

ORIGINAL

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STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
R. Markley Dennis, Jr., Circuit Court Judge

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THE STATE,

S.C. Supreme Court

RESPONDENT,

V.

WILLIAM O. DICKERSON,

APPELLANT

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1 may affect your ability to be fair and
2 impartial?

3 JUROR NUMBER 133: Yeah.

4 THE COURT: So you don't think
5 that you could carry out your function as a
6 juror?

7 JUROR NUMBER 133: Definitely
8 not.

9 THE COURT: Any objection to
10 excusing Mr. Heyward?

11 SOLICITOR WILSON: No, sir.

12 MR. BLOOM: No, sir.

13 THE COURT: Mr. Heyward, thank
14 you for coming forward. You are excused from
15 further participation.

16 If there -- I want to be sure of
17 something, because this would be very serious.
18 No one has threatened you personally since you
19 have been on the jury, have they?

20 JUROR NUMBER 133: (Negative
21 gesture).

22 THE COURT: If that should
23 occur, that's a matter separate and apart from
24 this case, it's a matter that I'd need to deal
25 with because that would deal with the system

1 itself. If anyone ever threatens you, you
2 make that known to Ms. Armstrong because we
3 would want to take -- we would want to follow
4 up on that, sir. Okay? Thank you, sir, you
5 are excused. You are free to leave, sir.

6 (JUROR NUMBER 133 EXCUSED, EXITS COURTROOM)

7 (BENCH CONFERENCE CONCLUDED)

8 THE COURT: Any objection to
9 excusing him, any followup?

10 MR. BLOOM: No, sir.

11 SOLICITOR WILSON: No, Your Honor.

12 THE COURT: Okay, bring in Ms.

13 Bergen. Is she outside?

14 And what is Ms. Prioleau's number?

15 BRUCE DURANT: 247.

16 (JUROR NUMBER 19 ENTERS COURTROOM)

17 BENCH CONFERENCE:

18 THE COURT: Good morning, Ms.

19 Bergen. Come forward and stand here. How are
20 you?

21 JUROR NUMBER 19: Good. How
22 are you?

23 THE COURT: I'm great. You
24 called the clerk's office and said that you
25 needed to speak to the court?

1 JUROR NUMBER 19: Yes.

2 THE COURT: All right, what is
3 it?

4 JUROR NUMBER 19: I was
5 concerned about the conversation that we had.
6 Given the information that you gave me, I do
7 not feel that -- given that the law does not
8 require that it be done, I just feel like I
9 could not give the death penalty.

10 THE COURT: Have you done
11 independent research on the death penalty?

12 JUROR NUMBER 19: No. No,
13 I was just thinking on what you'd said. I
14 apologize for waffling on it but it's a
15 difficult subject. I just don't feel like I
16 could -- with the information that you gave
17 me, I just don't feel like I -- that I
18 wouldn't be required by law to do that, I just
19 don't think that I could.

20 THE COURT: Do you wish to
21 examine this witness any further? I'll be
22 happy to place her on the stand if you wish to
23 examine ---

24 MR. BLOOM: No, sir.

25 THE COURT: Does the State

1 wish to ---

2 BRUCE DURANT: No, sir.

3 THE COURT: Thank you very
4 much. I am going to excuse you, Ms. Bergen.
5 I am going to caution you about something,
6 though, in the future if you're ever serving
7 on a jury -- and it's normal but it's
8 something that you can't do. You can't do
9 independent research, it creates a problem.

10 JUROR NUMBER 19: It wasn't
11 about the case or anything, you ---

12 THE COURT: I've had people
13 say, 'well, I went online and I looked at the
14 law and I was wondering how you were going to
15 get around' certain issues. A juror just
16 cannot at a point -- it points out something
17 that I need to do, that I need to stress more
18 clearly. I don't fault you, but I am just
19 warning you about that. In the future, if
20 you're ever on a panel, you have to resist
21 that temptation. You are excused.

22 Having said that, again, I am
23 not saying that you did anything because you
24 didn't violate anything specifically.

25 JUROR NUMBER 19: No.

1 THE COURT: I want to thank you
2 for doing what you're doing. That's another
3 reason that I so strongly belief that the
4 system does work, because there are people
5 just like you who are conscientious, they
6 think about things, and I admire you for that
7 and I thank you.

8 JUROR NUMBER 19: I apologize.

9 THE COURT: No, ma'am. That
10 is precisely what I don't want you -- you do
11 not have to apologize. You are doing exactly
12 what you should be doing. Okay?

13 JUROR NUMBER 19: Okay.

14 THE COURT: Good luck to you,
15 ma'am.

16 (BENCH CONFERENCE CONCLUDED)

17 (JUROR NUMBER 19 EXITS COURTROOM)

18 THE COURT: Hold up Ms. Prioleau
19 just a moment. What is it that you're
20 concerned about? That she knows one of the
21 victim's relatives or that she knows the
22 victim's family or ---

23 MR. BLOOM: Yes.

24 THE COURT: Then why don't I just
25 ask her that?

1 SOLICITOR WILSON: Okay.

2 THE COURT: Bring in Ms. Prioleau.

3 (JUROR NUMBER 247 ENTERS COURTROOM)

4 BENCH CONFERENCE:

5 THE COURT: Good morning, Ms.

6 Prioleau. Sorry to bother you. There was

7 something that came up after you -- if you

8 would, just stand right here. There was some

9 question -- we identified a number of names,

10 you will remember, on Friday.

11 JUROR NUMBER 247: Yes.

12 THE COURT: Do you know or are

13 you aware of consciously knowing any of the

14 victim's family?

15 JUROR NUMBER 247: (Negative

16 gesture), no.

17 THE COURT: The family name is

18 "Roper"?

19 SOLICITOR WILSON: Roper, Aven

20 Roper or Shareen Roper?

21 THE COURT: Any of those

22 persons?

23 JUROR NUMBER 247: No.

24 THE COURT: And no one has

25 talked with you -- your husband, to your

1 knowledge, you'all haven't talked about this,
2 I'm sure.

3 JUROR NUMBER 247: I haven't
4 said anything.

5 THE COURT: You haven't
6 mentioned anything to him?

7 JUROR NUMBER 247: (Negative
8 gesture).

9 THE COURT: I am going to ask
10 you to continue to do that. Okay?

11 JUROR NUMBER 247: Okay.

12 THE COURT: I told a jury the
13 other day that I had an experience, to briefly
14 bore you with a story but my wife was -- I
15 didn't think that she would be picked but they
16 let her sit on a jury that I tried, which was
17 very interesting. We were almost finished,
18 ready for the jury to deliberate. I was
19 sitting doing something and I made a comment
20 about, 'Did you notice the lawyer today?' She
21 looked at me and she said, "you said we're not
22 to supposed to talk about this case." I said,
23 'Yes, ma'am, excuse me.' So if your husband
24 does something as foolish as I did then just
25 tell him, 'Look, I can't talk to you about

1 that right now.'

2 JUROR NUMBER 247: Right.

3 THE COURT: Thank you very
4 much, Ms. Prioleau. We will bring you'all in
5 in just a few minutes. You may return to the
6 other jurors and we'll be ready for you all in
7 a minute.

8 (JUROR NUMBER 247 EXITS COURTROOM)

9 (BENCH CONFERENCE CONCLUDED)

10 THE COURT: All right. Again, I
11 want to thank you all -- I thank the court
12 personnel but thank you all because I -- I
13 remember being a lawyer, too, and how you're
14 worn out at the end of the day. People aren't
15 aware that your day doesn't end when you walk
16 out of the courtroom. I understand that and
17 remember that. So thank you all for enduring
18 the selection ordeal, too.

19 BRUCE DURANT: We wouldn't want
20 to have to do it again.

21 THE COURT: No, no. In fact, we
22 were talking about the bar exam and how
23 strenuous and how demanding it is, physically,
24 that at the end of it you're just -- at least
25 I was, I was drained. But I thought, you

1 know, maybe that's not a bad thing because
2 that's what happens if you're in an extended
3 trial. You really and truly have to push
4 every fiber in your body to go to the nth
5 degree, certainly in this type of cases.
6 Just listening wears you out.

7 Okay. Mike, when we get to those
8 numbers, if we get to those numbers, I will
9 say "excused by the court". Any objection to
10 my stating that this morning?

11 MR. BLOOM: I'm sorry, sir. I
12 didn't hear you.

13 THE COURT: I take it that there is
14 no objection to skipping Number 133 and Number
15 19 on our list? Or do you want me to say
16 "excused by the court"?

17 SOLICITOR WILSON: No objection.

18 THE COURT: From the defense?

19 MR. BLOOM: (Negative gesture), we
20 can just skip them. We understand that
21 they've been excused and it's on the record.

22 THE COURT: Okay. Is the State
23 ready for the jury to be brought in?

24 SOLICITOR WILSON: Yes, Your Honor.

25 THE COURT: Is the Defendant ready

1 for the jury to be brought in?

2 MR. BLOOM: Yes, sir.

3 THE COURT: Let's bring in our jury
4 panel, please.

5 (QUALIFIED JURY PANEL IN @ 9:54 A.M.)

6 THE COURT: Good morning, Ladies
7 and Gentlemen. Before we start, again I want
8 to thank you for your participation thus far,
9 thank you for your patience with all the
10 things, all the delays that have occurred. I
11 appreciate that.

12 Before we start with the selection,
13 I have a couple of things to ask of you:

14 Number one, I would remind all of
15 you that you are still under oath and I want
16 to administer, ask you now if each of you do
17 or can solemnly swear or affirm that -- again
18 throughout this entire process, we have talked
19 about this, each one of you. We've talked
20 about it when we asked you -- but you have
21 continued to honor the court's instruction,
22 except for those that shared when we asked
23 you, some situations have occurred and we have
24 already addressed those, but otherwise you
25 have honored the court's instruction by not

1 talking with anyone, permitting anyone to talk
2 with you about the case, not read any accounts
3 nor have you watched any news programs about
4 it. If you can say that, please say "I can."

5 (AFFIRMATIVE RESPONSE BY JURORS)

6 THE COURT: Are there any members
7 of the panel who could not make that
8 commitment? If so, please stand. (No
9 response).

10 The next question, Ladies and
11 Gentlemen, is -- you've gone through a number
12 of questions and you were kind enough to fill
13 out the questionnaire. Does any juror present
14 now wish to alter, modify or supplement either
15 the questionnaire or your answers to the
16 questions given at any stage throughout this
17 process? If so, please stand. (No response).
18 Thank you, there are none.

19 What is going to happen now is that
20 we have your names, your names have been
21 placed on a list. That list is numbered
22 sufficient to cover all the jurors. In just a
23 moment, I am going to call out the numbers,
24 starting with number one. If you happen to be
25 Juror Number One, that is not you. The

1 numbers are the numbers of the list. So if
2 you will bear with us, we are ready now to
3 select the twelve jurors that will be
4 empaneled to, hopefully, complete this case.

5 I say that because we're going to
6 select four alternates, hopefully. An
7 alternate juror is a juror that may have to
8 participate but we don't know at this time.
9 It depends on how the first twelve are.
10 Things happen during a trial to persons and
11 that's why we have alternates.

12 Hopefully nothing will and hopefully
13 the twelve will remain. The four alternates
14 have a very important function, because they
15 have to be prepared at all times to suddenly
16 move onto the jury panel. Please understand
17 that if you happen to be selected as an
18 alternate don't think, 'Phew, I don't have to
19 worry about it.' You do have to worry about
20 it, you're very much a part of the panel.

21 It's a very trite analogy that I've
22 been accused of using before but when I first
23 started Steve Young was still a backup
24 quarterback for Joe Montana, San Francisco
25 '49ers. You can be assured that Steve Young

1 was prepared to play every single game, was
2 ready to go onto the field. That is very
3 similar to what an alternate juror has to do,
4 so please understand that.

5 Thank you again. We won't take too
6 much more of your time. We are going to now
7 start the selection process.

8 (OFF RECORD SIDEBAR WITH CLERK)

9 THE COURT: As you will recall, --
10 excuse me a moment. You will recall that we
11 asked you if you knew several people we called
12 by name. I need to ask all of you, is there
13 any member of the jury panel that is related
14 by blood or marriage, has any business
15 dealings with or who are socially or casually
16 acquainted with Julian Malasa or Marvin, also
17 known as "Nick", Hancock?

18 JUROR NUMBER 134: I know Nick
19 Hancock.

20 THE COURT: The fact that you are
21 acquainted with him, would that influence you
22 in any way, sir?

23 JUROR NUMBER 134: Not at all.

24 THE COURT: Would you base your
25 decision entirely on the evidence and the law

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1 as we've discussed throughout?

2 JUROR NUMBER 134: Yes.

3 THE COURT: Your decision would be
4 fair to both Mr. Dickerson and to the State?

5 JUROR NUMBER 134: Yes, sir.

6 THE COURT: Your name and number?

7 JUROR NUMBER 134: Charles High,
8 Number 134.

9 THE COURT: Charles High?

10 JUROR NUMBER 134: Yes, sir.

11 THE COURT: Thank you so much, Mr.
12 High. Appreciate it.

13 JUROR NUMBER 11: Your Honor, I have
14 a question.

15 THE COURT: Yes, ma'am?

16 JUROR NUMBER 11: What exactly is
17 the process now?

18 THE COURT: The process now is just
19 what I told you, we are going to select
20 twelve. If you're not -- and that's a
21 legitimate question.

22 Customarily, I should say, because
23 it is not uncommon -- I've done this process
24 even when we're not in a situation where there
25 may be two phases. I've used this same

1 format.

2 In a civil trial, this is the exact
3 format that is always used. Your name has
4 been drawn at random and placed on a list.
5 The list is numbered one through -- whatever.
6 That's why I said we will be striking from the
7 list. You don't know what number -- which
8 juror is what number. So we just go through
9 the process.

10 It is not meant to be secretive but
11 it is not -- if you've ever been in a criminal
12 dispute, and some of you may have served, you
13 were called and you brought your belongings
14 and you came and you stood and -- you'd walk
15 up here (to podium) and you'd stand here
16 (facing audience) and the clerk would say,
17 'What says the State?' They'd say to either
18 seat the juror, excuse the juror, swear the
19 juror. Then it would be the defense's term
20 and they'd say to seat the juror, swear the
21 juror, excuse the juror. We'd go through that
22 process.

23 We are doing it -- really it is
24 quicker this way and it is eliminated other --
25 there are other legal reasons why it is

1 helpful, but that's not necessary.

2 JUROR NUMBER 11: Okay. Thank you
3 for explaining it.

4 THE COURT: You're very, very
5 welcome. Thank you for the question. I
6 appreciate it. Are there any other questions
7 or concerns? (No response). Thank you, then,
8 we are ready to start.

9 I assume there are -- are there any
10 other matters that we need to address?

11 SOLICITOR WILSON: No, sir.

12 THE COURT: Thank you.

13 MR. BLOOM: No, sir.

14 THE COURT: Thank you. As we
15 discussed, each of you have your sheets. They
16 are numbered, the jurors' names have been
17 placed on that sheet randomly, sequentially,
18 and what says the State as to juror number
19 one?

20 SOLICITOR WILSON: Please present
21 juror number one.

22 THE COURT: What says Mr. Dickerson
23 as to juror number one?

24 MR. BLOOM: Seat the juror.

25 THE COURT: Juror number one is

1 seated. What says the State as to juror
2 number two?

3 SOLICITOR WILSON: Please present
4 juror number two.

5 THE COURT: What says Mr. Dickerson
6 as to juror number two?

7 MR. BLOOM: Seat the juror.

8 THE COURT: What says the State as
9 to juror number three?

10 SOLICITOR WILSON: Please excuse
11 juror number three.

12 THE COURT: The State will excuse
13 juror number three.

14 What says the State as to juror
15 number five?

16 SOLICITOR WILSON: Please present
17 juror number five.

18 THE COURT: What says Mr.
19 Dickerson?

20 MR. BLOOM: Seat the juror.

21 THE COURT: Juror number five is
22 seated. What says the State as to juror
23 number six?

24 SOLICITOR WILSON: Please present
25 juror number six.

1 THE COURT: What says Mr.

2 Dickerson?

3 MR. BLOOM: Seat the juror.

4 THE COURT: Juror number six is
5 seated. What says the State as to juror
6 number eight?

7 SOLICITOR WILSON: Please present
8 juror number eight.

9 THE COURT: What says the
10 defendant?

11 MR. BLOOM: We would excuse the
12 juror from the trial of this case.

13 THE COURT: Number eight is
14 excused. What says the State as to juror
15 number nine?

16 SOLICITOR WILSON: Please present
17 juror number nine.

18 THE COURT: What says Mr.
19 Dickerson?

20 MR. BLOOM: We would excuse the
21 juror from this case.

22 THE COURT: Number nine is excused.
23 What says the State as to juror number ten?

24 SOLICITOR WILSON: Please excuse
25 juror number ten.

1 THE COURT: Juror number ten is
2 excused. What says the State as to juror
3 number eleven?

4 SOLICITOR WILSON: Please excuse
5 juror number eleven.

6 THE COURT: Juror number eleven is
7 excused. What says the State as to juror
8 number twelve?

9 SOLICITOR WILSON: Please present
10 juror number twelve.

11 THE COURT: What says Mr.
12 Dickerson?

13 MR. BLOOM: Seat the juror.

14 THE COURT: Number twelve will be
15 seated. What says the State as to juror
16 number thirteen?

17 SOLICITOR WILSON: Please present
18 juror number thirteen.

19 THE COURT: What says Mr.
20 Dickerson?

21 MR. BLOOM: Please excuse the
22 juror.

23 THE COURT: Number thirteen will be
24 excused. What says the State as to juror
25 number fourteen?

1 SOLICITOR WILSON: Please present
2 juror number fourteen.

3 THE COURT: What says Mr.
4 Dickerson?

5 MR. BLOOM: Please seat number
6 fourteen.

7 THE COURT: Number fourteen is
8 seated. What says the State as to juror
9 number fifteen?

10 SOLICITOR WILSON: Please present
11 juror number fifteen.

12 THE COURT: What says Mr.
13 Dickerson?

14 MR. BLOOM: Please excuse the
15 juror.

16 THE COURT: Number fifteen is
17 excused. What says the State as to juror
18 number sixteen?

19 SOLICITOR WILSON: Please excuse
20 juror sixteen.

21 THE COURT: The State has one
22 strike remaining. What says the State as to
23 number seventeen?

24 SOLICITOR WILSON: Please present
25 seventeen.

1 THE COURT: What says the
2 Defendant?

3 MR. BLOOM: Please seat the juror.

4 THE COURT: What says the State as
5 to number eighteen?

6 SOLICITOR WILSON: Please present
7 juror eighteen.

8 THE COURT: What says Mr.
9 Dickerson?

10 MR. BLOOM: Please excuse the
11 juror.

12 THE COURT: Number eighteen is
13 excused. What says the State as to number
14 nineteen?

15 SOLICITOR WILSON: Please present
16 juror number nineteen.

17 THE COURT: What says Mr.
18 Dickerson?

19 MR. BLOOM: Please seat the juror.

20 THE COURT: Number nineteen is
21 seated. What says the State as to number
22 twenty?

23 SOLICITOR WILSON: Please present
24 number twenty.

25 THE COURT: What says Mr.

1 Dickerson?

2 MR. BLOOM: Please seat the juror.

3 THE COURT: Twenty is seated. That
4 is nine. What says the State as to number
5 twenty-one?

6 SOLICITOR WILSON: Please present
7 twenty-one.

8 THE COURT: What says Mr.
9 Dickerson?

10 MR. BLOOM: Please excuse the
11 juror.

12 THE COURT: Number twenty-one will
13 be excused. What says the State as to number
14 twenty-two?

15 SOLICITOR WILSON: Please present
16 twenty-two.

17 THE COURT: What says Mr.
18 Dickerson?

19 MR. BLOOM: Please excuse the
20 juror.

21 THE COURT: Number twenty-two is
22 excused. What says the State as to number
23 twenty-three?

24 SOLICITOR WILSON: Please present
25 number twenty-three.

1 THE COURT: What says Mr.

2 Dickerson?

3 MR. BLOOM: Please excuse the

4 juror.

5 THE COURT: Twenty-three is

6 excused. What says the State as to number

7 twenty-four?

8 SOLICITOR WILSON: Please present

9 twenty-four.

10 THE COURT: What says Mr.

11 Dickerson?

12 MR. BLOOM: Please excuse the

13 juror.

14 THE COURT: Mr. Dickerson has one

15 strike remaining. What says the State as to

16 number twenty-five?

17 SOLICITOR WILSON: Please present

18 juror number twenty-five.

19 THE COURT: What says Mr.

20 Dickerson?

21 MR. BLOOM: Please excuse the

22 juror.

23 THE COURT: Juror is excused. Mr.

24 Dickerson has exhausted his strikes.

25 What says the State as to number

1 twenty-six?

2 SOLICITOR WILSON: Please present
3 number twenty-six.

4 THE COURT: Any ---

5 MR. BLOOM: Please seat the juror.

6 THE COURT: --- challenge for
7 cause?

8 MR. BLOOM: No, sir. Please seat
9 the juror.

10 THE COURT: Number twenty-six is
11 seated. What says the State as to number
12 twenty-seven?

13 SOLICITOR WILSON: Please present
14 number twenty-seven.

15 THE COURT: Any challenge for
16 cause?

17 MR. BLOOM: No, sir, please seat
18 the juror.

19 THE COURT: Number twenty-seven is
20 seated. What says the State as to number
21 twenty-eight?

22 SOLICITOR WILSON: Please present
23 juror twenty-eight.

24 THE COURT: Any challenge?

25 MR. BLOOM: No, sir, please seat

1 the juror.

2 THE COURT: Number twenty-eight is
3 seated. I have that as being our twelfth
4 juror. Okay? Now we will proceed to select
5 the alternates. Strikes are one and two.

6 What says the State as to juror
7 number twenty-nine?

8 SOLICITOR WILSON: Please excuse
9 juror twenty-nine.

10 THE COURT: Twenty-nine is excused.
11 Any challenge to number thirty, from the
12 State?

13 SOLICITOR WILSON: No, sir.

14 THE COURT: What says the
15 Defendant?

16 MR. BLOOM: Please seat the juror.

17 THE COURT: Number thirty is seated
18 as Alternate Number One.

19 We will proceed to select the next
20 alternate. Again, one and two. What says the
21 State as to thirty-one?

22 SOLICITOR WILSON: Please present
23 juror numbered thirty-one.

24 THE COURT: What says Mr.
25 Dickerson?

1 MR. BLOOM: Please seat the juror.

2 THE COURT: Alternate Two will be
3 juror number thirty-one.

4 What says the State as to thirty-
5 two?

6 SOLICITOR WILSON: Please present
7 juror thirty-two.

8 THE COURT: What says Mr.
9 Dickerson?

10 MR. BLOOM: Please seat the juror.

11 THE COURT: Alternate Three will be
12 juror number thirty-two.

13 What says the State as to juror
14 number thirty-three?

15 SOLICITOR WILSON: Please present
16 juror number thirty-three.

17 THE COURT: What says Mr.
18 Dickerson?

19 MR. BLOOM: Please seat the juror.

20 THE COURT: Juror numbered thirty-
21 three will be Alternate Four.

22 I believe that to be our panel.
23 Will you verify the numbers serving, please,
24 Mr. Callahan?

25 CLERK, MIKE CALLAHAN: Yes, sir, I

1 have -- using the numbers on the form, I have:
2 one, two, five, six, twelve, fourteen,
3 seventeen, nineteen, twenty, twenty-six,
4 twenty-seven, twenty-eight.

5 Alternates, I have as numbers
6 thirty, thirty-one, thirty-two and thirty-
7 three.

8 THE COURT: Is that correct, from
9 the States's perspective?

10 SOLICITOR WILSON: Yes, sir.

11 THE COURT: Is that correct from
12 the Defendant's perspective?

13 MR. BLOOM: Yes, sir.

14 THE COURT: Are there any Motions
15 regarding the selection other than those
16 already on the record, from the State?

17 SOLICITOR WILSON: No, sir.

18 THE COURT: Are there any Motions
19 from Mr. Dickerson as to the selection other
20 than those previously placed on the record in
21 this proceeding? Take your time.

22 MR. BLOOM: Thank you, Your Honor.
23 (Sidebar with Mr. Carroll and Defendant), --
24 yes, sir, we would.

25 THE COURT: If you would approach

1 -- I will come down and we will do that with
2 the court reporter. Solicitor, would you
3 approach, as well?

4 SOLICITOR WILSON: Yes, sir.

5 BENCH CONFERENCE:

6 THE COURT: Let's take them
7 one at a time. Which one first?

8 MR. BLOOM: Your Honor, we
9 would have a *Batson* Motion. My particulars --
10 well, first I would note for the record that
11 the State used four strikes for the first
12 panel of twelve jurors. Three of those were
13 black females and they would be juror ten in
14 the order, Juror 101, and ---

15 THE COURT: Let's just refer
16 to the list that you have. Number ten?

17 MR. BLOOM: Yes, sir.

18 THE COURT: No challenge as to
19 -- for three?

20 MR. BLOOM: No, sir.

21 THE COURT: Solicitor, give me
22 your race-neutral or gender-neutral reason for
23 striking juror number ten.

24 SOLICITOR WILSON: Your Honor,
25 juror ten was a CNA, as I recall, who worked

1 from 11:00 to 7:00 and I recall that she had
2 an issue if it would conflict with her
3 employment. I had that concern. Also she is
4 a single mother with two children and she
5 would be missing work throughout the week. I
6 believe at one point she said that she would
7 consider the death penalty but at another
8 point she couldn't vote for it

9 THE COURT: Okay. I find
10 those reasons to be race-neutral and gender-
11 neutral. Is there any other juror who was
12 selected who was a single mother or who worked
13 as an CNA, who ---

14 MR. BLOOM: No, sir.

15 THE COURT: Okay. I find that
16 to be a race-neutral, gender-neutral reason.
17 I further find that the court is not aware of
18 any pretextual situation, so there is no pre-
19 textual and that Motion is denied.

20 MR. BLOOM: Your Honor, I
21 would just note for the record that Juror 101
22 is an African American female?

23 THE COURT: (Affirmative nod),
24 she is. Next?

25 MR. BLOOM: Also number

1 eleven.

2 SOLICITOR WILSON: She has a
3 number of charges for prostitution, a charge
4 for shoplifting, a concealed weapon, ---

5 THE COURT: Do we have
6 knowledge of anyone else on the jury who has a
7 prior arrest?

8 MR. BLOOM: I don't know of
9 any.

10 SOLICITOR WILSON: She had
11 qualified convictions.

12 THE COURT: All right. I find
13 that to be a race-neutral, gender-neutral
14 reason. Are you aware of any juror that has
15 any record, that is sitting?

16 SOLICITOR WILSON: Not that many
17 or not for those things.

18 THE COURT: Very well, that's
19 fine. Prostitution, shoplifting.

20 SOLICITOR WILSON: And for a
21 concealed weapon.

22 THE COURT: And concealed
23 weapon. I find that is not pretext.

24 The next juror for which the
25 State exercised a strike was an African

1 American female, can you tell me your race-
2 neutral or gender-neutral reason for striking
3 that juror?

4 SOLICITOR WILSON: Your Honor,
5 again she was a juror who said, when I was
6 examining her or asking her questions, she
7 first said that she could never give the death
8 penalty, then she said that she could, she
9 didn't answer the question on her
10 questionnaire and she seemed to struggle with
11 ---

12 THE COURT: That's fine. I
13 recall that she was inconsistent and I find
14 that to be a race-neutral and gender-neutral
15 reason. Your Motion is denied.

16 MR. BLOOM: Thank you, and I
17 have nothing further.

18 THE COURT: Thank you.

19 (BENCH CONFERENCE CONCLUDED)

20 THE COURT: Are there any other
21 matters from the state or from Mr. Dickerson
22 before we ask the jury to come forward?

23 SOLICITOR WILSON: None from the
24 State, Your Honor.

25 THE COURT: Anything else, Mr.

1 Bloom?

2 MR. BLOOM: Nothing further, Your
3 Honor.

4 THE COURT: Thank you very much.
5 Ladies and Gentlemen, if you will give your
6 attention now to Mr. Callahan and follow his
7 instructions.

8 CLERK, MIKE CALLAHAN: Ladies and
9 Gentlemen, when I call your name, please
10 gather your belongings, come up and have a
11 seat in the jury box. The bailiffs will
12 direct you on how to get up here:

13 Juror Number 370, Nathan Hood
14 Juror Number 386, Joshua Partee
15 Juror Number 227, Laura Newkirkpaggi
16 Juror Number 134, Charles High
17 Juror Number 256, Lisa Robinson
18 Juror Number 363, Debra Grant
19 Juror Number 306, Rebekah Zivak
20 Juror Number 330, Garrett Waterman
21 Juror Number 209, Donna Melville
22 Juror Number 381, Deborah Meteraud
23 Juror Number 247, Elaine Prioleau
24 Juror Number 221, Susan Mullen
25 Alternates:

1 Juror Number 234, Michael Page

2 Juror Number 7, Christina Areheart

3 Juror Number 4, Teresa Ancrum

4 Juror Number 71, Regina Dobson

5 (JURY SEATED @ 10:25 A.M.)

6 THE COURT: Thank you very much,
7 Ladies and Gentlemen. I am going to excuse
8 you to go to your jury room.

9 I want to talk to you about a couple
10 of things. Mr. Page, Ms. Areheart, Ms.
11 Ancrum, Ms. Dobson, you are the alternate
12 jurors. Of course that really means nothing
13 other, at this moment, than that is your
14 designation. It gives you a row of seats.
15 Those seats belong to you and I would ask all
16 other jurors not to use the back row.

17 The first twelve on the panel need
18 to occupy the first two rows when you come in.

19 The only other designated seat is
20 being occupied by this juror on the first row
21 on the end. All of the first twelve of you
22 are eligible to serve in this capacity. The
23 statute allows me to select that person or
24 allows you to select -- your -- what we call,
25 what some people calls a foreperson, a

1 foreman, a forelady. I call them "presiding
2 jurors". That's what it is.

3 Someone has to be responsible for
4 signing a verdict form, that is one
5 responsibility of a presiding juror. There
6 will be exhibits that will be introduced. It
7 will be the responsibility of the presiding
8 juror to receive those and when the jury has
9 completed its deliberation to return those
10 exhibits to the court.

11 From time to time there may be
12 communications necessary with the jury (sic)
13 and it is your responsibility on behalf of the
14 jury to actually write that and sign it as the
15 presiding juror. That is an additional
16 function that you'd have.

17 Other than that, that's it. You're
18 given a seat. I used to say when I first
19 started that one of the benefits was that
20 you'd get a designated seat but that's no
21 benefit because there are plenty of seats.

22 In thinking about it over the years,
23 what do you tell somebody about a presiding
24 juror that will be helpful in selecting that
25 person. In the last few years, I would say

1 that after you've had a chance -- and you
2 don't have to do this right away, just at some
3 point I would ask that you do this and once
4 you've done it I would simply ask that that
5 person who you've designated as the presiding
6 juror then occupy that seat.

7 Other than that, really a presiding
8 juror -- I like this -- I don't know about
9 you'all, but there are a lot of meetings that
10 we go to, a lot of classes, and people don't
11 call themselves teachers anymore, they call
12 themselves "facilitators". That is precisely
13 what a presiding juror does. I think of them
14 as a facilitator. Some of you may have some
15 experience in that, maybe that is your
16 personality. So you all talk among yourselves
17 and you select your presiding juror at some
18 point. Until then, please feel free to occupy
19 any seat on the first two rows that you wish
20 as you come into the courtroom from time to
21 time.

22 The only ones that are not eligible
23 are our four alternates, because the presiding
24 juror has to come from the first twelve.

25 At this point I am going to let you

1 go to your jury room, a place that you're
2 going to get to know a little bit.

3 We will be with you very shortly.

4 There are some matters that I need to take up
5 now out of your presence. When we come back,
6 we will start the process. When we return,
7 the first part of this process will be the
8 opening remarks by the court and then opening
9 remarks from the State and if Mr. Dickerson
10 chooses to do so at this time then he will
11 have an opportunity to do that -- he is not
12 required to but if he wants to, he may have
13 that opportunity also.

14 Please now retire to your jury room.
15 Do not discuss this case, do not -- and you're
16 going to get tired of hearing this. Don't
17 talk among yourselves and don't speculate
18 about it. We will be with you very shortly.
19 Thank you so very much.

20 (JURY OUT @ 10:30 A.M.)

21 THE COURT: Any exceptions or
22 additions from the State to the court's
23 remarks thus far?

24 SOLICITOR WILSON: No, sir.

25 THE COURT: Any exceptions or

1 additions from the Defendant?

2 MR. BLOOM: No, sir.

3 THE COURT: What I am going to do
4 for opening statements is just simply ask when
5 I complete my opening statement if there are
6 any matters -- any matters of law from the
7 State or -- I will be referencing that rather
8 than focusing on that and then we will, then
9 if there are you can approach.

10 MR. BLOOM: All right, sir.

11 THE COURT: Thank you very much.
12 Ladies and Gentlemen, thank you very, very
13 much. You know, you start bonding when you
14 have these experiences. You all have endured
15 something and I feel a kinship with you. I
16 don't know you very well -- I know you a
17 little bit. I have to say that what I have
18 come to know about you, I'm proud to live in
19 this -- I don't live here but I'm proud to
20 work in this community and I'm in and out,
21 just because of folks like you. That's what
22 gives me a good feeling about this jury
23 process, because you people have made a
24 tremendous sacrifice to make it work. It's
25 not something that any of you wanted to do,

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1 but you did it. I thank you for that. I
2 thank you for that sort of commitment to the
3 process, I thank you for that sort of
4 commitment to the community and to the state.
5 It's an honor to serve with you.

6 I am pleased to inform you now that
7 you have completed your service. I know that
8 some of you will probably shed some tears on
9 the way out but -- (laughter) -- if you can't
10 hold them back, we will be happy to give you
11 tissue as you leave.

12 But thank you so much. You've
13 earned your exemption for the next three years
14 if you wish to claim that card. If you happen
15 to be picked again and I happened to be a
16 judge and you said, 'Your Honor, do you
17 remember me, remember that April? No, sir, I
18 want to claim my exemption.' Then I would be
19 pleased to excuse you. But if you chose to
20 stay, then I would truly look forward to
21 working with you. Good luck to each of you.

22 (JURY PANEL DISMISSED)

23 THE COURT: At this point, as I
24 understand, Mr. Michele is here to discuss
25 with the jury the parking situation. I

1 discussed that briefly with you. He is going
2 to give them a sheet, a yellow sheet that they
3 are going to be able to have in their car to
4 facilitate their getting into the parking
5 area. As I understand, there are no
6 objections to him speaking to the jury -- from
7 the State?

8 SOLICITOR WILSON: No, sir.

9 THE COURT: And no objections from
10 the Defendant?

11 MR. BLOOM: No, sir.

12 THE COURT: Thank you so much, I
13 appreciate it. Let's take a few minutes and
14 collect our thoughts -- are there any matters
15 of law that we need to place on the record
16 before we start with our opening statements?

17 SOLICITOR WILSON: No, sir.

18 THE COURT: Defense?

19 MR. BLOOM: No, sir.

20 THE COURT: Thank you so much. We
21 will be at-ease for about five or ten minutes.

22 (BRIEF RECESS 10:35 - 10:47 A.M.)

23 (DEFENDANT PRESENT)

24 THE COURT: I don't see any need to
25 swear the deputies or the bailiffs, but we can

1 if you like. Or, I can.

2 Jeff, since we are not going to have
3 anyone other than security taking them to
4 their cars, do you want those persons
5 specifically sworn? They will not be staying
6 with them. I would do that if they were
7 keeping them.

8 MR. BLOOM: It would probably be
9 best. Don't you give them an oath not to
10 permit anyone to ---

11 THE COURT: Not to permit anyone to
12 talk to them, ---

13 MR. BLOOM: (Affirmative nod), I
14 think out of an abundance of caution.

15 THE COURT: I will ask you (clerk)
16 to do that. It will simply be security that
17 will be taking them to their cars. You don't
18 want the bailiffs sworn, do you, that will be
19 taking them in and out of the courtroom here?
20 They will be changing -- that is their normal
21 function anyway.

22 MR. BLOOM: No, sir.

23 THE COURT: So all persons who will
24 be dealing with the jury outside of the
25 courtroom need to come forward -- (deputies

1 stand before Clerk, Mike Callahan).

2 CLERK, MIKE CALLAHAN: Do each of
3 you swear or affirm that you will follow the
4 courts instructions while this jury is in your
5 care, that you will not allow them to speak to
6 anyone, nor anyone to speak to them, nor will
7 you speak to them yourself except in
8 accordance with your duties, so help you, God?

9 (AFFIRMATIVE RESPONSE BY EACH DEPUTY)

10 THE COURT: Thank you all. Please
11 remember that you are -- you'all are aware,
12 you deal in this every day but each one of you
13 please use extra caution to make sure that
14 nobody talks to these jurors or approaches
15 them at any time while you have them, please.
16 Thank you.

17 I am pleased to inform you that
18 Juror Number 386, Mr. Joshua Partee, has been
19 selected as the presiding juror.

20 MR. BLOOM: Is that the foreman,
21 Your Honor?

22 THE COURT: I call them the
23 presiding juror. You can call them foreman or
24 you can call them whatever you are comfortable
25 with. It's -- however you want to address

1 them, I don't care.

2 MR. BLOOM: I get it.

3 THE COURT: When I send them some-
4 thing it will have "Presiding Juror" and I --
5 I don't know why -- that's something that I
6 obtained from Costa Pleconis. It's the only
7 time I'd ever heard it and I thought, you
8 know, 'I like that.' So I have kind of
9 adopted it. You call them whatever you feel
10 comfortable with, no problem.

11 Is the State ready to proceed?

12 SOLICITOR WILSON: Yes, sir.

13 THE COURT: Is the Defendant ready
14 to proceed?

15 MR. BLOOM: Yes, sir.

16 THE COURT: Do you intend to make
17 your opening statement at this time or do you
18 want to reserve it until you start your case?

19 MR. CARROLL: Your Honor, we will
20 make an opening at this time.

21 THE COURT: Very well, thank you.
22 Let's invite our jury to return, please.
23 Solicitor, you will be giving the opening
24 statement?

25 SOLICITOR WILSON: Yes, sir.

1 THE COURT: Mr. Carroll, will you
2 be giving the opening statement?

3 MR. CARROLL: I will, Your Honor.

4 THE COURT: Thank you, sir.

5 (JURY IN @ 10:50 A.M.)

6 THE COURT: You may notice as you
7 came in that -- and sometimes we do it,
8 sometimes we don't -- the attorneys were
9 standing, because that's what they do when I
10 come in, too -- most of the time, 'though I
11 try to -- sometimes I tell them not to. But
12 they do that for a reason -- remember in our
13 discussions, remember when I talked to you on
14 Friday, you will be a judge very shortly in
15 this case and that's the proper protocol for
16 proceeding when you are an officer of this
17 court. That's what officers of this court,
18 that we know we are supposed to do that.

19 Please feel free when you come in --
20 they are standing in honor of you as a judge,
21 that's why they are standing. Please feel
22 free to sit.

23 Thank you very much, Ladies and
24 Gentlemen. I think that they've talked with
25 you about some of the logistics situations and

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1 hopefully you will find that accommodating. I
2 think that it's -- the alternative of that
3 versus sequestration, I think this is a better
4 approach. Hopefully you will find that more
5 user-friendly than we've had with
6 sequestration.

7 But if there are problems that arise
8 during any of this proceeding, while we're
9 together, please make that known to the court.
10 The bailiffs will be there for you. As I
11 stated when I identified them, they are your
12 liaison, if you will, with the court. They
13 are a wonderful group of people. Please do
14 not hesitate to bring anything that is a
15 concern to their attention.

16 Mr. Partee, as I understand, you
17 have been selected as the presiding juror, the
18 foreperson, the foreman.

19 JUROR NUMBER 386: (Affirmative nod).

20 THE COURT: Thank you very much,
21 Ladies and Gentlemen. That will be your seat
22 now for the remainder of this trial. Your
23 juror number is 386, is that correct?

24 JUROR NUMBER 386: Yes, sir.

25 THE COURT: Thank you, Ladies and

1 Gentlemen, for taking care of that. Of
2 course, the rest of you may sit in any seat
3 that you want. The four alternates may sit in
4 any of the seats that they want.

5 The reason -- Mr. Neal was kind
6 enough to tell you to sit here and you're
7 welcome to sit at that end. The witnesses
8 will be testifying up here but if your view is
9 better and as long as you can hear, please
10 feel free to sit wherever.

11 In that connection, you can hear
12 something humming. There are a lot of things
13 about this building that are absolutely
14 marvelous but just as any of you who have ever
15 been involved in a building project, sometimes
16 things happen that maybe you just didn't think
17 about -- that's one of them (indicating
18 projector over jury box). It drops down, it
19 hums. It is annoying.

20 I am somewhat reluctant to even
21 mention it because, I don't know about you but
22 if water is dripping and you haven't heard it,
23 it's probably been dripping awhile. The
24 minute I heard water dripping, that's all that
25 I hear anymore. It drives you crazy. So does

1 that (projector). I apologize for it. If at
2 any point because of that you can't hear, if
3 you will just raise your hand I will be happy
4 to -- or let your presiding juror know and
5 we'll try to do the best that we can to
6 certainly increase the sound.

7 As all of you know, we try to make
8 sure that the witness speaks into the mic and
9 you saw for yourself that you really have to
10 get to where you can speak into the mic. We
11 will try to do that. If at any point during
12 this proceeding you can't hear something, you
13 just make it known and I will -- we will try.

14 Also, generally I try to go about an
15 hour and a half before we take a break. We
16 usually take -- my breaks, I try to make them
17 about ten or fifteen minutes. I understand
18 that sometimes you may need longer, sometimes
19 we may need longer because we take care of
20 matters outside of your presence, that have to
21 be done outside, sometimes during those
22 breaks. That's generally what we try to do.

23 If for any reason you need a break
24 sooner, please just make it known and we will
25 stop. We will be happy to do that at any

1 time. All you have to do is just raise your
2 hand and I will be happy to respond to that.
3 Okay? Unless I see someone, I will assume you
4 are okay with that schedule. But, please, if
5 anyone needs a break sooner, just please make
6 that known to me.

7 I mentioned and we talked about this
8 a great deal since Friday. You are about to
9 become a judge. I mentioned that you would be
10 making a commitment to the State, to Mr.
11 Dickerson, to the attorneys and to the court.
12 That is now about to occur. Please give your
13 attention to Mr. Callahan.

14 CLERK, MIKE CALLAHAN: Please have
15 the Defendant stand.

16 DEFENDANT: (Stands)

17 CLERK, MIKE CALLAHAN: Ladies and
18 Gentlemen of the jury, please stand and raise
19 your right hand. After this oath that I give
20 you, please reply back to me verbally if you
21 accept that oath.

22 Do you swear or affirm that you
23 shall well and truly try and a true
24 deliverance make between the State of South
25 Carolina and the Defendant at the bar, whom

1 you shall have in charge, and a true verdict
2 render according to the evidence and the law,
3 so help you God?

4 (ALL JURORS RESPOND AFFIRMATIVELY)

5 THE COURT: Thank you very much,
6 Ladies and Gentlemen. Now you've become a
7 judge in this case with me and now we will
8 work together to resolve this dispute.

9 You and I, as you will recall, have
10 very distinct roles. Mine is to be the judge
11 of the law and yours is to be the judge of the
12 facts. No one in this room now has that
13 responsibility but you. I am confident that
14 each one of you -- we have talked about that
15 at great length and I am confident that each
16 one of you understand that. I appreciate
17 that. I am confident that each one of you
18 will honor that commitment that you just made.

19 I have some opening remarks before
20 the attorneys speak to you. If I could have
21 your attention, I want to revisit some things
22 and -- you've heard a great deal of these
23 things but I think that they bear repeating
24 sometimes.

25 Let me state something, too. Mr.

1 Callahan asked me, and this is for your
2 benefit, Mr. Partee, and all jurors but I will
3 address it to you. I don't think that you're
4 going to need that for my remarks nor for the
5 opening statements but there are a lot of
6 thoughts about note-taking. Some judges are
7 opposed to note-taking, and I understand why.
8 I respect their opinions. I am not one of
9 those judges that is opposed to note-taking.
10 In other words, I don't prevent jurors from
11 doing so, I just caution the jury in this
12 respect: some are better note takers than
13 others.

14 We are going to talk about --
15 obviously -- your role and what you have to
16 do. One major thing is to determine the
17 credibility or the believability of the
18 witness(es). We all know that it is not only
19 what someone says that is important but body
20 language is important also.

21 My note-taking, I do for a totally
22 different reason, because I don't have
23 anything to do with the facts. I am taking
24 notes that are necessary for legal issues that
25 I have to address, so that's why I take notes.

1 I will be probably typing mine, most of the
2 time.

3 If you want to take notes, that's
4 fine. But please remember that while you are
5 writing -- well, maybe some can write perfect
6 shorthand. I don't know what you each are.
7 But if you're having to look down, my concern
8 is that you may miss that little human trait
9 that may be important to you.

10 The other reason I state is this,
11 the notes are for the juror's benefit -- your
12 benefit. They do not become the record.
13 Certainly it's nice to have things that you
14 may find important when you begin your
15 deliberations to remind you of what a witness
16 said or didn't say. Again, that may be
17 important to you. That's up to you. But
18 insofar as getting down what someone said you
19 will have your collective recollection of
20 that, which is wonderful.

21 We also have a person, as you know,
22 who has the responsibility, the sole
23 responsibility, of keeping the verbatim record
24 of this proceeding. If at any point when you
25 begin your deliberation you need to hear what

1 a witness said or you have a disagreement as
2 to what the witness said or didn't say, we
3 have the ability to repeat that testimony for
4 you. We can revisit that should that become
5 necessary.

6 With that in mind, you give some
7 thought to it. If you would just -- you'all
8 discuss it and, Mr. Partee, if you would just
9 let us know then we will have the writing
10 material available for you when we start.
11 That will be after lunch, so we don't have to
12 worry about it right now. My remarks right
13 now, I don't think it's necessary for you to
14 take notes, nor for the attorney's opening
15 statements I don't think it'd be necessary
16 either. Thank you very much.

17 As you know, this case is a case in
18 which the State is seeking -- has chosen to
19 seek as a possible penalty the death penalty.
20 You are all aware of that.

21 Let's talk again and remind you that
22 there are two distinct parts, as you know we
23 discussed that at length during our individual
24 examinations. We are about to start the first
25 phase of that proceeding where you will hear

1 evidence concerning the charges that have been
2 brought against Mr. Dickerson.

3 You know at this point Mr. Dickerson
4 has entered a plea of not guilty and we will
5 talk about that more in just a second. That
6 means that we will hear the evidence
7 concerning the charges, and as you will recall
8 the second phase will not be addressed until
9 you have completed the first phase; because we
10 will not have a second phase unless you return
11 a verdict of guilty as to the charge of
12 murder.

13 Now, by stating that, please
14 remember that nothing that I say during this
15 entire proceeding and certainly not in my
16 opening statement is to be considered by you
17 as a suggestion of how you are to resolve any
18 factual issue or what the outcome will be. I
19 just want to talk to you about, again, what we
20 are about.

21 If that should be the case, then we
22 would move into that second proceeding, and we
23 have all talked about that at great length.
24 That's where you will hear additional
25 evidence, where extenuating, aggravating and

1 mitigating circumstances may be introduced
2 into evidence to be considered by you --
3 should that proceeding become necessary.

4 Please remember that we are talking
5 about the first phase of this proceeding,
6 which is basically framed by the three
7 documents that I mentioned to you and shared
8 with you on Friday when you were generally
9 qualified:

10 One is an indictment accusing
11 him, Mr. Dickerson, of committing the offense
12 of criminal sexual conduct in the first
13 degree.

14 Another is an indictment which
15 accuses Mr. Dickerson of committing the
16 offense of murder.

17 Another is an indictment which
18 accuses Mr. Dickerson of committing the
19 offense of kidnaping.

20 That is what we will be about. To
21 those indictments, which are what they appear
22 to be to you -- they are sheets of paper
23 containing words, they are not evidence, they
24 are allegations, they are assertions and you
25 may not consider that to be evidence.

1 As you know, he has rendered a plea
2 of Not Guilty and as each of you has
3 acknowledged, that means that until and unless
4 the State proves his guilt beyond a reasonable
5 doubt that he is to be presumed innocent.
6 That is an active presumption, as you
7 understand.

8 The State is the only party that has
9 any burden of proof. The State has to prove
10 each of the elements required of each offense.

11 At the end of this proceeding, I
12 will define for you the elements that are
13 necessary to be established beyond a
14 reasonable doubt for you to return a verdict
15 as to the offense of criminal sexual conduct
16 in the first degree.

17 I will define for you all of the
18 elements necessary for the State to prove
19 beyond a reasonable doubt for you to return a
20 verdict of guilty as to murder.

21 I will define for you all of the
22 elements necessary for the State to prove
23 beyond a reasonable doubt for you to return a
24 verdict of guilty as to kidnaping.

25 As you recall, you know that if the

1 State fails on any one element on any of those
2 charges, you will be instructed during the
3 charge portion of this proceeding to return a
4 verdict of not guilty. Please remember that.

5 Now, in just a moment the State will
6 be making its opening statement. The opening
7 statement is the first opportunity that the
8 attorneys have to speak to you.

9 After they make their opening
10 statement, the Defendant, Mr. Dickerson,
11 through his attorneys will be making their
12 opening statement.

13 The parties, through their counsel,
14 have a right to speak to you before you hear
15 the evidence and after you hear the evidence.
16 You should give them your attention, you
17 should at all times listen intently to
18 everything that takes place in this
19 proceeding. Please remember something, just
20 as my remarks are not to be considered
21 evidence, their remarks likewise should never
22 be considered evidence.

23 Their remarks are designed to help
24 you. In the opening statement they will give
25 you an overview of the dispute, they will tell

1 you some of the -- they may discuss some of
2 the issues, they may even discuss some of the
3 legal principles with you. Again, very
4 helpful to you.

5 But as to the evidence, that's what
6 you will hear through witness testimony.

7 As to the legal elements, that's
8 what I will give you in the last portion or
9 the last phase or each proceeding, if a second
10 phase is necessary. Certainly as to the first
11 phase, you will have a charge on the law and
12 that's the last thing that you will hear
13 before you begin your deliberations.

14 Please remember something that we talked
15 about, and I think we talked about it with
16 each of you, but if I failed to do so then I
17 need to restate something. We talked about
18 the characteristics of a juror, we talked
19 about your common sense, your sense of logic
20 and reasoning. We talked about an open mind.
21 Each of you have stated by your oath that you
22 have that open mind. Each of you have
23 confirmed, reaffirmed that you intend and will
24 use your common sense, your sense of logic and
25 reason fairly and impartially when you begin

1 your deliberations in this case. Please
2 remember that you have to maintain that open
3 mind throughout this first phase, each aspect
4 of it. Do not change that position until you
5 have been instructed to do so. That would be
6 the last instruction that I give you during
7 the charge portion of this proceeding. So
8 please remember that.

9 It's important, again, Ladies and
10 Gentlemen for a number of reasons. First,
11 you need to hear all the evidence. The
12 evidence, as you know, consists of the
13 testimony of the witnesses and you know that
14 the State will speak to you first in opening
15 statement and the State will present evidence
16 thereafter. Why? Because the State has the
17 burden of proof. That's why they speak to you
18 before the Defendant has a chance to speak to
19 you.

20 Please let me mention something now,
21 and I will probably say it again in my charge,
22 but the word "defendant" doesn't mean anything
23 other than a way to identify Mr. Dickerson.
24 It's just simply a term that we use to
25 designate the party against whom a claim is

1 made. That's the sole significance of that.
2 It doesn't imply anything else. So if you
3 hear that word, "defendant", we are talking
4 about Mr. Dickerson. It's just a way to -- it
5 is just a word that is synonymous with Mr.
6 Dickerson for the purposes of this proceeding.

7 The evidence which you will
8 ultimately analyze of course is the testimony
9 of witnesses. "Testimony", as you know, is
10 somebody talking to you, just like you've done
11 many times in your life. That, again, is why
12 part of listening to what they say, making
13 those mental notes that will be helpful to you
14 -- because, you know, it's -- it is not only
15 what someone says but it is how they say it
16 but also there is -- when you hear something,
17 you need to apply that common sense that says,
18 'is that logical?' 'Does that make sense?'

19 It is that common sense aspect that
20 you bring to this process. Those are things
21 that will be helpful to you, not during the
22 evidentiary portion, not necessarily during
23 the charge portion, not during the arguments
24 or opening statements but when you begin your
25 deliberations.

1 I say that for this reason, no one
2 should reach any conclusion about a witness'
3 testimony, as to whether you believe it or
4 not, but until you begin your deliberations --
5 that's when you would make those judgments.
6 That is when you make that complete and final
7 analysis. All I am saying is that you may
8 want to note those things, such as did you see
9 the person -- did the person appear to be --
10 to be speaking to you about that. That may be
11 important, it may not be. Did the person
12 contradict themselves? Is that important?
13 Those are things that you will be instructed
14 about in evaluating credibility and
15 believability of witnesses, because that is
16 what your function is.

17 Please remember again that nothing I
18 do during this proceeding should be considered
19 by you as any suggestion of how you are to
20 resolve anything, or as a statement of fact
21 because that will be what you will accomplish
22 -- and you will evaluate the evidence at the
23 appropriate time.

24 As I mentioned to some, when you
25 begin your deliberations, we won't be

1 involved. You'll be in your jury room. It
2 will just be you.

3 That is generally what happens with
4 matters of law that come up from time to time.
5 Sometimes we hear them before we bring them
6 in. Sometimes you may be sitting -- for
7 instance we say that we'll start at 9:30 and
8 you suddenly come in about 10:15. Please know
9 that we haven't been sitting around here
10 reading the newspaper and drinking coffee.
11 We've been working.

12 We have been -- I do my best to try
13 to get those done so that you don't have to
14 sit around. We plan the best that we can but
15 I want each side to have a full opportunity to
16 present fully their respective arguments on
17 any legal issue. Sometimes these legal
18 issues become very complicated, as you can
19 imagine. That's just life. That's just the
20 way that it works. That's when we would do
21 that, we would do that out of your hearing.

22 There's one occasion when you may
23 hear a ruling. I bring this up because it's
24 -- for two reasons. Number one, to let you
25 know that it may happen. Some of you may have

1 served on a jury before. You certainly -- and
2 certainly we are inundated with programs for
3 trials and whatnot, see that from time to
4 time. Some of them aren't reality, though,
5 that's for sure. One thing that it is, is
6 that attorneys may say from time to time,
7 'Your Honor, we object' or 'Your Honor,
8 there's a matter of law that we need to take
9 up.' That has to be done out of your hearing,
10 for the most part.

11 Now, sometimes you may hear me say,
12 'I sustain the objection' or 'I overrule the
13 objection.' That's a ruling that I have made,
14 that's my responsibility. Most of the time it
15 deals with -- we have rules of evidence that
16 apply to the testimony of witnesses. Most of
17 the time that's what they deal with. They are
18 not matters for your concern.

