THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2017-002281

STEPHEN C. STANKO #6022.....PETITIONER,

v.

STATE OF SOUTH CAROLINA.....RESPONDENT.

APPENDIX
VOLUME 13 OF 14

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NOT WANT OUR VOICES TO CARRY AND I DID NOT WANT THEM TO HAVE THE ABILITY TO HEAR US.

SO THEY HAVE LEFT THE BUILDING? WOULD YOU MAKE SURE?

DEPUTY: HOLD ON.

THE COURT: THANK YOU. WAIT ONE SECOND BEFORE WE DO THAT BECAUSE I NEED TO MAKE SURE THAT THEY CANNOT HEAR US TALKING.

(WHEREUPON THERE WAS A PAUSE.)

THE COURT: THEY ARE GONE? OKAY. WE HAVE CONFIRMED THEY HAVE LEFT. YOU MAY PROCEED.

MR. HEMBREE: THANK YOU, YOUR HONOR. THESE ARE IN TWO SORT OF SEPARATE PACKAGES. SO THE FIRST WOULD BE--

THE COURT: WELL, LET ME ASK THIS PRELIMINARY MATTER. ARE ANY OF THOSE CONVICTIONS OVER 10 YEARS OLD?

MR. HEMBREE: THE -- YES, YOUR HONOR, THE -- WELL, THE CONVICTION -- THE CONVICTIONS FOR GRAND LARCENY AND THE BREACH OF TRUST FROM 1995 ARE OVER 10 YEARS OLD, BUT THEY'RE--

THE COURT: DID YOU GIVE NOTICE THAT YOU WOULD BE USING OR SEEKING TO USE THOSE?

MR. HEMBREE: YES, WE DID, YOUR HONOR.

THE COURT: OKAY. AND DO YOU RECALL WHEN YOU

GAVE NOTICE OF THAT?

MR. HEMBREE: DURING THE INITIAL DISCOVERY.

THE COURT: OKAY. AND YOU ALL ACKNOWLEDGE THAT YOU RECEIVED NOTICE OF THEIR INTENT TO USE...

MR. DIGGS: YES.

THE COURT: OKAY. I JUST NEEDED THAT TO BE CLEAR FOR THE RECORD. YOU MAY CONTINUE, MR. HEMBREE.

MR. HEMBREE: THANK YOU, YOUR HONOR. THE FIRST IS AN -- A CONVICTION FOR GRAND LARCENY DATED MARCH 8TH OF 1995. THE NEXT IS A CONVICTION FOR BREACH OF TRUST, MARCH 8TH, 1995.

THE COURT: LET ME INTERRUPT YOU ONE SECOND. GO AHEAD.

MR. HEMBREE: THANK YOU, YOUR HONOR. THE -- A BREACH OF TRUST MARCH 8TH, 1995. AND YOUR HONOR, I BELIEVE THOSE ARE -- THOSE ARE ALL IN THAT GROUP. HE WAS ON PROBATION FOR A PERIOD OF TIME FOLLOWING THAT.

THE COURT: THOSE ARE 11 YEARS -- WELL, ACTUALLY WHEN THE ACTS -- IF HE WAS ON PROBATION -- WHEN WAS HE -- BECAUSE THE TIME PERIOD FOR THE 10 YEARS RUNS FROM WHEN HE WAS RELEASED FROM CONFINEMENT, MEAN -- WHICH MEANS WHEN HIS PROBATION WOULD HAVE ENDED.

MR. HEMBREE: HE WAS GIVEN 12 MONTHS PROBATION ON THESE CHARGES, YOUR HONOR.

THE COURT: WHEN DID HE PLEAD?

MR. HEMBREE: HE PLED ON MARCH EIGHTH OF '95.

THE COURT: OKAY. THEN SO HIS PROBATIONARY PERIOD WOULD HAVE ENDED MARCH 8TH OF '96?

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

THE COURT: SO IT WOULD BE OVER 10 YEARS. OKAY. I JUST WANTED THAT AGAIN TO BE CLEAR FOR THE RECORD. YOU MAY CONTINUE.

MR. HEMBREE: THANK YOU, YOUR HONOR. NEXT SERIES OF CHARGES INCLUDES A CONVICTION FOR KIDNAPPING, AND THIS IS SEPTEMBER -- EXCUSE ME -- SEPTEMBER 2ND, 2005. HE RECEIVED A 10 YEAR SENTENCE ON THAT CHARGE, YOUR HONOR.

THE COURT: AND DID HE ACTUALLY SERVE--

MR. HEMBREE: I'M SORRY. I MEANT 1990...

THE COURT: YOU SAID '95.

MR. HEMBREE: I'M SORRY. I'VE GOT THE WRONG DATE. I'M SORRY. JULY 29TH, '96.

THE COURT: YOU SAID JULY 29TH, 2006?

MR. HEMBREE: 1996, YOUR HONOR. AND MR. STANKO WAS RELEASED FROM CUSTODY IN JULY OF 2004.

THE COURT: WAS HE ON COMMUNITY SUPERVISION OR DID HE MAX OUT HIS SENTENCE?

MR. HEMBREE: HE MAXED OUT THE SENTENCE. IT WAS A NO-PAROLE -- NO-PAROLE. THE NEXT CHARGE, YOUR HONOR, IS ASSAULT AND BATTERY OF A HIGH AND

AGGRAVATED NATURE, JULY 29TH OF 1996. HE RECEIVED A 10 YEAR CONCURRENT SENTENCE ON THAT.

THE COURT: WOULD HAVE BEEN THE SAME DAY?

MR. HEMBREE: THAT'S CORRECT, YOUR HONOR. THE NEXT INDICTMENT IS BREACH OF TRUST WITH FRAUDULENT INTENT, JULY 29TH, 1996. HE RECEIVED A CONCURRENT SENTENCE OF 10 YEARS ON THAT AS WELL.

ANOTHER CHARGE OF BREACH OF TRUST WITH FRAUDULENT INTENT JULY 29TH, 1996, SAME SENTENCE. ANOTHER CHARGE OF BREACH OF TRUST WITH FRAUDULENT INTENT JULY 29TH, 1996, SAME SENTENCE. THESE ARE ALL RUN CONCURRENT, YOUR HONOR.

BREACH OF TRUST -- ANOTHER BREACH OF TRUST WITH FRAUDULENT INTENT JULY 29TH, 1996. SAME SENTENCE. ANOTHER BREACH OF TRUST WITH FRAUDULENT INTENT JULY 29TH, 1996. SAME SENTENCE.

LET'S SEE, JUDGE. I MIGHT BE ABLE TO JUST COUNT THESE UP... FOUR ADDITIONAL BREACH OF TRUST WITH FRAUDULENT INTENT JULY 29TH, 1996, 10 YEAR CONCURRENT SENTENCE.

A -- AND OBTAINING MONEY BY FALSE PRETENSES DATED JULY 31ST, 1996, CONCURRENT SENTENCE OF 10 YEARS.

THE COURT: YOU SAID JULY 29TH, '96?

MR. HEMBREE: I'M SORRY. JULY 31ST, 1996.

THE COURT: AND YOU SAID THAT WAS FOUR YEARS CONCURRENT?

MR. HEMBREE: TEN YEARS CONCURRENT.

THE COURT: TEN YEARS.

MR. HEMBREE: AND ONE ADDITIONAL OBTAINING MONEY BY FALSE PRETENSES SENTENCE DATE JULY 31ST, 1996, A 10 YEAR CONCURRENT SENTENCE.

THE COURT: I'M SORRY. REPEAT WHAT THE OFFENSE WAS AGAIN.

MR. HEMBREE: OBTAINING MONEY UNDER FALSE PRETENSES, YOUR HONOR. AND FINALLY, A FINAL OBTAINING MONEY -- EXCUSE ME -- OBTAINING PROPERTY BY FALSE PRETENSES JULY 29TH, 1996, 10 YEAR CONCURRENT SENTENCE.

THAT WOULD BE THE EXTENT OF MR. STANKO'S CRIMINAL RECORD THAT THE STATE WOULD INTEND TO INTRODUCE IF HE WERE TO TAKE THE STAND.

THE COURT: FOR THE PURPOSES OF YOU ALL, OF COURSE, I MAKE NO DECISION IN ADVANCE AS TO THE ADMISSIBILITY OF THESE CONVICTIONS. OF COURSE, THESE CONVICTIONS AND THEIR ADMISSIBILITY ARE SUBJECT TO RULE 609 SUBSECTION B WHICH DEALS WITH A -- A CONVICTION WHERE A PERIOD OF 10 YEARS HAS ELAPSED SINCE THE DATE OF THE CONVICTION AND OF COURSE REQUIRES THE COURT TO DETERMINE IN THE INTEREST OF

JUSTICE THAT THE PROBATIVE VALUE OF THE CONVICTIONS SUPPORTED BY SPECIFIC FACTS AND CIRCUMSTANCES SUBSTANTIALLY OUTWEIGHS THE PREJUDICIAL EFFECT.

AND THE REMAINING PART OF THAT RULE HAS ALREADY BEEN COMPLIED WITH WHICH DEALS WITH GIVING NOTICE. AND I'M THINKING OF A CASE, AND I CAN'T REMEMBER THE NAME OF IT, BUT JUST BEAR WITH ME.

I KNOW THAT IN MAKING THAT ANALYSIS, THE SUPREME COURT REQUIRES FOR ME TO CONSIDER FIVE FACTORS, ONE OF WHICH IS THE TIME PERIOD, THE CENTRALITY OF -- THE CREDIBILITY OF THE WITNESS, THE SIMILARITIES OF THE OFFENSES, AND I CANNOT REMEMBER THE OTHER TWO ELEMENTS, AND I APOLOGIZE.

BUT JUST FOR THE BENEFIT OF YOU ALL BEING ABLE TO HAVE SOME MEANINGFUL DISCUSSION WITH HIM ABOUT THESE OFFENSES, I WILL GIVE YOU THE WORST CASE SCENARIO REGARDING THEIR ADMISSIBILITY SO THAT AT LEAST YOU WILL HAVE SOME POINT OF REFERENCE TO TALK ABOUT IT.

AND OF COURSE, IF IT BECOMES AN ISSUE, THEN I WILL OF COURSE ENGAGE IN ANY ANALYSIS THAT IS REQUIRED AND MAKE A DECISION REGARDING THEIR ADMISSIBILITY.

AS REGARD TO THE GRAND LARCENY, I BELIEVE THERE IS A CASE ON POINT, AT LEAST ONE OF JUDGE ANDERSON'S

OPINIONS FROM THE COURT OF APPEALS, SAYS ANY TYPE THEFT IS NOT SUBJECT TO THE BALANCING TEST BECAUSE IT INHERENTLY DEALS WITH A PERSON'S VORACITY.

AND SO TO THAT EXTENT I PROBABLY WOULD ALLOW IN THE GRAND LARCENY AS WELL AS THE BREACH OF TRUST BECAUSE THEY PROBABLY WOULD FALL WITHIN THAT SAME ANALYSIS REGARDING THEFT AND THE PERSON'S VORACITY AND EXCLUDE THEM FROM THE BALANCING TEST.

AS REGARD TO THE KIDNAPPING AND THE ABHAN, PURSUANT TO STATE VERSUS ROLLINS, I WILL ONLY LET THEM ASK HIM IF HE HAD A FELONY IN THOSE YEARS BECAUSE I THINK THAT THEY ARE TOO SIMILAR TO WHAT HE IS CHARGED WITH AND WILL BE TOO PREJUDICIAL, SO I WILL NOT LET THEM ASK HIM WHETHER HE WAS CONVICTED OF KIDNAPPING AND ABHAN, ONLY THAT -- WERE YOU CONVICTED OF A FELONY, YES OR NO, AND THEY WILL BE STUCK WITH THE ANSWER.

THE BREACH OF TRUST, THE COURT WILL FOLLOW THE SAME ANALYSIS REGARDING THE DISHONESTY ELEMENT, ALTHOUGH I PROBABLY MIGHT LIMIT THE EXTENT OF HOW MANY THEY'RE ABLE TO ASK HIM ABOUT.

I WOULD ASSUME THESE ARE -- ALL POTENTIALLY RAN OUT OF THE SAME INCIDENT, AND ALTHOUGH PROBABLY SEPARATE INCIDENTS, PROBABLY APPARENTLY OUT OF THE SAME SCHEME, AND FOLLOWING THE SAME ANALYSIS THAT HAS

BEEN USED WITH THE ADMISSIBILITY OF BURGLARY -- WHAT IS IT, BURGLARY FIRST WHEN YOU HAD SUBSEQUENT BURGLARIES, AND THEN INITIALLY THE COURT SAID YOU COULD ASK HIM ABOUT AS MANY AS YOU WANTED BECAUSE IT WAS AN ELEMENT OF THE OFFENSE -- OF THE OFFENSE AND THEN THEY SORT OF BACKTRACKED AND SAID WE KNOW YOU -- SORT OF NEED TO EXERCISE SOME LIMITATION BECAUSE AT SOME POINT IT BECOMES SO CUMULATIVE THEY BECOME PREJUDICIAL.

AND SO I PROBABLY -- ALTHOUGH I DON'T KNOW HOW MANY I WILL ALLOW THEM TO ASK HIM ABOUT, JUST FOLLOWING THAT SAME LINE OF REASONING WOULD -- I DON'T KNOW HOW MANY I WOULD LET THEM ASK HIM ABOUT, BUT AT SOME POINT THE ISSUE OF HIS VORACITY AND CREDIBILITY -- I THINK HE WOULD HAVE MET THAT STANDARD, AND I -- AND TO SOME EXTENT ASKING HIM ABOUT FIVE OF THEM I THINK POTENTIALLY COULD BE PREJUDICIAL TO HIM. AND I DON'T KNOW, I MAY OR MAY NOT LIMIT HOW MANY THEY ARE ABLE TO ASK HIM ABOUT.

NOW, IN REGARDS TO THE BREACH OF TRUST -- THE OBTAINING MONEY BY FALSE PRETENSES AS WELL AS GOODS BY -- PROPERTY BY FALSE PRETENSES, I THINK THOSE WELL MIGHT ALSO FALL UNDER THE SAME ANALYSIS OF A THEFT AND WOULD NOT BE SUBJECT TO THE BALANCING TEST -- GO TO HIS VORACITY, AND CREDIBILITY IS A CENTRAL ISSUE

IN THIS CASE.

SO TO THE EXTENT THAT THIS WILL ALL -- THIS GIVES YOU A BENCHMARK AT LEAST FROM THE WORST CASE SCENARIO POINT, YOU'D BE ABLE TO HAVE A MEANINGFUL DISCUSSION WITH HIM REGARDING HIS DESIRE TO TESTIFY AGAIN. OKAY.

AND AGAIN, THE COURT WILL TAKE THAT UP IN MORE DETAIL AT THE APPROPRIATE TIME IF IN FACT HE DECIDES TO TESTIFY. AND I WILL ENGAGE IN THE APPROPRIATE BALANCING REQUIRED BY THE CASE LAW AND THE RULES AND LOOK FOR THOSE ELEMENTS REQUIRED TO MAKE A DECISION REGARDING THE ADMISSIBILITY OF THE OFFENSES.

MR. STANKO, AS I INDICATED, I AM NOT GOING TO ASK YOU AT THIS TIME WHETHER YOU DESIRE TO TESTIFY. I'M ALSO NOT GOING TO ASK YOU AT THIS TIME WHETHER YOU WANT TO ADDRESS THE JURY.

I'M GOING TO GIVE YOU FURTHER TIME TO DISCUSS THOSE MATTERS WITH YOUR COUNSEL AND TO -- AND THEN AT THE APPROPRIATE TIME I WILL ASK YOU YOUR DECISION REGARDING THAT.

I'M ALSO -- AND ACTUALLY I NEED COUNSEL TO APPROACH FOR ME. I NEED TO ASK ANOTHER QUESTION BEFORE I DELVE INTO THIS OTHER AREA OF QUESTIONING.

(WHEREUPON A BENCH CONFERENCE WAS HELD.)

THE COURT: ALL RIGHT. I HAVE SOME ADDITIONAL

QUESTIONS I NEED TO ASK MR. STANKO, BUT WE'RE GOING TO DO THAT EN CAMERA BECAUSE IT MAY WELL DEAL WITH SOME STRATEGIC ISSUES HE MAY BE DISCUSSING WITH HIS COUNSEL, AND I DO NOT IN ANY WAY WANT TO EFFECT OR TO IMPAIR HIS STRATEGY OR HIS -- OR IN ANY WAY PREJUDICE ATTORNEY CLIENT RELATIONSHIP.

SO I'M GOING TO HAVE TO ASK THOSE WHO ARE NOT CENTRAL TO THE PROCEEDINGS, IN OTHER WORDS, THOSE WHO ARE NOT INVOLVED IN HIS REPRESENTATION, TO CLEAR THE COURTROOM.

(COURTROOM CLEARED.)

THE COURT: IS THAT EVERYBODY THAT'S NOT ESSENTIAL?

MR. KELLY: I THINK SO, MA'AM.

THE COURT: OKAY. AND MY CLERK WENT TO MAKE SURE THE CAMERAS WERE OFF AND ALL THE MIKES WERE OFF. YOU ALL CAN...

(WHEREUPON THERE WAS A PAUSE.)

THE COURT: OKAY. MR. STANKO, I JUST WANTED TO INQUIRE AGAIN REGARDING YOUR SATISFACTION WITH COUNSEL, AND I WANTED TO ASK IF YOU WERE SATISFIED WITH YOUR LAWYERS' SERVICES.

THE DEFENDANT: YES, MA'AM.

THE COURT: AND HAVE THEY DONE EVERYTHING YOU HAVE ASKED OR EXPECTED IN REPRESENTING YOU UP TO THIS

POINT?

THE DEFENDANT: YES, MA'AM, I BELIEVE THEY HAVE.

THE COURT: DO YOU HAVE ANY COMPLAINTS ABOUT THEIR SERVICES AT THIS POINT?

THE DEFENDANT: NO, MA'AM.

THE COURT: OKAY. ANY ADDITIONAL QUESTIONS AS A RESULT OF THE COURT'S QUESTIONS? DO YOU FEEL THAT THEY'VE ANSWERED ALL OF YOUR QUESTIONS?

THE DEFENDANT: YES, MA'AM, I BELIEVE THEY HAVE.

THE COURT: OKAY. I'M TRYING TO THINK OF THE USUAL QUESTIONS I GO THROUGH IN COLLOQUY. I APOLOGIZE.

THE DEFENDANT: GERALD DOESN'T SMILE MUCH. THAT WOULD BE THE ONLY THING I CAN SAY.

THE COURT: PARDON ME, SIR?

THE DEFENDANT: GERALD DOESN'T REALLY SMILE MUCH.

THE COURT: MR. KELLY?

THE DEFENDANT: YES, MA'AM.

THE COURT: HE'S LOVABLE. HE HAS A GREAT SENSE OF HUMOR.

THE DEFENDANT: YES, MA'AM.

THE COURT: HE DOES. HAVE THEY DONE EVERYTHING YOU'VE ASKED OR EXPECTED IN REPRESENTING YOU?

THE DEFENDANT: YES, MA'AM, I BELIEVE THEY HAVE.

THE COURT: IS THERE ANYTHING MORE YOU WOULD HAVE THEM DO RIGHT NOW THAT THEY HAVE NOT ALREADY DONE ON YOUR BEHALF?

THE DEFENDANT: NO, MA'AM. THERE'S NOTHING I CAN TELL YOU.

THE COURT: AND AS I'VE INDICATED, DO YOU HAVE ANY COMPLAINTS ABOUT THEIR SERVICES?

THE DEFENDANT: NO, MA'AM.

THE COURT: OKAY. I THINK THAT CONCLUDES THE COURT'S BUSINESS FOR THE DAY, AND I WILL SEE Y'ALL IN THE MORNING. GET SOME REST.

MR. KELLY: THANK YOU, MA'AM.

MR. DIGGS: THANK YOU.

THE COURT: I WILL TRY TO GET THEM TO WORK ON THE... I APPRECIATE Y'ALL HELPING ME OUT.

(COURT WAS IN RECESS FOR EVENING.)

***** AUGUST 10TH, 2006 *****

THE COURT: IS THE STATE READY TO PROCEED?

MR. HEMBREE: YES, YOUR HONOR.

THE COURT: IS THE DEFENSE READY TO PROCEED?

MR. DIGGS: YOUR HONOR, THE DEFENDANT IS NOT IN THE COURTROOM.

THE COURT: I AM SORRY. WE NEED THE DEFENDANT. IF YOU ALL CAN BRING MR. STANKO.

MR. DIGGS: YOUR HONOR, MAY WE APPROACH?

THE COURT: YES.

(WHEREUPON A BENCH CONFERENCE WAS HELD.)

(WHEREUPON THE DEFENDANT WAS BROUGHT INTO THE COURTROOM.)

THE COURT: ALL RIGHT. IS THE STATE READY TO PROCEED?

MR. HEMBREE: THE STATE'S READY, YOUR HONOR.

THE COURT: IS THE DEFENSE READY TO PROCEED?

MR. KELLY: YES, MA'AM.

THE COURT: PLEASE BRING IN THE JURY.

(JURY ENTERED THE COURTROOM AT 9:49 AM.)

THE COURT: YOU MAY BE SEATED. LADIES AND GENTLEMEN, I HOPE THAT YOU HAD A RESTFUL EVENING. WE'LL NOW RESUME WITH THE TRIAL. MR. DIGGS AND MR. KELLY, YOU MAY PROCEED.

MR. DIGGS: THANK YOU, YOUR HONOR.

THE COURT: YOU'RE WELCOME.

MR. DIGGS: THE DEFENSE WOULD CALL DR. THOMAS SACHY.

DR. THOMAS SACHY, AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

THE WITNESS: MY NAME IS THOMAS SACHY, S-A-C-H-Y.

THE COURT: YOU MAY PROCEED, MR. DIGGS.

DIRECT EXAMINATION

BY MR. DIGGS:

Q DR. SACHY, WHERE ARE YOU EMPLOYED?

A I'M CURRENTLY SELF-EMPLOYED IN GRAY, GEORGIA, WHICH IS IN THE OUTSKIRTS OF MACON AT GEORGIA PAIN AND BEHAVIORAL MEDICINE.

Q OKAY. AND WHAT DO YOU DO THERE?

A THERE I PRACTICE PSYCHIATRY, NEUROPSYCHIATRY, GENERAL PAIN MANAGEMENT, AND I DO SOME OF MY FORENSIC PSYCHIATRIC WORK THERE AS WELL.

Q ALL RIGHT. AND WOULD YOU TELL US WHERE YOU WENT TO SCHOOL FOR YOUR EDUCATION.

A I COMPLETED TWO BACHELOR'S DEGREES AT THE UNIVERSITY OF CALGAREEN, CANADA, ONE GENERAL SCIENCE DEGREE, THE OTHER A BACHELOR OF SCIENCE IN ELECTRICAL ENGINEERING WITH A MINOR IN COMPUTER ENGINEERING.

I COMPLETED THOSE IN 1988, I BELIEVE, THEN I CAME DOWN TO GEORGIA, WENT -- I WORKED FOR A YEAR AS AN ELECTRICAL ENGINEER AND I WENT AND COMPLETED MY MASTER'S DEGREE IN BIOLOGY AT GEORGIA STATE UNIVERSITY IN ATLANTA.

THEN I WENT TO MEDICAL SCHOOL TO THE MEDICAL COLLEGE OF GEORGIA IN AUGUSTA WHERE I COMPLETED MY MEDICAL DEGREE IN 1995. THEN I WENT TO CHARLESTON, SOUTH CAROLINA TO THE MEDICAL UNIVERSITY OF SOUTH CAROLINA WHERE I COMPLETED MY SPECIALTY TRAINING IN PSYCHIATRY AND A -- MORE SUB-SPECIALTY TRAINING IN SOMETHING CALLED BEHAVIORAL

NEUROLOGY.

AFTER THAT I WENT TO EMORY UNIVERSITY IN ATLANTA AND I COMPLETED ANOTHER YEAR OF SPECIALTY TRAINING IN FORENSIC PSYCHIATRY.

Q OKAY. NOW -- EXCUSE ME -- THAT WAS AT EMORY?

A YES.

Q AND DID YOU DO ANY RESIDENCY TRAINING AFTER THAT?

A THE RESIDENCY TRAINING WAS FOUR YEARS IN CHARLESTON DOING THE RESIDENCY IN PSYCHIATRY AND THE SPECIALTY TRAINING IN BEHAVIORAL NEUROLOGY.

Q OKAY. AND HAVE YOU EVER BEEN QUALIFIED TO TESTIFY AS AN EXPERT IN ANY COURT--

A YES.

Q -- IN THE AREA OF PSYCHIATRY?

A YES.

Q FORENSIC PSYCHIATRY?

A YES.

Q OR IN THE AREA OF NEUROPSYCHIATRY?

A YES.

Q ON HOW MANY OCCASIONS? CAN YOU TELL US?

A APPROXIMATELY I WOULD GUESS 50, BETWEEN 50 AND A HUNDRED OCCASIONS.

Q ALL RIGHT.

MR. DIGGS: AND YOUR HONOR, WE WOULD OFFER DR. SACHY AS AN EXPERT IN PSYCHOLOGY, FORENSIC

PSYCHOLOGY, AND NEUROPSYCHOLOGY IS -- EXCUSE ME -- PSYCHIATRY.

THE COURT: ANY QUESTIONS OR OBJECTIONS?

MR. HEMBREE: NO, YOUR HONOR.

THE COURT: SO ADMITTED.

MR. DIGGS: THANK YOU.

THE COURT: YOU MAY PROCEED.

BY MR. DIGGS:

Q NOW DR. SACHY, WHAT DO YOU DO IN YOUR CLINIC IN GEORGIA?

A WELL, I TREAT PSYCHIATRIC PATIENTS, I TREAT PATIENTS WHO HAVE DEPRESSION, BIPOLAR DISORDER, MANIC DEPRESSION, SCHIZOPHRENIA, OBSESSIVE COMPULSIVE DISORDER, FEARS. I TREAT PEOPLE WHO HAVE ALZHEIMERS DISEASE, PARKINSON'S DISEASE, OTHER FORMS OF BRAIN DYSFUNCTION.

I TREAT -- I TREAT AND EVALUATE PATIENTS WHO HAVE -- ARE BEING TREATED FOR CHRONIC PAIN SYNDROME FOR VARIOUS REASONS, FAILED BACK, SURGERIES, ET CETERA, WHERE WE USE PSYCHIATRIC AND OTHER MEDICATIONS TO -- TO TRY TO GIVE THEM FUNCTION.

Q HOW DO YOU GO ABOUT TREATING A PATIENT? WHEN SOMEONE COMES IN TYPICALLY IN YOUR OFFICE, HOW DO YOU TREAT THEM?

A YOU LISTEN TO THEIR STORY AND YOU PERFORM AN -- A MEDICAL EXAMINATION AND A NEUROLOGICAL EXAMINATION.

Q ALL RIGHT.

A YOU VIEW THEIR CASE HISTORY, YOU REVIEW PREVIOUS MEDICAL RECORDS AS WELL, AND IF REQUIRED, YOU GET MEDICAL SLASH SCIENTIFIC TESTING SUCH AS MRI OR OTHER BRAIN IMAGING.

Q HOW MUCH OF YOUR TIME IS SPENT DOING FORENSIC WORK?

A I WOULD SAY 10 PERCENT OF MY TIME. OF COURSE, LATELY IT'S BEEN MUCH MORE THAN THAT.

Q HOW -- WHAT'S INVOLVED IN DOING FORENSIC WORK IN YOUR FIELD?

A FORENSIC IS -- COMES FROM A LATIN TERM MEANING, OF THE LAW, SO RELATING TO THE LAW. SO FORENSIC PSYCHIATRY IS THAT SPECIALTY OF PSYCHIATRY WHERE LAW AND BEHAVIOR COME TOGETHER. SO THAT'S WHERE FORENSICS COMES -- COMES IN IN CASES LIKE THIS.

Q CAN YOU GIVE ME AN IDEA -- AND I DIDN'T ASK YOU THIS EARLIER, BUT I -- I DO WANT TO ASK YOU THIS. HAVE YOU HAD OCCASION TO DO CONTINUING MEDICAL EDUCATION PRESENTATIONS AS AN INSTRUCTOR?

A YES, I HAVE DONE A GREAT MANY OF THEM OVER THE YEARS.

Q COULD YOU JUST GIVE ME AN IDEA OF HOW MANY?

A TWENTY TO 30. AND BY -- CONTINUING MEDICAL EDUCATION IS WHERE I TRAIN OTHER DOCTORS IN REVIEWING OR GOING OVER CERTAIN SCIENTIFIC ASPECTS OF MEDICAL DISORDERS, NEUROLOGICAL, PSYCHIATRIC DISORDERS, MEDICATIONS, NEW MEDICATIONS, ET CETERA, THAT ARE OUT THERE.

Q NOW, I HAD ASKED YOU ABOUT FORENSIC -- YOUR FORENSIC PRACTICE. WHAT TYPES OF TOOLS, DIAGNOSTIC TOOLS OR OTHER ASSETS OR THINGS THAT MIGHT BE AVAILABLE TO YOU TO USE, WHAT KIND OF THINGS DO YOU USE IN A FORENSIC SETTING?

A WELL, THE CLINICAL EXAMINATION, THAT MEANS TALKING TO THE PERSON AND QUESTION, ASKING THEM WHAT THEY DID, WHAT THEY WERE THINKING AT THE TIME, WHAT THEY'RE THINKING, HOW THEY ARE BEHAVING NOW, GETTING INFORMATION FROM OTHER SOURCES, AND IF NECESSARY GETTING SCIENTIFIC EXAMINATIONS SUCH AS BRAIN IMAGING OR OTHER LABORATORY WORK TO HELP COME TO A DIAGNOSIS.

Q ALL RIGHT. AND HOW MUCH IS TECHNOLOGY LIKE BRAIN SCANNING USED IN FORENSIC WORK AND PSYCHIATRY OR HOW OFTEN?

A WELL, THE PACE IS REALLY PICKING UP. PET SCANS, I AM ASSUMING HAVE BEEN DISCUSSED ALREADY. AND IN THIS CASE I ORDERED A PET SCAN AND HAD IT ANALYZED IN CALIFORNIA. BUT THE FIRST PET SCAN OF A HUMAN BRAIN WAS DONE IN 1973, SO THIS HAS BEEN AROUND A LONG TIME.

IT WAS -- IT'S BEEN USED CLINICALLY SINCE THEN. IT WAS FIRST USED IN A CRIMINAL CASE IN 1991 IN NEW YORK. FIRST TIME IT WAS USED IN GEORGIA IN A CRIMINAL CASE WAS I BELIEVE 2004. AND I BELIEVE THIS IS THE FIRST TIME IT'S BEEN USED HERE IN SOUTH CAROLINA.

Q WELL, LET ME ASK YOU THIS. HOW WOULD A PET SCAN BE

USED, MAYBE NOT IN A FORENSIC CAPACITY, BUT JUST IN TRYING TO DIAGNOSIS OR TREAT A PATIENT?

A WELL, A PET SCAN IS A SURE WAY TO DIAGNOSE ALZHEIMERS DISORDER. IT'S A SURE WAY TO DIAGNOSE TRAUMATIC BRAIN INJURY, THAT MEANS WHERE SOMEONE GETS BASHED IN THE HEAD AND HAVE SUFFERED BRAIN DAMAGE.

Q LET ME SHOW YOU PHOTO OF A PET SCAN. CAN YOU RECOGNIZE WHAT THAT IS AND WHAT IT DEPICTS?

A THIS IS A PET SCAN OF A PATIENT WITH ALZHEIMERS DISEASE AND A NORMAL CONTROL BRAIN--

MR. HEMBREE: YOUR HONOR, I OBJECT TO THE PUBLICATION.

(WHEREUPON A BENCH CONFERENCE WAS HELD.)

THE COURT: THE OBJECTION IS WITHDRAWN. YOU MAY PROCEED WHEN YOU'RE READY.

MR. HEMBREE: THANK YOU, YOUR HONOR.

THE COURT: YOU'RE WELCOME.

BY MR. DIGGS:

Q DR. SACHY, COME DOWN IF YOU WOULD AND -- SO THAT WE CAN LOOK AT THAT. I'M -- I WANT YOU TO EXPLAIN TO US WHAT THAT IS AND WHAT IS DEPICTED THERE.

A WHAT ARE DEPICTED ARE TWO BRAINS OF TWO INDIVIDUALS, ONE WHO HAS ALZHEIMERS DISEASE AND ONE WHO DOESN'T. AND THESE ARE SLICES OF THE BRAIN TAKEN LIKE THIS. IF I TOOK MY SANDWICH MEAT CUTTER AT KROGER AND COULD CUT MY HEAD

OPEN LIKE THIS ACROSS, WE MIGHT SEE SOMETHING LIKE THIS IF WE COULD LIGHT UP THE AREAS OF OUR BRAIN THAT ARE HIGHLY ACTIVE.

THE AREAS IN RED AND YELLOW ARE HIGHLY ACTIVE. THAT'S WHERE RADIOACTIVE SUGAR IS BEING TAKEN UP IN A VERY HIGH RATE. AREAS THAT ARE DARKER HAS LESS RADIOACTIVE SUGAR BEING USED. SO THIS SHOWS US WHAT AREAS OF THE BRAIN ARE HIGHLY FUNCTIONAL AND WHAT AREAS ARE MORE QUIET DURING THIS SNAPSHOT.

Q ALL RIGHT. SHOW US IN YOUR OPINION ON THAT PHOTOGRAPH WHAT IS MATERIAL OR, YOU KNOW, WHAT -- WHAT ARE WE LOOKING AT IN TERMS OF THE EFFECT ON THE PATIENT.

A IN PARTICULAR IN ALZHEIMERS DISEASE -- I WILL PUT THIS DOWN FOR A MINUTE -- IT'S THESE AREAS OF MY BRAIN WHERE I'M PUTTING MY HAND RIGHT NOW, THE TEMPORAL DYSFUNCTIONAL FIRST THAT ACTUALLY START TO DIE OUT AND DISINTEGRATE.

Q CAN YOU SEE THAT ON THAT PHOTOGRAPH?

A THIS IS THE FRONT OF THE BRAIN. THIS IS THE BACK OF THE BRAIN HERE. AND WE CAN SEE THAT THESE AREAS RIGHT HERE HAVE GONE -- OR THAT THEY ARE GOING QUIET COMPARED TO THE NORMAL PERSON WHO HAS GOT A LOT OF RED AND ACTIVITY HERE.

Q ALL RIGHT. IS...

A THIS IS LIKE A FINGERPRINT FOR ALZHEIMERS. THIS --

WHEN YOU GET A PET SCAN AND YOU LOOK AT THIS, SPECIALTY -- SPECIALISTS -- SPECIALISTS IN THIS FIELD AUTOMATICALLY WOULD ASSUME THIS PERSON HAS ALZHEIMERS.

Q ALL RIGHT. YOU CAN RESUME YOUR SEAT.

A (COMPLIED.)

Q TELL US SPECIFICALLY WHY IT IS A TRAINED PROFESSIONAL COULD LOOK AT A PET SCAN LIKE THAT AND DIAGNOSE ALZHEIMERS.

A BECAUSE THEY SEE THE PATTERN THAT IS FAMILIAR TO THEM THROUGH YEARS OF TRAINING, EDUCATION AND EXPERIENCE, AND I RECOGNIZE THAT LOOKING AT THAT, IF YOU HAVE NOT LOOKED AT THEM REGULARLY, LOOKS LIKE JUST BLOBS OF COLOR AND -- BUT I THINK IN THAT INSTANCE IT'S -- IT'S KIND OF EASY TO SEE THAT THOSE AREAS HERE, BACK HERE, WERE QUIET IN THE ALZHEIMERS PATIENT COMPARED TO THE NORMAL PATIENT.

BUT WHEN YOU'VE LOOKED AT THESE A LOT, IT BECOMES VERY CLEAR AND VERY EASY. AND IF I GIVE ONE MORE EXAMPLE, PHYSICIANS WHO LOOK AT CHEST X-RAYS ALL THE TIME, AND I REMEMBER IN MY MEDICAL TRAINING LOOKING AT A CHEST X-RAY AND THINKING, HOW ON EARTH WILL I EVER UNDERSTAND THE CHEST X-RAY, IT JUST LOOKS LIKE A MORPHOUS CLOUDY STUFF, BUT YOU KEEP LOOKING AT THEM, AND IF YOU HAVE A GOOD TEACHER BESIDE YOU, IT BECOMES CLEAR AND YOU BEGIN TO RECOGNIZE THE PATTERN.

Q HOW ELSE MIGHT YOU USE PET SCANS IN YOUR PRACTICE TO

MAKE A DIAGNOSIS?

A WELL, IN PATIENTS WITH OBVIOUSLY DEMENTIA, LIKE ALZHEIMERS DISEASE, PATIENT WITH TRAUMATIC BRAIN INJURY, A LOT OF WORKMEN -- WORKMENS COMP CASES, A LOT OF THEM DEAL WITH PEOPLE WHO HAVE HEAD INJURY OR CLAIM THEY HAVE HEAD INJURY.

WELL, THEY SAY THEY HAVE A HEAD INJURY, AND SOMETIMES IT'S HARD TO TELL. YOU CAN GET IMAGING LIKE THAT AND SEE IF THERE'S AN AREA OF THE BRAIN THAT'S QUIET, NOT USING AS MUCH SUGAR AS A NORMAL BRAIN, AND THAT HELPS PROVE OR DISPROVE THEIR BRAIN INJURY.

Q IS THERE A CORRELATION OR CAN THERE BE A CORRELATION BETWEEN THE BRAIN FUNCTION AS SHOWN OR DEMONSTRATED BY A PET SCAN AND SOMEONE'S BEHAVIOR?

A YES, DEFINITELY.

Q WELL, HOW CAN THAT BE?

A BECAUSE OUR -- OUR -- OUR OUTWARDLY SOCIAL BEHAVIORS AND OUR EMOTIONAL BEHAVIORS ARE CONTROLLED FOR THE MOST PART MAINLY BY THE AREAS RIGHT HERE WHERE I'M PUTTING MY FINGERS, THE FRONTAL LOBES OF THE BRAIN, BEHIND -- ABOVE MY EYEBALLS AND JUST BEHIND MY EYEBROWS.

THAT AREA OF THE BRAIN IS ABSOLUTELY KNOWN FOR SURE TO CONTROL BEHAVIOR. IF THAT PART OF THE BRAIN IS NOT WORKING, YOU HAVE BEHAVIORAL DYSCONTROL.

Q HOW LONG HAVE YOU KNOWN THAT?

A WE HAVE -- WELL, WE HAVE SUSPECTED THAT SINCE THE MID 1800'S. THERE'S A VERY FAMOUS CASE OF PHINEAS GAGE, AND I HAVE A -- AN IMAGE OF HIM IF...

Q DO YOU WANT TO USE THAT?

A I'D LIKE TO SHOW THAT. BELIEVE IT WAS 1848 IN NEW HAMPSHIRE A MAN NAMED PHINEAS GAGE WAS THE FOREMAN OF A WORK CREW WORKING PUTTING IN RAILWAY TRACK FOR A RAILWAY COMPANY AND A THREE AND A HALF FOOT LONG ONE AND A HALF INCH WIDE TEMPERING IRON OR METAL BAR WAS -- EXPLODED UNDERNEATH HIM AND SHOT UP THROUGH HIS LEFT CHEEK, DESTROYED HIS LEFT EYE, AND CAME OUT THE TOP OF HIS HEAD AND FLEW THROUGH THE AIR FOR SEVERAL HUNDRED FEET.

MR. GAGE WAS KNOCKED ONTO HIS BEHIND. HE WAS STUNNED, BUT HE SURVIVED. THE DOCTOR WHO CAME AND TREATED HIM -- THE LEVEL OF TREATMENT AT THAT TIME WAS TO STICK YOUR FINGER IN THIS HOLE AND STICK YOUR FINGER IN THIS HOLE, AND HE FOUND HE COULD JOIN HIS FINGERS IN BETWEEN, AND BASICALLY THEY -- AFTER THAT EXPLORATORY EXAMINATION, THEY CLEANED HIM UP, CLOSED IT UP, AND MR. GAGE SURVIVED.

HOWEVER, HE WAS NEVER THE SAME. HE BECAME QUITE SOCIALLY INAPPROPRIATE. AND THIS WAS A MAN WHO WAS NOT A DRINKER. HE WAS VERY QUIET, A CHURCH-GOING TYPE PERSON. NOW BECAME VERY INAPPROPRIATE, LOUD, COMBATIVE, AND HE STARTED ABUSING ALCOHOL, AND HE NEVER TOUCHED ALCOHOL BEFORE.

WE LEARNED FROM THIS CASE -- THIS WAS ONE OF THE FIRST INSTANCES WHERE WE STARTED TO UNDERSTAND THIS PART OF THE BRAIN IN FRONT, YOU DO DAMAGE TO THIS AND YOUR BEHAVIOR BECOMES INAPPROPRIATE.

Q NOW, WHAT -- HOW HAVE WE PROGRESSED SINCE THAT TIME WITH OUR UNDERSTANDING OF WHAT FUNCTIONS TAKE PLACE IN THE FRONTAL LOBES?

A WELL, WE -- THERE ARE MANY CASES SUCH AS THIS ONE FROM THE ARCHIVES OF NEUROLOGY. THERE HAVE BEEN MANY, ALMOST TOO NUMEROUS TO COUNT CASES WHERE EXPERTS IN THE FIELD OF NEUROLOGY AND NEUROPSYCHIATRY HAVE SEEN THAT PEOPLE WHO DEVELOP EITHER TUMORS OR STROKE OR WHAT HAVE YOU, DAMAGE TO THIS PART OF THE BRAIN, THE FRONT, NOW CAN DEMONSTRATE AGGRESSIVE, VIOLENT OR CRIMINAL BEHAVIOR.

AND THIS FAMOUS CASE FROM 2003 SHOWED AN INDIVIDUAL WHO DEVELOPED -- BECAME A PEDOPHILE AFTER DEVELOPING A BRAIN TUMOR IN HIS FRONTAL LOBE. IN FACT, HE WAS SENT FOR -- FOR TREATMENT.

BEFORE THEY SENT HIM TO JAIL, THEY SENT HIM FOR TREATMENT. AND EVEN IN TREATMENT, HE WAS MAKING INAPPROPRIATE SEXUAL ADVANCES TO THE PEOPLE WHO WERE SUPPOSEDLY TREATING HIM. THEY DIDN'T KNOW HE HAD A TUMOR AT THE TIME.

WHEN HE WAS FINALLY ARRESTED, HE WAS SENT TO JAIL AND ON THAT FIRST NIGHT IN JAIL HE COMPLAINED OF A TERRIBLE

HEADACHE. A CAT SCAN WAS DONE. ANOTHER BRAIN IMAGE WAS DONE SEPARATE FROM THE ONES WE HAVE DONE TODAY, AND WE CAN SEE A LARGE RIGHT FRONTAL TUMOR.

AND, BY THE WAY, EYEBALL WOULD BE HERE, EYEBALL WOULD BE HERE, SO THIS IS AT THE FRONT. LARGE TUMOR IN THE FRONT OF THE BRAIN -- HERE'S NOSE, HERE'S FRONT OF THE BRAIN, BACK OF THE BRAIN. WE KNOW THIS, THAT WHEN THEY CUT THE TUMOR OUT, HIS BEHAVIORS CEASED.

Q HOW MIGHT THAT TUMOR HAVE HAD EFFECT ON HIS BEHAVIOR? WHAT WAS IT DOING TO CAUSE THAT CHANGE?

A IT'S CRUSHING AND DAMAGING THE -- THE GOOD MATERIAL, THE GOOD, NORMAL WORKING BRAIN IN THE FRONTAL LOBE. IT'S GROWING. IT IS USELESS. IT IS PARASITIC. THAT'S WHAT CANCER IS, IT GROWS. IT DOESN'T DO ANYTHING BUT GROW.

AND AS IT GROWS, IT KILLS WHAT'S AROUND IT. AND THIS WAS NOW STARTING TO AFFECT THE FRONTAL LOBE.

Q DO YOU HAVE ANYTHING THAT YOU CAN SHOW US, DEMONSTRATE FOR US THE STRUCTURE OF THE BRAIN? ALL RIGHT. WHAT ARE WE LOOKING AT HERE?

A WELL, WE'RE LOOKING AT -- LET'S LOOK AT THIS. IF MY HIGHLIGHTER IS CIRCLING THIS PART OF THE -- THIS BRAIN. THIS IS JUST A SIDEWAYS VIEW OF THE BRAIN. EYEBALL WOULD BE HERE LOOKING FORWARD THAT WAY. OKAY. SO THIS IS THE BACK OF THE BRAIN. THIS IS THE FRONT OF THE BRAIN.

THE COLORED AREAS HERE ARE THE FRONTAL LOBES IN

GENERAL. OKAY. BUT THE SPECIAL PARTS OF THE FRONTAL LOBES THAT ARE SO IMPORTANT FOR SOCIALLY APPROPRIATE BEHAVIOR ARE -- IS THIS PART UNDERNEATH, RIGHT ABOVE MY EYEBALL, RIGHT ABOVE THE EYEBALL, RIGHT UNDERNEATH IN GREEN.

THIS IS A SHOT OF THIS BRAIN BUT FROM THE UNDERSIDE, LOOKING FROM THE NECK UP TO THE SKY, AND WE CAN SEE THE GREEN PART HERE CORRESPONDS TO THIS. THEY COLORED IT PURPLE ON THE RIGHT SIDE. THIS IS THE LEFT SIDE. THIS IS THE RIGHT SIDE.

THIS IS CALLED THE MEDIAL ORBITAL FRONTAL LOBE OR THE ORBITAL FRONTAL LOBE. THEY CALL IT ORBITAL BECAUSE WHERE OUR EYES SIT, THEY SIT IN THE ORBITAL SOCKETS, AND THESE ARE THE ORBITAL BONES, SO THEY CALL IT THE ORBITAL FRONTAL LOBE IMMEDIATELY ABOVE THE EYES.

Q ALL RIGHT. LET'S TALK ABOUT EMOTIONS. WHERE ARE EMOTIONS GENERATED IN THE BRAIN? CAN YOU SHOW US ON THAT DIAGRAM OR CAN YOU BRING UP THE DIAGRAM AND SHOW US?

A OKAY. HERE'S JUST A VERY SIMPLE DRAWING. BUT EYEBALL WOULD BE HERE. I'M GOING IN A CIRCLE HERE. THAT'S THE EYEBALL LOOKING FORWARD.

Q THAT IS THE BRAIN IS LOOKING TOWARDS ME?

A YES. FRONT OF BRAIN HERE, BACK OF BRAIN HERE. OUR EMOTIONS, ESPECIALLY POWERFUL EMOTIONS, AND MOST ESPECIALLY OUR AGGRESSIVE IMPULSES ARE FORMED AT THE

CENTER WHERE ALL THESE LOOPS AND ARROWS ARE COMING OUT FROM.

IT'S CALLED THE AMYGDALA AND IT'S CONNECTED TO SOMETHING CALLED THE LIMBIC SYSTEM. AND IT'S QUITE COMPLICATED, BUT ANY ANGER OR STRONG EMOTION THAT ANY ONE OF US IN HERE FEELS IS FIRST REGENERATED HERE, THEN SENT UP, AND THAT'S WHAT IT'S SHOWING HERE.

IT'S SHOWING THOSE SIGNALS BEING SENT TO THE FRONT PART OF THE BRAIN, TO THE BACK PART OF THE BRAIN. IT'S SENT TO ALL PARTS OF THE BRAIN.

Q NOW, WHEN THOSE SIGNALS COME OUT, YOU KNOW, YOU USED THE WORD IMPULSE. BUT LET ME ASK YOU THIS. WHEN A SIGNAL COMES OUT OF THE LIMBIC SYSTEM, IS THERE ANY SPECIFIC CUT-OFF POINT WHERE, YOU KNOW, IT'S GOING TO STOP?

A WELL, THE SIGNALS THAT WE'RE TALKING ABOUT HERE ARE ALMOST INSTANTANEOUS. WE ARE TALKING 300 MILLISECONDS.

Q HOW LONG -- IF THE -- IF LET'S SAY ANGER COMES OUT OF THE EMOTION, HOW LONG COULD THAT -- I MEAN, OUT OF THE LIMBIC SYSTEM -- HOW LONG COULD THAT EMOTION CONTINUE?

A IT CAN CONTINUE FOR -- FOR A LENGTH OF TIME, HOURS, DAYS, BUT PROBABLY, YOU KNOW, WHAT DO WE SAY -- SPITES OF ANGER, BOUTS OF ANGER, IT CAN BE CONTINUOUS, IT CAN WAX AND WANE, BUT AS LONG AS THAT PART OF THE BRAIN CAN GENERATE A SIGNAL, YOU CAN HAVE STRONG EMOTION OR AN -- OR AN OUTBURST.

Q ALL RIGHT. COULD THE WORD IMPULSE BE MISLEADING THEN IN THAT CONTEXT?

A IN WHAT WAY?

Q WELL, A ORDINARY PERSON MIGHT THINK OF AN IMPULSE AS BEING THAT, YOU KNOW, IT'S THERE AND THEN IT'S GONE.

A CORRECT. NO, THIS AREA OF THE BRAIN GENERATES AN IMPULSE, BUT THEN IT'S LIKE THROWING A STONE INTO A POND, BOOM, YOU SEE IT SPLASH. THE SPLASH HAS OCCURRED HERE. BUT THEN THERE ARE WAVES AND RIPPLES THAT GO OUT THROUGHOUT THE BRAIN AFFECTING ALL OUR BEHAVIOR.

IN FACT, THERE'S A COMMON SAYING, SEEING RED. WHERE DO WE GET THAT FROM? WHEN YOU GET ANGRY AND SOMEONE SAYS, YOU ARE SEEING RED. I'M TRYING TO -- WE -- WE GET THESE SAYINGS BECAUSE -- THESE OLD SAYINGS COME FROM HUMAN -- HUMAN BEINGS' REFLECTIONS ON WHAT HAPPENS WHEN THEY GET ANGRY.

AND I -- I WOULD ASSUME SEEING RED MAY EVEN REFLECT THE INCREASED BLOOD FLOW TO THE BRAIN BECAUSE THIS RIPPLE EFFECT IS GOING THROUGH THE BRAIN AND ANGER IS -- AS BEING GENERATED AND NOW THE REVERBERATIONS ARE BUILDING UP AND CONTINUING.

Q SO--

A THE IMPORTANT -- THE IMPORTANT POINT IS WHAT STOPS THE RIPPLES. WHEN WE GET ANGRY, WHY DO WE KEEP GOING? NOW, WE ALL HEARD OF INDIVIDUALS, OR MAYBE I -- I

CERTAINLY HAVE IN MY PRACTICE -- WHO DO KEEP GOING. THEY'RE INAPPROPRIATE.

I SEE THEM IN MY PRACTICE. THEY HAVE BRAIN DAMAGE. BUT IT'S THIS FRONTAL PART OF THE BRAIN RIGHT ABOVE THE EYEBALLS HERE THAT CONTROLS AND SENDS SIGNALS BACK TO THIS TO SAY, CALM DOWN. THE EMERGENCY BRAKE FOR THE BRAIN IS RIGHT ABOVE THE EYEBALLS. IT'S A FACT. IT'S SCIENCE AND IT'S MEDICINE.

Q OKAY. CAN YOU SHOW US AGAIN WITH YOUR POINTER OR HIGHLIGHTER AGAIN WHERE THE BRAKES ARE PUT ON THESE EMOTIONS?

A THE BRAKES ARE RIGHT HERE. WE KNOW THAT BECAUSE PEOPLE WHO HAVE DAMAGE FOR WHATEVER REASON TO THIS PART OF THE BRAIN NOW BECOME SOCIALLY INAPPROPRIATE, IMPULSIVE, AND PRONE TO OUTBURSTS OF ANGER AND VIOLENCE.

AND IN FACT, JUST IN REVIEWING -- REVIEWING MATERIAL FOR THIS CASE, THERE'S AN EXCELLENT CASE -- AND THIS IS FROM THE MEDICAL COLLEGE OF GEORGIA IN AUGUSTA WHERE I DID MY TRAINING, AND THEY ARE DOING -- IT WAS A REVIEW PAPER ON BRAIN SURGERY BEING DONE TO THESE PEOPLE WHO HAD VIOLENCE THEY COULD NOT CONTROL.

AND THESE WERE YOUNG BOYS WHO BECAME VIOLENT AFTER GETTING HERPES IN THEIR EYE, COLD SORE FROM THEIR MOUTH, THEN THEY TOUCHED THEIR EYES, THE HERPES WENT RIGHT TO THE BRAIN, AND THEY DEVELOPED SOMETHING CALLED HERPES

ENCEPHALITIS.

THE HERPES GOT GROWING ON THE UNDERSIDE OF THE BRAIN BECAUSE FROM THE EYEBALL THE DIRECT ROOT INTO THE BRAIN IS FROM THE UNDERSIDE. AFTER DEVELOPING HERPES ENCEPHALITIS, THESE BOYS BECAME UNCONTROLLABLY VIOLENT, UP TO SEVEN OR EIGHT ASSAULTIVE, REQUIRING INTERVENTION OF THE LAW, EPISODES OF VIOLENCE PER MONTH -- I MEAN SEVEN OR EIGHT TIMES THEY COULD HAVE GONE TO JAIL, THEIR VIOLENCE WAS THAT BAD.

THEY WENT IN, THE SURGEONS, MEDICAL COLLEGE, AND THEY CUT OUT THE AMYGDALA, THE PART WHERE THE STONE DROPS IN THE WATER WHERE THESE SIGNALS FOR VIOLENCE COME FROM. THEY CUT THESE PARTS OUT IN THESE BOYS, AND IN THE GREAT MAJORITY OF CASES THEIR VIOLENCE AND IMPULSIVE VIOLENCE WAS GREATLY DIMINISHED TO LIKE ONE VIOLENT OUTBURST PER MONTH RATHER THAN EIGHT.

SO WE KNOW THAT DAMAGE TO THIS PART OF THE BRAIN TAKES THE EMERGENCY BRAKE OFF THE OUR -- OUR CONTROL FOR VIOLENCE. IT -- THAT'S THE BRAKE.

WHEN WE ALL -- WHEN WE'RE DRIVING IN A CAR AND SOMEONE CUTS US OFF AND WE FEEL LIKE WE WANT TO DO THEM GREAT HARM, WHAT KEEPS US FROM DOING THAT IS THIS PART OF THE BRAIN. THERE'S NOTHING ELSE OUT THERE SAYING, DON'T DO IT. IT'S THAT PART OF THE BRAIN.

Q ALL RIGHT. THE CAPACITY TO CONFORM OR THE CAPACITY

TO APPRECIATE OR DISTINGUISH BETWEEN RIGHT AND WRONG, IS THAT RELATED IN ANY WAY TO WHAT YOU'RE DISCUSSING AT THIS POINT?

A WELL, YES, IT'S--

Q WHY IS THAT?

A BECAUSE IT'S BASED IN THAT PART OF THE BRAIN. I KNOW I'M -- IT MAY SOUND REPETITIVE. WHEN PEOPLE SUFFER BRAIN DAMAGE TO THAT AREA OF THE BRAIN, THEY DO A LOT MORE WRONG THAN THEY EVER DID BEFORE. THEIR ABILITY TO DISTINGUISH OR APPRECIATE RIGHT FROM WRONG IS EITHER GREATLY DIMINISHED OR REMOVED.

THERE IS A CASE I WAS INVOLVED WITH IN MACON OF A WOMAN WHO SUFFERED A SLIGHT HEART ATTACK AND THE BLOOD WAS CUT OFF TO HER BRAIN FOR A SHORT PERIOD OF TIME, AND AFTER THAT, WHATEVER STORE SHE WENT INTO, SHE WOULD SHOPLIFT, EVEN IN FULL VIEW OF, YOU KNOW, PEOPLE WORKING IN THE STORE.

AND IN FACT, SHE WAS APPROPRIATELY, YOU KNOW, THE LEGAL SYSTEM -- WELL, THE RIGHT THING WAS DONE IN THAT CASE BECAUSE EVERYONE UNDERSTOOD THAT HER BEHAVIOR CAME AFTER THE DAMAGE TO THAT PART OF THE BRAIN.

Q WHAT DOES ALL OF THIS HAVE TO DO WITH INSANITY? DOES IT HAVE ANYTHING TO DO WITH INSANITY?

A YES.

Q WELL, WHY DO YOU SAY THAT?

A IN, YOU KNOW, IN PSYCHIATRY AND MEDICAL PRACTICE, WE DON'T USE THE WORD INSANITY MUCH ANY MORE. SOMEONE DOESN'T COME IN, AND I PICK UP MY FINGER AND LOOK AND SAY, YOU'RE INSANE. IT'S MORE OF SOMETHING TO LAUGH ABOUT OR -- YOU KNOW.

BUT FROM A LEGAL I GUESS PERSPECTIVE, INSANITY MEANS THAT SOMEONE'S BRAIN OR BEHAVIOR IS DYSFUNCTIONAL AND THEY ACTED INAPPROPRIATELY OR DYSFUNCTIONAL, AND THAT'S WHAT INSANITY IS, INAPPROPRIATE DYSFUNCTIONAL BEHAVIOR.

Q IS IT -- HAVE YOU LOOKED AT THE LEGAL DEFINITION OF INSANITY IN SOUTH CAROLINA?

A YES, I HAVE.

Q ALL RIGHT. AND LET ME GO AHEAD AND ASK YOU THIS QUESTION. LET'S TALK ABOUT STEPHEN STANKO.

A OKAY.

Q OKAY. HOW DID YOU GET INVOLVED IN THE CASE, IN THIS CASE?

A WELL, I HAD BEEN GIVING A LECTURE, I THINK IT WAS IN MYRTLE BEACH, AND I MET SEVERAL PSYCHIATRISTS, AND ONE OF THEM HAD HEARD ME DISCUSS A CASE THAT I WORKED ON IN GEORGIA, THE FIRST CASE WHERE PET SCANS WERE USED, AND I EXPLAINED WHAT OUR FINDINGS WERE AND OUR SCIENTIFIC PROCEDURE, AND THAT PERSON THEN I GUESS CONTACTED YOU ABOUT THIS CASE, AND THEN I WAS CONTACTED.

Q ALL RIGHT. AFTER YOU GOT ON THE CASE, WERE YOU ABLE

TO EVENTUALLY MAKE A DECISION IN THIS CASE TO RENDER -- OR RENDER AN OPINION ON THE SANITY OR INSANITY OF MR. STANKO AT THE TIME OF THIS PARTICULAR INCIDENT?

A I WAS, BUT I -- I REALLY THINK I SHOULD JUST EXPLAIN THE...

Q WE'LL GIVE YOU A CHANCE TO EXPLAIN IT, BUT JUST TELL US WHAT YOUR OPINION IS IN THIS CASE.

A MY OPINION BASED ON INTERVIEWING MR. STANKO AND ON REVIEWING WHAT WAS DONE IN THIS CASE AND ON THE REVIEW THAT OTHER PROFESSIONALS HAVE DONE IN THIS CASE AND ON THE REALLY I GUESS FANTASTIC OR CONSIDERABLE IMAGING THAT HAS TAKEN PLACE IN THIS CASE, WHICH HAS NEVER BEEN DONE BEFORE IN THIS COUNTRY, I HAVE COME TO THE CONCLUSION THAT HE WAS INSANE AT THE TIME.

Q ALL RIGHT. NOW, I WANT YOU TO TELL US WHY YOU CAME TO THAT CONCLUSION.

A MY INTEREST--

Q LET'S GO -- YOU WROTE A REPORT IN THIS CASE; DID YOU NOT?

A YES.

Q DO YOU HAVE THAT REPORT WITH YOU?

A ACTUALLY I -- I MAY NOT HAVE MY REPORT WITH ME, BUT YOU HAVE A COPY OF IT.

THE COURT: IT'S A COURT'S EXHIBIT.

BY MR. DIGGS:

Q ALL RIGHT. TELL US WHAT YOU DID IN ORDER TO PUT YOURSELF IN THE POSITION TO BE ABLE TO RENDER AN OPINION IN THIS CASE.

A WELL, I WENT AND INTERVIEWED MR. STANKO AND I REVIEWED THE PERTINENT RECORDS IN THIS CASE, WHICH WERE QUITE A LOT. THEY WERE THE RECORDS FROM HIS BIRTH, THEY WERE THE RECORDS FROM HIS EARLY PSYCHIATRIC TREATMENT IN THE 1990'S, I BELIEVE 1994, THERE WERE -- THERE WERE THE RECORDS WHEN HE WAS -- WHEN HE WAS INCARCERATED FOR THIS -- I'M SORRY -- FOR AN INCIDENT IN I BELIEVE IT WAS 1996 WHEN HE WAS INCARCERATED FOR EIGHT TO 10 YEARS, HE WAS EVALUATED AT THE HALL INSTITUTE IN COLUMBIA WHICH IS A FORENSIC INSTITUTE, I REVIEWED THOSE, AND AGAIN, THE BRAIN IMAGING. I REVIEWED ALL THOSE RECORDS.

Q ALL RIGHT. TELL US ABOUT THAT DECISION, YOUR DECISION TO GET THE BRAIN IMAGING INVOLVED IN THIS CASE. WHY DID YOU DO THAT AND FOR WHAT -- TELL US HOW YOU DID THAT AND FOR WHAT PURPOSE.

A FROM THE MEDICAL LITERATURE WE KNOW THAT INDIVIDUALS WITH DAMAGE TO THEIR FRONTAL LOBES ACT MORE IMPULSIVELY AND MORE VIOLENTLY. AND THIS INVESTIGATOR HERE, DR. ADRIAN RAINE AT THE UNIVERSITY OF CALIFORNIA IN LOS ANGELES, HE'S KIND OF THE PIONEER OF GETTING PET SCANS ON MURDERERS AND PSYCHOPATHS.

I MEAN, WE CALL A CERTAIN SUBSET MURDERERS AND

PSYCHOPATHS. AND I HAD RESEARCHED ALL HIS RESEARCH. AND FROM THAT I REALIZED I HAD TO GET A PET IMAGE OF MR. STANKO'S BRAIN.

SUBSEQUENTLY DR. RAINE'S OFFICE HEADED OR POINTED ME IN THE DIRECTION OF, AGAIN, DR. JOSEPH WU FROM THE UNIVERSITY OF CALIFORNIA IRVINE WHO ACTUALLY PRACTICALLY -- IN A PRACTICAL WAY HE TAKES THE PICTURES. DR. RAINE DID THE -- DID THE WORLD CHANGING RESEARCH SO-TO-SPEAK, THE CUTTING EDGE RESEARCH, BUT IT'S MEN LIKE DR. WU WHO ACTUALLY USE THIS PRACTICALLY.

SO I CONTACTED DR. WU. THE PET SCANS WERE DONE AT THE MEDICAL UNIVERSITY OF SOUTH CAROLINA AND THE DATA WAS SENT TO DR. WU, AND HE GENERATED THE PET SCAN IMAGES FROM MR. STANKO.

Q ALL RIGHT. NOW, WE ALSO HAVE AN MRI DONE. WHY DID YOU DECIDE TO DO THAT?

A IN THE CASE THAT I DID IN GEORGIA SEVERAL YEARS AGO ALL WE DID WAS PET SCANS. ON FURTHER RESEARCH SINCE THAT TIME THINGS HAVE CHANGED, AND DR. RAINE HAD SAID IT -- HE SAID, LOOK, BASICALLY THE PET SCAN SHOWS THERE'S SOMETHING NOT FUNCTIONING RIGHT IN THE FRONTAL LOBE OF MURDERERS, BUT IS THERE ANY OTHER EVIDENCE OF SOMETHING WRONG WITH THEIR BRAIN, ESPECIALLY IN THE FRONTAL LOBE.

WELL, DR. RAINE DID FURTHER ANALYSIS AND HE GOT MRIS OF PEOPLE'S BRAINS. NOW, AN MRI ESSENTIALLY IS LIKE GOING

BACK TO THIS PEDOPHILE HERE. AN MRI DOESN'T SHOW US BRIGHT LIGHTS WHERE LOTS OF SUGAR IS BEING USED. AN MRI SHOWS US STRUCTURE. IT'S LIKE TAKING AN X-RAY.

Q DO WE HAVE THE MRI PHOTOS HERE?

A WE DO. I THINK THEY'RE OVER THERE.

Q WOULD IT HELP YOU TO USE THOSE TO EXPLAIN TO US OR BETTER EXPLAIN TO US YOUR TESTIMONY?

A YES. IT WILL JUST TAKE A SECOND TO GET THEM.

Q AND TELL US WHAT THOSE ARE AND HOW YOU GOT THEM.

MR. HEMBREE: YOUR HONOR, MAY WE APPROACH?

THE COURT: YES.

(WHEREUPON COUNSEL CONFERRING.)

MR. DIGGS: YOUR HONOR, WE'D GO AHEAD AND OFFER THOSE AS A DEFENSE EXHIBIT COLLECTIVELY.

THE COURT: WITHOUT OBJECTION?

MR. HEMBREE: WITHOUT OBJECTION, YOUR HONOR.

MR. DIGGS: THANK YOU.

THE COURT: MARKED AND ADMITTED WITHOUT OBJECTION. YOU MAY PROCEED.

(EXHIBITS WERE NOT HANDED TO THE COURT REPORTER TO BE PHYSICALLY MARKED.)

BY MR. DIGGS:

Q WHAT DO WE HAVE THERE, DOCTOR?

A WE HAVE MR. STANKO'S MRI THAT I ORDERED.

Q CAN YOU COME DOWN AND SHOW US -- BECAUSE, I MEAN,

JUST LOOKS LIKE A DARK PIECE OF FILM.

A WE DON'T HAVE AN OVERHEAD PROJECTOR.

Q I KNOW. OKAY. BUT COME DOWN SO THAT -- HOLD IT UP THE BEST YOU CAN SO WE CAN SEE HOW IT LOOKED.

A WE CAN -- I SEE CUTS TAKEN THIS WAY THROUGH A MAN'S BRAIN AND SKULL. SO EYEBALL -- LOOK AT THIS IMAGE. WE HAVE AN EYEBALL HERE AND WE HAVE THE BRAIN. HERE'S THE FRONTAL LOBE I'M TALKING ABOUT, ESPECIALLY THE MEDIAL ORBITAL FRONTAL LOBE, AS I SAID, SITTING RIGHT ABOVE, RIGHT ABOVE THE EYEBALL. OKAY.

SO AN MRI SHOWS US STRUCTURE. DOESN'T SHOW US FUNCTION. I CAN'T TELL HOW WELL THIS BRAIN IS WORKING BY LOOKING AT THIS, BUT I CAN LOOK FOR ABNORMALITIES AND HOW IT'S FORMED.

Q ARE THERE ANY ABNORMALITIES THAT YOU CAN SEE?

A WELL, THERE ARE. I -- NOW, IT'S VERY SUBTLE, BUT REMEMBER, I LOOKED AT HUNDREDS AND HUNDREDS OF THESE AND FROM MY TRAINING -- I WOULD NEED AN OVERHEAD TO SHOW THIS, BUT...

Q WELL, AS OPPOSED TO SHOWING US -- AND I APOLOGIZE TO YOU FOR NOT HAVING A PROJECTOR HERE TO DO IT -- BUT IF YOU COULD JUST LOOK AT IT AND TELL US WHAT YOU SEE, AND DON'T WORRY ABOUT NOT HAVING THE PROJECTOR.

A I'LL JUST SAY THIS. I NOTICED THAT IN THE TOP PART OF HIS BRAIN HERE THAT HIS BRAIN IS SHRINKING. AND IT'S

VERY SUBTLE AND SLIGHT. BUT AT THE TOP PART OF HIS BRAIN HERE HIS BRAIN APPEARS TO BE SHRINKING, AND IT'S NOT NORMAL GIVEN HIS AGE. HE'S STILL A YOUNG MAN AND HIS BRAIN SHOULDN'T BE SHRINKING THERE.

HOW DO I KNOW HIS BRAIN IS SHRINKING? I KNOW IT -- I KNOW IT FROM THIS. THE ONLY THING THAT MAKES OUR SKULL GROW IS OUR BRAIN GROWING INSIDE PUSHING IT OUT. HIS SKULL HAS REACHED A CERTAIN SIZE, BUT NOW HIS BRAIN HERE IS ACTUALLY STARTING TO PULL AWAY FROM THE SKULL.

NOW, I RECOGNIZE THIS IS VERY SUBTLE. BUT AGAIN, IN MY SPECIALTY, THIS IS ABNORMAL.

Q OKAY. AND DID YOU MAKE NOTE OF THAT IN YOUR REPORT?

A I DID.

Q DO YOU REMEMBER THE DATE OF YOUR REPORT, THE INITIAL ONE?

A JUST HAVE TO REVIEW... I DON'T REMEMBER. ON THIS REPORT I HAVE -- I HAVE IT UPDATED JULY OF 2006, BUT IT WAS SEVERAL MONTHS AGO. I CAN'T REMEMBER.

Q OKAY. BUT IS THAT THE ACTUAL MATERIAL THAT YOU LOOKED AT WHEN YOU MADE NOTE THAT THERE WAS A PROBLEM IN HIS MRI?

A CORRECT. I SAW THE -- OKAY. WE SENT -- THIS DATA I HAD SENT TO VERY SPECIAL PLACE AND A VERY SPECIAL MAN AT THE UNIVERSITY--

Q BEFORE WE GET THERE, THOUGH, I WANT TO KNOW WHAT YOU

DID WHEN YOU GOT THOSE IMAGES. AND BY THE WAY, WHERE DID YOU GET THOSE?

A THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, AND THEY WERE A SPECIAL GROUP OF MRIS. THIS IS A SPECIAL MRI.

Q WHAT IS SPECIAL ABOUT IT?

A IT'S DONE AT A MUCH HIGHER LEVEL OF -- TRYING TO THINK OF THE WORD -- RESOLUTION.

Q OKAY.

A THAN A NORMAL MRI. THEY -- THEY REALLY -- THE COMPUTER THAT GENERATED THOSE IMAGES LOOKED AT IT IN A MUCH HIGHER LEVEL OF DETAIL THAN A NORMAL MRI THAT YOU OR ME--

Q WAS IT -- WOULD IT BE FAIR TO SAY THAT IT LOOKED AT IT AT THE HIGHEST RESOLUTION THAT IT HAD AVAILABLE TO IT OR...

A THE HIGHEST.

Q OKAY. SO MUSC HAS NO TECHNOLOGY THAT'S MORE ADVANCED THAN THAT?

A NO.

Q IS THAT WHAT WE'RE--

A CORRECT.

Q -- HEARING?

A THAT'S THE WORLD STANDARD.

Q OKAY. AND THEN TELL US WHAT YOU DID WHEN YOU GOT THAT MATERIAL.

A I SAW THE SLIGHT IMPERFECTION IN HIS BRAIN, BUT I REALIZED FROM THE LITERATURE, MEDICAL AND SCIENTIFIC RESEARCH LITERATURE OUT THERE, THAT -- ESPECIALLY FROM DR. RAINE THAT THERE MAY BE DIFFERENCES IN THE MRI THAT'S CLINICALLY IMPERCEPTIBLE.

IN OTHER WORDS, SOMEONE WHO ISN'T A NEUROPSYCHIATRIST LIKE ME BUT LOOKS AT BRAIN MRIS WOULD LOOK UP -- HOLD THAT UP TO THE LIGHT AND SAY, IT'S NORMAL, I DON'T SEE A BIG TUMOR IN THE FRONT, I DON'T SEE A BIG AREA OF STROKE, I DON'T SEE A BULLET LODGED IN THE BRAIN, IT'S NORMAL.

YOU HAVE TO LOOK VERY SUBTLY AT IT. BUT DR. RAINE FOUND IN HIS NEW SET OF STUDIES SEPARATE FROM PET SCAN, BUT IF YOU TOOK MRI OF PSYCHOPATHS, PEOPLE WITH ANTISOCIAL PERSONALITY DISORDER, THAT'S THE COMMON NAME, BUT I PREFER PSYCHOPATH -- IF YOU TOOK MRIS OF THEIR BRAINS AND SENT THEM OFF FOR A COMPUTER ANALYSIS, THEY FOUND THAT THEY HAD SHRINKAGE IN THE VERY FRONT OF THE BRAIN THAT EXACTLY CORRESPONDS TO DECREASED ACTIVITY THAT THE PET SCAN SHOWS BY BRIGHT RED AND ORANGE AND YELLOW LINES.

Q NOW, WHO ARE SOME SOURCES KNOWN IN THE MEDICAL, PSYCHIATRIC COMMUNITY THAT DO THAT KIND OF WORK?

A ONE OF THE MOST FAMOUS MEN IN THE WORLD REALLY FOR THIS IS DR. RUBEN GUR AT THE UNIVERSITY OF PENNSYLVANIA. IN FACT, I HEARD OF HIM. DR. WU RECOMMENDED THAT I CONTACT HIM. DR. BACHMAN WHO -- THE HEAD OF NEUROLOGY AT

THE MEDICAL UNIVERSITY RECOMMENDED I CONTACT HIM.

Q ALL RIGHT. AND SO DID YOU CONTACT DR. GUR?

A I DID.

Q AND TELL US WHAT HAPPENED AT THAT POINT.

A WE HAD THOSE MRIS SENT ON AN OPTICAL DISK, OR CD, TO THE UNIVERSITY OF PENNSYLVANIA TO THE INSTITUTE OF NEUROLOGICAL SCIENCES WHERE DR. GUR AND HIS TEAM PERFORMED A COMPLEX COMPUTER ANALYSIS OF THAT MRI TO SEE IF THINGS -- IF THE COMPUTER COULD SEE THINGS THAT THE HUMAN EYE CAN'T SEE.

AND DR. GUR, BY THE WAY, THIS ANALYSIS IS COMPLETELY ACCEPTED. IT'S USED TO DIAGNOSE PEOPLE WITH SCHIZOPHRENIA. IT'S USED TO SEE THE BRAIN ABNORMALITIES IN ALL KINDS OF PSYCHIATRIC ILLNESS. IT'S ABSOLUTELY VERIFIED. IT'S IN ALL THE SCIENTIFIC JOURNALS. DR. GUR IS ONE OF THE ACTUAL PIONEERS--

Q ALL RIGHT. SO A FEW MOMENTS AGO WHEN YOU SAID THAT THIS CASE IS THE FIRST TIME THAT YOU'RE AWARE OF WHERE THIS HAS HAPPENED, WHAT WERE YOU REFERRING TO SPECIFICALLY, BECAUSE OBVIOUSLY YOU WEREN'T REFERRING TO THE PET SCAN--

A NO.

Q -- BECAUSE IT'S BEEN USED FOR YEARS AND YEARS. AND OBVIOUSLY YOU WEREN'T REFERRING TO -- MERELY TO THE MRI BECAUSE--

MR. HEMBREE: YOUR HONOR, OBJECT TO LEADING.

THE COURT: SUSTAINED. LEADING.

BY MR. DIGGS:

Q WHAT WERE YOU REFERRING TO --

MR. DIGGS: I'M SORRY, YOUR HONOR.

A I BELIEVE THIS IS THE FIRST CASE IN THE UNITED STATES AND MAYBE THE WORLD WHERE A PET SCAN WAS USED TO LOOK AT FUNCTIONAL, DYSFUNCTION OR ABNORMALITY, AND THIS VOLUMETRIC MRI ANALYSIS THAT DR. GUR DOES, IT WAS USED TO VERIFY STRUCTURAL -- STRUCTURAL ABNORMALITY.

IN OTHER WORDS, WE'RE SEEING -- WE'RE SEEING THAT THE BRAIN IS NOT WORKING RIGHT AND WE'RE SEEING PHYSICALLY WHAT IS THE MATTER WITH THE BRAIN. SO WE HAVE TWO DIFFERENT KINDS OF SCIENTIFIC ANALYSIS COMING TOGETHER IN THIS CASE.

Q ALL RIGHT. NOW, WHAT DID DR. GUR -- WHAT HAPPENED AFTER THAT -- SENT THE DATA TO HIM? TELL US WHAT OCCURRED AT THAT POINT.

A WELL, THIS IS -- IT'S A PLOT OF HIS FINDINGS THAT HE FOUND IN MR. STANKO. AND I REALIZE IT LOOKS KIND OF COMPLICATED AND IT'S DIFFICULT TO READ, BUT...

Q YOU WANT TO COME DOWN? ACTUALLY WE HAVE THAT CHART IN EVIDENCE AS DEFENDANT'S EXHIBIT NUMBER ONE. WANT TO COME DOWN HERE AND MAYBE EXPLAIN TO US WHAT IS DEPICTED IN THE GRAPH?

A GOING TO PICK IT UP, OKAY.
Q THAT'S FINE. DO YOU NEED A POINTER?
A NO.
Q ALL RIGHT. LET ME GET OUT OF YOUR WAY.
A OKIE DOKIE. THE LINES HERE DON'T MEAN TRENDS, AND I WISH THEY HADN'T HAVE JOINED THE POINTS BY LINES. BUT POINTS IN BLUE REPRESENT THE LEFT BRAIN. POINTS IN RED REPRESENT THE RIGHT.

ANYTHING THAT'S FOUND IN THIS RANGE WITHIN THIS BAR IS CONSIDERED NORMAL. ANYTHING THAT'S OUT HERE, OUT HERE IS ABNORMAL. ANYTHING THAT'S UP HERE IS TOO BIG. ANYTHING THAT'S BELOW THIS LINE IS TOO SMALL IN THE BRAIN, PHYSICALLY BY SIZE, ABNORMAL.

AND WE'RE TALKING BEYOND THE RANGE OF NORMAL. WE'RE TALKING SCIENTIFICALLY STATISTICALLY ABNORMAL. IT'S FOR SURE ABNORMAL.

WHAT WE FOUND -- SO THIS IS BLUE. A BLUE LINE MEANS LEFT. MR. STANKO'S LEFT FRONTAL LOBE IS TWO STANDARD DEVIATIONS GREATER THAN TWO. HERE'S ZERO. WE GET ONE, TWO. IT'S GREATER THAN TWO STANDARD DEVIATIONS AWAY FROM NORMAL.

IN OTHER WORDS, HIS BRAIN WOULD BE FOUR OR THREE OR 2 PERCENT. HE'S ONE OF 2 PERCENT OF INDIVIDUALS WHO WOULD HAVE A LEFT FRONTAL LOBE THAT WEIRD OR SMALL OR SHRUNK. AND AT THAT LEVEL OF SCIENTIFIC SIGNIFICANCE -- WE

CONSIDER ANYTHING 5 PERCENT OR LESS TO BE SCIENTIFICALLY SIGNIFICANT. IN OTHER WORDS, IT'S NOT DUE TO FLUKE. IT'S REAL. SO HIS LEFT FRONTAL LOBE IS SHRUNKEN.

NOW, HIS RIGHT FRONTAL LOBE -- THIS IS THE FRONTAL LOBE, SO HERE IS LEFT, HERE IS RED RIGHT -- IT'S ABOUT NORMAL. BUT HIS LEFT FRONTAL LOBE WAS IN THE SMALLEST TWO OR 3 PERCENT OF THE POPULATION. THIS LEFT TEMPORAL LOBE IS ACTUALLY LARGER THAN NORMAL.

NOW, WE DON'T KNOW WHAT THAT MEANS, BUT WE'LL GET INTO THE DETAILS OF HIS BIRTH HISTORY. BUT THERE IS ONE AREA OF HIS BRAIN THAT'S LARGE. THERE'S ANOTHER AREA HERE BOTH LEFT AND RIGHT, BECAUSE BOTH COLORS JOIN HERE, THAT'S EXTREMELY LARGE.

IN FACT, IT'S PROBABLY IN THE SMALLEST 1 PERCENT OF THE POPULATION. WHAT THIS AREA IS ARE HIS VENTRICLES, VENT. VENTRICLES ARE THE FLUID-FILLED SPACES OF THE BRAIN. WE DON'T DO ANY THINKING IN OUR VENTRICLES. THEY ARE JUST BAGS OF WATER.

WHEN THEY GET BIGGER IN OUR BRAIN, IT MEANS THAT THE HEALTHY BRAIN AROUND IT HAS DIED AWAY OR HAS BEEN LOST. THAT'S WHY THE WATER IN THOSE AREAS ARE GETTING BIGGER BECAUSE WE ARE LOSING THE MEAT. WHERE WE LOSE MEAT IN OUR BRAIN IS REPLACED BY WATER. BOTH HIS ANGLES ON BOTH SIDES OF THE BRAIN SHOW EXTREME SHRINKAGE.

Q DOCTOR, IS THAT WHAT YOU NOTICED WHEN -- FILM THAT

YOU TALKED ABOUT?

A YOU COULDN'T SEE THAT IN THE FILM. AGAIN, WHAT DR. GUR'S ANALYSIS -- IT SHOWS US WHAT IS NOT PERCEPTIBLE BY THE HUMAN EYE.

Q OKAY.

A BUT IT IS ABSOLUTELY ACCEPTED IN THE SCIENTIFIC AND MEDICAL COMMUNITY. NOW, VERY IMPORTANTLY IN THE MEDIAL, THAT MEANS THE SIDES OF HIS BRAIN, HIS RIGHT SIDE WHICH IS IN RED AND HIS LEFT SIDE WHICH IS IN BLUE, SO MEDIAL RIGHT HERE, LEFT SIDE OF THE BRAIN, RIGHT SIDE OF THE BRAIN, HE'S SIGNIFICANTLY GOT SHRINKAGE HERE.

IN FACT, ON HIS RIGHT SIDE HE'S FOUR STANDARD DEVIATIONS AWAY FROM NORMAL. THAT'S ABOUT ONE IN 10,000 PEOPLE. THAT'S HOW ABNORMAL IT IS. NOW, WHEN I SAY ONE IN 10,000 PEOPLE, YOU'RE NOT GOING TO FIND SOMEONE WITH THIS KIND OF SHRINKAGE AND BE NORMAL.

IT'S -- IT'S NOT A NORMAL PERSON WITH THAT SHRINKAGE. IF THEY LOST THAT MEAT IN THEIR BRAIN, IF YOU REALLY SIT DOWN AND TALK TO THEM OR LISTEN TO THEIR FAMILIES OR WATCH WHAT THEY DO, YOU'RE GOING TO SEE THAT THEIR BEHAVIOR IS ABNORMAL.

WHAT THIS DOES IN A STATISTICAL WAY IS IT SHOWS AT A SCIENTIFICALLY SIGNIFICANT LEVEL THAT HE'S GOT BRAIN ABNORMALITIES IN THE FRONTAL LOBE, HE'S GOT TOO MUCH WATER ON THE BRAIN BECAUSE HE'S LOST BRAIN MATERIAL, AND HE'S

ACTUALLY LOST BRAIN MATERIAL IN THE MEDIAL OR MIDDLE AND LATERAL PORTIONS OF HIS BRAIN HERE.

Q DO THOSE TWO AREAS, BY THE WAY, WORK TOGETHER IN -- IN ANY WAY?

A YOUR BRAIN IS NOT -- NO PART OF IT IS AN ISLAND UNTO ITSELF. EVERY PART NEEDS EVERY OTHER PART TO WORK. BUT THERE ARE CERTAIN AREAS THAT DO THINGS MORE SPECIALIZED. FOR INSTANCE, THE BACK OF MY BRAIN HERE, VISION. I'M LOOKING AT YOU ALL. IT'S RIGHT BACK HERE THAT'S LIGHTING UP IN MY BRAIN.

WHAT'S CONTROLLING IS KEEPING ME FROM JUMPING ON THE TABLE AND RUNNING AROUND OR DOING SOMETHING INAPPROPRIATE RIGHT NOW ARE THE FRONTAL LOBES OF MY BRAIN.

Q DO THEY HAVE ANY -- WHAT DOES THE MEDIAL AREA DO?

A AGAIN--

Q JUST GENERALLY OR BRIEFLY, IF YOU CAN.

A WHEN THEY MEAN MEDIAL, THEY MEAN -- WHAT THEY REALLY MEAN IS THE AREAS OF THE BRAIN ON EITHER SIDE OF THESE FLUID-FILLED SPACES WHICH HAVE ENLARGED IN HIM.

THE MEDIAL PARTS OF THE BRAIN ARE ALSO IMPORTANT FOR THINKING, MOTION, ESPECIALLY MEMORY. HEARING THINGS, HEARING VOICES BUT NORMAL HEARING, IS ALSO IN THAT MEDIAL PART OF THE BRAIN, BUT ESPECIALLY MEMORY.

Q HOW ABOUT THE FRONTAL LOBES? WHAT ROLE DOES -- WOULD THAT PLAY IN MEMORY?

A THE FRONTAL LOBES ARE IMPORTANT FOR ATTENTION. SO IF YOU'RE PAYING ATTENTION TO ME, IT'S YOUR FRONTAL LOBES THAT ARE -- THE FIRST PART OF YOUR BRAIN THAT ARE HELPING DRIVE ATTENTION.

WE KNOW THAT CHILDREN WITH ATTENTION DEFICIT DISORDER WHO ARE DISTRACTED AND RUNNING AROUND IN THE ROOM AND GETTING IN TROUBLE AT SCHOOL, WHEN WE TAKE A PICTURE OF THEM, THEIR FRONTAL LOBES TEND TO BE A LITTLE COOLER, A LOT COOLER COMPARED TO NORMAL.

AND AS A MATTER OF FACT, UP TO 50 PERCENT OF CHILDREN WITH ATTENTION DEFICIT DISORDER WILL GET IN TROUBLE WITH THE LAW AT SOME POINT IN THEIR LIFE COMPARED TO NORMAL CHILDREN WHO DON'T HAVE ATTENTION DEFICIT DISORDER.

Q ALL RIGHT. CAN YOU SAY WITH A -- WITHIN A REASONABLE DEGREE OF MEDICAL PSYCHIATRIC CERTAINTY THAT MR. STANKO HAS A BRAIN DEFECT?

A THERE IS NO DOUBT.

Q AND DOES THAT DEFECT JUST IN A GENERAL WAY -- WE'LL GET INTO MORE DETAIL IN A -- IS IT -- IN -- CAN THAT DEFECT BE RELATED TO INSANITY IN THE LEGAL SENSE?

A YES. INSANITY IS CAUSED BY BRAIN DEFECT, WHETHER YOU'RE AN ALZHEIMERS PATIENT WHO DRIVES YOUR CAR THROUGH A CROWDED STREET WHERE PEOPLE ARE STANDING, WHETHER YOU'RE A SCHIZOPHRENIC WHO TAKES THEIR CHILDREN AND TAKES THEM TO A BATHTUB AND DROWNS THEM, THESE ARE ALL DUE TO BRAIN

DEFECTS. THEY ARE NOT DUE TO ANYTHING ELSE.

Q NOW, DR. RAINE AND DR. GUR HAVE PUBLISHED STUDIES. IS THAT WHAT YOUR TESTIMONY WAS?

A WELL, THEY ARE EXTENSIVELY PUBLISHED. THEY ARE WORLD EXPERTS.

Q OKAY. HOW DOES ONE GET TO BE PUBLISHED IN THAT AREA?

A YOU CAN'T GET YOUR SCIENTIFIC RESEARCH PUBLISHED UNLESS A BUNCH OF OTHER EXPERTS IN THAT FIELD HAVE REVIEWED IT, LOOKED AT IT, AND SAID, THIS LOOKS VALID. THEY'VE LOOKED AT POTENTIAL ERRORS THAT COULD BE IN THERE, POTENTIAL BIASES, THEY THINK YOUR RESEARCH -- YOU JUST DIDN'T -- WE SEE YOU GOT THIS, BUT YOU DIDN'T TEST FOR THIS, THIS, THIS, SO WE'RE NOT GOING TO PUBLISH YOUR PAPER TILL YOU CORRECT FOR THAT.

YOU DO NOT GET PUBLISHED UNTIL YOU FIXED ALL THOSE ERRORS OR HAVE EXPLANATIONS OR COME UP, YOU KNOW, HAVE AN EXPERIMENT THAT'S TYPED AND, YOU KNOW, WELL THOUGHT OUT.

Q DO OTHER PHYSICIANS, PSYCHIATRISTS, ET CETERA, RELY ON THOSE PUBLICATIONS?

A THAT'S WHERE OUR KNOWLEDGE COMES FROM.

Q OKAY. NOW, TELL ME WHY YOU GOT DOCTOR -- OR WHY YOU HAD DR. EINHORN GO DOWN AND TEST STEPHEN.

A TO DO THAT... TO DO THAT PET SCAN, WE KNOW -- THE MEDICAL LITERATURE SHOWS THAT IF YOU WANT TO TEST FOR FRONTAL LOBE ACTIVITY, YOU BETTER MAKE THEM DO

SOMETHING -- WHILE YOU'RE SCANNING THEIR RADIOACTIVE BRAIN, YOU BETTER MAKE THEM DO SOMETHING THAT TURNS ON THAT FRONTAL LOBE SO THAT -- IT WOULD MAKE NO SENSE TO TAKE A SCAN OF THEIR BRAIN WHILE THEY'RE ASLEEP.

THE FRONTAL LOBE WOULD BE QUITE QUIET UNLESS THEY ARE DREAMING. WHEN WE'RE DREAMING, OUR FRONTAL LOBES TURN ON AND WE'RE SEEING THINGS IN OUR DREAMS, THINKING ABOUT IT. BUT THOSE OTHER TIMES OUR FRONTAL LOBES ARE VERY QUIET.

SO IT WOULD MAKE NO SENSE TO TAKE A PICTURE UNLESS YOU FORCED THE FRONT OF THE BRAIN TO BE ON. THE CONTINUOUS PERFORMANCE TEST THAT DR. EINHORN DID, THAT'S WHAT IT ENSURED. IT FORCES THE FRONT OF THE BRAIN TO BE ON.

AND THAT'S WHY WE DID IT IN THIS CASE, TO MAKE SURE THAT HIS BRAIN WAS ON SO WE COULD COMPARE IT TO THE NORMALS WHO ALSO DID THE SAME TEST.

Q SO WAS THAT THE PRIMARY REASON HE WAS INVOLVED?

A YES.

Q ALL RIGHT. HOW DID YOU KNOW THAT THAT NEEDED TO BE DONE AS PART OF THE VALID PROCEDURE?

A BECAUSE I HAVE TO FOLLOW DR. RAINE'S RESEARCH PROTOCOL EXACTLY BECAUSE IT WOULDN'T BE VALID IF WE DIDN'T, IT -- WE HAD TO FOLLOW IT EXACTLY.

Q SO YOU UNDERTOOK STEPS TO ENSURE WE HAD A VALID PROCEDURE?

A YES.
Q NOW, DURING THIS CONTINUOUS PERFORMANCE TEST, CPT, MR. STANKO'S REAL SMART.
A YES.
Q OKAY. WOULD HE BE ABLE TO MANIPULATE THE SCAN?
A NO.
Q WHY?
A YOU CAN'T MANIPULATE A PET SCAN. IN FACT, THE MORE YOU TRY TO MANIPULATE IT, THE MORE YOU'RE GOING TO GO IN THE OPPOSITE DIRECTION. IN AN ATTEMPT TO MANIPULATE, YOU'RE GOING TO TURN YOUR BRAIN ON EVEN MORE.

NOW, UNLESS MR. STANKO, YOU KNOW, IS SOME KIND OF -- LIKE A VULCAN OR SOMETHING FROM STAR TREK -- AND I USE THAT ANALOGY BECAUSE MR. SPOCK SUPPOSEDLY COULD CONTROL HIS BRAIN AND, YOU KNOW, SHUT CERTAIN PARTS OFF, ET CETERA, AT WILL BECAUSE HE WAS AN ALIEN AND HE COULD DO THAT.

HUMAN BEINGS JUST CAN'T DO THAT. THE ONLY WAY HE WOULD BE ABLE TO ALTER HIS BRAIN FUNCTION AT THAT TIME WOULD BE AS IF HE WERE TO TAKE A SUBSTANCE AT THAT TIME, ALCOHOL, OR IF HE WERE TO TAKE A FIREARM AND SHOOT HIMSELF IN THE FRONT OF THE HEAD DURING THE TESTING AND -- SOUNDS EXTREME, BUT THERE WOULD BE NO OTHER WAY.

Q ALL RIGHT. DO I UNDERSTAND YOU TO SAY THAT IF HE WERE TRYING TO MANIPULATE IT, THEN UNDER THE ORDINARY CPT,

CONTINUANCE PERFORMANCE TEST, HE WOULD ACTUALLY IMPROVE THE RESULTS? HE WOULD ACTUALLY EVEN APPEAR TO BE MORE NORMAL?

A IF HE'S TRYING TO DO THE CPT AND HE'S CONCENTRATING ON TRYING TO MAKE IT LOOK BAD, HIS CONCENTRATION, HOW MUCH HIS BRAIN LIGHTS UP PROBABLY WOULD EVEN BE HIGHER.

Q OKAY. SO HE WOULD BE -- THE BOTTOM LINE IS HE WOULD BE EVEN WORSE THAN IS SHOWN ON THE PET SCAN?

A RIGHT.

Q WHY ELSE DID YOU HAVE DR. EINHORN GO DOWN TO MUSC?

A I WANTED DR. EINHORN TO PERFORM PSYCHOLOGICAL TESTING.

Q AND FOR WHAT PURPOSE?

A IT'S PEN AND PAPER TESTING THAT GIVES US ANOTHER INDICATION OF BRAIN FUNCTION. THERE'S NO SCANNING DONE. BUT IT'S PEN AND PAPER TESTS TO GIVE US AN IDEA OF WHAT MR. STANKO'S LIKE, WHAT KIND OF BEHAVIORAL -- WHAT HIS DIAGNOSIS IS.

Q NOW, IS IT NECESSARILY RELATED TO THE FUNCTIONAL DEFICIENCIES HE HAS IN HIS FRONTAL LOBE?

A DEFINITELY. DR. EINHORN DIAGNOSED HIM WITH ANTISOCIAL PERSONALITY DISORDER. THAT UP UNTIL 1980 WAS CALLED PSYCHOPATHY. IN THE RESEARCH LITERATURE IN THIS FIELD WE STILL CALL THEM PSYCHOPATHS BECAUSE THAT'S ACTUALLY A BETTER DESCRIPTION OF WHAT THEY ARE.

WE REALIZE IT'S A DISEASE. WE REALIZE IT'S SOMETHING YOU ARE BORN WITH. WE REALIZE THAT'S SOMETHING THAT YOU CAN DEVELOP LATER IN LIFE AND IT'S CALLED PSEUDOPSYCHOPATHY.

AGAIN, IF YOU HAVE ALZHEIMERS DISEASE OR YOU GET HERPES IN THE FRONT OF THE BRAIN, THERE ARE NUMERABLE CAUSES, BUT YOU CAN DEVELOP WHAT MEDICAL EXPERTS CALL A PSEUDOPSYCHOPATHIC PERSONALITY. PSEUDO MEANS KIND OF OR FALSE. BUT THEY ACT MORE PSYCHOPATHIC. THEY DIDN'T BEFORE THEIR BRAIN INJURY. NOW THEY DO.

