

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Allendale County

Honorable Diane Schafer Goodstein, Circuit Court Judge

DEREK MANER,

ORIGINAL
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S.C. SUPREME COURT

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-000230

APPENDIX

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State of South Carolina)
) Court of General Sessions
County of Allendale) 08-GS-03-0135

The State of South Carolina)
Plaintiff)
vs.) Transcript of Record
Derek Maner)
Defendant)

February 9, 2009
Allendale, South Carolina

B E F O R E:

The Honorable Michael G. Nettles, Judge; and a jury.

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

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Official Court Reporter

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
S-1	Miranda form	11	

1 (Whereupon, on February 9, 2009 the following
2 proceedings were held:)

3 MR. PEARSON: I am DeWayne Pearson from the South
4 Carolina Attorney General's Office. The State calls Derek
5 Maner, Your Honor. This is a -- this is a murder trial.
6 Your Honor, I apologize. I have to walk right out and get
7 a copy of the indictment.

8 THE COURT: If you could do that and do we have the
9 Defendant here at this time?

10 MR. GIPSON: Yes, sir.

11 THE COURT: Would you bring the Defendant out?

12 MR. GIPSON: May I be excused for one moment, sir?

13 THE COURT: Certainly.

14 (Whereupon, a break was taken.)

15 MR. PEARSON: Your Honor, may I approach?

16 THE COURT: Yes, you may. Mr. Pearson, could you
17 identify your co-counsel for the Court Reporter?

18 MR. PEARSON: Yes, Your Honor. Co-counsel for the
19 Attorney General's Office also representing the State is
20 Natalie Armstrong.

21 THE COURT: All right. The Defendant is recognized
22 now. If you could identify yourself for the Court
23 Reporter at this time.

24 MR. GIPSON: My name is Byron Gipson. I am
25 representing the Defendant. It is G-I-P -- as in Paul --

1 S-O-N.

2 THE COURT: Mr. Pearson, I understand that the jury
3 is going to be here at 2 o'clock.

4 Is that right, Madam Clerk?

5 THE CLERK: Yes, sir.

6 THE COURT: Do we have any pretrial matters to attend
7 to at this time from the State, Mr. Pearson?

8 MR. PEARSON: None from the State, Your Honor. I do
9 believe the Defense has a few matters of voir dire and
10 that sort of thing.

11 THE COURT: Mr. Gipson?

12 MR. GIPSON: May I approach?

13 THE COURT: Yes, sir.

14 MR. GIPSON: I have already provided a copy for the
15 Attorney General's Office, Your Honor. I got voir dire,
16 proposed witness list, and we have to add two names here.

17 THE COURT: Mr. Pearson, I have received the proposed
18 witness list from the Defense. Do you have a proposed
19 witness list from the State?

20 MR. PEARSON: Yes, Your Honor, I do.

21 MR. GIPSON: He has provided me with one.

22 MR. PEARSON: Yes, Your Honor. I've provided Defense
23 with a copy already.

24 THE COURT: I'll probably need one for voir dire
25 purposes as well.

1 MR. PEARSON: May I approach?

2 THE COURT: Yes, sir.

3 Mr. Gipson, did you say that there is one additional
4 witness?

5 MR. GIPSON: Yes, sir. I am actually getting his
6 name out.

7 THE COURT: Very good. If you could let me know that
8 before we proceed forward.

9 MR. GIPSON: I will, Your Honor.

10 THE COURT: While we're waiting on this information
11 from Mr. Gipson, I understand that this first case is the
12 State of South Carolina versus Derek L. Maner is a very
13 difficult case. Mr. Maner is being accused of murder.
14 Certainly, there are going to be people in this courtroom
15 who are here on behalf of Mr. Maner and there are people
16 here who are going to be here on behalf of the alleged
17 victim. I know these are difficult times, very emotional
18 trial, but my job as the presiding Judge is to ensure that
19 the State of South Carolina gets a fair trial and that the
20 Defendant gets a fair trial, and I will ensure that that
21 takes place.

22 In addition to that, I have a duty and a
23 responsibility to maintain order in this court, and,
24 although, these matters are very emotional and very
25 volatile, there will be not be any outbursts in this

1 courtroom. There will not be any talking back and forth
2 between the various interest groups here today, and if
3 there are, I am going to instruct the law enforcement who
4 are going to be maintaining order during this trial to
5 take you into custody and we'll deal with you
6 appropriately. This is a public trial in a public forum.
7 Everyone is welcome here. It's -- Everybody has a right
8 to watch this trial who is a member of the public, but we
9 cannot allow any outbursts whatsoever and bear that in
10 mind.

11 If there is anyone in the courtroom here today who
12 feels as though they can't maintain their composure, I
13 will ask that you leave. If you're here and you lose your
14 composure, you're going to be arrested. So, bear that in
15 mind.

16 MR. GIPSON: May I approach, Your Honor?

17 THE COURT: You may.

18 THE COURT: Mr. Pearson, come forward.

19 (Whereupon, a bench conference was held.)

20 THE COURT: Madam Court Reporter, as previously
21 indicated this is the State of South Carolina versus Derek
22 Maner, indictment number 2008-GS-03-0135. We're going to
23 take up matters pursuant to Jackson v Denno, 378 US 368 --
24 a Jackson v Denno hearing.

25 Before we do that, I need to determine whether or not

1 there is anyone that's here to serve on the jury venire
2 that was scheduled to be here at 2 o'clock this afternoon.
3 Is there any juror -- potential juror -- in the room at
4 this time?

5 The State is recognized.

6 MR. PEARSON: Yes, your honor. The State calls
7 Special Agent Richard Johnson to the stand.

8 RICHARD JOHNSON, after being duly sworn,
9 testified as follows:

10 THE COURT: Before we proceed forward, I want
11 everybody to know that I think Francis Bakis was the court
12 reporter for the -- no, actually, it was not Francis
13 Bakis, but we need to determine who the court reporter was
14 that we had for the pretrial hearings, and, of course,
15 we've got a court reporter here today. We need to make
16 that determination. It very well could be that we're
17 going to have a different court reporter tomorrow. So,
18 everybody needs to be mindful of that for future purposes.

19 You are recognized.

20 MR. PEARSON: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY MR. PEARSON:

23 Q Could you please state your name?

24 A Richard Johnson.

25 Q See if you can pull that microphone a little closer

1 to you. We're getting a little feedback.

2 A. Richard Johnson.

3 THE COURT: Why don't you speak just right where you
4 are and you can talk. Speak loudly.

5 THE WITNESS: Richard Johnson.

6 Q What is your occupation or profession?

7 A Special Agent with the South Carolina Law Enforcement
8 Division.

9 Q And how long have you been employed with the South
10 Carolina Law Enforcement Division?

11 A Approximately four years.

12 Q And the South Carolina Law Enforcement Division, is
13 that also known as SLED?

14 A Yes, sir.

15 Q What was your previous law enforcement experience
16 before coming to SLED?

17 A I spent five years with the Department of Corrections
18 Internal Affairs Investigator and 10 years with the South
19 Carolina State University Police Department.

20 Q What are your present duties at SLED?

21 A Investigate various crimes that occurred in this
22 portion of the state known as the low country region.

23 Q And what types of crimes do you normally investigate?

24 A Murders, mostly violent crimes.

25 Q And how long have you been doing that, your entire

1 time at SLED?

2 A Yes.

3 Q Were you doing that back in November of 2006?

4 A Yes, sir.

5 Q Special Agent Johnson, are you familiar with the
6 so-called miranda warnings of a suspect's constitutional
7 rights?

8 A Yes, sir.

9 Q I am going to go back to November 9 -- the night of
10 the 9th into the 10th of November of 2006. Do you
11 remember that time?

12 A Yes, sir.

13 Q And how do you remember that time?

14 A Well, that's the night that -- the day that we were
15 called to assist Allendale County Sheriff's Office with
16 the disappearance of Erika Bradley at the time.

17 Q Could you please tell the court how you became
18 involved in that particular investigation?

19 A We received -- we, meaning SLED, received
20 notification from the Sheriff's Office for assistance and
21 I was dispatched to this area along with then Lieutenant
22 Kenny Mears who is now retired to come to Allendale to
23 assist with the Sheriff's Office.

24 Q And during your assistance with the Sheriff's Office
25 did you have the occasion to find a suspect in this

1 particular disappearance?

2 A Yes, sir.

3 Q And who was that suspect?

4 A Derek Maner.

5 Q I'm sorry. Who was the suspect you identified?

6 A Derek Maner.

7 Q Do you see Derek Maner here in the courtroom today?

8 A Yes, sir.

9 Q Could you please point him out and describe an
10 article of clothing for the court reporter?

11 A He is sitting over by Defense Counsel wearing white
12 shirt, stripes, it looks to be like a blue vest.

13 MR. PEARSON: Please let the record indicate that the
14 witness has identified the defendant Derek Maner.

15 Now, I asked you a little while ago if you were
16 familiar with the so-called miranda warnings. Could you
17 briefly explain what the miranda warnings are?

18 THE WITNESS: In simple terms advising a suspect of
19 his rights to -- relative to talk to police without an
20 attorney present or not. It is his constitutional right
21 to refuse to do so.

22 Q And when you -- when you identified Mr. Maner as a
23 suspect or a person of interest, did you have the occasion
24 to advise him of those rights, those miranda rights?

25 A Yes, sir.

1 Q How was he advised? Did you use a printed form? Did
2 you have a card? How did you do that?

3 A I used a form that he wrote a statement on. At the
4 top of that form it has, You have the right to remain
5 silent, et cetera, et cetera. I advised him of that
6 before using that form before he completed the statement
7 form.

8 MR. PEARSON: Your Honor, may I approach the witness?
9 (Whereupon, State's Exhibit No. 1 was marked for
10 identification only.)

11 Q I am going to show you what has been marked for
12 identification purposes only as State's exhibit no. 1.
13 Can you take a look at that? Do you recognize what I have
14 just given you?

15 A I recognize it as a miranda rights form attached to
16 the statement that Derek Maner signed and completed.

17 Q Is that what you were speaking of earlier when you
18 testified that you gave him -- You used a written form and
19 took a statement following that?

20 A The voluntary statement form that has -- that
21 explains the right that I am referring to.

22 Q All right. So, how many pieces of paper did I just
23 hand you?

24 A You gave me three pieces.

25 Q Are you saying that you recognize the second two

1 pages, but not the first?

2 A Yes.

3 Q Okay. And the two that you recognize, let's just
4 talk about those. Did those have the advice of the
5 miranda warnings at the top of that page?

6 A Yes.

7 Q All right. Is that what you were speaking about
8 before?

9 A Yes.

10 Q And did the Defendant acknowledge that you had given
11 him those rights?

12 A Yes. He signed at the bottom after completing it.

13 Q And did you, in fact, explain all of his rights to
14 him?

15 A Yes, I did.

16 Q Was there anyone -- Was there anyone else present
17 besides you and the Defendant in the room when you gave
18 him those miranda warnings?

19 A Just myself and the Defendant. Lieutenant Mears had
20 stepped out.

21 Q Could you please describe the Defendant's physical
22 appearance at the time?

23 A His hair was dreaded, if I am not mistaken. He had
24 more longer hair.

25 Q I guess specifically what I am getting into is did he

1 appear -- Did he appear nervous? Did he appear to not
2 understand what you were telling him at the time?

3 A No. He understood.

4 MR. GIPSON: I object to that question as to the
5 opinion about how he seemed.

6 THE COURT: I think that he can certainly testify
7 based on his -- just on his own experience what a person's
8 demeanor is.

9 MR. GIPSON: Yes, sir.

10 THE COURT: But I will sustain an objection to it as
11 it's leading.

12 MR. PEARSON: Yes, Your Honor.

13 Have you ever dealt with people in your line of work
14 who are under the influence of alcohol or drugs?

15 THE WITNESS: Yes, sir.

16 Q Did the Defendant appear to be intoxicated at the
17 time?

18 A No, sir.

19 MR. GIPSON: Objection, Your Honor.

20 Q Did the Defendant respond to your questions when you
21 were there?

22 A Yes, sir.

23 Q Did he appear to understand your questions regarding
24 his rights?

25 A Yes, sir.

1 Q Was his speech coherent?

2 A Yes, sir.

3 Q Could you understand what he was saying?

4 A Absolutely.

5 Q Did the Defendant respond when asked whether or not
6 he wanted an attorney?

7 A He said he would go ahead and talk because he know he
8 didn't do anything.

9 Q Did -- did the Defendant invoke his right to remain
10 silent at that point?

11 A He didn't invoke.

12 Q Did he agree to answer questions?

13 A Yes, sir.

14 Q Did you promise him anything in order to get him to
15 make a statement?

16 A No, sir.

17 Q Did you threaten him in any way to get him to make a
18 statement?

19 A No, sir.

20 Q To the best of your knowledge was the Defendant's
21 statement freely and voluntarily given?

22 A Yes, sir.

23 Q And did the Defendant, in fact, make a statement in
24 response to your questions?

25 A Yes, he did.

1 Q Now, after you have given him his miranda warnings
2 and he appeared to understand them, exactly what did he
3 tell you about the night of November 6, 2006?

4 A He commenced to tell me that he met Erika and her
5 cousin -- I think it's Peter Carley -- in front of the
6 courthouse area where they flashed him down. She got out,
7 got a bat to attempt to hit him with it, and he got the
8 bat from her. The two of them talked for a little bit and
9 I think he said about 25, maybe 30 minutes in front of the
10 courthouse area, and, so, while they were on their way to
11 the Appleton community which is down Highway, I think,
12 125 -- although, he referred to it as 278 -- he said Erika
13 Bradley pushed the car in park while he was driving about
14 maybe 50-miles per hour, and she got out and would not get
15 back in.

16 He left and he came back home. He called Peter
17 Carley and told Peter Carley where she was at and he went
18 to sleep.

19 Q Is that the basic statement that I have shown you
20 that's written right there?

21 A Yes, sir.

22 Q Now, after he made this written statement, what did
23 you do?

24 A We asked him if he would show us where she got out at
25 because we -- we know he said 278 in his statement, but we

1 had gotten word that he -- what happens is you have to go
2 down 125. So, we asked him to show us where she had
3 gotten out at. He took us down 125 and --

4 Q When you say 125, you mean Highway 125?

5 A Highway 125, yes, sir. We went down to the area that
6 he claimed that she had gotten out of his car at and we
7 asked where is the skid marks.

8 Q Did he make any further statements at this time?

9 A Eventually, he said, look, he lied about it. He did
10 not -- She did not push the car in park while he was
11 driving 55 or 50 miles per hour. He said take him back to
12 the office and he'll give us the right statement at this
13 time.

14 Q So, the statement that he gave you while you were out
15 on Highway 125 -- did that contradict what he wrote down
16 in his written statement?

17 A Yes, sir.

18 Q Well, after he told you that he lied about his
19 statement, what did you do next? Did you continue to
20 question him?

21 A Well, we asked him why was he lying about it if he
22 didn't do anything -- just, you know, tell us where she
23 was at so we can try and find her. We got back to the
24 Sheriff's Office at which time he asked for his statement
25 back and he wanted to look at it. He grabbed it and

1 attempted to rip the statement up.

2 Q Now, when you say attempted to rip the statement up,
3 are you referring to the written statement, a copy of
4 which I have given to you?

5 A Yes, sir.

6 Q Was he successful in ripping up that written
7 statement?

8 A No, sir.

9 Q Did you continue to question him at this point?

10 A Yes, sir.

11 Q All right. Did the Defendant say anything else in
12 regards to Erika Bradley or what happened on the night of
13 November 6, 2006?

14 A Yes. He said while they were heading towards
15 Appleton she -- he started slowing down and she wanted --
16 she said, Well, you want me to get out? He said, If you
17 want to get out, you get out. That's fine. At any rate
18 he stops. She gets out the car. He leaves. He pulls
19 off. He turned back around and he gets out of his car,
20 goes in front of her and puts his hand up in front of her
21 and was stating, Baby, please get back in the car. You
22 don't need to walk. I'll take you home. You don't have
23 to walk. Just get back in the car. She refused to get
24 back in the car. He said he then just leaves her on the
25 side of the road.

1 Q Which road are we talking about? 125?

2 A We're talking about 125, the area where he showed us;
3 not the 278 where he put in his statement.

4 Q Okay.

5 A So, he leaves her side the road and during that
6 conversation he ended up making a statement that he hoped
7 no one had ran her over -- didn't hit her with a car or
8 something.

9 Q He made this statement to you?

10 A Yes, sir; myself and Lieutenant Mears.

11 Q That he hoped no one had run her over?

12 A Yes, sir.

13 Q Did you continue to question him after this point?

14 A Why would he think someone had run over her?

15 Q Did he give you an answer?

16 A He said because it was dark outside and no one may
17 not have seen her, et cetera, et cetera.

18 Q Well, you testified just a little while ago that you
19 went back to the Sheriff's Office. At any point did the
20 Defendant invoke his miranda rights and stop answering
21 questions?

22 A Yes. As we -- As it became clear to him that we
23 weren't believing what he was telling us, he then -- At
24 some point he ended up calling the mother. He got on the
25 phone. I don't know how he dialed the number that quick,

1 but he called his mother and said he wanted his mama come
2 get me. I want my lawyer. And we ceased.

3 Q And after those words I want a lawyer came out, did
4 you ask any more questions concerning --

5 A No.

6 Q -- this incident?

7 A No.

8 Q Did you question him at any other time?

9 A No, sir.

10 Q Did you threaten him in any way to get him to talk
11 again?

12 A No, sir.

13 Q Did you promise him anything to make him talk again?

14 A No, sir.

15 Q And all of these statements made by the Defendant
16 that we just talked about -- the original written
17 statement, the statements made in the car going to Highway
18 125, the things that he said on Highway 125, the things he
19 said driving back to the Sheriff's Department -- at any
20 time did he request a lawyer during any of that?

21 A No.

22 Q That entire period of time?

23 A No.

24 Q At any point did you ever threaten him to get him to
25 continue to talk?

1 A No.

2 Q Did you ever promise him anything to get him to keep
3 talking?

4 A No, sir.

5 Q Did the interrogation end? Did the questioning end
6 after he asked for a lawyer?

7 A Yea.

8 Q Is the time you're referring to right now, is that
9 the only time that you've had to ask questions of the
10 Defendant?

11 A Yes.

12 Q Or take a statement from him?

13 A Yes, sir.

14 MR. PEARSON: The State has no further questions of
15 this witness.

16 THE COURT: Just one point of clarification. Was he
17 under arrest at this time?

18 THE WITNESS: No, sir.

19 THE COURT: Was he free to leave?

20 THE WITNESS: Yes, sir.

21 THE COURT: Mr. Gipson, you're recognized.

22 MR. GIPSON: If it please the court, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. GIPSON:

25 Q Just taking that last statement first, you said he

1 was not under arrest and he was free to leave?

2 A Yes.

3 Q When did you explain that portion to him?

4 A When I advised him of his rights I made it clear it
5 was within his right at any time during the interview --

6 Q Right.

7 A -- if he says he wants a lawyer by law we have to
8 stop.

9 Q Okay.

10 A We would not ask him any other questions. I made it
11 perfectly clear to him. He seemed to be very receptive of
12 understanding it and we commenced to communicate with him.
13 In fact, I felt and believed that I had a fairly decent
14 rapport with him and just talked with him.

15 Q You said at some point in time he called his mother
16 and you said that was surprising to you?

17 A Well, it wasn't surprising that he called his mother.
18 What was surprising was the fact that he was able to dial
19 the number so quick without us seeing it.

20 Q Why was that important?

21 A I am not saying it was important. I was saying it
22 was shocking that I didn't see it coming.

23 Q Why would you need to see it coming if he is free to
24 leave, get out, walk out any time he wants to?

25 A In law enforcement you try to be as observant as

1 possible.

2 Q Uh-huh.

3 A And the fact that --

4 Q That you missed something surprised you?

5 A Yea.

6 Q And you missed something?

7 A At that point, yea.

8 Q Okay. Now, you said that you were there with

9 Lieutenant Mears; correct?

10 A Yes.

11 Q When this entire, I guess, line of questioning began
12 with Mr. Maner you stated that you and Mr. Mears went into
13 -- Where did you meet?

14 A I'm sorry. Say that --

15 Q Where did you meet?

16 A We was at the Sheriff's Department.

17 Q Okay. So, right down the street?

18 A Yes, sir.

19 Q And did you record the conversation that you had with
20 him?

21 A No, sir.

22 Q You explained to him as you mentioned he had a right
23 to remain silent and all of his miranda rights; correct?

24 A That's correct.

25 Q And after you explained those things he signed them

1 and he wrote a statement?

2 A Uh-huh.

3 Q Okay. What other statements did he write?

4 A He didn't give any other written statement after that
5 point.

6 Q Okay. Show us where you have memorialized -- where
7 Mr. Maner wrote any of these other things that you're
8 alleging happened down?

9 A Whenever a person refused to give a statement based
10 on our notes we typed up what is called a memorandum of
11 interview.

12 Q Uh-huh.

13 A That's what is submitted in the file which is a
14 memorandum of interview to the information that he
15 provided.

16 Q He never wrote these things that you're talking about
17 in terms of I hope nobody ran over her, any of that other
18 stuff? That was never written in a statement?

19 A Not in his written statement.

20 Q Okay. And that was never recorded, was it?

21 A No, sir.

22 Q And, indeed, you keep talking -- You mentioned, I
23 believe, that's, what, Highway 125 and Highway 178?

24 A 278.

25 Q 278. I apologize. He said something about letting

1 her outside of Sammy's store?

2 A Uh-huh.

3 Q Where is that?

4 A That's on Highway 125.

5 Q Okay. And that's where he took you; correct?

6 A No. He took us past Sammy's store.

7 Q If you want to look at the statement, does it say
8 right past Sammy's store?

9 A It was right past it, but it was past Sammy's store.
10 Sammy's store appears to be within the city limits of
11 Allendale.

12 Q Okay.

13 A But we went out of the city limits of Allendale.

14 Q Okay. And right past Sammy's store is where he said
15 he let her out?

16 A Past Sammy's store.

17 Q Okay. And that's on Highway?

18 A 125.

19 Q Okay; and that's in that statement; correct?

20 A He has 278 in the statement; not 125.

21 Q But right past Sammy's store is there -- is in that
22 statement; correct?

23 A Yes, down past Sammy's store. Yes, just before the
24 radio station.

25 Q Okay. And that's where he took you; right?

1 A Yes, sir.

2 Q Now, this stuff about trying to rip up a statement, I
3 mean, is the statement torn that you took from him?

4 A I have to look at the original. No, we gave him a
5 copy. We gave him a copy of the statement.

6 Q Okay. And, again, you told him he was -- Well,
7 basically, you gave him his rights and he gave you a
8 statement and he -- From there he took you out someplace
9 to show you the area that he was describing; correct?

10 A Correct.

11 Q And that's the only written statement that he gave?

12 A Correct.

13 Q The only recording that is done of him; correct?

14 A Yes.

15 Q Now, didn't he also give a statement or are you aware
16 that he gave a statement to the Allendale County Sheriff's
17 Department that day as well?

18 A No, sir. I need to look back at my file.

19 Q Okay.

20 A At the time I was not.

21 Q All right. But that was your main interaction with
22 Mr. Maner; correct?

23 A That and when we went to -- picked him up from
24 Benedict.

25 Q Okay. When you picked him up from Benedict. Now,

1 any written statements that he gave at that particular
2 time?

3 A No, sir.

4 Q And he was advised -- I'm sorry. You got to answer
5 verbally.

6 A No, sir. I'm sorry.

7 Q And nothing verbally or anything that you're trying
8 to explain to the court that he said that you're trying to
9 enter into evidence in reference to when you picked him up
10 from Benedict?

11 A No. He wasn't going to make a statement. He wanted
12 his lawyer. So, we never questioned him.

13 Q Okay. Those are the only statements that Mr. Maner
14 gave according to you?

15 A Yes.

16 Q Okay.

17 That's all I have, Your Honor.

18 THE COURT: What happened to Mr. Maner after the
19 taking of the statement?

20 THE WITNESS: After the taking of the initial
21 statement? He took us down 125 to show us where Erika --

22 THE COURT: Was he released?

23 THE WITNESS: Yes. After that, he was released.

24 THE COURT: Anything further from the State?

25 MR. PEARSON: Just that, Your Honor, the testimony

1 indicates that the statement given by the Defendant was
2 freely and voluntarily given and we would ask that it be
3 allowed into evidence at the proper time.

4 THE COURT: Mr. Gipson, I'll be glad to hear from
5 you.

6 MR. GIPSON: Your Honor, in terms of the statement
7 itself --

8 THE COURT: Before we do that, do you have any
9 testimony you'd like --

10 MR. GIPSON: No, sir.

11 THE COURT: All right. Very good.

12 MR. GIPSON: I apologize. No testimony. In terms of
13 what Mr. Pearson is requesting, the four corners of the
14 statement it seems the standard is met as long as it's
15 freely and voluntarily given, but these ancillary
16 statements that are being discussed I would have issue
17 with, Your Honor. There is no recording or writing or
18 anything of that nature that explains those things.

19 THE COURT: Well, I think -- First of all, I do find
20 that the statement was voluntarily made and there was
21 really a substantial question as to whether or not miranda
22 should have or is required to be given. Nonetheless, it
23 was given, and he did, in fact, waive his miranda
24 warnings. In view of that, the testimony with regard to
25 the statement is admissible.

1 However, the issues with regard to whether or not it
2 is recorded -- the other statements that were made that
3 you had mentioned, those were really questions of fact for
4 the jury to determine, but they are admissible, and I'll
5 so rule.

6 Is there anything further from the State with regard
7 to the statement?

8 MR. PEARSON: No, Your Honor.

9 THE COURT: Anything from the Defense?

10 MR. GIPSON: No, sir.

11 THE COURT: I specifically find that the statement
12 was voluntary and I specifically find that even though it
13 was not necessary that I do so he was given his miranda
14 rights and he did, in fact, waive them.

15 Any further motions from the State before we recess?

16 MR. PEARSON: None from the State, Your Honor.

17 THE COURT: Any from the Defense?

18 MR. GIPSON: Just the other motions we mentioned at
19 the bench; Your Honor, in terms of an additional motion to
20 suppress. I don't know if the court will want to hear
21 that now.

22 THE COURT: I'll be glad to hear from you.

23 MR. GIPSON: Your honor, I filed -- after our
24 pretrial motion we received some more information from the
25 State and I filed a motion to suppress essentially asking

1 that any DNA evidence that's been collected or used that
2 purports to be the blood or tissue or other secretions of
3 any sort of TeDarius Maner be suppressed in this matter
4 because the chain of custody is incomplete. After looking
5 through the records that I received from the State what I
6 have been able to glean from those records is there was
7 never a blood test that was directly given to Mr. -- Well,
8 to TeDarius who is the purported son of Mr. Maner and
9 Ms. Bradley in conjunction with this matter. No Schmerber
10 was ever done, no court order, anything that required
11 blood to be taken. Evidently, the Greenville County
12 Sheriff's Department -- an investigator went to Aiken and
13 picked up a card or blood standard and used that to submit
14 and that's what's been tested by agencies and that's
15 what's been used.

16 My question, Your Honor, is or my position is that
17 I'd like to have a chain so that I can understand who took
18 the blood, under what circumstances it was taken and then
19 what happened to it therefrom, and I think we're entitled
20 to -- When you're talking about blood, you're talking
21 about fungible evidence. You're talking about things that
22 can be moved easily and tainted easily and manipulated.
23 We have a right to determine how it was taken, when it was
24 taken, by whom it was taken just as we would in any
25 situation where blood is at issue or secretions or any

1 type of fungible evidence is at issue.

2 THE COURT: Mr. Pearson, I'll be glad to hear from
3 you.

4 MS. ARMSTRONG: Your Honor, Ms. Armstrong for the
5 State. Your Honor, as indicated earlier in a motion at
6 the bench we would be able to provide any additional
7 witnesses in the chain for TeDarius' blood sample from
8 DHEC, but the rest of the chain as we indicated to
9 Mr. Gipson is already in the chain of custody that we've
10 given him -- the certified chain from SLED. So, if there
11 is any question, we will provide the witnesses if he wants
12 us to.

13 THE COURT: Okay. I understand that there is going
14 to be an objection with regard to the chain of custody,
15 and we'll proceed forward, and we'll evaluate the
16 testimony of the witnesses who are called to testify. If,
17 indeed, there is a complete chain of custody, it will be
18 admitted. If not, it will be -- it will not be admitted.
19 We'll just see how that plays out, but I understand that
20 is a standard objection at this time.

21 MR. GIPSON: Yes, sir.

22 THE COURT: Anything further from the Defense?

23 MR. GIPSON: Nothing from the Defense, Your Honor. I
24 would just like to, I guess, reiterate the fact that we
25 had a motion to compel that was out there. At this point

1 in time I still have not seen any evidence about the chain
2 of the car. We have received chain information on all of
3 the -- Again, the blood or what purports to be blood. We
4 received those things. The packet has been received, but
5 nothing has been received of the car. I have not received
6 any additional information as I requested on other
7 investigations that were conducted in the area in terms of
8 as I mentioned the equine team, the dragging of lakes,
9 cadaver dogs, all of those things. I haven't seen
10 anything about those things. I am still awaiting that
11 information.

12 THE COURT: I'll be glad to hear from the State in
13 that regard.

14 MS. ARMSTRONG: Your Honor, regarding the vehicle our
15 chain of custody is complete with regards to once we
16 received it in the State's custody. Our chain is complete
17 for the vehicle, and with regards to the search teams I
18 believe that the information that Mr. Gipson is asking for
19 is from private search companies that came in to help the
20 Allendale Sheriff's Office. So, I don't believe there are
21 any records that Allendale had to produce to Mr. Gipson.
22 Anything that we've had, we've given it to him.

23 THE COURT: All right. Ms. Armstrong, I think my
24 ruling was that if you had a report you would make -- you
25 had an affirmative obligation to go out and find if there

1 was a report. Have you done that?

2 MS. ARMSTRONG: Yes, Your Honor and we --

3 THE COURT: And there are no reports?

4 MS. ARMSTRONG: No, Your Honor.

5 THE COURT: All right. Have you provided to the
6 Defense the names of the agencies involved in the
7 investigation?

8 MS. ARMSTRONG: We did find out the name of the
9 agencies this morning or at least one of the main agencies
10 and we can provide that to the Defense Counsel.

11 THE COURT: Is that true, Mr. Gipson?

12 MR. GIPSON: I have not received it yet, but if they
13 say they have it...

14 MS. ARMSTRONG: We've not provided it to him yet. We
15 just got it not too long ago. So, we can provide it to
16 him over the lunch break.

17 THE COURT: We'll allow him the opportunity to review
18 that and we'll address that issue. Anything further?

19 MR. GIPSON: Just the court's indulgence very
20 briefly, your Honor. Your Honor, I think that's all.

21 THE COURT: All right. We'll stand at ease until
22 2 o'clock.

23 (Whereupon, a break was taken.)

24 THE COURT: Ladies and Gentlemen of the jury, we're
25 about to begin the case of the State of South Carolina

1 versus Derek L. Maner. He has been indicted for murder.
2 I hold in my hand this document that's an indictment. It
3 accuses him of committing murder on November 6, 2006 and
4 the alleged victim is Erika Bradley.

5 Ladies and gentlemen of the jury, this indictment is
6 merely the document that starts this whole process. It
7 has absolutely no evidentiary value. As a matter of fact,
8 as Mr. Maner sits there at the Defense table he is
9 presumed to be just as innocent as me or you or the
10 Attorney General, for that matter. That is guaranteed to
11 all of us as american citizens. We're presumed to be
12 innocent. This indictment, although's it's an accusation,
13 has no evidentiary value whatsoever. To this indictment
14 the Defendant Mr. Maner has plead not guilty. By doing so
15 it's incumbent upon the State to prove each and every
16 element of the offense beyond a reasonable doubt.

17 The focus of this particular set of questions has to
18 do with whether or not you can be fair and impartial with
19 regard to the trial of this case. It is going to be very
20 important that you pay very close attention to these
21 questions and answer them truthfully.

22 The Defendant in this case is Derek Laron Maner. Is
23 anyone related by blood or marriage or do you have a close
24 social or personal or business relationship with the
25 Defendant? If so, please stand. I am going to ask if you

1 could to come forward please.

2 (Whereupon, the juror comes forward.)

3 THE COURT: Yes, ma'am, your name and number?

4 THE JUROR: Julie Roberts.

5 THE COURT: And what is your relationship with the
6 Defendant?

7 THE JUROR: Well, my son dates the girl's -- Erika --
8 he dates the sister and they have a child together.

9 THE COURT: Say that again.

10 THE JUROR: The girl that's dead -- her sister and my
11 son have dated for two years and they have a son together.

12 THE COURT: All right. Would it be fair to say that
13 you've heard some things about this particular
14 investigation?

15 THE JUROR: No, sir.

16 THE COURT: You haven't heard anything about that?

17 THE JUROR: No, sir.

18 THE COURT: In view of the fact that your son dates
19 the sister of the victim, could you set that aside and
20 give both the State and the Defendant a fair and impartial
21 trial?

22 THE JUROR: Yes, sir.

23 THE COURT: Would you -- In view of the fact that you
24 have a relationship with or your son has a relationship
25 with the deceased person's family --

1 THE JUROR: Sister.

2 THE COURT: -- sister, would you give greater weight
3 to the Prosecution than to the Defense's standpoint?

4 THE JUROR: Oh, no, sir.

5 THE COURT: Okay. Would you listen to the evidence
6 as it comes before you in this trial and apply the law as
7 I charge it to you?

8 THE JUROR: Yes, sir.

9 THE COURT: You would be fair and impartial to both
10 the State and the Defendant?

11 THE JUROR: Yes, sir.

12 THE COURT: You're free to serve. Thank you.

13 THE JUROR: Thank you, judge.

14 MS. ARMSTRONG: 140.

15 (Whereupon, the juror returns to her seat and another
16 juror comes forward.)

17 THE COURT: Yes, sir, your full name?

18 THE JUROR: Richard Dunbar.

19 THE COURT: All right. Your number?

20 THE JUROR: 0054.

21 THE COURT: All right. What is your relationship?

22 THE JUROR: Me and the guy -- the girl's daddy was
23 second cousin and me and his father is close friends and I
24 don't want to be on that case, Your Honor.

25 THE COURT: Okay.

1 THE JUROR: Me and him and me and the girl's daddy is
2 cousins.

3 THE COURT: So you know both sides?

4 THE JUROR: Yes, sir.

5 THE COURT: And because of your relationship to both
6 sides you feel as though you can't be fair and impartial?

7 THE JUROR: That's the truth.

8 THE COURT: All right. You're excused for purposes
9 of this trial. Thank you.

10 (Whereupon, the juror returns to his seat and another
11 juror comes forward.)

12 THE COURT: Yes.

13 THE JUROR: Eloise Morris.

14 THE COURT: All right. And your number?

15 THE JUROR: Is it 105?

16 MS. ARMSTRONG: 111.

17 THE COURT: Tell me what your relationship with the
18 Defendant is.

19 THE JUROR: My relationship with the Defendant is his
20 uncle is my partner at work and I am very close to the
21 family. As a matter of fact, I am soon to be his aunt.

22 THE COURT: Okay. In view of that do you feel as
23 though you could not be fair and impartial to both the
24 State and the Defendant?

25 THE JUROR: Yes. I would rather -- You're right,

1 sir. I am not sure.

2 THE COURT: Okay. In view of that, I am going to
3 excuse you for the purposes of this trial.

4 THE JUROR: Thank you, sir.

5 (Whereupon, the juror returns to her seat and another
6 juror comes forward.)

7 THE JUROR: That's my nephew.

8 THE COURT: Your full name.

9 THE JUROR: Phyllis Yvonne Hall.

10 THE COURT: Phyllis Yvonne Hall?

11 THE JUROR: Yes, sir.

12 THE COURT: All right. What do you know about the
13 case?

14 THE JUROR: I don't know about it, but I be with
15 them. I don't want to be on this jury.

16 THE COURT: You say what, now?

17 THE JUROR: I be with them. I don't want to be on
18 this jury.

19 THE COURT: What do you mean you be with them?

20 THE JUROR: I talk to them everyday.

21 THE COURT: Okay. So, you have a close social
22 relationship with them?

23 THE JUROR: Yes.

24 THE COURT: All right. What you are telling me is
25 you don't feel as though you can be fair and impartial to

1 both the State and the Defendant?

2 THE JUROR: That's right.

3 THE COURT: All right. You're excused for purposes
4 of the trial.

5 (Whereupon, the juror returns to her seat.)

6 THE CLERK: Juror no. 75.

7 THE COURT: Juror no. 75.

8 Mr. Gipson, I am going to ask if you could stand and
9 identify yourself and members of your firm.

10 MR. GIPSON: Good afternoon. My name is Byron
11 Gipson. I represent Mr. Maner. I work with the law firm
12 of Johnson, Toal, and Battiste. We have an office in
13 Orangeburg and Columbia. The members of our law firm are
14 I.S. Leevy Johnson, Luther Battiste, George Johnson, and
15 myself, and also Bill Toal.

16 THE COURT: Has anyone been represented by any of
17 these lawyers in the past or are you related to them by
18 blood or marriage or do you have a close personal or
19 social or business relationship with any of these lawyers?
20 If so, please stand.

21 Yes, sir. If you could come forward.

22 (Whereupon, the juror comes forward.).

23 THE COURT: Yes, sir, your name and number?

24 THE JUROR: Edward Robinson. I don't know my number.

25 MR. PEARSON: Your Honor, 143.

1 THE JUROR: Mr. Bryan -- He used to be my lawyer. I
2 had a case over in Aiken.

3 THE COURT: Is he representing you now?

4 THE JUROR: No.

5 THE COURT: If called upon to be a juror on this case
6 could you base your decision on the evidence that comes
7 out of this trial and the law as I charge it to you?

8 THE JUROR: No, sir.

9 THE COURT: You're free to leave at this time.
10 You're excused for purposes of this trial.

11 (Whereupon, the juror returns to his seat.).

12 THE COURT: Are there some members of the family --
13 either the victim's family or Defendant's family -- on the
14 front row here? Okay. All right. All right. All of
15 this is the victim's family? Well, in view of the limited
16 space I am going to ask that there certainly be no contact
17 with the jurors. Everybody remain where you are. No
18 contact. No discussion about the case.

19 All right. Pay very close attention. These are
20 potential witnesses in the case. It is fairly voluminous.
21 I emphasize they're potential witnesses, but pay very
22 close attention to the list. The focus is whether or not
23 you're related to them by blood or marriage, whether or
24 not you have a close social or personal or business
25 relationship to any of the witnesses. Peter Tony Carter,

1 Jackie Bradley, Jessica Bradley, Maggie Aldrich, Sheriff
2 Tom Carter, Vicki Hallman, Theresa Hooks, Nikki Perry,
3 Tammy Bannister, Joseph Powell, Lisa McReynolds, Jennifer
4 Clayton, Ben Vanadore, Karonda Williams, Amy Stephens,
5 Janice Bryson, Selena Kinard, Doris Yarborough, Sheree
6 Brown, Alexis Hazel, Dr. Michael Ward, Sergeant Paul
7 Silvaggio, Willette Dunbar, Martha Broadus, Sara Smith,
8 Henry Bradley, Special Agent Richard Johnson, Captain
9 James Hutto, Madoree Pipkins, Dawan Doe, George Elmore,
10 Mickey Scott, Annie Maner, Shannon Maner, Danny McDaniel,
11 Sergeant Bellamy, Miles Boynton, Shannon Joyner, Latoya
12 Williams, Kevin Blackwood, Kyle Blackwood, Dwight -- Is it
13 Searson?

14 MR. GIPSON: Yes, sir.

15 THE COURT: Dwight Searson and Dr. Robert Bennett.
16 Is anyone related by blood or marriage or have a close
17 social or personal relationship with any of these
18 witnesses? If so, please stand. I will ask that you come
19 forward and line up over here.

20 (Whereupon, the juror comes forward.)

21 THE COURT: Yes, ma'am, your name and number?

22 THE JUROR: Wanda Grant. I don't know my number.

23 MS. ARMSTRONG: Sixty-eight.

24 THE COURT: Juror no. 68.

25 THE JUROR: Okay. Willette Dunbar is my first

1 cousin.

2 THE COURT: In view of the fact that he would be a
3 potential witness in this case, could you listen to the
4 evidence that's been presented in this case and the law as
5 I charge it to you and give both the State and the
6 Defendant a fair and impartial trial?

7 THE JUROR: I could.

8 THE COURT: All right. Well, you're qualified to
9 serve. Thank you.

10 (Whereupon, the juror returns to her seat and another
11 juror comes forward.).

12 THE COURT: Yes, sir, your name?

13 THE JUROR: Jeff Watkins.

14 THE COURT: Juror number?

15 THE CLERK: 178.

16 THE COURT: Juror no. 178. Who do you know?

17 THE JUROR: I work for Mickey Scott, one of the
18 witnesses. He's the owner.

19 THE COURT: In view of the fact that this individual
20 will be a witness, could you base your decision in this
21 case if called upon to be a juror on the evidence that's
22 presented in this case and the law as I charge it to you?

23 THE JUROR: Well, not really. When all of this
24 started I was all around in it when the law was out there
25 and all that at the mill.

1 THE COURT: Okay. Very good. You're excused. For
2 the purposes of this trial you're free to leave at this
3 time. You need to check back with the Clerk's office
4 tomorrow afternoon after six to determine whether we have
5 another trial.

6 THE JUROR: Yes, sir.

7 (Whereupon, the juror returns to his seat and another
8 juror comes forward.)

9 THE COURT: Yes, ma'am?

10 THE JUROR: Shirley Loadholt, juror number 97.

11 THE COURT: Okay.

12 THE JUROR: I am cousin to Peter Tony Carter.

13 THE COURT: All right. In the event you're called
14 upon to serve as a juror on this case, could you listen to
15 the evidence that comes forth in this trial and the law as
16 I charge it to you and render a verdict and be fair to
17 both the State and the Defendant?

18 THE JUROR: Yes, sir.

19 THE COURT: You're qualified to serve. Thank you.

20 (Whereupon, the juror returns to her seat and another
21 juror comes forward.)

22 THE COURT: Yes, ma'am?

23 THE JUROR: I know Jackie Bradley and my son go with
24 her daughter and Tom Carter is my cousin and Martha
25 Broadus is my cousin, too.

1 THE COURT: All right. In view of the fact that --
2 Now, are you related to the Defendant in any way?

3 THE JUROR: No.

4 THE COURT: You're just related to the witnesses; is
5 that correct?

6 THE JUROR: Uh-huh.

7 THE COURT: If called upon to serve on this jury
8 could you listen to the evidence that comes forth in this
9 trial and listen to the law as I charge it to you and
10 render a fair verdict to both the State and the Defendant?

11 THE JUROR: Yes, sir, I think I can.

12 THE COURT: All right. You know in polite
13 conversation quite often we qualify everything that we
14 say, but this is a matter that's important. We deal with
15 absolutes and it is a yes or no answer. Could you be
16 fair?

17 THE JUROR: No, sir. I don't think I could.

18 THE COURT: A minute ago you said you thought you
19 could, but now you say you can't?

20 THE JUROR: I have never did this before. I am
21 nervous.

22 THE COURT: Okay. Well, I need to ask you and it's
23 incumbent upon you to listen to the question. If called
24 upon to serve on this jury could you listen to the
25 evidence as it comes forth from the witness stand and

1 listen to the law as I charge it to you and give both the
2 State and the Defendant a fair and impartial trial?

3 THE JUROR: Yes, sir. Yes, sir. I can do that.

4 THE COURT: You're qualified to serve. Thank you.
5 Your full name?

6 THE JUROR: Mae Shell Rhodes.

7 THE COURT: Mae Shell Rhodes. And what's your juror
8 number?

9 THE CLERK: 137.

10 THE COURT: 137.

11 (Whereupon, the juror returns to her seat and another
12 juror comes forward.).

13 THE COURT: Yes, ma'am?

14 THE JUROR: I am Willie Dunbar.

15 THE COURT: Very good. And your number?

16 THE JUROR: I am not sure what my number is.

17 THE COURT: Okay. You're excused for the purposes of
18 this trial.

19 THE JUROR: Thank you.

20 THE COURT: I didn't realize -- That was a long list.
21 I didn't realize that was you. You're excused for the
22 purposes of this trial.

23 (Whereupon, the juror returns to her seat and another
24 juror comes forward.).

25 THE COURT: Yes, ma'am, your name and number?

1 THE JUROR: Angel Hay. I wasn't on the list. My
2 name wasn't on the list.

3 THE CLERK: What is your name?

4 THE JUROR: Angel Hay.

5 THE CLERK: She was the one that got pulled this
6 morning.

7 THE COURT: What you're saying is that your name was
8 not on the jury list?

9 THE JUROR: No.

10 THE COURT: Okay.

11 THE JUROR: I got a letter, but it wasn't on the
12 list.

13 THE COURT: Well, you're free to leave at this time.
14 Thank you. You will probably receive another notice at
15 some point in time in view of the fact that you missed the
16 appropriate time. You you're free to leave at this time.

17 (Whereupon, the juror returned to her seat.)

18 THE COURT: I am going to ask the State if you can
19 stand and identify yourself and your co-counsel and the
20 members of your office.

21 MR. PEARSON: Well, we've got a lot of members.

22 THE COURT: In your division.

23 MR. PEARSON: Okay. My name is DeWayne Pearson. I
24 work for the Attorney General of the State of South
25 Carolina and the Attorney General is Henry McMaster. This

1 is Natalie Armstrong. We work in the State Grand Jury
2 prosecution section. The other members of our section are
3 Jennifer Evans, Curtis Pauling, Alexander Ingram, Cary
4 Goings, Rob Bogan, Alan Wilson, John Crout, Dale Scott,
5 Robert Van Dere, III, and Katherine Anderson.

6 THE COURT: All right. Is anyone related by blood or
7 marriage to any one of these attorneys or have you been
8 represented by them in the past or do you have a close
9 social, personal, or business relationship with any of
10 these lawyers? If so, please stand? No response.

11 Has any member of the jury panel formed or expressed
12 an opinion about any issue or matter involved in this
13 case? If so, please stand. No response.

14 Any member of the jury panel aware of any bias
15 towards either the State or the Defendant in this case?
16 If so, please stand. No response.

17 Is there any member of the jury panel that's still
18 remaining that was a member of the grand jury which issued
19 the indictment in this case? If so, please stand. We
20 we've addressed that previously. There is no response.

21 Is there any member of the jury panel a former law
22 enforcement officer or have a family member who is a law
23 enforcement officer or former law enforcement officer? If
24 so, please stand. Yes, sir?

25 THE JUROR: Lucius Williams. I don't know my exact

1 number, but I served a year in Allendale County Sheriff's
2 Department and Allendale Police Department.

3 THE COURT: All right. Are you -- Do you have the
4 power of arrest now?

5 THE JUROR: No, sir.

6 THE COURT: All right. Do you feel as though you can
7 give both the State and the Defendant a fair and impartial
8 trial?

9 THE JUROR: Yes, sir.

10 THE COURT: You're qualified to serve.

11 Anyone else? I understand that there probably has
12 been some news coverage of this matter. Has anyone read,
13 seen, or heard anything about this case? If so, please
14 stand. If y'all could come forward to the court reporter.
15 All right. We need quiet.

16 (Whereupon, the juror comes forward.)

17 THE COURT: Yes, ma'am, your name and number?

18 THE JUROR: Patricia Reeves, 135.

19 THE COURT: Okay. And what have you heard about this
20 matter?

21 THE JUROR: Just the general information that was
22 printed in the local newspaper over the last, you know,
23 two years.

24 THE COURT: Okay.

25 THE JUROR: Nothing else.

1 THE COURT: Do you recall what you read?

2 THE JUROR: When we first moved here we read about
3 Ms. Bradley being missing and then we read about
4 Mr. Maner.

5 THE COURT: Do you understand that newspapers and the
6 TV quite often get it wrong? Do you understand that?

7 THE JUROR: Yes, sir.

8 THE COURT: All right. And if called upon to serve
9 on this jury, could you set aside anything that you've
10 read and base your decision on the evidence that comes
11 forth in this trial and the law as I charge it to you?

12 THE JUROR: Yes, sir, I could.

13 THE COURT: You're qualified to serve. Thank you.

14 (Whereupon, the juror returns to her seat and another
15 juror comes forward.)

16 THE COURT: Yes, ma'am?

17 THE JUROR: I wasn't exactly clear on exactly what
18 you wanted.

19 THE COURT: Yes, ma'am, your name and number?

20 THE JUROR: Shelby Clowers, no. 41.

21 THE COURT: Juror no. 41. What have you read or
22 heard about this case?

23 THE JUROR: I just saw on the news where they had
24 arrested two individuals. That's it.

25 THE COURT: Okay. You know that if you read

1 something in the newspaper, you know, or the TV quite
2 often they get it wrong. Do you understand that?

3 THE JUROR: Right. It is slanted.

4 THE COURT: Right. And if called upon to serve on
5 this jury could you set aside anything that you might have
6 read and base your decision on the evidence that comes
7 forth in this courtroom -- sworn --

8 THE JUROR: I --

9 THE COURT: -- testimony from the witness stand and
10 apply the law as I charge it to you?

11 THE JUROR: Absolutely.

12 THE COURT: Could you be fair to both the State and
13 the Defendant?

14 THE JUROR: Yes.

15 THE COURT: You're free to serve. Thank you.

16 (Whereupon, the juror returns to her seat and another
17 juror comes forward.)

18 THE COURT: Yes, ma'am? Yes, ma'am, what is it you
19 heard or read?

20 THE JUROR: Just the normal news, Channel 6 stuff
21 when it was happening.

22 THE COURT: Okay. Do you know that the news stations
23 quite often get it wrong?

24 THE JUROR: Oh, I understand that.

25 THE COURT: And if called upon to serve on this jury

1 could you listen to the evidence that's presented in the
2 trial and listen to the law as I charge it to you and give
3 both the State and the Defendant a fair and impartial
4 trial?

5 THE JUROR: Certainly.

6 THE COURT: Have you formed an opinion about this
7 case?

8 THE JUROR: No.

9 THE COURT: All right. You're qualified to serve.
10 Thank you. Your name and number? I'm sorry.

11 THE JUROR: Vicki Welch. I am not sure what my
12 number is.

13 THE COURT: Vicki Welch. Vicki Welch is qualified to
14 serve, juror no. 179.

15 (Whereupon, the juror returns to her seat and another
16 juror comes forward.)

17 THE COURT: Yes, ma'am, your full name?

18 THE JUROR: Elizabeth P. Duncan.

19 THE COURT: What have you heard about this case?

20 THE JUROR: Just what's been on the news and in the
21 newspaper.

22 THE COURT: All right. Do you understand that the
23 newspaper and the news quite often get it wrong?

24 THE JUROR: Oh, yes.

25 THE COURT: Do you realize that if called upon to

1 serve on this jury you would have to listen to the
2 evidence as presented in the witness stand and apply the
3 law as I charge it to you?

4 THE JUROR: Yes, sir.

5 THE COURT: Could you give both the State and the
6 Defendant a fair and impartial trial?

7 THE JUROR: Yes, sir.

8 THE COURT: Have you formed any opinion whatsoever as
9 to the guilt or innocence of this particular Defendant?

10 THE JUROR: No. I just know what I heard.

11 THE COURT: All right. Could you set aside anything
12 that you have read and give the State and the Defendant a
13 fair and impartial trial?

14 THE JUROR: I think so.

15 THE COURT: All right. You know, in polite society
16 we often we qualify everything we say by I think so,
17 maybe, or I think, but these are important matters and we
18 deal in absolutes. My question to you is could you listen
19 to the evidence as it comes from the witness stand and the
20 law as I charge it to you and give the State and the
21 Defendant a fair and impartial trial?

22 THE JUROR: Yes, sir.

23 THE COURT: You're qualified to serve. Thank you.

24 MS. ARMSTRONG: Fifty-six.

25 (Whereupon, the juror returns to her seat and another

1 juror comes forward.)

2 THE COURT: Yes, ma'am?

3 THE JUROR: Your question was that if I read about
4 it?

5 THE COURT: If you heard or read anything about it.

6 THE JUROR: In the newspaper and on TV.

7 THE COURT: And have you done that?

8 THE JUROR: Yes.

9 THE COURT: Have you formed an opinion about this
10 case?

11 THE JUROR: I could honestly say yes.

12 THE COURT: Well, in view of that I am going to
13 excuse you from the purposes of this trial. I am going to
14 ask that you call the Clerk's office tomorrow at 6 o'clock
15 and determine whether we need your services further.

16 THE JUROR: 6 o'clock at night?

17 THE COURT: Yea, after six. There will be an
18 answering machine. He'll give you the card. Thank you,
19 ma'am.

20 THE CLERK: What is your name?

21 THE JUROR: Last name is Gregory.

22 THE CLERK: First name?

23 THE JUROR: Gracie.

24 THE COURT: Thank you.

25 (Whereupon, the juror returns to her seat and another

1 juror comes forward.).

2 THE COURT: Yes, sir?

3 THE JUROR: I am Joseph Crocker.

4 THE COURT: What is your number?

5 THE JUROR: You know, I am not sure.

6 THE COURT: Juror no. 46.

7 THE JUROR: Forty-six. Okay.

8 THE COURT: You indicated that you heard or read
9 something about it?

10 THE JUROR: I have. I have read the articles in the
11 county paper and I've seen the news broadcasts on Channel
12 6 and Channel 12.

13 THE COURT: Well, let me -- You understand that the
14 newspaper and the television station quite often get it
15 wrong? Do you understand that?

16 THE JUROR: I do understand that.

17 THE COURT: And if called upon to serve on this jury
18 you need to base your decision on the evidence that's
19 presented in this trial and the law as I charge it to you.

20 THE JUROR: I understand.

21 THE COURT: Do you feel as though you could set aside
22 anything that you might have read and base your decision
23 on the evidence that comes forth in this trial?

24 THE JUROR: I do, sir.

25 THE COURT: And apply the law as I charge it to you?

1 THE JUROR: I do.

2 THE COURT: Have you developed an opinion or bias
3 either towards the State or towards the Defendant in this
4 case?

5 THE JUROR: I have not.

6 THE COURT: All right. You're qualified to serve.

7 THE JUROR: Thank you, sir.

8 (Whereupon, the juror returns to his seat.)

9 THE COURT: Does any member of the jury know of any
10 reason whatsoever why you could not give the Defendant in
11 this case a fair trial with particular emphasis being
12 placed on your ability to be fair and impartial to both
13 the State and the the Defendant? If so, please stand.

14 Yes, sir, if you could come forward.

15 (Whereupon, the juror comes forward.)

16 THE COURT: Yes, sir?

17 THE JUROR: My name is James Washington, and I feel
18 like that myself on behalf of Mr. Maner, the father, he
19 raised up under me and I don't feel like I could do what I
20 think were just.

21 THE COURT: All right. You're saying that you have a
22 relationship with the Defendant's family; is that correct?

23 THE JUROR: His father.

24 THE COURT: Okay. And because of that you would have
25 a tendency to lean towards the Defense; is that correct?

1 THE JUROR: That's right. I feel like I got personal
2 myself.

3 THE COURT: You're free to leave. I am going to get
4 the -- You need to call this number tomorrow after six to
5 see if we need your services further this week. Thank
6 you.

7 THE CLERK: 176.

8 THE COURT: Juror no. 176.

9 (Whereupon, the juror returns to his seat.)

10 THE COURT: Does the State have any additional voir
11 dire?

12 MR. PEARSON: No, Your Honor.

13 THE COURT: Any from the Defense?

14 MR. GIPSON: Yes, Your Honor. May we approach the
15 bench?

16 THE COURT: Yes, you may.

17 (Whereupon, a bench conference was held.)

18 THE COURT: Is there any member of the jury panel who
19 has been a victim of a violent crime? If so, please
20 stand. No response.

21 Is there any member of the jury panel who is a member
22 of a law enforcement -- an organization whose primary
23 focus is law enforcement like citizens against violent
24 crimes, mother's against drunk driving? Just about every
25 Sheriff's Department has associations that support law

1 enforcement. Is anybody a dues-paying member of any such
2 organization whose primary purpose is the promotion of law
3 enforcement? If so, please stand. No response.

4 All right. Any additional questions from the
5 Defense, Mr. Gipson?

6 MR. GIPSON: No, sir.

7 THE COURT: Any from the State?

8 MR. PEARSON: No, Your Honor.

9 THE COURT: All right. I understand the strikes are
10 5 and 10. Is that your understanding?

11 MR. PEARSON: Yes, sir, it is.

12 THE COURT: Mr. Gipson?

13 MR. GIPSON: Yes, sir.

14 THE COURT: Madam Clerk, if we could have the jury.
15 As she calls your name I will ask that you come forward
16 and stand right in front of this bench here. Turn around
17 and face the State table and the Defense table and the
18 State will have an opportunity to address whether or not
19 you're selected. Then the Defense will as well. So, I'll
20 just ask that you come forward one at a time as you're
21 being called.

22 THE CLERK: Juror no. 41, Shelby Clowers. (White
23 Female)

24 THE JUROR: Clowers, just like flowers.

25 THE COURT: What number was that, Madam Clerk?

1 THE CLERK: 41. What says the State?

2 MR. PEARSON: Please seat the juror.

3 THE CLERK: What says the defense?

4 MR. GIPSON: Please swear the juror.

5 THE COURT: Very good.

6 THE COURT: Ms. Clowers, have a seat right over here
7 in the jury box.

8 THE CLERK: Juror no. 166, William Taylor. (Black
9 Male) What says the state?

10 MR. PEARSON: Please seat the juror.

11 THE CLERK: What says the Defense?

12 THE COURT: Remain standing right there.

13 MR. GIPSON: Please excuse the juror from service in
14 this matter.

15 THE CLERK: Juror no. 90, Joseph Johnson. (Black
16 Male) What says the State?

17 MR. PEARSON: Please seat the juror.

18 MR. GIPSON: Please seat the juror.

19 THE COURT: You may have a seat in the jury box.

20 THE CLERK: Juror no. 50, Joyce L. Davis. (White
21 Female) What says the State?

22 MR. PEARSON: Please seat the juror.

23 THE CLERK: What says the Defense?

24 MR. GIPSON: Please seat the juror.

25 THE COURT: Yes, ma'am. You may have a seat in the

1 jury box.

2 THE CLERK: Juror no. 36, James E. Cave. (Black Male)

3 What says the State?

4 MR. PEARSON: Please seat the juror.

5 THE CLERK: What says the Defense?

6 MR. GIPSON: Please seat the juror.

7 THE COURT: Mr. Cave, please have a seat in the jury
8 box.

9 THE CLERK: Juror no. 12, Nora Bassett. (Black
10 Female) What says the State?

11 MR. PEARSON: Please seat the juror.

12 THE CLERK: What says the Defense?

13 MR. GIPSON: Please excuse the juror.

14 THE CLERK: Juror no. 179, Vicki Welch. (White
15 Female) What says the State?

16 MR. PEARSON: Please seat the juror.

17 THE CLERK: What says the Defense?

18 MR. GIPSON: Please excuse the juror from services in
19 this case.

20 THE CLERK: Juror no. 39, Herlie Chest. (Black Male)
21 What says the State?

22 MR. PEARSON: Please seat the juror.

23 THE CLERK: What says the Defense?

24 MR. GIPSON: Please seat the juror.

25 THE CLERK: Juror no. 83, Bruce Hill. (White Male)

1 What says the State?

2 MR. PEARSON: Please seat the juror.

3 THE CLERK: What says the Defense?

4 MR. GIPSON: Please excuse the juror.

5 THE CLERK: Juror no. 9, Robert Barker. (White Male)

6 What says the State?

7 MR. PEARSON: Please seat the juror.

8 THE CLERK: What says the Defense?

9 MR. GIPSON: Please excuse the juror from service of
10 in case.

11 THE COURT: Juror no. 58, Quincy Elmore. (Black Male)

12 What says the State?

13 MR. PEARSON: Please excuse the juror.

14 THE CLERK: Juror no. 135, Patricia T. Reeves.

15 (White Female) What says the State?

16 MR. PEARSON: Please seat the juror.

17 THE CLERK: What says the Defense?

18 MR. GIPSON: Please excuse the juror.

19 THE CLERK: Juror no. 135 -- I'm sorry. Juror
20 no. 15, Potashia Bethea. (Black Female)

21 THE COURT REPORTER: What number did she say?

22 THE COURT: Fifteen.

23 THE CLERK: What says the State?

24 MR. PEARSON: Please excuse the juror.

25 THE CLERK: Juror no. 56, Elizabeth Duncan. (White

1 Female) What says the State?

2 MR. PEARSON: Please seat the juror.

3 THE CLERK: What says the Defense?

4 MR. GIPSON: The court's indulgence. Please excuse
5 the juror.

6 THE CLERK: Juror no. 184, Jason J. Williams. (Black
7 Male)

8 MR. GIPSON: What number again?

9 THE CLERK: 184. What says the State?

10 MR. PEARSON: Please excuse the juror.

11 THE CLERK: Juror no. 196, Tanya B. Wolf. (White
12 Female) What says the State?

13 MR. PEARSON: Please seat the juror.

14 THE CLERK: What says the Defense?

15 MR. GIPSON: Please excuse the juror.

16 THE CLERK: Juror no. 190, Prudence M. Williams.
17 (Black Female)

18 THE COURT: What number is that, Madam Clerk?

19 THE CLERK: 190.

20 THE POLICE OFFICER: I don't think they heard you.

21 THE JUROR: Prudence? Oh.

22 THE CLERK: What says the State?

23 MR. PEARSON: Please seat the juror.

24 THE CLERK: What says the Defense?

25 MR. GIPSON: Court's indulgence. Please seat the

1 juror.

2 THE CLERK: Juror no. 65, Malinda A. Frazier. (Black
3 Female) What says the State?

4 MR. PEARSON: Please seat the juror.

5 THE CLERK: What says the Defense?

6 MR. GIPSON: Please seat the juror.

7 THE CLERK: Juror no. 144, Etta M. Robinson. (Black
8 Female) What says the State?

9 MR. PEARSON: Please seat the juror.

10 THE CLERK: What says the Defense?

11 MR. GIPSON: Court's indulgence. Please excuse the
12 juror.

13 THE CLERK: Juror no. 19, Donald Brisbon. (Black
14 Male) What says the State?

15 MR. PEARSON: Please seat the juror.

16 THE CLERK: What says the Defense?

17 MR. GIPSON: Please seat the juror.

18 THE CLERK: Juror no. 129, Tifiny Platts. (Black
19 Female) What says the State?

20 MR. PEARSON: Please excuse the juror.

21 THE CLERK: Juror no. 57, Patricia Elias. (Black
22 Female)

23 THE JUROR: Elias.

24 THE CLERK: What says the State?

25 MR. PEARSON: Please seat the juror.

1 THE CLERK: What says the Defense?

2 MR. GIPSON: Please seat the juror.

3 THE CLERK: Juror no. 64, Cherelle A. Floyd. (Black
4 Female) What says the the State?

5 MR. PEARSON: Please seat the juror.

6 THE CLERK: What says the Defense?

7 MR. GIPSON: Please seat the the juror.

8 THE CLERK: Juror no. 92, Erica V. Jones. (Black
9 Female) What says the State?

10 MR. PEARSON: Please seat the juror.

11 THE CLERK: What says the Defense?

12 MR. GIPSON: Please seat the juror.

13 THE CLERK: Juror no. 46, Joseph R. Crocker. (White
14 Male) What says the State?

15 MR. PEARSON: Please seat the juror.

16 THE CLERK: What says the Defense?

17 MR. GIPSON: Please excuse the juror.

18 THE CLERK: Juror no. 80, Laquanda M. Harvey. (Black
19 Female) What says the State?

20 MR. PEARSON: Please seat the juror.

21 THE CLERK: What says the Defense?

22 MR. GIPSON: Can I have that number again?

23 THE CLERK: Number 80.

24 MR. GIPSON: Please seat the juror.

25 THE CLERK: Juror no. 105, Lisa M. Metzger. (White

1 Female)

2 THE COURT: Strikes are one and two. Her name again?

3 THE CLERK: Lisa B. Metzger, Juror no. 105. What
4 says the State?

5 MR. PEARSON: I'm sorry. What was the Juror number?

6 THE CLERK: 105.

7 MR. PEARSON: Please seat the juror.

8 THE CLERK: What says the Defense?

9 MR. GIPSON: Please excuse the juror.

10 THE CLERK: Juror no. 78, Beth M. Harter. (White
11 Female) What says the State?

12 MR. PEARSON: Please seat the juror.

13 THE CLERK: What says the Defense?

14 MR. GIPSON: Court's indulgence for a moment. Please
15 seat the juror.

16 THE CLERK: Juror no. 185, Lanwourd Williams. (Black
17 Male) What says the State?

18 MR. PEARSON: Please seat the juror.

19 THE CLERK: What says the Defense?

20 MR. GIPSON: Please seat the the juror.

21 THE COURT: Is there any objections with regard to
22 the jury selection process from the State?

23 MR. PEARSON: No, Your Honor, but may we approach?

24 THE COURT: Certainly.

25

1 (Whereupon, a bench conference was held.)

2 THE COURT: Any objections with regard to the jury
3 selection process from the State?

4 MR. PEARSON: No, Your Honor.

5 THE COURT: Any from the Defense?

6 MR. GIPSON: None from the Defense, Your Honor.

7 THE COURT: Ladies and gentlemen of the jury that are
8 in the balance of jury pool, we're going to ask that you
9 call back to the Clerk's office tomorrow afternoon after 6
10 to determine whether or not your services are needed any
11 further. Follow the instructions on the message. It very
12 well could be that right at six there will be a number of
13 calls. The phone might be busy. So continue calling and
14 follow the instructions on the message. You're free to
15 leave at this time. You may exit the courtroom at this
16 time. Thank you very much.

17 (Whereupon, the main jury pool exits the courtroom.)

18 THE COURT: Madam Clerk, you may swear the jury.

19 (Whereupon, the jury was sworn at 4:59.)

20 THE COURT: Ladies and gentlemen of the jury, as we
21 indicated to you we're about to begin the trial of the
22 State of South Carolina versus Derek Maner, indictment no.
23 2008-GS-03-0135. At this time I would like to appoint
24 Ms. Clowers as the forelady of the jury. I am going to
25 ask if you could have a seat right here on the front -- on

1 the front chair -- if you could change seats. And the two
2 alternates, if you could raise your hand. The two
3 alternates. Ms. Harter and Mr. Williams. All right. I
4 am going to ask, Mr. Williams, if you would have a seat
5 right -- change seats with that lady right there with the
6 v-neck shirt on. Alternates, I am going to ask that y'all
7 remain in these two chairs the entire time and the
8 forelady I am going to ask that you remain in that chair.

9 I want to tell you that we're about to begin the
10 trial of this case. This is a very important case. It is
11 important to the State of South Carolina. It is important
12 to the Defense and we're about to break for the evening.
13 We're going to start the trial in the morning. I will
14 begin in the morning with explaining a little bit about
15 the procedure that we're going to go through and then the
16 State is going to have an opportunity to present an
17 opening statement. Then the Defense is going to be given
18 -- Obviously, they don't have to prove anything, but if
19 they want to make an opening statement they'll be afforded
20 an opportunity to do it at that time.

21 We're fixing to break for the evening, and I am going
22 to give you an instruction and order and direct that you
23 not discuss this case amongst yourselves, nor with anyone
24 else. I promise you that when you go home I'd be willing
25 to bet the mortgage that whoever your loved one is or your

1 friends or family, they're going to say, What kind of case
2 are you on? I am going to order and instruct and direct
3 that you not answer that because this is an important case
4 and the reason why I am telling you not to do that and
5 ordering that you not do that is they might know something
6 about this case or read something about this case. They
7 might have an opinion about this particular type of
8 litigation. You have taken a solemn oath to render your
9 decision based on the evidence and facts that come from
10 this witness stand.

11 I can promise you from looking at the cameras here in
12 the courtroom and the history of this case there will be
13 things written in the paper about it. There will be
14 things on the radio. There will be things on the news
15 tonight and in the morning. I am going to order and
16 direct that you not watch that. I am going to order and
17 direct that if a story about this comes on I am going to
18 ask that you divert your attention from that. I am going
19 to ask that you not read the paper in the morning and I am
20 going to ask you about that when you come in -- Have you
21 done any of that -- and that will be a direct
22 contravention of my order. Do not do that.

23 You know, this is a very, very serious matter, and it
24 needs to be based on the evidence that's presented in this
25 case. It is important to the State and important to the

1 Defendant, and I am going to ask you when I come in in the
2 morning whether or not you've done that. So, you need to
3 respond and respond accordingly.

4 The other thing that I am going to ask that you do is
5 we're going to start at 9:00 in the morning. That might
6 be a little bit earlier that you've started as a juror in
7 the past, those of you who have served the past. This
8 case is going to take some while to try. We're going to
9 ask that you be here, be here a little before nine. I am
10 going to ask if the Clerk's office will provide to you the
11 juror's badge. Do they have that, Madam Clerk?

12 THE CLERK: No, sir.

13 THE COURT: Well, they don't have a juror's badge,
14 but I am going to ask that when you come leave your car
15 and come immediately to the jury room and the Bailiff will
16 assist you in that regard. Do not tarry around out front
17 or in the front of the courthouse because you might
18 inadvertently hear a conversation about this case, and,
19 once again, what people say outside of this courtroom
20 makes no difference whatsoever. You need to base your
21 decision on what comes from this witness stand. So, let's
22 avoid any problems with that. Come directly to the jury
23 room.

24 If anyone were to attempt to try to contact you about
25 this case, that's clearly improper, and if someone were to

1 try to contact you -- and I don't anticipate they would,
2 but if they did you've got one duty and one duty only is
3 to try to identify them as best you can. Report that to
4 me and I'll deal with them accordingly.

5 I am going to allow you to leave at this time. Do
6 not discuss the case. Do not read the newspaper. Do not
7 listen to the news. The only other way that we could deal
8 with that would be to put you up in a hotel and that's
9 been done in the past to sequester the jurors. We don't
10 want to do that. So, let's abide by that order. Do not
11 discuss the case. Do not watch the news. Do not listen
12 to the radio. Do not watch the TV news. And you're free
13 to leave at this time. Thank you very much.

14 THE BAILIFF: I'll show them where to go.

15 THE COURT: Y'all follow the bailiff and he'll show
16 you where you need to reconvene at 9 o'clock sharp in the
17 morning.

18 MR. GIPSON: Your Honor, may we approach for a brief
19 moment before they're dismissed?

20 (Whereupon, a bench conference was held.)

21 (Whereupon, the jury exited the courtroom at 5:06.)

22 THE COURT: Mr. Pearson, you're recognized.

23 MR. PEARSON: Yes, Your Honor. As this case has been
24 called and the jury is sworn the Defendant's bond has come
25 to an end. We would ask that he be detained for the

1 remainder of this trial.

2 THE COURT: I'll be glad to hear from you,
3 Mr. Gipson.

4 MR. GIPSON: If it please the court, Your Honor. I
5 understand that the bond is here in order to secure a
6 person's presence in court. Your Honor, I would submit to
7 the court that while he's been out on bond he has complied
8 with every order and directive that was given to him by
9 Judge Buckner. There was a strict bond order that placed
10 him under curfew. He did all the things that were
11 required, and, Judge, he lives very close to this
12 courthouse. I would ask the court to consider at least
13 to -- if it's the court's feeling that the bond should be
14 revoked, at least allow that to happen in the morning as
15 the opening statements occur and the trial begins in
16 earnest at that point in time if the court would consider
17 revoking the bond.

18 THE COURT: Given the serious nature of the charge I
19 am not inclined to do so. We'll revoke his bond at this
20 time. We'll reconvene at 9 o'clock tomorrow. We'll stand
21 at ease.

22 (End of Transcript of Record.)
23
24
25

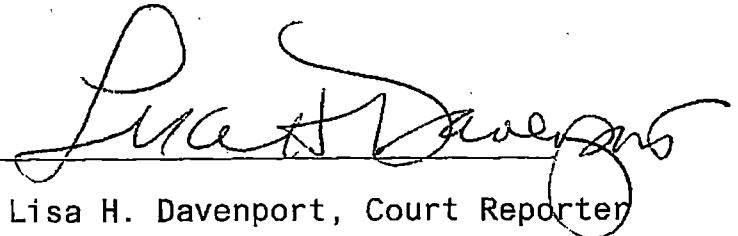
CERTIFICATE OF REPORTER

State of South Carolina)
County of Aiken)

I, Lisa H. Davenport, Official Court Reporter for the
Second Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of General Sessions for
Allendale County, South Carolina, on the 9th day of
February, 2009.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto.

November 24, 2009


Lisa H. Davenport, Court Reporter

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ALLENDALE)

COURT OF GENERAL SESSIONS
 08-GS-03-0135

STATE OF SOUTH CAROLINA,)
)
 PLAINTIFF)
)
 vs.)
)
 DEREK L. MANER)
)
 DEFENDANT.)



ORIGINAL

TRANSCRIPT OF RECORD

FEBRUARY 10, 2009
 ALLENDALE, SOUTH CAROLINA

B E F O R E:

THE HONORABLE MICHAEL G. NETTLES, JUDGE.

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

T. DeWAYNE PEARSON, ESQ.,
 NATALIE R. ARMSTRONG, ESQ.,
 Attorneys for the State.

BYRON E. GIPSON, ESQ.,
 Attorney for the Defendant.

VIVIAN H. CROSS
 OFFICIAL COURT REPORTER

I-N-D-E-X
FEBRUARY 10, 2009
 (08-GS-03-0135)

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(FEBRUARY 10, 2009 - 9:34 A.M.)

(CASE NUMBER 08-GS-03-0135)

(NOTE: TRIAL BEGAN FEBRUARY 9, 2009. FOLLOWING IS DAY
TWO ONLY OF TRIAL.)

THE COURT: PLEASE BE SEATED. GOOD MORNING EVERYBODY.

ROOM IN UNISON: GOOD MORNING.

THE COURT: (AFTER PAUSE) ANYTHING FROM THE STATE BEFORE
WE PROCEED?

MR. PEARSON: UH -- NO, YOUR HONOR; JUST THE MATTER OF,
UH, SWEARING THE JURY.

THE COURT: ALL RIGHT. AND, UH, ANYTHING FROM DEFENSE?

MR. GIPSON: UH -- YES, SIR; I JUST ASK THAT YOU
SEQUESTER THE WITNESSES AT THE APPROPRIATE TIME, YOUR HONOR.

THE COURT: VERY GOOD. UM -- WHAT'S THE STATE'S
POSITION ON THE SEQUESTRATION OF WITNESSES?

MR. PEARSON: NO OBJECTION, YOUR HONOR. UM -- OF COURSE
THE STATE WOULD ASK THAT SPECIAL AGENT RICHARD JOHNSON BE
ALLOWED TO REMAIN IN THE COURT AS---

COURT REPORTER: I'M SORRY; AS? REPEAT PLEASE.

MR. PEARSON: I'M SORRY. THERE'S NO OBJECTION TO THE
SEQUESTRATION, YOUR HONOR. ONLY THAT, UH, THE STATE BE
ALLOWED TO RETAIN SPECIAL AGENT RICHARD JOHNSON, AS THE LEAD
INVESTIGATOR, HERE IN THE COURTROOM.

THE COURT: CERTAINLY. ALL RIGHT, AND I'M GONNA ASK

1 THAT THE ATTORNEYS HAVE A DETAILED CONFERENCE WITH EACH OF
2 THEIR WITNESSES. EXPLAIN TO THEM THEY'RE NOT TO BE IN THE --
3 IN THE COURTROOM DURING THE TRIAL. VERY GOOD.

4 ALL RIGHT, AT THIS TIME I WOULD LIKE THE, UM -- THE --
5 THE FORELADY OF THE JURY TO COME OUT. UH -- BRING HER OUT BY
6 HERSELF.

7 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
8 CONFERENCE, OFF THE RECORD.)

9 (WHEREUPON, COURT RESUMED.)

10 (WHEREUPON, FORELADY ENTERED THE COURTROOM AT 9:38 A.M.)

11 THE COURT: MS. CLOWERS, I'M GONNA ASK YOU IF YOU COULD
12 COME FORWARD AND, UH, PLACE YOUR, UM, LEFT HAND ON THE BIBLE
13 AND RAISE YOUR RIGHT HAND AS THE CLERK ADMINISTERS THE OATH.
14 WE'RE GONNA BE TAKING SOME TESTIMONY FROM HER IF WE COULD.

15 (WHEREUPON, SHELBY JEAN CLOWERS WAS DULY SWORN AND
16 TESTIFIED AS FOLLOWS:)

17 THE COURT: YES, MA'AM; IF YOU COULD HAVE A SEAT IN THE
18 WITNESS CHAIR HERE?

19 SHELBY JEAN CLOWERS, EXAMINATION BY THE COURT:

20 Q MS. CLOWERS, COULD YOU STATE YOUR FULL NAME FOR THE
21 RECORD, PLEASE MA'AM?

22 A SHELBY JEAN CLOWERS.

23 Q ALL RIGHT. UM -- EARLIER THIS MORNING, UM, WE HAD ALL
24 CONVENED HERE AT NINE O'CLOCK AND THERE, UH -- WE, BECAUSE OF
25 CIRCUMSTANCES BEYOND OUR CONTROL, HAD TO CHANGE COURT

1 REPORTERS. AND SHE WAS TOLD TO BE HERE AT NINE-THIRTY. AND
2 I WAS EXPLAINING THAT TO YOU AS TO WHY WE WERE RUNNING LATE.

3 AND YOU COMMUNICATED TO ME THAT YOU, UM, HAD SOME
4 CONCERNS ABOUT WHAT TRANSPIRED LAST NIGHT, AND I WANT YOU TO,
5 UH, TELL, UH, ME -- AND FOR THE RECORD -- WHAT TRANSPIRED.

6 A UM -- BETWEEN EIGHT AND EIGHT-THIRTY LAST NIGHT I
7 RECEIVED TWO COLLECT PHONE CALLS, WHICH I DID NOT ACCEPT
8 EITHER CALL. THEY WERE BACK-TO-BACK, APPROXIMATELY THREE
9 MINUTES APART.

10 AND THE, UM -- IT WAS A RECORDING, LIKE AN OPERATOR,
11 THAT SAID THIS IS A, UH, COLLECT CALL FROM A-T-M. A PRISON
12 INMATE WANTED TO SPEAK TO ME. AND THE, UH, RECORDED VOICE
13 STOPPED, AND I HEARD A MAN'S VOICE SAY HIS NAME, WHICH
14 SOUNDED LIKE SA-HEB (PHONETIC/SIC), VERY SOFTLY. AND THEN
15 THE RECORDING CAME BACK ON AND SAID THAT I COULD ACCEPT OR I
16 COULD, UH, PUSH A NUMBER AND FIND OUT WHAT THE CALL WOULD
17 COST, OR I COULD DECLINE BY HANGING UP, WHICH IS EXACTLY WHAT
18 I DID -- I JUST HUNG UP THE PHONE.

19 Q ALL RIGHT. AND THERE WAS NO DISCUSSION ABOUT THE FACTS
20 OF THIS PARTICULAR CASE?

21 A ABSOLUTELY NOT; I DID NOT ACCEPT THE CALLS.

22 Q OKAY; AND, UH, DO YOU HAVE THE NUMBER THAT, UM -- DID IT
23 COME UP ON CALLER I.D.?

24 A IT, UH -- I HAVE THE STAR-SIXTY-NINE ON MY PHONE AND I
25 CAN STAR BACK AND GET THE NUMBER.

1 Q OKAY.

2 A AND I DID STAR BACK, AND I DO HAVE THE NUMBER.

3 Q AND WHAT IS THAT NUMBER?

4 A THAT NUMBER IS, AREA CODE 803-584-2088.

5 THE COURT: ANY QUESTIONS FROM THE STATE?

6 MR. PEARSON: UM -- NOT OF THIS WITNESS, YOUR HONOR.

7 THE COURT: ALL RIGHT; ANY FROM DEFENSE?

8 MR. GIPSON: NO, SIR; NO QUESTIONS.

9 THE COURT: ALL RIGHT. UM -- THANK YOU FOR MAKING US
10 AWARE OF THAT, AND YOU MAY RETIRE BACK TO THE JURY ROOM.

11 (WHEREUPON, FORELADY LEFT THE COURTROOM AT 9:41 A.M.)

12 MR. PEARSON: UM -- BASED ON -- BASED ON THE TESTIMONY
13 WE JUST HEARD FROM THIS FOREPERSON, OUT OF AN ABUNDANCE OF
14 CAUTION, THE STATE WOULD ASK THAT YOUR HONOR QUESTION THE
15 REMAINDER OF THE JURY POOL TO SEE IF THEY HAVE BEEN
16 CONTACTED, UH, LAST NIGHT AS WELL.

17 THE COURT: UM -- I WILL, INDEED, DO THAT. UM -- I --
18 IN VIEW OF THE FACT THAT THE SHERIFF'S DEPARTMENT'S INVOLVED
19 IN THE INVESTIGATION OF THIS CASE, DO WE HAVE, UM, A SLED
20 AGENT ASSIGNED TO ALLENDALE COUNTY?

21 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
22 CONFERENCE, OFF THE RECORD.)

23 (WHEREUPON, COURT RESUMED.)

24 MR. PEARSON: THIS IS SPECIAL AGENT RICHARD JOHNSON.

25 THE COURT: VERY GOOD.

1 **AGENT JOHNSON:** WE -- WE'RE NOT ASSIGNED TO A SPECIFIC
2 COUNTY, WE JUST COVER TWELVE COUNTIES AND THIS JUST HAPPENED
3 TO BE ONE OF THE COUNTIES THAT I WORK IN.

4 WE ALSO HAVE ANOTHER AGENT THAT LIVES IN ALLENDALE
5 COUNTY, BUT HE'S NOT SPECIFICALLY ASSIGNED TO ALLENDALE
6 COUNTY.

7 **THE COURT:** ALL RIGHT. UM -- (AFTER PAUSE) WHAT IS --
8 (AFTER PAUSE) I'M GONNA ASK IF YOU COULD HAVE THAT PARTICULAR
9 AGENT FROM ALLENDALE COUNTY, UM, COME AND SPEAK WITH ME, UM,
10 CONCERNING THIS MATTER. I'M GONNA ASK THAT HE INVESTIGATE
11 THIS. UM -- (AFTER PAUSE) IF YOU COULD DO THAT?

12 DO -- DO YOU KNOW HOW TO GET IN TOUCH WITH HIM?

13 **AGENT JOHNSON:** YES, SIR.

14 **THE COURT:** ALL RIGHT. WE'LL DO THAT AT THE BREAK. AND
15 WE'RE GONNA, UM -- WE WILL INVESTIGATE THIS AND -- AND, UH,
16 MAKE EVERYONE AWARE OF THE FINDING.

17 ALL RIGHT, UH, WE'RE READY FOR THE JURY.

18 **MR. GIPSON:** ALL RIGHT -- YOUR HONOR, MAY I SUPPLEMENT
19 THE RECORD FOR A MOMENT, YOUR HONOR?

20 **THE COURT:** PARDON?

21 **MR. GIPSON:** MAY I SUPPLEMENT THE RECORD JUST TO SPEAK
22 ON THAT?

23 **THE COURT:** CERTAINLY.

24 **MR. GIPSON:** UM -- AND -- AND OUT OF AN ABUNDANCE OF
25 CAUTION, YOUR HONOR, I -- I SPOKE WITH MR. MANER. AND, UH,

1 HE WAS IN A ONE-PERSON CELL WITH NO ACCESS TO PHONE
2 PRIVILEGES YESTERDAY. SO---

3 THE COURT: VERY GOOD.

4 MR. GIPSON: ---I WANTED TO PLACE THAT ON THE RECORD SO,
5 UH -- IT -- IT'S NOT BEEN MENTIONED OR ASSERTED THAT HE DID
6 ANYTHING INCORRECT, BUT I JUST WANT TO NIP THAT IN THE BUD
7 RIGHT NOW.

8 THE COURT: VERY GOOD. ANY MOTIONS FROM THE STATE WITH
9 REGARD TO THIS?

10 MR. PEARSON: UM -- NO, YOUR HONOR; JUST ABOUT THE
11 INQUIRY OF THE REST OF THE JURY, NOTHING ELSE.

12 THE COURT: OKAY.

13 MR. GIPSON: NO, SIR; NOTHING ELSE.

14 THE COURT: VERY GOOD. ALL RIGHT, WE'RE READY FOR THE
15 JURY.

16 MR. PEARSON: YOUR HONOR, MAY WE APPROACH?

17 THE COURT: (NOD.)

18 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH
19 CONFERENCE, OFF THE RECORD.)

20 (WHEREUPON, COURT RESUMED.)

21 (WHEREUPON, JURY ENTERED THE COURTROOM AT 9:45 A.M.)

22 THE COURT: MADAME CLERK, YOU'RE RECOGNIZED. COULD YOU
23 PLEASE STAND AND RAISE YOUR RIGHT HAND -- MEMBERS OF THE
24 JURY?

25 (WHEREUPON, THE JURY WAS JOINTLY DULY SWORN AND ALL

1 ANSWERED AFFIRMATIVELY.)

2 THE CLERK: THANK YOU, AND HAVE A SEAT.

3 THE COURT: MS. CLOWERS, I'M GONNA APPOINT YOU THE
4 FORELADY OF THIS JURY. AND YOU, LIKE EVERYONE ELSE, WHEN IT
5 COMES TIME TO DELIBERATE, ARE GONNA HAVE, UH, ONE VOTE.
6 UM -- BUT YOU'RE GONNA HAVE ADDITIONAL DUTIES, UM, THROUGHOUT
7 THE, UH, TRIAL OF THIS CASE.

8 IF THE JURORS HAVE ANY QUESTIONS OR CONCERNS, I'M GONNA
9 ASK THAT THEY, UH, SPEAK WITH YOU ABOUT IT AND YOU HAVE AN
10 OPPORTUNITY TO REDUCE IT TO WRITING, GIVE IT TO BAILIFF
11 (SIC), AND WE WILL ADDRESS THOSE CONCERNS, UM, ACCORDINGLY.

12 UM -- IN ADDITION TO THAT, YOU'RE -- YOU'RE GONNA BE
13 RESPONSIBLE FOR PRESIDING OVER THE DELIBERATIONS.

14 AND THAT ESSENTIALLY MEANS THAT, UH, YOU'RE TO ENSURE
15 THAT EVERYBODY'S VOICE IS HEARD WHEN IT COMES TIME TO
16 DELIBERATIONS (SIC).

17 UM -- IN ADDITION TO THAT, I'D MENTIONED TO YOU, UM, AT
18 THE BREAK, THERE -- UH, AT THE BREAK LAST EVENING -- THAT
19 THROUGHOUT THE TRIAL THERE ARE GONNA BE TIMES WHERE YOU'RE IN
20 THE JURY ROOM AND, UM, TIMES WHERE WE TAKE A BREAK. AND
21 THERE'S AN ORDER THAT YOU-ALL NOT DISCUSS THE CASE. IT'S
22 INAPPROPRIATE TO DISCUSS ANYTHING ABOUT THE CASE, UM, UNTIL I
23 GIVE YOU INSTRUCTIONS TO DO SO.

24 YOU CAN TALK ABOUT ANYTHING YOU WANT TO, BUT YOU CAN'T
25 TALK ABOUT THE TRIAL. YOU CAN'T TALK ABOUT THE CASE; YOU

1 CAN'T TALK ABOUT THE FACTS. YOU, IN NO WAY, SHAPE, OR FORM
2 CAN BEGIN DELIBERATIONS.

3 SO, DO NOT DISCUSS THE CASE. AND, MADAME FORELADY, I'M
4 GONNA ASK THAT YOU ENFORCE THAT RULE IN THE JURY ROOM. UM --
5 THANK YOU SO MUCH IN THAT REGARD.

6 BEFORE WE GET STARTED, THERE'S SOME, UH, HOUSEKEEPING
7 MATTERS I WOULD LIKE TO, UH, TAKE UP.

8 THERE'S BEEN AN ADDITIONAL WITNESS, UM -- POTENTIAL
9 WITNESS THAT'S BEEN LISTED. HIS NAME IS DOCTOR JOHN REDDICK.
10 IS ANYONE RELATED BY BLOOD OR MARRIAGE TO DOCTOR JOHN
11 REDDICK?

12 (NO RESPONSE FROM THE JURY.)

13 **THE COURT:** ALL RIGHT. DOES ANYONE HAVE A CLOSE,
14 SOCIAL, PERSONAL, OR BUSINESS RELATIONSHIP WITH A DOCTOR JOHN
15 REDDICK?

16 (NO RESPONSE FROM THE JURY.)

17 **THE COURT:** ARE YOU RELATED BY BLOOD OR MARRIAGE?

18 (NO RESPONSE FROM THE JURY.)

19 **THE COURT:** ALL RIGHT; VERY GOOD. ANY FURTHER QUESTIONS
20 IN THAT REGARD WITH REGARD TO DOCTOR REDDICK?

21 **MR. PEARSON:** NONE FROM THE STATE.

22 **THE COURT:** ANY FROM DEFENSE?

23 **MR. GIPSON:** NO, SIR.

24 **THE COURT:** ALL RIGHT. (AFTER PAUSE) LADIES AND
25 GENTLEMEN OF THE JURY, I HAD, UM, GAVE (SIC) YOU AN INST- --

1 I HAD GIVEN YOU AN INSTRUCTION LAST NIGHT NOT TO WATCH THE
2 NEWS, UH, NOT TO LISTEN TO THE RADIO, AND, UM -- AND NOT TO
3 READ THE PAPER. HAS EVERYONE ABIDED BY THAT RULE?

4 JURY IN UNISON: YES, SIR.

5 THE COURT: VERY GOOD. UM -- HAS ANYONE RECEIVED ANY,
6 UH, PHONE CALLS OR CONTACT -- BEEN CONTACTED ABOUT THE FACTS
7 OF THIS CASE?

