

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

S.C. Supreme Court

Carmen T Mullen, Circuit Court Judge

Case No 06-CP-11-223

TYREE ROBERTS, SK6012
Aka ABDIYYAH BEN ALKEBULANYAHH

Petitioner,

v

STATE OF SOUTH CAROLINA

Respondent

APPENDIX
VOLUME II OF XI

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1 A HONESTLY, SIR, I HAVE NOT THOUGHT ABOUT IT

2 Q IF YOU HAD TO CHOOSE BETWEEN SENTENCING A PERSON
3 TO LIFE -- MEAN, TO DEATH OR LIFE WITHOUT THE
4 POSSIBILITY OF RELEASE, WHAT WOULD YOU WANT TO KNOW
5 ABOUT A THE CRIME, B THE MURDERER, C THE
6 VICTIM?

7 A MOTIVE, OPPORTUNITY I'M NOT SURE, BUT I'D WANT
8 TO KNOW WHY -- WHY THIS PERSON DECIDED TO COMMIT THE
9 CRIME, WHAT MOTIVATED HIM TO DO IT, I SHOULD SAY, THE
10 CIRCUMSTANCES I JUST WANT TO KNOW IT ALL

11 MR ALKEBULANYAHH THANK YOU, I HAVE NO FURTHER
12 QUESTION THANK YOU

13 THE COURT THE STATE

14 CROSS EXAMINATION BY MR. STONE.

15 Q MS DARLINGTON MY NAME IS DUFFY STONE ALONG
16 WITH SOLICITOR MURDAUGH WE'RE PROSECUTING THIS CASE
17 I JUST HAVE A FEW QUESTIONS FOR YOU DO YOU UNDERSTAND
18 IN A CASE LIKE THIS IF IT GETS TO THE PENALTY PHASE,
19 THAT YOUR DETERMINATION AS A JUROR WOULD BE WHETHER OR
20 NOT TO GIVE THE DEFENDANT LIFE -- IMPRISONMENT OR THE
21 DEATH PENALTY DO YOU UNDERSTAND THAT?

22 A YES, SIR, I DO

23 Q DO YOU THINK THAT -- AND I HOPE -- HAVE YOU HAD
24 ENOUGH OPPORTUNITY TO LOOK OVER THAT QUESTIONNAIRE --
25 NOT QUESTIONNAIRE, BUT THE THREE -- THE THREE TYPES OF

1 JURORS?

2 A YES I HOPE I DID

3 Q IF THE CASE WAS BAD ENOUGH, DO YOU FEEL LIKE YOU
4 COULD GIVE AND RECOMMEND THE DEATH PENALTY IN A CASE IF
5 IT WAS BAD ENOUGH?

6 A YES, I THINK I COULD

7 Q ALSO -- AND WHEN I SAY RECOMMENDATION IT'S
8 ACTUALLY NOT A RECOMMENDATION DO YOU UNDERSTAND YOU
9 AS A JUROR WOULD ACTUALLY BE DOING THE SENTENCING DO
10 YOU UNDERSTAND THAT?

11 A YES, I DO

12 Q THERE IS A FORM THAT GOES ALONG WITH THAT AND ON
13 THAT FORM THAT IF YOU RECOMMEND AS A JUROR, ALONG WITH
14 THE OTHER JURORS, RECOMMEND THE DEATH PENALTY, YOU
15 WOULD BE REQUIRED TO SIGN YOUR NAME ON THAT FORM
16 COULD YOU DO THAT?

17 A YES

18 MR STONE THANK YOU, MS DARLINGTON I DON'T
19 HAVE ANY FURTHER QUESTIONS

20 THE COURT MA'AM, IF YOU'LL STEP OUT IN THE
21 HALLWAY, WE'LL BE BACK WITH YOU MOMENTARILY

22 (THE JUROR EXITS THE COURTROOM)

23 THE COURT WHAT'S YOUR POSITION -- HOLD ON JUST A
24 SECOND

25 (PAUSE)

1 THE COURT YES, SIR

2 MR ALKEBULANYAHH YOUR HONOR, THIS PARTICULAR
3 JUROR IF I RECOLLECT CORRECTLY STATED THAT -- SAID THAT
4 -- WANTED TO PROVE GUILTY BEYOND A SHADOW OF A DOUBT
5 FOR HER TO CONVICT IF A LAW ENFORCEMENT OR A MILITARY
6 PERSON IS SERVING THE COUNTRY

7 IT'S CLEAR THAT -- THAT THE LAW PROVIDES THAT ONE
8 WOULD BE ABLE TO PROVE BEYOND A REASONABLE DOUBT, NOT A
9 SHADOW OF A DOUBT

10 THE COURT THAT'S THE PROBLEM WITH ASKING
11 QUESTIONS ABOUT THE LAW THE THING THAT THEY NEED TO
12 BE ASKED IS WILL THEY FOLLOW THE LAW THAT I GIVE TO
13 THEM, BECAUSE THEY'RE NOT LAWYERS SO THEY MAY HAVE
14 BELIEFS BUT THE REAL QUESTION IS WILL THEY FOLLOW
15 THE LAW AS I TELL THEM THE LAW IS AND EXPLAIN IT TO
16 THEM?

17 THAT'S WHY I HAVE DIRECTED YOU TO STAY AWAY FROM
18 LEGAL QUESTIONS

19 MR ALKEBULANYAHH WELL ---

20 THE COURT I INSTRUCT THEM ON THE LAW, THAT'S MY
21 JOB EVEN IF YOU SAY THE LAW IS DIFFERENT, THEY DON'T
22 GET TO LISTEN TO THAT IT'S WHAT I TELL THEM THE LAW
23 IS

24 MR ALKEBULANYAHH BUT, STILL YET, IF YOUR
25 INSTRUCTION HAS BEEN THAT TO BE FOUND GUILTY BEYOND A

STATE VS ALKEBULANYAHH

1 REASONABLE DOUBT, THEN SHE SHOULD NOT GO OUT -- OR
2 CONSIDER ANY INTERPRETATION OF WHAT YOU HAVE EXPLAINED
3 THE LAW TO BE

4 THE COURT ALL I CAN SAY IS WILL SHE ACCEPT THE
5 LAW AS I INSTRUCT HER, AND SHE SAID SHE WOULD

6 MR ALKEBULANYAHH BUT, YET, HER -- HER SAYING
7 THAT IT WOULD HAVE TO BE BEYOND A SHADOW OF A DOUBT IS
8 -- IS CLEARLY OUTSIDE OF THAT INSTRUCTION

9 THE COURT I JUST THINK ---

10 MR MURDAUGH WE MIGHT CAN SHORTEN THIS YOU
11 WANT TO EXCUSE HER?

12 MR ALKEBULANYAHH YES, SIR

13 MR MURDAUGH WE AGREE, SIR

14 THE COURT WELL, I DON'T KNOW THAT THAT'S THE
15 CASE I WANT TO HEAR YOUR REASONS FOR EXCUSING HER
16 YOURSELF I ---

17 MR ALKEBULANYAHH WELL, LET ME ADD -- LET ME
18 CONTINUE

19 THE COURT SHE MIGHT BE QUALIFIED YES, SIR

20 MR ALKEBULANYAHH SHE WAS VERY, VERY SENSITIVE
21 TO THE MATTER ABOUT ONE KILLING A POLICE OFFICER OR
22 MILITARY PERSON I THINK THAT -- THAT -- THAT -- THAT
23 HIGH AMOUNT OF SENSITIVITY, TO THAT LEVEL AFFECT HER
24 ABILITY TO BE ABLE TO BE -- TO BE IMPARTIAL

25 WHEN SHE WAS ASKED DO SHE BELIEVE SHE CAN BE FAIR

STATE VS ALKEBULANYAHH

1 AND IMPARTIAL, HER WAS, IT WOULD BE A TOUGH CALL

2 THE COURT ALL RIGHT WHAT'S YOUR POSITION ON
3 WHY SHE'S NOT QUALIFIED?

4 MR MURDAUGH YOUR HONOR, PLEASE HER ANSWERS
5 REGARDING THE MILITARY AND POLICE WERE SUCH THAT I
6 DIDN'T THINK, TO BE HONEST WITH YOU, THAT SHE COULD
7 GIVE HIM A FAIR AND IMPROPER ---

8 THE COURT ALL RIGHT

9 MR MURDAUGH --- IMPARTIAL TRIAL

10 THE COURT IS THAT WHAT YOUR POSITION IS, MR
11 ALKEBULANYAHH?

12 MR ALKEBULANYAHH YES, SIR, THAT IS MY POSITION

13 THE COURT ALL RIGHT BRING THE JUROR BACK IN
14 PLEASE

15 (THE JUROR ENTERS THE COURTROOM)

16 THE COURT ALL RIGHT MS DARLINGTON, I'M GOING
17 TO EXCUSE YOU FROM THIS PANEL THANK YOU FOR
18 PARTICIPATING UP TO THIS POINT YOU WILL BE EXCUSED
19 FOR THE REMAINDER OF THE WEEK HAVE A GOOD WEEK

20 JUROR THANK YOU VERY MUCH

21 (THE JUROR EXITS THE COURTROOM)

22 THE COURT AMY SMITH

23 (THE JUROR ENTERS THE COURTROOM)

24 AMY SMITH, HAVING BEEN
25 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY THE COURT.

2 Q ALL RIGHT ARE YOU AMY SMITH?

3 A YES, SIR

4 Q ALL RIGHT NOW, MS SMITH, YOU WERE PREVIOUSLY
5 PLACED UNDER OATH YOU'LL REMAIN UNDER OATH DO YOU
6 UNDERSTAND?

7 A YES

8 Q ALL RIGHT WHEN YOU RESPOND TO THE COURT'S
9 QUESTIONS OR ANY QUESTIONS, IF YOU WILL PLEASE AVOID
10 NODDING YOUR HEAD THE COURT REPORTER HAS TO TAKE IT
11 DOWN VERBALIZE YOUR RESPONSE DON'T SAY UH-HUH OR
12 HUH-UH OR ANYTHING LIKE THAT, THAT WILL MAKE IT EASIER
13 FOR HER TO TAKE EVERYTHING DOWN

14 NOW, WE'RE AT THAT PART OF THE CASE WHERE WE ASK
15 YOU SOME QUESTIONS, NOT TO INVADE YOUR PRIVACY IT'S
16 JUST THAT THESE ARE NECESSARY DUE TO THE NATURE OF
17 THESE PROCEEDINGS THERE ARE NO RIGHT OR WRONG
18 ANSWERS JUST ANSWER OPENLY, HONESTLY, AND FULLY NO
19 ONE IS CHALLENGING ANY VIEW THAT YOU MIGHT HAVE WE'RE
20 JUST TRYING TO ASCERTAIN WHAT YOU THINK ABOUT CERTAIN
21 THINGS SOME OF THE QUESTIONS YOU MAY NOT HAVE THOUGHT
22 ABOUT BEFORE OR SOME OF THE QUESTIONS YOU JUST DON'T
23 KNOW WHAT YOUR ANSWER WOULD BE OR WHAT YOU WOULD DO
24 JUST ANSWER HONESTLY AND FULLY, THAT'S FINE

25 NOW, AMONG OTHER THINGS, WE'LL BE TALKING ABOUT

1 PENALTY THE MERE FACT THAT WE TALK ABOUT A PENALTY
2 DOES NOT INDICATE ANYTHING ABOUT THE DEFENDANT THE
3 DEFENDANT IS PRESUMED IN THE LAW INNOCENT DO YOU
4 UNDERSTAND THAT?

5 A YES, SIR

6 Q NOW, A LOT OF PEOPLE WHEN THEY HEAR ABOUT THE
7 NATURE OF CERTAIN CASES, LIKE IN A MURDER CASE FOR
8 EXAMPLE, THEY THINK THAT THE DEATH PENALTY APPLIES
9 THAT'S NOT THE CASE THE DEATH PENALTY DOES NOT APPLY
10 IN EVERY CASE JUST BECAUSE IT'S A MURDER CASE DOES
11 NOT MEAN IT'S A DEATH PENALTY CASE

12 NOW, THE DEATH PENALTY APPLIES IN LIMITED TYPES OF
13 MURDER CASES IT MIGHT APPLY WHERE THERE'S A
14 KIDNAPPING PLUS A MURDER, OR A BURGLARY PLUS A MURDER
15 THOSE ARE JUST EXAMPLES DO YOU UNDERSTAND WHAT I'M
16 SAYING? I JUST WANT TO GIVE YOU A LITTLE CONTEXT ABOUT
17 THAT

18 NOW, IF YOU WERE A JUROR IN A CRIMINAL CASE, COULD
19 YOU LISTEN TO AND APPLY THE LAW AS I INSTRUCT IT TO
20 YOU?

21 A YES, SIR

22 Q EVEN THOUGH YOU MAY NOT AGREE WITH THAT LAW OR
23 THINK IT OUGHT TO BE SOME OTHER WAY?

24 A YES, SIR

25 Q COULD YOU DECIDE THIS CASE BASED ON THE EVIDENCE

1 PRESENTED HERE IN THIS COURT AND DISREGARD ANYTHING YOU
2 MAY HAVE HEARD, READ, OR SEEN ABOUT THIS CASE?

3 A YES

4 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
5 CASE?

6 A YES

7 Q AND WHAT WAS THAT?

8 A I READ IN THE NEWSPAPER ON SUNDAY THE ARTICLE
9 AND I HEARD -- I JUST HEARD FROM A FEW PEOPLE ABOUT THE
10 CASE I DIDN'T LIVE HERE AT THE TIME WHEN IT HAPPENED,
11 SO I DIDN'T HEAR ABOUT IT THEN

12 Q ALL RIGHT WOULD WHATEVER YOU HAVE HEARD OR READ
13 IN ANY WAY AFFECT YOUR ABILITY TO GIVE EVERYONE IN THIS
14 CASE A FAIR AND IMPARTIAL TRIAL?

15 A NO, SIR

16 Q HAVE YOU FORMED ANY OPINION ABOUT THIS CASE?

17 A NO, SIR

18 Q NOW, IN A CRIMINAL CASE THE STATE HAS THE BURDEN
19 OF PROVING THE GUILT OF THE DEFENDANT BEYOND A
20 REASONABLE DOUBT A DEFENDANT HAS NO BURDEN TO PROVE
21 INNOCENCE A DEFENDANT IS PRESUMED INNOCENT A
22 DEFENDANT DOESN'T HAVE TO DO ANYTHING DO YOU
23 UNDERSTAND THAT?

24 A YES, SIR

25 Q ALL RIGHT COULD YOU DEPENDING UPON THE FACTS AND

1 EVIDENCE IN THE CASE AND THE LAW THAT I GIVE TO YOU
2 FIND A DEFENDANT EITHER GUILTY OR NOT GUILTY?
3 A YES, SIR
4 Q HAVE YOU READ THAT JUROR TYPE SHEET?
5 A EXCUSE ME?
6 Q HAVE YOU LOOKED AT THE JUROR TYPE SHEET?
7 A YES, I HAVE
8 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
9 CATEGORIES?
10 A I WOULD HAVE TO SAY I FALL IN THE TYPE 3 CATEGORY
11 Q TYPE 3?
12 A YES, SIR
13 Q THAT WOULD BE GENERALLY THE CATEGORY IF THE CRIME
14 OF MURDER HAS BEEN PROVEN BY THE STATE, THE CASE
15 PROGRESSES TO THE PENALTY PHASE
16 A RIGHT
17 Q YOU WOULD NOT HAVE MADE UP YOUR MIND IN ADVANCE
18 CONCERNING PUNISHMENT INSTEAD, YOU WOULD NEED TO HEAR
19 THE FACTS AND CIRCUMSTANCES, BOTH IN AGGRAVATION AND IN
20 MITIGATION, AND YOU WOULD LISTEN TO AND FOLLOW THE LAW
21 AS EXPLAINED BY THE COURT BEFORE YOU MADE A DECISION
22 REGARDING PUNISHMENT IS THAT CORRECT?
23 A YES
24 Q NOW, IF YOU WERE A JUROR IN THAT SITUATION, IF A
25 CASE HAS REACHED THE SENTENCING PHASE, COULD YOU

STATE VS ALKEBULANYAHH

1 DEPENDING UPON THE PARTICULAR FACTS AND CIRCUMSTANCES,
2 INCLUDING THE CONSIDERATION OF ANY AGGRAVATING AND
3 MITIGATING CIRCUMSTANCES AND THE LAW AS I GIVE IT TO
4 YOU RETURN A LIFE IMPRISONMENT WITHOUT PAROLE?

5 A YES

6 Q IF YOU WERE A JUROR IN THAT SAME SITUATION, THE
7 SENTENCING PHASE, COULD YOU DEPENDING UPON THE
8 PARTICULAR FACTS AND CIRCUMSTANCES INCLUDING ANY -- THE
9 CONSIDERATION OF ANY AGGRAVATING AND MITIGATING
10 CIRCUMSTANCES AND THE LAW THAT I GIVE TO YOU RETURN A
11 SENTENCE OF DEATH?

12 A YES

13 Q NOW, IN THAT EVENT IF THE JUROR MADE A DECISION
14 ABOUT RETURNING A SENTENCE OF DEATH WOULD YOU BE ABLE
15 TO SIGN THE VERDICT FORM?

16 A YES

17 THE COURT ALL RIGHT NOW THEY'RE GOING TO ASK
18 YOU SOME QUESTIONS, MA'AM

19 JUROR OKAY

20 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

21 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

22 Q HELLO HOW YOUR DOING, MS SMITH?

23 A GOOD HOW ARE YOU?

24 Q FINE THANK YOU I'M GOING TO JUST ASK YOU A FEW
25 QUESTIONS I'M THE DEFENDANT, MR ALKEBULANYAHH IN THE

STATE VS ALKEBULANYAHH

1 CASE

2 A OKAY

3 Q I'M JUST GOING TO ASK YOU A FEW QUESTIONS ARE
4 YOU A FORMER LAW ENFORCEMENT -- EXCUSE ME ARE YOU A
5 FORMER LAW ENFORCEMENT EMPLOYEE?

6 A NO, SIR

7 Q ARE ANY MEMBERS OF YOUR IMMEDIATE FAMILY EMPLOYED
8 BY THE LAW ENFORCEMENT AGENCY?

9 A NO

10 Q HAVE YOU OR ANY OF YOUR RELATIVES OR CLOSE FRIENDS
11 BEEN A VICTIM OF A CRIME IN THE LAST 5 YEARS?

12 A NO

13 Q DO YOU HAVE ANY PARTICULAR OPINION OR FEELINGS
14 ABOUT THE CRIME OF MURDER WHICH WOULD MAKE IT DIFFICULT
15 FOR YOU TO SERVE ON A JURY WHERE THE DEFENDANT IS
16 CHARGED WITH THESE CRIMES?

17 A NO, I DON'T THINK SO

18 Q HAVE YOU FORMED AN OPINION CONCERNING THE GUILT OR
19 THE INNOCENCE OF THIS DEFENDANT?

20 A NO, I HAVEN'T

21 Q ARE YOU AWARE OF ANY REASON WHATSOEVER WHY YOU
22 COULD NOT BE FAIR OR IMPARTIAL TO THE DEFENDANT OR THE
23 STATE?

24 A NO

25 MR ALKEBULANYAHH THANK YOU I HAVE NO FURTHER

STATE VS ALKEBULANYAHH

1 QUESTIONS, YOUR HONOR

2 CROSS EXAMINATION BY MR. STONE.

3 Q MS SMITH MY NAME IS DUFFY STONE ALONG WITH
4 SOLICITOR MURDAUGH, WE'LL BE TRYING THIS CASE LET ME
5 ASK YOU A FEW QUESTIONS FIRST OF ALL, DID YOU GET AN
6 OPPORTUNITY TO LOOK THROUGH THAT QUESTIONNAIRE, THE
7 THREE TYPES OF JURORS?

8 A YES, SIR

9 Q YOU'VE HAD ENOUGH TIME TO LOOK THROUGH THAT?

10 A UH-HUH

11 Q YOU FEEL VERY COMFORTABLE THAT YOU FALL INTO THE
12 THIRD CATEGORY?

13 A YES, SIR

14 Q IN A CASE -- IN A DEATH PENALTY TYPE CASE IF THE
15 DEFENDANT IS SHOWN TO BE GUILTY, WE MOVE INTO A SECOND
16 PHASE WHICH IS THE PENALTY PHASE DO YOU UNDERSTAND
17 THAT?

18 A YES

19 Q DURING THE PENALTY PHASE, YOU AS A JUROR WOULD BE
20 ASKED TO HAND DOWN A SENTENCE, EITHER LIFE IMPRISONMENT
21 OR THE DEATH PENALTY DO YOU UNDERSTAND THAT?

22 A YES

23 Q IF THE CASE WERE BAD ENOUGH, ARE YOU COMFORTABLE
24 THAT YOU COULD IN FACT RECOMMEND THE DEATH PENALTY?

25 A YES, SIR

1 Q IF -- AND I SAY RECOMMEND BUT AS THE JUDGE WILL
2 INSTRUCT YOU, AS A JUROR IN THIS TYPE OF CASE, YOUR
3 RECOMMENDATION WILL BE FOLLOWED IT'S NOT A
4 RECOMMENDATION IN THAT SENSE IT IS ACTUALLY THE
5 SENTENCE OF THE COURT DO YOU UNDERSTAND THAT?

6 A I UNDERSTAND THAT

7 Q THE FORM THAT GOES ALONG WITH THIS, I THINK THE
8 JUDGE TOUCHED ON BEFORE BUT IF YOU AS A JUROR DECIDE
9 THAT THE CASE IS BAD ENOUGH AND IT WARRANTS THE DEATH
10 PENALTY, THEN YOU WOULD BE ASKED TO SIGN A FORM TO
11 INDICATE THAT COULD YOU DO THAT?

12 A YES

13 MR STONE THANK YOU, MS SMITH I THANK YOU FOR
14 YOUR TIME

15 THE COURT THANK YOU YOU MAY STEP OUTSIDE
16 WE'LL BE WITH YOU MOMENTARILY THANK YOU

17 (THE JUROR EXITS THE COURTROOM)

18 THE COURT WHAT IS YOUR POSITION?

19 MR ALKEBULANYAHH YOUR HONOR OUR POSITION IS
20 SHE'S QUALIFIED

21 MR STONE I AGREE, YOUR HONOR SHE'S QUALIFIED

22 THE COURT ALL RIGHT THE COURT WILL FIND HER
23 QUALIFIED BRING IN MS SMITH

24 (THE JUROR ENTERS THE COURTROOM)

25 THE COURT MS SMITH

1 JUROR YES

2 THE COURT THE COURT FINDS YOU QUALIFIED THAT
3 DOESN'T MEAN YOU WILL BE ON THE CASE IT MEANS YOU
4 WILL BE IN THE GROUP OF PEOPLE FROM WHICH THE JURY IS
5 SELECTED BECAUSE I DO NOT KNOW HOW LONG THIS PROCESS
6 WILL LAST, I BELIEVE YOU'VE GIVEN US YOUR HOME -- YOUR
7 DAY AND NIGHT NUMBERS?

8 JUROR YES

9 THE COURT ALL RIGHT THAT WAY I CAN AVOID
10 KEEPING YOU HERE UNTIL WE CAN FIGURE OUT WHEN WE
11 ACTUALLY NEED YOU PLEASE REMEMBER YOU ARE OBLIGATED
12 TO REPORT BACK TO COURT WHEN THE COURT INSTRUCTS YOU
13 SECONDLY, YOU MUST NOT EXPOSE YOURSELF TO ANY
14 MEDIA COVERAGE, NO NEWSPAPER, RADIO, T V INSOFAR AS
15 THIS CASE IS CONCERNED IF YOU START TO HEAR
16 SOMETHING, TURN IT OFF SEE A HEADLINE, DON'T EVEN
17 READ IT ALL RIGHT? DO YOU UNDERSTAND THAT?

18 JUROR YES

19 THE COURT ALL RIGHT THANK YOU VERY MUCH AND
20 WE'LL BE IN TOUCH WITH YOU

21 (THE JUROR EXITS THE COURTROOM)

22 THE COURT CLARENCE GRAY CLARENCE GRAY

23 NOW, BOTH OF YOU ALL ARE REPEATING A LOT OF THE
24 QUESTIONS THAT I ASK SO I'M NOT SURE WHY YOU NEED TO
25 DO THAT I ASK ALL OF THEM ABOUT THEIR ABILITY TO SIGN

STATE VS ALKEBULANYAHH

1 THE FORM I DON'T KNOW WHY YOU ALL NEED TO GET BACK
2 INTO THAT

3 (THE JUROR ENTERS THE COURTROOM)

4 CLARENCE GRAY, JR , HAVING
5 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

6 DIRECT EXAMINATION BY THE COURT.

7 Q ARE YOU CLARENCE GRAY, JR ?

8 A YES, SIR

9 Q ALL RIGHT IF YOU WOULD PLEASE TAKE THAT SEAT
10 MR GRAY, YOU WERE PREVIOUSLY PLACED UNDER OATH YOU
11 WILL REMAIN UNDER OATH DO YOU UNDERSTAND?

12 A YES, SIR

13 Q ALL RIGHT IN RESPONSE TO OUR QUESTIONS, IF YOU
14 COULD PLEASE VOCALIZE THAT RESPONSE RATHER THAN NODDING
15 YOUR HEAD OR ---

16 A OKAY, SIR

17 Q JUST SO THE COURT REPORTER CAN GET EVERYTHING
18 DOWN

19 NOW, WE'RE AT THE PART OF THE CASE WHERE WE ASK
20 YOU SOME INDIVIDUAL QUESTIONS, NOT TO INVADE YOUR
21 PRIVACY IN ANY WAY IT'S JUST NECESSARY DUE TO THE
22 NATURE OF THESE PROCEEDINGS THERE ARE NO RIGHT OR
23 WRONG ANSWERS SO PLEASE JUST ANSWER OPENLY, HONESTLY,
24 AND FULLY YOU MAY NOT KNOW, AND SAY I DON'T KNOW TO
25 SOME QUESTIONS, JUST DEPENDS ON WHAT YOUR VIEW IS OR

STATE VS ALKEBULANYAHH

1 YOU MAY NOT HAVE ANY VIEW NOW, NO ONE IS CHALLENGING
2 ANY OF YOUR POSITIONS IT'S JUST WE NEED TO KNOW WHAT
3 YOUR VIEWS MIGHT BE

4 AMONG OTHER THINGS, WE'LL BE TALKING ABOUT
5 PENALTY THE MERE FACT WE'LL BE TALKING ABOUT PENALTY
6 DOES NOT INDICATE ANYTHING ABOUT A DEFENDANT A
7 DEFENDANT IS PRESUMED INNOCENT IN THE LAW DO YOU
8 UNDERSTAND THAT?

9 A YES, SIR, I DO

10 Q NOW, JUST TO TELL YOU A LITTLE BIT ABOUT ALSO THIS
11 CONCEPT OF PENALTY A LOT OF PEOPLE THINK THAT THE
12 DEATH PENALTY APPLIES TO ALL MURDER CASES, BUT IT DOES
13 NOT IT ONLY APPLIES IN CERTAIN LIMITED KINDS OF
14 MURDER CASES FOR EXAMPLE, IT MIGHT APPLY TO A CASE
15 WHERE THE STATE PROVES A KIDNAPPING PLUS A MURDER OR A
16 BURGLARY PLUS A MURDER, OR THE MURDER OF CERTAIN TYPES
17 OF OFFICIALS DO YOU UNDERSTAND THAT?

18 A YES, SIR

19 Q ALL RIGHT THOSE ARE JUST EXAMPLES IN EVERY
20 CASE YOU WOULD CONSIDER AGGRAVATING CIRCUMSTANCES AND
21 MITIGATING CIRCUMSTANCES IN MAKING A DECISION NOW, IF
22 YOU WERE A JUROR IN A CRIMINAL CASE, COULD YOU LISTEN
23 TO AND APPLY THE LAW AS I INSTRUCT IT TO YOU?

24 A YES, I COULD

25 Q EVEN THOUGH YOU MAY NOT AGREE WITH THAT LAW OR

- 1 THINK IT OUGHT TO BE SOME OTHER WAY?
- 2 A ABSOLUTELY
- 3 Q COULD YOU DECIDE THIS CASE BASED ON THE EVIDENCE
- 4 PRESENTED HERE IN THIS COURT AND DISREGARD ANYTHING YOU
- 5 MAY HAVE HEARD, READ, OR SEEN ABOUT THIS CASE?
- 6 A YES, I CAN
- 7 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
- 8 CASE?
- 9 A YES, I HAVE
- 10 Q WHAT WAS THAT?
- 11 A IN THE PAPER
- 12 Q AND WAS THAT RECENTLY OR SOME OTHER TIME?
- 13 A NOT RECENTLY, NO, SIR
- 14 Q NOT RECENTLY?
- 15 A NO, SIR
- 16 Q ALL RIGHT
- 17 A NOT SINCE YOU TOLD US NOT TO
- 18 Q OKAY AND WHAT IS IT THAT YOU RECALL READING?
- 19 A BASICALLY, THE -- WHAT HAPPENED, THE
- 20 CIRCUMSTANCES, THAT'S ABOUT IT
- 21 Q ALL RIGHT AND WOULD THAT IN ANY WAY AFFECT YOUR
- 22 ABILITY TO GIVE EVERYONE IN THIS CASE A FAIR AND
- 23 IMPARTIAL TRIAL?
- 24 A YES, SIR
- 25 Q IT WOULD AFFECT YOU?

- 1 A NO, SIR NO, SIR, IT WOULD NOT AFFECT ME
- 2 Q DID YOU UNDERSTAND MY QUESTION?
- 3 A YES, SIR, I DID, SIR
- 4 Q ALL RIGHT WOULD ANYTHING THAT YOU HAVE READ,
- 5 WOULD IT IN ANY WAY AFFECT YOUR ABILITY TO GIVE
- 6 EVERYONE THEIR FAIR DAY IN COURT -- FAIR AND IMPARTIAL
- 7 TRIAL?
- 8 A NO, SIR
- 9 Q ALL RIGHT HAVE YOU FORMED ANY OPINION ABOUT THIS
- 10 CASE?
- 11 A NO, SIR
- 12 Q ALL RIGHT NOW, IN A CRIMINAL CASE THE STATE HAS
- 13 THE BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT
- 14 A DEFENDANT HAS NO BURDEN TO PROVE INNOCENCE DO YOU
- 15 UNDERSTAND THAT?
- 16 A YES, I DO
- 17 Q ALL RIGHT NOW, DEPENDING UPON THE FACTS AND
- 18 EVIDENCE IN THE CASE AND THE LAW THAT I GIVE TO YOU,
- 19 COULD YOU FIND A DEFENDANT EITHER GUILTY OR NOT GUILTY?
- 20 A YES, I COULD
- 21 Q HAVE YOU LOOKED AT THAT JUROR TYPE SHEET?
- 22 A YES, I HAVE
- 23 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
- 24 CATEGORIES?
- 25 A YES, I DO

1 Q AND WHAT WOULD THAT BE?

2 A TYPE 2

3 Q TYPE 2 TYPE 2 WOULD BE THE TYPE OF JUROR IF THE
4 CRIME OF MURDER HAS BEEN PROVEN BY THE STATE AND YOU'RE
5 CONSIDERING PUNISHMENT, YOU FEEL THAT YOU WOULD GIVE
6 THE DEATH PENALTY IN EACH AND EVERY CASE NO MATTER WHAT
7 THE CIRCUMSTANCES ARE?

8 A I'M SORRY THAT'S INCORRECT IT WOULD BE PART
9 NO 3 3

10 Q SO THAT WAS NOT WHAT YOU INTENDED TO SAY?

11 A THAT IS CORRECT SIR

12 Q TYPE 3 WOULD BE -- THAT'S WHY I READ THEM OUT JUST
13 TO MAKE SURE

14 A I APPRECIATE THAT

15 Q TYPE 3 WOULD THE TYPE OF JUROR WHO IF THE CRIME OF
16 MURDER HAS BEEN PROVEN BY THE STATE AND THE JUROR IS
17 CONSIDERING PUNISHMENT, WOULD NOT HAVE MADE UP HIS MIND
18 IN ADVANCE CONCERNING PUNISHMENT INSTEAD, YOU WOULD
19 NEED TO HEAR THE FACTS AND CIRCUMSTANCES, BOTH IN
20 AGGRAVATION AND IN MITIGATION, AND YOU WOULD LISTEN TO
21 AND FOLLOW THE LAW AS EXPLAINED BY THE JUDGE BEFORE
22 MAKING A DECISION REGARDING PUNISHMENT IS THAT THE
23 CATEGORY YOU THINK YOU FALL INTO?

24 A THAT IS CORRECT, SIR

25 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN THAT

1 SITUATION, IN A CASE WHERE IT HAS REACHED A SENTENCING
2 PHASE, IF IT DOES, COULD YOU -- COULD YOU, DEPENDING
3 UPON THE PARTICULAR FACTS AND CIRCUMSTANCES OF THE CASE
4 INCLUDING THE CONSIDERATION OF ANY AGGRAVATING AND
5 MITIGATING CIRCUMSTANCES AND THE LAW I GIVE TO YOU
6 RETURN A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE?

7 A NO, I COULD NOT

8 Q YOU COULD NOT?

9 A NO, SIR

10 Q ALL RIGHT SO MAYBE I NEED TO GO BACK ARE YOU
11 SAYING THAT YOU WOULD GIVE THE DEATH PENALTY IN EVERY
12 CASE?

13 A NO, SIR, I WOULD NOT IT WOULD DEPEND ON THE -- I
14 GUESS, ON THE ---

15 Q DID YOU UNDERSTAND MY QUESTION?

16 A MAYBE NOT TO THE FULL EXTENT

17 Q ALL RIGHT IN FOLLOW-UP TO WHAT YOU SAID ABOUT
18 TYPE 3 COULD YOU DEPENDING UPON THE PARTICULAR FACTS
19 AND CIRCUMSTANCES OF A CASE INCLUDING THE CONSIDERATION
20 OF ANY AGGRAVATING AND MITIGATING CIRCUMSTANCES AND THE
21 LAW AS I GIVE IT TO YOU RETURN A SENTENCE OF LIFE
22 IMPRISONMENT WITHOUT PAROLE?

23 A IF THAT WAS A RECOMMENDED SENTENCE, I COULD DO
24 THAT, YES

25 Q IF THAT WAS WHAT?

1 A THE RECOMMENDED SENTENCE, I COULD DO THAT

2 Q THE SENTENCE THAT WOULD BE IMPOSED BY THE COURT
3 WOULD BE WHATEVER THE JURY SAID

4 A THAT'S CORRECT, SIR I UNDERSTAND THAT

5 Q SO ARE YOU SAYING YOU COULD NOT DO THAT?

6 A NO, I COULD NOT

7 Q SO YOU'RE TELLING US THAT THE DEATH PENALTY WOULD
8 BE THE ONLY APPROPRIATE PUNISHMENT ---

9 A IN MY OPINION, YES, SIR

10 Q --- NO MATTER WHAT THE CIRCUMSTANCES ARE?

11 A MY OPINION, YES, SIR

12 Q NO MATTER WHAT THE CIRCUMSTANCES ARE?

13 A IN MY OPINION, YES, SIR

14 THE COURT ALL RIGHT

15 MR ALKEBULANYAHH I HAVE NO QUESTIONS, YOUR
16 HONOR

17 THE COURT THE STATE?

18 CROSS EXAMINATION BY MR. MURDAUGH.

19 Q I'M NOT QUITE SURE, SIR, THAT I -- I HEARD WHAT
20 YOU SAID, SIR BUT I'M NOT SURE WHAT YOU SAID, SIR

21 A I UNDERSTAND

22 Q IN A MURDER CASE WHERE THE DEATH PENALTY IS BEING
23 ASKED FOR, THE FIRST ORDER OF BUSINESS FOR A JUROR --
24 FOR THE JURY, NOT A JUROR, BUT FOR THE JURY AS A WHOLE,
25 TO DETERMINE GUILT OR INNOCENCE

STATE VS ALKEBULANYAHH

1 IN THE EVENT THAT THEY SHOULD DETERMINE THAT HE IS
2 GUILTY OF MURDER, THEN YOU HAVE TO CONSIDER THINGS
3 CALLED AGGRAVATING CIRCUMSTANCES, THINGS -- REASONS TO
4 IMPOSE THE DEATH PENALTY, AND THINGS CALLED MITIGATING
5 CIRCUMSTANCES, REASONS NOT TO IMPOSE THE DEATH PENALTY

6 A I UNDERSTAND THAT, SIR

7 Q OKAY DO I UNDERSTAND YOU TO SAY THAT YOU IN
8 EVERY CASE WOULD NEVER CONSIDER ANYTHING EXCEPT THE
9 DEATH PENALTY?

10 A NO, SIR

11 Q OKAY, SIR TELL US PLEASE IN YOUR OWN WORDS WHAT
12 IT IS YOU'RE SAYING?

13 A I GUESS THE WAY I'M LOOKING AT, IF IT'S BEING
14 PROVED TO ME PERSONALLY THAT HE'S GUILTY OR NOT GUILTY
15 AND THE SENTENCE WE IMPOSE IS DEATH -- EXECUTION, I
16 WOULD VOTE THAT WAY

17 IF IT'S PROVEN TO ME THAT HE'S NOT GUILTY, I WOULD
18 IMPOSE -- HE WOULD NOT GET THE DEATH SENTENCE

19 Q AND, OF COURSE, NOT GET CONVICTED?

20 A THAT'S CORRECT

21 Q AND FOUND NOT GUILTY

22 A THAT IS CORRECT

23 THE COURT WELL, SIR, LET ME EXPLAIN SOMETHING
24 IF THE JURY RETURNED A VERDICT OF NOT GUILTY, IT WOULD
25 NOT EVEN GO TO A SENTENCING PHASE

1 JUROR I UNDERSTAND THAT
2 THE COURT ALL RIGHT THERE'S NO OPTION TO
3 CONSIDER A SENTENCE AT THAT POINT
4 JUROR RIGHT
5 THE COURT GO AHEAD, COUNSEL
6 Q UNDERSTANDING THAT, THAT YOU HAVE FOUND HIM GUILTY
7 OF MURDER -- NOT TALKING ABOUT THIS CASE, PLEASE
8 UNDERSTAND THAT
9 A I UNDERSTAND, SIR
10 Q THE JURY HAS FOUND HIM GUILTY OF MURDER THE
11 QUESTION IS WOULD YOU ALWAYS GIVE LIFE IN PRISON?
12 WOULD YOU ALWAYS GIVE THE DEATH PENALTY? OR WHAT WOULD
13 YOU DO?
14 A YES, I WOULD
15 Q WOULD WHAT?
16 A IMPOSE THE DEATH PENALTY
17 MR MURDAUGH OKAY SIR
18 THE COURT YOU MAY STEP OUT SIR WE'LL BE WITH
19 YOU MOMENTARILY
20 (THE JUROR EXITS THE COURTROOM)
21 THE COURT YOUR POSITION PLEASE?
22 MR ALKEBULANYAHH NO, YOUR HONOR
23 MR MURDAUGH I AGREE
24 THE COURT ALL RIGHT WITH EVERYONE'S AGREEMENT,
25 HE'LL BE EXCUSED

STATE VS ALKEBULANYAHH

1 BRING MR GRAY BACK IN

2 (THE JUROR ENTERS THE COURTROOM)

3 THE COURT MR GRAY, THE COURT WILL EXCUSE YOU
4 FROM THE CASE THANK YOU FOR YOUR PARTICIPATION IN
5 THESE PROCEEDINGS HAVE A GOOD WEEK

6 (THE JUROR EXITS THE COURTROOM)

7 THE COURT COLENE MURRAY

8 (THE JUROR ENTERS THE COURTROOM)

9 COLENE MURRAY, HAVING BEEN
10 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

11 DIRECT EXAMINATION BY THE COURT

12 Q ARE YOU COLENE MURRAY?

13 A YES, SIR

14 Q ALL RIGHT MS MURRAY, YOU WERE PLACED UNDER
15 OATH YOU WILL REMAIN UNDER OATH

16 A YES, SIR

17 Q ALL RIGHT NOW, WE'RE IN THE PART OF THE CASE
18 WHERE WE ASK INDIVIDUAL QUESTIONS, NOT TO INVADE YOUR
19 PRIVACY, JUST IT'S NECESSARY DUE TO THE NATURE OF THESE
20 PROCEEDINGS THERE ARE NO RIGHT OR WRONG ANSWERS, SO
21 PLEASE JUST ANSWER OPENLY, HONESTLY, AND FULLY NO ONE
22 IS CHALLENGING ANY OF YOUR VIEWS WE JUST NEED TO KNOW
23 WHAT YOUR VIEWS ARE, IF ANY SOME OF THE QUESTIONS YOU
24 MAY NOT KNOW YOU MAY NOT HAVE A POSITION, JUST TELL
25 US WHATEVER IT IS I MEAN, IF YOU DON'T KNOW OR YOU

1 DON'T HAVE A POSITION, TELL US THAT

2 NOW, AMONG OTHER THINGS, WE'LL BE TALKING ABOUT
3 PENALTY THE MERE FACT THAT WE TALK ABOUT PENALTY DOES
4 NOT INDICATE ANYTHING ABOUT A DEFENDANT HE IS
5 PRESUMED IN THE LAW INNOCENT DO YOU UNDERSTAND THAT?

6 A YES, SIR

7 Q NOW, A LOT OF PEOPLE THINK THAT THE DEATH PENALTY
8 APPLIES TO ALL MURDER CASES IT DOES NOT IT APPLIES
9 ONLY IN CERTAIN LIMITED KINDS OF SITUATIONS FOR
10 EXAMPLE, THE STATE CAN SEEK THE DEATH PENALTY IN A CASE
11 WHERE IT INVOLVES BURGLARY PLUS A MURDER, OR KIDNAPPING
12 PLUS A MURDER THOSE ARE JUST EXAMPLES A JURY IF IT
13 GETS TO THAT PHASE OF THE CASE WOULD CONSIDER WHETHER
14 THERE WERE ANY AGGRAVATING CIRCUMSTANCES THAT WOULD
15 MAKE IT MURDER PLUS SOMETHING THAT THE SPECIAL
16 SITUATION COVER, AND THE JURY WOULD CONSIDER ANY
17 MITIGATING CIRCUMSTANCES THAT WOULD LESSEN ANY
18 PUNISHMENT IMPOSED

19 DO YOU UNDERSTAND THAT PROCESS?

20 A YES, SIR

21 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
22 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I
23 INSTRUCT IT TO YOU?

24 A YES, SIR

25 Q EVEN THOUGH YOU MAY NOT AGREE WITH THAT LAW OR YOU

1 THINK IT SHOULD BE SOME OTHER WAY?

2 A YES, SIR

3 Q ALL RIGHT COULD YOU DECIDE THIS CASE BASED ON

4 THE EVIDENCE PRESENTED HERE IN THIS COURT AND DISREGARD

5 ANYTHING YOU MAY HAVE READ, HEARD, OR SEEN ABOUT THIS

6 CASE?

7 A YES, SIR

8 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS

9 CASE?

10 A I AM NOT SURE, IN THE SENSE THAT I DON'T -- I

11 TRAVEL A LOT AND DON'T WATCH TOO MUCH LOCAL NEWS, AND

12 DIDN'T KNOW ANYTHING UNTIL YESTERDAY MORNING REALLY

13 UNTIL I SAW THAT AND I WOULD MAYBE BE GUESSING TO

14 SOMETHING I HEARD A YEAR OR TWO AGO

15 Q ALL RIGHT WHATEVER THAT MAY HAVE BEEN, WOULD

16 THAT IN ANY WAY AFFECT YOUR ABILITY ---

17 A NO, SIR

18 Q --- TO GIVE EVERYONE A FAIR AND IMPARTIAL TRIAL?

19 A NO, SIR

20 Q ALL RIGHT HAVE YOU FORMED ANY OPINION ABOUT THIS

21 CASE?

22 A NO, SIR

23 Q ALL RIGHT NOW, IN A CRIMINAL CASE THE STATE HAS

24 THE BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT

25 A DEFENDANT HAS NO BURDEN TO PROVE INNOCENCE THE

STATE VS ALKEBULANYAHH

1 DEFENDANT IS PRESUMED TO BE INNOCENT DO YOU
 2 UNDERSTAND?
 3 A YES, SIR
 4 Q COULD YOU DEPENDING UPON THE FACTS AND EVIDENCE
 5 AND THE LAW I GIVE TO YOU FIND THE DEFENDANT EITHER
 6 GUILTY OR NOT GUILTY?
 7 A YES
 8 Q ALL RIGHT HAVE YOU LOOKED AT THAT JUROR TYPE
 9 SHEET?
 10 A YES, SIR
 11 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
 12 CATEGORIES?
 13 A YES
 14 Q WHICH ONE WOULD THAT BE?
 15 A THIRD
 16 Q THIRD BEING THE ONE IF THE CRIME OF MURDER HAS
 17 BEEN PROVEN BY THE STATE AND THE JUROR IS CONSIDERING
 18 PUNISHMENT WOULD NOT HAVE MADE UP HIS OR HER MIND IN
 19 ADVANCE CONCERNING PUNISHMENT INSTEAD YOU WOULD NEED
 20 TO HEAR THE FACTS AND CIRCUMSTANCES BOTH IN AGGRAVATION
 21 AND IN MITIGATION AND WOULD LISTEN TO AND FOLLOW THE
 22 LAW AS EXPLAINED BY THE JUDGE BEFORE MAKING A DECISION
 23 IS THAT CORRECT?
 24 A YES, SIR
 25 Q NOW, IF YOU WERE A JUROR IN A SITUATION IN A CASE

STATE VS ALKEBULANYAHH

1 WHERE THERE HAS BEEN A DETERMINATION OF GUILT AND THE
2 CASE MOVES TO A SENTENCING PHASE, COULD YOU DEPENDING
3 UPON THE PARTICULAR FACTS AND CIRCUMSTANCES OF A CASE,
4 INCLUDING THE CONSIDERATION OF ANY AGGRAVATING AND
5 MITIGATING CIRCUMSTANCES AND THE LAW I GIVE TO YOU
6 RETURN A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE?

7 A YES

8 Q ALL RIGHT SIMILARLY, IF YOU WERE A JUROR IN THAT
9 SITUATION, THE SENTENCING PHASE, COULD YOU DEPENDING
10 UPON THE PARTICULAR FACTS AND CIRCUMSTANCES INCLUDING
11 THE CONSIDERATION OF ANY AGGRAVATING AND MITIGATING
12 CIRCUMSTANCES AND THE LAW THAT I INSTRUCT TO YOU RETURN
13 A SENTENCE OF DEATH?

14 A YES, SIR

15 Q ALL RIGHT NOW, IN THAT EVENT IF THE JURY
16 RETURNED A SENTENCE OF DEATH, WOULD YOU BE ABLE TO SIGN
17 THE VERDICT FORM?

18 A YES, SIR

19 THE COURT ALL RIGHT QUESTIONS?

20 MR ALKEBULANYAHH YES, SIR THANK YOU, YOUR
21 HONOR

22 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

23 Q HELLO, MS MURRAY

24 A HI

25 Q I'M THE DEFENDANT IN THE CASE

STATE VS ALKEBULANYAHH

1 A YES, SIR

2 Q AND I'M JUST GOING TO BE ASKING YOU A FEW

3 QUESTIONS

4 A OKAY

5 Q ARE YOU A FORMER LAW ENFORCEMENT EMPLOYEE?

6 A NO, SIR

7 Q ARE ANY MEMBERS OF YOUR IMMEDIATE FAMILY EMPLOYED

8 BY LAW ENFORCEMENT AGENCY?

9 A NO, SIR

10 Q HAVE YOU OR ANY OF YOUR RELATIVE OR CLOSE FRIEND

11 BEEN THE VICTIM OF A CRIME?

12 A NO, SIR

13 Q DO YOU HAVE A PARTICULAR OPINIONS OR FEELINGS

14 ABOUT THE CRIME OF MURDER WHICH WOULD MAKE IT DIFFICULT

15 FOR YOU TO SERVE ON A JURY WHERE THE DEFENDANT IS

16 CHARGED WITH THESE CRIMES?

17 A NO, SIR

18 Q ARE YOU AWARE OF ANY REASON WHATSOEVER WHY YOU

19 COULD NOT BE FAIR AND IMPARTIAL TO THE DEFENDANT OR THE

20 STATE?

21 A NO, SIR

22 Q IS -- EXCUSE ME DO YOU BELIEVE THAT MR

23 ALKEBULANYAHH -- I'M THE DEFENDANT, MR ALKEBULANYAHH

24 MUST ---

25 A YES

1 Q --- PROVE HIS INNOCENCE?

2 A YES, SIR WELL, I'M TRYING TO UNDERSTAND THE

3 QUESTION

4 Q LET ME REPEAT THE QUESTION ONCE AGAIN MAY I

5 REPEAT IT?

6 A YES

7 Q OKAY DO YOU BELIEVE THAT MR ALKEBULANYAHH MUST

8 PROVE HIS INNOCENCE?

9 A I GUESS I'M THINKING YOU'RE INNOCENT UNTIL PROVEN

10 GUILTY, BUT ---

11 Q THAT'S FINE

12 A OKAY

13 Q THAT'S AN ANSWER THANK YOU

14 THE COURT AS I INDICATED, THE STATE HAS TO PROVE

15 GUILT

16 JUROR OKAY

17 THE COURT THE DEFENDANT DOESN'T HAVE TO PROVE

18 ANYTHING

19 JUROR OKAY

20 THE COURT GO AHEAD

21 Q DO YOU UNDERSTAND THAT THE STATE HAS THE BURDEN --

22 WELL, I'M SORRY I'M NOT GOING TO REPEAT THE QUESTION

23 THE COURT I'VE ALREADY GONE THROUGH THAT

24 A YES, SIR

25 MR ALKEBULANYAHH THANK YOU, SIR

1 Q DO YOU KNOW ANYONE OR YOURSELF KNOW PERSONALLY ANY
2 OF THE VICTIMS OR THE VICTIMS' FAMILY IN THIS
3 PARTICULAR CASE?

4 A NO, SIR

5 Q ARE YOU A MEMBER OF -- ARE YOU OR ANY MEMBERS --
6 I'M SORRY ARE YOU OR ANY MEMBERS OF YOUR FAMILY
7 MEMBERS OF THE VICTIM'S RIGHT, LAW ENFORCEMENT
8 ORGANIZATION, CITIZENS AGAINST VIOLENT CRIME, PEOPLE
9 AGAINST RAPE -- ANY COMMUNITY-WIDE PROGRAM OR ANY OTHER
10 LIKE-WISE ORGANIZATIONS? IF SO, COULD YOU PLEASE
11 STATE?

12 A TWO YEARS AGO I WORKED FOR THE SHELTER HERE IN
13 BEAUFORT, CITIZENS OPPOSED TO DOMESTIC VIOLENCE THAT
14 WOULD BE -- I'M NO LONGER ASSOCIATED WITH THEM, BUT --
15 AND THEN, TO ANSWER THE QUESTION, NO ONE IN MY FAMILY
16 BUT JUST TO LET YOU KNOW THAT

17 Q OKAY THANK YOU IS THE DEATH PENALTY USED OFTEN
18 ENOUGH, TOO OFTEN, OR ABOUT RIGHT?

19 A THAT'S A HARD QUESTION IN MY OPINION?

20 Q YES

21 A PROBABLY TOO OFTEN

22 (PAUSE)

23 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN
24 THEIR REPORTING?

25 A NO, SIR

1 Q ARE NEWS MEDIA REPORTS SOME TIMES DESIGNED TO BE
2 SENSATIONAL?

3 A YES, SIR I BELIEVE, YES

4 Q OKAY DO YOU BELIEVE THE DEATH PENALTY IS A
5 DETERRENT?

6 A YES, SIR

7 (PAUSE)

8 Q IN WHAT KIND OF CASES DO YOU FEEL THE PENALTY OF
9 DEATH IS APPROPRIATE?

10 MR MURDAUGH YOUR HONOR, PLEASE I OBJECT TO
11 THAT

12 THE COURT YOU CAN ASK HAS SHE FORMED ANY
13 OPINIONS ABOUT THAT

14 Q HAVE YOU FORMED AN OPINION IN CERTAIN CASES WHEN
15 THE DEATH PENALTY WOULD BE APPROPRIATE?

16 A YES YES, SIR

17 Q MAY I ASK ONE OF YOUR OPINIONS?

18 A ONE OF THE OPINIONS WOULD PROBABLY BE WITH CHILD
19 MOLESTATION AND THEN MURDER

20 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS
21 THANK YOU, MS MURRAY

22 MR MURDAUGH MS MURRAY, I AM RANDOLPH MURDAUGH
23 ALONG WITH DUFFY STONE, WE WILL BE REPRESENTING THE
24 STATE I ALSO AM SATISFIED WITH YOUR ANSWERS AND DO
25 NOT CARE TO ASK ANY OF YOU

STATE VS ALKEBULANYAHH

1 JUROR OKAY

2 THE COURT MA'AM, IF YOU WILL STEP OUT TO THE

3 HALLWAY, WE'LL BE WITH YOU MOMENTARILY

4 (THE JUROR EXITS THE COURTROOM)

5 THE COURT WHAT IS YOUR POSITION PLEASE?

6 MR ALKEBULANYAHH I THINK SHE'S QUALIFIED

7 THE COURT YOUR POSITION?

8 MR MURDAUGH I DO, SIR

9 THE COURT ALL RIGHT BRING MS MURRAY BACK IN

10 (THE JUROR ENTERS THE COURTROOM)

11 THE COURT MS MURRAY, THE COURT FINDS YOU

12 QUALIFIED THAT DOES NOT MEAN YOU WILL SIT ON THE

13 CASE IT MEANS YOU WILL GO INTO THE POOL FROM WHICH

14 THE JURY WILL BE SELECTED BECAUSE I DO NOT KNOW HOW

15 LONG THIS PROCESS WILL LAST, WE HAVE YOUR DAY AND NIGHT

16 NUMBER, IS THAT CORRECT?

17 JUROR YES, SIR

18 THE COURT ALL RIGHT YOU ARE INSTRUCTED THAT

19 YOU MUST REPORT BACK TO THE COURT WHEN YOU ARE DIRECTED

20 TO DO SO YOU STAY UNDER THAT OBLIGATION I'M JUST

21 TAKING THE NUMBERS JUST SO WE CAN NOT TIE UP YOUR TIME

22 OVER HERE IN THIS PROCESS

23 SECONDLY, YOU MUST NOT EXPOSE YOURSELF TO ANY TYPE

24 OF NEWS MEDIA COVERAGE, T V , RADIO, NEWSPAPER DO YOU

25 UNDERSTAND THAT?

STATE VS ALKEBULANYAHH

1 JUROR YES, SIR

2 THE COURT IF YOU START TO HEAR SOMETHING IN THE

3 BACKGROUND, T V , TURN IT OFF YOU SEE A HEADLINE IN

4 THE PAPER, DON'T READ IT OKAY?

5 JUROR OKAY

6 THE COURT ALL RIGHT THANK YOU

7 JUROR THANK YOU

8 (THE JUROR EXITS THE COURTROOM)

9 THE COURT THE REST OF THE JURORS THAT ARE IN

10 THERE CAN YOU BRING THEM INTO THIS MIDDLE SECTION

11 PLEASE

12 (THE JURORS ENTER THE COURTROOM)

13 THE COURT ALL RIGHT I'LL BE WITH YOU IN JUST

14 ONE MINUTE, LADIES AND GENTLEMEN

15 (PAUSE)

16 THE COURT LADIES AND GENTLEMEN, I'M SORRY FOR

17 THE DELAY AS I'VE INDICATED THAT QUALIFICATION SOME

18 TIMES YOU DO NOT KNOW HOW LONG THIS PROCESS WILL LAST

19 WE WILL BE BREAKING FOR LUNCH AT THIS POINT I

20 WANTED TO GIVE YOU SOME REVISED TIMES I CAN TELL YOU

21 ALL TO COME BACK AT A CERTAIN TIME OR I CAN JUST GIVE

22 YOU SOME REVISED TIMES FOR THIS AFTERNOON IF YOU WOULD

23 PREFER THAT, RATHER THAN KEEPING YOU -- SOME OF YOU

24 WILL GET A LITTLE LONGER AT LUNCH THAN OTHERS

25 THOSE OF YOU WHO WERE ON THE 12 00 O'CLOCK PANEL

STATE VS ALKEBULANYAHH

1 WHERE ARE YOU AT? ALL RIGHT IF YOU ALL COULD REPORT
2 BACK AT 2 15 PLEASE ALL RIGHT AGAIN, YOU MUST NOT
3 DISCUSS THIS CASE IN ANY WAY
4 I APOLOGIZE FOR THE DELAY IT'S JUST HARD TO
5 PREDICT HOW LONG THESE QUESTIONS WILL LAST
6 THAT WILL BE MR CROSSON, YOU CAN GO AHEAD WE'LL
7 SEE YOU BACK AT 2 15 MS WILSON MR LEE MR
8 WILLIAMS MR BATASTINI MS MILANESI
9 JUROR MILANESI
10 THE COURT MILANESI AND MS WINGO 2 15
11 PLEASE
12 THE NOON PANEL, IF YOU WILL PLEASE REPORT BACK AT
13 3 15, MS SAVAGE MR HOLMES MS KEENAN WHERE IS
14 MS KEENAN ALL RIGHT MS SMITH MS HOLLINGSWORTH
15 MR -- IS IT HEWES MR HEWES AND MS LINSDAY
16 ALL RIGHT AND THEN THE 2 30 PANEL -- THEY'RE NOT
17 HERE YET, SO WE'LL HAVE TO DEAL WITH THEM
18 AND THEN IF YOU TWO COULD REPORT BACK AT 2 15
19 ALSO YOU WILL BE THE FIRST TWO UP AND, AGAIN, I
20 APOLOGIZE FOR THE DELAY BUT YOU'RE THE LAST TWO ON
21 OUR EXISTING PANEL
22 THANK YOU VERY MUCH AND I APPRECIATE YOUR
23 WILLINGNESS TO BEAR WITH US THROUGH THIS PROCESS SEE
24 YOU AT 2 15
25 SEE EVERYONE ELSE BACK AT 2 15 THANK YOU

STATE VS ALKEBULANYAHH

1 (COURT IS IN RECESS FOR LUNCH)

2 THE COURT READY?

3 MR STONE YES, SIR, THE STATE'S READY

4 THE COURT DEFENSE?

5 MR ALKEBULANYAHH YES, YOUR HONOR

6 THE COURT DANA HASSETT

7 (THE JUROR ENTERS THE COURTROOM)

8 DANA HASSETT, HAVING BEEN

9 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

10 DIRECT EXAMINATION BY THE COURT.

11 Q ARE YOU MS DANA HASSETT?

12 A YES

13 Q ALL RIGHT MS HASSETT, YOU WERE PREVIOUSLY
14 PLACED UNDER OATH AND YOU'LL STILL BE UNDER OATH DO
15 YOU UNDERSTAND?

16 A YES

17 Q ALL RIGHT WE'RE AT THAT PART OF THE CASE WHERE
18 WE NEED TO ASK YOU SOME QUESTIONS, NOT TO INVAD E YOUR
19 PRIVACY IN ANY WAY, IT'S JUST THAT IT'S NECESSARY DUE
20 TO THE NATURE OF THESE PROCEEDINGS THERE ARE NO RIGHT
21 OR WRONG ANSWERS SO PLEASE JUST ANSWER OPENLY,
22 HONESTLY, AND FULLY NO ONE IS CHALLENGING ANY VIEW
23 THAT YOU MIGHT HAVE WE JUST NEED TO KNOW ABOUT YOUR
24 VIEWS IF ANY SOME OF THE QUESTIONS YOU MAY NOT KNOW
25 OR YOU MAY NOT HAVE THOUGHT ABOUT IF YOU DON'T KNOW,

STATE VS ALKEBULANYAHH

1 SAY YOU DON'T KNOW

2 AMONG OTHER THINGS, WE'LL BE TALKING ABOUT A
3 PENALTY THE MERE FACT THAT WE MENTION A PENALTY
4 SHOULD NOT BE TAKEN IN ANY WAY OR INDICATE ANYTHING
5 ABOUT THE DEFENDANT HE IS PRESUMED INNOCENT UNDER THE
6 LAW DO YOU UNDERSTAND?

7 A YES

8 Q NOW, AS I INDICATED EARLIER BEFORE WE STARTED THE
9 INDIVIDUAL PROCESS, THESE CASES ARE DONE IN A
10 BIFURCATED FASHION IF NECESSARY IF IT GETS TO THE
11 SECOND STAGE

12 A LOT OF PEOPLE BELIEVE THAT THE DEATH PENALTY
13 APPLIES TO ALL MURDER CASES, WHICH IT DOES NOT IT
14 ONLY APPLIES TO CERTAIN LIMITED KINDS OF CASES FOR
15 EXAMPLE, IT MIGHT BE INVOLVING A CASE WHERE THERE'S
16 KIDNAPPING PLUS A MURDER, OR BURGLARY PLUS A MURDER, OR
17 IT INVOLVES THE DEATH OF A PUBLIC OFFICIAL, OR
18 SOMETHING SIMILAR TO THAT, THAT'S LISTED SPECIFICALLY
19 BY LAW IT DOESN'T APPLY TO EVERY CASE DO YOU
20 UNDERSTAND THAT?

21 A YES

22 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
23 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I
24 INSTRUCT IT TO YOU?

25 A I BELIEVE I WOULD

- 1 Q WOULD YOU?
- 2 A YES
- 3 Q ALL RIGHT JUST THE WAY OUR SYSTEM IS, I'M THE
4 JUDGE OF THE LAW YOU HAVE TO FOLLOW THE LAW THAT I
5 GIVE TO YOU
- 6 A RIGHT
- 7 Q DO YOU UNDERSTAND THAT?
- 8 A YES, I UNDERSTAND THAT
- 9 Q EVEN THOUGH YOU MAY NOT AGREE WITH THAT LAW OR YOU
10 THINK IT OUGHT TO BE SOME OTHER WAY?
- 11 A THERE YOU GO YES
- 12 Q DO YOU UNDERSTAND THAT?
- 13 A UH-HUH
- 14 Q ALL RIGHT NOW, COULD YOU DECIDE THIS CASE BASED
15 ON THE EVIDENCE PRESENTED HERE IN THIS COURT AND
16 DISREGARD ANYTHING YOU MAY HAVE HEARD, READ, OR SEEN
17 ABOUT THIS CASE?
- 18 A I DON'T BELIEVE I CAN
- 19 Q YOU DO NOT BELIEVE YOU CAN?
- 20 A I DO NOT BELIEVE I CAN
- 21 Q ALL RIGHT THAT'S BECAUSE OF THE MEDIA COVERAGE
22 YOU'VE READ?
- 23 A YES
- 24 Q ALL RIGHT YOU DON'T THINK THAT YOU COULD HEAR
25 EVERYTHING IN THIS CASE, LAY ASIDE THAT INFORMATION,

STATE VS ALKEBULANYAHH

1 AND HEAR EVERYTHING IN THIS CASE, GIVE EVERYONE A FAIR
2 AND IMPARTIAL TRIAL?

3 A I DON'T BELIEVE I CAN

4 THE COURT ALL RIGHT ANYTHING FURTHER?

5 MR ALKEBULANYAHH NO, SIR, YOUR HONOR I HAVE
6 NO QUESTIONS

7 THE COURT ALL RIGHT MA'AM, I'LL EXCUSE YOU

8 JUROR I APOLOGIZE

9 THE COURT THAT'S ALL RIGHT THANK YOU

10 (THE JUROR EXITS THE COURTROOM)

11 THE COURT PATRICIA UNSICKER

12 (THE JUROR ENTERS THE COURTROOM)

13 PATRICIA UNSICKER, HAVING
14 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

15 DIRECT EXAMINATION BY THE COURT

16 Q ARE YOU PATRICIA UNSICKER?

17 A YES, SIR

18 Q ALL RIGHT YOU WERE PREVIOUSLY PLACED UNDER OATH
19 AND YOU WILL STILL BE UNDER OATH DO YOU UNDERSTAND?

20 A YES SIR

21 Q ALL RIGHT NOW, WE ARE AT THAT PART OF THE CASE
22 WHERE WE'RE GOING TO ASK YOU SOME INDIVIDUAL QUESTIONS,
23 NOT TO INVADE YOUR PRIVACY IT'S JUST NECESSARY DUE TO
24 THE NATURE OF THESE PROCEEDINGS THERE ARE NO RIGHT OR
25 WRONG ANSWERS SO PLEASE JUST ANSWER OPENLY HONESTLY

STATE VS ALKEBULANYAHH

1 AND FULLY NO ONE IS CHALLENGING ANY VIEW THAT YOU
2 MIGHT HAVE SOME QUESTIONS YOU MAY NOT HAVE ANY
3 ANSWER, YOU JUST MAY NOT KNOW

4 AMONG OTHER THINGS, WE WILL BE TALKING ABOUT
5 PENALTY THE MERE FACT THAT WE TALK ABOUT A PENALTY
6 DOES NOT INDICATE ANYTHING ABOUT THE DEFENDANT HE IS
7 PRESUMED IN THE LAW INNOCENT DO YOU UNDERSTAND?

8 A YES

9 Q ALL RIGHT NOW, A LOT OF PEOPLE THINK THAT THE
10 DEATH PENALTY APPLIES TO ALL MURDER CASES IT DOES
11 NOT IT ONLY APPLIES IN LIMITED SITUATIONS AND IT
12 DOES -- SUCH AS FOR EXAMPLE, A BURGLARY PLUS A MURDER
13 OR KIDNAPPING PLUS A MURDER, OR THE DEATH OF A CERTAIN
14 PUBLIC OFFICIAL -- THOSE ARE JUST EXAMPLES DO YOU
15 UNDERSTAND THAT?

16 A YES, SIR

17 Q IF YOU WERE A JUROR IN A CRIMINAL CASE, COULD YOU
18 LISTEN TO AND APPLY THE LAW AS I INSTRUCT IT TO YOU?

19 A YES SIR

20 Q EVEN THOUGH YOU MAY NOT AGREE WITH THAT LAW OR YOU
21 THINK IT OUGHT TO BE SOME OTHER WAY?

22 A YES

23 Q COULD YOU DECIDE THIS CASE BASED ON THE EVIDENCE
24 PRESENTED HERE IN THIS COURT AND DISREGARD ANYTHING YOU
25 MAY HAVE HEARD, READ, OR SEEN ABOUT THIS CASE?

1 A THAT MIGHT BE A PROBLEM WITH ALL THE MEDIA
2 EXPOSURE

3 Q COULD YOU SET ASIDE THAT EXPOSURE?

4 A I COULD TRY

5 Q I NEED TO KNOW WHETHER YOU COULD?

6 A I DON'T KNOW

7 Q ALL RIGHT THE THING THAT I'M CONCERNED ABOUT IS
8 WHETHER OR NOT YOU WOULD BE ABLE TO DISREGARD ANYTHING
9 YOU'VE HEARD AND BE ABLE TO GIVE EVERYONE A FAIR DAY IN
10 COURT?

11 A ALL I COULD DO WOULD BE TRY

12 Q BUT YOU DON'T KNOW THAT YOU CAN?

13 A I DON'T KNOW

14 THE COURT ALL RIGHT ANYTHING FURTHER?

15 MR ALKEBULANYAHH NO, SIR

16 THE COURT ALL RIGHT

17 MR MURDAUGH NO SIR

18 THE COURT ALL RIGHT I'LL EXCUSE YOU MA'AM

19 THANK YOU THANK YOU FOR YOUR WORKING WITH US ON THE
20 DELAYS

21 (THE JUROR EXITS THE COURTROOM)

22 THE COURT ANTWOINE CROSSON

23 (THE JUROR ENTERS THE COURTROOM)

24 ANTWOINE CROSSON, HAVING
25 BEEN PREVIOUSLY DULY SWORN TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY THE COURT.

2 Q ARE YOU ANTWOINE CROSSON?

3 A CROSSON, YES

4 Q CROSSON ALL RIGHT YOU WERE PREVIOUSLY PLACED
5 UNDER OATH, MR CROSSON YOU WILL REMAIN UNDER OATH
6 DO YOU UNDERSTAND?

7 A YES

8 Q ALL RIGHT WE'RE IN THAT PART OF THE CASE WHERE
9 -- EXCUSE ME -- WE'LL ASK SOME INDIVIDUAL QUESTIONS,
10 NOT TO INVADE YOUR PRIVACY IN ANY WAY IT'S JUST THAT
11 IT'S NECESSARY DUE TO THE NATURE OF THESE PROCEEDINGS
12 THERE ARE NO RIGHT OR WRONG ANSWERS SO PLEASE JUST
13 ANSWER OPENLY, HONESTLY, AND FULLY NO ONE IS
14 CHALLENGING ANY VIEW THAT YOU MIGHT HOLD WE'RE JUST
15 ASKING QUESTIONS TO UNDERSTAND YOUR POSITION ON CERTAIN
16 MATTERS

17 AMONG OTHER THINGS, WE WILL BE TALKING ABOUT
18 PENALTY THE MERE FACT THAT WE TALK ABOUT A PENALTY
19 DOES NOT INDICATE ANYTHING ABOUT THE DEFENDANT HE IS
20 PRESUMED IN THE LAW INNOCENT DO YOU UNDERSTAND?

21 A YES

22 Q NOW, A LOT OF PEOPLE THINK THAT THE DEATH PENALTY
23 APPLIES TO ALL MURDER CASES IT DOES NOT AND I'M NOT
24 GOING TO GO INTO A BIG DISCUSSION ABOUT IT BUT IT
25 APPLIES IN CERTAIN, LIMITED KINDS OF MURDER CASES,

STATE VS ALKEBULANYAHH

1 PERHAPS REFERRED TO AS AGGRAVATED MURDER CASES FOR
2 EXAMPLE, WHERE THERE'S A KIDNAPPING PLUS A MURDER, OR A
3 BURGLARY PLUS A MURDER, OR INVOLVES THE DEATH OF A
4 CERTAIN TYPE OF OFFICIAL LISTED IN THE STATUTE THOSE
5 ARE JUST EXAMPLES DO YOU UNDERSTAND THAT?

6 A YES

7 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
8 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I
9 INSTRUCT IT TO YOU?

10 A YES

11 Q EVEN THOUGH YOU DO NOT AGREE WITH THAT LAW OR YOU
12 THINK IT OUGHT TO BE SOME OTHER WAY?

13 A NO

14 Q YOU COULD NOT DO THAT?

15 A YES, I COULD DO THAT

16 Q ALL RIGHT

17 A I'M SORRY I DIDN'T UNDERSTAND YOUR QUESTION

18 Q ALL RIGHT WHAT I'M TRYING TO EXPLAIN IS THAT IN
19 A CASE I'M THE JUDGE OF THE LAW

20 A RIGHT

21 Q AND WHAT I TELL YOU THE LAW IS, YOU HAVE TO
22 ACCEPT

23 A OKAY

24 Q CAN YOU DO THAT?

25 A YES, I COULD

1 Q ALL RIGHT NOW, COULD YOU DECIDE THIS CASE BASED
2 ON THE EVIDENCE PRESENTED HERE IN THIS COURT AND
3 DISREGARD ANYTHING YOU MAY HAVE HEARD, READ, OR SEEN
4 ABOUT THIS CASE?

5 A YES

6 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
7 CASE?

8 A NOT MUCH

9 Q WHAT HAVE YOU HEARD OR READ?

10 A JUST THAT THERE WERE TWO MURDERS OF POLICE
11 OFFICIALS

12 Q ALL RIGHT ANYTHING ELSE?

13 A AND THE -- MR ALKEBULANYAHH -- HOWEVER YOU
14 PRONOUNCE THE NAME

15 Q ALKEBULANYAHH

16 A ALKEBULANYAHH IS THE ALLEGED SUSPECT

17 Q ALL RIGHT WOULD ANYTHING YOU'VE HEARD, READ, OR
18 SEEN IN ANY WAY AFFECT YOUR ABILITY TO GIVE EVERYONE A
19 FAIR AND IMPARTIAL TRIAL?

20 A NO

21 Q HAVE YOU FORMED ANY OPINION ABOUT THIS CASE?

22 A NO

23 Q ALL RIGHT NOW, IN A CRIMINAL CASE, THE STATE HAS
24 THE BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT
25 A DEFENDANT HAS NO BURDEN TO PROVE INNOCENCE A

STATE VS ALKEBULANYAHH

- 1 DEFENDANT IS ALWAYS PRESUMED TO BE INNOCENT DO YOU
2 UNDERSTAND THAT?
- 3 A YES
- 4 Q NOW, COULD YOU DEPENDING UPON THE FACTS AND
5 EVIDENCE AND THE LAW IN A CASE FIND A DEFENDANT EITHER
6 GUILTY OR NOT GUILTY?
- 7 A YES
- 8 Q HAVE YOU READ THAT JUROR TYPE SHEET?
- 9 A YES, I HAVE
- 10 Q DO YOU THINK YOU FALL INTO ONE OF THOSE
11 CATEGORIES?
- 12 A YES
- 13 Q WHICH ONE WOULD THAT BE?
- 14 A SAY 3
- 15 Q I'M SORRY?
- 16 A 3
- 17 Q TYPE 3 AND THIS WOULD BE THE TYPE OF JUROR WHO
18 IF THE CRIME OF MURDER HAS BEEN PROVEN BY THE STATE AND
19 THE JUROR IS CONSIDERING PUNISHMENT, WOULD NOT HAVE
20 MADE UP HIS MIND IN ADVANCE INSTEAD, THIS JUROR WOULD
21 NEED TO HEAR THE FACTS AND CIRCUMSTANCES BOTH IN
22 AGGRAVATION AND IN MITIGATION, AND WOULD LISTEN TO AND
23 FOLLOW THE LAW AS EXPLAINED BY THE JUDGE BEFORE MAKING
24 A DECISION ON PUNISHMENT IS THAT CORRECT?
- 25 A YES

1 Q NOW, AS I EXPLAINED EARLIER BEFORE WE DID THE
2 INDIVIDUAL QUESTIONING, THESE CASES ARE DONE IN TWO
3 PARTS THE FIRST PART -- IF YOU GET THROUGH THE FIRST
4 PART, THEN IT GOES TO A SENTENCING PHASE NOW, IF YOU
5 WERE A JUROR IN THAT SITUATION, THE SENTENCING PHASE,
6 COULD YOU DEPENDING UPON THE FACTS AND CIRCUMSTANCES OF
7 THE CASE INCLUDING THE CONSIDERATION OF ANY AGGRAVATING
8 AND MITIGATING CIRCUMSTANCES AND THE LAW AS I INSTRUCT
9 IT TO YOU RETURN A SENTENCE OF LIFE IMPRISONMENT
10 WITHOUT PAROLE?

11 A YES

12 Q SIMILARLY, IF YOU WERE A JUROR IN THAT SITUATION
13 THE SENTENCING PHASE, COULD YOU DEPENDING UPON THE
14 PARTICULAR FACTS AND CIRCUMSTANCES INCLUDING THE
15 CONSIDERATION OF ANY AGGRAVATING AND MITIGATING
16 CIRCUMSTANCES AND THE LAW THAT I INSTRUCT TO YOU RETURN
17 A SENTENCE OF DEATH?

18 A YES

19 Q IN THAT EVENT IF THE JURY MADE A DETERMINATION OF
20 A SENTENCE OF DEATH, WOULD YOU BE ABLE TO SIGN A
21 VERDICT FORM IN THE EVENT OF A DEATH SENTENCE?

22 A YES

23 THE COURT ALL RIGHT NOW EACH SIDE WILL ASK YOU
24 SOME QUESTIONS, SIR

25 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

STATE VS ALKEBULANYAHH

- 1 Q MR CROSSON, IS THAT CORRECT?
- 2 A THAT'S CORRECT
- 3 Q I'M GOING TO ASK YOU A FEW QUESTIONS I'M THE
- 4 DEFENDANT IN THE CASE, MR ALKEBULANYAHH ARE YOU A
- 5 FORMER LAW ENFORCEMENT EMPLOYEE?
- 6 A NO
- 7 Q ARE ANY MEMBERS OF YOUR IMMEDIATE FAMILY EMPLOYED
- 8 BY LAW ENFORCEMENT AGENCY?
- 9 A NO
- 10 Q HAVE YOU HAD ANY -- HAVE YOU OR ANY OF YOUR
- 11 RELATIVES OR CLOSE FRIENDS BEEN A VICTIM OF A CRIME?
- 12 A NO
- 13 Q ARE YOU AWARE OF ANY REASON WHATSOEVER WHY YOU
- 14 COULD NOT BE FAIR AND IMPARTIAL TO THE DEFENDANT OR THE
- 15 STATE?
- 16 A NO
- 17 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,
- 18 YOUR HONOR
- 19 THE COURT THE STATE
- 20 CROSS EXAMINATION BY MR. MURDAUGH.
- 21 Q I'M RANDOLPH MURDAUGH HOW ARE YOU DOING?
- 22 A GOOD
- 23 Q ALONG WITH DUFFY STONE, WE WILL BE PROSECUTING
- 24 THIS CASE AND NEED TO ASK YOU TWO OR THREE QUESTIONS
- 25 YOU'RE FROM VARNVILLE?

- 1 A YES, I AM
- 2 Q GEORGE IS YOUR GRAND DADDY?
- 3 A JOHN COKER
- 4 Q OKAY NOW, YOU MENTIONED IN YOUR SURVEY THAT YOU
- 5 FILLED OUT ---
- 6 A UH-HUH
- 7 Q --- THAT YOU HAD HAD A FAMILY MEMBER THAT HAD BEEN
- 8 ARRESTED WHO IS THAT?
- 9 A THAT IS MY BROTHER
- 10 Q ALL RIGHT MICHAEL?
- 11 A YES
- 12 Q OKAY YOU KNOW MY OFFICE PROSECUTED HIM?
- 13 A (NODS HEAD)
- 14 Q WOULD THAT HAVE ANY AFFECT ON YOUR ABILITY TO BE
- 15 FAIR TO BOTH THE STATE AND TO THE DEFENDANT?
- 16 A NO
- 17 Q OKAY THAT WAS FOR THE INCIDENT WITH WILLARD
- 18 WILSON?
- 19 A I'M NOT SURE I WAS, YOU KNOW, A LITTLE BOY AT
- 20 THE TIME I'M NOT POSITIVE
- 21 Q YOU WOULD HAVE NO PROBLEMS IF YOU THOUGHT THE CASE
- 22 WERE BAD ENOUGH AND THE LAW HAD BEEN MET IN IMPOSING
- 23 THE DEATH PENALTY, IS THAT MY UNDERSTANDING?
- 24 A THAT'S CORRECT
- 25 Q AND WHO YOU IMPOSE IT ON WOULD MAKE NO DIFFERENCE?

1 A NO, IT WOULD NOT

2 Q OKAY ONE OTHER QUESTION

3 A OKAY

4 Q I NOTICE ON HERE THAT YOU LISTED YOUR RELIGION AS

5 JEHOVAH WITNESS?

6 A UH-HUH

7 Q I'VE SEEN SOME PEOPLE THAT THAT GIVES SOME CONCERN

8 TO WHEN THEY COME TO COURT WILL THAT HAVE ANY AFFECT

9 ON YOUR ABILITY TO REACH A VERDICT?

10 A NO, IT WOULDN'T

11 MR MURDAUGH OKAY

12 THE COURT ANYTHING ELSE?

13 MR MURDAUGH NO, SIR

14 THE COURT YOU MAY STEP OUT MOMENTARILY, SIR

15 WE'LL BE RIGHT WITH YOU

16 (THE JUROR EXITS THE COURTROOM)

17 THE COURT WHAT'S YOUR POSITION ON THAT JUROR?

18 MR ALKEBULANYAHH I AGREE THAT HE QUALIFY

19 MR MURDAUGH I DO ALSO, SIR

20 THE COURT ALL RIGHT THE COURT WILL FIND HIM TO

21 BE QUALIFIED BRING THE JUROR BACK IN

22 (THE JUROR ENTERS THE COURTROOM)

23 THE COURT MR CROSSON, THE COURT FINDS YOU

24 QUALIFIED THAT DOES NOT MEAN YOU WILL BE ON THE JURY

25 IT MEANS YOU WILL BE PART OF THE POOL FROM WHICH WE

1 WILL SELECT THE FINAL JURY

2 I APOLOGIZE FOR THE DELAY SO FAR IN THIS CASE AS
3 I INDICATED, IT'S HARD TO PREDICT THESE THINGS

4 RATHER THAN KEEP YOU WAITING UNTIL I KNOW WHEN
5 WE'RE GOING TO NEED YOU, WE HAVE YOUR DAY AND EVENING
6 NUMBER I BELIEVE

7 JUROR (NODS HEAD)

8 THE COURT ALL RIGHT WE WILL CALL THAT -- CALL
9 YOU WHEN IT'S TIME TO BRING YOU BACK FOR JURY
10 SELECTION PLEASE UNDERSTAND THAT WHEN YOU'RE CALLED,
11 YOU MUST REPORT BACK TO THE COURT YOU'RE STILL UNDER
12 THAT CONTINUING OBLIGATION AS A JUROR

13 SECONDLY, YOU MUST NOT DISCUSS THIS CASE WITH
14 ANYONE AND YOU MUST NOT EXPOSE YOURSELF TO ANY MEDIA,
15 NEWS T V , RADIO, NEWSPAPER, WHATEVER-TYPE OF
16 COVERAGE IF YOU SEE SOMETHING ON T V , TURN IT OFF
17 IF YOU SEE A HEADLINE IN THE PAPER, DON'T READ IT,
18 ETCETERA

19 ALL RIGHT? DO YOU UNDERSTAND THAT?

20 JUROR (NODS HEAD)

21 THE COURT ALL RIGHT THANK YOU VERY MUCH
22 WE'LL BE CALLING YOU

23 (THE JUROR EXITS THE COURTROOM)

24 (PAUSE)

25 THE COURT MICHELLE WILSON

STATE VS ALKEBULANYAHH

1 (THE JUROR ENTERS THE COURTROOM)

2 MICHELLE WILSON, HAVING
3 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS
4 DIRECT EXAMINATION BY THE COURT.

5 Q ARE YOU MICHELLE WILSON?

6 A YES

7 Q ALL RIGHT YOU CAN TAKE A SEAT MS WILSON, YOU
8 WERE PREVIOUSLY PLACED UNDER OATH AND YOU WILL REMAIN
9 UNDER OATH OKAY?

10 A OKAY

11 Q NOW, WE'RE IN THE PART OF THE CASE WHERE WE'LL ASK
12 YOU SOME QUESTIONS ABOUT -- NOT TO INVADE YOUR PRIVACY
13 IN ANY WAY, IT'S JUST NECESSARY DUE TO THE NATURE OF
14 THESE PROCEEDINGS THERE ARE NO RIGHT OR WRONG
15 ANSWERS SO PLEASE JUST ANSWER OPENLY, HONESTLY, AND
16 FULLY SOME QUESTIONS IF YOU DON'T KNOW AN ANSWER OR
17 YOU HAVEN'T THOUGHT ABOUT IT, JUST SAY THAT NO ONE IS
18 CHALLENGING YOUR VIEWS WE JUST NEED TO KNOW WHAT
19 THOSE VIEWS MAY BE IF YOU HAVE ANY SOME QUESTIONS, AS
20 I INDICATED, YOU MAY NOT HAVE THOUGHT ABOUT BEFORE

21 AMONG OTHER THINGS, WE'LL BE TALKING ABOUT A
22 PENALTY THE MERE FACT THAT WE TALK ABOUT A PENALTY
23 DOES NOT INDICATE ANYTHING ABOUT THE DEFENDANT THE
24 DEFENDANT IS PRESUMED INNOCENT DO YOU UNDERSTAND
25 THAT?

STATE VS ALKEBULANYAHH

1 A YES

2 Q ALL RIGHT NOW, JUST A LITTLE BACKGROUND
3 INFORMATION A LOT OF PEOPLE THINK THAT THE DEATH
4 PENALTY APPLIES TO ALL MURDER CASES, BUT IT DOES NOT
5 IT ONLY APPLIES TO CERTAIN LIMITED KINDS OF SITUATIONS
6 OF MURDER CASES FOR EXAMPLE, AGGRAVATED MURDER CASES
7 MIGHT BE WHERE THERE'S A BURGLARY PLUS A MURDER, OR A
8 KIDNAPPING PLUS A MURDER, OR THE DEATH OF A PUBLIC
9 OFFICIAL DO YOU UNDERSTAND THAT?

10 A YES

11 Q ALL RIGHT THOSE ARE JUST LIMITED CIRCUMSTANCES
12 IT'S NOT AN EXHAUSTIVE LIST OF WHEN THE STATE CAN ASK
13 FOR THAT TYPE OF PENALTY DO YOU UNDERSTAND THAT?

14 A YES

15 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
16 CASE, COULD YOU LISTEN TO AND APPLY THE LAW THAT I --
17 THE LAW AS I INSTRUCT IT TO YOU?

18 A YES

19 Q EVEN THOUGH YOU MAY NOT AGREE WITH THAT LAW OR
20 THINK IT OUGHT TO BE SOME OTHER WAY?

21 A YES

22 Q ALL RIGHT COULD YOU DECIDE THIS CASE BASED ON
23 THE EVIDENCE PRESENTED HERE IN THIS COURT AND DISREGARD
24 ANYTHING YOU MAY HAVE HEARD, READ, OR SEEN ABOUT THIS
25 CASE?

STATE VS ALKEBULANYAHH

1 A YES

2 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
3 CASE?

4 A YES

5 Q WHAT WAS THAT?

6 A JUST THE NEWS COVERAGE ON THE 6 00 O'CLOCK NEWS
7 AND ALSO NEWSPAPER

8 Q ALL RIGHT DO YOU GENERALLY REMEMBER ANYTHING
9 ABOUT THAT? CAN YOU GENERALLY TELL ME WHAT IT WAS?

10 A I DON'T REMEMBER THE SPECIFICS I JUST KNOW THAT
11 TWO COPS WERE KILLED, THAT THE MAN THAT WERE KILLED HAD
12 FAMILIES AND CHILDREN AND THAT WAS ABOUT THE GIST OF
13 IT

14 Q WOULD THAT INFORMATION IN ANY WAY AFFECT YOUR
15 ABILITY TO GIVE EVERYONE A FAIR AND IMPARTIAL TRIAL?

16 A NO

17 Q HAVE YOU FORMED ANY OPINION ABOUT THIS CASE?

18 A YES

19 Q YOU HAVE FORMED AN OPINION ABOUT THIS CASE?

20 A WELL, MY OPINION I WOULD SAY -- LIKE I SAID, I
21 DON'T KNOW THE SPECIFICS JUST BASED ON WHAT I'VE READ
22 IN THE PAPER AND IN THE NEWS OF COURSE, I DON'T AGREE
23 WITH IT I MEAN, I THINK THAT HE -- I THINK THAT THE
24 DEFENDANT'S GUILTY JUST BASED ON WHAT I'VE READ IN THE
25 PAPER

- 1 Q NOW, THAT'S JUST BECAUSE YOU'VE READ SOMETHING?
- 2 A UH-HUH
- 3 Q WOULD YOU BE ABLE TO SET THAT ASIDE AND GIVE
- 4 EVERYONE IN THIS CASE A FAIR AND IMPARTIAL ---
- 5 A I WOULD ---
- 6 Q --- TRIAL?
- 7 A --- DEFINITELY TRY MY BEST
- 8 Q COULD YOU?
- 9 A YES
- 10 Q YOU'D BE ABLE TO JUST PUT ALL THAT ASIDE, FORGET
- 11 ABOUT IT, AND HEAR EVERYTHING PRESENTED IN THIS
- 12 COURTROOM AND MAKE A FAIR AND IMPARTIAL DECISION?
- 13 A I WOULD TRY MY BEST
- 14 Q I NEED TO KNOW IF YOU CAN?
- 15 A YES
- 16 Q OKAY NOW, IN A CRIMINAL CASE, THE STATE HAS THE
- 17 BURDEN OF PROVING GUILT -- BURDEN OF PROVING GUILT --
- 18 THE STATE MUST PROVE THE GUILT BEYOND A REASONABLE
- 19 DOUBT THE DEFENDANT HAS NO BURDEN TO PROVE INNOCENCE
- 20 THE DEFENDANT IS ALWAYS PRESUMED TO BE INNOCENT DO
- 21 YOU UNDERSTAND THAT?
- 22 A YES
- 23 Q THE DEFENDANT DOESN'T HAVE TO DO A THING IT'S
- 24 ALL ON THE STATE TO PROVE THIS CASE DO YOU UNDERSTAND
- 25 THAT?

1 A YES

2 Q ALL RIGHT NOW, DEPENDING UPON THE FACTS AND THE
3 EVIDENCE AND THE LAW PRESENTED TO YOU, COULD YOU FIND
4 THE DEFENDANT EITHER GUILTY OR NOT GUILTY?

5 A YES

6 Q HAVE YOU READ THE JUROR TYPE SHEET? TYPE 1 ---

7 A YES

8 Q --- TYPE 2, TYPE 3?

9 A YES

10 Q HAVE YOU -- DO YOU THINK YOU FALL INTO ANY ONE OF
11 THOSE CATEGORIES?

12 A TYPE 3

13 Q THAT WOULD BE THE TYPE WHERE IF THE CRIME OF
14 MURDER HAS BEEN PROVEN BY THE STATE AND THE JUROR IS
15 CONSIDERING PUNISHMENT, YOU WOULD NOT HAVE MADE UP YOUR
16 MIND IN ADVANCE CONCERNING PUNISHMENT INSTEAD, YOU
17 WOULD NEED TO HEAR THE FACTS AND CIRCUMSTANCES BOTH IN
18 AGGRAVATION AND IN MITIGATION, AND WOULD LISTEN TO AND
19 FOLLOW THE LAW AS EXPLAINED BY THE COURT BEFORE MAKING
20 A DECISION IS THAT CORRECT?

21 A YES

22 Q NOW, LET ME MAKE SURE I UNDERSTAND THAT PART OF
23 IT IF -- AS I EXPLAINED EARLIER, THESE CASES ARE DONE
24 IN A BIFURCATED FASHION, TWO-PART TRIAL IF IT GETS
25 THROUGH THE FIRST PART, IT GOES TO THE SECOND PART

1 WHICH DEALS WITH SENTENCING IF YOU WERE A JUROR IN
2 THAT SITUATION, THE SENTENCING PHASE, COULD YOU
3 DEPENDING UPON THE FACTS AND CIRCUMSTANCES IN THE CASE,
4 INCLUDING THE CONSIDERATION OF ANY AGGRAVATING AND
5 MITIGATING CIRCUMSTANCES, AND THE LAW AS I INSTRUCT IT
6 TO BE, RETURN A SENTENCE OF LIFE IMPRISONMENT WITHOUT
7 PAROLE?

8 A YES

9 Q ALL RIGHT THE SAME SITUATION IF YOU WERE A
10 JUROR IN THAT SITUATION, THE SENTENCING PHASE, COULD
11 YOU DEPENDING UPON THE PARTICULAR FACTS AND
12 CIRCUMSTANCES, INCLUDING THE CONSIDERATION OF ANY
13 AGGRAVATING AND MITIGATING CIRCUMSTANCES AND THE LAW AS
14 I INSTRUCT IT TO YOU RETURN A SENTENCE OF DEATH?

15 A YES

16 Q NOW, IF IN THAT SITUATION WHERE A JURY RETURNS A
17 SENTENCE OF DEATH, WOULD YOU BE ABLE TO SIGN THE
18 VERDICT FORM ALONG WITH THE OTHER JURORS? THERE WOULD
19 BE A SPACE FOR EACH JUROR TO SIGN WOULD YOU BE ABLE
20 TO DO THAT?

21 A YES

22 THE COURT OKAY QUESTIONS?

23 MR ALKEBULANYAHH YES, SIR

24 THE COURT NOW EACH SIDE WILL ASK YOU QUESTIONS,

25 MA'AM THANK YOU

STATE VS ALKEBULANYAHH

1 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

2 Q HOW YOU DOING, MS WILSON?

3 A GOOD

4 Q I'M THE DEFENDANT, MR ALKEBULANYAHH, IN THE CASE
5 AND I'M JUST GOING TO ASK YOU A FEW QUESTIONS ARE YOU
6 A FORMER LAW ENFORCEMENT EMPLOYEE?

7 A NO

8 Q NO?

9 A (SHAKES HEAD)

10 Q ARE ANY MEMBERS OF YOUR IMMEDIATE FAMILY EMPLOYED
11 BY THE LAW ENFORCEMENT AGENCIES?

12 A NO

13 Q HAVE YOU OR ANY OF YOUR RELATIVES OR CLOSE FRIENDS
14 BEEN A VICTIM OF A CRIME?

15 A NO

16 Q DO YOU BELIEVE THAT MR ALKEBULANYAHH MUST PROVE
17 HIS INNOCENCE?

18 MR MURDAUGH YOUR HONOR, I OBJECT TO THAT, SIR
19 WE'VE GONE INTO THAT -- MATTER OF LAW

20 THE COURT I SUSTAIN THAT MR ALKEBULANYAHH, I
21 HAD INDICATED I'D GO OVER THE -- DID YOU UNDERSTAND
22 WHAT I SAID ABOUT THAT, MA'AM?

23 JUROR THAT THE STATE HAS TO PROVE ---

24 THE COURT THAT THE DEFENDANT DOESN'T HAVE TO
25 PROVE ANYTHING

STATE VS ALKEBULANYAHH

1 JUROR RIGHT
2 THE COURT DO YOU UNDERSTAND THAT?
3 JUROR YES
4 THE COURT OKAY I'VE ALREADY ASKED THAT
5 QUESTION, MR ALKEBULANYAHH
6 Q MS WILSON, WHERE ARE YOU EMPLOYED?
7 A AT A BANK
8 Q WOULD ANY OF YOUR CO-WORKERS HAVE WORKED FOR THE
9 LAW ENFORCEMENT THAT YOU KNOW OF?
10 A NO
11 Q DO YOU KNOW ANY OF THE OFFICERS INVOLVED IN THIS
12 CASE?
13 A I KNEW TWO OF THE WITNESSES THAT WERE CALLED
14 YESTERDAY
15 Q WHICH TWO WITNESSES WAS THAT?
16 A A MR JOHNSON AND BOB BROSEMAN (PHONETIC)
17 Q BOB -- IS THAT BROMAGE?
18 A HE'S AN INVESTIGATOR
19 Q OKAY DO YOU KNOW MR JOHNSON WIFE -- DEPUTY
20 JOHNSON WIFE?
21 A YES, I DO
22 Q HOW DO YOU KNOW HER?
23 A I WORKED WITH HER FOR SEVERAL YEARS, AND STILL
24 KEEP IN TOUCH WITH HER
25 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,

STATE VS ALKEBULANYAHH

1 YOUR HONOR THANK YOU, MA'AM

2 CROSS EXAMINATION BY MR. MURDAUGH.

3 Q I NOTICE -- MS WILSON, I'M RANDOLPH MURDAUGH
4 AND ALONG WITH DUFFY STONE, WE WILL BE PROSECUTING THIS
5 CASE I NEED TO ASK YOU ONE OR TWO QUESTIONS I
6 NOTICE ON YOUR SURVEY FORM THAT YOU FILLED OUT THAT
7 YOUR HUSBAND WAS A PROFESSIONAL GOLFER?

8 A HE'S A GOLF COURSE SUPERINTENDENT

9 Q AT WHICH COURSE?

10 A THE GOLF CLUB

11 Q OKAY I ALSO NOTICED ON THAT SURVEY THAT A MEMBER
12 OF YOUR FAMILY HAD BEEN ARRESTED, IS THAT CORRECT?

13 A YES, MY HUSBAND HAS BEEN PREVIOUSLY YEARS ---

14 Q IN BEAUFORT COUNTY?

15 A NO

16 Q OKAY SOME OTHER STATE OR COUNTY?

17 A IT WAS IN THE STATE OF SOUTH CAROLINA IT WAS FOR
18 DUI IT WAS ---

19 Q THAT WOULDN'T HAVE AN EFFECT ON YOUR ABILITY TO BE
20 FAIR AND IMPARTIAL TO BOTH THE DEFENDANT AND THE STATE,
21 WOULD IT?

22 A NO

23 MR MURDAUGH WELL, I'M SATISFIED WITH THE REST
24 OF YOUR QUESTIONS AND HAVE NO FURTHER QUESTIONS
25 THE COURT MA'AM, IF YOU'LL STEP OUT TO THE

STATE VS ALKEBULANYAHH

1 HALLWAY PLEASE WE'LL BE WITH YOU MOMENTARILY THANK
2 YOU

3 (THE JUROR EXITS THE COURTROOM)

4 THE COURT YES, SIR, YOUR POSITION ON
5 QUALIFICATION?

6 MR ALKEBULANYAHH YOUR HONOR, THIS WITNESS HAS
7 ALREADY FORMED AN OPINION IN HER MIND THAT THE -- THAT
8 THE DEFENDANT IS GUILTY -- MR ALKEBULANYAHH IS GUILTY
9 IN THIS CASE, BY HER OWN WORDS AND THIS DEFENDANT
10 REPEATED TWICE THAT AFTER YOU ASKED HER ONCE, THEN YOU
11 ASKED HER AGAIN AT A LATER TIME, THAT SHE WOULD NOT --
12 SHE WILL ONLY TRY HER BEST TO PUT ASIDE THAT OPINION
13 THAT HE IS GUILTY

14 THIS PARTICULAR WITNESS EXPRESS A LONG-TIME
15 ASSOCIATION AND WORK ASSOCIATION AS WELL WITH
16 INVESTIGATOR SCOTT JOHNSON WIFE, AND KNOW HIM --
17 HIMSELF

18 THIS PARTICULAR WITNESS ALSO EXPRESS ASSOCIATION
19 AND KNOWS INVESTIGATOR -- ONE OF THE CHIEF
20 INVESTIGATORS OF THE BEAUFORT COUNTY SHERIFF'S
21 DEPARTMENT, LIBUTENANT BROMAGE I THINK THAT THE MERE
22 FACT THAT THIS PARTICULAR JUROR WOULD NOT BE QUALIFIED
23 TO GIVE THE DEFENDANT AN IMPARTIAL JURY

24 THE COURT THE STATE'S POSITION?

25 MR MURDAUGH YOUR HONOR, PLEASE MY

STATE VS ALKEBULANYAHH

1 RECOLLECTION OF WHAT SHE ANSWERED TO YOUR QUESTION IS
2 THAT SHE COULD LAY ASIDE ALL OF HER FEELINGS AND ISSUE
3 A FAIR AND IMPARTIAL TRIAL -- VERDICT I THINK SHE'S
4 QUALIFIED

5 THE COURT YES, SIR, I AGREE SHE DID SAY SHE
6 COULD SET IT ASIDE IN RESPONSE TO MY SPECIFIC QUESTION
7 AND SHE SAID AT FIRST SHE WOULD TRY AND THEN I SAID,
8 COULD YOU? AND SHE SAID SHE COULD

9 I'M GOING TO FIND HER QUALIFIED OBVIOUSLY, YOU
10 HAVE A RIGHT TO STRIKE HER USING YOUR PREEMPTORY
11 STRIKES IF YOU THINK IT'S APPROPRIATE

12 MR ALKEBULANYAHH YOUR HONOR, EXCUSE ME, MAY I?

13 THE COURT YES, SIR

14 MR ALKEBULANYAHH AS MY RECOLLECTION, I THINK
15 YOU ASKED HER TWICE AND SHE SAID SHE WOULD ONLY TRY HER
16 BEST

17 THE COURT I THINK AFTER HER RESPONSE ---

18 MR ALKEBULANYAHH WITH YOUR INSISTENCE THAT SHE
19 COULD, THAT SHE DECIDED TO SAY SOMETHING OTHERWISE
20 AFTER YOUR INSISTENCE TWICE AFTER SHE TOLD YOU THE
21 FIRST TIME, AND THEN REFERRED HER BACK TO IT

22 THE COURT I DIDN'T INSIST I INSISTED THAT SHE
23 ANSWER THE QUESTION ABOUT WHETHER SHE COULD AND SHE
24 SAID SHE COULD PUT IT ALL ASIDE AND MAKE A FAIR AND
25 IMPARTIAL DECISION

STATE VS ALKEBULANYAHH

1 SHE ALSO INDICATED THAT SHE COULD FIND YOU EITHER
2 GUILTY OR NOT GUILTY IN RESPONSE TO THAT QUESTION

3 SO THAT SATISFIES ME THAT SHE COULD LAY ASIDE HER
4 OPINION SHE WAS HONEST IN SAYING THAT OPINION AT THE
5 TIME HAD JUST BEEN FORMED BY WHAT SHE HAD READ IN THE
6 PAPER, BUT THAT SHE COULD PUT ALL THAT ASIDE AND RENDER
7 A FAIR AND IMPARTIAL DECISION

8 BRING MS WILSON BACK IN

9 (THE JUROR ENTERS THE COURTROOM)

10 THE COURT MS WILSON, I'M GOING TO FIND YOU
11 QUALIFIED TO BE A PART OF THIS POOL THAT DOESN'T MEAN
12 YOU WILL BE ON THE JURY IT MEANS YOU WILL BE PART OF
13 THE POOL FROM WHICH THE JURY WILL BE SELECTED

14 I APPRECIATE YOUR BEARING WITH US THROUGH THE
15 DELAYS I HAVE NO WAY OF KNOWING FOR SURE HOW LONG THE
16 PROCESS WILL TAKE, SO WE HAVE YOUR DAY AND EVENING
17 NUMBER IS THAT CORRECT?

18 JUROR YES

19 THE COURT NOW, A COUPLE OF INSTRUCTIONS FROM THE
20 COURT WHEN YOU'RE CALLED AND TOLD TO REPORT BACK, YOU
21 MUST REPORT BACK YOU'RE STILL UNDER THAT OBLIGATION
22 AS A JUROR

23 SECONDLY, YOU MUST NOT DISCUSS THIS CASE WITH
24 ANYONE

25 FINALLY, YOU MUST NOT EXPOSE YOURSELF TO ANY

STATE VS ALKEBULANYAHH

1 NEWSPAPER, TELEVISION, MEDIA COVERAGE ABOUT THIS CASE
2 IF YOU SEE A HEADLINE IN THE PAPER, DON'T READ THE
3 ARTICLE IF YOU START TO HEAR SOMETHING ON THE NEWS OR
4 RADIO, TURN IT OFF OKAY?

5 JUROR OKAY

6 THE COURT THANK YOU WE'LL BE IN TOUCH WITH YOU
7 SOON

8 (THE JUROR EXITS THE COURTROOM)

9 THE COURT JAMES LEE

10 (THE JUROR ENTERS THE COURTROOM)

11 JAMES S LEE, HAVING BEEN
12 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

13 DIRECT EXAMINATION BY THE COURT.

14 Q ALL RIGHT ARE YOU JAMES LEE?

15 A YES, SIR

16 Q ALL RIGHT MR LEE, YOU WERE PREVIOUSLY PLACED
17 UNDER OATH AND YOU WILL REMAIN UNDER OATH OKAY?

18 A RIGHT

19 Q NOW, WE'RE AT THAT PART OF THE CASE WHERE WE'LL BE
20 ASKING YOU SOME INDIVIDUAL QUESTIONS, NOT TO INVADE
21 YOUR PRIVACY IN ANY WAY, IT'S JUST NECESSARY DUE TO
22 THESE PROCEEDINGS THERE ARE NO RIGHT OR WRONG
23 ANSWERS SO PLEASE JUST ANSWER OPENLY, HONESTLY, AND
24 FULLY YOU MAY NOT KNOW THE ANSWER TO SOME QUESTIONS
25 OR YOU MAY NOT HAVE EVER THOUGHT ABOUT IT JUST TELL US

STATE VS ALKEBULANYAHH

1 THAT NO ONE IS CHALLENGING ANY VIEW THAT YOU MIGHT
2 HAVE, WE'RE JUST TRYING TO ASCERTAIN IF YOU DO HAVE
3 VIEWS ABOUT CERTAIN THINGS

4 AMONG OTHER THINGS, WE'LL BE TALKING ABOUT
5 PENALTY THE MERE FACT THAT WE'RE DISCUSSING A PENALTY
6 IN THIS PROCEEDING DOES NOT INDICATE ANYTHING ABOUT THE
7 DEFENDANT THE DEFENDANT IS PRESUMED TO BE INNOCENT
8 DO YOU UNDERSTAND THAT?