NOW, THEY ARE NOT GOING AROUND BEING PREDATORS ON HUMANS, BUT THEY'RE NOW ACTING A LOT MORE PREDATORIAL AND A LOT MORE SOCIALLY INAPPROPRIATE. IT'S JUST TOO MUCH OF THEIR BRAIN GOT DAMAGED TO LET THEM BECOME A PURE PSYCHOPATH. THAT'S WHY THEY CALL IT PSEUDOPSYCHOPATHY.

Q WHAT IS YOUR REACTION TO DR. EINHORN'S REPORT ON ALL OF THESE OTHER TESTS THAT WERE NORMAL?

A ONE OF THE THINGS I WANTED TO DO IS TO SEE IF THERE WERE OTHER AREAS OF THE FRONTAL LOBE BESIDES THE AREA ABOVE THE EYES THAT MIGHT BE AFFECTED. AND DR. EINHORN'S FINDINGS WERE THAT HE WAS NORMAL IN THAT RESPECT. BUT THAT IS EXACTLY WHAT DR. ADRIAN RAINE FOUND IN ALL HIS STUDIES AND WHAT OTHERS HAVE FOUND.

FRONTAL LOBES -- TURN THIS ON -- WE ALL NEED THESE VARIOUS PARTS OF OUR BRAIN TO WORK IN CONCERT TO FUNCTION

EVERY DAY. BUT IT'S THIS TOP PART OF THE FRONTAL LOBE IS UP HERE, THIS IS -- OKAY, EYEBALL HERE. NOW WE'RE TURNING IT, EYEBALL HERE, FRONT HERE.

THESE AREAS UP HERE WHERE I'M CIRCLING, THEY ARE VERY IMPORTANT IN PLANNING, DOING A CARD GAME RIGHT, SEQUENCING EVENTS, DOING THE THINGS THAT SEPARATE US FROM PEOPLE WHO MIGHT HAVE A DIAGNOSIS OF MENTAL RETARDATION. THAT'S WORKING QUITE WELL IN MR. STANKO.

WHAT ISN'T WORKING IS DOWN HERE. AND THAT'S WHY PSYCHOPATHS EXIST. YOU CAN HAVE BRAIN DAMAGE IN SPECIFIC AREAS OF THE BRAIN AND CALL IT A DIFFERENT DISEASE.

ALZHEIMERS, AGAIN, I WILL PUT MY FINGERS LIKE THIS. THAT'S ALZHEIMER. NO ONE CAN DISAGREE WITH THAT. THE SCIENTIFIC AND MEDICAL LITERATURE SHOWS THAT PSYCHOPATHY IS THIS PART RIGHT HERE.

Q ALL RIGHT. CAN YOU SHOW US ON MR. STANKO'S PET SCAN -- LET'S LOOK AT THAT FOR A MINUTE. AND TELL US -- LET'S GO THROUGH THAT. AND I WOULD LIKE FOR YOU TO COMMENT ON WHAT YOUR INTERPRETATION OF THAT PET SCAN WOULD BE. DO YOU HAVE IT THERE ON YOUR COMPUTER?

A I DO. I THINK THIS IS JUST AN IMPORTANT THING TO HIGHLIGHT HERE. THIS IS FROM--

Q SURE.

A -- DR. RAINE'S SECOND STUDY. HE DID THIS STUDY FIRST OF ALL WITH 21 PATIENTS, AND THEN HE RE-DID IT LATER WITH

41. HE INCREASED THE NUMBER OF PEOPLE SO THAT HE -- HE COULD GET EVEN A BETTER, MORE LET'S SAY VALID TEST TO SEE HOW THIS WORKS.

AND THIS ISN'T MR. STANKO HERE. THIS IS JUST SCANNED IN FROM ONE OF HIS BOOKS. HERE'S A MURDERER. HERE'S A NORMAL HUMAN BEING DOING THE CONTINUANCE PERFORMANCE TASK. THIS IS FRONT OF THE BRAIN, FRONT OF THE BRAIN.

THE NORMAL PERSON, THEIR FRONT OF THE BRAIN LIGHTS UP, ESPECIALLY IN THIS MIDDLE MEDIAL FRONTAL PART. THE MURDERER IS VERY QUIET UP FRONT. INTERESTING, THE VISUAL PARTS ARE -- REMEMBER I SAID WHERE WE DO VISION? IT'S BACK HERE WHERE I'M CIRCLING.

LOOK AT THE MURDERER. LOOK AT THE NORMAL. THE VISUAL PARTS OF THE BRAIN ARE WORKING THE SAME. THEY ARE CONCENTRATING ON THE CONTINUOUS PERFORMANCE TASK. THEY ARE LOOKING AT THE COMPUTER SCREEN WHICH IS TESTING THEM. THE MURDERER IS QUIET. NOW, JUST VERY QUICKLY, MR. STANKO--

Q WELL, BEFORE WE GO ON, THOUGH, HOW DOES SOMEONE GET LIKE THAT?

A HOW DOES SOMEONE...

Q YEAH. HOW DOES SOMEONE'S BRAIN DEVELOP THAT DEFECT OR HOW DOES -- HOW DOES THAT HAPPEN TO PEOPLE?

A ANY -- THERE CAN BE ANY CAUSE, A BLOW TO THE HEAD, AN INFECTION WITH A VIRUS, BEING BORN AND HAVING LOW OXYGEN.

YOU KNOW, FOR INSTANCE, IN MR. STANKO'S CASE, BEING BORN VOMITING AND HAVING ICTERUS OR LIVER DAMAGE OR HIS SKIN TURNS YELLOW AND THERE'S A LOT OF BILIRUBIN FLOATING IN HIS SYSTEM, BUT IT CAN BE ANY CAUSE. WE DON'T KNOW IN MOST CASES.

BUT WE KNOW THIS. IN MOST OF THE -- WELL, IN THE LITERATURE, WHEN THEY LOOKED AND TOOK OUT A BUNCH OF MURDERERS AND EXAMINED THEM IN VARIOUS STUDIES, ALMOST 80 PERCENT OF THEM WERE FOUND TO HAVE A HISTORY OF BRAIN DAMAGE OF ONE KIND OR ANOTHER, SEIZURE DISORDER, SCHIZOPHRENIA, A BLOW TO THE HEAD, YOU KNOW, DOCUMENTED AT A YOUNG AGE, CAR ACCIDENT.

HEAD INJURY AND BRAIN INJURY, A BRAIN DYSFUNCTION OF SOME KIND IS ACTUALLY FAR MORE COMMON IN THE PRISON POPULATION THAN IT IS IN THE NORMAL POPULATION.

Q LET ME ASK YOU, DID YOU HAVE A CHANCE TO LOOK AT MR. STANKO'S BIRTH RECORDS?

A I DID.

Q DID YOU NOTICE ANYTHING IN THOSE RECORDS THAT WAS SIGNIFICANT TO YOU?

A YES.

Q TAKE A MOMENT AND LOOK THROUGH THOSE AND SEE IF YOU CAN POINT US TO THAT. FOR EXAMPLE, I WANTED TO ASK YOU SPECIFICALLY ABOUT THIS COMMENT. EXPLAIN TO US WHAT IT IS YOU HAVE THERE IN YOUR HAND.

MR. DIGGS: YOUR HONOR, THAT IS A COURT EXHIBIT NUMBER... SIX, AND WE'D LIKE TO GO AHEAD AND MOVE IT INTO EVIDENCE AS A DEFENSE EXHIBIT.

MR. HEMBREE: WITHOUT OBJECTION, YOUR HONOR.

THE COURT: WE'LL, WHAT I'D LIKE TO DO IS -- TIDY UP THE RECORD LATER. I'D LIKE TO KEEP IT AS A COURT'S EXHIBIT--

MR. DIGGS: ALL RIGHT.

THE COURT: -- MARKED ADDITIONALLY AS A DEFENSE -- IT WILL BE MARKED AND ADMITTED WITHOUT OBJECTION.

MR. DIGGS: THANK YOU, YOUR HONOR.

THE COURT: YOU'RE WELCOME.

(WHEREUPON, DEFENDANT'S EXHIBIT 21 WAS ADMITTED INTO EVIDENCE.)

BY MR. DIGGS:

Q TELL US WHAT YOU HAVE THERE, DR. SACHY, AND WHAT YOUR -- WHAT IS INDICATED.

A THESE ARE THE MEDICAL RECORDS FROM MR. STANKO'S BIRTH AT GUANTANAMO NAVAL BASE JANUARY 9TH, 1968. HIS MOTHER WAS ADMITTED FOR ACUTE GALL BLADDER PROBLEMS, AND OBVIOUSLY THAT WAS A COMPLICATION OF HER PREGNANCY. AND SHE WAS APPROVED FOR TUBAL LIGATION. SO AFTER THIS BIRTH, SHE WAS GOING TO HAVE HER TUBES TIED BY THE DOCTORS AT GUANTANAMO.

ANYHOW, THE PATIENTS -- WAS BORN ON JANUARY 13TH, 1968 AFTER 5 AND A HALF HOURS OF LABOR, 8 POUNDS HALF OUNCE. AND IT SAYS COMPLICATIONS, NONE WITH MOTHER BUT BABY DEMONSTRATES EARLY VOMITING AND POOR MORO.

Q WHAT DOES THAT MEAN?

A ONE OF THE FIRST -- ONE OF THE REFLEXES BABIES HAVE WHEN THEY ARE BORN IS CALLED MORO REFLEX. IF YOU TAKE A NEWBORN AND YOU LAY THEM ON A TABLE AND YOU GO, BOO, THE NEWBORN WILL KICK ITS LEGS OUT, SPREAD ITS ARMS OUT, CRINGE AND START CRYING.

SO IT'S A PROTECTIVE REFLEX. IT'S A NEUROLOGICAL FUNCTION THAT BABIES DO UP UNTIL ABOUT FOUR MONTHS. AFTER THAT, AS THE BRAIN MATURES AND GETS -- MATURES AND GETS BETTER WORKING, THAT REFLEX IS EXTINGUISHED. CHILDREN WHO HAVE POOR MORO REFLEX, INFANTS, NEONATES, NEWBORNS, IT'S A SIGN OF NEUROLOGICAL DYSFUNCTION. AND--

Q ALL RIGHT. WELL WHY -- GO AHEAD. SORRY.

A WELL, IN FACT, POOR MORO FOLLOWED ON THIRD DAY BY DEVELOPMENT OF JAUNDICE. SO ON DAY THREE OF HIS BIRTH HIS SKIN IS TURNING YELLOW. AND THE LIGATION, THE TYING OF THE MOTHER'S TUBES WAS POSTPONED PENDING INFANT'S OUTCOME.

SO THE DOCTORS THOUGHT THERE WAS A GOOD CHANCE MR. STANKO WOULD NOT LIVE, AND THEY WOULD NOT STERILIZE--

MR. HEMBREE: WHOA. WHOA. WHOA. SORRY. NO OBJECTION.

A IT IS MY OPINION THAT THE DOCTORS FELT -- THE DOCTORS FELT THAT MR. STANKO MIGHT NOT MAKE IT.

Q I DON'T WANT TO CUT YOU OFF. WHAT ELSE DO YOU SEE THERE THAT YOU FIND IMPORTANT?

A IT'S INTERESTING TO NOTE JUST ABOVE THAT IT SAYS, APGAR SCORE 10. APGAR SCORE IS A GENERAL MEASURE OF OVERALL, YOU KNOW, IS THE BABY BREATHING, IS THE BABY ALIVE.

BUT THEY MAKE A NOTE THAT THIS BABY'S STATE IS PRECARIOUS AND THERE -- IT'S SO PRECARIOUS THAT THEY ARE GOING TO POSTPONE THE MOTHER'S TUBAL LIGATION BECAUSE THIS BABY MAY DIE AND SHE MAY HAVE TO HAVE ANOTHER CHILD.

Q IN YOUR PROFESSIONAL OPINION AS A DOCTOR, WHAT DO YOU GATHER FROM THAT BIRTH RECORD CONCERNING MR. STANKO'S MENTAL STATE OR STATUS?

A JUST ANOTHER THING THAT I REMEMBER THAT I WOULD LIKE TO--

Q ALL RIGHT.

A -- GO OVER IF I CAN FIND IT. SORRY. TAKING ME A FEW SECONDS. IN THE RECORD IT NOTES LATER ON IN THE RECORD POSSIBLE OR PROBABLE -- I HAVE TO FIND THE EXACT WORD -- INTRACRANIAL DAMAGE. I'M HAVING A HARD TIME FINDING IT.

Q SEE IF I CAN HELP.

A IT'S IN THIS SUBSET OF NOTES.

(WHEREUPON THERE WAS A PAUSE).

A ON JANUARY 15TH, '08 (SIC) SO I BELIEVE IF I'M CORRECT, THAT'S TWO DAYS AFTER BIRTH, THE DOCTOR NOTES, WILL POSTPONE PLANNED TUBAL LIGATION IN VIEW OF PRECARIOUS STATE OF BABY WITH VOMITING AND POSSIBLE INTRACRANIAL DAMAGE.

THE DOCTOR IS SAYING THAT THERE'S POSSIBLE DAMAGE TO THE BRAIN IN THIS INFANT, AND HE'S NOTED IT TWO DAYS AFTER BIRTH.

Q ALL RIGHT. NOW, WHY WOULD IT SAY THAT IF LATER THEY JUST LISTED HIM AS HEALTHY AND THEY SENT HIM ON HIS WAY?

A WELL, I DON'T BELIEVE THAT THERE ARE LYING. THEY'RE -- THEY NOTED WHAT THEY SAW. BUT THE BABY RECOVERED APPROXIMATELY I WANT TO SAY EIGHT -- ALMOST TWO WEEKS LATER THE BABY RECOVERED TO THE POINT THAT THEY THOUGHT THE BABY COULD RETURN WITH THE MOTHER.

THAT DOESN'T -- OBVIOUSLY THEY WEREN'T DOING PET SCANS BACK THEN. THEY DIDN'T HAVE MRIS BACK THEN. THEY DIDN'T HAVE CAT SCAN BACK THEN. BUT I SUSPECT IT WOULD BE MY OPINION THAT THE BRAIN DAMAGE THAT HE HAD THAT THEY NOTED RIGHT FROM BIRTH, THAT IT IMPROVED, BUT IT WAS NOT CURED, AND HE WAS JUST HEALTHY ENOUGH TO BE DISCHARGED.

Q IN OTHER WORDS, HE LOOKED OKAY, SO THEY SENT HIM HOME?

A RIGHT. AND WE STILL DO THAT TODAY.

Q NOW JUST FOR THE RECORD, YOU SAID '08, BUT THAT --

COULD THAT BE '68?

A SORRY.

Q SIXTY-EIGHT?

A WELL, YES.

Q IT'S CUT OFF THERE.

A 1968, YES.

Q IS -- COULD THAT BE AN EXPLANATION FOR THE DEFORMITY THAT WE SEE TODAY?

A IT'S I WOULD SAY THE MOST LIKELY EXPLANATION. REMEMBER, MOST MURDERERS HAVE BEEN FOUND TO HAVE SOME FORM OF BRAIN DAMAGE THAT CAN BE DOCUMENTED. BUT IN A LOT OF CASES, WE JUST DON'T HAVE FIRM DOCUMENTATION.

HERE THIS IS ABSOLUTELY SOLID. IT'S RIGHT THERE AND THE DOCTORS HAVE MADE ACTUALLY -- I'M ACTUALLY KIND OF SURPRISED AT HOW MUCH CARE THEY TOOK TO NOTE AT VARIOUS STAGES IN THESE NOTES THAT THIS BABY'S STATE WAS PRECARIOUS AND THEY POSTPONED THE MOTHER'S TUBAL LIGATION.

IN OTHER WORDS, THEY THOUGHT THIS BABY -- THERE WAS A GOOD CHANCE IT WOULD DIE, AND THEY SAID TO THE MOTHER, WE'RE NOT GOING TO STERILIZE YOU BECAUSE YOU MAY NEED TO HAVE ANOTHER CHILD.

Q ALL RIGHT. LET'S LOOK AT A PET SCAN. WOULD YOU SAY THIS COULD BE A BIRTH DEFECT?

A DEFINITELY.

Q AND IS THERE A KNOWN CAUSE FOR THAT?

A WELL, IN THIS CASE THE BABY WAS VOMITING. I SUSPECT AND MY OPINION WOULD BE CHILDREN WHO VOMIT FROM BIRTH, THEY GET VOMIT IN THEIR LUNGS AND THEY LOSE OXYGEN TO THE BRAIN.

Q I SEE. ALL RIGHT. LET'S -- LET'S GO THROUGH THIS. I WANT YOU TO COMMENT ON IT FROM YOUR AREA OF SPECIALTY.

A OKAY. WELL, HERE WE SEE AGAIN MR. STANKO'S PET SCAN. NOW, LET'S KEEP GOING. TURN ONE MORE TIME. THE ORIENTATION OF THE HEAD IS EXACTLY AS THE HEAD OF THE BOTTOM LEFT OF THE SCREEN.

NOW, LET'S TAKE A LOOK HERE. SEE, HERE'S THE ORIENTATION OF THE HEAD. HERE'S THE FRONT OF THE BRAIN OF MR. STANKO. HERE'S WHAT'S THE NORMAL -- CONSIDERED NORMAL FROM THE MEDICAL RESEARCH, NOT JUST RESEARCH, BUT THE REGULAR MEDICAL LITERATURE.

WE CAN SEE -- IT'S VERY IMPORTANT TO LOOK HERE RIGHT BETWEEN THE EYES AND ABOVE THE NOSE. IN A NORMAL PERSON DOING A CONTINUOUS PERFORMANCE TASK, WE HAVE A GREAT AMOUNT OF ACTIVITY. THERE'S A LOT OF RED HERE. AND MR. STANKO IT'S COOL AND COLD.

AND AGAIN, WE KNOW FROM LESION STUDIES, FROM STUDIES OF PEOPLE WHO HAVE HAD DAMAGE TO THIS PART OF THE BRAIN GOING BACK TO MR. PHINEAS GAGE, BUT MANY MORE EXAMPLES SINCE THEN IN MODERN TIME, THAT IF THIS AREA OF THE BRAIN IS DAMAGED, THEY BECOME SOCIALLY INAPPROPRIATE AND LACK A

CONSCIENCE, BE AGGRESSIVE, BE MORE PRONE TO VIOLENCE.

Q ALL RIGHT. LET'S GO AHEAD AND PLAY THE TAPE OR THE DISK ALL THE WAY THROUGH.

A ALL THE WAY THROUGH. I WANT TO PAUSE IT HERE. THIS IS THE VISUAL AREA OF THE BRAIN SHOWING MR. STANKO LOOKING AT THE COMPUTER SCREEN WITH CONTINUANCE PERFORMANCE TASK. HERE'S THE AVERAGE NORMAL CONTROL.

Q OKAY. SO HE ACTUALLY HAS MORE ACTIVITY THERE?

A AND ACTUALLY, DR. RAINE FOUND MORE ACTIVITY IN MURDERERS AND PSYCHOPATHS THERE AS WELL. HIS THEORY WAS THAT BECAUSE THERE ARE AREAS OF A PSYCHOPATHIC BRAIN THAT AREN'T WORKING WELL, OTHER AREAS KIND OF PICK UP THE SLACK.

Q OKAY.

A AND WE ACTUALLY FIND THIS IN MR. STANKO.

Q BUT WOULD THIS AREA HAVE ANYTHING TO DO WITH COGNITIVE OR EXECUTIVE THINKING, MAKING DECISIONS AND--

A VERY LITTLE EXCEPT FOR SEEING WHAT YOU'RE DOING. I MEAN, IT'S A VISUAL PART.

Q ALL RIGHT.

A SO AGAIN, THOSE -- VERY CENTER RIGHT HERE ABOVE THE EYES, THAT'S WHERE THE BIGGEST DIFFERENCES ARE NOTED. AND IN MY -- WHEN GETTING THIS SCAN DONE FROM DR. WU, HE TOLD ME HE THOUGHT IT WAS APPROXIMATELY 30 TO 50 PERCENT REDUCTION IN FUNCTION.

HERE -- HERE DR. WU'S TEAM HAS HIGHLIGHTED THE COLD BLUE HERE IN MR. STANKO COMPARED TO THE MORE ACTIVITY HERE.

Q OKAY.

A WE SEE YELLOW AND GREEN, BUT HERE WE'RE ACTUALLY SEEING BLUE. BLUE IS THE COLDEST. AND THIS PART OF THE FRONTAL LOBE WE'RE ABOUT -- WE'RE ABOUT EVEN ON MR. STANKO AND NORMAL CONTROLS. THERE'S A LITTLE BIT OF VARIATION, BUT THE PART WHERE YOU CAN REALLY SEE IT, I MEAN, STAND OUT IS HERE AND -- IN THE MEDIAL ORBITAL, ABOVE THE EYE PART OF THE BRAIN. AND IN FACT, COMING UP YOU'LL SEE IT HIGHLIGHTED IN GREATER DETAIL.

OKAY. IT IS MOVING. IT'S A FOUR MINUTE FILM, BUT IT IS GOING. I -- TO ME, AND I'VE LOOKED AT MANY OF THESE AND I'M CERTAINLY -- BEEN IN THE MEDICAL LITERATURE. THERE ARE THOUSANDS OF PICTURES -- PICTURES OF THIS. THIS IS NIGHT AND DAY.

THIS NORMAL COMPARED TO MR. STANKO IS NIGHT AND DAY DIFFERENCE. IT'S DRAMATIC.

Q NOW, IN THIS AREA OF THE BRAIN WHERE THE CURSOR IS--

A YES.

Q -- WHAT'S TAKING PLACE THERE IN A HEALTHY BRAIN?

A IN THE HEALTHY BRAIN THAT'S THE PART THAT MODULATES SOCIALLY APPROPRIATE BEHAVIOR. IT'S THAT PART OF THE BRAIN WHERE A PERSON'S CONSCIENCE AND SELF-REFLECTION ARE.

Q ALL RIGHT. AND YOU SAY MODULATE OR MODERATES?
A CONTROL.
Q CONTROLS. YOUR CAPACITY TO DISTINGUISH IS LOCATED THERE?
A YES. IT'S--
Q IS THAT WHAT YOU'RE SAYING?
A IT'S NOT -- IT -- TO TELL THE DIFFERENCE BETWEEN THINGS, IT'S PARTLY THERE AND IT'S PARTLY IN OTHER AREAS OF THE FRONTAL AREA OF THE BRAIN, BUT YOUR CAPACITY TO DISTINGUISH WHAT'S SOCIALLY RIGHT AND WRONG IS THERE.
Q COULD YOU SAY THAT ABOUT LEGALLY RIGHT AND WRONG AND MORALLY RIGHT AND WRONG?
A YES. WELL, YOU COMBINE THOSE TWO, YOU GET--
Q SOCIALLY--
A -- SOCIALLY APPROPRIATE OR INAPPROPRIATE BEHAVIOR.
Q ALL RIGHT. AND THAT'S -- THAT'S TAKING PLACE. WHERE THAT EXECUTIVE OR DISTINCTION -- DISTINGUISHING--
A THAT'S THE GREAT PART OF IT.
Q -- PLACE?
A YOUR EXECUTIVE FUNCTION IS HOW YOU PROPERLY ACT AND SEQUENCE THINGS IN GENERAL IN YOUR BEHAVIOR AND EVERY DAY LIFE. BUT AGAIN, THE EMPATHY PART OF BEING A HUMAN BEING, THE CONSCIENCE, HAVING A CONSCIENCE, HAVING GUILT, HAVING CARING, IT'S THIS PART OF THE BRAIN RIGHT HERE THAT DOES THAT.

THE ABILITY TO CONTROL IMPULSES. NOW, WE ALL GET IMPULSES. AN IMPULSE MEANS A SUDDEN FEELING TO WANT TO DO SOMETHING, BUT WHY DON'T WE? IT'S THIS PART THAT SAYS, NO. NOW, IF WE'RE NORMAL, OUR PART'S WORKING LIKE THIS.

Q ALL RIGHT. WHAT STARTS OUT AS AN IMPULSE THEN...

A DEEPER IN THE BRAIN COMES FORWARD TO THIS AREA AND THIS AREA THEN -- BUT THIS IS WITHIN MILLISECONDS. THIS AREA UP HERE -- LET'S LOOK AT THE NORMAL BRAIN. THIS AREA UP HERE TELLS THE LOWER MORE PRIMITIVE AREAS, HOLD ON A MINUTE, I'M GOING TO THINK ON THIS, I'M GOING TO DECIDE.

SOMEONE'S JUST SAID SOMETHING NASTY, DO I PUNCH HIM, DO I RUN, DO I YELL, DO I DO WHAT'S APPROPRIATE. YOU KNOW, AND WE ALL CAN MAYBE WANT TO START TO DO SOMETHING, BUT THEN WE STOP AND CALM DOWN, WE TAKE A DEEP BREATH.

IT'S THIS PART THAT'S DONE THAT, AND IT'S DONE THAT WITHOUT THINKING ABOUT IT. THIS ISN'T A, OKAY, DO I DO THIS, DO I DO PLAN A OR PLAN B. IT'S NON-CONSCIOUS. IT'S -- IT'S ALMOST INSTANTANEOUS.

WHEN THEY MEASURE THE ELECTRICAL ACTIVITY IN THAT PART OF THE BRAIN TO SEE HOW THAT -- THAT KIND OF FUNCTION OCCURS, IT'S 301 THOUSANDTHS OF A SECOND. IF YOU COULD CUT A SECOND UP INTO 1000 PARTS, IT'S 30 PERCENT OF A SECOND. IT'S THAT QUICK. SO IT'S NOT SOMETHING YOU CONSCIOUSLY THINK ABOUT.

Q WELL, WHAT HAPPENS IF THERE'S NO -- OR SIGNIFICANTLY

REDUCED ACTIVITY IN THAT PART OF THE BRAIN?
A YOU CAN'T CONTROL YOUR IMPULSES, YOU IN GENERAL HAVE MORE DIFFICULTY CONTROLLING YOUR IMPULSES, AND UNDER THE RIGHT CIRCUMSTANCES YOU LOST IT AND YOU CAN'T CONTROL IT AND YOU BECOME INSANE.
Q WELL, HOW LONG CAN THAT LAST?
A IT CAN LAST--
Q BECAUSE IF YOU DON'T HAVE ACTIVITY THERE TO STOP IT, HOW DOES IT EVER STOP?
A IT ONLY STOPS WHEN THE AGGRESSIVE IMPULSE ITSELF STOPS WHICH DOESN'T COME FROM THERE, BUT IT'S COMING FROM DEEPER PARTS BACK HERE.
Q AND YOUR TESTIMONY EARLIER WAS HOW LONG COULD THAT LAST?
A IT COULD LAST HOURS. IT COULD LAST MINUTES TO HOURS TO EVEN DAYS. WE KNOW THAT PEOPLE WHO HAVE SEIZURES THAT AFFECT THESE PARTS OF THE BRAIN, THEY CAN GO INTO A STATE OF VIOLENT, PSYCHOTIC RAGE THAT CAN LAST FOR DAYS UNTIL YOU GET ANTI-SEIZURE MEDICINE IN THERE AND CALM THEIR BRAIN DOWN.
Q ARE THEY SANE DURING THOSE PERIODS?
A NO, THEY'RE NOT, BECAUSE THEY'RE NOT RESPONSIBLE, THEY'RE NOT CONSCIOUSLY DECIDING TO BE VIOLENT AND AGGRESSIVE. IT'S JUST --
Q SO--

A -- THE BRAIN IS FORCING THEM TO BE BECAUSE WE ARE WHAT OUR BRAIN DOES.

Q LET'S SAY WE'VE GOT A -- AN EMOTION COMING OUT OF THE LIMBIC SYSTEM THAT SAYS I NEED TO FIGHT.

A RIGHT.

Q IS THERE -- IT'S NOT BEING CONTROLLED HERE. IS THE LIMBIC SYSTEM TO ANY DEGREE ABLE TO ANALYZE AND PUT THE BRAKES ON?

A NO, IT'S -- THAT'S NOT ITS FUNCTION. IT'S NOT WIRED TO DO THAT. IN FACT, THAT'S CALLED THE REPTILIAN PART OF OUR BRAIN. A LIZARD HAS THE LIMBIC SYSTEM. A LIZARD OR AN ALLIGATOR DOESN'T HAVE ALL THIS MEAT OUT HERE. A LIZARD JUST HAS THIS CENTRAL STUFF HERE.

AND AGAIN, IF YOU WALK UP TO AN ALLIGATOR OR -- OR A LIZARD, WHEN IT LOOKS AT YOU, IT'S -- IT'S ONLY DECISION MAKING IS, DO I EAT YOU, DO I ATTACK YOU, OR DO I RUN FROM YOU. THAT'S ALL THAT THESE LOWER CENTERS OF OUR BRAIN DO.

WE AS HUMAN BEINGS AND HIGHER, YOU KNOW, CREATURES, WE HAVE GOT ALL THIS MEAT OUT HERE IN OUR BRAIN AND THAT'S THE DIFFERENCE THAT SETS US APART FROM THE LOWER CREATURES--

Q ALL RIGHT. ARE YOU FAMILIAR WITH THE INCIDENT THAT OCCURRED IN THIS CASE?

A YES.

Q DO YOU HAVE A PROFESSIONAL OPINION ABOUT WHAT WAS

GOING ON IN MR. STANKO'S BRAIN AT THE TIME THAT WAS OCCURRING?

A YES.

Q TELL US.

A MY OPINION, I KNOW FROM ALL THE MEDICAL LITERATURE, FROM ALL THE -- FROM ALL THE DOCUMENTATION IN THIS CASE FROM MR. STANKO'S BIRTH TO HIS REPEATED CRIMINAL ACTIVITY THAT'S UNRESPONSIVE TO REPEATED THREATS AND JAILINGS BY THE CRIMINAL SYSTEM AND IS UNRESPONSIVE TO REPEATED PSYCHIATRIC TREATMENT AND UPON GETTING THESE IMAGES OF HIS BRAIN, MY DIAGNOSIS IS THAT MR. STANKO IS A PSYCHOPATH, AND I'M 100 PERCENT CERTAIN OF THAT, AND I BELIEVE WE'VE PROVED IT.

WE HAVE SHOWN THAT HIS BRAIN -- THIS IS THE BRAIN OF A PSYCHOPATH.

Q WHAT WAS GOING ON IN THIS AREA? IN OTHER WORDS, WHAT WAS GOING ON IN HIS BRAIN DURING THIS ASSAULT?

A IT'S NO DIFFERENT IN HIS FRONTAL LOBES THAN WHAT WE SEE HERE. I -- HE -- HE -- IT'S JUST NOT WORKING RIGHT. THE EXACT CAUSE, WE DON'T KNOW WHY, BUT WE KNOW THIS. WHEN WE GET ONE OF THE MOST -- TWO OF THE MOST COMPLICATED SCIENTIFIC EXAMINATION TOOLS AVAILABLE ON THE PLANET, THEY BOTH CONCUR THAT HE'S GOT FRONTAL LOBE ABNORMALITY.

THIS IS NOT WORKING THEN, IT WASN'T WORKING THEN, AND IT WASN'T WORKING WHEN WE EXAMINED HIM, AND THERE'S NO WAY

HE CAN CONTROL IT TO TURN ON AND OFF. THAT WOULD IMPLY THAT THERE'S SOME OTHER BRAIN SITTING OUT HERE TO -- ON HIS SHOULDER THAT CONTROLS HIS REAL BRAIN.

Q ALL RIGHT. THAT'S MY QUESTION. WHAT WAS DRIVING HIS ACTION IN -- WITH THIS BRAIN?

A THE MOST PRIMITIVE PART OF HIS BRAIN WITH THE REPTILIAN PART, THAT LIMBIC SYSTEM, IS STUFF WHERE OUR ANGER AND OUR IMPULSES COME FROM, OUR IMPULSES JUST TO DO THINGS WITHOUT THINKING ABOUT THEM. AND ALL HUMAN BEINGS HAVE THOSE.

AGAIN, WHAT SEPARATES US FROM INSANITY OR CRIMINAL OR ANTISOCIAL BEHAVIOR IS THAT PART OF THE BRAIN.

Q NOW, IN THAT LIMBIC SYSTEM DO WE HAVE VARYING DEGREES OF STRENGTH IN THE SIGNAL?

A SURE. WHEN WE'RE ANGRY, WHEN WE PERCEIVE A THREAT OR A SLIGHT, OR WE'RE DISSED OR -- WHEN SOMEONE DOES SOMETHING TO US WE DON'T LIKE, THE LIMBIC SYSTEM TURNS WAY UP.

Q ALL RIGHT. NOW, THE LIMBIC SYSTEM -- THE LIMBIC SYSTEM DOES NOT HAVE THE CAPACITY TO DISTINGUISH RIGHT FROM WRONG.

A NO.

Q IF MR. STANKO WAS GOING TO HAVE THAT CAPACITY IN THIS CASE, WHERE WAS THAT GOING TO TAKE PLACE IN HIS BRAIN?

A RIGHT HERE WHERE AN -- IN A NORMAL PERSON THIS

ACTIVITY.

Q ALL RIGHT. IF THAT LIMBIC SYSTEM EMOTION WAS STRONG ENOUGH, DID HE HAVE THE CAPACITY TO DISTINGUISH RIGHT FROM WRONG?

A NO. NO. IN FACT, IT'S -- IT'S CALLED -- WHAT WE CALLED THIS IN THE 1850'S WAS MORAL INSANITY. THAT'S WHY THEY MADE HOSPITALS AND THEY CALLED THEM PSYCHIATRIC HOSPITALS FOR THE CRIMINALLY INSANE.

THERE WERE HOSPITALS FOR THE INSANE AND THEN THERE WERE HOSPITALS FOR THE CRIMINALLY INSANE. AND I ALWAYS WAS FASCINATED, WHY DID THEY HAVE THAT WORD, CRIMINALLY INSANE, BECAUSE GOING BACK TO THE 1800'S, MEDICAL PROFESSIONALS THEN WITHOUT ALL THIS GREAT BRAIN STUFF UNDERSTOOD THAT THERE WERE PEOPLE WHO INTELLECTUALLY APPEARED NORMAL BUT MORALLY THEY WERE BEREFT OR INSANE, THEY JUST COULD NOT DO THE RIGHT THING IN THREAT OF PUNISHMENT, WITH EDUCATION, WITH TENDER, LOVING CARE THEY KEPT DOING THE WRONG THING, SO THEY MADE HOSPITALS FOR THE CRIMINALLY INSANE.

Q BUT THERE ARE TIMES WHEN MR. STANKO LOOKS PERFECTLY NORMAL, HE MAY ACT PERFECTLY NORMAL. HOW DO YOU EXPLAIN THAT?

A WELL AGAIN, THAT'S TYPICAL OF THE PSYCHOPATH. THIS -- HE DOESN'T HAVE MENTAL RETARDATION. HE DOES NOT HAVE AUTISM. HE DOES NOT HAVE ALZHEIMERS DISEASE. THE

SPECIFIC DAMAGE IN THE PSYCHOPATHIC BRAIN ALLOWS ONE TO LOOK NORMAL.

IN FACT, A VERY FAMOUS DOCTOR IN AUGUSTA, GEORGIA IN 1941 WROTE A BOOK CALLED, THE MASK OF SANITY. IT WAS THE FIRST BOOK EVER WRITTEN ON PSYCHOPATHS WHERE HE -- WHERE THEY WERE -- WHERE THEY REALLY EXAMINED IT, WHERE HE REALLY EXAMINED IT.

THIS WAS A MAN, BY THE WAY, WHO WROTE THE BOOK THAT BECAME THE MOVIE, THE THREE FACES OF EVE. HE WAS RIGHT IN AUGUSTA, GEORGIA, JUST UP THE STREET. HE CALLED IT A MASK OF SANITY BECAUSE HE BELIEVED THEY WERE INSANE, BUT THEY HAVE A MASK OF SANITY. THEY LOOK SANE, BUT THEY ARE REALLY NOT.

Q DR. SACHY, ARE WE HERE BECAUSE OF A SERIES OF BAD CHOICES MADE BY STEPHEN STANKO?

A NO.

Q AND WHY DO YOU SAY THAT?

A THIS PART OF THE BRAIN HERE IS THE PART THAT HELPS MAKE OUR -- THAT MAKES OUR MORAL CHOICES. IF IT IS DYSFUNCTIONAL, THEN WHAT ELSE IS THERE IN HIM THAT'S GOING TO DO THAT FOR HIM?

Q DOES HE HAVE MORAL CULPABILITY FOR WHAT HE DID GIVEN THIS LACK OF FUNCTION?

A NO, HE HAS MORAL INSANITY.

Q ALL RIGHT.

A INSANITY MEANS IT'S MENTAL ILLNESS, IT'S DUE TO A DEFECT IN THE BRAIN. NOW, IF I TAKE A PET SCAN OF SOMEONE AND THEY HAVE A NORMAL BRAIN AND THEY HAVE GOTTEN IN TROUBLE IN THE PAST BUT SEEM TO LEARN FROM THEIR MISTAKES, BUT THEY GO OUT AND PLAN AND EXECUTE A, YOU KNOW, A TERRIBLE THING BUT THEY TAKE ALL KINDS OF STEPS TO COVER UP THEIR TRACKS, TO HIDE EVIDENCE, TO, YOU KNOW, DO A PERFECT CRIME AND -- IN THE PRETRIAL HEARING I USED THE COLUMBO EXAMPLE.

WATCHING COLUMBO, YOU SEE THAT THESE PEOPLE AND -- IN THE COLUMBO EPISODE WHO HAVE GONE THROUGH SO MUCH TO COVER UP THEIR CRIME. I -- THOSE PEOPLE DO KNOW MORALLY RIGHT FROM WRONG.

Q MR. STANKO'S INTELLIGENT?

A HE'S A GENIUS.

Q DID HE -- AT HIS IQ LEVEL, DID HE HAVE THE ABILITY TO PLAN THE PERFECT MURDER, SO-TO-SPEAK?

A HE SHOULD HAVE HAD THE -- I MEAN, HE'S A GENIUS. HE'S BEEN TESTED BY DR. EINHORN AND PROVEN TO BE A GENIUS AT AN IQ LEVEL OF 140 OR 143, WHATEVER MR. STANKO HAS. HE RATES GENIUS LEVEL INTELLIGENCE. YOUR QUESTION IS, SHOULD HE HAVE BEEN ABLE TO...

Q YEAH. WHY WOULD HE COMMIT A CRIME THAT WAS SO OBVIOUS, YOU KNOW, THAT HE COMMITTED? IN OTHER WORDS, HE DIDN'T -- WHY DIDN'T HE TRY TO COVER IT UP IF HE'S SO

SMART?
A THAT'S--
Q WHY DID HE DO IT THIS WAY?
A THAT'S AN EXCELLENT QUESTION. AND THE ANSWER IS THANKS TO THIS LEVEL OF SCIENCE IN THE YEAR 2006, THIS IS WHY. YOU SEE, THE OTHER PARTS OF HIS BRAIN UP HERE ARE WORKING ABOUT THE SAME AS A NORMAL LEVEL CONTROL PERSON HERE. RIGHT UP HERE, RIGHT HERE.

THAT'S THE PART THAT ALLOWS HIM TO GO TO AN ATM MACHINE AND PUT IN A PIN AND GET THE MONEY OUT. BUT AGAIN, THIS ISN'T ABOUT THE ABILITY TO DRIVE A CAR OR USE A CAR AT AN ATM MACHINE.

YOU KNOW, SCHIZOPHRENICS WHO DO HORRIBLE THINGS AND COME TO THE LEGAL SYSTEM STILL MAY TRY TO EVADE RESPONSIBILITY. THEY STILL MAY DO COMPLICATED ACTS. BUT IT'S THE INITIAL DEEP DOWN DRIVES IN THEIR ABILITY TO CONTROL THEIR BEHAVIOR THAT'S DIMINISHED HERE, NOT THEIR ABILITY TO PRESS BUTTONS AND ET CETERA.

Q WHAT DOES THAT HAVE TO DO THAT -- WHEN I SAY THAT, I'M TALKING ABOUT THE LOW FUNCTION -- WHAT DOES THIS HAVE TO DO WITH THE MEMORY PROCESS?
A OKAY. THE FIRST PART IN MEMORY, TO LAY DOWN MEMORY IN YOUR BRAIN, TO STORE IT, THE FIRST PART OF IT IS CALLED ATTENTION. IF YOU'RE NOT PAYING ATTENTION, YOU'RE NOT GOING TO MEMORIZE ANYTHING. SO YOU HAVE TO PAY ATTENTION.

THE PART THAT DOES ATTENTION IS THIS FRONTAL PART OF THE BRAIN. NOT AS MUCH HERE -- LET'S GO BACK TO THE NORMAL BRAIN. NOT AS MUCH HERE, BUT THIS PART OUT HERE.

LET ME JUST SAY THIS. THIS ENTIRE, ENTIRE FRONTAL AREA, IT ALL KIND OF DEPENDS ON EVERY OTHER PART, BUT WE JUST KNOW THAT CERTAIN AREAS DO A LITTLE MORE OF ONE THING OR THE OTHER.

BUT COMING BACK TO ATTENTION, AND BEEN ASKED BEFORE ABOUT AMNESIA, IF MR. STANKO COULD REMEMBER THINGS. AND MR. STANKO, WHEN HE TOLD ME WHAT HE DID, HE DIDN'T -- THERE WERE CERTAIN DETAILS THAT ANOTHER EXPERT, DR. CRAWFORD, FOUND THAT HE DIDN'T TELL ME OR COULDN'T REMEMBER OR CHOSE NOT TO REMEMBER, I DON'T KNOW.

BUT WE KNOW THIS. WHEN WE'RE INVOLVED IN AN EMOTIONALLY CHARGED INCIDENT, WHILE IT IS OCCURRING, OUR ABILITY TO STORE DETAIL FROM THAT INCIDENT IS GREATLY REDUCED.

HOW DO WE KNOW THAT? WELL, NEUROPSYCHIATRISTS KNOW THAT, BUT THERE'S -- IT'S CALLED THE RESTEROFF PARADIGM. AND THEY -- I WILL JUST GIVE YOU A SIMPLE EXAMPLE. YOU TAKE TWO SETS OF JURORS, 12 AND 12, AND YOU SHOW THEM A FILM FROM THE BANKING INDUSTRY ON HOW TO BE A GOOD BANK TELLER AND YOU ASK THEM TO WATCH THIS 10 MINUTE FILM AND IT SHOWS BANK TELLER AND BEING NICE TO CUSTOMERS, ET CETERA.

BUT IN ONE GROUP OF THE 12 PEOPLE WATCHING THIS, YOU SUDDENLY FLASH AN IMAGE OF A YOUNG MAN BEING SHOT IN THE HEAD, FLASH IT REALLY QUICK. THE OTHER 12 DIDN'T GET THAT. THEY JUST WATCHED THE SAME FILM.

WHEN YOU ASK THEM LATER DETAILS ABOUT THE FILM AND TO PROVIDE DETAILS, THOSE WHO ARE SHOWN THAT HORRIBLE IMAGE OF THE PERSON BEING SHOT IN THE FACE CANNOT REMEMBER -- THEY'RE SIGNIFICANTLY REDUCED IN THEIR ABILITY TO REMEMBER DETAILS FROM THAT SHORT LITTLE SNIPPET OF FILM.

WHAT THAT PROVES IS, IS WHAT WE KNOW, IN AN -- A HIGHLY EMOTIONALLY CHARGED SITUATION, OUR ABILITY TO STORE MEMORY BECOMES GREATLY DIMINISHED. MR. STANKO--

Q THAT'S IN A HEALTHY BRAIN?

A THAT'S IN A HEALTHY BRAIN. MR. STANKO SAYS THAT HE CAN'T REMEMBER CERTAIN THINGS. I BELIEVE IT. THERE ARE CERTAIN THINGS HE MAY CHOOSE NOT TO REMEMBER. I BELIEVE THAT, TOO. MR. STANKO IS A PSYCHOPATH.

Q WELL, IN ORDER TO HAVE A NORMAL MEMORY...

A YES.

Q WOULD THAT -- WOULD THAT REQUIRE A NORMAL FUNCTION OF THIS AREA OF THE BRAIN?

A IT WOULD DEPEND A LITTLE BIT ON IT BECAUSE, REMEMBER, THIS AREA, WHEN I SAY IT DOES MORALS AND HAVING A CONSCIENCE AND, YOU KNOW, IT'S THE EMERGENCY BRAKE ON THE BRAIN, IT'S -- IT'S STILL -- THERE'S NOT A PLASTIC LINER

THAT SEPARATES THIS FROM THE REST OF THE FRONTAL LOBE.

IT'S CORRECTED WITH IT. AND THE REST OF THE FRONTAL LOBE OUT HERE ON THE OUTSIDE USES AND RECRUITS THIS MATERIAL HERE.

Q OKAY. SO, LET'S SAY WE HAD REDUCED FUNCTION HERE, AND I'M ASSUMING IN SEQUENCE HERE, THE SIGNALS WOULD COME OUT OF THIS NON-FUNCTIONING AREA INTO THE HIGHER CORTEX AREA?

A WELL, I --

Q YOU CAN SAY NO. I MEAN, EXPLAIN -- EXPLAIN TO ME IF YOU CAN HOW THAT PROCESS WOULD WORK.

A WHEN THE -- WHEN ANYTHING IS GOING ON AND WE NEED TO PAY ATTENTION, JUST EVEN SITTING HERE RIGHT NOW, AGAIN, YOUR FRONTAL LOBES NEED TO BE ON AND WORKING VERY WELL TO PAY ATTENTION TO ME.

IF ALL THE JURY HERE HAD ATTENTION DEFICIT DISORDER AND WERE NOT TAKING THEIR RITALIN TODAY, THEY WOULD HAVE MUCH GREAT DIFFICULTY PAYING ATTENTION TO ME, AND WHEN ASKED LATER ABOUT WHAT THEY EXPERIENCED OR WHAT THEY REMEMBER WHAT I'M SAYING, I -- WELL, HOPE THEY REMEMBER, BUT THEY WOULD PROBABLY SAY THEY HAVE DIFFICULTY.

MAYBE THEY WOULDN'T ADMIT TO IT. BUT AGAIN, ATTENTION DEFICIT DISORDER, WE KNOW THAT THOSE CHILDREN HAVE DECREASED FRONTAL LOBE ACTIVITY. AND AGAIN, I MENTIONED THIS BEFORE, WELL, GEE, THEY HAVE DECREASED

FRONTAL LOBE ACTIVITY, WHY AREN'T THEY ALL PSYCHOPATHS.

BUT IN FACT, 50 PERCENT OF ALL CHILDREN WITH ATTENTION DEFICIT DISORDER DO BECOME INVOLVED WITH ACTIVITY THAT GETS THEM IN TROUBLE WITH THE LAW, AND IT'S BECAUSE THE FRONTAL LOBES AREN'T WORKING AS WELL AS--

Q LET'S GO AHEAD AND FINISH THIS, DOCTOR. LET ME GET YOUR FINAL COMMENTS ON IT.

A WELL AGAIN, DR. WU'S TEAM OF IMAGE ANALYSTS ARE POINTING OUT WITH THE ARROWS THE GREAT OBVIOUS DIFFERENCE OF THE FRONTAL LOBE FUNCTIONING. THIS IS THE BACK OF THE BRAIN AGAIN.

AND IN THE OCCIPITAL LOBES IN THE BACK OF THE BRAIN WE HAVE ROUGHLY EQUAL ACTIVITY. IN MR. STANKO WE ACTUALLY HAVE MORE ACTIVITY IN HIS VISUAL AREAS OF THE BRAIN WHICH DR. RAINE FOUND IN ALL HIS STUDIES.

AGAIN, HE THOUGHT THAT THE PSYCHOPATHIC BRAIN MAY ACTUALLY BE USING OTHER PARTS OF THE BRAIN MORE TO MAKE UP FOR THEIR DEFICIENCIES. I THINK THIS -- THIS WOULD SUM IT UP BEST. LOOK TO THE LITTLE HEAD ON THE LEFT WHERE THE BLUE SQUARE IS CUTTING THROUGH--

Q YEAH. RIGHT.

A -- THE BRAIN. AND WE'RE GETTING DOWN TOWARDS -- WE'RE COMING FROM THE TOP HEADING DOWN AND WE ARE GETTING TOWARDS THOSE ORBITAL FRONTAL LOBES. AGAIN, DR. WU'S HIGHLIGHTING. LOOK AT THE FRONTAL LOBES AND ON THE

UNDERSIDE. WE'RE AT THAT LEVEL, BUT WE'RE NEAR THE UNDERSIDE -- NORMAL, MR. STANKO.

Q DOCTOR, WOULD YOU ADVANCE THAT A COUPLE OF MORE SECONDS? AGAIN.

A I MEAN, IT'S NIGHT AND DAY.

Q THERE.

A NIGHT AND DAY.

Q YOU GOT IT. EXPLAIN TO US WHAT WE'RE LOOKING AT.

A WE'RE LOOKING AGAIN DIRECTLY ABOVE MY NOSE, BEHIND MY NOSE AND UP AT THE MEDIAL, THAT IS MIDDLE ORBITAL FRONTAL LOBE, THE MIDDLE PART OF MY BRAIN THAT'S SITTING ABOVE MY EYEBALLS. MR. STANKO IS COOL. IT'S NOT USING SUGAR.

IT'S NOT CALLING FOR THE USE OF SUGAR THE WAY A NORMAL BRAIN IS IN ITS CONTINUANCE PERFORMANCE TASK, AND IN NOT CALLING FOR RADIOACTIVE SUGAR IT'S SHOWING THAT IT'S JUST NOT BEING USED, IT'S NOT WORKING.

Q ALL RIGHT. NOW, IN YOUR INVESTIGATION OF THIS CASE--

A YEAH.

Q -- DID YOU HAVE AN OPPORTUNITY TO REVIEW A TRANSCRIPT OF THE DIALOGUE BETWEEN CHRISTINA AND THE POLICE DETECTIVE?

A YES.

Q AND DO YOU HAVE THAT, A COPY OF THAT UP THERE IN FRONT OF YOU?

A I HAVE SOME PAGES FROM IT, AND I'M NOT SURE IF I

HAVE...
Q THIS IS -- IF I MIGHT HAND YOU THIS. THIS IS A COPY THAT WE HAVE HIGHLIGHTED--
A YEAH.
Q -- I BELIEVE. AND I WANT YOU TO START RIGHT THERE WITH THE WORD, AND.
A OKAY. THIS IS FROM PAGE TWO OF THE TEEN -- THE YOUNG GIRL. AND AT THE WORD, AND, SHE SAYS, AND I REMEMBER HIM MOVING AROUND. I REMEMBER I THINK THERE WAS ANOTHER VOICE, ANOTHER MALE'S VOICE. I'M NOT TOTALLY SURE, BUT I'M -- BUT I PRETTY -- I'M ALMOST POSITIVE HE LEFT WITH SOMEONE ELSE.
Q OKAY. GO AHEAD AND READ THE NEXT -- I JUST WANT TO PUT THAT IN CONTEXT WITH WHAT SHE'S SAYING AT THAT TIME. OKAY. CONTINUE ON AND READ ANOTHER SENTENCE.
A AFTER THAT I LOOKED AROUND AND -- AT THE CLOCK AND IT WAS THREE, AND THAT'S WHEN I WOKE UP AND MY MOM WASN'T MOVING AND I STUMBLED ON THE BED AND I GOT TO THE PHONE.
Q OKAY.
A AND I CALLED THE POLICE.
Q ALL RIGHT. SO IN THAT, WHAT -- WHAT DO YOU CONCLUDE SHE WAS SAYING WITH RESPECT TO THE 9-1-1 CALL AND THE HEARING OF THE VOICES?
A I -- I -- I ABSOLUTELY BELIEVE HER. I BELIEVE WHAT YOU WERE SEEING, I -- IN MY OPINION WHAT WE'RE HEARING IS

MR. STANKO'S VOICE IS SO CHANGED AND DIFFERENT BECAUSE HE'S BEYOND HIS NORMAL BEHAVIOR. HE SOUNDS LIKE SOMEONE ELSE.

IN FACT, LATER ON HE -- I GUESS DETECTIVE ALLEN ASKS, DID YOU SEE ANY OTHER MALE IN THERE BESIDES HIM? NO, NO, IT WAS JUST HIM. BUT SHE IS SAYING THAT HIS VOICE IS SO DIFFERENT, IT SOUNDS LIKE SOMEONE ELSE.

Q OKAY.

A I SUSPECT IN MY OPINION WHAT WE'RE HEARING, YOU'RE HEARING THE VOICE OF SOMEONE WHOSE LIMBIC SYSTEM AND AGGRESSION AND VIOLENT IMPULSES ARE IN COMPLETE CONTROL OF THEIR BRAIN AND THEY'RE NOT BEING MODULATED OR CONTROLLED BY THAT COLD PART.

Q ALL RIGHT. WE'RE LOOKING -- WE'RE LOOKING AT INSANITY--

A YES.

Q -- POSSIBLY?

A YES.

Q AND WE'RE HEARING IT DESCRIBED BY THE YOUNG VICTIM.

A SO MUCH SO THAT SHE THINKS THERE'S A SECOND PERSON IN THE ROOM, ANOTHER PERSON.

Q ALL RIGHT. ARE YOU AWARE OF ANY OTHER EFFORTS THAT COULD BE UNDERTAKEN TO PRODUCE EVIDENCE ON THE ISSUE OF SANITY OR INSANITY AT THAT MOMENT?

A AT THAT MOMENT? BESIDES THE -- I JUST HAVE TO SAY

THE ABSOLUTELY ABERRANT AND INSANE ACTS THAT TOOK PLACE.

Q I'M SORRY. WOULD YOU REPEAT THAT?

A THE ABSOLUTE ABERRANT AND HORRIBLE THINGS THAT TOOK PLACE, OUR GUT INSTINCT IS TO SAY THAT PERSON'S A PSYCHO. I MEAN, THAT'S WHY THAT MOVIE WAS MADE, THE ALFRED HITCHCOCK MOVIE, PSYCHO.

WHAT -- OUR GUT INSTINCT IS TO LABEL THESE PEOPLE AS CRAZY, THAT GUY HAD TO BE CRAZY, HE WAS EVIL, HE WAS PSYCHO.

Q HE WAS INSANE?

A THAT'S REALLY WHAT PEOPLE ARE SAYING, BUT THEY'RE -- THEY DON'T REALIZE IT. BUT THOSE OF US IN THE FIELD IN BRAIN SCIENCE UNDERSTAND WHAT THEY MEAN. THEY ARE PSYCHO WHEN ACTUALLY THEY ARE PSYCHOPATHIC.

Q CAN WE SAY WITHIN A REASONABLE DEGREE OF MEDICAL CERTAINTY THAT HE CHOOSES TO BE THAT WAY?

A NO. MR. STANKO NOR THE OTHER PSYCHOPATHS THAT WE KNOW OF HAVE NOT MADE A CONSCIOUS DECISION TO BE PSYCHOPATHIC. THEY HAVE A BRAIN ABNORMALITY THAT HAS BEEN FORCED UPON THEM BY BAD LUCK OR GOD OR GENES OR EXPOSURE TO CHEMICALS, WHAT HAVE YOU.

Q AND IT -- WOULD YOU CHARACTERIZE THE STATEMENTS IN HIS BIRTH RECORDS AS BEING SIMPLY COINCIDENTAL?

A NO. IT--

Q IF HE WAS HEALTHY BUT THEY JUST HAPPENED TO PUT THAT

IN THERE?
A NO. THEY -- THEY...
Q BASED ON WHAT YOU SEE NOW?
A OKAY. THEY -- IT'S IN SEVERAL POINTS IN HIS MEDICAL RECORD. AGAIN, I'M JUST THINKING OF A MOTHER BEING TOLD, YOU CAN'T BE -- HAVE A TUBAL LIGATION BECAUSE YOUR CHILD MAY DIE AND YOUR CHILD MAY HAVE INTRACRANIAL DAMAGE WHICH MEANS BRAIN DAMAGE.
Q WHEN SOMEONE IS BORN WITH A BIRTH DEFECT, ESPECIALLY MAYBE WHAT WOULD OTHERWISE BE A LATENT DEFECT -- THINK OF IN THE LAW -- IS IT NECESSARILY REASONABLE TO EXPECT YOU'RE ALWAYS GOING TO FIND DETAILED NOTATIONS OF THAT IN THE BIRTH RECORDS?
A NO. NO, NONE.
Q GIVE US AN EXAMPLE OF...
A WELL, MR. STANKO MEETS THE DEFINITION I HAVE TO SAY OF SOMETHING CALLED ANTISOCIAL PERSONALITY DISORDER. WE HAVE A BOOK CALLED THE DSM4 THAT PSYCHIATRISTS AND NEUROLOGISTS USE WHICH LISTS ALL THE PSYCHIATRIC DISEASES THAT ARE OUT THERE, AND THEY ALL GET A NUMBER BY THEM, OKAY?

UP UNTIL 1980 WHAT MR. STANKO HAS WAS CALLED PSYCHOPATHY. AND I STILL USE THAT WORD. AND IN THE MEDICAL RESEARCH LITERATURE IT'S CALLED PSYCHOPATH. BUT IN 1980 THEY CHANGED IT TO ANTISOCIAL PERSONALITY DISORDER

BECAUSE THEY WANTED STATISTICS TO HELP MAKE THIS DIAGNOSIS.

AND STATISTICALLY SPEAKING, THEY FOUND A LOT OF PEOPLE WITH ANTISOCIAL PERSONALITY GOT IN TROUBLE WITH THE LAW BEFORE AGE 15. BUT WE KNOW THAT PSYCHOPATHS ARE A SMALL SUBSET OF THAT. THEY MAY NOT EVER HAVE GOT IN TROUBLE WITH THE LAW.

I DON'T REMEMBER TED BUNDY EVER GETTING IN TROUBLE WITH THE LAW. I DON'T REMEMBER -- YOU KNOW, AT A YOUNG AGE, I DON'T REMEMBER JOHN WAYNE GASEY, FAMOUS PSYCHOPATHS IN HISTORY, THEY LOOK NORMAL. THAT'S WHY THEY'RE CALLED THE -- IT'S SAID THEY HAVE A MASK OF SANITY, THEY WEAR A MASK THAT LOOKS SANE. INSIDE THEY'RE INSANE.

Q WANT SOME WATER?

THE COURT: MADAM CLERK, GET THE WITNESS SOME WATER.

BY MR. DIGGS:

Q DOCTOR, DO YOU HAVE ANY IDEA OF HOW THIS HAPPENED, HOW THIS EMOTION GOT STARTED IN MR. STANKO'S SITUATION?

A MR. STANKO TOLD ME THAT HE AND THE GIRLFRIEND--

Q LAURA.

A -- LAURA HAD -- THERE HAD BEEN SOME CONFLICT TO DO WITH THE DAUGHTER AND THERE WAS CONFLICT HE TOLD ME BETWEEN THE DAUGHTER AND THE MOTHER, AND HE WAS KIND OF GETTING INVOLVED IN THE MIDDLE AND GETTING MIXED UP AND

TRYING TO KEEP THINGS DOWN, BUT THAT THINGS ESSENTIALLY WERE GOING OKAY, BUT BECAUSE OF THAT CONFLICT HE DECIDED HE WAS GOING TO MOVE OUT.

AND HE TOLD ME THAT MS. LING BECAME ANGRY AND THREATENED TO EXPOSE HIM AS A CHILD MOLESTER, THAT HE -- THAT HE HAD TRIED TO MOLEST THE YOUNG -- THE DAUGHTER, THE VICTIM, AND--

Q NOW, DID YOU HAVE ANY EVIDENCE TO SUPPORT THAT AS BEING TRUE, THAT HE HAD TRIED TO MOLEST CHRISTINA?

A NO.

Q OKAY. GO AHEAD.

A SO LATER THAT NIGHT HE WENT TO HER BEDSIDE AND SHE SAID SHE WAS GOING TO EXPOSE HIM IF HE LEFT, ET CETERA, AND HE HAD A CIGARETTE HE TOLD ME, AND SHE SLAPPED HIM AND THE CIGARETTE BURNED THE MEDIAL PORTION OF HIS EYE, BUT THAT'S WHEN I GUESS ESSENTIALLY HE SAW RED. AND HE HAS NO MEMORY OR GREAT MEMORY OF WHAT HAPPENED.

Q IN YOUR PROFESSIONAL OPINION, MEDICAL OPINION WITHIN A REASONABLE DEGREE OF MEDICAL CERTAINTY, COULD THAT EVOKE A LIMBIC SYSTEM EMOTION THAT COULD SET OFF A CHAIN OF EVENTS THAT WOULD PRODUCE THE RESULTS THAT WE HAVE HERE?

A THERE'S NO DOUBT OF THAT. OUR LIMBIC SYSTEM IS PROVOKED BY PAIN, ANGER, BEING SLIGHTED, BEING THREATENED.

Q AND AGAIN, HOW LONG COULD THAT EMOTION LAST?

A IT CAN LAST HOURS, DAYS.

Q OKAY. NOW, IS SOMEONE ABLE TO CARRY ON A CONVERSATION IN THAT SITUATION, IN THAT PERIOD? THEY MAKE STATEMENTS?

A WELL, YES, THEY CAN, AND OF COURSE, A PSYCHOPATH WILL MAKE A CERTAIN PARTICULAR SET OF STATEMENTS THAT'S CONSISTENT WITH THEIR DIAGNOSIS.

Q ALL RIGHT. DOES THAT MEAN THEY'RE NOT INSANE AT THE TIME? FOR EXAMPLE, LET'S ASSUME MR. STANKO HAD MADE CERTAIN COMMENTS TO CHRISTINA. DOES THAT MEAN HE WAS NOT INSANE AT THAT TIME?

A NO, HE WOULD STILL BE INSANE.

Q HOW COULD THAT BE AND HOW CAN YOU SAY THAT?

A WELL, BECAUSE WE'RE NOT HAVING A COMPLETE SHUTDOWN OF THE BRAIN. WE'RE NOT SUDDENLY TURNING HIS BRAIN INTO THE BRAIN OF AN AUTISTIC CHILD OR SOMEONE WITH MENTAL RETARDATION.

AND JUST LIKE OTHERS WHO DO CRIMINAL ACTS ARE INSANE, IT'S, FOR EXAMPLE, LIKE A SCHIZOPHRENIC, THEY STILL -- YOU KNOW, WHEN A SCHIZOPHRENIC LET'S SAY COMMITS MURDER, THEY DON'T THEN RUN OUT OF THE HOUSE AND TAKE THEIR CLOTHES OFF AND RUN DOWN THE STREET NAKED, THEY KNOW TO HAVE THEIR CLOTHES ON, THEY DO MANY BEHAVIORS THAT ARE THOUGHT OUT AND PLANNED AND SEEM APPROPRIATE.

BUT WHEN IT COMES TO THAT PARTICULAR ACT, THAT MORAL ACT, THEY ARE INAPPROPRIATE, THEY ARE MORALLY INSANE OR

BEREFT.

Q NOW, DO YOU KNOW DR. PAM CRAWFORD?

A YES.

Q HOW DO YOU KNOW HER?

A I HAVE MET HER THROUGH MY TRAINING IN THE PAST AND I KNOW HER THROUGH THIS CASE. I FORGET HOW MANY WEEKS AGO IT WAS SHE CONTACTED YOU TO CONTACT ME AND TALK ABOUT THIS CASE WITH ME.

Q ALL RIGHT. WHAT -- AS YOU UNDERSTAND IT, IF YOU KNOW, WHAT IS HER ROLE IN THIS CASE?

A SHE'S SUPPOSED TO BE AN INDEPENDENT EXPERT TO--

Q ALL RIGHT.

A -- EVALUATE MR. STANKO AND COME UP WITH AN OPINION.

Q AND -- AND DID SHE -- TO YOUR KNOWLEDGE DID SHE EVALUATE MR. STANKO?

A FOUR DAYS.

Q ALL RIGHT. AND DID SHE PRODUCE A REPORT?

A YES.

Q AND IN HER REPORT, DO YOU KNOW WHAT THE CONCLUSION WAS WITH RESPECT TO MR. STANKO?

A THAT HE WAS NOT INSANE AND THAT HE HAD NARCISSISTIC AND I BELIEVE ANTISOCIAL TRAITS, BUT HEAVY ON THE NARCISSISM, SELF-LOVING, EGOCENTRIC, SELFISH, THAT HE WAS SELFISH AND NOT INSANE.

Q ALL RIGHT. AND DID SHE HAVE ACCESS TO THE MRI AND

THE PET SCANS?
A I BELIEVE -- I BELIEVE SO.
Q DO YOU HAVE A COPY OF HER REPORT?
A I DO. I DO.
Q COULD YOU GIVE THAT, PLEASE SIR?
A I HAVE GOT IT.
Q YOU GOT IT?
A YES. IN FACT, I -- WHAT I DID WAS -- IS ACTUALLY DR. CRAWFORD'S REPORT IS VERY GOOD AND IT PROVIDED A GREAT DEAL OF DETAIL TO ME THAT MR. STANKO EITHER DIDN'T PROVIDE TO ME OR--
Q ALL RIGHT. HOW DID SHE DEAL WITH THE MRI AND THE PET SCAN INFORMATION?
A I BELIEVE SHE -- I -- SHE REFERRED IT--
Q DID YOU SAY YOU DO NOT HAVE THE REPORT?
A ACTUALLY I DO HAVE THE REPORT.
Q OKAY. LOOK INTO THAT. LOOK IN THAT REPORT FOR JUST A MINUTE AND SEE IF SHE GIVES -- MAKES ANY STATEMENT WITH RESPECT TO THOSE TOOLS.
A OKAY. SHE REFERRED HIS MRI AND HIS PET SCAN -- NOW, I DON'T KNOW IF IT WAS THE GUR REPORT OR THE IMAGES WE SEE, BUT JUST THE RAW DATA LIKE -- LIKE THIS, SHE REFERRED TO A DR. WILLIAM BRANNON, A NEUROLOGIST AT THE UNIVERSITY OF SOUTH CAROLINA.
HIS -- AND I GUESS DOCTOR -- HE PERFORMED THE

NEUROLOGICAL EXAMINATION ON MR. STANKO WHICH HE FOUND TO BE NORMAL.

AND BY THE WAY, BEFORE I FORGET, I DID A NEUROLOGICAL EXAM, I ACTUALLY DID TWO ON HIM, ONCE WHEN I INTERVIEWED HIM AND ONCE AT THE PRETRIAL HEARING, AND I FOUND SIGNIFICANT ABNORMALITY IN MR. STANKO'S NEUROLOGICAL EVALUATION.

I FOUND EVIDENCE OF SOMETHING CALLED NEUROLOGICAL SOFT SOUNDS, AND THESE ARE VERY RARE, NOT COMMONLY KNOWN EVEN IN THE MEDICAL COMMUNITY, REFLEXES THAT SHOW BRAIN ABNORMALITY WHEN THEY'RE PRESENT, AND I SAW THEM AND DR. BRANNON DID NOT.

BUT HE ALSO SAID THAT THE RADIOLOGIST LOOKED AT THE MRI AND READ IT AS NORMAL.

Q OKAY.

A AND THAT THE PET SCAN WAS NORMAL--

Q ALL RIGHT.

A -- AND WAS -- THE PET SCAN, NOW, NOT DR. WU'S TEAM AT THE UNIVERSITY OF CALIFORNIA, AND THAT WAS OBVIOUSLY ABNORMAL. BUT AGAIN, THEY HAD -- THEY USED COMPLICATED COMPUTER TECHNOLOGY TO HIGHLIGHT DIFFERENCES.

THE PET SCANS THAT THEY LOOKED AT AT MUSC ARE JUST LITTLE THUMBNAIL SIZE GRADING IMAGES THAT YOU HOLD UP TO THE LIGHT. AND BASICALLY WHAT YOU'RE LOOKING FOR BRAIN--

Q BASICALLY WHAT YOU DID A LITTLE WHILE AGO AND WITH A

VIEW...

A CORRECT. THE ANALYSIS THAT WE DID WITH HIS PET SCANS AND HIS MRI SHOW US THINGS THAT ARE IMPERCEPTIBLE AT THE CLINICAL RADIOLOGICAL LEVEL. IN OTHER WORDS, A GUY JUST HOLDING THEM UP TO THE LIGHT PROBABLY IS NOT GOING TO SEE IT. ACTUALLY, THOUGH, ON THE MRI I DID SEE THE SHRINKAGE--

Q YES.

A -- BEFORE WE EVER SENT IT TO DR. GUR.

Q SO BY SIMPLY EYEBALLING IT, YOU DISAGREED WITH THEIR ASSESSMENT OF THE MRI. YOU FELT THE MRI WAS ABNORMAL?

A ABSOLUTELY, AND I -- I REALLY JUST CAN'T SEE HOW ANYONE...

Q AND THEN DR. GUR CORROBORATES YOUR OPINION--

A YES.

Q -- WITH THAT GRAPH?

A YES.

Q AND WITH THE PET SCAN, WHAT DID WU DO DIFFERENTLY FROM THE PEOPLE THAT ARE REFERRED TO BY DR. CRAWFORD?

A DR. WU AGAIN TOOK THE DATA AND APPLIED THE WORLD'S LEADING CUTTING EDGE RESEARCH TOOLS AND ANALYZED IT AND GENERATED THOSE IMAGES WE SEE.

Q NOW, THE NUMERICAL DATA?

A NUMERICAL DATA WHICH WAS THEN CONVERTED INTO GRAPHIC IMAGES FOR US TO SEE. IT WOULD BE DIFFICULT TO JUST LOOK

AT ONES AND ZEROS AND NUMBERS AND UNDERSTAND WHAT'S GOING ON, BUT WHEN YOU CONVERT THOSE ONES AND ZEROS INTO COLOR, YOU SEE WHAT CAN'T BE SEEN JUST BY LOOKING AT THE ROUGH PET SCAN.

Q ALL RIGHT. I'M ALMOST TO THE POINT WHERE I -- I'M THROUGH WITH DR. SACHY, AND I APPRECIATE EVERYONE'S TIME, BUT I DO WANT TO REFER TO DR. CRAWFORD'S REPORT BECAUSE YOU'RE NOT GOING TO HAVE -- IF SHE DOES TESTIFY -- AND I DON'T KNOW THAT SHE WILL, BUT IF SHE DOES, I WILL NOT BE ABLE TO BRING YOU BACK TO COMMENT ON HER OPINIONS.

SHE BELIEVES MR. STANKO IS SANE. YOU DISAGREE WITH THAT. AND I WANT TO GO THROUGH AND HIGHLIGHT THOSE AREAS OF HER REPORT THAT SUPPORT YOUR DISAGREEMENT WITH HER.

A OKAY.

Q CAN YOU DO THAT FOR US?

A YES. ONE OF THE EARLY SENTENCES IN HER REPORT IS THAT MR. STANKO WAS A SUPERIOR STUDENT, SO WE KNOW HE'S A GENIUS. HE HAD MANY FRIENDS BY ALL ACCOUNTS AND HE WAS LIKED BY TEACHERS AND STUDENTS, BUT HE -- WELL, HE WAS DESCRIBED BY SOME OF HIS ACQUAINTANCES AS ARROGANT AND COCKY.

AND I ALWAYS THOUGHT THAT SEEMS INCONGRUOUS. IT'S -- HOW CAN YOU BE WELL-LIKED AND BE ARROGANT AND COCKY. WELL, FROM THE HAIR PSYCHOPATHY CHECKLIST, THIS IS JUST A---

Q NOW, WHAT -- WHO IS HAIR?

A ROBERT HAIR IS ONE OF THE OTHER WORLD FAMOUS EXPERTS IN PSYCHOPATHS, AND HE CAME UP WITH A CHECKLIST THAT IS THE WORLD STANDARD FOR DIAGNOSING PSYCHOPATHY. AND HE CAME UP WITH THESE CRITERIA THAT SHOW THE BEHAVIOR AND THE COGNITION AND THE DRIVES BEHIND -- THAT PSYCHOPATHS DEMONSTRATE.

SO BEING ARROGANT AND COCKY WOULD CORRESPOND TO BEING -- HAVING A GRANDIOSE SENSE OF SELF-WORTH, BUT BEING LIKED BY PEOPLE WOULD GO ALONG WITH THE SUPERFICIAL CHARM.

AND AGAIN, PSYCHOPATHS -- THEY TAUGHT ME IN PSYCHIATRY IF SOMEONE -- IF A STRANGER WALKS UP TO YOU, TALKS TO YOU FOR FIVE MINUTES AND YOU HAND THEM A HUNDRED DOLLAR BILL, HE'S PROBABLY A PSYCHOPATH BECAUSE HE USED HIS CHARM, AND HE -- AND IT'S NOT A CONSCIOUS USE OF CHARM. THEY ARE JUST CHARMING.

I THINK OF TED BUNDY AGAIN. I THINK OF JOHN WAYNE GASEY. I THINK OF ALL THE PEOPLE THEY MANIPULATED WITHOUT DIFFICULTY. THEY HAVE NO DIFFICULTY IN MANIPULATING PEOPLE. BUT THAT'S THE WAY THEIR BRAIN WORKS. THEY DON'T CHOOSE THAT.

NOW, SOME PEOPLE GO INTO SALES AND THEY HATE BEING SALESMEN BECAUSE THEY ESSENTIALLY HAVE TO MANIPULATE AND SELL THINGS, MAYBE EVEN LIE TO BE A SALESMAN, BUT THEY ARE THE SALESMEN WHO ARE GOING TO HAVE VERY WET ARMPITS AND

COME HOME AT NIGHT AND BE MISERABLE.

BUT THEN THERE'S THE PERSON WHO CAN SELL -- BUY, YOU KNOW, THE SHIRT OFF YOUR BACK AND GIVE IT TO THEM, BUT THEY HAVE NO COMPUNCTION OR BAD FEELING ABOUT IT BECAUSE OF THAT AREA OF THE BRAIN NOT WORKING.

Q ALL RIGHT. LET'S GO -- ARE THERE ANY OTHER AREAS IN THE -- IN HER REPORT THAT YOU WOULD COMMENT ON?

A ANOTHER HIGHLIGHT IS HE'S -- SHE STATED HE CHANGED JOBS FREQUENTLY, AND RIGHT AFTER -- RIGHT AT HIGH SCHOOL, CHANGED JOBS FREQUENTLY, I GUESS COULDN'T HOLD A JOB, BUT HE BECAME INVOLVED IN FRAUDULENT BUSINESS ACTIVITIES.

SO RIGHT AS A YOUNG MAN HE STARTS HIS CONFIDENCE SCHEME BEHAVIOR. AND IF WE LOOK AT THE HAIR PSYCHOPATHY CHECKLIST, CONNING AND MANIPULATIVE BEHAVIOR, PATHOLOGICAL LYING. RIGHT FROM A YOUNG MAN HE IS SHOWING THESE HALLMARKS OF BEING A PSYCHOPATH. AND NOW--

Q OKAY.

A -- HE WAS ARRESTED IN '93 THE FIRST TIME FOR FRAUD. HE WAS SENT FOR PSYCHIATRIC TREATMENT RATHER THAN JAIL. AND PSYCHOPATHS, WHAT THEY DO IS THEY -- THE ONLY TIME THEY GET INVOLVED WITH PSYCHIATRIC TREATMENT IS IF IT BENEFITS THEM AND AVOIDS JAIL. THEY DON'T TEND TO BELIEVE IN IT. THEY JUST DO IT TO AVOID PUNISHMENT.

ANYHOW, HE'S -- PSYCHIATRIC TREATMENT AT THAT TIME THAT HE WAS DIAGNOSED WITH SOME MIXED PERSONALITY

DISORDER. BUT ANYHOW, IN SPITE OF PSYCHIATRIC TREATMENT, HIS BEHAVIOR CONTINUES, THE CONNING CONTINUES.

THEN AGAIN IN 1995 HE PLEADED GUILTY TO GRAND LARCENY, SENTENCED TO THREE YEARS PROBATION, GOT ONE YEAR PROBATION, STILL CONTINUE. DIDN'T SEE -- FOR A MAN WITH AN IQ OF 143, HE DID NOT LEARN.

THEN HE WAS ARRESTED IN '95 FOR VIOLATION OF PROBATION. HE WAS CONTINUING TO ENGAGE IN FRAUDULENT ACTIVITIES. HE WAS SENT TO A PSYCHIATRIST OR PSYCHOLOGIST IN CHARLESTON NAMED RANDY WADE, WHO BY THE WAY, I CONTACTED YESTERDAY AND I ASKED DR. WADE ABOUT MR. STANKO'S DIAGNOSIS THEN.

I HAD ASKED YOU TO GET THOSE RECORDS, BUT DR. WADE STATED THE RECORDS GOING BACK THAT FAR NO LONGER EXIST. I ASKED DR. WADE WHAT HIS DIAGNOSIS OF MR. STANKO WAS THEN, AND HE SAID THAT HIS DIAGNOSIS WAS NARCISSISTIC PERSONALITY, JUST LIKE DR. CRAWFORD, AND ANTISOCIAL PERSONALITY. HE STATED THAT GIVEN WHAT HE KNOWS NOW, THAT MR. STANKO'S DIAGNOSIS WOULD BE PSYCHOPATHY OR PSYCHOPATH.

Q. ALL RIGHT. LET ME SHOW YOU WHAT'S BEEN MARKED AS DEFENSE EXHIBIT 11. THAT IS A STILL FROM THE VIDEO THAT WE JUST LOOKED AT. NOW, WHEN DOCTOR -- MR. STANKO WAS DOING THESE THINGS, ENGAGING IN THAT TYPE OF CONDUCT, IS THIS WHAT HIS BRAIN WOULD HAVE LOOKED LIKE DURING THOSE PERIODS OF TIME?

A YES.
Q OKAY. AND THAT IS STILL DIMINISHED ACTIVITY HERE?
A A LITTLE HIGHER UP WHERE YOUR -- THAN WHERE YOUR PEN WAS. RIGHT THERE, YES.
Q ALL RIGHT. IS IT YOUR MEDICAL OPINION TO -- WITHIN A REASONABLE DEGREE OF MEDICAL CERTAINTY THAT THIS IS THE CAUSE OR A SIGNIFICANT CAUSE FOR THAT TYPE OF BEHAVIOR?
A IT'S THE CAUSE, THAT'S--
Q THE CAUSE?
A -- THE CAUSE. IT'S -- THAT PICTURE HAS BEEN FOUND--
Q DO YOU WANT TO LOOK AT IT?
A -- RELIABLY IN MURDERERS AND PSYCHOPATHS AND JUST -- IT'S BEEN RELIABLY FOUND. AND REMEMBER, YOU CAN'T GET THIS KIND OF STUFF PUBLISHED IN THE SCIENTIFIC LITERATURE UNLESS IT PASSES MUSTER AND IS FOUND TO BE ACCURATE AND SIGNIFICANT.
Q ALL RIGHT. SO WHEN HE IS A -- WHEN HE'S CHARACTERIZED AS A CON-MAN AND A LIAR AND A CHEATER AND ALL OF THOSE BAD THINGS, ARE THEY THE PRODUCT OF THAT BRAIN--
A YES. IN FACT--
Q -- STRUCTURE AND FUNCTION?
A YES. AND IN FACT, THE--
Q IS THE CONSCIOUS DECISION THAT HE ENGAGES IN WHEN HE DOES THOSE THINGS?

A NO. ANTISOCIAL PERSONALITY DISORDER, WHICH IS WHAT PSYCHOPATHY USED TO BE CALLED, IS A MENTAL DISEASE OR DEFECT. IT IS NOT A CHOICE. IN THAT BOOK I MENTIONED THE DSM4 WHICH WE'LL GET TO, I SUSPECT, IT'S LISTED AS A DISEASE.

AND NOW IN THE LATTER -- IN THE LAST 15 OR 20 YEARS WE'RE STARTING TO UNDERSTAND WHAT PART OF THE BRAIN IS RESPONSIBLE FOR THAT DISEASE. WE DIDN'T KNOW WHAT CAUSED SCHIZOPHRENIA AND WHAT PARTS OF THE BRAIN WERE INVOLVED THERE. WE DIDN'T KNOW WHAT ALZHEIMERS, WHAT PARTS OF THE BRAIN WERE INVOLVED THERE.

BUT WITH IMAGING WE KNOW WITH CERTAINTY WHAT PARTS OF THE BRAIN ARE INVOLVED.

Q LET'S CONTINUE ON WITH DR. CRAWFORD'S REPORT. AND I WANT TO HEAR YOUR COMMENTS ON IT, DOCTOR. WOULD YOU ADMIT THAT YOU HAVE THEM?

A WELL, IN 1995 HE VIOLATED HIS PROBATION AND HE -- IT SOUNDS LIKE HE WAS CONVICTED -- WELL, IN 199 -- OKAY. IN '95 THERE WERE TWO INCIDENTS WITH THE LAW AGAIN WHERE HE'S STILL DOING THE CONFIDENCE SCHEMES.

AND AGAIN, THAT CONNING, MANIPULATIVE BEHAVIOR RIGHT HERE WITHOUT REMORSE OR GUILT, THE ABILITY TO KEEP HURTING PEOPLE AND ABUSING PEOPLE WITHOUT, LET'S SAY, BATTING AN EYELID. BUT AGAIN, THAT'S WHAT A PSYCHOPATH DOES BECAUSE OF THEIR BRAIN.

BUT DESPITE HIS COUNSELING AND ALL THIS, HE KEPT DOING THE SAME THING. AND IN FEBRUARY 1996 HE WAS INDICTED FOR BREACH OF TRUST AND HE ALSO WAS CHARGED WITH KIDNAPPING AND ASSAULT OF HIS GIRLFRIEND, MS. ELIZABETH MCLENDON, WHO STATED THAT AT THAT TIME THERE WAS AN INCIDENT WHERE HE HELD HER DOWN ON THE BED, PUT CLOROX OR AMMONIA IN A CLOTH, STUFFED IT IN HER MOUTH, PUT HER FACE DOWN ON THE PILLOW AND TIED HER UP.

TO ME THAT'S JUST THE PRECURSOR. THAT WAS ONE STEP AWAY FROM MURDER. AND IN FACT, IN THIS INSTANCE IT SOUNDS LIKE THE VICTIMS -- THERE WERE SIMILAR GAGGING, BOUNDING, BINDING, GAGGING, ET CETERA.

SO THIS -- THIS -- THE EARLY START OF THIS -- OF THAT BEHAVIOR OCCURRED BACK IN 1996. ANYHOW, HE WAS--

Q LET ME ASK YOU BEFORE YOU GO ON ABOUT THESE TWO INCIDENTS. ARE THESE INCIDENTS THEN ON A -- CAN WE THINK OF IT AS BEING ON A SLIDING SCALE?

A EVERYTHING IN LIFE IS A SLIDING SCALE. THERE'S NO 10 OR ZERO OR ZERO TO A HUNDRED. THERE'S MILES PER HOUR IN BETWEEN THERE.

Q ALL RIGHT. AND WHY DIDN'T HE KILL MS. MCLENDON?

A I DON'T KNOW. WE'D HAVE TO BE THERE. BUT I WOULD ASSUME THAT WHATEVER THE STIMULUS WAS THAT MADE HIM DO THAT, IF HE DID INDEED DO THAT TO HER, IT HADN'T REACHED THE POINT OR REACHED THE POINT WHERE IT THREW HIS BRAIN

INTO WHAT YOU CALL INSANITY AND I CALL EXTREME BEHAVIORAL DYSCONTROL.

HOWEVER, IT'S MY CONTENTION THAT GAGGING AND BINDING AND THREATENING SOMEONE IS AN ACT OF INSANITY ITSELF BECAUSE A NORMAL PERSON JUST CAN'T DO THAT.

Q ALL RIGHT. LET'S GO AHEAD AND CONTINUE ON. I'M SORRY. I INTERRUPTED YOU.

A ANYHOW, WENT TO JAIL FOR EIGHT YEARS FOR THAT. AND THE MINUTE HE GETS OUT OF JAIL UP UNTIL THIS CRIME HE GOES RIGHT BACK TO THE SAME BEHAVIORS, AND THE SAME CONFIDENCE SCHEME BEHAVIORS. MS. MCLENDON--

Q WHAT DOES THAT INDICATE TO YOU?

A WELL, A FAILURE -- WE CAN LOOK AT THE HAIR PSYCHOPATHY CHECKLIST, THE FAILURE TO ACCEPT RESPONSIBILITY FOR ACTIONS, CRIMINAL VERSATILITY, HE'S IRRESPONSIBLE, HE'S REVOKING A CONDITION OF RELEASE. YOU KNOW, HOW MANY TIMES DID HE VIOLATE PROBATION?

WHEN YOU LOOK AT THE THINGS I'VE HIGHLIGHTED IN RED THERE, THAT'S MR. STANKO. I MEAN, YOU COULD PUT HIS NAME AT THE TOP. BUT THE REASON YOU CAN DO THAT IS BECAUSE HE'S A PSYCHOPATH. AND AGAIN, THE BRAIN IMAGING JUST SHOWS IT.

BUT WHEN DR. HAIR DID THIS LIST WHICH DESCRIBES A PSYCHOPATH, HE DIDN'T DO IT WITH THE BENEFIT OF BRAIN IMAGING. HE JUST LOOKED AT THE HISTORY OF PSYCHOPATHY AND

WHAT THESE PEOPLE DO REPETITIVELY OVER AND OVER WITHOUT SEEMING TO BE ABLE TO LEARN.

ANYHOW, JUST GOING THROUGH HER REPORT HE WAS SENT TO BERKELEY COUNTY MENTAL HEALTH. HE WAS DIAGNOSED WITH -- I HAVE BASICALLY A DEPRESSIVE DISORDER. HE WAS THEN SEEN BY DR. WADE WHO I TALKED TO WHO DIAGNOSED HIM WITH NARCISSISM AND ANTISOCIAL WHICH HE SAID, KNOWING WHAT HE KNOWS NOW, HE WOULD BE PSYCHOPATHY.

WHEN MR. STANKO WAS IN JAIL, HE WAS SENT TO THE HALL INSTITUTE IN COLUMBIA FOR THE EIGHT YEARS. HE WAS SENT AND EVALUATED THERE. THERE HE WAS CLEARLY DIAGNOSED WITH ANTISOCIAL PERSONALITY AND NARCISSISTIC PERSONALITY.

Q ALL RIGHT. ANTISOCIAL PERSONALITY MEANING WHAT?

A REALLY PSYCHOPATH. IT MEANS PSYCHOPATHY. AGAIN, IN 1980 THEY DECIDED TO CHANGE THE NAME. AND MANY PROFESSIONALS IN THIS FIELD DISAGREED WITH THAT.

Q ALL RIGHT. NOW, IS THAT A RESULT OF SOME KIND OF POLITICAL CORRECTNESS? WHAT'S GOING ON? ARE WE TRYING TO... WHAT ARE WE TRYING TO DO WITH THE CHANGE IN THE TERMINOLOGY?

A I THINK THEY THOUGHT THE WORD PSYCHOPATH WAS TOO DRAMATIC. IT -- PSYCHOPATHS ARE A SPECIFIC SUBSET OF ANTISOCIALS. THEY ARE THE KIND OF PEOPLE WE'RE TERRIFIED OF AND YET WE READ BOOKS ABOUT THEM AND WE ARE FASCINATED AND WE WATCH COURT TV AND A&E AND LEARNING CHANNEL.

THEY'RE THE HANNIBAL LECTORS FROM SILENCE OF THE LAMBS. THESE ARE THE MURDEROUS PSYCHOPATH. THEY SEEM ALMOST -- THEY ARE TERRIFYING. THEY ARE LIKE EVIL. THEY ARE THE DEVIL.

Q WELL, THAT'S WHAT HAS BEEN THOUGHT OF THEM IN THE PAST. BUT WE KNOW NOW THAT THAT BEHAVIOR IS THE RESULT OF A BRAIN DEFECT.

A CORRECT.

Q CORRECT?

A CORRECT. THEY USED TO THINK SCHIZOPHRENICS, HEARING VOICES, WERE HEARING ANGELS OR DEMONS OR WHAT HAVE YOU, AND WITH JOAN OF ARC--

Q WHAT ARE THEY HEARING?

A THEY ARE HEARING VOICES GENERATED BY DYSFUNCTIONAL BRAIN. AND IN FACT, JOAN OF ARC WAS BURNED AT THE STAKE BECAUSE OF THAT. SO -- AND THAT'S HAPPENED THROUGHOUT TIME. BUT REALLY IT -- IT'S SAD.

THERE ARE MANY SAD THINGS IN THIS CASE, BUT THESE PEOPLE, THIS -- THE ONE SAD THING ABOUT PEOPLE LIKE MR. STANKO IS THEY ARE NOT CHOOSING TO HAVE THIS DEFORMITY. IT'S THRUST UPON THEM.

Q WHY -- IS MR. STANKO ALWAYS INSANE?

A HE'S ALWAYS A PSYCHOPATH, BUT HE GOES -- HE CROSSES THE LINE INTO INSANITY WHEN HIS VIOLENT, AGGRESSIVE IMPULSES GAIN COMPLETE DOMINANCE OF HIS BRAIN. HE CANNOT

BE CONTROLLED BY THAT EMERGENCY BRAKE. ADRIAN RAINE SAID THIS IS THE EMERGENCY BRAKE OF THE BRAIN. HE DOESN'T HAVE A GOOD -- OR MAYBE HE DOESN'T EVEN HAVE AN EMERGENCY BRAKE.

Q ARE YOU AWARE OF ANY OTHER INSTANCES IN HIS LIFE WHEN THAT HAS HAPPENED? IN OTHER WORDS, DID THAT HAPPEN WITH MS. MCLENDON?

A YES.

Q HAS IT HAPPENED TO YOUR KNOWLEDGE ON ANY OTHER OCCASIONS?

A IN READING THE POLICE REPORT FROM THE YOUNG GIRL, SHE STATED THAT HE, BY ALL APPEARANCES, WAS NORMAL. SHE THOUGHT HE WAS A LAWYER, THOUGH, BECAUSE HE SAID HE WAS A LAWYER AND HE PRESENTED HIMSELF AS A LAWYER. WELL, HE'S NOT A LAWYER.

AGAIN, PATHOLOGICAL LYING AND BEING CONNING AND MANIPULATIVE ON THE LITTLE LIST HERE, AND A GRANDIOSE SENSE OF SELF-WORTH. BUT SHE SAID THAT HE COULD EASILY FLY INTO A RAGE AT THE, YOU KNOW, I FORGET HER EXACT WORDS, BUT HE COULD EASILY FLY INTO A RAGE, AN ARGUMENTATIVE RAGE WITH VERY -- WITH VERY LITTLE PROVOCATION.

AGAIN, RAGE COMES FROM DEEP IN THE BRAIN, IT GOES TO THE FRONT, AND IF THE EMERGENCY BRAKE ISN'T WORKING, WE DISPLAY IT RATHER THAN CONTROL IT.

Q ALL RIGHT. DO YOU HAVE ANY MORE COMMENTS ABOUT DR. CRAWFORD'S REPORT?

A WELL, AT THE HALL INSTITUTE DR. FRIERSON FOUND HIM COMPETENT TO STAND TRIAL AND NOT INSANE, BUT HE DID -- THE DIAGNOSIS THERE WAS THAT -- IT INCLUDED ANTISOCIAL OR PSYCHOPATHY.

ANYHOW, LET ME JUST KEEP GOING. HE'S -- HE TOLD -- AND I -- REALLY DR. CRAWFORD'S REPORT IS EXCELLENT AND SHE GOT A LOT OF DETAIL THAT HE DIDN'T GIVE ME. SHE SAYS AFTER THE INCIDENT HE REMEMBERS COMING TO IN THE SHOWER WITH BLOOD ON HIM AND THAT HE REALIZED HE HAD KILLED LAURA, HE ALSO BELIEVED THAT HE HAD KILLED CHRISTINA. SAYS HE WENT OVER TO THE BODIES AND CHECKED THE PULSES ON THEIR NECK, DETERMINED THAT THEY WERE DEAD.

AGAIN, FOR SOMEONE WHO IS A GENIUS AND IS GOING TO COMMIT A CRIME LIKE THIS, AND IT'S WELL THOUGHT OUT AND PLANNED, HE WAS NOT ACCURATE ABOUT THE FINAL HEALTH OF THE YOUNG VICTIM. SHE DID IN FACT SURVIVE.

I MEAN, IF THIS MAN IS GOING TO DO THIS, COVER IT UP, YOU KNOW, BECAUSE HE'S A GENIUS AND EVADE RESPONSIBILITY, HE'S NOT DOING REALLY ANYTHING THAT IS INDICATIVE OF A WELL THOUGHT OUT, RESPONSIBLE KIND OF CRIME.

Q RIGHT. WOULD IT BE INDICATIVE OF -- INDICATIVE OF KNOWING HE WAS GOING TO GET CAUGHT?

A NO, BECAUSE JUST -- IF BOTH VICTIMS HAD HAVE

SURVIVED, HE'S STILL GUILTY OF A HEINOUS CRIME.

Q NO, I MEAN HE...

A I THINK I UNDERSTAND WHAT YOU'RE SAYING. DID CHECKING THE -- MAKING SURE THE FACT THAT THEY HAD -- WERE DECEASED ENSURE THAT HE WOULD NOT BE FOUND GUILTY OR CAUGHT FOR THIS CRIME? NOT UNLESS HE WERE TO DISPOSE OF THE VICTIMS AND CLEAN THAT PLACE WHERE EVERY SIGN THAT HE EVER WAS THERE.

Q RIGHT. SO WHY DIDN'T HE CLEAN UP THE HOUSE?

A WELL, I AM CIRCLING SOMETHING RIGHT HERE ON THE HAIR PSYCHOPATHY CHECKLIST, IMPULSIVITY. HE'S JUST ACTING ON HIS IMPULSES. HE'S CHECKING TO SEE IF THEY ARE ALIVE OR DEAD. BUT AS FAR AS EVERYTHING ELSE, HE'S ACTUALLY VERY RECKLESS, EXTREMELY RECKLESS.

IN FACT, AND -- BUT ALSO COLD AND CALLOUS. AND THEN ACTUALLY HE'S RECKLESS AND IMPULSIVE IN DESCRIBING THIS INCIDENT TO DR. CRAWFORD. HE ADMITTED TO HER THAT HE TOOK A BRACELET OFF THE -- LAURA THAT HE WOULD LATER GIVE TO ANOTHER WOMAN IN AUGUSTA JUST SEVERAL DAYS LATER.

AND THE REASON HE TOLD HER THAT HE TOOK THE BRACELET WAS BECAUSE SHE DIDN'T DESERVE IT. THAT IS NOT THE RIGHT THING TO TELL ANY INVESTIGATOR IN THIS CASE, BUT WHAT DOES IT SHOW? CALLOUS, LACK OF EMPATHY. RIGHT HERE IN THE HAIR PSYCHOPATHY CHECKLIST.