8 JURY IN UNISON: NO, SIR.

9 THE COURT: ALL RIGHT; VERY GOOD. UH -- ALL RIGHT.
10 MADAME FORELADY, LADIES AND GENTLEMEN OF THE JURY, WE'RE
11 ABOUT TO BEGIN THE TRIAL OF THIS CASE, AND I WANT TO TAKE
12 JUST A MOMENT TO KIND-A GO OVER THE PROCEDURE -- WHAT TO
13 EXPECT -- DURING THE, UH, NEXT SEVERAL DAYS AS WE TRY THIS
14 MATTER.

15 UM -- I WILL CHARGE YOU THE LAW AT THE CONCLUSION OF THE
16 CASE, BUT THIS IS JUST SOME INTRODUCTORY COMMENTS ABOUT THE
17 PROCEDURE.

18 UM -- AS I HAD MENTIONED TO YOU, THE DEFENDANT,
19 DEREK MANER, HAS BEEN CHARGED WITH MURDER. AND I HOLD IN MY
20 HAND THIS INDICTMENT, WHICH IS MERELY AN ACCUSATION.

21 AND TO THAT INDICTMENT, MR. MANER HAS PLEAD NOT GUILTY.
22 AND WHEN THAT HAPPENS IN THE UNITED STATES OF AMERICA,
23 CERTAIN CONSTITUTIONAL SAFEGUARDS COME INTO PLAY.

24 THE FIRST OF WHICH IS, MR. MANER -- JUST LIKE EVERYONE
25 ELSE WHO IS A UNITED STATES CITIZEN -- THEY ARE PRESUMED TO

1 BE INNOCENT.

2 AND I WANT YOU TO, UM -- YOU KNOW, YOU HAVE TAKEN A
3 SOLEMN OATH TO FOLLOW THE LAW. AND THE LAW IS, THAT YOU HAVE
4 TO GO INTO THIS MATTER, UH, WITH THE IDEA THAT MR. MANER IS
5 JUST AS INNOCENT AS ME OR YOU OR ANYBODY IN THIS COURTROOM.
6 UH -- WE -- WE IMAGINE THAT AS LIKE A PROTECTIVE CLOAK THAT
7 GUARDS ALL OF US AS AMERICAN CITIZENS.

8 UH -- THE SECOND CONSTITUTIONAL SAFEGUARD IS THAT THE
9 STATE HAS THE BURDEN OF PROOF. THEY HAVE TO PROVE EACH AND
10 EVERY ELEMENT OF MURDER BEYOND A REASONABLE DOUBT. THAT'S
11 THE HIGHEST STANDARD OF PROOF KNOWN TO OUR JUDICIAL SYSTEM.

12 UM -- I'LL EXPLAIN TO YOU IN GREAT DETAIL WHAT THAT IS,
13 BUT IT'S A HIGH, UM -- IT'S THE HIGHEST BURDEN OF PROOF KNOWN
14 TO OUR JUDICIAL SYSTEM. I'LL EXPLAIN IN GREAT DETAIL AT THE
15 CONCLUSION OF THE CASE.

16 UM -- LADIES AND GENTLEMEN OF THE JURY, IN EVERY TRIAL,
17 YOU AS THE JURORS ARE THE SOLE JUDGES OF THE FACTS. YOU'RE
18 NECESSARILY GONNA BE CALLED UPON TO EVALUATE THE CREDIBILITY
19 OF WITNESSES.

20 WHEN WITNESSES TAKE THIS WITNESS STAND, I WANT YOU TO
21 THINK ABOUT, UM, THEIR CREDIBILITY AND HOW YOU EVALUATE IT.
22 UH -- THE THINGS THAT YOU NEED TO ASK YOURSELF IS WHAT
23 OPPORTUNITY THIS INDIVIDUAL HAD TO OBSERVE AND SEE THE THINGS
24 TO WHICH THEY'RE TESTIFYING TO.

25 ASK YOURSELF WHAT INTEREST OR BIAS THEY MIGHT HAVE.

1 ASK YOURSELF WHETHER OR NOT WHAT THEY SAY IS
2 CORROBORATED BY WHAT OTHER WITNESSES SAY OR WHETHER OR NOT
3 THEY'RE CONTRADICTED.

4 I'LL TELL YOU FROM THE VERY OUTSET THAT YOU CAN BELIEVE
5 ONE WITNESS AGAINST MANY, MANY AGAINST ONE. YOU CAN BELIEVE
6 ALL OF WHAT ONE WITNESS SAYS, NONE OF WHAT ONE WITNESS SAYS,
7 OR PART OF WHAT ONE WITNESS SAYS.

8 THAT'S WHAT YOU AS JURORS AND YOUR COLLECTIVE WISDOM ARE
9 CALLED UPON TO DO.

10 UM -- IN EVALUATING THE CREDIBILITY OF WITNESSES WE NEED
11 TO USE OUR COMMON SENSE.

12 UM -- ANY OF YOU WHO MIGHT HAVE TEENAGE CHILDREN -- UM,
13 LIKE MYSELF -- SOMETIMES IT'S NOT ONLY IMPORTANT TO PAY
14 ATTENTION TO WHAT A, UM -- AN INDIVIDUAL SAYS, BUT HOW THEY
15 SAY IT. AND THE LAW ALLOWS YOU TO TAKE INTO CONSIDERATION AN
16 INDIVIDUAL'S DEemeanOR WHEN THEY'RE TESTIFYING.

17 ALL OF THESE THINGS, UH, WE DO IN OUR EVERYDAY LIVES
18 WHEN WE EVALUATE THE CREDIBILITY OF WHAT PEOPLE TELL US IN
19 OUR EVERYDAY LIVES. THAT'S WHAT YOU'RE GONNA BE CALLED UPON
20 TO DO HERE IN THIS TRIAL.

21 I DO WANT TO ADMONISH YOU IN, UM -- IN THE VERY, UH,
22 BEGINNING THAT YOU NEED TO PAY VERY CLOSE ATTENTION, UM, IN
23 THIS CASE.

24 THIS IS A SERIOUS MATTER. IT'S SERIOUS TO THE STATE,
25 AND IT'S SERIOUS TO THE DEFENDANT. AND YOU NEED TO PAY VERY

1 CLOSE ATTENTION BECAUSE I -- I'M NOT A- -- UM, AM NOT ALLOWED
2 TO HAVE AN OPINION ABOUT THE FACTS. YOU ARE THE ONES THAT
3 ARE THE SOLE AND EXCLUSIVE JUDGES OF THE FACTS. AND SO, YOU
4 NEED TO PAY VERY CLOSE ATTENTION.

5 UM -- I AM THE ARBITER OF THE LAW. I'M THE ONE THAT
6 DETERMINES WHAT EVIDENCE YOU GET TO HEAR AND I CHARGE YOU THE
7 LAW AT THE END OF THE CASE AND I PRESIDE OVER THE
8 PROCEEDINGS.

9 UM -- AND IF I MAKE AN ERROR AS A MATTER OF LAW, THOSE
10 ARE EASILY CORRECTED.

11 THE ONE THING YOU NEED TO BEAR IN MIND IS THAT, UH, IF
12 YOU MAKE AN ERROR IN THE FINDINGS OF FACT, QUITE OFTEN THOSE
13 NEVER CAN BE CORRECTED. SO BEAR THAT IN MIND FROM THE VERY
14 BEGINNING.

15 THESE ARE SERIOUS MATTERS. PAY VERY CLOSE ATTENTION AS
16 THE FACTS COME FROM THE WITNESS STAND.

17 UM -- I DO NOT -- THE LAW DOES NOT ALLOW ME TO HAVE AN
18 OPINION ABOUT THE FACTS. AND, LIKEWISE, I'M THE ULTIMATE,
19 UM, TRIER, UM, OF THE LAW -- THE ARBITER OF THE LAW -- AND
20 YOU HAVE TO ACCEPT AND APPLY THE LAW AS I TELL IT TO YOU.
21 EXACTLY AS I TELL IT TO YOU.

22 I WANT TO TELL YOU A LITTLE BIT ABOUT HOW WE'RE GONNA
23 PROCEED HERE TODAY.

24 WE'RE GONNA START WITH OPENING STATEMENTS. THE STATE IS
25 GONNA HAVE AN OPPORTUNITY TO GET UP AND KIND-A SUMMARIZE, UH,

1 THEIR CASE AND TELL YOU WHAT -- WHAT THEY INTEND TO PROVE AND
2 WHAT THE ELEMENTS OF MURDER ARE. AND THEY'LL SET THAT OUT
3 FOR YOU.

4 THE DEFENDANT -- ALTHOUGH, THE DEFENDANT DOESN'T HAVE TO
5 TESTIFY, THEY DON'T HAVE TO PRESENT ANY EVIDENCE. THE UNITED
6 STATES CONSTITUTION DOESN'T REQUIRE THAT THEY DO SO. UH --
7 AND THEY CERTAINLY DON'T HAVE TO MAKE AN OPENING STATEMENT.

8 BUT, THEY ARE GONNA BE GIVEN AN OPPORTUNITY TO DO THAT
9 IF THEY SO CHOOSE.

10 UM -- AFTER OPENING STATEMENTS WE'LL BEGIN THE TAKING
11 OF, UH, TESTIMONY. UM -- LIKEWISE THE STATE GOES FIRST IN
12 THAT REGARD, AND THEY'LL CALL WITNESSES. AND AGAIN -- ONCE
13 AGAIN, THE DEFENDANT'S GONNA HAVE AN OPPORTUNITY TO PRESENT
14 ANY WITNESSES THEY MIGHT HAVE TO SUPPORT ANY DEFENSES THAT
15 THEY MIGHT HAVE. UH -- ONCE AGAIN, THEY'RE NOT REQUIRED TO
16 DO SO -- THE LAW DOESN'T REQUIRE THAT THEY DO THAT.

17 AND THE REASON FOR THAT IS, QUITE OFTEN WE ALL COULD BE
18 ACCUSED OF SOMETHING WHERE IT WOULD BE ABSOLUTELY IMPOSSIBLE
19 TO PROVE YOUR INNOCENCE. UH -- THE LAW IN THE UNITES STATES
20 OF AMERICA DOESN'T REQUIRE THAT.

21 THROUGHOUT THE TRIAL OF EVERY CASE YOU'RE GONNA -- THERE
22 ARE -- YOU'LL HEAR WORDS LIKE, I OBJECT, I WOULD LIKE TO TAKE
23 UP A MATTER OF LAW WITH THE COURT. AND I KIND-A WANT TO TELL
24 YOU WHAT'S TRANSPERING AHEAD OF TIME SO, UM, YOU'LL BE AWARE
25 OF WHAT'S -- WHAT'S TAKING PLACE.

1 UM -- THIS IS A PROCEEDING THAT'S GOVERNED BY THE RULES
2 OF EVIDENCE AND THE SOUTH CAROLINA, UH, RULES OF PROCEDURE.
3 AND, UM, THOSE ARE MATTERS THAT I HAVE TO ATTEND TO.

4 AND, UM, THE REASON WHY THAT'S TAKING PLACE OUTSIDE OF
5 YOUR PRESENCE IS THAT, SOMETIMES IN MAKING MY RULING, IT
6 REQUIRES THAT I COMMENT ON THE FACTS. AND, OF COURSE, THE
7 LAW DOESN'T ALLOW ME TO HAVE AN OPINION ABOUT THE FACTS, AND
8 IT'D BE INAPPROPRIATE FOR YOU TO HEAR THOSE -- MY COMMENT ON
9 ANYTHING HAVING TO DO WITH THE FACTS AT THAT TIME. SO
10 THO- -- THAT'S THE REASON WHY THOSE THINGS TAKE PLACE OUTSIDE
11 OF YOUR PRESENCE.

12 I PROMISE YOU, AT THE CONCLUSION OF THE CASE, IF THERE'S
13 A PARTICULAR LAW -- UH, POINT OF LAW THAT, UM, YOU'RE
14 INTERESTED IN OR HAD A QUESTION ABOUT, I'LL SHARE IT WITH YOU
15 AT THAT TIME. BUT UNTIL THEN, IT'D BE INAPPROPRIATE FOR ME
16 TO, UM, DISCUSS THOSE MATTERS WITH YOU.

17 UM -- AT THE CONCLUSION OF THE TAKING OF TESTIMONY,
18 THERE'LL BE CLOSING ARGUMENTS. THEY ARE VERY SIMILAR IN FORM
19 TO OPENING STATEMENTS, BUT THEY'RE TRULY ARGUMENTATIVE IN
20 NATURE.

21 BY THAT TIME, THE EVIDENCE WILL HAVE BEEN PRESENTED IN
22 THIS CASE AND THE LAWYERS WILL HAVE AN OPPORTUNITY TO POINT
23 TO THE FACTS THAT SUPPORT THEIR RELATIVE POSITIONS.

24 UNTIL, UM, THE CONCLUSION OF THE CASE AND THE CHARGE OF
25 THE LAW, THERE SHOULD BE NO DISCUSSION ABOUT THIS CASE

1 WHATSOEVER.

2 GIVEN THE NATURE OF THIS CASE, THE LENGTH OF THE CASE,
3 AND THE SUBJECT MATTER OF THE CASE, I'M GONNA ORDER AND
4 INSTRUCT THAT YOU NOT TAKE NOTES. BUT I DO ORDER AND
5 INSTRUCT THAT YOU PAY VERY CLOSE ATTENTION.

6 AT THIS TIME, I -- I RECOGNIZE THE STATE FOR OPENING
7 STATEMENTS.

8 **MS. ARMSTRONG:** THANK YOU, YOUR HONOR; MAY IT PLEASE THE
9 COURT?

10 **THE COURT:** YES, MA'AM.

11 **MS. ARMSTRONG:** GOOD MORNING. I'M NATALIE ARMSTRONG.

12 **COURT REPORTER:** YOUR HONOR, I'M NOT GOING TO HEAR HER.

13 **THE COURT:** ALL RIGHT. ALL RIGHT, THIS COURTROOM DOES
14 HAVE SORT OF AN ECHO TO IT. AND, UH -- AND, MADAME COURT
15 REPORTER, I'M GONNA ASK YOU MAYBE IF YOU COULD TURN AROUND A
16 LITTLE BIT AND -- SO YOU COULD HEAR.

17 **COURT REPORTER:** IT WON'T HELP, BECAUSE THE MICROPHONE
18 IS OVER THERE---

19 **THE COURT:** ALL RIGHT.

20 **COURT REPORTER:** ---AND SHE'LL BE SPEAKING WITH HER BACK
21 TO ME.

22 **THE COURT:** ALL RIGHT.

23 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
24 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
25 HEARING OF THE JURY, OFF THE RECORD.)

1 (WHEREUPON, COURT RESUMED.)

2 **THE COURT:** VERY GOOD. MS. ARM- -- MS. ARMSTRONG, I
3 UNDERSTAND THAT, UH -- IF YOU WOULD FEEL MORE COMFORTABLE
4 STANDING IN FRONT OF THE COURT REPORTER, IF YOU WOULD FEEL
5 MORE COMFORTABLE DOING THAT, UM, YOU, UH -- YOU COULD DO
6 THAT. OR, YOU COULD USE THE MICROPHONE RIGHT THERE.
7 WHICHEVER YOU'D---

8 **MS. ARMSTRONG:** I WILL BE MUCH MORE COMFORTABLE WITHOUT
9 THE MICROPHONE.

10 **THE COURT:** ALL RIGHT; VERY GOOD.

11 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
12 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
13 HEARING OF THE JURY, OFF THE RECORD.)

14 (WHEREUPON, COURT RESUMED.)

15 **MS. ARMSTRONG:** I'LL TRY AND TALK LOUD ENOUGH SO THAT
16 YOU GUYS CAN HEAR ME. CAN YOU HEAR ME FINE?

17 **THE COURT:** VERY GOOD. THANK YOU, MS. ARMSTRONG, YOU'RE
18 RECOGNIZED.

19 **MS. ARMSTRONG:** NO PROBLEM. I'M SORRY, I'M NATALIE
20 ARMSTRONG, AS THE JUDGE MENTIONED TO YOU EARLIER, WHEN YOU
21 WERE -- GUYS WERE IN THE JURY POOL, AND I AM FROM WILLISTON,
22 SOUTH CAROLINA. AND I KNOW THAT A LOT OF YOU GUYS KNOW
23 EXACTLY WHERE THAT IS.

24 BUT, I TELL YOU THAT ONLY BECAUSE I KNOW WHAT IT'S LIKE
25 TO BE FROM A SMALL TOWN WHERE EVERYBODY KNOWS EVERYBODY AND

THE STATE V. DEREK L. MANER
OPENING STATEMENTS BY THE STATE - MS. ARMSTRONG

1 YOU KNOW YOUR MOM IS KEEPING YOUR KIDS AND THINGS LIKE THAT.

2 SO, I JUST WANTED TO SAY THANK YOU FOR TAKING THE TIME
3 OUT TO SERVE ON THIS JURY THIS WEEK.

4 UM -- AS THE JUDGE WAS TELLING YOU EARLIER, UM, YOUR JOB
5 AS THE JURY IS THE FINDER OF FACTS. LIKE, IT'S YOUR JOB TO
6 DETERMINE WHAT, EXACTLY, THE FACTS ARE IN THIS CASE. IT'S
7 NOT MY JOB, IT'S NOT THE DEFENDANT'S ATTORNEY'S JOB, AND IT'S
8 NOT THE JUDGE'S JOB. IT'S SOLELY YOUR JOB.

9 UM -- YOU ALSO GET TO DETERMINE THE CREDIBILITY OF THE
10 WITNESSES, LIKE THE -- THE JUDGE SAID. YOU GET TO DETERMINE,
11 YOU KNOW, WHO YOU BELIEVE, HOW MUCH OF THE TESTIMONY YOU
12 BELIEVE, UM, ALL THE THINGS THAT -- THAT HE MENTIONED TO YOU
13 EARLIER. I JUST WANTED TO REITERATE THAT.

14 ALSO, WE HAVE THE -- WHAT IS CALLED THE BURDEN OF PROOF.
15 I KNOW THAT THE JUDGE MENTIONED IT TO YOU, BUT I WANT TO TELL
16 IT TO YOU ONE MORE TIME.

17 UM -- MR. PEARSON AND I ARE THE -- FOR THE STATE. WE'RE
18 FROM THE ATTORNEY GENERAL'S OFFICE AND WE CARRY THE BURDEN OF
19 PROOF. WHICH MEANS, THAT WE HAVE TO PROVE TO YOU, BEYOND A
20 REASONABLE DOUBT, THAT THE DEFENDANT IS GUILTY OF THIS CRIME.

21 AND YOU'RE HERE TODAY BECAUSE OF A MURDER. UH -- THE
22 DEFENDANT, DEREK MANER, HAS BEEN CHARGED WITH THE MURDER OF
23 ERICA BRADLEY.

24 THE DEFENSE, POSSIBLY, IS GONNA SAY THAT HOW CAN THERE
25 BE A MURDER WHEN THERE IS NO BODY? WELL, OUR CONTENTION IS

1 THAT THE TESTIMONY WILL SHOW YOU THAT THERE IS A BODY. WE
2 FOUND HER BODY UNDERNEATH THE DEFENDANT'S CAR IS WHAT THE
3 EVIDENCE WILL SHOW YOU.

4 ON NOVEMBER 6, 2006, THE TESTIMONY WILL SHOW YOU THAT
5 ERICA BRADLEY WENT TO WORK AT HARDEE'S -- RIGHT HERE IN
6 TOWN -- AT ABOUT FIVE O'CLOCK. SHE CLOCKED OUT AROUND
7 TEN-FORTY-FIVE P.M.

8 OUR TESTIMONY IS GONNA SHOW YOU THAT HER COUSIN PICKED
9 HER UP FROM WORK. HE'S GONNA TELL YOU THAT IT WAS AROUND
10 ELEVEN P.M. WHEN HE PICKED HER UP AND THEY WERE HEADED TO
11 HIS -- TO HER HOUSE. TO -- HE WAS GONNA TAKE HER HOME.

12 UH -- AT SOME POINT, HE'S GONNA TELL YOU THAT THEY MET
13 THE DEFENDANT IN HIS CAR AND FLAGGED HIM DOWN. AND, UH, THEY
14 STOPPED HIM. RIGHT, ACTUALLY, OVER HERE IN FRONT OF THE
15 COURTHOUSE -- RIGHT AT THE STOP SIGN OUT THERE.

16 UH -- HE'S ALSO GONNA TELL YOU THAT ERICA GOT OUT OF THE
17 CAR, THEY GOT INTO AN ARGUMENT. RIGHT OUT -- RIGHT OUT HERE,
18 RIGHT OUTSIDE THE COURTHOUSE. AND, EVENTUALLY, THEY CALMED
19 DOWN, STARTED TALKING.

20 MAYBE TWENTY MINUTES WENT BY, AND THAT ERICA EVENTUALLY
21 GOT INTO THE CAR WITH THE DEFENDANT.

22 AND, THAT IS THE LAST TIME THAT HE SAW HER. HE'S GONNA
23 TELL YOU THAT HE'S NOT SEEN HIS COUSIN SINCE.

24 HE'S ALSO GONNA TELL YOU THAT LATER ON THAT SAME NIGHT
25 HE RECEIVED A PHONE CALL FROM THE DEFENDANT. THE PHONE CALL

1 EVERY- -- IT WAS -- IT WAS, YOU KNOW, ON THE NEWS.

2 I KNOW SOME OF YOU MENTIONED THAT YOU HAD, YOU KNOW, SAW
3 THE COVERAGE ON THE NEWS. YOU'RE NOT TO TAKE THAT INTO
4 ACCOUNT, BUT YOU COULD SEE THAT THERE WAS A MASSIVE SEARCH
5 FOR ERICA BRADLEY. EVERYBODY WANTED TO FIND HER -- WELL,
6 EXCEPT HIM.

7 TESTIMONY'S GONNA SHOW THAT ERICA WOULD NOT JUST LEAVE.
8 SHE WOULDN'T JUST LEAVE HER FAMILY. SHE WAS EXCITED ABOUT
9 HER FUTURE. AND CERTAINLY SHE WOULDN'T LEAVE HER SON.
10 YOU'RE GONNA HEAR HER FAMILY TELL YOU THAT THAT'S JUST NOT
11 HER. THAT THAT JUST DOESN'T ADD UP; THAT'S JUST NOT HER
12 PERSONALITY.

13 QUITE HONESTLY, YOU'RE GONNA HEAR A LOT OF THINGS THAT
14 DON'T QUITE ADD UP. AND THAT'S WHEN I'M GONNA ASK YOU TO
15 USE YOUR COMMON SENSE IN PUTTING THINGS TOGETHER FROM THE
16 EVIDENCE THAT YOU HEAR FROM THIS STAND.

17 EACH WITNESS THAT THE STATE PROVIDES IS GONNA PROVIDE
18 YOU WITH A SMALL PIECE TO A BIG PUZZLE.

19 SO, I NEED YOU TO PLAY (SIC) -- PLAY (SIC) -- PAY VERY
20 CLOSE ATTENTION TO THE EVIDENCE THAT YOU HEAR FROM THE STAND.

21 NOW, ONCE WE'VE PRESENTED ALL OF THE WITNESSES, ALL OF
22 THE PIECES OF THE PUZZLE, THERE MAY BE ONE OR TWO PIECES
23 MISSING, BUT YOU'LL BE ABLE TO TELL WHAT THE PICTURE IS. AND
24 THAT IS, THAT THE DEFENDANT, BEYOND A REASONABLE DOUBT,
25 MURDERED ERICA BRADLEY.

1 THANK YOU.

2 **THE COURT:** MS. ARMSTRONG. MR. GIPSON, YOU'RE
3 RECOGNIZED.

4 **MR. GIPSON:** THANK YOU; MAY IT PLEASE THE COURT,
5 YOUR HONOR.

6 **THE COURT:** CERTAINLY.

7 **MR. GIPSON:** AND MR. PEARSON, MS. ARMSTRONG.

8 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
9 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
10 HEARING OF THE JURY, OFF THE RECORD.)

11 (WHEREUPON, COURT RESUMED.)

12 **MR. GIPSON:** (PICKING UP A PORTABLE MICROPHONE) JUST
13 LIKE AMERICAN IDOL.

14 NOW, GOOD MORNING.

15 **JURY IN UNISON:** GOOD MORNING.

16 **MR. GIPSON:** THERE'S A PROVERB THAT I'M FOND OF THAT
17 SAYS THAT THE WITNESS THAT SPEAKS FIRST SEEMS CORRECT UNTIL
18 SOMEONE TELLS THE OTHER SIDE OF THE STORY AND SETS THE RECORD
19 STRAIGHT.

20 THE WITNESS WHO SPEAKS FIRST SEEMS CORRECT UNTIL SOMEONE
21 TELLS THE OTHER SIDE OF THE STORY AND SETS THE RECORD
22 STRAIGHT.

23 WE'RE HERE TODAY TO SET THE RECORD STRAIGHT. BUT,
24 BEFORE WE GO ANY FURTHER, LET ME MAKE IT ABUNDANTLY
25 CLEAR THAT ERIC -- EXCUSE ME, DEREK MANER DID NOT MURDER

THE STATE V. DEREK L. MANER
OPENING STATEMENTS BY THE DEFENSE - MR. GIPSON

1 ERICA BRADLEY. HE DID NOT HIT HER WITH HIS CAR, HE DID NOT
2 BEAT HER UP, HE DID NOT ATTACK HER. HE DID NOT DO ANYTHING
3 MALICIOUS, MEAN, OR ASSAULTING TOWARDS HER.

4 THE LAST TIME THAT HE SAW ERICA BRADLEY WAS AS SHE
5 WALKED DOWN THE HIGHWAY TOWARDS ALLENDALE ALIVE -- THE LAST
6 TIME HE SAW HER, SHE WAS WALKING TOWARDS ALLENDALE ALIVE.

7 FOLKS, THIS HAS BEEN CHARACTERIZED AS A MURDER CASE FOR
8 SOME TWENTY-SEVEN MONTHS.

9 SINCE NOVEMBER 6TH OR NOVEMBER 10TH -- SOMEWHERE
10 AROUND THAT SPAN -- IN THE -- IN -- IN '06, THERE HAVE BEEN
11 THESE RUMORS AND THESE SPECULATIONS FLOATING AROUND THIS --
12 THIS -- THIS TOWN AND THIS COURTROOM -- THIS COMMUNITY. IT'S
13 BEEN FLOATING AROUND FOR QUITE SOME TIME.

14 AND THE STATE -- WHO'S SITTING ON THIS SIDE OF THE
15 COURTROOM -- HAS CHARACTERIZED THIS AS A MURDER CASE, WHEN
16 THE TRUTH OF THE MATTER IS, IT'S A MISSING PERSON'S CASE AND
17 IT HAS NO PLACE IN THIS COURTROOM.

18 YOU'LL HAVE A CHANCE TO ASSESS THAT AS YOU BEGIN TO HEAR
19 THE EVIDENCE THAT COMES FROM THIS WITNESS STAND.

20 NOT THE STUFF THAT YOU'VE HEARD SPOUTED OUT OUT IN FRONT
21 OF THE COURTHOUSE AND EVERYWHERE ELSE BUT THIS COURTHOUSE,
22 BUT THE EVIDENCE THAT YOU HEAR FROM THIS CHAIR IN THIS
23 COURTROOM. THAT'S WHAT YOU HAVE TO BASE YOUR OPINION ON.

24 LADIES AND GENTLEMEN OF THE JURY, MY NAME IS
25 BYRON GIPSON. AND, AS I TOLD YOU BEFORE, I REPRESENT

1 MR. MANER -- DEREK MANER -- IN THIS ALLEGATION OF MURDER.
2 IT'S AN ALLEGATION OF MURDER.

3 NOW, WHAT I'M GONNA TRY TO DO FOR THE NEXT THREE OR
4 FOUR, MAYBE FIVE MINUTES -- PLEASE DON'T HOLD ME TO THAT --
5 OR THE NEXT FEW MINUTES, IS I'M GONNA TRY TO EXPLAIN TO YOU
6 HOW THIS PROCESS IS -- IS GOING TO WORK HERE.

7 ESSENTIALLY WHAT WE ARE GOING TO DO IS, IS THE STATE,
8 WHO IS REPRESENTED BY MR. PEARSON AND MS. ARMSTRONG, ARE
9 GONNA COME IN HERE AND THEY'RE GOING TO PRESENT EVIDENCE TO
10 YOU.

11 BUT IN ORDER TO GET HERE, THEY HAD TO FIRST COME TO YOU
12 WITH AN INDICTMENT. AND THE JUDGE TALKED TO YOU ABOUT THE
13 INDICTMENT TODAY, AND HE SPOKE TO YOU BRIEFLY ABOUT THE
14 INDICTMENT YESTERDAY. THESE ARE THE CHARGING PAPERS THAT
15 ESSENTIALLY BRING MR. MANER INTO THE COURTROOM. IT'S
16 ESSENTIALLY THE TICKET THAT BRINGS YOU INTO THE COURTROOM.
17 AND IT IS THE ALLEGATION THAT MS. ARMSTRONG HAS SPOKEN ABOUT
18 OVER THE LAST FEW MINUTES.

19 AS THE JUDGE SAID, THESE ARE ALLEGATIONS. THEY ARE NOT
20 FACTS, THEY ARE NOT EVIDENCE. AND QUITE HONESTLY (TEARING
21 PAPER IN FRONT OF JURY), THEY'RE NOT WORTH THE PAPER THEY'RE
22 PRINTED ON RIGHT NOW UNLESS YOU, THE JURY, DETERMINE, BEYOND
23 A REASONABLE DOUBT, THAT IT'S TRUE.

24 THAT'S WHY WE'RE HERE. NOT TO TAKE THEIR WORD, BUT TO
25 TAKE THE EVIDENCE THAT YOU HEAR AND -- AND TO USE THAT OATH

1 THAT YOU TOOK A FEW MINUTES AGO TO WELL AND TRULY TRY THE
2 FACTS OF THIS CASE -- THE FACTS OF THIS CASE. NOT THE
3 SPECULATION, NOT THE RUMORS, NOT THE INNUENDO, NOT ALL THAT
4 OTHER STUFF, BUT THE FACTS. TO WELL AND TRULY TRY THE FACTS
5 OF THIS CASE AND TO COME BACK WITH A VERDICT.

6 NOW, YOU'VE HEARD THE TERM REASONABLE DOUBT TOSSED
7 AROUND FOR THE LAST FEW MINUTES AS WELL. AND YOU'RE GOING TO
8 HAVE TO DETERMINE YOUR POSITION ON THE MERITS OF THIS CASE
9 BEYOND A REASONABLE DOUBT.

10 THEY'RE GOING TO HAVE TO PROVE IT TO YOU BEYOND A
11 REASONABLE DOUBT. THEY HAVE A BURDEN OF PROOF. THEY'RE --
12 THE STATE -- THESE FOLKS HAVE A BURDEN THAT HAS TO BE PROVEN
13 TO YOU BEYOND A REASONABLE DOUBT.

14 NOW, OUR SUPREME COURT HAS DEFINED REASONABLE DOUBT IN A
15 FEW WAYS.

16 THE FIRST IS, THE AMOUNT OF DOUBT THAT CAUSES A
17 REASONABLE PERSON TO HESITATE TO ACT -- THE AMOUNT OF DOUBT
18 THAT CAUSES A REASONABLE PERSON TO HESITATE TO ACT.

19 NOW FOLKS, ALL FOURTEEN OF YOU ARE REASONABLE PEOPLE.
20 THAT'S WHY WE WENT THROUGH THAT LONG PROCESS YESTERDAY OF
21 FINDING OUT YOUR -- YOUR NAME, YOUR BLOOD TYPE, HOW MANY
22 CHILDREN YOU HAVE, WHERE YOU'RE FROM, WHAT YOUR FAVORITE BOOK
23 IS, ALL THAT KIND OF STUFF. THAT'S WHY WE DID ALL THOSE
24 THINGS, SO THAT WE COULD DETERMINE A LITTLE ABOUT YOU TO MAKE
25 SURE THAT YOU COULD BE FAIR AND IMPARTIAL.

1 BECAUSE, QUITE HONESTLY, YOU DON'T HAVE ANY FRIENDS TO
2 REWARD OR ENEMIES TO PUNISH. YOU'RE HERE TO HEAR THE FACTS
3 OF THE CASE AND TO DO IT UNBIASED TOWARDS EITHER SIDE. SO
4 THAT'S WHY WE WENT THROUGH THOSE THINGS.

5 BUT, THAT DEFINITION OF REASONABLE -- OF REASONABLE
6 DOUBT IS THE AMOUNT OF DOUBT THAT CAUSES A REASONABLE
7 PERSON -- YOU ALL -- TO HESITATE TO ACT.

8 SO ESSENTIALLY, AS YOU BEGIN TO HEAR EVIDENCE FROM THIS
9 WITNESS CHAIR, IF THERE IS ANYTHING THAT YOU HEAR -- OR
10 MORE -- OR MORE IMPORTANTLY, THINGS THAT YOU DON'T HEAR --
11 THAT YOU WOULD EXPECT IN A CASE OF THIS MAGNITUDE, THAT MAKES
12 YOU HESITATE, THAT'S REASONABLE DOUBT, DEFINED BY OUR COURTS
13 IN SOUTH CAROLINA. AND THAT GIVES YOU CAUSE TO UPHOLD YOUR
14 OATH TO WELL AND TRULY TRY THE FACTS OF THIS CASE. AND THAT
15 GIVES YOU CAUSE TO FIND A VERDICT OF NOT GUILTY. IF IT MAKES
16 YOU HESITATE.

17 THINK ABOUT ALL THE STUFF THAT YOU'VE HEARD AND WHAT YOU
18 DON'T HEAR. THINK ABOUT THE EVIDENCE THAT YOU DON'T SEE.
19 THINK ABOUT HOW REASONABLE THE THINGS -- THE INVESTIGATION
20 THAT WAS DONE WITH ALL OF THE HUNDREDS OF PEOPLE WHO DID THE
21 THINGS THAT THEY DID IN THIS COUNTY, AND THE LAW ENFORCEMENT,
22 AND ALL THESE AGENCIES THAT WERE INVOLVED, AND WHAT THEY
23 DON'T HAVE, AND WHAT YOU'D EXPECT THEM TO HAVE. AND IF IT'S
24 MISSING -- IF IT'S MISSING, IT'S REASONABLE DOUBT BECAUSE
25 THEY DID NOT DO THEIR JOB.

1 ANOTHER DEFINITION OF REASONABLE DOUBT IS YOU CAN'T FIND
2 SOMEBODY GUILTY UNLESS YOU ARE FIRMLY CONVINCED -- FIRMLY
3 CONVINCED. AND IF, AFTER HEARING ALL THE EVIDENCE THAT'S
4 PRESENTED AND NOT PRESENTED, IF YOU'RE NOT FIRMLY CONVINCED,
5 THAT'S REASONABLE DOUBT.

6 NOW, AS JUDGE NETTLES MENTIONED EARLIER, HE'S THE JUDGE
7 OF THE LAW. YOU'VE GOT TO TAKE THE LAW AS HE GIVES IT TO
8 YOU. AND HE WILL EXPLAIN THE LAW TO YOU AT SOME POINT IN
9 TIME DURING THIS CASE, AND IT WILL BE UP TO YOU TO APPLY THE
10 LAW TO THE FACTS.

11 NOW, SOME OF YOU ARE -- WHO HAVE NOT HAD JURY DUTY
12 BEFORE -- PROBABLY ARE SITTING IN THERE AND WONDERING, WELL,
13 HOW AM I QUALIFIED TO DO THIS? HOW AM I SUPPOSED TO JUDGE
14 THE FACTS IN THIS CASE? I DON'T KNOW WHAT I'M DOING.

15 AND I SUBMIT TO YOU, YOU'VE JUDGED FACTS AND YOU'VE
16 JUDGED PEOPLE BY THEIR CREDIBILITY ALL OF YOUR LIVES. JUST
17 LIKE RIGHT NOW YOU'RE ASSESSING ME TO SEE THAT -- IF I'M
18 CREDIBLE. YOU'RE TRYING TO SEE IF I'M BELIEVABLE. TO SEE IF
19 I'M BEING STRAIGHTFORWARD TO YOU. THE SAME THING THAT YOU DO
20 WHEN YOU HEAR THE TESTIMONY.

21 YOU CAN BELIEVE ONE WITNESS OVER MANY, YOU CAN BELIEVE
22 MANY WITNESSES OVER ONE. BUT, IT IS UP TO YOU TO DETERMINE
23 WHAT HAPPENED AND DIDN'T HAPPEN AND IF THEY PROVED IT BEYOND
24 A REASONABLE DOUBT.

25 NOW, THE STATE'S GOING TO COME TO YOU WITH A SERIES OF

1 WITNESSES. AND I'M SURE, AS YOU ARE SURE, THAT MANY OF THOSE
2 WITNESSES ARE GOING TO BE LAW ENFORCEMENT OFFICERS. YOU WILL
3 MORE THAN LIKELY HEAR FROM PEOPLE FROM ALLENDALE COUNTY
4 SHERIFF'S DEPARTMENT, PEOPLE FROM SLED -- THE SOUTH CAROLINA
5 LAW ENFORCEMENT DIVISION. AND WHO KNOWS, MAYBE THE POLICE
6 DEPARTMENT AND ANY OTHER DEPARTMENT THEY CAN COME UP WITH.
7 YOU'RE GONNA HEAR FROM THEM.

8 BUT I SUBMIT TO YOU THAT THEY PUT THEIR PANTS ON ONE LEG
9 AT A TIME, JUST LIKE EACH OF YOU DOES. THEY'RE NOT TO BE
10 GIVEN ANY ADDITIONAL DEFERENCE, ANY ADDITIONAL RESPECT THAN
11 ANY OTHER PERSON WHO COMES IN HERE, WHETHER THEY ARE -- HAVE
12 A FIFTH-GRADE EDUCATION, OR WHETHER THEY HAVE A P-H-D.
13 THEY'RE NOT TO BE GIVEN ANY ADDITIONAL DEFERENCE JUST BECAUSE
14 THEY CARRY A BADGE. JUDGE THEM ON THEIR CREDIBILITY, THEIR
15 BELIEVABILITY, THEIR MOTIVE TO BE TRUTHFUL.

16 IF THEY HAVE SOME PRECONCEIVED NOTIONS ABOUT THINGS,
17 THINK OF THOSE THINGS. IF THEY HAVE SOME VENDETTA, THINK OF
18 THOSE THINGS AND USE THAT DURING YOUR DELIBERATION.

19 JUST BECAUSE THEY'RE LAW ENFORCEMENT DOESN'T MEAN
20 THEY'RE ANY MORE CREDIBLE THAN ANYBODY ELSE WHO GETS ON THAT
21 WITNESS STAND AND TESTIFIES UNLESS YOU DETERMINE THAT THEY
22 ARE.

23 YOU WILL HEAR INFORMATION IN THIS CASE THAT IS GOING TO
24 BE SAD. AND QUITE HONESTLY, IT IS VERY SAD. AND I CAN
25 IMAGINE IT IS SAD TO HAVE -- AND -- AND IT HURTS TO HAVE YOUR

1 FAMILY MEMBER THAT'S MISSING.

2 WELL, BECAUSE THEY'RE MISSING DOES NOT MEAN THAT THEY
3 ARE MURDERED OR DEAD.

4 AND WE HAVE TO UNDERSTAND -- ONE THING THAT I'M GOING TO
5 ASK OF YOU IS TO TRY YOUR BEST TO PUT THE EMOTIONAL SIDE OF
6 THIS CASE ASIDE RIGHT NOW AND LISTEN TO THE FACTS.

7 WHAT THE -- WHAT THE STATE WANTS YOU TO DO, WHAT LAW
8 ENFORCEMENT WANTS YOU TO DO, IS TO GET EMOTIONAL ABOUT THIS
9 CASE. BECAUSE, IF YOU GET EMOTIONAL, YOU WILL IGNORE FACTS
10 AND YOU WILL MOVE OFF THE EMOTION (SNAPPING FINGERS -- SNAP,
11 SNAP, SNAP) AND THAT'S WHAT THEY WANT YOU TO DO.

12 BUT, AS HARD AS IT IS -- AS HARD AS IT IS -- ESPECIALLY
13 IN A SMALL COMMUNITY LIKE THIS WHEN YOU KNOW THE PEOPLE, AND
14 YOU KNOW THIS IS A GOOD FAMILY -- YOU KNOW THAT -- YOU'VE GOT
15 TO PUT THOSE THINGS ASIDE AND LISTEN FOR THE FACTS.

16 NOBODY IS COMING IN HERE AND DISRESPECTING THE BRADLEY
17 FAMILY. I'M -- I'M NOT DOING THAT, AND IF AT ANY POINT IN
18 TIME IT EVER SEEMS LIKE THAT, THAT IS MY SHORTCOMING. PLEASE
19 DON'T TAKE THAT AGAINST MY CLIENT, THAT'S MY SHORTCOMING.
20 TAKE THAT AGAINST ME, BUT NOT MY CLIENT.

21 BUT I ASK THAT YOU LISTEN TO THE FACTS AND THE FACTS
22 THAT EITHER ARE OR ARE NOT.

23 MS. ARMSTRONG MENTIONED THE PUZZLE. AND IT'S
24 INTERESTING, IN A JIGSAW PUZZLE IT'S NOT LIKE YOU START
25 THESE, UH -- AND YOU REMEMBER THOSE PUZZLES, YOU -- THAT YOU

1 SHAKE UP THE PIECES EVERYWHERE AND YOU START TO PUT THINGS
2 THERE. AND AT SOME POINT IN TIME YOU MAY SEE THE BIG
3 PICTURE -- YOU MAY.

4 BUT I SUBMIT TO YOU, THAT WHEN YOU HAVE PIECES THAT ARE
5 MISSING, WHEN YOU HAVE LARGE CHUNKS OF PIECES THAT ARE
6 MISSING -- LARGE SECTIONS THAT ARE MISSING, THAT'S REASONABLE
7 DOUBT.

8 AND YOU DON'T -- AS A JUROR, YOU DON'T JUST LOOK AND
9 SAY, WELL THERE'S A PICTURE. I THINK THAT'S A TREE SO IT'S A
10 TREE. YOU CAN'T DO THAT. YOU'VE GOT TO LOOK AT ALL THE
11 FACTS AND MAKE YOUR DECISION BASED ON ALL THE FACTS. IF
12 PIECES ARE MISSING, IT MEANS THE STATE HAS NOT BROUGHT THEM
13 TO YOU, AND THAT'S REASONABLE DOUBT.

14 I SUGGEST THAT YOU TRY TO PUT ASIDE THE THINGS THAT
15 YOU'VE HEARD. TRY TO PUT ABOUT (SIC) -- PUT ASIDE ALL OF THE
16 RUMORS AND INNUENDOES AND JUST CONCENTRATE ON THE EVIDENCE.

17 PUT ASIDE THE CAMERAS, ALL OF THAT OTHER STUFF, AND JUST
18 CONCENTRATE ON WHAT'S IMPORTANT, WHICH IS THE FACTS.

19 THERE ARE AT LEAST THREE MAJOR TYPES OF EVIDENCE IN THIS
20 CASE -- POTENTIALLY.

21 THE FIRST IS DIRECT EVIDENCE. THAT'S EVIDENCE THAT YOU
22 CAN SEE, THAT YOU CAN TOUCH, THAT YOU CAN SMELL.

23 THERE'S A SECOND KIND, WHICH IS CIRCUMSTANTIAL EVIDENCE.
24 THAT'S EVIDENCE THAT YOU CAN INFER EXISTS FROM A SERIES OF
25 FACTS.

1 AND THE THIRD IS STIPULATED EVIDENCE. SO ESSENTIALLY,
2 IF MR. PEARSON, MS. ARMSTRONG, AND I COME TO YOU, AND --
3 AND -- AND TO THE JUDGE, AND THEY SAY -- OR WE SAY -- WE'VE
4 AGREED THAT CERTAIN THINGS ARE -- ARE FACTS, AND WE TELL THEM
5 TO YOU AS STIPULATED EVIDENCE, THEN THERE'S NO QUESTION ABOUT
6 IT, THAT IS A FACT THAT YOU CAN GO BACK AND TAKE AND WE'RE
7 NOT CONTRADICTING, AND WE'RE NOT DISPUTING. WE AGREE THAT
8 THAT FACT EXISTS.

9 SO -- SO THOSE ARE ESSENTIALLY THE THREE KINDS THAT
10 YOU'LL HEAR.

11 AND AS YOU THINK ABOUT THE EVIDENCE, THINK ABOUT WHAT
12 YOU'D EXPECT TO SEE IN A CASE LIKE THIS.

13 IF THERE IS -- IF THERE IS -- IF THERE IS A CAR AND IF,
14 AS SHE SAID, HER BODY WAS UNDER THE CAR, THINK ABOUT THE
15 THINGS THAT YOU'D EXPECT. IF A PERSON WAS HIT BY A CAR, WHAT
16 WOULD YOU EXPECT TO SEE? THAT DAMAGED CAR.

17 COMMON SENSE IS NOT LEFT IN THE PARKING LOT WHEN YOU
18 PARKED YOUR CAR. IF CERTAIN THINGS AREN'T THERE, THEN IT
19 MEANS THEY HAVEN'T PROVEN THEIR CASE AND THEY HAVE A BUNCH OF
20 SPECULATION AND OTHER THINGS THAT YOU -- JUST DON'T -- DON'T
21 HAVE A PLACE IN THIS COURTROOM.

22 MR. MANER'S BEEN CHARGED WITH MURDER. THE DEFINITION OF
23 MURDER IS THE UNLAWFUL KILLING OF A PERSON WITH MALICE OR
24 FORETHOUGHT. ESSENTIALLY, PREMEDITATED WE CALL THAT. THAT'S
25 WHAT THEY HAVE TO PROVE BEYOND A REASONABLE DOUBT.

1 AND IF THEY DON'T PROVE THOSE THINGS TO YOU, THEN THEY
2 HAVE NOT PROVEN THEIR CASE AND YOU MUST RETURN A VERDICT OF
3 NOT GUILTY.

4 I ASK AGAIN THAT YOU THINK CRITICALLY; THAT YOU AVOID
5 THE EMOTIONAL REACTION. AND, THAT YOU REMEMBER THAT
6 MR. MANER HAS COME INTO THIS COURTROOM -- THIS COURTROOM
7 TODAY CLOAKED IN INNOCENCE.

8 AND IT'S OUR REQUEST THAT, AFTER YOU LISTEN TO THE
9 EVIDENCE BEING PRESENTED AND NOT PRESENTED, THAT YOU RETURN A
10 VERDICT OF NOT GUILTY BECAUSE THE STATE HAS FAILED TO PROVE
11 ITS CASE BEYOND A REASONABLE DOUBT.

12 | THANK YOU.

13 THE COURT: THANK YOU, MR. GIPSON. THE STATE IS
14 RECOGNIZED; YOU MAY CALL YOUR FIRST WITNESS.

15 MS. ARMSTRONG: THANK YOU, YOUR HONOR. THE STATE WOULD
16 LIKE TO CALL PETER TONY CARTER.

17 THE COURT: ALL RIGHT. (AFTER PAUSE) MR. CARTER, PLEASE
18 COME FORWARD.

19 (WHEREUPON, WITNESS CAME FORWARD.)

20 THE COURT: (AFTER PAUSE) MR. CARTER, I'M GONNA ASK YOU
21 TO COME FORWARD AND PLACE YOUR LEFT HAND ON THE BIBLE AND
22 RAISE YOU RIGHT HAND AS THE CLERK ADMINISTERS THE OATH.

23 (WHEREUPON, **PETER TONY CARTER, JR.** WAS DULY SWORN AND
24 TESTIFIED AS FOLLOWS:)

25 THE COURT: MR. CARTER, I'M GONNA ASK YOU TO COME AND

1 HAVE A SEAT IN THIS WITNESS CHAIR RIGHT HERE. I'M GONNA ASK
2 THAT YOU PULL UP TO THE MICROPHONE, SPEAK LOUDLY, CLEARLY,
3 AND SLOWLY, SO THAT EVERYONE CAN HEAR WHAT YOU'VE GOT TO SAY.

4 AND BEFORE WE DO THAT, STATE YOUR FULL NAME.

5 MR. CARTER: PETER -- PETER TONY CARTER, JUNIOR.

6 THE COURT: ALL RIGHT; VERY GOOD. MS. ARMSTRONG, YOU'RE
7 RECOGNIZED.

8 MS. ARMSTRONG: THANK YOU, YOUR HONOR.

9 PETER TONY CARTER, JR., DIRECT EXAMINATION BY MS. ARMSTRONG:

10 Q PETER, DO YOU HAVE A NICKNAME?

11 A WELLAN.

12 COURT REPORTER: I'M SORRY, DO YOU HAVE WHAT?

13 Q A NICKNAME.

14 A WELLAN.

15 Q ALL RIGHT.

16 COURT REPORTER: I DIDN'T UNDERSTAND.

17 Q WHAT IS YOUR NICKNAME?

18 A WELLAN.

19 Q CAN YOU SPELL THAT FOR US?

20 A W-E-L-L-A-N.

21 Q AND WHO CALLS YOU THAT EXACTLY?

22 A MAINLY MY FAMILY.

23 Q OKAY. WHERE DO YOU LIVE?

24 A HERE IN ALLENDALE NOW.

25 Q OKAY. WHO DO YOU LIVE WITH?

1 A MY SISTER.

2 Q WHO IS YOUR SISTER?

3 A CARMELA CARTER.

4 Q ALL RIGHT. DID YOU ALWAYS -- HAVE YOU ALWAYS LIVED IN

5 ALLENDALE?

6 A (NOD) .

7 Q OKAY; WHERE DO YOU -- WHERE'D YOU LIVE BEFORE YOU LIVED

8 IN ALLENDALE?

9 A FROM FLORIDA AND COLUMBIA.

10 Q OKAY; BUT WHEN DID YOU MOVE TO ALLENDALE?

11 A I JUST CAME BACK HERE IN '06.

12 Q OKAY; AND WHO DID YOU LIVE WITH THEN?

13 A WHEN I FIRST CAME BACK, UM---

14 Q UH-HUH.

15 A ---ERICA'S SISTER, JESSICA BRADLEY.

16 Q OKAY; SO YOU KNOW ERICA BRADLEY?

17 A UH-HUH.

18 Q HOW DO YOU KNOW HER?

19 A SHE'S MY SECOND COUSIN.

20 Q OKAY; AND ARE YOU CLOSE TO HER, OR---

21 A YES.

22 Q HOW -- HOW SO?

23 A WELL, HER -- BEFORE I MOVED TO FLORIDA IN '05, HER

24 FAMILY -- MY MOTHER AND HER AND ONE -- OR, TWO OF HER OTHER

25 SISTERS WAS LIVING WITH MY MOM FOR A -- FOR A LITTLE WHILE.

1 Q OH, OKAY; SO YOU-ALL LIVED TOGETHER AT SOME POINT?

2 A YEAH.

3 Q OKAY. DO YOU REMEMBER THE EVENING OF NOVEMBER 6TH 2006?

4 A UH-HUH.

5 Q OKAY; CAN YOU TELL ME WHAT---

6 COURT REPORTER: IS THAT A YES OR A NO, PLEASE?

7 THE COURT: ALL RIGHT; MADAME FORELADY, LADIES AND
8 GENTLEMEN OF THE JURY, I'M GONNA ASK, IF YOU COULD, TO RETIRE
9 TO THE JURY ROOM. BUT, DO NOT DISCUSS THE CASE.

10 (WHEREUPON, JURY LEFT THE COURTROOM AT 10:20 A.M.)

11 THE COURT: MADAME COURT REPORTER, IF HE'S SPEAKING INTO
12 THAT MICROPHONE, IT'S GETTING RECORDED, ISN'T IT?

13 COURT REPORTER: I'M HOPING SO; IT'S NOT MY MICROPHONE.

14 THE COURT: OKAY; WELL, WHAT I'M GONNA ASK YOU TO DO IS,
15 UM -- WE AREN'T GOING TO HAVE INTERRUPTIONS THROUGHOUT THE
16 TESTIMONY IN THE -- IN THIS THING.

17 WE, UH -- DO THE VERY BEST YOU CAN WITH REGARD TO
18 TAKING, UH, THE TESTIMONY DOWN. BUT, UH, WE CAN'T HAVE
19 INTERRUPTIONS DURING THE TESTIMONY IN THIS CASE.

20 UH -- I'VE BEEN ON THE BENCH FOR THREE YEARS, AND COURT
21 REPORTERS ARE ABLE TO GET IT DOWN EITHER THROUGH THE MASK,
22 STENOGRAPH, OR HEARING WHAT HE'S GOT TO SAY.

23 AND IF YOU CAN'T GET IT AND DON'T UNDERSTAND IT,
24 APPARENTLY YOU'RE GONNA HAVE TO GET IT FROM THE RECORDING.

25 BUT, WE CAN'T HAVE INTERRUPTIONS EVERY TIME PEOPLE ARE

1 TALKING. I CAN HEAR HIM, I CAN UNDERSTAND HIM. IF YOU NEED
2 TO GET CLOSER, UM, FINE.

3 BUT, UH, DO THE VERY BEST YOU CAN.

4 (WHEREUPON, COURT RESUMED.)

5 THE COURT: VERY GOOD; ALL RIGHT, WE'RE READY FOR
6 THE JURY.

7 (WHEREUPON, JURY ENTERED THE COURTROOM AT 10:23 A.M.)

8 THE COURT: WE'RE STILL ONE JUROR SHORT.

9 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
10 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
11 HEARING OF THE JURY, OFF THE RECORD.)

12 (WHEREUPON, COURT RESUMED.)

13 (WHEREUPON, REMAINING JUROR ENTERED THE COURTROOM.)

14 THE COURT: MS. ARMSTRONG; YOU'RE RECOGNIZED. I ASK
15 THAT YOU TO KEEP YOUR VOICE UP AND SPEAK SLOWLY. THANK YOU,
16 MS. ARMSTRONG.

17 MS. ARMSTRONG: THANK YOU, JUDGE.

18 PETER TONY CARTER, JR., DIRECT EXAMINATION BY MS. ARMSTRONG

19 (RESUMED):

20 Q OKAY, I'M GOING TO GO BACK JUST A LITTLE BIT. TELL ME
21 ONCE AGAIN, HOW DO YOU KNOW ERICA?

22 A SHE'S MY SECOND COUSIN.

23 Q OKAY; AND YOU SAY THAT YOU USED TO LIVE WITH HER?

24 A YES.

25 Q HOW -- HOW LONG -- LONG A PERIOD OF TIME DID YOU LIVE

1 WITH HER?

2 A UM -- I WAS PROBABLY THERE FOR ABOUT SIX MONTHS.

3 Q OKAY. WHEN IS THE LAST TIME THAT YOU SAW ERICA?

4 A THE NIGHT WHEN I PICKED HER UP FROM WORK.

5 Q OKAY; AND WHEN WAS THAT? DO YOU REMEMBER THE DATE?

6 A NO, MA'AM.

7 Q NO?

8 THE COURT: ALL RIGHT; YOU NEED TO KEEP YOUR VOICE UP---

9 A YES, SIR.

10 THE COURT: ---SO WE CAN HEAR YOU. YOU SEE THAT LADY
11 IN THE BACK OF THE JURY BOX? SPEAK SO YOU -- SPEAK TO HER
12 SO SHE CAN -- EVERYONE CAN HEAR WHAT YOU'VE GOT TO SAY.
13 SPEAK UP.

14 A YES, SIR.

15 Q DID YOU -- YOU KNOW THE DEFENDANT; DEREK MANER?

16 A YES.

17 Q HOW DO YOU KNOW HIM?

18 A FROM SCHOOL.

19 Q OKAY; DID YOU KNOW HIM IN ANY OTHER CAPACITY?

20 A I KNOW HIM FROM BEING AROUND, BUT NOT ALWAYS AROUND, NO.

21 Q ALL RIGHT; DO YOU KNOW IF ERICA HAD ANY CHILDREN?

22 A WHO?

23 Q IF ERICA HAD ANY CHILDREN.

24 A YEAH; ONE CHILD, A LITTLE BOY.

25 Q DO YOU KNOW HIS NAME?

- 1 A [REDACTED]
- 2 Q OKAY.
- 3 A I DON'T KNOW HIS WHOLE NAME, BUT I KNOW [REDACTED]
- 4 Q OKAY; HAD YOU MET HIM BEFORE?
- 5 A YES.
- 6 Q OKAY; DO YOU KNOW HOW OLD HE IS?
- 7 A I THINK HE SHOULD BE TWO.
- 8 Q DOES NOVEMBER 6, 2006 SOUND LIKE APPROXIMATELY THE LAST
- 9 TIME THAT YOU SAW HER?
- 10 MR. GIPSON: OBJECTION TO LEADING, YOUR HONOR.
- 11 THE COURT: I'LL SUSTAIN THE OBJECTION; ASK A DIRECT
- 12 QUESTION.
- 13 Q WHEN IS THE LAST TIME THAT YOU SAW ERICA?
- 14 A I DON'T REMEMBER THE EXACT DATE. I KNOW THAT IT WAS --
- 15 I KNOW IT WAS COLD AND BEFORE CHRISTMAS. I DON'T TRULY
- 16 REMEMBER NOW THE -- BUT I DON'T REMEMBER THE EXACT DATE.
- 17 Q OKAY. AND WHAT DID YOU DO THAT NIGHT? DID YOU LIKE --
- 18 WHAT WAS INVOLVED IN YOUR LAST TIME SEEING HER?
- 19 A WELL, I WAS -- I JUST PICKED HER UP FROM WORK. YOU
- 20 KNOW, SHE CALLED AND SAID SHE NEEDED A RIDE FROM WORK.
- 21 Q OKAY, AND WHERE DID SHE WORK?
- 22 A HARDEE'S.
- 23 Q HARDEE'S RIGHT HERE IN ALLENDALE?
- 24 A YES, MA'AM.
- 25 Q ABOUT WHAT TIME DID YOU PICK HER UP?

1 A I KNOW IT WAS AFTER NINE.

2 Q AFTER NINE?

3 A YES, MA'AM.

4 Q IT WAS ALREADY DARK?

5 A YES, MA'AM.

6 Q AND THEN WHAT HAPPENED?

7 A WELL, SHE CALLED AND SAY SHE---

8 MR. GIPSON: OBJECT TO THE HEARSAY, YOUR HONOR.

9 THE COURT: I'LL SUSTAIN THE OBJECTION.

10 Q TELL ME WHAT -- WHAT YOU DID.

11 A WELL, WHEN I, UM -- I LEFT THE HOUSE, CAME TO HARDEE'S
12 AND WAITED FOR HER SO SHE COULD -- THAT'S WHEN SHE WAS
13 CLEANING UP OR WHAT-NOT.

14 AND WHEN WE LEFT, SHE -- WE LEFT HARDEE'S AND CAME TO
15 DEREK MANER'S HOUSE, AND SHE WENT IN THE HOUSE.

16 CAME BACK OUT AND---

17 Q LET ME JUST -- LET -- LET ME STOP YOU RIGHT THERE FOR A
18 MOMENT.

19 UM -- DO YOU KNOW WHERE ERICA LIVED AT THE TIME THAT YOU
20 PICKED HER UP?

21 A AT THE TIME SHE WAS LIVING WITH DEREK.

22 Q OKAY; SO WHAT YOU'RE SAYING IS, IS THAT YOU WERE TAKING
23 HER HOME?

24 A YES, MA'AM.

25 Q OKAY, YOU -- YOU CAN CONTINUE.

1 A AND, UH -- BUT DEREK WASN'T HOME, SO SHE, UH, ASK ME,
2 CAN SHE---

3 MR. GIPSON: OBJECT TO THE---

4 Q JUST---

5 MR. GIPSON: ---HEARSAY.

6 Q ---CAN YOU ONLY TELL ME WHAT YOU DID? NOT ANYTHING THAT
7 ERICA SAID OR ASKED YOU. JUST TELL ME EXACTLY WHAT YOU DID,
8 PLEASE.

9 A OH; WELL, WHEN -- WHEN SHE CAME BACK OUT THE HOUSE, UM,
10 SHE GOT BACK IN THE TRUCK WITH ME. WE CAME AND RODE AROUND.
11 UH -- WE WAS SKATING DOWN THE ROAD IN FRONT OF THE COURTHOUSE
12 AND WE SEEN DEREK CAR (SIC) COMING BACK TOWARD HER HOUSE.

13 AND SO, WE TURNED AROUND AND I LINED UP RIGHT THERE
14 BESIDE HIS CAR AT THE STOP SIGN.

15 Q OKAY; AND WHAT HAPPENED NEXT?

16 A WELL, SHE HAD GOT OUT THE CAR AND WENT UP TO DEREK'S CAR
17 AND GOT -- ASKED HIM TO OPEN THE TRUNK.

18 Q DON'T TELL ME ANYTHING THAT -- THAT ERICA SAID. JUST --
19 JUST TELL ME WHAT YOU DID.

20 A OH; I JUST SAT IN THE TRUCK.

21 Q OKAY. HOW -- HOW LONG DID YOU SIT THERE?

22 A UH -- AT LEAST THIRTY MINUTES.

23 Q OKAY. CAN YOU TELL ME WHAT ERICA AND DEREK WERE DOING?

24 A WELL, THEY WAS OUT THERE -- THAT THEY WAS TALKING.

25 Q OKAY; AFTER THAT WHAT HAPPENED?

1 A WELL, SHE GOT THE BAT OUT OF THE TRUNK AND SWUNG IT.
2 BUT HE BLOCKED IT AND ALREADY THREW IT ON THE GROUND. SO---

3 Q SHE GOT A BAT OUT OF -- OUT OF WHAT TRUNK?

4 A HIS -- DEREK'S TRUNK.

5 Q OKAY; AND -- AND WHAT HAPPENED WITH THE BAT?

6 A AND SO, HE BLOCKED IT AND THREW IT ON THE GROUND AND
7 THEN HE JUST HUGGED HER ALL THE TIME AND HE TALKED TO HER.

8 SO I GOT OUT THE TRUCK, PICKED THE BAT UP AND PUT IT
9 BACK THE TRUNK AND CLOSED THE TRUNK AND GOT BACK IN THE
10 TRUCK.

11 Q OKAY; SO DID SHE ACTUALLY HIT HIM WITH THE BAT?

12 A NOT -- NOT -- NOT THAT I SEE.

13 Q OKAY. HOW -- HOW LONG WERE THEY TALKING? THEY WERE---

14 A APPROX- -- THEY WERE OUT THERE SITTING ABOUT THIRTY --
15 THIRTY MINUTES OR SO.

16 Q OKAY; AND THEN WHAT HAPPENED?

17 A THEN SHE JUST TOLD ME I COULD---

18 Q DON'T -- DON'T TELL ME WHAT SHE SAID.

19 A WELL, THAT'S THE ONLY, LIKE, WAY I CAN BASICALLY EXPLAIN
20 IT. 'CAUSE THEY -- SHE SAID I COULD ON (SIC) -- I CAN GO
21 BACK TO THE HOUSE, THAT SHE WAS ALL RIGHT.

22 Q OKAY; AND WHAT -- WHAT HAPPENED? WHERE DID YOU GO?

23 A THEY -- THEY WAS JUST AT THE STOP SIGN WHEN I LEFT. SO
24 I JUST WENT BACK TO THE HOUSE.

25 Q OKAY; SO YOU LEFT ERICA THERE?

1 A YEAH.

2 Q WHAT -- DO YOU REMEMBER ABOUT WHAT TIME IT WAS WHEN YOU
3 GOT HOME?

4 A A LITTLE AFTER TEN, ALMOST -- ALMOST ELEVEN O'CLOCK.

5 Q OKAY; AND TELL ME WHAT HAPPENED AFTER YOU GOT HOME.

6 A WELL, ABOUT AN HOUR, HOUR-AND-A-HALF ABOUT, UM, DEREK
7 CALLED BACK TO THE HOUSE---

8 Q OKAY.

9 A ---AND SAID, UM, SHE WOULDN'T GET BACK IN THE CAR WITH
10 HIM. AND SO, HE SAID, GO LOOK -- GO FIND HER, 'CAUSE SHE WAS
11 OVER BY THE SAMMIE'S STORE OVER THERE ON ONE-TWENTY-FIVE.

12 Q OKAY; YOU MEAN HIGHWAY ONE-TWENTY-FIVE?

13 A YES, MA'AM.

14 Q OKAY. AND WHAT DID YOU DO NEXT?

15 A WELL, UH, AT THE TIME I -- I JUST WENT, AND THEN I -- I
16 WENT TO GO -- WENT BY SAMMIE'S STORE. STILL DIDN'T SEE HER,
17 SO I CAME STRAIGHT BACK TO THE HOUSE.

18 AND THE GIRL I WAS TALKING TO AT THE TIME, SHE GOT IN
19 THE TRUCK WITH ME AND WE RODE AROUND FOR A WHILE LOOKING FOR
20 HER. WE GO DOWN ONE-TWENTY-FIVE; STILL DIDN'T SEE HER. AND
21 AFTER A WHILE, WE CAME BACK TO THE HOUSE.

22 Q HOW LONG DO YOU THINK ALL THAT DRIVING -- ALL THAT TOOK
23 TO DO ALL THAT?

24 A WELL, WE WERE GONE FOR APPROXIMATELY THIRTY MINUTES.

25 Q OKAY; AND -- AND YOU SAID YOU DIDN'T FIND HER?

1 A NO.

2 Q WHAT TIME DID YOU GET BACK HOME?

3 A ABOUT ONE-THIRTY, ONE-FORTY-FIVE A.M.

4 THE COURT: KEEP YOUR VOICE UP.

5 A YES, SIR.

6 Q YOU -- YOU MENTIONED -- YOU -- YOU MENTIONED EARLIER
7 THAT YOU WERE STAYING WITH JESSICA, ERICA'S SISTER. DID YOU
8 MENTION ANYTHING TO HER ABOUT WHAT HAD HAPPENED THAT EVENING?

9 A NO, NOT -- NOT UNTIL THE NEXT DAY PROBABLY. BUT OTHER
10 THAN THAT, NO.

11 Q OKAY.

12 A NOT THAT NIGHT, 'CAUSE IT WAS LATE AND ALWAYS -- SHE WAS
13 ALREADY IN THE BED BEFORE I EVEN LEFT THE HOUSE.

14 Q OKAY. BUT DID YOU THINK ANYTHING WAS OUT OF THE
15 ORDINARY?

16 A NOT AT THE TIME.

17 Q DID YOU EVER CALL THE POLICE?

18 A NO, NOT -- NOT AT THE TIME.

19 Q OKAY. WELL, LET ME ASK YOU THIS. UH -- DID YOU EVER GO
20 OUT -- AFTER -- AFTER THAT NIGHT, DID YOU EVER GO OUT WITH
21 ANY OF THE SEARCH AND RESCUE TO HELP LOOK FOR ERICA?

22 A YES.

23 MR. GIPSON: OBJECT TO THE RELEVANCE.

24 THE COURT: UM -- I'LL ALLOW HER TO ASK THE QUESTION.

25 Q OKAY; HOW -- HOW OFTEN DID YOU DO THAT?

1 A WELL, IT WAS -- WELL, I WOULD SAY WHEN WE WAS LOOKING
2 FOR HER AND WHAT-NOT, I WAS ALWAYS IN THE FRONT OF THE
3 LINE IN THE GROUP TOO. YOU KNOW...

4 Q OKAY; AND WERE OTHER FAMILY MEMBERS THERE?

5 A YES.

6 Q OKAY; DID YOU EVER SEE THE DEFENDANT, DEREK MANER, OUT
7 THERE?

8 MR. GIPSON: OBJECT TO THE RELEVANCE, YOUR HONOR.

9 THE COURT: I'LL ALLOW HER TO ASK THE QUESTION.

10 A NO, MA'AM.

11 Q HAVE YOU SEEN ERICA SINCE THAT NIGHT?

12 A NO, I HAVE NOT.

13 Q WHO IS THE LAST PERSON THAT YOU SAW HER WITH?

14 A DEREK MANER.

15 Q UM -- REGARDING THIS ENTIRE TESTIMONY THAT YOU'VE GIVEN
16 TO THE COURT TODAY---

17 A UH-HUH?

18 Q ---UH, DID YOU EVER MAKE ANY TYPE OF STATEMENT TO THE
19 POLICE?

20 A A WRITTEN STATEMENT.

21 Q YOU -- I'M SORRY?

22 A AFTER, UM, I HAD A WRITTEN STATEMENT.

23 Q OKAY; AND DID IT SAY THAT -- PRETTY MUCH SAY EVERYTHING
24 THAT YOU HAVE TESTIFIED TO TODAY?

25 A YES, MA'AM.

1 Q OKAY.

2 MS. ARMSTRONG: NO FURTHER QUESTIONS, YOUR HONOR.

3 THE COURT: CROSS-EXAMINATION, MR. GIPSON?

4 MR. GIPSON: IF IT PLEASE THE COURT, YOUR HONOR.

5 PETER TONY CARTER, JR., CROSS-EXAMINATION BY MR. GIPSON:

6 Q HELLO, MR. CARTER; UM, MY NAME IS BYRON GIPSON, AND I'M
7 GONNA ASK YOU SOME QUESTIONS ON BEHALF OF MR. MANER.

8 A YES, SIR.

9 Q UM -- AND I'M JUST GONNA ASK YOU A COUPLE OF THINGS, UH,
10 BEFORE WE REALLY START.

11 UM -- I'M GONNA STAND A LITTLE BIT FARTHER BACK HERE
12 SO -- I JUST ENCOURAGE YOU TO SPEAK UP JUST A LITTLE BIT.

13 UM -- COULD YOU -- COULD YOU RAISE YOUR VOICE UP JUST A
14 LITTLE BIT?

15 A YES, SIR.

16 Q YOU'RE UP THERE A LONG WAY AWAY. NOW, UH, I'M GONNA ASK
17 YOU SOME QUESTIONS. IF THERE'S A QUESTION YOU DON'T
18 UNDERSTAND, YOU CAN ASK ME TO REPHRASE IT. I'LL BE MORE THAN
19 HAPPY TO.

20 A YES, SIR.

21 Q UH -- IF -- IF I -- IF YOU NEED ME TO RE- -- REPHRASE
22 IT, IF YOU DON'T QUITE UNDERSTAND SOMETHING, THAT'S FINE,
23 JUST LET ME KNOW---

24 A YES, SIR.

25 Q ---ALL RIGHT? I'LL ALSO ASK, UM, IF YOU'LL ANSWER

1 VERBALLY. UM -- I KNOW WE ALL HAVE A TENDENCY -- I DO IT
2 MYSELF -- TO SAY UH-HUH OR HUH-UH---

3 A YES, SIR.

4 Q ---BUT IT'S HARD FOR THE COURT REPORTER TO TAKE DOWN A
5 UH-HUH OR A HUH-UH.

6 A YES, SIR.

7 Q OKAY? AND IF YOU SHAKE YOUR HEAD, UM, A LOT OF TIMES
8 WE'LL ASSUME THAT MEANS YES, BUT IF YOU COULD JUST VERBALLY
9 SAY IT THAT WOULD BE AN ASSISTANCE.

10 A YES, SIR.

11 Q OKAY? THANK YOU. NOW, UM, YOUR NAME IS PETER TONY
12 CARTER?

13 A YES, SIR.

14 Q ARE YOU RELATED TO SHERIFF CARTER?

15 A SHERIFF CARTER?

16 Q YES, SIR.

17 A UM -- I BELIEVE -- YES, SIR.

18 Q OKAY. YOU THINK -- YOU THINK YOU ARE?

19 A YES, SIR.

20 Q OKAY. NOW, YOU SAID YOU'RE ESSENTIALLY FROM ALLENDALE;
21 CORRECT?

22 A YES, SIR.

23 Q AND, UH, YOU'VE BEEN HERE A LOT OF YOUR LIFE?

24 A YES, SIR.

25 Q MOVED TO FLORIDA AND MOVED TO A COUPLE OTHER --

1 COLUMBIA, BUT ALSO FROM HERE?

2 A YES, SIR.

3 Q AND YOUR FAMILY'S HERE?

4 A YES, SIR.

5 Q OKAY. AND YOU -- AND SOME OF THAT FAMILY WOULD BE THE
6 SHERIFF, CORRECT?

7 A YES, SIR.

8 Q NOW, UM, HOW FAR DID YOU GO IN SCHOOL?

9 A TWELFTH GRADE.

10 Q OKAY; TO ALLENDALE-FAIRFAX?

11 A YES, SIR.

12 Q ALL RIGHT; AND -- AND DURING THAT POINT IN TIME YOU
13 LIVED WITH, UH, YOUR COUSINS -- THE BRADLEY FAMILY -- FROM
14 TIME TO TIME?

15 A YES, SIR.

16 Q OKAY; BUT, UM -- BUT YOU'VE LIVED HERE IN ALLENDALE
17 MOST -- AGAIN, MOST OF YOUR LIFE?

18 A YES, SIR.

19 Q UH -- DO YOU WORK?

20 A YES, SIR.

21 Q OKAY; WHERE DO YOU WORK?

22 A I WORK WITH ONE OF MY UNCLES RIGHT NOW. I'M JUST
23 REBUILDING HOUSES. LIKE REPAIRING HOUSES.

24 Q YES, SIR -- YES, SIR. ALL RIGHT; NOW, UM, AND ANY
25 FORMAL EDUCATION AFTER YOU FINISHED HIGH SCHOOL?

- 1 A NO, SIR.
- 2 Q ALL RIGHT. BUT -- BUT -- BUT YOU CLEARLY, UM -- WITH
- 3 THESE PROCEEDINGS AND WITH YOUR INTERACTIONS WITH THE LAW
- 4 ENFORCEMENT, YOU UNDERSTOOD EVERYTHING THAT WAS BEING ASKED
- 5 OF YOU? AND YOU FULLY UNDERSTOOD WHAT THEY WERE ASKING YOU
- 6 TO DO, CORRECT?
- 7 A YES, SIR.
- 8 Q UH -- DID YOU HAVE ANY QUESTIONS ABOUT WHAT THEY WERE
- 9 ASKING YOU TO DO?
- 10 A NO, SIR.
- 11 Q ALL RIGHT; SO ANY TIME YOU PARTICIPATED IN -- IN WRITING
- 12 THE STATEMENTS OR -- OR -- OR -- OR TELLING THEM INFORMATION,
- 13 OR SEARCHING IF YOU WILL, YOU -- YOU UNDERSTOOD EVERYTHING
- 14 THAT WAS GOING ON?
- 15 A YES, SIR.
- 16 Q AND, UH, YOU, INDEED, DID SPEAK WITH LAW ENFORCEMENT ON
- 17 A FEW DIFFERENT OCCASIONS; RIGHT?
- 18 A YES, SIR.
- 19 Q UH -- ONE TIME WAS WITH SLED AND THE ALLENDALE SHERIFF'S
- 20 DEPARTMENT, RIGHT?
- 21 A YES, SIR.
- 22 Q AND ANOTHER TIME YOU PROBABLY SPOKE WITH, UH, SLED
- 23 AGENTS; CORRECT?
- 24 A YES, SIR.
- 25 Q UH -- WAS THIS GENTLEMAN, MR. RICHARD JOHNSON, ONE OF

1 THEM?

2 A YES, SIR.

3 Q AND YOU SPOKE WITH HIM ON TWO OCCASIONS?

4 A YES, SIR.

5 Q UM -- AND YOU SPOKE WITH LAW ENFORCEMENT IN THE

6 ALLENDALE COUNTY AND WITH SLED PROBABLY THE SAME DAY,

7 CORRECT?

8 A YES, SIR.

9 Q OKAY. AND YOU WROTE STATEMENTS BASED ON, UH -- AND YOU

10 WROTE STATEMENTS TO THAT EFFECT IN YOUR OWN HANDWRITING;

11 CORRECT?

12 A YES, SIR.

13 Q ALL RIGHT. AND I'M JUST GONNA SHOW YOU SOMETHING.

14 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A

15 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE

16 HEARING OF THE JURY, OFF THE RECORD.)

17 (WHEREUPON, COURT RESUMED.)

18 Q NOW, DON'T TELL ME WHAT THESE ARE. I'M JUST -- I'M JUST

19 GONNA ASK YOU IF YOU RECOGNIZE---

20 A YES, SIR.

21 Q ---GIVING THESE STATEMENTS. YOU DO RECOGNIZE THOSE?

22 A (NOD.)

23 Q OKAY. AND JUST -- IS YOUR NAME LISTED HERE?

24 A YES, SIR; AT THE TOP.

25 Q AND YOUR SIGNATURE?

1 A YES, SIR.

2 Q OKAY.

3 MR. GIPSON: YOUR HONOR...

4 Q OKAY, ON BOTH OF THESE?

5 A YES, SIR.

6 Q ALL RIGHT.

7 MR. GIPSON: YOUR HONOR, IF I MAY, AT LEAST FOR THIS
8 POINT IN TIME -- AND I'VE SHOWN THEM TO, UH -- TO, UH, THE
9 STATE -- HAVE THESE MARKED FOR IDENTIFICATION PURPOSES?

10 THE COURT: YES, YOU MAY.

11 MR. GIPSON: FOR THE DEFENSE; ONE AND TWO FOR
12 IDENTIFICATION.

13 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER 1 WAS MARKED FOR
14 IDENTIFICATION.)

15 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER 2 WAS MARKED FOR
16 IDENTIFICATION.)

17 Q NOW, I'M GOING TO HAND YOU WHAT HAS BEEN MARKED AS
18 DEFENDANT'S EXHIBIT NUMBER ONE FOR IDENTIFICATION PURPOSES.
19 AND, UH -- I TELL YOU WHAT, I'M GONNA HAND YOU NUMBER TWO
20 FIRST.

21 OKAY, TAKE A LOOK AT THAT. DON'T READ IT OUT LOUD FOR
22 THE MOMENT, JUST TAKE A LOOK AT IT AND SEE WHAT --
23 REFRESH YOUR RECOLLECTION FOR ME. AND -- AND THEN WE'LL SEE
24 ABOUT IT.

25 Q (AFTER REVIEW OF DOCUMENT) AND IF COULD TAKE IT BACK FOR

1 A MINUTE? DO YOU REMEMBER GIVING THAT STATEMENT OR WRITING
2 THAT STATEMENT?

3 A YES, SIR.

4 Q OKAY, YOU DO REMEMBER WRITING THAT STATEMENT?

5 A YES, SIR.

6 Q OKAY. AND ISN'T IT TRUE THAT, UH -- AND YOU --
7 ESSENTIALLY, YOU SWORE, UH, ON THAT STATEMENT TO BE TRUTHFUL
8 AND FORTHCOMING TO -- TO -- TO LAW ENFORCEMENT; CORRECT?

9 A YES, SIR.

10 Q AND YOU WERE, WEREN'T YOU?

11 A YES, SIR.

12 Q AND YOU TOLD THEM WHAT YOU REMEMBERED, UM, AT -- AT THAT
13 POINT IN TIME; CORRECT?

14 A YES, SIR.

15 Q WHAT DATE WAS THAT GIVEN?

16 A NOVEMBER 9TH.

17 Q OKAY. SO, IT WAS NOVEMBER 9TH 2006; CORRECT?

18 A YES, SIR.

19 Q OKAY. AND THAT WAS JUST A COUPLE DAYS, UM, AFTER
20 YOU'RE ALLEGING THAT, UH, YOU SAW ERICA THE LAST TIME;
21 CORRECT?

22 A YES, SIR -- YES, SIR.

23 Q AND WE'RE ALLEGING -- OR, THE STATE IS ALLEGING
24 THAT, UH...

25 OR, YOU'RE SAYING THAT -- THAT THE 6TH OF NOVEMBER 2006

1 WAS THE LAST TIME THAT YOU SAW HER?

2 A ABOUT; RIGHT, SIR. I'M NOT A HUNDRED PERCENT SURE
3 AT (SIC) THE TIME. I DON'T REMEMBER THE DATE.

4 Q OKAY. NOW, IF SOMETHING HAPPENS, YOU TEND TO HAVE A
5 BETTER MEMORY RIGHT AWAY; RIGHT?

6 A YES, SIR.

7 Q OKAY; SO A COUPLE DAYS LATER YOU'RE GONNA, YOU KNOW,
8 (SNAPPING FINGERS -- SNAP, SNAP, SNAP) BE PRETTY SHARP ON
9 TIMES, DATES, HOW THINGS HAPPENED?

10 A YES, SIR.

11 Q DETAILS, RIGHT?

12 A (NOD.)

13 Q AND, UH -- AND UN- -- AND YOU SHOOK YOUR HEAD; THAT
14 WAS A YES?

15 A YES, SIR.

16 Q OKAY, THANKS. UM -- AND YOU'LL HAVE A BETTER
17 RECOLLECTION AND -- AND YOU'RE BETTER WITH THE DETAILS?

18 A YES, SIR.

19 Q THAT'S JUST NATURAL AS A HUMAN BEING?

20 A YES, SIR.

21 Q ALL RIGHT. NOW, SIXTEEN MONTHS LATER, YOU JUST -- YOU
22 KNOW WHAT HAPPENS A FEW MONTHS LATER?

23 A WHAT DO YOU MEAN?

24 Q I MEAN TO YOUR MEMORY.

25 A WELL, IT JUST SEEM (SIC) HARD TO REMEMBER AS MUCH AS YOU

1 DID PRIOR TO WHEN IT FIRST HAPPENED.

2 Q YES, SIR -- YES, SIR. AND SOME OF THE DETAILS GET A
3 LITTLE BIT, UH, SKETCHY; DON'T THEY?

4 A YES, SIR.

5 Q AND IT GETS HARDER TO REMEMBER EXACTLY WHAT HAPPENED?

6 A YES, SIR.

7 Q SO, IF SOMEBODY COMES IN AND STARTS TO GIVE YOU
8 INFORMATION, AND IT'S -- YOU -- YOU MAY KIND OF GO ALONG WITH
9 WHAT THEY SAY BECAUSE YOU DON'T REMEMBER EVERYTHING; RIGHT?

10 A YEAH, THE MAJORITY OF TIME; YES, SIR.

11 Q OKAY. AND YOU SAID THE MAJORITY OF TIME?

12 A YES, SIR.

13 Q OKAY. SO WHEN YOU GAVE THAT STATEMENT, THAT WAS WHAT
14 YOU REMEMBERED, UH -- CONTEMPORANEOUSLY IS A WORD -- BIG WORD
15 FOR YOU, BUT RIGHT AFTER---

16 A YES, SIR.

17 Q ---OR -- OR -- OR VERY SOON AFTER THINGS HAPPEN?

18 A YES, SIR.

19 Q OKAY. NOW, ISN'T IT TRUE THAT YOU SAID THAT YOU PICKED
20 UP ERICA AT ELEVEN-FORTY-FIVE?

21 A YEAH. ON THE STATEMENT; YES, SIR.

22 Q OKAY. AND SO NOT NINE O'CLOCK TO NINE-FIFTEEN, BUT
23 ELEVEN-FORTY-FIVE IS WHAT YOU SAID RIGHT AFTER; ISN'T THAT
24 CORRECT?

25 A YES, SIR.

1 Q AND YOU SAID YOU PICKED HER UP, UH, FROM HARDEE'S;
2 CORRECT?

3 A YES, SIR.

4 Q AND YOU SAID THAT, UH, YOU HAD TO WAIT FOR HER TO, UH,
5 CLEAN UP; RIGHT?

6 A YES, SIR.

7 Q SO, UH, ESSENTIALLY, UH -- HAVE YOU EVER WORKED FAST
8 FOOD BEFORE?

9 A YES, SIR.

10 Q ALL RIGHT. SO, WHEN IT'S CLOSING TIME, YOU DON'T JUST
11 GET UP AND RUN OUT FROM THE STORE AND YOU LEAVE; DO YOU?

12 A NO, SIR.

13 Q 'CAUSE YOU'VE GOT TO CLEAN UP?

14 A YES, SIR.

15 Q AND THAT MEANS YOU HAVE TO GO AND YOU GOT TO CLEAN UP
16 THE WAITING AREA?

17 A (NOD.)

18 Q YOU GOT TO COUNT -- OH, I'M SORRY. YOU SAID YES, SIR?

19 A YES, SIR.

20 Q OKAY; AND YOU HAVE TO COUNT YOUR DRAWER, CORRECT?

21 A YES, SIR.

22 Q AND JUST MAKE SURE EVERYTHING IS PRESENTABLE FOR THE
23 NEXT DAY'S WORK?

24 A YES, SIR.

25 Q AND SOMETIMES YOU HAVE TO -- WE USED TO CALL IT BUS AND

1 SUDS -- BUT, YOU GOT TO WASH THE DISHES?

2 A YES, SIR.

3 Q AND YOU GOT TO CHANGE THE GREASE, THROW OUT ALL THE
4 TRASH, ALL OF THAT STUFF?

5 A YES, SIR.

6 Q SO THAT DOESN'T HAPPEN IN FIVE MINUTES, DOES IT?

7 A NO, SIR.

8 Q IT SOMETIMES TAKES TWENTY MINUTES, SOMETIMES IT TAKES AN
9 HOUR?

10 A YES, SIR.

11 Q OKAY. BUT, HOWEVER LONG IT TAKES, YOU'RE ON THE HOOK
12 UNTIL YOU ARE EXCUSED FROM WORK; CORRECT?

13 A YES, SIR.

14 Q ALL RIGHT. SO IF THE PLACE CLOSES AT ELEVEN O'CLOCK, I
15 MEAN IT'S GOING TO TAKE A FEW MINUTES FOR YOU TO BE ABLE TO
16 LEAVE; RIGHT?

17 A YES, SIR.

18 Q ALL RIGHT. SO, BASED ON YOUR STATEMENT THAT YOU GAVE,
19 UH, ON ELEVEN-NINE-0-SIX, YOU SAID ABOUT ELEVEN-FORTY-FIVE
20 YOU PICKED HER UP?

21 A YES, SIR; ABOUT THAT. I THINK I WAS ABOUT AN HOUR
22 WRONG; YES, SIR.

23 Q YOU WERE ABOUT AN HOUR WRONG?

24 A YES, SIR.

25 Q OKAY. NOW, YOU SAID AFTER -- AND -- AND THAT'S

1 REMEMBERING SIXTEEN MONTHS LATER THAT YOU WERE AN HOUR LATE?

2 A YES, SIR.

3 Q OKAY. NOW, WE'LL -- WE'LL COME BACK TO THAT IN A
4 MOMENT.

5 NOW, FROM THERE YOU SAID YOU WENT TO THE MANER'S HOUSE;
6 CORRECT?

7 A YES, SIR.

8 Q AND, UH, ERICA WAS LIVING WITH THE MANER FAMILY; IS THAT
9 CORRECT?

10 A YES, SIR.

11 Q AND -- AND THE ADDRESS THAT YOU WENT TO WAS WHERE THE
12 MANER FAMILY LIVED?

13 A YES, SIR.

14 Q BUT IT WASN'T JUST DEREK, IT WAS THE MOTHER AND FATHER?

15 A YES, SIR.

16 Q OKAY. AND THE -- AND T.M. WAS THERE -- THEIR CHILD WAS
17 THERE TOO AS WELL, CORRECT?

18 A YES, SIR.

19 Q ALL RIGHT. NOW, DID SHE MAKE -- WHAT -- DO -- DO YOU
20 KNOW WHAT SHE DID WHEN SHE WENT INSIDE THE HOUSE?

21 A NO, SIR.

22 Q ALL RIGHT. BUT SHE CAME OUT IN A LITTLE WHILE LATER?

23 A YES, SIR.

24 Q AND, UH, AND YOU-ALL HEADED TOWARDS, UH -- TO WHERE?

25 A WELL, WE WERE HEADING, UM -- I DON'T EVEN KNOW WHAT THE

1 NAME OF THIS ROAD IN FRONT OF THE COURTHOUSE IS.

2 Q UM -- BUT -- BUT THE ROAD IN FRONT OF THE COURTHOUSE?

3 A YES, SIR.

4 Q NOW -- NOW FUNNY YOU MENTION THAT. UH -- BEING FROM
5 ALLENDALE, YOU DON'T KNOW ALL THE NAMES OF THE ROADS, DO YOU?

6 A NO, SIR.

7 Q YOU DON'T KNOW ALL THE NAMES OF THE HIGHWAYS, DO YOU?

8 A NO, SIR.

9 Q OKAY. SOMETIMES YOU MAY CALL ONE WRONG, BUT YOU KNOW
10 WHERE IT IS; RIGHT?

11 A YES, SIR.

12 Q ALL RIGHT. SO FOR INSTANCE, UH, IF YOU SAY SAMMIE'S
13 STORE, WHAT DOES THAT MEAN TO YOU?

14 A IT MEANS I KNOW WHERE IT IS -- IT'S LOCATED.

15 Q OKAY. SO REGARDLESS OF WHAT HIGHWAY IT IS, YOU KNOW
16 WHERE IT IS?

17 A YES, SIR.

18 Q AND -- AND THE FOLKS FROM ALLENDALE KNOW WHERE SAMMIE'S
19 STORE IS, RIGHT?

20 A YES, SIR.

21 Q REGARDLESS OF WHAT HIGHWAY IT'S ON, YOU KNOW WHERE
22 IT IS?

23 A YES, SIR.

24 Q OKAY. NOW, YOU, UH, WERE HEAD- -- WHEN YOU WERE HEADED
25 SOMEPLACE, YOU, ESSENTIALLY, SAW DEREK RIDING IN THE OPPOSITE

- 1 DIRECTION; CORRECT?
- 2 A YES, SIR.
- 3 Q AND, UH, YOU-ALL FLAGGED HIM DOWN?
- 4 A YES, SIR.
- 5 Q OKAY. AFTER YOU FLAGGED HIM DOWN, YOU SAID ERICA GOT
- 6 OUT OF THE CAR; CORRECT?
- 7 A YES, SIR.
- 8 Q SHE SOMETHING -- OPENED THE TRUNK?
- 9 A YES, SIR.
- 10 Q AND HIT DEREK WITH A BAT?
- 11 A SWUNG IT; YES, SIR.
- 12 Q SWUNG AND HIT HIM WITH A BAT?
- 13 A HUH-UH.
- 14 Q AND -- AND YOU WITNESSED THAT?
- 15 A YES, SIR.
- 16 Q TELL THE JURY IF DEREK HIT HER.
- 17 A DID HE?
- 18 Q YES.
- 19 A NOT -- NOT DURING THAT TIME, NO. I DON'T THINK SO.
- 20 Q HE NEVER HIT HER. HE NEVER LAID A FINGER ON HER,
- 21 DID HE?
- 22 A NOT THAT NIGHT, SIR.
- 23 Q OKAY.
- 24 A NOT THAT -- WHEN I WAS AROUND, NOT THAT NIGHT.
- 25 Q OKAY. HE NEVER LAID A FINGER ON HER? HE DIDN'T PUNCH

1 HER, THROW HER TO THE GROUND, ANY OF THAT KIND OF STUFF?

2 A NO, SIR.

3 Q HE HUGGED HER, DIDN'T HE?

4 A YES, SIR.

5 Q AND YOU SAY, UH, THE BAT WAS ON THE GROUND, AND YOU PUT
6 THE BAT IN THE TRUNK; CORRECT?

7 A YES, SIR.

8 Q AND THEY TALKED, YOU SAID, FOR ANOTHER HALF-HOUR OR SO;
9 RIGHT?

10 A YES, SIR.

11 Q AND YOU SAT AND JUST KIND-A WATCHED TO MAKE SURE
12 EVERYTHING WAS COOL, RIGHT?

13 A YES, SIR.

14 Q AND YOU WERE COMFORTABLE LEAVING THEM, WEREN'T YOU?

15 A WELL, SHE WAS LIVING WITH HIM AT THAT TIME, SO I DIDN'T
16 REALLY HAVE TOO MANY CHOICES.

17 Q UH-HUH, BUT YOU -- YOU WERE OKAY?

18 A YES, SIR.

19 Q AND WHEN YOU PULLED OFF, YOU WERE FINE LEAVING?

20 A YES, SIR.

21 Q OKAY. NOW -- AND IF I COULD SEE THAT STATEMENT?

22 LET ME JUST -- I JUST WANT YOU TO -- DIRECTLY JUST
23 LOOKING AT DEFENDANT EXHIBIT, UH, NUMBER TWO FOR
24 IDENTIFICATION PURPOSES, YOU SAY THAT THE NEXT TIME THAT YOU
25 HEARD ANYTHING, ESSENTIALLY, DEREK CALLED YOU SOME THIRTY

1 MINUTES LATER; RIGHT?

2 A IT WAS -- I THINK IT WAS ABOUT AN HOUR---

3 Q OKAY.

4 A ---AN HOUR-AND-A-HALF.

5 Q YOU SAY AN HOUR-AND-A-HALF LATER?

6 A AT LEAST AN HOUR.

7 Q OKAY.

8 MR. GIPSON: AND I ASK THE COURT'S INDULGENCE FOR A
9 MOMENT.

10 THE COURT: TAKE YOUR TIME.

11 MR. GIPSON: THANK YOU, YOUR HONOR.

12 Q (AFTER PAUSE) ALL RIGHT. NOW I'M GOING TO POINT YOU TO
13 DEFENDANT'S EXHIBIT NUMBER ONE. I JUST WANT YOU TO TAKE A
14 LOOK AT THAT ALSO.

