE IS HERE NOW?

18 A YES, SIR, HE IS.

19 Q DO YOU KNOW WHY HE IS HERE IN SOUTH CAROLINA?

20 A HE IS HERE TO TESTIFY ABOUT THE FACTS OF THE
21 CONVERSATION HE HAD WITH WILLIE RICHARDSON.

22 Q LET'S GO BACK TO WILLIE RICHARDSON. AT SOME POINT WAS
23 MR. RICHARDSON FINALLY BROUGHT BACK TO SOUTH CAROLINA?

24 A YES, HE WAS.

25 Q DO YOU RECALL APPROXIMATELY WHEN THAT WAS?

1 A WITHOUT SEEING IT RIGHT IN FRONT OF ME I'M NOT EXACTLY
2 SURE OF THE DATE.

3 Q YOU DON'T HAVE TO GIVE A SPECIFIC TIME -- SUMMER,
4 WINTER, FALL?

5 A I'LL TELL YOU TRUTH. I HAVE NOT LOOKED THAT DATE UP AS
6 TO WHEN HE WAS SPECIFICALLY BROUGHT BACK. I APOLOGIZE FOR
7 THAT.

8 Q THAT'S FINE. AT SOME POINT HE WAS BROUGHT BACK?

9 A HE WAS BROUGHT BACK TO SOUTH CAROLINA, YES, SIR.

10 Q NOW, SOMETIME AFTER MR. RICHARDSON WAS BROUGHT BACK TO
11 SOUTH CAROLINA, DID YOU HAVE AN OPPORTUNITY TO SEE HIM?

12 A YES, I DID. I SAW HIM IN THE BOOKING AREA AT OUR
13 DETENTION FACILITY.

14 Q AT SOME POINT WHEN YOU SAW HIM WHAT, IF ANYTHING,
15 OCCURRED?

16 A HE WAS IN WHAT IS CALLED A HOLDING CELL RIGHT THERE BY
17 OUR BOOKING AREA, AND WE BECAME AWARE OF WHO THE OTHER WAS,
18 AND I STRUCK UP A BRIEF CONVERSATION WITH HIM, AND WHILE WE
19 WERE IN CONVERSATION HE STRETCHED HIS ARMS OUT OF THE BAR.

20 Q LET ME ASK YOU THIS. DID THAT CONVERSATION CONSIST OF,
21 HEY, HE KNEW WHO YOU WERE?

22 A RIGHT.

23 Q OKAY.

24 A RIGHT.

25 Q AND THAT'S HOW YOU KNEW WHO HE WAS?

1 A RIGHT.

2 Q WHEN YOU SAW HIM WHAT, IF ANYTHING, DID YOU SEE OR
3 NOTICE ABOUT WILLIE RICHARDSON?

4 A WHILE WE WERE TALKING HE AT SOME OCCASION LEANED ACROSS
5 THE BARS OF THE DOOR AND HAD HIS ARMS OUT LIKE THAT AND WHEN
6 HE DID HIS SHIRT SLEEVES ROLLED UP ON BOTH ARMS, AND I
7 NOTICED ON HIS LEFT ARM A TATTOO THAT SAID RAHEEM. IT WASN'T
8 A VERY GOOD TATTOO. IT LOOKS LIKE SOMETHING YOU DO OFF THE
9 STREET OR SOMETHING, AND IT HAD THE LETTERS R-A-H-E-E-M ON
10 HIS ARM.

11 MR. HUBBARD: BEG THE COURT'S INDULGENCE.

12 (PAUSE.)

13 DETECTIVE FRIER, I HAVE NO FURTHER QUESTIONS AT THIS TIME.
14 PLEASE ANSWER ANY QUESTIONS THAT MR. YOUNG MIGHT HAVE FOR
15 YOU.

16 THE WITNESS: YES, SIR.

17 THE COURT: CROSS EXAMINATION, MR. YOUNG.

18 CROSS EXAMINATION BY MR. YOUNG:

19 Q DETECTIVE FRIER, YOU TESTIFIED THAT THE DAY YOU SAW MR.
20 RICHARDSON IN LEXINGTON COUNTY -- WELL, LET ME BACK UP.
21 THIS WAS YOUR FIRST ENCOUNTER WITH MR. RICHARDSON?

22 A THAT'S THE FIRST I HAD SEEN HIM IN PERSON, YES, SIR.

23 Q THE FIRST TIME TO THE BEST OF YOUR KNOWLEDGE OF HIM
24 SEEING YOU?

25 A YES, SIR.

1 Q YET, WHEN HE SAW YOU AT THE LEXINGTON COUNTY JAIL, HE
2 IMMEDIATELY KNEW WHO YOU WERE?

3 A IF I REMEMBER CORRECTLY SOMEONE CALLED MY NAME OUT OR
4 SAID MY NAME, AND IF MY MEMORY SERVES ME RIGHT HE ASKED ME
5 SOMETHING TO EXTENT OF, "ARE YOU SCOTTIE FRIER," OR "ARE YOU
6 DETECTIVE FRIER?"

7 Q DETECTIVE FRIER, YOU TESTIFIED ABOUT THIS HEINEKEN
8 BOTTLE AND SAID THERE WAS AN ATTEMPT TO RETRIEVE FINGERPRINTS
9 OFF OF IT?

10 A I DID NOT MAKE THAT ATTEMPT MYSELF, BUT I NOTICED THE
11 DUST ON IT WOULD INDICATE SOMEONE DID DO IT AT MY REQUEST.

12 Q YOU THEN LEARNED THE NIGHT OF INVESTIGATING THIS ACTION
13 THAT THERE WERE A FEW PEOPLE WHO WERE DRINKING HEINEKEN
14 BEERS, DID YOU NOT?

15 A YES, SIR. THAT'S CORRECT.

16 Q YOU ONLY RETRIEVED ONE BOTTLE?

17 A THAT'S THE ONLY BOTTLE I TOOK INTO EVIDENCE, YES, SIR.

18 Q NOW DETECTIVE FRIER, YOU TESTIFIED AN I.D. OFFICER OR A
19 CRIME SCENE OFFICER WAS THE OFFICER WHO IS RESPONSIBLE FOR
20 COLLECTING EVIDENCE AT THE CRIME SCENE; CORRECT?

21 A THAT'S CORRECT.

22 Q YOU TESTIFIED ORDINARILY THERE IS A CRIME SCENE OFFICER
23 AND AN INVESTIGATING OFFICER INVOLVED?

24 A YES, SIR.

25 Q THE REASON FOR THAT IS SO NEITHER ONE WOULD TAINT THE

1 OTHER IN THEIR RESPONSIBILITIES; CORRECT?

2 A I DON'T KNOW IF THAT'S REASON WHY YOU HAVE TWO, BUT
3 THERE ARE JUST DIFFERENT RESPONSIBILITIES THERE. ONE NEEDS
4 TO DO INTERVIEWS. THE OTHER NEEDS TO COLLECT EVIDENCE.

5 Q BUT IT'S YOUR TESTIMONY THAT YOU SERVED IN BOTH ROLES IN
6 THIS CASE; CORRECT?

7 A EVENTUALLY, I WAS NAMED THE CASE OFFICER OF THE
8 INVESTIGATION, AND PROBABLY THE REASON THE FOR THAT MORESO
9 THAN ANY OTHER REASON WAS IT HAPPENED ON A WEEKEND DUTY WHEN
10 I HAD WEEKEND DUTY RESPONSIBILITIES, AND I WOULD BECOME THE
11 CASE OFFICER BECAUSE IT HAPPENED BASICALLY ON MY WATCH I
12 GUESS IS THE WAY TO SAY IT.

13 Q AS PART OF YOUR RESPONSIBILITIES AS THE CRIME SCENE
14 OFFICER OR THE I.D. OFFICER---

15 A YES, SIR.

16 Q ---IN THIS CASE YOUR JOB WAS TO PROCESS THE SCENE?

17 A YES, SIR.

18 Q COLLECT EVIDENCE?

19 A YES, SIR.

20 Q YOU RECEIVED INFORMATION THAT THIS GROUP OF PEOPLE WERE
21 AT THE BAR AT SOME POINT IN TIME; CORRECT?

22 A YES, SIR.

23 Q DID YOU EVER PROCESS THAT BAR?

24 A NO, SIR, I DID NOT.

25 Q FOR ANY TYPE OF PRINTS?

- 1 A NO, SIR, I DID NOT.
- 2 Q YOU LEARNED AT SOME POINT IN TIME THAT THIS PERSON WHO
- 3 WAS THE SHOOTER EXITED THE BUILDING; CORRECT?
- 4 A YES, SIR.
- 5 Q CAME BACK AND BANGED ON THE DOOR; CORRECT?
- 6 A YES, SIR.
- 7 Q DID YOU EVER PROCESS THAT DOOR FOR ANY TYPE OF PRINTS?
- 8 A NO, SIR, I DID NOT.
- 9 Q THIS AUTOMOBILE WAS LOCATED I BELIEVE YOU SAID ON AUGUST
- 10 16TH; CORRECT?
- 11 A YES, SIR.
- 12 Q AT THAT POINT IN TIME ANOTHER I.D. OFFICER PROCESSED
- 13 THAT VEHICLE; CORRECT?
- 14 A YES, SIR.
- 15 Q PROCESSED IT FOR ANY EVIDENCE; CORRECT?
- 16 A YES, SIR. OF COURSE, I'VE GOT TO BE REAL CAREFUL. I AM
- 17 NOT EXACTLY SURE EXACTLY WHAT HE DID.
- 18 Q ORDINARILY WHEN I.D. OFFICERS PROCESS A SCENE THEY ARE
- 19 PROCESSING IT FOR ANY EVIDENCE THAT MAY BE IMPORTANT?
- 20 A RIGHT.
- 21 Q CORRECT?
- 22 A RIGHT.
- 23 Q AND ALLOW THE INVESTIGATING OFFICER TO DETERMINE WHAT IS
- 24 ESSENTIAL AND WHAT ISN'T ESSENTIAL TO THAT CASE; CORRECT?
- 25 A RIGHT.

1 Q WHEN THIS AUTOMOBILE WAS PROCESSED WERE ANY FINGERPRINTS
2 OBTAINED?

3 A I WAS NEVER MADE AWARE OF ANY FINGERPRINTS THAT WERE
4 LOCATED.

5 Q BUT YOU HAD LEARNED THAT THIS SHOOTER WENT TO THIS
6 AUTOMOBILE; CORRECT?

7 A RIGHT.

8 Q AND AT LEAST TOUCHED THE PASSENGER SIDE DOOR; CORRECT?

9 A THAT'S WHAT WITNESSES INDICATED, YES, SIR.

10 Q YOU TESTIFIED THAT THE NIGHT OF THIS ACCIDENT THAT YOU
11 RECEIVED A TAG NUMBER OR TWO TAG NUMBERS -- ONE BEING
12 U6803?

13 A YES, SIR.

14 Q AT THAT POINT IN TIME YOU RAN A CHECK ON THAT TAG?

15 A YES, SIR.

16 Q IN RUNNING THAT CHECK ON THAT TAG DID YOU OBTAIN THE
17 DATE OF BIRTH FOR THE WILLIE RICHARDSON THAT THAT CAR WAS
18 REGISTERED TO?

19 A AT THAT TIME I DID NOT.

20 Q AT ANY POINT IN TIME DID YOU RECEIVE THE DATE OF BIRTH
21 THAT THIS AUTOMOBILE WAS REGISTERED TO?

22 A WHEN YOU RUN A TAG LIKE THAT AND IT GIVES YOU A NAME
23 WILLIE JAMES RICHARDSON IT'S NOT GOING TO GIVE YOU A DATE OF
24 BIRTH ON THAT PERSON.

25 Q AND YOU HAVE NOT CONDUCTED ANY TYPE OF INVESTIGATION TO

1 CONFIRM THE DATE OF BIRTH OF THAT WILLIE JAMES RICHARDSON,
2 HAVE YOU?

3 A I HAVE RUN A SOUTH CAROLINA DRIVER'S LICENSE THAT COMES
4 BACK TO A WILLIE JAMES RICHARDSON ON PARK STREET, BUT THE --
5 IT'S AN OLDER DATE OF BIRTH THAT WE HAVE TRACED BACK TO HIS
6 FATHER.

7 Q HAVE YOU DONE ANY FOLLOW-UP TO OBTAINING THAT DRIVER'S
8 LICENSE TO DETERMINE WHETHER OR NOT HIS FATHER IS THE OWNER
9 OF THAT LANDCRUISER?

10 A THERE WOULD BE NO WAY FOR ME THE TELL THAT.

11 Q HAVE YOU INTERVIEWED HIS FATHER?

12 A I HAVE SPOKEN WITH HIS FATHER. I DON'T KNOW IF YOU
13 WOULD CALL IT AN INTERVIEW.

14 Q YOU DIDN'T ASK HIS FATHER --- THAT'S OKAY. SCRATCH
15 THAT. YOU STATED THAT AT SOME POINT IN TIME YOU WENT TO THIS
16 PARK STREET ADDRESS?

17 A YES, SIR.

18 Q AND LEARNED OF A WEST COLUMBIA ADDRESS?

19 A RIGHT.

20 Q I BELIEVE YOU TESTIFIED THAT THE PERSON THAT YOU SPOKE
21 WITH OR THE PERSON THAT GAVE YOU THIS INFORMATION WAS A
22 RELATIVE?

23 A RIGHT.

24 Q WHO WAS THAT PERSON?

25 A THE ORIGINAL INFORMATION WAS OBTAINED -- THE ORIGINAL

1 INFORMATION WE GOT WAS THAT A FEMALE WHO INDICATED SHE WAS
2 THE COUSIN OF WILLIE RICHARDSON.

3 Q YOU TESTIFIED EARLIER, DID YOU NOT, THAT IT WAS A SISTER
4 THAT PROVIDED THAT INFORMATION; CORRECT?

5 A IT SEEMS LIKE I TALKED TO A SISTER LATER. THE ORIGINAL
6 INFORMATION WE GOT ON JENSEN STREET CAME THROUGH A PHONE CALL
7 WHEN WE TRIED TO GET A PHONE NUMBER FOR THE ADDRESS AT 2700
8 PARK STREET.

9 Q THE NIGHT OF THIS INCIDENT YOU RECEIVED A SECOND TAG
10 NUMBER -- U6388; CORRECT?

11 A IT WAS BROUGHT TO OUR ATTENTION. I DID NOT SPECIFICALLY
12 TAKE THAT STATEMENT, BUT I WAS MADE AWARE OF THAT, YES, SIR.

13 Q AS A RESULT OF YOU BEING MADE AWARE OF THIS SECOND TAG
14 NUMBER, YOU RAN THAT TAG NUMBER, DID YOU NOT?

15 A YES, SIR.

16 Q I BELIEVE YOUR TESTIMONY WAS IT DIDN'T COME BACK TO
17 ANYTHING PERTINENT, DID YOU?

18 A I DON'T REMEMBER IF I STILL HAVE THAT TAG, BUT IT DIDN'T
19 COME BACK TO A TOYOTA VEHICLE.

20 Q DID YOU MAKE ANY -- YOU DIDN'T MAKE ANY ATTEMPT TO
21 INTERVIEW ANYONE OWNING THAT TAG, DID YOU?

22 A NO, SIR, I DID NOT.

23 Q SO YOU DO NOT KNOW WHETHER OR NOT ANYONE CONNECTED TO
24 THAT TAG HAD ANYTHING TO DO WITH THIS INCIDENT?

25 A I DID NOT INTERVIEW ANYONE ASSOCIATED WITH THAT TAG, NO,

1 SIR.

2 Q BUT YOU AT LEAST HAD INFORMATION, DID YOU NOT, THAT THAT
3 TAG WAS SEEN AT THAT LOCATION?

4 A THAT WAS THE TAG THAT WAS GIVEN, YES, SIR.

5 Q YOU TESTIFIED THAT ON AUGUST 24, 1995, YOU DECIDED TO
6 RUN A VARIATION OF THAT TAG, DID YOU NOT?

7 A YES, SIR.

8 Q A VARIATION THAT CHANGED THAT ENTIRE TAG NUMBER, DID YOU
9 NOT?

10 A YES. MR. YOUNG, WE DO THAT. IT'S VERY COMMON PLACE
11 WHEN WITNESSES ARE EXCITED A FIVE AND A SIX ON A TAG AT NIGHT
12 CAN LOOK A LOT ALIKE. AND IT'S NOT UNCOMMON FOR US TO RUN
13 SOME VARIATIONS TO SEE IF IT WOULD PAN OUT TO SOMETHING THAT
14 APPEARS TO BE PERTINENT AND THEN RUNNING IT AND FINDING THE
15 NAME ANGELA COLE BECAME VERY PERTINENT.

16 Q DETECTIVE FRIER, ARE YOU ABSOLUTELY SURE THAT THE SECOND
17 TAG NUMBER THAT WAS PROVIDED TO YOU WAS U6388?

18 A I WOULD HAVE TO REVIEW THE STATEMENTS BUT THAT WAS MY
19 UNDERSTANDING. AGAIN, I DID NOT TAKE THAT STATEMENT.

20 Q ISN'T IT CORRECT THAT THE TAG THAT WAS GIVEN TO YOU AS
21 BEING THE SECOND TAG NUMBER WAS U6833?

22 A I WOULD HAVE TO REVIEW THE STATEMENT OF THE INDIVIDUAL
23 WHO GAVE THAT TAG.

24 Q DO YOU HAVE A COPY OF THAT STATEMENT WITH YOU?

25 A I DO NOT.

1 Q WOULD YOU A COPY OF THAT STATEMENT REFRESH YOUR
2 RECOLLECTION?

3 A YES, SIR.

4 Q (HANDS TO WITNESS.)

5 A RIGHT. ACCORDING TO THE STATEMENT PROVIDED BY JOHN
6 BOOKMAN ONE OF THE TAG NUMBERS WHICH WAS 6833 U.S.C. THAT'S
7 ACCORDING TO A STATEMENT PROVIDED TO DARREN AMICK BY JOHN
8 BOOKMAN.

9 Q I ASK YOU AGAIN, DETECTIVE FRIER, THE SECOND TAG THAT
10 YOU RAN A VARIATION ON WAS TOTALLY DIFFERENT THAN THE TAG
11 NUMBER THAT WAS PROVIDED TO YOU; CORRECT?

12 A YES, SIR.

13 Q AND IRONIC ENOUGH IT CAME UP TO BE REGISTERED TO AN
14 ANGELA COLE?

15 A YES, SIR.

16 Q AND IRONIC ENOUGH AN ANGELA COLE WAS AT THIS RESIDENCE
17 ON AUGUST 16TH?

18 A YES, SHE WAS.

19 Q YOU TESTIFIED THAT THERE WAS A SEARCH OF THIS LOCATION;
20 CORRECT?

21 A YES, THERE WAS.

22 Q WAS ANYTHING TAKEN FROM THAT LOCATION?

23 A THERE WAS SOME -- I REMEMBER TAKING A POWER BILL OR A
24 POWER BILL RECEIPT FROM THAT ADDRESS.

25 Q NEVER FOUND THE WEAPON THAT WAS SUPPOSEDLY USED IN THIS

1 INCIDENT?

2 A NO, SIR. WE DID NOT.

3 Q I BELIEVE YOU TESTIFIED EARLIER THAT THE WITNESSES THAT
4 NIGHT WERE ALL RELUCTANT TO TALK TO YOU OR TALK TO THE POLICE
5 OFFICERS?

6 A YES, SIR. THAT WAS THE INFORMATION I WAS GETTING FROM
7 THE OTHER OFFICERS THAT THEY WERE HAVING A HARD TIME WITH
8 PEOPLE TALKING TO THEM.

9 Q YOUR TESTIMONY REGARDING THE IDENTIFICATION OF THIS
10 PERSON THAT WAS INVOLVED IN THIS SHOOTING ULTIMATELY CAME
11 DOWN TO A PERSON APPROXIMATELY FIVE-TEN IN HEIGHT. I BELIEVE
12 YOUR TESTIMONY WAS 195 TO 215 POUNDS; CORRECT?

13 A THOSE WERE THE PARAMETERS I WAS GIVEN.

14 Q YOU RECEIVED A FURTHER DESCRIPTION OF A PERSON BEING
15 STOCKY BUILT YOU TESTIFIED TO?

16 THE COURT REPORTER: AS BEING WHAT BUILT?

17 MR. YOUNG: STOCKY BUILT.

18 THE WITNESS: I REMEMBER HIM BEING REFERRED TO BY SOMEONE
19 AS BIG BUILT.

20 Q YOU TESTIFIED THAT AT LEAST ONE PERSON INFORMED YOU
21 ABOUT A TATTOO; CORRECT?

22 A IT WAS IN ONE OF THE STATEMENTS. THEY DID NOT
23 SPECIFICALLY ME ABOUT IT. IT WAS RELAYED TO ME THROUGH THE
24 STATEMENT.

25 Q ISN'T IT TRUE THAT WHAT WAS RELATED TO YOU WAS THAT

1 THERE WERE TATTOOS ON THIS PERSON?

2 A YES, SIR. THAT'S WHAT THE STATEMENT SAID. THAT'S
3 CORRECT.

4 Q YOU TESTIFIED THAT MR. RICHARDSON WAS NOT ARRESTED UNTIL
5 HE WAS ARRESTED IN NEW YORK ON THESE WARRANTS; CORRECT?

6 A THAT'S CORRECT, YES, SIR.

7 Q ISN'T IT TRUE, DETECTIVE FRIER, THAT MR. RICHARDSON
8 ATTEMPTED TO CALL YOU ON FOUR OCCASIONS?

9 A I DID RECEIVE A VOICE MAIL FROM MR. RICHARDSON ON ONE
10 OCCASION.

11 Q UPON YOUR INVESTIGATION YOU TESTIFIED THAT THERE WAS
12 SOMEONE WHO MENTIONED TO YOU THAT SOMEONE IDENTIFIED A
13 WILLIE; CORRECT?

14 A RIGHT. THAT WAS ACCORDING TO THE STATEMENT.

15 Q AT ANY POINT IN TIME DID ANY OF THESE WITNESSES THAT
16 WERE THERE THAT NIGHT MENTION TO YOU THE NAME OF RAH?

17 A AGAIN, I DID NOT INTERVIEW ANYONE THAT NIGHT.

18 Q UPON YOUR INVESTIGATION BASED UPON THE INFORMATION THAT
19 WAS GIVEN TO YOU AS THE INVESTIGATING OFFICER---

20 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)

21 Q ---DID ANY OF THESE WITNESSES REFER TO A RAH?

22 A ON THAT NIGHT?

23 Q ON THAT NIGHT.

24 A NO, SIR. THEY DID NOT.

25 Q AT ANY POINT IN TIME DID ANY OF THESE WITNESSES CONTACT

1 YOU WITH ANY ADDITIONAL INFORMATION?

2 A NO, SIR. THEY DID NOT.

3 MR. YOUNG: THAT'S ALL THE QUESTIONS I HAVE, DETECTIVE
4 FRIER.

5 THE COURT: REDIRECT?

6 REDIRECT EXAMINATION BY MR. HUBBARD:

7 Q DETECTIVE FRIER, DID YOU INTERVIEW KIRBY BLOCKER THAT
8 NIGHT?

9 A I DID NOT TALK TO HIM THAT NIGHT. SOMEONE ELSE DID.

10 Q AND THIS TAG NUMBER THAT I ASKED YOU ABOUT THE OTHER
11 LANDCRUISER OR THE OTHER VEHICLE, YOU GAVE ME THAT. WAS THAT
12 FROM YOUR MEMORY OR FROM YOUR NOTES?

13 A THAT WAS FROM MY NOTES. I DID NOT TALK TO WITNESSES.

14 Q SPECIFICALLY LOOK AT YOUR NOTES AND SEE WHAT THAT NUMBER
15 IS.

16 A TO THE SECOND TAG?

17 Q RIGHT.

18 A IT'S 6388.

19 Q IT'S NOT 6833 AS MR. YOUNG WAS POINTING OUT? JUST TAKE
20 YOUR TIME AND THROUGH YOUR NOTES.

21 A YES, I HAVE TO GET BACK TO HIS STATEMENT. I HAVE IN MY
22 DICTATED SUPPLEMENTAL REPORT 6833, YES, SIR, AND I BELIEVE
23 THAT IS GOING TO CONFLICT WITH MR. BOOKMAN'S STATEMENT. IT
24 MAY HAVE BEEN A MISTAKE ON MY PART WHEN I WAS DOING THE
25 DICTATION.

1 Q THAT INFORMATION FROM THE OTHER VEHICLE, DID YOU GET IT
2 FROM ANYONE OTHER THAN MR. BOOKMAN?

3 A NO. AS A MATTER OF FACT, I WAS READING FROM HIS
4 STATEMENT AND I JUST DID A SYNOPSIS OF HIS STATEMENT ON MY
5 SUPPLEMENTAL REPORT WHICH I WOULD HAVE DICTATED.

6 Q DO YOU RECALL THIS STATEMENT? DOES THAT LOOK FAMILIAR
7 -- WHAT I JUST HANDED YOU?

8 A RIGHT.

9 Q WHAT IS THAT?

10 A THAT'S THE STATEMENT OF MR. BOOKMAN.

11 Q OKAY. THE TAG NUMBER THAT HE ACTUALLY WROTE, WHAT DID HE
12 ACTUALLY WRITE?

13 A HE HAS GOT 6833 HERE WHICH IS WHAT I'VE GOT IN MY
14 REPORT.

15 Q 6833?

16 A I AM NOT SURE IF I CONFUSED YOU OR YOU CONFUSED ME.

17 Q I PROBABLY CONFUSED YOU. SO THAT WAS WHAT ACTUALLY WAS
18 IN HIS STATEMENT?

19 A RIGHT. THAT'S WHAT I HAVE GOT IN MY STATEMENT AS WELL.

20 Q THAT'S WHAT BOOKMAN---

21 A THAT'S WHAT BOOKMAN PROVIDED TO US. RIGHT.

22 Q THE 6388 WAS FROM YOUR NOTES, YOUR TYPED NOTES?

23 A NO, I'M SORRY. 6833 IS ALSO DICTATED NOTES.

24 Q SO WHEN I ASKED YOU ABOUT U6388 THAT WAS JUST A
25 MISTAKEN---

- 1 A RIGHT.
- 2 Q SO YOU I JUST HAD A MISCUE?
- 3 A THAT IS IT. I AM NOT SURE IF I CONFUSED YOU OR YOU
- 4 CONFUSED ME.
- 5 Q I AM SURE I CONVINCED YOU. SO IT'S 6833?
- 6 A THAT'S WHAT MY REPORT AND MR. BOOKMAN'S STATEMENT SAY.
- 7 Q I PROBABLY ASKED YOU. I KNOW THESE NUMBERS ARE
- 8 SIMILAR. SO YOU WENT FROM THAT NUMBER AND TRIED TO RUN THAT
- 9 TAG?
- 10 A I RAN VARIATIONS; RIGHT.
- 11 Q THEN WHEN YOU RUN TAGS IS IT UNCOMMON TO RUN
- 12 VARIATIONS?
- 13 A NO. IT'S SOMETHING WE END UP DOING ALL THE TIME. WE
- 14 WILL GET ONE NUMBER OR ONE LETTER OFF.
- 15 Q THIS "U" -- WE'VE HEARD TALK ABOUT A UNIVERSITY TAG?
- 16 A RIGHT.
- 17 Q WHAT UNIVERSITY?
- 18 A IT'S A PERSONALIZED UNIVERSITY OF SOUTH CAROLINA TAG.
- 19 IT DOESN'T SAY U.S.C. IT HAS THE NUMBER "U" AND THEN FOUR
- 20 NUMBERS BEHIND IT.
- 21 Q DO YOU HAVE TO GO TO U.S.C. TO GET A TAG LIKE THAT?
- 22 A NO. YOU CAN GET IT THROUGH THE HIGHWAY DEPARTMENT.
- 23 MR. HUBBARD: I DON'T HAVE ANY FURTHER QUESTIONS.
- 24 THE COURT: RECROSS?
- 25 MR. YOUNG: ONE FOLLOW-UP, YOUR HONOR.

1 RECROSS EXAMINATION BY MR. YOUNG:

2 Q DETECTIVE FRIER, HOW MANY OF VARIATIONS OF THAT SECOND
3 TAG DID YOU RUN?

4 A I DON'T REMEMBER, MR. YOUNG. I JUST CAN'T HONESTLY
5 ANSWER THAT.

6 Q YOU HAPPENED TO REMEMBER ONE THAT YOU DID?

7 A WELL, ANGELA COLE DID STICK OUT. YES, SIR.

8 MR. YOUNG: I HAVE NO FURTHER QUESTIONS, YOUR HONOR.

9 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN.

10 MR. HUBBARD: ONE QUICK FOLLOW-UP ON THE VARIATIONS.

11 REDIRECT EXAMINATION BY MR. HUBBARD:

12 Q IF YOU HAD FOUND ANOTHER NAME WOULD YOU HAVE NOTED
13 THAT? FOR INSTANCE, IF YOU HAD RUN A VARIATION OF THOSE
14 NUMBERS AND YOU HAD COME UP WITH SOME OTHER NAME THAT YOU
15 DIDN'T KNOW ABOUT, WOULD YOU GO AHEAD AND DOCUMENT THAT?

16 A YES, BUT THE ONE THAT JUMPED OUT WAS ANGELA COLE.

17 MR. HUBBARD: NO FURTHER QUESTIONS, SIR.

18 THE COURT: ANYTHING FURTHER, MR. YOUNG?

19 MR. YOUNG: NOTHING FURTHER, YOUR HONOR.

20 THE COURT: YOU CAN STEP DOWN.

21 THE WITNESS: THANK YOU, YOUR HONOR.

22 THE COURT: NEXT WITNESS.

23 MR. HUBBARD: THE STATE CALLS CAPTAIN BUDDY WILLIAMS.

24 FELIX WILLIAMS, BEING FIRST DULY SWORN,

25 TESTIFIED AS FOLLOWS:

1 THE COURT: STATE YOUR NAME FOR THE RECORD, PLEASE.

2 THE WITNESS: MY NAME IS FELIX WILLIAMS.

3 DIRECT EXAMINATION BY MR. HUBBARD:

4 Q CAPTAIN WILLIAMS, WHERE DO YOU WORK?

5 A I AM THE JAIL ADMINISTRATOR FOR THE LEXINGTON COUNTY
6 DETENTION CENTER.

7 Q CAPTAIN, AS A JAIL ADMINISTRATOR ARE YOU OVER ANYONE
8 THAT IS KEPT OR HOUSED IN THE LEXINGTON COUNTY DETENTION
9 CENTER?

10 A YES. I HAVE THE DAILY OPERATIONS FOR THE JAIL.

11 Q ARE INMATES WHO ARE -- WHILE THEY ARE KEPT IN THAT
12 FACILITY ARE THEY ALLOWED TO HAVE VISITORS?

13 A YES, SIR, THEY ARE.

14 Q AND ARE THEY ALLOWED JUST -- IS ANYONE ALLOWED TO WALK
15 IN AND VISIT AN INMATE?

16 A NO, THEY ARE NOT. AN INMATE HAS TO FILL OUT WHAT WE
17 CALL A VISITATION LIST. THAT VISITATION LIST HAS OR USED TO
18 HAVE SIX NAMES. IT NOW HAS TWELVE NAMES ON IT. THOSE TWELVE
19 NAMES ARE PEOPLE THAT HE ALLOWS TO COME VISIT HIM.

20 Q DID WILLIE RICHARDSON FILL OUT ONE OF THOSE FORMS?

21 A YES, SIR.

22 Q LET ME SEE YOU IF YOU RECOGNIZE WHAT I AM HANDING YOU
23 HERE.

24 A YES. THIS IS HIS VISITATION LIST. IT WAS APPROVED IN
25 JANUARY OF THIS YEAR.

1 MR. YOUNG: OBJECTION, YOUR HONOR. I HAVE A MATTER OF LAW I
2 WOULD LIKE TO TAKE UP.

3 THE COURT: LADIES AND GENTLEMEN OF THE JURY, I HAVE A
4 MATTER OF LAW THAT I NEED TO TAKE WITH THE ATTORNEYS. I AM
5 GOING TO SEND YOU TO THE JURY ROOM. WHILE YOU ARE THERE
6 PLEASE DO NOT DISCUSS THIS CASE AMONGST YOURSELVES. I WILL
7 GET YOU BACK IN JUST A FEW MINUTES.

8 (THE JURY RETIRES TO THE JURY ROOM.)

9 THE COURT: ALL RIGHT, MR. YOUNG.

10 MR. YOUNG: YOUR HONOR, I WILL OBJECT TO THIS WITNESS'
11 TESTIMONY. ALSO, I WOULD MOVE FOR A MISTRIAL AT THIS POINT
12 IN TIME BASED ON THE STATE HAS OFFERED A WITNESS THAT IS
13 IMPLYING MY CLIENT IS CURRENTLY INCARCERATED TO THIS JURY.
14 IT IS ONLY GOING TO INFLAME THE PASSIONS OF THE JURY, AND WE
15 BELIEVE THAT IT IS HIGHLY PREJUDICIAL. I DID NOT KNOW WHAT
16 THIS WITNESS WAS GOING TO EXACTLY TESTIFY TO, AND THAT'S THE
17 REASON I WAS LISTENING CLOSELY. WHEN THEY MENTIONED THE DATE
18 AND HE GOT OUT PROBABLY ABOUT THE SAME TIME THAT I COULD GET
19 UP TO OBJECT HE HAS AT LEAST MENTIONED JANUARY.

20 LUCKILY, I GUESS I WAS ABLE TO STOP HIM BEFORE HE COULD
21 MENTION THE 2000, BUT BASED ON THAT, YOUR HONOR, I BELIEVE
22 THIS WITNESS HAS PREJUDICED THE JURY SUCH THAT MY CLIENT CAN
23 NO LONGER RECEIVE A FAIR TRIAL IN THIS CASE.

24 THE COURT: ALL RIGHT. MR. HUBBARD, LET ME HEAR FROM YOU.

25 MR. HUBBARD: YES, SIR. YOUR HONOR AS TO THE DATE, IF

1 THERE IS ANY PREJUDICE IT DOES NOT MERIT A MISTRIAL, YOUR
2 HONOR. HE DID NOT MENTION THE YEAR -- DID NOT MENTION THE
3 YEAR.

4 THE COURT: WHAT IS EVEN THE PURPOSE OF HAVING THIS?

5 MR. HUBBARD: I WILL EXPLAIN IT TO YOU.

6 THE COURT: I WISH YOU WOULD.

7 MR. HUBBARD: YOUR HONOR, WHAT HAPPENED WAS ON THAT
8 VISITATION LIST FOR MR. RICHARDSON IN MR. RICHARDSON'S HAND
9 IS A WOMAN BY THE NAME OF ANGELA COLE. THERE'S THIS SHELL
10 GAME THAT MS. COLE MIGHT BE RELATED TO SOMEBODY ELSE -- SOME
11 OTHER WILLIE RICHARDSON OUT THERE THAT HAS NOTHING DO WITH
12 THIS CASE, BUT ANGELA COLE IS A PERSON THAT THIS DEFENDANT
13 PUT ON THIS LIST AS SOMEONE HE WOULD LIKE TO HAVE VISIT.

14 THE COURT: WELL, DON'T YOU UNDERSTAND THAT YOU RUN A VERY
15 BIG RISK IN TRYING TO GET SOMETHING LIKE THIS IN---

16 MR. HUBBARD: YES, SIR, YOUR HONOR.

17 THE COURT: ---MR. HUBBARD AND MR. SWARAT?

18 MR. HUBBARD: YES, SIR, YOUR HONOR. YOUR HONOR, IT'S NOT
19 MR. SWARAT. IT'S MY DOING. BUT, YOUR HONOR, NO YEAR DATE
20 WAS PUT IN.

21 THE COURT: WHAT DIFFERENCE DOES THAT MAKE? I MEAN---

22 MR. HUBBARD: IF THERE'S NO---

23 THE COURT: IT GOES BACK TO WHAT WE HAVE BEEN TALKING ABOUT
24 BEFORE. I MEAN, I KNOW THAT THEY KNOW HE WAS IN JAIL AND HE
25 HAS BEEN TRANSPORTED, MR. YOUNG.

1 MR. YOUNG: YES, SIR, YOUR HONOR.

2 THE COURT: I MEAN, THAT HADN'T BEEN ANY BIG, BIG SECRET.

3 MR. YOUNG: YES, SIR.

4 MR. HUBBARD: YOUR HONOR, THERE ARE OTHER RELEVANT ITEMS ON
5 THIS AS WELL.

6 THE COURT: I WANT YOU TO GIVE ME SOME AUTHORITY ON THIS,
7 TOO.

8 MR. HUBBARD: AS TO...

9 THE COURT: AS TO THE ADMISSIBILITY OF IT.

10 MR. HUBBARD: WELL, YOUR HONOR, FIRST OF ALL, IT'S NOT RULE
11 5 MATERIAL.

12 THE COURT: WELL, I UNDERSTAND ALL THAT. GIVE ME SOME
13 AUTHORITY. I UNDERSTAND IT'S NOT RULE 5. I MEAN, WHY DON'T
14 YOU GIVE ME AN IDEA? WE ARE NOT IN A SENTENCING PHASE OF THE
15 CASE OR ANYTHING LIKE THAT AND MAYBE YOU DO SO MANY OF THESE
16 THINGS DOWN HERE YOU GET CONFUSED WITH IT.

17 MR. HUBBARD: NO, SIR. THIS DOCUMENT IS RELEVANT TO THIS
18 CASE AND THESE CHARGES AND TO THE NAME OF ANGELA COLE AND TO
19 SEVERAL OTHER NAMES ON HERE. HERE IS WHY, YOUR HONOR.
20 SEVERAL OF THESE NAMES ARE LISTED---

21 THE COURT: HOW ABOUT PROVIDING ME WITH A COPY OF THAT---

22 MR. HUBBARD: YES, SIR.

23 THE COURT: ---WHILE WE'RE TALKING ABOUT IT.

24 MR. HUBBARD: ---ARE LISTED AT THIS PARK STREET ADDRESS
25 AND, YOUR HONOR, I AM NOT GOING TO OFFER THAT INTO EVIDENCE,

1 BUT BUDDY WILLIAMS IS THE KEEPER OF THIS. (HANDS TO COURT.)
2 SINCE I DON'T HAVE AN ORIGINAL THAT HAS NOT BEEN MARKED UP BY
3 ME OR SOMEONE ELSE, I AM JUST OFFERING THIS -- HIS TESTIMONY
4 WHICH MR. YOUNG HAS. HE CAN CROSS HIM ON IT FOR ANY CHANGE
5 OR VARIATIONS. THE PARK STREET ADDRESS BECOMES RELEVANT
6 BECAUSE THAT'S HOW WE TRACED THE LANDCRUISER. MR. WILLIAMS
7 -- WILLIE RICHARDSON HAS RELATIVES THERE. HE BASICALLY HAS
8 THAT -- HE CHOSE TO PUT THAT ON HIS VISITATION LIST. HIS
9 RELATIVES LIVE AT THAT ADDRESS. SO, WE HAVE GOT THAT
10 LANDCRUISER TO THE MAN ON TRIAL. THAT IS RELEVANT.
11 THE OTHER RELEVANT POINT IS ANGELA COLE -- THIS
12 MYSTERIOUS PERSON WITH THIS SECOND VEHICLE. SHE NOW BECOMES
13 RELEVANT NOT ONLY TO THAT VEHICLE BUT TO THE CRIME ITSELF
14 BECAUSE HE PUTS HER ON THERE. HE LINKS HIMSELF TO ANGELA
15 COLE. SO, THAT DOCUMENT IS RELEVANT. THAT'S WHY I AM
16 OFFERING IT, YOUR HONOR.
17 I DON'T THINK OFFERING THAT INFORMATION -- I ERRED IN NOT
18 TELLING CAPTAIN WILLIAMS NOT TO MENTION A DATE OR ANYTHING
19 LIKE THAT AND SIMPLY PULLING OUT THE INFORMATION WE NEEDED
20 BUT, YOUR HONOR, HE DID NOT MENTION THAT FINAL YEAR, AND WHY
21 IS THAT IMPORTANT? WELL, THIS JURY DOESN'T KNOW HOW LONG HE
22 WAS IN BEFORE HE MIGHT HAVE GOTTEN OUT OR ANYTHING ELSE. THEY
23 KNOW HE WAS INCARCERATED. SCOTTIE FRIER JUST TALKED ABOUT
24 THAT. HE DIDN'T LIST A DATE BECAUSE HE COULDN'T EVEN
25 REMEMBER WHEN. HE COULDN'T REMEMBER WHEN WE GOT HIM.

LISA H. HICKLIN, RPR
CERTIFIED COURT REPORTER
POST OFFICE BOX 165
AIKEN, SC 29802

1 SO, YOUR HONOR, THERE IS NO FACTUAL BASIS FOR THIS JURY TO
2 SAY HE IS STILL IN JAIL RIGHT NOW. THERE IS NO FACTUAL BASIS
3 FOR THE JURY TO SAY HE WAS IN JAIL FOR SIX, EIGHT MONTHS OR A
4 YEAR IN THE LEXINGTON COUNTY DETENTION CENTER. THERE IS NONE
5 OF THAT. THERE IS NOTHING THAT MERITS A MISTRIAL.