19 You shouldn't consider the fact that
20 the attorneys made the objection, you
21 shouldn't consider my ruling in any way --
22 quite frankly, it's occurred to me over the
23 years that one of the rulings that could be
24 made probably best describes how we work
25 together and we combine our efforts, if you

1 will, to try and resolve this dispute.

2 An attorney may make an objection, and as I
3 stated it's generally an evidentiary matter, a
4 witness is about to testify or to stop a
5 witness at a certain point. I overrule the
6 objection but you hear the question, and the
7 answer, or maybe just the answer.

8 What's happened? Well, I've said as
9 a matter of law that I am going to permit that
10 question. Some -- I want to be sure that you
11 do something. Don't think that just because I
12 said you can hear it that now you have to
13 necessarily find that to be credible and
14 believable. You can, but you don't have to.

15 The reason that I say that is that
16 all I've said is that as a matter of law that
17 question is going to be permitted. Now it
18 shifts to you. Now you become the judge of
19 whether you believe it or not. That's how we
20 combine our -- that's really an example of how
21 we combine our effort. I've allowed the
22 question under the rules of evidence but you
23 have to decide if you find it to be credible
24 and believable and, if you do, how much weight
25 do you wish to place on it? Please remember

1 that.

2 And sometimes they may say, 'Your
3 Honor, we need to -- we need to discuss this
4 matter, and we need to discuss it out of the
5 presence of' -- or, 'there is a matter that we
6 need to take up out of the presence of the
7 jury or some similar language. If that
8 occurs, we will be excusing you. Please
9 understand something. That is important. It
10 has to be done. Sometimes there may be
11 occasions where we have a bench conference but
12 it's important that both sides have an
13 opportunity to fully state their position on
14 the record. In order to facilitate that, we
15 need to excuse you.

16 Is it something magic or private?
17 Not at all. But it's -- we're human and if it
18 is something that you don't need to hear, then
19 it's a whole lot easier to just let you go to
20 your jury room rather than to let you hear it
21 and then say, 'Now, Ladies and Gentlemen,
22 disregard what you just heard.' It just deals
23 with human nature. Please understand that.

24 If it occurs, I don't -- I don't
25 anticipate that this is going to happen but if

1 it should, I've seen and when I was practicing
2 law unfortunately I did have this happen a
3 complete of times: Question, Objection, 'I've
4 got to take up a matter', we came back, then
5 two questions later -- question, objection,
6 gotta take up a matter. The jury had to go
7 back again. That doesn't happen very
8 frequently, but if it does please understand
9 that that is just the nature of this process
10 and don't hold that against anyone, don't let
11 it upset you, don't let it detract you in any
12 way.

13 Now, I am confident as I sit here
14 that you will listen throughout, that you will
15 pay close attention, that you will honor in
16 every respect the commitment that you have
17 made and I -- I can't tell you -- I know I
18 speak for all the parties in thanking you for
19 what you've done thus far, the sacrifice that
20 you've made. I look forward to trying this
21 case with you. I ask you now to give your
22 attention to the attorneys as they give their
23 opening statements on behalf of their clients.

24 Before making -- any matters of law
25 from the State, Solicitor?

1 SOLICITOR WILSON: No, sir.

2 THE COURT: Any matters of law, Mr.
3 Carroll or Mr. Bloom on behalf of Mr.
4 Dickerson?

5 MR. CARROLL: None, Your Honor.

6 THE COURT: Thank you very much.
7 Solicitor, you may proceed.

8 SOLICITOR WILSON: He didn't just
9 die. He suffered. He suffered hour after
10 hour after brutal hour.

11 He was not just a victim. It was
12 not just a body. He was Gerard Roper, who
13 was twenty-nine years old. He was savagely,
14 brutally beaten and killed.

15 He suffered hour after hour knowing,
16 not knowing, wondering, hoping that beating
17 would stop.

18 There are Shareen and Aven Roper
19 (indicating). Gerard was their first born.
20 Over the next several days you will hear how
21 this defendant tracked him down and tortured
22 him until he died. Over the next several days
23 you will hear from a host of witnesses, some
24 thirty or forty witnesses, as we prove to you
25 what happened to Gerard Roper.

1 Before I go any further, I want to
2 thank you for being here and for, as the Judge
3 has said, making that commitment, making that
4 sacrifice.

5 I want to tell you that we bring in
6 these witnesses one by one, if you see us
7 looking at our watches, if you see us looking
8 at our notes, we don't have a lunch date. We
9 don't have anywhere else to be. We're trying
10 to keep this thing on track so that we don't
11 waste your time and so that people who have to
12 report here to testify, who have jobs, who
13 come here to testify, can leave and go about
14 their lives.

15 Sometimes there may be delays. We
16 hope not, but just keep in mind that we are
17 working to keep this trial moving. You will
18 see investigators from my office, paralegals
19 with my office, in and out of the courtroom,
20 letting us know what is going on, who is next,
21 who has a problem, who is in traffic. We will
22 try not to distract you but the goal here is
23 to see that you get to see and hear all the
24 evidence, over and over.

25 Now, I saw that it is a host of

1 witnesses but what you'll realize, pretty
2 quickly, is that it is more like a cast of
3 characters. You are going to see and hear
4 from people that you've never dreamed of, that
5 you don't know their everyday life. You are
6 going to see people that live life on the
7 streets.

8 Two of our witnesses will tell about
9 what happened to Gerard Roper, Gerard Roper
10 having been gunned down. They are paralyzed,
11 one is a quadriplegic and one is a paraplegic
12 as a result of that night.

13 You will hear testimony that all of
14 these people who were there, who know that
15 Gerard Roper had one friend, one friend, one
16 man that he had known since childhood, William
17 Dickerson. William Dickerson was his friend.
18 Of all of these people that you will hear
19 testimony from, who saw what was going on, who
20 saw it happening, nobody did anything to stop
21 it. Nobody.

22 When we go into what these witnesses
23 will testify about, generally, -- you've got a
24 lot of testimony to hear. You don't need to
25 hear it anymore than you have to because it is

1 not a pretty story but, as the Judge told you,
2 over and over throughout this week you are the
3 judges; you are the judge of the facts, and
4 you are also the judge of the credibility of
5 witnesses. You get to decide how much to
6 believe, whether to believe it at all. What
7 corroborates it, what makes sense, what
8 doesn't make sense.

9 It doesn't take special training, it
10 doesn't take special education. All it takes
11 is good old-fashioned common sense. All it
12 takes is for you to use the same thing that
13 you use in dealing with your friends, your
14 coworkers, your children, to know whether or
15 not someone is telling you the truth. You can
16 do that. You can do it whether or not there
17 is a telephone record backing them up or
18 whether or not there's DNA evidence backing
19 them up. You judge the credibility of the
20 witnesses with your gut and with your brain.

21 The benefit of being in a trial like
22 the one you're being in, and I know that it is
23 a long process, is that each of you got to sit
24 on the witness stand. You got to see how it
25 feels to be up there. It's stressful. That's

1 one of the things that I submit that you
2 should take into account when you are judging
3 these witness, many of whom have never seen
4 the inside of a courtroom, many of them who
5 have never testified, who have never been
6 cross-examined by one of us. Keep that in
7 mind.

8 Other things that you might consider
9 as far as credibility, how educated is this
10 person? Was the person high on cocaine when
11 they observed this?

12 And if there are inconsistencies,
13 when there are, does it mean that somebody is
14 lying? Does it matter? It's been three
15 years. Were the pants navy blue or were they
16 black? Does it matter. Was it 2:00 o'clock
17 or was it 2:45, or was it 2:30? Does it
18 matter?

19 Those are things that you are going
20 to have to be looking at, that you are going
21 to have to judge, and what you will see is
22 that witness after witness, visit after visit,
23 it all fits together and it all points to that
24 man (indicating Defendant) right there.

25 Let's go back, because it has been

1 three yeas. Mr. Dickerson has been waiting
2 for almost three years for this day. Shareen
3 and Aven had dreaded for three years this day,
4 this day when they start to hear it.

5 It was March 7th, 2006. In the days
6 and weeks before March the 7th, there was a
7 video. I am not showing a video because we
8 don't have the video but you will hear
9 testimony about a video on William Dickerson's
10 cell phone. He was mad, he was angry, he was
11 out for blood because this video, he said, he
12 said, showed his girlfriend, Shelley, having
13 sex with another man.

14 You will hear testimony that some
15 people didn't see that. He showed it to --
16 they could see part of that but they couldn't
17 make out who it was.

18 William Dickerson was convinced that
19 not only had Shelley had sex with someone else
20 but that they recorded part of it and put it
21 on his cell phone. He accused friend after
22 friend. The last man that he accused was
23 Gerard Roper.

24 You will hear testimony over the
25 days and weeks that William Dickerson dealt

1 drugs, you will hear testimony that Gerard
2 Roper dabbled in drugs. But make no mistake,
3 this is not about a drug deal gone bad, this
4 is not about marijuana and cocaine, this is
5 about vengeance. It is about vengeance over
6 money, it is about vengeance over jealousy.
7 It is not some drug deal to throw Gerard Roper
8 away.

9 We build up to March 7th when --
10 this is a map of the peninsula of Charleston,
11 you can see, (indicating):

12 the peninsula here,
13 the James Island Connector,
14 (Highway) 71,
15 Up that way, (Highway) 61,
16 This area, Fishburne street.

17 There was a guy who lives on
18 Fishburne, named Antonio Nelson. Antonio is
19 one of the witnesses I was telling you about
20 who is paralyzed. He was shot in the back
21 when he was about nineteen years old. He
22 should have been unable to move from the chest
23 down but he rehabilitated very well and he can
24 now operate his wheelchair. He has a car,
25 this green -- you can't really see the color

1 here but it's a green Suburban. He can't
2 drive because of spasms and things like that
3 but he does have a car and he will get other
4 people to drive for him.

5 On the morning of March 7th, William
6 Dickerson shows up -- early, early by
7 Antonio's standards, which is midmorning
8 probably to a lot of us. Antonio says that he
9 is agitated, he wants a ride. William
10 Dickerson has a car, Antonio doesn't know how
11 he got there but he wants a ride. Antonio is
12 not up and ready and he doesn't have a driver,
13 so if he was going to take William Dickerson
14 somewhere he doesn't have a way back.
15 Dickerson leaves.

16 A short time later, he shows back
17 up, still agitated, still wanting a ride,
18 still talking about this video and who is
19 sleeping with his girlfriend.

20 He is looking for Gerard Roper.
21 They sit there for hours and finally a guy
22 named Devon Keeling, they call him "Dutch", --
23 Dutch often drove Antonio around. He comes
24 over and he tells Antonio, not William
25 Dickerson, because he is not friends with

1 William Dickerson. He tells Antonio that he
2 will give him a ride, he will take them
3 because William Dickerson now wants to go to
4 his brother's house. His brother's house is
5 this address here, 311 Fleming Road over on
6 James Island.

7 So they agree that they are going to
8 take this (indicating Suburban) car, they are
9 going to go over to his brother's house.
10 Dutch is driving, Antonio is in the front
11 seat, his wheelchair is in the back seat,
12 William Dickerson is on the other side, behind
13 the driver, in the back seat.

14 They head out going to Fleming Road
15 when, all of a sudden, as he is talking on the
16 telephone to Shelley, his girlfriend, as he is
17 trying to call Gerard Roper, getting
18 frustrated because Gerard Roper will not
19 answer his calls, he decides that he wants to
20 go to Flint Street. He wants to go to where
21 Gerard Roper is. I told you that this is not
22 about drugs, this is not about money, this is
23 about jealousy.

24 He was wronged, he was wronged.
25 You'll hear testimony that Gerard was not

1 disrespecting him by not calling him back,
2 he'd left his phone at home that morning.
3 He didn't have his phone with him. You will
4 hear testimony from Shelley that she'd never
5 slept with Gerard.

6 You'll hear evidence about what
7 happened when they get to Flint Street -- to
8 this house, (indicating). There are people
9 there with Gerard Roper: there's Ben Drayton,
10 there's Stevo Rivers and there is is Gerard.

11 They pull up in the car and they
12 circle around back -- (indicating), here.
13 Eventually William Dickerson goes in looking
14 for Gerard. Tony and Dutch turn the car
15 around, they are ready to go, they're just
16 waiting. They don't know exactly what is
17 going on but, all of a sudden, they heard a
18 crash, a crack. Oh, no, a gunshot. They sit
19 there, they don't really know what to do.
20 They wait a little longer and out comes Gerard
21 and behind him is William Dickerson, with his
22 gun just behind Gerard.

23 Gerard gets in the car, he's calm
24 and collected. He knows these guys, they are
25 not his friends but he knows these guys. He

1 said to Antonio, 'Look at what this guy did to
2 me.' He's got a gash in his forehead, he is
3 bleeding, and he is saying 'Man, can you
4 believe he just did this?'

5 They continue on and they go to
6 Fleming Road, to the brother's house. William
7 Dickerson's little brother -- not that he is
8 little, he's a man, but he is much smaller in
9 size. You will hear testimony that he was
10 always the tag-along, you know like how big
11 brothers treat little brothers.

12 They arrive there and Bubba, the
13 brother, comes out. He lives at this address
14 (indicating), on Fleming Road. This was his
15 apartment right there, (indicating). That's
16 where Bubba and his wife, Selena, lived.

17 Bubba (sic) out of the car around
18 back William gets Gerard out of the car. He
19 is pulling him by the arm. He still has the
20 gun. Gerard says, 'Man, I can walk.' He
21 walks. He walks inside. What he doesn't know
22 -- when you hear the testimony, you'll hear
23 that he thought it was going to be okay. He
24 didn't know that he was walking into eighteen
25 hours of hell. It took eighteen hours to kill

1 him -- over two hundred lacerations:

2 The sickening thing, one of the
3 sickening things, is that these people --
4 Bubba and a guy named "Popcorn" and Selena
5 Rouse, they were in and out of that apartment
6 for eighteen hours.

7 Selena Rouse, she's a mother. She
8 had a son. She did nothing. Nothing, despite
9 seeing blood all over the place.

10 Popcorn, he's called over by William
11 Dickerson. William is mad at him, accusing
12 him of being the one on the video, accusing
13 him of flipping on him. He calls him over.
14 He walks in, sees Gerard on the floor, no
15 pants on, naked from the waist down, bleeding
16 but conscious. Every witness you will hear
17 from talks about Gerard being conscious.
18 Eighteen hours.

19 Popcorn leaves at one point because
20 William Dickerson asked him to go get
21 something from the store. He leaves, he comes
22 back. Then William is trying to pit Popcorn
23 against Gerard, 'Which one of you is it, is it
24 you or is it you? Show me you're with me.
25 Hit him! Do something!' And he does.

1 You will hear from Popcorn, you will
2 hear from him. You will hear about how he was
3 threatened, that his girlfriend, who was
4 pregnant and home and who was burning his
5 phone up, and he was trying to get out there,
6 not trying to help Gerard Roper. Finally he
7 -- and you may have a question here, did he
8 leave? Was it William Dickerson? Look at the
9 DNA, look at the phone records, and there will
10 be other witnesses that corroborate Popcorn.

11 These people, these three, over two
12 years said nothing, did nothing to help.

13 Are they going to be here this week,
14 next week because they want to help or because
15 they are worried about themselves? Are they
16 here because they have a conscience? You'll
17 be the judge of that. You will be the judge
18 of that. You will be the judge of whether two
19 years of thinking about what they saw finally
20 wore on them. You will be the judge of
21 whether you can trust their testimony based on
22 other things that corroborate it. You'll be
23 judge of whether or not their stories fit and
24 when they don't fit why don't they fit? Was
25 it because they couldn't see, they couldn't

1 hear, or is it because it has been three
2 years?

3 What you will see throughout the
4 testimony is that that man (indicating
5 Defendant) was on a mission.

6 It wasn't just a killing, it was the
7 torture. I am not going to go over gory
8 detail because there is plenty of time for
9 that, and it is going to be rough.

10 I want to talk to you briefly about
11 the elements of the charges against Mr.
12 Dickerson. The Judge, when we have concluded
13 our evidence, will give you very detailed
14 instructions, he will spend thirty minutes or
15 more talking about just the crimes. I am just
16 going to spend thirty seconds and ask you to
17 think about:

18 Kidnaping -- an unlawful seizure,
19 being confined, not being able to go, not
20 being able to leave. There is no ransom
21 required, nothing like that. Kidnaping
22 restricts your movement unlawfully.

23 Criminal sexual conduct -- our
24 Legislature doesn't want to use the word
25 "rape", but that's what it is. Rape.

1 Criminal sexual conduct in the first degree
2 means rape with aggravated force.

3 Finally, murder. You have heard us
4 ask you about this all week. It has to be the
5 malicious killing of someone. I submit to you
6 that based on the evidence that you will hear
7 that you will hear all sort of maliciousness.

8 There will be a number of exhibits,
9 there will be lots of testimony. One of the
10 key things that you will see is this
11 (indicating gun barrel via slide on overhead
12 projector). It's the barrel of a gun. That
13 barrel shows kidnaping, it shows criminal
14 sexual conduct, it shows murder.

15 You will hear testimony that that
16 was the gun that Gerard Roper was held with at
17 gunpoint, while he was hog-tied, his scrotum
18 was burned.

19 You will hear testimony that that was the gun
20 that was used to rape Gerard Roper so
21 viciously that his prostate was lacerated.
22 That was the gun that was recovered, full of
23 feces, covered in blood.

24 Ladies and Gentlemen, as you sit
25 here today, this (exhibit) table is empty,

1 there is nothing there. By the time this
2 trial is over and this table is full, when the
3 microphones are off and Ms. Garrison's (court
4 reporter's) computer is quiet, you'll know to
5 your core that William Dickerson is guilty.
6 He is guilty of kidnaping, he is guilty of
7 rape, he is guilty of murder. You will know
8 that we have proven it to you.

9 THE COURT: Thank you, Solicitor.
10 Mr. Carroll?

11 MR. BLOOM: May it please the
12 court?

13 THE COURT: Yes, sir.

14 MR. CARROLL: A scapegoat is somebody
15 who is offered up as a sacrifice to pay for
16 the wrongdoing of somebody else.

17 You can't tell the story of this
18 country without talking about heros that are
19 honorable, that are upright, that stand up for
20 what we all believe in. And unfortunately you
21 can't tell the story of American without
22 telling the story of those despicable human
23 beings that will watch somebody have the life
24 beat out of them, that will watch somebody
25 victimized in the street, that will watch

1 somebody homeless and starving, somebody that
2 will take the opportunity to do harm to
3 others. You can't tell the story of America
4 without the story of the scapegoat, one thrown
5 up to explain it all away, the one that we are
6 going to put it all on.

7 Our religious texts talk about it,
8 our history books talk about it, and today you
9 heard the opening chapter in this courtroom of
10 a scapegoat that was offered up by the many
11 people, names that came up on that chart. Why
12 should they not speak up? Why should they not
13 do something, after they claim to know the
14 things that you are going to hear them say
15 that they know, and do nothing? Because they
16 have bloody hands. They offered somebody to
17 pay the price for that. That somebody is
18 William Dickerson.

19 Now, William Dickerson was not
20 developed as a suspect in this case by some
21 neutral witness sitting down with a police
22 sketch artist and drawing a picture of a six-
23 foot, two hundred-pound black male that was
24 seen doing anything to anybody?

25 No fingerprint was collected and put

1 through a computer system that came back and
2 said, 'William Dickerson.' There was no
3 science, no neutral evidence whatsoever. You
4 will hear none.

5 What you are going to hear is that
6 you're going to hear the story of people who
7 had an agenda, who had a reason not to be
8 guilty, and who were powerless and had to find
9 somebody to hide behind.

10 This crime was horrible. What
11 happened to Gerard Roper was despicable and
12 the people responsible should be punished, not
13 a scapegoat, not a scapegoat, not somebody
14 that they brought to the table.

15 William Dickerson, you will find
16 that without the witness, without the sketch,
17 without a photo lineup -- what this started
18 with was an estranged girlfriend with an
19 agenda.

20 That girlfriend, you will find,
21 claims to have a recording. You will hear a
22 recording -- not a recording necessarily, but
23 a recording of a recording or maybe a
24 recording of a recording of a recording, but
25 you will hear something.

1 When you listen to that, your
2 function, as the Solicitor mentioned, as Judge
3 Dennis mentioned, is to use your own common
4 sense and to evaluate that piece of evidence
5 and to decide, 'Does this ring true? Does
6 this sound like what it purports to be? Is it
7 possible it is not there?' That is your
8 function in this case.

9 When you listen to that, I think
10 that you will be the best judges of what that
11 audio should sound like. You are going to
12 hear, over the life of this case, from this
13 witness stand different witnesses who will say
14 that it was recorded on Tuesday, it was
15 recorded on Wednesday, it was recorded at 3:00
16 o'clock, it was recorded at 4:00 o'clock, it
17 was recorded at 4:30.

18 We all know that actions speak
19 louder than words. It would be inhumane for
20 someone to have heard, I think you'll find,
21 somebody saying "I am beating this guy", the
22 victim saying, "I am being beaten", and do
23 nothing. Not to pick up the phone and call
24 the police, but go to the person who has got
25 some control over William Dickerson because of

1 a prior situation that you'll learn about, go
2 to that person and say, 'William', not pick up
3 the phone and call anybody and say 'Gerard',
4 to help Gerard, do anything for Gerard.

5 Gerard was collateral to this, the target here
6 was William. She was upset, very upset with
7 him. You'll get to meet her and assess her
8 for yourself.

9 You are going to hear from somebody
10 else who claims to have had a telephone
11 conversation. He is going to say that he had
12 a phone call and in that conversation he
13 learned that William Dickerson and Gerard
14 Roper were together and that William Dickerson
15 was beating Gerard Roper. You might be
16 curious as to whether he picked up the phone
17 and called the police. He never did. He
18 never called the police.

19 Everything that the police had at their
20 fingertips, when an arrest warrant was issued
21 for William Dickerson, came from the mouths of
22 those people. That's where it came from --
23 from those people: Steve Archie, Shelley
24 Nelson.

25 They developed some statements after

1 the fact and the inconsistencies that you were
2 warned about, there are some significant
3 inconsistencies. One sort of magic thread
4 through this whole process is that the truth
5 never changes. It doesn't matter who is
6 telling it, how many times they are telling it
7 or to whom they are telling it to, it doesn't
8 change. So some might want to describe what
9 you hear as inconsistencies, others might call
10 them lies. You be the judge when you hear the
11 testimony from the witness stand. You decide
12 who has got an agenda and who has got a
13 message to deliver and who has got something
14 to hide from.

15 You will find that after Gerard's
16 body is found and after the police have
17 effectively ended their investigation, after
18 William Dickerson has been literally handed to
19 them, you will find that -- witnesses will
20 tell you that William Dickerson left the area.
21 Those same witnesses that are going to be
22 talking about the girlfriend and a video are
23 going to tell you the story of a man who said.
24 'They are out to get me. They are out to kill
25 me. These people are trying to set me up.'

1 Each of those people that say, 'ah, it was
2 something about a girlfriend', but he says
3 that people were out to kill him. He had been
4 shot at, he was being stalked, he was staying
5 in motels under other people's names. He was
6 moving -- here, there.

7 You will find that he moved all the
8 way to Atlanta, Georgia. I understand that
9 the population of Atlanta, Georgia, is about
10 four million people, about the population of
11 South Carolina I think. If you've got to get
12 lost, Atlanta is a good place to start.

13 William Dickerson talked to some
14 folks, you'll hear, who were back here in
15 Charleston saying, 'William, your picture is
16 on the News. They're saying that you were
17 involved in a killing on James Island.'

18 William Dickerson didn't jump on a
19 Greyhound bus and go to Miami. William
20 Dickerson didn't get on a Greyhound bus and go
21 to New York City. William Dickerson didn't
22 walk into the underground of Atlanta, Georgia
23 with its four million people to get lost in.
24 William Dickerson got on a Greyhound bus and
25 came to Charleston, South Carolina.

1 Now, you'll find -- you'll hear the
2 story that Selena Rouse has got to tell you.
3 She came in, she met with the police, they
4 developed the actual crime scene was her
5 apartment. This is a duplex. The body is
6 found in an apartment and an officer noticed a
7 trail of blood and the trail of blood leads to
8 the adjoining apartment. They get a search
9 warrant, go in there and they discover that
10 this was clearly a crime scene. It was the
11 home of Selena Rouse, the home of Armon
12 Dickerson.

13 You will learn from this witness
14 stand that DNA evidence was collected there.
15 That DNA evidence, you are going to hear, puts
16 William Dickerson at that house. It puts
17 William Dickerson in that apartment. But I
18 want you to pay particular attention to where
19 it is, what it looks like, and you decide what
20 it shows. You decide if those people who were
21 cleaning that scene and covering things up, if
22 they were sort of trying to erase where they
23 were, but those folks were developed as
24 suspects. They were invited in by the police,
25 'come talk to us, we need to know what you

1 know about what happened here.'

2 Selena Rouse came in, they said, 'we
3 need you to tell us the truth.' She is going
4 to take that witness stand and she is going to
5 tell you, she is going to tell you the truth.
6 You need to be forewarned that she has gone
7 through six times already and every time that
8 she has "told the truth" again it's changed:

9 The first version, she saw
10 William Dickerson and Armon there but she had
11 nothing to do with it, she was gone.

12 Second version, she saw William
13 there, Armon wasn't there, she left. He went
14 on a walkabout.

15 This was days after that this was
16 all being formulated. William Dickerson had
17 already been handed to them. They had their
18 suspect, identification was over, they'd
19 talked with some people, were writing some
20 things down and there was something blatantly
21 wrong, inaccurate, inconsistent. It wouldn't
22 take much thought to figure that out.

23 Selena Rouse, you'll learn, walked
24 out of that police department after giving
25 that second statement, ended up in Florida.

1 Armon Dickerson, a few days later,
2 gives a statement, 'The wife was upset with me
3 because the house was messy, I left. I had
4 done that before and I did it this time. I am
5 telling you the truth.'

6 They talked to Popcorn. He 'didn't
7 have anything to do with it.'

8 They had their man. The people
9 involved were people who needed to slip away
10 in the night, were able to slip away in the
11 night. The arm of the law apparently reaches
12 all the way to Minnesota, as Popcorn found
13 out; because, like Armon and like Selena, he
14 just 'wasn't comfortable' in Charleston.
15 Unlike William, who came back when his name
16 was brought up in the case.

17 So that's the story you are going to
18 hear, the story of a scapegoat. There are
19 going to be other witnesses who are going to
20 weave tales and they're going to give you a
21 time line. Things are going to be made to
22 fit. But none of those folks have ever
23 experienced anything like this before and I
24 would assume that somebody who'd never
25 experienced anything like this before would

1 have an imprint left on their very soul. If
2 you don't remember who you took to the prom,
3 you will remember what was going on when this
4 was happening. Yet none of these people -- in
5 and out, in and out, in and out -- did
6 anything to help Gerard Roper.

7 You are going to get some evidence
8 that shows that William Dickerson was at that
9 house at one point that afternoon. You are
10 going to have some evidence to show that he
11 was at that house later on in this process.
12 But the only people who are going to tell you
13 that he did any beating and he did any killing
14 are there folks -- this cast of characters
15 that you are going to meet.

16 As I mentioned earlier, actions
17 speak louder than words. If they were parties
18 and knowledgeable of the things that they want
19 you to believe, that all point towards William
20 Dickerson, they surely would have done
21 something -- because this was all while he was
22 still alive. They didn't want the police
23 going to the scene, they didn't want the
24 police walking in there because whose hands
25 were going to be bloodied?

1 It is my privilege to stand up here
2 as the voice of William Dickerson, to tell you
3 that he is not guilty of murder, of torturing
4 Gerard Roper, kidnaping him. When you've
5 heard the evidence, I think you're going to be
6 firmly convinced that the State has not proven
7 to you beyond a reasonable doubt anything
8 other than you've been given a scapegoat to
9 hold accountable for the sins of these others.

10 Thank you.

11 THE COURT: Thank you, Mr. Carroll.
12 Thank you, Ladies and Gentlemen. At this
13 point, it is noon, a good time for us to take
14 our break. You've talked with Mr. Michele and
15 have the parking situation and you'll have an
16 opportunity now to go move your cars to a
17 closer location. Will two hours be enough
18 time for you'all to effectively get something
19 to eat and park?

20 PRESIDING JUROR: (Affirmative nod).

21 THE COURT: Let's plan then that we
22 will take our recess and we will resume at
23 2:00 o'clock. If you will, be back in your
24 jury room at 2:00 o'clock and we will bring
25 you in, hopefully, at that time.

1 Please remember something and you
2 will certainly get tired of hearing this, but
3 it is probably one of the most critical things
4 that we say, because -- as we've talked about.
5 You've started now, you are a judge. Before
6 you were a prospective judge but now you are a
7 judge. It is absolutely critical that you do
8 not talk with anyone about this case at any
9 time until you're dismissed from this case.

10 You are going to hear me say that
11 over and over and over again, but I cannot
12 stress how critical that is. It is something
13 that I am trusting you -- we've talked about
14 whether or not we were going to sequester this
15 jury. There were some strong feelings about
16 that, and I respect that. I will tell you
17 that I've tried a number, I've tried several
18 and I've sequestered them each time.

19 It is just -- I've just decided that
20 people -- I've watched other trials and I
21 think we're at a point in life where people
22 are intelligent enough to understand how
23 critical it is. I trust you to do that. That
24 way you get to go home and sleep in your bed
25 and do some things that need to be done. I

1 think that is important. I think that's good
2 for rest, I think it is good for rejuvenation.
3 I think that it is nice to interact with
4 people that you have an opportunity to
5 interact with every day.

6 But while you're doing that, please,
7 please, please remember that you can't talk
8 about it, even with those loved ones, even
9 with the people that you share that trust. No
10 way. If you do, you've just destroyed this
11 whole process. The situation that critical.

12 No one can talk with you. If they
13 try to, if someone tries to and you say,
14 'Sorry' -- "I walked away" I think was the --
15 I don't know whether it was one of you, but --
16 that's precisely it, 'Don't talk to me.' If
17 somebody persists, that needs to be reported
18 immediately upon your return. It is that
19 critical.

20 Furthermore, you're not to -- you
21 cannot watch any programs -- not to say that
22 you can't watch television but if a news
23 program comes on and somebody says something
24 'well, let me show you', you need to leave the
25 room or turn the television off.

1 Obviously newspapers, you can keep
2 those and read those later but you can't read
3 them now. You can read them as far as other
4 articles, obviously. No problem with that.

5 Let me say something, though, about
6 that. As you're reading a newspaper, you --
7 obviously if you're sequestered, they screen
8 what you read. You're intelligent people. If
9 there is an article about a trial, my
10 suggestion is that you make sure that you
11 don't read it because that could become an
12 issue. You have to be able to make a
13 commitment, folks. The commitment that we
14 made before we started, you'll make every
15 morning because I will be administering that
16 oath every single morning that says that all
17 times you've honored, in every respect, the
18 instructions given to you by the court. I
19 know that you'll do that. I know that you
20 will honor it truthfully and sincerely, and I
21 thank you for that. I look forward to working
22 with you.

23 One of the things that we will do, I
24 mentioned to you and you -- I want you to set
25 the time. I am going to set a time. I think

1 we need to work at least until 6:00 o'clock.

2 Okay? If you want to work longer than that,
3 you talk among yourselves and let me know and
4 we'll accommodate you.

5 Let me say this to you. If one says
6 'uh-uh, that's the max' -- and the reason --
7 you may want to stop -- some of you may never
8 have sat on a trial before. You -- you get
9 tired. I think 6:00 is a reasonable time. I
10 know that it is 5:00 but, folks, I don't know
11 about you -- maybe some of you have fought the
12 traffic. 5:00 to 6:00, you're not going
13 anywhere fast anyway. 6:00 o'clock, it starts
14 to break up and it makes it easier to travel.
15 To me, that's using that time effectively. So
16 that's why I picked the 6:00 o'clock hour.
17 But I am willing to stay longer if you want
18 to. I would suggest that we do a couple of
19 days before. If you want to increase the
20 number, the length of time, Mr. Partee, just
21 make that known to the court.

22 But I do want you'all to think about
23 whether you want to work on the weekend. I am
24 not requiring it, I am just simply offering
25 it. If you want to work on Saturdays, I will

1 do that.

2 I would prefer not to work on
3 Sundays, for you and for everyone else but if
4 that's what the jury wants to do -- I've done
5 it in the past when the jury has been
6 sequestered, because they are working. They
7 may not be in court but if they're
8 sequestered, there are away from family, they
9 are not doing anything. You are not. So I
10 think Sunday ought to be a day of rest,
11 myself, but I am open to whatever you want to
12 do.

13 Saturday is available, if you want
14 to. Again, it is not required.

15 Having said that, thank you. You
16 are excused now. Be back in your jury room by
17 2:00 o'clock. Everyone else remain seated
18 while the jury departs.

19 (JURY OUT @ 12:04 P.M.)

20 THE COURT: Any exceptions or
21 additions from the State to the court's
22 remarks to the jury panel?

23 SOLICITOR WILSON: No, sir. I just
24 ask at some point that you talk about the
25 internet?

1 THE COURT: Thank you, I will do
2 that. Thank you, that's a good point and I
3 meant to do that, as well. Internet and
4 investigations. Anything else, Solicitor, in
5 that regard?

6 SOLICITOR WILSON: No, sir.

7 THE COURT: Anything, any
8 exceptions or additions from the Defendant?

9 MR. BLOOM: No, sir.

10 THE COURT: One thing, in looking
11 through trying to get names and faces, as I
12 try to do, it occurred to me that on your
13 Motion for *Batson* we dealt with the twelve.
14 There was a strike of a juror -- I think that
15 juror, we'd pretty much ---

16 MR. BLOOM: I understand what the
17 court was saying.

18 THE COURT: We didn't address Ms.
19 Grant's strike as an alternate but I assume
20 that you are not raising any objection to Ms.
21 Grant?

22 MR. BLOOM: No, sir. I know the
23 Solicitor's reason for ---

24 THE COURT: Yeah, that was on the
25 record already, I think. That was clear, so

1 that's why I didn't bring that up. I just
2 wanted to revisit that just to be sure, for
3 record purposes. Thank you so much. We will
4 be at-ease. We get to have a lunch break
5 today. Thank you very much. Enjoy.

6 (LUNCH RECESS 12:10 - 2:00 P.M.)

7 (DEFENDANT PRESENT)

8 (OFF RECORD DISCUSSION RE:

9 SEATING ARRANGEMENT OF INVESTIGATORS
10 AND TIMING OF WITNESSES)

11 BENCH CONFERENCE:

12 BRUCE DURANT: And you'all
13 said that you wanted to sequester, right?

14 MR. BLOOM: Yeah.

15 BRUCE DURANT: Experts too?

16 Or just the ---

17 MR. BLOOM: Not the SLED
18 experts or the ---

19 THE COURT: You are talking
20 about fact witnesses?

21 MR. BLOOM: Yes, sir, fact
22 witnesses. I am not worried about ---

23 THE COURT: As long as we do
24 it on both sides. If you'all have any fact
25 witnesses, they need to be out.

1 BRUCE DURANT: And you
2 needed to bring up about one of the people on
3 the jury knowing somebody?

4 MR. CARROLL: That's correct.

5 MR. BLOOM: One of our
6 investigators, Vickie Childs, once the jury
7 was seated recognized Juror Meteraud from her
8 church. She doesn't know her well. They will
9 chat when they are at church, 'How are you
10 doing? How is your granddaughter?' She
11 wasn't here during that part of the jury
12 selection and didn't know her last name, and
13 wasn't in here when you were addressing the
14 whole jury, so she didn't realize -- they
15 handed me up a note while you were in your
16 preliminary instructions. She just knows her
17 casually from church is all.

18 BRUCE DURANT: Was she
19 planning on testifying?

20 MR. BLOOM: No, no, she is not
21 a witness.

22 THE COURT: But she is sitting
23 inside the rail?

24 MR. BLOOM: Yes, sir. Ms.
25 Childs in the blazer and the white blouse.

Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1 THE COURT: What is her name?

2 MR. BLOOM: Vickie Childs,
3 Childs with an "s".

4 THE COURT: Would that have
5 affected you in any way?

6 SOLICITOR WILSON: No, sir.

7 THE COURT: Do you want me to
8 inquire of Ms. Meteraud?

9 SOLICITOR WILSON: No, sir.

10 THE COURT: Nope, no inquiry?

11 SOLICITOR WILSON: (Negative
12 gesture).

13 MR. BLOOM: I just wanted to
14 make them aware of it.

15 THE COURT: That's fine. If
16 Ms. Meteraud makes some inquiry, then I will
17 follow up but otherwise I will not do that.

18 MR. BLOOM: Very good.

19 SOLICITOR WILSON: On the charge
20 of sequestration, I have both my victim's
21 parents and ---

22 MR. BLOOM: That's fine.

23 THE COURT: Yeah, the victim's
24 -- I am not going to require them, they are
25 entitled to be here.

1 MR. BLOOM: I am not -- no,
2 sir.

3 THE COURT: We will allow the
4 victim's parents.

5 (BENCH CONFERENCE CONCLUDED)

6 THE COURT: All right. We have our
7 jury. Are you ready to begin, Solicitor?

8 SOLICITOR WILSON: Yes, sir.

9 THE COURT: Is the Defendant ready?

10 MR. CARROLL: We are, Your Honor.

11 THE COURT: Let the record reflect
12 that Mr. Dickerson is present. Good
13 afternoon, Mr. Dickerson.

14 SOLICITOR WILSON: Are we going to be
15 at the podium ---

16 THE COURT: Wherever you want to
17 that doesn't block the view of counsel tables.
18 Invite the jury to return, please.

19 (JURY IN @ 2:18 P.M.)

20 THE COURT: Thank you, Ladies and
21 Gentlemen. I hope you had a good lunch. No
22 problems with the parking, I hope? (No
23 response). Everything worked okay with that?
24 (Affirmative response from various jurors).
25 Good.

1 One thing before we start, we were
2 talking about some things about not letting
3 anybody talk to you. I failed to mention
4 something else that is equally important and
5 imperative. It is a wonderful world where we
6 have at our fingertips that we can get access
7 to just about anything that we want. We can
8 Google it and there it is, we can pick and
9 choose what we want to read. Pretty nice.
10 It's kind of sad for the library because we
11 don't even have to go there, can get all of
12 this stuff right here.

13 But in this day and time with jurors
14 sitting and -- understanding having access to
15 computers, we have another problem, because
16 you have access to information. Remember
17 something, resist the urge to conduct your own
18 investigation. I sometimes hate to bring that
19 up, not that you -- don't take offense at
20 this. When I was practicing law, I used to
21 tell people this, especially in domestic
22 cases, adults are nothing but sophisticated
23 children, we just do things a little
24 differently. We know what happens when we
25 tell a child something not to do, that's

1 generally the first thing that they want to
2 do. Sometimes I am somewhat reluctant to do
3 that, but I am dealing with persons that
4 appreciate what we are doing.

5 It would destroy the process if it
6 happened. I had one recently -- thank the
7 Lord we settled it and I went in to thank the
8 jury for their participation and to excuse
9 them and one said, 'I have a question. How
10 were they going to get around this particular
11 issue because last night I went online and I
12 read about it and it was perplexing to me.'
13 I thought, 'oh, Lord.' You can't do that, you
14 just can't do it.

15 Please know that in addition to not
16 talking to someone, you can't conduct an
17 independent investigation in any fashion.
18 Please remember that. You're going to make a
19 commitment to decide it based on what you hear
20 in this courtroom. That is very, very
21 important. That's your focus. Thank you very
22 much. I am sorry for the delay.

23 Solicitor, thank you for indulging
24 the court a little bit longer. I know you're
25 anxious to get started. You may call your

1 first witness.

2 SOLICITOR WILSON: Thank you, Judge.

3 The State calls Kanesha Singleton.

4 (WITNESS TAKES STAND)

5 KANESHIA SINGLETON, being duly sworn
6 to tell the truth, the whole truth and nothing
7 but the truth, testified, as follows:

8 DIRECT EXAMINATION

9 BY SOLICITOR WILSON:

10 Q. Good afternoon, Kanesha. We have this
11 projector that's buzzing right over us, and I
12 know you're soft-spoken. So try to talk into
13 that microphone, and I'll try to do the same;
14 okay?

15 A. Okay.

16 Q. Your name is Kanesha Singleton. Is that
17 right?

18 A. Yes.

19 Q. How old are you, Kanesha?

20 A. Thirty.

21 Q. And how far did you go in school?

22 A. Three years in college.

23 Q. Where did you go to college?

24 A. South Carolina State University.

25 Q. And are you working now?

- 1 A. Yes, ma'am.
- 2 Q. Where do you work?
- 3 A. Kiawah Island.
- 4 Q. Now, do you have any children, Kanisha?
- 5 A. Yes, ma'am, I do.
- 6 Q. What are their names?
- 7 A. Corey and Allie.
- 8 Q. How old are they?
- 9 A. Five and seven.
- 10 Q. And while you were at S.C. State did you
- 11 meet Gerard Roper?
- 12 A. Yes, ma'am.
- 13 Q. And did the two of you have a
- 14 relationship?
- 15 A. Yes, ma'am.
- 16 Q. Is he the father of your two children?
- 17 A. Yes, ma'am.
- 18 Q. Now, Kanisha, I want to take you back to
- 19 March 7th of 2006, okay?
- 20 A. Uh-huh.
- 21 Q. Do you remember that day?
- 22 A. Yes.
- 23 Q. At that time were you and Gerard living
- 24 together?
- 25 A. Yes, ma'am.

1 Q. Where did you'all live?

2 A. West Ashley. Ashley Hall Apartments off
3 of Ashley Hall Road.

4 Q. Is that off 61 or 17?

5 A. 17. I'm sorry.

6 Q. That's okay. That's why we are doing all
7 these preliminary things, is to get you used
8 to it and me used to it. You'all were living
9 together?

10 A. Yes, ma'am.

11 Q. How long had you'all been living
12 together?

13 A. About a year.

14 Q. And you'all had been involved for some
15 time before that?

16 A. Yes, ma'am.

17 Q. At that time, in March, did Gerard have
18 any issues with his feet or ankles?

19 A. Yes, ma'am.

20 Q. What had happened?

21 A. When he was playing baseball, I think he
22 broke his ankle or sprained the ankle to where
23 he had a limp.

24 Q. But that was some time before March?

25 A. Yes.

1 Q. Kanesha, do you remember the last time
2 you saw Gerard?

3 A. Yes, ma'am.

4 Q. Tell the jury when the last time you saw
5 him was.

6 A. It was the morning of -- Tuesday morning,
7 right before all of this happened..

8 Q. Tuesday, the 7th?

9 A. Yes, ma'am.

10 Q. 2006?

11 A. Yes, ma'am. We woke up that morning and
12 I had to get the kids ready for school, and I
13 had to go to work. After I got the kids ready
14 for school, he told me he was going to take
15 his car back to his mother's house, and that
16 was the last time I saw him.

17 Q. His mother, where did she live at that
18 time?

19 A. I am not sure of the apartments but it
20 was in West Ashley.

21 Q. Was it very far from where you and Gerard
22 lived?

23 A. No, ma'am.

24 Q. I don't want you to have to tell all your
25 business, but had you and Gerard been in a

1 little tiff?

2 A. Yeah.

3 Q. When had that happened?

4 A. It was the night previous to that one.

5 Q. What happened?

6 A. We just had a little argument. Just
7 about in house stuff, cleaning up.

8 Q. He wasn't cleaning up like you wanted him
9 to?

10 A. Yes, that's what it was.

11 Q. So when you left for work and he left to
12 take his mom's car back, did you think
13 everything was okay?

14 A. Yes, ma'am.

15 Q. And so you went on to work?

16 A. Uh-huh.

17 Q. Did you see what Gerard was wearing at
18 the time he left?

19 A. Yes, ma'am.

20 Q. What did he have on?

21 A. He had on a black pair of pants and white
22 socks, some white Nike flip-flops, slide-in's,
23 and a black top.

24 Q. When you got home from work that
25 afternoon or that evening, was Gerard there?

1 A. No, ma'am.

2 Q. Did he return home that night?

3 A. No, ma'am.

4 Q. The next morning?

5 A. No, not after he had been - no, ma'am.

6 Q. Did you try to call him?

7 A. I couldn't. His phone was left at the
8 house.

9 Q. So his telephone was at your house?

10 A. Yes, ma'am.

11 Q. So there was no use to try to call him.

12 A. Right.

13 Q. Was that number 330-3649 at that time?

14 A. Yes, ma'am.

15 Q. So you had his telephone?

16 A. Uh-huh (affirmative).

17 Q. And he doesn't come home that night?

18 A. Right.

19 Q. What did you do? Did you try to find him
20 or figure out where he was?

21 A. I didn't do anything.

22 Q. Did you ever look at his phone?

23 A. It rang throughout the night, but I
24 didn't answer it.

25 Q. Did you notice anything about his phone

1 when you did look at it?

2 A. That night?

3 Q. Or in the morning?

4 A. The next morning there were a lot of
5 missed calls on it about 12:00 o'clock. There
6 were a lot of missed calls on it.

7 Q. Did you try to make any calls to anyone
8 else after looking at his telephone?

9 A. Not after I had heard about what was
10 going on.

11 Q. How did you hear something?

12 A. I left my house, I had the day off that
13 following Wednesday and I went to my mother's
14 house and she told me that Gerard's mother had
15 gotten a call that someone had Gerard and he
16 was torturing Gerard.

17 Q. Let's back up a minute. You had the day
18 off.

19 A. (Affirmative nod).

20 Q. Did you go to your Mama's house?

21 A. Yes.

22 Q. Where did your Mama work at that time?

23 A. She worked at J. C. Penney's.

24 Q. Who else worked at J. C. Penney's?

25 A. Ms. Roper, Gerard's mother.

1 Q. You're getting information coming from
2 your mom about Gerard.

3 A. She called. And she said ---

4 MR. BLOOM: Objection to hearsay.

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR WILSON:

7 Q. Let's not get into what your mama told
8 you. But you were having conversations with
9 your mama that next day?

10 A. Yes.

11 Q. And as a result of those conversations
12 that you had with her, did you do anything?

13 A. I went back to get the phone.

14 Q. To get Gerard's phone?

15 A. Yes.

16 Q. Did you get his phone?

17 A. I got his phone and I went through the
18 list of the calls. And the number that called
19 the most is the number that I called back.

20 Q. Did you know that person?

21 A. When I was calling the number back, I
22 didn't know who was going to pick up. When I
23 called a female picked up the phone and I was
24 like, 'Well, my name is Kanisha. I have
25 Gerard's phone and you have been calling this

1 phone a lot, and we've heard that somebody has
2 him. Have you seen him?' And she said, well,
3 her brother told her that this guy ---

4 MR. BLOOM: Objection. Hearsay.

5 THE COURT: Sustained.

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR WILSON:

8 Q. Let's not go into that. We've got to be
9 careful about hearsay and who said what. You
10 were making calls to people who had called
11 Gerard's phone; right?

12 A. Yes.

13 Q. And as a result of calling that number
14 that had called the most, did you become
15 concerned?

16 A. Yes, ma'am.

17 Q. And as a result of that, what did you do?

18 A. After that I went and I met Ms. Roper at
19 her house. And then me and Ms. Roper and her
20 friend went -- well, I had dropped Gerard off
21 at that house -- at this house where they said
22 that this guy had Gerard.

23 MR. BLOOM: Objection. Hearsay.

24 THE COURT: Sustained

25 SOLICITOR WILSON: Judge, it's not offered

1 for the truth.

2 THE COURT: I appreciate it. Thank
3 you. You can ask her what she did as a
4 result, but thank you.

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR WILSON:

7 Q. Where did you go as a result?

8 A. We went to the house where the guy lived..

9 Q. What guy?

10 A. Dickerson.

11 Q. William Dickerson.

12 A. Uh-huh, (affirmative nod).

13 Q. Did you know William Dickerson?

14 A. I had dropped Gerard over to his house
15 before, and he told me that was just
16 Dickerson.

17 Q. So as a result of these conversations,
18 you go to where you had dropped Gerard off
19 sometime in the past, at William Dickerson's
20 house?

21 A. Right.

22 Q. What part of town was that in?

23 A. It's in North Charleston, off of Ashley
24 Phosphate.

25 Q. Did you see Gerard or William Dickerson

1 there?

2 A. No, ma'am.

3 Q. Did you see anybody?

4 A. As we were pulling up to the area, there
5 was some police cars. We went over to the
6 police and we told them what we were coming to
7 do and they said that they would go around to
8 the house, because they were also looking for
9 him at the time.

10 Q. And so between this time and the time
11 that you got the call, had you contacted the
12 police at all? Or you just went to William
13 Dickerson's house without contacting them?

14 A. Ms. Roper's friend that we were with, he
15 was a police officer.

16 Q. Okay. So when you got with Ms. Roper and
17 her friend to go to William Dickerson's, that
18 man was actually a police officer?

19 A. Yes, ma'am.

20 Q. You get over there and there are officers
21 already nearby?

22 A. Yes, ma'am.

23 Q. Other than that time in the past when you
24 had brought Gerard over at William Dickerson's
25 house, had you ever spent any time with him?

1 A. No, ma'am.

2 Q. Did you know his girlfriend at all?

3 A. No, ma'am.

4 Q. So this is all on Wednesday; is that
5 right?

6 A. Yes, ma'am.

7 Q. Did you find out officially what had
8 happened to Gerard anytime that Wednesday?

9 A. No, ma'am.

10 Q. When did you learn what had happened to
11 him?

12 A. Thursday, noon.

13 Q. Where were you?

14 A. I had just left from work and went right
15 over to Ms. Roper's house. And she was
16 outside walking in her little front yard. And
17 as we were walking back to the house, that's
18 when the cop and the coroner come up and was
19 telling us.

20 Q. So that was not until Thursday?

21 A. Yes, ma'am.

22 SOLICITOR WILSON: Kanesha, that's
23 all the questions I have. If you would answer
24 any questions Mr. Bloom has.

25 THE COURT: You may cross examine,

1 Mr. Bloom.

2 CROSS EXAMINATION

3 BY MR. BLOOM:

4 Q. Good afternoon. I only have a few
5 questions for you. You said there was only
6 one phone number that you noticed on Gerard's
7 cell phone that a lot of missed calls had come
8 from that number. You looked on that to get
9 the cell phone number. Is that right?

10 A. Yes.

11 Q. Was that number -- when we're talking
12 about numbers, everything is area code 8-4-3?

13 A. Right.

14 Q. Was that number -- do you recall 530-
15 5085?

16 A. I don't remember.

17 Q. You don't remember. But whatever number
18 you called back from the large number of
19 calls, it was a female who answered?

20 A. (Affirmative nod).

21 Q. No doubt about that; is that correct?

22 A. Yes.

23 Q. Thank you.

24 THE COURT: Redirect, Solicitor?

25 REDIRECT EXAMINATION

1 BY SOLICITOR WILSON:

2 Q. Do you know who the female was?

3 A. After talking to her, I did. I knew her
4 from elementary school - after talking to her.

5 Q. Who was it?

6 A. Her name was Ervetta Robinson.

7 Q. Was she a friend of yours and Gerard's?

8 A. I don't even remember her from elementary
9 school.

10 Q. You don't know what her relationship was
11 with Gerard?

12 A. No.

13 Q. Thank you.

14 THE COURT: Recross?

15 MR. BLOOM: Nothing further, Your
16 Honor.

17 THE COURT: Thank you, you may step
18 down. Call your next witness.

19 SOLICITOR WILSON: Shareen Roper.

20 (WITNESS TAKES STAND)

21 SHAREEN ROPER, being duly sworn to tell
22 the truth, the whole truth and nothing but the
23 truth, testified, as follows:

24 DIRECT EXAMINATION

25 BY SOLICITOR WILSON:

1 Q. Good afternoon, Ms. Roper.

2 A. Good afternoon.

3 Q. Are you all right?

4 A. Yes.

5 Q. I'm just going to ask you a few ques-
6 tions. First of all, I hate to do this but
7 how old are you?

8 A. Fifty-two.

9 Q. And how far did you go in school?

10 A. Twelfth, finished high school.

11 Q. Where did you go to high school?

12 A. Burke High.

13 Q. Are you working now, ma'am?

14 A. Yes.

15 Q. Where do you work?

16 A. Goodwill on the Naval Base.

17 Q. Where did you work before there?

18 A. I worked at B.C.C. in Mount Pleasant and
19 then before that at J. C. Penney's.

20 Q. What did you do at J. C. Penney's?

21 A. I worked in fine jewelry, in sales.

22 Q. Do you know Aven Roper?

23 A. Yes.

24 Q. How do you know Aven?

25 A. I was married to him.

1 Q. And how long were you and Aven together?

2 A. Eighteen years.

3 Q. Did you'all have children together?

4 A. Yes.

5 Q. Who are your children?

6 A. Gerard Roper and Nile Roper.

7 Q. When was Gerard born?

8 A. Gerard was born January 31st, 1977.

9 Q. How about Nile?

10 A. Nile was born April 13, 1987.

11 Q. He was your baby?

12 A. Yes.

13 Q. Gerard is the victim in this case. Is
14 that right?

15 A. Yes.

16 Q. How old was he at the time he was killed?

17 A. Twenty-nine.

18 Q. Did he go to high school here in
19 Charleston, too?

20 A. Yes, on James Island.

21 Q. How about college? Did he do any
22 college?

23 A. South Carolina State.

24 Q. How long?

25 A. Three years.

1 Q. He didn't finish?

2 A. No.

3 Q. What did he do after leaving school?

4 A. He came home and he worked a little
5 while, and then he went in the Navy.

6 Q. How long was he in the Navy? Do you
7 remember?

8 A. For about a year and a half.

9 Q. Do you know why he got out?

10 A. Medical reasons. He was born with this
11 callus thing on his hands and feet.

12 Q. Causing him a problem to walk?

13 A. Yes.

14 Q. Now, did Gerard have children, your
15 grandchildren?

16 A. Yes.

17 Q. How many?

18 A. Three.

19 Q. Two by Kanisha?

20 A. Yes.

21 Q. And one by another woman. Is that right?

22 A. Yes.

23 Q. Let's go back to the time before Gerard
24 was killed -- a few months before that. Do
25 you know if he was working then?

1 A. No, I don't think he was.

2 Q. What was going on with him physically at
3 that point?

4 A. Gerard's little girl was born in October
5 and the very ---

6 Q. His little girl?

7 A. Yes. The little girl was just born, born
8 on October 22nd and the 23rd, he went to play
9 softball. He asked me to use my car, and when
10 I went to the hospital to sit in his place.
11 So he went and played softball. And then we
12 got a phone call that he had an accident in
13 the park. When we went to the hospital he had
14 cracked all the bones in one foot.

15 Q. Now, back in March of 2006, where you
16 were living, Ms. Roper?

17 A. 1800 William Kennedy Drive.

18 Q. Where is that?

19 A. That is in West Ashley, in Moss Creek
20 Apartments.

21 Q. Was that very far from where Gerard had
22 moved in with Kanasha?

23 A. No, it's not.

24 Q. You mentioned that when Gerard's little
25 girl was born and he got hurt, he had borrowed

1 your car. Was that something that he did very
2 often, borrowed your car?