9 A (NODS HEAD)

10 Q YOU HAVE TO RESPOND FOR THE RECORD

11 A I'M SORRY YES

12 Q ALL RIGHT NOW, I HAVE GIVEN A LITTLE BIT OF
13 BACKGROUND WHEN THE WHOLE GROUP WAS TOGETHER ABOUT THE
14 WAY THESE CASES WORK YOU GO THROUGH THE FIRST PHASE
15 -- IN THE FIRST PHASE IF THE STATE HAS SUCCESSFULLY
16 PROVED -- DEMONSTRATES TO THE JURY BEYOND A REASONABLE
17 DOUBT THAT THE DEFENDANT IS GUILTY, IT GOES INTO A
18 SECOND PHASE ABOUT PENALTY

19 A OKAY

20 Q THAT'S HOW THESE CASES WORK NOW, A LOT OF PEOPLE
21 THAT I'VE TALKED TO BELIEVE THE DEATH PENALTY APPLIES
22 TO ALL MURDER CASES THIS IS NOT TRUE IT APPLIES
23 ONLY TO WHAT THE LAW REFERS TO AS AGGRAVATED MURDER
24 CASES OR CERTAIN LIMITED KINDS OF MURDER CASES
25 FOR EXAMPLE, THE STATE CAN ASK FOR THE DEATH

STATE VS ALKEBULANYAHH

1 PENALTY IN A CASE WHERE THERE MIGHT BE A KIDNAPPING
2 PLUS A MURDER, OR A BURGLARY PLUS A MURDER, OR IT
3 INVOLVES THE DEATH OF A CERTAIN PUBLIC OFFICIAL THAT'S
4 LISTED IN THE STATUTE THOSE ARE JUST EXAMPLES I'M
5 NOT GOING OVER THE WHOLE LIST DO YOU UNDERSTAND THAT?

6 A YES

7 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
8 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I
9 INSTRUCT IT TO BE TO YOU?

10 A YES

11 Q EVEN THOUGH YOU MAY NOT AGREE WITH THAT LAW OR YOU
12 THINK IT OUGHT TO BE SOME OTHER WAY?

13 A YES

14 Q ALL RIGHT COULD YOU DECIDE THIS CASE BASED ON
15 THE EVIDENCE PRESENTED HERE IN THIS COURT AND DISREGARD
16 ANYTHING YOU MAY HAVE HEARD, READ, OR SEEN ABOUT THIS
17 CASE?

18 A IF I WERE UNFAMILIAR WITH THE CASE, THEN THE
19 ANSWER WOULD BE YES

20 Q ARE YOU SAYING THAT YOU ARE FAMILIAR WITH THIS
21 CASE AND YOU COULD NOT DO THAT?

22 A YES, I AM

23 Q WELL, THE FACT YOU'VE HEARD SOMETHING ABOUT THIS
24 CASE, WOULD THAT PRECLUDE YOU FROM GIVING EVERYBODY IN
25 THIS CASE A FAIR AND IMPARTIAL TRIAL?

- 1 A I BELIEVE IT WOULD, BASED ON THE DEALINGS THAT
2 I'VE HAD SINCE THE INCIDENT HAPPENED
- 3 Q WHAT DEALINGS HAVE YOU HAD?
- 4 A WELL ---
- 5 Q YOU'VE TALKED TO PEOPLE ABOUT THIS CASE?
- 6 A WHEN IT FIRST HAPPENED I WORKED FOR A SOFT DRINK
7 COMPANY AND WE'VE DONATED DRINKS WE'VE -- TO THE
8 DECEASED FAMILIES -- THE FUNERAL HOMES, AND SUCH
- 9 Q THE DECEASED FAMILIES IN THIS CASE?
- 10 A YES SIR WE HAVE -- JOHN LYNDAD (PHONETIC) WOULD
11 COME UP AND ASK FOR DRINKS HE WORKS FOR -- PART-TIME
12 FOR THE FUNERAL HOME AND HE WOULD COME UP AND GET
13 SOME DRINKS TO, YOU KNOW, GO WITH EVERYTHING THAT WAS
14 GOING ON AT THAT TIME
- 15 Q SO YOU DON'T THINK BASED ON THOSE -- THAT
16 INTERACTION AS WELL AS ANYTHING YOU'VE HEARD AND SEEN
17 IN THE CASE -- YOU DON'T THINK YOU COULD SET ALL THAT
18 ASIDE AND HEAR EVERYTHING AND GIVE EVERYONE A FAIR AND
19 IMPARTIAL TRIAL?
- 20 A I WOULD LIKE TO SAY, YES, BUT I CAN'T
- 21 Q WELL, THERE'S NO RIGHT OR WRONG ANSWER I JUST
22 WANT TO KNOW WHAT YOUR ANSWER IS AND WHAT YOU'RE REALLY
23 THINKING SO YOU COULD NOT DO THAT?
- 24 A IT WOULD BE DIFFICULT
- 25 THE COURT OKAY ANYTHING FROM ---

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH NOT AT THIS TIME
2 MR STONE NO, SIR
3 THE COURT ALL RIGHT I'LL EXCUSE YOU, SIR
4 THANK YOU FOR BEING FORTHRIGHT WITH US
5 (THE JUROR EXITS THE COURTROOM)
6 THE COURT CURTIS WILLIAMS
7 OFFICER YOU'VE GOT A JUROR KELLY O'HANLON SHE
8 NEEDS TO CALL HER BABY SITTER BECAUSE SHE'S RUNNING
9 LATER THAN EXPECTED
10 THE COURT THAT'S FINE
11 OFFICER COULD SOMEBODY SEE TO A PHONE?
12 THE COURT THAT'S FINE CAN YOU TAKE CARE OF
13 THAT PLEASE, MADAM CLERK
14 (PAUSE)
15 THE COURT INSTRUCT THEM IF THEY HAVE ANY
16 CONCERNS, TO SEND ME A NOTE
17 CLERK YES, SIR
18 THE COURT THANK YOU
19 COME FORWARD PLEASE, SIR
20 (THE JUROR ENTERS THE COURTROOM)
21 CURTIS WILLIAMS, HAVING
22 BEEN PREVIOUSLY DULY SWORN TESTIFIED AS FOLLOWS
23 DIRECT EXAMINATION BY THE COURT.
24 Q ARE YOU CURTIS WILLIAMS?
25 A YEAH

STATE VS ALKEBULANYAHH

1 Q MR WILLIAMS, YOU WERE PREVIOUSLY PLACED UNDER
2 OATH YOU WILL REMAIN UNDER OATH, DO YOU UNDERSTAND?

3 A YES

4 Q ALL RIGHT WE'RE AT THE PART OF THE CASE WHERE
5 WE'RE GOING TO ASK YOU SOME INDIVIDUAL QUESTIONS, NOT
6 TO INVADE YOUR PRIVACY OR ANYTHING, JUST TO FIND OUT
7 CERTAIN INFORMATION DUE TO THE NATURE OF THESE
8 PROCEEDINGS THERE ARE NO RIGHT OR WRONG ANSWERS
9 PLEASE JUST ANSWER OPENLY, HONESTLY, AND FULLY YOU'RE
10 NOT TRYING TO PLEASE ME OR ANYONE ELSE YOU'RE JUST
11 GIVING US YOUR ANSWERS DO YOU UNDERSTAND THAT?

12 A YES

13 Q SOME OF THE QUESTIONS YOU MAY NOT HAVE AN ANSWER
14 YOU MAY NOT KNOW YOU MAY NOT HAVE EVER THOUGHT ABOUT
15 IT IF THAT'S THE CASE, JUST TELL US THAT OKAY?

16 A OKAY

17 Q NO ONE IS CHALLENGING ANY VIEW YOU MIGHT HAVE
18 IT'S JUST WE NEED TO UNDERSTAND YOUR VIEWS AMONG
19 OTHER THINGS, WE'LL BE TALKING ABOUT A PENALTY THE
20 MERE FACT THAT WE TALK ABOUT A PENALTY DOES NOT
21 INDICATE ANYTHING ABOUT A DEFENDANT HE IS PRESUMED TO
22 BE INNOCENT DO YOU UNDERSTAND THAT?

23 A YES

24 Q ALL RIGHT NOW, A LOT OF PEOPLE BELIEVE THAT THE
25 DEATH PENALTY APPLIES TO ALL MURDER CASES, THIS IS NOT

1 TRUE IT ONLY APPLIES IN CERTAIN LIMITED KINDS OF
2 CASES IT MIGHT APPLY IN A CASE WHERE TO WHAT IS
3 REFERRED TO AS AN AGGRAVATED MURDER FOR EXAMPLE, THE
4 STATE CAN ASK FOR THE DEATH PENALTY IN A CASE WHERE
5 THERE IS A KIDNAPPING PLUS A MURDER, OR A BURGLARY PLUS
6 A MURDER, OR IT INVOLVES THE DEATH OF A PUBLIC OFFICIAL
7 THAT IS SPECIFICALLY LISTED IN THE LAW DO YOU
8 UNDERSTAND THAT?

9 A YEAH, I UNDERSTAND IT, I GUESS

10 Q ALL RIGHT I JUST WANT TO MAKE SURE THAT YOU
11 UNDERSTAND IT DOESN'T APPLY TO ALL MURDER CASES

12 A OH

13 Q DO YOU UNDERSTAND THAT? I'M JUST TELLING YOU WHAT
14 THE LAW IS

15 A YEAH, I UNDERSTAND

16 Q ALL RIGHT YOU UNDERSTAND THAT?

17 A YEAH

18 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
19 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I
20 INSTRUCT IT TO YOU?

21 A NO

22 Q YOU COULD NOT?

23 A NO

24 Q YOU UNDERSTAND THAT YOUR ROLE AS A JUROR IS TO
25 DECIDE WHAT THE FACTS ARE IN A CASE, AND APPLY THE LAW

STATE VS ALKEBULANYAHH

1 THAT THE COURT GIVES TO YOU YOU'VE TAKEN AN OATH TO
2 DO SO YOU COULD NOT DO THAT?
3 A I COULDN'T
4 Q OKAY
5 A THE WAY I FEEL AND WHAT, YOU KNOW ---
6 Q ARE YOU TALKING ABOUT THIS CASE IN PARTICULAR OR
7 ARE YOU TALKING ABOUT IN ANY CASE?
8 A IN ANY CASE
9 Q YOU COULD NOT APPLY THE LAW THAT THE COURT TELLS
10 YOU?
11 A NO
12 Q WHY IS THAT?
13 A IF YOU READ THE STATEMENT THAT I SENT, YOU KNOW
14 WHEN YOU MAILED THEM IT SAYS ON THE BOTTOM LIKE I
15 BELIEVE, YOU KNOW, YOU TAKE PERSON WHATEVER -- AN EYE
16 FOR AN EYE, AND STUFF LIKE THAT I'VE BEEN ROBBED AND
17 ITEMS STOLE AND I BELIEVE IF I CAUGHT THE PERSON, YOU
18 KNOW, I'D WANT THE WORST THING BECAUSE IT'S HAPPENED
19 TOO MANY TIMES
20 THE COURT ALL RIGHT ANYTHING FURTHER?
21 MR ALKEBULANYAHH NO, SIR
22 MR MURDAUGH NO, SIR
23 THE COURT ALL RIGHT I'LL EXCUSE YOU, SIR
24 THANK YOU
25 JUROR I DON'T HAVE TO COME BACK?

STATE VS ALKEBULANYAHH

1 THE COURT NO, SIR
2 JUROR THANK YOU
3 (THE JUROR EXITS THE COURTROOM)
4 THE COURT BRUCE BATASTINI
5 THOSE LAST TWO WERE WITHOUT OBJECTION, IS THAT
6 CORRECT?
7 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
8 MR MURDAUGH THAT'S CORRECT
9 THE COURT WHEN YOU'RE SAYING YOU HAVE NO
10 QUESTIONS, YOU'RE THINKING THAT THEY NEED TO BE
11 DISQUALIFIED, IS THAT CORRECT?
12 MR ALKEBULANYAHH YES
13 MR MURDAUGH THAT'S CORRECT, SIR
14 THE COURT ALL RIGHT
15 (THE JUROR ENTERS THE COURTROOM)
16 BRUCE BATASTINI, HAVING
17 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS
18 DIRECT EXAMINATION BY THE COURT.
19 Q ARE YOU BRUCE BATASTINI?
20 A YES, SIR
21 Q DID I SAY THAT CORRECT?
22 A BATASTINI IT'S CLOSE ENOUGH
23 Q BATASTINI?
24 A YES, SIR
25 Q ALL RIGHT YOU TOLD ME THAT EARLIER ALL RIGHT

STATE VS ALKEBULANYAHH

1 MR BATASTINI, YOU WERE PREVIOUSLY PLACED UNDER OATH
2 YOU WILL REMAIN UNDER OATH DO YOU UNDERSTAND?

3 A YES, SIR

4 Q ALL RIGHT NOW, WE'RE AT THE POINT IN THE CASE
5 WHERE WE'RE JUST GOING TO ASK YOU SOME INDIVIDUAL
6 QUESTIONS, NOT TO INVADE YOUR PRIVACY OR ANYTHING
7 IT'S JUST NECESSARY IN THESE TYPES OF PROCEEDINGS
8 THERE ARE NO RIGHT OR WRONG ANSWERS PLEASE JUST
9 ANSWER OPENLY, HONESTLY, AND FULLY DON'T WORRY ABOUT
10 WHETHER YOU'RE PLEASING ME OR ANYONE ELSE

11 A YES, SIR

12 Q I JUST NEED TO KNOW YOUR RESPONSE SOME THINGS
13 YOU MAY NOT HAVE A RESPONSE YOU MIGHT SAY, I DON'T
14 KNOW, OR I'VE NEVER THOUGHT ABOUT THAT IF THAT'S THE
15 CASE, JUST LET ME KNOW ONE WAY OR THE OTHER NO ONE IS
16 CHALLENGING ANY VIEWS THAT YOU MAY HAVE WE JUST NEED
17 TO TRY TO UNDERSTAND IF YOU DO HAVE ANY VIEWS ABOUT
18 PARTICULAR THINGS

19 AMONG OTHER THINGS, WE'LL BE TALKING ABOUT
20 PENALTY THE MERE FACT THAT WE TALK ABOUT A PENALTY
21 DOES NOT INDICATE ANYTHING ABOUT THE DEFENDANT HE IS
22 PRESUMED IN THE LAW TO BE INNOCENT DO YOU UNDERSTAND
23 THAT?

24 A YES, SIR

25 Q NOW, I ALREADY GAVE YOU A LITTLE BIT OF BACKGROUND

1 WHEN YOU ALL WERE ALL TOGETHER ABOUT THE TWO-PART
2 PROCESS IN THESE KINDS OF CASES NOW, JUST FOR MORE
3 INFORMATION, BECAUSE SOME PEOPLE ARE CONFUSED AT TIMES
4 OR THEY DON'T KNOW OTHERWISE, A LOT OF PEOPLE THINK
5 THAT THE DEATH PENALTY APPLIES TO ALL MURDER CASES IT
6 DOES NOT IT APPLIES ONLY TO WHAT THE LAW REFERS TO AS
7 AGGRAVATED MURDER CASES

8 FOR EXAMPLE, THE STATE CAN REQUEST A DEATH PENALTY
9 BE IMPOSED WHERE THERE'S A KIDNAPPING PLUS A MURDER OR
10 A BURGLARY PLUS A MURDER, OR PERHAPS THE MURDER OF A
11 CERTAIN PUBLIC OFFICIAL THAT'S SPECIFICALLY LISTED IN
12 THE STATUTE OF THE STATE DO YOU UNDERSTAND THAT?

13 A YES, SIR

14 Q I JUST WANT TO MAKE SURE YOU HAVE A LITTLE
15 BACKGROUND INFORMATION NOW, IF YOU WERE A JUROR IN A
16 CRIMINAL CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS
17 I INSTRUCT IT TO YOU?

18 A ABSOLUTELY, JUDGE

19 Q EVEN THOUGH YOU MAY NOT AGREE WITH THAT LAW OR
20 THINK IT OUGHT TO BE SOME OTHER WAY?

21 A YES JUDGE

22 Q COULD YOU DECIDE THIS CASE BASED ON THE EVIDENCE
23 PRESENTED HERE IN THIS COURT AND DISREGARD ANYTHING YOU
24 MAY HAVE HEARD, READ, OR SEEN ABOUT THIS CASE?

25 A YES, JUDGE

- 1 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
2 CASE?
- 3 A NO, SIR
- 4 Q ALL RIGHT HAVE YOU FORMED ANY OPINION ABOUT THIS
5 CASE?
- 6 A NO, SIR
- 7 Q NOW, IN A CRIMINAL CASE, THE STATE HAS THE BURDEN
8 OF PROVING GUILT BEYOND A REASONABLE DOUBT A
9 DEFENDANT HAS NO BURDEN TO PROVE ANYTHING OR TO PROVE
10 HIS INNOCENCE IT'S ALWAYS ON THE STATE TO PROVE THEIR
11 CASE DO YOU UNDERSTAND THAT?
- 12 A YES, SIR
- 13 Q NOW, COULD YOU DEPENDING UPON THE FACTS AND
14 EVIDENCE OF THE CASE AND THE LAW THAT I GIVE TO YOU
15 FIND THE DEFENDANT EITHER GUILTY OR NOT GUILTY?
- 16 A YES, JUDGE
- 17 Q ALL RIGHT NOW, HAVE YOU LOOKED AT THAT JUROR
18 TYPE SHEET THAT I HANDED OUT?
- 19 A YES, JUDGE
- 20 Q HAVE YOU -- DO YOU THINK YOU FALL INTO ANY OF
21 THOSE CATEGORIES?
- 22 A YES, JUDGE
- 23 Q WHICH WOULD THAT BE?
- 24 A NUMBER 3
- 25 Q OKAY NUMBER 3 -- AND JUST TO REVIEW TO MAKE

1 SURE WE'RE ON THE SAME PAGE THAT IS THE TYPE OF JUROR
2 WHO IF THE CRIME OF MURDER HAS BEEN PROVEN BY THE STATE
3 AND THE JUROR IS CONSIDERING PUNISHMENT, THE JUROR
4 WOULD NOT HAVE MADE UP HIS MIND IN ADVANCE CONCERNING
5 PUNISHMENT INSTEAD, THE JUROR WOULD NEED TO HEAR THE
6 FACTS AND CIRCUMSTANCES BOTH IN AGGRAVATION AND IN
7 MITIGATION BEFORE MAKING A DECISION, IS THAT CORRECT?

8 A YES, JUDGE

9 Q NOW, ALONG THOSE LINES IF WE WERE IN THIS TWO-PART
10 PROCESS AND WE MADE IT INTO THE SECOND PHASE OF THE
11 CASE, IF YOU WERE A JUROR IN THAT SITUATION, THE
12 SENTENCING PHASE, COULD YOU DEPENDING UPON THE
13 PARTICULAR FACTS AND CIRCUMSTANCES IN THE CASE
14 INCLUDING THE CONSIDERATION OF ANY AGGRAVATING AND
15 MITIGATING CIRCUMSTANCES AND THE LAW I INSTRUCT TO YOU
16 RETURN A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE?

17 A COULD YOU REPEAT THAT, SIR?

18 Q WHAT I'M ASKING YOU -- ALONG THOSE LINES, I'M
19 ASKING YOU ABOUT YOUR CATEGORY YOU THINK YOU FALL INTO
20 IF THE CASE HAS GOT TO THE SECOND PART OF THE TRIAL ---

21 A RIGHT

22 Q --- IF THE JURY RETURNED A VERDICT OF GUILT, IF
23 THE STATE HAS PROVEN BEYOND A REASONABLE DOUBT THAT THE
24 DEFENDANT WAS GUILTY OF THE CRIME AND IT GOES TO THE
25 SECOND PHASE, WHICH WOULD BE THE SENTENCING PHASE ---

1 A RIGHT

2 Q --- COULD YOU DEPENDING UPON THE PARTICULAR FACTS
3 AND CIRCUMSTANCES WHICH I UNDERSTAND YOU HAVE NOT HEARD
4 YET, INCLUDING THE CONSIDERATION OF ANY AGGRAVATING AND
5 MITIGATING CIRCUMSTANCES AND THE LAW THAT I GIVE TO YOU
6 RETURN A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE?

7 A YES, SIR

8 Q SIMILARLY, IF YOU WERE A JUROR IN THAT SITUATION,
9 THE SENTENCING PHASE, COULD YOU DEPENDING UPON THE
10 PARTICULAR FACTS AND CIRCUMSTANCES INCLUDING THE
11 CONSIDERATION OF ANY AGGRAVATING AND MITIGATING
12 CIRCUMSTANCES AND THE LAW I GIVE TO YOU RETURN A
13 SENTENCE OF DEATH?

14 A ABSOLUTELY, JUDGE

15 Q ALL RIGHT NOW, IN THAT LATTER SITUATION IF THE
16 JURY WERE TO RETURN A SENTENCE OF DEATH, YOU WOULD BE
17 ASKED TO SIGN THE VERDICT FORM ALONG WITH ALL THE OTHER
18 JURORS WOULD YOU BE ABLE TO SIGN THAT VERDICT FORM?

19 A YES, JUDGE

20 THE COURT ALL RIGHT NOW THEY WILL ASK YOU A
21 FEW QUESTIONS, SIR

22 JUROR SURE

23 THE COURT GO AHEAD PLEASE

24 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

25 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

STATE VS ALKEBULANYAHH

- 1 Q MR BATASTINI?
- 2 A YES, SIR
- 3 Q OKAY THANK YOU HOW ARE YOU TODAY?
- 4 A I'M DOING GREAT HOW ABOUT YOURSELF?
- 5 Q GREAT GREAT DOING FINE I'M GOING TO ASK YOU
- 6 A FEW QUESTIONS I'M THE DEFENDANT IN THIS CASE, MR
- 7 ALKEBULANYAHH
- 8 A YES, SIR
- 9 Q AND I'M GOING TO ASK YOU A FEW QUESTIONS, TO GET
- 10 SOME OPINIONS ABOUT -- YOU KNOW, HOW YOU FEEL ABOUT
- 11 THIS PARTICULAR CASE FIRST, LET ME ASK YOU ARE YOU
- 12 -- ARE YOU A FORMER LAW ENFORCEMENT EMPLOYEE?
- 13 A NO, SIR
- 14 Q ARE ANY MEMBERS OF YOUR IMMEDIATE FAMILY EMPLOYED
- 15 BY LAW ENFORCEMENT AGENCY?
- 16 A NO, SIR
- 17 Q HAVE YOU OR ANY OF YOUR RELATIVES OR CLOSE FRIENDS
- 18 BEEN A VICTIM OF A CRIME IN THE LAST 5 YEARS?
- 19 A NO, SIR
- 20 Q DO YOU HAVE ANY PARTICULAR OPINION OR FEELING
- 21 ABOUT THE CRIME OF MURDER WHICH WOULD MAKE IT DIFFICULT
- 22 FOR YOU TO SERVE ON A JURY WHERE THE DEFENDANT IS
- 23 CHARGED WITH THESE CRIMES?
- 24 A NO, SIR
- 25 Q ARE YOU AWARE OF ANY REASON WHATSOEVER WHY YOU

1 COULD NOT BE FAIR AND IMPARTIAL TO THE DEFENDANT OR THE
2 STATE?

3 A NO, SIR

4 Q IF YOU MAKE A DECISION, CAN YOU STICK TO IT?

5 A ABSOLUTELY, YES, SIR

6 Q IN THE EVENT OF ANY VICTIM OR ANY OF THE VICTIM'S
7 FAMILY OR SOMEONE CONTACT YOU OR APPROACH YOU, TRY TO
8 SWAY YOU IN ANY TYPE OF FORM -- WAY, WOULD YOU LET THE
9 COURT KNOW -- BRING IT TO THE COURT'S ATTENTION?

10 A ABSOLUTELY

11 Q ARE YOU OR A MEMBER OF YOUR FAMILY A MEMBER OF THE
12 VICTIM'S RIGHTS OR LAW ENFORCEMENT ORGANIZATIONS SUCH
13 AS CITIZENS AGAINST CRIME, PEOPLE AGAINST RAPE, OR ANY
14 COMMUNITY-WIDE PROGRAM OR ANY OTHER LIKE ORGANIZATION?

15 A NO, SIR

16 Q IN YOUR OPINION IS THE DEATH PENALTY USED OFTEN
17 ENOUGH, TOO OFTEN, OR ABOUT RIGHT?

18 A I'VE NEVER FORMED AN OPINION ON THAT

19 Q ALL RIGHT

20 A I'VE NEVER REALLY THOUGHT ABOUT IT, SIR

21 Q OKAY THAT'S FINE WHAT DO YOU THINK THE PURPOSE
22 OF THE DEATH PENALTY IS?

23 A COULD YOU REPEAT THAT?

24 Q WHAT DO YOU THINK THE PURPOSE OF THE DEATH PENALTY
25 IS?

1 A I WOULDN'T KNOW HOW TO ANSWER THAT QUESTION
2 WHAT'S THE PURPOSE OF THE DEATH PENALTY? I DON'T
3 REALLY KNOW HOW TO ANSWER THAT, TO BE HONEST WITH YOU
4 I'VE NEVER REALLY THOUGHT ABOUT THAT, SIR

5 Q OKAY ARE YOU MARRIED?

6 A NO, SIR NO, SIR

7 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN
8 THEIR REPORTING?

9 A NOT AT ALL TIMES, NO, SIR

10 Q ARE NEWS MEDIA REPORTS SOME TIMES DESIGNED TO BE
11 SENSATIONAL?

12 A POSSIBLY

13 Q I THINK WHILE YOU WAS OUT OF TOWN, I THINK YOU WAS
14 TRAVELING ABOUT -- YOU SAY YOU TRAVEL?

15 A YES, SIR

16 Q IS THAT CORRECT?

17 A YES, SIR

18 Q HAVE YOU HEARD ANYTHING ABOUT THIS CASE WHILE YOU
19 WAS OUT OF TOWN?

20 A NO, SIR I WAS IN THE STATE OF GEORGIA

21 Q HAVE YOU TALKED TO ANY OTHER PEOPLE ABOUT THIS
22 CASE?

23 A NO, SIR

24 Q WILL YOU BE ABLE TO BE FAIR AND IMPARTIAL AFTER
25 SEEING AND HEARING ABOUT THE IMPACT OF THIS INCIDENT

1 HAD ON THE FAMILIES OF THE OFFICER INVOLVED IN THIS
2 CASE?

3 A YES, SIR, I COULD BE IMPARTIAL YES, SIR

4 Q WHAT WAS YOUR REACTION WHEN YOU FIRST HEARD THAT A
5 POLICE OFFICER WAS KILLED AND HOW DID YOU FEEL?

6 A I DON'T REALLY UNDERSTAND THE SITUATION OF HOW IT
7 WAS -- HOW IT WAS DONE OR ANYTHING LIKE THAT, SO I
8 REALLY CAN'T FORM AN OPINION ON THAT

9 Q WHAT DO YOU THINK THE BEST PUNISHMENT IS FOR MOST
10 CONVICTED MURDERERS?

11 A DEPENDING ON CASE TO CASE

12 Q WHAT DO YOU THINK ABOUT THE SENTENCE OF LIFE IN
13 STATE PRISON WITHOUT THE POSSIBILITY OF RELEASE FOR A
14 CONVICTED MURDERER?

15 MR MURDAUGH YOUR HONOR, PLEASE I OBJECT TO
16 THIS LINE OF QUESTIONS

17 THE COURT I SUSTAIN THAT

18 (PAUSE)

19 Q DO YOU BELIEVE THAT THESE QUESTIONS ABOUT
20 PUNISHMENT ARE A SIGN OR AN INDICATION THAT THE
21 DEFENDANT IS GUILTY?

22 A COULD YOU REPEAT THAT ONE MORE TIME, SIR, I'M
23 SORRY

24 Q DO YOU BELIEVE THAT THESE QUESTIONS ABOUT
25 PUNISHMENT ARE A SIGN OR AN INDICATION THAT THE

1 DEFENDANT IS GUILTY?

2 A NO, SIR

3 (PAUSE)

4 Q WOULD IT BE FAIR FOR THE VICTIM'S FAMILY TO BE ON

5 THE JURY?

6 A NO, SIR

7 MR MURDAUGH YOUR HONOR, PLEASE

8 THE COURT I SUSTAIN THAT OBJECTION YOU'RE NOT

9 INQUIRING ABOUT ANY KNOWLEDGE ABOUT JURY SELECTION WITH

10 THE WITNESS GO AHEAD

11 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS

12 THANK YOU, MR BATASTINI

13 CROSS EXAMINATION BY MR. MURDAUGH.

14 Q MR BATASTINI ---

15 A YES, SIR

16 Q --- IS THAT HOW YOU PRONOUNCE IT?

17 A YES, SIR

18 Q I'M RANDOLPH MURDAUGH ALONG WITH DUFFY STONE,

19 WHO SITS RIGHT HERE, WE WILL BE PROSECUTING THIS CASE

20 ON BEHALF OF THE STATE I UNDERSTAND THAT YOUR ANSWER

21 TO ONE OF THE QUESTIONS THAT SOMEBODY ASKED IS IF THIS

22 CASE WAS BAD ENOUGH, YOU COULD IMPOSE THE DEATH

23 PENALTY?

24 A YES, SIR YES, SIR

25 MR MURDAUGH I AM SATISFIED WITH YOUR OTHER

1 ANSWERS AND HAVE NO FURTHER QUESTIONS

2 THE COURT MR BATASTINI, IF YOU WILL STEP OUT

3 INTO THE HALLWAY FOR JUST A MINUTE, WE'LL BE WITH YOU

4 MOMENTARILY

5 (THE JUROR EXITS THE COURTROOM)

6 THE COURT ANY OBJECTION TO HIS QUALIFICATION?

7 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

8 MR MURDAUGH NO, YOUR HONOR

9 THE COURT ALL RIGHT SINCE THERE ARE NO

10 OBJECTION FROM EITHER SIDE, IT'S APPROPRIATE TO FIND

11 HIM QUALIFIED

12 BRING MR BATASTINI IN PLEASE

13 (THE JUROR ENTERS THE COURTROOM)

14 THE COURT MR BATASTINI, YOU WILL -- THE COURT

15 FINDS YOU TO BE QUALIFIED TO BE ON THIS POOL THAT

16 DOESN'T MEAN YOU WILL BE ON THE JURY WHAT THAT MEANS

17 IS THAT YOU WILL BE BROUGHT BACK IN AND THEN FROM A

18 CERTAIN POOL, WE WILL THEN DRAW THE JURY IN THIS CASE

19 I APPRECIATE YOU BEARING WITH US THROUGH ALL THE DELAYS

20 AND EVERYTHING AS I INDICATED, IT'S HARD TO PREDICT

21 HOW LONG THESE WILL TAKE

22 SO THAT YOU WILL NOT HAVE TO SIT AROUND, WE ASK

23 FOR YOUR DAY AND EVENING NUMBER I BELIEVE WE HAVE

24 THAT, IS THAT CORRECT?

25 JUROR YES, SIR

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT NOW A COUPLE INSTRUCTIONS
2 FROM THE COURT, BECAUSE YOU WILL BE UNDER A CONTINUING
3 DUTY AS A MEMBER OF THE PANEL YOU MUST NOT DISCUSS
4 THIS CASE WITH ANYONE YOU MUST NOT EXPOSE YOURSELF TO
5 ANY KIND OF MEDIA COVERAGE IF YOU START TO HEAR
6 SOMETHING ON T V , TURN IT OFF IF YOU SEE A HEADLINE
7 IN THE PAPER, DON'T READ THE NEWSPAPER STORY SAME
8 WITH THE RADIO, TURN IT OFF

9 ALSO, PLEASE UNDERSTAND THAT YOU'RE UNDER -- WHEN
10 THEY GIVE YOU THE CALL TO REPORT BACK, YOU MUST REPORT
11 BACK ALL RIGHT?

12 JUROR YES, SIR

13 THE COURT THANK YOU AGAIN WE'LL BE IN TOUCH
14 WITH YOU SOON

15 (THE JUROR EXITS THE COURTROOM)

16 THE COURT CYNTHIA MILANESI

17 (THE JUROR ENTERS THE COURTROOM)

18 CYNTHIA MILANESI, HAVING
19 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS
20 DIRECT EXAMINATION BY THE COURT.

21 Q ARE YOU CYNTHIA MILANESI?

22 A YES, I AM

23 Q ALL RIGHT MS MILANESI, YOU WERE PREVIOUSLY
24 PLACED UNDER OATH, AND YOU WILL REMAIN UNDER OATH DO
25 YOU UNDERSTAND?

1 A UH-HUH

2 Q ALL RIGHT NOW, WE'RE HERE JUST IN THIS PART TO
3 ASK YOU SOME QUESTIONS, NOT TO INVADE YOUR PRIVACY
4 IT'S JUST NECESSARY DUE TO THE NATURE OF THESE
5 PROCEEDINGS THERE ARE NO RIGHT OR WRONG ANSWERS SO
6 PLEASE JUST ANSWER OPENLY, HONESTLY, AND FULLY YOU'RE
7 NOT HERE TO TRY TO PLEASE ME WITH YOUR ANSWERS OR
8 ANYONE PARTICIPATING IN THIS CASE IF YOU DON'T KNOW
9 THE ANSWER TO A QUESTION OR YOU NEVER THOUGHT ABOUT IT
10 BEFORE, JUST SAY THAT

11 A OKAY

12 Q WE JUST WANT YOUR FULL HONEST RESPONSE NO ONE
13 IS CHALLENGING ANY VIEW THAT YOU MAY HAVE WE'RE JUST
14 TRYING TO UNDERSTAND WHAT YOUR VIEWS MAY BE ABOUT
15 CERTAIN MATTERS

16 AMONG OTHER THINGS, WE WILL BE TALKING ABOUT
17 PENALTY THE FACT THAT WE TALK ABOUT PENALTY IN THIS
18 PROCEEDING DOES NOT MEAN OR INDICATE ANYTHING ABOUT THE
19 DEFENDANT HE IS PRESUMED INNOCENT UNDER THE LAW DO
20 YOU UNDERSTAND THAT?

21 A YES

22 Q ANOTHER THING IS, I TOLD YOU A LITTLE ABOUT THE
23 WHOLE PROCESS INVOLVING THESE TYPES OF CASES, THE TWO-
24 PART PROCESS DO YOU REMEMBER ALL THAT?

25 A YES

STATE VS ALKEBULANYAHH

- 1 Q NOW, ONE THING I DO WANT TO SAY IS THAT A LOT OF
2 PEOPLE THINK THAT THE DEATH PENALTY APPLIES TO ALL
3 MURDER CASES BUT IT DOES NOT IT ONLY APPLIES IN
4 LIMITED TYPES OF CASES IT MIGHT APPLY OR BE -- IT
5 MIGHT BE THE TYPE CASE WHERE THE STATE CAN ASK FOR THE
6 DEATH PENALTY WHERE THERE IS A KIDNAPPING PLUS A
7 MURDER, OR A BURGLARY PLUS A MURDER, OR INVOLVES THE
8 DEATH OF A CERTAIN PUBLIC OFFICIAL THAT'S LISTED BY
9 STATUTE DO YOU UNDERSTAND THAT?
- 10 A YES, SIR
- 11 Q THOSE ARE JUST EXAMPLES, IT'S NOT AN EXHAUSTIVE
12 LIST I JUST WANT TO EXPLAIN THE CONCEPT TO YOU DO
13 YOU UNDERSTAND THAT?
- 14 A (NODS HEAD) YES, SIR
- 15 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
16 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I
17 INSTRUCT IT TO YOU?
- 18 A YES, SIR
- 19 Q EVEN THOUGH YOU MAY NOT AGREE WITH THAT LAW OR
20 THINK IT OUGHT TO BE SOME OTHER WAY?
- 21 A I'M NOT QUITE SURE I UNDERSTAND
- 22 Q WHAT I'M TRYING TO EXPLAIN TO YOU IS THAT IT'S MY
23 JOB TO TELL YOU WHAT THE LAW IS
- 24 A UH-HUH
- 25 Q AND IF YOU SIT AS A JUROR, YOU HAVE TO ACCEPT

1 THAT, BECAUSE THAT'S MY FUNCTION AS THE JUDGE YOU
2 HAVE TO ACCEPT WHAT I TELL YOU THE LAW IS

3 A YES

4 Q EVEN THOUGH YOU MAY NOT AGREE WITH THAT LAW OR YOU
5 THINK IT SHOULD BE SOME OTHER LAW DO YOU UNDERSTAND
6 THAT?

7 A YES

8 Q IF YOU'RE ACTUALLY SITTING IN THAT BOX, IF I SAY
9 IT, YOU HAVE TO FOLLOW IT DO YOU UNDERSTAND THAT?

10 A YES, SIR

11 Q ALL RIGHT NOW, THE JURY'S JOB IS TO BE THE
12 FINDER OF THE FACTS IN THE CASE THE JURY GETS TO
13 DECIDE WHAT, WHO THEY WANT TO BELIEVE THEY APPLY THAT
14 TO THE LAW THAT I GIVE TO THEM, AND THEY MAKE THEIR
15 DECISION COULD YOU BE ABLE TO DO THAT?

16 A YES, SIR

17 Q NOW, COULD YOU DECIDE THIS CASE BASED ON THE
18 EVIDENCE PRESENTED HERE IN THIS COURT AND DISREGARD
19 ANYTHING YOU MAY HAVE HEARD, READ, OR SEEN ABOUT THIS
20 CASE?

21 A YES, SIR

22 Q PARDON?

23 A YES, SIR

24 Q ALL RIGHT HAVE YOU HEARD, READ, OR SEEN ANYTHING
25 ABOUT THIS CASE?

- 1 A VERY, VERY LITTLE
- 2 Q VERY LITTLE DO YOU REMEMBER ANYTHING ABOUT WHAT
- 3 YOU'VE HEARD, SEEN, OR READ?
- 4 A REALLY, I JUST -- THE ONLY THING I REALLY HEARD
- 5 WAS WHEN I WENT TO PAY MY TAXES, THAT I WOULD BE
- 6 INVOLVED IN A MURDER SELECTION I WORK DAY AND NIGHT,
- 7 SO I'M NOT VERY INVOLVED IN COMMUNITY AFFAIRS AND
- 8 CURRENT EVENTS
- 9 Q ALL RIGHT WHATEVER YOU'VE HEARD, READ, OR SEEN
- 10 -- WOULD THAT IN ANY WAY AFFECT YOUR ABILITY TO GIVE
- 11 EVERYONE A FAIR AND IMPARTIAL TRIAL?
- 12 A NO, SIR I DON'T KNOW ENOUGH
- 13 Q HAVE YOU FORMED ANY OPINION ABOUT THIS CASE?
- 14 A NO, SIR
- 15 Q ALL RIGHT NOW, IN A CRIMINAL CASE THE STATE HAS
- 16 THE BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT
- 17 THE DEFENDANT HAS NO BURDEN TO PROVE ANYTHING THE
- 18 DEFENDANT DOESN'T HAVE TO DO A THING THE DEFENDANT IS
- 19 PRESUMED INNOCENT THE BURDEN IS ALWAYS ON THE STATE
- 20 TO PROVE THEIR CASE DO YOU UNDERSTAND THAT?
- 21 A YES, SIR
- 22 Q NOW COULD YOU DEPENDING UPON THE FACTS AND
- 23 EVIDENCE AND THE LAW I GIVE TO YOU FIND THE DEFENDANT
- 24 EITHER GUILTY OR NOT GUILTY?
- 25 A YES, SIR

- 1 Q PARDON?
- 2 A YES, SIR
- 3 Q ALL RIGHT NOW, HAVE YOU LOOKED AT THOSE JUROR
- 4 TYPES?
- 5 A YES, SIR
- 6 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
- 7 CATEGORIES?
- 8 A I'M SURE I'M PROBABLY TYPE 3, SIR
- 9 Q ALL RIGHT JUST LET ME REVIEW IT WITH YOU TO MAKE
- 10 SURE WE'RE ON THE SAME WAVE LENGTH THIS IS THE TYPE
- 11 OF JUROR WHO IF THE CRIME OF MURDER HAS BEEN PROVED BY
- 12 THE STATE AND THE JUROR IS CONSIDERING PUNISHMENT WOULD
- 13 NOT HAVE MADE UP HER MIND IN ADVANCE CONCERNING
- 14 PUNISHMENT INSTEAD, THE JUROR WOULD NEED TO HEAR THE
- 15 FACTS AND CIRCUMSTANCES BOTH IN AGGRAVATION AND IN
- 16 MITIGATION AND WOULD LISTEN TO AND FOLLOW THE LAW
- 17 BEFORE MAKING A DECISION ON PUNISHMENT IS THAT
- 18 CORRECT?
- 19 A YES
- 20 Q IS THAT THE TYPE YOU FALL INTO?
- 21 A YES, SIR
- 22 Q NOW, JUST TO FOLLOW-UP ON THAT UNDERSTANDING THE
- 23 TWO-PART PROCESS -- IF THE CASE GETS TO THAT TWO-PART
- 24 PROCESS IF YOU WERE A JUROR IN THAT SITUATION, THE
- 25 CASE HAS GOTTEN TO THE SENTENCING PHASE, COULD YOU

1 DEPENDING UPON THE PARTICULAR FACTS AND CIRCUMSTANCES
2 OF THE CASE INCLUDING THE CONSIDERATION OF ANY
3 MITIGATING OR AGGRAVATING CIRCUMSTANCES AND THE LAW
4 THAT I INSTRUCT TO YOU RETURN A SENTENCE OF LIFE
5 IMPRISONMENT WITHOUT PAROLE?

6 A DEPENDING ON THE CIRCUMSTANCES, YES, SIR

7 Q YOU COULD DO THAT?

8 A YES, SIR

9 Q ALL RIGHT THE SAME SITUATION COULD YOU AS A
10 JUROR SITTING IN THAT SITUATION, THE SENTENCING PHASE,
11 DEPENDING UPON THE FACTS AND CIRCUMSTANCES INCLUDING
12 THE CONSIDERATION OF ANY AGGRAVATING AND MITIGATING
13 CIRCUMSTANCES AND THE LAW THAT I GIVE TO YOU RETURN A
14 SENTENCE OF DEATH?

15 A AGAIN, DEPENDING ON THE CIRCUMSTANCES, YES, SIR

16 Q ALL RIGHT NOW, IN THAT LATTER SITUATION IF THE
17 JURY WERE TO RETURN A VERDICT OF A DEATH SENTENCE,
18 WOULD YOU BE ABLE TO SIGN A VERDICT FORM?

19 A YES, SIR

20 Q IN THAT SITUATION, IF THE JURY DID THAT, THERE
21 WOULD BE A LINE FOR EACH JUROR TO SIGN WOULD YOU BE
22 ABLE TO SIGN THAT FORM?

23 A YES, SIR

24 THE COURT OKAY QUESTIONS? NOW YOU'LL HAVE
25 QUESTIONS FROM EACH SIDE

STATE VS ALKEBULANYAHH

1 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

2 Q YOUR NAME IS MS ---

3 A MILANESI

4 Q MILANESI HOW ARE YOU DOING?

5 A HI

6 Q I'M GOING TO ASK YOU A FEW QUESTIONS I'M THE
7 DEFENDANT, MR ALKEBULANYAHH, IN THIS CASE I'M JUST
8 GOING TO ASK YOU A FEW QUESTIONS, MA'AM ARE YOU A
9 FORMER LAW ENFORCEMENT EMPLOYEE?

10 A NO, SIR

11 Q ARE ANY MEMBERS OF YOUR IMMEDIATE FAMILY EMPLOYED
12 BY A LAW ENFORCEMENT AGENCY?

13 A NO, SIR

14 Q HAVE YOU OR ANY OF YOUR RELATIVES OR CLOSE FRIENDS
15 BEEN THE VICTIM OF A CRIME?

16 A NO, SIR, NOT THAT I'M AWARE OF

17 Q DO YOU HAVE ANY PARTICULAR OPINION OR FEELING
18 ABOUT THE CRIME OF MURDER WHICH WOULD MAKE IT DIFFICULT
19 FOR YOU TO SERVE ON A JURY WHERE THE DEFENDANT IS
20 CHARGED WITH THESE CRIMES?

21 A I'M NOT SURE I UNDERSTAND THE QUESTION

22 Q OKAY I'LL REPEAT IT DO YOU HAVE ANY PARTICULAR
23 OPINION OR FEELINGS ABOUT THE CRIME OF MURDER WHICH
24 WOULD MAKE IT DIFFICULT FOR YOU TO SERVE ON A JURY
25 WHERE A DEFENDANT IS CHARGED WITH THESE CRIMES?

STATE VS ALKEBULANYAHH

1 A I DON'T THINK THAT I COULD -- I DON'T REALLY HAVE
2 ANY PARTICULAR OPINIONS AGAIN, IT JUST DEPENDS ON
3 WHAT THE CIRCUMSTANCES ARE, AS TO WHAT LED TO THE
4 EVENT

5 Q HAVE YOU FORMED AN OPINION CONCERNING THE GUILT OR
6 INNOCENCE OF THE DEFENDANT?

7 A NO, SIR

8 Q ARE YOU AWARE OF ANY REASON WHATSOEVER WHY YOU
9 COULD NOT BE FAIR AND IMPARTIAL TO THE DEFENDANT OR THE
10 STATE?

11 A I'M -- I'M -- NO, SIR I DON'T KNOW ENOUGH IN
12 THIS CASE TO MAKE AN OPINION EITHER WAY I'M KIND OF
13 IN THE DARK HERE

14 Q IF YOU MADE A DECISION, IS YOU THE TYPE OF PERSON
15 WHO COULD STICK TO IT?

16 A YES

17 Q IF ANY OFFICER OR STATE EMPLOYEE, FEDERAL
18 EMPLOYEE, OR SOMEONE APPROACH YOU ABOUT THE CASE, TO
19 SWAY YOU OR ANYTHING, WOULD YOU INFORM THE COURT OF
20 THAT ACTION?

21 A YES, SIR

22 Q IS THE DEATH PENALTY -- IN YOUR OPINION, IS THE
23 DEATH PENALTY USED OFTEN ENOUGH, TOO OFTEN, OR ABOUT
24 RIGHT?

25 A I'D SAY IT'S PROBABLY AVERAGE, AS WHAT'S GOING ON

1 IN THIS COUNTRY

2 Q ABOUT AVERAGE? OFTEN ENOUGH, TOO OFTEN?

3 A THERE AGAIN, I DON'T PAY THAT MUCH ATTENTION TO
4 CURRENT EVENTS TO KEEP UP WITH WHAT'S GOING ON IN THE
5 WORLD

6 Q OKAY

7 A I'M A BUSY PERSON

8 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN
9 THEIR REPORTING?

10 A I DON'T KNOW, SIR

11 Q DO YOU BELIEVE THE NEWS MEDIA SOME TIMES -- NEWS
12 MEDIA SOME TIMES DESIGNED TO BE SENSATIONAL?

13 A PROBABLY GENERALLY SPEAKING, YES

14 Q HAVE YOU TALKED TO ANY OTHER PEOPLE ABOUT THIS
15 CASE?

16 A NO, SIR

17 Q COULD YOU TELL ME WHAT WAS YOUR REACTION WHEN YOU
18 FIRST HEARD ABOUT POLICE OFFICERS BEING KILLED?

19 A I WAS SURPRISED I WAS SHOCKED BUT, THERE
20 AGAIN, IT HAPPENS A LOT I WAS RAISED IN A CITY WHERE
21 IT HAPPENS QUITE FREQUENTLY, SO IT WASN'T SOMETHING
22 THAT YOU -- YOU KNOW, EXPECT TO HAPPEN EVERY NOW AND
23 AGAIN

24 Q DO YOU BELIEVE THAT THESE QUESTIONS ABOUT
25 PUNISHMENT ARE A SIGN OR A INDICATION THAT THE

1 DEFENDANT IS GUILTY?

2 A WELL, I BELIEVE THAT YOU HAVE A RIGHT TO FIND OUT
3 EVERYTHING THAT YOU NEED TO KNOW ABOUT A JUROR, TO HAVE
4 A FAIR TRIAL, THAT'S THE WAY IT'S SUPPOSED TO BE

5 MR ALKEBULANYAHH THANK YOU, MS MILANESI I
6 HAVE NO FURTHER QUESTIONS, YOUR HONOR

7 CROSS EXAMINATION BY MR. STONE.

8 Q MS MILANESI, MY NAME IS DUFFY STONE ALONG WITH
9 SOLICITOR MURDAUGH, WE'LL BE TRYING THIS CASE I JUST
10 HAVE A FEW QUESTIONS YOUR QUESTIONNAIRE AFTER I
11 LOOKED OVER IT, IT SEEMS THAT YOU HAD A FAMILY MEMBER
12 THAT'S BEEN ARRESTED, IS THAT CORRECT?

13 A ACTUALLY, YES, MY FIANCE WAS FOR DUI, I BELIEVE

14 Q WAS THAT HERE IN SOUTH CAROLINA?

15 A YES

16 Q BEAUFORT COUNTY?

17 A UH-HUH

18 Q HOW LONG AGO WAS THAT?

19 A A COUPLE YEARS AGO A COUPLE YEARS AGO

20 Q WOULD THAT HAVE ANYTHING TO DO WITH YOUR THOUGHT
21 PROCESS DURING A TRIAL? WOULD THAT GET IN YOUR WAY AT
22 ALL?

23 A NO THAT WAS HIS OWN MISTAKE

24 Q THAT'S FINE I DON'T NEED TO PRY INTO IT I JUST
25 WANT TO MAKE SURE -- SO THAT WOULDN'T AFFECT YOU AT ALL

- 1 DURING THIS TRIAL?
- 2 A NO
- 3 Q WHAT DOES -- YOU'VE GOT TO TELL ME, WHAT DOES GO
- 4 BLUE MEAN?
- 5 A THAT'S MICHIGAN
- 6 Q MICHIGAN?
- 7 A BALL TEAM
- 8 Q YOU'RE FROM OHIO?
- 9 A I'M FROM -- BORN IN OHIO, RAISED IN MICHIGAN,
- 10 OUTSIDE ANN ARBOR
- 11 Q OH, OKAY AND I KNOW THE JUDGE ASKED YOU EARLIER
- 12 ABOUT THE QUESTIONNAIRE DID YOU HAVE ENOUGH TIME TO
- 13 REVIEW THAT?
- 14 A I BELIEVE SO, YES
- 15 Q IS THERE -- IS THAT SOMETHING YOU'VE GIVEN A LOT
- 16 OF THOUGHT TO, YOUR THOUGHTS ON THE DEATH PENALTY?
- 17 A AT THE TIME I REALLY DIDN'T GIVE IT A WHOLE LOT OF
- 18 THOUGHT, BECAUSE I DIDN'T REALIZE IT WAS GOING TO
- 19 BECOME AN ISSUE
- 20 Q HAVE YOU HAD ENOUGH TIME TO THINK ABOUT IT NOW?
- 21 A I HAVE THOUGHT ABOUT IT AND IT'S -- IT'S A HARD
- 22 DECISION TO MAKE YOU JUST HAVE TO SEE WHAT'S GOING ON
- 23 BEFORE YOU CAN DECIDE SOMETHING LIKE THAT
- 24 Q DO YOU FEEL COMFORTABLE THAT YOU'RE A NO 3 JUROR,
- 25 THAT IF THE CASE IS BAD ENOUGH, YOU COULD GIVE THE

STATE VS ALKEBULANYAHH

1 DEATH PENALTY?

2 A YES, SIR, I DO

3 MR STONE THANK YOU, MA'AM I APPRECIATE YOUR
4 ANSWERS THANK YOU, YOUR HONOR

5 THE COURT PLEASE STEP TO THE HALLWAY
6 MOMENTARILY WE'LL BE BACK WITH YOU THANK YOU

7 (THE JUROR EXITS THE COURTROOM)

8 THE COURT ANY OBJECTION TO QUALIFICATION?

9 MR ALKEBULANYAHH NO, SIR, I HAVE NO OBJECTION,
10 YOUR HONOR

11 MR STONE NO, SIR SHE'S QUALIFIED

12 THE COURT ALL RIGHT THERE BEING NO OBJECTION
13 TO QUALIFICATION, THE COURT FINDS HER TO BE QUALIFIED
14 BRING HER BACK IN PLEASE

15 (THE JUROR ENTERS THE COURTROOM)

16 THE COURT MS MILANESI THE COURT FINDS YOU TO
17 BE QUALIFIED THAT DOES NOT MEAN THAT YOU WILL BE ON
18 THE JURY IT MEANS YOU WILL BE ON THE POOL THAT WE
19 WILL SELECT FROM BECAUSE THIS IS A LONG PROCESS, I'M
20 NOT SURE WHEN I NEED YOU BACK AND TO AVOID HAVING YOU
21 WAIT I UNDERSTAND WE HAVE YOUR DAY AND EVENING NUMBER,
22 IS THAT CORRECT?

23 JUROR YES, SIR

24 THE COURT ALL RIGHT WHAT WE'LL DO IS WE'LL
25 CALL YOU WHEN WE NEED TO REASSEMBLE EVERYONE THAT HAS

1 BEEN QUALIFIED A COUPLE THINGS I NEED FOR YOU TO
2 ADHERE TO

3 FIRST OF ALL, YOUR STATUS AS A MEMBER OF THE JURY
4 PANEL WILL CONTINUE YOU MAY NOT DISCUSS THIS CASE
5 WITH ANYONE DO NOT EXPOSE YOURSELF TO ANY KIND OF
6 NEWS MEDIA OR COVERAGE IF YOU START TO HEAR SOMETHING
7 ON THE T V , TURN IT OFF RADIO, SAME THING OR IF
8 YOU SEE A HEADLINE IN THE PAPER, DON'T READ THE STORY
9 DO YOU UNDERSTAND?

10 JUROR YES, SIR

11 THE COURT ALSO, WHEN YOU ARE CALLED TO REPORT
12 BACK, YOU MUST DO SO AS PART OF YOUR OBLIGATION AS A
13 JUROR OKAY?

14 JUROR YES, SIR

15 THE COURT ALL RIGHT THANK YOU VERY MUCH AND
16 THANKS FOR BEARING WITH THE DELAYS IN THE CASE THANK
17 YOU

18 (THE JUROR EXITS THE COURTROOM)

19 THE COURT BARBARA WINGO

20 (THE JUROR ENTERS THE COURTROOM)

21 BARBARA WINGO, HAVING BEEN
22 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

23 DIRECT EXAMINATION BY THE COURT.

24 Q ARE YOU BARBARA WINGO?

25 A YES, SIR

STATE VS ALKEBULANYAHH

1 Q ALL RIGHT MS WINGO, YOU WERE PREVIOUSLY UNDER
2 OATH YOU WILL REMAIN UNDER OATH DO YOU UNDERSTAND?

3 A YES, SIR

4 Q ALL RIGHT NOW, WE'RE AT THE PART OF THE CASE
5 WHERE WE'RE GOING TO ASK YOU SOME INDIVIDUAL QUESTIONS,
6 NOT TO INVADE YOUR PRIVACY IT'S JUST NECESSARY DUE TO
7 THESE PROCEEDINGS THERE ARE NO RIGHT OR WRONG
8 ANSWERS SO PLEASE JUST ANSWER OPENLY, TRUTHFULLY, AND
9 HONESTLY IF YOU DON'T KNOW THE ANSWER TO A QUESTION,
10 SAY YOU DON'T KNOW OR IF YOU'VE NEVER THOUGHT ABOUT
11 THAT ISSUE BEFORE, SAY, I'VE NEVER THOUGHT ABOUT IT,
12 THAT'S FINE WE'RE JUST TRYING TO EXPLORE WHETHER YOU
13 HAVE ANY VIEWS OR WHAT YOU THINK ABOUT CERTAIN THINGS
14 NOW, AMONG OTHER THINGS, WE'LL BE DISCUSSING A
15 PENALTY NOW, THE FACT THAT WE DISCUSS OR TALK ABOUT A
16 PENALTY DOES NOT INDICATE ANYTHING ABOUT THE DEFENDANT
17 THE DEFENDANT IS PRESUMED TO BE INNOCENT DO YOU
18 UNDERSTAND THAT?

19 A YES SIR

20 Q NOW, I EXPLAINED THAT TWO-PART PROCESS OF THESE
21 TRIALS, IF WE GO THROUGH THAT -- IF WE GET TO THAT
22 POINT DO YOU REMEMBER THAT DISCUSSION?

23 A YES, SIR

24 Q ONE FURTHER THING I WANT TO SAY IS -- BECAUSE A
25 LOT OF PEOPLE ARE CONFUSED AT TIMES OR DON'T UNDERSTAND

1 THE LAW A LOT OF PEOPLE THINK THAT THE DEATH PENALTY
2 APPLIES TO ALL MURDER CASES, AND IT DOES NOT IT
3 APPLIES TO A LIMITED CLASS OF CASES WHERE CERTAIN
4 CIRCUMSTANCES EXIST, WHAT THE LAW MIGHT REFER TO AS AN
5 AGGRAVATING MURDER, WHERE FOR EXAMPLE, IT MIGHT BE A
6 KIDNAPPING AND A MURDER, OR A BURGLARY PLUS A MURDER,
7 OR IT MIGHT INVOLVE THE DEATH OF CERTAIN PUBLIC
8 OFFICIAL LISTED BY STATUTE

9 THOSE ARE JUST EXAMPLES OF CASES WHERE THE STATE
10 CAN ASK FOR THE DEATH PENALTY DO YOU UNDERSTAND THAT?

11 A YES, SIR

12 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
13 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I
14 INSTRUCT IT TO YOU?

15 A YES SIR

16 Q EVEN THOUGH YOU MAY NOT AGREE WITH THAT LAW OR
17 THINK IT SHOULD BE SOME OTHER WAY?

18 A YES, SIR

19 Q DO YOU UNDERSTAND THAT?

20 A YES, SIR

21 Q MY JOB IS TO TELL YOU THE LAW YOU HAVE TO ACCEPT
22 THE JUDGE IS TELLING YOU THE LAW

23 A OKAY

24 Q DO YOU UNDERSTAND THAT? ALL RIGHT COULD YOU
25 DECIDE THIS CASE BASED ON THE EVIDENCE PRESENTED IN

1 THIS COURT, DISREGARD ANYTHING YOU MAY HAVE HEARD,
2 READ, OR SEEN ABOUT THIS CASE?

3 A YES, SIR

4 Q ALL RIGHT HAVE YOU HEARD, READ, OR SEEN ANYTHING
5 ABOUT THIS CASE?

6 A YES, SIR

7 Q WHAT WAS THAT?

8 A THE PAPER AND THE NEWS

9 Q ALL RIGHT DO YOU RECALL ANYTHING IN PARTICULAR?

10 A THE CIRCUMSTANCES OF IT

11 Q OKAY

12 A THE UPHEAVAL THAT OCCURRED AFTER IT

13 Q ALL RIGHT

14 A AND I'VE SEEN THE DEFENDANT'S PICTURE IN THE
15 PAPER

16 Q ALL RIGHT NOW, WOULD THAT IN ANY WAY AFFECT YOUR
17 ABILITY TO GIVE EVERYONE IN THIS CASE THE DEFENDANT
18 AND THE STATE, A FAIR AND IMPARTIAL TRIAL?

19 A NO, SIR

20 Q ALL RIGHT HAVE YOU FORMED ANY OPINION ABOUT THIS
21 CASE?

22 A NO, SIR

23 Q ALL RIGHT NOW, IN A CRIMINAL CASE, THE STATE HAS
24 THE BURDEN -- I'M TALKING LAW AGAIN NOW THE STATE HAS
25 THE BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT

1 A DEFENDANT DOES NOT HAVE TO PROVE ANYTHING A
2 DEFENDANT IS ALWAYS PRESUMED TO BE INNOCENT THE
3 DEFENDANT DOES NOT HAVE TO PROVE INNOCENCE DO YOU
4 UNDERSTAND THAT?

5 A YES, SIR

6 Q ALL RIGHT NOW, COULD YOU DEPENDING UPON THE
7 FACTS AND EVIDENCE AND THE LAW THAT IS GIVEN TO YOU
8 FIND THE DEFENDANT EITHER GUILTY OR NOT GUILTY?

9 A WOULD YOU SAY THAT AGAIN PLEASE?

10 Q I'M TRYING TO FIND OUT DEPENDING ON WHAT THE
11 EVIDENCE TURNS OUT TO BE AND THE LAW THAT I GIVE TO
12 YOU, COULD YOU FIND THE DEFENDANT EITHER NOT GUILTY OR
13 GUILTY?

14 A YES, SIR

15 Q ALL RIGHT NOW, HAVE YOU LOOKED AT THAT JUROR
16 TYPE SHEET?

17 A YES, SIR

18 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
19 CATEGORIES?

20 A TYPE 3

21 Q TYPE 3 NOW, JUST TO REVIEW TO MAKE SURE WE'RE
22 THINKING ALONG THE SAME LINES AS FAR AS THE TYPE YOU'RE
23 TALKING ABOUT THIS IS THE TYPE OF JUROR WHO IF THE
24 CRIME OF MURDER HAS BEEN PROVEN BY THE STATE AND THE
25 JUROR IS CONSIDERING PUNISHMENT, THE JUROR WOULD NOT

STATE VS ALKEBULANYAHH

1 HAVE MADE UP HIS OR HER MIND ABOUT PUNISHMENT IN
2 ADVANCE INSTEAD, THE JUROR WOULD NEED TO HEAR ALL THE
3 FACTS AND CIRCUMSTANCES BOTH IN AGGRAVATION AND IN
4 MITIGATION AS WELL AS THE LAW FROM THE JUDGE BEFORE THE
5 JUROR MADE ANY DECISION ABOUT PUNISHMENT IS THAT
6 CORRECT?

7 A YES, SIR

8 Q NOW, ALONG THOSE LINES, IF THE CASE MADE IT TO A
9 SECOND PHASE OF THE TRIAL, DEALING WITH SENTENCING
10 COULD YOU IF YOU WERE A JUROR IN THAT SITUATION, THE
11 SENTENCING PHASE, COULD YOU DEPENDING UPON THE FACTS
12 AND CIRCUMSTANCES INCLUDING THE CONSIDERATION OF ANY
13 AGGRAVATING AND MITIGATING CIRCUMSTANCES AND THE LAW I
14 GIVE TO YOU RETURN A SENTENCE OF LIFE IMPRISONMENT
15 WITHOUT PAROLE?

16 A YES, SIR

17 Q ALL RIGHT THE SAME SITUATION, IF YOU WERE A
18 JUROR IN THAT SENTENCING PHASE, COULD YOU DEPENDING
19 UPON THE FACTS AND CIRCUMSTANCES INCLUDING THE
20 CONSIDERATION OF ANY AGGRAVATING AND MITIGATING
21 CIRCUMSTANCES AND THE LAW THAT I GIVE TO YOU RETURN A
22 SENTENCE OF DEATH?

23 A YES, SIR

24 Q ALL RIGHT NOW, IN THAT LATTER SITUATION IF THE
25 JURY WERE TO UNANIMOUSLY DECIDE THE SENTENCE OF DEATH

STATE VS ALKEBULANYAHH

1 WAS APPROPRIATE, WOULD YOU BE ABLE TO SIGN THE VERDICT
2 FORM?

3 A TO WHAT?

4 Q WOULD YOU BE ABLE TO SIGN THE VERDICT FORM?

5 A MEANING THAT I AGREED WITH IT?

6 Q YES, MA'AM

7 A YES, SIR

8 Q THERE WOULD BE A FORM IF THE JURY DECIDED THAT THE
9 VERDICT OF A DEATH SENTENCE WAS APPROPRIATE, THERE
10 WOULD BE A SPACE ON THERE FOR EVERY JUROR TO SIGN
11 WOULD YOU BE ABLE TO SIGN THAT FORM?

12 A YES, SIR

13 THE COURT OKAY NOW EACH SIDE WILL BE ABLE TO
14 ASK YOU A FEW QUESTIONS, MA'AM THANK YOU

15 MR ALKEBULANYAHH MAY I?

16 THE COURT YES, SIR

17 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

18 Q GOOD EVENING, MS WINGO

19 A HI

20 Q I'M THE DEFENDANT, MR ALKEBULANYAHH, REPRESENTING
21 MYSELF IN THE CASE AND I'M GOING TO ASK YOU A FEW
22 QUESTIONS ARE YOU A FORMER LAW ENFORCEMENT EMPLOYEE?

23 A NO, SIR

24 Q ARE ANY MEMBERS OF YOUR IMMEDIATE FAMILY EMPLOYED
25 BY LAW ENFORCEMENT AGENCIES?

STATE VS ALKEBULANYAHH

1 A NO, SIR

2 Q HAVE YOU OR ANY OF YOUR RELATIVES OR CLOSE FRIENDS
3 BEEN THE VICTIM OF A CRIME IN THE LAST 5 YEARS?

4 A RELATIVES, FRIENDS -- WAIT A MINUTE, I'VE GOT TO
5 THINK ABOUT THAT FOR A SECOND -- BEEN THE VICTIM OF A
6 CRIME? I CAN'T THINK OF ANYTHING

7 Q DO YOU HAVE ANY PARTICULAR OPINIONS OR FEELINGS
8 ABOUT THE CRIME OF MURDER WHICH WOULD MAKE IT DIFFICULT
9 FOR YOU TO SERVE ON THE JURY WHERE THE DEFENDANT IS
10 CHARGED WITH THESE CRIMES?

11 A WOULD YOU SAY THAT AGAIN PLEASE, SIR?

12 Q YES YES, MA'AM DO YOU HAVE ANY PARTICULAR
13 OPINION OR FEELINGS ABOUT THE CRIME OF MURDER WHICH
14 WOULD MAKE IT DIFFICULT FOR YOU TO SERVE ON THE JURY
15 WHERE THE DEFENDANT IS CHARGED WITH THESE CRIMES?

16 A I DON'T THINK SO I'M NOT A BIG FAN OF MURDER,
17 CERTAINLY

18 Q HAVE YOU EVER FORMED THE OPINION ABOUT THE
19 INNOCENCE OR GUILT OF THE DEFENDANT IN THIS PARTICULAR
20 CASE?

21 A I'VE TRIED NOT TO -- I'D HAVE TO SAY, NO

22 Q YOU HAVE TO SAY NO OKAY AND -- AND -- AND --
23 AND IN ATTEMPT TO TRY AND NOT FORM AN OPINION, WOULD
24 YOU SAY THAT YOU HAVEN'T LEANED ONE SIDE TO THE OTHER
25 OF THE DEFENDANT GUILT?

1 A YOU KNOW, THE JUDGE TOLD US THAT WE HAVE TO HEAR
2 THE EVIDENCE, AND I HAVEN'T HEARD ANY YET SO I'M NOT
3 LEANING

4 Q ARE YOU AWARE OF ANY REASON WHATSOEVER WHY YOU
5 COULD NOT BE FAIR AND IMPARTIAL TO THE DEFENDANT OR THE
6 STATE?

7 A NO

8 Q IF YOU MADE A DECISION, CAN YOU STICK TO IT?

9 A YES

10 Q ARE YOU OR -- ARE YOU OR ANY MEMBERS OF YOUR
11 FAMILY MEMBERS OF THE VICTIM'S RIGHTS OR LAW
12 ENFORCEMENT ORGANIZATIONS SUCH AS CITIZENS AGAINST
13 VIOLENT CRIME, PEOPLE AGAINST RAPE, MOTHERS AGAINST
14 DRUNK DRIVING, OR ANY COMMUNITY-WIDE PROGRAMS OR ANY
15 OTHER LIKE THAT ORGANIZATION?

16 A NO

17 Q IS THE DEATH PENALTY USED OFTEN ENOUGH, TOO OFTEN,
18 OR ABOUT RIGHT?

19 A ABOUT RIGHT

20 Q WHAT DO YOU THINK THE PURPOSE OF THE DEATH PENALTY
21 IS?

22 A TO SERVE JUSTICE

23 Q COULD JUSTICE BE SERVED ANY OTHER WAY OUTSIDE OF
24 THE DEATH PENALTY IN YOUR OPINION?

25 A NOT IN CERTAIN CIRCUMSTANCES

1 Q BUT IN MOST CIRCUMSTANCES, YOU FEEL THAT THE DEATH
2 PENALTY WOULD BE THE APPROPRIATE SENTENCE FOR A
3 CONVICTED MURDERER?

4 A YES

5 Q SO IN MOST SITUATIONS IF ONE IS CONVICTED OF THE
6 MURDER, IN YOUR OPINION YOU FEEL LIKE THERE SHOULD BE
7 NO OTHER SENTENCE OTHER THAN THE PENALTY OF DEATH?

8 A IN CERTAIN CIRCUMSTANCES, YES

9 Q COULD YOU NAME A CIRCUMSTANCE MAYBE, OR GIVE SOME
10 CLARIFICATION TO THAT?

11 A I'M SORRY WE'RE TALKING ABOUT SOMETHING I DON'T
12 KNOW A LOT ABOUT AND I DON'T HAVE AN ANSWER

13 THE COURT HE'S TRYING TO ASK YOU, MA'AM,
14 GENERALLY I UNDERSTAND YOU DON'T UNDERSTAND THE LAW
15 ABOUT THESE KIND OF CASES BUT HE'S ASKING YOU
16 GENERALLY DO YOU THINK THAT THE DEATH PENALTY IS THE
17 APPROPRIATE SENTENCE OR SOMETHING -- IN EVERY CASE OR
18 WOULD THAT DEPEND ON THE CASE?

19 JUROR THAT WOULD DEPEND ON THE CASE

20 THE COURT THAT'S WHAT HE'S TRYING TO ASK IS
21 THAT WHAT YOU'RE TRYING TO ASK HER?

22 MR ALKEBULANYAHH YES

23 JUROR IT WOULD DEPEND ON THE CASE

24 MR ALKEBULANYAHH YES THANK YOU

25 JUROR THE FACTS OF THE CASE

1 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

2 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN

3 THEIR REPORTING?

4 A NO, SIR

5 Q ARE NEWS -- ARE NEWS MEDIA REPORTS SOME TIMES

6 DESIGNED TO BE SENSATIONAL?

7 A YES

8 Q HAVE YOU TALKED TO ANY OTHER PEOPLE ABOUT THIS

9 PARTICULAR CASE?

10 A NO

11 Q WILL YOU BE FAIR AND IMPARTIAL AFTER SEEING AND

12 HEARING ABOUT THE IMPACT THAT THIS INCIDENT HAD ON THE

13 FAMILIES OF OFFICERS INVOLVED IN THIS CASE?

14 A THAT'S DIFFICULT I DON'T KNOW

15 MR MURDAUGH YOUR HONOR, PLEASE I OBJECT TO

16 THAT QUESTION

17 THE COURT YES, SIR

18 MR MURDAUGH IT'S CALLING FOR A PARTICULAR KIND

19 OF A WITNESS SIR

20 THE COURT YES SIR I SUSTAIN THAT OBJECTION

21 DO YOU WANT TO REPHRASE THAT TO WHERE IT IS

22 CONSISTENT WITH WHAT WE SAID?

23 MR ALKEBULANYAHH NO I'LL MOVE ON FOR THE TIME

24 BEING

25 Q DO YOU FEEL ---

STATE VS ALKEBULANYAHH

1 THE COURT WAIT A SECOND LET ME -- LET ME MAKE
2 SURE -- RESTATE YOUR LAST QUESTION

3 MR ALKEBULANYAHH WILL YOU BE ABLE TO BE FAIR
4 AND IMPARTIAL AFTER SEEING AND HEARING ABOUT THE IMPACT
5 THAT THIS INCIDENT HAD ON THE FAMILIES OF THE OFFICERS
6 INVOLVED IN THIS CASE?

7 THE COURT AND YOUR RESPONSE WAS IT WOULD BE
8 DIFFICULT, MA'AM?

9 JUROR (NODS HEAD)

10 THE COURT ALL RIGHT DO YOU WANT TO EXPLAIN
11 THAT? I'M GOING TO ALLOW IT JUST BECAUSE OF THE
12 RESPONSE THAT GOT IN I NEED TO UNDERSTAND -- WHAT
13 YOU'RE -- WHERE YOU'RE GOING WITH THAT

14 A YOU'RE ASKING ME IF I CAN BE IMPARTIAL KNOWING THE
15 IMPACT THAT THE DEATH OF THE OFFICERS HAD ON THEIR
16 FAMILY?

17 Q YES, MA'AM

18 A AND I'M -- I'M JUST NOT SURE I MEAN, IT DID HAVE
19 A HUGE IMPACT I HAVE A SON I HAVE A HUSBAND

20 Q THAT'S FINE

21 THE COURT THE QUESTION IS NOT ABOUT THIS
22 SPECIFIC CASE, BUT IN GENERAL IF IT BECAME APPARENT
23 THAT THERE IS CERTAIN FAMILY MEMBERS LEFT BEHIND,
24 ETCETERA, WOULD THAT AFFECT YOUR ABILITY TO GIVE
25 EVERYONE IN THE CASE A FAIR AND IMPARTIAL TRIAL? WOULD

1 THAT GO INTO YOUR CONSIDERATION OF WHETHER OR NOT ---

2 JUROR I DON'T THINK SO

3 THE COURT --- WHETHER OR NOT THE PERSON, NUMBER
4 ONE, IS GUILTY OR NOT GUILTY AND THEN WHETHER OR NOT
5 IT WOULD GO INTO ANYTHING ELSE THAT YOU CONSIDER IN THE
6 CASE?

7 JUROR NO, I DON'T THINK SO

8 THE COURT ALL RIGHT OKAY GO AHEAD

9 (PAUSE)

10 Q WHAT WAS YOUR REACTION WHEN YOU FIRST HEARD THAT
11 THE POLICE OFFICER WAS KILLED AND HOW DID YOU FEEL
12 ABOUT IT?

13 A I WAS HORRIFIED I THOUGHT IT WAS TERRIBLE I
14 COULDN'T BELIEVE IT HAPPENED AND I FELT SORRY FOR
15 THEIR FAMILIES

16 Q WOULD IT HAD MADE A DIFFERENCE TO YOU IF THE
17 POLICE OFFICERS WAS IN THE WRONG ABOUT YOUR FEELING
18 THAT YOU JUST EXPLAINED?

19 MR MURDAUGH YOUR HONOR, PLEASE I OBJECT TO
20 THAT

21 THE COURT YES, I SUSTAIN THAT OBJECTION YOU
22 CAN'T ASK HER ABOUT SPECIFIC SITUATIONS LIKE THAT,
23 HYPOTHETICALS

24 Q IF YOU ---

25 THE COURT DO YOU WANT TO ASK ABOUT ANY

1 FAVORITISM FOR OR BIAS AGAINST ANY GROUP OF
2 INDIVIDUALS, YOU CAN DO THAT GENERALLY

3 Q IF -- IF -- IF A OFFICER HAD LOST THEIR LIFE AND
4 -- IN GENERAL, IF A OFFICER HAD LOST THEIR LIFE AND
5 THEY HAD BEEN IN VIOLATION OF THE LAW ---

6 THE COURT THAT'S NOT WHAT I INDICATED, MR
7 ALKEBULANYAHH WHAT I'M SAYING IF YOU WANT TO ASK
8 BECAUSE OF HER EXPERIENCES IN LIFE, HER DEALINGS WITH
9 OTHER INDIVIDUALS, WOULD SHE FAVOR LAW ENFORCEMENT,
10 I'LL LET YOU ASK THAT -- TO SHOW THAT THERE'S SOME BIAS
11 FOR LAW ENFORCEMENT, IF THERE IS YOU CAN ASK IT
12 GENERALLY LIKE THAT DO YOU WISH TO ASK THAT QUESTION?

13 MR ALKEBULANYAHH (NO RESPONSE)

14 Q IN YOUR OPINION, WOULD YOU SAY THAT -- THAT BY THE
15 LOSS OF LIFE BY A LAW ENFORCEMENT OFFICER WARRANTS YOUR
16 -- WARRANTS YOU TAKING THAT SIDE IN CONTRAST TO WHETHER
17 HE WAS -- WHETHER THEY WAS WRONG OR RIGHT ---

18 MR MURDAUGH YOUR HONOR ---

19 Q --- WHETHER LAW ENFORCEMENT OFFICERS WERE WRONG OR
20 RIGHT?

21 MR MURDAUGH YOUR HONOR, I OBJECT TO THAT
22 THE COURT I DON'T EVEN UNDERSTAND THE QUESTION,
23 MR ALKEBULANYAHH

24 MR MURDAUGH THAT'S WHY I OBJECTED, SIR
25 THE COURT IF YOU WANT TO ASK THE GENERAL

STATE VS ALKEBULANYAHH

1 QUESTION -- I'LL ASK IT FOR YOU DO YOU HAVE ANY KIND
2 OF BIAS IN FAVOR OF LAW ENFORCEMENT OR ANY PREJUDICE
3 AGAINST LAW ENFORCEMENT -- THIS IS TO COVER EACH SIDE
4 -- BECAUSE OF YOUR DEALINGS IN YOUR LIFE?

5 JUROR NO, SIR

6 THE COURT ALL RIGHT WOULD YOU DECIDE THE CASE
7 ANY DIFFERENTLY BECAUSE LAW ENFORCEMENT OFFICERS WERE
8 INVOLVED?

9 JUROR NO, SIR

10 THE COURT ALL RIGHT

11 Q WHAT DO YOU THINK THE BEST PUNISHMENT IS FOR MOST
12 CONVICTED MURDERERS?

13 MR MURDAUGH YOUR HONOR, PLEASE I OBJECT TO
14 THAT

15 THE COURT DO YOU HAVE AN OPINION? YOU CAN ASK
16 HER IF SHE HAS AN OPINION ON THAT?

17 Q IN YOUR OPINION, WHAT DO YOU THINK THE BEST
18 PUNISHMENT IS FOR MOST CONVICTED MURDERERS?

19 THE COURT I'LL ALLOW THAT IF SHE HAS FORMED ANY
20 OPINION

21 A WITHOUT KNOWING THE CIRCUMSTANCES, I GUESS I DON'T
22 HAVE AN OPINION

23 Q HAVE YOU EVER FELT DIFFERENTLY ABOUT YOUR OPINION?
24 YOU NOT HAVE NO OPINION, HAVE YOU EVER FELT OTHERWISE
25 -- OUTSIDE OF YOU HAVE AN OPINION OR NOT, MA'AM?

1 A I BELIEVE IN THE DEATH PENALTY

2 Q DO YOU BELIEVE THAT THE DEATH PENALTY SHOULD BE
3 GIVEN TO ALL CONVICTED MURDERERS?

4 MR MURDAUGH YOUR HONOR, PLEASE THAT'S BEEN
5 ASKED AND ANSWERED

6 THE COURT WE'VE ALREADY BEEN THROUGH THAT
7 WE'VE ALREADY BEEN THROUGH THAT

8 MY RECOLLECTION IS SHE INDICATED IT WOULD DEPEND
9 ON THE FACTS AND CIRCUMSTANCES

10 Q IN YOUR OPINION IN WHAT KINDS OF CASES DO YOU FEEL
11 THE PENALTY OF DEATH IS APPROPRIATE?

12 A THE JUDGE SAID MURDER WITH SPECIAL CIRCUMSTANCES

13 Q IS THERE ANY CIRCUMSTANCES THAT YOU FEEL THAT THE
14 PENALTY OF DEATH WILL BE APPROPRIATE?

15 MR MURDAUGH YOUR HONOR, PLEASE I OBJECT TO
16 THAT, SIR, BECAUSE WHAT SHE THINKS HAS GOT TO CONFORM
17 TO THE LAW

18 THE COURT THIS IS A FINE LINE YOU WALK WHEN YOU
19 TALK ABOUT A PENALTY AND THE LAW, BECAUSE HE HAS THE
20 RIGHT TO EXPLORE WHETHER THEY HAVE ANY OPINIONS ABOUT
21 THE DEATH PENALTY IF SOMEONE HAS FORMED AN OPINION
22 ABOUT WHEN THE DEATH PENALTY IS APPROPRIATE, THEN IT'S
23 THAT AREA THAT IS KIND OF MESHED TOGETHER SO I WILL
24 ALLOW THAT QUESTIONS

25 A COULD I HEAR THE QUESTION AGAIN?

1 THE COURT IF YOU HAVEN'T THOUGHT ABOUT IT,
2 THAT'S FINE TOO, MA'AM ARE THERE ANY PARTICULAR
3 CIRCUMSTANCES WHERE YOU THINK THE DEATH PENALTY IS
4 APPROPRIATE?

5 JUROR DEATH OF A CHILD

6 Q DEATH OF A CHILD?

7 A (NODS HEAD)

8 THE COURT NOTWITHSTANDING ANY BELIEF THAT YOU
9 HAVE, YOU WOULD FOLLOW THE INSTRUCTIONS THAT THE COURT
10 GAVE YOU, IS THAT CORRECT, ABOUT THE LAW THAT APPLIES?

11 JUROR OH, YES, SIR

12 THE COURT ALL RIGHT

13 Q IN YOUR OPINION, WHAT IS THE BEST ARGUMENT IN
14 FAVOR OF THE DEATH PENALTY?

15 A THAT HE WON'T DO IT AGAIN

16 Q IN YOUR OPINION, WHAT IS THE BEST ARGUMENT AGAINST
17 THE DEATH PENALTY?

18 A I DON'T HAVE ONE

19 Q SO YOU DOESN'T HAVE AN OPINION -- YOU DON'T FAVOR
20 TO BE AGAINST THE OPINION -- WELL, I'M ASKING -- LET ME
21 ASK THIS QUESTION AS FAR AS THE DEATH PENALTY IS
22 CONCERNED, YOU WOULDN'T HAVE AN ARGUMENT TO BE AGAINST
23 IT?

24 A I'M FOR THE DEATH PENALTY

25 Q OKAY IN YOUR OPINION, WHAT IS THE BEST ARGUMENT

1 FOR THE PENALTY OF LIFE IN A STATE PRISON WITHOUT THE
2 POSSIBILITY OF RELEASE?

3 A WOULD YOU SAY THAT AGAIN PLEASE?

4 Q IN YOUR OPINION, WHAT IS THE BEST ARGUMENT FOR THE
5 PENALTY OF LIFE IN A STATE PRISON WITHOUT THE
6 POSSIBILITY OF RELEASE?

7 A I CAN'T THINK OF ANY

8 MR MURDAUGH YOUR HONOR, PLEASE THAT'S A
9 MATTER OF LAW

10 THE COURT YES, I DON'T SEE -- SHE DOESN'T KNOW
11 SHE SAID SHE CAN'T THINK OF ANY

12 Q IF YOU HAD TO CHOOSE BETWEEN SENTENCING A PERSON
13 TO DEATH OR LIFE WITHOUT THE POSSIBILITY OF RELEASE,
14 WHAT WOULD YOU WANT TO KNOW ABOUT A THE CRIME, B
15 THE MURDERER, C THE VICTIM?

16 A WHAT I WOULD KNOW ABOUT THE CRIME WOULD BE THE
17 FACTS THAT WERE PRESENTED IN THE COURTROOM WHAT I
18 WOULD KNOW ABOUT THE MURDERER WOULD BE THE FACTS
19 PRESENTED IN THE COURTROOM AND WHAT I WOULD KNOW
20 ABOUT THE VICTIM WOULD BE THE FACTS I HEARD IN THE
21 COURTROOM IT'S NOT WHAT I WANT TO KNOW, IT'S WHAT'S
22 PRESENTED

23 Q BEFORE YOU COULD DETERMINE TO -- OR TO RENDER A
24 SENTENCE OF LIFE IMPRISONMENT OR DEATH?

25 A THAT'S CORRECT

1 Q WHAT ELSE WOULD BE IMPORTANT TO YOU IN MAKING THE
2 LIFE OR DEATH DECISION?

3 A IF I UNDERSTAND CORRECTLY, YOU HAVE TO -- ALL THE
4 JURORS HAVE TO AGREE SO THAT DISCUSSION IN TRYING TO
5 REACH AN AGREEMENT WOULD BE IMPORTANT

6 Q DO YOU BELIEVE THE DEATH PENALTY IS A DETERRENT?

7 A YES, I DO

8 MR MURDAUGH YOUR HONOR, PLEASE THAT'S BEEN
9 ASKED

10 THE COURT I AGREE

11 Q DO YOU BELIEVE THESE QUESTIONS ABOUT PUNISHMENT
12 ARE A SIGN OR A INDICATION THAT THE DEFENDANT IS
13 GUILTY?

14 A THE QUESTIONS THAT YOU'RE ASKING ME NOW?

15 Q YES, MA'AM

16 A NO

17 Q AS A PART OF SENTENCING IN A CAPITAL CASE, THE LAW
18 REQUIRES THAT YOU CONSIDER CERTAIN FACTORS AS
19 AGGRAVATING FACTORS AND CERTAIN OTHER FACTORS AS
20 MITIGATING FACTORS SOME OF US MIGHT DISAGREE WITH THE
21 LAWS -- WITH THE LAW'S DEFINITION OF AGGRAVATING OR
22 MITIGATING FACTORS ---

23 THE COURT ARE YOU ---

24 Q --- FOR EXAMPLE ---

25 THE COURT ARE YOU GOING TO ASK HER ABOUT THE

1 LAW?

2 MR ALKEBULANYAHH I'M GOING TO ASK HER A
3 QUESTION RIGHT NOW -- I'M NOT GOING TO ASK ABOUT THE
4 LAW, YOU HAVE INSTRUCTED ME ABOUT THE LAW

5 THE COURT ALL RIGHT GO AHEAD

6 Q I'LL START FROM THE BEGINNING ---

7 THE COURT NO

8 Q --- MA'AM ---

9 THE COURT GO AHEAD

10 A I'M WITH YOU

11 THE COURT YOU UNDERSTAND -- GO AHEAD AND FINISH
12 YOUR SENTENCE

13 Q FOR EXAMPLE NOT RELEVANT TO THIS CASE IF THE
14 DEFENDANT IS INTOXICATED AT THE TIME OF THE MURDER, THE
15 LAW -- THE LAW STATES THAT THE DEFENDANT INTOXICATION
16 MAY BE A MITIGATING FACTOR SOME PEOPLE, HOWEVER,
17 MIGHT NOT SEE VOLUNTARY INTOXICATION AS A MITIGATING
18 FACTOR IN THESE CIRCUMSTANCES FOR THESE REASON, I
19 MUST ASK WHETHER YOU ARE ABLE TO CONSIDER AS
20 AGGRAVATING AND MITIGATING THE FACTORS WHICH YOU MAY BE
21 CALLED UPON TO CONSIDER IN THIS CASE? BEFORE I DO
22 THAT, I CAUTION YOU, THAT I AM NOT ASKING YOU AT THIS
23 TIME TO CONSIDER WHETHER THESE AGGRAVATING AND
24 MITIGATING FACTORS ARE PRESENT IN THIS CASE, THAT IS A
25 MATTER YOU CAN DECIDE ONLY AFTER YOU HAVE HEARD AND

STATE VS ALKEBULANYAHH

1 CONSIDERED ALL THE RELEVANT EVIDENCE, NOR AM I ASKING
2 YOU THAT YOU GIVE ANY PARTICULAR WEIGHT OR SIGNIFICANCE
3 TO ANY OF THE AGGRAVATING AND MITIGATING ---

4 THE COURT STOP

5 Q --- FACTORS

6 THE COURT MR ALKEBULANYAHH, I HAVE NO CLUE WHAT
7 YOU'RE READING FROM BUT I CAN'T -- I DON'T -- WHAT IS
8 THE QUESTION? WHAT ARE YOU GETTING AT?

9 MR ALKEBULANYAHH IT'S IN THE QUESTION ITSELF,
10 YOUR HONOR I'LL BE READING FROM THIS PARTICULAR ---

11 THE COURT IT'S LIKE YOU'RE READING A CHARGE ON
12 THE LAW OR SOMETHING

13 MR ALKEBULANYAHH NO, IT'S NOT A LAW, IT'S NOT A
14 CHARGE

15 THE COURT BUT IT SOUNDS THAT WAY WHAT ARE YOU
16 GETTING -- WHAT IS THE QUESTION?

17 MR ALKEBULANYAHH IT'S THE QUESTION IN ITSELF

18 THE COURT WHAT IS THE BOTTOM LINE OF THE
19 QUESTION?

20 MR ALKEBULANYAHH THE ENTIRE SENTENCING COMPOSED
21 TOGETHER TO MAKE THE QUESTION

22 THE COURT I'VE ALREADY ASKED THE JUROR IF SHE
23 WOULD CONSIDER ALL THE FACTS AND CIRCUMSTANCES IN THE
24 CASE, AGGRAVATING AND MITIGATING IT SOUNDS LIKE TO ME
25 YOU'RE ASKING THE SAME THING

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH WELL, I'M NOT YOU DIDN'T ASK
2 HER ABOUT THE INTOXICATION

3 THE COURT I'M NOT GOING TO ASK ABOUT SPECIFIC

4 MR ALKEBULANYAHH RIGHT I UNDERSTAND I'M
5 ASKING A OPINION ABOUT THAT PARTICULAR MITIGATING,
6 AGGRAVATING CIRCUMSTANCES ---

7 THE COURT NO YOU'RE ASKING HER ABOUT ---

8 MR ALKEBULANYAHH --- TO COME TO A CONCLUSION

9 THE COURT YOU'RE ASKING HER ABOUT SPECIFIC
10 CIRCUMSTANCES THAT MAY OR MAY NOT EXIST I'M NOT GOING
11 TO ALLOW THAT QUESTION

12 IT'S THE COURT'S ROLE TO INSTRUCT THE JURY ABOUT
13 THE LAW I'M NOT GOING TO ALLOW ANY QUESTIONS ON THE
14 LAW

15 MR ALKEBULANYAHH I'M NOT QUESTIONING ABOUT THE
16 LAW, YOUR HONOR, FOR THE RECORD

17 THE COURT ALL RIGHT YOUR POSITION IS MADE
18 KNOWN GO AHEAD TO YOUR NEXT QUESTION

19 Q ASSUME THAT YOU HAVE BEEN CHOSEN AS A JUROR IN A
20 MURDER CASE AND THAT YOU AND OTHER JURORS HAVE
21 UNANIMOUSLY FOUND THE PERSON GUILTY OF INTENTIONAL
22 MURDER WITH NO LEGAL JUSTIFICATION BEYOND A REASONABLE
23 DOUBT THEREFORE, IN THIS SENSE YOU KNOW THAT THE
24 PERSON IS GUILTY OF MURDER ADDITIONALLY, THE JUROR
25 HAS UNANIMOUSLY FOUND THE PERSON GUILTY OF SUBSTANTIAL

1 PLANNING AND PREMEDITATION, AND OF THE HEINOUS, CRUEL,
2 AND DEPRAVED KILLING BEYOND A REASONABLE DOUBT THESE
3 FACTORS -- THESE FACTORS CONSTITUTE AN AGGRAVATING
4 CIRCUMSTANCES OF THE LAW AND PERMIT THE JUROR TO IMPOSE
5 THE DEATH PENALTY

6 NOW, IN A CASE LIKE THAT, COULD YOU IN GOOD
7 CONSCIENCE VOTE FOR A SENTENCE OTHER THAN THE DEATH
8 PENALTY OR WOULD YOU VOTE FOR THE DEATH PENALTY?

9 MR MURDAUGH YOUR HONOR, PLEASE I OBJECT TO
10 THAT AS BEING HYPOTHETICAL

11 THE COURT THAT IS A HYPOTHETICAL QUESTION DO
12 YOU WANT TO ASK THE WITNESS OR THE JUROR THAT IF SHE
13 WOULD VOTE FOR THE DEATH PENALTY IN EVERY CASE YOU CAN
14 ASK THAT QUESTION

15 MR ALKEBULANYAHH SO THIS QUESTION CANNOT BE
16 ASKED, YOUR HONOR?

17 THE COURT NO, SIR YOU'RE ASKING HER -- ASK
18 WHAT SHE WOULD DO IN THAT SITUATION IF YOU INSTEAD
19 WANT TO ASK WILL SHE VOTE FOR THE DEATH PENALTY IN
20 EVERY CASE, I'LL ALLOW THAT QUESTION

21 Q IN -- IN DECIDING PUNISHMENT IN SUCH A
22 PREMEDITATED MURDER CASE -- I'LL TAKE THAT QUESTION
23 BACK I'LL STRIKE THAT QUESTION FOR THE TIME BEING

24 MS WINGO, YOUR ABILITY TO -- TO GRANT AN
25 IMPARTIAL TRIAL TO THE DEFENDANT, IS IT YOUR OPINION

1 THAT YOU COULD NOT BE ABLE TO DO THAT CONSIDERING THE
2 PAIN OR SUFFERING THAT THE VICTIM'S FAMILY WENT
3 THROUGH?

4 MR MURDAUGH YOUR HONOR, PLEASE I OBJECT TO
5 THAT, SIR

6 THE COURT WE'VE ALREADY BEEN THROUGH THAT LINE,
7 MR ALKEBULANYAHH

8 Q MS WINGO, IN YOUR OPINION IS IT POSSIBLE THAT IF
9 CIRCUMSTANCES INDICATED THAT A DEFENDANT SHOULD NOT
10 RECEIVE THE DEATH PENALTY, COULD YOU GIVE A SENTENCE
11 OTHER THAN THE DEATH PENALTY?

12 MR MURDAUGH YOUR HONOR, PLEASE I OBJECT TO
13 THAT

14 THE COURT THAT'S A GENERAL QUESTION I'LL ALLOW
15 THAT IT'S NO DIFFERENT THAN WHAT THE COURT ASKED
16 EARLIER, BUT I'LL ALLOW IT

17 MR MURDAUGH YES, SIR, BUT THE OBJECTION IS
18 BASED ON THE FACT IT'S ALREADY BEEN ASKED AND ANSWERED

19 THE COURT I'LL ALLOW IT GIVE HIM A LITTLE
20 LEEWAY

21 GO AHEAD AND ANSWER THAT QUESTION, MA'AM

22 A NOW I FORGOT ONE MORE TIME

23 MR ALKEBULANYAHH YOUR HONOR, COULD YOU HELP ME?

24 THE COURT HE WANTS TO ASK YOU, MA'AM, WOULD YOU
25 BE ABLE TO CONSIDER BASED ON THE TESTIMONY AND THE

STATE VS ALKEBULANYAHH

1 CIRCUMSTANCES PRESENTED -- WOULD YOU BE ABLE TO IMPOSE
2 A LIFE IMPRISONMENT WITHOUT PAROLE SENTENCE?

3 A IF THE FACTS PRESENTED IN THE TRIAL WARRANTED
4 THAT, YES

5 MR ALKEBULANYAHH THANK YOU, MS WINGO I NO
6 FURTHER QUESTIONS, YOUR HONOR

7 CROSS EXAMINATION BY MR. MURDAUGH.

8 Q MS WINGO, I'M RANDOLPH MURDAUGH HOW ARE YOU?

9 A HI

10 Q ALONG WITH DUFFY STONE, WE ARE REPRESENTING THE
11 STATE OF SOUTH CAROLINA IN PROSECUTING THIS CASE I
12 WANT TO ASK YOU SOME QUESTIONS FRANKLY TO FIND OUT
13 WHETHER I WANT YOU TO SIT ON THE JURY OR NOT I NOTICE
14 THAT IN YOUR QUESTIONNAIRE THAT YOU FILLED OUT THAT YOU
15 ARE FROM CONNECTICUT, IS THAT CORRECT?

16 A YES, SIR

17 Q AND WENT TO THE UNIVERSITY OF SOUTH CAROLINA?

18 A YES, SIR

19 Q RIGHT OUT OF HIGH SCHOOL?

20 A I'M A NAVY BRAT LIVED ALL OVER THE COUNTRY
21 CAME FROM CALIFORNIA TO SOUTH CAROLINA

22 Q ALL RIGHT

23 A AND NEVER LEFT

24 Q I WAS JUST CURIOUS ABOUT THAT AND YOU WENT TO
25 GRADUATE SCHOOL AT THE UNIVERSITY OF SOUTH CAROLINA

STATE VS ALKEBULANYAHH

1 ALSO?

2 A YES, SIR

3 Q IMMEDIATELY FOLLOWING GRADUATION FROM
4 UNDERGRADUATE?

5 A NO, SIR HAD A CHILD -- GOT MARRIED, HAD A CHILD,
6 TAUGHT SCHOOL, AND THEN WENT BACK WHEN MY SON WAS ABOUT
7 8 YEARS OLD, GOT MY MASTERS

8 Q WHAT DID YOU TEACH?

9 A I'M AN ELEMENTARY SCHOOL LIBRARIAN

10 Q OKAY YOU IN RESPONSE TO A QUESTION THAT WAS
11 ASKED, YOU SAID THAT YOU COULD GIVE THE SENTENCE OF
12 LIFE IMPRISONMENT IF THE CIRCUMSTANCES WARRANTED IT?

13 A YES, SIR

14 Q AND DID I UNDERSTAND YOU TO SAY EARLIER THAT IF
15 THE CASE WERE BAD ENOUGH, YOU COULD ALSO IMPOSE THE
16 DEATH PENALTY?

17 A YES, SIR

18 MR MURDAUGH THANK YOU, MA'AM I HAVE NO
19 FURTHER QUESTIONS

20 THE COURT YOU MAY STEP OUTSIDE WE'LL BE WITH
21 YOU MOMENTARILY THANK YOU

22 (THE JUROR EXITS THE COURTROOM)

23 THE COURT WHAT'S YOUR POSITION? ANY OBJECTION
24 TO HER QUALIFICATION?

25 MR ALKEBULANYAHH YES, SIR, THERE'S OBJECTION

STATE VS ALKEBULANYAHH

1 YOUR HONOR, THIS PARTICULAR WITNESS INDICATED THAT SHE
2 WOULD -- IT -- IT WOULD BE -- THAT SHE COULD NOT, YOU
3 KNOW, CONSIDER BEING FAIR AND IMPARTIAL BECAUSE OF THE
4 IMPACT OF THIS PARTICULAR ALLEGED CRIME ON THE VICTIMS
5 -- BECAUSE OF THE VICTIMS' FAMILIES, BECAUSE OF THE
6 IMPACT ON THE FAMILY OF THE VICTIM AND THIS
7 PARTICULAR JURY (SIC) INDICATED THAT

8 THE COURT THE STATE'S POSITION?

9 MR MURDAUGH THAT WASN'T MY UNDERSTANDING I
10 THINK SHE'S QUALIFIED

11 THE COURT I THINK SHE DID INDICATE AT FIRST THAT
12 IT WOULD BE A DIFFICULT THING FOR HER TO DO WHEN YOU
13 CONSIDER -- WHEN YOU INQUIRED ABOUT THE EFFECT ON THE
14 FAMILY BUT WHEN THE COURT FURTHER INQUIRED, SHE
15 INDICATED SHE COULD BE FAIR AND IMPARTIAL, EVEN KNOWING
16 THE FAMILY WAS LEFT BEHIND OR THE IMPACT ON THE FAMILY

17 I'M GOING TO FIND HER QUALIFIED

18 BRING HER BACK IN PLEASE

19 (THE JUROR ENTERS THE COURTROOM)

20 THE COURT MS WINGO, THE COURT FINDS YOU TO BE
21 QUALIFIED THAT DOES NOT MEAN YOU WILL BE ON THE CASE
22 YOU WILL SIT IN THE JURY POOL FROM WHICH THE JURY IS
23 SELECTED

24 I APPRECIATE YOUR BEARING WITH US DURING THESE
25 DELAYS, THAT'S NOBODY'S FAULT IT'S JUST HARD TO

STATE VS ALKEBULANYAHH

1 PREDICT HOW LONG THESE PROCEEDINGS WILL TAKE
2 NOW, JUST SO YOU DON'T HAVE TO WAIT AROUND UNTIL
3 WE'RE ACTUALLY READY FOR YOU, WE HAVE YOUR DAY AND
4 EVENING NUMBER, IS THAT CORRECT?
5 JUROR YES, SIR
6 THE COURT ALL RIGHT WE WILL CALL YOU WHEN IT
7 IS TIME TO REPORT BACK FOR THE SELECTION PROCESS A
8 COUPLE RULES WHILE YOU'RE OUT YOU MAY NOT DISCUSS
9 THIS CASE WITH ANYONE
10 SECONDLY, YOU MAY NOT EXPOSE YOURSELF TO ANY MEDIA
11 COVERAGE IF YOU START TO HEAR SOMETHING ON THE NEWS,
12 TURN IT OFF THE SAME WITH THE RADIO IF YOU SEE A
13 HEADLINE IN THE PAPER, TURN IT OFF -- I MEAN, DON'T
14 READ THE STORY, THAT SORT OF THING DO YOU UNDERSTAND
15 THAT?
16 JUROR YES, SIR
17 THE COURT ALL RIGHT THANK YOU AGAIN AND WE
18 WILL BE IN TOUCH WITH YOU SOON YOU MUST REPORT BACK
19 WHEN YOU'RE DIRECTED
20 JUROR YES, SIR
21 THE COURT THANK YOU
22 (THE JUROR EXITS THE COURTROOM)
23 THE COURT DO YOU ALL NEED A SHORT LITTLE BREAK?
24 MR MURDAUGH YES, SIR
25 THE COURT ALL RIGHT WE'LL TAKE A SHORT BREAK

STATE VS ALKEBULANYAHH

1 (A RECESS WAS TAKEN)

2 THE COURT ALL RIGHT ALL RIGHT READY?

3 MR MURDAUGH BEFORE YOU BRING THE NEXT ONE OUT,
4 I NEED TO INFORM THE COURT I WAS IN THE HALL WALKING,
5 TO SPEAK WITH LASSANDRA YOUNG A MOMENT AGO A FELLOW
6 ASKED -- HE SAID, HELLO, MR MURDAUGH MAY I SPEAK
7 WITH YOU?