6 YOUR HONOR, I BELIEVE A CURATIVE INSTRUCTION AS TO ANY DATE
7 OR ANYTHING THAT MIGHT POSSIBLY HAVE PREJUDICED MR.
8 RICHARDSON WILL CURE THAT, BUT THAT INFORMATION THAT I WAS
9 GOING TO TRY TO ELICIT WAS CLEARLY RELEVANT. IT'S NOT LIKE
10 IN A PENALTY PHASE, YOUR HONOR. THIS GOES TO THE ACTUAL
11 IDENTITY OF THE MAN. I DO HAVE THE BURDEN AS YOUR HONOR
12 KNOWS TO PROVE HIM BEYOND A REASONABLE DOUBT AND THAT'S PART
13 OF WHAT I AM TRYING TO DO -- NOT TRYING TO PULL A FAST ONE.
14 I AM SIMPLY TRYING TO PRESENT THIS INFORMATION TO LINK THE
15 INFORMATION WE HAVE ALREADY GOTTEN FROM DETECTIVE FRIER AND
16 FROM THOSE WITNESSES TO BRING THAT BACK AROUND TO MR.
17 RICHARDSON TO SHOW THE MAN WE ARE TALKING ABOUT IS NOT JUST A

18 WILLIE RICHARDSON, BUT IT'S THE MAN WE ARE TRYING.

19 THE COURT: ALL RIGHT, MR. YOUNG.

20 MR. YOUNG: YOUR HONOR,

21 THE COURT: HAVE YOU SEEN THIS LIST?

22 MR.- YOUNG: IT WAS PROVIDED TO ME I BELIEVE ON YESTERDAY IS
23 WHEN HE WAS PROVIDED TO ME ALONG WITH SOME OTHER INFORMATION
24 FROM THE D.M.V. THAT WAS PROVIDED. THAT'S THE REASON WHEN HE
25 MENTIONED THE JANUARY DATE I KNEW IT WAS APPROVED JANUARY OF

1 THIS YEAR.

2 YOUR HONOR, IT'S OUR POSITION THAT ANY TESTIMONY REGARDING
3 THIS ANGELA COLE, WE DID NOT QUESTION DETECTIVE FRIER WHETHER
4 OR NOT MR. RICHARDSON KNEW OR DIDN'T KNOW MRS. COLE.

5 THE COURT: IT DOESN'T MATTER IF HE QUESTIONED HIM OR NOT.

6 MR. YOUNG: YES, SIR.

7 THE COURT: IT'S PART OF THE CASE.

8 MR. YOUNG: EXACTLY. IT OUR POSITION THAT HAD THE
9 SOLICITOR ARGUED THAT LINKING HER TO THE CRIME AND LINKING
10 MR. RICHARDSON THROUGH HER TO THE CRIME -- THERE WAS NO
11 TESTIMONY WHATSOEVER THAT SHE WAS AT THIS C&L CLUB. THE ONLY
12 TESTIMONY WHEN THEY WENT TO THE HOUSE TO RETRIEVE AND FOUND
13 THIS AUTOMOBILE, SHE WAS IN THE HOUSE, AND THAT WAS THE
14 EXTENT OF THEIR TESTIMONY. IN FACT, THE OFFICER'S TESTIMONY
15 WAS THAT THEY FOUND SHE HAD NO RELATIONSHIP TO THE CRIME
16 ITSELF. SO BASED ON THAT WE WOULD ARGUE THAT THAT TESTIMONY
17 IS NOT ADMISSIBLE.

18 THE COURT: WHY IT IS NOT ADMISSIBLE?

19 MR. YOUNG: I BELIEVE IT IS IRRELEVANT.

20 THE COURT: WHAT TESTIMONY?

21 MR. YOUNG: ANY TESTIMONY REGARDING ANGELA COLE.

22 THE COURT: YOU MEAN PRIOR TESTIMONY?

23 MR. YOUNG: NO. THE TESTIMONY THAT---

24 THE COURT: WHAT THIS MAN IS GOING TO TESTIFY TO?

25 MR. YOUNG: YES, SIR. WE ALSO WILL SAY OR SUGGEST OR WILL

1 ARGUE THAT THE JANUARY DATE THAT HE HAS ALREADY ALLUDED TO,
2 IF THE COURT INSTRUCTS THE JURY TO IGNORE TESTIMONY---

3 THE COURT: NO, SIR. YOU WILL ASK FOR A CURATIVE
4 INSTRUCTION. IF YOU WANT A CURATIVE INSTRUCTION I WILL GIVE
5 WHATEVER YOU WANT. IT'S NOT THE STATE'S DECISION FOR A
6 CURATIVE INSTRUCTION. THEY ARE THE ONES THAT HAS CREATED
7 THIS. YOU WOULD BE THE ONE IF DO NOT DECLARE A MISTRIAL THAT
8 WOULD ASK FOR A CURATIVE INSTRUCTION OR NOT.

9 MR. YOUNG: YES, SIR. IT IS MY OPINION THAT A CURATIVE
10 INSTRUCTION WILL NOT CURE THE EFFECT THAT THE TESTIMONY OF
11 THE JANUARY ALREADY HAS CAUSED. IT'S MY OPINION THAT THE
12 JURY IS AUTOMATICALLY GOING TO ASSUME IT IS JANUARY OF THIS
13 YEAR.

14 THE COURT: WELL, SIR, I CAN'T EVER FIGURE OUT WHAT A JURY
15 ASSUMES, MR. YOUNG. IF BOTH SIDES CAN FIGURE THAT OUT, YOU
16 ARE A LOT BETTER OFF THAN I AM. THE FACT -- I MEAN, IT HAS
17 BEEN TESTIFIED TO OVER AND OVER AND TIME AND TIME AGAIN THAT
18 HE HAS BEEN INCARCERATED---

19 MR. YOUNG: YES, SIR.

20 THE COURT: ---IN NEW YORK AND IN VIRGINIA AND AS SUCH FROM
21 WHAT I HAVE HEARD THUS FAR I THINK THE PREPARATION OF THIS
22 WITNESS LEFT SOMETHING TO BE DESIRED, QUITE FRANKLY. I AM
23 NOT GOING TO DECLARE A MISTRIAL, BUT I WILL TELL YOU, SIR,
24 THAT IF ANY DATES COME OUT OF YOUR MOUTH, I AM GOING TO HOLD
25 YOU IN CONTEMPT OF COURT AS WELL AS THE STATE'S LAWYERS

1 BECAUSE THEN I WOULD DECLARE A MISTRIAL BECAUSE YOU DON'T
2 INVEST A COUPLE OF DAYS IN A CASE TO HAVE MESSED UP BY
3 SOMEONE WHO JUST WALTZS IN HERE UNPREPARED.

4 MR. HUBBARD: YOUR HONOR, THAT WAS MY FAULT. AS YOU SAID,
5 I DID NOT PREPARE THIS WITNESS AS I SHOULD. SO HE WALKED
6 INTO IT. I APOLOGIZE. THIS WAS A LAST MINUTE THING ON MY
7 PART. SO---

8 THE COURT: HOW LONG HAS THIS CASE BEEN PENDING?

9 MR. HUBBARD: FOR A WHILE, YOUR HONOR.

10 THE COURT: A GOOD WHILE, YES, SIR.

11 MR. HUBBARD: IT WAS MY FAULT, YOUR HONOR, AND I APOLOGIZE
12 TO THE COURT FOR PUTTING YOU IN THAT POSITION ALSO FOR
13 PUTTING CAPTAIN WILLIAMS IN THAT POSITION.

14 THE COURT: I WOULD ASK THE DEFENSE DO YOU REQUEST A
15 CURATIVE INSTRUCTION, AND, IF SO, WHAT TYPE OF INSTRUCTION
16 WOULD YOU REQUEST?

17 MR. YOUNG: YOUR HONOR, WE WOULD ASK FOR A CURATIVE
18 INSTRUCTION AND WE WOULD ASK FOR IT TO BE TAILORED ALONG THE
19 LINES THAT THE COURT INSTRUCT THE JURY TO DISREGARD ANY
20 DATES. ACTUALLY, WE WOULD ASK THAT THE INSTRUCTION INSTRUCT
21 THE JURY TO NOT INFER ANYTHING FROM ANY INFORMATION REGARDING
22 DATES OR ANYTHING. I DO NOT WANT THE JURY -- IT'S KIND OF
23 HARD TO REQUEST A CURATIVE INSTRUCTION WHEN, YOU KNOW, IN MY
24 OPINION IT'S NOT REALLY GOING TO CURE THE PREJUDICE THAT HAS
25 BEEN CAUSED. SO, WE WOULD ASK THAT INSTRUCTION BE GIVEN TO

1 DISREGARD ANY TESTIMONY REGARDING DATES AND NOT TO INFER
2 ANYTHING FROM THAT.

3 THE COURT: WHAT IS THIS LADY'S NAME AGAIN?

4 MR. HUBBARD: EXCUSE ME, YOUR HONOR?

5 THE COURT: WHAT IS THIS LADY'S NAME AGAIN WE WERE TALKING
6 ABOUT?

7 MR. HUBBARD: ANGELA COLE. YOUR HONOR, THE OTHER NAME ON
8 THAT AT THE PARK STREET ADDRESS---

9 THE COURT: WHERE IS HER NAME ON HERE?

10 MR. HUBBARD: THERE IS ONE OF THEM -- I AM ONLY REFERRING
11 TO ONE.

12 THE COURT: LET ME GIVE ONE BACK TO YOU THAT YOU GAVE ME---

13 MR. HUBBARD: I APOLOGIZE.

14 THE COURT: ---BECAUSE HER NAME IS NOT ON THERE.

15 MR. HUBBARD: I APOLOGIZE.

16 THE COURT: WHICH ONE ARE YOU USING?

17 MR. HUBBARD: THE ONE FROM JANUARY 5TH.

18 THE COURT: TAKE THIS ONE BACK. MR. YOUNG, GIVEN YOUR
19 REQUEST I WILL INSTRUCT THE JURY THAT THEY ARE TO DISREGARD
20 ANY PREVIOUS TESTIMONY BY THIS WITNESS CONCERNING DATES AND
21 NO INFERENCES ARE TO BE MADE BY THE JURY CONCERNING THAT TYPE
22 OF TESTIMONY.

23 MR. YOUNG: YES, SIR, YOUR HONOR.

24 THE COURT: SINCE THE JURY HAS BEEN OUT FOR A WHILE AND
25 WE'VE BEEN IN HERE ABOUT AN HOUR AND 20 MINUTES, LET'S TAKE A

1 SHORT BREAK, AND THEN WE WILL COME BACK AND GO LUNCH.

2 SIR, I REMIND YOU THAT YOU ARE STILL UNDER OATH SUBJECT TO
3 FURTHER EXAMINATION AND YOU ARE NOT TO DISCUSS YOUR TESTIMONY
4 WITH ANYONE DURING THIS BREAK.

5 THE WITNESS: YES, SIR.

6 (WHEREUPON THERE WAS A RECESS.)

7 MR. HUBBARD: YOUR HONOR, I WANT FOR SCHEDULING PURPOSES TO
8 MAKE YOUR HONOR AWARE THAT OUR LAST WITNESS WILL BE DR.
9 CARTER, THE PATHOLOGIST, AND HE RIGHT NOW IS INVOLVED IN AN
10 AUTOPSY OF SOMEONE THAT WAS FOUND YESTERDAY. I WANT TO LET
11 YOUR HONOR KNOW IN CASE WE MOVE ALONG AND GET TO THAT POINT.
12 WE MAY NOT REACH THAT POINT BEFORE YOU BREAK FOR LUNCH
13 ANYWAY, BUT I JUST WANTED TO PUT YOUR HONOR -- I WANTED TO
14 ADVISE YOUR HONOR OF THAT SITUATION.

15 THE COURT: EXACTLY WHAT ARE YOU TELLING ME? WHEN IS HE
16 GOING TO BE AVAILABLE?

17 MR. HUBBARD: I'M NOT SURE, YOUR HONOR. MY OFFICE IS IN
18 CONTACT WITH HIS OFFICE. I JUST KNOW HE IS DOING AN AUTOPSY
19 RIGHT NOW OF SOMEBODY THEY FOUND YESTERDAY. IN FACT, SOME OF
20 MY OFFICERS WERE LATE YESTERDAY BECAUSE THEY JUST FOUND THIS
21 INDIVIDUAL, BUT HE IS -- WILL BE HERE AS SOON AS WE CAN GET
22 HIM, YOUR HONOR. WE MAY NOT REACH HIM BEFORE LUNCH.

23 MR. YOUNG: YOUR HONOR, THE OTHER ISSUE BEFORE WE BRING THE
24 JURY BACK IN, MR. HUBBARD PROVIDED ME DURING THE BREAK A COPY
25 OF THE LETTER THAT FROM MR. LUCAS TO THE U.S. ATTORNEY. I'M

1 NOT SURE IF YOUR HONOR HAS RECEIVED A COPY IT.

2 THE COURT: NO, SIR. I HAVE NEVER SEEN IT.

3 MR. HUBBARD: IT WAS GIVEN TO A ME A WHILE AGO RIGHT BEFORE
4 WE HAD THE BREAK, YOUR HONOR. (HANDS TO COURT.)

5 (PAUSE.)

6 THE COURT: ALL RIGHT, SIR.

7 MR. YOUNG: YOUR HONOR, THERE IS ONE PART OF THIS THAT I
8 BELIEVE SHOULD BE ELIGIBLE FOR ME TO IMPEACH HIM ON WHICH IS
9 THE LAST SENTENCE STARTING ON PAGE 1 GOING TO PAGE 2. "I
10 WOULD LIKE TO TALK WITH YOU ABOUT THIS CASE BECAUSE I AM
11 QUITE SURE WE CAN HELP EACH OTHER." THEN HE GOES INTO
12 DISCUSSING HIS FEDERAL CHARGES. I JUST WANTED TO KNOW
13 WHETHER OR NOT THE COURT WILL FIND THAT AS IMPEACHABLE PRIOR
14 TO US ASKING HIM AND HAVING TO TAKE UP THAT MATTER AT THAT
15 POINT IN TIME.

16 THE COURT: WHAT IS GOING TO BE THE STATE'S POSITION?

17 MR. SWARAT: YOUR HONOR, OUR POSITION IS HIM ASKING FOR
18 HELP IS NOT IMPEACHABLE. IF HE ACTUALLY RECEIVED SOME TYPE
19 OF REWARD OR PROMISE FOR GIVING THIS INFORMATION THAT WOULD
20 BE IMPEACHABLE.

21 THE COURT: WELL, I GUESS WE WILL NEED TO PUT HIM BACK ON
22 THE STAND AND SEE WHAT HE IS GOING TO SAY.

23 MR. SWARAT: HE SAID IT. HE TALKED ABOUT IT YESTERDAY. HE
24 DIDN'T RECEIVE ANY HELP FOR ANY OF THESE CHARGES.

25 THE COURT: WELL, SIR, HE WASN'T -- I DON'T KNOW THAT

1 ANYBODY KNEW ANYTHING ABOUT THIS LETTER THEN EITHER. I
2 UNDERSTAND WHAT HE HAS ALREADY SAID, AND, QUITE FRANKLY,
3 WE'RE GOING TO PUT HIM BACK UP AND SEE WHAT HE WILL SAY
4 AGAIN.

5 MR. SWARAT: YOUR HONOR, I THINK THAT POTENTIALLY COULD
6 OPEN UP SOME PROBLEMS.

7 THE COURT: WELL, SIR, I UNDERSTAND THAT, AND THAT'S A RISK
8 THAT THIS GENTLEMAN IS GOING TO HAVE TO TAKE BECAUSE YOU
9 START USING ONE PART OF THIS, THEN THEY MIGHT BE ABLE TO USE
10 ALL OF IT AGAINST YOU.

11 MR. YOUNG: I UNDERSTAND, YOUR HONOR.

12 THE COURT: SO, YOU NEED TO TALK TO MR. RICHARDSON ABOUT
13 THAT.

14 MR. YOUNG: YES, SIR.

15 THE COURT: AND JUST SEE BECAUSE THE REAL PROBLEM IS IT'S
16 AMAZING TO ME THAT WE CAN GET THIS THING -- WE ASKED FOR IT
17 ON MONDAY, AND WE FINALLY WIND UP WITH IT ON WEDNESDAY AND
18 THAT IT'S TAKEN THIS LONG TO GET IT. WHO DID YOU GET IT
19 FROM?

20 MR. HUBBARD: YOUR HONOR, I DON'T EVEN KNOW. I KNOW WE
21 TRACKED DOWN HER PHONE AND PHONED UP THERE. THEY COULDN'T
22 REMEMBER WHO THE PROSECUTOR WAS THAT HAD IT. THEY GOT HER
23 NAME AND TRACKED HER DOWN, AND THEN THEY WERE ABLE TO GET THE
24 LETTER, YOUR HONOR. I KNOW THAT. AND THEN WE GAVE THEM THE
25 FAX NUMBER TO FAX IT DOWN. I AM NOT SURE WHO ACTUALLY FAXED

1 IT DOWN.

2 THE COURT: DO YOU NEED ANY TIME TO DISCUSS THIS WITH YOUR
3 CLIENT? WE WILL TAKE WHATEVER TIME IS NECESSARY. I CAN SEND
4 THE JURY AWAY IF I NEED TO, WHATEVER.

5 MR. YOUNG: I DID NOT HAVE TIME.

6 THE COURT: BECAUSE WE'VE HAD A LOT OF THINGS TO COME UP
7 THAT MAYBE WE NEED TO ADDRESS.

8 MR. YOUNG: I DID NOT HAVE AN OPPORTUNITY AFTER I RECEIVED
9 IT TO ACTUALLY EXPLAIN TO HIM THE IMPLICATIONS OF IT.

10 THE COURT: LET'S TAKE SOME TIME NOW, AND YOU TALK TO HIM
11 ABOUT IT, AND WE WILL DO THAT. LET ME KNOW WHEN YOU ARE
12 READY.

13 MR. YOUNG: YES, SIR, YOUR HONOR.

14 THE COURT: ALL RIGHT. WE WILL STAND AT EASE.

15 (WHEREUPON THERE WAS A RECESS.)

16 THE COURT: READY TO PROCEED, MR. YOUNG?

17 MR. YOUNG: YES, SIR. YOUR HONOR, I WANT TO PUT ON THE
18 RECORD THAT IT IS NOT OUR INTENTIONS TO UTILIZE ANY CONTENT
19 OF THAT LETTER, AND THERE WILL NOT BE A NEED TO ANY
20 ADDITIONAL PROFFER.

21 THE COURT: ALL RIGHT. BRING THE JURY BACK, PLEASE.

22 (THE JURY RETURNS TO THE COURTROOM.)

23 THE COURT: THANK VERY MUCH FOR YOUR PATIENCE, LADIES AND
24 GENTLEMEN OF THE JURY. YOU MAY CONTINUE, SOLICITOR.

25 MR. HUBBARD: YES, SIR, YOUR HONOR.

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

COURT OF GENERAL SESSIONS
98-GS-32-1242

THE STATE OF SOUTH
CAROLINA,

PLAINTIFF,

- VS-

WILLIE JAMES
RICHARDSON,

DEFENDANT.

TRANSCRIPT OF RECORD

Part 3 of 3

LEXINGTON, SOUTH CAROLINA
APRIL 10-12, 2000

B E F O R E:

THE HONORABLE GARY E. CLARY, JUDGE, AND A JURY.

A P P E A R A N C E S:

SAMUEL R. HUBBARD, III, ESQUIRE
A. TAV SWARAT, ESQUIRE
ATTORNEYS FOR THE PLAINTIFF

HERVERY B. O. YOUNG, ESQUIRE
ATTORNEY FOR THE DEFENDANT

LISA H. HICKLIN, RPR
CERTIFIED COURT REPORTER
POST OFFICE BOX 165
AIKEN, SC 29802

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<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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DIRECT CROSS REDIRECT RECROSS

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1 THE COURT: BEFORE YOU CONTINUE, LET ME GIVE THE JURY THIS
2 INSTRUCTION. LADIES AND GENTLEMEN, PRIOR TO YOU GOING TO THE
3 JURY ROOM THERE WAS TESTIMONY CONCERNING A DATE. I INSTRUCT
4 YOU AT THIS POINT IN TIME THAT YOU ARE TO DISREGARD ANY
5 PREVIOUS TESTIMONY CONCERNING DATES BY THIS WITNESS, AND NO
6 INFERENCES ARE TO BE MADE BY YOU THE JURY CONCERNING THAT
7 TYPE OF TESTIMONY.

8 YOU MAY CONTINUE, SOLICITOR.

9 CONTINUED DIRECT EXAMINATION BY MR. HUBBARD:

10 Q CAPTAIN WILLIAMS, AGAIN, WHAT ARE YOUR DUTIES OVER AT
11 THE SHERIFF'S DEPARTMENT?

12 A I AM THE JAIL ADMINISTRATOR. I HAVE THE DAY-TO-DAY
13 OPERATIONS OF THE FACILITY.

14 Q SO YOU ARE OVER THE DETENTION CENTER?

15 A THAT'S CORRECT.

16 Q ARE INDIVIDUALS THAT ARE HOUSED THERE ALLOWED TO HAVE
17 VISITORS?

18 A YES, THEY ARE.

19 Q CAN JUST ANYONE VISIT THOSE WHO ARE HOUSED THERE?

20 A NO, THEY CANNOT.

21 Q WHAT PROCESS OR PROCEDURE DO YOU HAVE ESTABLISHED AT THE
22 DETENTION CENTER FOR DETERMINING WHO CAN AND CANNOT VISIT
23 SOMEONE WHO IS HOUSED THERE?

24 A AN INDIVIDUAL THAT IS THERE MUST FILL OUT A VISITORS
25 LIST, AND THAT VISITORS LIST CONTAINS THE NAMES OF

1 INDIVIDUALS HE WOULD LIKE TO HAVE COME SEE HIM AT THAT TIME,
2 AND IT'S PUT IN THE ADMINISTRATIVE SECTION AND MAINTAINED
3 THERE.

4 Q THAT DOCUMENT YOU HAVE IN FRONT OF YOU---

5 A YES.

6 Q ---IS THAT A VISITATION LIST?

7 A YES, IT IS.

8 Q IS THAT ONE THAT WAS DONE AT ONE POINT FOR MR.
9 RICHARDSON?

10 A YES, IT IS.

11 Q ON THAT LIST DO YOU SEE ANYONE WITH AN ADDRESS OF 2700
12 PARK STREET?

13 A YES, SIR, THERE IS.

14 Q WHAT NAME DO YOU SEE?

15 A JULIA RICHARDSON.

16 Q WHAT, IF ANY, RELATIONSHIP IS LISTED THERE BY JULIA
17 RICHARDSON?

18 A GRANDMOTHER.

19 Q THAT'S AT THE 2700 ADDRESS?

20 A YES, IT'S 2700 PARK STREET, COLUMBIA, SOUTH CAROLINA.

21 Q IS THAT ADDRESS THE SAME ONE YOU SEE RIGHT HERE ON THIS
22 BOARD?

23 A YES.

24 Q THAT NAME IS JULIA RICHARDSON?

25 A THAT'S CORRECT.

- 1 Q AGAIN, HER RELATIONSHIP IS WHAT?
- 2 A GRANDMOTHER.
- 3 Q DO SEE ANYBODY ON THAT LIST BY THE NAME OF WILLIE
- 4 RICHARDSON?
- 5 A YES, I DO.
- 6 Q WHO -- WHAT RELATIONSHIP IS THAT INDIVIDUAL TO WILLIE
- 7 RICHARDSON WE HAVE HERE?
- 8 A HIS DAD.
- 9 Q DO YOU SEE A NAME OF AN INDIVIDUAL ON THERE BY THE NAME
- 10 OF ANGELA COLE OR ANGIE COLE?
- 11 A YES, SIR. ANGIE COLE IS ON HERE.
- 12 Q IS THERE AN ADDRESS FOR HER?
- 13 A IT JUST SAYS COLUMBIA, SOUTH CAROLINA.
- 14 Q THERE IS NOT A SPECIFIC STREET ADDRESS?
- 15 A NO, THERE WAS NOT.
- 16 Q WHO FILLED OUT THAT LIST OR WHO TYPICALLY FILLS OUT THE
- 17 LISTS?
- 18 A THE INDIVIDUAL IN THIS CASE. IT'S GOT HIS NAME AS
- 19 WILLIE RICHARDSON.
- 20 Q SO, HE IS THE ONE THAT FILLED OUT THIS LIST?
- 21 A THAT'S CORRECT.
- 22 Q OF INDIVIDUALS THAT HE WANTED TO HAVE AS VISITORS?
- 23 A THAT'S CORRECT.
- 24 Q THAT INDIVIDUAL IS MR. WILLIE RICHARDSON WHO'S ON TRIAL
- 25 TODAY?

1 A THAT IS CORRECT.

2 MR. HUBBARD: THANK YOU. I HAVE NOTHING FURTHER, YOUR
3 HONOR.

4 THE COURT: CROSS EXAMINATION.

5 CROSS EXAMINATION BY MR. YOUNG:

6 Q CAPTAIN WILLIAMS, IS THERE ANYONE ELSE ON THAT LIST WITH
7 AN ADDRESS OF 2700 PARK STREET?

8 A NO, SIR. THERE IS NOT.

9 Q AND THE ONLY PERSON LISTED ON THERE IS A GRANDMOTHER?

10 A YOU MEAN AT THAT ADDRESS AT THE 2700---

11 Q YES, AT THE 2700 PARK STREET.

12 A YES. THAT IS THE ONLY PERSON ON THERE AT 2700 PARK
13 STREET.

14 Q SO THERE IS NOT A SISTER LISTED AT 2700 PARK STREET?

15 A NO. THERE IS NOT.

16 Q THERE IS NOT A COUSIN LISTED AT 2700 PARK STREET?

17 A NO. THERE IS NOT.

18 MR. YOUNG: THANK YOU. I HAVE NO FURTHER QUESTIONS.

19 THE COURT: REDIRECT?

20 MR. HUBBARD: NO FURTHER QUESTIONS.

21 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN.

22 MR. HUBBARD: YOUR HONOR, MAY CAPTAIN WILLIAMS BE EXCUSED?

23 THE COURT: WITHOUT OBJECTION?

24 MR. YOUNG: NO OBJECTION, YOUR HONOR.

25 THE COURT: THANK YOU, SIR. YOU ARE EXCUSED.

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1 THE WITNESS: THANK YOU.

2 THE COURT: NEXT WITNESS.

3 MR. SWARAT: THE STATE CALLS REGINALD LUCAS.

4 REGINALD LUCAS, BEING FIRST DULY SWORN,
5 TESTIFIED AS FOLLOWS:

6 THE COURT: STATE YOUR NAME FOR THE RECORD.

7 THE WITNESS: REGINALD LUCAS.

8 DIRECT EXAMINATION BY MR. SWARAT:

9 Q MR. LUCAS, WHERE ARE YOU FROM?

10 A NORFOLK, VIRGINIA.

11 Q DURING THE YEAR 1997 WERE YOU INCARCERATED?

12 A YES, I WAS.

13 Q IN WHAT FACILITY WERE YOU INCARCERATED IN PORTSMOUTH,
14 VIRGINIA?

15 A PORTSMOUTH CITY JAIL.

16 Q DURING THE TIME THAT YOU WERE INCARCERATED AT THE
17 PORTSMOUTH CITY JAIL WHO WAS YOUR CELLMATE?

18 A WILLIE RICHARDSON.

19 Q THE WILLIE RICHARDSON WHO IS CURRENTLY ON TRIAL IN THIS
20 CASE?

21 A THAT'S CORRECT.

22 Q DID Y'ALL SHARE THE SAME CELL?

23 A YES, WE SHARED THE SAME CELL BLOCK.

24 Q ACTUALLY, YOU WERE ROOMMATES?

25 A YES.

1 Q DURING THE TIME THAT YOU WERE ROOMMATES DID YOU AND MR.
2 RICHARDSON CONVERSE?

3 A YES.

4 Q DID Y'ALL FORM A RELATIONSHIP AS CELLMATES?

5 A YES, WE DID.

6 Q DURING THAT TIME DID MR. RICHARDSON CONFIDE IN YOU ABOUT
7 CHARGES HE WAS FACING IN SOUTH CAROLINA?

8 A YES, HE DID.

9 Q INITIALLY WHAT DID HE TELL YOU IF ANYTHING ABOUT THESE
10 CHARGES OR HIS DEFENSES IN THESE CHARGES?

11 A WELL, HE TOLD ME WHY HE WOULD BE FOUND NOT GUILTY IF HE
12 WENT TO TRIAL BECAUSE HE HAD AN ALIBI.

13 Q DID HE DISCLOSE TO YOU ANY OF THE DETAILS OF THIS ALIBI
14 DEFENSE?

15 A YES.

16 Q WHAT DID HE DISCLOSE TO YOU, MR. LUCAS?

17 A WELL, SOMEBODY IN HIS FAMILY HAD DIED IN NEW YORK, AND
18 HE WENT UP THERE THE DAY BEFORE THE FUNERAL, AND HE HAD TAKEN
19 PICTURES, AND HE CAME BACK TO SOUTH CAROLINA. DURING THAT
20 TIME HIS COUSIN OR SOMEONE SIGNED A REGISTER AS HIMSELF, AND
21 THAT WAS GOING TO BE HIS ALIBI.

22 Q A COUSIN SIGNED THE REGISTER IN MR. RICHARDSON'S NAME?

23 A THAT'S CORRECT.

24 Q AND THERE WERE PICTURES TAKEN THE DAY BEFORE THIS
25 FUNERAL?

- 1 A THAT'S CORRECT.
- 2 Q BUT THAT HE WAS IN SOUTH CAROLINA ON THE DAY OF THE
- 3 MURDER?
- 4 A EXACTLY.
- 5 Q LATER ON DID HE TELL YOU ANYTHING ABOUT THE MURDER
- 6 CHARGE IN SOUTH CAROLINA?
- 7 A YES, HE DID.
- 8 Q WHAT DID HE TELL YOU AS TO WHETHER HE WAS GUILTY OR NOT
- 9 GUILTY OF THAT MURDER?
- 10 A WELL, HE TOLD ME HE SHOT THE KID.
- 11 Q DID HE TELL YOU WHAT TYPE OF ENVIRONMENT IT WAS IN WHERE
- 12 HE SHOT THIS INDIVIDUAL?
- 13 A YES.
- 14 Q WHAT DID HE TELL YOU ABOUT THAT?
- 15 A IT WAS IN A CLUB -- A NIGHTCLUB.
- 16 Q DID HE TELL YOU WHY HE SHOT THIS INDIVIDUAL AT THE
- 17 NIGHTCLUB?
- 18 A HE DIDN'T SAY EXACTLY WHY, BUT IT WAS A FIGHT OR
- 19 SOMETHING THAT WAS INVOLVED, AND BEING THE PERSON THAT HE
- 20 WAS, HE SHOT HIM.
- 21 Q HOW MANY OCCASIONS DID HE DISCUSS THE MURDER IN SOUTH
- 22 CAROLINA WITH YOU?
- 23 A THAT'S LIKE HIS DAILY SUBJECT.
- 24 Q DID HE DISCLOSE TO YOU ANY INFORMATION ABOUT ANY
- 25 VEHICLES INVOLVED IN THE MURDER IN SOUTH CAROLINA?

1 A YES, HE DID.

2 Q WHAT INFORMATION DID HE GIVE YOU ABOUT A VEHICLE OR
3 VEHICLES?

4 A WELL, HE HAD A WHITE VEHICLE THAT WAS REGISTERED IN HIS
5 FATHER'S NAME.

6 Q THE VEHICLE WAS REGISTERED IN HIS FATHER'S NAME?

7 A RIGHT.

8 Q THE COLOR WAS WHITE?

9 A YES.

10 Q DID HE GO INTO ANY OTHER DETAIL WHAT TYPE OF VEHICLE
11 THIS WAS?

12 A YES. IT WAS A LANDCRUISER.

13 Q THAT INFORMATION -- WHO DID YOU GET THAT INFORMATION
14 FROM ABOUT THE WHITE LANDCRUISER?

15 A WILLIE RICHARDSON.

16 Q WHO DID YOU GET THE INFORMATION FROM ABOUT THE NIGHTCLUB
17 KILLING IN SOUTH CAROLINA?

18 A WILLIE RICHARDSON.

19 Q PRIOR TO GETTING THIS INFORMATION FROM WILLIE RICHARDSON
20 HAD ANYBODY FROM LAW ENFORCEMENT TALKED YOU TO ABOUT ANY CASE
21 IN SOUTH CAROLINA?

22 A NO.

23 Q HAD ANYBODY DISCLOSED TO YOU ANY INFORMATION ABOUT ANY
24 CASES IN SOUTH CAROLINA?

25 A NO.

1 Q HAVE YOU EVER BEEN TO SOUTH CAROLINA PRIOR TO THIS WEEK?

2 A THIS IS MY VERY FIRST TIME. .

3 Q DID YOU KNOW ANYBODY IN SOUTH CAROLINA FROM PRIOR
4 RELATIONSHIPS?

5 A NO.

6 Q MR. LUCAS, YOU ARE CURRENTLY INCARCERATED; IS THAT
7 CORRECT?

8 A THAT'S CORRECT.

9 Q IF I REMEMBER CORRECTLY YOU ARE CHARGED WITH BANK FRAUD?

10 A THAT'S CORRECT.

11 Q SOCIAL SECURITY FRAUD?

12 A (WITNESS NODS.) (INDICATING AFFIRMATIVE RESPONSE.)

13 Q CREDIT CARD FRAUD?

14 A THAT'S CORRECT.

15 Q FORGERY?

16 A (WITNESS NODS.) (INDICATING AFFIRMATIVE RESPONSE.)

17 Q AND BACK IN THE '70'S WHEN YOU WERE IN THE MILITARY YOU
18 HAD CHARGES AS WELL; IS THAT CORRECT?

19 A THAT'S CORRECT.

20 Q KIDNAPPING AND CRIMINAL SEXUAL CONDUCT?

21 A THAT'S RIGHT.

22 Q AND YOU BEEN SENTENCED ON ALL THOSE CHARGES?

23 A THAT'S CORRECT.

24 Q YOU ARE SERVING YOUR TIME ON THOSE CHARGES?

25 A RIGHT.

1 Q HAS ANYBODY IN LAW ENFORCEMENT MADE ANY PROMISES TO YOU
2 TO GET YOU TO TESTIFY IN THIS CASE ABOUT MR. RICHARDSON?

3 A NO.

4 Q HAVE YOU RECEIVED ANY REDUCTION IN CHARGE, REDUCTION IN
5 TIME, ANYTHING OF BENEFIT TO YOU FOR TESTIFYING IN THIS CASE?

6 A NO.

7 Q IN FACT, AREN'T YOU MISSING OUT ON SOMETHING?

8 A VERY MUCH SO.

9 Q WHAT ARE YOU MISSING OUT ON BY BEING HERE?

10 A I AM TAKING A COLLEGE COURSE, HAZ-MAT, AND---

11 THE COURT REPORTER: WAIT A MINUTE. YOU'RE TAKING A COLLEGE
12 COURSE...

13 THE WITNESS: HAZARD WASTE MATERIAL. EXCUSE ME. AND I
14 MISSED TWO DAYS AND THAT'S ALL YOU ARE ALLOWED TO MISS. IF I
15 MISS ANY OTHER TIME, THERE IS A GREAT CHANCE I WILL BE
16 DROPPED FROM THE COURSE.

17 Q HAVE WE AGREED TO WRITE A LETTER SAYING THAT YOU CAME
18 DOWN HERE UNDER SUBPOENA AGAINST YOUR WILL TO TESTIFY AND TO
19 ASK THEM TO EXCUSE YOU FOR YOUR ABSENCES?

20 A YES, YOU HAVE.

21 Q IS THAT THE ONLY THING YOU HAVE BEEN OFFERED?

22 A THAT'S CORRECT.

23 Q DO YOU KNOW MR. RICHARDSON -- WILLIE JAMES RICHARDSON
24 -- TO GO BY ANOTHER NAME?

25 A YES, I DO.

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1 Q WHAT IS THAT NAME?

2 A RAHEEM. THE SHORT VERSION IS RAH.

3 Q HAVE YOU HEARD HIM CALLED THAT NAME RAH?

4 A THAT IS WHAT HE WOULD RATHER BE PREFERRED TO BE CALLED
5 INSTEAD OF WILLIE.

6 Q RAHEEM AND RAH?

7 A THE SAME THING. RAH IS JUST A SHORT VERSION.

8 Q AND YOU'VE HEARD HIM CALLED BY BOTH?

9 A YES.

10 Q ON HIS PERSON DO YOU KNOW OF ANY DISTINGUISHING
11 CHARACTERISTICS ON HIS BODY?

12 A YES.

13 Q WHAT IS THAT CHARACTERISTIC?

14 A HE HAS TATTOO OF RAHEEM.

15 Q WHERE IS THAT LOCATED ON HIS BODY -- WHAT BODY PART?

16 A ON HIS ARM.

17 Q IT SAYS RAHEEM?

18 A YES.

19 Q PRIOR TO COMING DOWN TO TESTIFY DID YOU AGREE TO GIVE A
20 STATEMENT TO LAW ENFORCEMENT?

21 A YES, I DID.

22 Q DO YOU KNOW AN INDIVIDUAL BY THE NAME OF SAM BRYANT?

23 A YES, I DO.

24 Q WHO IS SAM BRYANT?

25 A HE WORKS FOR THE F.B.I.; FEDERAL BUREAU OF

1 INVESTIGATION.

2 Q DO YOU RECALL GIVING HIM A STATEMENT ON NOVEMBER 4,
3 1997?

4 A YES.

5 Q DID YOU GIVE HIM THE INFORMATION THAT YOU NOW ARE GIVING
6 TO THIS JURY?

7 A THAT'S CORRECT.

8 Q WAS IT TRUE THEN?

9 A YES, IT WAS.

10 Q AND IS IT TRUE NOW?

11 A EXACTLY.

12 Q HAVE YOU ALSO BEEN INTERVIEWED BY DETECTIVE SCOTTIE
13 FRIER WHO IS SEATED IN THE COURTROOM?

14 A YES, I HAVE.

15 Q WHERE DID HE COME TO INTERVIEW YOU?

16 A I WAS IN VIRGINIA BEACH CITY JAIL.

17 Q HE CAME TO VIRGINIA TO SPEAK WITH YOU?

18 THE COURT REPORTER: HE CAME TO---

19 THE WITNESS: VIRGINIA BEACH. VIRGINIA BEACH CITY JAIL.

20 Q AND HE CAME TO VIRGINIA TO SPEAK WITH YOU?

21 A YES, HE DID.

22 Q DID YOU AGREE TO GIVE HIM A STATEMENT AS WELL?

23 A THAT'S CORRECT.

24 Q DO YOU RECALL GIVING HIM THAT STATEMENT ON DECEMBER 15
25 OF 1997?

1 A YES, SIR.

2 Q DID YOU TELL HIM THE TRUTH?

3 A YES, SIR.

4 Q ARE YOU TELLING THE TRUTH TODAY?

5 A YES, I AM.

6 MR. SWARAT: YOUR HONOR, THAT'S ALL I HAVE OF THIS WITNESS.

7 THE COURT: CROSS EXAMINATION.

8 CROSS EXAMINATION BY MR. YOUNG:

9 Q MR. LUCAS, YOU TESTIFIED THAT YOU MET WITH DETECTIVE
10 FRIER AT THE CITY JAIL?

11 A NO. HE CAME TO VIRGINIA BEACH CITY JAIL. THEY PICKED
12 ME UP AND TOOK ME TO THE F.B.I. OFFICE.

13 Q JUST A FEW MINUTES AGO ON DIRECT EXAMINATION YOU SAID
14 THAT YOU TALKED WITH DETECTIVE FRIER AT THE VIRGINIA BEACH
15 CITY JAIL, DID YOU NOT?

16 A YES, I DID.

17 Q NOW YOU ARE TELLING US THAT HE PICKED YOU UP?

18 A YES, HE DID.

19 Q AND TOOK TO YOU TO THE F.B.I. OFFICE?

20 A THAT'S WHERE I WAS INTERVIEWED.

21 Q THAT'S WHERE YOU WERE INTERVIEWED?

22 A EXACTLY.

23 Q YOU TESTIFIED THAT YOU GAVE A STATEMENT IN THIS CASE;
24 CORRECT?

25 A THAT'S CORRECT.

- 1 Q A STATEMENT TO DETECTIVE FRIER?
- 2 A THAT'S CORRECT.
- 3 Q A STATEMENT TO THE F.B.I. AGENT; CORRECT?
- 4 A THAT'S CORRECT.
- 5 Q AND NOWHERE IN THAT STATEMENT DID YOU MENTION THAT A
- 6 WHITE LANDCRUISER WAS INVOLVED IN THIS INCIDENT, DID YOU?
- 7 A IT WASN'T ASKED.
- 8 Q WASN'T ASKED? SO, IF IT WASN'T ASKED, YOU DIDN'T TELL,
- 9 DID YOU?
- 10 A NO.
- 11 Q BUT IT WAS IMPORTANT; CORRECT?
- 12 A YES.
- 13 Q SO IMPORTANT THAT YOU CAN COME HERE TODAY AND TALK ABOUT
- 14 IT; ISN'T THAT RIGHT?
- 15 A THAT'S CORRECT.
- 16 Q BECAUSE IT WAS ASKED?
- 17 A (NO RESPONSE.)
- 18 Q IN EITHER ONE OF THOSE STATEMENTS YOU NEVER MENTIONED
- 19 ANYTHING ABOUT A TATTOO, DID YOU?
- 20 A NO. I DON'T THINK I HAVE.
- 21 Q DID ANYBODY ASK YOU?
- 22 A NO.
- 23 Q SO YOU DIDN'T TELL?
- 24 A BECAUSE IT WASN'T BROUGHT TO MY MEMORY.
- 25 Q WASN'T BROUGHT TO YOUR MEMORY?

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1 A THAT'S RIGHT.