15 (AFTER PAUSE) AND JUST TAKE YOUR TIME AND LOOK AT IT.

16 A (REVIEWED DOCUMENT.) UH-HUH.

17 Q DOES THAT RING A BELL?

18 A YES, SIR.

19 Q OKAY; WHAT DATE WAS THAT WRITTEN?

20 A SIR?

21 Q WHAT DATE WAS THAT WRITTEN?

22 A NOVEMBER THE 9TH.

23 Q OKAY, NOVEMBER 9TH OF 2006; CORRECT?

24 A YES, SIR.

25 Q SO THE SAME DATE AS THE -- THE PREVIOUS STATEMENT THAT

1 YOU WERE LOOKING AT, CORRECT?

2 A YES, SIR.

3 Q NOW, WHAT'S THE DIFFERENCE BETWEEN THE TWO STATEMENTS,
4 UH -- THE DEFENDANT'S EXHIBIT NUMBER TWO FOR IDENTIFICATION
5 PURPOSES AND NUMBER ONE? UM -- WERE THEY GIVEN IN FRONT OF
6 THE SAME PEOPLE?

7 A (NO RESPONSE.)

8 Q (AFTER PAUSE) JUST TO YOUR RECOLLECTION.

9 A (NO RESPONSE.)

10 Q I GUESS I'M ASKING, WHY DID YOU WRITE TWO STATEMENTS THE
11 SAME DAY?

12 A WELL, ONE WAS FOR THE POLICE DEPARTMENT, AND ONE WAS
13 FOR -- WAS FOR THE SLED.

14 Q OKAY. SO ONE WAS THE POLICE, ONE WAS WITH SLED?

15 A YES.

16 Q OKAY. AND, ESSENTIALLY, YOU TOLD THEM THE SAME THING;
17 CORRECT?

18 A BUT ONE IS LONGER THAN THE OTHER. LIKE I JUST, UM -- I
19 DIDN'T KNOW ALL THE DETAILS -- I DIDN'T REMEMBER ALL THE
20 DETAILS.

21 IN MY SECOND ONE I WROTE ALL -- MORE -- MORE DETAILS IN
22 THE SECOND ONE THAN THE FIRST ONE.

23 Q OKAY. AND AGAIN, UH, YOU SAID YOU WROTE MORE DETAILS.
24 BUT NOWHERE IN THERE DO YOU EVER SAY THAT -- THAT -- THAT --
25 THAT DEREK WAS AGGRESSIVE TOWARDS ERICA, DID YOU?

1 A NO, I NEVER SAID THAT---

2 Q OKAY.

3 A ---IN EITHER ONE OF THOSE.

4 Q AND IN EACH STATEMENT YOU -- YOU STATED THAT YOU LEFT
5 THEM, ESSENTIALLY, BECAUSE YOU WERE COMFORTABLE LEAVING THEM
6 TALKING; CORRECT?

7 A YES, SIR.

8 Q AND WHEN YOU PULLED OFF, THEY WERE STILL TALKING IN
9 FRONT OF THE COURTHOUSE -- ESSENTIALLY, RIGHT OUTSIDE THIS
10 COURTHOUSE?

11 A YES, SIR.

12 Q CORRECT?

13 A YES, SIR.

14 Q ALL RIGHT. NOW, YOU RECEIVED A CALL FROM DEREK, YOU
15 KNOW, SOMETIME LATER. ALL RIGHT, YOU -- YOU'RE -- YOU'RE
16 SAYING NOW AN HOUR, BUT IN THAT STATEMENT YOU SAID ABOUT --
17 WHAT DOES -- WHAT DOES THAT SAY?

18 A (NO RESPONSE.)

19 Q THE STATEMENT THAT YOU GAVE A COUPLE DAYS LATER?

20 A (NO RESPONSE.)

21 Q (AFTER PAUSE) YOU SAID ABOUT THIRTY MINUTES EARLIER
22 TODAY.

23 A THIS SAYS ABOUT FORTY -- FORTY-FIVE MINUTES.

24 Q OKAY; THIRTY -- SO, THIRTY/FORTY-FIVE MINUTES, YOU
25 RECEIVED A CALL FROM MR. MANER, AND HE SAID THAT ERICA HAD

1 GOTTEN OUT OF THE CAR AND HE COULDN'T GET HER TO GET BACK IN
2 THE CAR?

3 A YES, SIR.

4 Q AND HE TOLD YOU SHE WAS WALKING BACK TOWARDS TOWN,
5 CORRECT?

6 A YES, SIR.

7 Q AND HE TOLD YOU THIS WAS SOMEWHERE AROUND SAMMIE'S
8 STORE, CORRECT?

9 A YES, SIR.

10 Q UM -- SO, AT THAT POINT IN TIME, YOU GOT -- UH, YOU SAID
11 YOU GOT OUT OF THE BED AND WENT TO LOOK FOR HER AROUND
12 SAMMIE'S STORE?

13 A YES, SIR.

14 Q NOW, WHO WAS AT THE HOUSE, UH, IN -- WHEN THE FIRST,
15 UH -- WHEN YOU WENT TO PICK UP ERICA THE FIRST TIME?

16 A UH -- I THINK -- THE FIRST ONE I WAS TALKING TO ERICA'S
17 SISTER AND MY MOM COUSIN -- ANOTHER ONE OF OUR COUSINS.

18 Q WHO IS YOUR -- WHO, MILES BOYNTON?

19 A HUH?

20 Q MILES BOYNTON?

21 A NO, CLIFFORD JONES.

22 Q CLIFFORD?

23 A JONES; YES, SIR.

24 Q JONES? OKAY, MILES BOYNTON WAS THERE TOO, WASN'T HE?

25 A NOT AT THE -- NOT TO MY KNOWLEDGE, NO.

1 Q OKAY; SO THOSE FOLKS WERE THERE WHEN YOU LEFT?

2 A YES.

3 Q OKAY. AND, UH -- AND DID -- YOU GOT BACK. DID YOU TELL
4 THEM AT THAT POINT IN TIME, WHEN YOU GOT BACK FROM, UH --
5 FROM WATCHING, UH, ERICA AND -- AND -- AND DEREK HAVE
6 THE CONVERSATION AT THE COURTHOUSE -- OR, OUTSIDE THE
7 COURTHOUSE---

8 A UH-HUH?

9 Q ---DID YOU TELL THEM THAT YOU WITNESSED HER SWING AT HIM
10 WITH THE BAT AND ALL THAT KIND OF STUFF?

11 A NO, I DIDN'T.

12 Q OKAY. 'CAUSE YOU DIDN'T FEEL LIKE IT WAS THAT
13 IMPORTANT, DID YOU?

14 A YES, SIR.

15 Q AND WAS THAT KIND OF -- WELL...

16 AND YOU DETERMINED THAT EVERYTHING WAS FINE, AND YOU
17 WENT -- WENT ON TO BED?

18 A YES, SIR---

19 Q YOU WERE COMFORTABLE?

20 A ---YES, SIR.

21 Q AFTER GETTING THAT CALL FROM DEREK, YOU TOLD THEM AT
22 THAT POINT, HEY, I'M GOING BACK OUT THERE 'CAUSE DEREK JUST
23 TOLD ME THAT, UH, SHE GOT OUT OF THE CAR?

24 A YES, SIR.

25 Q YOU TOLD EVERYBODY THAT, DIDN'T YOU?

1 A YES, SIR.

2 Q OKAY. AND YOU -- AND YOU TOLD EVERYONE WHAT YOU WERE
3 ABOUT TO DO?

4 A YES, SIR.

5 Q ALL RIGHT. YOU WENT BACK OUT AND YOU LOOKED FOR HER,
6 CORRECT?

7 A YES, SIR.

8 Q AND DIDN'T YOU CALL DEREK AFTER THAT -- A FEW MINUTES
9 LATER -- AND SAY, I LOOKED BUT I DIDN'T SEE HER?

10 A NOT TO MY KNOWLEDGE -- NOT THAT I -- I'M NOT SURE.

11 Q OKAY. WELL, IF YOU DIDN'T CALL DEREK, THEN WHY WOULD
12 YOU HAVE GOTTEN BACK INTO THE CAR TO GO LOOK AGAIN?

13 A WELL, I JUST WANTED TO MAKE SURE ABOUT SOMETHING LIKE
14 THIS. HE SAID SHE DIDN'T GET BACK IN THE CAR, SO I---

15 Q OKAY.

16 A ---I JUST KIND-A LIKE WENT BACK OUT AGAIN.

17 Q BUT YOU SAY YOU'RE NOT A HUNDRED PERCENT SURE OF THAT?

18 A YES, SIR.

19 Q ALL RIGHT. NOW, ONCE YOU -- YOU -- NOW, YOU SAID THAT
20 YOU -- A GIRLFRIEND OF YOURS WAS THE -- THE PERSON YOU WERE
21 TALKING TO AT THE TIME THAT WAS WITH YOU?

22 A YES, SIR.

23 Q SHOW THE -- WELL, TELL US, IN THE STATEMENTS, WHERE YOU
24 MENTION THAT. IN THOSE FIRST TWO STATEMENTS THAT WERE GIVEN
25 THREE DAYS OR SO AFTERWARDS.

1 A (AFTER PAUSE) I DIDN'T MENTION IT HERE.

2 Q AND YOU SAID YOU DIDN'T MENTION IT?

3 A NO, SIR. WELL, ABOUT MY GIRLFRIEND RIDING WITH ME?

4 Q YES, SIR.

5 A NO, I DIDN'T MENTION THAT.

6 Q OKAY. NOW, YOU SAID THAT YOU LOOKED AGAIN, AND YOU CAME
7 HOME, AND THAT WAS IT?

8 A (NO RESPONSE.)

9 Q CORRECT?

10 A SIR?

11 Q THAT WAS IT? AFTER YOU LOOKED AND DIDN'T SEE HER, YOU
12 CAME HOME AND THAT WAS ALL; CORRECT?

13 A YES, SIR.

14 Q NOW, YOU DIDN'T GO IN THERE AND WAKE UP YOUR COUSIN AND
15 SAY, HEY, YOU KNOW, I CAN'T FIND YOUR SISTER, I'VE BEEN
16 LOOKING FOR HER ALL NIGHT?

17 A THAT'S WHEN I CAME BACK THE FIRST TIME. I LET HER KNOW
18 THAT, UM, I WAS GOING OUT TO LOOK FOR HER.

19 Q AND THEN---

20 A BUT OTHER THAN THAT, NO.

21 Q ---AND -- AND HER, WE'RE TALKING ABOUT WHICH -- WHICH
22 COUSIN ARE WE TALKING ABOUT?

23 A JESSICA.

24 Q JESSICA?

25 A UH-HUH.

- 1 Q DOES SHE HAVE OTHER SISTERS?
- 2 A YES.
- 3 Q WHO ARE THEY?
- 4 A UH -- TE (PHONETIC) -- KYWANA AND TE-TE.
- 5 Q ARE THOSE NICKNAMES?
- 6 A KYWANA -- TE-TE (PHONETIC) IS, YES.
- 7 Q OKAY. BUT THREE -- THREE OTHER SISTERS, CORRECT?
- 8 A YES.
- 9 Q ALL RIGHT. NOW -- SO YOU'RE SAYING THAT YOU TOLD
- 10 JESSICA THAT YOU HAD LOOKED FOR HER AND COULDN'T FIND HER?
- 11 A UH-HUH.
- 12 Q ALL RIGHT. NOW, AFTER THAT, DID -- DID YOU TELL ANYBODY
- 13 THAT YOU LOOKED FOR HER AND COULDN'T FIND HER?
- 14 A NOT ANY OF THE PEOPLE IN THE HOUSE, NO -- THAT DAY.
- 15 THAT WAS AT THE HOUSE WITH US.
- 16 Q OKAY. WHO WERE THE -- THE PEOPLE THAT YOU TOLD?
- 17 A ME AND JESSICA. UM -- THE GIRL I WAS TALKING TO AND MY
- 18 OTHER COUSIN WHO WAS IN THE HOUSE WITH US.
- 19 Q OKAY. NOW, LISTEN TO ME CLOSELY. THE NEXT MORNING --
- 20 WHEN DAYLIGHT CAME -- DID YOU GO BACK OUT THERE AND LOOK FOR
- 21 HER?
- 22 A NO, SIR.
- 23 Q DID YOU TELL THE POLICE THAT WE'VE LOOKED EVERYWHERE AND
- 24 COULDN'T FIND HER?
- 25 A NO, SIR.

1 Q OKAY.. DID -- DID -- DID -- DID YOU REITERATE TO JESSICA
2 OR HER MOTHER, MRS. -- I THINK, JACKIE BRADLEY -- ANY OF
3 THEM -- THAT YOU WERE NOT ABLE TO FIND ERICA WITHIN THE --
4 WHERE -- ALL THESE PLACES YOU SEARCHED?

5 A JUST ME AND JESSICA TALKED ABOUT IT THAT MORNING, BUT,
6 UM, NOBODY ELSE.

7 Q OKAY. SO -- SO -- SO IT -- IT DIDN'T RAISE YOUR
8 SUSPICION IN ANY WAY, SHAPE, OR FORM? YOU JUST DIDN'T TELL
9 ANYBODY? YOU JUST LET IT GO AND MOVED ON?

10 A NOT AT THE TIME.

11 Q OKAY. NOW -- NOW, ABOUT SIXTEEN MONTHS LATER YOU HAD AN
12 OPPORTUNITY TO MEET, UM, AGAIN WITH AGENT RICHARD JOHNSON;
13 CORRECT?

14 A UH-HUH.

15 Q AND, UH, HE'S -- HE'S IN THE COURTROOM TODAY; CORRECT?

16 A YES, SIR.

17 Q AND THAT'S THE GENTLEMAN SEATED RIGHT HERE, CORRECT?

18 A YES, SIR.

19 Q AND, UH, HE CAME TO YOUR HOME AT THAT POINT; DIDN'T HE?

20 A YES, SIR.

21 Q AND HE CAME AND EXPLAINED TO YOU THAT HE WAS
22 INVESTIGATING THIS CASE, CORRECT?

23 A YES, SIR.

24 Q HE CAME AND HE, UH, GAVE YOU HIS OPINION ABOUT THE
25 FACTS; DIDN'T HE?

- 1 A YES, SIR.
- 2 Q OR, WHAT HE CALLED THE FACTS; DIDN'T HE?
- 3 A YES, SIR.
- 4 Q AND HE SHOWED YOU PICTURES AND THINGS LIKE THAT,
- 5 DIDN'T HE?
- 6 A DID HE SHOW ME PICTURES? NOT PICTURES THAT I KNOW OF.
- 7 Q OKAY, NOT -- NO -- ARE YOU SURE ABOUT THAT?
- 8 A YES, SIR.
- 9 Q BUT HE TOLD YOU WHAT HE THOUGHT HIS POSITION OF THE CASE
- 10 WAS, DIDN'T HE?
- 11 A UH-HUH.
- 12 Q OKAY. AND, UH, AND AT THAT POINT, HE ASKED YOU TO WRITE
- 13 ANOTHER STATEMENT; DIDN'T HE?
- 14 A YES. A BRIEF ONE; YES, SIR.
- 15 Q OKAY. AND THE TRUTH OF THE MATTER IS, YOU DIDN'T WRITE
- 16 ANOTHER STATEMENT DID YOU?
- 17 A I -- I'M NOT -- I'M NOT REALLY SURE.
- 18 Q WELL, SO YOU -- THE TRUTH OF THE MATTER IS THAT HE WROTE
- 19 A STATEMENT FOR YOU; DIDN'T HE?
- 20 A YOU MEAN WROTE WHAT I SAID?
- 21 Q YES, SIR. WELL, HE -- HE WROTE ANOTHER -- HE WROTE
- 22 SOMETHING -- HE WROTE THINGS DOWN; DIDN'T HE?
- 23 A YES, SIR.
- 24 Q OKAY. SO THAT -- AND LET ME ASK YOU THIS. WERE YOU
- 25 AWARE OF HIM WRITING A STATEMENT ON YOUR BEHALF? THAT DAY?

1 A YES, SIR.

2 Q OKAY. AND -- AND YOU WROTE THESE THINGS DOWN -- OR, HE
3 WROTE THESE THINGS DOWN FOR YOU; CORRECT?

4 A YES, SIR.

5 Q OKAY. AND TO YOUR RECOLLECTION, ARE THEY SUBSTANTIALLY
6 SIMILAR TO WHAT YOU SAID THE FIRST TIME?

7 A YES, SIR.

8 Q OH, THEY ARE?

9 MR. GIPSON: I JUST WANT TO MARK THIS, AT THIS POINT
10 JUST FOR IDENTIFICATION PURPOSES, YOUR HONOR.

11 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
12 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
13 HEARING OF THE JURY, OFF THE RECORD.)

14 (WHEREUPON, COURT RESUMED.)

15 MR. GIPSON: IT'LL BE NUMBER THREE, YOUR HONOR, FOR
16 IDENTIFICATION PURPOSES.

17 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER 3 WAS MARKED FOR
18 IDENTIFICATION.)

19 Q AND, IF, UH -- IF YOU WANT TO TAKE A LOOK AT THAT
20 BRIEFLY? AND AGAIN, DON'T -- DON'T PUBLISH IT. DON'T READ
21 IT ALOUD, JUST TAKE A LOOK AT THOSE.

22 A (REVIEWED DOCUMENT.)

23 Q DOES THAT REFRESH YOUR RECOLLECTION?

24 A YES, SIR.

25 Q NOW, ISN'T IT TRUE THAT NOW, ALL OF A SUDDEN -- SOME

1 SIXTEEN MONTHS LATER -- THE TIMES HAVE CHANGED NOW; CORRECT?

2 A YES, SIR.

3 Q OKAY. AND NOW YOU'RE TALKING ABOUT, UM, THINGS
4 HAPPENING AT TEN-FORTY-FIVE AND -- AND ALL OF THESE DIFFERENT
5 TIMES SIXTEEN MONTHS LATER; CORRECT?

6 A YES, SIR.

7 Q OKAY. AND -- AND THERE'S A -- AT LEAST AN HOUR'S
8 DIFFERENCE -- SOMETIMES TWO HOUR'S DIFFERENCE -- BETWEEN WHAT
9 YOU SAID IMMEDIATELY AFTER -- AFTER YOU MET WITH MR. JOHNSON,
10 CORRECT?

11 A YES, SIR. BECAUSE I HAD MY -- DURING THE TIME I HAD MY
12 TIMES WRONG -- THE HOUR DIFFERENCE ON MY TIMEFRAME, BECAUSE
13 I -- IT -- IT WAS TEN-FORTY-FIVE. BUT I WASN'T HONESTLY SURE
14 THAT NIGHT---

15 Q OKAY.

16 A ---AFTER I WROTE MY FIRST STATEMENT.

17 Q BUT YOU SAY, AFTER HE BROUGHT IT TO YOUR ATTENTION, THEN
18 ALL OF A SUDDEN YOU WERE A HUNDRED PERCENT SURE?

19 A WELL, WE TALKED ABOUT IT A LITTLE. BUT I -- I REALIZED
20 WHAT TIME HARDEE'S NORMALLY CLOSE.

21 Q UH-HUH?

22 A AND THEY CLOSE AT LIKE ELEVEN---

23 Q OKAY.

24 A ---MONDAY THROUGH THURSDAY.

25 Q ALL RIGHT. SO -- BUT AS YOU SAY, WORKING CLEANUP, YOU

1 KNOW -- THEY CLOSE AT ELEVEN O'CLOCK, BUT YOU DON'T LEAVE AT
2 ELEVEN O'CLOCK?

3 A YEAH, BUT SHE WAS -- SHE WAS CLEANING UP BEFORE ELEVEN
4 O'CLOCK. YOU -- YOU GOT SOME PEOPLE LEAVE RIGHT WHEN THEY
5 CLOSE UP---

6 Q UH-HUH.

7 A ----A LITTLE BIT EARLY. 'CAUSE THEY STILL HAVE---

8 Q OKAY, ALL RIGHT. BUT -- BUT, THIS SIXTEEN MONTHS LATER
9 NOW YOU'RE A LOT MORE CLEAR ON IT THAN YOU WERE IMMEDIATELY,
10 CORRECT?

11 A YES, SIR.

12 Q ALL RIGHT. NOW, DID HE -- IN SPEAKING TO YOU, DID HE
13 EVER TELL YOU THAT HE FELT LIKE DEREK MAY BE GUILTY OF
14 SOMETHING?

15 A NO.

16 **MS. ARMSTRONG:** OBJECTION, YOUR HONOR. THIS CALLS --
17 CALLS FOR A CONCLUSION.

18 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
19 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
20 HEARING OF THE JURY, OFF THE RECORD.)

21 (WHEREUPON, COURT RESUMED.)

22 **MS. ARMSTRONG:** HEARSAY.

23 **THE COURT:** I'LL ALLOW HIM TO ASK THE QUESTION.

24 Q YES, SIR?

25 A WHAT'D YOU SAY NOW?

1 Q I SAID, IN HIS CONVERSATION TO YOU DID HE TELL YOU HE --
2 HE FELT LIKE DEREK MANER WAS GUILTY OF SOMETHING?

3 A NO, SIR.

4 Q OKAY, HE NEVER DID SAY---

5 MS. ARMSTRONG: OBJECTION, YOUR HONOR; THIS CALLS FOR
6 HEARSAY.

7 THE COURT: I'LL -- I'LL OVERRULE THE OBJECTION; ALLOW
8 HIM TO ASK THE QUESTION.

9 Q HE NEVER SAID THAT TO YOU?

10 A NO, SIR.

11 Q OKAY. SO, IN COMING BACK TO YOU, AND -- AND -- AND --
12 AND -- AND ALL OF A SUDDEN THOSE TIMES CHANGING AROUND,
13 NOTHING WAS EXPRESSED TO YOU ABOUT HIS OPINION OF THE CASE?

14 A NO, SIR.

15 Q DID HE TELL YOU HIS OPINION OF THE CASE?

16 A NO, SIR.

17 Q 'CAUSE A MONTH AGO WHEN I ASKED YOU IF HE TOLD YOU
18 HIS -- HIS OPINION OF THE CASE YOU SAID HE DID.

19 A HE DIDN'T; NO, SIR.

20 Q OKAY. WHEN HE SHOWED YOU DOCUMENTS DID HE?

21 A HE JUST WANTED TO REVIEW. HE WANTED TO KNOW WHAT I
22 KNOW. SO, HE -- HE -- HE WROTE WHAT I -- I BASICALLY SAID.

23 Q WELL, IF -- IF YOU'D ALREADY WRITTEN TWO STATEMENTS, WHY
24 WOULD HE NEED TO REWRITE THEM FOR YOU?

25 A WELL, THAT WAS JUST A BRIEF ONE, NOT LIKE THE OTHERS.

1 Q WELL, TWO BRIEF ONES, RIGHT?

2 A BUT ONE WAS -- ONE WAS FOR THE POLICE DEPARTMENT AND THE
3 OTHER ONE WAS LIKE -- THIS ONE WAS A ONE FOR HIM. THAT I --
4 I NEVER WROTE ONE FOR HIM.

5 Q OKAY. WELL, MAY I SEE THOSE STATEMENTS AGAIN, PLEASE?

6 A (DOCUMENTS HANDED TO ATTORNEY.)

7 Q JUST -- THANK YOU. NOW, YOU SAID THAT YOU NEVER WROTE
8 ONE FROM (SIC) HIM, BUT, IN FACT, ONE OF THE -- DEFENDANT'S
9 EXHIBIT ONE WAS WRITTEN FOR SLED, CORRECT?

10 A YES.

11 Q AND HE WORKS FOR SLED, RIGHT?

12 A YES.

13 Q OKAY. SO IT SOUNDS LIKE---

14 A THAT WAS THE -- WHEN I WAS SITTING IN THE SHERIFF'S
15 OFFICE---

16 Q OKAY.

17 A ---I WROTE THAT ONE.

18 Q OKAY. BUT HE HAD TO COME BACK AND REWRITE A STATEMENT
19 FOR YOU, CORRECT?

20 A WELL, THAT MAY BE WHAT WAS GOING ON, BUT I DON'T KNOW IF
21 HE HAD TO. BUT...

22 Q OKAY. BUT, IN -- IN -- IN ALL OF THE -- IN -- IN
23 EVERYTHING THAT WAS SAID, NOTHING CHANGED ABOUT THE FACT YOU
24 NEVER SAW DEREK DO ANYTHING AGGRESSIVE TOWARDS YOUR COUSIN,
25 DID YOU?

- 1 A NO, SIR.
- 2 Q AND -- AND WHEN YOU LEFT THEM, EVERYTHING WAS FINE?
- 3 A YES, SIR.
- 4 Q AND EVERYTHING WAS FINE WITH BOTH OF THEM?
- 5 A YES, SIR.
- 6 Q AND YOU WERE COMFORTABLE LEAVING BOTH OF THEM, CORRECT?
- 7 A YES, SIR.
- 8 Q ALL RIGHT. NOW, AT NO POINT IN TIME DID YOU EVER TELL
- 9 ANYBODY THAT YOUR GIRLFRIEND WENT WITH YOU UNTIL MR. JOHNSON
- 10 CAME AND TALKED TO YOU; CORRECT?
- 11 A YES, SIR. WELL, SHE WROTE A STATEMENT TOO, SIR.
- 12 Q OH, SHE DID?
- 13 A YES, SIR.
- 14 Q OKAY. WE'LL -- WE'LL CHECK ON THAT ONE. ALL RIGHT, AND
- 15 SHE, ESSENTIALLY, SAID THAT YOU-ALL WENT OUT LOOKING AND
- 16 DIDN'T FIND HER?
- 17 A YES, SIR.
- 18 Q BUT YOU DIDN'T SEE THAT IT WAS IMPORTANT ENOUGH TO TELL
- 19 THE POLICE THAT YOU DIDN'T FIND HER AFTER LOOKING FOR HER
- 20 IN -- IN DECEMBER OF '06, DID YOU?
- 21 A NO, SIR; I DID NOT.
- 22 Q UH -- JANUARY OF '07?
- 23 A WELL, I REALLY DIDN'T -- IT WASN'T -- I MEAN, THE POLICE
- 24 BY THEN -- THEY ALREADY KNEW BY THAT TIME I GUESS.
- 25 Q BUT YOU DIDN'T TELL THE POLICE THAT SHE WAS MISSING?

1 YOU DIDN'T GO OUT THERE AND DO THAT? EVEN -- EVEN THOUGH SHE
2 WAS MISSING AND YOU THOUGHT YOU COULDN'T FIND HER?

3 A OH -- YES, SIR.

4 Q OKAY. NOW -- SO ESSENTIALLY, YOU HAVE THREE STATEMENTS,
5 AND EACH OF THEM CONFIRMS THE THINGS THAT YOU'VE SAID TODAY;
6 CORRECT?

7 A YES, SIR.

8 Q ALL RIGHT. NOW, AND YOU'RE TELLING US TODAY THAT YOUR
9 COUSIN -- YOU TOLD YOUR COUSIN, UH, JESSICA, THAT YOU HAD
10 GONE TO LOOK FOR HER AND YOU COULDN'T FIND HER; CORRECT?

11 A YES, SIR.

12 Q OKAY. AND YOU'RE SAYING THAT UNDER OATH, PUTTING YOUR
13 HAND ON THE BIBLE, SAYING THAT?

14 A YES, SIR.

15 Q OKAY. AND YOU'RE SAYING THAT MILES BOYNTON WAS NOT AT
16 THE HOUSE THAT EVENING, CORRECT?

17 A NOT TO MY KNOWLEDGE.

18 Q OKAY. NOT TO YOUR KNOWLEDGE?

19 A NO, SIR.

20 Q OKAY. AND DID THE POLICE, AT ANY POINT IN TIME, EVER
21 GET A SEARCH WARRANT OR ANYTHING TO COME AND SEARCH INTO YOUR
22 PROPERTY AT ANY POINT IN TIME?

23 A NO, SIR.

24 Q OKAY, OR AT ANY OF THE RESIDENCES WHERE YOU LIVED?

25 A NO, SIR.

1 Q OKAY, THAT'S ALL.

2 MR. GIPSON: WELL, COURT'S INDULGENCE VERY BRIEFLY,
3 YOUR HONOR.

4 THE COURT: OKAY.

5 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
6 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
7 HEARING OF THE JURY, OFF THE RECORD.)

8 (WHEREUPON, COURT RESUMED.)

9 MR. GIPSON: THAT'S ALL I HAVE AT THIS TIME, YOUR HONOR.

10 THE COURT: REDIRECT -- ANY REDIRECT?

11 MS. ARMSTRONG: YES, YOUR HONOR; VERY BRIEFLY.

12 THE COURT: ALL RIGHT. MR. GIPSON, THE PROCEDURE'S
13 GONNA BE DIRECT---

14 MR. GIPSON: YES, SIR.

15 THE COURT: ---CROSS, REDIRECT. AND IT'S INCUMBENT UPON
16 YOU TO OBJECT TO ANYTHING---

17 MR. GIPSON: YES, SIR.

18 THE COURT: ---AT THIS POINT IN TIME -- ANY NEW
19 MATERIAL.

20 MR. GIPSON: YES, SIR; I WILL.

21 THE COURT: VERY GOOD.

22 MR. GIPSON: THANK YOU, YOUR HONOR.

23 PETER TONY CARTER, JR., REDIRECT EXAMINATION BY

24 MS. ARMSTRONG:

25 Q OKAY, PETER, LET'S GO BACK TO, UH, WHEN YOU WERE TALKING

1 ABOUT, UH -- WHEN YOU GUYS MET DEREK OUT IN FRONT OF THE
2 COURTHOUSE.

3 A YES, MA'AM?

4 Q YOU SAID THAT THERE WAS A BAT?

5 A YES, MA'AM.

6 Q CAN YOU TELL ME ONE MORE TIME WHAT HAPPENED TO THAT BAT?

7 A WELL, I -- I WENT OVER THERE, PICKED THE BAT BACK UP,
8 AND PUT IT BACK IN THE TRUNK, MA'AM.

9 Q OKAY, AND WHEN YOU PICKED THE BAT UP, WAS IT A -- A -- A
10 REGULAR BAT, OR WAS IT WOODEN, WAS IT---

11 A A WOODEN BAT.

12 Q OKAY, WAS IT BROKEN IN ANY PLACE?

13 A NOT TO MY KNOWLEDGE.

14 Q DID YOU---

15 MR. GIPSON: OBJECTION -- OBJECTION TO LEADING, YOUR
16 HONOR---

17 THE COURT: UM---

18 MR. GIPSON: ---MOVE TO STRIKE.

19 THE COURT: ---THIS IS YOUR WITNESS, YOU HAVE TO ASK A
20 DIRECT QUESTION. I'LL SUSTAIN THE OBJECTION.

21 MS. ARMSTRONG: OKAY.

22 Q CAN YOU TELL ME THE CONDITION OF THE BAT?

23 A THERE WASN'T NOTHING WRONG WITH IT WHEN I PUT IT BACK IN
24 THE TRUNK, SO...

25 Q OKAY. AND YOU PUT IT BACK IN THE TRUNK OF WHICH CAR?

1 A DEREK -- DEREK MANER'S CAR.

2 Q OKAY, CAN YOU DESCRIBE DEREK'S AUTOMOBILE?

3 A I KNOW IT'S A -- A SUZUKI. AND IT'S BLACK -- OR, A
4 LIGHT BLUE I GUESS.

5 Q (AFTER PAUSE) YOU STATED THAT AFTER YOU HAD GONE OUT---

6 A UH-HUH?

7 Q ---AND LOOKED FOR ERICA AND COME BACK TO THE HOUSE, THAT
8 YOU TOLD JESSICA---

9 A YES.

10 Q ---WHAT YOU HAD DONE?

11 A YES.

12 Q WAS SHE ASLEEP AT THE TIME?

13 A YES.

14 Q OKAY. CAN YOU TELL ME WHAT HER RESPONSE WAS WHEN YOU
15 TOLD HER?

16 A WELL SHE REALLY DIDN'T HAVE NO MAJOR RESPONSE THAT
17 NIGHT, SO... 'CAUSE SHE WAS, I GUESS, A HALF ASLEEP OR HALF
18 WOKE (SIC) OR SOMETHING.

19 Q OKAY. AND DID YOU -- DID YOU TALK ABOUT IT AGAIN AFTER
20 THAT?

21 A ME AND JESSICA CONVERSATED (SIC) A LITTLE BIT ABOUT IT
22 THAT MORNING, BUT NOT MUCH.

23 Q OKAY. OKAY, IN YOUR STATEMENTS THAT YOU GAVE TO THE
24 POLICE, I'M GONNA SHOW YOU WHAT'S ALREADY BEEN MARKED AS THE
25 DEFENDANT'S, UH, ONE AND TWO I THINK. WOULD YOU LOOK AT

1 THOSE?

2 A (REVIEWED DOCUMENTS.)

3 Q DID YOU EVER TELL THE POLICE THAT YOU -- YOU THOUGHT
4 ERICA WAS MISSING?

5 A NOT UNTIL THEY CAME TO -- LIKE, CAME AND GOT ME AND
6 BROUGHT ME DOWN TO THE STATION OR WHATNOT.

7 Q OKAY. THE DATE THAT YOU WROTE THOSE STATEMENTS---

8 A RIGHT.

9 Q ---IS WHAT YOU'RE SAYING?

10 A (NOD.)

11 Q OKAY. AND CAN YOU JUST TAKE A LOOK AT THE -- THE
12 BOTTOM? THE VERY LAST THING ON BOTH PAGES? DON'T READ IT
13 OUT LOUD; JUST READ IT TO YOURSELF.

14 A (REVIEWED DOCUMENTS.) OKAY.

15 Q AND CAN YOU TELL ME WHO YOU WROTE THOSE STATEMENTS TO
16 ONE MORE TIME?

17 A ONE WAS FOR THE POLICE DEPARTMENT, AND ONE WAS FOR THE
18 SLED AGENT OUT THERE AT THE SHERIFF'S OFFICE DURING THE TIME.

19 Q OKAY. AND DID EACH -- AND WHAT DID YOU TELL THEM EACH
20 TIME AT THE END OF EACH STATEMENT?

21 A (NO RESPONSE.)

22 Q FROM YOUR RECOLLECTION.

23 A OH -- THAT -- AT THE END OF IT? THAT I WENT BACK HOME.

24 Q OKAY. AND DID YOU FIND ERICA?

25 A NO.

1 MS. ARMSTRONG: ONE MOMENT, YOUR HONOR.

2 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
3 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
4 HEARING OF THE JURY, OFF THE RECORD.)

5 (WHEREUPON, COURT RESUMED.)

6 MS. ARMSTRONG: NO FURTHER QUESTIONS FOR MR. CARTER.

7 THE COURT: YOU MAY STEP DOWN, MR. CARTER.

8 (WHEREUPON, WITNESS STEPPED DOWN.)

9 THE COURT: MADAME FORELADY, LADIES AND GENTLEMEN OF THE
10 JURY, UM, I'M GONNA ASK THAT YOU RETIRE TO THE JURY ROOM. DO
11 NOT DISCUSS THE CASE. WE'LL TAKE A, UM, MID-MORNING BREAK.

12 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
13 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
14 HEARING OF THE JURY, OFF THE RECORD.)

15 (WHEREUPON, COURT RESUMED.)

16 MS. ARMSTRONG: YOUR HONOR, WE ASK THAT THE WITNESS BE
17 RELEASED FROM HIS SUBPOENA AT THIS TIME?

18 THE COURT: UM -- ANY OBJECTION FROM THE DEFENSE?

19 MR. GIPSON: MAY WE, UH, DISCUSS THAT IN JUST A MOMENT,
20 YOUR HONOR?

21 THE COURT: VERY GOOD.

22 MR. GIPSON: THIS COURT'S INDULGENCE FOR JUST A MOMENT,
23 YOUR HONOR?

24 THE COURT: VERY GOOD. YOU, UH, NEED TO REMAIN IN --
25 UH, REMAIN IN THE COURTROOM.

1 MR. CARTER: YES, YOUR HONOR.

2 MR. GIPSON: THANK YOU, YOUR HONOR.

3 (WHEREUPON, JURY LEFT THE COURTROOM AT 11:05 A.M.)

4 THE COURT: MR. GIPSON?

5 MR. GIPSON: YES, SIR?

6 THE COURT: UM -- WITH REGARD TO MR. CARTER, UH, BEING
7 RELEASED FROM THE SUBPOENA?

8 MR. GIPSON: YES, SIR; AND I JUST DISCUSSED IT WITH MY
9 CLIENT. AND, UH, I -- I DON'T MIND THE RELEASE, BUT WE JUST
10 NEED TO -- IF POSSIBLE -- JUST TO BE ABLE TO, UH, PUT OUR
11 HANDS ON HIM IF WE NEED HIM JUST AT A LATER DATE.

12 THE COURT: OKAY.

13 MR. GIPSON: BUT, I DON'T MIND HIM BEING RELEASED FROM
14 THE SUBPOENA; YES, SIR.

15 THE COURT: ALL RIGHT. WELL, WE CAN'T DO IT BOTH WAYS.

16 MR. GIPSON: YES, SIR.

17 THE COURT: UM -- IF THERE IS -- UM, THIS IS A VERY
18 IMPORTANT MATTER.

19 MR. CARTER, YOU NEED TO REMAIN HERE IN THE COURTROOM.

20 MR. CARTER: YES, YOUR HONOR.

21 THE COURT: NOT IN THE COURTROOM, BUT IN THE COURTHOUSE.

22 AND YOU, UH, MAY BE SEQUESTERED ONCE AGAIN.

23 DO NOT DISCUSS YOUR TESTIMONY WITH ANYONE.

24 MR. CARTER: YES, SIR.

25 THE COURT: VERY GOOD.

1 MR. GIPSON: AND -- AND, YOUR HONOR, IF AND WHEN I
2 DETERMINE OUR -- YOU KNOW, WHAT OUR STRATEGY COULD BE I'LL
3 INFORM THE COURT AND -- AND HE CAN BE RELEASED. I'LL LET
4 MR. PEARSON KNOW IMMEDIATELY.

5 THE COURT: VERY GOOD; THAT'S NO PROBLEM. AND, UH --
6 ALL RIGHT.

7 IS THERE ANY WAY THAT WE CAN HAVE THE SLED AGENT TO, UM,
8 BE HERE AT THE -- AT MAYBE FOUR-FORTY-FIVE TODAY? IS THERE
9 ANY WAY YOU CAN MAKE CONTACT TO SEE IF HE CAN BE HERE?

10 AGENT JOHNSON: YES, SIR. IF YOU COULD -- IS IT OKAY IF
11 I COULD STEP OUTSIDE?

12 THE COURT: YES, SIR. WELL, LET'S DO THAT RIGHT NOW AND
13 FIND OUT WHEN HE CAN BE HERE.

14 AGENT JOHNSON: I'LL DO THAT.

15 THE COURT: FOUR-FORTY-FIVE WOULD BE A GOOD TIME. ALL
16 RIGHT, WE'LL STAND AT EASE FOR ABOUT FIVE MINUTES.

17 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
18 CONFERENCE, OFF THE RECORD.)

19 (WHEREUPON, COURT RESUMED.)

20 (WHEREUPON, COURT RECESSED AT 11:08 A.M.)

21 (WHEREUPON, COURT RESUMED AT 11:24 A.M.)

22 THE COURT: ALL RIGHT, BEFORE WE GET STARTED, UM, WITH
23 REGARDS TO THE, UM, TELEPHONE CALL THAT WAS MADE TO THE
24 FOREMAN (SIC) OF THE JURY, UM, THE SLED AGENT INDICATES
25 THEY NEED THE NUMBER OF -- THE HOME PHONE NUMBER OF THE

1 FOREMAN (SIC).

2 AND IS THERE ANY OBJECTION TO, UH, THE BAILIFF GETTING
3 HER HOME PHONE NUMBER?

4 MR. PEARSON: NONE FROM THE STATE, YOUR HONOR.

5 THE COURT: ALL RIGHT.

6 MR. GIPSON: NO, SIR; NO OBJECTION.

7 THE COURT: ALL RIGHT. AND DO WE HAVE A BAILIFF
8 AVAILABLE?

9 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
10 CONFERENCE, OFF THE RECORD.)

11 (WHEREUPON, COURT RESUMED.)

12 MR. GIPSON: AND, YOUR HONOR, IF I COULD ADDRESS JUST
13 A QUICK MATTER, UH, SINCE I'M JUST RENEWING MY, UH, ONE OF MY
14 OBJEC- -- OBJECTIONS?

15 UH -- IN REFERENCE TO THE TESTIMONY -- OR, THE ASSERTION
16 OF THE TESTIMONY THAT KEEPS ARISING THAT HE DID NOT -- HE
17 BEING MR. MANER -- DID NOT ASSIST IN THE SEARCH.

18 UH -- IT SEEMS TO ME THAT'S BEGINNING TO BORDER ON
19 INSIGNIFICANCE. LIKE, YOU KNOW, NOT TO TESTIFY. YOU KNOW,
20 IN THE SENSE THAT, I MEAN, IT -- THIS KEEPS BEING THROWN OUT
21 THERE AS IF IT'S SOMETHING RELEVANT OR SOMETHING THAT'S,
22 UH -- THAT -- THAT JUST -- IT'S -- IT'S -- THERE'S A
23 CONCLUSION THAT THEY'RE HOPING TO DRAW, AND HE MAY NOT BE
24 ABLE TO EVEN---

25 THE COURT: ALL RIGHT--

1 MR. GIPSON: ---REFUTE THAT.

2 THE COURT: ---I SUSTAIN THAT OBJECTION. I NOTICE WHEN
3 SHE SAID THAT IN THE OPENING ARGUMENT, THERE WAS NO
4 OBJECTION.

5 MR. GIPSON: YES, SIR.

6 THE COURT: THIS IS THE FIRST TIME THAT IT'S BEEN
7 BROUGHT TO MY ATTENTION.

8 BUT, UH, I, UM, WILL, INDEED, SUSTAIN THE OBJECTION.

9 THERE CANNOT BE NO -- ANY REFERENCE TO HIS NOT AIDING IN
10 THE INVESTIGATION. HE'S NOT REQUIRED TO DO SO.

11 MR. PEARSON: UH -- YOUR HONOR, IF, UH --- IF I MAY BE
12 HEARD? AND THIS IS ACTUALLY -- I HAVE A HOUSEKEEPING MATTER
13 AFTER THIS.

14 BUT, UM, THE STATE DOES HAVE A (SIC) AFFIRMATIVE DUTY TO
15 PROVE THAT MS. -- THAT MS. BRADLEY IS, IN FACT, DEAD. AND
16 PART OF THAT IS TALKING ABOUT THE SEARCH.

17 UM -- I'M CERTAIN MR. GIPSON IS GOING TO ASK QUESTIONS
18 ABOUT WHO WAS INVOLVED IN THE SEARCH. AND IF HE'S ALLOWED TO
19 ASK QUESTIONS ABOUT WHO'S INVOLVED, UH, THE STATE FEELS THAT
20 WE SHOULD BE ABLE TO ASK -- OR, ASK QUESTIONS ABOUT WHO WAS
21 NOT INVOLVED IN THE SEARCH.

22 THE COURT: UM -- I'M, UM, GOING TO SUSTAIN THE
23 OBJECTION. I THINK IT'S INAPPROPRIATE FOR YOU TO DO THAT.

24 AND, UM, YOUR OBJECTION IS NOTED ON THE RECORD.

25 I THINK IT'S INAPPROPRIATE. I DON'T THINK THE DEFENDANT

1 HAS AN AC- -- AN AFFIRMATIVE OBLIGATION, UH, TO AID IN THE
2 SEARCH.

3 UH -- AND THAT'S MY RULING IN THAT REGARD, AND I'LL ASK
4 THAT YOU ABIDE BY THAT.

5 MR. GIPSON: THANK YOU, YOUR HONOR.

6 MR. PEARSON: UM -- ONE OTHER -- ONE OTHER HOUSEKEEPING
7 MATTER, YOUR HONOR.

8 UM -- JUST -- HOW -- HOW DO YOU LIKE US TO HANDLE
9 OBJECTIONS? I KNOW A LOT OF JUDGES DON'T LIKE SPEAKING
10 OBJECTIONS. SOMETIMES THEY LIKE US TO COME TO THE BENCH,
11 SOMETIMES THEY LIKE TO, UH, ESCORT THE JURY OUT. I'M NOT
12 SURE HOW YOU WANT TO HANDLE THOSE, BUT I DO ANTICIPATE AT
13 SOME POINT IN THIS TRIAL THERE MAY BE AN OBJECTION THAT
14 MYSELF OR MR. GIPSON MIGHT WANT TO BE HEARD ON.

15 THE COURT: I WOULD LIKE FOR YOU TO STATE THE OBJECTION
16 AND WHAT THAT GROUND (SIC).

17 I OBJECT, IRRELEVANT; I OBJECT, HEARSAY; AND ANYTHING
18 FURTHER NEEDS TO BE TAKEN, UH -- NEEDS TO TAKE PLACE HERE AT
19 THE BENCH OR OUTSIDE THE PRESENCE OF THE JURY.

20 MR. PEARSON: YES, SIR.

21 THE COURT: ALL RIGHT. AND NO SPEAKING OBJECTION. I
22 DON'T THINK WE'VE HAD ANY OF THOSE YET.

23 MR. PEARSON: NO; DEPENDING -- BUT I -- I -- I -- I
24 THINK IT -- IT MIGHT SHOW UP AT SOME POINT DURING THE TRIAL.

25 THE COURT: VERY GOOD.

1 MR. PEARSON: THAT'S WHY I WAS ASKING.

2 THE COURT: ALL RIGHT. SO I WOULD EXPECT AN OBJECTION
3 AND THE GROUNDS---

4 MR. GIPSON: YES, SIR.

5 THE COURT: ---AND WITHOUT COMMENT ONE WAY OR THE OTHER.

6 UH -- DOES THE JURY HAVE A QUESTION BEFORE WE GET
7 STARTED?

8 BAILIFF: I'LL FIND OUT, SIR.

9 THE COURT: VERY GOOD. I THINK...

10 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED TO WAIT FOR
11 JURY QUESTION.)

12 (WHEREUPON, COURT RESUMED.)

13 THE COURT: THE FOREMAN (SIC) HAS, UM, WRITTEN A NOTE,
14 WHICH IS FAIRLY UNUSUAL FOR 'EM TO WRITE AT THIS JUNCTURE.

15 IT SAYS, QUESTION, COULD NOT UNDERSTAND WITNESS.

16 NOT CLEAR ON WAS THE BAT ORIGINALLY IN DEREK MANER'S
17 CAR?

18 WAS IT IN THE TRUNK?

19 WHO OPENED THE TRUNK IF IT WAS IN THE TRUNK?

20 WHO TOOK THE BAT OUT OF THE TRUNK?

21 WHY?

22 DID THE TRUNK OPEN WITH A KEY?

23 OR, IF THE WITNESS OPENED THE TRUNK, WHO GAVE HIM THE
24 KEY FOR ACCESS?

25 UM -- THESE ARE, UM -- UH, FAIRLY UNUSUAL FOR A, UM -- A

1 FOREMAN (SIC) TO POSE A QUESTION SUCH AS THAT.

2 UM -- BUT MY INSTRUCTION TO THEM IS GONNA BE THAT THEY
3 ARE, UH -- THE JURY IS NOT IN A POSITION TO ASK QUESTIONS.
4 THEY NEED TO LISTEN TO THE TESTIMONY AS IT COMES FROM THE
5 WITNESS STAND AND GLEAN THE FACTS FROM -- AND THE TRUTH FROM
6 THAT.

7 ANY OBJECTION FROM THE STATE?

8 MR. PEARSON: NONE FROM THE STATE.

9 THE COURT: ANY FROM DEFENSE?

10 MR. GIPSON: AND -- AND NO OBJECTION, YOUR HONOR. MAY I
11 OFFER, I GUESS, A SUGGESTION? I THINK THAT'S BORDERING ON
12 DELIBERATION AT THIS POINT.

13 THE COURT: AND, UH---

14 MR. GIPSON: I MEAN, I -- AND I DON'T -- IF -- IF
15 THEY'VE BEGUN THE--

16 THE COURT: ---I DON'T KNOW IF THIS IS COMING FROM THE,
17 UH, THE FORELADY HERSELF. BUT, WE DO NEED TO MAKE, UM, THAT
18 DETERMINATION.

19 WHY DON'T WE HAVE THE FORELADY OUT FOR ONE MOMENT?

20 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED TO WAIT FOR
21 FORELADY TO APPEAR, OFF THE RECORD.)

22 (WHEREUPON, COURT RESUMED.)

23 (WHEREUPON, SHELBY JEAN CLOWERS ENTERED THE COURTROOM AT
24 11:30 A.M.)

25 SHELBY JEAN CLOWERS, EXAMINATION BY THE COURT:

1 Q MADAME FORELADY, YOU CAN, UH, JUST STAND RIGHT THERE IF
2 YOU WOULD.

3 UH -- THE FIRST THING THAT WE NEED, WITH REGARD TO THE
4 TELEPHONE CALL, WHAT IS YOUR HOME PHONE NUMBER?

5 A IT'S 803- [REDACTED].

6 Q VERY GOOD. AND, WE RECEIVED THE NOTE. AND, UH, HOW DID
7 THESE QUESTIONS -- ARE THESE QUESTIONS OF YOURS INDIVIDUALLY?

8 A MINE.

9 Q OKAY. THERE'S NOT BEEN ANY DISCUSSION WITH OTHER JURORS
10 ABOUT---

11 A NO.

12 Q ---ABOUT THIS? THIS IS QUESTIONS THAT YOU HAVE
13 INDIVIDUALLY?

14 A THESE -- THESE ARE QUESTIONS THAT I HAD IN MY MIND.

15 Q OKAY; VERY GOOD. BUT WHAT, UM, I'M GONNA ORDER AND
16 INSTRUCT YOU IN THE WAY THE, UM, LAW MANDATES IS, THAT YOU
17 LISTEN TO THE WITNESSES, UM, AS THEY TESTIFY. AND YOU NEED
18 TO GLEAN THE TRUTH FROM THAT AS BEST YOU CAN.

19 UNDER OUR PROCEDURE, THE JURORS CAN'T ASK QUESTIONS AND
20 CAN'T ASK FOR CLARIFICATION.

21 YOU NEED TO LISTEN AND LISTEN ATTENTIVELY --
22 INTENSIVEABLY (PHONETIC/SIC) AS BEST YOU CAN.

23 A I DID.

24 Q THANK YOU.

25 A ALL RIGHT.

1 (WHEREUPON, FORELADY LEFT THE COURTROOM AT 11:31 A.M.)

2 **THE COURT:** I'LL MAKE THIS NOTE A PART OF THE RECORD.

3 (WHEREUPON, COURT'S EXHIBIT NUMBER 1 WAS ADMITTED INTO
4 EVIDENCE.)

5 **THE COURT:** WE'RE READY FOR THE JURY.

6 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
7 CONFERENCE, OFF THE RECORD.)

8 (WHEREUPON, COURT RESUMED.)

9 (WHEREUPON, JURY ENTERED THE COURTROOM AT 11:32 A.M.)

10 **THE COURT:** THE STATE, YOU'RE RECOGNIZED; YOU MAY CALL
11 YOUR NEXT WITNESS.

12 **MR. PEARSON:** AT THIS TIME, THE STATE CALLS JESSICA
13 BRADLEY.

14 **THE COURT:** MS. BRADLEY, PLEASE COME FORWARD.

15 (WHEREUPON, WITNESS CAME FORWARD.)

16 **THE COURT:** I'M GONNA ASK YOU TO COME OVER HERE AND, UM,
17 PLACE YOUR LEFT HAND ON THE BIBLE AND RAISE YOUR RIGHT HAND
18 AS THE CLERK ADMINISTERS THE OATH.

19 (WHEREUPON, **JESSICA BRADLEY** WAS DULY SWORN AND TESTIFIED
20 AS FOLLOWS:)

21 **THE COURT:** MS. BRADLEY, PULL UP A CHAIR IN THE WITNESS,
22 UH, SEAT RIGHT HERE.

23 I'M GONNA ASK YOU TO, UH -- ASK YOU TO PULL UP CLOSE TO
24 THAT MICROPHONE, SPEAK LOUDLY, CLEARLY, AND SLOWLY. THIS IS
25 A BIG ROOM, AND, UM, IF YOU SPEAK SOFTLY IT'S VERY DIFFICULT

1 TO HEAR.

2 SO I WANT YOU TO STATE YOUR, UH -- SPEAK LOUDLY AND
3 CLEARLY. AND LET'S START WITH STATING YOUR NAME.

4 MS. BRADLEY: MY NAME IS JESSICA BRADLEY.

5 THE COURT: ALL RIGHT, WE'RE GONNA NEED TO BACK OFF THAT
6 MICROPHONE JUST A LITTLE BIT.

7 ALL RIGHT, GO AHEAD ONE MORE TIME.

8 MS. BRADLEY: JESSICA BRADLEY.

9 THE COURT: VERY GOOD, AND SPEAK UP LOUDLY; THANK YOU.
10 UH -- YOU'RE REC- -- YOU'RE RECOGNIZED, MR. PEARSON.

11 MR. PEARSON: THANK YOU, YOUR HONOR.

12 JESSICA BRADLEY, DIRECT EXAMINATION BY MR. PEARSON:

13 Q MS. BRADLEY, DO YOU KNOW -- DID YOU KNOW AN INDIVIDUAL
14 BY THE NAME OF ERICA BRADLEY?

15 A YES, SIR.

16 Q COULD YOU PLEASE EXPLAIN TO THE JURY HOW YOU KNEW
17 ERICA BRADLEY?

18 A SHE'S MY SISTER.

19 Q ARE YOU HER OLDER SISTER, YOUNGER SISTER?

20 A I'M HER OLDER SISTER.

21 Q AND HOW MUCH OLDER THAN HER ARE YOU?

22 A I'M FOUR YEARS OLDER THAN MY SISTER.

23 Q HAVE YOU LIVED, UH -- YOU LIVE IN ALLENDALE?

24 A YES, SIR.

25 Q HAVE YOU ALWAYS LIVED IN ALLENDALE?

- 1 A YES, SIR.
- 2 Q DID YOU AND ERICA GROW UP TOGETHER?
- 3 A YES, SIR.
- 4 Q NOW, YOU TESTIFIED JUST A MOMENT AGO THAT YOU'RE OLD --
- 5 THAT YOU'RE ERICA'S OLDER SISTER. DO YOU HAVE ANY OTHER
- 6 SIBLINGS?
- 7 A YES, SIR; I DO.
- 8 Q UH -- WHO ARE THEY?
- 9 A LASHONTA BRADLEY, TEARRON BRADLEY, AND KYWANA BRADLEY.
- 10 Q ALL GIRLS?
- 11 A ALL GIRLS.
- 12 Q FIVE SISTERS?
- 13 A FIVE SISTERS.
- 14 Q AND, UH, WHO ARE YOUR MOTHER AND FATHER?
- 15 A JACKIE BRADLEY AND HENRY BRADLEY.
- 16 Q AND ALL FIVE -- ALL FIVE OF YOUR SISTERS HAVE THE SAME
- 17 MOTHER AND FATHER?
- 18 A YES, SIR.
- 19 Q WHILE YOU WERE GROWING UP, DID YOU -- DID YOU LIVE WITH
- 20 ERICA?
- 21 A YES, SIR; I DID.
- 22 Q IF I WERE TO GO BACK TO NOVEMBER 6TH 2006, UH, WERE YOU
- 23 LIVING WITH ERICA AT THIS POINT?
- 24 A NO, SIR; I WASN'T.
- 25 Q WAS SHE STILL IN HIGH SCHOOL?

- 1 A YES, SIR; SHE WAS.
- 2 Q WERE YOU?
- 3 A NO.
- 4 Q AND WHERE WERE YOU LIVING AT THIS TIME?
- 5 A AT [REDACTED] STREET.
- 6 Q AND WERE YOU LIVING THERE BY YOURSELF?
- 7 A NOT AT THAT TIME. ERICA WAS COMING BACK AND FORTH FROM
- 8 STAYING WITH ME TO STAYING WITH THE MANER FAMILY.
- 9 Q SO, IN NOVEMBER OF 2006 -- CORRECT ME IF I'M WRONG --
- 10 YOU'RE SAYING THAT, UH, ERICA STAYED WITH YOU SOMETIMES,
- 11 STAYED WITH, UH, THE -- THE MANER FAMILY SOMETIMES?
- 12 A YES.
- 13 Q AND---
- 14 A AND AT THAT TIME SHE WASN'T THERE.
- 15 Q OKAY. THAT -- THAT NIGHT SHE WASN'T THERE?
- 16 A THAT NIGHT SHE WASN'T THERE.
- 17 Q AND BY THERE DO YOU MEAN YOUR, UH -- YOUR HOUSE?
- 18 A SHE WASN'T AT MY HOUSE.
- 19 Q LET'S TALK A LITTLE BIT ABOUT THE, UH -- THE MANER
- 20 FAMILY.
- 21 DO YOU KNOW AN INDIVIDUAL BY THE NAME OF DEREK MANER?
- 22 A YES, SIR; I DO.
- 23 Q AND HOW DO YOU KNOW DEREK MANER?
- 24 A SHE -- I MEAN, HE WAS ERICA'S BOYFRIEND.
- 25 Q AND WHEN YOU SAY HE WAS ERICA'S BOYFRIEND, DO YOU MEAN

1 THAT HE, UH -- DO YOU MEAN BACK ON NOVEMBER 6TH OF 2006?

2 A YES, SIR.

3 Q OTHER THAN BEING BOYFRIEND AND GIRLFRIEND, DID THEY HAVE
4 ANYTHING ELSE IN COMMON?

5 A THEY HAD A CHILD.

6 Q THEY HAD A CHILD? AND WHAT IS THAT CHILD'S NAME?

7 A T. M.

8 Q AND HOW -- APPROXIMATELY HOW OLD WAS T. M. ON
9 NOVEMBER 6TH 2006?

10 A ABOUT SIX MONTHS.

11 Q ABOUT SIX MONTHS OLD. SO, FAIRLY NEWBORN?

12 A YES, SIR.

13 Q AND WHERE DID T. M. STAY? DID HE STAY WITH YOU,
14 WITH HER, BETWEEN?

15 A WITH HER.

16 Q HER?

17 A WHEREVER SHE STAYED.

18 Q SO WHEN ERICA WOULD STAY WITH YOU, WOULD SHE BRING THE
19 BABY WITH HER?

20 A YES, SIR.

21 Q AND WHEN SHE STAYED AT THE MANER'S -- OH, HOLD ON ONE
22 SECOND.

23 DO YOU KNOW, UH -- YOU SAID THAT SHE WAS STAYING WITH
24 THE MANER FAMILY. DO YOU KNOW THE ADDRESS OF THIS LOCATION?

25 A NO, SIR; I KNOW WHERE IT'S AT.

1 Q DO YOU KNOW WHERE IT IS?

2 A YES, SIR.

3 Q IS IT IN ALLENDALE COUNTY?

4 A YES, SIR.

5 Q OKAY. DO YOU KNOW IF DEREK MANER -- I THINK YOU
6 TESTIFIED THAT YOUR SISTER, ERICA BRADLEY, LIVED THERE AND
7 THE MANER FAMILY. DO YOU KNOW WHO THAT CONSISTED OF AT THIS
8 TIME?

9 A I DO NOT KNOW THE EXACT NAMES. I KNOW IT WAS HER,
10 DEREK, THE MOTHER AND FATHER, DEREK'S OLDEST BROTHER, AND
11 HIS, UM -- WELL, HIS TWO OLDEST BROTHERS.

12 Q ALL RIGHT. YOU TESTIFIED JUST A SECOND AGO THAT YOU --
13 THAT YOU KNOW DEREK MANER BECAUSE HE WAS YOUR SISTER'S
14 BOYFRIEND AND THEY HAD A CHILD IN COMMON. DO YOU KNOW WHAT
15 HE LOOKS LIKE?

16 A HUH?

17 Q DO YOU KNOW WHAT DEREK MANER LOOKS LIKE?

18 A YES, SIR.

19 Q DO YOU SEE HIM IN THE COURTROOM TODAY?

20 A YES, SIR.

21 Q COULD YOU PLEASE POINT HIM OUT AND DESCRIBE AN ARTICLE
22 OF HIS CLOTHING FOR THE COURT REPORTER?

23 A THE ARTI- -- THE CLOTHING HE HAS ON?

24 Q YES.

25 A HE HAS ON A BLUE TIE WITH WHITE SHIRT. AND LIKE A TAN

1 LOOKING JACKET WITH STRIPES.

2 **MR. PEARSON:** PLEASE LET THE RECORD REFLECT THAT THE
3 WITNESS HAS IDENTIFIED DEREK MANER, SITTING AT THE DEFENSE
4 TABLE.

5 Q WOULD YOU CHARACTERIZE THE RELATIONSHIP YOU HAD WITH
6 ERICA BRADLEY TO BE A CLOSE ONE?

7 A YES, SIR.

8 Q WERE YOU AWARE OF THINGS THAT WERE GOING ON IN HER LIFE?

9 A NO, SIR.

10 Q NOT EVERYTHING?

11 A NOT EVERYTHING.

12 Q WHAT ABOUT -- YOU TESTIFIED THAT SHE WAS STILL IN HIGH
13 SCHOOL. ARE YOU, UH -- ARE YOU AWARE OF, UM, HOW SHE WAS
14 DOING? WAS SHE STILL ENROLLED; WAS SHE STILL GOING?

15 A SHE WAS STILL GOING TO SCHOOL.

16 **MR. GIPSON:** OBJECT TO THE LEADING, YOUR HONOR.

17 **THE COURT:** I'LL, UM, SUSTAIN THE OBJECTION. ASK A
18 DIRECT QUESTION IF YOU COULD.

19 Q ARE YOU -- YOU TESTIFIED THAT SHE WAS IN SCHOOL?

20 A YES.

21 Q DO YOU MEAN SHE WAS CONTINUOUSLY GOING?

22 A YES, SIR.

23 Q ALL RIGHT.

24 **MR. GIPSON:** OBJECT TO LEADING, YOUR HONOR.

25 **THE COURT:** UH -- ASK A DIRECT QUESTION. WHAT WAS HER

- 1 ACADEMIC STATUS MIGHT BE A GOOD QUESTION.
- 2 Q WAS SHE STILL IN GOOD STANDING TO YOUR KNOWLEDGE?
- 3 A YES, SIR.
- 4 Q (AFTER PAUSE) DID YOU GO TO, UM -- WHICH HIGH SCHOOL ARE
- 5 YOU TALKING ABOUT?
- 6 A ALLENDALE-FAIRFAX HIGH SCHOOL.
- 7 Q DID YOU GO TO ALLENDALE-FAIRFAX HIGH SCHOOL AS WELL?
- 8 A YES, SIR.
- 9 Q ARE YOU AWARE OF ANY ACADEMIC AWARDS THAT ALLENDALE-
- 10 FAIRFAX HIGH SCHOOL GIVES OUT TO YOUR OWN PERSONAL KNOWLEDGE
- 11 SINCE YOU WERE A STUDENT?
- 12 A MOSTLY SCHOLARSHIPS AND STUFF LIKE THAT.
- 13 Q DO THEY HAVE AN HONOR ROLL?
- 14 A YES, SIR; THEY DO.
- 15 Q DO YOU KNOW IF YOU SISTER, ERICA, WAS ON THE HONOR ROLL?
- 16 A YEAH, SHE WAS ON A HONOR ROLL.
- 17 Q BASED ON YOUR OWN EXPERIENCE, DO YOU HAVE TO MAKE GOOD
- 18 GRADES TO BE ON THE HONOR ROLL?
- 19 A YES, SIR; YOU DO.
- 20 Q IF YOUR SISTER WAS ON THE HONOR ROLL, WOULD IT BE FAIR
- 21 TO SAY THAT SHE WAS MAKING GOOD GRADES?
- 22 A YES, SIR; SHE WAS.
- 23 Q (AFTER PAUSE) NOW, YOU SAID YOUR SISTER, ERICA BRADLEY,
- 24 UM, WOULD GO FROM YOUR HOME TO THE DEFENDANT'S HOME AND SHE
- 25 WOULD TAKE T. M. WITH HER; IS THAT CORRECT?

1 A YES, SIR.

2 Q HOW DID SHE DO HER TRANSPORTATION? HOW'D SHE GET BACK
3 AND FORTH?

4 A UM -- DEREK CAME AND PICK HER UP (SIC).

5 Q DEREK -- DEREK MANER, THE DEFENDANT, CAME TO PICK
6 HER UP?

7 A YES.

8 Q DO YOU KNOW WHAT TYPE OF VEHICLE DEREK MANER DROVE?

9 A HE HAD A BLUE -- LIKE A BABY BLUE LOOKING CAR.

10 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
11 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
12 HEARING OF THE JURY, OFF THE RECORD.)

13 (WHEREUPON, COURT RESUMED.)

14 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER 2 WAS MARKED FOR
15 IDENTIFICATION.)

16 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER 3 WAS MARKED FOR
17 IDENTIFICATION.)

18 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER 4 WAS MARKED FOR
19 IDENTIFICATION.)

20 Q I'M GONNA SHOW YOU WHAT'S BEEN MARKED FOR
21 IDENTIFICATION PURPOSES AS STATE'S EXHIBIT TWO, THREE, AND
22 FOUR. COULD YOU TAKE A LOOK AT THOSE?

23 A (WITNESS REVIEWS PHOTOS.)

24 Q DO YOU RECOGNIZE THE CONTENTS OF THOSE PICTURES?

25 A (NOD.)

1 Q AND WHAT'S IN THOSE PICTURES?

2 A DEREK'S CAR.

3 Q WHAT IS IT -- IT'S A CAR? WHAT -- WHAT COLOR CAR.

4 A BLUE.

5 Q IS IT, UH -- COULD YOU TELL US THE -- THE MAKE OF THE
6 CAR?

7 A IT'S A SUZUKI.

8 Q NOW, YOU TESTIFIED JUST A FEW MOMENTS AGO THAT DEREK
9 DROVE A BABY BLUE SUZUKI. DO THOSE PICTURES ACCURATELY
10 REFLECT THE VEHICLE YOU WERE JUST DISCUSSING?

11 A YES, SIR.

12 MR. PEARSON: YOUR HONOR, AT THIS TIME I'D LIKE TO MOVE
13 WHAT'S BEEN MARKED AS STATE'S EXHIBIT TWO, THREE, AND FOUR
14 INTO EVIDENCE.

15 THE COURT: ANY OBJECTION FROM THE DEFENDANT?

16 MR. GIPSON: OH, I'M SORRY, I'M NOT SURE HE'S
17 SEEN THOSE.

18 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
19 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
20 HEARING OF THE JURY, OFF THE RECORD.)

21 (WHEREUPON, COURT RESUMED.)

22 MR. GIPSON: NO OBJECTION, YOUR HONOR.

23 THE COURT: STATE'S EXHIBITS ONE, TWO, AND THREE?

24 MR. PEARSON: IT'S -- IT'S TWO, THREE, AND FOUR.

25 THE COURT: TWO, THREE, AND FOUR INTO EVIDENCE WITHOUT

1 OBJECTION FROM DEFENSE.

2 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER 2 WAS ADMITTED
3 INTO EVIDENCE.)

4 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER 3 WAS ADMITTED
5 INTO EVIDENCE.)

6 (WHEREUPON, PLAINTIFF'S EXHIBIT NUMBER 4 WAS ADMITTED
7 INTO EVIDENCE.)

8 Q NOW, WHEN YOU SAID -- I THINK YOU TESTIFIED JUST A
9 MOMENT AGO THAT THIS WAS DEREK'S CAR; IS THAT CORRECT?

10 A YES, SIR; IT IS.

11 Q DID YOU SEE DEREK MANER DRIVING THIS CAR PERSONALLY?

12 A YES, SIR.

13 Q DID YOU SEE HIM DRIVING AROUND WITH ERICA?

14 A YES, SIR.

15 Q DID YOU SEE THE TWO OF THEM AND THE BABY IN THAT CAR?

16 A YES, SIR.

17 Q WAS THAT, TO YOUR KNOWLEDGE, HIS PRIMARY MODE OF
18 TRANSPORTATION---

19 A YES---

20 Q ---THAT VEHICLE?

21 A ---YES, SIR.

22 Q LET'S TALK A LITTLE BIT ABOUT -- ABOUT ERICA. YOU
23 TESTIFIED JUST A MOMENT AGO THAT SHE HAD A CHILD, T. M.
24 AND THAT SHE WAS GOING TO ALLENDALE-FAIRFAX HIGH SCHOOL. DID
25 SHE WORK?

1 A YES, SIR; SHE DID.

2 Q WHERE DID SHE WORK?

3 A AT HARDEE'S.

4 Q WORKED AT HARDEE'S. AND IS THAT HARDEE'S RIGHT HERE IN
5 ALLENDALE COUNTY?

6 A YES, SIR.

7 Q AND I JUST WANT TO BE PERFECTLY CLEAR ON THIS. YOU SAID
8 SHE WAS GOING TO SCHOOL, HONOR ROLL; WORKING AT HARDEE'S. IS
9 THIS AFTER SHE HAD T. M. ?

10 A IT WAS DURING SHE WAS PREGNANT -- SHE WAS PREGNANT WITH
11 T. M. AND AFTER SHE HAD THE BABY.

12 Q OKAY. SO SHE WAS GOING TO SCHOOL, AND WORKING, AND
13 TAKING CARE OF THE BABY?

14 A YES, SIR; SHE WAS.

15 Q PRIOR TO -- AND I'M -- I'M TALKING PRIOR TO NOVEMBER 6TH
16 2006 -- DID SHE EVER, UH -- DID SHE EVER DROP OUT OF SCHOOL?

17 MR. GIPSON: OBJECT TO THE LEADING, YOUR HONOR.

18 THE COURT: UM -- I'LL ALLOW HIM TO ASK THE QUESTION.

19 Q DID SHE EVER DROP OUT OF SCHOOL PRIOR TO NOVEMBER 6TH
20 2006?

21 A NO, SIR.

22 Q DID SHE EVER QUIT WORKING, UM, AFTER -- WAS SHE WORKING
23 THE WHOLE TIME WHILE T. M. WAS BORN -- AFTER T. M.
24 WAS BORN?

25 A YES, SIR.

1 MR. GIPSON: OBJECT TO LEADING, YOUR HONOR.

2 THE COURT: OVERRULED.

3 Q MS. BRADLEY, DO YOU KNOW IF ERICA, UM, PROVIDED ANY -- I
4 SUPPOSE IT'D BE CHILD CARE FOR T. M. ?

5 A (NO RESPONSE.)

6 Q DID SHE LOOK AFTER HIM?

7 A YES.

8 Q DURING THIS PERIOD OF TIME BACK IN NOVEMBER OF 2006,
9 ARE YOU AWARE OF, UH -- ARE YOU AWARE OF ANY JOBS THE
10 DEFENDANT HAD?

11 A (AFTER PAUSE) NO, NOT THAT -- NOT -- NOT AS I CAN
12 RECALL.

13 Q NOT THAT YOU CAN RECALL?

14 A (NOD.)

15 Q DO YOU KNOW IF THE DEFENDANT WATCHED T. M. DURING
16 THE DAY?

17 A UM -- NO, BECAUSE HE WAS IN DAYCARE.

18 Q SO T. M. WAS IN DAYCARE?

19 A YES.

20 Q (AFTER PAUSE) LET'S TALK SPECIFICALLY ABOUT THE NIGHT OF
21 NOVEMBER 6TH 2006. DO YOU REMEMBER THAT NIGHT?

22 A YES, SIR; I DO.

23 Q DO YOU REMEMBER WHERE YOU WERE?

24 A AT HOME.

25 Q YOU WERE AT HOME THAT NIGHT?

1 A (NOD.)

2 Q DO YOU KNOW WHERE YOUR SISTER WAS EARLIER THAT EVENING?
3 STARTING -- LET'S SAY -- LET'S -- LET'S START AT SIX O'CLOCK
4 AND MOVE ON. DO YOU KNOW WHERE YOUR SISTER WAS AROUND SIX
5 O'CLOCK?

6 A AT EVENING?

7 Q YES.

8 A SHE SHOULD HAVE BEEN AT WORK.

9 Q AND THIS IS WORK AT THAT SAME HARDEE'S IN ALLENDALE?

10 A HARDEE'S AT ALLENDALE.

11 Q DID YOU HAVE ANY OCCASION TO SPEAK TO YOUR SISTER ANY
12 TIME THAT NIGHT? WITHOUT TELLING WHAT SHE SAID, BUT DID YOU
13 HAVE ANY ABILITY TO SPEAK WITH HER?

14 A YES.

15 Q NOW, YOU TESTIFIED A MOMENT AGO THAT, UH, YOUR SISTER --
16 ERICA BRADLEY'S PRIMARY MODE OF TRANSPORTATION WAS THE
17 DEFENDANT, DEREK MANER?

18 A YES, SIR.

19 Q DID THAT INCLUDE GOING TO AND FROM WORK?

20 A YES, SIR.

21 Q DO YOU KNOW IF YOUR SISTER RODE HOME FROM WORK ON
22 NOVEMBER 6TH 2006 WITH THE DEFENDANT, DEREK MANER?

23 A NO, SIR.

24 Q NO, SIR YOU DON'T KNOW; OR NO, SIR SHE DIDN'T?

25 A NO, SIR; SHE DIDN'T.

1 Q WELL, YOU TESTIFIED JUST A MOMENT AGO THAT YOU WERE ABLE
2 TO SPEAK WITH YOUR SISTER. AND WITHOUT GETTING SPECIFICALLY
3 INTO WHAT SHE TOLD YOU, WHAT DID YOU DO AS A RESULT OF HER
4 CALLING?

5 A WELL, I PICKED UP THE PHONE.

6 Q UH-HUH?

7 A WELL, I LOOKED AT THE TIME FIRST ON THE PHONE. AND I
8 TALKED TO HER AND I, UM, I SENT SOMEONE TO GET HER. TO PICK
9 HER UP FROM WORK.

10 Q OKAY; I'M SORRY, I DIDN'T QUITE HEAR WHAT YOU SAID. YOU
11 SENT?

12 A I SENT SOMEONE TO PICK HER UP FROM WORK.

13 Q ALL RIGHT. YOU SENT SOMEONE? WHO WAS THAT SOMEONE YOU
14 SENT TO PICK HER UP?

15 A PETER CARTER.

16 Q DO YOU KNOW APPROXIMATELY WHAT TIME THIS WAS?

17 A IT WAS NIGHTTIME IS ALL THAT I KNOW.

18 Q IT WAS NIGHTTIME? WERE YOU, UH -- I GUESS, WERE YOU IN
19 THE HOUSE FOR THE NIGHT AT THIS POINT?

20 A YES.

21 Q WERE YOU IN BED?

22 A YES.

23 Q WAS IT UNUSUAL FOR YOU TO HAVE TO, UH, GO PICK UP YOUR
24 SISTER OR SEND SOMEONE TO GET HER FROM WORK?

25 A YES, SIR; IT WAS.

1 Q AND THAT'S BECAUSE, AS YOU TESTIFIED EARLIER, IT WAS
2 USUALLY THE DEFENDANT?

3 A YES, SIR.

4 Q AFTER YOU SENT, UH, YOUR COUSIN, PETER TONY CARTER, TO
5 PICK UP ERICA BRADLEY FROM THAT HARDEE'S, DID YOU HEAR FROM
6 HER AGAIN THAT NIGHT?

7 A YES, SIR; I DID.

8 Q AND AS A RESULT OF THAT PHONE CONVERSATION, DID YOU TELL
9 HER ANYTHING -- SPECIFICALLY?

10 A YES, I DID.

11 Q WHAT'D YOU TELL HER.

12 A I TOLD HER NOBODY COULD TAKE HER.

13 Q UM -- AND WHEN YOU SAID NOBODY CAN TAKE HER, TAKE HER TO
14 WHERE?

15 A APPLETON.

16 Q SO SHE WANTED TO GO TO THE APPLETON COMMUNITY?

17 A YES.

18 MR. GIPSON: I JUST OBJECT TO THE HEARSAY PORTION OF
19 THIS, YOUR HONOR.

20 THE COURT: I'LL ASK THAT YOU REPHRASE THE QUESTION.

21 Q YOU TESTIFIED THAT YOU SAID THAT SHE COULDN'T GO. WHERE
22 WERE YOU TALKING ABOUT?

23 A APPLETON.

24 Q APPLETON. AND IS APPLETON, IS THAT HERE IN ALLENDALE
25 COUNTY?

1 A YES, SIR; IT IS.

2 Q DO YOU KNOW WHERE, UH, SPECIFICALLY IN APPLETON SHE
3 WANTED TO GO?

4 MR. GIPSON: AND I DO OBJECT, YOUR HONOR. CAN WE
5 APPROACH FOR ONE MOMENT?

6 THE COURT: YES, SIR.

7 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH
8 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
9 HEARING OF THE JURY, OFF THE RECORD.)

10 (WHEREUPON, COURT RESUMED.)

11 THE COURT: OBJECTION SUSTAINED WITH REGARD TO HEARSAY.

12 Q I BELIEVE WE LEFT OFF WITH YOU SAYING THAT YOUR SISTER
13 COULD NOT GO TO APPLETON?

14 A I TOLD HER SHE COULD NOT GO.

15 Q DO YOU KNOW ANYONE WHO LIVES IN APPLETON?

16 A YES, SIR; I DO.

17 Q UM -- WHO DO YOU KNOW THAT LIVED IN APPLETON?

18 A MAGGIE ALDRICH.

19 Q AND HOW DO YOU KNOW MAGGIE ALDRICH?

20 A UM -- I USED TO CONVERSATE (SIC) WITH HER. I
21 CONVERSATED (SIC) WITH HER.

22 Q WERE YOU FRIENDS, OR?

23 A I WOULD SAY, YES.

24 Q NOW, YOU SAID YOU KNOW SHE LIVED IN, UH -- SHE BEING
25 MAGGIE ALDRICH -- LIVED IN APPLETON. DO YOU KNOW IF SHE HAD

1 SOME SORT OF RELATIONSHIP WITH YOUR SISTER? WERE THEY
2 FRIENDS?

3 A NO, SHE DIDN'T HAVE NO RELATIONSHIP WITH MY SISTER.

4 Q DO YOU KNOW ANYONE THAT SHE HAD A RELATIONSHIP WITH?

5 A WHO, MAGGIE?

6 Q YES.

7 A YES.

8 Q UH -- WHO?

9 MR. GIPSON: OBJECTION. YOUR HONOR, MAY WE APPROACH FOR
10 A MOMENT; I HAVE AN OBJECTION TO BE HEARD.

11 THE COURT: COUNSEL, YOU MAY AP- -- MAY APPROACH.

12 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH
13 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
14 HEARING OF THE JURY, OFF THE RECORD.)

15 (WHEREUPON, COURT RESUMED.)

16 THE COURT: OBJECTION IS OVERRULED.

17 MR. GIPSON: THANK YOU, YOUR HONOR.

18 Q I BELIEVE WE LEFT OFF WITH YOU SAYING THAT YOU KNEW
19 MAGGIE ALDRICH. AND MY QUESTION WAS, DO YOU KNOW ANYONE THAT
20 MAGGIE ALDRICH HAD A RELATIONSHIP WITH?

21 A YES, SIR; I DO.

22 Q AND WHO WAS THAT?

23 A DEREK MANER.

24 Q THE SAME DEREK MANER THAT'S SITTING -- THAT YOU
25 IDENTIFIED AT THE DEFENSE TABLE?

- 1 A YES, SIR.
- 2 Q NOW, YOU JUST TESTIFIED THAT YOU TOLD YOUR SISTER THAT
3 SHE COULD NOT GO OVER TO APPLETON. DO YOU KNOW APPROXIMATELY
4 WHAT TIME THIS WAS?
- 5 A UM -- I WILL SAY IT WAS -- OH, IT WAS -- HAD TO HAVE
6 BEEN AFTER TEN.
- 7 Q WERE YOU STILL IN THE BED?
- 8 A YES, SIR; I WAS.
- 9 Q WHAT TIME DO YOU NORMALLY GO TO BED?
- 10 A IT WASN'T MY REGULAR ROUTINE TO GO TO BED THAT EARLY. I
11 WAS PREGNANT AT THE TIME.
- 12 Q (AFTER PAUSE) NOW AGAIN, NOT GETTING INTO THE SUBSTANCE
13 OF THE CONVERSATION YOU HAD WITH YOUR SISTER, BUT, AFTER YOU
14 SPOKE WITH HER WAS, UH, YOUR COUSIN -- HAD YOUR COUSIN
15 RETURNED FROM PICKING HER UP FROM WORK?
- 16 A YES, SIR.
- 17 Q AND YOUR COUSIN BEING PETER TONY CARTER?
- 18 A YES, SIR.
- 19 Q WAS THERE ANYONE ELSE IN THE -- IN THAT HOUSEHOLD AT
20 THIS TIME?
- 21 A YES, SIR; IT WAS.
- 22 Q WHO ELSE WAS THERE?
- 23 A PETER'S GIRLFRIEND.
- 24 Q DO YOU REMEMBER HER NAME?
- 25 A UM -- RANESHA OUTING.

1 Q DO YOU KNOW ANYONE ELSE THAT WAS THERE IN THE HOME -- IN
2 YOUR HOUSE?

3 A NO, SIR.

4 Q (AFTER PAUSE) NOW AGAIN, WITHOUT SPECIFICALLY TALKING
5 ABOUT, UH, WHAT YOUR SISTER, ERICA BRADLEY, TOLD YOU, HER
6 DEMEANOR THAT NIGHT, DID SHE SEEM UPSET ABOUT SOMETHING?

7 A SHE SEEMED LIKE SHE WAS CALM.

8 MR. GIPSON: OBJECTION, YOUR HONOR.

9 THE COURT: I -- I'LL OVERRULE THE OBJECTION. SHE CAN
10 TESTIFY AS TO HER ORDINARY PERCEPTION.

11 MR. GIPSON: THANK YOU.

12 Q I -- I'LL ASK THE QUESTION AGAIN. DID SHE SEEM -- WHEN
13 YOU SPOKE TO YOUR SISTER ON THAT NIGHT -- NOVEMBER 6TH 2006 --
14 DID SHE SEEM UPSET ABOUT ANYTHING?

15 A NO, SHE WAS CALM.

16 Q SHE WAS CALM?

17 A YES.

18 Q DID SHE SEEM ANGRY ABOUT ANYTHING AT ALL?

19 A NO, SIR.

20 Q SHE JUST -- SO YOU COULDN'T TELL ANY DIFFERENCE THAT
21 PARTICULAR NIGHT THAN ANY OTHER TIME YOU HAD A CONVERSATION
22 WITH HER?

23 A I COULD TELL A DIFFERENCE BY THE QUESTIONS SHE ASKED ME.

24 Q THAT -- AND WITHOUT SPECIFICALLY GETTING INTO THAT, DID
25 THAT SEEM TO BE DIFFERENT THAN HER NORMAL DEMEANOR?

1 A YES.

2 Q (AFTER PAUSE) NOW, AFTER THE LAST TIME YOU SPOKE WITH
3 YOUR SISTER, ERICA BRADLEY, UH, ON THE TELEPHONE THAT NIGHT,
4 DID YOU EVER HEAR FROM HER AGAIN?

5 A NO, SIR.

6 Q DID YOU EVER SEE HER AGAIN?

7 A NO, SIR.

8 Q YOU TESTIFIED THAT PETER TONY CARTER, YOUR COUSIN, WENT
9 TO GO PICK HER UP. WERE YOU AWAKE WHEN HE RETURNED?

10 A I WAS LAYING IN THE BED. I WAS AWAKENED BY THE LIGHT
11 SHINING IN THE ROOM. BUT---

12 Q NOW, WHEN YOU SAY THE LIGHT SHINING IN THE ROOM, DO YOU
13 MEAN FROM OUTSIDE AWAY -- WHAT LIGHT ARE YOU TALKING ABOUT?

14 A FROM THE CAR---

15 Q OKAY.

16 A ---PULLING BACK IN THE DRIVEWAY.

17 Q DID THAT MEAN ANYTHING TO YOU -- THOSE LIGHTS?

18 A THAT HE HAD PICKEN (SIC) HER UP.

19 Q UM -- DO YOU KNOW IF -- HOW MANY TIMES MR. CARTER LEFT
20 THAT NIGHT TO---

21 MR. GIPSON: OBJECTION, YOUR HONOR; THAT'S LEADING.

22 THE COURT: I'LL OVERRULE THE OBJECTION.

23 Q DO YOU KNOW NOW MANY TIMES PETER CAR- -- PETER TONY
24 CARTER LEFT THAT NIGHT?

25 A I REMEMBER HIM LEAVING TWICE.

1 Q YOU -- YOU REMEMBER HIM LEAVING TWICE?

2 A YES, SIR.

3 Q NOW, AFTER THE SECOND TIME HE LEFT, DO YOU REMEMBER WHEN
4 HE CAME BACK?

5 A I REMEMBER HE CAME BACK THE SECOND TIME -- I REMEMBER
6 HIM LEAVING THE TRUCK ON.

7 Q THAT -- IS THIS AT YOUR HOUSE?

8 A AT MY HOUSE.

9 Q CAN YOU, WITHOUT GETTING INTO SPECIFICALLY WHAT HE TOLD
10 YOU, DO YOU REMEMBER TALKING TO HIM AT ALL?

11 A I REMEMBER HIM KNOCKING ON MY ROOM DOOR.

12 Q DO YOU REMEMBER -- AND AGAIN, DON'T SAY WHAT HE TOLD
13 YOU -- DO YOU REMEMBER HEARING ANYTHING FROM HIM OTHER THAN
14 THE KNOCK THAT YOU TESTIFIED TO?

15 A I REMEMBER HIM SAYING SOMETHING, BUT I COULDN'T QUITE
16 MAKE IT OUT. I WAS HALF-ASLEEP AS HE WAS TALKING.

17 Q DID YOU DO ANYTHING AS A RESULT THAT NIGHT? DID YOU --
18 DID YOU GET UP OUT OF BED?

19 A NO, SIR; I DIDN'T.

20 Q (AFTER PAUSE) NOW, YOU TESTIFIED A FEW MOMENTS AGO, THAT
21 AFTER THAT SECOND PHONE CALL, YOU HADN'T HEARD FROM YOUR
22 SISTER AGAIN?