8 I WENT OVER TO SPEAK TO HIM

9 NEAL PLAYER SAYS HE'S ON THE JURY I TOLD HIM
10 I'M SORRY, I CAN'T SPEAK WITH YOU BUT I JUST THOUGHT
11 I OUGHT TO INFORM THE COURT OF THAT, SIR

12 THE COURT ALL RIGHT ANYTHING FURTHER? HE'S ON
13 THE -- WHAT'S HIS NAME?

14 MR MURDAUGH I DON'T KNOW, SIR I CAN ---

15 THE COURT IS IT SOMEONE WAITING IN THE ROOM OVER
16 THERE?

17 MR MURDAUGH NO, SIR IT WAS SOMEBODY THAT WAS
18 IN THE HALL JUST PAST THE METAL DETECTOR THING

19 THE COURT ANYTHING FURTHER FROM THE DEFENSE ON
20 THAT? YOU DIDN'T HAVE ANY DISCUSSION ABOUT THE CASE OR
21 ANYTHING?

22 MR MURDAUGH DID NOT AS SOON AS NEAL PLAYER
23 TOLD ME HE'S ON THE JURY, I SAID, I'M SORRY, I CAN'T
24 SPEAK WITH YOU IF YOU'RE ON THE JURY

25 THE COURT ALL RIGHT ANYTHING FURTHER FROM YOU

STATE VS ALKEBULANYAHH

1 ON THAT, MR ALKEBULANYAHH?

2 MR ALKEBULANYAHH I DON'T HAVE ANY KNOWLEDGE OF
3 ANYTHING -- TO ANYTHING ABOUT THE INCIDENT, SO I CAN'T
4 SAY IF ANYTHING WAS INAPPROPRIATE OR NOT AT THIS TIME

5 THE COURT ALL RIGHT THANK YOU

6 BRING IN JEANNINE SAVAGE

7 (THE JUROR ENTERS THE COURTROOM)

8 JEANNINE SAVAGE, HAVING
9 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

10 DIRECT EXAMINATION BY THE COURT.

11 Q ARE YOU JEANNINE SAVAGE?

12 A YES, SIR

13 Q ALL RIGHT MA'AM, YOU WERE PLACED PREVIOUSLY
14 UNDER OATH YOU'LL STILL BE UNDER OATH OKAY?

15 A OKAY

16 Q ALL RIGHT NOW, WE'RE IN THAT PART OF THE CASE
17 WHERE YOU'RE GOING TO BE ASKED SOME INDIVIDUAL
18 QUESTIONS, NOT TO INVAD E YOUR PRIVACY IT'S JUST
19 BECAUSE OF THE NATURE OF THESE PROCEEDINGS THERE ARE
20 NO RIGHT OR WRONG ANSWERS SO PLEASE JUST ANSWER
21 OPENLY, HONESTLY, AND FULLY SOME QUESTIONS YOU MAY
22 NOT HAVE THOUGHT ABOUT BEFORE SOME YOU MAY NOT HAVE
23 AN ANSWER YOU MAY JUST NOT KNOW FEEL FREE TO JUST
24 TELL US WHATEVER YOUR POSITION IS IN THAT REGARD NO
25 ONE IS CHALLENGING ANY VIEW THAT YOU MIGHT HAVE WE'RE

STATE VS ALKEBULANYAHH

1 JUST TRYING TO UNDERSTAND ANYTHING ABOUT YOUR VIEWS IF
2 ANY

3 NOW, AMONG OTHER THINGS, WE WILL BE DISCUSSING A
4 PENALTY THE MERE FACT THAT WE'RE TALKING ABOUT A
5 PENALTY OR THE POSSIBILITY OF A PENALTY IN THIS CASE
6 DOES NOT INDICATE ANYTHING ABOUT THE DEFENDANT HE IS
7 PRESUMED TO BE INNOCENT UNDER THE LAW DO YOU
8 UNDERSTAND THAT?

9 A YES, SIR

10 Q NOW, JUST -- DO YOU REMEMBER MY CONVERSATION WITH
11 THE WHOLE GROUP ABOUT THE FACT THAT THESE CASES ARE
12 DONE IN A TWO-PART KIND OF PROCESS?

13 A YES, SIR

14 Q A LITTLE MORE FULLER INFORMATION FOR YOU IS JUST
15 THAT BECAUSE SOME PEOPLE DON'T UNDERSTAND AND A LOT OF
16 PEOPLE THINK OTHERWISE, IT'S JUST THAT A LOT OF PEOPLE
17 THINK THE DEATH PENALTY OPTION APPLIES TO ALL MURDER
18 CASES BUT THIS IS NOT TRUE

19 IT APPLIES ONLY TO WHAT THE LAW REFERS AS
20 AGGRAVATED MURDER OR FOR EXAMPLE WHERE THERE'S A
21 KIDNAPPING PLUS A MURDER, OR BURGLARY PLUS A MURDER, OR
22 WHEN A PARTICULAR PUBLIC OFFICIAL IS MURDERED -- AND
23 THAT'S ONE OF THE OFFICIALS LISTED IN THE STATUTE
24 THOSE ARE JUST EXAMPLES IT'S NOT AN EXCLUSIVE LIST,
25 JUST TO GIVE YOU AN UNDERSTANDING DO YOU UNDERSTAND

- 1 THAT?
- 2 A YES, SIR
- 3 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
- 4 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I
- 5 INSTRUCTED IT TO BE?
- 6 A YES, SIR
- 7 Q EVEN THOUGH YOU MAY NOT AGREE WITH THAT LAW OR YOU
- 8 THINK IT OUGHT TO BE SOME OTHER WAY?
- 9 A YES, SIR
- 10 Q ALL RIGHT NOW, COULD YOU DECIDE THIS CASE BASED
- 11 ON THE EVIDENCE PRESENTED HERE IN THIS COURT AND
- 12 DISREGARD ANYTHING THAT YOU MAY HAVE HEARD, READ, OR
- 13 SEEN ABOUT THIS CASE?
- 14 A YES, SIR
- 15 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
- 16 CASE?
- 17 A NOT RECENTLY, SIR
- 18 Q WHAT WAS IT THAT YOU HEARD, READ, OR SEEN BEFORE?
- 19 A I LIVE IN THE AREA, GENERAL INFORMATION WHEN IT
- 20 FIRST HAPPENED
- 21 Q SOME TIME AGO?
- 22 A YES, SIR
- 23 Q ALL RIGHT DO YOU RECALL ANYTHING IN PARTICULAR?
- 24 A NO, SIR, OTHER THAN A DOMESTIC SITUATION
- 25 Q ALL RIGHT WOULD THAT INFORMATION IN ANY WAY

STATE VS ALKEBULANYAHH

1 AFFECT YOUR ABILITY TO GIVE EVERYONE IN THE CASE A FAIR
2 AND IMPARTIAL TRIAL?

3 A NO, SIR

4 Q HAVE YOU FORMED ANY OPINION ABOUT THIS CASE?

5 A NO, SIR

6 Q ALL RIGHT NOW, IN A CRIMINAL CASE THE STATE HAS
7 THE BURDEN OF PROVING THE GUILT OF THE DEFENDANT BEYOND
8 A REASONABLE DOUBT THE DEFENDANT DOES NOT HAVE ANY
9 BURDEN TO PROVE INNOCENCE THE DEFENDANT DOES NOT HAVE
10 TO DO ANYTHING DO YOU UNDERSTAND?

11 A YES, SIR

12 Q NOW, COULD YOU DEPENDING UPON THE FACTS AND
13 EVIDENCE AND THE LAW GIVEN TO YOU FIND THE DEFENDANT
14 EITHER GUILTY OR NOT GUILTY?

15 A YES, SIR

16 Q PARDON?

17 A YES, SIR

18 Q ALL RIGHT NOW, DID YOU LOOK AT THE JUROR TYPE
19 SHEET?

20 A YES, SIR, I DID

21 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
22 CATEGORIES?

23 A YES, I DO

24 Q WHAT WOULD THAT BE?

25 A TYPE 3

STATE VS ALKEBULANYAHH

1 Q ALL RIGHT JUST TO MAKE SURE I'M UNDERSTANDING
2 THE TYPE THAT YOU'VE SELECTED, THIS IS THE TYPE OF
3 JUROR WHO IF THE CRIME HAS BEEN PROVEN BY THE STATE AND
4 THE JUROR IS CONSIDERING PUNISHMENT, THE JUROR WOULD
5 NOT HAVE MADE UP HIS OR HER MIND IN ADVANCE CONCERNING
6 PUNISHMENT INSTEAD, THE JUROR WOULD NEED TO HEAR
7 FACTS AND CIRCUMSTANCES BOTH IN AGGRAVATION AND IN
8 MITIGATION AND WOULD LISTEN TO AND FOLLOW THE LAW AS
9 EXPLAINED BY THE JUDGE BEFORE MAKING A DECISION ON
10 PUNISHMENT

11 A YES, SIR

12 Q IS THAT YOUR POSITION?

13 A YES, IT IS

14 Q NOW, LET ME JUST ASK YOU PARTICULARLY,
15 UNDERSTANDING THE TWO-PART PROCESS, IF THE CASE DOES
16 REACH THE SECOND PHASE THE SENTENCING PHASE, COULD YOU
17 DEPENDING UPON THE PARTICULAR FACTS AND CIRCUMSTANCES
18 INCLUDING THE CONSIDERATION OF ANY AGGRAVATING AND
19 MITIGATING CIRCUMSTANCES AND THE LAW THAT I GIVE TO YOU
20 RETURN A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE?

21 A IF THE EVIDENCE IS THERE, YES

22 Q ALL RIGHT THE SAME SITUATION IF YOU WERE A
23 JUROR IN THE SENTENCING PHASE, COULD YOU DEPENDING UPON
24 THE FACTS AND CIRCUMSTANCES INCLUDING THE CONSIDERATION
25 OF ANY AGGRAVATING AND MITIGATING CIRCUMSTANCES AND THE

1 LAW THAT I GIVE TO YOU RETURN A SENTENCE OF DEATH?

2 A IF THE EVIDENCE IS THERE, YES

3 Q PARDON?

4 A IF THE EVIDENCE IS THERE, YES

5 Q ALL RIGHT NOW, IF IN THAT LATTER SITUATION IF

6 THE JURY WERE TO UNANIMOUSLY DECIDE A DEATH SENTENCE

7 WAS APPROPRIATE, WOULD YOU BE ABLE TO SIGN THE VERDICT

8 FORM?

9 A YES

10 THE COURT ALL RIGHT ANYTHING, SIR?

11 MR ALKEBULANYAHH YES

12 THE COURT EACH SIDE WILL NOW ASK YOU SOME

13 QUESTIONS NOW

14 JUROR OKAY

15 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

16 Q GOOD EVENING, MS SAVAGE, IS THAT CORRECT?

17 A YES, SIR

18 Q I'M GOING TO -- I'M THE DEFENDANT, MR

19 ALKEBULANYAHH I REPRESENT MYSELF IN THIS CASE, AND

20 I'M GOING TO POSE A FEW QUESTIONS TO YOU ABOUT YOUR

21 OPINION AND ASK SOME THINGS IN RELATION TO THE DEATH

22 PENALTY ARE YOU A FORMER LAW ENFORCEMENT EMPLOYEE?

23 A YES, SIR

24 Q ARE ANY MEMBERS OF YOUR IMMEDIATE FAMILIES (SIC)

25 EMPLOYED BY LAW ENFORCEMENT AGENCIES?

STATE VS ALKEBULANYAHH

1 A YES, SIR I HAVE A BROTHER-IN-LAW WHO IS A
2 CORRECTIONS OFFICER IN FLORIDA -- I BELIEVE IT'S ALPINE
3 CORRECTIONAL FACILITY I'M NOT SURE

4 Q HAVE YOU OR ANY OF YOUR RELATIVES OR CLOSE FRIENDS
5 BEEN A VICTIM OF A CRIME WITHIN THE PAST 5 YEARS?

6 A PAST 5 YEARS, NO, SIR

7 Q DO YOU HAVE ANY PARTICULAR OPINION OR FEELING
8 ABOUT THE CRIME OF MURDER WHICH MAKE IT DIFFICULT FOR
9 YOU TO SERVE ON A JURY WHERE THE DEFENDANT IS CHARGED
10 WITH THESE CRIMES?

11 A NO

12 Q ARE YOU AWARE OF ANY REASON WHATSOEVER WHY YOU
13 COULD NOT BE FAIR AND IMPARTIAL TO THE DEFENDANT OR THE
14 STATE?

15 A NO, SIR

16 Q DO YOU BELIEVE THAT MR ALKEBULANYAHH MUST PROVE
17 HIS INNOCENCE?

18 MR MURDAUGH YOUR HONOR, PLEASE THAT IS A
19 MATTER OF LAW

20 THE COURT I'VE ALREADY EXPLAINED THAT TO HER,
21 SIR

22 Q IF YOU MAKE A DECISION, CAN YOU STICK WITH IT?

23 A YES, SIR

24 Q IF ANY OF THE VICTIMS OR VICTIMS' FAMILY OR LAW
25 ENFORCEMENT OFFICER WERE TO APPROACH YOU TO SWAY YOU OR

1 ANYTHING IN AN INAPPROPRIATE MANNER ABOUT THIS CASE,
2 WOULD YOU INFORM THE COURT IMMEDIATELY?

3 A YES, SIR

4 Q ARE YOU OR ANY MEMBERS OF YOUR FAMILIES MEMBERS OF
5 THE VICTIM'S RIGHT OR LAW ENFORCEMENT ORGANIZATIONS
6 SUCH AS CITIZENS AGAINST VIOLENT CRIME, PEOPLE AGAINST
7 RAPE, MOTHERS AGAINST DRUNK DRIVING -- ANY COMMUNITY-
8 WIDE PROGRAM OR ANY OTHER LIKE ORGANIZATION?

9 A YES

10 Q COULD YOU STATE?

11 A I'M A MEMBER OF THE MOTHERS AGAINST DRUNK DRIVERS

12 Q IS THE DEATH PENALTY ---

13 THE COURT HOLD ON A SECOND WOULD MEMBERSHIP IN
14 THAT GROUP IN ANY WAY AFFECT YOUR ABILITY TO GIVE
15 EVERYONE A FAIR AND IMPARTIAL TRIAL IN THIS CASE?

16 JUROR NO

17 THE COURT THANK YOU GO AHEAD

18 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

19 Q IS THE DEATH PENALTY USED OFTEN ENOUGH, TOO OFTEN,
20 OR ABOUT RIGHT?

21 A CAN YOU REPEAT THAT ONE MORE TIME PLEASE?

22 Q IS THE DEATH PENALTY USED OFTEN ENOUGH, TOO OFTEN,
23 OR ABOUT RIGHT?

24 A I'D SAY ABOUT RIGHT

25 Q WHAT DO YOU THINK THE PURPOSE OF THE DEATH PENALTY

STATE VS ALKEBULANYAHH

1 IS?

2 A I'M NOT SURE

3 Q HAVE YOU DISCUSSED YOUR OPINION ON THE DEATH
4 PENALTY WITH FRIENDS, FAMILY, OR OTHERS?

5 A YES

6 Q AND WHAT WAS THE OPINION THAT YOU DISCUSSED WITH
7 THEM?

8 A WELL, THE DISCUSSION HAPPENED SEVERAL, SEVERAL
9 YEARS AGO JUST ON GENERAL SUBJECT, YOU KNOW IS IT
10 THE RIGHT THING TO DO, WHEN IT HAPPENS, YOU KNOW, HAS
11 THE PERSON HAD, YOU KNOW, PLENTY APPEALS, YOU KNOW
12 JUST COMMON BATHROOM GOSSIP, I GUESS YOU'D CALL IT

13 Q WHAT HAVE YOU SAID WERE YOUR REASON FOR OR AGAINST
14 THE DEATH PENALTY?

15 A I BELIEVE THE DEATH PENALTY IS THERE TO PREVENT
16 OVERCROWDING AND TO ELIMINATE FOES THAT ARE OUT TO
17 DESTROY ALL AMERICANS, ALL HUMANS, AND THAT HAVE NO
18 RIGHT TO WALK, MORE OR LESS BREATHE THE AIR THAT WE
19 LIVE FOR

20 Q AND HAVE YOU HEARD IN RECENT NEWS CONCERNING A
21 GOVERNOR OVERTURNING DEATH PENALTY BECAUSE TOO MANY
22 INNOCENT HAS LOST THEIR LIVES?

23 A NO, SIR

24 MR MURDAUGH YOUR HONOR, PLEASE

25 THE COURT I'LL SUSTAIN THAT

STATE VS ALKEBULANYAHH

1 Q WHAT IS YOUR OPINION IN REFERENCE TO ONE HAS BEEN
2 PUT TO DEATH AND THEN LATER TO BE DISCOVERED THAT THAT
3 INDIVIDUAL IS INNOCENT?

4 MR MURDAUGH OBJECTION, YOUR HONOR
5 THE COURT I SUSTAIN THAT

6 Q WOULD YOU HAVE ANY REMORSE FOR SIGNING YOUR NAME
7 TO A DEATH PENALTY AND THEN LATER TO FIND OUT THAT
8 INDIVIDUAL WAS EXECUTED AND WAS INNOCENT?

9 MR MURDAUGH OBJECTION, YOUR HONOR
10 THE COURT I SUSTAIN THAT OBJECTION

11 Q HAVE YOU EVER BEEN WRONG ABOUT SOMETHING?

12 A YES, SIR

13 Q DID YOU FEEL BAD ABOUT BEING WRONG?

14 A YES

15 Q WHAT FACTORS, WHAT TYPE OF CASE MIGHT CALL FOR THE
16 DEATH PENALTY TO YOU?

17 A EXCUSE ME, I'M SORRY

18 THE COURT BLESS YOU

19 Q WHAT FACTORS OR TYPE OF CASE MIGHT CALL FOR THE
20 DEATH PENALTY IN YOUR OPINION?

21 A THE SNIPER CASE, I THINK THAT'S A PERFECT ONE

22 Q WHAT FACTORS MIGHT CALL FOR A LIFE WITHOUT
23 POSSIBILITY OF PAROLE SENTENCE?

24 THE COURT HE'S JUST ASKING YOU, HAVE YOU FORMED
25 ANY OPINIONS ABOUT ANY OF THIS? IF YOU HAVE, TELL US

1 IF YOU HAVE NOT, TELL US

2 A WELL, I MEAN, YEAH THERE'S -- THERE'S CASES OUT
3 THERE THAT LIFE WITHOUT PAROLE IS APPROPRIATE

4 OFFHAND, A MURDER TRIAL THAT -- A MURDER CASE THAT IS,
5 YOU KNOW, RANDOM YOU KNOW, THERE'S NO THOUGHT INTO
6 IT, IT'S JUST, BOOM, I KILLED SOMEBODY, THAT'S LIFE

7 Q IN OTHER WORDS, IT WOULDN'T NECESSARILY IN YOUR
8 OPINION -- THE IMPLI -- IMPLEMENTATION (SIC) OF DEATH
9 WOULD HAVE TO WARRANT ---

10 A YES

11 Q --- THAT? OKAY IN DETERMINING THE PENALTY,
12 WOULD IT MATTER TO YOU -- OR COULD YOU CONSIDER ALCOHOL
13 INVOLVED IN THE CASE?

14 MR MURDAUGH YOUR HONOR, PLEASE THAT ---
15 THE COURT I'VE ALREADY MADE THAT RULING, SIR
16 YES, SIR

17 MR MURDAUGH I WAS JUST GOING TO OBJECT
18 THE COURT YES, SIR, I SUSTAIN THAT
19 MR ALKEBULANYAHH I'M DISALLOWED THAT ---

20 THE COURT YES, SIR

21 MR ALKEBULANYAHH --- KIND OF QUESTION

22 Q WHAT IN PARTICULAR HAVE YOU SEEN AND HEARD ABOUT
23 THIS PARTICULAR CASE?

24 A ACTUALLY, I HAVE HEARD NOTHING ABOUT THIS CASE
25 RECENTLY I HAVEN'T WATCHED T V OR LOOKED AT THE

1 NEWSPAPER SINCE 9-11, AND IT'S JUST NOT PART OF MY
2 WORLD RIGHT NOW

3 Q WHEN YOU DID HAD HEARD ABOUT THIS PARTICULAR CASE
4 AND UPON THE ARREST OF THE SUSPECT, DID YOU FORM AN
5 OPINION WHETHER HE WAS GUILTY OR INNOCENT AT THAT TIME?

6 A NO, I HAD NOT HEARD ONE WAY OR THE OTHER IT
7 WASN'T -- YOU KNOW, IT WASN'T SOMETHING THAT WAS ON MY
8 MIND, IT WAS JUST SOMETHING THAT HAPPENED

9 Q SO YOU HADN'T FORMED ANY OPINION ---

10 A NO, SIR

11 Q --- WHETHER ONE WAS GUILTY OR INNOCENT?

12 A NO

13 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN
14 THEIR REPORTING?

15 A I HAVE NO IDEA

16 Q DO YOU READ NEWSPAPERS?

17 A NO, SIR

18 Q WATCH THE NEWS?

19 A NO, SIR

20 Q HAVE YOU TALKED TO ANY OTHER PEOPLE ABOUT THIS
21 PARTICULAR CASE?

22 A NO, SIR

23 Q WILL YOU BE ABLE TO BE FAIR AND IMPARTIAL AFTER
24 SEEING AND HEARING ABOUT THE IMPACT OF THIS INCIDENT
25 HAD ON THE FAMILIES OF THE OFFICERS INVOLVED IN THIS

1 CASE?

2 A SURE

3 Q WHAT WAS YOUR FIRST REACTION WHEN YOU FIRST HEARD
4 THAT A POLICE OFFICER WAS KILLED AND HOW DID YOU FEEL?

5 A I WAS SHOCKED JUST SHOCKED I MEAN, YOU JUST
6 DON'T HEAR ABOUT THAT EVERYDAY, ESPECIALLY TWO OF THEM

7 Q WILL YOU AGREE THAT YOUR ABILITY TO BE FAIR IN
8 THIS CASE COULD BE AFFECTED?

9 A EXCUSE ME, I DIDN'T UNDERSTAND THAT

10 Q OKAY WOULD YOU AGREE THAT YOUR ABILITY TO BE
11 FAIR IN THIS CASE COULD BE AFFECTED -- AFFECTED?

12 A EFFECTIVE?

13 Q AFFECTED A-F-F-E-C-T-E-D AFFECTED

14 A I SUPPOSE

15 Q COULD YOU EXPLAIN MORE HOW YOUR ABILITY TO BE
16 AFFECTED -- TO WHERE IT WOULD PREVENT YOU FROM BEING
17 FAIR?

18 A WELL, IT'S -- YOU KNOW, IT'S VERY PUBLIC I MEAN,
19 YOU CAN'T GO TO THE GROCERY STORE YOU CAN'T STOP AT
20 THE GAS STATION I MEAN, IN THE LAST TWO DAYS I'VE
21 HEARD -- YOU KNOW, EVERYBODY WANTS TO TALK ABOUT IT
22 IT'S EVERYWHERE, AND IT'S LIKE, I DON'T KNOW ANYTHING
23 ABOUT IT, YOU KNOW I DON'T KNOW -- I DON'T KNOW WHAT
24 TO TELL YOU ABOUT IT I JUST DON'T KNOW ANYTHING ABOUT
25 IT

1 Q BUT WOULD YOUR ABILITY -- BY EVERYBODY TALKING
2 ABOUT IT AND AS YOU SAY EVERYWHERE YOU GO AND HEAR,
3 WOULD IT AFFECT YOU -- DO YOU BELIEVE IT WOULD AFFECT
4 YOU TO THE POINT THAT YOU COULD NOT BE FAIR IN
5 RENDERING A FAIR DECISION?

6 A NO, I DON'T

7 Q YOU DON'T THINK YOU COULD BE FAIR?

8 A NO, I DON'T THINK IT WOULD AFFECT ME

9 Q YOU NOT TO BE FAIR?

10 A I'M SORRY IT WOULDN'T AFFECT ME TO BE FAIR

11 Q SO YOU CAN BE FAIR?

12 A YES YES I DON'T KNOW THE FACTS UNTIL I HEAR
13 THE FACTS, IT'S NOT RIGHT OF ME TO HAVE AN OPINION

14 THIS CHAIR IS SO UNCOMFORTABLE

15 Q DOES RACE PREJUDICE EXIST?

16 A YES

17 Q WHAT DO YOU THINK THE BEST PUNISHMENT FOR MOST
18 CONVICTED MURDERERS?

19 MR MURDAUGH YOUR HONOR, PLEASE OBJECT TO
20 THAT, SIR

21 THE COURT HAVE YOU FORMED ANY OPINION ABOUT
22 PUNISHMENT?

23 JUROR NO

24 THE COURT ALL RIGHT

25 JUROR IT'S SUCH A WIDE RANGE

1 Q IN -- IN -- IN WHAT KINDS OF CASES DO YOU FEEL THE
2 PENALTY OF DEATH IS APPROPRIATE?

3 MR MURDAUGH YOUR HONOR, PLEASE THAT IS A
4 MATTER COVERED BY LAW, SIR

5 THE COURT WE'VE ALREADY BEEN THROUGH THAT IF
6 THE JUROR'S FORMED ANY FIXED OPINIONS ABOUT THE DEATH
7 PENALTY, HE'S ENTITLED TO HEAR THEM

8 HAVE YOU FORMED ANY FIXED OPINION ABOUT WHEN THE
9 DEATH PENALTY IS APPROPRIATE?

10 JUROR NO, SIR

11 THE COURT ALL RIGHT

12 Q IN YOUR OPINION WHAT'S THE BEST ARGUMENT IN FAVOR
13 OF THE DEATH PENALTY?

14 A THE BEST ARGUMENT IN THE CASE OF A DEATH PENALTY?
15 I WOULD HAVE TO SAY IF IT WAS A CHILD WHO WAS A VICTIM
16 AND IT WAS A PARENT WHO GOT REVENGE

17 Q IN YOUR OPINION WHAT IS THE BEST ARGUMENT AGAINST
18 THE DEATH PENALTY?

19 A I THOUGHT THAT'S WHAT THE FIRST QUESTION WAS I
20 GUESS IT WOULD BE THE SAME THING

21 Q TO BE ---

22 A YOU KNOW, TO HAVE -- TO HAVE A PARENT ON TRIAL FOR
23 KILLING A PERSON WHO INJURED THEIR CHILD, IT WOULD SEEM
24 TO ME THAT WOULD BE THE HARDEST BUT THE MOST WANTED TO
25 PROSECUTE AND BRING TO TRIAL FOR WHATEVER THE ENDING

1 WOULD BE, WHETHER IT WOULD BE DEATH PENALTY OR LIFE
2 WITHOUT PAROLE OR ---

3 Q ARE ANY MEMBERS OF YOUR IMMEDIATE FAMILIES
4 EMPLOYED BY LAW ENFORCEMENT AGENCIES?

5 A JUST ONE

6 Q JUST WHO WHO MAY THAT BE?

7 A I HAVE A BROTHER-IN-LAW WHO'S IN -- HE'S A
8 CORRECTIONAL OFFICER IN FLORIDA

9 THE COURT YOU'VE ALREADY ASKED THAT QUESTION
10 JUROR I THOUGHT THAT WAS THE SAME QUESTION

11 THE COURT YOU'VE ALREADY ---

12 MR ALKEBULANYAHH I'M SORRY

13 THE COURT --- ASKED THAT QUESTION, SIR

14 Q I'M SORRY

15 A IT'S OKAY

16 Q DID YOU LOSE SOMEONE IN THE 9/11 WORLD TRADE
17 CENTER INCIDENT?

18 A I LOST A CLOSE FRIEND, YEAH

19 Q DID THAT AFFECT YOU -- IN WHAT TYPE OF MANNER DID
20 THAT AFFECT YOU, IF I MAY ASK?

21 A WELL, IT STILL AFFECTS ME

22 Q STILL AFFECTS YOU DID YOU -- DID YOU -- DID YOU
23 -- DID YOU COME OUT OF IT WITH A PREJUDICE TOWARDS
24 ISLAMIC OR ARABIC PEOPLE?

25 A I GUESS IN A SENSE I DID I WAS VERY ANGRY, BUT

1 ONLY AT THOSE THAT DID THE CRIME, NOT THE WHOLE NATION
2 Q WOULD THAT -- DID THAT AFFECT YOU TO THE POINT
3 THAT BECAUSE OF SO MANY LAW ENFORCEMENT OFFICIALS LOST
4 THEIR LIFE?

5 JUROR COULD I GET A TISSUE PLEASE

6 THE COURT SURE

7 (PAUSE)

8 JUROR THANK YOU EXCUSE ME

9 THE COURT ALL RIGHT

10 (PAUSE)

11 THE COURT GO AHEAD ANYTHING ELSE?

12 MR ALKEBULANYAHH YES, JUST A FEW MORE

13 QUESTIONS

14 Q DO YOU BELIEVE THAT THESE QUESTIONS ABOUT
15 PUNISHMENT ARE A SIGN OR INDICATION THAT THE DEFENDANT
16 IS GUILTY?

17 A NO

18 Q EVEN IF YOU HAVE A -- EVEN IF YOU HAVE AN OPINION
19 AGAINST CAPITAL PUNISHMENT, CAN YOU ABIDE BY THE
20 EXISTING LAWS AS INSTRUCTED?

21 MR MURDAUGH YOUR HONOR, PLEASE THAT'S BEEN
22 ASKED AND ANSWERED

23 THE COURT YES, I'VE ALREADY ASKED THAT QUESTION
24 AND THE SAME WITH WHETHER OR NOT ANY OF THESE QUESTIONS
25 REFLECT ON THE DEFENDANT YOU DON'T NEED TO ASK THOSE

STATE VS ALKEBULANYAHH

1 QUESTIONS, SIR

2 MR ALKEBULANYAHH MS SAVAGE, THANK YOU I HAVE
3 NO FURTHER QUESTIONS

4 THE COURT THE STATE

5 CROSS EXAMINATION BY MR. STONE.

6 Q MS SAVAGE, MY NAME IS DUFFY STONE ALONG WITH
7 SOLICITOR MURDAUGH, WE WILL BE TRYING THIS CASE AND I
8 JUST HAVE A FEW QUESTIONS YOU'RE ORIGINALLY FROM
9 PENSACOLA, FLORIDA, IS THAT CORRECT?

10 A I WAS BORN THERE, BUT I WAS -- I WAS RAISED IN
11 PANAMA CITY, FLORIDA, WHICH IS LIKE A HUNDRED MILES --
12 YEAH, ABOUT A HUNDRED MILES FROM THERE

13 Q IS IT BATTY CREEK?

14 A BATTERY CREEK

15 Q BATTERY CREEK THAT WAS HERE SO WHEN DID YOU --
16 WHEN DID YOU MOVE HERE?

17 A I MOVED HERE 10 YEARS AGO

18 Q 10 YEARS AGO?

19 A APPROXIMATELY

20 Q THE JUDGE ASKED YOU AND I WANT TO MAKE SURE YOU
21 READ THAT FORM AS FAR AS THE JUROR QUALIFICATIONS ---

22 A YES, SIR

23 Q --- AND WHAT TYPE OF JUROR? DID YOU HAVE ENOUGH
24 TIME TO REVIEW THAT?

25 A OH, YES I READ IT SEVERAL TIMES YESTERDAY

STATE VS ALKEBULANYAHH

1 Q SO YOU FEEL COMFORTABLE THAT YOU ARE THE THIRD
2 CATEGORY?

3 A OH, YES

4 Q AND IF THE CRIME IS SERIOUS ENOUGH ---

5 A ABSOLUTELY

6 Q --- YOU COULD ---

7 A YES, SIR

8 MR STONE OKAY THANK YOU, MA'AM I HAVE NO
9 QUESTIONS THANK YOU

10 THE COURT MA'AM, YOU MAY STEP OUT INTO THE
11 HALLWAY WE'LL BE WITH YOU MOMENTARILY

12 (THE JUROR EXITS THE COURTROOM)

13 THE COURT WHAT'S YOUR POSITION ON -- ANY
14 OBJECTION TO QUALIFICATION?

15 MR ALKEBULANYAHH YES, SIR YOUR HONOR IN THIS
16 PARTICULAR JUROR, ONE IS THAT THIS PARTICULAR JUROR IS
17 SO EMOTIONAL BECAUSE OF THE LOSS THAT -- THAT SHE HAS
18 ACQUIRED AS A FRIEND INVOLVING THE WORLD TRADE CENTER
19 AND HER EXPRESSION EMOTION EVEN ON THE STAND -- I THINK
20 THAT BECAUSE SHE SO EASILY BECOME UPSET, THAT IT WOULD
21 AFFECT HER ABILITY TO BE FAIR AND IMPARTIAL, BEING THAT
22 TWO DEPUTIES WAS INVOLVED IN THIS PARTICULAR CASE

23 AND, FURTHER, SHE STATED THAT SHE HAD A BROTHER-
24 IN-LAW IN THE LAW -- LAW -- CORRECTIONS IN FLORIDA, IF
25 I'M CORRECT

STATE VS ALKEBULANYAHH

1 SHE STATED IN HER SUMMARY THAT SHE HAS LAW
2 ENFORCEMENT OFFICIALS IN ADDITION IN TEXAS AND IN
3 WASHINGTON, D C FBI AND THAT IS A -- TO ME IS A
4 CLEAR SIGN OF DECEPTION, FROM LOOKING AT THE SUMMARY
5 HERE ABOUT THAT PARTICULAR QUESTION -- I ASKED THE
6 PARTICULAR QUESTION TWICE SHE STILL CONFIRMED THAT
7 ONLY IN THE DEPARTMENT OF CORRECTION IN FLORIDA BUT
8 IN HER SUMMARY AND HER JURY QUESTIONNAIRE SHE STATED
9 THAT SHE DID HAVE FAMILY IN LAW ENFORCEMENT OFFICIAL IN
10 THE FIELD IN TEXAS AND IN WASHINGTON, D C FBI

11 AND I THINK THAT IT WOULD BE -- YOU KNOW, I THINK
12 THAT SHE WOULD -- SHE WOULD -- SHE WOULD NOT BE ABLE TO
13 GIVE THE DEFENDANT -- SHE WOULD NOT LIVE UP TO BE FAIR
14 AND IMPARTIAL BECAUSE OF HER DECEPTION

15 THE COURT ALL RIGHT WHAT'S THE STATE'S
16 POSITION?

17 MR STONE YOUR HONOR, SHE ANSWERED IN HER
18 QUESTIONNAIRE THAT SHE HAD A MEMBER OF HER FAMILY IN
19 THE FBI AND A MEMBER OF HER FAMILY IN BEAR COUNTY
20 TEXAS THE QUESTION THAT THE DEFENDANT ASKED HER ON
21 THE STAND, DOES SHE HAVE ANY IMMEDIATE FAMILY AND AT
22 THAT TIME SHE ANSWERED ABOUT THE CORRECTIONAL OFFICER,
23 THAT IS IN FLORIDA

24 SO I BELIEVE THE DIFFERENCE WOULD BE THE MEMBER OF
25 THE FAMILY AND THE IMMEDIATE MEMBER OF THE FAMILY

STATE VS ALKEBULANYAHH

1 AS FAR AS GENERAL CONCEPT OF HAVING A RELATIVE IN
2 LAW ENFORCEMENT, WE HAVE ALREADY QUALIFIED ONE JUROR
3 WHO HAS A NEPHEW THAT WAS A SHERIFF AND THE DEFENDANT
4 DID NOT OBJECT TO THAT

5 AND AS FAR AS THE 9/11 ARGUMENT, SHE DID NOT --
6 THAT HAD NOTHING TO DO WITH LAW ENFORCEMENT SHE HAD A
7 FRIEND OF HERS THAT DIED AND THE FACT THAT SHE IS
8 UPSET ABOUT A FRIEND DYING IN 9/11 SHOULD NOT
9 DISQUALIFY HER FROM THIS PROCESS

10 I THINK SHE'S QUALIFIED

11 THE COURT THE COURT FINDS HER TO BE QUALIFIED
12 IF YOU WILL BRING HER BACK IN PLEASE

13 (THE JUROR ENTERS THE COURTROOM)

14 THE COURT MS SAVAGE, THE COURT FINDS YOU TO BE
15 QUALIFIED THAT DOES NOT MEAN THAT YOU WILL BE ON THE
16 JURY ITSELF YOU WILL BE PLACED IN A POOL FROM WHICH
17 WE WILL DRAW THE JURY

18 AT THIS TIME RATHER THAN TO KEEP YOU HERE, BECAUSE
19 THESE PROCEEDINGS -- I DO NOT KNOW HOW LONG THEY WILL
20 TAKE I DON'T WANT YOU TO HAVE TO WAIT FOR US WE
21 HAVE YOUR DAY AND EVENING NUMBER IS THAT CORRECT?

22 JUROR YES, SIR

23 THE COURT PARDON ME?

24 JUROR YES, SIR

25 THE COURT ALL RIGHT A COUPLE INSTRUCTIONS FROM

STATE VS ALKEBULANYAHH

1 THE COURT YOU MUST NOT DISCUSS THIS CASE WITH ANYONE
2 YOU MUST NOT EXPOSE YOURSELF TO ANY MEDIA OR NEWS
3 COVERAGE ABOUT THIS CASE IF YOU START TO HEAR
4 SOMETHING ON T V , TURN IT OFF SEE A HEADLINE IN THE
5 PAPER, DON'T READ THE STORY THE SAME WITH THE RADIO
6 DO YOU UNDERSTAND THAT?

7 JUROR YES, SIR

8 THE COURT ALL RIGHT AND WHEN YOU ARE CALLED TO
9 REPORT BACK TO THE COURT, YOU MUST REPORT BACK AT THAT
10 TIME

11 JUROR YES, SIR

12 THE COURT ALL RIGHT THANK YOU VERY MUCH AND
13 HAVE A GOOD DAY

14 (THE JUROR EXITS THE COURTROOM)

15 (PAUSE)

16 THE COURT OBVIOUSLY, THIS IS TAKING A LOT LONGER
17 THAN ANTICIPATED RATHER THAN HAVING THESE OTHER
18 PANELS WAIT DO YOU ALL HAVE ANY OBJECTION TO MOVING
19 THESE -- THE REMAINING PANELS FOR TODAY TO THURSDAY?

20 MR MURDAUGH I DON'T THINK I DO SIR BUT MAY I
21 ASK A QUESTION?

22 THE COURT YES, SIR

23 MR MURDAUGH HOW WILL WE STRIKE WHEN WE CONCLUDE
24 THIS?

25 THE COURT HOW WILL WE STRIKE?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YES, SIR WILL WE STRIKE FROM THE
2 LIST OR WILL WE STRIKE ---

3 THE COURT WE WILL STRIKE IN THE ORDER IN WHICH
4 THEY HAVE BEEN QUALIFIED AS EACH JUROR IS QUALIFIED,
5 THEY'RE PUT ON A MASTER LIST AND WE'LL STRIKE IN THE
6 ORDER IN WHICH THEY'RE QUALIFIED, THAT'S THE NORMAL WAY
7 OF DOING IT, AS I UNDERSTAND

8 (PAUSE)

9 MR MURDAUGH THE STATE DOES NOT HAVE A PROBLEM
10 WITH THAT, IF YOUR HONOR, PLEASE

11 THE COURT YES ALL RIGHT MR ALKEBULANYAHH?

12 MR ALKEBULANYAHH ONE MINUTE, YOUR HONOR, SIR.

13 (PAUSE)

14 MR ALKEBULANYAHH YES, SIR, YOUR HONOR AS FAR
15 AS THE JURY SELECTION, I'M IN ACCORDANCE AS YOU
16 STIPULATE -- AS YOU SUGGESTED TO US BUT I WAS WANTING
17 TO KNOW ABOUT WHEN YOU SAID BRINGING THE PANEL -- THE
18 REMAINING OF THE PANEL THURSDAY

19 THE COURT YES, SIR

20 MR ALKEBULANYAHH I WANT A LITTLE MORE
21 CLARIFICATION AS TO ---

22 THE COURT WELL, BECAUSE WEDNESDAY IS BOOKED WITH
23 THE OTHER PANELS

24 MR ALKEBULANYAHH OKAY

25 THE COURT THAT'S THE ONLY TIME WE HAVE OPEN WE

STATE VS ALKEBULANYAHH

1 ONLY SCHEDULED ONE PANEL FOR THURSDAY SO FAR SO IS
2 THAT WHAT YOU'RE TALKING ABOUT?
3 MR ALKEBULANYAHH YES, SIR
4 THE COURT OR ARE YOU TALKING ABOUT THE OTHER ---
5 MR ALKEBULANYAHH WITH THIS PARTICULAR PANEL
6 THAT WE'RE GOING TO GO TO THURSDAY AND WEDNESDAY ---
7 THE COURT THE PANEL WE'RE WORKING ON NOW, WE'RE
8 GOING TO FINISH
9 MR ALKEBULANYAHH OKAY
10 THE COURT I'M TALKING ABOUT THE OTHER ONES THAT
11 ARE WAITING
12 MR ALKEBULANYAHH BEHIND THEM TO START
13 THURSDAY?
14 THE COURT YES
15 MR ALKEBULANYAHH INSTEAD OF WEDNESDAY?
16 THE COURT RIGHT BECAUSE WE'VE ALREADY GOT
17 EVERYONE SCHEDULED WEDNESDAY THERE'S NO WAY TO
18 CONTACT ALL THOSE PEOPLE
19 MR ALKEBULANYAHH OKAY GIVE ME ONE MOMENT,
20 SIR MAY I? MAY I HAVE A MOMENT?
21 THE COURT DO YOU UNDERSTAND WHAT I'M SAYING?
22 THE PANELS THAT ARE WAITING WILL BE MOVED, NOT THE ONE
23 WE'RE WORKING ON
24 MR ALKEBULANYAHH OKAY THE REMAINING PANELS
25 THAT'S LEFT WOULD BE -- YOU WOULD JUST ---

STATE VS ALKEBULANYAHH

1 THE COURT THE ONES THAT ARE LEFT FROM TODAY ---

2 MR ALKEBULANYAHH RIGHT

3 THE COURT DO YOU UNDERSTAND? IT'S LIKE 6, 7,

4 AND 8

5 MR ALKEBULANYAHH RIGHT

6 THE COURT. THE PANELS, THOSE WOULD BE MOVED TO

7 THURSDAY DO YOU UNDERSTAND?

8 MR ALKEBULANYAHH RIGHT BUT WE DO HAVE PANELS

9 FOR TOMORROW?

10 THE COURT YES, THOSE WERE ALREADY SCHEDULED

11 ALL THE OTHERS ARE STILL SCHEDULED THEY MAY HAVE TO

12 BE BUMPED TOO, IT DEPENDS ON HOW MUCH WE GET DONE

13 MR ALKEBULANYAHH I UNDERSTAND

14 THE COURT NOW, THE STATE ASKED THE QUESTION

15 ABOUT HOW WE'RE GOING TO DRAW THESE JURORS MY FIRST

16 THOUGHT WAS TO DRAW THEM IN THE ORDER IN WHICH THEY'VE

17 BEEN SELECTED THE ONLY ALTERNATIVE WOULD BE TO PUT

18 THEM ALL IN A HAT, AND RANDOMLY DRAW AGAIN EITHER WAY

19 IS ACCEPTABLE TO ME

20 MR ALKEBULANYAHH I PREFER TO THE LAST

21 THE COURT I'M NOT SURE TELL ME WHAT THAT

22 MEANS, INSTEAD OF ME ASSUMING WHICH ONE YOU'RE TALKING

23 ABOUT

24 MR ALKEBULANYAHH I'D RATHER TO BE ABLE TO

25 STRIKE THEM AS WE GO INSTEAD OF TO DRAW THEM OUT OF

STATE VS ALKEBULANYAHH

1 THE ---

2 THE COURT SO YOU PREFER AS EACH ONE IS
3 QUALIFIED, WE PUTTING THEM ON A LIST, AND WE STRIKE IN
4 THAT ORDER IN WHICH THEY'RE DRAWN?

5 MR ALKEBULANYAHH YES, IN WHICH THEY'RE
6 QUALIFIED

7 THE COURT IN WHICH THEY'RE QUALIFIED

8 MR ALKEBULANYAHH AS THEY HAVE BEEN GOING THUS
9 FAR, WE STRIKE AS WE GO -- AS THEY HAVE ACCUMULATED
10 FROM THERE

11 THE COURT WELL, WE'RE NOT STRIKING THEM AS WE
12 GO, BECAUSE WE'RE JUST PUTTING THEM ON A LIST

13 MR ALKEBULANYAHH RIGHT

14 THE COURT WE'RE QUALIFYING THEM

15 MR ALKEBULANYAHH RIGHT

16 THE COURT NOW, EACH ONE OF THOSE NAMES IN THE
17 ORDER IN WHICH WE QUALIFY THEM ARE PUT ON A LIST

18 NOW, THE OPTION WOULD BE TO THEN WHEN IT'S TIME TO
19 STRIKE, YOU JUST GO RIGHT DOWN THAT LIST AND SAY --
20 START WITH THE FIRST ONE WE QUALIFIED, WE'LL SAY, WHAT
21 SAY THE STATE, WHAT SAY THE DEFENSE

22 OR WE CAN PUT ALL 36 OR 40 NAMES IN -- DEPENDING
23 ON WHETHER I DO 2 OR 3 ALTERNATES -- AND THE NUMBER OF
24 PEOPLE WE HAVE AVAILABLE TO DRAW, PUT THEM ALL IN THE
25 BASKET THERE, DRAW THEM OUT ONE AT A TIME RANDOMLY

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH I UNDERSTAND I'D RATHER GO
2 WITH YOUR FIRST SUGGESTION
3 THE COURT STRIKE -- PUT THEM IN A LIST AND GO IN
4 THAT ORDER?
5 MR ALKEBULANYAHH YES
6 THE COURT DO YOU WISH TO CONSULT WITH YOUR
7 COUNSEL ABOUT ANYTHING FURTHER ON THAT?
8 MR ALKEBULANYAHH NO, SIR WELL, YES, ONE
9 MOMENT
10 THE COURT ALL RIGHT
11 (PAUSE)
12 MR KELLY YOUR HONOR, JUST FOR A POINT OF
13 CLARIFICATION
14 THE COURT ALL RIGHT YES, SIR
15 MR KELLY DO WE UNDERSTAND THAT MOVING THE
16 JURORS TO THURSDAY WILL NOT ALTER THE FACT THAT THEY
17 WOULD BE -- THEY'D BE ON THE LIST WHERE THEY SHOULD BE
18 THEY WON'T BE MOVED?
19 THE COURT NO IT WILL THAT'S WHY I'M OFFERING
20 YOU THE ALTERNATIVE OF RANDOMLY DRAWING BECAUSE ONCE
21 WE GET 36 OR 40, WE STOP
22 MR KELLY I UNDERSTAND SO WE'RE TO UNDERSTAND
23 THAT THE JURORS THAT IF WE DO NOT EXAMINE THEM
24 TONIGHT ---
25 THE COURT RIGHT,

STATE VS ALKEBULANYAHH

1 MR KELLY --- THEY WILL BE MOVED TO ---
2 THE COURT THURSDAY
3 MR KELLY --- THURSDAY THE FIRST JUROR
4 TOMORROW WILL BE THE NEXT JUROR ON THE LIST?
5 THE COURT IT WILL BE THE ONE THAT'S ALREADY
6 SCHEDULED
7 MR KELLY I UNDERSTAND THAT BUT THE FIRST
8 JUROR THAT IS QUALIFIED TOMORROW WOULD BE THE NEXT
9 JUROR ON THE LIST?
10 THE COURT YES LET'S SAY NONE OF THESE OTHER
11 PEOPLE GOT QUALIFIED RIGHT NOW WE'RE AT 16
12 MR KELLY CORRECT
13 THE COURT SO IF WE QUALIFIED THAT FIRST ONE
14 TOMORROW ON WEDNESDAY'S LIST, THEY'D BE NO 17
15 MR KELLY NO 17, AND IT WOULD CONTINUE JUST
16 LIKE THAT AND THEN THOSE ---
17 THE COURT ANYBODY ON THURSDAY IS ADDED ---
18 MR KELLY --- FOR THURSDAY WOULD JUST COME ON
19 THE LIST AT THE END OF THE LIST?
20 THE COURT WHEREVER THEY MAY BE
21 MR KELLY I UNDERSTAND
22 THE COURT ALL RIGHT ALTERNATIVELY, SINCE WE
23 ARE TAKING SOME OF THESE OUT OF SEQUENCE INSOFAR AS HOW
24 WE DREW THEM RANDOMLY, ONCE WE GET THE LIST OF 36 --
25 IT'S EITHER 36 OR 39 NAMES, DEPENDING ON WHETHER WE DO

STATE VS ALKEBULANYAHH

1 2 OR 3 ALTERNATES -- WE CAN PUT ALL THOSE IN THE BASKET
2 AND THEN DO IT LIKE YOU WOULD IN A REGULAR CASE AT
3 THAT POINT, CALL THEM ONE AT A TIME AND THEN YOU DO
4 NOT KNOW THE ORDER IN WHICH THEY'RE GOING TO BE CALLED
5 OUT

6 THEORETICALLY, UNDER THE OTHER SYSTEM, YOU KNOW
7 THE ORDER IN WHICH THEY WOULD BE CALLED OUT, WHICH IS
8 SOMETHING YOU DON'T USUALLY SEE IN A CRIMINAL CASE

9 MR KELLY YES, SIR

10 THE COURT ALL RIGHT

11 (PAUSE)

12 THE COURT LET ME ASK YOU THIS BECAUSE UNDER
13 ANY SCENARIO, DOES EVERYONE AGREE THAT WE CAN GO AHEAD
14 AND MOVE THESE TO THURSDAY, AND THEN YOU HAVE TIME TO
15 TALK ABOUT WHETHER OR NOT YOU WANT THEM TO BE IN ORDER
16 OR WHETHER YOU WANT THEM TO BE RANDOMLY DONE? OR ARE
17 YOU JUST TELLING ME YOU DON'T WANT TO MOVE THEM
18 COMPLETELY TO THURSDAY, PERIOD, AND MOVE THE OTHER
19 PANELS INSTEAD?

20 (PAUSE)

21 MR MURDAUGH IT WILL BE THREE PANELS THAT WE
22 WILL BE SKIPPING?

23 THE COURT YES SIR

24 (PAUSE)

25 THE COURT YES, SIR

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR, YOUR HONOR WE'LL
2 DO ACCORDING AS YOU SUGGESTED, PUT THEM ALL TO
3 THURSDAY, THE REMAINDER OF THEM, AND KEEP GOING
4 FORWARD

5 THE COURT AND THEN ADDRESS THAT OTHER ISSUE
6 LATER ABOUT THE RANDOM DRAWING OR ---

7 MR ALKEBULANYAHH WELL, THAT'S ---

8 THE COURT --- DRAWN IN THE ORDER IN WHICH
9 THEY'RE QUALIFIED?

10 MR ALKEBULANYAHH WE CAN DO THAT THURSDAY
11 YOU'RE TALKING ABOUT BRINGING THEM THURSDAY AND RE-
12 ADDRESSING THURSDAY YEAH WE CAN DO THAT

13 THE COURT NO WHAT I'M TRYING TO FIND OUT IS
14 HAVE YOU MADE A DECISION ABOUT STRIKING THIS JURY IN
15 ACCORDANCE WITH THE ORDER IN WHICH THEY HAVE BEEN
16 QUALIFIED?

17 MR ALKEBULANYAHH YES, SIR

18 THE COURT THAT'S HOW YOU WISH TO PROCEED?

19 MR ALKEBULANYAHH YES, SIR

20 THE COURT INSTEAD OF PUTTING IT IN THE BASKET
21 AND RANDOMLY DRAWING THEM?

22 MR ALKEBULANYAHH RIGHT

23 THE COURT OKAY IS THAT YOUR UNDERSTANDING?

24 MR KELLY YOUR HONOR, THAT'S OUR UNDERSTANDING

25 THE COURT ALL RIGHT

STATE VS ALKEBULANYAHH

1 MR KELLY THAT IS OUR UNDERSTANDING
2 MR THORNTON YES, SIR
3 THE COURT ALL RIGHT I'LL GIVE YOU THE RIGHT TO
4 REVISIT THAT ISSUE IF NECESSARY
5 MR ALKEBULANYAHH YOU GIVE ME THE RIGHT TO
6 REVISIT IT IF NECESSARY?
7 THE COURT YES
8 MR ALKEBULANYAHH OKAY
9 THE COURT BUT FOR RIGHT NOW EVERYONE AGREES THAT
10 THOSE THREE PANELS CAN BE MOVED TO THURSDAY?
11 MR ALKEBULANYAHH YES, SIR
12 MR MURDAUGH YES, SIR
13 THE COURT ALL RIGHT LET'S SEE
14 (PAUSE)
15 THE COURT HAVE YOU ALREADY GOT THE CARDS WRITTEN
16 UP?
17 CLERK NO, SIR, THEY'RE BLANK
18 THE COURT ALL RIGHT
19 CLERK I WAS GOING TO START WRITING THEM
20 THE COURT I WAS GOING TO SAY, I CAN START THE
21 NEXT PERSON WHILE YOU ---
22 CLERK IF YOU COULD, JUDGE
23 THE COURT WHILE YOU DO ALL THAT
24 ALL RIGHT GO AHEAD AND BRING IN DEREK HOLMES
25 DEREK HOLMES, HAVING BEEN

STATE VS ALKEBULANYAHH

1 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

2 DIRECT EXAMINATION BY THE COURT.

3 Q ARE YOU DEREK HOLMES, SIR?

4 A YES, SIR

5 Q ALL RIGHT THANK YOU FOR WAITING, SIR I WANT TO
6 REMIND YOU, YOU WERE PREVIOUSLY PLACED UNDER OATH YOU
7 REMAIN UNDER OATH OKAY?

8 A YES, SIR

9 Q ALL RIGHT NOW, WE'RE AT THAT PART OF THE CASE
10 WHERE WE'RE GOING TO ASK YOU SOME INDIVIDUAL QUESTIONS,
11 NOT TO INVADE YOUR PRIVACY, IT'S JUST NECESSARY IN THIS
12 TYPE OF CASE DO YOU UNDERSTAND?

13 A YES, SIR

14 Q NOW, THERE ARE NO RIGHT OR WRONG ANSWERS SO
15 PLEASE JUST ANSWER OPENLY, HONESTLY, AND FULLY SOME
16 QUESTIONS YOU MAY HAVE THOUGHT ABOUT, SOME YOU MAY NOT
17 HAVE THOUGHT ABOUT IF YOU DON'T KNOW THE ANSWER, SAY
18 YOU DON'T KNOW OR YOU DON'T HAVE ANY OPINION ON IT IF
19 THAT'S THE CASE, WE STILL NEED TO KNOW THAT OKAY?

20 A YES, SIR

21 Q NOW, AMONG OTHER THINGS, WE'LL BE DISCUSSING
22 PENALTY THE MERE FACT THAT WE TALK ABOUT A PENALTY
23 SHOULD NOT INDICATE -- OR DOES NOT INDICATE ANYTHING
24 WHATSOEVER ABOUT THE DEFENDANT HE IS PRESUMED TO BE
25 INNOCENT IN THE LAW DO YOU UNDERSTAND THAT?

1 A YES, SIR

2 Q EARLIER WHEN YOU WERE ALL TOGETHER IN ONE GROUP, I
3 EXPLAINED TO YOU ABOUT THE BIFURCATED PROCESS OF THESE
4 TYPES OF TRIALS, THE TWO-PART PROCESS DO YOU REMEMBER
5 THAT DISCUSSION?

6 A YES, SIR 1, 2, AND 3?

7 Q NO THE TWO-PART DISCUSSION OF THE TRIAL, WHERE
8 THE FIRST PART OF THE TRIAL IS TO DETERMINE WHETHER OR
9 NOT A PERSON IS GUILTY OF AN OFFENSE

10 A YES, SIR

11 Q IF IT GETS PAST THAT, IF THE JURY FINDS THAT THE
12 PERSON IS GUILTY, IT GOES TO THE NEXT PHASE

13 A RIGHT

14 Q IF THE JURY FINDS THAT THE PERSON IS NOT GUILTY,
15 IT STOPS IF IT GETS TO THE NEXT PHASE, THAT'S CALLED
16 THE SENTENCING PHASE DO YOU REMEMBER MY DISCUSSION
17 ABOUT THAT?

18 A YES, SIR

19 Q ALL RIGHT NOW, THE ONLY OTHER ADDITIONAL THING I
20 WANT TO TELL YOU IS A LOT OF PEOPLE BELIEVE THE DEATH
21 PENALTY APPLIES TO ALL MURDER CASES THIS IS NOT TRUE
22 IT APPLIES TO ONLY A LIMITED TYPE OF MURDER CASE, LIKE
23 AGGRAVATED MURDER IN THE SENSE OF IT'S MURDER PLUS --
24 IT'S LIKE ROBBERY PLUS -- ARMED ROBBERY PLUS MURDER, OR
25 KIDNAPPING PLUS MURDER, OR THE MURDER OF A PUBLIC

1 OFFICIAL LISTED IN THE STATUTE DO YOU UNDERSTAND
2 THAT?

3 A YES, SIR

4 Q THOSE ARE JUST EXAMPLES, IT'S NOT AN EXHAUSTIVE
5 LIST ALL RIGHT NOW, IF YOU WERE SELECTED AS A JUROR
6 IN A CRIMINAL CASE, COULD YOU LISTEN TO AND APPLY THE
7 LAW THAT I GIVE TO YOU?

8 A YES, SIR

9 Q EVEN THOUGH YOU MAY NOT AGREE WITH THE LAW OR YOU
10 THINK IT SHOULD BE SOMETHING ELSE?

11 A NO, SIR

12 Q YOU COULD NOT DO THAT?

13 A YES, SIR

14 Q OKAY YOU COULD DO IT?

15 A YEAH

16 Q EVEN IF YOU DISAGREED WITH WHAT I SAID, COULD YOU
17 STILL APPLY THE LAW THAT I'VE INDICATED IS THE LAW IN
18 THIS STATE?

19 A YES, SIR

20 Q OKAY NOW, COULD YOU DECIDE THIS CASE BASED ON
21 THE EVIDENCE PRESENTED HERE IN THIS COURT AND DISREGARD
22 ANYTHING YOU MAY HAVE HEARD, READ, OR SEEN ABOUT THIS
23 CASE?

24 A YES, SIR

25 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS

1 CASE?
2 A NO, SIR
3 Q HAVE YOU FORMED ANY OPINION ABOUT THIS CASE?
4 A NO, SIR
5 Q NOW, IN A CRIMINAL CASE, THE STATE HAS THE BURDEN
6 OF PROVING GUILT BEYOND A REASONABLE DOUBT THE
7 DEFENDANT DOES NOT HAVE TO PROVE INNOCENCE THE
8 DEFENDANT DOESN'T HAVE TO DO ANYTHING DO YOU
9 UNDERSTAND THAT?
10 A YES, SIR
11 Q NOW, COULD YOU DEPENDING ON THE FACTS AND THE
12 EVIDENCE AND THE LAW FIND A DEFENDANT EITHER GUILTY OR
13 NOT GUILTY?
14 A NO, SIR, I DON'T HAVE ENOUGH FACTS
15 Q WHAT I'M SAYING IS, COULD YOU CONSIDER BOTH
16 OPTIONS ---
17 A YES, SIR
18 Q --- GUILTY OR NOT GUILTY?
19 A YES, SIR
20 Q OKAY HAVE YOU LOOKED AT THAT JUROR TYPE SHEET,
21 THE TYPE 1, TYPE 2, TYPE 3?
22 A YES, SIR
23 Q DO YOU THINK YOU FALL INTO ONE OF THOSE
24 CATEGORIES?
25 A TYPE 1, SIR

1 Q TYPE 1 JUST TO REVIEW IT, THIS WOULD BE THE TYPE
2 OF JUROR IF THE CRIME OF MURDER HAS BEEN PROVEN AND THE
3 JUROR IS CONSIDERING PUNISHMENT FEELS THAT HE IS UNABLE
4 OR UNWILLING TO GIVE THE DEATH PENALTY IN ANY CASE, IT
5 IS NOT APPROPRIATE UNDER ANY CIRCUMSTANCES, THAT'S YOUR
6 POSITION?

7 A YES, SIR

8 Q ALL RIGHT NOW, IF CERTAIN AGGRAVATING
9 CIRCUMSTANCES WERE PRESENTED TO YOU ALONG WITH THE
10 CONSIDERATION OF ANY MITIGATING CIRCUMSTANCES, IT'S
11 YOUR POSITION THAT YOU WOULD NEVER IMPOSE THE DEATH
12 PENALTY?

13 A YES, SIR

14 THE COURT ALL RIGHT ANY QUESTIONS FROM THE
15 DEFENDANT?

16 MR ALKEBULANYAHH YES, SIR, YOUR HONOR

17 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

18 Q GOOD EVENING, MR HOLMES HOW ARE YOU DOING, SIR?

19 A GOOD EVENING

20 Q OKAY IF THERE WAS CIRCUMSTANCES TO WHERE A CRIME
21 WAS SO HEINOUS, SO BAD THAT IT WAS JUST SO HORRIBLE, IS
22 IT YOUR POSITION THAT YOU JUST CANNOT GIVE THE DEATH
23 PENALTY IF A CRIME WAS JUST SO HORRIBLE -- IS SO
24 HORRIBLE, THE PERSON JUST WITH VICIOUSNESS AND MALICE
25 AND EVIL -- YOU STILL COULDN'T GIVE THE DEATH PENALTY?

STATE VS ALKEBULANYAHH

1 A NO, SIR

2 Q COULD YOU CONSIDER GIVING THE DEATH PENALTY?

3 A NO, SIR

4 Q SO YOU COULD NOT SIGN YOUR NAME?

5 A ON THE DEATH VOTE, PERIOD

6 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS,

7 YOUR HONOR

8 MR STONE NO, SIR, NOT FROM THE STATE

9 THE COURT ALL RIGHT YOU MAY STEP OUTSIDE

10 MOMENTARILY, SIR

11 (THE JUROR EXITS THE COURTROOM)

12 THE COURT DOES EVERYONE -- DO YOU EACH AGREE

13 HE'S NOT QUALIFIED?

14 MR ALKEBULANYAHH YES, SIR

15 MR STONE YES, SIR HE'S NOT QUALIFIED

16 THE COURT ALL RIGHT BRING HIM BACK IN PLEASE

17 (THE JUROR ENTERS THE COURTROOM)

18 THE COURT MR HOLMES THE COURT WILL EXCUSE YOU

19 FROM THIS CASE THANK YOU FOR YOUR TIME SO FAR

20 APPRECIATE IT

21 (THE JUROR EXITS THE COURTROOM)

22 THE COURT NANCY KEENAN

23 (THE JUROR ENTERS THE COURTROOM)

24 NANCY KEENAN, HAVING BEEN

25 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY THE COURT.

2 Q ARE YOU NANCY KEENAN?

3 A YES, I AM

4 Q ALL RIGHT MS, KEENAN, I JUST REMIND YOU, YOU
5 WERE PREVIOUSLY UNDER OATH, AND YOU WILL REMAIN UNDER
6 OATH ALL RIGHT NOW, WE'RE AT THAT POINT WHERE WE
7 ARE GOING TO ASK YOU SOME INDIVIDUAL QUESTIONS, NOT TO
8 INVADE YOUR PRIVACY, JUST NECESSARY DUE TO THESE
9 PROCEEDINGS THERE ARE NO RIGHT OR WRONG ANSWERS SO
10 PLEASE JUST ANSWER OPENLY, HONESTLY, AND FULLY

11 SOME QUESTIONS YOU MAY HAVE THOUGHT ABOUT, JUST
12 LET US KNOW OTHERS YOU MAY NOT HAVE AN OPINION ONE
13 WAY OR THE OTHER, OR YOU MAY NOT HAVE EVER THOUGHT
14 ABOUT IT JUST TELL US THAT TOO DON'T WORRY ABOUT
15 TRYING TO PLEASE ME OR ANYONE IN THIS CASE OKAY?

16 A OKAY

17 Q NOW, WHEN YOU RESPOND TO ME, YOU'RE GOING TO HAVE
18 TO VERBALIZE YOUR RESPONSE SO THE COURT REPORTER CAN
19 TAKE IT DOWN YOU CANNOT NOD YOUR HEAD OR SAY UH-HUH
20 OR HUH-UH

21 A YES

22 Q OKAY NOW, AMONG OTHER THINGS, WE'LL BE TALKING
23 ABOUT A PENALTY THE FACT THAT WE TALK ABOUT A PENALTY
24 DOES NOT INDICATE ANYTHING ABOUT THE DEFENDANT HE IS
25 PRESUMED IN THE LAW TO BE INNOCENT DO YOU UNDERSTAND

STATE VS ALKEBULANYAHH

1 THAT?

2 A YES, I DO

3 Q NOW, WHEN WE HAD EVERYONE IN HERE I TALKED TO YOU
4 GENERALLY ABOUT THE PROCESS, ABOUT THE TWO-PART TRIAL
5 IF IT BECOMES NECESSARY TO HAVE THE SECOND PHASE, IN
6 THAT SECOND PHASE WE'D BE TALKING ABOUT SENTENCING DO
7 YOU REMEMBER THAT DISCUSSION I HAD WITH EVERYONE?

8 A YES, I DO

9 Q ALL RIGHT NOW, I JUST WANTED TO ADD A LITTLE BIT
10 TO THAT PROCESS, BECAUSE A LOT OF PEOPLE THINK THAT THE
11 DEATH PENALTY APPLIES TO ALL MURDER CASES IT DOES
12 NOT THE STATE CAN ONLY REQUEST THE DEATH PENALTY IN A
13 CERTAIN LIMITED TYPE OF MURDER CASE THAT MIGHT BE A
14 SITUATION WHERE IT'S A CASE WITH KIDNAPPING PLUS
15 MURDER OR A BURGLARY PLUS MURDER, OR SOME OTHER
16 AGGRAVATING CIRCUMSTANCES, SUCH AS A PUBLIC OFFICIAL
17 THAT'S LISTED IN THE STATUTE WAS KILLED -- AND THERE'S
18 OTHERS THOSE ARE JUST EXAMPLES TO GIVE YOU SOME
19 PERSPECTIVE ON THE PROCESS DO YOU UNDERSTAND THAT?

20 A YES, I DO

21 Q NOW, IF YOU WERE A JUROR IN A CRIMINAL CASE, COULD
22 YOU LISTEN TO AND APPLY THE LAW AS I INSTRUCT IT TO BE?

23 A YES

24 Q EVEN IF YOU DISAGREE WITH THE LAW OR YOU THINK IT
25 SHOULD BE SOME OTHER WAY?

1 A YES

2 Q ALL RIGHT COULD YOU DECIDE THIS CASE BASED ON

3 THE EVIDENCE PRESENTED HERE IN THIS COURT AND DISREGARD

4 ANYTHING YOU MAY HAVE HEARD, READ, OR SEEN ABOUT THIS

5 CASE?

6 A YES

7 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS

8 CASE?

9 A YES

10 Q WHAT WAS THAT?

11 A NEWSPAPER ARTICLES, STUFF THAT'S BEEN ON

12 TELEVISION, RADIO THERE'S BEEN, YOU KNOW QUITE A BIT

13 OF PUBLICITY, AND I READ AND SEEN

14 Q ALL RIGHT DO YOU REMEMBER ANYTHING IN

15 PARTICULAR?

16 A HOW SPECIFIC?

17 Q ANYTHING YOU REMEMBER?

18 A JUST WHAT WAS REPORTED IN THE MEDIA, IN THE

19 NEWSPAPER OR ON TELEVISION

20 Q ALL RIGHT AND BASED ON WHAT YOU'VE HEARD, READ,

21 OR SEEN, WOULD THAT AFFECT YOUR ABILITY TO GIVE

22 EVERYONE IN THE CASE A FAIR AND IMPARTIAL TRIAL?

23 A I WOULD HOPE NOT

24 Q I MEAN, I NEED TO KNOW, WOULD IT IMPACT ON YOUR

25 DECISION MAKING THAT YOU -- INSTEAD OF HEARING IT -- IN

STATE VS ALKEBULANYAHH

1 A TRIAL YOU GET TO HEAR EVERYTHING YOU GET TO SEE THE
2 CASE THAT'S PRESENTED TO YOU NOW, BASED ON THAT FACT,
3 ARE YOU GOING TO LET THE FACT THAT YOU'VE HEARD
4 SOMETHING OUTSIDE OF THIS COURTROOM, MAYBE IN THE
5 MEDIA, WHATEVER, AFFECT YOUR ABILITY TO GIVE EVERYONE
6 INVOLVED A FAIR AND IMPARTIAL TRIAL?

7 A NO

8 Q OKAY YOU UNDERSTAND MY QUESTION?

9 A UH-HUH

10 Q OFTENTIMES, THERE'S BITS AND PIECES IN THE MEDIA
11 I DON'T TAKE A POSITION ON ANYTHING IN THIS CASE,
12 BECAUSE I DON'T KNOW I'M NOT FROM THIS CIRCUIT, SO I
13 DON'T KNOW WHAT'S BEEN GOING ON AS FAR AS THE MEDIA IS
14 CONCERNED BUT I WANT TO MAKE SURE THAT NOTHING THAT
15 YOU HAVE READ OR HEARD WILL ENTER INTO YOUR
16 CONSIDERATION OF ANY ISSUES IN THIS CASE

17 A CORRECT

18 Q IS THAT CORRECT?

19 A YES, IT IS

20 Q OKAY AND HAVE YOU FORMED ANY OPINION ABOUT THIS
21 CASE?

22 A NO, NOT A DEFINITE OPINION, NO

23 Q HAVE YOU FORMED ANY OPINION ABOUT THIS CASE?

24 A PROBABLY A SHADED OPINION, BUT THAT WOULD BE BASED
25 ON WHAT I'VE HEARD BUT I REALIZE THAT WHAT YOU HEAR,

1 AS YOU'VE JUST DISCUSSED, ON THE MEDIA OR ON TELEVISION
2 IS NOT EXACTLY WHAT IS REALLY THE CASE

3 Q WELL, WOULD YOU BE ABLE TO SET ASIDE THAT OPINION
4 AND START FROM SCRATCH AND GIVE EVERYONE FAIR AND
5 IMPARTIAL TRIAL?

6 A YES

7 Q ARE YOU SURE?

8 A I GUESS, NO, I CAN'T SAY I'M SURE, NO
9 THE COURT ALL RIGHT ANYTHING FROM THE DEFENSE?
10 MR ALKEBULANYAHH NO, SIR, YOUR HONOR
11 THE COURT THE STATE?

12 CROSS EXAMINATION BY MR. MURDAUGH.

13 Q MS KEENAN, HOW ARE YOU DOING?

14 A FINE

15 Q I'M RANDOLPH MURDAUGH I'M THE PROSECUTOR DOWN
16 HERE AND ALONG WITH DUFFY STONE, WE WILL BE
17 PROSECUTING THIS CASE I NEED TO ASK YOU A FEW
18 QUESTIONS, JUST TO FIND OUT YOUR BELIEFS YOU HAVE
19 ANSWERED TO THE JUDGE THAT YOU CANNOT BE SURE THAT YOU
20 CAN SET ASIDE WHAT YOU'VE HEARD?

21 A CORRECT

22 Q AND FORM YOUR OPINION BASED ON WHAT YOU HEAR IN
23 THIS COURTROOM?

24 A YES

25 Q IF YOU WERE TO HEAR IN THIS COURTROOM SOMETHING

1 THAT INDICATED TO YOU THAT THERE WAS NO GUILT, WOULD
2 YOU FIND HIM NOT GUILTY BASED ON -- IN SPITE OF YOUR
3 OPINION?

4 MR ALKEBULANYAHH OBJECTION, YOUR HONOR
5 THE COURT I'LL ALLOW THAT QUESTION IT'S NOT
6 SPECIFIC HE'S JUST ASKING IN GENERAL, NOT THIS
7 DEFENDANT -- WELL, ACTUALLY, YOU ARE ASKING

8 MR MURDAUGH LET ME REPHRASE

9 THE COURT REPHRASE THAT QUESTION

10 Q FORGETTING THIS TRIAL IF YOU HAD, AS YOU SAID,
11 HAVE AN OPINION AND CAME TO A TRIAL AND HEARD
12 INFORMATION THAT WOULD INDICATE TO YOU THAT THE PERSON
13 BEING TRIED WAS NOT GUILTY, WOULD YOU FIND THEM NOT
14 GUILTY IN SPITE OF YOUR OPINION?

15 A YES, IF THERE WAS VALID -- THAT I FELT THAT THERE
16 WAS VALID, NEW EVIDENCE THAT I WASN'T AWARE OF, THAT
17 WOULD INDICATE THAT THAT WAS THE CASE, I WOULD HOPE SO,
18 YES

19 Q AND THE CONTRARY, IF YOU FELT THAT THEY WERE
20 GUILTY, WOULD YOU FIND THEM GUILTY BASED ON THE
21 EVIDENCE THAT YOU HEARD IN THIS COURTROOM ---

22 A YES

23 Q --- AND NOT WHAT YOU HEARD BEFORE?

24 A YES

25 Q SO IN SPITE OF WHAT YOU SAID, YOU WOULD BASE YOUR

1 OPINION ON WHAT YOU HEAR IN THE COURTROOM, NOT AHEAD OF
2 TIME?

3 A YES

4 MR MURDAUGH THANK YOU

5 THE COURT LET ME ASK A FEW MORE QUESTIONS

6 REDIRECT EXAMINATION BY THE COURT.

7 Q IN A CRIMINAL CASE, THE STATE HAS THE BURDEN OF
8 PROVING THE GUILT OF THE DEFENDANT BEYOND A REASONABLE
9 DOUBT THE DEFENDANT NEVER HAS TO PROVE ANYTHING THE
10 DEFENDANT HAS NO BURDEN TO PROVE INNOCENCE DO YOU
11 UNDERSTAND THAT?

12 A YES, I DO

13 Q ALL RIGHT NOW, DEPENDING ON THE FACTS AND
14 EVIDENCE, COULD YOU FIND THE DEFENDANT EITHER NOT
15 GUILTY OR GUILTY?

16 A YES

17 Q ALL RIGHT HAVE YOU LOOKED AT THAT JUROR TYPE
18 SHEET?

19 A YES, I HAVE

20 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
21 CATEGORIES?

22 A YES

23 Q WHICH CATEGORY WOULD THAT BE?

24 A NO 1

25 Q THAT WOULD BE NO 1 THIS IS THE TYPE OF JUROR

STATE VS ALKEBULANYAHH

1 WHO IF THE CRIME OF MURDER HAS BEEN PROVEN AND YOU'RE
2 CONSIDERING PUNISHMENT, YOU WOULD BE UNABLE AND
3 UNWILLING TO GIVE THE DEATH PENALTY IN ANY CASE?

4 A YES

5 Q ALL RIGHT NOW THAT I'VE ASKED THAT, THERE ARE NO
6 FACTS AND CIRCUMSTANCES FOR WHICH YOU WOULD THINK THAT
7 THE DEATH PENALTY WOULD BE APPROPRIATE?

8 A RIGHT YES NO I'M SORRY IF I'M GIVING THE
9 WRONG ANSWER

10 Q ARE THERE ANY FACTS AND CIRCUMSTANCES ---

11 A WHICH WOULD MAKE ME SAY THAT IT WOULD BE
12 APPROPRIATE? NO, THERE WOULD NOT BE

13 THE COURT ALL RIGHT ANYTHING FURTHER?

14 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

15 THE COURT ALL RIGHT YOU MAY STEP OUTSIDE
16 WE'LL BE WITH YOU MOMENTARILY, MA'AM THANK YOU

17 (THE JUROR EXITS THE COURTROOM)

18 THE COURT DO YOU EACH AGREE SHE NEEDS TO BE
19 EXCUSED?

20 THE COURT THE STATE DOES

21 MR ALKEBULANYAHH I'M SORRY, YOUR HONOR, I DID
22 NOT HEAR

23 THE COURT DO YOU AGREE SHE NEEDS TO BE EXCUSED?

24 MR ALKEBULANYAHH YES, SIR, I DO

25 THE COURT ALL RIGHT BRING HER BACK IN PLEASE

STATE VS ALKEBULANYAHH

1 (THE JUROR ENTERS THE COURTROOM)

2 THE COURT MA'AM, AT THIS POINT I'M GOING TO
3 EXCUSE YOU THANK YOU FOR PUTTING UP WITH OUR DELAYS
4 AND APPEARING THIS WEEK HAVE A GOOD DAY

5 (THE JUROR EXITS THE COURTROOM)

6 THE COURT MADAM CLERK, ARE YOU READY FOR THE
7 REST OF THEM?

8 (PAUSE)

9 THE COURT BRING EVERYONE IN EXCEPT FOR THE
10 PEOPLE REMAINING ON PANEL 5, WHICH WOULD BE -- DO YOU
11 WANT TO GO OVER THERE AND COORDINATE THE LAST FEW,
12 LEAVING THEM OVER THERE?

13 (PAUSE)

14 (JURY PANELS 6, 7, AND 8 ENTER THE COURTROOM)

15 CLERK THERE'S ONE JUROR THAT'S IN THE MEN'S
16 ROOM, HE'LL BE HERE IN A SECOND

17 (PAUSE)

18 THE COURT ALL RIGHT LADIES AND GENTLEMEN, I
19 APOLOGIZE FOR THE DELAYS IN THE CASE AGAIN, THAT'S NO
20 FAULT OF ANYONE IT'S JUST THAT YOU CAN'T ALWAYS
21 PREDICT THESE THINGS, AS I INDICATED

22 WHAT I'VE DECIDED TO DO -- WE WERE HERE LAST NIGHT
23 UNTIL, WHAT, ABOUT 7 00, 7 30, OR SOMETHING LIKE THAT
24 I CAN'T REMEMBER BUT I'M GOING TO FINISH UP WITH THIS
25 PANEL AND RATHER THAN KEEPING YOU HERE AND TRYING TO

STATE VS ALKEBULANYAHH

1 RUN REAL LATE, I PREFER TO BRING YOU BACK ON THURSDAY
2 AND I DO APPRECIATE -- THIS IS AN IMPORTANT CASE, AND I
3 APPRECIATE ALL OF YOU ALL BEARING WITH US AS WE GET
4 THROUGH THIS PROCESS OF ACTUALLY GETTING A PANEL
5 QUALIFIED AND A JURY SELECTED

6 SO RATHER THAN IMPOSE ON YOUR TIME ANY FURTHER, I
7 THINK WE'VE HANDED OUT NEW TIMES FOR YOU TO REPORT
8 BACK DOES EVERYONE HAVE THOSE TIMES?

9 NOW, I NEED TO MAKE SURE -- YOU'VE PULLED ASIDE,
10 MADAM CLERK, THE REMAINDER OF THE ONES WE'LL FINISH
11 TONIGHT?

12 CLERK YES, YOUR HONOR

13 THE COURT OKAY THEY'RE STILL OVER THERE?

14 CLERK YES, YOUR HONOR

15 THE COURT ALL RIGHT THANK YOU VERY MUCH
16 LADIES AND GENTLEMEN, I NEED TO GIVE YOU A FEW
17 INSTRUCTIONS YOU MUST NOT DISCUSS THIS CASE WITH
18 ANYONE

19 SECONDLY, YOU MUST NOT EXPOSE YOURSELF TO ANY
20 MEDIA COVERAGE SO THAT MEANS AVOID THE NEWSPAPER IF
21 YOU HEAR SOMETHING ON THE NEWS, TURN IT OFF PLEASE

22 IT'S VERY IMPORTANT THAT YOU NOT BE EXPOSED TO ANY
23 KIND OF OUTSIDE INFLUENCE IF YOU END UP ON THE JURY,
24 YOU HAVE FRONT-ROW SEATS YOU GET TO HEAR THE CASE AS
25 IT'S PRESENTED TO YOU, YOU GET A MORE IN-DEPTH

STATE VS ALKEBULANYAHH

1 PRESENTATION OF THE CASE IT'S VERY IMPORTANT YOU NOT
2 EXPOSE YOURSELF TO ANY TYPE OF COVERAGE SO PLEASE
3 KEEP THAT IN MIND JUST TURN IT OFF OR AVOID IT
4 IF YOU SEE A HEADLINE IN THE PAPER, DON'T READ THE
5 STORY, JUST PUT IT ASIDE IF YOU GET EXPOSED TO
6 ANYTHING, IT WOULD BE INCUMBENT UPON YOU TO REPORT THAT
7 MATTER TO ME

8 IT IS VERY IMPORTANT -- I KNOW YOU ALL CAN SEE
9 THAT THE SYSTEM HINGES ON EVERYONE HAVING A FREE AND
10 OPEN MIND ABOUT ANY CASE THAT'S PRESENTED IN THE
11 COURTROOM

12 THANK YOU VERY MUCH FOR BEARING WITH US TODAY
13 WE'LL SEE YOU ALL BACK ON THURSDAY HAVE A GOOD DAY

14 (JURY PANELS 6, 7, AND 8 EXIT THE COURTROOM)

15 THE COURT MS SMITH, JOY SMITH

16 (THE JUROR ENTERS THE COURTROOM)

17 JOY SMITH, HAVING BEEN
18 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

19 DIRECT EXAMINATION BY THE COURT.

20 Q ARE YOU JOY SMITH?

21 A I AM

22 Q ALL RIGHT MS SMITH, THANKS FOR BEARING WITH US
23 ON THE DELAYS TODAY I'M GOING TO REMIND YOU, YOU ARE
24 -- YOU CONTINUE TO BE UNDER OATH OKAY?

25 A OKAY

STATE VS ALKEBULANYAHH

1 Q NOW, WE'RE AT THE POINT WHERE WE'RE JUST GOING TO
2 ASK YOU SOME INDIVIDUAL QUESTIONS, NOT TO INVADE YOUR
3 PRIVACY OR ANYTHING IT'S JUST THAT WE NEED TO
4 UNDERSTAND YOUR VIEWS ABOUT CERTAIN MATTERS THERE ARE
5 NO RIGHT OR WRONG ANSWERS DON'T WORRY ABOUT WHETHER
6 YOU'RE TRYING TO PLEASE ME OR ANYONE INVOLVED IN THIS
7 CASE WE JUST NEED TO KNOW WHAT YOU'RE THINKING
8 SOME THINGS YOU MAY NOT HAVE ANY OPINION ABOUT OR
9 YOU MAY HAVE NEVER THOUGHT ABOUT IT IF THAT'S THE
10 CASE, JUST TELL US THAT ALL RIGHT?

11 A (NODS HEAD)

12 Q NOW, WHEN YOU RESPOND TO ME, YOU CANNOT RESPOND BY
13 NODDING YOUR HEAD ---

14 A RIGHT

15 Q --- BECAUSE THE COURT REPORTER HAS TO HEAR YOUR
16 RESPONSES AND TAKE EVERYTHING DOWN

17 NOW, AMONG OTHER THINGS, WE WILL BE TALKING ABOUT
18 A PENALTY THE FACT THAT WE EVEN TALK ABOUT A PENALTY
19 DOES NOT MEAN ANYTHING OR INDICATE ANYTHING ABOUT THIS
20 DEFENDANT THE DEFENDANT IS PRESUMED TO BE INNOCENT
21 DO YOU UNDERSTAND THAT?

22 A YES

23 Q NOW, THE OTHER DAY WHEN EVERYONE WAS -- YESTERDAY
24 WHEN EVERYONE WAS TOGETHER, I GAVE YOU A GENERAL
25 DISCUSSION ABOUT HOW THESE CASES ARE HANDLED IN TWO

1 PARTS, IF NECESSARY, WE GO THROUGH THE FIRST PART OF
2 THE TRIAL

3 A RIGHT

4 Q AND THEN IF THE JURY MAKES A DETERMINATION OF
5 GUILT, IT GOES INTO THE SECOND PART IF THERE'S A
6 DETERMINATION OF NOT GUILTY, THEN IT DOESN'T GET TO THE
7 SECOND PART DO YOU REMEMBER THAT DISCUSSION?

8 A RIGHT

9 Q ALL RIGHT ONE OTHER THING I WANT TO SHARE WITH
10 YOU IS THAT A LOT OF PEOPLE THINK THAT THE DEATH
11 PENALTY APPLIES TO ALL MURDER CASES IT DOES NOT, IT'S
12 NOT AVAILABLE THE STATE HAS THE RIGHT TO REQUEST THE
13 DEATH PENALTY IN A LIMITED-KIND OF MURDER CASE THAT
14 MIGHT BE LIKE WHERE IT'S KIDNAPPING PLUS MURDER, OR
15 BURGLARY PLUS MURDER, OR IT MIGHT INVOLVE A SITUATION
16 WHERE A PUBLIC OFFICIAL IS KILLED, AND THEY'RE ONE OF
17 THE TYPES OF OFFICIALS LISTED IN THE STATUTE DO YOU
18 UNDERSTAND THAT?

19 A YES

20 Q THOSE ARE JUST SOME EXAMPLES THERE ARE MORE
21 I'M JUST GIVING YOU A LITTLE BIT OF OVERVIEW DO YOU
22 UNDERSTAND THAT?

23 A YES

24 Q NOW, IF YOU WERE A JUROR IN A CRIMINAL CASE, COULD
25 YOU LISTEN TO AND APPLY THE LAW AS I INSTRUCT IT TO

STATE VS ALKEBULANYAHH

1 YOU?

2 A YES

3 Q COULD YOU DO THAT EVEN IF YOU DID NOT AGREE WITH
4 THE LAW OR THINK THAT IT SHOULD BE SOME OTHER WAY?

5 A YES

6 Q COULD YOU DECIDE THIS CASE BASED ON THE EVIDENCE
7 PRESENTED HERE IN THIS COURT AND DISREGARD ANYTHING YOU
8 MAY HAVE HEARD, READ, OR SEEN ABOUT THIS CASE?

9 A YES

10 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
11 CASE?

12 A WHEN IT FIRST HAPPENED

13 Q SOME TIME AGO?

14 A RIGHT

15 Q ALL RIGHT NOW DO YOU REMEMBER ANYTHING ABOUT
16 THAT?

17 A THAT TWO POLICE OFFICERS WERE SHOT

18 Q ANYTHING ELSE?

19 A HUH-UH NOT REALLY

20 Q WOULD ANYTHING YOU HAVE READ OR HEARD IN ANY WAY
21 AFFECT YOUR ABILITY TO GIVE EVERYONE IN THE CASE A FAIR
22 AND IMPARTIAL TRIAL?

23 A NO

24 Q ALL RIGHT HAVE YOU FORMED ANY OPINIONS ABOUT
25 THIS CASE?

- 1 A NO
- 2 Q ALL RIGHT NOW IN A CRIMINAL CASE, THE STATE HAS
- 3 THE BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT
- 4 THE DEFENDANT DOES NOT HAVE TO PROVE INNOCENCE OR DO
- 5 ANYTHING DO YOU UNDERSTAND THAT?
- 6 A YES
- 7 Q ALL RIGHT COULD YOU IN A PARTICULAR CASE
- 8 DEPENDING ON THE FACTS AND EVIDENCE FIND A DEFENDANT
- 9 EITHER NOT GUILTY OR GUILTY?
- 10 A YES
- 11 Q ALL RIGHT HAVE YOU LOOKED AT THAT JUROR TYPE
- 12 SHEET THAT WE HANDED OUT?
- 13 A YES
- 14 Q DO YOU THINK YOU FALL INTO ONE OF THOSE
- 15 CATEGORIES?
- 16 A THREE
- 17 Q PART 3, TYPE 3 LET ME JUST REVIEW THAT SO I CAN
- 18 MAKE SURE WE'RE TALKING ABOUT THE SAME ONE THIS IS
- 19 THE TYPE OF JUROR WHO IF MURDER HAS BEEN PROVEN BY THE
- 20 STATE AND THE JUROR IS CONSIDERING PUNISHMENT, YOU
- 21 WOULD NOT HAVE MADE UP YOUR MIND IN ADVANCE YOU WOULD
- 22 NEED TO HEAR THE FACTS AND CIRCUMSTANCES BOTH IN
- 23 AGGRAVATION AND IN MITIGATION, AND YOU WOULD LISTEN TO
- 24 THE LAW BEFORE MAKING THE DECISION ON PUNISHMENT IS
- 25 THAT CORRECT?

1 A YES

2 Q NOW, IF A CASE MADE IT TO THE SENTENCING PHASE,
3 PART TWO OF THE TRIAL ---

4 A YES

5 Q --- IN THAT SITUATION IF YOU WERE A JUROR IN THAT
6 SITUATION, COULD YOU DEPENDING UPON THE FACTS AND
7 CIRCUMSTANCES CONSIDERING ANY AGGRAVATING AND
8 MITIGATING CIRCUMSTANCES RETURN A SENTENCE OF LIFE
9 IMPRISONMENT WITHOUT PAROLE?

10 A YES

11 Q ALL RIGHT IN THE SAME EXACT SITUATION, COULD YOU
12 DEPENDING UPON THE PARTICULAR FACTS -- WHAT I MEAN BY
13 THAT IN THE SAME SITUATION, THAT MEANS BEING IN THE
14 SENTENCING PHASE -- COULD YOU DEPENDING UPON THE
15 PARTICULAR FACTS AND CIRCUMSTANCES CONSIDERING ANY
16 AGGRAVATING AND MITIGATING CIRCUMSTANCES AND THE LAW
17 THAT I GIVE TO YOU RETURN A SENTENCE OF DEATH?

18 A YES

19 Q ALL RIGHT NOW, IN THAT LATTER SITUATION IF THE
20 JURY WERE TO UNANIMOUSLY DECIDE THAT THE DEATH SENTENCE
21 WOULD BE APPROPRIATE, WOULD YOU BE ABLE TO SIGN THE
22 VERDICT FORM?

23 A YES

24 THE COURT ALL RIGHT NOW THEY ARE GOING TO ASK
25 YOU SOME QUESTIONS AT THIS TIME GO AHEAD PLEASE

1 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

2 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

3 Q GOOD EVENING, MS SMITH

4 A GOOD EVENING

5 Q I'M THE DEFENDANT, MR ALKEBULANYAHH AND I WILL
6 BE REPRESENTING MYSELF IN THIS CASE AND I JUST WANT
7 TO POSE A FEW QUESTIONS TO YOU

8 A OKAY

9 Q ARE YOU A FORMER LAW ENFORCEMENT EMPLOYEE?

10 A NO

11 Q ARE ANY MEMBERS OF YOUR IMMEDIATE FAMILY EMPLOYED
12 BY LAW ENFORCEMENT AGENCIES?

13 A NO

14 Q DO YOU HAVE ANY PARTICULAR OPINION OR FEELINGS
15 ABOUT THE CRIME OF MURDER WHICH YOU -- WHICH WOULD MAKE
16 IT DIFFICULT FOR YOU TO SERVE ON A JURY WHERE THE
17 DEFENDANT IS CHARGED WITH THESE CRIMES?

18 A NO

19 Q DO YOU FEEL IN ANY CASE -- NOT THIS PARTICULAR
20 CASE, BUT ANY CASE -- TYPE OF CASE, THAT A DEFENDANT
21 WOULD HAVE TO PROVE HIS INNOCENCE?

22 MR MURDAUGH YOUR HONOR, PLEASE THAT'S ---

23 THE COURT I'VE ALREADY GONE OVER THAT, MR
24 ALKEBULANYAHH

25 Q IF YOU MADE A DECISION, ARE YOU CAPABLE OF

STATE VS ALKEBULANYAHH

1 STICKING TO THAT DECISION?

2 A YES, I AM

3 Q WHEN YOU FIRST HEARD ABOUT THE ARREST OF A SUSPECT
4 IN THIS PARTICULAR CASE, WAS IT IN YOUR OPINION THAT
5 THE SUSPECT WAS GUILTY UPON ARREST?

6 A NO

7 Q ARE THERE ANY PERSONS THAT YOU KNOW OR KNOW
8 PERSONALLY THAT KNOWS THE VICTIM OR THE VICTIM'S FAMILY
9 IN THIS PARTICULAR CASE?

10 A NO

11 Q IS THE DEATH PENALTY USED OFTEN ENOUGH, TOO OFTEN,
12 OR ABOUT RIGHT IN YOUR OPINION?

13 A I DON'T REALLY HAVE -- I DON'T KNOW ENOUGH TO BASE
14 A DECISION ON THAT -- YOU KNOW, MAKE MY DECISION ON
15 THAT

16 Q HAVE YOU DISCUSSED YOUR OPINION ON THE DEATH
17 PENALTY WITH FRIENDS OR FAMILY OR OTHERS?

18 A NO

19 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN
20 THEIR REPORTING?

21 A SOME TIMES

22 Q ARE NEWS MEDIA REPORTS SOME TIMES DESIGNED TO BE
23 SENSATIONAL?

24 A SOME TIMES

25 Q HAVE YOU TALKED TO ANY OTHER PEOPLE ABOUT THIS

- 1 CASE?
- 2 A NO
- 3 Q WILL YOU BE FAIR AND IMPARTIAL AFTER SEEING AND
- 4 HEARING ABOUT THE IMPACT OF THIS INCIDENT HAD ON THE
- 5 FAMILIES OF THE OFFICERS INVOLVED IN THIS CASE?
- 6 A YES I MAY GET EMOTIONAL HEARING THE DETAILS,
- 7 BUT, YES
- 8 Q WOULD THE PARTICULAR EMOTIONS AFFECT YOU TO WHERE
- 9 YOU WOULD -- YOU WOULD NOT BE ABLE TO SEE CLEARLY THE
- 10 FACTS AND EVIDENCE OF THE CASE?
- 11 A NO
- 12 Q DO YOU HAVE ANY RACE PREJUDICE?
- 13 A NO
- 14 Q DO YOU HAVE ANY BIAS OR PREJUDICE TOWARD ISLAMIC
- 15 OR MUSLIMIC PEOPLE?
- 16 A NO
- 17 Q WHAT WAS YOUR REACTION WHEN YOU FIRST HEARD THAT A
- 18 POLICE OFFICER WAS KILLED AND HOW DID YOU FEEL?
- 19 A I WAS SHOCKED I MEAN, IT'S NOT JUST BECAUSE IT
- 20 WAS A POLICE OFFICER -- THAT SOMEONE HAD BEEN KILLED
- 21 Q DOES RACE PREJUDICE EXIST? DOES RACE PREJUDICE
- 22 EXIST?
- 23 A EXIST ANYWHERE?
- 24 Q YEAH, ANYWHERE
- 25 A YES

1 Q BUT YOU YOURSELF DOESN'T HARBOR ANY PREJUDICE?

2 A NO, I DO NOT

3 MR ALKEBULANYAHH I HAVE NO FURTHER QUESTIONS

4 YOUR HONOR THANK YOU

5 THE COURT THE STATE

6 CROSS EXAMINATION BY MR. MURDAUGH.

7 Q MS SMITH, HOW ARE YOU DOING?

8 A DOING FINE MY HEART IS ABOUT TO JUMP OUT OF MY
9 SKIN, BUT I'M FINE

10 Q YOU'LL BE OFF OF THERE IN 2 MINUTES I'M RANDOLPH
11 MURDAUGH ALONG WITH DUFFY STONE, WHO'S SEATED RIGHT
12 HERE, WE WILL BE REPRESENTING THE STATE I NEED TO ASK
13 YOU TWO OR THREE QUESTIONS YOU'RE FROM BEAUFORT
14 ORIGINALLY, I SEE?

15 A YES

16 Q MAY I ASK YOUR MAIDEN NAME?

17 A KELENHOFFER (PHONETIC)

18 Q I'M SORRY?

19 A KELENHOFFER

20 Q HOFFER OKAY YOU HAD SAID IN RESPONSE TO
21 SOMEBODY'S QUESTION THAT IF THE CASE WERE BAD ENOUGH,
22 YOU COULD VOTE FOR A VERDICT OF THE DEATH PENALTY, IS
23 THAT CORRECT?

24 A YES

25 MR MURDAUGH THANK YOU, MA'AM I HAVE NO

STATE VS ALKEBULANYAHH

1 FURTHER QUESTIONS

2 THE COURT MS SMITH, IF YOU WILL PLEASE STEP OUT
3 INTO THE HALLWAY WE'LL BE RIGHT WITH YOU

4 (THE JUROR EXITS THE COURTROOM)

5 THE COURT ANY OBJECTION TO HER BEING QUALIFIED?

6 MR ALKEBULANYAHH NO, SIR, YOUR HONOR, I HAVE NO
7 OBJECTIONS

8 MR MURDAUGH I AGREE, SHE SHOULD BE, SIR

9 THE COURT ALL RIGHT BRING HER BACK IN PLEASE
10 THE COURT FINDS HER TO BE QUALIFIED

11 (THE JUROR ENTERS THE COURTROOM)

12 THE COURT MS SMITH, THE COURT FINDS YOU TO BE
13 QUALIFIED TO SIT AS A JUROR THAT DOES NOT MEAN YOU
14 WILL BE SELECTED YOU'LL GO INTO A POOL, AND THEN WHEN
15 WE CALL YOU BACK TOGETHER WE'LL ACTUALLY SELECT THE
16 JURY FOR THE CASE

17 I HAVE A COUPLE OF INSTRUCTIONS TO YOU IN THE
18 INTERIM, BECAUSE RATHER THAN KEEP YOU HERE EVERY DAY,
19 I'M GOING TO LET YOU GO YOU MUST NOT DISCUSS THIS
20 CASE WITH ANYONE

21 YOU MUST NOT EXPOSE YOURSELF TO ANY MEDIA
22 COVERAGE IF YOU START TO HEAR SOMETHING ON T V , TURN
23 IT OFF IF YOU SEE A HEADLINE IN THE PAPER, DON'T READ
24 THE STORY, THE SAME WITH THE RADIO DO YOU UNDERSTAND
25 THAT?

1 JUROR YES

2 THE COURT IF SOMEONE SHOULD ATTEMPT TO CONTACT
3 YOU ABOUT THIS OR YOU SHOULD HEAR ANYTHING, YOU NEED TO
4 REPORT THAT TO ME DO YOU UNDERSTAND?

5 JUROR YES

6 THE COURT DO WE HAVE YOUR DAY AND EVENING
7 NUMBER?

8 JUROR YES

9 THE COURT ALL RIGHT ONCE YOU ARE CALLED,
10 YOU'LL BE OBLIGATED TO REPORT BACK ON THAT DATE OKAY?

11 JUROR THAT'S FINE

12 THE COURT THANK YOU VERY MUCH AND THANKS FOR
13 PUTTING UP WITH OUR DELAY THANK YOU

14 (THE JUROR EXITS THE COURTROOM)

15 THE COURT MS HOLLINGSWORTH

16 (THE JUROR ENTERS THE COURTROOM)

17 VERONICA HOLLINGSWORTH,
18 HAVING BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS
19 FOLLOWS

20 DIRECT EXAMINATION BY THE COURT.

21 Q ARE YOU VERONICA HOLLINGSWORTH?

22 A YES SIR

23 Q MS HOLLINGSWORTH I JUST REMIND YOU, YOU'LL
24 REMAIN UNDER OATH OKAY?

25 A YES, SIR

1 Q NOW, WE'RE JUST GOING TO ASK YOU SOME QUESTIONS
2 BECAUSE OF THESE TYPES OF PROCEEDINGS, WE NEED TO DO
3 THAT THERE ARE NO RIGHT OR WRONG ANSWERS WE'RE JUST
4 TRYING TO UNDERSTAND YOUR VIEWS ABOUT CERTAIN THINGS,
5 TO ASCERTAIN CERTAIN INFORMATION IF YOU DON'T KNOW OR
6 YOU NEVER THOUGHT OF IT, YOU DON'T HAVE AN OPINION,
7 JUST LET US KNOW DON'T WORRY ABOUT WHETHER YOU HAVE
8 TO ANSWER TO PLEASE ME OR THEM WE'RE JUST TRYING TO
9 REALLY KNOW WHERE YOU'RE COMING FROM ON CERTAIN OF
10 THESE QUESTIONS OKAY?

11 A OKAY

12 Q AGAIN, THERE'S NO RIGHT OR WRONG ANSWER AMONG
13 OTHER THINGS THOUGH, WE WILL BE TALKING ABOUT PENALTY
14 THE FACT THAT WE TALK ABOUT PENALTY DOES NOT INDICATE
15 ANYTHING ABOUT THIS DEFENDANT HE'S PRESUMED TO BE
16 INNOCENT DO YOU UNDERSTAND THAT?

17 A YES, SIR

18 Q NOW, WHEN WE WERE DOING THE QUALIFICATION, I
19 TALKED TO YOU GENERALLY, THE WHOLE PANEL, ABOUT HOW
20 THESE CASES ARE HANDLED IN A BIFURCATED WAY, THAT THE
21 FIRST PART OF THE CASE IS TO DETERMINE THE GUILT OR
22 INNOCENCE OF THE DEFENDANT IF THE JURY FOUND THE
23 DEFENDANT NOT GUILTY, THE CASE DOESN'T GO FURTHER

24 A RIGHT

25 Q IF THE JURY FOUND THE DEFENDANT GUILTY, THEN YOU

1 GO TO A SECOND PHASE, AND THAT'S THE SENTENCING PHASE
2 DO YOU REMEMBER THAT CONVERSATION?

3 A YES, SIR

4 Q OKAY NOW, THERE'S ONE THING I WANT TO ADD TO
5 THAT, A LOT OF PEOPLE THINK THAT THE DEATH PENALTY
6 APPLIES TO ALL MURDER CASES BUT IT DOES NOT THE
7 STATE HAS THE RIGHT TO REQUEST THE DEATH PENALTY IN
8 LIMITED KINDS OF MURDER CASE -- AGGRAVATED MURDER CASE,
9 FOR EXAMPLE, WHERE -- IT IS KIDNAPPING PLUS MURDER, OR
10 BURGLARY PLUS MURDER THERE'S NUMEROUS EXAMPLES BUT
11 I JUST WANT TO GIVE YOU A FEW ---

12 A YES

13 Q --- TO EXPLAIN WHEN THE DEATH PENALTY CAN BE
14 REQUESTED NOW -- DO YOU UNDERSTAND THAT?

15 A YES, SIR

16 Q ALL RIGHT NOW IF YOU WERE SELECTED AS A JUROR
17 IN A CRIMINAL CASE, COULD YOU LISTEN AND APPLY THE LAW
18 THAT I GIVE TO YOU?

19 A YES, SIR

20 Q ALL RIGHT NOW, COULD YOU DO THAT EVEN IF YOU DID
21 NOT AGREE WITH THE LAW OR THINK IT SHOULD BE SOME OTHER
22 WAY?

23 A YES, SIR

24 Q ALL RIGHT NOW, COULD YOU DECIDE THIS CASE BASED
25 ON THE EVIDENCE PRESENTED HERE IN THIS COURT AND

STATE VS ALKEBULANYAHH

- 1 DISREGARD ANYTHING YOU MAY HAVE HEARD, READ, OR SEEN
2 ABOUT THIS CASE?
- 3 A YES, SIR
- 4 Q ALL RIGHT HAVE YOU HEARD, READ, OR SEEN ANYTHING
5 ABOUT THIS CASE?
- 6 A YES, SIR
- 7 Q AND CAN YOU GIVE US A LITTLE BACKGROUND?
- 8 A WELL, I'VE SEEN IT ON THE HEADLINES OF THE NEWS
- 9 Q YES, MA'AM
- 10 A AND ON THE NEWSPAPERS THAT -- YOU KNOW, WHEN I GOT
11 MY PAPERWORK SAYING I WAS GOING TO BE HERE -- YOU KNOW,
12 I READ ALL OF IT
- 13 Q OKAY AND DO YOU REMEMBER GENERALLY A LITTLE BIT
14 ABOUT WHAT YOU READ OR HEARD?
- 15 A NO NOT REALLY
- 16 Q ALL RIGHT NOW, WOULD ANYTHING THAT YOU HAVE
17 READ, HEARD, OR SEEN IN ANY WAY AFFECT YOUR ABILITY TO
18 GIVE EVERYONE A FAIR AND IMPARTIAL TRIAL?
- 19 A NO
- 20 Q ALL RIGHT HAVE YOU FORMED ANY OPINION ABOUT THIS
21 CASE?
- 22 A NO
- 23 Q ALL RIGHT NOW, IN A CRIMINAL CASE THE STATE HAS
24 THE BURDEN OF PROVING THE GUILT OF A DEFENDANT BEYOND A
25 REASONABLE DOUBT A DEFENDANT DOES NOT HAVE ANY BURDEN

STATE VS ALKEBULANYAHH

1 TO PROVE TO INNOCENCE THE DEFENDANT DOESN'T HAVE TO
2 DO ANYTHING DO YOU UNDERSTAND THAT?

3 A YES, SIR

4 Q ALL RIGHT COULD YOU CONSIDER IN AN APPROPRIATE
5 CASE, CONSIDERING THE EVIDENCE AND THE LAW, A VERDICT
6 OF EITHER NOT GUILTY OR GUILTY?

7 A I DON'T UNDERSTAND

8 Q COULD YOU CONSIDER BOTH OF THOSE OPTIONS ---

9 A YES

10 Q --- NOT GUILTY OR GUILTY?

11 A YES, SIR

12 Q OKAY HAVE YOU LOOKED AT THE JUROR TYPE SHEET?
13 THE JUROR TYPE SHEET YESTERDAY?

14 A YES, SIR

15 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
16 CATEGORIES?