2 Q UNTIL YOU GOT READY TO TESTIFY TODAY; ISN'T THAT RIGHT?

3 A I DIDN'T KNOW IT WAS IMPORTANT.

4 Q IMPORTANT ENOUGH FOR YOU TO BRING IT UP TODAY; ISN'T IT?

5 A IT WAS ASKED.

6 Q IT WAS ASKED. YOU TESTIFIED WHILE YOU WERE IN VIRGINIA

7 THAT YOU WERE THE CELL MATE WITH MR. RICHARDSON; RIGHT?

8 A THAT'S CORRECT.

9 Q STAYED IN THE SAME ROOM, DIDN'T YOU SAY?

10 A THAT'S CORRECT.

11 Q THAT ISN'T TRUE, IS IT?

12 A YES, IT IS.

13 Q THE WAY THAT JAIL IS SET OUT, IT'S SET OUT IN PODS,

14 ISN'T IT?

15 A NO. IT'S SET OUT IN CELLS.

16 Q THEY CALL IT A BLOCK?

17 A THEY CALL IT A BLOCK.

18 Q THEY CALL IT A BLOCK. AND IN THAT BLOCK SOME PEOPLE HAD

19 SINGLE CELLS, DIDN'T THEY?

20 A NOBODY HAD A SINGLE CELL.

21 Q NOBODY HAD A SINGLE CELL?

22 A THERE ARE TWO MAN CELLS.

23 Q YOU HAD NEVER MET MR. RICHARDSON BEFORE THAT TIME, DID

24 YOU?

25 A THAT'S CORRECT.

- 1 Q DIDN'T KNOW HIM FROM ANYBODY, DID YOU?
- 2 A NO.
- 3 Q BUT IT'S YOUR TESTIMONY THAT HE JUST ALL OF SUDDEN
- 4 STARTED TO TALKING TO YOU?
- 5 A THAT IS CORRECT.
- 6 Q STARTED CONFESSING EVERYTHING TO YOU?
- 7 A THAT IS ABSOLUTELY CORRECT.
- 8 Q YOU KIND OF GOT A HABIT OF GETTING PEOPLE TO TALK TO
- 9 YOU, DON'T YOU?
- 10 A NO.
- 11 Q A HABIT OF MAKING THEM FEEL COMFORTABLE WITH YOU, DON'T
- 12 YOU?
- 13 A NO.
- 14 Q DISCLOSING TALK ABOUT THEIR CASES, DON'T YOU?
- 15 A NO, SIR.
- 16 Q IS IT YOUR TESTIMONY THAT YOU HAVE NEVER GOTTEN ANY
- 17 OTHER PERSON IN JAIL WITH YOU TO TALK TO YOU?
- 18 A THAT'S CORRECT.
- 19 Q YOU ARE FAMILIAR WITH THE PERSON BY THE NAME OF JOHN
- 20 COLESON, AREN'T YOU?
- 21 A THAT'S CORRECT.
- 22 MR. SWARAT: YOUR HONOR, MAY WE APPROACH?
- 23 THE COURT: YES, SIR.
- 24 (WHEREUPON THERE WAS A BENCH CONFERENCE OFF THE RECORD IN
- 25 THE PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

1 THE COURT: YOU MAY CONTINUE, COUNSEL.

2 Q IN THIS CITY JAIL THEY HAVE TELEPHONES THERE?

3 A YES SIR.

4 Q PEOPLE CAN USE THEM?

5 A YES, SIR.

6 Q TELEPHONES ARE ALL RIGHT THERE TOGETHER, AREN'T THEY?

7 A IT'S ONLY LIKE ONE PHONE OR TWO PHONES PER BLOCK.

8 Q TWO PHONES PER BLOCK?

9 A DEPENDING ON THE SIZE OF THE BLOCK, MAYBE IT'S ONE IN
10 THIS ONE. IF THIS BLOCK IS BIGGER, THEN YOU MIGHT HAVE TWO.

11 Q THOSE TWO PHONES ARE RIGHT THERE TOGETHER, AREN'T THEY?

12 A YES.

13 Q NO WALLS SEPARATING THEM?

14 A NO.

15 Q SO IF SOMEBODY IS ON THE TELEPHONE, YOU CAN SEE THEM ON
16 THE TELEPHONE?

17 A YES.

18 Q IF SOMEBODY WAS TALKING ON THE TELEPHONE AND YOU WERE
19 STANDING NEXT TO THEM ON THE OTHER TELEPHONE YOU COULD HEAR
20 WHAT THEY ARE SAYING?

21 A YES.

22 Q THE AREA WHERE PEOPLE HAVE VISITORS TO COME SEE THEM,
23 IT'S AN OPEN AREA, ISN'T IT?

24 A YES.

25 Q AN AREA WHERE YOU CAN SEE SOMEBODY VISITING SOMEONE?

- 1 A YES, ABOUT THREE PEOPLE ON EACH SIDE.
- 2 Q YOU WERE INITIALLY IN A DIFFERENT CELL BLOCK, WEREN'T
- 3 YOU?
- 4 A YES, I WAS.
- 5 Q THEN AFTER SOME PERIOD OF TIME YOU WERE MOVED INTO THIS
- 6 OTHER CELL BLOCK?
- 7 A THAT'S CORRECT.
- 8 Q THE SAME CELL BLOCK MR. RICHARDSON WOULD HAVE BEEN IN?
- 9 A THAT'S CORRECT BECAUSE I WAS A FEDERAL INMATE, AND HE
- 10 WAS A FEDERAL INMATE. SO, THEY MOVED ME OUT OF ONE BLOCK AND
- 11 PUT ME IN THE BLOCK WITH ALL THE FEDERAL HOLD INMATES.
- 12 Q IT'S YOUR TESTIMONY THAT AT THIS POINT IN TIME HE
- 13 IMMEDIATELY STARTED TALKING TO YOU?
- 14 A NO.
- 15 Q IT'S YOUR TESTIMONY THAT HE DIDN'T IMMEDIATELY START
- 16 TALKING TO YOU?
- 17 A NOT ABOUT HIS CASE.
- 18 Q YOUR TESTIMONY WHEN THE SOLICITOR ASKED WAS THAT AS A
- 19 RESULT OF YOU OFFERING TESTIMONY YOU RECEIVED NO BENEFITS
- 20 WHATSOEVER?
- 21 A I DIDN'T.
- 22 Q YOU HAVEN'T?
- 23 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.) IF I WOULD
- 24 HAVE, I WOULDN'T BE LOCKED UP NOW.
- 25 Q YOU HAVEN'T RECEIVED ANY BENEFITS REGARDING YOUR

1 SENTENCES BEING REDUCED ANY?

2 A MY SENTENCE WAS REDUCED BECAUSE I ADMITTED TO MY
3 RESPONSIBILITY. I ACCEPTED MY RESPONSIBILITY. SO, I WAS
4 GIVEN A DOWNWARD OF THE SENTENCING GUIDELINES.

5 Q MR. LUCAS, YOU ARE SCHEDULED TO BE RELEASED SOON;
6 CORRECT?

7 A YES, SIR.

8 Q BY COMPLETING THIS COURSE YOU WILL BE RELEASED?

9 A THAT'S CORRECT.

10 Q IF YOU DO NOT TESTIFY AND DO NOT RECEIVE A LETTER FROM
11 THE SOLICITOR'S OFFICE---

12 MR. SWARAT: YOUR HONOR, I OBJECT TO THAT.

13 THE WITNESS: NO. I WAS---

14 THE COURT: JUST A MINUTE, PLEASE, SIR. STATE YOUR
15 GROUNDS.

16 MR. SWARAT: HE IS TRYING TO IMPLY WE MADE SOME TYPE OF HELP
17 OR REWARD TO MR. LUCAS TO COME DOWN HERE AND TESTIFY. WE
18 DIDN'T KNOW ABOUT THIS COURSE UNTIL HE GOT DOWN HERE. WE
19 SAID WE WOULD GIVE HIM A LETTER.

20 THE COURT: WELL, SIR, I DON'T WANT YOU TESTIFYING ABOUT
21 IT, MR. SWARAT. I UNDERSTAND. HE IS ON CROSS EXAMINATION.
22 HE'S EXPLORING THAT. IF YOU NEED TO FOLLOW UP ON REDIRECT --
23 IT'S OVERRULED.

24 Q IF YOU DO NOT RECEIVE AN EXCUSE FOR MISSING MORE THAN
25 TWO DAYS IN THAT CLASS, YOU GET KICKED OUT OF THAT CLASS;

- 1 CORRECT?
- 2 A THAT'S CORRECT.
- 3 Q AND AS A RESULT---
- 4 A I WILL STILL BE RELEASED.
- 5 Q ---YOUR RELEASE IS IN JEOPARDY?
- 6 A NO. IT'S NOT.
- 7 Q BUT RECEIVING AN EXCUSE WILL KEEP YOU IN THAT CLASS?
- 8 A THIS CLASS IS FOR MYSELF. IT HAS NOTHING TO DO WITH ME
- 9 BEING RELEASED.
- 10 Q GETTING THIS EXCUSE WILL HELP KEEP YOU IN THAT CLASS;
- 11 CORRECT?
- 12 A IT MAY AND IT MAY NOT. I HAVE NO IDEA. I AM NOT THERE
- 13 YET.
- 14 Q STAYING IN CLASS IS WHAT'S IMPORTANT TO YOU, ISN'T IT?
- 15 A YES, IT IS, BUT TELLING THE TRUTH ABOUT WHAT HAPPENED TO
- 16 A MAN THAT WAS KILLED IS ALSO IMPORTANT TO ME.
- 17 Q I BELIEVE ON DIRECTION EXAMINATION YOU SAID THAT YOU HAD
- 18 BEEN CONVICTED OF BANK FRAUD?
- 19 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)
- 20 Q YOU'VE BEEN CONVICTED OF FORGERIES?
- 21 A (WITNESS NODS.) (INDICATING AFFIRMATIVE RESPONSE.)
- 22 Q I THINK YOU WERE CONVICTED OF OBTAINING MONEY BY FALSE
- 23 PRETENSES?
- 24 A THAT'S CORRECT.
- 25 Q THOSE ARE ALL CRIMES THAT DEAL WITH DECEIT, AREN'T THEY?

1 A YES.

2 Q DEAL WITH LYING, DON'T THEY?

3 A YES.

4 Q YOU ALSO STATED THAT YOU WERE CONVICTED SOMETIME AGO FOR
5 CRIMINAL SEXUAL CONDUCT?

6 A THAT'S CORRECT.

7 Q KIDNAPPING; ISN'T THAT RIGHT?

8 A THAT'S CORRECT.

9 Q AND IT IS YOUR TESTIMONY TODAY THAT WILLIE RICHARDSON
10 JUST OUT OF THE BLUE CONFESSED TO YOU?

11 A THAT'S THE ONLY WAY I KNOW.

12 MR. YOUNG: I HAVE NO FURTHER QUESTIONS, YOUR HONOR.

13 THE COURT: REDIRECT.

14 REDIRECT EXAMINATION BY MR. SWARAT:

15 Q MR. LUCAS, WHEN IS THE FIRST TIME YOU EVER SAW MY FACE
16 AND MR. HUBBARD'S FACE?

17 A SATURDAY.

18 Q DID WE KNOW ABOUT THIS COURSE WHEN YOU GOT HERE?

19 A NO, YOU DIDN'T; NOT UNTIL I TOLD YOU.

20 Q AND THIS EXCUSE WE ARE SENDING UP WITH YOU, DO YOU KNOW
21 IF THEY WILL ACCEPT IT OR WON'T ACCEPT IT?

22 A NO, I DON'T. IN ALL ACTUALITY, I DON'T EVEN WANT IT.

23 Q DOES IT HAVE ANY BEARING ON THESE PEOPLE WHO RUN YOUR
24 COURSE?

25 A NO.

1 Q WE JUST TELL WHERE YOU WERE AND WHY YOU WERE THERE?

2 A EXACTLY.

3 Q MR. LUCAS, DURING THE TIMES THAT Y'ALL WERE TALKING --
4 YOU AND RAHEEM -- AND HE TALKED TO YOU ABOUT KILLING THIS
5 MAN IN SOUTH CAROLINA, DID Y'ALL ALSO HAVE OTHER
6 CONVERSATION?

7 A YES.

8 Q DID HE TELL WHERE HE HAD FAMILY?

9 A YES.

10 Q WHERE DOES HE HAVE FAMILY?

11 MR. YOUNG: OBJECTION, YOUR HONOR. IT IS BEYOND THE SCOPE
12 OF CROSS.

13 THE COURT: SUSTAIN THE OBJECTION.

14 MR. SWARAT: MAY I APPROACH?

15 THE COURT: I SUSTAIN THE OBJECTION..

16 Q HE DIDN'T JUST OUT OF THE BLUE TELL YOU ABOUT THIS
17 MURDER?

18 A NO.

19 Q Y'ALL TALKED ABOUT A LOT OF THINGS?

20 A THAT'S CORRECT.

21 Q THIS INFORMATION ABOUT THE WHITE LANDCRUISER, HAD
22 ANYBODY EVER ASKED YOU ABOUT THAT BEFORE?

23 A NO.

24 Q DID I ASK YOU ABOUT THE INFORMATION IN FRONT OF
25 DETECTIVE BRYANT, F.B.I. AGENT---

1 A YES, YOU DID.

2 Q ---ABOUT THE VEHICLE YOU HAD MENTIONED IN YOUR
3 STATEMENT?

4 A YES, YOU DID.

5 Q DID YOU VOLUNTEER ADDITIONAL INFORMATION WHEN I ASKED
6 YOU IF YOU KNEW ANYTHING ELSE ABOUT THAT VEHICLE?

7 A YES, I DID.

8 Q WHAT DID YOU VOLUNTEER?

9 A I TOLD YOU I KNOW WHAT COLOR IT WAS.

10 Q WHAT COLOR DID YOU SAY?

11 A WHITE.

12 Q WHAT ELSE DID YOU VOLUNTEER?

13 A THAT IT WAS A LANDCRUISER.

14 Q DID I ASK WHERE YOU GOT THAT INFORMATION?

15 A YOU ASKED ME HOW DID YOU KNOW THAT, AND I TOLD YOU, "I
16 HAVE ALWAYS KNOWN IT. RAHEEM TOLD ME."

17 Q IS THAT THE ONLY PLACE YOU HAVE EVER GOTTEN ANY OF THAT
18 INFORMATION FROM?

19 A THAT'S CORRECT.

20 Q ABOUT THE NIGHTCLUB KILLING IN SOUTH CAROLINA, THE
21 VEHICLE HE HAD WHEN HE COMMITTED THE MURDER, IT WAS OVER A
22 FIGHT, AND THAT HE WAS GOING TO FABRICATE AN ALIBI -- THAT'S
23 ALL YOU KNOW ABOUT IT?

24 A THAT IS CORRECT.

25 MR. SWARAT: THAT'S ALL I HAVE.

1 THE COURT: RECROSS.

2 MR. YOUNG: NO FURTHER QUESTIONS.

3 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN, MR. LUCAS.

4 MR. HUBBARD: THE STATE CALLS SAM BRYANT.

5 SAMUEL BRYANT, JR., BEING FIRST DULY
6 SWORN, TESTIFIED AS FOLLOWS:

7 THE COURT: PLEASE STATE YOUR NAME FOR THE RECORD, SIR.

8 THE WITNESS: SAMUEL BRYANT, JR.

9 DIRECT EXAMINATION BY MR. HUBBARD:

10 Q AGENT BRYANT, WHERE DO YOU WORK?

11 A I AM EMPLOYED WITH THE FEDERAL BUREAU OF INVESTIGATIONS
12 ASSIGNED TO THE NORFOLK OFFICE IN NORFOLK, VIRGINIA.

13 Q HOW LONG HAVE YOU BEEN WITH THE F.B.I.?

14 A APPROXIMATELY 11 YEARS.

15 Q ARE YOU FAMILIAR WITH AN INDIVIDUAL BY THE NAME OF
16 REGINALD LUCAS?

17 A YES, I AM.

18 Q DID YOU HAVE AN OCCASION TO SPEAK TO MR. LUCAS?

19 A YES, SIR.

20 Q AT THE TIME YOU INITIALLY SPOKE TO MR. LUCAS DID HE HAVE
21 PENDING CHARGES?

22 A HIS CASE HAD BEEN ADJUDICATED. HE WAS AWAITING
23 SENTENCING ON THE CHARGES HE HAD BEEN CHARGED WITH.

24 Q HE HAD ALREADY BEEN TRIED AND WAS WAITING TO BE
25 SENTENCED?

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1 A YES, SIR. IN FACT, HE ENTERED, I THINK, A PLEA
2 AGREEMENT SOMETIME PRIOR TO THAT..

3 Q IN TALKING WITH MR. LUCAS DID Y'ALL DISCUSS AN INCIDENT
4 IN SOUTH CAROLINA?

5 A YES, SIR, WE DID.

6 Q DID YOU DISCUSS THE NAME OF WILLIE RICHARDSON?

7 A YES, SIR.

8 Q DID YOU AT ANY TIME DURING THE COURSE OF THESE
9 CONVERSATIONS MAKE ANY REPRESENTATIONS OR ANY DEALS WITH MR.
10 LUCAS IN ORDER TO GET HIM TO TALK TO YOU?

11 A NO, SIR, I DID NOT.

12 Q DID YOU MAKE ANY REPRESENTATIONS OR DEALS WITH MR. LUCAS
13 ABOUT WHAT YOU MIGHT DO OR WHAT SOMEONE MIGHT DO AS TO MR.
14 LUCAS' SENTENCING?

15 A NO, SIR. I DID NOT.

16 Q DID YOU MAKE ANY REPRESENTATIONS OR DEALS WITH MR. LUCAS
17 IF HE HELPED OUT THE AUTHORITIES IN SOUTH CAROLINA THAT YOU
18 MIGHT HELP HIM OUT WHEN HE CAME UP FOR SENTENCING?

19 A NO, SIR.

20 Q DID YOU HAVE AN OCCASION TODAY TO SPEAK WITH MR. LUCAS?

21 A YES, SIR, I DID.

22 Q WAS THAT IN THE PRESENCE OF A PROSECUTOR FROM OUR
23 OFFICE?

24 A YES, SIR. IT WAS.

25 Q DO YOU RECALL AT ANY TIME IN THAT CONVERSATION HEARING

- 1 ABOUT A WHITE LANDCRUISER?
- 2 A YES, SIR.
- 3 Q WHO DID YOU HEAR THAT FROM?
- 4 A I HEARD IT FROM MR. LUCAS.
- 5 Q HAD YOU HAD THAT INFORMATION AS TO WHAT TYPE OF VEHICLE
- 6 WAS INVOLVED IN THIS CASE?
- 7 A NO, SIR. I ONLY KNEW THAT THERE WAS A VEHICLE ACCORDING
- 8 TO THE PREVIOUS STATEMENT THAT MR. LUCAS HAD PROVIDED TO ME,
- 9 BUT NO PARTICULARS IN REGARDS TO THE VEHICLE ITSELF.
- 10 Q SO YOU DID NOT GIVE THAT INFORMATION TO MR. LUCAS?
- 11 A NO, SIR, I DID NOT.
- 12 Q DID MR. LUCAS INDICATE TO YOU WHERE HE GOT THAT
- 13 INFORMATION ABOUT A LANDCRUISER?
- 14 A YES, SIR. HE INDICATED HE RECEIVED THAT INFORMATION
- 15 FROM MR. RICHARDSON.
- 16 Q ARE WE TALKING ABOUT WILLIE JAMES RICHARDSON?
- 17 A WILLIE JAMES RICHARDSON; YES, SIR.
- 18 Q THE INDIVIDUAL IN THIS COURTROOM?
- 19 A YES, SIR, THE GENTLEMAN IN THE BROWN-COLORED SUIT.
- 20 Q DID MR. LUCAS SAY ANYTHING ABOUT THE COLOR OF THAT
- 21 PARTICULAR LANDCRUISER?
- 22 A YES, SIR. HE INDICATED THAT THE VEHICLE WAS WHITE IN
- 23 COLOR.
- 24 Q YOU HAD NOT GIVEN HIM THAT INFORMATION?
- 25 A NO, SIR.

1 Q DID HE MAKE ANY REPRESENTATION AS TO WHERE HE GOT THAT
2 INFORMATION?

3 A YES, SIR. HE HAD RECEIVED THAT INFORMATION FROM MR.
4 RICHARDSON.

5 MR. HUBBARD: BEG THE COURT'S INDULGENCE.

6 (PAUSE.)

7 Q NOW BACK INITIALLY WHEN YOU TALKED TO MR. LUCAS BACK IN
8 -- DO YOU RECALL WHEN THAT WAS?

9 A NOVEMBER 4, 1997.

10 Q DID YOU DO A REPORT ON THAT CONVERSATION YOU HAD?

11 A YES, SIR, I DID.

12 Q AT NO TIME DURING THAT CONVERSATION DID YOU MAKE ANY
13 OFFERS OR DEALS?

14 A NONE WHATSOEVER.

15 Q DID YOU HEAR OF ANY OFFERS OR DEALS WITH MR. LUCAS WHEN
16 YOU SPOKE WITH HIM TODAY?

17 A NO, SIR.

18 Q HAS MR. LUCAS BEEN SENTENCED?

19 A YES, HE HAS.

20 Q DOES THE STATEMENT YOU TOOK BACK IN NOVEMBER -- DOES
21 THAT STATEMENT INVOLVE OR INCLUDE ANY INFORMATION ABOUT THE
22 MURDER IN SOUTH CAROLINA?

23 A YES, SIR, IT DOES.

24 Q DOES THAT STATEMENT MENTION THE NAME OF THE INDIVIDUAL
25 WHO COMMITTED THAT MURDER?

- 1 A YES, SIR.
- 2 Q WHO WAS THAT?
- 3 A THAT WAS MR. RICHARDSON.
- 4 Q AGAIN---
- 5 A WILLIE JAMES RICHARDSON ALSO KNOWN AS RAHEEM OR RIZ..
- 6 Q THAT'S THE INDIVIDUAL IN THE COURTROOM TODAY?
- 7 A YES, SIR, THE SAME INDIVIDUAL.
- 8 MR. HUBBARD: NO FURTHER QUESTIONS, YOUR HONOR.
- 9 CROSS EXAMINATION BY MR. YOUNG:
- 10 Q IS IT AGENT OR SPECIAL AGENT?
- 11 A SPECIAL AGENT.
- 12 Q SPECIAL AGENT BRYANT, DID YOU JUST SAY HE KNOWN BY
- 13 WILLIE RICHARDSON OR RAHEEM OR RIZ?
- 14 A WILLIE JAMES RICHARDSON, RAHEEM, RIZ, WILLIE
- 15 RICHARDSON. HE IS KNOWN BY A NUMBER OF NAMES. THAT'S THE
- 16 WILLIE JAMES RICHARDSON SEATED AT THE TABLE.
- 17 Q NOW, ELEVEN YEARS WITH THE F.B.I. -- THAT MEANS YOU
- 18 WORK PRETTY MUCH EXCLUSIVELY IN THE FEDERAL SYSTEM; CORRECT?
- 19 A I WORK A LOT OF JOINT TASK FORCE INVESTIGATIONS.
- 20 PRIMARILY MY CASES THAT I HAVE WORKED HAVE BEEN A VARIETY OF
- 21 CASES, SIR.
- 22 Q YOU HAVE GAINED A LOT OF EXPERIENCE IN THE FEDERAL
- 23 SYSTEM; CORRECT?
- 24 A I HAVE EXPERIENCE IN THE FEDERAL SYSTEM. I DO.
- 25 Q YOU HAVE THROUGH YOUR EXPERIENCE -- THROUGH YOUR

1 EXPERIENCE YOU HAVE GAINED KNOWLEDGE PRETTY MUCH HOW THE
2 SYSTEM WORKS; CORRECT?

3 A I'M FAMILIAR WITH THE SYSTEM. IN PARTICULARLY, WHAT
4 SYSTEM ARE YOU REFERRING TO?

5 Q YOU ARE FAMILIAR THAT A PERSON IN FEDERAL CUSTODY
6 RECEIVES SOME TYPE OF BENEFIT BY COOPERATING WITH LAW
7 ENFORCEMENT; CORRECT?

8 A THAT COULD BE SO.

9 Q YOU TESTIFIED THAT YOU TOOK A STATEMENT IN NOVEMBER?

10 A THAT'S CORRECT.

11 Q OF '90---

12 A '97, NOVEMBER.

13 Q NOWHERE IN THAT STATEMENT DID MR. LUCAS MENTION ANYTHING
14 TO YOU ABOUT A TATTOO, DID HE?

15 A I DIDN'T ASK HIM ABOUT TATTOO, SIR.

16 Q AT NO POINT IN TIME DID MR. LUCAS MENTION TO YOU ON
17 NOVEMBER 4, 1997 ABOUT A TATTOO, DID HE?

18 A I DIDN'T ASK HIM, SIR.

19 THE COURT: ANSWER THE QUESTION, PLEASE, SIR.

20 THE WITNESS: NOT TO MY KNOWLEDGE.

21 Q DID HE EVER MENTION TO YOU ANYTHING ABOUT A WHITE
22 LANDCRUISER?

23 A NO COLOR OF ANY PARTICULAR VEHICLE.

24 Q DID HE EVER MENTION TO YOU THE NAME RAHEEM?

25 A YES, SIR, MR. RICHARDSON.

1 Q YOU PREPARED A STATEMENT, CORRECT, OF WHAT YOUR
2 INTERVIEW WAS?

3 A I KNOW MR. RICHARDSON AS RAHEEM. I KNOW HIM AS RIZ. SO
4 WHEN I---

5 Q I DIDN'T ASK YOU THAT. I ASKED YOU IF IN YOUR STATEMENT
6 FROM YOUR INTERVIEW BETWEEN YOURSELF AND MR. LUCAS DID MR.
7 LUCAS EVER TELL YOU ABOUT RAHEEM?

8 A I CAN'T RECALL IF HE CALLED HIM RAHEEM OR NOT.

9 Q YOU TESTIFIED ON DIRECT EXAMINATION THAT ON YESTERDAY OR
10 ON TODAY -- I DON'T REMEMBER. WAS IT YESTERDAY OR TODAY
11 THAT YOU TALKED WITH THE SOLICITOR AND MR. LUCAS?

12 A IT WAS A FEW MINUTES AGO.

13 Q JUST A FEW MINUTES AGO. WHEN YOU ARRIVED, DID YOU
14 ARRIVE TODAY OR YESTERDAY?

15 A I ARRIVED A FEW MINUTES AGO.

16 Q YOU ARRIVED A FEW MINUTES AGO. WHEN YOU ARRIVED HERE
17 DID YOU BRING MR. LUCAS WITH YOU?

18 A NO, SIR, I DIDN'T.

19 Q MR. LUCAS WAS ALREADY HERE, WASN'T HE?

20 A THAT'S CORRECT.

21 Q IF MR. LUCAS HAD ANY PREVIOUS CONVERSATIONS WITH THE
22 SOLICITORS, YOU ARE NOT PRIVY TO THAT?

23 MR. SWARAT: OBJECTION. HE CAN'T PUT MY CHARACTER INTO
24 EVIDENCE.

25 THE COURT: LADIES AND GENTLEMEN, I HAVE A MATTER OF LAW I

1 NEED TO TAKE UP WITH THE ATTORNEYS. I AM GOING TO SEND YOU
2 TO THE JURY ROOM. PLEASE DO NOT DISCUSS THIS CASE WHILE YOU
3 ARE THERE.

4 (THE JURY RETIRES TO THE JURY ROOM.)

5 THE COURT: MR. SWARAT, THERE IS A PROPER WAY TO MAKE AN
6 OBJECTION IN THIS STATE. IT IS BASED UPON CERTAIN GROUNDS.
7 IF YOU HAVE SOMETHING BEYOND THAT THAT YOU WANT TO SAY, YOU
8 NEED TO RAISE IT AS A MATTER OF LAW. I AM NOT SO SURE THAT
9 YOU HAVEN'T BEEN PLACED IN A POSITION OF BEING A WITNESS IN
10 THE CASE THOUGH GIVEN THE WAY THE TESTIMONY AND EVERYTHING
11 HAS GONE. NOW, IF THERE ARE ANY DEALS OR ANYTHING ELSE THAT
12 HAVE BEEN -- YOU ARE THE ONE THAT BROUGHT THAT UP ON DIRECT
13 EXAMINATION OF MR. LUCAS BECAUSE THAT'S BEEN MADE A VERY BIG
14 ISSUE IN THIS CASE, AND YOU BROUGHT IT UP. YOU EVEN BROUGHT
15 UP THE FACT IT HAS BEEN BROUGHT UP THAT YOU AND MR. HUBBARD
16 THAT YOU HAVE BEEN PRESENT TALKING WITH THESE PEOPLE AND
17 EVERYTHING ELSE.

18 NOW, I AGREE THAT HE CAN'T PUT YOUR CHARACTER IN ISSUE. HE
19 CAN PUT ANY KIND OF STATEMENTS IN ISSUE OR ANY TYPE OF
20 BENEFITS OR ANY TYPES OF REWARDS THAT HE WANTS TO. HE CAN ASK
21 THIS MAN ABOUT IT BECAUSE HE HAS BEEN ASKED JUST ABOUT
22 EVERYTHING ELSE ABOUT IT.

23 MR. SWARAT: I AGREE WITH THAT, YOUR HONOR.

24 THE COURT: AND---

25 MR. SWARAT: I JUST DON'T THINK HE CAN -- I THINK WHAT HE

1 WAS TRYING TO IMPLY TO THE JURY FROM THE WAY I WAS READING
2 HIS QUESTION IS THAT I MAY HAVE FED HIM THIS INFORMATION.

3 THE COURT: WELL, SIR---

4 MR. SWARAT: HE CAN'T DO THAT.

5 THE COURT: I DON'T THINK I INFERRED THAT FROM IT. MAYBE
6 YOU DID.

7 MR. SWARAT: I THINK WE CAN ASK MR. YOUNG WHERE HE WAS GOING
8 WITH IT.

9 THE COURT: NO, SIR. I AM NOT ASKING MR. YOUNG ANYTHING. I
10 AM GOING TO RULE ON YOUR OBJECTION.

11 MR. SWARAT: WELL, THAT'S MY OBJECTION.

12 THE COURT: OVERRULED. DO YOU HAVE SOME MORE QUESTIONS OF
13 THIS MAN?

14 MR. YOUNG: THE ONLY ONLY QUESTION I WOULD HAVE IS---

15 THE COURT: I WILL BRING THE JURY BACK.

16 MR. YOUNG: YES, SIR.

17 (THE JURY RETURNS TO THE COURTROOM.)

18 THE COURT: YOU MAY CONTINUE, MR. YOUNG.

19 CONTINUED CROSS EXAMINATION BY MR. YOUNG:

20 Q SPECIAL AGENT BRYANT, YOU TESTIFIED THAT YOU JUST
21 ARRIVED THIS MORNING; CORRECT?

22 A YES, SIR.

23 Q A FEW MINUTES AGO; CORRECT?

24 A YES, SIR.

25 Q WHEN YOU ARRIVED YOU HAD A MEETING WITH THE SOLICITOR

1 AND MR. LUCAS; CORRECT?

2 A I DIDN'T HAVE A MEETING. I WAS SITTING IN THE WITNESS
3 ROOM.

4 Q YOU WERE SITTING IN THE ROOM WHEN THE SOLICITOR AND MR.
5 LUCAS HAD A CONVERSATION?

6 A YES, SIR.

7 Q IF THERE WAS A CONVERSATION OR A MEETING BETWEEN THE
8 SOLICITOR AND MR. LUCAS PRIOR TO YOU ARRIVING YOU ARE NOT
9 PRIVY TO KNOW WHAT TRANSPIRED THERE; CORRECT?

10 A THAT'S CORRECT.

11 MR. YOUNG: I HAVE NO FURTHER QUESTIONS, YOUR HONOR.

12 THE COURT: REDIRECT.

13 REDIRECT EXAMINATION BY MR. HUBBARD:

14 Q AGENT BRYANT, THIS INFORMATION CONCERNING YOUR
15 CONVERSATION TODAY WITH MR. LUCAS WHERE YOU GOT OR HEARD THIS
16 INFORMATION ABOUT A WHITE LANDCRUISER, DID YOU HEAR THAT COME
17 FROM MR. LUCAS' MOUTH?

18 A YES, SIR.

19 Q DID ANYONE ELSE MENTION A WHITE LANDCRUISER?

20 A NO, SIR.

21 Q DID ANYONE ELSE MENTION ANY DEALS OR ANYTHING ELSE WITH
22 MR. LUCAS?

23 A NO, SIR.

24 Q AS HE STANDS TODAY HAS HE BEEN SENTENCED?

25 A YES, HE HAS.

1 MR. HUBBARD: NOTHING ELSE, YOUR HONOR.

2 THE COURT: RECROSS?

3 MR. YOUNG: I HAVE NO FURTHER QUESTIONS.

4 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN.

5 MR. SWARAT: YOUR HONOR, THE STATE CALLS ALLEN STONE.

6 ALLEN STONE, BEING FIRST DULY SWORN,
7 TESTIFIED AS FOLLOWS:

8 THE COURT: STATE YOUR NAME FOR THE RECORD.

9 THE WITNESS: ALLEN STONE.

10 DIRECT EXAMINATION BY MR. SWARAT:

11 Q AGENT STONE, BY WHOM ARE YOU EMPLOYED?

12 A RICHLAND COUNTY SHERIFF'S DEPARTMENT.

13 Q HOW LONG HAVE YOU BEEN EMPLOYED WITH THE RICHLAND COUNTY
14 SHERIFF'S DEPARTMENT?

15 A TWENTY-FOUR YEARS.

16 Q BACK IN 1995 AS A RESULT OF YOUR EMPLOYMENT WITH THE
17 RICHLAND COUNTY SHERIFF'S DEPARTMENT DID YOU TAKE INTO YOUR
18 POSSESSION A VEHICLE---

19 A YES, SIR, I DID.

20 Q ---INVOLVED IN THIS CASE?

21 A YES, SIR, I DID.

22 Q WHAT IS THAT VEHICLE?

23 A 1993 TOYOTA LANDCRUISER WITH A SOUTH CAROLINA TAG
24 U6803.

25 Q WHO DO YOU KNOW TO OPERATE, POSSESS, TO OWN THAT

1 PARTICULAR VEHICLE PRIOR TO YOU TAKING IT INTO YOUR
2 POSSESSION?

3 A WILLIE JAMES RICHARDSON.

4 Q THAT'S THE DEFENDANT ON TRIAL NOW?

5 A YES, SIR.

6 Q DID YOU BRING TO COURT WITH YOU AN ITEM OFF OF THAT
7 LANDCRUISER?

8 A YES, SIR, I DID.

9 Q WHAT IS THAT?

10 A THE LICENSE PLATE.

11 Q OKAY. I AM SHOWING YOU AN ITEM. DO YOU RECOGNIZE WHAT
12 THIS IS?

13 A YES, SIR.

14 Q WHAT IS THAT ITEM?

15 A THIS IS THE SOUTH CAROLINA TAG U6803.

16 Q AND THAT CAME OFF A WHITE TOYOTA LANDCRUISER THAT YOU
17 KNOW MR. RICHARDSON TO OPERATE AND POSSESS PRIOR TO YOUR
18 TAKING IT INTO YOUR POSSESSION?

19 A YES, SIR.

20 MR. SWARAT: YOUR HONOR, I MOVE THAT INTO EVIDENCE.

21 THE COURT: ANY OBJECTION?

22 MR. YOUNG: NO OBJECTION.

23 MR. SWARAT: THAT'S ALL I HAVE---

24 THE COURT: WAIT ONE MINUTE.

25 (PLAINTIFF'S EXHIBIT NO. 42 ENTERED INTO EVIDENCE.)

1 THE COURT REPORTER: STATE'S 42, YOUR HONOR.

2 MR. SWARAT: THAT'S ALL I HAVE FOR AGENT STONE. PLEASE ANY
3 QUESTIONS THAT---

4 THE COURT: CROSS EXAMINATION.

5 CROSS EXAMINATION BY MR. YOUNG:

6 Q INVESTIGATOR STONE OR AGENT STONE?

7 A ACTUALLY, AGENT.

8 Q AGENT STONE, PRIOR TO YOU TAKING POSSESSION OF THIS
9 AUTOMOBILE YOU WERE NOT PRESENT WHEN THIS AUTOMOBILE WAS
10 FOUND; CORRECT?

11 A NO, SIR.

12 Q YOU DID NOT RUN THE TAG INFORMATION ON THIS AUTOMOBILE,
13 DID YOU?

14 A NO, SIR.

15 Q YOU HAVE NOT LOOKED AT THE TITLE TO THIS INFORMATION TO
16 THIS TAG, HAVE YOU?

17 A NOT PRIOR, AFTER.

18 Q AFTER YOU TOOK POSSESSION OF IT?

19 A AFTER I HAD THE INFORMATION ABOUT IT.

20 Q BASED ON THAT INFORMATION THAT YOU OBTAINED DID YOU
21 RECEIVE A DATE OF BIRTH OF THE WILLIE JAMES RICHARDSON THAT
22 YOU HAD INFORMATION THAT OWNED THIS AUTOMOBILE?

23 A NO, SIR, BECAUSE THAT INFORMATION IS NOT INCLUDED IN THE
24 HIGHWAY DEPARTMENT'S INFORMATION REGARDING A TAG.

25 MR. YOUNG: THANK YOU. I HAVE NO FURTHER QUESTIONS.

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1 THE COURT: REDIRECT?

2 MR. SWARAT: NO REDIRECT.

3 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN.

4 MR. HUBBARD: YOUR HONOR, MAY WE APPROACH?

5 THE COURT: YES, SIR.

6 MR. SWARAT: I'D ASK THAT AGENT STONE BE EXCUSED, YOUR
7 HONOR.

8 MR. YOUNG: NO OBJECTION, YOUR HONOR.

9 THE COURT: HE IS EXCUSED.

10 (WHEREUPON THERE WAS A BENCH CONFERENCE OFF THE RECORD IN
11 THE PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

12 THE COURT: NEXT WITNESS, PLEASE, MR. SWARAT.

13 MR. SWARAT: THE STATE CALLS EDNA JUMPER.

14 EDNA H. JUMPER, BEING FIRST DULY SWORN,
15 TESTIFIED AS FOLLOWS:

16 THE COURT: PLEASE STATE YOUR NAME FOR THE RECORD, MA'AM.

17 THE WITNESS: EDNA H. JUMPER.

18 DIRECT EXAMINATION BY SWARAT:

19 Q MS. JUMPER, BY WHOM ARE YOU EMPLOYED?

20 A THE DEPARTMENT OF PUBLIC SAFETY.

21 Q PURSUIT TO SUBPOENA IN THIS CASE DID YOU BRING SOME
22 INFORMATION TO COURT WITH YOU?

23 A YES, SIR. I HAVE TITLE AND REGISTRATION DOCUMENTS.

24 Q ARE THOSE RECORDS YOU KEEP IN THE ORDINARY COURSE OF
25 BUSINESS AT THE HIGHWAY DEPARTMENT?

1 A YES, SIR.

2 Q ARE YOU THE CUSTODIAN OF THOSE RECORDS?

3 A YES SIR.

4 MR. SWARAT: YOUR HONOR, I MOVE THOSE INTO EVIDENCE AT THIS
5 TIME.

6 MR. YOUNG: IF I MAY SEE THE RECORDS.

7 THE COURT: ALL RIGHT, SIR. WOULD BE GLAD FOR YOU TO TAKE
8 A LOOK AT THEM.

9 (PAUSE.)

10 MR. YOUNG: I HAVE NO OBJECTIONS, YOUR HONOR.

11 THE COURT: WITHOUT OBJECTION, IT WILL BE ADMITTED AS
12 STATE'S EXHIBIT NO. 43

13 MR. SWARAT: I'D ACTUALLY LIKE TO HAVE THESE MARKED
14 SEPARATELY.

15 THE COURT: STATE'S FORTY-THREE AND FORTY-FOUR.

16 (PLAINTIFF'S EXHIBIT NOS. 43 & 44 ENTERED INTO EVIDENCE.)

17 Q REFERRING TO STATE'S NO. 43, MS. JUMPER, CAN YOU
18 IDENTIFY THAT DOCUMENT?

19 A THIS IS A COPY OF THE REGISTRATION THAT WAS ISSUED AT
20 THE TIME THE WAS REGISTERED WITH THE DEPARTMENT OF MOTOR
21 VEHICLES.

22 Q WHEN WAS THAT REGISTRATION DONE, MS. JUMPER?

23 A IT WAS ISSUED 7/27/1995.

24 Q WHO WAS IT REGISTERED TO?

25 A WILLIE J. RICHARDSON.

1 Q WHAT ADDRESS IS LISTED ON THAT REGISTRATION?

2 A 2700 PARK STREET, COLUMBIA, SOUTH CAROLINA, 29201.

3 Q WHAT TYPE OF VEHICLE IS THAT THAT IS REGISTERED?

4 A IT'S A 1993 TOYOTA LANDCRUISER.

5 Q WHAT IS LICENSE TAG THAT'S ISSUED WITH THAT
6 REGISTRATION?

7 A U6803.

8 Q AND THE "U" IN U6803, DO YOU UNDERSTAND WHERE THAT "U"
9 COMES FROM?

10 A YES, SIR. IT INDICATES IT IS A UNIVERSITY TAG.

11 Q CAN ANYONE PURCHASE A UNIVERSITY TAG?

12 A YES, SIR.

13 Q YOU DON'T HAVE TO GO TO THAT SCHOOL TO PURCHASE A
14 UNIVERSITY TAG?

15 A NO, SIR.

16 MR. SWARAT: YOUR HONOR, I WOULD LIKE TO PUBLISH THIS TO
17 THE JURY.

18 THE COURT: ALL RIGHT, SIR.

19 Q REFERRING TO STATE'S EXHIBIT NO. 44, WHAT IS THAT
20 INFORMATION, MS. JUMPER?

21 A THIS IS THE TITLE DOCUMENTS THAT WERE SUBMITTED WHEN THE
22 REGISTRATION WAS ISSUED ON THAT TOYOTA.

23 Q ON THAT TITLE INFORMATION DOES IT INDICATE WHERE THAT
24 VEHICLE WAS PURCHASED?

25 A YES, SIR. IT WAS PURCHASED FROM A DEALERSHIP IN NEW

- 1 YORK.
- 2 Q DOES IT SAY WHAT CITY IN NEW YORK?
- 3 A IT CAME FROM DEALER IMPORT AUTO WHOLESALERS
- 4 INCORPORATED, 74-21B QUEENS BOULEVARD, ELMHURST, NEW YORK,
- 5 11373.
- 6 Q DOES IT INDICATE WHO PURCHASED THAT VEHICLE?
- 7 A THE BILL OF SALE IS TO WILLIE RICHARDSON.
- 8 Q WHAT IS THE ADDRESS LISTED FOR MR. RICHARDSON ON THAT
- 9 BILL OF SALE?
- 10 A 2700 PARK STREET, COLUMBIA, SOUTH CAROLINA, 29201.
- 11 MR. SWARAT: THANK YOU, MA'AM. THAT'S ALL I HAVE, YOUR
- 12 HONOR. I'D LIKE TO PUBLISH THIS TO THE JURY AS WELL?
- 13 THE COURT: ALL RIGHT, SIR. CROSS EXAMINATION, MR. YOUNG.
- 14 MR. YOUNG: YOUR HONOR, I HATE TO TAKE THE DOCUMENTS BACK
- 15 FROM THE JURY, BUT I WANT TO---
- 16 THE COURT: LADIES AND GENTLEMEN OF THE JURY, IF YOU WOULD
- 17 ALLOW THE ATTORNEY TO SEE THOSE DOCUMENTS. HE WILL SEE THAT
- 18 THEY ARE REPRESENTED TO YOU. THEY ARE IN EVIDENCE, AND YOU
- 19 WILL HAVE AMPLE OPPORTUNITY TO SEE IT. AS SOON AS HE IS
- 20 FINISHED WITH THEM, HE WILL PUBLISH THEM TO YOU.
- 21 CROSS EXAMINATION BY MR. YOUNG:
- 22 Q ON EXHIBIT NO. 44, ANYWHERE ON THAT DOCUMENT DOES IT
- 23 INDICATE A DATE OF BIRTH OR ANYTHING OR SOCIAL SECURITY
- 24 NUMBER IDENTIFYING THE WILLIE JAMES RICHARDSON?
- 25 A NO, SIR.