23 A NO, SIR.

24 Q AT ANY POINT BETWEEN NOVEMBER 6TH 2006 AND TODAY, AS WE
25 SIT HERE IN THIS COURTROOM, DID YOU EVER BECOME WORRIED ABOUT

1 THE LOCATION OF YOUR SISTER?

2 A YES, SIR.

3 Q DO YOU REMEMBER APPROXIMATELY WHEN THAT WAS?

4 A SAY ABOUT -- ABOUT THREE DAYS LATER.

5 Q APPROXIMATELY THREE DAYS LATER?

6 A APPROXIMATELY THREE DAYS LATER.

7 Q AND YOU -- COULD YOU PLEASE EXPLAIN TO THE JURY THE
8 CIRCUMSTANCES SURROUNDING WHEN YOU BECAME WORRIED ABOUT YOUR
9 SISTER?

10 A I STARTED GETTING PHONE CALLS FROM STUDENTS AT SCHOOL.
11 AFTER THE -- SAY ABOUT THE THIRD PHONE CALL CAME THROUGH, I
12 GOT WORRIED AND I ASK HER, WHY WAS SHE CALLING---

13 MR. GIPSON: OBJECT TO THE HEARSAY, YOUR HONOR.

14 THE COURT: I -- I'LL SUSTAIN THE OBJECTION.

15 Q UM -- WITHOUT GETTING TO THE BASIS OF THE
16 CONVERSATION -- UH...

17 MR. PEARSON: MAY WE APPROACH BRIEFLY?

18 THE COURT: (NOD.)

19 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH
20 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
21 HEARING OF THE JURY, OFF THE RECORD.)

22 (WHEREUPON, COURT RESUMED.)

23 Q SO, UH, I THINK YOUR -- YOUR TESTIMONY WAS JUST THAT YOU
24 RECEIVED SEVERAL PHONE CALLS AND THAT IS WHAT MADE YOU
25 CONCERNED?

1 A YES, SIR.

2 Q WHAT DID YOU DO AS A RESULT OF THAT?

3 A I THINK I CALLED MY GRANDMOTHER -- I CALLED MY
4 GRANDMOTHER.

5 Q OKAY. AND WITHOUT, AGAIN, SAYING THE SUBSTANCE OF THE
6 CONVERSATION, UM, WHAT ELSE DID YOU DO?

7 A UM -- (AFTER PAUSE) I CAN'T REMEMBER.

8 Q (AFTER PAUSE) AT ANY POINT, DID YOU GO LOOKING FOR YOUR
9 SISTER?

10 A NOT AT THAT POINT. I BASICALLY SAT AROUND AND LISTENED
11 FOR THE PHONE. THE PHONE BASICALLY KEPT RINGING THAT DAY.

12 Q AND THAT DAY -- DO YOU REMEMBER WHAT -- WHICH DAY WE'RE
13 TALKING ABOUT? WAS THIS THE -- STILL THE SAME THREE DAYS
14 LATER?

15 A THREE DAYS LATER -- APPROXIMATELY THREE DAYS LATER.

16 Q WERE YOU IN CONTACT WITH THE REST OF YOUR FAMILY?

17 A MY GRANDMOTHER.

18 Q DID YOU CALL YOUR SISTERS?

19 A UM -- ERICA DIDN'T HAVE A CELL PHONE.

20 Q I'M SORRY, UM, NOT ERICA. DID YOU CALL YOUR OTHER
21 SISTERS?

22 A NO.

23 Q DID YOU CALL YOUR MOTHER?

24 A UM -- SHE HAD BEEN GONE. SHE WAS GONE THAT DAY.

25 Q DID YOU CALL YOUR FATHER?

- 1 A NO, I DIDN'T CALL MY FATHER.
- 2 Q SO AFTER YOUR BEING AT HOME RECEIVING PHONE CALLS, WHAT
3 WAS THE NEXT THING THAT YOU DID?
- 4 A UM -- I LEFT THAT NIGHT AND I WENT TO WAL-MART.
- 5 Q OKAY; WHY'D YOU GO TO WAL-MART?
- 6 A JUST TO DO -- I HAD TO PICK UP SOMETHING; I CAN'T
7 REMEMBER.
- 8 Q NOW, YOU TESTIFIED JUST A LITTLE WHILE AGO THAT, UM,
9 AFTER YOU RECEIVED THOSE PHONE CALLS YOU BECAME A LITTLE
10 CONCERNED. DID -- DID YOU -- DID YOU HAVE THE SAME LEVEL OF
11 CONCERN THROUGHOUT OR DID IT GO UP AT ANY POINT OR GO DOWN?
- 12 MR. GIPSON: OBJECT TO LEADING, YOUR HONOR.
- 13 A NOT AT THAT TIME.
- 14 THE COURT: I'LL SUSTAIN THE OBJECTION; ASK A DIRECT
15 QUESTION.
- 16 Q DID YOUR LEVEL OF CONCERN CHANGE AT ALL OVER THE COURSE
17 OF TIME?
- 18 A NOT AT THAT TIME.
- 19 Q AT WHAT POINT DID IT CHANGE?
- 20 A ONCE I GOT TO WAL-MART.
- 21 Q AND WHY WOULD IT CHANGE ONCE YOU GOT TO WAL-MART?
- 22 A DEREK MANER APPROACH (SIC) ME.
- 23 Q DEREK MANER THE DEFENDANT?
- 24 A YES, SIR.
- 25 Q COULD YOU PLEASE EXPLAIN TO THE JURY, UH, THE -- THAT

1 COURSE OF EVENTS? THAT -- THAT THING YOU JUST SAID ABOUT
2 CHANGE YOUR CONCERN LEVEL?

3 A HE HAD APPROACH (SIC) ME ASKING ME DID I SEE ERICA. AND
4 I TOLD HIM NO, AND I ASK (SIC) HIM WHY. AND I EXPLAINED TO
5 HIM ABOUT THE PHONE CALLS THAT WAS COMING THROUGH.

6 AND HE HAD TELL (SIC) -- TOLD ME THAT SHE WAS MISSING.

7 AND, AS I WAS SITTING THERE -- DEREK -- TALKING TO HIM,
8 AND I GLANCED OVER, I SAW MAGGIE. HE WAS WITH MAGGIE.

9 Q SO IT WAS THE DEFENDANT WHO TOLD YOU SHE WAS MISSING?

10 A YES.

11 Q WAS IT JUST YOU THERE IN WAL-MART? JUST YOU AND THE
12 DEFENDANT AND MAGGIE ALDRICH?

13 A NO, SIR.

14 Q UM -- WAS THERE SOMEONE ELSE WITH YOU?

15 A NESHA OUTING AND KARA OUTING.

16 Q AFTER THE DEFENDANT TOLD YOU THAT ERICA BRADLEY WAS
17 MISSING, WHAT DID YOU DO?

18 A I IMMEDIATELY LEFT OUT OF WAL-MART.

19 Q AND WHERE DID YOU GO?

20 A I REMEMBER GOING UP AND -- I WENT BACK HOME TO MY OTHER
21 FAMILY. MY FAMILY HADN'T HEARD A WORD TOO, SO WE WENT TO THE
22 POLICE DEPARTMENT.

23 Q AND THIS IS ALL THE SAME THREE DAYS AFTER, UM, THE LAST
24 TIME YOU SPOKE TO HER; IS THAT RIGHT?

25 A YES, SIR.

1 Q AND WHEN YOU WENT TO THE POLICE STATION -- I THINK --
2 I'M SORRY, DID YOU GO TO THE POLICE STATION OR THE SHERIFF'S
3 OFFICE?

4 A WE WENT TO THE POLICE STATION.

5 Q SO AFTER YOU WENT TO THE POLICE STATION, UH -- WHAT DID
6 YOU GO THERE TO DO?

7 A FILE A MISSING REPORT.

8 Q FILE A MISSING PERSON'S REPORT?

9 A YES, SIR.

10 Q AND DID YOU, IN FACT, DO THAT?

11 A YES, WE DID.

12 Q LET'S GO BACK JUST A LITTLE BIT TO YOUR CONVERSATION YOU
13 HAD WITH THE DEFENDANT AT WAL-MART.

14 UH -- COULD YOU PLEASE EXPLAIN TO THE JURY, UH, HIS
15 Demeanor WHEN HE WAS TELLING YOU THAT SHE WAS MISSING?

16 A HE WAS ACTING LIKE HE WAS -- WASN'T CONCERNED. JUST
17 LIKE HE JUST WANTING (SIC) TO TELL ME THAT SHE'S MISSING.

18 Q DID HE SEEM -- AT THIS TIME DID HE SEEM UPSET ABOUT IT?

19 A NO; HE WASN'T ASKING ME DID I SEE HER, HE WAS JUST
20 TELLING ME THAT SHE WAS MISSING.

21 Q AT THIS TIME DID HE INFORM YOU THAT HE HAD FILED A
22 MISSING PERSON'S REPORT?

23 A NO, SIR.

24 Q SO HE TOLD YOU SHE WAS MISSING, BUT HE DIDN'T FILE A
25 REPORT -- A MISSING PERSON'S REPORT?

1 A NO, SIR.

2 Q APPROXIMATELY HOW LONG WAS THE CONVERSATION YOU HAD WITH
3 THE DEFENDANT AT WAL-MART?

4 A NOT LONG.

5 Q AFTER HE TOLD YOU THAT YOUR SISTER WAS MISSING -- AFTER
6 HE TOLD YOU THAT ERICA BRADLEY WAS MISSING, DID YOU SAY
7 ANYTHING TO HIM?

8 A I IMMEDIATELY GOT UPSET WITH HIM; SAID SOME WORDS BACK
9 AND FORTH AT HIM, AND I LEFT.

10 Q ALL RIGHT. NOW, YOU TESTIFIED THAT YOU WENT TO THE
11 POLICE STATION AND FILED A MISSING PERSON'S REPORT. WHAT
12 HAPPENED AFTER THAT?

13 A WE IMMEDIATELY BEGAN SEARCHING.

14 Q AND DO YOU REMEMBER WHERE YOU -- AND FIRST, WHEN YOU
15 SAID WE BEGAN SEARCHING, WHO WERE YOU TALKING ABOUT?

16 A MY FAMILY.

17 Q ALL RIGHT; SPECIFICALLY, WHO -- WHO WAS OUT THERE, DO
18 YOU REMEMBER?

19 A MY GODMOTHER, MY GRANDMOTHER, MY SISTERS, MY MOM, MY
20 UNCLE, HIS GIRLFRIEND, KIM -- I BELIEVE THAT WAS IT.

21 Q AND TO -- TO THE BEST OF YOUR KNOWLEDGE, THAT WAS WHO
22 WAS OUT THERE SEARCHING WITH YOU?

23 A YES, SIR.

24 MR. GIPSON: MAY WE APPROACH, YOUR HONOR?

25 THE COURT: UM -- I'LL OVERRULE THE OBJECTION.

1 MR. GIPSON: THANK YOU, YOUR HONOR.

2 Q (AFTER PAUSE) DID YOU GO OUT THAT NIGHT OR WAS IT THE
3 NEXT MORNING? WHEN -- WHAT TIMEFRAME ARE WE TALKING ABOUT?

4 A IT WAS AT NIGHT. I'LL SAY WE WENT OUT -- 'CAUSE WHEN I
5 LEFT WAL-MART IT WAS STILL KIND-A EARLY. IT WAS LIGHT WHEN I
6 LEFT WAL-MART, BUT WHEN WE WENT OUT TO SEARCH IT WAS AFTER
7 EVERYTHING WAS OVER. I'LL SAY IT -- IT WAS LATE THAT NIGHT;
8 I DON'T KNOW AN EXACT TIME.

9 Q MS. BRADLEY, THAT NIGHT DID YOU FIND ERICA BRADLEY, YOUR
10 SISTER?

11 A NO, SIR.

12 Q IS THAT THE ONLY TIME YOU WENT AND SEARCHED?

13 A NO, SIR.

14 Q UM -- PLEASE DESCRIBE FOR THE JURY ANY OTHER TIMES YOU
15 WENT LOOKING FOR YOUR SISTER, ERICA BRADLEY.

16 A AFTER THAT WE BASICALLY WENT JUST ABOUT EVERY DAY.

17 Q AND WHERE DID YOU -- WHERE'D YOU GO LOOKING?

18 A APPLETON, SYCAMORE, ALL OVER. BACK ROADS, DIRT ROADS,
19 MAIN HIGHWAYS. BY SAMMIE'S STORE, BACK IN THAT AREA --
20 EVERYWHERE.

21 Q AND WAS IT THE SAME FAMILY MEMBERS THAT YOU JUST SAID
22 OUT HELPING?

23 A FAMILY MEMBERS, AND OTHERS CAME OUT TO HELP TOO.

24 Q WHEN YOU SAY OTHERS, DO YOU MEAN PEOPLE FROM THE -- I
25 MEAN, WHO ARE YOU TALKING ABOUT?

1 MR. GIPSON: YOUR HONOR, (SIC) JUST OBJECT TO THE
2 RELEVANCE.

3 THE COURT: I'LL ALLOW HIM TO FOLLOW, UM, HIS LINE OF
4 QUESTIONING.

5 MR. GIPSON: THANK YOU, YOUR HONOR.

6 Q UM -- MY QUESTION WAS, YOU SAID OTHERS. LIKE WHAT KIND
7 OF OTHERS WERE OUT THERE HELPING?

8 A CONCERNED FRIENDS OR FAMILY MEMBERS.

9 Q DURING THIS TIME, DID YOU GET ANY ASSISTANCE FROM LAW
10 ENFORCEMENT IN -- IN LOOKING FOR HER?

11 A YES, SIR.

12 Q WERE THEY OUT THERE TOO?

13 A YES, SIR.

14 Q DID YOUR FAMILY...

15 MR. PEARSON: APPROACH -- YOUR HONOR, MAY I -- MAY I
16 APPROACH?

17 THE COURT: CERTAINLY.

18 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH
19 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
20 HEARING OF THE JURY, OFF THE RECORD.)

21 (WHEREUPON, COURT RESUMED.)

22 Q NOW, MS. BRADLEY, UH, YOU JUST TESTIFIED A MOMENT AGO
23 THAT CONCERNED FRIENDS, UH, YOUR IMMEDIATE FAMILY, PEOPLE
24 FROM THE COMMUNITY ALL ASSISTED.

25 AT ANY POINT, DID YOUR FAMILY, UH, REQUEST HELP -- AT

1 ANY POINT DID THE FAMILY REQUEST ANY PRIVATE COMPANIES TO
2 COME IN AND -- AND HELP IN THE SEARCH?

3 A YES, SIR; WE DID.

4 Q AND WERE YOU ABLE TO, IN FACT, UH, GET IN CONTACT WITH A
5 COUPLE PRIVATE COMPANIES TO HELP?

6 A YES, SIR.

7 Q UM -- AS A FAMILY, DID YOU NOTIFY THE COMMUNITY THAT SHE
8 WAS MISSING IN ANY WAY?

9 A YES, SIR.

10 Q WHAT TYPE OF THINGS DID YOU DO?

11 A UM -- THE FIRST SEARCH WE HAD, IT WAS -- WELL, THE FIRST
12 BIG SEARCH WE HAD, WE NOTIFIED THE SCHOOL AND, YOU KNOW,
13 EVERYBODY IN THE COMMUNITY KNOWED (SIC) THAT WE WAS LOOKING
14 FOR HER. AND WE HAD HELP LIKE WITH THE, WHAT -- THE CADAV-
15 (SIC) -- WHO? CADAVER DOGS AND ALL KIND OF STUFF LIKE THAT.

16 AND KIDS GOT OUT OF SCHOOL EARLY AND EVERYBODY CAME OUT
17 AND WE SEARCHED THAT DAY.

18 Q AND WHEN YOU SAY KIDS GOT OUT OF SCHOOL EARLY, YOU'RE
19 TALKING ABOUT FROM THE HIGH SCHOOL?

20 A FROM THE HIGH SCHOOL.

21 Q AND THEY ASSISTED IN HELPING TOO?

22 A YES, SIR.

23 Q (AFTER PAUSE) DID YOU MAKE ANY FLYERS?

24 A YES, SIR.

25 MR. PEARSON: BEGGING THE COURT'S INDULGENCE.

1 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
2 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
3 HEARING OF THE JURY, OFF THE RECORD.)

4 (WHEREUPON, COURT RESUMED.)

5 (WHEREUPON, STATE'S EXHIBIT NUMBER 5 WAS MARKED FOR
6 IDENTIFICATION.)

7 Q I'M GONNA SHOW YOU WHAT HAS BEEN MARKED FOR
8 IDENTIFICATION PURPOSES ONLY AS STATE'S EXHIBIT NUMBER
9 FIVE. I'D LIKE YOU TO TAKE A LOOK AT THAT.

10 A (REVIEWING DOCUMENT.)

11 Q AND, MS. BRADLEY, DO YOU RECOGNIZE, UH, THAT SHEET OF
12 PAPER THAT I JUST HANDED YOU?

13 A YES, SIR.

14 Q HOW DO YOU RECOGNIZE IT?

15 A THIS IS A FLY-- -- FLYER WE MADE AND WE POSTED IT
16 EVERYWHERE.

17 Q NOW, I WAS JUST ASKING YOU A FEW MOMENTS AGO, DID YOU
18 MAKE ANY, UH -- ANY FLYERS TO ADVERTISE ABOUT WHAT HAD
19 HAPPENED TO YOUR SISTER?

20 A YES, SIR.

21 Q IS THAT THE FLYER YOU WERE DISCUSSING?

22 A YES, SIR.

23 Q DOES THAT FLYER APPEAR TO BE IN THE SAME OR
24 SUBSTANTIALLY THE SAME, UH, CONDITION AND INFORMATION AS YOU
25 REMEMBER IT BACK FROM NOVEMBER OF 2006?

1 A (AFTER PAUSE) YES, SIR.

2 MR. PEARSON: YOUR HONOR, AT THIS TIME I'D LIKE TO TAKE
3 WHAT'S BEEN MARKED AS STATE'S FIVE INTO EVIDENCE.

4 THE COURT: ANY OBJECTION FROM THE DEFENDANT?

5 MR. GIPSON: UM -- BRIEFLY; CAN -- MAY WE APPROACH FOR A
6 MOMENT, JUDGE?

7 THE COURT: YEAH.

8 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH
9 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
10 HEARING OF THE JURY, OFF THE RECORD.)

11 (WHEREUPON, COURT RESUMED.)

12 THE COURT: STATE'S EXHIBIT NUMBER FIVE IS INTO
13 EVIDENCE, UM, WITH THE STIPULATION OF COUNSEL.

14 MR. GIPSON: THANK YOU, YOUR HONOR.

15 Q DID -- THIS FLYER THAT YOU MADE, UM, DID YOU PERSONALLY
16 TAKE IT ANYWHERE? DO ANYTHING WITH IT?

17 A YES, SIR.

18 Q WHAT DID YOU DO? WOULD YOU PLEASE EXPLAIN TO THE JURY?

19 A WE HANDED THEM OUT; WE POSTED THEM UP. WE EVEN WENT AS
20 FAR AS GOING TO AUGUSTA TO POST 'EM UP. I PERSONALLY WENT TO
21 AUGUSTA AND POSTED 'EM UP THERE.

22 WE HAD FAMILY MEMBERS FROM ALL OVER, SO SENT SOME TO
23 FLORIDA SO THEY COULD POST 'EM UP THERE.

24 PEOPLE THAT WE KNOW, WE GAVE 'EM OUT, AND ASKED THEM IF
25 THEY GO ANYWHERE OUT TOWN (SIC), JUST TO POST UP THE POST- --

1 A COUPLE FLYERS.

2 Q AND YOU TESTIFIED THAT YOU TOOK 'EM ALL OVER. DID YOU
3 DO THE SAME IN ALLENDALE OR DID YOU JUST GO OTHER PLACES?

4 A ALLENDALE AND OTHER PLACES.

5 Q WHAT PARTS OF ALLENDALE DID YOU GO TO?

6 A EVERYWHERE WE COULD THINK OF; JUST POST 'EM UP.

7 Q YOU TOOK 'EM TO PEOPLE THAT YOU KNEW?

8 A NO; TOOK 'EM EVERYWHERE. PEOPLE WE DIDN'T KNOW; PEOPLE
9 WE KNEW.

10 Q DID YOU EVER TAKE ANY OF 'EM TO APPLETON?

11 A I PERSONALLY TOOK ONE OUT MYSELF.

12 Q UM -- AND WHERE IN APPLETON DID YOU TAKE ONE OF THOSE
13 FLYERS?

14 A TO MAGGIE'S HOUSE.

15 Q MAGGIE?

16 A ALDRICH.

17 Q AND THIS IS THE SAME MAGGIE ALDRICH THAT YOU WERE
18 TESTIFYING ABOUT BEFORE?

19 A YES, SIR.

20 Q ALL RIGHT; PLEASE EXPLAIN FOR THE JURY WHAT HAPPENED
21 WHEN YOU WENT OUT TO MAGGIE ALDRICH'S HOUSE. WELL, FIRST, DO
22 YOU -- DO YOU KNOW APPROXIMATELY WHEN THAT WAS?

23 A IT WAS AT NIGHT.

24 Q IT WAS AT NIGHT? ARE WE TALKING A FEW DAYS LATER, THE
25 SAME DAY?

1 A THE NIGHT WE -- THE SAME DAY WE MADE THE FLYER. WELL,
2 THE NEXT -- WE WENT TO THE POLICE STATION, WE WENT BACK THE
3 NEXT DAY, AND WE PICKED UP THE FLYERS.

4 Q PLEASE EXPLAIN FOR THE JURY WHAT HAPPENED WHEN YOU WENT
5 TO MAGGIE ALDRICH'S HOUSE.

6 A I KNOCKED ON THE DOOR; SHE OPENED THE DOOR. AND I WENT
7 IN THE BACK, AND I SAW DEREK MANER.

8 I TOOK THE FLYER IN MY HAND AND I ASKED HIM WHERE WAS
9 SHE?

10 Q DID HE RESPOND TO THAT QUESTION?

11 A YES.

12 Q HOW DID HE RESPOND?

13 A HE SAID, I DON'T KNOW.

14 Q DID YOU ASK HIM ANYTHING ELSE?

15 A YES.

16 Q AND WHAT HAPPENED AFTER YOU ASKED HIM? OR, WHERE --
17 WHAT ELSE DID YOU ASK HIM?

18 A I TOOK THE FLYER AND I PUT IT IN HIS FACE AND I TOLD
19 HIM, I SAID, YOU SEE HOW SERIOUS THIS IS?

20 Q DID YOU ASK HIM ANY SPECIFIC QUESTIONS ABOUT THAT NIGHT?

21 A YES.

22 Q WHAT'D YOU ASK HIM?

23 A I ASKED HIM WHAT HAPPENED. HE KEPT SAYING, I DON'T
24 KNOW -- HE KEPT CRYING AND SAYING HE'S SORRY FOR WHAT -- WHAT
25 HAPPENED.

1 I KEPT ASKING HIM, WHAT HAPPENED? HE JUST KEPT CRYING,
2 SHAKING HIS HEAD, SAYING I'M SORRY FOR WHAT HAPPENED.

3 MR. GIPSON: JUST MAKE A -- MAY WE APPROACH FOR A
4 MOMENT, YOUR HONOR?

5 THE COURT: YES.

6 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH
7 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
8 HEARING OF THE JURY, OFF THE RECORD.)

9 (WHEREUPON, COURT RESUMED.)

10 THE COURT: MADAME FORELADY, LADIES AND GENTLEMEN OF THE
11 JURY, UH, WE'RE GONNA TAKE UP SOME MATTERS OF LAW.

12 UH -- WE'RE GONNA BREAK AND ASK THAT YOU BE BACK AT TWO
13 O'CLOCK SHARP -- TWO O'CLOCK SHARP.

14 I WANT-A, UH -- I THINK THE FORELADY HAD INDICATED TO
15 YOU THAT THE REASON WHY WE GOT STARTED LATE WAS, UM, WE HAD A
16 DIFFERENT COURT REPORTER WHO CAME, WAS GIVEN LATE NOTICE,
17 AND, UM -- AND SHE WAS ACTUALLY TOLD TO BE HERE AT
18 NINE-THIRTY. BUT, I WANT TO THANK YOU-ALL FOR BEING HERE AT
19 NINE O'CLOCK.

20 AND ONCE AGAIN, LET'S BE BACK AT TWO. WE'RE GONNA START
21 AT TWO O'CLOCK SHARP.

22 UM -- ONCE AGAIN, DO NOT DISCUSS THE CASE AMONGST
23 YOURSELVES. DO NOT DISCUSS THE CASE WITH ANYONE ELSE. DO
24 NOT LOOK AT ANY MEDIA COVERAGE -- RADIO, NEWSPAPER,
25 TELEVISION.

1 UM -- THERE'S NOT ANYTHING -- IN TODAY'S TIME -- THAT
2 YOU CAN'T LOOK UP ON THE INTERNET. I'M GONNA ORDER,
3 INSTRUCT, AND DIRECT THAT YOU NOT DO THAT. UH -- DO NOT DO
4 ANY INDEPENDENT RESEARCH ABOUT ANY MATTER.

5 IN ADDITION TO THAT, UM, YOU'VE HEARD LOCATIONS THAT
6 YOU'RE VERY FAMILIAR WITH HERE IN ALLENDALE COUNTY. I'M
7 GONNA ASK AND DIRECT THAT YOU NOT GO AND DO -- VIEW ANY
8 SCENES WITH A -- WITH AN EFFORT TO, UM, DO ANY INDEPENDENT
9 INVESTIGATION. YOU NEED TO BASE YOUR DECISION ON WHAT
10 TRANSPIRES HERE IN THIS COURTROOM.

11 UM -- ONCE AGAIN, I'M GONNA, UH, ASK THAT YOU, UH, GO
12 GET SOME LUNCH, BE BACK AT TWO O'CLOCK SHARP -- TWO O'CLOCK
13 SHARP. THANK YOU.

14 EVERYONE REMAIN SEATED AS THE JURY EXITS THE COURTROOM.

15 (WHEREUPON, JURY LEFT THE COURTROOM AND WAS RELEASED FOR
16 LUNCH AT 12:28 P.M.)

17 **THE COURT:** MR. GIPSON, YOU'RE RECOGNIZED.

18 **MR. GIPSON:** YES, SIR. UH -- AND REAL- -- REALIZING,
19 YOUR HONOR, THAT THIS, UH -- THE CHRONOLOGY OF HOW THIS CASE
20 CAME TO THE ATTORNEY GENERAL'S OFFICE, UM, THE OBJECTION I
21 MADE WAS JUST A MOMENT TO REVIEW THIS STATEMENT, BECAUSE THIS
22 IS ONE THAT WASN'T INCLUDED IN MY BATCH OF DISCOVERY.

23 UH -- I'M NOT SUGGESTING THAT THEY DID NOT PROVIDE
24 SOMETHING, I'M JUST SAYING, IN -- IN GOING THROUGH
25 EVERYTHING -- AND I'VE GONE THROUGH EVERYTHING I HAVE --

1 I DID NOT SEE THIS PARTICULAR, UM -- UM, PIECE OF PAPERWORK.
2 SO, I'VE JUST REQUESTED A MOMENT TO REVIEW IT AND, UH, TAKE A
3 LOOK AT THINGS SO THAT I CAN, UH, ADDRESS IT IF NECESSARY,
4 YOUR HONOR.

5 THE COURT: ALL RIGHT. WELL, UM, THAT'S WHAT WE'RE
6 GONNA DO. WE'RE GONNA GIVE YOU THE OPPORTUNITY BEFORE, UM,
7 YOU CROSS-EXAMINE THIS WITNESS TO REVIEW THIS STATEMENT.

8 MR. GIPSON: YES, SIR.

9 THE COURT: AND, UH, ANYTHING FROM THE STATE?

10 MR. PEARSON: NO, YOUR HONOR.

11 THE COURT: ALL RIGHT; YOU'LL BE GIVEN AMPLE OPPORTUNITY
12 IN THAT REGARD.

13 DO WE HAVE THE SHERIFF AVAILABLE NOW?

14 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
15 CONFERENCE, OFF THE RECORD.)

16 (WHEREUPON, COURT RESUMED.)

17 THE COURT: YES, MA'AM; YOU -- YOU MAY, UM, RESUME YOUR
18 SEAT IN THE COURTROOM. AND DO NOT DISCUSS YOUR TESTIMONY
19 WITH ANYONE.

20 (WHEREUPON, WITNESS TESTIMONY WAS RECESSED AND
21 WITNESS STEPPED DOWN.)

22 THE COURT: SHERIFF CARTER, I'M GONNA ASK YOU TO COME
23 AROUND AND, UH, PLACE YOUR LEFT HAND ON THE BIBLE AND RAISE
24 YOUR RIGHT HAND WHILE THE CLERK ADMINISTERS THE OATH.

25 (WHEREUPON, SHERIFF THOMAS CARTER WAS DULY SWORN AND

1 TESTIFIED AS FOLLOWS:)

2 THE COURT: SHERIFF CARTER, PLEASE COME AROUND AND, UH,
3 HAVE A SEAT IN THE WITNESS CHAIR. PULL UP REAL CLOSE TO THAT
4 MICROPHONE, SPEAK LOUDLY AND CLEARLY AND SLOWLY.

5 AND, UH, MR. GIPSON, YOU ARE RECOGNIZED. MY
6 UNDERSTANDING IS THERE ARE CONCERNS WITH REGARD TO, UH,
7 DISCOVERY---

8 MR. GIPSON: YES, SIR.

9 THE COURT: ---AND, UH, THE SHERIFF IS ON THE WITNESS
10 STAND. YOU MAY QUESTION HIM IN THAT REGARD.

11 MR. GIPSON: THANK YOU, YOUR HONOR.

12 SHERIFF THOMAS CARTER, DIRECT EXAMINATION BY MR. GIPSON

13 (IN CAMERA) :

14 Q NOW -- NOW, SHERIFF CARTER, UH, WITH THIS BEING YOUR
15 JURISDICTION, THERE CAME A POINT IN TIME WHEN, UH, YOU BEGAN
16 TO INVESTIGATE THIS CASE; CORRECT?

17 A CORRECT.

18 Q AND -- I'M SORRY, BUT---

19 A I NEED TO BACK OFF HERE A LITTLE BIT?

20 Q YEAH, JUST A LITTLE BIT.

21 A OKAY.

22 Q ALL RIGHT; THANK YOU. AND -- AND -- AND, UH, IN YOUR
23 INVESTIGATION, CAN YOU TELL US WHAT YOU SPECIFICALLY DID AT
24 THE BEGINNING OF THE INVESTIGATION? WHAT AGENCIES YOU
25 CONTACTED AND WHO YOU ASKED TO ASSIST YOU?

SHERIFF THOMAS CARTER, DIRECT EXAMINATION BY MR. GIPSON (IN CAMERA)

1 A OKAY, UM, THE NIGHT WHEN THEY -- WHEN THEY CALLED -- THE
2 DEPUTIES CALLED, AND, UH, I CAME OUT AND I TALKED TO THE
3 FAMILY FIRST. AND WE TOLD 'EM THAT, UH, ERICA WAS MISSING.
4 AND THEY HAD JUST FOUND OUT SHE -- SHE HADN'T BEEN SEEN SINCE
5 MONDAY NIGHT. THIS WAS WEDNESDAY NIGHT.

6 AND, UM, IT WAS LATE THAT NIGHT, SO WE GOT STARTED THE
7 NEXT MORNING.

8 I CALLED SLED TO HAVE, UH -- UM, SOMEBODY TO COME IN AND
9 HELP ME WITH THE CASE.

10 Q WHY'D YOU DO THAT?

11 A SIR?

12 Q WHY DID YOU ASK SLED TO---

13 A BECAUSE, UM, AT THAT TIME SHE WAS ALREADY MISSING, UH,
14 THREE DAYS. AND I KNEW I WAS GONNA NEED SLED 'CAUSE I DIDN'T
15 KNOW EXACTLY, YOU KNOW, WHERE IT WAS GONNA LEAD TO. THAT'S
16 WHY I ASKED FOR SLED'S HELP.

17 THE COURT: ALL RIGHT, MR. GIPSON, I'M GONNA GIVE YOU
18 SOME -- SOME LEEWAY IN THIS REGARD.

19 MR. GIPSON: YES, SIR.

20 THE COURT: BUT, IT'S -- IT'S REALLY NOT GONNA BE A,
21 UM---

22 MR. GIPSON: THAT'S RIGHT.

23 THE COURT: ---DISCOVERY DEPOSITION. AND THERE ARE
24 SPECIFIC ITEMS THAT YOU NEED DISCOVERED---

25 MR. GIPSON: UH-HUH.

1 THE COURT: ---THAT -- IT'S -- THAT YOU -- IF WE COULD
2 HONE IN ON THAT---

3 MR. GIPSON: YES, SIR.

4 THE COURT: ---IT MIGHT EXPEDITE THE MATTER.

5 MR. GIPSON: OKAY; I GET IT, YOUR HONOR.

6 Q UH -- IN TERMS OF, UH, CADAVER DOGS, UH, BEING CALLED
7 OUT, UH, WHAT WAS YOUR OR YOUR DEPARTMENT -- WHAT WAS YOUR,
8 UM -- UM -- WHAT ROLE DID YOU HAVE TO PLAY IN THAT?

9 A THE CADAVER DOGS?

10 Q YES, SIR.

11 A OKAY; THERE WERE A, UM, POND UP IN THE APPLETON AREA---

12 Q OKAY.

13 A ---AND I CALLED THE BEAUFORT COUNTY AND ASKED FOR THEIR
14 DIVERS AND THEIR CADAVER DOGS.

15 Q WHERE ARE THE RECORDS FROM THAT?

16 A I'M NOT SURE.

17 Q SO BEAUFORT COUNTY SENT SOME DIVERS AND SOME FOLKS IN
18 SCUBA GEAR TO---

19 A YES, SIR.

20 Q ---OKAY. AND THEY ESSENTIALLY DRAGGED THE BOTTOM, AND
21 THEY SENT DOGS?

22 A AND THEY SENT A DOG.

23 Q OKAY; AND -- AND -- AND -- AND YOU SAY YOU'RE NOT SURE
24 ABOUT THE RECORDS?

25 A I'M NOT SURE ABOUT THE RECORDS.

SHERIFF THOMAS CARTER, DIRECT EXAMINATION BY MR. GIPSON (IN CAMERA)

- 1 Q OKAY, WHAT ABOUT THE HELICOPTER FLY-OVER?
- 2 A WE HAD A HELICOPTER ALSO.
- 3 Q FROM?
- 4 A UH -- I THINK THAT CAME FROM EITHER WILDLIFE -- WE -- I
- 5 GOT IT FROM SLED; IT MIGHT OF CAME OUT OF WILDLIFE.
- 6 Q RECORDS FOR THAT?
- 7 A THEY SHOULD BE IN THE FILES I'M ASSUMING; I DON'T KNOW.
- 8 AT THIS POINT, I WAS DOING A SEARCH FOR A MISSING
- 9 PERSON. AND, UM, WHETHER WE KEPT ADEQUATE RECORDS ON IT,
- 10 I DON'T -- I'M NOT SURE.
- 11 Q THE WILDLIFE MEANING DEPARTMENT OF NATURAL RESOURCES?
- 12 A YES, SIR.
- 13 Q HOW MANY TIMES DID THEY COME OUT?
- 14 A THEY -- THE HELICOPTERS JUST CAME ONE -- ONCE. UM -- ON
- 15 A SATURDAY. (AFTER PAUSE) AND USED A HEAT SEEKER.
- 16 Q WHAT DOES THAT MEAN?
- 17 A UH -- IT'S A INFRARED FLARE THAT PICKS UP (SIC) BODY
- 18 HEAT OR HEAT.
- 19 Q AND -- AND YOU KNOW THAT BECAUSE WHAT? THAT -- THAT IT
- 20 HAD A HEAT SEEKER AND THEY USED THAT? HOW DO YOU KNOW THAT?
- 21 A UM -- THEY'D USE (SIC) IT BEFORE.
- 22 Q OKAY; AND AGAIN, YOU HAVE NO RECORDS OF IT?
- 23 A I'M NOT SURE WHAT'S -- WHAT'S ALREADY IN THE CASE FILE.
- 24 Q OKAY. WHAT ABOUT THESE FOOT PATROLS AND, UH, STUDENTS
- 25 OVER TO ALLENDALE-FAIRFAX HIGH SCHOOL AND THE DIFFERENT

1 PATROLS? PEOPLE WHO WENT OUT WITH THE SHERIFF'S DEPARTMENT?

2 A UH -- USE -- NOW, WITH THE SHERIFF'S DEPARTMENT, UH, WE
3 DIDN'T USE KIDS. UH -- WE USED, UH, THE FIRE DEPARTMENT,
4 AND, UH, DEPUTIES, AND OTHER POLICE OFFICERS.

5 NOW, THERE WAS OTHER PEOPLE OUT SEARCHING ALSO THAT, UH,
6 USE (SIC) -- HAD, UH, CIVILIANS.

7 Q BUT IN TERMS OF THE FIRE DEPARTMENT AND OTHER POLICE
8 DEPARTMENTS, THAT -- THAT YOU HAVE DIRECT KNOWLEDGE AND
9 DIRECT CONNECTION TO, WHERE ARE THOSE RECORDS?

10 A WHERE THE SEARCHES TOOK PLACE?

11 Q YES, SIR.

12 A YES, SIR.

13 Q DO YOU HAVE THOSE RECORDS?

14 A OH, THE RECORDS?

15 Q YES, SIR.

16 A ONCE AGAIN---

17 Q OKAY.

18 A ---I'M -- I'M NOT SURE.

19 Q THE HORSE TEAM, OR SOME EQUUSEARCH TEAM THAT CAME OUT
20 OF, UH, TEXAS, CAN YOU TELL US ABOUT THAT?

21 A UH -- THAT WAS A TEAM THAT CONTACTED ME. I'M NOT SURE
22 WHO INITIALLY CONTACTED THEM, BUT THEY CONTACTED ME AND SAID
23 THEY HAD SPOKE (SIC) WITH THE FAMILY, AND WOULD IT BE ALL
24 RIGHT IF THEY CAME DOWN AND ASSIST IN THE SEARCH?

25 Q SO THEY DIRECT -- THEY -- AT SOME -- EVEN -- IF -- THEY

SHERIFF THOMAS CARTER, DIRECT EXAMINATION BY MR. GIPSON (IN CAMERA)

1 MAY HAVE BEEN CONTACTED BY THE FAMILY, BUT THEY HAD -- THEY
2 CAME AND TALKED TO YOU?

3 A YES, THEY CALLED.

4 Q BECAUSE YOU'RE THE CHIEF LAW ENFORCEMENT---

5 A RIGHT.

6 Q ---UNIT IN THIS -- IN THIS -- IN -- IN THIS COUNTY?

7 A THAT'S TRUE.

8 Q SO THEY CAME AND GOT THE CLEARANCE FROM YOU TO DO WHAT
9 THEY DID?

10 A YES.

11 Q OKAY; RECORDS FROM THEM?

12 A ONCE AGAIN, I'M NOT SURE.

13 Q FOUR-WHEELERS; THESE TEAMS OF FOUR-WHEELERS THAT WENT
14 OUT?

15 A WE -- YES, WE DID FOUR-WHEELERS.

16 Q FROM?

17 A UH...

18 Q (AFTER PAUSE) FROM?

19 A IT WAS FROM THE VOLUNTEER FIREMENS (SIC), UM, AND
20 EVERYBODY HAD A COUPLE FOUR-WHEELERS AND THEY JUST
21 BROUGHT 'EM IN. SOME PEOPLE EVEN VOLUNTEERED TO GIVE US
22 FOUR-WHEELERS -- LET US USE THEIR FOUR-WHEELERS.

23 Q CAN YOU GIVE US A MAP OF ALL THE AREAS THAT YOU
24 SEARCHED? SOMETHING TO KNOW WHERE ALL THESE PEOPLE THAT YOU
25 MAY HAVE SOME DIRECTION OVER THEM?

1 A THE MAP SHOULD HAVE BEEN IN THE CASE FILE. AT LEAST I
2 THOUGHT IT WAS IN THE CASE FILE. UM -- BUT I CAN TELL YOU
3 WHERE IT WAS.

4 Q OKAY; I DON'T WANT TO RECITE -- I'D LIKE TO BE SHOWN
5 WHERE IT WAS. I MEAN, YOU -- YOU'VE GOT SOME RECORD OF IT SO
6 WE CAN SEE IT?

7 A NO, I DON'T HAVE A RECORD.

8 Q OKAY. UH -- ANY SEARCH THAT IT---

9 A THERE WAS A MAP SOMEWHERE NOW. I DON'T KNOW WHERE IT AT
10 (SIC) NOW---

11 Q UH-HUH.

12 A ---BUT WE HAD A MAP THEN, BECAUSE, UH, MISSING,
13 EXPLOIT (SIC) CHILDREN OUT OF VIRGINIA, THEY DID GRID
14 COORDINATES AND HAD MAPS. THAT'S WHAT WE USED IN THE
15 BEGINNING.

16 Q CAN YOU MAKE A LIST OF ALL THE DIFFERENT AGENCIES THAT
17 YOU HAD CONTACT WITH THAT DID SOME -- BECAUSE, I MEAN, THIS
18 VIRGINIA, UH, I'M NOT AWARE OF THAT. I MEAN, WHO -- WHO ELSE
19 WAS CONTACTED?

20 A OKAY NOW, WHO -- WHO I CONTACTED WAS MISSING,
21 EXPLOIT (SIC) CHILDREN OUT OF VIRGINIA.

22 Q OKAY.

23 A ALEXANDRIA, VIRGINIA. 'CAUSE I HAD JUST CAME BACK FROM
24 A CLASS ON -- A TRAINING ON RESPONDING TO MISSING PERSONS IN
25 2005. AND THAT'S THE REASON I CALLED THEM -- FOR SOME

1 ADVICE. AND THEN THEY OFFERED TO COME DOWN AND HELP WITH THE
2 SEARCH.

3 Q RECORDS?

4 A ONCE AGAIN, IT SHOULD BE IN THE CASE FILE. IF THEY'RE
5 NOT, I -- I CAN'T SAY. IT'S A LONG TIME AGO.

6 Q SO WHEN YOU TURN A CASE FILE, YOU GIVE ALL YOUR WRITTEN?
7 YOU DON'T KEEP COPIES?

8 A (NO RESPONSE.)

9 Q DO YOU HAVE AN OPEN---

10 A NO.

11 Q ---DO YOU HAVE A FILE NOW NAMED ERICA BRADLEY, MISSING
12 PERSON, WITH THE FILED STUFF IN IT?

13 A IT'S IN THE CASE FILE.

14 Q BUT DO YOU---

15 A NOW, I HAVE A LITTLE DUMMY FILE THAT I KEPT THE WHOLE
16 TIME.

17 Q CAN -- CAN YOU BRING THAT TO COURT?

18 A YES.

19 Q SO THAT WE CAN REVIEW THAT?

20 A THERE AIN'T NOTHING IN IT. IT -- IT, UH, MASTER
21 STUFF (SIC).

22 Q WELL, THAT'S SOMETHING.

23 A BUT I GOT THAT. IT'S -- IT'S OVER IN MY OFFICE NEXT
24 DOOR.

25 MR. GIPSON: CAN I JUST ASK IF THE COURT COULD DIRECT

1 HIM TO BRING WHAT HE'S GOT?

2 THE COURT: IF THERE'S ANYTHING THAT YOU HAVE WITH
3 REGARD TO THIS CASE, IF YOU COULD BRING IT, UH, TO COURT?

4 SHERIFF CARTER: OKAY.

5 THE COURT: AND PROVIDE IT -- PROVIDE IT TO MR. PEARSON
6 AND MS. ARMSTRONG.

7 Q DID YOU DIRECT ANY, OR ARE YOU A PART OF, OR ANYBODY,
8 UH, IN YOUR -- IN YOUR KNOWLEDGE, DIRECT ANY TYPE OF
9 INVESTIGATION IN HAMPTON COUNTY?

10 A IN HAMPTON COUNTY?

11 Q YES, SIR.

12 A NO, WE DIDN'T DO AN INVESTIGATION IN HAMPTON COUNTY. WE
13 PICKED UP A SUSPECT FROM HAMPTON COUNTY.

14 Q OKAY, WHO?

15 A UM -- UH, A CRAPP (SIC) -- CRAPPS (PHONETIC/SIC) --
16 CRAPPS. UH -- I CAN'T THINK HIS FIRST NAME IS (SIC).

17 Q SOMEBODY DIRECTLY INVOLVED IN THIS CASE?

18 A UH -- ALLEGEDLY.

19 Q OKAY. UH -- ANYONE -- ANY ADDITIONAL? ANYONE IN -- ANY
20 OF THE -- OTHER THAN -- WE'RE TALKING ABOUT, UH -- IT'S THE
21 POTENTIAL CODEFENDANT? IS THAT WHAT WE'RE TALKING ABOUT?

22 A YES, THAT'S WHAT I'M TALKING ABOUT.

23 Q ANYONE OTHER THAN THAT?

24 A NO ONE I CAN THINK OF.

25 Q ANY INVESTIGATION OUT IN ANY -- THAT'S -- THAT YOU'RE

SHERIFF THOMAS CARTER, DIRECT EXAMINATION BY MR. GIPSON (IN CAMERA)

1 AWARE OF, OF ANY TEAMS THAT -- AT YOUR DIRECTION OR SLED'S
2 DIRECTION -- THAT DID ANY INVESTIGATION IN HAMPTON COUNTY?

3 A NOW, WE WENT DOWN TO LAKE WARREN.

4 Q OKAY; TELL US ABOUT THAT.

5 A OKAY; UH, I WAS CONTACTED BY AGENT JOHNSON OF, UH --
6 POSSIBLY OF SOME EVIDENCE WAS SOMEWHERE AT LAKE WARREN. AND
7 THE TWO US (SIC) WENT DOWN AND LOOKED. BUT, WE DIDN'T
8 DISCOVER ANYTHING.

9 Q NOW, AM I GONNA HAVE TO KEEP PULLING TEETH OR ARE YOU
10 GONNA JUST TELL ME WHAT ELSE YOU DID? 'CAUSE I MEAN, THERE
11 ARE---

12 A I MEAN, THAT WAS IT. WE WENT DOWN AND -- AT LAKE
13 WARREN, AND WE SEARCHED THE PERIMETER. AND WE DIDN'T --
14 DIDN'T DISCOVER ANYTHING, SO THAT WAS IT.

15 Q ANY RECORDS?

16 A IF IT IS, JOHNS- -- OR, AGENT JOHNSON HAS 'EM; I DON'T.

17 Q ANY OTHER INVESTIGATION THAT YOU HAVE DIRECTLY OR
18 INDIRECTLY PLAYED A PART IN WITH THIS ERICA BRADLEY MATTER
19 THAT YOU HAVE NOT DISCUSSED IN FRONT OF THIS COURT, UNDER
20 OATH, RIGHT NOW?

21 A I MEAN, THERE -- I MEAN, I WAS INVOLVED WITH EVERYTHING
22 THAT WAS DONE AT SOME POINT. A LOT OF IT I JUST DIDN'T HAVE
23 HAND IN (SIC), I JUST HAD KNOWLEDGE OF. SO, I MEAN, IT WAS A
24 LOT OF STUFF DONE AT THE TIME.

25 I MEAN, YOU HAVE TO TELL ME -- BE SPECIFIC ON WHAT

1 YOU'RE TALKING ABOUT.

2 Q CAN YOU JUST TELL US THE STUFF? BECAUSE YOU KNOW THINGS
3 THAT WE DON'T KNOW ABOUT INVESTIGATIONS. SO, I'M ASKING YOU
4 AN OPEN-ENDED QUESTION.

5 WHAT STUFF, YOU KNOW, THAT YOU HAVE NOT LISTED, UH,
6 AMONG THESE SEVEN OR EIGHT THINGS THAT YOU'VE LISTED IN TERMS
7 OF ADDITIONAL INVESTIGATIONS HAS BEEN OUT THERE?

8 WHAT STUFF ARE WE TALKING ABOUT? THAT STUFF IS AN -- A
9 MULTIUSE TERM; I WANT TO KNOW WHAT THAT MEANS.

10 A WELL, I CAN START FROM THE BEGINNING AND GO -- GO
11 THROUGH IT, IF THAT WHAT YOU NEED (SIC).

12 Q IF IT INVOLVES AGENCIES WHO A- -- ASSISTED IN THE
13 INVESTIGATION, OR -- OR -- OR OUTSIDE PEOPLE WHO CAME IN AND
14 DID THINGS -- SUBSTANTIVE THINGS TO INVESTIGATE?

15 A OKAY.

16 Q I THINK WE'RE ENTITLED TO IT. THAT'S WHAT WE'RE TRYING
17 TO ASK.

18 MR. GIPSON: AND -- AND IF THE COURT WOULDN'T MIND---

19 THE COURT: I -- I THINK -- I THINK HE'S MADE IT CLEAR
20 THAT HIS -- WHATEVER -- WHATEVER NOTES HE HAS ARE IN A FILE
21 THEY'VE PROVIDED MR. PEARSON IS WHAT I GLEAN FROM HIM.

22 NOW, I UNDERSTAND, MR. PEARSON -- IS IT TRUE THAT YOU
23 HAVE CONTACTED ALL OF THE INVESTIGATORS IN THIS THING AND --
24 AND -- AND AFFIRMATIVELY, UH, ASKED THEM WHETHER OR NOT THEY
25 HAVE ANY MORE DOCUMENTS?

SHERIFF THOMAS CARTER, DIRECT EXAMINATION BY MR. GIPSON (IN CAMERA)

1 MR. PEARSON: YES, YOUR HONOR. IN FACT, I HAVE ASKED
2 FOR SPECIFICALLY THE SAME -- SOME OF THE SAME SPECIFIC
3 DOCUMENTS THAT MR. GIPSON'S ASKED FOR, AND I DON'T HAVE THEM
4 EITHER.

5 THE COURT: ALL RIGHT.

6 MR. PEARSON: I -- I -- I DON'T HAVE THEM TO GIVE TO
7 HIM. UM -- ESPECIALLY WITH THE -- THESE MAPS AND, UH, I
8 THINK HE WAS ALSO ASKED ABOUT OTHER AGENCIES INVOLVED.

9 I DON'T -- I DON'T THINK THERE ARE -- I DON'T THINK
10 THESE RECORDS EXIST. I THINK THIS ENTIRE -- THE SEARCH WAS
11 KIND OF ON AN AD HOC BASIS, AND I DON'T THINK THERE WERE
12 COMP- -- A COMPREHENSIVE NOTES TAKEN OF EVERY STEP THAT---

13 THE COURT: OKAY.

14 MR. PEARSON: ---EVERY INDIVIDUAL DID TO -- TO SEARCH.

15 THE COURT: ALL RIGHT. BUT, TO THE EXTENT THERE WERE
16 SOME PAPE- -- THERE IS SOME PAPERWORK, HE'S GOT IT IN HIS
17 FILE AND INDICATED HE WOULD BRING IT TO YOU.

18 MR. PEARSON: I HAVE NO OBJECTION TO THAT; I'D LIKE TO
19 SEE IT MYSELF.

20 THE COURT: ALL RIGHT.

21 SHERIFF CARTER: AND IT BASICALLY (SIC) JUST COPIES OF
22 WHAT SHOULD BE IN THE FILES.

23 THE COURT: OKAY.

24 MR. PEARSON: AND THAT'S -- BUT I -- I -- THERE'S NO
25 OBJECTION TO HIM BRINGING THAT FILE.

SHERIFF THOMAS CARTER, DIRECT EXAMINATION BY MR. GIPSON (IN CAMERA)

1 THE COURT: VERY GOOD. WELL, IF YOU CAN BRING THAT
2 FILE, UM -- HOW LONG WILL IT TAKE YOU TO LOCATE THAT FILE?

3 SHERIFF CARTER: OH, IT'S BACK -- IT'S RIGHT OVER THERE
4 NEXT DOOR.

5 THE COURT: OKAY; IF YOU COULD DO THAT AND GIVE IT TO
6 THEM SO THEY CAN REVIEW IT OVER LUNCH?

7 SHERIFF CARTER: OKAY.

8 THE COURT: VERY GOOD. LET'S PROVIDE IT, UH, TO
9 MR. PEARSON FOR HIS REVIEW. AND DO YOU HAVE ANY OBJECTION
10 TO, UH, MR. GIPSON LOOKING AT IT?

11 MR. PEARSON: NONE AT ALL, YOUR HONOR.

12 THE COURT: ALL RIGHT, UH -- ALL RIGHT, AND, UH, YOU-ALL
13 MIGHT COULD -- I KNOW HOW VOLUMINOUS IT IS, BUT YOU MIGHT
14 START READING IT, WHEN YOU READ IT YOU CAN GIVE IT TO HIM.

15 MR. PEARSON: ALL RIGHT.

16 THE COURT: VERY GOOD. ALL RIGHT, ANYTHING FURTHER
17 MR. GIPSON?

18 MR. GIPSON: AND JUST -- AND JUST BRIEFLY, YOUR HONOR,
19 JUST TO MAKE SURE THAT WE'RE ON THE SAME PAGE.

20 Q YOU MENTIONED THIS CLAPPS (SIC) PERSON?

21 A YES.

22 Q ALL RIGHT; COULD YOU TELL ME THAT PERSON'S NAME?

23 A I DON'T -- I CAN'T REMEMBER HIS FIRST NAME. I KNOW IT'S
24 CRAPPS (SIC) -- I JUST WRITE HIM AS CRAPPS.

25 Q CAN YOU DESCRIBE HIM? BLACK MALE, WHITE MALE?

SHERIFF THOMAS CARTER, DIRECT EXAMINATION BY MR. GIPSON (IN CAMERA)

1 A HE'S A WHITE MALE; YOUNG -- YOUNG GUY, MAYBE IN HIS LATE
2 TWENTIES.

3 Q AND YOU SAY FROM HAMPTON COUNTY?

4 A THAT'S WHERE HE WAS LIVING.

5 Q OKAY. AND YOU -- AND INFORMATION YOU'RE SAYING, ABOUT
6 MR. CLAPPS (SIC) PERSON, HAS BEEN PROVIDED TO ALL OF US IN
7 THE FILES?

8 A YES, EVERYTHING I HAVE.

9 Q OKAY; AND IF YOU'LL JUST CHECK AGAIN IN -- IN THAT FILE
10 THAT YOU ARE BRING TO US OF ANYTHING ON THIS CLAPPS (SIC)
11 PERSON, IF YOU'LL PROVIDE THAT TO US AS WELL?

12 A ANYTHING THAT I HAVE.

13 Q OKAY, IF -- IF -- IF YOU'LL DOUBLE CHECK FOR US, PLEASE?
14 WE JUST WANT TO MAKE SURE WE HAVE EVERYTHING---

15 A I'M GONNA GIVE YOU THE WHOLE FILE.

16 Q OKAY. AND -- AND IF -- AND IF THERE'S ANYTHING WE
17 HAVEN'T DISCUSSED THAT YOU THINK IS REMOTELY RELATED, AT
18 LEAST COULD WE HAVE THE COURT -- JUST BRING IT TO THE COURT
19 AND THE COURT CAN REVIEW IN CAMERA AND DETERMINE IF IT'S
20 SOMETHING THAT NEEDS TO BE PROVIDED?

21 THE COURT: VERY GOOD. I THINK, UH, MR. PEARSON'S
22 AGREED TO ALLOW YOU TO SEE IT ALL.

23 MR. GIPSON: OKAY.

24 THE COURT: ALL RIGHT, SO LET'S DO THAT. VERY GOOD --
25 ALL RIGHT.

SHERIFF THOMAS CARTER, CROSS-EXAMINATION BY MR. PEARSON (IN CAMERA)

1 MR. PEARSON: UH -- VERY QUICKLY, I HAVE ONE QUESTION.

2 THE COURT: CERTAINLY.

3 MR. PEARSON: UM -- FOR THE WITNESS.

4 THE COURT: CERTAINLY.

5 SHERIFF THOMAS CARTER, CROSS-EXAMINATION BY MR. PEARSON

6 (IN CAMERA):

7 Q UH -- THIS -- THIS CRAPPS (SIC) PERSON YOU WERE JUST,
8 UH -- YOU WERE JUST TALKING ABOUT, UM, WAS HE EVER ARRESTED
9 IN -- IN REGARDS TO THE INVESTIGATION?

10 A YES, HE WAS.

11 Q IS HE A -- HE WAS A RESIDENT, DO YOU KNOW IF HE WAS
12 INDICTED?

13 A HE WAS.

14 Q ALL RIGHT. UM, THE -- AND I -- I'M KIND-A AT A LOSS
15 HERE BECAUSE THERE'S A LITTLE BIT OF TESTIFYING I HAVE TO DO
16 TO ASK -- TO ANS- -- ASK THE QUESTION.

17 BUT, THERE'S AN INDIVIDUAL BY THE NAME JOHNATHAN CAPPS.

18 A JOHNATHAN CAPPS, THAT'S HIM. I SAY CRAPPS, BUT IT'S
19 CAPPS.

20 Q CAPPS; ALL RIGHT---

21 A YES.

22 Q ---I JUST WANT TO MAKE SURE WE WERE TALKING ABOUT THE
23 SAME PERSON.

24 A AND HIS NAME IS JOHNATHAN, YOU RIGHT (SIC).

25 THE COURT: VERY GOOD. ALL RIGHT, WE'LL STAND AT EASE

1 UNTIL TWO O'CLOCK.

2 THANK YOU, SHERIFF, YOU MAY STEP DOWN.

3 (WHEREUPON, WITNESS STEPPED DOWN.)

4 (WHEREUPON, COURT RECESSED AT 12:55 P.M.)

5 (WHEREUPON, COURT RESUMED AT 2:04 P.M.)

6 THE COURT: ANYTHING FROM THE STATE BEFORE WE PROCEED?

7 MR. PEARSON: NOTHING FROM THE STATE, YOUR HONOR.

8 THE COURT: ANYTHING FROM DEFENSE?

9 MR. GIPSON: NO, SIR; WE'RE READY TO ROLL.

10 THE COURT: ALL RIGHT, UH, MR. PEARSON, UM, WE'VE GOT
11 A -- A NUMBER OF WITNESSES, OF COURSE. UH -- WE MIGHT NEED
12 TO PICK UP THE PACE JUST A LITTLE BIT.

13 MR. PEARSON: YES, SIR.

14 THE COURT: VERY GOOD; THANK YOU.

15 MR. PEARSON: BEFORE THE JURY COMES IN, SHE SHOULD BE
16 BACK ON THE STAND? SHOULD MS. BRADLEY BE BACK ON THE STAND?

17 THE COURT: YOU CAN, YEAH. IF WE COULD CALL HER BACK TO
18 THE STAND RIGHT NOW?

19 MR. PEARSON: JESSICA BRADLEY.

20 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
21 CONFERENCE, OFF THE RECORD.)

22 (WHEREUPON, COURT RESUMED.)

23 THE COURT: MS. BRADLEY, PLEASE COME FORWARD AND RESUME
24 THE WITNESS STAND.

25 (WHEREUPON, WITNESS CAME FORWARD.)

1 THE COURT: WE'RE READY FOR THE JURY.

2 (WHEREUPON, JURY ENTERED THE COURTROOM AT 2:07 P.M.)

3 THE COURT: MADAME FORELADY, LADIES AND GENTLEMEN OF THE
4 JURY, GOOD AFTERNOON. THANK YOU FOR BEING HERE, AND THANK
5 YOU FOR BEING HERE ON TIME.

6 MS. BRADLEY, I'LL REMIND YOU YOU'RE STILL UNDER OATH.

7 MR. PEARSON, YOU'RE RECOGNIZED.

8 MR. PEARSON: YES, YOUR HONOR.

9 JESSICA BRADLEY, DIRECT EXAMINATION BY MR. PEARSON (RESUMED):

10 Q BEFORE THE BREAK, UH, WE WERE DISCUSSING, UM, YOU TAKING
11 THOSE FLYERS FOR YOUR SISTER.

12 AND I THINK WE STOPPED AT, UH, YOUR GOING TO MAGGIE
13 ALDRICH'S HOUSE. UM -- LET'S PICK UP RIGHT THERE.

14 NOW, RIGHT BEFORE THE BREAK YOU TESTIFIED THAT YOU SAW
15 THE DEFENDANT, UM, AT MS. ALDRICH'S HOUSE. DID YOU HAVE THE
16 OPPORTUNITY TO, UH, HAVE A CONVERSATION WITH HIM AT THAT
17 POINT?

18 A YES, SIR.

19 Q AND COULD YOU TELL THE JURY WHAT HAPPENED DURING THIS
20 CONVERSATION YOU HAD WITH THE DEFENDANT, DEREK MANER?

21 A WHEN I WENT IN THE HOUSE, I SAW -- WELL, I WALKED PASS
22 MAGGIE. SHE OPEN THE DOOR; I WENT TO THE BACK. AND I WENT
23 UP TO HIM AND I ASK (SIC) HIM ABOUT HER AGAIN.

24 HE SAY (SIC) HE DON'T KNOW WHAT HAPPEN (SIC).

25 I TOOK THE FLYER AND I PUT IT IN HIS FACE. AND I TOLD

1 HIM -- I WAS LIKE, DO YOU SEE HOW SERIOUS THIS IS? I SAY
2 (SIC), YOU NEED TO TALK; YOU NEED TO TELL US WHAT HAPPENED.

3 AND HE KEPT SAYING THAT HE WAS SORRY.

4 I ASKED HIM AGAIN, I SAY (SIC), WHAT ARE YOU SORRY FOR?

5 HE KEPT TELLING ME, HE SAY (SIC) HE'S SORRY FOR WHAT
6 DONE HAPPEN (SIC) -- HE'S SORRY FOR WHAT DONE HAPPEN.

7 I SAY (SIC) WHAT HAPPENED? WHAT -- WHAT ARE YOU SAYING
8 THAT YOU'RE SORRY FOR?

9 AND HE JUST HELD HIS HEAD DOWN.

10 I WAS LIKE, WELL, CAN YOU JUST PLEASE COME WITH ME TO
11 THE POLICE DEPARTMENT AND JUST TELL THEM WHAT'S GOING ON?

12 AND HE WAS LIKE, I CAN'T.

13 AND I WAS LIKE, WHAT ARE YOU SCARED OF, WHAT'S -- WHAT'S
14 WRONG? I WAS SAYING, I WOULD TAKE YOU MYSELF, WILL YOU JUST
15 PLEASE COME WITH ME?

16 AND HE JUST KEPT SAYING HE CAN'T GO.

17 Q WELL, AFTER YOU HAD THIS DISCUSSION WITH THE DEFENDANT,
18 WHAT DID YOU DO?

19 A I LEFT.

20 Q NOW, YOU TALKED ABOUT, UM, GOING THROUGH ALLENDALE WITH
21 THESE FLYERS. ARE YOU AWARE OF THE LOCATION -- ARE YOU AWARE
22 OF HIGHWAY ONE-TWENTY-FIVE?

23 A THAT'S, UM, THE MAIN HIGHWAY IN ALLENDALE.

24 Q UH -- SO YOU KNOW WHERE THAT IS?

25 A YES.

1 Q AND IS THAT IN ALLENDALE COUNTY?

2 A YES, SIR.

3 Q HOW ABOUT HIGHWAY TWO-SEVENTY-EIGHT?

4 A YES, SIR.

5 Q UH -- IS THAT ALSO IN ALLENDALE COUNTY?

6 A YES, SIR.

7 Q I WANT TO TALK VERY BRIEFLY ABOUT YOUR SISTER,
8 ERICA BRADLEY.

9 PRIOR TO NOVEMBER 6, 2006, HOW OFTEN WOULD YOU SPEAK
10 WITH YOUR SISTER?

11 A I'LL SAY ABOUT EVERY -- ABOUT EVERY THREE DAYS OR SO.
12 IF I DIDN'T SEE HER, I'LL OFTEN GO UP TO HARDEE'S AND I'LL
13 TALK TO HER THERE.

14 Q WOULD YOU CONSIDER YOURSELF BEING, UH, CLOSE TO YOUR
15 SISTER?

16 A YES.

17 Q HOW MANY TIMES HAVE YOU HEARD FROM YOUR SISTER,
18 ERICA BRADLEY? (AFTER PAUSE) AFTER NOVEMBER 6, 2006?

19 A NO MORE.

20 Q DID YOU SEE HER AT THANKSGIVING THAT YEAR?

21 A NO, SIR.

22 Q DID YOU SEE HER AT CHRISTMAS?

23 A NO, SIR.

24 Q NOW, YOU TESTIFIED THAT SHE HAD A SON, [REDACTED]

25 UH -- CHRISTMAS OF '06, WOULD THAT HAVE BEEN [REDACTED]'S

1 FIRST CHRISTMAS?

2 A YES, SIR.

3 Q ALL RIGHT; BUT YOU DIDN'T SEE HER?

4 A NO, SIR.

5 Q DO YOU KNOW IF [REDACTED] T. M. SAW HER?

6 A NO, SIR; NOT TO MY KNOWLEDGE.

7 Q WHEN -- [REDACTED] T. M. [REDACTED] S FIRST CHRISTMAS, HAD THAT BEEN
8 SOMETHING THAT WAS IMPORTANT TO HER?

9 A YES.

10 Q BASED ON YOUR KNOWLEDGE OF YOUR SISTER -- GROWING UP
11 WITH HER, KNOWING HER AS WELL AS YOU DO -- WAS [REDACTED] T. M. 'S
12 FIRST CHRISTMAS SOMETHING THAT SHE WOULD HAVE WILLINGLY
13 MISSED?

14 A NO, SIR.

15 Q WERE THERE ANY OTHER FAMILY GATHERINGS AROUND THAT TIME?

16 A AROUND CHRISTMAS?

17 Q THEN -- 2006?

18 A UM -- NOT THAT I CAN RECALL.

19 Q NEW YEAR'S?

20 A ONE THING---

21 Q DID YOU SEE HER NEW YEAR'S?

22 A ---UM, AT FUNERALS; STUFF LIKE THAT.

23 Q DID YOU SEE HER AT A FUNERAL?

24 A NO.

25 Q UM -- WHOSE FUNERAL -- WAS THERE A FUNERAL AT THIS TIME

1 OF A FAMILY MEMBER?

2 A YES.

3 Q WHICH ONE?

4 A HER GRANDFATHER.

5 Q AND YOU ALREADY TESTIFIED THAT YOU DIDN'T SEE HER AT
6 THAT FUNERAL. WOULD THAT HAVE BEEN SOMETHING -- BASED ON
7 YOUR KNOWLEDGE OF YOUR SISTER -- THAT SHE WOULD HAVE
8 WILLINGLY MISSED?

9 A YEAH, SHE WAS CLOSE WITH HIM.

10 Q PRIOR TO NOVEMBER 6TH OF 2006, DID YOUR SISTER USUALLY GO
11 FOR LONG PERIODS OF TIME WITHOUT CONTACTING HER FAMILY?

12 A NO, SIR.

13 Q PRIOR TO NOVEMBER 6, 2006, DID YOUR SISTER---

14 **MR. GIPSON:** OBJECT TO LEADING, YOUR HONOR.

15 **THE COURT:** UH -- I'LL -- I'LL LET HIM FINISH THE
16 QUESTION.

17 Q PRIOR TO NOVEMBER 6, 2006, ARE YOU AWARE OF ANY
18 PROTRACTED PERIODS OF TIME THAT YOUR SISTER, ERICA BRADLEY,
19 DID NOT SEE HER CHILD?

20 A NO, SIR.

21 Q PRIOR TO NOVEMBER 6, 2006, ARE YOU AWARE OF ANY LONG
22 PERIOD -- OR, ANY PERIODS OF TIME WHERE YOUR SISTER---

23 **MR. GIPSON:** I -- I JUST OBJECT TO THE LEADING, YOUR
24 HONOR.

25 **THE COURT:** I -- I'M GONNA CLEAN THIS UP. I'LL ALLOW

1 HIM TO ANSWER -- TO ASK THAT QUESTION. I DON'T THINK IT'S
2 LEADING UNDER THE CIRCUMSTANCES.

3 Q PRIOR TO NOVEMBER 6, 2006, ARE YOU AWARE OF ANY LONG,
4 PROTRACTED PERIODS OF TIME THAT YOUR SISTER WOULD GO WITHOUT
5 SPEAKING TO HER CHILD, T. M. ?

6 A NO, SIR.

7 Q AT ANY POINT -- YOUR RELATIONSHIP WITH YOUR SISTER --
8 DID YOU EVER GET THE INCLINATION THAT SHE WOULD ABANDON HER
9 CHILD?

10 A NO, SIR.

11 Q AND BASED UPON WHAT YOU KNOW ABOUT YOUR SISTER, WOULD
12 SHE LEAVE WITHOUT SAYING A WORD TO ANYONE?

13 MR. GIPSON: OBJECTION, YOUR HONOR.

14 A NO, SHE WOULDN'T.

15 THE COURT: I -- I'LL SUSTAIN THE OBJECTION. NOT TO THE
16 EXTENT THAT IT'S LEADING, BUT IT'S BEEN ASKED AND ANSWERED ON
17 NUMEROUS OCCASIONS. WE NEED TO MOVE ON.

18 Q FINALLY, YOU TESTIFIED THAT YOU DIDN'T SEE HER
19 CHRISTMAS, NEW YEAR'S 2006. HAVE YOU SEEN HER -- HAVE YOU
20 SEEN HER AT ALL SINCE THAT TIME?

21 A NO, I HAVEN'T.

22 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
23 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
24 HEARING OF THE JURY, OFF THE RECORD.)

25 (WHEREUPON, COURT RESUMED.)

1 Q ONE FINAL QUESTION. MS. BRADLEY, UM, I'M GONNA SHOW YOU
2 WHAT HAS BEEN MARKED AS STATE'S EXHIBIT NUMBER THREE, FOUR --
3 TWO, THREE, AND FOUR.

4 NOW, YOU IDENTIFIED THIS AS THE CAR DRIVEN BY
5 DEREK MANER?

6 A YES, SIR.

7 Q HAVE YOU EVER BEEN UNDER THAT CAR?

8 A NO, SIR; I'VE NEVER BEEN UNDER THE CAR.

9 Q HAVE YOU EVER PERFORMED ANY MECHANIC'S WORK TO THAT CAR?

10 A NO, SIR.

11 Q HAVE YOU EVER CUT YOURSELF AND LEFT SOME BLOOD UNDER THE
12 CAR TO YOUR KNOWLEDGE?

13 A NO, SIR; I HAVEN'T.

14 Q THANK YOU.

15 MR. PEARSON: NO FURTHER QUESTIONS FOR THIS WITNESS.

16 THE COURT: CROSS-EXAMINATION?

17 MR. GIPSON: THANK YOU, YOUR HONOR.

18 JESSICA BRADLEY, CROSS-EXAMINATION BY MR. GIPSON:

19 Q GOOD AFTERNOON, MS. BRADLEY.

20 A HOW YOU DOING?

21 Q NOW, YOU'VE TESTIFIED TODAY THAT PETER TONY CARTER, UM,
22 IS YOUR COUSIN; CORRECT?

23 A YES, SIR.

24 Q OKAY; NOW, SECOND COUSIN?

25 A YES, SIR.

- 1 Q ALL RIGHT; AND HE WAS LIVING WITH YOU BACK IN '06,
2 CORRECT?
- 3 A HUH?
- 4 Q PART OF '06?
- 5 A YES.
- 6 Q AND THIS WOULD HAVE BEEN -- SO, SPECIFICALLY, THOUGH,
7 NOVEMBER OF '06 WHEN -- WHEN THIS---
- 8 A HE WAS THERE THAT NIGHT -- SINCE NOVEMBER '06, HE WAS
9 THERE.
- 10 Q OKAY; YOU SAID HE WAS THERE?
- 11 A (NO RESPONSE.)
- 12 Q NOW, UM, YOU ALSO SAID -- WELL, WHO ELSE WAS THERE WITH
13 YOU THAT NIGHT?
- 14 A HIM AND HIS GIRLFRIEND, NESHA (PHONETIC) OUTING.
- 15 Q ALL RIGHT; NOW, WAS MILES BOYNTON THERE?
- 16 A WHO?
- 17 Q MILES BOYNTON.
- 18 A NO, HE WASN'T THERE.
- 19 Q OKAY; DO YOU KNOW MILES?
- 20 A YES, I DO.
- 21 Q OKAY; WHO IS HE?
- 22 A MILES IS HIS FRIEND. AND AFTER THE INCIDENT OCCUR --
23 OCCURRED, HIM AND MILES WEREN'T SPEAKING ANYMORE. AND ME AND
24 MILES STARTED CONVERSATING (SIC) WITH EACH OTHER.
- 25 Q SO YOU-ALL SAID THAT, UM -- I DON'T KNOW, BUT CAN I --

1 IS -- IS USING THE TERM DATING LOOSELY, IS THAT FAIR?

2 A NO, WE WASN'T DATING.

3 Q ALL RIGHT; WELL, JUST SPEAKING. WELL, YOU-ALL WERE
4 ACQUAINTANCES, BASICALLY?

5 A WE WERE JUST FRIENDS.

6 Q OKAY. SO, BUT MILES WAS NOT THERE THAT EVENING?

7 A NO.

8 Q OKAY. NOW, UH -- UH, ESSENTIALLY, ARE YOU THE POWER
9 THAT TOLD PETER THAT HE COULD GO PICK UP ERICA; CORRECT?

10 A YES, I TOLD HIM TO GO PICK HER UP.

11 Q AND AFTER THAT POINT IN TIME, YOU WENT ON TO BED?

12 A I WAS LAYING DOWN.

13 Q OKAY; AND YOU SAID YOU WERE EXPECTING AT THAT TIME.
14 YOU, YOU KNOW, PROBABLY WERE A LITTLE BIT MORE TIRED THAN
15 USUAL?

16 A WHEN I SAW THE TRUCK COME BACK, I DIDN'T GET UP; I
17 ASSUMED THAT SHE CAME IN THE HOUSE.

18 Q OKAY. AND -- BUT AFTER YOU DIDN'T HEAR ANYTHING
19 DIFFERENT, DID YOU?

20 A HE WENT BACK OUT AGAIN.

21 Q OKAY, BUT YOU DIDN'T HEAR ANY -- YOU SAID YOU ASSUMED
22 THAT SHE CAME IN THE HOUSE. YOU WERE NEVER TOLD ANYTHING
23 DIFFERENT FROM PETER, WERE YOU?

24 A THAT -- UM, AS SOON AS HE CAME IN THE HOUSE?

25 Q YES.

1 A NO, NOT THAT NIGHT.

2 Q OKAY; THE NEXT MORNING YOU WERE NEVER TOLD ANYTHING
3 DIFFERENT?

4 A HE KNOCKED ON MY DOOR---

5 MR. PEARSON: OBJECTION; CALLING FOR HEARSAY.

6 THE COURT: I -- UH, I DON'T THINK IT'S, UM -- IT CALLS
7 FOR THE TRUTH OF THE MATTER ASSERTED, THEREFORE IT'S NOT
8 HEARSAY. I'LL ALLOW HIM TO ASK IT.

9 MR. GIPSON: THANK YOU.

10 Q NOW, YOU ADMITTED -- AND YOU SAID TO -- IN THIS COURT --
11 THAT YOU JUST SAID, UH -- YOU ASSUMED THAT SHE WAS IN THE
12 HOUSE?

13 A YES.

14 Q ALL RIGHT; AND HE NEVER TOLD YOU ANYTHING DIFFERENT THAT
15 NIGHT, DID HE?

16 A HE KNOCKED ON THE DOOR, AND HE SAID THAT HE TOLD ME
17 SOMETHING.

18 I CAN'T RECALL WHAT HE SAID, LIKE I STATED EARLIER, BUT
19 I KNOW THAT HE LEFT BACK OUT.

20 Q OKAY. NOW, YOU GAVE A COUPLE STATEMENTS, UNDER OATH, TO
21 THE POLICE; DIDN'T YOU?

22 A YES, I DID.

23 Q OKAY. DO YOU RECALL GIVING ANY STATEMENTS TO SLED? I'M
24 JUST GONNA ASK YOU SPECIFICALLY. AND, UH, PLEASE ANSWER YES
25 OR NO, AND WE'LL GO FURTHER FROM THERE.

1 DO YOU RECALL TELLING THE POLICE THAT, UH, PETER GOT
2 BACK, I WENT TO SLEEP. AND I HEARD A TRUCK PULL BACK UP. I
3 DON'T REMEMBER GETTING UP OR TALKING -- OR, PETER TALKING TO
4 ME. DO YOU REMEMBER TELLING THEM THAT?

5 A YES.

6 Q OKAY. SO, YOU HAD NO CONVERSATION WITH PETER?

7 A LIKE I SAID, HE KNOCKED ON THE DOOR. HE SAID SOMETHING;
8 I DON'T RECALL WHAT HE SAID. I WENT BACK TO SLEEP.

9 Q OKAY.

10 A I REMEMBER HIM LEAVING BACK OUT, 'CAUSE THE LIGHT SHINES
11 IN MY ROOM.

12 Q UH-HUH.

13 A I CAN'T HELP FOR (SIC) SEEING THE LIGHT.

14 Q THE NEXT MORNING -- THIS IS ACCORDING TO YOUR STATEMENTS
15 AND ALL -- YOU NEVER HAD ANY CONVERSATION WITH PETER ABOUT
16 ERICA NOT BEING THERE, DID YOU?

17 A NO, HE JUST---

18 Q ACCORDING TO THE STATEMENT THAT YOU'D GIVEN THE---

19 A ---TOLD ME ABOUT WHAT HAD HAPPEN.

20 **MR. PEARSON:** OBJECTION, YOUR HONOR. MAY WE APPROACH?

21 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
22 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
23 HEARING OF THE JURY, OFF THE RECORD.)

24 (WHEREUPON, COURT RESUMED.)

25 Q NOW, YOU'VE GIVEN THE SWORN STATEMENTS TO THE POLICE NOW

1 ON A COUPLE OF, UH, OCCASIONS SINCE THIS TIME; CORRECT?

2 A YES.

3 Q AND IN NONE OF THOSE STATEMENTS HAVE YOU EVER SAID THAT
4 PETER SPOKE TO YOU THE NEXT MORNING AND SAID, ERICA WASN'T --
5 I DIDN'T PICK ERICA UP, I DIDN'T FIND HER; DID YOU?

6 A NO, I DIDN'T PUT IT IN THERE.

7 Q OKAY; NOR DID YOU DO THAT THE NEXT DAY EITHER, DID YOU?

8 A WHAT YOU MEAN---

9 Q I MEAN, DID---

10 A ---PUT IT ON THE STATEMENT?

11 Q ---DID PETER COME TO YOU AND SAY, I COULDN'T FIND ERICA;
12 SHE WAS NOWHERE TO BE FOUND. I WENT OUT AND LOOKED FOR HER
13 TWICE. DID THAT CONVERSATION---

14 MR. PEARSON: OBJECTION; CALLS FOR HEARSAY.

15 THE COURT: I'LL OVERRULE THE OBJECTION UNDER THESE
16 CIRCUMSTANCES.

17 Q THAT CONVERSATION NEVER OCCURRED, DID IT?

18 A WHAT CONVERSATION.

19 Q THE CONVERSATION THAT I JUST ASKED YOU.

20 A BETWEEN ME AND PETER?

21 Q YES, MA'AM.

22 A YES, IT OCCURRED BETWEEN ME AND HIM. JUST BECAUSE I
23 DIDN'T PUT IT ON PAPER DOESN'T MEAN IT---

24 Q THE -- THE NEXT---

25 A ---DIDN'T OCCUR.

1 Q ---THE NEXT DAY -- WELL, UH, RELOOK AT YOUR STATEMENT
2 THAT YOU MENTIONED.

3 BUT -- BUT QUITE FRANKLY, IN YOUR STATEMENT, DO YOU
4 REMEMBER SAYING THAT THE NEXT TIME THAT YOU HAD ANY
5 CONVERSATION ABOUT ERICA WAS AFTER YOU LEARNED THAT SHE MAY
6 BE MISSING?

7 A YES.

8 Q OKAY; SO ERI- -- SO IS -- THERE IS NOWHERE THAT YOU HAD
9 ANY -- THAT PETER TOLD YOU THAT SHE WAS MISSING OR THAT HE
10 DIDN'T SEE HER ALONG THE SIDE OF THE ROAD---

11 A PETER DIDN'T---

12 Q ---OR THAT SHE DIDN'T COME HOME?

13 A ---KNOW SHE WAS MISSING.

14 Q I'M SORRY?

15 A PETER DID NOT KNOW SHE WAS MISSING.

16 Q WELL---

17 A DEREK KNEW SHE WAS MISSING.

18 Q ---WELL PETER DIDN'T TELL YOU THAT HE COULDN'T FIND HER,
19 DID HE?

20 A HE CAME BACK AND KNOCKED ON THE DOOR. I TOLD YOU HE
21 SAID SOMETHING TO ME. I DOZE (SIC) OFF -- I WAS DOZED OFF
22 ASLEEP; I DON'T KNOW WHAT HE SAID.

23 Q WHEN YOU WOKE UP THAT MORNING -- REGARDLESS OF WHETHER
24 THE DOOR WAS KNOCKING -- YOU DIDN'T HAVE AN INCLINATION THAT
25 SHE WAS NOT IN THAT HOUSE OR THAT -- THAT HE COULDN'T FIND

1 HER THAT NIGHT, DID YOU?

2 A NOT REALLY; WE DIDN'T HAVE A LONG CONVERSATION ABOUT
3 WHAT HAPPENED THAT NIGHT.

4 Q AND THE NEXT DAY -- YOU TESTIFIED TO JUST A MOMENT
5 AGO -- YOU DIDN'T HAVE ANY INCLINATION THAT SHE HAD -- HAD --
6 HAD GOTTEN OUT OF THE CAR AND WALKED AND HE COULD NOT FIND
7 HER---

8 A NO, I---

9 Q ---DID YOU?

10 A ---DIDN'T TALK TO PETER THE NEXT DAY.

11 Q BECAUSE IF YOU HAD, YOU WOULD HAVE -- YOU WOULD HAVE
12 GONE TO THE POLICE IMMEDIATELY, WOULDN'T YOU?

13 A YES.

14 Q OR YOU WOULD HAVE GONE TO -- TO -- TO -- TO YOUR COUSIN
15 AND SAID, LOOK, WHAT HAPPENED? TELL ME WHAT HAPPENED SO I
16 CAN FIGURE OUT WHAT HAPPENED?

17 A YES.

18 Q AND YOU WOULD HAVE DONE THAT BECAUSE YOU'RE HER OLDER
19 SISTER, CORRECT?

20 A YES.

21 Q AND OLDER SISTERS CAN -- CAN HAVE A -- A MOTHER'S
22 INSTINCT OFTEN TIMES OVER THEIR YOUNGER SIBLINGS, CORRECT?

23 A YES.

24 Q SO IF YOU HAD HAD AN INCLINATION THAT SOMETHING HAD
25 HAPPENED, YOU WOULD HAVE EXPECTED PETER TO TELL YOU? YOU

1 KNOW, MAKE SURE THAT YOU UNDERSTOOD THAT, WOULDN'T YOU?

2 A (NO RESPONSE.)

3 Q WOULDN'T YOU?

4 A NO, I WOULDN'T. MAYBE PETER DIDN'T, UM, KNOW THAT
5 SOMETHING HAPPENED THAT NIGHT.

6 Q YOU DON'T FIND IT ODD THAT YOUR COUSIN WOULD HAVE GONE
7 OUT TO LOOK FOR YOUR SISTER AND THEN NOT TOLD YOU THAT HE
8 DIDN'T SEE HER FOR A COUPLE DAYS?

9 A NO.

10 Q OKAY. (AFTER PAUSE) NOW, YOU MENTIONED SEEING DEREK AT
11 WAL-MART A FEW DAYS LATER; CORRECT?

12 A YES.

13 Q AND YOU SAID YOU WERE WITH A FEW PEOPLE AT WAL-MART THAT
14 DAY?

15 A YES.

16 Q SO IT'S YOUR TESTIMONY, UNDER OATH, THAT YOU SAW DEREK
17 AT WAL-MART; HAD THIS PARTICULAR DISCUSSION WITH HIM ABOUT
18 ERICA NOT -- OR, ERICA BEING MISSING?

19 A YES.

20 Q OKAY -- IN WAL-MART?

21 A IN WAL-MART.

22 Q OKAY; WHO ELSE WAS THERE?

23 A NESHA OUTING, KARA OUTING.

24 Q OUTING? I'M SORRY?

25 A NESHA OUTING AND KARA OUTING.

1 Q OKAY; SO, SISTERS ESSENTIALLY?

2 A YES.

3 Q OKAY. NOW, YOU ALSO MADE REFERENCE TO IT ON ANOTHER
4 OCCASION SOMETIME SOON AFTERWARD.

5 UM -- YOU SAW DEREK OVER AT MAGGIE ALDRICH'S HOUSE,
6 CORRECT?

7 A YES.

8 Q OKAY; NOW, DEREK NEVER TOLD YOU THAT HE DID ANYTHING
9 WRONG OR CRIMINAL TO YOUR SISTER, DID HE?

10 A DID HE TELL ME HE DID ANYTHING WRONG TO HER?

11 Q YES.

12 A NO.

13 Q OKAY. AND, IN FACT, ACCORDING TO YOUR STATEMENT THAT
14 YOU GAVE THE POLICE...

15 MR. GIPSON: MAY I ASK THE COURT'S INDULGENCE FOR JUST A
16 MINUTE?

17 THE COURT: TAKE YOUR TIME.

18 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR ATTORNEY TO
19 REVIEW NOTES, OFF THE RECORD.)

20 (WHEREUPON, COURT RESUMED.)

21 Q HE SAID, I'M SORRY FOR WHAT'S GOING ON; CORRECT?

22 A I'M SAYING HE ALSO STATED HE'S SORRY FOR WHAT DONE
23 HAPPEN.

24 Q OKAY, AND -- AND FOR WHAT'S GOING ON?

25 A (NO RESPONSE.)

1 Q NOW -- I MEAN, I CAN SHOW YOU WHAT YOU WROTE. THAT YOU
2 SAID HE SAID, I'M SORRY FOR WHAT HAPPENED.

3 A YES.

4 Q OKAY, WOULD YOU LIKE TO SEE YOUR STATEMENT?

5 A NO, I DON'T WANT TO SEE IT.

6 Q OKAY; SO, IF, UM -- IF I TELL YOU, LOOKING AT THIS, WHAT
7 DID HE JUST -- THAT YOU SAID HE SAID, I'M SORRY FOR WHAT'S
8 GOING ON, ARE YOU GONNA QUESTION THAT'S WHAT YOU SAID?

9 A I COULD TELL YOU THAT I SAID THAT.

10 Q OKAY. (AFTER PAUSE) NOW, YOU'VE HAD AN OPPORTUNITY TO
11 MEET WITH AGENTS ON SEVERAL DIFFERENT OCCASIONS; CORRECT?

12 A YES.

13 Q OKAY, AND YOU, AT SOME POINT IN TIME, MET WITH -- WITH
14 AGENT JOHNSON, CORRECT?

15 A I DON'T REMEMBER THEIR NAMES; BY THEIR FACES THOUGH.

16 Q WELL, THE GENTLEMAN SITTING HERE?

17 A YES.

18 Q OKAY; AND YOU MET WITH HIM ON SEVERAL OCCASIONS, HAVEN'T
19 YOU?

20 A UM -- ONE OCCASION AS I CAN REMEMBER.

21 Q OKAY; HAVE YOU AT ANY -- HAVE YOU AT ANY POINT IN TIME
22 EVER BEEN SHOWN ANY THINGS THAT PURPORT TO BE EVIDENCE IN
23 THIS CASE?

24 A SHOWN? NO.

25 Q ANY PICTURES, ANYTHING LIKE THAT?

1 A NO.

2 Q OKAY. NOW, LET ME ASK YOU THIS TOO. DID YOU MAKE ANY
3 PHONE CALLS FROM YOUR HOUSE TO ANYBODY FROM HARDEE'S OR ANY
4 OF THEIR -- (AFTER PAUSE) I'LL SAY HIGHER UPS. BUT, ANY OF
5 THEIR, UM -- ANY -- ANYBODY AFFILIATED WITH HARDEE'S ON, UH,
6 THE EVENING THAT, UH, PETER PICKED UP ERICA?

7 A NO.

8 Q OKAY. DO YOU HAVE ANY RECOLLECTION OF ANYBODY FROM IN
9 YOUR HOUSEHOLD MAKING ANY CALLS TO HARDEE'S OR FROM ANYBODY,
10 UH -- OR ANY OF HARDEE'S AFFILIATES ON THE EVENING THAT,
11 UH -- THAT PETER WENT TO PICK UP ERICA?

12 A NO.

13 Q ARE YOU AWARE OF ANY COMPLAINTS BEING FILED AT ANY POINT
14 IN TIME BY SOMEONE IN YOUR HOUSEHOLD, UM, WITH HARDEE'S ABOUT
15 SOMETHING ABOUT ERICA ON THAT PARTICULAR EVENING?

16 A NO.

17 Q OKAY.

18 MR. GIPSON: THE COURT'S INDULGENCE FOR JUST A MINUTE.

19 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
20 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
21 HEARING OF THE JURY, OFF THE RECORD.)

22 (WHEREUPON, COURT RESUMED.)

23 Q AND YOU -- YOU ARE NOT SAYING THAT DIDN'T OCCUR, YOU'RE
24 JUST SAYING YOU'RE NOT A- -- YOU'RE -- YOU'RE NOT PERSONALLY
25 AWARE OF IT?

1 A I'M NOT AWARE OF IT.

2 Q OKAY.

3 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
4 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
5 HEARING OF THE JURY, OFF THE RECORD.)

6 (WHEREUPON, COURT RESUMED.)

7 Q AND WHAT WAS YOUR PHONE NUMBER AT THAT POINT IN TIME?

8 A I DON'T REMEMBER.

9 Q [REDACTED]?

10 A THAT COULD BE IT.

11 Q AND IT COULD -- ALSO COULD NOT BE IT, BUT THAT SOUNDS
12 FAMILIAR?

13 A IT'S THREE YEARS AGO; IT COULD BE IT.

14 Q OKAY.

15 MR. GIPSON: (AFTER PAUSE) I ASK THE COURT'S INDULGENCE;
16 THANK YOU.

17 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
18 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
19 HEARING OF THE JURY, OFF THE RECORD.)