MR. STANKO PROVIDED THE DETAILS THAT HE PROVIDED IN

THIS CASE BECAUSE HE'S A PSYCHOPATH AND HE'S DESCRIBING IN A BUSINESS-LIKE, CALLOUS MANNER THAT THIS POOR WOMAN DIDN'T DESERVE THE BRACELET, AND THAT'S WHY HE TOOK IT.

Q AND SO...

A WITH A NORMAL FUNCTIONING BRAIN WITH AN IQ OF 140, THAT WOULD BE THE LEAST OF HIS CONCERNS AT THAT POINT.

Q LAY OUT FOR US, IF YOU WOULD, WHY IN CONCLUSION -- IN CONCLUDING WHY YOUR OPINION WITH REGARD TO SANITY IS DIFFERENT FROM DR. CRAWFORD'S.

A MY INTEREST IN -- MY PARTICULAR INTEREST IS WHY PEOPLE DO EVIL. AND I'M A NEUROPSYCHIATRIST, SO I HAVE LOOKED AT IT FROM THE SPIRITUAL END, I'VE LOOKED AT IT FROM EVERY END. BUT BEING A BRAIN-SCIENCE KIND OF PERSON, I WANT TO KNOW WHY PEOPLE DO HARM AND BAD THINGS, AND THAT'S WHAT ADRIAN RAINE DOES.

AND MAYBE YOU HAVE TO HAVE THAT INTEREST AND BE AWARE OF THE SCIENTIFIC FINDINGS IN THIS AREA TO UNDERSTAND WHAT MR. STANKO IS AND TO CORRECTLY DIAGNOSE HIM. BEYOND THAT, I MEAN, I DON'T KNOW WHAT ELSE TO TELL YOU.

Q ALL RIGHT. THANK YOU VERY MUCH, DOCTOR. THAT'S ALL I HAVE AT THIS POINT. ANSWER ANY QUESTIONS--

THE COURT: MADAM FORELADY, LADIES AND GENTLEMEN, YOU ALL HAVE BEEN SITTING A LITTLE OVER TWO HOURS, AND WE THANK YOU FOR YOUR PATIENCE. I'M GOING TO GIVE YOU A MID -- MID-MORNING WAS MY

INTENTION, BUT IT IS NOW CLOSE TO AFTERNOON BREAK.

DURING THE BREAK PLEASE DO NOT DISCUSS THE CASE AMONG YOURSELVES. PLEASE LEAVE YOUR NOTEPADS IN YOUR SEATS. AND IF YOU NEED ANYTHING, PLEASE LET THE BAILIFFS KNOW. IF YOU WOULD GO WITH THE BAILIFFS.

(JURY LEFT THE COURTROOM AT 11:51 AM.)

THE COURT: YOU MAY BE SEATED. WE'LL BE AT EASE FOR ABOUT 10 MINUTES.

MR. HUMPHRIES: THANK YOU.

THE COURT: YOU'RE WELCOME. AND DOCTOR, YOU MAY STEP DOWN BUT MAY NOT DISCUSS THE TESTIMONY IN ANY WAY WITH ANYONE.

(WHEREUPON A RECESS WAS TAKEN.)

(WHEREUPON, DEFENDANT'S EXHIBIT 20 WAS ADMITTED INTO EVIDENCE.)

THE COURT: IS THE DEFENSE READY TO PROCEED? I'M SORRY. IS THE STATE READY TO PROCEED?

MR. HEMBREE: YES, YOUR HONOR.

THE COURT: IS THE DEFENSE READY TO PROCEED?

MR. DIGGS: YES, YOUR HONOR.

THE COURT: PLEASE BRING IN THE JURY.

(JURY ENTERED THE COURTROOM AT 12:28 PM.)

THE COURT: YOU MAY BE SEATED. LADIES AND GENTLEMEN, I HOPE THAT YOU ENJOYED YOUR BREAK. WE WILL NOW RESUME WITH THE CROSS-EXAMINATION OF THE

WITNESS. MR. HEMBREE, YOU MAY PROCEED.

MR. HEMBREE: THANK YOU, YOUR HONOR.

THE COURT: YOU'RE WELCOME.

CROSS-EXAMINATION

BY MR. HEMBREE:

Q GOOD AFTERNOON, DOCTOR. DOCTOR, IT'S NOT YOUR TESTIMONY TODAY THAT DEFENDANT STANKO HAS SCHIZOPHRENIA?

A NO.

Q YOU'VE MADE A LOT OF REFERENCES TO SCHIZOPHRENIA IN YOUR DIRECT EXAMINATION, BUT YOU'RE NOT SUGGESTING TO THIS JURY THAT HE'S SCHIZOPHRENIC?

A NO.

Q YOU DON'T SUGGEST THAT -- EVEN THOUGH YOU TALKED ABOUT THESE VOICES, YOU DON'T SUGGEST THAT HE SUFFERS FROM A MULTIPLE PERSONALITY DISORDER; DO YOU?

A NO.

Q AND ARE YOU AWARE OF THE CONDITION OF THE -- IN YOUR REVIEW OF THE REPORTS, ARE YOU AWARE OF THE CONDITION OF THE VICTIM CHRISTINA LING WHEN SHE MADE THOSE STATEMENTS TO LAW ENFORCEMENT?

A YES.

Q HE DOESN'T SUFFER FROM ADHD?

A NO.

Q HE DOESN'T SUFFER FROM SEIZURE DISORDERS?

A NO.

Q HE DOESN'T SUFFER FROM OBSESSIVE COMPULSIVE DISORDER?
A NO.
Q HASN'T DROWNED ANYBODY IN A BATHTUB AS FAR AS YOU KNOW?
A NO.
Q DOESN'T SUFFER FROM DELUSIONS?
A NO.
Q DOESN'T SUFFER FROM -- HE DOESN'T HEAR VOICES?
A NO.
Q WOULDN'T BE CONSIDERED PSYCHOTIC?
A NO.
Q DOES HE SUFFER FROM CHRONIC PAIN SYNDROME?
A NO.
Q AND THAT'S SOMETHING THAT YOU DO AT YOUR -- AT YOUR -- CHRONIC PAIN SYNDROME IS A BIG PART OF YOUR PRACTICE?
A YES.
Q IS THAT FAIR TO SAY?
A YES.
Q AND THAT'S THE TREATMENT OF CHRONIC PAIN WITH PSYCHIATRIC METHODS AS WELL AS MEDICAL OR PHARMACEUTICAL...
A CORRECT.
Q DOESN'T HAVE ALZHEIMERS?
A NO.

Q THERE'S NO EVIDENCE HE HAD A HEART ATTACK THAT CUT OFF BLOOD TO HIS BRAIN?
A NOT AT THE TIME. THERE'S EVIDENCE THAT SOMETHING HAPPENED TO HIS BRAIN FOR...
Q WELL, WE'LL TALK ABOUT THAT LATER. BUT THERE'S NO EVIDENCE HE HAD A HEART ATTACK THAT CUT OFF THE BLOOD TO HIS BRAIN?
A NO.
Q HE DOESN'T HAVE ANY -- AS FAR AS YOU KNOW, ANY HERPES ENCEPHALITIS?
A NO.
Q HE DOESN'T HAVE A BRAIN TUMOR?
A NO.
Q DIDN'T GET A PIPE THROUGH THE HEAD?
A NO.
Q DOES HE HAVE AMNESIA, EPISODES OF AMNESIA?
A HE MAY HAVE HAD -- HE MAY HAVE EPISODE -- HE MAY HAVE AMNESIA FOR SOME OF THE EVENTS THAT OCCURRED IN THIS SITUATION.
Q OKAY. NOW, I BELIEVE THAT YOU HAVE -- YOU HAVE TESTIFIED PREVIOUSLY ABOUT THIS PARTICULAR TOPIC, CORRECT?
A YES.
Q AND DIDN'T YOU TESTIFY AT THAT POINT THAT YOU DIDN'T BELIEVE EVERYTHING HE TOLD YOU ABOUT HIS REPORTED AMNESIA OR INABILITY TO REMEMBER THE EVENTS OF THE CRIME?

A THAT'S CORRECT.
Q SO YOU BELIEVE THAT HE DOES REMEMBER CERTAIN THINGS?
A I BELIEVE THAT HE REMEMBERS CERTAIN THINGS BECAUSE THERE ARE THINGS HE TOLD DR. CRAWFORD THAT HE DIDN'T TELL ME, SO THERE ARE THINGS I BELIEVE THAT HE EITHER WITHHELD OR JUST DIDN'T TELL ME CORRECTLY.
Q OKAY. AND HE'S BAD TO TELL A LIE; ISN'T HE?
A IT'S PART OF HIS SYNDROME.
Q THAT'S PART OF HIS PROBLEM?
A YES.
Q AS YOU DESCRIBE IT AS PSYCHOPATHY?
A YES.
Q THAT HE -- HE'LL -- AND THE INFORMATION YOU GOT FOR HIM -- GOT FROM HIM OR THE INFORMATION YOU RECEIVED TO DECIDE, TO REACH YOUR CONCLUSION THAT THERE WAS SOME EMOTIONAL TRIGGER THAT SET HIM OFF ON THE NIGHT, EARLY MORNING HOURS OF APRIL THE EIGHTH, 2005, THAT INFORMATION WAS RECEIVED 100 PERCENT FROM THIS DEFENDANT.
A FROM WHAT HE SAID, AND I DON'T -- DR. CRAWFORD'S REPORT. I KNOW THERE WAS SOME KIND OF TRIGGER. THERE WAS SOMETHING THAT SET OFF HIS BEHAVIOR. I -- WITHOUT BEING THERE, I DON'T KNOW FOR SURE.
Q BUT DOCTOR, IT WAS ALL SELF-REPORTED, WHETHER IT WAS REPORTED BY THIS DEFENDANT TO YOU OR BY THIS DEFENDANT TO DR. CRAWFORD TO YOU.

A YES.
Q OKAY. AND YOU HAVE A -- A HIGH -- WOULD IT BE FAIR TO SAY THAT YOU HAVE A HIGH DEGREE OF SUSPICION WHEN HE BEGINS TO TELL YOU INFORMATION WHETHER IT'S TRUE OR NOT?
A YES.
Q OKAY. THE -- YOU CALLED IT PSYCHOPATHY, ANTISOCIAL PERSONALITY DISORDER, SAME THING?
A ESSENTIALLY THEY ARE THE SAME.
Q AND WE CAN USE THOSE TERMS FAIRLY INTERCHANGEABLY?
A FAIRLY.
Q DID I HEAR YOU SAY THAT YOU -- YOU BELIEVE THAT THERE IS A -- A SUBSET, THAT PSYCHOPATHS ARE A SUBSET OF ANTIPERSONALITY DISORDER OR...
A YES, THEY ARE A SUBSET. THEY ARE MORE PRONE TO VIOLENT BEHAVIOR, MORE AGGREGIOUS, MORE HORRIFIC BEHAVIOR THAN AVERAGE ANTISOCIALS.

IN FACT, 50 PERCENT OF EVERYONE IN JAIL MEETS THE DIAGNOSIS FOR ANTISOCIAL PERSONALITY, BUT OF THOSE 50 PERCENT, ONLY 25 PERCENT MEET THE DIAGNOSIS FOR PSYCHOPATHY. SO PSYCHOPATHY IS A SUBSET, IS WORSE -- THEY ARE THE CREAM OF THE ANTISOCIALS.

Q WHAT IS THE -- AND WHAT'S THE DISTINGUISHING CHARACTERISTIC?
A THE DISTINGUISHING CHARACTERISTIC -- WELL, THERE ISN'T MUCH TO DISTINGUISH BETWEEN THE TWO EXCEPT IN THAT

BOOK, THE DSM4, THEY STATE THAT YOU HAVE TO HAVE HAD TRUANCY OR TROUBLE WITH THE LAW BEGINNING BEFORE AGE 15 WHEREAS WITH THE HAIR PSYCHOPATHY CHECKLIST OR KLECKLEY LIST FOR PSYCHOPATHY, THAT'S NOT A CONDITION. BUT IN DSM4 THEY MADE THAT A CONDITION.

Q YOU SORT OF WENT BACK AND LOOKED THROUGH, DID A LENGTHY REVIEW OF THIS DEFENDANT'S PRIOR HISTORY AND HIS FAILURE TO LEARN FROM HIS ACTIONS.

A YES.

Q AND THAT WAS -- THAT SEEMED SIGNIFICANT IN YOUR TESTIMONY AS FAR AS REACHING YOUR DIAGNOSIS. IS THAT FAIR TO SAY?

A IT'S VERY FAIR TO SAY. HE SEEMS TO BE -- DOESN'T SEEM TO BE, HE IS UNABLE TO LEARN FROM HIS MISTAKES OR GOVERN HIS BEHAVIOR IN A SOCIALLY APPROPRIATE WAY. AGAIN, GIVEN THE LEVEL OF CONDUCT THAT HE HAD AND ESPECIALLY AN EIGHT YEAR JAIL TERM, I WOULD THINK THAT IF SOMEONE WITH GREAT INTELLIGENCE WOULD LEARN NOT TO REPEAT SUCH BEHAVIOR.

Q LEARN FROM IT. NOW, IS IT FAIR TO SAY, JUST TO SUM UP YOUR TESTIMONY OR YOUR CONCLUSIONS, THAT DEFENDANT STANKO HAS A DEFECT THAT MANIFESTS ITSELF IN REPEATED CRIMINAL AND ANTISOCIAL BEHAVIOR?

A YES.

Q I MEAN, IS THAT THE SUM AND SUBSTANCE OF YOUR...

A YES.
Q THANK YOU. LET'S TALK ABOUT LEARNED BEHAVIORS A LITTLE BIT. YOU HAVE HAD AN OPPORTUNITY TO REVIEW THE FILE AND THE CASE FILE ON ELIZABETH MCLENDON, THE VICTIM -- WELL, AN ASSAULT THAT TOOK PLACE ON A VICTIM NAMED ELIZABETH MCLENDON BACK IN 1995, I BELIEVE.
A YES.
Q AND DO YOU RECALL FROM REVIEWING THAT REPORT AND EVALUATING THAT -- AND THAT'S PRETTY IMPORTANT, ISN'T IT, BECAUSE YOU'RE LOOKING AT PATTERNS OF BEHAVIOR AS PART OF YOUR DIAGNOSIS AS A PSYCHIATRIST; CORRECT?
A YES.
Q AS PART OF YOUR EVALUATION OR REVIEW, EXCUSE ME, OF THAT REPORT, DO YOU RECALL THAT MS. MCLENDON -- THAT THERE WAS A CONFRONTATION?
A (NODDED.)
Q AND THAT MS. MCLENDON WENT TO BED AND THE DEFENDANT WAS GOING TO SLEEP ON THE COUCH?
A THAT'S A DETAIL I AM NOT AWARE OF.
Q OKAY. YOU'RE NOT AWARE THAT SHE WENT TO BED AND HAD THE LIGHTS OFF AND THERE WAS A PERIOD OF TIME THAT ELAPSED?
A NO.
Q BUT HE DIDN'T KILL MS. MCLENDON?
A NO, HE DIDN'T.

Q CAME VERY CLOSE.
A VERY CLOSE.
Q COULD HAVE?
A YES.
Q HE WAS EVALUATED FOR THAT TIME AND FOUND NOT TO BE INSANE, BUT TO BE DIAGNOSED WITH ESSENTIALLY -- DR. FRIERSON I THINK YOU SAID EVALUATED HIM AT THAT TIME; CORRECT?
A CORRECT. I -- DR. FRIERSON I DON'T THINK -- WAS FOUND TO BE CRIMINALLY RESPONSIBLE AND COMPETENT TO STAND TRIAL, BUT HE DID DIAGNOSE HIM ESSENTIALLY WITH -- AS A PSYCHOPATHY, ANTISOCIAL.
Q HE DIAGNOSED HIM AS ANTISOCIAL PERSONALITY AND I BELIEVE THE--
A NARCISSISM.
Q -- NARCISSISTIC. THAT'S RIGHT. THANK YOU. THE NARCISSIST. SO WOULD YOU -- WOULD YOU SAY IN LOOKING -- AND THE TWO ASSAULTS ARE RATHER SIMILAR IN MANY RESPECTS, THE ONE WITH MCLENDON AND THE ONE WITH LAURA LING?
A VERY SIMILAR.
Q VERY SIMILAR. BUT THERE WAS ONE ADDITIONAL STEP TAKEN BY -- WELL, REALLY TWO ADDITIONAL STEPS -- BUT ONE ADDITIONAL STEP TAKEN BY THE DEFENDANT. HE ACTUALLY COMPLETED THE MURDER OF LAURA LING.
A YES.

Q AND ESSENTIALLY THAT'S THE ONLY ADDITIONAL STEP AS TO LAURA LING.

A YES. IT'S A HUGE STEP. BUT I THINK AGAIN FOR A NORMAL PERSON DOING WHAT HE DID TO THE FIRST VICTIM IS UNCONSCIONABLE AND WOULD BE ALMOST IMPOSSIBLE TO DO IF YOU'RE IN YOUR RIGHT FRAME OF MIND.

TERRIFYING AND TORTURING SOMEONE -- I COULDN'T DO IT. I KNOW YOU COULDN'T DO IT. I KNOW MOST OF US IN HERE JUST COULD NOT DO THAT.

Q . AND IT SOUNDS TO ME LIKE YOU'RE SAYING THAT ANYONE WHO COMMITS A CRIMINAL ACT OF SUCH MAGNITUDE, EVEN TYING UP AND -- I BELIEVE YOU TESTIFIED TO THIS -- TYING THEM UP IS -- IS -- AND CONFINING THEM AND FRIGHTENING THEM AND ASSAULTING THEM, THAT IN AND OF ITSELF IS CONDUCT THAT YOU WOULD CONSIDER EVIDENCE OF INSANITY?

A THE SCIENTIFIC EVIDENCE IS STARTING TO POINT THAT WAY. AND IF I'M -- NOT STARTING TO, IT REALLY DOES. AND IN FACT, DR. RAINE SAYS THE SIGNS INDICATE THAT THERE ARE CONSTRAINTS ON FREE WILL -- THAT THE FREE WILL THAT WE ALL IMAGINE THAT WE HAVE, THAT WE CAN CONTROL OURSELVES ABSOLUTELY, MAY BE A FANCIFUL FICTION OR A DREAM OR A HOPE, BUT OUR BRAINS PUT A LIMIT ON THAT. OUR FREE WILL IS LIMITED BY WHAT OUR BRAINS CAN DO.

Q DOCTOR, IS IT YOUR OPINION -- I ASK YOU AGAIN, I'M NOT ASKING ABOUT DR. RAINE AND I'M NOT ASKING ABOUT THE

SCIENCE THAT'S EMERGING. THAT'S NOT MY QUESTION. I WILL CONFINE MY QUESTION TO, IS IT YOUR OPINION THAT SOMEONE WHO WOULD TIE UP ANOTHER PERSON IS INSANE?

A NO, NOT TYING THEM UP. WE HAVE TO LOOK -- JUST TYING THEM UP, NO. BUT LOOKING AT THE GREATER PICTURE, DEPENDING ON WHAT THEY DO, IT COULD BE.

Q OKAY. TYING THEM UP AND STUFFING A WASH CLOTH SOAKED IN CLOROX IN THEIR MOUTH, WOULD THAT CONSTITUTE INSANITY IN YOUR DEFINITION?

A IN MY DEFINITION IT'S GOING BEYOND NORMAL, APPROPRIATE HUMAN BEHAVIOR.

Q WHAT ABOUT TYING SOMEBODY UP IS GOING BEYOND APPROPRIATE, NORMAL HUMAN BEHAVIOR, TOO; ISN'T IT?

A I'M SORRY?

Q TYING SOMEBODY UP AGAINST THEIR WILL IS GOING BEYOND NORMAL, APPROPRIATE HUMAN BEHAVIOR.

A IT'S GOING BEYOND APPROPRIATE BEHAVIOR, YES, SOCIALLY APPROPRIATE BEHAVIOR.

Q NO QUESTION ABOUT THAT.

A CORRECT.

Q DOCTOR, COULDN'T IT BE ARGUED OR COULDN'T -- HAVE YOU CONSIDERED THAT PERHAPS THE DEFENDANT DID ACTUALLY LEARN FROM THE MCLENDON ASSAULT? HE LEARNED NOT TO LEAVE ANY WITNESSES?

A I GUESS YOU COULD SAY IF -- IF THERE WAS A LESSON, IF

HE MISTAKENLY LEFT THAT FIRST VICTIM, MS. MCLENDON, ALIVE, AND THERE WAS AN IMPORTANT PSYCHOPATHIC LESSON TO LEARN, IT WOULD APPEAR THEN THAT HE WAS ONLY 50 PERCENT CORRECT IN LEARNING IT THIS TIME.

AGAIN, I MENTIONED HIS ACTS SEEMED QUITE RECKLESS, IMPULSIVE. THEY ARE ALSO CRUEL AND HEINOUS. THEY MEET THOSE CRITERIA THAT I HAD UP THERE FROM THE HAIR PSYCHOPATHY CHECKLIST.

AND AGAIN, HE SHOULD HAVE LEARNED BECAUSE HE WENT TO JAIL FROM THAT NEVER TO DO SUCH AN ACT OR EVEN GO ALONG THE ROAD TO STARTING THAT ACT, SUCH AS JUST TYING SOMEONE UP.

Q HE SUFFERED CONSEQUENCES BY LEAVING THE VICTIM ALIVE.

A HE SUFFERED CONSEQUENCES BY JUST DOING WHAT HE DID. HE -- I BELIEVE THE CONSEQUENCES HE SUFFERED WERE JUST CARRYING OUT THE ACT, NOT LEAVING HER ALIVE, BUT JUST CARRYING IT OUT, IT WAS AGGRAVATED ASSAULT, KIDNAPPING. I MEAN...

Q BUT THAT IS ANOTHER REASONABLE VIEWPOINT; ISN'T IT?

A WOULD YOU REPEAT THAT?

Q WELL, THAT HE SUFFERED THOSE -- I MEAN, IT'S A REASONABLE VIEWPOINT TO LOOK BACK AND SAY, IF I HAD ONLY FINISHED HER OFF, SHE WOULDN'T HAVE BEEN THERE TO TESTIFY AGAINST ME.

A I GUESS YOU -- IF YOU'RE WRITING A BOOK, SOMETHING

DRAMATIC, OR MOVIE, IT MIGHT SOUND REASONABLE, BUT FROM A MEDICAL VIEWPOINT AND A PSYCHIATRIC VIEWPOINT, THAT JUST DOESN'T SEEM APPLICABLE.

Q WELL, OF COURSE, WE'RE DEALING WITH SOMEONE WHO IS THINKING IN THAT MANNER.

A THERE AGAIN, YOU'RE RIGHT, BUT THEY'RE THINKING IN THAT MANNER NOT THROUGH CHOICE BUT THROUGH DYSFUNCTION OF THEIR BRAIN.

Q LET'S TALK A LITTLE BIT ABOUT THE PET SCAN. THE PET SCAN WAS NOT DONE UNTIL MAY THE 18TH OF 2006. YOU DON'T HAVE THE BENEFIT OF A PET SCAN THAT WAS DONE AT THE TIME OF THE CRIME OBVIOUSLY?

A NO.

Q SO YOU CAN'T SAY WITH A REASONABLE DEGREE OF MEDICAL CERTAINTY AS YOU SIT BEFORE THIS JURY TODAY THAT HIS FRONTAL LOBES ON THAT NIGHT, AT THAT POINT IN TIME, WEREN'T LIT UP LIKE A CHRISTMAS TREE?

A NO, I -- I -- I -- I CAN.

Q YOU CAN SAY -- YOU CAN SAY THAT? YOU'RE SPECULATING THAT OR YOU -- YOU KNOW THAT BECAUSE YOU HAVE SEEN THE PICTURES?

A I NEED TO ANSWER THAT WITH AN ANALOGY, IF I MAY. THAT NIGHT THAT I KNOW HIS HEART WAS BEATING, IT'S BEATING NOW. HOW DO I KNOW HIS HEART WAS BEATING THAT NIGHT? I KNOW IT WAS BECAUSE HE WAS ALIVE AND HE DIDN'T LOSE

CONSCIOUSNESS OR HAVE A HEART ATTACK OR STROKE OR BE FOUND DEAD.

I KNOW IT'S A SIMPLE ANALOGY, BUT I KNOW HIS HEART WAS BEATING AND I KNOW HE WAS PRESENT BECAUSE HE DID COMMIT THESE ACTS. SO YOU'RE ASKING ME--

Q AND YOU KNOW HIS BRAIN WAS FUNCTIONING?

A PARDON ME?

Q YOU KNOW HIS BRAIN WAS FUNCTIONING.

A I KNOW IT WAS FUNCTIONING.

Q BECAUSE HE WAS BREATHING, HIS HEART WAS BEATING, AND HE WAS ALIVE.

A YES. AND JUST, IF I CAN JUST FINISH VERY QUICKLY, THESE PET SCANS JUST DO NOT CHANGE. THEY'RE LIKE -- LET ME -- LET ME PUT IT THIS WAY. HIS BRAIN MRI THAT I HAVE THERE, I'M ABSOLUTELY CERTAIN HIS BRAIN MRI LOOKED THE SAME THEN ESSENTIALLY AS IT DOES NOW.

HIS SKULL DIDN'T CHANGE SHAPE OR FORM. HIS BRAIN DIDN'T SUDDENLY INCREASE OR DECREASE IN SIZE BETWEEN THEN AND NOW. I THINK IT IS ABSOLUTELY SAFE AND SCIENTIFICALLY REASONABLE TO ASSUME THAT HIS PET SCAN WOULD HAVE BEEN ESSENTIALLY THE SAME IF THEY DID A CONTINUANCE PERFORMANCE TASK THAT NIGHT.

Q BUT DOCTOR, YOU HAVE TO ASSUME THAT BECAUSE IF YOU DON'T ASSUME THAT, YOU DON'T HAVE ANYTHING TO TALK ABOUT; ISN'T THAT TRUE?

A I -- I HAVE TO ASSUME THAT THE SUN WILL RISE TOMORROW OR WE WON'T BE HERE. I KNOW THERE ARE SO MANY THINGS I SCIENTIFICALLY HAVE TO ASSUME.

Q ARE YOU TELLING ME THAT A HUMAN BEING'S BRAIN ACTIVITY AND A PET SCAN IS AS PREDICTABLE AS THE SUN RISING TOMORROW? ARE YOU TRYING TO TELL THIS JURY THAT?

A YES.

Q OH, MY...

A THE SAME AS HIS MRI. IT WOULD BE THE SAME THEN AS IT IS NOW.

Q VERY GOOD.

A UNLESS IN BETWEEN SOMEONE SHOOTS HIM IN THE HEAD OR HE HAD A STROKE OR SOME OTHER DAMAGE OCCURS TO HIS BRAIN.

Q IN YOUR PAIN MANAGEMENT CLINIC, DO YOU TEACH RELAXATION TECHNIQUES TO FOLKS TO TRY TO -- TO TRY TO GET THEM TO MANAGE THEIR PAIN AND EASE THE PAIN?

A YES. THEY HAVE TO TRY TO GET THEM TO THINK ABOUT THEIR PAIN IN A DIFFERENT WAY.

Q OKAY. SO THERE ARE WAYS THAT -- OR METHODS -- I MEAN, MANY PEOPLE USE MANY DIFFERENT WAYS TO RELAX THEIR MINDS.

A UH-HUH.

Q AND TO KIND OF GO TO A QUIET PLACE.

A YES.

Q GUIDED IMAGERY.

A UH-HUH.
Q PRAYER.
A YES.
Q MEDITATION.
A YES.
Q THERE ARE WAYS, THERE ARE METHODS FOR A HUMAN BEING TO LITERALLY AND CONSCIOUSLY REDUCE THEIR LEVEL OF BRAIN ACTIVITY.
A THERE ARE SOME, BUT PLEASE LET ME ANSWER THAT. YOU MENTIONED PRAYER. ALL THE BRAIN IMAGING STUDIES WE HAVE DONE ON PEOPLE WHO ARE DEEP IN PRAYER, THEIR FRONTAL LOBES EXACTLY WHERE HE IS COLD ACTUALLY TURN ON VERY BRIGHT.

THAT'S VERY INTERESTING IN PRAYER. THESE AREAS THAT IN ALZHEIMERS PATIENTS GO QUIET, IN DEEP PRAYER, THOSE AREAS GO QUIETER. BUT THE FRONTAL LOBES IN PRAYER ACTUALLY TURN ON GREATLY BECAUSE SOMEONE IN DEEP PRAYER, RELIGIOUS THOUGHT, IS ACTUALLY CONCENTRATING. THEY'RE -- THEY'RE RELAXED, BUT THEY ARE CONCENTRATING ABOUT THEIR BELIEFS AND THEIR -- THEIR FEELING.

SO ANY TIME YOU'RE IN MEDITATION, ACTUALLY MEDITATION IS THINKING AND -- BUT IN A QUIET, REFLECTIVE MANNER -- THAT ACTIVITY HERE WOULD GO UP. NOW AGAIN, ONLY WAY I WOULD KNOW TO TURN THAT DOWN WOULD BE PHYSICAL TRAUMA, DAMAGE TO THAT AREA, OR TAKING A DRUG, SOMETHING TO BRING YOU DOWN, ALCOHOL, ET CETERA.

Q DOCTOR, YOU'RE SAYING THAT THERE IS NO WAY -- IT IS IMPOSSIBLE FOR A HUMAN BEING TO DECREASE -- TO DO ANYTHING TO DECREASE THEIR FRONTAL LOBE ACTIVITY?

A THEY -- IT'S NOT IMPOSSIBLE, BUT THEY WOULD HAVE TO GO INTO A STATE OF I GUESS SLEEP, CLOSE TO SLEEP. THEY WOULD HAVE TO GO TO SLEEP. THEY WOULD NOT BE ABLE TO PERFORM THAT CONTINUANCE PERFORMANCE TASK.

Q VERY RELAXED.

A VERY, WELL...

Q NEARLY ASLEEP.

A NEARLY ASLEEP.

Q NEARLY ASLEEP. VERY RELAXED.

A OR ASLEEP, YES.

Q AND OF COURSE, YOU -- I KNOW YOU'RE RELYING ON WHAT OTHERS HAVE TOLD YOU ABOUT THE PERFORMANCE -- THE CONTINUANCE PERFORMANCE TEST. AND DR. EINHORN PERFORMED THE TEST, HAD IT ON HIS COMPUTER, HE PACKED IT UP AND HE LEFT. HE DIDN'T STICK AROUND FOR THE PET SCAN. OKAY? SO THE PERFORMANCE TEST WAS OVER WHENEVER THE PET SCAN WAS DONE.

A OKAY.

Q YOU'RE AWARE OF THAT? ARE YOU AWARE OF THAT?

A YES.

Q OKAY. THAT'S MY QUESTION. DO YOU KNOW HOW -- CAN YOU TELL THIS JURY HOW MUCH TIME ELAPSED BETWEEN THE TIME

DR. EINHORN CONCLUDED THE TEST AND THE PET SCAN WAS ACTUALLY CONDUCTED?

A THIRTY SECONDS, A MINUTE.

Q YOU KNOW THIS? WERE YOU--

A BEST--

Q -- WHAT'S THE BASIS OF YOUR KNOWLEDGE OF THAT?

A BECAUSE DR. EINHORN HAD TO FOLLOW THE EXACT SAME PROTOCOL THAT DR. RAINE USED.

Q YOU WEREN'T THERE; WERE YOU?

A NO. NO, I WASN'T THERE.

Q OKAY. SO YOU CAN'T SAY THAT FROM YOUR KNOWLEDGE.

A WELL, WHAT I CAN SAY IS THIS. THE BACK AREAS OF THE BRAIN ARE IDENTICAL IN MR. STANKO TO A NORMAL. IN FACT, THEY ARE LIT UP EVEN MORE. SO I KNOW THIS. HE WASN'T ASLEEP. HE WASN'T IN A STATE OF CONTEMPLATIVE MEDITATION. HE WAS VISUALLY FOCUSING ON SOMETHING. I KNOW THAT FOR A FACT BECAUSE I CAN SEE IT ON THERE. THE BACK AREA OF THE BRAIN IS TURNED ON VERY HIGH. THE SAME AS A NORMAL.

SO IF HIS -- IF HE WAS IN SOME KIND OF SELF-INDUCED CALMING, MEDITATIVE, SLOW-BRAIN STATE, I DON'T KNOW HOW HE KEPT HIS VISUAL CENTERS TURNED ON AT A HIGH RATE. I THINK THAT WOULD BE IMPOSSIBLE.

Q HE'S JUST LOOKING AT SOMETHING. ISN'T THAT GOING TO KEEP -- HIS EYES ARE OPEN, ISN'T THAT GOING TO KEEP THE VISUAL CENTER OPERATING, OPERATIONAL?

A NO. IN FACT, THERE'S SOME PEOPLE WHO SLEEP WITH THEIR EYES OPEN.

Q OKAY. DOES HE DO THAT, DOCTOR? DOES THIS ONE -- IS THIS -- DOES THIS DEFENDANT RIGHT HERE SLEEP WITH HIS EYES OPEN TO YOUR KNOWLEDGE?

A I DON'T KNOW.

Q I MEAN, THAT'S A PSYCHIATRIC KIND OF A QUESTION. THAT WOULD BE SOMETHING UNUSUAL; WOULDN'T IT?

A IT WOULD BE, BUT IT'S NOT SOMETHING WE TYPICALLY ASK. REMEMBER THAT DSM4 YOU WERE ASKING ME ABOUT, THAT BOOK, THAT PSYCHIATRIC BOOK THAT LISTS ALL THE DISORDERS, NOWHERE IN IT DOES IT MENTION ONE OF THESE SYMPTOMS OF ANY MENTAL DISORDER BEING SLEEPING WITH YOUR EYES OPEN. IF IT DID, I WOULD USE IT.

Q LET'S -- I TOOK A LOOK AT YOUR REPORT. AND I NOTED IN YOUR REPORT -- HOW -- MR. STANKO'S MEMORY, HIS NEUROPSYCHOLOGICAL TESTING IS INTACT.

A YES.

Q HE'S GOT, AS A MATTER OF FACT, A GOOD MEMORY?

A YES.

Q THAT'S -- ISN'T MEMORY FORMED IN THE MEDIAL SECTION OF THE BRAIN?

A IT'S NOT JUST FORMED THERE. I EXPLAINED TO THE JURY EARLIER THAT THE MEDIAL OR MIDDLE PARTS OF THE BRAIN ARE IMPORTANT FOR MEMORY CONSOLIDATION. FIRST PART OF MEMORY

IS THE FRONTAL LOBE OR ATTENTION IS, NOT THE PART ABOVE THE EYEBALLS, BUT THE PART MORE UP HERE, BUT THEN THE MEDIAL LOBES, THE SIDE PARTS OF THE BRAIN, ARE WHERE MEMORY THEN IS CONSOLIDATED, AND IT'S NOT JUST THAT -- ON THE OUTSIDE SIDE, IT'S ON THE INSIDE SIDE OF THE BRAIN.

Q IT'S KIND OF A MYSTERY TO ME. AND I GUESS YOU PROBABLY ALREADY SEE WHERE THIS IS GOING, BUT IT'S SORT OF A MYSTERY TO ME THAT THE WORST PART OF MR. STANKO'S BRAIN ACCORDING TO YOUR EXPERT, DR. GUR, IS THE MEDIAL PORTION OF HIS BRAIN.

WOULDN'T THAT BE -- I MEAN, BOTH LOBES ARE BELOW THE LIMITS, AND THIS ONE IS WAY DOWN HERE. THE RIGHT LOBE IS VERY, VERY SMALL. I MEAN, IT'S -- IT'S CLEARLY WAY DOWN, YET HIS MEMORY IS GOOD.

A JUST LIKE TESTING AND PSYCHOPATHS -- THE TESTING THAT HAS BEEN DONE IN PSYCHOPATHS THROUGHOUT HISTORY SHOWS THAT COGNITIVELY, INTELLECTUALLY THEY TEST AS VIRTUALLY NORMAL IF NOT NORMAL.

SOMETHING HAPPENED TO HIS BRAIN AT BIRTH. THERE IS NO DOUBT ABOUT THAT. THE DOCTORS DOCUMENT IT. I BELIEVE THAT HIS BRAIN DID NOT FORM CORRECTLY FROM THAT POINT ON. AND ONE OF THE PROOFS OF THAT IS THAT THE SIDE PORTIONS OF HIS BRAIN DIDN'T GROW RIGHT, THERE'S MORE WATER IN HIS BRAIN THAN THERE SHOULD BE BECAUSE THERE'S LESS MEAT IN HIS BRAIN.

HE -- WE CAN HAVE AREAS OF THE BRAIN THAT APPEAR TO BE SMALLER. FOR INSTANCE, A CHILD'S BRAIN IS SMALLER THAN AN ADULT BRAIN, BUT THEIR MEMORY CAN BE PERFECT. THEIR INTELLECTUAL LEVELS -- THERE ARE CHILDREN WHO ARE GENIUSES THAT FAR OUTSTRIP ANY ADULT IN THIS ROOM AS FAR AS THEIR INTELLECTUAL CAPACITY AND THEY HAVE A SMALLER BRAIN.

Q SO WHAT THAT TELLS US IS THAT THE MEDIAL PORTION OF HIS BRAIN COULD BE REDUCED IN SOME WAY YET ITS FUNCTION CAN BE VERY GOOD?

A IT -- IT CAN.

Q OKAY.

A IT CAN.

Q AND IT IS IN MR. STANKO'S CASE?

A WELL...

Q ACCORDING TO YOUR EVIDENCE.

A YES, IT IS. IT IS.

Q AND LET'S TALK A LITTLE BIT ABOUT THE BIRTH RECORDS. I NOTE IN YOUR REPORT, DOCTOR, THAT OF ALL THE SEVEN PAGES THAT YOU DID, PARAGRAPH UPON PARAGRAPH, YOU HAVE ONE LINE IN BOLD TYPE BUT YOU HAVE ONE PARAGRAPH THAT'S IN BOLD TYPE IN THE -- THROUGHOUT THIS ENTIRE REPORT.

A YES.

Q AND THAT'S THE PARAGRAPH ABOUT DEFENDANT STANKO'S BIRTH RECORDS.

A YES.

Q CORRECT? AND OBVIOUSLY YOU HAVE DONE THAT FOR A REASON.
A YES.
Q YOU FIND IT TO BE VERY IMPORTANT.
A YES.
Q I'M GOING TO WALK YOU THROUGH SOME OF THESE ABOUT THE BIRTH RECORDS. AND IT IS YOUR -- LET ME GET THIS ON THE RECORD. WITHIN A REASONABLE DEGREE OF MEDICAL CERTAINTY, IT IS YOUR OPINION TO THIS JURY THAT THIS DEFENDANT HAS A BIRTH DEFECT IN HIS BRAIN?
A 100 PERCENT.
Q ALL RIGHT. NOW DOCTOR, HAVE YOU SEEN ANY MEDICAL REPORTS OTHER THAN COURT'S EXHIBIT 5 AND COURT'S EXHIBIT 6?
A NO.
Q HAVE YOU TALKED TO THE DOCTORS THAT ATTENDED TO DEFENDANT STANKO?
A NO.
Q HAVE YOU REVIEWED ANY X-RAYS THAT WERE AVAILABLE, ANY OTHER DOCUMENTS WHATSOEVER FROM MR. STANKO'S BIRTH?
A JUST THE RECORDS THAT ARE AVAILABLE.
Q JUST THESE RECORDS.
A YES.
Q AND YOU TESTIFIED I BELIEVE FROM JOAN STANKO'S RECORDS.

A YES.

Q THAT'S HIS MOM.

A YES.

Q AND THERE WAS SOME CONCERN. SHE WAS GOING IN FOR -- YOU TESTIFIED THAT SHE WAS GOING IN, GOING TO HAVE A TUBAL LIGATION AS PART, OR SHORTLY THEREAFTER, SHORTLY AFTER SHE GAVE BIRTH.

A YES.

Q BUT THERE WAS A CONCERN ABOUT THE BABY'S HEALTH.

A A SIGNIFICANT CONCERN.

Q THERE WAS A CONCERN. NOW, YOU DID NOT, AS I RECALL WHEN QUESTIONED BY MR. DIGGS, REVIEW DEFENDANT STANKO'S RECORDS. YOU LOOKED AT THE MOM'S RECORDS; IS THAT CORRECT?

A YES. I BELIEVE I LOOKED AT THOSE AS WELL.

Q YOU LOOKED AT THESE BEFORE, BUT YOU DID NOT TESTIFY FROM THESE TODAY; DID YOU?

A NO.

Q YOU SKIPPED OVER THOSE. AND YOU DIDN'T SKIP OVER THEM, MR. DIGGS SKIPPED OVER THEM. THIS IS COURT'S EXHIBIT NUMBER FIVE.

MR. HEMBREE: AND YOUR HONOR, WE'D LIKE TO GO AHEAD AND MOVE THAT EXHIBIT INTO EVIDENCE AT THIS TIME.

MR. DIGGS: NO OBJECTION.

THE COURT: WHAT RECORDS?

MR. HEMBREE: YES, YOUR HONOR. THESE ARE THE RECORDS FOR STEPHEN STANKO, THE BIRTH RECORDS FROM GUANTANAMO BAY.

THE COURT: MARKED AND ADMITTED.

MR. DIGGS: WE MEANT TO DO THAT EARLIER, SO IT MAY ALREADY BE IN.

THE COURT: ACTUALLY -- ACTUALLY WHAT WE DID WAS IT HAS BEEN MARKED INTO EVIDENCE AS A DEFENDANT'S EXHIBIT, BUT IT WILL STILL REMAIN AS A COURT'S EXHIBIT FOR THE PURPOSES OF THE PRETRIAL HEARING. SO WE JUST NEED TO SUBSTITUTE A COPY.

MR. DIGGS: THANK YOU, YOUR HONOR.

BY MR. HEMBREE:

Q DOCTOR -- DR. SACHY, I'M GOING TO DRAW YOU TO -- AND THIS IS MY COPY. I WILL BE HAPPY TO -- I THINK THE COURT'S COPY IS THERE SOMEWHERE. THERE WE GO. COURT'S FILE (SIC). PLEASE TURN THE NEXT PAGE, NEXT PAGE, AND TELL THIS JURY THE CLINICAL DIAGNOSIS OF DEFENDANT STANKO.

A OKAY. TERM -- TERM BIRTH LIVING CHILD, ONE. NUMBER TWO, HYPERBIL -- HYPERBILIRUBINEMIA, JAUNDICE.

Q THAT'S JAUNDICE?

A JAUNDICE.

Q THEY'VE GOT JAUNDICE IN PARENTHESES THERE.

A PHYSIOLOGIC SOMETHING EXAGGERATED.

Q OKAY. SO AS FAR AS WE KNOW, THE BABY WAS BORN ALIVE AND HAD JAUNDICE.

A YES.

Q THAT'S ALL WE CAN INTERPRET FROM THE CLINICAL DIAGNOSIS THAT IS IN THIS DOCUMENT RIGHT NOW; CORRECT?

A WELL...

Q THIS -- THIS--

A YES AND NO. I CAN ONLY ANSWER THAT WITH A YES OR NO. JAUNDICE IS A MAJOR CAUSE OF BRAIN DAMAGE IN BABIES. IT'S CALLED KERNICTERUS.

Q ISN'T IT VERY COMMON, DOCTOR, VERY COMMON IN BABIES -- FOR BABIES TO HAVE JAUNDICE?

MR. KELLY: YOUR HONOR, I DON'T WANT TO INTERRUPT, BUT THE WITNESS CONTINUES TO TRY TO EXPLAIN HIS ANSWER AND HE'S INTERRUPTED BY THE SOLICITOR.

I'D ASK THAT THE WITNESS BE ALLOWED TO COMPLETE HIS ANSWER. ONCE HE'S FINISHED, THEN THE SOLICITOR MAY ASK HIM ANOTHER QUESTION.

THE COURT: THE OBJECTION IS OVERRULED WITH THE COURT'S FOLLOWING INSTRUCTIONS. THE DOCTOR IS INSTRUCTED TO ANSWER THE QUESTION YES OR NO, THEN HE MAY EXPLAIN HIS ANSWER. YOU MAY PROCEED.

MR. HEMBREE: THANK YOU.

THE WITNESS: THE DIAGNOSIS IS

HYPERBILIRUBINEMIA, JAUNDICE, AND IT'S HARD TO READ, BUT PHYSIOLOGIC SOMETHING OR PHYSIOLOGIC EXAGGERATED I THINK.

BY MR. HEMBREE:

Q AND YOU DON'T TAKE ANY SIGNIFICANCE FROM THOSE LAST TWO WORDS? DO YOU DRAW SOME SIGNIFICANCE FROM THOSE?

A I DO. I WISH I KNEW WHAT THE DOCTOR EXACTLY MEANT WHEN HE WROTE EXAGGERATED. SOMETHING IS ABNORMAL. WHAT HE'S LISTING HERE IS THAT THERE ARE ABNORMALITIES THAT HAVE BEEN FOUND, THERE'S SICKNESS, THERE'S DISEASE, AND HE IS LISTING THE THINGS.

BUT SOMETHING IS EXAGGERATED, AND I -- I CAN'T MAKE IT OUT. SOMETHING PHYSIOLOGICAL IS EXAGGERATED. BUT JAUNDICE AND HYPERBILIRUBINEMIA.

Q THE BABY IS JAUNDICED?

A CORRECT.

Q THAT IS VERY COMMON, QUITE -- QUITE COMMON IN NEWBORN BABIES.

A IT'S NOT ABSOLUTELY COMMON OR WE WOULD ALL BE BORN WITH IT, BUT IT IS A MORE COMMON ILLNESS OR SOMETHING WRONG WITH THE NEWBORN BABY.

Q IT'S NOT UNUSUAL FOR A NEWBORN BABY TO HAVE JAUNDICE; IS IT, DOCTOR?

A WELL, IT'S ABNORMAL, BUT IT'S NOT UNUSUAL.

Q THANK YOU. LET ME TAKE YOU TO THE CLINICAL RECORD OF

THE NEWBORN. FLIP OVER TO THIS PAGE. NO NUMBERS ON THESE, SO I'M SORRY I CAN'T REFER YOU TO A NUMBER. THERE WE GO. TELL ME, HOW IS THE MOTHER'S HEALTH PRIOR TO PREGNANCY?

A SHE'S GOT ACUTE -- THAT MEANS SHE'S HAD A SUDDEN ONSET OF -- GALLBLADDER DISEASE DURING PREGNANCY.

Q OKAY.

A SO SHE'S IN A MEDICALLY STRESSED STATE.

Q WHAT IS THE OVERALL EVALUATION ON THE SECOND LINE, MOTHER'S HEALTH PRIOR TO PREGNANCY?

A GOOD.

Q FURTHER DOWN ON THE RIGHT, COMPLICATIONS AT DELIVERY. ON THE RIGHT.

A SHOW ME. SHOW ME. NONE.

Q CHARACTER OF CRY.

A POINT THAT -- GOOD.

Q AND WE'VE ALREADY TALKED ABOUT APGAR AT BIRTH.

A RIGHT.

Q HIGHEST SCORE YOU CAN GET.

A YES.

Q LET'S TAKE A LOOK DOWN HERE AT THE -- THEY GOT THIS INITIAL EXAMINATION WHICH WAS A CHART THAT THEY FILLED OUT HERE.

A RIGHT.

Q N DENOTING NORMAL.

A YES.
Q AND ZERO DENOTING NEGATIVE?
A YES.
Q RIGHT. AND SO WE'VE GOT FACIES. WHAT'S THAT?
A HOW THEIR FACE LOOKS.
Q OKAY. WHAT DOES THAT SAY?
A N.
Q IT'S NORMAL.
A UH-HUH.
Q BREATHING.
A BREATHING NORMAL.
Q SKIN.
A NORMAL.
Q VERNIX.
A NORMAL.
Q SUBCULTURE TISSUE.
A SUBCUTANEOUS.
Q SORRY. SUBCUTANEOUS TISSUE.
A NORMAL.
Q HEAD.
A NORMAL.
Q FONTANELLES.
A NORMAL.
Q SUTURE -- SUTURES.
A WHERE THEIR SKULL JOINS TOGETHER.

Q OKAY.
A NORMAL.
Q OKAY. WHERE THEIR SKULL JOINS TOGETHER IS NORMAL?
A YES, WHERE--
Q OKAY. EYES.
A NORMAL.
Q EARS.
A NORMAL.
Q NOSE.
A NORMAL.
Q MOUTH.
A OH, WAIT. WE SKIPPED ONE. THERE'S ONE RIGHT ABOVE MOUTH THAT SAYS ICTERUS, OR WHICH IS--
Q I'M COMING BACK TO THAT. I'M GOING TO COME BACK TO THE NEGATIVES.
A OKAY.
Q THROAT.
A NORMAL.
Q NECK.
A NORMAL.
Q CHEST.
A NORMAL.
Q LUNGS.
A NORMAL.
Q HEART.

A NORMAL.
Q MURMURS -- EXCUSE ME. I'LL GO BACK TO THAT.
ABDOMEN.
A NORMAL.
Q LIVER.
A NORMAL.
Q SPLEEN.
A NORMAL.
Q CORD.
A NORMAL.
Q GENITALS.
A NORMAL.
Q ANUS.
A NORMAL.
Q MC...
A MECONIUM.
Q MECONIUM.
A NORMAL.
Q SPINE.
A NORMAL.
Q EXTREMITIES.
A NORMAL.
Q MUSCLE TONE.
A NORMAL.
Q REFLEXES.

A NORMAL.
Q AND MORO.
A SAYS NORMAL.
Q JOINTS.
A NORMAL.
Q NOW, LET'S LOOK AT -- YOU GOT CYANOSIS.
A YES.
Q THAT'S A CONDITION; IS IT NOT?
A IT'S BLUENESS OF A BABY.
Q RIGHT. SO HE'S NEGATIVE FOR CYANOSIS, ZERO; CORRECT?
A WHAT I DON'T UNDERSTAND IS IS WHY -- I WANT TO MAKE SURE THAT WE'RE SAYING THE RIGHT THING. IF IT'S NORMAL, WHY DON'T THEY PUT AN N THERE? I DON'T KNOW IF ZERO MEANS THEY ACTUALLY HAVE THAT AND N MEANS ABSOLUTELY NORMAL.
Q DOESN'T ZERO TYPICALLY...
A I -- I--
Q PALLOR.
A IF -- WAIT. IF I WERE THIS DOCTOR, I WOULD HAVE PUT NORMAL ON EVERYTHING. IN FACT, THE THINGS YOU POINT OUT, ICTERUS, WHICH WE KNOW THE CHILD WAS JAUNDICED, THERE'S A ZERO THERE, I THINK THAT MAY MEAN OBSERVED. N MEANS NORMAL OR NOT OBSERVED, AND O MEANS OBSERVED. SO BLUENESS--
Q HOW DO YOU KNOW THAT? WHY DO YOU SAY THAT?
A BECAUSE--

Q HAVE YOU TALKED TO THE DOCTOR?
A NO, BUT WHY WOULD I HAVE NORMAL EVERYWHERE AND ON THE SPECIFIC THINGS THAT ARE CONSISTENT WITH PROBLEMS IN THIS CHILD, THERE'S A CIRCLE. I SUSPECT N MEANS IT WAS NOT THERE, AND EVERYWHERE THERE'S A ZERO MEANS SOMETHING WAS THERE.
Q WELL--
A OBSERVED.
Q NOW, THESE ARE ALL CONDITIONS, THOUGH; ARE THEY NOT? THESE ARE ALL CONDITIONS WHERE IF THEY WERE PRESENT, YOU WOULDN'T SAY THEY WERE NORMAL. IF THEY WERE NOT PRESENT, YOU WOULDN'T SAY THEY WERE NORMAL. YOU'D SAY THEY WERE POSITIVE OR NEGATIVE.
A I'M -- I'M SUSPECTING, YOU KNOW, THANK YOU FOR POINTING THIS OUT -- THAT THE ZEROS DON'T MEAN ZERO. IT MEANS OBSERVED AND THE N MEANS NOT OBSERVED, BECAUSE HOW COULD THEY SAY THAT THE BABY WAS JAUNDICE BUT IN HERE WHEN THEY -- THEIR ICTERUS, WHICH IS ANOTHER WORD FOR JAUNDICE, THEY SAY NOTHING.
I MEAN, IT'S NOT THERE. I -- SOME OTHER TWO DOCTORS CAME TO DIFFERENT CONCLUSIONS OR ONE MADE THE SAME MISTAKE OR MADE A -- A SIGNIFICANT MISTAKE. I HAVE TO REPEAT, WHAT DID THEY FIND, WHAT -- WHAT ARE THE THINGS -- EVERYTHING IS GIVEN AN N FOR NORMAL EXCEPT BLUENESS, PALLOR, WHITENESS, THAT THE CHILD HAS POOR COLOR, ICTERUS,

SLIGHTLY YELLOW, POTENTIAL -- A HEART MURMUR, AND PARALYSIS. NOW REMEMBER, THE CHILD HAD A POOR MORO REFLEX.

Q WELL, THEY INDICATE HERE THE MORO REFLEX IS NORMAL.

A THEY DO -- THEY DO HERE, AND I -- I -- BUT DOES THAT MEAN THAT THE OTHER DOCTOR WHO -- INSTEAD OF JUST FILLING OUT A CHART ACTUALLY IS WRITING IN SENTENCES WHAT THEY SEE. HE'S TAKEN GREAT CARE TO SAY, THIS CHILD HAS A POOR MORO REFLEX AND MAY NOT LIVE.

Q HE DIDN'T SAY THIS BABY MAY NOT LIVE IN HIS REPORT; DID HE, DOCTOR?

A HE SAID THIS BABY HAS AN UNCERTAIN AND POOR PROGNOSIS.

Q WE'LL GO THROUGH THIS. WE'RE GOING TO TALK ABOUT THAT SOME MORE. HE NEVER SAID THE BABY WAS NOT GOING TO LIVE; DID HE?

A WELL--

Q DID HE USE THOSE WORDS, DOCTOR?

A NO, HE SAID--

Q THANK YOU. THOSE ARE YOUR WORDS; ARE THEY NOT, DOCTOR?

A WELL, UNCERTAIN AND POOR PROGNOSIS ARE BAD WHEN DISCUSSING A CHILD, A BABY.

Q LOOK IN THE -- THEY DO HAVE A LISTING OF ABNORMAL FINDINGS UNDERNEATH THAT -- UNDERNEATH THIS CHART, AND

THEY DON'T MENTION IN THE -- WELL, WE'LL TALK ABOUT THAT IN A MINUTE. WHAT DOES IT LIST IN THE ABNORMAL FINDINGS, DOCTOR?

A WELL, THERE ARE ABNORMAL FINDINGS IN HERE. RATHER THAN CHECKING THINGS OFF, THEY ARE ACTUALLY WRITING SENTENCES. BABY HAS HAD EXCESSIVE MUCUS AND HAS BEEN VOMITING INTERMITTENTLY.

Q OKAY. WHAT ELSE DOES IT SAY?

A I WILL READ THE WHOLE THING.

Q THANK YOU.

A FORCEFUL VOMITING OF CLEAR FLUID AND MUCUS DURING EXAM. FEEDING TUBE PASSED INTO STOMACH WITHOUT DIFFICULTY. AND 3 CC'S OF FLUID ARE REMOVED AFTER WHICH STOMACH WAS LAVAGED OR CLEANED.

Q SO IT APPEARS, DOCTOR, WOULDN'T YOU SAY THAT IT APPEARS THAT THEY'RE CONCERNED THAT THIS CHILD HAS SOMETHING WRONG WITH HIS STOMACH? THEY'VE TAKEN STEPS TO ADDRESS A PROBLEM IN THE STOMACH?

A NO. I'M SORRY. I DISAGREE. THEY'RE ADDRESSING CONCERNS THAT THIS BABY MAY VOMIT OR HAVE MUCUS IN ITS LUNGS, THUS THE -- WHICH IS ONE OF THE MOST COMMON COMPLICATIONS, TERRIBLE COMPLICATIONS OF BIRTH, HAVING THE OXYGEN CUT OFF OF YOUR BRAIN BECAUSE THE BABY HAS INHALED MUCUS OR--

Q DO YOU HAVE ANY EVIDENCE, DOCTOR, DO YOU HAVE ANY

EVIDENCE IN THESE RECORDS THAT THIS BABY DREW VOMIT INTO ITS LUNGS?

A WELL, THE EVIDENCE I HAVE IS SAYING THE BABY HAS HAD EXCESSIVE MUCUS AND HAS BEEN VOMITING INTERMITTENTLY. IT'S NOT SAYING IT'S IN HIS LUNGS FOR SURE, BUT--

Q OKAY. DOCTOR, THAT'S MY QUESTION TO YOU. YOU SHOW ME ON THOSE RECORDS WHERE IT SAYS SO.

MR. DIGGS: YOUR HONOR, CUTTING OFF THE ANSWERS.

THE COURT: I WANT YOU ALL TO APPROACH.

(WHEREUPON A BENCH CONFERENCE WAS HELD.)

THE COURT: THE OBJECTION IS OVERRULED. DOCTOR, PLEASE ANSWER THE QUESTIONS YES OR NO AND THEN YOU WILL BE ALLOWED TO FULLY EXPLAIN YOUR ANSWER. YOU MAY PROCEED, MR. HEMBREE.

MR. HEMBREE: THANK YOU, YOUR HONOR.

THE WITNESS: I BELIEVE I FOUND WHAT YOU MIGHT BE LOOKING FOR ON THE NEXT PAGE.

BY MR. HEMBREE:

Q I WILL ASK THE NEXT QUESTION. THANK YOU. LET ME TAKE YOU TO THE BACK SIDE OF THIS PAGE WHERE -- THE CLINICAL NEWBORN RECORD. LET ME -- I'M SORRY.

A THIS SIDE.

Q LET ME -- THIS--

A IT'S THE SIDE YOU WERE ON.

Q RIGHT. THE ONE YOU WERE ON. IS THERE ANYTHING

LISTED -- IN THE ABNORMAL FINDINGS ON PHYSICAL EXAMINATION, IS THERE ANYTHING LISTED ABOUT CYANOSIS, PALLOR, ICTERUS, MURMURS, OR PARALYSIS?

A AGAIN--

Q NO. NO. WELL, IS THERE ANYTHING LISTED, DOCTOR, IN THE ABNORMAL FINDINGS ABOUT PALLOR, ICTERUS, CYANOSIS, PARALYSIS, OR MURMURS?

A NO.

Q LET ME TAKE YOU TO THE NEXT PAGE. WE'LL LOOK AT THE 14TH. THE ORDER OF THE -- I APOLOGIZE, DOCTOR. I'M NOT TRYING TO THROW YOU A CURVE. THESE PAGES ARE ALL JUMBLED. LOOKING AT THE 14TH.

A YES.

Q AND YOU SEE THAT THERE IS A CONCERN ABOUT EXCESSIVE MUCUS AND INTERMITTENT VOMITING.

A YES.

Q WHAT ELSE DOES THE EXAM INDICATE?

A HANG ON ONE SECOND. OKAY. OKAY. READ IT ALL? EXCESSIVE MUCUS WITH INTERMITTENT VOMITING. ON EXAM BOWEL SOUNDS ARE ACCURATE, NO, NO PARASTASIS I BELIEVE VISIBLE, NO ABDOMINAL -- I BELIEVE IT SAYS SOUNDS, CHEST CLEAR, SOMETHING GENITALIA NORMAL, LARGE AMOUNT OF MUCUS PRESENT -- PASSED DURING EXAM, BABY HAS POOR MORO -- SORRY, THERE IT IS -- BUT -- BUT FAIR SPONTANEOUS MOVEMENT AND DECREASED HAND -- DECREASED HAND SOMETHING REFLEX.

SO ACTUALLY BESIDES POOR MORO, NOW THEY ARE DOCUMENTING THERE'S ANOTHER REFLEX THAT'S DECREASED, SO THAT'S TWO THINGS. IN--

Q AND PLEASE READ THE NEXT LINE. IT SAYS--

A IMPRESSION.

Q IMPRESSION. OKAY.

A VOMITING SECONDARY TO...

Q WHAT DOES IT SAY? IT'S A QUESTION MARK; CORRECT?

A QUESTION MARK. AND THEN IT SAYS CEREBRAL DAMAGE OR...

Q OR DOME?

A I BELIEVE IT SAYS CEREBRAL, SOMETHING LIKE -- SOMETHING WRONG WITH THE BRAIN.

Q CEREBRAL. THERE'S A QUESTION MARK ABOUT CEREBRAL?

A RIGHT.

Q CORRECT? THEN THERE'S A DASH.

A AND THEN IT SAYS...

Q ANOTHER QUESTION MARK; CORRECT?

A YEAH. INTRA--

Q I WANT TO KNOW, IS THERE A QUESTION MARK BEFORE WHERE IT SAYS INTRACRANIAL HEMORRHAGE?

A YES.

Q OKAY. AND THEN THERE'S A DASH; CORRECT?

A YES.

Q AND THEN THERE'S ANOTHER QUESTION MARK THAT SAYS

ABDOMINAL PATHOLOGY?

A YES.

Q SO DOCTOR, DOESN'T THAT INDICATE TO YOU -- OR LET ME SEE IF THIS IS A FAIR -- A FAIR CHARACTERIZATION OF WHAT THAT MEANS TO YOU.

A RIGHT.

Q THAT YOU HAVE GOT A DOCTOR WHO HAS GOT A BABY THAT'S VOMITING, THEY DON'T KNOW WHAT THE CAUSE IS, AND HE'S GOT POOR MORO, OKAY, AND THEY ARE SPECULATING THAT IT -- JUST THINKING, BRAINSTORMING, IT MIGHT BE SOME CEREBRAL ISSUE, IT MIGHT BE INTRACRANIAL HEMORRHAGE, IT MIGHT BE A STOMACH PROBLEM.

A RIGHT.

Q AND THEN THEY HAVE A PLAN.

A RIGHT.

Q WHAT'S THE PLAN?

A THE PLAN IS -- LET'S SEE -- OBSERVE CLOSELY NOW, WILL GET X-RAYS LATER TODAY IF NO IMPROVEMENT.

Q AND THAT'S SIGNED BY DR. MASON, I BELIEVE; IS THAT CORRECT?

A YES.

Q ALL RIGHT. LET'S LOOK AT THE 15TH, THE NEXT DAY.

A LOOKS BETTER NOW.

Q UH-HUH.

A GOOD SPONTANEOUS MOVEMENTS.

Q RIGHT.
A MORO FAIRLY GOOD.
Q UH-HUH.
A NO VOMITING, VOMITING TO DATE EXCEPT FOR MINIMAL REGURGITATION. WILL SOMETHING FORM...
Q FORMULA.
A WILL START FORMULA.
Q OKAY. AND THAT'S SIGNED BY DR. MASON?
A YES.
Q AND THEN ON THE 16TH.
A MODERATE JAUNDICE.
Q RIGHT.
A TAKING FEEDINGS WITHOUT DIFFICULTY, NO VOMITING.
Q RIGHT.
A BILIRUBIN DOWN.
Q DOWN.
A NEUROLOGICAL OKAY.
Q OKAY. NEUROLOGICAL OKAY.
A YES.
Q ISN'T THAT GOOD NEWS?
A THAT'S GREAT.
Q THAT'S GREAT NEWS.
A YES.
Q AND THE BABY WAS RELEASED FROM THE HOSPITAL TWO DAYS LATER; WASN'T HE?

A YES.
Q YES. WENT HOME WITH THE MOM.
A YES.
Q YOU HAD MENTIONED THE CONCERN, THAT YOU DREW A GREAT DEAL OF SIGNIFICANCE FROM, THAT WAS EXPRESSED IN THE MOTHER'S REPORT.
A YES.
Q THAT'S COURT'S EXHIBIT 6. ALL RIGHT.
A YES.
Q AND THIS IS THE MOTHER'S REPORT. AND THERE WAS A -- YOU HAD TESTIFIED THERE WAS A TUBAL LIGATION PLANNED.
A YES.
Q AND THEN THEY DECIDED NOT TO DO IT BECAUSE THEY HAD THESE QUESTIONS THAT WERE UNANSWERED VERY EARLY IN THIS BABY'S LIFE, THE FIRST DAY.
A YES. AND IF I MIGHT ANSWER THAT WITH A YES AND EXPLAIN. THE QUESTIONS THEY HAD WERE, IS THIS BABY GOING TO LIVE, IN MY OPINION, MAKE IT OR NOT.
Q WELL, THEY DON'T -- WEREN'T DOING A WHOLE LOT TO TREAT HIM. I MEAN, IT SEEMED LIKE THEY WERE JUST KIND OF KEEPING AN EYE -- THEIR PLAN WAS JUST TO KEEP AN EYE ON HIM, WASN'T IT, KIND OF WATCH HIM THE NEXT DAY, THEN MAYBE GET AN X-RAY IF HE DOESN'T IMPROVE?
A WELL, IT IS A HOSPITAL. THEY ARE GOING TO WATCH THE BABY. BUT THIS BABY, THEY HAVE DOCUMENTED IT'S IN POOR

CONDITION, BUT... POOR PROGNOSIS.

Q AND ON THE 15TH -- YOU'VE ALREADY TESTIFIED ABOUT THIS. IF YOU WILL LOOK AT THE DOCTOR'S NOTES ON THE 15TH. AND I...

A I CAN READ THOSE IF YOU WANT.

Q PLEASE DO.

A WILL -- ON THE 15TH, WILL POSTPONE PLANNED TUBAL LIGATION IN VIEW OF PRECARIOUS STATE OF BABY WITH VOMITING AND POSSIBLE INTRACRANIAL DAMAGE.

Q WHICH WE'VE ALREADY NOTED THAT THEY -- THEY HAD DOWN HERE IS A POSSIBILITY. THEY WEREN'T SURE, BUT THEY HAD IT AS A POSSIBILITY AND SO THEY -- THEY DELAYED THE SURGERY. THEY TOOK A PREV -- STEP, WOULDN'T YOU SAY, DOCTOR?

A YES. IF I CAN JUST EXPLAIN JUST A LITTLE BIT.

Q OKAY.

A REMEMBER ON THIS ONE WHERE YOU SAID, WHAT ARE THEIR QUESTION MARKS, WHAT ARE THEIR DIAGNOSES? THEY MENTIONED THREE THINGS. AND WHAT WE DO IN A DIFFERENTIAL IS WE MENTION THE MOST IMPORTANT THINGS FIRST, BUT THE LESSER THINGS LAST.

THE FIRST TWO THINGS THEY MENTION LOOKS LIKE CEREBRAL DAMAGE OR CEREBRAL BRAIN SOMETHING. THE SECOND THING IS INTRACRANIAL BLEED. THEY ARE WORRIED THAT THIS CHILD HAS BLED INTO ITS BRAIN. AND THE THIRD THING IS STOMACH PROBLEMS. NOW, THEY DIDN'T PUT THE STOMACH PROBLEMS

FIRST. THEY PUT THE BRAIN THINGS FIRST.

Q BUT THE ONLY SYMPTOM THEY HAD TO START THAT SPECULATION WAS THE CHILD'S VOMIT.

A AND, YES, AND THE POOR MORO REFLEX. AND REMEMBER--

Q THAT IMPROVED THE SECOND DAY.

A -- IT IMPROVED, BUT YOU CANNOT IGNORE A POOR MORO REFLEX. IT'S -- IT'S A SIGN OF BRAIN DYSFUNCTION OR DAMAGE. IT'S NEVER NORMAL EVEN IF IT IMPROVES.

NOW, I CAN GET -- IF I MAY EXPLAIN. IF I GET HIT IN THE HEAD WITH A BASEBALL BAT NOW, I IN THE NEXT FEW MINUTES WILL HAVE POOR FUNCTION AND I'LL HAVE DIFFICULTY SPEAKING AND TALKING, BUT OVER THE NEXT FEW DAYS OR HOURS AND DAYS, MY FUNCTION WILL COME BACK TO NORMAL, BUT MY BRAIN HAS STILL SUFFERED A TRAUMA THAT MAY NOT COME TO THE FORE TILL YEARS LATER IN MY LIFE.

Q DOCTOR, LET'S TAKE A LOOK AT THE 16TH, THE FOLLOWING DAY ON THE MOTHER'S CHART.

A I WILL READ IT. BABY DOING MUCH BETTER BUT WILL ELECT NOT TO PROCEED WITH STERILIZATION PROCEDURE UNTIL SIX TO EIGHT WEEKS POST-PARTUM IN VIEW OF THE INADVISABILITY OF THIS SURGERY AFTER 48 HOURS HAS PASSED.

Q RIGHT. THEY WERE GOING TO DO IT AT THE SAME TIME. THERE'S SOME CONCERN HERE -- NOT ABOUT THE BABY. THERE'S NO CONCERN ABOUT THE BABY. THE CONCERN IS ABOUT THEY ARE GOING TO WAIT TILL MAMA RECOVERS, AND SINCE THE 48 HOURS

PAST THE --· PASSED -- THE BIRTH HAS PASSED, THEY ARE GOING TO WAIT TILL SHE RECOVERS TO DO THE SURGERY. ISN'T THAT WHAT THAT TELLS YOU?

A YES.

Q SO THERE'S NO CONCERN ABOUT THE BABY ON THE 16TH AND THIS TUBAL LIGATION BUSINESS; IS THERE?

A WELL, ON THE 17TH IT SAYS, DISCHARGE THE MOTHER. I GUESS THIS IS THE MOTHER'S RECORD -- THIS AM. BABY MAY STAY, NOW HAS JAUNDICE. SO IN MY OPINION IT'S SAYING, THE MOTHER CAN GO, BUT THIS BABY IS STILL SICK.

Q AND THEY KEPT THE BABY ONE MORE DAY TO OBSERVE IT FOR JAUNDICE; ISN'T THAT CORRECT?

A YEAH.

Q OKAY. AND THEN DISCHARGED THE BABY THE NEXT DAY?

A YES.

Q AND YOU GLEAN FROM THAT INFORMATION, DOCTOR, THE QUESTION MARKS AND THE SPECULATION AND THE WONDERINGS OF SOME VERY SUMMARY NOTES, YOU WITHIN A REASONABLE DEGREE OF MEDICAL CERTAINTY, 100 PERCENT, CAN TELL THIS JURY THAT STEPHEN STANKO HAS A BIRTH DEFECT?

A YES. AND IF -- CAN I EXPOUND ON THAT?

Q NO. I'M--

A OKAY.

Q YOU'VE ANSWERED THE QUESTION ALL YOU CAN.

MR. KELLY: NO, MA'AM.

THE COURT: SIR, YOU MAY EXPLAIN YOUR ANSWER.

THE WITNESS: YOU USE THE WORDS GLEAN LIKE THERE'S SOME VERY IFFY STUFF HERE AND IT'S JUST A VERY THIN LAYER OF TRUTH. THESE ARE THE ABSOLUTE MEDICAL RECORDS THAT DOCTORS ARE SUED ON OR NOT SUED ON, AND GREAT DECISIONS ARE MADE BASED ON WHAT'S DOCUMENTED HERE.

THIS WASN'T TAKEN LIGHTLY. YOU KNOW, NORMAL BIRTHS DO NOT HAVE THIS KIND OF QUESTION MARK DIAGNOSIS. THIS IS SERIOUS. OF THE THREE THINGS THEY THOUGHT THIS BABY HAD, TWO INVOLVED BRAIN DAMAGE.

NOW, WHEN A DOCTOR DOESN'T KNOW WHAT EXACTLY IT IS, THEY WRITE DOWN WHAT THEY THINK IT IS. AND OF THREE THINGS, TWO WERE BRAIN DAMAGE AND ONE WAS STOMACH PROBLEMS.

AND I'M SORRY BUT IT'S NOT GLEANED LIKE I JUST SCANNED OVER THIS -- THAT THESE DOCTORS JUST QUICKLY, YOU KNOW, ARE THEY LAZY, WERE THEY TIRED AND JUST, YOU KNOW, THEY WROTE THESE RECORDS WITH GREAT SERIOUSNESS BECAUSE ALL OF -- ALL PHYSICIANS, LIKE MYSELF, WE MUST DO EXCELLENT RECORDKEEPING TO DOCUMENT WHAT WE HAVE DONE FOR THE FUTURE SO THAT IF THERE'S A QUESTION ABOUT ANYTHING, WE CAN COME BACK AND LOOK.

NOW, YOU ASKED -- AGAIN YOU'VE ASKED, WELL, HAVE I GLEANED IT LIKE IT'S -- IT'S NOT CLEAR. I THINK IT'S VERY CLEAR. I UNDERSTOOD -- IN FACT, YOU POINTED OUT THOSE THREE THINGS TO ME THAT I MISSED. I THANK YOU FOR THAT.

I ACTUALLY DIDN'T NOTICE THAT WHEN I FIRST REVIEWED IT. BUT IT ACTUALLY, FROM THE MOTHER'S CHART, CONFIRMS -- FROM THE CHILD'S CHART CONFIRMS WHAT'S IN THE MOTHER'S CHART.

BY MR. HEMBREE:

Q AND DOCTOR, DO YOU HAVE ANY HISTORY, ANY EARLY HISTORY OF THIS CHILD SUFFERING FROM A BRAIN DEFECT AT -- DURING HIS -- DURING HIS CHILDHOOD?

A THE -- YES, I DO. AND IT COMES FROM THE MOTHER'S STATEMENT TO THE INVESTIGATOR AT THE HALL INSTITUTE AND FROM DR. CRAWFORD'S REPORT THAT HE HAD AS A YOUNG MAN NOW FROM CHILDHOOD--

Q AS A CHILD.

A -- HIS MOTHER SAID THAT HE BEGAN INTRACTABLE LYING OR JUST, YOU KNOW, JUST CONSTANT LYING AT A YOUNG AGE, LET'S SAY THE EARLY TEENS. NOW -- BUT FROM THE TEEN -- EARLY TEENS ON BEFORE TO CHILDHOOD, I DON'T HAVE ANY RECORD OF ANYTHING ABNORMAL AS FAR AS HIS BEHAVIOR.

BUT TYPICAL OF PSYCHOPATHS THEY ARE -- THERE IS NONE. MAY NOT BE.

Q AND YOU'VE ASSEMBLED YOUR REPORT, YOUR MATERIALS, AND YOU PASSED THOSE ALONG TO DR. THRASHER SO HE COULD REVIEW THOSE AND INCLUDE THOSE FINDINGS IN HIS REPORT AS WELL?
A YES. I -- I DIDN'T HAND THEM TO DR. THRASHER.
Q THEY WERE PROVIDED?
A YES.
Q AND THERE'S NO QUESTION THAT YOU ARE AN EXPERT FOR THE DEFENSE IN THIS CASE?
A YES.
Q SO YOU HAVE BEEN RETAINED BY THE DEFENDANT, MR. DIGGS, AND MR. KELLY?
A YES.
Q I'M CURIOUS, DOCTOR, HOW MUCH HAVE YOU CHARGED FOR YOUR TESTIMONY AND YOUR PREPARATION IN THIS CASE?
A WELL, FOR MY TIME I'M ALLOWED $40,000 IF MY TIME COMES TO THAT. I HAVE NOT SENT IN ONE BILL YET. I HAVE NOT BEEN PAID A SINGLE DIME. I HAVE DONE ALL OF THIS ON MY OWN TIME.
Q BUT YOU EXPECT TO BE PAID?
A I SURE HOPE SO.
Q AND YOU HAVE A BUDGETED AMOUNT OF $40,000?
A CORRECT.
Q HOW MUCH DO YOU CHARGE PER HOUR FOR YOUR TESTIMONY?
A FOR COURTROOM TIME FOR A FORENSIC EXPERT, THE AVERAGE IS FIVE -- FOUR TO $500 AN HOUR. IN THIS CASE IT'S $400

AN HOUR.

Q YOU'RE CHARGING $400 AN HOUR FOR YOUR TESTIMONY IN COURT?

A FOR MY TIME.

Q CORRECT. WELL, FOR YOUR TIME, YOUR -- AND THEN YOU CHARGE A DIFFERENT AMOUNT FOR YOUR TIME OUTSIDE OF COURT?

A CORRECT.

Q HOW MUCH DO YOU CHARGE PER HOUR FOR YOUR REVIEWING THE NOTES AND PREPARING THE DOCUMENTS AND REPORTS AND SO FORTH?

A ACTUALLY, I'M SORRY. IT'S -- IT'S THAT RATE FOR ALL MY TIME.

Q FLAT RATE, $400 ACROSS THE BOARD?

A CORRECT. AND I'M -- I AM ABSOLUTELY CERTAIN -- I GUESS AT $40,000 IF I SPEND OVER 100 HOURS ON THIS. I'VE ALREADY SPENT OVER A HUNDRED HOURS ON THIS CASE. I HAVE SPENT A TON OF TIME.

Q OKAY.

A SO I SPENT MANY -- MOST OF MY WEEKENDS SINCE THIS WAS DONE REVIEWING, REVIEWING, REVIEWING, DRIVING OUT HERE TO SEE MR. STANKO, DRIVING OUT HERE FROM MACON, SIX HOUR DRIVE HERE, SIX HOURS BACK FOR THE PRETRIAL, STAYING OUT HERE FOR THIS. I HAVE REALLY TAKEN A LOT OF TIME.

Q AND YOU -- ACTUALLY YOU'VE GOT A WEBSITE; DON'T YOU, DOCTOR?

A I DO.
Q AND ONE OF THE LINKS ON YOUR WEBSITE IS YOUR MEDIA APPEARANCES; ISN'T THAT CORRECT?
A YES.
Q ONE OF THOSE IS SOMETHING TO DO WITH DEMONS AND EXORCISM; ISN'T IT?
A THAT'S CORRECT.
Q PLEASE ANSWER ANY QUESTIONS MR. DIGGS MAY HAVE.

THE COURT: ANY REDIRECT OF THE WITNESS?

MR. DIGGS: YOUR HONOR, WE DON'T HAVE ANY QUESTIONS.

THE COURT: ANY EXCEPTION TO THE WITNESS BEING EXCUSED FROM THE STATE?

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

THE COURT: FROM THE DEFENSE?

MR. DIGGS: NONE, YOUR HONOR.

THE COURT: SIR, YOU'RE EXCUSED.

(WITNESS LEFT THE STAND.)

THE COURT: MADAM FORELADY, LADIES AND GENTLEMEN, WE'RE GOING TO TAKE ADVANTAGE OF THIS BREAK IN TESTIMONY TO TAKE OUR LUNCHEON RECESS. DURING THE BREAK PLEASE DO NOT DISCUSS THIS CASE AMONG YOURSELVES. PLEASE LEAVE YOUR NOTEPADS IN YOUR SEATS.

AND AGAIN, THE CLERK HAS BEEN VERY GENEROUS.

YOUR LUNCH HAS BEEN BROUGHT IN TODAY AND I UNDERSTAND THAT IT IS GOING TO BE VERY GOOD, SO ENJOY YOUR LUNCH AND WE WILL BE BACK WITH YOU SHORTLY AS TO WHEN WE WILL BE RESUMING.

(JURY LEFT THE COURTROOM AT 1:21 PM.)

THE COURT: OKAY. LET'S MAKE SURE WE HAVE ALL OF THE EXHIBITS. AND JUST FOR CLARITY OF THE RECORD, WHAT I DID WAS THE RECORD -- MEDICAL RECORDS, FOR APPELLATE PURPOSES I WANT TO MAKE SURE THE RECORD IS CLEAR. I DON'T WANT THEM HAVING TO BE LOOKING BACK AND FORTH.

SO ALL COURT'S EXHIBITS WILL REMAIN AS COURT'S EXHIBITS, BUT THOSE COURT EXHIBITS THAT HAVE BEEN MADE DEFENSE EXHIBITS WE'LL HAVE TO MAKE DUPLICATE COPIES SO THAT THE RECORD MAY REFLECT.

AND TO THE EXTENT THAT WE NEED TO, WE'LL START TO HELP KATHY SO THOSE COPIES CAN BE MADE. I BELIEVE IT WAS COURT'S 5 AND 6 WERE THE MEDICAL RECORDS OF MR. STANKO AND HIS MOTHER AT BIRTH; CORRECT? AND THEY WILL BE DEFENDANT'S NEXT TWO EXHIBITS, 21 AND 22.

MR. DIGGS: YOUR HONOR, DR. SACHY'S REPORT A COURT EXHIBIT?

THE COURT: DID YOU MOVE TO DO THAT IN HIS TESTIMONY? IS THE STATE GOING TO OBJECT TO THAT?

MR. HEMBREE: YES, YOUR HONOR.

THE COURT: YEAH. I DON'T KNOW HOW YOU ARE GOING TO -- HOW ARE YOU GOING TO GET IT IN?

MR. HEMBREE: HE'S ALREADY TESTIFIED TO IT.

THE COURT: I THINK ONCE YOU HAVE HIM TESTIFY, I DON'T THINK--

MR. DIGGS: I WILL PUT IT--

THE COURT: BUT I MEAN, YOU CAN PUT HIM BACK ON THE STAND. I'M NOT GOING TO TELL YOU HOW TO RUN YOUR CASE. I TAKE IT UP IN AN ATTEMPT TO DO IT.

MR. DIGGS: ALL RIGHT.

THE COURT: WE WILL BE AT EASE FOR LUNCH. I WOULD ASSUME THAT IT PROBABLY WILL TAKE -- IT IS GOING TO TAKE THE JURY ABOUT 30 MINUTES TO EAT AND ANOTHER 15 TO GET REFRESHED, SO WE WILL RESUME -- AND I GUESS I NEED -- WELL, LET'S SEE.

IT'S... 1:21. HAVE YOU ALL BEEN BRINGING YOUR LUNCH IN OR DO Y'ALL HAVE TO GO OUT TO EAT?

MR. DIGGS: GO OUT.

THE COURT: OKAY.

MR. HEMBREE: JUDGE?

THE COURT: YES.

MR. HEMBREE: FRAN JUST POINTED SOMETHING OUT IMPORTANT. WE HAVE GOT DOCTORS COMING IN FROM CHARLESTON THIS AFTERNOON. THEY ARE GOING TO BE

FAIRLY SHORT, BUT IT'S -- IT IS -- I JUST AM -- HOPE AND PRAY WE CAN GET THEM ALL IN THIS AFTERNOON.

DR. CRAWFORD IS HERE OBVIOUSLY. SHE'S GOING TO BE OUR FIRST WITNESS. BUT WE HAVE THREE OTHER DOCTORS THAT WILL TESTIFY THAT...

THE COURT: WELL, WE WILL HAVE TO TAKE IT AS IT COMES. I STILL HAVE TO QUESTION MR. STANKO ABOUT WHETHER HE INTENDS TO TESTIFY. AND SO THAT'S WHAT I'M TRYING TO COORDINATE RIGHT NOW.

MR. HEMBREE: JUST WANT TO MAKE YOU AWARE.

THE COURT: YEAH. I'M TRYING TO GIVE YOU ALL ENOUGH TIME TO EAT WITHOUT FRUSTRATING THE JURY EITHER. ONCE THEY EAT AND HAVE A LITTLE WALK, THEY ARE READY TO START.

OF COURSE, THEY DON'T KNOW THAT YOU ALL HAVE TO GO OUT TO EAT. SO WHAT WE WILL DO IS WE WILL RESUME AT 2:25, WHICH IS AN HOUR, LITTLE MORE THAN AN HOUR FROM NOW, 1:22.

AT THAT TIME I WILL RESUME THE QUESTIONING OF MR. STANKO REGARDING HIS RIGHTS SO THAT THAT'S CLEAR FOR THE RECORD, AND THEN WE'LL SEE WHERE WE'RE GOING FROM THERE BECAUSE I DON'T KNOW IF THE DEFENSE MAY HAVE OTHER WITNESSES. OKAY?

MR. HEMBREE: THANK YOU, YOUR HONOR.

(WHEREUPON COURT WAS IN RECESS FOR LUNCH.)

(WHEREUPON, DEFENDANT'S EXHIBITS 21 AND 22 WERE ADMITTED INTO EVIDENCE.)

THE COURT: MR. STANKO, IF YOU -- ASK MR. DIGGS, DO YOU HAVE -- DOES THE DEFENSE HAVE ANY ADDITIONAL WITNESSES?

MR. DIGGS: YOUR HONOR, WE'RE NOT GOING TO PRESENT ANY ADDITIONAL WITNESSES.

THE COURT: OKAY. MR. STANKO, IF YOU WOULD STAND FOR ME, PLEASE SIR. I WOULD REMIND YOU THAT YOU'RE STILL UNDER OATH. MR. STANKO, ON LAST NIGHT I EXPLAINED TO YOU CERTAIN OF YOUR RIGHTS, YOUR CONSTITUTIONAL RIGHTS REGARDING YOUR RIGHT TO TESTIFY OR NOT TO TESTIFY, AND I TOLD YOU AT THAT TIME THAT I WAS INSTRUCTING YOU REGARDING THOSE RIGHTS SO THAT YOU WOULD HAVE A FULL OPPORTUNITY TO DISCUSS THOSE MATTERS AND HAVE SOME COOL REFLECTION REGARDING THE DECISION REGARDING THOSE MATTERS AT THE CONCLUSION OF THE WITNESSES YOU HAVE PRESENTED ON YOUR BEHALF.

SIR, HAVE YOU HAD A FULL OPPORTUNITY TO DISCUSS WHETHER YOU WANT TO TESTIFY OR DO NOT WANT TO TESTIFY WITH YOUR LAWYERS?

THE DEFENDANT: YES, MA'AM, I HAVE.

THE COURT: DO YOU WISH TO TALK WITH YOUR LAWYERS ANY MORE AT THIS TIME?

THE DEFENDANT: NO, MA'AM.

THE COURT: AND SIR, DO YOU WISH TO TESTIFY?

THE DEFENDANT: NO, MA'AM.

THE COURT: OKAY. HAVE YOU ALSO HAD A FULL OPPORTUNITY TO DISCUSS WITH YOUR LAWYERS YOUR RIGHTS -- BEAR WITH ME -- YOUR RIGHT TO ADDRESS THE JURY PURSUANT TO SOUTH CAROLINA CODE ANNOTATED 16-3-28?

I'M SORRY. I SHOULD HAVE PUT THAT IN LAYMAN'S TERMS, AND I APOLOGIZE -- REGARDING YOUR RIGHT TO ADDRESS THE JURY IN CLOSING ARGUMENT?

THE DEFENDANT: YES, MA'AM.

THE COURT: DO YOU FEEL YOU NEED ANY ADDITIONAL OPPORTUNITY TO DISCUSS THAT MATTER WITH YOUR LAWYERS?

THE DEFENDANT: MAY I HAVE JUST 10 SECONDS?

THE COURT: SURE. DO YOU WANT TO GO OUTSIDE THE PRESENCE OF EVERYONE HERE?

THE DEFENDANT: NO, MA'AM.

THE COURT: OKAY.

(DEFENDANT AND COUNSEL CONFERRING.)

THE DEFENDANT: MA'AM, I'M NOT GOING TO ADDRESS THE JURY.

THE COURT: MR. DIGGS, MR. KELLY, DO YOU FEEL THAT YOU HAVE FULLY EXPLAINED THESE -- AND I'M REFERRING TO MR. STANKO'S RIGHT TO ADDRESS THE JURY PURSUANT TO 16-3-28, DO YOU FEEL THAT YOU HAVE FULLY

DISCUSSED THESE MATTERS WITH MR. STANKO?

MR. DIGGS: YES, I FEEL WE DID.

THE COURT: DO YOU BELIEVE THAT HE UNDERSTANDS WHAT YOU HAVE EXPLAINED TO HIM?

MR. DIGGS: YES, MA'AM.

THE COURT: AND DO YOU BELIEVE THAT HE HAS FREELY AND VOLUNTARILY WAIVED HIS RIGHT?

MR. DIGGS: YES.

THE COURT: DO YOU FEEL THAT HE IS UNDER ANY DURESS OR OTHERWISE IN MAKING THIS DECISION?

MR. DIGGS: NO, MA'AM.

THE COURT: MR. STANKO, ARE YOU MAKING THIS DECISION TO WAIVE YOUR RIGHT TO ADDRESS THE JURY FREELY AND VOLUNTARILY?

THE DEFENDANT: YES, MA'AM.

THE COURT: DO YOU BELIEVE THAT YOU'RE UNDER ANY DURESS OR OTHER PRESSURES IN MAKING YOUR DECISION?

THE DEFENDANT: NO, MA'AM.

THE COURT: DO YOU BELIEVE THAT YOU HAD A FULL OPPORTUNITY TO DISCUSS THESE MATTERS WITH YOUR LAWYERS?

THE DEFENDANT: YES, MA'AM, I HAVE.

THE COURT: ARE YOU SUFFERING FROM ANY MENTAL DISABILITIES AT THIS TIME OR UNDER THE INFLUENCE OF ANY DRUGS OR ALCOHOL THAT WOULD IMPAIR YOUR ABILITY

TO MAKE THIS DECISION?

THE DEFENDANT: NO, MA'AM.

MR. DIGGS: YOUR HONOR, WE'D MAKE THAT SUBJECT TO THE EVIDENCE THAT WE PRESENTED.

THE COURT: WELL, I THINK THAT THAT GOES WITHOUT SAYING. I'M TALKING ABOUT TAKING MEDICATION--

MR. DIGGS: YES, MA'AM.

THE COURT: -- OR SOME OTHER INJURY THAT WOULD IMPAIR HIS ABILITY TO MAKE A FREE, VOLUNTARY, AND KNOWING WAIVER.

THE DEFENDANT: YES, MA'AM.

THE COURT: IS YOUR ANSWER TO THAT QUESTION NO?

THE DEFENDANT: NO, MA'AM. NO MEDICINE THAT I -- MY ABILITY.

THE COURT: OKAY. IS THERE ANYTHING FURTHER FOR THE RECORD BEFORE WE BEGIN, BEFORE I BRING THE JURY BACK IN--

MR. DIGGS: NOT FROM THE DEFENSE, YOUR HONOR.

THE COURT: -- WE BEGIN THE REBUTTAL PORTION OF THIS CASE?

MR. HEMBREE: YOUR HONOR, DO WE NEED TO TAKE UP ANY MOTIONS AT THIS TIME?

THE COURT: I DON'T -- THEY HAVEN'T RESTED YET.

MR. HEMBREE: OH, I'M SORRY.

THE COURT: YES. WHEN THEY REST, WE WILL --

WELL, WE CAN DO IT ONE OF TWO WAYS. IF YOU WANT TO, MR. DIGGS, YOU ALL CAN GO AHEAD AND REST, I CAN TAKE UP THE MOTIONS, AND THEN THE JURY COMES IN, YOU CAN REST IN THEIR PRESENCE, AND THEN WE CAN GO ON WITH THE STATE'S REBUTTAL CASE.

MR. DIGGS: YOUR HONOR, WE WOULD REST AT THIS POINT.

THE COURT: ARE THERE ANY MOTIONS?

MR. DIGGS: YOUR HONOR, I WOULD ASK PERMISSION TO WITHHOLD MAKING THOSE MOTIONS UNTIL THE END OF THE PRESENTATION OF THE EVIDENCE IN THE CASE WITHOUT WAIVING -- AT THIS TIME WITHOUT WAIVING ANY RIGHTS THAT WE HAVE TO -- TO MAKE MOTIONS. I WOULD ASK TO BE PERMITTED TO HOLD OUR MOTIONS UNTIL WE...

THE COURT: WHAT WOULD BE THE PRECEDENCE FOR THAT?

MR. DIGGS: PARDON?

THE COURT: WHAT WOULD BE THE PRECEDENCE FOR THAT?

MR. DIGGS: WELL, SIMPLY BECAUSE THERE APPARENTLY IS GOING TO BE ADDITIONAL EVIDENCE PRESENTED IN THE CASE.

THE COURT: THE COURT ISN'T GOING TO CONSIDER THAT IN WHETHER A DIRECTED VERDICT IS APPROPRIATE.

MR. DIGGS: WELL, THEN I WOULD RENEW THE

WOULD ASK YOU TO GIVE THE ATTORNEYS YOUR UNDIVIDED ATTENTION. YOU MAY PROCEED.

MR. KELLY: MAY IT PLEASE THE COURT.

THE COURT: YES, SIR. THE COURT PLEASES.

CLOSING STATEMENT

MR. KELLY: LET THE TRUTH BE THE LIGHT. YOU AGREE WITH ME ON THAT? YOU AGREE WITH ME WE SHOULD LET THE TRUTH BE THE LIGHT THAT SHINES ON THE PATH THAT WE'RE WALKING SO THAT WE CAN SEE CLEARLY BY THAT LIGHT?

LET ME TELL YOU WHAT THE TRUTH OF THE LIGHT I THINK. THE TRUTH IS LIKE A BEACON, A BRIGHT LIGHT ON A TOWER, ON A HILL, AND YOU CAN TAKE IT AND YOU CAN CARRY IT INSIDE A HOUSE, THEN YOU CAN GO INTO A DARK ROOM AND YOU CAN TAKE IT AND PUT IT UNDER THE BED AND PUT A BASKET ON THE TOP OF IT AND PULL THE COVERS DOWN AND CLOSE THE SHUTTERS AND YOU CAN EVEN GO OUTSIDE AND YOU CAN SAY THERE'S NO TRUTH IN THAT HOUSE AND YOU CAN CALL THAT OUT TO ANYBODY WHO WILL LISTEN.

BUT THE TRUTH WILL SHINE OUT LIKE THE NOON DAY SUN. IT CANNOT BE HELD. IT CANNOT BE MOVED AWAY WHERE IT CANNOT BE SEEN.

NOW, YOU'RE THE JUDGES OF THE FACTS. THAT'S WHAT THE TRUTH IS; ISN'T IT? THE FACTS? WELL, LET'S

TALK FACTS, OKAY? LET'S TALK. NOW, ALL THE EVIDENCE COMES IN HERE FROM THE WITNESSES AND FROM THE DOCUMENTS THAT YOU HAVE SEEN, AND THERE'S BEEN A LOT OF IT.

AND WE NEED TO DETERMINE AND YOU NEED TO DETERMINE WHAT IS IT THAT WE HAVE ACTUALLY SEEN. WHAT DOES IT REALLY MEAN? OKAY? I WANT TO TALK ABOUT THESE EXPERTS FIRST OF ALL; OKAY?

I WANT TO START WITH DR. KEN SPICER. YOU REMEMBER HIM? OKAY. YOU KNOW, WHEN HE GOT UP THERE ON THAT WITNESS STAND AND HE STARTED SHOWING THOSE PICTURES, I DON'T KNOW ABOUT YOU, BUT I STARTED SCRATCHING MY HEAD BECAUSE I WAS WONDERING, WHAT IN THE WORLD IS THE DIFFERENCE HERE?