3 A. He didn't borrow it often, but when he
4 asked me to use my car and, you know, for
5 whatever reason I didn't mind letting him use
6 it.

7 Q. Let's go to March 7, 2006. Do you
8 remember that morning?

9 A. Yes.

10 Q. Tell the jury what happened that morning
11 regarding Gerard?

12 A. Gerard came in that morning to bring my
13 car back. While he was talking he was telling
14 me, you know, we was just having conversation
15 and I asked him where he was going. I don't
16 exactly remember where -- I think he said he
17 was going to James Island. I said, 'How are
18 you going to get there?' He said someone was
19 going to pick him up, you know.

20 As he was walking out my door and I
21 was sitting on the sofa and the door opened
22 and I'm looking at him and at the time he had
23 the biggest and the prettiest smile on his
24 face. As he was walking out, I ran to go
25 behind him because I was, like, 'wow, Gerard,

1 he looks really happy.' When I ran out there,
2 he was gone. He just vanished. And that was
3 the last time I was going to see him.

4 Q. That was that Tuesday morning?

5 A. (Affirmative nod), that was that Tuesday
6 morning.

7 Q. Do you remember about what time it was
8 that he dropped your car off?

9 A. It was probably somewhere 7:30 or 8:00,
10 somewhere around in there.

11 Q. And after that, did you go to work that
12 day?

13 A. I didn't go to work that day. I went to
14 work the next day.

15 Q. So you rocked along on the 7th. Do you
16 know anything about where Gerard is or his
17 business?

18 A. No.

19 Q. The next day did you go to work?

20 A. Yes.

21 Q. And, again, where were you working on
22 that day?

23 A. J. C. Penney's.

24 Q. Which one?

25 A. Northwoods Mall.

1 Q. Where?

2 A. Northwoods Mall.

3 Q. Did you have any concern at that point?

4 A. No, not at all.

5 Q. When was it that you became concerned?

6 A. A phone call came through at Penney's
7 while I was working. One of the girls
8 answered the phone and they told me, 'Shareen,
9 the phone is for you.' I went to the phone
10 and a friend of mine was talking on the phone
11 and she ---

12 Q. Who was the friend?

13 A. Her name is Cheryl Archie.

14 Q. Let's back up a minute. Cheryl Archie
15 was the person who called you at work?

16 A. Yes, uh-huh.

17 Q. Does Cheryl Archie have any children?

18 A. Yes.

19 Q. Who are her children?

20 A. Stevo.

21 Q. Did Stevo and Gerard have any kind of
22 relationship?

23 A. They were friends.

24 Q. Grow up together?

25 A. Yes.

1 Q. And you and his mama, Cheryl, you'all
2 were friends too?

3 A. Yes.

4 Q. Cheryl called you at work?

5 A. Yes.

6 Q. Let's not get into what she tells you.

7 A. Right.

8 Q. But as a result of what she tells you,
9 are you concerned?

10 A. Yes.

11 Q. And what did you start to do?

12 A. I ran upstairs and went to the locker
13 room to get my locker, my belongings. I was
14 frantic, crying and screaming. And I saw --
15 Kanasha's mom stopped me and she said, "Calm
16 down. Calm down." And I told her what the
17 phone call was about. And then I tried to
18 calm down and got my stuff and she said,
19 "Shareen, you can't drive. I'll drive you
20 home." And so I went into the hallway and I
21 stopped because one of the girls at work came
22 and gave me a phone number and they said,
23 "Shareen, call this number." I called the
24 number and when I called the number a young
25 man answered the phone.

1 Q. Did you ---

2 A. Well, they told me - they said his name
3 was Willie D.

4 BY MR. BLOOM: Objection.

5 THE COURT: Sustained.

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR WILSON:

8 Q. As a result of what they told you, did
9 you ask for anybody when you made the phone
10 call?

11 A. Yes.

12 Q. Who did you ask for?

13 A. I asked for Willie D.

14 Q. And what did the person on the end of the
15 line say?

16 A. I said, "Is this Willie D?"

17 He said "yes."

18 I said, "This is Gerard's mother."

19 I said, "This is Shareen Roper."

20 I said, "Have you seen Gerard?"

21 I didn't ask him if Gerard was there at
22 the house. I said, "Have you seen Gerard?"

23 And he said, "No, ma'am."

24 And that's when, at that result, when I
25 was trying to question him he starting making

1 a sound on the phone, he was like screaming
2 and -- you know, it was like "AAAAAHHHHH" and
3 then he would never come back to the phone.
4 So I hung the phone up and I tried to call
5 again. I couldn't get through after that,
6 that was it.

7 Q. What did you do after that?

8 A. After that, I went -- me and Kanesha's
9 mama, she took me home and they was, you know,
10 telling me to call the police. I called a
11 friend of mine that I know. He met me at my
12 house and I told him what was going on.

13 Q. Is this friend in law enforcement or
14 something?

15 A. Yes, he is. Yes, he is. I told him what
16 was going on. And before we did anything
17 Kanesha said, 'Well, I ---

18 MR. BLOOM: Objection to what
19 someone else said, Your Honor.

20 THE WITNESS: Well, we went up
21 to ---

22 THE COURT: Sustained.

23 THE WITNESS: --- we went up to
24 Ashley Phosphate Road.

25 DIRECT EXAMINATION CONTINUED

1 BY SOLICITOR WILSON:

2 Q. Who were you looking for on Ashley
3 Phosphate Road?

4 A. We were looking for Gerard and we were
5 looking for Willie D, who was William
6 Dickerson.

7 Q. Okay.

8 A. As she stated, we got up there and there
9 were a couple of cops on the outside. My
10 friend went and talked to them and then he
11 came back and he told me -- he took me back to
12 -- we rode back to my house and for me to call
13 the city police. And I called the city
14 police. They came to my home, interviewed me
15 and the next day it was on television and they
16 noted it as a kidnaping.

17 Q. So you go to Dorchester Road to find
18 Willie D and hopefully Gerard.

19 A. Uh-huh, (affirmative).

20 COURT REPORTER: Was that a "yes"?

21 THE COURT: Was that a "yes"?

22 THE WITNESS: Yes, I'm sorry. Yes.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR WILSON:

25 Q. After you talked to your friend who is

1 law enforcement -- was he with North
2 Charleston also?

3 A. Yes, he was.

4 Q. And that area around Dorchester was in
5 North Charleston?

6 A. Right. Well, where we went at it wasn't
7 his jurisdiction.

8 Q. Okay.

9 A. So that's when we met with the other
10 cops, other policemen.

11 Q. The ones from the City of Charleston?

12 A. Yes.

13 Q. Okay.

14 A. Well, there were -- Dorchester County
15 were out there, police officers.

16 Q. But eventually you'all get back home and
17 talk to the City?

18 A. Right. Yes, ma'am.

19 Q. You tell them all of this?

20 A. Yes, ma'am.

21 Q. And that was again on Wednesday?

22 A. Yes.

23 Q. Did you find out anything about where
24 Gerard was the rest of Wednesday?

25 A. No, not at all.

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1 Q. When was it that you found out?

2 A. Thursday.

3 Q. Do you remember about what time of day it
4 was?

5 A. It was probably around 4:00 or 5:00 --
6 somewhere up in there - 3:30 - somewhere up in
7 there.

8 Q. Thursday afternoon?

9 A. Yes.

10 Q. Did you work Thursday?

11 A. No. I took off from work because I told
12 the store manager that it was because of the
13 result of what we had found out. That I
14 couldn't come to work because the police
15 wanted to interview me some more.

16 Q. Now, Shareen, when you called this number
17 and asked for Willie D, you used your cell
18 phone?

19 A. Yes.

20 Q. The number 709-3556, was that your number
21 at the time?

22 A. Yes, it is -- yes, it was.

23 SOLICITOR WILSON: That's all I have,
24 Your Honor. If you would, please answer any
25 questions the defense may have.

1 MR. BLOOM: We have no questions at
2 this time. Thank you.

3 THE COURT: You may step down, Ms.
4 Roper. Thank you.

5 THE WITNESS: Thank you.

6 BRUCE DURANT: The State would call
7 Stevo Rivers.

8 (WITNESS TAKES STAND)

9 STEVEN ANTHONY RIVERS, being duly
10 sworn to tell the truth, the whole truth and
11 nothing but the truth, testified, as follows:

12 DIRECT EXAMINATION

13 BY BRUCE DURANT:

14 Q. Good afternoon, Mr. Rivers. Could you
15 tell the jury how old you are?

16 A. I'm forty-five.

17 Q. And how far did you go in school?

18 A. High school.

19 Q. Where did you go to high school at?

20 A. I went to high school in New York City.

21 Q. And how long have you been living in
22 South Carolina?

23 A. On and off about twenty-five years.

24 Q. Are you married?

25 A. No, sir.

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- 1 Q. Do you have children?
- 2 A. Yes, sir.
- 3 Q. And where are you employed, sir?
- 4 A. James Island PSC.
- 5 Q. And what do you do for James Island PSC.
- 6 A. Heavy equipment operator.
- 7 Q. And I believe you've had a couple of bad
- 8 checks in the past. Is that correct?
- 9 A. Yes.
- 10 Q. No other problems with the law besides
- 11 that?
- 12 A. Child support, that's about it.
- 13 Q. Did you know a fellow named Gerard Roper?
- 14 A. Yes, I did.
- 15 Q. What name did you know Gerard by?
- 16 A. 'Rard.
- 17 Q. 'Rard was his nickname?
- 18 A. That's what I always called him, Rod
- 19 ('Rard).
- 20 Q. Is that what most people you knew called
- 21 him?
- 22 A. Yes.
- 23 Q. And how long had you known Mr. Roper at
- 24 the time he was murdered?
- 25 A. Before the murder, or how long had I

1 known him?

2 Q. At the time that he was murdered how long
3 had you known him?

4 A. I guess I'd known Rod for about three
5 years, I guess.

6 Q. And how did you come to know him?

7 A. I can't remember how I came to know him.
8 It'd been about three years on and off. He
9 was sometimes here and sometimes not. I just
10 knew him on and off. It was on James Island
11 that I met him. I don't remember how I met
12 him, it's been awhile.

13 Q. But you used to see him over on James
14 Island?

15 A. Yes, sir.

16 Q. And where would you see him on James
17 Island?

18 A. At Ben Drayton's house.

19 Q. And where did Ben Drayton live?

20 A. Flint Road, off Flint Road, in the Flint
21 Road area.

22 Q. And who is Ben Drayton?

23 A. Good friend of mine. We've been friends
24 for years.

25 Q. And what was going on at Ben Drayton's

1 house at the time?

2 A. Ben's place was a place where we'd go to
3 have a good time, drink.

4 Q. Now, do you remember running into Gerard
5 on the morning of Tuesday, March 7?

6 A. Yes, that morning at the gas station. I
7 was at the gas station and I ran into him
8 there.

9 Q. What did he want you to do?

10 A. He asked me if I could do him a favor, if
11 I could just follow him because he needed to
12 take his mother's car back, if I could follow
13 him home and bring him back on James Island.
14 I told him I will.

15 Q. Okay. Where did you'all go after you
16 picked up Gerard from his mom's house?

17 A. I didn't pick him up. I followed him and
18 then we came back to James Island and I took
19 him back to Ben's house.

20 Q. Okay. So you picked him up and took him
21 back to Ben's house on James Island?

22 A. Uh-huh, (affirmative nod).

23 Q. And I believe you said that Ben lived on
24 Flint Street?

25 A. Flint Street, yeah.

1 Q. What did you'all do when you got back to
2 Ben's house?

3 A. He got out and we went inside. I think
4 he was in the back, he's got a PlayStation
5 game. I sat for a while, talked to Ben,
6 that's about it.

7 Q. Who else was there at the time? Was Ben
8 Drayton there?

9 A. Ben Drayton was there.

10 Q. Do you know where Ben was?

11 A. In his bedroom.

12 Q. And did you speak to Ben?

13 A. I yelled at him when I was getting ready
14 to leave -- once we got back anyway.

15 Q. Okay. At some point you decided you were
16 going to leave, is that correct?

17 A. Yes, sir.

18 Q. Tell me what happened prior to you being
19 able to leave?

20 A. Once I was heading to the front door on
21 the way out and before I got to the door
22 someone knocked on the door.

23 Q. Which door did they knock on?

24 A. The back door, the kitchen door at the
25 rear of the house.

1 Q. Was that unusual, for someone to knock on
2 the back door?

3 A. Naw, that's where everybody came through,
4 the back door.

5 Q. And what did you do when the person
6 knocked on the door?

7 A. I asked who it was and all I heard was
8 the man say "Willie".

9 Q. The person said what?

10 A. "Willie. It's Will." And I yelled back
11 at 'Rard and said, "Rod, Willie's here." He
12 said, "Let him in."

13 Q. Did he seemed concerned about letting
14 Willie in?

15 A. No.

16 Q. So what happened after Gerard said to let
17 him in?

18 A. Well, I opened the door and -- I can't
19 say exactly what he said but he came in and he
20 was brandishing a gun.

21 Q. What kind of gun?

22 A. I don't know anything about guns. It was
23 a revolver.

24 Q. It was a revolver?

25 A. Yes, sir.

1 Q. Did it look like a .22 or something like
2 that?

3 A. Not from the sound of it.

4 Q. Tell me about that. What happened?

5 A. Well, when I opened up the door he's got
6 a gun in his hand and, as I opened the door,
7 Rod was coming up the hall, coming toward the
8 kitchen. I'd yelled that he was coming in the
9 house, so he knew he was coming it. It all
10 happened so quick. As he was coming into the
11 kitchen the gentleman raised the gun and he
12 fired it.

13 Q. Fired it at who?

14 A. Rod.

15 Q. And what happened after he fired his gun?

16 A. I don't know. Once he pulled the gun and
17 fired, I ran out of the house. All I heard
18 was the shot and after that then I ran to the
19 back of the house.

20 Q. And where did you run after you ran out
21 of the back of the house?

22 A. Towards the woods. As you come out of
23 the house, left towards the woods.

24 Q. What did you do? Were you hiding in the
25 woods?

1 A. Yeah, I was hiding.

2 Q. Could you see what happened after that?

3 A. I couldn't see what happened in the
4 house. All I know is what I heard.

5 Q. And what did you hear?

6 A. Well, I mean after the gun went off I
7 could hear yelling and screaming and someone
8 saying "Will, calm down" and this and that and
9 "you'll
10 be all right." That's about all I heard from
11 outside.

12 Q. Okay. Hear anybody say anything about
13 money?

14 A. No. If they did, I didn't hear anything.

15 Q. Okay. Now, did you -- what else did you
16 hear?

17 A. I heard Gerard and them coming back
18 towards the front of the house, you know, like
19 that. The woods were on the opposite end of
20 the house so -- all I could hear I heard from
21 when I was running. I didn't come back out
22 until -- you know, I came out of the woods
23 after I heard car doors slamming.

24 Q. You heard car doors slam?

25 A. Yes.

1 Q. And what did you hear after you heard the
2 car doors slam?

3 A. That's all. Then the cars drove off.

4 Q. Could you see the car that drove off?

5 A. (Affirmative nod), it was a big Suburban.
6 Like a green-in-color, two-tone color.

7 Q. I'll hand you what's previously been
8 marked as ---

9 BRUCE DURANT: May I approach the
10 witness, Your Honor?

11 THE COURT: You may.

12 DIRECT EXAMINATION CONTINUED

13 BY MR. DURANT:

14 Q. I hand you what's previously been marked
15 as State's Exhibit Number 1 for
16 identification.

17 A. That's it.

18 Q. Does that look like the vehicle you saw
19 that day?

20 A. It was that brand vehicle, that color,
21 shape and all.

22 Q. What did you do after that vehicle drove
23 off?

24 A. I came out of the woods, came out in
25 front of the house. And I went back, you

1 know, and checked on Ben. He was all right.

2 Q. Did you check on anybody else?

3 A. The daughter, Melissa, she was just
4 pulling up.

5 Q. Who's daughter?

6 A. Ben's baby daughter.

7 Q. And where does Ben's daughter live in
8 relation to ---

9 A. Her house is in front of his house.

10 Q. Did you talk to her?

11 A. Just to let her know, you know, what
12 happened and what was going on. We went in
13 the house to find out, to make sure Ben was
14 all right.

15 Q. Did you go in and check on Ben?

16 A. Yes, sir.

17 Q. And did you notice anything -- let me
18 show you some photos.

19 MR. DURANT: May I approach the
20 witness?

21 THE COURT: Okay.

22 DIRECT EXAMINATION CONTINUED

23 BY MR. DURANT:

24 Q. I hand you what's previously been marked
25 as State's Exhibits Number 4 through 13 for

1 identification and ask you to look through
2 those to see if you recognize what they
3 depict.

4 A. It's the house.

5 Q. Whose house?

6 A. Ben Drayton's house.

7 Q. Okay.

8 A. This is the back door where they come
9 through, by the kitchen and then you go to the
10 living room. It looks like a bullet hole in
11 the door.

12 Q. Okay. Do those fairly and accurately
13 depict Ben Drayton's house as it existed on
14 that morning?

15 A. Yes, sir.

16 MR. DURANT: Your Honor, at this
17 time, the State would offer Exhibits 4 through
18 13 into evidence, I believe without objection.

19 THE COURT: Is that correct?

20 MR. BLOOM: That's correct, Your
21 Honor.

22 THE COURT: Without objection,
23 State's 4 through 13 are admitted, each being
24 a photograph.

25 (SO ENTERED AS STATE'S EXHIBIT 4)

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1 (SO ENTERED AS STATE'S EXHIBIT 5)
2 (SO ENTERED AS STATE'S EXHIBIT 6)
3 (SO ENTERED AS STATE'S EXHIBIT 7)
4 (SO ENTERED AS STATE'S EXHIBIT 8)
5 (SO ENTERED AS STATE'S EXHIBIT 9)
6 (SO ENTERED AS STATE'S EXHIBIT 10)
7 (SO ENTERED AS STATE'S EXHIBIT 11)
8 (SO ENTERED AS STATE'S EXHIBIT 12)
9 (SO ENTERED AS STATE'S EXHIBIT 13)

10 DIRECT EXAMINATION CONTINUED

11 BY MR. DURANT:

12 Q. If you will start with State's Exhibit 4,
13 Mr. Rivers, I'm going to ask you specific
14 questions, starting with State's Exhibit
15 Number 4. This is State's Exhibit Number 4.
16 What is that?

17 A. That's Ben Drayton's house.

18 Q. That's from the front?

19 A. Front.

20 Q. State's Exhibit Number 5?

21 A. Side of the house.

22 Q. That's the side the driveway is on?

23 A. Yes, sir.

24 Q. State's Exhibit Number 6? What does that
25 depict?

1 A. It's the side of the house as you go back
2 to the back.

3 Q. State's Exhibit Number 7?

4 A. It's the back of the house.

5 Q. Okay. You said you ran out of the house.
6 Can you see ---

7 A. Right through that side of the house, the
8 end of the house, over there.

9 Q. Use the laser pointer, press that, and
10 just show the jury where you ran when you ran
11 out of the house.

12 A. Right here, (indicating).

13 Q. Over by that little shed or lean-to?

14 A. No, right there is where I ran.

15 Q. State's Exhibit Number 8?

16 A. That's the side of the house. There's a
17 little hallway that leads to the kitchen door
18 right there.

19 Q. This is a little better shot of that,
20 State's Exhibit Number 9?

21 A. (Affirmative nod), the back door.

22 Q. That's the door that he knocked on?

23 A. Yes, sir.

24 Q. That door leads into what part of Mr.
25 Drayton's house?

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1 A. The kitchen.

2 Q. State's Exhibit Number 10?

3 A. That's the kitchen, inside back door.

4 Q. That's the same door we just saw?

5 A. Same door.

6 Q. From inside the house?

7 A. Yes.

8 Q. And is that the door that most people use

9 as the main entry and exit door at Mr.

10 Drayton's house?

11 A. Yes.

12 Q. State's Exhibit Number 11?

13 A. That's the living room.

14 Q. And that's the door going from the living

15 room to ---

16 A. From the kitchen -- you come in the

17 kitchen and you go through that door to get to

18 the living room and the rest of the house.

19 Q. So if you went from where this picture is

20 taken through that door -- you're going into

21 the kitchen.

22 A. Right, the rear of the house.

23 Q. And if you went through that door, which

24 way would the back door have been?

25 A. It would be on your left side.

1 Q. On the left side?

2 A. (Affirmative nod).

3 Q. And, finally, State's Exhibit Numbers 12
4 and 13? What is that?

5 A. That's the door with the bullet hole in,
6 that's the door that Mr. Roper would come
7 through.

8 Q. That's the door that he stuck his head
9 out of?

10 A. Yeah.

11 Q. And that's the same door that's depicted
12 in State's Exhibit Number 11?

13 A. Yes, same door.

14 Q. Now, going back to these photos -- and
15 let me -- going back to State's Exhibit Number
16 10, is that the door you ran out of?

17 A. Yes, sir.

18 Q. Is that the door Will came through?

19 A. Yes.

20 Q. The angle of this photograph would be
21 from where in Mr. Drayton's house?

22 A. The door opened from, I guess from right
23 to left so it would be parallel to this door
24 opening.

25 Q. So this would be kind of the view looking

1 frm the door ---

2 A. From your right.

3 Q. So this is kind of the view from the door
4 that Gerard was looking through, is that
5 correct?

6 A. Yes.

7 Q. And the door that had the bullet hole in
8 it?

9 A. Yes.

10 Q. Looking into the kitchen?

11 A. Looking into the kitchen.

12 Q. Moving ahead, you didn't go to the
13 police; did you?

14 A. No, sir.

15 Q. But the police found you?

16 A. After, yeah -- yeah.

17 Q. After awhile?

18 A. As far as I know, they knew what
19 happened; so I never went to the police.

20 Q. But, in any event, the police came and
21 talked to you on March 17. Is that correct?
22 Detective Burckhardt over here?

23 A. Yes.

24 Q. And did you give Detective Burckhardt a
25 statement?

1 A. Yes, I did.

2 Q. And did you tell Detective Burckhardt the
3 truth?

4 A. No, I did not.

5 Q. What did you not tell Detective
6 Burckhardt?

7 A. That I was there.

8 Q. Do you recall specifically what you told
9 Detective Burckhardt?

10 A. I don't. It's been a few years, I can't
11 recall exactly what I told him but I presume
12 it was the information that -- but, anyway,
13 (pause).

14 Q. Do you remember if you told him that you
15 saw the Suburban come up?

16 A. No, I don't remember that.

17 Q. Well, let me show you ---

18 MR. DURANT: I'll mark this for
19 identification.

20 MR. BLOOM: Sure.

21 COURT REPORTER: State's Exhibit
22 302 for identification.

23 DIRECT EXAMINATION CONTINUED

24 BY MR. DURANT:

25 Q. I show you what's been marked as State's

1 Exhibit 302 for identification and ask you to
2 take a look at that.

3 A. (Reviewing).

4 Q. Does that refresh your recollection about
5 what you told Detective Burckhardt?

6 A. That's what I told him the first time
7 that I met with him, that it all happened
8 before I got there. That's pretty much what I
9 said, right here.

10 Q. And basically told him that you left
11 about the time the green Suburban showed up,
12 is that correct?

13 A. Right.

14 Q. Was that true?

15 A. No, sir.

16 Q. A couple of days later Detective Gordon
17 came by to talk to you again. Is that
18 correct?

19 A. Yes, sir.

20 Q. And what did you do at that time?

21 A. After I found out what really happened,
22 then I told them what had went down.

23 Q. You didn't find out what actually
24 happened. You were there, right?

25 A. For the part of it I was there, yes.

1 Q. So in other words you originally told
2 them that you had left before this happened;
3 correct?

4 A. Right.

5 Q. When Detective Gordon came back to talk
6 to you, you told him basically what you've
7 told the jury today.

8 A. Yeah.

9 Q. Why didn't you tell them the truth to
10 start with?

11 A. I don't know. I really didn't want to
12 get involved.

13 Q. Please answer any questions defense
14 counsel has.

15 THE COURT: Cross examine.

16 MR. CARROLL: Your Honor, may it
17 please the Court.

18 CROSS EXAMINATION

19 BY MR. CARROLL:

20 Q. Mr. Rivers, you'd known Gerard Roper for
21 three years. Is that right?

22 A. On and off, yes, when he was around.

23 Q. And you would run into him from time to
24 time at Ben Drayton's house on Flint Street?

25 A. Yes, sir.

1 Q. I think you described that house as a
2 party house.

3 A. Yes.

4 Q. By party, do you mean drinking and using
5 drugs?

6 A. Yes.

7 Q. Gerard had never done anything to harm
8 you, had he?

9 A. No, sir.

10 Q. And I think in response to the
11 Solicitor's question about any problems with
12 the law, other than a few bad checks and not
13 supporting your children, you didn't have any
14 problems with the law. Is that correct?

15 A. (Affirmative nod). No, sir.

16 Q. So you didn't really have any reason not
17 to approach the police and give them the
18 information you had, did you?

19 A. The only thing was that I just didn't
20 want to get involved. I didn't want to have
21 to get involved. I was hoping that I didn't
22 have to get involved, period.

23 Q. The police found you and they came to you
24 and they said, 'We're investigating a brutal
25 murder.' Is that correct?

1 A. Yes.

2 Q. And 'we need all the information we can
3 get to solve this brutal murder.' Is that
4 correct?

5 A. Yes.

6 Q. Detective Burckhardt didn't threaten you
7 in any way when he came out to talk to you;
8 did he?

9 A. Nope.

10 Q. He was simply doing his job, trying to
11 solve a crime; correct?

12 A. I guess.

13 Q. And you claimed to have direct
14 information about the abduction of the victim
15 of the crime. Is that true?

16 A. I told what I had experienced. I was
17 there, that I was there. Like I say, I was
18 just there when it happened. I never saw him
19 nab anybody.

20 Q. So you wouldn't describe this as an
21 abduction?

22 A. Not at the time.

23 Q. Okay. So when Detective Burckhardt said,
24 'Mr. Rivers, your name has come up in this
25 investigation and I need to know what you know

1 about this,' you said, "I wasn't there." Is
2 that correct?

3 A. Yes, sir.

4 Q. Asked you about William Dickerson. You
5 said 'never saw him.'

6 A. Never saw him.

7 Q. That was on March 17, about 9:30 at
8 night; correct?

9 A. Yes.

10 Q. You'd heard about the discovery of the
11 body. Is that right?

12 A. Yes.

13 Q. You'd heard talk on the street about how
14 bad it was?

15 A. That's just street talk. But it was on
16 the news, so I heard it.

17 Q. You heard it on the news how bad it was.

18 A. I heard.

19 Q. And then I think you said you found out
20 what the story was. Is that right?

21 A. Yeah.

22 Q. And it was after you found out what the
23 story was that you contacted the police and
24 met with Detective Gordon?

25 A. Yes.

1 Q. And when you met with Detective Gordon,
2 you gave him a lot of detail. Is that fair to
3 say?

4 A. Yes.

5 Q. Among those details was hearing Gerard
6 say, "Man, I got your money."

7 A. I can't remember if I said that or not.
8 If it is in the report, then that's what I
9 said. I can't remember, I can't recall saying
10 that.

11 Q. Would it refresh your recollection if I
12 handed it to you and let you look at the
13 report?

14 A. Maybe it would.

15 MR. CARROLL: Mark this for
16 identification.

17 COURT REPORTER: Defendant's
18 Exhibit 1 for identification.

19 CROSS EXAMINATION CONTINUED

20 BY MR. CARROLL:

21 Q. I'm showing you Defendant's Exhibit 1.
22 I'm going to ask you to look that over.

23 A. Where's the date, is this the first or
24 second?

25 Q. It might be the third. But it's the

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1 statement you gave to Detective Gordon after
2 you'd given Detective Burckhardt a statement
3 saying you didn't know anything.

4 A. (Reviewing).

5 Q. Now looking at that statement does it
6 refresh your recollection that you told him,
7 "I heard Gerard say I got your money, man?"

8 A. I still don't remember saying that. No,
9 I don't remember saying that. I mean, it's on
10 there, but I can't remember that. Everything
11 happened so quick. Okay? I can't say word-
12 for-word what happened. But if I put it on
13 here, that's what I said.

14 Q. So you believe Detective Gordon got it
15 right?

16 A. Yes, I guess he got it right, it's here.

17 Q. But the information Detective Burckhardt
18 took down, that was not correct? When you
19 said that? I mean, you said what he wrote
20 down also, right?

21 A. You lost me.

22 Q. The first statement, you told him 'I
23 don't know anything.'

24 A. Right.

25 Q. He wrote that down.

1 A. Okay.

2 Q. You know he wrote that down.

3 A. Yeah.

4 Q. That's not right, though.

5 A. No, it's not right because I went back
6 and I recanted it.

7 Q. That was after you found out what
8 happened. A. Yeah.

9 Q. You described the gun as a big gun.

10 A. Yeah.

11 Q. Are you familiar with gun calibers,
12 .357's?

13 A. No, I know what it is -- but I heard the
14 shot, that's all. I glimpsed the gun, it was
15 a big gun. It all happened pretty quick. It
16 was a big gun.

17 Q. Let's get that clear. You saw a glimpse
18 of a gun?

19 A. I saw the gun, yes.

20 Q. And you heard the shot?

21 A. Yes.

22 Q. And, according to you, the photograph --
23 you've indicated that was the bullet hole made
24 by that big gun?

25 A. Yes. There wasn't a hole there before?

1 Q. There wasn't a hole there before?

2 A. (Negative gesture).

3 Q. You had looked at it.

4 A. I know there wasn't one there before.

5 Q. A thin, paneled veneer door. Is that
6 correct?

7 A. Yes.

8 Q. And that was the entry point for a
9 bullet?

10 A. Yeah.

11 Q. A big gun.

12 A. It wasn't a small gun.

13 MR. CARROLL: I have no further
14 questions.

15 THE COURT: Redirect?

16 MR. DURANT: I just have a couple,
17 Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. DURANT:

20 Q. You said you first talked to Burckhardt.
21 Is that correct?

22 A. He contacted me first.

23 Q. He came and talked to you?

24 A. No, actually I went into the station.

25 Q. Went into the station. And that was on

1 the 17th of March.

2 A. I can't remember what day it was.

3 Q. It's the date on that statement that you
4 just identified. I hand you what's been
5 marked previously as State's Exhibit 302 for
6 identification -- the statement you gave to
7 Detective Burckhardt. Does it have a date on
8 it? It will be on the front page at the top.

9 A. The date?

10 Q. Right.

11 A. 3/9/06.

12 Q. What's this date right here where it says
13 date statement was given.

14 A. Oh.

15 Q. What is this date right here?

16 A. 3/17/06.

17 Q. Okay, at what time?

18 A. 21:30.

19 Q. So this was basically a week to ten days
20 after Gerard's murder. Is that correct?

21 A. I don't remember the date he actually was
22 murdered.

23 Q. But you knew he'd been murdered at the
24 time you gave that statement, right?

25 A. Uh-huh, (affirmative nod).

1 Q. And you didn't tell the police the truth.

2 Correct?

3 A. (Affirmative nod), didn't want to get
4 involved.

5 Q. Then why did you get in touch with them
6 again?

7 A. Well, I heard the details of actually how
8 bad it was and, you know, I didn't feel right.
9 No man deserves that.

10 Q. Did you go down there or did they come
11 and ask you ---

12 A. He actually called me and said he had
13 some problems with my statement and he wanted
14 to go over it again.

15 Q. And he had some problems with your
16 previous statement. And in the meantime
17 they'd talked to Ben Drayton; right?

18 A. Right.

19 Q. And they knew from Ben Drayton that you
20 were there?

21 A. Yeah.

22 Q. And so you told Detective Gordon, on the
23 20th, basically what you've told this jury
24 today. Is that correct?

25 A. Yes, sir.

1 Q. And you told them that you needed to
2 amend your statement that you gave Detective
3 Burckhardt.

4 A. Yes, sir.

5 Q. And you told them that you were walking
6 toward the rear ---

7 MR. CARROLL: Object to leading, Your
8 Honor.

9 THE COURT: Sustained.

10 REDIRECT EXAMINATION CONTINUED

11 BY MR. DURANT:

12 Q. What did you tell them? Starting right
13 there, what did you tell Detective Gordon?

14 A. (Reading): "I need to amend the
15 statement that I previously gave to Detective
16 Burckhardt. This is what I actually told Sgt.
17 Michaels. When I was at his house on that day
18 I was walking towards the rear kitchen door
19 when someone knocked at the door. I asked who
20 it was. A voice replied, "Will." I yelled
21 back toward Gerard, "It's Will." Gerard said,
22 "Let him in." At that time Gerard was in the
23 living room. I opened the door and as I could
24 see Will, I could see he had a gun down by his
25 side. Gerard also still -- was still walking

1 towards the kitchen. When Will sees Gerard,
2 he starts to run back into the house. Will
3 fired at Gerard, just one shot. By that time
4 I was out of the house, running toward the
5 woods. I could hear Gerard yelling, "Will, I
6 got your money." About twenty or thirty
7 seconds later I heard, "Man, get in the car."
8 I then heard a door slam and the car go out of
9 the driveway, drove off. When I come out, it
10 was a green Suburban with tinted windows." I
11 can't understand all the writing.

12 Q. You were asked if you had seen that
13 Suburban before. What did you tell them?

14 A. "No."

15 Q. You were asked if you had ever seen this
16 Will before. What did you tell them?

17 A. "No."

18 Q. You were asked where the Suburban was
19 parked. What did you tell them?

20 A. On the side of the house facing the
21 house.

22 Q. On what side of the house?

23 A. On the ---

24 Q. --- driveway side?

25 A. --- driveway side, yeah.

1 Q. As we saw earlier?

2 A. Yes.

3 Q. You were asked, "Could you see the
4 occupants of the Suburban." And what did you
5 say?

6 A. I said no.

7 Q. What else did you say?

8 A. "No, but I heard a voice say "Man, get in
9 the car."

10 Q. It says it was Will's voice that said
11 "man, get in the car." Is that correct? Is
12 that what you told them?

13 A. Yes.

14 Q. You were asked to describe the gun Will
15 had that day, and what did you tell them?

16 A. It was a big gun. It was large, as far
17 as I could tell.

18 Q. It was what?

19 A. Large caliber, a large gun.

20 Q. Certainly larger than what?

21 A. Certainly larger than a .32.

22 Q. And then how did you finish?

23 A. (Reading): "When I started running as
24 soon as Will raised the gun, I started running
25 into the yard."

1 MR. DURANT: Court's indulgence.

2 THE COURT: Yes, sir. You have a
3 problem?

4 FOREMAN: I have a question.

5 THE COURT: You mean about this
6 witness?

7 FOREMAN: No, sir, not about the
8 witness.

9 THE COURT: What's it deal with?

10 FOREMAN: The statement.

11 THE COURT: No, sir, can't answer
12 that.

13 FOREMAN: No?

14 THE COURT: No. Let me just tell
15 you that's being tried in some states. We're
16 not doing it. And there's a lot of reasons
17 for not doing it, because as you've already
18 seen there are evidentiary issues having to
19 deal with it. Secondly, what I would tell you
20 is hold onto your thoughts. It will amaze you
21 how it unfolds. Some things will become
22 answered later. But we can't permit
23 questions. Thank you, sir. But no problem
24 asking.

25 REDIRECT EXAMINATION CONTINUED

1 BY MR. DURANT:

2 Q. One other question. In response to a
3 question asked by Mr. Carroll, this jury needs
4 to know if what you told Detective Gordon is
5 what you saw, or what you heard?

6 A. What I saw or what I heard?

7 Q. About being there and Will coming.

8 A. It's what I saw.

9 Q. So your testimony is that what you told
10 Detective Gordon was the truth?

11 A. Yes, sir.

12 Q. And what you're telling the jury is the
13 truth?

14 A. Yes, sir.

15 Q. And what you told Detective Burckhardt
16 was not the truth.

17 A. Not the full story.

18 Q. Because you didn't want to get involved?

19 A. I didn't want to get involved.

20 Q. One last question. You say you told the
21 truth after you found out what the story was.
22 What are you talking about?

23 A. I mean, about the details of what
24 happened at the time and how it was. Like I
25 said, I didn't want to get involved. I

1 assumed they knew. I didn't know anything bad
2 was going to happen. You know, I just didn't
3 want to get involved. But after I had time to
4 thought (sic) about it, I figured it would be
5 the right thing to do. So I was going to step
6 up whether or not they called me anyway.

7 Q. And that's when you found out what had
8 happened to who?

9 A. Gerard.

10 MR. DURANT: Thank you. Please
11 answer any questions Mr. Carroll may have.

12 MR. CARROLL: Recross, Your
13 Honor?

14 THE COURT: Yes, sir, you may
15 recross.

16 RE CROSS EXAMINATION

17 BY MR. CARROLL:

18 Q. You knew what the story was before you
19 told the lie to Detective Burckhardt, correct?

20 A. Which story?

21 Q. Exactly.

22 A. Which story are you talking about?

23 Q. When you talked to Detective Burckhardt,
24 Gerard Roper's body had already been
25 discovered. Is that correct?

1 A. I can't recall. But -- I can't recall.

2 Q. You don't suggest that Detective
3 Burckhardt was psychic enough to come talk to
4 you beforehand; do you?

5 A. No, no, no. When we first talked, like I
6 said, I was scared. I was nervous. I didn't
7 want to get involved. If I could get by with
8 saying that I had nothing to do with that
9 whole mess, that's how it would have stayed.

10 Q. So absolutely nothing changed about the
11 facts between the statement that's a lie and -
12 --

13 A. Except for I had time to think about it
14 and knew it would have been the right thing to
15 do.

16 Q. Did you have time to talk to somebody
17 else, like Ben Drayton, about it?

18 A. Nope.

19 Q. You didn't talk to Ben Drayton about
20 this?

21 A. We didn't talk. After that incident I
22 never went back to the house except to check
23 on him that day, okay? We never discussed
24 what happened or -- nothing. Like I said, I
25 was nervous. I didn't want to have anything

1 to do with it. Time started going by and I
2 knew that I had to tell, that it was the right
3 thing and, so, that's what I did.

4 Q. So you didn't talk to anybody whatsoever
5 between the lie and the truth?

6 A. I didn't talk to anybody.

7 Q. Okay. And then that day did you know
8 something about the caliber of the gun that
9 you forgot to tell.

10 A. I don't know -- I'm from the streets, I
11 know a big gun from a small gun. Okay. I
12 know a big gun from a small gun. I know a
13 .32, and it was bigger than a .32.

14 MR. CARROLL: Thank you, sir.

15 THE COURT: Thank you, Mr. Rivers.
16 You may step down.

17 (WITNESS EXCUSED)

18 THE COURT: Let me add also, Mr.
19 Foreman, if any juror wants to take notes --
20 I failed to ask you when you returned.

21 FOREMAN: Yes, sir. I actually
22 asked while we were in the back and the jury
23 decided they didn't want to take notes. I
24 asked.

25 THE COURT: We'll give you a note

1 pad because -- but you have to leave your
2 notes with us at the close of the day.

3 FOREMAN: I understood ---

4 THE COURT: That's no problem.

5 It's not a problem. If you'll give the party
6 a pad. If you'll just inside sign your name
7 to it and we'll take it up at the end of the
8 day and we'll give it back to you when you
9 return.

10 FOREMAN: I also prepared a
11 document with regard to Saturday and 1800
12 leaving.

13 THE COURT: Do you have a document?

14 FOREMAN: It's right here.

15 THE COURT: If we could just have
16 that.

17 FOREMAN: Bring it to you?

18 THE COURT: No, we'll get it. One
19 of the bailiffs will pick it up from you.
20 Thank you so very much. I appreciate it.
21 Excuse me for interrupting, Solicitor. You
22 can call your next witness.

23 Court's Exhibit 9 will be the note
24 from Mr. Partee. And the note says, "At this
25 point the jury would like to work no later

1 than 6:00 o'clock and would not like to work
2 on Saturdays."

3 (SO ENTERED AS COURT'S EXHIBIT 9)

4 THE COURT: And we will certainly
5 honor that. Thank you very much, sir. And
6 thank you, ladies and gentlemen.

7 (WITNESS TAKES STAND)

8 BENJAMIN DRAYTON, being duly sworn
9 to tell the truth, the whole truth and nothing
10 but the truth, testified, as follows:

11 DIRECT EXAMINATION

12 BY MR. DURANT:

13 Q. Good afternoon, Mr. Drayton. If you
14 would, I'm going to have to ask you to lean
15 forward and talk into that mic so everybody on
16 the jury can hear you. Can you do that for
17 me?

18 A. Yes.

19 Q. Could you tell the jury how old you are?

20 A. Sixty-six.

21 Q. And how far did you go in school?

22 A. Graduated twelfth grade.

23 Q. Where did you go to school?

24 A. Meggett Elementary School.

25 Q. How long have you lived in the Charleston

1 area?

2 A. All my life.

3 Q. Are you married?

4 A. Yes. Separated now.

5 Q. Do you have any children?

6 A. Four.

7 Q. And prior to becoming disabled -- I
8 believe you have diabetes. Is that correct?

9 A. Yes, I have.

10 Q. And you're currently staying in a nursing
11 home?

12 A. Yes.

13 Q. Where did you work before you were
14 disabled?

15 A. Well, I went to construction in the
16 beginning, then I went to Covington's
17 Department Store, and then I did freight
18 delivery for the airlines.

19 Q. What delivery for the airlines?

20 A. Air freight.

21 Q. Could you tell the jury where you were
22 living in March of 2006?

23 A. I was living at 531 Flint Street on James
24 Island, South Carolina.

25 Q. So this would be, referring to State's

1 Exhibit Number 4.

2 A. Yes, that's my house.

3 Q. That's your house?

4 A. Yes.

5 Q. And that's on Flint Street where?

6 A. James Island.

7 Q. And did you know a fellow named Gerard
8 Roper?

9 A. Yeah.

10 Q. And how did you become acquainted with
11 Mr. Roper?

12 A. He was family, but then my brother-in-
13 law's son's frequented my house.

14 Q. Who was your brother-in-law's son?

15 A. My brother-in-law's son's name is Ervin
16 Robinson. But Gerard was a friend to my
17 brother-in-law's son. And they'd get
18 together. They played video games and stuff
19 together.

20 Q. So your brother-in-law's son was Ervin
21 Robinson. Is that correct?

22 A. Yes.

23 Q. And he was friends with Gerard?

24 A. That's right.

25 Q. And they would come to your house to play

1 video games?

2 A. Video games, yes.

3 Q. And he and Ervin were friends?

4 A. Yes.

5 Q. From that, from him -- with Gerard coming
6 over with Ervin, did you get to know Gerard
7 yourself?

8 A. Yes, he's a good man.

9 Q. Did he used to do things for you?

10 A. Yes, he did. As a matter of fact, he was
11 one of the guys that would come over and would
12 bring me drinks, hamburgers or something to
13 eat. They used to play video games and stuff
14 like that. If things would get out of order,
15 then he would demand more respect than they
16 wanted to give. He and I had a good rapport.

17 Q. Because a lot of people used to hang out
18 over at your house?

19 A. Oh, yeah. The cops couldn't keep people
20 away. Nobody could keep people away from
21 there.

22 Q. You were living there by yourself at the
23 time?

24 A. Yes.

25 Q. And were you disabled at the time?

1 A. Yes.

2 Q. Now, going back to the morning of March
3 7, 2006, could you tell -- this is the date
4 that Gerard was abducted.

5 A. Okay.

6 Q. Who all was over at your house that day?

7 A. Well, that morning everyone had
8 disappeared so it was just Gerard and Stevo
9 and myself.

10 Q. And Stevo would be Stevo Rivers?

11 A. Yes.

12 Q. So it was just the three of you'all?

13 A. Yes.

14 Q. Could you tell the jury what happened
15 that morning or that afternoon?

16 A. Gerard has come over, in the wee morning
17 hours of the morning. It was like 4:00 to
18 6:00, I'm not too sure of the time.

19 Q. Sometime in the morning?

20 A. Yeah, that morning. And I had asked him
21 if he was going to be around in the middle of
22 the day, because I needed to go pay a bill.
23 But Stevo never wanted to go anywhere once he
24 got to the house, he'd just want to sit
25 around. So he never wanted to go pay a bill

1 for me. Gerard said that he would but, then,
2 he had to take his car -- take the car back to
3 his mom because his mom had to go to work.
4 And he said he would, but he didn't know what
5 time he would be able to bring the bill back
6 showing that it got paid in case something
7 happened. So I asked him if he would, and he
8 said he wanted to come back over. And I asked
9 him would he pick them up. He went to his
10 mama's to drop the car off and got a ride so I
11 could have the bill back so the electric
12 company wouldn't cut the lights off. The guy
13 comes to cut the electric off in the middle of
14 the day, so he said he had done have dropped
15 the car off and he bring the bill back to me
16 and some lunch.

17 Q. Okay. Did Stevo come back with him?

18 A. Stevo came back with him, yes.

19 Q. And what happened after they got back to
20 the house?

21 A. Well, he gave me my little lunch and I
22 set myself up in the bedroom. Gerard was in
23 the room next to the bedroom, I had it fixed
24 up with a big screen thing on the wall, his
25 was playing games. Stevo was down in the den

1 watching TV or sleeping or something. And
2 then there was a knock on the door. And I
3 could hear -- from the back porch. It's a
4 pretty good echo back in there on the end
5 because the house is in a wooded area, the
6 cul-de-sac, or whatever. It carries the
7 noise. Somebody came knocking. And I yelled
8 'somebody's knocking.'

9 Q. Who did you yell to?

10 A. I yelled at Stevo or Rod in the next
11 room. I just said that somebody was knocking.

12

13 Q. Okay.

14 A. And then I made sure -- Stevo was the one
15 who answered back. I asked him who it was,
16 and I heard him said it was Willie. So Stevo
17 said it was Willie. And Gerard said, "That's
18 my brother. Open the door."

19 Q. Okay.

20 A. And in a few seconds then I heard Gerard
21 go out and the two of them was in the hallway,
22 in the hallway towards the kitchen where the
23 knock came from and I heard yelling. Said,
24 "Where's my f-ing money?"

25 Q. Who did you hear yell that?

1 A. Whoever that was that knocked on the
2 door, the guy named Willie probably.

3 Q. Okay. It wasn't Gerard?

4 A. No, it wasn't Gerard. Then after that
5 Gerard said, "I got your money." I heard
6 footsteps like somebody was coming back toward
7 the bedroom area where he was at. So I don't
8 know which door slammed, it could have been
9 the bathroom door or the foyer door or the
10 bedroom door at that end of the house. Then I
11 heard a gun -- and whether they was coming up
12 this way or going back that way, I don't know.

13 Q. What is this about a gunshot?

14 A. He said, "I got your money, man." And
15 then he ran -- he said, 'don't shoot me', or
16 something like that and then he ran. I only
17 heard footsteps when he ran, and then I heard
18 the gunshot.

19 Q. So you heard gunshots?

20 A. Yes, one -- one shot. And after that I
21 heard a scuffle-like and I could hear them on
22 the back porch, "please don't kill me" and
23 that was all. That's all I could hear, other
24 than, you know, 'cause I was in bed.

25 Q. Okay. So that's the last you heard?

1 A. (Affirmative nod).

2 Q. And who showed up at your house next?

3 A. Well, people would come back in the house
4 and I would yell for them. I would say it was
5 about fifteen minutes or maybe less but Stevo
6 did come back in and I said, "What happened?"
7 And he told me that there was a couple of guys
8 out there in a sort of van-type vehicle or SUV
9 -- something like that. He said there was two
10 guys in there and one on the outside and that
11 the guy that came in the house he took him.
12 He said they took him.

13 Q. He said they took Gerard?

14 A. Yes. And they put him in the truck and
15 they left.

16 Q. What was Stevo's state of mind at the
17 time?

18 A. Well, he was kind of nervous. He was
19 kind of nervous. As a matter of fact, I
20 thought that right away he'd left. I didn't
21 know. So I asked him where he was at and he
22 said he was out there in the woods behind the
23 house because he'd ran. Said the guy came in
24 there with a gun and he said he saw the gun
25 and he ran. He ran back of the house and he

1 hid.

2 Q. Okay. And you subsequently talked to
3 Detective Gordon; is that correct?

4 A. Yes.

5 Q. And you told Detective Gordon what had
6 happened?

7 A. I tried to remember everything that was
8 said.

9 Q. And referring back to State's Exhibits
10 Number 12 and 13 ---

11 A. That's the hole in the door.

12 Q. Were there holes in your door before that
13 day?

14 A. I don't remember them being there, no.

15 Q. Okay.

16 A. As a matter of fact -- no, I just don't
17 remember them ever been there, no.

18 MR. DURANT: The Court's indulgence?

19 THE COURT: Certainly.

20 MR. DURANT: Would you please answer
21 any questions defense counsel might have for
22 you?

23 THE COURT: Cross examine.

24 MR. CARROLL: May it please the
25 Court?

State of South Carolina v. William O. Dickerson
Case No. 06-GS-10-2981 et al
Jury Trial of April 20 - May 7, 2009
Before The Honorable R. Markley Dennis, Jr.

1986

1 THE COURT: Yes, sir.

2 CROSS EXAMINATION

3 BY MR. CARROLL:

4 Q. Mr. Drayton, do you know if the police
5 ever recovered a lead projectile from inside
6 your house?

7 A. A what?

8 Q. A piece of lead from the bullet that was
9 fired?

10 A. No, I don't.

11 Q. To your knowledge nothing like that has
12 ever been recovered, correct?

13 A. No bullet, no.

14 Q. Do you remember talking with Stevo about
15 what happened that day?

16 A. Afterwards, (affirmative nod) -- he told
17 me -- the only thing he told me was him being
18 in the woods hiding and the guy came to the
19 door. He said the guy come in the door and he
20 saw the gun, and the guy came up to Gerard,
21 and he ran.

22 Q. Did you and him talk about what he told
23 Detective Burckhardt?

24 A. No.

25 Q. You haven't talked to him about that?

1 A. No, as a matter of fact, Stevo said he
2 heard what happened and to Gerard and he
3 finally heard what happened and the cops had
4 come and interrogated him about what happened
5 and he told them. It had been quite a few
6 days after that and Stevo -- I mentioned it to
7 -- I told Stevo that I had told the cops about
8 it and that he should get in touch with them.
9 I gave him a card to call them. He was kind
10 of like the nervous and shaky type and he
11 didn't much want to get involved, but I gave
12 him one of the cards to call the detective and
13 let him know what happened. I told him, I
14 said, 'you the only eyewitness to whoever the
15 guy was that come in the door.'

16 Q. Okay.

17 A. You know about the shot.

18 Q. Do you know about Stevo meeting with them
19 twice?

20 A. You mean the detectives?

21 Q. Yes.

22 A. No, not twice. I know I told him to meet
23 with the detective. The detective left and
24 then he contacted Stevo, because the detective
25 -- they talked to me twice about Steve, so I

1 imagine then that Stevo and then discussed it.

2 Q. So you have two conversations with police
3 officers about Stevo?

4 A. Well, his name came up during the time
5 they came to see me. They came and -- they
6 interrogated me first. Then I told them about
7 Stevo. And they talked to me a couple more
8 times about the same thing.

9 Q. Okay.

10 A. Then telling me anything about what Stevo
11 might have said never came up.

12 Q. And Stevo and those guys, when they came
13 over to your house they were drinking and
14 using drugs?

15 A. Stevo and who?

16 Q. Those guys that were hanging out at your
17 house?

18 A. Those guys. This day in particular Stevo
19 and Gerard -- I never saw them take anything,
20 drink anything. Maybe they did, but -- I
21 don't know. I never even seen them drink any
22 beer.

23 Q. So you never saw anybody drinking beer at
24 your house?

25 A. Oh, yeah. That's what people, they use

1 my house for that. It's -- there was people
2 coming through. If anything was happening, it
3 happened at my house.

4 Q. You were the happening spot on James
5 Island; is that right?

6 A. Yeah, it -- it's set back away from
7 everything. You'd think it was to make money
8 or something, like I got a store or something
9 back there.

10 Q. A lot of partying going on?

11 A. Yeah.

12 Q. All right. Now, when you met with
13 Detective Gordon you knew he was investigating
14 Gerard's killing; correct?

15 A. Yeah, I knew he was killed.

16 Q. And you sat down and talked to him and
17 you told him everything you knew?

18 A. Yes, everything I heard, I told him.

19 Q. Do you remember him putting all that down
20 in a statement for you?

21 A. Oh, yeah, he was writing it down as I was
22 telling him.

23 Q. Do you remember reading over that
24 statement after it was done?

25 A. Yes. The first two times I read it over

1 and then a couple of times -- about four
2 different times they handed me the statement.
3 I could only tell them what I heard from being
4 on the other side of the door.

5 Q. I got'cha. But what I'm asking you right
6 now, though, is the statement that Detective
7 Mike Gordon took from you there at your house,
8 he let you read that over after he was done;
9 right?

10 A. Yes.

11 Q. Everything you knew was on that statement
12 that day?

13 A. Yes.

14 Q. And I may have misheard, but I thought
15 you said something today testifying about
16 Gerard saying "don't kill me" or something
17 along those lines.

18 A. Uh-huh, (affirmative nod). That's what
19 he said, yeah. What one of them said, yeah.

20 Q. I'm going to hand you this statement.

21 MR. CARROLL: I want that marked as
22 Defendant's Exhibit Number 2.

23 COURT REPORTER: Defendant's
24 Exhibit 2 for
25 identification.

1 CROSS EXAMINATION CONTINUED

2 BY MR. CARROLL:

3 Q. I want you to read this statement over.

4 I'd like for you to just read that over and

5 tell me where's the part about "don't shoot

6 me" or "don't kill me?"

7 A. (Reviewing) -- this is kind of blurry. I

8 don't have my reading glasses.

9 Q. Are you not able to read that?

10 A. Not in a hurry.

11 Q. Take your time. We're in no hurry.

12 A. I can't see that good because of the

13 handwriting.

14 Q. You're just having a hard time reading

15 Detective Gordon's handwriting?

16 A. Yes. What do you -- you want me to see

17 if it's here?

18 Yeah. I didn't see it when I read it there in

19 your statement.

20 A. This is the statement that I gave when

21 Gerard said, "please don't shoot me"?

22 Q. Right.

23 A. He said that.

24 Q. I was just asking if you told them

25 everything you knew that day.

1 A. He left that out. But I think I said
2 that to him.

3 Q. You think so?

4 A. Yes, I did. More than once, every time I
5 did.

6 Q. That day were you able to read it clearly
7 or have Detective Gordon read it for you?

8 A. It was four different times that I saw
9 it. And I could pretty well -- I still don't
10 remember verbatim whether or not I said just
11 that exactly. But I did say he said 'don't
12 shoot me' or 'please don't kill me'. Because
13 I heard him once saying 'please don't shoot
14 me' in the house and then 'please don't kill
15 me' just outside at the back part of the
16 house.

17 Q. Now, you agree that the details of this
18 event were a lot fresher in your mind back on
19 March 12th of 2006 at 4:30 in the afternoon;
20 wouldn't you?