1 Q ON EXHIBIT NO. 43 IS THERE ANYTHING ON THAT DOCUMENT
2 THAT IDENTIFIES DATE OF BIRTH, SOCIAL SECURITY NUMBER?

3 A NO, SIR.

4 Q SO, ACCORDING TO THOSE RECORDS THEY DO NOT INDICATE WHAT
5 WILLIE JAMES RICHARDSON PURCHASED THAT AUTOMOBILE; CORRECT?

6 A THEY INDICATE WILLIE J. RICHARDSON PURCHASED THEM.

7 Q BUT NO OTHER IDENTIFIERS?

8 A NO.

9 MR. YOUNG: THANK YOU. THAT'S ALL I HAVE.

10 MR. SWARAT: JUST ONE FOLLOW-UP.

11 THE COURT: REDIRECT.

12 REDIRECT EXAMINATION BY MR. SWARAT:

13 Q MS. JUMPER, THEY DO INDICATE THAT 2700 PARK STREET
14 ADDRESS LISTED TO THAT WILLIE J. RICHARDSON?

15 A YES, SIR.

16 MR. SWARAT: THAT'S ALL I HAVE. I ASK THAT MS. JUMPER BE
17 EXCUSED.

18 THE COURT: ANYTHING FURTHER, MR. YOUNG?

19 MR. YOUNG: NO FURTHER QUESTIONS AND NO OBJECTION.

20 THE COURT: THANK YOU, MA'AM. YOU ARE EXCUSED AND
21 APPRECIATE YOU COMING.

22 MR. HUBBARD: YOUR HONOR, OUR NEXT WITNESS WILL BE DR.
23 CARTER.

24 THE COURT: LADIES AND GENTLEMEN OF THE JURY, WE ARE
25 CHECKING ON THE AVAILABILITY OF THE NEXT WITNESS. HE HAS

1 | BEEN DETAINED DUE TO SOME PROFESSIONAL REASONS, AND I AM
2 | GOING TO BE SENDING YOU TO THE JURY ROOM FOR JUST A MOMENT.
3 | I SENT A MEMBER OF THE SOLICITOR'S OFFICE TO CHECK AND SEE
4 | WHEN HE WILL BE AVAILABLE. IF HE'S COMING SHORTLY, WE WILL
5 | PROCEED UP UNTIL AROUND THE LUNCH HOUR. IF NOT, WE WILL TAKE
6 | A EARLY LUNCH BREAK AND THEN COME BACK AND HEAR THAT
7 | TESTIMONY AT THAT TIME.

8 | SO, AT THIS POINT IN TIME I AM GOING TO BE SENDING YOU TO
9 | JURY ROOM WITH THE FURTHER INSTRUCTION, ONCE AGAIN, THAT YOU
10 | ARE NOT TO DISCUSS THIS CASE AMONGST YOURSELVES. IF YOU WILL
11 | LEAVE THOSE DOCUMENTS ON THE RAIL OF JURY BOX, YOU CAN LOOK
12 | AT THEM WHEN YOU RETURN OR LEAVE THEM IN YOUR SEAT, IF YOU
13 | LIKE TO, MA'AM.

14 | (THE JURY RETIRES TO THE JURY ROOM.)

15 | THE COURT: WE WILL STAND AT EASE A FEW MINUTES. MR.
16 | HUBBARD IS SUPPOSED TO BE CHECKING AND SEE WHEN THE DOCTOR IS
17 | GOING TO BE AVAILABLE.

18 | MR. HUBBARD: YOUR HONOR, I JUST SPOKE WITH DR. CARTER. HE
19 | SAID HE CAN BE HERE -- IT WILL PROBABLY BE ABOUT 1:30 BEFORE
20 | HE CAN GET HERE, YOUR HONOR. HE MAY STILL BE WEARING
21 | SCRUBS.

22 | THE COURT: WELL, LET'S JUST MAKE SURE HE IS HERE. I DON'T
23 | REALLY CARE IF HE'S WEARING SCRUBS. THAT WILL BE ALL RIGHT.
24 | SO WE HAVE HIM HERE IS THE BIG THING.

25 | MR. HUBBARD: YES, SIR.

1 THE COURT: BRING THE JURY BACK.

2 (THE JURY RETURNS TO THE COURTROOM.)

3 THE COURT: LADIES AND GENTLEMEN, AS I SENT YOU AWAY TO THE
4 JURY ROOM I RECEIVED THE ANSWER FROM THE NEXT WITNESS. HE
5 WILL BE AVAILABLE AROUND 1:30. SO, WE ARE GOING TO GO AHEAD
6 AND TAKE OUR LUNCH BREAK AT THIS TIME. AS I SEND YOU AWAY
7 FROM THE COURT HOUSE, LET ME REMIND ONCE AGAIN THAT YOU ARE
8 NOT TO DISCUSS THIS CASE AMONG YOURSELVES AS YOU EXIT THE
9 COURT HOUSE IF YOU HAPPEN TO GO TO LUNCH TOGETHER OR SEE EACH
10 OTHER DURING THE LUNCH BREAK OR WHEN YOU RECONVENE IN THE
11 JURY ROOM AT THE END OF THE LUNCH HOUR. ALSO, YOU ARE NOT TO
12 DISCUSS THIS CASE WITH YOUR FAMILY, FRIENDS, OR ANYONE ELSE.
13 IF ANYONE SHOULD ATTEMPT TO CONTACT YOU CONCERNING THIS CASE,
14 I WANT YOU TO GATHER AS MUCH INFORMATION ABOUT THIS
15 INDIVIDUAL AS YOU POSSIBLY CAN, AND REPORT THAT TO ME
16 IMMEDIATELY UPON YOUR RETURN TO THE COURTHOUSE BECAUSE, ONCE
17 AGAIN, THAT IS AN EXTREMELY SERIOUS MATTER, AND I WILL DEAL
18 WITH IT ACCORDINGLY.

19 ONCE AGAIN, LET ME REMIND YOU THAT I DO NOT KNOW THAT THERE
20 WILL BE ANYTHING IN THE NEWS MEDIA CONCERNING THIS CASE, BUT
21 OUT OF AN ABUNDANCE OF CAUTION I INSTRUCT YOU, ONCE AGAIN,
22 THAT YOU ARE NOT TO READ, WATCH, OR LISTEN TO ANY NEWS
23 ACCOUNTS CONCERNING THIS CASE. AS I TOLD YOU BEFORE, ALL I
24 WANT YOU TO CONSIDER IN THIS MATTER IS WHAT YOU SEE AND HEAR
25 IN THIS COURTROOM -- NOTHING MORE AND NOTHING LESS.

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1 SO WITH THOSE WORDS OF INSTRUCTION I AM GOING TO ALLOW YOU
2 TO GO AWAY TO LUNCH. PLEASE WHEN YOU RETURN COME DIRECTLY
3 BACK TO YOUR JURY ROOM -- NOT TO THE COURTROOM, NOT IN THE
4 HALLS, NOT OUTSIDE THE COURTHOUSE. COME DIRECTLY BACK TO
5 YOUR JURY ROOM. PLEASE BE THERE AT 1:30. WE WILL GET
6 STARTED AT THAT TIME. THE JURY IS EXCUSED. EVERYONE ELSE
7 REMAIN SEATED WHILE THEY EXIT THE COURTROOM PLEASE.

8 (THE JURY IS EXCUSED FOR LUNCH AT 12:04 P.M.)

9 THE COURT: ANYTHING BEFORE WE BREAK FOR LUNCH, GENTLEMEN?

10 MR. HUBBARD: NOTHING FROM THE STATE, YOUR HONOR

11 MR. YOUNG: NOTHING FROM THE DEFENSE, YOUR HONOR.

12 THE COURT: ALL RIGHT. SEE YOU AT 1:30.

13 (WHEREUPON THERE WAS A LUNCHEON RECESS.)

14 THE COURT: MR. YOUNG, THERE ARE SOME MATTERS YOU WANT TO
15 PUT ON THE RECORD; IS THAT CORRECT?

16 MR. YOUNG: YES, SIR, YOUR HONOR. YOUR HONOR, THE DEFENSE
17 WOULD POSSIBLY IF WE WERE GOING TO PUT UP ANY WITNESSES WOULD
18 LIKE TO ADD A WITNESS TO THE WITNESS LIST THAT HAS COME TO
19 OUR ATTENTION -- WELL, WE DECIDED WE MAY NEED THIS PERSON IN
20 LIEU OF SOME TESTIMONY OF THE SOME OF THE STATE'S WITNESSES.
21 THAT IS DAVE MACDOUGALL WHO IS A PRIVATE INVESTIGATOR THAT
22 WAS RETAINED TO HELP WITH THE DEFENSE OF THE CASE.

23 THE COURT: WHAT IS THE STATE'S POSITION ON MR. MACDOUGALL
24 TESTIFYING, GENTLEMEN?

25 MR. SWARAT: YOUR HONOR, I BELIEVE IF HE IS OFFERING MR.

1 MACDOUGALL FOR A PRIOR INCONSISTENT STATEMENT, THAT IS
2 PROPER. I DIDN'T RECALL WHICH WITNESSES HE WAS TALKING
3 ABOUT.

4 MR. YOUNG: THE SPECIFIC WITNESSES, YOUR HONOR, IS KIRBY
5 BLOCKER AND JOHN BOOKMAN WHO ARE THE TWO THAT---

6 THE COURT: AND IT IS FOR PRIOR INCONSISTENT STATEMENTS?

7 MR. YOUNG: IT IS FOR PRIOR INCONSISTENT STATEMENTS.

8 MR. SWARAT: YOUR HONOR, I DON'T BELIEVE HE LAID A
9 FOUNDATION WITH MR. MACDOUGALL WITH ANYBODY BUT KIRBY
10 BLOCKER. I'LL GO TO THE COURT'S GUIDANCE FOR THAT.

11 THE COURT: MR. BLOCKER AND WHO ELSE?

12 MR. YOUNG: JOHN BOOKMAN -- MR. BOOKMAN IS THE GENTLEMAN
13 WHO TESTIFIED THERE WAS ANOTHER STATEMENT HE GAVE TO THE
14 INVESTIGATOR ON THE TELEPHONE.

15 THE COURT: ALL RIGHT. I WILL ALLOW YOU TO ADD THEM.

16 MR. YOUNG: THERE IS A POSSIBILITY, YOUR HONOR.

17 THE COURT: HIM.

18 MR. YOUNG: I AM LOOKING INTO SOME CASE LAW RIGHT NOW TO
19 SEE IF I HAVE GROUNDS TO REQUEST THAT WE CALL ONE OTHER
20 WITNESS THAT WAS NOT INCLUDED ON OUR LIST. THAT IS HOWARD
21 JERNIGAN WHO IS AN INVESTIGATOR WITH THE SOLICITOR'S OFFICE.
22 THAT IS BASED ON SOME INFORMATION THAT HE OBTAINED AND THE
23 SOLICITOR'S OFFICE PROVIDED TO ME PURSUANT TO BRADY WHICH MAY
24 CONTAIN SOME EXCULPATORY INFORMATION. I WOULD LIKE THE
25 OPPORTUNITY TO AT LEAST REVIEWS THOSE CASES AND MAYBE MAKE A

1 DECISION ON THAT AT THE END OF THE STATE'S CASE AS FAR AS
2 WHETHER I WILL ASK THE COURT TO ALLOW US TO INCLUDE HIM OR
3 NOT.

4 MR. SWARAT: YOUR HONOR, I BELIEVE WHAT MR. YOUNG IS
5 REFERRING TO IS A COPY OF A DRIVER'S LICENSE UNDER THE NAME
6 OF WILLIE RICHARDSON THAT HAS A PICTURE OF A THIRD PARTY --
7 AN UNIDENTIFIED THIRD PARTY THAT IS NOT CONNECTED WITH THIS
8 CASE. BASED ON THAT WE'RE SIDING WITH THE CASE LAW ON THIRD
9 PARTY GUILT IN OBJECTING TO THAT. AND AT THE END THE STATE
10 CITES STATE VERSUS CAULDER, STATE VERSUS GREGORY, STATE
11 VERSUS BYRON WHICH YOUR HONOR TRIED IN RICHLAND COUNTY,
12 STATE VERSUS SUTHERLAND, AND ALSO STATE VERSUS BECKHAM, AND
13 STATE VERSUS BOSTIC WHICH WAS A THIRD PARTY GUILT CASE UNDER
14 A LITTLE DIFFERENT SITUATION.

15 THE COURT: YES.

16 MR. SWARAT: YOUR HONOR, I HAVE A COPY OF GREGORY I WILL
17 GIVE TO THE DEFENSE SO THEY CAN LOOK THAT OVER. I ALSO HAVE
18 CAULDER, BYRON.

19 THE COURT: I THINK IF YOU WILL LOOK AT BYRON AND THAT IS
20 CONTAINED IN I THINK IT'S THE FIRST ISSUE THAT WAS RAISED
21 CONCERNING THE ACCOMPLICE THAT HE HAD AND THEN IN PARTICULAR
22 LOOK AT FOOTNOTE NUMBER FOUR IN THAT CASE WHICH BASICALLY
23 STATES THAT THE TRIAL JUDGE RELIED ON A LINE OF CASES WHICH
24 HOLD EVIDENCE OFFERED BY AN ACCUSED AS TO ANOTHER'S
25 COMMISSION OF THE CRIME CHARGED MUST BE LIMITED TO FACTS

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1 INCONSISTENT WITH THE ACCUSED'S GUILT AND RAISE A REASONABLE
2 INFERENCE OR PRESUMPTION OF HIS INNOCENCE. EVIDENCE WHICH
3 MERELY CASTS BARE SUSPICION ON ANOTHER OR RAISES CONJECTURAL
4 INFERENCE AS TO HIS COMMISSION OF A CRIME IS INADMISSIBLE.

5 THE WAY THAT I VIEWED THIS CASE WHEREAS HE MIGHT NOT BE
6 OFFERING THIS EVIDENCE CONCERNING THE GUILT OF ANOTHER, THE
7 FACT THEY HAVE GIVEN YOU A DRIVER'S LICENSE WITH THE NAME OF
8 WILLIE RICHARDSON THAT HAS A DIFFERENT PHOTOGRAPH ON IT, I
9 BELIEVE THAT THE CASES THAT MR. SWARAT HAS CITED PARTICULARLY
10 STATE VERSUS WILLIAMS, 321 S.C. 327, 468 S.E.2ND 626, A 1996
11 CASE; THE STATE VERSUS SUTHERLAND, 316 S.C.377, 447 S.E.2D
12 862, A 1994 CASE -- A CERT WAS DENIED ON THAT WITH THE U.S.
13 SUPREME COURT AT 513 U.S. 1166. SUTHERLAND WAS A 1994 STATE
14 CASE AND A 1995 FEDERAL CASE. STATE VERSUS PARKER, 294 S.C.
15 465, 366 S.E.2ND AT 10, A 1988 CASE; STATE VERSUS GREGORY,
16 WHICH IS A 1941 CASE AT 198 S.C. 98, 16 S.E.2ND 532.

17 I THINK THE WAY I VIEW THE EVIDENCE OR THE INFORMATION THAT
18 WAS PROVIDED TO YOU IS SUCH THAT THE TESTIMONY HERE AS I HAVE
19 VIEWED IT THAT SEVERAL WITNESSES HAVE TESTIFIED AS TO THIS
20 -- YOUR CLIENT BEING THE PERSON THAT THEY SAW AT THE CLUB
21 ON THE DATE IN QUESTION AND HIS ACTIONS THERE. THE EVIDENCE
22 THAT YOU ARE TALKING ABOUT MERELY CASTS BARE SUSPICION OR
23 RAISES CONJECTURAL INFERENCES AS TO HIS COMMISSION OF THE
24 CRIME.

25 I MEAN, I DON'T SEE WHERE WE ARE GOING WITH THAT. YOU ARE

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1 NOT SAYING HE IS NOT WILLIE JAMES RICHARDSON, I DON'T GUESS?

2 MR. YOUNG: NO, SIR. WE HAVE ACKNOWLEDGED THAT HE IS
3 WILLIE JAMES RICHARDSON. OUR POSITION WAS THAT THE ADDRESS
4 THAT DETECTIVE FRIER HAS TESTIFIED TO OVER IN THE WEST
5 COLUMBIA AREA, THAT THE STATE IN THEIR INVESTIGATION OF THE
6 CASE PULLED THE DRIVER'S LICENSE OF A WILLIE RICHARDSON AT
7 THAT ADDRESS, AND IT CAME UP AS BEING ANOTHER PERSON. IT'S
8 OUR POSITION THAT IDENTITY IS THE CRUX OF THE CASE, AND THAT
9 PIECE OF EVIDENCE WILL HELP THE DEFENSE'S CASE OF
10 ESTABLISHING THAT THERE MAY BE A MISIDENTIFICATION.

11 THE COURT: ANYTHING FURTHER FROM THE STATE?

12 MR. SWARAT: THE ONLY POSITION WE HAVE ON THE WAY IT WAS
13 BROUGHT OUT THROUGH DETECTIVE FRIER IS IT WAS A LEAD THAT HE
14 FOLLOWED. IT TURNED INTO A DEAD END. THIS THE MAN WHO THIS
15 INVESTIGATION LATER FOCUSED ON THROUGH OTHER EVIDENCE, AND AS
16 YOUR HONOR MENTIONED THE IDENTITY -- HE HAS BEEN PICKED OUT
17 OF A PHOTO LINEUP BUT AN EYE WITNESS AND ALSO TESTIFIED BY
18 SEVERAL EYEWITNESSES THAT HE IS THE MAN THAT WAS AT THIS CLUB
19 IN POSSESSION OF THIS GUN THAT WAS IN THIS VEHICLE. THERE IS
20 AN ABUNDANCE OF EVIDENCE THAT POINTS TO HIS GUILT AND THE
21 GUILT OF NO OTHER INDIVIDUAL.

22 THE COURT: AND FURTHER ALONG THOSE LINES, MR. YOUNG, THE
23 FACT THAT THERE IS A DRIVER'S LICENSE WITH THAT ADDRESS, THE
24 NAME WILLIE RICHARDSON ON IT, YOU KNOW, QUITE FRANKLY, IN
25 THIS DAY AND AGE, UNFORTUNATELY -- YOU DON'T HAVE TO SIT UP

1 HERE VERY LONG TO -- I THINK WE HAD A CASE THE WEEK BEFORE
2 LAST WHEN I WAS HERE ABOUT A YOUNG LADY'S IDENTITY THAT BEEN
3 STOLEN, AND IT'S NOT VERY HARD TO GET INFORMATION ABOUT
4 SOMEONE AND PRESENT YOURSELF TO THE HIGHWAY DEPARTMENT AS
5 WILLIE RICHARDSON AT SUCH AND SUCH AN ADDRESS AND GET YOUR
6 PICTURE PUT ON A DRIVER'S LICENSE.

7 SO, IF YOU WERE -- YOU KNOW, IF HE HAD NOT BEEN IDENTIFIED
8 BY SOME WITNESSES, THERE MIGHT BE AN ISSUE THERE. I THINK
9 THE ISSUE FOR THE JURY TO DETERMINE IS WHETHER THE
10 CREDIBILITY OR BELIEVEABILITY OF THE WITNESSES WHO HAVE
11 TESTIFIED. THEY TESTIFIED THAT HE IS THE MAN. SO IT'S UP TO
12 THEM TO MAKE THAT DETERMINATION, BUT I WILL LET YOU DO YOUR
13 RESEARCH. AFTER WE FINISH THE STATE'S CASE WE WILL TAKE A
14 BREAK, BUT UNLESS YOU CAN GIVE ME SOMETHING VERY PERSUASIVE I
15 BELIEVE THAT BYRON WHICH IS 485 S.E.2ND 360, 326 S.C. 107, A
16 1997 CASE AND THE CASES THAT HAVE BEEN CITED THEREIN WOULD BE
17 CONTROLLING.

18 MR. YOUNG: YES, SIR, YOUR HONOR.

19 THE COURT: ALL RIGHT. ARE WE READY TO PROCEED FROM THE
20 STATE'S STANDPOINT?

21 MR. HUBBARD: YES, SIR, YOUR HONOR.

22 MR. YOUNG: WE ARE, YOUR HONOR.

23 THE COURT: BRING THEM BACK, PLEASE, SIR. POLLING OF THE
24 JURY BY THE STATE.

25 MR. HUBBARD: THE STATE WAIVES, YOUR HONOR.

1 THE COURT: BY THE DEFENSE.

2 MR. YOUNG: THE DEFENSE WAIVES, YOUR HONOR.

3 THE COURT: MADAME FOREPERSON AND LADIES AND GENTLEMEN, I
4 HOPE YOU HAD A NICE LUNCH BREAK. WE ARE GOING TO CONTINUE
5 WITH THE CASE. NEXT WITNESS, PLEASE, SOLICITOR.

6 MR. HUBBARD: MAY IT PLEASE THE COURT, THE STATE CALLS DR.
7 JOHN CARTER.

8 DR. JOHN CARTER, BEING FIRST DULY
9 SWORN, TESTIFIED AS FOLLOWS:

10 THE COURT: PLEASE STATE YOUR NAME FOR THE RECORD, SIR.

11 THE WITNESS: MY NAME IS DR. JOHN CARTER.

12 DIRECT EXAMINATION BY MR. HUBBARD:

13 Q DR. CARTER, WHERE DO YOU WORK?

14 A I AM DIRECTOR OF CLINICAL LABORATORIES AT LEXINGTON
15 MEDICAL CENTER...

16 Q WHAT IS YOUR EDUCATIONAL BACKGROUND AND YOUR TRAINING
17 BACKGROUND FOR THAT POSITION?

18 A I TOOK MY PREMEDICAL WORK -- I AM A LICENSED MEDICAL
19 DOCTOR. I TOOK MY PREMEDICAL WORK AT THE UNITED STATES AIR
20 FORCE ACADEMY. IN 1969 I GRADUATED FROM MEDICAL SCHOOL AT
21 THE UNIVERSITY OF MINNESOTA AND FOR FOUR YEARS AT THE
22 UNIVERSITY AND IN THE MAYO GRADUATE SCHOOL OF MEDICINE I TOOK
23 SPECIALTY TRAINING IN ANATOMIC PATHOLOGY, CLINICAL PATHOLOGY,
24 AND FORENSIC PATHOLOGY. THEN I BECAME BOARD CERTIFIED IN
25 ANATOMIC AND CLINICAL PATHOLOGY.

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1 Q WHAT IS ANATOMICAL, CLINICAL, AND FORENSIC PATHOLOGY?

2 A ANATOMIC PATHOLOGY IS THE TISSUE DIAGNOSIS OF DISEASE.
3 FOR EXAMPLE, LEXINGTON MEDICAL CENTER AND THOSE OF US THAT
4 PRACTICE ANATOMIC PATHOLOGY DO THE DIAGNOSIS OF ABOUT 20,000
5 CASES A YEAR OF TISSUE BIOPSIES, TUMORS, PSYCHOLOGY, PAP
6 SMEARS, THAT SORT OF THING, AND WE DO ROUTINE MEDICAL
7 AUTOPSIES.

8 Q AND CLINICAL PATHOLOGY?

9 A CLINICAL PATHOLOGY IS ALSO THE HOSPITAL LABORATORY, THE
10 BLOOD BANK, MICROBIOLOGY, CHEMISTRY IMMUNOLOGY, HEMATOLOGY
11 AND LABORATORY WORK IN THE HOSPITAL.

12 Q WHAT ABOUT FORENSIC PATHOLOGY?

13 A FORENSIC PATHOLOGY IS THE INVESTIGATION AND THE
14 DETERMINATION OF LEGAL CAUSES OF DEATH AS TO WHETHER A DEATH
15 IS TO DUE TO NATURAL CAUSES OR DUE TO UNNATURAL CAUSES --
16 EITHER A HOMICIDE, SUICIDE, OR ACCIDENTAL DEATH.

17 Q HAVE YOU BEEN PREVIOUSLY FOUND TO BE AN EXPERT IN ALL
18 THREE OF THESE PATHOLOGIES?

19 A I HAVE, YES. I'VE BEEN CERTIFIED AS EXPERT WITNESS
20 PARTICULARLY IN FORENSIC PATHOLOGY SEVERAL TIMES IN THIS
21 COURTROOM.

22 Q HAVE YOU TESTIFIED IN OTHER COURTROOMS AS WELL?

23 A YES, I HAVE.

24 MR. HUBBARD: YOUR HONOR, AT THIS TIME WE MOVE TO QUALIFY
25 DR. CARTER AS AN EXPERT IN FORENSIC PATHOLOGY AND ALSO

1 ANATOMIC AND CLINICAL PATHOLOGY.

2 THE COURT: QUESTIONS CONCERNING HIS QUALIFICATIONS?

3 MR. YOUNG: NO QUESTIONS REGARDING HIS QUALIFICATIONS.

4 THE COURT: YOU MAY CONTINUE.

5 Q DR. CARTER, DID YOU AN OCCASION TO PERFORM AN AUTOPSY ON
6 ALFRED F. JONES?

7 A I DID.

8 Q DO YOU RECALL WHEN THAT WAS?

9 A IT WAS ON AUGUST 13. REFERRING TO THE REPORT, IT WAS
10 AUGUST OF '95 -- AUGUST 13, 1995.

11 Q DID MR. JONES HAVE ONE WOUND OR DID HE HAVE MULTIPLE
12 WOUNDS?

13 A HE HAD MULTIPLE WOUNDS, MULTIPLE DIFFERENT TYPES OF
14 WOUNDS.

15 Q DR. CARTER, IN DISCUSSING THESE WOUNDS WITH MY OFFICE
16 DID YOU GET TOGETHER WITH BOB RIGHTSELL FROM MY OFFICE IN
17 PREPARING A DIAGRAM OF MR. JONES' BODY?

18 A I DID, YES.

19 Q IN PREPARING THAT DIAGRAM DID YOU REFER TO PHOTOGRAPHS
20 FROM THE AUTOPSY?

21 A YES.

22 Q DID YOU SHOW MR. RIGHTSELL WHERE TO MARK AND WHAT TYPE
23 OF MARKS TO MAKE ON THE CHART?

24 A YES, I DID.

25 Q WOULD A CHART ASSIST YOU IN EXPLAINING TO THE JURY AND

1 TO THE COURT THE VARIOUS TYPES OF WOUNDS THAT MR. JONES
2 SUFFERED THAT NIGHT?

3 A YES, IT WOULD.

4 Q OKAY. I WANT TO SHOW YOU, IS THIS THE CHART YOU
5 ASSISTED IN PREPARING?

6 A YES, IT IS.

7 MR. HUBBARD: YOUR HONOR, I MOVE THIS INTO EVIDENCE AT THIS
8 TIME.

9 MR. YOUNG: NO OBJECTION, YOUR HONOR.

10 THE COURT: WITHOUT OBJECTION.

11 (PLAINTIFF'S EXHIBIT NUMBER 45 ENTERED INTO EVIDENCE.)

12 THE COURT REPORTER: STATE'S 45, YOUR HONOR.

13 THE COURT: STATE'S 45 IS ADMITTED WITHOUT OBJECTION.

14 Q DR. CARTER, IF YOU WOULD, REFERRING TO THIS CHART YOU
15 ASSISTED IN PREPARING, WILL YOU PLEASE POINT OUT THE VARIOUS
16 WOUNDS THAT MR. JONES SUFFERED?

17 A BASICALLY, THERE WERE THREE DIFFERENT TYPES OF WOUNDS.
18 THERE WERE THREE SEPARATE GUNSHOT WOUNDS. THERE WERE WOUNDS
19 THAT INDICATED HE HAD BEEN STRUCK FORCIBLY WITH A CLUB, AND
20 THEN THERE WERE BRUISING AND SWELLING TO HIS FACE THAT
21 INDICATED HE HAD BEEN STRUCK WITH A MORE BLUNT OBJECT AND
22 VERY LIKELY A FIST TYPE OF INJURY.

23 Q OKAY.

24 A FROM THE DIAGRAM HERE THE CLUB INJURIES AND THEY ARE
25 VERY VISIBLE IN THE PHOTOGRAPHS AND VERY VISIBLE AT THE

1 | AUTOPSY. IT INDICATES THAT HE WAS STRUCK WITH A LINEAR TYPE
2 | CLUB MULTIPLE TIMES -- AT LEAST THREE, PROBABLY FOUR BLOWS
3 | TO SHOULDER AND ONE OR MORE BLOWS TO THE LEFT -- THIS IS THE
4 | BACK OF THE LEFT SHOULDER BACK IN THIS AREA (INDICATING) AND
5 | ONE OR MORE BLOWS TO THE UPPER BACK OF THE HEAD ON THE LEFT
6 | SIDE IN ABOUT THIS REGION (INDICATING.)

7 | THE MOUTH, THE LIPS, THE LOWER JAW WAS PUFFY AND SWELLING.
8 | HE HAD WHAT WOULD BE TERMED A BLACK EYE -- HIS LEFT EYE, AS
9 | IF HE HAD BEEN HIT WITH A FIST THERE, A FIST IN ABOUT THIS
10 | REGION, AND HE HAD THREE PAIRS OF BULLET WOUNDS. WE DID
11 | X-RAY MR. JONES' BODY AND OTHER THAN A FEW TINY FRAGMENTS
12 | THAT WERE IN REGION OF A BROKEN RIGHT FEMUR, THE UPPER RIGHT
13 | LEG, THERE WERE NO BULLETS LEFT IN THE BODY, AND THERE WERE
14 | SIX BULLET HOLES, BULLET WOUNDS. AND THEY PAIRED UP. WE WERE
15 | ABLE TO TRACE THE TRACK OF THESE BULLET WOUNDS FROM THE LOWER
16 | RIGHT TO THE UPPER RIGHT OF THE ABDOMEN AS I AM DEMONSTRATING
17 | ON MYSELF, AN ENTRY AND AN EXIT WOUND AND A BULLET TRACK THAT
18 | WENT INTO THE ABDOMENAL CAVITY BUT FAIRLY SHALLOW AND DIDN'T
19 | DO MUCH DAMAGE AND PROBABLY NOT THAT SEVERE OF AN INJURY.

20 | A BULLET INJURY TRACK IN THE RIGHT LEG IN BACK OF THE RIGHT
21 | THIGH ABOUT HERE AND EXITED DOWN JUST ABOVE THE RIGHT KNEE
22 | HERE ABOUT AND IT WAS EVIDENT THAT THE RIGHT LEG WAS
23 | FRACTURED -- THE FEMUR, THE LONG BONE IN THE UPPER RIGHT
24 | LEG. THAT WAS CONFIRMED BY X-RAY. THAT, OF COURSE, WOULD
25 | HAVE BEEN A SEVERELY DEBILITATING INJURY AND PROBABLY CAUSE

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1 SOMEBODY TO GO TO THE GROUND. IT WOULD HAVE TAKEN HIM DOWN,
2 BUT NOT NECESSARILY HAVE BEEN A FATAL WOUND.

3 THERE WAS ONE BULLET WOUND ENTRY IN THE LEFT LOWER BACK.
4 THIS COULD BE PROBED. THE BULLET WAS TRACKED THROUGH THE
5 ABDOMINAL CAVITY AND GOING THROUGH THE ABDOMINAL CAVITY UP
6 THROUGH THE LIVER INTO THE LOWER LOBES OF THE RIGHT LUNG --
7 THE RIGHT LOWER AND THE RIGHT MIDDLE LOWER LOBES OF THE LUNG
8 AND EXITING IN THE UPPER RIGHT CHEST. THIS BULLET LACERATED
9 OR CUT THE AORTA WHICH IS THE MAIN BLOOD VESSEL GOING DOWN
10 THE SPINE INSIDE THE BODY WHICH IS A HUGE ARTERY ABOUT THIS
11 LARGE (INDICATING) AND THAT WHEN THAT VESSEL IS SEVERED IT IS
12 USUALLY LEADING TO FATAL HEMORRHAGE -- THAT PLUS MAJOR
13 DAMAGE TO THE LIVER AND MASSIVE BLEEDING WERE THE FATAL
14 INJURIES IN THIS CASE.

15 IN GOING THROUGH I WOULD LIKE TO POINT OUT ONE OTHER TYPE
16 OF INJURY. THERE IS A GOUGE IN HIS MID LEFT BACK THAT WAS A
17 PATTERN KIND OF AN ANGLE PATTERN THAT LOOKED LIKE -- IN
18 ADDITION, THE BARSTOOL WAS THERE AT THE AUTOPSY. WE WERE
19 ABLE TO LOOK AT IT.

20 Q THAT WHAT'S I WAS GOING TO ASK YOU, DR. CARTER. IF YOU
21 DON'T MIND ME INTERRUPTING, I HAVE HERE STATE'S EXHIBIT 24
22 -- VARIOUS PIECES OF A BARSTOOL. DID DETECTIVE FRIER HAVE
23 THESE AT THE AUTOPSY?

24 A HE DID. THE PATTERN AND SIZE, MR. HUBBARD, IF YOU WOULD
25 STEP OVER HERE I CAN MAYBE---

1 MR. HUBBARD: WITH THE COURT'S PERMISSION, I WILL TAKE OFF
2 MY JACKET AS WELL.

3 THE COURT: YES, SIR.

4 THE WITNESS: IF YOU FACE THE OTHER WAY, THE THREE BLOWS OR
5 FOUR BLOWS ON THE BACK OF THE LEFT SHOULDER APPROXIMATELY
6 THIS DIRECTION AND IT DEPENDS ON HOW CLOSELY APPROXIMATELY
7 THIS WOULD BE TO SIMILAR BLOWS ON THE BACK OF HEAD -- THAT
8 BEING TRUE OF THE BARSTOOL. THERE IS A WOUND LIKE THAT -- A
9 FAIRLY HEAVY JAB INJURY TO THAT LOCATION.

10 Q THE BARSTOOL IS CONSISTENT WITH INFLECTING THOSE TYPE OF
11 INJURIES?

12 A WE WERE ABLE TO PUT THE STOOL LEG OVER THE WOUNDS. IT
13 MATCHED THE SIZE. IT MATCHED THE SHAPE OF THE WOUNDS.

14 Q IS THERE ANYTHING YOU CAN TELL US ABOUT THE MULTIPLE
15 BRUISING ON THE BACK -- VARIOUS LINEAR PATTERNS ON THE BACK
16 SHOULDER AS FAR AS WHETHER THERE WAS ONE ASSAILANT OR MORE?

17 A WELL, VERY MUCH OFTEN IN TIMES OF INVESTIGATING A DEATH
18 WHERE THERE ARE MULTIPLE DIFFERENT TYPES OF INJURIES ONE
19 ASSAILANT CAN HIT SOMEONE SEVERAL TIMES WITH A FIST, OR HIT
20 SOMEONE SEVERAL TIMES WITH A CLUB, OR SHOOT SOMEONE SEVERAL
21 TIMES OR STAB SOMEONE SEVERAL TIMES. WHEN YOU HAVE MULTIPLE
22 DIFFERENT TYPES OF INJURIES COMING FROM DIFFERENT LOCATIONS,
23 IT IS VERY PROBABLE THAT THERE IS MORE THAN ONE ASSAILANT.

24 Q I WANT TO ASK YOU ABOUT THE GUNSHOT WOUNDS, AND, AGAIN,
25 FEEL FREE TO USE ME TO EXPLAIN TO THE JURY, BUT THE ABDOMEN

1 SHOT -- WHERE WAS THE ENTRY WOUND FOR THAT SHOT?

2 A THE ENTRY WOUND IS IN WHAT WE CALL IN MEDICINE THE RIGHT
3 LOWER QUADRANT WHICH IS ABOUT IN THIS REGION TRACKING VERY
4 SLIGHTLY UPWARD AND COMES OUT UNDER THE LEFT RIBS OVER HERE
5 AND PRETTY MUCH SWALLOW THROUGH THE FRONT OF THE ABDOMINAL
6 CAVITY.

7 Q IS THAT WOUND CONSISTENT WITH SOMEONE BEING, SAY, FOR
8 INSTANCE, DOWN ON THE GROUND ON HIS SIDE BEING SHOT FROM
9 ABOVE?

10 A SHOT FROM ABOVE OR SLIGHTLY FROM BEHIND AND ABOVE, YES..

11 Q THAT ONE WOULD NOT HAVE BEEN FATAL?

12 A NO. IT MIGHT HAVE EVEN -- MR. JONES WAS A VERY STRONG,
13 ATHLETIC, MUSCULAR MAN. IT MIGHT NOT HAVE EVEN SLOWED HIM
14 DOWN MUCH.

15 Q NOW, THIS NEXT WOUND I WANT TO TALK ABOUT IS THE WOUND
16 TO THE LEG. YOU SAY IT CAME -- WHAT PORTION OF THE THIGH,
17 RIGHT OR LEFT?

18 A THE RIGHT THIGH AND JUST SLIGHTLY BEHIND TO THE RIGHT
19 SIDE OF IT AND IT WENT DOWN AND PROBABLY STRUCK THE FEMUR AND
20 THEN GLANCED BACK OFF. WE HAVE THE BULLET, AND IT WAS VERY
21 SEVERELY DEFORMED BULLET LIKE IF I STRUCK THAT LARGE BONE AND
22 GLANCED OFF AND EXITED.

23 Q WAS THAT THE BULLET YOU RECOVERED IN THE PANT LEG?

24 A RIGHT.

25 Q WHERE WAS THE EXIT---

1 A THE EXIT WOUND, SLIGHTLY TO THE SIDE JUST ABOVE THE
2 RIGHT KNEE.

3 Q AND THAT FRACTURED THE FEMUR?

4 A YES, IT DID RIGHT IN THE MID-POINT OF THE FEMUR.

5 Q NOW, AT THAT POINT WOULD MR. JONES HAVE BEEN ABLE TO
6 WALK AROUND OR EVEN RUN?

7 A NOT AT ALL. THAT PROBABLY WOULD HAVE TAKEN HIM DOWN.

8 Q THE FINAL WOUND -- THE THIRD SHOT OR THE FINAL SHOT,
9 THE FATAL SHOT, CAN YOU EXPLAIN AGAIN USING ME WHERE THAT
10 WOUND IS?

11 A THE ENTRY IS IN ABOUT THIS REGION OF THE BACK MID-LOWER
12 BACK BELOW THE RIBS TRACKING UPWARDS WOULD COME OUT RIGHT
13 ABOUT HERE (INDICATING) TRACKING UPWARDS AND FORWARD. THERE
14 ARE MULTIPLE POSITIONS THAT YOU PLACE BOTH THE SHOOTER THE
15 VICTIM IN TO BE IN THAT TRACK, AND HAVING DISCUSSED THE CASE
16 IT IS REAL POSSIBLE THAT IF THE VICTIM WERE ON HIS KNEES AND
17 MAYBE DOWN ON THE FLOOR THAT THAT ANGLE COULD BE EASILY
18 ASSUMED BY JUST SHOOTING DOWNWARD AT HIM.

19 Q THE VICTIM WAS ON HIS KNEES WITH LIKE HIS HEAD ON THE
20 FLOOR?

21 A CORRECT.

22 Q AND HAVE HIS BACK AT THAT PARTICULAR ANGLE?

23 A THAT WOULD GIVE THE DOWNWARD OR THE ANTERIOR, THE
24 FORWARD, AND THE SLIGHTLY UPWARD ANGLE OF THE BULLET TRACK.

25 Q NOW, THAT LEG SHOT, WHAT POSITION WAS THAT LEG MOST

1 | LIKELY IN WHEN THAT BULLET CAME IN?

2 | A IT'S HARD TO SAY MOST LIKELY BECAUSE IT DEPENDS ON WE
3 | DON'T KNOW IF THE VICTIM WAS STANDING AT THE TIME. IF THE
4 | VICTIM WERE KNEELING ON HIS KNEES AT THE TIME IT COULD HAVE
5 | BEEN STRAIGHT DOWN ON HIM.

6 | Q IF HE WERE TRYING TO GET UP---

7 | A IT COULD BE A STRAIGHT FORWARD---

8 | Q ----WOULD THAT BE CONSISTENT WITH THAT WOUND?

9 | A IF HE WERE STANDING AND HAD HIS LEG UP, IT COULD HAPPEN
10 | THIS WAY, TOO.

11 | Q BUT WE KNOW IT WAS FROM BEHIND?