HOW ARE HIS PICTURES SO MUCH DIFFERENT FROM THE ONES THAT WERE PRODUCED BY THE DEFENSE'S EXPERTS? HOW IN THE WORLD IS THAT POSSIBLE? BUT AT THE END OF HIS TESTIMONY I FOUND OUT.

NOW YOU KNOW, WHEN IT COMES TO TESTIMONY, WHAT I SAY, THAT'S NOT EVIDENCE. AND WHAT ANY OTHER LAWYER SAYS, THAT'S NOT EVIDENCE. AND IF YOU WANT TO CHECK TO SEE IF WHAT I'M SAYING IS RIGHT OR ANYBODY ELSE OR FOR ANY REASON, THERE'S THE RECORD. ALL YOU HAVE TO DO IS TO GO BACK AND EXAMINE IT AND HAVE IT PLAYED FOR YOU AND DETERMINE.

BUT I WILL TELL YOU. AT THE END OF HIS TESTIMONY HE WAS ASKED ABOUT THE CONTROL GROUP. AND WHAT HE SAID WAS, WELL, YOU KNOW, THIS NORMAL BRAIN PATTERN THAT WE'RE SHOWING UP HERE, THIS WAS TAKEN WHEN PEOPLE WHO ARE -- AFTER THEY GOT THEIR INJECTION ON THE RADIOACTIVE SUGAR, THEY WERE PUT INTO A DARK ROOM IN AN EASY-CHAIR.

WELL, THAT EXPLAINS IT. OF COURSE STEPHEN STANKO'S BRAIN LOOKED SIMILAR TO THOSE PEOPLE BECAUSE STEPHEN STANKO'S FRONTAL LOBES DON'T WORK. AND ALL THE EXPERTS TOLD YOU WHEN YOU AND I ARE ASLEEP OR WE'RE RELAXED OR WE REST AND OUR FRONTAL LOBES ARE NOT WORKING, THEY DARKEN DOWN.

WELL, STEPHEN STANKO WHEN HE TOOK THAT TEST -- DIDN'T YOU HEAR THAT EINHORN SAID THAT THERE WERE OVER 600 IMAGES OR EVENTS THAT WERE ENGAGING HIS FRONTAL LOBES TO SEE, YOU WANT THEM TO BE ACTIVE.

AND THEIR TEST GROUP OR CONTROL GROUP THAT'S SHOWN ON THESE PHOTOGRAPHS WERE NORMAL BRAINS ENGAGED IN THE SAME WAY. THAT'S WHY THE DEFENSE'S PHOTOGRAPHS ARE DIFFERENT, NOT WHAT SPICER SAID.

DID YOU SEE SPICER? DID YOU SEE HIM GET UP OUT OF THIS WITNESS BOX AND COME OVER HERE AND GET CLOSE OVER HERE AND SAY, YOU KNOW, THAT IMAGE LOOKS LIKE IT'S DAMPENED DOWN. DID YOU HEAR THAT? I DID.

HE WAS ACCUSING THE FOREMOST EXPERTS IN THE UNITED STATES OF AMERICA OF CHEATING AND FUDGING ON THESE IMAGES WHEN HE HIMSELF HAD USED A FAULTY, FALSE CONTROL GROUP.

IF YOU DON'T BELIEVE IT, GO TO THE TRANSCRIPT. WHAT KIND OF HOGWASH IS THIS WHEN A MAN'S LIFE, NO MATTER WHO HE IS, IS AT STAKE?

YOU THINK WE OUGHT TO PUT UP WITH THAT? YOU THINK WE OUGHT TO SWALLOW DOWN THE BIG FISH THAT HE BRINGS US BECAUSE WE DON'T LIKE STEPHEN STANKO? I DON'T THINK SO.

AND THAT'S EXACTLY WHAT HE DID. AND I DON'T CARE WHO HE IS OR WHO HE SAYS HE IS OR WHERE HE'S FROM. I DON'T CARE HOW -- WHAT DEGREES HE'S GOT OR ANYTHING ELSE.

RIGHT IS RIGHT AND WRONG IS WRONG. AND THAT'S THE REASON AND THAT'S THE ONLY REASON HE GOES OVER AND HE EYEBALLS IT. YOU KNOW, EYEBALL IN THERE FROM THE -- NOT THE COURT'S EXPERTS AS MR. HUMPHRIES CALLED THEM, THEY ARE NOT COURT'S EXPERTS, THOSE ARE STATE'S EXPERTS.

THE ONLY ONE WHO MIGHT EVEN BE A COURT EXPERT WOULD HAVE TO BE ONE AGREED UPON AND THAT WOULD BE PAMELA AND WHAT'S HER NAME -- PAMELA CRAWFORD.

AND BY THE WAY, LET ME GET SOMETHING OUT IN THE

OPEN. THE SOLICITOR SAID, MR -- DR. SACHY, HOW MUCH MONEY YOU'D BE MAKING HERE? $400 AN HOUR, UP TO $40,000. WHOO, THAT'S A LOT OF MONEY; ISN'T IT?

WELL, LET ME ASK YOU SOMETHING. IF YOU GET THE FOREMOST EXPERTS IN THE UNITED STATES OF AMERICA, I'M NOT TALKING ABOUT A -- SOME OTHER COUNTRY, I'M TALKING ABOUT THE RICHEST COUNTRY IN THE WORLD -- YOU THINK YOU'RE GOING TO GET THEM FOR NICKELS AND DIMES? YOU GOING TO PAY THE MARKET IN AMERICA BECAUSE WE ARE A FREE MARKET SOCIETY. THAT'S WHAT YOU'RE GOING TO PAY FOR. AND IF YOU WANT SOMETHING LESS, FINE.

THINK FOR ONE MOMENT -- DO YOU BELIEVE THAT DR. SACHY IS FABRICATING HIS OPINIONS UP HERE TO MAKE MONEY? DO YOU BELIEVE THAT? I DON'T. I CERTAINLY DON'T. BUT LET THE TRUTH BE THE LIGHT.

DON'T MEASURE ME BY MY SUIT. DON'T MEASURE ME BY THE HAT I WEAR. DON'T MEASURE ME EVEN BY WHAT I SAY. MEASURE ME BY WHAT I DO. AND WHEN YOU MEASURE ME BY WHAT I SAY, MAKE SURE IT ADDS UP, OKAY?

THEY ARE TALKING ABOUT ADDING UP. LET'S TALK ABOUT THE EXPERT, MR. WILLIAM BRANNON. YOU LIKE HIM? YOU THINK HE'S GIVING YOU GOOD OPINION? WELL, HE SEEMED TO ME TO BE A LITTLE BEHIND THE CLOCK.

I THOUGHT HE WAS A LITTLE BACK IN THE -- IN THE BACKGROUND AS FAR AS SCIENCE WAS CONCERNED. WHAT DO

YOU THINK? LET'S TALK ABOUT IT. HE'S A -- HE SAID, WELL, I STUDIOUSLY AVOID STATISTICS. YOU KNOW, I ACTUALLY HEARD PEOPLE LAUGH WHEN HE SAID THAT.

AN EXPERT WHO IS DEALING WITH STATISTICALLY GENERATED INFORMATION WHO JUST AVOIDS THINGS. RIGHT? HOW ABOUT THIS. HE -- HE EVEN SAID, YOU KNOW THAT PEER REVIEW? THAT'S NOTHING. RIGHT? THESE ARTICLES? JUST INTERESTING, NOT USEFUL.

AND IN FACT, LET ME JUMP TO SOMETHING. LET ME JUMP TO THE FIRST TIME THAT THE EXPERTS KNOW THAT IN A COURTROOM IN AMERICA THERE IS PARTICULAR KIND OF EVIDENCE IS BEING PRESENTED. WHAT IS IT?

IT'S THIS VOLUMETRIC AND METABOLIC EVIDENCE THAT WAS GIVEN TO US IN BOTH THE CIT (SIC) AND THE PET SCAN. NOT JUST TALKING ABOUT THE FIRST TIME? WELL, LET ME ASK YOU SOMETHING.

YOU EVER THINK THERE WAS A FIRST TIME MICHAEL JORDAN EVER PICKED UP A BASKETBALL? DO YOU THINK THERE WAS A FIRST TIME THAT GALELEI THE GREAT SCIENTIST FROM THE RENAISSANCE, LOOKED THROUGH HIS TELESCOPE AND SAW THE MOONS OF SATURN, THAT NOBODY HAD EVER SEEN BEFORE?

AND IN FACT, WHEN HE REPORTED IT THERE WERE PEOPLE WHO SAID, OH, NO, NO, NO, NO, THAT AIN'T THE WAY IT IS.

AND THAT WAS THE ESTABLISHMENT THAT OFTEN RESISTS THE CHANGE THAT REALLY UNSEATS THEM IF THEY DON'T KEEP UP WITH IT.

BUT GOING BACK TO MR. BRANNON, HE DIDN'T THINK THAT THIS CHART MEANT ANYTHING. IF YOU DON'T BELIEVE IT, PLAY IT BACK UP. HE SAID, HE DID EVERYTHING BUT THE BELCH WHEN HE SAID THAT DON'T MEAN NOTHING. REALLY? REALLY?

THIS CHART DOESN'T MEAN ANYTHING? ISN'T THAT JUST ANOTHER WAY OF SAYING, WELL, YOU KNOW, THESE EXPERTS ON THE OTHER SIDE? THEY DON'T KNOW ANYTHING. THAT'S JUST ANOTHER WAY OF SAYING THAT. HE ALSO VIEWED THE MRI WITH HIS EYEBALL.

HE SAID, HEY, YOU KNOW, I HAVE BEEN THE DOCTOR TO PRESIDENTS, AND LET ME TELL YA, I LOOK AT THIS WITH MY EYEBALL LIKE EVERYBODY ELSE DOES AND I CAN TELL YOU THERE AIN'T NOTHING HERE. REALLY? REALLY?

HA HA HA. AND OF COURSE, MR. HUMPHRIES SAID, HEY, IF IT'S THAT SUBTLE IT DOESN'T MEAN ANYTHING ANY WAY.

WELL, I DON'T KNOW, YOU KNOW. IF THE VOLUME IN YOUR BRAIN IS ABNORMAL, THESE EXPERTS SAY IT MEANS SOMETHING; DIDN'T THEY? BUT HE JUST POOH-POOHED IT. THAT DOESN'T MEAN ANYTHING AND THAT'S EXACTLY WHAT HE DID.

YOU LIKE THAT? IS THAT THE KIND OF PEOPLE YOU TAKE YOUR CHILDREN TO TO HAVE THEM CHECKED OUT? IS THAT WHAT THAT'S ALL ABOUT? HE WAS -- YOU KNOW WHAT THAT WAS?

BY THE WAY, HIM LOOKING AT THAT, THAT'S LIKE ME DRAWING YOUR BLOOD AND HOLDING IT UP TO THE LIGHT AND SAYING, NO, DON'T BELIEVE HE GOT ANY DISEASE. THAT'S WHAT IT'S LIKE.

I CAN TELL, I CAN TELL JUST BY LOOKING AT HIM THAT YOUR BLOOD IS OKAY. NOW, HE KNEW LITTLE OR NOTHING ABOUT THE UNITED STATES AIR FORCE ACADEMY, BUT HE WAS HAPPY TO GIVE US HIS OPINION. NEVER BEEN THERE.

NOW, HE KNEW A LITTLE BIT ABOUT THE NAVY NOW, YOU KNOW, AND HE KNEW A LITTLE BIT ABOUT WEST POINT. HE DIDN'T KNOW ANYTHING ABOUT THE AIR FORCE ACADEMY, BUT HE WAS HAPPY TO TELL US ABOUT IT.

HE ALSO DIDN'T KNOW TO ANYTHING -- HE HAD EVER BEEN TO GUANTANAMO, NEVER BEEN DOWN THERE, BUT HE WAS HAPPY TO TELL US HOW THEY HAD TO HAVE RUN THEIR BUSINESS DOWN THERE, OKAY.

LET ME TELL YOU WHAT HE SAID. YOU DON'T BELIEVE ME, GO TAKE A LOOK. HERE'S WHAT HE SAID. HE SAID, OH YEAH, NOW LET ME LOOK AT THESE TWO THINGS HERE. LET ME FIND IT. I KNOW THEY ARE AROUND HERE.

LET ME SHOW THEM TO YOU. THEY ARE THE EXCEPTS OF THE BIRTH PAPERS, MOM AND THE BABY, OKAY? DOWN IN GUANTANAMO. OKAY? THINK ABOUT IT. THESE ARE AMERICAN DOCTORS SERVING IN THE NAVY AND THEY ARE NOT JUST GUESSING. THEY ARE PUTTING DOWN JUST LIKE DR. SACHY SAID.

SASHY SAID, WHEN WE DOCTORS -- THESE ARE MEDICAL DOCTORS -- WHEN WE DOCTORS MAKE OUT THESE KIND OF CHARTS AND WHATNOT, WE WANT TO BE PARTICULAR ABOUT IT SO IN THE FUTURE PEOPLE CAN RELY ON IT. OKAY? YOU REMEMBER THE LIST?

YOU TAKE THESE IN THE ROOM WITH YOU, TAKE A LOOK AT THEM. YOU REMEMBER THE LIST AND THE LIST HAS GOT N, N, N, O, N, O. THERE ARE THREE O'S ON THERE, RIGHT? WELL, WHAT DID HE SAY THAT MEANT? O MEANT ZERO.

WELL, I THINK TWO OF THEM WERE A YELLOW PALLOR THAT YOU HAVE AS JAUNDICE THAT'S MENTIONED IN THE OTHER REPORT. AND ONE OF THEM IS A TINGE OF BLUE TO THE SKIN THAT YOU GET WHEN YOU DON'T HAVE ENOUGH OXYGEN.

AND WHAT DID THE O MEAN TO HIM? IT MEANT IT WASN'T THERE. BUT WHAT DOES THE O MEAN? WHAT DID DR. SACHY SAY? O MEANS OBSERVED. THAT'S WHAT O MEANS. AND N MEANS NOT OBSERVED.

AND THAT'S WHEN YOU LOOK AT IT THAT WAY, WHICH IS THE WAY IT IS, THESE TWO DOCUMENTS MESH PERFECTLY TO YOU. YOU THINK THESE DOCTORS ARE IDIOTS? NO. IT'S OBSERVED OR IT'S NOT OBSERVED.

WHY IS THAT IMPORTANT? BECAUSE THE STATE WANTS TO CONVINCE YOU THAT THERE IS NO BIRTH DEFECT. AND THAT BRINGS ME TO THE BURDEN OF PROOF FOR A MOMENT. YOU KNOW, HERE IS THE DEFENDANT, HE'S GOT NOTHING TO PROVE.

THE JUDGE HAS ALREADY TOLD YOU THAT. HE DOESN'T HAVE TO PROVE A THING. HE DOESN'T HAVE TO PROVE BEYOND A REASONABLE DOUBT THAT THERE WAS OR WE DON'T THAT THERE WAS ANY BIRTH DEFECT.

WE'RE SHOWING YOU THIS BECAUSE THIS IS THE MAN'S BIRTH RECORDS. OKAY? AND THEY SHOW THAT THESE DOCTORS BELIEVED HE HAD THIS HEMORRHAGE IN HIS HEAD, HE HAD THIS PROBLEM IN HIS MIND WITH HIS BRAIN, THAT IN FACT THEY DON'T TALK ABOUT IT MUCH, BUT THE DOCTORS DOWN THERE SAID, NO TUBAL LIGATION, WE DON'T WANT TO GIVE YOU ONE, MA'AM, BECAUSE IN -- BECAUSE THIS BABY MIGHT NOT LIVE, MIGHT NOT SURVIVE.

AND YEAH, THE BABY WENT HOME A DAY AFTER MAMA DID. WHEN WAS THIS? 1968. THERE WEREN'T ANY PET SCANS OR CAT SCANS OR ANYTHING BACK THERE; WERE THEY? ISN'T THAT WHAT THE EXPERTS SAID?

IN FACT, HERE IS STEPHEN STANKO UNTIL HE'S PUT ON TRIAL FOR HIS LIFE UP HERE. HE HAD NO IDEA AND EITHER DID ANYBODY ELSE, EVEN THOUGH HE HAD BEEN UNDER STRICT SUPERVISION BY THE STATE OF SOUTH CAROLINA THAT HE HAD ANY BRAIN DAMAGE.

THEY WANT TO SELL IT -- SQUELCH IT. HEY, HOW ABOUT THIS, I WILL JUST HIDE IT IN MY JACKET. THINK THAT WILL DO IT FOR YOU? I DON'T THINK SO. BUT IT'S UP TO YOU.

THERE ARE MORE THINGS IN HERE THAN I HAVE MENTIONED. OKAY? MAYBE MR. DIGGS WILL TELL YOU ABOUT THEM. BUT I REMEMBER THAT CLEARLY. THEY'RE FIGHTING TO KEEP IT OUT BECAUSE THEY WANT YOU TO AGREE WITH THEM THAT THERE JUST AIN'T NO POSSIBILITY OF ANY BIRTH DEFECT AT ALL.

NOW, WHEN STEPHEN STANKO WAS 15, THE HISTORY IS HE WAS HIT IN THE BACK OF THE HEAD WITH A FULL BOTTLE OF BEER AND THAT HE LOST CONSCIOUSNESS. THAT CAME IN FROM THE HISTORIES THAT WERE THERE.

AND THEY SAID, WE'RE NOT SAYING THAT DAMAGED HIS BRAIN, BUT IT CERTAINLY CAN DAMAGE HIS BRAIN BECAUSE WE GET HIT IN THE BACK, YOUR BRAIN CAN SLIDE FORWARD AND BE BRUISED ON THE FRONT.

BUT I'LL TELL YOU ONE THING. YOU TAKE A LOOK AT THESE IMAGES -- I MEAN, THE FAIR ONES, NOT THE ONE

THAT THE SHOW THE PEOPLE ASLEEP IN CHAIRS. OKAY? WELL, MAYBE NOT ASLEEP, BUT SITTING IN A DARK ROOM -- AND PUT THOSE UP AGAINST THE NORMAL BRAIN.

AND YOU REMEMBER THAT WAS 41 SELECTIONS OF NORMAL BRAINS. WHAT DID THE DEAR EXPERT BRANNON SAY? WELL, MY GOODNESS, 41? WELL, THAT'S NOTHING. SHOULD BE MILLIONS. NO. PREFER NOT, EXPERT, BRANNON, BECAUSE THE PEER GROUPS AND THE SIZE OF TODAY, NOT YOUR DAY, TODAY, SAYS THAT'S PERFECTLY FINE.

IT'S USED BY SURGEONS. IT'S USED BY PSYCHIATRISTS. MAYBE YOU DON'T THINK SO. MAYBE YOU WANT TO CONVINCE US THAT IT CANNOT. BUT HEY, IF I'M GOING FOR STORIES ABOUT RICHARD NIXON AND GERALD FORD, I WILL COME TO YOU. BUT IF I WANT EXPERT TESTIMONY ABOUT PET SCANS, I'M GOING TO GO OVER HERE TO DR. WU AND I'M GOING TO GO TO DR. SACHY AND THE OTHER EXPERTS.

LET ME TELL YOU A LITTLE BIT ABOUT WU WHILE I'M ON IT. IF YOU'VE EVER SEEN ANYBODY THAT'S GOT THAT KIND OF EDUCATION, HONORS FROM STANFORD AND HONORS FROM SO AND SO, HE'S RECEIVING GRANTS FROM THE UNITED STATES GOVERNMENT, FROM THE DEPARTMENT OF HEALTH OR WHATEVER -- DON'T TAKE MY WORD FOR IT. YOU WANT TO SEE IT, READ THE TRANSCRIPT, GET IT RED BACK TO YOU.

THIS GUY IS IT. HE'S THE MAN. OKAY. HE'S THE

ONE WRITING Y'ALL. HE'S THE MAN WHO IS ON THE PEER GROUPS TO -- WHAT DO THEY DO? THEY MAKE SURE THAT THE ARTICLES THAT COME IN ARE GOOD SCIENCE.

THIS GUY IS THE REAL DEAL. THAT'S WHO -- THAT'S WHO WU IS. WELL, THAT AIN'T BRANNON. I DON'T WANT TO RUN THE MAN DOWN, BUT DON'T COME IN HERE WHEN A MAN'S LIFE IS ON THE LINE AND TRY TO MAKE HIM OUT AS HEALTHY WHEN HE'S SICK.

AND I DON'T CARE WHY YOU'RE DOING IT. I DON'T WANT TO -- WHY SHOULD I EVEN WANT TO KNOW WHY YOU'RE SOMEBODY'S HAND PUPPET OR YOU'RE ACTING LIKE A TRAINED PARROT. I DON'T NEED TO KNOW. BUT I DO KNOW WHAT WU IS LIKE, BUT THAT'S FOR YOU TO DECIDE. OKAY?

WHAT I SAY TO YOU IS NOT EVIDENCE. YOU KNOW, YOU MIGHT NOT LIKE ME LAYING IT OUT HERE LIKE THIS, BUT LET THE TRUTH BE THE LIGHT. HE SAID THESE PEER REVIEW ARTICLES, HE SAID THEY'RE INTERESTING, BUT THEY ARE NOT USEFUL, AND HE DID ADMIT THAT HE WAS UNFAMILIAR WITH VOLUMETRIC MRIS.

WELL, OKAY. AND HE -- AND HE MAY SAY THIS, TAKE MY WORD FOR IT, THIS IS THE WAY IT IS BECAUSE OF WHO I AM. OKAY? WELL, WHEN I'M GOING DOWN THERE TO PAY MY GROCERY BILL, I NEED TO ADD UP LISTS TO MAKE SURE, OKAY, WHEN I PAY IT. YOU KNOW.

NOW, YOU TAKE DR. BRAWLEY. NOW, I LIKED HER.

SHE'S MY KIND OF EXPERT. YOU REMEMBER HER? SHE GOT UP HERE ON THE STAND, SHE SAYS, I'M A NEUROPSYCHOLOGIST. IN OTHER WORDS, SHE'S JUST LIKE DR. EINHORN.

AND SHE SAID, THIS IS MY AREA OF EXPERTISE AND THIS IS WHAT I DO AND THIS IS WHAT I KNOW. THE REST OF IT I REALLY CAN'T GIVE YOU AN OPINION ON. I LIKE THAT, DON'T YOU, BECAUSE THAT GIVES ME WHAT I NEED TO MAKE A DECISION.

AND WHAT DID SHE SAY? SHE SAID, WHAT I DO IS I USE PAPER AND BLOCKS AND THINGS. I DON'T LOOK INSIDE THE BRAIN. I TAKE PAPERS AND BLOCKS AND THINGS AND I MAKE EXAMINATIONS VERY MUCH THE SAME WAY THAT EINHORN DOES, AND I CAN TELL YOU THAT EINHORN'S EXAMINATION WAS LENGTHY AND IT WAS THOROUGH, AND I AGREE WITH HIM. OKAY?

NOW, LET'S TALK ABOUT THIS A LITTLE BIT, OKAY? EINHORN'S EXAMINATION WHICH SHE SAYS SHE AGREES WITH. YOU MAY REMEMBER EARLY ON IN THE TRIAL THAT THE SOLICITOR SAID, THERE'S NOTHING WRONG WITH THIS MAN'S BRAIN. EVEN THEIR OWN EXPERT SAYS SO.

BUT HOW DOES IT COME OUT? THE UPPER PART OF THE FRONTAL LOBES, THAT'S WHAT EINHORN WAS TESTING. AND EVEN THERE HE FOUND ANTISOCIAL DISORDER AND WHATEVER OTHER MALADIES OR DISAFFECTS THAT HE FOUND THERE.

OKAY? NOT THE LOWER LOBES.

AND THE EXPERTS HAD TOLD YOU UP IN THIS AREA, UP THERE WHERE EINHORN AND BRAWLEY WERE DOING THEIR TESTING FOR, THAT IS -- DOESN'T REALLY HAVE ANYTHING TO DO WITH WHAT WE'RE TALKING ABOUT.

YOU COULD BE DAMAGED ON THE LOWER LOBES, FINE. IN FACT, THEY SAID PSYCHOPATHS, AS WE KNOW IT, THEY UNIFORMLY HAVE HEALTHY UPPER -- THAT UPPER FRONTAL LOBE. YOU DON'T BELIEVE ME? CHECK IT. OKAY?

SO THAT'S IN KEEPING -- THAT'S PART OF IT. I LIKED HER. I THOUGHT SHE WAS HONEST AND I THOUGHT SHE WAS STRAIGHT-FORWARD.

NOW, PAMELA CRAWFORD. SHE'S INTERESTING BECAUSE PAMELA CRAWFORD DOES NOT SEE INSIDE THE HEAD. OKAY? SHE TAKES HISTORY. SHE'S THE ONE WHO SAYS, AS MR. HUMPHRIES HAS REPEATED FOR US, HE WANTS WHAT HE WANTS WHEN HE WANTS IT.

WELL, I TELL YOU TO -- WHAT I SAY ABOUT HER. SHE THINKS WHAT SHE THINKS ABOUT, SHE THINKS IT. THAT'S THE WAY SHE IS. OKAY? SHE -- SHE DOESN'T GO THROUGH THAT PET SCAM -- SCAN STUFF. THAT'S THE NEW IT.

YOU KNOW, I CAN'T READ THE FUTURE. NEITHER CAN YOU. BUT I'D BE WILLING TO GUESS THIS MUCH. SOME DAY WHEN YOU'RE ARRESTED, THEY'LL JUST SCAN YOU. IF

HIS VIOLENT CRIME, JUST LIKE THEY TAKE YOUR FINGERPRINT, GO AHEAD, SCAN THEM, SEE WHAT WE GOT UP THERE.

BECAUSE WHAT WE HAVE FOUND OUT IS OR WHAT THE DOCTORS ARE TELLING US IS YOU GO OVER TO THE PRISON, 50 PERCENT OF THE PRISONERS ARE ANTISOCIAL, AND AS A SUBSET SAY THAT 50 PERCENT, 25 PERCENT OF THOSE PEOPLE ARE PSYCHOPATHS.

THOSE PEOPLE ARE GUESS -- I'M NOT A DOCTOR. I'M JUST A LAWYER. BUT THAT PSYCHOPATH SEEMS TO ME FROM WHAT THE DOCTORS SAID, THEY ARE MORE VIOLENT AND THERE -- THEY ARE A SMALLER GROUP OF PEOPLE TO BE DEALING WITH. AND THEY HAVE CERTAIN TRAITS AND CHARACTERISTICS.

AND THAT'S WHAT THEY SAY STEPHEN STANKO IS. NOW, SHE WANTS TO SAY IT'S ALL VOLITION. YOU KNOW WHAT VOLITION IS? THAT MEANS FREE WILL, JUST LIKE MR. HUMPHRIES SAID.

HE JUST A MEAN -- HE'S AN EVIL MAN. YEAH. WELL, I DON'T KNOW. YOU GOT THIS BRAIN DAMAGE. YOU KNOW, YOU LOOK -- YOU LOOK AWAY FROM ALL YOU WANT TO, BUT LET THE TRUTH BE THE LIGHT. IT'S THERE.

FINALLY, WHAT IS -- WHAT DID SHE SAY? LET ME FINISH HER UP BECAUSE I WANT TO GET TO OUR EXPERTS WHO REALLY GIVE YOU SOMETHING TO DEAL WITH. YOU

KNOW, SHE WAS ASKED BY MR. DIGGS, VERY INTERESTING QUESTION.

SHE SAID, WHAT DRIVES HIS ACTIVITY? WHEN SHE SAID -- FIRST SHE COULDN'T ANSWER. SHE DIDN'T KNOW WHAT TO SAY. LOOK ON THE TRANSCRIPT. AND THEN SHE SAYS -- HE SAYS, ISN'T IT THE BRAIN THAT DOES THAT?

AND YOU KNOW, YOU CAN'T GET AWAY FROM THAT; CAN YOU? YOU KNOW, THEY WANT TO GET AWAY WITH IT BY SAYING THE BRAIN IS HEALTHY. BUT LET ME GIVE YOU AN EXAMPLE. TELL ME IF YOU AGREE WITH THIS.

THERE IS A NEWSPAPER MAN. HE OWNS A NEWSPAPER. NOT ONE, NOT TWO, MORE THAN ONE. MORE THAN TWO. HE'S RICH. HE'S WEALTHY. AND HE'S A PILLAR OF THE COMMUNITY. HE'S MARRIED. HIS WIFE. HEALTHY BUILD.

BUT THEY REACH A PLACE WHERE SHE'S GOING TO LEAVE HIM. AND SHE'S GOING TO TAKE HER PORTION WITH HER WHEN SHE GOES. AND HE GETS WIND OF IT AND THEY CONFRONT ONE ANOTHER AND THEY ARGUE. AND BEFORE IT'S OVER WITH, HE KILLS HER AND HE STUFFS HER INTO A TRASH CAN.

AND WHEN IT'S OVER AND HE'S APPREHENDED, AND LET'S SAY HE -- HE LEAVES THE HOME AND HE GOES AND HIDES FOR A FEW DAYS AND TURNS HIMSELF IN. BUT WHEN IT'S OVER, HE'S DEEPLY SADDENED BY IT, BY WHAT HAS HAPPENED. HE'S MOROSE.

WELL, THAT DOESN'T SOUND LIKE A PSYCHOPATH; DOES IT? SO THEY TEST HIS BRAIN AND THEY FIND OUT GIVEN HIS AGE AS A MATURE MAN, HIS BRAIN IS OKAY, HE DOESN'T HAVE ANY DYSFUNCTION IN THE FRONTAL LOBES. OKAY.

DOES THAT MEAN ACCORDING TO WHAT WE HAVE HEARD ON THE STAND THAT HE COULD NOT HAVE BEEN INSANE AT THE TIME THAT HE KILLED HIS WIFE SIMPLY BECAUSE HE HAD A HEALTHY BRAIN? THE ANSWER TO THAT IS, NO. IT DOESN'T MEAN THAT. NOT FROM WHAT I HEARD.

AND YOU KNOW, IT'S UP TO YOU, BUT THAT IS NOT WHAT I HEARD. HERE IS WHAT I HEARD. I HEARD THAT HERE IS ALL OF NATURE AS WE KNOW IT ON EARTH. HERE ARE ALL THE LIVING FORMS.

YOU'RE THE MAN. WE ARE UP AT THE TOP. AND WE DEVELOP THESE FRONTAL LOBES. WE HAVE GOT THE REPTILIAN BRAIN, NOW. DIDN'T Y'ALL EVER FIGURE ANY -- FEEL ANY ANGER THIS WEEK OR ANY DISGUST THIS WEEK? SURE YOU DID.

THAT'S THE -- AS SACHY SAYS, THAT'S THE ROCK -- IN OTHER WORDS, EXPERIENCE, THAT'S FALLING INTO THE POND OF MY BRAIN. AND WHEN IT FALLS IN THERE, THEN THAT EMOTION HAS TO BE DEALT WITH BY THE FRONTAL LOBES.

AND IF I HAD GOOD FRONTAL LOBES OR UNLIKE THE

NEWSPAPER MAN WHO WAS HEALTHY, IT'S NOT SO GREAT, I CAN'T CONTROL IT. THEN IF MY FRONTAL LOBES ARE WORKING PROPERLY, THEN I SHOULD BE ABLE TO DEAL WITH IT; SHOULDN'T I? YEAH. THAT'S WHAT THE DOCTORS SAY.

BUT IF THEY ARE NOT, CAN'T DO IT. MY FRONTAL LOBES ARE THE CROWN AND GLORY OF MY HUMANITY. MY BRAIN AND YOUR BRAIN I THINK IS COMMON KNOWLEDGE TO THE SCHOOLBOY AND SCHOOLGIRL IS THE MOST COMPLEX CHEMICAL THING IN THE UNIVERSE.

WE ARE THE GLORY OF THIS AND OF CREATION. AFTER US I'M GOING TO ALBINIAK. YOU REMEMBER HIM? HE MAY HAVE TALKED ABOUT FRONTAL LOBES, BUT NOT JUST HIM. AFTER HIM, THE GREAT APES, THE GORILLA, THE CHIMPANZEE, THEY HAVE FRONTAL LOBES, TOO. YOU KNOW. THEY HAVE SOME.

GO RIGHT ON DOWN, THE CAT, THE RABBIT, BOP, BOP, BOP, BOP, BOP, BOP, BOP, WHATEVER IT IS, THE BIRD AND FISH, AND THEN FINALLY YOU GET DOWN TO THE LIZARD. AND -- FISH, LIZARD, WHO KNOWS. BUT WHEN YOU GET DOWN THERE, NO FRONTAL LOBES.

AND WHAT DO THEY SAY, WHAT DO THESE EXPERTS SAY? THEY SAY, WELL, YOU DON'T HAVE FRONTAL LOBES AND YOU JUST GOT THAT WHAT THEY CALL A REPTILIAN BRAIN. THEN IT'S EAT THEM OR RETREAT FROM THEM. FLIGHT OR FIGHT. I'M EITHER GOING TO EAT YOU OR I'M GOING TO GO

SOMEWHERE ELSE. OKAY?

YOU REMEMBER SIEGFRIED AND ROY? REMEMBER WHERE ROY GOT MAULED BY HIS TIGER? REMEMBER THAT? IT'S IN THE NEWS. ROY HAD HIS WHITE TIGER, TAKING THE TIGER ON STAGE AND THE TIGER, WHICH HE HAD AND RAISED FROM A CUB, MAULED HIM AND DRUG HIM OFF OF THE STAGE BY THE HEAD.

AND PEOPLE SAID -- SOME PEOPLE SAID KILL THAT TIGER REALLY. BUT ROY SAID, NO, THAT'S NOT THE TIGER'S FAULT. WELL NOW, LET'S SAY WE GOT THIS TIGER AND HE MAULS ROY AND THEN LATER ON HE MAULS SOMEBODY ELSE.

WHAT DOES THAT MEAN? ACCORDING TO MR. HUMPHRIES HE LEARNED BETTER HOW TO MAUL PEOPLE. IS THAT WHAT IT'S ALL ABOUT WITH THE REPTILIAN BRAIN? NO.

WE -- WE DON'T BELIEVE AND WE HAVE ENCODED INTO OUR LAW THAT WHEN YOU CAN'T DISTINGUISH BETWEEN MORAL RIGHT AND WRONG OR YOU CAN'T DISTINGUISH BETWEEN THE ACT THAT YOU ARE DOING, THAT'S WHAT THEY CALL INSANITY. OKAY.

WELL, I GUESS MY POINT HERE IS, AS WE GO DOWN THE LADDER IN NATURE, THEN WE GET MORE AND MORE AWAY FROM THIS MORAL UNDERSTANDING OF RIGHT AND WRONG, LET ALONE THE LEGAL UNDERSTANDING OF RIGHT AND WRONG.

BUT BEFORE I LEAVE PAMELA CRAWFORD WHO SAYS, BY

THE WAY, I DON'T KNOW ANYTHING ABOUT PET SCANS, YOU KNOW, AND THEN SHE GOES ON TO SAY, EVEN THOUGH I DON'T KNOW ANYTHING ABOUT THEM, MAYBE 25 YEARS THEY'LL BE TECHNOLOGY.

WELL, THE TRUTH IS, THEY'RE THE TECHNOLOGY RIGHT NOW. AND JUST AS MICHAEL JORDAN LEARNED TO DRIBBLE AND SHOOT THE BALL, BECAME THE WORLD CHAMPION, IT'S VERY LIKELY IN THE SAME WAY THAT THE TELESCOPE BECAME THE FLAT FORM IN SPACE AND THE SAME WAY THAT THE MAGNIFYING GLASS BECAME THE ATOMIC MICROSCOPE, THEN THIS PET SCAN IS GOING TO GO DEEPER AND TELL US MORE AND MORE AND MORE.

YOU KNOW WHAT SHE'S LIKE? SHE'S ON THE OUTSIDE OF THE BRAIN. HEY, I DIDN'T HAVE ANYTHING AGAINST HER, BUT HERE'S WHAT SHE'S LIKE. SHE'S LIKE SOMEBODY COMES UP TO A WALL AND SHE SAYS -- AND SOMEBODY SAYS TO HER, IS THERE ANYTHING ON THE OTHER SIDE OF THAT WALL?

AND SHE SAYS, WELL, I CAN HEAR WHAT'S GOING ON OVER THERE AND I HAVE GOT A HISTORY OF WHAT'S GOING ON OVER THERE, BUT HERE COMES SOMEBODY WITH A LADDER. AND THEY CLIMB UP ON THE LADDER AND THEY LOOK OVER THE WALL.

HERE COMES SOMEBODY ELSE WITH A PERISCOPE AND THEY LIFT IT UP AND THEY LOOK OVER THE WALL AND SHE

SAYS, THIS LADDER IS GOING TO BE SOMETHING SOME DAY. AND MAYBE THAT PERISCOPE IS, TOO. BUT TODAY IT'S NOT.

WELL, IS THAT THE TRUTH? I DON'T -- I DON'T THINK IT IS. DO YOU? BUT IF IT IS, LET THE TRUTH BE THE LIGHT. WHO DO WE HAVE TO PUNISH AS JURORS? WHO DO WE HAVE TO REWARD AS JURORS? WE HAVE ONLY OUR OATH TO DO WHAT IS PROPER.

TAKE THE LAW, APPLY IT. WELL, I'M SURE I GET AN ARGUMENT FROM PEOPLE, SOME OTHER PEOPLE, THAT'S THE WAY SHE SEEMED TO ME. THEN SHE CAN'T TELL US ANYTHING WITH WU AND SASHY, SHE AND EINHORN AND THRASHER AND ALBINIAK CAN TELL US REALLY, PARTICULARLY THE ONES WITH THE PET SCAN INFORMATION. SHE JUST CAN'T TELL US THAT.

BUT ARE YOU GOING TO TURN YOUR BACK ON THAT INFORMATION? NOW, LET'S GO TO DR. SACHY. OKAY. SASHY -- DR. SACHY HAS TOLD US ABOUT THE STONE DROPPING INTO THE POND OF THE BRAIN AND EXPLAINS THAT TO US IN THE SAME WAY THAT ALBINIAK DID AND TELLS US HOW OUR FRONTAL LOBES ARE RESTRAINING AND DEALING WITH THAT AND THAT IF THEY ARE DAMAGED, YOU CAN'T DO IT THE SAME WAY.

AND IN FACT, THE MORE THEY ARE DAMAGED, MAYBE THE LESS SO. OKAY? AND THAT SEEMS TO BE ACCEPTED

SCIENTIFIC FACT.

NOW, WE DIDN'T ASK HIM TO COOK UP INFORMATION. NOBODY ASKED HIM TO COME DOWN HERE AND HOODWINK YOU OR ANYBODY ELSE WHEN THEY WERE ONLY TO DO WHAT SCIENTISTS AND MEN OF HONORABLE VIRTUE ALWAYS DO AND THAT REPRESENT THE TRUTH AS THEY SEE IT AND LET THE CARDS FALL WHERE THEY MAY, AND THAT'S WHAT SASHY DID. THAT'S WHAT THEY DID.

YOU KNOW, IF THIS HAD HAPPENED 10, 15 YEARS AGO, WE'D HAVE NO IDEA ABOUT WHAT'S WRONG WITH THIS FELLOW BECAUSE WE WOULDN'T BE ABLE TO SEE IT.

NOW, WHAT DID HE SAY? DON'T BELIEVE ME. IF YOU DON'T BELIEVE ME, GO LOOK AND PLAY IT TO YOU. HE SAID, THERE'S NO DOUBT THAT THE BRAIN DEFICIT -- AND INSANITY CAUSED BY THIS BRAIN DEFICIT, UNABLE TO CONTROL, UNABLE TO ADEPT DUE TO A FUNCTIONAL DEFICIT.

THAT FUNCTIONAL DEFICIT, LADIES AND GENTLEMEN, IS SHOWN BY THAT SUGAR THAT'S PUT IN THERE AND HOW IT'S USED. AND HERE'S WHAT HE SAID AND THE PSYCHIATRIST CALLED INSANITY.

NEARLY MISSED THIS WHEN HE SAID IT BECAUSE HE ONLY SAID IT ONE TIME. HE SAID INSANITY IS EXTREME BEHAVIORAL DYSCONTROL. EXTREME BEHAVIORAL DYSCONTROL. THAT'S A REAL SIGN OF INSANITY. THAT'S A SIGN OF IT.

AND LEGALLY WE ARE DEALING WITH SOMETHING MAYBE A LITTLE BIT MORE THAN THAT. AND THE JUDGE IS GOING TO TELL YOU. AND THAT IS, HEY, CAN YOU CONTROL IT OR NOT? AND ISN'T THAT THE REAL QUESTION IN HERE?

NOW, EINHORN SAID REALLY ONLY ONE THING. I TESTED UP HERE AND IT WAS OKAY, EXCEPT I DID -- DID IDENTIFY ANTISOCIAL BEHAVIOR. OKAY. YEAH, AND THAT'S IT.

DON'T TRY AND MAKE IT OUT AS SOMETHING THAT IT'S NOT. DON'T TRY TO MAKE IT OUT THAT EINHORN IS SAYING THERE'S NOTHING WRONG WITH THE FRONTAL LOBES. THAT AIN'T THE TRUTH. BUT LET THE TRUTH BE THE LIGHT.

NOW, HERE'S WHAT DR. THRASHER SAID. HE'S A LOCAL GUY, LONG DISTINGUISHED CAREER. I'M NOT RELYING ON THAT. I -- I -- I THOUGHT -- I DON'T KNOW WHAT YOU THOUGHT. I THOUGHT HE WAS HONEST. THAT'S WHAT I THOUGHT.

AND WHAT HE SAID, THE LAST WORDS THAT HE SAID, IF YOU LOOK ON THE TRANSCRIPT, IS HE IS INSANE. HE WAS INSANE AT THAT TIME. THAT IS WHAT HE SAID. THEY ALL PUT THIS FINGER ON THIS POSSIBLE -- WE DON'T HAVE TO PROVE IT. WE'RE JUST TRYING TO SHOW IT.

THERE IS NO PROOF DEMANDED OF US. WE'RE TRYING TO SHOW SOMETHING THAT WE KNOW HAPPENS. CHILDREN, YOU KNOW, DON'T POOH-POOH IT AND SAY JUST BECAUSE I

SPIT UP, WHAT'S THAT, ALL BABIES DO IT--

MR. HUMPHRIES: YOUR HONOR, AT THIS TIME I NEED TO ENTER AN OBJECTION.

THE COURT: PLEASE APPROACH.

MR. HUMPHRIES: THANK YOU.

(WHEREUPON A BENCH CONFERENCE WAS HELD.)

THE COURT: THE OBJECTION IS SUSTAINED BY CONSENT. COUNSEL WILL REPHRASE HIS REMARKS. YOU MAY PROCEED.

(WHEREUPON MR. KELLY CONTINUED HIS ARGUMENT.)

MR. KELLY: I MIGHT HAVE MISSPOKEN MYSELF. SAID WE DON'T HAVE ANYTHING TO PROVE. WE HAVE ONE THING WE HAVE TO PROVE. WE HAVE TO PROVE BY THE PREPONDERANCE OF THE EVIDENCE, YOU KNOW, WE HAVE TO PROVE BY THE PREPONDERANCE OF THE EVIDENCE THAT HE WAS INSANE.

WE RAISED THE ISSUE AND I WILL SPEAK TO THAT JUST FOR A MOMENT. OKAY? HERE'S WHAT PREPONDERANCE IS. PREPONDERANCE IS NOT BEYOND ANY REASONABLE DOUBT. THAT IS WHERE IT'S MORE LIKELY THAN NOT.

LET'S SAY YOU HAVE TWO PEOPLE WHO WERE IN A PARKING LOT AND THEY BOTH BACKED OUT OF THEIR PARKING SPACES AND THEY HAD A COLLISION, AND EACH ONE OF THEM SAYS, HEY, I LOOKED BEHIND ME, I HAD THE RIGHT OF WAY, SO YOU CAN'T BELIEVE THE SIDE.

THEY GO TO COURT AND SETTLE IT, SEE WHO IS GOING TO PAY THE DAMAGES. AND THE JURY LISTENS TO THEM AND THEY HAVE TO DECIDE BY THE PREPONDERANCE OF THE EVIDENCE WHICH ONE WAS AT FAULT. THAT'S THE PREPONDERANCE.

LET'S SAY WE ARE MAKING A CHOICE IN OUR OWN LIVES. WE ARE SAYING, I WANT TO GO EITHER THIS WAY OR AM I GOING TO GO THAT WAY, SORT OF WEIGHING IT OUT. AND SAY, BOY, THAT'S CLOSE, BUT I'M GOING TO GO THIS WAY. YOU MIGHT SAY THAT'S THE PREPONDERANCE OF YOUR OWN OPINION.

BUT HERE IN THE COURTROOM THE EVIDENCE IS WHATEVER IS ADMITTED. WE KNOW WHAT THAT IS. IT'S WHAT YOU HAVE HEARD. THAT'S THE EVIDENCE, NOT WHAT I SAY OR WHAT ANY LAWYER SAYS.

AND THAT -- THAT'S WHAT YOU HAVE TO SHOW BY THE -- WHAT'S CALLED THE SIMPLE PREPONDERANCE OF THE EVIDENCE THAT AT THE TIME THESE HORRIBLE EVENTS TOOK PLACE THAT HE WAS INSANE.

AND AS JURORS YOU HAVE TO CONSIDER IT. IF YOU DECIDE -- THAT'S BY LOOKING AT OUR EVIDENCE AND AS YOU SAY, YEAH, THEY MEET THE PREPONDERANCE, NOW, THE STATE HAS TO SHOW YOU BEYOND ANY REASONABLE DOUBT, ANY REASONABLE DOUBT, THAT HE WAS SANE.

NOW, THAT'S WHAT THE JUDGE IS GOING TO INSTRUCT

YOU. AND WHAT I SAY TO YOU IS NOT THE LAW. IT'S JUST ME SAYING THAT'S WHAT I THINK SHE'S GOING TO INSTRUCT YOU, OKAY?

ALL RIGHT. LET'S SEE. YOU KNOW. LAURA LING WAS NOT MAULED BY A TIGER OR A BEAR OR A PITBULL. SHE WAS KILLED. AND IT'S UP TO YOU TO DECIDE IF SHE WAS MURDERED OR NOT AND UNDER WHAT CIRCUMSTANCES.

AND WHEN I FIRST TALKED TO YOU, WE TALKED ABOUT WHERE IT HAPPENED IS PRETTY OBVIOUS AND WHEN IT HAPPENED. THAT'S PRETTY OBVIOUS, AND THEN HOW AND WHY.

NOW WE GET INTO IT, PARTICULARLY WHY AND HOW. ALL RIGHT. LET'S SEE IF YOU AGREE WITH ME FIRST OF ALL. SEEMS TO ME IN THE CLOSING ARGUMENT OF MR. HUMPHRIES WAS SAYING TO YOU HE WAS LURKING IN THE SHADOW GASPING WITH DESIRE TO RAPE THE 15 YEAR OLD GIRL.

HE WAS WAITING HIS OPPORTUNITY. AND THE MOTHER WAS IN BED ASLEEP AND HE OVERPOWERED HER AND THAT HE WENT IN AND HE GOT THE GIRL AND HE RAPED HER. AND HE -- EVENTUALLY TO DEATH. ISN'T THAT WHAT HE'S SAYING? MOTIVATION TO ATTACK LAURA LING WAS IN ORDER TO RAPE THE DAUGHTER. THAT'S WHAT I HEARD.

ALL RIGHT. LET'S EXAMINE IT. WHAT DOES LAURA -- WHAT DOES CHRISTINA LING SAY? LET ME SAY

FIRST OF ALL SHE'S A BRAVE GIRL. THIS SHOULD NEVER HAVE HAPPENED. OKAY. GET THAT OUT RIGHT NOW. AND I HOPE SHE CAN PUT THIS BEHIND HER, TOO, AS WE ALL DO. BUT LET'S LOOK AT THE EVIDENCE.

WITHOUT PASSION, WITHOUT DISGUST, WITHOUT CONFUSION, WITHOUT -- SHE SAYS, WHILE I WAS ON THE BED, HE WOULD BEAT MY MOTHER. WHY WAS HE DOING THIS? IF THE -- IF THE WHOLE THING WAS TO JUST -- TO DISABLE THE MOTHER, WHY DIDN'T HE SO SAVAGELY BEAT THE MOTHER AND CONTINUE TO BEAT THE MOTHER IN THE PRESENCE OF THE DAUGHTER?

WHY DID HE SAY TO HER, YOU'RE TO BLAME FOR THIS, I LOVED HER. I ASKED YOU, YOU REMEMBER ME ASKING HER, I ASKED HER TO SEE WHAT SHE'D SAY TO MAKE SURE THAT REALLY WAS WHAT WAS SAID BECAUSE I THOUGHT IT WAS SIGNIFICANT FOR YOU TO HEAR IT. AND SHE SAID, YEAH, HE SAID IT.

AND I ASKED HER, YOU MEAN AS THOUGH HE WERE BLAMING YOU? AND SHE REPLIED WORDS TO THE EFFECT, YEAH, LIKE THAT. ALL RIGHT?

IT'S UNDOUBTED FROM THE EVIDENCE THAT STEPHEN STANKO IS A LIAR. HE LIES. NOW, COMMON SENSE TELLS YOU, EVERYBODY DON'T LIE 100 PERCENT ALL THE TIME. NOBODY WOULD EVER BELIEVE YOU WOULD.

BUT BE AWFUL HARD TO EVER TAKE HIS WORD FOR

ANYTHING. AND -- AND THIS, WHAT THE STATE -- SHE BELIEVES.

BUT JUST LOOK AT CIRCUMSTANCES AND LOOK AT THE ACCOUNT THAT HE GAVE TO THE DOCTORS INCLUDING CRAWFORD. HE SAID, LAURA LING ACCUSED ME AND SAID THAT HER DAUGHTER -- SHE WOULD REPORT THAT HER DAUGHTER HAD SAID THAT I HAD MOLESTED HER.

YOU REMEMBER THAT? AND IF YOU DON'T REMEMBER IT, IT'S RIGHT HERE IN THE TRANSCRIPT. AND I THINK IT'S PROBABLY IN CRAWFORD'S TESTIMONY AND PROBABLY ALSO SOME OF OUR EXPERTS. I CAN'T TELL YOU AT THE MOMENT EXACTLY WHERE IT IS, BUT IT'S THERE.

AND WHEN -- I'M GOING TO SEND YOU BACK TO PRISON, YOU'RE GOING TO GO. THERE WAS AN ARGUMENT TAKING PLACE. AND WE'VE ALL SEEN THEM. WE'VE ALL SEEN ARGUMENTS. AND WE'VE SEEN THEM COME TO BLOWS, TOO.

SOMETIMES THEY WILL BE FIRED OFF -- OVER SOMEBODY NUDGING YOU OR PUSHING YOU. WHAT HE REPORTED WAS IS THAT SHE EITHER -- I DIDN'T GET QUITE SHE EITHER THREW UP HER HAND OR SHE CAME AROUND THE BED AND SHE SLAPPED HIM AND A CIGARETTE MIGHT HAVE GONE OFF IN HIS FACE, ALTHOUGH HE DIDN'T HAVE ANY BURN LATER, ACCORDING TO THE TESTIMONY, AND THAT SET IT, AND BOY DID IT SET IT. IT REALLY SET IT OFF.

AND NOW IT MAKES SENSE TO SOME DEGREE. WHY HE WOULD -- THE RAGE, THE BLIND RAGE, THAT CAN COME OUT OF YOUR BRAIN IN THE SAME WAY THAT OUR HYPOTHETICAL NEWSMAN WHO DOESN'T HAVE ANY PROBLEM WITH HIS BRAIN, IS A PILLAR OF THE COMMUNITY, WHEN HE KILLS HIS WIFE, COMES ROARING OUT IN THE SAME WAY THAT WATER STACKED UP AGAINST A DAM FINALLY BREAKED (SIC) AND COME THROUGH, AND WE KNOW THIS IS A FACT.

THIS IS A HUMAN SCIENTIFIC FACT. AND WHAT A -- RAGE WAS THERE. AND THAT WOULD THEN MAKE SENSE LIKE WE WOULD GO TO PUNISH HER IN HER MOTHER'S FACE. WHY -- INSANITY? WOULD YOU CALL IT THAT?

IT'S UP TO YOU TO DECIDE WHY HE WOULD DO THIS IN THE MOTHER'S FACE. SHE WASN'T DEAD YET. AND THEN SAY TO HER, SEE WHAT YOU MADE ME DO TO HER? OKAY? THAT'S A LITTLE DIFFERENT THAN LURKING IN THE SHADOW GASPING WITH DESIRE AND TYING THE MOTHER UP WHILE SHE'S ASLEEP.

NOW, WHY CHRISTINA LING DIDN'T HEAR ALL THAT WAS GOING ON IN THERE, I CANNOT EXPLAIN IT. OKAY? SHE SAID SHE HAD THE DOOR OPEN. SAID SHE DIDN'T HAVE ANY RADIO ON.

I DIDN'T ASK HER WAS SHE TAKING ANY KIND OF MEDICATION THAT WOULD MAKE HER SLEEP HEAVILY, BUT SHE SAID NORMALLY SHE WAS A LIGHT SLEEPER. BUT HOW SHE

SLEPT THROUGH THAT, I CAN'T TELL YOU.

YOU THINK THAT WOMAN DIDN'T FIGHT HIM? YOU THINK SHE DIDN'T CALL OUT? THE MARKS ON HER HANDS THAT YOU SEE, SHE FOUGHT. SURE SHE DID BEFORE SHE WAS TIED UP.

NOW, I'M GOING TO JUMP TO MCLENDON. THAT'S THE WOMAN IN BERKELEY COUNTY. HE TIED HER UP, TOO. WE DIDN'T GET ALL THE DETAILS OF IT. YOU DIDN'T SEE ALL THE REPORTS ON IT, BUT YOU HEARD SOME ABOUT IT.

AND I THINK THE DOCTOR SAID WHERE SHE WAS LUCKY HIS FRONTAL LOBES HADN'T KICKED IN AND HE HADN'T RESTRAINED HIMSELF, LAURA LING WOULD BE ALIVE TODAY BECAUSE THAT WOMAN WOULD PROBABLY BE DEAD.

WELL, I'M NOT A PSYCHIATRIST. I HAVE TO ASK THEM TO EXPLAIN TO ME, HERE'S -- TAKE A LOOK AT THIS, YOU TELL ME, NOT YOU MESSING AROUND AND YOU FUDGE IT UP AND YOU MAKE IT SO WE CAN HOODWINK THE JURY.

NO. YOU TELL ME. YOU'RE THE EXPERT. YOU'RE QUALIFIED. YOU'RE THE -- YOU TELL WHAT IT'S ALL ABOUT. HAVE TO TELL ME. I CAN'T TELL YOU.

BUT WHAT DID THEY SAY? THIS IS HARD TO GET YOUR HEAD AROUND. AND THAT IS -- IN THE SAME WAY THAT A SLEEPWALKER CAN BE OUT OF IT AND BE ABLE TO TALK OR SING OR WALK OR WHATEVER, THAT'S SIMILAR TO A PERSON THAT WE WOULD SAY IS INSANE BY OUR DEFINITION AND

ACTUALLY WOULD BE ABLE TO HOLD A CONVERSATION. HARD TO GET YOUR HEAD AROUND IT.

NOW, THIS WAS A -- THIS WAS A RAGE, AND IT WAS A BLIND RAGE. THAT'S WHAT I WOULD SAY. BUT IT'S UP TO YOU. BUT HE TOLD THE DOCTORS, CRAWFORD, FOR INSTANCE, THAT HE HAD COME OUT OF IT IN THE SHOWER.

SASHY SAID, I DON'T BELIEVE THE WHOLE STORY ABOUT THIS AMNESIA. OKAY? BUT THE DOCTORS DID SAY THAT THE TRAUMATIC EVENT TAKES PLACE, YOU WILL HAVE SOME MEMORY OF IT.

BUT THEY SAID, NO. SASHY WAS HONEST. HE SAID, NO, I DON'T BELIEVE THE WHOLE THING ABOUT THAT, ABOUT -- BUT THEY ALL SAID THAT THESE RAGES SUBSIDE.

THIS MIGHT NOT BE A PERFECT ANALOGY. BUT WHEN THE WATER COMES RAGING DOWN THE VALLEY, WHEN THE -- WHEN THE DAM HAS BROKEN, WHEN THE RAINS WERE HEAVY AND BEGINS TO WASH AWAY EVERYTHING THAT'S IN ITS PATH, IT FINALLY SUBSIDES.

NAME ONE THING IN ALL THE HOUSE, NATION, THAT DOES NOT SUBSIDE. EVEN THE SUN WILL BURN OUT IN THE SAME WAY THAT OUR LIVES WILL PASS AWAY INTO TIME. ALL THINGS, DON'T THEY SUBSIDE?

NOW, THERE'S SOME PEOPLE WHO NEVER GET OVER IT, JUST NEVER -- MAYBE IT'S BECAUSE THEY ACTUALLY HAVE SOME PHYSICAL DAMAGE. BUT WE HEAR ABOUT IT EVERY

SINGLE DAY.

EVEN -- AND I DON'T WANT TO COMPARE OUR HEROIC CITIZENS WHO ARE SERVING US IN THE ARMED FORCES, BUT WE EVEN HEAR WHERE THEY WERE UNDER PRESSURE, ARE ACCUSED OF HEINOUS ACTS, OF RAPING AND KILLING.

THERE'S GOT TO BE AN EXPLANATION FOR THAT. NOT MEANNESS, NOT BEING EVIL, THAT'S NOT IT. CAN YOU HAVE SOMEBODY WHO IS EVIL? YUP. YES, YOU CAN. YES, YOU CAN. AND THAT'S PART OF WHAT YOU HAVE TO DECIDE HERE.

BUT, HOW ABOUT THE BRAIN DEFECT? AND HOW ABOUT ALL THE SIGNS THAT YOU HAVE BEEN GIVEN? OKAY? WHAT IS THAT ALL ABOUT? YOU KNOW, THEY WANT TO SAY -- I DON'T KNOW IF YOU CALL THIS LIBRARIAN THE NEXT MORNING OR NOT, I DON'T KNOW WHETHER TO BELIEVE THE LIBRARIAN OR NOT, BUT HERE'S WHAT THE LIBRARIAN SAID.

THE LIBRARIAN SAID, SOMEBODY CALLED, SOUNDED LIKE STEPHEN STANKO, I HAD TALKED TO HIM BEFORE ON THE PHONE, THEY SAID LAURA LING WON'T BE IN BECAUSE OF WHATEVER IT WAS, SOME -- A FOOD POISONING.

AND THEN HE SAID, WELL, YOU KNOW, I HAD SEEN THE NEWS, SO I SAID, HOW ABOUT GIVING ME YOUR PHONE NUMBER? AND THE PERSON SAID, OH, I'VE GOT LAURA LING'S PHONE.

NOW, IF THAT DOESN'T SOUND LIKE STEPHEN STANKO,

WHO DOES IT SOUND LIKE? AND THEY SAY, A HA, THAT PROVES HE WAS SANE. AND HE REACHED DOWN AND HE TOOK THE BRACELET OFF HER WRIST, HE EMPTIED OUT HER POCKETBOOK, HE WENT TO THE ATM MACHINE WHERE WE HAVE PICTURES OF HIM WITH THE DATE AND THE TIME UP THERE, CALLED HIS BROTHER, AND THEY SAY TO YOU, THEY SAY TO YOU, NOT TO THE EXPERTS WHO CAN TELL IT, BUT TO YOU, HOW CAN THAT BE?

WELL, I WOULD HAVE TO SAY TO THEM, YOU GOT TO ASK SOMEBODY BESIDES ME. I'D HAVE TO ASK SOMEBODY MYSELF. AND THAT'S JUST WHAT WE DID. AND THAT'S WHAT IT COMES DOWN TO HERE.

YOU KNOW, WHEN CHRISTINA LING WENT TO THE HOSPITAL, YOU REMEMBER WHAT THE NURSE SAID TO YOU? SHE SAID SHE WAS CLEAR. AND SHE JUST WANTED TO KNOW ONE THING, WHY DID THIS HAPPEN TO ME. WELL, THIS BRAIN DAMAGE THING THAT I'M SURE MR. DIGGS CAN TELL YOU MUCH MORE ABOUT THAN I CAN, IS CERTAINLY A PART OF THE EXPLANATION IN AND OF ITSELF.

THEY WANT TO SAY HANG YOUR HATS ON HIM GOING TO THE ATM MACHINE AND SAY YOU'RE NOT INSANE WHEN YOU DID THIS TO THIS WOMAN AND THIS CHILD. OKAY. BECAUSE NUMBER ONE, YOU DIDN'T HAVE ANY MENTAL DEFECT.

WELL, I HAVE GONE OVER THAT. THAT'S CLEARLY

THAT. AND NUMBER TWO, YOU CAN -- YOU COULD CONTROL IT. LET ME ASK YOU SOMETHING. IF STEPHEN STANKO WAS SO SMART, WHY WHEN HE'S RELEASED FROM PRISON IS HE CONTINUING THIS BEHAVIOR?

YOU REMEMBER WHAT SASHY SAID TO YOU? HE SAID 24-SEVEN. HE'S PSYCHOPATH. THAT'S A LOT OF BAD CHOICES, BELIEVE ME. 24-SEVEN. BUT HE'S NOT INSANE 24-SEVEN. OKAY.

BUT WHEN WE LOOK AT -- WE WANT TO MAKE SURE AND YOU -- I KNOW YOU'RE GOING TO FOLLOW YOUR OATH, YOU WANT TO MAKE SURE THAT YOU FOLLOW THE LAW AND DO WHAT'S RIGHT.

I DON'T HAVE ANY QUARREL WITH YOU AT ALL. I JUST WANT TO SAY WHAT I BELIEVE IS THE TRUTH. AND ASK YOU HOW DOES IT FIT FOR YOU? DID YOU HEAR THE SAME THING I HEARD? BECAUSE THAT'S THE WAY I SEE IT. THAT'S THE WAY.

NOW, WHEN LAWYERS GET UP, THEY CAN'T THINK OF EVERYTHING TO SAY THAT EVEN THEY WANTED TO SAY. I KNOW THERE ARE THINGS THAT I -- I CAN'T EVEN HAVE IN MY MIND RIGHT NOW THAT I SAID, GOSH, I WISH I'D HAVE SAID THAT, I WISH I'D HAVE GOT THAT OUT WHEN I WAS UP THERE. BUT I HAVE GOTTEN OUT AS MUCH AS I CAN GET OUT. THAT'S THE WAY I SEE IT, OKAY?

RELY ON THESE EXPERTS. AND THE JUDGE IS GOING

TO TELL YOU, YOU CAN TAKE ALL OR PART OR NONE FROM A WITNESS, YOU DON'T HAVE TO TAKE A LITTLE BIT, ALL, A PART, OR NONE.

BUT IF YOU'RE GOING TO GO DO BISCUITS JUST LIKE YOUR GRANDMAMA DID, AND YOU GOT HER RECIPE. THEN IF YOU FOLLOW THAT RECIPE, THOSE BISCUITS OUGHT TO TURN OUT PRETTY MUCH THE SAME.

OR IF YOU'RE GOING TO MAKE RELISH JUST LIKE YOUR GRANDMOTHER DID SO THAT YOUR HUSBAND OR YOUR LOVED ONE CAN ENJOY IT. AGAIN, THEN IF YOU FOLLOW THAT RECIPE, THEN IT'S LIKELY TO COME OUT.

BUT IF YOU DON'T FOLLOW THE RECIPE -- AND THAT'S WHAT THESE EXPERTS DID NOT DO -- THEY DID NOT FOLLOW THE RECIPE WHEN THEY USED AS A CONTROL GROUP PEOPLE SITTING IN A DARK ROOM IN A EASY-CHAIR NOT BEING ENGAGED WITH THEIR FRONTAL LOBES -- YOU ARE NOT GOING TO GET GRANDMA'S RELISH. OKAY? WE KNOW THAT.

THIS HAS BEEN HARD FOR YOU AND ME, EVERYBODY. THIS IS A DRAINING, RUGGED EXPERIENCE FOR THE STRONGEST OF US. YOUR MINDS HAVE NOW HAD INNERED (SIC) INTO IT SOMETHING OF GREAT HORROR.

THEY OUGHT TO BE HAPPY, OUGHT TO KEEP OUR THOUGHTS AND OUR MEMORIES AS HAPPY AS WE CAN, BUT YOU HAVE DONE YOUR DUTY BY BEING EXPOSED TO THIS BECAUSE THIS SYSTEM THAT WE HAVE GOT HERE, THIS IS IT.

IT'S NOWHERE ELSE ON EARTH THAT I CAN STAND EXCEPT IN THIS COUNTRY AND ESPECIALLY IN SOUTH CAROLINA WHERE WE VALUE OUR LIBERTY AND OUR CONSTITUTIONAL RIGHTS.

AND I CAN SPEAK FREELY THE TRUTH OF MY OWN MIND AND I CAN HAVE PEOPLE, JURORS WHO ARE NOT COOKING THEIR OWN AGENDA, TO LISTEN AND MAKE A DECISION BASED ON THE TOTALITY OF EVERYTHING.

DOESN'T HAPPEN ANYWHERE ELSE. THIS IS WHY WE ARE THE STRONGEST PEOPLE ON EARTH, BECAUSE WE HAVE JUSTICE. THIS IS WHY WE ARE AN INVINCIBLE PEOPLE. AND IT'S WHY OUR GOVERNMENT IS SPREADING ALL OVER THE PLACE.

AND SO I APPRECIATE YOUR SERVICE. BELIEVE ME. AND YOU KNOW, IT'S JUST THE WAY I SEE IT. AND JUST LET THE TRUTH BE THE LIGHT. AND THAT'S ALL I ASK. AND THANK YOU FOR LISTENING TO ME.

THE COURT: LADIES AND GENTLEMEN, YOU HAVE BEEN SITTING ABOUT AN HOUR AND EIGHT MINUTES. DOES ANYONE NEED A BREAK? I'M GOING TO GIVE YOU A BRIEF RECESS. DURING THE RECESS DO NOT DISCUSS THE CASE.

PLEASE LEAVE YOUR NOTEPADS IN YOUR SEAT. AS SOON AS YOU ARE DONE, KNOCK ON THE DOOR AND WE WILL PROCEED BACK INTO THE COURTROOM AGAIN.

(JURY LEFT THE COURTROOM AT 3:19 PM.)

THE COURT: YOU MAY BE SEATED. WE'LL BE AT EASE AS SOON. AS THE JURY TELLS US, WE WILL RESUME CLOSING ARGUMENTS.

(WHEREUPON A RECESS WAS TAKEN.)

THE COURT: IS THE STATE READY TO PROCEED?

MR. HUMPHRIES: YES, YOUR HONOR.

THE COURT: IS THE DEFENSE READY TO PROCEED?

MR. DIGGS: YES, YOUR HONOR.

THE COURT: PLEASE BRING IN THE JURY.

(JURY ENTERED THE COURTROOM AT 3:40 PM.)

********** BACKUP CLEAR FROM HEREON OUT ******

THE COURT: YOU MAY BE SEATED. LADIES AND GENTLEMEN, I HOPE THAT YOU ALL HAD AN OPPORTUNITY TO BE REFRESHED. I WOULD ASK THAT YOU GIVE COUNSEL YOUR UNDIVIDED ATTENTION. MR. DIGGS, YOU MAY PROCEED.

MR. DIGGS: THANK YOU, YOUR HONOR.

THE COURT: YOU'RE WELCOME.

MR. DIGGS: MAY IT PLEASE THE COURT.

THE COURT: THE COURT IS PLEASED.

CLOSING STATEMENT

MR. DIGGS: LADIES AND GENTLEMEN, I APPRECIATE YOUR ATTENTION. IT'S 20 MINUTES TILL FOUR AND I'M -- THE OTHER COUNSEL HAVE GONE FOR ABOUT AN HOUR. I WILL TRY NOT TO DO THAT BECAUSE I'M NOT GOING TO COVER A LOT OF GROUND ALREADY COVERED, BUT I DO WANT

TO MAKE SOME POINTS FOR YOU THAT I FEEL ARE IMPORTANT IN THIS CASE THAT I WOULD ASK YOU TO CONSIDER BEFORE YOU MAKE YOUR DECISION ON THIS ISSUE OF GUILT OR INNOCENCE AND ON THE ISSUE OF INSANITY.

THE FIRST THING I WANT TO DO IS TO ASK YOU TO LOOK AT THIS. IN THE 21ST CENTURY, 2006, FOUR -- ALMOST 40 YEARS AFTER THIS COUNTRY PUT A MAN ON THE MOON, WITH THAT KIND OF TECHNOLOGY, TO LOOK INSIDE THE BRAIN USING THE BEST TECHNOLOGY THAT WE HAVE AVAILABLE TO US IN THE WORLD, WE CAN ALMOST SEE WHAT HAS FOR CENTURIES BEEN AN INEXPLICABLE REALITY, INSANITY.

WE HAVE ALWAYS IN THE HISTORY OF THIS WORLD HAD PEOPLE THAT WERE INSANE. WE ALL KNOW THAT INSANITY HAS ALWAYS BEEN AROUND IN THIS WORLD JUST LIKE BIRTH DEFECTS.

AND WHAT WE'RE HERE TO SAY IS INSANITY IN THIS INSTANCE HAS OCCURRED WITH THIS DEFENDANT THAT CAN RISE AND FALL ON THAT SCALE BETWEEN SANE AND INSANE. AT THIS TIME IN 2006, 21ST CENTURY, YOU'RE LOOKING AS CLOSE AS WE CAN COME TO SHOWING YOU WHAT INSANITY CAN LOOK LIKE UNDER THE RIGHT SET OF STIMULI, AND THAT'S WHAT WE HAVE HERE.

PLEASE DO NOT BE TOO QUICK TO DISCOUNT RUBEN GUR BUT -- SIMPLY BECAUSE OF DR. BRANNON'S TESTIMONY. HE

ADMITTED HE DOESN'T UNDERSTAND IT. HE'S NEVER READ IT. HE DOESN'T NEED IT.

HE DIDN'T NEED IT IN HIS CAREER. HE DOESN'T NEED IT TO -- TODAY, BUT WE DO. WE MOVE ON. AND THAT'S WHERE WE ARE TODAY.

YOU HEARD DR. ALBINIAK. HE CAME IN BECAUSE DR. GUR COULD NOT BE HERE, OKAY. AND DR. ALBINIAK TALKED ABOUT THIS CHART. DR. BRANNON DOESN'T KNOW STATISTICS, BUT DR. ALBINIAK DOES.

HE SAID, OF COURSE, HE'S GOT A BIG ENOUGH SAMPLE. HUNDREDS OF ARTICLES HAVE BEEN PUBLISHED IN THE MEDICAL JOURNALS AND PSYCHOLOGY JOURNALS, PSYCHIATRIST JOURNALS, HUNDREDS OF ARTICLES ABOUT THIS. IT'S BEEN PEER REVIEWED, ACCEPTED IN THE COMMUNITY.

DR. BRANNON, HE DOESN'T NEED IT. HE CAN EYEBALL IT. DON'T SEND YOUR LOVED ONE WHO SUFFERS FROM INSANITY POSSIBLY TO DR. BRANNON BECAUSE YOU'RE NOT GOING TO GET ANY ASSISTANCE.

IN FACT, I WOULD SUGGEST, YOU WOULDN'T WANT TO SEND THEM TO ANY OF THE STATE'S EXPERTS. WITH ALL DUE RESPECT TO THE PROSECUTION AND TO THE STATE, THAT EVIDENCE WAS PATHETIC. IT WAS PATHETIC.

NOW, IT'S BECAUSE THEY'RE STUPID, THAT THEY DON'T KNOW THAT THEY'RE BEING PATHETIC? NO. THEY

DON'T UNDERSTAND THIS ISSUE OF INSANITY. THEY DON'T UNDERSTAND IT.

AND LET ME GIVE YOU AN EXAMPLE. DR. SPICER, THAT MAN KNOWS WHAT IS -- GOOD WITNESS. HE KNOWS WHAT HE'S TALKING ABOUT. EXCEPT WOULD YOU SEND HIM TO -- WOULD YOU TAKE YOUR CHILD AND SEND HIM FOR EVALUATION TO A RADIOLOGIST IF INSANITY WAS THE ISSUE? NO.

LET'S LOOK AT HIS DATABASE. AND I'M GOING TO COME BACK IN JUST A MINUTE IN A LITTLE MORE DETAIL. BUT DR. WU SAID WHEN DR. RAINE, ADRIAN RAINE PUBLISHED THESE STUDIES, YOU HAVE GOT TO MAKE SURE YOU HAVE GOT A CONTROLLED DATABASE, YOU HAVE GOT TO MAKE SURE YOU HAVE GOT A CONTINUANCE PERFORMANCE TEST GOING SO THAT EVERYBODY'S BRAIN IS DOING THE SAME FUNCTION AT THE SAME TIME SO YOU CAN COMPARE HEALTHY VERSUS NON-HEALTHY.

AND THE FIRST THING THAT DR. SACHY DID WAS ENGAGE DR. EINHORN TO GO AND PERFORM THAT TASK, TO MAKE SURE THAT CPT, CONTINUANCE PERFORMANCE TEST, WAS DONE WITH STEVE. THAT WAS THE FIRST RESPONSIBILITY HE HAD. NOT THE ADDITIONAL TESTING.

THE ADDITIONAL TESTING WAS JUST A NET, ANYTHING ELSE WRONG THERE THAT WE CAN SEE BY TRADITIONAL MEANS. NO. OKAY. WELL, THIS PERSONALITY THING THAT

DR. EINHORN NOTED, BUT OTHERWISE IT'S JUST LIKE DR. BRAWLEY SAID.

BUT WHAT WAS HIS PRIMARY PURPOSE? IT WAS THE CPT, THE CONTINUANCE PERFORMANCE TEST. AND DR. SPICER WHO WAS A PUBLISHED AUTHOR HIMSELF, 50 ARTICLES, HE SAID, ON RADIOLOGY, I ASKED HIM, DO YOU KNOW, DID YOU DO A CPT AND DO YOU KNOW WHAT THAT IS? AND HE DID NOT.

HE DID NOT KNOW WHAT THAT WAS. AND THE REASON IS BECAUSE HIS DATABASE -- WHAT DOES A RADIOLOGIST NEED A DATABASE FOR? THEY NEED A HEALTHY BRAIN ALL OVER, NOT JUST IN THE FRONTAL LOBES WHEN THE FRONTAL LOBES ARE INSIDE IT. HE NEEDS A BRAIN ALL OVER.

HE NEEDS A DATABASE OF A BUNCH OF PEOPLE WITH HEALTHY BRAINS WHO ARE AT REST SO THAT WE COMPARE -- WE CAN COMPARE EVERY AREA OF THE BRAIN, OF THE SUSPECTED PATIENT DEFECT WITH THE DATABASE WHEN THEY ARE AT REST.

DR. WU'S DATABASE, THEY ARE AT WORK. THEY ARE AT WORK AND THEY ARE RED. IN DR. SPICER'S DATABASE THEY ARE AT REST AND THEY ARE BLUE. DR. SPICER DIDN'T EVEN KNOW THAT THAT WAS IMPORTANT. HE DIDN'T EVEN KNOW THAT.

IS IT BECAUSE HE'S STUPID? NO. HE DOESN'T WORK ON INSANITY. HE'S NOT TO BE FAULTED FOR THAT. I

DON'T DO SECURITIES WORK. I'M NOT TO BE FAULTED BECAUSE I DON'T UNDERSTAND SECURITIES LAW. I DON'T DO IT. DR. SPICER DOESN'T DO IT.

DR. EINHORN GOES DOWN, AND THIS IS -- THIS IS INCREDIBLE. I BELIEVE OTHERWISE EXCEPT FOR THAT FUNDAMENTAL MISTAKE DR. SPICER MADE, I BELIEVE HE WAS TRUTHFUL.

HE COULD NOT BELIEVE THAT STEPHEN STANKO'S BRAIN WAS THAT LOW AND DEFICIENT IN ACTIVITY. HE COULDN'T BELIEVE IT. HE WAS WILLING TO SAY THAT JOSEPH C WU HAD TO BE A LIAR. THAT'S THE ONLY THING THAT MADE SENSE TO HIM. HE HAD NEVER SEEN ANYTHING LIKE THAT.

AND I SUBMIT TO YOU DR. WU WAS NOT A LIAR. OKAY. HE'S SMART. HE -- HE DOESN'T KNOW STEPHEN STANKO. WHY WOULD HE COME ALL THE WAY HERE TO DEFRAUD YOU ABOUT MR. STANKO'S BRAIN? DON'T YOU THINK HE'S GOING TO BE EXPOSED? NO. HE'S NOT LYING.

UNDER THE CONTROLLED CIRCUMSTANCES YOU GET THIS IMAGE. MR. STANKO GOT THIS IMAGE. FIFTY TO 80 PERCENT DEFICIENCY. IT WAS SO MUCH, SO DEFICIENT THAT DR. SPICER SAID, IT CAN'T BE, WU HAS TO BE LYING.

I MEAN, I -- WE CAN'T FAULT DR. SPICER. WE HAVE NEVER BEEN ABLE TO KNOW THINGS LIKE THAT ABOUT PEOPLE WHO ARE INSANE OR DO INSANE THINGS.

IF YOU HAVE A CHANCE, WE HAVE PUT THIS DISK INTO EVIDENCE. DR. SPICER SAID, WELL, OVER HERE THEY HAD TO TONE DOWN THE COLOR TO MAKE IT THAT LOW. BUT LOOK, THERE'S A LITTLE AREA RIGHT UP HERE, OKAY, AND RIGHT UP HERE, THAT AS FAR AS I CAN TELL ARE THE HIGHEST REDS ON THE SCALE THAT WE SEE IN THOSE IMAGES.

AND YOU KNOW WHAT? THEY ARE BOTH THERE, THE -- THE -- THE RED IS HERE AND THE RED IS HERE. AND IT SHOWS YOU IT IS THE SAME COLOR SCALE.

WHAT YOU'RE LOOKING AT IS SO DEFICIENT, DR. SPICER IN HIS EYEBALLING OF THE -- OF A NORMAL SCAN AND FOR THE PURPOSES THAT HE NEEDS, HE HAD NEVER SEEN ANYTHING LIKE THIS IN HIS PROFESSIONAL LIFE.

HE WAS SO THROWN, HE HAD TO ACCUSE DR. WU OF FALSIFYING THE DATA. IMAGINE THAT. THIS, LADIES AND GENTLEMEN, IS WHY I SAY THIS IS HOW INSANITY APPEARS. NOT GUILT -- NOT MENTAL ILLNESS MERELY, BUT SOMETHING REALLY, REALLY EXTRAORDINARY.

IT IS SO DEFICIENT, STEPHEN IS SO DEFICIENT -- THINK ABOUT THIS -- DR. SPICER IN REALITY IS OUR BEST WITNESS FOR THE DEFENSE IN MR. STANKO'S POSITION OF INSANITY IN THIS CASE BECAUSE HIS DATABASE OF PEOPLE AT REST, PEOPLE AT REST, REFLECTS THE BEST THIS MAN CAN DO UNDER THE MOST STRENUOUS OF TASKS.

DR. SPICER'S PEOPLE WERE IN A DARK ROOM ON A LOUNGE CHAIR WITH THEIR EYES CLOSED DEPRIVED OF SENSORY INFORMATION. STEPHEN WAS WORK -- HE WAS WORKING A CONTINUOUS PERFORMANCE TEST DESIGNED SPECIFICALLY TO EXCITE AND DRAW OUT FUNCTION OF THE FRONTAL LOBE AREA THAT WE'RE CONCERNED WITH HERE.

AND THE BEST THAT STEPHEN COULD DO UNDER THE MOST DEMANDING OF CIRCUMSTANCES ON THAT TASK WAS TO MATCH SOMEONE AT REST, MATCH THE DATABASE THAT WAS AT REST.

IT'S LIKE TWO CARS AT A NASCAR RACE, AND THEY'RE SITTING HERE AND THE GUN SOUNDS AND ONE TAKES OFF, BUT THIS ONE DOESN'T GO ANYWHERE. THE GAS PEDAL IS TO THE FLOOR BUT IT DOESN'T MOVE. IT'S THE BEST IT CAN DO. IT'S THE BEST IT CAN DO.

STEPHEN STANKO LIVES HIS LIFE EVERY DAY IN THIS CONDITION. AND WHAT DID DR. SASHY SAY? THAT'S WHERE EMPATHY IS. IT'S WHERE DR. THRASHER SAID IT WAS. THRASHER AND SASHY SAY HE'S INSANE.

THERE IS NO WAY HE CAN HAVE AN ABSENCE OF ACTIVITY LIKE THAT UNDER THIS CONTROLLED CIRCUMSTANCE WITH THIS CONTROLLED DATABASE AND HAVE THAT LOW ACTIVITY, 80 PERCENT.

DR. WU SAID THAT, 50 TO 80 PERCENT DIMINISHED IN ACTIVITY OR FUNCTION. THERE ARE NO BRAKES HERE.

WHEN THAT LIMBIC SYSTEM GENERATES THAT IMPULSE OF RAGE OR WHATEVER IT IS THAT COMES OUT OF THAT PORTION OF THE BRAIN, THERE ARE NO BRAKES UP HERE.

IT'S LIKE A RUN-AWAY TRAIN. THAT'S WHERE THE BRAIN DEFECT, THE MENTAL DEFECT IS. THAT'S WHERE THE ABILITY TO DISTINGUISH BETWEEN RIGHT AND WRONG, MORAL AND LEGAL RIGHT AND WRONG, THAT'S WHERE THAT FUNCTION LIES IN THE BRAIN, AND HE DOESN'T HAVE IT.

HE LACKS THE CAPACITY TO DISTINGUISH BECAUSE IT DOESN'T HAVE THE BRAIN FUNCTION TO DO THAT, TO MAKE THAT DISTINCTION.

HUH, UH, UH, LAY BACK DOWN. IMAGINE THAT. YOU REMEMBER WHEN CHRISTINA SAID THAT? SHE STARTED TO GET UP AND STEPHEN, UH, UH, UH, LAY BACK DOWN. AND IN HER STATEMENT SHE HEARS WHAT SHE THINKS ARE VOICES. SHE DOESN'T EVEN RECOGNIZE IT AS STEVE.

HE IS INSANE. HE IS INSANE. OUR DEFENSE EXPERTS ARE HERE BECAUSE THEY WORK IN THE AREA OF INSANITY. STATE'S EXPERTS DON'T.

I DON'T CRITICIZE THEM FOR THAT, BUT THEY ARE NOT IN THAT -- THEY ARE NOT UP TO SPEED, SO-TO-SPEAK IN THAT AREA. IT'S NOT THEIR FAULT. THEY DON'T DO THAT. PAM CRAWFORD IS NOT UP TO SPEED.

IF YOU BELIEVE THAT STEPHEN STANKO WAS INSANE -- AND THIS IS OF A PREPONDERANCE OF THE EVIDENCE, OKAY?

WHICHEVER DID TOO GOOD OF A JOB -- BUT WHEN IT TILTS, THAT'S -- IT'S 51 49. THAT'S THE PREPONDERANCE.

IF YOU BELIEVE 51 TO 49 THAT STEPHEN STANKO HAS THAT LACK OF CAPACITY TO DISTINGUISH, THEN WE HAVE PROVEN INSANITY UNDER OUR BURDEN OF THE LAW.

ALL OF YOU SWORE, I CAN FOLLOW THE LAW, JUDGE JEFFERSON, BECAUSE IT'S MY RESPONSIBILITY. EVEN IF I DON'T AGREE WITH IT, I CAN FOLLOW IT. EVEN IF I DON'T THINK THAT -- IF THE SPEED LIMIT IS 35 AND I THINK IT COULD BE 50 EASILY, I'M GOING TO SAY IT'S 50, BUT THE JUDGE SAYS, NO, IT'S 35, THEN YOU'VE GOT TO APPLY 35.

ALL OF YOU SAID YOU COULD DO THAT. IF HE LACKS THE CAPACITY UNDER DR. WU'S ANALYSIS AS DR. SACHY AND THRASHER SAY HE -- HE DOES, HE LACKS THAT CAPACITY, THEN YOU HAVE GOT TO FIND HIM INSANE.

AND YOU HAVE GOT TO RELY ON DR. CRAWFORD TO OVERCOME THAT BY A -- BEYOND A REASONABLE DOUBT. AND THAT FAILS MISERABLY. THEY DON'T UNDERSTAND, WITH ALL DUE RESPECT, WHAT THIS CASE IS ABOUT.

OTHERWISE THEY WOULD HAVE HAD WITNESSES WHO AT LEAST UNDERSTOOD THAT THE MUSC DATABASE OF BRAINS, BRAIN SCANS DONE IN THE DARK AT REST HAD TO BE THE SAME THING AS THE DATABASE THAT WAS DONE HERE.

BUT YOU KNOW WHAT? WHAT WAS SHOCKING, DR.

SPICER SAID, NO, I HAVE NEVER EVEN SEEN THAT VIDEO. THEY SHOULD HAVE NEVER PUT HIM IN THAT POSITION WHERE HE HAD TO COME UP HERE AND SEE SOMETHING THIS UNUSUAL AND THIS STRANGE, THIS EXTRAORDINARY TO THE POINT HE WAS FORCED TO SAY, DR. WU'S GOT TO BE LYING. I HAVE NEVER SEEN ANYTHING LIKE THIS.

HE CHOSE TO -- HE CHOSE TO BELIEVE DR. WU FUDGED THE DATA. THE STATE SHOULD NOT PUT HIM IN THAT POSITION, MADE HIM MAKE THAT DECISION. IT WAS A MISTAKE.

INITIALLY WHEN I WAS SHOWING DR. SPICER ONE OF THESE PHOTOS, HE SAID, OH WELL, YEAH, I SEE WHAT'S HAPPENING THERE. YOU KNOW, WE DID THIS AS A CONVENIENCE SO YOU'D JUST HAVE A -- SOMETHING TO LOOK AT. IT'S RUN OFF ON A CHEAP INKJET PRINTER, FOR HEAVEN'S SAKES.

YOU HAVE GOT TO GO TO THE REAL DIGITAL IMAGE TO SEE WHAT WE'RE TALKING ABOUT. IT'S -- AS DR. SACHY SAID, IT'S TOO SUBTLE TO BE ABLE TO SEE WITH THE EYE WITHOUT THIS COMPUTER ENHANCEMENT WITH RESPECT TO THE DATA.

AND WHAT ELSE DID DR. WU SAY? REMEMBER -- IT'S REMARKABLE. THESE COLOR SCHEMES ARE SET BY THE MANUFACTURER. IT'S MUSC DATA. HOW DID DR. WU MANIPULATE IT? HE DIDN'T. HE DIDN'T.

IT WILL TAKE SOMEBODY -- IT WOULD HAVE TO BE DONE AT THE MANUFACTURING PLANT WHERE THE MACHINE WAS INSTALLED. WE WENT THROUGH THAT WHOLE SLIDE SHOW ABOUT HOW THAT WAS DONE, PET SCAN AND ALL OF THAT.

DR. ALBINIAK SAYS THERE ARE HUNDREDS OF ARTICLES ABOUT THIS. THIS IS ACCEPTED SCIENCE. DR. BRANNON HAS NEVER READ AN ARTICLE ABOUT IT, BUT HE GIVES YOU -- THEY BRING HIM IN HERE AS AN EXPERT.

DR. THRASHER SAID HE WAS A LAWYER AND A PSYCHIATRIST. HE UNDERSTANDS THE LEGAL DEFINITION AND HOW THE PSYCHIATRIC FIELD AND THE LEGAL FIELD DON'T SEEM TO CONNECT SOMETIMES, AND THE SAME LANGUAGE.

BUT HE SAID BASED ON THIS AND -- I'M FAMILIAR WITH THE PUBLISHED ARTICLES, I'M CERTAINLY WILLING TO RELY ON THIS EVIDENCE AS A FORENSIC TOOL. I DON'T HAVE ANY AVERSION TO USING THE LATEST TECHNOLOGY TO HELP ME MAKE A DIAGNOSIS. I THINK HE'S INSANE. AND DR. SACHY SAID THAT.

DR. EINHORN DID THE CONTINUOUS PERFORMANCE TEST TO MAKE SURE THAT THESE AREAS RIGHT HERE WERE AS RED AND ACTIVE AS THESE AREAS. THAT WAS HIS ROLE. AND HE DID THAT. AND HE SAID THAT STEPHEN PERFORMED THE TEST AND THAT'S THE RESULT.

DR. WU EXPLAINED TO US THE NECESSITY OF THE CPT,

OTHERWISE IT'S AN INVALID RESULT, AND YOU COME UP WITH THIS GARBAGE, WITH ALL DUE RESPECT, THAT DR. SPICER GAVE US YESTERDAY, HE'S COMPLETELY NORMAL. DO YOU THINK HE'S NORMAL BASED ON THE -- JUST BASED ON THE STATE'S CASE. YOU KNOW HE'S NOT NORMAL.

CHRISTINA ASKED THE QUESTION, WHY DID THIS HAPPEN? THIS IS WHY IT HAPPENED. YOU CAN LOOK AT IT. WE CAN MOVE IT AND WATCH IT. IT'S GOING. SEE THE RED HERE? THERE'S MORE RED IN STEPHEN'S BRAIN THAN OVER HERE. THERE'S NO MANIPULATION OF THE COLOR SCALE. THAT IS OBSERVED.

AND I FEEL SORRY AND EMBARRASSED FOR THE PROSECUTION'S CASE THAT SUGGESTED THAT AS A SOUTH CAROLINIAN. LOOK AT THIS. LET'S WATCH IT A MINUTE. SAME SLICES THAT DR. SPICER WAS TALKING ABOUT. SAME ANGLES.

(PAUSE WHILE PLAYING VIDEO).

LOOK AT THAT. THEIR REDS ARE THE SAME COLOR, NOT AS MUCH, BUT THE SAME COLOR, SAME SCALE IN BOTH FRAMES. LOOK AT THAT INACTIVITY. LOOK AT IT. ALL THE WAY ACROSS, ALL THE WAY ACROSS. LOW, LOW, LOW, LOW. LOOK AT THAT.

LADIES AND GENTLEMEN, DO YOU THINK THAT'S A SIDE-SHOW TRICK, GAME? THAT'S UNWORTHY OF THIS COURTROOM. IT'S UNWORTHY OF US.

DR. SACHY PUT THESE EXPERTS TOGETHER BECAUSE HE KNEW THAT'S WHAT WAS NEEDED TO MAKE A SHOWING OF WHAT INSANITY IS, BECAUSE THIS CASE -- WHEN YOU FIRST HEAR ABOUT THIS CASE, WHEN THE STATE RESTED, YOU KNEW -- THE STORY THAT YOU HEARD FROM CHRISTINA WAS FOR FOUR MONTHS LIFE HAD BEEN TRANQUIL, PEACEFUL IN THIS HOUSEHOLD.

SHE LIKED STEPHEN. HE HAD NEVER DONE ANYTHING TO HER OR EVEN SUGGESTED IT. NEVER. AND ALL OF A SUDDEN ONE NIGHT THIS HAPPENS. THE ONLY EXPLANATION IS INSANITY.

IT'S NOT A DIRTY WORD. IT IS A BIRTH DEFECT AND YOU CAN SEE IT IN HIS BIRTH RECORDS. AND DR. BRANNON -- CAN YOU IMAGINE THIS? CYANOSIS, ZERO. THAT MEANS OBSERVED. THEY OBSERVED CYANOSIS.

PARALYSIS, THEY OBSERVED THAT WITH THE MORO, POOR MORO REFLEX. OH, YOU THINK THEY ARE GOING TO WRITE ZERO? THEY OBSERVED IT. PALLOR, HE HAD JAUNDICE AND HE WAS SWALLOWING MUCUS AND HE WASN'T -- HE WAS BLEEDING.

AND THEY NOTED -- I DON'T KNOW IF YOU HAVE EVER HAD CHILDREN, BUT IMAGINE A PARENT OF A NEWBORN SITTING IN A DELIVERY ROOM HEARING, I'M SORRY, BUT YOUR BABY HAS A POOR PROGNOSIS, MIGHT NOT SURVIVE.

YOU DON'T THINK THAT'S SERIOUS? YOU WANT TO

DISCOUNT THAT COMMENT LIKE THE PROSECUTION ASKS YOU TO DO NOW? YOU KNOW WHAT? YOU KNOW WHO THAT BABY IS? IT'S HIM. HE HAS A BIRTH DEFECT.

UNFORTUNATELY IT MANIFEST ITSELF IN THE WAY IT DID WITH LAURA LING. LAURA LING'S DEATH, YOU KNOW -- FROM ALL ACCOUNTS -- I DIDN'T KNOW LAURA LING, BUT FROM ALL -- SHE WAS A WELL-LIKED PERSON.

WE HAVE A CHANCE TO MAKE SURE THAT HER DEATH IS NOT IN VAIN, THAT SHE IS NOT SIMPLY ANOTHER STATISTIC OF DOMESTIC VIOLENCE LIKE THE PROSECUTION ASKS YOU TO DO.

HER DEATH CAN MEAN SOMETHING, TO HELP US UNDERSTAND THAT THESE ARE INDIVIDUALS WHO HAVE A BIRTH DEFECT AND IT AFFECTS THEIR BEHAVIOR AND THEIR CONDUCT AND AT TIMES THEY CAN DO THINGS LIKE THIS UNDER THE RIGHT STIMULI.

STEPHEN -- I DON'T KNOW IF LAURA MEANT TO SLAP HIM OR HIT HIM OR WHATEVER. SHE HIT THE CIGARETTE AND IT LODGED UP HERE BENEATH HIS GLASSES AND STUCK HIM IN THE EYE, AND THAT WAS THE LAST THING HE REMEMBERED UNTIL HE CAME TO IN THE SHOWER.

HOW LONG IT TOOK THAT INSANE EPISODE TO TRANSPIRE, I DON'T KNOW. BUT IT SUBSIDED AND HE CAME BACK TO REALITY, OR AT LEAST HE REMEMBERS IT. AND HE REALIZES THE HORRIBLE, AWFUL THINGS HE HAD DONE.

IMAGINE THAT.

HE'S NOT -- YOU GO BACK, AND WHILE THIS IS -- THIS IS WHERE DR. EINHORN SAID HE MEASURED WITH HIS TESTS AND DR. BRAWLEY. YOU SEE WHERE THAT IS? THAT'S WHY -- THAT'S WHY IT WAS HEALTHY AND NORMAL, BECAUSE IT IS FAIRLY HEALTHY AND NORMAL.

BUT LOOK UNDERNEATH THERE. THAT'S WHAT IS NOT DISCOVERED BY OR SHOWN BY DR. EINHORN'S TESTS OR DR. BRAWLEY'S TESTS. AND THAT'S WHAT IS AT ISSUE IN THIS CASE.