20 (WHEREUPON, COURT RESUMED.)

21 MR. GIPSON: THAT'S ALL THE QUESTIONS THAT I HAVE.

22 THE COURT: REDIRECT?

23 MR. PEARSON: YES, YOUR HONOR.

24 THE COURT: MR. PEARSON.

25 JESSICA BRADLEY, REDIRECT EXAMINATION BY MR. PEARSON:

1 Q VERY BRIEFLY, UH, YOU'VE JUST ANSWERED SEVERAL QUESTIONS
2 ABOUT CONVERSATIONS THAT YOU HAD WITH, UH, PETER TONY CARTER.

3 A YES, SIR.

4 Q DO YOU REMEMBER PETER TONY CARTER TELLING YOU, ON THE
5 NIGHT OF THE 6TH/EARLY IN THE MORNING OF THE 7TH, UH, THAT HE
6 DIDN'T FIND YOUR SISTER?

7 A HE DIDN'T -- HE JUST CAME IN. I DIDN'T KNOW THAT IT WAS
8 A ISSUE ABOUT DEREK DROPPING HER OFF AND -- I JUST KNOW THAT
9 HE WENT BACK OUT LOOKING FOR HER.

10 Q AT THE TIME, DID YOU EVEN KNOW WHY HE WENT BACK OUT?

11 A NO, I DIDN'T.

12 Q AND THE FOLLOWING MORNING, ANY DIS- -- UH, DISCUSSION
13 YOU HAD WITH PETER TONY CARTER, DID YOU BECOME -- DID YOU
14 BECOME WORRIED ABOUT YOUR SISTER AFTER TALKING TO HIM THE
15 FOLLOWING MORNING?

16 A NO, IT DIDN'T SEEM LIKE---

17 MR. GIPSON: I JUST OBJECT AT THIS POINT.

18 A ---IT WAS A BIG ISSUE.

19 MR. GIPSON: HE'S LEADING THE WITNESS.

20 THE COURT: ALL RIGHT; UH, THAT IS A LEADING QUESTION.
21 I JUST ASK YOU TO REPHRASE IT.

22 Q WHAT CONVERSATION DID YOU HAVE WITH PETER TONY CARTER
23 THE FOLLOWING MORNING?

24 A HE JUST HAD TOLD ME, UH -- I THINK I ASKED HIM ABOUT THE
25 TRUCK LEAVING AGAIN, 'CAUSE IT'S MY VEHICLE. AND HE LEFT

1 BACK OUT SOON AS HE CAME IN -- WELL, NOT SOON AS HE CAME IN.
2 SHORTLY AFTER HE CAME IN, HE LEFT BACK OUT.

3 I ASKED HIM, WHERE DID HE GO?

4 HE SAY HE WENT TO LOOK FOR, UM, ERICA.

5 AND I WAS LIKE, OH.

6 AND THEN HE WAS SAYING SOMETHING ABOUT THEY HAD A
7 ARGUMENT AND HE WENT BACK OUT LOOKING FOR HER. BUT HE THINKS
8 THAT HE DONE (SIC) WENT BACK AND PICKED HER UP.

9 Q SO YOU'RE SAYING HE THINKS THAT, UH -- HE THINKS THAT
10 SOMEBODY ELSE PICKED HER UP?

11 A HE THINKS THAT DEREK PICKED HER BACK UP.

12 Q THAT DEREK PICKED HER UP. DID THAT SEEM ODD TO YOU?

13 A NO, I'M THINKING IT'S A LITTLE PETTY FIGHT. HE PUT HER
14 OUT, SHE WALKING (SIC), HE WENT BACK, PICK HER UP.

15 Q WERE YOU CONCERNED AT THAT TIME?

16 A NO.

17 MR. PEARSON: NOTHING FURTHER.

18 THE COURT: YOU MAY STEP DOWN.

19 MR. GIPSON: YOUR HONOR, MY I REPLY JUST -- JUST
20 BRIEFLY?

21 THE COURT: UM---

22 MR. PEARSON: CAN WE APPROACH?

23 THE COURT: YES.

24 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH
25 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE

1 HEARING OF THE JURY, OFF THE RECORD.)

2 (WHEREUPON, COURT RESUMED.)

3 THE COURT: YOU MAY STEP DOWN.

4 (WHEREUPON, WITNESS STEPPED DOWN.)

5 THE COURT: MR. PEARSON, YOU MAY CALL YOUR NEXT WITNESS.

6 MR. PEARSON: OH -- YOUR HONOR, UM, WE WOULD ASK AT THIS
7 TIME THAT JESSICA BE RELEASED.

8 MR. GIPSON: NO OBJECTION.

9 THE COURT: ALL RIGHT, VERY GOOD. ALL RIGHT, YOU'RE
10 FREE TO LEAVE.

11 MR. PEARSON: UM -- VERY QUICKLY -- I'M SORRY, CAN WE
12 APPROACH AGAIN?

13 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH
14 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
15 HEARING OF THE JURY, OFF THE RECORD.)

16 (WHEREUPON, COURT RESUMED.)

17 THE COURT: YOU MAY CALL YOUR---

18 MR. PEARSON: YOUR HONOR, AT THIS TIME THE STATE WOULD
19 CALL MAGGIE ALDRICH.

20 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
21 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
22 HEARING OF THE JURY, OFF THE RECORD.)

23 (WHEREUPON, COURT RESUMED.)

24 THE COURT: MS. ALDRICH, PLEASE COME FORWARD.

25 (WHEREUPON, WITNESS CAME FORWARD.)

1 **THE COURT:** I'M GONNA ASK YOU TO COME FORWARD AND STAND
2 RIGHT HERE AND PLACE YOUR LEFT HAND ON THE BIBLE AND RAISE
3 YOUR RIGHT HAND AS THE CLERK ADMINISTERS THE OATH.

4 (WHEREUPON, **MAGGIE LATOYA ALDRICH** WAS DULY SWORN AND
5 TESTIFIED AS FOLLOWS:)

6 **THE COURT:** MS. ALDRICH, I'M GONNA ASK YOU TO HAVE A
7 SEAT THERE. I WANT YOU TO SPEAK LOUDLY, CLEARLY, AND SLOWLY
8 SO THAT EVERYONE CAN HEAR WHAT YOU'VE GOT TO SAY.

9 AND STATE YOUR FULL NAME.

10 **MS. ALDRICH:** MAGGIE LATOYA ALDRICH.

11 **THE COURT:** VERY GOOD. MR. PEARSON, YOU'RE RECOGNIZED.

12 **MR. PEARSON:** THANK YOU, YOUR HONOR.

13 **MAGGIE LATOYA ALDRICH, DIRECT EXAMINATION BY MR. PEARSON:**

14 Q MS. ALDRICH, UH, WHERE DO YOU CURRENTLY LIVE?

15 A IN BARNWELL.

16 Q IN BARNWELL? UM, HAVE YOU LIVED IN BARNWELL YOUR WHOLE
17 LIVE?

18 A NO.

19 Q WHERE'D YOU LIVE PRIOR TO LIVING IN BARNWELL?

20 A ALLENDAL. .

21 Q SPECIFICALLY, WHAT PART OF ALLENDALE DID YOU LIVE IN?

22 A APPLETON.

23 Q IN APPLETON? (AFTER PAUSE) MS. ALDRICH, DO YOU KNOW AN
24 INDIVIDUAL BY THE NAME OF ERICA BRADLEY?

25 A YES.

1 Q HOW DO YOU KNOW HER?

2 A THROUGH FAMILY AND FRIENDS.

3 Q DO YOU KNOW HER FROM BEING HERE IN ALLENDALE?

4 A UH-HUH.

5 Q DO YOU KNOW AN INDIVIDUAL BY THE NAME OF DEREK MANER?

6 A YES.

7 Q DO YOU KNOW WHAT HE LOOKS LIKE?

8 A YES.

9 Q COULD YOU -- DO YOU SEE HIM HERE IN THE COURTROOM TODAY?

10 A UM -- YES.

11 Q IF YOU COULD, COULD YOU, UH, PLEASE DESCRIBE AN ARTICLE
12 OF HIS CLOTHING FOR THE COURT REPORTER?

13 A HE HAVE ON A SUIT. I DON'T KNOW WHAT COLOR IT IS. IT'S
14 GRAYISH-BEIGE, SOMETHING LIKE THAT.

15 Q ALL RIGHT; WOULD YOU MIND POINTING AT HIM THEN?

16 A RIGHT THERE.

17 MR. PEARSON: PLEASE LET THE RECORD INDICATE THAT THE
18 WITNESS HAS IDENTIFIED THE DEFENDANT, DEREK MANER.

19 THE COURT: LET'S KEEP YOUR VOICE UP, MS. ALDRICH.

20 Q MS. ALDRICH, HOW DO YOU KNOW DEREK MANER?

21 A WE WENT TO SCHOOL TOGETHER.

22 Q YOU WENT TO SCHOOL TOGETHER? AND WHAT SCHOOL WAS THAT?

23 A ALLENDALE-FAIRFAX HIGH SCHOOL.

24 Q ARE YOU TWO OF A -- ARE YOU AROUND THE SAME AGE? YOU
25 WERE IN THE SAME GRADE? I'M JUST TRYING TO FIGURE OUT HOW --

1 HOW, EXACTLY, YOU KNOW HIM.

2 A UM -- I THINK I'M LIKE TWO YEARS OLDER THAN HIM.

3 Q NOW, JUST FROM THE HIGH SCHOOL? IS THAT -- IS THAT
4 WHERE YOU MEET HIM?

5 A I KNOW HIM FROM LIVING IN ALLENDALE.

6 Q OKAY; THE SAME WAY YOU KNOW MS. -- MS. BRADLEY?

7 A UH-HUH.

8 Q LET'S TALK ABOUT NOVEMBER 6TH OF 2006. UM -- DO YOU
9 REMEMBER THAT DAY?

10 A YES.

11 Q UM -- IF YOU COULD, PLEASE EXPLAIN TO THE, UH -- TO THE
12 JURY WHO YOU WERE WITH ON THE DAY AND THE EVENING OF NOVEMBER
13 6TH 2006.

14 A I WAS WITH DEREK.

15 Q AND WHERE WERE YOU AND DEREK?

16 A UM -- WE WENT GROCERY SHOPPING AND -- AT THE WAL-MART.

17 Q (AFTER PAUSE) DO YOU KNOW WHY YOU, UH -- DO YOU KNOW WHY
18 YOU WENT TO WAL-MART WITH HIM?

19 A WE WERE GROCERY SHOPPING.

20 Q GROCERY SHOPPING?

21 A UH-HUH.

22 Q DID YOU DRIVE?

23 A NO.

24 Q DO YOU HAVE A CAR?

25 A NOT AT THAT TIME.

- 1 Q DID YOU -- HOW DID YOU GET THERE?
- 2 A WITH DEREK, IN HIS CAR.
- 3 Q HIS CAR, ALL RIGHT. LET ME SHOW YOU WHAT HAS BEEN
- 4 MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER TWO, NUMBER
- 5 THREE, AND NUMBER FOUR.
- 6 A (REVIEWING EXHIBITS.)
- 7 Q DO YOU RECOGNIZE THOSE PICTURES, MS. ALDRICH?
- 8 A THESE ARE PICTURES OF DEREK'S CAR.
- 9 Q THOSE ARE PICTURES OF DEREK'S CAR?
- 10 A UH-HUH.
- 11 Q IS THAT THE SAME CAR THAT, UH, YOU WERE JUST REFERRING
- 12 TO THAT YOU WENT TO WAL-MART IN?
- 13 A YES.
- 14 Q AND THAT WAS ON NOVEMBER THE 6TH OF 2006?
- 15 A YES.
- 16 Q (AFTER PAUSE) DO YOU KNOW APPROXIMATELY WHAT TIME, UH,
- 17 YOU AND THE DEFENDANT WENT GROCERY SHOPPING?
- 18 A IN THE -- IN THE EVENING.
- 19 Q IN THE EVENING? WAS IT DARK YET OR WAS IT STILL LIGHT
- 20 OUT?
- 21 A NO, IT WASN'T DARK YET.
- 22 Q DO YOU KNOW WHAT TIME, UH -- WERE YOU ABLE TO ACTUALLY
- 23 GET TO THE STORE AND GET YOUR GROCERIES?
- 24 A UH-HUH.
- 25 Q DID YOU COME HOME AFTER THAT?

- 1 A UH-HUH.
- 2 Q DO YOU KNOW APPROXIMATELY WHAT TIME THAT WAS?
- 3 A NO.
- 4 Q YOU DON'T?
- 5 A IT WAS -- I THINK IT WAS DARK.
- 6 Q IT WAS DARK BY THAT TIME?
- 7 A UH-HUH.
- 8 Q OKAY. WAS IT JUST YOU AND THE DEFENDANT? WAS THERE
- 9 ANYBODY ELSE WITH YOU?
- 10 A UM -- I THINK IT WAS JUST ME AND HIM.
- 11 Q DO YOU HAVE ANY CHILDREN, MS. ALDRICH?
- 12 A YES. UM -- DID YOU HAVE ANY CHILDREN BACK ON NOVEMBER
- 13 6TH 2006?
- 14 A YES.
- 15 Q UM -- WERE YOUR CHILDREN WITH YOU AT THIS TIME?
- 16 A YOU MEAN DID THEY GO GROCERY SHOPPING WITH ME THAT DAY?
- 17 Q YES.
- 18 A I HAD KIDS, YES; BUT THEY DIDN'T GO GROCERY SHOPPING
- 19 WITH ME THAT DAY.
- 20 Q OKAY. AND YOU TESTIFIED THAT, UM, YOU KNOW THE
- 21 DEFENDANT FROM SCHOOL AND FROM BEING AROUND ALLENDALE. ARE
- 22 YOU AWARE OF ANY CHILDREN THE DEFENDANT HAS?
- 23 A YES.
- 24 Q UH -- HOW MANY CHILDREN DOES THE DEFENDANT HAVE?
- 25 A ONE.

- 1 Q OR, DID HE HAVE?
- 2 A ONE.
- 3 Q ONE? DID HE HAVE A CHILD, UH, NOVEMBER 6TH 2006?
- 4 A YES.
- 5 Q ALL RIGHT; DO YOU KNOW THE NAME OF THAT CHILD?
- 6 A I -- T.M.
- 7 Q WAS T.M. WITH YOU ON THAT DAY?
- 8 A I DON'T REMEMBER.
- 9 Q YOU DON'T REMEMBER?
- 10 A NO.
- 11 Q ALL RIGHT. NOW, YOU TESTIFIED A LITTLE WHILE EARLIER
- 12 THAT YOU ALSO KNEW ERICA BRADLEY.
- 13 A UH-HUH.
- 14 Q ARE YOU AWARE OF ANY RELATIONSHIP BETWEEN ERICA BRADLEY
- 15 AND, UH, THE DEFENDANT?
- 16 A I KNEW THEY LIVED TOGETHER.
- 17 Q YOU KNEW THEY LIVED TOGETHER?
- 18 A UH-HUH.
- 19 Q WERE YOU AWARE -- ARE YOU AWARE OF WHERE THE DEFENDANT'S
- 20 CHILD -- WHO YOU JUST TESTIFIED ABOUT -- DO YOU KNOW WHERE
- 21 THAT CHILD LIVES?
- 22 A WITH THEM.
- 23 Q WITH THEM?
- 24 A UH-HUH.
- 25 Q DO YOU KNOW IF THEY WERE LIVING TOGETHER BACK ON

1 NOVEMBER 6TH OF 2006?

2 A YES.

3 Q DO YOU KNOW WHERE THEY WERE LIVING? YOU SAID THEY LIVED
4 TOGETHER, DO YOU KNOW WHERE THAT WAS?

5 A WITH DEREK PARENTS (SIC).

6 Q WITH DEREK PARENT -- WITH DEREK'S PARENTS?

7 A UH-HUH.

8 Q OTHER -- SO, THAT'S DEREK'S PARENTS, THE DEFENDANT, AND
9 T.M. [REDACTED] AND ERICA. OTHER THAN THOSE PEOPLE, ARE YOU
10 AWARE OF ANYONE ELSE THAT LIVED IN THAT HOUSE?

11 A UM -- DEREK'S TWO OTHER BROTHERS.

12 Q DEREK'S TWO OTHER BROTHERS?

13 A UH-HUH.

14 Q THESE TWO BROTHERS THAT YOU'VE JUST TESTIFIED TO THAT
15 LIVED AT THIS HOUSE, DO YOU KNOW IF THERE WERE -- DO YOU KNOW
16 IF THERE WERE ANY OTHER VEHICLES AT THE HOUSE OTHER THAN
17 (AFTER PAUSE) THIS SUZUKI THAT YOU'VE, UH -- THAT YOU'VE
18 TESTIFIED ABOUT?

19 A A WHITE TRUCK; UM, A RED -- I THINK IT'S A LINCOLN.
20 IT'S -- WELL, DEREK'S -- I THINK IT'S HIS FATHER'S CAR AND
21 HIS BROTHER'S LINCOLN.

22 Q THERE'S A WHITE TRUCK AND A RED LINCOLN?

23 A YEAH, AND DEREK'S DAD'S CAR. I KNOW THAT'S LIKE A
24 BURGUNDY COLOR. AND I THINK THE LINCOLN WAS LIKE BROWN -- IT
25 WAS BROWN.

- 1 Q SO THE LINCOLN MIGHT BE BROWN?
- 2 A YEAH.
- 3 Q AND JUST SO THAT WE'RE CLEAR, WE'RE STILL TALKING ABOUT
- 4 NOVEMBER OF 2006; CORRECT?
- 5 A UH-HUH.
- 6 Q ALL RIGHT. WELL, ON THIS DAY YOU SAID THAT YOU AND THE
- 7 DEFENDANT WENT GROCERY SHOPPING, WAS IT UNUSUAL FOR THE
- 8 DEFENDANT BEING THERE AT YOUR HOME?
- 9 A UM -- NO.
- 10 Q DID -- WAS THAT THE FIRST TIME HE'D EVER BEEN THERE?
- 11 A NO.
- 12 Q HAD HE BEEN THERE BEFORE?
- 13 A YES.
- 14 Q APPROXIMATELY HOW MUCH TIME DID YOU SPEND WITH THE
- 15 DEFENDANT?
- 16 A WELL -- WELL, BASICALLY, LIKE IN THE DAYTIME.
- 17 Q THE DAYTIME?
- 18 A UH-HUH.
- 19 Q AND WHY WAS THAT?
- 20 A BECAUSE ERICA WAS EITHER AT SCHOOL OR WORKING.
- 21 Q SO, WHEN ERICA WAS AT SCHOOL OR WORKING, HE WOULD BE
- 22 HANGING OUT WITH YOU?
- 23 A YES.
- 24 Q OKAY. AND IF YOU JUST HAD TO -- YOU JUST HAD TO GUESS,
- 25 GOING BACK TO NOVEMBER OF '06, APPROXIMATELY HOW OFTEN WOULD

1 YOU THINK HE WAS OVER THERE?

2 MR. GIPSON: OBJECT TO THE RELEVANCE, YOUR HONOR.

3 A UM---

4 THE COURT: I'LL -- I'LL ALLOW HIM TO ASK THE QUESTION.

5 Q IF YOU CAN, TELL ME, UM, HOW MANY TIMES A WEEK -- HOW
6 MANY -- HOW MANY TIMES A WEEK DO YOU THINK HE'D COME OVER TO
7 VISIT YOU?

8 A ALMOST EVERY DAY.

9 Q ALMOST EVERY DAY?

10 A YEAH.

11 Q WAS IT ALWAYS DURING THE DAY?

12 A UM. -- YEAH.

13 Q (AFTER PAUSE) SO WHEN THE DEFENDANT WOULD COME TO VISIT,
14 WOULD ERICA EVER COME ALONG TOO?

15 A NO.

16 Q (AFTER PAUSE) NOW, THROUGH THIS TIME THAT YOU AND THE
17 DEFENDANT SPENT TOGETHER, WAS IT ALWAYS AT YOUR HOME OR DID
18 YOU EVER GO TO HIS HOME?

19 MR. GIPSON: OBJECT TO THE LEADING, YOUR HONOR.

20 THE COURT: I THINK, WHERE DID THESE VISITS TAKE PLACE
21 WOULD BE THE APPROXIMATELY QUESTION.

22 Q WHERE DID THESE VISITS TAKE PLACE?

23 A HE WAS EITHER -- SOMETIMES WE WOULD BE AT MY HOUSE OR
24 SOMETIMES I WOULD GO TO HIS HOUSE.

25 Q SOMETIMES YOU'D GO TO HIS HOUSE TOO?

1 A UH-HUH.

2 Q NOW YOU TESTIFIED JUST A SECOND AGO THAT HE CAME OVER
3 DURING THE DAYTIME---

4 A UM---

5 Q ---BECAUSE THAT'S WHEN ERICA WAS AT SCHOOL?

6 A ---UH-HUH.

7 Q AND THEN YOU TESTIFIED THAT SOMETIMES YOU WENT TO HIS
8 HOUSE. WHEN YOU WENT TO HIS HOUSE, WAS IT -- WAS THAT
9 ALSO---

10 A UH-HUH.

11 Q ---DURING THE DAYTIME?

12 A UH-HUH. IT WOULD BE IN THE DAYTIME UNTIL SHE WAS
13 REPORTED MISSING.

14 Q OKAY. WELL, LET ME, UH -- LET ME -- LET ME ASK -- LET
15 ME ASK THIS.

16 LET'S GO BACK TO THE NIGHT OF NOVEMBER THE 6TH 2006.
17 WITHOUT GETTING INTO THE SPECIFIC CONTENTS OF THE
18 CONVERSATION, DID YOU HEAR FROM ERICA BRADLEY THAT NIGHT?

19 A UH-HUH.

20 Q HOW DID SHE CONTACT YOU?

21 A I DON'T KNOW WHERE SHE WAS CALLING FROM, BUT SHE CALLED
22 PRIVATE AND SHE ASKED WAS DEREK AT MY HOUSE?

23 MR. GIPSON: OBJECTION TO THE -- THE HEARSAY PORTION,
24 YOUR HONOR.

25 MR. PEARSON: YOUR -- YOUR -- YOUR HONOR, I -- I'LL

1 INSTRUCT THE WITNESS.

2 Q PLEASE DO NOT SAY SPECIFICALLY WHAT, UH, ERICA BRADLEY
3 TOLD YOU. I -- I'M JUST ASKING IF SHE CONTACTED YOU AT ALL
4 THAT NIGHT.

5 A UH-HUH.

6 THE COURT: OBJECTION SUSTAINED.

7 Q DOES -- I'M -- I'M SORRY, THAT WAS A YES, SHE DID
8 CONTACT YOU?

9 A YES.

10 Q HOW MANY TIMES?

11 A TWO.

12 Q AND APPROXIMATELY HOW FAR APART WERE THESE -- THESE TWO,
13 UH, TELEPHONE CALLS SHE MADE TO YOU?

14 A I THINK LIKE TWO TO THREE MINUTES APART.

15 Q TWO TO THREE MINUTES?

16 A UH-HUH.

17 Q AND AROUND WHAT TIME WAS IT THAT YOU RECEIVED THESE
18 CALLS FROM HER?

19 A IT WAS AT NIGHT.

20 Q IT WAS AT NIGHT? THIS -- WAS THIS AFTER YOU GOT BACK
21 FROM WAL-MART?

22 A UH-HUH.

23 Q OKAY; WAS IT JUST WHEN YOU GOT BACK OR HAD SOME TIME
24 PASSED BEFORE THIS HAPPENED?

25 A I THINK IT WAS LIKE FIFTEEN TO TWENTY MINUTES AFTER WE

1 HAD GOT BACK.

2 Q APPROXIMATELY HOW LONG DID IT TAKE TO GET TO THE -- GET
3 OUT TO WAL-MART?

4 A UM -- ABOUT -- HE WAS GOING OUT -- IT PROBABLY WOULD
5 TAKE ABOUT THIRTY MINUTE (SIC).

6 Q OKAY. ALL RIGHT, NOW YOU TESTIFIED THAT, UH,
7 ERICA BRADLEY CALLED YOU TWICE THAT EVENING?

8 A UH-HUH.

9 Q AGAIN, WITHOUT SAYING SPECIFICALLY WHAT SHE SAID, WHAT
10 WAS HER DEMEANOR? HOW DID SHE SOUND?

11 MR. GIPSON: OBJECTION, YOUR HONOR; THAT CALLS FOR
12 SPECULATION.

13 MR. PEARSON: MAY WE APPROACH?

14 THE COURT: NOD.

15 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
16 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
17 HEARING OF THE JURY, OFF THE RECORD.)

18 (WHEREUPON, COURT RESUMED.)

19 THE COURT: OBJECTION IS OVERRULED.

20 MR. GIPSON: THANK YOU, YOUR HONOR.

21 Q MY QUESTION WAS, YOU TESTIFIED THAT ERICA CALLED TWICE,
22 UH---

23 A UH-HUH.

24 Q ----FAIRLY CLOSE TOGETHER. WITHOUT SAYING SPECIFICALLY
25 WHAT SHE SAID, HOW DID SHE SOUND?

1 A SHE JUST SOUND LIKE SHE WANTED HIM TO COME HOME.

2 Q DID SHE SOUND HAPPY?

3 A SHE DID. YEAH, SHE WASN'T -- DIDN'T SOUND MAD OR
4 ANYTHING.

5 Q SHE DIDN'T SOUND MAD?

6 A NO.

7 Q WAS -- IS THAT YOUR TESTIMONY?

8 A UH-HUH.

9 Q BASED ON THE TWO PHONE CALLS THAT YOU RECEIVED FROM
10 ERICA, WHAT DID YOU DO?

11 A I -- THE FIRST PHONE CALL, I TOLD HER HE WASN'T THERE,
12 'CAUSE THAT'S WHAT HE TOLD ME TO SAY.

13 THE COURT: ALL RIGHT, YOU NEED TO TAKE YOUR HAND DOWN
14 FROM YOUR MOUTH AND SPEAK LOUDER.

15 A THE FIRST TIME HE -- SHE CALLED, I SAID THAT HE WASN'T
16 THERE BECAUSE THAT'S WHAT SHE (SIC) TOLD ME SAY (SIC).
17 THAT'S WHAT HE TOLD ME TO SAY.

18 Q AND WHAT -- WHICH HE ARE YOU TALKING ABOUT?

19 A DEREK.

20 Q OKAY.

21 A AND THEN THE SECOND TIME SHE CALLED, I WAS LIKE HE
22 WASN'T THERE, BUT IF HE WAS TO COME BY HERE I WOULD LET HIM
23 KNOW THAT YOU WANT HIM TO COME HOME, IT WAS AN EMERGENCY.

24 Q AND DID YOU RELAY THAT MESSAGE TO THE DEFENDANT?

25 A YES.

1 Q AND EXACTLY WHAT DID YOU TELL HIM?

2 A I SAID, DEREK, ERICA JUST CALLED AND SHE SAY
3 WANT (SIC)---

4 MR. GIPSON: OBJECTION---

5 Q DON'T---

6 THE COURT: I SUSTAIN THE OBJECTION.

7 Q ---DON'T SAY SPECIFICALLY WHAT ERICA SAID, JUST WHAT YOU
8 TOLD HIM. AT -- WHAT YOU TOLD HIM AS A RESULT.

9 A TO GO HOME; IT WAS AN EMERGENCY.

10 Q AND THAT'S WHAT YOU TOLD---

11 A UH-HUH.

12 Q ---DEREK? DID HE LEAVE AT THAT POINT?

13 A NOT UNTIL LIKE A COUPLE OF MINUTES LATER.

14 Q AND WHEN YOU SAY A COUPLE MINUTES, IT'S A -- YOU KNOW, I
15 THINK IT KIND OF DEPENDS ON WHO YOU ARE AS TO WHAT YOU'RE
16 TALKING ABOUT. BUT IT -- DO YOU MEAN FIVE MINUTES, TEN
17 MINUTES, HOW LONG ARE YOU TALKING ABOUT?

18 A NO, LIKE FIVE MINUTES THEN.

19 Q OKAY, AND WHEN HE LEFT, WAS HE DRIVING THIS SAME VEHICLE
20 THAT YOU IDENTIFIED AS BEING HIS CAR?

21 A YES.

22 Q I'M NOT SURE IF I ASKED YOU THIS, BUT YOU, UH, TESTIFIED
23 A LITTLE EARLIER YOU LIVED IN APPLETON. IS THAT IN ALLENDALE
24 COUNTY?

25 A UH-HUH.

- 1 Q ALL RIGHT, DO YOU KNOW WHERE THE DEFENDANT LIVES?
- 2 A I DON'T KNOW---
- 3 Q THE---
- 4 A ---THE NAME OF THE ROAD, BUT IT'S DOWN THERE IN---
- 5 Q ---IS IT IN---
- 6 A ---IT'S IN ALLENDALE---
- 7 Q ---IS IT IN ALLENDALE COUNTY?
- 8 A ---YES.
- 9 Q AND THE ROAD BETWEEN THE TWO, IS THAT ROAD ALSO IN
- 10 ALLENDALE COUNTY?
- 11 A UM -- YEAH.
- 12 Q OKAY. ALL RIGHT, NOW YOU JUST TESTIFIED THAT, UH, AFTER
- 13 YOU RECEIVED THE PHONE CALLS FROM ERICA BRADLEY, UH, THE
- 14 DEFENDANT LEFT MAYBE FIVE MINUTES -- FIVE MINUTES LATER.
- 15 DID YOU HAVE ANY OPPORTUNITY TO SPEAK WITH THE DEFENDANT
- 16 AT ANY TIME AFTER THAT?
- 17 A YES.
- 18 Q APPROXIMATELY WHEN DID YOU HEAR FROM THE DEFENDANT
- 19 AGAIN?
- 20 A UM -- LATER ON THAT NIGHT.
- 21 Q AND WHEN YOU SAY LATER ON THAT NIGHT, DO YOU MEAN FIVE
- 22 MINUTES LATER, TWENTY MINUTES LATER, HOW -- HOW LONG ARE WE
- 23 TALKING ABOUT?
- 24 A I'M NOT SURE.
- 25 Q YOU'RE NOT QUITE SURE?

1 A HUH-UH.

2 Q ARE YOU SURE THAT IT WAS THAT NIGHT?

3 A NO.

4 Q AND THEN WHAT WAS, UM -- WHAT WAS THE CONTENT OF THAT
5 CONVERSATION THAT YOU HAD WITH THE DEFENDANT?

6 A THAT -- THAT THEY HAD GOT INTO AN ARGUMENT AND SHE HIT
7 HIM WITH A BAT. THEY WERE ON THE WAY TO MY HOUSE, THEY NEVER
8 MADE IT BECAUSE SHE WAS THROWING THE CAR IN PARK.

9 Q NOW, WHEN YOU SAY THROWING THE CAR IN PARK, WHAT EXACTLY
10 DO YOU MEAN?

11 A LIKE HE WAS DRIVING DOWN THE ROAD AND HE WAS -- SHE
12 WOULD LIKE SLAM THE CAR IN PARK.

13 Q WELL, WHILE THE CAR WAS MOVING SHE -- HE SAID -- HE TOLD
14 YOU SHE SLAMMED THE CAR IN PARK WHILE THE CAR WAS MOVING DOWN
15 THE HIGHWAY?

16 A YES.

17 Q OKAY. WHAT ELSE DID HE SAY?

18 A AND THAT ON THE WAY TO MY HOUSE SHE SLAMMED THE CAR IN
19 PARK AND THAT HE WOULD TELL HER THAT SHE WASN'T GOING TO TEAR
20 HIS CAR UP.

21 SHE EVENTUALLY GOT OUT ON AUGUSTA HIGHWAY, RIGHT BY THE
22 RAILROAD STATION---

23 Q UH-HUH?

24 A ---AND HE WAS ASKING HER TO GET BACK IN THE CAR AND SHE
25 WOULDN'T GET BACK IN. AND HE LEFT HER ON THE SIDE OF THE

1 ROAD AND WENT HOME.

2 Q AND THAT'S WHAT HE TOLD YOU THAT NIGHT?

3 A UH-HUH.

4 MR. PEARSON: (AFTER PAUSE) BEG THE COURT'S INDULGENCE
5 FOR ONE MOMENT, YOUR HONOR.

6 THE COURT: YES, SIR.

7 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
8 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
9 HEARING OF THE JURY, OFF THE RECORD.)

10 (WHEREUPON, COURT RESUMED.)

11 Q DID HE TELL YOU ANYTHING ELSE ABOUT WHAT HAPPENED THAT
12 EVENING?

13 A HE SAID THAT WHEN -- WHEN HE GOT HOME HE CALLED, AND I
14 ASKED HIM WHY HE LEFT HER ON THE SIDE OF THE ROAD.

15 HE SAY (SIC) HE ASKED HER TO GET BACK IN THE CAR, SHE
16 WOULDN'T GET BACK IN, AND HE WASN'T GOING BACK TO GET HER.

17 HE SAY (SIC) HE TOLD HIS MOM THAT SHE GOT OUT AND HE
18 LEFT HER ON THE SIDE OF THE ROAD, AND HE CALLED HER COUSIN,
19 PETER CARTER.

20 Q SO HE TOLD YOU HE CALLED PETER CARTER TO GO GET HER?

21 A UH-HUH. (AFTER PAUSE) HE SAID HE CALLED PETER CARTER
22 AND TOLD HIM THAT HE LEFT HER ON THE SIDE OF THE ROAD, DOWN
23 THE ROAD FROM THE RADIO STA- -- RIGHT -- RIGHT BY THE RADIO
24 STATION, AND TO GO BACK AND PICK HER UP. AND WHEN THEY FIND
25 HER TO CALL HIM. OH NO, IF HE DIDN'T -- IF THEY DIDN'T FIND

1 HER TO CALL HIM.

2 Q AFTER YOU HAD THAT CONVERSATION WITH THE DEFENDANT THAT
3 NIGHT, WHAT DID YOU DO?

4 A I JUST KEPT ASKING HIM WHY HE LEFT HER ON THE SIDE OF
5 THE ROAD? WHY DIDN'T HE JUST STAY THERE WITH HER?

6 Q BUT -- BUT AFTER THAT -- AFTER YOU WERE DONE TALKING,
7 WHAT'D YOU DO?

8 A JUST STAYING HOME.

9 Q DID YOU HAVE THE OPPORTUNITY TO SEE THE DEFENDANT AT
10 ANY -- ANY TIME AFTER THAT?

11 A I THINK IT WAS THAT NEXT DAY.

12 Q OKAY. COULD YOU PLEASE TELL THE JURY WHAT HAPPENED THE
13 NEXT DAY WHEN YOU SAW THE DEFENDANT?

14 A I REMEMBER ONE -- A DAY WHEN HE WAS AT MY YARD -- MY
15 MOM'S YARD AND HE WAS CHECKING HIS CAR. HE SAID HE RAN OVER
16 A DEER.

17 Q THAT'S WHAT HE TOLD YOU?

18 A YEAH; IT WAS---

19 Q AND---

20 A ---ALREADY DEAD, HE JUST RAN IT OVER.

21 Q ---NOW LET'S -- LET'S BACK UP JUST A SECOND. YOU SAID
22 HE WAS AT YOUR MOM'S HOUSE. WHERE IS THAT HOUSE LOCATED?

23 A IN APPLETON.

24 Q IS THIS THE SAME HOUSE YOU WERE SAYING YOU WERE AT, UH,
25 THE DAY BEFORE?

- 1 A UH-HUH.
- 2 Q APPROXIMATELY WHAT TIME WAS THIS?
- 3 A IN THE DAYTIME.
- 4 Q I MEAN -- THE NEXT DAY, BUT---
- 5 A NO---
- 6 Q ---IN THE MORNING, AFTERNOON, EVENING, NIGHTTIME?
- 7 A ---YEAH, IN THE DAY.
- 8 Q IN THE DAY?
- 9 A UH-HUH.
- 10 Q NOW, YOU JUST TESTIFIED THAT, UH -- WHAT -- WHEN HE WAS
- 11 OUT IN YOUR MOTHER'S YARD, WHAT'S HE DOING?
- 12 A WALKING AROUND, LOOKING AT HIS CAR.
- 13 Q AND THAT'S WHEN HE TOLD YOU THAT HE HAD RAN OVER A DEER
- 14 THAT WAS ALREADY DEAD?
- 15 A UH-HUH.
- 16 Q OKAY. BUT DID YOU SEE -- DID YOU SEE OR NOTICE -- BUT
- 17 DID YOU SEE HIS CAR AT THAT POINT?
- 18 A I REMEMBER IT BEING A -- A DENT LIKE IN THE FRONT.
- 19 Q I'M GONNA SHOW YOU WHAT'S BEEN MARKED INTO EVIDENCE AS
- 20 STATE'S EXHIBIT NUMBER THREE.
- 21 A UH-HUH.
- 22 Q AND I WANT YOU TO TAKE A -- TAKE A LOOK AT A -- THE
- 23 PICTURE OF THAT CAR. SPECIFICALLY THE, UH, FRONT PASSENGER
- 24 BUMPER. WHAT DO YOU SEE THERE?
- 25 A A DENT.

1 Q DOES THAT DENT -- DENT LOOK SUBSTANTIALLY THE SAME AS
2 WHAT YOU SAW AND THE DAMAGE YOU WERE JUST DESCRIBING A MOMENT
3 AGO?

4 A UH-HUH.

5 Q DID YOU NOTICE THAT DENT THERE THE DAY BEFORE WHEN THE
6 TWO OF YOU DROVE TO, UH, WAL-MART?

7 A NO.

8 Q (AFTER PAUSE) OKAY, WHAT ELSE HAPPENED THAT DAY -- IF
9 ANYTHING?

10 A UM -- I REMEMBER HIM BEING OUTSIDE CHECKING THE CAR,
11 AND, UH -- AND I'M NOT SURE, BUT I REMEMBER ONE DAY WHEN ONE
12 OF HIS BROTHERS CALLED AND SAID THAT---

13 Q OH, HOLD ON. DON'T -- DON'T SAY WHAT SOMEBODY ELSE TOLD
14 YOU OVER THE PHONE. UM -- WE'LL JUST -- JUST BACK RIGHT --
15 RIGHT BACK UP TO THAT SAME DAY.

16 UM -- DID YOU AND -- DID YOU AND THE DEFENDANT DO
17 ANYTHING AFTER YOU HAD SEEN THAT DENT IN THAT CAR?

18 A NO.

19 Q DID YOU GO ANYWHERE TOGETHER?

20 A NOT AS I REMEMBER.

21 Q NOW YOU TESTIFIED A LITTLE EARLIER, UM, THAT ON THE
22 NIGHT OF -- OR, THE DAY OF NOVEMBER 6TH 2006, THE DEFENDANT
23 TOOK YOU TO THE -- TO WAL-MART?

24 A UH-HUH.

25 Q UM -- WAS THAT SOMETHING THAT HE EVER DID AGAIN?

1 A NO.

2 Q HE NEVER TOOK YOU TO WAL-MART AGAIN---

3 A NO.

4 Q ---AFTER THAT DAY?

5 A HUH-UH.

6 Q (AFTER PAUSE) DID YOU EVER HAVE ANY CHANCE TO DRIVE
7 ANYWHERE WITH THE DEFENDANT AFTER NOVEMBER 6TH 2006?

8 A UM -- I USED TO -- WELL, I REMEMBER THEM -- THEY TOOK
9 HIS CAR, SO HE WAS DRIVING THE TRUCK. AND I USED TO RIDE
10 WITH HIM TO ADULT ED.

11 Q OKAY. SPECIFICALLY, DO YOU REMEMBER GOING ANYWHERE WITH
12 THE DEFENDANT ON WEDNESDAY, NOVEMBER 8TH---

13 MR. GIPSON: I HAVE AN OBJECTION, YOUR HONOR; I THINK
14 THAT'S BEEN ANSWERED. AND, HE'S LEADING.

15 THE COURT: I'LL SUSTAIN THE OBJECTION WITH REGARD TO
16 LEADING AND ASK THAT YOU REPHRASE THE QUESTION.

17 MR. PEARSON: ALL RIGHT.

18 Q DO YOU REMEMBER MAKING ANY STATEMENT TO SPECIAL AGENT
19 RICHARD JOHNSON ON NOVEMBER 9TH 2006?

20 A YOU MIND ME SEEING IT? UH-HUH.

21 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
22 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
23 HEARING OF THE JURY, OFF THE RECORD.)

24 (WHEREUPON, STATE'S EXHIBIT NUMBER 6 WAS MARKED FOR
25 IDENTIFICATION.)

1 (WHEREUPON, COURT RESUMED.)

2 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS STATE'S
3 EXHIBIT NUMBER SIX FOR IDENTIFICATION PURPOSES ONLY.

4 I WANT YOU TO TAKE A LOOK RIGHT HERE. TAKE YOUR TIME
5 AND REVIEW THE STATEMENT.

6 A YES. (AFTER REVIEW) UH-HUH.

7 Q NOW YOU JUST TESTIFIED THAT YOU REMEMBER GIVING A
8 STATEMENT ON NOVEMBER 9TH 2006 TO SPECIAL AGENT JOHNSON.

9 A UH-HUH.

10 Q UM -- WOULD YOU AGREE THAT YOUR MEMORY GETS WORSE OVER
11 TIME?

12 A YES.

13 Q WOULD YOU SAY THAT YOUR MEMORY IS BETTER OF ANY EVENT
14 RIGHT AFTER IT HAPPENED THAN IT MIGHT BE TWO YEARS --
15 TWO/TWO-AND-A-HALF YEARS LATER?

16 A UH-HUH.

17 Q NOW, GIVING YOU A CHANCE TO REVIEW YOUR STATEMENT, I'LL
18 ASK YOU AGAIN, DO YOU REMEMBER GOING SOMEWHERE WITH THE
19 DEFENDANT ON NOVEMBER 8TH OF 2006?

20 A UM -- YES.

21 Q AND WHERE DID YOU GO?

22 A TO HIS HOUSE.

23 Q ALL RIGHT; AND WHAT TIME DID YOU GO TO THE DEFENDANT'S
24 HOUSE?

25 A IT WAS DURING THE DAYTIME.

1 Q IT WAS DURING THE DAYTIME. NOW, YOU TESTIFIED JUST A
2 LITTLE WHILE AGO THAT YOU, UM -- THAT YOU USUALLY -- THAT YOU
3 USUALLY WENT OVER THERE DURING THE DAYTIME BECAUSE THAT'S
4 WHEN ERICA WAS GONE.

5 A UH-HUH.

6 Q WHEN YOU WENT OVER THIS -- ON THIS OCCASION, WAS THAT
7 OUT OF THE ORDINARY?

8 A THAT'S WHEN, UM, HE TOOK THE BOOKS AND STUFF OUT OF THE
9 CAR. THAT WAS THE DAY WE WENT GROCERY SHOPPING.

10 Q OKAY; HOLD -- HOLD ONE SECOND. YOU -- YOU JUST SAID
11 SOMETHING ABOUT TAKING BOOKS OUT. UM -- COULD YOU PLEASE
12 EXPLAIN TO THE JURY WHAT'S HAPPENED?

13 YOU SAID YOU WERE IN HIS CAR, YOU WENT TO HIS HOUSE
14 FIRST. WHAT -- WHAT HAPPENED THERE?

15 A HE TOOK THE BOOKS OUT AND THE BAT AND HE PUT IT IN THE,
16 UM, HOUSE.

17 Q WHO -- WHOSE BOOKS ARE WE TALKING ABOUT?

18 A ERICA'S.

19 Q AND WHEN YOU SAY HER BOOKS, I MEAN ARE THEY COOKBOOKS?
20 WHAT -- WHAT ARE YOU TALKING ABOUT?

21 A SCHOOL BOOKS.

22 Q SO HER SCHOOL BOOKS WERE IN HIS CAR?

23 A UH-HUH.

24 Q ALL RIGHT. YOU ALSO JUST TESTIFIED THAT YOU SAW HIM
25 TAKE A BAT INTO HIS HOUSE?

1 A UH-HUH.

2 Q DO YOU KNOW -- DO YOU REMEMBER WHAT THAT BAT LOOKED
3 LIKE?

4 A I DON'T REMEMBER IF IT WAS WOODEN OR A IRON BAT, BUT I
5 KNOW IT WAS A LOUISVILLE SLUGGER.

6 Q IT WAS A LOUISVILLE SLUGGER? HOW DID YOU KNOW IT WAS A
7 LOUISVILLE SLUGGER?

8 A BECAUSE I'VE SEEN IT BEFORE, BUT I JUST DON'T REMEMBER
9 IF IT'S A WOODEN OR A IRON BAT.

10 Q UM -- DID THERE -- DID THERE APPEAR TO BE ANY PROBLEMS
11 WITH THAT BAT?

12 A UM -- I COULDN'T SEE IT. I COULDN'T TELL.

13 Q BUT YOU KNOW HE TOOK IT INTO HIS HOUSE?

14 A UH-HUH.

15 Q AND AFTER YOU WENT TO -- AFTER YOU WENT OVER TO DEREK'S
16 HOME -- THE DEFENDANT'S HOUSE, WHAT DID YOU -- WHAT'D YOU DO
17 AFTER THAT?

18 A WE WENT -- THAT'S WAS (SIC) -- THAT WAS WHEN WE WENT TO
19 BUY A LITTLE GROCERY SHOPPING.

20 Q OKAY. NOW, WHEN YOU WENT GROCERY SHOPPING THAT DAY, DID
21 YOU NOTICE -- WAS THERE ANYTHING UNUSUAL THAT HAPPENED?

22 A WELL, WHEN WE WENT THROUGH THE WAL-MART, ERICA'S MOTHER
23 AND SISTER WAS IN THERE.

24 Q AND WITHOUT SPECIFICALLY SAYING, UH, WHAT WAS SAID, CAN
25 YOU TELL US WHAT HAPPENED WHEN YOU AND THE DEFENDANT SAW THE

1 VIC- -- SAW ERICA'S FAMILY?

2 A HE WENT OVER AND TALKED TO HER.

3 Q DID YOU GO AND TALK TO HER?

4 A NO.

5 Q AFTER THIS MEETING BETWEEN THE -- THE DEFENDANT AND
6 ERICA'S FAMILY -- WELL, LET ME BACK UP JUST A SECOND.

7 WHAT WAS THE DE- -- THE DEFENDANT'S DEemeanOR LIKE ON THE
8 WAY TO THE WAL-MART TO GROCERY SHOP?

9 A HE WAS JUST REGULAR DEREK.

10 Q DID HE SEEM OUT OF THE ORDINARY IN ANY WAY?

11 A NO.

12 Q AFTER HE SPOKE WITH ERICA'S FAMILY, DID HIS DEemeanOR
13 CHANGE?

14 A IN A WAY.

15 Q HOW?

16 A IT WAS LIKE HE WAS KIND-A LIKE NERVOUS. NERVOUS OR
17 JITTERY OR SOMETHING.

18 Q DID HE SEEM MORE NERVOUS AND JITTERY THAN HE WAS WHEN
19 PERHAPS YOU WERE DRIVING OVER THERE?

20 A UH-HUH.

21 Q DID HE TELL YOU ANYTHING ABOUT WHY HE WAS NERVOUS OR
22 JITTERY?

23 A NO; ALL I REMEMBER HIM SAYS (SIC) WAS, I HOPE -- I THINK
24 HE SAID, I HOPE NOTHING HAS HAPPENED TO HER, BECAUSE THEY SAY
25 THEY HAVEN'T SEEN HER AND I DON'T KNOW WHERE SHE'S AT.

1 Q (AFTER PAUSE) AFTER THIS ENCOUNTER AT WAL-MART, THEN
2 WHAT HAPPENED? WHAT DID -- WHAT DID THE TWO OF YOU DO THEN?

3 A I WENT HOME.

4 Q YOU WENT HOME TO, UH -- AND YOU -- WERE YOU LIVING AT
5 YOUR MOTHER'S HOUSE?

6 A YES.

7 Q YOU'RE TALKING ABOUT THE SAME AP- -- THE SAME RESIDENCE
8 IN APPLETON, RIGHT?

9 A UH-HUH.

10 Q WELL, ONCE YOU GOT BACK TO YOUR MOTHER'S HOUSE, UH, DID
11 ANYTHING ELSE HAPPEN?

12 A THAT WAS THE SAME DAY WHAT (SIC) SHE CALLED.

13 Q WHEN YOU SAY IT WAS -- OH---

14 A UH-HUH?

15 Q ---WHEN YOU SAY SHE, WHO ARE YOU TALKING ABOUT?

16 A ERICA. THAT WAS THAT DAY WHEN WE WENT GROCERY SHOPPING
17 AND THIS -- AND ALL THAT HAPPEN WHEN WE SEEN ERICA'S MOTHER
18 AND SISTER AND ALL THAT HAPPENED.

19 Q OKAY. NOW WE'RE A LITTLE BIT CONFUSED. YOU TESTIFIED A
20 LITTLE EARLIER THAT YOU SAW---

21 A WE SAW THEM THAT DAY WE WENT GROCERY SHOPPING.

22 Q YOU SAW THEM THE DAY YOU WENT GROCERY SHOPPING?

23 A UH-HUH.

24 Q OKAY; AND THAT WAS THE SAME DAY? THAT'S JUST -- YOU
25 ONLY MADE ONE TRIP TO THE WAL-MART?

1 A UH-HUH.

2 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
3 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
4 HEARING OF THE JURY, OFF THE RECORD.)

5 (WHEREUPON, COURT RESUMED.)

6 Q I'M JUST GONNA HAVE TO, UH -- I'M GONNA HAVE TO ASK YOU,
7 TO MAKE SURE I HAVE IT RIGHT, IT'S YOUR TESTIMONY TODAY THAT
8 YOU RAN INTO ERICA BRADLEY'S FAMILY AT WAL-MART?

9 A UH-HUH.

10 Q THAT'S WHEN THE DEFENDANT GOT NERVOUS?

11 A UH-HUH.

12 MR. GIPSON: SHE'S ASKED AND ANSWERED THAT, YOUR HONOR.

13 MR. PEARSON: YOUR HONOR, I'M GONNA FOLLOW UP -- I JUST
14 WANT TO MAKE SURE I HAVE THIS RIGHT BEFORE I ASK MY FOLLOW-UP
15 QUESTION.

16 THE COURT: THOSE -- THOSE HAVE BEEN ASKED AND ANSWERED.
17 YOU MAY GO TO YOUR NEXT QUESTION.

18 MR. PEARSON: ALL RIGHT.

19 Q MY QUESTION IS, IS YOUR -- YOU TESTIFIED THE DEFENDANT
20 GOT NERVOUS, AND THEN THAT'S WHEN YOU SPOKE WITH ERICA
21 BRADLEY?

22 A UM---

23 Q IS THAT WHAT YOU'RE SAYING?

24 A ---NO. SHE -- SHE WAS ALREADY MISSING. SHE WAS NOT
25 THERE WHEN -- I DON'T REMEMBER.

1 I REMEMBER THEM SEEING -- I REMEMBER SEEING THEM IN THE
2 WAL-MART AND HE WAS ASKING HOW'S ERICA DOING.

3 AND HER MOTHER WAS LIKE, WHAT DO YOU MEAN HOW SHE'S
4 DOING (SIC)?

5 MR. GIPSON: OBJECT TO THE HEARSAY, YOUR HONOR.

6 Q DON'T---

7 THE COURT: SUSTAINED.

8 Q ---DON'T GO INTO WHAT SOMEONE ELSE SAID.

9 A (NO RESPONSE.)

10 Q IF YOU DON'T MIND, LET ME -- DO YOU HAVE YOUR STATEMENT
11 BACK THERE?

12 A UH-HUH.

13 Q AGAIN, GO BACK TO THE STATEMENT THAT YOU SAID YOU MADE
14 TO SPECIAL AGENT RICHARD JOHNSON.

15 A UH-HUH.

16 Q THE ONE FROM NOVEMBER 9TH OF 2006. I WOULD LIKE YOU JUST
17 TO TAKE A MOMENT AND READ THE STATEMENT THAT YOU WROTE.

18 A (READING STATEMENT.)

19 Q NOW, ONCE AGAIN I WOULD ASK YOU, DOES YOUR MEMORY TEND
20 TO GET BETTER OR WORSE OVER TIME?

21 A WORSE.

22 Q IN YOUR STATEMENT -- (AFTER PAUSE) IN YOUR STATEMENT YOU
23 SAY THERE WAS A TIMELINE THAT ON MONDAY, NOVEMBER 6TH, YOU
24 GOT THE CALL FROM THE DEFENDANT -- YOU GOT THE CALL FROM
25 ERICA BRADLEY. AND THAT YOU WENT TO THE WAL-MART ON NOVEMBER.

1 THE 8TH. IS THAT WHAT YOUR STATEMENT SAYS?

2 A UH-HUH -- YES, SIR.

3 Q NOW, I WANT YOU TO LOOK AT IT AGAIN.

4 A I THINK SO, 'CAUSE HER -- THAT'S WHEN MY MOM GETS HER
5 FOOD STAMPS ON THE 8TH.

6 Q SO IF THAT'S THE DAY SHE GETS HER ASSISTANCE, WOULD THAT
7 BE MORE OR LESS LIKELY THE DAY THAT YOU WENT?

8 A UH-HUH.

9 Q MORE -- MORE LIKELY OR LESS LIKELY?

10 A MORE.

11 MR. GIPSON: YOUR HONOR, I JUST OBJECT TO THE
12 SPECULATION. IT EITHER IS OR IT ISN'T. I MEAN, THE MORE AND
13 MORE LIKELY, THAT'S SPECULATION; THAT'S NOT WHAT HAPPENED.

14 THE COURT: I'LL SUSTAIN THE OBJECTION.

15 MR. GIPSON: MOVE TO STRIKE.

16 THE COURT: AND MOTION'S GRANTED.

17 Q YOUR STATEMENT SAID THAT YOU WENT ON THE 8TH?

18 A UH-HUH.

19 Q IS IT YOUR TESTIMONY HERE TODAY THAT YOU DIDN'T GO ON
20 THE 8TH?

21 A I DID GO ON THE 8TH.

22 Q AND WAS THAT BEFORE OR AFTER ERICA BRADLEY HAD CALLED
23 YOUR HOUSE LOOKING FOR THE DEFENDANT?

24 A BEFORE.

25 Q YOU SAID THAT WAS BEFORE? BUT YOU -- BUT YOUR

1 STATEMENT---

2 A NO -- NO.

3 MR. GIPSON: YOUR HONOR, IT'S BEEN ASKED AND ANSWERED.

4 MR. PEARSON: I'M JUST POINTING OUT THE DIFFERENCE
5 BETWEEN THE STATEMENT, YOUR HONOR.

6 A SHE CALLED ON THE 8TH, THE DAY I WENT GROCERY SHOPPING.
7 WE HAD CAME BACK, SHE CALLED LOOKING FOR HIM. AND THAT WAS
8 ON THE 8TH SHE CALLED -- (AFTER PAUSE) YEAH, I SAY IT ON THE
9 STATEMENT THAT SHE CALLED ON THE 8TH. SHE LOOKING FOR HIM
10 AFTER---

11 MR. GIPSON: YOUR HONOR, COULD YOU INSTRUCT THE WITNESS
12 TO SPEAK UP? I CAN'T HEAR HER.

13 THE COURT: YOU GOT TO -- YOU HAVE TO SPEAK UP.

14 A (REVIEWING STATEMENT.)

15 Q OKAY, HAVE YOU HAD ENOUGH TIME TO REVIEW YOUR STATEMENT?

16 A I CAN -- YEAH.

17 Q NOW, THE STATEMENT THAT YOU GAVE TO LAW ENFORCEMENT IS
18 THAT ERICA BRADLEY CALLED ON THE 6TH OF NOVEMBER---

19 MR. GIPSON: OBJECTION; IT'S BEEN ASKED AND ANSWERED.

20 THE COURT: I'LL---

21 MR. PEARSON: SHE'S---

22 THE COURT: ---I'LL SUSTAIN THE OBJECTION. ALSO, THIS
23 IS YOUR WITNESS.

24 MR. PEARSON: YOUR HONOR, MAY WE APPROACH?

25 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH

1 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
2 HEARING OF THE JURY, OFF THE RECORD.)

3 (WHEREUPON, COURT RESUMED.)

4 Q MS. ALDRICH, UH, I COULDN'T HELP BUT NOTICE AS YOU -- AS
5 YOU CAME IN, YOU ARE -- ARE YOU PREGNANT?

6 A YES.

7 Q UM -- COULD YOU PLEASE EXPLAIN TO THE JURY A LITTLE
8 BIT -- JUST A LITTLE BIT -- ABOUT YOUR CURRENT SITUATION?

9 MR. GIPSON: OBJECT TO THE RELEVANCE, YOUR HONOR.

10 MR. PEARSON: MAY WE APPROACH?

11 THE COURT: UM...

12 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH
13 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
14 HEARING OF THE JURY, OFF THE RECORD.)

15 (WHEREUPON, COURT RESUMED.)

16 Q UH -- MY QUESTION WAS, UH, ARE YOU -- ARE YOU -- ARE
17 YOU, IN FACT, PREGNANT?

18 A YES.

19 Q WHEN ARE YOU DUE?

20 A APRIL THE FIRST.

21 Q ARE YOU CURRENTLY UNDER ANY RESTRICTIONS---

22 MR. GIPSON: OBJECT TO THE LEADING OF -- CAN WE EXPLAIN
23 THIS JUST A MINUTE?

24 THE COURT: I---

25 MR. PEARSON: I'M TRYING TO MAKE THIS QUICK. I CAN TAKE

1 THE LONG TIME.

2 THE COURT: ASK A DIRECT QUESTION.

3 Q YOU TESTIFIED THAT YOU ARE PREGNANT?

4 A YES.

5 Q COULD YOU PLEASE EXPLAIN THE CIRCUMSTANCES OF YOUR
6 PREGNANCY TO THE JURY?

7 A I'M ON BED REST AND I'M A HIGH RISK PATIENT.

8 Q YOU WHAT? I'M SORRY, I COULDN'T HEAR YOU.

9 A I'M ON BED REST AND I AM A HIGH RISK PATIENT.

10 Q UM -- BEING ON BED REST AND BEING A HIGH RISK PREGNANCY,
11 IS THERE ANY OTHER PRECAUTION THAT YOU HAVE TO TAKE?

12 A I HAVE THIS PUMP I HAVE TO STICK IN MY LEG EVERY DAY AND
13 I SUPPOSED TO (SIC) MONITOR IT EVERY DAY.

14 Q IS THAT SOME SORT OF MEDICATION?

15 A UH-HUH.

16 Q (AFTER PAUSE) DID YOU EVER LEARN -- DID YOU EVER LEARN
17 THAT, UH, ERICA BRADLEY---

18 MR. GIPSON: OBJECTION TO THE LEADING, YOUR HONOR. I
19 ASK THAT---

20 THE COURT: I -- THAT, UH, IS A LEADING QUESTION.

21 Q WHEN'S THE LAST TIME YOU SAW ERICA BRADLEY?

22 A UM --

23 MR. GIPSON: JUST OBJECT TO THE RELEVANCE, YOUR HONOR.

24 MR. PEARSON: MAY WE APPROACH?

25 THE COURT: UM -- I'LL ALLOW YOU TO ASK IT.

- 1 A I DON'T REMEMBER.
- 2 Q YOU DON'T REMEMBER WHEN THE LAST YOU SAW HER WAS?
- 3 A NO.
- 4 Q WAS IT YESTERDAY?
- 5 A NO.
- 6 Q WAS IT A MONTH AGO?
- 7 A NO.
- 8 Q WAS IT PRIOR TO NOVEMBER 6, 2006?
- 9 A YES.
- 10 Q I'M GONNA SHOW YOU WHAT'S BEEN MARKED INTO EVIDENCE AS
- 11 STATE'S EXHIBIT NUMBER FIVE. DO YOU RECOGNIZE THAT?
- 12 A UH-HUH.
- 13 Q HOW -- HOW DO YOU RECOGNIZE IT? WHAT IS IT?
- 14 A IT'S HER FLYERS. I'VE SEEN 'EM ALL OVER.
- 15 Q YOU'VE SEEN THESE FLYERS ALL OVER?
- 16 A UH-HUH. I SEEN 'EM IN THE, UM, HOUSING AUTHORITY PLACE,
- 17 THE FOOD STAMP OFFICE---
- 18 THE COURT: I NEED YOU -- YOU NEED TO SPEAK UP. YOU
- 19 NEED TO SPEAK UP.
- 20 A I SEEN 'EM IN THE HOUSING AUTHORITY PLACE AND THE FOOD
- 21 STAMP OFFICE. I'VE SEEN 'EM ALL OVER.
- 22 Q YOU'VE SEEN 'EM ALL OVER. DID THIS FLYER INDICATE TO
- 23 YOU THAT ERICA BRADLEY WAS MISSING?
- 24 A UH-HUH.
- 25 Q CAN YOU TELL US ABOUT WHEN YOU FIRST SAW THAT FLYER?

1 MR. GIPSON: I JUST OBJECT TO THE RELEVANCE OF WHEN SHE
2 FIRST SAW THE FLYER, YOUR HONOR.

3 MR. PEARSON: YOUR HONOR, MAY WE -- MAY WE APPROACH?

4 THE COURT: NO; JUST GO AHEAD AND ASK THE QUESTION.

5 Q CAN YOU TELL US APPROXIMATELY WHEN, UH, YOU FIRST SAW
6 THE FLYER?

7 A I SEEN IT WITH -- ONE OF HER FAMILY MEMBERS BROUGHT IT
8 OUT THE (SIC) HOUSE.

9 Q I MEAN, WHO BROUGHT IT TO THE HOUSE?

10 A IT WAS---

11 Q I'M SORRY, YOU HAVE TO SPEAK UP A LITTLE BIT.

12 A ---IT WAS ONE HER (SIC) FAMILY MEMBERS.

13 Q DO YOU REMEMBER WHICH ONE?

14 A YEAH, UM, HER SISTER.

15 Q HER SISTER? DO YOU KNOW HER SISTER'S NAME?

16 A JESSICA.

17 Q JESSICA?

18 A UH-HUH.

19 Q COULD YOU PLEASE TELL THE JURY WHAT HAPPENED, UH, WHEN
20 JESSICA BRADLEY CAME OVER TO YOUR HOME WITH THAT FLYER?

21 A SHE ASKED IF MR. MANER WAS THERE. AND I SAY, WELL YES
22 HE WAS THERE. AND SHE WANTED TO TALK TO HIM.

23 AND SHE ASK HIM---

24 Q WAIT; DON'T -- DON'T SAY SPECIFICALLY WHAT SHE SAID. I
25 WAS JUST -- WERE YOU THERE---

1 A YES.

2 Q ---FOR THIS CONVERSATION?

3 A UH-HUH.

4 Q DO YOU REMEMBER ANYTHING THAT THE DEFENDANT SAID AS A
5 RESULT OF THAT CONVERSATION?

6 A I THINK HE WAS SAYING HE DIDN'T DO ANYTHING TO HER---

7 MR. GIPSON: OBJECT TO THE SPECULATION. I THINK SHE
8 SAID, I THINK HE WAS SAYING.

9 A ---AND HE DIDN'T KNOW WHERE SHE WAS AT.

10 THE COURT: I'LL -- I'LL, UH -- REPHRASE THE QUESTION;
11 I'LL ALLOW HER TO ANSWER IT.

12 Q DO YOU KNOW WHAT THE DEFENDANT SAID IN RESPONSE TO HER?
13 DO YOU KNOW WHAT, UH -- DO YOU KNOW WHAT THE DEFENDANT DID IN
14 RESPONSE TO THIS CONVERSATION?

15 A THEY WENT AND HOLD IN MY ROOM AND WERE TALKING. HE
16 SAID, I DON'T KNOW WHERE SHE'S AT; I DIDN'T DO ANYTHING TO
17 HER. I JUST WANT HER TO COME HOME.

18 Q I JUST NEED -- WANT TO KNOW IF THAT'S WHAT HE -- THAT'S
19 WHAT THE DEFENDANT SAID.

20 A YEAH, HE SAID I DID- -- I DON'T KNOW WHERE SHE IS AT; I
21 DIDN'T DO ANYTHING TO HER. I JUST WANT HER TO COME HOME.

22 Q COULD YOU TELL US ABOUT THE -- I'M SORRY. ABOUT HOW
23 LONG DID, UH -- HOW LONG DID THIS -- YOU SAID, ERICA'S SISTER
24 CAME BY AND SPOKE TO THE DEFENDANT. ABOUT HOW LONG DID ALL
25 THAT TAKE?

1 A I THINK ABOUT TEN MINUTES.

2 Q ALL RIGHT, DID JESSICA BRADLEY LEAVE -- OH, I'M SORRY.
3 WHAT HAPPENED NEXT?

4 A AFTER SHE TALKED SOME, LEAVE -- LEFT.

5 Q SHE LEFT OR THEY BOTH LEFT?

6 A SHE LEFT.

7 Q AFTER SHE LEFT, UM, DID THE DEFENDANT DO ANYTHING?

8 A NO, HE JUST CRIED.

9 Q HE CRIED?

10 A UH-HUH.

11 Q DID HIS DEemeanOR CHANGE FROM THE TIME WHEN YOU WERE
12 SAYING HE WAS CRYING FROM BEFORE JESSICA CAME OVER TO THE
13 HOUSE?

14 A NO.

15 Q SO WAS HE CRYING BEFORE SHE GOT THERE?

16 A WELL, HE WAS JUST SITTING IN THE BEDROOM. I WAS IN --
17 HE WAS IN MY ROOM, I WAS IN THE KITCHEN WITH ONE OF MY KIDS.

18 AND THEN THAT'S WHEN THE KNOCK CAME AT THE DOOR AND I
19 LET HER IN. AND SHE ASK (SIC) COULD SHE SPEAK TO DEREK?

20 Q SO, MY QUESTION, THOUGH, WAS, DID HIS DEemeanOR CHANGE
21 FROM THAT POINT TO---

22 A UH-HUH -- WELL, YEAH. HE WAS LIKE REGULAR DEREK AND
23 AFTER SHE LEFT HE WAS IN THE ROOM CRYING SAYING THAT HE WOULD
24 NEVER DO ANYTHING TO HURT HER.

25 Q OKAY; AND THAT'S WHAT HE -- THAT'S WHAT HE SAID?

1 A UH-HUH.

2 Q OKAY.

3 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
4 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
5 HEARING OF THE JURY, OFF THE RECORD.)

6 (WHEREUPON, COURT RESUMED.)

7 Q I'VE JUST GOT ONE -- ONE OR TWO MORE QUESTIONS. ALL
8 RIGHT; YOU TESTIFIED JUST A LITTLE WHILE AGO THAT ON THE
9 NIGHT OF NOVEMBER 6, 2006, THAT YOU ACTUALLY SPOKE WITH, UH,
10 THE DEFENDANT THAT NIGHT?

11 A UH-HUH.

12 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
13 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
14 HEARING OF THE JURY, OFF THE RECORD.)

15 (WHEREUPON, COURT RESUMED.)

16 Q NOW, YOU ALSO TESTIFIED ABOUT A BASEBALL BAT. DID THE
17 DEFENDANT TELL YOU ANYTHING ELSE ABOUT THE BASEBALL BAT?

18 A HE SAID THAT SH---

19 MR. GIPSON: THAT'S BEEN ASKED -- ASKED AND ANSWERED,
20 YOUR HONOR.

21 MR. PEARSON: NO, IT HAS NOT.

22 THE COURT: UM -- I'LL ALLOW YOU TO ASK.

23 A SHE -- HE SAID -- HE SAID THAT SHE HIT HIM IN THE HEAD
24 WITH THE BAT.

25 Q DID SHE -- DID HE TELL YOU ANYTHING ELSE ABOUT THE BAT?

THE STATE V. DEREK L. MANER
MAGGIE LATOYA ALDRICH, CROSS-EXAMINATION BY MR. GIPSON

1 A HE JUST SAY SHE HIT HIM. SHE WENT IN THE TRUNK, GOT
2 THE BAT, HIT HIM WITH THE BAT. HE TOOK THE BAT -- NO,
3 PETER CARTER TOOK THE BAT FROM HER AND THEY TOOK THE BAT AND
4 PLACED IT BACK IN THE TRUNK.

5 Q AND WHEN YOU SAY IN THE TRUNK, WHOSE TRUNK ARE YOU
6 TALKING ABOUT?

7 A UM -- DEREK'S CAR; THE SUZUKI.

8 MR. PEARSON: BEG THE COURT'S INDULGENCE.

9 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
10 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
11 HEARING OF THE JURY, OFF THE RECORD.)

12 (WHEREUPON, COURT RESUMED.)

13 MR. PEARSON: YOUR HONOR, THAT'S ALL I HAVE FOR THIS
14 WITNESS.

15 THE COURT: CROSS-EXAMINATION?

16 MR. GIPSON: THANK YOU, YOUR HONOR.

17 MAGGIE LATOYA ALDRICH, CROSS-EXAMINATION BY MR. GIPSON:

18 Q GOOD AFTERNOON, MS. ALDRICH.

19 A GOOD AFTERNOON.

20 Q I'M JUST GONNA STAND A LITTLE BIT FURTHER BACK JUST
21 TO -- OR, EXCUSE ME, FARTHER BACK TO JUST ENCOURAGE YOU TO
22 SPEAK UP JUST A LITTLE BIT.

23 I JUST HAVE A FEW QUESTIONS FOR YOU AS A FOLLOW-UP TO
24 WHAT MR. PEARSON HAS, UH, ASKED YOU.

25 DO YOU NEED ANY WATER OR ANYTHING?

1 A NO, THANK YOU.

2 Q OKAY -- ALL RIGHT.

3 THE COURT: I NEED YOU TO SPEAK UP.

4 Q NOW, I -- I -- I KNOW YOU'RE NOT PARTICULARLY
5 COMFORTABLE. DO YOU NEED TO STAND AND JUST STRETCH?

6 A NO, THANK YOU.

7 Q OKAY. NOW, YOU SAID THAT YOU DO KNOW BOTH PARTIES. YOU
8 KNOW MS. -- MS. BRADLEY AND YOU KNOW MR. MANER, CORRECT?

9 A YES.

10 Q OKAY, AND -- AND UNDER DIRECT EXAMINATION YOU STATED
11 THAT DEREK, ON SEVERAL OCCASIONS, SAID HE DIDN'T DO ANYTHING
12 TO HER, HE JUST WANTED HER TO COME HOME; CORRECT?

13 A YES.

14 Q AND THAT'S WHAT HE'S TOLD YOU?

15 A UH-HUH.

16 Q NOW, YOU GAVE STATEMENTS TO THE, UH, POLICE
17 DEPARTMENT -- I BELIEVE IT WAS SLED -- AT SOME POINT IN TIME;
18 CORRECT?

19 A YES.

20 Q OKAY, AND DOES THIS GENTLEMAN LOOK FAMILIAR TO YOU?

21 A UH-HUH.

22 Q OKAY, AND YOU GAVE STATEMENTS TO HIM ON ONE OR MORE
23 OCCASIONS?

24 A YES.

25 Q OKAY. WAS IT MORE THAN ONE OCCASION DO YOU REMEMBER?

- 1 A ONE.
- 2 Q ALL RIGHT, AND WHEN YOU GAVE THAT STATEMENT TO HIM, YOU
- 3 TOLD HIM EVERYTHING THAT WAS IMPORTANT TO YOU; DIDN'T YOU?
- 4 A YES.
- 5 Q OKAY, AND YOU PUT THOSE THINGS DOWN BECAUSE, AGAIN --
- 6 AS -- AS MR. PEARSON HAS POINTED OUT -- WHEN YOU ARE MORE
- 7 RECENT TO AN OCCURRENCE OR TO A SITUATION, WHEN YOU'RE CLOSER
- 8 TO IT, YOUR MEMORY TENDS TO BE A LITTLE BIT MORE CLEAR;
- 9 CORRECT?
- 10 A YES.
- 11 Q AND YOU -- YOU EXPLAINED ALL OF THOSE THINGS THAT WERE
- 12 IMPORTANT?
- 13 A YES.
- 14 Q OKAY. WOULD YOU POINT TO, IN THE STATEMENT THAT YOU
- 15 GAVE, ANYWHERE WHERE YOU SAID THAT DEREK MANER HIT A DEER?
- 16 A THAT HE HIT A DEER?
- 17 Q YES, MA'AM.
- 18 A UM -- I DON'T THINK I PUT THAT IN THE STATEMENT.
- 19 Q I -- I CAN'T HEAR YOU.
- 20 A I DON'T THINK I PUT IT INTO THE STATEMENT.
- 21 Q OKAY. AND JUST---
- 22 THE COURT: I -- I CAN'T HEAR YOU EITHER; COULD YOU
- 23 SPEAK UP?
- 24 Q YOU MAY HAVE TO SPEAK INTO THE MIC JUST A LITTLE BIT.
- 25 A (ADJUSTING MIC.)

1 Q BUT -- BUT YOUR -- YOUR RESPONSE? WE COULDN'T -- WE
2 COULDN'T -- THE JUDGE AND THE JURY, I DON'T THINK, COULD HEAR
3 YOUR RESPONSE TO THAT QUESTION.

4 A NO.

5 Q OKAY, YOU DIDN'T PUT THAT IN A STATEMENT?

6 A I DON'T THINK SO.

7 Q OKAY; AND, UH -- AND -- AND I'M -- AND WOULD YOU LIKE TO
8 LOOK AT THE STATEMENT TO MAKE SURE YOU'RE SURE THAT IT'S NOT
9 IN THE STATEMENT?

10 A YES.

11 Q OH, YOU WOULD LIKE TO LOOK AT IT?

12 A YES.

13 Q OKAY.

14 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
15 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
16 HEARING OF THE JURY, OFF THE RECORD.)

17 (WHEREUPON, COURT RESUMED.)

18 MR. GIPSON: THANKS.

19 Q I'M JUST GONNA SHOW YOU WHAT'S BEEN MARKED AS STATE'S
20 EXHIBIT NUMBER SIX, I BELIEVE IT'S FOR IDENTIFICATION
21 PURPOSES.

22 AND, UH -- AND I'M WRAPPING THINGS UP, I PROMISE YOU.

23 A (REVIEWING STATEMENT.)

24 Q BUT, UH -- BUT AFTER REVIEWING THAT STATEMENT, YOU DON'T
25 SEE IN THERE WHERE YOU'VE MADE ANY REFERENCE TO A DEER OR ANY

1 CLAIMING THAT HE HIT A DEER; CORRECT?

2 A NO.

3 Q OKAY, AND AGAIN, YOU PUT THE THINGS THAT YOU FELT WERE
4 IMPORTANT IN THAT STATEMENT; CORRECT?

5 A UH-HUH.

6 Q ALL RIGHT. NOW, UH, LASTLY, YOU SAID THAT -- THERE'S
7 BEEN A BIG, I GUESS QUESTION, ABOUT WAL-MART.

8 SUFFICE IT TO SAY -- OR, TO WRAP IT UP, YOU WENT TO
9 WAL-MART AT SOME POINT IN TIME WITH MR. MANER; CORRECT?

10 A YES.

11 Q AND WHILE YOU WERE THERE YOU RAN INTO SOME MEMBERS OF
12 THE BRADLEY FAMILY, CORRECT?

13 A YES.

14 Q AND WHILE -- AT SOME POINT IN TIME, THE -- YOU -- YOU
15 SAID YOU SAW JACKIE BRADLEY?

16 A YES.

17 Q AND IS JACKIE BRADLEY ERICA'S MOTHER?

18 A YES.

19 Q OKAY, AND IS THAT THE ONLY PERSON YOU SAW?

20 A AND HER SISTER.

21 Q OKAY. AND AGAIN, DURING THAT CONVERSATION, DEREK SAID
22 HE DIDN'T DO ANYTHING TO ERICA; CORRECT?

23 A HE ASKED HOW WAS SHE AND HOW SHE WAS DOING.

24 Q OKAY. AND, UH...

25 MR. GIPSON: YOUR HONOR, THAT'S ALL THE QUESTIONS I

1 HAVE.

2 THE COURT: ANY REDIRECT?

3 MR. PEARSON: UH -- BASED ON THAT, NO.

4 THE COURT: VERY GOOD. ALL RIGHT, YOU MAY STEP DOWN.

5 MR. GIPSON: I HAVE NO OBJECTION TO MS. ALDRICH BEING,
6 UH, RELEASED FROM SUBPOENA.

7 THE COURT: YOU'RE FREE TO LEAVE AT THIS TIME. BUT, YOU
8 NEED TO LEAVE THAT STATEMENT RIGHT THERE.

9 MS. ALDRICH: GIVE IT BACK TO HIM?

10 THE COURT: THERE YOU GO.

11 (WHEREUPON, WITNESS STEPPED DOWN.)

12 THE COURT: MADAME FORELADY, LADIES AND GENTLEMEN OF THE
13 JURY, WE'RE GONNA TAKE ABOUT A FIVE-MINUTE RECESS. DO NOT
14 DISCUSS THE CASE. YOU'RE FREE TO, UM, GO TO THE JURY ROOM.
15 EVERYONE REMAIN SEATED.

16 (WHEREUPON, JURY LEFT THE COURTROOM AT 3:26 P.M.)

17 THE COURT: ANYTHING FROM THE STATE BEFORE WE BREAK?

18 MR. PEARSON: NO, YOUR HONOR.

19 MR. GIPSON: NO, SIR.

20 THE COURT: ANYTHING FROM DEFENSE? ALL RIGHT, WE'LL
21 STAND AT EASE FOR FIVE MINUTES.

22 (WHEREUPON, COURT RECESSED AT 3:26 P.M.)

23 (WHEREUPON, COURT RESUMED AT 3:37 P.M.)

24 THE COURT: PLEASE BE SEATED. ANYTHING FROM THE STATE
25 BEFORE WE PROCEED?

1 MR. PEARSON: NO, YOUR HONOR.

2 THE COURT: ANYTHING FROM DEFENSE?

3 MR. GIPSON: NO, SIR.

4 THE COURT: ALL RIGHT, WE'RE READY FOR THE JURY.

5 (WHEREUPON, JURY ENTERED THE COURTROOM AT 3:38 P.M.)

6 THE COURT: MR. PEARSON, YOU MAY CALL YOUR NEXT WITNESS.

7 MR. PEARSON: YES, YOUR HONOR. AT THIS TIME, THE STATE
8 CALLS JACKIE BRADLEY.

9 MR. GIPSON: MAY WE APPROACH FOR A MINUTE?

10 THE COURT: (NOD.)

11 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH
12 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
13 HEARING OF THE JURY; OFF THE RECORD.)

14 (WHEREUPON, COURT RESUMED.)

15 THE COURT: YES, MA'AM; IF YOU COULD COME FORWARD RIGHT
16 HERE AND PLACE YOUR LEFT HAND ON THE BIBLE AND RAISE YOUR
17 RIGHT HAND AS THE CLERK ADMINISTERS THE OATH?

18 (WHEREUPON, WITNESS CAME FORWARD.)

19 (WHEREUPON, **JACKIE BRADLEY** WAS DULY SWORN AND TESTIFIED
20 AS FOLLOWS:)

21 THE COURT: HAVE A SEAT IN THE WITNESS CHAIR. AND I ASK
22 THAT YOU PULL UP REAL CLOSE TO THAT MICROPHONE.

23 I'M GONNA ASK THAT YOU SPEAK LOUDLY, CLEARLY, AND
24 SLOWLY. WE'VE GOT SOME DIFFICULTY IN THIS COURTROOM WITH
25 THE, UM, SOUND. AND SO WE'RE GONNA HAVE -- HAVE TO GET YOU

1 TO SPEAK UP LOUDLY.

2 UH -- COULD YOU STATE YOUR FULL NAME, PLEASE, MA'AM?

3 MS. BRADLEY: JACKIE BRADLEY.

4 THE COURT: ALL RIGHT, SPEAK UP JUST A LITTLE BIT.

5 MS. BRADLEY: JACKIE BRADLEY.

6 THE COURT: VERY GOOD. MR. PEARSON?

7 JACKIE BRADLEY, DIRECT EXAMINATION BY MR. PEARSON:

8 Q MS. BRADLEY, WHERE DO YOU -- WHERE DO YOU LIVE?

9 A RIGHT HERE IN ALLENDALE.

10 Q AND HOW LONG HAVE YOU LIVED IN ALLENDALE?

11 A ALL MY LIFE.

12 Q MS. BRADLEY, DO YOU HAVE ANY CHILDREN?

13 A YES, I HAVE FIVE.

14 Q FIVE CHILDREN? COULD YOU TELL US WHO THOSE FIVE
15 CHILDREN ARE?

16 A UH -- JESSICA BRADLEY, ERICA BRADLEY, LASHONTA BRADLEY,
17 KYWANA BRADLEY, AND TEARRON BRADLEY.

18 Q I WANT TO TALK A LITTLE BIT ABOUT, UH, YOUR DAUGHTER,
19 ERICA BRADLEY. SPECIFICALLY, I WANT TO TALK ABOUT 2006.

20 UM -- DO YOU REMEMBER 2006?

21 A YES, SIR.

22 Q NOVEMBER OF 2006?

23 A YES, SIR.

24 Q YOU JUST TESTIFIED THAT YOU HAVE FIVE DAUGHTERS AND THAT
25 ERICA BRADLEY IS ONE OF THOSE DAUGHTERS -- DAUGHTERS. DO YOU

1 HAVE ANY GRANDCHILDREN?

2 A YES, I HAVE FOUR.

3 Q WOULD YOU TELL US WHO THOSE GRANDCHILDREN ARE?

4 A UH -- [REDACTED] T. M. [REDACTED] UH, (INCOMPREHENSIBLE) BRADLEY;
5 TASHAUN (PHONETIC) THOMAS; AND, UH, JOANN BRADLEY.

6 Q YOU SAID THAT YOU HAD A GRANDCHILD, [REDACTED] T. M. [REDACTED] ?

7 A UH-HUH.

8 Q UM -- WHOSE -- WHOSE SON IS THAT?

9 A IT'S ERICA'S.

10 Q THAT'S ERICA'S SON?

11 A YES, SIR.

12 Q DO YOU KNOW WHO THE FATHER OF [REDACTED] T. M. [REDACTED] IS?

13 A DEREK MANER.

14 Q DO YOU KNOW DEREK MANER?

15 A YES, SIR.

16 Q DO YOU KNOW WHAT HE LOOKS LIKE?

17 A YES.

18 Q DO YOU SEE HIM HERE IN THE COURTROOM TODAY?

19 A YES, I DO.

20 Q WOULD YOU PLEASE POINT HIM OUT?

21 A HE'S RIGHT OVER THERE.

22 MR. PEARSON: PLEASE LET THE RECORD REFLECT THAT THE
23 WITNESS HAS IDENTIFIED DEREK MANER.

24 Q LET'S TALK A LITTLE BIT ABOUT YOUR DAUGHTER, ERICA.

25 UM -- BACK IN 2006, DO YOU KNOW HOW OLD ERICA WAS?

1 A SHE WAS SEVENTEEN.

2 Q WAS SHE STILL IN HIGH SCHOOL?

3 A YES, SHE WAS.

4 Q WHERE DID SHE ATTEND HIGH SCHOOL?

5 A EXCUSE ME?

6 Q I'M SORRY, WHERE DID SHE ATTEND HIGH SCHOOL?

7 A UM -- ALLENDALE-FAIRFAX HIGH.

8 Q BEING HER MOTHER, DID YOU HAVE A -- DID YOU EVER HAVE A
9 CHANCE TO SEE WHAT KIND OF GRADES SHE GOT?

10 A YES.

11 Q AS HER MOTHER, WERE YOU PLEASED WITH THE GRADES SHE WAS
12 GETTING?

13 A YES.

14 Q WOULD YOU SAY -- WAS SHE WORKING TOWARD A -- WAS SHE
15 WORKING TOWARD GETTING SOMETHING?

16 A SHE WAS PLANNING ON COLLEGE.

17 MR. GIPSON: OBJECTION TO LEADING, YOUR HONOR.

18 THE COURT: I -- I'LL SUSTAIN THE OBJECTION; THAT'S A
19 LEADING QUESTION.

20 Q (AFTER PAUSE) YOU TESTIFIED JUST A -- JUST A MOMENT AGO
21 THAT AS A PARENT YOU WERE PLEASED WITH HER PROGRESS IN
22 SCHOOL.

23 COULD YOU EXPLAIN TO THE JURY JUST A LITTLE BIT ABOUT
24 WHAT WAS GOING ON WITH HER IN SCHOOL AND HER GRADES?

25 A SHE HAD PRETTY GOOD GRADES AND SHE WAS A VERY GOOD

1 STUDENT. I NEVER HAD ANY PROBLEM WITH HER SCHOOL.

2 Q YOU TESTIFIED THAT SHE WAS A VERY GOOD STUDENT. UM --
3 WAS THAT SOMETHING THAT JUST CAME FROM HER OR WAS SHE TRYING
4 TO WORK FOR SOMETHING?

5 A SHE WAS PLANNING GOING TO (SIC) COLLEGE.

6 Q SHE WAS TRYING TO GO TO -- SHE WAS PLANNING ON GOING TO
7 COLLEGE?

8 A YES.

9 Q NOW, THESE PLANS TO GO TO COLLEGE, UM, DID THOSE PLANS
10 CHANGE WHEN SHE HAD [REDACTED] T. M. ?

11 A NO.

12 Q DID YOU -- (AFTER PAUSE) EXCUSE ME. UM -- JUST THE FACT
13 THAT SHE WAS PLANNING ON GOING TO COLLEGE, AS HER MOTHER, DID
14 YOU NOTICE -- WAS IT IMPORTANT TO HER TO KEEP HER GRADES UP?

15 A YES.

16 Q NOW, YOU ALSO -- IN NOVEMBER OF 2006, DO YOU KNOW
17 SPECIFICALLY WHERE YOUR DAUGHTER WAS LIVING?

18 A WITH THE MANERS.

19 Q UM -- WHEN YOU SAY WITH THE MANERS, WHO SPECIFICALLY WAS
20 SHE LIVING WITH?

21 A WITH DEREK MANER AND HIS MOTHER.

22 Q WHO ELSE WAS IN THE HOME, IF YOU KNOW?

23 A UH -- WELL, HER SON, [REDACTED] T. M. AND HER OTHER SON WHICH I CAN'T
24 RECALL HIS NAME.

25 Q WHEN YOU SAY HER OTHER SON, WHOSE OTHER SON ARE YOU

1 TALKING ABOUT?

2 A MS. MANER'S SON -- HIS BROTHER.

3 Q THAT WOULD BE THE DEFENDANT'S BROTHER?

4 A THE DEFENDANT (SIC) BROTHER, YES.

5 Q DO YOU KNOW HOW YOUR DAUGHTER GOT, UH, BACK AND FORTH TO
6 SCHOOL EVERY DAY?

7 A UH -- UH -- THE BROTHERS I ASSUME. AND THEN WHEN SHE
8 CAME BACK TO STAY WITH ME SOME, I WAS TAKING HER TO SCHOOL
9 BEFORE I GET -- YOU KNOW, WENT TO WORK.

10 Q DID SHE HAVE HER OWN TRANSPORTATION?

11 A NO.

12 Q NOW, OUTSIDE OF SCHOOL AND HAVING A BABY -- WHICH IS A
13 JOB IN ITSELF -- DID SHE, UH, WORK OUTSIDE THE HOME?

14 A SHE WAS WORKING TO HARDEE'S.

15 Q SHE WAS WORKING AT HARDEE'S?

16 A UH-HUH.

17 Q DO YOU KNOW ABOUT HOW LONG SHE HAD BEEN WORKING AT
18 HARDEE'S?

19 A UM -- ABOUT A YEAR I THINK.

20 Q ABOUT A YEAR?

21 A (NO RESPONSE.)

22 Q (AFTER PAUSE) ALL RIGHT, I WANT TO ASK YOU A COUPLE
23 QUESTIONS ABOUT NOVEMBER 6TH OF 2006. DID YOU SPEAK WITH YOUR
24 DAUGHTER, ERICA, THAT DAY?

25 A YES -- THAT MONDAY.

1 Q UM -- WITHOUT GETTING INTO THE SUBSTANCE OF THE
2 CONVERSATION THAT YOU HAD WITH YOUR DAUGHTER, UH, DID YOU
3 NOTICE ANYTHING OUT OF THE ORDINARY IN HER DEMEANOR?

4 A NO.

5 Q (AFTER PAUSE) WHEN IS THE LAST TIME THAT YOU SAW YOUR
6 DAUGHTER?

7 A UH -- ABOUT SUNDAY; BUT THE LAST TIME I TALKED TO HER
8 WAS THAT MONDAY.

9 Q MONDAY? AND THAT WOULD HAVE BEEN MONDAY, NOVEMBER 6TH?

10 A NO, NO; NOVEMBER THE 4TH.

11 Q NOVEMBER THE 4TH? YOU SAW HER NOVEMBER THE 4TH?

12 A YES.

13 Q DID YOU -- BUT YOU TALKED WITH HER NOVEMBER THE 6TH?

14 A NO; THAT'S WHEN I FOUND OUT SHE WAS MISSING THAT DAY.

15 Q (AFTER PAUSE) DO YOU REMEMBER MAKING A STATEMENT
16 (AFTER PAUSE) TO, UH, LAW ENFORCEMENT THE 27TH DAY OF FEBRUARY
17 OF 2007?

18 A UM -- I DON'T REMEMBER, HONESTLY.

19 Q YOU DON'T REMEMBER IF YOU MADE A STATEMENT?

20 A I PROBABLY DID, BUT I JUST CAN'T REMEMBER.

21 Q OKAY.

22 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
23 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
24 HEARING OF THE JURY, OFF THE RECORD.)

25 (WHEREUPON, COURT RESUMED.)