12 | A BEHIND AND TO THE SIDE.

13 | Q OKAY. OF THESE GUNSHOT WOUNDS, ONLY ONE WAS FATAL?

14 | A THAT IS CORRECT.

15 | Q THAT WAS THE ONE TO THE BACK?

16 | A THAT'S CORRECT. THE OTHER TWO VERY LIKELY WITH ANY TYPE
17 | OF FIRST AID WOULD NOT HAVE BEEN FATAL.

18 | Q THE SHOT TO THE BACK, WOULD MR. JONES HAVE BEEN MOBILE
19 | OR ABLE TO MOVE AFTER THAT TIME?

20 | A NO.

21 | Q WOULD HE HAVE BEEN ABLE TO GET UP?

22 | A NO.

23 | Q BASED ON THE SEQUENCE OF SHOTS YOU SAY IT IS MOST LIKELY
24 | THAT THE LAST SHOT WAS THE ONE TO THE BACK?

25 | A THAT WOULD BE MOST LIKELY BECAUSE HE MIGHT HAVE BEEN

1 ABLE TO MOVE IN THE TYPE OF REACTION TO THE PAIN OR THE
2 SHOCK. YOU KNOW, THERE MIGHT HAVE BEEN SOME MOVEMENT OF HIS
3 BODY, BUT PURPOSEFUL MOVEMENT OF TRYING TO GET OUT OF THERE
4 OR SOMETHING LIKE THAT, THAT KIND OF LAST INJURY GOING
5 THROUGH AT LEAST THREE MAJOR ORGANS AND LACERATING THE AORTA,
6 THAT WOULD HAVE IMMOBILIZED HIM AT THAT TIME.

7 Q PRIOR TO THAT LAST SHOT THESE OTHER TWO SHOTS WERE NOT
8 FATAL, BUT WOULD YOU SAY THAT PARTICULARLY WITH THAT LEG SHOT
9 WAS MR. JONES INCAPACITATED?

10 A POSSIBLY NOT TOTALLY, BUT AS FAR AS BEING ABLE TO MOVE
11 AROUND OR RUN OR LEAVE---

12 Q WHAT ABOUT FIGHTING OR POSING A THREAT TO SOMEONE ELSE?

13 A HIS UPPER BODY COULD STILL HAVE A LOT OF STRENGTH.

14 Q BUT HE WOULD BE DOWN ON THE GROUND?

15 A YES. UNLESS HE WAS SOMEHOW -- AND IT WOULD BE VERY
16 UNLIKELY TO BE ABLE TO HOLD HIMSELF UP ON THE BAR OR
17 SOMETHING. TO FRACTURE A FEMUR, THAT'S A TREMENDOUS BLAST
18 INJURY.

19 Q NOW, DOCTOR---

20 A (WITNESS RESUMES THE WITNESS STAND.)

21 Q AGAIN, DISCUSSING HOW MR. JONES DIED, DID YOU DO A
22 REPORT DISCUSSING OR LISTING A CAUSE OF DEATH?

23 A I DID. THE CAUSE OF DEATH WAS DETERMINED TO BE THE
24 GUNSHOT WOUND TO THE BACK.

25 Q AND, BASICALLY, DID HE BLEED TO DEATH?

1 A HE BLED TO DEATH INTERNALLY, YES.

2 Q DID YOU DETERMINE A MANNER OF DEATH?

3 A THE MANNER OF DEATH -- AND THIS IS PART OF THE ROUTINE
4 OF FORENSIC PATHOLOGY. AS I SAID, OUR FIRST DUTY IS TO
5 DETERMINE WHETHER OR NOT THE DEATH IS DUE TO NATURAL CAUSES,
6 AND OBVIOUSLY IN THIS CASE IT WAS NOT DUE TO NATURAL CAUSES.
7 AND THEN IF WE CAN DETERMINE A MANNER OF DEATH -- IN OTHER
8 WORDS, IT'S NOT AN UNDETERMINED CASE, IS IT AN ACCIDENTAL
9 DEATH, IS IT A HOMICIDE, OR IS IT A SUICIDE? WELL,
10 OBVIOUSLY, THESE KINDS OF WOUNDS CANNOT BE SELF-INFLICTED.
11 AN ACCIDENTAL SHOOTING ALMOST NEVER INVOLVES MORE THAN ONE
12 BULLET WOUND. SO, IT WAS DETERMINED THAT AND JUST THE
13 GENERAL PICTURE OF HOW EVERYTHING FIT TOGETHER IT WAS
14 DETERMINED TO BE A HOMICIDE.

15 Q DR. CARTER, IF I WERE TO TELL YOU THAT SOME WITNESSES
16 SAID MR. JONES AFTER THAT THIRD SHOT WAS ABLE TO TALK
17 SOMEWHAT, WOULD THAT BE CONSISTENT WITH THE FINDINGS THAT
18 YOU---

19 A NO, THAT WOULD BE POSSIBLE.

20 Q HOW LONG, IF YOU CAN SAY, WOULD IT TAKE TO BLEED TO
21 DEATH?

22 A THERE HAVE BEEN INSTANCES WHERE PEOPLE CAN TALK FOR A
23 LITTLE WHILE -- I WOULD SAY A FEW SECONDS TO A FEW MINUTES
24 WHILE THEY ARE BLEEDING TO DEATH. YOU KNOW, IT'S NOT LIKE
25 THE HEART HAD NOT QUIT PUMPING ON MR. JONES. HIS HEART WAS

1 STILL FUNCTIONING. AND I HAVE TO TAKE YOU LITERAL WHEN YOU
2 SAY POSSIBLE AND THAT IS NOT IMPOSSIBLE THAT FOR A FEW
3 SECONDS HE WOULD HAVE BEEN ABLE TO TALK -- FIVE OR TEN
4 MINUTES, VERY UNLIKELY.

5 MR. HUBBARD: BEG THE COURT'S INDULGENCE.

6 THE COURT: YES, SIR.

7 MR. HUBBARD: NOTHING FURTHER. DR. CARTER, PLEASE ANSWER
8 ANY QUESTIONS THE DEFENSE MIGHT HAVE.

9 THE COURT: MR. YOUNG?

10 MR. YOUNG: I HAVE NO QUESTIONS FOR DR. CARTER.

11 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN. ARE YOU
12 ASKING THAT HE BE EXCUSED?

13 MR. HUBBARD: YES, SIR, YOUR HONOR, WE WOULD ASK THAT.

14 MR. YOUNG: NO OBJECTION.

15 THE COURT: WITHOUT OBJECTION, YOU ARE EXCUSED. THANK YOU
16 FOR COMING, DOCTOR.

17 MR. HUBBARD: YOUR HONOR, AT THIS TIME THE STATE RESTS.

18 THE COURT: LADIES AND GENTLEMEN OF THE JURY, THAT
19 CONCLUDES THE STATE'S CASE IN CHIEF. AT THIS POINT IN
20 TIME WE ARE GOING TO TAKE A SHORT BREAK. I HAVE SOME
21 MATTERS THAT I NEED TO DEAL WITH. AS I SEND YOU TO THE
22 JURY ROOM LET ME REMIND YOU, ONCE AGAIN, THAT YOU ARE NOT TO
23 DISCUSS THIS CASE AMONGST YOURSELVES. WE WILL GET YOU BACK
24 IN JUST A FEW MINUTES. THE JURY MAY RETIRE. EVERYONE ELSE
25 REMAIN SEATED, PLEASE.

1 (THE JURY RETIRES TO THE JURY ROOM.)

2 THE COURT: ALL RIGHT, MR. YOUNG, WHAT I WILL DO IS GIVE
3 YOU SOME TIME TO GO OVER WHAT YOU NEED TO. WE'LL DO MOTIONS
4 AT THAT POINT IN TIME, ALSO, IF YOU WANT TO WHEN WE COME BACK
5 IN HERE AND, ALSO, DURING THIS POINT IN TIME YOU WILL BE
6 TALKING TO YOUR CLIENT I AM SURE ABOUT HIS FIFTH AMENDMENT
7 RIGHTS, AND I WILL GO OVER THOSE WITH HIM WHEN WE COME BACK,
8 ALSO.

9 MR. YOUNG: YES, SIR, YOUR HONOR.

10 THE COURT: ALL RIGHT. WE'LL WILL TAKE A SHORT BREAK.

11 (WHEREUPON THERE WAS A RECESS.)

12 THE COURT: MR. YOUNG, HAVE YOU FOUND ANYTHING ELSE THAT
13 YOU WOULD LIKE TO TELL ME ABOUT THE ISSUE OF THE DRIVER'S
14 LICENSE THAT WAS PRESENTED TO YOU WITH A DIFFERENT PICTURE ON
15 IT -- SOME TYPE OF THIRD PARTY GUILT ISSUE, SOMETHING LIKE
16 THAT.

17 MR. YOUNG: YOUR HONOR, THE POSITION THAT THE DEFENSE WOULD
18 STAND ON IS THAT THE TESTIMONY HAS BEEN OFFERED REGARDING
19 THIS ADDRESS IN WEST COLUMBIA -- THAT BEING 1204 JENSEN
20 COURT. THAT HAS SUPPOSEDLY BEEN A LOCATION THAT MR.
21 RICHARDSON WAS AT. THE STATE RAN A DRIVER'S LICENSE CHECK
22 AND FOUND A DRIVER'S LICENSE OF SOMEONE OTHER THAN MR.
23 RICHARDSON LIVING AT THAT ADDRESS OR HAVING A LICENSE AT THAT
24 ADDRESS. BASED ON THAT WE WOULD STAND ON THAT THAT GOES TO
25 THE ISSUE OF IDENTIFICATION THAT THE JURY SHOULD BE ABLE TO

1 CONSIDER, AND WE WOULD ASK THAT THAT TESTIMONY BE ALLOWED IN
2 OR AT LEAST A PRESENCE OF THAT BE ALLOWED INTO EVIDENCE.

3 THE COURT: WELL, SIR, I DON'T THINK -- I UNDERSTAND
4 EXACTLY WHAT YOU ARE SAYING, AND I APPRECIATE THAT, BUT I
5 STILL DON'T THINK THAT GETS ME AROUND THE ISSUES THAT -- IN
6 ADMITTING EVIDENCE, OF COURSE, THAT'S LEFT TO THE SOUND
7 DISCRETION OF THE TRIAL JUDGE, AND EVIDENCE WHICH IS
8 INFORMATIVE AND HELPFUL TO THE JURY IS CERTAINLY RELATIVE AND
9 ADMISSIBLE, BUT EVIDENCE THAT TENDS TO MISLEAD OR CONFUSE IS
10 CERTAINLY NOT WHAT WE HAVE IN MIND, AND I THINK THAT GIVEN
11 THE ISSUE THAT YOU HAVE PRESENTED TO ME, I DON'T BELIEVE THAT
12 THIS TYPE OF EVIDENCE IS SUCH THAT IT'S GOING TO PROVIDE ANY
13 ASSISTANCE TO THE JURY AND FROM THE STANDPOINT, ONCE AGAIN,
14 OF THE BASIS OF MY PRIOR DISCUSSION THAT THERE ARE SEVERAL
15 WITNESSES WHO HAVE IDENTIFIED YOUR CLIENT AS THE PERSON WHO
16 WAS AT THE CLUB AND THE ONE RESPONSIBLE FOR MR. JONES' DEATH,
17 AND THE FACT THAT THERE IS SOMEONE OUT THERE THAT HAS A
18 DRIVER'S LICENSE IN THE NAME OF WILLIE RICHARDSON WITH THAT
19 ADDRESS AND A DIFFERENT PICTURE ON IT IS ONE THAT AS I
20 PREVIOUSLY DISCUSSED SEEMS TO HAPPEN MORE AND MORE THESE DAYS
21 WHERE SOMEONE'S ASSUMING SOMEONE ELSE'S IDENTITY.

22 AS SUCH I WILL NOT ALLOW THAT EVIDENCE TO BE ADMITTED. I
23 DON'T BELIEVE THAT IT'S RELEVANT TO THE ISSUES THAT ARE AT
24 HAND, AND THE JURY HAS AMPLE EVIDENCE THAT HAS BEEN PRESENTED
25 BY THE STATE AND ALSO ATTACKED BY YOU IN YOUR REPRESENTATION

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1 OF MR. RICHARDSON FROM WHICH TO MAKE A DECISION.

2 MR. YOUNG: YOUR HONOR, IF I MAY, I HAVE A COPY OF THE
3 DRIVER'S LICENSE THAT WE ARE SPEAKING OF. I BELIEVE THE
4 STATE MAY HAVE THE ORIGINAL OF IT.

5 THE COURT: IF YOU HAVE AN ORIGINAL, WHY DON'T WE MARK THAT
6 AS A COURT'S EXHIBIT?

7 MR. YOUNG: THANK YOU, YOUR HONOR.

8 (COURT'S EXHIBIT NUMBER 2 IS MARKED FOR PURPOSES OF THE
9 RECORD.)

10 THE COURT REPORTER: THAT WOULD BE COURT'S EXHIBIT 2, YOUR
11 HONOR.

12 THE COURT: THANK YOU, MA'AM. NOW, ANY MOTIONS, MR. YOUNG?

13 MR. YOUNG: YES, SIR, YOUR HONOR, I WOULD MOVE AT THIS TIME
14 FOR A DIRECTED VERDICT OF NOT GUILTY. IN VIEWING THE
15 EVIDENCE THAT HAS BEEN PRESENTED IT WOULD BE OUR POSITION
16 THAT THE STATE'S CASE IS CLEARLY A CIRCUMSTANTIAL CASE AND
17 THAT CONSIDERING THAT THERE WAS NOT A SUBSTANTIAL AMOUNT OF
18 CIRCUMSTANTIAL EVIDENCE THAT COULD REASONABLY TEND TO PROVE
19 THE GUILT OF MR. RICHARDSON. RELYING ON A RECENTLY HANDED
20 DOWN CASE STATE VERSUS MARTIN. WHICH IS---

21 THE COURT: JUDGE FLOYD'S CASE OUT OF PICKENS COUNTY.

22 MR. YOUNG: IT IS JUDGE FLOYD'S CASE OF PICKENS COUNTY,
23 YOUR HONOR. WE WOULD TAKE THE POSITION THAT THE EVIDENCE
24 PRESENTED MERELY RAISES A SUSPICION AS TO GUILT OF MR.
25 RICHARDSON, BUT IT DOES NOT AMOUNT TO WHERE THE JURY CAN

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1 REASONABLY FIND THAT HE IS GUILTY.

2 THE COURT: MR. YOUNG, I HAVE READ THAT CASE WITH GREAT
3 INTEREST. JUDGE FLOYD AND I HAD A LONG DISCUSSION ABOUT IT
4 AFTER HE TRIED THE CASE, AND I THINK THE DIFFERENCE IN THE
5 CASE HERE AND THE CASE THERE, IN THE MARTIN CASE AND THE
6 COMPANION CASE BECAUSE THERE WERE TWO OF THEM THAT WERE TRIED
7 TOGETHER -- TWO CO-DEFENDANTS -- THERE WAS NO TESTIMONY
8 THAT PLACED THE DEFENDANTS AT THE SCENE OF THE CRIME. THEY
9 HAD A NEIGHBOR WHO TESTIFIED THAT SHE SAW A, I THINK IT WAS,
10 A DARK BLACK CAR THAT HAD SOMETHING HANGING DOWN FROM THE
11 MIRROR IN THAT CASE AND THAT SHE SAW IT OUTSIDE THE VICTIM'S
12 APARTMENT DURING THE TIME IN WHICH THE CRIME COULD HAVE
13 OCCURRED. BUT THERE WAS NO TESTIMONY THAT EVER PHYSICALLY
14 PLACED THE DEFENDANTS AT THE SCENE OF THE CRIME. THAT WAS TO
15 ME THE KEY IN THE SUPREME COURT'S OPINION IN THAT CASE.

16 HERE, QUITE OPPOSITELY, THERE IS TESTIMONY OF SEVERAL
17 WITNESSES WHO HAVE IDENTIFIED THE DEFENDANT AS BEING THERE,
18 HAVING COMMITTED THIS CRIME, AND AS SUCH I THINK THAT WHILE
19 THERE MIGHT BE CIRCUMSTANTIAL EVIDENCE THERE IS ALSO DIRECT
20 EVIDENCE BY WHICH THE JURY CAN MAKE A DECISION, AND AS SUCH
21 UNDERSTANDING THE FACT THAT THERE HAS TO BE SUBSTANTIAL
22 CIRCUMSTANTIAL EVIDENCE TO SUBMIT IT TO A JURY, I THINK THAT
23 LEVEL HAS BEEN REACHED. THERE IS NO QUESTION IN MY MIND THAT
24 THERE IS EVIDENCE IN THIS CASE THAT ALLOWS THE JURY CAN MAKE
25 A DETERMINATION, AND AS SUCH YOUR MOTION IS DENIED.

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1 MR. YOUNG: THANK YOU, YOUR HONOR.

2 THE COURT: HAVE YOU DISCUSSED WITH YOUR CLIENT HIS FIFTH
3 AMENDMENT RIGHTS?

4 MR. YOUNG: YES, SIR, I HAVE.

5 THE COURT: MR. RICHARDSON, WOULD YOU PLEASE STAND, SIR?
6 YOU ARE WILLIE JAMES RICHARDSON?

7 THE DEFENDANT: YES.

8 THE COURT: RAISE YOUR RIGHT HAND, PLEASE, SIR.

9 WILLIE JAMES RICHARDSON, BEING FIRST
10 DULY SWORN, TESTIFIED AS FOLLOWS:

11 THE COURT: MR. RICHARDSON, AT THIS TIME I AM GOING TO
12 EXPLAIN YOU TO CERTAIN OF YOUR RIGHTS. IF AT ANY TIME YOU DO
13 NOT UNDERSTAND ANYTHING I SAY I WANT YOU TO PLEASE LET ME
14 KNOW. DO YOU UNDERSTAND THAT?

15 THE DEFENDANT: YES, SIR.

16 THE COURT: WE HAVE NOW REACHED THE STAGE OF THE TRIAL
17 WHERE YOU MAY PRESENT YOUR OWN DEFENSE, AND, OF COURSE, YOU
18 HAVE THE RIGHT TO TESTIFY, BUT NO ONE CAN MAKE YOU TESTIFY.
19 IN THE EVENT YOU HAVE A RECORD FOR A CONVICTION INVOLVING
20 DISHONESTY OR FALSE STATEMENT OR FOR A CRIME THAT IS
21 PUNISHABLE BY IMPRISONMENT FOR MORE THAN ONE YEAR AND THE
22 COURT DETERMINES THAT THE PROBATIVE VALUE OF ADMITTING THIS
23 EVIDENCE OUTWEIGHS ITS PREJUDICIAL EFFECT TO YOU THEN THE
24 SOLICITOR WILL BE ABLE TO AND ALLOWED TO INTRODUCE THIS
25 EVIDENCE FOR THE PURPOSE OF ATTACKING YOUR CREDIBILITY BY

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1 IMPEACHING YOU WITH YOUR RECORD. IF YOU ELECT NOT TO TAKE
2 THE STAND I WILL CHARGE THE JURY THAT THEY ARE NOT TO GIVE
3 THAT FACT ANY CONSIDERATION WHATSOEVER AND THERE IS TO BE
4 ABSOLUTELY NO PREJUDICE TO YOU BECAUSE YOU DID NOT TAKE THE
5 STAND AND TESTIFY. IT WILL BE LEFT ENTIRELY UP TO YOU AS TO
6 WHETHER OR NOT YOU TESTIFY. YOU MAY TALK WITH YOUR ATTORNEY,
7 YOUR FAMILY, YOUR FRIENDS, OR ANYONE ELSE, BUT THE ULTIMATE
8 DECISION WILL BE LEFT ENTIRELY UP TO YOU. DO YOU UNDERSTAND
9 THAT?

10 THE DEFENDANT: YES, SIR.

11 THE COURT: THANK YOU, SIR.

12 THE COURT: AND INSOFAR AS YOUR DECISION, WILL YOU TAKE THE
13 STAND?

14 THE DEFENDANT: YES, SIR.

15 THE COURT: YOU WILL TAKE THE STAND?

16 THE DEFENDANT: YES, SIR.

17 THE COURT: ARE THERE ANY CRIMES WITH WHICH HE CAN BE
18 IMPEACHED?

19 MR. HUBBARD: YES, SIR, YOUR HONOR.

20 THE COURT: YOU MAY BE SEATED, MR. RICHARDSON.

21 MR. HUBBARD: THE MOST RECENT WOULD BE HIS CONVICTION OUT
22 OF VIRGINIA IN THE FEDERAL SYSTEM. LET ME FIND THE ACTUAL
23 SENTENCE ON THAT, YOUR HONOR. HE RECEIVED A LIFE SENTENCE, A
24 40-YEAR SENTENCE, AND A 20-YEAR SENTENCE. HE HAS DEALT WITH
25 CONSPIRACY TO DISTRIBUTE, POSSESSION WITH INTENT TO

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1 | DISTRIBUTE COCAINE UNDER A FEDERAL STATUTE, YOUR HONOR. THEY
2 | WERE DRUG RELATED CHARGES. THIS WAS IN 1997 WHEN THEY
3 | STARTED THE TRIAL, AND I BELIEVE THEY FINISHED FEBRUARY OF
4 | 1999 -- FEBRUARY 6, 1998. THAT'S THE MOST RECENT, YOUR
5 | HONOR.

6 | YOUR HONOR, AS TO OTHER CHARGES OR CONVICTIONS, HE HAS A
7 | FELONY POSSESSION OF WEAPONS CHARGE OUT IN NEW YORK. IT
8 | LOOKS LIKE HE WAS SENTENCED TO A YEAR ON THAT. I AM NOT SURE
9 | WHAT THAT CARRIES, YOUR HONOR. THAT WAS IN 1982. HE ALSO
10 | HAD ROBBERY IN THE SECOND DEGREE INVOLVING PHYSICAL INJURY
11 | FOR A FIREARM. HE RECEIVED TWO TO SIX YEARS ON THAT. THAT
12 | WAS FROM THAT SAME INCIDENT.

13 | THE COURT: HE RECEIVED HOW MUCH?

14 | MR. HUBBARD: TWO TO SIX YEARS ON THAT ONE, YOUR HONOR.

15 | THE COURT: WHEN WAS THAT?

16 | MR. HUBBARD: THAT WAS 1983, YOUR HONOR.

17 | THE COURT: 1983?

18 | MR. HUBBARD: YES, SIR. THEN HE HAS AN ASSAULT SECOND.

19 | AGAIN, HE RECEIVED TWO TO SIX YEARS. THEN HE HAS---

20 | THE COURT: WHEN WAS THAT?

21 | MR. HUBBARD: THAT WAS SAME TIME, YOUR HONOR. THESE ARE
22 | TOGETHER.

23 | THE COURT: THE ASSAULT?

24 | MR. HUBBARD: YES, SIR. IT WAS WITH THAT ROBBERY SECOND.

25 | THE COURT: WELL, THE THING -- JUST BECAUSE IT WAS WITH

1 THE ROBBERY, ARE YOU TRYING TO SAY THAT COMES UNDER THE
2 DISHONESTY PROVISION? I MEAN, HOW ARE YOU GOING TO GET THAT
3 IN UNDER 609? I UNDERSTAND HOW YOU MIGHT GET THE ROBBERY IN.

4 MR. HUBBARD: YOUR HONOR, THAT CARRIES OVER A YEAR.

5 THE COURT: YES, BUT IT HAS TO -- THERE IS A TIME LIMIT OF
6 TEN YEARS. YOU CAN'T JUST BRING EVERYTHING IN. I THINK YOU
7 HAVE TO BRING IT IN UNDER 609 -- ANY CONVICTION INVOLVING
8 DISHONESTY OR FALSE STATEMENT AND THEN ANY CONVICTION WHICH
9 CARRIES A -- PUNISHABLE BY IMPRISONMENT FOR MORE THAN ONE
10 YEAR.

11 MR. HUBBARD: 1994, YOUR HONOR, HE HAD A BAIL-JUMPING
12 CHARGE.

13 MR. YOUNG: WHAT CHARGE?

14 THE COURT: WHERE IS THAT FROM?

15 MR. HUBBARD: THAT'S ALSO OUT OF NEW YORK. BAIL-JUMPING
16 THIRD DEGREE, SENTENCED TO A YEAR ON THAT. I AM NOT SURE
17 WHAT IT CARRIES.

18 THE COURT: IF IT DOESN'T CARRY -- IF WE DON'T KNOW WHAT
19 IT CARRIES, THEN I AM NOT GOING TO LET IT IN.

20 MR. HUBBARD: YES, SIR. THOSE ARE THE ONLY ONES I SEE. THE
21 ONLY THING I WOULD ADD IS AS TO THE ROBBERY CHARGE. THIS
22 INCIDENT OCCURRED -- ACTUALLY, HE WAS ARRESTED IN '97. I
23 KNOW YOUR HONOR IS PROBABLY GOING FROM THIS DATE OF TRIAL
24 BACK TEN YEARS. I JUST ASK YOUR HONOR TO CONSIDER THE FACT
25 THE CASE ITSELF -- THE INCIDENT IS FIVE YEARS OLD, AND HIS

1 ARREST WAS IN '97.

2 THE COURT: WHAT ARE YOU TALKING ABOUT?

3 MR. HUBBARD: AS FAR AS THE AGE OF THE CASE -- THE AGE OF
4 THE ROBBERY CHARGE. I KNOW YOUR HONOR HAS RULED ON THAT.

5 THE COURT: WAIT A MINUTE, NOW. KEEP GOING BECAUSE I AM
6 NOT SURE -- I THOUGHT YOU SAID THAT THE ROBBERY WAS IN '83.

7 MR. HUBBARD: IT WAS, BUT THEN I WAS SAYING GOING SIX YEARS
8 FROM THAT, SERVICE OF SIX YEARS OR SERVICE OF THAT TIME
9 WHICH, OF COURSE, I AM NOT---

10 THE COURT: WELL, YOU CAN ADD TEN YEARS AS THE CONVICTION
11 OR RELEASE.

12 MR. HUBBARD: RIGHT. BUT, ANYWAY, YOUR HONOR, I UNDERSTAND
13 YOUR RULING.

14 THE COURT: MR. YOUNG, WHAT DO YOU HAVE TO SAY ABOUT THE
15 RECORD THEY HAVE PRESENTED?

16 MR. YOUNG: YOUR HONOR, WITH REGARDS TO THE, I BELIEVE IT
17 WAS CALLED, FELONY WEAPONS CHARGE OR POSSESSION OF A WEAPON
18 CHARGE AND THE BAIL JUMPING CHARGE, IT WOULD BE MY POSITION
19 WITHOUT KNOWING EXACTLY WHAT THOSE CHARGES CARRY THEY SHOULD
20 NOT BE ADMISSIBLE. WITH REGARDS TO THE ROBBERY OFFENSE, YOUR
21 HONOR, IN LOOKING AT HIS RAP SHEET IT SAYS ROBBERY, COLON,
22 PHYSICAL INJURY, SLASH, DISFIREARM WHICH I WOULD ASSUME TO
23 MEAN DISPLAYING FIREARM. WITHOUT KNOWING EXACTLY WHAT
24 ELEMENT OF THAT HE WAS ACTUALLY CONVICTED OF, I WOULD BE OF
25 THE POSITION THAT, FIRST OF ALL, IT SHOULDN'T BE -- ANY

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1 MENTION SHOULDN'T BE MADE OF THAT DURING HIS TESTIMONY.
2 SECONDLY, IF THIS OFFENSE OCCURRED IN '83 AND HE SERVED A
3 SIX-YEAR SENTENCE THAT WOULD HAVE PUT IT AT '89 WHICH IS MORE
4 THAN TEN YEARS, AND WE WOULD TAKE THE POSITION THAT IT'S TOO
5 REMOTE IN TIME.

6 THE OTHER WITH REGARD TO THE FEDERAL CHARGES, YOUR HONOR,
7 UNDERSTANDING THAT THAT OCCURRED IN '98 IT WOULD BE OUR
8 POSITION THAT THE STATE SHOULD NOT BE ALLOWED TO USE THAT
9 BECAUSE IT IS MY UNDERSTANDING THAT WHEN HE WAS ARRESTED
10 IN '97 ON THIS CHARGE HERE THAT THE STATE EITHER CONSENTED TO
11 RELEASE HIM INTO THE FEDERAL SYSTEM OR AT SOME POINT IN TIME
12 HE WAS RELEASED INTO THE FEDERAL SYSTEM, AND THAT IS THE
13 RESULT -- THAT NOT BEING CONSENTED TO, HE WOULD NOT HAVE
14 THAT CONVICTION TODAY, AND BASED ON THAT WE WOULD TAKE THE
15 POSITION THAT THAT SHOULD NOT BE ALLOWED BECAUSE THAT IS A
16 MANUFACTURED CONVICTION BASED ON THE STATE CONSENTING TO
17 RELEASE HIM INTO THE FEDERAL CUSTODY UNDERSTANDING THAT THAT
18 SYSTEM RUNS A LITTLE BIT QUICKER THAN THEY DO ON STATE
19 COURTS.

20 THE COURT: MR. HUBBARD?

21 MR. HUBBARD: YOUR HONOR, AS TO THE LAST ARGUMENT ABOUT THE
22 FEDERAL SYSTEM WE DIDN'T CONSENT. WE GOT AN ORDER REQUIRING
23 THAT HE BE TRANSPORTED BACK UP TO NEW YORK. OF COURSE, WE
24 COMPLIED. WE DIDN'T HAVE ANY THOUGHTS OF PROTESTING THAT.
25 SO, YOUR HONOR, WE DEFINITELY ARE NOT RESPONSIBLE FOR THAT,

1 BUT AS TO THE CONVICTION OCCURRING AFTER -- AS FAR AS THIS
2 CONVICTION ON THE FEDERAL CHARGES OCCURRING AFTER OR BEFORE
3 THE CHARGES THAT WE ARE HERE ON TODAY, YOUR HONOR, IT ALL
4 GOES TO HIS CREDIBILITY, AND HE HAS A PRIOR CONVICTION, AND
5 WHEN HE TAKES THE STAND, YOU KNOW, THAT'S PART OF HIS
6 CREDIBILITY OR LACK THEREOF.

7 THE COURT: I UNDERSTAND THAT PART, BUT ALSO YOU HAVE TO
8 BALANCE IT WITHIN THE RULE 403 -- THE RELEVANCY OR IF YOU
9 LOOK AT WHEN 402, THE ADMISSIBILITY IN CONJUNCTION WITH 609
10 AND THEN 403, THE EXCLUSION OF PREJUDICIAL EVIDENCE. I
11 UNDERSTAND WHAT IT GOES FOR. YOU KNOW, THERE IS NO QUESTION
12 ABOUT THAT, BUT, MR. YOUNG, I THINK THE RULE SAYS UNDER 609
13 THAT THE CONVICTIONS RELEASE FROM CONFINEMENT MUST BE WITHIN
14 TEN YEARS. IT DOESN'T DIFFERENTIATE WHATSOEVER. I THINK THAT
15 THAT IS CERTAINLY NOT -- YOU KNOW, PEOPLE ARE ALWAYS
16 ARGUING, WELL, THEY GOT OUT OF JAIL IN '89 AND THE TEN YEARS
17 RUNS FROM THEN TO '99, AND, WELL, THAT'S PRETTY CLOSE. WELL,
18 I THINK THAT'S WHAT WE ARE LOOKING AT. I THINK THE FACT THAT
19 HE WAS CONVICTED IN THE FEDERAL SYSTEM AND REGARDLESS OF
20 WHATEVER MEANS THE FEDERAL SYSTEM USES TO GET THEIR CASES
21 THROUGH AND I APPLAUD THEM FOR BEING ABLE TO HAVE SO FEW
22 CASES THAT THEY CAN MOVE THEM THROUGH AS QUICKLY AS THEY DO
23 -- I BELIEVE THAT THIS FALLS WITHIN THE SCOPE OF RULE 609,
24 AND I AM GOING TO ALLOW THE FEDERAL CHARGES TO BE INTRODUCED,
25 AND THAT'S IT.

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1 MR. HUBBARD: YES, SIR.

2 MR. YOUNG: CAN I ASK THE COURT WITH REGARD TO THE FEDERAL
3 CHARGE TO ALSO CONSIDER THE RELEVANCE OF THAT CHARGE
4 CONNECTED TO THESE CHARGES AS WELL AS THE PREJUDICIAL EFFECT
5 IT WOULD HAVE?

6 THE COURT: WELL, I THINK THAT IT GOES TO THE CREDIBILITY
7 OR BELIEVEABILITY OF THE WITNESS WHEN THEY ARE CONSIDERING
8 AND I WILL GIVE THEM A CHARGE AS TO THAT THAT THEY ARE NOT TO
9 CONSIDER THESE CHARGES AGAINST HIM AS TO HIS GUILT OR
10 INNOCENCE OF THIS CRIME BUT FOR THE SOLE PURPOSE OF
11 EVALUATING HIS CREDIBILITY, HIS BELIEVABILITY. THAT IS THE
12 PURPOSE OF USING A PRIOR RECORD TO IMPEACH SOMEONE. YOU ARE
13 NOT USING THAT AS A BOOTSTRAP TO SAY, WELL, YEAH, HE WAS
14 CONVICTED OF THIS AND SO HE IS PROBABLY GUILTY OF THIS.
15 THAT'S NOT THE WAY IT WORKS, AND THAT IS THE INSTRUCTION THAT
16 I ALWAYS GIVE THEM AND WOULD FULLY GIVE THEM THAT AT THE
17 CONCLUSION OF THIS TRIAL.

18 MR. YOUNG: YES, SIR, YOUR HONOR.

19 THE COURT: ALL RIGHT. ARE WE READY TO PROCEED TO THE
20 DEFENSE'S CASE.

21 MR. YOUNG: WE ARE, YOUR HONOR. I JUST WANT TO NOTE FOR
22 THE RECORD MY OBJECTION TO ALLOWING THE FEDERAL CHARGE.

23 THE COURT: YES, SIR. I UNDERSTAND THAT.

24 MR. YOUNG: WE ARE READY TO PROCEED.

25 THE COURT: ALL RIGHT. BRING THEM BACK, PLEASE, MA'AM.

1 (THE JURY RETURNS TO THE COURTROOM AT 3:00 P.M.)

2 THE COURT: THANK YOU VERY MUCH, LADIES AND GENTLEMEN. AS
3 I TOLD YOU BEFORE YOU LEFT THE COURTROOM THE STATE HAS
4 CONCLUDED ITS CASE IN CHIEF. WE NOW MOVE TO THE DEFENSE
5 CASE. CALL YOUR FIRST WITNESS, PLEASE, MR. YOUNG.

6 MR. YOUNG: MAY IT PLEASE THE COURT, YOUR HONOR, WE WOULD
7 CALL DAVE MACDOUGALL.

8 DAVE MACDOUGALL, BEING FIRST DULY
9 SWORN, TESTIFIED AS FOLLOWS:

10 THE CLERK: PLEASE STATE YOUR NAME FOR THE RECORD.

11 THE WITNESS: DAVE MACDOUGALL -- M-A-C-D-O-U-G-A-L-L.

12 DIRECT EXAMINATION BY MR. YOUNG:

13 Q MR. MACDOUGALL, WHERE ARE YOU CURRENTLY EMPLOYED?

14 A I AM REGISTERED LICENSED PRIVATE INVESTIGATOR WITH
15 INFORMATION SERVICES HERE IN COLUMBIA. IT'S A PRIVATE
16 DETECTIVE AGENCY THAT I OWN AND OPERATE.

17 Q AND HOW LONG HAVE YOU BEEN IN THAT CAPACITY?

18 A THIS JUNE WILL BE 21 YEARS.

19 Q DO YOU HAVE ANY EXPERIENCES IN LAW ENFORCEMENT?

20 A I WAS A STATE CONSTABLE FOR A YEAR. I WAS WITH THE CITY
21 OF COLUMBIA POLICE DEPARTMENT FOR TWO YEARS, GRADUATE OF
22 CRIMINAL JUSTICE ACADEMY IN '76, AND HAVE A DEGREE IN
23 CRIMINAL JUSTICE.

24 Q MR. MACDOUGALL, WERE YOU RETAINED TO INTERVIEW WITNESSES
25 ON BEHALF OF WILLIE RICHARDSON?

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1 A I WAS.

2 Q IN HANDLING THOSE INTERVIEWS DID YOU HAVE AN OCCASION TO
3 INTERVIEW A GENTLEMAN BY THE NAME OF KIRBY BLOCKER?

4 A I DID.

5 Q WHEN WAS THAT?

6 A I MET MR. BLOCKER ON MONDAY, SEPTEMBER 20 OF 1999 AND
7 ABOUT 10:45 IN THE MORNING OVER AT THE LEXINGTON COUNTY
8 DETENTION CENTER.

9 Q THAT WAS HERE IN LEXINGTON COUNTY?

10 A YES, IT WAS.

11 Q TO THE BEST OF YOUR RECOLLECTION WHAT, IF ANYTHING, DID
12 MR. BLOCKER TELL YOU ABOUT HIS KNOWLEDGE OF WILLIE RICHARDSON
13 OR HIS RELATIONSHIP TO WILLIE RICHARDSON?

14 A HE TOLD ME HE HAD KNOWN -- HE REFERRED TO MR.
15 RICHARDSON AS WILLIE JAMES OR RAH, AND I WAS ALREADY AWARE
16 THAT MR. RICHARDSON WAS KNOWN AS RAHEEM TO HIS FAMILY AND
17 FRIENDS, AND MR. BLOCKER TOLD ME THAT HE KNEW HIM AS WILLIE
18 JAMES OR RAH AND WAS ACQUAINTED WITH HIM PRIOR TO THIS
19 OCCURRENCE AT THE NIGHT CLUB.

20 Q DID YOU HAVE AN OCCASION TO INTERVIEW A GENTLEMAN BY THE
21 NAME OF JOHN BOOKMAN?

22 A I DID NOT. I MADE SEVERAL ATTEMPTS TO MAKE CONTACT WITH
23 MR. BOOKMAN. HE HAD MOVED SEVERAL TIMES. I HAD LOCATED A
24 CURRENT ADDRESS AND RESIDENCE FOR HIM IN LITTLE MOUNTAIN AND
25 HAD GONE OUT THERE AND SPOKEN WITH PEOPLE AT THAT RESIDENCE

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1 ON SEPTEMBER 13 OF '99. I MADE TELEPHONE CALLS ON THE 19TH
2 OF SEPTEMBER, THREE PHONECALLS ON THE 26TH OF SEPTEMBER, AND
3 MR. BOOKMAN, IT WAS MY UNDERSTANDING, WAS A LONG DISTANCE
4 TRUCK DRIVER. SO THE ONLY TIME HE WOULD BE AROUND WOULD BE
5 ON SATURDAYS AND POSSIBLY SUNDAYS. SO I TRIED TO CALL HIM ON
6 THOSE OCCASIONS. I SENT LETTERS TO THE ADDRESS IN LITTLE
7 MOUNTAIN AND ALSO TO A POST OFFICE BOX IN PROSPERITY. THAT
8 LETTER CAME BACK. THE LETTER THAT I SENT TO HIS LITTLE
9 MOUNTAIN ADDRESS ASKING HIM TO CONTACT ME WAS NEVER RETURNED,
10 BUT HE NEVER CALLED, AND I NEVER COULD GET IN CONTACT WITH
11 HIM.

12 Q DID YOU EVER HAVE A CONVERSATION WITH MR. BOOKMAN OVER
13 THE TELEPHONE?

14 A NO.

15 MR. YOUNG: THANK YOU, MR. MACDOUGALL. PLEASE ANSWER ANY
16 QUESTIONS THAT THE STATE WOULD HAVE FOR YOU.

17 THE COURT: CROSS EXAMINATION, MR. HUBBARD?

18 CROSS EXAMINATION BY MR. HUBBARD:

19 Q MR. MACDOUGALL, WHEN YOU WERE TALKING TO MR. BLOCKER, HE
20 MENTIONED HE WAS ACQUAINTED WITH MR. RICHARDSON?

21 A THAT'S WHAT HE TOLD ME, YES, SIR.

22 Q HE DIDN'T INDICATE WHAT DEGREE OF ACQUAINTANCE, DID HE?

23 A HE INDICATED THAT HE KNEW MR. RICHARDSON AS WILLIE JAMES
24 OR AS RAH AND WHAT CONCERNED ME WAS THAT HE -- HAVING
25 REVIEWED MR. BLOCKER'S STATEMENT, THERE WAS NO MENTION IN HIS

1 | STATEMENT ABOUT HAVING PRIOR KNOWLEDGE OF THIS PERSON.

2 | Q I UNDERSTAND THAT, BUT HE DIDN'T TELL YOU THE DEGREE TO
3 | WHICH HE KNEW THIS INDIVIDUAL?

4 | A THE DEGREE AS IN WHETHER THEY HAD SUNDAY DINNER TOGETHER
5 | OR---

6 | Q HE JUST SAID THEY WERE ACQUAINTED---

7 | A YES.

8 | Q ---HE WAS ACQUAINTED WITH THIS INDIVIDUAL AND THE
9 | NAMES?

10 | A RIGHT.

11 | Q RAH AND WILLIE JAMES?

12 | A RAH AND WILLIE JAMES.

13 | MR. HUBBARD: I HAVE NO FURTHER QUESTIONS.

14 | MR. YOUNG: ONE QUESTION ON REDIRECT, YOUR HONOR.

15 | REDIRECT EXAMINATION BY MR. YOUNG:

16 | Q DID MR. BLOCKER PROVIDE YOU WITH A NAME OF THIS PERSON?

17 | A TWO NAMES.

18 | Q TWO NAMES?

19 | A WILLIE JAMES AND RAH IS WHAT HE CALLED HIM.

20 | Q BASED ON THAT WOULD YOU BELIEVE THAT HE WAS---

21 | MR. HUBBARD: OBJECTION, YOUR HONOR. HE'S ASKING HIM TO
22 | SPECULATE AND ALSO BEYOND THE SCOPE.