DOCTOR -- IF YOU BELIEVE THAT THERE WAS A PERIOD OF INSANITY HERE AT THE TIME THE JUDGE IS GOING TO CHARGE YOU, NOT THE NEXT MORNING WHEN HE CALLED THE LIBRARY, NOT THE NEXT DAY WHEN HE STOLE ANOTHER CAR, BUT AT THE TIME LAURA LING DIED, DID HE HAVE THE CAPACITY TO DISTINGUISH BETWEEN RIGHT AND WRONG. THAT'S THE QUESTION YOU HAVE GOT TO ANSWER.

AND I WOULD SUBMIT TO YOU THE EVIDENCE SHOWS THE LIMBIC SYSTEM WAS DRIVING THAT CONDUCT WITH EMOTION. AND THERE WAS NO BREAK UP HERE, NO CAPACITY TO DISTINGUISH OR APPRECIATE HIS ACTIONS AT THAT TIME. THE LIMBIC EMOTION WAS TOO STRONG.

IT'S LIKE BEING DROWNED OUT BY -- YOU'RE IN A CAFE AND YOU ARE HAVING A CONVERSATION AND A LIVE ROCK BAND STARTS UP AND YOU GET DROWNED OUT. THAT'S

WHAT WAS HAPPENING IN THIS CASE. IN THIS -- THAT IS INSANITY.

YOU DON'T HAVE THE CAPACITY TO MAKE THE DISTINCTION, TO DEAL WITH THIS EMOTION THAT'S COMING OUT, A NATURAL EMOTION. IT'S NOT A FREAK. IT'S A NATURAL EMOTION THAT WE ALL HAVE FOR OUR OWN SURVIVAL.

DR. CRAWFORD DOESN'T KNOW -- SHE DOESN'T WANT TO LOOK AT THAT. SHE WANTS TO LOOK AT THE LITTLE DSM BOOK THAT'S BUILT ON OBSERVATIONS THAT HAVE BEEN MADE OVER THE PAST HUNDRED YEARS AND RELY ON THAT.

AND SOME DAY LET SOMEBODY ELSE SOMEWHERE ELSE DECIDE, WELL, WE'LL LOOK AT IT WITH A PET SCAN, THE BRAIN SCAN, AND SEE IF THERE IS ANY CORRELATION BETWEEN DEFECTS AND CONDUCT. OF COURSE THERE IS.

JUST LIKE IF YOU'RE MISSING A FOOT, YOU'RE NOT GOING TO WALK WELL. IF YOU'RE MISSING AN ARM, WELL YOU'RE NOT GOING TO BE A GOOD ATHLETE AND YOU'RE NOT GOING TO BE ABLE TO DO THOSE TASKS. AND IF YOUR BRAIN DOESN'T WORK, THERE ARE CERTAIN THINGS YOU'RE NOT GOING TO DO IN A NORMAL WAY.

DR. CRAWFORD DOESN'T KNOW WHY, BUT SHE AGREES WITH DR. SACHY THAT THERE IS A BEHAVIORAL PROBLEM HERE. SHE'LL CALL IT A PERSONALITY DISORDER. HE LACKS EMPATHY. SHE DOESN'T KNOW WHY.

HE FAILS TO CONFORM TO SOCIAL NORMS. SHE DOESN'T KNOW WHY. HE LIES A LOT. SHE DOESN'T REALLY KNOW WHY. HE HAS AGGRESSION. SHE DOESN'T REALLY KNOW WHY. HE STEALS A LOT. SHE DOESN'T REALLY KNOW WHY.

YUP, DR. SACHY SAYS HE DOES ALL THOSE THINGS BECAUSE HE HAS THE BRAIN TO MAKE HIM DO THOSE THINGS. HOW MANY OF US DO THINGS WHEN OUR BRAIN IS NOT INVOLVED IN THE -- IN THE CHOICE IN SOME FASHION OR ANOTHER? NONE OF US DO.

THE BRAIN CONTROLS OUR CONDUCT. AND IF YOU'VE GOT THIS BRAIN SCAN, YOU'RE GOING TO DO THESE THINGS. IT'S THAT SIMPLE. IT'S NOT THAT HARD TO UNDERSTAND.

SHE DOES NOT CARRY THE BURDEN OF SAYING BEYOND A REASONABLE DOUBT. THAT FAILS. HER BURDEN FAILS. DR. SPICER'S TESTIMONY IS FAULTY BECAUSE HE'S GOT THE WRONG DATABASE.

DR. BRANNON'S TESTIMONY IS FAULTY BECAUSE HE'S NEVER READ THE ARTICLES TO TELL US THAT THIS IS ACCEPTED SCIENCE. DR. BRAWLEY'S TESTIMONY FAILS BECAUSE SHE WAS TESTING THE WRONG AREAS UP HERE WHERE IT'S RED AND HEALTHY.

AND DR. CRAWFORD'S TESTIMONY FAILS BECAUSE SHE DOESN'T KNOW ANYTHING ABOUT THIS. SHE JUST BELIEVES HE IS SANE.

WE DON'T HAVE ANYONE TO REWARD OR TO PUNISH OR TO WHATEVER FOR YOUR DECISION HERE. YOU HAVE A RESPONSIBILITY TO ABIDE BY YOUR OATH AS A JUROR WHETHER YOU LIKE IT OR NOT.

THAT'S WHY THE STATE PUT YOU ON THE JURY. THAT'S WHY WE AGREED TO PUT YOU ON THE JURY. AND THAT'S WHY THE JUDGE QUALIFIED YOU TO BE ON THE JURY, TO FOLLOW THE LAW WHETHER YOU LIKE IT OR NOT.

AND IF THIS MAN, NO MATTER HOW VILE OR DISGUSTING THE EVENTS, WAS INSANE, YOU MUST RETURN A VERDICT OF INSANITY. THE LAW RECOGNIZES THE VERDICT OF NOT GUILTY BY REASON OF INSANITY.

AND YOU HAVE, MORE THAN ANYBODY HAS HAD, EVER HAD AN OPPORTUNITY TO LOOK AT INSANITY IN TERMS THAT WE CAN SEE AND UNDERSTAND TO JUSTIFY YOUR VERDICT.

ONE MORE THING I WANT TO SAY. THE JUDGE BY LAW IS GOING TO GIVE YOU AN OPTION TO VOTE GUILTY BUT MENTALLY ILL. NOBODY -- WE DON'T SAY THAT, THAT HE WAS GUILTY BUT MENTALLY ILL AND THEY DON'T SAY HE WAS GUILTY BUT MENTALLY ILL BECAUSE GUILTY BUT MENTALLY ILL MEANS HE KNEW BECAUSE HE HAD THE CAPACITY AT THAT TIME TO -- TO MAKE A DISTINCTION BETWEEN RIGHT AND WRONG.

HE OBVIOUSLY DID NOT. UH, UH, UH, LIE BACK DOWN, AND SPEAKING IN A VOICE THAT CHRISTINA DIDN'T

UNDERSTAND OR RECOGNIZE.

HE WAS INSANE AND THAT IS THE ONLY VERDICT THAT'S JUSTIFIED BY THE EVIDENCE IN THIS CASE. NO MATTER HOW HORRIBLE THIS POOR GIRL'S DEATH WAS, NO MATTER HOW HORRIBLE, THE LAW IS THE LAW AND YOU SWORE TO FOLLOW IT, AND I'M SURE THAT YOU WILL. THANK YOU VERY MUCH.

THE COURT: LADIES AND GENTLEMEN, YOU ALL HAVE BEEN SITTING ABOUT 37 MINUTES. I WANT YOU TO STAND FOR ME AND STRETCH, GET YOUR BLOOD CIRCULATING.

(WHEREUPON THERE WAS A PAUSE.)

THE COURT: DOES ANYONE NEED TO GO TO THE RESTROOM? OKAY. DURING THIS -- DURING THIS BREAK PLEASE DO NOT DISCUSS THE CASE. PLEASE LEAVE YOUR NOTEPADS IN YOUR SEATS.

AS SOON AS YOU HAVE COMPLETED THAT PROCESS, KNOCK ON THE DOOR AND WE WILL RECEIVE YOU BACK INTO THE COURTROOM TO RESUME THE COURT'S CHARGE.

(JURY LEFT THE COURTROOM AT 4:18 PM).

THE COURT: YOU MAY BE SEATED. WE'LL BE AT EASE UNTIL THE JURY TELLS US THEY ARE READY TO PROCEED.

(WHEREUPON THERE WAS A PAUSE.)

THE COURT: IS THE STATE READY TO PROCEED?

MR. HEMBREE: YES, YOUR HONOR.

THE COURT: IS THE DEFENSE READY TO PROCEED?

AND IF YOU WOULD TAKE IN THE EVIDENCE AND THE JURY'S NOTEPADS AS WELL AS THE VERDICT FORMS. AND WE NEED TO GIVE THEM SOME RUBBER GLOVES. AND IS THE 9-1-1 TAPE IN EVIDENCE?

MR. HUMPHRIES: IT IS.

THE COURT: DO YOU HAVE A TAPE RECORDER TO GO INTO THE JURY ROOM?

MR. DIGGS: YOUR HONOR, WHAT IF THEY WANT TO LOOK AT THE DVD? JUST COME OUT HERE?

THE COURT: DO WE HAVE A DVD PLAYER?

MR. DIGGS: THE ONLY ONE WE HAVE IS...

THE COURT: DO WE HAVE A TV WITH A DVD PLAYER WE CAN TAKE IN THERE?

THE CLERK: YES, YOUR HONOR.

THE COURT: IF WE CAN ARRANGE THAT, LET'S TAKE CARE OF THAT, TOO, SO THEY DON'T HAVE TO ASK US TO LOOK BACK AT THE THINGS THAT ARE IN EVIDENCE.

(OFF-THE-RECORD DISCUSSION WAS HAD WITH THE CLERK.)

THE COURT: OKAY. AND THE RECORD SHOULD REFLECT THEN THAT THE JURY DELIBERATIONS BEGAN AT 5:28.

(WHEREUPON JURY BEGAN DELIBERATIONS AT 5:28 PM.)

THE COURT: WE'RE AT EASE.

(WHEREUPON A RECESS WAS HAD.)

THE COURT: OKAY. ALL RIGHT. WE HAVE A NOTE

I WOULD ASK THAT EVERYONE ABIDE BY THE DECORUM OF THIS COURT, GIVE THE COURT ITS UPMOST RESPECT. AND AGAIN, I KNOW THAT THIS IS A VERY EMOTIONAL MATTER, BUT I WOULD INSTRUCT AND I TAKE THIS INSTRUCTION VERY SERIOUSLY, THAT THERE BE NO EMOTIONAL OUTBURSTS OF ANY KIND, WHETHER THAT BE -- WELL, I THINK THAT IS SELF-EXPLANATORY. I DON'T THINK I REALLY NEED TO GO ANY FURTHER THAN THAT.

AND AGAIN, THE COURT IS MINDFUL AND SENSITIVE THAT THIS IS A VERY EMOTIONAL MATTER FOR EVERYONE INVOLVED, BUT I WOULD ASK AGAIN THAT YOU STRICTLY ABIDE BY THE COURT'S INSTRUCTIONS BECAUSE I AM -- I DELEGATE THE SECURITY OF THE COURTROOM TO THOSE WHO ARE TRAINED IN THAT AREA, AND IF THERE ARE ANY OUTBURSTS OR ANY OTHER BEHAVIOR THAT THEY INTERPRET IS DISRUPTIVE OF THE COURT'S PROCEEDINGS, YOU WILL BE REMOVED BY THEM.

SO I JUST NEED TO PUT YOU ALL ON NOTICE THAT THAT WILL TAKE PLACE AND THEY WILL NOT NEED MY PERMISSION TO ACCOMPLISH THAT TASK. PLEASE BRING IN THE JURY.

(JURY ENTERED THE COURTROOM AT 7:56 PM.)

VERDICT

THE COURT: YOU MAY BE SEATED. MADAM FORELADY, IS IT CORRECT THAT THE JURY HAS REACHED A VERDICT?

FORELADY: YES.

THE COURT: IF YOU WOULD GIVE THE VERDICT FORMS TO THE BAILIFF.

(BAILIFF APPROACHED THE FORELADY, THEN APPROACHED THE COURT.)

THE COURT: MADAM CLERK, IF YOU WOULD PUBLISH THE VERDICTS. MR. STANKO, IF YOU WOULD STAND. YOU MAY PROCEED.

THE CLERK: STATE OF SOUTH CAROLINA VERSUS STEPHEN CHRISTOPHER STANKO IN THE COURT OF GENERAL SESSIONS OF THE 15TH JUDICIAL CIRCUIT, DOCKET NUMBER 2005-GS-22-918.

AS TO COUNT ONE, MURDER, WE THE JURY BY UNANIMOUS CONSENT FIND THE DEFENDANT GUILTY.

LADIES AND GENTLEMEN OF THE JURY, IS THIS YOUR VERDICT AND IT IS STILL YOUR VERDICT, PLEASE LET IT BE KNOWN BY RAISING YOUR RIGHT HAND.

AS TO THE COUNT, COUNT TWO, ASSAULT AND BATTERY WITH INTENT TO KILL, WE THE JURY BY UNANIMOUS CONSENT FIND THE DEFENDANT GUILTY.

LADIES AND GENTLEMEN OF THE JURY, IF THIS IS YOUR VERDICT AND IT IS STILL YOUR VERDICT, PLEASE LET IT BE KNOWN BY RAISING YOUR RIGHT HANDS. THANK YOU.

AS TO COUNT THREE, CRIMINAL SEXUAL CONDUCT FIRST DEGREE, WE THE JURY BY UNANIMOUS CONSENT FIND THE

DEFENDANT GUILTY.

LADIES AND GENTLEMEN OF THE JURY, IF THIS IS YOUR VERDICT AND THIS IS STILL YOUR VERDICT, PLEASE LET IT BE KNOWN BY RAISING YOUR RIGHT HANDS. THANK YOU.

AS TO COUNT FOUR, KIDNAPPING, WE THE JURY BY UNANIMOUS CONSENT FIND THE DEFENDANT GUILTY.

LADIES AND GENTLEMEN OF THE JURY, IF THIS IS YOUR VERDICT AND THIS IS STILL YOUR VERDICT, PLEASE LET IT BE KNOWN BY RAISING YOUR RIGHT HANDS. THANK YOU.

AS TO COUNT FIVE, KIDNAPPING, WE THE JURY BY UNANIMOUS CONSENT FIND THE DEFENDANT GUILTY.

LADIES AND GENTLEMEN OF THE JURY, IF THIS IS YOUR VERDICT AND THIS IS STILL YOUR VERDICT, PLEASE LET IT BE KNOWN BY RAISING YOUR RIGHT HANDS. THANK YOU.

AS TO COUNT SIX, ARMED ROBBERY, WE THE JURY BY UNANIMOUS CONSENT FIND THE DEFENDANT GUILTY. LADIES AND GENTLEMEN OF THE JURY, IF THIS IS YOUR VERDICT AND THIS IS STILL YOUR VERDICT, PLEASE LET IT BE KNOWN BY RAISING YOUR RIGHT HANDS. THANK YOU.

THE COURT: ARE THERE ANY REQUESTS TO POLL THE JURY FROM THE STATE?

MR. HEMBREE: NO REQUESTS TO POLL FROM THE

HAPPENED. ALL RIGHT?

NOW, AS FAR AS MR. DIGGS IS CONCERNED, HE'S GOING TO SPEAK TO YOU NOW. BUT THAT'S WHAT'S COMING ON. OKAY? TAKE A LOOK AT IT AND WEIGH IT FOR WHAT IT'S WORTH AGAINST WHAT YOU HAVE ALREADY SEEN. OKAY? BECAUSE IT'S IMPORTANT.

I HADN'T LIED TO YOU SO FAR AND I'M NOT LYING TO YOU NOW. I'M TELLING YOU JUST THE WAY IT IS. IF YOU DON'T FIND IT SHOCKING, YOU BE SURE TO TELL ME.

MR. DIGGS: MAY IT PLEASE THE COURT.

THE COURT: YES, SIR.

OPENING STATEMENT

MR. DIGGS: LADIES AND GENTLEMEN, YOU HAVE DECIDED LAST WEEK THAT YOU DID NOT FIND STEPHEN STANKO INSANE. THAT'S NOT THE ISSUE THAT WE'RE GOING TO PURSUE NOW. WE PUT THAT TO REST.

BUT WHEN YOU THINK BACK ABOUT THE EVIDENCE, THERE WERE A COUPLE OF THINGS THAT WERE KIND OF LEFT UP IN THE AIR. DO YOU REMEMBER THE WITNESS DR. SPICER AND DR. WU. OKAY? THEY WERE POLAR OPPOSITES.

WE ARE GOING TO TRY TO EXPLAIN A LITTLE BIT MORE ABOUT HOW TWO, WE -- GIFTED PEOPLE, EXPERTS, CAN HAVE SUCH OPPOSITE OPINIONS AND HOW ONE COULD BE IN A POSITION WHERE HE WHEN -- EFFECTIVELY SAYING, I THINK DR. WU IS OFF. WE'RE GOING TO TRY TO CLEAR THAT UP

FOR YOU. OKAY?

AND THERE'S ALSO THIS ISSUE HANGING OUT THERE ABOUT THE BIRTH RECORDS. WE'RE GOING TO TRY TO TALK ABOUT THAT A LITTLE BIT MORE. BECAUSE IN MY MIND I HAVE QUESTIONS ABOUT WHETHER OR NOT THAT WAS FULLY EXPLORED AND WHETHER OR NOT WE PRESENTED WHAT NEEDED TO BE PRESENTED IN THAT RESPECT OF THE CASE.

IT DOESN'T HAVE TO HAVE ANYTHING TO DO WITH INSANITY. AT THIS PHASE OF THE TRIAL HAVING -- HAD YOU FOUND HIM INSANE, WE WOULDN'T BE HERE. BUT WE ARE HERE. AND WE'RE GIVEN AN OPPORTUNITY BY THE LAW, BY THE LEGISLATURE, BY THE SYSTEM, TO PRESENT ANY EVIDENCE THAT WE BELIEVE JUSTIFIES A SENTENCE LESS THAN DEATH, AND THAT'S WHAT WE'RE GOING TO DO.

WE WANT TO ADDRESS STEPHEN STANKO'S MENTAL STATE NOT IN TERMS OF INSANITY BECAUSE YOU BELIEVE HE HAD KNOWLEDGE OF RIGHT AND WRONG AT THAT TIME. BUT WAS HE SUFFERING FROM SOME OTHER KIND OF MENTAL DEFECT THAT DEPRIVES HIM OF THE ABILITY THAT ALL HEALTHY PEOPLE HAVE TO MAKE INDEPENDENT DECISIONS IN A HEALTHY KIND OF WAY OR, YOU KNOW, WHEN YOU TALK ABOUT PREDISPOSITION, WELL, HE'S PREDISPOSED TO COMMIT CRIMES.

IS THAT BECAUSE HE'S JUST BAD? HE JUST DECIDES TO DO THAT? OR IS THERE SOMETHING HAPPENING IN HIS

PROCESS, MENTAL PROCESS, THAT'S NOT THE RESULT OF A CHOICE BUT IS JUST THE WAY HE -- HIS BRAIN FUNCTIONS AND OPERATES.

THAT'S WHAT WE'RE GOING TO EXPLORE. AND WHAT WE'RE GOING TO SHOW YOU IS STEPHEN DOESN'T HAVE THAT HEALTHY MENTAL APPARATUS THAT MOST PEOPLE -- MOST OF US HAVE.

AND THAT, LADIES AND GENTLEMEN, NO MATTER HOW HORRIBLE THESE CRIMES WERE IS A JUSTIFICATION WHY WE IN THIS SOCIETY AT THIS TIME IN AMERICAN HISTORY SHOULD NOT EXECUTE HIM BECAUSE OF THAT DEFECT THAT HE HAS IN HIS HEAD AND THAT CONTRIBUTED TO HIS DECISION TO DO THESE THINGS.

OUR ARGUMENT TO YOU IS GOING TO BE, BASED ON THE EVIDENCE THAT WE ARE GOING TO SHOW, IS THAT IT IS A MITIGATING FACTOR THAT LESSENS HIS DEGREE OF MORAL AND CRIMINAL CULPABILITY. DOESN'T EXCUSE IT, BUT IT IS A JUSTIFICATION TO SPARE HIS LIFE IN THIS SITUATION.

AND I WOULD ASK YOU ALONG WITH MR. KELLY NOT TO MAKE UP YOUR MIND YET ON WHAT THE PUNISHMENT SHOULD BE IN THIS CASE UNTIL ALL OF THE EVIDENCE IS IN. THANK YOU VERY MUCH.

THE COURT: YOU MAY PROCEED.

MR. KELLY: CALL CORPORAL MICHAEL STANLEY.

MICHAEL STANLEY, AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

THE WITNESS: MY NAME IS MICHAEL STANLEY, S-T-A-N-L-E-Y.

THE COURT: YOU MAY PROCEED, MR. KELLY.

MR. KELLY: THANK YOU, MA'AM.

THE COURT: YOU'RE WELCOME.

DIRECT EXAMINATION

BY MR. KELLY:

Q CORPORAL STANLEY, I'M -- MY NAME IS GERALD KELLY. HAVE YOU AND I EVER MET?

A DON'T BELIEVE SO, SIR.

Q I DON'T THINK SO EITHER.

THE COURT: SPEAK A LITTLE CLOSER TO THE MICROPHONE. I APOLOGIZE.

THE WITNESS: DON'T BELIEVE SO, SIR.

THE COURT: THANK YOU.

BY MR. KELLY:

Q WE APPRECIATE YOU COMING TODAY.

A YOU'RE WELCOME.

Q AND WE SERVED YOU WITH A SUBPOENA; DIDN'T WE?

A YES, SIR.

Q AND WE THANK YOU FOR RESPONDING. NOW, CORPORAL STANLEY, TELL THE JURY WHERE YOU ARE EMPLOYED.

A THE GEORGETOWN COUNTY DETENTION CENTER.

Q AND WHAT DO YOU DO THERE?
A I'M A CORRECTIONAL OFFICER.
Q ARE YOU THE SUPERVISOR DOWN THERE?
A SECOND IN COMMAND.
Q SIR?
A SECOND IN COMMAND.
Q SECOND IN COMMAND?
A YES, SIR.
Q HOW LONG HAVE YOU BEEN DOWN THERE?
A FOUR YEARS.
Q AND DID YOU SERVE ANYWHERE AS A POLICE OFFICER BEFORE BEING WHERE YOU ARE NOW?
A NO, SIR.
Q SO THIS IS YOUR FIRST ASSIGNMENT, SO TO SPEAK?
A YES, SIR.
Q ALL RIGHT. AND DO YOU LIVE LOCALLY?
A YES, I DO.
Q NOW, WHAT DO YOU DO AS A SUPERVISOR?
A I SUPERVISE A TEAM OF EIGHT WITH THE INMATES, HOUSING AREAS, SHAKEDOWNS, JAIL SEARCHES.
Q NOW, HAS STEPHEN STANKO BEEN DOWN AT YOUR JAIL FOR ABOUT -- WELL, MORE THAN A YEAR I SUPPOSE?
A YES, SIR.
Q OKAY. AND DO YOU HAVE EVERY DAY CONTACT WITH HIM AS A PRISONER?

A YES, SIR.
Q AND THAT'S WHAT I WANT TO ASK YOU ABOUT IS ABOUT WHAT'S HE LIKE AS A PRISONER. HAVE YOU HAD ANY PROBLEMS OR DIFFICULTIES WITH HIM?
A NO, SIR.
Q HAVE YOU HAD ANY MANAGEMENT PROBLEMS WITH HIM OF ANY TYPE?
A NO, SIR.
Q HAS HE -- AND HAVE YOU HAD ANY PROBLEMS WITH HIM BEING VIOLENT OR THREATENING IN ANY WAY?
A NO, SIR.
Q NOW, THAT JAIL DOWN THERE, IS IT -- IS IT ORGANIZED INTO JAIL BLOCKS?
A YES, IT IS.
Q TELL US WHAT A JAIL BLOCK IS.
A WE HAVE -- A BLOCK IS FOR PROTECTIVE CUSTODY AND MEDICAL INMATES. AND B BLOCK IS FOR BOND (SIC) FOR INMATES. C BLOCK IS FOR FEMALE INMATES. AND D BLOCK IS TWO HOUR LOCK-DOWN. F BLOCK IS MINIMUM. G BLOCK IS MEDIUM. H BLOCK IS MAXIMUM.
Q WHAT IS IN A BLOCK?
A HAVE ABOUT -- WE HAVE ABOUT 30, 35 INMATES IN A BLOCK.
Q AND HOW MANY CELLS IN A BLOCK?
A IN A BLOCK IS -- WHERE STANKO IS THAT IS EIGHT CELLS.

Q OKAY. AND HOW MANY PRISONERS USUALLY TO A CELL?
A TWO, SOMETIMES THREE.
Q ALL RIGHT. NOW, IN A CELLBLOCK SOMETIMES A GROUP MIGHT WANT SOMETHING ACTED ON OR DONE. THAT IS A FREQUENT HAPPENING AND A USUAL AND REGULAR HAPPENING IN A CELLBLOCK; CORRECT?
A YES, SIR.
Q AND WHEN THEY DO THAT, THEY USUALLY HAVE--
MR. HUMPHRIES: OBJECTION. LEADING.
THE COURT: BASIS. LEADING?
MR. HUMPHRIES: YES, MA'AM.
THE COURT: SUSTAINED. LEADING. YOU MAY REPHRASE.
BY MR. KELLY:
Q IF THEY DO THAT, DO THEY COMMONLY HAVE A REPRESENTATIVE?
A YES, SIR.
Q AND WHAT DOES -- WHAT IS MEANT BY THE REPRESENTATIVE FOR THEIR INTERESTS? WHO MIGHT THAT BE?
A WELL, USUALLY AN INMATE WILL COME FORWARD, A GRIEVANCE, HAVE THE OTHER INMATES TO SIGN IT.
Q AND A GRIEVANCE DOESN'T NECESSARILY MEAN SOMETHING IS BAD; DOES IT?
A NO, SIR. SOMETIMES THEY REQUESTING SPORTING EVENTS.
Q OKAY. SO IF THEY WANTED -- THEY HAVE -- DO THEY HAVE

REGULAR TIMES THAT THEY CAN WATCH TELEVISION FOR ANY EVENT?

A YES, SIR.

Q WHAT WOULD THOSE BE, SIR?

A WELL, A BLOCK, PROTECTIVE CUSTODY BLOCK IS LOCKED DOWN AT 4:30 FOR THE REST OF THE NIGHT, SO WHEN SPORTING EVENTS COMES ON, THEY HAVE TO ASK TO GET APPROVAL FROM THE CAPTAIN TO COME UP TO WATCH THE SPORTING EVENT.

Q IF THEY WANTED TO WATCH THE CAROLINA CLEMSON GAME AND IT'S AFTER 4:30, THEY'D HAVE TO FILE A GRIEVANCE?

A YES, SIR.

Q AND NORMALLY, WHO WOULD -- WHO WOULD BRING THAT GRIEVANCE UP TO YOU OFFICERS?

A A BLOCK, MR. STANKO.

Q MR. STANKO WOULD NORMALLY DO THIS?

A YES, SIR.

Q OKAY. AND HE'S -- HAS HE DONE THAT IN THE PAST?

A YES, SIR.

Q AND THAT -- THAT'S IN THE -- IN THE FORM OF A PETITION ASKING FOR SOMETHING TO BE ALLOWED TO BE DONE THAT'S NOT NORMALLY DONE?

A YES, SIR.

Q AND THEN WHO CONSIDERS THAT, TO SEE IF THEY GRANT IT?

A PROBABLY GIVE IT TO ONE OF MY OFFICERS, THEY'LL BRING IT TO ME AND THE SERGEANT, THEN WE HAVE TO BRING IT TO THE

CAPTAIN, CAPTAIN BRANWASH (SIC).

Q THIS IS SORT OF LIKE THE -- WELL, IS THIS LIKE THE CELL GOVERNMENT, SO TO SPEAK, IN BRINGING UP A PETITION?

A YES, SIR.

Q ALL RIGHT. THAT'S A COMMON AND REGULAR HAPPENING?

A YES, SIR.

Q AND MR. STANKO HAS DONE THAT?

A YES, SIR.

Q AND HAS -- HAVE YOU EVER HAD ANY PROBLEMS WITH HIS BEHAVIOR WHEN HE'D DO THINGS LIKE THAT?

A NO, SIR.

Q HAS HE BEEN RESPECTFUL TO YOU?

A YES, SIR.

Q AND WHAT ABOUT OTHER OFFICERS OR PERSONS IN YOUR PRESENCE?

A YES, SIR.

Q DOES HE FOLLOW THE RULES?

A YES, SIR.

Q AND HAS HE CAUSED ANY PROBLEMS THAT YOU KNOW OF?

A NO, SIR.

Q YOUR WITNESS.

THE COURT: ANY CROSS-EXAMINATION OF THE WITNESS?

MR. HUMPHRIES: DON'T HAVE ANY QUESTIONS OF THE SERGEANT. THANK YOU, SIR.

THE COURT: ANY EXCEPTION TO THE WITNESS BEING EXCUSED?

MR. KELLY: NONE, MA'AM.

MR. HUMPHRIES: NONE FROM THE STATE. THANK YOU.

THE COURT: SIR, YOU'RE EXCUSED. HAVE A GOOD AFTERNOON. YOU MAY CALL YOUR NEXT WITNESS.

(WITNESS LEFT THE STAND.).

MR. KELLY: SHIRLEASE MAYNARD.

SHIRLEASE MAYNARD,

AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

THE WITNESS: SHIRLEASE MAYNARD, M-A-Y-N-A-R-D.

THE COURT: MA'AM, IF YOU COULD ALSO SPELL YOUR FIRST NAME FOR THE BENEFIT OF THE COURT REPORTER.

THE WITNESS: S-H-I-R-L-E-A-S-E.

THE COURT: THANK YOU. YOU MAY PROCEED, MR. KELLY.

DIRECT EXAMINATION

BY MR. KELLY:

Q OFFICER MAYNARD, WHERE ARE YOU EMPLOYED, MA'AM?

A GEORGETOWN DETENTION CENTER.

Q HOW LONG HAVE YOU BEEN EMPLOYED THERE?

A ABOUT FIVE YEARS.

Q WERE YOU A LAW OFFICER PREVIOUS TO THAT TIME?

A NO, SIR.

Q WHAT IS YOUR -- WHAT ARE YOUR DUTIES DOWN THERE?

A TO WATCH OVER THE INMATES, TO MAKE SURE THEY ARE NOT GETTING IN ANY TYPE OF TROUBLE, TO MAKE SURE THEY GET THEIR MEDICAL AND GRIEVANCE, TO MAKE SURE, YOU KNOW, IF I CAN'T DO IT, TO GET IN CONTACT WITH ONE OF MY SERGEANTS OR THE CORPORAL. BASICALLY GOING THROUGH CHAIN OF COMMANDS TO MAKE SURE THEY GET WHAT THEY NEED.

Q NOW, DID THEY -- HOW ARE THEY -- ARE THEY HOUSED IN UNITS?

A YES, SIR.

Q AND IS A UNIT DIFFERENT FROM A CELLBLOCK OR ARE THEY THE SAME?

A IT'S BASICALLY -- IT'S KIND OF DIFFERENT.

Q HOW IS IT DIFFERENT?

A BECAUSE IN THE CELLBLOCKS WE HAVE LIKE A1 AND A2, YOU KNOW, THROUGH A8. AND A UNIT, I GUESS EVERYBODY BE OUT IN THE UNIT, JUST GOT SEPARATE BED SPACES.

Q SO YOU -- A UNIT WOULD BE NOT -- WOULD NOT BE A CELLBLOCK. IS THAT IT?

A YES, SIR.

Q AND HOW -- HOW -- AND IN A CELLBLOCK THEY'D HAVE THE CELLS AND THEY'D BE JUST PARTICULAR TYPES OF PRISONERS TO EACH BLOCK; CORRECT?

A YES, SIR.

Q AND HOW WAS THE UNIT DONE? HOW WERE THE BEDS? ARE THEY IN A BIG ROOM OR HOW WAS THAT?

A IT'S AVERAGE. WE GOT ONE, TWO BEDS TO A ROOM.
Q ALL RIGHT. MA'AM. NOW, HAVE -- AND DURING THE TIME THAT MR. STANKO HAS BEEN AT THE GEORGETOWN DETENTION CENTER, YOU HAVE ALSO BEEN EMPLOYED THERE?
A YES, SIR.
Q AND THERE ARE TWO OFFICERS TO EVERY UNIT; IS THAT CORRECT?
A THAT'S CORRECT.
Q AND ONE ON THE FLOOR AND ONE IN THE BOOTH?
A YES, SIR.
Q AND Y'ALL ROTATE; RIGHT?
A YES, SIR.
Q OKAY. SO Y'ALL SORT OF WATCHING THE FLOOR AND WATCHING FROM THE BOOTH?
A YES, SIR.
Q OKAY. AND DURING THE TIME THAT YOU'VE BEEN ON THE FLOOR WITH MR. STANKO BEEN THERE, HAVE YOU HAD ANY PROBLEM WITH HIM?
A NO, SIR.
Q HAS HE -- HAS HE BROKEN ANY RULES THAT YOU KNOW OF?
A NO, SIR.
Q OR HAS HE THREATENED OR INJURED ANYBODY THAT YOU KNOW OF?
A NO, SIR.
Q OKAY. AND THE SAME THING FROM THE BOOTH. IT'S

REALLY THE SAME. HE HASN'T -- HE'S DONE THE SAME WAY WITH HIS -- HE HASN'T DONE ANYTHING, SO TO SPEAK?

A YES, SIR.

Q IS THAT RIGHT?

A UH-HUH.

Q OKAY. IF YOU TOLD HIM TO DO SOMETHING, WOULD HE FOLLOW YOUR INSTRUCTIONS?

A YES, SIR.

Q AND HAVE YOU GIVEN HIM INSTRUCTIONS?

A YES, SIR.

Q AND--

A I WOULD TELL HIM IF -- IF I COULDN'T DO IT, I WOULD GO THROUGH THE PROPER CHAIN OF COMMAND. I WOULD GET IN CONTACT WITH MY SERGEANT. IF MY SERGEANT IS NOT THERE AT THE TIME, I WILL CONTACT MY CORPORAL AND SEE WHAT HE CAN DO, AND THEN I WILL LET HIM KNOW.

I TOLD HIM IF I COULDN'T DO IT, THEN I, YOU KNOW, I GO THE PROPER CHAIN OF COMMAND TO TRY TO GET IT DONE.

Q AND WHEN -- WHEN YOU WOULD TELL AN INMATE, YOU COULD INSTRUCT AN INMATE TO EITHER STAND HERE OR GO HERE OR THAT TYPE OF THING--

A UH-HUH.

Q -- WHEN YOU DID THAT WAS -- WITH INMATE STANKO, DID HE OBEY YOU?

A YES, SIR.

Q WAS HE COOPERATIVE WITH YOU?
A YES, SIR.
Q AND RESPECTFUL TO YOU?
A YES, SIR.
Q AND WAS HE RESPECTFUL TO OTHERS INCLUDING INMATES IN YOUR PRESENCE?
A YES, SIR.
Q THANK YOU, MA'AM. I HAVE NO FURTHER QUESTION. YOUR WITNESS.

THE COURT: ANY QUESTIONS FOR THE WITNESS?

MR. HEMBREE: NO, YOUR HONOR.

THE COURT: ANY EXCEPTION TO THE WITNESS BEING EXCUSED FROM THE STATE?

MR. HEMBREE: NO, YOUR HONOR.

THE COURT: FROM THE DEFENSE?

MR. KELLY: NO, MA'AM.

THE COURT: YOU'RE EXCUSED.

(WITNESS LEFT THE STAND.)

MR. KELLY: AND THANK YOU FOR COMING, MA'AM.

THE COURT: YOU MAY CALL YOUR NEXT WITNESS.

MR. KELLY: SERGEANT VICTORIA JONES.

VICTORIA JONES, AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

THE COURT: YOU MAY PROCEED.

DIRECT EXAMINATION

BY MR. KELLY:

Q SERGEANT JONES, HAVE YOU AND I EVER MET AND TALKED TOGETHER BEFORE RIGHT NOW?

A NO, SIR.

Q AND YOU RESPONDED TO OUR SUBPOENA ASKING YOU TO COME HERE TODAY. IS THAT CORRECT?

A YES, SIR.

Q I WANT TO THANK YOU FOR COMING AND RESPONDING TO THE SUBPOENA. LET ME ASK YOU, MA'AM, WHERE ARE YOU PRESENTLY EMPLOYED?

A GEORGETOWN COUNTY DETENTION CENTER.

Q AND YOUR RANK IS...

A SERGEANT.

Q HOW LONG HAVE YOU BEEN DOWN IN GEORGETOWN DETENTION?

A TEN YEARS.

Q AND BEFORE THAT WERE YOU A POLICE OFFICER?

A NO, SIR.

Q ALL RIGHT. AND HAVE YOU ALWAYS BEEN DOWN AT GEORGETOWN DETENTION CENTER DURING THIS PART OF YOUR CAREER?

A YES, SIR.

Q NOW, WHEN -- WHEN INMATE STANKO ENTERED YOUR DETENTION FACILITY, WERE YOU -- DID YOU ASSIST IN THE BOOKING PROCESS?

A YES, SIR.

Q AND WAS -- WHAT WAS HIS -- HOW -- WHAT WAS HE LIKE WHEN HE CAME IN AT THAT TIME?
A HE WAS QUIET.
Q DID HE ANSWER ANY QUESTIONS THAT WERE MADE TO HIM?
A YES, SIR. HE ANSWERED THE QUESTIONS THAT IS USUALLY ASKED IN THE BOOKING PROCESS.
Q AND WAS HE RESPECTFUL THEN?
A YES, SIR.
Q AND HE'S BEEN THERE OVER A YEAR NOW; CORRECT?
A YES, SIR.
Q AND YOU'RE ACTUALLY THE SUPERVISOR OF THE ENTIRE SHIFT ON DUTY; RIGHT?
A YES, SIR.
Q OKAY. AND IF THERE ARE ANY FIGHTS OR EMERGENCIES, YOU'RE -- YOU ARE NOTIFIED?
A YES, SIR.
Q AND SO YOU'RE UP THE CHAIN OF COMMAND, SO TO SPEAK?
A YES, SIR.
Q ANYTHING THAT HAPPENS THAT NEEDS TO BE KNOWN MUST BE TOLD TO YOU?
A YES, SIR.
Q AND THAT -- THERE IS A RIGID PROCESS, ISN'T THERE, TO JAIL THAT EVERYBODY FOLLOWS?
A YES, SIR.
Q OKAY. DO YOU PRETTY MUCH SEE INMATE STANKO EVERY

DAY?

A IT DEPENDS ON WHAT ACTIVITY WE MIGHT HAVE GOING ON, BECAUSE I'M BASICALLY ALL OVER THE JAIL. I DON'T HAVE LIKE SET POST ASSIGNMENT, SO I'M ABOUT THE FACILITY.

Q SO YOU MIGHT ACTUALLY SEE HIM SOME DAYS, SOME DAYS NO?

A YES, THAT'S TRUE.

Q BUT IF THERE WERE ANY PROBLEMS WITH HIM, YOU WOULD KNOW AND YOU'D KNOW ON THE DAY IT HAPPENED.

A YES, SIR.

Q OKAY. HAS HE ALWAYS BEEN RESPECTFUL TO YOU?

A YES, SIR.

Q AND HAS HE BEEN RESPECTFUL TO OTHERS IN YOUR PRESENCE?

A YES, SIR.

Q IF YOU ASKED OR -- ASKED SOMETHING OF HIM OR DIRECTED HIM TO DO SOMETHING AS AN INMATE, DOES HE RESPOND TO YOU, DOES HE -- YOU BELIEVE HE SHOULD IN A FAVORABLE WAY?

A YES, SIR.

Q HAS HE EVER MADE A NUISANCE OF HIMSELF DOWN AT YOUR JAIL?

A NO, SIR.

Q OKAY. HE EVER TRIED TO TAKE OVER AND BE BIGGIDY (SIC) DOWN AT YOUR JAIL?

A NO, SIR.

Q HAS HE BROUGHT REQUESTS FROM THE INMATES THAT'S USUALLY IN THE FORM OF A GRIEVANCE EITHER TO YOU OR UP YOUR CHAIN OF COMMAND?
A YES, SIR.
Q DO THOSE -- HAVE THOSE IN THE PAST USUALLY HAD MERIT TO THEM WHEN THEY REACHED EITHER YOU OR CAME UP THE CHAIN? WHEN I SAY MERIT, DO YOU KNOW WHAT I MEAN BY THAT?
A NO, SIR.
Q WHAT I MEAN BY THAT, MA'AM, IS THAT IT'S NOT JUST FRIVOLOUS, IT'S NOT JUST SOMETHING THAT DOESN'T NEED TO BE THOUGHT ABOUT. IT'S SOMETHING THAT REALLY NEEDS TO BE CONSIDERED AND A DECISION NEEDS TO BE MADE, HAS MERIT.
A UM, YES, IT DOES HAVE MERIT BY IT.
Q THANK YOU. AND WAS HE SORT OF THE VOICE OF THE CELLBLOCK, SO TO SPEAK, FOR BRINGING GRIEVANCES UP THE CHAIN?
A YES, SIR.
Q MA'AM, I WANT TO THANK YOU FOR GIVING YOUR TIME AND COMING UP HERE. I HAVE NO FURTHER QUESTIONS. YOUR WITNESS.

THE COURT: DO YOU HAVE ANY QUESTIONS FOR THE WITNESS?

MR. HEMBREE: NO, YOUR HONOR.

THE COURT: MA'AM -- I WILL ASSUME THERE IS NO OBJECTION TO THE WITNESS BEING EXCUSED--

MR. KELLY: NONE.

THE COURT: FROM THE STATE?

MR. HEMBREE: NO, YOUR HONOR.

THE COURT: FROM THE DEFENSE?

MR. KELLY: NO, MA'AM.

THE COURT: MA'AM, YOU'RE EXCUSED. THANK YOU.

(WITNESS LEFT THE STAND.)

THE COURT: WOULD COUNSEL APPROACH FOR ME, PLEASE.

(WHEREUPON A BENCH CONFERENCE WAS HELD.)

THE COURT: MADAM FORELADY, LADIES AND GENTLEMEN, WE ARE GOING TO TAKE ADVANTAGE OF THIS BREAK IN TESTIMONY AND TAKE OUR EVENING RECESS. DURING THE BREAK PLEASE DO NOT DISCUSS THIS CASE AMONG YOURSELVES.

PLEASE LEAVE YOUR NOTEPADS IN YOUR SEATS. WE'LL RESUME TESTIMONY IN THE MORNING AT 9:30. WE ANTICIPATE HAVING A FULL DAY. HOPE THAT YOU ALL GET SOME REST AND I HOPE THAT YOU ALL HAVE A WONDERFUL EVENING AND WE WILL SEE YOU IN THE MORNING. GO WITH THE BAILIFFS.

(JURY LEFT THE COURTROOM AT 5:01 PM.)

THE COURT: YOU MAY BE SEATED. IS THERE ANY SECURITY IN THE JURY ROOM? YES, SIR. YOU INDICATED THERE WAS A MOTION.

MR. HUMPHRIES: YOUR HONOR, THERE IS. AND WHAT I'D LIKE TO DO AT LEAST AT THIS POINT IS RAISE THE -- SAID PERHAPS WE CAN -- I'M PREPARED TO ADDRESS IT AT LEAST IN PART THIS EVENING, BUT BECAUSE IT'S IN THE NATURE OF A MOTION IN LIMINE FOR WHICH WE HAVE NOT BEEN GIVEN PRIOR NOTICE BECAUSE HE HAD NONE, PERHAPS WE MIGHT NEED TO POSTPONE FULL ARGUMENT UNTIL IN THE MORNING, BUT LET ME RAISE IT AT THIS POINT. THIS HAS TO DO WITH THE PROPOSED WITNESSES BY THE DEFENDANT.

BASED ON THE DEFENSE'S OPENING, SPECIFICALLY MR. KELLY'S OPENING, THAT HE INTENDS TO CALL NUMEROUS WITNESSES, 15 WITNESSES, REGARDING A CONNIE PRICE AND HER ATTEMPTS TO NOTIFY CERTAIN AGENCIES ABOUT THE DEFENDANT'S CHEATING.

YOU KNOW, WE PREVIOUSLY TOLD THE COURT, AND WE SINCERELY MEAN IT, ANY RELEVANT MITIGATING CIRCUMSTANCE, WE NEVER OBJECTED TO. BUT IT IS ABSOLUTELY IRRELEVANT AS TO THE DEFENDANT'S CHARACTER OR CHARACTERISTICS WHAT ACTIONS OR INACTIONS SOMEONE ELSE TOOK IN REGARD TO A COMPLAINT REGARDING HIS CHEATING SOMEONE.

AND I DON'T ARGUE THAT WITHOUT ANY BASIS, YOUR HONOR. THE COURT HAS FOUND ON NUMEROUS OCCASIONS THAT THINGS THAT -- THAT DON'T RELATE DIRECTLY TO THE DEFENDANT, HIS CHARACTER, OR THE CIRCUMSTANCES OF THE

CRIME, ARE NOT RELEVANT.

FOR INSTANCE, THE STATE VERSUS CHARPING -- CASE I TRIED -- IN THAT CASE THE DEFENSE INTENDED TO INTRODUCE THE SENTENCE OF THE CO-DEFENDANT WHO WAS NOT A CAPITAL DEFENDANT.

THE COURT FOUND IN STATE VERSUS CHARPING IT IS NOT RELEVANT HOW THE SOLICITOR'S OFFICE TREATED THAT CO-DEFENDANT BECAUSE IT--

THE COURT: WASN'T HIS ARGUMENT THAT THE OTHER PERSON GOT LESS THAN THEM AND THAT, YOU KNOW, THAT THEY WERE NOT -- THEY WERE TREATED DISPARATELY, THAT'S A DIFFERENT ARGUMENT--

MR. HUMPHRIES: WELL, IT -- I BELIEVE THERE'S A CORRELATION, BUT THERE'S OTHERS.

THE COURT: OKAY.

MR. HUMPHRIES: STATE VERSUS ELMORE. IN THAT CASE THE DEFENSE WANTED TO PUT UP EVIDENCE THAT THEY HAD FAILED -- THAT THEY HAD INADEQUATELY INVESTIGATED THE CAPITAL DEFENDANT'S CASE, AND THE COURT HELD THAT IS NOT MITIGATING EVIDENCE.

THERE IS NOTHING ABOUT -- THERE IS NOTHING ABOUT THESE ALLEGED INACTIONS OF OTHER AGENCIES FOR THIS WOMAN'S COMPLAINTS THAT RELATE TO THE CHARACTERISTICS OR CHARACTER OF THIS DEFENDANT OR THE CIRCUMSTANCES OF THE CRIME.

AND IF THEY DON'T RELATE TO THE DEFENDANT'S CHARACTER OR RECORD OR ANY OF THE CIRCUMSTANCES OF THE OFFENSE, THEY ARE NOT RELEVANT. HITCHCOCK VERSUS DUR, IT'S A 481 US 393, STATE VERSUS COOPER, 291 SOUTH CAROLINA 332, STATE VERSUS BELL, 305 SOUTH CAROLINA 11. IT'S NOT RELEVANT.

SO I RAISE THAT AT THIS POINT. I MAY HAVE BEEN ABLE TO HAVE ADDITIONAL -- IF WE HAD KNOWN, WE MAY HAVE BEEN ABLE TO PROVIDE ADDITIONAL SUPPORT IN TERMS OF CASE LAW. BE GLAD TO DO THAT OVER THE EVENING AND PRESENT IT TO YOU IN THE MORNING.

BUT UNDER NO THEORY IS SOMEONE ELSE'S INACTION, ALLEGED INACTION RELATE TO THIS DEFENDANT, HIS CHARACTER, HIS RECORD, OR THE CIRCUMSTANCES OF THE OFFENSE.

THE COURT: IS THERE ANY REAL DEFINITIVE LIST OF MITIGATING CIRCUMSTANCES?

MR. HUMPHRIES: THERE IS A DEFINITION OF MITIGATING CIRCUMSTANCES AND WHAT IS RELEVANT.

THE COURT: DOESN'T THE CASE LAW BASICALLY SUPPORT THAT IS ANYTHING IS A MITIGATING CIRCUMSTANCE ALMOST?

MR. HUMPHRIES: NO, MA'AM.

THE COURT: I MEAN, THAT THERE -- THAT THE COURT SHOULD REALLY EXERCISE VERY LITTLE DISCRETION IN

LIMITING MITIGATING CIRCUMSTANCES?

MR. HUMPHRIES: NO, YOUR HONOR. THERE ARE NUMEROUS CIRCUMSTANCES IN WHICH THE COURT HAS SAID THERE ARE CERTAIN THINGS WHICH ARE NOT MITIGATING CIRCUMSTANCES.

THE COURT: WELL, I AGREE. IN CHARPING, YOU KNOW, THAT WAS NOT A MITIGATING CIRCUMSTANCE. HE BASICALLY WAS SAYING, I'M BEING TREATED MORE HARSHLY THAN SOMEONE ELSE. THAT'S NOT A MITIGATING CIRCUMSTANCE.

HIS, YOU KNOW, THE SOLICITOR'S A CONSTITUTIONAL OFFICER. HE CAN DECIDE OR SHE CAN DECIDE WHO THEY WANT TO PURSUE, YOU KNOW, AND WHO THEY WANT TO SERVE DEATH NOTICE ON SOMEONE. I MEAN, THAT'S CHARGING -- THAT'S ABOUT HOW YOU CHOOSE TO TREAT A DEFENDANT. AND I AGREE THAT WOULD NOT BE A MITIGATING CIRCUMSTANCE.

MR. HUMPHRIES: BE GLAD TO GIVE YOU A LIST. I MEAN, THERE HAVE BEEN NUMEROUS INSTANCES IN WHICH THE COURT HAS RULED THAT PROFFERED TESTIMONY IS NOT A RELEVANT MITIGATING CIRCUMSTANCE.

THE COURT: SAY THAT ONE MORE TIME.

MR. HUMPHRIES: THERE HAVE BEEN NUMEROUS INSTANCES WHERE THE SUPREME COURT HAS RULED THAT PROFFERED TESTIMONY HAS NOT BEEN FOUND RELEVANT

MITIGATING CIRCUMSTANCES. STATE VERSUS GASKINS, 284 SOUTH CAROLINA 105, EVIDENCE OF A VICTIM'S BAD CHARACTER IS NOT ADMISSIBLE IN MITIGATION.

THE COURT: THAT'S A WHOLE LINE OF DIFFERENT -- BASICALLY WHAT THEY WERE SAYING IN GASKINS IS THIS PERSON WAS A THROW-A-WAY AND THEIR LIFE WASN'T VALUABLE, AND THEREFORE THE DEATH PENALTY WAS NOT WARRANTED.

AND THERE'S ANOTHER CASE ACTUALLY THAT DEALS WITH THAT, TOO, DEALS WITH A PERSON WHO IS A DRUG DEALER OR ACTUALLY WAS IN THE COURSE OF A DRUG DEAL WHEN THEY WERE KILLED OR TRADING OFF SOME DRUGS OR SOMETHING AND THAT SAME ARGUMENT WAS MADE AND THE COURT SAID THAT'S NOT APPROPRIATE MITIGATING CIRCUMSTANCE.

I WILL BE GLAD TO LISTEN, TO LOOK AT ANYTHING YOU'D LIKE ME TO LOOK AT, READ ANYTHING YOU'D LIKE ME TO LOOK AT. I AM, OF COURSE, ACUTELY FAMILIAR WITH ALL THESE CASES, READ THEM BEFORE THE TRIAL STARTED, BEEN READING THEM WHILE THE TRIAL WAS GOING ON, READ THEM THIS WEEKEND AGAIN IN PREPARATION FOR THIS PHASE OF THE TRIAL.

I WOULD ASK, HOWEVER, THAT YOU LIMIT WHATEVER YOU ASK ME TO LOOK AT TO SOMETHING THAT IS FACTUALLY SIMILAR TO THIS PARTICULAR CHARGE.

MR. HUMPHRIES: LET ME SAY THIS, YOUR HONOR. THE VERY--

THE COURT: AND I UNDERSTAND YOUR -- THE GIST OF YOUR ARGUMENT. THE GIST OF YOUR ARGUMENT IS THAT HE CANNOT BASICALLY ARGUE THAT SOMEONE ELSE IS PERSONALLY ACCOUNTABLE FOR HIS DECISIONS AND BUT FOR THE STATE'S INACTION THAT HE WOULD NOT HAVE BEEN OUT TO HURT SOMEONE.

CERTAINLY YOU CAN ARGUE THE OPPOSITE OF THAT POSTURE WHICH IS BASED ON HIS OWN TESTIMONY THAT IT WAS JUST INEVITABLE AND IT'S A MATTER OF TIME BEFORE IT HAPPENS WHETHER HE WAS REVOKED ON HIS PROBATION OR NOT.

MR. HUMPHRIES: I UNDERSTAND. WE'LL BE PREPARED TO ARGUE IN THE MORNING, YOUR HONOR.

THE COURT: ANY PRECEDENT THAT YOU FEEL IS -- THAT YOU FEEL IS APPLICABLE THAT YOU WOULD LIKE FOR ME TO REVIEW, IF YOU COULD MAKE SURE THAT YOU HAVE IT HERE AT 9 SO THAT I HAVE THE ABILITY TO REVIEW IT IN ADVANCE OF COURT.

AND ACTUALLY, IF YOU WOULD LIKE -- BECAUSE I GENERALLY WORK IN THE EVENINGS, YOU CAN E-MAIL IT TO MY LAW CLERK AND I WILL GET READY BEFORE I COME TO COURT IN THE MORNING, WHICH IS PROBABLY THE BETTER WAY TO HANDLE IT BECAUSE I WOULD PREFER TO HAVE READ

IT TONIGHT INSTEAD OF WAITING TO READ IT IN THE MORNING.

MR. HUMPHRIES: THANK YOU, YOUR HONOR.

THE COURT: YOU'RE WELCOME. DO YOU HAVE HER E-MAIL ADDRESS?

MR. HUMPHRIES: WE DO, YOUR HONOR. THANK YOU.

THE COURT: WOULD YOU LIKE ANY -- TO MAKE ANY ARGUMENT IN RESPONSE?

MR. KELLY: ONLY ONE POINT, MA'AM, AND THIS WOULD BE IT. WHEN CONNIE PRICE COMPLAINED TO ANYBODY, SHE WAS ALSO COMPLAINING ABOUT BIZARRE BEHAVIOR OF THIS PERSON, NOT ONLY THAT IT WAS ILLEGAL, BUT IT WAS -- SHE DESCRIBES IT TO THE SOLICITOR'S INVESTIGATOR ON MAY THE EIGHTH, 2005, AS INSANE IS THE WAY HE SAID, WHICH USUALLY DESCRIBES IT AS BIZARRE BEHAVIOR.

AND SHE HAD MANY INSTANCES OF HIS BIZARRE BEHAVIOR. SO IT REALLY SPEAKS ABOUT, ALSO MA'AM, TO THE -- TO A WITNESS'S -- A MATERIAL WITNESS'S KNOWLEDGE OF HIS CONDUCT. AND THAT'S CLEARLY--

MR. HUMPHRIES: THAT'S NOT -- THAT'S NOT THE ISSUE. THAT HAPPENED AFTER THE EVENTS. WE DON'T HAVE ANY ISSUES IN REGARD TO HER TESTIFYING IN THAT REGARD. IT'S HER ACTIONS--

THE COURT: AS I UNDERSTAND YOUR MOTION IN

LIMINE, YOU OBJECT TO ANY LINE OF QUESTIONING OF THE WITNESSES FROM PROBATION, THIS WITNESS AS WELL AS OTHERS, WHO WOULD BASICALLY ARGUE THAT IF THEY HAD DONE THEIR JOB THAT HE WOULD NOT HAVE BEEN ON THE STREET, HE WOULD HAVE BEEN REVOKED, AND HE WOULD HAVE NEVER BEEN IN THE POSITION TO INJURE MS. LING.

MR. HUMPHRIES: THAT'S CORRECT.

THE COURT: THAT IS THEIR ARGUMENT.

MR. KELLY: WELL, MA'AM, I DON'T KNOW EXACTLY HOW TO PHRASE IT, BUT THIS LADY I THINK GOES TO HIS CHARACTERISTICS BECAUSE SHE FOUND HIM SO EXTREME, SHE WENT TO EXTREME LENGTHS TO REPORT IT, AND THAT'S REALLY PART OF WHAT'S GOING ON HERE.

I UNDERSTAND THE BIG DOG ALWAYS BARKS, MA'AM, BUT I THINK THE SOLICITOR HAS BEEN TELLING THESE JURORS ALL ALONG THAT THERE IS NO EXCLUSIVE LIST OF MITIGATING CIRCUMSTANCES. THAT'S ALL I HAVE HEARD HIM TELL.

AND I DON'T KNOW WHAT THE LAW IS ON IT, BUT I THOUGHT IT WAS TO GET EVERYTHING OUT IS WHAT I THOUGHT IT WAS--

THE COURT: PARDON ME? I DIDN'T HEAR YOUR LAST COMMENT.

MR. KELLY: I SAID, I THOUGHT THE WHOLE IDEA WAS TO REALLY -- TO LET IT GET OUT, BUT MAY BE SOME LEGAL

HESITATION TO THAT. I DON'T KNOW WHAT IT IS MYSELF.

THE COURT: I THINK THE LAW IS VERY CLEAR THAT THEY ARE NOT BOUND TO A SPECIFIC LIST OF MITIGATING CIRCUMSTANCES, BECAUSE AS I UNDERSTAND THE LAW THERE IS REALLY NO DEFINITIVE LIST OF MITIGATING -- AND THE COURT IS ENCOURAGED, ESPECIALLY WHEN YOU'RE DEALING WITH CAPITAL CASES, TO BE VERY BROAD IN YOUR -- OR IN OUR INTERPRETATION OF MITIGATING CIRCUMSTANCES.

I -- IT IS THEIR STRATEGY. I THINK THAT IT IS ONE THAT CAN BE REBUTTED. I THINK THAT IT'S A VERY INTERESTING TACTIC THAT THE DEFENSE HAS DECIDED TO PURSUE.

I DON'T KNOW IF IT'S GOING TO OPEN ANY DOORS. I HAVEN'T THOUGHT THAT FAR AHEAD. CERTAINLY IF THERE'S PRECEDENT THAT YOU ALL WANT ME TO CONSIDER, THAT I CERTAINLY WILL LOOK AT THAT, AND YOU CAN GET IT TO ME THIS EVENING AS I INDICATED, THAT WOULD BE BETTER FOR ME BECAUSE THEN I CAN READ IT, I CAN DIGEST IT, AND HAVE A VERY CLEAR OPINION ABOUT IT IN THE MORNING.

I AM NOT CERTAIN, HOWEVER, AT THIS POINT THAT I WILL EXCLUDE IT. AND I THINK CERTAINLY THERE'S ENOUGH ROOM FOR THE STATE TO ARGUE AGAINST IT. I THINK QUITE FRANKLY THERE'S ENOUGH INFORMATION IN THE CASE IN THE -- BOTH WHAT WAS PRESENTED IN THE GUILT PHASE BY THE STATE AND THE DEFENSE THAT IT REALLY

DOESN'T MATTER WHETHER THEY -- YOU KNOW, AND I'M JUST PLAYING DEVIL'S ADVOCATE.

IT REALLY DOESN'T MATTER WHETHER ANYBODY HEEDED THIS WOMAN'S COMPLAINTS. BASED ON THE PROFESSIONALS WHO EXAMINED MR. STANKO, BOTH THOSE TESTIFYING FOR HIM AND THOSE WHO HE PROBABLY WOULD PERCEIVE OR HIS COUNSEL WOULD PERCEIVE TESTIFIED AGAINST HIS POSITION, I DON'T KNOW THAT IT MAKES A DIFFERENCE.

THEIR TESTIMONY BASICALLY IS THAT HE IS A PREDATOR AND IT'S JUST A MATTER OF TIME WHETHER HE SPENT 10 YEARS IN JAIL AND GOT OUT AND DID IT OR WHETHER HE SPENT TWO YEARS IN JAIL AND GOT OUT AND DID IT.

AND QUITE FRANKLY, WHETHER PROBATION, PARDON, AND PAROLE DID THEIR JOB, THEY HAVE NO CONTROL OVER THE COURT. THEIR -- WOULD HAVE BEEN IRRELEVANT, YOU KNOW. HOW MANY CIRCUIT COURT JUDGES ARE THERE, 49 OR 51?

I DON'T KNOW WHAT ANY OF THEM WOULD HAVE DONE. I DON'T KNOW WHAT I WOULD HAVE DONE FACED WITH A PAROLE, PROBATION REVOCATION ON THIS CASE.

SO TO SOME EXTENT IT'S REALLY SPECULATION, ALTHOUGH I'M NOT CERTAIN THAT THERE'S ANY CASE LAW THAT WOULD PRECLUDE THEM FROM ARGUING IT. BUT I GUESS I PLAY DEVIL'S ADVOCATE TO SIMPLY SAY I DON'T,

YOU KNOW, THE WHOLE DEFINITION OF RELEVANCE IS DOES IT MAKE A FACTUAL ISSUE MORE OR LESS PROBABLE. THAT'S A VERY BROAD DEFINITION.

DOES IT MAKE A FACT OR ISSUE CONSEQUENCE IN MITIGATION -- AND I'M PARAPHRASING IT MORE OR LESS PROBABLE -- RESOLVE FACTUAL ISSUES SUBJECT TO -- YOU ALL TO ARGUE.

BUT I WILL BE GLAD TO LOOK AT ANY PRECEDENCE YOU ALL WANT ME TO REVIEW. PLEASE MAKE SURE THAT WE HAVE IT THIS EVENING. TRY TO MAKE SURE -- ALTHOUGH I AM NOCTURNAL, I MAKE NO BONES ABOUT IT, I PREFER TO GET IT BEFORE 10:00 OR BEFORE NINE SO THAT I CAN HAVE AMPLE TIME TO READ IT BEFORE -- GET ENOUGH SLEEP TO FUNCTION TOMORROW. OKAY?

MR. KELLY: THANK YOU, MA'AM.

THE COURT: YOU'RE WELCOME. Y'ALL HAVE A GOOD EVENING. SEE YOU IN THE MORNING.

(COURT IN RECESS FOR THE EVENING.)

********** AUGUST 16TH, 2006 **********

THE COURT: IS THE STATE READY TO PROCEED?

MR. HUMPHRIES: YES, MA'AM. THE STATE'S READY, YOUR HONOR.

THE COURT: IS THE DEFENSE READY TO PROCEED?

MR. DIGGS: YES, MA'AM.

THE COURT: OKAY. MR. KELLY, AND I'M NOT TRYING

TO PUT YOU ON THE SPOT, SO TO SPEAK. YOU HAD A LITTLE SPILL LAST NIGHT I UNDERSTAND.

MR. KELLY: YES, MA'AM, I DID.

THE COURT: AND YOU FEEL FINE?

MR. KELLY: YES, MA'AM.

THE COURT: MAKE SURE, YOU KNOW, MY CONCERN FOR YOU. I JUST WANT TO MAKE SURE YOU ARE FEELING OKAY.

MR. KELLY: YES, MA'AM. I WAS OVER AT THE HOSPITAL ABOUT FOUR HOURS LAST NIGHT.

THE COURT: ALL RIGHT.

MR. KELLY: BUT I'M READY TO GO FORWARD.

THE COURT: OKAY. MR. STANKO, YOU UNDERSTAND THAT MR. KELLY HAD A LITTLE SPILL LAST NIGHT.

THE DEFENDANT: YES, MA'AM.

THE COURT: DO YOU HAVE ANY CONCERNS ABOUT HIS ABILITY TO REPRESENT YOU THIS MORNING?

THE DEFENDANT: AS LONG AS HE FEELS OKAY AND HE'S PREPARED TO PROCEED, I'M ALL RIGHT.

THE COURT: OKAY. AND DO YOU HAVE ANY CONCERNS WITH THE COURT GOING FORWARD THIS MORNING?

THE DEFENDANT: NO, MA'AM.

THE COURT: OKAY. I TRUST -- ONE THING I KNOW ABOUT MR. KELLY IS WHAT HE REPRESENTS TO ME, HE IS A MAN OF INTEGRITY. HE TELLS ME HE'S FINE, I TAKE THAT AT FACE VALUE. I FEEL LIKE IF HE WASN'T WELL, HE

WOULD TELL ME.

THE DEFENDANT: YES, MA'AM.

THE COURT: OKAY. BUT I NEED TO MAKE SURE FROM YOUR PERSPECTIVE THAT YOU FEEL THAT HE'S COMPETENT TO GO FORWARD THIS MORNING AND TO REPRESENT YOU, ZEALOUSLY REPRESENT YOUR INTERESTS.

THE DEFENDANT: JUDGE JEFFERSON, I AGREE WITH YOUR STATEMENT.

THE COURT: I CAN'T HEAR YOU.

THE DEFENDANT: I WOULD AGREE WITH YOUR STATEMENTS, AND I BELIEVE THAT MR. KELLY -- IF HE SAYS HE'S PREPARED AND HE'S OKAY, I BELIEVE HIM.

THE COURT: OKAY.

THE DEFENDANT: I FEEL HE IS.

THE COURT: OKAY. I JUST WANTED TO MAKE SURE WE COVERED THAT THIS MORNING BEFORE WE PROCEED.

THE DEFENDANT: YES, MA'AM.

THE COURT: YES, SIR. IT LOOKED LIKE YOU WERE GOING TO STAND UP.

MR. HUMPHRIES: WELL, I WAS GOING TO WAIT FOR YOU. JUDGE, I DON'T WANT TO ANTICIPATE THE COURT'S RULING. I DID WANT TO STATE FULLY THE STATE'S POSITION IN REGARD--

THE COURT: I'M GOING TO GIVE YOU THE ADDITIONAL OPPORTUNITY TO ARGUE. Y'ALL DIDN'T SAY ANYTHING LAST

NIGHT -- I ASSUMED THERE WAS NOTHING YOU WANTED ME TO READ.

MR. HUMPHRIES: NO, THERE'S NOT.

THE COURT: OKAY. IS THERE ANY ADDITIONAL ARGUMENT REGARDING -- DID Y'ALL NEED SOME MORE TIME TO TALK? BECAUSE I CAN GIVE YOU THAT IF YOU NEED IT.

MR. KELLY: NO, MA'AM.

THE COURT: OKAY. ANY ADDITIONAL ARGUMENT REGARDING THE MOTION IN LIMINE TO EXCLUDE MITIGATING FACTOR THAT -- AND I'M TRYING TO FIND A SUCCINCT WAY TO REFER TO IT. I GUESS IT WOULD BE STATE'S INACTION OR PROBATION'S INACTION.

MR. HUMPHRIES: THERE IS. I JUST WANT TO STATE FOR THE RECORD, I MEAN, OUR POSITION FULLY. AGAIN, NOT ANTICIPATING THE COURT'S RULING, BUT JUST FOR THE PURPOSES OF THE RECORD.

I THINK -- I THINK IT IMPORTANT TO SAY FIRST OF ALL WHAT THE STATE DOES NOT OBJECT TO. THE STATE DOES NOT OBJECT TO THE TESTIMONY OF CONNIE PRICE. REALLY, IN FULL, THAT IS THAT SHE -- FOR WHATEVER ELSE SHE IS GOING TO TESTIFY TO -- BUT HER TESTIMONY AS SPECIFICALLY RELATES TO HER LAY OPINION REGARDING THE DEFENDANT'S MENTAL STATE.

CLEARLY I THINK THAT'S RELEVANT IN THIS SENTENCING PHASE, AND THE FACT THAT SHE WAS SO

CONCERNED ABOUT NOT ONLY HIS -- HIS CONDUCT IN RELATION TO HER, THAT IS THE CHEATING I BELIEVE SHE DESCRIBES IT, BUT THAT -- AND SHE WAS CONCERNED ABOUT HIS MENTAL STATE AND THAT'S WHY SHE CALLED THESE PEOPLE. WE DON'T OBJECT TO THAT.

THE COURT: OKAY.

MR. HUMPHRIES: WHAT WE OBJECT TO IS THE CALLING OF THE WITNESSES FROM PROBATION, FROM THE SOLICITOR'S OFFICE, FROM THE POLICE DEPARTMENTS -- I BELIEVE THOSE ARE ALL THE CATEGORIES -- AND CALLING THEM TO -- TO TESTIFY ABOUT WHAT THEY DID OR DIDN'T DO IN CONNECTION WITH THIS DEFENDANT AS RELATES TO THIS CHEATING. THAT'S WHAT WE OBJECT TO.

THE RULE OF LAW, AND OF COURSE, THE COURT WELL KNOWS IT, IS THAT A MITIGATING FACTOR, OR SAID ANOTHER WAY, ANY ASPECT OF THE DEFENDANT'S CHARACTER OR RECORD OR ANY OF THE CIRCUMSTANCES OF THE OFFENSE THAT THE DEFENDANT PROFFERS AS A BASIS FOR A SENTENCE LESS THAN DEATH MUST BE SUBMITTED TO THE SENTENCING JUDGE OR JURY.

AGAIN, THAT'S HITCHCOCK V DUGER AND A LONG LINE OF SOUTH CAROLINA CASES. THAT IS THE RULE OF LAW. AND THE STATE ACKNOWLEDGES, AS THIS COURT HAS SAID A NUMBER OF TIMES, DEATH IS DIFFERENT.

BUT THAT'S WHAT'S SO -- SO UNIQUE ABOUT THIS

RULE OF LAW. THIS IS NOT A RULE OF LAW WHICH HAS BEEN TRANSPORTED FROM CAPITAL -- NON-CAPITAL LITIGATION TO CAPITAL LITIGATION. THIS IS A RULE SPECIFIC TO CAPITAL LITIGATION. IT RECOGNIZES THAT DEATH IS DIFFERENT. AND THEREFORE THIS RULE HAS BEEN ESTABLISHED BY THE CASE LAW.

IN ORDER FOR EVIDENCE TO BE ADMISSIBLE, MUST BE RELEVANT, AND RELEVANT EVIDENCE BY VIRTUE OF RULE 401 MEANS EVIDENCE HAVING ANY TENDENCY TO MAKE AN EXISTENCE OF ANY FACT THAT IS CONSEQUENCE TO THE DETERMINATION OF THE ACTION MORE PROBABLE OR LESS PROBABLE THAN IT WOULD BE WITHOUT THE EVIDENCE.

THIS RULE SAYS IF HE -- IF THE ISSUES FOR THE -- THE -- THE ISSUES OF CONSEQUENCE ARE THE DEFENDANT'S CHARACTER, HIS RECORD, OR ANY CIRCUMSTANCES OF THE CRIME. THOSE ARE THE -- THE ISSUES, THE -- AND PURSUANT TO RULE 401 ANY FACT IS OF CONSEQUENCE TO THE DETERMINATION OF THE ACTION. THEY'RE CONFINED IN THAT RESPECT.

ANY RELEVANT MITIGATING CIRCUMSTANCE MUST BE SUBMITTED TO THE JURY. THERE ARE -- THERE ARE CATEGORIES OF RELEVANT EVIDENCE WHICH THE RULES PRECLUDE FROM BEING SUBMITTED TO A JURY.

HOWEVER, IF EVIDENCE IS NOT RELEVANT UNDER RULE 402, IT IS NOT ADMISSIBLE. THERE ARE NUMEROUS

INSTANCES OF THE COURT NOT ADMITTING EVIDENCE WHICH IS NOT A RELEVANT MITIGATING FACTOR.

I WOULD CONCEDE THAT IN OUR RESEARCH WE HAVE FOUND NO FACTUALLY IDENTICAL SITUATION TO THE SITUATION PRESENTED HERE. JUST, YOU KNOW, JUST LIKE, YOU KNOW, THERE'S NO CASE THAT SAYS EVIDENCE ABOUT HOW EVIL OSAMA BIN LADIN IS IS NOT A MITIGATING FACTOR.

THE REASON IS IT'S NOT BEEN PRESENTED. THE REASON IT'S NOT BEEN PRESENTED IS BECAUSE IT DOESN'T MEET THE RULE. WHEN WE DON'T HAVE A SPECIFIC CIRCUMSTANCE OR A SPECIFIC FACTUAL PATTERN TO RELY ON IN TERMS OF PRECEDENCE, WE HAVE TO LOOK AT THE GENERAL RULE.

IN THIS CASE THERE IS NOTHING IN THE STATE'S OPINION THAT IS RELEVANT TO THE DEFENDANT'S CHARACTER, HIS RECORD, OR THE SPECIFIC CIRCUMSTANCES OF THE CRIME WHEN WE TALK ABOUT THE ALLEGED STATE INACTION PRIOR TO THE MURDER. IT IS NOT RELEVANT. IT IS NOT ADMISSIBLE EVEN IF, AS THIS CASE IS, IT IS A DEATH PENALTY CASE.

THE LAST THING I WANT TO SAY IN THAT REGARD, YOUR HONOR, IS THIS. THAT IT IS VIOLATIVE OF THE EIGHTH AMENDMENT BECAUSE IT'S AN ARBITRARY FACTOR WHICH IS BEING INJECTED INTO THIS SENTENCING PHASE IN

THAT IN FACT IT IS NOT RELEVANT AS A MITIGATOR BECAUSE IT DOES NOT RELATE TO HIS CHARACTER, HIS RECORD, OR THE SPECIFIC INSTANCES--

THE COURT: TELL ME WHY IT DOESN'T RELATE TO HIS RECORD WHEN WE ARE TALKING ABOUT PROBATION WHICH IS A PART OF HIS RECORD, AND IT'S DIRECTLY A PART OF IT, IT'S A PART OF HIS CONFINEMENT.

MR. HUMPHRIES: THERE IS NO QUESTION THAT HIS PROBATION RECORD...

THE COURT: OR THEIR ACTION OR INACTION WITH HIM AND HOW THEY TREATED HIM.

MR. HUMPHRIES: BECAUSE WHAT WE'RE DOING HERE IS CASTING THE BLAME ON SOMEONE OTHER THAN THIS INDIVIDUAL. HIS RECORD AS RELATES TO PROBATION, HOW HE'S PERFORMED ON PROBATION, IS RELEVANT BECAUSE THAT'S PART OF HIS RECORD.

BUT THEIR ACTION, THAT IS THE PROBATION AGENT'S ACTION, AND OF COURSE NOT EVEN TALKING ABOUT THE SOLICITOR'S OFFICE OR LAW ENFORCEMENT, BUT THE PROBATION OFFICER'S ACTION IS NOT -- DOES NOT GO TO INDIVIDUAL CHARACTERISTICS OF THIS DEFENDANT OR THE SPECIFIC CRIME. THEIR ACTIONS, NO. HIS ACTIONS, ABSOLUTELY.

AND IF HE'S PERFORMED WELL ON PROBATION, CLEARLY THE STATE DOESN'T OBJECT TO THAT. BUT THE PROBATION

OFFICER'S ACTIONS DON'T HAVE ANYTHING TO DO WITH THIS DEFENDANT'S CHARACTER, HIS INDIVIDUAL CHARACTERISTICS, OR THIS CRIME.

THE COURT: ANYTHING FURTHER?

MR. HUMPHRIES: NO, YOUR HONOR. THANK YOU.

THE COURT: ANYTHING FROM THE DEFENSE?

MR. KELLY: YES, MA'AM.

THE COURT: YOU MAY PROCEED.

MR. KELLY: WE THINK THAT ANY PERSON WHO MET WITH THE DEFENDANT SHOULD BE ALLOWED TO TESTIFY TO HIS BEHAVIOR AND HIS STATE OF MIND.

THE COURT: BUT THEY DON'T OBJECT TO THE WOMAN TESTIFYING. THEY CONCEDE THAT THAT WOULD BE RELEVANT.

MR. KELLY: WE THINK THAT ANY PERSONS WHO MET OR SPOKE WITH THESE PERSONS SHOULD BE ALLOWED TO TESTIFY TO THOSE PERSON'S CONCERNS AND ESPECIALLY CONCERNS OF THE DEFENDANT'S CRIMINAL CONDUCT AND ABNORMAL BEHAVIOR.

IF, FOR INSTANCE, A CITIZEN WERE TO CONTACT LET'S SAY A POLICE OFFICER AND SAY THAT THEY BELIEVED THAT STANKO'S BEHAVIOR WAS ABNORMAL AND CRIMINAL AND THE OFFICER TOOK NO ACTION, I THINK THAT WE WOULD HAVE TO DETERMINE, IS THAT BECAUSE YOU THOUGHT IT WAS NOT CRIMINAL OR ABNORMAL BEHAVIOR? IS THAT WHAT

WE'RE TALKING ABOUT HERE?

AND THERE WOULD HAVE TO BE SOME BASIS FOR THAT IN FACT. SO THAT HAS TO DO WITH THE BEHAVIOR OF THE DEFENDANT, HIS STATE OF MIND, AND THE REASONS FOR THE ACTION OR INACTION BECAUSE THAT COULD ONLY BE BASED ON THEIR ASSESSMENT THAT IT IS EITHER NOT ABNORMAL OR NOT CRIMINAL.

AS TO THE PROBATION, MA'AM, THE PROBATION RECORD IS A SHOWING OF HIS BEHAVIOR. AND IN THAT HE WOULD BE CONFRONTED WITH REPORTS OF HIS BEHAVIOR AND HE WOULD BE ACTING OR REACTING AT THAT TIME AND THAT WOULD SHOW HIS BEHAVIOR.

IF THEY -- WHATEVER ACTION THEY CHOSE TO TAKE WOULD BE AN INDICATION OF WHAT THEY THOUGHT OF HIS BEHAVIOR. AND THEY SHOULD SURELY BE ACCESSIBLE TO THE DEFENSE IN ORDER TO ASK THEM WHAT THEY CONSIDER THAT BEHAVIOR TO BE IN RELATION TO THE ACTIONS THAT THEY TOOK OF HIM.

AND SO WE DON'T THINK IT'S QUITE PURE AND SIMPLE. ALSO, IT WOULDN'T ONLY BE CONNIE PRICE, BUT IT WOULD BE ANY PERSON SUCH AS HER BOYFRIEND THAT WE INTENDED TO PUT UP WHO ALSO MET WITH HIM ON DIFFERENT OCCASIONS, AND THE PAROLE PEOPLE WHO MET WITH HIM.

AND TO GO FURTHER THAN THAT WOULD ME MYSELF, MA'AM, WE THINK THAT IF THE REPORT OF CRIMINAL AND

ABNORMAL BEHAVIOR IS MADE TO THE SOLICITOR'S OFFICE OR THE POLICE DEPARTMENT OR ANY OTHER OFFICIAL AGENCY OF THE SYSTEM I CALLED AND THEY CHOSE NOT -- WHATEVER ACTION THEY CHOSE TO DO, THEY -- IT WOULD BE A REASON FOR THAT.

IF THEY DIDN'T THINK IT WAS CRIMINAL, THEY WOULD TAKE NO ACTION. AND CERTAINLY THEY WOULD GIVE THE CITIZEN WHATEVER ADVICE OR EXPLANATION. WE THINK WE'VE GOT A RIGHT TO SHOW HIS BEHAVIOR AND WE THINK WE'VE GOT A RIGHT TO HAVE ANY PERSONS SITUATED AS I HAVE INDICATED TO GIVE US THEIR EVIDENCE AS TO WHAT THEY THOUGHT THAT BEHAVIOR WAS AND HIS STATE OF MIND, YOUR HONOR.

MR. HUMPHRIES: MAY I BRIEFLY RESPOND, YOUR HONOR?

THE COURT: YES.

MR. HUMPHRIES: AGAIN, WE TAKE NO EXCEPTION TO ANYBODY WHO PERSONALLY MET WITH THE DEFENDANT WHO WOULD HAVE A PERSONAL OPINION, LAY OPINION, REGARDING HIS MENTAL STATE. NO OBJECTION WHATSOEVER. THERE'S A PROBATION AGENT THAT MET WITH HIM, FINE.

BUT WHATEVER WE HAVE TO DO IS KEEP IN CONTEXT WHAT THE OPINION --

THE COURT: WELL, REALLY--

MR. HUMPHRIES: THE REASON THAT -- I'M SORRY.

THE COURT: THE COURT -- AND I DON'T MEAN TO INTERRUPT YOU, BUT WE ARE SORT OF TALKING ABOUT TWO VERY SEPARATE THINGS.

MR. HUMPHRIES: WE ARE.

THE COURT: REALLY THE THINGS THAT THEY ARE SEEKING TO ADMIT ARE COMPLETELY ADMISSIBLE PURSUANT TO LOCKET VERSUS OHIO. I MEAN, IT COMES CLEARLY WITHIN THE DEFINITION OF MITIGATING CIRCUMSTANCES.

WHAT YOU'RE REALLY OBJECTING TO IS THE WAY HE'S GOING TO ARGUE IT, AND THAT'S A WHOLE -- THAT'S -- THOSE ARE TWO VERY SEPARATE ISSUES. THE EVIDENCE ON ITS FACE AS IT IS PRESENTED IS COMPLETELY WITHIN THE AMBIT OF MITIGATING EVIDENCE.

HOW HE ARGUES IT, HOWEVER, IS A WHOLE DIFFERENT ISSUE. AND WHAT YOU'RE REALLY OBJECTING TO IS HIM ARGUING THAT SOMEBODY ELSE HAS RESPONSIBILITY FOR MR. STANKO'S BEHAVIOR.

MR. HUMPHRIES: NO QUESTION.

THE COURT: THAT'S REALLY WHAT YOU'RE -- AND THAT'S REALLY WHAT YOU'RE ARGUING AND THAT REALLY IS ABOUT LIMITATION ON ARGUMENT, NOT LIMITATION ON PRESENTATION OF EVIDENCE, BECAUSE THERE ARE LOTS OF INFERENCES THAT CAN BE DRAWN FROM THE EVIDENCE AS IS PRESENTED.

MR. HUMPHRIES: I CONCEDE THAT TO A POINT THAT

THAT IS EXACTLY WHAT MY CONCERNS ARE. AND WHAT I BEGAN TO SAY IS WE DO HAVE TO LOOK AT THIS IN THE CONTEXT IN WHICH IT WAS PRESENTED TO THE JURY, AND THAT IS IF THESE PEOPLE HAD DONE THEIR JOB, LAURA LING WOULD BE ALIVE TODAY.

THE COURT: WELL, I DON'T THINK MR. -- WHILE MR. KELLY HAS ARGUED THAT, I DON'T THINK HE CAN ELICIT THAT TESTIMONY. HE'S GOING TO BE CALLING THESE WITNESSES ON DIRECT.

HE IS NOT GOING TO BE ASKING LEADING QUESTIONS. THE TESTIMONY THAT HE WILL HAVE TO ELICIT BY ITS VERY NATURE WILL DEAL WITH MR. STANKO'S CHARACTER AND HOW HE PERFORMED ON PROBATION.

MR. HUMPHRIES: I'VE GOT NO PROBLEM WITH THAT.

THE COURT: YOU KNOW, WHAT YOU'RE REALLY OBJECTING TO IS HOW HE MAY ARGUE IT IN CLOSING ARGUMENT. THAT MAY BE ANOTHER ISSUE FOR ANOTHER TIME.

MR. HUMPHRIES: I AGREE WITH THE EXCEPTION OF THOSE PEOPLE THAT THEY CALL WHO HAD ONLY CONTACT WITH MS. PRICE, NOT MR. STANKO. WE -- AGAIN, WE DON'T OBJECT TO PEOPLE THAT HAD CONTACT WITH MR. STANKO OR HAD SUPERVISORY INTEREST OVER MR. STANKO.

WE OBJECT TO THE CALLING OF THE SOLICITOR'S OFFICE AND LAW ENFORCEMENT. IN PARTICULAR, THEY

DON'T HAVE ANY CONTACT WITH MR. STANKO.

THE COURT: WELL, I THINK TO SOME EXTENT IT COULD BE ARGUED -- AND I'M NOT TRYING TO -- AGAIN, I'M NOT AN ADVOCATE. I JUST HAVE TO LOOK AT IT FROM THE SIDES OF THE SCALE.

MR. HUMPHRIES: I UNDERSTAND.

THE COURT: BUT WHAT THEY -- THEY, OF COURSE, DID NOT ELICIT WHAT SOMEONE TOLD THEM.

MR. HUMPHRIES: OH, THERE'S NO QUESTION.

THE COURT: THAT WOULD BE HEARSAY. SO THE ONLY THING THEY CAN ASK IS WHAT YOU DID AS A RESULT OF YOUR CONTACT WITH THEM. I DON'T KNOW WHAT THOSE ANSWERS ARE GOING TO BE. THEY MAY WELL HAVE REPORTED IT TO SOMEONE ELSE. THEY MAY WELL HAVE SUGGESTED SOME OTHER ACTION BE TAKEN.

AGAIN, I DON'T KNOW. I DON'T KNOW THEIR WHOLE CONTEXT OF THEIR TESTIMONY. BUT I WILL TELL YOU THAT I AM INCLINED TO ERR ON THE SIDE OF CAUTION. AND I DON'T MEAN TO SOUND LIKE A BROKEN RECORD, BUT DEATH IS DIFFERENT, AND HE'S ON TRIAL FOR HIS LIFE.

AND THE LAW -- AND I'M REFERRING TO UNITED STATES SUPREME COURT PRECEDENT, BECAUSE OF COURSE, ALL OF OUR CASE LAW IS BASED ON THOSE CASES, IS THAT THE EIGHTH AND THE FOURTEENTH AMENDMENT REQUIRE THAT THE SENTENCER IN -- BUT ALL THE RAREST KIND OF

CAPITAL CASE NOT BE PRECLUDED FROM CONSIDERING AS A MITIGATING FACTOR ANY ASPECT OF A DEFENDANT'S CHARACTER WHICH IS WHAT WE'RE TALKING ABOUT, THEIR LAY OPINION AS TO HIS CHARACTER, OR HIS RECORD, WHICH WE'RE TALKING ABOUT PROBATION WHICH IS A CONDITION OF HIS CONFINEMENT THAT WOULD BE RELEVANT ON HIS RECORD, OR ANY OF THE CIRCUMSTANCES OF THE OFFENSE THAT THE DEFENDANT PROFFERS AS A BASIS FOR A SENTENCE LESS THAN DEATH.

THAT IS A VERY BROAD SENTENCE. AND WITHOUT, OF COURSE, GOING THROUGH AN ENTIRE SUPREME COURT -- AND I'M REFERRING TO US SUPREME COURT RECITATION, THEY HAVE ALL BUT SAID, ALMOST ANYTHING IS A MITIGATING FACTOR, THERE IS NO EXCLUSIVE LIST, AND WIDE LATITUDE SHOULD -- IN OTHER WORDS, THE COURT SHOULD ERR ON THE SIDE OF BEING MORE BROAD IN THAT CATEGORY THAN MORE RESTRICTED IN THAT CATEGORY.

BUT AGAIN, REFERRING TO LOCKET VERSUS OHIO WHICH IS FOUND AT 438 US 586, 98 SUPREME COURT 2954, IT'S A 1978 SUPREME COURT OPINION, INDICATES -- AND WHAT I FOUND I -- I THINK PROBABLY MORE PERSUASIVE THAN ANYTHING ELSE WHICH IS THAT THE BURDEN IS UPON THE JURY TO WEIGH THE EVIDENCE SUBMITTED AND DETERMINE WHETHER THE MITIGATING FACTOR EXISTS, AND IF SO, THE SIGNIFICANCE TO BE AFFORDED IT.

SINCE THE STATUTORILY LISTED MITIGATING CIRCUMSTANCES -- OF COURSE, THEY'RE REFERRING TO THOSE IN THAT PARTICULAR CASE -- ARE NOT EXCLUSIVE, BUT AS WE KNOW, OUR CASE LAW HAS TENDED TO LATCH ONTO THAT TERM IN EVERY STATE -- SOUTH CAROLINA IS NOT UNIQUE IN THAT REGARD -- IS NOT EXCLUSIVE.

AND THEN IT GOES ON TO TALK ABOUT THE INSTRUCTIONS THAT THE COURT GIVES, OF COURSE BEING MINDFUL TO MAKE SURE THAT ALTHOUGH WE HAVE SOME LISTED, THAT THE JURY UNDERSTANDS THAT THERE IS NO EXCLUSIVE LIST.

AND THEY CAN REALLY -- TO SOME EXTENT THE COURT -- AND I'M REFERRING TO ME AS THE COURT -- HAS BASICALLY BEEN INSTRUCTED THAT THE JURY SHOULD BE INSTRUCTED THEY SHOULD LOOK AT THE ENTIRE RECORD, AND ANYTHING THEY COULD POSSIBLY CONSIDER AS A MITIGATOR, THEY'RE ALLOWED TO DO THAT.

BUT IT'S FOR THEM. AND AGAIN, WHAT I -- WHAT I THINK IS MOST INSTRUCTIVE THAT THE BURDEN IS ON THE JURY TO WEIGH THE EVIDENCE SUBMITTED AND THE BENCH DETERMINE IF IN FACT IT HAS ANY VALIDITY.

AND AGAIN, AS I INDICATED, WE ARE TALKING ABOUT TWO VERY DIFFERENT THINGS. WE ARE TALKING ABOUT THE TESTIMONY ON ITS FACE THAT THEY WANT TO ELICIT COMES SQUARELY WITHIN MITIGATING CIRCUMSTANCES.

HOW HE ARGUES IT, HOWEVER, IS ANOTHER ISSUE IN AND OF ITSELF. AND I'M NOT CERTAIN THAT THERE IS ANY PRECEDENT FOR ME TO RESTRICT THAT ARGUMENT.

OF COURSE, AS I INDICATED ON YESTERDAY, YESTERDAY -- THERE ARE LOTS OF WAYS FOR THAT TO BE REBUTTED BECAUSE TO SOME EXTENT IT'S ALL VERY SPECULATIVE, YOU KNOW. AND AGAIN, I'M JUST PLAYING DEVIL'S ADVOCATE.

WHAT IF HIS PROBATION OFFICER HAD DONE SOMETHING? THERE ARE MANY WAYS PROBATION HANDLES POTEN -- FIRST OF ALL, IN AND OF ITSELF IT WOULD NOT BE A VIOLATION BECAUSE UNLESS HE WAS CHARGED WITH SOMETHING, IT'S NOT A VIOLATION AND THEY DON'T HAVE ANY RESPONSIBILITY TO DO ANYTHING.

THEY COULD HAVE HANDLED IT ADMINISTRATIVELY. THERE'S NO GUARANTEE A JUDGE WOULD HAVE REVOKED HIM. I MEAN, EVEN IF HE WERE CHARGED, THAT IS STILL NOT THE BASIS TO REVOKE SOMEONE'S PROBATION.

SO, YOU KNOW, AND AGAIN I'M JUST PLAYING DEVIL'S ADVOCATE. I THINK THAT THERE ARE VARIOUS EFFECTIVE WAYS FOR THE STATE TO REBUT THAT IF THAT IN FACT IS THE ARGUMENT.

SO I GUESS I SAY THAT TO SAY THAT I DON'T -- THE STATE IS NOT PREJUDICED BY HIM ARGUING THESE THINGS. I THINK THAT IT ALL BECOMES A FACTUAL ISSUE FOR THE

JURY TO SORT OUT AND FOR THEM TO DETERMINE WHETHER IN FACT THERE IS -- WHETHER IN FACT THAT CONSTITUTES A MITIGATING CIRCUMSTANCE AND WHETHER THEY FIND ANY VALIDITY TO THAT ARGUMENT AND FOR THEM THEN TO GIVE IT OR TO AFFORD IT THE WEIGHT THAT THEY THINK IT SHOULD HAVE.

THE JURY MAY WELL DECIDE THERE IS NO WEIGHT TO IT. I GUESS I'M JUST SAYING IT'S ALL A FACTUAL ISSUE. AND THE COURT NEEDS TO BE VERY CAREFUL WHEN IT STEPS INTO THE PROVINCE OF THE FACT FINDER, AND I'M, YOU KNOW, I'M SORT OF -- NOT SORT OF, I'M THE GATEKEEPER, LIKE THE HALL MONITOR.

AND SO I THINK UNDER THE DEFINITION THAT LOCKET VERSUS OHIO AND ITS PROGENY HAS PROVIDED TO US, IT CLEARLY WOULD BE ANY ASPECT OF HIS CHARACTER OR RECORD AND ANY CIRCUMSTANCE OF THE OFFENSE THAT THE DEFENDANT PROFFERS AS A BASIS FOR A SENTENCE LESS THAN DEATH, I THINK AT THIS POINT I WOULD BE CONTRAYED (SIC) TO LET IT IN.

AND I AGREE WITH YOU. I MEAN, THERE'S ONLY ONE DEFINITION OF RELEVANCE, BUT RELEVANCE IS A VERY FACT SPECIFIC THING.

AND IN THIS CIRCUMSTANCE, BASED ON HOW THEY -- NOW, HOW HE INTENDS TO ARGUE IT, I DON'T KNOW. I CAN'T ANTICIPATE. YOU KNOW, IT'S A FUNNY THING ABOUT

BEING A LAWYER. AND I PRACTICED LAW, SO I DON'T HAVE TO SPECULATE ABOUT WHAT THAT IS ABOUT OR HOW A LAWYER'S MIND WORKS BECAUSE I KNOW HOW THAT -- HOW THAT CONFIGURATION TAKES PLACE.

MY MIND CHANGED MANY TIMES DURING THE COURSE OF A TRIAL AS TO HOW I WAS TO ARGUE THINGS. I MAY HAVE GONE INTO ONE STRATEGY, BUT YOU KNOW, YOU NEVER KNOW WHAT WITNESSES ARE GOING TO SAY. YOU NEVER KNOW HOW THINGS ARE GOING TO DEVELOP.

SO THAT'S A FLUID CONCEPT THAT CHANGES FROM WITNESS TO WITNESS. AND YOU MAKE AN ASSESSMENT AT THE END OF ALL OF THE EVIDENCE AS TO HOW YOU REALLY ARE GOING TO ARGUE A CASE.

YOU JUDGE THE CREDIBILITY -- YOU JUDGE THE -- YOU GAUGE YOUR JURY AND YOU DECIDE HOW YOU'RE GOING TO ARGUE THINGS. I MEAN, THAT'S JUST A FUNCTION OF BEING AN ADVOCATE.

SO I DON'T KNOW HOW HE'S GOING TO ARGUE IT. BUT I CAN SAY AT THIS THRESHOLD STAGE THAT THE EVIDENCE HE'S SEEKING TO ELICIT COMES WITHIN THE DEFINITION OF MITIGATING FACTOR.