17 A YES, SIR

18 Q WHICH ONE?

19 A THE THIRD

20 Q ALL RIGHT THE THIRD CATEGORY -- JUST SO I CAN
21 MAKE SURE WE'RE TALKING ABOUT THE SAME THING -- IS THAT
22 IF THE CRIME OF MURDER HAS BEEN PROVEN BY THE STATE AND
23 THE JURY IS CONSIDERING PUNISHMENT, YOU WOULD NOT HAVE
24 MADE UP YOUR MIND IN ADVANCE CONSIDERING PUNISHMENT
25 INSTEAD, YOU WOULD NEED TO HEAR THE FACTS AND

1 CIRCUMSTANCES BOTH IN AGGRAVATION AND IN MITIGATION AND
2 YOU WOULD LISTEN TO THE LAW AS EXPLAINED BY THE JUDGE
3 BEFORE MAKING A DECISION IS THAT YOUR POSITION?

4 A YES YES, SIR

5 Q ALL RIGHT NOW, LET'S GO BACK TO THAT SECOND
6 PHASE THAT I WAS TALKING ABOUT IF THE CASE GETS TO
7 THE SECOND PHASE, A SENTENCING PHASE ---

8 A UH-HUH

9 Q --- IF YOU WERE A JUROR IN THAT SITUATION IN THE
10 SENTENCING PHASE, COULD YOU DEPENDING UPON THE FACTS
11 AND CIRCUMSTANCES AND CONSIDERING ANY AGGRAVATING AND
12 MITIGATING CIRCUMSTANCES AND THE LAW I GIVE TO YOU
13 RETURN A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE?

14 A YES, SIR, I COULD

15 Q ALL RIGHT IF YOU WERE A JUROR IN THAT SITUATION
16 THE SENTENCING PHASE, COULD YOU DEPENDING UPON THE
17 FACTS AND CIRCUMSTANCES CONSIDERING ANY AGGRAVATING AND
18 MITIGATING CIRCUMSTANCES AND THE LAW I GIVE TO YOU
19 RETURN A SENTENCE OF DEATH?

20 A YES, SIR

21 Q ALL RIGHT NOW, IN THAT LATTER SITUATION IF THE
22 JURY WERE TO UNANIMOUSLY DECIDE THAT A DEATH SENTENCE
23 IS APPROPRIATE, WOULD YOU BE ABLE TO SIGN THE VERDICT
24 FORM?

25 A YES, SIR

STATE VS ALKEBULANYAHH

1 THE COURT OKAY NOW THEY ARE GOING TO ASK YOU
2 SOME QUESTIONS

3 JUROR OKAY

4 THE COURT TURN YOUR ATTENTION TO THEM SIR

5 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

6 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

7 Q GOOD EVENING, MS HOLLINGSWORTH

8 A HELLO

9 Q I'M THE DEFENDANT IN THIS CASE, AND I'M MR
10 ALKEBULANYAHH AND I'M GOING TO ASK YOU A FEW
11 QUESTIONS, TO GET YOUR OPINION ABOUT SOME THINGS ARE
12 YOU A FORMER LAW ENFORCEMENT EMPLOYEE?

13 A NO SIR

14 Q ARE ANY MEMBERS OF YOUR FAMILY OR IMMEDIATE FAMILY
15 EMPLOYED BY LAW ENFORCEMENT AGENCY?

16 A NO, SIR

17 Q HAVE YOU OR ANY OF YOUR RELATIVES OR CLOSE FRIENDS
18 BEEN A VICTIM OF A CRIME IN THE LAST 5 YEARS?

19 A NO, SIR

20 Q ARE YOU AWARE OF ANY REASON WHATSOEVER WHY YOU
21 COULD NOT BE FAIR AND IMPARTIAL TO THE DEFENDANT OR THE
22 STATE?

23 A NO, NONE

24 Q WILL YOU BE ABLE TO BE FAIR AND IMPARTIAL AFTER
25 SEEING AND HEARING ABOUT THE IMPACT THAT THIS INCIDENT

STATE VS ALKEBULANYAHH

1 HAD ON THE FAMILIES OF THE OFFICERS INVOLVED IN THIS
2 CASE?

3 A COULD YOU REPEAT THAT?

4 Q YES WILL YOU BE ABLE TO BE FAIR AND IMPARTIAL
5 AFTER SEEING AND HEARING ABOUT THE IMPACT THAT THIS
6 INCIDENT HAD ON THE FAMILIES OF THE OFFICERS INVOLVED
7 IN THIS CASE?

8 A YES, SIR

9 MR ALKEBULANYAHH THANK YOU, MA'AM I HAVE NO
10 FURTHER QUESTIONS, YOUR HONOR

11 THE COURT ALL RIGHT ANYTHING?

12 CROSS EXAMINATION BY MR. MURDAUGH.

13 Q MS HOLLINGSWORTH, HOW ARE YOU?

14 A ALL RIGHT

15 Q I'M RANDOLPH MURDAUGH I AM THE SOLICITOR OF THE
16 FOURTEENTH CIRCUIT, AND ALONG WITH DUFFY STONE HERE,
17 WE'LL BE PROSECUTING THIS CASE ON BEHALF OF THE STATE
18 NEED TO ASK YOU A FEW QUESTIONS TO FIND OUT FRANKLY IF
19 WE WANT YOU SITTING ON THIS JURY OR NOT

20 I NOTICE ON YOUR FORM THAT YOU FILLED OUT ---

21 A UH-HUH

22 Q --- THAT YOUR HUSBAND IS DISABLED?

23 A YES, SIR

24 Q WHAT KIND OF WORK DID HE DO BEFORE HE BECAME
25 DISABLED?

STATE VS ALKEBULANYAHH

- 1 A A CAB DRIVER
- 2 Q A CAB DRIVER?
- 3 A YES, SIR
- 4 Q HERE IN BEAUFORT COUNTY?
- 5 A IN BEAUFORT
- 6 Q AND THAT'S TRAVIS?
- 7 A YES, SIR
- 8 Q OKAY IT ALSO SAYS IN YOUR REPORT THAT A MEMBER
- 9 OF YOUR FAMILY HAS BEEN ARRESTED?
- 10 A YES, SIR
- 11 Q WHO IS THAT?
- 12 A MY SON
- 13 Q AND HIS NAME?
- 14 A TRAVIS, III
- 15 Q AND WAS THAT HERE IN BEAUFORT?
- 16 A YES, SIR
- 17 Q OKAY WOULD THAT CREATE ANY PROBLEMS IN YOUR MIND
- 18 IN GIVING THE STATE OF SOUTH CAROLINA A FAIR TRIAL AS
- 19 WELL AS THE DEFENDANT?
- 20 A NO
- 21 Q OKAY YOU WOULDN'T HOLD IT AGAINST US ---
- 22 A NO
- 23 Q --- IF WE PROSECUTED OR THE POLICE THAT MADE THE
- 24 CASE?
- 25 A NO

1 Q OKAY YOU SAID IN SOME OF YOUR ANSWERS THAT IF
2 THE CRIME WERE BAD ENOUGH, YOU COULD VOTE FOR THE DEATH
3 PENALTY, IS THAT CORRECT?

4 A YES, SIR

5 MR MURDAUGH OKAY I HAVE NO FURTHER QUESTIONS
6 IF YOUR HONOR, PLEASE

7 THE COURT ALL RIGHT MA'AM, IF YOU WILL STEP
8 INTO THE HALLWAY WE'LL BE RIGHT BACK WITH YOU

9 (THE JUROR EXITS THE COURTROOM)

10 THE COURT ANY OBJECTION TO HER QUALIFICATION?

11 MR ALKEBULANYAHH NO SIR, THERE IS NO OBJECTION
12 TO HER QUALIFICATION

13 THE COURT ALL RIGHT THERE BEING NO OBJECTION
14 FROM EITHER SIDE, THE COURT FINDS HER QUALIFIED
15 BRING HER BACK IN PLEASE

16 (THE JUROR ENTERS THE COURTROOM)

17 THE COURT MS HOLLINGSWORTH, THE COURT FINDS YOU
18 TO BE QUALIFIED THAT DOES NOT MEAN YOU WILL BE ON THE
19 JURY THAT MEANS YOU WILL GO INTO THE POOL FROM WHICH
20 WE'LL SELECT A JURY WE'VE HAD DELAYS, AND I
21 APPRECIATE YOUR PUTTING UP WITH OUR DELAYS I DON'T
22 WANT TO IMPOSE ON YOUR TIME ANY MORE WHAT WE'VE DONE
23 IS ASKED YOUR DAY AND EVENING NUMBER -- I BELIEVE WE
24 HAVE THAT

25 WHEN YOU ARE CALLED, YOU'LL BE EXPECTED TO REPORT

STATE VS ALKEBULANYAHH

1 BACK TO THE COURT I HAVE A COUPLE OF INSTRUCTIONS AS
2 YOUR ROLE AS A JUROR

3 YOU MUST NOT DISCUSS THIS CASE WITH ANYONE

4 YOU MUST NOT EXPOSE YOURSELF TO ANY MEDIA
5 COVERAGE IF YOU START TO HEAR SOMETHING ON T V , TURN
6 IT OFF IF YOU SEE A HEADLINE IN THE PAPER, DON'T READ
7 THE STORY SAME WITH THE RADIO, TURN IT OFF

8 IF ANYONE SHOULD ATTEMPT TO TALK WITH YOU OR IF
9 YOU SHOULD EXPOSE YOURSELF TO ANY COVERAGE, YOU NEED TO
10 REPORT THAT TO ME DO YOU UNDERSTAND?

11 JUROR YES, SIR

12 THE COURT ALL RIGHT THANK YOU VERY MUCH
13 WE'LL CALL YOU BACK FOR COMING BACK

14 JUROR THANK YOU

15 THE COURT THANK YOU

16 (THE JUROR EXITS THE COURTROOM)

17 THE COURT MR HEWES

18 ROBERT HEWES, HAVING BEEN
19 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS
20 DIRECT EXAMINATION BY THE COURT.

21 Q ARE YOU ROBERT HEWES?

22 A YES, SIR

23 Q ALL RIGHT MR HEWES, I JUST REMIND YOU, YOU
24 REMAIN UNDER OATH DO YOU UNDERSTAND THAT?

25 A YES, SIR, I DO

STATE VS ALKEBULANYAHH

1 Q ALL RIGHT A COUPLE THINGS, FIRST, WE ALL
2 APPRECIATE YOUR BEARING WITH US ON THE DELAYS IN THIS
3 CASE SOME TIMES IT HAPPENS THAT WAY, SOME TIMES IT
4 DOESN'T IT'S HARD TO PREDICT ALL OF THE JURORS HAVE
5 BEEN VERY GRACIOUS, AND NOT COMPLAINING TOO MUCH AT
6 LEAST

7 I NEED TO -- WE NEED TO ASK YOU A SERIES OF
8 QUESTIONS AT THIS TIME, NOT TO INVADE YOUR PRIVACY
9 IT'S JUST THAT DUE TO THE NATURE OF THIS CASE, WE HAVE
10 TO ASCERTAIN CERTAIN INFORMATION

11 NOW THERE ARE NO RIGHT OR WRONG ANSWERS JUST
12 GIVE US YOUR OPEN, HONEST, AND FULL RESPONSES IF YOU
13 HAVE NOT THOUGHT ABOUT SOMETHING, JUST SAY YOU HAVE NOT
14 THOUGHT ABOUT IT IF YOU DO NOT HAVE AN OPINION ON
15 SOMETHING, SAY YOU DO NOT HAVE AN OPINION NO ONE IS
16 CHALLENGING ANY VIEW YOU MIGHT HAVE, IT'S JUST WE'RE
17 TRYING TO ASCERTAIN ANY VIEW THAT YOU MAY HAVE AND
18 ACQUIRE CERTAIN OTHER INFORMATION

19 NOW, AMONG OTHER THINGS, WE'LL BE TALKING ABOUT
20 PENALTY THE FACT THAT WE TALK ABOUT A PENALTY IN THIS
21 CASE -- IN THIS PART OF THE PROCEEDING SHOULD NOT IN
22 ANY WAY INDICATE TO YOU ANYTHING ABOUT THIS DEFENDANT
23 THE DEFENDANT IS PRESUMED TO BE INNOCENT DO YOU
24 UNDERSTAND THAT?

25 A I UNDERSTAND THAT

1 Q NOW, YESTERDAY I TALKED IN GENERAL TO THE WHOLE
2 PANEL ABOUT HOW THESE CASES ARE HANDLED IN A BIFURCATED
3 WAY, TWO-PART TRIAL AND THE FIRST PART IS TO
4 DETERMINE THE GUILT OR INNOCENCE OF THE DEFENDANT THE
5 SECOND PART, IF THE JURY HAS RETURNED A VERDICT OF
6 GUILT, THE SECOND PART OF THE TRIAL IS DEALING SOLELY
7 WITH THE PENALTY DO YOU REMEMBER THAT CONVERSATION?

8 A YES, I DO

9 Q ALL RIGHT ONE OTHER THING I WANT TO ADD TO THAT,
10 A LOT OF PEOPLE THINK THAT THE DEATH PENALTY APPLIES TO
11 ALL MURDER CASES IT DOES NOT THE STATE CAN REQUEST
12 THE DEATH PENALTY IN A LIMITED NUMBER OF MURDER CASES,
13 OR DIFFERENT TYPES OF MURDER CASES FOR EXAMPLE, A
14 CASE WHERE THERE ARE AGGRAVATING CIRCUMSTANCES, SUCH AS
15 KIDNAPPING PLUS MURDER, OR BURGLARY PLUS MURDER OR IT
16 MIGHT INVOLVE THE DEATH OF A PUBLIC OFFICIAL, IF THAT'S
17 ONE OF THE OFFICIALS LISTED IN THE LAW THOSE ARE JUST
18 EXAMPLES THERE ARE OTHERS DO YOU UNDERSTAND THAT?

19 A YES, I DO

20 Q NOW, IF YOU WERE A JUROR IN A CRIMINAL CASE, COULD
21 YOU LISTEN TO AND APPLY THE LAW THAT I GIVE TO YOU?

22 A YES, I THINK I WOULD

23 Q YOU COULD?

24 A YES, I WOULD

25 Q OKAY NOW, WOULD YOU DO THAT EVEN IF YOU

STATE VS ALKEBULANYAHH

1 DISAGREED WITH THE LAW AND YOU THINK IT SHOULD BE SOME
2 OTHER LAW?

3 A IF I WAS TO APPLY THE LAW, I WOULD FOLLOW THOSE
4 RULES

5 Q OKAY NOW, COULD YOU DECIDE THIS CASE BASED ON
6 THE EVIDENCE PRESENTED HERE IN THIS COURT AND DISREGARD
7 ANYTHING YOU MAY HAVE HEARD, READ, OR SEEN ABOUT THIS
8 CASE?

9 A I THINK I COULD, YES

10 Q OKAY HAVE YOU HEARD, READ, OR SEEN ANYTHING
11 ABOUT THIS CASE?

12 A A FEW THINGS IN THE PAPER

13 Q ALL RIGHT DO YOU REMEMBER ANYTHING IN
14 PARTICULAR?

15 A I RECOGNIZE THE DEFENDANT FROM PICTURES I'D SEEN,
16 VERY LITTLE OTHERWISE

17 Q ALL RIGHT WOULD ANYTHING YOU'VE READ, HEARD, OR
18 SEEN AFFECT YOUR ABILITY TO GIVE EVERYONE A FAIR AND
19 IMPARTIAL TRIAL IN THIS CASE?

20 A I THINK I COULD GIVE A FAIR AND IMPARTIAL OPINION

21 Q YOU COULD?

22 A YES, I COULD

23 Q SO NOTHING THAT YOU'VE READ, HEARD, OR SEEN WOULD
24 AFFECT YOUR ABILITY TO DO THAT?

25 A NO

- 1 Q YOU'D BE ABLE TO CAST ALL THAT ASIDE?
- 2 A I THINK SO
- 3 Q COULD YOU?
- 4 A YES, I WOULD
- 5 Q NOW, HAVE YOU FORMED ANY OPINION ABOUT THIS CASE?
- 6 A NO, I HAVE NOT
- 7 Q ALL RIGHT IN A CRIMINAL CASE, THE STATE HAS THE
- 8 BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT THE
- 9 DEFENDANT DOES NOT HAVE TO PROVE ANYTHING THE
- 10 DEFENDANT HAS NO BURDEN TO PROVE INNOCENCE DO YOU
- 11 UNDERSTAND THAT?
- 12 A YES
- 13 Q ALL RIGHT NOW, IN A CASE AFTER HEARING THE FACTS
- 14 AND CIRCUMSTANCES AND THE LAW, COULD YOU CONSIDER
- 15 EITHER NOT GUILTY OR GUILTY?
- 16 A YES
- 17 Q ALL RIGHT NOW, HAVE YOU LOOKED AT THAT JUROR
- 18 TYPE SHEET THAT WE PASSED OUT?
- 19 A YES, I DID
- 20 Q DO YOU THINK YOU FALL INTO ONE OF THOSE
- 21 CATEGORIES?
- 22 A CLOSER TO NO 3
- 23 Q ALL RIGHT AND NO 3 BEING THE CATEGORY WHERE IF
- 24 THE STATE HAS PROVEN THE CRIME OF MURDER AND THE JUROR
- 25 IS CONSIDERING PUNISHMENT, YOU HAVE NOT MADE UP YOUR

STATE VS ALKEBULANYAHH

1 MIND INSTEAD, YOU NEED TO HEAR ALL THE FACTS AND
2 CIRCUMSTANCES INCLUDING ANY CIRCUMSTANCES IN
3 AGGRAVATION AND MITIGATION, AS WELL AS THE LAW BEFORE
4 YOU MAKE UP YOUR MIND?

5 A YES

6 Q ALL RIGHT NOW, IN THAT REGARD, LET ME ASK YOU
7 IF YOU WERE A JUROR AND THE CASE HAS REACHED THE
8 SENTENCING PHASE OF THE TRIAL -- IF IT GETS THAT FAR,
9 COULD YOU DEPENDING ON THE FACTS AND CIRCUMSTANCES --
10 I'M NOT GOING INTO ANY SPECIFIC FACTS AND
11 CIRCUMSTANCES, I'M JUST ASKING, COULD YOU DEPENDING ON
12 THE FACTS AND CIRCUMSTANCES AND CONSIDERING ANY
13 EVIDENCE OF AGGRAVATION AND MITIGATING CIRCUMSTANCES
14 AND THE LAW, COULD YOU RETURN A SENTENCE OF LIFE
15 IMPRISONMENT WITHOUT PAROLE?

16 A YES, I COULD

17 Q ALL RIGHT THE SAME THING IF YOU WERE IN THE
18 SENTENCING PHASE, COULD YOU DEPENDING UPON THE FACTS
19 AND CIRCUMSTANCES THAT ARE PRESENTED IN THE CASE -- AND
20 I REALIZE YOU DON'T KNOW WHAT THOSE ARE YET -- AND
21 CONSIDERING ANY AGGRAVATING AND MITIGATING
22 CIRCUMSTANCES AS WELL AS THE LAW, RETURN A SENTENCE OF
23 DEATH?

24 A I WOULD HAVE TROUBLE WITH THAT I'M -- I'M A
25 PHYSICIAN I HAVE A HARD TIME TAKING CARE OF PEOPLE TO

STATE VS ALKEBULANYAHH

1 KEEP THEM HEALTHY AT THE SAME TIME I HAVE A HARD TIME
2 SEEING SOMEBODY STAYING IN PRISON FOR THE REST OF THEIR
3 LIFE

4 Q WELL, COULD YOU DEPENDING ON THE FACTS AND
5 CIRCUMSTANCES CONSIDER ALONG WITH -- WHEN CONSIDERING
6 ANY AGGRAVATING AND MITIGATING CIRCUMSTANCES, COULD YOU
7 RETURN A SENTENCE OF DEATH IF IT WAS THE APPROPRIATE
8 CASE?

9 A YES

10 Q ALL RIGHT AND IF THE JURY UNANIMOUSLY DECIDED
11 THAT A DEATH SENTENCE WERE APPROPRIATE, WHICH THE COURT
12 WOULD IMPOSE -- THAT'S WHAT THE COURT WOULD DO IF
13 THAT'S WHAT THE JURY INDICATED -- WOULD YOU BE ABLE TO
14 SIGN THE VERDICT FORM INDICATING THAT THAT WAS YOUR
15 VERDICT?

16 A (PAUSE)

17 Q DO YOU UNDERSTAND MY QUESTION?

18 A ONE MORE TIME

19 Q IF THE JURY MADE A UNANIMOUS DECISION THAT A DEATH
20 SENTENCE WERE APPROPRIATE, THEN THE COURT WOULD HAVE A
21 VERDICT FORM BACK THERE IF THE JURY SAYS, WE THE JURY
22 UNANIMOUSLY FIND THE DEATH SENTENCE WAS APPROPRIATE,
23 THERE WOULD BE A LINE FOR ALL THE JURORS ON THAT ONE
24 PAGE AND EACH JUROR WOULD HAVE TO SIGN THAT PAGE
25 WOULD YOU BE ABLE TO DO THAT?

STATE VS ALKEBULANYAHH

1 A (PAUSE)

2 Q THAT WOULD BE MY WAY OF KNOWING THAT WAS WHAT YOU

3 DECIDED

4 A I JUST SAID THAT BEFORE, I'D HAVE TROUBLE DOING

5 THAT

6 Q WOULD YOU BE ABLE TO DO IT ONCE YOU MADE THAT

7 DECISION THAT A DEATH SENTENCE WAS APPROPRIATE?

8 A WITH A UNANIMOUS JURY AND I WAS ON THE JURY ---

9 Q IF THE JURY -- IF ALL OF YOU MADE THAT DECISION

10 THAT A DEATH SENTENCE WAS APPROPRIATE, WOULD YOU BE

11 ABLE TO CONFIRM THAT TO ME THAT THAT WAS YOUR DECISION

12 BY SIGNING THE VERDICT FORM?

13 A YES, I WOULD

14 THE COURT OKAY NOW THEY'RE GOING TO ASK YOU

15 SOME QUESTIONS OKAY MR ALKEBULANYAHH

16 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

17 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

18 Q GOOD EVENING, DR HEWES I AM THE DEFENDANT, MR

19 ALKEBULANYAHH, IN THIS CASE AND I WILL BE REPRESENTING

20 MYSELF I JUST HAVE A COUPLE QUESTIONS FOR YOU

21 FIRST, THE -- ARE YOU AWARE OF ANY REASON WHATSOEVER

22 WHY YOU COULD NOT BE FAIR AND IMPARTIAL TO THE

23 DEFENDANT OR THE STATE?

24 A I WOULD BE IMPARTIAL

25 Q WILL YOU BE ABLE TO BE FAIR AND IMPARTIAL AFTER

STATE VS ALKEBULANYAHH

1 SEEING AND HEARING ABOUT THE IMPACT THAT THIS INCIDENT
2 HAD ON THE FAMILIES OF THE OFFICERS INVOLVED IN THIS
3 CASE?

4 A I THINK SO, YES

5 MR ALKEBULANYAHH THANK YOU, DOCTOR I HAVE NO
6 FURTHER QUESTIONS

7 CROSS EXAMINATION MR. MURDAUGH.

8 Q DOCTOR, I'M RANDOLPH MURDAUGH HOW ARE YOU DOING
9 TODAY?

10 A HI

11 Q ALONG WITH DUFFY STONE, WHO'S SEATED RIGHT OVER
12 HERE, WE WILL BE PROSECUTING THIS CASE ON BEHALF OF THE
13 STATE I'VE LISTENED TO SOME OF YOUR ANSWERS AND I
14 NEED TO ASK YOU SOME QUESTIONS FRANKLY TO FIND OUT
15 WHETHER I WANT YOU TO SIT ON THIS JURY OR NOT
16 UNDERSTANDING, THERE ARE NO RIGHT OR WRONG ANSWERS
17 BUT IT'S PURELY JUST SORT OF DELVING INTO YOUR MAKEUP
18 I GATHERED FROM WHAT YOU WERE TELLING ME THAT YOU WOULD
19 HAVE A HARD TIME GIVING THE DEATH PENALTY, IS THAT
20 CORRECT?

21 A YES, I WOULD

22 Q OKAY, SIR YOU ANSWERED A QUESTION THAT THE JUDGE
23 ASKED YOU COULD YOU SIGN YOUR NAME TO A SHEET IF YOU
24 HAD ALREADY REACHED THE DECISION TO GIVE THE DEATH
25 PENALTY?

1 MR ALKEBULANYAHH OBJECTION, YOUR HONOR, HE'S
2 ALREADY ANSWERED THAT QUESTION

3 THE COURT HE HAS ANSWERED THAT QUESTION,
4 COUNSEL

5 MR MURDAUGH YES, SIR AND THAT ISN'T MY
6 QUESTION

7 THE COURT ALL RIGHT WHAT IS YOUR QUESTION?

8 Q MY QUESTION IS GOING BACK THE OTHER WAY, WOULD
9 YOU HAVE A HARD TIME REACHING THE DECISION FOR THE
10 DEATH PENALTY IF YOU KNEW YOU HAD TO SIGN YOUR NAME TO
11 THAT PIECE OF PAPER?

12 MR ALKEBULANYAHH OBJECTION, YOUR HONOR

13 THE COURT NO I'LL ALLOW THAT GO AHEAD

14 A IN MY WORK, MY NAME ON THE PAPER IS MY WORD

15 Q I UNDERSTAND

16 A AND YOU'RE ASKING THE SIGNIFICANCE SOME TIMES
17 YOU SAY SOMETHING AND THEN IS YOUR WORD IN PAPER

18 Q YES, SIR

19 A AND I REALIZE THE SIGNIFICANCE OF THAT I WOULD
20 HAVE A HARD TIME -- RESTATE YOUR QUESTION AGAIN FOR ME
21 SO I CAN ANSWER YOU SPECIFICALLY

22 Q MY QUESTION TO YOU IS KNOWING THAT YOU HAD TO
23 SIGN YOUR NAME TO THIS PIECE OF PAPER SAYING, WE
24 RECOMMEND THE SENTENCE OF DEATH, AND RECOMMENDATION
25 WOULD BE -- THAT'S WHAT THE JUDGE WOULD HAVE TO DO

1 WOULD REACHING A DECISION THAT HE DESERVED DEATH BE
2 HARDER FOR YOU AS A RESULT OF KNOWING YOU HAD TO SIGN
3 YOUR NAME TO THAT PAPER?

4 THE COURT DO YOU UNDERSTAND HIS QUESTION, SIR?
5 WHAT HE'S SAYING IS IN THE TIMES THAT YOU THINK YOU
6 COULD IMPOSE THE DEATH PENALTY, WOULD THAT ABILITY TO
7 DECIDE FOR THE DEATH PENALTY BE AFFECTED BY THE FACT
8 THAT YOU KNEW THAT YOU HAD TO ULTIMATELY SIGN THAT
9 PIECE OF PAPER?

10 MR MURDAUGH YES, SIR

11 JUROR I GUESS I -- I MIGHT HAVE SAID BEFORE
12 I'M TRYING TO ---

13 THE COURT IT'S A LITTLE BIT OF A VARIATION OF
14 WHAT I ASKED YOU, COULD YOU SIGN THE PAPER TO CONFIRM
15 TO ME THAT YOU DID DECIDE ON THE DEATH PENALTY HE'S
16 SAYING WOULD THE FACT THAT YOU HAVE TO SIGN THE PAPER
17 IMPACT ON YOUR EVEN REACHING A DECISION THAT THE DEATH
18 PENALTY IS APPROPRIATE?

19 JUROR YES, IT WOULD

20 MR MURDAUGH OKAY, SIR

21 Q MY QUESTION NOW IS TO WHAT EXTENT WOULD IT
22 IMPACT ON YOU? WOULD IT PREVENT YOU FROM REACHING A
23 VERDICT THAT THE DEATH PENALTY WAS THE PROPER ---

24 MR ALKEBULANYAHH OBJECTION, YOUR HONOR

25 THE COURT I'LL ALLOW IT LET ME MAKE SURE I

1 UNDERSTAND

2 A AS I UNDERSTAND A JUROR, I'M TRYING TO ASCERTAIN
3 THE FACTS OF THE CASE

4 Q YES, SIR

5 A AND THEN APPLY THE LAW

6 Q YES, SIR

7 A MY OWN PERSONAL OPINION HOPEFULLY WOULD NOT BE --
8 I'M TRYING TO BE AS OBJECTIVE AS POSSIBLE

9 Q YES, SIR

10 A WHICH IS WHAT I DO IN MY WORK TOO I CAN'T HAVE
11 PERSONAL BIAS TELL ME THAT I DON'T WANT THIS PERSON TO
12 BE SICK I HAVE TO SEE WHAT IT IS SO IN COMING TO
13 THE CONCLUSION -- I'M SORRY

14 THE COURT LET ME TRY TO EXPLAIN IT FOR YOU, SIR
15 WOULD THE ADMINISTERIAL ACT OF SIGNING THE PIECE OF
16 PAPER GO INTO YOUR CALCULATION ABOUT WHETHER THE DEATH
17 PENALTY SHOULD BE IMPOSED?

18 JUROR YES, IT WOULD IS THAT WHAT YOU'RE
19 SAYING?

20 THE COURT SO YOU WOULD LET THE FACT THAT YOU HAD
21 TO SIGN THAT PAPER INFLUENCE YOUR DECISION ABOUT
22 WHETHER THE DEATH PENALTY WAS APPROPRIATE? THAT'S WHAT
23 HE'S ASKING IF ALL ---

24 JUROR IF ---

25 THE COURT IF ALL OTHER THINGS WERE EQUAL --

STATE VS ALKEBULANYAHH

1 LET'S SAY YOU WERE BACK THERE AND IF IT'S A CASE WHERE
2 YOU THOUGHT THE DEATH PENALTY WERE APPROPRIATE,
3 EVERYTHING ELSE BEING EQUAL, WOULD THE FACT THAT YOU
4 ACTUALLY HAD TO SIGN THAT PAPER GO INTO THAT
5 CALCULATION TO THE POINT THAT YOU MIGHT NOT IMPOSE A
6 DEATH PENALTY JUST BECAUSE YOU HAD TO SIGN THAT PIECE
7 OF PAPER?

8 JUROR (PAUSE)

9 THE COURT OR WOULD YOU JUST CONSIDER SIGNING THE
10 PAPER JUST THE ADMINISTERIAL ACT CONFIRMING YOUR
11 DECISION? THAT'S WHAT WE'RE TRYING TO FIND OUT

12 JUROR IT WOULD BE THE ADMINISTERIAL ACT
13 CONFIRMING THE DECISION BASED ON MY INTERPRETATION OF
14 THE LAW ---

15 THE COURT ALL RIGHT

16 JUROR --- AS A JUROR

17 Q I'M CONFUSED NOW CAN YOU DO THIS FOR ME SIR, CAN
18 YOU TELL ME IN YOUR OWN WORDS WHAT YOU JUST ANSWERED?

19 A IF BASED ON THE FACTS THAT WE THE JURY WOULD FIND
20 AND IF THE DEFENDANT WAS GUILTY AND THEN THE JURY
21 DECIDED THAT THE DEATH PENALTY WAS APPROPRIATE
22 UNANIMOUSLY, YOU'RE SAYING, I WOULD BE ABLE TO SIGN THE
23 PIECE OF PAPER

24 Q OKAY, SIR OKAY, SIR I UNDERSTAND AND LET ME
25 TELL YOU SOMETHING, IT ISN'T AN EASY DECISION TO MAKE

1 IF YOU'RE SITTING ON THIS JURY OR TO TELL ME HOW YOU
2 FEEL AND I UNDERSTAND THAT, SIR

3 DO I UNDERSTAND YOU TO TELL ME THAT IF THE CASE
4 WERE BAD ENOUGH, YOU COULD IMPOSE THE DEATH PENALTY?

5 A (PAUSE)

6 Q THE OTHER SIDE OF THAT, WOULD YOU ALWAYS GIVE LIFE
7 IMPRISONMENT?

8 A IN THE WORST SITUATION I COULD GIVE THE DEATH
9 PENALTY, I BELIEVE

10 MR MURDAUGH THANK YOU, SIR

11 THE COURT IF YOU COULD STEP OUT INTO THE
12 HALLWAY, WE'LL BE WITH YOU MOMENTARILY, SIR THANK
13 YOU

14 (THE JUROR EXITS THE COURTROOM)

15 THE COURT ANY OBJECTION TO HIS QUALIFICATION?

16 MR ALKEBULANYAHH NO, SIR, NO OBJECTION

17 MR MURDAUGH I DON'T WANT TO SAY THIS, BUT I
18 HAVE NONE

19 THE COURT ALL RIGHT BRING HIM BACK IN

20 (THE JUROR ENTERS THE COURTROOM)

21 THE COURT MR HEWES THE COURT FINDS YOU TO BE
22 QUALIFIED THAT DOES NOT MEAN YOU'LL BE ON THE JURY
23 WHAT THAT MEANS IS YOU'LL GO INTO THE POOL FROM WHICH
24 WE WILL STRIKE THE FINAL JURY I APPRECIATE YOUR
25 PUTTING UP WITH THE DELAYS THAT WE'VE HAD SO FAR WE

STATE VS ALKEBULANYAHH

1 DO NOT WANT TO IMPOSE ON YOUR TIME ANY MORE THAN WE
2 HAVE TO, SO WE'VE ASKED FOR YOUR DAY AND EVENING
3 NUMBER I BELIEVE YOU'VE PROVIDED THAT TO THE COURT

4 I DO NOT KNOW HOW LONG THIS PROCESS CAN LAST AS
5 YOU CAN SEE, IT JUST DEPENDS ON THE ANSWERS AND THE
6 QUESTIONS AND SOME GO FASTER THAN OTHERS SO RATHER
7 THAN IMPOSE ON YOUR TIME, WE'VE GOT THOSE NUMBERS

8 WHEN WE DO CALL YOU, YOU ARE OBLIGATED TO REPORT
9 BACK TO THE COURT

10 A COUPLE INSTRUCTIONS IN YOUR CAPACITY AS A JUROR,
11 YOU MUST NOT DISCUSS THIS CASE IN ANY WAY WHATSOEVER

12 SECONDLY, YOU MUST NOT EXPOSE YOURSELF TO ANY
13 MEDIA COVERAGE IF YOU HEAR SOMETHING ON T V , TURN IT
14 OFF IF YOU READ THE NEWSPAPER -- IF YOU CAN AVOID
15 READING THE NEWSPAPER GREAT IF YOU'RE READING THE
16 NEWSPAPER AND YOU SEE A HEADLINE ABOUT THE STORY, DON'T
17 READ THE STORY THE SAME WITH THE RADIO, TURN IT OFF
18 ALL RIGHT DO YOU UNDERSTAND THAT?

19 JUROR I UNDERSTAND

20 THE COURT IF YOU SHOULD BE EXPOSED TO ANYTHING
21 OR ANYONE TALK TO YOU, YOU NEED TO REPORT THAT TO ME
22 ALL RIGHT?

23 JUROR YES

24 THE COURT AGAIN, THANK YOU VERY MUCH FOR BEARING
25 WITH US WE'LL BE BACK IN TOUCH WITH YOU ABOUT WHEN

STATE VS ALKEBULANYAHH

1 YOU NEED TO REPORT BACK IT'LL PROBABLY BE EITHER
2 THURSDAY OR FRIDAY

3 JUROR THE QUESTION I HAVE IS, HOW MUCH WARNING
4 WILL I HAVE?

5 THE COURT I UNDERSTAND WE'LL PROBABLY LET YOU
6 KNOW ON THURSDAY, OKAY?

7 JUROR OKAY

8 THE COURT MY GUESS IS YOU'LL BE COMING BACK ON
9 FRIDAY

10 JUROR OKAY JUST FOR MY OWN PLANNING PURPOSES

11 THE COURT ALL RIGHT THANK YOU

12 (THE JUROR EXITS THE COURTROOM)

13 THE COURT MS LINSDAY

14 (THE JUROR ENTERS THE COURTROOM)

15 KRISTEN LINSDAY, HAVING

16 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

17 DIRECT EXAMINATION THE COURT.

18 Q ARE YOU KRISTEN LINSDAY?

19 A YES, SIR

20 Q ALL RIGHT MS LINSDAY, I JUST WANT TO REMIND

21 YOU, YOU CONTINUE TO BE UNDER OATH ALL RIGHT

22 A YES, SIR

23 Q NOW, WE'RE JUST HERE AT THIS PART OF THE CASE JUST

24 TO ASK YOU SOME QUESTIONS, NOT TO INVAD E YOUR PRIVACY

25 IN ANY WAY, JUST BECAUSE IT'S NECESSARY IN THIS TYPE OF

1 CASE THERE ARE NO RIGHT OR WRONG ANSWERS SOME OF
2 THE QUESTIONS YOU MAY NOT HAVE ANY OPINION ABOUT OR YOU
3 MAY JUST SAY YOU'VE NEVER THOUGHT ABOUT THAT

4 A OKAY

5 Q IF THAT'S THE CASE, JUST TELL US WE JUST WANT
6 YOUR OPEN, HONEST, AND FULL ANSWER NOW, NO ONE IS
7 CHALLENGING ANY VIEW YOU MIGHT HAVE WE'RE JUST TRYING
8 TO ASCERTAIN YOUR POSITION ON CERTAIN THINGS AND TO
9 ACQUIRE CERTAIN INFORMATION

10 NOW, AMONG OTHER THINGS, WE'LL BE TALKING ABOUT
11 PENALTY THE MERE FACT THAT WE TALK ABOUT A PENALTY
12 DOES NOT INDICATE ANYTHING ABOUT THE DEFENDANT THE
13 DEFENDANT UNDER THE LAW IS PRESUMED TO BE INNOCENT DO
14 YOU UNDERSTAND THAT?

15 A YES, SIR

16 Q NOW, YOU RECALL YESTERDAY DURING THE QUALIFICATION
17 WITH EVERYONE WHEN I DISCUSSED HOW THESE CASES GO, THE
18 TWO-PART TRIAL?

19 A YES, SIR

20 Q THE FIRST PART IF THERE'S A DETERMINATION OF NOT
21 GUILTY, THERE'S NOTHING ELSE THAT GOES ON IF THERE'S
22 A GUILT DETERMINATION, YOU GO TO PHASE TWO, WHICH IS
23 ABOUT SENTENCING DO YOU REMEMBER THAT?

24 A YES, SIR, I DO

25 Q I JUST WANT TO ADD A LITTLE BIT TO THE

1 CONVERSATION ABOUT THE DEATH PENALTY TYPE OF CASES A
2 LOT OF PEOPLE THINK THE DEATH PENALTY APPLIES TO ANY
3 MURDER CASE, THAT'S NOT THE CASE THE SOLICITOR CAN
4 REQUEST THE DEATH PENALTY IN A LIMITED TYPE OF MURDER
5 CASE FOR EXAMPLE, IF IT'S KIDNAPPING PLUS MURDER, OR
6 BURGLARY PLUS MURDER, OR IT MIGHT INVOLVE THE DEATH OF
7 A PUBLIC OFFICIAL IF THAT OFFICIAL IS LISTED IN THE
8 STATUTE AND THERE ARE OTHER SITUATIONS THOSE ARE
9 JUST EXAMPLES OF WHEN THE STATE CAN ACTUALLY COME IN
10 AND SAY WE WOULD LIKE TO SEEK THE DEATH PENALTY DO
11 YOU UNDERSTAND THAT?

12 A YES

13 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
14 CASE, COULD YOU LISTEN TO AND APPLY THE LAW THAT I GIVE
15 TO YOU?

16 A YES, SIR

17 Q ALL RIGHT COULD YOU DO THAT EVEN IF YOU DID NOT
18 AGREE WITH THE LAW?

19 A YES, SIR

20 Q ALL RIGHT COULD YOU DECIDE THIS CASE BASED ON
21 THE EVIDENCE PRESENTED IN THIS COURT AND DISREGARD
22 ANYTHING YOU MAY HAVE HEARD, READ, OR SEEN ABOUT THIS
23 CASE?

24 A YES, SIR

25 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS

STATE VS ALKEBULANYAHH

1 CASE?

2 A OVER THE PAST YEAR AND A HALF, YES, SIR

3 Q ALL RIGHT CAN YOU GIVE US ---

4 A JUST THE ARTICLES IN THE ISLAND PACKET ON HILTON
5 HEAD

6 Q ALL RIGHT ANYTHING IN PARTICULAR YOU REMEMBER?

7 A JUST THE CASE ITSELF AND PHOTOGRAPHS THAT WERE
8 TAKEN AT THE TIME

9 Q WOULD ANYTHING THAT YOU HAVE HEARD, READ, OR SEEN
10 AFFECT YOUR ABILITY TO GIVE EVERYBODY IN THIS CASE, THE
11 STATE AND THE DEFENSE, A FAIR AND IMPARTIAL TRIAL?

12 A NO, SIR

13 Q PARDON ME?

14 A I WOULD BE ABLE TO BE IMPARTIAL

15 Q ALL RIGHT HAVE YOU FORMED ANY OPINION ABOUT THIS
16 CASE?

17 A NO, SIR

18 Q JUST GENERALLY IN A CRIMINAL CASE THE STATE HAS
19 THE BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT
20 A DEFENDANT HAS NO BURDEN TO PROVE INNOCENCE THE
21 DEFENDANT DOESN'T HAVE TO DO ANYTHING DO YOU
22 UNDERSTAND THAT?

23 A YES, I DO

24 Q ALL RIGHT NOW, COULD YOU IN A CASE AFTER HEARING
25 THE FACTS AND EVIDENCE CONSIDER EQUALLY A NOT GUILTY OR

STATE VS ALKEBULANYAHH

1 GUILTY VERDICT?

2 A YES, SIR

3 Q HAVE YOU LOOKED AT THE JUROR TYPE SHEET THAT I'VE

4 HANDED OUT?

5 A YES, THE THREE PART?

6 Q YES, MA'AM

7 A YES

8 Q DO YOU THINK YOU FALL INTO ANY OF THOSE

9 CATEGORIES?

10 A NO 3

11 Q ALL RIGHT LET ME JUST MAKE SURE WE'RE TALKING

12 ABOUT THE SAME THING IF THE CRIME OF MURDER HAS BEEN

13 PROVEN BY THE STATE AND YOU GET TO THE PUNISHMENT

14 STAGE, YOU'RE CONSIDERING PUNISHMENT, YOU WOULD NOT

15 HAVE MADE UP YOUR MIND ABOUT PUNISHMENT INSTEAD, YOU

16 WOULD NEED TO HEAR FACTS AND CIRCUMSTANCES BOTH IN

17 AGGRAVATION AND IN MITIGATION AS WELL AS THE LAW BEFORE

18 MAKING THE DECISION?

19 A YES, SIR

20 Q ALL RIGHT NOW, IN THAT REGARD IF THE CASE DOES

21 GET TO THE SENTENCING PHASE, COULD YOU DEPENDING UPON

22 THE PARTICULAR FACTS AND CIRCUMSTANCES INCLUDING ANY

23 AGGRAVATING AND MITIGATING CIRCUMSTANCES AND THE LAW

24 RETURN A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE?

25 A YES, SIR

STATE VS ALKEBULANYAHH

1 Q ALL RIGHT THE SAME SITUATION ABOUT BEING IN THE
2 SENTENCING PHASE, COULD YOU DEPENDING UPON THE
3 PARTICULAR FACTS AND CIRCUMSTANCES, CONSIDERING ANY
4 AGGRAVATING AND MITIGATING CIRCUMSTANCES AND THE LAW
5 RETURN A SENTENCE OF DEATH?

6 A YES, SIR

7 Q ALL RIGHT NOW, IN THAT LATTER SITUATION IF THE
8 JURY WERE TO UNANIMOUSLY DECIDE ON THE SENTENCE OF
9 DEATH, WHICH THE COURT WOULD IMPOSE IF THAT'S -- THE
10 COURT WILL IMPOSE WHATEVER THE JURY DECIDES -- WOULD
11 YOU BE ABLE TO SIGN THE VERDICT FORM?

12 A YES, SIR

13 Q THERE WOULD BE A FORM THAT SAYS, WE FIND THIS
14 DECISION AND A LINE FOR EACH OF THE JURORS TO SIGN
15 WOULD YOU BE ABLE TO DO THAT?

16 A YES, SIR

17 THE COURT ALL RIGHT NOW EACH SIDE IS GOING TO
18 ASK YOU SOME QUESTIONS IF YOU WILL TURN YOUR
19 ATTENTION TO THEM

20 CROSS EXAMINATION MR. ALKEBULANYAHH.

21 Q GOOD EVENING, MS LINSDAY ---

22 A YES, SIR

23 Q --- IS THAT CORRECT?

24 A UH-HUH, THANK YOU

25 Q I'M MR ALKEBULANYAHH, I'M THE DEFENDANT IN THIS

STATE VS ALKEBULANYAHH

1 CASE AND I'LL BE REPRESENTING MYSELF AND I JUST WANT
2 TO ASK YOU A FEW QUESTIONS MYSELF ABOUT THE DEATH
3 PENALTY AND SOME OTHER QUESTIONS, ON LAW ENFORCEMENT
4 OFFICIAL

5 A OKAY

6 Q ARE YOU A FORMER LAW ENFORCEMENT EMPLOYEE?

7 A NO, SIR

8 Q ARE ANY MEMBERS OF YOUR FAMILY OR IMMEDIATE FAMILY
9 EMPLOYED BY LAW ENFORCEMENT AGENCY?

10 A NO, SIR

11 Q HAVE YOU OR ANY OF YOUR RELATIVES OR CLOSE FRIENDS
12 BEEN A VICTIM -- A VICTIM OF A CRIME?

13 A NO, SIR

14 Q DO YOU HAVE ANY PARTICULAR OPINION OR FEELINGS
15 ABOUT THE CRIME OF MURDER WHICH WOULD MAKE IT DIFFICULT
16 FOR YOU TO SERVE ON A JURY WHERE THE DEFENDANT IS
17 CHARGED WITH THESE CRIMES?

18 A NO, SIR

19 Q ARE YOU AWARE OF ANY REASON WHATSOEVER WHY YOU
20 COULD NOT BE FAIR AND IMPARTIAL TO THE DEFENDANT OR THE
21 STATE?

22 A NO, SIR

23 Q IF YOU MAKE A -- IF YOU MAKE A DECISION, CAN YOU
24 STICK TO IT?

25 A YES, SIR

1 Q IF ANYONE ACCOST YOU -- A FEDERAL OFFICIAL, A
2 STATE OFFICIAL, OR FRIEND OF THE VICTIMS, WOULD YOU
3 REPORT IT TO THE COURT?
4 A YES, SIR
5 Q WILL YOU BE ABLE TO BE FAIR AND IMPARTIAL AFTER
6 SEEING AND HEARING ABOUT THE IMPACT THAT THIS INCIDENT
7 HAD ON THE FAMILIES OF THE OFFICERS INVOLVED IN THIS
8 CASE?
9 A YES, SIR
10 Q AND YOU HAVEN'T FORMED AN OPINION ABOUT THIS CASE?
11 A NO, SIR
12 Q HAVE THE MEDIA AFFECTED YOU IN ANY TYPE OF WAY AS
13 FAR AS THE GUILT OR THE INNOCENCE OF THE ACCUSED?
14 A NO, SIR
15 Q DOES RACE PREJUDICE EXIST?
16 A NOT IN MY FAMILY SIR
17 MR ALKEBULANYAHH THANK YOU, MS LINSDAY I
18 HAVE NO FURTHER QUESTIONS
19 JUROR THANK YOU
20 CROSS EXAMINATION BY MR. MURDAUGH.
21 Q MS LINSDAY, HOW ARE YOU DOING?
22 A JUST FINE, THANK YOU, SIR
23 Q I'M RANDOLPH MURDAUGH ALONG WITH DUFFY STONE,
24 WHO IS SEATED RIGHT HERE, WE WILL BE PROSECUTING THIS
25 CASE ON BEHALF OF THE STATE I LISTENED TO YOUR

1 ANSWERS AND MAKE SURE I UNDERSTAND WHAT YOU SAID YOU
2 SAID THAT IF A CASE IN ESSENCE WERE BAD ENOUGH, YOU
3 COULD VOTE FOR THE DEATH PENALTY?

4 A YES, SIR

5 Q OKAY NOW, MS LINSDAY, I ALSO NOTICE THAT ON
6 YOUR JURY RESPONSE FORM YOU MENTIONED A PROBLEM YOU
7 HAVE WITH YOUR 11 YEAR OLD SON?

8 A YES, SIR

9 Q IS THAT GOING TO CREATE A PROBLEM IF YOU WERE TO
10 SIT ON THIS JURY?

11 A NO SIR WE'VE RECTIFIED THAT SITUATION

12 MR MURDAUGH THANK YOU VERY, VERY MUCH I HAVE
13 NO FURTHER QUESTIONS

14 THE COURT ALL RIGHT, MA'AM MS LINSDAY, IF YOU
15 WOULD PLEASE STEP OUT IN THE HALL WE'LL BE WITH YOU
16 MOMENTARILY THANK YOU VERY MUCH APPRECIATE YOUR
17 PUTTING UP WITH OUR DELAYS

18 (THE JUROR EXITS THE COURTROOM)

19 THE COURT ALL RIGHT ANY OBJECTION TO HER
20 QUALIFICATION?

21 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

22 MR MURDAUGH NO, SIR

23 THE COURT ALL RIGHT THE COURT FINDS HER TO BE
24 QUALIFIED BRING HER BACK IN PLEASE

25 (THE JUROR ENTERS THE COURTROOM)

STATE VS ALKEBULANYAHH

1 THE COURT MS LINSDAY, THE COURT FINDS YOU TO BE
2 QUALIFIED WHAT THAT MEANS IS -- THAT DOES NOT MEAN
3 YOU'LL BE ON THE JURY IT MEANS YOU ARE IN THE POOL OF
4 QUALIFIED JURORS

5 JUROR RIGHT

6 THE COURT I KNOW WE HAVE IMPOSED ON EVERYONE'S
7 TIME, AND SO WHAT WE'VE DONE IS ASK FOR YOUR DAY AND
8 EVENING NUMBER RATHER THAN MY HAVING TO BRING YOU
9 BACK EVERY DAY UNTIL I KNOW WHEN WE ACTUALLY NEED YOU,
10 WE'RE GOING TO CALL YOU

11 A COUPLE OF INSTRUCTIONS IN YOUR ROLE AS A JUROR
12 YOU MUST NOT DISCUSS THIS CASE IN ANY WAY WITH ANYONE

13 SECONDLY, YOU MUST NOT EXPOSE YOURSELF TO ANY
14 MEDIA COVERAGE IF YOU SEE A -- IT WOULD BE BEST TO
15 NOT READ THE PAPER IF YOU DO, IF YOU SEE A HEADLINE
16 DON'T READ THE STORY OKAY?

17 JUROR OKAY

18 THE COURT THE SAME WITH THE NEWS ON T V OR
19 RADIO IF YOU HEAR STUFF, TURN IT OFF OKAY?

20 JUROR (NODS HEAD)

21 THE COURT NOW, WE WILL BE CALLING YOU, AND
22 YOU'LL BE OBLIGATED TO REPORT BACK WHEN WE DO CALL YOU
23 ALL RIGHT?

24 JUROR (NODS HEAD)

25 THE COURT AGAIN, WE THANK YOU FOR YOUR PATIENCE

STATE VS ALKEBULANYAHH

1 WE'LL SEE YOU PROBABLY EITHER THURSDAY AFTERNOON OR
2 FRIDAY MORNING THANK YOU VERY MUCH WE'LL GIVE YOU A
3 CALL THANK YOU
4 (THE JUROR EXITS THE COURTROOM)
5 THE COURT ALL RIGHT
6 MR MURDAUGH YOUR HONOR ---
7 THE COURT PARDON?
8 MR MURDAUGH YOU'VE GOT THAT OTHER PANEL, THE
9 ONES THAT ---
10 THE COURT NO THEY'VE BEEN LET GO TOO
11 MR MURDAUGH OKAY SIR
12 THE COURT THOSE ARE JUST THERE BECAUSE EVERYBODY
13 AGREED WE WOULD JUST USE THEM IF NECESSARY THEY'RE
14 COMING BACK ON THURSDAY TOO
15 NOW, I THINK WE'VE MADE GOOD PROGRESS TODAY SO
16 WE'RE SHOOTING FOR EITHER 36 OR 39 JURORS, MAYBE 40
17 AND -- YES, SIR
18 MR ALKEBULANYAHH I JUST WANT TO BRING TO THE
19 COURT'S ATTENTION IF I MAY AT THIS PARTICULAR TIME, THE
20 PROSECUTOR HANDED ME A DOCUMENT TO INTRODUCE THE PAST
21 CRIMINAL RECORD OF THE DEFENDANT
22 THE COURT YES, SIR
23 MR ALKEBULANYAHH AND THAT PARTICULAR CONVICTION
24 IS OVER 10 YEARS OLD
25 THE COURT WELL, WE'LL TAKE THAT UP ONCE WE GET

STATE VS ALKEBULANYAHH

1 THIS JURY DRAWN

2 MR ALKEBULANYAHH OKAY

3 THE COURT AS I INDICATED, WE'LL TAKE THOSE UP AT

4 THE PART OF THE CASE IF YOU MAKE A DECISION ABOUT

5 WHETHER OR NOT YOU TESTIFY ONCE THE STATE PRESENTS

6 ITS CASE -- I KNOW WE ALREADY TALKED ABOUT SOME OF

7 THOSE THINGS ONCE THE STATE PRESENTS ITS CASE AND IF

8 THE CASE GOES BEYOND THAT POINT, THEN I ADVISE YOU OF

9 YOUR RIGHTS AT THAT POINT, ABOUT YOUR RIGHT TO TESTIFY

10 OR TO NOT TESTIFY, ETCETERA

11 AND USUALLY BEFORE I GET YOU TO MAKE THAT

12 DECISION, WE GO OVER ANY ISSUES ABOUT ANY PRIOR RECORD

13 MR ALKEBULANYAHH YES, SIR

14 THE COURT AND THEN YOU CAN USE THAT IN YOUR

15 DETERMINATION ABOUT WHETHER OR NOT YOU WISH TO TESTIFY

16 MR ALKEBULANYAHH THANK YOU YOUR HONOR

17 THE COURT ALL RIGHT THANK YOU ALL VERY MUCH

18 APPRECIATE THE COURTESIES YOU'VE EXTENDED TO EACH OTHER

19 AND TO THIS COURT THROUGHOUT THESE PROCEEDINGS AND I

20 THINK WE'VE MADE GOOD PROGRESS TODAY THANK YOU VERY

21 MUCH

22 (COURT IS IN RECESS)

23 (WEDNESDAY, OCTOBER 8, 2003)

24 THE COURT GOOD MORNING, EVERYONE YOU ALL READY

25 TO PROCEED?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH YES, SIR
2 THE COURT DEFENSE READY?
3 MR ALKEBULANYAHH YES, SIR, YOUR HONOR
4 MR MURDAUGH JUDGE, BEFORE WE BRING IN THE NEXT
5 WITNESS, ON YESTERDAY A FELLOW BY THE NAME OF HEWES ---
6 THE COURT YES, SIR
7 MR MURDAUGH --- WAS QUALIFIED UNDER
8 WAINWRIGHT VERSUS WHIT (PHONETIC), THE COURTS HAVE SAID
9 THAT HE DOESN'T HAVE TO ACTUALLY SAY, I WOULD NEVER
10 VOTE FOR THE DEATH PENALTY BUT HAVE A SUBSTANTIAL -- IT
11 WOULD SUBSTANTIALLY IMPAIR HIS PERFORMANCE AND I
12 THINK UNDER THAT CASE, THAT HIS ABILITY TO ISSUE IT IS
13 SUBSTANTIALLY IMPAIRED BECAUSE OF HIS THOUGHTS ABOUT
14 SIGNING THAT PAPER, SIR
15 THE COURT I DECLINE TO DO THAT I DON'T THINK
16 THAT CAME OUT THAT HE WAS SUBSTANTIALLY IMPAIRED HE
17 JUST SAID IT WOULD BE DIFFICULT BECAUSE OF THAT HE
18 DID EVENTUALLY CONFIRM THAT THAT ADMINISTERIAL ACT
19 WOULD NOT BE WHAT WENT INTO HIS DECISION ABOUT DECIDING
20 THAT ISSUE
21 MR MURDAUGH THANK YOU, SIR
22 THE COURT ALL RIGHT BRING KELLY O'CONNELL IN
23 PLEASE -- HOLD ON A SECOND I'M SORRY FLORENCE
24 SMITH
25 (THE JUROR ENTERS THE COURTROOM)

STATE VS ALKEBULANYAHH

1 FLORENCE SMITH, HAVING BEEN
2 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

3 DIRECT EXAMINATION BY THE COURT.

4 Q GOOD MORNING

5 A GOOD MORNING

6 Q ARE YOU KELLY O'CONNELL?

7 A I'M FLORENCE SMITH

8 Q I'M SORRY, FLORENCE SMITH?

9 A FLORENCE SMITH

10 Q I APOLOGIZE I HAD MY WRONG SHEET I DID THAT
11 TWICE ALL RIGHT MS SMITH, YOU WERE PREVIOUSLY
12 PLACED UNDER OATH AND YOU'LL REMAIN UNDER OATH

13 A YES, SIR

14 Q ALL RIGHT NOW, WE'RE JUST AT THAT PART OF THE
15 CASE WHERE YOU WILL BE ASKED QUESTIONS, NOT TO INVADE
16 YOUR PRIVACY IN ANY WAY JUST TO ASCERTAIN CERTAIN
17 INFORMATION DUE TO THE NATURE OF THESE PROCEEDINGS

18 A OKAY

19 Q THERE ARE NO RIGHT OR WRONG ANSWERS, SO PLEASE
20 JUST ANSWER OPENLY, HONESTLY, AND FULLY IF THERE'S A
21 QUESTION YOU HAVE NOT THOUGHT ABOUT THAT, OR YOU JUST
22 DON'T KNOW THEN YOU'RE FREE TO TELL US THAT WE JUST
23 WANT TO KNOW WHAT YOU MAY OR MAY NOT BE THINKING

24 A OKAY

25 Q ALL RIGHT NO ONE IS HERE TO QUESTION YOUR VIEWS

STATE VS ALKEBULANYAHH

1 IT'S JUST THAT WE'RE TRYING TO ASCERTAIN IF THERE'S ANY
2 VIEWS OR BACKGROUND INFORMATION THAT WE NEED TO BE
3 AWARE OF

4 NOW, AMONG OTHER THINGS, WE WILL BE TALKING ABOUT
5 A PENALTY THE FACT THAT WE TALK ABOUT A PENALTY
6 SHOULD NOT IN ANY WAY INDICATE ANYTHING ABOUT THE
7 DEFENDANT HE IS PRESUMED IN THE LAW INNOCENT DO YOU
8 UNDERSTAND THAT?

9 A YES, SIR

10 Q ALL RIGHT ALSO, THE OTHER DAY WHEN THE WHOLE
11 PANEL WAS HERE, I TALKED TO YOU A LITTLE BIT ABOUT THE
12 TWO-PART TRIAL IF IT GOT PAST THE FIRST STAGE, THE
13 GUILT STAGE, WHICH THE GUILT OR INNOCENCE OF THE
14 DEFENDANT IS DETERMINED -- IF FOR EXAMPLE THE JURY
15 RETURNED A VERDICT OF GUILT, IT WOULD GO TO A SECOND
16 STAGE DO YOU REMEMBER THAT CONVERSATION?

17 A YES, SIR, I DO

18 Q ALL RIGHT I JUST WANT TO ADD ONE LITTLE EXTRA
19 BIT TO THAT, DESCRIBING THIS WHOLE PROCEEDING A LOT
20 OF PEOPLE THINK THAT THE DEATH PENALTY APPLIES TO ALL
21 MURDER CASES, BUT THIS IS NOT TRUE IT APPLIES TO
22 LIMITED KINDS OF CASES, OFTEN REFERRED TO AS AGGRAVATED
23 MURDER IT MIGHT BE A CASE WHERE IT'S KIDNAPPING PLUS
24 MURDER, OR BURGLARY PLUS MURDER, OR IT MIGHT INVOLVE
25 THE DEATH OF AN OFFICIAL THAT'S LISTED IN THE STATUTE

- 1 DO YOU UNDERSTAND THAT?
- 2 A YES, I DO
- 3 Q ALL RIGHT THAT'S JUST SOME BACKGROUND
- 4 INFORMATION NOW, IF YOU WERE A JUROR IN A CRIMINAL
- 5 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I
- 6 INSTRUCT IT TO YOU?
- 7 A YES, I WOULD
- 8 Q ALL RIGHT NOW, COULD YOU DO THAT EVEN IF YOU DID
- 9 NOT AGREE WITH THE LAW OR YOU THOUGHT IT SHOULD BE SOME
- 10 OTHER WAY?
- 11 A YES, SIR, I COULD
- 12 Q ALL RIGHT COULD YOU DECIDE THIS CASE BASED ON
- 13 THE EVIDENCE PRESENTED IN THIS COURT AND DISREGARD
- 14 ANYTHING THAT YOU MAY HAVE READ, HEARD, OR SEEN ABOUT
- 15 THIS CASE?
- 16 A YES, SIR
- 17 Q HAVE YOU HEARD, READ OR SEEN ANYTHING ABOUT THIS
- 18 CASE?
- 19 A NO, SIR
- 20 Q HAVE YOU FORMED ANY OPINIONS ABOUT THIS CASE?
- 21 A NO, SIR, NOT AT THIS TIME
- 22 Q NOW, IN A CRIMINAL CASE THE STATE HAS THE BURDEN
- 23 OF PROVING A DEFENDANT'S GUILT BEYOND A REASONABLE
- 24 DOUBT A DEFENDANT DOES NOT HAVE A BURDEN TO PROVE HIS
- 25 INNOCENCE DO YOU UNDERSTAND THAT?

STATE VS ALKEBULANYAHH

- 1 A YES, SIR, I DO
- 2 Q COULD YOU DEPENDING ON THE FACTS AND THE LAW AND
- 3 THE EVIDENCE IN A CASE CONSIDER EITHER A NOT GUILTY OR
- 4 A GUILTY VERDICT?
- 5 A YES, SIR
- 6 Q ALL RIGHT NOW, HAVE YOU LOOKED AT THAT JUROR
- 7 TYPE SHEET?
- 8 A YES, I HAVE
- 9 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
- 10 CATEGORIES?
- 11 A NO, SIR
- 12 Q DID YOU SAY NO?
- 13 A YES, SIR
- 14 Q ALL RIGHT DO YOU HAVE ANY VIEW ON THAT?
- 15 A NO, I DON'T
- 16 Q ALL RIGHT WELL, LET ME ASK YOU IF -- YOU
- 17 UNDERSTAND THE PROCESS ABOUT HOW IT MOVES INTO THE NEXT
- 18 PART OF THE TRIAL IF IT GETS TO THAT POINT IF YOU
- 19 WERE A JUROR IN A SENTENCING PHASE OF A TRIAL ---
- 20 A YES, SIR
- 21 Q --- COULD YOU DEPENDING UPON THE PARTICULAR FACTS
- 22 AND CIRCUMSTANCES OF THE CASE INCLUDING THE
- 23 CONSIDERATION OF ANY AGGRAVATING AND MITIGATING
- 24 CIRCUMSTANCES AND THE LAW RETURN A SENTENCE OF LIFE
- 25 IMPRISONMENT WITHOUT PAROLE?

1 A YES, SIR, I COULD

2 Q ALL RIGHT GOING BACK TO THAT SAME SITUATION, IF
3 YOU WERE A JUROR IN THAT SENTENCING PHASE OF THE TRIAL,
4 COULD YOU DEPENDING UPON THE FACTS AND CIRCUMSTANCES
5 INCLUDING THE CONSIDERATION OF ANY AGGRAVATING AND
6 MITIGATING CIRCUMSTANCES AND THE LAW RETURN A SENTENCE
7 OF DEATH?

8 A NO, SIR, I DO NOT BELIEVE IN THE DEATH PENALTY

9 Q SO ARE THERE ANY CIRCUMSTANCES UNDER WHICH YOU
10 COULD RETURN A SENTENCE OF DEATH?

11 A JUST LIFE IMPRISONMENT BASICALLY
12 THE COURT OKAY ANY QUESTIONS?

13 MR ALKEBULANYAHH NO, SIR, I HAVE NO QUESTIONS

14 MR MURDAUGH NOR DO I

15 THE COURT ALL RIGHT MA'AM IF YOU WILL STEP
16 OUT TO THE HALLWAY THANK YOU

17 (THE JUROR EXITS THE COURTROOM)

18 THE COURT ANY POSITION TO HER QUALIFICATION?

19 MR MURDAUGH I THINK SHE'S DISQUALIFIED SIR

20 MR ALKEBULANYAHH I JUST FEEL THAT SHE'S
21 DISQUALIFIED AS WELL

22 THE COURT ALL RIGHT BRING HER BACK IN PLEASE

23 (THE JUROR ENTERS THE COURTROOM)

24 THE COURT MS SMITH, I WILL EXCUSE YOU FROM THIS
25 CASE THANK YOU VERY MUCH

STATE VS ALKEBULANYAHH

1 (THE JUROR EXITS THE COURTROOM)

2 THE COURT ISSAC BUCKNER

3 (THE JUROR ENTERS THE COURTROOM)

4 ISSAC BUCKNER, HAVING BEEN

5 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

6 DIRECT EXAMINATION BY THE COURT.

7 Q ARE YOU ISSAC BUCKNER?

8 A YES, SIR

9 Q ALL RIGHT MR BUCKNER, I JUST WANT TO REMIND
10 YOU, YOU WILL STILL BE UNDER OATH

11 A ALL RIGHT SIR

12 Q COULD YOU PLEASE TAKE A SEAT

13 NOW, WE'RE IN THE PART OF THE CASE WHERE WE'RE
14 JUST GOING TO ASK YOU SOME QUESTIONS, NOT TO INVADE
15 YOUR PRIVACY IN ANY WAY, JUST TO FIND OUT SOME
16 INFORMATION BECAUSE IT'S NECESSARY IN THESE
17 PROCEEDINGS DO YOU UNDERSTAND?

18 A YES, SIR

19 Q ALL RIGHT THERE ARE NO RIGHT OR WRONG ANSWERS
20 SO PLEASE JUST ANSWER OPENLY, HONESTLY, AND FULLY IF
21 YOU DON'T KNOW THE ANSWER TO A QUESTION OR IF YOU'VE
22 NEVER THOUGHT ABOUT IT BEFORE, THEN LET US KNOW THAT
23 ALSO

24 A OKAY

25 Q AMONG OTHER THINGS, WE'LL BE TALKING ABOUT A

1 PENALTY THE FACT THAT WE TALK ABOUT A PENALTY SHOULD
2 NOT INDICATE ANYTHING WHATSOEVER ABOUT THE DEFENDANT
3 THE DEFENDANT IS PRESUMED TO BE INNOCENT DO YOU
4 UNDERSTAND THAT?

5 A YES, SIR

6 Q NOW, DO YOU REMEMBER MY DISCUSSION WHEN THE WHOLE
7 GROUP WAS HERE ABOUT HOW THESE CASES ARE DONE IN TWO
8 PARTS IF NECESSARY?

9 A YES, SIR

10 Q IF YOU GET PAST THE FIRST PART, THEN IT GOES TO
11 THE SECOND PART, WHICH IS JUST ABOUT THE PENALTY DO
12 YOU UNDERSTAND THAT?

13 A YES, SIR

14 Q ALL RIGHT NOW, I DO WANT TO ADD -- BECAUSE A LOT
15 OF PEOPLE BELIEVE THIS, THAT A LOT OF PEOPLE THINK THAT
16 THE DEATH PENALTY APPLIES TO ALL MURDER CASES, AND
17 THAT'S NOT TRUE IT APPLIES TO LIMITED KINDS OR WHERE
18 CERTAIN CIRCUMSTANCES EXIST THAT IN THOSE CIRCUMSTANCES
19 THE STATE COULD ASK THAT THE DEATH PENALTY BE IMPOSED
20 FOR EXAMPLE, WHERE IT'S A KIDNAPPING PLUS A MURDER, OR
21 A BURGLARY PLUS A MURDER, OR IT MIGHT INVOLVE THE DEATH
22 OF A CERTAIN PUBLIC OFFICIAL THAT MIGHT BE LISTED IN
23 THE STATUTE DO YOU UNDERSTAND THAT?

24 A YES, I DO

25 Q ALL RIGHT IF YOU WERE A JUROR IN A CRIMINAL

STATE VS ALKEBULANYAHH

1 CASE, COULD YOU LISTEN TO AND APPLY THE LAW THAT I
2 INSTRUCT TO YOU?

3 A YES, SIR

4 Q COULD YOU DO THAT EVEN IF YOU DISAGREED WITH THE
5 LAW?

6 A YES, SIR

7 Q ALL RIGHT COULD YOU DECIDE THIS CASE BASED ON
8 THE EVIDENCE PRESENTED IN THIS COURT AND DISREGARD
9 ANYTHING YOU MAY HAVE HEARD, SEEN, OR READ ABOUT THIS
10 CASE?

11 A YES SIR

12 Q HAVE YOU HEARD, SEEN, OR READ ANYTHING ABOUT THIS
13 CASE?

14 A YES, SIR

15 Q COULD YOU TELL US WHAT THAT IS?

16 A JUST, YOU KNOW, WHAT HAD HAPPENED, A COUPLE OF
17 STUDENTS WENT TO THE SCHOOL

18 Q PARDON?

19 A I SAID, WHEN IT HAPPENED A COUPLE OF DEPUTIES'
20 KIDS WENT TO THE SCHOOL I WORK AT

21 Q ALL RIGHT DO YOU REMEMBER ANYTHING IN SPECIFIC?

22 A NOT REALLY

23 Q WOULD ANY OF THAT INFORMATION IN ANY WAY AFFECT
24 YOUR ABILITY TO GIVE EVERYONE A FAIR AND IMPARTIAL
25 TRIAL?

- 1 A NO, IT WOULDN'T
- 2 Q HAVE YOU FORMED ANY OPINION ABOUT THIS CASE?
- 3 A NO, I HAVEN'T
- 4 Q NOW, IN A CRIMINAL CASE THE STATE HAS THE BURDEN
- 5 OF PROVING GUILT BEYOND A REASONABLE DOUBT THE
- 6 DEFENDANT DOES NOT HAVE ANY BURDEN TO PROVE INNOCENCE
- 7 DO YOU UNDERSTAND THAT?
- 8 A REPEAT THAT AGAIN NOW
- 9 Q I'M JUST TELLING YOU A LITTLE BIT ABOUT THE LAW
- 10 A OKAY
- 11 Q IN A CRIMINAL CASE, THE STATE HAS THE BURDEN OF
- 12 PROVING GUILT BEYOND A REASONABLE DOUBT THE DEFENDANT
- 13 DOES NOT DO ANYTHING THE DEFENDANT DOES NOT HAVE ANY
- 14 BURDEN TO PROVE INNOCENCE DO YOU UNDERSTAND THAT?
- 15 A OKAY
- 16 Q PARDON?
- 17 A YES, SIR
- 18 Q NOW, IF IN A PARTICULAR CASE BASED ON THE EVIDENCE
- 19 AND THE FACTS AND THE LAW, WOULD YOU BE ABLE TO
- 20 CONSIDER EITHER A GUILTY OR A NOT GUILTY VERDICT?
- 21 A YES, I WOULD
- 22 Q ALL RIGHT HAVE YOU LOOKED AT THE JUROR TYPE
- 23 SHEET?
- 24 A YES, I HAVE
- 25 Q DO YOU THINK YOU FALL INTO ANY OF THOSE

STATE VS ALKEBULANYAHH

1 CATEGORIES?

2 A PROBABLY CLOSER TO 3

3 Q CLOSER TO 3

4 A CLOSEST

5 Q LET ME REVIEW THAT WITH YOU THIS IS THE TYPE OF
6 JUROR IF MURDER HAS BEEN PROVEN BY THE STATE AND THE
7 JUROR IS CONSIDERING PUNISHMENT, YOU WOULD NOT HAVE
8 MADE UP YOUR MIND IN ADVANCE INSTEAD, YOU WOULD NEED
9 TO HEAR THE FACTS AND CIRCUMSTANCES BOTH IN AGGRAVATION
10 AND IN MITIGATION AS WELL AS THE LAW BEFORE MAKING A
11 DECISION ON PUNISHMENT IS THAT CORRECT?

12 A YES, SIR

13 Q NOW, IF YOU WERE A JUROR IN A SITUATION WHERE A
14 CASE MADE IT TO THE SENTENCING PHASE OF THE CASE, COULD
15 YOU DEPENDING UPON THE PARTICULAR FACTS AND
16 CIRCUMSTANCES INCLUDING THE CONSIDERATION OF ANY
17 AGGRAVATING AND MITIGATING CIRCUMSTANCES AS WELL AS THE
18 LAW RETURN A SENTENCE OF LIFE IMPRISONMENT WITHOUT
19 PAROLE?

20 A YES, I COULD

21 Q ALL RIGHT NOW, IF YOU WERE IN THAT SAME
22 SITUATION, THAT IS, YOU ARE IN THE SENTENCING PHASE OF
23 THE CASE, COULD YOU DEPENDING UPON THE PARTICULAR FACTS
24 AND CIRCUMSTANCES INCLUDING THE CONSIDERATION OF ANY
25 AGGRAVATING AND MITIGATING CIRCUMSTANCES RETURN A

STATE VS ALKEBULANYAHH

- 1 SENTENCE OF DEATH?
- 2 A YES, SIR
- 3 Q ALL RIGHT NOW, IN THAT LATTER SITUATION IF THE
- 4 JURY WERE TO UNANIMOUSLY DECIDE THAT THE SENTENCE OF
- 5 DEATH IS THE APPROPRIATE SENTENCE, WHICH THE COURT
- 6 WOULD FOLLOW, COULD YOU SIGN THE VERDICT FORM?
- 7 A YES, SIR
- 8 THE COURT ALL RIGHT NOW AT THIS POINT EACH
- 9 SIDE WILL HAVE AN OPPORTUNITY TO ASK YOU SOME
- 10 QUESTIONS, SIR IF YOU WOULD TURN YOUR ATTENTION TO
- 11 THEM
- 12 MR ALKEBULANYAHH THANK YOU, YOUR HONOR, SIR
- 13 CROSS EXAMINATION BY MR. ALKEBULANYAHH.
- 14 Q GOOD MORNING, MR SMITH (SIC)
- 15 A BUCKNER
- 16 Q MR BUCKNER I'M SORRY
- 17 A THAT'S ALL RIGHT
- 18 Q MR BUCKNER, I'M ALKEBULANYAHH, THE DEFENDANT IN
- 19 THE CASE
- 20 A YES, SIR
- 21 Q AND I'LL BE REPRESENTING MYSELF AND I'M JUST
- 22 GOING TO GO OVER SOME QUESTIONS WITH YOU IN RELATION TO
- 23 THIS MATTER TO DETERMINE YOU KNOW, MYSELF THAT YOU ARE
- 24 QUALIFIED TO -- TO SIT ON THE JURY PANEL
- 25 A OKAY

STATE VS ALKEBULANYAHH

1 Q COULD YOU DESCRIBE YOUR VIEWS ON THE DEATH
2 PENALTY?

3 A I THINK THERE'S A -- YOU KNOW, THERE'S A PLACE
4 WHERE IT'S JUSTIFIED AND THEN, YOU KNOW, ACCORDING TO
5 WHATEVER THE CRIME IS, I BELIEVE IN IT

6 Q WHAT KINDS OF CRIME COME TO MIND WHEN YOU THINK OF
7 THE DEATH PENALTY?

8 A PRETTY MUCH MURDER, I GUESS IT'S THE ONLY THING
9 THAT I CAN -- I WOULD SAY THAT I WOULD GIVE IT FOR
10 (PAUSE)

11 Q HOW DO YOU FEEL ABOUT LIFE IMPRISONMENT WITHOUT
12 THE POSSIBILITY OF PAROLE AS A SENTENCE FOR AN
13 INTENTIONAL AND DELIBERATE AND PREMEDITATED MURDER?

14 A WELL, IF THAT'S ONE OF THE CHOICES BETWEEN THE
15 TWO, WHATEVER THE CHOICE IS, I AGREE WITH WHATEVER THE
16 MAJORITY -- YOU KNOW, IF THE JUDGE SAY, YOU KNOW, WE
17 HAVE THIS OR THIS, THEN, YOU KNOW, I AGREE WITH IT

18 Q HOW CONCERNED ARE YOU ABOUT THE AMOUNT OF MONEY
19 THAT WOULD BE USED TO SUPPORT A PERSON IN PRISON FOR
20 THE REST OF HIS NATURAL LIFE?

21 A WELL, I WOULD -- I'M AGAINST THAT BUT THEN IF --
22 YOU KNOW, IF THAT'S THE CHOICES, THEN, YOU KNOW -- OR
23 BEING IF IN MY HEART I BELIEVE THAT THE PERSON SHOULD
24 BE THERE, THEN THAT'S -- I BELIEVE IN IT

25 THE COURT LET ME ASK YOU A QUESTION TO MAKE SURE

1 YOU UNDERSTAND THE PROCESS WHEN YOU'RE IN THE JURY
2 ROOM THE JURY IS OFTEN -- EVERYBODY IS THROWING OUT
3 THINGS AND CONSIDERING, DEBATING THINGS, AND DISCUSSING
4 THE ISSUES, EACH JUROR MAKES UP HIS OR HER OWN MIND ---

5 JUROR RIGHT

6 THE COURT --- ABOUT HOW THEY WISH TO VOTE YOU
7 MADE A REFERENCE TO GOING ALONG WITH THE MAJORITY
8 WERE YOU REFERENCING REALLY WHAT I SAID ABOUT IF THE
9 JURY MADE A DETERMINATION ---

10 JUROR I GUESS, DIDN'T YOU SAY -- YOU KNOW, LIKE
11 YOU SAID THE CHOICES ARE BETWEEN THE DEATH PENALTY AND
12 LIFE IMPRISONMENT, THEN WHICHEVER ONE I FELT LIKE,
13 THAT'S THE ONE THAT I WOULD CHOOSE IF, YOU KNOW -- I
14 MEAN ---

15 THE COURT I JUST WANTED TO MAKE SURE -- BECAUSE
16 THE JURY VERDICT HAS TO BE UNANIMOUS, EVERYONE MUST
17 AGREE

18 JUROR RIGHT

19 THE COURT IT'S NOT A MAJORITY VERDICT

20 JUROR RIGHT

21 THE COURT I WANT TO MAKE SURE, YOU'RE NOT
22 INDICATING YOU WOULD JUST GO ALONG WITH THE MAJORITY?

23 JUROR OH, NO, NOT GO ALONG BECAUSE IT'S A
24 MAJORITY I WOULD GO ALONG WITH HOW I FELT BASED ON
25 THE FACTS IS WHAT I'M SAYING

1 THE COURT OKAY

2 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT
3 THE POSSIBILITY OF PAROLE IS JUST THAT?

4 A I DON'T KNOW -- I DON'T KNOW IF I COULD REALLY
5 ANSWER THAT QUESTION

6 (PAUSE)

7 Q WHAT DO YOU THINK THE DEATH PENALTY ACCOMPLISH FOR
8 SOCIETY?

9 A FOR ME, I THINK IT HELPS TO KEEP SOME PEOPLE IN
10 LINE FROM A BIBLICAL STANDPOINT, YOU KNOW, IT'S KIND
11 OF USED SO THAT'S -- YOU KNOW, DIFFERENT THINGS FOR
12 DIFFERENT PEOPLE BUT THAT'S WHAT I BELIEVE

13 (PAUSE)

14 Q WHAT ARE YOUR FEELINGS OR OPINIONS ABOUT THE STATE
15 SEEKING THE DEATH PENALTY IN A CASE WHICH THE DEFENDANT
16 WAS NOT PRESENT WHEN THE PEOPLE WERE KILLED?

17 MR MURDAUGH YOUR HONOR, PLEASE THAT ---

18 THE COURT I SUSTAIN THAT OBJECTION ASKING
19 ABOUT SPECIFIC FACTUAL QUESTIONS -- SCENARIOS

20 Q PRIOR -- PRIOR TO FILLING OUT THE JURY
21 QUESTIONNAIRE, HAVE YOU EVER EXPRESSED YOUR VIEWS ON
22 THE DEATH PENALTY TO FAMILY, FRIENDS, NEIGHBORS, OR CO-
23 WORKERS?

24 A YES, THE STUDENTS IN CLASS

25 Q HOW MANY TIMES HAVE YOU THOUGHT ABOUT THE DEATH

1 PENALTY?

2 A I REALLY CAN'T SAY I HAVEN'T RECENTLY

3 Q IN YOUR ENTIRE LIFE PRIOR TO JURY -- TO THE JURY
4 QUESTIONNAIRE HOW MUCH TIME HAVE YOU SPENT TALKING OR
5 THINKING ABOUT THE DEATH PENALTY?

6 A I MEAN, FROM TIME TO TIME I'VE THOUGHT ABOUT IT
7 AND TALKED ABOUT IT, YOU KNOW, OVER THE YEARS I WOULD
8 SAY IN 51 YEARS, PROBABLY 2 YEARS MAYBE OUT OF 51 --
9 OVER MY LIFE

10 Q IF AN EVIL PERSON COMMITTED A HORRENDOUS CRIME, IS
11 THE DEATH PENALTY APPROPRIATE?

12 A WELL, THAT WOULD DEPEND

13 (PAUSE)

14 Q IF A GOOD PERSON COMMITS A HORRENDOUS CRIME, IS
15 THE DEATH PENALTY APPROPRIATE?

16 A AGAIN, THAT WOULD DEPEND

17 Q WHAT IF A PERSON WITH A VASTLY DIFFICULT OPINION
18 OR POINT OF VIEW FROM YOURS COMMITS SUCH AN ACT, IS THE
19 DEATH PENALTY APPROPRIATE?

20 A NOT NECESSARILY

21 (PAUSE)

22 Q GIVE ME AN EXAMPLE OF WHEN YOU WOULD VOTE FOR THE
23 DEATH PENALTY FOR A -- FOR -- FOR A PERSON CONVICTED OF
24 AN INTENTIONAL AND DELIBERATE MURDER?

25 A I WOULD THINK AUTOMATICALLY IF A CHILD INVOLVED

1 (PAUSE)

2 Q GIVE ME AN EXAMPLE OF WHEN YOU WOULD VOTE FOR A
3 LIFE SENTENCE FOR A PERSON CONVICTED OF AN INTENTIONAL
4 AND DELIBERATE MURDER?

5 A I THINK THAT WOULD DEPEND ON SOME OTHER, YOU KNOW
6 CIRCUMSTANCES I WOULD HAVE TO HEAR SOME THINGS BEFORE
7 I DECIDED ON THAT, ON THE LIFE

8 (PAUSE)

9 Q HAVE YOU EVER SIGNED A PETITION THAT ENCOURAGE OR
10 SUPPORT THE DEATH PENALTY?

11 A NO, I HAVEN'T

12 Q HAVE YOU EVER PUBLICLY EXPRESSED YOUR VIEWS
13 FAVORING THE DEATH PENALTY?

14 A NO, I HAVEN'T

15 (PAUSE)

16 Q WHAT FACTORS WOULD BE IMPORTANT TO YOU IN
17 DETERMINING WHETHER A PERSON WHO WAS GUILTY OF AN
18 INTENTIONAL AND DELIBERATE MURDER DESERVES THE DEATH
19 PENALTY?

20 A REPEAT THAT AGAIN PLEASE

21 Q YES, SIR WHAT FACTORS WOULD BE IMPORTANT TO YOU
22 IN DETERMINING WHETHER A PERSON WHO WAS GUILTY OF AN
23 INTENTIONAL AND DELIBERATE MURDER DESERVES THE DEATH
24 PENALTY?

25 A OKAY ARE YOU ASKING IF I KNEW THAT A PERSON HAD?

1 Q IF THERE WAS A FACTOR THAT -- SOMETHING PARTICULAR
2 -- COULD YOU MAKE THE POINT OUT THAT -- THAT WOULD BE
3 IMPORTANT TO YOU TO DETERMINE TO GIVE THE DEATH PENALTY
4 TO A PERSON WHO INTENTIONALLY AND DELIBERATELY ---

5 A OKAY BUT I'M SAYING, YOU'RE ASKING THAT I KNEW
6 THAT THIS PERSON INTENTIONALLY OR DELIBERATELY DID IT?

7 Q NOT NECESSARY THE PERSON, JUST ANYONE IN GENERAL

8 A OKAY

9 Q JUST ANYONE IN GENERAL

10 A NO BECAUSE IF I DON'T KNOW, I WOULD HAVE TO BASE
11 IT ON, YOU KNOW, WHAT I HEARD AND WHETHER I BELIEVED
12 THAT IT WAS TRUE OR NOT

13 (PAUSE)

14 Q WHAT KIND OF CRIMES COME TO MIND WHEN YOU THINK OF
15 THE DEATH PENALTY?

16 A WELL, LIKE I SAID EARLIER ---

17 THE COURT YOU ALREADY ASKED HIM THAT

18 Q COULD YOU GIVE AN EXAMPLE OF WHEN YOU WOULD VOTE
19 FOR THE DEATH PENALTY FOR A PERSON CONVICTED OF MURDER?

20 THE COURT YOU'VE ASKED HIM ABOUT THAT, MR
21 ALKEBULANYAHH IF YOU CONTINUE TO ASK REPETITIVE
22 QUESTIONS, I WILL LIMIT YOUR TIME

23 MR ALKEBULANYAHH EXCUSE ME, YOUR HONOR

24 (PAUSE)

25 Q WOULD YOU HAVE DIFFICULTY VOTING FOR A LIFE

STATE VS ALKEBULANYAHH

1 SENTENCE IF YOU CONVICTED A PERSON OF AN INTENTIONAL
2 AND DELIBERATE MURDER OF AN INNOCENT PERSON?

3 A AND THAT'S BASED ON -- THAT WOULD BE BASED ON
4 FACTS THAT I HEARD, RIGHT?

5 Q YES

6 A OKAY I'M GOING TO HAVE A PROBLEM

7 (PAUSE)

8 Q IMAGINE A SITUATION WHERE YOU FOUND A PERSON
9 GUILTY OF AN INTENTIONAL AND PREMEDITATED MURDER -- IN
10 THAT SITUATION, WOULD YOU ALWAYS VOTE FOR THE DEATH
11 PENALTY?

12 A AGAIN, I'M ASSUMING THAT'S BASED ON -- ACCORDING
13 TO ---

14 THE COURT DON'T ASSUME ANYTHING, SIR IF YOU
15 HAVE A QUESTION, JUST ASK A QUESTION

16 JUROR OKAY

17 THE COURT DO YOU NEED CLARIFICATION?

18 JUROR YES

19 Q OKAY IN A GIVEN SITUATION WHERE YOU FOUND THAT
20 THE PERSON IS GUILTY, IN A GUILTY SITUATION OF AN
21 INTENTIONAL AND PREMEDITATED MURDER, WOULD YOU ALWAYS,
22 UNCONDITIONALLY, JUST GIVE THE DEATH PENALTY IN A GIVEN
23 SITUATION IF YOU FOUND THE PERSON JUST GUILTY OF AN
24 INTENTIONAL AND PREMEDITATED MURDER?

25 A ISN'T -- I GUESS -- CAN I ASK THE JUDGE A

1 QUESTION, YOUR HONOR?

2 THE COURT YES, SIR

3 JUROR WOULD THAT -- WHAT HE SAID, WOULD BE THAT
4 THE JURORS GET A CHOICE BETWEEN THE TWO?

5 THE COURT IN ANY OF THESE CASES YOU'LL HAVE THE
6 OPTION HE'S ASKING YOU, ARE THERE ANY CIRCUMSTANCES
7 WHERE YOU -- IF YOU'RE PRESENTED WITH THE CERTAIN TYPE
8 OF CASE, WOULD YOU ALWAYS VOTE FOR THE DEATH PENALTY OR
9 WOULD YOU ALWAYS WAIT TO SEE WHAT THE FACTS AND
10 CIRCUMSTANCES ARE?

11 A OKAY I WOULD WAIT AND SEE WHAT THE FACTS AND
12 CIRCUMSTANCES ARE

13 (PAUSE)

14 Q IF YOU FOUND A PERSON GUILTY OF INTENTIONALLY
15 MURDERING MANY PEOPLE -- MANY PEOPLE WOULD YOU ALWAYS
16 VOTE FOR THE DEATH PENALTY?

17 THE COURT HE'S ALREADY ANSWERED THAT HE WOULD
18 WAIT FOR THE FACTS AND CIRCUMSTANCES, MR
19 ALKEBULANYAHH

20 MR ALKEBULANYAHH THAT WAS FOR A SINGLE PERSON
21 I WAS SPEAKING OF MANY

22 THE COURT ALL RIGHT, SIR

23 MR ALKEBULANYAHH A DIFFERENT TYPE OF QUESTION

24 THE COURT I THINK HE JUST CLARIFIED IN RESPONSE
25 TO MY QUESTION, HE WOULD ALWAYS WAIT FOR -- GO AHEAD

STATE VS ALKEBULANYAHH

1 AND ANSWER THAT, SIR

2 A AGAIN, AS -- I WOULD WAIT ON THE FACTS

3 (PAUSE)

4 Q IF YOU BELIEVE A PERSON CLEARLY -- CLEARLY GUILTY
5 OF A HORRENDOUS MURDER OF MANY PEOPLE, YOU BELIEVE,
6 WOULD YOU ALWAYS VOTE FOR THE DEATH PENALTY?

7 THE COURT HE'S ALREADY RESPONDED TO THAT
8 QUESTION, MR ALKEBULANYAHH MOVE ON

9 (PAUSE)

10 Q WHEN YOU COME TO AN INDEPENDENT DECISION, WILL YOU
11 STICK TO IT?

12 A NOT NECESSARILY, IF I CAN BE SHOWED THAT I'M
13 WRONG, I WOULD CHANGE, BUT IT WOULD HAVE TO BE PRETTY
14 OVERWHELMING TO DO THAT

15 Q LET'S SAY IF YOU WAS SITTING ON A JURY AND THAT
16 YOU HAVE CAME TO A DECISION ON YOUR OWN, ARE YOU SAYING
17 THAT YOU'RE NOT CAPABLE OF STICKING TO YOUR DECISION
18 THAT YOU CAME TO ON YOUR OWN?

19 A OH, YES IF -- I'M SAYING IF I CAME TO A DECISION
20 AND THEN SAY FOR INSTANCE I TALKED TO YOU AND THE
21 GENTLEMAN NEXT TO YOU, AND YOU CAME UP WITH SOMETHING
22 THAT I DIDN'T THINK OF THAT I MISSED WHICH MADE MY
23 JUDGMENT INCORRECT, THEN I WOULD CHANGE BUT IF IT
24 WASN'T SOMETHING OVERWHELMING TO -- YOU KNOW, WHAT YOU
25 ALL SAID, TO CHANGE MY OPINION, THEN I'M STICKING TO MY

STATE VS ALKEBULANYAHH

1 OPINION

2 Q DO YOU HAVE THE ABILITY TO TRUST YOUR OWN JUDGMENT
3 WITHOUT ANY INFERENCE (SIC) FROM OTHERS, OUTSIDE
4 INFERENCE IF YOU WAS MAKING A DECISION?

5 A YES

6 Q IF ALL THE OTHER JURORS HOLD THE OPPOSITE OPINION
7 FROM YOU, GUILTY OR NOT GUILTY, WOULD YOU STICK TO YOUR
8 DECISION?

9 A LIKE I SAID, IF IT'S NOT OVERWHELMING, I'M
10 STICKING TO MY OPINION

11 Q DO YOU HAVE ANY INTEREST IN THE OUTCOME OF THIS
12 CASE EITHER FOR THE DEFENDANT OR PROSECUTION?

13 A NO, I DON'T

14 Q IS THE DEATH PENALTY USED OFTEN ENOUGH, TOO OFTEN,
15 OR ABOUT RIGHT?

16 A I DON'T KNOW

17 (PAUSE)

18 Q ARE YOU MARRIED?

19 A YES, I AM

20 Q HOW DOES YOUR SPOUSE FEEL ABOUT IT?

21 A TO BE HONEST WITH YOU, WE HAVEN'T DISCUSSED IT, SO
22 I REALLY DON'T KNOW

23 Q I'M SURE YOU HAVE FORMED AN OPINION -- I'LL STRIKE
24 THAT QUESTION, YOUR HONOR

25 (PAUSE)

1 Q DO YOUR RELIGIOUS BELIEF SUPPORT YOUR VIEW ON THE
2 DEATH PENALTY?

3 A REPEAT THAT AGAIN PLEASE

4 Q DO YOUR RELIGIOUS BELIEF SUPPORT YOUR VIEW ON THE
5 DEATH PENALTY?

6 A YES, SIR

7 Q AT YOUR PLACE OF WORSHIP HAVE YOU EVER BEEN
8 PRESENT FOR A SERMON THAT DISCUSS THE OKLAHOMA CITY
9 BOMBING OR THE DEATH PENALTY?

10 MR MURDAUGH YOUR HONOR, PLEASE I OBJECT
11 THE COURT I SUSTAIN THE OBJECTION

12 Q MANY BEEN HAVE BEEN TAUGHT BY THEIR RELIGION,
13 FAMILY, SCHOOL, AND FRIENDS TO DO UNTO OTHERS AS YOU
14 WOULD HAVE OTHERS DO UNTO YOU

15 MR MURDAUGH YOUR HONOR, PLEASE
16 THE COURT I SUSTAIN THE OBJECTION
17 (PAUSE)

18 Q HAVE YOU EVER HAD A STRONG OPINION ABOUT SOMETHING
19 AND THEN LATER FOUND OUT YOU BEEN WRONG?

20 A YES

21 Q WOULD YOU AGREE THAT EVERY PERSON SHOULD HAVE A
22 RIGHT TO PRIVACY IN THEIR HOME?

23 A YES

24 Q DO YOU BELIEVE THAT PROMISES ARE MEANT TO BE KEPT?

25 A IN MOST CASES AS LONG AS IT DOESN'T HURT ANYBODY,

1 YES

2 Q IF YOU PROMISE TO TELL THE TRUTH, WOULD YOU TELL
3 THE TRUTH?

4 A YES

5 Q IF YOU WERE CHOSEN FOR JURY DUTY, DO YOU PROMISE
6 TO STAND FIRM ON THE DEFENDANT BEING INNOCENT IF THE
7 PROSECUTOR DOES NOT PROVE TO YOU BEYOND A REASONABLE
8 DOUBT THE DEFENDANT IS GUILTY?

9 A WOULD YOU READ THAT AGAIN PLEASE

10 Q IF YOU WERE CHOSEN FOR JURY DUTY, DO YOU PROMISE
11 TO STAND FIRM ON THE DEFENDANT, MR ALKEBULANYAHH,
12 BEING INNOCENT IF THE PROSECUTOR DOES NOT PROVE TO YOU
13 BEYOND A REASONABLE DOUBT THE DEFENDANT IS GUILTY?

14 A YES

15 Q HAVE YOU EVER HEARD THE SAYING RIGHT IS RIGHT AND
16 WRONG IS WRONG REGARDLESS?

17 A I CAN'T RECALL RIGHT OFFHAND

18 Q DO YOU AGREE WITH THAT SAYING?

19 A RIGHT IS RIGHT AND WRONG IS WRONG REGARDLESS?

20 Q YES, SIR

21 A YES AND NO

22 Q DO YOU AGREE THAT THERE IS TWO SIDES TO EVERY
23 STORY?

24 A YES

25 Q IF YOU WERE SELECTED FOR JURY, DO YOU BELIEVE YOU

1 ARE CAPABLE OF JUDGING FAIRLY?

2 A YES

3 (PAUSE)

4 Q DO YOU BELIEVE THAT THESE QUESTIONS ABOUT
5 PUNISHMENT ---

6 THE COURT I'VE ALREADY GONE OVER THAT

7 Q IF ANY OF THE ALLEGED VICTIMS' FAMILY, FRIENDS, OR
8 CO-WORKERS, OR LAW ENFORCEMENT APPROACHED OR ACCOST YOU
9 AND ATTEMPT TO PERSUADE YOU, WOULD YOU NOTIFY OR TELL
10 THE JUDGE?

11 A YES

12 Q DO YOU CONSIDER YOURSELF A STRONG SUPPORTER OF THE
13 DEATH PENALTY?

14 A NO

15 Q WILL YOU AGREE WITH ME THAT WHEN A PERSON HAS
16 STRONG VIEWS THAT THEY HAVE HELD FOR A LONG TIME, IT IS
17 DIFFICULT IF NOT POSSIBLE (SIC) TO SET THOSE VIEWS
18 ASIDE?

19 A YOU'RE SAYING THAT IF YOU THINK ONE WAY FOR YEARS
20 AND BELIEVE SOMETHING IS ---

21 THE COURT HOLD ON, SIR YOU NEED TO REPHRASE
22 THAT QUESTION REGARDING HIS VIEWS NONE OF THESE
23 QUESTIONS ARE ABOUT THE VIEWS OF OTHER PEOPLE

24 MR ALKEBULANYAHH I'LL PASS THAT QUESTION

25 (PAUSE)

1 Q DO YOU AGREE THAT A LAW ENFORCEMENT OFFICER LIFE
2 IS MORE VALUABLE THAN AN ORDINARY CITIZEN?

3 A NO

4 Q DO YOU AGREE THAT IF A PERSON GIVE A FALSE
5 STATEMENT TO A LAW ENFORCEMENT OFFICIAL, THEY SHOULD BE
6 CHARGED?

7 MR MURDAUGH YOUR HONOR, PLEASE, THAT GOES INTO
8 SPECIFIC FACTS

9 THE COURT I SUSTAIN THE OBJECTION

10 Q DO YOU BELIEVE IF A PERSON CALLED IN A FALSE
11 REPORT TO THE FIRE DEPARTMENT, THEY SHOULD BE CHARGED?

12 MR MURDAUGH YOUR HONOR, PLEASE I ---

13 THE COURT I SUSTAIN THAT OBJECTION

14 YOU CAN ASK ABOUT ANY RELATIONSHIP TO ANY PARTY OR
15 WITNESS IN THIS CASE, ANY INTEREST IN THIS CASE,
16 WHETHER HE'S EXPRESSED OR FORMED ANY OPINION ABOUT THIS
17 CASE, WHETHER HE'S SENSIBLE TO ANY BIAS OR PREJUDICE,
18 AND HIS VIEWS ON THE DEATH PENALTY

19 IF YOU UNNECESSARILY PROLONG THESE PROCEEDINGS, IF
20 YOU ASK REPETITIVE QUESTIONS IF YOU CONTINUE TO ASK
21 QUESTIONS THAT THE COURT HAS ASKED, I WILL LIMIT VOIR
22 DIRE I WILL EXERCISE MY DISCRETION I DO NOT WANT TO
23 DO THAT HEED MY WORDS

24 Q IN YOUR OPINION, DO A LAW ENFORCEMENT OFFICER HAVE
25 THE RIGHT TO BREAK THE LAW OR RULES?

- 1 A NO, HE DOESN'T
- 2 Q COULD YOU GIVE ME ANY REASON WHY YOU WOULD THINK
- 3 THAT A LAW ENFORCEMENT OFFICER SHOULD BE ALLOWED TO
- 4 BREAK THE RULES?
- 5 MR MURDAUGH I OBJECT
- 6 THE COURT I SUSTAIN THE OBJECTION
- 7 Q IN YOUR OPINION -- IN YOUR OPINION, WOULD YOU BE
- 8 ANGRY IF YOU FOUND OUT THAT THE POLICE OFFICERS IN YOUR
- 9 COUNTY OR CITY WAS CORRUPT?
- 10 A YES
- 11 Q IN YOUR OPINION, DO YOU AGREE THAT NO PROSECUTOR
- 12 SHOULD TRY OR ATTEMPT TO COVER UP A CORRUPT POLICE
- 13 OFFICER?
- 14 A YES
- 15 (PAUSE)
- 16 Q IN YOUR OPINION, DO YOU BELIEVE THAT A LAW
- 17 ENFORCEMENT OFFICIAL WOULD NEVER LIE?
- 18 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO
- 19 THAT
- 20 THE COURT I SUSTAIN THAT OBJECTION
- 21 (PAUSE)
- 22 Q DO YOU KNOW OF ANY OFFICIAL WHO HAS EVER LIED?
- 23 MR MURDAUGH OBJECTION
- 24 THE COURT I SUSTAIN THE OBJECTION
- 25 Q WHAT IS YOUR OPINION ABOUT LAW ENFORCEMENT

1 OFFICIALS WHO HAVE BROKEN THE LAW?

2 MR MURDAUGH OBJECTION

3 THE COURT WHAT ARE YOU TRYING TO GET AT, MR
4 ALKEBULANYAHH?

5 MR ALKEBULANYAHH WHAT IS HIS OPINION ABOUT LAW
6 ENFORCEMENT OFFICERS WHO HAVE BROKEN THE LAW

7 THE COURT GO AHEAD AND ANSWER THAT, SIR

8 A I THINK THAT THEY SHOULD RECEIVE THE SAME
9 PUNISHMENT AS THE REST OF US

10 Q IN YOUR OPINION, IS IT OKAY FOR ONE LAW
11 ENFORCEMENT OFFICER TO LIE FOR ANOTHER LAW ENFORCEMENT
12 OFFICER?

13 MR MURDAUGH OBJECTION

14 THE COURT SUSTAINED

15 (PAUSE)

16 Q IN YOUR OPINION, DO YOU THINK IT IS APPROPRIATE
17 FOR A LAW ENFORCEMENT OFFICER TO PLANT EVIDENCE?

18 MR MURDAUGH OBJECTION

19 THE COURT SUSTAINED DO YOU WANT TO ASK HIM IF
20 HE HAS ANY BIAS OR PREJUDICE REGARDING A LAW

21 ENFORCEMENT OFFICER, YOU MAY DO THAT I'M NOT GOING TO
22 ALLOW 30 QUESTIONS ON THIS SUBJECT

23 MR ALKEBULANYAHH I JUST WANTED HIS OPINION

24 THE COURT I GAVE YOU YOUR OPTIONS

25 (PAUSE)

STATE VS ALKEBULANYAHH

1 Q IN YOUR OPINION, DO YOU AGREE THAT A LAW
2 ENFORCEMENT OFFICER SHOULD ALWAYS HAVE THE RIGHT TO
3 ENTER YOUR HOUSE WITHOUT A SEARCH WARRANT OR ARREST
4 WARRANT?

5 MR MURDAUGH OBJECTION

6 THE COURT I SUSTAIN THE OBJECTION YOU WILL NOT
7 ASK ANY LEGAL QUESTIONS

8 Q WHAT IS THE DIFFERENCE BETWEEN TO INVESTIGATE ---

9 THE COURT I'VE ALREADY ---

10 Q --- OR TO SEARCH?

11 THE COURT THAT'S A QUESTION I'VE ALREADY TOLD
12 YOU YOU CANNOT ASK, MR ALKEBULANYAHH

13 MR ALKEBULANYAHH I DIDN'T CONSIDER THAT ---

14 THE COURT WE DECIDED YESTERDAY THAT WAS NOT A
15 PROPER QUESTION GO AHEAD

16 (PAUSE)

17 Q WILL YOU BE ABLE TO BE FAIR AND IMPARTIAL AFTER
18 SEEING AND HEARING ABOUT THE IMPACT THAT THIS INCIDENT
19 HAD ON THE FAMILIES OF THE OFFICERS INVOLVED IN THIS
20 CASE?