23 | THE COURT: I WILL SUSTAIN THE OBJECTION. IF YOU WANT TO
24 | TRY TO REPHRASE IT YOU CAN DO SO.

25 | Q WHEN HE PROVIDED YOU WITH THOSE NAMES WHAT WAS YOUR

1 IMPRESSION AS TO HIS RELATIONSHIP?

2 MR. HUBBARD: OBJECTION, YOUR HONOR, BEYOND THE SCOPE OF
3 CROSS.

4 THE COURT: SUSTAIN THE OBJECTION.

5 Q HE PROVIDED WITH YOU TWO NAMES?

6 A HE DID.

7 MR. YOUNG: THANK YOU.

8 THE COURT: ANYTHING FURTHER, MR. HUBBARD?

9 MR. HUBBARD: NO, SIR, YOUR HONOR.

10 THE COURT: THANK YOU, SIR. YOU CAN STEP DOWN.

11 MR. YOUNG: I'D ASK THAT MR. MACDOUGALL BE EXCUSED.

12 THE COURT: ANY OBJECTION?

13 MR. HUBBARD: NO, SIR, YOUR HONOR.

14 THE COURT: WITHOUT OBJECTION, YOU ARE EXCUSED.

15 MR. YOUNG: YOUR HONOR, WE WOULD CALL MR. WILLIE RICHARDSON
16 TO THE STAND. THE COURT: ALL RIGHT.

17 WILLIE JAMES RICHARDSON, BEING FIRST
18 DULY SWORN, TESTIFIED AS FOLLOWS:

19 DIRECT EXAMINATION BY MR. YOUNG:

20 Q STATE YOUR FULL NAME FOR THE RECORD.

21 A WILLIE JAMES RICHARDSON.

22 Q MR. RICHARDSON, THERE HAS BEEN SOME DISCUSSION REGARDING
23 ANOTHER NAME. WHAT OTHER NAMES DO YOU GO BY?

24 A JUST RAHEEM.

25 Q I NEED FOR YOU TO SPEAK UP SO EVERYONE CAN HEAR YOU

- 1 CLEARLY.
- 2 A JUST RAHEEM.
- 3 Q HOW LONG HAVE YOU WENT BY THE NAME OF RAHEEM?
- 4 A SINCE I WAS 14 YEARS OLD.
- 5 Q THERE HAS BEEN SOME DISCUSSION, MR. RICHARDSON,
- 6 REGARDING AN ALIBI. DO YOU REMEMBER AUGUST 12, AUGUST 13, OF
- 7 1995?
- 8 A YES.
- 9 Q WHERE WERE YOU AT THAT TIME?
- 10 A AT A FAMILY GET TOGETHER OR FOR MY BROTHER AND SISTER'S
- 11 BIRTHDAY.
- 12 Q WHERE WAS THAT HELD AT?
- 13 A AT MY SISTER'S HOUSE.
- 14 Q WHAT CITY AND STATE?
- 15 A IN BROOKLYN, NEW YORK.
- 16 Q YOU HAVE HEARD TESTIMONY REGARDING YOU BEING AT A
- 17 FUNERAL?
- 18 A YES.
- 19 Q DID YOU EVER ATTEND A FUNERAL?
- 20 A YES, ON JULY 20 I FLEW TO NEW YORK TO ATTEND -- I WENT
- 21 TO ATTEND A CLOSE FRIEND OF MINE'S FUNERAL.
- 22 Q WHEN YOU WENT THAT WAS AROUND WHAT TIME AGAIN?
- 23 A JULY 20.
- 24 Q WHEN YOU WENT UP TO NEW YORK ON JULY 20, DID YOU EVER
- 25 RETURN TO SOUTH CAROLINA?

1 A NO. I HAVEN'T BEEN IN NEW YORK IN OVER A YEAR, AND I
2 AIN'T SEEN MY KIDS, AND I WANTED TO SPEND TIME WITH MY
3 FAMILY, AND MY FRIEND'S BIRTHDAY WAS COMING UP ON JULY 25,
4 AND I SPENT TIME WITH THE FAMILY.

5 Q IS THIS THE FRIEND WHO PASSED AWAY?

6 A YES.

7 Q DID YOU SPEND TIME WITH HIS FAMILY?

8 A YES.

9 Q ON THE NIGHT OF OR ON AUGUST 12, 1995, DO YOU RECALL
10 ABOUT WHAT TIME IT WAS THAT YOU ARRIVED?

11 A ABOUT 9:30 ME AND MY DAUGHTER'S MOTHER---

12 Q DO YOU RECALL APPROXIMATELY HOW LONG YOU STAYED THERE?

13 A ABOUT 2:30 IN THE MORNING. MY BROTHER WAS GETTING READY
14 TO GO BACK TO CALIFORNIA BECAUSE HE IS AN ACTOR AND HE'S BEEN
15 RUNNING BACK AND FORTH. SOMETIMES WE DON'T GET TO SEE HIM
16 THAT OFTEN.

17 Q WHEN YOUR BROTHER'S BIRTHDAY?

18 A HIS IS ON THE 14TH AND MY SISTER'S IS ON THE 15TH.

19 Q WAS THERE ANYONE ELSE IN YOUR FAMILY WHO HAD A BIRTHDAY
20 AROUND THAT TIME?

21 A JUST MY BROTHER AND MY SISTER.

22 Q WHO DO YOU KNOW TO LIVE AT 2700 PARK STREET?

23 A MY GRANDMOTHER.

24 Q TO THE BEST OF YOUR KNOWLEDGE WHO ELSE LIVED WITH HER?

25 A SHE DON'T HAVE NOBODY THERE. SHE LIVE BY HERSELF.

- 1 Q THE WHITE LANDCRUISER THAT HAS BEEN TALKED ABOUT---
- 2 A YES.
- 3 Q ---WHO OWNS THAT CAR?
- 4 A MY DADDY.
- 5 Q HAVE YOU EVER DRIVEN IT?
- 6 A I MIGHT HAVE DRIVEN IT ONCE OR TWICE. I AIN'T HAD NO
- 7 LICENSE, BUT TO ME IT WAS AN EXPENSIVE VEHICLE. I WASN'T
- 8 ABLE TO REALLY MOVE IT AROUND LIKE THAT.
- 9 MR. SWARAT: YOUR HONOR, I APOLOGIZE. I CAN'T HEAR THE
- 10 WITNESS.
- 11 THE COURT: YOU ARE GOING TO HAVE TO SPEAK UP, SIR. IF YOU
- 12 WOULD, SLIDE FORWARD---
- 13 THE WITNESS: I SAID I DIDN'T HAVE A LICENSE, AND IT WAS A
- 14 EXPENSIVE VEHICLE. IF I AM DRIVING PLACES, THE POLICE ARE
- 15 GOING TO STOP ME ANYWAY -- JUST BEING ME, THEY ARE GOING TO
- 16 STOP ME. I DON'T HAVE A LICENSE.
- 17 Q THIS WHITE LANDCRUISER WAS FOUND AT AN ADDRESS. DO YOU
- 18 OWN A HOME OR PROPERTY IN NEWBERRY OR PROSPERITY, SOUTH
- 19 CAROLINA?
- 20 A IN PROSPERITY.
- 21 Q WHAT THE ADDRESS FOR THAT PROPERTY?
- 22 A 654 LEISURE POINT ROAD.
- 23 Q NOW, THIS WHITE LANDCRUISER WAS FOUND AT THAT ADDRESS?
- 24 A YES.
- 25 Q DID YOU DRIVE THAT AUTOMOBILE THERE?

1 A NO.

2 Q TO THE BEST OF YOUR KNOWLEDGE DID ANYONE ELSE HAVE
3 ACCESS TO THAT AUTOMOBILE?

4 A THE KEYS WAS AT THE HOUSE WHEN THEY TOOK THE VEHICLE.
5 THE KEYS WAS ALREADY AT THE HOUSE WHEN THEY CAME AND GOT THE
6 VEHICLE.

7 Q AND AT THIS POINT IN TIME YOU WERE IN NEW YORK?

8 A YES.

9 Q WHO ELSE WAS PRESENT THERE?

10 A MY BROTHER'S WIFE, MY SISTER, MY NIECE, MY LITTLE
11 BROTHER, MY NEPHEW -- MY SISTER GOT FIVE KIDS AND I GOT
12 KIDS. MY BROTHER DON'T HAVE ANY KIDS. HIM AND HIS WIFE ARE
13 INTO THEIR CAREER. THEY ARE BOTH ACTORS AND ACTRESS.

14 Q SO IT WAS PRETTY MUCH A FAMILY GATHERING?

15 A YES, GET-TOGETHER.

16 THE COURT: YOU NEED TO SPEAK UP, PLEASE, SIR.

17 THE WITNESS: IT WAS A FAMILY GET-TOGETHER.

18 Q KEEP YOUR VOICE UP SO EVERYONE CAN HEAR YOU. MR.

19 RICHARDSON, AT WHAT POINT IN TIME DID YOU LEARN THAT YOU WERE

20 A SUSPECT IN THIS INCIDENT?

21 A THE NEXT DAY.

22 Q WHEN YOU SAY THE NEXT DAY---

23 A WELL, THAT SAME DAY, BUT LATER ON THE EVENING OR
24 AFTERNOON I WAS TOLD THAT MR. FRIER HAD CALLED MY FAMILY IN
25 NEW YORK AND TOLD THEM SOMETHING ABOUT ME AND THEY GAVE

- 1 HIM---
- 2 Q DON'T GO INTO WHAT ANYBODY ELSE SAID.
- 3 A OKAY.
- 4 Q JUST TELL ME HOW YOU -- THAT YOU HEARD ABOUT IT?
- 5 A YEAH, I HEARD ABOUT IT, AND I HEARD IT WAS A NUMBER
- 6 LEFT, AND I CONSISTENTLY TRYED TO CONTACT MR. FRIER.
- 7 Q APPROXIMATELY HOW MANY TIMES DID YOU ATTEMPT TO CONTACT
- 8 HIM?
- 9 A FOUR TIMES.
- 10 Q DID YOU EVER ACTUALLY SPEAK WITH HIM?
- 11 A NO. I LEFT MESSAGES ON HIS ANSWERING MACHINE THOUGH.
- 12 Q YOU WERE ULTIMATELY ARRESTED FOR THIS INCIDENT?
- 13 A YES.
- 14 Q WHEN YOU WERE ARRESTED YOU WERE SENT DOWN HERE TO SOUTH
- 15 CAROLINA?
- 16 A YES, I WAIVED EXTRADITION TO COME TO DEAL WITH THE
- 17 CHARGE.
- 18 Q AT SOME POINT IN TIME YOU WENT BACK TO VIRGINIA?
- 19 A YES.
- 20 Q WHAT DID YOU GO TO VIRGINIA FOR?
- 21 A I HAD A FEDERAL CHARGE -- DRUG CHARGES IN VIRGINIA THAT
- 22 I DIDN'T NEVER KNOW ABOUT AND THEY CALLED ME THERE FOR THE
- 23 CHARGE FROM LEXINGTON COUNTY.
- 24 Q WHAT WAS THE OUTCOME OF THAT MATTER?
- 25 A I WAS FOUND GUILTY OF A CONSPIRACY.

1 Q WHAT ALL -- IS THAT YOUR CRIMINAL RECORD? WHAT ALL
2 CHARGES WERE INVOLVED IN THAT?

3 A I THINK IT WAS CONSPIRACY FOR COCAINE OR SOMETHING.

4 THE COURT: YOU NEED TO SPEAK UP, PLEASE, SIR.

5 THE WITNESS: IT WAS CONSPIRACY FOR COCAINE OR CRACK OR
6 SOMETHING LIKE THAT.

7 Q OKAY.

8 A CONSPIRACY IS LIKE A VARIOUS CHARGE WHERE YOU JUST --
9 YOU KNOW, TWO PEOPLE MAKE A STATEMENT ON YOU. YOU DON'T HAVE
10 TO BE CAUGHT WITH NOTHING.

11 Q OKAY.

12 A BUT IN TRYING TO WORK A DEAL, THAT'S WHAT THEY DO --
13 GET SOMEBODY ELSE LOCKED UP.

14 THE COURT: SIR, YOU'RE GOING TO HAVE TO SPEAK UP. SO, LET
15 HIM FINISH BEFORE YOU START ANOTHER QUESTION. YOU ARE GOING
16 TO HAVE TO KEEP YOUR VOICE UP BECAUSE I'M HAVING TROUBLE
17 HEARING YOU.

18 THE WITNESS: I WAS SAYING A CONSPIRACY IS BASICALLY A
19 CHARGE IF TWO PEOPLE MAKE A STATEMENT AGAINST A PERSON---

20 MR. SWARAT: YOUR HONOR, I WOULD OBJECT. I DON'T KNOW
21 THAT IT IS RELEVANT.

22 THE WITNESS:---THEN THAT PERSON COULD BE ARRESTED.

23 THE COURT: YES, SIR. I AM GOING TO SUSTAIN THE OBJECTION
24 AND ASK THE JURY TO DISREGARD THE LAST STATEMENT, AND IT BE
25 STRICKEN FROM THE RECORD. HIS RECORD WILL SPEAK FOR ITSELF.

1 MR. YOUNG: YES, SIR, YOUR HONOR.

2 Q WHILE YOU WERE IN VIRGININA, DID YOU HAVE AN OCCASION TO
3 COME IN CONTACT WITH MR. REGINALD LUCAS?

4 A YES.

5 Q IN WHAT CAPACITY DID YOU COME IN CONTACT WITH HIM?

6 A HE WAS THERE WHEN THEY FIRST EXTRADITED ME THERE, AND HE
7 WAS LIKE -- HE WAS IN ROW LIKE THAT, AND THEY WAS READING MY
8 CHARGES OUT, AND THAT'S HOW HE KNEW ABOUT MY CASE. THEY WAS
9 READING MY CHARGES OUT, AND THAT'S HOW HE CAME IN CONTACT. I
10 NEVER REALLY KNOW HIM LIKE THAT FOR A LONG TIME, AND THEN
11 THEY BROUGHT HIM -- HE WAS IN A HOUSING AREA WITH A
12 CO-DEFENDANT ON MY CONSPIRACY CASE, AND THEY USED TO TALK A
13 LOT. I DON'T KNOW ABOUT WHAT OR WHATEVER, BUT THEN THEY
14 MOVED HIM DOWN WHERE I WAS AT. I NEVER REALLY SOCIALIZED
15 WITH HIM LIKE THAT.

16 Q WERE YOU HIS CELL MATE?

17 A NO. I WAS IN A ONE-MAN CELL. THERE'S EIGHT CELLS.
18 THERE'S THREE SINGLE CELLS AND FIVE TWO-MAN CELLS. ONE CELL
19 WAS MY CELL.

20 THE COURT REPORTER: WAIT A MINUTE. THREE WHAT? I DIDN'T
21 UNDERSTAND YOU.

22 THE WITNESS: IT'S THREE SINGLE CELLS AND FIVE TWO-MAN
23 CELLS. IT'S A 13 INMATE CELL. I HAD ONE CELL. THAT A SINGLE
24 CELL, TWO CELLS ARE SINGLE CELL AND THE LAST CELL ON THE END
25 A CELL AND A ONE MAN CELL. THE MAN WAS NOT MY CELLMATE.

LISA H. HICKLIN, RPR
CERTIFIED COURT REPORTER
POST OFFICE BOX 165
AIKEN, SC 29802

1 Q AT TIMES WHEN YOU USED THE TELEPHONE DID MR. LUCAS EVER
2 USE THE TELEPHONE AT THE SAME TIME YOU DID?

3 A WELL, REALLY, YOU DON'T HAVE TO BE ON THE PHONE TO
4 LISTEN TO -- THE TABLE IS ABOUT THIS WIDE (INDICATING.) THE
5 PHONE IS HERE. THE T.V. IS LIKE WHERE THE WATER BOTTLE IS
6 AT. THERE'S A SMALL REC AREA NO BIGGER THAN THIS RIGHT HERE,
7 AND THE CELLS IS OPEN ALL DAY. IT'S NOT -- THE WHOLE
8 HOUSING AREA IS FROM HERE -- FROM THAT DOOR TO THAT BENCH
9 RIGHT THERE, BUT IT'S A NARROW AREA. SO IF SOMEBODY IS
10 SITTING RIGHT NEXT TO YOU AND YOU ARE ON PHONE TALKING TO
11 YOUR FAMILY OR SOMETHING THEY MIGHT HEAR BITS AND PIECES AND
12 TRY TO PUT THEIR OWN STORY TOGETHER. THAT'S WHAT USUALLY
13 HAPPENS IN THE FEDERAL SYSTEM TO A LOT OF PEOPLE. PEOPLE TRY
14 TO GET TIME CUT OFF OF PEOPLE LIKE THAT.

15 Q IS IT YOUR TESTIMONY, MR. RICHARDSON -- LET ME GO BACK.
16 DO YOU HAVE A TATTOO?

17 A YES.

18 Q WHERE IS THAT TATTOO LOCATED?

19 A ON MY ARM, MY LEFT ARM.

20 Q BUT ON AUGUST THE 12, 1995, THE MORNING OF AUGUST 13,
21 WHERE WERE YOU?

22 A I WAS AT MY SISTER'S HOUSE.

23 THE COURT: SPEAK UP, PLEASE.

24 THE WITNESS: I WAS AT MY SISTER'S HOUSE.

25 MR. YOUNG: THANK YOU, MR. RICHARDSON. PLEASE ANSWER ANY

1 QUESTIONS THAT THEY MAY HAVE OF YOU.

2 MR. SWARAT: BEG THE COURT'S INDULGENCE, YOUR HONOR.

3 THE COURT: YES, SIR.

4 (PAUSE.)

5 CROSS EXAMINATION BY MR. SWARAT:

6 Q MR. RICHARDSON, GOOD AFTERNOON.

7 A GOOD AFTERNOON.

8 Q WE DON'T KNOW EACH OTHER, DO WE? WE HAVE NEVER MET?

9 A (WITNESS SHAKES HEAD.) (INDICATING NEGATIVE RESPONSE.)

10 Q MR. RICHARDSON, YOU ARE TELLING THE JURY THAT YOU WERE
11 AT A BIRTHDAY PARTY?

12 A YES.

13 Q THAT WAS THE NIGHT OF AUGUST 12, 1995?

14 A YES.

15 Q WHOSE BIRTHDAY WAS THAT?

16 A MY SISTER'S AND MY BROTHER'S.

17 THE COURT: YOU NEED TO SPEAK UP, PLEASE.

18 THE WITNESS: THEIR BIRTHDAYS ARE A DAY APART FROM EACH
19 OTHER.

20 Q WHEN ARE THEIR BIRTHDAYS?

21 A THE 14TH OF AUGUST AND THE 15TH OF AUGUST. MY BROTHER
22 WAS GOING TO L.A.. THAT MONDAY BACK TO DO WHAT HE HAD TO DO
23 IN THE MOVIE INDUSTRY AND HE'S GOT HIS OWN FILMING COMPANY.

24 Q WHAT IS YOUR SISTER'S NAME, MR. RICHARDSON?

25 A MICHELLE RICHARDSON.

LISA H. HICKLIN, RPR
CERTIFIED COURT REPORTER
POST OFFICE BOX 165
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1 Q WHAT IS HER DATE OF BIRTH?

2 A 7/14 -- NO, 7/15/61 -- NO, '62. SHE'S TWO YEARS OLDER
3 THAN ME. SHE IS 37. I AM 35.

4 Q WHAT IS YOUR BROTHER'S NAME?

5 A GREG COOK. HE CHANGED IT TO GREG HUGE. THAT'S HIS
6 HOLLYWOOD NAME.

7 THE COURT REPORTER: GREG WHAT?

8 THE WITNESS: GREG COOK BUT HE CHANGED IT TO -- HIS STAGE
9 NAME IS GREG HUGE.

10 THE COURT: MR. RICHARDSON, I NEED TO GET YOU TO TURN
11 AROUND TO FACE THAT MICROPHONE SO THE COURT REPORTER CAN HEAR
12 YOU BECAUSE IT'S EXTREMELY IMPORTANT FOR EVERYONE TO HEAR
13 YOU. SO LET'S MAKE SURE THAT YOU AND MR. SWARAT JUST DON'T
14 CARRY ON A CONVERSATION.

15 Q HOW DO YOU SPELL HIS STAGE NAME, MR. RICHARDSON? I
16 APOLOGIZE. I COULDN'T HEAR.

17 A G-R-E-G H-U-G-E.

18 Q H-U-G-E?

19 A YES, SIR.

20 Q HUGE?

21 A YES, SIR.

22 Q WHAT IS HIS DATE OF BIRTH?

23 A 7/14. HE WAS BORN ON THE 14TH. SHE BORN ON THE 15TH.

24 Q WHAT YEAR?

25 A NO, IT'S 8.

1 Q 8?

2 A I'M SAYING 7.

3 THE COURT REPORTER: I DIDN'T HEAR HIM.

4 THE WITNESS: 8/14 AND 8/15.

5 THE COURT: MR. SWARAT, I THINK AM GOING TO GET YOU TO COME
6 DOWN HERE BECAUSE HE KEEPS WANTING TO TURN AROUND TO TALK TO
7 YOU AND THE COURT REPORTER IS NOT PICKING THIS UP.

8 Q YOU TOLD ME THAT MICHELLE WAS BORN IN JULY 15?

9 A NO, IT IS AUGUST.

10 Q IT'S AUGUST?

11 A YEAH, BOTH OF THEM IS AUGUST 14 AND 15.

12 Q OKAY. HIS IS THE 14TH?

13 A YES, SIR.

14 Q WHAT YEAR?

15 A HIS?

16 Q YES, SIR.

17 A HE WILL BE 42, 41. I CAN'T CALCULATE ALL THAT STUFF.

18 THE COURT: SPEAK UP, PLEASE.

19 THE WITNESS: HE IS 41. HE WILL BE 42 THIS YEAR. HE IS SIX
20 YEARS OLDER THAN ME. I WILL BE 36 IN JUNE.

21 Q SO HE WAS BORN IN THE LATE '50S?

22 A I THINK '58.

23 Q AND YOU WERE AT THIS BIRTHDAY PARTY?

24 A YES.

25 Q DO YOU REMEMBER WHAT DAY OF THE WEEK THAT WAS?

1 A YES, IT WAS FRIDAY OR SATURDAY.

2 Q FRIDAY OR SATURDAY?

3 A YES. IT WAS LIKE THE WEEKEND -- FRIDAY OR SATURDAY --
4 FRIDAY GOING INTO SATURDAY.

5 Q BUT YOU ARE NOT SURE WHICH ONE? IT WAS FRIDAY OR
6 SATURDAY?

7 A THAT'S FIVE YEARS. I KNOW IT WAS THE DAY I GOT NOTIFIED
8 -- THE DAY BEFORE I GOT NOTIFIED OF THIS INCIDENT OCCURRED
9 WAS FRIDAY OR SATURDAY. ONE OF THOSE -- IT WAS THE 12TH AND
10 THE NEXT DAY I WAS NOTIFIED THE NEXT DAY ABOUT WHAT HAPPENED.

11 Q WHO NOTIFIED YOU THAT THIS INCIDENT HAD OCCURRED?

12 A MY PARENTS NOTIFIED ME.

13 Q WHAT TYPE OF NOTIFICATION DID THEY GET?

14 A THEY CALLED MY FIANCEE ALETHA, AND SHE TOLD ME WHEN I
15 CAME HOME.

16 Q WHAT IS ALETHA'S LAST NAME?

17 A GAYMON.

18 Q NOW, MISS GAYMON -- WHO DID SHE SPEAK WITH?

19 A WHO DID SHE SPEAK WITH? MY MOTHER.

20 MR. YOUNG: OBJECTION, YOUR HONOR. IT GOES TO HEARSAY.

21 THE COURT: THAT SHE SPOKE WITH HIM?

22 MR. YOUNG: YES, SIR.

23 THE COURT: OVERRULED.

24 Q WHO DID MISS GAYMON SPEAK WITH, MR. RICHARDSON?

25 A MY MOTHER CALLED HER AND TOLD HER TO CALL ME AND LET ME

1 KNOW WHEN I GET IN THE HOUSE. I WASN'T IN THE HOUSE.

2 Q LET THEM KNOW WHAT?

3 A THAT SOMETHING HAPPENED DOWN HERE AND THERE'S A NUMBER
4 THEY GOT I GOT TO CALL MR. FRIER.

5 Q OKAY. SO YOU KNEW THAT MR. FRIER WAS IN CHARGE OF
6 WHATEVER THIS THING WAS THAT HAPPENED DOWN HERE?

7 A I DIDN'T KNOW IF HE WAS IN CHARGE. HE CALLED UP THERE
8 AND LEFT A MESSAGE WITH HIS NUMBER. I CALLED THAT MAN FOUR
9 OR FIVE TIMES BECAUSE I WANTED TO KNOW WHAT WAS THE REASON I
10 WAS WANTED FOR. THIS THING HAPPENED TO ME BEFORE WHEN I WAS
11 AT MY BROTHER'S WEDDING IN TENNESSEE. THE SAME KIND OF THING
12 HAPPENED TO ME BEFORE, AND I WAS SUPPOSED TO BE IN A GAS
13 STATION WHILE I'M AT A WEDDING.

14 Q YOU WERE SUPPOSED TO BE ROBBING A GAS STATION IN
15 TENNESSEE?

16 A YES, WHEN I WAS YOUNG. THE SAME THING HAPPENED TO ME
17 BECAUSE I WITNESSED A POLICE MURDER SOMEBODY AND ALL OF A
18 SUDDEN THEY WAS TRYING TO THROW FAKE CHARGES ON ME. WHEN I
19 WAS IN TENNESSEE, THEY WAS LIKE -- I CAME BACK FROM THE
20 WEDDING, AND THEY WERE SAYING THIS HAPPENED TO THIS PLACE ON
21 THIS DAY, AND I WAS ALREADY -- I HAD 100 AND SOMETHING
22 PICTURES SHOWING THESE PEOPLE I WAS AT MY BROTHER'S WEDDING.
23 AND THEY THREW THE CHARGE OUT.

24 Q SO YOU HAD DETECTIVE FRIER'S NAME AFTER THIS INCIDENT
25 OCCURRED OR AFTER YOUR FAMILY WAS CONTACTED, AND YOU HAD A

1 NUMBER TO REACH HIM?

2 A YES.

3 Q YOU TOLD YOUR WHOLE FAMILY ABOUT IT?

4 A ABOUT WHAT?

5 Q ABOUT THE POLICE---

6 A CALLING ME?

7 Q ---CALLING YOUR HOUSE? YOU TALKED TO YOUR MOM ABOUT IT?

8 A THE POLICE CALLING MY HOUSE?

9 Q YES.

10 A THE POLICE NEVER CALLED MY HOUSE. HE CALLED MY PARENTS'
11 HOUSE.

12 Q CALLED YOUR PARENTS' HOUSE?

13 A YES.

14 Q YOU TALKED TO YOUR FAMILY?

15 A I DIDN'T LIVE WITH MY PARENTS.

16 Q DID YOU TALK TO YOUR FAMILY ABOUT THAT?

17 A I TOLD YOU MY FAMILY CALLED ALETHA. ALETHA IS WHERE I
18 LIVE AT. THAT'S WHERE I LIVED AT, BUT I WASN'T IN THE HOUSE
19 WHEN MY PARENTS CALLED HER.

20 Q ALETHA TALKED TO YOUR PARENTS?

21 A YES.

22 Q ABOUT THE POLICE CALLING AND LOOKING FOR YOU?

23 A YEAH.

24 Q DID YOU TALK TO YOUR PARENTS ABOUT IT?

25 A DID I TALK TO MY PARENTS ABOUT IT?

- 1 Q YES, SIR.
- 2 A YEAH, I TALKED TO MY PARENTS, AND MY PARENTS -- THEY
- 3 WANTED TO KNOW WHAT WAS GOING ON. SO THEY FLEW DOWN HERE.
- 4 THEY CAME DOWN HERE, AND THEY CAME TO THIS COUNTY, AND THEY
- 5 WAS TRYING TO FIND OUT WHAT WAS GOING ON. I ALREADY HEARD IN
- 6 LEXINGTON COUNTY YOU AIN'T REALLY SUPPOSED TO HAVE A CHANCE
- 7 IN A JURY TRIAL IF YOU ARE A BLACK MAN. THIS IS WHAT HAS
- 8 BEEN TOLD TO ME FROM BEING IN SOUTH CAROLINA SINCE I BEEN
- 9 YOUNG. I BEEN COMING DOWN HERE. MY PARENTS ARE FROM HERE.
- 10 THEY GREW UP HERE. I BEEN COMING HERE SINCE I BEEN A LITTLE
- 11 KID.
- 12 Q SO YOUR PARENTS WERE REAL CONCERNED ABOUT THIS?
- 13 A YEAH, THEY CAME HERE. THEY CAME TO LEXINGTON COUNTY.
- 14 Q WHAT DID THEY DO WHEN THEY CAME TO LEXINGTON COUNTY?
- 15 A WHEN THEY CAME, THEY GOT SHOOK UP AND SCARED. THEY
- 16 PULLED GUNS OUT ON MY FATHER.
- 17 Q WHO PULLED GUNS OUT ON YOUR FATHER?
- 18 THE WITNESS: I WASN'T THERE.
- 19 THE COURT REPORTER: I DIDN'T UNDERSTAND HIM.
- 20 THE COURT: SIR, YOU ARE GOING TO HAVE TO REPEAT YOUR LAST
- 21 ANSWER.
- 22 THE WITNESS: I WASN'T THERE. THEY PULLED GUNS OUT ON MY
- 23 FATHER AND MADE HIM GET ON THE GROUND.
- 24 Q WHEN DID THAT HAPPEN?
- 25 A THEY THOUGHT HE SUPPOSED TO HAVE BEEN ME OR SOMETHING,

1 AND WHEN HE WAS ASKING ABOUT HIS VEHICLE AND ALL THAT, THE
2 LADY WAS JUST TELLING HIM TO WAIT, AND HE WAS WAITING, YOU
3 KNOW, AND WHEN HE WENT OUTSIDE THEY JUST SURROUNDED HIM AND
4 MADE HIM GET DOWN.

5 Q YOUR PARENTS CAME BACK TO LEXINGTON COUNTY AND SOMEBODY
6 PULLED A GUN ON YOUR FATHER?

7 A IT WAS THE WHOLE TEAM OF THEM.

8 Q WHEN THIS TEAM OF PEOPLE PULLED GUNS ON YOUR FATHER, DID
9 YOU -- DID THEY HAVE ANY CONVERSATION WITH LAW ENFORCEMENT
10 ABOUT THIS THING WITH YOU?

11 A MY FATHER WANTED -- MY PARENTS WANTED TO KNOW WHY I WAS
12 BEING CHARGED WITH THIS AND ABOUT THEIR VEHICLE AND ALL THAT.
13 THESE PEOPLE -- THEY DIDN'T EVEN GET A CHANCE. MY FATHER
14 BEEN SHOOK UP, MAN. HE COULDN'T EVEN HOLD A CUP OF COFFEE.

15 Q AND YOUR MOM WAS DOWN HERE, TOO?

16 A YES, THEY CAME DOWN TO FIND OUT WHAT IS GOING ON BECAUSE
17 THEY ALREADY KNEW I AIN'T HAD NOTHING TO DO WITH THIS.

18 Q AND THEY TOLD THE POLICE THAT YOU WERE AT THIS BIRTHDAY
19 PARTY FOR YOUR SISTER AND YOUR BROTHER, DIDN'T THEY? THEY
20 TOLD THEM ALL ABOUT THAT?

21 A THEY DIDN'T EVEN GET A CHANCE TO TALK TO NOBODY, MAN.
22 THE MAN WAS SHOOK UP. THEY PULLED GUNS OUT ON YOU, YOU THINK
23 THEY WANT TO TALK TO SOMEONE?

24 Q SO, THEY WOULDN'T TALK TO---

25 A THEY HAD---

1 THE COURT: JUST ONE MINUTE. LET HIM FINISH HIS QUESTION
2 BEFORE YOU ANSWER IT. HE IS NOT GOING TO INTERRUPT YOU, AND
3 YOU SHOULDN'T INTERRUPT HIM. THE COURT REPORTER CAN'T GET
4 BOTH OF YOU TALKING AT THE SAME TIME. FINISH YOUR QUESTION,
5 PLEASE, SIR.

6 Q MR. RICHARDSON, I APOLOGIZE. I DIDN'T MEAN TO INTERRUPT
7 YOU AT ALL. BUT, SO YOUR PARENTS CAME DOWN HERE TO FIND OUT
8 WHAT WAS GOING ON WITH THIS THING WITH YOU, AND THEY DIDN'T
9 TALK TO POLICE ABOUT THE BIRTHDAY PARTY. IT WOULD HAVE BEEN
10 REAL IMPORTANT STUFF, ISN'T IT, MR. RICHARDSON?

11 A WHEN THEY WAS WAITING AND MY FATHER -- THEY HAD BEEN
12 WAITING. SHE HAD BEEN HOLDING HIM HERE. SHE WAS TELLING
13 HIM, OKAY, SOMEBODY IS COMING TO TALK TO YOU. BUT WHEN
14 NOBODY CAME, THEY GOT FRUSTRATED. THEY WENT OUTSIDE, AND
15 THEN THE WHOLE TEAM CAME, AND THEY WAS PULLING OUT GUNS AND
16 MADE MY FATHER GET ON THE FLOOR, AND TO MY KNOWLEDGE ONE
17 S.L.E.D. AGENT CAME AND TOLD THEM THAT'S NOT HIM. YOU THINK
18 SOMEBODY WANTS TO TALK TO SOMEBODY WITH A HUNDRED GUNS IN
19 YOUR FACE? WHAT YOU THINK? THEY'RE OLD PEOPLE, MAN. THEY
20 WERE SCARED.

21 Q MR. RICHARDSON, THIS INFORMATION ABOUT YOU BEING AT THE
22 BIRTHDAY PARTY WOULD BE REAL IMPORTANT TO LAW ENFORCEMENT,
23 WOULDN'T IT? TRUE?

24 A YEAH.

25 Q AND YOUR PARENTS HAD FLOWN DOWN FROM NEW YORK TO GIVE

1 THIS INFORMATION TO LAW ENFORCEMENT; TRUE?

2 A MY PARENTS CAME TO FIND OUT WHAT WAS I BEING CHARGED
3 WITH, WHAT IS GOING ON DOWN HERE, AND ABOUT THEIR VEHICLE AND
4 ALL THAT. THEY WAS IN THE PROCESS OF BUYING A HOUSE DOWN
5 HERE AND GETTING READY TO MOVE DOWN HERE AFTER MY FATHER HAD
6 RETIRED FROM HIS FIRST JOB.

7 Q WHEN DID THIS TRIP TO SOUTH CAROLINA BY YOUR PARENTS
8 TAKE PLACE?

9 A THAT PROBABLY HAPPENED ABOUT A WEEK AFTER THE INCIDENT.

10 Q SO SOMETIME IN AUGUST OF '95?

11 A RIGHT.

12 Q THAT'S WHEN THEY CAME TO SOUTH CAROLINA, AND THEY WERE
13 IN CONTACT WITH LAW ENFORCEMENT BECAUSE THEY HAD GUNS ON HIM
14 BY LAW ENFORCEMENT; CORRECT? THAT'S WHAT YOU ARE SAYING?
15 THAT'S WHAT YOU ARE TELLING THE JURY?

16 A SEE, YOU SAYING LIKE -- I'M SAYING THEY CAME INTO THE
17 SHERIFF'S DEPARTMENT. HE DIDN'T HAVE GUNS ON HIM. THE LADY
18 KEPT HIM WAITING THERE, AND THEN WHEN HE WENT OUTSIDE THEY
19 DRAWE ALL THESE GUNS ON HIM.

20 Q SO THEY MADE IT TO THE SHERIFF'S DEPARTMENT? THEY WENT
21 INSIDE THE SHERIFF'S DEPARTMENT?

22 A THEY WENT IN THERE TALKING TO THE LADY. I DON'T KNOW
23 WHO THE LADY WAS. THE LADY WAS TELLING HIM TO WAIT AROUND,
24 OKAY, WAIT AROUND, AND THEY TRYING TO FIND OUT WHO THEY GOING
25 TO SPEAK TO AND THEN I GUESS THEY MIGHT WAS GETTING

1 FRUSTRATED WITH STANDING THERE OR WHATEVER, AND THEY WENT
2 OUTSIDE, AND THEY PULLED OUT GUNS ON HIM. THEY CAME FROM ALL
3 ANGLES. I GUESS SHE SUPPOSEDLY THOUGHT IT WAS ME -- MY
4 FATHER WAS ME. I DON'T KNOW. THEY PULLED GUNS OUT ON HIM.

5 Q IN THE LOBBY OF THE SHERIFF'S DEPARTMENT?

6 A I JUST SAID THE MAN CAME OUTSIDE, MAN. DON'T TRY TO
7 TRICK ME.

8 Q RIGHT OUTSIDE THE SHERIFF'S DEPARTMENT? NO, SIR. I AM
9 NOT TRYING TO TRICK YOU. I AM TRYING TO UNDERSTAND WHAT YOU
10 ARE SAYING. I APOLOGIZE. OUTSIDE THE SHERIFF'S DEPARTMENT.
11 SO, WOULD IT HAVE BEEN IN THE PARKING LOT OF THE SHERIFF'S
12 DEPARTMENT?

13 A I GUESS SO.

14 Q SO, THE POLICE NATURALLY WOULD HAVE TALKED TO YOUR
15 PARENTS AFTER THEY DID THIS?

16 A I JUST TOLD YOU, YOU THINK MY PARENTS WANT TO STAY
17 AROUND AFTER ALL THAT? MY MOTHER GOT MULTIPLE SCLEROSIS.
18 SHE'S GOT A NERVES CONDITION.

19 Q IT DOESN'T SOUND LIKE, MR. RICHARDSON, THEY HAD A WHOLE
20 LOT OF CHOICE IN THE SITUATION. BUT YOU ARE TELLING---

21 A THE CHOICE IN THE SITUATION?

22 THE COURT: NOW, WAIT JUST A MINUTE. I JUST SAID A FEW
23 MINUTES AGO BOTH OF YOU CANNOT TALK AT THE SAME TIME. I AM
24 HAVING A HARD ENOUGH TIME HEARING YOU, MR. RICHARDSON, AND
25 WHEN YOU'RE TALKING AT THE SAME TIME AS THE SOLICITOR OR VICE

1 VERSA IT MAKES IT IMPOSSIBLE. PLEASE LET HIM ASK THE
2 QUESTION. HE IS GOING TO ALLOW YOU TO ANSWER IT, AND HE IS
3 NOT GOING TO INTERRUPT YOU. OKAY?

4 THE WITNESS: YES, SIR.

5 THE COURT: ALL RIGHT. LET'S TRY IT AGAIN.

6 Q MR. RICHARDSON, THEY HAD AN OPPORTUNITY TO TALK TO LAW
7 ENFORCEMENT THAT DAY; TRUE?

8 A YEAH, I GUESS THEY CAME TO TALK TO THEM. INSTEAD OF HER
9 JUST BRINGING SOMEBODY WITH SOME AUTHORITY TO SEE THEM---

10 Q YOU ARE TELLING THE JURY THOUGH---

11 A ---THEY THINK IT WAS ME.

12 Q ---THAT THEY DIDN'T HAVE AN OPPORTUNITY TO SPEAK TO LAW
13 ENFORCEMENT THAT DAY?

14 A EXCUSE ME?

15 Q YOU'RE TELLING THE JURY THEY DIDN'T HAVE AN OPPORTUNITY
16 TO SPEAK TO LAW ENFORCEMENT THAT DAY?

17 A THEY DIDN'T HAVE AN OPPORTUNITY? MY FATHER -- HE IS
18 SHAKY. MY MOTHER GOT A NERVOUS CONDITION. MY FATHER -- HE
19 IS 60. HE'S SCARY. THEY AIN'T TRIED AFTER THAT, MAN. I
20 SAID, LOOK, IF YOU GOT 100 GUNS COMING AT YOU AND SOMEBODY
21 MAKE YOU GET ON THE GROUND, YOU AIN'T TRYING TO TALK TO
22 NOBODY---

23 Q MR. RICHARDSON---

24 A IN THIS COUNTY.

25 Q ---I APOLOGIZE. I WILL MOVE ON. MR. RICHARDSON, YOU

1 AGREE WITH ME THAT YOU HAD DRIVEN THIS WHITE TOYOTA
2 LANDCRUISER THAT HAS BEEN ENTERED INTO EVIDENCE -- THE
3 PICTURES HAVE BEEN ENTERED INTO EVIDENCE; TRUE?

4 A YES.

5 Q YOU'VE DRIVEN THAT CAR BEFORE?

6 A MY FATHER JUST AIN'T HAD THE TRUCK NOT EVEN PROBABLY A
7 MONTH AND A HALF. HE JUST REGISTERED THE TRUCK, WHAT, JULY?

8 Q IT'S A FAMILY CAR, THOUGH? IT'S IN YOUR FAMILY?

9 A THAT IS HIS VEHICLE.

10 Q OKAY.

11 A THAT IS -- THEY WERE MOVING DOWN HERE. THEY WAS
12 GETTING---

13 THE COURT REPORTER: THEY WERE MOVING DOWN HERE...

14 THE COURT: SIR, PLEASE.

15 THE WITNESS: THEY WERE MOVING DOWN HERE.

16 THE COURT: HOW ABOUT---

17 THE WITNESS: THEY WAS IN THE PROCESS OF MOVING DOWN HERE.

18 MY PARENTS WAS IN THE PROCESS. MY MOTHER RETIRED.

19 THE COURT: I WANT YOU TO TURN AROUND AND FACE THE FRONT OF
20 COURTROOM SO YOU CAN SPEAK INTO THAT MICROPHONE AND MAYBE
21 THAT WILL HELP US.