MY CLERK AND I DID A LOT OF RESEARCH PRIOR TO THIS TRIAL BEGINNING. WE, OF COURSE, CONSTANTLY RESEARCHED DURING THE COURSE OF THIS TRIAL, AND WE RESEARCHED THIS AGAIN LAST NIGHT.

AND YOU'RE CORRECT. THERE ARE NO CASES ON POINT FROM THE UNITED STATES SUPREME COURT OR THE SOUTH CAROLINA SUPREME COURT THAT DEAL WITH THIS ISSUE.

AND I THINK THAT IS SPECIFICALLY WHY THE SUPREME COURT HAS TAKEN THE FACT THAT THERE IS NO EXCLUSIVE LIST OF MITIGATORS AND IT RECOGNIZES THAT THESE ARE CASE SPECIFIC AND THAT EVERY CASE IS DIFFERENT, AND WHAT MAY BE A MITIGATOR IN ONE CASE MAY NOT BE A MITIGATOR IN ANOTHER CASE.

BUT IT APPEARS THAT MOST OF THE THINGS, WHEN YOU START TALKING ABOUT INADMISSIBILITY IN TERMS OF MITIGATING FACTORS ARE, YOU KNOW, WHEN YOU START TALKING ABOUT THINGS BEING CUMULATIVE OR, YOU KNOW, WHEN THE COURT SAID -- HAS SAID IT'S NOT ERR TO EXCLUDE IT, OR -- THE THINGS WE WERE TALKING ABOUT YESTERDAY WITH STATE VERSUS CHARPING WHERE A CO-DEFENDANT IS TREATED IN A WAY THAT A DEFENDANT THINKS IS DISPROPORTIONATE OR CIRCUMSTANCES WHERE THEY WANT TO PRODUCE STATISTICS THAT THE DEATH SENTENCE IN THIS -- IN A PARTICULAR STATE HAS BEEN MANDATED DISPROPORTIONATELY OR CIRCUMSTANCES WHERE SOMEONE WANTS TO ARGUE RESIDUAL DOUBT OR WHERE YOU WANT TO ARGUE -- I THINK WE WENT OVER IT LAST NIGHT -- DEALT WITH POLYGRAPH TEST OR SOMETHING.

I MEAN, IT JUST SEEMED NONE OF WHAT WE'RE

TALKING ABOUT HOWEVER WOULD FALL INTO ANY OF THOSE CATEGORIES, AND THAT HAS TO BE THE COURT'S BEST GUIDANCE, BECAUSE ALTHOUGH THERE IS NOT A PARTICULAR CASE ON POINT, YOU CAN KIND OF SEE THE AREA IN WHICH THE SUPREME COURT IS GOING TO -- AND CATEGORIES OF EVIDENCE.

AND BASED ON WHAT THEY ARGUE, THEY INDICATE TO THE COURT THEY WANT TO ELICIT, IT DOESN'T FALL INTO ANY OF THOSE CATEGORIES -- BROAD CATEGORIES I MIGHT ADD -- AND I THINK IT WOULD COME WITHIN THE DEFINITION.

IF YOU WANT TO -- OF COURSE, I'M SURE PRIOR TO ARGUMENT WE WILL TAKE THIS UP AGAIN, BUT I THINK BASED ON WHAT'S BEEN PRESENTED TO THE COURT AT THIS POINT, I WOULD HAVE TO DENY THE STATE'S MOTION.

MR. HUMPHRIES: THANK YOU, YOUR HONOR.

THE COURT: YOU'RE WELCOME.

MR. HUMPHRIES: PLEASE NOTE THE EXCEPTION. THANK YOU VERY MUCH.

THE COURT: WE NOTE YOUR EXCEPTION FOR THE RECORD. IS EVERYBODY READY TO PROCEED?

MR. HUMPHRIES: STATE'S READY, YOUR HONOR.

THE COURT: THE DEFENSE READY?

MR. KELLY: MA'AM?

THE COURT: YES, SIR.

MR. KELLY: THERE IS A MATTER OF HOUSEKEEPING. WE ARE GOING TO NEED A FEW MINUTES TO SET UP I BELIEVE THE COMPUTER AND --

THE COURT: OKAY.

MR. KELLY: -- AND THE SCREEN.

THE COURT: DO WE NEED I-T? WE PROBABLY DO. IF YOU WILL GIVE US A MOMENT FOR US TO GET THEM UP HERE. I WISH Y'ALL LET US KNOW THAT.

THE CLERK: THIS IS PLUG IN L-C...

(OFF THE RECORD DISCUSSION WAS HAD WITH THE CLERK.)

MR. KELLY: I WAS JUST BEING TOLD BY MY SOLICITOR -- MY INVESTIGATOR THAT OUR WITNESSES ARE IN A SMALL ROOM. WE'VE GOT SIX OF THEM THERE NOW. AND IT'S OVERHEATING FOR THEM AND IT'S UNCOMFORTABLE FOR THEM.

THE COURT: WHERE ARE THEY, IN THE LIBRARY?

THE CLERK: NO. THERE'S A -- ONE OF THE ATTORNEYS' CONFERENCE ROOM, THE LAW LIBRARY IS...

(OFF THE RECORD DISCUSSION WAS HAD BETWEEN THE COURT AND THE CLERK.)

MR. HEMBREE: YOUR HONOR, THE VICTIM'S FAMILY -- I'M SORRY. I COULDN'T HELP BUT OVERHEAR YOU. THE VICTIM'S FAMILY HAVE BEEN USING THAT -- THAT AS A REST AREA AND...

THE COURT: THEN THEY NEED TO USE THE COURTROOM AS A REST AREA. I'M NOT GOING TO HAVE THE WITNESSES PACKED -- I MEAN, THAT'S -- I'M TRYING TO BE FAIR TO EVERYBODY. THERE'S NO -- NONE OF THEM ARE SEQUESTERED. THERE'S NO REASON THEY CAN'T BE IN THE COURTROOM.

IT'S JUST FULLY -- SO WHY DON'T WE MAKE THAT SHIFT BECAUSE I WOULD IMAGINE THE DEFENDANT SAYS -- INDICATED THEY HAVE OVER 20 WITNESSES, AND THAT ROOM IS NOT GOING TO BE SUFFICIENT.

MR. KELLY: MA'AM, THEY ARE GOING TO BE ARRIVING ALL THROUGH THE MORNING.

THE COURT: ALL RIGHT. NOW, DO WE NEED IT TO SET UP THE EQUIPMENT?

(OFF THE RECORD DISCUSSION WAS HAD WITH THE CLERK.)

MR. HEMBREE: YOUR HONOR, WE DIRECTED OUR VICTIM WITNESS ADVOCATE --

THE COURT: I APPRECIATE YOU ACCOMMODATING US.

MR. HEMBREE: -- MOVING THE ACCOMMODATIONS WE HAD FOR THE VICTIMS AND THE FAMILIES DOWN THE HALL.

THE COURT: OKAY. I APPRECIATE IT. ALL RIGHT. NOW, DO WE NEED -- HOW LONG DO WE NEED TO SET UP EQUIPMENT?

(WHEREUPON THERE WAS A PAUSE.)

MR. HUMPHRIES: WE DO HAVE THE CLERK OF COURT FOR HORRY COUNTY OR ONE OF THE CLERKS OF HORRY, AND SHE DOESN'T NEED THAT.

THE COURT: OKAY. WHY DON'T WE MOVE THIS OUT OF THE WAY, DO AS MANY WITNESSES AS WE CAN WITHOUT IT, AND AT THE BREAK WE WILL HAVE I-T COME AND SET IT UP. I THINK THAT'S GOING TO TAKE A GOOD DEAL OF TIME.

MR. KELLY: IF I MAY.

THE COURT: YES, SIR.

MR. KELLY: WE HAVE AN EXTENDED WITNESS BACK THERE. THAT WILL BE CONNIE PRICE. HER TESTIMONY WILL BE EXTENDED. SO I MEAN, THERE IS AVAILABLE NOT ONLY -- NOT ONLY--

THE COURT: THEN WHY DON'T WE GO WITH AS MANY WITNESSES AS WE CAN THAT DON'T NEED THE EQUIPMENT AND THEN WE'LL TAKE A BREAK AND THEN WE'LL GET THE EQUIPMENT SET UP AND--

MR. KELLY: AT THIS TIME WE HAVE THREE.

THE COURT: OKAY. LET'S PROCEED THEN. THE JURY HAS BEEN WAITING.

(OFF THE RECORD DISCUSSION WAS HAD BETWEEN THE COURT AND THE CLERK.)

THE COURT: ABOUT AN HOUR WOULD YOU SAY?

MR. KELLY: AT LEAST, MA'AM.

THE COURT: OKAY.

MR. KELLY: MA'AM, HOW DO YOU WANT ME TO CALL OUR WITNESSES? DO YOU WANT ME TO SEND A LIST BACK AND...

THE COURT: YOU CAN GET A LIST. THAT WILL WORK. ANYTHING BEFORE WE BRING IN THE JURY?

MR. HEMBREE: NO, YOUR HONOR.

THE COURT: ANYTHING FURTHER FROM THE DEFENSE?

MR. DIGGS: NO, YOUR HONOR.

MR. KELLY: NO, MA'AM.

THE COURT: PLEASE BRING IN THE JURY.

(JURY ENTERED THE COURTROOM AT 10:15 AM.)

THE COURT: LADIES AND GENTLEMEN, I HOPE THAT YOU ALL HAD A RESTFUL EVENING. WE APOLOGIZE FOR THE DELAY IN PROCEEDING THIS MORNING. NO ONE'S FAULT. PLEASE DON'T HOLD IT AGAINST US.

WE HAD SOME MATTERS OF LAW WE HAD TO TAKE UP THAT WERE CARRY-OVER FROM LAST NIGHT BECAUSE WE STAYED AND WORKED A CONSIDERABLE AMOUNT OF TIME PAST DISMISSING YOU ON YESTERDAY.

AND WE ALSO HAD JUST SOME LOGISTICAL MATTERS WE HAD TO WORK OUT. SO PLEASE DON'T THINK WE TAKE YOUR TIME FOR GRANTED. AND IT -- ALSO WHEN WE TAKE TIME UP FRONT, IT ALLOWS US TO MOVE A LOT MORE SMOOTHLY AS WE GO THROUGH THE PROCEEDINGS WITHOUT HAVING TO TAKE A LOT OF BREAKS.

SO WE APPRECIATE YOUR PATIENCE. THE BAILIFFS ARE GOING TO CONTINUE TO PASS OUT YOUR NOTEBOOKS. AND AS SOON AS SHE COMPLETES THAT PROCESS, WE WILL THEN RESUME TESTIMONY. THANK YOU, MA'AM. THE DEFENSE MAY PROCEED.

MR. KELLY: WE WOULD CALL DONNA WILLIAMS.

THE COURT: MA'AM, IF YOU WOULD COME TO THE WITNESS STAND AND BE SWORN.

DONNA WILLIAMS, AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

THE WITNESS: DONNA WILLIAMS, W-I-L-L-I-A-M-S.

THE COURT: YOU MAY PROCEED.

DIRECT EXAMINATION

BY MR. KELLY:

Q MRS. WILLIAMS, I'M DOWN HERE AT THE TABLE. MY NAME IS GERALD KELLY. YOU AND I HAVE SPOKEN ON THE TELEPHONE. WE HAVE NEVER MET; HAVE WE?

A NO, SIR.

Q OKAY. AND WE HAVE ASKED YOU TO BE PRESENT TODAY BECAUSE WE SERVED YOU WITH A SUBPOENA; IS THAT CORRECT?

A YES, MA'AM.

Q ALL RIGHT. TELL THOSE LADIES AND GENTLEMEN OF THE JURY WHERE ARE YOU EMPLOYED.

A I'M EMPLOYED WITH THE HORRY COUNTY CLERK OF COURT'S OFFICE.

Q AND HOW LONG HAVE YOU BEEN EMPLOYED AT THE HORRY COUNTY CLERK OF COURT'S OFFICE?
A FIFTEEN YEARS.
Q AND PRESENTLY WHAT ARE YOUR DUTIES THERE IN THAT CLERK OF COURT'S OFFICE?
A I'M THE GENERAL SESSIONS COURT SUPERVISOR. I SUPERVISE THE COURT AND ALL RELATED MATTERS TO DO WITH COURT.
Q GENERAL SESSIONS COURT IS -- IN SOUTH CAROLINA, THAT'S THE CRIMINAL COURT; ISN'T IT?
A YES, SIR.
Q THAT'S THE BIG COURT OF UNLIMITED JURISDICTION AND THE SAME COURT WE'RE IN TODAY; RIGHT?
A YES, SIR.
Q AND IF -- IF I NEEDED TO KNOW SOMETHING ABOUT THE DOCKET OR WHAT WAS GOING ON AND THERE WAS A RECORD DOWN THERE, I'D CALL YOU; WOULDN'T I?
A YES, SIR.
Q WERE YOU WORKING IN THE CLERK'S OFFICE DURING THE MONTHS OF MARCH AND APRIL OF 2005?
A YES, SIR.
Q ARE YOU FAMILIAR WITH A LADY WHOSE NAME IS CONNIE PRICE?
A I HAVE TALKED WITH MS. PRICE ON THE PHONE.
Q OKAY. BUT YOU -- HAVE YOU EVER MET HER PERSONALLY?

A JUST A FEW MINUTES AGO.
Q BUT OTHER THAN THAT IT WAS BY TELEPHONE?
A JUST BY TELEPHONE.
Q OKAY. AND DID SHE CALL YOUR OFFICE TO SPEAK WITH YOU?
A SHE CALLED MY OFFICE AND WAS DIRECTED TO MY EXTENSION.
Q ALL RIGHT. TELL THE -- TELL THE JURY AS BEST AS YOU REMEMBER WHAT IT IS SHE HAD TO SPEAK WITH YOU ABOUT.

MR. HEMBREE: OBJECTION, YOUR HONOR, HEARSAY.

THE COURT: SUSTAINED. HEARSAY. OFFERED FOR ITS TRUTH. YOU MAY PROCEED. REPHRASE.

BY MR. KELLY:
Q AS A RESULT OF HER -- HER SPEAKING WITH YOU ON THE TELEPHONE, WHAT DID YOU TELL HER OR SUGGEST TO HER?
A I SUGGESTED THAT SHE EITHER TALK TO A MAGISTRATE OR THAT SHE TALK TO SOMEONE IN THE SOLICITOR'S OFFICE.
Q I DIDN'T HEAR THAT LAST PART.
A I SUGGESTED SHE EITHER TALK TO A MAGISTRATE'S OFFICE OR SOMEONE IN THE SOLICITOR'S OFFICE.
Q AND DID YOU SUGGEST ANY PARTICULAR PERSON IN THE SOLICITOR'S OFFICE SHE MIGHT SPEAK WITH?
A NO, SIR.
Q OKAY. AS A -- AS A RESULT OF SPEAKING WITH HER, DID YOU ATTEMPT TO LOOK UP ANY INFORMATION THAT YOU THOUGHT

MIGHT HAVE BEEN HELPFUL TO HER AT THAT TIME?
A I CHECKED TO SEE IF MR. STANKO HAD A CRIMINAL RECORD IN HORRY COUNTY.
Q YOU CHECKED TO SEE IF MR. STANKO HAD A CRIMINAL RECORD IN HORRY COUNTY?
A YES, SIR.
Q OKAY. AND DID YOU CHECK ANYTHING ELSE BESIDES THAT TO HELP HER?
A NO, SIR.
Q OKAY. CAN YOU TELL THE JURY ABOUT WHEN THAT WOULD HAVE BEEN THAT YOU GAVE THIS INFORMATION TO CONNIE PRICE?
A I'M NOT SURE THE DATES. I KNOW IT WAS BEFORE ANY OF THE OTHER THINGS CAME TO PASS. IT WAS -- BECAUSE THE NAME WAS NOT FAMILIAR TO ME.
Q WELL, BY THINGS COMING TO PASS, YOU MEAN THE MURDER OF LAURA LING AND--
A RIGHT.
Q -- AMONG OTHERS?
A RIGHT.
Q AND YOU KNOW IT WAS BEFORE THAT TIME?
A YES, SIR.
Q AND WHY DID YOU SAY YOU KNEW IT WAS BEFORE THAT TIME?
A BECAUSE HIS NAME WAS NOT FAMILIAR TO ME.
Q OKAY. THANK YOU, MA'AM. I HAVE NO FURTHER QUESTIONS. EXCUSE ME. WAIT JUST A MOMENT, MA'AM.

THE COURT: CERTAINLY.

(DEFENSE CONFERRING).

BY MR. KELLY:

Q WHEN YOU DID CHECK TO SEE IF MR. STANKO HAD A CRIMINAL RECORD IN YOUR COUNTY, WHAT DID YOU FIND?

A NOTHING.

Q YOU FOUND NO INFORMATION ABOUT HIS CRIMINAL HISTORY?

A NO, SIR.

Q ARE YOU ABLE -- LET ME ASK YOU, ARE YOU ABLE IN YOUR OFFICE TO ACCESS INFORMATION ON PAROLEES OR PROBATIONERS IN YOUR COUNTY OR ANY OTHER COUNTY?

A I CAN CHECK THE MAGISTRATE'S OFFICE OR THE JAIL SCREEN, BUT I DID NOT GO THAT FAR.

Q ALL RIGHT. THANK YOU, MA'AM. YOUR WITNESS.

MR. HEMBREE: WE HAVE NO QUESTIONS FOR THIS WITNESS, YOUR HONOR.

THE COURT: ANY EXCEPTION TO THE WITNESS BEING EXCUSED FROM THE STATE?

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

THE COURT: FROM THE DEFENSE?

MR. KELLY: NO, MA'AM.

THE COURT: MA'AM, YOU'RE EXCUSED.

THE WITNESS: THANK YOU.

THE COURT: YOU MAY CALL YOUR NEXT WITNESS.

(WITNESS LEFT THE STAND.)

MR. KELLY: WE'D CALL CONNIE PRICE.

CONNIE PRICE, AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

THE WITNESS: P-R-I-C-E.

THE COURT: YOU MAY PROCEED.

DIRECT EXAMINATION

BY MR. KELLY:

Q CONNIE, PLEASE SPEAK INTO THAT MICROPHONE AND PUT IT CLOSER TO YOU IF YOU NEED TO SO WE CAN ALL HEAR YOU.

A OKAY.

Q YOUR NAME IS CONNIE PRICE?

A YES.

Q NOW CONNIE, I HAVE MET WITH YOU ON A NUMBER OF OCCASIONS; HAVEN'T I?

A YES, SIR.

Q AND YOU HAVE ALSO MET WITH MY INVESTIGATORS; HAVEN'T YOU?

A YES, SIR.

Q AND I HAVE -- I HAVE SPOKEN TO YOU ABOUT THE HISTORY THAT YOU HAVE WITH STEPHEN STANKO.

A YES.

Q AND HAVE I EVER ATTEMPTED TO PUT INTO YOUR MIND ANY WORDS OR THOUGHTS THAT WERE NOT YOUR OWN?

A NO, SIR.

Q NOW, I WANT YOU TO SPEAK TO THE JURY BECAUSE THEY ARE

THE LADIES AND GENTLEMEN TO WHOM WE'RE SPEAKING TODAY. CONNIE, TELL US A LITTLE BIT ABOUT YOURSELF. WHERE DO YOU LIVE?

A I LIVE IN SOCASTEE, 5208 LEE LANE, RIGHT OFF 77.

Q AND SPEAK INTO THAT MICROPHONE THERE. YOU CAN -- IT WILL ADJUST. THIS LADY WILL ADJUST IT FOR YOU.

(WHEREUPON THERE WAS A PAUSE.)

Q ALL RIGHT. LET'S TRY THAT. SEE IF I CAN HEAR YOU.

A I LIVE AT 5208 LEE LANE IN SOCASTEE.

Q IN SOCASTEE?

A SOCASTEE, YES, SIR.

Q AND WHO DO YOU LIVE WITH?

A MYSELF. GARY STAYS WITH ME, GARY OWENS.

Q GARY OWENS IS YOUR -- IS YOUR FRIEND?

A RIGHT. CORRECT. MY FIANCEE.

Q AND HOW OLD ARE YOU, CONNIE?

A I'M 47.

Q AND HOW FAR DID YOU GO IN SCHOOL?

A I FINISHED HIGH SCHOOL.

Q AND WHERE DID YOU GO TO HIGH SCHOOL?

A WELL, I WENT TO SCHOOL -- MY FATHER WAS IN THE MILITARY, SO I GRADUATED IN ALABAMA.

Q HOW LONG HAVE YOU LIVED HERE IN THIS AREA?

A SINCE 1992. MY FAMILY IS FROM HERE.

Q AND CONNIE, DO YOU HAVE ANY PHYSICAL DISABILITIES?

A YES, I DO.
Q AND WHAT ARE THEY, PLEASE MA'AM?
A WELL, I'M BLIND IN MY RIGHT EYE. I HAVE ATROGENIC INJURIES AND DISABILITIES. I WAS BURNED, I DEVELOPED STAFF AND GANGRENE FROM NOT BEING TREATED FOR THE BURN. THAT'S THE BIGGEST ONE.
Q NOW, REMEMBER TO SPEAK UP. AS I UNDERSTAND IT, YOU SAID YOU'RE BLIND IN YOUR RIGHT EYE?
A BLIND IN MY RIGHT EYE, YES, SIR.
Q AND THEN YOU SAID SOMETHING ELSE THAT I MISSED.
A ATROGENIC INJURY, DISABILITIES. I WAS INJURED BY A DOCTOR, DOCTOR BURNED ME, I DEVELOPED STAFF, GANGRENE.
Q SO YOU HAD SOME SERIOUS HEALTH INJURIES AND YOU HAVE A DISABILITY OF BLINDNESS IN ONE EYE?
A YES.
Q CORRECT?
A YES.
Q NOW, DO YOU LIVE NEAR THE SOCASTEE LIBRARY?
A YES, I DO.
Q OKAY. AND DID YOU HAVE AN OCCASION TO CALL THE SOCASTEE LIBRARY IN NOVEMBER OF 2004?
A YES.
Q AND WHY DID YOU CALL THE LIBRARY, CONNIE?
A I WAS CALLING THE LIBRARY TO -- I OFTEN HAD CALLED THE LIBRARY TO -- FOR LEGAL, DOING LEGAL RESEARCH, TRYING

TO LOOK UP LAWS AND STUFF AT THE TIME. MY MOTHER HAD PASSED AWAY IN SEPTEMBER OF -- OF 2004, SEPTEMBER 3RD, 2004.

I WAS TRYING TO LOOK UP LEGAL RESEARCH, DO LEGAL RESEARCH FOR HER ESTATE AND FOR MY MEDICAL MALPRACTICE CASE, MY APPEALS.

Q NOW CONNIE, WAS THAT ANY -- WAS THAT A NORMAL COURSE FOR YOU TO CALL THE LIBRARY FOR HELP?

A YES.

Q AND TELL THE JURY WHY YOU WOULD NORMALLY CALL THE LIBRARY FOR HELP.

A WELL, BECAUSE I AM BLIND AND THEY WOULD OFTEN HELP ME WITH WORDS AND TO DO RESEARCH, TO LOOK UP STUFF. I DON'T DRIVE, SO... THAT WAS A BIG HELP.

Q YOU DON'T DRIVE AT ALL THEN?

A NO, SIR.

Q ALL RIGHT. WHEN YOU CALLED THE LIBRARY, WHO DID YOU TALK WITH AT THE LIBRARY AT THAT TIME?

A I'M NOT SURE WHAT HER NAME WAS, THE LADY THAT ANSWERED THE PHONE. I BELIEVE HER NAME WAS DEBBIE. I'M NOT POSITIVE. SHE LET ME SPEAK WITH LAURA. I SPOKE WITH LAURA. WE SPOKE A LONG TIME. SHE -- I WAS TELLING HER EVERYTHING THAT WAS GOING ON, AND SHE WAS TRYING TO HELP ME. SHE WAS VERY HELPFUL.

STEPHEN HAD CAME IN. SHE SAID, MY BOYFRIEND JUST

CAME IN, HE'S AN ATTORNEY, WOULD YOU BE INTERESTED IN TALKING TO HIM? I BELIEVE HE COULD HELP YOU. OF COURSE, I -- I WAS VERY GRATEFUL. I NEEDED HELP, YOU KNOW, ANYWHERE I COULD GET IT.

Q AND DID YOU SPEAK WITH STEPHEN STANKO AT THAT TIME?

A NO. THAT WAS THE 16TH OF NOVEMBER. WE MET THE NEXT MORNING ON THE 17TH AT JOE'S RESTAURANT. IT WAS RIGHT DOWN FROM MY HOUSE. WE MET THE NEXT MORNING ON THE 17TH OF NOVEMBER.

Q WHEN YOU SAY WE MET, WHO MET AT -- WHAT WAS THE NAME OF THE RESTAURANT?

A IT'S CALLED JOE'S KITCHEN THERE IN SOCASTEE.

Q JOE'S KITCHEN.

A SOCASTEE.

Q CONNIE, WHO MET AT JOE'S KITCHEN ON THE 17TH?

A WHO?

Q YES, WHO WAS THERE?

A GARY AND I MET STEPHEN.

Q AND GARY'S LAST NAME IS WHAT?

A OWENS, O-W-E-N-S.

Q ALL RIGHT. NOW, WHAT TRANSPIRED AT THAT MEETING?

A WE TALKED ABOUT ALL OF MY LEGAL PROBLEMS, AND STEPHEN AGREED TO -- TO HELP ME, TO REPRESENT ME, TO -- I HAD A MEDICAL MALPRACTICE CASE, TRYING TO DO MY APPEALS. I HAD MY MOTHER'S ESTATE THAT I WAS TRYING TO FIGURE OUT, AND HE

AGREED TO HELP ME WITH ALL OF THAT.

Q AND DID Y'ALL COME TO SOME KIND OF AGREEMENT AT THAT TIME?

A YOU MEAN A FINANCIAL AGREEMENT?

Q YES.

A AT THAT TIME NOT -- NO, WE DIDN'T AT THAT TIME.

Q OKAY. NOW, I'M GOING TO LEAVE THAT TIME, WHICH IS IN NOVEMBER, AND I'M GOING TO GO ALL THE WAY TO APRIL THE EIGHTH OR NINTH. DID YOU MAKE A 9-1-1 CALL THEN?

A I MADE A 9-1-1 CALL FRIDAY NIGHT, THAT WOULD HAVE BEEN THE EIGHTH.

Q AND WHAT WAS THE OCCASION FOR MAKING THE 9-1-1 CALL?

A I HAD SEEN STEPHEN ON THE NEWS, THAT THEY WERE LOOKING FOR HIM, AND I KNEW THAT HE HAD TOLD ME HE WAS GOING TO COLUMBIA. AND I CALLED HIM AND TOLD THEM, I DON'T KNOW IF -- THIS IS WHERE HE SAID HE WAS GOING.

Q SO THAT WAS A CALL TO 9-1-1 TO GIVE THEM INFORMATION ABOUT A FUGITIVE THAT WAS ON -- PICTURED ON TV?

A YES, SIR.

Q AND YOU RECOGNIZED THAT AS STEPHEN STANKO?

A YES, SIR.

Q NOW, LET'S GO BACK TO NOVEMBER AGAIN. AND LET'S TALK ABOUT THE HISTORY BETWEEN YOU AND STEPHEN STANKO UNTIL THE 9-1-1 CALL, OKAY?

A OKAY.

Q AND HELP US OUT HERE, CONNIE, TO HELP US UNDERSTAND. HOW OFTEN DID YOU MEET WITH STEPHEN STANKO?
A HE WAS -- HE CAME TO MY HOUSE ALMOST EVERY DAY FOR SIX MONTHS.
Q THAT WOULD BE FROM NOVEMBER, DECEMBER, JANUARY, FEBRUARY, MARCH, ALL THE WAY INTO APRIL?
A YES.
Q OKAY. AND WHAT WAS HE -- WHAT -- WHAT WAS HE DOING FOR YOU AS TO -- AS FAR AS, WAS HE GENERATING PAPERS FOR YOU OR WHAT WAS HE DOING?
A YES, LEGAL DOCUMENTS.
Q AND WHEN DID Y'ALL FIRST PAY HIM MONEY?
A I BELIEVE THE DATE WAS AROUND FEBRUARY THE 16TH MAYBE OR THE 17TH. I'D HAVE TO LOOK AT THE DOCUMENT, THE RECEIPT.
Q SO YOU THINK IT WAS FEBRUARY AND AROUND 14TH, 15TH OR 16TH?
A WELL, THAT'S WHEN WE ACTUALLY GAVE HIM A CHECK. WE HAD GAVE HIM CASH BEFORE THAT.
Q OKAY. AND WHAT WAS THE CASH THAT YOU HAD GIVEN HIM FOR? WHAT WAS HE TO DO IN RETURN?
A HE WAS GOING TO FILE A CIVIL COMPLAINT FOR ME TO DO WITH THE MEDICAL MALPRACTICE CASE THAT I HAD HAD THAT -- THAT I LOST.
Q AND TO YOUR KNOWLEDGE DID HE EVER DO THAT?

A TO MY KNOWLEDGE HE NEVER DID THAT.
Q OKAY. AND DID YOU BECOME -- EVER BECOME DISSATISFIED WITH HIS LACK OF ACTION?
A YES, I DID.
Q TELL THE JURY ABOUT HOW AND WHEN YOU BECAME DISSATISFIED WITH HIS LACK OF ACTION.
A WELL, AT CHRISTMAS TIME -- BY CHRISTMAS TIME NOTHING WAS REALLY HAPPENING AS FAR AS, YOU KNOW, PRODUCING THE DOCUMENTS THAT HE SAID HE WOULD PRODUCE OR ANYTHING. NOTHING WAS HAPPENING.

AND AFTER THE HOLIDAYS, I -- I CALLED MR. IRBY WALKER AND -- BECAUSE STEPHEN HAD SAID THAT HE WORKED FOR IRBY WALKER. HE SAID THAT HE WORKED FOR TIMOTHY KOLB. HE SAID THAT HE WORKED FOR HARRY DEVOE. AND HE ALSO TOLD ME THAT HE WORKED FOR -- DID CONTRACT WORK FOR HARRY PAVILACK.

WELL, I CALLED HARRY PAVILACK'S OFFICE BECAUSE I WAS CHECKING ON HIM TO -- BECAUSE NOTHING WAS HAPPENING, NOTHING -- NO DOCUMENTS, NO NOTHING.

Q DID YOU FIND BY THOSE CALLS THAT ANY OF THESE PEOPLE KNEW HIM?
A THEY TOLD ME AT HARRY PAVILACK'S OFFICE THAT THEY DID NOT KNOW HIM. IRBY WALKER IN CONWAY, THE ATTORNEY THAT I CALLED, HE TOLD ME THAT STEPHEN DID GOOD WORK. HE -- I WAS CONCERNED AND -- I TOLD HIM I WAS CONCERNED BECAUSE HE WASN'T PRODUCING ANY DOCUMENTS, HE WASN'T, YOU KNOW,

GIVING ME OUR MONEY BACK.

AND I TOLD HIM THAT, YOU KNOW, I KNOW IT'S NOT A LOT OF MONEY, BUT TO ME IT IS. AND HE SAID, WELL, IT IS A LOT OF MONEY BUT HE DOES GOOD WORK AND HE DID GOOD WORK FOR HIM. SO I THOUGHT THAT THAT WAS -- YOU KNOW, THAT IT WAS TRUE, THAT HE -- WHAT HE SAID TO ME WAS TRUE, SO I BELIEVED MR. WALKER.

Q SO AT THAT TIME BY INQUIRIES YOU HAD BEEN TEMPORARILY SATISFIED?

A I'M SORRY. WHAT?

Q YOU WERE TEMPORARILY SATISFIED AT THAT POINT BY WHAT YOU HEARD?

A YES.

Q LET ME ASK YOU THIS. DID PREVIOUS TO THIS TIME OR ABOUT THIS TIME DID MR. STANKO EVER GIVE YOU ANY KIND OF PROBATE PAPERS OR WILLS THAT HE CLAIMED TO HAVE TO DO WITH YOUR CASE?

A HE DID, BUT THEY WERE NOT -- THEY WERE NOT RIGHT DOCUMENTS. THEY WERE NOT THE RIGHT KIND OF -- THEY WEREN'T LIKE THEY SHOULD HAVE BEEN.

Q JUST TELL THE JURY HOW YOU KNEW THAT THEY COULDN'T POSSIBLY BE RIGHT.

A WELL, FOR EXAMPLE, TO DO WITH MY MOTHER AND MY GRANDPARENT'S ESTATE, ONE EXAMPLE, ONE OF THE DOCUMENTS THAT HE PRODUCED THAT WE WERE GOING TO FILE WITH THE

COURT, AT THE TOP IT HAD, COUNTY OF CONWAY. JUST SEVERAL MISTAKES THAT I KNEW, YOU KNOW, WASN'T RIGHT.

THEY WERE NOT CLOCKED BY THE CLERK. I KNEW THAT THEY HAD TO BE, YOU KNOW, CLOCKED BY THE -- THE CLERK FOR THEM TO BE FILED IN THE COURTHOUSE. THAT'S...

Q SO THEY DIDN'T HAVE ANY CLERK'S TIME STAMP ON THEM?

A NO.

Q AND ONE OF THEM HE -- EVEN HAD CONWAY AS THE COUNTY--

A YES.

Q -- ON IT OVER THE HEADING?

A YES, SIR.

Q OKAY. DID HE GIVE YOU WILLS THAT HE SAID HAD TO DO WITH YOUR GRANDPARENTS?

A YES, SIR. YES.

Q AND DID THEY?

A WELL, HE -- THEY WEREN'T RIGHT. HE DIDN'T EVEN HAVE MY GRANDFATHER'S NAME RIGHT. THE NAMES WEREN'T RIGHT. THE -- THE INFORMATION ON THEM WAS -- JUST WASN'T RIGHT.

Q WELL, DID YOU CONFRONT MR. STANKO ABOUT THIS?

A YES, I DID.

Q TELL US ABOUT THAT. HOW WAS HE -- WHAT DID YOU SAY AND HOW DID HE REACT?

A WELL, I JUST TOLD HIM, THIS ISN'T RIGHT, THAT ISN'T RIGHT, AND HE -- HE TRIED TO FIX THEM. HE PRODUCED MORE DOCUMENTS. AND THEY STILL WEREN'T RIGHT, BUT THEY WERE

NOT AS WRONG AS THEY WERE, BUT THEY WEREN'T RIGHT.
Q ALL RIGHT. LET'S MOVE FORWARD TO ALONG ABOUT MARCH THE EIGHTH. WAS MARCH THE EIGHTH A SIGNIFICANT DATE IN YOUR HISTORY WITH STANKO?
A YES.
Q TELL THE JURY HOW AND WHY.
A WELL, MARCH THE EIGHTH STEPHEN PRODUCED A DOCUMENT TO ME, AN ORDER TO RESCIND, AND THIS DOCUMENT -- DOCUMENT WAS -- HE PRODUCED THIS DOCUMENT OUT OF A DOCUMENT THAT HAD CAME OUT OF MY CIVIL CASE WHICH WAS A DOCUMENT FROM THE SOLICITOR'S OFFICE GIVING THE DOCTOR, DR. DAVID CROLLEY WHO BURNED ME, PTI, PRETRIAL INTERVENTION.
Q WHAT WAS THERE ABOUT THIS DOCUMENT THAT -- THAT DISTURBED YOU BESIDES WHAT YOU'RE NOW SAYING? WAS THERE SOMETHING ABOUT IT THAT DISTURBED YOU?
A WELL, IT -- IT -- THE WHOLE DOCUMENT DISTURBED ME. IT WAS -- ALONG WITH THAT PAPER HE ALSO HAD BROUGHT ME THE COMPLAINT THAT HE HAD COMPOSED OR DREW UP TO BE FILED WITH THE SOLICITOR'S OFFICE, AND IN IT HE WAS NAMING THAT WE WERE GOING TO SUE THE SOLICITOR'S OFFICE, BLAKE MARTIN, ALL THE PEOPLE INVOLVED, THAT WERE INVOLVED IN MY CASE TO DO WITH THIS ILLEGAL PTI THAT THIS DOCTOR HAD RECEIVED FOR HIS DRUG CHARGES, AND HE HAD BEEN ARRESTED FOR DRUGS.
Q AND WHO HAD SIGNED THESE DOCUMENTS APPARENTLY?
A WAS THE JUDGE VICTOR RAWL HAD SIGNED THE LEGITIMATE

DOCUMENT THAT WAS IN MY FILE. I WASN'T SUPPOSED TO -- WHAT I UNDERSTAND -- TO EVER SEEN -- HAVE SEEN THIS DOCUMENT. BUT IT WAS IN -- LEFT IN MY MEDICAL MALPRACTICE PAPER BY ACCIDENT, SO I'M TOLD.

Q CONNIE, DID YOU SEE ANYTHING PECULIAR ABOUT THE SIGNATURES OF JUDGE RAWL?

A YES, I -- I LOOKED AT THEM AND YOU COULD SEE THAT THEY -- IT WAS NOT HIS SIGNATURE, THAT IT WAS -- IT WAS A FORGERY ON...

Q ALL RIGHT. I'M GOING TO ASK THIS LADY TO BRING YOU THREE DOCUMENTS. OKAY? TAKE A LOOK AT THEM AND JUST TELL US DO YOU RECOGNIZE THE THREE DOCUMENTS.

A YES, I DO.

Q AND DOES EACH ONE OF THOSE DOCUMENTS HAVE A SIGNATURE THAT -- ON IT BY A JUDGE?

A YES, SIR, THEY DO.

Q AND WHAT'S THE -- WHAT IS THE JUDGE -- THE NAME THAT'S ON EACH OF THE DOCUMENTS?

MR. HUMPHRIES: YOUR HONOR, IF -- ONLY IF THE DOCUMENT SHOULD BE PRESENTED AS EVIDENCE -- WE DON'T MIND IF THEY BE PUBLISHED. IF THEY ARE NOT GOING TO BE PRESENTED AS EVIDENCE, OBVIOUSLY COULDN'T BE PUBLISHED.

MR. KELLY: WE'D ASK TO ENTER THEM IN AT THIS TIME.

THE COURT: MARKED AND ADMITTED WITHOUT EXCEPTION. GIVE THEM TO -- MADAM BAILIFF, PLEASE GIVE THEM TO THE COURT REPORTER SO THEY CAN BE MARKED.

(WHEREUPON, DEFENDANT'S EXHIBITS 28, 29 AND 30 WERE ADMITTED INTO EVIDENCE.)

MR. KELLY: MAY THE WITNESS COME DOWN?

THE COURT: CERTAINLY.

BY MR. KELLY:

Q CONNIE, COME DOWN AND BRING THOSE DOCUMENTS WITH YOU, MA'AM.

A SURE.

Q LET'S SHOW THEM TO THE JURY. OKAY? JUST PICK ANY ONE OF THEM. NO, DON'T HAND THEM TO THE JURY. LET'S JUST TAKE ONE. HAND THEM TO ME. LET'S GO THROUGH THEM SO THE JURY CAN LOOK AT THEM. ALL RIGHT.

NOW, THIS DOCUMENT HERE WHICH IS A MOTION FOR PRODUCTION OF DOCUMENTS AND THINGS UPON LAND AND ENTRY FOR COPY AND INSPECTION AND TRANSFER OF POSSESSION. THAT'S DEFENDANT'S EXHIBIT NUMBER 28; CORRECT?

A CORRECT.

Q OKAY. LET'S JUST LET THE JURY SEE THE FRONT SIDE OF IT. NOW, WHAT'S -- WHOSE NAME IS ON THIS AS THE JUDGE?

A A VICTOR RAWL.

Q A VICTOR RAWL. AND NOW, WHAT DATE IS ON THIS

DOCUMENT?

A USE THAT...

Q SURE. TAKE MINE.

A THE DATE IS THE EIGHTH DAY OF DECEMBER, 2004.

Q THE EIGHTH DAY OF DECEMBER, 2004. AND FROM WHOM DID YOU RECEIVE THIS DOCUMENT?

A FROM STEPHEN STANKO.

Q AND DOES IT HAVE A CLERK'S STAMP ON IT?

A NO.

Q OKAY. SO THIS IS DECEMBER, 2004.

A YES.

Q NOW, THAT WOULD BE -- AND LET'S SEE WHAT DATE IN DECEMBER. DECEMBER THE EIGHTH. SO THIS WOULD BE JUST ABOUT THREE WEEKS AFTER YOU FIRST MET HIM; RIGHT?

A UH-HUH.

Q OKAY. SPEAK UP SO--

A YES.

Q -- THEY CAN HEAR YOU. ALL RIGHT. LET'S TAKE A LOOK AT -- AND LOOK AT THIS SIGNATURE RIGHT HERE.

A RIGHT.

Q LEAVE IT OPEN, MA'AM. OKAY. NOW, HERE IS EXHIBIT -- DEFENDANT'S EXHIBIT NUMBER 29. THIS IS AN ORDER TO RESCIND; CORRECT?

A YES.

Q OKAY. AND THIS WAS -- IT WAS TO RESCIND AN ORDER FOR

THE DESTRUCTION OF ARREST RECORDS; RIGHT?

A YES, IT IS.

Q OKAY. AND WHOSE NAME IS THIS SUPPOSED TO BE?

A ARTHUR RAWL.

Q YEAH. IT SAYS A VICTOR RAWL--

A YES.

Q -- UNDER IT. AND WHAT'S THE DATE? GOING TO GIVE YOU--

A MARCH 8.

Q IT'S MARCH THE EIGHTH. OKAY. AND THAT'S THE DATE WE ARE TALKING ABOUT. MARCH THE EIGHTH.

A RIGHT.

Q AND NOW LET'S LOOK AT THIS ONE. THIS IS AN ORDER FOR THE DESTRUCTION OF ARREST RECORDS. AND WHAT IS THE -- THIS IS ANOTHER ONE BY PRESIDING CIRCUIT JUDGE VICTOR RAWL; CORRECT?

A CORRECT.

Q OKAY. AND THIS ONE IS FOR -- AN ORDER THAT THE RECORDS BE DESTROYED. SO THIS ONE TO RESCIND THIS ORDER WAS GIVEN TO YOU BY WHOM?

A STEPHEN.

Q AND THIS ONE CAME OUT OF -- OF YOUR MEDICAL FILE?

A MY -- MY CIVIL CASE.

Q OKAY. SO YOU HAD THIS DOCUMENT HERE WHICH IS I SEE 18TH OF MARCH, AND THIS IS 19. I SEE A NINE HERE. WHAT

WOULD THIS DATE BE?

A I HAVE NO IDEA.

Q BUT IT WOULD -- IT WOULD HAVE BEEN PREVIOUS TO ALL THESE?

A IT WOULD BE PREVIOUS.

Q AND YOU HAD THIS ONE IN YOUR POSSESSION IN THE CASE YOU WERE ASKING STEPHEN TO HELP YOU WITH?

A CORRECT.

Q ALL RIGHT. DID YOU COMPARE THESE YOURSELF, YOU AND...

A ME -- GARY AND I DID.

Q OKAY. AND WHAT DID YOU THINK?

A WELL, I SEEMED TO THINK IT WAS NOT THE SIGNATURE, THE LEGITIMATE ONE.

Q ALL RIGHT. THAT THIS ONE HERE WAS NOT A LEGITIMATE SIGNATURE. THAT'S THE MOTION FOR PRODUCTION OF THINGS?

A CORRECT.

Q AND IT WAS EIGHTH OF DECEMBER?

A CORRECT.

Q AND WHAT ABOUT THIS ONE, THIS MARCH THE EIGHTH, DID YOU THINK IT LOOKED MORE LIKE THE ORIGINAL SIGNATURE THAT YOU KNEW WAS RIGHT OR WHAT?

A I THOUGHT THIS ONE WAS CLOSER.

Q BUT DID YOU THINK IT WAS A FORGERY, TOO?

A I DID THINK IT WAS A FORGERY.

Q OKAY. LET'S GIVE THESE TO THE JURY SO THEY CAN LOOK AT THE SIGNATURES IF THEY WANT TO. AND YOU CAN GO BACK UP AND SIT DOWN.
A ALL RIGHT.
Q CONNIE, WHAT DID YOU DO? YOU THOUGHT IT WAS A FORGERY. WHAT DID YOU DO ABOUT IT?
A WELL, I -- I STARTED CALLING THE AUTHORITIES BECAUSE I WAS CONCERNED. BY THIS TIME STEPHEN WAS ACTING PRETTY BIZARRE.
Q TELL ME WHAT THAT -- TELL THE JURY, YOU SAID STEPHEN WAS ACTING CRAZY AND BIZARRE?
A CRAZY AND BIZARRE.
Q WHAT WAS HE DOING THAT WAS CRAZY AND BIZARRE?
A WELL, HE WOULD ALWAYS -- FOR EXAMPLE, WE WAS -- AGREE ON A TIME THAT HE WOULD COME TO MY HOUSE TO MEET.
Q I CAN'T HEAR YOU, CONNIE. SPEAK INTO THAT MICROPHONE, PLEASE MA'AM.
A ALL RIGHT. I'M SORRY. STEPHEN AND I ALWAYS -- HE WOULD AGREE, WELL, I'LL COME TO YOUR HOUSE, FOR EXAMPLE, 10:00, 11:00, 1:00, WHATEVER TIME WE AGREED ON. WELL, HE NEVER WOULD SHOW UP AT THAT TIME.

HE WOULD CALL ME USUALLY ABOUT AN HOUR BEFORE AND SAY HE'S AT DIFFERENT PLACES, GEORGETOWN, CONWAY, COLUMBIA, DIFFERENT PLACES. AND THEN 20 MINUTES LATER HE WOULD BE OUT IN MY DRIVEWAY CALLING ME, TELLING ME I'M OUT IN THE

YARD, COME OUTSIDE. THAT WAS BIZARRE.

AND THAT WAS GETTING -- THAT WAS GETTING TO BE AN EVERY DAY THING. HIS BEHAVIOR WAS JUST GETTING MORE AND MORE CRAZY. HE WOULD MAKE UP STORIES ABOUT -- LIES RATHER ABOUT WHY HE WAS LATE.

ONE DAY HE CAME TO MY HOUSE LATE. HE HAD BANDAIDS ON HIS ARMS AND ON HIS BODY, AND HE TOLD ME THAT HE WAS LATE BECAUSE HE HAD TO GO TO THE DOCTOR. HE WAS SHOWING ME A -- SOMETHING THAT HE HAS HERE BEHIND HIS EAR OR WHATEVER, A -- SOME KIND OF GROWTH.

AND THE BANDAIDS THAT HE -- HE SAID THAT'S -- THAT'S ONE REASON WHY HE WAS -- HE WAS SICK. AND HE HAD TO GO TO THE DOCTOR. HE WAS SHOWING ME THE BANDAIDS, AND THE BANDAIDS WERE NOT EVEN STUCK ON HIS ARM.

THEY WEREN'T EVEN -- THEY WERE JUST -- THEY WERE JUST ON HIM. THEY WERE JUST -- THEY WEREN'T EVEN STUCK. HE SAID THAT THEY HAD STUCK HIM WITH NEEDLES, TAKEN BLOOD, BUT IT WAS JUST BIZARRE. I MEAN, YOU COULD TELL OBVIOUSLY THAT HE HADN'T BEEN TO A DOCTOR. HE JUST HAD THE BANDAIDS STUCK ON HIS ARM.

Q WELL NOW CONNIE, WOULD YOU -- WHAT YOU SAID TO THE JURY IS THAT HE WOULD SAY HE WAS--

MR. HUMPHRIES: I'M GOING TO OBJECT, YOUR HONOR, AS TO THE FORM OF THE QUESTION.

THE COURT: PLEASE REPHRASE.

MR. HUMPHRIES: THANK YOU.

BY MR. KELLY:

Q DID YOU SAY TO US THAT HE WOULD--

MR. HUMPHRIES: I OBJECT TO THE FORM OF THE QUESTION.

THE COURT: IS THE OBJECTION LEADING?

MR. HUMPHRIES: YES IT IS, YOUR HONOR.

THE COURT: SUSTAINED. LEADING. YOU MAY REPHRASE.

BY MR. KELLY:

Q WHAT WAS THIS AGAIN THAT WAS SO BIZARRE ABOUT HIS CALLS AND THEN APPEARING? WHAT WAS THAT THAT WAS SO STRANGE ABOUT THAT?

A WELL, HE WOULD SAY I'M GOING TO BE THERE AT 1:00 AND, YOU KNOW, IT WAS GETTING TO THE POINT WHERE YOU -- YOU NEED TO GIVE ME MY DOCUMENTS OR YOU NEED TO GIVE US OUR MONEY BACK.

AND HE WOULD SAY, OH, I'M GOING TO BE THERE AT 1:00, WE ARE GOING TO FILE YOUR COMPLAINT, WE'RE GOING TO DO THIS, WE'RE GOING TO DO THAT. 12:00 HE WOULD CALL AND SAY, OH, I'M IN CONWAY OR I'M IN -- WHEREVER HE'D SAY HE WAS. AND HE DID THIS REPEATEDLY.

AND THEN 10, 20 MINUTES LATER HE'D BE OUT IN THE DRIVEWAY WANTING ME TO COME OUTSIDE. THAT WAS BIZARRE. I MEAN, YOU KNOW.

Q AND CONWAY IS HOW FAR FROM YOUR HOUSE?
A WELL, I DON'T REALLY KNOW. I'M GUESSING 15, 20 MILES MAYBE. I'M GUESSING. I DON'T KNOW.
Q SO YOU CAME TO THIS TIME WHEN YOU GOT THESE DOCUMENTS, AND THEN I THINK YOU TOLD US YOU BEGAN MAKING CALLS.
A YES.
Q OKAY. WHY DID YOU BEGIN MAKING CALLS AGAIN?
A BECAUSE OF HIS BEHAVIOR, IT WAS SO BIZARRE AND IT WAS GETTING MORE BIZARRE, AND THE DOCUMENTS THAT HE WAS PRODUCING AND THE THINGS THAT HE WAS SAYING TO ME.
Q OKAY.
A THE LIES.
Q DID YOU CALL DONNA WILLIAMS, THE CLERK OF COURT OVER IN HORRY?
A YES, I DID.
Q WHAT DID YOU SAY TO HER?
A I TOLD HER THAT -- WHAT HE, YOU KNOW, HOW I HAD MET STEPHEN, WHAT HE WAS DOING FOR ME, THE WAY HE WAS ACTING, THE DOCUMENTS THAT HE WAS PRODUCING, THAT I FELT LIKE SOMEBODY NEEDED TO LOOK AT -- TAKE TWO MINUTES AND LOOK AT WHAT THIS MAN IS DOING AND WHAT HE'S SAYING.
Q AS A RESULT OF SPEAKING WITH DONNA WILLIAMS, WHAT -- WHO -- WHAT DID YOU DO OR WHO DID YOU CALL?
A I CALLED THE SOLICITOR'S OFFICE.

Q DO YOU REMEMBER WHO YOU SPOKE WITH AT THE SOLICITOR'S OFFICE?
A THE FIRST TIME I SPOKE WITH HEATHER -- I BELIEVE IT'S TOLAR.
Q HEATHER TOLAR. OKAY. AND AS A -- AND WHAT DID YOU TELL HER?
A THE SAME THING I TOLD DONNA, THAT THIS MAN WAS -- WAS ACTING THIS WAY AND THAT HE WAS PRODUCING THESE DOCUMENTS AND SAYING THESE THINGS AND THAT I FELT LIKE IT WAS GETTING WORSE EVERY DAY.
Q DID YOU -- DID YOU TELL HER THAT YOU BELIEVED THAT HE WAS DOING -- HIS BEHAVIOR WAS ILLEGAL?
A YES. I TOLD HER THAT I -- HE WAS PRODUCING THIS DOCUMENT, THIS DOCUMENT CONCERNS YOUR OFFICE, AND HE'S TELLING ME THAT WE'RE GOING TO SUE ALL OF YOU.
Q AND INDEED DID STEPHEN STANKO PRODUCE A PAPER TO YOU LATER WHICH SHOWED THAT HE WAS INDEED SUING THE -- THOSE PEOPLE, THE SOLICITOR'S OFFICE?
A YES, HE DID.
Q AND SO YOU SAID TO TOLAR THAT THIS -- THIS HAD TO DO WITH YOUR OFFICE?
A YES.
Q THESE PAPERS.
A YES.
Q DID YOU ALSO SAY TO HER ANYTHING ABOUT THE

STRANGENESS OF HIS BEHAVIOR?

A YES, I DID.

Q AND AS A RESULT OF THAT, WHO DID YOU CALL AND WHAT DID--

A SHE TOLD ME I COULD CALL THE PROBATION--

MR. HUMPHRIES: OBJECTION, YOUR HONOR, AS TO WHAT MRS. TOLAR MIGHT HAVE SAID.

THE COURT: OBJECTION SUSTAINED.

BY MR. KELLY:

Q CONNIE, DON'T TELL ME WHAT SHE SAID, OKAY? JUST TELL ME -- NO MATTER WHAT SHE SAID, DON'T TELL ME. THAT WOULD BE HEARSAY. JUST TELL ME AS A RESULT OF YOUR CONVERSATION WITH HER, WHAT DID YOU DO OR WHO DID YOU CALL?

A I CALLED PROBATION OFFICE, PROBATION AND PAROLE OFFICE.

Q SO YOU CALLED -- AND ALL OF THIS WAS AROUND MARCH THE EIGHTH?

A YES.

Q OKAY. AND WHO DID YOU TALK TO AT THE PROBATION OFFICE?

A WELL, I TRIED TO SPEAK WITH MARY ANN ADAMS. I SPOKE WITH A RANDY WORRELL I BELIEVE HIS NAME IS. I SPOKE WITH AMY, THE EIGHTH OF -- DUTY AGENT ON CALL. I SPOKE WITH TARA KING, THE SUPERVISOR.

Q AND DID YOU SPEAK WITH THEM ALL ON THAT ONE DAY OR

WAS IT -- WAS THAT DIFFERENT DATES?
A I SPOKE TO THEM ALL ON THAT DAY AND I ATTEMPTED AFTER THAT TO CALL BACK.
Q OKAY. AND WHAT DID YOU TELL THEM, HE -- DID YOU -- EACH ONE OF THEM, WHAT DID YOU TELL THEM?
A THE SAME THING, THAT, YOU KNOW, THIS MAN IS DOING THIS, HE IS SAYING THESE THINGS, HE'S PRODUCING THESE DOCUMENTS TO ME, AND THEY TOLD ME THEY KNEW NOTHING ABOUT HIM.
Q AS A RESULT OF THE CONVERSATION WITH THEM, ARE YOU -- DO YOU BELIEVE THAT THEY DIDN'T KNOW ANYTHING ABOUT HIM?
A THAT'S WHAT THEY TOLD ME.
Q NOTHING?
A THAT'S WHAT THEY TOLD ME.
Q AND WHO DID YOU TALK WITH THERE AT THE PROBATION?
A I SPOKE WITH A -- THE DUTY AGENT ON CALL, AMY. I SPOKE WITH -- I INSISTED ON SPEAKING WITH HER SUPERVISOR, WHICH WAS TARA KING. I SPOKE WITH A RANDY WORRELL I THINK HIS NAME IS. I WROTE IT DOWN. AND I ATTEMPTED TO SPEAK TO MARY ANN ADAMS, BUT I DIDN'T GET TO.
Q DID YOU EVER SPEAK WITH MARY ADAMS LATER ABOUT THIS SAME STEPHEN STANKO BEHAVIOR?
A AFTER THE -- AFTER EVERYTHING HAD HAPPENED.
Q AFTER THE MURDER OF LAURA LING?
A YES.

Q DID YOU GET ANY SATISFACTION OR RESPONSE THAT YOU WERE SATISFIED FROM THE PROBATION OR FROM THE SOLICITOR'S OFFICE UP TO THIS POINT ABOUT YOUR COMPLAINTS ABOUT STEPHEN?

A NO. NOBODY WANTED TO LISTEN.

Q DID -- WELL NOW, YOU WEREN'T GETTING VERY FAR THERE; WERE YOU?

A NO.

Q DID YOU GIVE UP?

A NO.

Q WHAT DID YOU DO NEXT?

A I ATTEMPTED -- I CALLED SLED. I CALLED THE US FEDERAL MARSHAL, I CALLED THE ALCOHOL, TOBACCO AND FIREARMS, I CALLED DEA. I CALLED PRETTY MUCH EVERYBODY I COULD THINK OF AND -- ANYBODY I COULD THINK OF.

Q LET'S TALK ABOUT THE US MARSHAL'S OFFICE. HOW IS IT THAT YOU CHOSE TO CALL THEM?

A WELL, ACTUALLY I HAVE A COUSIN THAT LIVES IN OHIO AND SHE -- SHE WAS KIND OF AWARE -- SHE WAS AWARE OF WHAT WAS GOING ON. SHE TOLD ME THAT HER--

MR. HUMPHRIES: OBJECTION WHAT SHE MIGHT HAVE SAID.

THE COURT: SUSTAINED. HEARSAY. DO NOT SAY WHAT ANYBODY TOLD YOU. YOU CAN ONLY STATE WHAT YOU DID AS A RESULT OF THE CONVERSATION.

THE WITNESS: OKAY. SORRY.

BY MR. KELLY:

Q SO LET ME ASK YOU, CONNIE, YOU CALLED YOUR COUSIN IN OHIO?

A CORRECT.

Q AND YOU HAD BEEN TALKING TO HER ABOUT THIS SAME--

A SITUATION.

Q -- SITUATION. AND AS A RESULT OF THAT CONVERSATION WITH HER, WHO DID YOU CALL?

A THE US FEDERAL MARSHALS.

Q AND WHAT -- WHERE WAS THE OFFICE THAT YOU CALLED? WHAT TOWN OR CITY?

A COLUMBIA.

Q OKAY. AND DID YOU GET SOMEBODY ON THE PHONE?

A ACTUALLY I DID.

Q AND DID YOU TELL THEM -- OR JUST TELL ME WHAT DID YOU TELL THEM?

A THE SAME THING THAT I HAD TOLD THE SOLICITOR'S OFFICE, THE PROBATION OFFICE.

Q AND...

A EVERYBODY ELSE.

Q THAT HAD TO DO WITH THIS ILLEGAL BEHAVIOR?

A YES, AND THE DOCUMENTS THAT HE WAS PRODUCING AND THE WAY HE WAS ACTING.

Q AND ALSO THIS ABNORMAL OR STRANGE BEHAVIOR AS WELL?

A YES.
Q ALL RIGHT. NOW, DID YOU TALK WITH ANYBODY IN THE FBI?
A YES.
Q DID -- AS A RESULT OF -- DID -- WERE YOU SATISFIED WITH THAT CONVERSATION WITH THEM?
A NO.
Q AND AS A RESULT OF TALKING WITH THEM, DID YOU CALL ANYBODY IN PARTICULAR?
A WELL, I CALLED -- I STARTED AGAIN AND I CALLED THE HORRY COUNTY POLICE AND I SPOKE WITH TWO LADIES. I SPOKE WITH AN OFFICER WHO LET ME SPEAK TO A SPECIALIST WHO -- I ENDED UP SPEAKING WITH DETECTIVE BERTANG, I THINK IS HIS NAME, I'M NOT SURE HOW TO PRONOUNCE THAT CORRECTLY -- WITH MYRTLE BEACH DETECTIVES, I BELIEVE HE WAS HOMICIDE DETECTIVES, CRIMINAL INVESTIGATION DETECTIVE.
Q ALL RIGHT. NOW, LET'S TALK ABOUT THAT FOR JUST A MINUTE. OKAY? THEN WE'LL COME BACK TO IT AGAIN.
A OKAY.
Q YOU -- DID YOU MAKE AN APPOINTMENT TO MEET WITH THE INVESTIGATOR BERTANG AT MYRTLE BEACH POLICE DEPARTMENT?
A MADE AN APPOINTMENT WITH TO MEET WITH DETECTIVE BERTANG AT THE MYRTLE BEACH AIR FORCE -- ON THE AIR FORCE BASE AT THE MYRTLE BEACH ANNEX POLICE DEPARTMENT.
Q AND WHEN -- DO YOU REMEMBER THE DATE AND OR THE DAY

THAT YOU MADE THE APPOINTMENT?
A THE DAY I MADE THE APPOINTMENT NOT RIGHT OFF THE TOP OF MY HEAD, BUT I DO KNOW THAT I HAD AN APPOINTMENT WITH MR. MEACHUM AT THE SOLICITOR'S OFFICE AND THEY HAD CALLED AND CANCELED IT BECAUSE THEY SAID THAT HE WAS IN -- INVOLVED WITH A MURDER TRIAL OR A BIG TRIAL AND THAT HE COULD NOT SEE ME UNTIL THE 18TH.
Q CONNIE, WE'LL COME TO THAT, TOO; OKAY?
A OKAY.
Q BUT LET'S -- LET'S GO BACK. LET'S JUST GO WITH MYRTLE BEACH FIRST. DID YOU GO TO THE APPOINTMENT?
A YES. YES.
Q AND WHO WENT TO THE APPOINTMENT WITH YOU?
A GARY.
Q AND WHAT WAS -- WHAT TIME DID YOU ARRIVE FOR THE APPOINTMENT?
A I BELIEVE IT WAS ABOUT 9:00.
Q THAT'S IN THE MORNING?
A IN THE MORNING.
Q AND WAS THAT THIS PLACE YOU JUST DESCRIBED WHICH WAS AT THE -- YOU CALLED IT THE AIR FORCE ANNEX?
A THAT'S WHAT THEY CALLED IT, YES.
Q AND YOU -- AND DID YOU MEET WITH A PERSON AT THAT MYRTLE BEACH PD ANNEX?
A YES.

Q WHAT WAS HIS NAME?
A DETECTIVE BERTANG.
Q AND WHAT -- WHAT DAY OF THE WEEK WAS THIS?
A WAS ON A THURSDAY.
Q THURSDAY. AND WHAT HAPPENED THE NEXT DAY?
A THE MURDERS.
Q THE MURDERS HAPPENED THE NEXT DAY.
A YES.
Q THIS WAS THE DAY, THE MORNING BEFORE THE MURDER?
A THE SEVENTH OF APRIL.
Q AND THAT WOULD MAKE IT THE MORNING TWO DAYS BEFORE YOU MADE I GUESS THE 9-1-1 CALL?
A YES.
Q OKAY. SO AT 9:00 OR ABOUT THAT TIME, YOU MET WITH THE -- IN MYRTLE BEACH WITH THE INVESTIGATOR BERTANG. THAT'S BEFORE THE MURDERS THAT TOOK PLACE THE NEXT MORNING; CORRECT?
A YES, CORRECT.
Q AND DID YOU TELL -- DID YOU ACTUALLY MEET FACE TO FACE WITH BERTANG?
A YES, I DID.
Q ALL RIGHT. WHEN YOU WENT INTO THE BUILDING, YOU WENT IN WITH -- WITH GARY OWENS?
A CORRECT.
Q GARY HAD DRIVEN YOU THERE?

A YES.
Q AND WHEN YOU GO IN, WHO WAS THE FIRST PERSON YOU SAW WHEN YOU WENT IN?
A WHEN YOU GO INTO THE BUILDING THERE IS A -- LIKE A RECEPTION DESK AND THERE'S AN OFFICER, LADY OFFICER, WAS THERE.
Q AND WHAT'S THE SHAPE OF THE RECEPTION DESK?
A IT'S ROUND, KIND OF LIKE ROUND.
Q KIND OF ROUND DESK?
A YES.
Q DESCRIBE THE LADY AT THE DESK THAT YOU SAW.
A SHE WAS A BLACK LADY, I'M GUESSING MAYBE 40, EARLY 40'S, HER AGE, SHOULDER LENGTH HAIR, KIND OF HEAVY-SET.
Q AND DID SHE ASK YOU TO DO ANYTHING PREVIOUS TO MEETING WITH THE INVESTIGATOR?
A I BELIEVE I REMEMBER SHE -- I HAD TO SIGN A LOG -- LIKE A LOG-IN PAPER FOR AN APPOINTMENT BECAUSE I HAD AN APPOINTMENT.
Q WERE YOU ABLE TO SPELL THE INVESTIGATOR'S NAME YOURSELF?
A NO. I WASN'T EVEN SURE THAT I PRONOUNCED IT RIGHT.
Q DID ANYBODY TELL YOU HOW TO SPELL IT?
A THE LADY DID.
Q OKAY. NOW, AFTER YOU DID THAT, WHERE DID YOU AND GARY GO?

A WE -- THERE'S CHAIRS IN THE HALL AND WE SAT THERE IN THE HALL FOR A FEW MINUTES, AND THEN DETECTIVE BERTANG CAME OUT OF THE DOOR AND GOT US AND WE WENT TO THE BACK TO A ROOM.

Q DESCRIBE HIM TO US. WHAT DID HE LOOK LIKE?

A HE HAD BROWN HAIR. I DON'T KNOW. I'M GUESSING HOW TALL HE WOULD BE. HE'S KIND OF TALLER THAN ME AND I'M KIND OF TALL, I GUESS MAYBE 5'7, 5'8, I'M GUESSING, PROBABLY 135, 45 POUNDS I'M GUESSING. KIND OF -- KIND OF BALDING A LITTLE BIT.

Q AND DID HE INTRODUCE HIMSELF TO YOU BY HIS NAME?

A DETECTIVE BERTANG.

Q AND WHERE DID YOU AND GARY GO WITH DETECTIVE BERTANG?

A WE WALKED THROUGH THE DOOR THAT HE CAME OUT OF. WE WENT TO THE LEFT AND WENT INTO A BIG ROOM WITH A LONG TABLE.

Q YOU WENT INTO A ROOM WITH A LONG TABLE.

A WAS TALKING.

Q WHERE DID -- WHERE DID DETECTIVE BERTANG SIT AT THE TABLE?

A AT THE END OF THE TABLE, AT THE HEAD OF THE TABLE.

Q AND DID -- AND WHERE DID YOU SIT IN RELATION TO HIM?

A EXCUSE ME. LIKE RIGHT NEXT TO HIM.

Q AND WHERE DID GARY SIT?

A NEXT TO ME.

Q AND DID YOU TAKE WITH YOU PAPERS TO SHOW--
A YES.
Q -- INVESTIGATOR BERTANG?
A YES.
Q AMONG THOSE PAPERS WERE THESE PAPERS THAT WE JUST SHOWED THE JURY, WERE THEY AMONG THOSE PAPERS?
A YES.
Q DID AT ANY TIME INVESTIGATOR BERTANG TAKE FROM YOU AND MAKE COPIES OF ANY OF THE PAPERS YOU BROUGHT?
A NO.
Q WHAT DID -- WHAT DID DETECTIVE BERTANG HAVE WITH HIM WHEN YOU SAW HIM AND HE WAS IN THE ROOM? DID HE HAVE ANY KIND OF OBJECTS OR ITEMS WITH HIM?
A I THINK HE HAD LIKE A LITTLE LEATHER TRI-FOLDING -- THANK YOU SO MUCH. EXCUSE ME. HE HAD LIKE A LEATHER -- NOT LIKE A BRIEFCASE, IT WAS LIKE...
Q CONNIE, SPEAK INTO THAT MICROPHONE. YOU CAN TURN IT, YOU KNOW, SO IT WILL GO WITH YOU, SO TO SPEAK.
A LIKE A LEATHER -- IT'S NOT LIKE A BRIEFCASE, BUT JUST A LEATHER CARRIER PAY -- THING.
Q DID INVESTIGATOR BERTANG TAKE ANY NOTES THAT YOU SAW DURING YOUR TIME IN SPEAKING WITH HIM?
A I THINK HE MAY HAVE WROTE MY NAME DOWN. I THINK I'D SEEN HIM SCRIBBLE SOMETHING, BUT THERE WAS...
Q DID YOU TALK TO HIM ABOUT STEPHEN STANKO?

A YES, I TRIED TO.

Q YOU TRIED TO?

A TRIED TO.

Q TELL THE JURY WHAT, I TRIED TO, MEANS.

A WELL, HE DIDN'T REALLY -- HE TOLD ME THAT I'M -- HE SAID, I'M SORRY--

MR. HUMPHRIES: OBJECTION TO WHAT--

THE COURT: SUSTAINED, HEARSAY. MA'AM, YOU CANNOT SAY WHAT SOMEONE TOLD YOU. YOU CAN ONLY SAY WHAT YOU DID --

MR. KELLY: LET ME--

THE COURT: -- AS A RESULT OF THE CONVERSATION.

MR. KELLY: LET ME ASK YOU -- EXCUSE ME, MA'AM.

BY MR. KELLY:

Q LET ME ASK IT THIS WAY. WERE YOU SATISFIED THAT THE INVESTIGATOR WAS INVESTIGATING YOUR CLAIMS THAT YOU WERE TRYING TO MAKE?

A NO. NO.

Q DID HE TELL YOU HE WAS GOING TO FIND OUT--

MR. HUMPHRIES: OBJECTION, YOUR HONOR.

THE COURT: SUSTAINED. HEARSAY.

BY MR. KELLY:

Q AS A RESULT OF YOUR SPEAKING WITH HIM, DID YOU BELIEVE HE WAS GOING TO INVESTIGATE STEPHEN STANKO AND WHAT YOUR CLAIMS WERE?

A NO. I KNEW HE WASN'T.
Q AS RESULT OF THAT, IF YOU HAD FOLLOWED HIS ADVICE, WHO WOULD YOU HAVE THEN GONE TO SEE?
A BACK TO THE SOLICITOR'S OFFICE.
Q WHICH WAS BACK WHERE YOU CAME FROM, I SUPPOSE.
A BACK WHERE I STARTED FROM, YES.
Q HOW LONG DID YOU TALK WITH INVESTIGATOR BERTANG?
A I THINK ABOUT 30, 35 MINUTES, MAYBE A LITTLE MORE BECAUSE I WASN'T GOING AWAY THAT EASY.
Q DID -- DID INVESTIGATOR BERTANG EVER GET BACK WITH YOU ABOUT YOUR COMPLAINT?
A NO. NO.
Q AS A RESULT OF TALKING WITH INVESTIGATOR BERTANG DID YOU FILL OUT ANY COMPLAINT THERE IN THE OFFICE AT THAT TIME?
A NO.
Q WHAT DID YOU THINK ABOUT THAT?
A I THOUGHT THAT I WAS GETTING THE RUN-AROUND LIKE I HAD BEEN GETTING. THAT'S WHAT I THOUGHT.
Q DID YOU SEE ANY OTHER -- DID ANY OTHER OFFICERS ON THE MYRTLE BEACH PD TALK TO YOU AT THAT TIME?
A NO.
Q DID THE INVESTIGATOR TAKE FROM YOU ANY WRITTEN INFORMATION CONCERNING THE WHEREABOUTS OF STEPHEN STANKO?
A NO. NO.

Q YOU KNEW WHERE HE LIVED; CORRECT?
A YES.
Q AND HAD YOU EVER BEEN TO THE HOME THAT STEPHEN STANKO LIVED AT IN MURRELLS INLET?
A YES.
Q SO YOU KNEW WHERE HE LIVED?
A YES.
Q DID INVESTIGATOR BERTANG TAKE DOWN THE TELEPHONE NUMBER YOU HAD FOR STEPHEN STANKO?
A NO.
Q DID YOU FEEL THAT INVESTIGATOR BERTANG HAD RESPONDED IN ANY WAY TO YOUR COMPLAINTS ABOUT STEPHEN STANKO?
A NO, I DIDN'T.
Q ALL RIGHT. NOW WE'LL BACK UP A LITTLE BIT FROM THAT DAY. OKAY? NOW, ARE YOU SURE THAT -- THAT YOU'RE TELLING THAT THIS WAS THE DAY BEFORE LAURA LING'S MURDER?
A I'M POSITIVE.
Q AND YOU HAD MADE AN APPOINTMENT YOU SAY TO MEET THERE ON THAT DAY?
A YES.
Q AND DID YOU MAKE IT EARLIER THAT WEEK?
A I BELIEVE IT WAS AROUND -- YES. YES, I BELIEVE.
Q WHAT DAY OF THE WEEK DO YOU THINK THAT YOU MADE THE APPOINTMENT?
A I BELIEVE THAT WAS GOING TO BE AROUND THE FOURTH.

Q AND THAT WOULD BE A MONDAY?
A I -- I THINK SO.
Q SO YOU THINK IT WAS THE MONDAY BEFORE YOU ACTUALLY WENT THERE?
A RIGHT, BECAUSE I DIDN'T WANT TO HAVE TO WAIT UNTIL THE 18TH TO -- TO MEET WITH MR. MEACHUM. I WASN'T GOING TO WAIT THAT LONG.
Q OKAY. I'M GOING TO GET TO MR. MEACHUM. OKAY? BUT NOW I WANT TO TALK ABOUT WHY YOU MADE THAT APPOINTMENT. WAS THAT APPOINTMENT MADE TO MEET WITH INVESTIGATOR BERTANG AS A RESULT OF YOUR CONVERSATION WITH ANYONE?
A YES. WHEN THEY CALLED TO CANCEL MY APPOINTMENT WITH MR. MEACHUM, I -- I WASN'T GOING TO WAIT. I NEEDED TO TALK TO SOMEBODY ABOUT -- I FELT LIKE I NEEDED TO TALK TO SOMEBODY ABOUT THE WAY STEPHEN WAS BEHAVING.
Q ALL RIGHT. WE WILL TALK ABOUT MEACHUM. WHO IS MEACHUM?
A HE WAS A SOLICITOR.
Q AT THAT TIME HE WAS A WHAT?
A SOLICITOR.
Q AND WHERE WAS HIS OFFICE?
A CONWAY.
Q AND WAS IT AT -- WHERE THE SOLICITORS' OFFICES ARE?
A YES.
Q HOW HAD YOU COME TO MAKE AN APPOINTMENT WITH

MR. MEACHUM PREVIOUS TO THE FOURTH--
A WELL, I CALL--
Q -- WHEN YOU MADE THE APPOINTMENT WITH BERTANG. HOW DID YOU MAKE -- HOW DID THAT HAPPEN, CONNIE?
A BECAUSE I HAD CALLED THE SOLICITOR'S OFFICE ABOUT STEPHEN.
Q TELL US HOW MANY -- TELL US THE PEOPLE THAT YOU TALKED TO IN THE SOLICITOR'S OFFICE AND MADE COMPLAINTS ABOUT STEPHEN STANKO'S BEHAVIOR AND HIS CRIMINAL ACTIVITY.
A ALL THE PEOPLE I TALKED TO?
Q YES.
A I TALKED TO SANFORD GRAVES. I--
Q SANFORD? LET'S TALK ABOUT HIM FOR JUST A MINUTE. DID YOU SAY SANFORD GRAVES?
A YES.
Q WHAT WAS HE OR WHO WAS HE?
A WELL, AT THE TIME I DIDN'T REALLY KNOW. I THOUGHT HE WAS ASSISTANT OR A SOLICITOR OR SOMETHING. I DIDN'T REALLY KNOW. BUT I FOUND OUT LATER HE WAS A SOLICITOR, I BELIEVE. I SPOKE--
Q YOU TALKED WITH HIM ON THE TELEPHONE?
A YES.
Q WHAT DID YOU TELL HIM?
A THE SAME THING I'D BEEN TELLING EVERYBODY ELSE.
Q AS A RESULT OF THAT, WHAT DID YOU -- DID YOU DO

ANYTHING AS A RESULT OF TALKING WITH HIM?
A NO.
Q OKAY. WHO ELSE DID YOU TALK WITH THERE?
A I SPOKE WITH MELISSA GERARD.
Q WHO IS MELISSA GERARD?
A I'M NOT REALLY SURE. I THINK SHE'S AN ASSISTANT TO SOMEBODY. MR. MEACHUM'S...
Q YOU THINK SHE'S MR. MEACHUM'S ASSISTANT?
A I BELIEVE SO. YES.
Q WHO MADE THE APPOINTMENT FOR YOU TO MEET WITH MR. MEACHUM?
A I BELIEVE THAT WAS EITHER HEATHER OR MELISSA.
Q AND WHO ELSE BESIDES MR. MEACHUM, MELISSA GERARD, AND SANFORD GRAVES DID YOU SPEAK WITH AT THE SOLICITOR'S OFFICE?
A I SPOKE WITH WILLA MAE.
Q WHO?
A A WILLA MAE.
Q WILLA MAE.
A I SPOKE WITH A NIGENT (SIC) BLACK.
Q NIGEL (SIC) BLACK.
A I HAVE IT IN MY NOTES.
Q LET'S TALK ABOUT MR. MEACHUM. YOU SAY HE GAVE YOU AN APPOINTMENT TO MEET WITH HIM PREVIOUS TO MEETING WITH BERTANG.

A YES.
Q WHAT HAPPENED TO THAT APPOINTMENT?
A THEY CANCELED IT.
Q WHO CANCELED IT?
A I BELIEVE IT WAS MELISSA THAT MAY HAVE CALLED AND CANCELED IT OR IT COULD HAVE BEEN HEATHER. SOMEBODY CALLED -- ONE OF THE TWO OF THEM CALLED AND SAID THAT THEY WERE GOING TO HAVE TO RESCHEDULE IT. I WAS VERY UPSET ABOUT THAT.
Q DID YOU TELL THEM YOU WERE UPSET?
A YES, I DID.
Q AND DID YOU -- DID YOU TELL THEM AGAIN ABOUT WHAT IT WAS THAT WAS SO IMPORTANT TO YOU?
A YES, I DID.
Q AT THAT TIME WHAT WAS IT THAT WAS SO IMPORTANT TO YOU?
A WELL, I MEAN, STEPHEN WAS ACTING MORE AND MORE BIZARRE, CRAZY, DOING CRAZY THINGS, SAYING CRAZIER STUFF.
Q WHEN DO YOU THINK, CONNIE, THIS FIRST APPOINTMENT WITH SOLICITOR MEACHUM, WHEN DO YOU THINK THAT WAS MADE?
A WELL, I KNOW THAT I SEEN -- I DID MEET WITH HIM ON THE 18TH. AND WHEN THEY CALLED, IT WOULD HAVE BEEN TWO WEEKS BEFORE THE 18TH, WHENEVER THAT WAS.
Q TALKING ABOUT THE 18TH AFTER LAURA LING WAS MURDERED?
A THAT'S APRIL, YES, SIR.

Q OKAY. AND YOU THINK IT HAD TO BE -- IT WAS BEFORE SHE WAS MURDERED THAT YOU HAD THE FIRST APPOINTMENT?
A YES. YES, IT WAS.
Q WELL, THAT MAKES SENSE; DOESN'T IT? A LOT OF PEOPLE TALKED TO YOU ABOUT STANKO AFTER LAURA LING'S MURDER; DIDN'T THEY?
A YES.
Q THE SOLICITOR HIMSELF TALK WITH YOU ABOUT STANKO?
A YES, HE KNEW.
Q MR. HUMPHRIES HIMSELF TALKED WITH YOU ABOUT STANKO?
A YES, HE DID.
Q INVESTIGATOR STEPHEN BROWN TALKED WITH YOU ABOUT STANKO?
A YES, HE DID.
Q AND THIS WAS ALL AFTER LAURA LING WAS MURDERED?
A YES.
Q NOT BEFORE?
A NOT BEFORE.
Q DID -- DID ANY OF THESE SOLICITORS THAT YOU NAMED THAT YOU HAD TALKED TO PREVIOUS TO LAURA LING'S MURDER TALK -- YOU TALK TO ANY OF THEM AFTER HER MURDER?
A I DON'T THINK SO, NO.
Q IS -- AS A RESULT OF TALKING WITH ANY OF THESE PEOPLE, WERE ANY CHARGES EVER FILED AGAINST STEPHEN STANKO?

A I THINK THAT THERE WAS -- I MADE A POLICE REPORT IN REGARDS TO THE MONEY THAT HE HAD TAKEN FROM US OR FROM GARY RATHER, AND ON THE POLICE REPORT IT SAYS FORGERY AND OBTAINING GOODS THROUGH FALSE PRETENSE.

Q IS THAT BEFORE OR AFTER THE MURDER OF LAURA LING?

A THE POLICE REPORT WAS AFTER.

Q AFTER?

A YES, SIR.

Q NO REPORTS BEFORE?

A NO, SIR.

Q DID -- DID -- AS A RESULT OF TALKING WITH ANY OF THESE PEOPLE WE TALKED TO, DID YOU ATTEMPT TO MAKE ANY REPORT OTHER THAN SPEAKING TO THEM AND COMPLAINING TO THEM?

A THERE WAS NO REPORT, NO. NO.

Q WHAT DID YOU THINK ABOUT THIS THAT WAS TAKING PLACE?

A YOU MEAN ABOUT STEPHEN OR ABOUT NOBODY LISTENING?

Q ABOUT NOBODY LISTENING.

A I DIDN'T KNOW WHAT TO THINK. I DIDN'T KNOW WHO ELSE TO CALL. I DIDN'T KNOW WHAT ELSE TO DO.

Q WELL, WHEN LAURA LING WAS MURDERED, THERE WASN'T ANYTHING ELSE TO DO; WAS THERE?

A NO.

Q IS THAT RIGHT?

A THAT'S RIGHT.

Q ALL RIGHT. NOW, LET'S TALK ABOUT STEPHEN'S -- YOU SAID IT WAS BECOMING MORE AND MORE BIZARRE.
A YES.
Q OKAY.
A YES.
Q ALL RIGHT. LET'S TALK -- LET'S TELL THE JURY ABOUT THAT. LET'S START WITH THE DAY BEFORE OR THE -- THE -- BEFORE LAURA LING'S MURDER OR THE DAY BEFORE THAT, WHICHEVER WAS THE LAST TIME THAT YOU SAW OR SPOKE WITH STEPHEN STANKO BEFORE IT APPEARED ON THE TV LAURA LING IS DEAD. TELL US ABOUT IT.
A WELL, I CAN TELL YOU WEDNESDAY, THE WEDNESDAY BEFORE THAT BECAUSE THE WEEK THAT THIS HAPPENED, THESE MURDERS HAPPENED, WAS MY -- MY NIECE TIFFANY, SHE'S IN A WHEELCHAIR, AND IT WAS HER FIRST JUNIOR SENIOR PROM, AND I HAD TOLD STEVE -- STEPHEN NOT TO -- THAT I REALLY DIDN'T WANT TO HAVE TO DEAL WITH ALL OF THIS THAT WEEK, THAT I WAS WANTING TO FOCUS MY ATTENTION ON MY NIECE BECAUSE--
Q LET ME INTERRUPT YOU. YOU SAID TO HIM, I DON'T WANT TO FOCUS MY ATTENTION ON ALL THIS. WHAT WAS THE, ALL THIS, THAT YOU DIDN'T WANT TO BE BOTHERED WITH AT THAT TIME?
A HIM COMING TO MY HOUSE, HIM CALLING ME ALL THE TIME.
Q AND SO YOU TOLD HIM. AND WHAT -- AND THEN -- NOW TELL US WHAT HAPPENED.

A WELL, WEDNESDAY HE -- HE KEPT TELLING ME THAT HE HAD MY PACKAGE. THIS WAS A PACKAGE THAT HE HAD BEEN SAYING THAT HE HAD FOR A WHILE. I DIDN'T BELIEVE THIS PACKAGE EXISTED. I DIDN'T BELIEVE PRETTY MUCH EVERYTHING HE WAS TELLING ME AT THIS POINT.

HE HAD TOLD ME THAT JOHN EDWARDS, THE MAN WHO WAS RUNNING FOR PRESIDENT, WAS GOING TO BE HELPING US ON MY CASE WHICH -- WHEN HE TOLD US THAT, I'M LIKE, THE MAN THAT RUNS -- THAT WAS RUNNING FOR PRESIDENT? I -- I DIDN'T REALLY BELIEVE THAT. I WAS -- WHY WOULD HE WANT TO HELP ME?

THIS PACKAGE WAS SUPPOSED TO BE A CONTRACT THAT WAS SIGNED FROM MR. EDWARDS AND HIS LAW FIRM. IT WAS SUPPOSED TO BE ALL THESE LEGAL DOCUMENTS AND THAT HE WAS WAITING ON THIS PACKAGE FROM FEDERAL -- FROM FEDERAL EXPRESS FROM MR. EDWARDS.

WELL, THAT WEDNESDAY AFTERNOON HE CALLED ME, STEVE DID, AND SAID, I HAVE YOUR PACKAGE. THIS WAS -- WELL, ACTUALLY IT WAS IN THE EVENING. I SAID, STEVE, IF YOU HAVE MY PACKAGE, YOU PUT MY PACKAGE ON THE PORCH, I'M FIXING -- I'M PREPARING MY DINNER, I'M NOT COMING OUTSIDE.

I WAS A LITTLE BIT ANGRY WITH HIM. HE WAS PERSISTENT. I TOLD HIM STEVE, YOU KNOW WHAT, I HAVE HAD IT, I'M GOING -- I HAVE AN APPOINTMENT IN THE MORNING WITH THE DETECTIVES, AND IF THEY WILL LISTEN, I'M GOING TO TELL

THEM EVERYTHING I KNOW, EVERYTHING I CAN, IF THEY'LL LISTEN.

AND OF COURSE, HE WAS UPSET WITH ME. I DIDN'T REALLY CARE. I WAS UPSET, YOU KNOW. I HAD BEEN THROUGH SO MUCH.

Q SO YOU TOLD HIM, I'VE GOT AN APPOINTMENT TOMORROW AND IF THEY ARE GOING TO LISTEN TO ME, I'M GOING TO TELL THEM--

A EXACTLY.

Q -- ON YOU?

A ON YOU.

Q AND IN FACT, THE NEXT DAY AFTER YOU WOULD HAVE HAD THE MEETING, DID HE CALL YOU?

A YES.

Q AND WHAT DID HE ASK YOU ABOUT THE MEETING?

A HE WAS VERY CONCERNED WHAT I HAD TALKED TO THE DETECTIVE ABOUT, WAS VERY UPSET WITH ME. HE WAS JUST -- HE WAS UPSET. HE WAS ANGRY WITH ME.

Q NOW, DID YOU TELL HIM THEN THAT -- JUST WHAT YOU TOLD US, THAT YOU DIDN'T GET ANY SATISFACTION, OR WHAT DID YOU SAY?

A PRETTY MUCH, KIND OF, YEAH. I DIDN'T REALLY WANT HIM TO KNOW THAT BECAUSE I DIDN'T THINK THAT WAS THE SMART THING TO TELL HIM.

Q BUT THE DAY BEFORE YOU PUT HIM RIGHT IN HIS FACE, I'M GOING TO GO TALK TO THEM.

A YES, I DID.
Q NOW, WHERE WERE YOU WHEN YOU TOLD HIM THAT?
A IN MY HOUSE.
Q IN YOUR HOUSE?
A IN MY HOUSE.
Q AND YOU WERE TALKING ON THE PHONE?
A YES.
Q DID YOU EVER ALLOW STEPHEN STANKO TO COME INTO YOUR HOUSE?
A NEVER. NEVER.
Q WHY DIDN'T YOU ALLOW STEPHEN STANKO TO COME INTO YOUR HOUSE?
A WELL, I DIDN'T KNOW HIM THAT WELL, YOU KNOW, TO BEGIN WITH. I DON'T LET STRANGE PEOPLE IN MY HOUSE. DIDN'T REALLY TRUST HIM.
Q DID YOU TRUST HIM OR DID YOU -- YOU DON'T LET PEOPLE IN YOUR HOUSE?
A EXACTLY. HE ALWAYS WANTED TO COME INTO MY HOUSE. THERE WAS ONE DAY IN PARTICULAR THAT WE WERE OUTSIDE IN MY DRIVEWAY. HE WAS -- WE WERE TALKING ABOUT HE WAS GOING TO FILE MY -- MY CIVIL COMPLAINT.

HE WAS SITTING IN THE CAR, IN THE MUSTANG. HE TOLD ME HE NEEDED TO GET INTO MY HOUSE TO CHECK MY WIRING.
Q YOUR WIRING?
A MY WIRING. I'M LIKE, YOU'RE KIDDING ME; RIGHT?

WHAT'S THAT GOT TO DO WITH THE CIVIL CASE? THAT -- THAT'S CRAZY. OH, HE TOLD ME, I NEED TO GET IN, CHECK YOUR WIRING TO MAKE SURE IT'S UP TO CODE.

Q UP TO CODE?

A YEAH.

Q HAD YOU EVER ASKED HIM TO CHECK ANYTHING UP TO CODE ON YOUR PROPERTY?

A NO.

Q WHAT DID YOU THINK ABOUT THAT WHEN HE SAID THAT?

A I THOUGHT HE WAS CRAZY.

Q WHAT -- WHAT ELSE DID HE DO AROUND YOUR PROPERTY THAT MADE YOU THINK HE'S CRAZY?

A WELL, THERE WAS JUST DAYS BEFORE THAT, EARLY ONE MORNING ABOUT 7:00, WHICH STEPHEN NEVER CALLED ME THAT EARLY, HE HAD CALLED ME, WAS TALKING ON THE PHONE, AND IT JUST SEEMED LIKE HE WAS TRYING TO KEEP ME ON THE PHONE. AND I HAD TOLD HIM THAT I WAS TRYING TO DO MY HAIR, WHICH I WAS.

AND I WAS ON THE PHONE TALKING TO HIM AND SOMETHING WAS BANGING ON MY DOOR. WELL, IT WAS GARY. MY POODLE -- I HAVE A LITTLE POODLE THAT MY MOTHER GAVE ME. MY POODLE WAS OUT IN THE ROAD.

WE BELIEVED THAT STEVE HAD OPENED THE SIDE -- THE BACK -- MY BACK YARD IS FENCED IN. THE GATE HAD BEEN OPENED SOMEHOW. WE BELIEVE STEVE DID IT. WE BELIEVE THAT

STEVE WAS IN OUR BACK YARD IN MY GREENHOUSE.

WE BELIEVE THAT STEVE STOLE A BOAT, A -- THE GAS CAN THAT GOES TO A BOAT MOTOR TO GARY'S BOAT. HE LOVES TO FISH. HIS BOAT MOTOR, GAS CAN THAT GOES WITH IT. WE BELIEVE THIS ALL HAPPENED AT THE SAME TIME.

Q NOW CONNIE, YOU DIDN'T HAVE ANY DIRECT EVIDENCE THAT HE'D ACTUALLY DONE THAT; CORRECT?

A CORRECT.

Q BUT YOU HAD REACHED A PLACE THAT YOU DISTRUSTED HIM SO MUCH YOU SUSPECTED?

A EXACTLY, YES.

Q DIDN'T HE KNOW THAT YOU FELT THIS WAY ABOUT HIM, THAT YOU WERE TRYING TO TURN HIM AWAY?

A YOU WOULD -- I THOUGHT SO, BUT EVIDENTLY HE DIDN'T.

Q WELL, DID YOU -- DID YOU EVER JUST TELL HIM FRANKLY WHAT YOU FELT ABOUT WHAT WAS GOING ON?

A I DID THAT WEDNESDAY NIGHT, I DID. I WAS VERY UPSET AND I LET HIM KNOW WHAT I THOUGHT.

Q DO YOU HAVE -- YOU RAISE PLANTS?

A I DO RAISE PLANTS.

Q YOU HAVE STAGHORN FERNS?

A YES, I DO.

Q TELL THE JURY ABOUT STANKO AND THE STAGHORN FERNS.

A ON THE SATURDAY THAT GARY AND I WENT TO LAURA, HIS HOUSE, WHOSE EVER HOUSE, WE WERE GOING TO WORK ON THE

COMPUTER ON MY CASE. WE GOT TO THE HOUSE. WE DID OUR WORK. AND WHEN GARY AND I WERE LEAVING, WE WERE ON THE PORCH, AND I'M GUESSING THIS -- I MEAN, HE TOLD US THAT IT WAS HIS HOUSE. IT'S HER HOUSE NOW. I GUESS I KNOW THAT.

BUT ON THE PORCH THERE WAS FLOWERS. AND I -- I LOVE FLOWERS. I HAVE HIM LEMON TREES, LIME TREES, ALL KINDS OF FLOWERS. I RAISE FLOWERS. HE MADE A COMMENT ABOUT HE USED TO RAISE STAGHORN FERNS WHICH WAS KIND OF -- STRUCK ME A LITTLE ODD BECAUSE THEY'RE KIND OF A RARE THING.

I MEAN, AS FAR AS I KNOW THEY'RE RARE. DON'T KNOW TOO MANY PEOPLE WHO HAS THEM OR RAISES THEM. AND WHEN -- I HAVE ONE IN MY GREENHOUSE. AT THAT TIME IT WAS JUST A BABY AND I WAS TRYING TO, YOU KNOW, NURTURE IT ALONG.

HE MADE THAT COMMENT, GARY AND I BOTH THOUGHT, YOU KNOW, HE'S BEEN IN OUR GREENHOUSE BECAUSE YOU JUST DON'T -- YOU JUST DON'T RUN ACROSS A STAGHORN FERN BECAUSE, YOU KNOW -- THAT COMMON.

Q AND THAT COMMENT MADE YOU SUSPICIOUS?

A YES.

Q AND YOU WERE ALREADY SUSPICIOUS OF HIM?

A YES.

Q LET ME ASK YOU SOMETHING NOW. DO YOU REMEMBER ALONG ABOUT MARCH THE 31ST?

A YES.

Q ALL RIGHT. NOW, MARCH THE 31ST IS ABOUT A WEEK

BEFORE LAURA LING WAS MURDERED. IS THAT CORRECT?
A YES.
Q OKAY. DID YOU TAKE A TRIP WITH STEPHEN STANKO THEN?
A YES.
Q ALL RIGHT. I WANT TO TALK TO YOU ABOUT BEFORE THE TRIP. OKAY?
A OKAY.
Q AND I WANT TO TALK WITH -- YOU TOLD THE JURY ABOUT THE PACKAGE. OKAY?
A YES.
Q ALL RIGHT. WHERE WAS THIS PACKAGE SUPPOSED TO BE COMING FROM?
A IT WAS SUPPOSED TO BE COMING FROM MR. JOHN EDWARDS. HE WAS GOING TO BE HELPING OR HE WAS GOING TO BE REPRESENTING ME IN MY CIVIL CASE.
Q AND WHAT WAS IN THE PACKAGE?
A SUPPOSED TO BE THE SIGNED DOCUMENTS FOR REPRESENTATION, ALL THE LEGAL DOCUMENTS THAT, YOU KNOW, YOU SIGN AND YOU DO WHEN YOU HAVE A -- WHEN YOU GET A LAWYER, YOU HAVE A LAWSUIT.
Q AND BY THE WAY, ALL THIS BEHAVIOR THAT WE'VE JUST BEEN TALKING ABOUT, IS THIS WHAT YOU WERE TRYING TO TELL THE INVESTIGATOR BERTANG?
A YES.
Q OKAY. NOW LET'S GO BACK TO THE PACKAGE. THE --

MR. EDWARDS WOULD HAVE BEEN IN WHAT STATE?
A NORTH CAROLINA.
Q OKAY. BUT DID -- WERE YOU EVER TOLD BY STANKO HE WAS IN MYRTLE BEACH?
A YES.
Q AND WAS THAT PREVIOUS TO MARCH 31ST?
A YES.
Q ALL RIGHT. WHO WAS SUPPOSED TO BE WITH MR. EDWARDS IN MYRTLE BEACH?
A A SENATOR, UM, I CAN'T THINK OF HIS -- THOMAS, SENATOR THOMAS, AND A MAN FROM -- MIKE SOMEBODY FROM 60 MINUTES. AT ONE POINT IT WAS SUPPOSED TO BE SOMEBODY FROM I THINK 48 HOURS. BUT I DO KNOW THAT THIS MIKE PERSON WAS WITH THEM A LOT ACCORDING TO STEVE.
Q ACCORDING TO STEVE. AND WHAT WERE THEY -- ACCORDING TO STEVE, WHAT -- WAS JUDGE RAWL WITH THEM, TOO?
A YES, JUDGE RAWL WAS, TOO.
Q SO WAS SENATOR THOMAS, IT WAS MR. EDWARDS, IT WAS JUDGE RAWL, IT WAS 48 HOURS, AND MIKE FROM 60 MINUTES?
A YES.
Q AND HE HAD REPRESENTED MIKE WAS WITH HIM A LOT. AND WHAT WERE THEY ALL DOING DOWN IN MYRTLE BEACH ACCORDING TO HIM?
A WELL, IF WE UNDERSTOOD HIM RIGHT AT THE BEGINNING, THEY WERE THERE TO HELP WITH MY CASE WHICH WE FOUND PRETTY

INCREDIBLE. BUT THEN THEY WERE THERE -- AS IT WENT ON STEVE SAID THEY WERE THERE TO -- THEY WERE WORKING ON GARY RIDGEWAY'S CASE.