1 MR. GIPSON: JUST -- THE COURT'S INDULGENCE VERY
2 BRIEFLY, YOUR HONOR.

3 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
4 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
5 HEARING OF THE JURY, OFF THE RECORD.)

6 (WHEREUPON, STATE'S EXHIBIT NUMBER 7 WAS MARKED FOR
7 IDENTIFICATION.)

8 (WHEREUPON, COURT RESUMED.)

9 Q I'M GONNA SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
10 SEVEN FOR IDENTIFICATION PURPOSES ONLY. I'M GONNA DIRECT
11 YOUR ATTENTION TO THE SECOND PARAGRAPH THERE.

12 A UH-HUH. THAT'S WHEN -- NOVEMBER THE 6TH WHEN SHE WAS
13 MISSING. IT WAS PROBABLY THAT MONDAY. I THINK THAT
14 WEDNESDAY IS WHEN---

15 Q I -- I -- I'M SORRY, YOU'VE GOT TO -- YOU HAVE TO SPEAK
16 UP FOR THE COURT REPORTER.

17 A I THINK THE 6TH IS WHEN---

18 Q AND JUST SO THAT WE'RE CLEAR, DID YOU SPEAK WITH YOUR
19 DAUGHTER ON NOVEMBER 6TH?

20 A NO, I FOUND OUT SHE WAS MISSING THAT DAY. THAT WAS ON A
21 WEDNESDAY.

22 Q ARE YOU SURE?

23 A (NO RESPONSE.)

24 Q I'M GONNA SHOW YOU YOUR STATEMENT AGAIN.

25 A (REVIEWING STATEMENT.)

1 Q WOULD YOU AGREE THAT YOUR MEMORY WOULD BE -- WOULD YOU
2 SAY THAT YOUR MEMORY GETS BETTER OR WORSE OVER TIME?

3 A EXCUSE ME?

4 Q DOES YOUR MEMORY GET BETTER OR WORSE OVER TIME?

5 A WELL, IT'S BEEN OVER THREE YEARS. IT'S KIND-A -- I
6 CAN'T HARDLY REMEMBER EVERYTHING THAT WENT ON THAT DAY --
7 THAT NIGHT.

8 Q OH SURE, SURE; BUT WOULD YOU SAY THAT YOUR MEMORY GETS
9 BETTER OR WORSE OVER TIME?

10 A I CAN'T RECALL.

11 Q YOU CAN'T RECALL? OR, YOU DON'T KNOW? OR?

12 A NO.

13 Q DO YOU HAVE AN EASIER TIME REMEMBERING SOMETHING THAT
14 HAPPENED YESTERDAY OR SOMETHING THAT HAPPENED THREE YEARS
15 AGO.

16 A WELL I REMEMBER WHAT HAPPENED THAT NIGHT WHEN SHE
17 CALLED ME.

18 Q NO, NO; MY QUESTION IS, DO YOU HAVE AN EASIER TIME
19 REMEMBERING SOMETHING THAT HAPPENED YESTERDAY---

20 A YES.

21 Q ---OR SOMETHING THAT HAPPENED YEARS AGO?

22 A THREE YEAR AGO (SIC).

23 Q SO YOU SAY YOU HAVE AN EASIER TIME REMEMBERING SOMETHING
24 THAT HAPPENED YEARS AGO RATHER THAN SOMETHING THAT HAPPENED
25 YESTERDAY?

1 A WELL, I COULD STILL REMEMBER WHATEVER HAPPEN YESTERDAY
2 OR YEAR -- LAST YEAR GONE.

3 Q OH, I'M -- I'M NOT DOUBTING YOUR EDUCATION.

4 A UH-HUH.

5 Q JUST MY QUESTION IS---

6 MR. GIPSON: IT'S BEEN ASKED AND ANSWERED.

7 Q ---DO YOU HAVE AN EASIER TIME?

8 A YES.

9 THE COURT: ALL RIGHT, I THINK IT'S BEEN ASKED AND
10 ANSWERED THAT YOU CAN MOVE ON.

11 MR. PEARSON: MAY WE APPROACH?

12 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH
13 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
14 HEARING OF THE JURY, OFF THE RECORD.)

15 (WHEREUPON, COURT RESUMED.)

16 Q DO YOU REMEMBER THE LAST -- DO YOU -- DO YOU REMEMBER
17 THE LAST TIME YOU SPOKE WITH YOUR DAUGHTER, ERICA?

18 A IT WAS THAT MONDAY.

19 Q DO YOU KNOW WHERE SHE CALLED YOU -- WHERE SHE CALLED YOU
20 FROM?

21 A AT WORK.

22 Q AT WORK? AND YOU SAID SHE WORKED AT HARDEE'S?

23 A YES.

24 Q NOW, AFTER THAT DATE, DID YOU EVER SPEAK TO HER AGAIN?

25 A NO.

1 Q DID YOU EVER SEE HER AGAIN?

2 A NO.

3 Q DID YOU EVER HEAR FROM HER AGAIN?

4 A NO.

5 Q (AFTER PAUSE) YOU TESTIFIED A LITTLE WHILE AGO THAT, UH,
6 YOUR DAUGHTER, ERICA, AND T. M. WERE STAYING WITH THE
7 DEFENDANT AND HIS PARENTS.

8 AFTER THE LAST TIME YOU SAID YOU HEARD FROM ERICA, DID
9 YOU EVER SEE THE DEFENDANT AGAIN?

10 A I SEE HIM THAT WEDNESDAY.

11 Q OKAY; AND PLEASE TELL THE JURY WHAT HAPPENED THAT
12 WEDNESDAY THAT YOU SAW THE DEFENDANT.

13 A I WAS IN THE WAL-MART SHOPPING -- ME AND MY COUSIN --
14 AND HE WAS IN THE WAL-MART -- HIM AND MAGGIE ALDRICH. HE WAS
15 IN THERE SHOPPING, SO HE CAME UP TO ME ASKING HAD I SEEN
16 ERICA?

17 AND I SAID, NO.

18 AND HE SAY (SIC) SHE WAS MISSING.

19 AND I ASK HIM, WHAT DO YOU MEAN BY SHE'S MISSING?

20 HE SAY (SIC), SHE'S MISSING.

21 AND I GOT ON THE TELEPHONE AND CALL (SIC) MY MOTHER, AND
22 WE CAME BACK DOWN THERE, AND WENT TO THE POLICE DEPARTMENT
23 AND PUT THE MISS -- MISSING REPORT OUT.

24 Q UH -- THE MISSING PERSON'S REPORT?

25 A YES.

1 Q OKAY; NOW, YOU TESTIFIED THAT YOU SAW THE DEFENDANT AT
2 WAL-MART. WAS THERE ANYONE ELSE THERE WITH YOU? WAS IT JUST
3 YOU AND HIM?

4 A UH -- HE WAS WITH MAGGIE; I WAS WITH MY COUSIN, CARMELA
5 AND, UH -- AND ANOTHER GIRL.

6 Q DO YOU KNOW IF YOUR DAUGHTER, JACKIE, WAS THERE?

7 A (NO RESPONSE.)

8 Q JESSICA -- I'M SORRY.

9 A JESSICA?

10 Q DO YOU KNOW IF YOUR DAUGHTER, JESSICA, WAS THERE?

11 A NO, SHE WASN'T.

12 Q SHE WASN'T THERE WITH YOU?

13 A HUH-UH.

14 Q OKAY. (AFTER PAUSE) NOW, YOU TESTIFIED THAT THE
15 DEFENDANT TOLD YOU THAT ERICA WAS MISSING?

16 A YES, HE DID.

17 Q DID HE TELL YOU HE FILED A MISSING PERSON'S REPORT?

18 A HE TOLD ME, HE SAY, IF HE DON'T SEE HER BY THE NEXT DAY,
19 HE'S GOING TO GO TO FILE ONE.

20 Q BUT HE DIDN'T -- HE DIDN'T TELL YOU THAT HE HAD ALREADY
21 DONE THAT?

22 A HUH-UH.

23 Q PRIOR TO SEEING HIM THAT DAY IN THE WAL-MART, HAD HE
24 CALLED TO ASK -- ASK YOU ABOUT HER?

25 A SAY THAT AGAIN?

1 Q HAD THE DEFENDANT CALLED TO ASK YOU ABOUT ERICA, PRIOR
2 TO SEEING HIM AT WAL-MART?

3 A DID HE CALL ME?

4 Q YES.

5 A NO; I TALKED TO HIM IN WAL-MART.

6 Q SO THIS TIME IN WAL-MART, THAT WAS THE FIRST TIME HE
7 TOLD YOU ANYTHING ABOUT ERICA BEING MISSING?

8 A YES.

9 Q (AFTER PAUSE) PRIOR TO NOVEMBER 6TH OF 2006, HOW OFTEN
10 DID YOU SPEAK WITH YOUR DAUGHTER, ERICA?

11 A UM -- ABOUT EVERY OTHER DAY.

12 Q ABOUT EVERY OTHER DAY?

13 A UH-HUH.

14 Q (AFTER PAUSE) NOW, YOU TESTIFIED THAT THE LAST TIME THAT
15 YOU SAW YOUR DAUGHTER WAS IN NOVEMBER OF '06. DID YOU SEE
16 HER FOR THANKSGIVING THAT YEAR?

17 A NO.

18 Q DID YOU SEE HER FOR CHRISTMAS THAT YEAR?

19 A NO.

20 Q DID YOU SEE HER FOR ANY HOLIDAY AFTER THAT?

21 A NO.

22 Q (AFTER PAUSE) NOW, THAT FIRST CHRISTMAS -- THE ONE THAT
23 YOU JUST SAID THAT YOU DIDN'T SEE ERICA -- WOULD THAT HAVE
24 BEEN [REDACTED] T. M. [REDACTED] S FIRST CHRISTMAS?

25 A YES.

1 Q HER BEING YOUR DAUGHTER, YOU KNOWING HER LIKE YOU DO,
2 WOULD THAT -- WOULD T.M. [REDACTED] S FIRST CHRISTMAS HAVE BEEN
3 IMPORTANT TO HER?

4 A YES.

5 Q DID YOUR DAUGHTER -- PRIOR TO NOVEMBER 6TH -- USUALLY GO
6 FOR LONG PERIODS OF TIME WITHOUT TALKING TO YOU?

7 A NO, SIR.

8 Q DID SHE GO -- PRIOR TO NOVEMBER OF '06 -- DID SHE GO FOR
9 LONG PERIODS OF TIME WITHOUT SEEING HER CHILD?

10 A NO, SIR.

11 Q PRIOR TO NOVEMBER OF 2006, DID SHE GO FOR LONG PERIODS
12 OF TIME WITHOUT SEEING HER SISTERS?

13 MR. GIPSON: OBJECT TO THE LEADING, YOUR HONOR.

14 A NO, SIR.

15 MR. GIPSON: JUST OBJECT TO THE LEADING.

16 THE COURT: OKAY; UH, I'LL ASK THAT YOU REPHRASE THE
17 QUESTION.

18 Q (AFTER PAUSE) HOW OFTEN WOULD YOUR DAUGHTER CONTACT THE
19 FAMILY ABOUT THINGS?

20 A OUT OF THE WEEK?

21 Q UH-HUH.

22 A ABOUT -- OH, ABOUT THREE TIMES, MAYBE FOUR.

23 Q THREE OR FOUR TIMES A WEEK?

24 A UH-HUH.

25 Q AFTER NOVEMBER 6TH OF 2006, DID THAT CONTINUE?

1 A SAY THAT AGAIN?

2 Q AFTER NOVEMBER OF '06, DID HER CONTACT WITH -- DID THAT
3 CONTINUE?

4 A NO, SIR.

5 MR. GIPSON: IT'S BEEN ASKED AND ANSWERED, YOUR HONOR.

6 THE COURT: I'LL -- I'LL ALLOW HIM TO ASK IT.

7 Q I'M SORRY, I DIDN'T HEAR YOUR ANSWER.

8 A NO, SIR.

9 Q NO, SHE DIDN'T CONTACT?

10 A (NOD.)

11 Q ARE YOU AWARE OF ANY TIME AFTER NOVEMBER OF 2006 THAT

12 T.M. SAW HIS MOTHER, ERICA?

13 A NO, SIR.

14 Q AND HER BEING YOUR DAUGHTER, KNOWING HER THE WAY YOU DO,
15 WOULD SEEING HER CHILD BE IMPORTANT TO HER?

16 A SAY THAT AGAIN?

17 Q WOULD SEEING T.M. BE IMPORTANT TO ERICA?

18 A BE IMPORTANT?

19 Q YES.

20 A YES.

21 Q IS IT SOMETHING -- WOULD SHE -- KNOWING HER THE WAY YOU
22 DO---

23 MR. GIPSON: I JUST OBJECT TO THE LEADING.

24 MR. PEARSON: MAY WE APPROACH?

25 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH

1 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
2 HEARING OF THE JURY, OFF THE RECORD.)

3 (WHEREUPON, COURT RESUMED.)

4 Q MS. BRADLEY, IF YOU COULD PLEASE TELL THE JURY, HOW WAS
5 THE RELATIONSHIP BETWEEN ERICA AND HER -- AND YOURSELF?

6 A WE HAD A GOOD RELATIONSHIP. WE USED TO, YOU KNOW,
7 DISCUSS ALL THE TIME. WE USED TO DO THINGS TOGETHER.

8 Q AND HOW OFTEN WOULD YOU SPEAK WITH ERICA CONCERNING
9 THESE MATTERS?

10 A ABOUT ONCE A WEEK WE WOULD TALK.

11 Q IF YOU COULD SPEAK UP A LITTLE BIT? I KNOW THIS IS
12 DIFFICULT.

13 A WE MIGHT TALK ONCE A WEEK. BUT LIKE WE DO GET TOGETHER.
14 YOU KNOW, WE SPEND A FEW DAYS TOGETHER, THEN SHE'LL GO BACK,
15 AND HE'LL COME BACK AND PICK HER UP.

16 Q AND HOW WAS THE RELATIONSHIP BETWEEN ERICA AND HER
17 SISTERS?

18 A THEY HAD A GOOD RELATIONSHIP.

19 Q HOW OFTEN DID SHE SPEAK WITH THEM?

20 A UM -- I THINK SHE WOULD TALK TO THEM MOST EVERY DAY.

21 Q HOW WAS HER RELATIONSHIP WITH HER CHILD, T. M. ?

22 A SHE HAD A LOVING RELATIONSHIP WITH HER CHILD; SHE LOVED
23 HIM.

24 Q DID ERICA SPEND A LONG -- A LOT OF TIME WITH T. M. ?

25 A YES, SHE DID.

1 Q WHEN WOULD SHE SPEND TIME WITH [REDACTED] T.M. ?

2 A WHEN THEY -- SHE GET OUT OF SCHOOL AND BEFORE SHE
3 GO (SIC) TO WORK.

4 Q (AFTER PAUSE) SINCE NOVEMBER 6TH OF 2006, HOW OFTEN HAS
5 ERICA CONTACTED YOU?

6 A SAY IT AGAIN?

7 MR. GIPSON: ASKED AND ANSWERED, YOUR HONOR.

8 THE COURT: IT HAS, BUT IT WAS A DIRECT QUESTION, WE'LL
9 GIVE HIM THAT. HE CAN ASK IT.

10 Q SINCE NOVEMBER 6TH 2006, HOW OFTEN HAS ERICA CONTACTED
11 YOU?

12 A I HAVEN'T TALKED TO HER SINCE NOVEMBER 6TH.

13 Q HOW OFTEN HAVE YOU SEEN ERICA SINCE THEN?

14 A I HAVEN'T SEEN HER.

15 Q HOW OFTEN HAS -- HOW OFTEN HAS THE FAMILY HEARD FROM
16 HER?

17 A HAVEN'T HEARD FROM HER.

18 Q HOW OFTEN HAS [REDACTED] T.M. SEEN HER SINCE THEN?

19 A HE HASN'T SEEN HER.

20 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
21 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
22 HEARING OF THE JURY, OFF THE RECORD.)

23 (WHEREUPON, COURT RESUMED.)

24 Q THANK YOU, MS. BRADLEY; THAT'S ALL THE QUESTIONS I HAVE.

25 THE COURT: CROSS-EXAMINATION, MR. GIPSON?

1 MR. GIPSON: YES, SIR.

2 JACKIE BRADLEY, CROSS-EXAMINATION BY MR. GIPSON:

3 Q (AFTER PAUSE) NOW, MS. BRADLEY, I'M GONNA STAND A LITTLE
4 BIT FARTHER BACK JUST TO ENCOURAGE YOU TO SPEAK UP JUST A
5 LITTLE BIT MORE.

6 UM, YOU SAID YOU LIVE IN ALLENDALE; CORRECT?

7 A YES.

8 Q OKAY, BORN AND RAISED HERE?

9 A YES.

10 Q SINGLE?

11 A (NO RESPONSE.)

12 Q AND, UH, YOU WERE LIVING HERE IN 2006, CORRECT?

13 A YES.

14 Q THEN -- AND ERICA WAS LIVING WITH THE MANER FAMILY,
15 CORRECT?

16 A YES.

17 Q WHY IS THAT?

18 A BECAUSE AT THE TIME, I WASN'T STAYING IN TOWN.

19 Q OKAY. AND, UH, SHE LIVED WITH THEM, UH -- TRUSTED THEM
20 AND SHE LIVED WITH THEM; CORRECT?

21 A YES.

22 Q NOW, YOU SAID THAT YOU SPOKE WITH ERICA FROM TIME TO
23 TIME DURING THE WEEK; CORRECT?

24 A YES.

25 Q BUT YOU DIDN'T NECESSARILY SPEAK WITH HER EVERY DAY,

1 CORRECT?

2 A NO.

3 Q OKAY; AND YOU HAVE FIVE DAUGHTERS, CORRECT?

4 A YES.

5 Q AND, UH, OUT OF THOSE FIVE DAUGHTERS SHE HAD, UH,
6 RELATIONSHIPS WITH THEM AND SHE'D SPEAK WITH THEM FROM TIME
7 TO TIME DURING THE WEEK AS WELL; CORRECT?

8 A YES.

9 Q OKAY; WHO IS PETER TONY CARTER?

10 A MY FIRST COUSIN.

11 Q OKAY; AND, UH, DO YOU SPEAK TO HIM AS OFTEN AS YOU SPEAK
12 TO YOUR DAUGHTERS?

13 A UM -- NO.

14 Q OKAY. BUT IF HE NEEDED TO CONTACT YOU, HE COULD;
15 CORRECT?

16 A YES.

17 Q HE KNOWS WHERE YOU LIVE?

18 A YES.

19 Q KNEW WHERE YOU LIVED IN -- IN, UH, IN 2006, CORRECT?

20 A YES.

21 Q AND, UH -- AND IF NEED BE, HE COULD JUST COME BY THE
22 HOUSE OR HE COULD FIND YOU IF HE NEEDED TO FIND YOU?

23 A UH-HUH.

24 Q OKAY; NOW, YOU HAVE STATED, UM, A COUPLE DIFFERENT WAYS,
25 BUT ESSENTIALLY, THAT THE LAST TIME YOU SPOKE WITH ERICA WAS

1 ON OR ABOUT NOVEMBER 6, 2006; CORRECT?

2 A YEAH.

3 Q ON NOVEMBER 7TH OF 2006, DID PETER TONY PARKER (SIC)
4 EVER COME TO YOU AND SAY, HEY, I HAVEN'T SEEN HER?

5 MR. PEARSON: OBJECTION, CALLS FOR HEARSAY.

6 THE COURT: REPHRASE THE QUESTION.

7 Q HAVE YOU HAD ANY CONVERSATIONS WITH MR. PARKER (SIC)
8 ABOUT ERICA AND HER WHEREABOUTS?

9 A WITH WHO?

10 Q PARDON ME, PETER TONY -- I'M SORRY, CARTER -- PETER TONY
11 CARTER?

12 A DID I -- SAY IT AGAIN?

13 Q DID YOU HAVE ANY CONVERSATIONS WITH HIM ABOUT HER
14 WHEREABOUTS?

15 A NO, BECAUSE THAT NIGHT HE SAID HE WENT OUT AND LOOK FOR
16 HER, HE DIDN'T SEE HER NOWHERE.

17 Q HE TOLD YOU THAT THAT SAME DAY?

18 A THE NEXT DAY.

19 Q THE NEXT DAY?

20 A UH-HUH.

21 Q HE -- SO -- SO, NOVEMBER 7TH OF 2006 HE TOLD YOU THAT?

22 A UH-HUH.

23 MR. PEARSON: OBJECTION, CALLS FOR HEARSAY.

24 MR. GIPSON: WELL, SHE JUST ANSWERED THE QUESTION AND
25 THEN I---

1 THE COURT: I THINK YOU CAN ASK THE QUESTION IF IT
2 WAS -- THE SPECIFIC QUESTION YOU ASKED, NOT THE CONTENT OF
3 THE CONVERSATION..

4 Q SO HE TOLD YOU ON NOVEMBER 7TH 2006 THAT HE WENT -- HE
5 WENT---

6 MR. PEARSON: OBJECTION, CALLS FOR HEARSAY. HE'S ASKING
7 SPECIFICALLY WHAT WAS SAID.

8 THE COURT: RESTATE THE QUESTION.

9 Q YOU HAD A CONVERSATION WITH PETER TONY PARKER (SIC),
10 CORRECT?

11 A YES.

12 Q OKAY; AND AS A RESULT OF THAT CONVERSATION, WHAT DID YOU
13 COME AWAY BELIEVING?

14 A I DON'T UNDERSTAND; PLEASE SAY IT AGAIN.

15 Q AS A RESULT OF THE CONVERSATION YOU HAD WITH YOUR
16 COUSIN -- FIRST COUSIN, PETER TONY PARKER (SIC) -- UH, EXCUSE
17 ME, CARTER. I KEEP SAYING PARKER, I'M SORRY.

18 AS A RESULT OF THAT CONVERSATION, WHAT DID YOU COME AWAY
19 BELIEVING?

20 A I DON'T KNOW. ALL'S (SIC) I KNOW, THAT HE CAME AND TOLD
21 ME, SAY THAT (SIC) -- THAT DEREK CALL (SIC) HIM -- CALL HIM
22 BACK OUT (SIC)---

23 MR. PEARSON: OBJECTION, HEARSAY.

24 THE COURT: I -- I'LL OVERRULE THE OBJECTION. I'M GONNA
25 ASK YOU IF YOU'LL SPEAK UP. SPEAK UP JUST A LITTLE BIT.

1 SPEAK SLOWER AND LOUDER.

2 A LIKE, HE SAY (SIC) THAT, UM -- WHEN I TALK TO HIM, HE
3 SAY (SIC) THAT DEREK CALLED THAT NIGHT AND SAID TO GO FIND
4 YOUR COUSIN 'CAUSE SHE JUMPED OUT THE (SIC) CAR.

5 Q AND YOU'RE SAYING THAT THAT CONVERSATION TOOK PLACE ON
6 THE 7TH -- THE NEXT DAY? THE DAY AFTER YOU TALKED TO ERICA?

7 A I -- I CAN'T RECALL; IT COULD HAVE BEEN THAT SAME NIGHT,
8 I CAN'T REMEMBER.

9 Q OKAY. DID YOU, AT ANY POINT IN TIME, GO TO THE
10 POLICE -- AND TODAY, WE -- WE -- AND YOU DISCUSSED ON DIRECT
11 GIVING A MISSING PERSON'S REPORT AFTER BEING IN WAL-MART.

12 SO, PRIOR TO THAT POINT, UM, THE -- THE -- THE SEEING
13 DEREK AT WAL-MART AND HAVING A CON- -- CONVERSATION WITH HIM
14 AT WAL-MART, YOU DIDN'T DISCUSS ANYTHING WITH THE POLICE THAT
15 MR. CARTER DISCUSSED WITH YOU; DID YOU?

16 A I CAN'T REMEMBER IF IT DID.

17 Q OKAY. SO, ARE YOU SUGGESTING THAT YOU FOUND OUT THAT
18 YOUR FIRST COUSIN HAD GONE TO PICK UP YOUR DAUGHTER, COULDN'T
19 FIND HER, AND YOU DIDN'T GO TO THE POLICE?

20 ARE YOU SUGGESTING ALL OF THAT HAPPENED PRIOR TO YOU
21 GOING TO WAL-MART AND SEEING DEREK AT WAL-MART?

22 A I WENT THERE SOON AS HE TOLD ME WHAT HE DONE -- WHEN HE
23 SAID SHE WAS MISSING.

24 Q SO THE FIRST TIME YOU'D HEARD ABOUT THIS -- THE
25 ALLEGATION OF BEING -- OF HER MISSING -- WAS AT WAL-MART,

1 CORRECT?

2 A THAT'S WHEN HE TOLD ME.

3 Q OKAY; SO YOU DIDN'T HAVE THE CONVERSATION WITH -- WITH
4 YOUR DAUGHTER, WITH PETER OR ANYBODY SUGGESTING SHE WAS
5 MISSING PRIOR TO HEARING ABOUT THIS FROM DEREK AT WAL-MART;
6 CORRECT?

7 A YEAH, THAT'S CORRECT. THAT'S WHEN I HEARD FROM HIM, AND
8 I WENT TO THE POLICE THEN.

9 Q OKAY. SO DID YOU HAVE ANY KNOWLEDGE THAT YOUR
10 DAUGHTERS, UH -- ANY OF THE FIVE OF YOUR DAUGHTERS OR YOUR
11 COUSIN, PETER TONY CARTER, THOUGHT THAT SHE MAY BE MISSING
12 PRIOR TO THAT TIME?

13 A UM -- (NO RESPONSE.)

14 MR. GIPSON: I JUST ASK THE COURT'S INDULGENCE,
15 YOUR HONOR.

16 THE COURT: TAKE YOUR TIME.

17 (REVIEWING NOTES.)

18 Q LET ME ASK YOU THIS. YOU HAD A CONVERSATION WITH DEREK
19 AT WAL-MART; WE'VE DISCUSSED THAT. AND DURING THAT
20 CONVERSATION, HE TOLD YOU THAT HE -- THAT HE HAD NOT DONE
21 ANYTHING TO HER -- ANYTHING WRONG TO HER?

22 A NO, HE DID NOT TOLD (SIC) ME THAT; HE TOLD ME SHE WAS
23 MISSING.

24 Q OKAY, HE TOLD YOU SHE WAS MISSING?

25 A YES.

1 Q ALL RIGHT.

2 MR. GIPSON: COURT'S INDULGENCE, YOUR HONOR.

3 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
4 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
5 HEARING OF THE JURY, OFF THE RECORD.)

6 (WHEREUPON, COURT RESUMED.)

7 Q AND LASTLY -- LAST QUESTION -- AT WAL-MART THAT DAY, UH,
8 YOUR DAUGHTER, JESSICA, WAS NOT WITH YOU; CORRECT?

9 A HUH?

10 Q YOUR DAUGHTER, JESSICA, WAS NOT WITH YOU; CORRECT?

11 A I CAN'T HEAR YOU; SAY THAT AGAIN?

12 Q THAT DAY AT WAL-MART, YOUR DAUGHTER, JESSICA, WAS NOT
13 WITH YOU; CORRECT?

14 A NO, SHE WASN'T WITH ME.

15 Q OKAY.

16 MR. GIPSON: THAT'S ALL MY QUESTIONS, YOUR HONOR.

17 THE COURT: ANY REDIRECT?

18 MR. PEARSON: VERY BRIEFLY.

19 JACKIE BRADLEY, REDIRECT EXAMINATION BY MR. PEARSON:

20 Q YOU JUST SAID YOUR DAUGHTER, JESSICA, WAS NOT WITH YOU.
21 DO YOU KNOW WHERE SHE WAS?

22 A SHE WAS AT HOME.

23 Q DID YOU SEE HER AT HOME?

24 A WELL, I CAN'T SAY SHE'S AT HOME; SHE WAS NOT WITH ME.

25 Q SHE WAS NOT WITH YOU?

1 A NO.

2 Q COULD SHE HAVE BEEN IN WAL-MART?

3 MR. GIPSON: OBJECT TO THE SPECULATION, YOUR HONOR.

4 THE COURT: I -- I'LL SUSTAIN THE OBJECTION.

5 Q DID YOU TAKE -- DID YOU TAKE A WRITTEN INVENTORY OF
6 EVERYONE AT WAL-MART THAT DAY?

7 A (NOD.)

8 Q NO, YOU DIDN'T? I -- I -- YOU HAVE TO SPEAK UP FOR ME.

9 A NO.

10 Q OKAY; THANK YOU.

11 THE COURT: ALL RIGHT, YOU MAY STEP DOWN.

12 (WHEREUPON, WITNESS STEPPED DOWN.)

13 THE COURT: YOU MAY CALL YOUR NEXT WITNESS.

14 MR. GIPSON: AND I HAVE NO OBJECTION TO MS. BRADLEY
15 BEING RELEASED FROM SUBPOENA.

16 THE COURT: ALL RIGHT. YOU'RE -- YOU'RE FREE TO LEAVE
17 AT THIS TIME. DO NOT DISCUSS YOUR TESTIMONY WITH ANYONE
18 ELSE.

19 MR. PEARSON: AT -- YOUR -- YOUR HONOR, MAY WE APPROACH
20 BRIEFLY?

21 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH
22 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
23 HEARING OF THE JURY, OFF THE RECORD.)

24 (WHEREUPON, COURT RESUMED.)

25 THE COURT: MADAME FORELADY, LADIES AND GENTLEMEN OF THE

1 JURY, WHILE WE'RE GETTING THE NEXT WITNESS, WHY DON'T WE ALL
2 STAND AND STRETCH A LITTLE BIT?

3 (JURY/COURTROOM COMPLIES.)

4 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
5 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
6 HEARING OF THE JURY, OFF THE RECORD.)

7 (WHEREUPON, COURT RESUMED.)

8 THE COURT: WE'RE READY.

9 MR. PEARSON: AT THIS TIME, THE STATE CALLS
10 HENRY BRADLEY.

11 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
12 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
13 HEARING OF THE JURY, OFF THE RECORD.)

14 (WHEREUPON, COURT RESUMED.)

15 THE COURT: MR. BRADLEY, PLEASE COME FORWARD IF YOU
16 COULD, PLEASE, SIR.

17 (WHEREUPON, WITNESS CAME FORWARD.)

18 THE COURT: I ASK YOU TO COME FORWARD AND PLACE YOUR
19 LEFT HAND ON THE BIBLE AND RAISE YOUR RIGHT HAND AS THE CLERK
20 ADMINISTERS THE OATH.

21 (WHEREUPON, HENRY BRADLEY WAS DULY SWORN AND TESTIFIED
22 AS FOLLOWS:)

23 THE COURT: YES, SIR. COME FORWARD AND HAVE A SEAT IN
24 THE WITNESS CHAIR. I'M GONNA ASK YOU TO PULL UP REAL CLOSE
25 TO THAT MICROPHONE, SPEAK LOUDLY, CLEARLY, AND SLOWLY SO THAT

1 EVERYBODY CAN HEAR WHAT YOU'VE GOT TO SAY.

2 ALL RIGHT, YOU CAN, UM, TURN TOWARDS -- TOWARDS THE
3 LAWYER. THERE YOU GO. ALL RIGHT, AND YOUR FULL NAME?

4 MR. BRADLEY: HENRY BRADLEY.

5 THE COURT: ALL RIGHT, SPEAK UP NOW.

6 MR. BRADLEY: HENRY BRADLEY.

7 THE COURT: VERY GOOD.

8 HENRY BRADLEY, DIRECT EXAMINATION BY MR. PEARSON:

9 Q MR. BRADLEY, WHERE DO YOU CURRENTLY LIVE?

10 A AUGUSTA, GEORGIA.

11 Q AND PRIOR TO LIVING IN AUGUSTA, GEORGIA, WHERE DID YOU
12 LIVE?

13 A ALLENDALE, SOUTH CAROLINA.

14 Q ALLENDALE? MR. BRADLEY, DO YOU HAVE ANY CHILDREN?

15 A YES.

16 Q HOW MANY?

17 A NINE.

18 Q NINE CHILDREN? UM -- DO YOU HAVE ANY THAT LIVE IN
19 ALLENDALE?

20 A YES.

21 Q WHO LIVES -- LIVE -- WHICH -- WHICH OF YOUR CHILDREN ARE
22 FROM ALLENDALE?

23 A I HAVE, UH (CHUCKLE) -- ALL OF 'EM (CHUCKLE). OKAY,
24 UM -- WELL, ALL OF 'EM NAME OR YOU JUST WANT THE NUMBER OF
25 THAT ONE THAT STAY IN ALLENDALE? (SIC)

- 1 Q UM -- THE ONES YOU REMEMBER IN ALLENDALE.
- 2 A OKAY. I HAVE, UH, JESSICA, ERICA, LASHONTA, TEARRON,
- 3 KYWANA, BRANDON, AND THAT'S IT.
- 4 Q NOW---
- 5 A AND QUINTON, HE HAS PASSED.
- 6 Q QUINTON?
- 7 A YEAH, QUINTON HAS PASSED.
- 8 Q I'M SORRY TO HEAR THAT.
- 9 A YES.
- 10 Q YOU SAID YOU HAD A ERICA BRADLEY. WHO IS ERICA
- 11 BRADLEY'S MOTHER?
- 12 A JACKIE BRADLEY.
- 13 Q DO YOU HAVE ANY MORE CHILDREN WITH JACKIE BRADLEY?
- 14 A YES; FOUR MORE.
- 15 Q OKAY, AND WHO ARE THEY?
- 16 A UH -- LASHONTA, JESSICA, KYWANA, AND TEARRON.
- 17 Q ALL GIRLS?
- 18 A ALL GIRLS.
- 19 Q LET'S TALK A LITTLE BIT ABOUT -- ABOUT ERICA. WHERE
- 20 WERE YOU LIVING NOVEMBER OF 2006?
- 21 A I WAS LIVING IN AUGUSTA, GEORGIA.
- 22 Q AND WHO WAS LIVING THERE WITH YOU?
- 23 A EXCUSE ME?
- 24 Q WHO WAS LIVING THERE WITH YOU?
- 25 A NO ONE.

1 Q JUST YOU?

2 A MYSELF.

3 Q UM -- DID YOUR DAUGHTER, ERICA, EVER LIVE WITH YOU?

4 A YES, SHE DID.

5 Q FOR APPROXIMATELY HOW LONG?

6 A I CAN'T GIVE A CERTAIN TIME. UH -- BUT I CAN SAY ABOUT

7 A YEAR OR YEAR-AND-A-HALF. I'M NOT SURE OF THE CERTAIN TIME.

8 Q AND AFTER THIS YEAR OR YEAR-AND-A-HALF, WHERE DID

9 SHE GO?

10 A WENT TO ALLENDALE TO LIVE.

11 Q CAME BACK HERE?

12 A YES.

13 Q DO YOU KNOW WHERE ERICA LIVED PRIOR TO LIVING WITH YOU

14 IN AUGUSTA?

15 A ERICA, WHEN SHE CAME BACK TO LIVE IN ALLENDALE, SHE TOLD

16 ME THAT SHE WAS GOING TO STAY AT THE MANER'S HOUSE.

17 UH -- THE REASON, SHE JUST NOW HAD THE BABY AND SHE

18 WANTED TO, UH -- SHE HAD SUPPOSED TO COME STAY IN AUGUSTA.

19 AND SOME KIND-A WAY SHE CHANGED HER MIND AND TOLD ME SHE WAS

20 GONNA STAY AT THE MANER'S HOUSE.

21 AND I HAD SPOKEN WITH HER AND ASKED HER WHY DIDN'T SHE

22 JUST STAY WITH HER SISTER, JESSICA?

23 MR. GIPSON: YOUR HONOR, JUST, UM -- THERE'S A LOT OF

24 HEARSAY TYPE EVIDENCE IN THIS. I'VE LET IT GO FOR A WHILE.

25 MR. PEARSON: YOUR HONOR, I -- I'LL MOVE ON.

- 1 THE COURT: VERY GOOD.
- 2 Q DO YOU KNOW SPECIFICALLY WHERE SHE WAS STAYING IN
- 3 NOVEMBER OF 2006?
- 4 A SHE HAD SUPPOSED TO BE RESIDING AT THE MANER'S
- 5 RESIDENCE.
- 6 Q AND WHEN YOU SAY THE MANER'S RESIDENCE, UH, DO YOU KNOW
- 7 WHO ELSE LIVED THERE WITH HER?
- 8 A I -- THE ONLY THING -- I THINK, UH, THE MOTHER AND THE
- 9 FATHER. MAYBE SOME BROTHERS WAS THERE, BUT I DO NOT -- I'M
- 10 NOT SURE.
- 11 Q DO YOU HAVE ANY GRANDCHILDREN?
- 12 A I'M NOT SURE.
- 13 Q YOU'RE NOT SURE IF YOU HAVE ANY GRANDCHILDREN?
- 14 A DID THEY HAVE ANY GRANDCHILDREN?
- 15 Q NO, YOU.
- 16 A OH YES, I'M SURE I HAVE A (SIC) GRANDCHILDREN.
- 17 Q OKAY, I -- I THOUGHT SO.
- 18 A YES.
- 19 Q UM -- SPECIFICALLY, DO YOU HAVE ANY GRANDCHILDREN FROM
- 20 ERICA?
- 21 A UH -- YES.
- 22 Q UH -- WHO IS THAT?
- 23 A UH I -- I CALL HIM (CHUCKLE)...
- 24 Q TELL US BY WHAT YOU CALL HIM.
- 25 A UH -- I DON'T KNOW HIS NAME, IT'S LIKE -- IT'S LIKE OUT

1 OF MY MIND JUST NOW.

2 Q YOU DON'T KNOW?

3 A YES, UH---

4 Q THAT'S OKAY.

5 A -- T.M. -- WE CALL HIM T.M.

6 Q T.M.?

7 A YEAH, WE CALL HIM T.M.

8 Q ALL RIGHT; AND DO YOU KNOW WHO T.M.'S FATHER IS?

9 A UH -- I WAS SPEAKING OF MR. MANER WHENEVER I WOULD
10 SAY IT.

11 Q AND, UH, MR. MANER, DO YOU KNOW -- THIS MR. MANER YOU'RE
12 TALKING ABOUT, DO YOU KNOW WHAT HE LOOKS LIKE?

13 A YES.

14 Q DO YOU SEE HIM HERE IN THE COURTROOM TODAY?

15 A YES.

16 Q COULD YOU PLEASE POINT HIM OUT AND DESCRIBE SOMETHING
17 HE'S WEARING FOR THE COURT REPORTER?

18 A UH -- THAT'S MR. MANER OVER THERE IN THE GRAY SUIT,
19 POINTING RIGHT HERE.

20 MR. PEARSON: PLEASE LET THE RECORD REFLECT THAT THE
21 WITNESS HAS IDENTIFIED THE DEFENDANT, DEREK MANER.

22 Q DO YOU KNOW WHAT TYPE OF STUDENT YOUR DAUGHTER, ERICA,
23 WAS?

24 A SHE WAS A -- TO ME, SHE WAS A VERY GOOD STUDENT. UH --
25 WE HAD MADE SOME PLANS FOR HER TO GO TO COLLEGE. WE TALKED

1 ABOUT IT, I TOLD HER THAT WAS HER DECISION.

2 UH -- SHE HAD TO GO TO SCHOOL ON HER OWN, BECAUSE SHE
3 WAS NOT IN THE HOUSE. I LEFT THAT UP TO HER IF SHE WANTED TO
4 GO TO SCHOOL OR NOT.

5 SHE WAS ENROLLED IN SCHOOL, AND I KNOW THAT SHE WAS
6 DOING GOOD. AND SHE KEPT TELLING ME SHE WAS DOING GOOD.

7 Q DID YOU MAKE ANY PROMISES TO HER---

8 A YES---

9 Q ---ABOUT GOING TO SCHOOL?

10 A ---YES, I MADE A PROMISE THAT IF SHE WOULD DO WELL IN
11 SCHOOL AND WENT TO COLLEGE THAT I WAS GONNA BUY HER A CAR FOR
12 GRADUATION DAY.

13 Q DO YOU KNOW IF SHE WAS MAKING ANY PROGRESS ON THAT
14 PROMISE THAT YOU MADE?

15 A YES, SHE WAS DOING VERY GOOD -- VERY GOOD.

16 Q DID IT LOOK LIKE SHE WAS GONNA COST YOU A LITTLE MONEY
17 FOR THAT CAR?

18 A YES, UH, SHE -- I WAS -- I WAS THINKING ABOUT WHERE I
19 WAS GONNA HAVE TO GET THE REST OF THIS MONEY FROM.

20 Q DO YOU KNOW IF YOUR DAUGHTER WORKED ANYWHERE?

21 A SHE WORK AT HARDEE'S.

22 Q AND DO YOU KNOW APPROXIMATELY WHAT TIME OF DAY OR WHAT
23 SHIFT SHE WORKED MAINLY?

24 A UH -- MAINLY SHE HAD TO WORK AT NIGHT 'CAUSE SHE WAS IN
25 SCHOOL DURING THE DAY AND THE WEEKENDS.

1 Q OKAY, SO SHE WAS IN SCHOOL DAYS AND WEEKENDS, AND
2 WORKING AT NIGHT?

3 A YES.

4 Q DO YOU KNOW IF SHE WAS PROVIDING CARE FOR T.M.?

5 A YES, SHE WAS. UH -- MOSTLY SHE BOUGHT HIM -- SHE WOULD
6 TELL ME SHE BUYING DIAPERS OR CLOTHES AND THINGS LIKE THAT.

7 Q MR. BRADLEY, WHAT TYPE OF RELATIONSHIP DID YOU HAVE WITH
8 YOUR DAUGHTER?

9 A I HAD A VERY OPEN RELATIONSHIP WITH MY DAUGHTER. UH --
10 WE HAD DISAGREEMENTS ON DIFFERENT THINGS, BUT ONE THING ABOUT
11 BEING A FATHER, MYSELF, I FEEL THAT I NEVER WOULD PUSH THEM
12 TO REBEL BACK AGAINST ME.

13 IF THAT WHAT (SIC) SHE WANTED TO DO, I LET HER DID (SIC)
14 IT. AND OBVIOUSLY, THAT WAS HER CONSEQUENCE OF WHATEVER
15 HAPPENED.

16 UM -- WE ALWAYS -- MY KIDS, I TOLD MY OPINION AND SHE
17 GAVE ME HER OPINION. I RESPECTED HER AND SHE RESPECTED ME.

18 Q DO YOU KNOW WHAT KIND OF RELATIONSHIP ERICA HAD WITH HER
19 SISTERS?

20 A IT WAS A VERY GOOD RELATIONSHIP. UH -- THE LAST TIME
21 ALL OF US SEEN HER, UH, ALL OF US WENT OUT TO EAT THAT DAY.
22 SHE CAME TO THE HOUSE IN AUGUSTA.

23 AND THEY WOULD TALK ON THE PHONE AND EVERYTHING. THERE
24 WAS NO ARGUING, FUSSING. 'CAUSE ALL SISTERS AND BROTHERS
25 ARGUE AND FUSS, BUT THEY WAS VERY CLOSE TO EACH OTHER.

1 Q DO YOU KNOW WHAT KIND OF RELATIONSHIP SHE HAD WITH HER
2 SON, [REDACTED]?

3 A IT WAS VERY GOOD; SHE LOVEDED (PHONETIC/SIC) HIM TO
4 DEATH. UH -- THAT'S ALL -- THAT (SIC) ALL SHE EVER THINK,
5 TALK, WHAT -- WHATEVER. THAT WAS HER HEART.

6 Q HOW OFTEN WOULD YOU SAY YOU SPOKE WITH YOUR DAUGHTER,
7 ERICA?

8 A UM -- EVERY NIGHT OR EVERY OTHER NIGHT SHE WOULD CALL.

9 Q SO, FREQUENTLY?

10 A YES, WE WOULD TALK ALL THE TIME. SHE WAS ALWAYS TALKING
11 ABOUT THAT CAR AND BEING READY TO GO TO COLLEGE.

12 Q UM -- DO YOU KNOW HOW OFTEN SHE KEPT IN TOUCH WITH HER
13 SISTERS?

14 A UH --- WHEN I WAS ON THE PHONE, SHE WOULD TALK TO THEM
15 BECAUSE THEY WERE AT THE HOUSE.

16 Q (AFTER PAUSE) WHEN'S THE LAST TIME YOU SAW YOUR
17 DAUGHTER?

18 A UH -- WHAT'S THE LAST TIME? SHE CAME TO THE HOUSE;
19 HERSELF, UM, DEREK, UH, AND THE BABY. I CANNOT TELL YOU A
20 EXACT DATE OR DAY, BUT I JUST REMEMBER THAT WAS THE LAST
21 TIME. THEY WAS DOWNSTAIRS IN MY DEN WHERE MY HEARTH IS AT.

22 Q AND HOW LONG AGO WOULD YOU SAY THAT WAS? EVEN IF YOU
23 DON'T KNOW THE SPECIFIC DATE.

24 A UH -- AS LONG AS THIS CASE HAS BEEN GOING ON. SINCE --
25 UH, I CAN'T REMEMBER A SPECIFIC DATE ON THAT BECAUSE I

1 WASN'T---

2 Q WAS IT -- WAS IT A MONTH AGO---

3 A NO---

4 Q ---A YEAR AGO?

5 A ---IT WAS YEARS -- YEARS.

6 Q NOW, YOU SAID THE LAST TIME THAT YOU SAW YOUR DAUGHTER,

7 SHE BROUGHT T.M. WITH HER?

8 A YES.

9 Q DO YOU REMEMBER HOW OLD T.M. WAS AT THIS POINT?

10 A HE WAS STILL A BABY CRAWL -- HE WAS, UH, JUST NOW
11 BEGINNING TO CRAWL.

12 Q WAS HE LESS THAN A YEAR OLD THEN?

13 A YES, HE WAS LESS THAN A YEAR OLD.

14 Q DO YOU REMEMBER SEEING YOUR DAUGHTER AT THE LAST FEW
15 CHRISTMASES?

16 MR. GIPSON: OBJECTION TO---

17 A NO.

18 MR. GIPSON: ---LEADING, YOUR HONOR.

19 THE COURT: I'LL -- I'LL SUSTAIN -- SUSTAIN THE
20 OBJECTION.

21 Q AFTER -- AFTER THE LAST TIME YOU SAW YOUR DAUGHTER,
22 HAVE -- HAVE ANY HOLIDAYS PAST?

23 A YES.

24 Q WHAT KINDS OF HOLIDAYS?

25 A UH -- CHRISTMAS -- EVERY HOLIDAY, 'CAUSE IT DONE

1 BEEN (SIC) YEARS.

2 Q IS IT -- HAS IT BEEN JUST ONE CHRISTMAS?

3 A IT (SIC) TWO OR THREE -- TWO OR THREE CHRISTMAS, I CAN'T
4 REMEMBER.

5 Q NOW, THESE TWO OR THREE CHRISTMASES YOU SAY SINCE YOU --
6 YOU'VE LAST SEEN YOUR DAUGHTER, UH -- WELL, I'M SORRY.

7 THESE LAST TWO OR THREE CHRISTMASES, HAVE YOU SEEN YOUR
8 DAUGHTER?

9 A I HAVE NOT.

10 Q THESE LAST TWO OR THREE CHRISTMASES YOU TESTIFIED ABOUT,
11 DO YOU KNOW IF YOUR OTHER DAUGHTERS HAVE SEEN ERICA?

12 A NO ONE HAVE (SIC) SEEN HER. THEY WERE VERY CLOSE -- NO
13 ONE.

14 MR. GIPSON: OBJECTION, LEADING.

15 THE COURT: I'LL -- I'LL OVERRULE THE OBJECTION.

16 Q DURING THESE LAST FEW CHRISTMASES YOU'RE TALKING ABOUT,
17 HAS T.M. SEEN ERICA?

18 A NOT THAT I KNOW ANYTHING ABOUT.

19 MR. GIPSON: OBJECTION, LEADING.

20 THE COURT: I'LL OVERRULE THE OBJECTION.

21 Q I'M SORRY, THESE LAST FEW CHRISTMASES---

22 A NOT THAT I HAVE -- NOT THAT I KNOW ANYTHING ABOUT. T.M.

23 IS NOT TALKING, SO HE COULDN'T TELL ME THAT; BUT, NOT THAT I
24 KNOW.

25 Q (AFTER PAUSE) FROM WHAT YOU KNOW ABOUT YOUR DAUGHTER, IS

1 THAT UNUSUAL FOR HER TO MISS THESE HOLIDAYS?

2 A YES, WE WAS VERY CLOSE. WE ALWAYS WENT ON FAMILY TRIPS
3 EVERY YEAR. UH -- SHE MEANT TO MISS WORK AND TAKE OFF FOR
4 THAT.

5 SOMEONE -- AND ALWAYS SHE'S GONNA TALK TO SOMEONE,
6 EITHER MY CHILDREN OR MYSELF -- SOMEONE AT TIMES.

7 Q ALL RIGHT. WELL, I'D ASKED YOU ABOUT YOURSELF AND YOUR
8 DAUGHTERS AND THE REST OF YOUR FAMILY. ARE YOU AWARE OF
9 ANYONE THAT HAS HEARD FROM YOUR DAUGHTER?

10 A NO ONE HAS -- NO ONE -- NO ONE.

11 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
12 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
13 HEARING OF THE JURY, OFF THE RECORD.)

14 (WHEREUPON, COURT RESUMED.)

15 Q THANK YOU, MR. BRADLEY; THAT'S ALL THE QUESTIONS I HAVE.

16 THE COURT: CROSS-EXAMINATION, MR. GIPSON?

17 MR. GIPSON: COURT'S INDULGENCE, YOUR HONOR.

18 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
19 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
20 HEARING OF THE JURY, OFF THE RECORD.)

21 (WHEREUPON, COURT RESUMED.)

22 MR. GIPSON: YOUR HONOR, I HAVE NO QUESTIONS FOR
23 MR. BRADLEY.

24 THE COURT: VERY GOOD. YOU MAY STEP DOWN; THANK YOU,
25 MR. BRADLEY.

1 **MR. PEARSON:** YOUR HONOR, WE'D ASK THAT HE WOULD BE
2 RELEASED FROM THE SUBPOENA.

3 **THE COURT:** YOU'RE RELEASED FROM THE SUBPOENA. DO NOT
4 DISCUSS YOUR TESTIMONY WITH ANYONE. YOU'RE FREE TO LEAVE.

5 (WHEREUPON, WITNESS STEPPED DOWN.)

6 **THE COURT:** MR. PEARSON, YOU MAY CALL YOUR NEXT WITNESS.

7 **MS. ARMSTRONG:** YOUR HONOR, THE STATE CALLS INVESTIGATOR
8 DONNY HUTTO.

9 **THE COURT:** VERY GOOD.

10 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
11 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
12 HEARING OF THE JURY, OFF THE RECORD.)

13 (WHEREUPON, COURT RESUMED.)

14 (WHEREUPON, WITNESS CAME FORWARD.)

15 **THE COURT:** YES, SIR; IF YOU COULD COME FORWARD AND
16 PLACE YOUR LEFT HAND ON THE BIBLE, RAISE YOUR RIGHT HAND AS
17 THE CLERK ADMINISTERS THE OATH?

18 (WHEREUPON, **JAMES DONNY DEAN HUTTO, JR.** AS DULY SWORN
19 AND TESTIFIED AS FOLLOWS:)

20 **THE COURT:** PLEASE COME FORWARD AND HAVE A SEAT IN THE
21 WITNESS CHAIR. WE ASK YOU TO PULL UP REAL CLOSE TO THAT
22 MICROPHONE, SPEAK LOUDLY, CLEARLY, AND SLOWLY.

23 **MR. HUTTO:** OKAY.

24 **THE COURT:** AND YOUR FULL NAME?

25 **MR. HUTTO:** JAMES DONNY DEAN HUTTO, JUNIOR.

JAMES DONNY DEAN HUTTO, JR., DIRECT EXAMINATION BY MR. PEARSON

1 THE COURT: VERY GOOD. MS. ARMSTRONG, YOU'RE
2 RECOGNIZED.

3 MS. ARMSTRONG: THANK YOU, YOUR HONOR.

4 JAMES DONNY DEAN HUTTO, JR., DIRECT EXAMINATION BY
5 MS. ARMSTRONG:

6 Q WHAT'S YOUR OCCUPATION?

7 A I'M A DETECTIVE WITH ALLENDALE POLICE DEPARTMENT.

8 Q AND HOW LONG HAVE YOU BEEN IN THAT POSITION?

9 A I'VE BEEN HERE, UH, ABOUT A YEAR-AND-A-HALF NOW.

10 Q WHAT ARE YOUR DUTIES IN THAT POSITION?

11 A UH -- TO INVESTIGATE CRIMINAL, UH -- CRIMES, WHETHER
12 IT'S, UH -- CRIMINAL AND NARCOTIC VIOLATIONS.

13 Q OKAY. WHAT DID YOU DO BEFORE THE POLICE DEPARTMENT?

14 A I WAS AN INVESTIGATOR WITH THE SHERIFF'S DEPARTMENT IN
15 ALLENDALE.

16 Q OKAY; SO HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT
17 TOTALLY?

18 A UH -- IN SOUTH CAROLINA, SINCE 1997.

19 Q OKAY. WERE YOU IN LAW ENFORCEMENT SOMEPLACE ELSE
20 OUTSIDE OF SOUTH CAROLINA?

21 A IN THE MILITARY. IN THE U.S. COAST GUARD FROM 1991 TO
22 1997.

23 Q OKAY. MR. HUTTO, DO YOU KNOW THE DEFENDANT,
24 DEREK MANER?

25 A UH -- YES, I DO.

1 Q HOW DO YOU KNOW HIM?

2 A UH -- THROUGH AN INVESTIGATION I WORKED WITH THE
3 ALLENDALE SHERIFF'S OFFICE.

4 Q CAN YOU TELL THE JURY A LITTLE BIT ABOUT THAT
5 INVESTIGATION?

6 A UH -- YES. I RECEIVED A CALL FROM, UH, SHERIFF CARTER
7 CONCERNING A MISSING PERSON REPORT THAT HE WAS WORKING ON
8 THROUGH THE SHERIFF'S OFFICE. I BELIEVE IT WAS FIRST
9 REPORTED TO THE POLICE DEPARTMENT, AND SHERIFF CARTER GOT
10 INVOLVED IN IT.

11 UH -- DURING THE COURSE OF THAT INVESTIGATION IS, UH,
12 HOW -- WHEN THE -- MR. MANER, WHEN HIS NAME COME UP, UH,
13 DURING THAT INVESTIGATION.

14 Q OKAY. AND DID YOU PREPARE AN INCIDENT REPORT WITH
15 REGARD TO THAT?

16 A YES, I DID.

17 Q WHO -- WHO DID YOU SPEAK WITH IN ORDER TO CREATE THAT
18 INCIDENT REPORT?

19 A UH -- SHERIFF CARTER AND SPECIAL AGENT JOHNSON WITH
20 SLED.

21 Q OKAY. WHAT HAPPENED NEXT?

22 A UH -- WE STARTED A, UH, SEARCH PARTY, UH, GOING INTO --
23 FROM A POINT OF INTEREST THAT WE, UH, OBTAINED THROUGH
24 REPORTS OF INVESTIGATION, OFF HIGHWAY ONE-TWENTY-FIVE
25 AND WORKED BACK THROUGH, UH -- BASICALLY THE APPLETON AREA,

1 BACK THROUGH, UH, CONCORD CHURCH ROAD, AND BACK UP INTO
2 ALLENDALE----

3 Q OKAY.

4 A ----AROUND BLUFF ROAD.

5 Q I'M GONNA SHOW YOU, UM, SOME DOCUMENTS.

6 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
7 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
8 HEARING OF THE JURY, OFF THE RECORD.)

9 (WHEREUPON, STATE'S EXHIBIT NUMBER 8. WAS MARKED FOR
10 IDENTIFICATION.)

11 (WHEREUPON, COURT RESUMED.)

12 Q I'M GONNA SHOW YOU WHAT'S BEEN MARKED AS STATE'S EXHIBIT
13 NUMBER EIGHT FOR, UM, OBSERVATION PURPOSES ONLY. UH -- DO
14 YOU RECOGNIZE THAT DOCUMENT? OR, THOSE DOCUMENTS?

15 A (AFTER REVIEW) YES, I DO.

16 Q OKAY, WHAT -- WHAT ARE THEY?

17 A UH -- THESE ARE, UH -- UH, WHAT YOU CALL ASSIGNMENT
18 DOCUMENTS. I WAS NOT FAMILIAR WITH THESE DOCUMENTS UNTIL
19 WE'D STARTED THIS CASE.

20 THIS COME FROM A TEAM THAT THEY CALLED TEAM ADAM, WHICH
21 WAS A TEAM FROM THE NATIONAL, UH, MISSING AND EXPLOITED
22 CHILDREN.

23 THEY SENT DOWN TWO SPECIALISTS WITH THIS -- IN THIS
24 AREA -- AREA OF EXPERTISE IN SEARCHING FOR MISSING PEOPLE.
25 AND, UH, THEY INTRODUCED ME TO THESE DOCUMENTS TO KIND-A HELP

1 KEEP TRACK WHAT -- WHO WAS DOING WHAT ON THE GROUND CREWS.
2 UH -- TO MAKE SURE WE HAD THE SEARCH AREA THAT WE WAS
3 SEARCHING COVERED IN A CONSISTENT MANNER.

4 Q ALL RIGHT, AND DID YOU COMPLETE THOSE DOCUMENTS?

5 A YES, I DID---

6 Q ARE THEY---

7 A ---WITH THE HELP OF, UH, THE TWO THAT I HAVE LISTED
8 HERE -- LEE MANNING AND, UH, RICHARD BRANDT.

9 Q OKAY. UM -- ARE THESE ESSENTIALLY -- ACCURATELY, DOES
10 IT REFLECT EVERYTHING THAT YOU PUT IN THERE OR THAT YOU
11 REMEMBER BEING IN THERE?

12 A (AFTER REVIEW) YES, I DO.

13 Q OKAY.

14 MS. ARMSTRONG: YOUR HONOR, I'D LIKE TO OFFER STATE'S
15 EXHIBIT NUMBER EIGHT INTO EVIDENCE.

16 THE COURT: MR. GIPSON?

17 MR. GIPSON: I -- I'D SAY WITHOUT OBJECTION. I WOULD
18 JUST LIKE TO CHECK BEFORE WE GIVE 'EM TO THE JURY TO MAKE
19 SURE NOTHING NEEDS TO BE, UH, REDACTED.

20 THE COURT: WHY DON'T YOU TAKE AN OPPORTUNITY TO LOOK AT
21 IT RIGHT NOW?

22 MR. GIPSON: OKAY; THANK YOU, YOUR HONOR. IF I CAN JUST
23 TAKE ONE TINY LITTLE LOOK?

24 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
25 CONFERENCE/DOCUMENT REVIEW IN THE PRESENCE OF THE JURY BUT

1 OUTSIDE THE HEARING OF THE JURY, OFF THE RECORD.)

2 (WHEREUPON, COURT RESUMED.)

3 MR. GIPSON: NO OBJECTION, YOUR HONOR.

4 THE COURT: VERY GOOD. THAT'S STATE'S EXHIBIT WHAT
5 NUMBER?

6 MS. ARMSTRONG: EIGHT, YOUR HONOR.

7 THE COURT: STATE'S EXHIBIT NUMBER EIGHT IS INTO
8 EVIDENCE, WITHOUT OBJECTION.

9 MS. ARMSTRONG: THANK YOU, YOUR HONOR.

10 (WHEREUPON, STATE'S EXHIBIT NUMBER 8 WAS ADMITTED INTO
11 EVIDENCE.)

12 Q CAN YOU TELL THE -- THE JURY WHAT THE SEARCH EFFORTS
13 CONSISTED OF? WHAT TYPES OF METHODS DID YOU USE?

14 A UH -- WE USED EVERYTHING AVAILABLE IN OUR MEANS. UH --
15 WHEN IT FIRST STARTED OFF, WE WAS MAINLY IN VEHICLES AND
16 SEARCHED SOME OF THE REMODES (PHONETIC/SIC) -- THE ROADS AND
17 SOME OF THE REMOTE LOCATIONS IN THE COUNTY.

18 UH -- WHEN IT -- AS THE -- AS IT PROGRESSED FURTHER, WE
19 ACTUALLY USED, UH -- WELL, WE WAS ON -- HAD PEOPLE ON FOOT,
20 WE HAD PEOPLE ON, UH, A-T-V'S -- ALL TERRAIN VEHICLES.

21 UH -- I BELIEVE WE USED HELICOPTER. UH -- AND A -- AND
22 A COUPLE OF OCCASIONS WE USED DOGS. AND, UH, ANY -- ANY
23 AVAILABLE RESOURCE.

24 TO THE BEST OF MY KNOWLEDGE, THAT WAS ALL WE USED DURING
25 THIS.

1 Q OKAY. AND THAT -- DID THAT SEARCH TAKE PLACE ONLY IN
2 ALLENDALE COUNTY, OR WAS IT SPREAD OUTSIDE OF ALLENDALE
3 COUNTY?

4 A UH -- ONLY IN ALLENDALE COUNTY.

5 Q DID YOU EVER REQUEST ANY HELP FROM SLED?

6 A YES, WE DID.

7 Q OKAY. WHAT WAS THE -- WHAT ANSWER DID YOU GET?

8 A UH -- THEY SENT A SPECIAL AGENT DOWN; SPECIAL AGENT
9 JOHNSON----

10 Q OKAY.

11 A ---FROM SLED, UH, CAME DOWN TO ASSIST IN THE
12 INVESTIGATION THAT DAY.

13 Q AND HOW DID SLED ASSIST IN -- HOW DID THEY ASSIST IN
14 THAT INVESTIGATION?

15 A UH -- JUST HELPED WITH THE INVESTIGATION PART OF IT, AS
16 FAR AS, UH, HELPING TO OBTAIN SOME RESOURCES, UH, AS FAR AS
17 THE HELICOPTER. ANY OTHER THING THAT WAS OUT OF OUR HANDS
18 THAT -- THAT WE DID NOT HAVE ACCESS TO.

19 AND, TO HELP INTERVIEW PEOPLE AND TALK TO PEOPLE THAT
20 WOULD HAVE BEEN WITNESSES OR ANYTHING OF THAT NATURE DURING
21 THIS.

22 Q DID YOU, YOURSELF, GO OUT WITH IT -- ANY OF THE SEARCH
23 EFFORTS?

24 A YES, I DID.

25 Q OKAY; LET'S MOVE ON FROM THE SEARCH. WHAT WAS YOUR

1 LATER INVOLVEMENT IN THE CASE? WELL, DID YOU HAVE ANY OTHER
2 INVOLVEMENT OUTSIDE OF THE SEARCH EFFORTS?

3 A UH -- JUST, UH -- THE ONLY OTHER, UH, INVOLVEMENT I
4 REALLY HAD WAS I TYPED UP A SEARCH WARRANT FOR SPECIAL AGENT
5 JOHNSON.

6 Q OKAY, A SEARCH WARRANT FOR WHAT?

7 A UH -- FOR, UM, THE VEHICLE.

8 Q WHO -- WHAT -- WHAT VEHICLE?

9 A UH -- MR. MANER'S VEHICLE THAT HE WAS DRIVING AT THE
10 TIME THAT WE GOT THIS REPORT.

11 Q HAD YOU EVER SEEN THAT VEHICLE?

12 A NOT BEFORE WE GOT THE SEARCH WARRANT, NO.

13 Q DID YOU EXECUTE THAT SEARCH WARRANT?

14 A NO, I DID NOT.

15 Q (AFTER PAUSE) DO YOU KNOW ANY OF THE DEFENDANT'S FAMILY?

16 A THE DEFENDANT'S FAMILY?

17 Q UH-HUH.

18 A UH -- NOT BEFORE THIS INVESTIGATION, NO.

19 Q BUT ONCE THE INVESTIGATION STARTED, DID YOU -- DID YOU
20 KNOW ANY OF HIS FAMILY AFTER THE INVESTIGATION STARTED?

21 A YES, I DID; I KNEW HIM AND HIS, UH, BROTHER.

22 Q OKAY. WHAT -- DO YOU KNOW WHICH BROTHER?

23 A UH -- NO, I -- I DON'T REMEMBER HIS NAME RIGHT NOW; I
24 HAVE IT IN MY NOTES.

25 Q HOW -- HOW DID YOU KNOW HIS BROTHER?

1 A UH -- HE COME (SIC) UP, UH, DURING SOME CONVERSATIONS
2 THAT I HAD WITH SPECIAL AGENT JOHNSON, UM, AND LIEUTENANT
3 BEARDS I BELIEVE IT WAS BEFORE.

4 UH -- HE -- HE WAS DOWN, UH -- IT WAS KIND-A NOTICEABLE,
5 BECAUSE DURING THE MEANTIME, PASSING BY WHERE MR. MANER
6 LIVED, HE WAS DRIVING AN OLDER MODEL FOUR-DOOR CAR AND IT HAD
7 NEVADA PLATES ON IT.

8 UH -- HE CAME DOWN SHORTLY AFTER THIS INVESTIGATION
9 STARTED.

10 Q UM -- DID YOU SAY HE HAD NEVADA PLATES ON IT?

11 A NEVADA PLATES ON THE CAR---

12 Q OKAY, GO AHEAD.

13 A ---YEAH. UH -- SO THE CAR, UH -- YOU KNOW, A SMALL TOWN.
14 LIKE THIS, AND WE'RE LOOKING AND USED TO SEEING
15 SOUTH CAROLINA PLATES -- MAYBE SOME GEORGIA PLATES. AND, OF
16 COURSE, OUT OF STATE PLATES WITH JUST A CAR THAT STAYED AND
17 REMAINED IN THE AREA THAT HAD NEVADA PLATES ON IT, IT -- IT
18 JUST STOOD OUT.

19 Q OKAY. DID YOU EVER HAVE ANY CONTACT WITH THAT VEHICLE
20 OR ITS DRIVER?

21 A YES, I DID. UH -- ABOUT A YEAR LATER -- THIS WAS AFTER
22 I LEFT THE SHERIFF'S DEPARTMENT AND WENT TO THE POLICE
23 DEPARTMENT -- UH, WE WAS OUT FOR AN EXERCISE AT THE POLICE
24 DEPARTMENT ONE MORNING, AND WE STOPPED AND WAS OUTSIDE
25 TALKING. AND, HE PAST BY IN HIS VEHICLE.

1 UM -- I FOLLOWED HIM DOWN FLAT STREET FROM WHERE THE
2 POLICE DEPARTMENT WAS, CROSSED OVER THREE-0-ONE, UH, KEPT
3 GOING ON FLAT STREET, UH, WEST. MADE A TURN, AND STOPPED HIM
4 ON MEMORIAL AVENUE JUST PAST THE RED LIGHT AT THE POST
5 OFFICE.

6 THE INTENT OF THE STOP WAS BECAUSE I HAD KNOWN, AS
7 WORKING WITH THIS -- AS, UH, STARTING TO WORK THIS
8 INVESTIGATION WHEN I WAS WITH THE SHERIFF'S OFFICE, THAT HE
9 WAS IN TOWN AND HIS VEHICLE REMAINED IN TOWN.

10 AND, SOUTH CAROLINA LAW STATES THAT ANY TIME YOU
11 TRANSFER OR MOVE YOUR RESIDENCY, OKAY, YOU HAVE THIRTY DAYS
12 TO OBTAIN YOUR SOUTH CAROLINA DRIVER'S LICENSE AND STOP --
13 GETTING A SOUTH CAROLINA PLATE FOR YOUR VEHICLE.

14 SO, I STOPPED HIM AND INQUIRED TO FIND OUT WHY HE'S NOT
15 GOT A SOUTH CAROLINA PLATE ON HIS VEHICLE AT THAT POINT.

16 Q OKAY; AND CAN YOU TELL THE COURT WHAT TRANSPIRED IN THAT
17 STOP?

18 A UH -- YES. UH -- DURING THE STOP, I FOUND OUT, UH,
19 AFTER RUNNING HIS LICENSE PLATE THROUGH DISPATCH AS WE DO ON
20 ANY STOP THAT WE MAKE, UH, THE PLATE CAME BACK SUSPENDED FROM
21 NEVADA.

22 UH -- SO WE TOOK THE PLATE OFF OF THE VEHICLE. UH -- HE
23 DID NOT HAVE A SOUTH CAROLINA DRIVER'S LICENSE, AND HE WAS
24 INFORMED THAT, UH, YOU ONLY HAVE SO MANY DAYS TO GET A
25 SOUTH CAROLINA DRIVER'S LICENSE OR SOME TYPE OF I-D FROM

1 SOUTH CAROLINA IF HE WAS GONNA REMAIN IN SOUTH CAROLINA.

2 UH -- HE STATED THAT HE WAS FROM NEVADA, HE WAS GOING
3 BACK AND FORTH---

4 MR. GIPSON: OBJECTION TO THE HEARSAY.

5 THE COURT: I'LL SUSTAIN THE OBJECTION.

6 Q CAN -- CAN YOU NOT GO INTO ANYTHING THAT, UH -- THAT HE
7 TOLD YOU AND JUST TELL ME WHAT -- WHAT YOU DID AS A---

8 A YES, SURE.

9 Q ---AS A RESULT?

10 A I'D RUN HIS LICENSE. I CALLED ANOTHER, UH, LAW
11 ENFORCEMENT OFFICER OUT THERE -- ONE OF THE PATROLMEN THAT
12 WAS WORKING -- AND WE WROTE HIM A TICKET FOR HAVING A
13 SUSPENDED LICENSE.

14 Q OKAY; AND DID YOU HAVE AN OCCASION TO SPEAK WITH THE
15 DRIVER WHEN YOU MADE THIS STOP?

16 A YES, I DID.

17 Q AND DID YOU NOTICE ANYTHING ABOUT THE CAR THAT STOOD OUT
18 TO YOU?

19 A IT WAS MISSING THE BACK SEAT.

20 Q OKAY; AND DID YOU ASK THE -- THE -- THE DRIVER OF THE
21 CAR ABOUT THE BACK SEAT?

22 A YES, I DID; HE STATED THAT IT WAS---

23 Q NO, DON'T GET INTO ANYTHING THAT HE -- THAT HE -- HE
24 STATED. JUST TELL ME WHAT YOU DID AS A RESULT.

25 A YES; I ASKED HIM ABOUT THE BACK SEAT AND, UH, ASKED HIM

1 FOR A CONSENT TO SEARCH THE VEHICLE.

2 Q AND DID YOU SEARCH THE VEHICLE?

3 A I SEARCHED THE INSIDE OF THE VEHICLE, YES.

4 Q DID YOU ATTEMPT TO SEARCH ANY OTHER PORTION OF THE
5 VEHICLE?

6 A I ATTEMPTED TO SEARCH THE TRUNK.

7 Q AND DID YOU COMPLETE THAT?

8 A NO, I DID NOT.

9 Q (AFTER PAUSE) DID YOU EVER GO TO COURT REGARDING THAT
10 TICKET?

11 A YES, I DID.

12 Q CAN YOU TELL ME WHAT HAPPENED IN COURT?

13 A UH -- THE -- DURING THE COURT HE PLEAD NOT GUILTY.

14 UH -- THE JUDGE ASKED FOR OUR TESTIMONY CONCERNING THIS---

15 MR. GIPSON: YOUR HONOR, JUST AS TO RELEVANCE---

16 THE COURT: SUSTAIN, UH---

17 MR. GIPSON: ---AND HEARSAY.

18 THE COURT: ---SUSTAINED ON BOTH GROUNDS.

19 Q I'M -- I'M SORRY, CAN YOU TELL -- CAN YOU TELL ME WHAT
20 YOU DID IN -- IN COURT? CAN YOU TELL ME, WITHOUT TELLING --
21 WITHOUT TELLING THE JURY WHAT SOMEONE ELSE SAID, WHAT
22 HAPPENED IN COURT?

23 MR. GIPSON: I WOULD STILL OBJECT, YOUR HONOR. IT --
24 IT'S NOT A HEARSAY, BUT JUST TO RELEVANCE.

25 THE COURT: I -- I'LL SUSTAIN.

1 MS. ARMSTRONG: YOUR HONOR, MAY I APPROACH?

2 THE COURT: I'LL BE GLAD TO HEAR FROM YOU.

3 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A BENCH
4 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
5 HEARING OF THE JURY, OFF THE RECORD.)

6 (WHEREUPON, COURT RESUMED.)

7 Q INVESTIGATOR HUTTO, DID YOU AT ANY POINT, UM -- DO YOU
8 KNOW WHAT HAPPENED TO THE VEHICLE?

9 A YES, I DO.

10 Q CAN YOU TELL THE COURT WHAT HAPPENED?

11 A EXCUSE ME -- IT WAS, UH, TAKEN TO A -- A RECYCLING PLACE
12 HERE IN ALLENDALE -- NEWELL RECYCLING -- AND CRUSHED.

13 Q CRUSHED?

14 A IT WAS TAKEN THERE AND TRANSPORTED TO A DEALER --
15 ANOTHER RECYCLING CENTER IN COLUMBIA. I BELIEVE IT WAS
16 CRUSHED THERE.

17 Q OKAY, DO YOU KNOW WHEN THAT HAPPENED?

18 A I BELIEVE IT WAS THREE DAYS BEFORE COURT.

19 Q THREE DAYS BEFORE COURT?

20 A IF I'M NOT MISTAKEN, YES. IT'S LISTED ON A, UH, EMAIL
21 THAT I'VE SENT TO SPECIAL AGENT JOHNSON.

22 Q SO THE VEHICLE WAS DESTROYED IS WHAT YOU'RE SAYING?

23 A YES, IT WAS.

24 Q HAD YOU SEEN THE OWNER OF THAT VEHICLE DRIVING IT PRIOR
25 TO GOING TO COURT THAT DAY?

1 A YES.

2 Q AND WAS IT IN WORKING CONDITION?

3 A YES, IT WAS.

4 Q DID YOU SPEAK TO THE DRIVER OF THAT VEHICLE REGARDING
5 THIS INCI- -- THIS INCIDENT?

6 A YES, I DID.

7 Q AND WHAT WAS THE DRIVER'S DEMEANOR?

8 A UH -- FIRST HE WAS CALM, AND THEN HE STARTED GETTING
9 NERVOUS TOWARDS THE END.

10 Q AND DO YOU REMEMBER THAT DRIVER'S NAME?

11 A NO, I DON'T REMEMBER IT RIGHT OFF HAND. IT WAS -- IT'S
12 BEEN A WHILE, BUT IT'S IN MY NOTES THERE.

13 Q OKAY; YOU ONLY REMEMBER THAT IT WAS THE DEFENDANT'S
14 BROTHER?

15 A YES, I DO.

16 Q OKAY, I'M ALMOST THROUGH.

17 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
18 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
19 HEARING OF THE JURY, OFF THE RECORD.)

20 (WHEREUPON, COURT RESUMED.)

21 Q DO YOU HAVE YOUR NOTES REGARDING, UH, THIS -- THIS
22 TRAFFIC STOP THAT YOU WERE SPEAKING OF?

23 A YES, I DO. I DON'T HAVE 'EM WITH ME; THEY'RE IN HERE.

24 Q AND IF YOU REVIEW THOSE NOTES, WOULD YOU BE ABLE TO
25 GIVE---

1 A ABSOLUTELY.

2 Q ---THE COURT THE NAME OF THE...

3 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
4 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
5 HEARING OF THE JURY, OFF THE RECORD.)

6 (WHEREUPON, COURT RESUMED.)

7 Q NO FURTHER QUESTIONS; THANK YOU.

8 A OKAY.

9 THE COURT: CROSS-EXAMINATION? WE'LL, UH, ADDRESS THE
10 MATTER OF LAW AT THE CONCLUSION OF CROSS-EXAMINATION---

11 MR. GIPSON: THANK YOU, YOUR HONOR.

12 THE COURT: ---AND REDIRECT.

13 JAMES DONNY DEAN HUTTO, JR., CROSS-EXAMINATION BY MR. GIPSON:

14 Q (AFTER PAUSE) GOOD AFTERNOON, AGENT HUTTO.

15 A GOOD AFTERNOON, SIR.

16 Q NOW, WE'VE SPOKEN JUST KIND-A BRIEFLY IN ADVANCE---

17 A YES, SIR.

18 Q ---OF COURT? AND, UH, JUST -- (AFTER PAUSE) I GUESS
19 JUST A BRIEF RECOLLECTION NOW.

20 YOU SAID THAT, UH, ESSENTIALLY, YOU DO HAVE SOME HISTORY
21 IN LAW ENFORCEMENT; CORRECT?

22 A YES, SIR.

23 Q AND, ESSENTIALLY, YOU, UH, ATTENDED THE CRIMINAL JUSTICE
24 ACADEMY; CORRECT?

25 A YES, SIR.

1 Q NOW, DID YOU JUST HAVE TO DO THAT ONCE SINCE YOU HAD
2 THOSE, WHAT, SIX OR SOME ODD YEARS WITH THE COAST GUARD?

3 UH -- I'M SURE YOU HAD SOME ADDITIONAL TRAINING IN THE
4 COAST -- PREVIOUS TRAINING BEFORE YOU CAME TO SOUTH CAROLINA?

5 A YES, I DID. I WENT THROUGH THE MARITIME LAW ENFORCEMENT
6 ACADEMY IN 1994.

7 Q SO HOW LONG IS THAT?

8 A UH -- ABOUT THE SAME AS THE SOUTH CAROLINA ACADEMY,
9 ABOUT EIGHT TO NINE WEEKS.

10 Q OKAY, SO, UH -- SO THAT WAS AROUND 1994, IS THAT
11 CORRECT?

12 A YES, SIR.

13 Q AND THEN FROM THERE YOU WENT ON TO, UH -- I THINK YOU
14 SAID 1997 YOU DECIDED TO COME ON WITH THE SOUTH CAROLINA
15 PORTION, UH -- I GUESS CIVILIAN LIFE, CORRECT?

16 A YES, SIR.

17 Q AND, UH -- AND IN DOING THAT YOU, UH, BECAME A POLICE
18 OFFICER OR A SHERIFF'S DEPUTY, I -- I -- I PRESUME HERE IN
19 ALLENDALE COUNTY, CORRECT?

20 A YES, SIR.

21 Q AND DID YOU HAVE TO GO BACK TO THE CRIMINAL JUSTICE
22 ACADEMY?

23 A BACK TO THE CRIMINAL JUSTICE ACADEMY?

24 Q OR, DID YOU HAVE TO GO THROUGH THE CRIMINAL JUSTICE
25 ACADEMY HERE?

1 A FOR SOUTH CAROLINA?

2 Q YES, SIR.

3 A YES, SIR.

4 Q ALL RIGHT. SO, ESSENTIALLY, YOU HAD SOMETHING BETWEEN
5 EIGHTEEN AND TWENTY WEEKS OF TRAINING THAT YOU HAD TO GO
6 THROUGH IN ORDER TO, UH -- OR, THAT YOU'VE GONE THROUGH,
7 UH -- UH, THAT -- UM, INCLUDING THE MARITIME LAW ENFORCEMENT
8 AND THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY?

9 A IT WOULD HAVE BEEN SIXTEEN WEEKS WITH THE ACADEMIES PUT
10 TOGETHER. BUT, UH, ONGOING TRAINING---

11 Q OKAY.

12 A ---DURING THE PROCESS; YES, SIR.

13 Q A WHOLE BUNCH OF TRAINING BASICALLY?

14 A YES, SIR.

15 Q AND, UH -- AND AT THE CRIMINAL JUSTICE ACADEMY,
16 ESSENTIALLY WHAT YOU'RE LEARNING IS KIND OF SOME OF THE
17 FUNDAMENTALS OF BECOMING A GOOD POLICE OFFICER; CORRECT?

18 A YES, SIR.

19 Q AND THEY TEACH YOU, UH -- YOU KNOW, ESSENTIALLY THE
20 BASICS? THEY TEACH YOU ABOUT TRAFFIC STOPS, THEY TEACH YOU
21 ABOUT -- THAT'S CORRECT, TRAFFIC STOPS---

22 A RIGHT.

23 Q ---WRITING, UH, INCIDENT REPORTS -- SOMEWHAT?

24 A THAT'S CORRECT---

25 Q OKAY, HOW TO---

1 A ---THEY TOUCH ON IT BRIEFLY; YES, SIR.

2 Q ---AND HOW TO HANDLE YOUR, UH -- UH, FOLKS THAT YOU'RE
3 ARRESTING? UH -- THEY TEACH YOU A LITTLE BIT ABOUT THE LAW,
4 CORRECT?

5 A YES, SIR.

6 Q THEY TEACH YOU ABOUT SEARCH WARRANTS -- A LITTLE BIT?

7 A YES, SIR.

8 Q AND -- AND THEN THEY JUST KIND OF GIVE YOU THIS
9 SMATTERING OF A LOT OF STUFF SO THAT YOU CAN HAVE A GENERAL
10 IDEA OF WHAT HAS TO HAPPEN IN ORDER TO BE AN EFFECTIVE LAW
11 ENFORCEMENT AGENT, CORRECT?

12 A RIGHT.

13 Q AND, UH -- AND, ESSENTIALLY, YOU'VE DONE THAT TWICE?

14 A YES, SIR.

15 Q SO YOU'VE HAD, UH, TWICE AS MUCH TRAINING AS MOST
16 PEOPLE?

17 A SOMEWHAT---

18 Q ALL RIGHT.

19 A ---I WOULDN'T SAY THAT.

20 Q UM -- AND YOU'VE GONE TO SCHOOL SINCE THAT TIME, RIGHT?

21 A YES, SIR.

22 Q AND YOU'VE HAD VARIOUS AND SUNDRY DIFFERENT TYPES OF
23 COURSES THAT TEACH ABOUT LAW ENFORCEMENT, UH, AND -- AND --
24 AND -- AND JUST KIND OF DEALING WITH IT MORE SPECIALIZED;
25 CORRECT?

1 A YES, SIR; THAT'S CORRECT.

2 Q AND ESPECIALLY BECAUSE NOW YOU'RE A DETECTIVE, YOU'VE --
3 YOU'VE SEEN A LOT MORE, YOU'VE DONE A LOT MORE, BUT YOU'VE
4 ALSO LEARNED A LOT MORE; CORRECT?

5 A YES, SIR.

6 Q AND ONE OF THE THINGS YOU LEARNED IS, UH, YOU'RE --
7 YOU'RE TAUGHT A LITTLE BIT -- OR, YOU'RE TAUGHT A LITTLE BIT
8 ABOUT PRESERVING THE CRIME -- QUOTE/UNQUOTE -- CRIME SCENES
9 OR -- OR EVIDENCE OR THINGS OF THAT NATURE; RIGHT?

10 A YES, SIR.

11 Q AND, UH, YOU WERE TAUGHT, UH, HOW TO, UH, TAKE YOUR
12 NOTES AND MAKE SURE THAT YOU'RE DOING THING
13 CONTEMPORANEOUSLY -- OR, AT THE SAME TIME AS THEY OCCUR;
14 RIGHT?

15 A RIGHT---

16 Q AND YOU DID---

17 A ---AS BEST YOU CAN.

18 Q ---DID THE BEST YOU CAN. 'CAUSE SOMETIMES, WHEN THINGS
19 HAPPEN, YOU JUST CAN'T DO IT ALL RIGHT THEN AND THERE?

20 A THAT'S CORRECT; IT'S AN IMPOSSIBILITY.

21 Q AND THERE -- WE ALL MAKE -- WE -- WE ALL, YOU KNOW, FAIL
22 HERE OR THERE OR MAKE MISTAKES IN DIFFERENT AREAS?

23 A YES, SIR.

24 Q BUT DO THE BEST YOU CAN. UH -- IT'S ONE OF THE -- ONE
25 OF THE THINGS YOU'RE TAUGHT, YOU WANT TO WRITE THESE THINGS

1 DOWN SO THERE'LL BE A RECORD?

2 A YES, SIR.

3 Q AND YOU WANT THERE TO BE A RECORD OF IT JUST IN CASE YOU
4 COME TO COURT LIKE A DAY LIKE TODAY? UM -- YOU -- YOU CAN
5 REFER TO THOSE RECORDS AND -- AND -- AND GIVE A MORE ACCURATE
6 REPRESENTATION OF WHAT HAPPENED; CORRECT?

7 A RIGHT.

8 Q AND YOU DID THAT IN THIS CASE, IN A LOT OF AREAS, DIDN'T
9 YOU?

10 A YES, SIR.

11 Q AND -- AND -- AND ONE OF THE THINGS -- OR, THAT -- THAT
12 YOU WERE CALLED UPON TO DO HERE WAS, UM, INVESTIGATE THE
13 BEGINNINGS OF A MISSING PERSON CASE WITH ERICA BRADLEY;
14 CORRECT?

15 A THAT'S CORRECT.

16 Q NOW, HOW MANY PEOPLE WERE YOU IN CHARGE OF INITIALLY
17 WHEN YOU BEGAN THE INVESTIGATION?

18 A UH -- THERE -- THAT FIRST DAY, THERE WAS PROBABLY MAYBE
19 TEN PEOPLE.

20 Q OKAY, AND WERE THOSE TEN PEOPLE MEMBERS OF THE
21 ALLENDALE -- ALLENDALE COUNTY SHERIFF'S DEPARTMENT?

22 A IT WAS ALLENDALE COUNTY SHERIFF'S OFFICE AND, UH,
23 VOLUNTEER FIREFIGHTERS.

24 Q OKAY, AND VOLUNTEER FIREFIGHTERS. AND THEIR INITIAL JOB
25 WAS, AS YOU SAY, KIND OF FOOT PATROLLING, DROVE AROUND, AND

1 JUST TO TRY TO SEE WHAT YOU COULD SEE; CORRECT?

2 A THAT'S CORRECT; YES, SIR.

3 Q ALL RIGHT. NOW, IN DOING THAT WITH THOSE TEN OR SO
4 VOLUNTEERS, YOU FOUND NOTHING; CORRECT?

5 A THAT'S RIGHT.

6 Q OKAY, AND YOU MADE RECORDS OF THAT SO THAT YOU COULD
7 KNOW THAT THERE WAS -- NOTHING WAS FOUND. AND YOU HAD PUT
8 OUT A GOOD BIT OF EFFORT AT THE BEGINNING OF THIS CASE;
9 CORRECT?

10 A YES, SIR.

11 Q AND THAT WAS WITHIN SOME, UH, SEVENTY-TWO HOURS OR SO
12 OF -- OF -- OF -- OF THE LAST TIME THAT MS. BRADLEY WAS SEEN;
13 CORRECT?

14 A THAT'S CORRECT.

15 Q ALL RIGHT. NOW, AFTER YOU DID THAT, YOU INVOLVED THE
16 SOUTH CAROLINA LAW ENFORCEMENT DIVISION; CORRECT?

17 A THAT'S RIGHT.

18 Q AND ESSENTIALLY, SLED, AS WE CALL THAT -- CALL IT -- IS
19 KIND OF THE F-B-I IN SOUTH CAROLINA; CORRECT?

20 A WELL, THEY HAVE MORE RESOURCES; YES---

21 Q AND THEY---

22 A ---OBVIOUSLY THAN WE DO.

23 Q ---A LOT MORE RESOURCES, A LOT MORE MONEY?

24 A THAT'S RIGHT.

25 Q AND THEY HAVE ALL THIS OTHER KIND-A C-S-I STUFF THAT --

1 THAT SMALLER SHERIFF'S DEPARTMENTS AND SMALLER COUNTIES CAN'T
2 NECESSARILY AFFORD; RIGHT?

3 A THAT'S RIGHT.

4 Q SO THEY HAVE THESE HELICOPTERS THAT HAVE THIS INFRARED
5 SCANNING HEAT-SEEKING STUFF ON IT, RIGHT?

6 A CLEAR -- YES, SIR.

7 Q SO -- SO -- SO YOU CAN USE THOSE HELICOPTERS TO RIDE
8 AROUND THESE RADIUS -- THE RADIUS OF THE DIFFERENT COUNTIES
9 AND LOOK FOR PEOPLE AND LOOK FOR THINGS, RIGHT?

10 A YES, SIR.

11 Q AND THAT'S ONE OF THE THINGS THAT WAS DONE HERE, RIGHT?

12 A YES, SIR.

13 Q AND THROUGH SLED AND THROUGH SOME OF THE OTHER SHERIFF'S
14 DEPARTMENTS THAT WERE AROUND, YOU WERE ABLE TO ALSO GET
15 A-HOLD OF WHAT ARE CALLED CADAVER DOGS; RIGHT?

16 A YES, SIR; THAT'S CORRECT.

17 Q CAN YOU EXPLAIN TO THE JURY WHAT A CADAVER DOG IS?

18 A UH -- JUST WHAT I KNOW. I'M NOT CERTIFIED TO RUN A
19 CADAVER DOG, BUT A CADAVER DOG PICKS UP THE SCENT OF, UH,
20 HUMAN REMAINS.

21 UH -- WHEN THE BODY DECOMPOSES, IT GIVES OFF CERTAIN
22 GASES, AND THOSE DOGS ARE TRAINED TO PICK UP ON THOSE GASES.

23 Q AND THEN -- AND -- AND -- AND AT THE RISK OF SOUNDING
24 IGNORANT -- WHICH I DO ALL THE TIME -- DOGS HAVE A BETTER
25 SENSE OF SMELL THAN WE DO, CORRECT?

1 A ABSOLUTELY, YES.

2 Q SO THESE DOGS ARE HIGHLY TRAINED TO HONE IN ON THINGS
3 THAT WE COULD NEVER PICK UP?

4 A YES, SIR.

5 Q AND SO YOU-ALL GOT A-HOLD OF SOME CADAVER DOGS, AND YOU
6 USED THEM IN THIS CASE AS WELL?

7 A YES, SIR.

8 Q OKAY. NOW, LET'S START FROM SQUARE ONE. WELL, YOU --
9 WE TALKED ABOUT TEAM ADAM AS WELL; CORRECT?

10 A YES, SIR.

11 Q NOW, TELL ME WHAT TEAM ADAM DOES AND WHO THEY ARE. I --
12 I -- I BELIEVE YOU SAID THEY CAME FROM THE CENTER OF MISSING
13 AND EXPLOITED CHILDREN, IS THAT CORRECT?