21 A YES

22 Q WHAT WAS YOUR REACTION WHEN YOU FIRST HEARD THAT A
23 POLICE OFFICER WERE KILLED?

24 MR MURDAUGH YOUR HONOR, PLEASE, I THINK THAT'S
25 BEEN ASKED, SIR, AND ANSWERED

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH NO, IT HASN'T

2 THE COURT IT WASN'T ASKED THAT WAY

3 MR MURDAUGH OKAY, SIR

4 THE COURT HE INDICATED THAT ANYTHING THAT HE HAD
5 HEARD WOULD NOT AFFECT HIM GO AHEAD AND ANSWER THAT
6 QUESTION, SIR

7 A IT WAS JUST ANY NEWS LIKE ANY OTHER -- BECAUSE I
8 REALLY DIDN'T KNOW ANY OF THE PERSONS INVOLVED

9 Q HOW DID YOU FEEL WHEN THE ARREST WAS MADE?

10 MR MURDAUGH YOUR HONOR, PLEASE I ---

11 THE COURT I SUSTAIN THE OBJECTION HE JUST
12 RESPONDED TO YOUR OTHER QUESTION

13 MR ALKEBULANYAHH YOUR HONOR, THESE PARTICULAR
14 QUESTIONS WAS ASKED ---

15 THE COURT IF HE HAS ANY ---

16 MR ALKEBULANYAHH --- THE PREVIOUS DAY AND THERE
17 WAS NO OBJECTION TO THEM

18 THE COURT THAT'S THE WAY IT WORKS IN A LOT OF
19 CASES, IF SOMEBODY EVENTUALLY OBJECTS, IT'S ADDRESSED,
20 IT'S ADDRESSED IF IT'S NOT, THEN I HAVEN'T RULED ON
21 IT

22 (PAUSE)

23 THE COURT IF YOU WANT TO ASK HIM WOULD THE FACT
24 THAT SOMEONE WAS ARRESTED AFFECT HIS ABILITY TO GIVE A
25 FAIR AND IMPARTIAL TRIAL, THAT'S A DIFFERENT QUESTION

STATE VS ALKEBULANYAHH

- 1 Q PLEASE TELL ME ABOUT YOUR NEIGHBORHOOD, IS IT A
2 SAFE PLACE?
- 3 A I THINK SO
- 4 Q DO PEOPLE FROM DIFFERENT RACES LIVE THERE?
- 5 A YES
- 6 Q DO YOU KNOW HOW MANY?
- 7 A NO I JUST MOVED THERE RECENTLY
- 8 Q IS A RACE PROBLEM AT ALL IN YOUR NEIGHBORHOOD?
- 9 A NOT THAT I KNOW OF
- 10 Q DO YOUR CHILDREN GO TO PUBLIC OR PRIVATE SCHOOLS?
- 11 A PUBLIC
- 12 Q DO YOU KNOW WHETHER THERE ARE CHILDREN OF ALL
13 RACES WHO ATTEND?
- 14 A YES
- 15 Q DO YOU KNOW WHAT PERCENTAGE?
- 16 A PREDOMINATELY BLACK
- 17 (PAUSE)
- 18 Q IS YOUR WORK PLACE INTEGRATED?
- 19 A YES
- 20 Q DO YOU KNOW WHAT PERCENTAGE?
- 21 A 50 -- I THINK IT'S 51 PERCENT WHITE
- 22 Q ARE YOU SUPERVISED BY PEOPLE OF A DIFFERENT RACE?
- 23 A NO
- 24 Q DO PEOPLE WHERE YOU WORK SOCIALIZE OUTSIDE OF
25 WORK?

- 1 A YES
- 2 Q IS THIS A MIXED GROUP OR DOES IT TEND TO DIVIDE
- 3 ALONG RACIAL LINES?
- 4 A MIX, BUT STILL ALONG KIND OF RACIAL LINES
- 5 Q HAVE YOU EVER ENTERTAINED A CO-WORKER OR FRIEND OF
- 6 A DIFFERENT RACE IN YOUR HOME?
- 7 A YES
- 8 Q PLEASE DESCRIBE THE CIRCUMSTANCES?
- 9 A JUST HANGING OUT, JUST COMING OVER TO HANG OUT
- 10 Q DO YOU THINK BLACKS ARE MORE LIKELY TO BE INVOLVED
- 11 IN CRIME THAN WHITES?
- 12 A NO
- 13 Q HOW ABOUT DRUG DEALING?
- 14 MR MURDAUGH YOUR HONOR, PLEASE THAT'S GOING
- 15 INTO SPECIFICS
- 16 THE COURT I SUSTAIN THE OBJECTION
- 17 (PAUSE)
- 18 Q HOW ABOUT CRIME OR VIOLENCE?
- 19 A WHAT ABOUT IT?
- 20 Q DO YOU THINK BLACKS ARE MORE LIKELY TO BE INVOLVED
- 21 IN CRIME THAN WHITES -- I'M SORRY DO YOU THINK THAT
- 22 BLACKS ARE MORE LIKELY TO BE INVOLVED IN A CRIME THAN
- 23 WHITES, LIKE CRIME OF VIOLENCE?
- 24 MR MURDAUGH OBJECTION
- 25 THE COURT I'LL ALLOW THAT GO AHEAD

1 A NO

2 THE COURT IF YOU KNOW, SIR IF YOU DON'T, TELL

3 US

4 A NO

5 Q COULD YOU TELL ME THE BEST AND WORST LIFE

6 EXPERIENCE YOU HAVE HAD WITH A MEMBER OF ANOTHER RACE?

7 A WELL, MY WIFE IS WHITE, AND THAT'S THE BEST THING

8 THAT EVER HAPPENED TO ME

9 AND THE WORST -- I GUESS THINKING BACK, MY -- WE

10 GOT -- WE WERE GOING TO MY MOTHER'S HOME AND GOT ON A

11 GREYHOUND, AND SOME WHITE MARINES TOLD US THAT WE COULD

12 PLAY WITH THEM -- AND MY MOTHER ALWAYS TOLD US THAT

13 MARINES WOULD KILL YOU AND ALL THIS KIND OF STUFF AND

14 SO SHE TOLD US TO COME BACK WITH HER AND WE WOULDN'T

15 BECAUSE THE GUYS WAS GIVING US CANDY, PLAYING WITH US

16 AND HE SAID, MA'AM, IT'S ALL RIGHT THEY CAN SIT WITH

17 US AND THEN THE BUS DRIVER, YOU KNOW, LOOKED IN THE

18 MIRROR -- YOU KNOW, THESE GUYS AREN'T FROM HERE YOU

19 ALL NEED TO GET TO THE BACK OF THE BUS AND THEN I

20 REALIZED THEN THAT, YOU KNOW, MY MOTHER HAD LIED TO ME

21 ABOUT, YOU KNOW, MARINES AND EVERYTHING ELSE BUT THEN

22 LATER ON I REALIZED WHY, YOU KNOW, SHE HAD LIED TO ME

23 Q WHAT DO YOU THINK OF INTERRACIAL DATING AND

24 MARRIAGE?

25 A WELL, I DON'T SEE A PROBLEM WITH IT LIKE I JUST

1 SAID, MY WIFE'S WHITE

2 (PAUSE)

3 Q AFTER AN HONEST SELF-APPRAISAL, DO YOU THINK THAT
4 THE RACE OF MR ALKEBULANYAHH MIGHT INTERFERE EVEN
5 SLIGHTLY WITH YOUR ABILITY TO SERVE AS A JUROR ON THIS
6 CASE?

7 A NO

8 Q DO YOU THINK THAT AFRICAN-AMERICANS ARE EXECUTED
9 MORE THAN OTHERS?

10 A YES

11 Q DOES RACE PREJUDICE ACTUALLY EXIST?

12 A YES

13 Q DO YOU THINK SCHOOLS SHOULD BE INTEGRATED OR
14 SEGREGATED?

15 A SOME TIMES BOTH

16 (PAUSE)

17 Q NOW THAT YOU'VE HEARD A GENERAL DESCRIPTION OF
18 CHARGES AND YOU HEARD -- HAVE YOU HEARD ANYTHING ABOUT
19 THIS CASE BEFORE TODAY?

20 A NOT REALLY

21 Q HAVE YOU READ ---

22 THE COURT I'VE ALREADY ASKED THOSE QUESTIONS,
23 MR ALKEBULANYAHH

24 MR ALKEBULANYAHH EXCUSE ME, SIR?

25 THE COURT DID I NOT ASK ALL THOSE QUESTIONS?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH (NO RESPONSE)

2 THE COURT WOULD YOU LIKE TO RESPOND TO THE
3 COURT? DID I NOT ASK ALL THOSE QUESTIONS?

4 MR ALKEBULANYAHH YES, SIR

5 THE COURT ALL RIGHT THANK YOU

6 (PAUSE)

7 Q AT THIS POINT WHAT DO YOU FEEL ABOUT THE CASE AND
8 THE CHARGES AGAINST MR ALKEBULANYAHH?

9 A I REALLY DON'T KNOW ENOUGH TO MAKE AN OPINION

10 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN
11 THEIR REPORTING?

12 A NO

13 Q ARE NEWS MEDIA REPORTS SOME TIMES DESIGNED TO BE
14 SENSATIONAL?

15 A YES

16 Q I'M SURE YOU HAVE FORMED AN OPINION REGARD MEDIA
17 OR CONVERSATION WITH OTHER PEOPLE HAVE YOU FORMED AN
18 OPINION AS TO MY GUILT IN THIS CASE?

19 A NO

20 MR ALKEBULANYAHH MR BUCKNER, I HAVE NO FURTHER
21 QUESTIONS THANK YOU, SIR

22 CROSS EXAMINATION BY MR. MURDAUGH.

23 Q MR BUCKNER, HOW YOU DOING?

24 A ALL RIGHT, SIR

25 Q I'M RANDOLPH MURDAUGH ALONG WITH DUFFY STONE,

1 WHO'S SEATED RIGHT HERE, WE WILL BE PROSECUTING THIS
2 CASE ON BEHALF OF THE STATE NEED TO ASK YOU A COUPLE
3 OF QUESTIONS, FRANKLY, TO FIND OUT WHETHER I WANT YOU
4 TO SIT ON THE JURY OR NOT

5 A OKAY

6 Q SOME OF THE QUESTIONS CERTAINLY WILL NOT BE
7 INTENDED TO EMBARRASS YOU, BUT THEY MAY BE HARD TO
8 ANSWER, BUT I'VE GOT TO ASK THEM

9 A OKAY

10 Q I NOTICED ON YOUR QUESTIONNAIRE YOU SAID THAT A
11 MEMBER OF YOUR FAMILY HAD BEEN ARRESTED?

12 A YES, SIR

13 Q MAY I ASK WHO THAT WAS?

14 A MY BROTHER

15 Q OKAY, SIR WAS IT DOWN HERE?

16 A YES, SIR

17 Q WOULD THAT HOLD ANY FEELINGS TOWARDS YOU BECAUSE
18 MY OFFICE WOULD PROBABLY HAVE HAD TO PROSECUTE HIM?

19 A NO

20 Q OKAY, SIR THE QUESTION WAS ASKED OF YOU A MINUTE
21 AGO IF THE RACE OF THE DEFENDANT WOULD HAVE ANY IMPACT
22 IN YOUR ABILITY THE FACT THAT HE IS AFRICAN-AMERICAN,
23 WOULD THAT MAKE ANY DIFFERENCE TO YOU IN YOUR DECISION?

24 A NO, IT WOULDN'T

25 Q DIDN'T I UNDERSTAND YOU TO SAY, SIR, THAT YOU

1 THINK THAT IN SOME CASES LIFE IMPRISONMENT WOULD BE
2 PROPER, AND IF THE CASE IS BAD ENOUGH, THAT DEATH
3 PENALTY WOULD BE PROPER?

4 A YES, SIR

5 MR MURDAUGH OKAY, SIR I HAVE NO FURTHER
6 QUESTIONS

7 THE COURT YOU MAY STEP OUTSIDE WE'LL BE WITH
8 YOU MOMENTARILY THANK YOU, SIR STEP OUT TO THE
9 HALLWAY

10 (THE JUROR EXITS THE COURTROOM)

11 THE COURT ANY OBJECTION ON QUALIFICATION?

12 MR ALKEBULANYAHH NO SIR, I HAVE NO OBJECTION,
13 YOUR HONOR

14 MR MURDAUGH NO, SIR

15 THE COURT ALL RIGHT THERE BEING NO OBJECTION
16 THE COURT FINDS HIM QUALIFIED BRING HIM BACK IN
17 PLEASE

18 (THE JUROR ENTERS THE COURTROOM)

19 THE COURT MR BUCKNER THE COURT FINDS YOU TO BE
20 QUALIFIED YOU WILL BE PLACED INTO THE POOL OF
21 QUALIFIED JURORS THAT DOES NOT MEAN YOU WILL BE ON
22 THE JURY YOU'LL BE IN THE POOL THAT WE WILL SELECT
23 FROM

24 I HAVE A COUPLE OF INSTRUCTIONS IN YOUR ROLE AS
25 JUROR

STATE VS ALKEBULANYAHH

1 FIRST YOU MUST NOT DISCUSS THIS CASE IN ANY WAY
2 WHATSOEVER DO YOU UNDERSTAND?

3 JUROR YES, SIR

4 THE COURT YOU MUST NOT EXPOSE YOURSELF TO ANY
5 MEDIA COVERAGE, NEWSPAPER, TELEVISION, RADIO IF
6 YOU'RE LOOKING AT THE PAPER AND YOU SEE A HEADLINE,
7 DON'T READ THE STORY YOU SEE IT ON THE NEWS TURN IT
8 OFF DO YOU UNDERSTAND THAT?

9 JUROR YES, SIR

10 THE COURT WE HAVE YOUR DAY AND EVENING NUMBER?

11 JUROR YES, SIR

12 THE COURT BECAUSE WE DON'T KNOW HOW LONG THIS
13 PROCESS WILL TAKE, INSTEAD OF INCONVENIENCING YOU TO
14 STAY UNTIL I NEED YOU, WE WILL CALL YOU AND GIVE YOU A
15 REPORT BACK DATE YOU WILL BE REQUIRED TO REPORT BACK
16 THOUGH AT THAT TIME DO YOU UNDERSTAND?

17 JUROR YES SIR

18 THE COURT ALL RIGHT THANK YOU VERY MUCH

19 (THE JUROR EXITS THE COURTROOM)

20 THE COURT LET'S TAKE A 5-MINUTE BREAK PLEASE

21 (A RECESS WAS TAKEN)

22 THE COURT JEFFREY BARBIC

23 (THE JUROR ENTERS THE COURTROOM)

24 JEFFREY BARBIC, HAVING BEEN
25 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY THE COURT.

2 Q ARE YOU JEFFREY BARBIC?

3 A YES, SIR

4 Q ALL RIGHT MR BARBIC, I JUST WANT TO REMIND YOU,
5 YOU'RE STILL UNDER OATH

6 A YES, SIR

7 Q ALL RIGHT WE'RE AT THE POINT IN THE CASE WE JUST
8 NEED TO ASK YOU SOME QUESTIONS, NOT TO INVADE YOUR
9 PRIVACY, JUST BECAUSE IT'S NECESSARY TO THESE
10 PROCEEDINGS THERE ARE NO RIGHT OR WRONG ANSWERS, SO
11 PLEASE JUST ANSWER OPENLY, HONESTLY, AND FULLY IF YOU
12 DON'T KNOW THE ANSWER TO A QUESTION OR YOU'VE NEVER
13 THOUGHT ABOUT IT, JUST SAY THAT ALL RIGHT?

14 A OKAY

15 Q AMONG OTHER THINGS, WE'LL BE TALKING ABOUT A
16 PENALTY NOW, THE FACT THAT WE'RE TALKING ABOUT A
17 PENALTY OR THESE QUESTIONS ARE BEING ASKED SHOULD IN NO
18 WAY INDICATE ANYTHING ABOUT THIS DEFENDANT THE
19 DEFENDANT IS PRESUMED TO BE INNOCENT DO YOU
20 UNDERSTAND?

21 A YES SIR

22 Q NOW, DURING THE GENERAL QUALIFICATION I TOLD YOU A
23 LITTLE BIT ABOUT THE PROCESS HOW THESE CASES WORK,
24 THAT THEY ARE A TWO-PART TRIAL IF YOU GET TO THE SECOND
25 PART -- DO YOU REMEMBER THAT CONVERSATION?

STATE VS ALKEBULANYAHH

- 1 A UH-HUH
- 2 Q NOW, ONE MORE THING I WANT TO ADD, A LOT OF PEOPLE
3 THINK THE DEATH PENALTY APPLIES TO ALL MURDERS, BUT IT
4 DOES NOT IT APPLIES ONLY IN LIMITED SITUATIONS, FOR
5 EXAMPLE, A KIDNAPPING PLUS A MURDER, OR A BURGLARY PLUS
6 A MURDER, OR IT MIGHT INVOLVE THE DEATH OF A PUBLIC
7 OFFICIAL, IF IT'S ONE OF THE OFFICIALS THAT ARE LISTED
8 IN THE STATUTE THERE ARE OTHER EXAMPLES, THAT'S JUST
9 TO GIVE YOU A LITTLE OVERVIEW OF THE KINDS OF CASES
10 WHERE THE STATE CAN ACTUALLY COME IN AND REQUEST THAT A
11 JURY CONSIDER THE DEATH PENALTY DO YOU UNDERSTAND
12 THAT?
- 13 A YES, SIR
- 14 Q NOW, IF YOU WERE A JUROR IN A CRIMINAL CASE, COULD
15 YOU LISTEN TO AND APPLY THE LAW AS I GIVE IT TO YOU?
- 16 A YES, SIR
- 17 Q COULD YOU DO IT EVEN IF YOU DO NOT AGREE WITH THE
18 LAW?
- 19 A YES
- 20 Q ALL RIGHT IT'S MY JOB TO TELL THE JURY WHAT THE
21 LAW IS THE JURY MUST FOLLOW THAT LAW DO YOU
22 UNDERSTAND THAT?
- 23 A (NODS HEAD)
- 24 Q ALL RIGHT YOU CAN'T NOD BECAUSE THE COURT
25 REPORTER HAS TO TAKE YOUR ANSWER DOWN

STATE VS ALKEBULANYAHH

- 1 A OH OKAY YES, SIR
- 2 Q THANK YOU NOW, COULD YOU DECIDE THIS CASE BASED
- 3 ON THE EVIDENCE PRESENTED HERE IN THIS COURT AND
- 4 DISREGARD ANYTHING YOU MAY HAVE HEARD, READ, OR SEEN
- 5 ABOUT THIS CASE?
- 6 A YES, SIR
- 7 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
- 8 CASE?
- 9 A YES, SIR
- 10 Q WHAT WAS THAT?
- 11 A THERE'S BEEN SOME NEWSPAPER ARTICLES ON IT
- 12 Q WAS THAT RECENTLY OR SOME TIME AGO?
- 13 A BOTH
- 14 Q ALL RIGHT DO YOU REMEMBER BASICALLY WHAT YOU HAD
- 15 READ?
- 16 A YEAH, DO YOU WANT ME JUST TO KIND OF GO THROUGH
- 17 IT?
- 18 Q YES
- 19 A TWO POLICE OFFICERS ENTERED A HOME AND I THINK
- 20 IT WAS BASED ON A DOMESTIC DISTURBANCE CALL OR
- 21 SOMETHING LIKE THAT, AND THEY WERE SHOT AND KILLED
- 22 Q ALL RIGHT WOULD THAT INFORMATION IN ANY WAY
- 23 AFFECT YOUR ABILITY TO GIVE EVERYONE IN THIS CASE, THE
- 24 STATE AND THE DEFENDANT, A FAIR AND IMPARTIAL TRIAL?
- 25 A NO

1 Q ALL RIGHT IN RESPONSE TO ANYTHING THAT YOU MAY
2 HAVE HEARD OR SEEN OR ANYTHING YOU THINK ABOUT THE
3 SITUATION -- HAVE YOU FORMED ABOUT THIS CASE OR AS TO
4 THE GUILT OR INNOCENCE OF THIS DEFENDANT?

5 A NO, I HAVE NOT

6 Q ALL RIGHT NOW, IN A CRIMINAL CASE THE STATE HAS
7 THE BURDEN OF PROVING A DEFENDANT GUILTY BEYOND A
8 REASONABLE DOUBT A DEFENDANT DOES NOT HAVE TO DO
9 ANYTHING A DEFENDANT DOES NOT HAVE TO PROVE
10 INNOCENCE DO YOU UNDERSTAND THAT?

11 A YES

12 Q NOW, IN A PARTICULAR CASE DEPENDING ON THE FACTS
13 AND EVIDENCE AND THE LAW, WOULD YOU BE ABLE TO CONSIDER
14 A VERDICT OF NOT GUILTY OR GUILTY?

15 A I WOULD BE ABLE TO CONSIDER A PERSON NOT GUILTY OR
16 GUILTY, I THINK SO

17 Q AND HAVE YOU READ THE JUROR TYPE SHEET?

18 A YES

19 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
20 CATEGORIES?

21 A NOT -- I DON'T THINK I FALL INTO ANY OF THOSE
22 CATEGORIES, NO

23 Q WHAT DO YOU THINK YOU COME CLOSEST TO?

24 A PROBABLY EITHER TYPE 1 OR TYPE 3

25 Q TYPE 1 OR TYPE 3?

1 A YEAH

2 Q ALL RIGHT TYPE 1 BEING THAT YOU WOULD BE UNABLE
3 OR UNWILLING TO GIVE THE DEATH PENALTY IN ANY CASE
4 REGARDLESS OF THE CIRCUMSTANCES?

5 A I'VE WRESTLED WITH THAT AFTER I READ THAT SO, I
6 -- YOU KNOW, I WANT TO BE HONEST WITH YOU I WRESTLED
7 WITH THAT

8 Q AND THEN TYPE 3 WOULD BE YOU HAVEN'T MADE UP YOUR
9 MIND, AND DEPENDING ON THE CIRCUMSTANCES YOU COULD
10 CONSIDER EITHER LIFE OR DEATH?

11 A RIGHT

12 Q SO YOU'RE SAYING -- NOT THAT YOU DON'T FALL WITHIN
13 A CATEGORY, YOU'RE STRUGGLING WITH WHICH CATEGORY?

14 A RIGHT, EXACTLY

15 Q ALL RIGHT WELL LET ME ASK YOU OBVIOUSLY, THE
16 COURT WILL INSTRUCT YOU ABOUT THE LAW THAT APPLIES IN
17 THESE TYPES OF CASES THE COURT WILL ACTUALLY GO INTO
18 LEGAL INSTRUCTIONS ABOUT KINDS OF AGGRAVATING
19 CIRCUMSTANCES THAT THE STATE WOULD HAVE TO PROVE BEFORE
20 EVEN THE CONCEPT OF THE POSSIBILITY OF THE DEATH
21 PENALTY COULD BE EVEN PRESENTED TO THE JURY

22 SIMILARLY, THE COURT WOULD INSTRUCT THE JURY ABOUT
23 MITIGATING CIRCUMSTANCES THAT THE JURY WOULD ALSO
24 CONSIDER ALONG WITH AGGRAVATING CIRCUMSTANCES

25 NOW ARE THERE ANY CIRCUMSTANCES -- WITHOUT

1 KNOWING THE LAW, ARE THERE ANY CIRCUMSTANCES WHERE YOU
2 WOULD CONSIDER THE DEATH PENALTY?

3 A YES

4 Q ALL RIGHT NOW, SIMILAR TO THAT, ARE THERE ANY
5 CIRCUMSTANCES YOU WOULD CONSIDER LIFE WITHOUT PAROLE?

6 A YEAH, I THINK THERE ARE CIRCUMSTANCES I WOULD
7 CONSIDER LIFE WITHOUT PAROLE

8 Q ALL RIGHT NOW, IF YOU WERE IN A TRIAL OF THIS
9 TYPE OF CASE, IN A CASE THE JURY HAS MADE A DECISION
10 THAT A PERSON IS GUILTY OF THE OFFENSE OF MURDER AND
11 THE CASE MOVES TO THE SECOND PHASE -- IF THEY FOUND THE
12 PERSON NOT GUILTY, THE CASE DOESN'T GO TO THE SECOND
13 PHASE, AS I EXPLAINED TO YOU IF THEY FIND THE PERSON
14 IS GUILTY, IT GOES TO THAT SENTENCING PHASE

15 THAT SENTENCING PHASE -- IF YOU WERE IN THAT
16 SENTENCING PHASE, DEPENDING UPON THE FACTS AND
17 CIRCUMSTANCES AND THE EVIDENCE PRESENTED AS WELL AS THE
18 LAW THAT I GIVE TO YOU, WOULD YOU BE ABLE TO CONSIDER A
19 SENTENCE OF LIFE WITHOUT PAROLE?

20 A OH, COULD I CONSIDER IT, YES, DEFINITELY

21 Q ALL RIGHT NOW, IN THAT SAME KIND OF SCENARIO, IF
22 YOU WERE A JUROR IN A CASE THAT MADE IT TO THE
23 SENTENCING PHASE, WOULD YOU BE ABLE DEPENDING UPON THE
24 PARTICULAR FACTS AND CIRCUMSTANCES AND CONSIDERING BOTH
25 AGGRAVATING AND MITIGATING CIRCUMSTANCES AND THE LAW BE

1 ABLE TO RETURN A SENTENCE OF DEATH?

2 A AGAIN, IT WOULD DEPEND ON THE CIRCUMSTANCES, I
3 GUESS, YEAH

4 Q BUT IF YOU WERE IN THAT SITUATION WHERE YOU WERE
5 CONSIDERING POSSIBLE PUNISHMENT AND THE CIRCUMSTANCES
6 WERE SUCH AFTER YOU CONSIDERED BOTH AGGRAVATING AND
7 MITIGATING CIRCUMSTANCES COULD YOU MAKE A DETERMINATION
8 AND RETURN A SENTENCE OF DEATH?

9 A IF THE CIRCUMSTANCES WARRANT IT, I COULD YEAH

10 Q WELL, THE POINT OF THESE PROCEEDINGS ARE NOT TO
11 SAY, WOULD YOU RETURN A PARTICULAR SENTENCE UNDER A
12 PARTICULAR SET OF FACTS

13 A UH-HUH

14 Q WE DON'T ASK JURORS HOW THEY WOULD DETERMINE
15 SPECIFIC SETS OF FACTS WHAT I'M INTERESTED IN KNOWING
16 IF -- IS -- DEPENDING UPON THE FACTS AND CIRCUMSTANCES
17 ALONG WITH THE CONSIDERATION OF BOTH AGGRAVATING AND
18 MITIGATING CIRCUMSTANCES, COULD YOU RETURN A SENTENCE
19 OF DEATH?

20 A YEAH

21 Q ALL RIGHT NOW, IF YOU WERE ON A JURY AND THE
22 JURY HAD UNANIMOUSLY DECIDED TO RETURN A SENTENCE OF
23 DEATH, WOULD YOU BE ABLE TO SIGN THE VERDICT FORM TO
24 INDICATE THAT?

25 A YES

1 THE COURT ALL RIGHT THEY'RE GOING TO ASK YOU A
2 FEW QUESTIONS NOW THANK YOU

3 MR ALKEBULANYAHH COULD I APPROACH THE SIDE BAR?

4 THE COURT YES

5 (A SIDE-BAR CONFERENCE WAS HELD OFF THE RECORD)

6 THE COURT ALL RIGHT GO AHEAD, SIR

7 MR ALKEBULANYAHH THANK YOU, SIR

8 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

9 Q GOOD MORNING, MR BARBIC

10 A GOOD MORNING

11 Q I'M THE DEFENDANT IN THIS CASE, AND I'M MR
12 ALKEBULANYAHH AND I'M GOING TO POSE SOME QUESTIONS
13 TO YOU ABOUT THE DEATH PENALTY, AND SOME OTHER
14 QUESTIONS THAT YOU MAY FIND OR MAY NOT FIND
15 UNCOMFORTABLE, BUT ---

16 A OKAY

17 Q --- JUST GIVE ME A LITTLE BIT MORE ABOUT -- ABOUT
18 YOURSELF

19 A COULD YOU SPEAK A LITTLE LOUDER, I'M HAVING A HARD
20 TIME HEARING YOU

21 Q YES, SIR COULD YOU DESCRIBE YOUR VIEWS ON THE
22 DEATH PENALTY?

23 A LIKE I SAID, I THINK -- I THINK IF -- IF THE -- I
24 MEAN I REALLY DON'T HAVE MUCH OF A VIEW ABOUT IT I
25 MEAN, IT'S -- IT'S -- IT'S ONE OF THE PUNISHMENTS IF

1 YOU -- YOU KNOW, IF YOU DO AN ACT AND YOU'RE PROVEN
2 GUILTY, IT'S ONE OF THE PUNISHMENTS THAT'S THERE, YOU
3 KNOW

4 Q HAVE YOU EVER HELD ANY DIFFERENT VIEWS ON THE
5 DEATH PENALTY?

6 A NO

7 Q HOW STRONGLY DO YOU BELIEVE IN THE DEATH PENALTY?

8 A I THINK -- I THINK IT'S A NECESSARY DETERRENT FOR
9 CERTAIN -- YOU KNOW, FOR CERTAIN -- FOR CRIMES

10 Q WHAT KIND OF CRIMES COME TO MIND WHEN YOU THINK OF
11 THE DEATH PENALTY?

12 A BRUTAL -- BRUTAL MURDER WITH -- WITH -- SOMEONE
13 INTENDED TO KILL SOMEBODY, YOU KNOW, IN WHAT THEY CALL
14 PREMEDITATED OR WHATEVER IF -- SOMETHING INVOLVING --
15 YOU KNOW, A MURDER INVOLVING CHILDREN I THINK ANY
16 TIME SOMEONE PLANS AND KILLS SOMEBODY AND CARRIES IT
17 OUT, OTHER THAN LIKE A CRIME OF PASSION OR SOMETHING
18 LIKE THAT, I THINK -- I THINK IT COULD BE APPROPRIATE

19 Q CAN YOU GIVE ME AN EXAMPLE OF -- IF YOU CAN, CAN
20 YOU GIVE AN EXAMPLE OF ONE THAT YOU MAY HAVE HEARD OR
21 READ ABOUT IN THE MEDIA?

22 A OF THE DEATH PENALTY?

23 Q YES, AN EXAMPLE OF THE TYPE OF MURDER THAT -- THAT
24 COMES TO YOUR MIND?

25 A YEAH, I WOULD SAY ONE WOULD BE THE GUY -- THE

1 SNIPERS IN WASHINGTON THAT KILLED THOSE PEOPLE THEY
2 -- THEY -- THAT WOULD BE A DEATH PENALTY CASE IN MY
3 OPINION

4 Q WHAT KIND OF INTENTIONAL, DELIBERATE, AND
5 PREMEDITATED MURDER DO NOT DESERVE THE DEATH PENALTY TO
6 YOU?

7 A WHAT TYPE OF INTENTIONAL ---

8 Q DELIBERATE AND PREMEDITATED ---

9 A --- AND PREMEDITATED MURDER?

10 Q --- THAT DESERVE THE DEATH PENALTY TO YOU?

11 A WELL, I THINK IF IT'S INTENTIONAL, IT'S PLANNED,
12 IT WAS PREMEDITATED, I THINK IT DESERVES -- IF IT'S
13 BEEN PLANNED OUT TO KILL SOMEBODY

14 Q WHY DO YOU HAVE THE FEELING YOU DO ABOUT THE DEATH
15 PENALTY?

16 A BECAUSE IF SOMEONE REALLY PLANS OUT TO KILL
17 SOMEBODY IT'S -- IT'S -- I KNOW IT MAY SOUND CORNY,
18 BUT IT'S KIND OF AN EYE FOR AN EYE BUT IF SOMEONE --
19 IF SOMEONE DIES IN A -- IN AN ACT THAT WASN'T -- THAT
20 WASN'T PLANNED -- LIKE I SAID, TWO PEOPLE GET IN A
21 FIGHT OR SOMETHING, AND SOMEBODY DIES FROM IT, THEN
22 THAT'S A DIFFERENT STORY

23 BUT IF SOMEONE PLANS OUT THE KILLING OF SOMEBODY
24 ELSE, THEN THAT'S -- TO ME THAT'S -- THAT'S A TOTALLY
25 DIFFERENT STORY

1 Q HOW DO YOU FEEL ABOUT LIFE IMPRISONMENT WITHOUT
2 THE POSSIBILITY OF PAROLE AS A SENTENCE FOR AN
3 INTENTIONAL, DELIBERATE, PREMEDITATED MURDER?

4 A I THINK THAT'S AN OPTION I THINK -- I THINK THE
5 -- IT'S AN OPTION BUT, I MEAN, AGAIN, I'M GOING WITH
6 WHAT I SAID ORIGINALLY, YOU KNOW, I MEAN

7 Q HOW CONCERNED -- EXCUSE ME HOW CONCERNED ARE YOU
8 ABOUT THE AMOUNT OF MONEY THAT WILL BE USED TO SUPPORT
9 A PERSON IN PRISON FOR THE REST OF HIS NATURAL LIFE?

10 A THAT'S NOT A CONCERN TO ME

11 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT
12 THE POSSIBILITY OF PAROLE IS A JUST THAT?

13 A IS IT A JUST ACT?

14 Q YES

15 A WELL, I THINK -- I THINK THE JUST ACT IS THE
16 PERSON FOUND GUILTY AND HE OR SHE IS OFF THE STREETS
17 FOR THE REST OF THEIR LIFE AND THEY CAN'T HURT ANYBODY
18 ELSE I THINK THAT'S THE MOST IMPORTANT THING

19 THE COURT HE WAS JUST ASKING YOU, SIR, DO YOU
20 UNDERSTAND THAT THAT'S WHAT IT MEANS LIFE WITHOUT
21 PAROLE MEANS THAT HE WOULD NOT BE BACK OUT ON THE
22 STREET?

23 JUROR YES

24 THE COURT THAT'S WHAT HE WAS ASKING

25 JUROR OH, HE SAID JUST ACT I THOUGHT HE MEANT,

1 IS THAT FAIR YEAH, THAT'S RIGHT THAT'S WHAT I
2 THOUGHT HE MEANT

3 THE COURT I UNDERSTAND

4 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

5 Q WHAT DO YOU THINK THE DEATH PENALTY ACCOMPLISH FOR
6 SOCIETY?

7 A LIKE I SAID EARLIER, I THINK, YOU KNOW, A
8 DETERRENT MAYBE SOMEONE WOULD THINK TWICE BEFORE THEY
9 KILL SOMEBODY ELSE IF THEY PUT THEIR OWN LIFE AT RISK

10 Q IN YOUR OPINION, IT IS A GOOD DETERRENT?

11 A YEAH

12 Q DEATH AS A PUNISHMENT IS OBVIOUSLY IRREVOCABLE
13 OCCASIONALLY ONE READS IN THE NEWSPAPER OF ONE
14 SENTENCED TO DEATH WHO WAS LATER FOUND TO BE INNOCENT
15 WHAT DOES THIS MAKE YOU THINK ABOUT THE DEATH PENALTY?

16 A WELL, AGAIN, I THINK PUT IN THE HANDS OF THE
17 COURT YOU KNOW, AND TRUST THAT THEY DO A GOOD JOB WITH
18 THE -- WITH THE CASE AND IF -- IF -- THE JURY -- THE
19 JURY, YOU KNOW, RULES ON THE FACTS, YOU KNOW

20 Q WHAT CAN WE DO IF WE CARRY OUT A DEATH SENTENCE
21 THEN FIND OUT A PERSON IS INNOCENT?

22 MR MURDAUGH OBJECTION, YOUR HONOR, PLEASE

23 THE COURT I SUSTAIN THAT OBJECTION

24 Q WHAT IS THE BEST ARGUMENT FOR THE DEATH PENALTY?

25 A LIKE I SAY, I THINK MY FEELING -- WHAT I SAID

1 BEFORE, I THINK, THE FACT THAT IT IS A DETERRENT AND AN
2 EYE FOR AN EYE

3 Q WHAT IS THE BEST ARGUMENT AGAINST THE DEATH
4 PENALTY?

5 A WELL, THE ONLY ARGUMENT IS WHAT YOU JUST SAID, IF
6 SOMEONE IS FOUND GUILTY AND THEY'RE FOUND LATER THAT
7 THEY'RE INNOCENT, THAT WOULD BE THE ONLY ARGUMENT

8 Q WHAT IS THE BEST ARGUMENT AGAINST LIFE WITHOUT THE
9 POSSIBILITY OF PAROLE?

10 A VERSUS WHAT? VERSUS WHAT?

11 Q THE ARGUMENT THAT IN CONTRAST TO ONE RECEIVING THE
12 DEATH PENALTY?

13 A I THINK BECAUSE OF THE TYPE OF CRIME, YOU KNOW
14 THE TYPE OF MURDER THAT WAS COMMITTED OR THE TYPE OF
15 CRIME, WHETHER IT WAS TREASON OR SOMETHING LIKE THAT

16 Q IF A PLANNED AND PREMEDITATED MURDER OF A PERSON
17 -- SHOULD THAT PERSON GET THE DEATH PENALTY?

18 A A PLANNED PRE -- AND HE'S FOUND GUILTY?

19 Q YES, SIR

20 A YES

21 Q DOES THAT MEAN YOU COULD CONSIDER ALL THE FACTS
22 AND CIRCUMSTANCES IN SUCH A CASE?

23 A YEAH

24 Q WHAT WOULD -- WHAT WOULD BE IMPORTANT TO YOU IN
25 MAKING THE DECISION OF WHETHER A PERSON SHOULD RECEIVE

1 THE DEATH PENALTY -- I'M SORRY LET ME -- WHAT WOULD
2 BE IMPORTANT TO YOU IN MAKING THE DECISION OF WHETHER A
3 PERSON SHOULD RECEIVE THE PUNISHMENT OF LIFE
4 IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE OR
5 DEATH?

6 A WELL, LIKE I SAID, NUMBER ONE, PLANNED IT NUMBER
7 TWO, IF IT WAS -- YOU KNOW, A BRUTAL MURDER, IF IT WAS
8 -- YOU KNOW, THOSE THINGS

9 Q AND THAT'S FOR DEATH?

10 A YEAH

11 Q WHAT ABOUT LIFE IN PRISON WITHOUT THE POSSIBILITY
12 OF PAROLE?

13 A I WOULD SAY IF THERE WAS -- LIKE I SAY -- MORE OF
14 A FIT OF PASSION OR, YOU KNOW, JUST A -- NOT -- NOT
15 PLANNED OUT, JUST -- JUST -- IT JUST HAPPENED I MEAN,
16 IT'S JUST CIRCUMSTANCES OR WHATEVER IT WASN'T A PRE-
17 PLANNED SITUATION

18 Q PRIOR TO YOU FILLING OUT YOUR JURY QUESTIONNAIRE,
19 HAVE YOU EVER EXPRESSED YOUR VIEWS ON THE DEATH PENALTY
20 TO FAMILY, FRIENDS, NEIGHBORS, OR CO-WORKERS?

21 A HAVE I EVER TALKED ABOUT THE DEATH PENALTY, LIKE
22 AT COFFEE TIME, THAT SORT OF THING?

23 Q YEAH, PRETTY MUCH

24 A YEAH, I THINK, YOU KNOW, BACK IN THE '70'S WHEN A
25 LOT OF STATES WERE DOING AWAY WITH THE DEATH PENALTY

- 1 AND THAT SORT OF THING, THAT WAS A TOPIC OF
2 CONVERSATION
- 3 Q DO YOU REMEMBER WHAT YOU SAID AND TO WHOM?
- 4 A I JUST REMEMBER THAT I WAS FOR IT AT THE TIME, AND
5 I WAS -- I WAS SURPRISED THAT MANY STATES DID GET RID
6 OF IT
- 7 Q HOW MANY TIMES HAVE YOU THOUGHT ABOUT THE DEATH
8 PENALTY?
- 9 A NOT VERY OFTEN
- 10 Q IN YOUR ENTIRE LIFE, PRIOR TO THE JURY
11 QUESTIONNAIRE, HOW MUCH HAVE YOU SPENT TALKING OR
12 THINKING ABOUT THE DEATH PENALTY?
- 13 A PROBABLY 1 PERCENT, VERY LITTLE
- 14 Q IF AN EVIL PERSON COMMITS A HORRENDOUS CRIME, IS
15 THE DEATH PENALTY APPROPRIATE?
- 16 A IF AN EVIL PERSON COMMITS A HORRENDOUS CRIME, IS
17 THE DEATH PENALTY APPROPRIATE?
- 18 Q YES
- 19 A YES
- 20 Q WHY DO YOU FEEL THAT WAY?
- 21 A AS I SAID EARLIER, I THINK IT'S -- YOU KNOW, IF
22 YOU TAKE SOMEONE'S LIFE, YOU SHOULDN'T DESERVE TO LIVE
- 23 Q WHAT IF A PERSON WITH A VASTLY DIFFERENT OPINION
24 OR POINT OF VIEW FROM YOUR -- FROM YOURS COMMIT SUCH AN
25 ACT, IS THE DEATH PENALTY APPROPRIATE?

1 A I DON'T UNDERSTAND THE QUESTION
 2 Q I'M GOING TO RE ---
 3 A OKAY
 4 Q WHAT IF A PERSON WITH A VASTLY DIFFERENT OPINION
 5 OR POINT OF VIEW ---
 6 A ABOUT THE DEATH PENALTY?
 7 Q RIGHT, FROM YOURS, COMMIT SUCH AN ACT?
 8 A A HORRENDOUS AND EVIL ACT?
 9 Q YES, SIR IS DEATH -- IS THE DEATH PENALTY
 10 APPROPRIATE?
 11 A YEAH, BECAUSE IT'S THE ACT, IT'S NOT THE OPINION
 12 Q GIVE ME AN EXAMPLE YOU ANSWERED THAT EARLIER
 13 EXCUSE ME
 14 A SURE
 15 Q COULD YOU GIVE ME AN EXAMPLE WHEN YOU WOULD VOTE
 16 FOR A LIFE SENTENCE FOR A PERSON CONVICTED OF AN
 17 INTENTIONAL OR DELIBERATE MURDER?
 18 THE COURT YOU'VE ALREADY ASKED THAT
 19 A YOU ALREADY ASKED THAT, YEAH
 20 MR ALKEBULANYAHH I THOUGHT I ASKED HIM ABOUT
 21 THE DEATH ONE
 22 THE COURT NEXT QUESTION
 23 Q HAVE YOU EVER SIGNED A PETITION THAT ENCOURAGE OR
 24 SUPPORT THE DEATH PENALTY?
 25 A NO

1 (PAUSE)

2 Q WOULD YOU HAVE ANY DIFFICULTY -- WOULD YOU HAVE
3 DIFFICULTY VOTING FOR A LIFE SENTENCE IF YOU CONVICT A
4 PERSON OF AN INTENTIONAL AND DELIBERATE MURDER OF AN
5 INNOCENT PERSON?

6 A INTENTIONAL AND DELIBERATE MURDER?

7 Q YES, SIR

8 A YEAH, I'D HAVE A TOUGH TIME WITH THAT A TOUGH
9 TIME GIVING HIM LIFE -- YOU'RE ASKING?

10 Q YES, SIR

11 A YEAH, YEAH, A TOUGH TIME

12 Q IMAGINE A SITUATION WHERE YOU FOUND A PERSON
13 GUILTY OF AN INTENTIONAL AND PREMEDITATED MURDER -- IN
14 THAT SITUATION WOULD YOU ALWAYS VOTE FOR THE DEATH
15 PENALTY?

16 A INTENTIONAL AND DELIBERATE MURDER WOULD I ALWAYS
17 VOTE FOR THE DEATH PENALTY? THAT'S TOUGH TO SAY
18 ALWAYS I MEAN, I DON'T THINK I COULD SAY ALWAYS ABOUT
19 ANYTHING

20 Q WHEN YOU COME TO A INDEPENDENT DECISION -- WHEN
21 YOU COME TO A INDEPENDENT DECISION, WILL YOU STICK TO
22 IT?

23 A OH, YEAH

24 Q IF ALL THE OTHER JURORS HOLD THE OPPOSITE OPINION
25 FROM YOU, GUILTY OR NOT GUILTY, WOULD YOU STICK TO YOUR

1 DECISION?

2 A IF I WAS THE LONE HOLD-OUT?

3 Q YES

4 A ELEVEN OTHER PEOPLE SAID ONE THING, I SAID THIS

5 OTHER?

6 Q YES

7 A I DON'T KNOW I DON'T KNOW, TO BE HONEST WITH

8 YOU

9 JUROR I CAN SAY I DON'T KNOW, RIGHT?

10 THE COURT SIR, YOU CAN SAY JUST WHATEVER IS ON

11 YOUR MIND

12 MR ALKEBULANYAHH YES, SAY ANYTHING YOU WANT TO,

13 YES, IT'S FINE

14 THE COURT YOU DON'T HAVE TO SAY ANYTHING YOU

15 THINK WE WANT TO HEAR, JUST SAY WHATEVER YOU THINK IS

16 ON YOUR MIND IF YOU DON'T KNOW, SAY YOU DON'T KNOW

17 (PAUSE)

18 Q DO YOU HAVE ANY INTEREST IN THE OUTCOME OF THIS

19 CASE, EITHER FOR THE DEFENSE OR THE PROSECUTOR?

20 A INTEREST WHAT DO YOU MEAN BY INTEREST? DO YOU

21 MEAN, AM I TAKING SIDES?

22 Q YES, SIR

23 A NO

24 Q IS THE DEATH PENALTY USED OFTEN ENOUGH, TOO OFTEN,

25 OR ABOUT RIGHT?

1 A I NEVER THOUGHT ABOUT THAT I DON'T HAVE A
2 COMMENT I'VE NEVER THOUGHT ABOUT HOW MUCH IT WAS USED
3 AND WHETHER OR NOT IT WAS ENOUGH
4 (PAUSE)
5 Q ARE YOU MARRIED?
6 A YES
7 Q HOW DOES YOUR WIFE FEEL ABOUT IT?
8 A ABOUT THE DEATH PENALTY?
9 Q YES
10 A SHE'S FOR THE DEATH PENALTY
11 Q I'M SURE YOU HAVE FORMED AN OPINION REGARDING THE
12 MEDIA OR CONVERSATION WITH OTHER PEOPLE HAVE YOU
13 FORMED AN OPINION AS TO THE GUILT ---
14 THE COURT I'VE ALREADY ASKED THAT ---
15 Q --- MY GUILT ---
16 THE COURT --- QUESTION I'VE ALREADY BEEN OVER
17 THAT
18 MR ALKEBULANYAHH ABOUT MY GUILT?
19 THE COURT YES, SIR
20 Q HAVE YOU EVER HAD A STRONG OPINION ABOUT SOMETHING
21 THEN LATER FOUND OUT YOU BEEN WRONG?
22 A SURE
23 Q HOW DID YOU FEEL AFTER FINDING OUT YOU BEEN WRONG?
24 A I DON'T KNOW IF -- IT DEPENDS ON WHAT TOPIC WAS
25 THAT COULD GO ANYWHERE FROM OKAY TO DUMB

STATE VS ALKEBULANYAHH

- 1 Q WOULD YOU AGREE THAT EVERY PERSON SHOULD HAVE A
2 RIGHT TO PRIVACY IN THEIR HOME?
- 3 A YES
- 4 Q DO YOU BELIEVE THAT PROMISES ARE MEANT TO BE KEPT?
- 5 A WHAT, I'M SORRY
- 6 Q THAT PROMISES ARE MEANT TO BE KEPT?
- 7 A YES
- 8 Q IF YOU MADE A PROMISE, WOULD YOU KEEP IT?
- 9 A I WOULD TRY MY BEST
- 10 Q IF YOU WAS CHOSEN FOR JURY DUTY, DO YOU PROMISE TO
11 STAND FIRM ON THE DEFENDANT BEING INNOCENT IF THE
12 PROSECUTOR DOES NOT PROVE TO YOU BEYOND A REASONABLE
13 DOUBT THE DEFENDANT IS GUILTY?
- 14 A YES
- 15 Q HAVE YOU EVER HEARD THE SAYING RIGHT IS RIGHT AND
16 WRONG IS WRONG REGARDLESS?
- 17 A YEAH, I'VE PROBABLY HEARD THAT
- 18 Q DO YOU AGREE WITH THAT SAYING?
- 19 A AGAIN, YOU CAN'T ALWAYS SAY SOMETHING IS 100
20 PERCENT YOU ALWAYS HAVE -- YOU NEED TO LOOK AT THE
21 CIRCUMSTANCES
- 22 Q IF YOU ARE SELECTED FOR JURY DUTY, DO YOU PROMISE
23 TO JUDGE FAIRLY?
- 24 A YES
- 25 Q DO YOUR RELIGIOUS BELIEFS SUPPORT YOUR VIEW ON THE

1 DEATH PENALTY?

2 A I'M NOT A VERY RELIGIOUS MAN, SO

3 Q DO YOU BELIEVE -- I'M SORRY

4 A IT'S OKAY

5 Q ANY OF THE ALLEGE VICTIMS -- IF ANY OF THE ALLEGED
6 VICTIM FAMILY, FRIENDS, OR CO-WORKERS, OR LAW
7 ENFORCEMENT ACCOST YOU OR APPROACH YOU AND ATTEMPTED TO
8 PERSUADE YOU, WOULD YOU NOTIFY OR TELL THE JUDGE?

9 A SURE

10 Q BY MITIGATING EVIDENCE -- I'M NOT TALKING ABOUT
11 EVIDENCE THAT GOES TO WHETHER THE DEFENDANT IS GUILTY
12 OR NOT WHAT I MEAN BY MITIGATING EVIDENCE ARE THE
13 REASONS WHY HE SHOULD NOT GET THE DEATH PENALTY EVEN
14 THOUGH HE WAS GUILTY OF MURDER -- IN THAT SITUATION,
15 WOULD YOU FEEL THAT IF HE WAS GUILTY OF INTENTIONAL
16 MURDER, THE PROPER AND APPROPRIATE SENTENCE SHOULD BE
17 DEATH?

18 MR MURDAUGH YOUR HONOR, PLEASE, THAT WAS GONE
19 INTO WITH YOU EARLIER, SIR

20 THE COURT YES, SIR I SUSTAIN THAT

21 (PAUSE)

22 Q YOU KNOW THAT THERE WILL BE A CHOICE AND THAT
23 THERE WILL BE AN OPPORTUNITY FOR YOU TO -- FOR YOU TO
24 CONSIDER A LIFE SENTENCE WOULD YOU AUTOMATICALLY VOTE
25 FOR DEATH IN THAT INSTANCE, EVEN THOUGH YOU HAVE A

1 CHOICE?

2 MR MURDAUGH OBJECTION, SIR

3 THE COURT HOW HE WILL VOTE IN THIS CASE IS NOT A
4 PROPER QUESTION

5 (PAUSE)

6 Q ARE YOU THE TYPE OF PERSON WHO WOULD MAKE A
7 DISTINCTION BETWEEN DIFFERENT TYPES OF MURDER OR
8 BETWEEN THE PEOPLES WHO ARE CHARGED AND YOU FEEL THAT
9 EACH CASE SHOULD BE TREATED EXACTLY THE SAME?

10 A I DON'T QUITE UNDERSTAND THE QUESTION

11 THE COURT HE'S ASKING YOU, WOULD YOU ALWAYS DO
12 THE SAME THING OR WOULD YOU ACT BASED ON THE FACTS AND
13 CIRCUMSTANCES?

14 A OH, I'D ACT BASED ON THE FACTS AND CIRCUMSTANCES

15 (PAUSE)

16 Q MANY PEOPLE FEEL THE DEATH PENALTY IS THE ONLY
17 APPROPRIATE SENTENCE FOR A PERSON WHO HAS BEEN FOUND
18 GUILTY OF AN INTENTIONAL DELIBERATE, AND PREMEDITATED
19 MURDER DO YOU AGREE WITH THIS VIEW?

20 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT

21 THE COURT I SUSTAIN THAT

22 Q WOULDN'T YOU AGREE WITH ME THAT YOU ARE THE KIND
23 OF PERSON WHO FEELS THAT EVERY PERSON CONVICTED OF AN
24 INTENTIONAL, PREMEDITATED, AND DELIBERATE MURDER SHOULD
25 RECEIVE THE SAME SENTENCE?

1 THE COURT YOU'VE ALREADY ASKED THAT QUESTION
2 WE'VE ALREADY BEEN THROUGH THAT

3 Q YOU HEARD THE JUDGE SAY THAT IF THE JURY FINDS MR
4 ALKEBULANYAHH GUILTY OF THE MURDER CHARGES, THERE WILL
5 BE A SECOND PHASE AT THE SECOND PHASE THE ONLY
6 QUESTION IS WHAT THE APPROPRIATE SENTENCE WOULD BE
7 THE JUDGE TALKED ABOUT EVIDENCE OF MITIGATING AND
8 AGGRAVATING CIRCUMSTANCES WHAT DID YOU UNDERSTAND
9 MITIGATING CIRCUMSTANCES TO MEAN?

10 MR MURDAUGH OBJECTION, YOUR HONOR, PLEASE
11 THE COURT I WILL INSTRUCT THE JURY ON THE LEGAL
12 DEFINITIONS OF THESE THINGS GO AHEAD

13 (PAUSE)

14 Q I NOTICE ON YOUR QUESTIONNAIRE THAT YOU CHECKED
15 THAT YOU HAD FAMILY MEMBERS IN THE LAW AREA?

16 A UH-HUH

17 Q WHO WOULD THAT BE?

18 A MY SON-IN-LAW IS AN ATTORNEY AND MY DAUGHTER-IN-
19 LAW IS AN ATTORNEY

20 Q WOULD THAT CAUSE YOU TO BE BIASED TOWARD MR
21 ALKEBULANYAHH?

22 A NO

23 Q WILL YOU BE ABLE TO BE FAIR AND IMPARTIAL AFTER
24 SEEING AND HEARING ABOUT THE IMPACT THAT THIS INCIDENT
25 HAD ON THE FAMILIES OF THE OFFICER INVOLVED IN THIS

STATE VS ALKEBULANYAHH

1 CASE?

2 A YES

3 Q WHAT WAS YOUR REACTION WHEN YOU FIRST HEARD THAT A
4 POLICE OFFICER WAS KILLED AND HOW DID YOU FEEL?

5 A I FELT -- WELL, I FELT BAD I FELT BAD FOR THE
6 TWO PEOPLE WHO LOST THEIR LIVES I'M SURE I FELT BAD
7 FOR THE FAMILIES

8 Q HOW DID YOU FEEL -- I'M SORRY WOULD YOU AGREE
9 THAT YOUR ABILITY TO BE FAIR IN THIS CASE COULD BE
10 AFFECTED?

11 A I DON'T THINK SO

12 Q BECAUSE OF THE FEELINGS THAT YOU HAD?

13 A WELL, I MEAN, I FELT BAD FOR THE DEATH BUT, YOU
14 KNOW, I STILL WANT TO KEEP AN OPEN MIND

15 Q COULD YOU GIVE ME AN EXAMPLE OF A TIME WHEN YOU
16 CONSIDERED SOMETHING BUT DID NOT DO IT?

17 A I CONSIDERED CHANGING EMPLOYMENT I HAVEN'T DONE
18 IT THINGS LIKE THAT

19 (PAUSE)

20 Q DO YOU FEEL THAT A PERSON FACING THE DEATH PENALTY
21 DESERVES A FAIR CROSS SECTION OF THE COMMUNITY ON THE
22 JURY?

23 MR MURDAUGH OBJECTION, SIR

24 THE COURT I SUSTAIN THAT OBJECTION

25 Q DO YOU FEEL IT WOULD BE FAIR -- DO YOU FEEL IT

1 WOULD BE FAIR IF THE JURY CONSIST OF PEOPLE WHO
2 STRONGLY FAVOR THE DEATH PENALTY?

3 A WHO WHAT?

4 Q STRONGLY

5 A STRONGLY FAVOR THE DEATH PENALTY?

6 Q YES

7 THE COURT I DON'T THINK THAT'S A PROPER
8 QUESTION GO TO THE NEXT QUESTION I DON'T THINK YOU
9 SHOULD ASK THE JUROR ABOUT JURY COMPOSITION

10 Q WHAT CAN WE DO TO MAKE SURE THAT THE JURY IS
11 COMPOSED OF PEOPLE WHO HAVE VARYING -- VARYING VIEWS ON
12 THE DEATH PENALTY?

13 MR MURDAUGH OBJECTION, YOUR HONOR

14 THE COURT I DON'T THINK YOU SHOULD GO INTO THE
15 JURY COMPOSITION WITH THE JUROR

16 (PAUSE)

17 Q OKAY NOW, IF THERE SHOULD BE A PENALTY PHASE --
18 IF THERE SHOULD BE A PENALTY PHASE, THE JURY WOULD HAVE
19 TWO CHOICES FROM WHICH TO SELECT THE PUNISHMENT THE
20 DEATH SENTENCE OR A LIFE SENTENCE WITHOUT THE
21 POSSIBILITY OF PAROLE BEFORE THE JURY DELIBERATES,
22 THE DEFENSE AND THE PROSECUTION EACH PRESENT EVIDENCE
23 AS TO WHETHER THE DEFENDANT SHOULD LIVE OR DIE, AND
24 THEN THE JURY DISCUSSES THE EVIDENCE DO YOU
25 UNDERSTAND THAT THIS IS A TWO-STAGE PROCESS?

1 THE COURT I'VE ALREADY EXPLAINED THAT ---

2 MR MURDAUGH OBJECTION

3 THE COURT --- TO EVERYONE, MR ALKEBULANYAHH

4 (PAUSE)

5 Q DO YOU UNDERSTAND THAT YOU WOULD NEVER BE PUT IN A

6 POSITION OF BEING REQUIRED TO VOTE FOR THE DEATH

7 PENALTY IF YOU DO NOT BELIEVE IT'S PROPER?

8 A I DON'T UNDERSTAND WHAT THAT MEANS -- I DON'T

9 UNDERSTAND WHAT YOU'RE SAYING, THE QUESTION

10 Q I'LL REPEAT THE QUESTION

11 A YEAH, WOULD YOU REPEAT IT? I DON'T UNDERSTAND

12 WHAT YOU'RE ASKING

13 Q DO YOU UNDERSTAND THAT YOU WOULD NEVER BE PUT IN A

14 POSITION OF BEING REQUIRED TO VOTE FOR THE DEATH

15 PENALTY?

16 A OH, I DON'T HAVE TO VOTE FOR THE DEATH PENALTY IS

17 THAT WHAT YOU'RE SAYING?

18 Q RIGHT IF YOU DO NOT BELIEVE IT IS PROPER?

19 A YEAH YEAH, I GUESS I UNDERSTAND THAT, YEAH

20 Q DO YOU UNDERSTAND THAT TO BE A JUROR IN THIS CASE

21 ALL THAT IS NECESSARY IS THAT YOU BE ABLE TO FOLLOW THE

22 JUDGE'S INSTRUCTION AND CONSIDER THE EVIDENCE WITH

23 REGARD TO LIFE OR DEATH?

24 MR MURDAUGH OBJECTION

25 THE COURT I'LL DECIDE ABOUT THE QUALIFICATION OF

1 THE JURORS AND EXPLAINING THE RULES

2 (PAUSE)

3 Q PLEASE TELL ME ABOUT YOUR NEIGHBORHOOD, IS IT A
4 SAFE PLACE?

5 A YES

6 Q DO PEOPLE FROM DIFFERENT RACES LIVE THERE?

7 A YES

8 Q DO YOU KNOW HOW MANY?

9 A HOW MANY PEOPLE LIVE IN THE NEIGHBORHOOD?

10 Q OF DIFFERENT RACE -- PEOPLE OF A DIFFERENT RACE

11 A OH, I KNOW ONE FAMILY DOWN THE STREET AND THEN
12 ONE BLACK FAMILY AND ONE ASIAN FAMILY LIVE CLOSE BY

13 Q IS RACE A PROBLEM AT ALL IN YOUR NEIGHBORHOOD?

14 A NO

15 Q DO YOUR CHILDREN GO TO PUBLIC OR PRIVATE SCHOOL?

16 A MY CHILDREN ARE GROWN AND GONE

17 Q IN WHAT ---

18 A THEY WENT TO PUBLIC SCHOOL WHEN THEY WENT TO
19 SCHOOL

20 Q WHEN THEY DID WENT TO SCHOOL, DID THEY GO TO A
21 PUBLIC OR PRIVATE SCHOOL?

22 A PUBLIC

23 Q DID ANY OTHER CHILDREN OF OTHER RACES ATTEND
24 THERE?

25 A YES

- 1 Q IS YOUR WORK PLACE INTEGRATED?
- 2 A YES
- 3 Q WHAT PERCENTAGE?
- 4 A ABOUT 5 PERCENT
- 5 Q ARE YOU SUPERVISED BY PEOPLE OF A DIFFERENT RACE?
- 6 A NO
- 7 Q DO YOU SUPERVISE PEOPLE FROM A DIFFERENT RACE?
- 8 A NO
- 9 Q DO PEOPLE WHERE YOU WORK SOCIALIZE OUTSIDE OF
- 10 WORK?
- 11 A YES
- 12 Q IS THIS A MIXED GROUP OR DOES IT TEND TO DIVIDE
- 13 RACIAL LINES?
- 14 A I'D SAY IT TENDS TO DIVIDE RACIAL LINES
- 15 Q HAVE YOU EVER ENTERTAINED A CO-WORKER OR FRIEND OF
- 16 A DIFFERENT RACE IN YOUR HOME?
- 17 A YES
- 18 Q COULD YOU PLEASE DESCRIBE THE CIRCUMSTANCES?
- 19 A BEFORE I MOVED HERE, I LIVED IN ATLANTA, AND I HAD
- 20 A GOOD FRIEND DOWN THE STREET WHO WAS -- HIS FAMILY AND
- 21 MY FAMILY WERE VERY CLOSE HE WAS LIKE -- IT WAS A
- 22 BLACK FAMILY AND THEIR KIDS AND OUR KIDS WERE GOOD
- 23 FRIENDS AND WE ENTERTAINED AT THEIR HOME AND THEY
- 24 ENTERTAINED AT OUR HOME
- 25 Q DO YOU THINK BLACKS ARE MORE LIKELY TO BE INVOLVED

1 IN CRIME THAN WHITES?

2 MR MURDAUGH OBJECTION, SIR

3 THE COURT YES, SIR

4 JUROR WHAT DOES IT MEAN?

5 THE COURT I'LL ALLOW THAT

6 MR ALKEBULANYAHH THANK YOU

7 A DO I?

8 Q YES, SIR

9 THE COURT DO YOU HAVE AN OPINION ON THAT?

10 A I DON'T HAVE AN OPINION ON THAT, NO

11 Q TELL ME THE BEST AND WORST LIFE EXPERIENCE YOU

12 HAVE HAD WITH A MEMBER OF ANOTHER RACE?

13 A MY BEST LIFE EXPERIENCE WAS MY FRIEND IN ATLANTA

14 MY WORST LIFE EXPERIENCE WOULD BE WHEN MY SON'S GIRL

15 FRIEND WAS ABDUCTED AND BEATEN BY A GROUP OF HISPANICS

16 Q WHEN THIS SITUATION HAPPENED, DID YOU HOLD A

17 PREJUDICE AGAINST ALL HISPANICS?

18 A NO

19 Q WHAT DO YOU THINK OF INTERRACIAL DATING AND

20 MARRIAGE AND COULD YOU PLEASE BE HONEST?

21 MR MURDAUGH OBJECTION, SIR

22 THE COURT APPROACH THE SIDE BAR

23 (A SIDE-BAR CONFERENCE WAS HELD OFF THE RECORD)

24 THE COURT ALL RIGHT GO AHEAD, SIR

25 JUROR MAY I ANSWER THAT QUESTION?

1 Q YES, SIR
2 JUROR SHOULD I ANSWER THAT QUESTION?
3 THE COURT YES, GO AHEAD, SIR
4 JUROR OH, OKAY
5 A I'M NOT BIG ON IT
6 Q MR BARBIC, THANK YOU FOR YOUR ANSWER
7 A UH-HUH
8 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN
9 THEIR REPORTING?
10 A DO I BELIEVE THE MEDIA IS SURE AND ACCURATE? NO,
11 I DON'T
12 Q ARE NEWS MEDIA REPORTS SOME TIMES DESIGNED TO BE
13 SENSATIONAL?
14 A SURE
15 Q I AM SURE YOU HAVE FORMED AN OPINION REGARDING
16 MEDIA OR CONVERSATION WITH OTHER PEOPLE HAVE YOU
17 FORMED AN OPINION AS TO MY GUILT IN THIS CASE?
18 A I DON'T THINK SO, NO
19 Q NO?
20 A NO
21 MR ALKEBULANYAHH MR BARBIC, I HAVE NO FURTHER
22 QUESTIONS THANK YOU YOU'RE VERY KIND
23 MR MURDAUGH MR BARBIC, HOW ARE YOU DOING?
24 JUROR GOOD
25 MR MURDAUGH I AM RANDOLPH MURDAUGH ALONG WITH

1 DUFFY STONE, WHO IS SEATED RIGHT HERE, WE WILL BE
2 REPRESENTING THE STATE OF SOUTH CAROLINA IN THIS CASE
3 I AM SATISFIED WITH YOUR ANSWERS, AND HAVE NO QUESTIONS
4 FOR YOU

5 JUROR OKAY

6 THE COURT YOU MAY STEP OUT INTO THE HALLWAY
7 WE'LL BE WITH YOU MOMENTARILY

8 (THE JUROR EXITS THE COURTROOM)

9 THE COURT YOUR POSITION ON QUALIFICATION?

10 MR ALKEBULANYAHH YES, SIR, YOUR HONOR I
11 OBJECT TO THE QUALIFICATION OF THIS PARTICULAR JUROR
12 IN SUPPORT I WOULD LIKE TO SAY THAT THIS PARTICULAR
13 WITNESS, YOU KNOW, HE SAID THAT, YOU KNOW, HIS BELIEF
14 -- HE STANDS FOR AN EYE FOR AN EYE AND IF ONE TAKES A
15 LIFE, THAT PERSON DON'T DESERVES TO LIVE AND LIFE WAS
16 AN OPTION -- HE AGREED THAT ONE SHOULD BE -- IF ONE
17 GIVES A LIFE, THAT'S OPTION, BUT SHOULD GET THE DEATH
18 PENALTY

19 HE HAS WELL SPOKEN ABOUT INTENTIONAL, DELIBERATE
20 MURDER HE WOULD HAVE A TOUGH TIME VOTING FOR LIFE
21 WITHOUT PAROLE

22 AND THE PROSECUTOR IS ALLEGING IN THIS CASE THE
23 MURDER WAS BY AMBUSH AND THIS JUROR WOULD SEE THAT AS
24 A INTENTIONAL AND PREMEDITATED MURDER

25 THE COURT YES, SIR

STATE VS ALKEBULANYAHH

1 MR MURDAUGH I THINK HE'S QUALIFIED, SIR HE
2 SAID HE WOULD CONSIDER EVERYTHING AND MAKE A DECISION
3 ONE WAY OR THE OTHER, DEPENDING ON HOW HE FELT ABOUT
4 IT

5 THE COURT I AGREE I'M GOING TO FIND HIM
6 QUALIFIED BRING HIM BACK IN PLEASE

7 MR ALKEBULANYAHH YOUR HONOR, I WOULD LIKE
8 TO ---

9 THE COURT YES, SIR HOLD ON A SECOND
10 (THE JUROR ENTERS THE COURTROOM)

11 THE COURT MR BARBIC, I FIND THAT YOU ARE
12 QUALIFIED THAT DOES NOT MEAN YOU'LL BE ON THE JURY
13 YOU LL BE ON THE POOL

14 I HAVE A COUPLE INSTRUCTIONS FOR YOU YOU MUST
15 NOT DISCUSS THIS CASE IN ANYWAY WHATSOEVER

16 YOU MUST NOT EXPOSE YOURSELF TO ANY TYPE OF MEDIA
17 COVERAGE, NEWSPAPER, T V , RADIO IF YOU SEE SOMETHING
18 IN THE PAPER, DON'T READ IT HEAR SOMETHING ON T V ,
19 TURN IT OFF

20 BECAUSE I DON'T KNOW HOW LONG THIS PROCESS WILL
21 LAST, RATHER THAN IMPOSING ON YOUR TIME, WE'VE ASKED
22 FOR YOUR DAY AND EVENING NUMBER I BELIEVE WE HAVE
23 THAT

24 JUROR (NODS HEAD)

25 THE COURT WE WILL CALL YOU AND DIRECT YOU WHEN

STATE VS ALKEBULANYAHH

1 TO REPORT BACK ALL RIGHT?
2 JUROR YES
3 THE COURT YOU'LL BE OBLIGATED TO REPORT BACK AT
4 THAT TIME
5 JUROR MAY I ASK A QUESTION?
6 THE COURT YES, SIR
7 JUROR I'M SCHEDULED TO GO OUT OF TOWN ON
8 BUSINESS NEXT WEEK SHOULD I NOT GO?
9 THE COURT YES, SIR YOU SHOULD NOT GO
10 HOPEFULLY, WE'LL -- IF WE GET THIS JURY SELECTED BY
11 FRIDAY, THEN YOU'LL KNOW THE ANSWER TO THAT QUESTION
12 YOU'LL KNOW WHETHER YOU'RE ON THE JURY OR NOT
13 JUROR OKAY BUT I WON'T KNOW UNTIL FRIDAY
14 PROBABLY, RIGHT?
15 THE COURT I CAN'T SAY THAT FOR SURE
16 JUROR ARE YOU -- ARE YOU ALL CLOSED MONDAY FOR
17 THE HOLIDAY? COLUMBUS DAY OR WHATEVER IT IS?
18 CLERK NO, SIR
19 THE COURT NO, SIR
20 JUROR OKAY ALL RIGHT SO MAYBE MONDAY THEN?
21 THE COURT HOPEFULLY, YOU'LL KNOW BY FRIDAY
22 THANK YOU
23 JUROR THANK YOU
24 (THE JUROR EXITS THE COURTROOM)
25 THE COURT BENJAMIN JENNINGS

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YOUR HONOR
2 THE COURT YES, SIR HOLD ON HOLD ON HOLD ON
3 THE NEXT JUROR
4 YES, SIR
5 MR ALKEBULANYAHH YES, I JUST WANT TO MAKE A
6 OBJECTION FOR THE RECORD
7 THE COURT YES, SIR
8 MR ALKEBULANYAHH MR JEFFREY BARBIC
9 THE COURT YES, SIR YES, SIR, WHAT IS YOUR
10 OBJECTION? YOU ALREADY OBJECTED TO HIM DO YOU NEED
11 TO ADD SOMETHING ELSE?
12 MR ALKEBULANYAHH NO -- NO MORE THAN HIS -- THE
13 -- THE VIEWS THAT I ALREADY EXPRESS ABOUT THE LIFE FOR
14 A LIFE, AND BEING UNABLE TO -- TO STATE WHEN ONE TAKES
15 A LIFE, THERE IS NO OTHER OPTION BUT TO GIVE THAT
16 PERSON DEATH IF HE'S FOUND GUILTY
17 THE COURT HE SAID HE'D CONSIDER THE FACTS AND
18 CIRCUMSTANCES AND THAT THERE ARE TIMES WHEN HE COULD
19 AWARD THE LIFE IMPRISONMENT -- RENDER A VERDICT FOR
20 LIFE IMPRISONMENT
21 THE PROBLEM IS A LOT OF JURORS DON'T REALLY
22 UNDERSTAND THE LAW AND THE QUESTION IS, CAN THEY BE
23 FAIR AND IMPARTIAL AND THEY CONSIDER ALL THE OPTIONS?
24 AND ONCE THE COURT EXPLAINS THE LAW TO THEM, THEN
25 THEY HAVE A BETTER PERSPECTIVE ABOUT UNDERSTANDING WHAT

STATE VS ALKEBULANYAHH

1 THE POSITION IS THAT'S WHY I TRIED TO TELL THEM THAT
2 JUST A MURDER IN AND OF ITSELF IS NOT A SITUATION IN
3 WHICH THEY COULD AWARD THE DEATH PENALTY

4 MR ALKEBULANYAHH THE POSITION -- HIS POSITION
5 OF A LIFE FOR A LIFE ---

6 THE COURT WELL, HE SAID HE SORT OF FEELS THAT
7 WAY, BUT HE COULD CONSIDER BOTH OPTIONS AND THAT MAKES
8 HIM QUALIFIED YOU HAVE THE RIGHT TO STRIKE HIM IF HE
9 -- IF HE'S DRAWN -- IF HE COMES UP

10 MR ALKEBULANYAHH YES, SIR

11 THE COURT ALL RIGHT

12 MR ALKEBULANYAHH THANK YOU, SIR

13 THE COURT BENJAMIN JENNINGS

14 OFFICER YOUR HONOR MR JENNINGS IS NOT HERE AT
15 THE PRESENT TIME

16 THE COURT HE'S NOT HERE?

17 OFFICER THAT'S CORRECT

18 THE COURT DID HE SHOW UP THIS MORNING?

19 BAILIFF HE DID NOT SHOW UP YOUR HONOR

20 THE COURT ALL RIGHT I NEED TO KNOW ABOUT THAT
21 WHEN IT HAPPENS BECAUSE -- HAVE YOU ALL TAKEN A ROLL OF
22 EVERYONE ELSE THAT'S SUPPOSED TO BE HERE?

23 BAILIFF YES SIR THEY DID SHOW UP

24 THE COURT I NEED TO KNOW IMMEDIATELY IF SOMEONE
25 IS NOT HERE ANY SUGGESTIONS?

STATE VS ALKEBULANYAHH

1 MR MURDAUGH I CAN SEND FOR HIM, SIR

2 THE COURT YES, WE'RE GOING TO HAVE TO SEND FOR
3 HIM

4 OFFICER DO YOU WANT ME TO SEND A DEPUTY?

5 THE COURT YES, SIR IMMEDIATELY

6 OFFICER OKAY YES, SIR

7 THE COURT WHAT IS YOUR POSITION ON WAITING OR
8 PROCEEDING?

9 MR MURDAUGH MY SUGGESTION WOULD BE THAT WE
10 PROCEED, BUT PUT HIM BACK IN THE PROPER PLACE WHEN WE
11 GET HIM HERE, SIR DO YOU FOLLOW WHAT I'M SAYING?

12 THE COURT YES, SIR

13 (PAUSE)

14 THE COURT DO YOU HAVE ANY PROBLEM WITH
15 PROCEEDING AND PUTTING HIM IN HIS PROPER PLACE?

16 MR ALKEBULANYAHH NO, SIR, I HAVE NO PROBLEM
17 NO, SIR

18 THE COURT ALL RIGHT DANIEL O'CONNELL

19 (THE JUROR ENTERS THE COURTROOM)

20 DANIEL O'CONNELL, HAVING
21 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

22 DIRECT EXAMINATION BY THE COURT.

23 Q ARE YOU MR DANIEL O'CONNELL?

24 A YES

25 Q ALL RIGHT MR O'CONNELL, I JUST WANT TO REMIND

STATE VS ALKEBULANYAHH

1 YOU, YOU WERE PREVIOUSLY UNDER OATH YOU WILL REMAIN
2 UNDER OATH OKAY?

3 A OKAY

4 Q NOW, WE'RE JUST AT THE POINT IN THE CASE, JUST
5 WHERE WE CAN ASK YOU SOME INDIVIDUAL QUESTIONS, NOT TO
6 INVADE YOUR PRIVACY, JUST TO FIND OUT CERTAIN THINGS
7 DUE TO THE NATURE OF THESE PROCEEDINGS THERE ARE NO
8 RIGHT OR WRONG ANSWERS SO PLEASE JUST ANSWER OPENLY,
9 HONESTLY, AND FULLY IF YOU DON'T KNOW THE ANSWER TO A
10 QUESTION, SAY YOU DON'T KNOW OR IF YOU HAVEN'T
11 THOUGHT ABOUT SOMETHING, YOU'RE WELCOME TO SAY THAT

12 AMONG OTHER THINGS, WE'LL BE DISCUSSING A PENALTY
13 THE FACT THAT WE TALK ABOUT A PENALTY OR THE QUESTIONS
14 ARE ASKED DOES NOT INDICATE ANYTHING WHATSOEVER ABOUT
15 THE DEFENDANT HE IS PRESUMED TO BE INNOCENT IN THE
16 LAW DO YOU UNDERSTAND THAT?

17 A YES, SIR,

18 Q NOW, ALSO DID YOU REMEMBER THE CONVERSATION I HAD
19 WITH EVERYONE ABOUT HOW THESE CASES ARE HANDLED IN A
20 TWO-PART KIND OF TRIAL?

21 A RIGHT

22 Q ALL RIGHT ONE OTHER THING I WANT TO SAY IS A LOT
23 OF PEOPLE THINK THAT THE DEATH PENALTY APPLIES TO ALL
24 MURDER CASES, THAT'S NOT THE CASE IT ONLY APPLIES TO
25 LIMITED KINDS OF MURDER CASES FOR EXAMPLE, THE STATE

STATE VS ALKEBULANYAHH

1 CAN REQUEST A DEATH PENALTY IN A CASE WHERE THERE'S
2 KIDNAPPING PLUS MURDER, OR BURGLARY PLUS MURDER, OR
3 PERHAPS WHERE A CERTAIN OFFICE -- JUDICIAL OFFICER OR
4 SOME OTHER PUBLIC OFFICIAL THAT'S LISTED IN THE STATUTE
5 HAS BEEN KILLED THOSE ARE JUST EXAMPLES, AND I JUST
6 WANTED TO SHARE THAT WITH YOU ABOUT THE PROCESS,
7 BECAUSE SOME PEOPLE DO THINK THAT IT APPLIES IN ANY
8 CASE, AND IT DOES NOT

9 ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
10 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I
11 INSTRUCT IT TO YOU?

12 A YES

13 Q COULD YOU DO THAT EVEN IF YOU DID NOT AGREE WITH
14 THE LAW?

15 A YES

16 Q COULD YOU DECIDE THIS CASE BASED ON THE EVIDENCE
17 PRESENTED HERE IN THIS COURT AND DISREGARD ANYTHING YOU
18 MAY HAVE HEARD, READ, OR SEEN ABOUT THIS CASE?

19 A YES

20 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
21 CASE?

22 A VAGUELY

23 Q DO YOU REMEMBER ANYTHING?

24 A NOT REALLY SPECIFICS I KNOW THAT IT WAS TWO
25 MURDERS BASICALLY, THE WAY I EVEN KNEW ABOUT IT, I

STATE VS ALKEBULANYAHH

- 1 GOT CAUGHT IN TRAFFIC ON THE WAY HOME FROM WORK, THAT'S
2 HOW I KNEW IT EVEN EXISTED BUT I HAVEN'T READ ABOUT
3 IT OR FOLLOWED IT IN THE PAPERS OR ANYTHING
- 4 Q HAVE ANYTHING YOU HEARD, READ, OR SEEN -- WOULD
5 THAT IN ANY WAY AFFECT YOUR ABILITY TO GIVE EVERYONE IN
6 THIS CASE A FAIR AND IMPARTIAL TRIAL?
- 7 A NO
- 8 Q ALL RIGHT HAVE YOU FORMED ANY OPINION ABOUT THIS
9 CASE OR AS TO THE GUILT OR INNOCENCE OF THIS DEFENDANT?
- 10 A NO
- 11 Q NOW, IN A CRIMINAL CASE, THE STATE HAS THE BURDEN
12 OF PROVING GUILT BEYOND A REASONABLE DOUBT THE
13 DEFENDANT DOES NOT HAVE TO PROVE ANYTHING THE
14 DEFENDANT HAS NO BURDEN TO PROVE INNOCENCE DO YOU
15 UNDERSTAND THAT?
- 16 A YES
- 17 Q NOW, IN A PARTICULAR CASE DEPENDING UPON THE FACTS
18 AND EVIDENCE AND THE LAW, WOULD YOU BE ABLE TO CONSIDER
19 EITHER A NOT GUILTY OR A GUILTY VERDICT?
- 20 A YES
- 21 Q HAVE YOU LOOKED AT THAT JUROR TYPE SHEET?
- 22 A YES
- 23 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
24 CATEGORIES?
- 25 A COMPLETELY? NOT REALLY I THINK BETWEEN 2 AND 3

STATE VS ALKEBULANYAHH

1 PROBABLY

2 Q BETWEEN 2 AND 3?

3 A I MEAN, IT'S HARD -- IF YOU HAVEN'T DONE IT
4 BEFORE, IT'S HARD TO SAY THAT, YOU KNOW, YOU'RE
5 ACTUALLY A TYPE 1, TYPE 2, OR TYPE 3 BUT I COULD --
6 I COULD -- I BELIEVE IT'S AN AVAILABLE PUNISHMENT THAT
7 SHOULD BE USED IN SOME CIRCUMSTANCES AND I BELIEVE I
8 COULD ALSO GO THE OTHER WAY IF -- IF WARRANTED IT'S
9 JUST A CASE BY CASE BASIS, BUT IT'S SOMETHING THAT
10 SHOULD BE USED

11 Q WELL DOES THAT -- THAT DOES NOT SOUND LIKE NO 3
12 TO YOU, THAT YOU WOULD DECIDE IT ON A CASE BY CASE
13 BASIS?

14 A I'M SORRY?

15 Q YOU DON'T THINK THAT THAT WOULD BE WHAT YOU WOULD
16 THINK WOULD BE NO 3 UNDER THOSE CIRCUMSTANCES?

17 A IT IS BUT I ALSO BELIEVE THERE ARE SOME CASES
18 THAT SHOULD ABSOLUTELY BE MANDATORY

19 Q I SEE I UNDERSTAND AND I'LL LET THEM PURSUE
20 THAT IN THEIR QUESTIONS

21 BUT FOR THE PURPOSE -- FOR MY PURPOSES, IF YOU
22 WERE ABLE TO HEAR ALL THE FACTS AND CIRCUMSTANCES BOTH
23 IN AGGRAVATION AND MITIGATION, ARE YOU TELLING ME THAT
24 YOU COULD RETURN A SENTENCE OF LIFE IMPRISONMENT
25 WITHOUT PAROLE?

- 1 A IN SOME CASES, SURE
- 2 Q AND SIMILARLY, DEPENDING ON THE FACTS AND
- 3 CIRCUMSTANCES CONSIDERING ANY AGGRAVATING AND
- 4 MITIGATING CIRCUMSTANCES AND THE LAW, COULD YOU RETURN
- 5 A SENTENCE OF DEATH?
- 6 A IF NECESSARY, SURE
- 7 Q ALL RIGHT NOW, YOU SAY IN SOME SITUATIONS YOU
- 8 THINK THAT YOU WOULD ALWAYS RETURN A DEATH PENALTY?
- 9 A NOT ALWAYS BUT I THINK THERE ARE SOME SITUATIONS
- 10 WHERE IN THAT CASE IT WOULD ALWAYS APPLY
- 11 Q DO YOU HAVE ANY IDEA ABOUT WHAT YOUR OPINION WOULD
- 12 BE ABOUT WHEN THAT WOULD BE THE SITUATION?
- 13 A I THINK IF SOMEONE IS FOUND GUILTY OF COMMITTING
- 14 MURDER ON A PUBLIC SERVANT, I THINK THAT WOULD -- THAT
- 15 WOULD BE ONE I WOULD THINK WOULD ALWAYS GO FOR THE
- 16 DEATH PENALTY
- 17 Q ALL RIGHT SO IN THAT SITUATION ---
- 18 A AND CERTAINLY IN THE PERFORMANCE OF THEIR JOB, LET
- 19 ME PUT IT THAT WAY
- 20 Q AND IN THAT SITUATION, YOU WOULD ALWAYS AWARD THE
- 21 DEATH PENALTY?
- 22 A I THINK IT'S -- IT'S APPROPRIATE, SURE
- 23 Q ALL RIGHT NOW, IN A CASE IN WHICH YOU THINK THE
- 24 DEATH PENALTY IS APPROPRIATE, WOULD YOU BE ABLE TO SIGN
- 25 THE VERDICT FORM?

1 A SURE, ABSOLUTELY

2 THE COURT ALL RIGHT YES, SIR

3 (PAUSE)

4 MR ALKEBULANYAHH YOUR HONOR, I HAVE NO
5 QUESTIONS

6 THE COURT ALL RIGHT

7 CROSS EXAMINATION BY MR. MURDAUGH.

8 Q MR O'CONNELL, HOW ARE YOU DOING, SIR?

9 A GOOD

10 Q I'M RANDOLPH MURDAUGH ALONG WITH DUFFY STONE, WE
11 WILL BE PROSECUTING THIS CASE ON BEHALF OF THE STATE OF
12 SOUTH CAROLINA I NEED TO ASK YOU SOME QUESTIONS, TO
13 FIND OUT WHETHER I WANT YOU ON THE JURY OR NOT

14 A OKAY

15 Q AND, QUITE FRANKLY, TO FIND OUT WHAT YOUR FEELINGS
16 ARE I GATHER FROM WHAT YOU HAVE TOLD THE JUDGE, THAT
17 YOU WOULD LISTEN TO ALL OF THE TESTIMONY BEFORE MAKING
18 ANY DECISION, IS THAT CORRECT?

19 A ABSOLUTELY, YES

20 Q AND THAT YOU PROBABLY HAVE A LEANING TOWARDS THE
21 DEATH PENALTY IN CERTAIN CASES?

22 A YES

23 Q NOW, IF HIS HONOR WERE TO CHARGE YOU IN A CASE
24 THAT BEFORE YOU CAN CONSIDER THE DEATH PENALTY, THERE
25 WOULD HAVE TO BE A FINDING BY THE JURY THAT THERE WAS

)
STATE VS ALKEBULANYAHH

1 IN EXISTENCE A THING CALLED AN AGGRAVATING
2 CIRCUMSTANCES WHICH HE MADE REFERENCE TO A MINUTE AGO
3 AND WITHOUT THAT -- WITHOUT A FINDING THAT THERE WAS AN
4 AGGRAVATING CIRCUMSTANCE, YOU COULD GO NO FURTHER

5 A OKAY

6 Q YOU AGREE WITH THAT IF HE TELLS YOU THAT'S THE
7 LAW?

8 A IF HE TELLS ME THAT'S THE LAW, THEN WE HAVE TO
9 AGREE ON IT

10 Q YES, SIR, THAT'S RIGHT

11 A WE COULDN'T DO ANYTHING ABOUT IT

12 Q AND IF HE TELLS YOU THAT AFTER FINDING AN
13 AGGRAVATING -- THAT IF YOU DO FIND AN AGGRAVATING
14 CIRCUMSTANCES, BEFORE YOU CAN DO ANYTHING ELSE, YOU
15 MUST CONSIDER THINGS CALLED MITIGATING CIRCUMSTANCES OR
16 REASONS NOT TO IMPOSE THE DEATH PENALTY WOULD YOU
17 CONSIDER THOSE THINGS?

18 A IF THE LAW SAYS WE HAVE TO CONSIDER THE MITIGATING
19 CIRCUMSTANCES, THEN, OBVIOUSLY, I WOULD HAVE TO

20 Q OKAY, SIR AND AFTER CONSIDERING, WOULD YOU THEN
21 MAKE A DECISION EITHER FOR THE DEATH PENALTY OR FOR
22 LIFE IMPRISONMENT DEPENDING ON HOW YOU FELT ABOUT IT?

23 A YES

24 Q OKAY, SIR THE LAW SAYS THAT THE THINGS TO BE
25 CONSIDERED IN THE PENALTY PHASE, THE SECOND PART, IS

STATE VS ALKEBULANYAHH

1 THE CIRCUMSTANCES OF THE CRIME AND THE CHARACTERISTICS
2 OF THE DEFENDANT DO YOU FOLLOW WHAT I'M SAYING?

3 A YEAH

4 Q WHAT TYPE CRIME IT WAS AND HOW IT WAS COMMITTED
5 AND THE FACTS SURROUNDING IT IS THE CIRCUMSTANCE OF THE
6 CRIME THE CHARACTER OF THE DEFENDANT GOES INTO
7 EVERYTHING THAT YOU KNOW ABOUT HIM

8 WOULD YOU CONSIDER THOSE THINGS BEFORE MAKING A
9 DECISION?

10 A YES

11 MR MURDAUGH OKAY, SIR THANK YOU I HAVE NO
12 FURTHER QUESTIONS

13 THE COURT DO YOU WISH TO ASK ANYTHING?

14 MR ALKEBULANYAHH NO, SIR, YOUR HONOR I DOES
15 NOT

16 THE COURT ALL RIGHT YOU CAN STEP OUTSIDE
17 WE'LL BE WITH YOU MOMENTARILY, SIR THANK YOU

18 (THE JUROR EXITS THE COURTROOM)

19 THE COURT YOUR POSITION ON QUALIFICATION?

20 MR ALKEBULANYAHH YOUR HONOR, THIS PARTICULAR
21 JUROR IS NOT QUALIFIED, BEING THAT THIS PARTICULAR
22 JUROR IN THIS CASE -- IN THIS CASE INVOLVES PUBLIC
23 OFFICIALS OR SERVANT AND HE SAID HE WILL ALWAYS GIVE
24 THE DEATH PENALTY WHEN IT INVOLVED A PUBLIC SERVANT OR
25 OFFICIAL WITH THIS CASE -- THIS CASE INVOLVED IN

STATE VS ALKEBULANYAHH

1 THAT, AND HE DID NOT AT NO TIME DID HIS VIEWS WOULD
2 CHANGE IN REFERENCE TO PUBLIC OFFICIAL

3 THE COURT YES, SIR

4 MR MURDAUGH I FEEL THAT HE'S QUALIFIED, SIR,
5 EVEN THOUGH HE INITIALLY SAID THAT HE WOULD ALWAYS DO
6 IT MY QUESTIONING HE SAID THAT HE WOULD CONSIDER ALL
7 OF THE FACTS AND CIRCUMSTANCES WITH AN EAR TOWARDS
8 EITHER LIFE IMPRISONMENT OR THE DEATH PENALTY

9 STATE VERSUS RICKY GEORGE, CITED AT 476 SE 2ND 903
10 SAID THAT EVEN THOUGH HE INITIALLY SAID THAT EVERY TIME
11 AN AGGRAVATING CIRCUMSTANCE WERE FOUND, HE WOULD GIVE
12 THE DEATH PENALTY HE LATER RECANTED THAT, SIR AND
13 THE COURT SAYS THAT IT WAS PROPER TO USE HIM

14 THE COURT ANYTHING ELSE?

15 MR ALKEBULANYAHH YES, SIR, YOUR HONOR THIS
16 INDIVIDUAL WAS SPEAKING ONLY PACIFICALLY (PHONETIC)
17 ABOUT A PUBLIC SERVANT IN THE LINE OF DUTY, NOT OUTSIDE
18 THOSE CIRCUMSTANCES HIS VIEWS DID NOT CHANGE OR SWAY
19 NOT ONE JOT FROM HIS POSITION ABOUT HOW HE FELT ABOUT A
20 PUBLIC SERVANT OR PUBLIC OFFICIAL LIFE BEING TAKEN HE
21 EXPRESSED IT EXPLICITLY, DEATH PENALTY IS THE ONLY WAY

22 THE COURT BRING HIM BACK IN I WANT TO ASK HIM
23 A QUESTION

24 (THE JUROR ENTERS THE COURTROOM)

25 THE COURT MR JENNINGS -- I'M SORRY

STATE VS ALKEBULANYAHH

1 JUROR O'CONNELL

2 THE COURT MR O'CONNELL I WAS LOOKING AT THE
3 WRONG SHEET YOUR RESPONSE TO THE QUESTION ABOUT A
4 PUBLIC SERVANT OR YOU THOUGHT THAT IN THAT SITUATION
5 YOU WOULD ALWAYS GIVE THE DEATH PENALTY?

6 JUROR YES

7 THE COURT AND THEN THE LAW WAS EXPLAINED TO YOU
8 ABOUT THE CONSIDERATION OF AN AGGRAVATING AND
9 MITIGATING CIRCUMSTANCES WOULD THAT CHANGE YOUR
10 RESPONSE IN ANYWAY OR NOTWITHSTANDING ANY OF THOSE
11 CIRCUMSTANCES ---

12 JUROR IF THE LAW SAID ---

13 THE COURT --- YOU WOULD ---

14 JUROR IF THE LAW SAID I HAD TO CONSIDER THE
15 CIRCUMSTANCES, I WOULD CONSIDER THEM BUT I STILL FEEL
16 I WOULD BE BOUND BY MY BELIEF THAT IN THAT
17 CIRCUMSTANCE, THAT I WOULD STILL BE PRO-DEATH PENALTY

18 THE COURT ALL RIGHT IF YOU'LL STEP BACK OUT
19 THANK YOU

20 (THE JUROR EXITS THE COURTROOM)

21 MR MURDAUGH I AGREE, SIR

22 THE COURT PARDON?

23 MR MURDAUGH I AGREE WITH THE DECISION YOU'RE
24 FIXING TO MAKE, SIR

25 THE COURT ALL RIGHT BRING HIM BACK IN

STATE VS ALKEBULANYAHH

1 (THE JUROR ENTERS THE COURTROOM)

2 THE COURT I'LL GO AHEAD AND EXCUSE YOU FROM THIS
3 CASE THANK YOU VERY MUCH

4 (THE JUROR EXITS THE COURTROOM)

5 THE COURT KENNETH BURR

6 (THE JUROR ENTERS THE COURTROOM)

7 KENNETH BURR, HAVING BEEN
8 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

9 DIRECT EXAMINATION BY THE COURT.

10 Q ARE YOU KENNETH BURR?

11 A YES, SIR, I AM

12 Q ALL RIGHT MR BURR, I JUST REMIND YOU, YOU'RE
13 STILL UNDER OATH

14 A ALL RIGHT

15 Q WE'RE AT THAT POINT WHERE WE NEED TO ASK YOU SOME
16 INDIVIDUAL QUESTIONS, NOT TO INVADE YOUR PRIVACY, JUST
17 TO FIND OUT CERTAIN INFORMATION DUE TO THESE
18 PROCEEDINGS THERE ARE NO RIGHT OR WRONG ANSWERS SO
19 PLEASE JUST ANSWER OPENLY, HONESTLY, AND FULLY NO ONE
20 IS CHALLENGING ANY VIEW THAT YOU MIGHT HAVE IF YOU
21 DON'T KNOW THE ANSWER OR IF YOU HAVEN'T THOUGHT ABOUT
22 IT, JUST TELL US

23 AMONG OTHER THINGS, WE'LL BE TALKING ABOUT A
24 PENALTY AND ASKING SOME OTHER QUESTIONS NOW, THE MERE
25 FACT THAT WE TALK ABOUT A PENALTY OR ASK YOU THESE

1 QUESTIONS, DOES NOT INDICATE ANYTHING WHATSOEVER ABOUT
2 THE DEFENDANT HE IS PRESUMED IN THE LAW TO BE
3 INNOCENT DO YOU UNDERSTAND?

4 A YES, SIR

5 Q NOW, I EXPLAINED THE QUALIFICATION ABOUT HOW THESE
6 CASES WORK, THAT IF IT GETS PAST THE FIRST PHASE, YOU
7 GO TO A SECOND PHASE DO YOU REMEMBER THAT
8 CONVERSATION?

9 A YES, SIR

10 Q ALL RIGHT JUST ADDITIONAL INFORMATION, A LOT OF
11 PEOPLE THINK THAT THE DEATH PENALTY APPLIES TO ALL
12 MURDER CASES IT DOES NOT IT ONLY APPLIES IN A
13 LIMITED KIND OF MURDER CASE FOR EXAMPLE, WHERE IT'S A
14 KIDNAPPING PLUS A MURDER OR BURGLARY PLUS A MURDER, OR
15 IT MIGHT INVOLVE THE DEATH OF A PUBLIC OFFICIAL OR SOME
16 OTHER AGGRAVATING CIRCUMSTANCE THOSE ARE SITUATIONS
17 AND JUST A FEW EXAMPLES OF WHEN THE STATE CAN ACTUALLY
18 REQUEST THAT THE JURY IMPOSE THE DEATH PENALTY DO YOU
19 UNDERSTAND THAT?

20 A YES, SIR

21 Q ALL RIGHT IF YOU WERE A JUROR IN A CRIMINAL
22 CASE, COULD YOU LISTEN TO AND APPLY THE LAW THAT WAS
23 GIVEN TO YOU BY THE COURT?

24 A YES, SIR

25 Q EVEN THOUGH YOU DID NOT AGREE WITH THAT LAW?

- 1 A YES, SIR
- 2 Q COULD YOU DECIDE THIS CASE BASED ON THE EVIDENCE
3 PRESENTED HERE IN THIS COURT AND DISREGARD ANYTHING YOU
4 MAY HAVE HEARD, READ, OR SEEN ABOUT THIS CASE?
- 5 A YES, SIR
- 6 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
7 CASE?
- 8 A MAYBE TWO YEARS AGO
- 9 Q DO YOU REMEMBER ANYTHING YOU HEARD OR READ?
- 10 A I AM SURE THAT I REMEMBER SOME BUT I REMEMBER
11 SOMEBODY WAS CHARGED WITH MURDER BUT I DON'T REMEMBER
12 ANY OF THE FACTS OF THE CASE
- 13 Q ALL RIGHT WOULD ANYTHING YOU HEARD, READ, OR
14 SEEN AFFECT YOUR ABILITY TO GIVE EVERYONE IN THIS CASE
15 A FAIR AND IMPARTIAL TRIAL?
- 16 A NO
- 17 Q ALL RIGHT HAVE YOU FORMED ANY OPINION ABOUT THIS
18 CASE OR ANY OPINION ABOUT THE GUILT OR INNOCENCE OF
19 THIS DEFENDANT?
- 20 A NO
- 21 Q ALL RIGHT IN A CRIMINAL CASES THE STATE HAS THE
22 BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT THE
23 DEFENDANT HAS NO BURDEN TO PROVE INNOCENCE DO YOU
24 UNDERSTAND THAT?
- 25 A YES, SIR

STATE VS ALKEBULANYAHH

1 Q NOW, COULD YOU IN A PARTICULAR CASE BASED ON THE
2 FACTS AND EVIDENCE AND THE LAW GIVEN TO YOU CONSIDER A
3 DEFENDANT -- CONSIDER THE OPTIONS OF EITHER NOT GUILTY
4 OR GUILTY?

5 A YES, I COULD

6 Q ALL RIGHT HAVE YOU LOOKED AT THAT JUROR TYPE
7 SHEET?

8 A YES, SIR

9 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
10 CATEGORIES?

11 A YES, SIR, I THINK I'M NO 3

12 Q ALL RIGHT NO 3, JUST TO GO OVER IT WITH YOU,
13 WOULD BE IF THE STATE HAS PROVEN MURDER AND THE JURY
14 HAS REACHED THE SENTENCING PHASE, YOU WOULD NOT HAVE
15 MADE UP YOUR MIND IN ADVANCE CONCERNING PUNISHMENT
16 YOU WOULD HEAR ALL THE FACTS AND CIRCUMSTANCES BOTH IN
17 AGGRAVATION AND IN MITIGATION AS WELL AS THE LAW BEFORE
18 YOU MADE UP YOUR MIND IS THAT CORRECT?

19 A YES SIR, I WOULD

20 Q NOW, IF YOU WERE A JUROR IN THAT SITUATION WHERE
21 THE CASE HAS ADVANCED TO THE SENTENCING STAGE COULD
22 YOU DEPENDING UPON THE PARTICULAR FACTS AND
23 CIRCUMSTANCES INCLUDING THE CONSIDERATION OF ANY
24 AGGRAVATING AND MITIGATING CIRCUMSTANCES AND THE LAW
25 RETURN A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE?

1 A YES, I COULD

2 Q THE SAME SITUATION, YOU'RE A JUROR IN A SENTENCING
3 PHASE, COULD YOU DEPENDING UPON THE PARTICULAR FACTS
4 AND CIRCUMSTANCES INCLUDING THE CONSIDERATION OF ANY
5 AGGRAVATING AND MITIGATING CIRCUMSTANCES AND THE LAW
6 THAT IS INSTRUCTED TO YOU RETURN A SENTENCE OF DEATH?

7 A YES I COULD

8 Q NOW, IN THAT SITUATION IF THE JURY UNANIMOUSLY
9 RETURNED A SENTENCE OF DEATH, WOULD YOU BE ABLE TO SIGN
10 THE VERDICT FORM?

11 A YES, I WOULD

12 THE COURT ALL RIGHT, SIR AT THIS POINT, THEY
13 WILL ASK YOU SOME QUESTIONS

14 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

15 Q GOOD MORNING, MR BURR

16 A GOOD MORNING

17 Q I'M ABDIYYAH BEN ALKEBULANYAHH, I'M THE DEFENDANT
18 IN THIS CASE AND I'LL BE ASKING YOU A FEW QUESTIONS
19 AND JUST TO GET TO KNOW YOU AND SEE SOME OF YOUR
20 OPINIONS AND POINTS OF VIEW ABOUT A FEW THINGS

21 A OKAY

22 Q WE DO APPRECIATE YOU BEING HERE AND YOUR PATIENCE
23 COULD YOU DESCRIBE YOUR VIEWS ON THE DEATH PENALTY?

24 A WELL, I THINK THAT'S AN EXTREMELY HARSH PENALTY
25 AND I THINK IT'S A PENALTY THAT SHOULD NOT BE HANDED

STATE VS ALKEBULANYAHH

1 DOWN IN EACH AND EVERY CIRCUMSTANCE THAT ARISES

2 THAT'S THE ULTIMATE SACRIFICE, TO GIVE A PERSON

3 Q YES HAVE YOU EVER HELD A DIFFERENT VIEW ON THE
4 DEATH PENALTY?

5 A DO YOU MEAN THAT ---

6 Q THE VIEW THAT YOU JUST GIVE ME ABOUT -- YOU KNOW,
7 IN RESPONSE TO YOUR ANSWER YOU JUST GIVE ME, HAVE YOU
8 EVER HAD A DIFFERENT OPINION OR DIFFERENT TYPE OF VIEW
9 OR HAVE YOU ALWAYS HAD THAT VIEW THROUGHOUT THE NUMBER
10 OF YOUR YEARS THAT YOU HAVE NOW?

11 A WELL, DURING MY ENTIRE LIFE I'VE ALWAYS FELT THAT
12 SAME WAY I'VE NEVER BEEN A HARD-LINE DEATH PENALTY
13 PERSON THAT DOESN'T NECESSARILY MEAN I WOULDN'T
14 IMPOSE THE DEATH PENALTY, BUT I'VE NEVER BEEN ONE TO
15 STAND UP AND SAY THAT EVERYBODY OUGHT TO BE PUT TO
16 DEATH -- IF THAT'S WHAT YOU MEAN?

17 Q YES, SIR, THAT'S EXACTLY WHAT I MEAN THANK YOU
18 DO YOU FEEL THE DEATH PENALTY IS A DETERRENT TO
19 FUTURE CRIMES BY OTHERS? WHY OR WHY NOT?

20 A NO, I DON'T THINK IT'S A DETERRENT FOR OTHER
21 PEOPLE WHATSOEVER IT'S -- A LOT OF YOUR CRIMES THAT
22 REQUIRE IT ARE WHAT YOU CALL A CRIME OF PASSION AND
23 CERTAINLY IN A CRIME OF PASSION, SOME TIMES YOU DON'T
24 HAVE A CIRCUMSTANCES THAT WARRANT A DEATH SENTENCE

25 Q WHAT KIND OF CRIMES COME TO YOUR MIND WHEN YOU

1 THINK OF THE DEATH PENALTY?

2 A WELL, ACTUALLY, MURDER IS ONE SOME TIMES TREASON
3 WOULD BE A CRIME THAT SHOULD BE PUNISHABLE BY DEATH I
4 REALLY DON'T KNOW HOW TO -- TO GO FURTHER THOSE ARE
5 TWO AREAS THAT WOULD DEFINITELY BE IN THERE

6 Q THAT'S FINE CAN YOU GIVE ME AN EXAMPLE OF ONE
7 THAT YOU MAY HAVE HEARD OR READ ABOUT IN THE MEDIA AND
8 WHAT WAS YOUR FEELING ABOUT THAT CRIME?