21 A. Fresher when, then or now?

22 Q. Then?

23 A. I will repeat what I said then, because I
24 would repeat
25 what I heard then.

1 Q. Okay.

2 A. Because it's not like I didn't know
3 Gerard. I knew his family -- the people in
4 his family. I know him. There was nothing
5 else going on until that disturbance. So
6 everything that happened, I pretty well
7 remember. I don't forget a whole lot, until
8 after the fire and now I forget a whole lot of
9 things that happen -- but not then.

10 Q. What fire are you talking about?

11 A. My house caught on fire.

12 Q. How long ago was that?

13 A. That was what I was trying to tell you
14 about. I told my son the other day I don't
15 remember if it was morning, noon or evening
16 because of the damage I had done to my system,
17 but I believe it was February '08. I think it
18 was '08.

19 Q. Based on what all happened to you in
20 February of '08 -- and I'm sorry to hear about
21 all that -- you've had a hard time remembering
22 a lot of the specifics?

23 A. Yeah but when this happened, not about
24 that.

25 MR. CARROLL: One moment?

1 THE COURT: Yes, sir.

2 CROSS EXAMINATION CONTINUED

3 BY MR. CARROLL:

4 Q. Now, you had some problems with law
5 enforcement back in 2003; didn't you?

6 A. Law enforcement?

7 Q. Yes, sir.

8 A. Oh, yeah. I've had numerous occasions
9 involving with
10 the law.

11 Q. Numerous occasions involving the law?

12 A. Yeah. Well, I own the property, I own
13 the house. People would bring their
14 enjoyment, whatever entertainment that they
15 had, they'd bring it to my house. And all of
16 it was against the law, the drugs, women,
17 booze, drugs, whatever -- drugs, whatever.

18 MR. DURANT: Your Honor, may we
19 approach just a minute?

20 THE COURT: Yes, sir.

21 (BENCH CONFERENCE)

22 MR. CARROLL: Thank you, Mr. Drayton.
23 I appreciate that candor.

24 THE COURT: Redirect, Solicitor?

25 MR. DURANT: I don't believe so.

1 THE COURT: Thank you very much.

2 You may come down, Mr. Drayton.

3 MR. DURANT: Thank you, Mr. Drayton.

4 (WITNESS STEPS DOWN)

5 THE COURT: Ladies and gentlemen,
6 at this point we'll take a recess. Don't
7 begin your deliberations. Don't discuss the
8 case. We'll be with you in about ten or
9 fifteen minutes. Jury, wait just a second
10 until Mr. Drayton is able to get straightened
11 out.

12 (JURY OUT @ 3:45 P.M.)

13 THE COURT: Anything from the State
14 before we recess?

15 MR. DURANT: No.

16 THE COURT: Anything from the
17 defendant?

18 MR. CARROLL: No, Your Honor.

19 THE COURT: We had a bench
20 conference concerning the questions -- it was
21 very, very brief -- concerning questions about
22 his record. As I understand, Mr. Carroll, you
23 elected not to ask him additional questions.

24 MR. CARROLL: That's correct, Your
25 Honor.

1 THE COURT: Very well. And you had
2 nothing that I needed to handle after that?

3 MR. CARROLL: No, sir.

4 THE COURT: Thank you very much.
5 We'll be at- ease then. Let's be back in
6 about ten or fifteen minutes.

7 (BRIEF RECESS)

8 (DEFENDANT PRESENT)

9 THE COURT: Let's bring in our
10 jury.

11 (JURY IN @ 4:10 P.M.)

12 THE BAILIFF: All present, Your
13 Honor.

14 THE COURT: Thank you, ladies and
15 gentlemen. Let me just say, to save you some
16 writing, I appreciate the note. I've told the
17 bailiff that while I've thought about it that
18 this might be a good time to make people
19 practice not smoking. But I figured there's a
20 lot of stress and we'll go ahead. You'll not
21 have to write any more notes. We will take
22 care of that as to the smoking. Thank you
23 all. Thank you very much. We're ready to
24 continue.

25 Solicitor, you may call your next

1 witness.

2 SOLICITOR WILSON: Thank you, Your
3 Honor. The State calls Antonio Nelson.

4 (WITNESS TAKES STAND)

5 ANTONIO M. NELSON, being duly sworn
6 to tell the truth, the whole truth and nothing
7 but the truth, testified, as follows:

8 SOLICITOR WILSON: I have to warn
9 everybody that this platform (on podium) may
10 collapse at some point.

11 THE COURT: I've heard that
12 happened before.

13 DIRECT EXAMINATION

14 BY SOLICITOR WILSON:

15 Q. Antonio, how are you?

16 A. Fine.

17 Q. Okay. Before we get started talking
18 about the reason that you're here, tell the
19 jury a little bit about yourself. How old are
20 you?

21 A. Thirty-three.

22 Q. And how far did you go in school?

23 A. I graduated.

24 Q. From ---

25 A. Burke High School.

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1998

1 Q. I see you're in a wheelchair. What
2 happened to you?

3 A. I got shot in the back.

4 Q. I'm going to push this microphone down a
5 little bit. Can your chair slide up any more?

6 A. (Adjusts wheelchair).

7 Q. I know sometimes you have some spasms in
8 your left leg. Is that right?

9 A. Yes.

10 Q. Do you need to pull your leg up?

11 A. No.

12 Q. Would you rather sit back some and pull
13 your leg up?

14 A. (Adjusts wheelchair).

15 Q. Is that better?

16 A. Okay.

17 Q. Are you okay?

18 A. Yes.

19 Q. I can use this (portable) mic if you
20 think that would be better.

21 A. I'm fine.

22 Q. You think you're okay?

23 A. (Affirmative nod).

24 Q. You got shot where?

25 A. My back.

1 Q. What kind of damage was done to you?

2 A. Damage to the spine.

3 Q. And you're paralyzed from the chest down?

4 A. Yes, ma'am.

5 Q. You can move your arms pretty good.

6 How's that?

7 A. It's a miracle.

8 Q. Miracle?

9 A. Yes.

10 Q. I don't want to embarrass you, but if you
11 need to go to the bathroom you usually need to
12 leave and you need to go pretty quick; right?

13 A. Yes.

14 Q. Are you all right?

15 A. Yes.

16 Q. If you need to go, you just let us know
17 and we've made arrangements so you can go out
18 that (hallway) door, all right?

19 A. That's fine.

20 Q. You grew up in Charleston. Is that
21 right?

22 A. Yes.

23 Q. What part of Charleston?

24 A. Downtown.

25 Q. Where downtown?

1 A. Fishburne Street.

2 Q. Who did you live on Fishburne Street
3 with?

4 A. My family.

5 Q. Do you know what age your parents are?

6 A. My father is 69 and my mother -- she
7 never tells you.

8 Q. Do you know the defendant, William
9 Dickerson?

10 A. Yes.

11 Q. How long have you known William?

12 A. Ten years.

13 Q. Does he have a nickname?

14 A. Willie D.

15 Q. Do you call him 'Willie D' or 'Will' or
16 what?

17 A. Willie D.

18 Q. This guy that you know as Willie D, do
19 you see him here today?

20 A. Yes.

21 Q. Where is he?

22 A. Right there, (indicating defense table).

23 Q. What's he have on?

24 A. A white shirt with black.

25 SOLICITOR WILSON: Your Honor, please

1 let the record reflect that he's identified
2 the defendant.

3 THE COURT: It will so reflect.

4 DIRECT EXAMINATION CONTINUED

5 BY SOLICITOR WILSON:

6 Q. Did you and Willie D used to play at
7 Mitchell Park?

8 A. Yes.

9 Q. Was he a friend of yours?

10 A. Yes.

11 Q. How about Gerard Roper? Did you know
12 Gerard?

13 A. Yes.

14 Q. How did you know Gerard?

15 A. Through Willie.

16 Q. Do you know what their relationship was?

17 A. Best friends.

18 Q. Was that the only way you knew Gerard?

19 A. Yes, ma'am.

20 Q. Let's go to say six months or so before
21 March of 2006, before Gerard Roper was killed;
22 okay -- that time frame, all right? Are you
23 with me?

24 A. Uh-huh, (affirmative nod).

25 Q. During that time period did you see

1 Willie D very

2 much?

3 A. Yes.

4 Q. How often did you see him?

5 A. About every day.

6 Q. And how was it that you would come to see
7 him?

8 A. Huh?

9 Q. How would you get to see him?

10 A. He would stop by after work or before.

11 Q. Do you know where he was working?

12 A. Some -- he said somewhere downtown.

13 Q. Do you know where downtown?

14 A. No, I don't.

15 Q. Where was he living?

16 A. At that time with his mother.

17 Q. So that was about six months or so before
18 all this happened?

19 A. Yes.

20 Q. He lived with his mom?

21 A. Uh-huh, (affirmative nod).

22 Q. Where did she live?

23 A. By the park, that's all that I can say.

24 Q. By Mitchell Park?

25 A. Yes.

1 Q. And at some point before all this
2 happened did he move out of his mama's house?

3 A. Yes.

4 Q. Where did he move?

5 A. With his cousin.

6 Q. Do you know which cousin that was?

7 A. Kristie.

8 Q. A cousin named Kristie?

9 A. Yes.

10 Q. It's a girl?

11 A. Yes.

12 Q. And how about after that? Did he move in
13 with somebody else?

14 A. His girlfriend.

15 Q. Who was his girlfriend?

16 A. Shelley.

17 Q. Do you know Shelley?

18 A. Not personally.

19 Q. Had you ever met her?

20 A. Yes.

21 Q. Did you meet her through Willie?

22 A. Yes.

23 Q. Let me ask you this, growing up did you
24 know the defendant's little brother?

25 A. Yes.

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1 Q. And what was his name, or is his name?

2 A. Bubba.

3 Q. Everybody calls him Bubba?

4 A. Yes.

5 Q. Was he a good bit younger than you and
6 Will?

7 A. Yes.

8 Q. How did he compare in size with Will?

9 A. Like a little brother.

10 Q. Do you have any idea about what height
11 and weight he is?

12 A. No.

13 Q. Smaller than Will?

14 A. Yes.

15 Q. And do you know what kind of relationship
16 Will had with Bubba?

17 A. Like a little brother. It was his
18 brother.

19 Q. When he was growing up did Will want
20 Bubba to hang out with you'all?

21 A. Oh, no.

22 Q. He didn't?

23 A. No.

24 Q. Because he was like a little brother?

25 A. Yes.

1 Q. Let's go then to March of 2006. That
2 Tuesday was March 7th, the day that you gave
3 Will a ride. Do you remember that day?

4 A. Yes.

5 Q. Tell us what happened when you woke up
6 that morning. What woke you up?

7 A. A knock at the back door. It was early
8 in the morning.

9 Q. What's early to you?

10 A. Huh?

11 Q. What is early to you?

12 A. Any time before 12 o'clock.

13 Q. Because you've got to get up for the
14 *Young and the Restless* at 12:30?

15 A. That's right.

16 Q. So sometime before noon?

17 A. (Affirmative nod).

18 Q. Do you have any idea what time it was
19 when you heard the knock at the door?

20 A. No, real early. Hours before I was
21 supposed to get up.

22 Q. Several hours?

23 A. Yes.

24 Q. Is your bedroom on the bottom floor of
25 your house?

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2006

1 A. Yes.

2 Q. How about your mom and daddy? Where is
3 their room?

4 A. Upstairs.

5 Q. Do you know if they were awake?

6 A. No.

7 Q. Who answered the door?

8 A. Me.

9 Q. Were you dressed?

10 A. No, I was still in my boxers.

11 Q. Do you go to the back door and who's
12 there?

13 A. Will.

14 Q. What's going on with Will?

15 A. He just -- he wanted a ride to go pick up
16 his car, he said.

17 Q. Do you have a car?

18 A. Yes.

19 Q. What kind of car do you have?

20 A. Chevy Suburban.

21 Q. Were you working at the time?

22 A. No.

23 Q. How did you have a Chevy Suburban if you
24 weren't working?

25 A. My father gave me some money from his

1 settlement.

2 Q. What kind of settlement?

3 A. He'd injured his hand at work and they
4 gave him a settlement.

5 Q. So you were able to buy a car with that?

6 A. Yes.

7 Q. Do you also get some sort of disability?

8 A. Yes.

9 Q. Are you able to drive?

10 A. No.

11 Q. Why not?

12 A. I get spasms in my foot, for safety.

13 Q. So you go to the door and Will's there
14 and he wants a ride.

15 A. Uh-huh, (affirmative nod).

16 Q. Does he have anything with him?

17 A. He had a little dog, a little puppy.

18 Q. Do you know what kind it was?

19 A. A red-nosed Pit.

20 Q. Red-nosed Pit?

21 A. Uh-huh, (affirmative nod).

22 Q. Were you able to give him a ride?

23 A. Blue-nosed Pit.

24 Q. Blue nosed?

25 A. (Affirmative nod).

1 Q. Okay. Were you able to give him a ride?

2 A. No.

3 Q. Why not?

4 A. I didn't have a driver.

5 Q. Did you have somebody who normally would

6 take you places if you needed them to?

7 A. Yes.

8 Q. Who was that?

9 A. Devon.

10 Q. Devon? Does Devon have a nickname?

11 A. "Dutch."

12 Q. Dutch?

13 A. Uh-huh, (affirmative nod).

14 Q. Dutch wasn't over there at that point;

15 right?

16 A. No.

17 Q. What was your normal schedule with Dutch,

18 as far as if you'all going to run errands or

19 do something like that?

20 A. It had to be after 1:30.

21 Q. Because?

22 A. *The Young and the Restless.*

23 Q. Does Devon watch *The Young and the*

24 *Restless* too?

25 A. Yeah.

1 Q. Would you'all watch it together?

2 A. No.

3 Q. How do you know he was watching it?

4 A. Because after it was over we'd talk about
5 it.

6 Q. So normally he'd come over after that?

7 A. Right.

8 Q. Did Devon need to be at work at any time?

9 A. He goes to work right after -- he comes
10 over and, you know, we get high and then he go
11 to work.

12 Q. Where did he work?

13 A. Fulton Five at the time.

14 Q. He wasn't driving a cab or anything like
15 that?

16 A. No.

17 Q. Well, that's good. On this day you said
18 Will -- that Dutch hadn't come over yet
19 because it was still early, right?

20 A. Yes.

21 Q. You weren't dressed. Did you invite Will
22 in at that point?

23 A. No, because I didn't have on my clothes.

24 Q. What did you tell him to do?

25 A. Huh?

1 Q. What did you tell Will to do?

2 A. Wait outside while I get dressed.

3 Q. And did you do that?

4 A. Yes.

5 Q. Did he hang out with you the rest of the
6 morning?

7 A. No, because he still a ride to go get his
8 car.

9 Q. To pick his car up?

10 A. (Affirmative nod).

11 Q. Do you know if he left your house?

12 A. Yes.

13 Q. Do you know how he left?

14 A. He said Britt's girlfriend came and got
15 him.

16 Q. Did you see that happen?

17 A. No.

18 Q. So he leaves your house?

19 A. Yes.

20 Q. Did you start getting ready for your day,
21 take a shower and all that?

22 A. Yes.

23 Q. At some point later that morning, still
24 before 12:30 or so, does Will come back?

25 A. Yes.

1 Q. And what does he want this time?

2 A. Still wanted a ride.

3 Q. And did he want anything else from you?

4 A. A firearm.

5 Q. A what?

6 A. A firearm.

7 Q. For what?

8 A. He said -- he was paranoid, said somebody
9 was trying to get him.

10 Q. Somebody was what?

11 A. Trying to get him.

12 Q. Did he tell you who?

13 A. No.

14 Q. Did you have a gun?

15 A. Yes.

16 Q. So what did you do?

17 A. I gave it to him.

18 Q. You just gave him your gun?

19 A. Yeah.

20 Q. Did he stay hanging out with you there
21 after that?

22 A. For -- yeah.

23 Q. Where did you'all hang out?

24 A. Well, he was in the yard and I put on
25 some clothes and when I got my clothes on, I

1 opened the door and let him in.

2 Q. Tell the jury how Will was acting when
3 you let him in at that point?

4 A. He was like paranoid. He was like
5 shaken up because he thought someone was
6 still trying to get him.

7 Q. And was he on the phone at all?

8 A. Yes.

9 Q. Do you know who he was calling?

10 A. At the time I didn't know who he was
11 calling, but I could tell it was Shelley, they
12 was arguing.

13 Q. How do you know they were arguing?

14 A. It started getting louder.

15 Q. Tell the jury about that. What was he
16 doing?

17 A. He was like pacing around and they was
18 fussing about something. He kicked a hole in
19 the door and I told him that he had to go
20 because my mama and daddy was still upstairs
21 and I didn't want them to come downstairs to
22 see what was going on.

23 Q. Did it mess up the door?

24 A. Yes, he put a hole in it.

25 Q. Did that make you happy?

1 A. No, because I had to pay for that.

2 Q. Did your daddy make you pay for that?

3 A. Yeah.

4 Q. Now, you mentioned that he -- that you
5 overheard him talking to Shelley, his
6 girlfriend?

7 A. Uh-huh, (affirmative nod).

8 Q. Do you know that if in the week before if
9 he and Shelley had been getting along?

10 A. No.

11 Q. You don't know or they weren't?

12 A. I couldn't tell you.

13 Q. Did he ever talk with you about a video?

14 A. Yes.

15 Q. Tell the jury what he showed you and what
16 he told you about it.

17 A. It was a video -- it appeared -- well, he
18 wanted me to see that there was a male's penis
19 or something on this video.

20 Q. Where was this video?

21 A. It was on his phone.

22 Q. On his cell phone?

23 A. Yes.

24 Q. And this was a few weeks before this
25 date; right?

1 A. Yes.

2 Q. Did you look at the cell phone?

3 A. Yes.

4 Q. Did you see anything?

5 A. No. I just agreed with him. He kept
6 reiterating, saying 'Did you see it? Did you
7 see it? Did you see it?'

8 Q. How's he acting when he's showing you the
9 video? Demonstrate how he was acting.

10 A. "Look, look, look at the damn fool. You
11 can't see this? Look, come on. Come on,
12 look. You don't see this? Come on, come on.
13 You got to see this, man. See what's on this,
14 see what's they doing?" I'm like, yeah,
15 alright, I see it.

16 Q. What did he say he was talking about?

17 A. It was two parts to the video.

18 Q. Okay.

19 A. One part it was saying -- keep calling
20 his name and that part, I didn't hear nothing
21 but he said that the kid was trying to wake
22 him up to tell him that someone was in the
23 house.

24 Q. Someone was in the house to rob him, or
25 someone was in the house for Shelley?

1 A. For Shelley.

2 Q. That was one part of the video?

3 A. Yeah.

4 Q. Did you see anything that looked like
5 that to you?

6 A. No..

7 Q. And you said there was another part to
8 the video. What was the other part?

9 A. That was the part like he was trying to
10 say that was a penis, but ---

11 Q. Why did he want you to see some guy's
12 penis?

13 A. He said Shelley was cheating him.

14 Q. Was he trying to figure out who it was?

15 A. Yeah.

16 Q. Did he accuse anybody or tell you who he
17 thought it was?

18 A. Yeah.

19 Q. Who'all did he say he thought it was?

20 A. Puddin.

21 Q. Who?

22 A. Puddin.

23 Q. Did he tell you anybody else he thought
24 it was?

25 A. That's the main suspect.

1 Q. All right. And this was all a few weeks
2 before; right?

3 A. Yes.

4 Q. And on that morning, let's go back to
5 that Tuesday morning, March the 7th. Will and
6 Shelley, he is on the phone with her and they
7 were arguing. Did you hear him talk about the
8 video at that point?

9 A. No.

10 Q. How long did you and Will stay at your
11 house?

12 A. Stayed there so long until Devon came to
13 stay with me.

14 Q. After 1:30?

15 A. Yeah.

16 Q. Now, was Devon - this is Dutch; right?

17 A. Yes.

18 Q. Was he friends with Will?

19 A. No.

20 Q. You were friends with Will?

21 A. Yes.

22 Q. Who got Devon to give you'all a ride?

23 A. Me.

24 Q. And where were you'all headed?

25 A. James Island, to his brother's house.

1 Q. And at this point does Will have your
2 gun?

3 A. When he came back from the hotel, it
4 didn't appear that he had the gun on him. If
5 you have carry a .357, it's a heavy gun so
6 you've got to either have it on your belt or
7 be pulling it up a lot because it's heavy.

8 Q. So I'm a little bit confused. That
9 morning Will came to your house two times?

10 A. Yes.

11 Q. Did you give him the gun the first time
12 or the second time?

13 A. The first time.

14 Q. The first time when he left he said with
15 Britt's girlfriend.

16 A. Yes.

17 Q. That's when you gave him the gun?

18 A. Yes.

19 Q. When he came back did you notice whether
20 or not he had the gun?

21 A. No.

22 Q. You're saying you didn't think he did
23 because his pants weren't falling. Is that
24 right?

25 A. Yeah.

1 Q. Okay. So you'all decided to go give Will
2 a ride over to James Island to his brother's
3 house, to Bubba's house; right?

4 A. Uh-huh, (affirmative nod).

5 Q. Tell the jury where everybody was sitting
6 when you'all leave your house on Fishburne.

7 A. I'm in the front seat. Will is in the
8 back seat behind the driver; the dog, she was
9 right behind me; -- well, Devon was like
10 sitting in the middle.

11 Q. And Dutch was driving?

12 A. Yes.

13 Q. At this point did you'all leave anything
14 at your house that you didn't want to take
15 with you?

16 A. Yeah, coke.

17 Q. Whose coke?

18 A. Will's.

19 Q. And we aren't talking about Coca-Cola?

20 A. No.

21 Q. Powder or crack?

22 A. Powder.

23 Q. It was Will's?

24 A. Yes.

25 Q. And why couldn't you ride with the

1 cocaine?

2 A. I don't drive with drugs unless I'm
3 smoking it.

4 Q. Why not?

5 A. You can't get caught for something you're
6 smoking. You can throw that out but ---

7 Q. You might want to rethink that.

8 THE COURT: Yeah.

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR WILSON:

11 Q. So did you'all have anything you were
12 smoking?

13 A. Huh?

14 Q. Did you have anything that you were
15 smoking?

16 A. Yeah.

17 Q. What were you smoking?

18 A. Boonk.

19 Q. Tell the jury what boonk is.

20 A. That's weed and coke.

21 Q. Who was smoking boonk?

22 A. Me and Devon, me and Dutch.

23 Q. How about Will?

24 A. No, he wasn't smoking. He didn't like
25 how big the hole in the front end was. He

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2020

1 said that the hole was too big for him.

2 Q. You'll have to explain that to the jury.

3 A. Me and Devon smoke it but he said the
4 hole was too big for him.

5 Q. So you'all take like a cigar and hollow
6 it out?

7 A. Yes.

8 Q. And you put marijuana and cocaine in
9 that?

10 A. (Affirmative nod).

11 Q. Is that right?

12 A. Yes.

13 Q. And that's the boonk?

14 A. Yes.

15 Q. And Will didn't like how big the hole in
16 the smoking end was?

17 A. Right.

18 Q. So he wasn't smoking?

19 A. No.

20 Q. What was he doing as you'all were riding
21 along?

22 A. Talking on the phone.

23 Q. Who was he talking to?

24 A. Well, I think it was Shelley.

25 Q. How was that conversation going?

1 A. The closer we got to James Island, it was
2 kind of pleasant.

3 Q. In what way?

4 A. He sounds like he was just having kind of
5 a calm day.

6 Q. Did he try to call anybody else?

7 A. Yeah.

8 Q. Who?

9 A. Gerard.

10 Q. Was he able to get Gerard?

11 A. No.

12 Q. Did that frustrate him?

13 A. Huh?

14 Q. Was that frustrating him?

15 A. No, he didn't show if it was frustrating
16 him.

17 Q. How many times did he try to call Gerard?

18 A. I don't know.

19 Q. Did you'all go ahead and go over to
20 Bubba's house?

21 A. No, at first when we was on our way, he
22 was on the phone trying to call and all, he
23 was like, 'I got to pick up some money.' I
24 was like -- Dutch had to go to work and 'you
25 gonna be late.'

1 Q. Who had to go to work?

2 A. Devon.

3 Q. You were worried about Devon getting to
4 Fulton Five on time?

5 A. Yes, ma'am.

6 Q. So what did you'all do?

7 A. He was like, "It's on the way. It's not
8 out of the way." So I asked Devon was he
9 going to be late and he said 'I got it', that
10 he could cover that. So we took him.

11 Q. Do you know where you went?

12 A. Huh?

13 Q. Do you know where you went?

14 A. He told him to get off at that exit.

15 Q. Had you ever been there before?

16 A. No.

17 Q. When you got there did you see anybody?

18 A. No.

19 Q. Explain to the jury what happened when
20 you got there.

21 A. When we got to the house Devon got out
22 and knocked on the door. And he came back and
23 said no one was there.

24 Q. Why did Devon get out and knock on the
25 door when he doesn't know where you're going

1 or what you're doing?

2 A. Because he had the dog.

3 Q. Who had the dog?

4 A. Will.

5 Q. So Devon gets out and goes to the door?

6 A. Yes.

7 Q. Anybody come out?

8 A. No.

9 Q. What happens next?

10 A. Devon came back and said no one was
11 there. Will said, "I know he's there. He's
12 always in that fucking house." So Will got
13 out and knocked on the door. We turned the
14 car around.

15 Q. Why did you turn the car around?

16 A. So we could -- the way we came in, you
17 can't go out that way, you've got to turn your
18 car around to come back out. So as we turned
19 the car around, we heard something.

20 Q. What did you hear?

21 A. It was a gunshot.

22 Q. Did you know it was a gunshot?

23 A. Not at that time.

24 Q. You didn't know it was a gunshot?

25 A. No, not at that time.

1 Q. What did you think it was?

2 A. It sounded like a gun, but I couldn't be
3 sure. As I said, I didn't think he still had
4 the gun on him.

5 Q. When you'all heard this noise what did
6 you and Dutch do?

7 A. I looked at him, like, 'did you hear
8 that?'

9 He was like, 'Hear what?'

10 I was like, 'I want to be sure.

11 When they came out of the house ---

12 Q. Who came out of the house?

13 A. Gerard and Will.

14 Q. What did you see?

15 A. Gerard was walking in front and Will was
16 behind him. They came and once they got
17 inside the car that's when I knowed that it
18 been a gunshot because of what Gerard said.

19 Q. What did Gerard say?

20 A. Gerard said, 'because you had the gun.'
21 Let me backtrack.

22 Q. Okay.

23 A. When he came to the car he was, like,
24 "Damn, you didn't have to have wake me up."

25 Will was, like, "Well, why did you run?"

1 Gerard said, "Because you've got the
2 gun."

3 That's when I knowed it had to be a
4 gunshot.

5 Q. Did you see the gun at that point?

6 A. No, he never showed the gun.

7 Q. So Gerard said, 'You didn't have to wake
8 me up?'

9 A. Uh-huh.

10 Q. Then Will, said 'Why did you run?'

11 A. Uh-huh.

12 Q. And Gerard said -- what?

13 A. Because Will had a gun.

14 Q. What else did Gerard say?

15 A. As we were pulling off Gerard said,
16 "Damn, you see what he did to me?" Like he
17 had a gash in his forehead.

18 Q. Was it bleeding?

19 A. Yes.

20 Q. How did Gerard seem at that point?

21 A. He was like -- he started explaining 'you
22 wouldn't have had to hit me.'

23 Q. What was he telling him?

24 A. Like, 'You didn't have to hit me because
25 I've got your money.'

1 Q. He told Will he had his money?

2 A. Yeah.

3 Q. How did Will respond to that?

4 A. Huh?

5 Q. How did Will respond to that?

6 A. Well, he asked him why he didn't answer
7 the phone when he was calling him and he was
8 like, 'my phone is dead.'

9 Q. How did Will respond to that?

10 A. After that, he was like 'I don't want to
11 hear anything that you have to say.'

12 Q. Where were you'all heading at this point?

13 A. We were on Folly Road.

14 Q. Now, Antonio, you're now at the point --
15 you're in your
16 car.

17 Q. You've given William Dickerson a gun.

18 A. Yes.

19 Q. Gerard has a gash in his head?

20 A. Yes.

21 Q. And you're still riding him around?

22 A. Not -- not on my own-like. We was scared
23 at that point because we knowed he had that
24 gun on him.

25 Q. Where did you'all go next?

1 A. We were on our way down Folly Road to
2 take him to his brother's house and that's
3 when we saw the firemen?

4 Q. What kind of firemen did you see?

5 A. The ones, you know, they was collecting
6 money.

7 Q. In a boot?

8 A. Yeah.

9 Q. What did that have to do with anything?

10 A. We were at a stoplight and they came to
11 the car and that's when he asked me, 'could
12 you take me downtown' and I was, like, 'no,
13 you're going to your brother's.'

14 Q. Will asked you while you were with the
15 fireman, 'Can you take me downtown?'

16 A. Yes.

17 Q. And you said what?

18 A. No, 'you're going to your brother's.'

19 Q. Why did you tell him that?

20 A. Huh?

21 Q. Why wouldn't you bring him back downtown?

22 A. Because I knew that he wasn't going to
23 stay downtown. He was like, 'Well, you just
24 take me to my brother's house
25 then.'

1 Q. I still don't understand what the firemen
2 had to do with that. Is that just how you
3 remember?

4 A. Yeah. And ---

5 Q. And what?

6 A. That's when I got a little hot, I wasn't
7 scared right then because the fireman was
8 right there.

9 Q. You felt strong enough to tell him 'no,
10 I'm not taking you downtown' when the firemen
11 were right there?

12 A. Uh-huh, (affirmative nod).

13 Q. Where did you'all go then?

14 A. Took him to straight to Bubba's house.

15 Q. Had you ever been to Bubba's house
16 before?

17 A. Yeah.

18 Q. Was that house or the apartments on
19 Fleming Street?

20 A. Yes.

21 Q. Where did you'all pull in?

22 A. Pulled to the back of Bubba's house --
23 (moving around).

24 Q. Do you need a break? Are you all right?

25 A. No, I'm good.

1 Q. Took him to the back. And what happened
2 when you'all got there?

3 A. We honked the horn and Bubba came outside
4 and they got out and went inside.

5 Q. Did Bubba know you were coming?

6 A. No. He looked out the window and he saw
7 the truck, so he came outside. Gerard had got
8 out, Will had got out and was then him and
9 Gerard went inside the house.

10 Q. So how were they sitting in the back
11 seat? Who was in the middle?

12 A. Gerard.

13 Q. And where was the dog?

14 A. The dog was on the floor under Will's
15 feet.

16 Q. And Will was on the ---

17 A. Will was on the end.

18 Q. There was wheelchair, Gerard, Will?

19 A. Yes.

20 Q. And you said Will got out first?

21 A. Yeah.

22 Q. Did you see the gun at that point?

23 A. No. When he pulled into Will's (sic)
24 house he kind of like grabbed Gerard and was
25 like, 'Come on.' And Gerard was, like, 'You

- 1 don't got to grab me, I know how to walk.'
- 2 Q. Where did they go?
- 3 A. They go inside the house.
- 4 Q. What happened to the dog?
- 5 A. Bubba came and got the dog.
- 6 Q. Bubba got the dog?
- 7 A. Yes.
- 8 Q. Did you see anybody else there?
- 9 A. No, I didn't.
- 10 Q. What did you do after that?
- 11 A. We drove -- we went back home.
- 12 Q. Who?
- 13 A. Me and Devon.
- 14 Q. How did that conversation go on the way
- 15 home?
- 16 A. Devon said, "I ain't gonna do no more
- 17 fucking favors for you no more."
- 18 Q. Did you understand that?
- 19 A. Yes, I understood it perfectly well.
- 20 Q. So he took you home?
- 21 A. Yeah.
- 22 Q. And did Devon go to work?
- 23 A. Yes.
- 24 Q. And you'all hung out then?
- 25 A. Huh?

1 Q. You hung out the rest of the day?

2 A. Yes.

3 Q. Did you smoke you some boonk after that?

4 A. Yes.

5 Q. Did you see Will anymore that day?

6 A. No.

7 Q. Did you see Bubba anymore that day?

8 A. Yes.

9 Q. Where did you see Bubba?

10 A. Bubba came to my house.

11 Q. Why did he come to your house?

12 A. To get the car.

13 Q. Explain to the jury what's happened in

14 the meantime as far as the car goes. Whose

15 car?

16 A. Willie D's car.

17 Q. His car was at your house?

18 A. Yes.

19 Q. How did that happen?

20 A. When we were leaving for Bubba's house my

21 father called me and told me that the boy had

22 dropped the car off and the keys was over the

23 stove.

24 Q. So you got Will, taking him over to

25 Bubba's, and your dad calls and tells you

1 Will's car has been dropped off?

2 A. Yes.

3 Q. At your house?

4 A. Uh-huh, (affirmative nod).

5 Q. So you've now dropped Will off at
6 Bubba's, and you get home and his car is at
7 your house?

8 A. Yes.

9 Q. And later on that afternoon who comes to
10 get it?

11 A. Bubba and called me and asked me if I had
12 some weed. I said, 'Yeah, I'll get you some
13 weed.' And when he came down, he got Willie
14 D's car and he got the coke that Will had
15 left.

16 Q. And what else?

17 A. The coke and the weed.

18 Q. Did you sell him the weed?

19 A. Huh?

20 Q. Did you sell him the weed?

21 A. Yeah.

22 Q. But the coke wasn't yours to sell.

23 A. No, it was Will's coke, so Bubba came for
24 that.

25 Q. What else did Bubba take?

1 A. The car.

2 Q. They left? He left? Was he by himself?

3 A. Yeah, he was by himself.

4 Q. Did you see how he got there?

5 A. He came by cab.

6 Q. Did you see the cab?

7 A. (Negative gesture), I was in the house.

8 Q. All right. After that, did you see Bubba
9 again?

10 A. No.

11 Q. Did you see Will again?

12 A. No.

13 Q. Did you talk to Will any more?

14 A. Yeah.

15 Q. When was the next time you talked to him?

16 A. The next morning.

17 Q. Tell me about that.

18 A. He called me and told me that he wanted
19 some weed and he's send his cousin after it.

20 Q. Who was his cousin?

21 A. Soap.

22 Q. Do you know what his real name was?

23 A. Damien.

24 Q. Damien?

25 A. Yeah.

1 Q. Will wanted you to call Damien?

2 A. No. Damien called me.

3 Q. Okay. So that you could tell Damien
4 what?

5 A. Who he felt was after him.

6 Q. Did you know who was after him?

7 A. No.

8 Q. Did you think anybody was after him?

9 A. No.

10 Q. So what were you going to tell him?

11 A. He just wanted me to tell Damien the
12 people who he thought -- he had already told
13 names to me and he wanted me to tell the same
14 thing.

15 Q. What names were those?

16 A. He said Sugar Bear, Puta, Baby Dean, --
17 but I didn't say five more names, so he got
18 mad at you.

19 Q. Will got mad at you because you didn't
20 name somebody?

21 A. Yeah.

22 Q. Why didn't you name that person?

23 A. Because I didn't really know -- I didn't
24 remember him saying that person's name.

25 Q. Did you know whether or not these people

1 were after Will?

2 A. No, because they were his friends.

3 Q. What?

4 A. They were his friends.

5 Q. All those people that he wanted you to
6 name were his friends?

7 A. Yes.

8 Q. Did he name Gerard?

9 A. No.

10 Q. Did you ask him what happened with him
11 and Gerard since you had dropped him off the
12 night before?

13 A. No. I asked Bubba and Bubba said
14 everything was all right.

15 Q. This is when Bubba came to get the car?

16 A. Yes.

17 Q. You said, "What's up with Gerard?"

18 A. Yes. He said, "Everything's good.
19 Everything's good."

20 Q. So the next morning when you talked to
21 Will on the phone, did you ask him about
22 Gerard?

23 A. No.

24 Q. Why not?

25 A. Because he didn't -- he didn't give me a

1 chance. He cussed me out and told me that he
2 wasn't going to fuck me anymore. That was
3 that.

4 Q. Did that make sense to you?

5 A. Didn't make any sense to me.

6 Q. All right. Do you know a guy named
7 Steven Archie?

8 A. Yes.

9 Q. Rock.

10 A. Yes.

11 Q. Rock?

12 A. (Affirmative nod).

13 Q. Does he go by "Rock?"

14 A. Yes.

15 Q. Did you also hear from Rock that day, on
16 the 8th?

17 A. Yes.

18 Q. Did he come by your house?

19 A. Yes.

20 Q. What was he looking for?

21 A. Will.

22 Q. Who else?

23 A. I didn't see who else, they stayed
24 outside.

25 Q. They were looking for Will?

1 A. Yes.

2 Q. And were they looking for Gerard?

3 A. Yes.

4 Q. Did they look happy?

5 A. No.

6 Q. Did you think that had anything to do
7 with what you had seen the day before?

8 A. Yes.

9 Q. Why?

10 A. Because Rock said 'Will called on the
11 phone...' ---

12 MR. CARROLL: Objection, Your Honor.

13 THE COURT: Sustained.

14 DIRECT EXAMINATION CONTINUED

15 BY SOLICITOR WILSON:

16 Q. This is when Rock is at your house?

17 A. Yes.

18 Q. Do you hear anymore from Will the rest of
19 the day, on that Wednesday, the 8th?

20 A. Yes.

21 Q. What did he want the next time?

22 A. He called and wanted to come downtown.

23 Q. Was that on Wednesday or Thursday?

24 A. Thursday.

25 Q. The next day, Thursday, he wanted to come

1 downtown?

2 A. Yeah.

3 Q. Why did he need to call you about that?

4 A. I don't know.

5 Q. Did he want to come to your house?

6 A. Yeah.

7 Q. Did you want him to come to your house?

8 A. Hell, no.

9 Q. Why not?

10 A. Huh?

11 Q. Why not?

12 A. Because I saw the News.

13 Q. What?

14 A. I saw the News.

15 Q. The News?

16 A. Yes.

17 Q. What was on the News?

18 A. Hummm, -- some gruesome things.

19 Q. About Gerard?

20 A. Yes.

21 Q. Were you afraid of Will at that point?

22 A. Yes.

23 Q. What did you do?

24 A. Oh, I got my other gun.

25 Q. You had another one?

1 A. Yeah.

2 Q. And?

3 A. And I was going to use it, I was going to
4 protect myself.

5 Q. How did Will react when you told him not
6 to come to your house on that Thursday?

7 A. He tried to apologize for how he was
8 flipping out the other day.

9 Q. When he fussed at you?

10 A. Yes.

11 Q. Did you ask him what happened with
12 Gerard?

13 A. No.

14 Q. All right. You see Will. You know that
15 he shot at Gerard. He's hit him in the head.
16 You see on the news that Gerard's been killed,
17 and you don't even ask Will what happened?

18 A. No.

19 Q. Why not?

20 A. I didn't want to talk to him.

21 Q. And when was it that you called the
22 police?

23 A. Never.

24 Q. You never called the police?

25 A. No.

1 Q. Why not?

2 A. Because I was scared.

3 Q. Scared of what?

4 A. Because I gave these guys, gave them a
5 ride. Scared of being involved and didn't
6 want to go to jail.

7 Q. Were you scared of Will?

8 A. Oh, yes.

9 Q. Were you scared of the cops and scared of
10 Will?

11 A. Uh-huh, (affirmative nod).

12 Q. When was it that you finally talked to
13 law enforcement?

14 A. When they knocked on my door.

15 Q. When my investigators came to see you?

16 A. Yes.

17 Q. And did you tell them about you'd given
18 him a ride and all that?

19 A. Yes.

20 Q. Did you tell them about dropping Gerard
21 and Will off at Bubba's?

22 A. Yes.

23 Q. You told them about giving him the gun?

24 A. Not at first.

25 Q. Why not?

1 A. Because I didn't want to be caught up in
2 the middle of it.

3 Q. Eventually did you admit it?

4 A. Oh, yeah.

5 Q. You admitted giving him the gun?

6 A. Yes.

7 SOLICITOR WILSON: Beg the Court's
8 indulgence.

9 THE COURT: Certainly

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR WILSON:

12 Q. Antonio, I want to go over some pictures
13 with you. First of all, I show you State's
14 Exhibit 297. Do you recognize that?

15 A. Yes, that's my house.

16 Q. And is that a fair and accurate
17 photograph depicting the front and side of
18 your house?

19 A. That's the side.

20 Q. Is this the front part?

21 A. Yes.

22 SOLICITOR WILSON: Your Honor, at
23 this time we offer State's 297.

24 THE COURT: Any objection?

25 MR. CARROLL: No objection, Your

1 Honor.

2 THE COURT: 297 is admitted without
3 objection.

4 (SO ENTERED AS STATE'S EXHIBIT 297)

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR WILSON:

7 Q. And then State's 1, 2 and 3, you
8 recognize those?

9 A. Yes, that's my vehicle.

10 Q. Are those fair and accurate photographs
11 of your vehicle from the side, the back and
12 the front quarter panel?

13 A. Yes.

14 SOLICITOR WILSON: Your Honor, we
15 offer State's Exhibits 1, 2 and 3. I believe,
16 without objection.

17 MR. CARROLL: No objection.

18 THE COURT: Without objection, they
19 are admitted, 1, 2 and 3, each being a
20 photograph.

21 (SO ENTERED AS STATE'S EXHIBIT 1)

22 (SO ENTERED AS STATE'S EXHIBIT 2)

23 (SO ENTERED AS STATE'S EXHIBIT 3)

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR WILSON:

1 Q. If we could show State's 297? What is
2 that, State's 297, Antonio?

3 A. A house.

4 Q. Whose house?

5 A. That's my home, my parents' home.

6 Q. That's on which Street?

7 A. 110 Fishburne Street.

8 Q. Antonio, you have a nickname too; right?

9 A. Yes.

10 Q. What's that?

11 A. "Tneal".

12 Q. Or Tony? Do you go by Tony, too?

13 A. Tony, (affirmative nod).

14 Q. Tneal or Tony?

15 A. (Affirmative nod).

16 Q. Is there a wheelchair ramp on your house?

17 A. Yes.

18 Q. Where is that?

19 A. On the side.

20 Q. Grab that laser thing. Show where the
21 wheelchair ramp is.

22 A. (Indicating with laser pointer).

23 Q. Back over there?

24 A. Uh-huh, (affirmative nod).

25 Q. And when Will first came that morning,

1 did he come to that area and knock on the
2 door?

3 A. No, around to that side.

4 Q. Around to that side?

5 A. Yes.

6 Q. And State's Exhibit 1, what is that?

7 A. That's the Suburban.

8 Q. Yours?

9 A. Yes.

10 Q. And that Suburban is green. Is that
11 right?

12 A. Yes.

13 Q. State's Exhibit 2, what is that?

14 A. The back of the car?

15 Q. And is that the car that you'all went
16 over to Flint

17 Street and then to Bubba's house in?

18 A. Yes.

19 Q. I want to show you also State's Exhibit

20 4. Do you recognize that?

21 A. Yes.

22 Q. What is that?

23 A. That is Gerard's house.

24 Q. Whose house?

25 A. Gerard's.

1 Q. That's where Gerard was?

2 A. Yes.

3 Q. I show you State's Exhibit 5. If you
4 could show the jury with the laser pointer
5 where you and Devon and Will first pulled in
6 when you got to the house on Flint Street.

7 A. (Indicating).

8 Q. Pulled over there?

9 A. Yes.

10 Q. And the front of the car was pointed
11 towards where?

12 A. Where the laser pointer is at.

13 Q. Towards the woods?

14 A. Yes.

15 Q. The back?

16 A. (Affirmative nod).

17 Q. Did the car stay there?

18 A. No.

19 Q. What did you'all do?

20 A. Turned it around.

21 Q. Where did you'all pull?

22 A. To the front, right in right here,
23 (indicating).

24 Q. And when you heard this noise that you
25 didn't know was a gunshot, where were you?

- 1 A. Still waiting.
- 2 Q. You'all were still right there?
- 3 A. Uh-huh, (affirmative nod). We were
- 4 turning then.
- 5 (Moving around in wheelchair).
- 6 Q. Are you all right?
- 7 A. (Affirmative nod).
- 8 Q. You sure?
- 9 A. Yeah, my foot.
- 10 Q. I show you State's Exhibits 304. Do you
- 11 recognize that?
- 12 A. Yes, I recognize it.
- 13 Q. What is that?
- 14 A. That's the gun.
- 15 Q. What gun?
- 16 A. The gun I gave Will.
- 17 Q. Do you see all the stuff on the gun?
- 18 A. (Affirmative nod).
- 19 Q. Was it on there when you gave it to him?
- 20 A. No. The gun was brand new.
- 21 Q. Where did you get it from?
- 22 A. From a friend.
- 23 Q. Did you know the gun was stolen?
- 24 A. No, not at that time, he hadn't told me.
- 25 Q. Stolen from somewhere on your street?

1 You didn't know that?

2 A. Not until you told me.

3 Q. I'm going to show you what's also been
4 marked as State's Exhibit 303. Do you
5 recognize this CD?

6 A. Yes.

7 Q. How do you recognize it?

8 A. My name is right there.

9 Q. Who put your name there?

10 A. Me.

11 Q. You signed it?

12 A. Yes.

13 Q. Did you listen to this CD?

14 A. Yes.

15 Q. And did you recognize the voices on it?

16 A. Yes.

17 Q. Whose voices did you recognize?

18 A. Three voices.

19 Q. Who?

20 A. Three voices.

21 Q. Whose voice did you recognize?

22 A. It was Will, Popcorn and -- (coughing in
23 courtroom).

24 THE COURT: I didn't hear him. You
25 need to repeat that.

1 COURT REPORTER: Who was the third
2 one?

3 THE WITNESS: Popcorn.

4 COURT REPORTER: Will, Popcorn and?

5 THE WITNESS: Bubba.

6 COURT REPORTER: Thank you.

7 THE WITNESS: Popcorn.

8 DIRECT EXAMINATION CONTINUED

9 BY SOLICITOR WILSON:

10 Q. And you recognized those voices on
11 State's 303?

12 A. Uh-huh, (affirmative nod).

13 Q. And you signed off on it?

14 A. Yes.

15 THE COURT: Let me make sure, when
16 you said you recognized the voice, I heard
17 "uh-huh", was that a "yes", that you
18 recognized the voices?

19 THE WITNESS: Yes.

20 THE COURT: If you will say "yes,"
21 it will help us.

22 THE WITNESS: Okay.

23 THE COURT: Thank you.

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR WILSON:

1 Q. Antonio, at the time all this was going
2 on, can you tell us what your home telephone
3 number was?

4 A. Which one?

5 Q. You had two phones at home?

6 A. Yes.

7 Q. Land lines?

8 A. Yes.

9 Q. Why was that?

10 A. One was a line for the house, my
11 mother's, and one was for my line.

12 Q. What was your mama and daddy's line?

13 A. That was 722-2407.

14 Q. What was your line?

15 A. 853-3315.

16 Q. Then did you have a cell phone back then?

17 A. Yes.

18 Q. What was that?

19 A. 819-4739.

20 Q. Did you use those numbers to talk to
21 Will?

22 A. Just 853-3315, just that one.

23 SOLICITOR WILSON: That's all I have,
24 Your Honor.

25 THE COURT: You still all

1 right, or do you going to need a break, Mr.
2 Nelson?

3 THE WITNESS: No, I'm okay.

4 THE COURT: You may cross-examine.

5 MR. CARROLL: Thank you, Your
6 Honor, may it please the court.

7 THE COURT: Yes, sir.

8 CROSS EXAMINATION

9 BY MR. CARROLL:

10 Q. Mr. Nelson, you knew Gerard Roper since
11 you were eleven years old?

12 A. I didn't hear you. Since?

13 Q. Since you were eleven years old?

14 A. Teenage years.

15 Q. Teenage years?

16 A. (Affirmative nod).

17 Q. Do you remember talking to the
18 Solicitor's investigator, Investigator
19 Osborne?

20 A. Yes.

21 Q. Do you remember telling him that you'd
22 known him for eleven years, or since you were
23 eleven rather?

24 A. Yes, approximately.

25 Q. And you had known Armon Dickerson for a

1 long time?

2 A. Yes.

3 Q. On March 9th of 2006, you learned on the
4 evening news that Gerard Roper's body had been
5 found on James Island?

6 A. Yes.

7 Q. Based on what you're telling us today,
8 the day before you had been in the vehicle
9 that took him to Fleming Road on James Island?

10 A. Yes.

11 Q. And when you found out that he had been
12 killed, having known him these many years, you
13 didn't pick up the telephone and call the
14 police?

15 A. No.

16 Q. Did Gerard ever harm you in any way?

17 A. No, sir.

18 Q. You mentioned earlier that you were
19 fearful of William Dickerson?

20 A. Yes.

21 Q. You also remember seeing on the evening
22 news on March the 11th, 2006, that he'd been
23 arrested?

24 A. Yes.

25 Q. So you knew William Dickerson was locked

1 up ever since about 6:00 o'clock in the
2 afternoon on March the 11th of 2006?

3 A. Yeah.

4 Q. And so on March the 12th, you didn't feel
5 it necessary to call and tell the police what
6 had happened?

7 A. No.

8 Q. That's March the 12th of 2006. How about
9 March the 12th of 2007? Did you feel it
10 necessary then?

11 A. No.

12 Q. How about March the 12th, 2008?

13 A. No.

14 Q. Didn't call then?

15 A. No.

16 Q. You didn't open your mouth to one person
17 involved in the investigation of this case
18 until somebody showed up on your doorstep?

19 A. Yes, sir.

20 Q. You told us that on March the 7th of 2006,
21 you were smoking boonk?

22 A. Yes, sir.

23 Q. Do you smoke a lot of boonks?

24 A. Back then?

25 Q. Anytime?

1 A. I don't do it anymore.

2 Q. You don't do it anymore?

3 A. (Negative gesture).

4 Q. Back then ---

5 THE COURT: Hold it. Was that a

6 "no?"

7 THE WITNESS: "No."

8 CROSS EXAMINATION CONTINUED

9 BY MR. CARROLL:

10 Q. Were you smoking it then?

11 A. Yes.

12 Q. So your normal day would be sleep in
13 late, get up and have a boonk and watch TV.

14 A. Yes.

15 Q. Go ride around and smoke boonk?

16 A. No, don't ride around. We just did it
17 that day.

18 Q. That's it. That's the only time?

19 A. Uh-huh, (affirmative nod).

20 Q. I'm sorry?

21 A. We just did it that day, usually we be
22 sitting in the yard.

23 Q. You had never, before this, ridden around
24 smoking marijuana and cocaine?

25 A. Yes.

1 Q. So you had done it?

2 A. Yes.

3 Q. And you've done it since March the 7th,
4 2006?

5 A. Right. No, I don't do it anymore.

6 Q. You never did it again after March the
7 7th, 2006?

8 A. Yes.

9 Q. You did do it again?

10 A. Yeah.

11 Q. About how long did you do it?

12 A. I stopped smoking like in November 2006.

13 Q. It's kind of hard to remember exactly
14 when; isn't it?

15 A. Yes.

16 Q. When Detective Osborne came by that day,
17 it was quite clear to you you'd been out of
18 the loop and that was over with?

19 A. Yes.

20 Q. Your name had come up.

21 A. Um-humm, (affirmative nod).

22 Q. How long had you had that green Suburban?

23 A. About five or six.

24 Q. Five or six years?

25 A. Yes.

1 Q. That's back in 2006?

2 A. I had it before 2006.

3 Q. How long had you had it at that point?

4 A. Before 2006?

5 Q. Yes.

6 A. Two or three years.

7 Q. Two or three years. Is the vehicle
8 registered in your name?

9 A. No.

10 Q. Whose name is it registered in?

11 A. My father's.

12 Q. The trip over to James Island and up to
13 the house on Flint Street, that was in broad
14 daylight; right?

15 A. Yes.

16 Q. So from 2006 -- from March the 7th, 2006,
17 until somebody knocked on your door you had no
18 concern that your vehicle was going to be
19 identified in this?

20 A. No.

21 Q. No?

22 A. (No verbal response).

23 Q. Now, when Detective Osborne came in to
24 talk to you, he wanted to nail down a time
25 line. Do you recall that?

1 A. Yes.

2 Q. He wanted to know when all this happened.
3 And do you recall giving him information that
4 you ultimately signed that said "on Tuesday,
5 3/7/06, around 8:00 a.m., Willie D came to my
6 house"?

7 A. Yes.

8 Q. And you said he came real early, before
9 you normally get up. 8:00 a.m. That's what
10 you recall. And Willie D, when he came in
11 talking to you, you and him had been friends
12 for awhile; correct?

13 A. Yes.

14 Q. And he felt comfortable confiding in you
15 what was on his mind. Did you feel that way
16 then?

17 A. Uh-huh, (affirmative nod).

18 Q. You did?

19 A. Yes.

20 Q. And he made it real clear that he was
21 worried -- you okay?

22 A. Yes.

23 Q. He made it real clear to you that he was
24 worried. Isn't that right?

25 A. Yes.

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1 Q. You'd been around him before -- before
2 that date. Is that true?

3 A. Yes.

4 Q. And is it also true that you'd probably
5 seen him worried before?

6 A. No.

7 Q. You'd never seen him worried anytime
8 before this?

9 A. No.

10 Q. So this was serious? And he was telling
11 you 'them boys are out to get me.'

12 A. Yes.

13 Q. Did he tell you about the boys that he
14 saw at Motel 6 with the hoodies on?

15 A. Yes.

16 Q. Did he tell you about the boys that had
17 taken shots at him?

18 A. No.

19 Q. But he told you those boys were out to
20 get him?

21 A. Yes.

22 Q. And you knew that he was moving around,
23 wasn't stay in the same place all the time.
24 Stayed in the Motel 6 one day -- did you know
25 about him staying at the Motel 6?

1 A. I don't know he was moving.

2 Q. You didn't know he was moving around?

3 A. No.

4 Q. Did you know he stayed at the Motel 6?

5 A. No.

6 Q. Didn't know that?

7 A. (Negative gesture).

8 Q. So when he shows up at 8:00 o'clock, he's
9 talking to you about he's scared and 'these
10 boys are out to get me.' Is that correct?

11 A. Yes.

12 Q. He talked about Shelley having sex with
13 somebody else that he had on the video. He
14 said that was Puta; right?

15 A. Yes.

16 Q. By any chance, do you know who Puta is?

17 A. I don't know his real name, but I know
18 him.

19 Q. You know who he is, but you don't know
20 his real name?

21 A. (Negative gesture).

22 Q. No ifs, ands or buts about it. Puta is
23 the guy messing around with Shelley.

24 A. Yes.

25 Q. And he told you about the guys that he

1 thought were out to get him; didn't he?

2 A. Yes.

3 Q. And you talked about that -- guys were
4 out to get him; Baby Dean, Sugar Bear, these
5 guys?

6 A. Um-humm.

7 THE COURT: Was that a "yes"?

8 THE WITNESS: "Yes."

9 CROSS EXAMINATION CONTINUED

10 BY MR. CARROLL:

11 Q. He didn't change any of those names
12 whenever he talked to you about it; did he?

13 A. No.

14 Q. Same guys?

15 A. Yes.

16 Q. That day that he was there at your house
17 talking to you, talking to Shelley on the
18 telephone, she was messing with him; wasn't
19 she?