14 A YES, THAT'S CORRECT. THE NATIONAL CENTER FOR MISSING
15 AND EXPLOITED CHILDREN. UH -- THEY'RE A TEAM THAT ASSISTS
16 LOCAL AGENCIES WITH, UH, SEARCHING FOR MISSING PERSONS.
17 UH -- PARTICULARLY UNDER EIGHTEEN YEARS OLD.

18 Q AND THESE ARE EXPERTS, RIGHT?

19 A YES, SIR.

20 Q AND THESE ARE SOME FOLKS THAT CAME OUT OF VIRGINIA WHO
21 SHERIFF CARTER, UH, MET AT THE -- AT A SEMINAR HE WENT TO,
22 AND YOU-ALL INVOLVED THEM IN THIS CASE AS WELL?

23 A YES, THAT'S CORRECT.

24 Q SO THESE EXPERTS CAME DOWN FROM VIRGINIA AND CAME SO
25 THEY COULD KIND-A INSTRUCT YOU ON A BETTER WAY TO CONDUCT THE

1 SEARCH TO MAKE SURE THAT YOU DIDN'T LEAVE A STONE UNTURNED,
2 CORRECT?

3 A YES, SIR.

4 Q OKAY; AND -- AND THEY EVEN PROVIDED THESE DOCUMENTS SO
5 THAT YOU COULD TRACK IT AND TO MAKE SURE THAT YOU-ALL DID
6 EVERYTHING -- DOTTED EVERY 'I' AND CROSSED EVERY 'T' --
7 CORRECT?

8 A IT -- IT WAS A RECOMMENDATION THAT WE USED IT; IT WASN'T
9 A REQUIREMENT.

10 Q OKAY, BUT -- AND -- AND YOU SAID IT WAS A
11 RECOMMENDATION, AND -- AND -- AND AT A MINIMUM -- GOOD LAW
12 ENFORCEMENT OFFICER THAT YOU ARE -- YOU FOLLOWED THEIR
13 RECOMMENDATION; CORRECT?

14 A YES, SIR.

15 Q BECAUSE THIS WAS THEIR EXPERTISE, NOT NECESSARILY YOURS?

16 A RIGHT.

17 Q AND SO, BECAUSE YOU FOLLOWED THEIR RECOMMENDATION AND
18 USED THEIR FORMS, YOU FELT LIKE YOU WERE DOING ALL OF THE
19 THINGS YOU NEEDED TO DO TO MAKE SURE THAT YOU WERE DOING AN
20 EFFECTIVE JOB OF INVESTIGATING THIS CASE; RIGHT?

21 A YES, SIR; THAT'S CORRECT.

22 Q AND -- AND YOU WERE MAKING SURE THAT YOU WERE EFFECTIVE,
23 BECAUSE NUMBER ONE, YOU'RE EFFECTIVE WITH ALLENDALE COUNTY
24 SHERIFF'S DEPARTMENT; CORRECT?

25 A YES, SIR.

1 Q AND TWO, EVEN THOUGH OTHER AGENCIES WERE INVOLVED, TO
2 SOME EXTENT, THE BUCK WOULD STOP WITH YOU BECAUSE YOU WERE A
3 DETECTIVE WHO WAS DOING SOME INVESTIGATION ON THIS CASE;
4 RIGHT?

5 A AT THE TIME, UNTIL SLED WAS INVOLVED.

6 Q ALL RIGHT.

7 A YES, SIR.

8 Q SO NOW, BACK TO TEAM ADAM. WHEN THESE EXPERTS FROM
9 VIRGINIA, KNOWN AS TEAM ADAM, CAME DOWN, UH, TELL US EXACTLY
10 WHAT THEY HELPED YOU DO, HOW THEY LEAD YOU THROUGH THE SCENE,
11 AND WHAT THEY DID.

12 A UH -- WELL, WHAT THEY RECOMMENDED WAS THAT WE TAKE THE
13 LAST KNOWN, UH, POSITION WHERE WE THOUGHT THAT SHE HAD -- SHE
14 MAYBE WAS. UH -- WHERE WE WAS TOLD THAT SHE GOT OUT OF THE
15 VEHICLE.

16 AND, UH, WE TRIED TO COVER ABOUT A -- A -- ANYWHERE FROM
17 A HALF-A-MILE TO A MILE RADIUS FROM THAT POINT, UM, PRETTY
18 EXTENSIVELY.

19 UH -- AND THAT'S -- THAT'S WHAT WE DONE (SIC). WE
20 HAD -- BUT WE THOUGHT WE HAD DONE THAT INITIALLY, AND THEN
21 WHEN THEY BROUGHT IT BACK UP, WE RECOVERED OUR STEPS JUST TO
22 MAKE SURE WE HAD DONE THAT.

23 Q SO YOU -- SO YOU DID THAT TWICE, ESSENTIALLY?

24 A YES, SIR.

25 Q SO YOU DID IT THE FIRST TIME WITH THOSE TEN OFFICERS

1 AND -- AND, UH -- AND FIRE DEPARTMENT?

2 A WELL, NOT AS -- NOT THAT EXTENSIVE THE FIRST TIME. THAT
3 FIRST TIME WAS MAINLY ON VEHICLES, RIDING AROUND, MAKING SURE
4 THERE WASN'T ANYBODY WALKING OR THAT WE COULD SEE---

5 Q OKAY.

6 A ---OUT IN THE AREA. THE SECOND TIME WAS OUT ACTUALLY
7 WITH THE A-T-V'S---

8 Q UH-HUH.

9 A ---AND OUT ON FOOT.

10 Q OKAY. SO THAT -- AND THAT'S WHAT YOU CALL EXTENSIVE,
11 USING THE A-T-V'S?

12 NOW, HOW MANY A-T-V'S ARE WE TALKING ABOUT?

13 A UH -- I'M NOT SURE; IT SHOULD BE LISTED THERE. THERE
14 WERE SEVERAL A-T-V'S INVOLVED. UH -- SOME FROM, UH, THE
15 VOLUNTEER FIREFIGHTERS. MOST OF 'EM USED THEIR OWN; THEY
16 VOLUNTEERED THEIR OWN A-T-V'S AND DIFFERENT TYPE VEHICLES FOR
17 THIS.

18 Q NOW, I'M GONNA SHOW YOU THESE RECORDS. I THINK THEY'VE
19 BEEN MARKED AS STATE'S EXHIBIT NUMBER EIGHT. AND IT LOOKS
20 LIKE YOU WERE OUT THERE WITH TEAM ADAM FOR ABOUT NINE HOURS.
21 AT LEAST FROM THAT TOTAL; RIGHT?

22 A NOT NECESSARILY OUT ON THE SEARCH; NO, SIR.

23 Q WELL, THEY WERE INVOLVED WITH YOU FOR NINE HOURS?

24 A TEAM ADAM?

25 Q YES, SIR.

1 A THAT WOULD PROBABLY BE ABOUT RIGHT.

2 Q OKAY. AND THEY -- SO YOU TOOK THESE -- AND -- AND --
3 AND -- AND I SAY YOU -- WHEN I SAY YOU, COLLECTIVELY, I MEAN
4 THE GROUP, MEANING TEAM ADAM. JUST YOURSELF AND WHOM --
5 WHOMEVER ELSE.

6 I MEAN, CAN YOU PUT A NUMBER ON THE NUMBER OF PEOPLE
7 THAT WERE WITH YOU FROM TEAM ADAM DURING THIS NINE-HOUR OR SO
8 INTERVAL THAT YOU-ALL WERE---

9 A FROM TEAM ADAM?

10 Q YES, SIR.

11 A IT WAS TWO PEOPLE.

12 Q TWO; AND -- AND WHO ELSE HELPED?

13 A INVOLVED IN THE SEARCH---

14 Q YES, SIR.

15 A ---ITSELF? UH -- VOLUNTEER FIREFIGHTERS AND LAW
16 ENFORCEMENT.

17 Q OKAY, IS THAT THE GROUP OF TEN THAT YOU WERE MENTIONING
18 THERE?

19 A NO; THE GROUP OF TEN WAS THE INITIAL---

20 Q OKAY.

21 A ---SEARCH THAT WE STARTED, AND THAT WAS, UH, MAINLY
22 DEPUTIES FROM THE SHERIFF'S OFFICE.

23 Q OKAY, SO TEN WAS THE FIRST. NOW, SO THE SECOND TIME IT
24 WAS A WHOLE LOT MORE THAN TEN; RIGHT?

25 A YES, SIR; THAT'S CORRECT.

1 Q CAN YOU GIVE US A NUMBER? WAS IT MORE THAN TEN, WAS ONE
2 MORE THAN TWENTY, ONE THIRTY?

3 A IT WAS MORE THAN THIRTY; YES, SIR.

4 Q MORE THAN FORTY?

5 A I -- IT WOULD -- I DON'T THINK IT WAS MORE THAN FORTY AT
6 THAT POINT WHILE I WAS INVOLVED.

7 Q OKAY; BUT IT WAS -- YOU -- SO YOU'D SAY IT -- BETWEEN
8 THIRTY AND FORTY PEOPLE?

9 A YES, THAT'S A GOOD ESTIMATE.

10 Q OKAY. AND FOR MAYBE NINE HOURS, MAYBE SOMEWHERE IN THAT
11 INTERVAL, THOSE SOMEWHAT FORTY PEOPLE, UH, WHO HAD A-T-V'S,
12 RODE ALL AROUND ALLENDALE COUNTY LOOKING FOR, UM -- UH, ERICA
13 AND REMAINS THAT COULD POTENTIALLY BE -- ANY REMAINS -- HUMAN
14 REMAINS; CORRECT?

15 A OR, AT THAT TIME, WE WAS LOOKING FOR A MISSING PERSON---

16 Q OKAY---

17 A ---YES, SIR.

18 Q ---SO YOU WERE LOOKING FOR A MISSING PERSON?

19 A YES, SIR.

20 Q THAT'S -- WHEN -- DID THEY BRING A CADAVER DOG IN THAT
21 DAY TOO?

22 A NO, WE DID NOT.

23 Q OKAY; SO THAT WAS ANOTHER SWEEP THAT WAS DONE AT A LATER
24 TIME?

25 A YES, SIR; THAT'S IN CERTAIN AREAS.

1 Q OKAY; AND YOU FOUND NOTHING THAT IMPLICATED MR. MANER
2 WHEN THEY -- WHEN TEAM ADAM AND THOSE THIRTY INDIVIDUALS
3 SEARCHED ALL AROUND, YOU FOUND NOTHING THAT IMPLICATED
4 MR. MANER AND SUGGESTED THAT HE DID ANYTHING CRIMINAL, DID
5 YOU?

6 A THE -- AS FAR AS THE SEARCH, NO, WE DIDN'T.

7 Q OKAY; I MEAN -- I MEAN -- AND WHEN I SAY -- SO YOU TELL
8 ME YOU DIDN'T FIND ANYTHING THAT IMPLICATED MR. MANER AND
9 SAID HE DID ANYTHING CRIMINAL THE DAY THAT THE ADAM TEAM AND
10 ALL THOSE THIRTY OR SO PEOPLE SWEPT ALLENDALE COUNTY?

11 A NO, WE DIDN'T.

12 Q AND THE TRUTH IS, YOU-ALL WENT EVEN RIGHT BEHIND
13 HIS HOUSE TOO; DIDN'T YOU? I MEAN, ALL RIGHT AROUND THERE.
14 YOU-ALL GO ALL AROUND THERE AT ONE POINT?

15 A AT A LATER POINT WE ENDED UP BEHIND HIS HOUSE, YES.

16 Q OKAY.

17 A NOT ON THE FIRST SEARCH.

18 Q OKAY, NOT ON THE FIRST SEARCH. UM -- NOW, WHEN YOU SAY
19 THE FIRST SEARCH, YOU MEAN THE FIRST SEARCH WITH THE OFFICERS
20 RIDING AROUND OR THE FIRST SEARCH WITH THE ADAM TEAM?

21 A THE FIRST SEARCH WITH THE OFFICERS RIDING AROUND.

22 Q OKAY, SO THE SECOND SEARCH WITH TEAM ADAM, YOU-ALL
23 DIDN'T FIND ANYTHING EITHER; DID YOU?

24 A NO.

25 Q OKAY. ALL RIGHT, SO WE MOVE ON TO TEAM ADAM. WHAT DOES

1 P-L-S MEAN? THERE ON -- ON THIS SECOND PAGE, IT HAS SEARCHED
2 AREA AROUND P-L-S ON ROUTE ONE- ----

3 A POINT LAST SEEN.

4 Q I'M SORRY?

5 A OKAY, POINT LAST SEEN.

6 Q ON WHAT -- OKAY, POINT LAST SEEN. OKAY, AND AT THAT
7 POINT, THE SLED HELICOPTER CAME INTO PLAY; CORRECT?

8 A YES, I BELIEVE SO.

9 Q ALL RIGHT. AND, THEY FLEW AROUND ALLENDALE COUNTY
10 AND -- AND OTH- -- AND ANY OTHER POINTS THAT WERE SUGGESTED
11 TO THEM, AND THIS HELICOPTER WAS EQUIPPED YOU SAY WITH
12 INFRARED TECHNOLOGY?

13 A UH -- IT'S A FLIR SYSTEM.

14 Q OKAY, TELL -- TELL THE JURY WHAT THE FLIR SYSTEM IS.

15 A UH -- I'M NOT THAT FAMILIAR WITH THE FLIER. ONLY
16 THING THAT I KNOW IT DOES IS THAT IT PICKS UP, UH, BODY
17 HEAT. UH -- UH, YOU KNOW, A SUBSTANTIAL AMOUNT OF BODY HEAT.

18 IT WOULD BE ABLE TO PICK UP, UH, BODY HEAT FROM A BODY
19 THAT YOU JUST COULDN'T SEE THAT MIGHT BE UP UNDER SOME BUSH
20 OR SHRUBS OR SOMETHING THAT WOULDN'T JUST BE PROMINENTLY
21 VISIBLE FROM WHERE THEY WAS FLYING.

22 Q AND SO THAT WAS KIND OF THE THIRD EFFORT THAT WAS MADE?
23 OR, AT LEAST THIRD EFFORT THAT WAS, UH---

24 A WELL, IT WOULD HAVE BEEN ALL A PART OF---

25 Q UH-HUH -- THAT WAS IN YOUR---

1 A ---ADAM TEAM -- ADAM COMING IN. IT WAS A CONTINUOUS
2 SEARCH FROM THE TIME WE RECEIVED THE CALL---

3 Q OKAY.

4 A ---UH, THROUGHOUT SEVERAL WEEKS. UH -- IT WAS NOT
5 JUST -- LASTED ONE DAY.

6 Q I UNDERSTAND. AND SO, OUT OF THAT THIRD SEARCH WITH THE
7 HELICOPTER, THE RESULTS THAT SUGGESTED THAT DEREK L. MANER
8 DID ANYTHING CRIMINAL WERE NONE?

9 A RIGHT.

10 Q CORRECT?

11 A THAT'S CORRECT.

12 Q ALL RIGHT. SO AS WE MOVE ON FROM THAT SEARCH, YOU SAY
13 ANOTHER GROUND TEAM CAME THROUGH; RIGHT? I THINK IT SAYS
14 GROUND TEAM TWO.

15 NOW, SO IS THAT A THIRD GROUND TEAM OR THAT'S STILL
16 KIND-A THE SAME ONE THAT WE'RE TALKING ABOUT?

17 A I DON'T -- WHICH PAGE ARE YOU LOOKING AT?

18 Q UH -- I THINK THAT WOULD BE THE FOURTH PAGE, SIR. ON
19 STATE'S EXHIBIT NUMBER EIGHT.

20 A (AFTER REVIEW -- NO RESPONSE.)

21 Q DO YOU HAVE ANY RECOLLECTION OF THAT PARTICULAR GROUND
22 TEAM?

23 A UH -- IT'S LISTED HERE AS ALLENDALE FIRE -- A-F-D -- THE
24 ALLENDALE FIRE DEPARTMENT -- THE VOLUNTEER FIREFIGHTERS.

25 Q OKAY, SO THAT WAS ANOTHER SEARCH THEY DID AS WELL?

1 A WELL, ALL OF THIS SEARCH WAS -- IT WAS AN EXTENSIVE AREA
2 TO COVER, SO YOU HAD TO HAVE----

3 Q UH-HUH.

4 A ----THERE WERE SEVERAL TEAMS OUT ON DIFFERENT SEARCHES.

5 Q OKAY. NOW, WOULD YOU FLIP BACK TO THE PAGE, UH,
6 PREVIOUS TO THAT? I -- I -- I -- I THINK THAT'D BE PAGE
7 THREE OF STATE'S EXHIBIT NUMBER EIGHT.

8 DOWN AT THE BOTTOM IT TELL (SIC) YOU -- THERE -- THERE'S
9 A POINT. I -- I THINK THAT FORM IS S-A-R-ONE-TEN. IT SAYS,
10 TIME ENTERED, TIME EXITED, TIME SPENT. THAT SHOWS
11 SIX-AND-A-HALF HOURS WAS SPENT OUT THERE THAT PARTICULAR
12 DATE, CORRECT?

13 A THAT'S RIGHT.

14 Q BY THIS PARTICULAR GROUP, CORRECT?

15 A THAT'S RIGHT.

16 Q IN THE SUMMARY THERE'S A SPOT WHERE THERE IS A BOX
17 CHECKED THAT SAYS, NOTHING SIGNIFICANT LOCATED; CORRECT?

18 A THAT'S CORRECT.

19 Q ALL RIGHT. NOW, AT ANOTHER POINT, UH, YOU BRING IN THE
20 CADAVER DOGS. OR, A GROUP BRINGS IN THE CADAVER DOGS.

21 CAN YOU TELL US WHO MANNED THOSE DOGS AND HOW THAT
22 PROCESS WORKED?

23 A UH -- BEAUFORT COUNTY SHERIFF'S OFFICE MANNED THOSE
24 DOGS. AND, UH, THAT BASICALLY COME (SIC) FROM THE PONDS.

25 UH -- THERE WAS TWO RATHER LARGE PONDS THERE, AND YOU

1 CAN COVER A LOT MORE GROUND WITH CADAVER DOGS JUST WALKING
2 AROUND THE POND INSTEAD OF SENDING DIVERS DOWN THERE TO COVER
3 THE WHOLE AREA.

4 AND THAT WAS -- THAT -- THOSE PONDS WOULD HAVE BEEN IN
5 OUR -- WITHIN OUR MILE RADIUS THAT WE WANTED TO COVER FROM
6 THE POINT LAST SEEN. SO, WE WANTED TO MAKE SURE WE COVERED
7 THOSE PONDS.

8 Q AND IF YOU'D FLIP A LITTLE BIT FARTHER DOWN? I BELIEVE
9 THAT MAY BE ABOUT THE SEVENTH PAGE? IT SAYS, AGENCY CHECK
10 LIST.

11 (AFTER PAUSE) DO YOU SEE THE PAGE THAT I'M TALKING
12 ABOUT? AND IT HAS SEVERAL NAMES LISTED?

13 A YES, SIR.

14 Q OKAY. UM -- THAT SHOWS SEVEN HOURS SPENT BY THE
15 BEAUFORT COUNTY SHERIFF'S OFFICE, CORRECT?

16 A (REVIEWING DOCUMENT.)

17 Q JODY HEIRS, CADAVER TEAM---

18 A YES, THAT'S CORRECT.

19 Q ---IT'S SEVEN HOURS---

20 A YES, SIR.

21 Q ---WITH MULTIPLE DOGS, OUT THERE SEARCHING?

22 A ONE DOG.

23 Q OKAY. WELL, YOU SAID THAT THEY BROUGHT DOGS. WAS THAT
24 JUST YOUR TERMINOLOGY? OR MAYBE THERE WAS OTHER DOGS?

25 A THERE WAS -- THERE WAS ONE DOG BROUGHT AND SEVERAL --

1 THERE WAS ONE, TWO, THREE -- FOUR DIVERS---

2 Q OKAY.

3 A ---UH, WAS---

4 Q NO, WE'LL GET TO THE DIVERS IN JUST ONE SECOND. BUT --
5 BUT THE DOGS, THOUGH, THERE WAS JUST ONE DOG THAT JUST WENT
6 AROUND THAT AREA ON---

7 A RIGHT, JUST ONE DOG.

8 Q ---ON ONE OCCASION OR MORE THAN ONE OCCASION?

9 A ON JUST THIS OCCASION, I BELIEVE.

10 Q OKAY. NOW, YOU JUST MENTIONED SOMETHING THAT WAS
11 INTERESTING. YOU SAID DIVERS. UM -- EXPLAIN TO THE JURY
12 WHAT YOU MEAN BY DIVERS.

13 A UH -- IT'S, UH, PEOPLE CERTIFIED IN SCUBA GEAR, UH, THAT
14 DIVE IN THE WATER AND TAKE A LOOK AROUND UP UNDER THE -- IN
15 THE PONDS -- WHATEVER WATER YOU RUN ACROSS.

16 Q OKAY; SO YOU GOT THESE SCUBA DIVERS, UM, COME IN -- WET
17 SUITS WITH SELF-CONTAINED UNDERWATER BREATHING APPARATUS AND
18 ALL THIS STUFF -- AND THEY GO AND THEY SWEEP THROUGH THE
19 PONDS IN THE AREA AS WELL; CORRECT?

20 A NO, SIR; THEY -- THEY, UH, DID ONE SWEEP. IT WAS A
21 COLD DAY, AND THEY DECIDED TO BRING THE CADAVER DOG IN.
22 THEY'RE A---

23 Q UH-HUH?

24 A ---A DEPUTY SHERIFF, SO THEY ASSISTED IN THE SEARCH.
25 THEY'RE JUST -- THEY HAVE A COLLATERAL DUTY WITH BEAUFORT

1 COUNTY.

2 Q AND THEY FOUND WHAT?

3 A NOTHING.

4 Q OKAY. AND I SEE THE S-C-D-N-R, SO THAT'S SOUTH CAROLINA
5 DEPARTMENT OF NATURAL RESOURCES. IT SAYS, TWO OF THEM
6 AND TWO OTHER SLED OFFICERS ARE THERE. IT LOOKS LIKE A
7 GEORGE DARNELL AND RICHARD JOHNSON, AND, UH, SOME PEOPLE FROM
8 SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES. AND IT SAY
9 (SIC) WATCHED BY THEM. WHAT DOES THAT -- THAT MEANS JUST
10 WATCH? I'M NOT TRYING TO BE FUNNY WHEN I ASK THAT.

11 A NO, THAT WOULD -- THAT'S JUST REFERENCE TO, UH, THE
12 DIVER WENT INTO THE WATER, THERE WOULD -- SOMEONE WOULD BE UP
13 ON LAND. IN A SMALL POND LIKE THAT, THERE WERE JUST TEN
14 LINES AND TYPICALLY YOU USE ONE DIVER INSTEAD OF TWO.

15 WHERE, IF YOU HAD AN OPEN WATERWAY, UH, YOU WOULD HAVE
16 TO HAVE TWO DIVERS IN THERE. UH -- WHAT THEY CALL THE BUDDY
17 SYSTEM ON THE DIVE TEAM.

18 Q OKAY. NOW, IF YOU PROGRESS -- AND AGAIN, IF YOU'LL LOOK
19 AT THE VERY LAST PAGES -- OR, EXCUSE ME, THE LAST -- VERY
20 LAST PAGE, IN THAT BOX, UH, IT SHOWS -- ON THAT VERY LAST
21 PAGE, I THINK AGAIN, THIS IS THE S-A-R-ONE-TEN REPORT THAT WE
22 SPOKE ABOUT, IT SHOWS THE TIME ENTERED, THE TIME EXITED;
23 CORRECT? IT SHOWS SIX HOURS IS SPENT, CORRECT?

24 A YES, THAT'S RIGHT.

25 Q AND AT THE -- OH, I'M SORRY, I CUT YOU OFF. BUT -- BUT

1 IT DOES SHOW SIX HOURS?

2 A THAT'S CORRECT; YES, SIR.

3 Q AND IN THE SUMMARY THERE'S A CHECKED BOX WHERE IT SAYS,
4 NOTHING SIGNIFICANT LOCATED; CORRECT?

5 A YES, THAT'S RIGHT.

6 Q ALL RIGHT. SO, OUT OF ALL OF THESE EXPERTS AND OUT OF
7 ALL OF THESE PEOPLE WHO SEARCHED FOR HOURS AND HOURS AND
8 HOURS, THE CADAVER, THE MISSING PERSON, IT -- WITH ALL THE
9 DIFFERENT THINGS THAT -- THAT ALL -- THAT YOU COULD BE
10 QUALIFIED TO SEARCH FOR, IN THIS CASE, THERE HAS BEEN NOTHING
11 THAT THESE FOLKS FOUND THAT POINTED TO DEREK MANER'S DOING
12 ANYTHING INCORRECT; DID IT?

13 A NO, SIR; NOT FROM HERE.

14 Q ALL RIGHT. NOW, YOU MENTIONED A FEW MINUTES AGO, UH --
15 OR AT LEAST IN -- I THINK YOU WRAPPED YOUR DIRECT
16 TESTIMONY UP WITH -- WITH MR. PEARSON. YOU TALKED ABOUT A
17 STOP WHICH YOU MADE OF SOMEBODY WHO YOU SAID PURPORTED TO
18 BE DEREK MANER'S BROTHER; CORRECT?

19 A YES, SIR; THAT'S CORRECT.

20 Q OKAY, HOW DO YOU KNOW THAT WAS HIS BROTHER?

21 A HE TOLD ME IT WAS HIS BROTHER.

22 Q OH, THAT'S FAIR ENOUGH. NOW, YOU SAID HE DROVE A LATE
23 MODEL, UH---

24 A FOUR-DOOR VEHICLE.

25 Q ---FOUR-DOOR VEHICLE, ALL RIGHT. AND YOU STOPPED HIM,

1 ESSENTIALLY, FOR HAVING, UH, NOT GOOD TAGS ON -- ON -- ON THE
2 THING -- ON THE CAR?

3 A THAT'S CORRECT.

4 Q AND -- AND -- AND YOUR -- YOUR -- BOTTOM LINE IS, YOU
5 STOPPED HIM?

6 A YES, SIR.

7 Q AND AS A RESULT OF THE STOP, YOU HAD A CONVERSATION WITH
8 HIM; CORRECT?

9 A YES, SIR.

10 Q OKAY; AND YOU SAID YOU NOTICED THAT THE SEAT IN THE BACK
11 SEAT WAS NOT, UH -- WAS NOT THERE; CORRECT?

12 A THAT'S RIGHT.

13 Q DID YOU MAKE ANY EFFORT TO TRY TO DETERMINE WHERE THE
14 SEAT WAS?

15 A YES, SIR; I ASKED HIM WHAT HAPPENED TO THE BACK SEAT.

16 Q OKAY. AND HE TOLD YOU, DIDN'T HE?

17 A YES, SIR; HE DID.

18 Q OKAY. BUT DID YOU MAKE ANY EFFORT TO TRY TO SEE WHERE
19 THE BACK SEAT WAS -- PHYSICALLY TO LOCATE IT?

20 A NO, SIR.

21 Q OKAY.

22 A IT WAS NOT IN THE VEHICLE.

23 Q OKAY. BUT DID YOU MAKE ANY ADDITIONAL EFFORT TO TRY TO
24 LOCATE IT?

25 A NO, SIR.

1 Q NO? NOW, YOU SAID YOU ASKED FOR CONSENT TO SEARCH THE
2 VEHICLE; CORRECT?

3 A YES, SIR.

4 Q THE -- AT LEAST THE -- THE INSIDE OF THE VEHICLE. WHEN
5 HE GAVE YOU THAT, YOU DIDN'T SEE ANYTHING; RIGHT?

6 A THAT'S RIGHT.

7 Q THEN YOU ASKED FOR CONSENT TO SEARCH THE TRUNK, AND HE
8 SAID NO?

9 A NO, HE DIDN'T SAY NO.

10 Q OKAY, WHAT'D HE SAY?

11 A HE SAID THE TRUNK WOULD NOT OPEN.

12 Q OKAY. BUT YOU DIDN'T SEARCH IT?

13 A I DID NOT SEARCH THE TRUNK.

14 Q OKAY. NOW LET ME ASK YOU THIS QUESTION. THIS -- THIS
15 HAPPENED -- OCCURRED, UH, ONE-TWELVE-O-EIGHT; CORRECT?

16 A ONE-TWELVE -- THAT SOUNDS RIGHT.

17 Q OKAY, SO THIS IS, UM, FIFTEEN OR SO MONTHS AFTER THE,
18 UH -- THAT ERICA BRADLEY'S BEEN MISSING; CORRECT?

19 A YES, SIR.

20 Q FIFTEEN OR SO MONTHS, RIGHT?

21 A (NO RESPONSE.)

22 Q SO, AT ANY POINT IN TIME PRIOR TO THAT -- AND -- AND --
23 AND -- AND -- AND DOING THE GOOD POLICE WORK THAT YOU DO --
24 YOU -- YOU TESTIFIED EARLIER THAT YOU DO GET SEARCH WARRANTS,
25 RIGHT?

1 A YES, I DO.

2 Q AT ANY POINT PRIOR TO THAT TIME, DID YOU GO TO
3 JUDGE BROWN OR THE -- THE -- TO THE EXCHANGE OR ANY OF THE
4 MAGISTRATES IN THE AREA AND SAY, I HAVE AN ISSUE HERE THAT I
5 THINK WE NEED TO CHECK INTO? PLEASE, PLEASE GET A WARRANT TO
6 SEARCH THAT CAR?

7 A NO, I DID NOT.

8 Q AND YOU HAVE THE ABILITY TO DO THAT, DON'T YOU?

9 A THAT DEPENDS; WHEN PROBABLE CAUSE EXISTS, YES, SIR.

10 Q OKAY. AND YOU CAN DO THAT, AND YOU'VE DONE IT. I MEAN,
11 YOU'VE BEEN A DETECTIVE FOR A WHILE -- DAYTIME, NIGHTTIME,
12 WEEKENDS, CHRISTMAS, IT DOESN'T MATTER. IF YOU FEEL LIKE
13 THERE'S PROBABLE CAUSE YOU CAN KNOCK ON THE MAGISTRATE'S
14 DOOR -- BECAUSE THERE'S ALWAYS ONE WORKING SOMEWHERE -- AND
15 YOU CAN GET A-HOLD OF A SEARCH WARRANT WITHIN A FEW HOURS?

16 A YES, SIR.

17 Q AND -- AND YOU'VE DONE THAT A -- I'M NOT GONNA SAY A
18 THOUSAND TIMES -- BUT YOU'VE DONE THAT A BUNCH OF TIMES?

19 A YES, SIR.

20 Q OKAY; AND YOU NEVER DID THAT IN THIS CASE, DID YOU?
21 REGARDING THIS INFORMATION, DID YOU?

22 A ON THIS PARTICULAR VEHICLE?

23 Q YES, SIR.

24 A NO, SIR.

25 Q AND -- AND. -- AND, IN FACT, YOU MADE THIS STOP ON THE

1 12TH OF -- OF JANUARY '08. THE COURT DATE WAS SOME FIFTEEN OR
2 SO DAYS LATER, SO YOU HAD PLENTY OF TIME, IF YOU THOUGHT
3 THERE WAS PROBABLE CAUSE, TO GO GET A SEARCH WARRANT; DIDN'T
4 YOU?

5 A YES, SIR.

6 Q AND YOU DIDN'T DO IT?

7 A NO, SIR.

8 Q ALL RIGHT. SO, TO COME INTO COURT TODAY AND TO
9 SUGGEST -- OR, ALLOW TO BE SUGGESTED -- THAT SOMETHING
10 IMPROPER WAS GOING ON, WHEN YOU HAD ALL THE ABILITY AND ALL
11 THE POWERS OF THE STATE TO STEP INTO IT, AND YOU DIDN'T;
12 CORRECT? (SIC)

13 A I'M NOT UNDERSTANDING YOUR QUESTION. JUST---

14 Q DID YOU DO ANYTHING TO---

15 A ---I TRIED TO TAKE CARE OF THAT AT THE TRAFFIC STOP AT
16 THAT TIME.

17 Q OKAY. BUT---

18 A IF I'D HAVE FELT THERE WAS ANYTHING IMPROPER AT THE
19 TRAFFIC STOP, I WOULD HAVE STOPPED AT THAT POINT AND I WOULD
20 HAVE OBTAINED THE SEARCH WARRANT; YES, SIR.

21 Q EXACTLY. IF YOU'D FELT THERE WAS ANYTHING IMPROPER AT
22 THAT TIME, YOU WOULD HAVE OBTAINED A SEARCH WARRANT. AND YOU
23 DIDN'T, CORRECT?

24 A THAT'S RIGHT.

25 Q SO THAT MEANS THAT THERE WAS NOTHING IMPROPER GOING

1 ON---

2 A RIGHT.

3 Q ---AND YOU DIDN'T FEEL THERE WAS ANYTHING IMPROPER,
4 CORRECT?

5 A NOT AT THAT TIME.

6 Q OKAY. NOW, PEOPLE CRUSH CARS ALL THE TIME; DON'T THEY?

7 A YES, SIR.

8 Q AND THERE IS NOTHING AGAINST THE LAW IN CRUSHING A CAR,
9 IS THERE---

10 A IT'S NOT AGAINST THE LAW TO CRUSH A CAR.

11 Q ---IF IT BELONGS TO YOU?

12 A THAT'S RIGHT.

13 Q ARE YOU SUGGESTING THE CAR DIDN'T BELONG TO HIM?

14 A NO, SIR; NOT AT ALL. IT'S REGISTERED TO HIM.

15 Q SO WHAT'S THE PROBLEM?

16 A WHAT'S THE PROBLEM? I HAD NOT -- NOT MANY TIMES, UH, WE
17 RUN INTO NEWELL RECYCLING AND CHECK ON VEHICLES THAT, UH,
18 THEY ACTUALLY DRIVE THE VEHICLE UP TO NEWELL RECYCLING AND
19 JUST SAY THEY DON'T WANT THE CAR ANYMORE. THAT WAS THE FIRST
20 TIME I'D EVER RUN INTO THAT.

21 Q ALL RIGHT -- OKAY.

22 A MOST OF THE TIME IT'S TOWED IN; MOST OF THE TIME IT'S
23 NOT RUNNING.

24 Q BUT AGAIN, YOU DID NOT OBTAIN A WARRANT BECAUSE YOU
25 DIDN'T SEE ANY REASON TO; CORRECT?

1 A NO, SIR; I DID NOT OBTAIN A WARRANT RIGHT THEN. I
2 DIDN'T HAVE ENOUGH PROBABLE CAUSE.

3 Q AND -- AND YOU HAD NO PROBABLY CAUSE, RIGHT?

4 A (NO RESPONSE.)

5 Q AND DO YOU WANT TO DEFINE PROBABLE CAUSE AS A POLICE
6 OFFICER WITH -- OR, AS A DETECTIVE WHO UNDERSTANDS PROBABLE
7 CAUSE? WHAT IS IT?

8 A PROBABLY CAUSE, THAT'S, UH, SUPPLYING ENOUGH EVIDENCE TO
9 THE JUDGE, BASICALLY, UM, SAYING WHY I HAD A REASON TO OBTAIN
10 A SEARCH WARRANT.

11 Q AND YOU DIDN'T HAVE ANY -- OR, ENOUGH -- YOU DIDN'T
12 HAVE -- FIRST OF ALL, YOU DIDN'T FEEL IT WAS IMPORTANT TO DO
13 IT AT THAT POINT, BUT YOU DIDN'T HAVE ENOUGH EVIDENCE, EVEN
14 IF YOU DID FEEL IT WAS IMPORTANT, TO GO TO THE JUDGE AND GET
15 ONE; DID YOU?

16 A WELL, WHEN YOU DON'T -- YOU HAVE REASONABLE SUSPICION IS
17 WHAT YOU START OUT ON.

18 Q OKAY.

19 A AND, DURING THE COURSE OF THE INVESTIGATION, WE WORK
20 OURSELF UP TO PROBABLE CAUSE.

21 Q AND YOU DIDN'T WORK YOUR WAY FROM REASONABLE SUSPICION
22 TO PROBABLY CAUSE AT THIS POINT FOR YOU TO GET A WARRANT?

23 A NO, I DID NOT HAVE ENOUGH RIGHT THEN.

24 Q OKAY.

25 MR. GIPSON: THE COURT'S INDULGENCE VERY BRIEFLY,

1 YOUR HONOR.

2 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
3 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
4 HEARING OF THE JURY, OFF THE RECORD.)

5 (WHEREUPON, COURT RESUMED.)

6 MR. GIPSON: YOUR HONOR, THAT'S ALL MY QUESTIONS.

7 THE COURT: ANY REDIRECT?

8 MS. ARMSTRONG: NOPE, NOT FROM THE STATE, YOUR HONOR.

9 THE COURT: VERY GOOD. YOU MAY STEP DOWN, SIR.

10 MS. ARMSTRONG: YOUR HONOR, MAY I ASK THAT HE BE
11 RELEASED FROM THE SUBPOENA BUT WE STILL GET TO RECALL?
12 BECAUSE -- ON THAT SPECIFIC ISSUE OF THE NAME OF THE
13 DEFENDANT'S BROTHER?

14 THE COURT: ALL RIGHT; WELL YOU---

15 MS. ARMSTRONG: HE DOES HAVE HIS NOTES. HE CAN---

16 THE COURT: ALL RIGHT; YOU'RE FREE TO LEAVE AT THIS
17 TIME, HOWEVER, YOU'RE STILL SUBJECT TO THE SUBPOENA.

18 MR. HUTTO: I UNDERSTAND; YES, SIR.

19 THE COURT: DO NOT DISCUSS YOUR TESTIMONY WITH ANYONE.

20 MR. HUTTO: YES, SIR.

21 (WHEREUPON, WITNESS STEPPED DOWN.)

22 THE COURT: MADAME FORELADY, LADIES AND GENTLEMEN OF THE
23 JURY, YOU-ALL HAVE WORKED HARD TODAY, AND I'VE NOTICED THAT
24 AS THE TESTIMONY HAS BEEN COMING FROM THE WITNESS STAND,
25 YOU'VE PAID VERY CLOSE ATTENTION.

1 I WANT TO THANK YOU FOR YOUR TIME AND YOUR EFFORT.

2 ONCE AGAIN, I WANT TO REITERATE, UH, NO NEWSPAPERS, NO
3 RADIOS, NO TELEVISION WITH RE- -- UM, WITH REGARD TO ANY NEWS
4 BROADCASTS. UM -- DO NOT DO ANY RESEARCH ON THE INTERNET, DO
5 NOT GO AND DO ANY PRIVATE INVESTIGATION WITH REGARD TO ANY OF
6 THE SCENES THAT YOU'VE HEARD REFERRED TO IN THIS COURT. YOU
7 NEED TO BASE YOUR DECISION ON THE EVIDENCE THAT COMES FROM
8 THIS WITNESS STAND.

9 DO NOT DISCUSS THE CASE, UH, WITH ANYONE ELSE OR AMONG
10 YOURSELVES.

11 AND, UM, I'M GONNA ASK THAT YOU BE BACK AT NINE O'CLOCK
12 THIS (SIC) MORNING. AND I ANTICIPATE WE'LL HAVE EVERYTHING
13 READY TO GO AT NINE O'CLOCK IN THE MORNING. WE'VE GOT A LOT
14 OF TESTIMONY TO TAKE.

15 THANK YOU SO MUCH FOR YOUR TIME, AND YOU'RE FREE TO
16 LEAVE AT THIS TIME.

17 EVERYONE REMAIN SEATED AS THE JURY EXITS THE COURTROOM.

18 (WHEREUPON, JURY LEFT THE COURTROOM AND WAS RELEASED FOR
19 THE DAY AT 5:16 P.M.)

20 THE COURT: MR. GIPSON, THERE WAS AN OBJECTION WITH
21 REGARD TO RELEVANCE CONCERNING THE CRUSHING OF THE CAR---

22 MR. GIPSON: YES, SIR.

23 THE COURT: ---IN THAT TESTIMONY. AND YOU WERE
24 PROTECTED ON THE RECORD, AND I ASKED THAT, UH, THAT YOU
25 FOREGO PUTTING IT ON THE RECORD UNTIL WE FINISHED THIS

1 WITNESS. AND YOU'RE ALLOWED TO DO SO NOW, AND YOU'RE
2 PROTECTED ON THE RECORD AS FAR AS THE TIMELINESS OF YOUR
3 OBJECTION, AND YOU MAY PLACE IT ON THE RECORD NOW.

4 MR. GIPSON: THANK YOU, YOUR HONOR. AND, UH, YOUR
5 HONOR, MY OBJECTION AT -- AT THAT POINT IN TIME WAS THAT THE
6 LINK THAT WAS ATTEMPTED -- THE STATE WAS ATTEMPTING TO DRAW
7 WAS SO TEDIOUS, UM, AT BEST, THAT I DIDN'T FEEL IT WAS
8 RELEVANT OR PROPER.

9 AND -- AND MY OBJECTION AT THAT POINT WAS THAT THERE WAS
10 SOME SIXTEEN-MONTH SPAN WHEN THERE WAS ANY -- A THOUSAND
11 THINGS COULD HAVE BEEN DONE IN ORDER TO TRY TO GAIN ACCESS --
12 SUBPOENA, UH -- UH -- UH, SEARCH WARRANTS, THINGS OF THAT
13 NATURE. AND I JUST DIDN'T FEEL IT WAS PROPER FOR THEM TO ASK
14 THAT QUESTION OR MAKE A SUGGESTION ALONG THE LINES OF THE ONE
15 THAT THEY DID, YOUR HONOR.

16 THE COURT: BE GLAD TO HEAR FROM THE STATE ON, UH --
17 WITH REGARDS TO THAT.

18 MS.. ARMSTRONG: THANK YOU, YOUR HONOR. UM -- YOUR
19 HONOR, WE HAVE THE CASE INVOLVING THE -- ROBERT V. MINUS v.
20 THE STATE OF MARYLAND. BASICALLY WHICH SAID THAT IF, UH,
21 THERE IS A BELIEF THAT A WITNESS IS ATTEMPTING TO COVER UP A
22 CRIME, THEN YOU CAN GET INTO EVIDENCE OF THAT NATURE, WHICH
23 IS WHAT THE STATE WAS ATTEMPTING TO DO.

24 THE COURT: OKAY. AND, MR. GIPSON, CLEARLY, UM, THOSE
25 ARE FACTUAL ISSUES WITH REGARD TO THE AMOUNT OF TIME AND I

1 THINK YOU COVERED IT WELL IN CROSS-EXAMINATION.

2 I DO BELIEVE IT WAS ADMISSIBLE AND A QUESTION OF FACT
3 FOR THE JURY.

4 ANYTHING FROM THE STATE BEFORE WE PROCEED?

5 MR. PEARSON: NO, YOUR HONOR, THAT'S IT.

6 THE COURT: ANYTHING FROM DEFENSE?

7 MR. GIPSON: NO, SIR; THAT'S ALL I HAVE.

8 THE COURT: ALL RIGHT, WE'LL RECONVENE AT NINE O'CLOCK
9 IN THE MORNING. LET'S SEE IF WE CAN BE HERE ON TIME AND
10 READY TO GO AT NINE O'CLOCK IN THE MORNING.

11 MR. PEARSON: YES, SIR.

12 (WHEREUPON, PROCEEDINGS WERE INTERRUPTED FOR A
13 CONFERENCE IN THE PRESENCE OF THE JURY BUT OUTSIDE THE
14 HEARING OF THE JURY, OFF THE RECORD.)

15 (WHEREUPON, COURT RESUMED.)

16 (WHEREUPON, DAY TWO OF TRIAL ENDED AT
17 5:30 P.M.)

18 *****END OF REQUESTED TRANSCRIPT*****
19
20
21
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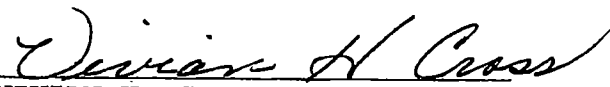
STATE OF SOUTH CAROLINA)
COUNTY OF ALLENDALE)

CERTIFICATE OF REPORTER

I, THE UNDERSIGNED VIVIAN H. CROSS, OFFICIAL COURT REPORTER FOR THE NINTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF THOSE PROCEEDINGS REQUESTED AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE COURT OF GENERAL SESSIONS FOR ALLENDALE COUNTY, SOUTH CAROLINA, ON THE 10TH DAY OF FEBRUARY, 2009.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL NOR INTEREST TO ANY PARTY HERETO.

MARCH 4, 2010


VIVIAN H. CROSS
CIRCUIT COURT REPORTER

1 STATE OF SOUTH CAROLINA
2 COUNTY OF ALLENDALE

CIRCUIT COURT
2008-GS-03-0135

3
4 STATE OF SOUTH CAROLINA,

5 -vs-

TRANSCRIPT OF RECORD

6 DEREK MANER,
7 Defendant.

8
9 HEARD ON WEDNESDAY, FEBRUARY 11, 2009

10 AND THURSDAY, FEBRUARY 12, 2009

11 IN ALLENDALE, SOUTH CAROLINA
12

13 BEFORE:

14 THE HONORABLE MICHAEL G. NETTLES

15 AND A JURY
16

17 APPEARANCES:

18 Counsel on behalf of the State:

19 T. DeWayne Pearson, Esq.

Natalie R. Armstrong, Esq.

20 Counsel on behalf of the Defendant:

21 Byron E. Gipson, Esq.
22

23 Cheri L. Young, RPR
24 Official Court Reporter
P O Box 1154
25 Aiken, SC 29802-1154

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(COURT REPORTER NOTE: ON STATE'S EXHIBITS, GAP IN NUMBERS INDICATE PHOTOGRAPHS WHICH WERE NOT RECEIVED INTO EVIDENCE.)

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JURY TAMPERING MATTER

1 ON WEDNESDAY, FEBRUARY 11, 2009 AT 9:02 A.M.:

2 THE COURT: Before we bring the jury out, Agent
3 Hardy has done an investigation with regard to the foreman
4 of the jury being contacted. And I'm going to ask
5 Mr. Hardy, if you could, to state your full name.

6 THE WITNESS: Yes, sir. Shawn Elloree Hardy.

7 THE COURT: And where are you employed?

8 MR. HARDY: South Carolina Law Enforcement
9 Division.

10 THE COURT: Have you had an occasion to
11 investigate some telephone calls that was made to the
12 forelady of the jury?

13 MR. HARDY: Yes, sir.

14 THE COURT: Could you tell us what your findings
15 were?

16 MR. HARDY: After receiving the request for the
17 investigation, I identified the subject who was named
18 Saheed Rose. Saheed Jermail Rose. He was arrested by
19 Fairfax Police Department on February 6th for possession
20 of crack cocaine and distribution of crack cocaine.

21 While he -- being incarcerated at Allendale
22 County Detention Center, he stated on February the 9th of
23 2008, he had made numerous phone calls throughout the day
24 and that night, describing the phone calls, trying to get
25 outside help which he was dialing collect calls. He

JURY TAMPERING MATTER

1 wanted to know if anybody was willing to help him with his
2 bond. His bond is set for \$125,000.

3 THE COURT: Agent Hardy, I'm going to ask you to
4 back off that thing, speak loudly but back off just a
5 little bit.

6 MR. HARDY: He has admitted that -- he did admit
7 to making phone calls which was random calls. It wasn't
8 intentional, but he was making the calls just to get some
9 help for his bond.

10 THE COURT: And how many calls would you say,
11 random calls, did he make?

12 MR. HARDY: Numerous calls. I have his phone
13 records which he started from early that morning all the
14 way up until, like, 12 o'clock that night.

15 THE COURT: Okay. And he didn't know anybody in
16 Allendale; is that correct?

17 MR. HARDY: Correct. He's from Charleston, North
18 Charleston which is just off of Dorchester Road. He has
19 family here in Fairfax. He just comes every now and then
20 and during this time he was -- what happened, it was the
21 time when he was arrested.

22 Asked him, did he know anything about the
23 Defendant and about the case. And he said he heard of it
24 because when one of his cell mates came back from Monday
25 they was talking about how they couldn't see each other

JURY TAMPERING MATTER

1 because of the trial going on. That's when he heard of
2 it. So he does not know either, none of the defendants or
3 anybody that's in this case.

4 THE COURT: If I understood you correctly, what
5 he was doing was he was calling people randomly, just
6 random numbers asking if the individual who answered the
7 phone if they knew his uncle; is that correct?

8 MR. HARDY: Either knew anybody in his family or
9 if they could help him out with posting some money on his
10 bond.

11 THE COURT: All right. And when an inmate calls
12 outside of the detention center, are all of his calls
13 linked directly to him? And can you tell who made the
14 calls?

15 MR. HARDY: Yes, sir. We also -- there's a
16 recording, should be delivered to the Allendale County
17 Detention Center where he made the phone call to, where it
18 stated his name, but it should be a separate call.

19 THE COURT: Right. And based on your
20 investigation, do you feel as though the intent was to
21 influence the juror?

22 MR. HARDY: No, sir.

23 THE COURT: You're confident of that?

24 MR. HARDY: In my opinion, yes, sir. I'm
25 confident in that.

JURY TAMPERING INVESTIGATION

1 THE COURT: Very good. Any questions from the
2 State?

3 MR. PEARSON: None from the State.

4 THE COURT: Any from defense?

5 MR. GIPSON: None from the defense, Your Honor.

6 THE COURT: Thank you, sir. You're free to leave
7 at this time. Thank you for your help.

8 MR. HARDY: Do you want to save this?

9 THE COURT: I do. I want to make all of those
10 records, all of the documents that you have, make that
11 part of the record. Is this, in fact, your report there?

12 MR. HARDY: No, it's just because -- I just made
13 a statement, where he made a statement.

14 THE COURT: There is a statement?

15 MR. HARDY: Yes, sir. Also has criminal history
16 and all of that.

17 THE COURT: Very good. You can make that a part
18 of the record.

19 (Thereupon, Court's Exhibit No. 2, SLED report of
20 inmate/juror matter, was marked and received into the
21 record.)

22 THE COURT: That needs to be a Court's Exhibit
23 and certainly doesn't need to be mixed up with the
24 evidence here in this case.

25 MR. HARDY: Thank you, sir.

JURY TAMPERING INVESTIGATION

1 THE COURT: You're free to leave. Thank you.
2 Mr. Gipson, you're recognized.

3 MR. GIPSON: Your Honor, in lieu of what
4 Mr. Hardy's testified to, just out of abundance of
5 caution, I would just ask for the Court's guidance if it
6 would be possible to have the juror to be brought out and
7 to explain generally the situation so that she will not
8 feel that there was any indication that this man was
9 trying to do anything improper.

10 MR. PEARSON: I have no objection to that.

11 THE COURT: I will indeed do that. And if we
12 could have the forelady out at this time.

13 MR. GIPSON: Thank you, Your Honor.

14 (Forelady of the jury enters courtroom.)

15 THE COURT: Madam forelady, I'll ask you to have
16 a seat in your forelady's chair. I'm going to talk to you
17 for just a moment, if I could.

18 FOREPERSON OF THE JURY: (Complying.)

19 THE COURT: Madam forelady, you had informed the
20 Court that you had been contacted by someone at the
21 detention center. I understand they made two separate
22 calls to you?

23 FOREPERSON OF THE JURY: Right.

24 THE COURT: And the gentleman indicated his name
25 was something very close to Sie-eem (phonetically).

JURY TAMPERING INVESTIGATION

1 FOREPERSON OF THE JURY: Yes, Sie-eem or
2 Sie-eed.

3 THE COURT: And you declined to take the call
4 both times?

5 FOREPERSON OF THE JURY: Correct.

6 THE COURT: Because of the fact that you knew no
7 one in the detention center or in prison, you notified the
8 Court, as I had instructed you to do on the first day of
9 court. As a result of that, out of abundance of caution,
10 we asked SLED to investigate that.

11 And one thing that is very clear that when
12 someone is incarcerated, all of the telephone calls that
13 go out, there is a record of it as to which inmate goes
14 with which call. He was able to do that. And apparently
15 he had access to a telephone and he is not from the
16 Allendale Area. He is from North Charleston.

17 He was arrested on a controlled substance
18 charge. And he was randomly calling people all day trying
19 to contact an uncle or to gain assistance in obtaining a
20 bond.

21 The SLED agent indicated it was no relationship
22 between the Defendant or any of the witnesses, prosecution
23 witnesses, or any of the agents. There was no
24 relationship whatsoever. You were one of numerous calls
25 that were randomly made.

1 And the SLED agent is confident that there was no
2 intent to -- he knew nothing about the case other than he
3 was aware that this case was going on. He knew none of
4 the participants whatsoever.

5 So I'm convinced and the SLED agent is convinced
6 there was no intent to tamper with you or your decision.
7 And no one that's going to be testifying in this case,
8 we're confident, is related to this incident whatsoever.
9 And you may retire back to your jury room.

10 But once again, we have some legal matters that
11 we'll attend to this morning. But thank you so much for
12 being here and being here on time. We'll be able to start
13 momentarily. Please return to the jury room.

14 FOREPERSON OF THE JURY: (Complying.)

15 THE COURT: Are there any motions from the State
16 with regard to this juror continuing to participate?

17 MR. PEARSON: No. No, Your Honor.

18 THE COURT: Any from the defense, Mr. Gipson?

19 MR. GIPSON: Just ask for the Court's indulgence,
20 Your Honor.

21 THE COURT: All right.

22 MR. GIPSON: (Conferring with Defendant.)

23 We have no motions. I have discussed it with my
24 client and we're satisfied with that.

25 THE COURT: Very good.

JAMES DONNIE HUTTO, JR. - DIRECT

(Jury enters courtroom at 9:20 a.m.)

THE COURT: Madam Forelady, ladies and gentlemen of the jury, thank you for being here and being here on time. Once again we had some legal matters we needed to attend to, but thank you for your promptness.

And at this time I'll call on the State. You may call your first witness.

MS. ARMSTRONG: Thank you, Your Honor. At this time we'd like to recall Officer Donnie Hutto.

THE COURT: All right.

JAMES DONNIE HUTTO, JR., having been duly sworn, was examined and testified as follows.

THE COURT: Officer, pull up close to that microphone. Speak loudly, clearly and slowly. I think you do speak fairly loud so you might want to back off a little bit.

THE WITNESS: Yes, sir.

THE COURT: There you go. You're recognized, Ms. Armstrong.

MS. ARMSTRONG: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. ARMSTRONG:

Q. Would you state your name once again for the jury?

A. Yes. James Donnie Hutto, Jr.

Q. Yesterday you were on the stand and you testified as

RICHARD JOHNSON - DIRECT

1 to a traffic stop and you didn't have in front of you the
2 name of the driver of the vehicle. Did you have a chance
3 to review your notes?

4 A. Yes, I did.

5 Q. Do you now have that name?

6 A. Yes, I do.

7 Q. Could you please tell the jury what the name of that
8 driver was?

9 A. Yes. It's George Hayes Elmore, Jr.

10 Q. Is he any relation to the Defendant in this case?

11 A. Yes, it's his brother.

12 MS. ARMSTRONG: Okay. Thank you.

13 THE COURT: Any questions?

14 MR. GIPSON: No questions, Your Honor.

15 THE COURT: You may step down. Thank you, sir.

16 THE WITNESS: Yes, sir.

17 MR. PEARSON: State would ask that he be excused
18 from the subpoena.

19 THE COURT: You're free to leave at this time.

20 THE WITNESS: Thank you, sir.

21 MR. PEARSON: At this time the State calls
22 Special Agent Richard Johnson.

23 RICHARD JOHNSON, having been duly sworn, was
24 examined and testified as follows:

25 THE COURT: Mr. Johnson, speak loudly, clearly

RICHARD JOHNSON - DIRECT

1 and slowly. And I'm going to ask you to state your full
2 name for the record if you could please, sir.

3 THE WITNESS: Richard Johnson.

4 THE COURT: Very good.

5 DIRECT EXAMINATION

6 BY MR. PEARSON:

7 Q. Good morning, Special Agent Johnson.

8 A. Good morning.

9 Q. Where do you currently work?

10 A. South Carolina Law Enforcement Division.

11 Q. And how long have you been working for the South
12 Carolina Law Enforcement Division?

13 A. Approximately four years.

14 Q. Where did you work before that?

15 A. South Carolina Department of Corrections, internal
16 affairs.

17 Q. What did you do while you were working at the
18 Department of Corrections?

19 A. Investigate criminal and administrative violations
20 within the Department of Corrections.

21 Q. And how long did you work there?

22 A. Approximately five years.

23 Q. Could you please explain to the jury what your current
24 duties are at SLED?

25 A. Investigating criminal crimes within the State of

RICHARD JOHNSON - DIRECT

1 South Carolina, primarily what we call Low Country Region
2 consisting of 12 counties in this part of the state.

3 Q. Are one of those 12 counties Allendale County?

4 A. Yes, it is.

5 Q. Other than Allendale, where else do you perform
6 investigations?

7 A. From Calhoun County on back to Jasper, Charleston,
8 Dorchester, Orangeburg, Hampton. Just all the way back to
9 the ocean, near the Georgia line.

10 Q. All right. And what types of crimes do you
11 investigate as a member of SLED?

12 A. Violent crimes, some white-collar crimes, some
13 political violations, things of that nature, but primarily
14 violent crimes.

15 Q. AND how are you normally called into an investigation?

16 A. Generally one, a supervisor would call after receiving
17 calls from the local law enforcement requesting SLED
18 assistance. And historically, whoever was closest to that
19 call, could get there quicker, they would notify that
20 person.

21 Q. Did you have the opportunity to investigate a crime
22 here in Allendale County on November the 6th of 2006?

23 A. Yes, sir.

24 Q. Could you please explain to the jury how you were
25 called in to investigate this crime?

RICHARD JOHNSON - DIRECT

1 A. After receiving a call from, I believe it was Captain
2 Heaton, per the request of Sheriff Carter assistant, I
3 responded to this area along with then Lieutenant Ken
4 Mears. He's no longer with SLED. He's retired. We
5 responded to Allendale concerning a missing person case.

6 Q. It was a missing person's case?

7 A. Yes.

8 Q. Who was that missing person?

9 A. Ericka Bradley.

10 Q. So, would you please explain to the jury what the
11 first thing you did? How you began involved in doing your
12 investigation?

13 A. Well, Lieutenant Mears and I figured we didn't know
14 exactly what happened to Ericka Bradley. So rather than
15 spending all the resources on a missing person, we'd
16 somewhat divide the task up where the sheriff department
17 took care of the missing person aspect of it, coordinating
18 search and things of that nature.

19 We began looking from a crime aspect. So that way so
20 much -- we've already -- there's already been, I think, a
21 three-day lapse since she had been gone. So we needed to
22 try to think about not spending so much time on the
23 missing person side of it and spend more time on a crime
24 actually being committed.

25 Q. Why was it important to investigate both the missing

RICHARD JOHNSON - DIRECT

1 person's side as well as the potential crime side?

2 A. Well, again, to -- time had already elapsed. So we
3 knew that time was extremely important in this situation.
4 Not just this but any missing person, time is very
5 important.

6 So with the manpower that we had that and I was
7 disposed of at that time, we thought it would be more
8 feasible to just divide the task up, which the sheriff
9 department agreed, and coordinate all the search efforts
10 in this investigation while we identified leads. As they
11 identified leads, they contact us. And we just start
12 interviewing people as time went on.

13 Q. Were you actually able to generate any leads in this
14 particular case?

15 A. Yes, we were. And that was done through just talking
16 to anyone who would give us identification or ID as to who
17 were the last person to have seen Ericka Bradley.

18 Q. And through the course of your investigation, were you
19 able to determine who the last person was to see Ericka
20 Bradley?

21 A. Yes.

22 Q. And who was that person?

23 A. Derek Maner.

24 Q. Do you see Derek Maner in the courtroom today?

25 A. Yes, sir.

RICHARD JOHNSON - DIRECT

1 Q. Could you please point him out and identify an article
2 of clothing?

3 A. He's wearing what looks to be a blue suit coat over
4 here by counsel, defense counsel.

5 Q. Please let the record indicate that the witness has
6 identified the Defendant, Derek Maner.

7 Once you identified Derek Maner as a person of
8 interest or a suspect, what was your next course of
9 action?

10 A. Well, to try to locate Derek Maner and start talking
11 with him since, you know, information had informed us that
12 he was the last person to have seen her. We figured he
13 would be the first person that we need to get with, to
14 start talking with.

15 Q. Were you able to locate the Defendant?

16 A. Lieutenant Kenny Mears located the Defendant, as I
17 started talking with his mother at that time.

18 Q. Uh-huh. And where did you locate the Defendant?

19 A. When I got to the Defendant, he was at the sheriff's
20 office.

21 Q. All right. Do you know where he was immediately prior
22 to that?

23 A. I'm not sure, but I believe he was at his mother's
24 home.

25 MR. GIPSON: Objection, Your Honor, speculation,

RICHARD JOHNSON - DIRECT

1 if he doesn't know this.

2 THE COURT: I'll sustain the objection.

3 MR. PEARSON: If you don't know, that's fine.

4 THE WITNESS: Okay.

5 BY MR. PEARSON:

6 Q. Do you know where he was?

7 A. I'm not sure; no, sir.

8 Q. Now once you located the Defendant at the, I believe
9 you said, the sheriff's office?

10 A. Sheriff's office.

11 Q. What was your next step? What was the next thing you
12 did in your investigation?

13 A. I started to interview the Defendant to try to
14 ascertain where Ericka was located at, what happened, see
15 what information he would provide to us.

16 Q. At this point, was the Defendant in custody?

17 A. No, sir.

18 Q. Was he being detained?

19 A. No, sir.

20 Q. Was he free to leave at any time?

21 A. Yes, sir.

22 Q. Are you familiar with the Miranda warnings law
23 enforcement gives to suspects?

24 A. Yes, sir.

25 Q. Could you please explain to the jury what Miranda

RICHARD JOHNSON - DIRECT

1 warnings are?

2 A. Well, it's -- simply states, you know, before we can
3 interview or question someone concerning a crime if he or
4 she is in custody, you've got to advise them of the
5 Miranda rights. You know, you have the right to remain
6 silent. Anything you say can and will be used against you
7 in a court of law. You have a right to an attorney being
8 present and things of that nature.

9 Q. Now, when you found the Defendant at the sheriff's
10 office, were you and he the only persons in the room?

11 A. Initially, no, sir.

12 Q. Who else was in the room?

13 A. Then Lieutenant Kenny Mears.

14 Q. Do you know -- well, did you provide Miranda warnings
15 to Derek Maner?

16 A. Yes, sir.

17 Q. Did you use -- how did you do it? Was there a form
18 or?

19 A. Yes. What we were using at the time was a Miranda
20 form and voluntary statement form all in one, where you
21 can advise the individual of his or her rights and then if
22 they're willing they will provide a written statement,
23 either they will write it themselves or we will write it
24 for them if they choose.

25 Q. Did you in fact go through that form with the

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1 Defendant?

2 A. Yes, sir.

3 Q. Did he indicate to you that he understood his rights?

4 A. Yes, sir. He did.

5 Q. In your experience as a law enforcement officer, have
6 you ever had the occasion to be around individuals who
7 were intoxicated?

8 A. Yes.

9 Q. Did Mr. Maner appear intoxicated at the time?

10 A. No, sir.

11 Q. Did he appear to speak the English language and
12 understand what you were saying?

13 A. Yes, sir. He did.

14 Q. I'm going to show you what has been marked for
15 identification purposes as State's Exhibit One.
16 Specifically referring to the second page of State's One,
17 could you tell me if you recognize that document?

18 A. Yes, sir. This is the voluntary statement that
19 Mr. Maner provided to me.

20 Q. All right. And you testified just a moment ago about
21 Miranda warnings. Were those -- the Miranda warnings on
22 that page, are those the ones you were referring to?

23 A. Yes, sir.

24 Q. All right. Does that statement appear to be in
25 substantially the same condition as you took it back when

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1 you interviewed the Defendant?

2 A. Yes, sir.

3 Q. All right.

4 MR. PEARSON: Your Honor, may we approach?

5 THE COURT: Yeah.

6 (Off-the-record discussion).

7 MR. PEARSON: Your Honor, at this time the State
8 would request to move State's Exhibit One into evidence.

9 MR. GIPSON: Without objection, Your Honor, based
10 on the stipulation.

11 THE COURT: State's Exhibit One is in evidence
12 without objection.

13 (Thereupon, State's Exhibit No. 1, voluntary
14 statement of Derek Maner, was received into evidence.)

15 MR. PEARSON: Thank you, Your Honor.

16 Q. I'll let you review the statement. Now, approximately
17 what time was it when you took this statement from the
18 Defendant?

19 A. Well, it was completed at 9:31. It may have been
20 about eight, 8:30 when we started talking to Mr. Maner.

21 Q. But it was completed at 9:31?

22 A. Yes. Right.

23 Q. If you could, please explain to the jury what the
24 Defendant told you about the disappearance of Ericka
25 Bradley.

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1 A. He said that they -- she and her cousin, Peter Carter,
2 flagged him down right in front of the courthouse. She
3 got out, asking him to open his trunk. He opened the
4 trunk. She got his bat, the bat that he normally keeps in
5 that trunk. And she tried to hit him with it. He blocked
6 the bat -- took the bat from her, sorry. He didn't block
7 it. He took it from her, threw the bat down, grabbed it
8 and kind of just hugged, not violent or anything of that
9 nature, just hugged. And they just talked for a little
10 bit.

11 After telling, instructing Peter Carter that he could
12 leave, the two of them talked for a little bit and then
13 they started heading out toward the Appleton community.

14 Q. Did he indicate to you why he had an argument with
15 Ericka Bradley?

16 A. It was concerning Maggie Aldrich.

17 Q. And do you know where Ms. Aldrich lives?

18 A. She lives in the Appleton community.

19 Q. Did he indicate to you that they ever actually went to
20 -- got to -- well, did he tell you where they were going
21 in Appleton?

22 A. To Maggie Aldrich house.

23 Q. Did he indicate to you whether or not they got there?

24 A. Yes, sir. They never made it there.

25 Q. Could you please explain to the jury anything else he

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1 told you about that night?

2 A. Well, as they were driving to the Appleton community
3 on -- he described 125, but he mistakenly mentioned 278.
4 But we know 125 because he said Sammy's Store and near the
5 radio station which is 125.

6 While driving there she was questioning him or fussing
7 at him concerning Maggie Aldrich and pushed his car in
8 parked while he was driving about 50 miles per hour. When
9 he stopped, she got out and he left her at the side of the
10 road.

11 Later when he got home he called her cousin, Peter
12 Carter, and told where she had gotten out, to go look for
13 her.

14 Q. And this is the statement he gave you at the police
15 station?

16 A. Yes, sir.

17 Q. Well, after you took that statement from him, then
18 what did you do?

19 A. Myself and Lieutenant Mears asked him can he or will
20 he show us where she got out. At least that would have
21 given us a point of origin to begin to start a search
22 party at.

23 Q. And were you able to actually go to this location?

24 A. That's correct. He took us out past Sammy's Store. I
25 think it was right before you got to the radio station and

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1 he even took us down a little dirt road off to your left
2 which was a dead-end dirt road. We kind of searched and
3 looked in that area for anything of significance.

4 And in the roadway after we got there, we didn't
5 notice any skid marks. So we asked him where were the
6 skid marks. I mean, if you're driving about 50 miles per
7 hour, we felt like it should have been something in the
8 roadway.

9 Q. I'm sorry. Why would there be skid marks?

10 A. Well, at 50 miles an hour if you put your car in park,
11 there's going to be a sudden stop. You know, everything
12 stops up. The inertia pushes the car. So it should have
13 been some sort of skid marks. We even inquired too about
14 the condition of his car, was it damaged in any way.

15 Q. And why would you ask whether or not it was damaged?

16 A. Again, it was obvious that if you throw a car in park
17 at 50 miles an hour that something had to happen --

18 MR. GIPSON: Objection, Your Honor, to pure
19 assumption, Your Honor.

20 THE COURT: I'll sustain the objection.

21 BY MR. PEARSON:

22 Q. Did you ask him any more questions about his actual
23 stopping of the car?

24 A. Well, we simply just asked him what happened. Man,
25 this just ain't adding up. At that point he asked -- told

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1 us to take him back to the sheriff's office, the police
2 department and he'd tell us what happened. So at which
3 point he said he lied about driving 50 miles per hour and
4 she put the car in park.

5 Q. Let me back up just a moment. You testified just a
6 moment ago about a dirt road. Did the Defendant take you
7 to this dirt road?

8 A. Yes, sir.

9 Q. Did he indicate why he went down that dirt road?

10 A. No, sir. He just -- as we were driving he looked over
11 in that area. We saw where he kept looking to the left.
12 And he just said she, maybe she went down this road here,
13 stuff, I don't know. So we went.

14 Q. And I believe you said you were on 125?

15 A. Yes, sir.

16 Q. While you're on 125, did you find any traces of
17 Ericka?

18 A. No, sir.

19 Q. Well, after -- did you do any searching at all that
20 evening in that spot?

21 A. Yes, sir. We got out, kind of walked around in the
22 bushes a little bit, just kind of with the flashlight,
23 looked in that area.

24 Q. Was it dark at this time?

25 A. Yes.

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1 Q. Well, after you were finished looking around there on
2 125, what did you do next?

3 A. We came back to the sheriff's office. Derek said, you
4 know, if we give him our original statement back he would
5 then give us a new statement.

6 Q. And why did he need to give you a new statement?

7 A. Well, he said that he lied initially concerning what
8 had happened.

9 Q. And after he told you he lied about what happened,
10 what did you do?

11 A. We got him back to the sheriff's department and
12 commenced to continue talking to him, interviewing him.

13 And at which time, if I can pull my notes I can --

14 Q. Sure. Refresh your memory.

15 A. At which time he stated to us that while en route to
16 Appleton community, Ericka Bradley repeatedly was
17 questioning him concerning Maggie Aldrich. She told him
18 that if he lied she was going to hit him. When she again
19 asked him about Maggie Aldrich --

20 MR. GIPSON: Your Honor, just -- a matter that
21 we'd like to discuss. If we may approach for a moment,
22 please.

23 THE COURT: Sure.

24 (Off-the-record discussion. Sidebar.)

25 BY MR. PEARSON:

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1 Q. I believe you were telling us what Derek Maner, the
2 Defendant, said about the trip to Appleton.

3 A. Yes. He then commenced to tell us that while en route
4 to Maggie Aldrich house which is in the Appleton
5 community, Ericka repeatedly questioned him about Maggie
6 Aldrich and their involvement. She made it clear to him
7 that if he lied about it, she was going to hit him. At
8 which he confirmed that she did hit him each time he
9 either denied it or if he didn't say anything, that she
10 would hit him concerning Maggie.

11 After Ericka hit him about twice, he said he started
12 slowing down. She said, fine, if you want me to walk or
13 get out, I'll get out and walk. So he said, if you want
14 to get out, go ahead.

15 Bradley then got out after they stopped. And she
16 started walking back towards Allendale. After Bradley got
17 out and started walking, Maner said that he turned his car
18 around -- as he left he turned his car around and got out
19 and tried to convince Ericka to get back in the car but
20 she continued to walk.

21 And he -- when he got out, he placed both hands in an
22 upward position in front of her while telling her to stop
23 with his palm facing her, trying to get her to get back in
24 the car. He stated to her, stop, please, baby, get back
25 in the car. You don't need to walk. I'll take you back

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1 home. I'll take you home.

2 Bradley would not get back in the car so he just left
3 her on the side of the road and went on back home.

4 Q. And which road are we talking about?

5 A. 125.

6 Q. And this is the statement -- I'm sorry. This is the
7 Defendant's statement of what happened?

8 A. His verbal statement.

9 Q. Okay. So did he write down this statement?

10 A. He refused to put this in writing after we would not
11 give him the original statement back. In fact, we

12 attempted to give him the original statement back. He
13 attempted to rip it up, or, rather, it was a copy of the
14 original statement that he attempted to rip up.

15 Q. After this he gave you that verbal statement that you
16 just told to the jury?

17 A. Yes.

18 Q. Well, after he gave you this statement, did he say
19 anything else about what happened that night?

20 A. Yes, sir. Well, all this is, I guess, simultaneously
21 during the interview. He went on to confirm or went on to
22 state to us that when Bradley was hitting him he felt like
23 he was going to hit her but he said he couldn't put his
24 hands on her. However, he did squeeze her and just sat
25 her down.

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1 He stated that he loved it when she got mad because he
2 would just hug and kiss her, but this time he couldn't hug
3 nor kiss her this time.

4 He said that earlier they had talked about going their
5 separate ways. And then in -- later on he ended up
6 telling us that they were making plans to get engaged.

7 Q. Did he mention anything else about what happened the
8 night of November 6th, 2006?

9 A. No, sir.

10 Q. After you took these statements from the Defendant,
11 what was the next step in your investigation?

12 A. To just continue following up any other leads, start
13 interviewing other folks who maybe can shed some light on
14 it. We spoke with Mr. Maner's mother who pretty much gave
15 us a decent time as to when Derek got home that night. We
16 just interviewed several witnesses.

17 Q. During the course of your investigation, were you able
18 to confirm any parts of the Defendant's statement about
19 what happened that night?

20 A. What we confirmed was that his initial statement was
21 definitely inaccurate.

22 Q. Were you able to confirm that they were together that
23 night?

24 A. Yes.

25 Q. Specifically, if you started at the beginning of the

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1 statement that he made to you, the written statement, were
2 you able to talk to Peter Tony Carter?

3 A. Yes, sir.

4 Q. Through the course of your investigation, did you
5 compare what you learned from Peter Tony Carter to what
6 the Defendant said?

7 A. Yes, sir.

8 Q. Were you able to confirm whether or not the part of
9 his statement that he and Ericka Bradley were together,
10 was that -- did you find anything to corroborate that?

11 A. Yes, sir. From Peter Tony Carter statement from what
12 he said, it confirmed that they got together in front of
13 the courthouse.

14 Q. And, again, without getting into specifically what
15 each witness said, could you please detail for the jury
16 the steps you took in order to investigate, the people you
17 talked to and the kinds of things that you did?

18 A. Well, again simply, as names became available to us
19 which was, SLED primarily tends to just interview
20 witnesses, follow up whatever lead that came our way, we
21 simply just made contact with those individuals and
22 commenced interviewing them.

23 We interviewed multiple people. In fact, we continued
24 to interviewing until we just ran completely out of leads
25 which at that time we started comparing phone records and

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1 things of that nature to establish a time, approximate
2 time of when this possibly could have occurred.

3 Q. Did you ever seek to find any physical evidence in
4 this case?

5 A. Through our crime scene investigation, yes.

6 Q. And where did that start?

7 A. It starts from our crime scene agent, from conducting
8 the crime scene investigation of -- well, search of Derek
9 Maner's vehicle.

10 (Thereupon, State's Exhibits No. 2, 3 and 4,
11 photographs, were marked for identification.)

12 BY MR. PEARSON:

13 Q. I'm going to show you what has been marked for
14 evidence as State's Exhibit Two, Three, and Four. Do you
15 recognize those photos?

16 A. Yes, sir.

17 Q. How do you recognize them?

18 A. They're Derek Maner's vehicle.

19 Q. Is that the vehicle you were just speaking about?

20 A. Yes, sir.

21 Q. All right. Why did that vehicle interest you as a
22 piece of evidence?

23 A. Well, from talking with other witnesses it became
24 clear to us or it was known to us that that's the car that
25 Derek Maner drove. That's the car that Ericka Bradley had

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1 gotten into, was last seen with.

2 Q. When you were interviewing the Defendant, did he
3 indicate to you that he was driving that car?

4 A. Yes.

5 Q. Did he indicate that that was the car he and Ericka
6 were riding in when they were going to Appleton?

7 A. Yes.

8 Q. What specifically about that car interested you from
9 an evidence standpoint, from an investigation?

10 A. The DNA information or evidence that was under, up
11 under the car.

12 Q. You said under the car. Why would you look under the
13 car?

14 A. Well, again, from our crime scene investigation we
15 then -- we were unable to locate anything of significance
16 that would have told us that a crime had occurred inside
17 the car.

18 Q. Uh-huh.

19 A. And they started to look up under the car and was able
20 to identify evidence from that angle.

21 Q. And prior to that, was there anything that made you
22 curious as to what might be under that car?

23 A. Well, again, looking at that dent, initially there was
24 a dent on the side of car. We didn't know where it came
25 from or what happened. So obviously that kind of suggests

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1 to us that it's worth going up under.

2 Q. Did the Defendant say anything that made you
3 interested in looking up under the bottom of the car?

4 A. Initially, no.

5 Q. You said initially no. Did he ever say anything?

6 A. Well, later on he claimed that he hit a dog with it.

7 Q. How long have you been investigating this case?

8 A. Since November 9th. I think that's when we got
9 notified, November 9th.

10 Q. November 9th of 2006?

11 A. 2006. Yes, sir.

12 Q. And here we are in February 2009. Have you stopped
13 investigating this case at any point?

14 A. Just when we went to trial, started trial.

15 Q. So that whole time you've been looking for evidence?

16 A. Yes, sir.

17 Q. Why have you been looking for evidence?

18 A. Well, we know, we -- what we were able to detect was
19 parts of Ericka Bradley. And there were still unanswered
20 questions that we wanted to pursue, wanted to continue to
21 look. We wanted to make certain that, one, that we had
22 all the answers to all the questions.

23 And my -- I guess, my method of operation is to
24 continue to investigate any crime until it goes to court
25 because if there is a way to show that the Defendant did

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1 not do it, then certainly you want to make certain that
2 that information is presented as well.

3 So, we just stayed persistent on it up to this very
4 moment.

5 Q. And why is it important to look for evidence of guilt
6 as well as evidence of innocence?

7 A. Again, you don't want the wrong person to go to jail.
8 You don't want the wrong person to have to face his or her
9 life being taken away from them for something that they
10 didn't do.

11 So my objective is to get the truth. If the truth
12 clears the person, then it clears them, that's beautiful.
13 But if it does not, then the court system need to take its
14 course.

15 Q. And based on the course of your investigation in this
16 case, were you able to recover evidence that would clear
17 the Defendant?

18 A. None.

19 MR. PEARSON: Begging the Court's indulgence.

20 (Pause.)

21 BY MR. PEARSON:

22 Q. One last question. You said just a second ago about
23 the Defendant making mention of hitting a dog. Did he
24 make any other, did he make any other speculation to you
25 about what might have happened to Ericka Bradley?

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1 A. He -- while en route from 125 after he showed us where
2 she'd supposedly gotten out, he made the comment that he
3 hoped no one had hit her, had ran her over and just left.

4 Q. Did that -- was that something that was important to
5 you at the time?

6 A. Yes, sir.

7 Q. Why?

8 A. Well, again, she was missing. And the fact that he
9 said that he hoped someone hadn't ran over her, we began
10 to theorize that that could have actually been what had
11 happened, she was ran over.

12 So the question was who. And our work confirmed Derek
13 Maner.

14 MR. PEARSON: That's all I have. Would you
15 please answer any questions the defense attorney may have?

16 THE COURT: Mr. Gipson, you're recognized.

17 MR. GIPSON: If it please the Court, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. GIPSON:

20 Q. Now -- good morning, Agent Johnson.

21 A. Good morning.

22 Q. Now it's true that you and I have spoken on several
23 occasions; correct?

24 A. Correct.

25 Q. And one of those occasions was under oath at the

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1 preliminary hearing here in Allendale; correct?

2 A. Correct.

3 Q. And at that preliminary hearing you were placed under
4 oath and you testified essentially right down the street
5 in front of Judge Rita Brown; didn't you?

6 A. Correct.

7 Q. And in that testimony, isn't it true that you told the
8 Court that you had discovered that Derek Maner's car had
9 been --

10 MR. PEARSON: Objection, Your Honor. I know -- I
11 don't have any documents to what he's referring to.

12 THE COURT: He can ask questions. I'll overrule
13 the objection.

14 BY MR. GIPSON:

15 Q. Isn't it true that you testified under oath before
16 Judge Brown that Derek Maner's car had been involved with
17 an accident with a dog?

18 A. I told you under oath that according to Derek Maner
19 it'd been involved in an accident with a dog.

20 Q. Okay. And you also mentioned that it was not -- you
21 had no -- and I'm going to refer to exhibits -- that you
22 mentioned that the purported dent on this car had nothing
23 to do with the investigation involving Ericka Bradley;
24 correct?

25 A. After we looked at it, yes.

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1 Q. Uh-huh.

2 A. After we examined the car, it became -- to us, we felt
3 maybe that didn't have anything to do with Ericka Bradley.

4 Q. Okay. So in looking at State's Exhibit Number Three,
5 will you explain what you see there?

6 A. Well, see, there's a dent.

7 Q. On the passenger side; correct?

8 A. I'm sorry. Say again?

9 Q. On the passenger side of the car; correct?

10 A. Yes, correct; uh-huh.

11 Q. And during that hearing you testified under oath that
12 didn't have anything to do with the --

13 A. I said that may not have had anything to do with it
14 because of the position of the dent.

15 Q. Okay. Thank you. Now, may I publish that to the jury
16 Your Honor?

17 THE COURT: Yes, sir.

18 (Photograph shown to jury.)

19 BY MR. GIPSON:

20 Q. Now, just to back up for a moment. You've had many
21 years law enforcement experience; correct?

22 A. Somewhat.

23 Q. Okay. and one of the things you have to do, of
24 course, you attended the Criminal Justice Academy;

25 correct?

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1 A. Yes, sir.

2 Q. And were you actually a correctional officer as well
3 or?

4 A. Yes, I was a correctional officer. My law enforcement
5 career, I started as a correctional officer.

6 Q. Yes, sir. And so that's a separate set of training
7 but it's somewhat similar, but you still had to go through
8 a specific type of training to become a correctional
9 officer; correct?

10 A. Correct.

11 Q. So you went through that training, probably in
12 Columbia?

13 A. Uh-huh.

14 Q. And after you went through that training at some point
15 in time you determined that you were actually going to go
16 into the investigative side of law enforcement, so you had
17 to go back?

18 A. Yes, sir. Had to go back.

19 Q. How many weeks was that?

20 A. At the time, it was eight weeks.

21 Q. So you went another eight weeks or so. You spent time
22 investigating through internal affairs down in Ridgeland?

23 A. Ridgeland and Allendale, too.

24 Q. You essentially ascended over to SLED; correct?

25 A. Correct.

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1 Q. And SLED is essentially the FBI of South Carolina;
2 correct?

3 A. If you want to characterize it that way.

4 Q. Well, you have the most resources of any --

5 A. We have state jurisdiction.

6 Q. That's correct. State jurisdiction. You have the
7 most resources out of all the law enforcement
8 organizations; correct?

9 A. No, sir.

10 Q. Well, smaller municipalities call you all the time to
11 help them investigate cases?

12 A. Yes.

13 Q. And when they call you, you at that point assist or do
14 you supervise the investigation?

15 A. It depends on the chief or the sheriff, if they want
16 us to assist or if they want us to take lead on the
17 investigation.

18 Q. What did you do in this case?

19 A. Assist.

20 Q. And as you assisted then you had other law enforcement
21 folks from Allendale and numerous other counties that
22 assisted you as well; correct?

23 A. Yes, sir.

24 Q. All right. What are some of those other counties?

25 A. Beaufort County. I'm certain Beaufort County came

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1 up. Fairfax. Allendale P.D. Actually, those are the
2 only ones that I recall.

3 Q. Okay. Then you had other organizations that came in
4 and assisted in the search as well; correct?

5 A. Correct.

6 Q. And you were kept apprised or abreast of those, the
7 results of those searches as well; correct?

8 A. Not in detail. Just simply whether they found
9 anything of assistance or not.

10 Q. Okay. As a result of that, of those searches, and we
11 talked about some of these things, a helicopter came down
12 to Allendale County did some searches. There were no
13 results; correct?

14 A. Yes.

15 Q. A scuba team came to Allendale County and did some
16 searches, there were no results; correct?

17 A. Correct.

18 Q. And when I say there were no results that came back
19 implicating that Derek Maner had done anything
20 inappropriate?

21 A. Correct.

22 Q. An equine team or a team of a bunch of folks on horses
23 came out from Texas and were searching around here;
24 correct?

25 A. That I didn't see, but that's what the coroner's

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1 sheriff's office.

2 Q. But the sheriff's office is one of the agencies that
3 assisted you; correct?

4 A. Uh-huh.

5 Q. Again, no results came back indicating that Derek
6 Maner did anything criminal; correct?

7 A. Correct.

8 Q. You had the scuba team. I think I mentioned the scuba
9 team. Cadaver dogs came out; correct?

10 A. Yes.

11 Q. Have you had any dealings with cadaver dogs in the
12 past?

13 A. No, sir. That was the first time seeing cadaver dogs
14 in action.

15 Q. But after you saw them in action, they came back. The
16 dogs didn't testify but the handlers essentially told you
17 that, again, no evidence pointed to Derek Maner doing
18 anything criminal; correct?

19 A. Correct.

20 Q. And they didn't uncover anything?

21 A. Correct.

22 Q. All of the different foot patrols that went out,
23 nothing came back of significance that said that Derek
24 Maner did anything criminal; correct?

25 A. Correct.

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1 Q. So essentially at that point in time you started to
2 ask questions and some of this was going on while you were
3 asking questions of people; correct?

4 A. All of it was.

5 Q. And as you did this investigation, as you were
6 customarily taught through SLED and through your law
7 enforcement experience, you took extensive notes; didn't
8 you?

9 A. We took notes. If you notice in my report, there were
10 people that we interviewed multiple times.

11 Q. Multiple times?

12 A. Yes.

13 Q. And sometimes people wrote statements; correct?

14 A. Yes.

15 Q. And sometimes you kind of summarized statements and
16 wrote them for them if they didn't feel like writing;
17 correct?

18 A. Correct.

19 Q. You have hundreds of pages of different people that
20 you interviewed; correct?

21 A. Yes.

22 Q. And each time you did an interview or almost every
23 time, no one is perfect, but almost every time you did a
24 report and that essentially summarized the interview?

25 A. Yes.

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1 Q. Okay. And you did that on SLED letterhead; correct?

2 A. Correct.

3 Q. So I'm just going to show you just a few documents.

4 I'd just like -- Your Honor -- I'm just going to hand you
5 just, I'll characterize this just as a few different
6 documents that you did.

7 A. Okay.

8 Q. If you'll just tell me if you recognize those. Do you
9 recognize those?

10 A. Yes, sir.

11 Q. Okay. Thank you. If I could just have these marked
12 for identification purposes at this point as Defendant's
13 Exhibits, Your Honor.

14 (Defendant's Exhibits Four, Five, Six and Seven, SLED
15 reports marked for identification only).

16 BY MR. GIPSON:

17 Q. So as you make these reports, you write down the
18 things that are important and you try to summarize what
19 happened or what took place based on your view of the
20 evidence; correct?

21 A. Correct.

22 Q. And once you write those reports, you submit those
23 sometimes to your superior, maybe Captain Heaton, maybe
24 somebody else within the agency so that they can have an
25 idea of what's going on?

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1 A. Yes.

2 Q. And at some point in time during the trial process you
3 are required to produce those things so that we can
4 then -- we meaning Mr. Maner's counsel, can know what the
5 investigation that was done; is correct?

6 A. Correct.

7 Q. You did that; right?

8 A. Uh-huh.

9 Q. I'm not trying to be nasty, but when you say,
10 uh-huh --

11 A. I'm sorry. Yes.

12 Q. And you submitted those things to us; correct?

13 A. Correct.

14 Q. All right. Now, will you show us in the written --
15 and Derek -- well, scratch that question. You had an
16 opportunity to meet with Derek Maner, too; correct?

17 A. Yes.

18 Q. And during the first meeting he wrote a statement for
19 you, didn't he, a detailed statement?

20 A. Yes.

21 Q. And in that statement did he ever tell you that he did
22 anything criminal to Ericka Bradley?

23 A. No, sir.

24 Q. And essentially the things that he mentioned that took
25 place were corroborated by or were almost exactly the

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1 same, with some minor details here and there but were
2 almost exactly the same as other people who saw, for
3 instance, Peter Tony Carter, who saw Derek and Ericka
4 interact; correct?

5 A. What he told us took place at the front of the
6 courthouse was corroborated by Tony Peter Carter.

7 Q. And again she got, essentially she got a bat out of
8 the trunk; correct?

9 A. Yes.

10 Q. Swung it at him. Maybe she hit him, not sure, but
11 eventually she swung a bat at him?

12 A. Yes.

13 Q. He never hit her, struck her in any way, shape or
14 form?

15 A. Not at that time.

16 Q. As far as you -- well, we'll get to that. He never
17 hit her or struck her at any time. Peter Carter tells
18 you, Derek Maner told you, never struck her?

19 A. Correct.

20 Q. He hugged her?

21 A. Yes.

22 Q. Talked to her for sometime?

23 A. Yes.

24 Q. On the side of the road?

25 A. Yes.

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1 Q. In front of the courthouse?

2 A. Correct.

3 Q. Now, you had an opportunity to meet with Mr. Carter as
4 well; didn't you?

5 A. Yes.

6 Q. Okay. Now, after meeting with Mr. Carter, he told you
7 that all of these things happened around 11:45; didn't he?

8 A. His initial, his statement.

9 Q. Uh-huh.

10 A. Yes, he did.

11 Q. So 11:45 at night. And then he told you from there,
12 that after it happened around 11:45, meaning he picked

13 Ericka up from work around 11:45. He indicated they met
14 there outside of the courthouse. He told you they
15 conversed for about 20, 30 minutes; correct?

16 A. Correct.

17 Q. And he said after they conversed and after the bat
18 incident took place where Derek was never aggressive to
19 her, he was informed that it was okay for him to leave
20 because everything was fine?