9 A ANY CRIME?

10 Q YES, ANY

11 A THERE'S A LOT OF CRIMES I MEAN, AS FAR AS THE
12 DEATH PENALTY OR JUST A CRIME IN GENERAL, I MEAN?

13 Q JUST A CRIME IN GENERAL YOU KNOW, JUST CRIME IN
14 GENERAL, ONE THAT YOU MAY HAVE HEARD OF IN THE MEDIA OR
15 SOMEWHERE AND -- AND -- AND, YOU KNOW HOW YOU FELT
16 ABOUT THAT PARTICULAR CRIME, THAT YOU FELT ABOUT THAT
17 YOU FELT ABOUT THAT WARRANTED THE DEATH PENALTY?

18 A YOU KNOW, I DON'T KNOW I CAN'T THINK OF ONE I
19 DON'T KNOW WHETHER IT'S JUST THE FACT THAT YOU'VE ASKED
20 ME THAT QUESTION THAT IT HAS BLOCKED MY MIND OUT BUT
21 I CAN'T REALLY THINK OF A CRIME THAT I READ ABOUT

22 MAYBE THE OKLAHOMA BOMBING GUY I READ ABOUT HIM,
23 AND I DEFINITELY THOUGHT THAT HE SHOULD HAVE GOT THE
24 DEATH SENTENCE BUT THAT'S JUST THE ONLY ONE I CAN
25 REALLY THINK OF RIGHT OFF I'M HAVING A MENTAL BLOCK NOW

1 Q OH, THAT'S FINE CAN YOU THINK OF DIFFERENT TYPE
2 OF KINDS OF INTENTIONAL AND DELIBERATE AND PREMEDITATED
3 MURDER DO NOT DESERVE THE DEATH PENALTY?

4 A WELL, I WOULD GUESS THAT IF YOU KNEW THAT SOMEBODY
5 WAS RUNNING AROUND WITH YOUR WIFE AND YOU LAID IN WAIT
6 AND SHOT HIM WHILE THEY WERE COMING OUT OF A MOTEL ROOM
7 OR SOMETHING, THAT WOULD BE AN INTENTIONAL MURDER, AND
8 I DON'T THINK THAT WOULD NECESSARILY WARRANT THE DEATH
9 SENTENCE

10 Q HOW DO YOU FEEL ABOUT A LIFE IMPRISONMENT WITHOUT
11 THE POSSIBILITY OF PAROLE AS A SENTENCE FOR
12 INTENTIONAL, DELIBERATE, AND PREMEDITATED MURDER?

13 A I THINK THAT'S A LONG TIME

14 Q DO YOU FEEL THAT THIS IS AN APPROPRIATE SENTENCE,
15 A SENTENCE THAT YOU CAN -- YOU FEEL COMFORTABLE WITH --
16 WOULD FEEL COMFORTABLE WITH IF A PERSON WAS SENTENCED
17 TO LIFE WITHOUT PAROLE FOR AN INTENTIONAL AND
18 DELIBERATE MURDER IN CONTRAST TO THE DEATH PENALTY?

19 A I CAN SEE THAT, YEAH

20 Q HOW CONCERNED ARE YOU ABOUT THE MONEY -- I'M
21 SORRY HOW CONCERNED ARE YOU ABOUT THE AMOUNT OF MONEY
22 THAT WOULD BE USED TO SUPPORT A PERSON IN PRISON FOR
23 THE REST OF HIS NATURAL LIFE?

24 A I DON'T KNOW THAT I THINK ABOUT THAT

25 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT

1 THE POSSIBILITY OF PAROLE MEANS JUST THAT?

2 A I THINK THAT'S WHAT IT MEANS, YEAH

3 Q WHAT DO YOU THINK THE DEATH PENALTY ACCOMPLISH FOR
4 SOCIETY?

5 A WELL, I'M NOT SURE RETRIBUTION, I GUESS

6 Q RETRIBUTION?

7 A YEAH

8 Q DEATH AS A PUNISHMENT IS OBVIOUSLY IRREVOCABLE
9 OCCASIONALLY ONE READS IN THE NEWSPAPER OF ONE
10 SENTENCED TO DEATH WHO WAS LATER FOUND TO BE INNOCENT

11 MR MURDAUGH OBJECTION, SIR

12 THE COURT GO AHEAD AND FINISH YOUR QUESTION

13 Q WHAT DOES THIS MAKE YOU THINK ABOUT THE DEATH
14 PENALTY?

15 THE COURT I SUSTAIN THAT OBJECTION WE'VE BEEN
16 OVER THAT

17 MR ALKEBULANYAHH YOU DIDN'T SUSTAIN IT THE LAST
18 TIME

19 THE COURT YES, I DID, I RECALL

20 MR ALKEBULANYAHH NO, YOU DIDN'T

21 THE COURT WELL, THEN I SUSTAIN THE OBJECTION

22 Q WHAT IS YOUR BEST ARGUMENT AGAINST LIFE WITHOUT
23 THE POSSIBILITY OF PAROLE? WHAT WOULD BE YOUR BEST
24 ARGUMENT AGAINST LIFE WITHOUT THE POSSIBILITY OF
25 PAROLE?

STATE VS ALKEBULANYAHH

1 A I'M NOT SURE I UNDERSTAND WHAT YOU'RE LOOKING FOR
2 HERE -- OR WHAT THE QUESTION MEAN WHAT IS MY -- WHAT
3 WOULD BE MY ARGUMENT AGAINST LIFE WITHOUT PAROLE?

4 Q RIGHT

5 A IN FAVOR OF THE DEATH SENTENCE?

6 Q YES, SIR

7 A WELL, IT WOULD HAVE TO BE TO WHATEVER THE LAW
8 SPECIFIES I MEAN, THE LAW SPECIFIES AREAS THAT SAYS
9 IF THIS CRIME IS COMMITTED IN THIS FASHION, THEN THIS
10 IS THE APPROPRIATE PENALTY AND IF WHATEVER THAT IS --
11 AND I DON'T KNOW WHAT THAT IS SO I REALLY CAN'T SAY
12 THAT I COULD ANSWER THAT QUESTION AND BE REAL TRUTHFUL
13 ABOUT IT

14 Q THANK YOU YES THANK YOU WHAT WOULD BE
15 IMPORTANT TO YOU IN MAKING THE DECISION OF WHETHER A
16 PERSON SHOULD RECEIVE THE PUNISHMENT OF LIFE
17 IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE OR
18 DEATH?

19 A IT WOULD BE DEPEND UPON THE INSTRUCTIONS OF THE
20 COURT ON WHAT THE LAW IS I DON'T -- I DON'T KNOW I
21 HOPE AT SOME POINT IN TIME SOMEBODY WOULD TELL YOU IF I
22 WAS ON THAT JURY THAT YOU NEED TO GO BY THESE
23 GUIDELINES

24 Q PRIOR TO YOU FILLING OUT THE JURY QUESTIONNAIRE,
25 HAVE YOU EVER EXPRESSED YOUR VIEWS ON THE DEATH PENALTY

1 TO FAMILY, FRIENDS, NEIGHBORS, OR CO-WORKERS? AND WHAT
2 DID YOU SAY AND TO WHOM?

3 A WELL, I'M SURE THAT AT SOME POINT IN MY LIFE I
4 HAVE EXPRESSED AN OPINION ON THE DEATH PENALTY AND IN
5 FACT, WE'VE TALKED ABOUT IT IN MY HOUSE, BECAUSE I HAVE
6 TWO CHILDREN THAT -- A COUPLE OF THEM WOULD LIKE TO GO
7 TO LAW SCHOOL BUT, ANYHOW, WE HAVE TALKED ABOUT IT
8 AND THAT TOPIC HAS COME UP AND NOBODY IN MY FAMILY
9 HAS EXPRESSED SOLID SUPPORT AS THE DEATH PENALTY BEING
10 A DECISION, NOT THAT THAT WOULD NOT BE SOMETHING THAT
11 COULD BE GIVEN

12 BUT, I MEAN, IT'S JUST -- IT'S SOMETHING THAT
13 WE'VE TALKED ABOUT AS A -- DADDY, WE'VE STUDIED THIS
14 IN SCHOOL AND DO YOU BELIEVE IN THE DEATH SENTENCE?

15 NO, I DON'T BELIEVE IN THE DEATH SENTENCE FOR
16 EVERYBODY THAT IS CONVICTED OF A CRIME BUT THAT DON'T
17 MEAN THAT I WOULDN'T VOTE FOR THE DEATH SENTENCE SO,
18 YOU KNOW, I DON'T KNOW REALLY HOW TO ANSWER WHAT YOU'RE
19 ASKING, I GUESS ---

20 Q YOU'VE ANSWERED IT

21 A --- OTHER THAN THE WAY I JUST DID

22 Q YES, SIR HOW MANY TIMES HAVE YOU THOUGHT ABOUT
23 THE DEATH PENALTY?

24 A IN MY ENTIRE LIFE?

25 Q YES, SIR

1 A TWICE

2 Q IF AN EVIL PERSON -- IF AN EVIL PERSON COMMITS A
3 HORRENDOUS CRIME IS THE DEATH PENALTY APPROPRIATE?
4 AND WHY DO YOU FEEL THAT WAY?

5 A WELL, YEAH, I DEFINITELY DO MOST HEINOUS CRIME I
6 CAN THINK OF IS THE OKLAHOMA CITY BOMBER AND I
7 THOUGHT THAT WAS A VERY APPROPRIATE PUNISHMENT IN THAT
8 CASE

9 Q COULD YOU TELL ME WHY YOU FELT THAT WAY?

10 A WELL, IT JUST SORT OF WENT AGAINST THE GRAIN THAT
11 HE BLEW UP A BUILDING THAT HAD CHILDREN IN IT IT'S A
12 PRETTY HEINOUS CRIME

13 Q IF A GOOD PERSON -- A GOOD PERSON COMMITS A
14 HORRENDOUS CRIME, IS THE DEATH PENALTY APPROPRIATE?
15 AND WHY DO YOU FEEL -- WHY WOULD YOU FEEL THIS WAY?

16 A I THINK THAT WOULD DEPEND UPON THE CRIME THAT HE
17 COMMITTED AND THE CIRCUMSTANCES OF THE CRIME AND IT'S
18 -- YOU KNOW, IT WOULD DEPEND ON THE CRIME

19 Q WHAT IF A PERSON WITH A VASTLY DIFFERENT OPINION
20 OR POINT OF VIEW FROM YOURS WOULD COMMIT SUCH AN ACT,
21 IS THE DEATH PENALTY APPROPRIATE? AND WHY DO YOU FEEL
22 THIS WAY -- WHY WOULD YOU FEEL THIS WAY IF YOU FELT IT
23 WAS APPROPRIATE?

24 A WELL, THE FACT THAT THEY HAVE OPINIONS THAT DIFFER
25 FROM MINE DOESN'T NECESSARILY MEAN THEY OUGHT TO -- THE

1 DEATH PENALTY IS APPROPRIATE I'M -- WHAT I LIKE TO
2 THINK -- INTELLIGENT ENOUGH THAT I UNDERSTAND THAT
3 EVERYBODY HAS AN OPINION THAT'S DIFFERENT FROM MINE
4 AND MY OPINION COULD BE DIFFERENT FROM THEIRS

5 Q COULD YOU GIVE ME AN EXAMPLE OF WHEN YOU WOULD
6 VOTE FOR A LIFE SENTENCE FOR A PERSON CONVICTED OF AN
7 INTENTIONAL AND DELIBERATE MURDER?

8 MR MURDAUGH YOUR HONOR, PLEASE HE'S ALREADY
9 ASKED THAT QUESTION

10 THE COURT YES

11 MR ALKEBULANYAHH HAVE I?

12 THE COURT RESTATE YOUR QUESTION

13 Q COULD YOU GIVE ME AN EXAMPLE OF WHEN YOU WOULD
14 VOTE FOR A LIFE SENTENCE FOR A PERSON CONVICTED OF
15 INTENTIONAL AND DELIBERATE MURDER?

16 THE COURT NO YOU CAN -- I TOLD YOU BEFORE YOU
17 CAN ASK IF THEY HAVE OPINIONS ON WHAT WOULD DISTINGUISH
18 THE TWO, BETWEEN LIFE AND DEATH HE GAVE US SOME
19 EXAMPLE, ABOUT THE HOTEL ROOM

20 MR ALKEBULANYAHH THAT'S FOR THE DEATH PENALTY
21 BUT NOT THE LIFE SENTENCE, IS THAT CORRECT?

22 THE COURT SIR, COULD YOU CLARIFY THAT?

23 JUROR I'M SORRY YOUR HONOR, I WAS LETTING MY
24 MIND WANDER WHILE YOU ALL WERE TALKING SO I DIDN'T
25 REALLY HEAR THAT PART OF IT I REMEMBER THE QUESTION

1 THAT HE JUST ASKED

2 THE COURT DO YOU HAVE AN OPINION ON SOMETHING
3 THAT WOULD DISTINGUISH BETWEEN WHEN YOU THINK LIFE
4 WOULD BE APPROPRIATE VERSUS A DEATH SENTENCE?

5 JUROR OH, IT WOULD DEPEND ON THE DIRECTION OF
6 THE COURT AND THE EVIDENCE THAT'S PRESENTED

7 THE COURT ALL RIGHT I THOUGHT YOU SAID THAT
8 GO AHEAD

9 Q HAVE YOU EVER SIGNED A PETITION THAT ENCOURAGE OR
10 SUPPORT THE DEATH PENALTY?

11 A NO

12 Q HAVE YOU EVER PUBLICLY EXPRESSED YOUR VIEWS
13 FAVORING THE DEATH PENALTY?

14 A NO

15 Q WOULD YOU HAVE DIFFICULTY VOTING FOR A LIFE
16 SENTENCE IF YOU CONVICTED A PERSON OF AN INTENTIONAL
17 AND DELIBERATE MURDER OF AN INNOCENT PERSON?

18 MR MURDAUGH YOUR HONOR, PLEASE, I OBJECT TO
19 THAT QUESTION, SIR

20 THE COURT WHAT'S YOUR OBJECTION?

21 MR MURDAUGH THE OBJECTION IS IT IS A MATTER OF
22 LAW

23 THE COURT YES I INSTRUCTED YOU NOT TO GO INTO
24 THE LEGAL QUESTIONS

25 MR ALKEBULANYAHH YOU ALLOWED THE QUESTION

1 PREVIOUSLY THE OTHER ---

2 THE COURT IF THERE'S AN OBJECTION AND I RULE ON
3 AN OBJECTION ---

4 MR ALKEBULANYAHH YES, SIR

5 THE COURT --- THEN IT BECOMES NO LONGER
6 ACCEPTABLE IT'S UP TO THE STATE TO OBJECT IF THEY
7 HAVEN'T OBJECTED IN THE PAST, I HAVEN'T BEEN ASKED TO
8 RULE ON IT

9 MR ALKEBULANYAHH RIGHT

10 THE COURT ALL RIGHT

11 MR ALKEBULANYAHH BUT I'M JUST SAYING -- I'M
12 JUST SPEAKING -- YOU ADVISED ME

13 THE COURT I'M NOT CRITICIZING YOU FOR ASKING THE
14 QUESTION

15 MR ALKEBULANYAHH RIGHT

16 THE COURT DON'T WORRY ABOUT THAT

17 MR ALKEBULANYAHH THANK YOU

18 THE COURT ALL RIGHT JUST AT THE POINT THAT I
19 DO SUSTAIN THE OBJECTION, THEN YOU DON'T NEED TO ASK IT
20 WITH THE NEXT PERSON

21 MR ALKEBULANYAHH ALL RIGHT

22 THE COURT I DON'T BEGRUDGE YOU ANY QUESTIONS
23 YOU'RE ASKING

24 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

25 THE COURT I'M JUST TRYING TO GIVE YOU GUIDANCE

1 GO AHEAD

2 MR ALKEBULANYAHH THANK YOU, SIR

3 Q IMAGINE A SITUATION WHERE YOU FOUND A PERSON
4 GUILTY OF INTENTIONAL AND PREMEDITATED MURDER -- IN
5 THAT SITUATION WOULD YOU ALWAYS VOTE FOR THE DEATH
6 PENALTY?

7 A NO

8 Q WHEN YOU COME TO AN INDEPENDENT DECISION, WILL YOU
9 STICK TO IT?

10 A EVERY TIME

11 Q IF ALL THE OTHER JURORS HOLDS THE OPPOSITE OPINION
12 FROM YOU, GUILTY OR NOT GUILTY, WOULD YOU STICK TO YOUR
13 DECISION?

14 A I'M CERTAIN I WOULD

15 Q DO YOU HAVE ANY INTEREST IN THE OUTCOME OF THIS
16 CASE EITHER FOR THE DEFENSE OR FOR THE PROSECUTION?

17 A NO, I DON'T

18 Q IS THE DEATH PENALTY USED OFTEN ENOUGH?

19 A I DON'T KNOW

20 Q TOO OFTEN?

21 A I DON'T KNOW I DON'T KNOW

22 Q ARE YOU MARRIED, SIR?

23 A YES, I AM

24 Q HOW DOES YOUR SPOUSE -- YOUR SPOUSE FEEL ABOUT THE
25 DEATH PENALTY?

1 A ABOUT THE SAME WAY I DO WELL, I GATHER YOU
2 KNOW, YOU CAN'T EVER TELL UNTIL SHE'S PUT TO PRESSURE
3 BUT FROM OUR FAMILY CONVERSATIONS, WHICH I REFERRED TO
4 A MOMENT AGO, WE ARE ALL OF THE SAME CONSENSUS,
5 OPINION, JUST ABOUT

6 Q HAVE YOU EVER HAD A STRONG OPINION ABOUT SOMETHING
7 AND THEN LATER FOUND OUT YOU BEEN WRONG?

8 A SEVERAL TIMES, I'M SURE

9 Q HOW DID YOU FEEL AFTER FINDING OUT YOU BEEN WRONG?

10 A I DON'T KNOW

11 Q ANY REGRET?

12 A NO

13 Q WOULD YOU AGREE THAT EVERY PERSON SHOULD HAVE A
14 RIGHT TO PRIVACY IN THEIR HOME?

15 A YES I WOULD

16 Q DO YOU BELIEVE THAT PROMISES ARE MEANT TO BE KEPT?

17 A YES, I DO

18 Q IF YOU MADE A PROMISE, WOULD YOU KEEP IT?

19 A I TRY TO

20 Q IF YOU WERE CHOSEN FOR JURY DUTY, DO YOU PROMISE
21 TO STAND FIRM ON THE DEFENDANT BEING INNOCENT IF THE
22 PROSECUTOR DOES NOT PROVE TO YOU BEYOND A REASONABLE
23 DOUBT THE DEFENDANT IS GUILTY?

24 A YEAH

25 Q HAVE YOU EVER HEARD THE SAYING RIGHT IS RIGHT AND

1 WRONG IS WRONG REGARDLESS?

2 A I'M SURE I HAVE IT'S NOT THE FIRST TIME I HEARD
3 IT

4 Q DO YOU AGREE WITH THAT SAYING?

5 A YEAH, I THINK SO

6 Q DO YOU AGREE THAT THERE IS TWO SIDES TO EVERY
7 STORY?

8 A I DO

9 Q IF YOU WERE SELECTED FOR THE JURY DUTY -- IF YOU
10 WERE SELECTED FOR JURY DUTY, DO YOU PROMISE TO JUDGE
11 FAIRLY?

12 A YES, I DO

13 Q DO YOUR RELIGIOUS BELIEF SUPPORT YOUR VIEW ON THE
14 DEATH PENALTY?

15 A I THINK SO

16 Q YOU'RE NOT SURE?

17 A NO I'M PRETTY SURE

18 Q WHAT DOES YOUR RELIGION OR SPIRITUAL TEACH
19 REGARDING THE DEATH PENALTY?

20 THE COURT I'M NOT GOING TO ALLOW THAT QUESTION
21 DO YOU WANT TO ASK -- MR ALKEBULANYAHH, FROM THIS
22 POINT ON THE ONLY QUESTION I'LL ALLOW YOU TO ASK IS
23 WOULD ANY RELIGIOUS BELIEFS AFFECT YOUR ABILITY TO BE
24 FAIR AND IMPARTIAL, THAT'S IT

25 MR ALKEBULANYAHH THANK YOU, YOUR HONOR, SIR

1 THE COURT ALL RIGHT

2 Q WILL YOU TELL ME WHAT KIND OF GUIDANCE HAVE YOU
3 RECEIVED FROM YOUR RELIGION OR SPIRITUAL AFFILIATION
4 REGARDING HOW YOU SHOULD FEEL ABOUT THE DEATH PENALTY?

5 THE COURT THAT'S WHAT I JUST INSTRUCTED YOU ON
6 THE ONLY QUESTION ON RELIGION I'M GOING TO ALLOW IS
7 WHETHER OR NOT YOUR RELIGIOUS BELIEFS WOULD AFFECT YOUR
8 ABILITY TO BE FAIR AND IMPARTIAL IN THIS CASE

9 YOU MAY ANSWER THAT QUESTION, SIR

10 JUROR YES, THAT WOULD

11 Q IT WOULD AFFECT YOUR ABILITY OR IT WOULD NOT
12 AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL?

13 A NO I COULD BE FAIR AND IMPARTIAL BASED ON MY
14 RELIGIOUS BELIEFS, I THOUGHT THAT'S WHAT THE QUESTION
15 WAS

16 Q IF ANY OF THE ALLEGED VICTIM FAMILY, FRIENDS, OR
17 CO-WORKERS, OR LAW ENFORCEMENT ACCOST YOU OR APPROACH
18 YOU, AND ATTEMPTED TO PERSUADE YOU, WOULD YOU NOTIFY OR
19 TELL THE JUDGE?

20 A YES, I WOULD

21 Q ARE YOU THE TYPE OF PERSON WHO WOULD MAKE A
22 DISTINCTION BETWEEN DIFFERENT TYPES OF MURDER OR
23 BETWEEN PEOPLE WHO WERE CHARGED, AND YOU WOULD FEEL
24 THAT EACH CASE SHOULD BE TREATED EXACTLY THE SAME?
25 DO YOU WANT ME TO REPEAT THAT?

1 A PLEASE ASK IT AGAIN

2 Q ARE YOU THE TYPE ---

3 MR MURDAUGH YOUR HONOR, I OBJECT TO THAT
4 QUESTION THAT'S A MATTER OF LAW

5 THE COURT RESTATE THAT QUESTION

6 MR ALKEBULANYAHH YES, SIR

7 Q ARE YOU THE TYPE OF PERSON WHO WOULD MAKE A
8 DISTINCTION BETWEEN DIFFERENT TYPES OF MURDER OR
9 BETWEEN THE PEOPLE WHO ARE CHARGED, AND YOU WOULD FEEL
10 THAT EACH CASE SHOULD BE TREATED EXACTLY THE SAME?

11 THE COURT I'LL ALLOW THAT

12 A WELL I THINK THERE'S A DIFFERENCE BETWEEN
13 DIFFERENT KINDS OF MURDERS IN FACT, I KNOW THERE IS
14 I MEAN, THERE'S A DIFFERENCE IN -- IN -- IN THE KINDS
15 OF MURDERS THAT ARE COMMITTED YEAH, IT WOULD DEPEND
16 ON WHAT THE MURDER IS

17 Q SO IN YOUR OPINION YOU FEEL THAT YOU YOURSELF, YOU
18 WOULDN'T -- YOU WOULD TREAT -- YOU WOULD TREAT EACH
19 CASE DIFFERENTLY OR YOU WOULD TREAT EACH CASE EXACTLY
20 THE SAME FOR MURDER?

21 A I WOULD TREAT EACH CASE DIFFERENTLY, APPLYING THE
22 LAW AS IT APPLIED TO THAT PARTICULAR CASE

23 Q WOULDN'T YOU AGREE WITH ME THAT YOU WOULD ALWAYS
24 VOTE FOR THE DEATH PENALTY FOR A PERSON FOUND GUILTY OF
25 INTENTIONAL AND DELIBERATE PREMEDITATED MURDER?

1 A WOULD I AGREE THAT I WOULD DO THAT, IS THAT WHAT
2 YOU SAID?

3 Q YES

4 A NO, I WOULDN'T NECESSARILY AGREE WITH THAT

5 Q I NOTICE ON YOUR QUESTIONNAIRE THAT YOU CHECKED
6 THAT YOU HAD A FAMILY MEMBER -- I THINK -- IN LAW
7 ENFORCEMENT OR CORRECTION, IS THAT CORRECT?

8 A NOT THAT I KNOW OF

9 Q I APOLOGIZE IT WAS THAT YOU KNEW SOMEBODY FROM
10 LAW ENFORCEMENT, IS THAT CORRECT?

11 A YEAH, I KNOW SOME PEOPLE IN LAW ENFORCEMENT, YEAH

12 Q WHO THAT MIGHT BE?

13 A I KNOW A GOOD MANY I KNOW ROBERT STEWART, HE'S
14 THE CHIEF OF SLED HE AND I GREW UP TOGETHER I KNOW
15 P J TANNER HE'S THE SHERIFF OF BEAUFORT COUNTY I
16 MEAN, THROUGH THE COURSE OF MY LIFETIME, I'VE KNOWN A
17 LOT OF PEOPLE IN AND OUT OF LAW ENFORCEMENT

18 Q DO YOU KNOW MR BROMAGE, LIEUTENANT BROMAGE, OF
19 THE BEAUFORT COUNTY SHERIFF'S DEPARTMENT?

20 A WHO?

21 Q LIEUTENANT BROMAGE -- BROMAGE?

22 A YEAH, I KNOW WHO YOU'RE TALKING ABOUT NO, I
23 DON'T SAY -- I'VE NEVER SOCIALIZED WITH HIM, SO I DON'T
24 KNOW

25 Q BUT THE OTHER INDIVIDUALS YOU HAVE SOCIALIZED WITH

- 1 ON PERSONAL ---
- 2 A ROBERT STEWART?
- 3 Q YES, SIR
- 4 A PROBABLY NOT IN 30 YEARS
- 5 Q MR TANNER?
- 6 A I RUN INTO HIM ON THE STREET I DON'T KNOW THAT
- 7 I'VE EVER SIT DOWN AND BROKE BREAD WITH HIM
- 8 Q OKAY
- 9 THE COURT WOULD KNOWING THOSE INDIVIDUALS IN ANY
- 10 WAY AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL IN
- 11 THIS CASE?
- 12 JUROR NO, SIR
- 13 THE COURT THANK YOU
- 14 Q WILL YOU BE ABLE TO BE FAIR AND IMPARTIAL AFTER
- 15 SEEING AND HEARING ABOUT THE IMPACT THAT THIS INCIDENT
- 16 HAD ON THE FAMILIES OF THE OFFICERS INVOLVED IN THIS
- 17 CASE?
- 18 A I THINK I CAN
- 19 Q ISN'T IT FAIR TO SAY THAT YOUR RELATIONSHIP WITH
- 20 KNOWING SOME LAW ENFORCEMENT OFFICIAL HERE IN BEAUFORT
- 21 COUNTY DEPARTMENT WOULD -- WOULD -- SHOULD BE -- SHOULD
- 22 BE EXPECTED TO AFFECT YOUR ABILITY TO SERVE AS A FAIR
- 23 AND IMPARTIAL JUROR IN A CASE LIKE THIS ONE?
- 24 A I DON'T THINK SO
- 25 Q BUT IT POSSIBLY COULD?

1 A MY KNOWING THEM AFFECT MY ABILITY ON THIS
2 CASE?

3 Q YES, A POSSIBILITY IT COULD?

4 A NO, I DON'T THINK IT CAN

5 Q IS IT POSSIBLE? YOU FEEL IT'S IMPOSSIBLE?

6 A YEAH, JUST THE FACT I KNOW THEM, I DON'T THINK
7 THAT WOULD AFFECT MY ABILITY AT ALL

8 Q WHAT IS YOUR OPINION ABOUT POLICE OFFICERS WHO
9 HAVE BROKE THE LAW?

10 MR MURDAUGH OBJECTION, YOUR HONOR, PLEASE
11 THE COURT YES, SIR DO YOU WANT TO ASK THAT
12 QUESTION A DIFFERENT WAY? IT'S TOO OPEN ENDED

13 Q IN YOUR OPINION HOW DO YOU FEEL ABOUT LAW
14 ENFORCEMENT OFFICIALS WHO HAVE BROKEN THE LAW?

15 A WELL I AM CERTAIN THAT IT HAS HAPPENED QUITE A
16 FEW TIMES IN THE COURSE OF HISTORY, YOU KNOW, THERE
17 HAVE BEEN LAW ENFORCEMENT OFFICIALS THAT HAVE BROKEN
18 THE LAW THEY'RE JUST LIKE EVERYBODY ELSE WHEN THEY
19 BREAK THE LAW, THEY BREAK THE LAW THEY SHOULD BE
20 PUNISHED

21 Q DID YOU -- DID YOU FEEL BETRAYED WHEN YOU HEARD --
22 LIKE YOU SAID YOU HEARD IN THE PAST OF SITUATION WHERE
23 LAW ENFORCEMENT OFFICIAL HAVE BROKEN THE LAW, ONCE YOU
24 HAVE HEARD IT?

25 A NO, I AIN'T GOING TO SAY I FELT BETRAYED, THAT WAY

1 THEY COULD BETRAY ANYTHING TO ME, BUT ---

2 Q BUT IN REGARDS TO YOU BEING -- I ASSUME -- A
3 UPSTANDING CITIZEN, THAT YOU COULD PRESUME THE OFFICER
4 TO PROTECT AND SERVE AND TO BE LAW ABIDING AND
5 EVERYTHING ELSE THAT GOES WITH BEING A GOOD LAW
6 ENFORCEMENT OFFICIAL?

7 A WELL, I THINK YOU ASSUME THAT BY THEM HAVING THAT
8 AUTHORITY YOU ASSUME THAT THEY'RE GOING TO BE THAT
9 KIND OF PERSON BUT I THINK HISTORY ITSELF HAS SHOWN
10 THAT THAT DOESN'T NECESSARILY ALWAYS HOLD UP AND THE
11 ONES THAT DON'T, YOU KNOW, THEY BETRAY OUR TRUST, BUT
12 THEY ALSO HAD TO PAY THE PRICE, I WOULD GUESS, OF
13 BETRAYING THE TRUST

14 Q IF YOU WAS IN A POSITION OF AUTHORITY TO -- TO --
15 I WOULD SAY, PUT DOWN THE PUNISHMENT ON THEM, WOULD YOU
16 DO IT IF THEY BETRAYED THAT TRUST? WOULD YOU HOLD THEM
17 ACCOUNTABLE BY PUNISHING THEM YOURSELF? WOULD YOU --
18 WOULD YOU ---

19 THE COURT NEXT QUESTION PLEASE I DON'T
20 UNDERSTAND THAT QUESTION GO AHEAD

21 Q HAVE YOU YOURSELF EVER HAD A RUN-IN WITH LAW
22 ENFORCEMENT?

23 A WELL, NOT THAT I CAN RECALL I ASSUME YOU'RE
24 TALKING ABOUT FROM A PERSONAL STANDPOINT

25 Q YES, SIR, FROM A PERSONAL STANDPOINT HAVE ANYONE

1 IN YOUR FAMILY HAD A RUN-IN WITH LAW ENFORCEMENT?

2 A NO

3 Q DO YOU AGREE THAT A LAW ENFORCEMENT OFFICER'S LIFE
4 IS MORE VALUABLE THAN THE ORDINARY CITIZEN?

5 MR MURDAUGH OBJECTION, SIR

6 THE COURT I TOLD YOU YOU COULD ASK IF THEY HAVE
7 ANY BIAS OR PREJUDICE FOR OR AGAINST LAW ENFORCEMENT
8 OFFICERS THAT WOULD BE THE QUESTION I WOULD ALLOW ON
9 LAW ENFORCEMENT OFFICERS AND THEN THE FACT THAT LAW
10 ENFORCEMENT OFFICERS WERE THE VICTIMS IN THIS CASE,
11 WOULD THAT AFFECT HIS ABILITY TO GIVE EVERYONE A FAIR
12 AND IMPARTIAL TRIAL

13 MR ALKEBULANYAHH THANK YOU YOUR HONOR

14 (PAUSE)

15 Q IN YOUR OPINION -- IN YOUR OPINION, WILL YOU BE
16 ANGRY IF YOU FOUND OUT THAT POLICE OFFICERS WAS IN YOUR
17 COUNTY OR CITY WAS CORRUPT?

18 MR MURDAUGH OBJECTION

19 THE COURT I SUSTAIN THAT OBJECTION

20 Q IN YOUR OPINION, DO YOU AGREE THAT NO PROSECUTOR
21 SHOULD TRY OR ATTEMPT TO COVER UP FOR CORRUPT POLICE
22 OFFICERS?

23 A IN MY OPINION, DOES -- COULD YOU STATE THAT AGAIN?
24 I TELL YOU ---

25 Q YES, SIR YES, SIR IN YOUR OPINION, DO YOU

STATE VS ALKEBULANYAHH

1 AGREE THAT NO PROSECUTOR SHOULD TRY OR ATTEMPT TO COVER
2 UP FOR CORRUPT POLICE OFFICERS?

3 A YEAH, I THINK I AGREE WITH THAT

4 Q DO YOU SUPPORT SHERIFF TANNER?

5 A MEAN, DID I VOTE FOR HIM?

6 MR MURDAUGH YOUR HONOR, PLEASE THAT IS
7 OBJECTIONABLE

8 THE COURT I SUSTAIN THAT OBJECTION HE
9 INDICATED THAT HE'S KNOWN THE SHERIFF GO AHEAD

10 Q DO YOU HAVE A BUMPER STICKER ON YOUR VEHICLE THAT
11 STATES TANNER FOR SHERIFF?

12 A ACTUALLY, I DON'T AND THAT ANSWER -- BECAUSE YOU
13 CAN READ IT, WAS WRITTEN BY WIFE AND IT WAS ON HER
14 CAR IT IS NOT ON MY TRUCK SO THAT ANSWER WAS ON MY
15 THING THAT -- YOU KNOW, SHE PUT IT DOWN THINKING I'D
16 PUT IT ON HER CAR, BUT I DIDN'T BUT NO, THERE'S NOT
17 ONE ON MY TRUCK

18 Q OKAY PLEASE TELL ME ABOUT YOUR NEIGHBORHOOD, IS
19 IT A SAFE PLACE?

20 A I'D LIKE TO THINK SO

21 Q DO PEOPLE FROM DIFFERENT RACES LIVE THERE?

22 A AS A MATTER OF FACT, THEY DO

23 Q HOW MANY, DO YOU KNOW?

24 A WELL, WE HAVE -- MY NEXT DOOR NEIGHBOR IS FROM THE
25 PHILIPPINES PEOPLE THAT LIVE DOWN THE STREET ARE

1 BLACK THERE'S ANOTHER BLACK COUPLE THERE THERE'S
2 ANOTHER COUPLE THAT'S ORIENTAL AND THERE'S ONLY 90
3 HOMES IN OUR SUBDIVISION SO, I MEAN, I DON'T KNOW
4 WHAT THAT PERCENT IS, BUT

5 Q IS A RACE PROBLEM AT ALL IN YOUR NEIGHBORHOOD?

6 A NO

7 Q ARE ALL OF YOUR CHILDREN GROWN?

8 A YES

9 Q WHEN THEY ATTENDED SCHOOL, DID THEY GO TO A PUBLIC
10 OR PRIVATE SCHOOL?

11 A WENT TO A PUBLIC SCHOOL

12 Q DO YOU KNOW WHETHER THAT SCHOOL THEY ATTEND HAD
13 ALL TYPES OF RACES?

14 A WELL, I KNOW MY TWO SONS WENT TO THE PUBLIC SCHOOL
15 ON HILTON HEAD THEIR ENTIRE LIFE AND THEN THEY WENT
16 TO THE CITADEL THEY HAVE EVERYBODY AT THE CITADEL ARE
17 ALL NATIONALITIES, RACES

18 MY DAUGHTER ATTENDED PUBLIC SCHOOLS ON HILTON HEAD
19 UNTIL SHE WAS IN NINTH GRADE, AND THEN WE SENT HER TO A
20 PRIVATE SCHOOL FOR THE NEXT THREE YEARS AND THERE WAS
21 ALL RACES AT THAT PRIVATE SCHOOL

22 AND NOW SHE GOES TO THE UNIVERSITY OF SOUTH
23 CAROLINA, SO, YOU KNOW

24 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN
25 THEIR REPORTING?

1 A NO

2 Q ARE NEWS MEDIA REPORTS SOME TIMES DESIGNED TO BE
3 SENSATIONAL?

4 A EVERY TIME

5 Q I'M SURE YOU HAVE FORMED AN OPINION REGARDING
6 MEDIA OR CONVERSATION WITH OTHER PEOPLE HAVE YOU
7 FORMED AN OPINION AS TO MY GUILT IN THIS CASE?

8 A NO

9 THE COURT THAT'S ONE OF THE QUESTIONS I'VE
10 ALREADY ASKED MR ALKEBULANYAHH, MARK THAT ONE OFF
11 MR ALKEBULANYAHH THANK YOU, YOUR HONOR
12 MR BURR THANK YOU VERY MUCH I HAVE NO FURTHER
13 QUESTIONS

14 MR MURDAUGH I AM RANDOLPH MURDAUGH AND ALONG
15 WITH DUFFY STONE, WE WILL BE REPRESENTING THE STATE OF
16 SOUTH CAROLINA IN THE PROSECUTION OF THIS CASE I'M
17 SATISFIED WITH YOUR ANSWER AND DON'T CARE TO ASK ANY,
18 SIR

19 THE COURT ALL RIGHT SIR, IF YOU WILL STEP OUT
20 INTO THE HALLWAY, I'LL BE WITH YOU MOMENTARILY

21 (THE JUROR EXITS THE COURTROOM)

22 THE COURT ANY OBJECTION TO QUALIFICATION?

23 MR ALKEBULANYAHH (YES, SIR, YOUR HONOR I HAVE
24 OBJECTION TO QUALIFICATION, BEING THAT THE JUROR IS
25 TIED WITH THE LEADING PEOPLE INVOLVED IN THIS CASE,

STATE VS ALKEBULANYAHH

1 BEING ROBERT STEWART, CHIEF INVESTIGATOR OF THE SOUTH
2 CAROLINA LAW ENFORCEMENT DIVISION HE'S THE CHIEF
3 INVESTIGATOR OF THIS PARTICULAR CASE AND MR P J
4 TANNER HIMSELF BEING THE SHERIFF OVER ALL THE
5 INVESTIGATORS AND POLICE OFFICER INVOLVED IN THIS CASE
6 AND FURTHERMORE, IT'S IMPORTANT THAT IT IS MY
7 BELIEF THAT THESE JUROR INFORMATION CARDS INFORMATION
8 WAS SUPPOSED TO BE DONE BY THE JUROR THEMSELVES AND
9 HE CLEARLY STATED THAT HIS WIFE IS THE ONE THAT FILLED
10 OUT THE JUROR QUESTIONNAIRE AND EVERYTHING SO HE
11 BASICALLY DON'T KNOW WHAT'S ON THE QUESTIONNAIRE SO I
12 DON'T REALLY DON'T KNOW WHAT REALLY TO ASK HIM IN
13 REFERENCE TO WHAT IS TRUE AND NOT TRUE ON THESE
14 QUESTIONNAIRES
15 AND THAT KIND OF DEPRIVED ME THE OPPORTUNITY TO
16 TEST HIS CREDIBILITY AS FAR AS HIS TRUTHFULNESS IN THE
17 QUESTIONS THAT HE -- THAT HE -- THAT HE ASKED UNDER
18 VOIR DIRE
19 THE COURT WELL, YOU COULD HAVE ASKED HIM ABOUT
20 ANYTHING YOU HAD A QUESTION ABOUT
21 MR ALKEBULANYAHH EXCUSE ME?
22 THE COURT YOU COULD HAVE ASKED HIM ABOUT
23 ANYTHING YOU HAD A QUESTION ABOUT ON THERE
24 MR ALKEBULANYAHH WELL, I MEAN THAT ANYTHING
25 THAT'S ON THERE, I WOULDN'T WANT TO WASTE THE COURT'S

STATE VS ALKEBULANYAHH

1 TIME -- YOU KNOW, THE COURT HAS INDICATED THAT TIME IS
2 PRECIOUS I WOULDN'T WANT TO WASTE THE COURT TIME
3 GOING THROUGH THIS WHOLE QUESTIONNAIRE, DOING IT OVER
4 AND OVER AGAIN WHEN IT SHOULD HAVE BEEN DONE WHEN IT
5 WAS MAILED TO HIM FROM THE -- FROM THE PROSECUTOR OR
6 FROM THE STATE -- WHOEVER MAILED THE QUESTIONNAIRE TO
7 HIM

8 I THINK THAT -- THAT'S HIS RESPONSIBILITY TO FILL
9 THIS THING OUT HIMSELF AND MAKE SURE THE INFORMATION ON
10 THERE IS TRUTHFUL AND ACCURATE BEFORE THEY MAIL IT INTO
11 THE -- TO THE COURT

12 THE COURT BRING MR BURR BACK IN

13 (THE JUROR ENTERS THE COURTROOM)

14 THE COURT MR BURR, YOU INDICATED YOUR WIFE
15 FILLED OUT THAT SURVEY FOR YOU?

16 JUROR SHE WROTE THE ANSWERS TO EACH QUESTION
17 DOWN YES, SIR

18 THE COURT DO YOU ---

19 JUROR YOU COULDN'T READ IT IF I WROTE IT

20 THE COURT BUT DID YOU GO THROUGH THOSE ANSWERS
21 WITH HER?

22 JUROR I READ EVERY ONE OF THEM

23 THE COURT SO EVERYTHING IN THAT SURVEY IS YOUR
24 RESPONSE UNDER OATH?

25 JUROR YES, SIR

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT

2 JUROR THE BUMPER STICKER -- LIKE I SAID, THAT'S
3 ON MY WIFE'S CAR

4 THE COURT OKAY BUT YOU KNOW WHAT ALL THE
5 ANSWERS ARE?

6 JUROR EVERY ONE OF THEM

7 THE COURT ALL RIGHT THANK YOU

8 (THE JUROR EXITS THE COURTROOM)

9 THE COURT ANYTHING ELSE?

10 MR ALKEBULANYAHH I JUST PERSONALLY FEEL THAT
11 THE INFORMATION IS ON THERE, IT SHOULD HAVE BEEN HIS
12 WIFE FOR THE JURY QUESTIONNAIRE

13 THE COURT HE SAID HIS HANDWRITING IS NOT --
14 BECAUSE OF HIS HANDWRITING

15 MR ALKEBULANYAHH BUT STILL YET, IF HE KNEW --
16 IF HE KNEW AS HE SAID EVERYTHING THAT WAS ON HERE, HE
17 WOULD KNEW TO TELL HER TO REMOVE THAT IF HE
18 UNDERSTANDING AS YOU SAY THAT HE UNDERSTOOD EVERYTHING
19 THAT WAS ON HERE SO APPARENTLY, HE DID NOT

20 THE COURT I THINK HE SUFFICIENTLY EXPLAINED
21 THAT ANYTHING FROM THE STATE?

22 MR MURDAUGH WE THINK HE'S QUALIFIED

23 THE COURT I FIND HIM QUALIFIED BRING HIM BACK
24 IN PLEASE

25 (THE JUROR ENTERS THE COURTROOM)

STATE VS ALKEBULANYAHH

1 THE COURT MR BURR, I FIND YOU QUALIFIED TO BE
2 IN THIS POOL THAT DOES NOT MEAN YOU WILL BE ON THE
3 JURY SO THAT WE DO NOT INFRINGE UPON TOO MUCH OF YOUR
4 TIME, WE'VE ASKED FOR YOUR DAY AND EVENING NUMBER WE
5 WILL CALL YOU BACK, BECAUSE WE DON'T KNOW HOW LONG THIS
6 PROCESS WILL LAST AT THAT POINT YOU'LL BE REQUIRED TO
7 APPEAR AGAIN FOR THE SELECTION OF THE JURY

8 DO YOU UNDERSTAND THAT?

9 JUROR YES, SIR, I DO

10 THE COURT ALSO, YOU MUST NOT DISCUSS THIS CASE
11 WITH ANYONE

12 IF YOU START TO HEAR SOMETHING ON THE T V , TURN
13 IT OFF SEE A HEADLINE IN THE PAPER, DON'T READ THE
14 STORY THE SAME WITH THE RADIO, TURN IT OFF DO YOU
15 UNDERSTAND?

16 JUROR YES, SIR, I DO

17 THE COURT ALL RIGHT THANK YOU VERY MUCH, SIR
18 APPRECIATE YOUR BEARING WITH US

19 (THE JUROR EXITS THE COURTROOM)

20 THE COURT LINDA ROSSETTI

21 (THE JUROR ENTERS THE COURTROOM)

22 LINDA ROSSETTI HAVING BEEN
23 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS
24 DIRECT EXAMINATION BY THE COURT.

25 Q ARE YOU LINDA ROSSETTI?

- 1 A I AM
- 2 Q ALL RIGHT MS ROSSETTI, I JUST WANT TO REMIND
- 3 YOU, YOU'RE STILL UNDER OATH OKAY?
- 4 A OKAY
- 5 Q WE'RE AT THIS POINT WHERE WE NEED TO ASK YOU SOME
- 6 INDIVIDUAL QUESTIONS DUE TO THE NATURE OF THESE
- 7 PROCEEDINGS THERE ARE NO RIGHT OR WRONG ANSWERS SO
- 8 PLEASE GIVE US YOUR OPEN, HONEST, AND FULL RESPONSES
- 9 A I WILL
- 10 Q IF YOU DON'T KNOW THE ANSWER TO A QUESTION OR IF
- 11 YOU HAVE NEVER THOUGHT ABOUT IT, FEEL FREE TO TELL US
- 12 THAT ALL RIGHT?
- 13 A OKAY
- 14 Q NOW, AMONG OTHER THINGS, WE'LL BE TALKING ABOUT A
- 15 PENALTY THE FACT WE TALK ABOUT A PENALTY OR THAT ANY
- 16 OF THESE QUESTIONS ARE ASKED HERE TODAY, SHOULD NOT IN
- 17 ANY WAY INDICATE ANYTHING ABOUT THIS DEFENDANT HE IS
- 18 PRESUMED TO BE INNOCENT DO YOU UNDERSTAND THAT?
- 19 A I DO
- 20 Q NOW, DO YOU REMEMBER MY CONVERSATION ABOUT THE WAY
- 21 THESE CASES WORK, THAT IF NECESSARY THEY GO TO A SECOND
- 22 PHASE?
- 23 A I DO
- 24 Q THE SECOND PHASE DEALS WITH THE PENALTY I JUST
- 25 WANT TO ADD A LITTLE BIT TO THAT A LOT OF PEOPLE

1 THINK THAT THE DEATH PENALTY APPLIES TO ANY MURDER
2 CASE IT DOES NOT IT ONLY APPLIES TO CERTAIN LIMITED
3 TYPES OF MURDER CASES FOR EXAMPLE, LIKE, IF IT'S
4 KIDNAPPING PLUS MURDER, OR BURGLARY PLUS MURDER, OR IT
5 MIGHT INVOLVE THE MURDER OF A PUBLIC OFFICIAL THAT'S
6 LISTED IN THE STATUTE THERE ARE OTHER SITUATIONS
7 THOSE ARE JUST EXAMPLES BUT IT DOES NOT APPLY TO
8 EVERY MURDER CASE DO YOU UNDERSTAND THAT?
9 A I DO
10 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
11 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I
12 INSTRUCT IT TO YOU?
13 A I BELIEVE THAT I COULD YES
14 Q YOU UNDERSTAND THAT IT IS MY RESPONSIBILITY TO
15 TELL YOU THE LAW, AND YOUR JOB AS A JUROR IS TO FOLLOW
16 THE LAW THAT I GIVE TO YOU?
17 A YES
18 Q COULD YOU DO THAT EVEN IF YOU DISAGREE WITH THAT
19 LAW?
20 A COULD I FOLLOW YOUR LAW ---
21 Q YOUR ROLE AS A JUROR ---
22 A --- IF I THOUGHT THE LAW WAS WRONG?
23 Q YES, MA'AM
24 A AS A UNITED STATES CITIZEN, I WOULD HOPE SO I'VE
25 TRIED TO DO THAT ALL MY LIFE

STATE VS ALKEBULANYAHH

1 Q LET ME EXPLAIN THE PROCESS YOU HAVE A ROLE IN
2 THIS CASE I HAVE A ROLE IN THIS CASE MY JOB IS TO
3 INSTRUCT YOU ABOUT THE CURRENT STATE OF THE LAW IN THIS
4 STATE IF FOR EXAMPLE YOU DO NOT AGREE WITH THAT LAW
5 OR YOU THINK IT SHOULD BE SOMETHING ELSE, DO YOU
6 UNDERSTAND YOU HAVE AN OBLIGATION TO FOLLOW IT AS I
7 TELL YOU IT IS?

8 A THAT'S WHAT YOU SAID BEFORE, ISN'T IT?

9 Q YES, MA'AM I JUST WANT TO MAKE SURE YOU
10 UNDERSTAND

11 A I DO UNDERSTAND THAT

12 Q AND YOU CAN DO THAT?

13 A YES, I THINK SO

14 Q OKAY YOU THINK SO OR YOU WILL?

15 A I GUESS I'D HAVE TO I WOULD

16 Q OKAY COULD YOU DECIDE THIS CASE BASED ON THE
17 EVIDENCE PRESENTED IN THIS COURT AND DISREGARD ANYTHING
18 YOU MAY HAVE HEARD, READ, OR SEEN ABOUT THIS CASE?

19 A YES

20 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
21 CASE?

22 A I REMEMBER VAGUELY WHEN IT HAPPENED I DON'T KNOW
23 WHETHER THAT WAS A YEAR OR SO AGO BUT, NO AND THE
24 ONLY THING I READ WAS WHEN WE WERE SITTING HERE ON
25 MONDAY, SOMEBODY HAD A NEWSPAPER

- 1 Q ALL RIGHT
- 2 A AND I READ THAT ARTICLE
- 3 Q NOW, WOULD THAT IN ANY WAY AFFECT YOUR ABILITY TO
- 4 GIVE EVERYONE IN THIS CASE A FAIR AND IMPARTIAL TRIAL?
- 5 A NO
- 6 Q ALL RIGHT HAVE YOU FORMED ANY OPINION IN THIS
- 7 CASE ABOUT ANY ---
- 8 A NO
- 9 Q --- OF THE ISSUES OR AS THE TO GUILT OR INNOCENCE
- 10 OF THIS DEFENDANT?
- 11 A HOW CAN I? I DON'T KNOW WHAT HAPPENED
- 12 Q ALL RIGHT
- 13 A DIFFERENT PARTIES
- 14 Q NOW, IN A CRIMINAL CASE THE STATE HAS THE BURDEN
- 15 OF PROVING GUILT BEYOND A REASONABLE DOUBT A
- 16 DEFENDANT DOES NOT HAVE TO PROVE HIS INNOCENCE THE
- 17 DEFENDANT DOES NOT HAVE TO DO ANYTHING DO YOU
- 18 UNDERSTAND THAT?
- 19 A I DO
- 20 Q ALL RIGHT NOW, IN A PARTICULAR CASE DEPENDING ON
- 21 THE FACTS AND EVIDENCE AND THE LAW, COULD YOU CONSIDER
- 22 EQUALLY A VERDICT OF NOT GUILTY OR GUILTY?
- 23 A YES
- 24 Q ALL RIGHT NOW, DID YOU LOOK AT THE JUROR TYPE
- 25 SHEET THAT WE HANDED OUT?

STATE VS ALKEBULANYAHH

- 1 A I DID
- 2 Q DO YOU THINK YOU FALL INTO ONE OF THOSE
- 3 CATEGORIES?
- 4 A I DO
- 5 Q WHICH ONE?
- 6 A THREE
- 7 Q NOW, LET ME GO OVER THAT THREE WOULD BE THE
- 8 SITUATION IF THE STATE HAS PROVEN MURDER BEYOND A
- 9 REASONABLE DOUBT AND THE CASE GETS TO WHERE THE JUROR
- 10 IS CONSIDERING PUNISHMENT, YOU WOULD NOT HAVE MADE UP
- 11 YOUR MIND INSTEAD, YOU WOULD NEED ---
- 12 A EXACTLY
- 13 Q --- ALL THE FACTS AND CIRCUMSTANCES INCLUDING
- 14 CIRCUMSTANCES IN AGGRAVATION, AS WELL AS THOSE IN
- 15 MITIGATION, AND THE LAW FROM THE COURT BEFORE YOU MAKE
- 16 UP YOUR MIND IS THAT CORRECT?
- 17 A THAT IS THE WAY I READ IT
- 18 Q NOW, IF YOU WERE A JUROR IN THAT SITUATION, THE
- 19 SENTENCING PHASE OF THE CASE, IF THE CASE GETS TO THAT
- 20 POINT, COULD YOU DEPENDING UPON THE PARTICULAR FACTS
- 21 AND CIRCUMSTANCES OF THE CASE INCLUDING THE
- 22 CONSIDERATION OF ANY AGGRAVATING AND MITIGATING
- 23 CIRCUMSTANCES AND THE LAW RETURN A SENTENCE OF LIFE
- 24 IMPRISONMENT WITHOUT PAROLE?
- 25 A I BELIEVE I COULD, YES

1 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN THAT SAME
2 SITUATION, COULD YOU -- THAT BEING THE CASE WAS IN THE
3 SENTENCING PHASE, COULD YOU DEPENDING UPON THE
4 PARTICULAR FACTS AND CIRCUMSTANCES INCLUDING THE
5 CONSIDERATION OF ANY AGGRAVATING AND MITIGATING
6 CIRCUMSTANCES AND THE LAW THAT I GIVE TO YOU RETURN A
7 SENTENCE OF DEATH?

8 A I BELIEVE I COULD

9 Q ALL RIGHT I'M LOOKING FOR YES OR NO ANSWER,
10 MA'AM

11 A YES

12 Q ALL RIGHT I NEED TO KNOW FOR SURE

13 A THAT'S A YES

14 Q ALL RIGHT AND THE SAME FOR THE OTHER ONE?

15 A YES

16 Q YOU COULD EQUALLY CONSIDER LIFE IMPRISONMENT
17 WITHOUT PAROLE?

18 A RIGHT, ABSOLUTELY CORRECT

19 Q ALL RIGHT NOW, IN THAT LATTER SITUATION IF THE
20 JURY WERE TO RETURN A SENTENCE OF DEATH, WHICH THE
21 COURT WOULD FOLLOW -- THE COURT WILL FOLLOW THE JURY'S
22 DECISION WHETHER IT'S LIFE OR DEATH I WANT TO MAKE
23 SURE YOU UNDERSTAND THAT IN THAT LATTER SITUATION IF
24 THE JURY WERE TO RETURN A UNANIMOUS DECISION ABOUT
25 DEATH, WOULD YOU BE ABLE TO SIGN THE VERDICT FORM?

1 A YES

2 THE COURT ALL RIGHT THANK YOU AT THIS POINT

3 THEY WILL BE ASKING YOU SOME QUESTIONS, MA'AM

4 GO AHEAD PLEASE

5 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

6 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

7 Q HOW YOU DOING, MS ROSSETTI?

8 A I'M FINE, THANK YOU

9 Q THANK YOU FOR BEING HERE

10 A THANK YOU

11 Q I'M ABDIYYAH BEN ALKEBULANYAHH, AND I'M THE
12 DEFENDANT, AND I'LL BE REPRESENTING MYSELF IN THIS
13 CASE AND I WANT TO ASK YOU A FEW QUESTIONS ABOUT YOUR
14 OPINION AND SOME OF THESE THINGS MAY SEEM PERSONAL
15 BUT JUST TO FORM AN OPINION ABOUT THE TYPE OF PERSON
16 YOU IS AND HOW YOU FEEL ABOUT THE DEATH PENALTY AND
17 DIFFERENT SITUATION, WHETHER IT BE RELIGION OR RACIAL
18 ISSUES OR WHATNOT, TO THAT EXTENT

19 I WANT TO START OFF BY ASKING YOU, COULD YOU
20 DESCRIBE ME YOUR VIEWS ON THE DEATH PENALTY?

21 A WELL, I BELIEVE IN THE DEATH PENALTY IF SOMEBODY
22 HAS GOT -- IF IT'S NOT A SELF-DEFENSE INSTANCE OR
23 SOMEBODY'S NOT TRYING TO KILL YOU, SOMEBODY JUST KILL
24 ANOTHER PERSON, WELL, I'M OLD TESTAMENT ON THAT

25 Q HAVE YOU EVER HELD A DIFFERENT VIEW ON THE DEATH

- 1 PENALTY?
- 2 A NO, NOT THAT I REMEMBER
- 3 Q HOW STRONGLY DO YOU BELIEVE IN THE DEATH PENALTY?
- 4 A WELL, IT'S SORT OF A YES OR A NO TO ME, I GUESS
- 5 I BELIEVE IN THE DEATH PENALTY I THINK THERE'S
- 6 CIRCUMSTANCES THAT ONE IS NOT GIVEN THE DEATH PENALTY
- 7 BUT I BELIEVE IN THE DEATH PENALTY I SAID IT THREE
- 8 TIMES
- 9 Q DO YOU FEEL THE DEATH PENALTY IS A DETERRENT TO
- 10 THE FUTURE CRIMES -- TO CRIMES BY OTHERS?
- 11 A BY OTHERS?
- 12 Q YES
- 13 A I THINK IT SHOULD BE I DON'T KNOW THAT IT IS
- 14 Q WHAT KIND OF CRIMES COME TO MIND WHEN YOU THINK OF
- 15 THE DEATH PENALTY?
- 16 A MURDER KIDNAPPING, RAPE
- 17 Q ANY OTHERS?
- 18 A NOT THAT I COULD THINK OF RIGHT NOW
- 19 Q CAN YOU GIVE ME AN EXAMPLE OF ONE THAT YOU MAY
- 20 HAVE HEARD OR READ ABOUT IN THE MEDIA?
- 21 A WELL, ALL THESE SERIAL KILLERS
- 22 Q WHAT WAS YOUR FEELING ABOUT THAT CRIME?
- 23 A I'M SORRY?
- 24 Q WHAT WAS YOUR FEELING ABOUT THAT CRIME?
- 25 A I FELT THAT HE SHOULD BE PUNISHED BY DEATH, IF IT

1 WAS HE I THINK THERE WAS A SHE IN ONE INSTANCE I
2 DON'T FOLLOW MURDER MYSTERIES TOO -- MURDERS TOO MUCH
3 I DON'T -- I READ THE WALL STREET JOURNAL THEY DON'T
4 HAVE LURID STORIES

5 Q HOW DO YOU FEEL ABOUT LIFE IMPRISONMENT WITHOUT
6 THE POSSIBILITY OF PAROLE AS A SENTENCE FOR
7 INTENTIONAL, DELIBERATE, AND PREMEDITATED MURDER?

8 A THAT WOULD BE AN OPTION

9 Q HOW CONCERNED ARE YOU ABOUT THE AMOUNT OF MONEY
10 THAT WOULD BE USED TO SUPPORT A PERSON IN PRISON FOR
11 THE REST OF HIS NATURAL LIFE?

12 A THAT DOES NOT BOTHER ME

13 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT
14 THE POSSIBILITY -- LIFE WITHOUT THE POSSIBILITY OF
15 PAROLE MEANS JUST THAT?

16 A WOULD YOU ASK ME THAT AGAIN PLEASE?

17 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT
18 THE POSSIBILITY OF PAROLE MEANS JUST THAT?

19 A NO

20 Q WHAT DO YOU THINK THE DEATH PENALTY ACCOMPLISH FOR
21 THIS SOCIETY?

22 A I THINK IT'S A PAY-BACK TIME FOR THE PEOPLE THAT
23 WERE KILLED

24 Q SO IN YOUR BELIEF THAT IF ONE LOST THEIR LIFE, YOU
25 FEEL THAT ONE SHOULD ALSO GIVE A LIFE?

- 1 A I DO
- 2 Q AND THERE'S NO OTHER OPTIONS?
- 3 A WELL, THERE'S LIFE IMPRISONMENT I SUPPOSE,
- 4 CONSIDERING THE CIRCUMSTANCES
- 5 Q BUT YOU WOULD PREFER THAT YOURSELF, IN YOUR ---
- 6 A I MIGHT PREFER THAT BUT I STILL BELIEVE IN THE
- 7 DEATH PENALTY IT JUST DEPENDS ON THE CIRCUMSTANCES
- 8 Q WHAT IS THE BEST ARGUMENT AGAINST LIFE WITHOUT THE
- 9 POSSIBILITY OF PAROLE?
- 10 A I DON'T HAVE AN ARGUMENT
- 11 Q THEN MAY I ASK IN CONTRAST, WHAT IS THE BEST
- 12 ARGUMENT IN FAVOR OF WITHOUT LIFE WITHOUT PAROLE?
- 13 A WHAT, I'M SORRY
- 14 Q WHAT WOULD BE THE BEST ARGUMENT IN FAVOR OF
- 15 WITHOUT LIFE WITHOUT THE POSSIBILITY OF PAROLE?
- 16 A (PAUSE)
- 17 Q WHAT IS THE BEST ARGUMENT IN FAVOR OF LIFE WITHOUT
- 18 THE POSSIBILITY OF PAROLE?
- 19 A I DON'T HAVE AN ARGUMENT FOR THAT EITHER
- 20 Q WHAT WOULD BE IMPORTANT TO YOU IN MAKING THE
- 21 DECISION OF WHETHER A PERSON SHOULD RECEIVE PUNISHMENT
- 22 OF LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE
- 23 OR DEATH?
- 24 A THE CIRCUMSTANCES OF THE MURDER
- 25 Q PRIOR TO YOU FILLING OUT THE JURY QUESTIONNAIRE,

1 HAVE YOU EVER EXPRESSED YOUR VIEWS ON THE DEATH PENALTY
2 TO FAMILY, FRIENDS, NEIGHBORS, OR CO-WORKERS, AND WHAT
3 DID YOU SAY AND TO WHOM?

4 A IN MY LIFE YOU MEAN, BEFORE -- ABSOLUTELY

5 Q YES

6 A WELL, YES, I MEAN, WHEN IT COMES UP IN
7 CONVERSATION OBVIOUSLY, I'VE DISCUSSED IT WITH OTHER
8 PEOPLE, FOUR OR FIVE TIMES IN MY LIFE MAYBE

9 Q WHAT DID YOU SAY?

10 A I SAID I BELIEVE IN THE DEATH PENALTY

11 Q SO IT WAS JUST A DISCUSSION BASICALLY ABOUT
12 WHETHER YOU BELIEVE ---

13 A WHETHER OR NOT OTHER PEOPLE DO OR NOT, ACCORDING
14 TO THEIR RELIGION

15 Q WAS THERE EVER DISCUSSION -- HAVE ANY DISCUSSION
16 ABOUT THE INNOCENT BEING PUT TO DEATH?

17 A YES

18 Q AND WHAT WAS YOUR VIEWS?

19 A I DON'T THINK THAT HAPPENS TOO OFTEN

20 Q IN YOUR ENTIRE LIFE PRIOR TO THE JURY
21 QUESTIONNAIRE, HOW MUCH TIME HAVE YOU SPENT TALKING OR
22 THINKING ABOUT THE DEATH PENALTY?

23 A NOT A LOT

24 Q IF AN EVIL PERSON COMMITS A HORRENDOUS CRIME, IS
25 THE DEATH PENALTY APPROPRIATE?

1 A YES

2 Q WHY DO YOU FEEL THIS WAY?

3 A I DON'T KNOW I GUESS, I THINK IF YOU BREAK THE
4 LAWS OF SOCIETY, YOU HAVE NO RIGHT TO THE RIGHTS OF
5 SOCIETY

6 Q IF A GOOD PERSON COMMITS A HORRENDOUS CRIME, IS
7 THE DEATH PENALTY APPROPRIATE?

8 A IF THEY COMMITTED A MALICIOUS MURDER AFORETHOUGHT,
9 YES THEY'RE NOT A GOOD PERSON I MEAN, I DON'T KNOW
10 WHAT YOU'RE CALLING A GOOD PERSON, A BAD PERSON

11 Q WHAT IF A PERSON WITH A VASTLY DIFFERENT OPINION
12 OR POINT OF VIEW FROM YOURS COMMITS SUCH AN ACT, IS THE
13 DEATH PENALTY APPROPRIATE?

14 A WOULD YOU ASK ME THAT AGAIN?

15 Q YES, MA'AM WHAT IF A PERSON WITH A VASTLY
16 DIFFERENT OPINION OR POINT OF VIEW FROM YOURS COMMITS
17 SUCH AN ACT, IS THE DEATH PENALTY APPROPRIATE?

18 A YES I'M NOT SURE I UNDERSTOOD THAT QUESTION
19 THE COURT WOULD YOU SAY IT'S APPROPRIATE -- DO
20 YOU MEAN APPROPRIATE AS AN OPTION OR ALWAYS?

21 JUROR APPROPRIATE OPTION IF IT'S ACCORDING TO
22 THE CIRCUMSTANCES

23 THE COURT ALL RIGHT I JUST WANT TO MAKE SURE,
24 MA'AM, EVERYTHING YOU SAY IS BASED ON YOUR OPINION ---

25 JUROR YES

1 THE COURT --- ABOUT THE LAW YOU WOULD FOLLOW
2 THE LAW THAT THE COURT GIVES YOU, CORRECT?

3 JUROR YOU ADMONISHED ME THAT I WOULD HAVE TO
4 THE COURT AS I INDICATED, EVERY MURDER ---

5 JUROR I KNOW THAT

6 THE COURT ALL MURDER REQUIRES MALICE, SO A
7 MALICIOUS MURDER WOULD BE MURDER

8 JUROR YEAH, ABSOLUTELY

9 THE COURT SO THE DEATH PENALTY IS NOT AVAILABLE
10 ALL RIGHT JUST FOR THAT FACT ALONE GO AHEAD

11 Q COULD YOU GIVE ME AN EXAMPLE OF WHEN YOU WOULD
12 VOTE FOR THE DEATH PENALTY FOR A PERSON CONVICTED OF
13 INTENTIONAL AND DELIBERATE MURDER?

14 A WHEN I WOULD VOTE FOR?

15 Q NO COULD YOU GIVE ME AN EXAMPLE WHEN -- WHEN --
16 WHEN YOU WOULD VOTE FOR ONE ---

17 A WELL ---

18 Q --- WHO COMMITTED AN INTENTIONAL AND DELIBERATE
19 MURDER?

20 A --- IT HAD BEEN PROVEN BEYOND A DOUBT THAT IT WAS
21 A MALICIOUS MURDER, AND THE REST OF THE JURY -- AND
22 DISCUSSED WITH THE JURORS AND ALL THE INFORMATION HAD
23 BEEN GIVEN AND THAT WAS THE CONCLUSION WE CAME TO, YES

24 Q COULD YOU GIVE ME A CASE EXAMPLE OF SOMETHING YOU
25 MIGHT HAVE HEARD OR SEEN OR SOMETHING IN THE MEDIA THAT

1 WOULD ---

2 A WELL, I GUESS I COULD SAY THAT IF SOMEBODY PLANNED
3 TO MURDER SOMEBODY AND THEY DID OR IF THEY KNEW THE
4 CONSEQUENCES OF THEIR ACTION AND THEY SHOT SOMEBODY
5 ANYWAY OR STRANGLED THEM OR WHATEVER, I WOULD THINK
6 THAT THAT WOULD BE CALLED FOR AN INNOCENT PERSON THAT
7 HAD DONE NOTHING TO THEM OR HARMED THEM IN ANY WAY

8 Q HAVE YOU EVER SIGNED A PETITION THAT ENCOURAGE OR
9 SUPPORT THE DEATH PENALTY?

10 A NO

11 Q HAVE YOU EVER PUBLICLY EXPRESSED YOUR VIEWS
12 FAVORING THE DEATH PENALTY?

13 A WHAT DO YOU MEAN PUBLICLY?

14 Q OUT TO THE GENERAL PUBLIC BEYOND THE BOUNDS OF
15 YOUR HOME OR ---

16 A NO

17 Q --- ORGANIZATION, CHURCH ---

18 A NO

19 Q HAVE YOU EVER HAD A DIFFERENT VIEW ON THE DEATH
20 PENALTY, DIFFERENT THAN THE VIEW THAT YOU HAVE TODAY?

21 MR STONE YOUR HONOR I OBJECT HE'S ALREADY
22 ASKED HER THAT QUESTION

23 A NOT THAT I KNOW OF I'VE ALWAYS BELIEVED IN THE
24 DEATH PENALTY TO A CERTAIN POINT I BELIEVE IN LIFE
25 IMPRISONMENT AT CERTAIN TIMES

1 THE COURT SHE'S ANSWERED IT, SO GO AHEAD

2 Q IMAGINE -- IMAGINE A SITUATION WHERE YOU FOUND A
3 PERSON GUILTY OF AN INTENTIONAL AND PREMEDITATED
4 MURDER, IN THAT SITUATION WOULD YOU ALWAYS VOTE FOR THE
5 DEATH PENALTY?

6 MR STONE OBJECTION, YOUR HONOR THAT IS A
7 HYPOTHETICAL HE'S ASKED HER OPINION OF THE DEATH
8 PENALTY, AND I HAVEN'T OBJECTED BUT NOW HE'S GETTING
9 INTO HYPOTHETICAL SITUATIONS

10 THE COURT I TOLD YOU TO AVOID HYPOTHETICAL
11 SITUATIONS, MR ALKEBULANYAHH

12 (PAUSE)

13 Q WHEN YOU COME TO AN INDEPENDENT DECISION, WILL YOU
14 STICK TO IT?

15 A UNLESS I'M PROVEN WRONG, I GENERALLY DO

16 Q IF ALL THE OTHER JURORS HOLD THE OPPOSITE OPINION
17 FROM YOU, GUILTY OR NOT GUILTY, WOULD YOU STICK TO YOUR
18 DECISION?

19 A UNLESS THEY CONVINC -- COULD CONVINC ME
20 OTHERWISE, I WOULD

21 Q DO YOU FEEL IT WOULD BE NECESSARY FOR YOU TO BE
22 CONVINCED ABOUT A DECISION THAT YOU HAVE DETERMINED OR
23 MADE A JUDGMENT ON COME TO A CONCLUSION YOURSELF?

24 A I WOULD COME TO MY CONCLUSION BUT IF I HAD TO
25 FOLLOW THE LAW, I'D FOLLOW THE LAW IS THAT WHAT

1 YOU'RE ASKING ME?

2 Q NO PRETTY MUCH IF YOU HAD TO DETERMINE THE GUILT
3 OR INNOCENCE OF A INDIVIDUAL ---

4 A YES

5 Q --- AND OTHERS FELT DIFFERENTLY THAN YOU ABOUT THE
6 GUILT OR INNOCENCE OF THAT PERSON ---

7 A I THOUGHT YOU'D ASKED ME THAT BEFORE I SAID THAT
8 I WOULD STICK TO MY VIEWS UNLESS I WAS DISABUSED OF
9 THAT -- IF THEY COULD PROVE THAT MY THOUGHT PROCESS WAS
10 WRONG, MY PROCESSES, WHATEVER IT IS

11 Q SO IF YOU WAS A JUROR YOU WOULD FEEL LIKE THAT
12 THE OTHER JURORS WOULD HAVE TO PROVE TO YOU ABOUT THE
13 EVIDENCE ---

14 A I WOULD ---

15 Q --- OR WEIGHT OF THE CASE?

16 A --- CERTAINLY WANT TO DISCUSS IT WITH THEM I
17 BELIEVE THAT'S ACCEPTABLE, IS IT NOT?

18 Q I'LL LET THE JUDGE INSTRUCT YOU ON THAT
19 THE COURT WHAT'S YOUR QUESTION MA'AM?

20 JUROR IT WASN'T A QUESTION EXACTLY IT WAS SORT
21 OF RHETORICAL BUT I WANTED TO KNOW IF -- I THOUGHT
22 JURORS DISCUSSED THE FINDINGS ---

23 THE COURT YES, MA'AM, THEY DO

24 JUROR --- AMONGST THEMSELVES

25 THE COURT EVERYONE IS ENTITLED TO HEAR WHAT

1 EVERYONE THINKS ABOUT THE CASE BEFORE THEY MAKE THEIR
2 DECISION

3 JUROR THAT'S WHAT I MEAN

4 Q DO YOU HAVE ANY INTEREST IN THE OUTCOME OF THIS
5 CASE, EITHER FOR THE DEFENSE OR THE PROSECUTION?

6 A NOT AT THIS POINT, I DON'T

7 Q IS THE DEATH PENALTY USED OFTEN ENOUGH, TOO OFTEN,
8 OR ABOUT RIGHT?

9 A I DON'T KEEP UP WITH IT THAT MUCH, SO I REALLY
10 CAN'T ANSWER THAT

11 Q ARE YOU MARRIED?

12 A I AM

13 Q HOW DOES YOUR SPOUSE FEEL ABOUT THE DEATH PENALTY?

14 A HE ALTERNATES BETWEEN YES AND NO

15 Q HAVE YOU EVER HAD A STRONG OPINION ABOUT SOMETHING
16 AND THEN LATER FOUND OUT YOU BEEN WRONG?

17 A YES

18 Q HOW DID YOU FEEL AFTER FINDING OUT YOU BEEN WRONG?

19 A I FELT PRETTY SILLY, BUT I CHANGED, I HOPE

20 Q WOULD YOU AGREE THAT EVERY PERSON SHOULD HAVE A
21 RIGHT TO PRIVACY IN THEIR HOME?

22 A YES, I DO

23 Q DO YOU BELIEVE THAT PROMISES ARE MEANT TO KEPT?

24 A YES, GENERALLY THEY'RE OFTEN BROKEN

25 Q IF YOU MADE A PROMISE, WOULD YOU KEEP IT?

1 A I WOULD TRY MY LEVEL BEST BUT IF I COULDN'T, I'D
2 GO TO THAT PERSON AND TRY TO TELL THEM I COULDN'T

3 Q IF YOU WERE CHOSEN FOR THE -- IF YOU WERE CHOSEN
4 FOR JURY DUTY, DO YOU PROMISE TO STAND FIRM ON THE
5 DEFENDANT BEING INNOCENT IF THE PROSECUTOR DOES NOT
6 PROVE TO YOU BEYOND A REASONABLE DOUBT DEFENDANT IS
7 GUILTY?

8 A THOSE ARE THE LAWS OF THE LAND YES, I WOULD

9 Q HAVE YOU EVER HEARD THE SAYING RIGHT IS RIGHT AND
10 WRONG IS WRONG REGARDLESS?

11 A YES I'VE HEARD THAT SAYING

12 Q DO YOU AGREE WITH THAT SAYING?

13 A 99 PERCENT OF THE TIME, I'D SAY

14 Q DO YOU AGREE THAT THERE IS TWO SIDES TO EVERY
15 STORY?

16 A I THINK THERE ARE THREE SIDES YOUR SIDE MY
17 SIDE, AND THE RIGHT SIDE

18 Q AND YOU ALWAYS IN FAVOR OF THE ---

19 A RIGHT SIDE

20 Q IF YOU WERE SELECTED FOR JURY DUTY, DO YOU PROMISE
21 TO JUDGE FAIRLY?

22 A I WOULD TRY TO FOLLOW THE LAWS OF THE LAND, OF
23 COURSE

24 Q WOULD YOU JUDGE FAIRLY?

25 A I WOULD HOPE SO

1 Q DO YOU BELIEVE THE LAWS OF THE LAND ARE CORRECT?

2 A I'M SORRY DO I BELIEVE THE LAWS OF THE LAND?

3 Q YEAH, DO YOU BELIEVE THE LAWS ---

4 A I BELIEVE IN THE RULE OF LAWS, I DO, VERY MUCH

5 Q AND NOT GETTING OUTSIDE THE RULES OF THE LAWS?

6 A NO I BELIEVE THAT THEY ARE THERE FOR A PURPOSE,
7 TO CONTROL SOCIETY

8 Q DO YOU BELIEVE IN ANARCHY?

9 A I DO NOT

10 Q IF ANY OF THE ALLEGED VICTIM FAMILY, FRIENDS, OR
11 CO-WORKERS, OR LAW ENFORCEMENT ACCOST YOU AND ATTEMPTED
12 TO PERSUADE YOU, WOULD YOU NOTIFY OR TELL THE JUDGE?

13 A I WOULD TELL THEM TO GET AWAY FROM ME, AND I WOULD
14 TELL THE JUDGE I HAVE BEEN ADMONISHED TO DO THAT, AND
15 I SWORE THAT I WOULD DO THAT

16 (PAUSE)

17 Q ARE YOU THE TYPE OF PERSON THAT WOULD MAKE A
18 DISTINCTION BETWEEN DIFFERENT TYPES OF MURDER OR
19 BETWEEN THE PEOPLE WHO ARE CHARGED AND THAT FEEL THAT
20 EACH CASE SHOULD BE TREATED EXACTLY THE SAME?

21 A NO I THINK EACH CASE SHOULD BE TREATED ACCORDING
22 TO ITS NEEDS

23 Q AND YOU DON'T FEEL THE DEATH PENALTY SHOULD BE THE
24 TREATMENT FOR EVERY MURDER CASE?

25 A NOT NECESSARILY, NO, I DON'T

1 (PAUSE)

2 Q WILL YOU BE ABLE TO BE FAIR AND IMPARTIAL AFTER
3 SEEING AND HEARING ABOUT THE IMPACT THAT THIS INCIDENT
4 HAD ON THE FAMILIES OF THE OFFICERS INVOLVED IN THIS
5 CASE?

6 A FAIR AND WHAT?

7 Q IMPARTIAL

8 A IMPARTIAL

9 MR STONE I WOULD OBJECT, YOUR HONOR WHAT HE'S
10 DOING IS ASKING HER TO PICK PARTICULAR WITNESSES OUT
11 AND COMPARE THOSE AND HOW THAT WOULD AFFECT HER THAT
12 IS UNFAIR TO THE JUROR, AND I THINK IT'S AN IMPROPER
13 QUESTION

14 THE COURT I SUSTAIN THAT OBJECTION

15 (PAUSE)

16 Q WHAT WAS YOUR REACTION WHEN YOU FIRST HEARD THAT
17 POLICE OFFICERS WAS KILLED AND ---

18 A I WAS HORRIFIED

19 Q EXCUSE ME?

20 A I WAS HORRIFIED

21 Q HOW DID YOU FEEL?

22 A I HAPPEN TO THINK THAT OUR POLICEMEN PUT THEIR
23 LIFE ON THE LINES WHEN THEY WALK OUT THE DOOR WITH THAT
24 UNIFORM AND THAT BADGE ON AND I GENERALLY APPRECIATE
25 -- I DO APPRECIATE THE JOBS THEY DO SO I THINK -- I

1 WAS HORRIFIED, LIKE MOST PEOPLE WOULD BE

2 Q DO YOU FEEL IN YOUR OPINION THAT WHEN A LAW
3 ENFORCEMENT OFFICER OR POLICE OFFICER IS KILLED, THAT
4 THE DEFENDANT SHOULD GET THE DEATH PENALTY?

5 A I DON'T KNOW UNLESS I KNOW THE CIRCUMSTANCES, I
6 CAN'T TELL YOU ONE WAY OR THE TOTHER (PHONETIC) AND
7 EACH CASE IS DIFFERENT I'VE SAID THAT A COUPLE TIMES

8 Q IT WOULD MAKES A DIFFERENCE TO YOU WHETHER THEY
9 WAS POLICE OFFICERS OR NOT?

10 MR STONE OBJECTION, YOUR HONOR ALL HE'S DOING
11 IS TRYING TO GET INTO SPECIFIC FACTS OF THE CASE

12 THE COURT I SUSTAIN THAT OBJECTION

13 Q WOULDN'T YOU AGREE THAT YOUR ABILITY TO BE FAIR IN
14 THIS CASE COULD BE AFFECTED?

15 A BY WHAT? THE FACTS YES I LIKE FACTS

16 Q HOW ABOUT ---

17 A I CAN GO RIGHT ALONG WITH FACTS

18 Q --- IF POLICE OFFICERS BEING INVOLVED?

19 A I DON'T -- THEY WERE VICTIMS WHATEVER A VICTIM
20 IS A VICTIM, WHETHER THEY'RE A BRICK LAYER OR A LAWYER
21 OR A POLICE OFFICER

22 Q HAVE YOU EVER HEARD OF ALLEGED VICTIMS?

23 A NOT DEAD ONES

24 Q EXCUSE ME?

25 A NO, I HAVE NOT

1 Q SO A PERSON THAT'S PUT TO DEATH, ARE THEY VICTIMS
2 OR ALLEGED VICTIMS?

3 MR STONE I WOULD OBJECT, YOUR HONOR

4 A I ---

5 THE COURT THAT'S ---

6 A --- AM NOT GOING TO ANSWER THAT I'M SORRY

7 THE COURT THAT'S A LEGAL DEFINITION YOU DON'T
8 HAVE TO ANSWER THAT QUESTION, MA'AM

9 JUROR THANK YOU

10 THE COURT YOU STAY AWAY FROM LEGAL QUESTIONS

11 Q IN YOUR OPINION DOES A LAW ENFORCEMENT OFFICER HAS
12 THE RIGHT TO BREAK THE LAW OR THE RULES?

13 MR STONE OBJECTION, YOUR HONOR

14 A I DON'T KNOW WHAT THE LAW IS ---

15 THE COURT HOLD ON A SECOND

16 A --- OR WAS ---

17 THE COURT HOLD ON

18 A --- IN ANY CERTAIN CIRCUMSTANCE SO I CAN'T
19 ANSWER THAT

20 THE COURT ALL RIGHT

21 Q IN YOUR OPINION DO YOU AGREE THAT NO PROSECUTOR
22 SHOULD TRY OR ATTEMPT TO COVER UP FOR CORRUPT POLICE
23 OFFICERS?

24 A I DON'T THINK ANY CORRUPTION IN ANY OF OUR
25 OFFICIAL CAPACITIES -- UNITED STATES GOVERNMENT,

1 WHATEVER, LOCAL, WHATEVER -- SHOULD BE COVERED UP I
2 THINK CORRUPTION SHOULD BE ROOTED OUT

3 (PAUSE)

4 Q WHEN YOU READ OR HEARD ABOUT THIS CASE -- YOU
5 KNOW, WE ALL TEND TO FORM SOME TYPE OF OPINION ISN'T
6 THAT HUMAN NATURE?

7 A ABSOLUTELY

8 Q FOR EXAMPLE, WHEN YOU HEARD ABOUT THE O J SIMPSON
9 CASE, DIDN'T YOU AND MILLIONS OF OTHERS FORM SOME
10 OPINION ON WHETHER ---

11 MR STONE OBJECTION, YOUR HONOR

12 Q --- HE WAS GUILTY OR NOT?

13 THE COURT I SUSTAIN THAT OBJECTION SHE CAN'T
14 SPEAK FOR EVERYONE ELSE THE ONLY THING YOU'RE TRYING
15 TO DO IS ASCERTAIN HER VIEWS ALL RIGHT?

16 MR ALKEBULANYAHH YES SIR

17 (PAUSE)

18 Q WHEN YOU HEARD ABOUT THIS PARTICULAR CASE, DIDN'T
19 YOU FORM AN OPINION ABOUT ---

20 MR STONE OBJECTION, YOUR HONOR

21 Q --- THE DEFENDANT BEING GUILTY?

22 MR STONE HE'S ALREADY ASKED THAT QUESTION, I
23 BELIEVE, TWICE AT THIS POINT

24 THE COURT THE COURT'S ALREADY ASKED THAT
25 QUESTION ALSO, MR ALKEBULANYAHH

1 Q WILL YOU AGREE WITH ME THAT ONCE A PERSON FORM AN
2 OPINION, IT IS DIFFICULT IF NOT IMPOSSIBLE TO SET THAT
3 OPINION ASIDE?

4 A NO, I DON'T AGREE WITH YOU AT ALL

5 Q WHY?

6 A BECAUSE IF THEY'RE INTELLIGENT, THEY'LL LISTEN TO
7 BOTH SIDES AND TRY TO COME UP WITH THE FACTS AND ACCEPT
8 THE FACTS FOR WHAT THEY ARE, INSTEAD OF BEING CLOSED
9 MINDED

10 Q WOULD IT BE FAIR TO SAY THAT IN YOUR MIND MR
11 ALKEBULANYAHH STARTS OUT WITH ONE STRIKE AGAINST HIM?

12 MR STONE I OBJECT, YOUR HONOR I THINK YOU'VE
13 ALREADY ASKED WHETHER THERE'S ANY BIAS I THINK HE'S
14 COVERED ALL THAT AS WELL

15 THE COURT I SUSTAIN THAT OBJECTION

16 (PAUSE)

17 Q I HONESTLY -- HONESTLY BELIEVE THAT IF YOU HAD NOT
18 HEARD OR READ ABOUT THIS CASE, YOU COULD BE TOTALLY AND
19 COMPLETELY FAIR WOULDN'T YOU AGREE?

20 A YES, I AGREE TO THAT

21 Q YOU WOULD BE WILLING TO SERVE AS A JUROR IN A CASE
22 WHERE YOU HAD NOT HEARD OR READ ANYTHING ABOUT IT OR
23 HAD FORMED AN OPINION?

24 A YES

25 Q IF I OR THE PROSECUTOR OR THE JUDGE ASKED YOU IF

1 YOU COULD SET ASIDE YOUR OPINION AND DECIDE THE CASE
2 BASED ON THE EVIDENCE AND WITNESSES, WOULDN'T YOUR
3 TRUTHFUL AND HONEST ANSWER BE THAT YOU COULD NOT?

4 A NO, IT WOULD NOT AND I'VE ANSWERED THAT QUESTION
5 TWO OR THREE DIFFERENT TIMES ALREADY

6 THE COURT I'LL SUSTAIN THAT IT'S NOT AN
7 OBJECTION, BUT IT'S THE COURT'S OWN INTERVENTION

8 Q DO YOU KNOW MR RUSH LIMBAUGH?

9 A I DO LISTEN TO HIM REGULARLY I DON'T KNOW ---

10 Q YOU MEAN, A SPEECH ---

11 A --- HIM PERSONALLY

12 Q --- AN AUDITORY (SIC)?

13 A I'M SORRY

14 Q HE'S A PREACHER?

15 A NO HE'S ON THE RADIO HE'S A TALK SHOW HOST

16 Q TALK SHOW HOST?

17 A UH-HUH

18 Q DO YOU HAVE SIMILAR VIEWS?

19 A I DO WHEN I LISTEN TO HIM, I DO

20 Q COULD YOU TELL ME ABOUT THOSE VIEWS?

21 A I BELIEVE ---

22 THE COURT HOLD ON A SECOND

23 MR STONE OBJECTION

24 THE COURT WHAT ARE WE TALKING ABOUT? THAT'S TOO
25 OPEN ENDED WE COULD SIT HERE FOR 12 MONTHS AND TALK

1 ABOUT MY VIEWS ON ABOUT 12,000 DIFFERENT TOPICS

2 MR ALKEBULANYAHH I'M TALKING ABOUT THE VIEWS

3 ABOUT IN PARTICULAR MR RUSH LIMBAUGH

4 JUROR HE'S GOT A LOT OF VIEWS

5 MR ALKEBULANYAHH I WAS ASKING WAS THEY ---

6 THE COURT THAT'S TOO OPEN ENDED

7 MR ALKEBULANYAHH --- SIMILAR -- WAS HER VIEWS

8 SIMILAR TO MR RUSH LIMBAUGH

9 THE COURT SHE ANSWERED THAT QUESTION YOU SAID

10 TO EXPLAIN THAT THAT'S TOO OPEN ENDED I'M NOT

11 ALLOWING THAT YOU CAN ASK QUESTIONS ABOUT THE

12 CATEGORIES I INDICATED

13 Q MR ALKEBULANYAHH APPRECIATE HOW HONEST AND CANDID

14 YOU HAVE BEEN

15 A THANK YOU VERY MUCH

16 Q WOULD YOU MIND IF I ASK THE JUDGE TO EXCUSE YOU

17 FROM BEING A JUROR IN THIS PARTICULAR CASE?

18 A DO I MIND?

19 THE COURT MA'AM YOU DO NOT NEED TO ANSWER THAT

20 QUESTION IF YOU'LL PLEASE STEP OUT FOR A SECOND

21 PLEASE, MA'AM

22 JUROR SHALL I TAKE MY THINGS?

23 THE COURT YOU CAN JUST LEAVE IT RIGHT THERE FOR

24 NOW

25 (THE JUROR EXITS THE COURTROOM)

1 THE COURT SIDE BAR
2 (A SIDE-BAR CONFERENCE WAS HELD OFF THE RECORD)
3 THE COURT BRING THE JUROR BACK IN PLEASE DO
4 YOU HAVE ANY FURTHER QUESTIONS?
5 MR ALKEBULANYAHH YOU FORBIDDING THAT PARTICULAR
6 QUESTION?
7 THE COURT YES, SIR
8 (THE JUROR ENTERS THE COURTROOM)
9 THE COURT COME FORWARD PLEASE, MA'AM THIS WAY
10 (PAUSE)
11 THE COURT THANK YOU, MA'AM ANY FURTHER
12 QUESTIONS?
13 MR ALKEBULANYAHH THANK YOU, MS ROSSETTI
14 JUROR YOU'RE MORE THAN WELCOME
15 MR ALKEBULANYAHH AND YOU HAVE A NICE DAY I
16 HAVE NO FURTHER QUESTIONS
17 THE COURT ANYTHING FROM THE STATE?
18 MR STONE MS ROSSETTI, MY NAME IS DUFFY STONE
19 I ALONG WITH SOLICITOR MURDAUGH WILL BE TRYING THIS
20 CASE THANK YOU FOR YOUR ANSWERS I DON'T HAVE ANY
21 QUESTIONS, YOUR HONOR
22 THE COURT ALL RIGHT THANK YOU, MA'AM IF YOU
23 WILL PLEASE STEP BACK OUTSIDE TAKE YOUR STUFF WITH
24 YOU
25 (THE JUROR EXITS THE COURTROOM)

STATE VS ALKEBULANYAHH

1 THE COURT ANY OBJECTION TO THE QUALIFICATION OF
2 THIS JUROR?

3 MR ALKEBULANYAHH YES, YOUR HONOR THE
4 DEFENDANT OBJECTS TO THIS JUROR IT SEEMS, APPEARS TO
5 THE DEFENDANT THAT THIS PARTICULAR JUROR IS OBVIOUSLY
6 ANTAGONISTIC AGAINST THE DEFENDANT IN HER VIEWS, IN HER
7 ANSWERS TO THE QUESTIONS

8 THE COURT THE STATE'S POSITION?

9 MR STONE THERE IS NO EVIDENCE SHE'S
10 ANTAGONISTIC, YOUR HONOR AND I THINK SHE FALLS
11 CLEARLY INTO THE CATEGORY MAKING HER A QUALIFIED JUROR

12 THE COURT I AGREE I FIND HER TO BE QUALIFIED
13 BRING HER BACK IN PLEASE

14 (THE JUROR ENTERS THE COURTROOM)

15 THE COURT MS ROSSETTI YOU'RE QUALIFIED TO SIT
16 AS A JUROR YOU WILL BE PLACED IN OUR POOL THAT DOES
17 NOT MEAN YOU WILL BE ON THE CASE WHAT WILL HAPPEN
18 NEXT IS WE WILL CALL YOU AT THOSE NUMBERS YOU LEFT
19 YOU ARE DIRECTED THAT YOU MUST APPEAR WHEN YOU'RE
20 CALLED TO RETURN

21 JUROR ALL RIGHT

22 THE COURT ALSO, YOU MUST NOT EXPOSE YOURSELF TO
23 ANY MEDIA, NEWSPAPER, TELEVISION, RADIO, ANY TYPE OF
24 COVERAGE ALL RIGHT?

25 JUROR ALL RIGHT

STATE VS ALKEBULANYAHH

1 THE COURT THANK YOU VERY MUCH
2 (THE JUROR EXITS THE COURTROOM)
3 THE COURT WE'LL BE ADJOURNED UNTIL 2 00 O'CLOCK
4 THANK YOU
5 (COURT IS IN RECESS FOR LUNCH)
6 THE COURT WHAT JUROR IS THAT?
7 BAILIFF JUROR 360, YOUR HONOR
8 THE COURT WE HAVE A JUROR, 360, WHO JUST FOUND
9 OUT HIS MOTHER HAD A STROKE OUT OF STATE, NEEDS TO
10 LEAVE ANYONE HAVE ANY OBJECTION TO HIS BEING EXCUSED?
11 MR MURDAUGH THE STATE DOES NOT, SIR
12 THE COURT HE'S ON PANEL 13
13 BAILIFF YES YOUR HONOR
14 MR MURDAUGH 360?
15 BAILIFF 360, YES
16 (PAUSE)
17 MR ALKEBULANYAHH THE DEFENDANT DON'T HAVE NO
18 OBJECTION, YOUR HONOR
19 THE COURT ALL RIGHT THERE BEING NO OBJECTION
20 FROM EITHER SIDE, YOU MAY EXCUSE THAT JUROR TELL HIM
21 I HOPE EVERYTHING WORKS OUT
22 (PAUSE)
23 MAN YOUR HONOR, MAY I ADDRESS THE COURT?
24 THE COURT YES, SIR
25 MAN MY NAME IS SHEMUEL YISREAL I'M A MEMBER OF

STATE VS ALKEBULANYAHH

1 THE MEDIA MY TAPE RECORDER WAS CONFISCATED FROM ME

2 THE CLERK OF COURT TOLD ME TO ASK YOU FOR PERMISSION

3 THE COURT WHAT MEDIA ARE YOU WITH?

4 MAN IT'S MY OWN PRIVATE -- I HAVE A BUSINESS

5 CALLED SOME OF EVERYTHING AND I PUBLISH ---

6 THE COURT IS THAT JUST A PRIVATE MULTI MEDIA

7 TYPE OF COMPANY?

8 MAN YOUR HONOR, IT'S VERY MUCH PUBLIC, VERY WELL

9 KNOWN IN THIS AREA

10 MR MURDAUGH HE RUNS A JUNK YARD EMBASSY, SIR

11 THE COURT WHO DO YOU REPORT OUT THIS INFORMATION

12 TO?

13 MAN TO THE PUBLIC, GENERAL PUBLIC

14 THE COURT WHERE AT?

15 MAN WHERE EVER I MAYBE AT THE TIME I PASS OUT

16 PAMPHLETS, LEAFLETS I MAKE BILLBOARDS

17 THE COURT I DON'T KNOW IF THAT'S THE TYPE OF

18 MEDIA THAT'S CONTEMPLATED IN THE RULE

19 MAN WELL, IT'S A PUBLISHED, PRINTED MATTER I

20 JUST GIVE MY OPINIONS -- THAT'S JUST ONE ISSUE

21 ANOTHER ISSUE WAS FROM TIME TO TIME THE MAGISTRATES

22 ISSUE WARRANTS ON ME WHILE I'M HERE IN COURT AS FAR

23 AS I KNOW MISDEMEANOR WARRANTS ARE NOT SUPPOSED TO BE

24 EXECUTED WHILE A PERSON IS ATTENDING COURT

25 THE COURT WELL, THAT'S A PERSON THAT'S

STATE VS ALKEBULANYAHH

1 PARTICIPATING IN COURT PROCEEDINGS, THAT'S NOT SOMEONE
2 THAT'S PART OF THE -- YOU'RE NOT PART OF THIS CASE, ARE
3 YOU?

4 MAN I HAVE OTHER MATTERS THAT I HAD TO DO
5 EARLIER THIS MORNING AND WILL BE PROPERLY ATTENDED TO
6 WHEN I LEAVE HERE

7 THE COURT WELL, IF YOU FEEL LIKE A WARRANT IS
8 IMPROPERLY -- I'M NOT HERE TO GIVE ANY LEGAL ADVICE
9 IF YOU FEEL LIKE A WARRANT HAS BEEN IMPROPERLY SERVED,
10 YES, FILE AN APPROPRIATE MOTION IN WHATEVER CASE THAT
11 WARRANTS IN I DON'T -- I DON'T ---

12 MAN LET ME ASK YOU, COULD YOU ENFORCE THE LAW
13 THAT -- THERE'S A LAW THAT STATES YOU CANNOT EXECUTE A
14 MISDEMEANOR WARRANT FOR A PERSON THAT'S ATTENDING
15 COURT

16 THE COURT WHAT I'M TRYING TO TELL YOU IS, I HAVE
17 APPELLATE JURISDICTION OVER THE MAGISTRATE'S COURT
18 THAT'S NOT A MATTER THAT'S BEFORE THIS COURT WHERE
19 YOU'RE SERVED WITH A MAGISTRATE COURT OFFENSE?

20 MAN YES THEY ---

21 THE COURT WELL, THEN, THE FIRST THING ---

22 MAN --- SERVED ME THE LAST 4 YEARS, AND THEY
23 WON'T PROSECUTE THE CASE

24 THE COURT THE FIRST THING YOU NEED TO DO IF YOU
25 TAKE SOME POSITION ON THAT, YOU NEED TO MOVE TO HAVE IT

STATE VS ALKEBULANYAHH

1 STRICKEN IF YOU THINK IT WAS SERVED IN VIOLATION OF THE
2 LAW AND DISMISSED AND THEN IF YOU THINK THE DECISION
3 OF THE LOWER COURT IS NOT APPROPRIATE, THEN YOU APPEAL
4 IT TO THE CIRCUIT COURT, THAT'S THE NORMAL MECHANISM

5 MAN THANK YOU FOR YOUR TIME DO I GET A CHANCE
6 TO HAVE THE TAPE RECORDER?

7 THE COURT WELL, UNDER THE RULES, YOU AREN'T
8 RECOGNIZED AS AN ESTABLISHED NEWS REPORTING AGENCY

9 MAN YOUR HONOR, I AM RECOGNIZED IN THE MEDIA
10 THE COURT WELL, WHAT INDICATION DO I HAVE OF
11 THAT?

12 MAN I'LL BRING YOU PROOF IN ANOTHER TERM OF
13 COURT

14 THE COURT I'LL REVISIT IT ANOTHER TIME BUT
15 RIGHT NOW I DON'T SEE THAT YOU FALL WITHIN THE RULES

16 MAN THANK YOU VERY MUCH

17 THE COURT THANK YOU

18 MR MURDAUGH JUDGE, I HAVE TWO RECIPROCAL
19 WITNESS PETITIONS THAT I WOULD LIKE TO PASS UP TO THE
20 COURT, SIR EXCUSE ME, I NEED TO GET A SIGNATURE, SIR

21 (PAUSE)

22 MR MURDAUGH THANK YOU, SIR THESE ARE PEOPLE
23 THAT HAVE SAID THEY'RE GOING TO COME, AND NOW HAVE ---

24 THE COURT CHANGED THEIR MINDS?

25 MR MURDAUGH WELL I HOPE NOT, SIR

STATE VS ALKEBULANYAHH

1 THE COURT READY FOR THE NEXT JUROR?

2 MR MURDAUGH THE STATE IS, YOUR HONOR

3 THE COURT IS MR JENNINGS HERE?

4 CLERK YES, SIR

5 THE COURT ALL RIGHT WE'LL TAKE UP BENJAMIN
6 JENNINGS, THE ONE THAT WENT OUT OF ORDER

7 (THE JUROR ENTERS THE COURTROOM)

8 BENJAMIN JENNINGS, HAVING
9 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

10 DIRECT EXAMINATION BY THE COURT.

11 Q ARE YOU BENJAMIN JENNINGS?

12 A YES

13 Q MR JENNINGS, I JUST WANT TO REMIND YOU, YOU'RE
14 STILL UNDER OATH OKAY?

15 A (NODS HEAD)

16 Q YOU NEED TO RESPOND FOR THE RECORD DO NOT NOD
17 YOUR HEAD

18 A OH, YES

19 Q ALL RIGHT NOW, MR JENNINGS, WE'RE AT THAT --
20 FIRST I WANT TO SAY REGARDING THESE PROCEEDINGS, IT'S
21 IMPORTANT THAT YOU APPEAR WHEN YOU ARE TOLD TO BE HERE

22 A YES, SIR

23 Q DO YOU UNDERSTAND THAT?

24 A YES, SIR

25 Q ALL RIGHT NOW, WE'RE AT THE POINT WHERE WE NEED

STATE VS ALKEBULANYAHH

1 TO ASK YOU SOME QUESTIONS THERE ARE NO RIGHT OR WRONG
2 ANSWERS TO THESE QUESTIONS, SO JUST ANSWER HONESTLY,
3 OPENLY, AND FULLY IF YOU DON'T KNOW THE ANSWER OR
4 NEVER THOUGHT ABOUT THE SUBJECT BEFORE, JUST TELL US
5 THAT NO ONE IS CHALLENGING YOUR VIEWS, JUST NEED TO
6 KNOW WHAT YOUR VIEW MIGHT BE IF ANY

7 AMONG OTHER THINGS, WE'LL BE TALKING ABOUT A
8 PENALTY THE MERE FACT THAT WE TALK ABOUT A PENALTY OR
9 ASK YOU QUESTIONS, SHOULD IN NO WAY INDICATE ANYTHING
10 ABOUT THIS DEFENDANT THE DEFENDANT IS PRESUMED TO BE
11 INNOCENT DO YOU UNDERSTAND THAT?

12 A YES, SIR

13 Q NOW, DID YOU HEAR WHAT I SAID THE OTHER DAY ABOUT
14 HOW THESE CASES IF THEY GET THROUGH THE FIRST PHASE, GO
15 TO THE SECOND PHASE ON SENTENCING?

16 A YES, SIR

17 Q NOW, A LOT OF PEOPLE THINK THE DEATH PENALTY
18 APPLIES TO ALL MURDER CASES IT DOES NOT IT ONLY
19 APPLIES IN LIMITED SITUATIONS IT MIGHT APPLY WHERE
20 THERE'S A KIDNAPPING AND A MURDER, OR A BURGLARY PLUS A
21 MURDER, OR IT MIGHT INVOLVE THE CASE WHERE PUBLIC
22 OFFICIALS HAVE BEEN MURDERED, AND THEY'RE ONE OF THE
23 OFFICIALS THAT ARE LISTED IN THE STATUTE THERE ARE
24 OTHER EXAMPLES THOSE ARE JUST TO LET YOU KNOW THAT
25 THE DEATH PENALTY CAN BE REQUESTED IN ONLY LIMITED

STATE VS ALKEBULANYAHH

1 CASES, NOT EVERY MURDER CASE DO YOU UNDERSTAND THAT?

2 A YES

3 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
4 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I GIVE
5 IT TO YOU?

6 A YES, SIR

7 Q COULD YOU DO THAT EVEN IF YOU DID NOT AGREE WITH
8 THE LAW?

9 A YES

10 Q DO YOU UNDERSTAND WHAT I'M SAYING? IT'S MY JOB TO
11 TELL YOU WHAT THE LAW IS YOU CAN'T QUESTION WHAT I
12 TELL YOU THE LAW IS DO YOU UNDERSTAND THAT?

13 A I UNDERSTAND

14 Q ALL RIGHT COULD YOU DECIDE THIS CASE BASED ON
15 THE EVIDENCE PRESENTED HERE IN THIS COURT AND DISREGARD
16 ANYTHING YOU MAY HAVE HEARD, READ, OR SEEN ABOUT THIS
17 CASE?

18 A NO

19 Q ALL RIGHT

20 A I READ ABOUT IT IN THE PAPERS

21 Q YOU DON'T THINK YOU COULD SET ANY OF THAT STUFF
22 ASIDE AND HEAR WHAT IS ACTUALLY PRESENTED IN THIS TRIAL
23 AND GIVE EVERYONE A FAIR AND IMPARTIAL TRIAL?