20 A. Yes.

21 Q. And he let you know about Shelley being
22 out to get him; didn't he?

23 A. No, no.

24 Q. Didn't he tell you about her being tied
25 up with these guys were out to get him?

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- 1 A. No, he didn't say that.
- 2 Q. Shelley was aggravating him.
- 3 A. Yeah, she was aggravating him.
- 4 Q. Now, you testified that Will had a car;
- 5 right?
- 6 A. Yes.
- 7 Q. But he needed you to give him a ride.
- 8 Now, based on what you said earlier, you were
- 9 waiting for Devon Keeling to come over and
- 10 drive your car for you?
- 11 A. Yeah.
- 12 Q. It's your car?
- 13 A. Yeah.
- 14 Q. Not your father's?
- 15 A. Yeah.
- 16 Q. And you'all were asking Willie D to tell
- 17 you where to go?
- 18 A. Yes.
- 19 Q. He was guiding you'all around?
- 20 A. Yes.
- 21 Q. And you'all crossed over off the
- 22 peninsula, where at?
- 23 A. At James Island.
- 24 Q. How did you get to James Island?
- 25 A. Huh?

1 Q. How did you get there?

2 A. We drove.

3 Q. Okay. While you were driving -- did you
4 take the James Island Connector or did you
5 take the old bridge at the round Holiday Inn?

6 A. I believe so.

7 Q. You believe you took the James Island
8 Connector and the old bridge at the round
9 Holiday Inn?

10 A. Took the old Holiday Inn, I believe.

11 Q. You believe that's what happened?

12 A. Yes.

13 Q. You were in that car; right?

14 A. Yes.

15 Q. Willie D was guiding you -- you'd been to
16 James Island before, hadn't you?

17 A. Yes, sir.

18 Q. Devon Keeling's driving. You're headed
19 to James Island and he guides you off to this
20 place on Flint Street?

21 A. Yes.

22 Q. You'all got here and Devon gets out.
23 There's no question in your mind that Devon
24 Keeling got out and went to the door first?

25 A. Yeah.

1 Q. No question?

2 A. Yeah.

3 Q. Willie D gets out, goes in and you hear
4 some kind of noise.

5 A. Yes.

6 Q. It never crosses your mind that the
7 person on the inside of the house might have a
8 gun?

9 A. No.

10 Q. You just concluded -- you gave Will a gun
11 that caused his pants to sag, his pants was
12 not sagging, no gun.

13 A. (No verbal response).

14 Q. Heard a pop?

15 A. Yeah.

16 Q. Might be a gun. Might be a firecracker.
17 Might be nothing. Is that right?

18 A. Yeah.

19 Q. But you never even thought about that
20 somebody somewhere else may have a gun?

21 A. No.

22 Q. And you've known Armon Dickerson for a
23 long time; right?

24 A. Yes.

25 Q. About how long?

1 A. About the same time I've known them both.

2 Q. Since you were about eleven years old?

3 A. Yeah.

4 Q. You knew where Armon Dickerson lived; did
5 you not?

6 A. Yes.

7 Q. You'd been there before?

8 A. Yes.

9 Q. So when you heard where his body was
10 found you knew that was Armon's house?

11 A. Yes.

12 Q. Do you know Selena?

13 A. Who?

14 Q. Selene Rouse?

15 A. No, I don't know her.

16 Q. You don't know her. Never heard of her?

17 A. No, not until recently.

18 Q. Have you ever heard of Selena Rouse
19 Dickerson?

20 A. Now I do.

21 Q. Now you know her?

22 A. Yes. I know her as Bubba's girlfriend.
23 That's how I know her.

24 Q. Okay. So her identity to you was
25 "Bubba's girlfriend"?

1 A. Yes.

2 Q. When the police sat down or the
3 investigators from the Solicitor's Office sat
4 down with you, they told you that this was a
5 very serious case; did they not?

6 A. Yes.

7 Q. They wanted the truth out of you?

8 A. Yes.

9 Q. So you sat down with them. Any talk
10 about you being charged with a crime?

11 A. No.

12 Q. It never even came up?

13 A. No.

14 Q. No worries about you knowing about a
15 crime and not reporting it?

16 A. No.

17 Q. They just came in and said, 'Mr. Nelson,
18 we'd like to talk to you for a few minutes, if
19 you don't mind.'

20 A. They came to my door.

21 Q. Yeah. No discussion about you
22 participating in a kidnaping?

23 A. No.

24 Q. Never came up?

25 A. No.

1 Q. You didn't have any fears of being
2 charged with anything?

3 A. Yeah.

4 Q. Tell us, what were you afraid of being
5 charged with?

6 A. Kidnaping.

7 Q. Why is that?

8 A. Kidnaping.

9 Q. Why is that?

10 A. Why?

11 Q. (Affirmative nod).

12 A. Because I gave them a ride.

13 Q. Okay. Now, when they told you -- they
14 didn't mention charging you with any kind of
15 criminal offense, but they told you what they
16 were doing, the investigation they were
17 conducting and they asked you to be truthful
18 with them; did they not?

19 A. Yes.

20 Q. And you told them the story that we've
21 heard here
22 today, correct?

23 A. Yes.

24 Q. Except you didn't say anything about a
25 gun. Isn't that true?

1 A. Not at first.

2 Q. Not at first?

3 A. No.

4 Q. In fact, you didn't say anything about a
5 gun until Investigator Osborne asked would
6 your fingerprints be on a gun? Isn't that
7 true?

8 A. Yes.

9 Q. Until that light went off that 'my
10 fingerprints might be on a gun that's
11 connected to this case', 'well, let me tell
12 y'all the truth.' I think that's what you
13 said. Now I finally told them the truth.

14 A. No.

15 Q. It's not?

16 A. Yeah, he told me my fingerprints wasn't
17 on the gun.

18 Q. Was not?

19 A. Yes. So after he said that I said, yes,
20 that the gun was mine.

21 Q. You'all had a conversation about finger-
22 prints on guns?

23 A. Huh?

24 Q. You'all had a conversation about finger-
25 prints on the gun?

1 A. Yes.

2 Q. And he asked you, would your fingerprints
3 be on a gun that Willie D had?

4 A. Yeah.

5 Q. And then he just volunteered whether
6 there were or not, just so that you wouldn't
7 lose any sleep over it?

8 A. Yeah.

9 Q. And he wanted you to tell him, to write
10 it down, what time you got in the car and you
11 went to James Island. Do you remember that?

12 A. Yes.

13 Q. And you said it was "approximately 1:00
14 p.m. we all in my bluish-green GMC Suburban.
15 Dutch was driving. I was in the front
16 passenger seat. Willie D was in the back
17 driver's seat." Do you remember telling him
18 that?

19 A. Yeah.

20 Q. So it was 1:00 o'clock.

21 A. Approximately. It was afternoon.

22 Q. Afternoon. So the first time you met
23 with Detective Osborne the story you told him
24 wasn't exactly the truth; was it?

25 A. First time?

1 Q. The first time. The first time you met
2 with Investigator Osborne you told a story
3 that wasn't the truth.

4 A. (Affirmative nod). No.

5 Q. Do you remember meeting with him again on
6 March the 13th
7 of 2009 at 11:30 in the morning?

8 A. Yes. That's the next time I saw him.

9 Q. Pardon?

10 A. That's the next time I saw him.

11 Q. Correct. And do you remember making the
12 statement, "I finally just told the truth."

13 A. Yes.

14 Q. So that would cause somebody like me to
15 maybe believe you weren't being truthful
16 before.

17 A. No, it wasn't like that.

18 Q. It wasn't like that?

19 A. No.

20 Q. You were being truthful both times?

21 A. I was being truthful.

22 Q. So after knowing Gerard Roper for all
23 those years and never having been harmed by
24 him, nothing in you caused you to want to do
25 anything about resolving this; did it?

1 A. I did.

2 Q. You did?

3 A. That's why I came forward, because I
4 wanted to get it over. That's why I told them
5 everything.

6 Q. Maybe you and I have a different
7 understanding of "coming forward." You went
8 to them or they came to you?

9 A. They came to me.

10 Q. Okay. So until they knocked on your
11 door, it wasn't your problem.

12 A. No.

13 Q. You had from March the 9th or March the
14 11th of 2006 until February of 2009 and you
15 came forward and you told the truth?

16 A. Yes.

17 MR. CARROLL: One moment, Your
18 Honor.

19 THE COURT: Certainly. Take your
20 time.

21 MR. CARROLL: Nothing further from
22 this witness.

23 THE COURT: Redirect, Solicitor?

24 SOLICITOR WILSON: Beg the Court's
25 indulgence.

1 THE COURT: Certainly. Take your
2 time.

3 REDIRECT EXAMINATION

4 BY SOLICITOR WILSON:

5 Q. Just a little bit more. Are you all
6 right?

7 A. Yes.

8 Q. Mr. Carroll asked you about a guy named
9 Sugar Bear.

10 A. Yes.

11 Q. What's Sugar Bear's full name?

12 A. Antonio Jenkins.

13 Q. Antonio Jenkins?

14 A. (Affirmative nod).

15 Q. And the second time that Will came to
16 your house --he came the first time, he left,
17 you went in the house and then he came back
18 the second time, and he was there for several
19 hours; right?

20 A. Yeah.

21 Q. Who was he waiting on to come pick him
22 up?

23 A. Sugar Bear.

24 Q. So the person that Mr. Carroll was asking
25 you about as far as being, quote, "after

1 Willie D," that's who Willie D was waiting on
2 to come pick him up?

3 A. Yeah.

4 Q. So all this stuff about people being
5 after Willie D, did it make sense to you?

6 A. No.

7 Q. And when Willie D left your house that
8 first time and went to his motel, or wherever
9 he went, then he came back and told you about
10 the boys in the hoodies?

11 A. Yes.

12 Q. Did you believe him?

13 A. No.

14 Q. Why not?

15 A. Because he had that gun that I gave him.
16 If they were after him, they must have left
17 him.

18 Q. So you didn't think anything had really
19 happened?

20 A. No.

21 Q. Mr. Carroll also asked you about Shelley
22 aggravating Will that morning.

23 A. Yes.

24 Q. Was she?

25 A. Yes.

1 Q. Had she been, quote, "aggravating" him
2 for a few weeks?

3 A. Yes.

4 Q. What had she done?

5 A. Huh?

6 Q. What had she done?

7 A. I don't know.

8 Q. What did Will say she'd done?

9 A. Cheated on him.

10 Q. Would you say that you were closer to --
11 before all this happened - Will or Bubba?

12 A. Bubba.

13 Q. Is Bubba a good bit younger than you?

14 A. Yes.

15 Q. You didn't know Bubba's girlfriend or
16 wife's name?

17 A. No.

18 Q. How about Gerard? Who were you closer
19 to, Gerard or Will?

20 A. Will.

21 Q. How did you even know Gerard?

22 A. Through Will.

23 Q. One other thing, Antonio. What does it
24 mean where you live to be a snitch?

25 A. It ain't a good thing.

1 MR. BLOOM: Objection, Your Honor.

2 I think that's totally irrelevant.

3 THE COURT: I'll allow it. Thank
4 you.

5 SOLICITOR WILSON: Thank you.

6 THE COURT: Recross.

7 MR. CARROLL: Nothing further, Your
8 Honor.

9 THE COURT: Please assist Mr.
10 Nelson and have him step down. Thank you, Mr.
11 Nelson.

12 (WITNESS EXCUSED)

13 THE COURT: Solicitor, you may call
14 your next witness.

15 MR. DURANT: We call Devon Keeling.

16 (WITNESS TAKES STAND)

17 DEVON KEELING, being duly sworn to
18 tell the truth, the whole truth and nothing
19 but the truth, testified, as follows:

20 DIRECT EXAMINATION

21 BY BRUCE DURANT:

22 Q. Good afternoon, Mr. Keeling. If you
23 would, I'm going to ask you to slide up and
24 talk into that microphone so everybody on the
25 jury can hear what you have to say; okay?

1 A. (Affirmative nod).

2 Q. Would you tell the jury what's your
3 nickname?

4 A. Dutch.

5 Q. And where does the name "Dutch" come
6 from?

7 A. A dog that I had.

8 Q. Pardon?

9 A. A dog that I had.

10 Q. How old are you?

11 A. Twenty-five.

12 Q. And how far did you go in school?

13 A. Twelfth grade.

14 Q. Are you currently working?

15 A. I am.

16 Q. What kind of work do you do?

17 A. Chef.

18 Q. You're from where?

19 A. New York.

20 Q. How long have you lived in Charleston?

21 A. Since '94.

22 Q. Do you know a fellow named Antonio
23 Nelson?

24 A. I do.

25 Q. How do you know Antonio Nelson?

1 A. From his brother, and from around the
2 neighborhood.

3 Q. Pardon?

4 A. I know his brother also, and from the
5 neighborhood.

6 Q. You and Tony live in the same
7 neighborhood?

8 A. (Affirmative nod).

9 THE COURT: You need to answer
10 "yes," please for the lady (court reporter).

11 THE WITNESS: "Yes."

12 THE COURT: Let me just ask you if
13 you would just pull up -- you have to do what
14 you're doing now so if you'll get close to it.
15 Pull the mic down so you can speak into it
16 when you answer the questions. Thank you,
17 sir. Excuse me, Solicitor.

18 BRUCE DURANT: Thank you, Your
19 Honor.

20 DIRECT EXAMINATION CONTINUED

21 BY BRUCE DURANT:

22 Q. You're going to have to do that because
23 you're kind of soft spoken, Mr. Keeling, and
24 the jury needs to hear what you have to say.

25 A. All right.

1 Q. How long have you been friends with Tony?

2 A. Since about '94 or '95.

3 Q. Do you know this fellow over here with
4 the beard?

5 A. Yeah, I met him through Tony.

6 Q. How many times have you met him?

7 A. A couple of times.

8 Q. And what name do you know him by?

9 A. "Willie D".

10 Q. Is he a friend of yours?

11 A. More like a friend of Tony's.

12 Q. But you just know him through Tony? Are
13 he and Tony pretty good friends?

14 A. (Affirmative nod).

15 Q. You have to say "yes" or "no" so ---

16 A. Yeah.

17 Q. Where have you met him?

18 A. Tony's house.

19 Q. Do you know his brother, Bubba?

20 A. Yeah, I know him.

21 Q. How did you know Bubba?

22 A. We used to work together.

23 Q. You knew Bubba from work?

24 A. And from school, I believe.

25 Q. Do you know Bubba's real name?

1 A. Armon.

2 Q. And where did you and Bubba used to work
3 together?

4 A. Bistro Five.

5 Q. Where is Bistro Five?

6 A. Over on James Island.

7 Q. It's no longer in business?

8 A. That's right.

9 Q. Had you ever been to Bubba's apartment
10 before?

11 A. After work a couple of times.

12 Q. Do you remember where he lived?

13 A. Off of Fleming Road.

14 Q. Is it an apartment complex?

15 A. Yes.

16 Q. Had you ever met the victim in this case,
17 Gerard Roper?

18 A. No.

19 Q. Mr. Keeling, I want to direct your
20 attention back to March 7, 2006. Do you
21 remember hearing from your friend Tony that
22 day?

23 A. Yes.

24 Q. What did Tony want?

25 A. He asked me to do him a favor.

1 Q. What was the favor?

2 A. To give his friend a ride.

3 Q. Who was the friend? Did you know? Did
4 he tell you on the phone?

5 A. Not on the phone, when I got around
6 there.

7 Q. Did you see him when you got around
8 there?

9 A. Only when he come out on the porch.

10 Q. And where did he want you to drive him
11 to?

12 A. His brother's house.

13 Q. Did you agree?

14 A. Yes.

15 Q. Do you recall what time of day this was?

16 A. Early afternoon.

17 Q. Do you recall what Mr. Dickerson's --
18 what Willie D's state of mind was at the time?

19 A. He was standing up on the porch when I
20 arrived, was outside.

21 Q. Was he doing anything?

22 A. He was just standing there and was sort
23 of like pacing.

24 Q. Did he have a pet with him?

25 A. He had a little puppy, yeah.

1 Q. Whose car were you'all using to go to
2 James Island?

3 A. Tony's truck.

4 Q. What kind of truck did Tony have?

5 A. A Suburban.

6 Q. What color?

7 A. Green.

8 Q. I show you what's previously been marked
9 as State's Exhibits 1 and 2. Do you recognize
10 that vehicle?

11 A. That's it.

12 Q. That's Tony's vehicle. Is that correct?

13 A. Yes.

14 Q. Who drove?

15 A. I did.

16 Q. Who was in the front seat with you?

17 A. Tony.

18 Q. Remember, you've got to speak up.

19 A. Tony.

20 Q. And where was Willie D?

21 A. Sitting behind me.

22 Q. And where was the dog?

23 A. Backseat with him, I guess.

24 Q. What did you'all do after you left
25 downtown?

1 A. What 'cha mean?

2 Q. What did you do on the way over to

3 Bubba's house?

4 A. Got high.

5 Q. Who got high?

6 A. Tony and I.

7 Q. What were you'all smoking?

8 A. Weed and cocaine.

9 Q. That's called a boonk?

10 A. Uh-huh.

11 Q. Was Mr. Dickerson smoking with you?

12 A. No.

13 Q. What was Mr. Dickerson doing?

14 A. He was on the telephone.

15 Q. Do you know who he was on the telephone
16 with?

17 A. No, I don't.

18 Q. Where did you'all go?

19 A. We was supposed to go to his brother's
20 house, but he said he had to make another
21 stop.

22 Q. And where did he want to stop at?

23 A. Pick up some money from somebody.

24 Q. And where did you'all go to do this?

25 A. I don't know where it was exactly. It

1 was on James Island.

2 Q. How did you know how to get there?

3 A. He gave us directions.

4 Q. Who did?

5 A. Willie D.

6 Q. Where did you'all go? Can you describe
7 this place you went to?

8 A. It was over on James Island like on a
9 dirt road or something. It looked like a
10 country area almost.

11 Q. What happened when you'all got to this
12 area? What did you'all do?

13 A. Got out and knocked on the door.

14 Q. Where did you park?

15 A. On the side of the house.

16 Q. Why did he ask you to knock on the door?

17 A. I don't know.

18 Q. Did you ask him why he wanted you to go
19 to the door?

20 A. No, I was just ready to go so I went and
21 knocked on the door.

22 Q. Who were you supposed to be asking for?

23 A. Some guy named Rod.

24 Q. Had you met 'Rard?

25 A. No, I hadn't.

1 Q. So tell me about that. What happened?

2 A. I knocked on the door and they said he
3 wasn't there. Then I went back to the car and
4 said they said he wasn't there.

5 Q. And what did Willie D do when you told
6 him he wasn't there?

7 A. He said he was going to check for
8 himself.

9 Q. What did he do?

10 A. Got out of the car and went and checked
11 for himself.

12 Q. Picture number four, please. Do you
13 recognize that house?

14 A. Do you have a view of the house?

15 Q. How about the picture, Exhibit 5? Do you
16 remember that house?

17 A. (No verbal response).

18 COURT REPORTER: Was that a "yes"
19 or a "no?"

20 THE WITNESS: "No."

21 DIRECT EXAMINATION CONTINUED

22 BY BRUCE DURANT:

23 Q. How about State's Exhibit 6?

24 A. Yes.

25 Q. What is State's Exhibit 6?

1 A. It looking at the back door, I believe.

2 Q. And let me show you State's Exhibit 9.

3 Is that the door that you knocked?

4 A. (Affirmative nod).

5 COURT REPORTER: Was that a "yes"?

6 THE COURT: Was that a "yes"?

7 THE WITNESS: Yes, sir.

8 DIRECT EXAMINATION CONTINUED

9 BY BRUCE DURANT:

10 Q. Back up a little bit. What happened
11 after you told Willie D -- said the guy wasn't
12 there?

13 A. He got out to go check for himself.

14 Q. And what happened when he got out of the
15 car?

16 A. I started to, began to turn the car
17 around.

18 Q. And what happened when that was done?

19 A. I heard like a pop like a gunshot, I
20 guess. I asked Tony, 'What's going on?' You
21 know, like, 'You heard that? What's
22 happening?'

23 Q. And when you heard that did you know what
24 it was?

25 A. I mean -- yeah.

1 Q. You'all knew it was a gun?

2 A. Yeah.

3 Q. And then what happened after you heard
4 the gunshot?

5 A. I turned the car around.

6 Q. And?

7 A. Then they came out of the house.

8 Q. Who is "they?"

9 A. Willie and Rod.

10 Q. Okay. Is that the first time you'd ever
11 seen Rod?

12 A. Yes.

13 Q. Tell me how they came out of the house.

14 A. Willie was behind Rod, they came up to
15 the rear of the vehicle.

16 Q. How did they get in the car?

17 A. Rod got in and Willie got in.

18 Q. And was there anything unusual about how
19 Rard looked?

20 A. Yeah. Tony said, "What's up?" He said
21 he got hit in
22 the head with a pistol.

23 Q. Were there any indications that he'd been
24 hit in the head?

25 A. Yeah, he was like bleeding -- right here

1 (indicating forehead area).

2 Q. What were you thinking at the time?

3 A. What in the hell was going on.

4 Q. Were you angry?

5 A. Angry, scared. Angry because I had to go
6 to work and scared because I didn't know what
7 the hell was going on.

8 Q. What happened after they get in the car?
9 Who got in the car first?

10 A. Rod.

11 Q. Where was he sitting in the car?

12 A. In the middle.

13 Q. And Willie D got in behind him?

14 A. Yeah.

15 Q. Did you see the gun at that time?

16 A. No, I didn't.

17 Q. Did he have a gun?

18 A. I guess, if he said he hit him with the
19 butt of it.

20 Q. Where did you'all go?

21 A. To his brother's house, Bubba's house.

22 Q. That's over on Fleming?

23 A. Yes.

24 Q. Is that pretty close to where you'all
25 were?

1 A. (Affirmative nod), it was about a mile.

2 Q. What happened when you'all got to Bubba's
3 house?

4 A. I pulled up and blew the horn and he came
5 outside and then they the got out of the car.

6 Q. Who's they?

7 A. Rod and Willie.

8 Q. How did Rod and Willie get out of the
9 car?

10 A. Rod got out and Willie got out behind.
11 And he had him by the arm and Rod said, "Let
12 me go, I can walk by myself."

13 Q. Where did they go?

14 A. Inside the house.

15 Q. Where was Bubba?

16 A. Outside. He came outside. We asked what
17 was going on and he was, like, 'I don't know.'

18 Q. He didn't appear to be expecting them?

19 A. I don't know.

20 MR. CARROLL: Objection, Your Honor.
21 Calls for speculation.

22 THE COURT: I sustain the objection
23 under 602.

24 DIRECT EXAMINATION CONTINUED

25 BY BRUCE DURANT:

1 Q. Did you'all talk to Bubba?

2 A. Briefly.

3 Q. What did you tell him?

4 A. He just asked me if I know what's
5 happening, and I told him I don't know, 'you
6 gotta ask your brother there.' Then I told
7 him to get the puppy and we left.

8 Q. So Bubba got the puppy?

9 A. Yes.

10 Q. Where did you and Tony go?

11 A. He went home and I went to work.

12 Q. Were you angry with Tony?

13 A. Yeah.

14 Q. Why?

15 A. Because it seemed like I had got put in a
16 messed-up situation, and I was late for work
17 on top of that. I thought I was giving
18 someone a ride and then -- then all that.

19 Q. When did you find out Gerard Roper was
20 dead?

21 A. When it came on the news.

22 Q. Can you tell these people why you never
23 told anybody anything?

24 A. Basically because I was scared and I
25 thought I could get accused of something I

1 didn't do knowingly.

2 Q. Do you remember being questioned by
3 Investigators Osborne and Casey in my office
4 in February of this year?

5 A. Yes, sir.

6 Q. That is when you told what happened?

7 A. Yes.

8 BRUCE DURANT: The Court's
9 indulgence for just a moment?

10 THE COURT: Yes, sir. Take your
11 time.

12 DIRECT EXAMINATION CONTINUED

13 BY BRUCE DURANT:

14 Q. Do you know Shelley?

15 A. Who?

16 Q. Shelley.

17 A. No.

18 Q. Or somebody named Tomiesha Nelson? Do
19 you know anybody by that name?

20 A. No.

21 Q. Thank you. Would you please answer any
22 questions that defense counsel has for you?

23 THE COURT: Cross examine, Mr.
24 Carroll?

25 MR. CARROLL: Thank you, Your Honor.

1 May it please the Court?

2 THE COURT: Yes, sir.

3 CROSS EXAMINATION

4 BY MR. CARROLL:

5 Q. When you met with the investigators from
6 the Solicitor's Office they explained to you
7 that you could have been charged with a crime
8 in the situation; didn't they?

9 A. Yes.

10 Q. They did? They told you you could have
11 been charged with the offense of kidnaping;
12 correct?

13 A. Yes.

14 Q. Misprison of a felony, correct?

15 A. Yes.

16 Q. But you have not been charged with
17 anything; have you?

18 A. No.

19 Q. You've known Armon Dickerson quite
20 awhile; haven't you?

21 A. Yes.

22 Q. When you heard the tragic report of
23 Gerard Roper's killing, you knew that was
24 Armon's house.

25 A. I knew that's where I dropped them off

1 at.

2 Q. Did you hear the report about where they
3 found the body?

4 A. Yes.

5 Q. You knew that was right next door, at 311
6 Fleming Road; correct?

7 A. I don't know the address, but I know it's
8 on Fleming Road.

9 Q. And you'd been there before with Armon?

10 A. Yes, I have.

11 Q. Hung out there before?

12 A. Uh-huh.

13 COURT REPORTER: Is that a "yes"?

14 THE WITNESS: Yes, ma'am.

15 CROSS EXAMINATION CONTINUED

16 BY MR. CARROLL:

17 Q. When you got to Tony Nelson's house, did
18 you'all smoke any cocaine and marijuana there
19 at the house before you left?

20 A. No.

21 Q. Just while you were driving?

22 A. Yes.

23 Q. You saw William Dickerson there, sitting
24 on the porch.

25 A. Uh-huh, (affirmative nod).

1 Q. He seemed like he was upset about
2 something.

3 A. Possibly.

4 Q. Not anything between him and Tony -- you
5 didn't think that, did you?

6 A. No.

7 Q. Just something outside of anything you
8 knew about?

9 A. Yes.

10 Q. Did you know anything about believing
11 people were chasing him?

12 A. No.

13 Q. Then you'all started heading over to
14 James Island. You were basically getting the
15 driving directions from Mr. Dickerson. Is
16 that right?

17 A. First I was supposed to be taking him to
18 his brother's house. When we got on the
19 island he asked to go somewhere else and
20 that's when I got the directions.

21 Q. Where along the way were you when that
22 happened?

23 A. I'm not too sure.

24 Q. Not too sure?

25 A. No, it was a long time ago.

1 Q. It sure was. When you'all came over to
2 James Island did you'all come over the James
3 Island Connector?

4 A. I really don't remember.

5 Q. Don't know quite how you got there, but
6 you were driving and nobody was giving you
7 directions; right?

8 A. Yes.

9 Q. Ultimately you ended up, as you said, at
10 this house on Flint Street.

11 A. I don't remember the name of the street.

12 Q. You don't even remember the name of the
13 street?

14 A. (Negative gesture).

15 Q. You remember it was close by Fleming
16 Road, though?

17 A. Uh-huh, (affirmative nod).

18 Q. It really is close by Fleming Road.

19 A. (Affirmative nod).

20 THE COURT: Sir, you can answer
21 with words.

22 THE WITNESS: "Yes."

23 CROSS EXAMINATION CONTINUED

24 BY MR. CARROLL:

25 Q. It's a block or two away; right?

1 A. I wouldn't say a block or two. It didn't
2 seemed like a block or two.

3 Q. But we are talking about Flint Street on
4 James Island?

5 A. I guess, if that's what you say the name
6 of the street is.

7 Q. And Fleming Road on James Island?

8 A. Uh-huh.

9 COURT REPORTER: Is that a "yes"?

10 THE WITNESS: Yeah.

11 CROSS EXAMINATION CONTINUED

12 BY MR. CARROLL:

13 Q. You pulled up to the end of that street
14 and went down that bumpy dirt road and got up
15 to that house, there is no
16 question in the world you got out of the
17 vehicle and went
18 up to the door?

19 A. No.

20 Q. You knocked on the door?

21 A. Uh-huh, (affirmative nod).

22 Q. Somebody opened it?

23 A. Yes.

24 Q. What did that fellow look like?

25 A. He was kind of skinny and he had a bald

1 head.

2 Q. White? Black?

3 A. Black guy.

4 Q. And you asked him if Gerard was there?

5 A. Correct.

6 Q. He said 'no'?

7 A. Correct.

8 Q. You turned around and went back and got
9 in your vehicle?

10 A. Correct.

11 Q. He didn't ask you who you were?

12 A. No.

13 Q. Didn't care?

14 A. I guess not.

15 Q. Didn't seem concerned about that, of who
16 you were, knocking on the door in the middle
17 of the day?

18 A. I guess not. He didn't ask who I was.

19 Q. And you never saw a gun?

20 A. No.

21 Q. Never saw one?

22 A. I didn't see it.

23 Q. You heard on the news that William
24 Dickerson had been arrested on March the 11th.
25 Is that right?

1 A. I don't know the exact date.

2 Q. Whenever it ran the report, you remember
3 hearing that William Dickerson was arrested.

4 A. Yes.

5 Q. On March the 12th, you didn't call anybody
6 to tell them that you witnessed the two of
7 them together?

8 A. No, I didn't.

9 Q. In fact, at no point, ever, have you
10 taken one step towards a law enforcement
11 officer to tell them what you knew about this;
12 did you?

13 A. No.

14 Q. And William Dickerson is not somebody
15 that you would consider one of your friends;
16 is he?

17 A. I mean, I've met him a couple of times.
18 But that's about as far as it goes. Only when
19 he comes around Tony's house -- I wouldn't
20 call that a friend.

21 Q. Probably not.

22 A. More of an acquaintance.

23 Q. And Armon Dickerson, he's more along the
24 friend line; correct?

25 A. Uh-huh, (affirmative nod).

1 Q. No question about that.

2 A. Uh-huh.

3 THE COURT: Is that a "yes?"

4 THE WITNESS: Yes.

5 THE COURT: It's not a problem
6 except that the lady (court reporter) seated
7 next to you has to take down everything and it
8 keeps us from making a mistake.

9 THE WITNESS: Excuse me.

10 THE COURT: That's not a problem.

11 Excuse me, Mr. Carroll.

12 MR. CARROLL: Yes, sir.

13 CROSS EXAMINATION CONTINUED

14 BY MR. CARROLL:

15 Q. You knew Selena Rouse also; correct?

16 A. Armon's girlfriend, yes.

17 Q. When you'all were riding over to James
18 Island do you recall telling Investigator
19 Osborne that you all were smoking a boonk?

20 A. No, I said Tony.

21 Q. I show you the statement and ask you if
22 you recognize it.

23 MR. CARROLL: I'll get it marked as a
24 Defendant's Exhibit first.

25 COURT REPORTER: Defendant's

1 Exhibit 3 for identification.

2 CROSS EXAMINATION CONTINUED

3 BY MR. CARROLL:

4 Q. I'm interested in having you review --
5 first of all, do you recognize that?

6 A. Yes.

7 Q. What do you recognize it to be?

8 A. A statement.

9 Q. The statement you gave you to
10 Investigator Osborne with the Solicitor's
11 Office?

12 A. Yes, sir.

13 Q. I note that there's a signature at the
14 bottom of the page.

15 A. Uh-huh, (affirmative nod).

16 Q. Whose signature is that?

17 A. Mine.

18 Q. I note that it is attributed as a
19 statement that you gave to him. Is that
20 correct?

21 A. Correct.

22 Q. I'd like for you to read the first
23 sentence of the second paragraph.

24 THE COURT: Do you want him to read
25 it to himself?

1 MR. CARROLL: Yes, sir.

2 CROSS EXAMINATION CONTINUED

3 BY MR. CARROLL:

4 Q. Read it to yourself.

5 A. (Upon review), I've read it.

6 Q. What does it say?

7 A. "We was all smoking boonk."

8 Q. When you were sitting there with

9 Investigator Osborne and maybe Investigator

10 Casey and maybe Detective Burckhardt, I don't

11 know, but at least Investigator Osborne, you

12 were fearful about the trouble you could be

13 in; were you not? Is that fair?

14 A. A little bit.

15 Q. A little bit? I mean, kidnaping ain't

16 that big a deal?

17 A. No, I ain't saying that. It is a big

18 deal.

19 Q. Oh, yeah. You were a little bit afraid.

20 And you were trying to get it just right with

21 them, were you not?

22 A. I was trying to tell them what happened.

23 Q. Exactly what happened?

24 A. Yeah.

25 Q. Did you and Tony Nelson have any

1 conversation about your different experiences
2 with those investigators?

3 A. Not really.

4 Q. Not really? You'all have never had a
5 conversation about talking with Investigator
6 Osborne?

7 A. I asked him 'what did they ask you.' But
8 it ain't never been like, 'oh, you need to say
9 that.' It wasn't nothing like that.

10 Q. But it was "what did you say and what did
11 you say?"

12 A. As a matter of fact, I read his statement
13 and he read mine.

14 Q. And that was it? You'all just gave each
15 other your statements back and walked on your
16 happy way?

17 A. Pretty much.

18 Q. When you told him you were all sitting
19 there smoking blunts made from cocaine;
20 correct?

21 A. Actually me and Tony was smoking. I
22 never said he was smoking with us.

23 Q. "Me and Tony" looks like that means "me
24 and Tony." It would be easy to pick out,
25 wouldn't you think? When what he wrote down

1 there is "we all."

2 A. Okay. Yes, sir.

3 Q. And that's what you told him?

4 A. I said me and Tony was smoking. Tony and
5 I were smoking.

6 Q. But in your statement it says "we were
7 all."

8 THE COURT: You've covered that,
9 please, Mr. Carroll. Let's move on.

10 CROSS EXAMINATION CONTINUED

11 BY MR. CARROLL:

12 Q. Was there any discussion when you met
13 with Investigator Osborne of you being wanted
14 for a bench warrant?

15 A. I had a bench warrant. Correct.

16 Q. Was that served that day?

17 A. (No verbal response).

18 Q. Did they serve it on you and take you
19 into custody that day?

20 A. Yes, they detained me.

21 Q. They took you to the Detention Center?

22 A. No, they detained me until I obtained a
23 lawyer.

24 Q. Are you waiting on a court date?

25 A. Yes. I'm waiting for something in the

1 mail about my court date.

2 Q. What is the charge you are charged with?

3 A. Criminal domestic violence of a high and
4 aggravated nature.

5 Q. Did you'all have any discussions about
6 that charge that day?

7 A. No, we didn't.

8 MR. CARROLL: No further questions.

9 THE COURT: Redirect?

10 REDIRECT EXAMINATION

11 BY BRUCE DURANT:

12 Q. You have the statement up there. Tell
13 the jury what you told the investigator.

14 A. Do what?

15 Q. You have your statement up there. Read
16 it. Tell them what you told the investigator.

17 THE COURT: You want him to publish
18 it? You want him to read it?

19 BRUCE DURANT: He's indicated that
20 he's changed his story.

21 THE COURT: I appreciate that. But
22 before we do that do you want to introduce the
23 statement?

24 BRUCE DURANT: I can introduce the
25 statement.

1 THE COURT: If you want him to read
2 it, you're going to have to do that,
3 Solicitor. That's all. You can ask him
4 questions about it. But if you want him to
5 read it, you've got to have it introduced.

6 BRUCE DURANT: In that case, Your
7 Honor, I would introduce it.

8 THE COURT: All right. Any
9 objection?

10 MR. CARROLL: Your Honor, our
11 position would be that he can do as you
12 indicated -- read the statement into the
13 record.

14 THE COURT: I appreciate that. If
15 he wants to introduce -- you've identified the
16 statement and you've asked him questions and
17 challenged some of it. So the entire
18 statement becomes very germane.

19 MR. CARROLL: Thank you, Your Honor.

20 BRUCE DURANT: Do you want me to
21 admit the statement, or do you want him to
22 read it?

23 THE COURT: The statement's
24 admitted. It will have to be changed.

25 BRUCE DURANT: I'll have to move

1 to have this marked as a State's exhibit.

2 THE COURT: It's identified as a defense
3 exhibit, three, for ID only. But it will be
4 admitted as State's Exhibit
5 305.

6 COURT REPORTER: 305.

7 (SO ENTERED AS STATE'S EXHIBIT 305)

8 REDIRECT EXAMINATION CONTINUED

9 BY BRUCE DURANT:

10 Q. If you would, just tell the jury what you
11 said.

12 A. (Reading): "On the date this was all
13 happening, March 7th, 2006, I was called by
14 Tony to come and do him a favor. Tony asked
15 me to help him drive Willie D over to his
16 brother's, Bubba's, house on James Island. I
17 walked on down to Tony's house. Tony and
18 Willie D were on the porch. It appeared that
19 Willie D had something on his mind because he
20 was pacing and seemed upset. Willie D also
21 had a puppy with him. I told him we had to
22 hurry because I didn't want to be late for
23 work. I knew this was after noon, probably
24 between noon and 3:00. I'm not sure. We all
25 got into Tony's green Suburban. I helped Tony

1 get in the front passenger side from his
2 wheelchair and I think I put his chair behind
3 him in the back seat. Willie D got in the
4 back driver's side and I drove. On the way to
5 Bubba's house we were all smoking Blunts laced
6 with cocaine. Willie D was on the phone some
7 of the time while we were driving."

8 MR. CARROLL: Your Honor, could we
9 take up a matter of law?

10 THE COURT: Ladies and gentlemen,
11 we'll let you go out, please. Do not begin
12 your deliberations.
13 Don't discuss the case. We'll be with you
14 momentarily.

15 (JURY OUT @ 5:48 P.M.)

16 MR. BLOOM: Your Honor, if we may -
17 - I hate to interrupt the witness.

18 THE COURT: That's all right.
19 Don't apologize.

20 MR. BLOOM: But under Rule 106, the
21 opposing party is allowed to introduce those
22 portions which clarify relevant material. I'm
23 just reading from the annotation.

24 THE COURT: Let me just say -- 106,
25 I'm very familiar with 106. How about reading

1 801(d)(1), because that's where we're coming
2 from. 801(d)(1) talks about a prior
3 consistent statement. And you've challenged
4 him, indicating he fabricated something.
5 Therefore, no question it's a statement this
6 witness made. He's there. You can cross-
7 examine him. You challenged it as to whether
8 or not he made it up, fabricated it for some
9 reason. It goes to support those stories. So
10 I appreciate it.

11 MR. BLOOM: The portion which he
12 has challenged on was the limited portion as
13 to ---

14 THE COURT: And that's real nice
15 except when you run the risk of putting it in
16 the statement that he made it up for the
17 purposes of protecting himself. It goes to
18 support his version that he gave when he first
19 testified. So that's the reason I believe it
20 comes in. That's the rationale for it.

21 MR. BLOOM: Thank you.

22 THE COURT: But I'm familiar with
23 106. There's no question about it. You're
24 absolutely correct in what it says, only that
25 part that's necessary for clarity -- and I'm

1 paraphrasing but that's what I understand that
2 to be.

3 MR. BLOOM: If Your Honor will note
4 our exception.

5 THE COURT: You don't have to
6 except it. Your objection is protected.
7 Thank you, sir. Anything else? You're
8 welcome to argue -- I didn't mean to cut you
9 off ---

10 BRUCE DURANT: No, sir, Your Honor.
11 You took the argument right out of my mouth.

12 THE COURT: I may not be on the
13 right page, but that's my rationale for it.
14 Let's bring them in, please.

15 BRUCE DURANT: Your Honor, could we
16 approach just before we do that?

17 THE COURT: Yes. Hold on just a
18 second.

19 BENCH CONFERENCE:

20 BRUCE DURANT: The next
21 witness is going to be rather lengthy. I
22 didn't know what time you might want to stop
23 for ---

24 THE COURT: Yeah, I'm already
25 on that page. We're going to stop after this

1 one. Thank you.

2 (BENCH CONFERENCE CONCLUDED)

3 (JURY IN @ 5:51 P.M.0

4 THE COURT: Thank you, ladies and
5 gentlemen. That's the way that process works.
6 Thank you for permitting that. You may
7 continue.

8 BRUCE DURANT: Thank you, Your Honor.

9 REDIRECT EXAMINATION CONTINUED

10 BY BRUCE DURANT:

11 Q. If you remember where you were, Mr.
12 Keeling, please
13 continue with your statement.

14 COURT REPORTER: "Willie D was on
15 the phone some of the time while we were
16 driving."

17 THE WITNESS: (Reading): Willie D
18 said 'take me to this house so I can pick up
19 some money, this dude owes me some money.' He
20 directed me where to go. I know it was a
21 bumpy road, kind of looked like country, and
22 this house was in the back. We weren't too
23 far from Fleming Road. We drove up to the
24 house and I parked with my side closest to the
25 house. Willie D had been trying to call this

1 guy about the money but never got an answer.
2 He asked me to go to the door and knock to see
3 if they would answer the door for me. I went
4 to the back door, which was under a porch-like
5 thing. I knocked and this dude come to the
6 door, I never saw this guy before. I asked if
7 Rod was there and he said 'no.' So I come
8 back to the car and told Willie D that he
9 wasn't in there. Willie D said, 'I know he's
10 in here.' I guess Willie D had talked to Rod
11 earlier and knew he was in there. Willie D
12 got out of the car and walked up to the back
13 door. As he did that, I started turning the
14 car around. While I was getting the car
15 turned around I heard a gunshot. Tony and I
16 just looked at each other and said, 'What was
17 that?' I knew that it was a gunshot. I got
18 the car turned around and ended up closer to
19 the front of the house, still on the side.
20 Willie D and Rod approach the vehicle from
21 behind, Rod was first and then Willie D. They
22 got into the back seat behind me. Tony turned
23 around and said, 'What's up?' Rod said, 'He
24 hit me with the pistol.' I turned around and
25 saw the blood trickling down Rod's forehead.

1 Willie D said, "Shut up." I was getting
2 pissed off and I knew that he had a gun. I
3 was pissed and scared. He said, "drive the
4 fucking car." I remember driving down Folly
5 Road and we saw some firemen. He told us to
6 not said a word and shut up. We went down
7 Folly road to Maybank and then to Fleming and
8 then to Bubba's house, which is really a
9 townhouse. We parked right behind Bubba's
10 back door. I think I blew the horn and Bubba
11 came out. Willie D and rod got out of the
12 car. Willie D was holding Rod by the arm and
13 Rod said, "Let me go, I can walk." There was
14 still blood coming from his forehead. Willie
15 D and Rod go into Bubba's house. Bubba stayed
16 out and said, "What's going on, what's
17 happening?" I said, "I don't know what's
18 going on, he's your brother, you deal with
19 it." I told Bubba to come get the dog 'cause
20 I gotta go, I'm late for work. Bubba gets the
21 dog and goes in the house. Tony and I drove
22 off, went back to Tony's house. I told Tony
23 that "I'm through doing favors for your
24 friends. I'm cool with you but I'm not
25 fucking around with your friends anymore." I

1 got Tony out of the car and back into his
2 wheelchair and then I left to go to work. It
3 was a couple of days later, I guess, that I
4 heard on the news that Rod had been killed. I
5 put two and two together and thought that
6 Willie D may have been involved. Then I heard
7 stuff from the street that Willie D was
8 involved. I later read in the newspaper about
9 Willie D being the suspect. I was thinking
10 that Bubba and I just worked together at
11 Bistro Five on James Island less than a year
12 before this incident. I would give him rides
13 home from work, we would hang out a little. I
14 really never went over to his house on days
15 off, just after work about a dozen times.
16 That's how I knew where he lived at. "

17 BRUCE DURANT: Okay.

18 THE WITNESS: Can I say something
19 now?

20 BRUCE DURANT: No, not unless somebody
21 asks you a question. Court's indulgence.

22 THE COURT: Certainly.

23 REDIRECT EXAMINATION CONTINUED

24 BY BRUCE DURANT:

25 Q. Is there anything that you want to add to

1 your statement or your testimony?

2 THE COURT: Hold on a second. No,
3 sir. I'm not going to allow that. I'm not
4 going to permit that question -- I am not
5 going to permit him to just make a statement.

6 BRUCE DURANT: Okay. That's
7 fine. Could you please answer questions that
8 Mr. Carroll may have?

9 THE COURT: Recross?

10 MR. CARROLL: Nothing further for
11 this witness, Your Honor.

12 THE COURT: Thank you so much. You
13 may step down, sir.

14 (WITNESS STEPS DOWN)

15 THE COURT: All right, ladies and
16 gentlemen. It's 5:58, and the next witness I
17 don't think we can finish in two minutes, so
18 there's no need to start. So thank you for a
19 good first day. I hope you have a good
20 evening. Please remember that you're not at
21 liberty to discuss this case among yourselves.
22 You're not at liberty to talk with anyone
23 outside or permit anyone to talk with you. No
24 television programs about it, no reviews or
25 articles. Please in every respect honor the

1 oath that you took. Have a great evening, and
2 please be in your jury room by 9:30 in the
3 morning. Thank you so much. Please hand your
4 notes to the bailiffs and they will get it
5 back to you in the morning. Thank you.

6 (JURY OUT @ 6:00 P.M.)

7 THE COURT: Anything from the State
8 before we recess?

9 BRUCE DURANT: I don't believe so,
10 Your Honor.

11 THE COURT: Anything from the
12 defendant before we recess?

13 MR. BLOOM: There are portions of
14 the statement that came in, I think, that need
15 to be redacted. There is hearsay and
16 speculation in it, and we want that part
17 blacked out -- and I can get it to the
18 solicitor tomorrow -- before it goes to the
19 jury.

20 THE COURT: That's fine. The part
21 that he read, that stays. Once you stopped
22 him, I would think that really, in fairness,
23 the balance of that statement should be
24 redacted.

25 BRUCE DURANT: That's fine. I

1 don't even remember what the rest of it says,
2 to tell you the truth.

3 THE COURT: The part where he
4 stopped, he read that portion -- that part
5 seemed to be pretty much consistent with my
6 ruling that it was germane to what was
7 happening with confirming his prior testimony.
8 And I read 106 and I think it really talks
9 about doing that.

10 SOLICITOR WILSON: I need to see
11 what's in the rest of it but I'm concerned
12 that because we stopped that the jury will
13 think that was all he said.

14 THE COURT: That doesn't matter.
15 We can tell the jury, and I'll be happy to do
16 that. I've done it before in a death penalty
17 case, oddly enough, and we redacted it. And
18 that's just ruling that I've made, and
19 they don't know what we talked about outside.
20 So, thank you. I'm not worried about the jury
21 worrying about it.

22 SOLICITOR WILSON: Well, I'm worried
23 about an exhibit being introduced and then
24 being altered after it's introduced.

25 THE COURT: It's not being altered.

1 If the jury had seen it, Solicitor, I would
2 agree with you one hundred and ten percent.
3 The jury only heard him read that portion. We
4 had -- we excused the jury before he continued
5 reading it. They don't know what we did, and
6 they haven't seen it. So I don't think
7 there's a problem. The State's not
8 prejudiced. But thank you. I'm not concerned
9 about. If you want me to address it, I'll be
10 happy to do it when it's ultimately submitted
11 to them. I'll be delighted to tell them that
12 the statement was redacted as a matter of law.
13 But you'all talk about what portions you want.

14 COURT REPORTER: Judge, we have
15 another note. Do you want me to mark the note
16 about the smoke break?

17 THE COURT: No.

18 COURT REPORTER: Thank you.

19 THE COURT: We have a juror that
20 needs -- can we give them a form that says
21 that they were in attendance today. They're
22 going to need an attendance form.

23 CLERK: We can do that.

24 THE COURT: Tell them we'll get it
25 for them. It's Juror Number 256.

1 You'all don't need to beat
2 yourselves up about that. If it's something I
3 need to rule on, I'll be happy to do that.
4 But you'all resolve it.

5 BRUCE DURANT: The part he was
6 objecting to has already been read into the
7 record.

8 THE COURT: I'm not agreeing with
9 you.

10 BRUCE DURANT: So he just needs to
11 read the question and answer saying that.

12 THE COURT: Thank you. Let me say
13 this. I don't want to interrupt your normal
14 protocol. I don't require you to stand when
15 the jury comes in. I think it's nice to do,
16 I've already explained it. But if you'all
17 want to do it when they first come in and then
18 during the rest of the day -- that's up to
19 you, I'll leave it to you but you don't have
20 to do that for me.

21 BRUCE DURANT: Very good. Thank you,
22 Your Honor.

23 THE COURT: Maybe when they start
24 and then the afternoon session.

25 BRUCE DURANT: Okay.

1 THE COURT: And I'll be happy to
2 tell them why.

3 BRUCE DURANT: Thank you, Your Honor.

4 THE COURT: Save your energy.

5 (COURT IN RECESS)

6 (TRANSCRIPT CONTINUED NEXT PAGE)

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1 APRIL 24, 2009

9:30 A.M.

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(DEFENDANT NOT PRESENT)

4

THE COURT: Good morning. I think

5

I am going to give you the basis that I think

6

will hopefully be an outline for everybody.

7

But I want to hear the full argument.

8

What we're going to do, gentlemen,

9

and I don't know how long it's going to take

10

to do this, but at the end once we have

11

accomplished this is -- the ones (deputies)

12

yesterday, I was informed that those, that

13

starting next week some of those people may

14

not be here. So I want to be sure.

15

MR. BLOOM: You mean the deputies?

16

THE COURT: Correct. What's going

17

to happen at the end is I'm going to have a

18

list of all names that have been sworn. They

19

will become the record, so that if something

20

-- and I don't think it ever will -- but if

21

something should come up that somebody whose

22

name doesn't appear had contact with a juror,

23

you will have that reference point.

24

What I've instructed all of them now

25

is if they haven't been sworn, they're not to

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1 escort the jury. It's that simple. If it
2 takes one person thirty minutes to accomplish
3 it, then they'll have to accomplish it. But
4 they understand that no security person who
5 has not been sworn can escort a juror.

6 So what we're doing now is we're
7 going to swear another group of people who
8 probably will have contact with them.

9 Any objection from you'all to that?
10 Any objection from the State?

11 SOLICITOR WILSON: No, sir.

12 THE COURT: If you would -- good
13 morning, Gentlemen. Thank you very much. I
14 think that hopefully it is clear that until
15 you have been sworn in by this Court, while
16 you can have contact around in the courthouse
17 itself, but leaving the courthouse with a
18 juror, going outside in the public, you need
19 to have been sworn first. So this will
20 accomplish that. Mike, if you would.

21 THE CLERK: Raise your right hand.
22 Do each of you swear or affirm that you will
23 follow the Court's instructions while the jury
24 is in your care; that you will not allow them
25 to speak to anyone, nor anyone speak to them;

1 nor will you speak to them yourself except in
2 the course of your duties, so help you God?

3 (UNANIMOUS AFFIRMATIVE RESPONSE)

4 THE COURT: Ladies and Gentlemen,
5 thank you very much. This is something that's
6 not foreign to you. You do it anyway and all
7 you're doing is your normal duties.

8 It's sort of a tense situation and
9 because of the nature of this case no one
10 should be permitted to come near these
11 persons, these jurors, when they are in your
12 charge. Thank you very much. I appreciate
13 it.

14 And thank you all. I'm sorry to
15 interrupt your morning. Any problem with that
16 being accomplished without Mr. Dickerson being
17 present?

18 MR. BLOOM: No, sir.

19 THE COURT: I see that more as
20 being administerial than anything. But let
21 the record reflect that the swearing was
22 accomplished without Mr. Dickerson present,
23 that being waived.

24 (DEFENDANT ENTERS COURTROOM)

25 THE COURT: Good morning, Mr.

1 Dickerson. Your attorneys will discuss with
2 you that we've accomplished one act before you
3 arrived. There were some additional deputies
4 that will have contact with the jurors, that
5 will be escorting them to their cars, that we
6 had not administered an oath. So we
7 administered that same oath that you observed
8 yesterday, when the first group was
9 administered. But that's all that we've done.
10 If you have any questions about any of that,
11 just let your attorneys know and we'll try to
12 address that. Thank you.

13 Thank you, Mr. Bloom. You've
14 provided the Court with some cases concerning
15 the issue about the statement. I'll be
16 delighted to revisit that, sir. I'm happy to
17 hear from you.

18 MR. BLOOM: Thank you, Your Honor.
19 If we could revisit the issue yesterday
20 evening regarding the last witness, Devon
21 Keeling, and the admission of his written
22 statement.

23 We would relay on *State vs. Foster*
24 and *State v. Saltz*. It is our position, Your
25 Honor, that the statement does not qualify

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1 under 801(d). It's very clear and plain. Our
2 argument with Mr. Carroll's cross examination
3 is it did not infer in any way that the
4 witness made a statement that expressed a
5 charge against a fabrication. The proper
6 examination would be to test his memory and
7 the specific cross examination would be from
8 his memory regarding who specifically was in
9 the car, that were smoking marijuana and
10 cocaine. So we submit that the entire
11 statement, as we objected yesterday, was
12 inadmissible under either Rule 106 or 801(d)
13 or any other rules of evidence. That objection
14 is under *Foster* and *Saltz*.

15 THE COURT: Thank you very much.
16 I've just glanced over the *Saltz* case. I've
17 read specifically the *Foster* case because it
18 seems to deal specifically with some issues
19 that you've just articulated; that is, was it
20 challenged? As I read that case, that's what
21 the Court really based its decision on.

22 No question that it was a prior
23 statement, no question certain elements of
24 801(d)(1) were present. What the court, as I
25 read, said was that there was no indication,

1 no evidence of recent fabrication nor was
2 there any improper motive challenged for
3 giving the statement.

4 The distinction -- and it really is
5 what controlled my decision yesterday, to some
6 extent. 106 is very broad, and I'm going to
7 re-read *State v. Patterson* and you mentioned
8 it in the notes, 625 S.E.2d 239. It's a Court
9 of Appeals case from 2006, but cert was denied
10 in 2007. It talks about the allowance of the
11 entire statement, as I read that case and
12 understand that case, for purposes of clarity.

13 I want to read it. Because what
14 concerned me yesterday, I'm sure that part of
15 your objection, incorporated inherently in
16 that, is the bolstering of a witness. That's
17 something that I understand we really have to
18 be careful about. Because if all these rules
19 that permit that, you really have to -- I
20 think you have to be very careful and be very
21 selective. I intend to do that.

22 But let me tell you specifically
23 what I relied on. It wasn't that he recently
24 fabricated it because it was not -- it was
25 really an inconsistency more than it was any

1 kind of fabrication; a challenge -- well, you
2 didn't mention something. What, to me, was
3 important is to why -- and it gives credence
4 to the entire statement to me, and why the
5 other parts became important to show that it
6 was consistent was the challenge and the
7 motive that you were trying to avoid
8 prosecution. That was what -- he was asked
9 questions about that. Had he not been asked
10 questions about that, you probably are right.
11 I think that gave an improper motive for
12 trying to say whatever -- frankly, I agree
13 with you, I didn't think it was that -- I
14 mean, the fact that he said "all of us", that
15 could have been -- it could have just in his
16 mind been thinking "us" being -- because he
17 didn't really even know Mr. Dickerson that
18 well. So there's a very human reason for
19 saying that in that fashion, but -- I
20 understand that I was treading in an area just
21 as I've just stated.