22 THE WITNESS: MY MOTHER HAD RETIRED FROM HER JOB. THEY WERE
23 IN THE PROCESS OF MOVING DOWN HERE. MY FATHER HAD PURCHASED
24 HIM A VEHICLE.

25 THE COURT: WELL, NOW, THE JURY CAN'T SEE THE WITNESS. WE

1 WILL HAVE TO DO SOMETHING ABOUT THAT. CAN WE PUT IT MAYBE UP
2 HERE?

3 Q MR. RICHARDSON, IF YOU SPEAK LOUD, WE CAN HEAR YOU. CAN
4 EVERYONE ON THIS JURY SEE THIS? MR. RICHARDSON, YOU AGREE
5 WITH ME THAT LANDCRUISER IS ASSOCIATED WITH YOU. IT'S IN
6 YOUR FAMILY; TRUE?

7 A THAT'S MY FATHER'S VEHICLE.

8 Q AND THE LICENSE TAG IS U6803; TRUE?

9 A I DON'T EVEN KNOW. HE HAD A PAPER TAG ON IT THE LAST
10 TIME I KNEW.

11 Q SO YOU DON'T KNOW ANYTHING ABOUT THE TAG?

12 A NO.

13 THE COURT: PLEASE SPEAK UP, MR. RICHARDSON.

14 THE WITNESS: HE HAD 30-DAY PAPER TAG ON HIS TRUCK. I NEVER
15 KNEW THAT TAG NUMBER.

16 Q YOU TOLD THE JURY THAT THIS RESIDENCE IS IN PROSPERITY.
17 THAT'S ON THE LAKE, ISN'T IT?

18 A YES, SIR.

19 Q THAT WHERE THE KEYS WERE; TRUE?

20 A YEAH.

21 Q SO THE KEYS WERE AT YOUR RESIDENCE?

22 A THAT'S WHERE THE KEYS -- THE TRUCK WAS THERE.

23 Q AND IT WAS FOUND JUST TWO DAYS AFTER THE MURDER?

24 A TRUE, YEAH, I THINK.

25 Q THE KEYS WERE THERE?

- 1 A THAT'S WHAT Y'ALL SAID.
- 2 Q THE KEYS WERE THERE, AND THAT IS YOUR RESIDENCE, AND THE
- 3 VEHICLE WAS FOUND THERE; TRUE?
- 4 A YES, SIR.
- 5 Q AND ANGELA COLE WAS FOUND THERE. YOU KNOW MS. COLE,
- 6 DON'T YOU?
- 7 A YES.
- 8 Q AND YOU KNOW HER TO DRIVE A 1994 TOYOTA LANDCRUISER DARK
- 9 IN COLOR?
- 10 A I KNOW ANGIE HAD A GEO TRACKER SKY BLUE WITH A WHITE
- 11 TOP.
- 12 Q SO YOU ARE SAYING YOU'VE NEVER KNOWN HER TO A DRIVE 1994
- 13 TOYOTA LANDCRUISER OR HAVE ONE REGISTERED IN HER NAME?
- 14 A A LANDCRUISER?
- 15 Q YES, SIR.
- 16 A NO. I AIN'T KNOW HER TO HAVE NO LANDCRUISER. SHE HAD A
- 17 GREEN -- SKY-BLUE TRACKER WITH A WHITE THING, AND I KNOW SHE
- 18 HAD A HONDA ACCORD, I THINK, ABOUT '89. I DON'T KNOW WHAT
- 19 YEAR IT WAS. IT WAS AN OLD HONDA ACCORD.
- 20 Q SO THAT WOULDN'T BE TRUE IF SHE HAD A TOYOTA LANDCRUISER
- 21 REGISTERED TO HER?
- 22 A TO HER?
- 23 Q THAT'S NOT TRUE?
- 24 A SOMEBODY SAID SHE HAD A WAGON -- TOYOTA WAGON. I NEVER
- 25 SEEN IT.

- 1 Q YOU NEVER SEEN ANYTHING LIKE THAT?
- 2 A HUH?
- 3 Q YOU NEVER SEEN ANYTHING LIKE THAT?
- 4 A A WAGON?
- 5 Q A TOYOTA LANDCRUISER WITH ANGELA COLE. YOU NEVER SEEN
- 6 ANYTHING LIKE THAT?
- 7 A I SEEN MINES.
- 8 Q I'M SORRY, SIR. I CAN'T HEAR YOU.
- 9 A YEAH, I SEEN MINES. I SEEN HER AROUND MY FATHER'S --
- 10 LIKE AROUND---
- 11 Q BUT YOU NEVER KNOWN HER TO BE IN POSSESSION OF ONE?
- 12 A WHEN IT WAS AT THE HOUSE I SEEN HER AROUND IT.
- 13 Q YOU SEEN HER AROUND THE WHITE LANDCRUISER?
- 14 A EXACTLY.
- 15 Q SHE ALSO IS ASSOCIATED WITH YOU?
- 16 A WHO, HER?
- 17 Q MS. COLE.
- 18 A YES, SIR, SHE IS.
- 19 Q TRUE?
- 20 A YES, SIR.
- 21 THE COURT: YOU NEED TO ANSWER OUT LOUD.
- 22 THE WITNESS: YES.
- 23 Q AND YOU AGREE WITH ME, MR. RICHARDSON, THAT YOU ARE
- 24 FAIRLY LIGHT-SKINNED; IS THAT ABOUT RIGHT?
- 25 A LIGHT BROWN LIKE HONEY.

1 Q HOW TALL ARE YOU, MR. RICHARDSON?

2 A ABOUT FIVE-TEN, FIVE-ELEVEN.

3 THE COURT: YOU NEED TO SPEAK UP.

4 THE WITNESS: FIVE-TEN, FIVE-ELEVEN.

5 Q AND, ROUGHLY, HOW MUCH DO YOU WEIGH NOW?

6 A 190.

7 Q AROUND 190?

8 A YES, SIR.

9 THE COURT: YOU NEED TO CONTINUE TO SPEAK UP.

10 Q AROUND THAT RANGE?

11 A OR 200. THE LAST TIME---

12 THE COURT REPORTER: I DIDN'T HEAR THAT.

13 THE WITNESS: THE LAST TIME I WEIGHED MYSELF I WAS ABOUT

14 192.

15 Q 192?

16 A YEAH, BUT I KNOW I AM ABOUT 190 NOW.

17 Q AND YOU HAVE A TATTOO ON YOUR ARM; TRUE?

18 A YES, SIR.

19 Q AND YOU GO BY THE NICKNAME RAHEEM; TRUE?

20 A THAT'S MY NAME.

21 Q AND YOU GOT THAT TATTOOED ON THAT YOUR ARM?

22 A I HAD THE TATTOO. I HAD GOLD TEETH IN MY MOUTH FOR

23 TWENTY YEARS. AIN'T NOBODY NEVER SAID NOTHING ABOUT NOBODY

24 WITH GOLD TEETH IN THEIR MOUTH.

25 Q THAT'S NOT WHAT I ASKED YOU, SIR.

- 1 THE COURT: PLEASE BE RESPONSIVE TO HIS QUESTION, SIR.
- 2 Q YOU GO BY THE NICKNAME RAHEEM; TRUE?
- 3 A YES, SIR.
- 4 Q AND THE SHORTENED VERSION OF THAT IS RAH? YOU AGREE
- 5 WITH THAT?
- 6 A SOMEBODY MIGHT -- NOBODY REALLY CALLS ME NO RAH.
- 7 Q YOU HAVE NEVER BEEN CALLED RAH BEFORE?
- 8 A I MIGHT SAY SOMEBODY MIGHT HAVE SAID RAH; BUT NOT LIKE
- 9 THAT. PEOPLE JUST CALL ME RAHEEM.
- 10 Q PEOPLE ALSO CALL YOU WILLIE; TRUE?
- 11 A NO.
- 12 Q NOBODY CALLS YOU WILLIE?
- 13 A I HAVEN'T BEEN CALLED THAT NAME -- EVEN MY MAIL AND
- 14 ANYTHING I EVER GET -- I NEVER EVEN USE WILLIE. IF YOU
- 15 CHECK MY HOUSE OUT IN PROSPERITY MY BILLS COME IN JAMES
- 16 RICHARDSON. JAMES RICHARDSON -- MY LIGHT BILL, MY WATER
- 17 BILL -- EVERYTHING IS IN JAMES RICHARDSON. MY EVERYTHING
- 18 -- MY PHONE BILL. IF Y'ALL WOULD HAVE GOT THE RECORDS --
- 19 HE TOOK A BILL OUT OF MY HOUSE. IT WOULD SAY JAMES
- 20 RICHARDSON ON THAT BILL. I DON'T EVEN USE THAT NAME.
- 21 Q YOU DON'T USE THE NAME WILLIE RICHARDSON?
- 22 A LEGALLY -- NO. MY LEGAL NAME I USE JAMES RICHARDSON.
- 23 EVERYTHING IS JAMES RICHARDSON.
- 24 Q OR RAHEEM?
- 25 A RAHEEM.

1 Q YOU'VE ALSO GONE BY THE NAME OF STEVEN ANDERSON; TRUE?

2 A STEVEN ANDERSON?

3 Q YES.

4 A AS FAR AS WHAT?

5 Q HAVE YOU EVER GONE BY THE NAME STEVEN ANDERSON?

6 A NO.

7 Q NEVER?

8 A NEVER.

9 Q SO THE ONLY NAMES THAT YOU GO BY ARE JAMES RICHARDSON
10 AND RAHEEM. YOU DON'T EVEN GO BY WILLIE. NOBODY CALLS YOU
11 WILLIE?

12 A NOBODY CALLS ME WILLIE. I TOLD YOU I BEEN RAHEEM SINCE
13 I BEEN YOUNG SINCE I BEEN IN HIGH SCHOOL. EVEN MY BASKETBALL
14 COACH CALLED ME RAHEEM IN HIGH SCHOOL, EVEN IN THE PAPER
15 THEY PUT ME DOWN AS RAHEEM WHEN I PLAYED BASKETBALL, MAN.
16 THAT'S BEEN MY NAME.

17 Q YOU NEVER SIGNED ANYTHING WILLIE RICHARDSON?

18 A HAVE I? AS FAR AS WHAT?

19 Q ANYTHING.

20 A PROBABLY WHEN I GOT MY HOUSE, THAT'S ABOUT IT.

21 Q SO DO USE THE NAME WILLIE RICHARDSON?

22 A I USE THAT BECAUSE THAT'S MY NAME ON MY BIRTH
23 CERTIFICATE, AND I WAS PURCHASING THAT HOUSE, AND I HAD SOME
24 MONEY FROM WHEN I GOT HIT BY A CAR AND I GOT A SIX-FIGURE---
25 THE COURT REPORTER: I'M SORRY. WHAT? WAIT A MINUTE.

1 THE COURT: EXCUSE ME, SIR. JUST ONE SECOND. YOU ARE GOING
2 TO HAVE TO CONTINUE TO SPEAK UP. THE COURT REPORTER IS NOT
3 HEARING YOU, NOR AM I. SO, PLEASE, KEEP YOUR VOICE UP.

4 THE WITNESS: I WAS SAYING WHEN I WAS PURCHASING MY HOUSE I
5 COULDN'T PUT JAMES DOWN. I HAD TO PUT MY WHOLE NAME DOWN
6 WITH THAT WHEN I WAS PURCHASING THE HOUSE. I HAD GOT SOME
7 MONEY FROM MY LAWYER WHERE I GOT HIT BY A CAR ON A
8 MOTORCYCLE. I LOST HALF OF MY FACE.

9 Q I THINK THE QUESTION WAS, MR. RICHARDSON, AND I
10 APOLOGIZE IF AM INCORRECT ON THIS, BUT YOU GO BY THE NAME
11 WILLIE SOMETIMES; TRUE?

12 A NOBODY CALLS ME THAT.

13 Q NOBODY CALLS YOU THAT. OKAY.

14 A NOBODY. MY LITTLE BROTHER NAMED KAHEEM, AND HE IS 19
15 YEARS OLD NOW, AND I BEEN RAHEEM. I NAMED HIM AND HE 19. HE
16 KAHEEM.

17 Q OKAY. MR. RICHARDSON, YOU SAW MR. JOHN BOOKMAN TESTIFY
18 IN THIS CASE; TRUE?

19 A YES.

20 Q IS THERE ANYTHING MR. BOOKMAN HAS AGAINST YOU?

21 A EXCUSE ME?

22 Q ANYTHING THAT MR. BOOKMAN HAS AGAINST YOU?

23 A I NEVER SEEN THIS MAN IN MY LIFE, MAN. I NEVER SEEN MR.
24 JONES IN MY LIFE. I NEVER -- I DON'T EVEN KNOW NO CLUB IN
25 NEWBERRY. I DON'T KNOW NONE OF THAT, MAN.

1 Q MR. RICHARDSON, I APOLOGIZE. I DIDN'T ASK YOU THAT.

2 THE COURT: PLEASE BE RESPONSIVE TO HIS QUESTION, SIR.

3 Q DOES MR. BOOKMAN HAVE ANYTHING AGAINST YOU?

4 A NO, I GUESS. I DON'T KNOW. HE PROBABLY WANT, YOU KNOW,
5 SOMEBODY WANTS SOMEBODY TO TAKE THE WEIGHT FOR THIS, AND I
6 GUESS I AM THE ONE.

7 Q MR. RICHARDSON, MR. BOOKMAN HAVE ANYTHING AGAINST YOU?

8 A I DON'T KNOW. HE REMEMBERS ME AND IT IS 15 PEOPLE THERE
9 BUT I'M SUPPOSED TO BE THE ONE THERE. NOBODY REMEMBERS A
10 PERSON TALKING TO ME THREE FEET AWAY WITH NO GOLD TEETH IF
11 THAT WAS ME OR NOT.

12 THE COURT: MR. RICHARDSON, I WANT -- I AM GOING TO
13 INSTRUCT YOU TO ANSWER THESE QUESTIONS YES OR NO. IF YOU
14 NEED TO EXPLAIN THEM, YOU MAY DO SO, BUT I WANT YOU TO PLEASE
15 ANSWER THE QUESTIONS.

16 Q HOW ABOUT KIRBY BLOCKER? KIRBY BLOCKER HAVE ANYTHING
17 AGAINST YOU -- ANY REASON FOR HIM TO HAVE ANYTHING AGAINST
18 YOU AND SAY YOU KILLED SOMEBODY?

19 A THE ONLY THING I CAN THINK OF AS FAR AS MY UNDERSTANDING
20 OF MR. BLOCKER, HE GET ARRESTED FAIRLY OFTEN. HE GET CASES
21 FAIRLY OFTEN, AND HE BEEN GOING IN OUT OF JAIL.

22 MR. SWARAT: YOUR HONOR, I WILL OBJECT TO THAT.

23 THE COURT: YES, SIR. MR. RICHARDSON, I WANT YOU TO LISTEN
24 VERY CAREFULLY TO HIS QUESTION, AND I WANT YOU TO ANSWER THAT
25 QUESTION. IF YOU NEED TO EXPLAIN THAT AFTER YOU ANSWER IT,

LISA H. HICKLIN, RPR
CERTIFIED COURT REPORTER
POST OFFICE BOX 165
AIKEN, SC 29802

1 YOU MAY DO SO. I WANT YOU TO ANSWER THE QUESTION.

2 Q ANYTHING MR. BLOCKER HAS AGAINST YOU PERSONALLY, MR.
3 RICHARDSON?

4 A NOT THAT I KNOW OF.

5 Q HOW ABOUT RONALD BOYD? MR. BOYD HAVE ANYTHING AGAINST
6 YOU?

7 A MR. BOYD AIN'T SAID I WAS THE PERSON THAT INFLECTED THIS
8 HARM ON THAT YOUNG MAN.

9 Q MR. RICHARDSON, DOES HE WAS HAVE ANYTHING AGAINST YOU?

10 A NO, NO.

11 THE COURT: PLEASE SPEAK UP.

12 Q DOES THOMAS COUNTS HAVE ANYTHING AGAINST YOU?

13 A NO.

14 Q DETECTIVE SCOTTIE FRIER, DOES HE HAVE ANYTHING AGAINST
15 YOU?

16 A MR. FRIER IS A CHARACTER.

17 Q HE IS A CHARACTER?

18 A YEAH.

19 Q NOW, YOU ARE TELLING THE JURY THAT YOU TRIED TO CONTACT
20 MR. FRIER SEVERAL TIMES?

21 A YES.

22 Q DID YOU TRY TO WRITE HIM?

23 A LIKE I KNOW THE ADDRESS OF THE LEXINGTON COUNTY POLICE
24 DEPARTMENT, SHERIFF'S DEPARTMENT. I CALLED---

25 Q IT'S NOT TO HARD TO FIND OUT.

1 A I CALLED HIM FOUR TIMES BACK TO BACK. I KEPT CALLING
2 HIM -- CALLING MR. FRIER. MR. FRIER IS NOT IN. MR. FRIER'S
3 ANSWERING MACHINE COMES ON. HE KNOW I CALLED HIM. HE KNOW I
4 WAS CALLING. I WASN'T CALLING HIM FOR NOTHING.

5 Q DID YOU LEAVE ANY OF THIS INFORMATION ON HIS ANSWERING
6 MACHINE ABOUT THIS BIRTHDAY PARTY -- ABOUT YOU BEING TOLD IN
7 NEW YORK?

8 A I TOLD MR. FRIER -- I LEFT A MESSAGE. I SAID, "I DON'T
9 KNOW WHAT IS GOING ON, BUT I DON'T HAVE NOTHING TO DO
10 WHATEVER GOING ON DOWN THERE. I AM NOT EVEN NEAR THERE." I
11 WAS LEAVING MESSAGES LIKE THAT. I WAS TRYING TO TALK TO
12 HIM. I AIN'T WANT TO BE TALKING TO NO MACHINE, BUT I LEFT
13 MESSAGES LIKE THAT SAYING I NEED TO TALK TO YOU AND FIND OUT
14 WHAT IS GOING ON.

15 Q DID YOU GET YOUR MOTHER TO TALK TO DETECTIVE FRIER ABOUT
16 THE BIRTHDAY PARTY AND WHERE WERE YOU THAT DAY?

17 A MR. FRIER DIDN'T -- I GUESS HE AIN'T TRIED TO CONTACT
18 -- THEY CAME TO TALK TO THEM. MY PARENTS CAME TO TALK TO
19 THEM AS TWO PARENTS CONCERNED ABOUT THEIR SON'S WELFARE.
20 THEY WAS -- WHATEVER WAS HAPPENING, IT SHOOK MY PARENTS UP.
21 MY MOTHER IS SICK ALREADY.

22 Q AND YOUR FATHER, DID HE EVER CONTACT DETECTIVE FRIER AND
23 TALK TO HIM ABOUT THE BIRTHDAY PARTY?

24 A MY FATHER WASN'T EVEN AT THE BIRTHDAY PARTY.

25 Q BUT YOU COULD TELL YOUR FATHER ABOUT THE BIRTHDAY PARTY;

1 TRUE?

2 A I COULD TELL MY FATHER---

3 Q YOU SAID YOUR MOM WAS AT THE BIRTHDAY PARTY.

4 A YEAH. MY MOTHER WAS THERE. MY FATHER WASN'T THERE. MY
5 FATHER -- HE WASN'T THERE. MY FATHER ISN'T A SOCIAL TYPE OF
6 PERSON. MY FATHER'S ASLEEP BY ABOUT 9:30- 10 O'CLOCK. HE
7 AIN'T TRYING TO BE SOCIAL. HE DON'T EVEN DRINK OR NOTHING.
8 HE SLEEP BY 9:30.

9 Q MR. RICHARDSON, ALMOST FIVE YEARS HAVE GONE BY AND THIS
10 IS THE FIRST TIME WE'VE EVER HEARD ABOUT THE BIRTHDAY PARTY.
11 THAT'S MY QUESTION.

12 A THE FIRST TIME---

13 Q WHEN DID YOU COME TALK TO DETECTIVE FRIER ABOUT THE
14 BIRTHDAY PARTY?

15 A WHEN?

16 Q YES, SIR.

17 A NOBODY TALKED TO HIM.

18 Q NOBODY EVER DID; TRUE?

19 A I SEEN MR. FRIER. IT WAS LIKE HE NEED TO TALK TO
20 ME, AND I DIDN'T KNOW WHO HE WAS WHEN I ACTUALLY GOT DOWN TO
21 SOUTH CAROLINA HE CAME IN THE THING, AND HE WAS LIKE, "MR.
22 RICHARDSON, I'M---"

23 MR. SWARAT: YOUR HONOR---

24 THE WITNESS: "---MR. FRIER. I NEED TO TALK TO YOU."

25 MR. SWARAT: I WILL OBJECT TO THIS. IT'S NOT RESPONSIVE.

1 THE COURT: MR. RICHARDSON, I AM GOING TO---

2 THE WITNESS: HE ASKED ME DID I SPEAK TO MR. FRIER, YOUR
3 HONOR.

4 THE COURT: LADIES AND GENTLEMEN OF THE JURY, I HAVE A
5 MATTER OF LAW I NEED TO TAKE UP. I WILL BE SENDING YOU TO THE
6 JURY ROOM. WHILE YOU ARE THERE PLEASE DO NOT DISCUSS THIS
7 CASE AMONG YOURSELVES. WE WILL GET YOU BACK IN JUST A
8 MINUTE.

9 (THE JURY RETIRES TO THE JURY ROOM.)

10 THE COURT: MR. RICHARDSON AND MR. SWARAT, GENTLEMEN, BOTH
11 OF YOU CANNOT TALK AT THE SAME TIME. MR. RICHARDSON, YOU HAVE
12 GOT TO SPEAK UP BECAUSE SOMETIMES WHEN HE IS ASKING YOU A
13 QUESTION YOU ARE TALKING AND NOBODY CAN HEAR YOU. I KNOW THE
14 COURT REPORTER IS HAVING A DIFFICULT TIME. I AM. BUT I WANT
15 YOU TO LISTEN TO HIS QUESTIONS AND BE RESPONSIVE TO THEM. WE
16 ARE NOT GOING TO RUN OFF ON THESE TANGENTS.

17 MR. SWARAT, I DON'T KNOW HOW HE CAN REALLY KNOW WHETHER OR
18 NOT HIS FATHER OR HIS MOTHER ACTUALLY TALKED ABOUT CERTAIN
19 THINGS UNLESS HE IS WITH THEM WHEN THEY GO TO SEE MR. FRIER
20 OR SOMETHING LIKE THAT. I MEAN, I DON'T KNOW WHERE THAT
21 QUESTIONING IS GOING. YOU ASKED HIM IF THEY TALKED TO HIM
22 ABOUT THE BIRTHDAY PARTY. IF HE IS NOT THERE, HE REALLY
23 DOESN'T KNOW.

24 MR. SWARAT: YOUR HONOR, I MEAN, I AM ASSUMING IF HIS
25 FAMILY SAY I AM GOING TO TALK TO DETECTIVE FRIER, THEY TALK

1 TO DETECTIVE FRIER.

2 THE COURT: WELL, YOU KNOW, ONCE AGAIN, WE ARE TALKING
3 ABOUT HEARSAY AND THINGS LIKE THAT. LET'S TRY TO LIMIT IT TO
4 WHAT HE CAN ANSWER. I KNOW THERE HAS BEEN -- WE HAVE HAD A
5 BROAD BRUSH PAINTED HERE IN THE LAST HOUR OR SO, BUT LET'S
6 TRY TO HONE IN ON THE ISSUES BECAUSE WE ARE GOING OVER A LOT
7 OF THINGS -- ASKING A LOT OF QUESTIONS THREE AND FOUR AND
8 FIVE TIMES, AND WE ARE NOT BEING VERY PRODUCTIVE.

9 BUT, NOW, MR. RICHARDSON, I AM INSTRUCTING YOU FOR YOU TO
10 LISTEN TO THE QUESTIONS AND TO ANSWER THEM AND KEEP YOUR
11 VOICE UP. DO YOU UNDERSTAND ME?

12 THE WITNESS: YES, YOUR HONOR.

13 THE COURT: I WANT YOU TO SLIDE UP AS CLOSE AS YOU CAN GET
14 AND KEEP YOUR VOICE UP BECAUSE, YOU KNOW, CONTINUING TO HAVE
15 TO GET YOU TO SPEAK UP IS VERY INTERPRETIVE TO WHOLE FLOW OF
16 THIS. ALL RIGHT. LET'S BRING THE JURY BACK

17 (THE JURY RETURNS TO THE COURTROOM.)

18 THE COURT: ALL RIGHT, SOLICITOR, YOU MAY CONTINUE.

19 MR. SWARAT: THANK YOU, YOUR HONOR.

20 Q MR. RICHARDSON, TO YOUR KNOWLEDGE OF YOUR OWN PERSONAL
21 KNOWLEDGE DID ANY MEMBER OF YOUR FAMILY OR ANY MEMBER OF YOUR
22 FAMILY THAT WAS AT THAT BIRTHDAY PARTY CONTACT THE
23 AUTHORITIES EITHER THE SHERIFF'S DEPARTMENT, THE SOLICITOR'S
24 OFFICE, F.B.I., NEWS STATEMENT, ANYBODY, AND TELL THEM ABOUT
25 THIS BIRTHDAY PARTY YOU WERE SUPPOSEDLY AT TO YOUR KNOWLEDGE?

1 A I CONSISTENTLY STATED THAT MY PARENTS CAME DOWN HERE TO
2 TALK TO THEM AND THEY SHOOK MY PARENTS UP. MY PARENTS CAME TO
3 TALK TO THESE PEOPLE, AND LET THEM KNOW WHERE I WAS AT AND
4 LET THEM KNOW WHAT WAS GOING ON AND TRY TO FIND OUT HOW DID I
5 COME IN THIS INCIDENT. MY PARENTS CAME DOWN HERE TO FIND
6 OUT.

7 Q MR. RICHARDSON, ARE YOU AWARE THAT YOUR FATHER DID SPEAK
8 TO DETECTIVE FRIER ON SEVERAL OCCASIONS?

9 A MY FATHER SPOKE TO MR. FRIER WHEN MR. FRIER GAVE HIM THE
10 NUMBER, AND HE ALSO WAS TO HAD CALLED MY FATHER BACK AND WAS
11 SAYING JUST TELL HIM TO CALL ME BACK OR WHATEVER.

12 Q MR. RICHARDSON, ARE YOU AWARE THAT THEY TALKED ON
13 SEVERAL OCCASIONS?

14 A I AM AWARE OF ABOUT TWO OCCASIONS. THE FIRST TIME HE
15 CALLED PERTAINING TO INCIDENT AND THEN I FOUND OUT ABOUT IT.
16 THEN ON THE WAY TO TOWN MY FATHER HAD TOLD ME HE CALLED AND
17 SAID JUST CALL HIM. MY FATHER KEPT CONSISTENTLY TELLING ME TO
18 CALL HIM THAT WEEK, AND I KEPT TRYING TO CALL HIM, AND THEN
19 MY FATHER---

20 Q MR. RICHARDSON, YOU NEVER MADE THE ATTEMPT TO TURN
21 YOURSELF INTO LAW ENFORCEMENT OR MEET WITH DETECTIVE FRIER
22 PERSONALLY, DID YOU, SIR?

23 A REALISTICALLY, THAT WAS MY INTENTIONS WHEN I KEPT
24 CALLING HIM, BUT AFTER BEING -- I BEEN DOWN HERE A LONG
25 TIME, AND I BEEN HERE AND THEY WERE LIKE DON'T GO ACROSS THAT

1 WATER. YOU GET IN ANY TROUBLE OVER THERE, YOU DON'T STAND A
2 CHANCE. THAT'S WHAT THEY SAID.

3 Q MR. RICHARDSON, DID YOU MEET WITH DETECTIVE FRIER
4 PERSONALLY OR ATTEMPT TO OR TURN YOURSELF INTO LAW
5 ENFORCEMENT TO DETECTIVE FRIER OR ANY OTHER LAW ENFORCEMENT
6 AGENCY?

7 A DID I ATTEMPT TO TURN MYSELF IN?

8 Q YES, SIR.

9 A NO, I WAS CONSISTENTLY CALLING. I WAS TRYING TO FIND
10 OUT A WAY TO ARRANGE SOMETHING, BUT AFTER THEY DID THAT TO MY
11 PARENTS, I COULD IMAGINE ME. I ALREADY HAD BAD EXPERIENCE
12 WITH LAW ENFORCEMENT BY WITNESSING THE POLICE MURDER
13 SOMEBODY. I ALREADY HAD -- I GOT SOMETHING BLOCKED IN MY
14 MIND ABOUT THAT, MAN. I ALREADY KNOW HOW THAT GO. I
15 EXPERIENCED THAT T.V. STUFF. IT AIN'T ONLY ON T.V. I DONE
16 SEEN IT HAPPEN.

17 Q THE ANSWER IS NO?

18 A I DONE SEEN IT.

19 Q MR. RICHARDSON, YOU WEREN'T ARRESTED UNTIL SOMETIME IN
20 THE SUMMERTIME OF '97?

21 A YES.

22 Q DO YOU REMEMBER WHAT DATE?

23 A IT WAS APRIL 2, '97.

24 Q AND THAT WOULD HAVE BEEN A SIGNIFICANT EVENT IN YOUR
25 LIFE?

1 A YES.

2 Q DO YOU REMEMBER WHEN YOU WERE SERVED WITH THE WARRANT
3 FOR MURDER?

4 A THAT WAS MY ONLY CASE.

5 Q SO YOU WERE SERVED ON APRIL 2?

6 A SERVED ON APRIL 2, YEAH.

7 Q MR. RICHARDSON, I AM SHOWING YOU A COPY OF THE MURDER
8 WARRANT YOU WERE SERVED. DO YOU RECOGNIZE THAT? DOES THAT
9 APPEAR TO BE A COPY OF THE WARRANT YOU WERE SERVED FOR
10 MURDER?

11 A YEAH, BUT THIS IS IN SOUTH CAROLINA. I WAS ARRESTED IN
12 NEW YORK ON APRIL 2. THAT'S TALKING ABOUT AUGUST '95 AFTER I
13 EXTRADICTED. THIS IS TOTALLY DIFFERENT FROM ME BEING
14 ARRESTED IN NEW YORK, SIR.

15 Q MR. RICHARDSON, I ASKED YOU WHEN YOU WERE SERVED WITH A
16 WARRANT FOR MURDER, AND YOU TOLD THE JURY APRIL 2.

17 A THAT'S THE DAY I GOT ARRESTED. THAT'S WHAT I TOLD YOU.
18 I GOT ARRESTED APRIL 2. YOU ARE TRYING TO MIX THIS UP WITH
19 ALL THIS HERE.

20 MR. SWARAT: YOUR HONOR, I MOVE THAT INTO EVIDENCE.

21 MR. YOUNG: I WOULD OBJECT, YOUR HONOR. THERE HAS BEEN NO
22 FOUNDATION.

23 THE COURT: SUSTAIN THE OBJECTION. LET ME SEE THE LAWYERS
24 AT THE SIDE BAR, PLEASE.

25 (WHEREUPON THERE WAS A BENCH CONFERENCE OFF THE RECORD IN

1 THE PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY.)

2 THE COURT: YOU MAY CONTINUE.

3 MR. SWARAT: YOUR HONOR, I BELIEVE THAT'S ALL I HAVE FOR MR.
4 RICHARDSON.

5 THE COURT: REDIRECT?

6 MR. YOUNG: I HAVE NO FOLLOW-UP QUESTIONS, YOUR HONOR.

7 THE COURT: YOU MAY STEP DOWN, SIR. NEXT WITNESS.

8 MR. YOUNG: YOUR HONOR, I WOULD CALL MRS. SALLY RICHARDSON
9 TO THE STAND.

10 SALLY RICHARDSON, BEING FIRST DULY
11 SWORN, TESTIFIED AS FOLLOWS:

12 THE COURT: PLEASE STATE YOUR NAME FOR THE RECORD, MA'AM.

13 THE WITNESS: MY NAME IS SALLY RICHARDSON.

14 THE COURT: THANK YOU. MR. YOUNG?

15 DIRECT EXAMINATION BY MR. YOUNG:

16 Q MR. RICHARDSON, WHERE DO YOU LIVE?

17 A 11 MCKEEVER PLACE, BROOKLYN, NEW YORK.

18 Q WHAT IS YOUR RELATIONSHIP TO WILLIE RICHARDSON?

19 A HE IS MY SECOND SON.

20 Q HOW MANY CHILDREN DO YOU HAVE?

21 A FOUR.

22 Q WHAT IS YOUR HUSBAND'S NAME?

23 A WILLIE JAMES RICHARDSON.

24 Q YOU HAVE HEARD THE TESTIMONY REGARDING YOUR SON GOING BY
25 ANOTHER NAME. ARE YOU FAMILIAR WITH THAT?

- 1 A YES, I AM.
- 2 Q WHAT OTHER NAME DOES HE GO BY?
- 3 A RAHEEM.
- 4 Q IS THAT A NICKNAME OR IS IT A NAME THAT HE UNOFFICIALLY
- 5 CHANGED HIS NAME TO?
- 6 A HE UNOFFICIALLY CHANGED IT TO RAHEEM.
- 7 Q WHAT NAME DOES HE GO BY AS FAR AS HIS FAMILY AND
- 8 FRIENDS?
- 9 A RAHEEM.
- 10 Q THERE'S BEEN SOME DISCUSSION REGARDING THE LANDCRUISER.
- 11 DO YOU HAVE ANY INFORMATION AS TO WHO OWNS THAT AUTOMOBILE?
- 12 A MY HUSBAND.
- 13 Q DO YOU KNOW WHERE HE PURCHASED IT FROM?
- 14 A I KNOW IT WAS IN ELMHURST.
- 15 Q THAT THIS NORTH -- I MEAN SOUTH CAROLINA OR NEW YORK?
- 16 A NO. IT'S LIKE OUT IN CORONA IN NEW YORK.
- 17 Q IN NEW YORK?
- 18 A UH-HUH. (INDICATING AFFIRMATIVE RESPONSE.)
- 19 Q THAT AUTOMOBILE WAS REGISTERED IN SOUTH CAROLINA?
- 20 A YES, SIR.
- 21 Q DO YOU KNOW WHY IT WAS REGISTERED IN SOUTH CAROLINA?
- 22 A BECAUSE HE AND I HAD PLANNED TO MOVE HERE.
- 23 Q MOVE TO SOUTH CAROLINA?
- 24 A YEAH.
- 25 Q WHY WERE YOU GOING TO MOVE TO SOUTH CAROLINA?

1 A I HAD GOTTEN SICK AND WENT OUT ON DISABILITY
2 RETIREMENT. SO WE WERE COMING DOWN HERE TO LIVE WITH HIS
3 MOTHER.

4 Q WHERE DID HIS MOTHER RESIDE?

5 A 2700 PARK PLACE.

6 Q TO BEST OF YOUR KNOWLEDGE DID ANYONE ELSE RESIDE WITH
7 HER?

8 A NOT THAT I KNOW OF.

9 Q DO YOU RECALL AUGUST THE 12, AUGUST THE 13, 1995
10 TIMEFRAME?

11 A YEAH. I REMEMBER MY DAUGHTER AND I DECIDED TO HAVE A
12 FAMILY GATHERING FOR HER BIRTHDAY AND HER BROTHER GREG'S
13 BIRTHDAY AND INCLUDING HER LITTLE SON WHICH IS THE ONE --
14 GREG IS THE 14TH, SHE IS THE 15TH, AND HER SON IS THE 15TH.
15 WE DO THIS ABOUT EVERY COUPLE OF YEARS.

16 Q IS THIS JUST A FAMILY GATHERING?

17 A USUALLY, MAYBE A COUPLE OF OUTSIDE FRIENDS.

18 Q DO YOU RECALL WHAT DAY OF THE WEEK THIS WOULD HAVE FELL
19 ON?

20 A SATURDAY.

21 Q WHY DID YOU HAVE THE BIRTHDAY OR THE GATHERING ON THE
22 NIGHT OF THE 12TH---

23 THE COURT REPORTER: I'M SORRY. I DIDN'T HEAR YOU.

24 MR. YOUNG: ON THE NIGHT OF THE 12TH AS OPPOSED TO ON THE
25 BIRTHDAYS?

1 THE WITNESS: BECAUSE MY SON GREGORY WAS GOING BACK TO L.A.
2 AND HE WOULDN'T BE HOME AFTER THE BIRTHDAYS.

3 Q DO YOU RECALL WHAT DAYS OF THE WEEK THE BIRTHDAYS FELL
4 ON?

5 A I THINK IT WAS THE 14TH WOULD HAVE BEEN I THINK ON
6 SUNDAY, YEAH, MONDAY, AND TUESDAY.

7 Q OKAY. DID YOU ATTEND THIS EVENT?

8 A YES, I WAS THERE.

9 Q APPROXIMATELY WHAT TIME DID YOU GET THERE?

10 A I WAS THERE LIKE SEVEN IN THE AFTERNOON BECAUSE I BAKED
11 A CAKE.

12 Q SO YOU WERE THERE TO HELP PREPARE?

13 A YEAH, I HELPED MY DAUGHTER.

14 Q DO YOU RECALL SEEING WILLIE RICHARDSON THERE?

15 A YOU MEAN RAHEEM OR THE FATHER?

16 Q RAHEEM.

17 A YEAH, HE WAS THERE. HE CAME IN ABOUT TEN-SOMETHING.

18 Q HOW LONG DID YOU STAY THERE THAT DAY?

19 A I WAS THERE ALL NIGHT. I WENT TO SLEEP AFTER ONE. I
20 WENT IN MY GRANDDAUGHTER'S BED AND WENT TO SLEEP.

21 Q DO YOU RECALL WHAT TIME IT WAS THAT YOU LAST SAW YOUR
22 SON AT THIS GATHERING?

23 A THAT WAS ABOUT 12, 12:30.

24 Q AT ANY POINT IN TIME, MRS. RICHARDSON, HAVE YOU
25 DISCLOSED THIS INFORMATION TO ANYONE FROM LAW ENFORCEMENT?

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1 A NO ONE ASKED. THERE WAS NO REASON.

2 Q CERTAINLY, YOU WOULD AGREE WITH ME THIS IS AN IMPORTANT
3 THING TO YOUR SON'S LIFE; CORRECT?

4 A YEAH.

5 Q ARE YOU HERE TODAY TO TELL A -- MAKE UP A STORY--- A
6 NO.

7 Q ---FOR YOUR SON?

8 A NO.

9 MR. HUBBARD: OBJECTION, YOUR HONOR, TRYING TO BOLSTER HIS
10 WITNESS' CREDIBILITY.

11 THE COURT: I SUSTAIN THE OBJECTION.

12 Q IS IT YOUR TESTIMONY, MRS. RICHARDSON, THAT ON THE NIGHT
13 OF AUGUST 12, 1995 THAT YOUR SON WAS IN NEW YORK?

14 A IT WAS MY UNDERSTANDING.

15 Q EXCUSE ME. I'M SORRY.

16 A WITH MY UNDERSTANDING.

17 Q YOU SAW HIM THERE?

18 A YEAH.

19 MR. YOUNG: THANK YOU. PLEASE ANSWER ANY QUESTIONS THAT
20 THE STATE MAY HAVE FOR YOU.

21 THE COURT: CROSS EXAMINATION, MR. HUBBARD.

22 MR. HUBBARD: BRIEFLY, YOUR HONOR.

23 CROSS EXAMINATION BY MR. HUBBARD:

24 Q MRS. RICHARDSON?

25 A YES.

- 1 Q YOUR SON, HE IS YOUR SECOND SON -- SECOND CHILD?
- 2 A YES.
- 3 Q YOU HAVE GOT FOUR CHILDREN?
- 4 A YES.
- 5 THE COURT: SPEAK UP, PLEASE, MA'AM.
- 6 THE WITNESS: YES.
- 7 Q HOW MANY BOYS?
- 8 A THREE.
- 9 Q AND ONE DAUGHTER?
- 10 A ONE DAUGHTER.
- 11 Q OKAY. I AM SURE YOU LOVE THEM ALL.
- 12 A OF COURSE, I LOVE THEM ALL.
- 13 Q AND, OF COURSE, I AM SURE YOU LOVE YOUR SON
- 14 WILLIE RICHARDSON -- RAHEEM?
- 15 A HE IS MY SON. I AM SUPPOSED TO LOVE HIM.
- 16 Q THAT'S RIGHT.
- 17 A I AM A MOTHER.
- 18 Q THAT'S RIGHT. YOU WOULDN'T BE A GOOD MOTHER IF YOU
- 19 DIDN'T LOVE HIM?
- 20 A RIGHT.
- 21 Q YOU DON'T WANT TO SEE ANYTHING BAD HAPPEN TO YOUR SON,
- 22 DO YOU?
- 23 A NO.
- 24 MR. HUBBARD: I HAVE NO FURTHER QUESTIONS, YOUR HONOR.
- 25 THE COURT: REDIRECT?

1 MR. YOUNG: NO QUESTIONS, YOUR HONOR.

2 THE COURT: THANK YOU, MA'AM. YOU MAY STEP DOWN, MRS.

3 RICHARDSON: NEXT WITNESS.

4 MR. YOUNG: WITH THAT, YOUR HONOR, THE DEFENSE WOULD REST.

5 THE COURT: ANYTHING IN REPLY?

6 MR. HUBBARD: NOTHING, YOUR HONOR.

7 THE COURT: LADIES AND GENTLEMEN OF THE JURY, THAT
8 CONCLUDES ALL THE TESTIMONY AND EVIDENCE THAT WILL BE
9 RECEIVED IN THIS MATTER. WHAT REMAINS IN THIS CASE ARE THE
10 CLOSING ARGUMENTS OF THE LAWYERS AND THEN MY CHARGE OR
11 INSTRUCTION OF THE LAW THAT APPLIES TO THIS CASE. GIVEN THAT
12 WE ARE ABOUT SIX MINUTES AFTER FOUR, WE ARE GOING TO NOT
13 ENTER INTO THAT PROCESS THIS AFTERNOON, WE ARE GOING TO START
14 THAT FIRST THING IN THE MORNING.