24 A YES, I THINK I CAN DO MY BEST I CAN DO THAT

25 Q COULD YOU DO THAT?

STATE VS ALKEBULANYAHH

- 1 A YES
- 2 Q ALL RIGHT IN A CASE THAT'S ACTUALLY IN COURT,
3 YOU'RE NOT DEALING WITH BITS AND PIECES THAT ARE IN THE
4 MEDIA YOU GET TO SEE EVERYTHING, THE ENTIRE TRIAL
- 5 A OKAY
- 6 Q COULD YOU LAY ASIDE ANYTHING YOU HAVE READ AND
7 GIVE THE STATE AND THE DEFENDANT IN THIS CASE A FAIR
8 AND IMPARTIAL TRIAL?
- 9 A YES, SIR
- 10 Q ALL RIGHT COULD YOU TELL US A LITTLE BIT ABOUT
11 WHAT YOU HAVE READ, SEEN, OR HEARD ABOUT THIS CASE?
- 12 A I JUST KNOW THE FACTS OF WHAT HAPPENED, JUST WHAT
13 I READ IN THE PAPER
- 14 Q JUST WHAT YOU READ IN THE PAPER?
- 15 A YES, SIR
- 16 Q ALL RIGHT AND YOU CAN PUT THAT ASIDE?
- 17 A YES
- 18 Q HAVE YOU FORMED ANY OPINION ABOUT THIS CASE OR AS
19 TO THE GUILT OR INNOCENCE OF THIS DEFENDANT?
- 20 A WELL, HONESTLY, YES I MEAN, AT THE TIME I HAVE
- 21 Q AND ---
- 22 A BUT I WOULD LISTEN I MEAN, I WOULD LISTEN AND BE
23 OPEN MINDED ABOUT IT
- 24 Q WILL YOU BE ABLE TO START FROM SCRATCH AND ---
- 25 A YES, SIR

STATE VS ALKEBULANYAHH

- 1 Q --- HEAR THE STATE PROVE IT BEFORE YOU MAKE ANY
2 TYPE OF DECISION?
- 3 A YES, SIR
- 4 Q ALL RIGHT NOW, IN A CRIMINAL CASE THE STATE HAS
5 THE BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT
6 THE DEFENDANT DOES NOT HAVE TO PROVE ANYTHING THE
7 DEFENDANT DOES NOT HAVE TO PROVE INNOCENCE DO YOU
8 UNDERSTAND?
- 9 A YES, SIR
- 10 Q ALL RIGHT IN A CASE, DEPENDING UPON THE FACTS
11 AND THE EVIDENCE AND THE LAW, COULD YOU EQUALLY
12 CONSIDER A NOT GUILTY OR A GUILTY VERDICT?
- 13 A YES, I COULD EQUALLY CONSIDER EITHER ONE
- 14 Q HAVE YOU LOOKED AT THAT JUROR TYPE SHEET?
- 15 A THE 1, 2, 3?
- 16 Q YES
- 17 A YES, SIR
- 18 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
19 CATEGORIES?
- 20 A I WOULD THINK NO 1 I'M NOT -- NOT -- NOT GIVING
21 THE DEATH PENALTY I'VE ALWAYS BEEN AGAINST IT
- 22 Q COULD YOU ---
- 23 A SO I DON'T KNOW IF I COULD -- IT DEPENDS ON -- I'D
24 KEEP AN OPEN MIND IN THE TRIAL AND BASED ON THE
25 EVIDENCE -- BUT PREVIOUSLY IN THE PAST, I'VE ALWAYS

STATE VS ALKEBULANYAHH

1 BEEN AGAINST IT

2 Q DO YOU THINK THAT BASED ON THE EVIDENCE AND THE
3 CIRCUMSTANCES, BOTH AGGRAVATING AND MITIGATING, IF THE
4 CASE GOT TO THE SENTENCING PHASE IN THE TRIAL, THAT YOU
5 COULD RETURN WITH A SENTENCE OF DEATH?

6 A YES, IF IT WAS VERY OVERWHELMING

7 Q SIMILARLY, IF YOU WERE A JUROR IN THAT SITUATION,
8 COULD YOU DEPENDING UPON THE FACTS AND CIRCUMSTANCES
9 AND IN CONSIDERATION OF ANY AGGRAVATING AND MITIGATING
10 CIRCUMSTANCES RETURN A SENTENCE OF LIFE IMPRISONMENT
11 WITHOUT PAROLE?

12 A YES

13 Q SO YOU WOULD BE ABLE TO FULLY AND EQUALLY CONSIDER
14 BOTH OPTIONS?

15 A HONESTLY, I'M AGAINST THE DEATH PENALTY, BUT I
16 WOULD KEEP AN OPEN MIND YOU KNOW, IF THERE WAS
17 EVIDENCE THAT WAS COMPLETELY OVERWHELMING AND, YOU KNOW
18 -- I'D KEEP AN OPEN MIND ABOUT IT BUT RIGHT NOW I
19 DON'T AGREE WITH THE DEATH PENALTY

20 Q ALL RIGHT IF THE FACTS AND CIRCUMSTANCES WERE
21 SUCH, AFTER CONSIDERATION OF THE AGGRAVATING AND
22 MITIGATING CIRCUMSTANCES, THAT YOU THOUGHT THAT THE
23 DEATH PENALTY WAS APPROPRIATE, COULD YOU RETURN A
24 SENTENCE FOR THE DEATH PENALTY?

25 A YES

1 Q ALL RIGHT AND IF YOU WERE IN THAT SITUATION,
2 WOULD YOU BE ABLE TO SIGN THE VERDICT FORM IMPOSING THE
3 SENTENCE OF DEATH?

4 A YES

5 THE COURT OKAY ANY QUESTIONS?

6 MR ALKEBULANYAHH YES, SIR, YOUR HONOR THANK
7 YOU

8 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

9 Q GOOD AFTERNOON, MR JENNINGS I'M ABDIYYAH BEN
10 ALKEBULANYAHH I'M THE DEFENDANT IN THE CASE, AND I'M
11 GOING TO ASK YOU A FEW QUESTIONS IN RELATION TO THE
12 DEATH PENALTY, EVEN SOME PERSONAL MATTERS IT IS NOT
13 MY INTENTION TO OFFEND ANYBODY, JUST GET ANSWERS FROM
14 YOU ABOUT YOUR OPINION ABOUT A DEATH PENALTY IN THE
15 CASE FOR THE CRIME -- ALLEGED CRIME AND EVERYTHING
16 INVOLVED IN THIS CASE

17 SO I BEGIN BY ASKING YOU ONE QUESTION THE FIRST
18 QUESTION IS DESCRIBE YOUR VIEW ON THE DEATH PENALTY?

19 A THE DEATH PENALTY?

20 Q YES, SIR

21 A WELL, I THINK THAT KILLING SOMEBODY IS WRONG AND
22 THAT'S THE BOTTOM LINE I KNOW PEOPLE DO SOME AWFUL
23 THINGS AND I JUST DON'T -- I JUST DON'T AGREE WITH
24 KILLING PEOPLE

25 Q HAVE YOU EVER HELD A DIFFERENT VIEW ON THE DEATH

STATE VS ALKEBULANYAHH

1 PENALTY?

2 A YES, WHEN I WAS -- WHEN I WAS A KID I -- I
3 THOUGHT IT WAS OKAY

4 Q WHAT KIND OF CRIMES COME TO MIND WHEN YOU THINK OF
5 THE DEATH PENALTY?

6 A RAPE, MURDER

7 Q CAN YOU GIVE ME AN EXAMPLE OF ONE THAT YOU MAY
8 HAVE HEARD OR READ ABOUT IN THE MEDIA?

9 A OF A MURDER CASE OR A DEATH PENALTY CASE?

10 Q YES, OR A RAPE CASE OR DEATH PENALTY

11 A WELL, THE FIRST THING THAT COMES TO MIND IS
12 JEFFREY DAHMER, THAT'S ONE I HEARD ABOUT

13 Q WHAT WERE YOUR FEELINGS ABOUT THAT CRIME?

14 A I DON'T KNOW IT'S PRETTY MESSED UP I DON'T
15 KNOW, I GUESS THE GUY WAS PRETTY CRAZY TO DO THOSE
16 THINGS

17 (PAUSE)

18 Q WHAT KINDS OF INTENTIONAL, DELIBERATE, AND
19 PREMEDITATED -- PREMEDITATED MURDERS DO NOT DESERVE THE
20 DEATH PENALTY?

21 A WELL, I'M KIND OF AGAINST THE DEATH PENALTY FROM
22 THE START SO, I MEAN I AGREE WITH LIFE IMPRISONMENT
23 WITHOUT PAROLE SO AS OF RIGHT NOW, MAYBE THE ONLY
24 THING THAT WOULD DESERVE THE DEATH PENALTY -- WHICH, I
25 MEAN, LIKE I SAID BEFORE AND I AM CONTRADICTING MYSELF

1 -- I DON'T AGREE WITH IS TERRORISM I FEEL THAT -- YOU
2 KNOW, I DON'T WANT TO PUT SOMEBODY FROM ANOTHER
3 COUNTRY, YOU KNOW, IN OUR PRISONS AND HAVE US TAKE CARE
4 OF THEM, I GUESS SO TERRORISM WOULD FALL INTO THAT
5 CATEGORY

6 (PAUSE)

7 Q HOW CONCERNED ARE YOU ABOUT THE AMOUNT OF MONEY
8 THAT WOULD BE USED TO SUPPORT A PERSON IN PRISON FOR
9 THE REST OF HIS NATURAL LIFE?

10 A WELL, I'M NOT TOO CONCERNED ABOUT THAT RIGHT NOW
11 AT THIS POINT IN MY LIFE

12 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT
13 THE POSSIBILITY OF PAROLE IS JUST THAT?

14 A CAN YOU REPEAT THE QUESTION PLEASE?

15 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT
16 THE POSSIBILITY OF PAROLE MEANS JUST THAT?

17 A NO LIFE WITHOUT PAROLE -- I BELIEVE THAT'S WHAT
18 IT MEANS

19 (PAUSE)

20 Q PRIOR TO YOU FILLING OUT YOUR JUROR QUESTIONNAIRE,
21 HAVE YOU EVER EXPRESSED YOUR VIEWS ON THE DEATH PENALTY
22 TO FAMILY, FRIENDS, NEIGHBORS, OR CO-WORKERS?

23 A I'VE DISCUSSED IT WITH FRIENDS BEFORE

24 Q HOW MANY TIMES HAVE YOU THOUGHT ABOUT THE DEATH
25 PENALTY?

1 A I DON'T THINK ABOUT IT TOO OFTEN SOME TIMES WHEN
2 I WATCH T V OR THE NEWS ON T V , THEY BRING IT UP AND
3 I THINK ABOUT IT BRIEFLY

4 Q WHEN YOU COME TO AN INDEPENDENT DECISION, DO YOU
5 STICK WITH IT?

6 A NO I CAN BE PERSUADED

7 Q IF ALL THE OTHER JURORS HOLD THE OPPOSITE OPINION
8 FROM YOU, GUILTY OR NOT GUILTY, WOULD YOU STICK TO YOUR
9 OWN DECISION?

10 A NO

11 Q SO YOU WOULDN'T?

12 A I'D GO WITH -- PROBABLY GO WITH THE MAJORITY AND
13 WHAT -- WHATEVER EVERYBODY FELT I WOULDN'T HOLD THEM
14 UP

15 Q DO YOU HAVE ANY INTEREST IN THE OUTCOME OF THIS
16 CASE, EITHER FOR THE DEFENSE OR THE PROSECUTION?

17 A NO, OBVIOUSLY, NO

18 Q IS THE DEATH PENALTY USED OFTEN ENOUGH, TOO OFTEN,
19 OR ABOUT RIGHT?

20 A WELL, TOO OFTEN, ESPECIALLY IN TEXAS

21 Q ARE YOU MARRIED?

22 A NO, SIR

23 Q WHAT IS YOUR OPINION ABOUT POLICE OFFICERS WHO
24 HAVE BROKEN THE LAW?

25 A I THINK THEY SHOULD BE DEALT WITH I THINK A LITTLE

1 MORE DIRECTLY THAN OTHER PEOPLE, MAYBE WHATEVER THE
2 OFFENSE IS OR THE REPERCUSSION I THINK SHOULD BE, YOU
3 KNOW, ISSUED -- THEY SHOULD, YOU KNOW, GET IT JUST LIKE
4 EVERYBODY ELSE IF NOT WORSE

5 Q HAVE YOU EVER HAD A RUN-IN WITH THE POLICE?

6 A YES, SIR, WHEN I WAS 17

7 Q HAVE ANY OF YOUR FAMILY HAD A RUN-IN WITH THE
8 POLICE?

9 A (NODS HEAD)

10 (PAUSE)

11 Q IN YOUR OPINION, DO YOU AGREE THAT NO PROSECUTOR
12 SHOULD TRY TO ATTEMPT TO COVER UP FOR A CORRUPT POLICE
13 OFFICER?

14 A I THINK THAT -- YEAH, I THINK THEY SHOULD IT'S
15 THEIR JOB TO DEFEND THEIR -- PROTECT THEIR -- WHOEVER
16 THEY'RE REPRESENTING THEY SHOULD YOU KNOW, TRY TO
17 PROVE THEIR INNOCENCE IT'S THEIR JOB, I THINK

18 Q EVEN IF THEY'RE WRONG?

19 A I THINK IT'S THEIR JOB

20 Q IF ANY OF THE ALLEGE VICTIMS' FAMILY, FRIENDS, OR
21 CO-WORKERS, OR LAW ENFORCEMENT APPROACH YOU AND ATTEMPT
22 TO PERSUADE YOU, WOULD YOU NOTIFY THE JUDGE?

23 A DEFINITELY

24 Q ARE YOU THE TYPE OF PERSON WHO MAKE A DISTINCTION
25 BETWEEN DIFFERENT TYPES OF MURDER OR BETWEEN THE PEOPLE

1 WHO ARE CHARGED AND YOU FEEL THAT EACH SHOULD BE
2 TREATED EXACTLY THE SAME?

3 MR MURDAUGH YOUR HONOR, PLEASE I OBJECT TO
4 THAT

5 THE COURT ARE YOU ASKING IF HE WOULD TREAT
6 EVERYONE THE SAME?

7 MR ALKEBULANYAHH YES

8 THE COURT ARE YOU ASKING IF HE WOULD BE FAIR IN
9 ANY CASE ---

10 MR ALKEBULANYAHH IN ANY CASE

11 THE COURT --- NO MATTER WHO WAS INVOLVED?

12 MR ALKEBULANYAHH NO MATTER WHO'S INVOLVED

13 THE COURT ALL RIGHT I'LL LET YOU ASK THAT GO
14 AHEAD

15 A OKAY DEPENDING ON WHAT TYPE OF CRIME IT IS, I
16 THINK -- I THINK WE SHOULD TREAT -- I DON'T BELIEVE
17 JUST MURDER IS MURDER I THINK IT'S WRONG EITHER WAY
18 BUT SOME ARE DEFINITELY WORSE THAN OTHERS SOME
19 DESERVE HARSHER PUNISHMENT THAN OTHERS

20 (PAUSE)

21 Q WHAT WAS YOUR REACTION WHEN YOU FIRST HEARD THAT A
22 POLICE OFFICER WAS KILLED AND HOW DID YOU FEEL?

23 A ARE YOU TALKING ABOUT THIS INCIDENT?

24 Q YES

25 A IT WAS PRETTY SHOCKING I THOUGHT IT WAS SAD

1 AND I DON'T KNOW, I MEAN, IT COMES WITH THE JOB, AND
2 IT'S VERY UNFORTUNATE AND I FELT BAD FOR THEIR
3 FAMILIES

4 Q BY YOUR FEELING TOWARD THE FAMILIES, DO YOU THINK
5 THAT IT WOULD AFFECT YOUR ABILITY TO BE FAIR AND
6 IMPARTIAL IF YOU WERE SITTING ON THE JURY?

7 A NO, IT WOULD NOT

8 (PAUSE)

9 Q AS A JUROR, YOU WOULD NOT BE REQUIRED TO MAKE THE
10 DECISION IN A VACUUM THE LAW PROVIDES GUIDELINES TO
11 HELP A JUROR DECIDE THE LAW ALLOWS THE JUROR TO VOTE
12 FOR A LIFE SENTENCE IF THAT IS WHAT THE JUROR BELIEVES
13 IS THE PROPER PUNISHMENT THE LAW ALSO ALLOWS THE
14 JUROR TO VOTE FOR CAPITAL PUNISHMENT IF EVERYONE
15 AGREES

16 THE MOST IMPORTANT POINT THAT YOU AS A JUROR TO
17 UNDERSTAND IS THAT THE LAW OF THIS STATE PROVIDES THE
18 JUROR WITH A CHOICE AND YOU ARE NOT REQUIRED TO VOTE
19 FOR THE DEATH PENALTY IF AFTER HEARING THE EVIDENCE
20 WITH AN OPEN MIND ---

21 THE COURT ARE YOU TALKING ABOUT ---

22 Q --- AND ---

23 THE COURT --- THE LAW? HOLD ON A SECOND WHAT
24 DO YOU WANT TO ASK HIM?

25 MR ALKEBULANYAHH I'M GOING TO ASK IT IN THIS

1 LAST SENTENCE

2 THE COURT ALL RIGHT BUT YOU'RE PRETTY MUCH
3 GIVING HIM INSTRUCTIONS THAT THE COURT WOULD GIVE HIM
4 DO YOU WANT TO ASK HIM DO YOU UNDERSTAND IT'S YOUR
5 OPTION AS TO WHETHER IT'S A LIFE OR DEATH SENTENCE,
6 THEN ASK THAT I'VE EXPLAINED THAT TO HIM ALSO YOU
7 DO NOT NEED TO GIVE THAT SPEEL THAT THE COURT WOULD DO
8 ALL RIGHT

9 DO YOU UNDERSTAND THAT'S YOUR OPTION, SIR, IF YOU
10 SAT ON THE JURY?

11 JUROR YES, SIR

12 THE COURT ALL RIGHT

13 MR ALKEBULANYAHH I WAS TRYING TO PRETTY MUCH,
14 YOU KNOW -- JUST TO ---

15 THE COURT I'VE TRIED TO SHORTEN IT BECAUSE
16 YOU'RE GETTING TO THE SAME POINT ALL YOU WANT THE
17 JUROR TO UNDERSTAND IS THEY HAVE BOTH OPTIONS
18 CORRECT?

19 MR ALKEBULANYAHH WELL, YEAH, TO -- TO -- THAT
20 -- IT'S JUST THAT HE HAS TO BE ABLE TO CONSIDER, NOT
21 NECESSARY TO BE ABLE TO DO

22 THE COURT THAT HE'D CONSIDER BOTH OPTIONS,
23 THAT'S CORRECT I'LL INSTRUCT THE JUROR ABOUT THE LAW
24 Q COULD YOU PLEASE TELL ME ABOUT YOUR NEIGHBORHOOD,
25 AND IS IT A SAFE PLACE?

- 1 A WELL, MY NEIGHBORHOOD IS -- I LIVE IN AN APARTMENT
2 COMPLEX ON HILTON HEAD ISLAND IT'S RIGHT BY THE
3 BEACH IT'S -- I CONSIDER IT A SAFE PLACE I MEAN, I
4 DON'T -- I DON'T LEAVE MY DOOR OPEN OR ANYTHING BUT I
5 CONSIDER IT SAFE AND I ENJOY IT
- 6 Q DO PEOPLE FROM DIFFERENT RACES LIVE THERE?
- 7 A YES
- 8 Q HOW MANY, DO YOU KNOW?
- 9 A HOW MANY DIFFERENT RACES ---
- 10 Q YES
- 11 A --- OF PEOPLE LIVE THERE?
- 12 Q (NODS HEAD)
- 13 A WELL, I MEAN, I'M NOT A HUNDRED PERCENT SURE, BUT
14 I THINK ABOUT THREE
- 15 Q IS RACE A PROBLEM AT ALL IN YOUR NEIGHBORHOOD?
- 16 A NO
- 17 Q DO YOU HAVE CHILDREN?
- 18 A NO
- 19 Q IS YOUR WORK PLACE INTEGRATED?
- 20 A YES
- 21 Q WHAT PERCENTAGE?
- 22 THE COURT IF YOU KNOW
- 23 A I WOULD SAY IT'S PROBABLY 50 PERCENT HISPANIC AND
24 50 PERCENT CAUCASIAN
- 25 Q ARE YOU SUPERVISED BY PEOPLE OF A DIFFERENT RACE?

- 1 A NO
- 2 Q DO YOU SUPERVISE PEOPLE OF A DIFFERENT RACE?
- 3 A YES
- 4 Q DO PEOPLE WHERE YOU WORK SOCIALIZE OUTSIDE OF
- 5 WORK?
- 6 A YES
- 7 Q IS IT A MIXED GROUP OR DOES IT TEND TO DIVIDE
- 8 ALONG RACIAL LINES?
- 9 A IT'S A MIXED GROUP
- 10 Q HAVE YOU EVER ENTERTAINED A CO-WORKER OR A FRIEND
- 11 OF A DIFFERENT RACE AT YOUR HOME?
- 12 A YES
- 13 Q COULD YOU PLEASE DESCRIBE THE CIRCUMSTANCES?
- 14 A I HAVE -- ONE OF THE BUDDIES I WORK WITH HE'S
- 15 FROM COSTA RICA AND WE LIKE TO HANG OUT AND GO OUT
- 16 AFTER WORK SOMETIMES AND HAVE A DRINK
- 17 Q DO YOU THINK BLACKS ARE MORE LIKELY TO BE INVOLVED
- 18 IN CRIME THAN WHITES?
- 19 A STATISTICALLY, YES
- 20 Q COULD YOU TELL ME THE BEST AND WORST LIFE
- 21 EXPERIENCE YOU HAVE HAD WITH A MEMBER OF ANOTHER RACE?
- 22 A I CAN'T THINK OF ANYTHING OFF THE TOP OF MY HEAD
- 23 BUT I'VE HAD SOME VERY GOOD EXPERIENCES IN MY LIFE I
- 24 MEAN, I'VE HAD -- ONE OF MY -- I MEAN, I'VE HAD A GIRL
- 25 FRIEND THAT WAS BLACK BEFORE, AND WE HAD SOME REALLY

1 GOOD TIMES TOGETHER

2 Q AND HAD SOME BAD EXPERIENCES?

3 A YEAH PROBABLY WITH HER ALSO WE HAD GOOD AND
4 BAD TIMES TOGETHER

5 Q AFTER AN HONEST SELF-APPRAISAL, DO YOU THINK THAT
6 THE RACE OF MR ALKEBULANYAHH MIGHT INTERFERE EVEN
7 SLIGHTLY WITH YOUR ABILITY TO SERVE AS A JUROR ON THIS
8 CASE?

9 A NO

10 Q DO YOU THINK THAT AFRICAN-AMERICANS ARE EXECUTED
11 MORE OFTEN THAN OTHERS?

12 A I DON'T KNOW

13 Q DOES RACE PREJUDICE EXIST?

14 A I'M SORRY? (

15 Q DOES RACE PREJUDICE EXIST?

16 A YES

17 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN
18 THEIR REPORTING?

19 A NOT ALL THE TIME

20 Q ARE NEWS MEDIA REPORTS SOME TIMES DESIGNED TO BE
21 SENSATIONAL?

22 A YES, I THINK SO

23 MR ALKEBULANYAHH MR JENNINGS, THANK YOU I
24 HAVE NO FURTHER QUESTIONS

25 MR STONE MAY IT PLEASE THE COURT, YOUR HONOR

STATE VS ALKEBULANYAHH

1 CROSS EXAMINATION BY MR. STONE.

2 Q MR JENNINGS, MY NAME IS DUFFY STONE ALONG WITH
3 SOLICITOR MURDAUGH HERE ON THE END, WE'LL BE TRYING
4 THIS CASE MR JENNINGS, NOBODY HERE IS GOING TO TRY
5 TO CHANGE YOUR OPINION THE ONLY THING WE'RE ASKING
6 YOU QUESTIONS FOR IS TO TRY AND FIGURE OUT WHAT YOUR
7 OPINION IS THERE AREN'T ANY RIGHT OR WRONG ANSWERS
8 AND YOU HAVE A RIGHT TO YOUR OPINION DO YOU
9 UNDERSTAND?

10 A YES, SIR

11 Q NOW, I KNOW THE JUDGE TALKED TO YOU ABOUT THIS
12 VERY BRIEFLY AT THE BEGINNING BUT TO BE HONEST WITH
13 YOU, I'M NOT REAL CLEAR ---

14 A OKAY

15 Q --- AS FAR AS YOUR RESPONSE AS TO THE DEATH
16 PENALTY, I UNDERSTAND THAT YOU ARE AGAINST THE DEATH
17 PENALTY WOULD YOU EVER YOURSELF EVER BE ABLE TO GIVE
18 SOMEBODY THE DEATH PENALTY?

19 MR ALKEBULANYAHH OBJECTION, YOUR HONOR

20 THE COURT WHAT'S YOUR OBJECTION?

21 MR ALKEBULANYAHH THAT HE'S -- YOU ALREADY ASKED
22 HIM IN REFERENCE TO THAT, AND HE ALREADY GIVEN AN
23 ANSWER TO YOU, AND HE'S JUST REPEATING

24 MR STONE ACTUALLY, YOUR HONOR, HE SAID HE WOULD
25 CONSIDER IT HE DIDN'T SAY HE WOULD ACTUALLY BE ABLE

STATE VS ALKEBULANYAHH

1 TO DO IT I THINK THAT'S WHAT WE'RE TRYING TO CLARIFY
2 HIS ANSWERS WERE A LITTLE BIT EQUIVOCABLE AND I JUST
3 WANTED TO CLARIFY THAT WITH MR JENNINGS

4 THE COURT HE INDICATED HE COULD SIGN THE VERDICT
5 FORM

6 MR STONE I DIDN'T ASK HIM IF HE WOULD SIGN THE
7 VERDICT FORM, YOUR HONOR I ASKED HIM IF HE HIMSELF
8 COULD GIVE THE DEATH PENALTY

9 THE COURT ALL RIGHT COULD YOU VOTE FOR THE
10 DEATH PENALTY, SIR?

11 JUROR YES I WAS VAGUE ABOUT IT

12 Q SURE

13 A OKAY AND WHEN I EARLIER -- I WAS NERVOUS WHEN I
14 GOT UP HERE

15 Q SURE

16 A WHAT I TOLD HIM EARLIER WAS, YOU KNOW, IF THERE
17 WAS 11 PEOPLE THAT ARE FOR IT AND I'M AGAINST IT AND
18 THEY'RE ALL ARE FOR IT, I'LL SIGN IT, BECAUSE I -- IT'S
19 JUST, YOU KNOW -- I AGREE WITH MAJORITY RULES ON THE --
20 ON THE JURY SO IF EVERYBODY AGREES WITH IT, YOU KNOW,
21 I'LL SIGN IT SO, YES I WOULD IN THAT CASE I DON'T
22 AGREE WITH IT, BUT I WOULD -- I WOULD GO WITH THE DEATH
23 PENALTY

24 Q AS A JUROR, MR JENNINGS, DO YOU UNDERSTAND THAT
25 YOU HAVE A RIGHT TO YOUR OWN OPINION AS WELL THOUGH?

1 A (NODS HEAD)

2 Q YOU'RE NOT GOING TO JUST SIGN OFF ON WHATEVER THE
3 MAJORITY TELLS YOU TO DO, ARE YOU?

4 A NO BUT IF -- WELL, ACTUALLY, I JUST SAID I
5 WOULD BUT -- WELL, I MEAN, I DON'T EVEN KNOW IF I'M
6 ALLOWED TO SAY THAT, BUT ---

7 Q I'M NOT TRYING TO CONFUSE YOU, SO IF YOU NEED TO
8 REPHRASE IT, PLEASE FEEL FREE TO DO THAT

9 A WELL, BASICALLY WHAT I'M TRYING TO SAY IS IF I'M
10 THE ONLY PERSON IN THERE THAT DOESN'T WANT THE DEATH
11 PENALTY AND EVERYBODY ELSE AGREES WITH IT, THEN, YOU
12 KNOW, I -- I PROBABLY -- HONESTLY, I PROBABLY WOULD
13 JUST TO MOVE THINGS ALONG BECAUSE I DON'T THINK I
14 COULD -- I DON'T THINK I COULD, YOU KNOW, PERSUADE 11
15 PEOPLE TO NOT GO FOR IT

16 Q THE DEFENDANT ASKED YOU EARLIER ABOUT SITUATIONS
17 IN WHICH YOU WOULD GIVE THE DEATH PENALTY I THINK
18 YOUR RESPONSE WAS IF SOMEONE WAS FROM A FOREIGN COUNTRY
19 AND THEY WERE A TERRORIST IS THAT THE ONLY SITUATION?

20 A OFF THE TOP OF MY HEAD YEAH, I THINK THAT'S -- I
21 THINK THAT DEFINITELY DESERVES A DEATH PENALTY

22 Q BUT IS THAT THE ONLY SITUATION?

23 A YES

24 MR STONE ALL RIGHT THANK YOU, MR JENNINGS

25 I'M SORRY I HOPE I DIDN'T ---

1 JUROR NO IT'S MY FAULT, I WAS VERY VAGUE
2 THE COURT LET ME ASK YOU, SIR ARE YOU SAYING
3 THAT IF YOU WERE DELIBERATING ON THE JURY ABOUT THE
4 APPROPRIATE PENALTY, THAT EVEN IF IT WERE NOT YOUR
5 DECISION AFTER HEARING EVERYONE'S POSITION ON IT, THAT
6 THE DEATH PENALTY SHOULD BE IMPOSED, YOU WOULD
7 NONETHELESS DO IT IF THE MAJORITY ---
8 JUROR IF I'M THE ONLY PERSON -- IF I'M KEEPING
9 -- IF EVERYBODY WANTS IT AND I DON'T
10 THE COURT WOULD YOU DO THE SAME THING IF THE
11 JURY WAS DELIBERATING ABOUT THE GUILT OR INNOCENCE OF
12 THE INDIVIDUAL?
13 JUROR NO
14 THE COURT BUT YOU WOULD AS TO THE SENTENCE?
15 JUROR AS TO THE DEATH PENALTY I WOULD
16 THE COURT ONLY BECAUSE THE MAJORITY WANTED IT?
17 JUROR WELL, BECAUSE I DON'T THINK I COULD
18 PERSUADE EVERYBODY AGAINST IT, BECAUSE PEOPLE HAVE VERY
19 STRONG VIEWPOINTS ON IT I'M AGAINST IT, BUT, I DON'T
20 THINK I COULD PERSUADE ALL THOSE PEOPLE
21 THE COURT ALL RIGHT IF YOU WILL PLEASE STEP
22 OUT MOMENTARILY
23 (THE JUROR EXITS THE COURTROOM)
24 THE COURT WHAT IS YOUR POSITION ON HIS
25 QUALIFICATION?

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YOUR HONOR, I DON'T -- I DON'T
2 -- I DON'T THINK HE'S QUALIFIED

3 THE COURT STATE?

4 MR STONE I AGREE I DON'T THINK HE'S
5 QUALIFIED

6 THE COURT ALL RIGHT I'LL EXCUSE THE JUROR
7 BRING HIM BACK IN

8 (THE JUROR ENTERS THE COURTROOM)

9 THE COURT MR JENNINGS, THE COURT WILL GO AHEAD
10 AND EXCUSE YOU FROM THIS CASE THANK YOU VERY MUCH

11 (THE JUROR EXITS THE COURTROOM)

12 THE COURT CALL THE NEXT JUROR PLEASE

13 (THE JUROR ENTERS THE COURTROOM)

14 KELLY O'CONNELL, HAVING
15 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

16 DIRECT EXAMINATION BY THE COURT.

17 Q ARE YOU KELLY O'CONNELL?

18 A YES SIR I AM

19 Q ALL RIGHT MS O'CONNELL, I JUST WANT TO REMIND
20 YOU, YOU WILL REMAIN UNDER OATH

21 A YES, SIR

22 Q NOW, WE'RE AT THIS POINT WHERE WE NEED TO ASK YOU
23 SOME INDIVIDUAL QUESTIONS, NOT TO INVADE YOUR PRIVACY
24 IN ANY WAY, JUST TO ASCERTAIN YOUR VIEWS AND THOUGHTS
25 ABOUT CERTAIN ITEMS THERE ARE NOT RIGHT OR WRONG

STATE VS ALKEBULANYAHH

1 ANSWERS, SO PLEASE JUST ANSWER HONESTLY, OPENLY AND
2 FULLY IF YOU DON'T KNOW OR NEVER THOUGHT ABOUT IT,
3 FEEL FREE TO SAY THAT

4 A YES

5 Q NOW, NO ONE IS HERE TO CHALLENGE YOUR POSITION
6 IT'S JUST WE'RE TRYING TO UNDERSTAND ANY POSITION YOU
7 MIGHT HAVE

8 NOW, AMONG OTHER THINGS, WE WILL BE TALKING ABOUT
9 PENALTY ALONG WITH SOME OTHER QUESTIONS THE MERE FACT
10 THAT WE ARE TALKING ABOUT A PENALTY OR ASKING QUESTIONS
11 IN NO WAY SUGGESTS ANYTHING ABOUT THE DEFENDANT THE
12 DEFENDANT IS PRESUMED IN THE LAW TO BE INNOCENT DO
13 YOU UNDERSTAND THAT?

14 A YES, SIR

15 Q NOW IN QUALIFICATION I TOLD YOU A LITTLE BIT
16 ABOUT THE TWO-PART TRIAL IF WE GET TO THE SECOND PART
17 ABOUT SENTENCING DO YOU REMEMBER THAT?

18 A YES, SIR

19 Q I ALSO WANT TO INDICATE -- GIVE A LITTLE MORE
20 THOROUGH INFORMATION, THAT A LOT OF PEOPLE THINK THAT
21 THE DEATH PENALTY APPLIES TO ANY MURDER CASE IT DOES
22 NOT THERE HAS TO BE SOMETHING ELSE THERE HAS TO BE
23 LIKE A KIDNAPPING PLUS MURDER, OR BURGLARY PLUS MURDER,
24 OR IT HAS TO MAYBE INVOLVE THE DEATH OF A PUBLIC
25 OFFICIAL THAT'S LISTED IN THE STATUTE THE LAW OF THE

STATE VS ALKEBULANYAHH

1 STATE LAYS OUT THE KINDS OF SITUATIONS WHERE THE
2 SOLICITOR CAN COME IN AND ASK THAT THE JURY IMPOSE THE
3 DEATH PENALTY DO YOU UNDERSTAND THAT?

4 A YES

5 Q IT'S NOT EVERY CASE

6 A RIGHT

7 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
8 CASE, COULD YOU LISTEN TO AND APPLY THE LAW AS I
9 INSTRUCT IT TO YOU?

10 A YES, SIR

11 Q COULD YOU DO IT EVEN IF YOU DID NOT AGREE WITH THE
12 LAW?

13 A YES

14 Q ALL RIGHT COULD YOU DECIDE THIS CASE BASED ON
15 THE EVIDENCE PRESENTED HERE IN THIS COURT AND DISREGARD
16 ANYTHING YOU MAY HAVE HEARD, READ, OR SEEN ABOUT THIS
17 CASE?

18 A YES, SIR

19 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
20 CASE?

21 A I'VE HEARD LIKE A LITTLE BIT, JUST WHEN IT WAS
22 DONE, OVERALL, NOT ANYTHING PERSONAL PERTAINING TO
23 EITHER SIDE

24 Q ALL RIGHT WOULD ANYTHING THAT YOU'VE HEARD,
25 READ, OR SEEN IN ANY WAY AFFECT YOUR ABILITY TO GIVE

STATE VS ALKEBULANYAHH

1 EVERYONE IN THIS CASE, THE STATE AND THE DEFENDANT, A
2 FAIR AND IMPARTIAL TRIAL?

3 A YES, SIR

4 Q IT WOULD AFFECT YOU?

5 A NO, SIR, I'M SORRY

6 Q ANYTHING YOU HAVE HEARD, READ, OR SEEN WOULD NOT
7 AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL?

8 A IT WOULD NOT I'M SORRY

9 Q NOW HAVE YOU FORMED ANY OPINION OR ANY OPINION
10 ABOUT ANYTHING REGARDING THIS CASE OR ANY OPINION AS TO
11 THE GUILT OR INNOCENCE OF THIS DEFENDANT?

12 A NO SIR

13 Q ALL RIGHT NOW, IN A CRIMINAL CASE THE STATE HAS
14 THE BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT
15 A DEFENDANT DOES NOT HAVE TO DO ANYTHING THE
16 DEFENDANT DOES NOT HAVE ANY BURDEN TO PROVE INNOCENCE
17 DO YOU UNDERSTAND THAT?

18 A I'M SORRY CAN YOU REPEAT THAT?

19 Q I'M JUST TELLING YOU A LITTLE BIT ABOUT THE LAW
20 AND THAT IN A CRIMINAL CASE THE STATE HAS THE BURDEN OF
21 PROVING GUILT BEYOND A REASONABLE DOUBT THE DEFENDANT
22 DOESN'T HAVE TO DO ANYTHING THE DEFENDANT NEVER HAS
23 TO PROVE THE DEFENDANT'S INNOCENCE DO YOU UNDERSTAND
24 THAT?

25 A OKAY

STATE VS ALKEBULANYAHH

1 Q NOW, COULD YOU DEPENDING UPON THE FACTS AND
 2 EVIDENCE AND THE LAW GIVEN TO YOU CONSIDER EQUALLY A
 3 VERDICT OF GUILTY OR A VERDICT OF NOT GUILTY?
 4 A COULD I MAKE THAT OPINION?
 5 Q COULD YOU CONSIDER BOTH THOSE OPTIONS?
 6 A OH, YES, SIR
 7 Q ALL RIGHT NOW, HAVE YOU LOOKED AT THE JUROR TYPE
 8 SHEET, THE 1, 2, AND 3?
 9 A YES, SIR
 10 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
 11 CATEGORIES?
 12 A I SAY I'M MORE TYPE 3
 13 Q TYPE 3?
 14 A YES, SIR
 15 Q THAT WOULD BE THE TYPE THAT IF THE CASE GETS TO
 16 THE PUNISHMENT PHASE, YOU WOULD HAVE NOT -- YOU WOULD
 17 NOT HAVE MADE UP YOUR MIND YOU WOULD NEED TO HEAR THE
 18 FACTS AND CIRCUMSTANCES INCLUDING ANYTHING IN
 19 AGGRAVATION AND IN MITIGATION, AS WELL AS THE LAW,
 20 BEFORE YOU MADE A DECISION?
 21 A YES, SIR
 22 Q NOW, IF YOU WERE A JUROR IN A CASE THAT'S
 23 PROGRESSED TO THE SENTENCING PHASE OF THE TRIAL, COULD
 24 YOU DEPENDING ON THE PARTICULAR FACTS AND CIRCUMSTANCES
 25 OF THE CASE, INCLUDING THE CONSIDERATION OF ANY

1 AGGRAVATING AND MITIGATING CIRCUMSTANCES AND THE LAW
2 THAT THE COURT GIVES TO YOU RETURN A SENTENCE OF LIFE
3 IMPRISONMENT WITHOUT PAROLE?

4 A YES, SIR

5 Q ALL RIGHT THE SAME SITUATION, YOU'RE IN A CASE
6 THAT MAKES IT TO THE SENTENCING PHASE COULD YOU
7 DEPENDING UPON THE PARTICULAR FACTS AND CIRCUMSTANCES
8 INCLUDING THE CONSIDERATION OF ANY AGGRAVATING AND
9 MITIGATING CIRCUMSTANCES AND THE LAW THAT I GIVE TO
10 YOU, RETURN A SENTENCE OF DEATH?

11 A YES, SIR

12 Q NOW, IN THAT LATTER SITUATION IF THE JURY
13 UNANIMOUSLY DECIDED ON A SENTENCE OF DEATH, WOULD YOU
14 BE ABLE TO SIGN THE VERDICT FORM WITH YOUR NAME ON IT?
15 ALL THE JURORS -- THERE WOULD BE A LINE FOR ALL THE
16 JURORS TO SIGN WOULD YOU BE ABLE TO DO THAT?

17 A IF I WERE FOR THE DEATH PENALTY?

18 Q PARDON?

19 A IF I WERE FOR THE DEATH PENALTY?

20 Q WHAT?

21 A IF I WERE FOR THE DEATH PENALTY? IS THAT WHAT
22 YOU'RE SAYING?

23 Q THAT WOULD TELL ME THAT YOU VOTED FOR THE DEATH
24 SENTENCE WOULD YOU ---

25 A YES, SIR

STATE VS ALKEBULANYAHH

1 Q --- BE ABLE TO SIGN THAT FORM ALONG WITH THE OTHER
2 JURORS INDICATING TO THE COURT THAT IS YOUR -- THAT THE
3 JURY HAS MADE THAT UNANIMOUS DECISION?

4 A YES, SIR

5 THE COURT OKAY ALL RIGHT NOW THEY'RE GOING
6 TO ASK YOU SOME QUESTIONS IF YOU'LL TURN YOUR
7 ATTENTION TO THEM

8 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

9 Q GOOD AFTERNOON, MS O'CONNELL

10 A HI

11 Q I'M ALKEBULANYAHH I'M THE DEFENDANT IN THE CASE
12 AND I'LL BE REPRESENTING MYSELF AND I'M GOING TO ASK
13 YOU A FEW QUESTIONS THAT MAY TEND TO BE PERSONAL BUT
14 IT'S NOT MY INTENTION TO OFFEND YOU

15 A YES, SIR

16 Q JUST TO EXPLORE THE AREAS OF QUESTIONS THAT I
17 HAVE

18 A OKAY

19 Q THE FIRST QUESTION THEN, COULD YOU DESCRIBE YOUR
20 VIEWS ON THE DEATH PENALTY?

21 A I'D SAY -- I THINK I WOULD HAVE TO SAY THAT I'D
22 LIKE TO TREAT EACH PERSON AS THOUGH THEY WERE A MEMBER
23 OF MY FAMILY SUCH AS LIKE IF YOU WERE MY BROTHER, HOW
24 WOULD I TRY TO LISTEN TO YOU, SUCH AS IF THOSE ARE MY
25 FATHERS, HOW WOULD I FEEL ABOUT THE TOPIC SO I KIND

1 OF WANT IT TO BE AS THOUGH IT WERE ME THAT CARED ABOUT
2 EACH PERSON AND SO I WOULD WANT TO BE OPEN-HEARTED
3 TYPE TO EVERYBODY

4 Q SO YOU WOULDN'T WANT TO HARBOR ANY UN-BIASNESS OR
5 ANY IMPARTIAL IN REFERENCE TO THE DEATH PENALTY ITSELF?

6 A I'M NOT ---

7 Q WITH ANYONE YOU KNOW, I MEAN, WITH ANYONE AT ANY
8 PARTICULAR PLACE -- NOT IN THIS PARTICULAR CASE

9 A RIGHT I'M NOT BIASED AT ALL FOR OR AGAINST

10 Q HOW STRONGLY DO YOU BELIEVE IN THE DEATH PENALTY?

11 A I'VE NEVER THOUGHT ABOUT IT TO THAT EXTENT BECAUSE
12 I'VE NEVER HAD TO I'VE NEVER -- I'VE NEVER HAD TO PUT
13 THAT IN THOUGHT -- IN DEEP THOUGHT THAT WAY

14 Q DO YOU FEEL THE DEATH PENALTY IS A DETERRENT TO
15 FUTURE CRIME BY OTHERS?

16 A DETERRENT MEANING?

17 THE COURT DETERRENT MEANS THAT IT WOULD PERHAPS
18 STOP OTHERS FROM DOING THE CRIME

19 A DO I THINK THAT IT WILL STOP OTHERS FROM DOING A
20 CRIME?

21 THE COURT DO YOU HAVE AN OPINION ABOUT THAT?

22 JUROR NO

23 THE COURT OKAY

24 Q WHAT KIND OF CRIMES COME TO MIND WHEN YOU THINK OF
25 THE DEATH PENALTY?

1 A IT WOULD HAVE TO BE -- LIKE, I WOULD HAVE TO HEAR
2 MORE FACTS I CAN'T GO WITH JUST THAT

3 (PAUSE)

4 Q WHAT KIND OF INTENTIONAL, DELIBERATE, AND
5 PREMEDITATED MURDERS DO NOT DESERVE THE DEATH PENALTY?

6 MR MURDAUGH YOUR HONOR, PLEASE THAT IS A
7 MATTER OF LAW THAT THEY WILL BE INSTRUCTED ON

8 THE COURT YES, I AGREE WITH THAT I'VE ALREADY
9 INFORMED THE JUROR THAT ONLY CERTAIN KINDS OF CASES CAN
10 DO THAT -- OR CASES IN WHICH THE SOLICITOR CAN REQUEST
11 THAT

12 Q HOW DO YOU FEEL ABOUT LIFE IMPRISONMENT WITHOUT
13 THE POSSIBILITY OF PAROLE AS A SENTENCE FOR AN
14 INTENTIONAL, DELIBERATE, AND PREMEDITATED MURDER?

15 A I THINK THAT SHOULDN'T BE IF IT WAS PREMEDITATED
16 AND DELIBERATELY DONE

17 Q DO YOU THINK ---

18 A I THINK THAT THEY SHOULD BE IN PRISON IF IT WAS
19 DELIBERATELY DONE

20 Q SO YOU WOULDN'T HAVE ANY PROBLEM WITH ONE
21 RECEIVING A LIFE SENTENCE WITHOUT THE POSSIBILITY OF
22 PAROLE WITH THE FACTORS BEING PART OF ONE LOSING THEIR
23 LIFE, BEING PREMEDITATED OR INTENTIONAL OR DELIBERATE?

24 A YES

25 (PAUSE)

1 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT
2 THE POSSIBILITY OF PAROLE MEANS JUST THAT?

3 A IS THERE A DOUBT -- I'M SORRY CAN YOU REPEAT THE
4 QUESTION?

5 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT
6 THE POSSIBILITY OF PAROLE MEANS JUST THAT?

7 A YES

8 THE COURT IS THERE SOME DOUBT IN YOUR MIND ABOUT
9 WHAT THAT MEANS? DID YOU UNDERSTAND HIS QUESTION?

10 JUROR YEAH, THERE'S A -- I'M SORRY

11 THE COURT DO YOU UNDERSTAND THAT ---

12 JUROR LIFE IN PRISON MEANS JUST THAT? YES, I DO
13 UNDERSTAND THAT

14 THE COURT MEANS LIFE, CAN'T GET OUT

15 JUROR RIGHT I DO UNDERSTAND THAT

16 THE COURT OKAY

17 Q WHAT WOULD BE YOUR BEST ARGUMENT AGAINST LIFE
18 WITHOUT THE POSSIBILITY OF PAROLE?

19 A I'M SORRY I DON'T UNDERSTAND THE QUESTION

20 Q I'LL MOVE ON I'LL PASS THAT QUESTION

21 PRIOR TO YOUR FILLING OUT THE JURY QUESTIONNAIRE,
22 HAVE YOU EVER EXPRESSED YOUR VIEWS ON THE DEATH PENALTY
23 TO FAMILY, FRIENDS, NEIGHBORS, OR CO-WORKERS AND WHAT
24 DID YOU SAY AND TO WHOM YOU SAID IT?

25 A I DID TO MY UNCLE AND I JUST TOLD HIM THAT I

1 KNEW THAT I WAS A TYPE 3, BECAUSE I WOULD HAVE TO BE
2 PUT IN THE SITUATION TO WHERE I UNDERSTOOD ALL FACTS TO
3 WHERE I COULD GIVE EACH PERSON A FAIR UNDERSTANDING OF
4 WHERE EACH PERSON WAS COMING FROM AT THE TIME

5 Q HOW MANY TIMES HAVE YOU THOUGHT ABOUT THE DEATH
6 PENALTY?

7 A NOT OFTEN

8 (PAUSE)

9 Q IF AN EVIL PERSON COMMITS A HORRENDOUS CRIME, IS
10 THE DEATH PENALTY APPROPRIATE?

11 A I GUESS I WOULD HAVE TO HEAR THE FACTS ON BOTH
12 SIDES BUT IF THE INTENTIONS WERE BAD, THEN, YEAH

13 Q IF A GOOD PERSON -- IF A GOOD PERSON COMMITS A
14 HORRENDOUS CRIME, IS THE DEATH PENALTY APPROPRIATE?

15 A AGAIN, THE SAME ANSWER I WOULD STILL NEED TO
16 HEAR THE FACTS

17 (PAUSE)

18 Q COULD YOU GIVE ME AN EXAMPLE OF WHEN YOU WOULD
19 VOTE FOR THE DEATH PENALTY FOR A PERSON CONVICTED OF
20 INTENTIONAL AND DELIBERATE MURDER?

21 MR MURDAUGH YOUR HONOR, PLEASE I OBJECT TO
22 THAT

23 THE COURT I SUSTAIN THAT OBJECTION

24 Q GIVE ME AN EXAMPLE OF WHEN YOU WOULD VOTE FOR A
25 LIFE SENTENCE ---

1 MR MURDAUGH OBJECTION TO THAT ONE TOO, SIR

2 THE COURT I SUSTAIN THAT IF YOU WANT TO ASK IF
3 SHE HAS ANY OPINIONS ABOUT WHEN SHE THINKS THE DEATH
4 PENALTY IS APPROPRIATE, I'LL ALLOW YOU TO ASK THAT

5 Q HAVE YOU EVER SIGNED A PETITION THAT ENCOURAGE OR
6 SUPPORT THE DEATH PENALTY?

7 A NO, SIR

8 Q HAVE YOU EVER PUBLICLY -- PUBLICLY EXPRESSED YOUR
9 VIEWS FAVORING THE DEATH PENALTY?

10 A NO, SIR

11 Q WHEN YOU COME TO A INDEPENDENT DECISION -- WHEN
12 YOU COME TO A DECISION INDEPENDENTLY -- INDEPENDENT
13 DECISION, WILL YOU STICK TO IT?

14 A USUALLY

15 Q IF ALL THE OTHER JURORS HOLD THE OPPOSITE OPINION
16 FROM YOU, GUILTY OR NOT GUILTY, WOULD YOU STICK TO YOUR
17 DECISION?

18 A YES

19 Q DO YOU HAVE ANY INTEREST IN THE OUTCOME OF THIS
20 CASE, EITHER FOR THE DEFENSE OR THE PROSECUTION?

21 A NO, I DON'T KNOW ENOUGH ABOUT IT

22 Q WHAT I'M ASKING, DO YOU HAVE A PARTICULAR -- ANY
23 INTEREST IN THIS CASE FOR ME, MR ALKEBULANYAHH, OR FOR
24 THE PROSECUTION THAT WOULD CAUSE YOU TO FAVOR ONE SIDE?

25 A THAT'S WHAT I SAID, I DON'T KNOW ENOUGH ABOUT IT

STATE VS ALKEBULANYAHH

1 IN ORDER TO FAVOR ONE SIDE OR THE OTHER

2 Q IS THE -- IS THE DEATH PENALTY USED OFTEN ENOUGH,
3 TOO OFTEN, OR ABOUT RIGHT?

4 A AGAIN, I WOULDN'T KNOW ENOUGH ABOUT ANY OTHER
5 CASES IN ORDER TO SAY YES OR NO

6 Q HAVE YOU EVER HAD A STRONG OPINION ABOUT SOMETHING
7 AND THEN LATER FOUND OUT YOU BEEN WRONG?

8 A YEAH

9 Q HOW DID YOU FEEL AFTER FINDING OUT YOU BEEN WRONG?

10 A I MEAN, THAT'S A BROAD -- YOU KNOW, SOME TIMES IF
11 I HAVE A STRONG OPINION AND MY OPINION IS NOT A GOOD
12 OPINION AND THEN I FIND OUT THAT I'M WRONG, SOME TIMES
13 YOU'RE RELIEVED IF IT'S SOMETHING THAT I PASS
14 JUDGMENT ON THAT I FELT THAT I WAS PUTTING MY HEART
15 INTO SOMETHING AND THEN FELT -- AND THEN WAS LET DOWN
16 LATER ON, DEFINITELY, I FELT BAD ABOUT IT

17 Q WOULD YOU AGREE -- WOULD YOU AGREE THAT EVERY
18 PERSON SHOULD HAVE THE RIGHT TO PRIVACY IN THEIR OWN
19 HOME?

20 A YEAH

21 Q DO YOU BELIEVE THAT PROMISES ARE MEANT TO BE KEPT?

22 A DEPENDING ON THE CIRCUMSTANCE IF A SITUATION
23 DIDN'T ALTER THAT -- IF IT DIDN'T ALTER IT IN A
24 NEGATIVE WAY, THEN, YES, PROMISES SHOULD BE KEPT

25 Q IF YOU MADE A PROMISE, WOULD YOU KEEP IT?

1 A I'VE BEEN KNOWN TO BREAK PROMISES BUT I REALLY
2 TRY TO KEEP MY WORD

3 Q IF YOU WERE CHOSEN FOR JURY DUTY, DO YOU PROMISE
4 TO STAND FIRM ON THE DEFENDANT BEING INNOCENT IF THE
5 PROSECUTOR DOES NOT PROVE TO YOU BEYOND A REASONABLE
6 DOUBT THE DEFENDANT IS GUILTY?

7 A CAN YOU REPEAT THAT?

8 Q IF YOU WERE CHOSEN FOR JURY DUTY, DO YOU PROMISE
9 TO STAND FIRM OF THE DEFENDANT BEING INNOCENT IF THE
10 PROSECUTOR DOES NOT PROVE TO YOU BEYOND A REASONABLE
11 DOUBT THE DEFENDANT IS GUILTY?

12 A IF THEY HAVEN'T PROVEN THE DEFENDANT IS GUILTY, DO
13 I PROMISE TO STAND STRONG ON WHETHER OR NOT THE
14 DEFENDANT IS INNOCENT OR GUILTY?

15 Q YES

16 A I MEAN, INNOCENT I'M SORRY

17 Q YES

18 A YES

19 Q HAVE YOU EVER HEARD THE SAYING RIGHT IS RIGHT AND
20 WRONG IS WRONG REGARDLESS?

21 A NO

22 Q DO YOU AGREE WITH THAT SAYING?

23 A I MEAN, IT'S LIKE A -- YOU COULD PULL IT APART AND
24 SAY -- I CAN'T GIVE -- I CAN'T GIVE A STRAIGHT ANSWER
25 TO THAT

- 1 Q THAT'S FINE DO YOU AGREE THAT THERE'S TWO SIDES
2 TO EVERY STORY?
- 3 A ABSOLUTELY
- 4 Q IF YOU WERE SELECTED FOR JURY DUTY, DO YOU PROMISE
5 TO JUDGE FAIRLY?
- 6 A YES
- 7 Q DO YOUR RELIGIOUS BELIEFS SUPPORT YOUR VIEW ON THE
8 DEATH PENALTY?
- 9 A NO
- 10 Q IF ANY OF THE ALLEGE VICTIM FAMILY, FRIENDS, OR
11 CO-WORKERS OR LAW ENFORCEMENT APPROACH YOU AND
12 ATTEMPTED TO PERSUADE YOU, WOULD YOU NOTIFY OR TELL THE
13 JUDGE?
- 14 A ABSOLUTELY
- 15 Q DO YOU KNOW ANYONE ON THE LAW ENFORCEMENT HERE IN
16 BEAUFORT?
- 17 A I DO KNOW CHRIS I DO KNOW CHRIS
- 18 Q CHRIS?
- 19 A SHE IS A CRIMINAL INVESTIGATOR, I THINK
- 20 Q OKAY CRIMINAL INVESTIGATOR, CHRIS?
- 21 A YES
- 22 Q IS THAT CHRIS WILSON ---)
- 23 A YES
- 24 Q --- CRIMINAL INVESTIGATOR?
- 25 A SHE WAS MY VOLLEYBALL COACH IN MIDDLE SCHOOL

- 1 Q SHE WAS YOUR WHAT?
- 2 A VOLLEYBALL COACH IN MIDDLE SCHOOL
- 3 Q ISN'T IT FAIR TO SAY THAT YOUR RELATIONSHIP --
- 4 PAST RELATIONSHIP WITH INVESTIGATOR CHRIS WILSON SHOULD
- 5 BE EXPECTED TO AFFECT YOUR ABILITY TO SERVE AS A FAIR
- 6 AND IMPARTIAL JUROR IN A CASE LIKE THIS?
- 7 A ARE YOU ASKING WILL IT AFFECT IT? WILL IT AFFECT
- 8 MY JUDGMENT ON THE CASE?
- 9 Q YES
- 10 A NO
- 11 Q WHAT WAS YOUR FIRST REACTION WHEN YOU FIRST HEARD
- 12 THAT A POLICE OFFICER WAS KILLED AND HOW DID YOU FEEL
- 13 ABOUT THAT?
- 14 A EVERYBODY IS HUMAN YOU KNOW, I DON'T KNOW THE
- 15 STORY I DON'T KNOW THE FACTS IN ORDER TO SAY I HAVE
- 16 AN OPINION ON IT
- 17 Q WHAT IS YOUR OPINION IN REFERENCE TO POLICE
- 18 OFFICERS WHO HAVE BROKEN THE LAW?
- 19 A THEY'RE HUMAN THEY MAKE MISTAKES TOO
- 20 Q SO YOU DO NOT BELIEVE THEY'RE INCAPABLE OF NOT
- 21 MAKING MISTAKES, IS THAT CORRECT?
- 22 A RIGHT
- 23 THE COURT DID YOU UNDERSTAND HIS QUESTION,
- 24 MA'AM? YOU SAID THEY WERE HUMAN, BUT THEN ---
- 25 JUROR RIGHT

1 THE COURT --- YOU THINK THEY COULD MAKE
2 MISTAKES

3 JUROR YEAH, THEY CAN MAKE MISTAKES
4 THE COURT OKAY

5 Q HAVE YOU EVER HAD A RUN-IN WITH THE POLICE?

6 A NO

7 Q HAVE ANY OF YOUR FAMILY HAD A RUN-IN WITH THE
8 POLICE?

9 A YES

10 Q IN YOUR OPINION, DO YOU THINK THAT LAW ENFORCEMENT
11 OFFICERS SHOULD HAVE THE RIGHT TO BREAK THE LAW?

12 A DEPENDING ON THE CIRCUMSTANCE IF THEY HAVE TO IN
13 ORDER TO PROTECT SOMEBODY OR -- THEN, YES, IF THEY'RE
14 TRYING TO PROTECT SOMEBODY THEN, YES, ABSOLUTELY

15 Q WOULD YOU AGREE THAT THE LAW SHOULD BE UPHELD BY
16 EVERYONE AND NO ONE SHOULD BE EXEMPT FROM IT?

17 A CAN YOU REPEAT THAT?

18 Q WOULD YOU AGREE THAT THE LAW SHOULD BE UPHELD BY
19 EVERYONE AND NO ONE SHOULD BE EXEMPT FROM IT? THE LAW
20 SHOULD BE THE LAW AND NO INDIVIDUAL -- FROM THE
21 PRESIDENT, ALL THE WAY DOWN TO THE SMALLEST INDIVIDUAL,

22 IF THEY WAS JANITOR OR GARBAGE COLLECTOR OR JUST A ---

23 A SHOULD EVERYBODY ABIDE BY THE LAW NO\ MATTER WHAT?

24 Q EVERYONE -- WOULD YOU AGREE THAT EVERYONE FROM A
25 HOMELESS PERSON ALL THE WAY TO THE PRESIDENT SHOULD

- 1 ABIDE BY THE LAW IF IT'S THE LAW, NO MATTER WHAT,
2 THAT'S THE LAW THE LAW SAYS THAT IT SHOULD BE KEPT
3 DO YOU AGREE WITH THAT, THAT EVERYONE SHOULD ABIDE BY
4 THE LAW, FROM A HOMELESS PERSON TO ---
5 A I CAN'T ---
6 Q --- THE PRESIDENT?
7 A --- SAY YES OR NO
8 Q SO WOULD IT BE FAIR TO SAY THAT YOU WOULD ACCEPT A
9 LAW ENFORCEMENT OFFICIAL BREAKING THE LAW AND YOU WOULD
10 LOOK OVER THAT? IS THAT FAIR TO SAY?
11 A DEPENDING ON THE CIRCUMSTANCES
12 Q IN YOUR OPINION, WOULD YOU AGREE WITH THIS, THAT
13 NO PROSECUTOR SHOULD TRY TO ATTEMPT TO COVER UP FOR A
14 CORRUPT POLICE OFFICER?
15 A I DON'T UNDERSTAND THE QUESTION
16 Q WOULD YOU AGREE THAT THE PROSECUTOR, WHICH IS ONE
17 WHO PRESENT CASES AGAINST A DEFENDANT ONE CHARGE -- ONE
18 CHARGES -- THE ONE THAT BRINGS CASES BEFORE THE JUDGE
19 WHO PRESENT THE CASES -- THAT HE SHOULD NOT TRY OR
20 ATTEMPT TO COVER UP, DISCLOSE, OR HIDE -- TRY TO HIDE
21 THE WRONGDOING OF A POLICE OFFICER?
22 A NO, HE SHOULDN'T TRY TO HIDE IT
23 Q AND IF A PROSECUTOR DID THAT, WOULD YOU CONSIDER
24 THAT GOOD OR BAD?
25 A IF A PROSECUTOR TRIED TO HIDE EVIDENCE?

1 Q OR TRIED TO HIDE ---

2 A WHETHER ---

3 Q --- THE WRONGDOING OF A POLICE OFFICER?

4 A IS IT WRONG?

5 Q YES, DO YOU CONSIDER IT WRONG?

6 A YES

7 Q OR BAD?

8 A WRONG

9 Q DO YOU FEEL THAT ONE SHOULD BE HELD ACCOUNTABLE

10 FOR THAT?

11 A YES

12 (PAUSE)

13 Q NOW THAT YOU'VE HEARD A GENERAL -- A GENERAL

14 DESCRIPTION OF THE CHARGES, HAVE YOU HEARD ANYTHING

15 ABOUT THIS CASE BEFORE TODAY?

16 THE COURT I'VE ALREADY ASKED THAT QUESTION

17 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN

18 THEIR REPORTING?

19 A NO

20 Q ARE NEWS MEDIA REPORTS SOME TIMES DESIGNED TO BE

21 \ SENSATIONAL?

22 A CAN YOU EXPLAIN?

23 Q YES IS NEWS MEDIA DESIGNED TO TRY TO THROW

24 THINGS OUT OF PROPORTION TO DRAW ATTENTION?

25 A YES

1 Q MAKE IT DRAMATIC OR SOME AND YOU BELIEVE THAT?

2 A YES

3 MR ALKEBULANYAHH MS O'CONNELL, THANK YOU I
4 HAVE NO FURTHER QUESTIONS

5 CROSS EXAMINATION BY MR. MURDAUGH.

6 Q MS O'CONNELL, HOW ARE YOU DOING?

7 A GOOD THANK YOU

8 Q I'M RANDOLPH MURDAUGH ALONG WITH DUFFY STONE,
9 WHO'S SEATED AT THE OTHER END OF THE TABLE, WE WILL BE
10 REPRESENTING THE STATE OF SOUTH CAROLINA IN THE TRIAL
11 OF THIS CASE NEED TO ASK YOU A COUPLE QUESTIONS,
12 FRANKLY, TO FIND OUT WHETHER I WANT YOU TO SIT ON THIS
13 JURY OR NOT

14 A YES, SIR

15 Q I LISTENED TO YOUR ANSWERS IN REGARD TO YOUR
16 FEELINGS ABOUT THE DEATH PENALTY AND DID I UNDERSTAND
17 YOU TO SAY THAT YOU COULD CONSIDER ALL OF THE EVIDENCE
18 THAT CAME OUT DURING THE TRIAL OF THE CASE AND BASED ON
19 THAT COULD FIND LIFE IMPRISONMENT OR THE DEATH PENALTY,
20 WHICH EVER YOU THOUGHT WAS APPROPRIATE?

21 A YES, SIR

22 Q AND IF THE CASE WAS BAD ENOUGH, YOU COULD VOTE FOR
23 THE DEATH PENALTY?

24 A YES, SIR

25 Q OKAY

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH OBJECTION, YOUR HONOR
2 THE COURT WHAT'S YOUR OBJECTION?
3 MR ALKEBULANYAHH I THINK HE SHOULD USE THE
4 APPROPRIATE LANGUAGE, CONSIDER
5 THE COURT ALL RIGHT USE THE WORD CONSIDER
6 NO I'LL ALLOW THAT QUESTION
7 Q I NOTICE ---
8 THE COURT HE'S NOT ASKING IN THIS CASE HE'S
9 JUST ASKING IN GENERAL GO AHEAD
10 Q I NOTICE ON YOUR QUESTIONNAIRE THAT YOU HAD WORKED
11 FOR MOSS AND KOON ONE SUMMER?
12 A YES, SIR
13 Q AND WHAT DID YOU DO THERE?
14 A I DID FILING
15 Q OKAY I ALSO NOTICED ON YOUR QUESTIONNAIRE THAT
16 YOU HAD HAD A FAMILY MEMBER THAT HAD BEEN ARRESTED?
17 A YES, SIR
18 Q MAY I ASK WHO THAT IS? WOULD IT EMBARRASS YOU?
19 A NO, SIR MY FATHER AND MY BROTHER MY FATHER
20 OFTENTIMES RUNS HIS MOUTH TOO MUCH AND MY BROTHER HAD
21 A CONCEALED WEAPON UNDERNEATH HIS SEAT AND ---
22 Q WAS THAT HERE IN BEAUFORT?
23 A YES, SIR
24 Q WAS IT A GENERAL SESSIONS COURT CASE?
25 A I DON'T KNOW

STATE VS ALKEBULANYAHH

1 Q OR YOU DON'T KNOW?

2 A I DON'T KNOW

3 Q THANK YOU YOU WOULDN'T HOLD THAT AGAINST MY
4 OFFICE OR THE POLICE, WOULD YOU?

5 A NO, SIR

6 MR MURDAUGH OKAY I JUST NEEDED TO ASK THAT
7 QUESTION BECAUSE IT WAS ON THE -- THANK YOU, MA'AM I
8 APPRECIATE VERY MUCH YOUR HONESTY

9 THE COURT MA'AM, IF YOU COULD STEP OUT TO THE
10 HALL, WE'LL BE WITH YOU SHORTLY THANK YOU

11 (THE JUROR EXITS THE COURTROOM)

12 THE COURT ANY OBJECTION TO QUALIFICATION?

13 MR ALKEBULANYAHH NO, SIR, YOUR HONOR, I HAVE NO
14 OBJECTION

15 MR MURDAUGH NOR DO I

16 THE COURT ALL RIGHT BRING HER BACK IN

17 (THE JUROR ENTERS THE COURTROOM)

18 THE COURT MS O'CONNELL, THE COURT FINDS YOU TO
19 BE QUALIFIED TO BE PART OF THE POOL THAT DOES NOT
20 MEAN YOU WILL BE ON THE JURY BUT YOU WILL BE PART OF
21 THE POOL THAT WE SELECT -- FROM WHICH WE WILL SELECT
22 THE JURY

23 AT THIS TIME I HAVE SOME INSTRUCTIONS FOR YOU --
24 BECAUSE I REALIZE AND APPRECIATE EVERYONE BEARING WITH
25 US AS WE GO THROUGH THESE PROCEEDINGS SO THAT WE

STATE VS ALKEBULANYAHH

1 WON'T IMPOSE ANY MORE ON YOUR TIME WE HAVE YOUR
2 NUMBERS, CORRECT?

3 JUROR YES, SIR

4 THE COURT WE WILL CALL YOU AND DIRECT YOU WHEN
5 TO REPORT BACK DO YOU UNDERSTAND, YOU HAVE TO REPORT
6 BACK WHEN YOU ARE CALLED?

7 JUROR YES

8 THE COURT ALL RIGHT A COUPLE INSTRUCTIONS
9 ALSO YOU MUST NOT DISCUSS THIS CASE WITH ANYONE
10 YOU MUST NOT EXPOSE YOURSELF TO ANY KIND OF MEDIA
11 COVERAGE NEWSPAPER, T V , RADIO FOR EXAMPLE IF YOU
12 HEAR SOMETHING -- START TO HEAR A NEWS CLIP ABOUT THE
13 T V , TURN IT OFF PLEASE AND THEN NEWSPAPER SAME
14 THING, DON'T READ THE STORY, ETCETERA DO YOU
15 UNDERSTAND THAT?

16 JUROR YES, SIR

17 THE COURT ALL RIGHT THANK YOU VERY MUCH FOR
18 BEING PATIENT WITH US, AND WE'LL BE CALLING YOU SOON
19 THANK YOU

20 JUROR THANK YOU

21 (THE JUROR EXITS THE COURTROOM)

22 THE COURT LINDA GILLET

23 (THE JUROR ENTERS THE COURTROOM)

24 LINDA GILLET, HAVING BEEN
25 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS

STATE VS ALKEBULANYAHH

1 DIRECT EXAMINATION BY THE COURT.

2 Q ARE YOU LINDA GILLET?

3 A GILLET

4 Q GILLET OKAY YOU CAN PLEASE BE SEATED MS
5 GILLET, I JUST WANT TO REMIND YOU THAT YOU ARE STILL
6 UNDER OATH OKAY?

7 A UH-HUH

8 Q NOW, WE'RE AT THAT PART OF THE CASE WHERE WE NEED
9 TO ASK YOU SOME QUESTIONS, NOTHING TO INVADE YOUR
10 PRIVACY, JUST WE NEED TO KNOW CERTAIN INFORMATION
11 BECAUSE OF THE NATURE OF THESE PROCEEDINGS

12 NOW, THERE ARE NO RIGHT OR WRONG ANSWERS SO
13 PLEASE JUST BE OPEN AND HONEST, GIVE US YOUR FULL AND
14 COMPLETE RESPONSES IF YOU DON'T KNOW THE ANSWER TO A
15 QUESTION SAY YOU DON'T KNOW OR IF YOU'VE NEVER
16 THOUGHT ABOUT THAT OR FORMED AN OPINION SAY THAT ALSO
17 IT JUST DEPENDS ON THE QUESTION THERE ARE NO RIGHT OR
18 WRONG ANSWERS AS I INDICATED

19 NOW, AMONG OTHER THINGS, WE'LL BE TALKING ABOUT A
20 PENALTY AND ASKING YOU SOME OTHER QUESTIONS THE FACT
21 THAT WE'RE GOING THROUGH THIS PROCESS IN NO WAY
22 WHATSOEVER INDICATES ANYTHING ABOUT THE DEFENDANT HE
23 IS PRESUMED TO BE INNOCENT DO YOU UNDERSTAND THAT?

24 A YES, I DO

25 Q NOW, DO YOU REMEMBER MY CONVERSATION WITH EVERYONE

STATE VS ALKEBULANYAHH

1 ABOUT THE TWO STAGES OF THE CASE?

2 A UH-HUH

3 Q NOW, I WANT TO ADD ALSO THAT A LOT OF PEOPLE THINK
4 THAT THE DEATH PENALTY OPTION APPLIES TO ALL MURDER
5 CASES, BUT THAT IS NOT TRUE IT DOES NOT APPLY TO ALL
6 MURDER CASES, ONLY SPECIAL LIMITED KINDS OF CASES

7 NOW, THAT WOULD BE -- SOME EXAMPLES WOULD BE A
8 KIDNAPPING PLUS A MURDER, OR BURGLARY PLUS A MURDER, OR
9 IT MIGHT INVOLVE THE DEATH OF A PUBLIC OFFICIAL THAT'S
10 LISTED IN THE STATUTE AND THERE'S A LIST OF OTHER
11 THINGS THAT THE LAW INDICATES AND I UNDERSTAND THAT
12 YOU MAY NOT BE FAMILIAR WITH ANY OF THE LEGAL ASPECTS
13 OF WHEN THAT'S APPROPRIATE AND WHEN IT'S NOT
14 APPROPRIATE TO REQUEST THAT OPTION BUT WE STILL ARE
15 GOING TO ASK YOU SOME QUESTIONS TO SEE IF YOU HAVE ANY
16 OPINIONS ABOUT THAT OR ANY THOUGHTS ABOUT WHAT YOU
17 THINK IT IS

18 NOW IF YOU WERE A JUROR IN A CRIMINAL CASE, COULD
19 YOU LISTEN TO AND APPLY THE LAW THAT I GIVE TO YOU?

20 A UH-HUH

21 Q YOU HAVE TO ---

22 A YES

23 Q THANK YOU COULD YOU DO THAT EVEN IF YOU DID NOT
24 AGREE WITH THE LAW OR YOU THINK THE LAW SHOULD BE SOME
25 OTHER WAY?

STATE VS ALKEBULANYAHH

- 1 A I GUESS IT WOULD DEPEND
- 2 Q WELL, IN A CASE IT'S MY JOB TO TELL THE JUROR WHAT
- 3 THE LAW IS YOU CAN'T SECOND-GUESS WHAT I TELL YOU
- 4 ABOUT THE LAW SECONDLY, EVEN IF YOU DON'T LIKE THE
- 5 LAW, YOU HAVE TO APPLY THE LAW COULD YOU DO THAT?
- 6 A YES
- 7 Q OKAY DO YOU UNDERSTAND WHAT I'M SAYING?
- 8 A UH-HUH
- 9 Q ALL RIGHT
- 10 A YES
- 11 Q NOW, COULD YOU DECIDE THIS CASE BASED ON THE
- 12 EVIDENCE PRESENTED HERE IN THIS COURT AND DISREGARD
- 13 ANYTHING YOU MAY HAVE HEARD, READ, OR SEEN ABOUT THIS
- 14 CASE?
- 15 A AFTER I HEARD THE TESTIMONY YOU'RE TALKING ABOUT?
- 16 Q COULD YOU DECIDE THIS CASE BASED ON THE EVIDENCE
- 17 PRESENTED IN THE COURT AND DISREGARD ANYTHING YOU MAY
- 18 HAVE HEARD ---
- 19 A YES
- 20 Q --- READ, OR SEEN? NOW, HAVE YOU HEARD, READ, OR
- 21 SEEN ANYTHING ABOUT THIS CASE?
- 22 A YES
- 23 Q CAN YOU GIVE ME SOME INFORMATION ABOUT WHAT THAT
- 24 IS?
- 25 A JUST FROM, YOU KNOW, WHAT I HAD READ IN THE PAPERS

1 WHEN IT HAPPENED BASICALLY

2 Q ALL RIGHT NOW, WOULD THAT INFORMATION IN ANY WAY
3 AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL TO BOTH
4 THE DEFENDANT AND THE STATE?

5 A NO

6 Q ALL RIGHT HAVE YOU FORMED ANY OPINIONS ABOUT
7 THIS CASE OR ANY OPINION ABOUT THE GUILT OR INNOCENCE
8 OF THIS DEFENDANT?

9 A NO

10 Q ALL RIGHT IN A CRIMINAL CASE -- I'M GOING TO
11 TELL YOU A LITTLE BIT ABOUT THE LAW IN A CRIMINAL
12 CASE THE STATE HAS THE BURDEN OF PROVING A DEFENDANT'S
13 GUILT BEYOND A REASONABLE DOUBT A DEFENDANT DOES NOT
14 HAVE TO PROVE ANYTHING THE DEFENDANT IS ALWAYS
15 PRESUMED TO BE INNOCENT THERE'S NO BURDEN TO PROVE
16 INNOCENCE DO YOU UNDERSTAND THAT?

17 A YES

18 Q NOW, COULD YOU CONSIDERING ANY FACTS AND EVIDENCE
19 AND THE LAW GIVEN TO YOU CONSIDER BOTH THE OPTIONS OF A
20 NOT GUILTY VERDICT OR A GUILTY VERDICT?

21 A YES

22 Q ALL RIGHT NOW, HAVE YOU LOOKED AT THAT JUROR
23 TYPE SHEET THAT I'VE GIVEN YOU?

24 A YES

25 Q DO YOU THINK YOU FALL INTO ONE OF THOSE

STATE VS ALKEBULANYAHH

1 CATEGORIES?

2 A YES

3 Q WHAT WOULD THAT BE?

4 A NO 3

5 Q NO 3 AND JUST TO REVIEW IT WITH YOU, THAT WOULD
6 BE IF THE CRIME OF MURDER HAS BEEN PROVEN BY THE STATE
7 AND THE JURY HAS REACHED THAT STAGE THEY CONSIDER
8 PUNISHMENT, YOU WOULD NOT HAVE MADE UP YOUR MIND
9 INSTEAD, YOU WOULD NEED TO HEAR THE FACTS AND
10 CIRCUMSTANCES INCLUDING ANY AGGRAVATING CIRCUMSTANCES
11 AND MITIGATING CIRCUMSTANCES AND THE LAW BEFORE YOU
12 MADE ANY DECISION ABOUT PUNISHMENT, IS THAT CORRECT?

13 A YES

14 Q NOW, IN THAT SITUATION IF THE CASE HAS MADE IT TO
15 THE SENTENCING -- THE SECOND PHASE OF THE TRIAL, THE
16 SENTENCING PHASE, COULD YOU DEPENDING UPON THE
17 PARTICULAR FACTS AND CIRCUMSTANCES INCLUDING THE
18 CONSIDERATION OF ANY AGGRAVATING AND MITIGATING
19 CIRCUMSTANCES RETURN A SENTENCE OF LIFE IMPRISONMENT
20 WITHOUT PAROLE?

21 A YES

22 Q ALL RIGHT THE SAME SITUATION, YOU WERE IN A CASE
23 THAT'S REACHED THE SENTENCING PHASE OF THE CASE AND --
24 COULD YOU, IF YOU WERE IN THAT SITUATION, DEPENDING
25 UPON THE PARTICULAR FACTS AND CIRCUMSTANCES INCLUDING

1 THE CONSIDERATION OF ANY AGGRAVATING AND MITIGATING
2 CIRCUMSTANCES AS WELL AS THE LAW RETURN A SENTENCE OF
3 DEATH?

4 A YES

5 Q NOW, IN THAT LATTER EVENT IF THE JURY WERE TO MAKE
6 A UNANIMOUS DECISION ABOUT A VERDICT OF DEATH, WOULD
7 YOU BE ABLE TO SIGN THE VERDICT FORM?

8 A YES

9 THE COURT ALL RIGHT NOW THEY'RE GOING TO ASK
10 YOU A FEW QUESTIONS NOW THANK YOU

11 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

12 Q GOOD EVENING, MS GILLET I'M MR ALKEBULANYAHH
13 AND I'LL BE REPRESENTING MYSELF IN THIS CASE AND I
14 WANT TO POSE A FEW QUESTIONS TO YOU SOME MAY BE KIND
15 OF PERSONAL SOME MAY NOT I'M JUST TRYING TO GET A
16 BROAD VIEW OF YOUR PERSPECTIVE AND HOW YOU DO THINGS IN
17 REFERENCE TO THE DEATH PENALTY, MAYBE SOME ON RELIGION,
18 AND MAYBE SOMETHING ABOUT RACIAL VIEWS OR SOMETHING
19 LIKE THAT BUT IT'S NOT MY INTENTION TO OFFEND

20 I'LL START OFF BY ASKING YOU THE FIRST QUESTION
21 CAN YOU DESCRIBE YOUR VIEWS ON THE DEATH PENALTY?

22 A I APPROVE IT IF I FELT IT WAS JUSTIFIED

23 Q HAVE YOU EVER FELT DIFFERENT? HAVE YOU EVER HAD
24 HELD A DIFFERENT VIEW ON THE DEATH PENALTY?

25 A NO

STATE VS ALKEBULANYAHH

1 Q HOW STRONGLY DO YOU BELIEVE IN THE DEATH PENALTY?

2 A AS OPPOSED TO?

3 Q THE WEIGHT IN REFERENCE TO YOU PREFERRING THAT THE
4 DEATH PENALTY BE USED THAT -- A SCALE MAYBE 1 TO 10 --
5 HOW STRONG DO YOU FEEL ON A SCALE OF 1 TO 10 IN
6 YOURSELF DID YOU FEEL ABOUT THE DEATH PENALTY IN ITSELF
7 -- YOU KNOW, IN REFERENCE TO THERE'S OTHERS WHO DOESN'T
8 BELIEVE IN THE DEATH PENALTY AT ALL -- SO IN CONTRAST
9 TO OTHER PEOPLE OPINION, JUST YOUR OPINION ---

10 MR MURDAUGH YOUR HONOR, PLEASE THIS IS FOUR
11 OR FIVE QUESTIONS ---

12 THE COURT YES RESTATE YOUR QUESTION PLEASE

13 Q HOW STRONGLY DO YOU BELIEVE IN THE DEATH PENALTY?

14 A I CAN'T PUT A QUANTIFIER ON IT BY NUMBER OF
15 ANYTHING LIKE THAT I WOULD JUST KNOW IN MY HEART AND
16 MY BELIEFS IF A PARTICULAR CASE WARRANTED THAT
17 JUDGMENT

18 (PAUSE)

19 Q DO YOU FEEL THE DEATH PENALTY IS A DETERRENT TO
20 CRIME BY OTHERS?

21 A SOMETIMES

22 Q WHY DO YOU FEEL THAT WAY?

23 A WELL, SOMETIMES I THINK THERE ARE SOME -- SOME
24 PEOPLE WHO CAN LEARN FROM IT AND THEN ON THE OTHER
25 SIDE, THERE'S SOME PEOPLE WHO NEVER LEARN FROM IT

1 Q WHAT KIND OF CRIMES COME TO MIND WHEN YOU THINK OF
2 THE DEATH PENALTY?

3 A MURDER

4 Q ANY PARTICULAR TYPE OF MURDER -- IN REFERENCE
5 WHETHER THERE'S A CHILD OR ---

6 A AGAIN, IT WOULD DEPEND ON THE CIRCUMSTANCE

7 Q CAN YOU GIVE ME AN EXAMPLE OF ONE THAT YOU MAY
8 HAVE HEARD OR READ ABOUT IN THE MEDIA?

9 A NOT OFF THE TOP OF MY HEAD, NO

10 Q HOW DO YOU FEEL ABOUT LIFE IMPRISONMENT WITHOUT
11 THE POSSIBILITY OF PAROLE AS A SENTENCE FOR THE
12 INTENTIONAL, DELIBERATE, AND PREMEDITATED MURDER?

13 MR MURDAUGH YOUR HONOR, PLEASE, THAT'S A MATTER
14 OF LAW

15 THE COURT YOU'RE ASKING HER IF SHE HAS ANY
16 OPINION ON THAT?

17 MR ALKEBULANYAHH YES, SIR

18 THE COURT HAVE YOU FORMED ANY OPINION ABOUT THE
19 DEATH PENALTY?

20 JUROR IT WOULD DEPEND ON THE CIRCUMSTANCES

21 THE COURT ALL RIGHT

22 MR ALKEBULANYAHH THE QUESTION -- YOUR HONOR,
23 I'M SORRY

24 THE COURT IT WOULD DEPEND ON THE CIRCUMSTANCES

25 MR ALKEBULANYAHH BUT I WASN'T ASKING A QUESTION

STATE VS ALKEBULANYAHH

1 ABOUT THE DEATH PENALTY I WAS ASKING A QUESTION ABOUT
2 A LIFE SENTENCE WITHOUT PAROLE

3 JUROR SAME ANSWER IT WOULD DEPEND ON THE
4 CIRCUMSTANCES

5 Q THANK YOU, MA'AM HOW CONCERNED ARE YOU ABOUT THE
6 AMOUNT OF MONEY THAT WILL BE USED TO SUPPORT A PERSON
7 IN PRISON FOR THE REST OF HIS NATURAL LIFE?

8 A IT'S A FACTOR, BUT IT'S NOT A MAJOR FACTOR

9 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT
10 THE POSSIBILITY OF PAROLE MEANS JUST THAT?

11 A YES

12 Q AND WHAT MAY THAT DOUBT BE?

13 A THINGS HAPPEN AND SOMETIMES THEY DON'T ALWAYS
14 WORK THE WAY THAT THEY WERE INTENDED TO WORK

15 THE COURT I'M SORRY WHAT DO YOU MEAN BY THAT?

16 JUROR (NO RESPONSE)

17 THE COURT HE'S ASKING, DO YOU UNDERSTAND LIFE
18 WITHOUT PAROLE MEANS THAT?

19 JUROR YES NO, I GUESS, YOU KNOW, SOMETIMES YOU
20 HEAR ABOUT PRISON UPRISINGS, THINGS LIKE THAT, WHERE
21 THE PEOPLE WHO ARE SUPPOSED TO PROTECT THE CRIMINALS
22 MAYBE THEY'RE KILLED OR SOMETHING OR THE CRIMINAL GETS
23 OUT SOMETHING LIKE THAT

24 THE COURT YOU MEAN, THEY ESCAPE?

25 JUROR UH-HUH

1 THE COURT I SEE I SEE BUT GENERALLY, HE'S
2 TRYING TO INDICATE, YOU UNDERSTAND THAT LIFE WITHOUT
3 PAROLE MEANS THAT THEY STAY THERE UNTIL ---

4 JUROR RIGHT

5 THE COURT --- THEY PASS AWAY?

6 JUROR UH-HUH

7 THE COURT ALL RIGHT

8 Q WHAT DO YOU THINK THE DEATH PENALTY ACCOMPLISH FOR
9 SOCIETY?

10 A (NO RESPONSE)

11 Q DO YOU UNDERSTAND THE QUESTION?

12 A YEAH

13 Q YES?

14 A CAN TEACH A LESSON TO OTHERS IT WOULD DEFINITELY
15 ELIMINATE THE POSSIBILITY OF THE CRIMINAL EVER DOING
16 ANYTHING AGAIN

17 (PAUSE)

18 Q WHAT IS THE BEST ARGUMENT AGAINST LIFE WITHOUT THE
19 POSSIBILITY OF PAROLE?

20 A WOULD YOU REPEAT IT AGAIN PLEASE

21 Q WHAT IS THE BEST ARGUMENT AGAINST LIFE WITHOUT THE
22 POSSIBILITY OF PAROLE?

23 A I SUPPOSE IF THE CRIMINAL HAD REDEEMED HIM OR
24 HERSELF WHILE IN PRISON, IT WOULD NEVER BE AN
25 OPPORTUNITY FOR THE CRIMINAL TO GET BACK INTO SOCIETY

STATE VS ALKEBULANYAHH

1 Q WHAT IS THE BEST ARGUMENT IN FAVOR OF LIFE WITHOUT
2 THE POSSIBILITY OF PAROLE?

3 A WELL, FOR EXAMPLE, SOMEBODY WHO HAD NOT FULLY
4 REDEEMED THEMSELVES GETTING BACK OUT INTO SOCIETY

5 Q WHAT'S THE BEST ARGUMENT IN FAVOR OF THE DEATH
6 PENALTY?

7 A CAN TEACH A LESSON

8 (PAUSE)

9 Q WHO WOULD YOU CONSIDER WOULD LEARN FROM THAT
10 LESSON?

11 A PEOPLE WHO ARE CONTEMPLATING COMMITTING CRIMES

12 Q WHAT WOULD BE IMPORTANT TO YOU IN MAKING A
13 DECISION OF WHETHER A PERSON SHOULD RECEIVE THE
14 PUNISHMENT OF LIFE IMPRISONMENT WITHOUT THE POSSIBILITY
15 OF PAROLE OR DEATH?

16 A IT WOULD DEPEND ON THE CIRCUMSTANCES

17 Q PRIOR TO YOU FILLING OUT THE JURY -- THE JUROR
18 QUESTIONNAIRE, HAVE YOU EVER EXPRESSED YOUR VIEWS ON
19 THE DEATH PENALTY TO FAMILY, FRIENDS, NEIGHBORS, OR CO-
20 WORKERS?

21 A NOT TO ANY GREAT EXTENT, NO

22 Q HOW MANY TIMES HAVE YOU THOUGHT ABOUT THE DEATH
23 PENALTY?

24 A I DON'T KNOW THAT I CAN ANSWER THAT

25 Q IN YOUR ENTIRE LIFE PRIOR TO THE JURY

1 QUESTIONNAIRE -- PRIOR TO YOUR JURY QUESTIONNAIRE, HOW
2 MANY TIMES HAVE YOU SPENT TALKING OR THINKING ABOUT THE
3 DEATH PENALTY?

4 A I CAN'T GIVE YOU AN ANSWER ON THAT

5 Q IF AN EVIL PERSON COMMITS A HORRENDOUS CRIME, IS
6 THE DEATH PENALTY APPROPRIATE?

7 MR MURDAUGH YOUR HONOR, PLEASE, THAT IS A
8 MATTER OF LAW

9 THE COURT YOU'VE ALREADY ASKED HER ABOUT WHEN
10 SHE THINKS THE DEATH PENALTY IS APPROPRIATE I SUSTAIN
11 THAT OBJECTION I REALIZE IT'S BEEN ASKED BEFORE, BUT
12 THAT'S A CONFUSING QUESTION THERE'S NO CLEAR, CUT
13 DEFINITION OF EVIL

14 Q IF A GOOD PERSON COMMITS A HEINOUS CRIME -- A
15 HORRENDOUS CRIME, IS THE DEATH PENALTY APPROPRIATE?

16 MR MURDAUGH AGAIN, YOUR HONOR ---

17 THE COURT I SUSTAIN THAT OBJECTION

18 Q WHAT IF A PERSON WITH A VASTLY DIFFERENT OPINION
19 OR POINT OF VIEW FROM YOURS COMMIT SUCH AN ACT, IS THE
20 DEATH PENALTY APPROPRIATE?

21 A IT WOULD DEPEND ON THE CIRCUMSTANCES

22 Q HAVE YOU EVER SIGNED A PETITION THAT ENCOURAGE OR
23 SUPPORT THE DEATH PENALTY?

24 A NO

25 Q HAVE YOU EVER PUBLICLY -- PUBLICLY EXPRESSED YOUR

1 VIEWS FAVORING THE DEATH PENALTY?

2 A NO

3 Q HAVE YOU EVER HELD A DIFFERENT VIEW ON THE DEATH
4 PENALTY?

5 A I CAN'T ANSWER THAT RIGHT NOW

6 (PAUSE)

7 Q WHEN YOU COME TO A INDEPENDENT DECISION, WILL YOU
8 STICK TO IT?

9 A YES

10 Q IF ALL OF THE OTHER JURORS HOLD THE OPPOSITE
11 OPINION FROM YOU, GUILTY OR NOT GUILTY, WILL YOU STICK
12 TO YOUR DECISION?

13 A DEPENDS OF WHAT THE JURY IS ABOUT -- OR THE TRIAL
14 IS ABOUT

15 Q DO YOU FEEL THAT YOU'RE INCAPABLE OF STICKING TO
16 YOUR DECISION IF EVERYONE ON THE -- EVERYONE ELSE ON
17 THE JUROR WAS OPPOSITE -- HELD A OPPOSITE OPINION THAN
18 YOU ABOUT THE GUILT OR NOT GUILTY OF A DEFENDANT?

19 A ARE YOU TALKING SPECIFICALLY ABOUT THIS TRIAL OR
20 ANY ---

21 THE COURT NO, MA'AM

22 A --- TRIAL?

23 Q JUST ANY TRIAL, NOT THIS SPECIFIC TRIAL JUST IN
24 GENERAL, ANY TRIAL

25 A NO, I CAN'T ANSWER THAT

STATE VS ALKEBULANYAHH

- 1 Q IS THE DEATH PENALTY USED OFTEN ENOUGH, TOO OFTEN,
2 OR ABOUT RIGHT?
- 3 A I DON'T KNOW
- 4 Q ARE YOU MARRIED?
- 5 A YES, I AM
- 6 Q HOW DOES YOUR SPOUSE FEEL ABOUT THE DEATH PENALTY?
- 7 A DEPENDING ON THE CIRCUMSTANCES, IT'S APPROPRIATE
- 8 Q HAVE YOU EVER HAD A STRONG OPINION ABOUT SOMETHING
9 AND THEN LATER FOUND OUT YOU BEEN WRONG?
- 10 A YES
- 11 Q HOW DID YOU FEEL AFTER FINDING OUT YOU BEEN WRONG?
- 12 A SOMETIMES SURPRISED
- 13 Q DID YOU FEEL GUILT?
- 14 A I DON'T -- I DON'T REMEMBER I DON'T
- 15 Q WOULD YOU AGREE THAT EVERY PERSON SHOULD HAVE A
16 RIGHT TO PRIVACY IN THEIR HOME?
- 17 A YES
- 18 Q DO YOU BELIEVE THAT PROMISES ARE MEANT TO BE KEPT?
- 19 A DEPENDING ON THE CIRCUMSTANCES
- 20 Q IF YOU MADE A PROMISE, WOULD YOU KEEP IT?
- 21 A I WOULD TRY TO
- 22 Q IF YOU WERE CHOSEN FOR JURY DUTY, DO YOU PROMISE
23 TO STAND FIRM ON THE DEFENDANT BEING INNOCENT IF THE
24 PROSECUTOR DOES NOT PROVE TO YOU BEYOND A REASONABLE
25 DOUBT THE DEFENDANT IS GUILTY?

- 1 A YES
- 2 Q HAVE YOU EVER HEARD THE SAYING RIGHT IS RIGHT AND
- 3 WRONG IS WRONG REGARDLESS?
- 4 A NO, NOT REALLY, NO
- 5 Q DO YOU AGREE WITH THAT SAYING?
- 6 A IT'S VERY GENERAL
- 7 Q RIGHT IS RIGHT AND WRONG IS WRONG REGARDLESS?
- 8 A I THINK IT'S VERY GENERAL
- 9 Q DO YOU AGREE THERE IS TWO SIDES TO EVERY STORY?
- 10 A CAN BE
- 11 Q AND WHAT DO YOU MEAN BY CAN BE?
- 12 A WELL, SOMETIMES THERE MAY BE FACTS THAT YOU DON'T
- 13 KNOW JUST BY WHAT YOU THINK YOU KNOW THERE MAY BE
- 14 SOMETHING ELSE THAT'S IN ADDITION TO THAT
- 15 Q ARE YOU IN AGREEMENT THAT MOST STORIES JUST HAVE
- 16 ONE SIDE AND ---
- 17 A NOT NECESSARILY, NO
- 18 Q SO YOU WOULDN'T BELIEVE THAT MOST STORIES HAVE TWO
- 19 SIDES?
- 20 A I DIDN'T SAY MOST I SAID THERE CAN BE MORE THAN
- 21 ONE SIDE
- 22 Q IF YOU -- IF YOU WERE SELECTED FOR JURY DUTY, DO
- 23 YOU PROMISE TO JUDGE FAIRLY?
- 24 A YES
- 25 Q DO YOUR RELIGIOUS BELIEFS SUPPORT YOUR VIEW ON THE

1 DEATH PENALTY?

2 A YES

3 THE COURT MR ALKEBULANYAHH, I TOLD YOU THAT YOU
4 CAN ASK IF HER RELIGIOUS BELIEFS PRECLUDE YOU FROM
5 GIVING A FAIR AND IMPARTIAL TRIAL DO YOU RECALL THAT?

6 MR ALKEBULANYAHH YES, SIR

7 THE COURT ALL RIGHT

8 (PAUSE)

9 Q ARE THERE ANY CRIMES WHERE YOU WOULD SAY THAT IF A
10 PERSON WAS FOUND GUILTY YOU WOULD ALWAYS VOTE FOR THE
11 DEATH PENALTY?

12 A NO

13 MR MURDAUGH YOUR HONOR PLEASE, THAT'S A MATTER
14 OF LAW OBVIOUSLY, THAT CAN'T BE CORRECT

15 THE COURT ARE YOU ASKING HER WOULD SHE ALWAYS
16 VOTE FOR THE DEATH PENALTY NO MATTER WHAT?

17 MR ALKEBULANYAHH I WAS ASKING HER IF THERE WERE
18 ANY CRIMES IN PARTICULAR THAT SHE WOULD ALWAYS VOTE FOR
19 THE DEATH PENALTY IN

20 THE COURT WELL, THAT DEPENDS ON HER
21 UNDERSTANDING OF THE SYSTEM

22 HAVE YOU FORMED ANY OPINION ABOUT WHERE YOU THINK
23 THE DEATH PENALTY WOULD ALWAYS BE APPROPRIATE?

24 JUROR WELL, MOST OF WHAT I'VE BEEN SAYING WAS IT
25 DEPENDS ON THE CIRCUMSTANCES

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT GO AHEAD

2 Q IN OTHER WORDS, IF YOU WERE IN THE PENALTY PHASE
3 AND THE JURY HAD ALREADY CONVICTED THE PERSON OF
4 INTENTIONAL, PREMEDITATED, AND DELIBERATE MURDER, YOU
5 WOULD THEN VOTE FOR THE DEATH PENALTY IN EVERY
6 INSTANCE?

7 MR MURDAUGH YOUR HONOR, PLEASE I ---

8 THE COURT I SUSTAIN THAT OBJECTION TO THAT
9 QUESTION

10 Q IF ANY OF THE ALLEGE VICTIM FAMILY, FRIENDS, OR
11 CO-WORKERS OR LAW ENFORCEMENT ACCOST YOU AND ATTEMPTED
12 TO PERSUADE YOU, WOULD YOU NOTIFY OR TELL THE JUDGE?

13 A I'M SORRY REPEAT THE QUESTION

14 Q IF ANY OF THE ALLEGE VICTIM FAMILY OR CO-WORKERS
15 OR LAW ENFORCEMENT APPROACH YOU AND ATTEMPTED TO
16 PERSUADE YOU, WOULD YOU NOTIFY OR TELL THE JUDGE?

17 A YES

18 Q DO YOU KNOW ANY OF THE LAW ENFORCEMENT OFFICIALS
19 IN BEAUFORT COUNTY?

20 A TO SOME DEGREE, YES

21 Q WHO MAY THAT BE?

22 JUROR AM I PERMITTED TO SAY, JUDGE?

23 THE COURT YES, MA'AM

24 JUROR AM I PERMITTED TO SAY NAMES?

25 THE COURT YES, MA'AM

1 A RICHARD PATRELLO (PHONETIC) AND SHERIFF TANNER
2 FROM HIS POSITION

3 THE COURT WOULD YOUR CONNECTION WITH THOSE
4 INDIVIDUALS IN ANY WAY AFFECT YOUR ABILITY TO GIVE
5 EVERYONE A FAIR AND IMPARTIAL TRIAL IN THIS CASE?

6 JUROR NO

7 THE COURT ALL RIGHT

8 Q WHAT WAS YOUR REACTION WHEN YOU FIRST HEARD THAT A
9 POLICE OFFICER WERE KILLED?

10 A I THOUGHT IT WAS A TERRIBLE THING

11 Q HOW DID YOU FEEL?

12 A I THOUGHT IT WAS A TERRIBLE THING

13 Q HOW DID YOU FEEL WHEN THE ARREST -- WHEN AN ARREST
14 WAS MADE -- IN REFERENCE?

15 A I DON'T REMEMBER

16 Q WOULDN'T YOU AGREE THAT YOUR ABILITY TO BE FAIR IN
17 THIS CASE COULD BE AFFECTED?

18 A REPEAT THAT PLEASE

19 Q WOULD YOU AGREE THAT YOUR ABILITY TO BE FAIR IN
20 THIS CASE COULD BE AFFECTED?

21 A AFFECTED BY?

22 Q BY YOUR KNOWING POLICE OFFICERS OR THINKING
23 SOMEONE YOU KNOW COULD HAPPEN TO?

24 THE COURT I JUST ASKED HER WOULD HER ABILITY TO
25 GIVE A FAIR DECISION IN ANY WAY BE AFFECTED BY HER

1 KNOWING THOSE PEOPLE, MR ALKEBULANYAHH I JUST ASKED
2 THAT QUESTION

3 Q WHAT IS YOUR OPINION ABOUT POLICE OFFICERS WHO
4 HAVE BROKE THE LAW?

5 A I DON'T HAVE AN OPINION ON THAT

6 Q DO YOU THINK THAT POLICE OFFICERS SHOULD BE
7 ALLOWED TO BREAK THE LAW?

8 A NO

9 Q IF POLICE OFFICERS BROKE THE LAW, DO YOU FEEL THEY
10 SHOULD BE HELD RESPONSIBLE?

11 A DEPENDING ON THE CIRCUMSTANCES

12 Q COULD YOU GIVE AN EXAMPLE OF THE TYPE OF
13 CIRCUMSTANCE?

14 A NO, NOT AT THIS TIME

15 Q HAVE YOU EVER HAD A RUN-IN WITH THE POLICE?

16 A A RUN-IN, MEANING?

17 Q AN ENCOUNTER WHERE AS YOU WAS MAYBE -- TRAFFIC
18 VIOLATION OR PULLED OVER OR AT YOUR HOME OR DOMESTIC
19 VIOLENCE OR SOMETHING ---

20 A YES

21 Q --- LIKE THAT TO AN EXTENT?

22 A YES

23 (PAUSE)

24 Q IN YOUR OPINION, DO YOU AGREE THAT NO PROSECUTOR
25 SHOULD TRY OR ATTEMPT TO COVER UP FOR A CORRUPT POLICE

- 1 OFFICER?
- 2 A REPEAT THE QUESTION PLEASE
- 3 Q IN YOUR OPINION -- YOUR OPINION, DO YOU AGREE THAT
- 4 NO PROSECUTOR SHOULD TRY OR ATTEMPT TO COVER UP FOR A
- 5 CORRUPT POLICE OFFICER?
- 6 A PROBABLY NOT
- 7 (PAUSE)
- 8 Q PLEASE TELL ME ABOUT YOUR NEIGHBORHOOD, IS IT --
- 9 IS IT A SAFE PLACE?
- 10 A YES, IT IS
- 11 Q DO PEOPLE OF DIFFERENT RACES LIVE THERE?
- 12 A NOT REALLY, NO
- 13 Q IS RACE A PROBLEM AT ALL IN YOUR NEIGHBORHOOD?
- 14 A NO
- 15 Q DO YOU HAVE CHILDREN IN SCHOOL?
- 16 A NO
- 17 Q IS YOUR WORK PLACE INTEGRATED?
- 18 A YES
- 19 Q WHAT PERCENTAGE?
- 20 A 10 OR 15 PERCENT, VERSUS 85 PERCENT
- 21 Q ARE YOU SUPERVISED BY PEOPLE OF A DIFFERENT RACE?
- 22 A YES
- 23 Q DO YOU SUPERVISE PEOPLE OF A DIFFERENT RACE?
- 24 A NO
- 25 Q DO PEOPLE WHERE YOU WORK SOCIALIZE OUTSIDE OF

1 WORK?

2 A REPEAT THAT

3 Q DO PEOPLE WHERE YOU WORK SOCIALIZE OUTSIDE OF
4 WORK?

5 A WITH EACH OTHER, YOU'RE TALKING ABOUT?

6 Q YES, MA'AM

7 A NOT REALLY

8 Q HAVE YOU EVER ENTERTAINED A CO-WORKER OR A FRIEND
9 OF A DIFFERENT RACE IN YOUR HOME?

10 A NO

11 Q DO YOU THINK BLACKS ARE MORE LIKELY TO BE INVOLVED
12 IN CRIME THAN WHITES?

13 A I KNOW A LOT OF STATISTICS CAN SHOW -- THAT'S ALL
14 I CAN BASE ---

15 THE COURT MA'AM HIS QUESTION -- IF YOU KNOW,
16 YOU KNOW IF YOU DON'T, JUST SAY YOU DON'T KNOW
17 DON'T ASSUME OR BASE IT ON ANYTHING YOU DON'T KNOW

18 A OKAY NO

19 THE COURT HE'S ASKING YOU WHAT YOU THINK

20 Q TELL ME THE BEST AND WORST -- WORST LIFE
21 EXPERIENCE YOU HAVE HAD WITH A MEMBER OF ANOTHER RACE?

22 A MY HUSBAND DIDN'T COME HOME ONE NIGHT BECAUSE HE
23 HAD BEEN STABBED AND ROBBED BY TWO BLACK MEN, AND HE
24 DROVE HIMSELF TO THE EMERGENCY ROOM THAT'S THE WORST

25 Q I'M SORRY TO HEAR THAT BUT DO YOU HAVE A BEST

1 EXPERIENCE ALSO THAT YOU HAVE WITH SOMEONE ELSE OF THE
2 OPPOSITE RACE -- OF ANOTHER RACE?

3 A I GET COMMENDED BY MY SUPERVISOR AT WORK

4 Q AFTER AN HONEST SELF-APPRAISAL, DO YOU THINK THAT
5 THE RACE OF MR ALKEBULANYAHH MIGHT INTERFERE EVEN
6 SLIGHTLY WITH YOUR ABILITY TO SERVE AS A JUROR ON THIS
7 CASE?