22 And I wanted to say that, because
23 you mentioned to me "this may be coming up."
24 And I'm glad to have this opportunity, because
25 I don't want you to think, nor do I want the

1 State to think that this is just going to be
2 carte blanche every time it happens. That's
3 not going to be the case. Because bolstering,
4 it is very, very important that we not allow
5 that. And I understand that, as well as the
6 basic hearsay. I think it's meant that the
7 801(b)(1), for the reasons that I've stated.

8 Solicitor, if you wish to argue or
9 supplement anything. But I believe it falls
10 into that for that reason.

11 BRUCE DURANT: That was our point,
12 too, the point that he's raising, the CDVHAN
13 charge against the witness; for that reason it
14 certainly raised the spectrum of recent
15 fabrication.

16 THE COURT: Okay, thank you.
17 That's the basis, and therefore I think -- I
18 don't think *Proctor* controls. Now, whether
19 the Court said that was sufficient to create
20 that situation, I'm taking a chance on that.
21 But that's my basis for it.

22 MR. BLOOM: Thank you, Your Honor.
23 And just so that the record is clear, two
24 point: Of course our objection includes
25 improper bolstering. I think that's obvious

1 from the *Foster* and *Saltz* cases.

2 THE COURT: Correct.

3 MR. BLOOM: We would additionally,
4 just to again ensure that our objection is
5 timely, urge the Court to reconsider and to
6 simply instruct the jury as part of our Motion
7 that the statement be stricken and that they
8 are to disregard that testimony.

9 I respect Your Honor's ruling but I
10 think I have to add that.

11 THE COURT: I don't have any
12 problem with that.

13 MR. BLOOM: So that the record is
14 clear as to what relief we're asking for at
15 this juncture.

16 THE COURT: Precisely. I
17 understand that. Your Motion is noted, it is
18 protected. The Court after reading the cases
19 provided, for the reasons given, declines to
20 change its position on permitting the
21 statement; and for that reason, therefore,
22 would deny the Motion to instruct the jury to
23 disregard the statement.

24 Now, we did -- we closed -- there
25 was a question about some parts of it that

1 could be irrelevant. I have not read the
2 statement. What was read to the jury was --
3 if there's anything in the statement that is
4 merely supportive of what was read and a
5 continuation of that, then my ruling applies
6 to that. But if it's something that's totally
7 unrelated to that particular -- and the
8 particular is, a I understood the part we were
9 talking about, is when they were together,
10 they were riding back together. That's what
11 the statement tells us, it dealt with what
12 activity took place when they were in that car
13 going and coming.

14 If there's something else in there,
15 then I would be happy to hear you insofar as
16 redacting that.

17 Because that was really the part
18 that -- for purposes of my ruling, it was
19 dealing specifically with that incident. And
20 the reason being, furthermore, that's the
21 incident that would give rise to the possible
22 threat of prosecution as well as, of course,
23 general inherent -- the possible prosecution
24 for CDVHAN which applies beyond that. But,
25 clearly, that's the significant portion to me.

1 So I haven't seen it. If you want me to read
2 it, I'll be delighted to do so and *sui sponte*
3 make a decision.

4 BRUCE DURANT: That's fine, Your
5 Honor. Basically, what it is, it was a
6 statement and a signature and under that there
7 was a question-and-answer period that went on
8 for about a page and a half.

9 THE COURT: I would really ----

10 BRUCE DURANT: There's really not much
11 on that, to tell you the truth, and there may
12 not even be anything objectionable. I don't
13 know if Mr. Bloom has had a chance to read it
14 or not.

15 THE COURT: The question-and-
16 answer, we're going into another area. Mine
17 dealt with his statements that he gave more
18 than his response to any additional questions.

19 BRUCE DURANT: May I approach the
20 court reporter. I'll try to find the exhibit.

21 THE COURT: Sure. Let me just look
22 at it real quickly.

23 BRUCE DURANT: Here's the statement.
24 I'll leave it to Your Honor's discretion.
25 Actually, he read to the point of his

1 signature there.

2 COURT REPORTER: We are talking
3 about State's Exhibit 305.

4 THE COURT: The Court has been
5 provided with what was admitted as State's
6 Exhibit 305 and also identified for the
7 purposes of identification as Defendant's
8 Exhibit 3.

9 One thing I would like to do, right
10 off the bat is we need to get a clean copy.
11 The highlighted part, that needs to be taken
12 out. It just needs to be a clean copy of the
13 statement.

14 BRUCE DURANT: I probably have one,
15 Judge.

16 THE COURT: All right. Let me go
17 ahead and do something. I'm only talking
18 about the part of this statement above his
19 signature. The rest of this is bolstering.
20 I'm sorry. So however you want to prepare
21 that -- if you just want to copy and white it
22 out and just make that an exhibit.

23 BRUCE DURANT: To tell you the truth,
24 I think it would just probably be easiest just
25 to cut it.

1 THE COURT: Well, that's fine. I
2 don't have any problem. That certainly takes
3 it out so the jury's not looking at some
4 blacked-out record.

5 BRUCE DURANT: Would you just check
6 and make sure that's a copy of the same part?

7 THE COURT: It appears to be. Why
8 don't we do this?

9 BRUCE DURANT: That has got probably
10 an extra page on the back.

11 THE COURT: Whatever you -- I
12 suggest copying page three and four and you
13 can ---

14 BRUCE DURANT: What I could do is just
15 probably ---

16 THE COURT: White out "one of
17 four".

18 BRUCE DURANT: What I could do
19 rather than just cut it off, if you will give
20 me to lunchtime to do it, or something like
21 that, ---

22 THE COURT: Well, we are not
23 handing it to the jury.

24 BRUCE DURANT: Right.

25 THE COURT: I also ask that you

1 white out and then also cut off references
2 "page one of" whatever, so that's what is in
3 is just simply the pages that have his
4 statement with this signature on it.

5 BRUCE DURANT: Okay.

6 THE COURT: Okay. And we can do
7 that at any time.

8 BRUCE DURANT: May I have just a
9 moment to consult with my paralegal?

10 THE COURT: Sure.

11 BRUCE DURANT: Your Honor, we do
12 have one other thing before we start.

13 THE COURT: Sure. Then I'll have
14 some.

15 BRUCE DURANT: Okay. The first
16 witness up this morning, there was an incident
17 of domestic abuse between her and the
18 defendant on March the 3rd of 2006, which was
19 approximately four days prior to the
20 abduction. We had planned to stay away from
21 that. But we've been advised by defense and
22 also by virtue of their opening statement that
23 they are going to make an issue of this,
24 apparently to show motive on the part of this
25 witness to make the defendant a scapegoat or

1 something like that.

2 In that regard, I told him I would
3 plan just to go through it with her on direct.
4 But I wanted to make sure that was their
5 position and have that position on the record
6 before I did so. Because, as I understand it,
7 they want it in as a matter of strategy.

8 MR. BLOOM: That would be correct,
9 Your Honor.

10 THE COURT: So you will not be
11 objecting to that line of testimony?

12 MR. BLOOM: We will not be
13 objecting to that line of testimony.

14 THE COURT: That's fine. I think
15 they have the right from a strategy point to
16 prevent it, if that's going to be an issue.
17 And certainly from the opening statement, I
18 really would almost, even without that, based
19 on what your statements were, it's very
20 logical to me from your perspective. I can
21 understand that.

22 MR. BLOOM: I would object to any
23 additional witnesses coming in, bolstering.

24 THE COURT: At this point I don't
25 know -- and, again, it would obviously depend

1 on how it's challenged as to bolstering.

2 MR. BLOOM: Yes, sir.

3 THE COURT: If it's challenged that
4 it never happened, you know, that isn't
5 bolstering. That's going to establish the
6 credibility of that witness.

7 So I don't know that that's -- in a
8 sense I guess one could hope that all of our
9 witnesses bolster our case. That's just an
10 inherent aspect of how we present it, I think.
11 But, anyway, I know what you're talking about.
12 To me, bolstering is somebody that's going to
13 repeat the same thing that that witness said
14 verbatim, much as the statement does.

15 MR. BLOOM: And I think, so the
16 record's clear, normally as the Solicitor just
17 represented, we would potentially have an
18 objection to an alleged criminal domestic
19 violence charge as a prior bad acts.

20 THE COURT: Precisely.

21 MR. BLOOM: The potential being
22 inadmissible. But as stated for the record,
23 we intend to go into the intimate details of
24 several matters and we know that they will on
25 direct, so there will be no objection at that

1 point.

2 THE COURT: Understood. There's no
3 question it would be that. But be that as it
4 may, it's not going to be objectionable.

5 SOLICITOR WILSON: Since the next
6 witness, after Ms. Nelson is the neighbor who
7 Ms. Nelson ran to get to get a cell phone so
8 that she could call 911.

9 In addition, to that the defendant
10 comes over and shows the video to that witness
11 on the telephone.

12 THE COURT: I am not going to -- my
13 ruling right now is to sort of take it one
14 step at a time.

15 SOLICITOR WILSON: I'm not clear on
16 y'all's idea of bolstering.

17 THE COURT: I think we both are on
18 the same page based on that. I assume there's
19 going to be some -- if, for instance, they
20 say, 'Yeah, that happened.' No ifs, ands or
21 buts, no question, 'just as you said it was.'
22 Then maybe the testimony about him coming over
23 with the video would be, but it's not
24 necessary for her to talk about her being
25 upset or anything of that nature, because

1 somebody's challenged it. That, to me, would
2 be something that could be bolstering a prior
3 bad act.

4 But I'm anticipating, since they're
5 going to -- they want that, and they have a
6 way to keep it out otherwise, that they're
7 probably going to say it didn't happen. So
8 given that, that probably opens the door.

9 But, Solicitor, if you want to
10 revisit it after that witness, I'll be
11 delighted to do so before you call them.

12 SOLICITOR WILSON: I think their
13 position is that it did happen and that's what
14 made her so mad to do all of this.

15 THE COURT: Well, then, that being
16 the case, then why did we need to do that?
17 But there may be other issues that this person
18 testifies to.

19 Let me say something. I understand
20 and I tried to do the same thing. You don't
21 want the jury to see you not do -- you don't
22 want the jury to hear or see a lawyer not be
23 able to present in direct examination. I know
24 that, I know there's a theory behind that. I
25 try my best but I can't possibly foresee

1 everything. But I'll let you know after I've
2 heard the testimony. Okay?

3 Anything else? Another one? This
4 guy's -- they need to -- you need to take his
5 (foreman's) paper away. Are you'all finished,
6 because it's coming fast. We need to get him
7 in here so he can't write any more. I've got
8 letters from my foreperson. Here we go.

9 COURT REPORTER: Court's Exhibit
10 Number 11.

11 (SO ENTERED AS COURT'S EXHIBIT 10)

12 (SO ENTERED AS COURT'S EXHIBIT 11)

13 THE COURT: He didn't have a book from
14 Grisham, did he, about a runaway jury; did he?
15 Number 10 was a note; right?

16 COURT REPORTER: Yes, sir.

17 THE COURT: Number 11 is a two-part
18 note from Mr. Partee that deals with Juror
19 256, the juror that wanted a specific excuse
20 for yesterday.

21 It reads, as follows: "Your Honor,
22 Juror number 256 is currently employed. As
23 you know, she is attending jury duty Monday
24 through Friday. Her work has required that
25 she works the weekend because she's not

1 present during the normal work week. We were
2 wondering if any type of document can be
3 issued so that her attendance at work is
4 excused."

5 I assume she's talking about for the
6 weekend.

7 (Reading continued): "Your utmost
8 consideration would be highly appreciated."

9 I know of no reason the Court could
10 have to tell her employer that she's protected
11 from jury service on the weekend unless she
12 works on the weekend.

13 What's the State's position? It
14 baffles me why that would be done.

15 SOLICITOR WILSON: I mean, I think
16 the only possible thing to do would be to let
17 the employer know that she needs to be
18 available on weekends because we may be
19 working on weekends?

20 THE COURT: What's the defense say?

21 MR. BLOOM: We leave it to your
22 discretion.

23 THE COURT: The reason I'm
24 reluctant is twofold. Number one, I don't
25 know how far we can go to deal with it. I

1 think the law protects her. I don't know what
2 they're going to do. They can require -- we
3 can't stop them from that. But I read it -- I
4 don't think any law that I've seen has been
5 passed to change it. I don't remember the
6 case, I just remember it was a plant in
7 Summerville where the person was fired because
8 they attended jury service. They were sued
9 and the Court recognized -- and for that
10 instance, that was a violation of public
11 policy and therefore she was entitled to
12 recover in Court for her damages.

13 But I don't know that I have any
14 right to control or tell an employer how
15 they're to deal with it. I don't mind having
16 the Clerk call this employer to find out if
17 they would be willing to work with us and this
18 person. But it would be more to just try to
19 accommodate it, rather than to control it.

20 My concern is this, and I want this
21 clear, I don't think it rises to this level
22 but I've thought about it as a judge, not as a
23 lawyer, because I would happen to be a judge
24 when that happened. But I remember listening
25 to Darden speak about the O.J. trial as a

1 trial lawyer. Some of you may have heard it.
2 And there was a situation in that when he was
3 losing jurors and he was down -- this is Judge
4 Ito -- was down to just a few alternates
5 remaining.

6 It was the USC/UCLA ball game, and this
7 juror had planned to go and was not going to
8 be able to go; in fact, had apparently given
9 up his tickets and was very upset about that.
10 And as I recall -- I don't remember all, but
11 they were having some discussion, and they
12 called him in. And he asked Johnny Cochran if
13 he had tickets to the UCLA game. He said he
14 did, that they were on about the 50-yard line.
15 Then he called the juror in. He asked Mr.
16 Cochran, he said, 'I'm going to let this juror
17 go. Would you give him your tickets?' And he
18 said yes.

19 I'll be happy to do that. I just
20 don't want to create a situation where
21 somebody says the Court has done something.
22 It's not going to be through you. I do my
23 best to try to not show one side or the other
24 to the jury. I don't want to ever have that
25 come back as being something that the Court

1 was currying favor and that ultimately
2 indirectly benefitted one side or the other in
3 this decision.

4 That's my concern about taking a
5 position. It may be over the top, but I just
6 share that with you and share that for the
7 record.

8 I think we can simply say we will
9 inquire, but we'll say that we can't promise
10 that she's going to not have to work on at
11 least Saturday. I can't say Sunday. I don't
12 think we're going to be there. Although I
13 guess, in theory, they could be deliberating,
14 that's a possibility. Maybe that's a
15 legitimate basis to do that, that they could
16 be deliberating for several days and it could
17 go into the weekend.

18 SOLICITOR WILSON: Could this be
19 analogous to -- the only similar situation
20 I've had before is when on a federal jury an
21 employer wanted the employee/juror to come in
22 and work the night shift. That was
23 interfering with us in the daytime because
24 they were worn out, obviously. The judge then
25 told the employer, 'Look, they can't work,

1 even though they're not in the courtroom at
2 night. It's interfering with their jury
3 duty.'

4 THE COURT: I would love to put
5 myself in the position of a federal judge, but
6 I'm not. We all know that they -- and I don't
7 mean this in a derogatory way, but they're
8 almost a king and they have the right to do
9 that. And I have the right to do that but I
10 think, for a weekend, that I really don't have
11 any basis to do that. That's my concern.

12 I will tell you, I appreciate what
13 you're saying. And certainly this person was
14 unusual because I'd never had it happen but I
15 tried a case in '95 that went eight days. And
16 the jury elected not to work on the weekend,
17 or this one did. But I said, 'Starting next
18 week, if you all would like to come to work at
19 8:00 o'clock and work later in the evening,
20 then I'll be delighted to do that, too, just
21 so that we can accomplish more.' One juror
22 raised his hand and said, "How early?"
23 I didn't say at 8:00, I said before 9:00.

24 He said, "How early?"

25 I said, "well, what do you mean?"

1 He said, "Well, I don't get off work
2 until 7:30. And it would take me -- I need
3 about thirty minutes, so it couldn't be really
4 before 8:15."

5 I said, "Sir, you mean you've been
6 working every single night?"

7 He had. I happened to have two
8 alternates who were on the jury and they'd
9 slept for a good portion of the trial. I
10 didn't excuse them to the end, purposely
11 because I wanted them to be there every day.
12 But then I excused them, but I won't ever
13 forget that because that man was one of the
14 most attentive jurors that I had. Yet he'd
15 work all night every single night, and sat in
16 the courtroom for twelve hours a day and did
17 his work. Well, ten-and-a-half hours because
18 we worked to 7:00 or 7:30 in the night.

19 So it can be done. I hear you. But
20 -- it really is not practical, so we will do
21 that. I will mention that to her and we will
22 see where we can go.

23 The other (jury requests) we can
24 accomplish. The (water) pitcher needs to be
25 moved over on this side, the water pitcher.

1 Apparently it's interrupting the view.

2 The second part is, (reading):

3 "Also could the water pitcher on the witness
4 stand be moved to the right-hand corner?"

5 Yes.

6 This one is administerial. The next
7 one, which will be Court's Exhibit Number 12
8 is another note.

9 (SO ENTERED AS COURT'S EXHIBIT 12)

10 THE COURT: Do you normally say the
11 juror, when they did their service, that they
12 served on the jury from this date through this
13 date? Obviously, you do it one time at the
14 end.

15 CLERK, MIKE CALLAHAN: Yes.

16 THE COURT: (Reading): "There are
17 multiple jurors that require attendance
18 records to prove their attendance during this
19 trial. Please advise on how we should
20 approach this."

21 Okay, so I will advise them of that
22 situation. Any objection from the State?

23 SOLICITOR WILSON: No, sir.

24 THE COURT: Any objection from
25 defendant?

1 MR. BLOOM: No, sir.

2 THE COURT: Excuse me, there's
3 another, a third note on Court's Exhibit 11.
4 (Upon review), that's one I didn't think
5 about. The podium, if we're going to use it,
6 is going to have to be put in the cross
7 examination position, over here, because --
8 number three, (reading): " The podium is
9 interfering with the jury's view of the
10 defendant. If this could be moved, that would
11 be great."

12 I agree they have a right to
13 observe all persons in the courtroom. That's
14 legitimate.

15 MR. BLOOM: Quite frankly, I had
16 noticed that yesterday evening because I can't
17 see them.

18 THE COURT: You can't see the jury.

19 MR. BLOOM: When the jury foreman
20 is speaking to you I can't see him.

21 THE COURT: It's just the facility
22 design.

23 MR. BLOOM: One thing I noticed
24 last night during the break is that when we
25 moved it up a little bit -- I don't know if

1 that ---

2 THE COURT: Closer?

3 MR. BLOOM: Closer, (affirmative
4 nod). I don't want to put it on top of the
5 witness but I did -- if we might could move it
6 forward some.

7 (OFF RECORD ADJUSTMENT OF PODIUM)

8 THE COURT: Let's do this. You'all
9 talk amongst yourselves. That's fine. I'll
10 tell you what, from this vantage point
11 (sitting in jury box) I can see Mr. Dickerson.
12 You should be able to see me. So you've got a
13 line that really sort of runs from about -- I
14 can see fine. Does that work for you?

15 MR. BLOOM: It works for us, Judge.

16 THE COURT: Solicitor, does that
17 work for you? You could move it away if you
18 want, put you more to where you have a side
19 view of the jury.

20 BRUCE DURANT: If I can move it back?

21 THE COURT: Now you're more to the
22 side of me than back. Really, it needs to go
23 back some more.

24 BRUCE DURANT: Okay.

25 THE COURT: It's still okay?

1 BRUCE DURANT: Okay.

2 THE COURT: That's getting close.
3 Right there. Make sure that the mic doesn't
4 block the screen, put the mic down to where
5 you would have it. Can you pull it down a
6 little bit?

7 BRUCE DURANT: The mic or ---

8 THE COURT: If you could drop the
9 level of the mic down so that the mic itself
10 -- there you go, now you're talking. That
11 works.

12 BRUCE DURANT: Does that work?

13 THE COURT: That works. You ready?

14 BRUCE DURANT: Just for the
15 record, Your Honor, I have the clean copy of
16 what's previously been introduced as State's
17 Exhibit 305. I showed it to defendant's
18 counsel. I think they're okay with it.

19 THE COURT: Reserving your
20 objection, of course, to the document itself,
21 do you have any objection to supplementing
22 this document which is three pages that has no
23 reference to page numbers and it stops after
24 his signature?

25 MR. BLOOM: Yes, sir, Your Honor,

1 preserving our prior objection to the
2 redaction pursuant to the court's requirement.

3 THE COURT: Thank you very much.
4 So we will supplement that for Defendant's
5 Exhibit 3 and State's Exhibit 305.

6 (SO ENTERED AS DEFENDANT'S EXHIBIT 3,
7 AS SUPPLEMENTED)

8 COURT REPORTER: Your Honor, I am
9 marking the redacted copy as State's Exhibit
10 306.

11 THE COURT: Are you going to keep
12 that in?

13 COURT REPORTER: Yes, sir, State's
14 Exhibit 305 now is for ID Only.

15 THE COURT: That would be fine. We
16 will retain this for ID Only, so it remains
17 in. The document is State's Exhibit 306.

18 (SO ENTERED AS STATE'S EXHIBIT 306)

19 BRUCE DURANT: The redacted copy
20 is 306?

21 THE COURT: 305 now is -- what it
22 is, it's been referenced in the record, but
23 it's for ID Only. The jury will not see it.

24 Do we need to take a break now? Are
25 we ready for the jury -- or do we need to wait

1 for the Solicitor to return? There she is.

2 Another very important person in
3 this, in addition to the court reporter, is
4 the chief prosecuting officer for the State.

5 SOLICITOR WILSON: I'm sorry.

6 THE COURT: No, you don't have to
7 apologize. I just thought, you know what, I
8 don't think in this case I'm going to start
9 unless she's here too, or somebody tells me
10 to. Just as Mr. Dickerson's a very important
11 person in this case, too. We don't start
12 without him either.

13 I think we're ready. Let's try.
14 Maybe we'll beat another (jury) note, so let's
15 go.

16 (JURY IN @ 10:20 A.M.)

17 THE COURT: Thank you, ladies and
18 gentlemen. Good morning to you. I am sorry
19 that it has taken a while, we were taking up
20 some matters.

21 Some of the matters that we've been
22 talking about, Mr. Pardee, concerned what is
23 now Court's Exhibits 11 and 12. And, thank
24 you, sir. We tried to address those.

25 Ms. Robinson, at the break, we will

1 find out some information from you, and we
2 will try to contact your employer. At this
3 point, we don't know about Saturday. But
4 there is a possibility and that would be this,
5 because we don't know when we're going to
6 finish the first phase, but if the jury is
7 deliberating, then there's a possibility. We
8 understand that's your only days off, too.
9 We'll find out whether they can work with us,
10 but we don't have any authority to really
11 force them to do that. And I'm just sorry.
12 But just keep us apprised of it, and after
13 it's all over if there's something -- I'm not
14 advocating anything -- but I would just tell
15 you the law is they have to respect what
16 you're doing.

17 That doesn't mean they can't make
18 you work, I'm not saying that. But there's
19 some law that you may want to explore if
20 there's any type of action taken against you
21 for serving on this jury. Again, I'm not
22 advising you because -- fifteen years ago I
23 would, but I'm precluded from doing it now
24 because that's a part of the oath that I took,
25 that I would follow the canon that says I

1 can't practice law. And if I gave you advice,
2 I'd be practicing law. So I can't do that.
3 But I will just tell you there may be some law
4 that might be of some help to you. And you
5 may want to talk to somebody.

6 But hopefully none of that will
7 happen or have to happen. And maybe the
8 employer, after someone from the Clerk's
9 Office will just discuss it with them and see
10 what they can do. If you will give them the
11 person they need to talk to. And we'll do
12 that at the first break. And thank you for
13 bringing that to our attention. We appreciate
14 it.

15 The pitcher has been moved. That's
16 been done. The podium has been moved. I
17 assume that the podium now -- I sat in the
18 (jury) seats and from my vantage point it gave
19 you views of all the pertinent persons.

20 One of the reasons it's back -- and
21 this is out of respect to you and just human
22 nature, none of us like to have our backs to
23 the people to whom we are including. And
24 that's the rationale for that. So please
25 understand they weren't trying to be -- we

1 have to balance those sorts of things. But
2 this arrangement -- and I looked -- that mic
3 doesn't interfere with your view -- yours, Mr.
4 Partee, didn't have any problem with the
5 screen, I didn't think. But the two here, Ms.
6 Grant and Ms. Robinson, you can see the screen
7 okay with that, without any problem?

8 JUROR: Yes, sir.

9 THE COURT: I think the rest of you
10 can see it without any problem. Thank you
11 very much, ladies and gentlemen. But please
12 continue -- I appreciate that, that's exactly
13 what we want to do. Thank you, Mr. Partee. I
14 appreciate that.

15 Before we start -- oh, let me tell
16 you some good news today -- maybe not good
17 news for you. But I have a commitment that
18 I've made this evening, that I have to be in
19 Moncks Corner for a function that takes place
20 annually in Moncks Corner. It's a very
21 wonderful thing, the *Relay for Life*. We have
22 a team from my church, and I've already
23 committed to that. So we're going to have to
24 stop at 4:00 today. So I'm sorry for the two
25 hours that you're going to lose. But maybe

1 you'all can work through that. I appreciate
2 that. We'll be planning accordingly with that
3 and I appreciate everybody's willingness to do
4 that, too.

5 Before we start resuming taking our
6 testimony, let me now -- and you don't have to
7 stand. I'll just ask you, does each juror
8 solemnly swear or affirm that at all times
9 since you recessed yesterday that you have
10 followed the Court's instruction in every
11 respect, and specifically you have not talked
12 with anyone, permitted anyone to talk with
13 you, read anything about it, watched any news
14 programs, nor have you conducted any
15 independent investigation by going anywhere
16 physically or by going on the internet and
17 doing any independent research. If you have
18 done this, please say "I do."

19 (UNANIMOUS AFFIRMATIVE RESPONSE)

20 THE COURT: Any juror that could
21 not make that commitment, please stand. (No
22 response).

23 Thank you very much, and we're ready
24 to continue. Solicitor, thank you for your
25 patience, and we're ready to continue.

1 BRUCE DURANT: Thank you, Your Honor.

2 The State would call Shelley Nelson.

3 (WITNESS TAKES STAND)

4 TOMISHA "SHELLEY" NELSON, being duly
5 sworn to tell the truth, the whole truth and
6 nothing but the truth, testified, as follows:

7 DIRECT EXAMINATION

8 BY BRUCE DURANT:

9 Q. Good morning, Ms. Nelson.

10 A. Good morning.

11 Q. Could you tell the jury what your
12 nickname is, what people call you by?

13 A. Shelley.

14 Q. Okay. If you would, you need to move up
15 so that you can be able to speak into that
16 microphone, so that the Ladies and Gentlemen
17 of the jury and the Judge can hear what you
18 have to say. Okay?

19 A. (Affirmative nod).

20 Q. How old are you?

21 A. Thirty.

22 Q. How far did you go in school?

23 A. High school?

24 Q. Are you currently working?

25 A. No.

1 Q. But you are not working at the present
2 time?

3 A. No.

4 Q. Do you have any children?

5 A. Three.

6 Q. How old are your children?

7 A. Nine, six and five.

8 Q. I believe that you had prior bad checks
9 in 1999; is that correct?

10 A. Yes.

11 Q. And I believe you were convicted of
12 shoplifting and filing a false police report
13 in 2006; is that correct?

14 A. Yes, sir.

15 Q. Now, do you know this gentleman in the
16 blue shirt?

17 A. Yes, sir.

18 Q. Who is that?

19 A. William Dickerson, my exboyfriend.

20 Q. And what do you call him by?

21 A. Willie D.

22 Q. How long have you known Willie D?

23 A. After ten years.

24 Q. When did you first meet him?

25 A. High school.

1 Q. Did he go by any other names besides

2 "Willie D"?

3 A. "Little Man".

4 Q. You said that you knew him since high
5 school?

6 A. (Affirmative nod).

7 Q. Did you have a relationship with him back
8 in high school?

9 A. Yes, sir.

10 Q. I believe that he was out of town until
11 September of 2005. Did you have occasion to
12 become reacquainted with him at the end of
13 2005?

14 A. Yes, sir.

15 Q. How did you get back in -- how did you --
16 -

17 A. We reacclimated our friendship.

18 Q. So you'all starting dating each other
19 again?

20 A. Um-humm, (affirmative nod). Yes, sir.

21 Q. And in fact you'all ended up moving in
22 together, is that correct?

23 A. Yes, sir.

24 Q. Where did you'all move in? Where did
25 you'all move to?

1 A. Cedar Road, in Dorchester county.

2 Q. Can you recall when it was, roughly, that
3 you moved into that house or apartment?

4 A. March -- January, March of 2006.

5 Q. Okay. From your relationship with Mr.
6 Dickerson, did you ever have the occasion to
7 meet someone named Gerard Roper?

8 A. Yes, sir.

9 Q. What name did you know Gerard by?

10 A. Gerard Roper, Gerard.

11 Q. Okay. How did you know Gerard, how did
12 you come to know him?

13 A. Through Willie D.

14 Q. What was the relationship between Willie
15 D and Gerard?

16 A. That was his best friend, he said.

17 Q. What was your impression of Gerard Roper?

18 A. He was a quiet, respectable guy, never
19 seemed like a fool.

20 Q. Now, you said that you and Mr. Dickerson
21 lived together on Cedar Road. How long did
22 you'all live together?

23 A. Three months. Three or four months.

24 Q. I believe you'all ended up separated
25 around the first of March, is that correct?

1 A. Yes, sir.

2 Q. Why did you'all separate?

3 A. We had an altercation, he attacked me.

4 Q. Okay. Had you'all actually separated
5 before that day? I mean, stopped living
6 together before that day?

7 A. No, sir.

8 Q. Tell me about that. I believe that
9 happened on March the 3rd, is that correct?

10 A. Yes, sir. He came home, we had an
11 argument, he slapped me, I asked him to leave,
12 he left, he didn't come back until early
13 morning.

14 When he came back in the early morning,
15 he was speaking about us, not arguing, wanted
16 to get back together.

17 I just didn't want to talk, I asked him
18 to leave. He did.

19 He came back again, he was still speaking
20 about us getting together. Then he came back
21 with the phone, mad, saying it was me and
22 Gerard in the phone. There was no picture
23 that I could really see, I just heard like
24 kids talking.

25 I asked him to leave. He left. A few

1 minutes later, a friend of mine knocked on the
2 door and when I opened ---

3 Q. Slow down just a little -- now, we're
4 talking about March the 3rd now?

5 A. (Affirmative nod).

6 THE COURT: Was that a "yes",
7 ma'am?

8 THE WITNESS: Yes, sir.

9 DIRECT EXAMINATION CONTINUED

10 BY BRUCE DURANT:

11 Q. Okay. Now tell us what happened on March
12 3rd. You were where?

13 A. In my room where we live.

14 Q. That would be on Cedar ---

15 A. Cedar Road, (affirmative nod).

16 Q. And was he -- you hadn't spent the night
17 with him the previous night; is that correct?

18 A. Before?

19 Q. The day that he came over on March the
20 3rd?

21 A. He slept home that night and left early
22 that morning.

23 Q. Okay, then he came back?

24 A. He came up behind the apartments, yes.

25 Q. Well, tell me what happened about the

1 argument on March 3rd?

2 A. We argued, he slapped me, we had an
3 altercation, he left.

4 He came back home later that day, you
5 know, and we argued again. He left.

6 He came back early that morning. I
7 wouldn't let him in. A friend of mine knocked
8 on the door. I thought she was alone but she
9 wasn't. I opened the door and he came from
10 the side of the door, grabbed me, choked me,
11 was round back of me, told her to sit down,
12 don't move, lock the door. She did it. He
13 was attacking me and ---

14 Q. Was what?

15 A. Was attacking me until I fought him off
16 of me and ran out the door.

17 Q. Now, did he have anything in his hands
18 when he came in the apartment?

19 A. Earlier when he did, he did. He had a
20 cell phone.

21 Q. What was the significance of that?

22 A. He had a cell phone with a picture saying
23 that it was Gerard -- trying to get me to say
24 that it was Gerard, but I couldn't see a
25 picture of it. There shouldn't be a picture

1 of it because I never was with Gerard, I never
2 would take a picture of me with Gerard. Why
3 -- I wasn't really hearing him, I was just
4 telling him that I didn't want to hear it.

5 Q. Well, what was he claiming was on the
6 video?

7 A. It was supposedly a picture of me and
8 Gerard.

9 Q. You and Gerard doing what?

10 A. The thing, in the car, in our car, in the
11 backseat.

12 Q. Just sitting?

13 A. Yeah, looking like naked. There was a
14 man naked in the back, showed him in the back
15 seat.

16 Q. Did you see the video yourself?

17 A. Yes. He showed it to me.

18 Q. What did you see on the video?

19 A. A guy in the backseat of our car, sitting
20 naked.

21 Q. Do you know where that video came from?

22 A. No, sir.

23 Q. Who did he think was the person in the
24 video?

25 A. He was saying that it was Gerard.

1 Q. And who did he think the girl was?

2 A. I didn't see a girl but he was trying to
3 say me.

4 Q. Okay. So was he accusing you of having
5 some sort of affair with Gerard?

6 A. Yes. Then he left.

7 Q. Then you say that he came back later?

8 A. He came back again.

9 Q. What was his state of mind when all that
10 was going on?

11 A. He was very, very, very upset.

12 Q. And then he came back, you said?

13 A. Um-humm, (affirmative nod).

14 Q. Forced his way in?

15 A. Yes, sir, tore out the screen and busted
16 the window.

17 Q. And you say that he attacked you?

18 A. (Affirmative nod).

19 Q. How did he attack you?

20 A. He choked me around my neck, throwed me
21 on the ground, sat on top of me, was beating
22 me in the face for a minute, he kicked me --
23 just numerous things.

24 Q. You mentioned something about a girl.

25 A. (Affirmative nod).

1 Q. Who was that?

2 A. One of my friends. She was coming to
3 visit me, that's what I opened the door for;
4 but when I opened it, it was him hiding behind
5 the door and he came in, closed the door and
6 told her to sit down, lock it and don't move.
7 She did that.

8 Q. Okay. Now, how did you get away?

9 A. I threw him off of me and ran to the
10 door, was able to get outside -- luckily.

11 Q. What did you do when you got outside?

12 A. Started running to the neighbors -- I saw
13 a neighbor but before I could get to speak to
14 her he was coming behind me, and he got to
15 speak to her. He was trying to show her the
16 phone and explain why he had both of my eyes
17 closed and me bloody.

18 Q. What do you mean by both of your eyes
19 closed?

20 A. Both of my eyes were closed because of me
21 running outside naked, with my shirt gone. I
22 finally got to her, asked her to use her cell
23 phone. She give it to me but she was still
24 talking to him, so I ran through her door and
25 out the back door, across two street, and down

1 the neighboring side street and called for
2 help.

3 Q. Called the police?

4 A. (Affirmative nod), and my friend. Yes.

5 Q. Did you end up having to receive medical
6 treatment?

7 A. Yes, I had to be checked in, numerous
8 times, and ---

9 Q. Were you hospitalized?

10 A. Stitches in my face here, in my lip.

11 Q. Did you have to be hospitalized?

12 A. Just for hours, they kept me there just
13 to watch me.

14 Q. Now, did you continue to hear from the
15 defendant after that time?

16 A. Yes, sir.

17 Q. How?

18 A. He was calling me.

19 Q. Okay. What was he doing when he was
20 calling you?

21 A. Just speaking, telling me that he loved
22 me. Telling me that we didn't have to go
23 through it with the police. He even took me
24 back to the hospital for a recheck of both of
25 my eyes and waited with me, dropped me back

1 off home, went on about his business. Started
2 back calling me.

3 Q. Was there ever a time when he called
4 where the tone was something less than
5 friendly?

6 A. Yes, sir.

7 Q. And did you end up contacting someone in
8 law enforcement named Jackie Flint?

9 A. Yes, sir.

10 Q. What were you advised to do?

11 A. To record when he started talking, when
12 he called.

13 Q. Now, let's move on to March the 7th of
14 2006. Did you have any contact with the
15 defendant that day?

16 A. Yes, sir.

17 Q. And how was that? Was that in person or
18 by phone?

19 A. By phone.

20 Q. What was your phone number?

21 A. 843-554-5464.

22 Q. What was Mr. Dickerson's phone number?

23 A. 843-530-5085.

24 Q. That was his cell phone?

25 A. Yes, sir.

1 Q. Now, when he called you on the afternoon
2 of March 7th, tell us about that.

3 A. He started calling me early morning. He
4 was saying that somebody was following him and
5 -- I guess, uh, -- I was trying to understand
6 him speaking. I'm saying, 'What's wrong?'
7 I was just trying to understand him, to get
8 him to calm down because he was very, very
9 upset. Throughout the conversation, he wasn't
10 trying to hear me or anything. I just didn't
11 know why he was out of control, I just didn't
12 know what was wrong. Then he hung up that
13 time.

14 Then he called back. Then one time that
15 he called back he told me that he had Gerard
16 with him.

17 Q. That was in the afternoon?

18 A. Yes, sir.

19 Q. Now, tell us about that. He said that he
20 had who with him?

21 A. Gerard.

22 Q. And did he say where he had Gerard?

23 A. No, sir.

24 Q. And did he tell you why he and Gerard
25 were together?

1 A. No, sir.

2 Q. At the time he was just angry and they
3 were together. You know, I was trying to
4 figure out what was wrong. Then he hung up,
5 you know.

6 Then he called back and that time he made
7 it clear that he was angry at Gerard.

8 Q. What did he say that he was doing with
9 Gerard?

10 A. He said that he had Gerard with him and
11 Gerard made him mad, that Gerard wouldn't
12 answer his phone calls, was ignoring him,
13 avoiding him, this was his best friend, had
14 made him mad. Gerard doesn't do things like
15 that and I guess he didn't know why Gerard was
16 doing that.

17 I asked him where was Gerard and he told
18 me that Gerard was right there. I asked him
19 to let me speak to Gerard. He gave Gerard the
20 phone. Gerard got on the phone and asked
21 Gerard what was going on, if he was okay.
22 Gerard stated that he wasn't, that he'd put a
23 gun on him and was knocking out his teeth.

24 He told me ---

25 Q. What did William Dickerson specifically

1 say to you that he had done to Gerard?

2 A. (Pause) -- you know, he was -- that he'd
3 put the gun in him, stuck the gun up him.

4 Q. Up what?

5 A. I am not sure, I just remember that he'd
6 done the same thing with the end of the broom.
7 Stick it up him, I believe. That his bunky
8 was bigger than mine.

9 Q. Okay. You say that during one of these
10 conversations that he actually let you talk to
11 Gerard?

12 A. Yes, sir.

13 Q. How do you know it was Gerard?

14 A. Because I'd heard Gerard's voice around
15 my exboyfriend and -- it was Gerard. He said,
16 'Gerard, get on the phone.' It was Gerard, I
17 heard him and he told me.

18 And I told him to leave Gerard alone,
19 that he was making it worser, and why was he
20 doing it. He just was angry-like, he was
21 saying that Gerard was avoiding him and that's
22 what made him mad.

23 Q. Now, at one point during one of these
24 conversations, did you cause a recording to be
25 made?

1 A. Yes, sir.

2 Q. Of one of the conversations?

3 A. Yes, sir.

4 Q. And -- first of all, how did you do that?

5 A. He repeatedly called me. He had voice
6 mail on his house telephone, like I could call
7 my voice mail, my number, and my voice
8 recorder picked up, so as it was recording --
9 as we had our conversation, it recorded it.

10 Q. Let me get this clear. You were talking
11 to him on the phone?

12 A. (Affirmative nod).

13 Q. And while you were talking to him on the
14 phone, what did you do?

15 A. Well, he was rambling in the background
16 or whatever, I flipped over ---

17 Q. What do you mean flipped over? Do you
18 mean three-way?

19 A. With my house, three-way, like my old
20 number, my voice mail.

21 Q. So you three-way'ed your own phone and
22 when your voice mail picked up, what did you
23 do then, click back over to the other call?

24 A. Um-humm, (affirmative nod).

25 THE COURT: Was that a "yes"?

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1 THE WITNESS: Yes, sir.

2 DIRECT EXAMINATION CONTINUED

3 BY BRUCE DURANT:

4 Q. Subsequently did you contact someone in
5 law enforcement with regard to this recording?

6 A. Yes.

7 Q. Ms. Flint?

8 A. Yes. She got back to me previously
9 dealing with the altercation, of the attack
10 with me and him.

11 Q. Okay.

12 A. She advised me to record each.

13 Q. Did you play this over the phone for her?

14 A. Yes.

15 Q. Was it your understanding that was being
16 recorded?

17 A. Yes.

18 Q. Ms. Nelson, I hand you what has
19 previously been marked as State's Exhibit 296
20 for identification purposes, and ask if you
21 recognize that?

22 A. (Upon review), yes. Yes, sir.

23 Q. That is what?

24 A. The recording of our conversation.

25 Q. How do you know?

1 A. Because it's got my initials.

2 Q. Could you tell the jury -- there appears
3 to be something written on it, what is that?

4 A. (Reviewing).

5 Q. Right here, (indicating).

6 A. (Upon review) -- 4/1/09 Tomisha Nelson.

7 Q. Okay. Is that the date that you listened
8 to that?

9 A. Yes, sir.

10 Q. And you listened to that CD in its
11 entirety on that day?

12 A. Yes, sir.

13 Q. And it is -- is it an exact copy of the
14 portion of the conversation between you and
15 Mr. Dickerson that was recorded on March the
16 7th, 2006?

17 A. Yes, sir.

18 Q. You've listened to that and you know
19 that; is that correct?

20 A. Yes, sir.

21 Q. Now, who'all's voices appear on that tape
22 or on that CD?

23 A. My voice, William's voice and Gerard's
24 voice.

25 Q. How do you know whose voices they are?

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1 Obviously you know your own?

2 A. (Affirmative nod). Because I'd spoke to
3 them on the telephone and I knew my ex-
4 boyfriend's voice and I knew Gerard's.

5 Q. Okay.

6 BRUCE DURANT: Your Honor, at
7 this time we would move State's Exhibit 296
8 into evidence.

9 THE COURT: Any objection?

10 MR. BLOOM: No, sir, Your Honor.

11 THE COURT: Without objection, it
12 is admitted.

13 (SO ENTERED AS STATE'S EXHIBIT 296)

14 THE COURT: Thank you.

15 DIRECT EXAMINATION CONTINUED

16 BY BRUCE DURANT:

17 Q. Now, you have been to the Solicitor's
18 office concerning this matter, have you not?

19 A. Yes, sir.

20 Q. And you know Investigator Osborne, is
21 that correct?

22 A. Yes, sir.

23 Q. Do you recall meeting with Investigator
24 Osborne on February 8th of 2008 to go through
25 that tape?

1 A. Yes, sir.

2 Q. Do you remember telling Detective Osborne
3 what was being said?

4 A. Yes, sir.

5 Q. And while you were telling Detective
6 Osborne that, what was he doing?

7 A. Making out a transcript.

8 Q. Okay. Was a transcript made of the
9 entire recording?

10 A. Yes, sir.

11 Q. Have you reviewed that transcript?

12 A. Yes, sir.

13 BRUCE DURANT: (Tenders document
14 to be marked as an exhibit).

15 COURT REPORTER: State's Exhibit
16 307.

17 DIRECT EXAMINATION CONTINUED

18 BY BRUCE DURANT:

19 Q. I hand you what has previously been
20 marked as State's Exhibit 307 and I will ask
21 you to read that. Read it to yourself for
22 right now. I just want to make sure that you
23 read the entire thing and -- do you recognize
24 that?

25 A. Yes.

1 Q. Is that the transcript that you prepared
2 in conjunction with Mr. Osborne in February?

3 A. Yes.

4 Q. And to the best of your knowledge is that
5 an accurate transcript of the conversation
6 that you previously had recorded, that is
7 reflected in number ---

8 COURT REPORTER: State's Exhibit
9 296.

10 DIRECT EXAMINATION CONTINUED

11 BY BRUCE DURANT:

12 Q. --- in State's Exhibit 296?

13 A. Yes, sir.

14 BRUCE DURANT: Beg the court's
15 indulgence?

16 THE COURT: Certainly.

17 MR. BLOOM: Your Honor, we would
18 have a brief matter of law to take up.

19 THE COURT: Certainly. Ladies and
20 Gentlemen, I need for you to go to your jury
21 room. Do not begin your deliberations, don't
22 discuss the case. We will be with you in just
23 a few moments.

24 (JURY OUT @ 10:42 A.M.)

25 THE COURT: Mr. Bloom?

1 MR. BLOOM: Your Honor, my under-
2 standing is that the Solicitor intends to use
3 the purported transcript, the last exhibit, to
4 allow the jurors to have copies to read from
5 while the recording is being played.

6 THE COURT: Correct.

7 MR. BLOOM: It is my further
8 understanding that the transcript that they
9 read from will be an exhibit admitted later so
10 that ---

11 THE COURT: Does not?

12 MR. BLOOM: We would object to
13 that. It places this witness' testimony -- I
14 think it takes away the jury's function for
15 them to listen and weigh and judge the
16 evidence, then give it the credibility that
17 they determine rather than this witness'
18 purported assertions as to what the tape says
19 in transcript form. They have to judge her
20 credibility, her assessment, her memory and it
21 substitutes those judgment calls by the jury.

22 I think that it transcend the
23 permissible boundary that we -- absolutely,
24 this witness, they are free to ask her what
25 she says the tape says. To put it in a black

1 and white transcript form, I think goes one
2 step further and gets into the area that we
3 were discussing before about improper
4 bolstering.

5 The jury is free to hear her
6 testimony, is free to listen to the tapes but
7 to go that one step further is, I think,
8 unfairly prejudicial.

9 THE COURT: Respond?

10 BRUCE DURANT: Your Honor, I
11 think -- according to case law it's in your
12 discretion to allow a transcript like that.
13 As you can see when you hear it, it's not like
14 we're having someone foreign to the situation.
15 We actually prepared the transcript, we
16 actually have a participant in the
17 conversation that said -- that compare the
18 transcript with the recording, in conjunction
19 with our office.

20 The courts routinely allow things
21 like that with an instruction to the jury that
22 'the tape is the evidence, the transcript is
23 merely an aid to you, and if you don't believe
24 that it accurately reflects the conversation
25 you are to totally disregard it.' I think

1 that would be sufficient to protect any right
2 of the defendant in this case and I believe
3 that it would be an aid to this jury.

4 Besides that, they have had this
5 transcript and this recording for months. If
6 they'd wanted to contest anything that is said
7 in it, they certainly could do so. They have
8 a witness up there on the stand to cross-
9 examine.

10 THE COURT: Anything else, Mr.
11 Bloom, in response?

12 MR. BLOOM: Nothing further, Your
13 Honor.

14 THE COURT: I was delighted to hear
15 that it is not being offered into evidence but
16 merely to be assistance, as I understand, as
17 you listen to this videotape?

18 BRUCE DURANT: And what I was
19 going to do, Your Honor, I have one that I've
20 marked for identification, I have a copy for
21 each of the jurors, I have a copy for the
22 court, but I was not going to admit it into
23 evidence. I was going to allow them to review
24 it while the tape was being played?

25 THE COURT: I understand that and

1 that's no problem, I don't have any problem
2 with that. My main concern was that it would
3 be admitted into evidence, because it deals
4 with the problem over which -- once it leaves
5 this room, then I don't have any control --
6 well, I don't have any control now.

7 I understand your concerns. My
8 intention is to tell them the transcript will
9 be given them. 'That transcript that you have
10 just heard is what this witness says that tape
11 says.' That is merely her, she is the person
12 that has produced this transcript. 'It's for
13 you to determine what is said on this tape and
14 you, at the appropriate time, will pass on the
15 credibility of this witness and the tape
16 itself.' That's the instruction that I
17 intend to give them.

18 Any additional things that you wish
19 to say or for the court to instruct concerning
20 the tape itself?

21 MR. BLOOM: Court's indulgence one
22 moment.

23 THE COURT: Yes. I am referring to
24 the transcript, that it will not be evidence.
25 It will not accompany them to the jury room.

1 MR. BLOOM: Nothing further, Your
2 Honor.

3 THE COURT: Very well, thank you.

4 BRUCE DURANT: And you will
5 instruct the jury on that?

6 THE COURT: I will.

7 BRUCE DURANT: Just while they
8 are out, can I go ahead and get this ---

9 THE COURT: Yes, why don't we take
10 about five minutes and we can be back and do
11 that?

12 (BRIEF RECESS)

13 (DEFENDANT NOT PRESENT)

14 THE COURT: Okay, Ms. Meteraud has
15 recognized Ms. Childs.

16 MR. BLOOM: Yes, sir, and I don't
17 believe that she was in here when we did the
18 last ---

19 THE COURT: I understand, it was
20 nothing intentional. What did I do with the
21 court's exhibits?

22 COURT REPORTER: Court's Exhibit
23 13.

24 (SO ENTERED AS COURT'S EXHIBIT 13)

25 THE COURT: You'all approach,

1 please. Bring Ms. Meteraud in, please.

2 (JUROR NUMBER 381 ENTERS COURTROOM)

3 BENCH CONFERENCE:

4 THE COURT: Ms. Meteraud,
5 thank you so much. I appreciate you calling
6 to our attention what is now Court's Exhibit
7 13, that you recognize someone -- I believe
8 her name is Vickie Childs -- as being a person
9 in your church.

10 JUROR NUMBER 381: Yes, sir.

11 THE COURT: She was not
12 present -- she is working with the attorneys
13 in this case. Would that influence or affect
14 you in any way in your decision?

15 JUROR NUMBER 381: No, sir.

16 THE COURT: And you would not
17 have changed any responses had you known that
18 she was involved in this, that you've
19 previously given both to the State and to the
20 Defendant?

21 JUROR NUMBER 381: No, sir, just
22 that I knew her if her name was brought up.

23 THE COURT: Again, when you're
24 instructed to begin your deliberations, you
25 will then be able to apply your common sense,

1 your sense of logic and reason and your life's
2 experiences fairly and impartially without any
3 influence by the fact that Ms. Childs will be
4 sitting there?

5 JUROR NUMBER 381: Yes,
6 absolutely.

7 THE COURT: And your decision
8 would be fair to both sides?

9 JUROR NUMBER 381: Yes, sir.

10 THE COURT: Any additional
11 questions of Ms. Meteraud from the State?

12 SOLICITOR WILSON: None, Your
13 Honor.

14 THE COURT: Thank you, Ms.
15 Meteraud. Thank you for calling it to our
16 attention. You may return to your jury room.

17 (BENCH CONFERENCE CONCLUDED)

18 (JUROR NUMBER 381 EXITS COURTROOM)

19 THE COURT: Any objection from the
20 State as to Ms. Meteraud continuing to serve?

21 BRUCE DURANT: No, sir.

22 THE COURT: Any objection from the
23 Defendant?

24 MR. BLOOM: No, sir, we note
25 briefly that the Defendant had not yet been

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1 brought into the courtroom but his counsel, I
2 would note, -- I don't see any prejudice from
3 that.

4 THE COURT: You will discuss it
5 with him?

6 MR. BLOOM: We will discuss it with
7 him but I just wanted to note that for the
8 record.

9 THE COURT: If there is any matter
10 that needs to be addressed, we will be happy
11 to return her to the courtroom and we will
12 revisit that.

13 MR. BLOOM: Thank you, Your Honor.

14 (DEFENDANT ENTERS COURTROOM)

15 THE COURT: I think -- when Mr.
16 Callahan went in to talk with the juror, Ms.
17 Robinson, concerning her employer, Ms.
18 Robinson volunteered that she saw someone --
19 he stopped her. I would like to bring Ms.
20 Robinson in now to find out who that person
21 is. I don't know anything about it other than
22 the fact that -- Mr. Callahan said, 'You need
23 to write that down.' So I would prefer to go
24 ahead and bring Ms. Robinson in now. Any
25 objection from either side to doing that?

1 SOLICITOR WILSON: No, sir.

2 MR. BLOOM: No, Your Honor.

3 THE COURT: Ms. Robinson is Juror

4 Number 256.

5 (JUROR NUMBER 256 ENTERS COURTROOM)

6 BENCH CONFERENCE:

7 THE COURT: Ms. Robinson, Mr.

8 Callahan came in and said that when he went

9 back there to talk to you about your employer,

10 to get some information from you, that you had

11 mentioned something that you needed to share.

12 So I am going to let you share that with us

13 now.

14 JUROR NUMBER 256: I recognized

15 one of the women who testified, the first

16 witness. I don't know her personally but I --

17 (pause), I think she works at the same company

18 that I do.

19 THE COURT: The fact that she

20 happens to be employed with the same company

21 that you're employed with, would that affect

22 or influence you in any way?

23 JUROR NUMBER 256: No, no, no.

24 THE COURT: You would stand by

25 your answers that you have previously given in

1 every respect?

2 JUROR NUMBER 256: Yes, sir.

3 THE COURT: And you would base
4 your decision on the evidence and the law at
5 the appropriate time, applying your common
6 sense, your sense of logic and reasoning fair
7 in analyzing the evidence and ---

8 JUROR NUMBER 256: Yes.

9 THE COURT: And you would
10 again take the law as I gave it to you,
11 setting aside your personal opinions and
12 feelings and apply it fairly and impartially
13 so that your decision would be fair to both
14 parties?

15 JUROR NUMBER 256: Yes.

16 MR. BLOOM: If I might ask one
17 question?

18 THE COURT: Certainly.

19 MR. BLOOM: The person that
20 you are talking about was Mr. Dickerson's
21 girlfriend ---

22 JUROR NUMBER 256: Right, the
23 first witness, Shelley. I never seen her
24 before but I just known that Shelley is
25 employed by T-Mobile.

1 MR. BLOOM: Would you have a
2 chance to talk with her, would you have any
3 contact with her over the evenings or over the
4 weekends?

5 JUROR NUMBER 256: No, no.

6 MR. BLOOM: Okay.

7 THE COURT: The person that
8 you were talking about is this witness, that's
9 on the stand?

10 JUROR NUMBER 256: Yes, sir.

11 MR. BLOOM: The ---

12 BRUCE DURANT: The first
13 witness.

14 THE COURT: I see.

15 JUROR NUMBER 256: I've never
16 seen her.

17 THE COURT: So that would not
18 affect your ---

19 JUROR NUMBER 256: It would not.

20 THE COURT: Thank you very
21 much, Ms. Robinson. You may retire to your
22 jury room.

23 (JUROR NUMBER 256 EXITS COURTROOM)

24 (BENCH CONFERENCE CONCLUDED)

25 THE COURT: Mr. Bloom, let me just

1 make sure ---

2 BENCH CONFERENCE:

3 SOLICITOR WILSON: Just for the
4 record, we inquired if she recognized that
5 witness during voir dire, asked her the name,
6 and she said that she didn't know the name.