21 A. Correct.

22 Q. And he left them there still talking; correct?

23 A. Yes.

24 Q. From there he said he got a call from Derek, you know,
25 a few minutes later that said that Ericka had gotten out

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1 of the car; correct?

2 A. Yes.

3 Q. And he needed Mr. Carter to go find her; correct?

4 A. Correct.

5 Q. All right. After Mr. Carter went out there, there
6 were no more calls that explained Ericka's whereabouts,
7 were there?

8 A. According to Derek's statement, initial statement,
9 after Peter came back from going on lookout, Peter called
10 him --

11 Q. Yes.

12 A. -- and told him that he didn't find her, and then he
13 told her -- I mean, exactly where she had gotten out at.

14 Q. Uh-huh. And you verified that through your records;
15 correct?

16 A. We verified that Mr. Maner called Jessica Bradley
17 house where Peter was living at at the time.

18 Q. Okay.

19 A. And we verified that Peter returned the call back to
20 Derek at a time after he had gone out.

21 Q. Around 12:10 that night; correct?

22 A. I think it was 12:10.

23 Q. All right. Somewhere in that vicinity. And no other
24 -- and based on your investigations, there was no other
25 talk from any family about Ericka not being around for

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1 several days until the Wal-Mart situation; correct?

2 A. Okay. Restate that again.

3 Q. Based on your investigation, there was no other talk
4 of Ericka not being seen, not being with family, not being
5 with Peter or someone else until the Wal-Mart meeting;
6 correct?

7 A. If I'm understanding correctly, yes. The Wal-Mart
8 incident is when it first came out that she was missing.

9 Q. Yes, sir. When Derek saw Ms. Jackie Bradley at the
10 Wal-Mart in Barnwell; correct?

11 A. Yes.

12 Q. Now, what investigation did you do, if any, that
13 questioned Peter Tony Carter last phone call and searching
14 for Ericka?

15 A. What I did, when we'd gotten to a point where we
16 didn't have any other lead, there was no one else that we
17 felt that we could talk with, I started reviewing phone
18 records that the sheriff's department had obtained.

19 And what I gleaned from those phone records pretty
20 much summarized or confirmed the times that Derek Maner
21 called Peter Carter, and at the time Peter Carter returned
22 a call back to Derek Maner, and the time that Ericka
23 Bradley called Jessica Bradley inquiring about going out,
24 asking about Peter taking her out to Appleton.

25 Q. And based on that information, it was your view that

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1 the times that Peter gave you were just wrong?

2 A. They were inconsistent, yes.

3 Q. Well, inconsistent or wrong?

4 A. Well, Peter said, I think it was like 11 --

5 Q. 45?

6 A. -- 45.

7 Q. Uh-huh.

8 A. After a separate interview or another interview with
9 Peter, I asked him: What time does Hardee's close? He
10 said he believe on Monday through Thursday, I think he
11 said eleven o'clock. And I said, well, how can you have
12 picked Ericka up at 11:45. He said, it had to have been
13 10:45.

14 Q. Now I know you got your notes there to help refresh
15 your recollection. The first two interviews that he gave
16 were a couple days right after this, after it's purported
17 that Ericka went missing; correct?

18 A. I believe it was; yes.

19 Q. And when you went to see him, not some 16 months
20 later; correct?

21 A. Yes.

22 Q. And when you went to see him, you took information in
23 there to start showing him and start going through and
24 saying, you know, something doesn't just smell right with
25 your times; didn't you?

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1 A. What type of information are you referring to?

2 Q. I don't know. You have the information.

3 A. No. What I took with me was my notes, what I had with
4 me after asking him what time Hardee's closed.

5 Q. Uh-huh.

6 A. And he said nine -- I mean, sorry. He said on that
7 night they normally close at eleven o'clock. Then I
8 inquired, well, how could you have picked her up. I need
9 you to just think about this carefully, just to be certain
10 of it.

11 I pointed out to him about the phone records that we
12 have. I said, looking at this phone record, I had them in
13 my hands, so more than likely he might have looked at
14 them. My working copy, I have a tendency to just
15 highlight certain things.

16 Q. So you showed him what you felt it should have been,
17 and at that point he started to change his testimony with
18 the times?

19 A. Well, I'm almost certain he glimpsed at the phone
20 record as I was reviewing them with him.

21 Q. Okay. And as he glimpsed at it -- well, let me go
22 back. Have you ever worked fast food?

23 A. No.

24 Q. Well, have you ever worked any type of wait station,
25 waiting tables, anything like that, any restaurant?

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1 A. No, they wouldn't hire me.

2 Q. You missed out, man. Now, let me just ask you this:

3 Are you aware that when a place closes everybody doesn't

4 just run out of the door, it takes awhile to shut down and

5 clean up?

6 A. I don't know.

7 Q. Okay. That's fair enough. But, again, after he

8 glimpsed at your notes his times changed, 16 months later?

9 A. Yes.

10 Q. Now did you find it incumbent upon yourself to do any

11 additional investigation, I mean, search warrants or

12 anything like that? As you said you want the truth to

13 come out and you want to make sure that you're doing all

14 that, your due diligence to make sure that certain things

15 take place. Was it incumbent upon you to do anything

16 additional just to check and make sure that everything was

17 kosher?

18 A. Well, I would have to look back at Jessica Bradley's,

19 search when I obtained Jessica Bradley's records.

20 Q. But all you got was phone records?

21 A. I'm sorry. Say again.

22 Q. All you got was phone records; correct?

23 A. Yes.

24 Q. That's interesting you say that now. Isn't it true

25 that a call came from Jessica Bradley's house and went to

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1 Hardee's or that some Hardee's subsidiary or some
2 enterprise with Hardee's around 12:07 that night?

3 A. Now that I need to look back at because once I got the
4 phone records, I was focusing more on trying to
5 corroborate the information that I previously obtained and
6 the time of it when Derek talked with Peter Carter,
7 approximate time when Derek got home. I wanted to
8 corroborate the time that Ericka Bradley supposedly had
9 called Jessica from the Maner residence.

10 So I wasn't pretty much looking at what you're asking
11 me now.

12 Q. I want to ask it again. Isn't it true that around
13 12:07 --

14 MR. PEARSON: Objection, Your Honor. May we
15 approach?

16 THE COURT: You may.

17 (Off-the-record discussion.)

18 BY MR. GIPSON:

19 Q. Do you remember my question?

20 A. No, sir. Repeat it again.

21 Q. Isn't it true that 12:07 a call went from the Bradley
22 residence to Hardee's of some sort?

23 MR. PEARSON: Objection. Foundation.

24 THE COURT: Overruled.

25 THE WITNESS: I would have to look at the record

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1 again.

2 BY MR. GIPSON:

3 Q. You have them in front of you; don't you?

4 A. Let me see.

5 MR. PEARSON: Your Honor, objection. Foundation.

6 THE COURT: Overruled, once again.

7 BY MR. GIPSON:

8 Q. I can point you to a page, if you'd like.

9 A. Yeah. If you have the attachment number that would
10 help expedite it.

11 Q. Okay:

12 (Pause.)

13 THE COURT: Madam Forelady, ladies and gentlemen
14 of the jury, we're going to take a brief recess. I'm
15 going to ask that you retire to the jury room.

16 Madam Forelady, I'd like for you to remain in the
17 courtroom for just one moment.

18 (Jury exits courtroom at 10:20 a.m.)

19 THE COURT: Madam forelady, we have had some
20 discussion with regard to the fact that you were contacted
21 by phone, and I just wanted to ask one follow-up
22 question.

23 If you remain on this jury, could you be fair and
24 impartial to both the State and the Defendant with regard
25 to your service here today?

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1 FOREPERSON OF THE JURY: Yes, sir.

2 THE COURT: And can you base your decision on the
3 evidence that's presented in this case and the law as I
4 charge it to you?

5 FOREPERSON OF THE JURY: Yes.

6 THE COURT: Thank you so much. You may retire to
7 the jury room. We're going to take about a five-minute
8 recess.

9 (Thereupon at 10:20 a.m., until 10:30 a.m., a
10 recess was taken. Thereafter, the trial resumed as
11 follows:)

12 MR. PEARSON: Your Honor, before we bring the
13 jury back in, could I get a clarification on the last
14 ruling on the objection? I just want to make sure this is
15 right.

16 It's my understanding that the law enforcement
17 witnesses can refer to their investigation, their records
18 and publish that information to the jury; is that correct?

19 THE COURT: You objected to the question. I
20 overruled your objection.

21 MR. PEARSON: On the basis of foundation. I'm
22 just looking for clarification.

23 THE COURT: Yes. And I'm going to allow him to
24 ask the question.

25 MR. PEARSON: All right.

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1 THE COURT: Very good. Are you ready for the
2 jury?

3 MR. PEARSON: Yes.

4 (Jury enters courtroom at 10:31 a.m.)

5 THE COURT: Mr. Gipson, you're recognized.

6 MR. GIPSON: Thank you, Your Honor.

7 BY MR. GIPSON:

8 Q. Mr. Johnson, when we left off I asked you a question
9 about the 12:07 call. Are you familiar in your
10 investigation dealing with that? Are you familiar with
11 that call based on your investigation in the notes that
12 you took?

13 A. Based on my notes from the general manager of
14 Hardee's, I think he's the general manager, that a call
15 did come from that area.

16 Q. Okay.

17 A. From Jessica Bradley home.

18 Q. At 12:07?

19 A. Yes, according to what he wrote here.

20 Q. And did you do any follow-up investigation to
21 determine what that was, the nature of it, anything like
22 that?

23 A. We attempted to locate Jessica Priester because,
24 again, according to the general manager, when he called
25 the number back the person identified them self as Jessica

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1 Priester.

2 Q. And the phone number was actually to Jessica Bradley's
3 home?

4 A. I would have to look back at Jessica Bradley's
5 information to confirm these two numbers are the same.

6 Q. Do you have that readily accessible?

7 A. Let's see. Let's see (looking through documents). I
8 think when I got, when I met with Jessica Bradley some
9 months later, the number that she had at the time she said
10 was in her father name.

11 Q. I'm only curious about that evening, that call.

12 A. Sir?

13 Q. I'm only curious about that evening, that call and
14 that phone number.

15 A. Bear with me one moment. (Looking through documents).

16 Yes, sir. According to my notes, this was Jessica
17 Bradley's phone number at the time.

18 Q. Thank you. And you don't know who made the call?

19 A. No, sir.

20 Q. Don't you think that in an investigation of this
21 importance, of course you are interested in getting at the
22 truth, something needs to be determined about that call?

23 A. We did make effort to make that determination.

24 Q. Okay. Now, you did a time line with this case as
25 well; correct?

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1 A. Yes.

2 Q. It was essentially as you investigated this case you
3 started to try to put together things to try to fit it
4 within a certain -- to fit all of the occurrences and
5 y'all's eventual alleged occurrences into a time frame;
6 didn't you?

7 A. Just centered around the time that Ericka was last
8 seen in front of the courthouse and the time that Derek
9 called Peter Tony Carter. And that kind of just went a
10 little bit into November 7, 2006.

11 Q. And it's -- based on your investigation, what time did
12 Derek Maner get to his home that evening?

13 A. It was before midnight.

14 Q. Before midnight. And based on your investigation,
15 what time did Derek Maner call Peter Carter or Jessica
16 Bradley's home? It was before midnight; wasn't it?

17 A. Sir?

18 Q. It was before midnight; wasn't it?

19 A. Give me a moment, please.

20 Q. Sure.

21 A. (Looking through documents). Yes. 11:57 according to
22 the phone records.

23 Q. All right. If Peter Tony Carter was correct in his
24 times that he picked Derek up at 11:45, argument ensued,
25 all of these things, then Derek was home by 11:57?

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1 A. We had already, by the time we -- I completed his time
2 line, it had already been told to me that Peter Carter was
3 not accurate in his initial time as to when he picked
4 Ericka up and Ericka and Derek met in front of the
5 courthouse.

6 Q. Well, the question is if he wasn't accurate, I mean,
7 without -- do you have some kind of evidence in terms of a
8 camera outside of Hardee's or a camera outside of the
9 courthouse, other folks riding around in Allendale who saw
10 anything happen outside of the courthouse? Do you have
11 that?

12 A. No, sir.

13 Q. So how are you able to just arbitrarily determine he
14 was an hour off? It wasn't 11:45, it was 10:45. How do
15 you know it wasn't 11:15? 11:08? 11:20? How do you know
16 those things with certainty?

17 A. When we got to the point we didn't have anyone else to
18 interview, I started with the phone records. And what I
19 gleaned from those phone records and from Ericka Bradley's
20 timecard when she got off from work is that Ericka Bradley
21 got off work at 10:45. We know that because her time card
22 reflected her clocking out at 10:45 p.m.

23 In corroboration of Peter Carter's statement that from
24 Hardee's he took Ericka to the Maner residence which is
25 where he was living at, and in corroboration from Jessica

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1 Bradley's information that Ericka called her and inquired
2 if Peter could take her out to Appleton, looking at those
3 and reviewing the Maner's phone record we could see here
4 where a call went from the Maner's home --

5 Q. At 10:57?

6 A. -- to Jessica Bradley's home at 10:57 which
7 corroborated that Ericka called Jessica.

8 Q. Yes, sir.

9 A. And from the statement that we got Ericka and Carter
10 met Maner in front of the courthouse.

11 Q. At what time?

12 A. This is approximately at 11 p.m. And I say at
13 approximately because the phone records could not confirm
14 if that's exact time they got there.

15 Q. Well, and the phone records aren't -- what we know for
16 certain is you said there was a call made at 10:57 and a
17 call made at 11:57, right? So those are numbers that you
18 know are certain numbers; correct? 10:57 call came from
19 the Maner's house to the Bradley's house?

20 A. Yeah.

21 Q. And another call came at 11:57 from the Maner's house
22 to the Bradley's house; correct?

23 A. Came from the Maner's house at 11:57 to --

24 Q. Bradley's house?

25 A. No. At 11:57 from the Maner's house it went to

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1 Jessica Bradley's house. Okay.

2 Q. The Bradley's house?

3 A. Uh-huh.

4 Q. So we know those are definite points in time that
5 there's no question about, according to your
6 investigation?

7 A. Yes.

8 Q. So after that you start speculating how long it took
9 people to get from point A to point B; correct?

10 A. Yes.

11 Q. So you're speculating that as soon as the phone was
12 hung up, out the door to the courthouse. How long -- you
13 cannot say for certain, with certainty how long they were
14 at the Maner's house, Peter and Ericka; can you?

15 A. No, no, sir; only from what Peter said she was pretty
16 much in and out.

17 Q. It's the same Peter who you were saying was an hour
18 off in his times; correct?

19 A. Yes.

20 Q. Who had all the times wrong two days later but had
21 them right 16 months later after he reviewed your notes;
22 correct?

23 A. After I interviewed him, questioned about what time
24 the Hardee's closed. Then he said it had to have been at
25 that 10:45 or before eleven o'clock.

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1 Q. After he glanced at your notes, you also said?

2 A. No. He gave me the time then. As I'm reviewing my
3 information, he's looking at it saying it had to have
4 been.

5 Q. Are you suggesting you didn't say that he had a glance
6 at your notes just a few minutes ago?

7 A. I can't say he looked at my notes ago before he
8 confirmed what he said. What I can say and what I did say
9 is that when I confronted Peter in terms of what time did
10 Hardee's close.

11 Q. Uh-huh.

12 A. Okay. He said on Monday through Thursday they close
13 at 11. How can you have picked Ericka up at 11:45.

14 Q. And you confronted him with that; right?

15 A. Then he said that it had to have been before eleven
16 o'clock. And as I'm sitting there reviewing my notes, all
17 right, he's able to see where we're sitting at.

18 Q. Okay. All right, sir. That's how you characterize
19 it. Now, according to Peter, they eventually flagged
20 Derek down outside of somewhere in this vicinity, outside
21 the courthouse; correct?

22 A. Yes.

23 Q. And this is where and I'm phrasing, I'm terming this
24 the bat incident but that's where the bat incident took
25 place; correct?

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1 A. Correct.

2 Q. And Peter said they were on the side of the road for a
3 good 20, 30 minutes; correct?

4 A. Correct.

5 Q. So that puts you, you know, at least with their
6 approximations, and again, these are approximations, that
7 puts you at 11:20, 11:30, according to Peter?

8 A. Yes.

9 Q. Then Peter and again Peter says Derek never did
10 anything aggressive to her, mean, that kind of stuff, mean
11 to her. She was fine; correct?

12 A. Right.

13 Q. And he also says that he left them standing at the
14 courthouse; correct?

15 A. Correct.

16 Q. How long were they at the courthouse standing there
17 before they left?

18 A. I couldn't say. Only from the, I guess from Derek's
19 information. I think he said somewhere around 20, 25
20 minutes they've been in front of the courthouse. Now, how
21 long after they stayed after Peter left, I have no idea.

22 Q. You have no idea, but you're sure that he was home by
23 11:57?

24 A. Yeah, I feel comfortable he was home by that time.

25 Q. So we're looking at 11:30 and sometime there they

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1 stayed there and they talked some more?

2 A. (Shrugs shoulders).

3 Q. That's right. You can't say?

4 A. Yeah.

5 Q. But according to Peter that's what Peter says?

6 A. Yeah, he left them talking.

7 Q. He left them talking. So, again, from that point in
8 time, uncontradicted testimony says the two of them
9 started finding their way towards the Appleton community;
10 correct?

11 A. Correct.

12 Q. And an argument of some sort ensues, Ericka gets out
13 of the car. Derek turns around and leaves her walking
14 back to Allendale, according to Derek's testimony;
15 correct?

16 A. Yes.

17 Q. You're suggesting -- and all of that happened within
18 ten minutes? Six minutes? Eight minutes? I mean, how
19 much? How long did all that take?

20 A. Based on my time line, all of that took place within
21 30 minutes to, 30 to 45 minutes.

22 Q. Well, it couldn't have taken 30 to 45 minutes if Peter
23 left at 11:30 and they stayed on the road talking and
24 Derek was home by 11:57. You're talking about maybe 20
25 minutes because there had to be some drive time back and

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1 forth?

2 A. My investigation is not based on Peter information in
3 terms of the time because it was clear to me after
4 re-reviewing everything, Peter time was off.

5 Q. Uh-huh.

6 A. So it's not -- my time line is not based on that.
7 It's based, I'm looking at phone records. I'm looking at
8 information from Ms. Maner. I'm looking at information
9 from Derek Maner, an approximate time he got home and
10 calls going to different locations.

11 Q. But Derek even tells you in here that they talked at
12 least 20 minutes.

13 A. I'm sorry. Say again?

14 Q. He even says in his statement that they talked for at
15 least 20 minutes.

16 A. He initially lied in his statement, too.

17 Q. Well, you're saying he lied. Where's the proof that
18 he lied?

19 A. He told us.

20 Q. So Derek -- and where is it written that he lied?
21 Where did he write down that he lied?

22 A. He didn't give a statement that he lied. He verbally
23 told. He refused to give a written statement.

24 Q. Did you record it?

25 A. No.

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1 Q. So Peter was wrong about his times but he didn't lie.
2 You say Derek said that he was driving 50, maybe he wasn't
3 driving 50 and that's a lie?

4 A. Well, Peter never said he lied, he said he made a
5 mistake. Derek said he lied.

6 Q. So you determined that at some point in time that car
7 stopped. Is that what you're basing his lying on, I mean,
8 your characterization of the lie?

9 A. No. I'm basing the lie on what he said.

10 Q. What did he say he lied about?

11 A. He said he lied about Ericka Bradley pushing his car
12 in park while he was driving 50.

13 Q. So that is what you're characterizing as a lie?

14 A. Well, that's a lie to me. He say he lied.

15 Q. Okay. But he didn't say he lied about the fact she
16 got out of the car and walked; did he?

17 A. No, he didn't say that.

18 Q. Okay. Let's narrow it down. So let's not make this
19 huge comment on he lied. You're saying that he said that
20 he didn't throw, she didn't throw the car in park when it
21 was going 50?

22 A. Correct.

23 Q. Okay. All right. So assuming she didn't throw the
24 car in park while he was going 50, everything else he said
25 is what he said. And he didn't back off of any of that,

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1 all of this time; has he?

2 A. Not during the second interview; no.

3 Q. Okay.

4 A. We haven't had an opportunity to re-interview him.

5 Q. Okay. And the things that he said in those written
6 statements -- I mean, the things that you're alleging he
7 said after that, none of that is in writing; is it?

8 A. Yeah, by me.

9 Q. No. By him?

10 A. No. He didn't put anything in writing.

11 Q. And none of that is recorded; is it?

12 A. No, sir.

13 Q. So we have to sit here and we have to listen to your
14 characterization of it, when it may not be exactly what he
15 said?

16 A. I'm not following your question on that.

17 Q. Okay. I'll move on. I'll move on.

18 But essentially he sat down with you and he gave a
19 statement and he never told you that he did anything
20 aggressive or mean towards Ericka Bradley; correct?

21 A. Not in writing.

22 Q. Okay. And you're very concerned with writing and
23 proof in this court; correct?

24 A. Well, any interview I do I prefer to get it in writing
25 or recorded but unfortunately a lot of counties doesn't

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1 have the equipment to record our interviews and we
2 certainly don't have it in our vehicles to record our
3 interviews which is where our office located at.

4 But when we can't, we try to get it in writing. If
5 not -- and we can't, we can't force anyone to give us a
6 written statement. If they refuse, we just have to make
7 note of what we call a memorandum of interview. That's
8 the only thing we have at our disposal.

9 Q. Are you suggesting that you don't have tape recorders
10 at your disposal?

11 A. We have -- they aren't very good. We have some at the
12 office, but, no.

13 Q. So you don't have a tape recorder?

14 A. Individual agents is not assigned tape recorders.

15 Q. So you had to be assigned a tape recorder in order to
16 have it?

17 A. Unfortunately when you work for the state, I'm sorry.

18 Q. So Allendale didn't have an assigned tape recorder
19 there?

20 A. We didn't -- I don't know if Lieutenant Mears checked
21 with Allendale. I know by the time I got in the interview
22 with Derek Maner, no, we were just in the middle of our
23 interview.

24 Q. And, but the things that you write down, I mean that
25 you personally write down, are the things that we can take

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1 to the bank; correct?

2 A. Yes, sir.

3 Q. That being said, let me point you to this general,
4 Defendant's Exhibit Number Six, Defendant's Exhibit Number
5 Seven, Defendant's Exhibit Number Four and Defendant's
6 Exhibit Number Five. All of these are for identification
7 purposes.

8 A. Uh-huh.

9 Q. Now you mentioned that you recognize those documents;
10 correct?

11 A. Correct.

12 Q. And those are reports that you personally did;
13 correct?

14 A. Correct.

15 Q. And they were about this particular case; weren't
16 they?

17 A. Yes.

18 Q. Okay. And without getting into the substance of every
19 one of them, you title each one of these reports; don't
20 you?

21 A. Yes.

22 Q. And you title them so that you can get back to them at
23 the appropriate time and you can say on such-and-such a
24 date this is the case, this what is it's involving and
25 this is what I did; correct?

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1 A. Yes.

2 Q. And you've reviewed it; correct? I mean, you've just
3 looked at the first one?

4 A. Just confirming that these are mine.

5 Q. All of those are on SLED letterhead; correct?

6 A. Correct. Well, I think one was from the sheriff's
7 office. Let me look and see.

8 I thought earlier you were showing me something on
9 different letterhead. All these are.

10 Q. All of those are SLED?

11 A. Yes, sir.

12 Q. So as it relates to Defendant's Exhibit Number Four,
13 and well, technically this is initialed by Major Heaton so
14 that's technically not yours. So I'm not going to hold
15 you to that.

16 So that technically, Defendant's Number Four, is not
17 necessarily your work. But Defendant's Exhibit Number, I
18 apologize -- if you can put that down -- Number Seven. It
19 says -- that's your work; correct?

20 A. Correct.

21 Q. Okay. It says to file 31060090; correct?

22 A. Uh-huh.

23 Q. From Special Agent Richard Johnson; correct?

24 A. Correct.

25 Q. RE: missing person; correct?

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1 A. Uh-huh.

2 Q. And the date is November 5th, 2007; correct?

3 A. Yes, sir.

4 Q. Okay. Investigative report?

5 A. Yes, sir.

6 Q. Okay. Defendant's Exhibit Number Six for
7 identification purposes, again to file 31060090; correct?

8 A. Correct.

9 Q. From Special Agent Richard Johnson; correct?

10 A. Correct.

11 Q. Regarding missing person; correct?

12 A. Correct.

13 Q. And the date of that is, what?

14 A. August 18th, 2008.

15 Q. Now, Defendant's Exhibit Number Five for ID purposes,
16 date here is July 31st, 2008; correct?

17 A. Yes.

18 Q. Investigative report; correct?

19 A. Yes.

20 Q. Addendum which essentially means assists an additional
21 piece of information that you've put together that you've
22 investigated; correct?

23 A. Yes.

24 Q. It says file 31060090; correct?

25 A. Correct.

RICHARD JOHNSON - CROSS

- 1 Q. Special Agent Richard Johnson; correct?
- 2 A. Uh-huh.
- 3 Q. Even your initials by it?
- 4 A. Yes.
- 5 Q. Regarding missing person; correct?
- 6 A. Correct.
- 7 Q. And that's July 31st, 2008; correct?
- 8 A. Yes, sir.
- 9 Q. Derek Maner was arrested on or about April 3rd of
- 10 2008?
- 11 A. Yes.
- 12 Q. And your investigative reports that you can take to
- 13 the bank because they are correct, it's a missing person?
- 14 A. Yes.
- 15 Q. Missing person's case; correct?
- 16 A. Yes. With explanation.
- 17 Q. Okay. Now, as you continued through your
- 18 investigation you had an opportunity to meet with lots of
- 19 people about lots of different things; correct?
- 20 A. Yeah, most certainly.
- 21 Q. And you even went to Columbia on a few occasions;
- 22 correct?
- 23 A. On this case?
- 24 Q. Yes, sir. At least twice?
- 25 A. I probably did.

RICHARD JOHNSON - CROSS

1 Q. Probably more than that, but at least twice?

2 A. Yeah.

3 Q. Now during your investigation, did you have an
4 opportunity to meet with a young lady named Fay Duncan in
5 Columbia?

6 A. I can't recall.

7 Q. Okay. If I refreshed your recollection, do you
8 remember in Columbia meeting with a lady named Fay Duncan
9 who's related to the Maners?

10 A. No, sir.

11 Q. Do you remember ever running anybody's tags named Fay
12 Duncan who was related to the Maners?

13 A. Can't recall; no, sir.

14 Q. Speaking to a Fay Duncan specifically about any
15 details about this case?

16 A. No, sir.

17 Q. Did you have an opportunity in Columbia to meet with a
18 young lady named Madoree Pipkins?

19 A. Yes, sir.

20 Q. You met her at Benedict College?

21 A. Benedict College.

22 Q. She was student at Benedict; correct?

23 A. That's correct.

24 Q. And during your investigation with her, did you at any
25 point in time show pictures of things that you purported

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1 to be evidence in this case?

2 A. Yes. I think I showed some -- she saw pictures of a
3 car.

4 Q. Did you at that point in time or at any point in time
5 during your interview with her say that the Maner family
6 -- you were public enemy number one towards the Maner
7 family?

8 A. No, sir.

9 Q. Did you ever say that you didn't like Mr. Maner?

10 A. No, sir.

11 Q. That you hated Mr. Maner?

12 A. No, sir.

13 Q. That you felt he was guilty and you were going to do
14 what you had to to make sure he went to jail?

15 A. I said I knew he was guilty and we could pursue it to
16 the utmost until we could prove it, one out of the two.

17 Q. So, but you never said those other things?

18 A. No, sir.

19 Q. Do you remember the date and time that you were at
20 Benedict College?

21 A. I could look. I would need to look back at my notes
22 to see when I met with Ms. Pipkins.

23 Q. No need to. But you do acknowledge that you met with
24 her at Benedict College?

25 A. Yes. Uh-huh.

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1 Q. Now, just take a couple more things. You say that at
2 some point in time you said Mr. Maner tried to rip up a
3 statement?

4 A. Yes.

5 Q. So he tried to grab a statement, tear it up and run
6 out of the office or something like that?

7 A. No. When he requested his original statement back I
8 gave him a copy.

9 Q. Right.

10 A. As soon as I gave him a copy he balled it up and tried
11 to rip it. I then grabbed it back from him.

12 Q. Well, if it was copy what does it matter if he --

13 A. Just natural reflex.

14 Q. Okay.

15 A. Yeah.

16 Q. All right. But, again, you're not suggesting he was
17 doing anything improper? If you gave him a copy, that's
18 his copy?

19 A. That's his copy, yeah. Absolutely.

20 MR. GIPSON: Court's indulgence for one moment,
21 Your Honor.

22 THE COURT: While you're doing that, apparently
23 there's someone that may be in the courtroom that's needed
24 in family court as opposed to this courtroom. Stephanie
25 Jordan. Is there a Stephanie Jordan in the courtroom?

RICHARD JOHNSON - REDIRECT

1 Stephanie Jordan?

2 (Pause.)

3 THE COURT: Mr. Gipson, you're recognized.

4 MR. GIPSON: Thank you, Your Honor. Court's
5 indulgence very brief.

6 (Pause.)

7 BY MR. GIPSON:

8 Q. And I apologize. I said Fay Duncan. Fay Dunbar.

9 Does that ring a bell to you?

10 A. Who's that?

11 Q. Fay Dunbar. I asked you about a person, Fay Dunbar,
12 that you recall meeting in Columbia running their tags?

13 A. No, sir; I don't.

14 Q. I mentioned Duncan but the name is actually Dunbar.
15 Your Honor, that's all my questions at this time.

16 THE COURT: Redirect?

17 MR. PEARSON: Yes, Your Honor. Very briefly.

18 REDIRECT EXAMINATION

19 BY MR. PEARSON:

20 Q. Now, you testified on cross-examination regarding a
21 12:07 a.m. telephone call to Hardee's. Do you remember
22 testifying about that?

23 A. Yes, sir.

24 Q. I want to ask you about that telephone call. Were you
25 able to determine if the person calling was in fact Ericka

RICHARD JOHNSON - REDIRECT

1 Bradley?

2 A. It was not Ericka Bradley. What we was trying to
3 determine if it was Jessica Bradley because at the time we
4 didn't know Jessica Bradley and Ericka Bradley was sisters
5 but by the time we got Jessica Bradley, she confirmed that
6 she calls at that time.

7 Q. So were you able to determine if there was anyone else
8 at the home of Jessica Bradley that night?

9 A. No, sir. We were not able to determine that.

10 Q. But, I guess my question was: Was there any evidence
11 to say that that phone call was made by Ericka Bradley?

12 A. No evidence.

13 Q. Now, let's talk a little bit about the time line. You
14 testified quite extensively on cross-examination about
15 your discussion with Peter Tony Carter. I'm going to show
16 you what's been marked for identification purposes as
17 State's 153.

18 A. Okay.

19 Q. Have you -- you spoke extensively with Peter Tony
20 Carter in your investigation?

21 A. Not at the initial investigation but after, yes.

22 Q. Is there anything that Peter Tony Carter told you that
23 would indicate that Hardee's was actually still open when
24 he went to pick up Ericka?

25 A. Yes, sir. On the, I think the last statement I

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1 interviewed with Peter he said, I recalled --

2 Q. Well, don't read exactly what he said but, did he
3 indicate to you that Hardee's was actually still open when
4 he went there?

5 A. Yes, he did.

6 Q. And with Hardee's being open when he picked up Ericka
7 Bradley, would that be consistent with the time line you
8 developed?

9 A. Yes, sir.

10 MR. PEARSON: Nothing further.

11 THE COURT: You may step down. You may call your
12 next witness.

13 MR. PEARSON: Can we approach?

14 THE COURT: Yes, sir.

15 (Off-the-record discussion. Sidebar.)

16 MR. PEARSON: Your Honor, at this time the State
17 would call Vicki Hallman.

18 VICKI HALLMAN, having been duly sworn, was
19 examined and testified as follows:

20 THE COURT: Yes, ma'am. I ask you to come
21 forward. Have a seat in the witness chair. I'm going to
22 ask you to pull up close to the microphone, speak loudly,
23 clearly and slowly. I have some difficulty with the sound
24 in here. And could you state your full name?

25 THE WITNESS: Vicki Hallman. H. A. L. L. M. A.

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1 N.

2 THE COURT: Very good. Sounds like you're
3 speaking very well so you might back a little bit off that
4 microphone, we'll be in good shape. Thank you.
5 Mr. Pearson?

6 MR. PEARSON: Yes, Your Honor.

7 DIRECT EXAMINATION

8 BY MR. PEARSON:

9 Q. Ms. Hallman, what is your current occupation?

10 A. I'm a special agent with the South Carolina Law
11 Enforcement Division which is also known as SLED.

12 Q. And what did you do immediately prior to working for
13 SLED?

14 A. I was -- I've been in law enforcement since 1991. I
15 was employed with Lexington County Sheriff's Office.

16 Q. And what are your current duties that you have with
17 SLED?

18 A. I'm assigned to the crime scene unit at SLED. We're
19 responsible for assisting local agencies in processing
20 crime scenes.

21 Q. How do you -- I guess, how do you normally in the
22 normal course of business become involved in a case?

23 A. We are -- usually we receive a phone call through a
24 couple of different avenues either now through our
25 regional supervisors or through our officer of the day.

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1 We receive a phone call from a local agency requesting
2 assistance. We usually make phone contact with them to
3 see what's requested and then we usually respond.

4 Q. All right. And working with crime scenes just in a
5 normal sense, what does your job entail, the day-to-day
6 aspect of it?

7 A. When we work a crime scene, we arrive on the scene,
8 we're briefed by the investigator who's requesting us. We
9 usually document that scene with photographs. Given
10 whatever information they share with us, we usually
11 attempt to locate evidence that either corroborates or
12 does not corroborate what they've told us. We collect
13 that evidence and it is usually taken to the SLED lab. If
14 there's anything that involves latent fingerprints,
15 footwear, tire tread, or bloodstain splatter analysis,
16 that usually stays with me because that's part of what I
17 do.

18 The other areas, if we do collect blood swabs, those
19 are logged into the lab and goes to different departments,
20 like the DNA department to do an analysis.

21 Q. Were you called in to assist in an investigation on
22 November 6th, well on November 9th of 2006?

23 A. Actually November 10th.

24 Q. November 10th of 2006?

25 A. Yes, sir.

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1 Q. And where was that?

2 A. We were requested to respond to -- let me get the
3 exact location for you -- T&H Automotive which is located
4 at 5072 Burtons Ferry Highway here in Allendale.

5 MR. GIPSON: Your Honor, I have an objection and
6 a matter of law that I'd like to discuss with the Court.

7 THE COURT: Approach the bench.

8 (Off-the-record discussion. Sidebar)

9 BY MR. PEARSON:

10 Q. Just, I didn't get the entirety of your last answer.
11 I believe you said you responded to something on the 10th
12 of November, 2006?

13 A. Yes, sir.

14 Q. All right. Could you please tell the jury what you
15 responded to?

16 A. We were requested to execute a search warrant on a
17 vehicle at T&H Automotive at 5072 Burtons Ferry Highway.

18 Q. And where is 5072 Burtons Highway?

19 A. It's here in Allendale County.

20 Q. And what were you specifically called in to
21 investigate, to take a look at?

22 A. They had a young lady named Ericka Bradley who was
23 missing. And from my understanding, she was last seen in
24 that vehicle with her boyfriend.

25 So we were asked to process it for any type of

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1 forensic evidence that may help them to determine what
2 happened to her.

3 Q. As a crime scene investigator in a missing person's
4 case, what kind of things might you be looking for in this
5 vehicle?

6 A. Basically anything. If there's a possibility that
7 there's foul play involved, we'd be looking for blood, any
8 type of weapons, any types of notes or letters that would
9 indicate where she was going, if the vehicle was hers and
10 things along that line.

11 Q. And in this particular case, did you bring with you
12 tools and equipment to look for that kind of evidence?

13 A. Yes, sir. It's standardly in my truck at all times.

14 Q. I'm going to show you what has been marked already
15 into evidence as State's Exhibit Two, Three, and four. Do
16 you recognize what is in those photographs?

17 A. Yes, sir; I do.

18 Q. And could you please tell us what that is?

19 A. That is a -- let me get the specifics. It is a 2005
20 Suzuki Verona that we requested that was -- the item that
21 was listed in the search warrant for us to search. So it
22 was the vehicle we came to process.

23 Q. And those pictures you just took a look at, did those
24 accurately -- are those an accurate representation of the
25 way the vehicle looked when you arrived at the scene?

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1 A. Yes, sir.

2 Q. And let me show you, when you arrived at the crime
3 scene or when you arrive at a scene to do your forensic
4 analysis, is there any paperwork that you have to do?

5 Like, what do you do when you first arrive?

6 A. Usually we're briefed on the scene when we arrive and
7 I usually carry, like, a spiral notebook with me that I
8 take my rough notes or my field notes and those are
9 translated onto official SLED reports that are part of my
10 crime scene case file that would include a crime scene
11 response sheet, a data sheet and then I also have several
12 sheets that allow me to take notes on.

13 Q. You just testified a second ago that you had to do a
14 crime scene data sheet. Could you explain to the jury
15 what that is?

16 A. It's basically a form that's standard in the crime
17 scene unit at SLED. We put in the lab number on the sheet
18 and there's specific areas that we basically fill in the
19 blanks. It's basically a sheet. And if I went to more
20 than one location I would fill one out for each location.
21 It tells what type of chemical processes I use and it
22 gives the validation dates for those chemicals because we
23 have to validate our chemicals when we use them.

24 It also tells me what all I looked for, if I collected
25 blood evidence or trace evidence or things along those

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1 lines.

2 That sheets basically gives me the information for any
3 type of analysis that I did at that particular scene.

4 Q. And I've just handed you what's been marked for
5 identification purposes only as State's Exhibit 154. Do
6 you recognize that?

7 A. Yes, sir; I do.

8 Q. Could you please tell the jury how you recognize that?

9 A. It is, it's a data sheet. It has the lab number
10 that's associated with this case and it's actually
11 handwritten and it is my handwriting.

12 Q. All right. And to your knowledge, has that sheet been
13 altered or changed in any way?

14 A. No, sir; it has not.

15 Q. Is it substantially the same as it was when you filled
16 it out back in 2006?

17 A. Yes, it is.

18 MR. PEARSON: At this time I'd like to move
19 what's been marked for identification purposes as State's
20 Exhibit 154 in evidence.

21 MR. GIPSON: Without objection.

22 THE COURT: State's 154 is in evidence without
23 objection.

24 (Thereupon, State's Exhibit No. 154, SLED crime
25 scene data sheet, was received in evidence.)

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1 BY MR. PEARSON:

2 Q. Now what type of data is on this sheet?

3 A. It specifically requests the -- excuse me, the SLED
4 lab number, the date and time of arrival, the scene
5 address location, weather conditions, was the scene secure
6 upon arrival. It asks question about the photographic
7 documentation. There's a section for chemical validation
8 and then examinations slash processes.

9 Q. And what does secure upon arrival, that term, what
10 does that mean?

11 A. That's basically asking us was the crime scene secure.

12 Q. Okay. And just if you could expound on that. What
13 would be an example of a secure versus a non-secure place?

14 A. Usually if the agency, and this is for any type of
15 crime scene, if we go to process a shooting or something
16 along those lines, if they put crime scene tape up around
17 the incident and they've restricted the access into the
18 crime scene, I consider it secured.

19 If it's basically wide open and there's all types of
20 people milling around within what is my scene, then I
21 consider it to be unsecured.

22 Q. And what was the -- what was this location?

23 A. The vehicle had been secured inside a garage at this
24 location so I considered it secured.

25 Q. All right. Thank you.

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1 Now, you also testified a moment ago about
2 photographs. Did you have the opportunity to take any
3 photographs in this particular case?

4 A. Actually, yes. Those photographs were taken by the
5 gentleman from SLED who responded with me because we
6 actually respond in pairs. We work together and we have
7 certain duties, but everything is basically done as a
8 team.

9 Q. Were you there when the photographs were taken?

10 A. Yes, sir; I was.

11 MR. GIPSON: Without objection.

12 THE COURT: State's Exhibits Nine through 39 into
13 evidence without objection from the defense.

14 (Thereupon, State's Exhibits No. 9 through 39,
15 photographs, were received into evidence.)

16 BY MR. PEARSON:

17 Q. If you could, briefly thumb through those
18 photographs.

19 A. (Complying.)

20 Q. Do those photographs accurately show the vehicle as
21 you found it in that secure scene?

22 A. Yes, sir.

23 Q. Does it accurately -- why are there so many of them?
24 Why do you take so many photos?

25 A. What we usually do is we document the outside of the

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1 vehicle from all different angles. In this case the
2 vehicle was a four-door vehicle, so we would have opened
3 the driver's door, taken a photograph across towards the
4 passenger side and we would have done that at each door.

5 We usually document the trunk area. We usually make
6 sure we take a photograph of the VIN plate which is the
7 little vehicle identification number and any kind of door
8 pockets or anything that would have any type of storage
9 available, like the trunk.

10 Q. And do you take an inventory of what's in the car?

11 A. Sometimes. It depends. We look more for what is
12 included in the search warrant. The photographs are there
13 to show basically what's in the vehicle if I ever need to
14 refer back about anything specific, but I don't usually
15 make a list of absolutely everything in the vehicle.

16 Q. And are these photographs taken before -- is this the
17 first thing you do?

18 A. Yes.

19 Q. And why do you do it first?

20 A. We usually photograph the scene first to show it as we
21 find it. And the camera stays out the entire time that we
22 process any type of scene. And as we find evidence, that
23 is photographed as we find it. And then we usually add
24 markers into the photograph just to show location. But
25 all photographs on a crime scene, the initial stuff is

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1 taken before anything is done.

2 Q. All right. I'm going to show you State's 15 through
3 21. If you wouldn't mind, could you tell the jury what
4 that's a photograph of?

5 A. The first photograph, which is 15, is an overall view
6 of the trunk of the vehicle. And then the successive
7 photographs are more closer detail of the items that are
8 in the trunk of the vehicle.

9 Q. And those items that you photographed in this vehicle,
10 did you see a baseball bat in this trunk?

11 A. No, sir; I did not.

12 Q. After you photograph a vehicle, what's the next step
13 that you do in your investigation?

14 A. Usually we start looking for any type of stain. With
15 a missing person's case or something that we think that
16 there might be some type of violence involved, any type of
17 stain that may appear to be blood or something along those
18 lines, we usually use a field test or a presumptive test
19 which in the case of SLED we use something called
20 phenolphthalein. It will actually tell us whether or not
21 the stain is blood. And if it is blood then we collect
22 another swab which goes our DNA department. If it comes
23 back what we called phenol negative then I just usually
24 notate in my report or my case notes what areas I checked
25 and that those areas were negative.

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1 Q. Speaking only of the inside of the car, the part that
2 is shown in those photos, did you perform those tests in
3 this particular incident?

4 A. We actually did a visual examination in the trunk area
5 and did not see any type of stains that would indicate
6 blood.

7 Q. What about the interior of the car, did you do the
8 same thing?

9 A. Yes, sir.

10 Q. Just the visual test?

11 A. With -- inside the interior of the vehicle in what we
12 call the passenger compartment, there were several areas
13 that we did test using the phenolphthalein that came back
14 negative so no swabs were collected.

15 Q. So, no swabs were collected from the inside of the
16 car?

17 A. Correct.

18 Q. Did you search any other area of the car?

19 A. Yes, sir; we did.

20 MR. GIPSON: Can we approach for one moment, Your
21 Honor?

22 (Off-the-record discussion. Sidebar.)

23 THE COURT: Madam Forelady, ladies and gentlemen
24 of the jury, retire to the jury room. Do not discuss the
25 case.

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1 (Jury exits courtroom at 11:21 a.m.)

2 THE COURT: Yes, sir.

3 MR. PEARSON: Your Honor, at this time the State
4 is going to show the witness some photographs and attempt
5 to put those into evidence.

6 Q. I'd like to show you what's been marked for
7 identification purposes as State's Exhibit 40 through
8 102. Could you take look at those photos.

9 A. (Complying.)

10 Q. Do you recognize those photos?

11 A. Yes, sir; I do.

12 Q. How do you recognize them?

13 A. Those would be some additional photos that we took
14 when we processed the vehicle.

15 Q. And when you say additional photos, what parts of the
16 car did you document?

17 A. That's the undercarriage of the vehicle.

18 Q. Are these pictures a fair and accurate representation
19 of the way the vehicle looked when you arrived to process
20 the scene?

21 A. Yes, sir; it is.

22 Q. Do they look as though -- do you know if they've been
23 altered or changed in any way?

24 A. They don't appear to be.

25 Q. Were you there while these photographs were taken?

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1 A. Yes, sir.

2 Q. Your Honor, at this time the State would move State's
3 Exhibits 40 through 102 into evidence.

4 THE COURT: Be glad to hear from you,
5 Mr. Gipson.

6 MR. GIPSON: I object to the number of exhibits
7 asking to be entered. Number one, I believe many of the
8 pictures are duplicative and they don't need some 50 --
9 let me get the math correct. They don't need to submit 62
10 pictures of this car to a jury in order for them to look
11 at it and determine whether, or to make its decision.

12 Second of all, Your Honor, some of the pictures
13 here are absolutely prejudicial in the fact that it's
14 clear, even with the agent's testimony, that the Maner car
15 was involved in an accident that involved a dog.

16 And if you look at some of these pictures, you
17 see hair, you see tissue and all other types of things
18 that at some point in time were tested by SLED, or Agent
19 Jennifer Clayton, Your Honor.

20 And it's clear that those pieces of evidence come
21 back as not human remains, a good bit of that. So if the
22 jury starts to look at this in a case of this magnitude
23 where their position in this case is that Ericka was run
24 over by a car, at least that's what they've been trying to
25 assert thus far, and when you show the jury a picture that

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1 just shows hair and other matter that it's clear what's
2 tested was not human.

3 And I think that's absolutely prejudicial. I
4 don't think it has a place in front of the jury.

5 MR. PEARSON: Your Honor --

6 THE COURT: What's your position, Mr. Pearson?

7 MR. PEARSON: Yes. Your Honor, the first
8 objection to the number of photographs. The thoroughness
9 of law enforcement has been an integral part of
10 Mr. Gipson's defense of his client.

11 Every law enforcement officer that has gotten up
12 here he's asked questions about how thorough they are. It
13 would be unfair at this point not to allow a law
14 enforcement officer to show evidence of thoroughness of
15 her investigation if at that point Mr. Gipson's allowed to
16 attack the thoroughness of it. Second --

17 THE COURT: I'm not real sure taking a whole
18 bunch of pictures means thorough.

19 MR. PEARSON: Your Honor, it could very well be
20 said that these pictures are not an accurate
21 representation or you didn't take enough of them to show a
22 clear picture of the car.

23 And this is an argument that Mr. Gipson has made
24 in order to be able to take the jury to go out and see
25 this vehicle because he's saying that they're not accurate

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1 and they're not thorough enough. He's already said that
2 at our motions hearing last week.

3 THE COURT: Well, you can -- what is your
4 position in that regard?

5 MR. GIPSON: Regarding the car?

6 THE COURT: Regarding the numerous pictures and
7 whether or not they're accurate.

8 MR. GIPSON: I mean, she said they're fair and
9 accurate. I don't dispute the fact that the pictures are
10 clear and you can see things on the pictures. I'm not
11 saying they're accurate.

12 But I'm saying that the further portion, Your
13 Honor, that what they're showing is prejudicial and the
14 probative value is little or none.

15 THE COURT: All right. Of these -- how many are
16 there, 62 pictures?

17 MR. PEARSON: Yes, Your Honor.

18 THE COURT: And what are you trying to depict in
19 the 62 pictures? I assume the undercarriage of the car?

20 MR. PEARSON: Yes, Your Honor.

21 THE COURT: Might I see it?

22 (Pause.)

23 THE COURT: Counsel, approach.

24 (Off-the-record discussion)

25 THE COURT: We're ready for the jury.

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1 (Jury enters courtroom at 11:45 a.m.)

2 THE COURT: Mr. Pearson, you're recognized.

3 MR. PEARSON: Yes, Your Honor. At this time the
4 State would like to move State's Exhibits 40, 46, 49, 41,
5 66, 91, 47, 75, 51, 96, 100 and 98 into evidence.

6 THE COURT: Those documents are in evidence
7 without objection.

8 MR. GIPSON: Without objection.

9 (Thereupon, State's Exhibit No. 40, No. 41, No.
10 46, No. 47 No. 49, No. 51, No. 66, No. 75, No. 91, No.
11 96, No. 98, No. 100, photographs, were received into
12 evidence.)

13 BY MR. PEARSON:

14 Q. If you could, please explain to the jury the contents
15 of those photographs.

16 A. These are photographs that were taken of the
17 undercarriage of the Suzuki Verona that we processed.

18 Q. Now, do you normally take photographs of the
19 undercarriage of cars?

20 A. No, sir.

21 Q. Why did you do so in this case?

22 A. It was mentioned when we were briefed by Investigator
23 Hutto that a comment had been made to the effect that
24 somebody had hoped that Ericka had not been run over by a
25 vehicle.

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1 Q. And because of that, you took photographs of the
2 underside?

3 A. Yes, sir.

4 Q. Okay. Could you please explain to the jury the
5 results of your investigation?

6 A. There were several areas that looked suspicious that
7 could have been possible blood underneath the carriage,
8 the undercarriage of the vehicle.

9 There was also some hair, some looked like it could
10 have been possible animal hair but it was others that
11 looked like it could have been human hair. We
12 photographed all of that. We took samples of all of
13 that.

14 We also used the phenolphthalein which is a
15 presumptive blood test on several of those areas
16 underneath the vehicle. It did test phenol positive which
17 means it indicated that it was blood. Samples were
18 collected from those and then we used a second chemical
19 which is known as leuco crystal violet, we call it LCV,
20 which is also a blood indicator, and sprayed the bottom of
21 the vehicle with the LCV.

22 Q. Now, why would you use two separates blood tests?

23 A. Sometimes the phenolphthalein you have to use on a
24 specific stain. It doesn't help to highlight anything
25 that may be diluted or hidden.

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1 And the LCV is more of -- it reacts with something
2 different in the blood, with the hemoglobin, and it
3 actually would show us if there were other areas that we
4 may not have seen with just a visual examination.

5 Q. All right. And once you use both the phenolphthalein
6 and the LCV, what were the results of that?

7 A. Everything indicated that there was blood underneath
8 the vehicle, or under -- the undercarriage of the vehicle.

9 Q. And once you test something, it comes back positive
10 for blood, what do you do?

11 A. We actually take a sample of that. It's sent to our
12 DNA department, and they have more specific tests that
13 tells us whether or not it's human or some other type of
14 animal blood. And they actually will be able to develop a
15 profile possibly, if it's human blood.

16 Q. All right. Now when you're looking for blood
17 evidence, specifically in this case under the car, what
18 exactly were you looking for?

19 A. I'm not --

20 Q. Would it be -- were you looking for it to be in a
21 specific place? I mean, where did you look?

22 A. We looked under the entire undercarriage of the
23 vehicle. We actually had the wrecker company get a chain
24 with one of their wreckers and actually almost stand the
25 vehicle up vertical for us to be allowed to walk

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1 underneath the vehicle and be allowed to look at it.

2 Q. So when it was stood up, is this what you're talking
3 about?

4 A. Yes, sir.

5 Q. Permission to publish to the jury?

6 THE COURT: Yes

7 (Photograph shown to the jury.)

8 BY MR. PEARSON:

9 Q. Now once you had the car on the wrecker, where did you
10 see this blood evidence you referred to?

11 A. There's several areas. Let me see. There was what
12 appeared to be blood on the left side of the frame, almost
13 under the dash area of the vehicle. The lower bumper
14 cover on the driver's side. There's an area underneath
15 called a stabilizer bar. There appeared to be blood and
16 some other type of tissue and hair on the stabilizer bar.
17 A swab was collected from the muffler and just, in
18 general, it seemed to be concentrated more on the driver's
19 side than the passenger side.

20 Q. All right. And are those the areas that you performed
21 the tests on?

22 A. Yes. The actual entire undercarriage was sprayed with
23 the LCV.

24 Q. And how is that applied?

25 A. It actually comes in two or three different parts and

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1 we have instructions that come with the chemical itself
2 on. You pour A into B and you shake it up and it's
3 actually sprayed onto the surface and when it reacts to
4 the blood it turns, like, a purplish-blue color.

5 Q. And that's the LCV that turns the purplish-blue color?

6 A. Yes, sir.

7 Q. And once you sprayed the undercarriage of the car, did
8 you get that reaction?

9 A. Yes.

10 Q. Now in addition to the blood that came back -- in
11 addition to the items that tested positive for blood, did
12 you find any other evidence of note under the car?

13 A. We collected some hairs that appeared to possibly be
14 human hairs because they were long, longer than you would
15 find on any type of animal that we could have thought of
16 that could have been run over.

17 Q. Did you find anything consistent with animal hair?

18 A. There were some that appeared that it could possibly
19 been animal hair; yes, sir.

20 Q. Did you take samples of those?

21 A. I know I collected hair samples. I don't know
22 specifically. I know we collected it from the front
23 center of the undercarriage, the undercarriage near the
24 driver's side, and near the driver's side front tire.

25 Q. And why would you do that?

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1 A. Those are the areas that appeared most prominent so we
2 collected samples from those areas.

3 Q. And how are the samples taken?

4 A. I actually used a pair of tweezers and actually pulled
5 the hair off and stuck it in an envelope and the envelope
6 was sealed up at the scene.

7 Q. Now when you say an envelope, you mean one that I
8 might put a letter in?

9 A. I'm not sure specifically. We have two different
10 types of envelopes. One of them is a smaller manila
11 version and then we also have some larger white
12 envelopes. I don't know which specifically one I put it
13 in.

14 Q. Is that the normal way you collect evidence?

15 A. With hair; yes, sir.

16 Q. How about the samples of blood that you discussed?

17 A. Usually if -- when I do a phenolphthalein test, I'll
18 take two swabs and they're actually torn open out of a
19 sealed packet. So they are sterile.

20 There's a three-step process. I would wet the swab
21 with de-ionized water and then swab the area of what I
22 think is blood. You then apply the phenolphthalein onto
23 the swab and then after that you put -- let me think. It
24 is, hydrogen peroxide which will react if the chemical or
25 if the blood is present, and it will actually turn the

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1 swab pink.

2 Usually what I do, I'll do two swabs. I'll hold one
3 that's going to be my sample to go to DNA, and then I'll
4 use the other one as my test swab.

5 Q. Did you do that in this particular case?

6 A. Yes, sir; I did.

7 Q. Did you follow all those procedures?

8 A. Yes.

9 Q. And once you had actually swabbed this evidence, what
10 happens to it? What do you do?

11 A. It's put in an envelope and I seal it and then when I
12 return to the SLED lab, I actually log it in through our
13 evidence log-in. And it was sent to our DNA department.
14 It was placed in a heat-sealed pouch and sent to the DNA
15 department.

16 Q. Now after you took a look at the undercarriage of the
17 car and did those tests that you just explained to the
18 jury, what else did you do? What furthered your
19 investigation?

20 A. We actually had some -- the LCV, it's basically like a
21 one-time use. And since it will actually show you areas
22 that may not be visible to the naked eye for the blood, we
23 actually used the LCV on the interior of the vehicle also.

24 Q. And what was the result of doing that?

25 A. It did not show any blood on the interior of the

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1 vehicle.

2 Q. So the same test that you used for the outside you
3 used for the inside?

4 A. Yes, sir.

5 Q. And after you did this, did you have any further
6 involvement in this case?

7 A. I just had several phone calls. I actually went up to
8 the DNA department and talked to the supervisor there and
9 requested a rush on the swabs because of the fact that we
10 didn't know for sure at that time whether the blood was
11 human or belonged to some type of animal. So I requested
12 that they rush it since this young lady was missing.

13 Q. And do you actually perform the DNA analysis?

14 A. No, sir; I do not.

15 Q. You just process the crime scene?

16 A. Yes, sir.

17 MR. PEARSON: No further questions of this
18 witness.

19 THE COURT: Cross-examination. Mr. Gipson?

20 MR. GIPSON: Thank you, Your Honor. If it please
21 the Court.

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. GIPSON:

25 Q. Good morning, Ms. Hallman.

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1 A. Good morning.

2 Q. Couple more minutes so it is still morning. Now you
3 were called, you were called out to Allendale as --
4 from -- was it the sheriff's department that called you
5 out?

6 A. Yes, sir; it was.

7 Q. Okay. And once you got there, you opined or you
8 offered the opinion that this was a secure location;
9 correct?

10 A. Yes, sir.

11 Q. Tell us how the car got to that location.

12 A. I don't have any idea how the car got to that
13 location.

14 Q. Can you tell us how long the car had been in that
15 location?

16 A. I don't know the specifics on that.

17 Q. Can you tell us who brought the car to that location?

18 A. No, sir.

19 Q. Let me show you what has been marked as State's
20 Exhibit Number 46. Can you take a look at that for me?
21 And that's one of the pictures that you took during your
22 investigation; correct?

23 A. Yes, sir.

24 Q. I'm also going to show you State's Exhibits Number 66
25 and 41. And that's the tow truck. That's the day that

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1 you were there, the tow truck kind of hoisting the car up;
2 correct?

3 A. Yes, sir.

4 Q. Almost straight up; correct?

5 A. Yes, sir.

6 Q. May I have those back, please? May I publish those to
7 the jury, your Honor?

8 THE COURT: Yes, sir.

9 BY MR. GIPSON:

10 Q. Now, since you weren't there when the car was taken by
11 whomever it was taken by and however it was transported, I
12 mean, can you tell us if that's the manner that they did
13 it?

14 A. I don't know.

15 Q. Now, in your line of work you're very concerned about
16 cleanliness and things being in a particular order;
17 correct? Things being clean and in an area where it can't
18 be tainted; correct?

19 A. In some instances. I mean, I work a lot of crime
20 scenes that aren't clean in certain senses of the word.

21 Q. Well, I guess clean is not a good word. That's my
22 fault. You want to -- one of the reasons why you put
23 crime scene tape up is you want to be able to know who has
24 come through a certain area; correct?

25 A. Yes, sir.

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1 Q. And you want to be able to vouch for the number of
2 people who come through and who's done what when they were
3 there; correct?

4 A. Yes.

5 Q. And prior to you arriving on the scene you can't do
6 that; can you?

7 A. No, sir.

8 Q. Okay. So, all you know when you were out there is
9 that it was a secure area and it was at D&H Garage?

10 A. T&H.

11 Q. T&H Garage. Right around the corner from us. If it
12 was towed like that, you don't know what happened prior to
13 that point; correct?

14 A. No, sir.

15 Q. All right. So, there are times when you've tested
16 evidence that has been corrupted or sometimes it can have
17 things happen to it because it was collected, let me not
18 use collected but it was transported in a manner that can
19 compromise the evidence; correct?

20 A. That's possible; yes, sir.

21 Q. So I guess I said a bunch of stuff. Basically you can
22 mess up anything that's there if you don't transport it
23 correctly; correct?

24 A. Yes, sir.

25 Q. And if you don't transport it correctly, if you don't

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1 know who has had their hands on it, all kinds of things
2 can happen that can skew whatever results really could
3 have been there; correct?

4 A. I'm sorry. Could you repeat that again?

5 Q. Yes. If you do the transporting correctly or you
6 don't know who has been involved in that process, then the
7 purported evidence that's there can be skewed or something
8 can happen to it, it can be corrupted, it could be
9 tainted; correct?

10 A. That's a possibility; yes, sir.

11 Q. And you're not in a position to tell us any of those
12 things; are you?

13 A. No, sir. That was prior to my involvement in this
14 case.

15 Q. Right. So what you can tell us is that once you got
16 there you performed all of the services that you should as
17 a certified SLED agent; is that correct?

18 A. Yes, sir.

19 Q. And you were thorough. You went in and you took
20 pictures and you tried to show all the different scenarios
21 so that you could go back and do your job correctly;
22 correct?

23 A. Yes.

24 Q. And what you did is you first went through the car.

25 You said you did a visual just to see if you could see

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1 anything; correct?

2 A. Yes.

3 Q. And then you said you started in the trunk. And isn't
4 it true that you mentioned that you saw nothing that
5 raised your suspicion in the trunk; correct?

6 A. No, sir.

7 Q. And you didn't see any blood or anything along those
8 lines?

9 A. No, sir.

10 Q. Now, did you spray that with the solutions that you
11 talk about, the phenol and the LCV?

12 A. Actually, yes. The interior of the vehicle was
13 sprayed with the LCV after we did the undercarriage.

14 Q. And at no time did you find any blood or anything like
15 that in the trunk; correct?

16 A. No, sir.

17 Q. And, again, you're just attesting to the fact there
18 was some type of blood, some type of hair, you're not
19 trying to say what it was specifically; are you?

20 A. That's correct.

21 Q. That's someone else's job; correct?

22 A. Correct.

23 Q. So you actually went through the car, took pictures of
24 the car, things of that nature. You looked at the
25 steering wheel; correct?

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- 1 A. Yes, sir.
- 2 Q. Nothing on the steering wheel?
- 3 A. No, sir.
- 4 Q. Nothing on the windows?
- 5 A. No, sir.
- 6 Q. Nothing on the doors when you opened and closed them?
- 7 A. No, sir.
- 8 Q. Nothing on all of the seats?
- 9 A. No, sir.
- 10 Q. Nothing on the gear shift?
- 11 A. No.
- 12 Q. Nothing on the parking brake?
- 13 A. No.
- 14 Q. Nothing on the passenger side?
- 15 A. No.
- 16 Q. Bare seats; correct?
- 17 A. Correct.
- 18 Q. Ceiling of the car, nothing?
- 19 A. No.
- 20 Q. Nothing in back seat; correct?
- 21 A. No.
- 22 Q. You know how you can move the seat back and forth,
- 23 nothing on that; correct?
- 24 A. No, sir.
- 25 Q. Nothing anywhere in that car that suggests there's

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1 blood or trace evidence of any sort that needed to be of
2 concern in this particular case; correct?

3 A. No, sir.

4 Q. Even -- you said you did a good once and maybe twice
5 over of the outside of the car; correct?

6 A. Yes, sir.

7 Q. And as you did that you looked around and you still
8 didn't see anything?

9 A. No.

10 Q. Okay. Now, if I can, you said that you saw things
11 with this car that appeared to be animal remains as well;
12 correct?

13 A. I wasn't sure what it was. There was a possibility it
14 could be animal remains.

15 Q. Okay. And in -- just to be clear, State's Exhibit
16 Number 96, if you look at that you see the kind of
17 purplish solution. That's the solution that you sprayed;
18 correct?

19 A. Yes, sir; that's the LCV.

20 Q. So that's not what the car looked like when you got
21 there. After you applied the solution that's what
22 happens, it changes color; correct?

23 A. Yes, sir.

24 Q. And there's someone else who comes in and who can
25 speak about what they've determined once all of these

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1 results were tested for DNA; correct?

2 A. Yes, sir.

3 Q. All right.

4 Court's indulgence very briefly, Your Honor.

5 (Pause.)

6 Q. Oh. Let me ask you this: How long had the, and we'll
7 call it evidence, but I'm just using that word in
8 quotations. How long had that evidence been under the
9 car?

10 A. I don't have any idea.

11 Q. So no way of telling?

12 A. No, sir; there's no way to determine that.

13 Q. So you can't tell if it was there for one day?

14 A. No, sir.

15 Q. Ten days? Eight months? You just don't know?

16 A. No, sir.

17 Q. So anyone who comes in this court and said it's been
18 there X amount of time, based on your expertise and doing
19 what you've done for your period of time is not being
20 truthful; correct?

21 MR. PEARSON: Objection. Pitting.

22 THE COURT: I'll -- I'll allow him to ask
23 question. It's not pitting.

24 THE WITNESS: Can you repeat the question?

25 MR. GIPSON: Sure.

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1 THE WITNESS: I'm sorry.

2 BY MR. GIPSON:

3 Q. If anybody comes in and says that any particular
4 evidence that you have collected had been underneath that
5 car for any appreciable amount of time, they're not being,
6 based on your training, they're not being truthful?

7 A. Correct.

8 Q. Because you can't tell how long anything has been
9 under that car.

10 A. Not to my knowledge, there's no way.

11 MR. GIPSON: That's all my questions, Your Honor.

12 THE COURT: Any redirect?

13 MR. PEARSON: Very briefly.

14 REDIRECT EXAMINATION

15 BY MR. PEARSON:

16 Q. Based on your analysis of this car, did you determine
17 anything that would indicate to you that the evidence
18 found underneath was tainted?

19 A. No, sir.

20 MR. PEARSON: That's all I have.

21 THE COURT: Madam Forelady, ladies and gentlemen
22 of the jury, we're going to take a break for lunch. We'd
23 ask that you be back at 1:30. 1:30 sharp. Once again, do
24 not discuss the case.

25 I understand there has been some press coverage

1 concerning this matter. Do not read any newspaper or
2 listen to the radio or watch any TV with regard to news
3 coverage concerning this matter. Divert your attention
4 from that.

5 Once again, do not do any private investigation
6 on your own. You're to base your decision on what
7 transpires here in this courtroom. Do not discuss the
8 case amongst yourselves or with anyone else.

9 Have a good lunch. We'll see you at 1:30.

10 (Jury exits courtroom at 12:05 p.m.)

11 THE COURT: Any objection to her being released?

12 MR. PEARSON: No, Your Honor.

13 MR. GIPSON: No objection.

14 THE COURT: You may leave. Anything from the
15 State before we adjourn for lunch?

16 MR. PEARSON: Nothing from the State.

17 THE COURT: Anything from the defense?

18 MR. GIPSON: Nothing from the defense, Your
19 Honor.

20 THE COURT: All right. We'll stand at ease until
21 1:30.

22 (Thereupon luncheon recess was taken from
23 12:06 p.m., until 1:13 p.m., when the trial resumed:)

24 THE COURT: I understand that we still have a
25 couple jurors out. I wanted to come out and see if you

1 had any legal matters we need to address.

2 MR. PEARSON: Yes, Your Honor. There's one. The
3 next witness that the State is planning on calling is
4 Jennifer Clayton. She analyzed the DNA in this case.

5 Now, correct me if I'm wrong, but I think the
6 defense -- I don't think the defense has really an
7 objection to this, the analysis itself or at least through
8 that witness, through Ms. Clayton.

9 MR. GIPSON: That's correct. That's correct,
10 Your Honor, other than -- my objection is not to introduce
11 it prior to the chain --

12 MR. PEARSON: We certainly can work through his
13 objection with this witness.

14 There is a second test that was done on the blood
15 standards from **T. M.** Maner. This involves another
16 doctor witness who is also here to testify. And we wanted
17 some guidance from the Court on how we should get into
18 this because this particular witness, there's going to be
19 an objection that can only be answered by the calling of
20 another witness.

21 What the State would like to do is enter the
22 proper foundation and not enter this into evidence until
23 such a time as our next witness is called so Mr. Gipson
24 could make his timely objections at that point.

25 THE COURT: That sounds like a logical way to

1 progress, proceed.

2 MR. GIPSON: And just for clarification, I mean,
3 I'm just trying to see. Does that mean that there will
4 not be any mention of that particular test until that
5 doctor comes up to testify?

6 MR. PEARSON: What the State is planning on doing
7 is going through the foundation, simply that these tests
8 were done. None of the information contained in this
9 report, we're not planning on releasing any of this
10 information to the jury prior to your getting your chance
11 to ask questions.

12 THE COURT: Mr. Gipson.

13 MR. GIPSON: I guess this is -- I'm just trying
14 to dumb it down for myself. My feeling is she doesn't
15 even need to mention [REDACTED] T.M.'s name because she didn't do
16 anything with his samples in any way, shape or form. So
17 she can talk about the other 19 samples that she dealt
18 with, but she didn't do anything with his.

19 MR. PEARSON: Can we reference it by simply
20 saying 19 and not mention it by [REDACTED] T.M.?

21 MR. GIPSON: She didn't test it so I don't know
22 whether --

23 MR. PEARSON: She did test it.

24 MR. GIPSON: Well, then say 19.

25 MR. PEARSON: If it's okay to the Court I'll

1 represent it as sample 19, and not mention [REDACTED] T. M.'s
2 name.

3 THE COURT: Sounds like a good arrangement.

4 MR. GIPSON: Just so that you'll know up front,
5 Your Honor. My objection is just in terms of that
6 standard is the chain of custody for that particular
7 standard, number 19.

8 THE COURT: All right. And you're going to have
9 the opportunity to object to that --

10 MR. GIPSON: Yes, sir.

11 THE COURT: -- at the appropriate time.

12 MR. GIPSON: Yes, sir.

13 MR. PEARSON: But I just wanted to be clear. Our
14 plan is to go through all of the proper steps to lay the
15 foundation and then once the next witness is called,
16 subject to your rulings, of course, enter into evidence
17 after that next witness, after the chain has been
18 established.

19 THE COURT: Very good.

20 THE BAILIFF: Your Honor, we got all the jurors
21 back there, whenever you get ready for them.

22 THE COURT: Anything further?

23 MR. GIPSON: Yes, sir. There may be reference, I
24 don't think it's going happen with this witness but
25 essentially, Judge, the -- one of the investigators, I'm

1 going to say, Investigator Silvaggio said, well, was a
2 part of this investigation.

3 And he was prompted evidently through contact
4 with the sheriff's department, through SLED, one of the
5 two. But he did some groundwork around here. And he is
6 the one who purports to have gone to the Aiken County
7 Regional Medical Center and got a blood standard of some
8 sort from their records and that's what was compared and
9 that's what was tested.

10 And after that was done he essentially submitted
11 that information to a medical examiner in Greenville who
12 has offered opinions based on that result and has made
13 other opinions based on some LabCorp results.

14 My next objection would be, would have to deal
15 with the LabCorp issue because nobody from LabCorp is here
16 to testify. And evidently this medical examiner is primed
17 to start speaking about those results.

18 And as the Court knows, this is just some
19 database that they plug numbers into as X, Y and Z, and
20 they pull standards from different areas. I just don't
21 think it's going to be proper for him to start testifying
22 about the lab results.

23 MR. PEARSON: Your Honor, we're not going to
24 elicit any testimony about what LabCorp did. The only
25 testimony we would elicit from this doctor is, how did you

1 come to your conclusion.

2 And the rule clearly states that you can tell the
3 jury how he came to his conclusion as an expert witness.
4 Any reports --

5 THE COURT: As a matter of fact, the rule is very
6 clear that an expert witness can use hearsay testimony to
7 support any opinion.

8 MR. GIPSON: I think he can use it, but to refer
9 to it and say LabCorp said these numbers and these
10 numbers, I think would be inappropriate. But if he says,
11 I've looked at this and looked at this and I've come up
12 with this opinion, you know, I don't think that's
13 improper.

14 But if he's going to start talking about exactly
15 what the numbers were and opine that those numbers are
16 correct, I think I should have the opportunity question
17 him.

18 THE COURT: I think you would have the
19 opportunity to cross-examine him about his personal
20 knowledge of that. As an expert, I think he's allowed to
21 testify in that regard.

22 MR. GIPSON: So, in getting -- so even without
23 LabCorp being able to talk about what it specifically did
24 in this particular case, whether or not it's differences
25 there or whether or not they need it more.

1 Again they didn't even collect the samples. In
2 most cases LabCorp, one of their people will come and do
3 the swab. They didn't even do that. They just got the
4 standard and started doing work from there.

5 So, again, that goes back to my crux of my
6 objection with this chain of custody. The doctor who took
7 the chain or the nurse, whoever, that person is not here
8 nor the person who was supervising at the time.

9 This is a third-generation person that's talking
10 about the standard.

11 THE COURT: Mr. Pearson?

12 MR. PEARSON: Yes, Your Honor. His -- the same
13 chain of evidence that we have given over to the defense,
14 the defense has had the ability to question and ask each
15 and every witness who's being called up about the specific
16 chain.

17 Investigator Silvaggio is going to be here to
18 testify about exactly what he did, where he got these
19 samples from and where he took them to. He's just another
20 link in the chain and the State is providing him as a link
21 for Mr. Gipson to question.

22 We don't think it's an issue, Your Honor.

23 THE COURT: All right. I'll allow him to object
24 at the appropriate time.

25 MR. GIPSON: Yes, sir. Are you going to limit it

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1 at this time?

2 THE COURT: I'm going to listen to what they've
3 got to say.

4 MR. GIPSON: Yes, sir. And I'll object because
5 we'll do an in-camera hearing at that point, Your Honor.

6 THE COURT: Very good.

7 MR. GIPSON: Thank you, Your Honor.

8 THE BAILIFF: Ready for the jury?

9 THE COURT: Yes, sir.

10 (Jury enters courtroom at 1:36 p.m.)

11 THE COURT: Madam Forelady, ladies and gentlemen
12 of the jury, good afternoon. We're ready to proceed
13 forward with the testimony. Mr. Pearson, you're
14 recognized.

15 MR. PEARSON: Yes, Your Honor. At this time the
16 State would call Jennifer Clayton.

17 JENNIFER CLAYTON, having been duly sworn, was
18 examined and testified as follows.

19 THE COURT: Ms. Clayton, please have a seat in
20 the witness chair. I'm going to ask that you pull up real
21 close to that microphone and speak loudly, clearly and
22 slowly. This is sort of a cavernous courtroom. We need
23 you to speak up.

24 State your full name.

25 THE WITNESS: Jennifer Clayton. C. L. A. Y. T.

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1 O. N.

2 THE COURT: Very good. I think you're speaking
3 up real good. If you could move back just a little bit
4 from that microphone so it won't reverberate. There we
5 go. Very good. Now we're in business.

6 All right. Mr. Pearson?

7 MR. PEARSON: Yes, Your Honor.

8 DIRECT EXAMINATION

9 BY MR. PEARSON:

10 Q. Ms. Clayton, would you please tell us your current
11 occupation?

12 A. I am currently employed as a DNA analyst with the
13 South Carolina Law Enforcement Division.

14 Q. And how long have you been with the South Carolina Law
15 Enforcement Division?

16 A. I've been with the South Carolina Law Enforcement
17 Division for six years. I've been a DNA analyst for four
18 of those years.

19 Q. And what did you do prior to working at SLED?

20 A. Prior to working at SLED?

21 Q. Uh-huh.

22 A. I earned a bachelor's of science in biology at, from
23 the University of North Carolina-Chapel Hill. I took
24 classes at NC State and USC.

25 My course work included molecular biology, genetics,

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1 biochemistry and statistics. I completed an internship
2 with the North Carolina State Bureau of Investigation
3 Molecular Genetics Department which is kind of the
4 equivalent of SLED's DNA Department, and eventually I
5 hired on as a forensic technician with SLED.

6 Q. Did any of that training that you just told us about
7 include any education on the studies of DNA?

8 A. Yes; the molecular genetics biology, biochemistry, and
9 genetics were all courses that relate to DNA. And then
10 at -- once I hired on as a DNA analyst, I trained under a
11 qualified DNA analyst and did the casework under his
12 supervision for a year before I did casework on my own.

13 Q. I believe you said that you've been working in the
14 genetics lab for four years?

15 A. As an analyst. I actually worked in the DNA
16 department for six years, but two of those were forensic
17 technician.

18 Q. Could you please explain for the jury kind of the day-
19 to-day business of what you do for SLED?

20 A. When evidence comes in to SLED, it's broken up into
21 different types of evidence. There's DNA evidence or drug
22 evidence and depending on which discipline is needed, it's
23 sent to the different departments. I receive evidence
24 that is particularly DNA evidence.

25 And I receive unknown samples which are samples taken

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1 from a scene. And then I also generally receive standards
2 and those are samples, they're known samples that are
3 taken from an individual. So that when I develop those
4 profiles, I know exactly who that DNA profile belongs to.
5 And I compare it to DNA profiles developed from the
6 evidence.

7 Q. All right. And during the time that you've been
8 employed at SLED, have you taken any additional training
9 on DNA techniques?

10 A. Yes. We go to conferences every year to keep up on
11 what's current in DNA analysis. Whenever we get a new
12 instrument in, we get training on that from the company
13 that sells us the instrument. And then we try to keep
14 current on reading to find out what's new in the field.

15 Q. Have you testified before today as an expert in DNA
16 testing?

17 A. Yes, I have.

18 Q. Approximately how many times?

19 A. Thirteen times.

20 Q. In what states?

21 A. South Carolina.

22 Q. Any others?

23 A. No, sir.

24 MR. PEARSON: At this time, the State moves that
25 the witness be recognized as an expert in DNA analysis.

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1 THE COURT: Any questions with regard to her
2 qualifications, Mr. Gipson?

3 MR. GIPSON: No objections, Your Honor. No
4 questions.

5 THE COURT: Madam Forelady, ladies and gentlemen
6 of the jury, I want to tell you a little bit, I'm going to
7 charge you in great detail about what an expert witness is
8 and how to evaluate their testimony at the conclusion of
9 the trial.

10 But, preliminarily, a witness can normally only
11 testify as to what they see, hear and feel. There's an
12 exception to that in the category of witnesses known as
13 expert witnesses.

14 Because of their education and training in a
15 particular field, they are allowed to render their
16 opinions in the area, in that field of study. Just by
17 virtue of the fact that an expert witness is an expert
18 doesn't mean that you have to believe what they say. You
19 apply your collective wisdom and determine the credibility
20 of all witnesses, lay witnesses and expert witnesses.

21 I'll charge you in more detail in that regard at
22 the conclusion of the trial. Mr. Pearson.

23 MR. PEARSON: Thank you, Your Honor.

24 BY MR. PEARSON:

25 Q. If you could, give as you brief overview, what exactly

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1 is DNA?

2 A. DNA is basically a long chain molecule. It's found in
3 every cell in the body with the exception of red blood
4 cells. And we get half of our DNA from our mom and half
5 of our DNA from our dad. And so with the exception of
6 identical siblings, no two people's DNA is exactly the
7 same.

8 And in DNA analysis, we're able to develop what's
9 called a DNA profile. We test certain sections of the DNA
10 and get what's basically a set of numbers. And this is
11 the DNA profile.

12 And like I said before, with the exception of
13 identical siblings, it's unique between individuals and
14 that's what make it useful in DNA analysis. In forensics
15 we can take a known profile and attempt to match it to
16 unknown samples from evidence.

17 Q. All right. Are there prescribed methods to type DNA
18 from different individuals?

19 A. Well, one method we use is short tandem repeat
20 polymerase chain reaction, or STR-PCR DNA analysis.

21 Q. Without being too much science because that's going to
22 go way over my head, is that a -- is there a specified
23 method of doing it, a methodology, something that you
24 always do when you do these types of tests?

25 A. Yes. There's a general method for it.

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1 Q. All right. Now, just a moment ago you testified --
2 you made mention to identical twins. Do identical twins
3 have identical DNA?

4 A. Yes. They would have the same DNA profile; that is
5 correct.

6 Q. But outside of identical twins, would any two other
7 people people have identical DNA?

8 A. Outside of identical siblings, no, they won't.

9 Q. Now this short tandem --

10 A. Repeat.

11 Q. Short tandem repeat PCR testing --

12 A. Uh-huh.

13 Q. -- could you please explain to the jury exactly what
14 that means?

15 A. Basically we test several sections, 15 locations on
16 the DNA. And the numbers that I told you, we get a set of
17 numbers. And the numbers we refer to the repeats. A
18 short tandem repeat, you can kind of think of it as a
19 little word that repeats, a section of DNA. So if that
20 little, that kind of DNA word repeats 14 times then
21 they're assigned, it's -- that location is assigned a 14.
22 If it's repeated 15 times, then that location is assigned
23 a 15.

24 And because you get half of your DNA from your mom and
25 half of your DNA from your dad, you can have two numbers

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1 for each location. You can either have two different
2 numbers at one location. Somebody can be a 15-16 or you
3 can get the same location from your parents, each parent
4 which would, you know, you could be a 15-15 at that
5 location.

6 Q. And based on what you've just said, every person
7 getting half their DNA from their mother and half from
8 their father, the offspring of two individuals are going
9 to have those kind of numbers that you were talking about
10 in their DNA, or would they?

11 A. Yes. Siblings will all have their -- they'll all have
12 half of their DNA from their mom and half of their DNA
13 from their dad. But the combination of numbers will be
14 different, assuming they're not identical siblings. The
15 combination of numbers they have will be different and
16 therefore their DNA profiles will be different.

17 Q. Are there any kind of controls that are used in the
18 testing process?

19 A. Yes. We have positive controls and negative
20 controls. The positive control is a known DNA profile
21 that we use to make sure that all of our tests are working
22 correctly. We have to check that profile to make sure
23 that all of the numbers of every location are correct for
24 that profile. If they're not, we have to go back and redo
25 some of the testing.

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1 We also have negative controls. These are controls
2 that consist of the reagents we use, but they don't have
3 any DNA in them. And that's to ensure that there's no
4 contaminant. We go and run the thing, run the reagent
5 blank on the instrument and there's a DNA profile in that
6 reagent blank, then we know that something's gone wrong.
7 There's a contaminant. Those samples cannot be used.

8 We have to re-amp to see if it was in the original
9 sample or it was after re-amplification. That's why we
10 make lots and lots and lots of copies of the sections of
11 DNA that we're interested in. And if the contaminant is
12 still there, then we have to start from scratch. We have
13 to go back to the original samples if possible and take a
14 new cutting and start our analysis all over.

15 But samples where the reagent blank is contaminated
16 cannot not be used.

17 Q. What types of results would you expect to get from a
18 PCR test that you had done?

19 A. Could you repeat that, please?

20 Q. I'm sorry. What types of results when you plug all
21 your calculations in, and I assume you use computer, what
22 comes back? What are you looking for? What is the
23 answers? What do the answers look like?

24 A. Okay. The DNA is detected by an instrument and then
25 the information from the instrument is interpreted by a

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1 program that's called Gene Mapper. And basically what it
2 does is it gives you a display that has peaks on it and
3 those peaks are assigned numbers which again correspond to
4 the number of repeats of DNA at that location.

5 So basically what the DNA analyst looks at it is a set
6 of peaks with numbers that can then be compared to,
7 between standards and evidence to see if those sets of
8 numbers are the same.

9 Q. All right. Can anything make the DNA in the sample
10 change from one type to another?

11 A. Can anything make its DNA change from one type to
12 another?

13 Q. Yes. From one person's DNA to another person's DNA.
14 Are you aware of anything that can make it do that?

15 A. Not that I'm aware of.

16 Q. Can a sample, can a DNA sample get old or die?

17 A. A sample can become degraded. And basically that
18 means that the DNA starts breaking up. This can happen if
19 it's exposed to sunlight, if it's exposed to too much heat
20 and humidity for long periods of time. If bacteria gets
21 to it, it can break down. Certain chemicals will cause
22 DNA to break down.

23 So, yes, it is possible for DNA to be broken down.

24 Q. And if that were to happen in a sample that you had,
25 would you be able to tell that, that it had been degraded?

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1 A. It depends. Sometimes it degrades to a point where
2 you're not -- it's not -- the DNA analyst isn't able to
3 tell the reason you're not getting a profile its because
4 the sample's degraded or because there just not enough DNA
5 to get a profile.

6 Sometimes you can look at a profile and you tell it's
7 degraded because some locations, the smaller locations
8 will show up but the larger locations will not because
9 they've started to break down but the smaller ones are
10 still protected and didn't break down yet. So that will
11 give you what's called a partial profile and that will
12 tell you that will be a possible indication that the
13 sample might be degraded.

14 Q. I'm sorry. I'm a little dense. Would there be clues
15 that would tell you that a sample was degraded?

16 A. Presence of a partial profile where you're missing the
17 larger side or the larger locations, that would be an
18 indication of degradation.

19 Q. Specifically, did you receive any DNA to analyze in
20 the case of State versus Derek Maner?

21 A. I did receive samples in that case; yes.

22 Q. And do you know approximately when you received those
23 samples?

24 A. May I refer to my notes?

25 Q. Yes.

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1 A. I received samples at a couple of different times.
2 The first samples that I received came in on November the
3 13th of 2006, I believe, is when I took custody of them.

4 Q. All right. And did you ever have the opportunity to
5 test those samples?

6 A. I tested some of the samples that came in, yes. There
7 were a couple that I did not test.

8 Q. Uh-huh. And what were you testing them for?

9 A. Some -- the samples that I tested, some were tested
10 for the presence of blood. And then they were tested to
11 see if I could develop a DNA profile. And some were only
12 tested to see if I could develop a DNA profile.

13 Q. Now, you just testified at great length about the
14 ordinary procedures that are followed in taking DNA
15 tests. Were all of those procedures followed in this
16 particular case?

17 A. Yes.

18 Q. Once you received those samples, what exactly did you
19 do with them?

20 A. Well, when the samples come in, the first thing you
21 do, an analyst does is inventory the samples to make sure
22 that what I received matches the submitting paperwork. I
23 write my lab number and the item number and my initials on
24 the evidence.

25 And then I do -- I start with serology testing and

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1 that's just testing for the presence of a bodily fluid
2 like blood, semen or saliva. And then after that I'll
3 start DNA testing.

4 For DNA testing you basically take a cutting of a
5 sample. And you extract it, which means that you want to
6 separate the DNA from everything else, the fabric or the
7 cotton swab, whatever it was on, so that all you have is
8 just the DNA.

9 And then we do what's called amplifying the DNA. And
10 it's targeted. It only targets -- it only amplifies the
11 locations that we're going to test and so amplify the DNA,
12 make lots and lots of the copies of the DNA we're
13 interested in. And then run it on an instrument and that
14 instrument is what's going to give us the final DNA
15 profile which allows us to make our comparison.

16 Q. Is that what you did in this particular case?

17 A. Yes.

18 Q. And after you run this test, is there some sort of
19 report that's generated?

20 A. Yes, there is.

21 Q. What kind of report is generated?

22 A. I issue a DNA report. It gives the results of any
23 serology testing that I did as well as the DNA testing
24 that I did.

25 Q. Would that report include the results of each sample

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1 that you had?

2 A. Yes.

3 Q. Or that you tested?

4 A. That's correct.

5 Q. I'm going to show you what has been marked into
6 evidence -- I'm sorry, what has been marked for
7 identification as State's 155 and 156. Could you take a
8 look at those two reports?

9 A. Okay.

10 Q. Do you recognize those reports?

11 A. Yes, I do.

12 Q. And referring to them only by the number of the sample
13 that was submitted, do you recognize them?

14 A. I do recognize them. They are two issues -- two
15 reports that I issued and they have my signature on them.

16 Q. Were these two reports issued in conjunction with this
17 particular case?

18 A. Yes, they were.

19 Q. And do these reports, have they been changed or
20 altered from when you entered them?

21 A. Not that I noticed.

22 Q. Do they appear correct?

23 A. Yes, they appear correct.

24 MR. PEARSON: At this time, Your Honor, the State
25 would move State's Exhibit 155 into evidence.

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1 MR. GIPSON: Without objection.

2 THE COURT: State's Exhibit 155 is into evidence
3 without objection from the defense.

4 (Thereupon, State's Exhibit No. 155, SLED DNA
5 report, was received into evidence.)

6 BY MR. PEARSON:

7 Q. If you could, please explain to the jury the results
8 of the examination that you did for items one through 16.

9 A. One through 16?

10 Q. Yes.

11 A. Okay. Would you like me to state what the sample is?

12 Q. Yes.

13 A. Or where it was taken from?

14 Q. Yes, please.

15 A. Okay. And these, the numbers -- the item numbers they
16 give you are the SLED item numbers. So, item one was a
17 swab from a dented area of the front passenger side
18 bumper. There was no blood indicated, so I stopped
19 analysis at that point.

20 Item two was swabs of suspected blood and hair from
21 the left side of frame almost under dash. There was blood
22 identified on that one. So I took that sample to DNA,
23 however there was no analysis performed on the hairs.

24 Item three was a swab from the lower bumper cover of
25 the driver's side. There was blood identified on that so

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1 I took it to DNA analysis.

2 Item four was a swab from the stabilizing bar on the
3 driver's side. Again, blood was identified and I took it
4 to DNA analysis.

5 Item five was a swab from the center transmission
6 mount and transmission line. That was also blood
7 identified and went to DNA analysis.

8 Q. Let's stop right there for a moment and let's talk
9 about those first five.

10 A. Okay.

11 Q. You did indicate that item number one, there was no
12 blood indicated. But two, three, four and five, there was
13 blood identified. How was blood identified?

14 A. I started with the preliminary test which is
15 phenolphthalein test. It's a chemical test. And if that
16 comes up positive, then I take it to a confirmatory test
17 which is a HemaTrace test. Basically it tests for protein
18 that's found in the blood.

19 And the particle card looks a little bit like a
20 pregnancy card. One line is negative, two lines is
21 positive. So if that comes up positive, we consider that
22 to be blood identified.

23 The phenolphthalein test will test positive on any
24 type of blood; cat blood, dog people, human -- blood from
25 humans. The HemaTrace card, however, is more specific.

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1 It tests positive on humans and higher primates, and it
2 has also been found to test positive on ferrets. It does
3 not test positive on dogs or cats or deer or any of the
4 commonly encountered animals.

5 Q. To your knowledge, does that test -- does it test
6 positive for any animal native to South Carolina?

7 A. Other than a ferret.

8 MR. GIPSON: Your Honor, I object to that.

9 THE COURT: I'll ask that you rephrase the
10 question.

11 BY MR. PEARSON:

12 Q. You just testified that it will test positive -- it
13 does not test positive on deer; is that correct?

14 A. It does not.

15 Q. Are you aware -- I'm -- I'll move on.

16 MR. GIPSON: Your Honor, I withdraw my
17 objection. I withdraw the objection. If you want to ask
18 a question, you can.

19 BY MR. PEARSON:

20 Q. Are you aware of any animals native to South Carolina
21 that that test will, that particular method will test
22 positive for?

23 A. To the best of my knowledge, the only animals that
24 test, will test positive on is higher primates which will
25 be chimpanzees, gorillas, stuff like that, humans and