8 A NO

9 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN
10 THEIR REPORTING?

11 A NO

12 Q ARE NEWS MEDIA REPORTS SOME TIMES DESIGNED TO BE
13 SENSATIONAL?

14 A YES

15 MR ALKEBULANYAHH MS GILLET, I APPRECIATE YOU
16 BEING HONEST I HAVE NO FURTHER QUESTIONS, YOUR HONOR

17 MR MURDAUGH MS GILLET, HOW ARE YOU DOING?

18 JUROR VERY GOOD THANK YOU

19 MR MURDAUGH I'M RANDOLPH MURDAUGH ALONG WITH
20 DUFFY STONE, SEATED OVER HERE AT THE END OF THE TABLE,
21 WE'RE GOING TO BE PROSECUTING THIS CASE FOR THE STATE
22 OF SOUTH CAROLINA AND I AM COMPLETELY SATISFIED WITH
23 YOUR ANSWERS AND DON'T HAVE ANYTHING TO ASK YOU

24 THE COURT YOU MAY STEP OUT INTO THE HALLWAY,

25 MA'AM WE'LL BE WITH YOU MOMENTARILY

STATE VS ALKEBULANYAHH

1 (THE JUROR EXITS THE COURTROOM)

2 THE COURT ANY OBJECTION TO THE JUROR'S
3 QUALIFICATION?

4 MR ALKEBULANYAHH YES, SIR, YOUR HONOR I WOULD
5 OBJECT TO HER ASSOCIATION WITH AND KNOWING TWO
6 EMPLOYEES OF THE SHERIFF'S DEPARTMENT AND NOT KNOWING
7 OR SAYING THAT SHE BELIEVED PROBABLY THAT IT'S OKAY FOR
8 A PROSECUTOR TO SHIELD CORRUPT LAW ENFORCEMENT
9 OFFICIALS, BEING THAT THIS CASE IS INVOLVING LAW
10 ENFORCEMENT OFFICIALS, I THINK THAT SHE WOULD ALLOW --
11 WOULD NOT BE ABLE TO SEE A FULL PICTURE OF THE EVIDENCE
12 THAT WOULD BE PRESENTED AND THE THINGS THAT WERE
13 SAYING, BECAUSE SHE SAID IT WAS -- IT WAS PROBABLE THAT
14 SHE BELIEVE THAT IT'S OKAY FOR THE PROSECUTOR TO COVER
15 UP OR SHIELD CORRUPT OFFICER -- CORRUPT LAW ENFORCEMENT
16 OFFICIALS

17 AND I THINK ALSO AS WELL, THAT SHE MAY TEND TO
18 HAVE A HIDDEN MOTIVE OR PREJUDICE ABOUT -- IN REFERENCE
19 TO HER HUSBAND BEING STABBED AND BEAT BY TWO BLACK MEN,
20 THAT MAY IMPAIR HER ABILITY TO BE FAIR AND IMPARTIAL

21 THE COURT I DON'T THINK THAT WAS ESTABLISHED
22 THAT SHE WOULD BE IMPARTIAL BECAUSE OF THAT
23 WHAT'S THE STATE'S POSITION?

24 MR MURDAUGH IF YOUR HONOR, PLEASE SHE IS NOT
25 THE LADY THAT SAID THAT THE STATE OUGHT TO COVER IT UP

STATE VS ALKEBULANYAHH

1 THAT WAS THE NUMBER -- BENJAMIN JENNINGS WHO WOULD BE
2 -- THE ONE WHO HAD NOT SHOWN UP THIS MORNING SHE
3 NEVER SAID ANYTHING LIKE THAT

4 EVERYTHING SHE SAYS IS THAT SHE WOULD CONSIDER THE
5 EVIDENCE AS IT CAME OUT IN THIS COURTROOM AND MAKE A
6 DECISION BASED ON THAT, AND THAT SHE COULD GO EITHER
7 WAY, DEATH OR LIFE

8 THE COURT I THINK SHE USED THE LANGUAGE PROBABLY
9 NOT, BUT SHE SAID RACE WOULD NOT INTERFERE WITH HER
10 DECISION

11 MR MURDAUGH THAT'S CORRECT, SIR

12 THE COURT I FIND THAT SHE'S QUALIFIED BRING
13 HER BACK IN PLEASE

14 (THE JUROR ENTERS THE COURTROOM)

15 THE COURT MS GILLET, THE COURT FINDS YOU
16 QUALIFIED TO SERVE ON THE POOL THAT DOESN'T MEAN
17 YOU'RE ON THE JURY YOU'LL BE PART OF THE POOL FROM
18 WHICH THE JURY IS SELECTED

19 I HAVE A COUPLE OF INSTRUCTIONS YOU MUST NOT
20 DISCUSS THIS CASE WITH ANYONE YOU MUST NOT EXPOSE
21 YOURSELF TO ANY KIND OF MEDIA COVERAGE, NEWSPAPER,
22 T V , RADIO, OR CONDUCT ANY TYPE OF INVESTIGATION ON
23 YOUR OWN DO YOU UNDERSTAND THAT?

24 JUROR YES

25 THE COURT ALL RIGHT THANK YOU WE WILL BE IN

STATE VS ALKEBULANYAHH

1 TOUCH WITH YOU AT THE NUMBERS YOU LEFT WITH US SO THAT
2 WE DON'T HAVE TO KEEP YOU HERE DURING THE DAY UNTIL
3 WE'RE READY YOU MUST REPORT BACK WHEN YOU'RE DIRECTED
4 TO DO SO ALL RIGHT?

5 JUROR YES

6 THE COURT THANK YOU

7 (THE JUROR EXITS THE COURTROOM)

8 THE COURT READY?

9 MR MURDAUGH YES, SIR, JUDGE I WOULD ASK
10 THAT LAST WITNESS TOOK 45 MINUTES I WOULD ASK THAT
11 YOU PUT A TIME LIMITATION ON US AND IF THE DEFENDANT
12 GETS TO THE POINT TO WHERE HE'S GETTING TO SOMETHING,
13 YOU CAN GIVE HIM A LITTLE MORE TIME BUT ---

14 THE COURT THE PROBLEM, MR ALKEBULANYAHH, IS
15 YOU'RE GOING THROUGH THOSE PAGES EVERY TIME AND YOU'RE
16 HAVING THESE LONG PAUSES IN BETWEEN YOUR QUESTIONS
17 YOU'RE GOING TO HAVE TO PICK UP THE PACE

18 MR ALKEBULANYAHH YOUR HONOR ---

19 THE COURT I'VE GIVEN YOU SOME LEEWAY BECAUSE
20 YOU'RE PRO SE BUT THERE ARE THESE LONG GAPS IN
21 BETWEEN THE QUESTIONS YOU NEED TO KEEP THEM FLOWING

22 MR ALKEBULANYAHH YOUR HONOR, I RECOGNIZE WHAT
23 YOU'RE SAYING BUT BEING THAT THIS IS A DEATH PENALTY
24 CASE AND MY LIFE IS ON THE LINE, I THINK I SHOULD HAVE
25 THE APPROPRIATE AMOUNT OF TIME TO ASCERTAIN OR NOT THE

STATE VS ALKEBULANYAHH

1 APPROPRIATE QUESTIONS TO ADDRESS TO THE JURORS ---

2 THE COURT ALL RIGHT I UNDERSTAND ---

3 MR ALKEBULANYAHH --- TO ELIMINATE ALL OF THE
4 OBJECTIONS, THE INTERRUPTION WHILE I'M QUESTIONING THE
5 JURORS

6 THE COURT I UNDERSTAND THE SIGNIFICANCE OF THE
7 CASE AND WHY YOU'RE DOING WHAT YOU'RE DOING BUT YOU
8 CONTINUE TO ASK REPETITIVE QUESTIONS PART OF THE
9 PROBLEM IS YOU ALL ARE TALKING OVER THERE WHILE I'M
10 ASKING MY QUESTIONS BY NOW YOU SHOULD KNOW THE
11 QUESTIONS THAT I'M ASKING BUT YOU KEEP REPEATING
12 THOSE QUESTIONS

13 AND ALSO, I THINK PART OF THE PROBLEM IS THAT ONCE
14 A WITNESS HAS TOLD YOU TWO OR THREE TIMES -- THE JUROR,
15 YOU KNOW, THAT THEY'RE GOING TO MAKE THE DECISION BASED
16 ON ALL THE FACTS AND CIRCUMSTANCES, YOU STILL WANT TO
17 GIVE ALL THESE HYPOTHETICAL-TYPE QUESTIONS WHAT WOULD
18 YOU DO HERE? WOULD YOU ALWAYS DO IT IN THIS CASE?
19 WOULD YOU DO IT IN THIS CASE?

20 I DON'T THINK THAT'S APPROPRIATE TO DO THAT I
21 MAY LIMIT THAT YOU'RE GOING TO HAVE TO PICK UP THAT
22 PACE ALL RIGHT?

23 MR ALKEBULANYAHH YOUR HONOR, NO DISRESPECT
24 I'VE KNOWN A COUPLE OF TIMES WHERE YOU HAVE QUESTIONED
25 A JUROR, BUT THEY HAVE ANSWERED YOUR QUESTION, BUT

STATE VS ALKEBULANYAHH

1 AFTER QUESTIONING THEM, THEY DIDN'T UNDERSTAND, I
2 GUESS, YOUR WAY OF YOUR CLARIFYING, MAKING IT CLEAR TO
3 THEM THEIR UNDERSTANDING ABOUT THEIR POSITION ---

4 THE COURT I DON'T THINK ---

5 MR ALKEBULANYAHH --- AND WHAT THEY KNOW ABOUT
6 THE LAW

7 THE COURT I DON'T THINK IT WAS THE WAY I ASKED
8 THE QUESTION I THINK IT WAS THE WAY YOU ASKED THE
9 QUESTION THAT CONFUSED THEM THE WAY YOU ASK THE
10 QUESTION SOMETIMES IS YOU'RE ASSUMING THAT IT'S TRUE
11 AND IT CONFUSES THE JURORS YOU KNOW, WOULD IT NOT BE
12 TRUE THAT YOU WOULD BE BIASED IN THIS SITUATION? YOU
13 KNOW, OR YOU ASKED EARLIER IN RESPONSE TO ONE OF THE
14 SOLICITOR'S QUESTIONS THAT COULD THEY CONSIDER IT?

15 IT'S NOT JUST THAT YOU COULD CONSIDER IT IT'S
16 COULD YOU RETURN A VERDICT OF LIFE OR COULD YOU RETURN
17 A VERDICT OF DEATH MERELY CONSIDERING IT IS NOT
18 ENOUGH

19 MR ALKEBULANYAHH BUT THE INDICATION THAT THEY
20 HAVE TO SIGN THEIR NAME IS A CHOICE THAT THE JUROR
21 WOULD HAVE TO DO IN DELIBERATION

22 THE COURT BUT HE WASN'T ASKING ABOUT THIS CASE
23 HE WAS ASKING IN GENERAL IF YOU REACH THE DEATH CASE,
24 COULD YOU SIGN THE VERDICT FORM? COULD YOU RETURN A
25 VERDICT OF DEATH? THAT'S WHAT TYPE 3 SAYS ON HERE, IF

STATE VS ALKEBULANYAHH

1 THE FACTS AND LAW WARRANT IT, THE JUROR COULD RETURN A
2 VERDICT FOR THE DEATH PENALTY -- THE FORM THAT YOU ALL
3 AGREED ON, TYPE 1, TYPE 2, TYPE 3 THAT'S NOTHING MORE
4 THAN A QUESTION THAT'S RIGHT ON THAT FORM

5 MR ALKEBULANYAHH BUT IF -- BUT IF THE JUROR HAS
6 THE RIGHT -- IF IT'S CORRECT ACCORDING TO LAW -- TO BE
7 ABLE TO CONSIDER WHETHER THEY WOULD SIGN THE FORM, THE
8 DEATH PENALTY OR NOT, IS SUFFICIENT ENOUGH

9 THE COURT NO BECAUSE THEY HAVE TO SIGN THE
10 FORM THEY WOULD NOT BE ABLE TO RETURN A VERDICT IF
11 THEY DON'T SIGN THAT FORM

12 MR ALKEBULANYAHH IF -- IF THEY HAVE DETERMINED
13 THAT THAT -- THEY HAVEN'T DETERMINED THAT --

14 THE COURT NO, THE QUESTION WAS ---

15 MR ALKEBULANYAHH --- THAT'S A HYPOTHETICAL

16 THE COURT NO THE QUESTION IS IF THEY RETURN A
17 VERDICT OF DEATH COULD THEY SIGN THE FORM AND I
18 ASKED THAT QUESTION MYSELF AND IF THERE'S SOME
19 CONFUSION ABOUT IT, THEY'D HAVE FOLLOWED UP ON IT BUT
20 THEY STOPPED ASKING THAT QUESTION WHEN THEY REALIZED I
21 WAS ASKING THAT QUESTION THERE WAS A COUPLE TIMES
22 THEY ASKED IT IF THERE WAS SOME CONCERN ABOUT IT, JUROR
23 HESITATION OR SOMETHING, AND THAT'S WHAT I WAS
24 INDICATING AT THE SIDE BAR SOME TIMES YOU HAVE TO ACT
25 BASED ON THE RESPONSES YOU GET

STATE VS ALKEBULANYAHH

1 I'M NOT GOING TO LIMIT IT YET, BUT I'M GOING TO
2 CONSIDER IT IF YOU DO NOT PICK UP YOUR PACE I WON'T
3 STOP YOU FROM ASKING ALL THE QUESTIONS YOU'LL JUST
4 HAVE TO ASK THEM WITHIN THE TIME ALLOCATED

5 MR ALKEBULANYAHH WELL, I PRAY THAT YOU WOULD
6 CONSIDER THAT, YOU KNOW, BEING THAT ALL THE JURORS THAT
7 HAVE INDICATED ASSOCIATION WITH LAW ENFORCEMENT
8 OFFICIALS AND KNOW THEM PERSONALLY AND SO FORTH, YOU
9 CONSISTENT WITH -- CONSISTENT WITH ALLOWING THEM TO BE
10 -- IRREGARDLESS ---

11 THE COURT I DON'T MIND YOU ASKING ABOUT THAT

12 MR ALKEBULANYAHH ALLOW THEM TO BE CHOSEN AS
13 JURORS

14 THE COURT NO, SIR

15 MR ALKEBULANYAHH SO I HAVEN'T SEEN AT NOT ONE
16 TIME THAT YOU HAVE WENT CONTRARY TO THAT AFTER THE
17 DEFENDANT HAS BROUGHT THAT ISSUE UP IN REFERENCE TO ---

18 THE COURT WELL, FIRST OF ALL, THE LAW -- FIRST
19 OF ALL, THE LAW IS VERY CLEAR THE MERE FACT THAT YOU
20 KNOW A WITNESS IN THE CASE OR YOU KNOW LAW ENFORCEMENT
21 IS NOT ENOUGH IN AND OF ITSELF TO EXCLUDE YOU FROM A
22 JURY THE LAW IS ABSOLUTELY CLEAR THERE'S TONS OF
23 CASES ON THAT

24 THE QUESTIONS IS HAVING THAT RELATIONSHIP CAN
25 YOU RENDER A FAIR AND IMPARTIAL DECISION? THAT HAPPENS

STATE VS ALKEBULANYAHH

1 EVERY DAY OF THE WEEK IN THE COURTROOM PEOPLE KNOW
2 PEOPLE THERE WILL BE PEOPLE THAT MIGHT KNOW YOU, AND
3 THAT'S THE WAY IT GOES BUT THAT DOESN'T MEAN THEY'RE
4 EXCLUDED THE QUESTION IS NOTWITHSTANDING THAT
5 RELATIONSHIP, CAN YOU GIVE A FAIR AND IMPARTIAL
6 DECISION?

7 AND AS LONG AS THE WITNESS SAYS YES, THEY'RE
8 QUALIFIED

9 AND YOU HAVE A RIGHT TO STRIKE THAT PERSON DURING
10 YOUR PREEMPTORY STRIKE

11 MR ALKEBULANYAHH YEAH, BUT BEING THAT I -- I --
12 RECEIVE THE NUMBER OF PREEMPTORY STRIKES THAT I HAVE,
13 THAT'S A LOT OF WITNESSES WHO HAVE SOME TYPE OF
14 ASSOCIATION OR AFFILIATION WITH THE LAW ENFORCEMENT --
15 NOT TO CONSIDER THAT, THAT WHAT -- WHEN YOU -- WHEN I
16 CANNOT EXPLORE INTO -- WITHOUT OBJECTION AND IT BEING
17 SUSTAINED TO CERTAIN QUESTIONS IN THE AREAS OF LAW
18 ENFORCEMENT AND HOW THEY FEEL ABOUT CERTAIN -- ABOUT
19 SITUATIONS, THAT LIMITED MY QUESTIONS

20 THE COURT WELL, LET'S MAKE THIS REAL CLEAR,
21 BECAUSE WE'RE TALKING ABOUT APPLES AND ORANGES, AND I'M
22 NOT GOING TO LET YOU CONFUSE THE TWO

23 FIRST OF ALL, WE WERE TALKING ABOUT WITNESSES THAT
24 KNEW LAW ENFORCEMENT YOU'VE BEEN ALLOWED TO ASK EVERY
25 QUESTION ABOUT THAT WITHOUT HESITATION YOU'D ASK A

STATE VS ALKEBULANYAHH

1 WITNESS DO THEY KNOW A CERTAIN LAW ENFORCEMENT
2 OFFICIAL YOU WERE ABLE TO GET THAT ANSWER

3 SECONDLY, YOU NEVER FOLLOW-UP WITH THE QUESTION
4 WILL THAT AFFECT YOU IN ANY WAY? THE COURT HAS HAD TO
5 DO THAT

6 THIRDLY, YOUR QUESTIONS ABOUT LAW ENFORCEMENT ARE
7 NOT ABOUT THE PEOPLE THEY KNOW YOU'RE ASKING THEM
8 ABOUT LAW ENFORCEMENT GENERALLY, WILL THEY BELIEVE THIS
9 PERSON MORE THAN ANOTHER PERSON? WHAT WOULD YOU DO IF
10 A LAW ENFORCEMENT OFFICER IS CORRUPT? WHAT WOULD YOU
11 DO IN THAT SITUATION? THOSE ARE ALL HYPOTHETICAL
12 SITUATIONS

13 IF THE FACTS -- IT REMAINS TO BE CLEAR WHETHER OR
14 NOT THAT'S EVEN RELEVANT TO THIS CASE WE'LL SEE WHERE
15 THAT GOES BUT YOU WERE ABLE TO ASK -- I'VE -- I'VE
16 REPEATEDLY TOLD YOU YOU CAN ASCERTAIN WHETHER OR NOT
17 THEY HAVE SOME BIAS OR PREJUDICE IN FAVOR OF LAW
18 ENFORCEMENT OR NOT, AND YOU REPEATEDLY REFUSE TO ASK
19 THE QUESTION WHEN I SUGGEST YOU ASK THAT QUESTION IF
20 YOU DO NOT WANT TO ASK THAT QUESTION, THEN I DON'T SEE
21 A PROBLEM WITH LIMITING THOSE QUESTIONS

22 MR ALKEBULANYAHH WELL ---

23 THE COURT BECAUSE THAT'S THE TEST

24 MR ALKEBULANYAHH WELL, IF I ASKED THAT ONE
25 QUESTION ---

STATE VS ALKEBULANYAHH

1 THE COURT THAT'S NOT TRUE I'VE NOT INDICATED
2 AT ANY POINT I WAS LIMITING YOU FROM ASKING MORE
3 QUESTIONS YOU NEED TO START OUT BY SAYING WILL
4 KNOWING THESE PEOPLE AFFECT YOU IN ANY KIND OF WAY?
5 AND YOU DON'T DO IT

6 WHEN I ASK YOU TO SAY THAT, YOU JUST MOVE ON

7 MR ALKEBULANYAHH BUT IF I SAY THAT -- I HAVE
8 SAID THAT, THEN YOU SAY, I ALREADY COVERED THAT AREA,
9 MR ALKEBULANYAHH I ASK THE JURORS WOULD THEY BE
10 IMPARTIAL AND BIAS ABOUT THIS CASE -- SO THAT SHOULD
11 COVER THAT AREA I SUSTAINED MOST OF THE QUESTIONS IN
12 REFERENCE TO THE ---

13 THE COURT WHEN YOU ASK MULTIPLE QUESTIONS ABOUT
14 THE SAME THING HAS THAT HAPPENED, MR ALKEBULANYAHH
15 NOW, WHEN YOU DECIDE TO PASS OVER THINGS, THAT'S YOUR
16 DECISION THAT YOU MAKE IF YOU DON'T WANT TO FOLLOW
17 THE COURT'S SUGGESTION AND GUIDANCE ABOUT ASKING A
18 QUESTION, THAT'S YOUR CHOICE YOU'RE REPRESENTING
19 YOURSELF

20 AGAIN, I'M NOT ACTING AS YOUR LAWYER AND I
21 DECLINE TO DO SO AND IF YOU WANT TO PERSIST IN ASKING
22 MULTIPLE QUESTIONS THAT ARE REPHRASING THE SAME THING,
23 THAT'S NOT GOING TO BE ALLOWED, AND I'VE BEEN VERY
24 CAREFUL TO LISTEN TO THE QUESTION AND WHEN YOU ASK
25 THEM IN A DIFFERENT WAY, I'M NOT GOING TO ALLOW THEM

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH I USED THE WORD GOOD AND I
2 USED THE WORD EVIL IN YOUR -- IN YOUR -- FROM YOUR
3 POINT OF VIEW, IT'S THE SAME QUESTION

4 THE COURT NO FROM MY POINT OF VIEW ---

5 MR ALKEBULANYAHH EVEN IF I ---

6 THE COURT --- THAT THAT'S -- THERE'S NO
7 DEFINITION OF GOOD AND EVIL IN THAT CONTEXT

8 MR ALKEBULANYAHH I MEAN, EACH ONE OF THEM IS
9 USED IN DIFFERENT SENTENCES

10 THE COURT NO THEY'RE DIFFERENT QUESTIONS, BUT
11 THERE'S NO DEFINITION ABOUT WHAT YOU MEAN BY EVIL
12 SOME PEOPLE MIGHT THINK THAT EVERY MURDER IS EVIL

13 SECONDLY, YOU YOURSELF ARE PLANTING IN THEIR MIND
14 THAT JUST BECAUSE IT'S A MURDER, THAT THE DEATH PENALTY
15 IS APPROPRIATE WHEN YOU ASK THAT QUESTION THAT IS NOT
16 THE LAW AND I'M NOT GOING TO ALLOW YOU TO CONTINUE TO
17 DO THAT, THAT'S THE PROBLEM IT REQUIRES MURDER AND AN
18 AGGRAVATING CIRCUMSTANCE THE FACT THAT YOU ARE A BAD
19 PERSON IS NOT ENOUGH AND IT CONFUSES THE JUROR WITH
20 THOSE QUESTIONS I'M NOT GOING TO ALLOW YOU TO PLANT
21 THOSE CONFUSING THOUGHTS IN THEIR HEAD ABOUT THE LAW,
22 THAT'S WHY I SAID YOU STAY AWAY FROM LEGAL QUESTIONS

23 IF YOU WANT TO ASK GENERALLY, HAVE YOU FORMED ANY
24 OPINIONS ABOUT WHEN THE DEATH PENALTY WOULD BE
25 APPROPRIATE, THAT'S THEIR OPINION, IT HAS NOTHING TO DO

STATE VS ALKEBULANYAHH

1 WITH THE LAW YOU WILL NOT DO IT THAT WAY THOUGH
2 I'VE ASKED YOU TO DO IT THAT WAY SEVERAL TIMES YOU
3 REFUSE TO DO IT THAT WAY, THAT'S YOUR CALL, THAT'S YOUR
4 DECISION

5 BUT I'M NOT GOING TO LET YOU PUT IN THEIR MINDS
6 STATEMENTS THAT AREN'T CORRECT, BECAUSE AN EVIL PERSON
7 THAT COMMITS A MURDER -- THAT DOES NOT WARRANT THE
8 DEATH PENALTY UNDER OUR LAW IT WILL NOT EVEN GET TO
9 THE POINT OF BEING CONSIDERED A DEATH PENALTY CASE IF
10 THAT'S ALL THERE IS IT NEEDS SOMETHING MORE DO YOU
11 DISAGREE WITH THAT?

12 MR ALKEBULANYAHH YES, SIR

13 THE COURT WELL, IF YOU HAVE SOME CASE THAT
14 SUGGESTS OTHERWISE THAT AN EVIL PERSON WHO COMMITS THE
15 CRIME OF MURDER WILL IMPLICATE THE DEATH PENALTY, I'LL
16 BE HAPPY TO LOOK AT IT, BUT THAT -- YOU -- YOU ---

17 MR ALKEBULANYAHH THAT'S NOT MY INDICATION

18 THE COURT YOU'RE ALMOST ASKING FOR THE DEATH
19 PENALTY WHEN YOU ASK THAT QUESTION

20 MR ALKEBULANYAHH I'M SAYING, THAT'S YOUR
21 INTERPRETATION OF WHAT YOU THINK IS IN MY MIND ---

22 THE COURT NO

23 MR ALKEBULANYAHH --- AND I SAY YOU ABSOLUTELY
24 WRONG

25 THE COURT I'M NOT SAYING THAT'S IN YOUR MIND

STATE VS ALKEBULANYAHH

1 I'M SAYING IT'S CONFUSING TO THE JUROR'S MIND ABOUT
2 THAT AND YOU'RE PLANTING THAT THOUGHT IN THEIR HEAD
3 NOTWITHSTANDING THE FACT THAT I'VE TOLD THEM THAT
4 MURDER IS NOT ENOUGH, THAT MURDER BY A BAD PERSON IS
5 ENOUGH THAT'S NOT ADVANCING YOUR CAUSE ONE BIT

6 IF A JUROR WERE TO THINK THAT YOU FOR EXAMPLE --
7 IF FOR EXAMPLE, LET'S JUST SAY -- I TAKE NO POSITION ON
8 WHETHER THIS CASE REACHES THE SECOND PHASE OR NOT BUT
9 LET'S SAY THAT THE CASE DOES REACH THE SECOND PHASE,
10 LET'S -- LET'S SAY THE JURY FINDS THAT YOU'VE COMMITTED
11 THE OFFENSE OF MURDER AND THAT YOU'RE A BAD GUY FOR
12 DOING IT, YOUR OWN QUESTIONS ARE GOING TO SUGGEST THAT
13 A BAD GUY CAN GET A DEATH PENALTY FOR COMMITTING THE
14 OFFENSE OF MURDER, AND I'M NOT GOING TO ALLOW THAT TO
15 HAPPEN

16 MR ALKEBULANYAHH THAT'S WHAT MOST JURORS
17 BELIEVE BECAUSE YOUR -- YOUR -- YOUR RELATING OR
18 EXPLAINING TO THEM THE COURSE OF LAW ABOUT THE
19 MITIGATION AND OTHER CIRCUMSTANCES THAT GO --
20 AGGRAVATING CIRCUMSTANCES THAT GO WITH THE LAW -- MOST
21 OF THESE JURORS DON'T EVEN SEEM TO KNOW REALLY THE
22 DEFINITION OF AGGRAVATING AND MITIGATING CIRCUMSTANCES
23 THE COURT THEY WILL WHEN WE GET TO THE TRIAL
24 THEY WILL THAT'S WHAT MY JOB IS TO DO AT THE TRIAL,
25 TO EXPLAIN THE LAW TO THEM AND THAT'S WHY I KEEP

STATE VS ALKEBULANYAHH

1 TELLING YOU STAY AWAY FROM LEGAL QUESTIONS, BECAUSE
2 YOU'RE GOING TO CONFUSE THEM

3 NOW, IF THEY HAD SOME PRECONCEIVED IDEA THAT YOU
4 NEED TO EXPLORE, KNOWING THAT THEY MIGHT BE INCORRECT
5 ON THIS BECAUSE THEY DO NOT UNDERSTAND THE LAW, THEN
6 YOU'RE FREE TO DO THAT BUT YOU'RE NOT DOING THAT
7 YOUR QUESTIONS ARE SUGGESTING THINGS IN THEIR MIND THAT
8 IT IS OKAY EVEN THOUGH I'VE TOLD THEM OTHERWISE, THAT
9 DOES NOT ADVANCE YOUR CAUSE I'M HERE TO TELL YOU
10 THAT I'D BE HAPPY TO PUT THAT ON THE RECORD, THAT
11 IT'S NOT ADVANCING YOUR CAUSE YOU'RE PUTTING THE
12 WRONG ASSUMPTIONS IN THEIR MIND ABOUT WHEN THE DEATH
13 PENALTY CAN BE IMPOSED

14 I WOULD NOT DO THAT IF YOU WANT TO DO THAT,
15 THAT'S YOUR CHOICE AGAIN, I'M NOT ACTING AS YOUR
16 LEGAL COUNSELOR

17 MR ALKEBULANYAHH THANK YOU

18 THE COURT BUT AN EVIL PERSON WHO COMMITS THE
19 CRIME OF MURDER -- THAT'S NOT ENOUGH UNDER THE LAW TO
20 GET THE DEATH PENALTY

21 MR ALKEBULANYAHH WELL, THEM PARTICULAR
22 QUESTIONS THAT I PROPOSING -- HAVE BEEN PROPOSING ARE
23 FROM FEDERAL AND STATE CASES IN VOIR DIRE, SO ---

24 THE COURT THAT DOESN'T MAKE THEM RIGHT

25 MR ALKEBULANYAHH BUT -- NO, AND IT DOESN'T MAKE

STATE VS ALKEBULANYAHH

1 YOU RIGHT EITHER

2 THE COURT THAT'S CORRECT AND YOU HAVE THE
3 RIGHT TO FILE AN OBJECTION AND WE KEEP MOVING ON

4 MR ALKEBULANYAHH RESPECTFULLY ---

5 THE COURT YOU DON'T HAVE THE RIGHT TO KEEP
6 ASKING THEM WHEN I TELL YOU NOT TO THOUGH

7 MR ALKEBULANYAHH RESPECTFULLY, I GOT
8 UNDERSTANDING TO THAT

9 THE COURT ALL RIGHT

10 MR ALKEBULANYAHH IN REFERENCE TO THE TIME, IF I
11 MAY ---

12 THE COURT I ALREADY INDICATED I'M NOT LIMITING
13 YOUR TIME AT THIS POINT BUT IF YOU ASK -- AS I
14 INDICATED EARLIER, I GAVE YOU THE WARNING IF YOU
15 CONTINUE TO ASK REPETITIVE QUESTIONS OR IF YOU PROLONG
16 THE PROCESS BY THESE DELAYS, THEN I WILL CONSIDER IT
17 I DIDN'T SAY I WOULD DO IT I WILL CONSIDER IT BUT
18 I'VE SUGGESTED BEFORE THAT YOU WRITE OUT THESE
19 QUESTIONS THAT YOU WANT TO ASK ---

20 MR ALKEBULANYAHH I HAVE

21 THE COURT --- SO THAT YOU CAN GO THROUGH -- NO
22 WHAT YOU'RE DOING IS YOU'RE GOING THROUGH SOMETHING --
23 PERHAPS A TRANSCRIPT FROM ANOTHER PROCEEDING AND
24 YOU'RE READING THEM ONE AT A TIME AND YOU'RE PAUSING
25 BETWEEN EACH QUESTION FOR A LONG PERIOD OF TIME

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH IF I MAY I HAVE THE
2 QUESTIONS IN ORDER AND ORGANIZED BUT, YET, I HAVE TO
3 PAUSE AND -- AND GO OVER SO MANY OBJECTION AND SUSTAIN
4 -- OVER 20 -- AT LEAST 20 THROUGHOUT ---

5 THE COURT YES, SIR

6 MR ALKEBULANYAHH --- MY QUESTIONING THAT IF --
7 IT JUST -- IT'S JUST -- THE NUMBERS ARE JUST SO GREAT,
8 THERE'S JUST SO MANY THAT OBJECTION HAVE BEEN SUSTAIN
9 AND DISALLOWED QUESTIONS IN THE COURSE OF GOING THROUGH
10 MY QUESTIONS THAT I HAVE TO -- WHEN I TURN THE PAGE --
11 BECAUSE YOU DONE OBJECTED TO A WHOLE PAGE -- TWO, THREE
12 PAGES OF OBJECTION AND DISALLOW ME TO PRESENT SUCH
13 QUESTIONS SO IT'S NOT MY INTENTION TO -- WHEN YOU SEE
14 THE PAGE FLIP, I MIGHT NOT HAVE BUT ONE QUESTION ON
15 THAT PAGE OUT OF 20 OR 30 QUESTIONS THAT ALREADY
16 BEEN OBJECTED TO -- AND I DON'T WANT TO AGITATE THE
17 COURT ---

18 THE COURT YOU'RE NOT AGITATING THE COURT

19 MR ALKEBULANYAHH --- IN REFERENCE TO REPEATING,
20 I'M CAUSING MYSELF TO BE -- LOSE SOME PRIVILEGES BY LAW
21 OF COURT TO WHERE THINGS WOULD BE FAIR, I WOULDN'T BE
22 ABLE TO DO THE THINGS THAT I NEED TO DO

23 THE COURT FIRST OF ALL, YOU'VE LOST NOTHING
24 SECONDLY, YOU DON'T AGITATE THE COURT IF THE COURT'S
25 NOT HERE, THE COURT WOULD JUST BE HEARING ANOTHER CASE

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH ' THANK YOU
2 THE COURT PLEASE UNDERSTAND THAT
3 MR ALKEBULANYAHH YES, SIR
4 THE COURT I TAKE NO INTEREST IN THE CASE THAT
5 I'M IN WHATEVER I'M IN, I'M IN THAT'S WHAT I
6 PRESIDE OVER
7 MR ALKEBULANYAHH ' YES, SIR
8 THE COURT SECONDLY, YOU HAVE HAD JURORS
9 THEMSELVES TELL YOU, I'VE ALREADY ANSWERED THAT TWO OR
10 THREE TIMES THAT SHOULD BE A SIGN TO YOU THAT WE ARE
11 NOT THE ONLY PEOPLE THAT THINK YOU'RE ASKING REPETITIVE
12 QUESTIONS CAN YOU AT LEAST SEE THAT?
13 MR ALKEBULANYAHH NO MOST OF THE JURORS THAT
14 HAVE INDICATED SOMETHING TO THAT EXTENT HAS BEEN
15 SOMEWHAT INCONCULATE (PHONETIC) OR BIASED TOWARD THE
16 DEFENDANT I GUESS THEY MAY ASSUME THAT THEY DON'T
17 LIKE BEING QUESTIONED MAYBE BY AN AFRICAN-AMERICAN OR
18 SOMETHING TO THAT EXTENT -- SOME SEEM TO BE MORE
19 FRIGIDY (PHONETIC) THAT IS A NATURAL RECOURSE FOR
20 SOME CAUCASIAN OR EUROPEAN AMERICAN PEOPLE THAT WHEN AN
21 AFRICAN-AMERICAN PERSON IS PROPOSING QUESTIONS OR
22 SPEAKING OF THEM IN REFERENCE, THEY BECOME, YOU KNOW,
23 ON THE DEFENSIVE AND SO FORTH FEEL LIKE THEY CAN SAY
24 ONE THING ONE TIME, AND YOU BETTER ACCEPT THAT, THAT'S
25 THE WAY IT IS, THAT'S THE WAY I SEE IT I SAID IT

STATE VS ALKEBULANYAHH

1 THIS, AND IT'S A BROAD SUBJECT, I DON'T WANT TO HEAR
2 ANY MORE ABOUT IT, LET'S GO ON IT

3 THAT'S -- YOU KNOW, THAT'S THE TYPE OF JURORS I'VE
4 BEEN SEEING

5 THE COURT WELL, DO YOU KNOW WHY YOU HAVE
6 PREEMPTORY STRIKES? DO YOU KNOW WHY YOU HAVE THOSE
7 STRIKES? I MEAN ---

8 MR ALKEBULANYAHH YES, SIR

9 THE COURT --- WE COULD HAVE A SYSTEM WHERE YOU
10 GET NO STRIKES YOU THROW ALL THOSE NAMES IN A DRUM,
11 AND YOU PULL OUT YOUR JURY

12 WHY DO YOU HAVE PREEMPTORY STRIKES? BECAUSE YOU
13 HAVE THAT GUT FEELING THAT SOMEONE MIGHT HAVE THAT KIND
14 OF FEELING ABOUT YOU THEY MAY NOT SAY THAT, THEY
15 MIGHT SAY ALL THE RIGHT THINGS YOU STILL HAVE A GUT
16 FEELING GUESS WHAT? THAT'S WHY YOU'RE GETTING THOSE
17 PREEMPTORY STRIKES SO YOU CAN DECIDE HOW YOU WANT TO
18 DEAL WITH THAT PERSON IF THEIR NAME -- IF THEY'RE
19 SELECTED AS A POSSIBLE JUROR

20 DO YOU UNDERSTAND THAT? THAT'S WHY YOU GET THOSE
21 STRIKES

22 MR ALKEBULANYAHH WELL, YOU'RE SAYING IF -- IF
23 -- YOU KNOW IN REFERENCE I SPOKE BEFORE, THE
24 DISPROPORTIONATE NUMBER OF, LET'S SAY, AFRICAN-
25 AMERICANS IN -- IN -- IN REFERENCE TO THE JURY POOL,

STATE VS ALKEBULANYAHH

1 AND THEN I GOT 150 OR 200 -- LET'S SAY ---

2 THE COURT I'M NOT GOING TO REVISIT THAT SUBJECT

3 MR ALKEBULANYAHH 10 PREEMPTORY STRIKES WOULD

4 NOT BE ABLE TO REMEDY THAT, BEING THAT ---

5 THE COURT THAT'S THE LAW THOUGH THAT'S THE

6 STRIKE SYSTEM

7 MR ALKEBULANYAHH I UNDERSTAND

8 THE COURT I DIDN'T SET UP THE LAW

9 MR ALKEBULANYAHH BUT I DIDN'T WANT YOU TO -- I
10 THOUGHT YOU WAS UNDER THE ASSUMPTION THAT I THINK THAT
11 10 STRIKES WILL BE SUFFICIENT TO REMEDY A PROBLEM IF I
12 HAD 100 OR 200 RACIAL PEOPLE THAT I'M SITTING HERE

13 PROPOSING QUESTIONS TO OR SOMETHING TO REMEDY MY
14 PROBLEM AND GIVE ME A FAIR TRIAL, NO, I'M NOT ---

15 THE COURT YOU YOURSELF TOLD THE PRESS, MR
16 ALKEBULANYAHH, THAT YOU WERE DISAPPOINTED THAT THE
17 MEMBERS OF A CERTAIN RACE WERE ASKING TO BE EXCUSED
18 FROM THIS CASE

19 MR ALKEBULANYAHH AND IT'S NOBODY'S FAULT

20 THE COURT THAT'S YOUR OWN COMMENT BUT I'M NOT
21 REVISITING YOUR MOTION ABOUT THE PANEL YOU DID NOT
22 PRESENT ANY EVIDENCE THAT THERE HAS BEEN SOME
23 SYSTEMATIC EXCLUSION FROM THE PANEL BASED ON THE
24 PROCEDURES EMPLOYED FOR THE DRAWING I DID NOT INVITE
25 A RE-VISITATION OF THAT MOTION

STATE VS ALKEBULANYAHH

1 MR ALKEBULANYAHH YES, SIR

2 THE COURT YOU ARGUED THAT MOTION AND I DENIED
3 THAT MOTION AND IT'S PRESERVED FOR THE RECORD

4 MR ALKEBULANYAHH YES, SIR

5 THE COURT I'M NOT -- I'M NOT LIMITING YOUR TIME
6 AT THIS POINT, BUT I AM TELLING YOU TO PICK UP THE
7 PACE I CERTAINLY UNDERSTAND THE SERIOUSNESS OF THESE
8 CHARGES

9 I JUST DO NOT WANT YOU TO REPEAT THE QUESTIONS --
10 FIRST OF ALL -- THAT I ASK AND, SECONDLY, DO NOT
11 DEVIATE FROM MY INSTRUCTIONS TO YOU ABOUT THE KINDS OF
12 QUESTIONS YOU CAN ASK

13 I INDICATE, FOR EXAMPLE, THAT YOU CAN ASK WOULD
14 YOUR RELIGIOUS PREFERENCES OR BELIEFS IN ANY WAY AFFECT
15 YOUR ABILITY TO RENDER A FAIR DECISION IN THIS CASE?
16 AND YOU DID THAT ONE TIME, THEN YOU WENT BACK TO THE
17 OTHER QUESTION

18 AGAIN, I'M NOT READY TO IMPOSE ANY KIND OF
19 LIMITATIONS ON YOU, BUT YOU'RE GOING TO HAVE TO PICK UP
20 THE PACE JUST A LITTLE BIT

21 WE'LL GO AHEAD AND TAKE A SHORT BREAK

22 MR ALKEBULANYAHH THANK YOU, YOUR HONOR

23 MR STONE THANK YOU, YOUR HONOR

24 (A RECESS WAS TAKEN)

25 THE COURT ALL RIGHT BRING THE NEXT JUROR IN

STATE VS ALKEBULANYAHH

1 PLEASE

2 (THE JUROR ENTERS THE COURTROOM)

3 BRIAN CAMPANELLA, HAVING
4 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS
5 DIRECT EXAMINATION BY THE COURT.

6 Q ARE YOU, MR CAMPANELLA?

7 A YES, SIR

8 Q ALL RIGHT MR CAMPANELLA, I NEED TO REMIND YOU
9 THAT YOU'RE UNDER OATH ALL RIGHT?

10 A YES, SIR

11 Q ALL RIGHT NOW, WE'RE JUST AT THAT POINT IN THE
12 CASE WE NEED TO ASK YOU SOME QUESTIONS FIRST, I WANT
13 TO TELL YOU, PLEASE -- I THANK YOU FOR BEARING WITH US
14 AS WE GO THROUGH THESE PROCEEDINGS, I REALIZE THEY ARE
15 LONG AND EVERYBODY'S BEEN WAITING PLEASE DO NOT HOLD
16 THAT AGAINST ANYONE IT JUST TAKES TIME SOME TIMES
17 BUT DUE TO THE NATURE OF THESE PROCEEDINGS, WE HAVE TO
18 GO THROUGH THIS PROCESS

19 THERE ARE NO RIGHT OR WRONG ANSWERS, SO PLEASE
20 JUST ANSWER OPENLY, TRUTHFULLY, AND HONESTLY NO ONE
21 IS CHALLENGING ANY VIEW YOU MIGHT HAVE IF YOU DON'T
22 HAVE A VIEW ABOUT SOMETHING, JUST SAY THAT OR IF YOU
23 DON'T KNOW, SAY YOU DON'T KNOW

24 NOW, AMONG OTHER THINGS WE'LL BE TALKING ABOUT
25 PENALTY, QUESTIONS WILL BE ASKED OF YOU THE MERE FACT

STATE VS ALKEBULANYAHH

1 THAT WE'RE GOING THROUGH THIS PROCESS THAT YOU'RE BEING
2 QUESTIONED AND WE TALK ABOUT PENALTY HAS NOTHING TO DO
3 OR SHOULD NOT INDICATE ANYTHING ABOUT THE DEFENDANT
4 HE IS PRESUMED IN THE LAW TO BE INNOCENT DO YOU
5 UNDERSTAND THAT?

6 A YES, SIR

7 Q NOW, ALSO DO YOU REMEMBER THE CONVERSATION I HAD
8 WITH EVERYONE ABOUT HOW THESE CASES ARE HANDLED, YOU GO
9 THROUGH THE FIRST STAGE AND IF YOU GET PAST THAT IT
10 GOES TO A SECOND STAGE

11 A YES SIR

12 Q NOW I JUST WANT TO ADD FURTHER BECAUSE A LOT OF
13 PEOPLE ARE CONFUSED ABOUT WHEN THE DEATH PENALTY CAN
14 EVEN BE CONSIDERED SOME PEOPLE THINK THAT IT CAN BE
15 CONSIDERED IN EVERY MURDER CASE THAT IS NOT TRUE SO I
16 WANTED TO SHARE THAT WITH YOU IT'S ONLY SOME TIMES
17 OFTEN, IT MIGHT BE A CASE WHERE IT IS KIDNAPPING PLUS
18 MURDER OR BURGLARY PLUS MURDER, OR IT MIGHT INVOLVE
19 THE DEATH OF A PUBLIC OFFICIAL IF IT S ONE OF THE
20 OFFICIALS LISTED IN THE STATUTE THERE'S A VERY NARROW
21 SET OF CIRCUMSTANCES ABOUT WHEN THE STATE CAN REQUEST
22 THAT THE JURY HAVE THAT OPTION DO YOU UNDERSTAND
23 THAT?

24 A YES SIR

25 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL

STATE VS ALKEBULANYAH

1 CASE, COULD YOU LISTEN TO AND APPLY THE LAW THAT I GIVE
2 TO YOU?

3 A YES, SIR

4 Q COULD YOU DO THAT EVEN IF YOU DISAGREED WITH IT?

5 A I BELIEVE SO, SIR

6 Q WELL, I NEED TO KNOW WHETHER YOU COULD THE POINT
7 OF MY QUESTION IS IT'S MY JOB TO TELL YOU THE LAW IF
8 THERE WERE LAWYERS ON THAT JURY OR IF YOU HAD YOUR OWN
9 BACKGROUND ABOUT THE LAW, WHEN I SAY SOMETHING IS THE
10 LAW, YOU HAVE TO ACCEPT THAT, THAT'S THE NATURE OF OUR
11 SYSTEM

12 A YES, SIR

13 Q AND YOU HAVE TO APPLY THAT LAW COULD YOU DO
14 THAT?

15 A YES, SIR

16 Q WHETHER YOU DISAGREED WITH IT OR NOT OR WHETHER
17 YOU AGREED OR DISAGREED WITH IT, COULD YOU DO THAT?

18 A YES, SIR

19 Q ALL RIGHT DO YOU UNDERSTAND WHAT I'M SAYING?

20 A YES, SIR

21 Q ALL RIGHT NOW, COULD YOU DECIDE THIS CASE BASED
22 ON THE EVIDENCE PRESENTED HERE IN THIS COURT AND
23 DISREGARD ANYTHING YOU MAY HAVE HEARD, SEEN, OR READ
24 ABOUT THIS CASE?

25 A YES, SIR

STATE VS ALKEBULANYAHH

- 1 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
2 CASE?
- 3 A NOT FOR SOME TIME, SIR
- 4 Q ALL RIGHT WHAT DO YOU REMEMBER ABOUT IT?
- 5 A TWO OFFICERS WERE MURDERED, THAT'S THE MOST OF IT
6 THE TYPE OF WEAPONS USED
- 7 Q ALL RIGHT ANYTHING ELSE?
- 8 A SOME OF THE CONDITIONS THAT THE PAPER SUGGESTED
- 9 Q SOME OF THE CONDITIONS?
- 10 A WELL, THERE WAS NO CAUSE GIVEN AS I REMEMBER BY
11 THE PAPER AS FOR THE MURDERS
- 12 Q ANYTHING ELSE?
- 13 A THAT'S THE MOST OF IT
- 14 Q WOULD THAT INFORMATION IN ANY WAY AFFECT YOUR
15 ABILITY TO GIVE THE DEFENDANT AND THE STATE A FAIR AND
16 IMPARTIAL TRIAL IN THIS CASE?
- 17 A NO SIR
- 18 Q WELL, HAVE YOU FORMED ANY TYPE OF OPINION ABOUT
19 THIS CASE OR ANY OPINION ABOUT THE INNOCENCE OR GUILT
20 OF THIS DEFENDANT?
- 21 A YES, SIR
- 22 Q YOU HAVE FORMED AN OPINION?
- 23 A YES, SIR
- 24 Q WOULD YOU BE ABLE TO LAY ASIDE THAT OPINION AND
25 HEAR EVERYTHING IN THIS CASE AND GIVE EVERYONE A FAIR

STATE VS ALKEBULANYAHH

1 AND IMPARTIAL TRIAL?

2 A YES, SIR

3 Q ALL RIGHT DO YOU UNDERSTAND THAT THE STATE HAS
4 THE BURDEN OF PROVING THE DEFENDANT'S GUILT BEYOND A
5 REASONABLE DOUBT?

6 A YES, SIR

7 Q THAT THE DEFENDANT DOES NOT HAVE TO PROVE
8 ANYTHING THE DEFENDANT IS PRESUMED TO BE INNOCENT
9 HE HAS NO BURDEN TO PROVE INNOCENCE DO YOU UNDERSTAND
10 THAT?

11 A YES, SIR

12 Q COULD YOU IN A CASE HAVING HEARD -- WHEN YOU HEAR
13 THE EVIDENCE AND THE LAW CONSIDER BOTH OPTIONS, NOT
14 GUILTY OR GUILTY?

15 A YES, SIR

16 Q ALL RIGHT NOW, HAVE YOU LOOKED AT THE JUROR
17 SHEET?

18 A THE TYPE 1 THROUGH 3, IS THAT THE SHEET?

19 Q YES, SIR

20 A YES, SIR, I HAVE

21 Q DO YOU THINK YOU FALL INTO ONE OF THOSE
22 CATEGORIES?

23 A I CLOSELY FALL INTO CATEGORY TYPE 2

24 Q TYPE 2 IS THE TYPE OF JUROR WHO IF THE CRIME HAS
25 BEEN PROVEN, YOU FEEL THAT YOU WOULD GIVE THE DEATH

1 PENALTY IN EACH AND EVERY CASE?

2 A YES, SIR

3 Q SO NO MATTER WHAT THE CIRCUMSTANCES ARE, YOU WOULD
4 GIVE THE DEATH PENALTY?

5 A I BELIEVE I FIT THAT CLOSEST, IF I WERE TO FIT ANY
6 OF THEM

7 Q ARE THERE ANY CIRCUMSTANCES WHERE YOU THINK THE
8 DEATH PENALTY IS NOT APPROPRIATE?

9 A MURDER, NO, SIR

10 Q SO IS THAT BASED ON YOUR BELIEF THAT EVERY MURDER
11 CASE IT SHOULD BE THE DEATH PENALTY EVEN THOUGH THE
12 LAW WOULD SAY OTHERWISE?

13 A YES, SIR

14 THE COURT ALL RIGHT ANY QUESTIONS?

15 MR ALKEBULANYAHH NO, SIR, YOUR HONOR, I HAVE NO
16 QUESTIONS

17 MR MURDAUGH NO, SIR

18 THE COURT ALL RIGHT YOU MAY STEP DOWN

19 JUROR YOUR HONOR ---

20 THE COURT YES, SIR

21 JUROR MAY I? THERE WAS A QUESTION YOU HAD ASKED
22 ON MONDAY THAT I COULDN'T QUITE ANSWER, AND IT HAD TO
23 DO WITH WHETHER I KNEW ANYBODY OR ANY OF THE PARTIES
24 WELL, THERE WERE A FEW NAMES THAT I KNEW, BUT I HAVE
25 LIVED HERE MY WHOLE ADULT LIFE, SO I'M GOING TO KNOW

STATE VS ALKEBULANYAHH

1 NAMES BUT THERE WAS ONE GENTLEMAN -- AND I JUST
2 DIDN'T KNOW WHAT THE CORRECT ANSWER WAS UNTIL AFTER I
3 LEFT COURT I NEED TO MAKE YOU AWARE OF IT, SIR
4 THE COURT WHO WAS IT?
5 JUROR IT'S MR DUFFY STONE, THE ASSISTANT
6 DISTRICT ATTORNEY I AM THE ARCHITECT OF RECORD FOR
7 HIS HOME
8 THE COURT ALL RIGHT
9 JUROR I THINK YOU NEED TO BE AWARE OF THAT
10 THE COURT ALL RIGHT THANK YOU FOR BRINGING
11 THAT TO MY ATTENTION IF YOU WILL STEP OUTSIDE
12 MOMENTARILY
13 MR MURDAUGH I DON'T THINK WE NEED TO GO THAT
14 FAR, SIR
15 THE COURT ALL RIGHT ANY OBJECTION?
16 MR ALKEBULANYAHH NO, SIR YOUR HONOR
17 THE COURT ALL RIGHT YOU MAY BE EXCUSED SIR
18 THANK YOU
19 (THE JUROR EXITS THE COURTROOM)
20 THE COURT JOHN KEENER
21 MR MURDAUGH IS IT OKAY IF I DO IT THAT WAY WHEN
22 IT'S PRETTY OBVIOUS THAT ---
23 THE COURT YES, SIR
24 MR MURDAUGH OKAY
25 (THE JUROR ENTERS THE COURTROOM)

STATE VS ALKEBULANYAHH

1 JOHN KEENER, HAVING BEEN
2 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS
3 DIRECT EXAMINATION BY THE COURT.

4 Q ARE YOU JOHN KEENER?

5 A YES, SIR

6 Q ALL RIGHT MR KEENER, I JUST WANT TO REMIND YOU,
7 YOU WILL REMAIN UNDER OATH OKAY?

8 A YES, SIR

9 Q NOW, WE'RE JUST GOING TO ASK YOU SOME QUESTIONS,
10 NOT TO INVADE YOUR PRIVACY OR ANYTHING, JUST IT'S
11 NECESSARY DUE TO THE NATURE OF THESE PROCEEDINGS
12 THERE ARE NO RIGHT OR WRONG ANSWERS, SO PLEASE JUST
13 ANSWER OPENLY, HONESTLY, AND FULLY IF YOU DON'T KNOW
14 SOMETHING, JUST SAY YOU DON'T KNOW OR YOU HAVE NO
15 OPINION ON IT IF THAT'S THE CASE WE JUST WANT TO KNOW
16 WHATEVER IT IS YOU MIGHT BE THINKING

17 NOW, AMONG OTHER THINGS, WE'LL BE TALKING ABOUT
18 PENALTY IN ADDITION TO QUESTIONS THAT MIGHT BE ASKED
19 PLEASE UNDERSTAND THAT NOTHING ABOUT THESE QUESTIONS OR
20 REFERENCE TO PENALTY SHOULD SUGGEST ANYTHING WHATSOEVER
21 TO YOU ABOUT THIS DEFENDANT HE IS PRESUMED TO BE
22 INNOCENT UNDER THE LAW DO YOU UNDERSTAND THAT?

23 A YES, SIR

24 Q NOW, DO YOU REMEMBER MY TALKING ABOUT THE TWO-PART
25 PROCESS FOR THESE KIND OF CASES, IF YOU GET PAST THE

STATE VS ALKEBULANYAHH

1 FIRST PART, IT GOES TO THE SECOND PHASE?

2 A YES, SIR

3 Q ANYTHING, I JUST WANT TO TELL YOU, BECAUSE A LOT
4 OF PEOPLE HAVE INDICATED AND I KNOW FROM PAST
5 EXPERIENCE THAT THEY THINK THAT THE DEATH PENALTY
6 APPLIES TO ANY AND ALL MURDER CASES, THAT IS NOT THE
7 CORRECT STATEMENT OF THE LAW SO I WANT TO GO AHEAD
8 AND SHARE THAT WITH YOU

9 A YES, SIR

10 Q CERTAIN CIRCUMSTANCES HAVE TO BE PROVEN TO EXIST
11 BEFORE THAT EVEN BECOMES AN OPTION SOME EXAMPLES
12 MIGHT BE IF THERE WAS A KIDNAPPING PLUS A MURDER, OR A
13 BURGLARY PLUS A MURDER, OR IT MIGHT INVOLVE THE DEATH
14 OF A CERTAIN OFFICIAL THAT'S LISTED UNDER THE LAW AS
15 THAT KIND OF CASE THERE ARE OTHER EXAMPLES BUT THOSE
16 ARE JUST EXAMPLES THERE HAS TO BE GENERALLY SOMETHING
17 MORE AND I JUST WANTED TO EXPLAIN THAT TO YOU SO YOU
18 UNDERSTAND THAT PROCESS

19 A OKAY

20 Q NOW, IF YOU WERE A JUROR IN A CRIMINAL CASE, WOULD
21 YOU BE ABLE TO APPLY THE LAW THAT I GIVE TO YOU?

22 A YES, SIR

23 Q ALL RIGHT NOW, COULD YOU DO THAT EVEN IF YOU
24 DISAGREED WITH IT OR YOU THOUGHT IT SHOULD BE SOME
25 OTHER WAY?

STATE VS ALKEBULANYAHH

- 1 A I THINK I COULD BE OBJECTIVE YES, SIR
- 2 Q WELL, I'M NOT TALKING ABOUT BEING OBJECTIVE AT
- 3 THAT POINT I'M TALKING ABOUT -- MY GOAL AS JUDGE IS
- 4 TO TELL YOU WHAT THE LAW IS IF YOU THINK THAT THE LAW
- 5 IS SOMETHING ELSE OR IT SHOULD BE SOMETHING ELSE, DO
- 6 YOU UNDERSTAND THAT YOU HAVE TO FOLLOW THE LAW THAT I
- 7 GIVE TO YOU?
- 8 A YES, SIR
- 9 Q COULD YOU DO THAT?
- 10 A YES, SIR
- 11 Q ALL RIGHT COULD YOU DECIDE THIS CASE BASED ON
- 12 THE EVIDENCE PRESENTED HERE IN THIS COURT AND DISREGARD
- 13 ANYTHING YOU MAY HAVE HEARD, READ, OR SEEN ABOUT THIS
- 14 CASE?
- 15 A YES, SIR
- 16 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
- 17 CASE?
- 18 A JUST IN THE PAPER UP UNTIL MONDAY
- 19 Q ALL RIGHT AND GIVE US SOME BACKGROUND ABOUT WHAT
- 20 YOU READ?
- 21 A THAT TWO POLICE OFFICERS OR SHERIFF'S DEPUTIES
- 22 WERE KILLED IN THE LINE OF DUTY
- 23 Q ANYTHING ELSE?
- 24 A NO, SIR
- 25 Q NOW, WOULD ANYTHING YOU HAVE HEARD, READ, OR SEEN

STATE VS ALKEBULANYAHH

1 AFFECT YOUR ABILITY TO GIVE THE DEFENDANT AND THE STATE
2 A FAIR AND IMPARTIAL TRIAL?

3 A NO, SIR

4 Q HAVE YOU FORMED ANY OPINION ABOUT THIS CASE OR ANY
5 OPINION ABOUT THE GUILT OR INNOCENCE OF THIS DEFENDANT?

6 A NO, SIR

7 Q ALL RIGHT NOW, DO YOU UNDERSTAND THAT IN A
8 CRIMINAL CASE THE STATE HAS THE BURDEN OF PROVING GUILT
9 BEYOND A REASONABLE DOUBT THE DEFENDANT DOESN'T HAVE
10 TO DO A THING THE DEFENDANT HAS NO BURDEN TO PROVE
11 INNOCENCE DO YOU UNDERSTAND THAT?

12 A YES, SIR

13 Q NOW COULD YOU IN A CASE DEPENDING ON THE FACTS
14 AND EVIDENCE AND THE LAW FIND THE DEFENDANT EITHER
15 GUILTY OR NOT GUILTY?

16 A YES, SIR

17 Q HAVE YOU LOOKED AT THAT JUROR TYPE SHEET, THE TYPE
18 1, 2, AND 3?

19 A YES, SIR

20 Q DO YOU THINK YOU FALL INTO ANY OF THOSE
21 CATEGORIES?

22 A I BELIEVE I WOULD BE A NO 3, SIR

23 Q AND JUST TO REVIEW WITH YOU, THAT WOULD BE THE
24 TYPE OF JUROR IF THE CRIME OF MURDER HAS BEEN PROVEN BY
25 THE STATE AND THE CASE GETS TO THE PUNISHMENT PHASE,

STATE VS ALKEBULANYAHH

1 YOU WOULD NOT HAVE MADE UP YOUR MIND ABOUT IT
2 INSTEAD, YOU WOULD NEED TO HEAR THE FACTS AND
3 CIRCUMSTANCES INCLUDING ANY AGGRAVATING AND MITIGATING
4 CIRCUMSTANCES AS WELL AS THE LAW BEFORE YOU MADE ANY
5 DECISION ON PUNISHMENT, IS THAT CORRECT?

6 A YES, SIR

7 Q NOW, IF YOU WERE A JUROR IN A CASE THAT LEADS TO
8 THE SENTENCING PHASE, PART TWO OF THE TRIAL, COULD YOU
9 DEPENDING UPON THE PARTICULAR FACTS AND CIRCUMSTANCES
10 INCLUDING THE CONSIDERATION OF ANY AGGRAVATING AND
11 MITIGATING CIRCUMSTANCES AND THE LAW RETURN A SENTENCE
12 OF LIFE IMPRISONMENT WITHOUT PAROLE?

13 A YES, SIR

14 Q THE SAME SITUATION, IF YOU WERE A JUROR IN THE
15 SENTENCING PHASE -- THE SENTENCING PHASE OF THE CASE,
16 COULD YOU DEPENDING UPON THE PARTICULAR FACTS AND
17 CIRCUMSTANCES INCLUDING THE CONSIDERATION OF ANY
18 AGGRAVATING AND MITIGATING CIRCUMSTANCES AND THE LAW
19 RETURN A SENTENCE OF DEATH?

20 A YES, SIR

21 Q ALL RIGHT NOW, IF YOU'RE ON A JURY THAT RETURNED
22 A UNANIMOUS DECISION ABOUT A VERDICT OF DEATH, WOULD
23 YOU BE ABLE TO SIGN THE VERDICT FORM INDICATING THAT
24 WAS YOUR VERDICT?

25 A YES, SIR

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT AT THIS POINT EACH SIDE
2 WILL HAVE THE OPPORTUNITY TO ASK YOU SOME QUESTIONS
3 THANK YOU, SIR

4 CROSS EXAMINATION BY MR. ALKEBULANYAHH.

5 Q GOOD AFTERNOON, MR KEENER

6 A GOOD AFTERNOON

7 Q I AM MR ALKEBULANYAHH I'LL BE REPRESENTING
8 MYSELF IN THIS PARTICULAR CASE I'M THE DEFENDANT
9 I'M GOING TO ASK YOU A FEW QUESTIONS ABOUT THE DEATH
10 PENALTY, THINGS AROUND YOUR VIEWS ABOUT RACIAL ISSUES,
11 MAYBE QUESTIONS ABOUT RELIGION, DIFFERENT -- A VARIETY
12 OF QUESTIONS IT'S NOT MY INTENTION TO OFFEND YOU IN
13 NO TYPE OF WAY BUT TO EXPLORE MORE AND FIND OUT MORE
14 ABOUT YOURSELF AND HOW YOU WOULD REPRESENT IN REFERENCE
15 TO THIS CASE IN BEING A GOOD -- A GOOD JUROR

16 A OKAY

17 Q THE FIRST QUESTION THAT I WANT TO ASK YOU IS COULD
18 YOU DESCRIBE YOUR VIEWS ON THE DEATH PENALTY?

19 A I BELIEVE, AS THE JUDGE SAID, THAT UNDER CERTAIN
20 CIRCUMSTANCES IT WOULD BE WARRANTED, YES, SIR

21 Q HAVE YOU EVER HAD DIFFERENT VIEWS ON THE DEATH
22 PENALTY?

23 A NO, SIR

24 Q HOW STRONGLY DO YOU BELIEVE IN THE DEATH PENALTY?

25 A AGAIN, IF THE CONDITIONS WARRANTED, I WOULD BE IN

STATE VS ALKEBULANYAHH

- 1 FAVOR IF IT
- 2 Q WHAT KIND OF CRIMES COME TO MIND WHEN YOU THINK OF
- 3 THE DEATH PENALTY?
- 4 A PREMEDITATED MURDER
- 5 Q WHY IS THAT?
- 6 A THAT'S WHAT THE LAW CALLS FOR
- 7 THE COURT BECAUSE WHAT, SIR?
- 8 JUROR BECAUSE THAT'S WHAT THE LAW CALLS FOR
- 9 Q I'M SPEAKING, LIKE, YOU SAID PREMEDITATED IS THE
- 10 TYPE OF CRIME THAT COMES TO YOUR MIND WHEN IT COMES TO
- 11 MURDER
- 12 A YES, SIR
- 13 Q IS THAT CORRECT?
- 14 A YES, SIR
- 15 Q AND I WASN'T SPEAKING IN REFERENCE IN TO THE DEATH
- 16 PENALTY ITSELF, BUT IN GENERAL AS TO PREMEDITATED IS
- 17 THE ONLY DEFINITION OR WAY YOU SEE THAT MURDER IS
- 18 SUFFICIENT IN YOUR OPINION? IS THERE OTHER -- ANY
- 19 OTHERS OUTSIDE OF JUST PREMEDITATED FOR IT TO BE
- 20 MURDER? DO YOU SEE ANY OTHER CRIMES?
- 21 A I GUESS I'D HAVE TO BE GIVEN A SPECIFIC EXAMPLE
- 22 Q YES, SIR HOW ABOUT RAPE?
- 23 A NOT NECESSARILY, NO
- 24 Q CAN YOU GIVE ME AN EXAMPLE OF THAT YOU MAY HAVE
- 25 HEARD OR READ ABOUT IN THE MEDIA?

1 A THAT THE DEATH PENALTY IS WARRANTED, IS THAT WHAT
2 YOU'RE ASKING?

3 Q COULD YOU GIVE ME AN EXAMPLE OF A PREMEDITATED
4 MURDER OR SOMETHING IN REFERENCE THAT YOU MIGHT HAVE
5 HEARD OR READ ABOUT IN THE MEDIA?

6 A I GUESS THE ONE THAT COMES TO MIND RIGHT NOW WAS A
7 WOMAN THAT RAN HER HUSBAND DOWN IN A PARKING LOT IN
8 TEXAS SHE WAS, I THINK, CONVICTED OF PREMEDITATED
9 MURDER

10 Q AND BASED ON THE KNOWLEDGE THAT YOU HAVE IN THAT
11 CASE, IN YOUR OPINION IT WAS PREMEDITATED, IS THAT
12 CORRECT?

13 A YES SIR

14 THE COURT I WOULD JUST LIKE YOU TO KNOW, SIR,
15 THAT PREMEDITATED MURDER STANDING ALONE WOULD NOT
16 AUTHORIZE THE DEATH PENALTY IN THIS STATE

17 Q WHY DO YOU HAVE THE FEELINGS YOU DO ABOUT THE
18 DEATH PENALTY?

19 A I GUESS SOCIAL JUSTICE

20 Q IS THAT IT? IS THAT IT?

21 A (NO RESPONSE)

22 Q HOW DO YOU FEEL ABOUT LIFE IMPRISONMENT WITHOUT
23 THE POSSIBILITY OF PAROLE AS A SENTENCE FOR
24 INTENTIONAL, DELIBERATE, AND PREMEDITATED MURDER?

25 A I GUESS THAT'S AN OPTION

STATE VS ALKEBULANYAHH

1 Q HOW CONCERNED ARE YOU ABOUT THE AMOUNT OF MONEY
2 THAT WILL BE USED TO SUPPORT A PERSON IN PRISON FOR THE
3 REST OF HIS NATURAL LIFE?

4 A I GUESS SOCIETY AS A WHOLE, INCLUDING MYSELF,
5 WOULD SAY THAT THAT WAS DEEMED NECESSARY

6 Q IS THERE ANY DOUBT IN YOUR MIND THAT LIFE WITHOUT
7 THE POSSIBILITY OF PAROLE MEANS JUST THAT?

8 A I GUESS THAT'S WHAT IT MEANS

9 Q WHAT DO YOU THINK THE DEATH PENALTY ACCOMPLISH FOR
10 SOCIETY?

11 A IT'S A SIGN POST TO OTHERS, THAT IF YOU COMMIT A
12 CRIME OR WHATEVER, THAT'S THE PENALTY TO BE PAID,
13 THAT'S A DETERRENT

14 Q DETERRENT WHAT IS THE BEST ARGUMENT AGAINST LIFE
15 WITHOUT THE POSSIBILITY OF PAROLE?

16 A I GUESS THAT THE PRISONER HAD NO CHANCE TO BE
17 REHABILITATED

18 Q WHAT IS THE BEST ARGUMENT IN FAVOR -- IN FAVOR OF
19 LIFE WITHOUT THE POSSIBILITY OF PAROLE?

20 A THAT THAT INDIVIDUAL HAS BEEN REMOVED FROM
21 SOCIETY

22 Q WHAT WILL BE IMPORTANT TO YOU IN MAKING THE
23 DECISION OF WHETHER A PERSON SHOULD RECEIVE THE
24 PUNISHMENT OF LIFE IMPRISONMENT WITHOUT THE POSSIBILITY
25 OF PAROLE OR DEATH?

- 1 A I WOULD ASSUME INSTRUCTIONS BY THE JUDGE
2 (PAUSE)
- 3 Q PRIOR TO FILLING OUT THE JUROR QUESTIONNAIRE, HAVE
4 YOU EVER EXPRESSED YOUR VIEWS ON THE DEATH PENALTY TO
5 FAMILY, FRIENDS, NEIGHBORS, OR CO-WORKERS?
- 6 A NOT SPECIFICALLY, I DON'T BELIEVE SO
- 7 Q HOW MANY TIMES HAVE YOU THOUGHT ABOUT THE DEATH
8 PENALTY?
- 9 A NOT OFTEN
- 10 Q IN YOUR ENTIRE LIFE -- IN YOUR ENTIRE LIFE PRIOR
11 TO THE JURY QUESTIONNAIRE, HOW MUCH TIME HAVE YOU SPENT
12 TALKING OR THINKING ABOUT THE DEATH PENALTY?
- 13 A VERY LITTLE
- 14 Q HAVE YOU EVER SIGNED A PETITION THAT ENCOURAGE OR
15 SUPPORT THE DEATH PENALTY?
- 16 A NO, SIR
- 17 Q HAVE YOU EVER PUBLICLY EXPRESSED YOUR VIEWS
18 FAVORING THE DEATH PENALTY?
- 19 A NO, SIR
- 20 Q WHEN YOU COME TO AN INDEPENDENT DECISION, WILL YOU
21 STICK TO IT?
- 22 A YES BUT MY MIND COULD STILL BE CHANGED IF THE
23 CIRCUMSTANCES SHOW OTHERWISE
- 24 Q IF ALL OF THE OTHER JURORS HOLD THE OPPOSITE
25 POSITION -- EXCUSE ME, I'M SORRY IF ALL OF THE OTHER

1 JURORS HOLD THE OPPOSITE OPINION FROM YOU, GUILTY OR
2 NOT GUILTY, WOULD YOU STICK TO YOUR DECISION?

3 A UNLESS I WAS SWAYED OTHERWISE

4 Q AND YOU CAN BE PERSUADED IN YOUR OPINION?

5 A YES, SIR

6 Q DO YOU HAVE ANY INTEREST IN THE OUTCOME OF THIS
7 CASE EITHER FOR THE DEFENSE OR THE PROSECUTION?

8 A NO, SIR

9 Q ARE YOU MARRIED?

10 A YES, I AM

11 Q HOW DOES YOUR WIFE FEEL ABOUT THE DEATH PENALTY?

12 A I DON'T KNOW

13 Q ARE THERE ANY CRIMES WHERE YOU WOULD SAY THAT IF A
14 PERSON WAS FOUND GUILTY YOU WOULD ALWAYS VOTE FOR THE
15 DEATH PENALTY?

16 MR MURDAUGH YOUR HONOR, PLEASE THAT'S A MATTER
17 OF LAW AND IT REQUIRES A DEFINITION FOR IT TO BE
18 ANSWERED, SIR

19 THE COURT WELL, HE'S JUST ASKING IF HE HAS ANY
20 OPINION ABOUT THAT I CAN HEAR THAT IF HE NEEDS TO
21 WAIT UNTIL HE HEARS THE LAW, THAT'S A DIFFERENT THING

22 A COULD YOU REPEAT YOUR QUESTION?

23 Q YES, SIR ARE THERE ANY CRIMES WHERE YOU WOULD
24 SAY THAT IF THE PERSON WAS FOUND GUILTY YOU WOULD
25 ALWAYS VOTE FOR THE DEATH PENALTY?

1 A NO

2 Q IF ANY OF THE ALLEGE VICTIM FAMILY, FRIENDS, OR
3 CO-WORKERS, OR LAW ENFORCEMENT ACCOST YOU -- ACCOST YOU
4 AND ATTEMPT TO PERSUADE YOU, WOULD YOU NOTIFY OR TELL
5 THE JUDGE?

6 A YES, I WOULD

7 Q HAVE YOU EVER HAD A STRONG OPINION ABOUT SOMETHING
8 THEN LATER FOUND OUT YOU BEEN WRONG?

9 A YES, SIR

10 Q HOW DID YOU FEEL AFTER FINDING YOU BEEN WRONG?

11 A HUMILIATED, I GUESS, BUT GLAD TO KNOW THE TRUTH
12 CAME OUT

13 Q WOULD YOU AGREE THAT EVERY PERSON SHOULD HAVE A
14 RIGHT TO PRIVACY IN THEIR HOME?

15 A VERY MUCH

16 Q DO YOU BELIEVE THAT PROMISES ARE MEANT TO BE KEPT?

17 A YES

18 Q IF YOU MADE A PROMISE, WOULD YOU KEEP IT?

19 A TO THE BEST OF MY ABILITY

20 Q IF YOU WERE CHOSEN FOR JURY DUTY, DO YOU PROMISE
21 TO STAND FIRM ON THE DEFENDANT BEING INNOCENT IF THE
22 PROSECUTOR DOES NOT PROVE TO YOU BEYOND A REASONABLE
23 DOUBT THE DEFENDANT IS GUILTY?

24 A YES

25 Q HAVE YOU EVER HEARD THE SAYING RIGHT IS RIGHT AND

STATE VS ALKEBULANYAHH

- 1 WRONG IS WRONG REGARDLESS?
- 2 A I'VE HEARD THAT
- 3 Q DO YOU AGREE WITH THAT SAYING?
- 4 A NOT NECESSARILY
- 5 Q DO YOU AGREE THAT THERE IS TWO SIDES TO EVERY
- 6 STORY?
- 7 A YES
- 8 Q IF YOU WERE SELECTED FOR JURY DUTY, DO YOU PROMISE
- 9 TO JUDGE FAIRLY?
- 10 A YES
- 11 Q WHAT WAS YOUR REACTION WHEN YOU FIRST HEARD THAT A
- 12 POLICE OFFICER WAS KILLED AND HOW DID YOU FEEL?
- 13 A SAD FOR THE FAMILY
- 14 Q WOULD THAT FEELING AFFECT YOUR ABILITY TO BE
- 15 IMPARTIAL AND FAIR?
- 16 A NO
- 17 Q HOW DID YOU FEEL WHEN A ARREST WAS MADE?
- 18 A THAT THE POLICE HAD DONE THEIR JOBS
- 19 Q IN YOUR OPINION, DO YOU AGREE THAT ONLY LAW
- 20 ENFORCEMENT OFFICIALS SHOULD HAVE THE RIGHT TO BREAK
- 21 THE LAW?
- 22 A NO
- 23 Q IN YOUR OPINION DO YOU AGREE THAT NO PROSECUTOR
- 24 SHOULD TRY OR ATTEMPT TO COVER UP FOR CORRUPT POLICE
- 25 OFFICERS?

1 A I WOULD AGREE

2 Q WHAT IS YOUR OPINION ABOUT LAW ENFORCEMENT WHO HAS
3 BROKE THE LAW?

4 A I THINK THEY COME UNDER THE LAW JUST LIKE EVERYONE
5 ELSE

6 Q HAVE YOU YOURSELF EVER HAD A RUN-IN WITH THE
7 POLICE?

8 A NO

9 Q HAVE ANYONE IN YOUR FAMILY HAD A RUN-IN?

10 A NO

11 Q PLEASE TELL ME ABOUT YOUR NEIGHBORHOOD, IS IT A
12 SAFE PLACE?

13 A YES

14 Q DO PEOPLE FROM DIFFERENT RACES LIVE THERE?

15 A YES

16 Q HOW MANY, IF YOU KNOW?

17 A I LIVE IN DALE (PHONETIC) I DON'T KNOW WHAT THE
18 POPULATION OF DALE IS BUT MY NEAREST NEIGHBORS ARE
19 BLACK

20 Q IS RACE A PROBLEM AT ALL IN YOUR NEIGHBORHOOD?

21 A NO

22 Q DO YOU HAVE ANY CHILDREN IN PUBLIC OR PRIVATE
23 SCHOOLS?

24 A PUBLIC SCHOOL

25 Q DO YOU KNOW WHETHER THERE ARE CHILDREN OF ALL

STATE VS ALKEBULANYAHH

1 RACES WHO ATTEND?

2 A YES, THEY DO

3 Q WOULD YOU KNOW WHAT PERCENTAGE?

4 A NO, I DO NOT

5 Q IS YOUR WORK PLACE INTEGRATED?

6 A I'M RETIRED BUT MY WORK PLACE WAS CLEMSON

7 UNIVERSITY AND IT WAS INTEGRATED

8 Q HAVE YOU EVER ENTERTAINED A CO-WORKER OR FRIEND OF

9 A DIFFERENT RACE IN YOUR HOME?

10 A YES, I HAVE

11 Q COULD YOU PLEASE DESCRIBE THE CIRCUMSTANCES?

12 A WE HAVE OFFICE PARTIES AT MY HOUSE I WAS THE
13 ADMINISTRATOR AND INVITED THE ENTIRE OFFICE TO MY HOME
14 ON MANY OCCASIONS

15 Q DO YOU THINK BLACKS ARE MORE LIKELY TO BE INVOLVED
16 IN CRIME THAN WHITES?

17 A NO

18 Q TELL ME THE BEST AND THE WORST LIFE EXPERIENCE YOU
19 HAVE HAD WITH A MEMBER OF ANOTHER RACE?

20 A I SERVED IN THE MILITARY I GUESS I HAD BLACKS
21 THAT PROBABLY SAVED MY LIFE I WOULD HOPE THAT I HAD
22 SAVED MANY BLACK LIVES AT THE SAME TIME

23 (PAUSE)

24 Q AFTER AN HONEST SELF-APPRAISAL, DO YOU THINK THAT
25 THE RACE OF MR ALKEBULANYAHH MIGHT INTERFERE EVEN

1 SLIGHTLY WITH YOUR ABILITY TO SERVE AS A JUROR IN THIS
2 CASE?

3 A NO

4 Q DO YOU THINK THAT AFRICAN-AMERICANS ARE EXECUTED
5 MORE OFTEN THAN OTHERS?

6 A YES

7 Q DOES RACE PREJUDICE ACTUALLY EXIST?

8 A YES

9 Q DO YOU THINK SCHOOLS SHOULD BE INTEGRATED OR
10 SEGREGATED?

11 A INTEGRATED

12 Q DO YOU BELIEVE THE MEDIA IS SURE AND ACCURATE IN
13 THEIR REPORTING?

14 A NOT AT ALL

15 Q ARE NEWS MEDIA REPORTS SOME TIMES DESIGNED TO BE
16 SENSATIONAL?

17 A VERY MUCH SO

18 MR ALKEBULANYAHH MR KEENER, THANK YOU I HAVE
19 NO FURTHER QUESTIONS

20 CROSS EXAMINATION BY MR. MURDAUGH.

21 Q MR KEENER, HOW ARE YOU DOING, SIR?

22 A JUST FINE, SIR

23 Q I'M RANDOLPH MURDAUGH ALONG WITH DUFFY STONE,
24 WHO SITS AT THE FAR END OF THE TABLE, WE WILL BE
25 REPRESENTING THE STATE OF SOUTH CAROLINA IN PROSECUTING

STATE VS ALKEBULANYAHH

1 THIS CASE I NEED TO ASK YOU A COUPLE QUESTIONS

2 A YES, SIR

3 Q I NOTICED ON YOUR FORM THAT YOU WERE A MEMBER --

4 YOUR WRITING IS ABOUT AS BAD AS MINE, SIR A MEMBER OF

5 A O P A WHAT IS THAT, SIR?

6 A AIRCRAFT OWNERS OF AMERICA, I GUESS

7 Q OKAY, SIR

8 A AIRCRAFT OWNERS AND PILOTS ASSOCIATION

9 Q OKAY, SIR THEN YOU HAD SOMETHING RIGHT BEHIND

10 THAT WHAT WAS THAT, SIR? DO YOU REMEMBER?

11 A I'D HAVE TO SEE IT

12 MR MURDAUGH MAY I SHOW HIM?

13 THE COURT YES, SIR

14 (PAUSE)

15 Q RIGHT HERE, SIR

16 A IT'S MAGAZINES OR CLUBS -- THAT'S A PASSAGE MAKER

17 -- THAT'S A CRUISING OR TRAWLING BOAT MAGAZINE

18 Q MR KEENER -- AND I APOLOGIZE FOR CRITICIZING YOUR
19 WRITING

20 A IT'S QUITE ALL RIGHT

21 MR MURDAUGH I'M SATISFIED WITH THE BALANCE OF

22 -- SOMETHING ELSE (PAUSE) YES, SIR I'M SATISFIED

23 WITH THE BALANCE OF YOUR ANSWERS AND HAVE NO FURTHER

24 QUESTIONS

25 THE COURT MR KEENER, COULD YOU PLEASE STEP

STATE VS ALKEBULANYAHH

1 OUTSIDE MOMENTARILY

2 (THE JUROR EXITS THE COURTROOM)

3 THE COURT ANY OBJECTION TO MR KEENER'S
4 QUALIFICATION?

5 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

6 MR MURDAUGH NO, SIR

7 THE COURT ALL RIGHT THE COURT FINDS HIM TO BE
8 SO QUALIFIED

9 BRING HIM BACK IN PLEASE

10 (THE JUROR ENTERS THE COURTROOM)

11 THE COURT MR KEENER, THE COURT FINDS YOU
12 QUALIFIED TO BE PART OF THIS POOL THAT DOES NOT MEAN
13 YOU'LL BE ON THE JURY HOWEVER WE WILL BRING YOU BACK
14 TOGETHER FOR PURPOSES OF SELECTING THE JURY

15 I HAVE A COUPLE OF INSTRUCTIONS IN YOUR ROLE AS A
16 JUROR ON THIS PANEL YOU MUST NOT DISCUSS THIS CASE
17 WITH ANYONE YOU MUST NOT CONDUCT ANY KIND OF
18 INVESTIGATION ON YOUR OWN

19 ALSO, YOU MUST NOT EXPOSE YOURSELF TO ANY TYPE OF
20 MEDIA COVERAGE, THAT MEANS DON'T EXPOSE YOURSELF TO
21 NEWSPAPER, RADIO OR TELEVISION COVERAGE

22 IF YOU'RE WATCHING SOMETHING AND SOME CLIP COMES
23 ON, TURN IT OFF THE SAME WITH THE NEWSPAPER IF YOU
24 SEE THE HEADLINE, DON'T READ THE STORY, ETCETERA IF
25 YOU'RE EXPOSED TO ANYTHING, YOU NEED TO BRING IT TO MY

STATE VS ALKEBULANYAHH

1 ATTENTION DO YOU UNDERSTAND?

2 JUROR YES, SIR

3 THE COURT RATHER THAN KEEP YOU HERE UNTIL WE
4 NEED YOU, WE'RE RELEASING YOU BECAUSE WE HAVE YOUR
5 NUMBER AND YOU'LL HAVE TO REPORT WHEN YOU'RE CALLED
6 DO YOU UNDERSTAND?

7 JUROR YES, SIR

8 THE COURT ALL RIGHT THANK YOU VERY MUCH FOR
9 PUTTING UP WITH THE DELAY SO FAR WE'LL SEE YOU SOON
10 (THE JUROR EXITS THE COURTROOM)

11 THE COURT MR -- CAROLLEE -- EXCUSE ME CAROLLEE
12 RONCO

13 (THE JUROR ENTERS THE COURTROOM)

14 CAROLLEE RONCO, HAVING BEEN
15 PREVIOUSLY DULY SWORN TESTIFIED AS FOLLOWS
16 DIRECT EXAMINATION BY THE COURT.

17 Q ARE YOU MS CAROLLEE RONCO?

18 A YES

19 Q MS RONCO, I JUST WANT TO REMIND YOU, YOU WILL
20 REMAIN UNDER OATH

21 A YES

22 Q ALL RIGHT NOW WE'RE AT THAT PART OF THE CASE
23 WHERE WE NEED TO ASK YOU SOME QUESTIONS, NOT TO INVAD
24 YOUR PRIVACY, JUST BECAUSE OF THE NATURE OF THESE
25 PROCEEDINGS, WE NEED TO ASK THESE QUESTIONS THERE ARE

STATE VS ALKEBULANYAHH

1 NO RIGHT OR WRONG ANSWERS, SO PLEASE JUST ANSWER
2 OPENLY, HONESTLY, AND FULLY IF YOU DON'T KNOW, SAY
3 YOU DON'T KNOW IF YOU DON'T HAVE AN OPINION, SAY YOU
4 DO NOT HAVE AN OPINION ON THAT

5 NO ONE IS CHALLENGING YOUR VIEWS, WE JUST NEED TO
6 TRY TO ASCERTAIN SOME OF YOUR VIEWS OR YOUR RESPONSES
7 TO CERTAIN QUESTIONS

8 NOW, AMONG OTHER THINGS, SOME OF THE QUESTIONS WE
9 WILL BE TALKING ABOUT ARE PENALTY THE FACT THAT WE'RE
10 ASKING QUESTIONS OR THE FACT THAT WE'RE TALKING ABOUT A
11 PENALTY SHOULD IN NO WAY, OR DOES NOT IN ANY WAY
12 INDICATE ANYTHING ABOUT THIS DEFENDANT THE DEFENDANT
13 UNDER THE LAW IS PRESUMED TO BE INNOCENT DO YOU
14 UNDERSTAND THAT?

15 A I DO

16 Q NOW, DO YOU REMEMBER MY CONVERSATION ABOUT HOW
17 THESE CASES WORK, THERE ARE TWO PARTS?

18 A YES

19 Q IF YOU GET THROUGH THE FIRST PART, IT GOES TO THE
20 SECOND PART DO YOU REMEMBER THAT?

21 A YES

22 Q I JUST WANT TO GIVE YOU A LITTLE BIT MORE THOROUGH
23 INFORMATION, BECAUSE A LOT OF TIMES PEOPLE THINK THAT
24 THE OPTION OF THE DEATH PENALTY IS AVAILABLE IN ANY
25 MURDER CASE, THAT IS NOT THE CASE SO I JUST WANT TO

- 1 GIVE YOU THAT LITTLE BIT OF BACKGROUND IT REQUIRES
2 SOMETHING ELSE IN A WAY IT REQUIRES LIKE KIDNAPPING
3 AND MURDER, OR BURGLARY AND MURDER, OR IT MIGHT REQUIRE
4 A CIRCUMSTANCE UNDER THE STATUTE THAT INVOLVED A PUBLIC
5 OFFICIAL THAT WAS LISTED IN THE STATUTE THERE ARE
6 CERTAIN CIRCUMSTANCES THAT ARE PRESCRIBED THAT WOULD
7 HAVE TO BE PROVEN BY THE STATE BEFORE EVEN THE THOUGHT
8 OF THE PENALTY OF THE DEATH PENALTY COULD COME INTO
9 PLAY DO YOU UNDERSTAND THAT?
- 10 A I UNDERSTAND
- 11 Q ALL RIGHT IT'S JUST NOT MURDER BY ITSELF ALL
12 RIGHT?
- 13 A YES
- 14 Q NOW, IF YOU WERE A JUROR IN A CRIMINAL CASE, COULD
15 YOU LISTEN TO AND APPLY THE LAW THAT THIS COURT
16 INSTRUCTED YOU ABOUT?
- 17 A YES, I COULD
- 18 Q COULD YOU DO THAT EVEN IF YOU DID NOT AGREE WITH
19 THE LAW?
- 20 A YES, I COULD
- 21 Q ALL RIGHT THE POINT OF THAT, IT IS MY JOB TO
22 TELL YOU THE LAW AND YOU HAVE TO ACCEPT THE LAW AS I
23 INSTRUCT IT TO YOU DO YOU UNDERSTAND THAT?
- 24 A I UNDERSTAND
- 25 Q COULD YOU DECIDE THIS CASE BASED ON THE EVIDENCE

- 1 PRESENTED HERE IN THIS COURT AND DISREGARD ANYTHING YOU
2 MAY HAVE HEARD, READ, OR SEEN ABOUT THIS CASE?
- 3 A YES, I COULD
- 4 Q HAVE YOU HEARD, READ, OR SEEN ANYTHING ABOUT THIS
5 CASE?
- 6 A YES, I HAVE
- 7 Q CAN YOU TELL US ABOUT THAT?
- 8 A YES, I READ THE PACKET ON SUNDAY, THE TWO
9 ARTICLES
- 10 Q DO YOU REMEMBER ANYTHING IN PARTICULAR?
- 11 A NO JUST GENERALLY
- 12 Q SUCH AS, GIVE ME AN EXAMPLE
- 13 A THAT THERE WERE TWO PEOPLE MURDERED
- 14 Q ALL RIGHT NOW, WOULD THAT INFORMATION THAT YOU
15 READ IN ANY WAY OR ANYTHING THAT YOU MAY HAVE HEARD OR
16 SEEN IN ANY WAY AFFECT YOUR ABILITY TO GIVE THE
17 DEFENDANT AND THE STATE A FAIR AND IMPARTIAL TRIAL IN
18 THIS CASE?
- 19 A NO
- 20 Q NOW, HAVE YOU FORMED ANY OPINION ABOUT THIS CASE
21 OR ANY OPINION ABOUT THE GUILT OR INNOCENCE OF THIS
22 DEFENDANT?
- 23 A NO
- 24 Q DO YOU UNDERSTAND IN A CRIMINAL CASE THE STATE HAS
25 THE BURDEN OF PROVING GUILT BEYOND A REASONABLE DOUBT

STATE VS ALKEBULANYAHH

- 1 A DEFENDANT HAS NO BURDEN TO PROVE INNOCENCE
- 2 A YES, I UNDERSTAND
- 3 Q THE DEFENDANT DOES NOT HAVE TO DO A THING THE
- 4 STATE ALWAYS HAS THE BURDEN DO YOU UNDERSTAND THAT?
- 5 A YES, I DO
- 6 Q DEPENDING ON THE FACTS AND EVIDENCE AND THE LAW I
- 7 GIVE TO YOU, COULD YOU EQUALLY CONSIDER A VERDICT OF
- 8 NOT GUILTY OR GUILTY?
- 9 A YES, I COULD
- 10 Q ALL RIGHT HAVE YOU LOOKED AT THAT JUROR
- 11 INFORMATION SHEET, TYPE 1, 2, AND 3?
- 12 A YES I HAVE
- 13 Q DO YOU THINK YOU FALL WITHIN ONE OF THOSE TYPES?
- 14 A YES, I DO
- 15 Q WHAT WOULD THAT BE?
- 16 A I WOULD BE JUROR 1
- 17 Q JUROR 1
- 18 A TYPE 1
- 19 Q THIS WOULD BE THE KIND OF JUROR IN CONSIDERING
- 20 PUNISHMENT FEELS THAT YOU WOULD BE UNWILLING TO GIVE
- 21 THE DEATH PENALTY IN ANY CASE YOU WOULD THINK THE
- 22 DEATH PENALTY IS NOT APPROPRIATE UNDER ANY
- 23 CIRCUMSTANCES, IS THAT CORRECT?
- 24 A THAT'S TRUE
- 25 Q THERE ARE NO SITUATIONS IN WHICH YOU WOULD FIND

1 THE DEATH PENALTY APPROPRIATE?
2 A NO, YOUR HONOR
3 THE COURT ALL RIGHT ANY QUESTIONS?
4 MR ALKEBULANYAHH NO, SIR, YOUR HONOR
5 MR MURDAUGH NO, SIR
6 THE COURT ALL RIGHT ANY OBJECTION ---
7 MR MURDAUGH NO, SIR
8 THE COURT ANY OBJECTION TO EXCUSING HER?
9 MR ALKEBULANYAHH NO, SIR, YOUR HONOR
10 THE COURT ALL RIGHT I'LL EXCUSE YOU, MA'AM
11 THANK YOU VERY MUCH
12 JUROR THANK YOU
13 THE COURT HAVE A GOOD DAY THANK YOU FOR
14 BEARING WITH US
15 (THE JUROR EXITS THE COURTROOM)
16 THE COURT TANYA TOBIAS
17 (THE JUROR ENTERS THE COURTROOM)
18 TANYA TOBIAS, HAVING BEEN
19 PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS
20 DIRECT EXAMINATION BY THE COURT.
21 Q ARE YOU TANYA TOBIAS?
22 A TANYA
23 Q TANYA TOBIAS ALL RIGHT MS TOBIAS, I JUST WANT
24 TO REMIND YOU, YOU WERE PREVIOUSLY UNDER OATH, AND YOU
25 SHALL REMAIN UNDER OATH DO YOU UNDERSTAND?

STATE VS ALKEBULANYAHH

1 A YES

2 Q YOU CAN PULL THAT MICROPHONE DOWN TOWARD YOU
3 PLEASE

4 A (COMPLIED)

5 Q ALL RIGHT NOW, WE'RE AT THE POINT IN THE CASE WE
6 NEED TO ASK YOU SOME QUESTIONS, NOT TO INVADE YOUR
7 PRIVACY, JUST BECAUSE THEY'RE NECESSARY IN THIS TYPE OF
8 CASE THERE ARE NO RIGHT OR WRONG ANSWERS IF YOU
9 DON'T KNOW, SAY YOU DON'T KNOW OR IF YOU HAVE NO
10 OPINION, SAY YOU HAVE NO OPINION SO PLEASE JUST
11 ANSWER OPENLY, HONESTLY, AND FULLY NO ONE IS
12 CHALLENGING ANY VIEW YOU MIGHT HAVE, IT'S JUST THAT WE
13 NEED TO KNOW CERTAIN INFORMATION

14 AMONG OTHER THINGS, WE'LL BE ASKING QUESTIONS AND
15 TALKING ABOUT THE PENALTY NOW, THE FACT THAT WE'RE
16 ASKING THESE QUESTIONS OR TALKING ABOUT THE PENALTY
17 DOES NOT INDICATE ANYTHING WHATSOEVER ABOUT THIS
18 DEFENDANT THE DEFENDANT IS PRESUMED TO BE INNOCENT
19 UNDER THE LAW DO YOU UNDERSTAND?

20 A UH-HUH

21 Q YOU NEED TO RESPOND FOR THE RECORD

22 A YES

23 Q ALL RIGHT NOW, IF YOU WERE A JUROR IN A CRIMINAL
24 CASE -- OH, LET ME EXPLAIN A LITTLE BIT TOO FIRST ABOUT
25 DO YOU REMEMBER MY CONVERSATION ABOUT THE BIFURCATED

1 PROCESS, TWO-PART TRIAL IF NECESSARY DURING THE PANEL
2 WHEN WE MET?

3 A NO

4 Q I EXPLAINED THAT YOU HAVE THE FIRST PHASE OF THE
5 CASE TO DETERMINE GUILT OR INNOCENCE IF THE JURY
6 FOUND THE DEFENDANT NOT GUILTY, THE CASE WOULD BE OVER
7 IF THE JURY FOUND THE DEFENDANT GUILTY, IT WOULD GO TO
8 THE PENALTY PHASE, THAT WOULD BE THE SECOND PHASE DO
9 YOU REMEMBER THAT CONVERSATION?

10 A YES, AND THAT WAS THE SHEET OF PAPER

11 Q WELL, THE SHEET OF PAPER HAS THE DIFFERENT TYPES
12 OF JURORS ON IT

13 A OKAY

14 Q DO YOU REMEMBER THAT?

15 A UH-HUH YES

16 Q ALL RIGHT NOW, I JUST WANT TO EXPLAIN BECAUSE A
17 LOT OF PEOPLE ARE CONFUSED ABOUT THE DEATH PENALTY
18 THE DEATH PENALTY DOES NOT APPLY TO EVER MURDER CASE
19 DO YOU UNDERSTAND THAT?

20 A YES

21 Q IT REQUIRES SOMETHING IN ADDITION OR MORE FOR
22 EXAMPLE, THERE ARE CERTAIN CIRCUMSTANCES THAT WOULD
23 HAVE TO BE PROVEN BEFORE A DEATH PENALTY OPTION WOULD
24 EVEN EXIST, THAT MIGHT BE FOR EXAMPLE A KIDNAPPING PLUS
25 MURDER, OR BURGLARY PLUS MURDER, OR IT MIGHT INVOLVE

1 THE DEATH OF A PUBLIC OFFICIAL IF IT WERE ONE OF THE
2 OFFICIALS THAT WERE LISTED IN THE STATUTE DO YOU
3 UNDERSTAND THAT IT'S SOMETHING MORE THAN JUST A MURDER
4 CASE?

5 A YES

6 Q ALL RIGHT NOW, IF YOU WERE A CRIMINAL IN A -- IF
7 YOU WERE A JUROR IN A CRIMINAL CASE, COULD YOU LISTEN
8 TO AND APPLY THE LAW THAT I GAVE TO YOU?

9 A YES

10 Q AND COULD DO THAT EVEN IF YOU DID NOT AGREE WITH
11 THE LAW?

12 A I DON'T KNOW

13 Q WHAT I NEED TO UNDERSTAND IS, IT'S MY JOB TO TELL
14 YOU WHAT THE LAW IS IN THIS STATE

15 A RIGHT

16 Q AND IF YOU SIT ON THE JURY, YOU HAVE TO ACCEPT THE
17 LAW THAT I GIVE TO YOU WOULD YOU BE ABLE TO DO THAT?

18 A IT DEPENDS ON WHAT LAW IT WAS, WHETHER I AGREED
19 WITH IT OR NOT

20 Q SO IS IT YOUR POSITION THAT IF I TOLD YOU THE LAW
21 IS A CERTAIN -- IF I TOLD YOU WHAT THE LAW SPECIFICALLY
22 WAS IN THIS STATE AND YOU DISAGREE WITH IT, YOU WOULD
23 NOT FOLLOW MY INSTRUCTION?

24 A OH, YES, I WOULD FOLLOW YOUR INSTRUCTIONS, IF THAT
25 WAS THE LAW

- 1 Q SO EVEN IF YOU DISAGREED WITH THE LAW YOU WOULD
2 APPLY THE LAW AS I DIRECTED YOU TO?
- 3 A YES
- 4 Q DO YOU UNDERSTAND MY QUESTION?
- 5 A YEAH
- 6 Q I'M TRYING TO MAKE SURE YOU DON'T FEEL THAT YOU
7 HAVE THE RIGHT TO IGNORE THE LAW, DO YOU?
- 8 A NO, I DON'T
- 9 Q AND IT'S MY JOB -- BECAUSE YOU'RE NOT LAWYERS,
10 IT'S MY JOB TO TELL YOU WHAT THE LAW IS, THAT'S MY ROLE
11 IN THIS CASE AND THE LAW ALSO REQUIRES YOU TO ACCEPT
12 THAT LAW WHETHER YOU LIKE IT OR NOT DO YOU UNDERSTAND
13 THAT?
- 14 A YES
- 15 Q WILL YOU BE ABLE TO DO THAT?
- 16 A YES
- 17 Q AND APPLY THAT FAIRLY AND IMPARTIALLY?
- 18 A YES
- 19 Q OKAY NOW, COULD YOU DECIDE THIS CASE BASED ON
20 THE EVIDENCE PRESENTED HERE IN THIS COURT AND DISREGARD
21 ANYTHING YOU HAVE READ, HEARD, OR SEEN ABOUT THIS CASE?
- 22 A I DON'T KNOW
- 23 Q HAVE YOU HEARD ---
- 24 A I DON'T THINK SO, NO
- 25 Q HAVE YOU HEARD, READ, OR SEEN SOMETHING ABOUT THIS

1 CASE?

2 A YES, I HAVE

3 Q AND WHAT WAS THAT?

4 A I READ THE PAPER EVERYDAY I WATCH THE NEWS EVERY
5 AFTERNOON I HAVE A FAMILY FRIEND WHO'S AN ATTORNEY I
6 KNOW A BEAUFORT COUNTY COP

7 Q AND YOU DO NOT THINK THAT YOU COULD SET ASIDE
8 ANYTHING YOU'VE HEARD ABOUT THIS CASE AND RENDER A FAIR
9 AND IMPARTIAL DECISION?

10 A I DON'T KNOW, BECAUSE I HAVEN'T HEARD THE
11 EVIDENCE I MEAN ---

12 Q WELL I GUESS THE QUESTION WOULD BE, WOULD YOU BE
13 ABLE TO START FROM SCRATCH IN THIS CASE AND FORGET
14 ABOUT ANYTHING YOU HAVE HEARD OR READ ---

15 A NO I DON'T THINK SO, NO

16 THE COURT ALL RIGHT ANYTHING FURTHER?

17 MR ALKEBULANYAHH NO, SIR, YOUR HONOR

18 THE COURT ALL RIGHT I'LL EXCUSE YOU, MA'AM
19 THANK YOU YOU MAY BE EXCUSED THANK YOU FOR BEING
20 PATIENT WITH US

21 (THE JUROR EXITS THE COURTROOM)

22 MR ALKEBULANYAHH YOUR HONOR, PLEASE

23 THE COURT APPROACH PLEASE

24 (A SIDE-BAR CONFERENCE WAS HELD OFF THE RECORD)

25 (PAUSE)

STATE VS ALKEBULANYAHH

1 THE COURT ALL RIGHT THE STATE READY?
2 MR STONE THE STATE'S READY, YOUR HONOR
3 THE COURT READY TO PROCEED?
4 MR MURDAUGH YES, SIR
5 THE COURT GRANT MOREHOUSE
6 (THE JUROR ENTERS THE COURTROOM)
7 GRANT MOREHOUSE, HAVING
8 BEEN PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS
9 DIRECT EXAMINATION BY THE COURT.
10 Q ARE YOU GRANT MOREHOUSE?
11 A YES, SIR
12 Q ALL RIGHT MR MOREHOUSE, I WOULD LIKE TO REMIND
13 YOU, YOU WILL CONTINUE TO BE UNDER OATH DO YOU
14 UNDERSTAND THAT?
15 A UH-HUH
16 Q ALL RIGHT YOU WILL NEED TO BE PLEASE BE SEATED
17 WHEN YOU RESPOND TO THE QUESTIONS, IF YOU WILL PLEASE
18 VERBALIZE YOUR RESPONSE YOU CAN'T NOD YOUR HEAD THE
19 COURT REPORTER NEEDS TO TAKE IT ALL DOWN ALL RIGHT
20 A (NODS HEAD)
21 Q YOU CAN'T NOD YOUR HEAD, SIR DO YOU UNDERSTAND
22 THAT?
23 A YES, SIR
24 Q ALL RIGHT THANK YOU NOW, WE'RE AT THE PHASE OF
25 THE TRIAL WHERE WE NEED TO ASK YOU SOME QUESTIONS, NOT

STATE VS ALKEBULANYAHH