7 THE COURT: Correct. Any
8 objection to Ms. Robinson continuing to serve,
9 from the State?

10 SOLICITOR WILSON: No.

11 THE COURT: Any objection from
12 the defense?

13 MR. BLOOM: None, Your Honor.

14 THE COURT: Thank you very
15 much.

16 (BENCH CONFERENCE CONCLUDED)

17 THE COURT: Thank you very much.
18 Mr. Dickerson has been present during this
19 time.

20 All right. I failed to address one
21 thing with the jurors concerning their work.
22 I am going to do that now before we resume and
23 then I will give the instruction -- when you
24 offer that specifically, then I will give that
25 specific instruction.

1 BRUCE DURANT: Okay. And,
2 again, like I said, I am not offering it into
3 evidence but I ---

4 THE COURT: No, I understand but --
5 but you are going to use it for demonstrative
6 purposes?

7 BRUCE DURANT: Right.

8 THE COURT: Whenever we get to that
9 point and you're prepared to hand them out, I
10 will give the instruction at that time
11 pertinent to that at that time.

12 BRUCE DURANT: Thank you.

13 THE COURT: Bring them in.

14 (JURY IN @ 11:12 A.M.)

15 THE COURT: Thank you very much,
16 Ladies and Gentlemen. Mr. Pardee, thank you
17 for that additional information. You didn't
18 know you were going to get to practice your
19 writing.

20 FOREMAN: That's all right.

21 THE COURT: I failed to add one
22 thing on one of them, a general question along
23 the line of what Ms. Robinson mentioned but --
24 there was some concern about whether you would
25 get something from the Clerk that will

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1 indicate the days of your involvement for your
2 employer. That will be done but that is done
3 customarily at the conclusion of your service.
4 It is at that time that a certificate will be
5 issued that says 'this individual served as a
6 juror from this date through whatever date the
7 trial concludes.'

8 If that is not sufficient for your
9 employer, just let us know and we will try to
10 address that. That's typically what you do to
11 handle that situation.

12 Thank you very much. Thank you very
13 much, Solicitor. You may continue.

14 BRUCE DURANT: Thank you, Your
15 Honor.

16 DIRECT EXAMINATION CONTINUED

17 BY BRUCE DURANT:

18 Q. Ms. Nelson, referring back to State's
19 Exhibit 307 for identification, the transcript
20 that you helped prepare, you said that you
21 identified some voices on that recording; is
22 that correct?

23 A. Yes, sir.

24 Q. And on that there are the initials "TN",
25 what does the "TN" stand for?

1 A. Tomisha Nelson.

2 Q. That would be you?

3 A. Yes, sir.

4 Q. And where "TN" appears in that transcript
5 that would be the voice that you have
6 identified as belonging to yourself, is that
7 correct?

8 A. Yes, sir.

9 Q. And how about the initials "WD"?

10 A. William Dickerson.

11 Q. And where those initials appear on the
12 transcript that reflects the voice you have
13 identified as being William Dickerson. Is
14 that correct?

15 A. Yes, sir.

16 Q. And finally there are the initial "GR",
17 who does that stand for?

18 A. Gerard Roper.

19 Q. And, once again, when those initials
20 appear on the transcript, that indicates the
21 voice you have identified as belonging to
22 Gerard Roper; is that correct?

23 A. Yes, sir.

24 BRUCE DURANT: Your Honor, at
25 this time we would offer State's Exhibit 307

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1 as a demonstrative aid to the jury.

2 THE COURT: All right, sir. You
3 intend to publish 296?

4 BRUCE DURANT: That's correct,
5 Your Honor. I have a copy for the court,
6 (tendering), and with the court's permission I
7 have copies for the jury, as well.

8 THE COURT: All right. Just one
9 second before you distribute those. Ladies
10 and Gentlemen, State's Exhibit 307 for
11 Identification, -- when you hear "for
12 identification", it is for record purposes.
13 It means that as long as it is just for
14 identification, you will hear testimony
15 concerning that particular document.

16 Unless it is admitted, it will not
17 accompany you to your jury room. Once it is
18 admitted, then that evidence -- in addition to
19 the testimony, that evidence itself will be
20 reviewed by you. You will evaluate that
21 evidence at the appropriate time and decide
22 what you find to be credible and believable.

23 Again, all of those things we will
24 talk about in more detail in the charge.
25 That's just a limited instruction about that.

1 Obviously as we talked earlier when
2 I started, you certainly are at liberty to
3 make those mental notes about something that
4 will assist you in evaluating that particular
5 document but the document itself will not
6 accompany you.

7 What has been admitted here is the
8 CD itself and you're going to hear that. What
9 is going to be handed to you for demonstrative
10 purposes only, that is so that you can follow
11 only with the CD is a transcript of what this
12 witness claims is on that CD. That's this
13 witness' interpretation of what is there.

14 The ultimate decision of whether
15 that CD is actually what is contained in this
16 transcript is your decision. You decide. You
17 make those calls and you make that ultimate
18 decision. Again, the exhibit that will
19 accompany you to the jury room when you begin
20 your deliberation will be the CD but not the
21 transcript itself. Okay? Thank you very
22 much.

23 Any exceptions or additions from the
24 State concerning the court's instruction?

25 BRUCE DURANT: No, sir, Your

1 Honor.

2 THE COURT: Any exceptions or
3 additions from the Defendant?

4 MR. BLOOM: No, sir.

5 THE COURT: Thank you very much.

6 BRUCE DURANT: With the court's
7 permission, I will hand them out.

8 THE COURT: You may.

9 BRUCE DURANT: (Distributes State's
10 Exhibit Number 307, a transcript, to jury).
11 Your Honor, at this time the State would
12 request permission to publish State's Exhibit
13 296 to the jury.

14 THE COURT: You may proceed, sir.

15 BRUCE DURANT: Thank you, Your
16 Honor -- (audio recording identified as
17 State's Exhibit 296 played before jury).

18 THE COURT: Solicitor, if you would
19 now collect the transcripts, please.

20 BRUCE DURANT: Yes, Your Honor.

21 JURORS: (Return transcript copies
22 to Bruce Durant).

23 THE COURT: Thank you so much, sir.

24 DIRECT EXAMINATION CONTINUED

25 BY BRUCE DURANT:

1 Q. Just a couple of more questions, Ms.
2 Nelson, and we will be through. Could you
3 explain to the jury what a bunky is?

4 A. Your rear end.

5 Q. Pardon?

6 A. Your back -- your rear end.

7 Q. And there was a mention on there of
8 Sandra. Who is Sandra?

9 A. William's mother.

10 Q. And finally there was a couple of
11 references during the tape of "Word is born."
12 What does "Word was born" mean?

13 A. The truth.

14 Q. Pardon?

15 A. The truth.

16 Q. How did you find out that Gerard had not
17 survived?

18 A. When the authorities knocked on my door,
19 told me.

20 COURT REPORTER: You need to speak
21 into the microphone, please.

22 THE WITNESS: When the authorities
23 knocked on my door, told me that they found
24 Gerard over -- (pause).

25 DIRECT EXAMINATION CONTINUED

1 BY BRUCE DURANT:

2 Q. But you had provided you had provided law
3 enforcement officers with that recording prior
4 to the time he was found; is that correct?

5 A. Yes, sir.

6 BRUCE DURANT: Beg the court's
7 indulgence.

8 THE COURT: Yes, sir.

9 Direct EXAMINATION CONTINUED

10 BY BRUCE DURANT:

11 Q. Just a couple of questions and I'll be
12 done. This one conversation that we have a
13 recording of, was that the only conversation
14 that you had with Mr. Dickerson that day while
15 he had Gerard Roper?

16 A. Well, while I knew that he had Gerard;
17 yeah.

18 Q. Okay. And didn't you say that in one
19 other call you'd actually spoke to Gerard
20 yourself?

21 A. The call that's recorded.

22 Q. So was that earlier in the call, before
23 you started recording?

24 A. (Affirmative nod).

25 Q. I see.

1 COURT REPORTER: Was that a "yes"?

2 THE WITNESS: Yes, ma'am.

3 BRUCE DURANT: Thank you. Please
4 answer any questions that defense counsel may
5 have for you.

6 THE COURT: You may cross-examine,
7 Mr. Bloom.

8 MR. BLOOM: May it please the
9 court?

10 THE COURT: Yes, sir.

11 CROSS EXAMINATION

12 BY MR. BLOOM:

13 Q. Ms. Nelson, let me start by asking you --
14 nowhere on that tape does the voice you say is
15 Gerard's ask you for help. Is that correct?

16 A. (Negative gesture), no.

17 Q. Nowhere on that tape does that voice you
18 say is Gerard's say, 'I am at Armon's.'

19 A. No.

20 Q. Nowhere on that tape does the voice that
21 you say is Gerard's say, 'call the police,
22 call 911', 'help me, Shelley', nothing like
23 that?

24 A. Okay.

25 Q. In fact, the voice that you say is Gerard

1 is fairly calm and flat?

2 A. No, scared.

3 Q. Is that what you detected?

4 A. (Affirmative nod).

5 Q. It wasn't a monotone?

6 A. It wasn't for me to hear his voice, it's
7 what he told me.

8 Q. All right, ma'am. And you told law
9 enforcement that you made that recording on
10 March 7th, is that correct?

11 A. (No verbal response).

12 Q. That Tuesday? That is when you made that
13 recording?

14 A. Yes, that day.

15 Q. Okay. In fact, you told Ladies and
16 Gentlemen that you made it between 4:00 and
17 4:30 in the afternoon, correct?

18 A. I am not sure about the time. I just
19 know that it was that day.

20 Q. Did you give a statement to law
21 enforcement? Do you remember giving a
22 written statement?

23 A. Yes.

24 Q. If that time was in that Statement, would
25 that help to refresh your recollection of the

1 time?

2 A. Yes.

3 MR. BLOOM: Your Honor, if I may
4 approach the court reporter and get it marked
5 for identification only.

6 THE COURT: Certainly.

7 COURT REPORTER: Defendant's
8 Exhibit 4 for identification.

9 CROSS EXAMINATION CONTINUED

10 BY MR. BLOOM:

11 Q. Let me show you what is marked as
12 Defendant's Exhibit 4 for identification. Do
13 you recognize that statement?

14 A. (Affirmative nod).

15 THE COURT: Was that a "yes"?

16 THE WITNESS: Yes.

17 THE COURT: Thank you.

18 CROSS EXAMINATION CONTINUED

19 BY MR. BLOOM:

20 Q. Is that your name at the top?

21 A. Yes, sir.

22 Q. Your signature at the bottom?

23 A. Yes, sir.

24 Q. And you gave that statement to Detective
25 Goldstein, I believe, with the Charleston

1 Police Department?

2 A. Yes, sir.

3 Q. On March 9th, 2006?

4 A. Yes, sir.

5 Q. You gave the statement?

6 A. Yes, sir.

7 Q. So within two days of the phone call you
8 gave a statement about it, correct?

9 A. Yes, sir.

10 Q. Is there a time that you put on the very
11 first line that you tell Detective Goldstein
12 as to when you made the recording?

13 A. On Tuesday at 4:00 -- between 4:00 and
14 4:30 p.m.

15 Q. Okay, so sometime between 4:00 and 4:30
16 p.m.; correct?

17 A. Yes, sir.

18 Q. On Tuesday, March 7th; right?

19 A. Yes, sir.

20 Q. All right. And, ma'am, you had known
21 William Dickerson for more than ten years, I
22 believe that you told us?

23 A. Yes, sir.

24 Q. And about two months before this you and
25 he decided to move in together, correct?

1 A. Yes, sir.

2 Q. Is that what I understood your testimony
3 to be?

4 A. A month or two.

5 Q. About a month or two before?

6 A. (Affirmative nod).

7 Q. And he was helping to pay the bills for
8 you and your children, correct?

9 A. Yes, sir.

10 Q. He was working, right?

11 A. Yes, sir.

12 Q. There were times when you'all would have
13 arguments, correct?

14 A. Yes. No, not all the time, just that
15 time.

16 Q. Just that time?

17 A. Yes.

18 Q. Okay. Now, on that date he came over and
19 he was pretty upset with you on that date;
20 correct?

21 A. Yes, sir.

22 Q. All right. When he -- I guess -- you
23 told the jury that he came and left several
24 times during that day, that Friday, March the
25 3rd. Is that correct?

1 A. Yes.

2 Q. Then at one point you and he had a fairly
3 serious physical altercation. Correct?

4 A. Yes, sir.

5 Q. And you called the police, correct?

6 A. (No verbal response).

7 Q. After that altercation?

8 A. (Affirmative nod).

9 Q. Okay. He left, is that correct?

10 A. The police got called after the attack
11 but when the police came he was long gone.

12 Q. He has left before they arrived, correct?

13 A. (Affirmative nod).

14 Q. But he had -- and the altercation was
15 over his belief that somehow a video was on
16 his cell phone of you having sex with someone
17 else in the back seat of the car?

18 A. No, sir.

19 Q. Isn't that what you testified to on
20 direct?

21 A. The altercation that he brought about was
22 about the cell phone part but we'd had a
23 previous altercation that had nothing to do
24 with the cell phone.

25 Q. It was because you had broke up with him?

1 A. I'd told him to leave.

2 Q. He had been accusing you of having sex
3 with someone else, is that correct?

4 A. Yes.

5 Q. But in any event, you'all continued to
6 talk to each other over the phone, back and
7 forth, from March 3rd, that day on; correct?

8 A. March 5th.

9 Q. And sometimes he would call you on your
10 phone, right?

11 A. Yes.

12 Q. Sometimes you would call him, right?

13 A. Yes.

14 Q. In fact, I think you told the jury that
15 even after the altercation, at one point
16 either that day or shortly thereafter, he took
17 you back to the hospital to be rechecked.

18 Correct?

19 A. Yes.

20 Q. Now, beginning Monday, March the 6th, you
21 and he continued to talk on the phone,
22 correct?

23 A. Yes.

24 Q. He would call you, right?

25 A. (Affirmative nod) -- yes, sir.

1 Q. I don't mean to be rude, but you've got
2 to say 'yes' or 'no', or whatever your answer
3 is, because this fine lady has got to take it
4 down.

5 A. (Affirmative nod).

6 Q. Sometimes you would call him?

7 A. Yes, sir.

8 Q. And you said that at some point on March
9 6th or March 7th that he sounded upset and
10 angry; correct?

11 A. Yes, sir.

12 Q. And what he was angry about was that he
13 thought that someone was out to get him.
14 Correct?

15 A. Yes, sir.

16 Q. All right. What William thought, in
17 fact, was that you had gotten some people out
18 to get him. Correct?

19 A. No, not to my knowledge.

20 Q. Didn't he accuse you of getting some of
21 the network of friends that you'all had to
22 retaliate and hurt him and ---

23 A. Yeah, because of the argument he probably
24 did. Yeah. But it was his friends, my
25 friends, just anybody.

1 Q. Okay. You'all had a network of friends,
2 including Gerard Roper, correct? And Armon?

3 A. "You'all had a network of friends", --
4 (negative gesture). Those were my ex-
5 boyfriend's friends, I never saw these friends
6 if I didn't see my ex-boyfriend.

7 Among is my ex-boyfriend's brother.
8 Since I was seventeen, he's been around.
9 Yeah, I may see him but not Gerard or his
10 friends. I don't be around my boyfriend's
11 friends.

12 Q. But some of those people you knew could
13 be dangerous, as well; correct?

14 A. Yes.

15 Q. Because there was a network of young men
16 and sometimes women who were involved in drugs
17 and other illegal activities. Correct?

18 A. No. I am not sure -- I mean, anything
19 -- yeah.

20 Q. There was a network, do you remember
21 telling Ms. Flint or someone with her agency
22 or someone with law enforcement that there was
23 a network of people who were involved in
24 illegal activities. Correct?

25 A. Yes, sir.

1 Q. Drug selling. Right?

2 A. (Affirmative nod).

3 Q. Drug using?

4 A. (Affirmative nod) -- yes.

5 Q. All right. You were personally aware of
6 that because you had been involved in some of
7 that, to be fair. Correct?

8 A. Yes.

9 Q. Cocaine had been used in your household,
10 right?

11 A. No, sir.

12 Q. Not -- no cocaine? (Telephone ringing in
13 courtroom).

14 A. Cocaine, you may use it or smoke it but
15 -- no.

16 Q. You never did?

17 A. I did?

18 Q. (Affirmative nod).

19 A. (Negative gesture). I've smoked
20 marijuana and cocaine, yes.

21 Q. Some of that network involved in that
22 illegal activity included his brother, Armon;
23 correct?

24 A. Yes.

25 Q. And often included Mr. Roper, Gerard

1 Roper; correct?

2 A. Yes.

3 Q. In fact, you had reported that to law
4 enforcement during this time, hadn't you?

5 A. Armon.

6 Q. You particularly told them about Mr.
7 Gerard Roper's involvement in that network of
8 people; correct?

9 A. No. Gerard wasn't involved with no
10 network of people, Gerard very seldom was
11 around. He had several friends but Gerard
12 wasn't around with. I saw Gerard when I was
13 home.

14 Q. Was there a little group of those men who
15 called themselves "Money Under Pressure"?
16 Correct?

17 A. Yes.

18 Q. Because they were trying to make money,
19 correct?

20 A. Yes.

21 Q. Off the street, correct?

22 A. Yes.

23 Q. And you told law enforcement that Gerard
24 Roper was a part of that group, correct?

25 A. Maybe. Yes.

1 Q. Okay. And Armon was part of that group,
2 correct?

3 A. I am not sure. Maybe, yes.

4 Q. During this time frame that the Solicitor
5 asked you about that you reported these calls
6 to Ms. Flint with law enforcement, you had
7 also been calling Ms. Flint or someone with
8 her agency to say that you were scared of
9 William. Correct?

10 A. Yes.

11 Q. Do you recall that?

12 A. Yes.

13 Q. And you were afraid of him. Correct?

14 A. Yes.

15 Q. And you were worried, is that right?

16 A. Yes.

17 Q. And yet all that time from March 6th,
18 March 7th, March 8th, you were still calling
19 William, too; correct, ma'am?

20 A. No, this was before. After March 7th --
21 before that, there was no more -- after the
22 phone recording and all that, there was no
23 more conversation between me and William.

24 Q. Okay. So you're -- I just want to make
25 sure that I've got your testimony right.

1 You are telling us that beginning March 7th,
2 between 4:00 and 4:30 p.m., when you recorded
3 that, made that recording, you didn't have any
4 further phone conversations with William
5 Dickerson?

6 A. Not other than polite conversations. You
7 know, just brief conversations. I just cut it
8 short. He may call, I may happen to answer
9 but it was brief -- nothing I can recollect so
10 to speak. No.

11 Q. That's what I want to make sure of. Even
12 after that supposed recording, you continue to
13 have phone contact with William Dickerson?

14 A. When authorities knocked on my residence
15 and told me that they'd found Gerard, I was in
16 protective custody until they found William
17 Dickerson.

18 Q. And that ---

19 A. So I couldn't speak with him.

20 Q. --- was later on the day of March 8th,
21 Thursday. Correct?

22 A. It may have been. March the 7th, the
23 8th, -- yeah.

24 Q. March 9th, that Thursday.

25 A. Yeah.

1 Q. But on March 7th through March 8th, you
2 continued to have phone contact with William
3 Dickerson?

4 A. (Affirmative nod), yeah.

5 Q. So you weren't that afraid of him? You
6 continued to ---

7 A. I never was afraid of him verbally, not
8 to speak to him. But for someone taking my
9 life, yes. I'm a mother.

10 Q. In fact, you would call him; correct?

11 A. Yes, I may have.

12 Q. You made numerous calls to him beginning
13 on March 6th, that Monday or Tuesday the 7th
14 and through Wednesday, March 8th?

15 A. March 6th, I called him.

16 March 7th, I didn't do much calling him.
17 He was pretty much calling me.

18 Q. Okay. And how was he sounding when he
19 was calling you?

20 A. He was upset but pretty much, you know, I
21 could speak to him. He was upset, period.

22 Q. He was very upset, right?

23 A. (Affirmative nod).

24 Q. Because he thought some of you were out
25 to hurt him, correct?

1 A. Yes.

2 Q. He was saying someone was out to kill
3 him, right?

4 A. He was upset about that we were going
5 through whatever we were going through.

6 Q. Well, ---

7 A. They were going to -- whatever they were
8 going to do and he was upset, that somebody
9 was about to get him out. He's not a very
10 intimidated person, you know.

11 Q. Okay. In some of those conversations,
12 was he not accusing you that you had gotten
13 some of that network of friends to come after
14 him?

15 A. No.

16 Q. Because you were mad at him over these
17 altercations that had happened on Friday?

18 A. No.

19 Q. Let me ask you, ma'am. I believe that
20 you told the Solicitor that William's cell
21 phone number was, of course Area Code 843,
22 530-5085. Correct?

23 A. Yes, sir.

24 Q. And your mother's land line was 554-5464?

25 A. Yes, sir.

1 Q. And your cell phone was 532-2663?

2 A. I never had a cell phone, that was ---

3 Q. Which you sometimes used?

4 A. (Affirmative nod).

5 COURT REPORTER: Is that a "yes"?

6 THE WITNESS: "Yes."

7 CROSS EXAMINATION CONTINUED

8 BY MR. BLOOM:

9 Q. Ma'am, let me show you -- let me first
10 have it marked.

11 MR. BLOOM: Beg the court's
12 indulgence.

13 THE COURT: Certainly.

14 MR. BLOOM: If I may get an exhibit
15 marked and approach the witness, Your Honor?

16 THE COURT: Certainly.

17 MR. BLOOM: (Tenders to court
18 reporter).

19 COURT REPORTER: Defendant's
20 Exhibit 5 for identification.

21 CROSS EXAMINATION CONTINUED

22 BY MR. BLOOM:

23 Q. Ms. Nelson, let me hand you Defendant's
24 Exhibit 5 for identification and ask you to
25 look at the third column there. Do you see

1 where I am pointing, those highlighted
2 numbers?

3 A. Um-humm, (affirmative nod).

4 Q. Is that your mother's land line phone
5 number?

6 A. Um-humm, (affirmative nod).

7 THE COURT: Hold on a second. Ms.
8 Nelson, I am going to ask you to do me a
9 favor. We are going to try to address this
10 in the future, as well. I know it is
11 customary and we all do it, everybody, but I
12 want you to be very conscious and intentional
13 to stop using um-humm and uh-uh and the like.
14 We have to keep a record and that's why we
15 have to say "yes" and "no." Please use 'yes'
16 or 'no' and stop saying 'um-humm', 'uh-uh',
17 'huh-uh'. Okay?

18 THE WITNESS: Yes, sir.

19 THE COURT: Thank you.

20 CROSS EXAMINATION CONTINUED

21 BY MR. BLOOM:

22 Q. Is that your number highlighted on that
23 first page, third column; correct, ma'am?

24 A. Yes, sir.

25 Q. All right. If you go over to the -- do

1 you see the column where it is -- the March

2 6th, 2006, column?

3 A. Yes, sir.

4 Q. All right. On the bottom it starts at

5 the number three, and that's in twenty-four

6 hour. Do you know how to read -- and I'm not

7 trying to embarrass you, ma'am, I have to ask

8 a question to clarify. Do you know how to

9 read a twenty-four clock?

10 A. Um-humm.

11 Q. It starts out at zero for midnight;

12 correct?

13 A. Yes, sir.

14 Q. So that 0003 would be three minutes after

15 midnight on March the 7th, correct?

16 A. Yes, sir.

17 Q. How many times did you attempt to call

18 William Dickerson on that page, can you count

19 the highlighted calls there?

20 A. (Upon review), ten.

21 Q. Ten?

22 A. (Affirmative nod).

23 Q. All right. And if you'll turn to the

24 next page. Same thing. How many times on

25 March the 6th, did you either call or attempt

1 to call William Dickerson on his cell phone?

2 A. (Upon review), nine.

3 Q. And if you go to the next page, two? We
4 are still on March the 6th?

5 A. (Upon review), nine on the next page.

6 Q. So on Monday, March the 6th, you either
7 called William Dickerson or attempted to reach
8 him twenty-three times, is that fair to say?

9 A. Yes, sir.

10 Q. That began at 1203, on the first page;
11 right?

12 A. (Upon review) -- yes, sir.

13 Q. Right up through the afternoon, 12:30 in
14 the afternoon; correct? On March the 6th?

15 A. Yes, sir.

16 Q. So the fact that you had only talked to
17 William only once or twice isn't exactly
18 correct. You were continuing to call him, as
19 well; right?

20 A. Yes, sir.

21 Q. Because you were upset and mad about what
22 had happened on Friday, isn't that right?

23 A. Our altercation?

24 Q. Yes, ma'am.

25 A. Yes, sir.

1 Q. Okay. On Tuesday, March the 7th, you
2 continue to call him; correct?

3 A. (No verbal response).

4 Q. If you will, turn to the next page?

5 A. (Upon review) -- yes, sir.

6 Q. And you recognize your phone on that next
7 page of cell phone records; correct, ma'am?

8 A. Yes, sir.

9 Q. On Tuesday, March the 7th, at the bottom
10 of that page where it starts, March the 7th,
11 the first time that you tried to reach him on
12 Tuesday March 7th was 7:47 a.m.; correct?

13 A. (Upon review) -- yes, sir.

14 Q. And you continued to call him through
15 that Tuesday. How many times did you call him
16 on that next page, for Tuesday March 7th?

17 A. (Upon review) -- eleven.

18 Q. Please turn to the next page, which is
19 still Tuesday March the 7th. How many times
20 did you try to call him then, beginning at
21 7:47 a.m.?

22 A. (Upon review) -- eleven.

23 Q. And if you will turn to the next page,
24 how many times did you try to call him on
25 March the 7th on that day?

1 A. (Upon review) -- four, five.

2 Q. Is it fair to say, ma'am, that on March
3 the 7th that you attempted to call William
4 Dickerson or in fact call him almost twenty-
5 nine times; is that a fair assessment?

6 A. On March the 7th?

7 Q. Yes, ma'am, that Tuesday?

8 A. (Upon review) -- yes. Yes, sir.

9 Q. That is because you were pretty upset
10 with him, correct?

11 A. No, that was because he was telling me
12 that he had Gerard. I was concerned about the
13 both of them, what was going on, what was the
14 situation. So I was calling him.

15 Q. Then on March the 8th you continued to
16 call, right? Well, let me go back. I'm
17 sorry. On March the 7th, Tuesday, the last
18 time you called William is 5:24 p.m.; is that
19 fair to say? Do you see that on there?

20 A. March 7th?

21 Q. Correct?

22 A. Yes, sir.

23 Q. And then March 8th, you're continuing to
24 call him. Is that fair to say? If you will,
25 turn to the next page.

1 A. (Upon review) -- yes, sir, four times.

2 Q. And that starts at 9:00 a.m.; is that
3 right?

4 A. Yes, sir.

5 Q. Then the next page you called him how
6 many more times?

7 A. (Upon review) -- four times.

8 Q. Then the next page, how many times did
9 you call him?

10 A. (Upon review) -- three.

11 Q. How about the next page?

12 A. Zero.

13 Q. Are you at the end?

14 A. (Affirmative nod).

15 Q. All right. Is it fair to say that you
16 called him about twelve times or so, eleven or
17 twelve times, on March 8th? Is that about
18 right?

19 A. Yes, sir.

20 Q. And the last time that you called him on
21 March the 8th was at 3:30 in the afternoon,
22 that Wednesday; correct?

23 A. (Upon review) -- yes, sir.

24 Q. Would you do this for me, ma'am, would
25 you write on the top of that page "Shelley" --

1 print it, if you would, please, on the top of
2 that defendant's exhibit, "Shelley calling
3 William", on the top of that page.

4 A. (Complies).

5 Q. Thank you, ma'am. Let me show you
6 another exhibit, ma'am, and -- (pause).

7 MR. BLOOM: Beg the court's
8 indulgence.

9 THE COURT: Certainly.

10 MR. BLOOM: May I hand the court
11 reporter an exhibit?

12 THE COURT: You may.

13 COURT REPORTER: Defendant's
14 Exhibit 6 for identification.

15 CROSS EXAMINATION CONTINUED

16 BY MR. BLOOM:

17 Q. Ms. Nelson, let me show you Defendant's
18 Exhibit 6, marked for identification. Again,
19 that is the same document but now you
20 recognize the number that is highlighted?

21 A. The same number, my number.

22 Q. Let me show you the column that I am
23 referring to, whose number is calling you now?

24 A. William's.

25 Q. So these are William's phone calls to

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2216

1 you, correct?

2 A. Yes, sir.

3 Q. On that first page, on Monday March 6th,
4 and you have to start from the bottom because
5 they go upwards in terms of time. What is the
6 first time that William called you on Monday,
7 March 6th? Is it 1:14 a.m.?

8 A. (Upon review) -- on Monday, March the
9 6th?

10 Q. Yes, ma'am, that very first page.

11 A. Yeah. Yes, sir.

12 Q. All right. I'm sorry. I said 1:14 but
13 that is 12:14, is that correct?

14 A. The last one? The bottom one?

15 Q. Yes, ma'am.

16 A. Yes, sir.

17 Q. All right. How many times did William
18 call you on that page of cell phone records on
19 Monday, March the 6th?

20 A. (Upon review) -- seven.

21 Q. And if we turn to the next page, we're
22 still on the cell phone records of William
23 calling you and that is still March the 6th;
24 right?

25 A. (Upon review) -- William is calling me at

1 the telephone ---

2 Q. Correct. If you look just to the left of
3 that, that is William's number; right?

4 A. (No verbal response).

5 Q. The 5085 number is William's?

6 A. Okay. Do you want me to figure it out?

7 Q. What I am asking you is that William is
8 now calling you on that second page, at 2:04
9 a.m.; right? On Monday, March the 7th, is
10 that right?

11 A. (Upon review) -- yes, sir.

12 Q. How many times does William call you on
13 that date? We're still on Monday, March the
14 6th. On that date?

15 A. (Upon review) -- seventeen.

16 Q. Seventeen. Okay. And on the next page
17 how many times does William call you?

18 A. (No verbal response).

19 Q. Still on Monday, March the 6th.

20 A. (Upon review) -- two.

21 Q. And on the next page, how many times does
22 William call you on Monday, March 6th?

23 A. (Upon review) -- it looks like -- it's
24 not highlighted, so I don't know.

25 Q. Let me make sure that we are on the same

1 page -- (reviewing) -- all right. Then the
2 next page, how many times?

3 A. (Upon review) -- one.

4 Q. And -- we're up to twenty-seven times for
5 Monday, March the 6th. Would that be right?

6 About?

7 A. (No verbal response).

8 Q. In fact, if you'll go back to that prior
9 page, the last time that William called you
10 was 5:20 p.m. on Monday; is that right?

11 A. (Upon review) -- yes, sir.

12 Q. All right. Now, if you will turn to the
13 next page and go to March the 7th, Tuesday,
14 the first time that William called you is 7:49
15 a.m.; correct?

16 A. Yes, sir.

17 Q. How many times has he called you on that
18 page of cell phone records for Tuesday, March
19 the 7th?

20 A. (Upon review) -- seventeen.

21 Q. Then the next page, Tuesday, March the
22 7th, how many times did he call you?

23 A. (Upon review) -- none. I'm not sure.

24 None

25 Q. About nine?

1 A. (No verbal response).

2 Q. I'm sorry, what did you say? Did you say
3 nine or one?

4 A. On the next page there are no numbers.

5 Q. You're correct. Then the next page?

6 A. (Upon review) -- three.

7 Q. The next page, Tuesday, March -- so
8 that's about twenty times he called you on
9 Tuesday, March the 7th. Right?

10 A. Yes, sir.

11 Q. The last time he called you was at 5:23
12 p.m. on Tuesday, March the 7th; right?

13 A. (Upon review) -- yes, sir.

14 Q. On March the 8th, he called you again --
15 just like you were calling him. On March the
16 8th, the first time that he called you was a
17 little after midnight -- excuse me, a little
18 12:00 Noon, 12:12 p.m.; is that right?

19 A. (Upon review) -- okay.

20 Q. If you count that page and the next page,
21 he called you a total of about eleven times.

22 A. Okay. (Upon review) -- yes, sir.

23 Q. All right. Then the last time he called
24 on Wednesday, March the 8th, was 3:01 p.m.;
25 right?

1 A. Yes, sir.

2 Q. All right. Now, if you'll bear with me,
3 I want to ask you if you will write on the top
4 of that "William calls Shelley". Would you do
5 that, please?

6 A. Okay.

7 Q. On top of that exhibit write, "William
8 calls Shelley".

9 A. (Complies).

10 Q. Thank you, ma'am.

11 A. Um-humm.

12 Q. Now, ma'am, what I want to do next, bear
13 with me, is that during those three days,
14 Monday through Wednesday, you're burning up
15 the phone calling William; is that correct?
16 Is that fair to say?

17 A. Yes, sir.

18 Q. Some of those calls are for a minute, two
19 minutes, correct?

20 A. Yes, sir.

21 Q. You'all were talking. Some of those
22 calls are for longer, some are over ten
23 minutes; correct?

24 A. Yes, sir.

25 Q. He is burning up the phone calling you

1 back, correct?

2 A. Yes, sir.

3 Q. Because you'd had this altercation and he
4 was -- you were upset by that, right?

5 A. Yes, sir.

6 Q. And he was upset because he thought you
7 had someone coming after him or somebody had
8 somebody coming after him. Correct?

9 A. Yes, sir.

10 Q. And if you will, Shelley, if you will
11 look at Defendant's Exhibit 5 for
12 identification, that's the one that says
13 "Shelley calling William" -- is that right?

14 A. Yes, sir.

15 Q. If you will follow along with me, on
16 Tuesday, March the 7th, you're calling him,
17 I want to go through -- and I'm going to go
18 through rather quickly the times that you
19 called him, the twenty-nine times or so. If
20 you need me to stop at any point, I'll stop.

21 You started calling him at 7:47 a.m.

22 Right?

23 A. (Upon review) -- yes, sir.

24 Q. You called him again at 8:12 a.m., right?

25 A. (Upon review) -- yes, sir.

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- 1 Q. 9:31 a.m., right?
- 2 A. Yes, sir.
- 3 Q. 9:35 a.m., right?
- 4 A. Yes, sir.
- 5 Q. 9:46 a.m., right?
- 6 A. Yes, sir.
- 7 Q. 9:56 a.m., right?
- 8 A. Yes, sir.
- 9 Q. 10:05 a.m., right?
- 10 A. Yes, sir.
- 11 Q. 10:43 a.m., right?
- 12 A. Yes, sir.
- 13 Q. 10:53 a.m., right?
- 14 A. Yes, sir.
- 15 Q. 10:54 a.m.?
- 16 A. Yes, sir.
- 17 Q. 10:59 a.m.?
- 18 A. Yes, sir.
- 19 Q. 10:59 again?
- 20 A. (Upon review) -- yes, sir.
- 21 Q. 11:13 a.m.?
- 22 A. (Upon review) -- yes, sir.
- 23 Q. 11:14 a.m.?
- 24 A. Yes, sir.
- 25 Q. 11:47?

1 A. Yes, sir.

2 Q. 12:04 p.m., noon?

3 A. Yes, sir.

4 Q. 12:16 p.m.?

5 A. Yes, sir.

6 Q. 12:17?

7 A. Yes, sir.

8 Q. 12:18?

9 A. Yes, sir.

10 Q. 12:19?

11 A. Yes, sir.

12 Q. 12:21?

13 A. Yes, sir.

14 Q. 12:22?

15 A. Yes, sir.

16 Q. 12:30?

17 A. Yes, sir.

18 Q. 12:40?

19 A. Yes, sir.

20 Q. Then again at 2:52 p.m.?

21 A. (Upon review) -- yes, sir.

22 Q. 2:56 p.m.?

23 A. Yes, sir.

24 Q. 5:17 p.m.?

25 A. Yes, sir.

1 Q. 5:22 p.m.?

2 A. Yes, sir.

3 Q. 5:24 p.m.?

4 A. Yes, sir.

5 Q. Then you go to the other exhibit -- and
6 most of those didn't go through, is that fair
7 to say?

8 A. Yes, sir.

9 Q. There are a couple that are maybe a
10 minute, two minutes, long; is that fair to
11 say?

12 A. Yes, sir.

13 Q. Now look at Defendant's Exhibit 6 for
14 identification, "William calling Shelley".

15 A. Okay.

16 Q. Do you have that page?

17 A. (Affirmative nod).

18 Q. Go to Tuesday, March the 7th, he begins
19 calling you at 7:49 a.m. on Tuesday, March the
20 7th; correct?

21 A. Yes, sir.

22 Q. I am going to go through the same thing
23 and you tell me if I go too fast. He called
24 you again at 7:54 a.m.

25 A. (Upon review) -- yes, sir.

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2417

1 Q. 7:58?
2 A. Yes, sir.
3 Q. 7:59?
4 A. Yes, sir.
5 Q. 8:02?
6 A. Yes, sir.
7 Q. 8:03 a.m.?
8 A. Yes, sir.
9 Q. 8:06?
10 A. Yes, sir.
11 Q. 8:07?
12 A. Yes, sir.
13 Q. 8:07 again?
14 A. Yes, sir.
15 Q. 8:08?
16 A. Yes, sir.
17 Q. 8:09 p.m. (sic)?
18 A. Yes, sir.
19 Q. 8:18?
20 A. Yes, sir.
21 Q. 8:20?
22 A. Yes, sir.
23 Q. 8:20?
24 A. Yes, sir.
25 Q. Again at 8:20 a.m.?

- 1 A. Yes, sir.
- 2 Q. 8:30 a.m.?
- 3 A. Yes, sir.
- 4 Q. 9:54 a.m.?
- 5 A. Yes, sir.
- 6 Q. 10:17 a.m.?
- 7 A. Yes, sir.
- 8 Q. Then it jumps to 5:15 p.m.; correct?
- 9 A. Yes, sir.
- 10 Q. 5:20 p.m.?
- 11 A. 5:15, yes, sir.
- 12 Q. Then 5:20 p.m.?
- 13 A. Yes, sir.
- 14 Q. Then 5:23 p.m.?
- 15 A. Yes, sir.
- 16 Q. Shelley, nowhere is there a phone call
- 17 from you to William or William to you on
- 18 Tuesday, March the 7th, between 4:00 and 4:30;
- 19 isn't that correct?
- 20 A. No, sir.
- 21 Q. Not a one?
- 22 A. (No verbal response).
- 23 Q. Did you concoct this recording with
- 24 friends of yours to get William?
- 25 A. What is it?

1 Q. The recording that we listened to, did
2 you concoct that with friends of yours to get
3 to William?

4 A. Concoct it?

5 Q. Concoct it, (affirmative nod)? Create
6 it? Fabricate it? Make it up?

7 A. No, sir, why would I -- why couldn't he
8 have called me on another phone? We're
9 talking about this phone but I don't know
10 whose phone, it may have been -- I don't know.
11 He called me. I couldn't concoct it.

12 Q. There is not a single phone call from you
13 to him or from him to you between 4:00 and
14 4:30 p.m. on Tuesday, March the 7th, isn't
15 that correct?

16 A. Yes, sir.

17 Q. And, Shelley, as the solicitor asked you
18 at the beginning, you know how to work the
19 system. You're familiar with it, right?

20 A. (Pause).

21 THE COURT: Wait a minute, I am
22 going to ask you to rephrase that because I am
23 not ---

24 MR. BLOOM: Yes, sir.

25 CROSS EXAMINATION CONTINUED

1 BY MR. BLOOM:

2 Q. You've been in courtrooms before, you
3 know how evidence works, you know how things
4 are ---

5 A. I've never been in a trial, never been in
6 a court proceeding -- ever.

7 Q. You're never been in a court proceeding?
8 Ever?

9 A. This type of court proceeding, no. I've
10 been in bond court or ---

11 Q. I understand that. But you've been in
12 court before, you know what evidence is, you
13 know how things play out. Correct?

14 A. No, sir.

15 Q. The Solicitor asked you about your prior
16 record?

17 A. Yes, sir.

18 Q. So you have been in court before?

19 A. No, sir. I haven't been in court.

20 Q. You've never been in a courtroom before?

21 A. I've been in a courtroom, yes. I watch
22 TV also. Yes.

23 Q. One of those was for in fact filing a
24 false police report. Right?

25 A. Yes.

1 Q. You have pending charges, correct?

2 A. For filing a police report, never.

3 False information for police, yes.

4 Q. You have pending charges now for credit
5 card fraud; right?

6 A. Yes, sir.

7 MR. BLOOM: Beg the court's
8 indulgence.

9 THE COURT: Certainly.

10 MR. BLOOM: I have no further
11 questions, Your Honor. Thank you.

12 THE COURT: Redirect, Solicitor?

13 BRUCE DURANT: Thank you, Your
14 Honor, I just have a couple.

15 REDIRECT EXAMINATION

16 BY BRUCE DURANT:

17 Q. Referring to those exhibits that he gave
18 you, like you said there were a lot of calls
19 from him to you and you to him. Correct?

20 A. Yes, sir.

21 Q. And isn't it fair to say that ---

22 MR. BLOOM: Objection, leading.

23 REDIRECT EXAMINATION CONTINUED

24 BY BRUCE DURANT:

25 Q. How many of those are actually connected

1 calls?

2 A. How many are what? Excuse me?

3 Q. How many are actual calls where you
4 talked to him?

5 A. Looking at these, none.

6 Q. Most of those are ---

7 A. Hang-up calls or dropped calls. I don't
8 know how many ---

9 Q. Look on the page, ---

10 A. He took the exhibit.

11 Q. (Tendering exhibit to witness).

12 A. (Upon review) -- I don't know.

13 Q. Would it be fair to say that most of them
14 are under five seconds?

15 A. Yes, sir.

16 Q. But I want to draw your attention to a
17 call that he made to you on March the 7th, at
18 5:15 or 1715 p.m.

19 A. Okay.

20 Q. A call from him to you.

21 A. Okay -- (reviewing), on March the 7th?

22 Q. On March the 7th at 1715.

23 A. Yes, sir.

24 Q. How long did that phone conversation
25 last?

1 A. A minute and three seconds.

2 Q. And just right after that, it looks like
3 you called him back at 1717; right?

4 A. (Upon review) -- right.

5 Q. 5:17, correct?

6 A. Yes, sir.

7 Q. How long was that call?

8 A. (Upon review) -- March 7th at 1715 (sic),
9 is the time; right?

10 Q. Right.

11 A. Two minutes ---

12 Q. --- and eight seconds?

13 A. --- and eight seconds.

14 Q. Okay. And you called him back again at
15 1722, 5:22?

16 A. (Upon review) -- yes, sir.

17 Q. How long did that conversation last?

18 A. One minute, twenty-one seconds.

19 Q. So you did have conversations with him
20 then, correct?

21 A. Yes, sir.

22 Q. Now, Mr. Bloom asked you if you know
23 something about on the tape that you didn't
24 hear Mr. Roper asking for help; is that
25 correct?

1 A. Yes, sir.

2 Q. Did you ever hear Mr. Roper asking for
3 help that day on the telephone?

4 A. No, sir.

5 Q. If you would, look at March the 8th,
6 2006, would that refresh your recollection as
7 to whether or not you ever told the police
8 that?

9 MR. BLOOM: Objection, she's asked
10 and answered.

11 THE COURT: I appreciate that. She
12 is going to review the sheet -- overruled.

13 REDIRECT EXAMINATION CONTINUED

14 BY BRUCE DURANT:

15 Q. At the bottom of that page?

16 A. (Upon review) -- do you want me to read
17 it?

18 THE COURT: No.

19 BRUCE DURANT: No.

20 THE COURT: Read it to yourself.

21 REDIRECT EXAMINATION CONTINUED

22 BY BRUCE DURANT:

23 Q. I just want you to read it to yourself
24 and see if that refreshes your recollection of
25 what you told the police?

1 A. Yes, sir.

2 Q. After having that refresh your recollec-
3 tion, did you tell the police that?

4 A. Yes, sir.

5 Q. What did you tell the police?

6 A. I heard Gerard in the back, asking for
7 help.

8 Q. Now, since the date that Mr. Dickerson
9 beat you up on, March the 3rd, you said that
10 you saw him one other time since then; is that
11 correct?

12 A. (No verbal response).

13 Q. When Mr. Bloom was asking you something
14 about ---

15 A. Yes, sir. One time, when he took me to
16 the hospital, the emergency room to check on
17 my eye.

18 Q. And that's the only time that you have
19 ever ---

20 A. Ever saw him. Yes, sir.

21 Q. Were you at all concerned at that time?

22 A. Yes, sir, that's probably why I was
23 calling him.

24 Q. I mean, were you concerned to be with
25 him?

1 A. No, really. I was afraid, scared..

2 Q. Well, why were you with him if you were
3 afraid is what I'm trying to get to.

4 A. With him when?

5 Q. On the 6th when -- were you taken to the
6 hospital or from the hospital?

7 A. He took me to the hospital to check on my
8 eye.

9 Q. Okay. Why did you allow him to take you
10 to the hospital if you were afraid of him?

11 A. Uh, -- because I couldn't get a ride and
12 he was calling and my eye was, like, swollen.
13 He offered me a ride and he promised that he
14 won't touch me, that he didn't mean to touch
15 me, and he didn't. He did that and then he
16 dropped me back off.

17 Q. Okay. Since that trip to the hospital,
18 did you ever see him in person?

19 A. Ever again?

20 Q. (Affirmative nod).

21 A. No, sir.

22 BRUCE DURANT: Court's
23 indulgence.

24 THE COURT: Yes, sir.

25 REDIRECT EXAMINATION CONTINUED

1 BY BRUCE DURANT:

2 Q. When did the -- were all the phone calls
3 between you and Mr. Dickerson friendly or not?

4 A. Not. Some were friendly throughout the
5 introduction of it but they turned out to be
6 not friendly.

7 Q. And when did that occur?

8 A. After the -- when a friend of his came
9 for a visit, a friend of his walked in, came
10 for a visit at night, and I assume that he
11 thought that friend had walked in for a
12 friendly visit -- after that, he just ---

13 Q. A visit where?

14 A. At the emergency room.

15 Q. Somebody came to see you at the emergency
16 room?

17 A. A guy friend that William knew came to
18 the hospital when I was being treated and when
19 he saw that guy friend, for some reason he
20 thought that that guy friend was trying to
21 hurt him.

22 Q. Who was this guy friend?

23 A. A guy named Puta.

24 Q. And after that is when the conversations
25 changed from friendly to something else?

1 A. Yes, sir.

2 Q. What was he accusing you of?

3 A. I guess like calling him to the hospital,
4 that he knew I was beat up from him. The guy
5 appeared at the hospital, so for some reason
6 he thought that we were setting him up or
7 whatever. He just had an attitude. I was
8 there for the emergency room and he was there
9 for his reasons, whatever. We left, he
10 stayed. I never saw him no more, that was it.

11 Q. You're talking about Puta?

12 A. Exactly.

13 Q. At the hospital?

14 A. Right.

15 Q. So you never talked to Puta at the
16 hospital?

17 A. (Affirmative nod), he saw me and asked
18 where Will was and Will came in. We both --
19 we left.

20 BRUCE DURANT: Thank you, ma'am.

21 MR. BLOOM: Recross, Mr. Bloom?

22 MR. BLOOM: Court's indulgence.

23 THE COURT: Yes, sir, take your
24 time.

25 RECROSS EXAMINATION

1 BY MR. BLOOM:

2 Q. Ma'am, just to clarify a few things that
3 the Solicitor asked you at the end there.

4 What day did William take you to the hospital?

5 If the altercation happened on Friday, ---

6 A. I am not exactly sure of the exact date.

7 Q. It could have been later that day or the
8 next day or over the weekend or -- a month
9 after?

10 A. It was the second day, two days later.

11 Q. So sometime over the weekend?

12 A. Yes. Sunday, I believe.

13 Q. That is your best guess?

14 A. Yes, Sunday.

15 Q. And when William -- of course, I think
16 you said that he promised that if he took you
17 to the hospital that he wouldn't touch you,
18 that he didn't mean to do it, wouldn't do it
19 again. Right?

20 A. Yes, sir.

21 Q. And you'all were on good terms, because
22 he took you to the hospital and it was then
23 this Puta fellow at the hospital that he saw
24 and I think your words were that William just
25 "flipped". Is that correct?

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1 A. Yes, sir.

2 Q. That upset him?

3 A. Yes.

4 Q. He thought that person and you were out
5 to get him?

6 A. Yes.

7 Q. He accused you of that, too?

8 A. Yes.

9 Q. Then he left the hospital, correct?

10 A. We left the hospital.

11 Q. He took you home?

12 A. Yes.

13 MR. BLOOM: Thank you.

14 THE COURT: Thank you, ma'am. You
15 may come down.

16 (WITNESS STEPS DOWN)

17 THE COURT: Ladies and Gentlemen,
18 at this point we will take our recess for
19 lunch.

20 I ask you not to begin your deliber-
21 ations. Of course, do not discuss the case
22 among yourselves while you're out. Please do
23 not permit anyone to talk with you about this
24 case or to talk about it in your presence.

25 Have a good lunch. I would ask you

1 to return to your jury room by 1:45 and we
2 will resume the trial at that time. Have a
3 nice lunch.

4 Everyone else in the audience remain
5 seated until the jury departs, please.

6 (JURY OUT @ 12:15 P.M.)

7 THE COURT: Before I ask you --
8 those persons in the audience, a cell phone
9 went out. I don't know what the policy of
10 this courthouse is concerning cell phones by
11 security persons. I am going to let you
12 policy control this time.

13 Folks, there is a Warning. It's a
14 Warning. It says don't bring them in this
15 building, that's what it says. They have no
16 place here. That's the Chief Justice's Order.

17 I understand people have need of
18 them from time to time for various and sundry
19 reasons. But this is your warning. If
20 another cell phone goes off in this
21 proceeding, from the audience, I am going to
22 have a second hearing when the jury retires
23 because that is contempt of court.

24 Unless you want to pay a fine or
25 possibly spend some time in jail, I would

1 suggest that you may want to leave your cell
2 phones out. If you bring them, I certainly
3 would suggest -- probably the better idea is
4 to take the battery out. We are not going to
5 tolerate that. You saw what happened and
6 that's precisely why they are not here. A
7 juror turned and looked. That's not going to
8 take place in this courtroom. Okay? Thank
9 you.

10 Is there anything from the State
11 before we recess?

12 SOLICITOR WILSON: No, sir.

13 THE COURT: Anything from the
14 Defendant?

15 MR. BLOOM: No, sir.

16 THE COURT: I would ask you all,
17 and I know you do this anyway, but please
18 stress to your jurors (sic) -- I don't
19 normally worry about this but this case, it is
20 just so -- I know that it is picayune but I
21 don't want something coming back because they
22 don't know it was an "uh-uh" or a "huh-uh" or
23 a "um-humm." If somebody claims that it was
24 one or the other, I -- we can eliminate that
25 but just telling them. I intend to instruct

1 them -- I don't know that I am going to do
2 that with persons who have testified before
3 this proceeding but -- please reinforce that
4 with your witnesses who are not customarily in
5 these proceedings. It would certainly be
6 appreciated by the court. Thank you.

7 BRUCE DURANT: Thank you, Your
8 Honor.

9 (LUNCH RECESS 12:30 - 1:45 P.M.)

10 (DEFENDANT PRESENT)

11 THE COURT: Is the State ready to
12 proceed?

13 SOLICITOR WILSON: Yes, sir.

14 THE COURT: Let the record reflect
15 that Mr. Dickerson is present. Is the defense
16 ready to proceed?

17 MR. BLOOM: Yes, sir.

18 THE COURT: Let's bring in our
19 jury, please.

20 (JURY IN @ 1:47 P.M.)

21 THE COURT: Thank you, Ladies and
22 Gentlemen. Solicitor, you may call your next
23 witness.

24 SOLICITOR WILSON: The State calls
25 Darren Proietti.

1 (WITNESS TAKES STAND)

2 DARREN JOSEPH PROIETTI, being duly
3 sworn to tell the truth, the whole truth and
4 nothing but the truth, testified, as follows:

5 DIRECT EXAMINATION

6 BY SOLICITOR WILSON:

7 Q. Mr. Proietti, where are you from?

8 A. Philadelphia.

9 Q. Did you come down from that area today?

10 A. Yes, I did.

11 Q. Where are you working now?

12 A. I work for Wachovia Securities.

13 Q. Before that, where did you work?

14 A. SunCom.

15 Q. And what is SunCom? What was SunCom?

16 A. SunCom was a cell phone company in the
17 south.

18 Q. What did you do for SunCom?

19 A. I was a fraud investigator. We did
20 subpoenas for clients and I also did identity
21 theft.

22 Q. How long were you in that area at SunCom?

23 A. Eight years.

24 Q. Have you been in the telecommunications
25 area or field for quite some time?

1 A. Eighteen years.

2 Q. And you decided to go into banking?

3 A. Yes.

4 Q. SunCom got bought out by someone else?

5 A. Cingular.

6 SOLICITOR WILSON: Your Honor, at
7 this time, I believe without objection, I'd
8 offer State's Exhibit 308 and 309.

9 MR. BLOOM: No objection.

10 THE COURT: Very well. They are
11 admitted as State's Exhibits 308 and 309,
12 without objection.

13 (SO ENTERED AS STATE'S EXHIBIT 308)

14 (SO ENTERED AS STATE'S EXHIBIT 309)

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR WILSON:

17 Q. Mr. Proietti, with regards to State's
18 Exhibit 309 first, were you asked to provide,
19 pursuant to a search warrant to law
20 enforcement, some records for a telephone
21 number (843) 345-4731?

22 A. Yes.

23 Q. And pursuant to that search warrant, did
24 you provide the subscriber information and
25 customer information for that number 345-4731?

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1 A. I personally didn't, but it was.

2 Q. Whose name was that telephone number
3 registered to?

4 A. Carolyn Jenkins.

5 Q. For that telephone number, was there an
6 authorized user also provided?

7 A. According to these records, there was an
8 authorized user. At the time when we
9 fulfilled the subpoena or search warrant, it
10 was Rashid Malik, spelled M-A-L-I-K.

11 Q. With regard to State's Exhibit 308, which
12 is the other set of records, did you also
13 personally provide the information in State's
14 Exhibit 308 to law enforcement here in
15 Charleston?

16 A. I did.

17 Q. And that was for records for number (843)
18 530-5085 which we've heard testimony was a
19 phone used by William Dickerson. Is that
20 right?

21 A. Yes, I did fulfill that subpoena.

22 Q. Whose name was that telephone number in?

23 A. When it was fulfilled it was Johnette
24 Watkins.

25 Q. The number for that customer, Johnette

1 Watkins, that 530-5085, when was that number
2 discontinued by the customer?

3 A. It was discontinued on 3/9/06.

4 Q. And did you note that in handwriting on
5 those records for us?

6 A. Yes, I did.

7 Q. For law enforcement?

8 A. Yes.

9 Q. Looking at the individual records
10 themselves, and I am going to put this on the
11 ELMO, if you could just look at State's
12 Exhibit 308. I want to ask you some questions
13 about the columns in the records that you
14 provided.

15 A. Okay.

16 Q. The first column ---

17 SOLICITOR WILSON: Is it all
18 right if I stand here, Judge?

19 THE COURT: Sure, absolutely.

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR WILSON:

22 Q. The first column at the top where it says
23 "Serving Switch ID," what is that?

24 A. It's basically where all the records are
25 completed from and we filled out this copy.

1 Q. I note on that exhibit that for pages and
2 pages, for the Serving Switch ID it says
3 "CHRG2." What does that stand for?