Q AND DID YOU BELIEVE THAT?

A WELL, I DIDN'T REALLY THINK MUCH ABOUT THAT BECAUSE, YOU KNOW, HE WORKED ON SOMEBODY ELSE'S CASE, OKAY, MAYBE, YOU KNOW, DID CONCERN ME THAT CASE THAT -- I DIDN'T BELIEVE IT REALLY.

Q DID -- DID THERE COME A TIME WHEN THERE WAS A TRIP UP TO EDWARDS' OFFICE IN CHARLOTTE WAS CONTEMPLATED?

A YES.

Q TELL THE JURY ABOUT THAT.

A WELL, I HAD TOLD STEVE THAT HE NEEDS TO, YOU KNOW, WE WANT OUR MONEY BACK OR WE WANT OUR DOCUMENTS, WE NEED TO DO SOMETHING. HE SAID, WE'RE GOING TO GO TO CHARLOTTE BECAUSE WE NEVER -- IT NEVER HAPPENED THAT MR. EDWARDS -- EVERYTHING HE SAID ABOUT MR. EDWARDS WASN'T HAPPENING.

EITHER HE WAS GOING TO REPRESENT ME OR HE WASN'T. I WANTED TO KNOW. STEVE SAID, WELL, WE'RE GOING TO GO TO HIS OFFICE BECAUSE THEY HAD BEEN HERE TO MYRTLE BEACH AND THEY HAD TO GO BACK TO CHARLOTTE BECAUSE OF THIS GARY RIDGEWAY'S CASE, AN APPEAL OR SOMETHING.

AND HE SAID WE WOULD GO THERE AND MEET MR. EDWARDS AND SIGN THE PAPERS AND DO EVERYTHING THAT NEEDS TO BE DONE. WELL, OF COURSE, THAT DIDN'T HAPPEN. WE -- GARY

AND I WERE SUPPOSED TO GO WITH HIM.

IT WAS ON A THURSDAY. IT WAS EARLY IN THE MORNING. HE WAS THERE AT MY HOUSE AROUND 9:00 OR MAYBE A LITTLE BEFORE TO PICK ME UP. I WAS READY. HE WAS UPSET WITH ME BECAUSE GARY -- GARY DIDN'T GO. GARY GOT SICK THROUGH THE NIGHT AND WASN'T ABLE TO GO.

Q DID Y'ALL DRIVE, YOU AND STANKO DRIVE UP THE ROAD TOWARDS WHAT YOU THOUGHT WAS CHARLOTTE?

A YES, WE DID.

Q BUT YOU DIDN'T GO THERE; DID YOU?

A NO, WE DIDN'T.

Q AND WHY -- WHAT REASON DID STANKO GIVE YOU THAT WE'RE NOT GOING TO KEEP ON GOING?

A WELL, HE WAS TALKING ON THE CELLPHONE TO TWO DIFFERENT PEOPLE, BECAUSE I COULD HEAR THE PEOPLE. I DON'T KNOW WHO THEY WERE. HE SAID THAT THEY WERE MR. EDWARDS AND MR. THOMAS. I DON'T KNOW. I DON'T BELIEVE SO.

WE DROVE A LONG WAY. HE JUST -- WHEN HE -- HE SAID THAT THE APPOINTMENT WAS GOING TO HAVE TO BE RESCHEDULED.

Q GOING TO HAVE TO BE RESCHEDULED. AND Y'ALL TURNED AROUND AND CAME BACK?

A TURNED AROUND AND CAME BACK.

Q WHAT DID YOU THINK OF THAT BEHAVIOR?

A WELL, I JUST THOUGHT THAT WAS NORMAL FOR HIM BECAUSE

IT'S USUALLY -- I MEAN, HE LIED SO MUCH.

Q NOW, THAT WAS AROUND MARCH THE 31ST?

A YES, I BELIEVE SO.

Q THAT WOULD HAVE BEEN A WEEK BEFORE LAURA LING'S MURDER?

A RIGHT.

Q AND WAS IT ALSO THIS THAT YOU WERE ATTEMPTING TO TELL INVESTIGATOR BERTANG?

A YEAH, BUT I DIDN'T GET THAT FAR.

Q DIDN'T GET THAT FAR.

A NO.

Q WAIT JUST A MOMENT, PLEASE MA'AM.

(WHEREUPON THERE WAS A PAUSE.)

Q I WANT TO ASK YOU ABOUT THE MONDAY BEFORE LAURA LING DIED. OKAY?

A OKAY.

Q I THINK THAT YOU TOLD US THAT THAT WAS THE MONDAY THAT YOU MADE YOUR APPOINTMENT WITH BERTANG.

A I BELIEVE SO.

Q AND DID YOU ALSO CALL OTHER PEOPLE THAT MONDAY MORNING?

A I DON'T THINK I DID BECAUSE I HAD AN APPOINTMENT.

Q WHO REFERRED YOU, DO YOU BELIEVE, OVER TO BERTANG? WHAT AGENCY?

A WELL, I HAD CALLED THE HORRY COUNTY POLICE AGAIN AND

TOLD THEM, THE PEOPLE WHO ANSWERED THE PHONE AND TOLD THE OFFICER WHEN THEY PUT THE OFFICER ON THE PHONE, AND THEN HE PUT ANOTHER OFFICER ON THE PHONE, A SPECIALIST ON SOMETHING, AND I TOLD HIM, AND THAT'S HOW I GOT THE APPOINTMENT AT MYRTLE BEACH.

Q AS A RESULT OF SPEAKING WITH PERSONS AT HORRY COUNTY PD, YOU THEN CALLED MYRTLE BEACH; CORRECT?

A YES, SIR. YES, SIR.

Q NOW CONNIE, DID ANYBODY EVER LISTEN TO YOU UNTIL MY INVESTIGATORS FOUND YOU?

A NO, THEY DID NOT.

Q CONNIE, WE'VE TALKED ABOUT A LOT OF THINGS TODAY; RIGHT?

A YES, WE HAVE.

Q AND WE'VE TALKED ABOUT -- IS THERE ANYBODY THAT YOU CALLED TO COMPLAIN TO THAT WE HAVEN'T GONE OVER?

A I DON'T THINK SO.

Q IS THERE ANYTHING STRANGE OR OUTRAGEOUS ABOUT HIS BEHAVIOR THAT WE HAVEN'T TOUCHED ON TODAY?

A I -- I DON'T THINK SO. I THINK WE GOT IT PRETTY WELL COVERED.

Q OKAY. HAVE YOU FINALLY BEEN ABLE TO TELL WHAT HAPPENED?

A I THINK SO.

Q CONNIE, TELL ME SOMETHING. FROM WHEN YOU FIRST MET

HIM UNTIL YOU -- UNTIL LAURA LING'S MURDER WAS REPORTED ON TV, AND YOU CALLED 9-1-1, WAS THERE A PROGRESSION IN HIS BEHAVIOR?

A YES, THERE WAS.

Q TELL THE JURY ABOUT -- TELL THE JURY WHAT THE PROGRESSION WAS. HOW WOULD HE START OUT? DID YOU THINK HE WAS CRAZY WHEN YOU FIRST MET HIM?

A NO, I DIDN'T. AT FIRST I -- WHEN I FIRST SEEN HIM I THOUGHT, WELL, HE'S A LAWYER. HE LOOKS LIKE A LAWYER. HE'S DRESSED LIKE A LAWYER. HE ACTS LIKE A LAWYER. HE TALKS LIKE A LAWYER.

AS TIME WENT ON, I -- HE -- I MEAN, THERE WAS JUST -- YES, HIS BEHAVIOR BECAME MORE AND MORE BIZARRE.

Q WAS IT OBVIOUS FOR ANYBODY TO SEE WHO WOULD LOOK AT HIM?

A I BELIEVE SO. IT WAS VERY OBVIOUS TO US.

Q I'VE GOT ONE LAST QUESTION FOR YOU. DID YOU EVER TRY TO CALL LAURA LING AT THE LIBRARY TO TELL HER?

A YES, I DID.

Q WERE YOU ABLE TO DO THAT?

A NO, I WASN'T.

MR. KELLY: NO FURTHER QUESTIONS. YOUR WITNESS.

THE COURT: WE'RE GOING TO TAKE A BREAK. MADAM FORELADY, LADIES AND GENTLEMEN, YOU ALL HAVE BEEN SITTING SINCE A LITTLE BEFORE -- SINCE ABOUT 9:40 AND

IT IS NOW 11:34. I'M GOING TO GIVE YOU A BRIEF MORNING BREAK.

DURING THE BREAK PLEASE DO NOT DISCUSS THE CASE WITH ANY -- AMONG YOURSELVES. PLEASE LEAVE YOUR NOTEPADS IN YOUR SEATS. AND IF YOU NEED ANYTHING, PLEASE LET THE BAILIFFS KNOW. WE WILL BE AT EASE FOR ABOUT 10 MINUTES.

(JURY LEFT THE COURTROOM AT 11:34 AM.)

THE COURT: MA'AM, I NEED YOU TO STAY WHERE YOU ARE. THANK YOU.

(JURY CONTINUED LEAVING THE ROOM.)

THE COURT: YOU MAY BE SEATED. MA'AM, YOU MAY STEP DOWN, BUT PLEASE DO NOT DISCUSS YOUR TESTIMONY DURING THIS BREAK WITH ANYONE. WE'LL BE AT EASE FOR ABOUT 10 MINUTES.

(WHEREUPON COURT WAS IN RECESS.)

THE COURT: IS THE STATE READY TO PROCEED?

MR. HUMPHRIES: YES, YOUR HONOR.

THE COURT: IS THE DEFENSE READY TO PROCEED?

MR. KELLY: YES, MA'AM.

THE COURT: PLEASE, IF THE WITNESS WOULD RE-TAKE THE STAND.

THE COURT: MA'AM, IF YOU WOULD RE-TAKE THE WITNESS STAND.

(WITNESS RESUMED THE STAND.)

THE COURT: I WOULD REMIND YOU YOU'RE STILL UNDER OATH. PLEASE BRING IN THE JURY.

(JURY ENTERED THE COURTROOM AT 12:05 PM.)

THE COURT: LADIES AND GENTLEMEN, I HOPE THAT YOU ENJOYED YOUR BREAK. WE WILL NOW RESUME WITH THE CROSS-EXAMINATION OF THE WITNESS. YOU MAY PROCEED.

MR. HUMPHRIES: MAY IT PLEASE THE COURT.

THE COURT: YES, SIR.

CROSS-EXAMINATION

BY MR. HUMPHRIES:

Q GOOD MORNING, MS. PRICE.

A HI.

Q YOU REMEMBER ME?

A UH-HUH. YES.

Q WE HAVE SPOKEN?

A YES, WE HAVE.

Q YOU -- YOU TESTIFIED THAT YOU MET DEFENDANT STANKO FAIRLY EARLY ON IN NOVEMBER--

A NOVEMBER.

Q -- WASN'T IT?

A YES.

Q AND NOW, YOU TOLD THIS JURY THAT MS. LING TOLD YOU HE WAS A LAWYER?

A YES.

Q SHE -- YOU LATER LEARNED HE WAS -- WAS HOLDING

HIMSELF OUT AS A PARALEGAL; IS THAT CORRECT? DO YOU RECALL HAVING TOLD INVESTIGATOR BROWN THAT, THAT YOU LATER LEARNED--

A LATER LEARNED -- LATER ON, YES.

Q SURE. AND YOU WERE ASKING HIM TO ASSIST YOU IN A NUMBER OF MATTERS REALLY, LEGAL MATTERS.

A YES.

Q THE PROBATE OF YOUR MOTHER'S ESTATE?

A YES.

Q YOU HAD ALREADY HAD A MEDICAL MALPRACTICE LAWSUIT IN WHICH YOU DID NOT RECOVER; IS THAT CORRECT?

A THAT'S CORRECT.

Q OKAY. SO HE WASN'T HELPING YOU WITH THE MEDICAL MALPRACTICE LAWSUIT.

A YES, HE WAS.

Q OF COURSE, YOU HADN'T RECOVERED. HE WAS HELPING YOU WITH THE APPEAL?

A WITH THE APPEAL.

Q OH, OKAY. ALL RIGHT. AND YOU WERE ALSO ENTERTAINING A LEGAL MALPRACTICE LAWSUIT AGAINST THE LAWYER WHO REPRESENTED YOU IN THE MEDICAL MALPRACTICE LAWSUIT.

A YES.

Q OKAY. HE WAS GOING TO HELP YOU WITH THAT?

A YES.

Q OKAY. NOW, WHEN -- WHEN YOU FIRST MET DEFENDANT

STANKO, YOU WERE SATISFIED WITH THE MANNER IN WHICH HE WAS ASSISTING YOU, WERE YOU NOT, AT THE BEGINNING?

A AT THE BEGINNING, YES.

Q GAVE HIM MONEY, SO...

A YES.

Q AND YOU DIDN'T GIVE HIM MONEY RIGHT AT THE BEGINNING. YOU GAVE IT TO HIM SOME TIME LATER; DID YOU NOT?

A YES.

Q WHEN DID YOU GIVE IT TO HIM?

A THE CASH OR THE CHECK?

Q LET'S TALK ABOUT THE CHECK RIGHT NOW.

A I BELIEVE THE FIRST CHECK WAS AROUND FEBRUARY 15TH, 17TH, SOMETHING LIKE THAT.

Q WHAT ABOUT AFTER THAT? HOW MANY OTHER CHECKS DID YOU--

A JUST ONE OTHER CHECK, $400.

Q AND WHEN WAS THAT?

A I'D HAVE TO LOOK.

Q IT WAS AFTER FEBRUARY, THOUGH, 15TH OR 16TH WHATEVER IT WAS?

A I BELIEVE IT WAS.

Q OKAY. AND YOU HAD GIVEN HIM SOME CASH BEFORE THAT?

A YES.

Q SO IT'S FAIR TO SAY, IS IT NOT, THAT EVEN IN FEBRUARY AND PERHAPS EVEN SOME TIME AFTER THAT, YOU WERE SATISFIED

ENOUGH IN CONNECTION WITH WHAT HE WAS DOING WITH YOU TO GIVE HIM MONEY. IS THAT FAIR?

A WELL, AFTER MR. WALKER TOLD ME THAT HE DID GOOD WORK, I -- I, YEAH -- YEAH, THAT'S FAIR.

Q NOW, OF COURSE, HE LIED TO YOU RIGHT FROM THE BEGINNING; DIDN'T HE?

A YEAH.

Q FROM THE VERY BEGINNING?

A FROM THE VERY BEGINNING.

Q THAT DIDN'T CHANGE; DID IT?

A NO.

Q THE LYING. HE TOLD YOU HE OWNED ALL SORTS OF STUFF; DIDN'T HE?

A YES, HE DID.

Q PLANES, BOATS?

A JAGUAR, RACING HORSES, A BOAT.

Q HE TOLD YOU THAT RIGHT UP FRONT; DIDN'T HE?

A PRETTY MUCH, YEAH.

Q PRETTY MUCH. OKAY. LET'S -- OF COURSE, YOU CHARACTERIZED THE DEFENDANT'S MENTAL STATE OR HIS BEHAVIOR, LET'S SAY BEHAVIOR, AS BIZARRE AND CRAZY.

A YES.

Q OKAY. AND YOU SAID THAT THAT PROGRESSED, THAT IT GOT WORSE?

A YES.

Q OF COURSE, HE LIED TO YOU RIGHT FROM THE BEGINNING.
A YES.
Q BUT YOU TESTIFIED BEFORE THIS JURY THAT ONE OF THE THINGS THAT YOU CONSIDERED BIZARRE WAS HE LIED TO YOU.
A WELL, NOT -- I'M NOT USED TO BEING LIED TO LIKE THAT, YEAH.
Q OH, I UNDERSTAND. SURE. WELL, NO ONE LIKES TO BE LIED TO.
A YEAH.
Q SO THAT DIDN'T CHANGE. HE'S -- HE LIED IN THE BEGINNING. HE LIED AT THE END.
A YES.
Q RIGHT. OKAY. AND THE OTHER THING I BELIEVE YOU TOLD THIS JURY ABOUT -- ABOUT HIS CONDUCT THAT CHARACTERIZED THIS BIZARRE BEHAVIOR WAS THAT HE AGREED TO A TIME TO MEET YOU.
A YES.
Q AND HE DIDN'T SHOW UP AT THE APPOINTED TIME.
A NO.
Q HE CALLED.
A YEAH, HE'D CALL.
Q SAID HE WASN'T GOING TO BE THERE.
A YES.
Q SAID HE WAS DOING SOMETHING, GONE SOMEWHERE, GONE TO COLUMBIA, GONE--

A YES.
Q -- TO CONWAY.
A YES.
Q AND THEN HE WOULD SHOW UP LATER?
A RIGHT.
Q AND BASED ON THAT CONDUCT AND THE LIES, YOU BELIEVED THAT HIS BEHAVIOR HAD BECOME MORE BIZARRE OR CRAZY?
A WELL, NOT JUST BASED ON THAT, BUT YES.
Q WELL, THAT'S WHAT I'M ASKING.
A YES.
Q IS THERE ANYTHING IN ADDITION TO NOT SHOWING UP FOR APPOINTMENTS ON TIME AND CONTINUALLY LYING THAT YOU BASE YOUR OBSERVATION THAT HE WAS ACTING CRAZY AND BIZARRE?
A THE DOCUMENTS THAT HE WAS PRODUCING.
Q THE DOCUMENTS. THESE -- THESE DOCUMENTS. YOU WERE EVEN ABLE TO SEE THROUGH THEM; WERE YOU NOT?
A YEAH. YES.
Q WEREN'T VERY WELL DONE. THEY WEREN'T VERY WELL DONE; WERE THEY?
A NO.
Q BUT OF COURSE, YOU HAD HIM CONTINUE TO WORK FOR YOU EVEN AFTER HE PRODUCED TO YOU DEFENDANT'S 28, 29 AND 30. HE CONTINUED TO BASICALLY BE IN YOUR EMPLOY OR REPRESENT YOU AT LEAST IN...
A YES.

Q HE DID. SO HIS BEHAVIOR AT THAT POINT WASN'T SO CRAZY THAT YOU FELT LIKE YOU NEEDED TO TERMINATE THE BUSINESS RELATIONSHIP BETWEEN THE TWO OF YOU?

A NO. IF HE WOULD HAVE GIVE US OUR MONEY BACK, WE WOULD HAVE -- WOULDN'T HAVE HAD ANY -- WOULDN'T HAVE HAD A REASON TO HAVE ANYTHING ELSE TO DO WITH HIM.

Q WELL, SURE. DID YOU ASK FOR YOUR MONEY BACK?

A YEAH.

Q WHEN DID YOU ASK FOR YOUR MONEY BACK?

A WELL, PRETTY MUCH ALL ALONG. YOU EITHER GIVE ME MY MONEY BACK OR YOU CAN GIVE ME MY DOCUMENTS.

Q THERE WE GO. OKAY. AND THAT'S WHAT I WAS GETTING AT. GIVE ME MY MONEY BACK OR GIVE ME MY DOCUMENTS, MY PACKAGE.

A THE WORK.

Q RIGHT. THE WORK. THE WORK THAT HE WAS TO HAVE DONE ON YOUR BEHALF.

A RIGHT, YES.

Q AND THAT'S REALLY THE WAY IT WORKS WITH LAWYERS; ISN'T IT?

A I--

Q YOU EITHER GIVE ME MY RETAINER BACK OR GIVE ME THE WORK YOU'VE DONE FOR ME AND LET ME GO ON TO ANOTHER ONE.

A EXACTLY.

Q IT WAS BASED ON YOUR TESTIMONY THAT IN MARCH, THE

FIRST WEEK OR SO OF MARCH, YOU STARTED CALLING AROUND ABOUT DEFENDANT STANKO.

A RIGHT, A LOT.

Q A LOT. SURE. OH, THERE'S NO QUESTION ABOUT THAT. YOU CALLED DONNA WILLIAMS FROM THE CLERK OF COURT?

A YES.

Q DO YOU REMEMBER IF YOU CALLED HEATHER TOLAR FIRST OR SANFORD GRAVES FIRST?

A I KNOW THAT I SPOKE WITH HEATHER FIRST, I BELIEVE.

Q OKAY.

A BEFORE I -- I DON'T THINK I EVEN -- I DON'T KNOW. I CAN'T REMEMBER. I DO KNOW I SPOKE WITH HEATHER IN DETAIL A GREAT BIT THE FIRST CONVERSATION THAT WE HAD.

Q OKAY. IN FACT, YOU TALKED TO ABOUT SIX PEOPLE AT THE SOLICITOR'S OFFICE?

A AT LEAST.

Q AT LEAST. YOU HAVE TESTIFIED YOU TALKED TO THREE PEOPLE AT THE PROBATION OFFICE.

A YES.

Q RIGHT? YOU SAY THAT YOU TALKED TO SLED.

A YES.

Q WHO DID YOU TALK WITH THEN?

A I DON'T KNOW. I DON'T REMEMBER. HE WASN'T VERY RECEPTIVE. HE DIDN'T REALLY WANT TO HEAR WHAT I HAD TO SAY.

Q OKAY. CALLED ALCOHOL, TOBACCO, AND FIREARMS?
A YES.
Q AND DO YOU KNOW WHAT ALCOHOL, TOBACCO, AND FIREARMS DOES?
A WELL, I KNEW THAT THEY WERE LAW ENFORCEMENT. I FIGURED, HEY, NOBODY ELSE WOULD DO ANYTHING, MAYBE THEY WILL.
Q OKAY. YOU KNOW WHAT ATF STANDS FOR?
A ALCOHOL, TOBACOO, AND FIREARMS.
Q DO YOU HAVE ANY COMPLAINTS ABOUT DEFENDANT STANKO AS RELATES TO ALCOHOL, TOBACCO, AND FIREARMS?
A NO.
Q OKAY. DEA. YOU CALLED THE DEA. DO YOU REMEMBER TO WHOM YOU SPOKE AT THE DEA?
A NOT RIGHT OFF, BUT I PROBABLY HAVE IT IN MY NOTES BECAUSE I TRIED TO...
Q THAT'S OKAY. DO YOU KNOW WHAT DEA STANDS FOR?
A DRUG ENFORCEMENT AGENCY.
Q DRUG ENFORCEMENT. DID YOU HAVE ANY COMPLAINTS IN REGARD TO DEFENDANT STANKO AS RELATES TO DRUGS?
A NO.
Q YOU CALLED THE FBI?
A YES, SIR.
Q MIGHT BE GETTING A LITTLE CLOSER THERE.
A I THOUGHT SO.

Q YEAH. WHO DID YOU TALK WITH THERE?
A WELL, I -- I CALLED SPECIFICALLY WANTING TO SPEAK TO DAVID FORD.
Q DAVID...
A DAVID FORD.
Q UH-HUH.
A BECAUSE I KNEW -- I HAD SPOKEN TO HIM IN THE PAST. I KNEW OF DAVID FORD. OF COURSE, I DIDN'T GET HIM.
Q RIGHT.
A BUT I -- I DON'T REMEMBER THE OFFICER, THE AGENT OR WHATEVER, I DON'T REMEMBER HIS NAME RIGHT OFF, BUT I'M SURE I HAVE IN MY NOTES.
Q CALLED HORRY COUNTY POLICE DEPARTMENT.
A YES.
Q ON MORE THAN ONE OCCASION?
A YES, SIR.
Q AND YOU CALLED, MADE AN APPOINTMENT WITH INVESTIGATOR BERTANG?
A YES.
Q YOU -- YOU WERE FRIGHTENED OF THE DEFENDANT; WEREN'T YOU?
A NOT REALLY FRIGHTENED. I DIDN'T WANT TO BE IN THE CAR WITH HIM ALONE, JUST THE TWO OF US.
Q OF -- WHY?
A I DIDN'T TRUST HIM.

Q DIDN'T TRUST HIM TO DO OR NOT DO, WHY?
A WELL, I GUESS YOU COULD SAY, YEAH, AT ONE POINT I BECAME SCARED OF HIM.
Q AND IN FACT, ON THAT TRIP TO CHARLOTTE, WHICH WAS IN LATE MARCH--
A YES.
Q -- YOU NOTICED HE HAD A KNIFE IN THE VEHICLE WITH HIM; DID YOU NOT?
A I BELIEVE IT WAS A KNIFE. I'M NOT POSITIVE, BUT YES.
Q YOU TOLD US IT WAS A KNIFE.
A I SAID I BELIEVE IT WAS A KNIFE.
Q YEAH. AND THAT MADE YOU VERY ANXIOUS; DID IT NOT?
A THAT MADE ME SCARED.
Q RIGHT. CERTAINLY.
A YEAH.
Q CERTAINLY. YOU WERE ALONE IN THE VEHICLE WITH HIM.
A YES.
Q AND IN FACT, WHEN HE SAID HE COULDN'T GET THE APPOINTMENT WITH THE TWO ESTEEMED SENATORS, YOU WERE MORE THAN HAPPY TO TURN BACK AROUND AND GO HOME; WEREN'T YOU?
A YES, I WAS.
Q THE TIME HE WANTED TO COME INTO YOUR HOUSE TO CHECK OUT THE WIRING, WAS HE ANGRY WITH YOU AT THAT TIME?
A I DON'T -- IF HE WAS, HE DIDN'T -- DIDN'T SHOW IT.
Q DIDN'T APPEAR TO BE ANGRY WITH YOU?

A NO.
Q YOU DIDN'T WANT HIM IN YOUR HOUSE?
A NO. HE WASN'T GETTING IN MY HOUSE.
Q MA'AM?
A HE WASN'T GETTING IN MY HOUSE.
Q AND WHY?
A BECAUSE I DIDN'T TRUST HIM.
Q DIDN'T TRUST HIM?
A DIDN'T WANT HIM IN MY HOUSE, TO BE IN MY HOUSE ALONE WITH ME.
Q WHY?
A I WASN'T GOING TO GIVE HIM ANY OPPORTUNITIES.
Q TO... DO WHAT?
A TO DO ANYTHING.
Q LIKE...
A HARM ME.
Q OKAY. AND I'M NOT -- I'M NOT TRYING TO PUSH YOU. I'M JUST -- I'M TRYING TO TAKE IT TO ITS LOGICAL CONCLUSION.
A I DON'T KNOW THAT HE WOULD HAVE, BUT--
Q SURE.
A -- I WASN'T GOING TO GIVE HIM A CHANCE.
Q CERTAINLY. OF COURSE, YOU HAD -- YOU HAD SEEN HIM, YOU HAD HAD AT LEAST A BUSINESS RELATIONSHIP WITH HIM OVER, WHAT, SIX, SIX MONTHS?

A SIX MONTHS, YEAH.
Q ON AN ALMOST DAILY BASIS?
A ALMOST DAILY BASIS.
Q YOU HAVE LET OTHER FOLKS IN YOUR HOME THAT YOU HAVE KNOWN LESS TIME; HAVEN'T YOU?
A NO, NOT REALLY.
Q REALLY?
A NOT REALLY.
Q YOU'VE LET NO ONE ELSE IN YOUR HOME THAT YOU HAVE KNOWN LESS THAN SIX MONTHS?
A WELL, I'M SURE THAT I HAVE, BUT I REALLY DON'T HAVE THAT MANY PEOPLE THAT COME TO MY HOUSE.
Q I UNDERSTAND. BUT THERE WAS A REASON WHY YOU DIDN'T WANT STEPHEN STANKO IN YOUR HOME.
A YES, SIR.
Q LET'S TALK ABOUT THE WEDNESDAY, OKAY, WHEN YOU WERE GETTING -- YOUR NIECE WAS IT--
A YES.
Q -- READY TO GO TO THE PROM.
A YES.
Q FIRST PROM.
A YES.
Q AND THAT'S A BIG DAY.
A YES.
Q AND DESPITE ALL THIS TROUBLE YOU HAD HAD WITH STEPHEN

STANKO AND HIM NOT DELIVERING THE DOCUMENTS THAT YOU REQUESTED, THAT ONE DAY--

A UH-HUH.

Q -- YOU SAID, NOT TODAY, I'M FOCUSING ALL MY ATTENTION ON MY NIECE, NOT TODAY.

A YES.

Q NOW, ALSO ON THAT DAY, DIDN'T YOU -- DIDN'T YOU TELL DEFENDANT STANKO IF HE DIDN'T BRING YOU YOUR MONEY OR YOUR PACKAGE, YOU WERE GOING TO THE POLICE?

A YEAH.

Q YOU DID?

A YES.

Q THAT DAY?

A YES.

Q WEDNESDAY, WHICH IS GOING TO BE THE SIXTH?

A RIGHT.

Q RIGHT. OKAY.

A WELL, ACTUALLY I TOLD HIM I WAS GOING TO THE POLICE, I HAD AN APPOINTMENT, AND IF THEY WOULD LISTEN TO ME, I'M GOING TO TELL THEM.

Q NO QUESTION ABOUT THAT.

A NO QUESTION ABOUT THAT.

Q TWO DAYS BEFORE LAURA LING'S MURDER?

A YES, SIR.

Q HIS TIME WAS RUNNING OUT WITH YOU; WASN'T IT?

A YES.
Q NOW, YOU DID TALK WITH HIM, THAT IS THE DEFENDANT, THAT NEXT DAY AFTER YOU SPOKE WITH INVESTIGATOR BERTANG?
A YES.
Q AND SURELY YOU -- YOU DIDN'T TELL DEFENDANT STANKO THAT THE INVESTIGATOR HAD NOT LISTENED TO YOU OR DIDN'T CARE WHAT YOU WERE SAYING?
A WELL, KIND OF SORT OF I DID BECAUSE I WAS UPSET THAT HE DIDN'T LISTEN TO ME, AND, YEAH, KIND OF -- I DID.
Q OKAY. LET ME GET THIS RIGHT. YOU HAVE TOLD DEFENDANT STANKO THAT YOU WERE GOING TO THE POLICE, YOU WERE DONE WITH HIM AND YOU WERE GOING TO LAY IT ALL OUT AND HE WAS GOING TO BE IN BIG TROUBLE.
A WELL, I DON'T KNOW IF HE WAS GOING TO BE IN BIG TROUBLE BECAUSE SO FAR NOBODY...
Q WELL, I UNDERSTAND THAT, BUT THAT'S THE MESSAGE YOU INTENDED TO CONVEY TO DEFENDANT STANKO; ISN'T IT?

MR. KELLY: OBJECTION.

THE COURT: BASIS.

MR. KELLY: THE LADY WAS EXPLAINING HER ANSWER AND HE INTERRUPTED HER. HE SAID, I UNDERSTAND THAT, BUT ALLOW HER TO FINISH WHAT SHE WAS SAYING.

THE COURT: I OVERRULE THE OBJECTION. MA'AM, YOU ARE -- JUST SO YOU UNDERSTAND, YOU CAN FULLY EXPLAIN YOUR ANSWERS. IS THERE ANYTHING MORE YOU

NEEDED TO EXPLAIN REGARDING YOUR LAST ANSWER?

THE WITNESS: I FORGOT THE QUESTION.

THE COURT: DO YOU NEED HIM TO REPEAT THE QUESTION FOR YOU?

THE WITNESS: YES, MA'AM.

THE COURT: YOU CAN REPEAT THE QUESTION.

MR. HUMPHRIES: JUDGE, I'M NOT SURE I REMEMBER THE QUESTION EXACTLY THE WAY I PHRASED IT AT THIS POINT.

BY MR. HUMPHRIES:

Q NO QUESTION THAT YOU INTENDED TO EXPRESS TO DEFENDANT STANKO THAT YOU WERE GOING TO THE POLICE AND YOU WERE GOING TO LAY IT ALL OUT AND HE WAS GOING TO BE IN BIG TROUBLE.

A RIGHT.

Q NOW, ARE YOU TELLING THIS JURY WHEN YOU TALKED TO HIM ON THURSDAY THAT YOU SORT OF LET HIM OFF THE HOOK AND SAID, I TOLD THE INVESTIGATOR BUT HE DIDN'T SEEM TO CARE?

A WELL, NOT NECESSARILY. I TOLD HIM THAT I TALKED TO HIM AND JUST BECAUSE HE DIDN'T WANT TO LISTEN DIDN'T MEAN THAT THAT WAS GOING TO STOP ME.

Q OKAY.

A AND IT WOULDN'T HAVE.

Q WELL--

A I KNEW THERE WAS SOMETHING WRONG WITH HIM.

Q AND JUST SO WE CAN GET THE TIMELINE STRAIGHT. YOU TALKED TO INVESTIGATOR STEVE BROWN ON MAY FOURTH OF '05, LESS THAN A MONTH AFTER LAURA LING'S DEATH; DID YOU NOT?

A THAT SOUNDS ABOUT RIGHT.

Q YOU HADN'T TALKED TO ANYBODY ELSE AT THAT POINT; HAD YOU?

A UM, NO.

Q HE WAS THE FIRST ONE THAT YOU WERE ABLE TO TELL YOUR STORY TO; ISN'T THAT RIGHT?

A WHEN I CALLED HIM, YEAH.

Q RIGHT. AND THEN SUBSEQUENTLY YOU MET WITH BOTH THE SOLICITOR AND ME?

A YES.

Q DID WE LET YOU TELL YOUR WHOLE STORY?

A PRETTY MUCH.

Q NOW, THERE WAS A POINT IN WHICH YOU THOUGHT THE DEFENDANT WAS ACTUALLY PRESSURING YOU; ISN'T THAT TRUE?

A I DON'T KNOW. WHAT DO YOU MEAN?

Q HE WAS BOTHERING YOU.

A BOTHERED ME, YES.

Q AND YOU FELT LIKE HE WAS PRESSURING YOU.

A I FELT LIKE HE WAS BOTHERING ME.

Q OF COURSE, YOUR OPINION ABOUT LAURA LING WAS THAT SHE WAS SWEET AND NICE, AND YOU JUST WANTED TO CALL AND THANK HER ABOUT THAT. ISN'T THAT WHAT YOU TOLD INVESTIGATOR

BROWN?
A WELL, THE DAY -- THE DAY THAT WE -- THE DAY THAT WE MET STEPHEN, WE WENT TO THE LIBRARY AFTER MEETING HIM ACTUALLY BECAUSE GARY HAD CHECKED OUT SOME BOOKS AND NEEDED TO RETURN THEM, AND HE GOT A NEW LIBRARY CARD, AND I WAS GOING TO THANK LAURA BUT SHE WAS IN A COMPUTER CLASS I THINK IT WAS, AND I LEFT A NOTE WITH THE LADY AT THE FRONT DESK AND I -- I ASSUME SHE GAVE IT TO HER. I DON'T KNOW.
Q BUT THAT WAS THE GIST OF THE NOTE, THAT YOU WERE THANKFUL AND...
A YES, I WAS THANKFUL BECAUSE AT THAT TIME I THOUGHT I HAD SOME HELP.
Q THE -- THE ENTIRE PROBLEM THAT YOU HAD WITH STEPHEN STANKO WAS YOU HAD PAID HIM FOR SOME SERVICES.
A YES.
Q AND HE HAD NOT LIVED UP TO YOUR EXPECTATION IN REGARD TO THOSE SERVICES.
A WELL, THAT WAS MY BIGGEST CONCERN.
Q SURE. AND YOU KNEW THAT HE WAS OR AT LEAST HELD HIMSELF OUT AT THAT POINT AS A PARALEGAL AND NOT A LAWYER; IS THAT TRUE?
A LATER ON, YES, THAT'S TRUE.
Q SURE. SO BASICALLY YOUR DISSATISFACTION WITH DEFENDANT STANKO WAS HE WASN'T DOING THE JOB YOU EXPECTED.

A YES.
Q OKAY. AND THAT'S THE CONCERN THAT YOU EXPRESSED TO INVESTIGATOR BERTANG, THAT YOU HAD PAID HIM MONEY, THAT HE WASN'T DOING THE JOB THAT YOU EXPECTED.
A WELL, DETECTIVE BERTANG -- I DIDN'T GET THAT FAR BECAUSE HE TOLD ME -- WHEN I TRIED TO SHOW HIM THOSE DOCUMENTS AND HE TOLD ME--
Q WELL, WE CAN'T -- YOU CAN'T TALK ABOUT WHAT HE TOLD YOU.

MR. KELLY: OBJECTION.

THE COURT: OVERRULED. SHE'S STILL -- EVEN THOUGH THE QUESTION AND THE WAY IT WAS FORMED, I DO NOT BELIEVE THE QUESTION WAS INTENDED TO ELICIT HEARSAY. SHE STILL CANNOT SAY WHAT HE SAID TO HER. IT WOULD NOT BE AN APPROPRIATE RESPONSE.

MA'AM, YOU CANNOT SAY WHAT ANYONE SAID TO YOU EXCEPT FOR THE DEFENDANT.

MR. KELLY: MA'AM, GIVEN THAT INSTRUCTION, SHE WOULD STILL HAVE THE OPPORTUNITY TO GO FORWARD--

THE COURT: CERTAINLY, AND I'M GOING TO ALLOW--

MR. KELLY: -- IN HER EXPLANATION AND NOT BE CUT OFF BY THE SOLICITOR.

THE COURT: I'M GOING TO ALLOW HER TO RESPOND TO THE QUESTION ASKING HER -- INCLUDING HEARSAY AND THE ANSWER.

MR. KELLY: THANK YOU, MA'AM.

THE COURT: YOU'RE WELCOME. MA'AM, WITH THAT INSTRUCTION, YOU MAY RESPOND TO THE QUESTION.

THE WITNESS: WHAT WAS THE QUESTION?

THE COURT: WOULD YOU LIKE US TO REPEAT IT FOR YOU?

THE WITNESS: I'M SORRY.

BY MR. HUMPHRIES:

Q AND THAT'S THE CONCERN YOU EXPRESSED TO INVESTIGATOR BERTANG, THAT YOU HAD PAID HIM MONEY AND THAT HE WASN'T DOING THE JOB YOU EXPECTED.

A NO, I DIDN'T. DIDN'T GET TO DO THAT.

Q DIDN'T EVEN GET THAT FAR.

A NO.

Q BUT THAT WAS YOUR COMPLAINT IN A NUTSHELL?

A YES.

Q OKAY. OF COURSE, YOU DON'T -- WELL, YOU'RE NOT A LAWYER.

A NO.

Q NOTHING WRONG WITH THAT. YOU'RE NOT A POLICE OFFICER.

A NO.

Q AND YOU DON'T KNOW WHETHER A SITUATION WHERE YOU'VE RETAINED SOMEONE'S SERVICES AND THEY'VE FAILED TO PERFORM ADEQUATELY, WHETHER THAT CONSTITUTES A CRIMINAL OFFENSE OR

NOT; DO YOU?

A I DON'T KNOW, NO.

Q RIGHT.

A NO.

Q YOU DID TALK WITH THE MEDIA AFTER LAURA LING'S MURDER; DID YOU NOT?

A YES. EXCUSE ME.

Q DEFENDANT STANKO TOLD YOU THAT HE HAD WRITTEN A BOOK.

A YES.

Q TOLD YOU THAT HE WAS THINKING ABOUT WRITING A BOOK ABOUT YOUR SITUATION AS WELL; DIDN'T HE?

A YES, SIR.

Q YOU'RE NOT WRITING A BOOK; ARE YOU?

A NO.

Q OKAY. ISN'T IT TRUE, MS. PRICE, THAT YOU THOUGHT THAT DEFENDANT STANKO, AFTER HAVING LEARNED ALL YOU HAD IN REGARD TO LAURA LING AND WHILE HE WAS ON THE LOOSE, DIDN'T YOU EXPRESS CONCERNS TO A NUMBER OF FOLKS THAT YOU FELT YOU WOULD BE THE NEXT ONE THAT HE KILLED?

A WELL, I FELT LIKE HE WAS ANGRY WITH ME, YES. I WAS CONCERNED ABOUT THAT, YES.

MR. HUMPHRIES: BEG THE COURT'S INDULGENCE. I DON'T HAVE ANY FURTHER QUESTIONS. THANK YOU.

THE COURT: ANY REDIRECT FOR THE WITNESS?

REDIRECT EXAMINATION

BY MR. KELLY:

Q CONNIE, HAVE YOU EVER LET MY INVESTIGATORS COME INTO YOUR HOUSE?

A NO.

Q YOU HAVEN'T. DO YOU HAVE ANIMALS?

A YES, I DO.

Q WHAT KIND OF ANIMALS DO YOU HAVE?

A I HAVE A POODLE, I HAVE A -- I DON'T KNOW REALLY WHAT KIND OF DOG HE IS. HE WAS MY DAUGHTER'S WHEN HE WAS A PUPPY, AND I DON'T KNOW THAT HE'LL BITE ANYBODY, BUT I'M NOT GOING TO GIVE HIM THE CHANCE. YOU KNOW, HE'S KIND OF MY GUARD DOG, WATCH DOG.

Q IS IT -- IS IT YOUR POLICY OR YOUR -- YOUR HABIT THAT -- TO BE PRIVATE AND KEEP PEOPLE OUT OF YOUR HOUSE? IS THAT YOUR HABIT OF DOING THINGS?

A IF I DON'T KNOW THEM, YES.

Q. THANK YOU, MA'AM. DON'T HAVE ANY FURTHER QUESTIONS.

THE COURT: ANY OBJECTION TO THE WITNESS BEING EXCUSED FROM THE STATE?

MR. HUMPHRIES: NONE FROM THE STATE.

THE COURT: FROM THE DEFENSE?

MR. KELLY: NO, MA'AM.

THE COURT: MA'AM, YOU'RE EXCUSED.

(WITNESS LEFT THE STAND.)

THE COURT: YOU MAY PROCEED.

MR. KELLY: WE MAY PROCEED, MA'AM?

THE COURT: JUST AS A REMINDER TO THE GALLERY, PLEASE MAKE SURE THAT ALL OF YOUR CELLPHONES OR OTHER ELECTRONIC DEVICES ARE IN THE OFF POSITION. THAT MEANS THAT THEY SHOULD NOT BE ON VIBRATE. THEY SHOULD NOT BE ON ANY TYPE OF REMINDER. IF THEY GO OFF, THEY WILL BE CONFISCATED BY SECURITY.

MR. KELLY: MRS. DEWITT OF HUMAN RESOURCES.

THRESLA DEWITT, AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

THE COURT: SPELL YOUR FIRST NAME FOR THE BENEFIT OF THE COURT REPORTER.

THE WITNESS: T-H-R-E-S-L-A.

THE COURT: YOU MAY PROCEED.

DIRECT EXAMINATION

BY MR. KELLY:

Q MA'AM, MY NAME IS GERALD KELLY. HAVE YOU AND I EVER MET?

A NO, SIR, WE HAVE NOT.

Q AND HAVE WE EVER TALKED ON THE TELEPHONE TOGETHER?

A NO.

Q BUT YOU HAVE TALKED WITH DALE DAVIS, MY INVESTIGATOR?

A I'M SORRY?

Q THE -- VICKY CHILDS, MY INVESTIGATOR?

A YES.

Q AND WHERE DO YOU WORK, MA'AM?
A WITH THE HORRY COUNTY HUMAN RESOURCES DEPARTMENT.
Q AND WHAT'S YOUR POSITION THERE?
A ASSISTANT DIRECTOR OF HUMAN RESOURCES.
Q HOW LONG HAVE YOU BEEN THERE?
A TWENTY-EIGHT YEARS.
Q YOU'RE VERY FAMILIAR WITH THAT, THEN; AREN'T YOU?
A YES.
Q AND I WANT YOU TO TAKE A LOOK AT A DOCUMENT THAT I'M HOLDING. JUST TELL ME DO YOU RECOGNIZE IT. WILL YOU DO THAT FOR ME?
A SURE.
Q OKAY. IS -- MA'AM, IT HAS THREE PAGES. PLEASE LOOK AT ALL THREE PAGES.
A OKAY. OKAY.
Q DO YOU RECOGNIZE THAT DOCUMENT?
A I DO.

MR. KELLY: SHOW IT TO THE SOLICITOR, PLEASE MA'AM. I'D OFFER IT INTO EVIDENCE.

MR. HEMBREE: YOUR HONOR, THIS DOCUMENT HAS NOT BEEN PROVIDED--

THE COURT: NO SPEAKING OBJECTIONS. IS THERE AN OBJECTION TO THE DOCUMENT?

MR. HEMBREE: NO, YOUR HONOR. THERE'S NO OBJECTION.

THE COURT: MARKED AND ADMITTED WITHOUT OBJECTION SUBJECT TO THE -- THE WITNESS BEING ABLE TO IDENTIFY THE DOCUMENT.

MR. HEMBREE: YOUR HONOR, WE WOULD LIKE TO OBTAIN A COPY OF THAT.

THE COURT: CERTAINLY. WE WILL MAKE SURE THAT WE HAVE THAT PRIOR TO CROSS-EXAMINATION OF THE WITNESS.

BY MR. KELLY:

Q AND MRS. DEWITT, YOU SAID YOU DID RECOGNIZE THE DOCUMENT; CORRECT?

A YES.

(WHEREUPON, DEFENDANT'S EXHIBIT 31 WAS ADMITTED INTO EVIDENCE.)

COURT REPORTER: THANK YOU.

THE COURT: YOU'RE WELCOME.

BY MR. KELLY:

Q GIVE IT TO THE WITNESS, PLEASE MA'AM. MRS. DEWITT, PLEASE TAKE ANOTHER LOOK AT IT. TELL THE JURY WHAT IT IS.

A IT IS AN ACTIVE NOTICE OF ELECTION THAT EMPLOYEES USUALLY COMPLETE IF THEY WANT TO ADD OR DELETE A FAMILY MEMBER FROM THEIR INSURANCE COVERAGE.

Q IT'S A DOCUMENT THAT WHO COMPLETES?

A OUR EMPLOYEES, ANY EMPLOYEE IN THE WORK FORCE.

Q AND WHAT FORCE WOULD THAT BE, MA'AM?

A HORRY COUNTY GOVERNMENT.
Q AND IN THIS CASE WHAT EMPLOYEE ARE WE TALKING ABOUT?
A LAURA LING.
Q DID SHE FILL THAT OUT IN YOUR OFFICE IN ORDER TO DO JUST WHAT YOU SAID, ADD SOMEBODY ONTO HER HEALTH INSURANCE?
A YES, SHE DID.
Q AND IS THAT WHAT THAT DOCUMENT REFLECTS?
A YES, IT DOES.
Q AND ATTACHED TO THAT DOCUMENT IS A STATEMENT BY LAURA LING AS A THIRD PAGE?
A YES.
Q IS IT SIGNED BY HER?
A YES, IT IS.
Q AND WHAT IS THE DATE ON THAT, MA'AM?
A I'M SORRY?
Q IS THERE A DATE ON IT?
A YES. IT'S JANUARY 28TH, 2005.
Q READ THE -- READ THE BODY OF THE DOCUMENT TO THE JURY, PLEASE MA'AM.
A TO WHOM IT MAY CONCERN. STEPHEN CHRISTOPHER STANKO, DATE OF BIRTH 1-13-68, AND I HAVE BEEN LIVING TOGETHER AT 3960 MURRELLS INLET ROAD, MURRELLS INLET, SOUTH CAROLINA, 29576 AS COMMON LAW MAN AND WIFE SINCE JANUARY 1, 2005. SINCERELY, LAURA LING.

Q AND THIS DOCUMENT WOULD HAVE EFFECTIVELY ADDED STEPHEN STANKO TO HER INSURANCE. IS THAT WHAT IT *WOULD* DO?

A YES, IT DOES.

Q AND IT -- AS A RESULT OF THAT, HE WOULD BE ABLE TO GET INSURED BENEFITS AND HEALTH?

A YES.

Q AND WOULD THAT INCLUDE MENTAL HEALTH?

A YES. THERE ARE MENTAL HEALTH BENEFITS, YES.

Q OKAY. THANK YOU, MA'AM. PLEASE GIVE THIS LADY THE DOCUMENT. WE'LL PUBLISH IT TO THE JURY.

THE COURT: PRIOR TO PUBLISHING THE DOCUMENT I NEED TO GIVE THE SOLICITOR AN OPPORTUNITY TO REVIEW THIS DOCUMENT FOR CROSS-EXAMINATION PURPOSES AFTER WHICH IT WILL BE PUBLISHED TO THE JURY.

MR. KELLY: THANK YOU, MA'AM.

MR. HEMBREE: THANK YOU, YOUR HONOR.

THE COURT: DO YOU NEED ADDITIONAL TIME TO PREPARE FOR CROSS-EXAMINATION OR ARE YOU PREPARED TO PROCEED?

MR. HEMBREE: I'M PREPARED TO PROCEED, YOUR HONOR.

THE COURT: YOU MAY PROCEED.

CROSS-EXAMINATION

BY MR. HEMBREE:

Q HEY, MRS. DEWITT.
A HOW ARE YOU?
Q I'M DOING FINE.
A GOOD.
Q LET ME ASK YOU ABOUT THIS -- THIS METHOD OR I GUESS PROCESS OF ADDING SOMEONE TO YOUR HEALTH INSURANCE POLICY. AND I DON'T -- I JUST DON'T UNDERSTAND -- I SHOULD KNOW THESE POLICIES AND PROCEDURES, I SUSPECT, BUT I'M NOT THAT FAMILIAR WITH THEM.

IN A SITUATION, JUST SORT OF HYPOTHETICALLY, IF A PERSON IS IN A SITUATION, THEY ARE A COUNTY EMPLOYEE AND THEY WISH TO ADD SOMEONE TO THEIR INSURANCE, ANOTHER ADULT, YET THEY ARE NOT MARRIED TO THAT ADULT, HOW WOULD THEY GO ABOUT ACCOMPLISHING THAT?

A THEY -- JUST AS SHE DID, WE HAVE TO -- THEY HAVE TO PROVIDE DOCUMENTATION, NOTARIZED DOCUMENTATION, THAT THEY ARE LIVING TOGETHER OR DECLARED AS COMMON LAW MAN AND WIFE.
Q OKAY. SO THIS IS A PROCEDURE THAT HAS BEEN USED PREVIOUSLY TO ACCOMPLISH THAT SAME OBJECTIVE?
A YES, IT IS.
Q I UNDERSTAND. AND IF THAT QUESTION WERE TO BE PUT TO YOU OR SOMEONE IN YOUR DEPARTMENT, HOW DO I DO THIS, IS THIS THE PROCEDURE THAT YOU WOULD ADVISE THEM TO FOLLOW?
A YES.

Q AND DO YOU -- WERE YOU INVOLVED IN ADVISING MS. LING SPECIFICALLY OR--

A NO, I WAS NOT.

Q SOMEONE ELSE IN YOUR DEPARTMENT MAY HAVE?

A YES.

Q UNDERSTOOD. NOW, LET ME ASK YOU ABOUT ITEM 26 ON THIS DOCUMENT. IT SAYS DEPENDENT LIFE. SPOUSE.

A UH-HUH.

Q AND I BELIEVE THERE'S A -- LET ME SHOW YOU THIS. YOU HAVE A COPY OF THAT THERE?

A YEAH.

Q YES, MA'AM. AND IT SHOWS HERE THAT THERE IS A COVERAGE LEVEL OF $20,000 IN LIFE INSURANCE.

A CORRECT.

Q AND THAT $20,000 IN LIFE INSURANCE BASED ON THIS DOCUMENT WOULD GO TO THE PERSON LISTED AS SPOUSE; CORRECT?

A THIS PARTICULAR INSURANCE COVERAGE IS ON THE PERSON SHE HAS ADDED AS HER SPOUSE.

Q OKAY. NOW, DOES SHE HAVE ANY LIFE INSURANCE ON HERSELF?

A YES, SHE DID.

Q OKAY. AND DID SHE LIST A BENEFICIARY FOR HER LIFE INSURANCE?

A YES, SHE DID.

Q WHO WAS THAT?

A HER CHILDREN.
Q VERY GOOD. THANK YOU, MA'AM. I DON'T HAVE ANY FURTHER QUESTIONS.
A OKAY.
THE COURT: ANY REDIRECT OF THE WITNESS?
MR. KELLY: ONLY THIS, MA'AM.

REDIRECT EXAMINATION

BY MR. KELLY:
Q MRS. DEWITT, YOU RESPONDED HERE BY OUR SUBPOENA. IS THAT CORRECT?
A YES.
Q MA'AM, I WANT TO THANK YOU FOR COMING HERE AND GIVING US YOUR TIME.
A YOU'RE WELCOME.
MR. KELLY: I HAVE NOTHING MORE.
THE COURT: ANY EXCEPTION TO THE WITNESS BEING EXCUSED FROM THE STATE?
MR. HEMBREE: NONE FROM THE STATE, YOUR HONOR.
THE COURT: FROM THE DEFENSE?
MR. KELLY: NO, MA'AM.
THE COURT: MA'AM, YOU'RE EXCUSED.
THE WITNESS: THANK YOU.
(WITNESS LEFT THE STAND.)
THE COURT: YOU'RE WELCOME. HAS THE STATE COMPLETELY REVIEWED THE DOCUMENT, THE EXHIBIT?

MR. HEMBREE: YES.

THE COURT: GIVE THEM TO THE JURY.

MR. HEMBREE: YES. I WILL GIVE THEM TO THE JURY, YOUR HONOR.

THE COURT: YOU MAY CALL YOUR NEXT WITNESS.

MR. KELLY: MR. FULMER.

THE COURT: SIR, IF YOU WOULD COME TO THE WITNESS STAND AND BE SWORN.

JOHN FULMER, AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

THE WITNESS: JOHN FULMER, F-U-L-M-E-R.

THE COURT: YOU MAY PROCEED.

DIRECT EXAMINATION

BY MR. KELLY:

Q MR. FULMER, MY NAME IS GERALD KELLY. HAVE YOU AND I EVER MET?

A NO, SIR.

Q I BELIEVE YOU AND I NEVER EVEN TALKED TOGETHER; HAVE WE?

A NO, SIR.

Q BUT YOU HAVE SPOKEN WITH MY INVESTIGATOR, DALE DAVIS?

A YES, SIR.

Q AND I WANT TO THANK YOU FOR RESPONDING TO OUR SUBPOENA. TELL THE JURY WHERE YOU WORK.

A I'M A PRINCIPAL AT GOOSE CREEK HIGH SCHOOL.

Q HOW LONG HAVE YOU BEEN THE PRINCIPLE AT GOOSE CREEK HIGH SCHOOL?
A WELL, I BEEN PRINCIPLE SINCE '96. I HAVE BEEN THERE SINCE 1973, FOOTBALL COACH, AND THEN IN '81 I BECAME ASSISTANT PRINCIPLE.
Q WERE YOU THE ASSISTANT PRINCIPLE WHEN STEPHEN STANKO WAS AT THE HIGH SCHOOL?
A YES, SIR.
Q AND DO YOU REMEMBER HIM AS A STUDENT?
A I -- I REMEMBER STEVE.
Q TELL US A LITTLE BIT ABOUT WHAT YOU REMEMBER HIM AS.
A STEVE WAS A -- WAS A GOOD STUDENT. ACADEMICALLY HE WAS INVOLVED IN BETA CLUB AND SCIENCE CLUB AND JUST A ACTIVE SCHOOL CITIZEN, NEVER IN ANY TROUBLE IN SCHOOL AT ALL, JUST A GOOD COLLEGE PREP LEVEL STUDENT.
Q NOW, HE -- HAVE YOU LOOKED THROUGH HIS PROGRESS REPORTS BEFORE YOU CAME UP HERE WHEN HE WAS -- WHEN HE WAS A STUDENT?
A YES, SIR.
Q AND IS THERE ANYTHING DEROGATORY ABOUT HIM IN THOSE PUBLISHED REPORTS?
A NO, SIR, NOTHING.
Q WAS HE ALSO AN ATHLETE AT YOUR SCHOOL?
A STEVE PLAYED FOOTBALL I THINK EARLY IN HIS YEARS. I DON'T THINK HE FINISHED UP AS A SENIOR DOING THAT, BUT I

BELIEVE HE PLAYED FOOTBALL.

Q SIR, CAN YOU SEE THIS, THIS PICTURE THAT'S UP BEFORE THE JURY?

A NO, SIR. I CAN'T SEE IT.

Q CAN YOU STEP DOWN?

THE COURT: IF YOU LOOK THIS DIRECTION, YOU CAN SEE MINE.

MR. HUMPHRIES: YOUR HONOR, FOR THE RECORD -- JUST FOR THE RECORD--

THE WITNESS: I BETTER LOOK AT SOMETHING BIG.

THE COURT: OKAY. YES, SIR.

MR. HUMPHRIES: THE STATE'S HAD THE OPPORTUNITY TO VIEW THESE PHOTOGRAPHS ALONG WITH SOME OTHERS AND WE AGREE TO THEIR ADMISSION BEFORE THIS JURY IF THEY ARE OFFERING THEM FOR ADMISSION.

THE COURT: DO WE HAVE THEM NUMBERED ALREADY?

MR. KELLY: MA'AM, IF -- WE ARE GOING TO PUT IN A DISK I UNDERSTAND--

THE COURT: OKAY.

MR. KELLY: -- FOLLOWING THIS, AND AT THAT TIME--

MR. HUMPHRIES: WE HAVE NO EXCEPTION TO THAT, YOUR HONOR.

THE COURT: OKAY. YOU MAY PROCEED.

BY MR. KELLY:

Q MR. PRINCIPLE, DO YOU RECOGNIZE WHAT THIS IS A PICTURE OF, DO YOU THINK?
A YES, SIR. THIS IS THE JV FOOTBALL TEAM.
Q NOW, THE JURY IS BEHIND YOU. TELL THEM WHAT THAT IS.
A JUNIOR VARSITY FOOTBALL TEAM IS A TEAM MADE UP BASICALLY OF NINTH AND TENTH GRADE. THAT'S THE FEEDER PROGRAM FOR THE VARSITY FOOTBALL TEAM.
Q AND DO YOU SEE STEVE'S -- I DON'T KNOW IF YOU SEE HIS PICTURE, BUT DO YOU SEE HIS NAME THERE AS BEING A MEMBER?
A I SEE HIS NAME, BUT THE PICTURE'S KIND OF FUZZY.
Q ALL RIGHT, SIR. AND THANK YOU SO MUCH.
A ALL RIGHT.
Q OKAY. NOW I'M GOING TO SHOW SOME -- SOME OTHER PICTURES. OKAY?
A OKAY.
Q IF YOU CAN'T SEE THEM, JUST STEP RIGHT DOWN HERE BY THE JURY BECAUSE THEY'LL BE ABLE TO HEAR YOU WHEN YOU TALK TO THEM. I THINK THE JUDGE -- LET'S TAKE A LOOK AT IT. SEE WHAT YOU SEE -- SEE WHAT YOU SEE IN THESE PICTURES. CAN YOU SEE THESE?
A THAT'S THE YEARBOOK.
Q THAT'S THE YEARBOOK?
A OF '85, YEAH.
Q AND LET ME HAND THIS -- HAVE THIS HANDED TO YOU OR JUST COME TO ME IF YOU WOULD, PLEASE. AND TELL ME IF YOU

RECOGNIZE IT FIRST OF ALL.

A YES, SIR, YEARBOOK.

Q AND LET THE -- LET THE SOLICITOR TAKE A LOOK AT IT AS WELL. OKAY?

MR. KELLY: I OFFER THIS FOR IDENTIFICATION. WOULD YOU HAND IT TO THIS LADY WHO IS TAKING DOWN EVERYTHING YOU'RE SAYING?

THE COURT: IS THERE A -- IS THERE -- ARE THERE PHOTOS ON THERE, ON THIS DISK?

MR. KELLY: YES, MA'AM.

THE COURT: SO YOU NEED TO MARK IT FOR ID?

MR. KELLY: IT WON'T BE NECESSARY, MA'AM. WE WON'T PUT IT IN THEN.

THE COURT: OKAY. IF IT'S THE SAME PHOTOS, I DON'T KNOW THAT SHE NEEDS TO MARK IT FOR ID. SO WE ARE NOT GOING TO MARK IT. THE SAME PHOTOS ARE ON THIS--

BY MR. KELLY:

Q LET ME SHOW YOU ANOTHER -- EXCUSE ME, MA'AM.

THE COURT: OKAY.

BY MR. KELLY:

Q LET ME SHOW YOU ANOTHER PICTURE.

A STEPHEN STANKO.

Q AND JUST STEP BACK SO THE JURY CAN SEE AROUND YOU A LITTLE BIT SO THEY GET A CHANCE -- THAT WOULD BE A PICTURE

OF STEVE WHEN HE WAS A JUNIOR?
A YES, SIR.
Q IS THAT PRETTY MUCH THE WAY YOU REMEMBER HIM?
A YES, SIR.
Q OKAY. AND HERE?
A HE'S IN THE SPANISH -- HE WAS IN THE SPANISH CLUB. THAT'S STEVE AND SOME OTHER MEMBERS OF THE SPANISH CLUB AND THE RIGHT HAND BOTTOM IS HIS SPANISH TEACHER.
Q UH-HUH.
A WHO LOOKS LIKE A STUDENT.
Q DOES LOOK LIKE A YOUNG STUDENT ACTUALLY. AND THIS?
A THAT'S THE JETS CLUB, JUNIOR ENGINEERING TECHNOLOGY, AND STEVE WAS A MEMBER OF THAT, SITTING ON THE FRONT ROW.
Q EXPLAIN TO ME WHAT THIS IS, THE JETS. WHAT IS THAT?
A IT WAS BASICALLY GOOD MATH AND PHYSICS STUDENTS WHO HAD A -- HAD FORMED A CLUB. AND I THINK YOU HAVE ONE OF THE SPONSORS OF THAT CLUB HERE TODAY.
Q AND THESE STUDENTS WOULD BE THOSE WHO EXCELLED AT PARTICULAR MATHEMATICS?
A YES.
Q DO YOU RECOGNIZE ANY OF THESE OTHER STUDENTS BESIDES STEVE?
A YES, SIR. I THINK THAT'S EDDIE HOUSE UP ON THE TOP LEFT.
Q AND WHAT--

A THAT'S -- HOLCOMB NEXT TO HIM. I BELIEVE THAT'S KELLY NICHOLS ON THE BOTTOM FRONT.

Q NOW, THOSE THREE THAT YOU NAMED, DID THE POTENTIAL THEY SHOWED HERE DEVELOP IN THE FUTURE FOR THEM OR DO YOU KNOW?

A WELL, EDDIE IS A COLONEL IN THE ARMY. HE WENT TO WEST POINT. I DON'T KNOW WHAT HOLCOMB IS NOW. KELLY NICHOLS IS A SCHOOL TEACHER IN DORCHESTER TWO.

Q AND THIS, SIR?

A THAT'S THE BETA CLUB PICTURE WHICH STEVE WAS A MEMBER.

Q WHAT IS THE BETA CLUB?

A BETA CLUB IS A -- AN HONOR CLUB, ACADEMIC CLUB THAT -- MAIN GOAL IS SERVICE TO THE SCHOOL AND THE COMMUNITY.

Q AND THE NEXT ONE, SIR?

A THAT'S THE PROM PICTURE.

Q AND--

A THAT'S STEVE. I DON'T KNOW THE--

Q EXCUSE ME?

A -- YOUNG LADY.

Q LET'S GO BACK TO THAT. I INTERRUPTED YOU.

A I SAID I DON'T RECOGNIZE THE YOUNG LADY.

Q OKAY, SIR.

A THAT'S '86 YEARBOOK.

Q THIS WOULD BE -- IF YOU KNOW, WOULD THAT BE MR. STANKO'S SENIOR YEARBOOK?
A THAT'S WHEN HE WAS A SENIOR AT GOOSE CREEK.
Q OKAY.
A THAT'S HIS SENIOR PICTURE IN THE YEARBOOK.
Q SENIOR PICTURE. AND THAT'S THE '86 YEAR -- IS THAT WHAT'S THERE BESIDE HIM ON THIS PICTURE, I SUPPOSE? AND THE NEXT ONE?
A BETA CLUB. NUMBER 86 BETA CLUB, YES.
Q AND THE JETS AGAIN?
A YOU COULD SEE THAT ORGANIZATION GREW. IT WAS A... THIS IS A HOMECOMING WHERE STEPHEN WAS CHOSEN TO BE AN ESCORT. HOMECOMING CONTESTANTS ARE CHOSEN BY SENIOR FOOTBALL PLAYERS AND THEN THEIR ESCORTS ARE CHOSEN BY EITHER THE -- THE YOUNG LADY PROBABLY.
Q SO THAT WOULD BE WHY HE'S PICTURED HERE?
A YEAH. THAT'S -- THAT'S A BEAUTY PAGEANT FOR MISS FRESHMAN, SOPHOMORE, AND JUNIOR. AND MISS L'ESPIRIT WHICH IS THE NAME OF THE YEARBOOK. STEPHEN WAS AN ESCORT HERE. I'M -- I IMAGINE THAT THE SPONSOR OF IT, OF THE MISS L'ESPIRIT PAGEANT CHOSE STEVE AS AN ESCORT.
Q AND THAT'S -- WHAT -- DO YOU RECOGNIZE THIS PICTURE?
A I DON'T -- I DON'T RECOGNIZE THAT. I KNOW IT'S IN THE BACK OF THE YEARBOOK, BUT I DIDN'T KNOW HIM AT THAT TIME.

Q SO THIS WOULD BE A PICTURE OF THE -- PROBABLY THE YEAR--
A YES.
Q -- TYPE OF PICTURE THEY PUT IN?
A YES, SIR.
Q OKAY. ALL RIGHT. THANK YOU, SIR. IF YOU WOULD TAKE YOUR CHAIR BACK. I THINK THAT'S ALL THE PICTURES. BUT I'D LIKE TO ASK YOU A FEW MORE QUESTIONS. WHAT WAS STEPHEN LIKE OR DO YOU KNOW? WHAT WAS HIS ATTITUDE WHEN HE WAS INTERESTED IN WANTING TO PURSUE SOMETHING?
A STEVE, PRETTY DRIVEN WHEN HE WANTED -- WHEN HE REALLY WANTED SOMETHING.
Q DRIVEN MEANING WHAT EXACTLY?
A SIR?
Q DRIVEN MEANING WHAT, PERSISTENT?
A WELL, YOU KNOW, STICK WITH IT, I'M GOING TO TRY TO GET THIS NO MATTER WHAT.
Q DID YOU KNOW THAT -- ABOUT HIS APPLICATION TO THE AIR FORCE ACADEMY?
A YES, SIR. I KNEW HE APPLIED TO THE AIR FORCE ACADEMY.
Q AND DID YOU KNOW THAT HIS REACTION WHEN HE WAS -- DID NOT--
A SECOND HANDEDLY I KNEW THAT HE WAS UPSET BY SOME OF HIS FRIENDS--

MR. HEMBREE: OBJECTION, YOUR HONOR. THAT'S HEARSAY.

THE COURT: SUSTAINED. HEARSAY.

BY MR. KELLY:

Q JUST FROM YOUR OWN KNOWLEDGE, MR. FULMER, REALLY...

A SIR?

Q FROM YOUR OWN KNOWLEDGE, SIR, RATHER THAN FROM SOMEONE ELSE, WHAT DID -- HIS REACTION WOULD HAVE BEEN NOT TO BE ACCEPTED IN THE AIR FORCE ACADEMY? DID YOU KNOW YOURSELF?

A I DON'T KNOW WHAT HIS REACTION WAS, SIR. I -- YOU KNOW, I KNEW HE WAS REJECTED AND I WOULD ASSUME HE WOULD HAVE BEEN UPSET, BUT I DON'T -- I DON'T KNOW THAT FROM STEVE.

Q THANK YOU, SIR. NOW, WAS HE EVER KNOWN TO BE VIOLENT AT ALL WHEN YOU KNEW HIM BACK IN THE--

A NOT IN HIGH SCHOOL.

Q DID -- LET ME ASK YOU, I'M GOING TO ASK YOU TO LOOK AT SOME DOCUMENTS. JUST TELL ME DO YOU RECOGNIZE THEM. THAT'S ALL I WANT TO KNOW AT THIS POINT. OKAY?

A OKAY. THIS IS FROM COLLEGE BOARD. THIS IS SAT REPORT. THE PART OF HIS CUMULATIVE RECORD WITH HIS GRADES ARE...

Q NOW, THIS WOULD BE DOCUMENTS FROM YOUR SCHOOL?

A YES, SIR. THIS IS A TRANSCRIPT.

Q THANK YOU.

MR. KELLY: PLEASE MA'AM, SHOW IT TO THE SOLICITOR, IF YOU WOULD FOR ME. I'D ASK THAT THEY BE ENTERED.

MR. HEMBREE: WITHOUT OBJECTION, YOUR HONOR.

THE COURT: MARKED AND ADMITTED WITHOUT OBJECTION. PLEASE GIVE THEM TO THE COURT REPORTER SO THAT SHE CAN MARK THEM.

(WHEREUPON, DEFENDANT'S EXHIBITS 32, 33 AND 34 WERE ADMITTED INTO EVIDENCE.)

MR. KELLY: GIVE THEM TO THE WITNESS, PLEASE MA'AM.

BY MR. KELLY:

Q MR. FULMER, WHAT ARE THOSE? WHAT DO THOSE RECORDS REFLECT ABOUT STEPHEN'S...

A WELL, THEY -- REFLECTS HIS ACADEMIC SUCCESS. YOU KNOW, THEY -- IT'S NOTED THAT HE WAS A GOOD COLLEGE PREP STUDENT. AND I NOTICE THAT HE WAS ALSO IN HONORS, SOME HONORS CLASSES, TAKING PRE-CAL, PHYSICS, AND COURSES THAT WOULD LEAD, YOU KNOW, TO GOING AND GETTING INTO COLLEGE.

THAT WAS -- HIS TRANSCRIPT WOULD REFLECT. SAT. HE TOOK THE SAT THREE TIMES, ONCE AS A JUNIOR AND TWICE AS A SENIOR. LET'S SEE. HIS BEST COMPOSITE SCORE WOULD HAVE BEEN 1160.

Q IS THAT A GOOD SCORE?

A IT'S -- IT'S A GOOD SCORE. IT WAS A BETTER SCORE IN '86 THAN IT IS NOW BECAUSE THE SAT HAS BEEN RESTRUCTURED, BUT IT'S A GOOD SCORE.

Q CAN YOU TELL FROM THOSE DOCUMENTS WHERE HE RANKED WHEN HE GRADUATED CLASS?

A HE WAS 15TH OUT OF 300.

Q OVERALL, MR. FULMER, AS YOU KNEW HIM AS A STUDENT, WAS HE A STUDENT WHO WAS A BENEFIT TO THE SCHOOL AND PEOPLE AROUND HIM OR NOT?

A YES, SIR. HE WAS A BENEFIT TO THE SCHOOL. HE WAS A GOOD SCHOOL CITIZEN. I MEAN, HE WAS A MODEL STUDENT IN HIGH SCHOOL.

Q MR. FULMER, I KNOW THIS HAS BEEN A JOURNEY FOR YOU AND TAKING TIME OUT, AND I APPRECIATE YOU COMING HERE. THANK YOU SO VERY MUCH.

MR. KELLY: WE HAVE NO FURTHER QUESTIONS FOR THIS WITNESS.

THE COURT: ANY CROSS-EXAMINATION FOR THE WITNESS?

MR. HEMBREE: VERY BRIEFLY, YOUR HONOR.

THE COURT: YOU MAY PROCEED.

CROSS-EXAMINATION

BY MR. HEMBREE:

Q HOW YOU DOING, MR. FULMER?

A HI.

Q LET ME SEE THOSE DOCUMENTS IF I MAY. AND MR. FULMER, IT INDICATES HERE THAT STEPHEN STANKO'S DATE OF BIRTH IS JANUARY THE 13TH OF 1968?

A THAT'S WHAT IT SAYS.

Q YES, SIR. AND HE WOULD HAVE GRADUATED IN 1986, IN ROUGHLY MAY OR JUNE OF 1986?

A YES, SIR, JUNE OF '86.

Q JUNE OF '86. THAT WOULD PUT HIM 18 YEARS OLD I BELIEVE WHEN HE GRADUATED.

A YES, SIR.

Q NOW, DID YOU HAVE ANY TROUBLE WITH HIM AT ALL DURING HIS SOPHOMORE YEAR?

A NOT THAT I RECOLLECT.

Q OKAY. HOW ABOUT DURING HIS JUNIOR YEAR? GOOD STUDENT?

A NOT THAT I RECOLLECT ANY TROUBLE.

Q GOT YA. GOOD GRADES WHEN HE WAS A SOPHOMORE?

A I HADN'T LOOKED AT THAT, BUT I SAW IN THAT TRANSCRIPT.

Q GOT YA. HERE. I...

A EIGHTY-FIVE, 94, 94, 90, 96, THAT'S PRETTY GOOD TO ME.

Q GOOD GRADES WHEN HE'S A SOPHOMORE?

A YES, SIR.

Q NO -- NO EVIDENCE THAT HE MISBEHAVED WHEN HE'S A

SOPHOMORE?
A NO, SIR.
Q GOOD GRADES WHEN HE'S A JUNIOR?
A GOOD GRADES WHEN HE WAS A JUNIOR.
Q NO EVIDENCE THAT HE MISBEHAVED WHEN HE WAS A JUNIOR?
A NO, SIR.
Q GOOD GRADES WHEN HE WAS A SENIOR?
A GOOD GRADES WHEN HE WAS A SENIOR.
Q AND NO EVIDENCE THAT HE MISBEHAVED WHEN HE WAS A SENIOR?
A NO EVIDENCE.
Q INVOLVED IN LOTS OF ACTIVITIES?
A LOTS OF ACTIVITIES.
Q INVOLVED IN SOME SPORTS, SOMETHING--
A WELL, EARLY ON.
Q EARLY ON HE HAD SOME --
A YES, SIR.
Q -- HE WAS INVOLVED IN SOME SPORTS. NOW, AND THEN I GUESS LASTLY HE -- IN HIS LAST YEAR, GRADE 12, WHAT DOES CP MEAN, WHAT DOES THAT--
A COLLEGE PREP.
Q COLLEGE PREP COURSE. HE TOOK A COLLEGE PREP PSYCHOLOGY COURSE; DIDN'T HE?
A YES.
Q SCORED A 95. WHAT KIND OF A GRADE IS THAT?

A THAT'S AN A.

Q THANK YOU, MR. FULMER. I DON'T HAVE ANY FURTHER QUESTIONS.

THE COURT: ANY REDIRECT?

MR. KELLY: NO, MA'AM. THANK YOU FOR COMING. WE'D PUBLISH THESE DOCUMENTS TO THE JURY.

THE WITNESS: THANK YOU.

THE COURT: THANK YOU, SIR. YOU'RE EXCUSED.

(WITNESS LEFT THE STAND.)

MR. HEMBREE: YOUR HONOR, I WAS GOING TO SAVE MR. KELLY THE TRIP.

THE COURT: THANK YOU. YOU MAY CALL YOUR NEXT WITNESS.

MR. KELLY: MA'AM?

THE COURT: YOU MAY PROCEED.

MR. KELLY: A MRS. WENZ.

MINNIE WENZ, AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

THE WITNESS: MY NAME IS MINNIE CLARICE WENZ, W-E-N-Z.

THE COURT: YOU MAY PROCEED.

DIRECT EXAMINATION

BY MR. KELLY:

Q MRS. WENZ, MY NAME IS GERALD KELLY. HAVE WE EVER MET?

A NO, WE HAVE NOT.
Q I DON'T BELIEVE WE HAVE EVER EVEN SPOKEN ON THE TELEPHONE; HAVE WE?
A NO, WE HAVE NOT.
Q BUT YOU MET WITH MY INVESTIGATOR, DALE DAVIS, I THINK?
A YES, I DID.
Q AND I WANT TO TELL YOU I APPRECIATE YOU COMING. I ISSUED YOU A SUBPOENA; DIDN'T I?
A YES, YOU DID.
Q AND HOW FAR DID YOU COME TODAY? WHERE ARE YOU COMING FROM?
A IT'S ABOUT 80 MILES.
Q NOW MA'AM, ARE YOU STILL A TEACHER NOW?
A YES, I AM.
Q TELL ME WHERE YOU ARE TEACHING NOW.
A I TEACH AT GOOSE CREEK HIGH SCHOOL.
Q HOW LONG HAVE YOU BEEN THERE?
A THIS IS MY 26TH -- NO, 28TH YEAR AT GOOSE CREEK.
Q AND WHAT DO YOU TEACH THERE?
A I TEACH CHEMISTRY AND PHYSICS.
Q AND YOU HAVE BEEN -- HOW LONG HAVE YOU BEEN TEACHING SCIENCE, FOR HOW LONG?
A TOTAL OF 34 YEARS. THIS IS MY 34TH YEAR.
Q SO YOU -- YOU'RE -- YOU HAVE BEEN A HIGH SCHOOL

SCIENCE TEACHER REALLY ALL YOUR CAREER?

A YES.

Q ALL RIGHT. DO YOU REMEMBER STEPHEN STANKO AS A STUDENT?

A YES, I DO.

Q WAS HE -- WAS HE IN YOUR CLASSES?

A YES, HE WAS.

Q AND WERE YOU THE TEACHER WHO WAS SPONSOR, I SUPPOSE YOU MIGHT CALL IT, OF THE SCIENCE CLUB?

A YES, I WAS.

Q AND WHAT -- DO YOU REMEMBER WHAT CLASSES STEPHEN HAD WITH YOU?

A HE WAS IN MY PHYSICS CLASS FOR SURE AND I THINK MY AP CHEMISTRY, ADVANCED PLACEMENT CHEMISTRY. AND I DON'T REMEMBER IF I HAD HIM FOR CHEMISTRY ONE HONORS OR NOT.

Q ALL RIGHT. WHAT KIND OF A STUDENT WAS HE?

A HE WAS AN EXCELLENT STUDENT.

Q WHAT WAS HIS BEHAVIOR LIKE?

A EXCELLENT BEHAVIOR, VERY WELL-MANNERED.

Q DID YOU EVER HAVE ANY REASON TO COMPLAIN OF HIS BEHAVIOR TO HIM OR TO ANYBODY ELSE BACK IN--

A NO. NO.

Q THANK YOU. DID ANYBODY EVER COMPLAIN TO YOU OF HIS BEHAVIOR BACK THEN?

A NO.

Q WHAT ABOUT HIS -- HIS ACTIVITIES IN HIS CLASSES? WAS HE A -- A CLASS FOLLOWER OR A CLASS LEADER? WHAT KIND OF PERSON WAS HE?
A HE WAS A LEADER.
Q AND HOW WOULD HE MANIFEST -- MANIFEST THAT TO YOU AT THAT TIME?
A WHEN WE -- I MEAN, HE WAS INVOLVED IN ACTIVITIES. HE WAS ACTIVE IN THE -- IN THE ODYSSEY OF THE MIND, THE COMPETITION THAT WE GENERALLY DID, AND IN THE SCIENCE CLUB, AND IN CLASS HE WAS -- HE JUST DID WHAT HE WAS SUPPOSED TO.
Q WAS HE -- WHAT WAS HE -- HIS MANNERS LIKE?
A OH, EXCELLENT MANNERS, ALWAYS -- ALWAYS EXCELLENT MANNERS.
Q WAS HE RESPECTFUL TO YOU?
A ALWAYS.
Q WAS HE RESPECTFUL TO HIS PEERS THAT -- HIS CLASSMATES?
A IN EVERYTHING I SAW, YES.
Q AND YOU ALSO SAW HIM -- AND I WILL CALL IT JUST A SOCIAL SETTING AS FAR AS THE CLUB IS CONCERNED?
A YES.
Q AS WELL AS IN THE CLASSROOM?
A PARDON ME?
Q AS WELL AS IN THE CLASSROOM?

A YES, I DID.
Q AND HE WAS EQUALLY ONE WAY AS IN THE OTHER?
A YES, HE WAS.
Q DID HE -- DID HE EVER VISIT YOUR HOME?
A YES, HE DID.
Q AND ON MORE THAN ONE OCCASION?
A I THINK -- YES.
Q AND HOW WAS HE WHEN HE VISITED YOUR HOME?
A SAME THING, VERY MANNERLY, NEVER A PROBLEM, EXCELLENT BEHAVIOR.
Q DID YOU EVER MEET HIS PARENTS?
A NO, I DID NOT.
Q NOT EVEN IN LOCAL COMPETITIONS WHERE HE MIGHT BE COMPETING HIMSELF?
A NO.
Q DID THE SCIENCE CLUB COMPETE AS A CLUB?
A BE -- THE COMPETITION, ODYSSEY OF THE MIND THAT -- THAT WAS NOT DONE THROUGH THE SCIENCE CLUB. I DID THAT AS AN EXTRA LIKE PROJECT FOR MY CLASSES.
Q HE WAS INVOLVED IN THE ODYSSEY OF THE MIND PROJECT?
A YES, HE WAS.
Q FOR ONE OR MORE YEARS?
A I WAS ONLY THE SPONSOR FOR HIS SENIOR YEAR.
Q AND YOU DIDN'T SEE HIS PARENTS DURING THOSE COMPETITIONS?

A NO, I DID NOT.
Q HOW DID THE COMPETITIONS GO FOR STEPHEN THAT WERE -- AND THE OTHER STUDENTS IN THAT GROUP? DID THEY DO WELL?
A YEAH. AS FAR AS I REMEMBER, I THINK THEY DID.
Q DID -- DID STEPHEN ENJOY BEING IN SCHOOL OR WAS SCHOOL SOMETHING HE APPEARED TO ENJOY?
A HE APPEARED TO.
Q OKAY. WE'RE LOOKING AT A PICTURE HERE. IT'S MRS. WENZ; IS THAT RIGHT?
A WENZ.
Q WENZ. AND MRS. WENZ, CAN YOU SEE THIS SCREEN FROM WHERE YOU ARE?

MR. HUMPHRIES: AND YOUR HONOR, JUST FOR THE RECORD THE STATE'S HAD AN OPPORTUNITY TO VIEW THESE IMAGES AS WELL AND WE DON'T EXCEPT TO THEIR BEING ADMITTED INTO EVIDENCE -- I UNDERSTAND WITH THE DISPLAY OR AFTER THE PRESENTATION.

BY MR. KELLY:
Q CAN YOU SEE, MRS. WENZ?
A I CAN -- NO, I CAN'T REALLY SEE IT.
Q PLEASE STEP DOWN AND COME OVER HERE TO WHERE THE JURY BEGINS, AND SEE IF YOU CAN SEE A LITTLE BETTER.
A OKAY. DON'T WANT TO GET IN YOUR WAY.
Q JUST GET TO A PLACE -- CAN YOU SEE IT?
A YES, I CAN NOW.

Q WHAT IS THAT?
A THAT'S AN ARTICLE FROM THE PAPER, LOOKS LIKE THE HANAHAN PAPER WHICH IS THE TOWN NEXTDOOR TO GOOSE CREEK, AND THAT SHOWS THAT GROUP WITH ME WITH THE ODYSSEY OF THE MIND TROPHY THAT WE WON.
Q THAT'S YOU IN THE MIDDLE?
A YES, THAT'S ME.
Q AND THAT'S STEPHEN OVER YOUR SHOULDER?
A YES, OVER MY RIGHT SHOULDER. THERE IT IS.
Q THAT'S A CLOSER PICTURE?
A YES.
Q SO YOU WON A TROPHY?
A YES, WE DID.
Q THAT WAS FROM THE COMPETITION YOU HAD? IS THAT WHAT THAT WAS, THAT TROPHY, FOR THAT?
A YES. YES, SIR.
Q THIS -- WHAT IS THIS PICTURE?
A THIS PICTURE IS IN MY SCIENCE LAB AND IT'S THE SAME GROUP OF GUYS WITH ONE ADDITIONAL STUDENT, AND THEY'RE AGAIN HAMMING IT UP WITH THEIR TROPHY BECAUSE THEY WERE VERY PROUD.
Q YES, MA'AM. AND THAT'S IN YOUR LAB THAT YOU HAD. IS THAT WHERE THAT IS?
A YES. THAT'S IN MY SCIENCE LAB.
Q THANK YOU, MA'AM. AND THIS PICTURE?

A THAT WAS THE AWARDS -- ONE OF THE AWARDS CEREMONIES AND THEY WERE RECEIVING THEIR TROPHY AT THAT POINT.
Q WHAT COMPETITION WAS THAT FOR, DO YOU REMEMBER? CAN YOU EXPLAIN TO US OR GET SOME IDEA OF WHAT THEY WERE INVOLVED IN?
A THE ODYSSEY OF THE MIND WAS A -- A COMPETITION WHERE THEY HAD TO ACTUALLY PHYSICALLY DO SOMETHING LIKE -- AND I THINK THEY BUILT A STRUCTURE I THINK TO HOLD WEIGHTS. AND THEY DID THAT AND THEN THEY HAD A LITTLE QUESTION AND ANSWER THING WHERE THEY HAD TO DO THAT ALSO. AND THEY WORKED AS A TEAM. IT WAS DEFINITELY A TEAM ENDEAVOR.
Q AND WAS -- WAS STEPHEN A -- AT THAT TIME WAS HE A TEAM PLAYER, A TEAM MEMBER TYPE OF PERSON?
A VERY MUCH SO.
Q AS MUCH AS THE OTHER CHILDREN?
A YES, SIR.
Q WHAT'S THAT?
A THAT'S THE FRONT DOOR OF MY HOME. AND THEY HAD DROPPED BY TO VISIT AND I TOOK A PICTURE.
Q WAS THERE AN OCCASION FOR THIS OR WAS THIS JUST TO SAY HELLO TO YOU?
A I REALLY DON'T REMEMBER.
Q BUT IT IS YOUR HOME?
A YES, IT IS.
Q THANK YOU, MA'AM. AND THIS?

A THAT'S JUST ANOTHER PICTURE, AND THAT ONE MUST HAVE BEEN AROUND CHRISTMAS BECAUSE I SEE DECORATIONS ON THE MANTLE, AGAIN IN MY HOME, AND THEY HAD COME BY TO VISIT.

Q AND WHERE IS STEPHEN IN THE PICTURE?

A HE'S SITTING ON THE LEFT SIDE OF THE SOFA.

Q WAS HE A WELCOMED PERSON IN YOUR HOUSE?

A YES, SIR, HE WAS.

Q THANK YOU. AND THIS, MA'AM? LET ME SHOW YOU SOMETHING. LET ME SHOW YOU AN ITEM AND SEE IF YOU CAN IDENTIFY IT AS IN RELATION PERHAPS TO THIS PHOTOGRAPH. JUST TELL ME IF YOU RECOGNIZE IT.

A YES, I DO.

Q AND LOOK AT BOTH SIDES OF IT, MRS. WENZ. SHOW IT TO THE SOLICITOR, PLEASE.

MR. KELLY: SOLICITOR--

MR. HEMBREE: I HAD A CHANCE TO SEE IT.

BY MR. KELLY:

Q OKAY. I DON'T WANT TO PUT THIS IN EVIDENCE, BUT WHAT IS IT?

A THIS IS A -- A BLOCK C. I WENT TO CLEMSON, AND THEY ALL KNEW THAT. AND IT HAS, THE GANG, '86, GOOSE CREEK HIGH SCHOOL NEEDLEPOINTED, AND IT WAS NEEDLEPOINTED BY ONE OF THE STUDENTS -- ONE OF THE STUDENTS IN THAT PICTURE'S MOTHER, RANDY BISHOP'S MOM.

AND ON THE BACK IT SAYS, FOR ALL THE WONDERFUL TIMES,

LOVE, FRIENDSHIP, AND PATIENCE THAT YOU HAVE SHOWN US, LOVE AND FRIENDSHIP ALWAYS, AND THEN IT'S SIGNED BY MAYBE 10 PEOPLE FROM MY CLASS INCLUDING STEVE.

Q THIS WAS A GIFT TO YOU?

A YES, IT WAS.

Q AND DOES THIS PICTURE THAT WE SEE UP HERE, DOES THAT SHOW THE BACK OF THIS? IS THAT WHAT THAT IS?

A YES, SIR, IT DOES.

Q OKAY. THIS -- LOOK AT THESE TWO PICTURES.

MR. KELLY: AND ANY OBJECTION TO THEM SUBSTITUTING THIS ITEM?

MR. HEMBREE: THERE'S NO OBJECTION FROM THE STATE, YOUR HONOR.

THE COURT: MARKED AND ADMITTED WITHOUT OBJECTION.

BY MR. KELLY:

Q MA'AM, THOSE DO REPRESENT THAT?

A YES, THEY DO.

Q THANK YOU, MA'AM. RETURN TO YOUR SEAT.

(WHEREUPON, DEFENDANT'S EXHIBIT 35 WAS ADMITTED INTO EVIDENCE.)

MR. KELLY: PUBLISH THIS. GIVE THEM THE PICTURE.

(WHEREUPON THERE WAS A PAUSE).

BY MR. KELLY:

Q MA'AM, I DO HAVE ONE OTHER THING I'D LIKE YOU TO LOOK AT AND SEE IF YOU CAN IDENTIFY, THE TEXT OF THIS.

A I THINK THAT WAS ON A CARD OR MAYBE THAT WAS JUST A LETTER THEY WROTE OR A NOTE, AND IT WAS FROM STEVE AND ED, EDDIE HOUSE, AND OTHER STUDENTS, AND THAT I THINK IS STEVE'S HANDWRITING.

Q AND WOULD YOU READ IT TO US? IT'S TO YOU; ISN'T IT?

A YES, IT IS TO ME.

Q READ IT TO US IF WOULD YOU, PLEASE MA'AM.

A WE KNOW THAT MORE TIMES WE ARE ROYAL PAINS AND ACHES AND MAYBE WE REALLY ARE SOMEWHAT SCARED OF THE WORLD THAT WE'RE ABOUT TO VENTURE INTO. THANK YOU FOR ALL THAT YOU HAVE PUT UP WITH. WE NEVER MEANT TO BRING ANY HURT OR HEARTACHE TO YOU AND WE HOPEFULLY NEVER WILL.

YOU ARE THE FINEST TEACHER, WOMAN, AND ADULT THAT ANYONE COULD EVER KNOW. WE WILL NEVER FORGET YOU AND I HOPE YOU ALWAYS REMEMBER OUR BETTER TIMES. WE LOVE YOU, STEVE, ED, AND THE GANG.

Q THANK YOU. THIS IS THE CARD, BY THE WAY, MA'AM, WHERE YOU RETURN -- THINK WE DO HAVE THAT -- DO YOU REMEMBER THAT -- IS THAT ON THE CARD?

A AND THEN THE SIGNATURES IN THERE, TOO.

Q YES, MA'AM. THANK YOU, MA'AM. NOW, WAS -- WHAT WAS STEVE LIKE ACADEMICALLY? WAS HE -- DID HE EXCEL ACADEMICS?

A I'M SORRY?
Q DID HE EXCEL?
A OH, YES. HE DID EXCEL ACADEMICALLY. HE WAS VERY BRIGHT AND WORKED VERY HARD ALSO. WASN'T THAT HE GOOFED OFF.
Q WHAT DID YOU THINK HIS POTENTIAL WAS AT THAT TIME?
A HE HAD A TREMENDOUS POTENTIAL. HE COULD HAVE -- HE COULD HAVE GONE INTO ANY FIELD THAT HE WISHED. I THOUGHT HE COULD.
Q AND YOU CHARACTERIZE HIM AS A HARD WORKER?
A YES, SIR.
Q DID HE TURN HIS ASSIGNMENTS IN ON TIME?
A OH, YES, SIR.
Q AND DID HE DO THE ARDUOUS TASK THAT A -- DEMANDED OF A STUDENT BY THEIR TEACHERS?
A YES. YES, SIR.
Q AND HE DIDN'T SHIRK OR TURN AWAY FROM THE HARD WORK OF IT AT THAT TIME?
A NO, SIR.
Q MA'AM, LET ME THANK YOU AGAIN FOR COMING UP HERE AND TALKING WITH US.

THE COURT: ANY QUESTIONS FOR THE WITNESS?

MR. HEMBREE: JUST ONE, YOUR HONOR.

CROSS-EXAMINATION

BY MR. HEMBREE:

Q MRS. WENZ, GOOD AFTERNOON.
A GOOD AFTERNOON.
Q BASED ON DEFENDANT STANKO'S CONDUCT AROUND YOU, THE WAY HIS -- HE WAS COURTEOUS?
A YES, SIR.
Q WELL-BEHAVED?
A YES, SIR.
Q YOU -- YOU SAID IT MUCH BETTER THAN I CAN. I WON'T TRY TO RE-CHARACTERIZE IT. I MEAN, IT SOUNDS LIKE THAT HIS MOM AND DADDY DID A GOOD JOB RAISING HIM.
A IT WOULD APPEAR THAT WAY, YES, SIR.
Q THANK YOU, MA'AM.

THE COURT: ANY REDIRECT?

MR. KELLY: NO, MA'AM.

THE COURT: ANY EXCEPTION TO THE WITNESS BEING EXCUSED?

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

THE COURT: FROM THE DEFENSE?

MR. KELLY: NO, MA'AM.

THE COURT: MA'AM, YOU'RE EXCUSED.

THE WITNESS: THANK YOU.

(WITNESS LEFT THE STAND.)

MR. KELLY: WE'D CALL WANDA--

THE COURT: I'M GOING TO BREAK FOR LUNCH.

MR. KELLY: YES, MA'AM.