15 AS I SEND YOU AWAY FOR THIS EVENING, ONCE AGAIN, LET ME
16 GIVE YOU INSTRUCTIONS THAT YOU ARE NOT TO DISCUSS THIS CASE
17 AMONG YOURSELVES AS YOU EXIT THE COURTHOUSE IF YOU HAPPEN TO
18 SEE OR SPEAK WITH EACH OTHER TONIGHT OR IN THE MORNING IN
19 WHEN YOU RECONVENE IN THE JURY ROOM AT THE APPOINTED HOUR.
20 YOU ARE NOT TO DISCUSS THIS CASE WITH YOUR FAMILY, FRIENDS,
21 OR ANYONE ELSE, AND, ONCE AGAIN, SHOULD ANYONE ATTEMPT TO
22 CONTACT YOU CONCERNING THIS MATTER I HAVE GIVEN YOU
23 INSTRUCTION THAT YOU ARE TO GATHER AS MUCH INFORMATION ABOUT
24 THAT PERSON AS YOU POSSIBLY CAN AND REPORT IT TO ME
25 IMMEDIATELY UPON YOUR RETURN TO THE COURTHOUSE IN THE

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1 MORNING.

2 ONCE AGAIN, I WOULD INSTRUCT YOU THAT YOU ARE NOT TO READ,
3 WATCH, OR LISTEN TO ANY NEWS ACCOUNTS CONCERNING THIS CASE.
4 SIMPLY PUT, ALL YOU ARE TO CONSIDER IN THIS MATTER IS WHAT
5 YOU SEE AND HEAR IN THIS COURTROOM -- NOTHING MORE AND
6 NOTHING LESS. I AM GOING TO ASK THAT YOU BE IN YOUR JURY
7 ROOM IN THE MORNING AT 9:15. WE WILL GET STARTED AT THAT
8 TIME. UNTIL THEN PLEASE HAVE A NICE EVENING. REPORT
9 DIRECTLY TO YOUR JURY ROOM IN THE MORNING. DO NOT COME TO
10 THE COURTROOM OR LINGER IN THE HALLWAYS OR OUTSIDE THE
11 COURTHOUSE. COME DIRECTLY TO YOUR JURY ROOM.

12 THANK YOU VERY MUCH FOR YOUR ATTENTION TODAY. THE JURY IS
13 EXCUSED. EVERYONE ELSE REMAIN SEATED. SEE YOU IN THE
14 MORNING AT 9:15.

15 (THE JURY IS EXCUSED FOR THE DAY AT 4:08 P.M.)

16 THE COURT: ANY MOTIONS?

17 MR. YOUNG: YOUR HONOR, I WOULD RENEW MY MOTION FOR A
18 DIRECTED VERDICT BASED ON THE SAME GROUNDS.

19 THE COURT: OF COURSE, MR. YOUNG, INsofar AS YOUR MOTION IS
20 CONCERNED I THINK I ELABORATED ON THAT AT THE END OF THE
21 STATE'S CASE. CERTAINLY, THERE IS SUBSTANTIAL EVIDENCE IN
22 THIS CASE WHETHER IT BE CIRCUMSTANTIAL AND/OR DIRECT EVIDENCE
23 THAT ALLOWS THIS MATTER TO GO TO THE JURY AND FOR THE JURY TO
24 MAKE A DETERMINATION AS TO THE GUILT OR INNOCENCE OF THIS
25 DEFENDANT, AND AS SUCH YOUR MOTION IS DENIED.

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1 MR. YOUNG: THANK YOU, YOUR HONOR.

2 THE COURT: INsofar AS REQUESTS FOR CHARGE ARE CONCERNED,
3 GENTLEMEN, I WOULD BE GLAD TO TAKE THOSE. OF COURSE, THERE
4 IS THE CHARGE ON MURDER. I HAVE THE ALIBI CHARGE. LET ME
5 SEE WHAT ELSE I HAVE GOT HERE.

6 MR. HUBBARD: I TRY TO DO A LAUNDRY LIST OF SOME THINGS:
7 DIRECT EVIDENCE, CIRCUMSTANTIAL, MURDER, MALICE, EYE WITNESS
8 IDENTIFICATION, EXPERT WITNESS, REASONABLE DOUBT,
9 PRESUMPTION OF INNOCENCE, THE CHARGE ON THE CRIME OF
10 POSSESSION OF A FIREARM DURING THE COMMISSION OF A VIOLENT
11 CRIME---

12 THE COURT: GOT THAT.

13 MR. HUBBARD: ---AND CREDIBILITY. THAT'S ALL I CAME UP WITH
14 BESIDES ALIBI.

15 THE COURT: WELL, OF COURSE, MOST OF THOSE THINGS ARE
16 CONTAINED IN MY GENERAL CHARGE. ANYTHING FROM YOU?

17 MR. YOUNG: THAT WOULD BE THE LAUNDRY LIST I WOULD HAVE,
18 YOUR HONOR.

19 THE COURT: ALL RIGHT. I WILL SEE YOU IN THE MORNING. I
20 NEED TO HAVE Y'ALL HERE AT 9:00. ANYTHING WE NEED TO IRON
21 OUT AT THAT TIME WE'LL DO IT BECAUSE WE ARE GOING TO GET
22 STARTED AT 9:15. THANK YOU VERY MUCH. IF YOU GOT ANY PLEAS
23 TO DO, LET ME KNOW.

24 (WHEREUPON, THE PROCEEDINGS WERE CONCLUDED FOR APRIL 11,
25 2000, AND THEN RECONVENED ON APRIL 12, 2000.)

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1 THE COURT: DOES THE STATE OR THE DEFENDANT HAVE ANYTHING
2 ELSE BEFORE WE ENTER INTO THE CLOSING ARGUMENTS?

3 MR. HUBBARD: NOTHING FROM THE STATE, YOUR HONOR.

4 MR. YOUNG: NOTHING FROM THE DEFENSE, YOUR HONOR.

5 THE COURT: IS THE DEFENSE GOING TO REQUIRE THE STATE TO
6 OPEN ON THE LAW?

7 MR. YOUNG: NO, SIR, YOUR HONOR.

8 THE COURT: THE DEFENSE WILL HAVE THE OPENING ARGUMENT AND
9 THE STATE THE FINAL ARGUMENT.

10 MR. HUBBARD: YES, SIR.

11 MR. YOUNG: YES, SIR, YOUR HONOR.

12 THE COURT: BRING OUR JURY BACK.

13 (THE JURY RETURNS TO THE COURTROOM AT 9:20 A.M.)

14 THE COURT: POLLING OF THE JURY BY THE STATE?

15 MR. HUBBARD: THE STATE WAIVES, YOUR HONOR.

16 THE COURT: THE DEFENSE?

17 MR. YOUNG: WAIVED BY DEFENSE, YOUR HONOR.

18 THE COURT: MADAME FOREPERSON AND LADIES AND GENTLEMEN,
19 WELCOME BACK. AS I TOLD YOU YESTERDAY AFTERNOON WHAT REMAINS
20 IN THIS CASE ARE THE CLOSING ARGUMENTS OF THE LAWYERS AND
21 THEN MY CHARGE OR INSTRUCTION OF THE LAW THAT APPLIES TO THIS
22 CASE. NOW, I WANT YOU TO GIVE THE LAWYERS YOUR UNDIVIDED
23 ATTENTION DURING THEIR CLOSING ARGUMENT. THEY ARE GOING TO
24 BE POINTING OUT THINGS THEY SEEN DEVELOP THROUGHOUT THE
25 COURSE OF THE TRIAL AND TRY TO PERSUADE YOU TO AGREE WITH

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1 THEIR VERSION OF THE FACTS. BUT IF THE LAWYERS MAKE ANY
2 COMMENTS AS TO THE TESTIMONY OF A PARTICULAR WITNESS OR THE
3 EVIDENCE IN THIS CASE AND YOU FIND THAT IT DISAGREES WITH YOU
4 RECALL THE TESTIMONY OR THE EVIDENCE, THEN, OF COURSE, YOU
5 WILL FOLLOW YOUR RECOLLECTIONS BECAUSE AS I TOLD YOU OR AS I
6 WOULD INSTRUCT YOU AT THIS TIME WHAT THE LAWYERS SAY IN THEIR
7 CLOSING ARGUMENT AS WELL AS THEIR OPENING STATEMENT IS NOT
8 EVIDENCE IN THE CASE. SO, PLEASE KEEP THAT IN MIND.

9 ALSO, IF THE LAWYERS MAKE ANY COMMENT AS TO LAW AND IT
10 DIFFERS WITH WHAT I INSTRUCT YOU THAT THE LAW IS, THEN, OF
11 COURSE, YOU WILL FOLLOW THE LAW AS I GIVE IT TO YOU. ONCE
12 AGAIN, PLEASE GIVE THE LAWYERS YOUR UNDIVIDED ATTENTION
13 BECAUSE WHAT THEY HAVE TO SAY IS EXTREMELY IMPORTANT.

14 THE DEFENDANT WILL HAVE THE OPENING ARGUMENT, AND THE STATE
15 WILL HAVE THE FINAL ARGUMENT. MR. YOUNG?

16 MR. YOUNG: MAY IT PLEASE THE COURT.

17 THE COURT: YES, SIR.

18 MR. YOUNG: OVER THE PAST TWO, TWO AND A HALF DAYS YOU HAVE
19 HEARD TESTIMONY. YOU HAVE SEEN ALL THE EVIDENCE. YOU HAVE
20 NOW WITNESSED HOW THE STATE IS TRYING TO FORCE THIS SQUARE
21 PEG INTO A ROUND HOLE. OVER THE LAST COUPLE OF DAYS YOU HAVE
22 GOTTEN A LOT OF INFORMATION, BUT WHAT I SAY, WHAT THE
23 SOLICITOR SAYS IS NOT EVIDENCE. IT IS OUR VERSION. IT IS
24 OUR SUMMARY OF WHAT WE HEARD FROM THE STAND. IF WE SAY
25 SOMETHING THAT IS INCONSISTENT WITH WHAT YOU HEARD, RELY ON

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1 YOUR MEMORY.

2 BUT YOU KNOW THE STATE OF SOUTH CAROLINA HAS PUT UP A LOT
3 OF EVIDENCE THAT SHOWS EXACTLY WHAT I HAVE BEEN SAYING ALL
4 ALONG. THEY ARE TRYING TO SHAVE DOWN THE FOUR CORNERS OF
5 THIS SQUARE SO IT WILL BE ROUND AND PERFECT -- TURNING IT
6 ANY WHICH WAY THAT THEY CAN TO FORCE INTO THIS ROUND HOLE.
7 THE STATE OF SOUTH CAROLINA PUT UP THAT VERY FIRST WITNESS,
8 THE VERY FIRST OFFICER ON THE SCENE --- MASTER DEPUTY
9 SWINSON. HE WAS THE OFFICER WHO SECURED THE SCENE, THE
10 OFFICER WHO INITIALLY INTERVIEWED AND FOUND OUT WHO KNEW
11 WHAT. HE SEPARATED THOSE WITNESSES AND WAITED FOR THE
12 INVESTIGATORS TO COME.

13 BUT, YOU KNOW, HE IS AN IMPORTANT PERSON BECAUSE EVERYTHING
14 THAT STEMS IS COMING FROM HIM. THE IDENTIFICATION OF THIS
15 SUSPECT WAS GIVEN TO HIM. A TAG NUMBER WAS GIVEN TO HIM.
16 THE DESCRIPTION WAS A BLACK MALE, LIGHT-SKINNED, FIVE-TEN,
17 200 TO 210 IN WEIGHT, WEARING A WHITE SHIRT, WHITE SHORTS --
18 WHITE T-SHIRT, WHITE SHORTS. THIS PERSON HAD BROWN HAIR,
19 BROWN EYES. THAT'S THE DESCRIPTION THAT HE WAS GIVEN.

20 HE DIDN'T EXACTLY TELL US WHO HE GOT THAT DESCRIPTION FROM.
21 THAT'S WHEN WE RELY ON THOSE WITNESSES WHO TALKED WITH HIM.
22 THE STATE PUT THEM UP -- HAD THEM TO TELL WHAT THEY OBSERVED
23 THAT NIGHT. YOU REMEMBER AT THE BEGINNING OF THE TRIAL I
24 TOLD YOU TO PAY CLOSE ATTENTION TO EACH ONE OF THOSE PERSONS
25 WHO WERE THERE WHEN THIS TRAGEDY OCCURRED, YOU SEE, BECAUSE

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1 THEY WERE GOING TO SAY SOMETHING IMPORTANT AND THEY WEREN'T
2 GOING TO SAY ANYTHING IMPORTANT.

3 THE STATE STARTED OFF WITH KIRBY BLOCKER -- KIRBY BLOCKER
4 WHO HAS A DRUG OFFENSE, KIRBY BLOCKER WHO IS CURRENTLY IN
5 THE RICHLAND COUNTY JAIL AWAITING NEW CHARGES. THAT'S WHAT
6 HE TOLD US. KIRBY BLOCKER, THE MAN WHO WAS BEST FRIENDS WITH
7 THE VICTIM, THE MAN WHO WANTED TO HELP HIS FRIEND. THAT'S
8 WHAT MR. BLOCKER SAID. I AM NOT MAKING THAT UP. BUT, YOU
9 SEE, MR. BLOCKER -- HE TALKED ABOUT WHAT HE TOLD THE POLICE.
10 YOU SEE, MR. BLOCKER WAS SO INVOLVED IN THIS CASE, MR.
11 BLOCKER WAS SO INVOLVED THAT NIGHT THAT HE STOOD FIVE FEET
12 NEXT TO THE PERSON WHO SHOT HIS FRIEND, AND HE DID NOTHING.
13 THAT'S WHAT HE SAID.

14 MR. BLOCKER WHO CAME IN INITIALLY TO HELP HIS FRIEND IN A
15 FIGHT GOT IN THE FIGHT HIMSELF. DURING THE COURSE OF THE
16 FIGHT, MR. BLOCKER WAS ABLE TO SEE SOMEBODY RUN TOWARDS THE
17 DOOR. MR. BLOCKER WAS ABLE TO HEAR SOMEBODY SAY, "RAH, GO
18 GET SOMETHING." THAT'S WHAT KIRBY BLOCKER SAID, BUT, YOU SEE,
19 KIRBY BLOCKER DIDN'T TELL ANYBODY ELSE THAT NIGHT THAT HE
20 WANTED TO HELP HIS FRIEND. THEN KIRBY BLOCKER LEFT, ACCORDING
21 TO HIS TESTIMONY.

22 THE POLICE HAD TO FIND HIM. BUT HE WANTED TO HELP HIS
23 FRIEND. HE DIDN'T GIVE THEM ANY INFORMATION. HE DIDN'T
24 TRACK THEM DOWN AND SAY, I SAW. I SAW THAT. NO. KIRBY
25 BLOCKER DIDN'T DO THAT. DO YOU KNOW WHEN THE POLICE DID FIND

1 HIM, HE GAVE THEM A NICE STATEMENT. I THINK HE SAID IT WAS
2 SHORT AND SWEET IS WHAT HE GAVE. YOU ARE GOING TO HAVE IT
3 BACK THERE WITH YOU. YOU READ THIS STATEMENT. YOU READ WHAT
4 HE GAVE TO THE POLICE OFFICERS ON AUGUST 14, 1995. YOU
5 COMPARE THIS TO WHAT KIRBY BLOCKER SAID IN APPROXIMATELY 30,
6 40 MINUTES ON THIS STAND. KIRBY BLOCKER HAD SO MUCH MORE
7 INFORMATION THAT HE NEVER TOLD A SOUL -- NEVER CALLED THE
8 POLICE, I GOT SOME MORE INFORMATION FOR YOU.

9 IN FACT, THE DAY HE GAVE THE STATEMENT ACCORDING TO KIRBY
10 BLOCKER HE FINALLY TOLD THEM, "I AM NOT EXACTLY CLEAR WHAT
11 HAPPENED. I CAN'T BE EXACTLY POSITIVE WHAT HAPPENED.
12 EVERYTHING HAPPENED SO FAST. THIS IS WHAT I REMEMBER." BUT
13 AT THE SAME TIME HE WANTS US TO BELIEVE AT SOME POINT IN TIME
14 HIS MEMORY CAME BACK.

15 I BELIEVE HE SAID HE WAS IN COURT THE DAY BEFORE HE
16 TESTIFIED AND HIS MEMORY WAS REFRESHED. MR. KIRBY BLOCKER
17 SAID THAT. KIRBY BLOCKER NEVER TOLD ANYBODY. AS LATE AS
18 SEPTEMBER OF 1999 WHEN HE TALKED WITH THE PRIVATE
19 INVESTIGATOR, STILL DIDN'T ADD TO HIS STATEMENT. KIRBY
20 BLOCKER NEVER TOLD ANYONE A DESCRIPTION BEYOND 200,
21 210-POUNDS, BLACK MALE.

22 YOU KNOW, KIRBY BLOCKER SAID SOMETHING THAT NEXT DAY THAT
23 WAS VERY IMPORTANT. HE SAID HE SAW TATTOOS. DID YOU HEAR
24 THAT? HE SAID TATTOOS WAS ON THIS PERSON. HE DIDN'T EXACTLY
25 TELL US WHERE HE SAW THEM, BUT HE SAW TATTOOS. HE SAT UP

1 HERE THE OTHER DAY AND HE TOLD US, HE HAS A TATTOO ON HIS
2 ARM. "I SAW IT -- IT WAS UP ON HIS ARM," KIRBY BLOCKER SAID.

3 AT WHAT POINT IN TIME DID KIRBY BLOCKER SEE THIS TATTOO?
4 WAS IT WHEN HE WAS TAKING MONEY? WAS IT WHEN HE WAS WORKING
5 THE METAL DETECTOR, OR WAS IT WHEN HE WAS STAMPING HANDS? WE
6 DON'T EXACTLY KNOW WHAT KIRBY WAS DOING THAT NIGHT. HE DID
7 SAY, "I STAMPED THE MAN'S HAND."

8 LADIES AND GENTLEMEN OF THE JURY, USE YOUR COMMON SENSE.
9 HE HAS ALREADY SAID THIS PERSON HAD ON A SHORT-SLEEVE SHIRT.
10 YOU KNOW WHERE A SHORT-SLEEVE SHIRT FALLS ON THE ARM. HE
11 SAID HE STAMPED THIS GUY'S HAND. HOW MUCH IS A T-SHIRT GOING
12 TO RISE WHEN YOU STICK YOUR HAND OUT? HOW MUCH? THE REASON I
13 SAY THAT IS BECAUSE I AM GOING TO JUMP TO DETECTIVE FRIER WHO
14 SAID WHEN HE FIRST RAN INTO MR. RICHARDSON AT THE LEXINGTON
15 COUNTY JAIL THAT THE MAN PUT HIS ARMS UP ON THE BAR AND
16 PUSHED HIS SLEEVES UP, AND THEN AND ONLY THEN DID HE SEE A
17 TATTOO. KIRBY BLOCKER COULD SEE THROUGH CLOTHES BECAUSE HE
18 SAW IT WHEN HE STAMPED THE MAN'S HAND.

19 YOU KNOW, YOU ARE THE JUDGES OF CREDIBILITY. YOU ARE THE
20 JUDGES OF WHO YOU BELIEVE. YOU ASK YOURSELF WHY IS IT, WHY
21 WAS KIRBY BLOCKER THE ONLY PERSON SHOWN THIS PHOTO LINEUP
22 WHEN, ACCORDING TO JOHN BOOKMAN -- THE IMAGE OF THIS PERSON
23 IS IMPRINTED IN MY MIND. JOHN BOOKMAN WHO SHOWED UP AT THIS
24 CLUB AT 1:00 O'CLOCK, 1:30 IN THE MORNING TO SIT IN HIS CAR
25 AND READ A MAGAZINE. JOHN BOOKMAN WHO ADMITTED IN THE TWO

1 | STATEMENTS HE GAVE TO THE DETECTIVES HE NEVER SO MUCH AS GAVE
2 | A DESCRIPTION OF THE PERSON -- NO WEIGHT, NO HEIGHT, NO
3 | DISTINGUISHING FEATURES, NEVER EVEN OFFERED TO SIT BEFORE A
4 | SKETCH ARTIST AND TELL HOW THIS IMAGE THAT WAS IMPRINTED IN
5 | HIS MIND, BUT HE SAT HERE FIVE YEARS LATER AND SAID WITHOUT A
6 | DOUBT IN MY MIND, ABSOLUTELY CERTAIN THAT THAT'S THE MAN --
7 | FIVE YEARS LATER. NEVER TOLD ANYBODY.

8 | MR. BOOKMAN SAID HE TOLD IN A THIRD STATEMENT TO AN
9 | INVESTIGATOR WHO CALLED HIM OVER THE TELEPHONE AND THE
10 | DESCRIPTION HE GAVE WAS HE LOOKED A LITTLE BIT LIKE ME, JUST
11 | A LITTLE BIT BIGGER. MAYBE MR. BOOKMAN HAS NEW TECHNOLOGY
12 | THAT HIS TELEPHONE HAS A COMPUTER SCREEN THAT HE COULD SEE
13 | THE OTHER PERSON AND THEY COULD SEE HIM. YOU SEE, MR. BOOKMAN
14 | WANTED TO HELP. HE WANTS TO HELP SOMEBODY EVEN IF IT
15 | REQUIRES FIVE YEARS LATER THAT HE I.D. SOMEBODY HE COULDN'T
16 | I.D. THE NIGHT OF THE INCIDENT.

17 | YOU KNOW, THE STATE PUT UP MR. COUNTS, MR. BOYD, MS.
18 | SHEPPARD, AND EACH ONE OF THEM SAID THE SAME THING FOR THE
19 | MOST PART -- I HAVE NEVER SEEN THIS PERSON THAT NIGHT BEFORE
20 | THAT NIGHT; HAVEN'T SEEN HIM AFTER THAT NIGHT. I LOOK OVER
21 | AT THE TABLE, AND I CANNOT POSITIVELY SAY THAT IS HIM THERE.
22 | THAT'S WHAT THEY SAID. THAT'S WHAT THEY SAID. BUT YOU SEE,
23 | MR. COUNTS SAID SOMETHING ELSE THAT WAS KIND OF CONTRADICTIONARY
24 | TO WHAT MR. BLOCKER SAID. DO YOU REMEMBER WHEN MR. BLOCKER
25 | SAID THAT WHEN THE GUY WENT AND GOT THE GUN HE STOPPED

1 FIGHTING, WENT BACK TO THE FRONT DOOR, AND THE GUY WENT
2 RUNNING PAST HIM WITH THE GUN.

3 I ASKED MR. COUNTS WHO ALL WAS UP THERE WITH HIM. HE NEVER
4 SAID KIRBY BLOCKER WAS UP THERE WITH HIM. HE SAID THERE WERE
5 TWO OTHER PEOPLE UP THERE WITH HIM. NOW, WHO WERE THOSE TWO
6 OTHER PEOPLE? I TELL YOU THAT THEY GOT UP HERE ON THIS STAND
7 AND THEY SAID THEY WERE STANDING THERE WITH THOMAS COUNTS --
8 RONALD BOYD AND JOHN BOOKMAN. KIRBY BLOCKER IS TRYING TO
9 SHAVE DOWN THE EDGES FOR THE STATE, TRYING TO FORCE A SQUARE
10 PEG. THAT'S ALL THEY ARE DOING.

11 THEY PUT DETECTIVE FRIER ON THE STAND TO TALK ABOUT HIS
12 DUTIES AS COLLECTING EVIDENCE AND THE THINGS THAT HE DID IN
13 HIS INVESTIGATION. HE TALKED ABOUT THAT HEINEKEN BOTTLE THAT
14 ALL OF THE PEOPLE IN THIS GROUP WERE DRINKING. OUT OF THE
15 PEOPLE THAT WERE DRINKING, ACCORDING TO MR. COUNTS, THEY ONLY
16 TOOK ONE BOTTLE. ONLY TOOK ONE BOTTLE. THEY TRIED TO
17 FINGERPRINT -- COULDN'T PULL ANYTHING OFF OF IT. THEY NEVER
18 CHECKED ANY OF THE OTHER BOTTLES. YOU KNOW, THEY WOULD HAVE
19 BEEN ABLE TO PULL A FINGERPRINT OFF OF JUST ONE OF THEM THEY
20 MAY HAVE HAD SOMEBODY WHO COULD HAVE TOLD ME WHO THE PERSON
21 WAS THAT WITH THEM. JUST MAYBE. WE DIDN'T GET IT OFF OF THE
22 HEINEKEN BOTTLE. WE DIDN'T PROCESS THE FRONT DOOR OF THIS
23 PLACE. WE DIDN'T PROCESS THE BAR AREA WHERE ACCORDING TO THE
24 STATE'S WITNESSES THESE PEOPLE SAT THERE FOR AT LEAST AN HOUR
25 BEFORE THIS FIGHT BROKE OUT -- DIDN'T SECURE ANY OF THE

1 DRINKING GLASSES, ANY OF THAT STUFF.

2 YOU KNOW WHY? BECAUSE SOMEBODY GAVE THEM A TAG AND MAYBE
3 SOMEBODY GAVE THEM TWO TAGS. I DON'T KNOW. ACCORDING TO
4 DEPUTY SWINSON HE ONLY RECEIVED ONE TAG NUMBER. AS THINGS
5 WENT ON THE SECOND TAG NUMBER WAS GIVEN TO SOMEBODY. IT
6 WASN'T GIVEN TO DETECTIVE FRIER BECAUSE ACCORDING TO HIM --
7 OR LET ME SAY HE DIDN'T GET IT FROM A PERSON DIRECTLY. HE
8 GOT IT FROM ONE OF THE OFFICERS THAT TOLD HIM THAT ANOTHER
9 WITNESS HAD A TAG. YOU KNOW WHAT THEY DID? THEY RAN THE
10 TAG AND THEIR CONCLUSION WAS FORMED. THEY HAD THEIR HOLE
11 THAT THEY HAD TO TRY TO FIT EVERYTHING INTO. THAT'S WHAT
12 THEY DID.

13 SO, HE DIDN'T BOTHER TO PROCESS ANYTHING. THE DETECTIVE
14 TESTIFIED THAT THEY FOUND THIS LANDCRUISER THAT THE TAG
15 NUMBER MATCHED -- DON'T KNOW IF IT WAS PROCESSED, TO WHAT
16 DEGREE ANYWAY. WE KNOW WHOEVER THIS PERSON WAS WENT TO THAT
17 DOOR, DID SOMETHING INSIDE. BY GOD, HIS FINGERPRINTS SHOULD
18 BE SOMEWHERE ON THAT AUTOMOBILE. WE DON'T KNOW. WE DON'T
19 KNOW.

20 BUT THE STATE, THEY PUT UP ANOTHER SPECIAL WITNESS -- A
21 PROFESSIONAL LIAR. A GUY WHO HAS BEEN CONVICTED OF BANK
22 FRAUD, CREDIT CARD FRAUD, FORGERIES, KIDNAPPING, CRIMINAL
23 SEXUAL CONDUCT -- WHOLE LIFE BEEN IN AND OUT OF JAIL. I
24 BELIEVE HE SAID ONE OF THOSE CHARGES DATED BACK TO THE '70S
25 WHEN HE GOT OF THE MILITARY. THEY BROUGHT HIM UP HERE. I

1 DON'T HAVE ANY PROMISES FROM ANYBODY. I JUST WANT TO RIGHT
2 THE WRONGS. THAT'S WHAT MR. LUCAS WANTED TO DO.

3 YOU SEE, AGAIN, YOU HAVE GOT TO JUDGE THE CREDIBILITY. YOU
4 HAVE GOT TO DETERMINE WHETHER OR NOT THESE WITNESSES ARE
5 CREDIBLE OR NOT. WHAT DO THEY HAVE TO GAIN FROM ALL OF THIS?
6 YOU KNOW WHAT MR. LUCAS GOT TO GAIN? FREEDOM. FREEDOM. YOU
7 SEE, MR. LUCAS IS TAKING THAT COURSE, AND ACCORDING TO HIM IF
8 HE COMPLETES THE COURSE HE WILL GRADUATE -- I MEAN, HE WILL
9 BE RELEASED. ACCORDING TO HIM IF HE MISSED TOO MANY DAYS HE
10 IS REMOVED FROM THAT PROGRAM AND HE DON'T GET TO GET OUT. THE
11 STATE OF SOUTH CAROLINA IS GOING TO TRY TO HELP HIM. NOW,
12 THEY ALL TESTIFIED OR HE TESTIFIED THAT, I DON'T KNOW IF IT
13 GOING TO HELP ME OR NOT, BUT I DEFINITELY WANT TO TRY. THAT
14 EXCUSE KEEPS ME IN THAT CLASS -- SOMETHING THAT'S HIS
15 INTEREST.

16 HOW DID HE GET THIS INFORMATION? COULD HE HAVE BEEN
17 LISTENING ON THE TELEPHONE WHILE SOMEBODY ELSE WAS TALKING
18 PIECING IT ALL TOGETHER TRYING TO GET SOMETHING TO HELP
19 HIMSELF ON? HE KNEW WHAT HE WAS FACING AT THAT TIME.
20 ACCORDING TO HIM HE HAD ALREADY PLED. HOW CAN I HELP MYSELF?
21 YOU THINK WHEN MR. RICHARDSON HAS SOME VISITORS, YOU THINK HE
22 WAS LISTENING IN? HE SAID IT WAS ALL RIGHT THERE WHERE
23 EVERYBODY CAN HEAR AND SEE EACH OTHER. MR. LUCAS IS JUST
24 TRYING TO HELP HIMSELF. HE IS LIKE KIRBY BLOCKER. THEY
25 DIDN'T WANT TO BE HERE, BUT THEY WANT TO HELP SOMEBODY.

1 LADIES AND GENTLEMEN, THE AMERICAN JUSTICE SYSTEM IS BUILT
2 ON FAIRNESS. IT'S BUILT ON JUSTICE. IT'S NOT ONLY JUSTICE
3 FOR A PERSON WHO IS ACCUSED OF A CRIME, IT'S JUSTICE FOR THE
4 VICTIM AS WELL. BUT, YOU KNOW, WE CAN'T ALWAYS MAKE JUSTICE
5 WHEN IT ISN'T FAIR. WE CAN'T, NO MATTER WHAT WE DO, FORCE
6 SQUARE PEGS INTO ROUND HOLES. YOU JUST CAN'T DO IT. YOUR JOB
7 -- YOUR JOB IS TO DECIPHER ALL THAT YOU HAVE HEARD. APPLY
8 THE LAW THAT JUDGE CLARY WILL GIVE YOU SOON.

9 WHEN YOU GO INTO YOUR JURY ROOM, TAKE IT ALL WITH YOU.
10 TAKE THE FACTS THAT YOU HAVE HEARD. TAKE THE LAW THE JUDGE
11 WILL GIVE YOU. TAKE YOUR COMMON SENSE. DON'T CHECK IT AT
12 THE DOOR. TAKE THE BLINDERS OFF THAT THE STATE WANTS YOU TO
13 LOOK IN OR LOOK THROUGH. GO IN AND EXAMINE, DISCUSS, AND YOU
14 DETERMINE WHAT ACTUALLY OCCURRED.

15 I AM CONVINCED THAT WHEN YOU DELIBERATE THROUGH ALL OF
16 THIS, ALL THAT YOU HAVE HEARD OF THE LAST FEW DAYS, THAT
17 YOU'RE GOING TO SAY THE STATE IS TRYING TO FORCE A SQUARE PEG
18 INTO A ROUND HOLE. WHY? BECAUSE THE IDENTIFICATIONS THAT
19 THEY ARE RELYING ON, WE CAN'T BELIEVE IT. PEOPLE ARE TOO
20 INVOLVED, TOO INTERESTED. THAT'S WHAT YOU HAVE TO JUDGE WHEN
21 YOU DETERMINE THEIR CREDIBILITY.

22 WE DIDN'T HAVE TO PUT UP ANY EVIDENCE WHATSOEVER. NONE
23 WHATSOEVER. BUT, YOU KNOW, MR. RICHARDSON AND HIS MOM --
24 THEY WANTED YOU TO KNOW WHERE HE WAS THAT NIGHT. NO MATTER
25 HOW LONG THE STATE TRIED TO QUESTION HIM, THEY NEVER

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1 DISPROVED IT.

2 LADIES AND GENTLEMEN, I AM GOING TO SIT DOWN NOW. I AM NOT
3 GOING TO TAKE UP ANYMORE OF YOUR TIME BECAUSE WE WANT YOU TO
4 GO BACK, DELIBERATE, AND TELL THE STATE THAT YOU CANNOT FORCE
5 A SQUARE PEG IN ROUND HOLES NO MATTER WHICH WAY YOU TURN OR
6 HOW YOU TRY TO SHAVE IT DOWN. THANK YOU.

7 THE COURT: SOLICITOR?

8 MR. HUBBARD: MAY IT PLEASE THE COURT, YOUR HONOR.

9 THE COURT: YES, SIR.

10 MR. HUBBARD: LADIES AND GENTLEMEN, IN THE EARLY MORNING
11 HOURS OF AUGUST 13, 1995 ALFRED JONES WAS BRUTALLY AND
12 HORRIBLE ATTACKED AND MURDERED. THAT'S WHY YOU ARE HERE. HIS
13 FAMILY -- THEY HAVE BEEN WAITING FIVE YEARS FOR JUSTICE.
14 THAT'S WHY YOU ARE HERE. THE MAN WHO DID THIS HORRIBLE CRIME
15 -- THE MAN WHO COMMITTED THIS BRUTAL, HEARTLESS CRIME IS IN
16 THIS COURTROOM, AND THAT IS WHY YOU ARE HERE. YOU ARE HERE
17 BECAUSE OF THAT MAN -- WILLIE JAMES RICHARDSON. MAKE NO
18 DOUBT ABOUT IT. WE WANT JUSTICE, TOO. WE SURE TO. THAT
19 FAMILY HAS BEEN WAITING. WE HAVE BEEN WAITING. LADIES AND
20 GENTLEMEN, THAT IS WHAT WE WANT IN THIS CASE. ANYTHING LESS
21 WOULD BE A CRIME.

22 YOU HAVE HEARD A LOT OF TESTIMONY. YOU HAVE SEEN A LOT OF
23 EVIDENCE. ALL OF IT -- ALL OF IT POINTS TO THAT MAN --
24 WILLIE JAMES RICHARDSON. THERE IS NO EVIDENCE, NO TESTIMONY
25 THAT IS INCONSISTENT WITH THE GUILT OF THAT MAN -- WILLIE

1 JAMES RICHARDSON. WE PUT A LOT OF THINGS BEFORE YOU, AND,
2 LADIES AND GENTLEMEN, I THINK WHEN YOU LOOK OVER ALL OF IT
3 YOU WILL SEE ALL FINGERS POINT TO WILLIE JAMES RICHARDSON.
4 THE LANDCRUISER -- THAT WHITE LANDCRUISER THAT YOU HEARD SO
5 MUCH ABOUT, WHO IS THAT REGISTERED TO? THE RICHARDSON
6 FAMILY. AND HOW DID WE COME ABOUT TO FIND THAT LANDCRUISER?
7 WELL, LADIES AND GENTLEMEN, IT JUST HAPPENED TO BE AT THE
8 SCENE OF THE CRIME. WE WOULDN'T HAVE KNOWN ABOUT THE
9 LANDCRUISER. WE WOULDN'T KNOW ABOUT WILLIE JAMES RICHARDSON
10 BUT FOR THE TAG ON THAT LANDCRUISER.

11 CONSIDER WHAT YOU HEARD ABOUT THAT LANDCRUISER, LADIES AND
12 GENTLEMEN. THERE IS NO QUESTION IT BELONGS TO THE RICHARDSON
13 FAMILY. NO QUESTION. NO QUESTION IT WAS AT THE SCENE OF THE
14 CRIME. NO QUESTION. WE WOULDN'T BE HERE IF THAT LANDCRUISER
15 HAD NOT BEEN AT THE SCENE OF THE CRIME. THAT WAS THE KEY.
16 WITHOUT THAT LANDCRUISER WE WOULDN'T HAVE THAT TAG. WITHOUT
17 THE TAG WE WOULDN'T KNOW WHO WILLIE JAMES RICHARDSON WAS. WE
18 JUST KNOW THAT THERE WAS A BLACK MALE, LIGHT-SKINNED,
19 FIVE-TEN, APPROXIMATELY 200-POUNDS WHO KILLED ALFRED JONES
20 -- A BUY WHO WE WENT BY THE NAME OF WILLIE OR RAH. WE
21 WOULDN'T KNOW WILLIE JAMES RICHARDSON. THAT LANDCRUISER IS
22 KEY AND WILLIE JAMES RICHARDSON CAN'T ESCAPE FROM THE FACT
23 THAT THAT LANDCRUISER -- THAT LANDCRUISER WAS AT HIS HOUSE
24 ON THE LAKE THE VERY NEXT DAY AND THE KEYS TO THAT
25 LANDCRUISER WERE INSIDE HIS HOUSE THE VERY NEXT DAY.

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1 WILLIE RICHARDSON CAN'T SEPARATE HIMSELF FROM THAT OTHER
2 VEHICLE, TOO -- THAT OTHER TOYOTA WAGON OR LANDCRUISER. HE
3 CAN'T ESCAPE THE LINK TO THAT VEHICLE BECAUSE IT IS LINKED TO
4 ANGELA COLE. WHO IS ANGELA COLE? SHE'S THE WOMAN THAT WAS
5 IN WILLIE RICHARDSON'S LAKEHOUSE THE VERY NEXT DAY -- THE
6 SAME HOUSE WHERE THE KEYS TO THAT TOYOTA LANDCRUISER -- THE
7 WHITE ONE -- WERE AND THE TRUCK WAS PARKED RIGHT OUTSIDE THE
8 HOUSE AND THE KEYS WERE IN THE HOUSE WITH ANGELA COLE.

9 WHO IS ANGELA COLE? SHE IS THE WOMAN WHO THE OTHER VEHICLE
10 WAS REGISTERED TO. WHO IS ANGELA COLE? SHE IS THE ONE THAT
11 THIS MAN -- WILLIE JAMES RICHARDSON -- PUT DOWN ON HIS
12 VISITATION LIST AT THE JAIL. HE SAID, IF WANT SOMEBODY TO
13 VISIT ME, ONE OF THOSE PEOPLE I WOULD LIKE TO HAVE WOULD BE
14 ANGELA COLE. HE IS LINKED, LADIES AND GENTLEMEN. YOU CAN
15 TALK ABOUT FINGERPRINTS ALL YOU WANT. THAT BEATS IT RIGHT
16 THERE. THAT IS THE BIG FINGERPRINT.

17 WHAT ELSE HAVE WE HEARD ABOUT, LADIES AND GENTLEMEN? YOU
18 HEARD WITNESSES FROM THE SCENE. WERE THEY RELUCTANT? NOBODY
19 WANTED TO COME IN THIS COURTROOM AFTER SEEING A BRUTAL MURDER
20 AND TESTIFY. THERE WAS SOME 200 PEOPLE THERE NIGHT. THEY
21 WERE NOT WAVING THEIR HANDS VOLUNTEERING, HEY, WE JUST SAW A
22 MURDER. WE JUST SAW A GUY A EXECUTE SOMEBODY AND LEAVE, AND
23 WE KNOW HE IS OUT THERE SOMEWHERE, AND WE WANT TO TELL YOU
24 ALL ABOUT THE FACTS THAT WE SAW. NO. NONE OF THEM REALLY
25 WANTED TO TESTIFY, BUT THEY DID.

1 WHAT DID THEY GAIN BY THIS? KIRBY BLOCKER -- WE DON'T
2 HAVE CHARGES ON HIM. YOU DIDN'T HEAR ANYTHING ABOUT DEALS WE
3 HAVE MADE WITH KIRBY BLOCKER AND WHEN HE GAVE A STATEMENT TO
4 THE POLICE THE VERY NEXT DAY HE WASN'T CHARGED WITH
5 ANYTHING. YOU READ THIS STATEMENT. YOU READ THIS. YOU READ
6 ABOUT WHO HE IS ABSOLUTELY SURE KILLED HIS FRIEND ALFRED
7 JONES. THERE IS NO DOUBT ABOUT IT. YOU LOOK AT THIS PHOTO
8 LINEUP SOMEWHERE AROUND HERE. YOU'LL HAVE IT IN THE JURY
9 ROOM. YOU LOOK AT THE ONE HE PICKED OUT -- NUMBER TWO.
10 THERE IS NO QUESTION -- NO QUESTION AT ALL THAT NUMBER TWO
11 -- NUMBER TWO IS WILLIE JAMES RICHARDSON. HE DIDN'T JUST
12 PICK OUT A BLACK MALE. HE DIDN'T JUST PICK OUT A
13 LIGHT-SKINNED MAN. HE PICKED OUT THE DEFENDANT WILLIE JAMES
14 RICHARDSON. NO ONE ELSE.

15 THE DEFENSE COUNSEL MADE A BIG TO-DO ABOUT THE FACT THAT
16 KIRBY DIDN'T GIVE A HEIGHT DESCRIPTION, A WEIGHT
17 DESCRIPTION. HE DID BETTER. HE SAID, THERE IS YOUR MAN
18 RIGHT HERE. IF YOU WANT A DESCRIPTION, LOOK AT THE PHOTOGRAPH
19 I AM POINTING TO. THAT WAS KIRBY BLOCKER. DID KIRBY LEAVE
20 THAT NIGHT? YEAH. THERE WASN'T ANYTHING ELSE HE COULD DO
21 FOR ALFRED. I AM NOT SURPRISED THAT KIRBY DOESN'T WANT TO
22 WAIT AROUND FOR LAW ENFORCEMENT. HE HAS HAD HIS RUN-INS. I
23 DON'T DOUBT HE DOESN'T TRUST LAW ENFORCEMENT. BUT YOU KNOW
24 SOMETHING? IN SPITE OF HIS DISTRUST FOR THIS SYSTEM, HE TOOK
25 THAT STAND, AND HE DIDN'T HAVE TO. HE TOLD THE TRUTH, AND HE