4 A. That stands for the switch in Charleston.

5 Q. When you talk about the switch, again
6 explain to the jury what a switch is.

7 A. Essentially when the person makes a cell
8 phone call such as the tower to a switch, the
9 company receives information, bills the proper
10 customer and sends the call out to the end
11 phone.

12 Q. And from the beginning of these records
13 on March 6th, 2006, up until March 8th at
14 about 21:00 hours it was on the same switch.
15 That phone number was operating from the same
16 switch. Is that right?

17 A. It was. Well, usually it's going to be
18 on the same switch because of the exchange.
19 You mean the same cell tower?

20 Q. No, I'm talking about the switch.

21 A. Yeah, it was all on the same switch.

22 Q. And then up after that, on March 9, under
23 "Serving Switch ID" it says "GRVGS." What is
24 that?

25 A. That's Greenville.

1 Q. And then a little higher up, a little
2 later on March the 9th, it says, "DEC02."

3 A. Yeah, that's for Decatur, Georgia.

4 Q. Now, the next column, the second column,
5 where it says "INIT cell ID," what does that
6 mean?

7 A. That's the actual cell tower
8 identification number of where the call was
9 made.

10 Q. If you could tell the jury what you mean
11 by cell tower and how that works.

12 A. Basically when you make a call, the cell
13 tower will pick up your call and route it
14 properly. Basically, if you're close to a
15 tower, it will pick up that tower, route the
16 call through a switch and then it routes it to
17 the final destination.

18 Q. If I'm in an area where, like a
19 metropolitan area, where there may be several
20 towers, which tower am I going to pick up on
21 or is my call going to go through?

22 A. Ninety-nine point nine percent (99.9%) of
23 the time it's going to be the closest tower.

24 Q. Do each of those towers have individual
25 numbers assigned to it?

1 A. Correct, yes.

2 Q. Instead of a name, you would give it a
3 number.

4 A. Correct.

5 Q. So that second column is the cell tower
6 number; correct?

7 A. Correct.

8 Q. In your experience with SunCom, did
9 you'all provide the cell tower information to
10 law enforcement generally; not just in this
11 case?

12 A. The majority of the time, yes.

13 Q. For what sort of purposes did you do
14 that?

15 A. Basically it would identify the location.
16 Wherever the tower is at, you could locate it.

17 Q. And therefore the area of the cell phone?

18 A. For that call, correct.

19 Q. Were you aware or do you know if the U.S.
20 Marshals have that cell tower information?

21 A. The majority of the Marshal services, the
22 FBI, DEA all have our cell tower IDs.

23 Q. Is that cell tower information sometimes
24 used to help track fugitives, for example?

25 A. The majority of the time, yes.

1 Q. So if a phone is on or making calls,
2 it'll hit off of the closest tower and that
3 will give law enforcement a radius?

4 A. Correct.

5 Q. And about what is the general rule for
6 the radius that a cell tower can pick up?

7 A. We generally told everyone it was a
8 three- to five-mile radius.

9 Q. Then the next column where it says
10 "Originating Number?"

11 A. Correct.

12 Q. What number is that going to be? I
13 notice in State's Exhibit, the number that
14 these records are for, 530-5408, is not always
15 the number under "originating number." Right?

16 A. Correct. The originating number is the
17 phone number actually doing the dialing. So
18 if the originating number is different from
19 the calls that were subpoenaed, that means
20 that he received or she received an incoming
21 call. So the incoming call would be the
22 originating number.

23 Q. So if the cell phone, this 530-5085
24 dialed a number it would be in the
25 "originating number" column?

1 A. Correct.

2 Q. But if that cell phone received a call
3 from a land line or from wherever else, the
4 land line number would be in the originating
5 number column?

6 A. Yes, the number that dialed first.

7 Q. And the next column, "dialed digits," the
8 same is true for that? The number that, the
9 cell phone for 530-5085, if it dialed these
10 digits they would show up in that column.

11 A. Correct.

12 Q. And if it was an incoming call, it would
13 be blank?

14 A. Correct, because the person received the
15 call obviously would be the person dialed.

16 Q. Now, call start time and call end time,
17 that's pretty straightforward. How about the
18 duration? How does the duration or the
19 billing time -- how did it get calculated for
20 SunCom?

21 A. The billing started thirty seconds after
22 you touch the Send button.

23 Q. So if you picked up the call and pressed
24 "send" and you were a SunCom customer and
25 somebody picked up within fifteen seconds, it

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1 would start recording time?

2 A. Correct.

3 Q. How about if it just started ringing and
4 ringing and ringing? When would it start?

5 A. It would bill when it would start thirty
6 seconds.

7 Q. So if there is a call on here that says
8 duration one
9 second, that may have been someone on the
10 phone for actually thirty-one seconds, and
11 there was no answer?

12 A. Correct, or the call disconnected. You
13 really couldn't tell what happened with that
14 call.

15 Q. So, in short, you can't tell whether or
16 not a contact was made just based on the
17 duration?

18 A. No, you cannot.

19 Q. After thirty seconds, if someone let the
20 phone ring for three hours it might show three
21 hours?

22 A. Right. Or if you pick up an answering
23 machine and spoke on an answering machine for
24 three hours.

25 SOLICITOR WILSON: Beg the

1 Court's indulgence.

2 THE COURT: Certainly.

3 (OFF RECORD SIDEBAR BETWEEN COUNSEL)

4 SOLICITOR WILSON: Judge, we
5 need to add two pages to that exhibit, Exhibit
6 308, I believe without objection.

7 THE COURT: Very well. State's
8 Exhibit 308 is supplemented two pages without
9 objection. Is that correct, Mr. Bloom?

10 MR. CARROLL: That's correct, Your
11 Honor.

12 THE COURT: Thank you, Mr. Carroll.

13 SOLICITOR WILSON: That is all
14 the questions that I have.

15 THE COURT: You may cross examine.

16 CROSS EXAMINATION

17 BY MR. BLOOM:

18 Q. Mr. Proietti, as to the -- my name is
19 Jeff Bloom. I have questions regarding the
20 cell phone tower.

21 A. Okay.

22 Q. Those are four-digit numbers; correct?

23 A. Correct.

24 Q. For example, one tower number is 6011.

25 A. Okay.

1 Q. Another tower is 6012; correct?

2 A. (Affirmative nod).

3 THE COURT: Is that a "yes?"

4 WITNESS: I'm sorry -- "yes."

5 THE COURT: This nice lady (court
6 reporter) has to take down "yes" or "no"
7 answers.

8 WITNESS: I'm sorry. "Yes."

9 CROSS EXAMINATION CONTINUED

10 BY MR. BLOOM:

11 Q. Do you have the addresses for those
12 towers, or if I read those addresses would
13 that information you have?

14 A. I do not have those addresses, no.

15 Q. That information, I take it, is what some
16 Federal law enforcement agencies may have,
17 such as the FBI and the U.S. Marshal?

18 A. They definitely have it.

19 MR. BLOOM: The Court's indulgence
20 for one moment, Your Honor?

21 THE COURT: Certainly.

22 MR. BLOOM: May I approach the
23 court reporter to get an exhibit marked?

24 THE COURT: You certainly may.

25 MR. BLOOM: (Tenders document to be

1 marked as exhibit), then I will share it with
2 the Solicitor.

3 COURT REPORTER: Defendant's
4 Exhibit 7 for identification.

5 THE COURT: All right.

6 CROSS EXAMINATION CONTINUED

7 BY MR. BLOOM:

8 Q. Mr. Proietti, -- and, I apologize, could
9 you pronounce your name for me.

10 A. Proietti.

11 Q. Thank you. Let me show you Defendant's
12 Exhibit Number 7, for identification. Can you
13 identify that, sir, as the subpoena we sent
14 you while you were at SunCom for the addresses
15 of those cell towers?

16 A. Yeah, I probably got it.

17 Q. And is that the information you sent us
18 back with those addresses?

19 A. If these sheets go with this cover sheet,
20 then, yes.

21 Q. Let me ask you about a few of those
22 addresses. I'm going to go through some very
23 quickly, and then I'll get a map and see if I
24 can orient you in that regard. Can you give
25 us the address for Tower 6011?

1 A. 1525 Ashley River Road, Charleston.

2 Q. And Tower 6012?

3 A. 698 Citadel Haven Drive, Charleston.

4 Q. Tower 6017?

5 A. 61 Braswell Street, Charleston.

6 Q. Tower 6065?

7 A. 316 Balcony Street, Charleston.

8 Q. 6070?

9 A. 301 Savannah Highway, Charleston.

10 Q. 6119?

11 A. 831 St. Andrews Boulevard, Charleston.

12 Q. And 6127?

13 A. 52 Line Street, Charleston.

14 Q. And now the tower numbers I gave you, if
15 you'll go back to State's Exhibit -- which I
16 believe is ---

17 A. I have a copy of it.

18 Q. You have a copy?

19 A. Yes, with the dates and times.

20 Q. And first of all, so we're clear, the
21 cell phone records and I think you testified
22 to this on direct -- these belong to the cell
23 phone that was signed out in your records to a
24 Jonette Watkins? Is that correct?

25 Q. Which number?

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1 Q. The area code 843 on all these -- (843)
2 530-5085?

3 A. Correct.

4 Q. And previous testimony in the record of
5 this case, I believe, reflects that the phone
6 was actually used by William Dickerson. So we
7 can call it Mr. Dickerson's phone for our
8 purposes.

9 A. Okay.

10 Q. Beginning on March 7th of your records,
11 2006, is the first phone call on Mr.
12 Dickerson's phone approximately 12:10 a.m.?
13 Have I got that right?

14 A. No.

15 Q. Excuse me, I'm sorry, 12:08 a.m.?

16 A. Correct.

17 Q. So a little after midnight on March 7th?

18 A. Eight minutes after midnight.

19 Q. Eight minutes after midnight. That phone
20 call starts are Tower 6012?

21 A. Yes.

22 Q. And if you will look at the towers
23 beginning at the time of that call, going
24 forward up until 14:52, which would be 2:52
25 p.m. on March 7th -- if you'll hold those two

1 different pages -- the beginning call and that
2 end call I just gave you.

3 A. 14:52?

4 Q. Right. That would be 2:52 p.m., almost
5 3:00 p.m. on March 7th.

6 A. Okay.

7 Q. The towers that shows Mr. Dickerson's
8 phone was used, from that beginning call up
9 until almost 3:00 p.m., are all those towers I
10 just had you identify? Is that fair to say?
11 And if you need me to read the numbers, I can.
12 Or if you need a pen to write it down.

13 A. I mean, I can go through each one to
14 verify it's on the sheet, but -- (affirmative
15 nod).

16 Q. The towers we're referring to in that
17 time frame, from a little after midnight on
18 March 7th up to that one phone call at almost
19 3:00 p.m. on March 7th, are towers 6011, 6012,
20 6017, 6065, 6070, 6119 and 6127. Is that a
21 fair statement?

22 A. 6070?

23 Q. Correct.

24 A. Right.

25 Q. Now, bear with me, if you will, for a

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1 moment. I'm not picking on you but you're not
2 from Charleston, is that correct?

3 A. That is correct.

4 Q. So let me hand you ---

5 MR. BLOOM: May I approach the
6 court reporter, again, sir?

7 THE COURT: Yes, sir, you surely
8 may.

9 Court REPORTER: Defendant's
10 Exhibit 8 for identification.

11 MR. BLOOM: Court's indulgence for
12 just a moment?

13 THE COURT: Certainly.

14 (OFF RECORD SIDEBAR BETWEEN COUNSEL)

15 CROSS EXAMINATION CONTINUED

16 BY MR. BLOOM:

17 Q. I conferred with the Solicitor, and I was
18 correct. I just had too many questions. To
19 be fair to you, you're not from Charleston?

20 A. Correct.

21 Q. Even though you've identified those cell
22 phone towers for me and the street addresses
23 from information you had at the time from
24 SunCom, you don't know of your own personal
25 knowledge where those streets are on this

1 particular map?

2 A. I do not.

3 Q. That's personal knowledge.

4 A. I do not.

5 Q. You don't have that professional
6 knowledge either of where those streets are?

7 A. No.

8 MR. BLOOM: The Court's indulgence
9 just one moment. I may be through.

10 THE COURT: Certainly.

11 CROSS EXAMINATION CONTINUED

12 BY MR. BLOOM:

13 Q. I just want to clear up a few other
14 things to make sure I understand. The
15 Solicitor had asked you a question before that
16 billing starts after thirty seconds whether
17 you connect or not.

18 A. Correct.

19 Q. If someone answers before thirty seconds
20 elapse, does it start right then?

21 A. Correct.

22 Q. So there's a thirty-second delay if
23 there's no answer.

24 A. Right. I mean, you could ring on two
25 rings and hang up and it will not start.

1 Q. But if someone picked up fairly quickly
2 or right away, in under thirty seconds, then
3 the 30-second delay is ---

4 A. Correct.

5 Q. And I believe you told the Solicitor that
6 the tower numbers -- and I appreciate you
7 naming those for me -- if a cell phone
8 connects, ninety-nine point nine percent
9 (99.9%) of the time to the closest tower?

10 A. Yes.

11 Q. And to be clear, that originating number
12 column in the cell phone record, for these
13 records, if it's 5085, the last four digits --
14 that would be the cell phone used by Mr.
15 Dickerson for calling out?

16 A. That's the number making the call.

17 Q. And then that second column is who that
18 cell phone called?

19 A. Yes.

20 Q. If the number was different from the
21 originating number -- for example, say, 5464,
22 which there's prior testimony in the record of
23 this case reflects as the number for Tomesha
24 Nelson, that would be Ms. Nelson or whoever's
25 number that was calling into Mr. Dickerson's

1 phone?

2 A. Right.

3 MR. BLOOM: Thank you so much.

4 Thank you for coming here and have a safe trip
5 back.

6 THE COURT: Redirect?

7 REDIRECT EXAMINATION

8 BY SOLICITOR WILSON:

9 Q. I just have one other question --
10 hopefully, only one other question. You said
11 most of the time, ninety-nine percent (99%)
12 of the time, a cell phone's going to hit or be
13 connected through the tower closest to it.
14 When does it not?

15 A. I don't want to say everything's a
16 hundred percent so that's why I say ninety-
17 nine point nine percent of the time. I mean,
18 with GSM, it's almost a hundred percent.

19 Q. But when it doesn't, what is it due to?

20 A. Traffic. Not car traffic, but phone
21 traffic.

22 Q. Phone traffic. So if a tower is "busy"
23 it bounces to the next one?

24 A. Correct.

25 SOLICITOR WILSON: That's all I

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1 have.

2 THE COURT: Recross?

3 RECROSS EXAMINATION

4 BY MR. BLOOM:

5 Q. Bounces to the next closest tower?

6 A. Right.

7 MR. BLOOM: Thank you, sir.

8 THE COURT: Do you wish this
9 witness to be excused?

10 SOLICITOR WILSON: Please.

11 THE COURT: Any objection?

12 MR. BLOOM: No objection.

13 THE COURT: Thank you, Mr.

14 Prioetti. You may

15 step down and you are free to leave.

16 (WITNESS STEPS DOWN)

17 THE COURT: Call your next witness,
18 please.

19 SOLICITOR WILSON: Kimberly
20 Gregg.

21 (WITNESS TAKES STAND)

22 KIMBERLY RENEE GREGG, being duly
23 sworn to tell the truth, the whole truth and
24 nothing but the truth, testified, as follows:

25 DIRECT EXAMINATION

1 BY SOLICITOR WILSON:

2 Q. Ms. Gregg, first of all, I apologize.

3 Have you been waiting outside for some time?

4 A. Yes, since 9:00 o'clock.

5 Q. How about yesterday?

6 A. Same thing.

7 Q. I'm sorry. We really thought we could
8 get to you before then. If you'll just tell
9 the jury how old you are?

10 A. Thirty-two.

11 Q. And where are you working? What kind of
12 work do you do?

13 A. I work at the Sears store.

14 Q. Is that here in Charleston?

15 A. Yes.

16 Q. Did you grow up in Charleston?

17 A. Yes.

18 Q. How far did you go in school here?

19 A. Ninth grade.

20 Q. You didn't graduate?

21 A. I went to Job Corps and graduated there.

22 Q. And do you have children?

23 A. Three.

24 Q. Where do you live, Ms. Gregg?

25 A. I live on Ashley Phosphate.

1 Q. Did you live at that same address back on
2 March the 3rd of 2006?

3 A. Yes.

4 Q. Let me ask you this. Back then, on March
5 the 3rd, did you know Tomisha Nelson or
6 "Shelley"? Did you know her?

7 A. No.

8 Q. Did you know the defendant, William
9 Dickerson, at that time?

10 A. No.

11 Q. Did you have occasion to come in contact
12 with them that day?

13 A. Yes.

14 Q. If you'll tell the jury where you were
15 when you came into contact with them.

16 A. I was standing right -- I just had got
17 off from work.

18 Q. What time of day was it?

19 A. Right after 2:00.

20 Q. You were standing out in your yard?

21 A. Yeah, with my neighbor.

22 Q. Is it a parking lot, or ---

23 A. My driveway.

24 Q. Your driveway. You're standing out in
25 the driveway with your neighbor?

1 A. Uh-huh, (affirmative).

2 THE COURT: Wait a second. Ma'am,
3 make sure you do something. It's perfectly
4 normal in conversation -- but the lady (court
5 reporter) seated to your right is taking down
6 everything that we're saying. And we don't
7 want to misinterpret something that you say.
8 So we need you -- if it's "yes," don't say
9 "uh-huh", say "yes." If it's "no," don't say
10 "uh-uh." It's "no." So use words, please;
11 not uh-huh and uh-uh. Okay?

12 THE WITNESS: Okay.

13 THE COURT: Thank you. And thank
14 you, Solicitor.

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR WILSON:

17 Q. You were standing out there talking to
18 your neighbor, right?

19 A. Yes.

20 Q. That was good. Did you see who you later
21 came to know as Shelley Nelson?

22 A. Yes.

23 Q. And tell the jury how you met her.

24 A. Shelley came by out of her house and said
25 that the defendant was following her.

1 Q. She said who was following her?

2 A. William.

3 Q. That's the defendant seated here?

4 A. Yes.

5 Q. And what was he doing?

6 A. Chasing her. She kind of ran towards me
7 and asked me if she could use my phone.

8 Q. Your cell phone?

9 A. Yes.

10 Q. And what did you tell her?

11 A. I told her yeah, to call the police
12 herself.

13 Q. She wanted you to call the police?

14 A. Yes.

15 Q. And what did you say?

16 A. I told her I would give her my phone, but
17 she had to call the police herself because I
18 didn't know what was going on.

19 Q. Did she stay standing right there with
20 you?

21 A. After I gave her my phone, I told her she
22 could go inside my house and use the phone.

23 Q. Did you notice anything about her
24 appearance?

25 A. Yes.

1 MR. BLOOM: Judge, I'm going to
2 object at this time under 401 and 403 and 404.

3 THE COURT: Well, under those, it's
4 basically you've challenged certain instances.
5 So I overrule your objection.

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR WILSON:

8 Q. What was her condition?

9 A. She had two bloodshot eyes, bloody eyes,
10 bloodshot eyes, red eyes, a gash under her eye
11 and a busted lip.

12 Q. A busted lip?

13 A. Yes.

14 Q. You said you also saw the defendant?

15 A. Yes.

16 Q. What was he doing?

17 A. Standing there.

18 Q. What did you notice about his condition?

19 A. He was upset. He was real mad.

20 Q. How do you know?

21 A. By looking at him. I mean, he was mad,
22 angry. He was just angry.

23 Q. Had you ever seen him before in your
24 life?

25 A. No.

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1 Q. And so you're basically seeing a
2 stranger, and you know that he's angry?

3 A. Yes.

4 Q. Did he do anything or say anything to
5 you?

6 A. After Shelley went in my house, he was
7 standing outside -- well, he was talking to
8 these fellows. And was telling them, well I
9 can't remember the words but that he'd took
10 her in his house and though her kids wasn't
11 his that he was taking care of them and all he
12 wanted her to do was basically to be a
13 housewife. After that he was like he didn't
14 want to tell his ---

15 Q. He said what? You'll have to speak up
16 just a little bit.

17 A. He said, like, he didn't want me to be in
18 his business but he told me to -- he told me
19 to look on his phone.

20 Q. On whose phone?

21 A. On his phone. And he showed me a
22 recording on his phone. It was like a
23 recording, but you couldn't hear the --
24 anything on the phone.

25 Q. So are you saying the quality wasn't that

1 good?

2 A. Yeah.

3 Q. But he wanted you to see it?

4 A. Yes.

5 Q. Why did he want you to see it?

6 A. He was mad. He was mad, angry.

7 Q. Were you afraid?

8 A. Was I afraid?

9 Q. Uh-huh, (affirmative nod).

10 A. No.

11 Q. So he showed you this thing on the phone
12 he was holding, right?

13 A. Yes.

14 Q. Tell the jury what you saw and what you
15 heard on the phone.

16 A. What I heard was a female moaning and
17 groaning on the phone, saying "ummmm, ummmm,
18 ohhhh."

19 Q. You don't have to do all that.

20 A. I'm sorry.

21 Q. That's all right. I asked the question.
22 I'm sorry. Could you make out anybody's face?

23 A. It wasn't nobody on it, it was just the
24 inside of a car.

25 Q. Did you say anything to William about,

1 'why are you showing me this' or anything like
2 that?

3 A. No.

4 Q. Did he tell you who he thought it was on
5 the phone?

6 A. No.

7 Q. He related this to 'I can't believe she
8 did this to me'?

9 A. Yes.

10 Q. Now, you said while he's showing you this
11 phone, Shelley's gone?

12 A. She was in my house.

13 Q. Did the police ever come?

14 A. Yes.

15 Q. Was William still there when the police
16 came?

17 A. No.

18 Q. How long did it take the police to get
19 there?

20 A. Five minutes. Ten minutes.

21 Q. And when the police got there was Shelley
22 still there?

23 A. No.

24 Q. Where had Shelley gone?

25 A. I have no idea, but when I went in my

1 house she was gone. She'd done went through

2 my back door to the next street.

3 Q. So she went on through the house somehow?

4 A. Yes.

5 Q. Now, without getting into the moaning and

6 groaning part, could you hear the female on

7 the recording saying things or asking things?

8 A. It was like -- no.

9 SOLICITOR WILSON: Beg the

10 Court's indulgence.

11 THE COURT: All right.

12 SOLICITOR WILSON: Those are all

13 the questions I have, Your Honor.

14 THE COURT: Cross examine.

15 MR. BLOOM: The Court's indulgence.

16 THE COURT: Certainly.

17 MR. BLOOM: We have no questions of

18 this witness, Your Honor.

19 THE COURT: Very well. Thank you.

20 You may step down.

21 SOLICITOR WILSON: Your Honor,

22 may she be released?

23 THE COURT: Any objection?

24 MR. BLOOM: No, sir.

25 THE COURT: Ms. Gregg, you are also

1 free to leave. Thank you very much.

2 (WITNESS EXCUSED)

3 THE COURT: Call your next witness,
4 Solicitor.

5 MR. DURANT: The State would call
6 Steven Archer.

7 (WITNESS TAKES STAND)

8 STEVEN ARCHIE, being duly sworn to
9 tell the truth, the whole truth and nothing
10 but the truth, testified, as follows:

11 DIRECT EXAMINATION

12 BY MR. DURANT:

13 Q. Good afternoon, Mr. Archie.

14 A. How are you doing?

15 A. I'm doing fine, thank you. If you would,
16 I want to ask you to speak up. These ladies
17 and gentlemen have to hear what you have to
18 say. Okay?

19 A. Yes.

20 Q. What's your nickname?

21 A. "Rock".

22 Q. And how old are you, Mr. Archie?

23 A. Thirty-two.

24 Q. How far did you go in school?

25 A. Twelfth.

1 Q. Where did you go to high school?

2 A. Burns.

3 Q. When did you graduate?

4 A. '95.

5 Q. Are you married?

6 A. Yes, sir.

7 Q. Do you have any children?

8 A. Yes, sir.

9 Q. How many children do you have?

10 A. Seven.

11 Q. You have one that's pretty new, right.

12 A. Yes, two (sic) months old.

13 Q. Three (sic) months old?

14 A. (Affirmative nod).

15 Q. You're obviously suffering from

16 paralysis; correct?

17 A. Something like that.

18 Q. Could you tell the jury how you got that

19 way?

20 A. I got shot in my back, right below the

21 neck.

22 Q. And when was that?

23 A. September 20th.

24 Q. Of what year?

25 A. '08.

1 Q. And where did that happen?

2 A. Romney Street.

3 Q. You were shot in the back?

4 A. (Affirmative nod).

5 Q. How many times were you shot?

6 A. Three times.

7 Q. Before you were shot were you employed?

8 A. Yes, sir.

9 Q. What kind of work did you do?

10 A. Concrete finishing.

11 Q. And who were you working with at the
12 time?

13 A. Ron's Concrete.

14 Q. And you've had some pretty good
15 difficulties with the law; is that correct?

16 A. Yes, sir.

17 Q. I believe you were convicted of
18 possession of drugs with intent to distribute?

19 A. Yes, sir.

20 Q. In '95, correct?

21 A. Yes, sir.

22 Q. And in '97, correct?

23 A. What?

24 Q. In '97?

25 A. Yes, sir.

1 Q. And then again in 2006?

2 A. Yes, sir.

3 Q. Is it fair to say that you were in the
4 drug business back then?

5 A. Yes, sir.

6 Q. Are you still in the drug business?

7 A. No, sir.

8 Q. Do you know a fellow named Gerard Roper?

9 A. Yes, sir.

10 Q. What name did you know him by?

11 A. Gerard.

12 Q. Did he also sometimes go by 'Rard or Rod?

13 A. Yes, sir.

14 Q. But you called him Gerard, right?

15 A. Uh-huh.

16 THE COURT: Is that a "yes"? You
17 need to say "yes" or "no", please.

18 WITNESS: Yes, sir.

19 THE COURT: Thank you.

20 DIRECT EXAMINATION CONTINUED

21 BY MR. DURANT:

22 Q. And could you tell the jury -- could you
23 describe your relationship with Gerard?

24 A. Rod and I was real close, first friend I
25 knew when I was young. We was real tight.

1 Q. Did you'all grow up together?

2 A. Yes, sir.

3 Q. Where did you'all grow up together at?

4 A. Bayside, Burns Street and James Island.

5 Q. So you continued to keep up with Gerard
6 after he moved off the peninsula over to James
7 Island?

8 A. Yes.

9 Q. Are your families close?

10 A. Yes, sir.

11 Q. Who is your mother?

12 A. Cheryl Archie.

13 Q. What is her relationship to Gerard's mom,
14 Shareen Roper?

15 A. They were like sisters.

16 Q. Did Gerard go to college?

17 A. Yes, he went to South Carolina State.

18 Q. Was he also in the Navy?

19 A. Yes, sir.

20 Q. Did you continue to keep up with him
21 after he got out of the Navy?

22 A. Yes, sir.

23 Q. If you would, tell the jury when was the
24 last time you saw him prior to his death in
25 March of 2006?

1 A. That Sunday, and he got killed on a
2 Wednesday or something like that.

3 Q. And where did you see him on that Sunday?

4 A. He came over to my mama's house.

5 Q. Where did your mom live?

6 A. On President Street.

7 Q. Was it unusual for him to come visit you
8 or your mom over on President Street?

9 A. No, sir.

10 Q. And why did he come by the house on that
11 Sunday?

12 A. He hadn't come by in a while. He just
13 happened to come by. He looked like he had
14 something on his mind. I had a ball game on.
15 He was just chilling out a lot, so he hadn't
16 been by in a while.

17 Q. Did he say anything to you?

18 A. No, but he looked like he had stuff on
19 his mind, you know. He said he wanted to talk
20 to me.

21 Q. Did you get a chance to talk to him that
22 day?

23 A. No.

24 Q. Was that the last time you talked?

25 A. Yes, sir.

1 Q. Now, do you see a fellow named William
2 Dickerson in the courtroom?

3 A. Uh-huh.

4 Q. And if you would describe to the jury
5 what he's wearing.

6 A. Khakis and a blue shirt.

7 Q. Does he have a beard?

8 A. Yes, sir.

9 Q. Bald head?

10 A. Uh-huh.

11 Q. Seated at this table?

12 A. Uh-huh.

13 THE COURT: Is that a "yes?"

14 WITNESS: Yes, sir.

15 THE COURT: You need to say "yes"
16 and "no", please.

17 WITNESS: All right.

18 MR. DURANT: Let the record reflect
19 he identified Mr. William Dickerson.

20 THE COURT: It so reflects.

21 DIRECT EXAMINATION CONTINUED

22 BY MR. DURANT:

23 Q. How do you know him?

24 A. From the neighborhood, from the street
25 area.

1 Q. And how long have you known him?

2 A. About ten years.

3 Q. And what was your relationship with Mr.

4 Dickerson?

5 A. We was friends.

6 Q. What name did you know him by?

7 A. "Willie D."

8 Q. Did you consider him a close friend, or

9 just more of an associate?

10 A. Associate.

11 Q. Was your relationship with him friendly?

12 A. Yes.

13 Q. Had there ever been any bad blood between

14 you and Mr. Dickerson?

15 A. No, sir.

16 Q. Ever have an argument with him?

17 A. No, sir.

18 Q. Do you know what the relationship was

19 between William Dickerson and Gerard Roper?

20 A. Yes, they were cool. They were good

21 friends.

22 Q. And when did they become friends?

23 A. I guess when Gerard was on Spring Street.

24 Q. Mr. Archie, I'd like to direct your

25 attention back to Wednesday, March the 8th of

1 2006, which is the day before Gerard's body
2 was found. Could you tell the jury whether or
3 not you had any contact with the defendant,
4 William Dickerson?

5 A. Had I had any contact with him?

6 Q. Yes.

7 A. No.

8 Q. I'm not talking about in person. Did you
9 have any contact with him on the phone or in
10 person?

11 A. Yes.

12 Q. On the phone or in person?

13 A. On the phone.

14 Q. Tell me about that? How did you get in
15 touch with him?

16 A. He called about 10:30 in the morning.

17 Q. And where were you when he called?

18 A. I was at my kids' mama's house.

19 Q. Were you already up?

20 A. No, I was sleeping.

21 Q. And how do you know it was him on the
22 phone?

23 A. I had his name programmed on the phone,
24 and I recognized his voice.

25 Q. Do you remember your cell phone number at

1 the time?

2 A. Probably like -- 303-5758 or something
3 like that.

4 Q. Do you recall giving a statement to the
5 police on March the 9th, 2006?

6 A. What date was that?

7 Q. That would be the day that Gerard was
8 found.

9 A. Yes.

10 Q. Do you think if you looked at it right
11 now it would refresh your recollection as to
12 what your cell phone number was?

13 A. Uh-huh.

14 BRUCE DURANT: Mark this for
15 identification.

16 COURT REPORTER: State's Exhibit
17 310 for identification.

18 DIRECT EXAMINATION CONTINUED

19 BY MR. DURANT:

20 Q. Mr. Archie, I hand you or show you what's
21 previously been marked as State's Number 310
22 for identification. Is that the statement you
23 provided to the police on March the 9th?

24 A. Yes, sir.

25 Q. What was your cell phone number at the

1 time?

2 A. 330-5758.

3 Q. Now, what did he -- tell us about that
4 conversation.

5 A. He called me --- (pause).

6 Q. You need some water or something?

7 A. No, I'm all right. He called me and I
8 was kind of glad to hear from him. It was
9 like a friendly call, you know. I'd saw him
10 like two times since he was home and he was
11 like he was just calling to say, 'what's up?'

12 I was like, 'What's up, man? What's
13 going on?' You know?

14 He was like, 'Man, when you last see
15 Gerard?'

16 I say, 'I saw Gerard on Sunday.'

17 He was like, yeah, he say, 'What'd y'all
18 talk about?'

19 And I was like, 'He didn't get nothing
20 from me.'

21 He was like, 'Well, I got Gerard right
22 here.' You know? 'I just stuck a four-five
23 up his ass.'

24 Q. He stuck a what up his ass?

25 A. A .45 up his ass.

1 Q. A .45 meaning what?

2 A. A pistol.

3 Q. What did you say when he told you that?

4 A. I didn't know if he was kind of like
5 wolfing me, you know. At first I didn't know,
6 like what was going on. Then he put Gerard on
7 the phone and Gerard was like, 'Yeah', you
8 know, 'he just did that.'

9 I told him to put Will back on and he was
10 like, 'I just burned his balls', you know. I
11 was like, 'What?'

12 He said, 'Gerard will tell you.' So he
13 put Gerard on the phone and he was, like,
14 'Yeah.'

15 Then he was like, 'I fucking Gerard' and
16 I was like, 'Man, what the hell y'all got
17 going on up out there?' You know? So he
18 jumped back on the phone and I was, like,
19 'Man, what the hell y'all got going on? What
20 you doing to that man?'

21 He was, like, 'You next.'

22 So I'm, like, going 'Where you at?
23 Because, you know, 'You ain't got to come to
24 me, I'm coming to you.' You know?

25 Q. What was your state of mind by this time?

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1 A. My state of mind was I felt he was like
2 wolfing, you know.

3 Q. Kind of what?

4 A. Just kind of, just wolfing, probably
5 intimidating Gerard, talking trash. I was
6 like, 'Where you at?'

7 He was like, 'You next.'

8 I was, like, 'Where you at?'

9 He was like, 'well', -- you know, 'you
10 supposed to be a gangster, gangsters don't
11 come out in the light.' You know, 'Gangsters
12 come out at night. I see you tonight.' You
13 know?

14 I was, like, 'Man, you talking like this,
15 I'm coming to you now. Where you at?'

16 So I got out and got a couple of my
17 partners and we went out looking for him.

18 Q. What were you looking for him for?

19 A. Huh?

20 Q. What were you looking for him for?

21 A. To see what he had up. To see what he
22 was doing stuff to Rod, or what, if he was
23 just intimidating him or what, you know.

24 Q. Did he tell you where he was?

25 A. No, he didn't tell me where he was.

1 Q. Where did you end up going?

2 A. I went on Spring Street, Bogart Street
3 and Fishburne Street.

4 Q. Do you remember going by Antonio Nelson's
5 house?

6 A. Yeah, went by his house.

7 Q. Were you able to find him?

8 A. No. He said he didn't know where Will
9 was at. He said that Will was tripping out,
10 so he didn't know where he was at.

11 Q. Where did you go after you couldn't find
12 Will downtown?

13 A. I went back to my mother's house.

14 Q. That was on President Street?

15 A. Yes.

16 Q. Did you talk to your mom?

17 A. Yeah, I talked to my mom. She had said,
18 'What's going on?' She told me, because I
19 didn't really believe that he was doing any of
20 that, that he was probably. You know, I told
21 my mom I wasn't going to call the police
22 because he was probably just intimidating Rod
23 or whatever. My mom, she started crying and,
24 you know, she made a couple of calls and she
25 thought it was serious and told me to call the

1 police. Q. And did you talk to Dickerson
2 again while you were at your mom's house?

3 A. Yes.

4 Q. Tell us about that.

5 A. He called and asked me about Shelley or
6 something, I didn't know what he was talking
7 about.

8 Q. He was asking about who?

9 A. Shelley.

10 Q. Who is Shelley?

11 A. The girl he was dealing with at the time.

12 Q. Do you know Shelley?

13 A. Yeah.

14 Q. Had you ever met her or just you just
15 know who she was?

16 A. Yeah, I'd met her.

17 Q. What did he want to know about Shelley?

18 A. I've forgot what he asked me about her
19 but I told him 'I don't want to hear that.' I
20 was just asking him where Gerard was at. You
21 know what I mean?

22 Q. Right. What did he say when you asked
23 him where Gerard was at?

24 A. He was like Gerard was gone, like Gerard
25 was gone, 'Rod's gone.' I'm, like, 'Where's

1 Rod gone at?' I said, you know, 'Where's Rod
2 got at?' And he was like, 'Yeah, I know your
3 mama, too.'

4 Q. What, now?

5 A. He was like, 'I know your mother', you
6 know, and he said 'fuck your mom', this and
7 that, you know. I'm say, 'Man, where you at?
8 You don't have to come to me, I'm coming to
9 you.' You know what I mean? He wouldn't tell
10 me where he was at, you know.

11 Q. Did your mom talk to Gerard's mom?

12 A. Yeah, I think she did call her or either
13 called the police first.

14 Q. She might have contacted both?

15 A. Huh?

16 Q. Your mom contacted Ms. Roper and the
17 police?

18 A. Yes.

19 MR. CARROLL: Object to him
20 commenting on what somebody else did.

21 THE COURT: I'll allow that
22 question. I will consider the next one.

23 DIRECT EXAMINATION CONTINUED

24 BY MR. DURANT:

25 Q. Did you go into the police department the

1 next day?

2 A. Yes, sir.

3 Q. Did you talk to a detective at that time?

4 A. Yes, sir.

5 Q. Did you tell him what happened?

6 A. Yes, sir.

7 MR. DURANT: Beg the court's
8 indulgence.

9 THE COURT: Certainly.

10 DIRECT EXAMINATION CONTINUED

11 BY MR. DURANT:

12 Q. Just one clarification. You said you'd
13 meet Shelley before, is that correct?

14 A. Uh-huh.

15 Q. Are you friends with her?

16 A. No, we cool.

17 Q. Have you ever hung out with her or
18 anything like that?

19 A. No, we just know each other but we don't
20 hang out or stuff like that.

21 Q. So she's not somebody you hang around
22 with a lot or stuff like that?

23 A. No.

24 Q. Could you please answer any questions
25 defense counsel may have for you?

1 THE COURT: You may cross examine.

2 MR. CARROLL: May it please the

3 Court?

4 CROSS EXAMINATION

5 BY MR. CARROLL:

6 Q. Mr. Archie, based on what you've told us
7 here today, when you talked with Gerard on the
8 phone he was still alive; correct?

9 A. Yes, sir.

10 Q. And the things that you were being told,
11 sounds like they were pretty egregious;
12 wouldn't you say?

13 A. Uh-huh.

14 COURT REPORTER: Was that a "yes"?

15 THE COURT: Was that a "yes"?

16 WITNESS: Yes, sir.

17 CROSS EXAMINATION CONTINUED

18 BY MR. CARROLL:

19 Q. And it's your recollection that -- your
20 phone indicated a call from what number? Do
21 you remember that number?

22 A. (No verbal response).

23 Q. It was a long time ago?

24 A. It was a while ago, I don't remember the
25 number.

1 Q. How did you have the entry made in your
2 address book?

3 A. Under "Willie D".

4 Q. Willie D?

5 A. "Will D."

6 Q. So a call came into your phone from Will
7 D?

8 A. Uh-huh.

9 THE COURT: Was that a "yes"?

10 WITNESS: Yes, sir.

11 CROSS EXAMINATION CONTINUED

12 BY MR. CARROLL:

13 Q. Do you recall on March the 9th, after a
14 phone conversation back and forth, going over
15 to Ms. Roper's residence?

16 A. Going over to Ms. Roper's residence?

17 Q. Yes.

18 A. Who was calling Ms. Roper's residence?

19 Q. I'm not talking about a telephone call.
20 I'm talking about you being there physically.

21 Did you and your mother go over to Ms. Roper's
22 residence that day or night? It would have
23 been the day that Gerard's body was found.

24 A. Yeah, we was over there.

25 Q. Do you remember while you were there

1 speaking with a Charleston police officer?

2 A. Uh-huh.

3 Q. Do you remember telling that police
4 officer about receiving the call from Will D?

5 A. Uh-huh.

6 THE COURT: Hold on a second. Mr.
7 Archie, the lady seated to your right is
8 taking down everything that you're saying. We
9 need you to say "yes" and "no" so the record
10 will be clear. "Uh-huh" and "uh-uh" can be
11 misunderstood. So say "yes" and "no", please,
12 sir.

13 WITNESS: All right.

14 CROSS EXAMINATION CONTINUED

15 BY MR. CARROLL:

16 Q. Do you remember speaking with a
17 Charleston police officer while you were at
18 Ms. Roper's residence?

19 A. Yes, sir.

20 Q. Do you remember telling that police
21 officer that Will D had called you earlier in
22 the day, on the 8th?

23 A. Yes, sir.

24 Q. Do you recall telling her that at
25 approximately 7:00 o'clock on March the 8th of

1 2006 you received that call?

2 A. At 7:00 o'clock?

3 Q. 7:00 o'clock a.m.

4 A. Probably, at the time it felt like it.

5 It was early in the morning.

6 Q. So if somebody noted that time, that
7 would be incorrect?

8 A. Noted what time?

9 Q. 7:00 a.m.?

10 A. I don't know if it was that early. I
11 don't think it was that early.

12 Q. Okay. That's what I am trying to find
13 out. If the police officer made a notation
14 that you told them that you received a call at
15 7:00 a.m., that would be incorrect?

16 A. Um-humm.

17 Q. Do you recall telling the officer that it
18 was that telephone call that Will D said he
19 had a .45 up Gerard's anus?

20 A. Yeah, the first call.

21 Q. This conversation took place at Ms.
22 Roper's residence, at about 1:00 o'clock on
23 the 9th?

24 A. No, it took place at my kids' mother's
25 house.

1 Q. Okay. Do you remember talking at your
2 kids' mother's house -- the police officer
3 came there to talk to you?

4 A. No.

5 Q. Do you remember being at Ms. Roper's
6 house on the day that Gerard's body was found?

7 A. The day that Gerard's body was found I
8 was at the police station.

9 Q. We're going to get to that conversation.
10 But right now we're talking about the
11 conversation that took place about 1:00
12 o'clock with Officer Niblock.

13 A. A lady, a female?

14 Q. That's correct.

15 A. Yes, sir.

16 Q. And in that conversation you told her
17 about the things that you described here to
18 the jury.

19 A. Uh-huh.

20 COURT REPORTER: Is that a "yes",
21 Mr. Archie?

22 WITNESS: Yes, ma'am.

23 CROSS EXAMINATION CONTINUED

24 BY MR. CARROLL:

25 Q. Again, please, "yes" or "no."

1 A. Okay.

2 Q. Later, you were asked to come down -- in
3 fact, during that conversation she asked would
4 you come down to the police department and
5 talk to her. Is that correct?

6 A. Yes, sir.

7 Q. And you went down and met with her there
8 and she wanted you to put in writing your
9 recollection of this phone call you were
10 talking about. Is that true?

11 A. Yes, sir.

12 Q. And during that conversation do you
13 remember telling her that you got the call
14 between 9:30 and 10:00 o'clock?

15 A. I probably did.

16 Q. Again you described the things that you
17 described for the jury, as part of that
18 conversation. Do you remember telling her
19 those things then?

20 A. Yes, sir.

21 Q. The second time?

22 A. (No verbal response).

23 Q. And she asked you, I think, about the
24 demeanor of Will D when he was on the phone
25 with you. Do you remember that?

1 A. Yes, sir.

2 Q. Do you remember telling her that he was
3 very agitated?

4 A. Yes, sir.

5 Q. Do you remember telling her that you
6 thought he was on Ecstasy?

7 A. No.

8 Q. You don't remember telling her that?

9 A. I probably did.

10 Q. You probably did?

11 A. (No verbal response).

12 Q. You listed your phone number, and that
13 would have been the phone you would have been
14 using that day; correct?

15 A. Yes, sir.

16 Q. The phone calls that you were
17 participating in, incoming and outgoing, would
18 have been to that number; right?

19 A. Yes, sir.

20 Q. As Mr. Durant covered with you, you've
21 had some experience with law enforcement in
22 the past which resulted not just in arrests,
23 but convictions. Is that correct?

24 A. Yes, sir.

25 Q. And those convictions have all been

1 pretty much involving drug dealing.

2 A. Yes, sir.

3 Q. You've also been convicted of basically
4 running from the police, haven't you?

5 A. Yes, sir.

6 Q. And are you presently awaiting
7 disposition of some drug trafficking charges?

8 A. Yes, sir.

9 Q. So you know some police officers?

10 A. I may know some.

11 Q. You do know police officers, do you not?

12 A. No, sir.

13 Q. You don't know any?

14 A. No, sir.

15 Q. In all these many arrests that you've
16 had, you've never made any friends with police
17 officers?

18 A. No, sir.

19 Q. They've never asked you, 'Mr. Archie, in
20 case you want to work a charge off, here's my
21 card with my number on it. Give me a call and
22 I'll work with you on this'?

23 A. No, sir.

24 Q. Nothing like that. You know about 9-1-1?

25 A. Yes, sir.

1 Q. And hearing the description of what you
2 were told, what you heard, you didn't think it
3 necessary to call 9-1-1?

4 A. No, sir.

5 Q. This was your long-time friend; correct?

6 A. Yes, sir.

7 Q. You considered him family?

8 A. Yes, sir.

9 Q. He really wasn't your family, but you
10 felt that strongly about your relationship;
11 correct?

12 A. Yes, sir.

13 Q. But you didn't want to get the police
14 involved in trying to find him?

15 A. I didn't think that was really going on.
16 It was just one of those things.

17 Q. You called some of your boys and got them
18 together to go out looking for him; didn't
19 you?

20 A. Yes, sir.

21 Q. Your boys, they're serious people; aren't
22 they?

23 A. Yes, sir.

24 Q. But you didn't believe anything was going
25 on?

1 A. Not to that extent.

2 Q. It was a .45 that you heard he was using?

3 A. Yes, sir.

4 Q. You're familiar with guns?

5 A. Yes, sir.

6 Q. Do you remember meeting with my

7 investigator and talking with her about

8 Shelley?

9 A. (No verbal response).

10 Q. Told her that "Shelley's trouble'?

11 A. I can't recall.

12 Q. You can't recall that?

13 A. (No verbal response).

14 MR. CARROLL: Beg the Court's
15 indulgence.

16 THE COURT: Certainly.

17 CROSS EXAMINATION CONTINUED

18 BY MR. CARROLL:

19 Q. You told the Solicitor earlier that,
20 among other things, you knew was that Gerard
21 had been in the Navy? Is that right?

22 A. Yes, sir.

23 Q. You're familiar with that?

24 A. (No verbal response).

25 Q. You're aware of the fact that he had been

1 discharged for bad conduct?

2 A. Yes, sir.

3 Q. You knew that?

4 A. (No verbal response).

5 Q. Bad conduct alleged as criminal activity?

6 A. I don't think so.

7 Q. You don't. But you knew about it?

8 A. Yes, sir.

9 MR. CARROLL: No further questions.

10 THE COURT: Redirect.

11 REDIRECT EXAMINATION

12 BY MR. DURANT:

13 Q. The fact of the matter is you took it
14 seriously; didn't you?

15 A. Excuse me?

16 Q. You took it seriously when you talked to
17 Mr. Dickerson; didn't you?

18 A. Yeah, I did took him serious. But I
19 didn't think it was to that extent.

20 Q. You didn't think he was going to kill
21 your friend?

22 A. No, because they were cool.

23 Q. But you weren't going to look for Mr.
24 Dickerson to talk to him at that point; were
25 you?

1 A. I wanted to see what he had going on, you
2 know, or if he wanted -- you know, if he
3 wanted to get down.

4 Q. Were you angry?

5 A. Yes, sir.

6 Q. So you weren't calling the police because
7 you didn't want to be a witness yourself?

8 MR. CARROLL: I'm going to
9 object to the leading.

10 THE COURT: Sustained. Rephrase
11 your question.

12 REDIRECT EXAMINATION CONTINUED

13 BY MR. DURANT:

14 Q. Were you going to be a witness?

15 A. I was going to see what was going on.

16 Q. In fact, you did -- who called the
17 police?

18 A. My mother.

19 Q. That was later on that same day?

20 A. Yes, sir.

21 Q. What is a "four-five"? Not a .45, but a
22 four-five?

23 A. .45 pistol.

24 Q. Is that slang for any kind of pistol?

25 A. No, a certain type of pistol.

1 MR. DURANT: The court's indulgence
2 for just a second?

3 THE COURT: Yes, sir.

4 REDIRECT EXAMINATION CONTINUED

5 BY MR. DURANT:

6 Q. When did you find out that Gerard was
7 dead?

8 A. When they called me to the police station
9 to question me.

10 Q. That would be on March the 9th?

11 A. Yes.

12 Q. That's when you found out what had
13 happened to Gerard?

14 A. Yes, when they called me they told me
15 that when they had found him.

16 Q. That was after you gave your statement,
17 correct?

18 A. Yes, sir.

19 Q. And before you were arrested or had any
20 pending charges?

21 A. Say that again?

22 Q. He asked you about charges you had
23 pending. That was before you had any pending
24 charges; right?

25 A. I think so.

1 MR. DURANT: I have nothing further.

2 THE COURT: Recross, Mr. Carroll?

3 MR. CARROLL: Just briefly, Your
4 Honor. Let me ---

5 THE COURT: Sure, take your time.

6 RECROSS EXAMINATION

7 BY MR. CARROLL:

8 Q. Your pending charges right now for drug
9 trafficking, they weren't pending back in
10 2006. But there were charges where you had
11 been prosecuted in Charleston County for drug
12 offenses prior to the time of that statement.
13 Is that correct?

14 A. Yes, sir.

15 Q. And convicted?

16 A. Uh-huh.

17 MR. DURANT: Asked and answered,
18 Your Honor.

19 THE COURT: I'll allow it.

20 RECROSS EXAMINATION CONTINUED

21 BY MR. CARROLL:

22 Q. In 2006, you were convicted for drug
23 offenses?

24 A. Yes, sir.

25 MR. CARROLL: No further questions.

1 THE COURT: Thank you, sir. You
2 are free to leave. Do you want the witness to
3 be excused?

4 MR. DURANT: I would ask that Mr.
5 Archie be excused.

6 THE COURT: Any objection?

7 MR. CARROLL: No objection.

8 THE COURT: You are also free to
9 leave, Mr. Archie.

10 (WITNESS EXCUSED)

11 THE COURT: Ladies and gentlemen,
12 let's take about a ten-minute break. Don't
13 begin your deliberations. Don't discuss the
14 case. We'll be with you very shortly.
15 Everybody else remain seated until the jury
16 departs.

17 (JURY OUT @ 3:13 P.M.)

18 THE COURT: Anything from the State
19 before we recess?

20 SOLICITOR WILSON: No, sir.

21 THE COURT: All right. We've had
22 an objection, and I want to be sure. It was
23 401, 403 and what was the other one?

24 MR. BLOOM: 402, Your Honor. It
25 has to do with ---

1 THE COURT: 401, 402 and 403 all
2 deal with relevancy.

3 MR. BLOOM: 404, I believe I said
4 at the beginning. We approached the Bench.

5 THE COURT: Correct.

6 MR. BLOOM: I think the
7 objectionable part of the testimony is when I
8 went into the details about Tonisha Nelson
9 appeared to her, with a black eye and a busted
10 lip.

11 THE COURT: Yes.

12 MR. BLOOM: He did not challenge
13 Ms. Gregg with cross examination as to the
14 details.

15 THE COURT: You challenged her
16 about her fear, and you challenged her about
17 her relationship with the defendant. All of
18 that is very relevant as to her state of mind
19 at that particular time. That's why I
20 permitted the question. If there had been no
21 questions about it, it may have been right. I
22 don't know. Certainly, she's entitled to
23 verify that there was -- but the testimony --
24 and I assume your objection to her testimony
25 was solely to that portion. You're not

1 objecting to other matters she testified, as
2 to relevancy; are you, under 404?

3 MR. BLOOM: Your Honor, we
4 acknowledge the incident was going to come
5 out. But when she went into details of the
6 incident, we did not challenge Ms. Nelson on
7 the details of it.

8 THE COURT: Again, the question was
9 whether or not this person -- there was a
10 tremendous amount of questions about her
11 wanting -- the inference could be drawn from
12 constantly calling him, all the conversations
13 would suggest that everything was forgiven.
14 This goes to support that this person was hurt
15 and pretty upset. I think that's pretty
16 important. The jury should have that to
17 balance and weigh that testimony, which was
18 very pertinent insofar as her continuing to
19 try to contact Mr. Dickerson. No question
20 about that. But I don't think it became
21 bolstering. If this was a classic example of
22 -- sure, we're all going to -- that's proper
23 bolstering. That's just confirming ---

24 SOLICITOR WILSON:
25 Corroboration.

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1 THE COURT: Corroboration.

2 Bolstering is corroboration. All witnesses --
3 not all, but certainly there have been a lot
4 of people that have confirmed and corroborated
5 other testimony. So I don't find that to be
6 bolstering. But I understand your objection.
7 Thank you, sir. I just wanted to give you an
8 opportunity to elaborate if need be on that.
9 Thank you, Mr. Bloom, for helping me with
10 that.

11 Also, under a 403 analysis, I think
12 the probative value clearly, for the reasons
13 I've just stated, outweighed any -- assuming
14 it's not relevant, although I think it's
15 relevant in the first case. And I think the
16 probative value outweighs the prejudice.
17 Because the prejudice has already -- the
18 prejudice of 404 has already been presented,
19 it's already there. It's no greater prejudice
20 to talk about, because she'd already testified
21 to it. So it didn't enhance the incident or
22 make it a more grievance offense than what was
23 already testified to. For that reason, I
24 don't think the prejudice outweighed the
25 probative value. Thank you.

1 BRUCE DURANT: Thank you, Your
2 Honor.

3 THE COURT: How many witnesses?

4 MR. DURANT: We've got two short ---

5 THE COURT: Two longs and two
6 shorts?

7 MR. DURANT: We have four, actually,
8 fairly short witnesses. But I don't think we
9 can do all four today.

10 THE COURT: Let's get the two
11 shorts.

12 MR. BLOOM: I appreciate it.

13 THE COURT: Glad to do it.

14 MR. DURANT: Can we go ahead and let
15 our other two go?

16 THE COURT: Yeah, you can let your
17 two longs go. We can take one long and a
18 short, or two shorts.

19 (BRIEF RECESS)

20 (DEFENDANT PRESENT)

21 THE COURT: Let the record reflect
22 Mr. Dickerson is present. Let's bring our
23 jury in, please.

24 (JURY IN @ 3:33 P.M.)

25 THE COURT: Thank you very much,

1 Ladies and Gentlemen. Solicitor, you may call
2 your next witness.

3 SOLICITOR WILSON: Your Honor,
4 we call Tyre Johnson.

5 (WITNESS TAKES STAND)

6 TYRE JOHNSON, being duly sworn to
7 tell the truth, the whole truth and nothing
8 but the truth, testified, as follows:

9 DIRECT EXAMINATION

10 BY SOLICITOR WILSON:

11 Q. Ms. Johnson, please make sure you speak
12 into the microphone just like you're doing and
13 answer "yes" and "no," okay?

14 A. Yes.

15 Q. Ms. Johnson, how old are you?

16 A. Twenty-six.

17 Q. And how far did you go in school?

18 A. All the way.

19 Q. You finished high school?

20 A. Yes, ma'am.

21 Q. And do you work?

22 A. Yes, ma'am.

23 Q. Where do you work?

24 A. Wal-Mart.

25 Q. Ms. Johnson, I want to take you back to