THE COURT: MADAM FORELADY, LADIES AND GENTLEMEN, WE ARE GOING TO TAKE ADVANTAGE OF THIS BREAK IN TESTIMONY TO TAKE OUR LUNCHEON RECESS. I'M NOT CERTAIN WHETHER YOUR LUNCH HAS ARRIVED.

I INITIALLY WAS ADVISED IT WOULD ARRIVE AT 1:30, AND IT IS NOW 1:17, SO THAT GIVES YOU A LITTLE TIME TO STRETCH YOUR LEGS, TAKE A SMOKE BREAK IF YOU DESIRE, AND THEN HOPEFULLY WITHIN A SHORT TIME PERIOD YOUR LUNCH WILL ARRIVE.

DURING THIS BREAK PLEASE DO NOT DISCUSS THE CASE. PLEASE LEAVE YOUR NOTEPADS IN YOUR SEATS. AND IF YOU NEED ANYTHING, PLEASE LET THE BAILIFFS KNOW. WE WILL PROBABLY BE AT EASE A LITTLE SHY OF AN HOUR, GIVE OR TAKE.

(WHEREUPON THE JURY LEFT THE COURTROOM AT 1:18 PM.)

THE COURT: YOU MAY BE SEATED. LET ME ASK A QUESTION RIGHT QUICK. MR. KELLY, HOW LONG IS YOUR NEXT WITNESS THAT YOU ARE ABOUT TO CALL?

MR. KELLY: MA'AM, WE HAVE ONE MORE OF THESE TEACHERS WHICH SHOULD BE A SHORT ONE.

THE COURT: YOU KNOW WHAT, WE MIGHT NEED TO GO AHEAD -- I WAS JUST ADVISED THAT THE JURY'S LUNCH MAY NOT COME UNTIL A QUARTER OF TWO, AND I HATE FOR THEM TO BE SITTING -- WHY DON'T WE JUST GIVE THEM A MOMENT

TO REFRESH THEMSELVES AND THEN WE'LL GO AHEAD AND CALL THAT WITNESS, AND THEN BY THEN THEIR LUNCH SHOULD HAVE ARRIVED.

MR. KELLY: THEN THEY CAN ALL GO BACK TOGETHER.

THE COURT: YEAH, WHY DON'T WE DO THAT. WE WILL TAKE LIKE A FIVE MINUTE RECESS AND THEN WE'LL PUSH FORWARD WITH THAT WITNESS.

(WHEREUPON A RECESS WAS HAD.)

THE COURT: IS THE DEFENSE READY TO PROCEED?

MR. KELLY: YES, MA'AM.

THE COURT: IS THE STATE READY TO PROCEED?

MR. HEMBREE: YES.

THE COURT: WHO IS THE NEXT WITNESS GOING TO BE?

MR. KELLY: THIS IS A LADY NAMED WANDA BROOKS. AND JUDGE, IF WE CAN GET THROUGH HER -- THROUGH, WE'VE GOT SOMEBODY FROM THE US MARSHAL'S OFFICE. WE CAN SQUEEZE THEM IN AND GET THEM OUT.

THE COURT: WE WILL TRY. WHAT HAPPENED WAS APPARENTLY THE ORDER WAS CHANGED MID-STREAM AND IT JUST DELAYED THE ARRIVAL OF THEIR LUNCH. SO AS SOON AS IT GETS HERE, I'M GOING TO BREAK SO THAT IT'S STILL HOT.

MR. KELLY: OKAY, MA'AM.

THE COURT: IF YOU ALL WILL JUST WATCH YOUR STEP GOING OUT. I DON'T WANT YOU ALL TO TRIP ON ANY OF

THOSE CORDS.

(JURY ENTERED THE COURTROOM AT 1:32 PM.)

THE COURT: I HOPE YOU ALL ENJOYED YOUR BREAK. WE APOLOGIZE FOR THE DELAY IN THE ARRIVAL OF YOUR LUNCH. THE CLERK HAS BEEN SO VERY ORGANIZED AND SO VERY GENEROUS, I TELL YOU.

I'VE PROBABLY HELD COURT IN I'M THINKING ABOUT 23 OR 24 COUNTIES THROUGHOUT SOUTH CAROLINA. AND AS ANYONE KNOWS, THE CLERK OF COURT IS THE JUDGE'S BEST FRIEND. THEY CAN MAKE YOUR LIFE VERY DIFFICULT AND THEY CAN MAKE IT VERY EASY.

AND I'M HAPPY TO SAY THAT EVERY CLERK I'VE EVER ENCOUNTERED HAS MADE MY LIFE VERY EASY. AND MS. ALMA IS PROBABLY AT THE TOP OF THE LIST. SHE HAS JUST BEEN EXCELLENT THE ENTIRE WEEK.

AND I UNDERSTAND THAT THE LUNCH ORDER WAS CHANGED TO SOME EXTENT, AND SO THAT HAS DELAYED ITS ARRIVAL. SO INSTEAD OF YOU ALL SITTING IN THE ROOM WAITING, WE ARE GOING TO TRY TO PUSH AHEAD WITH THE TESTIMONY.

AND I FIGURED YOU ALL WOULD NOT MIND. BUT WHAT I HAVE TOLD THE ATTORNEYS IS THAT AS SOON AS YOUR LUNCH ARRIVES WE WILL BREAK SO THAT WE CAN MAKE SURE YOUR LUNCH IS HOT SO THAT YOU CAN ENJOY IT.

AND AGAIN, WE APPRECIATE YOU ALL INDULGING US.

WE WILL RESUME TESTIMONY. YOU MAY CALL YOUR NEXT WITNESS.

MR. KELLY: WE WOULD CALL WANDA BROOKS.

THE COURT: MA'AM, IF YOU WOULD COME AROUND TO THE WITNESS STAND AND BE SWORN. THE BAILIFF WILL ASSIST US.

WANDA BROOKS, AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

THE WITNESS: WANDA REED BROOKS, B-R-O-O-K-S.

THE COURT: AND IF YOU COULD SPELL YOUR MIDDLE NAME FOR HER BECAUSE THERE'S SEVERAL WAYS TO SPELL...

THE WITNESS: R-E-E-D.

THE COURT: THANK YOU. YOU MAY PROCEED.

DIRECT EXAMINATION

BY MR. KELLY:

Q MA'AM, MY NAME IS GERALD KELLY. YOU AND I HAVE NEVER MET; HAVE WE?

A NO, SIR.

Q AND -- BUT YOU HAVE MET AND YOU HAVE TALKED WITH MY INVESTIGATOR, DALE DAVIS?

A YES, SIR.

Q OKAY. I'M GOING TO ASK YOU A FEW QUESTIONS. I APPRECIATE YOU COMING HERE SO VERY MUCH. YOU ARE A YOUTH -- DO YOU STILL LIVE NOW ACROSS FROM THE STANKO FAMILY?

A YES, SIR.
Q AND HOW LONG HAVE YOU LIVED ACROSS FROM THE STANKO FAMILY?
A THEY MOVED IN WHEN STEVE WAS IN MIDDLE SCHOOL, SO I'M NOT QUITE SURE THE YEARS. LET'S SEE.
Q SO HE WOULD HAVE BEEN IN THE SIXTH OR THE SEVENTH GRADE?
A YES, SIR.
Q AND DID YOU HAVE CHILDREN ALSO AT THAT TIME?
A YES, SIR.
Q WHAT AGE WERE YOUR CHILDREN?
A THEY WERE -- MY OLDEST ONE IS NINE YEARS YOUNGER THAN STEVE, AND MY YOUNGEST ONE -- I MEAN, MY SECOND ONE IS 10 YEARS YOUNGER THAN STEVE.
Q AND YOUR CHILDREN ARE BOYS OR GIRLS?
A I HAVE ONE BOY AND TWO GIRLS.
Q AND DO YOU REMEMBER WHEN THE STANKOS MOVED IN?
A YES, SIR.
Q AND THEY PREVIOUSLY LIVED DO YOU KNOW WHERE?
A THEY LIVED ON THE NAVAL WEAPONS STATION WHICH IS MENRIB (SIC). IT'S A -- FOR MILITARY PERSONNEL TO LIVE.
Q AND THAT WOULD BE DOWN IN THE CHARLESTON AREA, MA'AM?
A IT'S RIGHT THERE IN GOOSE CREEK, NOT TOO FAR.
Q AND SO THIS WAS A -- WHERE YOU LIVED, THAT WAS THE CEDRICK OR LITTLEBROOK SUBDIVISION?

A YES, SIR.
Q IS THAT SORT OF LIKE A SUBURBAN SUBDIVISION?
A YES, SIR.
Q AND DO YOU REMEMBER STEPHEN FROM THAT TIME?
A YES, SIR, I DO.
Q HOW ABOUT HIS BROTHER, JEFF?
A YES.
Q AND HIS SISTER, CINDY I BELIEVE?
A YES, SIR.
Q YOU REMEMBER THOSE CHILDREN?
A YES, SIR.
Q AND THEY WERE ALL LIVING ACROSS THE STREET AT THE TIME THE STANKOS MOVED IN?
A YES, SIR.
Q AND WERE THEY THE THREE CHILDREN THAT WERE LIVING THERE OR WERE THERE OTHERS?
A WHEN THEY MOVED IN, THE THREE OF THEM MOVED IN, THEY HAD A SON BILLY, BUT HE CAME -- I'M NOT SURE WHEN HE CAME, BUT THEY WERE THERE FOR A WHILE BEFORE BILLY CAME OVER. BUT HE DIDN'T LIVE WITH THEM.
Q IS BILLY THE TROUBLED ONE OF THE CHILDREN AT THAT TIME?
A FROM WHAT I UNDERSTOOD, YES, SIR.
Q AND DID -- DID STEVE COME OVER TO YOUR HOUSE A GOOD DEAL?

A YES, SIR.
Q AND WAS HE WELCOMED IN YOUR HOME?
A YES, SIR.
Q AND DID HE COME OVER WITH HIS BROTHER JEFF AS WELL?
A YES, SIR.
Q AND DID CINDY EVER COME OVER?
A NO, SIR.
Q JUST THE BOYS?
A YES, SIR.
Q OKAY. AND WOULD THEY PLAY GAMES WITH YOUR FAMILY?
A YES, SIR.
Q AND HOW ABOUT BASEBALL AND FOOTBALL?
A YES, SIR. THEY WOULD PLAY FOOTBALL OUT ON THE STREET. MY HUSBAND WOULD ALSO PLAY OUT THERE. AND THEY PLAYED BASEBALL IN THE FRONT YARD.
Q AND DID THEY PLAY WELL TOGETHER?
A OH, YES, SIR. WELL...
Q YOU HAD A SWIMMING POOL THERE AS WELL?
A I DID, YES, SIR.
Q AND DID YOU ALLOW THEM TO USE YOUR POOL?
A YES, SIR.
Q AND WERE THEY WELL-BEHAVED?
A OH, YES, SIR.
Q AND STEPHEN WAS WELL-BEHAVED?
A YES, SIR.

Q AND I SUPPOSE IF HE WERE IN THE SIXTH GRADE, HE WOULD BE ABOUT 12 YEARS OLD?
A UH-HUH.
Q AND SO YOU SAW HIM ALL THE WAY THROUGH HIGH SCHOOL?
A YES, SIR.
Q WERE THEY COMFORTABLE IN YOUR HOME -- AND AS YOU CAN SEE?
A I FELT LIKE THEY WERE, YES, SIR.
Q AND WERE YOU COMFORTABLE IN HAVING THEM THERE?
A YES, SIR.
Q DID STEPHEN PLAYED WITH YOUR CHILDREN A GOOD BIT?
A YES, SIR. HE PLAYED MAINLY BASEBALL WITH MY SON AND MY HUSBAND AND SOME OF THE OTHER KIDS IN THE NEIGHBORHOOD.
Q WAS HE EVER AGGRESSIVE TO YOUR FAMILY OR TO YOUR CHILDREN OR HURT ANY CHILDREN IN ANY WAY?
A NO, SIR.
Q DID THEY EVER TALK TO -- STEPHEN OR HIS BROTHER EVER TALK MUCH ABOUT THEIR PARENTS?
A NO, SIR.
Q EVEN THOUGH THEY WERE ACROSS THE STREET?
A NO, SIR, NEVER. NO.
Q IN FACT, DURING THE ENTIRE TIME FROM WHEN THEY MOVED IN TILL HE GRADUATED, THAT DIDN'T HAPPEN?
A NO. WHEN THEY WERE AT THE HOUSE, WE NEVER TALKED GOOD OR BAD ABOUT THE PARENTS.

Q DID IT SEEM THAT THE HOUSE ACROSS THE STREET WHERE THE STANKOS LIVED THAT EVERYTHING WAS NORMAL IN THE WORLD OR WAS IT DIFFERENT FROM THAT?
A WELL, IT WAS DIFFERENT FROM MY HOME.
Q HOW WAS IT DIFFERENT?
A WELL, WE WERE ALWAYS -- WE WERE FRIENDLY. WE WELCOMED PEOPLE INTO OUR HOME. YOU KNOW, IT -- THE FIRST TIME YOU VISIT YOU'RE COMPANY. THE SECOND TIME YOU'RE A FRIEND. AND YOU JUST MAKE YOURSELF AT HOME, MORE OR LESS. I MEAN, WE'RE THAT TYPE OF PEOPLE. IT WAS...
Q SO YOU ENJOYED YOUR NEIGHBORS?
A YES, SIR.
Q AND IF YOUR NEIGHBORS WANTED TO BE FRIENDS WITH YOU AND BECOME CLOSE, THEN THEY COULD?
A YES, SIR.
Q HOW ABOUT WITH THE STANKOS?
A DIDN'T SEEM LIKE THEY WERE -- I NEVER SAW MANY OF THE BOYS' FRIENDS AT THE HOUSE. AS FAR AS OTHER FRIENDS, I, YOU KNOW, THERE WASN'T VERY MANY VISITORS.
Q LET ME SHOW YOU SOME PICTURES. IF YOU WILL STEP DOWN OFF THE WITNESS STAND AND COME OVER TOWARDS THE JURY BOX.
A RIGHT. (COMPLIED.)
Q YEAH. RIGHT HERE WHERE THIS LADY IN THE BLOUSE IS SEATED. AND SEE THIS SCREEN?
A YES, SIR.

Q OKAY. HOW ABOUT THIS ONE. SEE THIS ARTICLE?
A YES, SIR.
Q CREEK ALLSTARS TAKE SECOND PLACE. DO YOU REMEMBER THIS TIME IN STEPHEN'S LIFE WHEN HE WAS PLAYING BASEBALL?
A I'M NOT QUITE SURE IF IT WAS ACTUALLY THE ALLSTARS, BUT I REMEMBER WHEN HE DID PLAY BASEBALL. THAT WAS THE ONE SPORT HE LOVED.
Q HE LOVED THAT SPORT?
A UH-HUH.
Q AND DID YOU WATCH HIM PLAY?
A WE WENT TO ONE GAME. I THINK THAT WAS ALL. BUT I HAD LITTLE CHILDREN. WE DIDN'T GET TO TOO MANY GAMES.
Q AND BASEBALL WAS SOMETHING HE PLAY WITH YOUR CHILDREN AND WITH YOUR HUSBAND?
A YES, SIR.
Q OKAY. THE NEXT ONE. WHO IS THAT?
A THAT'S HIS MOTHER.
Q AND THE NEXT ONE.
A THAT'S HIS FATHER.
Q THAT'S HIS FATHER.
A UH-HUH.
Q THANK YOU, MA'AM.

MR. HUMPHRIES: YOUR HONOR, I -- THE SAME CIRCUMSTANCES. WE'VE VIEWED THOSE PHOTOGRAPHS AND DON'T EXCEPT TO THEIR BEING ADMITTED INTO EVIDENCE.

BY MR. KELLY:

Q NOW, THERE WAS A BROTHER NAMED BILLY; WASN'T THERE?

A YES, SIR.

Q DID YOU EVER MEET BILLY?

A ONLY -- HE ONLY CAME OVER A COUPLE OF TIMES.

Q WHAT HAPPENED TO BILLY?

A HE DIED IN A FIRE.

Q HOW DID THAT AFFECT YOUNG JEFF AND STEVE?

A THEY SHOWED VERY LITTLE EMOTION ABOUT ANYTHING. IT WAS JUST LIKE EVERYTHING WAS SUPPRESSED, YOU KNOW. I MEAN, IT WAS LIKE THEY HAD GONE INTO A DEPRESSION TYPE, YOU KNOW, IT WAS...

Q DID BILLY GET ALONG WITH HIS DADDY?

A WELL, THE ONE CONVERSATION I HAD WITH HIM HE SAID THAT HE--

MR. HUMPHRIES: WE'RE GOING TO OBJECT, YOUR HONOR, TO HEARSAY.

THE COURT: SUSTAINED. HEARSAY.

MR. HUMPHRIES: THANK YOU, YOUR HONOR.

THE COURT: MA'AM, DO NOT REPEAT WHAT ANYONE SAID TO YOU OTHER THAN THE DEFENDANT.

THE WITNESS: OKAY.

THE COURT: YOU CAN ONLY SAY WHAT YOU DID AS A RESULT OF THOSE CONVERSATIONS.

THE WITNESS: OKAY.

BY MR. KELLY:

Q YOU CAN TELL ME JUST A YES OR NO AS FAR AS YOU KNOW. DID HE GET ALONG WITH HIS FATHER?

A NO, SIR.

Q HE DID NOT? DID YOU KNOW ABOUT STEPHEN TRYING TO GET INTO THE AIR FORCE ACADEMY?

A YES, SIR.

Q DID HE TALK TO YOU ABOUT IT?

A OH, YES, SIR.

Q AND DID YOU -- YOU KNEW ABOUT WHEN HE DIDN'T GET IN?

A YES, SIR.

Q HOW DID THAT AFFECT HIM?

A WELL, HE WAS VERY UPSET BECAUSE THAT WAS THE ONE GOAL I THINK THAT HE REALLY WANTED TO ACCOMPLISH IN LIFE WAS TO GET TO THE AIR FORCE ACADEMY, AND HE DIDN'T GET THERE.

Q DID TO YOUR KNOWLEDGE HIS PARENTS ENCOURAGE HIM TO GO ON WITH HIS EDUCATION?

A HE -- HE DIDN'T SAY, YOU KNOW, ABOUT GOING ANYWHERE ELSE. THAT WAS THE ONLY PLACE.

Q DID HE HAVE POTENTIAL IN YOUR EYES TO GO ON IN THE WORLD AND TO SUCCEED AT THAT TIME?

A YES, SIR.

Q WHAT WAS HE LIKE?

A VERY WELL-MANNERED. I TRUSTED HIM WITH MY CHILDREN. HE WOULD COME OVER AND THEY'D GO -- HE'D TAKE THEM OUT IN

THE SWIMMING POOL. THERE WAS EVEN ONE INCIDENT WHEN MY YOUNGEST DAUGHTER GOT HURT AND I HAD TO TAKE HER TO THE HOSPITAL.

JEFF WENT WITH ME AND STEVE STAYED AT THE HOME WITH MY OTHER TWO CHILDREN UNTIL MY HUSBAND GOT HOME FROM WORK.

Q SO HE WAS -- HE HELPED YOU?

A YES, SIR.

Q AND YOU TRUSTED HIM?

A YES, SIR.

Q AND THE TRUST AT THAT TIME WAS BORNE OUT BY HIS BEHAVIOR AT THAT TIME?

A YES, SIR.

Q WAS HIS FATHER A STRICT DISCIPLINARIAN TO YOUR KNOWLEDGE WITH THESE CHILDREN OF HIS?

A YES, SIR.

Q AND DID THAT IN YOUR EYES AS THE NEIGHBOR HAVE A BENEFICIAL EFFECT ON HIM OR NOT?

A I'M NOT SURE.

Q THE STRICTNESS OF THE FATHER, WAS THAT GOOD FOR HIM IN YOUR EYES?

A NOT TO THE EXTENT, I DON'T THINK, NO.

Q WAS MR. STANKO'S BEHAVIOR EVER UNUSUAL TO YOUR...

A SEVERAL TIMES.

Q HOW?

A WELL, ON THE FOURTH OF JULY OR ON NEW YEARS EVE HE

WOULD TURN THE PORCH LIGHT OFF IN FRONT OF THEIR HOUSE. AND IF A FIRECRACKER WENT IN THE YARD, HE JUST WENT BERSERK AND YELLED AT THE KIDS, YOU KNOW, FOR SOMETHING THAT MOST CHILDREN NORMALLY DO ON NEW YEARS OR FOURTH OF JULY.

Q WAS HE A YELLING KIND OF A MAN?

A HE WAS AT THAT TIME. OTHER, YOU KNOW, I DIDN'T SEE HIM THAT OFTEN OTHER...

Q HOW ABOUT -- HOW ABOUT AS FAR AS HIS -- HIS INTELLIGENCE AND HIS ABILITIES HIMSELF? HAD YOU EVER BEEN ABLE TO MEASURE THE FATHER'S ABILITIES AT ALL?

A HE -- TO ME HE WAS A VERY INTIMIDATING PERSON. AND HE -- HIS -- HOW SMART HE WAS, HE USED THAT I FELT. YOU KNOW, HE WAS -- HE WAS A VERY SMART PERSON.

Q BUT HE MISUSED HIS INTELLIGENCE?

A I THINK, YEAH, SOMETIMES.

Q MORE OF A WEAPON THAN AS A -- THAN AS A GIFT TO OTHERS.

A YES, SIR.

Q DID YOU EVER SEE MR. STANKO EVER INVOLVED WITH ANY OF HIS CHILDREN'S SPORTS INCLUDING HIS SON?

A NO, SIR.

Q ARE HIS PARENTS STILL LIVING?

A YES, SIR.

Q THEY STILL LIVE ACROSS THE STREET FROM YOU?

A YES, SIR.

Q I HAVE NO FURTHER QUESTIONS. PLEASE ANSWER ANY QUESTIONS THE SOLICITOR HAS.

MR. HUMPHRIES: I DON'T HAVE ANY QUESTIONS. THANK YOU.

THE COURT: ANY EXCEPTION TO THE WITNESS BEING EXCUSED?

MR. HUMPHRIES: NONE FROM THE STATE.

THE COURT: FROM THE DEFENSE?

MR. KELLY: NO, MA'AM.

THE COURT: MA'AM, YOU'RE EXCUSED. THANK YOU.

(WITNESS LEFT THE STAND.)

MR. KELLY: WE CAN SQUEEZE ONE MORE IN, MA'AM.

THE COURT: MADAM CLERK, IS THEIR LUNCH HERE?

MR. KELLY: WE WOULD CALLED THEDUS MAYO OF THE UNITED STATES JUSTICE DEPARTMENT US MARSHAL SERVICE.

THEDUS GERONICA MAYO, AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

THE WITNESS: MY NAME IS THEDUS GERONICA MAYO. MY NAME IS MY LAST NAME IS SPELLED M-A-Y-O.

THE COURT: AND IF YOU COULD SPELL YOUR FIRST NAME FOR THE BENEFIT OF THE COURT REPORTER AS WELL AS MIDDLE.

THE WITNESS: FIRST NAME T-H-E-D-U-S, MIDDLE NAME, G-E-R-O-N-I-C-A.

THE COURT: THANK YOU. YOU MAY PROCEED.

DIRECT EXAMINATION

BY MR. KELLY:

Q MRS. MAYO, MY NAME IS GERALD KELLY. HAVE YOU AND I EVER MET?

A NO.

Q BUT I THINK YOU TALKED WITH ONE OR MORE OF MY INVESTIGATORS; CORRECT?

A CORRECT.

Q AND YOU WORK WHERE?

A I WORK FOR THE US MARSHAL SERVICE IN COLUMBIA, SOUTH CAROLINA.

Q AND YOU RESIDE THERE, TOO?

A THAT'S CORRECT.

Q OKAY. AND HOW LONG HAVE YOU WORKED FOR THE US MARSHAL SERVICE?

A TWENTY YEARS.

Q AND WHAT'S YOUR JOB THERE, YOUR JOB DESCRIPTION?

A I AM AN ADMINISTRATIVE SUPPORT ASSISTANT TO OPERATION INTERCEPT, WHICH IS A FUGITIVE TASK FORCE WITH A PURPOSE OF LOCATING AND APPREHENDING FUGITIVES, AND MY JOB IS THE ADMINISTRATIVE END. I COMPILE ALL THE NECESSARY PAPERWORK.

Q AND DID YOU HAVE OR WERE YOU INVOLVED IN ANY TYPE OF LAW ENFORCEMENT BEFORE YOUR 20 YEARS THAT YOU HAVE BEEN

SERVING HERE?
A YES.
Q YOU DID? WHAT WAS IT?
A I'M SORRY. REPEAT THAT.
Q YOU HAVE BEEN UP THERE AT THE MARSHAL SERVICE FOR 20 YEARS, MA'AM?
A TWENTY YEARS.
Q BEFORE THAT WERE YOU IN LAW ENFORCEMENT?
A YES.
Q WHAT DID YOU DO?
A I WAS A DEPUTY SHERIFF FOR A LITTLE OVER SEVEN YEARS.
Q WHAT COUNTY?
A THAT WAS IN ORLEANS COUNTY IN NEW ORLEANS.
Q ALL RIGHT, MA'AM. DO YOU RECALL THAT ON OR ABOUT JANUARY THE 26TH OR THEREABOUT IN 2005 THAT YOU RECEIVED A CALL OF SOME TYPE CONCERNING A STANKO, STEPHEN STANKO?
A YES.
Q AND WAS IT A MAN OR WOMAN WHO CALLED YOU? DO YOU KNOW? DO YOU RECALL?
A DO I HAVE TO SAY?
THE COURT: YES, MA'AM. YOU HAVE TO ANSWER THE QUESTION AND ANSWER IT TO THE BEST OF YOUR ABILITY.
BY MR. KELLY:
Q WHETHER IT WAS A MAN OR A WOMAN, WHO CALLED YOU?
A (NO VERBAL RESPONSE.)

Q IS THERE SOME REASON YOU DON'T WANT TO TELL ME?
A THERE IS A REASON.
Q WHAT IS THE REASON?
A THE -- THE CALLER EXPRESSED GREAT, GREAT FEAR OF THEIR IDENTITY BEING KNOWN UNDER -- ANY CLUES BEING GIVEN ABOUT THEIR IDENTITY.
Q LET ME ASK YOU THESE QUESTIONS WITHOUT YOU REVEALING ANY IDENTITY. DO YOU KNOW THE IDENTITY OF THE CALLER?
A YES.
Q BUT YOU, IN ORDER TO PROTECT THE IDENTITY OF THE CALLER AS THEY REQUESTED YOU, YOU ASKED NOT TO REVEAL IT TODAY. CORRECT?
A CORRECT.
Q WELL THEN, I'LL CERTAINLY RESPECT THAT. TELL ME WHAT THE CALLER TOLD YOU.

MR. HEMBREE: OBJECTION, YOUR HONOR. HEARSAY.

THE COURT: SUSTAINED. HEARSAY.

BY MR. KELLY:
Q WELL, DID THE CALL--

THE COURT: UNLESS YOU CAN PROVE TO THE COURT IT IS NOT BEING OFFERED FOR ITS TRUTH.

MR. KELLY: I WILL APPROACH IT THIS WAY.

THE COURT: OKAY. WHY DON'T WE -- I PROBABLY NEED TO HEAR IT EN CAMERA IN ANY EVENT. MADAM FORELADY, LADIES AND GENTLEMEN, WE HAVE A MATTER OF

LAW I NEED TO TAKE UP OUTSIDE OF YOUR PRESENCE VERY BRIEFLY--

MR. KELLY: MA'AM, EXCUSE ME. I DON'T -- WHAT MATTER OF LAW? I WILL JUST SIMPLY GO AHEAD.

THE COURT: OH, DO YOU WANT -- I THOUGHT YOU SAID YOU WANTED TO APPROACH. I MISUNDERSTOOD.

MR. KELLY: NO, MA'AM. I MISS -- I DIDN'T SAY THAT. I SAID I WOULD APPROACH THE QUESTION--

THE COURT: OH, I APOLOGIZE. I MISUNDERSTOOD YOU.

MR. KELLY: YES, MA'AM.

THE COURT: WE'LL PROCEED WITH QUESTIONING. YOU MAY REPHRASE.

BY MR. KELLY:

Q DID THIS PERSON CALL YOU ONCE OR MORE THAN ONCE?

A MORE THAN ONCE.

Q AND AS A RESULT OF THE CALLS TO YOU, WHAT DID YOU DO?

A I DID SOME RESEARCH ABOUT THE DEFENDANT.

Q AND HOW DID YOU DO THAT RESEARCH, MA'AM?

A I DID IT -- DID IT ON MY NATIONAL COMPUTER SYSTEM.

Q YES, MA'AM. WOULD THAT BE THE NCIC OR -- WAS THAT THE PROGRAM THAT YOU WERE LOOKING AT?

A YES, THAT WAS THE PROGRAM.

Q AND THE -- AS A RESULT OF WHAT THE CALLER TOLD YOU, YOU WENT INTO YOUR INFORMATION BANKS THAT WERE AVAILABLE

TO YOU AND LOOKED UP STEPHEN C. STANKO; CORRECT?

A CORRECT.

Q AND WHAT DID YOU FIND ABOUT STEPHEN C STANKO?

A WELL, I FOUND THAT IT WAS NOT A CASE FOR OUR TASK FORCE WHATSOEVER. BUT BASED ON THE INFORMATION I HAD RECEIVED, I -- MY POLICY -- OUR POLICY THEN IS JUST TO PASS THE INFORMATION ON TO ANY OTHER AGENCY WHO MIGHT HAVE JURISDICTION OR HAVE A SPECIAL INTEREST.

AND BASED ON THE INFORMATION I HAD RECEIVED, I BELIEVED STEPHEN STANKO TO BE UNDER SUPERVISION BY THE STATE, SOUTH CAROLINA. SO I PROBABLY CALLED THE MAIN OFFICE IN COLUMBIA AND WAS REFERRED TO THE OFFICE IN CONWAY.

Q YES, MA'AM.

A AND THEN I CALLED CONWAY TO GIVE THE INFORMATION THAT I HAD RECEIVED FROM THE CALLER.

Q AND THIS WOULD HAVE BEEN RIGHT ABOUT JANUARY THE 26TH?

A ABOUT I THINK -- I THINK THAT.

Q SO YOU WENT IN AND IDENTIFIED STEPHEN STANKO AS TO WHERE HE ACTUALLY WAS OFFICIALLY; CORRECT?

A NO, I DIDN'T FIND ANY -- I DIDN'T KNOW WHERE HE WAS EXCEPT FOR WHAT I RECEIVED VIA TELEPHONE. BUT BECAUSE OF THE INFORMATION I RECEIVED VIA TELEPHONE, I HAD AN IDEA OF WHERE HE WAS.

Q I UNDERSTAND.
A UH-HUH.
Q SO WHO DID YOU CALL?
A LIKE I SAID, I -- WELL, I ENDED UP CALLING CONWAY FINALLY, BUT I PROBABLY BEGAN WITH THE PROBATION HEADQUARTERS IN -- IN COLUMBIA.
Q AND DID YOU THINK THAT THEY -- AS A RESULT OF CONTACTING THE SOUTH CAROLINA DEPARTMENT OF PROBATION, PARDON, AND PAROLE IN COLUMBIA, YOU THEN CALLED CONWAY?
A THAT'S CORRECT.
Q AND WHO DID YOU CALL AND WHAT -- WHAT AGENCY DID YOU CALL IN CONWAY?
A I CALLED THE OFFICE OF PROBATION AND PAROLE, AND I -- I DIDN'T ASK FOR ANYONE IN PARTICULAR. I GAVE HIS NAME AND SAID I WANTED TO SPEAK WITH WHOMEVER WAS HANDLING HIS CASE.
Q AND DID THEY GIVE YOU SOMEONE TO WHOM YOU SPOKE?
A THAT'S CORRECT.
Q WHO IS THAT PERSON?
A I DON'T KNOW. I DON'T RECALL.
Q DID YOU UNDERSTAND THEM TO BE A CASE WORKER OF HIS?
A THAT'S CORRECT, I DID.
Q OKAY. AND WHAT DID YOU TELL THEM?
MR. HEMBREE: OBJECTION, YOUR HONOR. THIS IS -- WELL...

THE COURT: BASIS OF THE OBJECTION.

MR. HEMBREE: THE BASIS OF THE OBJECTION IS HEARSAY BECAUSE THE SOURCE OF THE--

THE COURT: IS THE OBJECTION HEARSAY?

MR. HEMBREE: THE OBJECTION IS HEARSAY.

THE COURT: THE QUESTION IS WHAT DID SHE TELL THEM. THAT'S NOT HEARSAY. WHAT THEY SAID IN RESPONSE, HOWEVER, WOULD BE, AND I WILL HAVE TO ADDRESS THAT IF THAT IN FACT BECOMES AN ISSUE.

BUT AT THIS MOMENT SHE CAN ANSWER WHAT SHE SAID. OVERRULED. MA'AM, YOU MAY ANSWER THE QUESTION.

BY MR. KELLY:

Q WHAT DID YOU TELL -- DON'T TELL ME WHAT THEY TOLD YOU, BUT TELL ME WHAT YOU TOLD THEM.

A I SAID THAT STEPHEN STANKO APPEARED TO BE CONTROLLING THE LIBRARY OF SOCASTEE LIBRARY AND THE LIBRARIAN. I SAID THAT THERE WAS SOME PATRONS IN THE LIBRARY WHO WERE FEARFUL OF HIM.

I SAID THAT HE PRESENTED HIMSELF AS AN ATTORNEY, AN INVESTOR, OR A -- AN INVESTIGATOR FOR VARIOUS LAW FIRMS, AND THAT HE EVEN AT TIMES WORE HANDCUFFS FROM HIS WAISTBAND.

I TOLD THEM THAT HE HAD FULL CONTROL OF LAURA LING'S OFFICE, COMPUTER EQUIPMENT, ET CETERA, AND WAS IN THERE ON ALMOST A DAILY BASIS CONDUCTING SOME TYPE OF BUSINESS OR

RESEARCH AND HAD TO BE UNDISTURBED.

I -- I TOLD THEM THAT HE WAS OFFERING HIMSELF AS A -- OFFERING TO REPRESENT LEGALLY MEMBERS OF THE COMMUNITY IN EXCHANGE FOR RETAINER FEES.

I TOLD THEM THAT HE HAD ALREADY EXPRESSED TO AT LEAST ONE PERSON THAT HE HAD RESEARCHED THEIR HOLDINGS THROUGH SOME LOCAL COMPUTER SYSTEM AND KNEW WHAT PROPERTIES THEY OWNED AND WHAT TAX BRACKET THEY WERE IN, AND FOR A FEE HE COULD REDUCE THEIR TAXATION.

I SAID THAT MY SOURCE OF INFORMATION WAS EXTREMELY, EXTREMELY AFRAID, AND THAT NOTHING I COULD SAY COULD SEEM TO ALLEVIATE ANY OF THE CALLER'S FEARS, AND -- BUT I HAD -- I HAD TOLD THE CALLER THAT, OKAY, IF -- IF STEPHEN STANKO IS A -- IS A CON ARTIST, THAT GENERALLY THEY WOULD -- A CON ARTIST WOULD NOT BE -- DID NOT REPRESENT PHYSICAL HARM. BUT -- SO NOTHING I DID COULD -- NOTHING I SAID COULD ALLEVIATE THE CALLER'S FEARS.

AND CONVERSATION LASTED SEVERAL MINUTES. I DON'T REMEMBER ALL I SAID, BUT I JUST TRIED TO CONVEY THAT PERHAPS THIS PERSON WAS DANGER TO THE COMMUNITY.

Q SO YOU TRIED TO CONVEY TO THE PERSON TO WHOM YOU SPOKE AT CONWAY PROBATION, PARDON, AND PAROLE, YOU GOT A -- I HAVE GOT A REPORT I'M GIVING TO YOU, YOU HAVE GOT A DANGEROUS CHARACTER--

MR. HEMBREE: YOUR HONOR, I OBJECT. IT'S

LEADING.

THE COURT: SUSTAINED. LEADING. YOU MAY REPHRASE.

BY MR. KELLY:

Q WERE YOU ATTEMPTING TO RAISE THE ALARM WITH THEM?

MR. HEMBREE: OBJECT, YOUR HONOR. LEADING.

THE COURT: SUSTAINED. LEADING. YOU MAY REPHRASE.

BY MR. KELLY:

Q WHAT WERE YOU INTENDING TO DO? I KNOW YOU DID YOUR DUTY, MA'AM, BUT WHAT WERE YOU TRYING TO DO?

A WELL, I GET CALLS LIKE, YOU KNOW, CALLS FROM THE PUBLIC ALL THE TIME, AND SOMETIMES THEY JUST -- I -- I NEVER KNOW THE FULL CREDIBILITY OF THE CALLER ANY WAY. SO I JUST CONVEY INFORMATION, AND I EXPECT -- I KNOW WHAT I EXPECT. I DON'T KNOW WHAT THEY WANT TO DO, BUT I KNOW WHAT I EXPECT.

Q WHAT DID YOU EXPECT IN THIS CASE WHEN YOU MADE THIS...

A WELL, I EXPECTED THAT THE PROBATION OFFICER TO AT LEAST TAKE A LOOK AT WHAT I HAD REPORTED. AND I EVEN RECALL SAYING THAT IF YOU WANT TO FIND HIM, IF THE INFORMATION I'M GIVING YOU IS CORRECT, JUST GO TO THE LIBRARY.

SO I EXPECTED THAT -- THAT HIS FILE WOULD BE

CAREFULLY SCRUTINIZED AND THAT HE WAS -- SPECIAL ATTENTION WOULD BE PAID TO HIM TO SEE IF IN FACT HE DID REPRESENT A DANGER TO THE COMMUNITY.

Q DID THIS PERSON OR ANYBODY ELSE AT THAT PROBATION, PARDON, AND PAROLE OFFICE IN CONWAY EVER CALL YOU BACK?

A NO.

Q DID ANY OFFICER OF LAW ENFORCEMENT IN THE STATE OF SOUTH CAROLINA EVER CALL YOU BACK ON THIS ISSUE?

A NOT -- NO, NOT AT THAT -- NOT ABOUT THIS, NO. NO. MUCH LATER WE GOT INTO SOMETHING ELSE.

Q AFTER LAURA LING'S MURDER THEN YOU GOT A CALL?

A WELL, I -- I -- WELL, THE CASE WAS TURNED OVER TO MY OFFICE PERIOD I THINK BY THE -- BY LOCAL AUTHORITIES BECAUSE IT APPEARED THAT HE HAD LEFT THE JURISDICTION AND THE CASE WAS TURNED OVER, PERIOD.

BUT I DIDN'T GET A SPECIFIC -- OR I NEVER RECEIVED A PHONECALL ABOUT MY PHONECALL IF THAT'S WHAT YOU'RE ASKING. NO.

Q ABSOLUTELY. THAT IS WHAT I'M ASKING.

A OKAY. NO.

Q THAT WAS AN EYE-OPENER, WASN'T IT, WHEN THE STANKO CASE ACTUALLY CAME ACROSS YOUR DESK IN YOUR OFFICE AFTER YOU HAD MADE THIS REPORT IN JUNE OR JULY; WASN'T IT?

MR. HEMBREE: OBJECTION, YOUR HONOR. IT'S LEADING.

THE COURT: SUSTAINED. LEADING. YOU MAY REPHRASE.

BY MR. KELLY:

Q WHAT WAS YOUR REACTION WHEN THE STANKO CASE OF MURDER AND FLIGHT AND RAPE AND KIDNAPPING CAME TO YOUR OFFICE? WHAT WERE YOU -- WHAT WAS YOUR REACTION TO THAT?

A I'M NOT SURE I CAN DESCRIBE IT.

Q TRY TO DESCRIBE IT.

A WELL, I JUST SAID, YOU KNOW, WELL, THAT'S HIM. WHEN I-- WHEN I GOT THE PAPERWORK, I SAID, THAT'S HIM, THAT'S HIM, THAT'S THE GUY. WAIT. WAIT. NO. FIRST -- WHEN IT WAS FIRST COMING THROUGH, I CAN -- JUST GLANCED AT IT. I WAS ON MY WAY OUT OF THE OFFICE OR SOMETHING.

ABOUT LESS THAN FIVE MINUTES LATER I CAME BACK TO THE OFFICE AND EVERYTHING WAS IN, AND I -- AND THAT'S WHEN I REACTED THAT WAY, SAID, OH MY LORD, THAT'S HIM, THAT'S HIM.

AND SO I IMMEDIATELY PLACED A CALL TO THE LIBRARY BECAUSE I DID NOT KNOW AT THAT TIME WHO THE VICTIMS WERE FOR SURE, AND SO I CALLED TO ASK FOR LAURA AND WAS TOLD SHE WOULD NOT BE IN THAT DAY.

AND I THINK THAT'S WHEN IT -- I -- WELL, FROM THIS POINT ON I DID NOT WORK IT. I HAD NOTHING ELSE TO DO WITH THE CASE. SOMEONE ELSE TOOK IT OVER. I GUESS MY CHAIN OF COMMAND FELT IT WAS BEST THAT I NOT.

AND SO I JUST MADE SURE I HANDLED OTHER THINGS SO THAT -- I HANDLED OTHER CASES SO SOMEONE ELSE COULD DEVOTE THEMSELVES TO THE STEPHEN STANKO CASE.

Q AND MAY I ASK, WAS THE DECISION OF YOUR CHAIN OF COMMAND TO LET OTHERS HANDLE THIS CASE BASED ON INFORMATION THAT YOU GAVE TO THEM OF YOUR PREVIOUS INVOLVEMENT? DO YOU KNOW?

MR. HEMBREE: YOUR HONOR, I OBJECT. CALLS FOR SPECULATION.

THE COURT: SUSTAINED. SPECULATION, UNLESS YOU CAN LAY THE APPROPRIATE FOUNDATION TO THE QUESTION.

BY MR. KELLY:

Q MA'AM, I SURE DO APPRECIATE YOU COMING DOWN HERE.

A THANK YOU.

Q HAS ANYBODY BESIDES MY INVESTIGATORS EVER TRIED TO FIND OUT FROM YOU THIS INFORMATION?

A I TALKED TO ATTORNEYS -- GENERAL COUNSEL AT THE DEPARTMENT OF JUSTICE IN WASHINGTON DC AND I TALKED TO THE US ATTORNEY'S OFFICE IN COLUMBIA. AND IT WAS JUST GENERALLY, YOU KNOW, LIKE ANY OTHER CASE. THEY TOLD ME, JUST MAKE SURE YOU ARE TRUTHFUL WHEN YOU TAKE THE STAND.

Q AND THAT WAS AFTER THE FACT THAT LAURA LING HAD BEEN MURDERED, WASN'T IT, THAT YOU TALKED TO THEM?

A YES. YES. YES.

Q AND MA'AM, LET ME GET THIS DATE STRAIGHT NOW. WAS IT

JANUARY 26TH OR THEREABOUTS OF 2005?

A I'M SURE IT WAS.

Q AND DO YOU RECALL THAT LAURA LING -- LAURA LING'S MURDER WAS IN APRIL THE EIGHTH OF THE SAME YEAR?

A YES.

MR. KELLY: I HAVE NO FURTHER QUESTIONS. YOUR WITNESS.

THE COURT: ANY QUESTIONS FOR THE WITNESS?

MR. HEMBREE: YES, YOUR HONOR.

THE COURT: YOU MAY PROCEED.

CROSS-EXAMINATION

BY MR. HEMBREE:

Q MRS. MAYO, GOOD AFTERNOON.

A HELLO.

Q A COUPLE OF QUESTIONS. THE -- YOU INDICATED OR I BELIEVE YOU INDICATED IN YOUR DIRECT TESTIMONY THAT WHEN THIS SOURCE OR THIS CALLER CALLED INTO YOUR OFFICE WITH THIS CONCERN, THAT YOU -- THAT YOU EXPLAINED TO THAT SOURCE THAT THIS GUY WAS A CON MAN AND THAT TYPICALLY CON MEN AREN'T VIOLENT, THEY ARE NOT DANGEROUS. IS THAT CORRECT?

A OKAY.

Q TRIED TO CALM HER DOWN?

A SORT OF. THE FIRST -- BASED ON WHAT -- THE INFORMATION THE CALLER GAVE ME, I CONCLUDED THAT -- THAT

HE WAS A CON MAN. OKAY. AND AT THAT TIME I DID -- I DIDN'T DO THE RESEARCH UNTIL LATE -- LATER AFTER THE CALL.

Q RIGHT. BUT -- AND MAYBE I JUST MISUNDERSTOOD WHAT YOU SAID.

A OKAY.

Q BUT AT SOME POINT I THOUGHT I HEARD YOU SAY THAT YOU TRIED TO -- DID YOU TRY TO TELL THIS PERSON--

A UH-HUH.

Q -- THAT, YOU KNOW, CON MEN -- YOU KNOW, SETTLE DOWN, CON MEN USUALLY AREN'T VIOLENT, YOU DON'T NEED TO BE SO SCARED?

A THAT'S -- THAT'S WHAT I DID, YES.

Q OKAY. THAT WAS THE ADVICE YOU GAVE HER BASED ON YOUR EXPERIENCE WITH CON MEN --

A YES.

Q -- LOTS OF CALLS ABOUT CON MEN THAT THE US MARSHAL SERVICE GETS ALL THE TIME?

A YES.

Q UNDERSTAND. THANK YOU, MRS. MAYO.

THE COURT: ANY REDIRECT OF THE WITNESS?

MR. KELLY: YES, MA'AM.

THE COURT: YOU MAY PROCEED.

REDIRECT EXAMINATION

BY MR. KELLY:

Q WELL NOW, WHEN YOU CALLED PROBATION, PARDON, AND

PAROLE OFFICE IN CONWAY AND AFTER HAVING LOOKED UP STANKO, DID YOU KNOW WHAT HIS RECORD WAS?

A I KNEW -- YES. I -- I COULD -- WELL, YES AND NO, BECAUSE BASED ON INFORMATION I HAD RECEIVED TELEPHONICALLY, THERE WAS SOME CONFLICT BETWEEN WHAT I FOUND IN NCIC AND WHAT I HAD FOUND TELEPHONICALLY, BUT I -- I HAD A -- ENOUGH.

Q DID YOU KNOW THAT HE HAD BEEN CONVICTED OF KIDNAPPING, ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE, AS WELL AS BREACHES OF TRUST AND FRAUDULENT TAKING OF PROPERTY? DID YOU KNOW ALL OF THAT?

A YES, I KNEW THAT BY THE TIME I SPOKE WITH PROBATION AND PAROLE.

Q AND IS IT YOUR BELIEF THAT CERTAINLY SINCE HE WAS ON PAROLE WITH THEM, THEY KNEW IT AS WELL?

A OH, YES, I -- I HAD TO THINK SO BECAUSE OF THE LAST CONVICTION WAS FOR THOSE OFFENSES, AND SO QUITE NATURALLY I ASSUME THAT THOSE WERE THE SAME CHARGES THAT HE WAS BEING SUPERVISED ON, SAME CASE THAT HE WAS BEING SUPERVISED ON.

Q WELL, DID -- DID THAT -- DOES THAT HISTORY THAT YOU KNEW OF THEN, HISTORY OF HIS CONVICTIONS SOUND LIKE YOUR NON-VIOLENT, AVERAGE CON MAN AT THAT POINT?

A NOT AT ALL.

MR. KELLY: I HAVE NOTHING FURTHER OF THIS

WITNESS.

THE COURT: ANY FURTHER QUESTIONS OF THE WITNESS?

MR. HEMBREE: NO, YOUR HONOR.

THE COURT: ANY EXCEPTION TO THE WITNESS BEING EXCUSED?

MR. HEMBREE: NONE FROM THE STATE.

MR. KELLY: NONE, MA'AM.

THE COURT: MA'AM, YOU'RE EXCUSED.

THE WITNESS: THANK YOU.

THE COURT: YOU'RE WELCOME.

MR. KELLY: AND THANK YOU, MA'AM.

THE WITNESS: THANK YOU.

(WITNESS LEFT THE STAND.)

THE COURT: MADAM FORELADY, LADIES AND GENTLEMEN, YOUR LUNCH HAS JUST ARRIVED. WE'RE GOING TO BREAK FOR OUR LUNCHEON RECESS. DURING THE BREAK PLEASE DO NOT DISCUSS THE CASE. PLEASE LEAVE YOUR NOTEPADS IN YOUR SEAT, AND I WILL ADVISE YOUR CUSTODIANS WHEN WE WILL BE RESUMING COURT.

(JURY LEFT THE COURTROOM AT 2:09 PM.)

THE COURT: IS THERE ANYTHING BEFORE WE BREAK FOR LUNCH FROM THE STATE?

MR. HEMBREE: NOTHING FROM THE STATE.

THE COURT: FROM THE DEFENSE?

MR. KELLY: NO, MA'AM.

THE COURT: ALL RIGHT. ENJOY YOUR LUNCH. I ASSUME IT WILL PROBABLY BE 40 MINUTES OR SO DEPENDING ON HOW LONG IT TAKES THE JURY TO REFRESH THEMSELVES.

MR. KELLY: THANK YOU, MA'AM.

THE COURT: YOU'RE WELCOME. THANK YOU. MR. KELLY, IF YOU NEED ANYTHING, YOU LET US KNOW.

MR. KELLY: YES, MA'AM. I WILL. THANK YOU.

(COURT WAS IN RECESS FOR LUNCH.)

THE COURT: IS THE STATE READY TO PROCEED?

MR. HEMBREE: YES, YOUR HONOR.

THE COURT: IS THE DEFENSE READY TO PROCEED?

MR. DIGGS: YES.

THE COURT: IF WE COULD -- IS THERE A REASON THAT'S TURNED THAT WAY? OH, FOR THE JURY TO COME IN?

MR. DIGGS: IT'S GOING TO BE USED NOT IN THE FIRST WITNESS BUT THE SECOND WITNESS, AND THE FIRST WITNESS WILL BE VERY BRIEF.

THE COURT: OKAY. THAT SORT OF...

MR. DIGGS: DO YOU WANT ME TO MOVE IT AROUND?

THE COURT: WHERE IT'S AT RIGHT NOW REALLY OBSTRUCTS MY VIEW OF THE COURTROOM, AND I -- YOU CAN MOVE IT BACK THIS WAY IF YOU WANT, OR IS THAT GOING TO CAUSE YOU ALL ANGST? PERFECT. THAT WORKS PERFECTLY.

MR. KELLY, ARE YOU COMFORTABLE WHERE YOU ARE OR DO YOU WANT TO MOVE BACK TO THE END WHERE YOU WERE BEFORE?

MR. KELLY: MA'AM, IT'S JUST ONE SHORT WITNESS.

THE COURT: OKAY.

MR. KELLY: I MOVED HERE BEFORE I KNEW HE WOULD COME IN.

THE COURT: NO, I WANT TO MAKE SURE YOU'RE COMFORTABLE.

MR. KELLY: MA'AM, I AM COMFORTABLE.

THE COURT: OKAY. ALL RIGHT. BRING IN THE JURY. I ASSUME THERE'S NOTHING WE NEED TO TAKE UP BEFORE WE BRING IN THE JURY?

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

THE COURT: OKAY. YOU CAN BRING IN THE JURY, MADAM BAILIFF.

BAILIFF: THANK YOU.

THE COURT: YOU'RE WELCOME. THANK YOU.

(JURY ENTERED THE COURTROOM AT 3:28 PM.)

THE COURT: YOU MAY BE SEATED. LADIES AND GENTLEMEN, I HOPE THAT YOU ALL HAD AN ENJOYABLE LUNCH. WE WILL NOW RESUME WITH TESTIMONY. YOU MAY PROCEED.

MR. KELLY: ATTORNEY TIMOTHY MEACHUM.

TIMOTHY MEACHUM, AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. KELLY:

Q MR. MEACHUM, I'M GERALD KELLY AND I THINK YOU AND I JUST MET FOR THE FIRST TIME TODAY; IS THAT CORRECT?

A YES, SIR.

Q AND YOU ARE AN ATTORNEY AT LAW?

A THAT'S CORRECT.

Q AND HOW ARE YOU NOW EMPLOYED?

A RIGHT NOW I TEACH GOVERNMENT AT COASTAL CAROLINA UNIVERSITY. I AM NOW RETIRED. AND I ALSO WORK AT THE WELLNESS CENTER.

Q WHERE WERE YOU EMPLOYED DURING THE YEAR 2005 DURING THE MONTHS FROM JANUARY UNTIL APRIL THE EIGHTH OF 2005?

A AT THE SOLICITOR'S OFFICE OF THE 15TH JUDICIAL CIRCUIT.

Q AND WHAT WERE YOUR DUTIES?

A PROSECUTION OF CRIMINAL CASES.

Q LET ME ASK YOU TO LOOK AT THIS DOCUMENT, PLEASE. AND TELL ME, IN YOUR -- DO YOU RECOGNIZE THAT?

A YES, SIR, I DO. I DO RECOGNIZE IT. YES, SIR.

Q PLEASE SHOW IT TO THE SOLICITOR.

MR. KELLY: I ASK IT BE ENTERED.

MR. HEMBREE: WITHOUT OBJECTION, YOUR HONOR.

THE COURT: IT'S MARKED AND ADMITTED WITHOUT OBJECTION.

(WHEREUPON, DEFENDANT'S EXHIBIT 36 WAS ADMITTED INTO EVIDENCE.)

THE COURT: IT'S MARKED WITHOUT OBJECTION. YOU MAY CONTINUE.

BY MR. KELLY:

Q SHOW IT -- GIVE IT TO THE WITNESS, PLEASE. SIR, IDENTIFY THIS FOR THE JURY.

A THIS IS THE ON CALL OR CORROBORATIVE CASE MANAGEMENT SCHEDULE FOR SOLICITORS IN HORRY COUNTY.

Q AND IT WOULD BE FOR THE TIME PERIOD HERE FROM THE BEGINNING OF JANUARY 205 (SIC) THROUGH THE 13TH OF OCTOBER 205; CORRECT?

A YES, IT DOES. IT BEGINS JANUARY THE SEVENTH THROUGH OCTOBER 13TH, 2005. THAT'S CORRECT.

Q NOW, THE ATTORNEYS IN THE SOLICITOR'S OFFICE ARE LISTED THERE AS REPRESENTING CONSECUTIVE WEEKS OF THE YEAR; IS THAT CORRECT?

A YES. YES, SIR.

Q AND WHAT DOES THAT MEAN?

A OUR ON CALL SCHEDULE OR WHEN CASES WOULD COME IN, WE WOULD GO ON CALL, AND THEN THE NEXT ATTORNEY FOR THE SUBSEQUENT WEEK WOULD TAKE THE ON CALL. AND THOSE CASES WOULD BE THE CASES WE ADOPTED IN THE SOLICITOR'S OFFICE.

Q I NOTICE IN THE YEAR 2005 THE FIRST TIME THAT YOU WERE ON CALL WAS THE WEEK OF MARCH THE 18TH THROUGH THE 24TH; IS THAT CORRECT?

A YES, SIR, THAT'S CORRECT.

Q AND WHAT DOES THAT MEAN YOUR DUTIES WOULD HAVE BEEN AT THAT TIME?

A AT THE TIME WE ATTENDED BOND -- BOND COURT HEARINGS IN HORRY COUNTY, HORRY COUNTY DETENTION CENTER. AND IN ADDITION TO THAT WE SERVED AS ON CALL SOLICITORS TO ANSWER QUESTIONS FROM LAW ENFORCEMENT AND ALSO SOME QUESTIONS FROM THE GENERAL PUBLIC, DEPENDING UPON WHAT THE QUESTION WAS.

Q AND THEN AFTER THAT, THE NEXT TIME THAT YOU'RE ON THE LIST IS JUNE THE THIRD THROUGH JULY.

A YES, SIR, THAT -- THAT'S CORRECT.

Q AND THEN AGAIN IN AUGUST.

A YES, SIR.

Q DO YOU REMEMBER A CITIZEN NAMED CONNIE PRICE?

A I DO REMEMBER A CITIZEN CONNIE -- CONNIE PRICE.

Q AND TELL US HOW YOU WERE CONTACTED BY CONNIE PRICE DURING THIS CALENDAR YEAR.

A WHAT I RECALL WAS THAT I SCHEDULED AN APPOINTMENT WITH MS. PRICE TO TALK TO HER ABOUT A FORGERY CASE. EITHER I RESCHEDULED -- HAD TO RESCHEDULE THAT APPOINTMENT OR MY ASSISTANT RESCHEDULED THAT APPOINTMENT BECAUSE I WAS

IN COURT THAT DAY AND MET WITH HER SOME TIME IN APRIL IN THE OFFICE.

Q THAT SOME TIME IN APRIL WOULD HAVE BEEN AFTER THE MURDER OF LAURA LING; CORRECT?

A YES, SIR.

Q BUT THE FIRST APPOINTMENT WITH HER WOULD HAVE BEEN PREVIOUS TO THAT EVENT; CORRECT?

A I DON'T KNOW THAT.

Q DO YOU HAVE ANY RECORD OF HER CALL?

A I DO NOT.

Q DO YOU THINK THAT IT WOULD HAVE BEEN--

A NOT IN MY POSSESSION I DO NOT.

Q EXCUSE ME?

A NOT IN MY POSSESSION I DO NOT.

Q WOULD THERE BE SUCH A RECORD?

A THERE COULD HAVE BEEN A NOTATION ON THE FILE IF SHE CALLED WITH THE DATE, I PROBABLY WOULD HAVE MADE A NOTATION ON THE FILE, BUT I DO NOT HAVE CUSTODY OF THOSE FILES.

Q IF SHE HAD BEEN CALLING YOU TO DISCUSS STEPHEN STANKO WITH YOU, THERE WOULD HAVE BEEN NO FILE IN YOUR OFFICE; CORRECT?

A THAT'S CORRECT, YES, SIR.

Q AND DID YOU EVER SPEAK WITH HER AND DETERMINE WHAT SHE WANTED TO TALK TO YOU ABOUT?

A I DID SPEAK WITH HER IN PERSON ON APRIL -- IN APRIL LATE, MID-APRIL SOMETIME.

Q WELL, AT THAT TIME THE NAME OF STEPHEN STANKO WAS WELL KNOWN TO YOUR OFFICE; RIGHT?

A YES, SIR. YES, SIR.

Q AND DID YOU EVER TALK TO HER PREVIOUS TO THE -- TO APRIL THE EIGHTH AND DETERMINE THAT SHE WANTED TO SPEAK TO YOU ABOUT STEPHEN STANKO PERHAPS AMONG OTHER ISSUES?

A I -- I DO NOT RECALL THAT.

Q DID YOU HAVE A SECRETARY?

A WE HAVE LEGAL ASSISTANTS.

Q AND DID YOU HAVE A PERSONAL LEGAL ASSISTANT YOURSELF?

A THE LEGAL ASSISTANTS WORK FOR THE SOLICITOR'S OFFICE, BUT THEY ARE UNDER THE DIRECTION OF THE PARTICULAR ASSISTANT SOLICITOR, YES.

Q AND WOULD THERE BE ANYONE IN PARTICULAR IN THAT OFFICE WHO WOULD HAVE TAKEN, MAKE A NOTATION THAT -- THAT A CITIZEN HAD CALLED YOU ABOUT A PARTICULAR ISSUE?

A YES. THAT WOULD BE A LEGAL ASSISTANT IF I WAS NOT IN THE OFFICE, THAT'S CORRECT.

Q WHO WOULD THAT BE?

A THAT WOULD BE MELISSA GERARD.

Q MELISSA GERARD. DID -- IF I UNDERSTAND YOU CORRECTLY YOU'RE SAYING THAT YOU DID HAVE AN APPOINTMENT WITH CONNIE PRICE BUT YOU REALLY DIDN'T KNOW WHAT SHE WANTED AND

DIDN'T MEET WITH HER UNTIL AFTER THE DEATH OF LAURA LING; IS THAT CORRECT?

A THAT'S MY RECOLLECTION, YES, SIR.

Q I HAVE NO FURTHER QUESTIONS.

THE COURT: ANY QUESTIONS FOR THE WITNESS?

MR. HEMBREE: VERY BRIEFLY, YOUR HONOR.

THE COURT: YOU MAY PROCEED.

CROSS-EXAMINATION

BY MR. HEMBREE:

Q MR. MEACHUM, YOU DID MEET WITH CONNIE PRICE.

A I DID.

Q AND DID SHE -- WITHOUT TELLING ME WHAT SHE SAID TO YOU, DID SHE -- WAS SHE GIVEN A FULL OPPORTUNITY TO RELATE HER STORY TO YOU?

A YES, SIR.

Q AND THIS MEETING TOOK -- DO YOU RECALL HOW LONG IT TOOK?

A APPROXIMATELY 30 MINUTES TO AN -- PROBABLY ABOUT AN HOUR.

Q OKAY. NOW, DID SHE PROVIDE DOCUMENTS TO YOU?

A SHE DID.

Q AND WHAT DID YOU DO ONCE YOU HAD -- ONCE YOU HAD INTERVIEWED MS. PRICE AND HAD TAKEN -- AND SHE'D GIVEN YOU COPIES OF HER DOCUMENTS; CORRECT?

A THAT'S CORRECT.

Q WHAT ACTION DID YOU TAKE?
A AT THAT TIME I TOLD HER THAT STEPHEN STANKO -- THE CASE WAS BEING PROSECUTED BY YOU AND I GAVE HER THE NAME OF STEVE BROWN, AN INVESTIGATOR IN OUR OFFICE WHO IN TURN TOOK A STATEMENT FROM HER.
Q OKAY. SO YOU KIND OF TURNED THE WHOLE THING OVER TO STEVE BROWN IN THE SOLICITOR'S OFFICE?
A YES, SIR, WHICH WOULD HAVE BEEN OUR PROCEDURE.
Q VERY GOOD. THANKS. THANKS VERY MUCH, MR. MEACHUM.

REDIRECT EXAMINATION

BY MR. KELLY:
Q MR. MEACHUM, YOU DIDN'T TAKE ANY DOCUMENTS OF CONNIE PRICE BEFORE LAURA LING'S DEATH; DID YOU?
A NO, SIR.
Q DID YOU TURN HER OVER TO STEVE BROWN, INVESTIGATOR, BEFORE LAURA LING'S DEATH?
A NO, SIR. MR. KELLY, I DON'T -- I DON'T RECALL ACTUALLY HAVING CONVERSATIONS WITH HER DIRECTLY. I THINK I RESCHEDULED AN APPOINTMENT OR MS. GERARD RESCHEDULED THE APPOINTMENT.
Q AND THE ANSWER TO MY QUESTION IS NO?
A NO, SIR.
Q AND EVEN THOUGH IT WAS RESCHEDULED FROM YOUR OFFICE, THERE IT WAS NO RECORD OF HER WANTING TO SPEAK TO YOU ABOUT STEPHEN STANKO?

A NOT IN MY CUSTODY THERE WAS NOT.
Q BUT AFTER LAURA LING'S DEATH YOU KNEW THAT--
A I CERTAINLY DID, YES, SIR.
Q AND YOU LISTENED TO HER CLOSELY; DIDN'T YOU?
A YES, SIR. SHE SET THE APPOINTMENT FOR A FORGERY CASE, AND AT THE TIME SHE BROUGHT THE ADDITIONAL DOCUMENTS IN CONCERNING STEPHEN STANKO.
Q BUT NOT BEFORE LAURA LING'S MURDER?
A NO. NO, SIR. THAT WAS AFTER.
Q NO FURTHER QUESTIONS.

THE COURT: ANYTHING FURTHER?

MR. HEMBREE: NO, YOUR HONOR.

THE COURT: ANY EXCEPTION TO THE WITNESS BEING EXCUSED FROM THE STATE?

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

THE COURT: FROM THE DEFENSE?

MR. KELLY: NO, MA'AM. WE'D ASK TO PUBLISH THE EXHIBIT TO THE JURY.

THE COURT: SIR, YOU MAY BE EXCUSED. THANK YOU.

(WITNESS LEFT THE STAND.)

THE COURT: YOU MAY CALL YOUR NEXT WITNESS.

MR. DIGGS: YOUR HONOR, WE WOULD CALL JOSEPH WU.

DR. JOSEPH WU, AFTER BEING DULY SWORN, TESTIFIED AS FOLLOWS:

THE COURT: YOU MAY PROCEED.

MR. DIGGS: YOUR HONOR, WE WOULD AGAIN OFFER DR. WU AS AN EXPERT IN PSYCHIATRY AND PET SCAN ANALYSIS.

THE COURT: ANY EXCEPTION, QUESTIONS OR OBJECTIONS TO HIM BEING QUALIFIED AS AN EXPERT?

MR. HEMBREE: YOUR HONOR, I'D LIKE TO SEE DR. WU'S CV. I'M SURE THAT I'M NOT GOING TO HAVE ANY OBJECTIONS, BUT I DID WANT TO -- I CAN PROBABLY CUT TO THE CHASE IF I JUST SEE HIS...

THE COURT: DO YOU HAVE A COPY OF YOUR CV, DR. WU?

THE WITNESS: I HAVE A ELECTRONIC COPY. I DON'T HAVE A HARD COPY THAT IS ON ME AT THIS TIME.

THE COURT: OKAY.

MR. DIGGS: YOUR HONOR, I WAS JUST -- I DON'T HAVE IT WITH ME. I THOUGHT IT WAS IN THE FILE.

THE COURT: WE HAVE ONE. JUST A MOMENT. BEAR WITH US.

(PAUSE WHILE MR. HEMBREE VIEWS DOCUMENT).

(MR. HEMBREE AND MR. DIGGS CONFERRING).

MR. HEMBREE: YOUR HONOR, WE WOULD AGREE THAT DR. WU IS AN EXPERT IN THE FIELD OF PSYCHIATRY. HOWEVER, THERE IS NO RECOGNIZED SUB-SPECIALTY IN THE FIELD OF PET SCAN ANALYSIS.

THE COURT: AND WHAT AREA ARE YOU SEEKING TO HAVE HIM--

MR. DIGGS: PET SCAN ANALYSIS. YOUR HONOR, I WILL LAY A FOUNDATION. AND WE WOULD SUBMIT A RECOGNIZED SPECIALTY WOULDN'T BE NECESSARY.

THE COURT: WELL, WE'RE SORT OF CROSSING MY LINE ON SPEAKING OBJECTIONS. SO IF Y'ALL WOULD APPROACH. THANK YOU.

(WHEREUPON A BENCH CONFERENCE WAS HELD.)

THE COURT: YOU MAY PROCEED.

DIRECT EXAMINATION

BY MR. DIGGS:

Q DR. WU, DO YOU HAVE ANY EXPERIENCE IN PET SCAN ANALYSIS?

A YES.

Q WOULD YOU GIVE US AN OVERVIEW OF WHAT THAT EXPERIENCE IS, PLEASE SIR?

A YES. I'M A -- PUBLISHED APPROXIMATELY 50 PAPERS THAT HAD USED PET SCAN ANALYSIS.

Q FIFTY PAPERS?

A YES, APPROXIMATELY 50 PAPERS.

Q BEFORE WE GET THERE, WHY DON'T WE TELL THE COURT WHAT YOUR PRESENT JOB IS AT THE UCI BRAIN CENTER.

A YES, I AM THE CLINICAL DIRECTOR FOR THE UNIVERSITY OF CALIFORNIA IRVINE BRAIN IMAGING CENTER, AND I--

Q NOW, WHAT -- WHAT DOES A BRAIN IMAGING CENTER DO?

A THE BRAIN IMAGING CENTER USES PET SCANS AND ANALYSIS

OF PET SCANS TO EVALUATE CLINICAL BRAIN PROBLEMS THAT PATIENTS MAY HAVE.

Q ALL RIGHT. HOW MANY PET SCANS HAVE YOU EITHER ADMINISTERED OR OVERSEEN OR CONDUCTED?

A I HAVE BEEN INVOLVED IN THE ADMINISTRATION AND INTERPRETATION OF APPROXIMATELY 5000 BRAIN PET SCANS.

Q AND OVER HOW LONG A PERIOD OF TIME?

A I HAVE BEEN INVOLVED WITH THE ADMINISTRATION OF AND INTERPRETATION OF BRAIN PET SCANS FOR APPROXIMATELY 20 YEARS.

Q IS THERE ANYTHING ELSE THAT YOU KNOW OF THAT CAN MAKE YOU MORE KNOWLEDGEABLE ABOUT THE USE OF PET SCANS OR HOW THAT -- THE PET SCAN IMAGING PROCESS AND HOW TO INTERPRET THE RESULTS?

A WELL, I THINK THAT THE BEST WAY OF IT TO -- THROUGH EXPERIENCE, AND I HAVE 20 YEARS OF -- WITH THOUSANDS OF BRAIN PET SCANS AND I HAVE ANALYZED THROUGH MULTIPLE MEANS, BOTH CLINICALLY AND RESEARCH-WISE, AND HAVING THESE ANALYSIS SUBJECTED TO INDEPENDENT PEER REVIEW.

Q ALL RIGHT. LET'S GO OVER THAT AGAIN. WHAT IS INDEPENDENT PEER REVIEW? WHAT DOES THAT MEAN? AND TELL US WHAT ITS SIGNIFICANCE IS.

A WELL, INDEPENDENT PEER REVIEW MEANS THAT OTHER SPECIALISTS IN THE FIELD OF PET SCAN ANALYSIS REVIEW THE MANUSCRIPTS, ARTICLES AND BOOK CHAPTERS THAT I HAVE

WRITTEN IN WHICH I HAVE USED PET SCAN ANALYSIS AND HAVE INDEPENDENTLY DETERMINED THAT THE ANALYSIS IS APPROPRIATE AND WORTHY OF BEING PUBLISHED.

AND THIS IS THE QUALITY CONTROL THAT THE FIELD HAS. IT'S THROUGH INDEPENDENT PEER REVIEW.

Q OKAY. AND TELL US AGAIN HOW MANY ARTICLES YOU HAVE HAD PUBLISHED IN THIS PARTICULAR TOPIC.

A I HAVE HAD APPROXIMATELY 50 ARTICLES ON BRAIN PET SCAN AND ANALYSIS THAT HAVE BEEN PUBLISHED.

Q NOW, HAVE YOU ALSO HAD AN OPPORTUNITY TO SERVE AS A PEER REVIEWER?

A YES. I HAVE BEEN A PEER REVIEWER FOR SOME OF THE TOP JOURNALS IN THE FIELD OF MEDICINE AND NEUROSCIENCE IN THE FIELD OF BRAIN IMAGE ANALYSIS, AND SO I HAVE BEEN ASKED BY EDITORS TO ANONYMOUSLY AND INDEPENDENTLY REVIEW OTHER SCIENTISTS AND DOCTORS' ARTICLES THAT INVOLVE BRAIN IMAGE ANALYSIS TO DETERMINE IF IT WAS SCIENTIFICALLY APPROPRIATE.

AND IN ADDITION, I HAVE ALSO BEEN ASKED TO BE ON THE NATIONAL INSTITUTE OF HEALTH SCIENTIFIC REVIEW COMMITTEE TO LOOK AT BRAIN IMAGE ANALYSIS.

AS A MATTER OF FACT, I HAVE BEEN INVITED BY THE NATIONAL INSTITUTE OF HEALTH TO SERVE ON THE NIH SCIENTIFIC PEER REVIEW COMMITTEE MEETING THIS OCTOBER, AND MY RESPONSIBILITY AT THE SCIENTIFIC REVIEWER FOR THE

FEDERAL GOVERNMENT WILL BE BRAIN IMAGE ANALYSIS REVIEW.

Q SO YOU CONSULT -- WHEN THE US GOVERNMENT WANTS TO KNOW ABOUT THE CURRENT METHODOLOGY AND TECHNOLOGY IN PET SCANS AND BRAIN SCANS, THEY CONSULT WITH AMONG OTHERS YOURSELF?

A THAT'S CORRECT. I HAVE BEEN SELECTED BY THE US FEDERAL GOVERNMENT NATIONAL INSTITUTE OF HEALTH TO BE ONE OF THE REVIEWERS OF THIS SCIENTIFIC COMMITTEE THAT REVIEWS OTHER SCIENTISTS' GRANTS THAT INVOLVE BRAIN IMAGE ANALYSIS.

Q ALL RIGHT. AND SO YOU HAVE RECEIVED GRANT MONEY FROM THE NIH, NATIONAL INSTITUTE OF HEALTH?

A YES. I HAVE RECEIVED OVER A MILLION DOLLARS WORTH OF FUNDING FROM THE NATIONAL INSTITUTE OF HEALTH THAT INVOLVE BRAIN IMAGE ANALYSIS.

MR. DIGGS: YOUR HONOR, WE WOULD OFFER DR. WU AS AN EXPERT IN THE AREA OF PET SCAN ANALYSIS.

THE COURT: ANY QUESTIONS OR OBJECTIONS?

MR. HEMBREE: NO OBJECTIONS, YOUR HONOR.

THE COURT: SO ADMITTED. YOU MAY PROCEED.

BY MR. DIGGS:

Q NOW DR. WU, YOUR OPINION IN THIS CASE IS THAT STEPHEN STANKO SHOWED AN ABNORMAL PET SCAN; CORRECT?

A YES.

Q AND YOU'RE AWARE THAT THERE ARE OPINIONS IN THE

RECORD IN THIS TRIAL THAT DIFFER FROM YOURS?

A YES.

Q LET'S TALK ABOUT HOW YOU WOULD EXPLAIN HOW THOSE DIFFERENCES COULD OCCUR.

A YES.

Q ALL RIGHT. WHAT DO WE HAVE HERE? WOULD THE POWERPOINT HELP YOU EXPLAIN YOUR TESTIMONY BETTER TO THE JURY?

MR. HEMBREE: YOUR HONOR, I OBJECT TO THIS LINE OF TESTIMONY AS PITTING.

MR. DIGGS: NO...

THE COURT: THE LINE OF QUESTIONING IS -- WELL, APPROACH. I'M GOING TO OVERRULE THE OBJECTION BUT WITH SOME INSTRUCTIONS.

MR. DIGGS: THANK YOU, YOUR HONOR.

(WHEREUPON A BENCH CONFERENCE WAS HELD.)

THE COURT: MADAM FORELADY, LADIES AND GENTLEMEN, I HAVE A MATTER OF LAW I NEED TO TAKE UP WITH THE ATTORNEYS. IT SHOULD BE VERY BRIEF. PLEASE DO NOT DISCUSS THE CASE DURING THE BREAK AND PLEASE LEAVE YOUR NOTEPADS IN YOUR SEATS.

(JURY LEFT THE COURTROOM AT 3:50 PM.)

THE COURT: YOU MAY BE SEATED. THERE HAS BEEN AN OBJECTION INTERPOSED BY THE STATE TO MR. DIGGS' LINE OF QUESTIONING AND I WILL REPEAT THE QUESTION AS

ASKED BY MR. DIGGS. IF YOU'LL BEAR WITH ME ONE MOMENT.

THE LINE OF QUESTIONING THAT TOOK PLACE WAS, NOW DR. WU -- IT JUMPS UP EVERY TIME SHE STARTS TYPING. NOW, DR. WU, YOUR OPINION IN THIS CASE IS THAT STEPHEN STANKO SHOWED AN ABNORMAL PET SCAN; CORRECT? YES.

AND YOU'RE AWARE THAT THERE ARE OPINIONS IN THE RECORD IN THIS TRIAL THAT DIFFER FROM YOURS. YES. LET'S TALK ABOUT HOW YOU WOULD EXPLAIN HOW THOSE DIFFERENCES COULD OCCUR.

AND HIS ANSWER WAS, YES. ALL RIGHT. THEN HE WENT ON TO TALK ABOUT EXPLAINING IT WITH THE POWERPOINT, AND MR. HEMBREE OBJECTED. BASIS OF THE OBJECTION WAS PITTING.

THE COURT DID NOT AT THAT TIME SUSTAIN THE OBJECTION BUT WAS GOING TO GIVE THE PARTIES SOME ADDITIONAL INSTRUCTION AS TO HOW THE QUESTIONS NEEDED TO BE PHRASED.

IN REFLECTION AND UPON REVIEWING THE LINE OF QUESTIONING, I'M GOING TO SUSTAIN THE OBJECTION. IT IS BY ITS VERY NATURE PITTING. AND THE DEFINITION OF PITTING AND THE REASON IT IS IMPROPER LIES IN THE NATURE OF THE QUESTION ITSELF.

IT'S THE TYPE OF QUESTION THAT DOES NOT CALL FOR

AN ANSWER. IT IS A TYPE OF QUESTION WHICH REQUIRES A WITNESS TO EXPLAIN THE TRUTHFULNESS OR TESTIMONY IN AN ADVERSE WITNESS.

I UNDERSTAND THAT YOU WANT DR. WU TO TESTIFY. THAT DOES NOT CAUSE ME ANY CONCERN. I THINK HE IS ENTITLED TO TESTIFY. I THINK HE'S ENTITLED TO TALK ABOUT HOW HE THINKS MR. STANKO'S BRAIN FUNCTIONS.

HE IS ENTITLED TO REVIEW HOW -- WHAT HIS PERCEPTIONS ARE AND HIS EXPERT OPINION REGARDING HIS INTERPRETATION OF MR. STANKO'S PET SCAN.

BUT ANY QUESTIONS THAT RELATE TO HIM COMMENTING ON THE TRUTHFULNESS OR TESTIMONY OF AN ADVERSE WITNESS IS BY ITS VERY NATURE PITTING, AND I'M GOING TO SUSTAIN THE OBJECTION.

NOW, YOU CAN REPHRASE IT TO ELICIT THE TESTIMONY I ASSUME YOU'RE TRYING TO ELICIT. AND THERE'S A WAY TO DO IT, JUST NOT THE WAY YOU PHRASED IT.

MR. DIGGS: WHAT I'M GETTING AT IS NOT WITH RESPECT TO THE WITNESS'S TRUTHFULNESS AT ALL. WHAT WE'RE TALKING ABOUT IS HIS METHODOLOGY AND THE WAY HE WENT ABOUT--

THE COURT: YOU DIDN'T ASK THE QUESTION THAT WAY.

MR. DIGGS: OKAY. THANK YOU.

THE COURT: BECAUSE THE WAY YOU PHRASED IT WAS

PITTING.

MR. DIGGS: I UNDERSTAND.

THE COURT: BECAUSE YOU DID -- THE QUESTION BY ITS VERY NATURE ELICITED -- AND WHEN YOU SAY, YOU'RE AWARE THAT THERE IS TESTIMONY THAT IS DIFFERENT FROM YOURS.

MR. DIGGS: NO, YOUR HONOR. IT WAS AN OPINION THAT WAS DIFFERENT.

THE COURT: TESTIMONY IS -- IT'S SWORN TESTIMONY.

MR. DIGGS: IT'S NOT HIS TRUTHFULNESS. I MEAN, I DON'T UNDERSTAND HOW HE CAN BE UNTRUTHFUL ABOUT WHAT AN OPINION IS. WHAT YOU CAN BE IS WRONG ABOUT HOW YOU REACH IT.

THE COURT: THAT'S WHAT --

MR. HEMBREE: AND YOUR HONOR--

THE COURT: I DON'T CARE HOW YOU PHRASE IT OR CUT IT, MR. DIGGS, AND I'M NOT GOING TO WASTE A WHOLE LOT OF TIME DEBATING IT BECAUSE I HAVE RULED AND I'VE GIVEN YOU YOUR INSTRUCTION.

WHEN YOU -- WHEN YOU ARE ASKING A WITNESS TO EXPLAIN THE TRUTHFULNESS OF THE TESTIMONY OF AN ADVERSE WITNESS, IT'S PITTING. AND JUST STAY AWAY FROM IT.

THERE'S A WAY FOR YOU TO PHRASE AND TO ELICIT --

I HAVE NO PROBLEM WITH YOU TALKING ABOUT DR. WU'S METHODOLOGY, HOW HE REACHED HIS METHODOLOGY, WHY HE REACHED THE CONCLUSIONS THAT HE REACHED. I THINK THAT IS ALL FERTILE GROUND AND YOU CAN EXPLORE IT. JUST STAY AWAY FROM PITTING.

AND QUITE FRANKLY, IT WAS DONE A LOT IN THE GUILT PHASE AND NOBODY OBJECTED. AND I EXPLAINED TO YOU ALL IT WAS NOT MY JOB TO OBJECT. IF NO ONE INTERPOSES AN OBJECTION, I'M NOT GOING TO INTERPOSE MYSELF INTO THE QUESTIONING.

I ASSUME IF YOU ALL LET IT COME IN, THERE WAS A REASON AND THERE WAS A STRATEGIC REASON, SO I STAY OUT OF IT.

MR. HEMBREE: YOUR HONOR, THERE'S JUST TO TAKE -- I DON'T KNOW IF YOU SEE THIS OR NOT.

THE COURT: I CAN SEE IT.

MR. HEMBREE: BUT EVEN -- I MEAN, THE SLIDES THAT DR. WU IS OFFERING TO THE JURY SAYS, DR. SPICER. I MEAN, THERE'S -- HE IS -- HE IS CLEARLY--

THE COURT: PITTING.

MR. HEMBREE: -- PITTING AGAINST DR. SPICER.

MR. DIGGS: YOUR HONOR, WAIT A MINUTE --

MR. HEMBREE: -- AND FURTHERMORE, YOUR HONOR, WE HAVE NOT BEEN PROVIDED THESE DOCUMENTS IN DISCOVERY, SO I HAVE NO IDEA WHAT WE'RE GOING TO BE LOOKING AT

HERE AND WHAT THEY'RE GOING TO BE OFFERING TO THIS JURY IN THE DOCUMENTS.

THE COURT: OKAY. IF IT'S A FOUNDATIONAL MATTER, YOU NEED TO PROVIDE HIM WITH WHAT YOU PLAN TO USE BECAUSE HE'S ENTITLED TO--

MR. DIGGS: WELL, YOUR HONOR, WHAT WE HAD PLANNED TO USE WAS THE DISK THAT DR. SPICER USED. AND WE HAVE ASKED FOR IT FOR THREE DAYS AND IT HASN'T -- I HAVE BEEN PROMISED DAY AFTER DAY AFTER DAY THAT IT WAS GOING TO COME. IT HASN'T.

SO FINALLY I GOT A TELEPHONE NUMBER FOR DR. SPICER.

THE COURT: SIR, IS YOUR ANSWER THAT THEY ALREADY HAVE WHAT YOU ARE GOING TO USE?

MR. DIGGS: YES. WELL, THEY CERTAINLY -- THEY HAVEN'T SEEN THE POWERPOINT BECAUSE DR. WU--

THE COURT: IF YOU HAVE IN ANY WAY MODIFIED IT, THEY ARE ENTITLED TO IT. IT'S A REPORT THAT YOU PLAN TO USE--

MR. DIGGS: IT'S NOT A REPORT, YOUR HONOR, WITH ALL DUE RESPECT.

THE COURT: IT'S A POWERPOINT. IT'S A REPORT.

MR. DIGGS: IT'S A POWERPOINT.

THE COURT: THEY'RE ENTITLED TO IT UNDER THE RULES.

MR. DIGGS: ALL RIGHT.

THE COURT: YOU ARE GOING TO PROVIDE IT TO THEM.

MR. DIGGS: ALL RIGHT.

THE COURT: I'M GOING TO GIVE THEM THE OPPORTUNITY TO REVIEW IT. WE'RE GOING TO BE AT EASE AND THEN WE'LL TALK ABOUT IT JUST A LITTLE FURTHER.

MR. DIGGS: YOU WANT TO --

THE COURT: THANK YOU.

MR. DIGGS: WE DON'T HAVE A HARD COPY. HE WILL HAVE TO RUN IT.

THE COURT: YOU CAN LOOK AT IT RIGHT HERE IN THE COURTROOM WHERE IT IS.

MR. HEMBREE: THANK YOU. BE GLAD TO.

THE COURT: DR. WU, YOU MAY STEP DOWN. PLEASE DON'T DISCUSS YOUR TESTIMONY. I DON'T WANT YOU SITTING THERE FEELING LIKE YOU'RE ON THE HOT SEAT.

MR. DIGGS: YOUR HONOR, HE'S GOING TO HAVE TO SWITCH THE PAGES.

THE COURT: THAT'S FINE. IF YOU ALL NEED HIS ASSISTANCE IN DOING IT, THAT'S FINE. I HAVE NO PROBLEM WITH THAT.

(WHEREUPON THERE WAS A PAUSE.)

MR. HEMBREE: JUDGE JEFFERSON --

THE COURT: WE'RE STILL AT EASE. GIVE ME AN OPPORTUNITY TO REVIEW WHAT THE DEFENSE...

MR. HEMBREE: WELL, JUST AFTER REVIEWING THE SLIDES -- THE SLIDES -- MANY OF THE SLIDES, PARTICULARLY IN THE LAST--

THE COURT: ARE YOU MAKING ADDITIONAL ARGUMENT?

MR. HEMBREE: I GUESS I'M MAKING ADDITIONAL ARGUMENT, YOUR HONOR.

THE COURT: HAVE TO WAIT. WE ARE STILL AT EASE UNTIL WE ARE BACK IN SESSION AND THEN I WILL HEAR ANYTHING YOU HAVE TO SAY.

(WHEREUPON THERE WAS A PAUSE.)

MR. DIGGS: YOUR HONOR?

THE COURT: I'M NOT READY TO HEAR ADDITIONAL ARGUMENT. I WILL LET YOU KNOW WHEN I AM.

(WHEREUPON THERE WAS A PAUSE.)

THE COURT: BE GLAD TO HEAR ANY ADDITIONAL ARGUMENT NOW THAT THE STATE HAS HAD THE OPPORTUNITY TO REVIEW THE POWERPOINT. YOU MAY PROCEED.

MR. HEMBREE: YES, YOUR HONOR. WE'VE REVIEWED THE POWERPOINT. APPROXIMATELY THE FIRST QUARTER TO THIRD OF THE POWERPOINT HAS TO DO DIRECTLY WITH DR. SPICER'S ANALYSIS AND DR. WU USING THESE SLIDES TO CONTRADICT DR. SPICER'S ANALYSIS.

WE WOULD -- WE WOULD MOVE IN LIMINE THAT THIS BE RESTRICTED, THAT THIS IS AN IMPROPER LINE OF QUESTIONING BECAUSE IT'S PITTING.

I ASKED -- ALTHOUGH WE DIDN'T TAKE A PROFFER, I EVEN -- I ASKED DR. WU WHAT THE PURPOSE OF THE SLIDES WERE FOR, IF THAT WAS TO ADDRESS DR. SPICER'S -- DR. SPICER'S OPINIONS, AND HE WAS VERY FORTHRIGHT AND INDICATED ON THE SLIDES THAT DID ADDRESS THOSE WHICH ONES DID.

AND I WOULD HAVE TO GO BACK THROUGH THEM AGAIN TO TELL YOU -- YOU KNOW, I DIDN'T NUMBER THEM AT THE TIME. I'M JUST HAVING TO LOOK AT THEM KIND OF ON THE FLY. BUT I KNOW THAT WE CAN LOCATE THOSE AND MAYBE START THE PRESENTATION AFTER THAT SLIDE -- THOSE SLIDES ARE PRESENTED.

YOUR HONOR, THE REST OF THE SLIDES HAVE TO DO WITH DR. WU'S OPINION ON THE FRONTAL LOBE DAMAGE. WE SEE SOME OF THE SLIDES THAT HE SHOWED IN THE FIRST PRESENTATION AS WELL AS SOME ADDITIONAL SLIDES, IN ADDITION, SOME OF HIS CONCLUSIONS AS A RESULT OF HIS ANALYSIS OF THAT FRONTAL LOBE DAMAGE AND WHAT THAT MEANS.

IT'S ESSENTIALLY THE SAME TESTIMONY THAT WE HAVE HEARD IN THE FIRST PHASE. IT'S JUST PACKAGED A LITTLE DIFFERENTLY. I DON'T OBJECT TO THAT BASED ON -- BASED ON MY OBJECTION, PITTING.

I DON'T KNOW -- OF COURSE, WE DON'T -- I DON'T HAVE ANY OBJECTION TO THAT LINE OF QUESTIONING AT

THIS POINT IN TIME. BUT ONE OTHER -- THAT'S THE EXTENT OF MY ARGUMENT, JUDGE.

ONE OTHER JUST SORT OF MATTER TO PUT ON THE RECORD ABOUT DR. SPICER'S DVD THAT HE HAD THESE IMAGES ON. AND MR. DIGGS IS CORRECT. HE HAS REQUESTED THAT AND WE HAD REQUESTED THAT.

IT WAS TO BE -- AND WE -- WE -- KNOWING THAT THERE WAS A SENSE OF URGENCY ON THIS, WE INVITED MR. DIGGS AND HIS FOLKS TO GO TO CHARLESTON, SEND SOMEBODY DOWN TO CHARLESTON AND PICK IT UP.

DR. SPICER HAD IT THERE. SAID, YOU CAN COME TO MY HOUSE OR COME TO MY OFFICE AND PICK IT UP OR I WILL FEDERAL EXPRESS IT TO YOU, AND IT WAS SUPPOSED TO HAVE BEEN FEDERAL EXPRESSED BACK HERE TODAY. I KNOW THAT. WE HAVE ALL BEEN WAITING ON IT TODAY. IT JUST HASN'T ARRIVED.

SO I JUST SAY ALL THAT TO SAY THAT IT'S NOT SOME EFFORT ON THE PART OF THE STATE TO, YOU KNOW, NOT PROVIDE IT OR SEE THAT IT DOESN'T GET PROVIDED TO MR. DIGGS.

WE'VE ALLOWED HIM A NUMBER OF DIFFERENT WAYS TO OBTAIN THAT. IT JUST HASN'T GOTTEN HERE BY FEDERAL EXPRESS.

THE COURT: ANY FURTHER ARGUMENT REGARDING THE MOTIONS?

MR. DIGGS: YOUR HONOR, ARE YOU SPEAKING TO ME?

THE COURT: YES, SIR.

MR. DIGGS: WHAT WE WANT TO DO WITH THIS WITNESS IS TO POINT OUT THAT DR. SPICER USED A PARTICULAR KIND OF SOFTWARE IN HIS ANALYSIS IN ORDER TO PRODUCE THE IMAGES THAT HE SHOWED IN THIS COURT DURING THE TRIAL AND UPON WHICH HE BASED AN OPINION AS TO THE NORMAL STATE OF THE -- OR THE NORMAL PET SCAN OF MR. STANKO.

WE ARE NOT TRYING TO CHALLENGE IN ANY WAY THE TRUTHFULNESS OF DR. SPICER'S TESTIMONY, BUT ONLY SPEAK TO THE METHODOLOGY THAT WAS USED IN WHETHER OR NOT IT WAS IN THIS WITNESS'S OPINION VALID IN ORDER TO PRODUCE--

THE COURT: TRUTHFULNESS BY ITS VERY NATURE? YOU'RE SAYING HIS METHODOLOGY WAS FLAWED IN SOME WAY. THAT'S VORACITY. THAT'S TRUTHFULNESS. THAT'S BELIEVABILITY AND CREDIBILITY. I DON'T THINK THEY GET AROUND IT.

MR. DIGGS: WELL, YOUR HONOR, MAKE A PROFFER--

THE COURT: DO YOU WANT TO TALK ABOUT -- IF YOU -- I DON'T HAVE A PROBLEM WITH YOU HAVING HIM WITHIN THE AREA OF HIS KNOWLEDGE TESTIFYING ABOUT THE DIFFERENT METHODOLOGIES THAT PEOPLE USED WITHOUT COMMENTING ON THE TRUTHFULNESS OF DR. SPICER'S.

MR. DIGGS: HOW ABOUT IF I PHRASE IT THIS WAY. ARE YOU FAMILIAR WITH THE SOFTWARE THAT WAS USED BY DR. SPICER TO INTERPRET THE MUSC DATA? AND HE CAN ANSWER. AND THEN I WOULD ASK HIM, IS THAT AN APPROPRIATE USE FOR THAT SOFTWARE.

THE COURT: SEE, THAT'S THE TRUTHFULNESS ISSUE. I THINK THAT YOU CAN -- I THINK THAT YOU CAN TALK TO HIM ABOUT THE METHODOLOGIES THAT ARE USED. I DON'T HAVE A PROBLEM WITH THAT.

I DON'T HAVE A PROBLEM WITH YOU TALKING TO HIM ABOUT HOW HE INTERPRETS MR. STANKO'S PET SCAN AND WHAT HIS OPINIONS ARE REGARDING THAT, YOU KNOW. BUT IF YOU WANT TO START TALKING ABOUT -- IF YOU WANT TO IMPEACH DR. SPICER'S CREDIBILITY AND YOU WANT TO IMPEACH THE METHODOLOGY HE USED, YOU NEED TO HAVE HIM HERE.

MR. DIGGS: WE'VE JUST ISSUED A SUBPOENA FOR HIM.

THE COURT: AND YOU CAN ASK HIM ALL ABOUT HIS METHODOLOGY, AND I'M CERTAIN DR. WU WILL--

MR. DIGGS: THANK YOU.

THE COURT: -- GIVE YOU ALL THE INFORMATION YOU NEED TO DO IT.

MR. DIGGS: WE WILL DO THAT. THANK YOU.

THE COURT: I THINK THAT IS THE PROPER WAY TO DO

IT. BUT YOU KNOW, AND I'M NOT, YOU KNOW, I FEED EVERYBODY OUT THE SAME SPOON. Y'ALL HAVE BEEN WITH ME NOW JUST SHY OF THREE WEEKS. AND, YOU KNOW, PITTING IS PITTING.

AND WHENEVER YOU ASK ANYONE TO COMMENT ON THE TRUTHFULNESS OF SOMEONE ELSE'S TESTIMONY -- AND I DON'T CARE HOW YOU PHRASE IT.

WHEN YOU SAY, WAS THIS THE METHODOLOGY DR. SPICER USED, IS THIS THE SOFTWARE HE USED, IS THAT A CORRECT USAGE FOR IT -- BY THE VERY NATURE OF USING THE WORD, CORRECT USAGE, THAT -- THAT BRINGS INTO PLAY VORACITY, BELIEVABILITY, AND CREDIBILITY, AND THAT'S PITTING.

NOW, IT'S -- THINK IT'S RESOLVED IF YOU ARE GOING TO BRING DR. SPICER BECAUSE I THINK YOU CAN TALK TO HIM ALL DAY LONG ABOUT THE METHODOLOGY HE USED AND IMPEACH IT IF THAT IS YOUR DESIRE.

MR. DIGGS: ALL RIGHT. AND I WOULD ASK DR. WU REMAIN IN TOWN UNTIL AFTER THAT'S OVER AND I CAN PUT HIM--

THE COURT: WELL, THAT'S UP TO YOU. I DON'T HAVE ANY CONTROL OVER--

MR. DIGGS: AND YOUR HONOR, CAN YOU ASSIST US IN DELIVERING THAT SUBPOENA? CAN WE HAVE IN SOME WAY THE SHERIFF'S OFFICE IN CHARLESTON COUNTY TO DELIVER